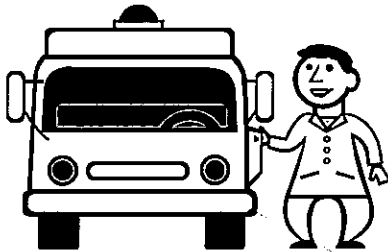
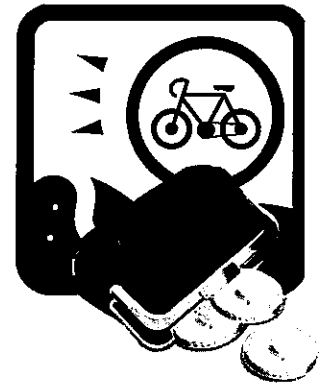
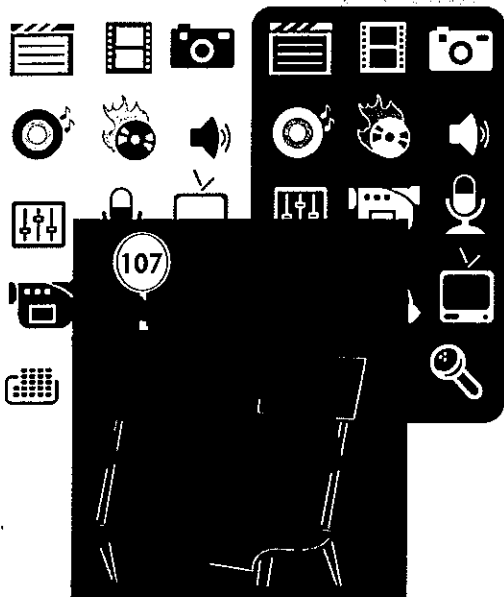


City Council
November 26, 2012
Monday



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 -11/20/2012-rk



NOVEMBER/DECEMBER 2012

Monday 26th	CITY COUNCIL Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
Tuesday 4th	LIBRARY ADVISORY BOARD Regular Meeting 5:00 p.m. WATER & SEWER RATE TASK FORCE Worksession 5:15 p.m.
Wednesday 5th	PLANNING COMMISSION Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
Thursday 6th	KAREN HORNADAY PARK COMMITTEE Meeting 5:30 p.m. KACHEMAK DRIVE PATH COMMITTEE Meeting 5:30 p.m.
Monday 10th	CITY COUNCIL Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

City Council 2nd and 4th Mondays 6:00 p.m.
Library Advisory Board 1st Tuesday 5:00 p.m.
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks and Recreation Advisory Commission 3rd Thursday 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

BETH WYTHE, MAYOR – 14
FRANCIE ROBERTS, COUNCILMEMBER – 15
BARBARA HOWARD, COUNCILMEMBER – 14
DAVID LEWIS, COUNCILMEMBER – 14
BRYAN ZAK, COUNCILMEMBER – 13
BEAUREGARD BURGESS, COUNCILMEMBER – 15
JAMES DOLMA, COUNCILMEMBER - 13

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
NOVEMBER 26, 2012

MAYOR BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER BEAUREGARD BURGESS
COUNCIL MEMBER JAMES DOLMA
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** **Page 7**
4. **REGULAR MEETING AGENDA**
5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, December 10, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CITY OF HOMER

2013 PROPOSED BUDGET AMENDMENTS FORM

To add the sales tax back into revenues, excluded previously on non-prepared foods seasonally.

Account #	Name of Account	Page	Increase 1	Decrease 2	Balance 3
REVENUES WILL BE INCREASED TO COVER ADDITIONAL EXPENDITURES....					
100-4201	GF – Sales Tax	34, 52	697,004		
205-4201	HAWSP – Sales Tax	191	174,225		
160-4201	HART – Roads	192	156,802		
165-4201	HART – Trails	193	17,422		
ADDITIONAL EXPENDITURES WHICH WILL INCREASE THE BUDGET					
100-161	Police Dispatch	93	70,780		
100-145	Library - Tech II	80	49,569		
100-100	City Council – Wages	55	4,820		
100-112	Economic Development – Chamber of Commerce	66	50,000		
100-350	City Contributions – Senior Center	114	50,000		
100-xxx-5101-5105	General Fund - 2% COLA	GF	110,967		
200-xxx-5101-5105	Water/Sewer – 2% COLA	WS	28,783		
400-xxx-5101-5105	Port & Harbor – 2% COLA	PH	27,718		
156-367-5990	GF – Depr Res – Public Art	47	5,000		
156-384-5990	GF – Depr Res – City Hall	47	10,000		
156-385-5990	GF – Depr Res – Parks	47	20,000		
156-387-5990	GF – Depr Res – Planning	47	10,000		
156-388-5990	GF – Depr Res – Airport	47	15,000		
156-390-5990	GF – Depr Res – Library	47	15,000		
156-393-5990	GF – Depr Res – Fire	47	30,000		
156-394-5990	GF – Depr Res – Police	47	30,000		
156-395-5990	GF – Depr Res – PW	47	50,000		
To cover the 2% COLA for Water/Sewer and Port & Harbor, reduce the G/F Administrative Fee by 7% (Note: Rate may vary due to allocations made through Budget Amendments)					
100-099-4981-4985	G/F Admin Services	GF		\$90,492	
200-xxx-5241	G/F Admin Services	WS		\$39,023	
400-xxx-5241	G/F Admin Services	PH		\$35,830	
205-xxx-5241	G/F Admin Services	HAWSP		\$9,792	
160/165-xxx-5241	G/F Admin Service	HART		\$5,847	
Requested by: Bryan Zak		Prepared By: R. Mauras			

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2013**

Requesting Department Police Date 11/13/2012

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title Community Jail Officer
 Salary Range & Step 10A
 Full-time
 Part-time Hours Per Year _____

Request Other Than Personnel:

Description _____
 Fund Name: General Fund

Account Name: _____
 Account # _____
 Estimated Cost: _____

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	<u>see below</u>
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	(\$4,442)

Justification:

The approval of this request will result in the replacement of two to three part time jail officers with one full time jail officer. This will result in a cost savings to the city. We currently staff the jail with three full time positions and four part time positions. The part timers split one full time slot and fill in for vacations and special needs. We have been encountering problems with our PER'S contract because our part-timers are hitting the hourly cap as early as September in most years. When this happens we have to fill in our jail schedules with police officers on overtime which is very expensive and disruptive to our patrol scheduling. By eliminating some of the part time officers and replacing them with a full time position, we will eliminate scheduling problems, free up police officers, eliminate PER'S contract concerns and save money. This will also allow us to meet the requirements for jail staffing as mandated by the state jail contract.

Impact on 2013 Budget is as follows:

Cost of Full Time Jail Officer including Benefits:	\$72,542
Removal of 2 Part Time Jail Officers Including Benefits:	\$59,484
Removal of OT from Jail PT OT (100-160-5107)	5,500
Removal of OT from Jail FT OT (100-160-5105)	8,000
Removal of OT from Police Patrol (100-163-5105)	<u>4,000</u>
Impact to budget (excluding OT Costs)	\$ 4,442

Requestor's Name: Mark Robl

Department Head Approval: Mark Robl

City Manager Recommendation: _____ Date 11/13/2012

Approved *[Signature]*
 Denied _____
 Comments _____

Requesting Department

PUBLIC WORKS

Date

11/7/2012

Level of Need: Urgent

Essential

Necessary

Desirable

Request for Additional Personnel:

Request Other Than Personnel:

Position Title _____

Description

Salary Range & Step _____

Lift Stations

Full-time

SCADA Upgrade

Part-time

Hours Per Year _____

Fund Name:

Sewer Fund

Account Name:

Sewer Reserve

Account #

256.379

Estimated Cost:

\$60,000

Justification:

This request is to upgrade our autodialing & SCADA systems in (5) wastewater lift stations. The original systems were installed in 1998 and the technology is outdated and no longer supported. The request is estimated at \$12,000 per station and includes the following locations.

- (2) stations located on the Spit
- (1) station on Bay Avenue
- (1) station at Kachemak City
- (1) station on Beluga Slough

Other stations, including the new station on Kachemak Drive and the Fish Outfall station on the Spit already have the new systems installed. This work will standardize all of our stations to the present technology.

Requestor's Name:

Jonker / Fraizer

Department Head Approval:

Craig Meyer

City Manager Recommendation:

Approved

Denied

Comments

Johnnie Johnson

Date

11/6/12

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
NOVEMBER 26, 2012

MAYOR BETH WYTHE
COUNCIL MEMBER FRANCIE ROBERTS
COUNCIL MEMBER BARBARA HOWARD
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER BEAUREGARD BURGESS
COUNCIL MEMBER JAMES DOLMA
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 Meeting minutes of October 15, 22, and November 2, 2012 and Regular Meeting minutes of October 22, 2012. City Clerk. Recommend adoption. Page 21

- B. **Memorandum 12-170**, from Deputy City Clerk, Re: Application for Liquor License Renewal for Boardwalk Fish and Chips and a New Liquor License Application for the Sourdough. Page 59
- C. **Memorandum 12-171**, from Mayor, Re: Appointment of Larry Slone to the Planning Commission. Page 79
- 6. **VISITORS**
 - A. Mark Roth, Cook Inlet Aquaculture Board, 10 minutes
 - B. Monte Davis, Chamber of Commerce, Funding for Marketing, 10 minutes
- 7. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**
 - A. **Mayor's Proclamation** – Karen Hornaday Park: Homer Playground Project (HoPP), Homer Little League and City of Homer Page 83
 - B. **Mayor's Proclamation** – The City of Homer Parks and Community Recreation Program - Alaska Recreation and Park Association - 2011 Outstanding Organization Award Page 85
 - C. **Mayor's Proclamation** – November as Pancreatic Cancer Awareness Month Page 87
 - D. **Mayor's Proclamation** – Jerry Lawver, Lead Operator, Alaska Rural Water Association 2012 Water Operator of the Year Page 89
 - E. Homer High School Students and Mayor Wythe Letters, re: Roundabouts Page 91
 - F. Memorandum 12-177 from Community and Economic Development Coordinator Koester, re: Domestic Violence and Sexual Assault Prevention: The Green Dot Strategy Page 95
 - G. Certificate of Achievement for Excellence in Financial Reporting to Finance Department Page 97
 - H. Borough Report
 - I. Commissions/Board Reports:
 - 1. Library Advisory Board

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

8. PUBLIC HEARING(S)

- A. **Ordinance 12-47**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 22, 2012, Public Hearings November 26 and December 10, 2012, Second Reading December 10, 2012. Page 105

Resolution 12-088, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk. Follows Budget Ordinance 12-47 schedule. Page 109

Resolution 12-089, A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600. City Clerk. Follows Budget Ordinance 12-47 schedule. Page 135

- B. **Ordinance 12-48**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Kestrel Circle and a Portion of Golden Plover Avenue as Urban Road. City Manager/Public Works Director. Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012. Page 201

Memorandum 12-162 from Public Works Inspector as backup. Page 205

- C. **Ordinance 12-49**, An Ordinance of the City Council of Homer, Alaska Appropriating \$20,000 from the Homer Accelerated Roads and Trails Fund (HART) for the Purpose of Conducting Survey Work and Engineering / Cost Estimating to Determine the Cost of Constructing the Initial One Half Mile of the Proposed Kachemak Drive Non-Motorized Pathway in Accordance with Resolution 12-079(S). Mayor/City Council. Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012.

Page 207

Memorandums 12-163, 12-164, and 12-165 from Kachemak Drive Path Committee as backup. Page 211

- D. **Ordinance 12-50**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant Award from the Rasmuson Foundation in the Amount of \$18,852 for Collection Enhancement and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012. Page 223

Memorandum 12-166 from Library Director as backup. Page 227

- E. **Ordinance 12-51**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating \$212,270 from the Homer Accelerated Roads and Trails Fund (HART) to Re-Pave Fish Dock Road and Construct Improvements to Outer Dock Road and Appropriating \$100,000 from the General Fund Reserves / Fund Balance for a Reimbursable Economic Development Grant to Fund the Homer Tidal Power Incubator Project. Mayor. Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012. Page 229

9. **ORDINANCE(S)**

- A. **Ordinance 12-53**, An Ordinance of the Homer City Council, Amending HCC 9.16.010(A) and HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100 Reinstating on a Year-Round Basis the City of Homer Sales Tax Imposed on Sales of Non Prepared Foods. Zak. Recommended Dates: Introduction November 26, 2012, Public Hearing And Second Reading December 10, 2012. Page 235

- B. **Ordinance 12-54**, An Ordinance of the Homer City Council, Amending HCC 9.16.040 and HCC 9.16.100 to Make Certain Categories of Nonprepared Foods Subject to the City of Homer Sales Tax on a Year-Round Basis. Lewis. Recommended Dates: Introduction November 26, 2012, Public Hearing And Second Reading December 10, 2012. Page 255

- C. **Ordinance 12-55**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Highway Safety Program Grant for DUI Enforcement and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Page 267

Memorandum 12-172 from Police Chief as backup. Page 271

D. **Ordinance 12-56**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Online With Libraries (OWL) Grant in the Amount of \$4,760.00 for a Temporary Part-Time IT Aide for the Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Recommended Dates: Introduction November 26, 2012, Public Hearing and Second Reading December 10, 2012. Page 279

Memorandum 12-173 from Library Director as backup. Page 283

E. **Ordinance 12-57**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating an Additional \$101,250 from the General Fund Balance for Completion of the Nick Dudiak Fishing Lagoon Dredging Project. City Manager/Public Works Director/Port and Harbor Director. Recommended Dates: Introduction November 26, 2012, Public Hearing and Second Reading December 10, 2012. Page 289

Memorandum 12-169 from City Manager as backup. Page 293

Memorandums 12-156 and 12-147 from Public Works Director as backup. Page 295

10. CITY MANAGER'S REPORT

A. City Manager's Report Page 307

B. Bid Report Page 335

C. Games Report
1. Alaska State Elks Association – Homer Elks Lodge 2127 Page 337

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

14. NEW BUSINESS

A. **Memorandum 12-174**, from City Clerk, Re: Vacation of the 20-Foot Pedestrian Easement Within Tract A-1 Dedicated by Alfred Anderson Subdivision Pratt Museum Replat (Plat HM 2008-75); and Vacate the 10-Foot Utility Easement Along the West Boundary of Lot 14-A and 15-A Granted by Bunnell's Subdivision No. 17 (Plat HM 86-44) and the 10-Foot Utility Easement Along the West Boundary of Lot 15-A-1 Granted by Bunnell's Subdivision 1996 Pratt Museum Addition (Plat HM 97-13); Within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and Within the Kenai Peninsula Borough; KPB File 2012-160; Location: City of Homer.

Page 343

B. **Memorandum 12-175**, from City Clerk, Re: Post Travel Authorization for Councilmember Dolma to Attend the Alaska Municipal League 62nd Annual Local Government Conference in Anchorage, Alaska, November 12 - 16, 2012. Page 377

15. RESOLUTIONS

A. **Resolution 12-095**, A Resolution of the Homer City Council Adopting an Alternative Allocation Method for the FY 13 Shared Fisheries Business Tax Program and Certifying That This Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager.

Page 381

B. **Resolution 12-096**, A Resolution of the City Council of Homer, Alaska, Approving a New Two Year Contract in the Amount of \$40,000 Per Year with Anderson Group, LLC for Legislative Consulting and Lobbying Services. City Manager.

Page 399

C. **Resolution 12-097**, A Resolution of the City Council of Homer, Alaska, Expressing Support for a Code Blue Grant Application in the Amount of \$153,000 for a New Ambulance, Authorizing the City Manager to Execute the Appropriate Documents, and

Pledging that it will Appropriate the Required Ten Percent Match (\$17,000) if the Grant is Awarded. City Manager/Fire Chief. Page 407

Memorandum 12-176 from Fire Chief as backup. Page 409

- D. **Resolution 12-098**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to Pacific Pile and Marine, LP, of Seattle, Washington, in an Amount Not to Exceed \$25,000 for Fender Pile Removal at the Deep Water Dock and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Port and Harbor Director. Page 413
- E. **Resolution 12-099**, A Resolution of the City Council of Homer, Alaska, Approving a Memorandum of Agreement Between the Homer Playground Project (HoPP), The Homer Foundation, and the City of Homer Regarding Future Maintenance and Oversight Responsibilities for the New Playground at Karen A. Hornaday Hillside Park. City Manager. Page 415
- F. **Resolution 12-100**, A Resolution of the City Council of Homer, Alaska, Authorizing Participation in the Community Development Block Grant Program. City Manager. Page 423
- G. **Resolution 12-101**, A Resolution of the City Council of Homer, Alaska, Acknowledging the October 2012 Surplus Equipment Bid Results. City Clerk. Page 425

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, December 10, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

RECONSIDERATION

CONSENT AGENDA

Session 12-30 a Special Meeting of the Homer City Council was called to order on October 15, 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
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS

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 with the following changes: **NEW BUSINESS Ordinance 12-46**, Written public comments; **RESOLUTIONS - Resolution 12-086(S)**, A Resolution of the City Council of Homer, Alaska, Approving the Assignment of the City Land Lease on Lot 88-1, Dated October 27, 2003, from William Tener, dba South Central Radar, to Mark and Laura Zeiset **Extension of the Lease Term for 20 Years, and the Execution and Delivery of an Amended and Restated Lease Document**. City Manager; Memorandum 12-160 from Lease Committee as backup; **Resolution 12-087**, Public Arts Committee Special Meeting Minutes of September 25, 2012.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Angie Newby, city resident and Public Arts Committee Chair, offered Mayor Hornaday a position on the PAC. She asked Council to rank the Baycrest Hill CIP request in the top 15. Beloved Gaye Wolfe passed away on Sunday. There will be a memorial service for her next Sunday. Gaye had some remarkable achievements and spent an iconic amount of work in the City Hall renovation project.

Larry Slone, city resident, supports Ordinance 11-46 if it is balanced to show both sides of the equation. It must show the benefits as well as the cost to get natural gas to your house. The Administration's efforts would be perceived as self-serving and suspicious to promote natural gas if citizens are not informed of the total overall cost. He estimates the cost to be \$37,000 per residence.

NEW BUSINESS

- A. Oath of Office administered to the Newly Elected Officials.
Mayor Beth Wythe

Councilmember Beauregard Burgess
Councilmember Francie Roberts

City Clerk Johnson administered the Oaths of Office to Mayor Beth Wythe and Councilmembers Beauregard Burgess and Francie Roberts.

Mayor Hornaday called for a recess at 6:11 p.m. and passed the gavel to Mayor Wythe.

Mayor Wythe read and presented James C. Hornaday a plaque of appreciation:

HONORABLE MAYOR JAMES C. HORNADAY

Mayor from October 19, 2004 to October 15, 2012

The City of Homer and its residents thank you for
caring, sharing, and the selfless giving
of your time and energy.

Your wisdom, humor, historical knowledge, and
courageous battle of sensitive issues
have been admirable.

You have represented the City well.

As a champion of the environment you fought valiantly
for the Climate Action Plan.

Your leadership has also succeeded in reducing
the City's budget, property tax mil rate, and increased
the City's financial integrity.

For this and so much more may you
long be remembered as a local hero!

Mr. Hornaday commented Homer is a fun town to represent and he thinks we've done pretty well at keeping to civil discussions. We just approach issues and try to get them done. The town has been good to me.

The Ukulele Society sang songs and cake was served.

Mayor Wythe reconvened the meeting at 6:28 p.m.

B. **Memorandum 12-157**, from City Clerk, Re: Selection/Appointment of Mayor Pro Tempore for 2012/2013.

Mayor Wythe called for a motion to appoint a Mayor Pro Tempore for 2012/2013 season.

BURGESS/LEWIS – SO MOVED.

Councilmember Howard nominated Francie Roberts as Mayor Pro Tempore. Mayor Wythe called for a motion to appoint Francie Roberts as Mayor Pro Tempore for the 2012/2013 season.

BURGESS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

A change of seats for Mayor and Council was conducted with the seating arrangement right to left: City Manager Wrede, Mayor Wythe, Vacant, Mayor Pro Tempore Roberts, Councilmember Zak, Councilmember Burgess, Councilmember Lewis, and Councilmember Howard.

- C. **Ordinance 12-46**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$50,165 from the General Fund Balance to Carry Out the Requirements of Homer City Code Title 17 Entitled Improvement Districts and to Implement a Public Information Strategy Related to the Proposed Natural Gas Special Assessment District. City Manager.

Memorandum 12-159 from City Manager as backup.

Mayor Wythe stated her ongoing conflict of interest with the proposed Natural Gas Special Assessment District and passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion for the adoption of Ordinance 12-46 for introduction.

LEWIS/BURGESS – SO MOVED.

Council discussed the City's balanced approach of presenting the pros and cons of bringing natural gas to Homer. The City cannot provide a cost of the pipeline to the house due to the many variables. Businesses can provide an estimate of conversion costs. Public meetings are being held this week, Tuesday and Wednesday, at the Homer High School Commons from 5:00 p.m. to 7:00 p.m.

City Manager Wrede reported the natural gas planning group talked long and hard about the conversion cost calculations. Because the variables are so large once gas is provided to each house, it was decided we did not want to make projections that may turn out to be wrong for some people. People should talk to the heating professionals for conversion of their house.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts passed the gavel back to Mayor Wythe.

RESOLUTIONS

- A. **Resolution 12-086**, A Resolution of the City Council of Homer, Alaska, Approving the Assignment of the City Land Lease on Lot 88-1, Dated October 27, 2003, from William Tener, dba South Central Radar, to Mark and Laura Zeiset. City Manager. Page 21

Resolution 12-086(S), A Resolution of the City Council of Homer, Alaska, Approving the Assignment of the City Land Lease on Lot 88-1, Dated October 27, 2003, from William Tener, dba South Central Radar, to Mark and Laura Zeiset **Extension of the Lease Term for 20 Years, and the Execution and Delivery of an Amended and Restated Lease Document.** City Manager.

Memorandum 12-160 from Lease Committee as backup.

Mayor Wythe called for a motion for the adoption of Resolution 12-086 by reading of title only.

BURGESS/LEWIS - SO MOVED.

ROBERTS/HOWARD - MOVED FOR THE SUBSTITUTION OF 12-086(S) FOR RESOLUTION 12-086.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

- B. **Resolution 12-087**, A Resolution of the Homer City Council Adopting the 2013-2018 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2014.

Memorandum 12-158 from Public Arts Committee as backup.

Mayor Wythe called for a motion for the adoption of Resolution 12-087 by reading of title only.

ZAK/ROBERTS - SO MOVED.

Community and Economic Development Coordinator Koester was present for the Capital Improvement Plan.

ROBERTS/BURGESS – MOVED TO ADD THE PAC CIP ITEM FOR BAYCREST OVERLOOK GATEWAY PROJECT TO THE CIP.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/ROBERTS – MOVED TO INCLUDE THE PORT AND HARBOR BUILDING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/LEWIS - MOVED TO INCLUDE HOMER EDUCATION AND RECREATION CENTER UPGRADES.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/ROBERTS - MOVED TO INCLUDE THE HOMER TIDAL INCUBATOR PROJECT INTO THE CIP.

Mayor Wythe noted on the October 22nd packet she has a proposal for three items in the proposed project list to be funded separately. Those include the Homer Tidal Incubator Project to be funded through the General Fund, specifically that employment would result within the City of Homer; and two port and harbor road improvement projects that will qualify for HART funding.

Councilmember Roberts commented it would be wise to put the Homer Tidal Incubator Project on the CIP to qualify for legislative assistance and grants in the future. It would show support from the City's standpoint.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe noted the following projects require Council approval to be included in the CIP: Port and Harbor Building, Harbor Entrance Erosion Control, System 4 Vessel Mooring Float System, Ramp 5 Restroom, System 2 Potable Water Upgrade, Fish Dock Re-Pavement, Ramp 8 Restroom, System 5 Dry Line Fire System, Fire Cart Replacement, Outer Dock Road Improvement, Public Safety Building, Public Market Design and Financing Plan, Jack Gist Park Improvements Phase 2, and Karen Hornaday Park Improvements Phase 2.

Community and Economic Development Coordinator Koester reported the Port and Harbor Building and Harbor Entrance Erosion Control were originally bundled in the revenue bond package. She is not sure of the eligibility of the other harbor projects for the municipal harbor grant program. The Port and Harbor Director had taken a good look at harbor infrastructure and made a comprehensive analysis of needs for the harbor.

Port and Harbor Director Hawkins commented municipal harbor grants are only available for floats, docks, gangways, and gangway approaches in the harbor. The erosion project is not eligible for municipal harbor grants. We have been working for a way to fund the erosion project from trails money received from the head tax grant. We are working on extending the spur trail to Coal Point.

ZAK/ROBERTS - MOVED TO ADD THE HARBOR ENTRANCE EROSION CONTROL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/ROBERTS – MOVED TO ADD SYSTEM 4 VESSEL MOORING FLOAT SYSTEM.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/BURGESS – MOVED TO ADD THE PUBLIC SAFETY BUILDING TO THE CIP LIST.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS – MOVED TO ADD JACK GIST PARK IMPROVEMENTS PHASE 2 INTO THE CIP LIST.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/ZAK - MOVED TO ADD KAREN HORNADAY PARK IMPROVEMENTS PHASE 2 TO THE CIP LIST.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS - MOVED TO INCLUDE PUBLIC MARKET DESIGN AND FINANCING PLAN TO THE CIP LIST.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Asked the importance of the Outer Dock Road Improvement, Port and Harbor Director Hawkins answered the road is needed as support for the business at the Deep Water Dock. It is the bypass road for big trucks to load and launch and is planned to be a road.

BURGESS/LEWIS --MOVED TO INCLUDE OUTER DOCK ROAD IN THE CIP LIST.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/BURGESS - MOVED TO INCLUDE FIRE CART REPLACEMENT.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Community and Economic Development Coordinator Koester reported funding for Fishing Lagoon improvements was approved at the October 8th meeting by ordinance. She recommended Council replace the project in their top 15.

ROBERTS/LEWIS – MOVED TO INCLUDE RAMP 5 AND RAMP 8 RESTROOMS TO THE CIP LIST.

They are separate projects on the CIP.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Howard plans to add the dry line fire system and fire cart replacement projects into a resolution.

HOWARD/ROBERTS - MOVED TO INCLUDE SYSTEM 5 DRY LINE FIRE SYSTEM IN THE CIP LIST.

Councilmember Burgess questioned the cost versus benefit. He cannot justify including it with the CIP.

VOTE: YES. ROBERTS, HOWARD, LEWIS

VOTE: NO. ZAK, BURGESS

Motion failed.

HOWARD/BURGESS - MOVED TO INCLUDE THE POTABLE WATER UPGRADE IN THE CIP.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/LEWIS - MOVED FOR THE REMOVAL OF ALL COMPLETED ITEMS FROM THE PRIOR CIP LIST MOVING FORWARD.

Mrs. Koester noted Council may want to include Fishing Lagoon improvements as the lagoon is being dredged now.

BURGESS/LEWIS - MOVED FOR A FRIENDLY AMENDMENT TO SPECIFICALLY NAME END OF THE ROAD WAYSIDE PARK PHASE 1, FISH DOCK RESTROOM EXPANSION, JACK GIST PARK IMPROVEMENTS PHASE 1, KAREN HORNADAY PARK IMPROVEMENTS PHASE 1, HOMER AREA NATURAL GAS PIPE LINE PHASE 2, SEWER TREATMENT PLANT BIOSOLIDS TREATMENT IMPROVEMENTS, HOMER HIGH SCHOOL TRACK RENOVATION, AND THE DREDGING OF THE FISHING HOLE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Community and Economic Development Coordinator Koester reported the top 15 CIP projects were chosen by each councilmember scoring projects. All proposed new projects have been adopted to the CIP. Harbor Improvement Revenue Bond Projects and Skyline Fire Station were a tie for #2 and #3; #13, #14, and #15 were a tie for the bottom three. Those projects were Brush/Wildland Firefighting Truck, Marine Ways Large Vessel Haulout Facility, and Fishing Lagoon Improvements, the lagoon which has been removed. The next item selected was Water Storage/Distribution Improvements, then Sterling Highway Realignment. One councilmember nominated the combination of the Town Center Infrastructure Project and Public Market Financing and Design Project, a recommendation of the Economic Development Advisory Commission. Projects were scored with great disparity, but every project that made the top 15 was recommended by at least two councilmembers.

Mayor Wythe called for a motion to suspend the order of the meeting to allow the Ukulele Society group to sing another song.

BURGESS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a recess at 7:10 p.m. and reconvened the meeting at 7:14 p.m.

Item #12 Resurface Fish Dock was removed from Resolution 12-087 as it will be put forward via resolution.

ROBERTS/HOWARD - MOVED TO INCLUDE THE STERLING HIGHWAY REALIGNMENT AS ITEM #15.

Councilmember Roberts noted this as an important project to keep on the radar screen. The road north of Anchor Point is very important to the community of Homer as it provides transportation in and out. We should keep it in the eye of the DOT.

Councilmember Howard expressed her support as it is petrifying to look at the area from the water side. It is very serious and we could be cut off while the road is rerouted.

Councilmember Burgess agreed it is an important project, but in the worst case scenario the State or Borough would address it.

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

Motion failed.

LEWIS/BURGESS - MOVED TO ADD BAYCREST OVERLOOK GATEWAY PROJECT AS #14.

Baycrest is the first view visitors have of Homer.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/BURGESS - MOVED TO PUT WATER STORAGE DISTRIBUTION IMPROVEMENTS AS #15 ON THE CIP.

Community and Economic Development Coordinator Koester reported the design phase has been funded through EPA money that was moved from Kachemak Drive Water and Sewer project. We have a 40% match.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/HOWARD – MOVED TO CHANGE ITEMS #1 AND #2, HARBOR IMPROVEMENT REVENUE BOND PROJECTS AS ITEM #1 AND PORT AND HARBOR BUILDING AS #2.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson congratulated Mayor Wythe and Councilmembers Roberts and Burgess.

COMMENTS OF THE CITY MANAGER

City Manager Wrede congratulated Mayor Wythe and Councilmembers Roberts and Burgess.

COMMENTS OF THE MAYOR

Mayor Wythe commented we will be missing Gaye in the PAC. Her passing is grievous to all. As she told Mayor Hornaday when he left today, no one will miss him more than her. She thanked everyone for their support and for being elected as Mayor. She hopes she can serve everyone well.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts thanked Mayor Hornaday. She will miss his sense of history having been in Kenai politics for many years. He brought a perspective to the table that not all of us knew about. She will always appreciate his sense of humor and him running meetings in a streamlined manner. She lamented the loss of Gaye Wolfe to our community. Gaye had a lot to do with the way City Hall looks. There is gorgeous artwork all over the place. Councilmember Roberts reminded the public a number of meetings are coming up for the gas line.

Councilmember Howard congratulated Mayor Wythe. It is not an easy inaugural to have the CIP list. It is an exhausting and frustrating process, as she wants to make all projects #1. There is an extreme need for keeping our city improved and in good condition. She congratulated Francie and Beau but is not sure she likes her new seat.

Councilmember Burgess expressed thanks and gratitude to Mayor Hornaday. It has been a pleasure serving with him. He will be dearly missed. He thanked the people that voted in the October 2nd election. He apologized to Councilmember Howard who he will dearly miss sitting next to. He is sorry he was not able to vote more consistently with her.

Councilmember Zak congratulated Mayor Wythe. He appreciates Mayor Hornaday's leadership and we should have a picture of him in the room like we do of Brother Asaiah. We need approval from the Public Arts Committee. He mentioned the loss of Gaye Wolfe. Council did a wonderful job tonight with the CIP list reaching agreement fairly effectively. We will send a message to Juneau collectively. He appreciates the CIP additions, including the Pratt Museum. He congratulated Beau and Francie for their reelection and looks forward to serving with them again. He likes the change of the seating arrangement.

Councilmember Lewis echoed everyone's comments. He thanked the Ukulele Society for stopping by. He hopes Jim listens to Council on the radio.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:30 p.m. The next Regular Meeting is Monday, October 22, 2012 at 6:00 p.m., Special Meeting 4:00 p.m., and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 12-31 a Special Meeting of the Homer City Council was called to order on October 22, 2012 at 4:00 p.m. by Mayor Mary E. Wythe 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,
ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
POLICE CHIEF ROBL

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

Mayor Wythe called for a motion to approve the agenda.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Larry Slone, city resident, opposes Sharon Minsch's appointment to the council seat.

NEW BUSINESS

A. City Council Applicants – Introduction/Presentation

James Dolma told Council he has the qualities to be a good representative on the Homer City Council. He ran publicly for the office of councilmember and received over 400 votes. At 56% of the vote, citizens have shown confidence in him. He has lived here for 22 years and has been involved in a number of non profit organizations and has served on the Planning Commission. His work history includes real estate, a broker, commercial banking, credit division, customer service, collections and fraud detection. Since moving to Homer in 1990 he has worked a variety of different jobs including tying knots on long line equipment, Icicle Seafoods, fought fires, coached high school soccer, and worked for the Kachemak Heritage Land Trust. He was the primary parent until his daughter started 2nd grade and since then has been a case manager at The Center. He has lived without running water, electricity, and indoor plumbing. He can relate to the independence of the rugged lifestyle idealist, as well as an artist, businesswoman, or a person

living on a disability. He will represent all citizens of Homer including youth and the disabled. His child is in high school and he is aware and connects with issues of youth. He will maintain the special attributes of Homer. He will promote the health and well being of the citizens, including long term sustainable solutions to promote livability, scenic cultural heritage, and recreational uses. He will demonstrate thoughtful, respectful, and consistent decision making and honor the unique traits Homer is known for. He is committed to encourage the City to implement the Climate Action Plan to reduce expenses, strengthen the retail and visitor industry, and enhance life in Homer. He supports preserving natural views and parks and recreation areas. He will encourage growth in business and marine support industries. He supports the tidal power incubator, natural gas infrastructure, and parks and water trails to promote and support jobs in Homer. He supports fiscal restraint and responsibility and consistent policy making and implementation. He will be fiscally responsible to citizens and will be an asset to the Council. He will work to keep the budget to reflect community values to keep taxes to the lowest levels without reducing services. He will begin by working with others on the upcoming budget. It is important that visions are shared and debated in the light of the open day. He wants to serve on the Council as a way to give back to the community. If appointed he will do his best to listen, take input from all sides, and work responsibly to expand the quality of life in Homer.

Sharon Minsch told Council she served on the Planning Commission for six years, most of that time as chair. She has a long litany of volunteer experience. She is up to speed on the budget and has lots of city training in ethics and conflicts of interest. She is here so Council has a choice. Most of the Council knows her well and her record speaks for itself. She shows up for meetings, is prepared, has done her homework and is ready to go.

Council asked questions of the applicants:

- Both Mr. Dolma and Mrs. Minsch are supportive of the city-wide natural gas special assessment district.
- Mrs. Minsch will be out of town January 12 through the end of February and Mr. Dolma will be available all year.
- Mr. Dolma has not considered eliminating the seasonal sales tax exemption on non-prepared foods as a way to pay for the gas line. Mrs. Minsch encouraged Council to continue the SAD on the track it is on without considering the sales tax as a means to pay for the gas line.
- Both Mr. Dolma and Mrs. Minsch are in agreement with the plastic bag ban.
- On the HERC building Mr. Dolma would not have listed the building in the top 5 of the CIP; if it is financially feasible to renovate it is a good piece of real estate for the City. Mrs. Minsch does not agree with funding renovations to the building since it is a bare bones budget and we need to fund critical things.
- Both applicants enjoyed working with each other on the Planning Commission and did not express any political differences.
- On reducing expenditures for 2013 Mr. Dolma would need to determine what is palatable. Mrs. Minsch believes the budget is bare bones with funding for essential services only.
- On increasing revenues, Mr. Dolma did not have an answer and Mrs. Minsch suggested a bed and breakfast tax for hotels and motels.

B. Memorandum 12-167, from City Clerk, Re: Selection/Appointment of Councilmember to Fill Vacancy

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 12-167 to select a councilmember to fill the vacancy.

BURGESS/ROBERTS – SO MOVED.

BURGESS/LEWIS - MOTION TO NOMINATE BOTH APPLICANTS, JAMES DOLMA AND SHARON MINSCH, FOR A SECRET BALLOT VOTE.

VOTE: JAMES DOLMA – 5 VOTES.

Motion carried.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Clerk Johnson administered the Oath of Office to Councilmember James Dolma.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson offered congratulations to Councilmember Dolma.

COMMENTS OF THE CITY MANAGER

City Manager Wrede congratulated Mr. Dolma and looks forward to working with him.

COMMENTS OF THE MAYOR

Mayor Wythe welcomed Mr. Dolma to the Council. She hopes he came ready since we will jump in the next meeting with the budget.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts welcomed Mr. Dolma. We are glad to have you and look forward to working with you.

Councilmember Zak welcomed Mr. Dolma and thanked him for his answers during the interview process. He thanked both candidates for preparing and sharing the comments. He thanked Sharon Minsch for applying. What made a difference to Mr. Zak was that Mr. Dolma did run for the regular election and received quite a few votes.

Councilmember Dolma thanked Council for appointing him.

Councilmember Burgess welcomed James and thanked Sharon for throwing her name into the ring.

Councilmember Lewis welcomed James and said be careful what you wish for.

Councilmember Howard congratulated Mr. Dolma. The fact that he stepped up to the election process and there was only a 43 vote difference means the citizens have the best of the world. They have all the candidates they were hoping to elect this year.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 4:32 p.m. The next Regular Meeting is Monday, November 26, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 12-32 a Regular Meeting of the Homer City Council was called to order on October 22, 2012 at 6:00 p.m. by Mayor Mary E. Wythe 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, DOLMA, HOWARD, LEWIS,
ROBERTS, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
POLICE CHIEF ROBL

Council met for a Special Meeting from 4:00 p.m. to 4:32 p.m. to select James Dolma as Councilmember to fill the vacant seat. Council met as a Committee of the Whole from 5:00 p.m. to 5:52 p.m. to discuss 2013 Budget and Regular Meeting Agenda items.

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

AGENDA APPROVAL

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

The following changes were made to the agenda:

CONSENT AGENDA - Memorandum 12-161(A), Appointment of Councilmember Bryan Zak to the Economic Development Advisory Commission and Port and Harbor Improvement Committee, and Appointment of Councilmember Burgess to the Water and Sewer Rate Task Force, and Appointment of Francie Roberts to the Permanent Fund Committee; **ORDINANCES** - Ordinance 12-47, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager.

Mayor Wythe called for a motion to approve the agenda.

BURGESS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Larry Sloan, city resident, supports Resolution 12-094 and Memorandum 12-161(A) as all people are good candidates.

Kevin Walker, Kachemak City resident, thanked City Manager Wrede and staff for Resolution 12-091. Golden Plover Avenue is an island subdivision with residents having to pass through Kachemak City (Ordinance 12-48). He reminded everyone of the upcoming Buccaneer meetings.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Regular Meeting minutes of October 8, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-161**, From Mayor, Re: Appointment of Councilmember Bryan Zak to the Economic Development Advisory Commission and Port and Harbor Improvement Committee, and Appointment of Councilmember Burgess to the Water and Sewer Rate Task Force.

Memorandum 12-161(A), From Mayor, Re: Appointment of Councilmember Bryan Zak to the Economic Development Advisory Commission and Port and Harbor Improvement Committee, Appointment of Councilmember Burgess to the Water and Sewer Rate Task Force, and Appointment of Francie Roberts to the Permanent Fund Committee.

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

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **Homer Playground Project (HoPP) for Karen Hornaday Park, Deb Cox**

Deb Cox and Taz Tally provided a video on the Karen Hornaday Park playground project. It was a 4-minute video depicting a photo taken every 5 minutes for the 8 days of build week. The video can be accessed at: Homerplaygroundproject.org or youtube.

Mayor Wythe announced two awards will be recognized at the next council meeting: Karen Hornaday Park Playground Project (HoPP) – 2011 Facility Excellence Award and Homer Parks and Community Recreation – 2011 Outstanding Organization Award.

**ANNOUNCEMENTS/PRESENTATIONS/BOROUGH
REPORTS**

REPORT/COMMISSION

A. **Mayor's Proclamation** – Extra Mile Day, November 1, 2012

Mayor Wythe read the proclamation.

B. **Borough Report**

C. **Commissions/Board Reports:**

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

PUBLIC HEARING(S)

A. **Ordinance 12-46**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$50,165 from the General Fund Balance to Carry Out the Requirements of Homer City Code Title 17 Entitled Improvement Districts and to Implement a Public Information Strategy Related to the Proposed Natural Gas Special Assessment District. City Manager.

Memorandum 12-159 from City Manager as backup.

Mayor Wythe stated her ongoing conflict of interest and passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts opened the public hearing.

Larry Slone, city resident, commented on the imbalance in information. There is much information on the benefits for citizens from natural gas and Enstar's cost of bringing gas to your home. The conversion costs for the homeowner are lacking. Bill Smith tried to inject information from graphs and charts online. Some of the money should be used to hire a representative who can provide general information on the costs and time involved in a typical home conversion.

Kevin Walker, Kachemak City resident, agrees with the benefits of the gas line. He asked that early in the planning stages the City work with Enstar so right-of-ways can be walk-able and bike-able. He would volunteer to work with Planning and Public Works as a point of contact.

Judith Eckert, city resident, read Rick Eckert's "white paper" into the record. Enstar has been blocking the gas line to Homer, contrary to the regulatory intent of the RCA. The vast majority of Enstar's customers are not required to pay a surcharge.

John Sims, Enstar, commented on the "white paper". There is no reg station involved in the distribution plan. That was phase 1 of the project, a reg station in Anchor Point where the State paid \$525,000. Enstar has other areas in their system that are required to pay for the reg stations. It is not a cost; it is borne in Enstar's rates. The \$1 Mcf distribution charge is because Homer is in a very unique area. It has been a financial challenge Mr. Eckert is well aware of. Mr. Eckert was involved in Mountain Energy in 1989 where they were granted a certificate of public need and necessity. It was revoked since they couldn't come up with the financing to serve the area. Thanks for the hard work of City Manger Wrede, Representative Seaton, and the City Council, the State has paid for the trunk line. One condition on the funding is that the cost causer will still be the payer, the result of the \$1 Mcf surcharge approved by the RCA. It is a catchall for any funds that go over the \$8.5M grant. The City of Homer, Kachemak City, and Enstar are working on contracts that include actual costs. Typically for the tariff Enstar applies a cost per foot. In this scenario Enstar is willing to provide actual costs to be billed on a monthly basis. The City can see actual charges that go into the project. One of largest costs is the contractor. Enstar will work to get the lowest bidder and will work with the City of Homer.

Council asked questions of Mr. Sims:

If the cost of the trunk line comes in under \$8.5M there will be no \$1 Mcf surcharge. Enstar makes its money on the volume of gas itself so they want the cost to be as low as possible. The Enstar team will work diligently to make sure the cost is as close to \$8.5M as possible.

It is important for consumers to understand the potential cost of getting natural gas. As the project moves along Enstar will have public meetings to go over costs and will talk to individuals. Enstar has held off on their public meetings to allow the City to go through their process. He encouraged people to call Enstar's Homer office for questions: 1-855-889-7575

Per Rick Eckert's "white paper" if the City sets up a Special Assessment District to pay for the distribution system, Enstar is already collecting costs through their postage stamp rate. It is implied Enstar will be collecting twice for the cost of the distribution system. Mr. Sims answered the RCA does not allow that sort of double cost recovery. Enstar recovers costs through a volumetric rate, fixed costs, and overheads charged on specific projects. Enstar has accountants on staff to make sure the costs recovered are in separate buckets. That sort of double collection cannot happen.

Costs paid by the HSAD process are costs of the project.

Enstar's information is on their website, the cost to connect. The City's process will determine and dictate the SAD rate. If people want to know costs to connect different appliances Enstar will provide that. Enstar is prepared to have a meeting whenever the City would like them to hold public meetings.

Enstar has information on conversion costs and building a distribution system. They are waiting for Council to let them know when they can provide it.

In the event of a fire, cut off valves will be laid out for the Fire Department. Enstar's primary concern is response time. Enstar will have a presence in Homer. Enstar's Charlie Pierce met with the HVFD last week and provided emergency response training to the firefighters. Enstar will return in six months for a round table discussion. They will have a service technician assigned to Homer. Enstar crews will be able to respond to emergencies.

If gas turbines were added to Homer they would not utilize the same lines being built to Homer. They would have a different line. There is high pressure gas in Anchor Point. The line to Homer will have a 100 psi max pressure. For exploration out East End Road a steel line instead of plastic would be needed for transport.

Councilmember Howard called for a point of order as the ordinance is to allocate funds.

Mayor Pro Tempore Roberts closed the public hearing.

Mayor Pro Tempore Roberts called for a motion for the adoption of Ordinance 12-46.

BURGESS/LEWIS – SO MOVED.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts passed the gavel back to Mayor Wythe.

ORDINANCE(S)

- A. **Ordinance 12-47**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Recommended dates: Introduction October 22, 2012, Public Hearings November 26 and December 10, 2012, Second Reading December 10, 2012.

Resolution 12-088, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 12-47 schedule.

Resolution 12-089, A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600. City Clerk. Recommended to follow Budget Ordinance 12-47 schedule.

Mayor Wythe called for a motion for the adoption of Ordinance 12-47 and Resolutions 12-088 and 12-089 for introduction and first reading by reading of title only.

HOWARD/LEWIS - SO MOVED.

Councilmember Burgess would like to see an amendment to port and harbor fees for large irregularly shaped vessels. They should be charged by beam length.

City Manager Wrede reported Port and Harbor Director Hawkins is doing research, checking with other ports where rigs commonly tie up to docks. In the meantime the City Attorney has said it is okay to adjust fees upward on a contract basis. There are active talks now to double the mooring fee. If Council approves there will be a contract with Buccaneer retroactive to October 1st.

Councilmember Zak cautioned issuing a contract without public input to see if the rig is wanted in the harbor. He would like the City Attorney to weigh in.

City Manager Wrede reported the attorney will prepare a contract that will cover the period of time the rig has been at the dock. Buccaneer plans to be at the dock until mid November.

Councilmember Zak noted there will be ordinances at the next meeting amending sales tax on non-prepared foods.

Mayor Wythe asked that budget amendments be introduced November 26th so there will not be as many on December 10th.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 12-48**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Kestrel Circle and a Portion of Golden Plover Avenue as Urban Road. City Manager/Public Works Director. Recommended dates: Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012.

Memorandum 12-162 from Public Works Inspector as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 12-48 for introduction and first reading by reading of title only.

LEWIS/ROBERTS - SO MOVED.

City Manager Wrede explained there is an agreement between Kachemak City and the City of Homer. Mayor Phil Morris and Public Works Director Meyer have a draft agreement that our equipment will go through Kachemak City and at times we may drop the blade. The City takes no responsibility for upgrading Kachemak City roads. There has been some discussion about compensation. There are currently no homes in the subdivision, but some are planned for the City to start maintenance.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 12-49**, An Ordinance of the City Council of Homer, Alaska Appropriating \$20,000 from the Homer Accelerated Roads and Trails Fund (HART) for the Purpose of Conducting Survey Work and Engineering / Cost Estimating to Determine the Cost of Constructing the Initial One Half Mile of the Proposed Kachemak Drive Non-Motorized Pathway in Accordance with Resolution 12-079(S). Mayor/City Council. Recommended dates: Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012.

Memorandums 12-163, 12-164, and 165 from Kachemak Drive Path Committee as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 12-49 for introduction and first reading by reading of title only.

LEWIS/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 12-50**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant Award from the Rasmuson Foundation in the Amount of \$18,852 for Collection Enhancement and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Recommended dates: Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012.

Memorandum 12-166 from Library Director as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 12-50 for introduction and first reading by reading of title only.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Ordinance 12-51**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating \$212,270 from the Homer Accelerated Roads and Trails Fund (HART) to Re-Pave Fish Dock Road and Construct Improvements to Outer Dock Road and Appropriating \$100,000 from the General Fund Reserves / Fund Balance for a Reimbursable Economic Development Grant to Fund the Homer Tidal Power Incubator Project. Mayor. Recommended dates: Introduction October 22, 2012, Public Hearing and Second Reading November 26, 2012.

Mayor Wythe called for a motion for the adoption of Ordinance 12-51 for introduction and first reading by reading of title only.

BURGESS/LEWIS - SO MOVED.

Mayor Wythe commented both roads qualify for HART support without having to wait to get funding from the State. The Tidal Power Incubator Project has a reimbursable economic development grant. With the City providing funding, a further requirement will be that the research being conducted provides local employment opportunities.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

The Manager's Report at the October 22 meeting will consist primarily of a verbal report and update on two topics; the Natural Gas Distribution System Special Assessment District and the Buccaneer Drilling Rig which is still moored at the Deep Water Dock. Both topics are great interest to the community and things are evolving and changing rapidly. If I provided a written report, it would likely be outdated by the time the Council meeting rolled around.

City Manager Wrede reported Buccaneer Energy will have public hearings on Wednesday, October 24th at Bidarka at 6:00 p.m. and Thursday, October 25th at McNeil Canyon School at 6:30 p.m. They will be talking about drilling out East End Road and the jackup rig.

DOT has a public hearing tomorrow from 4:00 – 7:00 p.m. to talk about the Sterling Highway erosion response, in particular the area just north of Anchor Point. The meeting will be at City Hall.

City Manager Wrede announced two awards will be recognized at the next council meeting: Karen Hornaday Park Playground Project (HoPP) – 2011 Facility Excellence Award and Homer Parks and Community Recreation – 2011 Outstanding Organization Award.

Last Thursday Cook Inletkeeper had a meeting to discuss the Buccaneer jackup rig. When the City first agreed to allow the jackup rig at the dock it was agreed it was a vessel. It was a barge with its legs up that would stay for 8 days. The story has since changed. Vessel work was not done in Singapore. There is a laundry list of repairs including painting, welding, and safety measure. Between 26-27 people are working two shifts around the clock on the jackup rig. It has not yet received Coast Guard certification to leave for the drilling site. The departure date has been set back a couple times. Repairs will not take longer than October 31st.

The legs on the jackup rig being down has caused controversy. The legs were extended 15 to 20 ft.; they are not in a pinned position. The legs are down enough to create enough of a drag so that the vessel cannot move laterally. Before the legs were extended the rig was pushing up against or pulling away from the dock. It does not ride very well at the dock due to its triangular shape. It draws 16 ft. and is really heavy with the super structure on top. Once the wind started blowing it got a little hair. The engineers say anything over 30 knot winds and we are in trouble. We had 35 and 40 knot winds and there was damage to the dock. Three tugs were working at up to 50% power to keep the rig there. After a meeting with all the officials, the sensible answer was to put the legs down. There is controversy whether the critical habitat area applies at the dock. Municipal tidelands are exempt, but that conflicts with State Statutes. Fish and Game has to resolve the issue. We are trying to plan for what happens if the jackup rig does not leave. Their window is getting smaller and they will have to prepare if they want to be here all winter. We told Buccaneer if they want to stay here for the winter they will have to have the legs down. It is up to Buccaneer to talk to Fish and Game for a special area permit to allow it.

Council discussed the need for Buccaneer Energy to have insurance and to see if AML will cover the City. There has been controversy on the rig being here, but just as strong support from the business community to keep it here. It has been a tough season and the jackup rig keeps folks working.

Council commented if the rig is allowed to stay here the first concern is safety, then to make sure the City profits from their presence. The vessel should be charged to reflect 16 ft. of draft. Homer profits from assuming liability and the eyesore.

The jackup rig is using up the entire face of the Deep Water Dock, including the dolphins. We are turning commerce away. The Tustumena is about to be laid up for repairs and the Kennicott will be visiting twice per month. We may ask Buccaneer to move the rig to the inside of the dock. They will hire engineers to do a geotechnical survey so they won't get the legs stuck and there is no damage to pilings.

A portion of the Deep Water Dock is close to the edge of city limits. A survey should be conducted for the goal of annexing that portion of land to consider harbor expansion.

City Manager Wrede noted the more immediate concern is three-fourths of the dock is on land that the City leases from the State of Alaska. City Planner Abboud is working with the Borough and State to get tidelands conveyed to the City.

The jackup rig is generating quite a bit of sales tax. Workers are spending a lot of money in hotels, restaurants, and on parts. We have not yet looked into collection property tax from the jackup rig.

The City received a letter there were no invasive species found on the jackup rig. The Port and Harbor Director has the right to board and inspect any vessel.

Other concerns include notifying FAA of the height of the jackup rig for airplane safety. The rig presents a visual impairment to view the bay; there is a 35 ft. building height restriction in the view shed.

A copy of Buccaneer's blow out plan was requested at the October 8th meeting, but has not yet been provided. City Manager Wrede will make an official request.

City Manager Wrede reported there have been two neighborhood meetings on the gas line. Overall, it is going well. We are trying hard to get the information out there. We remain as neutral as we can and some people think we are not spending enough time talking about the benefits. Others think we are glossing it over with no risk or downside. We aim to be as transparent as possible and get as much information to the public as possible. Any ideas for improvement are welcome.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee

Councilmember Howard welcomed Councilmember Roberts. The first meeting for the Permanent Fund Committee is November 8th at 5:15 p.m. She thanked Mayor Wythe for the concept of the Permanent Fund and for serving on the committee. She will miss her.

- D. Lease Committee

E. Port and Harbor Improvement Committee

Councilmember Howard welcomed Councilmember Zak. Currently the committee is in recess as they are waiting for reports from various contractors. They will then resume their work.

F. Employee Committee Report

G. Water and Sewer Rate Task Force

Councilmember Howard thanked Councilmember Burgess for taking her slot on the committee. There is a lot of important work to do. She thanked Council for hopefully allowing Mayor Wythe to continue serving on the committee.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 12-090**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for the Sterling Highway/Saltwater Drive Water and Sewer Special Assessment District. City Clerk.

Mayor Wythe called for a motion for the adoption of Resolution 12-090 by reading of title only.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 12-091**, A Resolution of the City Council of Homer, Alaska, Expressing Its Support for a Kachemak Nordic Ski Club Application to the Recreational Trail Grant Program of the State of Alaska Division of Parks and Outdoor Recreation for a Maintenance Building at the Lookout Mountain Ski Area in the Amount of \$50,000. City Manager.

Mayor Wythe called for a motion for the adoption of Resolution 12-091 by reading of title only.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 12-092**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating City Clerk.

Mayor Wythe called for a motion for the adoption of Resolution 12-092 by reading of title only.

LEWIS/BURGESS – SO MOVED.

Councilmember Burgess would like to move accounts from large banking institutions to local banks and credit unions.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 12-093**, A Resolution of the City Council of Homer, Alaska, in Support of Full Funding for the State of Alaska Municipal Harbor Facility Grant Program in the FY2014 Capital Budget. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 12-093 by reading of title only.

LEWIS/HOWARD – SO MOVED.

The Alaska Municipal League will have a similar resolution supporting full funding for the Municipal Harbor Facility Grant Program.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 12-094**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 12-027(A), the Composition of the Water and Sewer Rate Task Force, to Allow Mayor Wythe to Continue to Serve as a Task Force Member Until the Completion of Their Findings and Recommendations to the City Council. City Manager.

Memorandum 12-168 from Water and Sewer Task Force as backup.

Mayor Wythe called for a motion for the adoption of Resolution 12-094 by reading of title only.

HOWARD/ROBERTS – SO MOVED.

Councilmember Howard commented Mayor Wythe is so helpful to the committee and the work is difficult. Mayor Wythe has been at the helm of the committee since the beginning and it is important that she continues.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Judith Eckert, city resident, read Rick Eckert's "white paper" into the record. Eighteen years ago Enstar won the right to serve natural gas to Homer. Homer should not have to pay a discriminatory higher cost.

Larry Sloan, city resident, commented Ordinance 12-46 is imbalanced. There is excess information on the benefits of bringing natural gas in and a limited amount of information on the costs. He is happy Council has revisited the issue of imbalance.

Councilmember Burgess commented he pushed very hard from the onset of the natural gas line to make sure the public had as much information as possible on hooking up to gas. It was the will of the Council and the opinion of the City not to provide conversion costs due to liability concerns. It would present information to people they might determine as fact. We may revisit the issue and put out examples from a broad spectrum. Look to Enstar or your local plumbing and heating specialist for specifics for each individual homeowner. The City cannot provide a specific cost of heating your home. We are trying to do our best to address those concerns.

Scott Adams, city resident, commented on the misinformation he received on costs of the gas line. He believes the jackup rig is a good economic tool for the harbor during the winter. He cautioned Council about parking the rig inside of the dock; on the outside it can pull off immediately if need be.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson commented absentee voting for the General Election is available now through election day.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented he will be out of the office this week with some personal days off and meeting with the City Attorney, Enstar, and DOT on Main Street issues. The issue of costs keeps coming up for Enstar. The goal is to get a draft contract for the public to see on the website. It should address issues with real costs. We will try to write all of it in the contract.

There has to be a number of bidders. Enstar should pre-quality their bidders and then take the low bid. We will get to see the bidders and what went into the RFP. We will have an accounting of Enstar's actual costs, to include timesheets. The remaining variable is the overhead; there is still disagreement over it. He hopes way before the point Council has to make a decision we will have more information as to real costs and The City's ability to

COMMENTS OF THE MAYOR

Mayor Wythe reiterated the public hearings for Buccaneer: Wednesday, October 24th at Best Western 6:00 p.m., Thursday, October 25th at McNeil Canyon School at 6:30 p.m. There is a DOT meeting from 4:00 to 7:00 p.m. on October 23rd at City Hall on the erosion of the Sterling Highway. There are several opportunities for people to catch up on what is going on. Deb Cox and Tax Tally provided homerplaygroundproject.org and we will have a link on the City's website. She welcomed new Councilmember James Dolma.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts welcomed James and is glad she will be working with him.

Councilmember Lewis welcomed James and asked that we give him a chance to go to AML for the new person portion. He asked if there was a means to approve the travel since we had to approve Beth, Bryan and Beau's travel.

Councilmember Burgess welcomed James and said it is great to have him here. Something is right in the community when you serenade the Mayor via ukulele on his way out. He gave a shout out to the ukulele group.

Councilmember Howard complimented Mayor Wythe on the great meeting. She welcomed Mr. Dolma and congratulated Jo Johnson as the newest grandmother in the room.

Councilmember Zak welcomed James Dolma. He appreciates Sharon Minsch for applying. Both are good candidates and it was a great presentation at 4:00 p.m. He put a shout out for the Extra Mile Day and acknowledged Monte Davis from the Chamber of Commerce in the audience. There is opportunity to put your dollars to work in the community by buying a ticket for the car raffle. You can actually go another couple hundred thousand extra miles if you should win.

Councilmember Dolma thanked City Manager Wrede for showing up for so many meetings last week. He thanked staff for the extra hours they provided and Council for appointing him. Now the fun is over and the work begins.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:46 p.m. The next Regular Meeting is Monday, November 26, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Session 12-33 a Special Meeting of the Homer City Council was called to order on November 2, 2012 at 1:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Conference Room located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, DOLMA (telephonic), HOWARD,
LEWIS, ROBERTS, ZAK (telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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

BURGESS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Mayor Wythe called for a motion to approve the agenda.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Chip Duggan, city resident, commented on the Fishing Hole as a great thing for the community. The City should continue to keep it up as it will fill the campgrounds and provide an economic boost for the whole town.

NEW BUSINESS

- A. **Emergency Ordinance 12-52**, An Emergency Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating an Additional \$101,250 from the General Fund Balance for Completion of the Nick Dudiak Fishing Lagoon

Dredging Project. City Manager/Public Works Director/Port and Harbor Director.

Memorandum 12-169 from City Manager as backup.

Councilmember Zak joined the meeting via telephone at 1:06 p.m.

Mayor Wythe called for a motion to suspend the rules to allow Councilmember Zak's participation.

ROBERTS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

BURGESS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion for the adoption of Emergency Ordinance 12-52 for first and second reading by reading of title only.

HOWARD/BURGESS – SO MOVED.

Councilmember Burgess asked that the height of the dredge spoils pile be limited to prevent cutting off 800 customers' internet service.

Councilmember Howard expressed the need to fund maintenance for the Fishing Lagoon as a budget line item so we don't find ourselves in this situation again. The Fishing Lagoon is important for the citizens as well as the tourists. The dredging is necessary as the fish need to be in the right environment.

Port and Harbor Director Hawkins commented Council was to find a funding source for maintenance of the Fishing Lagoon, possible through parking fees.

Councilmember Roberts commented on the importance of the Fishing Lagoon. We had thought Fish and Game would help with dredging, but they have not come forward this time. If the City has a revenue source perhaps Fish and Game will help with future dredging.

Asked if the ordinance reflects \$100,000 from revenue sharing, City Manager Wrede answered the ordinance does not include revenue sharing funds. Those funds will go into the fund balance. The Mayor thought it would be important to say revenue sharing was special money we were not counting on; it is a one time occurrence. Mr. Wrede suggested another whereas to indicate \$100,000 in special revenue sharing funds have been received by the City and will be appropriated for this purpose.

ROBERTS/LEWIS - MOVED TO AMEND THE ORDINANCE TO INSERT A WHEREAS CLAUSE ON LINE 21 TO SAY WHEREAS THE CITY OF HOMER RECEIVED \$100,000 IN REVENUE SHARING THIS YEAR AND IT WOULD BE APPROPRIATE TO ALLOCATE THIS MONEY TOWARD THE REPAIR OF THE FISHING LAGOON.

City Manager Wrede commented we received a total of \$467,000 in revenue sharing, so the motion could be amended to say a supplemental \$100,000 was received.

ROBERTS/LEWIS – MOVED FOR A FRIENDLY AMENDMENT TO THE MOTION TO ADD “SUPPLEMENTAL” IN FRONT OF THE \$100,000.

There was no discussion.

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

Motion carried.

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

Motion carried.

Councilmember Burgess asked that a separate depreciation fund be set up if it has not been done.

City Manager Wrede indicated a Fishing Hole maintenance fund is already established. It had \$100,000 in it which was spent on the dredging.

Councilmember Zak asked we are being hit with additional dredging, \$100,000 above contract.

City Manager Wrede answered the original contract was for 25,000 cubic yards based on soundings, perimetry work, and the best guess. The City Engineer, Fish and Game, and the contractor did some soundings. We bought a survey for \$6,000. Now the contractor is three quarters or more of the way done and is close to 25,000 cubic yards. With access to a detailed survey it is clear there is 32,500 cubic yards that need to be removed. It is an additional 7,500 cubic yards at \$13.50 per yard, or \$101,250.

Councilmember Zak commented we removed the Fishing Lagoon from our CIP list. It would have changed things if Council had known it would be such a costly job.

City Manager Wrede commented we are not happy about coming back to Council for more

money. The \$467,000 job is a lot of money, with \$367,000 coming from City coffers. At this point we don't want to leave the job uncompleted.

Councilmember Burgess asked why we are paying full price for dredging of the additional amount. The contractor must have billed in his mobilization costs for the price per cubic yard.

Public Works Director Meyer reported the contractor's mobilization and demobilization costs were separated into separate bid items.

Councilmember Lewis asked City Manager Wrede to check with Fish and Game and see if we can find extra money for the project. When we first talked about the Fishing Hole on the CIP it was \$550,000 for dredging.

ROBERTS/LEWIS – MOVED TO AMEND TO ADD A WHEREAS ABOVE LINE 23: WHEREAS ANY PROCEEDS FROM GRAVEL SALES WILL BE PLACED IN THE FISHING LAGOON FUND.

City Manager Wrede suggested an amendment to put the information as an enactor clause in Section 5.

ROBERTS/LEWIS – MOVED FOR A FRIENDLY AMENDMENT TO PUT THE INFORMATION IN SECTION 5.

There was no discussion.

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

Motion carried.

Councilmember Roberts noted this will help establish a long term fund for maintenance of the Fishing Lagoon.

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

Motion carried.

Councilmember Zak asked if there was any room for negotiations on mobilization costs and Mayor Wythe answered the mobilization and demobilization costs were separated from costs of dredging.

City Manager Wrede reported we are doing a cross section of the dredge spoils pile to verify the amount. There was a little breach in the retaining wall and some of the material washed away over the campground this morning.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Chip Duggan, city resident, thanked Council for adopting the ordinance.

Carey Meyer, Public Works Director, displayed a map showing the cross section of the Fishing Hole and the parts in need of dredging. There was only 5 ft. of water in one end and 8 ft. of water in the other end. At low tide you could not call it a hole. The dredging equipment is here every year and every 4 to 5 years we need to get the Fishing Hole dredged. In the future Bryan and he will work with the City Manager to keep on top of the dredging.

Bryan Hawkins, Port and Harbor Director, commented the entrance of the channel is 9.5 ft. and each year it needs to be cleaned out.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe thanked everyone for coming in.

COMMENTS OF THE CITY COUNCIL

Councilmembers Burgess, Dolma, Howard, Lewis, Roberts, and Zak had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 1:29 p.m. The Next Regular Meeting is Monday, November 26, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____

Office of the 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 12-170

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL

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

DATE: NOVEMBER 19, 2012

SUBJECT: APPLICATION FOR A LIQUOR LICENSE RENEWAL FOR BOARDWALK FISH AND CHIPS AND A NEW LIQUOR LICENSE APPLICATION FOR THE SOURDOUGH

We have been notified by the ABC Board of a liquor license renewal and a new liquor license application within the City of Homer for the following:

Type: Restaurant Designation Permit
Lic #: 4713
DBA Name: Boardwalk Fish and Chips
Premise Address: 4287 Homer Spit Road Unit #4
Owner: D&H, Inc.
Mailing Address: PO Box 1720, Homer, AK 99603

Type: Restaurant Eating/Place Public Convenience
Lic #: 5195
DBA Name: The Sourdough
Premise Address: 1316 Ocean Drive, Homer
Owner: Katherine Kysar
Mailing Address: PO Box 2185, Homer, AK 99603

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

Fiscal Note: Revenues.



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM

DATE: November 19, 2012
TO: Jo Johnson, City Clerk
FROM: Mark Robl, Chief of Police
SUBJECT: Liquor License (New)

The Homer Police Department approves the liquor license for the following business:

Restaurant Eating Place – Public Convenience

Lic #: 5195
The Sourdough
Location: 1316 Ocean Dr. Homer, AK 99603
Owner: Katherine Kysar
PO Box 2185
Homer, AK 99603



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

Toll-free within the Borough: 1-800-478-4441 Ex. 216 NOV - 1 2012

Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP, MCMC
BOROUGH CLERK

October 30, 2012

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

RE: Non-Objection of License Renewal

Business Name	:	Boardwalk Fish & Chips
License Type	:	Restaurant Eating Place – Public Convenience
License Location	:	City of Homer
License No.	:	4713

Dear Ms. Lambert,

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

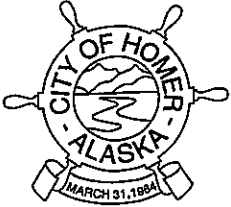
Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

Shellie Saner, CMC
Deputy Borough Clerk

SS/klr

cc: Applicant
City of Homer
KPB Finance Department
File



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM

DATE: October 29, 2012
TO: Melissa Jacobsen, Deputy City Clerk
FROM: Mark Robl, Chief of Police *[Signature]*
SUBJECT: Liquor License Renewal

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

Restaurant/Eating Place

Boardwalk Fish and Chips/Permit #4713
D&H, Inc.
4287 Homer Spit Rd. Unit #4
PO Box 1720
Homer, AK 99603

Office of the City Clerk

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



Filed 10-24-12

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

MEMORANDUM

DATE: October 24, 2012
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Application for a Liquor License Renewal for Boardwalk Fish and Chips

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

Type: Restaurant Designation Permit
Lic #: 4713
DBA Name: Boardwalk Fish and Chips
Premise Address: 4287 Homer Spit Road, Unit 4
Owner: D&H, Inc.
Mailing Address: PO Box 1720, Homer, AK 99603

This matter is scheduled for the November 26th, 2012 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Friday, 16th, 2012.**

Thank you for your assistance.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
Chris Lambert: 907.269.0359
TDD: 907.465.5437
Fax: 907.272.9412

October 24, 2012

RE: Liquor License Renewal Notice

Attn: Homer City Clerk Kenai City Clerk
 Soldotna City Clerk Kenai Peninsula Borough Clerk

HOMER

Type: Restaurant Eating Place – Public Convenience
Lic #: 4713
DBA Name: Boardwalk Fish & Chips
Premise Address: 4287 Homer Spit Road, Unit 4
Owner: D&H, Inc.
Mailing Address: PO Box 1720, Homer, AK 99603

KENAI

Type: Golf Course - Seasonal
Lic #: 4708
DBA Name: Kenai Golf Course
Premise Address: 1420 Lawton Drive
Owner: Griffin Golf Enterprises, LLC
Mailing Address: PO Box 1943, Soldotna, AK 99669

OUTSIDE CITY LIMITS

Type: Beverage Dispensary - Seasonal
Lic #: 492
DBA Name: Hamilton's Place
Premise Address: 18280 Sterling Hwy.
Owner: Mark R & Dolores A Wilson
Mailing Address: PO Box 505, Cooper Landing, AK 99572

Type: Package Store
Lic #: 493
DBA Name: Hamilton's Place
Premise Address: 18280 Sterling Hwy.
Owner: Mark R & Dolores A Wilson
Mailing Address: PO Box 505, Cooper Landing, AK 99572

Office of the City Clerk

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



Faxed 11/5/12
491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM

DATE: November 5, 2012
TO: Mark Robl, Police Chief
FROM: Melissa Jacobsen, CMC, Deputy City Clerk
SUBJECT: Application for a new Liquor License for The Sourdough

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

Type: Restaurant Eating/Place Public Convenience
Lic #: 5195
DBA Name: The Sourdough
Premise Address: 1316 Ocean Drive, Homer
Owner: Katherine Kysar
Mailing Address: PO Box 2185, Homer, AK 99603

This matter is scheduled for the November 26th, 2012 City Council meeting. Please respond with any objections/non-objections to this liquor license renewal by **Friday, November 16th, 2012.**

Thank you for your assistance.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

5848 E. Tudor Road
Anchorage, Alaska 99507
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.272.9412

October 26, 2012

City of Homer
Attn: Jo Johnson
VIA EMAIL: jjohnson@ci.homer.ak.us

The Sourdough – License #5195

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

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

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

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

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

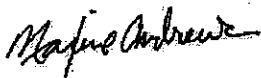
AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

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

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

Sincerely,

SHIRLEY A. COTÉ
Director



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

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

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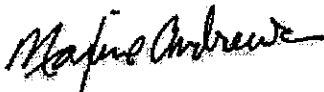
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SHIRLEY A. COTÉ
Director



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

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

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons under the age of 20 for employment. If for employment, please state in detail, how the person will be employed, duties, etc.

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

- 1 Under 13 AAC 104.305 Bona fide restaurant/eating place.
- 2 Persons age 16 to 20 may dine unaccompanied.
- 3 Persons under 16 may dine accompanied by a person 21 years or older.
- 4 Persons between 16 and 20 years of age may be employed: *(See note below).

License Number 5195

LICENSEE: Katherine R. Kysal

D/B/A: The Sourdough

ADDRESS: Bills Ocean Drive, Homer, AK 99603

1. Hours of Operation: 8am to 8pm Telephone# 907-235-7571

2. Have police ever been called to your premises by you or anyone else for any reason: Yes No
 If yes, date(s) and explanation(s).

3. *Duties of employment: Full service restaurant serve food, bus tables, wash dishes

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

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

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

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

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

I have read and am familiar with Title 4 of the Alaska statutes and its regulations.

Katherine R. Kysal
 Applicant signature

Local Governing Body Approval

Subscribed and sworn to before me this
3/5th day of July, 2012

Date:

Shirlee Jacobsen
 Notary Public in and for Alaska

My Commission expires 4-14-14

Director, ABC Board

Date:

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

** If more space is required, to explain food service, entertainment, etc., please add on back or attach additional page(s).

Notary Public
SHIRLEE JACOBSEN
 State of Alaska
 My Commission Expires Apr 14, 2014

ABC Board
 3 E Tudor Rd
 Juneau, AK 99801

Update: 3/29/12

PH: (907)269-0350
 FX: (907)272-9412

STATE OF ALASKA
ALCOHOL BEVERAGE CONTROL BOARD
Licensed Premises Diagram

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

DBA: The Sourdough

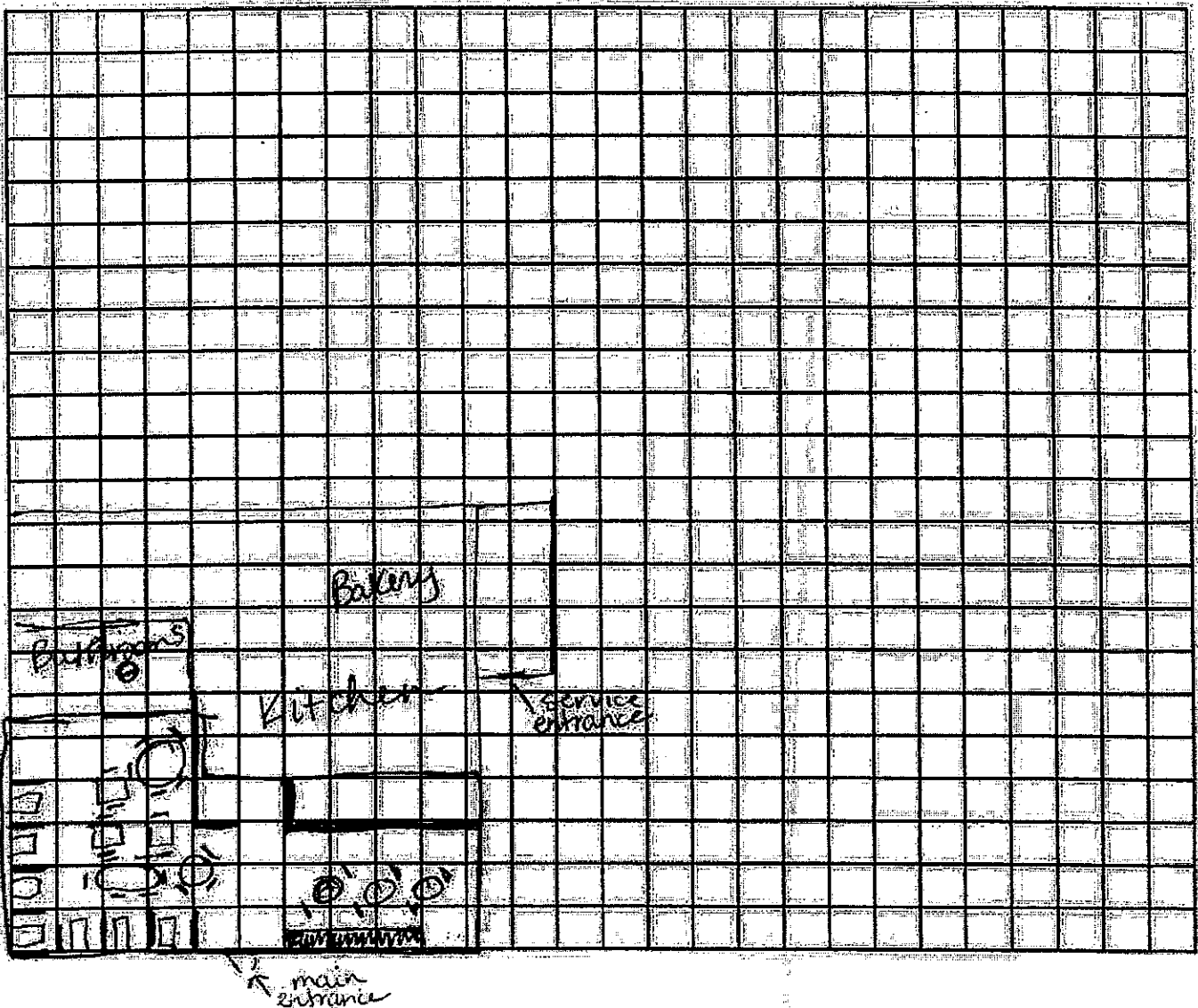
PREMISES LOCATION: 1316 Ocean Drive, Homer, Alaska

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: X 1 SQ. = 4 FT. SCALE B: _____ 1 SQ. = 1 FT.

Length and width of premises in feet:

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



Breakfast All Day

SOURDOUGH CLASSICS

Substitute seasonal roasted veggies for potatoes - \$2.
Gluten-free or Vegan substitutions - \$2.

- Down Home Breakfast (GF)** 8.95
Two eggs w/potatoes and toast. Side of bacon, pork or reindeer sausage. - \$3
- Fisherman's Biscuits & Sausage Gravy** 9.95
Two biscuits smothered in gravy. Served with breakfast potatoes. Half order 7.95
- Saint Augustine (GF, V)** 9.95
Breakfast potatoes topped w/roasted vegetables, cheese & salsa. Served w/toast. Top w/eggs - \$3. Add reindeer sausage - \$3.
- Green Pepper Egg Blossoms (GF)** 10.95
Two eggs cooked inside green pepper rings. Served w/roasted vegetables & toast.

HOT OFF THE GRIDDLE

Gluten-free or Vegan substitutions - \$2.

- Howling Hotcakes (GF, V)** 8.95
A stack of 3 Sourdough pancakes. Short stack of 2 pancakes - \$6.95
- Sourdough Six Pack (GF)** 9.95
2 Sourdough pancakes, 2 eggs, 2 bacon strips.
- Cinnamon Swirl French Toast (V)** 9.95
3 pieces of Cinnamon Swirl bread, battered, griddled and sprinkled w/powdered sugar.
- Sourdough French Toast (GF, V)** 8.95
Tundira style - Big enough to keep you warm!

OUR HOMER-MADE CEREALS

- Caribou Crunch Granola** 7.95
A blend of over 10 ingredients, hand-mixed, & toasted to perfection. Served w/milk or yogurt & Sourdough white or wheat toast.
- Musher's Mush** 7.95
Our version of multi-grain oatmeal... cinnamon and delicious! Served w/milk or yogurt & Sourdough white or wheat toast.

TWO EGG SCRAMBLES

Substitute seasonal roasted veggies for potatoes - \$2.
Gluten-free or Vegan substitutions - \$2.

- Sourdough Joe (GF)** 11.95
Eggs scrambled w/Reindeer sausage & cheese. Served w/potatoes & toast.
- Sourdough Jane (GF)** 10.95
Eggs scrambled w/spinach, feta, parmesan, & cheese. Served w/potatoes & toast.
- Smoked Salmon Scramble (GF)** 13.95
Scrambled w/caramelized onions, shredded cheese & topped with Yogurt Dill sauce. Served w/breakfast potatoes & sourdough toast.

Lunch

Beginning at 11am Monday through Saturday

BURGERS/SANDWICHES

- Alaska Raised Beef Burger (GF)** 13.95
A third-pound burger on a Sourdough bun with lettuce, tomatoes, pickle & potatoes, soup, salad, or tortilla chips & salsa. Add any toppings: grilled onions, grilled green peppers, bacon, or Swiss/cheddar/blue cheese.
- Alaskan Reindeer Grill (GF)** 12.95
custom made/nitrate free
- Reindeer Sausage (keilbasa-style) smothered in grilled onions & peppers & Swiss cheese on a Sourdough bun. Served w/homestyle potatoes, soup, salad, or tortilla chips & salsa.**
- The Sourdough Reuben (GF)** 11.95
Corned beef, sauerkraut, swiss cheese, & Thousand Island dressing on Caraway Rye bread w/homestyle potatoes, soup, salad, or tortilla chips & salsa.
- Veggie Pinwheel Sandwich** 13.95
Seasonal roasted veggies, pesto, feta & shredded cheese on a Spinach & Cheese Pinwheels w/homestyle potatoes, soup, salad, or tortilla chips & salsa.

PLATE LUNCHES

Add organic roasted chicken (\$6) or reindeer sausage (\$3) to any Plate Lunch or Salad.

- The Mt. Augustine (GF, V)** 9.95
A mountain of organic black beans, brown rice, & seasonal roasted veggies topped w/ cheese. Served w/salsa, sour cream, & tortilla chips.
- Mud Bay Burrito (V)** 9.95
Organic black beans, brown rice, cheese & sauce wrapped inside of a spinach tortilla & smothered in enchilada sauce. Served w/tortilla chips & salsa.
- Farmer's Market Stir-Fry (GF, V)** 9.95
Seasonal roasted veggies over brown rice or quinoa. Served w/ Sourdough bread
- Garden Salad (GF, V)** 8.95
Mixed greens, seasonal veggies, and Sourdough croutons. Half size - 5.95.
Add Smoked Salmon - 6.00
Homemade dressings: Garlic Parmesan, Raspberry Vinaigrette, Blue Cheese, Yogurt Dill, Thousand Island, or Oil & Vinegar.
- Soup of the Day** Cup 4.95 * Bowl 6.95
Homemade from the freshest ingredients.
Cup of soup and small salad - 10.95

Daily Blue Plate Specials!

GF - can easily be made Gluten-free
V - can easily be made Vegan (meat/dairy free)

SOMETHING SWEET

- Obscene Brownie** 7.50
Warm, homemade brownie topped w/ vanilla ice cream, chocolate syrup, nuts, chocolate chips, & homemade whipped cream!
- Moose Mound** 7.50
Warm, jumbo Moose Fudge Muffin topped w/ vanilla ice cream, chocolate syrup, nuts, chocolate chips, & homemade whipped cream!



Breakfast All Day

SOURDOUGH CLASSICS

Substitute seasonal roasted veggies for potatoes - \$2.
Gluten-free or Vegan substitutions - \$2.

Down Home Breakfast (GF)

Two eggs w/potatoes and toast. Side of bacon, pork or reindeer sausage - \$3

Fisherman's Biscuits & Sausage Gravy 9.95

Two biscuits smothered in gravy. Served with breakfast potatoes. Half order 7.95

Saint Augustine (GF, V)

Breakfast potatoes topped w/roasted vegetables, cheese & salsa. Served w/toast. Top w/eggs - \$3. Add reindeer sausage - \$3.

Green Pepper Egg Blossoms (GF)

Two eggs cooked inside green pepper rings. Served w/roasted vegetables & toast.

HOT OFF THE GRIDDLE

Gluten-free or Vegan substitutions - \$2.

Howling Hotcakes (GF, V)

A stack of 3 Sourdough pancakes. Short stack of 2 pancakes - \$6.95

Sourdough Six Pack (GF)

2 Sourdough pancakes, 2 eggs, 2 bacon strips.

Cinnamon Swirl French Toast (V)

3 pieces of Cinnamon Swift bread, battered, grilled and sprinkled w/powdered sugar.

Sourdough French Toast (GF, V)

Tundra style - Big enough to keep you warm!

OUR HOMER-MADE CEREALS

Caribou Crunch Granola

A blend of over 10 ingredients, hand-mixed, & toasted to perfection. Served w/milk or yogurt & Sourdough white or wheat toast.

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Our version of multi-grain oatmeal... cinnamon and delicious! Served w/milk or yogurt & Sourdough white or wheat toast.

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Eggs scrambled w/Reindeer sausage & cheese. Served w/potatoes & toast.

Sourdough Jane (GF)

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Smoked Salmon Scramble (GF)

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Lunch

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Alaskan Reindeer Grill (GF)

custom made nitrate free Reindeer Sausage (keibasa-style) smothered in grilled onions & peppers & Swiss cheese on a Sourdough bun. Served w/homestyle potatoes, soup, salad, or tortilla chips & salsa.

The Sourdough Reuben (GF)

Corned beef, sauerkraut, swiss cheese, & Thousand Island dressing on Caraway/Rye bread w/homestyle potatoes, soup, salad, or tortilla chips & salsa.

Veggie Pinwheel Sandwich

Seasonal roasted veggies, pesto, feta & shredded cheese on a Spinach & Cheese Pinwheels w/homestyle potatoes, soup, salad, or tortilla chips & salsa.

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Mud Bay Burrito (V)

Organic black beans, brown rice, cheese & sauce wrapped inside of a spinach tortilla & smothered in enchilada sauce. Served w/tortilla chips & salsa.

Farmer's Market Stir Fry (GF, V)

Seasonal roasted veggies over brown rice or quinoa. Served w/ Sourdough bread.

Garden Salad (GF, V)

Mixed greens, seasonal veggies, and Sourdough croutons. Half size - 5.95.

Add Smoked Salmon - 6.00

Homemade dressings: Garlic Parmesan, Raspberry Vinaigrette, Blue Cheese, Yogurt Dill, Thousand Island, or Oil & Vinegar.

Soup of the Day

Cup 4.95 * Bowl 6.95
Homemade from the freshest ingredients.
Cup of soup and small salad - 10.95

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Warm, homemade brownie topped w/ vanilla ice cream, chocolate syrup, nuts, chocolate chips, & homemade whipped cream!

Moose Mound

Warm, Jumbo Moose Fudge Muffin topped w/ vanilla ice cream, chocolate syrup, nuts, chocolate chips, & homemade whipped cream!



9107 9108
9109 9110

Alcoholic Beverage Control Board 5848 E Tudor Rd Anchorage, AK 99507	New Liquor License
	(907) 269-0350 Fax: (907) 272-9412 www.dps.state.ak.us/abc

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

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>2012-2013</u>	License Type: <u>Restaurant/Eating Place - Public Convenience</u>	Statute Reference: Sec. 04.11. <u>400g</u>	License Fee: <u>\$1600.00</u>
Office Use: License #: <u>5195</u>			Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$ 50.00 Fingerprint: \$51.50 (\$51.50 per person)
Local Governing Body: (City, Borough or Unorganized) <u>Homer</u> <u>Kenai Peninsula Borough</u>		Community Council Name(s) & Mailing Address: <div style="text-align: center; font-size: 2em;">N/A</div>	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Katherine R. Kysar</u> 3455		Doing Business As (Business Name): <u>The Sourdough</u>	Business Telephone Number: <u>907-235-7571</u> Fax Number:
Mailing Address: <u>PO Box 2185</u> City, State, Zip: <u>Homer, AK 99603</u>		Street Address or Location of Premise: <u>1316 Ocean Drive</u> <u>Homer, AK 99603</u>	Email Address: <u>homersourdough@yahoo.com</u>
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>1/10 mi</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Distance to closest church: <u>1.2 mi</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input checked="" type="checkbox"/> Not applicable	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

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

New Liquor License

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

SECTION C - LICENSEE INFORMATION

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

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

Name	Name of Business	Type of License	Business Street Address	State

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

Yes No If Yes, attach written explanation.

SECTION D - OWNERSHIP INFORMATION - CORPORATION

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

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership):		Telephone Number:	Fax Number:
Corporate Mailing Address:		City:	State:
Name, Mailing Address and Telephone Number of Registered Agent:		Date of Incorporation OR Certification with DCED:	State of Incorporation:

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

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

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth

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

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

New Liquor License

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

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

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

Name: <i>Katherine R. Kysar</i> Address: <i>PO Box 2185 Homer, AK 99603</i> Home Phone: <i>907-299-9141</i> Work Phone: <i>907-235-7571</i>	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: <i>04-09-1967</i>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

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

Signature of Licensee(s) Signature <i>Katherine R Kysar</i>	Signature of Licensee(s) Signature
Signature	Signature
Name & Title (Please Print) <i>Katherine R. Kysar, owner</i>	Name & Title (Please Print)
Subscribed and sworn to before me this <i>31st</i> day of <i>July</i> , 2012	Subscribed and sworn to before me this day of
Notary Public in and for the State of Alaska <i>Shirlee Jacobson</i>	Notary Public in and for the State of Alaska
My commission expires: <i>4-14-14</i>	My commission expires:

Notary Public
SHIRLEE JACOBSEN
 State of Alaska
 My Commission Expires Apr 14, 2014



Office of the Mayor

Mary E. Wythe

Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

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

MEMORANDUM 12-171

TO: HOMER CITY COUNCIL

FROM: MARY E. WYTHE, MAYOR

DATE: NOVEMBER 19, 2012

SUBJECT: APPOINTMENT OF LARRY SLONE TO THE PLANNING COMMISSION.

Larry Slone is appointed to the Planning Commission to fill the seat vacated by James Dolma. His appointment will expire July 1, 2014.

RECOMMENDATION:

Confirm the appointment of Larry Slone to the Planning Commission.

Fiscal Note: N/A



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

NOV 09 2012 PM 04:54
CITY CLERKS OFFICE
CITY OF HOMER
491 E. PIONEER AVENUE
HOMER, ALASKA 99603
PHONE 907-235-3130
FAX 907-235-3143

RECEIVED BY CLERK'S OFFICE

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

Name Larry Stone Date Nov 9th, 2012

Physical Address 152 W. Danview City Homer

Mailing Address POB 2761 Zip Code 99603

Phone Work # Cell # 399-7170

Email Address LarryStone222@yahoo.com

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

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

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

I have been a resident of the City for 25 mos. yrs I have been a resident of the area for 25 mos. yrs.

I am presently employed as: Summer employment as flightseeing pilot

List any special training, education or background you have which is related to your choice of commission, committee, board or task force:
None

Have you ever served on a similar commission, committee, board or task force? No

If so when and where?

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

I am interested in serving on the above because:
I believe that my interest, energy and perspective can, and should be used to assist the community to develop in an orderly, yet user-friendly manner.

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

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence? No

If yes, briefly describe the development:

Questions regarding the Port & Harbor Advisory Commission:

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

If yes, is you use primarily: Commercial Recreational Both

Please include any additional information that may assist the Mayor in his decision:
I think that the mayor as a fairly clear perspective, regarding my capabilities & suitability.

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



VISITORS

**ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS**

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**KAREN HORNADAY PARK: HOMER PLAYGROUND PROJECT (HoPP), HOMER
LITTLE LEAGUE, AND THE CITY OF HOMER
ALASKA RECREATION AND PARK ASSOCIATION
2011 FACILITY EXCELLENCE AWARD**

WHEREAS, In 2009 the City of Homer Parks and Recreation Advisory Commission established a Master Plan for Karen Hornaday Park that identifies over \$3 million in cost for much needed improvements; and

WHEREAS, \$445,000 in funds were awarded from the State of Alaska and dedicated by the City for playground and ball park improvements; and

WHEREAS, These dedicated funds limited what could be accomplished in addressing safety concern and prioritization of health and wellness specifically for the children due to neglect and upkeep of the park which has continued to be used over the years; and

WHEREAS, A local group of concerned parents formed the Homer Playground Project (HoPP), raising \$195,000 in less than a year. The group addressed logistics, concerns, liabilities, and fund raising efforts needed to build a beautiful and accessible playground; and

WHEREAS, Through the coordinated efforts of HoPP and the City of Homer, the community participated in "build week" and constructed the new playground with over 585 individual volunteers, thousands of donated work hours and expertise, donations of food and drink, supplies, tools, shipping costs, child care, and construction equipment resulting in an estimated value of \$500,000; and

WHEREAS, Homer Little League support and improvement efforts include upgrading ball parks and dugouts, improving infields, grass, and fencing through the same formula of grant funds for quality material and a dedicated workforce of knowledgeable volunteers.

NOW, THEREFORE, I, MARY E. WYTHER, Mayor of the City of Homer, Alaska, on behalf of the Homer City Council and the citizens do hereby recognize Karen Hornaday Park: Homer Playground Project (Hopp), Homer Little League, and the City Of Homer, as the recipients of Alaska Recreation and Park Association 2011 Facility Excellence Award.

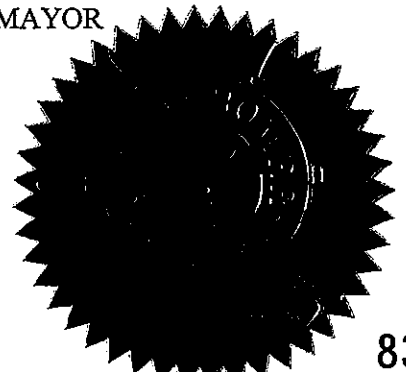
IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska on this 26th day of November, 2012.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK



**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**THE CITY OF HOMER PARKS AND COMMUNITY RECREATION PROGRAM
ALASKA RECREATION AND PARK ASSOCIATION
2011 OUTSTANDING ORGANIZATION AWARD**

WHEREAS, The mission statement of Community Recreation includes promoting community involvement and life-long learning through educational and recreation opportunities for people of all ages; and

WHEREAS, During the year 2011, the Homer Community Recreation Program offered 122 programs and events, had 2,862 participants, and an estimated 15,021 total visits for all of our activities. Community Recreation also had 76 volunteers who donated 2,632 volunteer hours, estimated to be worth \$56,272; and

WHEREAS, Homer Community Recreation program serves as a small business incubator creating part time jobs to enhance our community's economic health. The program has approximately 35 contracted instructors with business licenses that generate great learning and recreating experiences and also creating important part-time employment for the community; and

WHEREAS, The City of Homer has 17 dedicated parks with wide ranges of amenities, two with picnic shelters available to reserve for gatherings and special events. Homer also has 7 park areas used for recreational purposes but not yet dedicated, for a total park area of over 520 acres; and

WHEREAS, Some major highlights implemented through the Community Recreation Program and Homer Parks include running club, Adopt-a-Park program, Campground Host, a new playground, a new disc golf course, youth wrestling and youth basketball programs, and a new track.

NOW, THEREFORE, I, MARY E. WYTHE, Mayor of the City of Homer, Alaska, on behalf of the Homer City Council and the citizens do hereby recognize The City of Homer Parks and Community Recreation Program as recipient of the Alaska Recreation and Park Association 2011 Outstanding Organization Award.

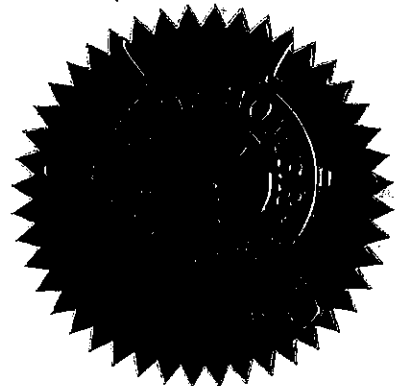
IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 26th day of November, 2012.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC CITY CLERK



**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

November as Pancreatic Cancer Awareness Month

WHEREAS, In 2012 an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease; and

WHEREAS, Pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

WHEREAS, When symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, Of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups; and

WHEREAS, Approximately 60 deaths will occur in Alaska in 2012; there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, The Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS, The Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the City of Homer and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, The Pancreatic Cancer Action Network and its affiliates in the City of Homer support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

WHEREAS, the good health and well-being of the residents of the City of Homer are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

NOW, THEREFORE, I, Beth Wythe, Mayor of Homer, Alaska, do hereby proclaim November 2012 as Pancreatic Cancer Awareness Month.

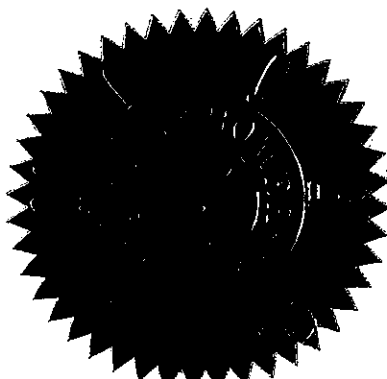
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 26th day of November, 2012.

CITY OF HOMER

BETH WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK



**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**JERRY LAWVER, LEAD OPERATOR
ALASKA RURAL WATER ASSOCIATION
2012 WATER OPERATOR OF THE YEAR**

WHEREAS, Jerry Lawver is certified at Level III Water Treatment Operator and Level II Waste Water Treatment Operator; and

WHEREAS, Jerry Lawver has over 26 years of experience in the Water/Wastewater Treatment field with over 22 years in Alaska and 21 years with the City of Homer; and

WHEREAS, Jerry Lawver is Lead Operator on the largest Ultrafiltration Plant for drinking water in Alaska and was part of the original crew at the start up of this plant; and

WHEREAS, Jerry Lawver's wealth of knowledge has made him the "Go to Guy" in the wastewater department and he shares his knowledge while training new operators on the system; and

WHEREAS, Jerry Lawver is polite, courteous and friendly with the public and the staff; and

WHEREAS, Jerry Lawver is always trying to optimize the operation to run the system as efficiently as possible and is an asset both to the Public Works Department and the City of Homer.

NOW, THEREFORE, I, MARY E. WYTHER, Mayor of the City of Homer, Alaska, on behalf of the Homer City Council and the citizens do hereby recognize Jerry Lawver, Lead Operator, the Alaska Rural Water Association 2012 Water Operator of the Year.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 26th day of November, 2012.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK



Mayor Wythe,

I am a seventeen year old student at Homer High School, recently we have been given an assignment about creating a bill for an issue we'd like to see resolved. I saw this as a chance to also finish my other assignment which is this, writing a letter to a leader of our town, state, or nation...etc., about an issue or an idea we have.

I for one did not like Mayor Hornaday's entire proposal of a roundabout in town for a few reasons. One, it would take up too much room for surrounding areas and businesses. Secondly, the businesses around them would have to move to different locations. Lastly, in my school I have heard many kids complaining about the possibly future roundabouts, one of their reasons they don't like the idea is because it would be 'confusing', meaning they have no idea how to drive in them. This would increase accidents.

The idea I have instead of a roundabout would be a little more costly, but, in the long run it would help a lot. On the intersection of Main Street and Homer Bypass Road, I think it would be helpful to put in a 4-way stop. Kind of similar to what they have put in by McDonalds, only that is a 3 way stop. This would help tremendously with some of the problems people face when they come to this area.

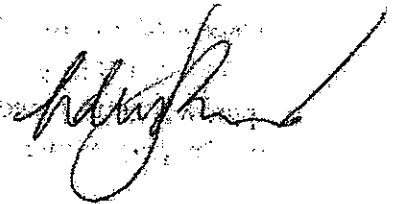
When you are coming down Main St. and taking a right or left turn onto Homer Bypass Rd. you get stuck there forever because of speedy drivers and no time to turn. A stoplight would help that problem as well as slow down the people traveling on Bypass Road. I have seen a lot of people pulled over there and seen some cars get in minor accidents at that point. I have never seen that happen at the 3 way stop at Lake Street and Sterling Highway. I've called a few of the business and land owners around Main Street and Homer Bypass Road and one of them was ecstatic about the idea of having a four way stop there. I'm sure he isn't the only one who would enjoy it.

Thank you very much for putting your time into reading this letter, I hope to hear back from you!

Sincerely,

Haley Kinnard

10/18/2012





Office of the Mayor

Mary E. Wythe

Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

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

November 3, 2012

Ms. Haley Kinnard
Homer High School
Homer, AK 99603

Dear Ms. Kinnard:

I appreciate your teacher encouraging students to become more involved in local matters. I also believe this is very important. The decisions that the City Council makes today will impact your generation for a much longer time than ours.

The Council has been talking about doing something to improve traffic control at the various intersections that Mayor Hornaday talked to your class about for a long time. I agree that there are few intersections that are size appropriate for a roundabout and that no business or residence should have to be relocated to accommodate that construction if a viable alternative is available. On several occasions the Council has authorized the use of available funds for the installation of intersection lighting at the Main Street and Bypass roads but has been unable to get the project completed. These two roads do not belong to the City of Homer; they are owned and maintained by the State of Alaska.

The construction of a roundabout is more costly than the installation of a four-way stop, such as you have recommended, but over time the mechanical maintenance costs of a lighted intersection are expected to be more than the cost of maintaining a roundabout. The Alaska Department of Transportation believes that the long term maintenance expenses for a roundabout would save enough over time to more than reimburse the cost of building a roundabout.

I support the installation of a lighted intersection for some of the same reasons you do. In particular, slowing the movement of traffic on the Bypass road and slowing the movement of traffic on lower Main Street. In addition to making it safer for drivers, slowing these traffic ways will make a safer area for pedestrians and cyclists trying to cross the streets as well.

Thank you for taking the time to provide this thoughtful contribution to the discussion regarding traffic control in the Homer area. Paying attention to local governance issues is an important part of contributing to the success of the community you live in. I hope to hear from you on future Council matters.

Sincerely,

Mary E. Wythe
Mayor, City of Homer

"Where the land ends and the sea begins"

Dear Mayor Wythe,

I am a senior at Homer High School and my government teacher gave out an assignment that us, as students, needed to get more involved the community and write a letter of our choice on an issue that concerns us. I don't know if you know of Mayor Hornaday's ideas on wanting roundabouts in multiple places in Homer, but I for one do not think roundabouts will help us citizens. I strongly feel that roundabouts in this town will confuse many people. As a student that travels to Anchorage on many occasions, I know that I try to avoid roundabouts in that city at all costs. Even my mom, a driver of 20 plus years, tries to avoid these areas.

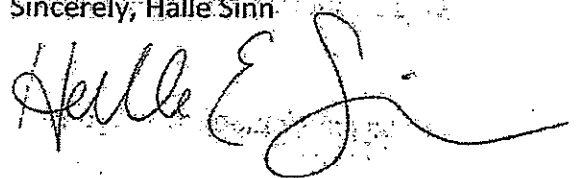
I think there are a couple reasons that the roundabouts aren't a very good idea to put in Homer. First off, I believe that very few people in Homer actually know how to go about in them because most citizens here haven't had to go through one before. I believe that it would just confuse all the people and traffic would become even slower. This would also cause more accidents, I for one, have never seen an accident at either of our stoplights in town. I don't know the exact statistics about the stoplights and their accidents, but I'm sure they are a lot less than what would come of these roundabouts. I have talked to almost every student in my government class this year, and even as seniors, we don't want to have to drive in roundabouts. Having roundabouts in town would cause confusion among most of our residents and I know that I would fear driving in those areas.

My second and final reasoning behind not wanting roundabouts is the businesses they would be affecting. Mayor Hornaday stated to our class that he wanted to put in as many roundabouts as he could in town, this includes: The intersection of Main Street and Homer Bypass Road, the intersection of Main Street and Pioneer Avenue, the stoplight by McDonalds, and the four-way blinking light below Homer High School. The mayor went on to say that even if they did have to take down buildings and have businesses move, it would be worth it. I don't agree with this, I believe that the businesses that will have to move will not be okay with leaving their locations behind.

The solution that I have come up with against the creation of the roundabouts is more stoplights. It is my understanding that by now the people of Homer understand how the simple four-way or three-way stoplights work. I suggest that if you feel the intersections have too much risk for accidents, there should be a discussion on the pros and cons of stoplights at said intersections. They would be a little more costly, but very well worth it in the future.

Thank you for taking your time to read my letter, and I hope to hear back from you.

Sincerely, Halle Sinn





Office of the Mayor

Mary E. Wythe

Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603-7624

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

November 3, 2012

Ms. Halle Sinn
Homer High School
Homer, AK 99603

Dear Ms. Sinn:

Please thank your teacher for encouraging students to become more involved in local matters. It is very important for young adults to understand and contribute to local governance issues. The decisions that the City Council makes today will impact your generation for a much longer time than ours.

The debate between building roundabouts or installing lighted intersections has been taking place in Homer for a long time. I agree that there are few intersections that are size appropriate for a roundabout and that no business or residence should have to be relocated to accommodate that construction if a viable alternative is available. The majority of the intersections that are under debate (Main Street and Pioneer, Main Street and Bypass Road, Pioneer and Sterling Highway, and Lake Street and Pioneer Avenues/East End Road) are all owned and maintained by the State of Alaska. This limits the City's ability to control the way they are developed, although the Council does have the ability to make recommendations that are consistent with what they believe the community wants.

One misconception in your letter is that a roundabout is a less costly intersection to build. The construction of a roundabout is more costly than the installation of a basic lighted intersection, but over time the mechanical maintenance costs of a lighted intersection are expected to be more than the cost of maintaining a roundabout. The Alaska Department of Transportation believes that the long term maintenance expenses for a roundabout would save enough over time to more than reimburse the cost of building a roundabout.

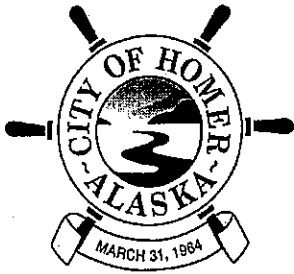
As you said, roundabouts can create some confusion while people learn to drive in them, but the safety statistics can go both ways. One thing that a traffic light can do that a roundabout cannot is stop traffic. Roundabouts are designed to keep traffic flowing; only a complete stop can create a pedestrian safety zone for crossing the road.

Thank you for taking the time to contribute to the discussion regarding traffic control in the Homer area. I hope to hear from you on future Council matters.

Sincerely,

Mary E. Wythe
Mayor, City of Homer

"Where the land ends and the sea begins"



CITY OF HOMER
CITY HALL

MEMORANDUM 12-177

To: Mayor Wythe and City Council
From: Katie Koester, Community and Economic Development Coordinator
Date: November 19, 2012
Subject: Domestic Violence and Sexual Assault Prevention: The Green Dot Strategy

On Friday November 16th a select group of community members representing diverse organizations met with Green Dot staff and the State of Alaska Council on Domestic Violence and Sexual Assault staff to discuss an innovative approach to reducing acts of violence through increasing bystander intervention, the Green Dot Strategy. Due to scheduling conflicts, Mayor Wythe was unable to attend and asked that I attend on her behalf and report to Council. Sargent Larry Kuhns from the Homer Police Department was also in attendance.

What is Green Dot?

Green Dot is a strategy that is being implemented in communities across the globe that recognizes bystanders can be important agents in preventing violent acts. It is based on changing the conversation about sexual assault and domestic violence. Historically the movement always talked about victims and perpetrators. The primary message to men was don't rape and don't beat. Women got the message don't walk alone, etc. But the numbers were not coming down.

The line of work is known for its gender divide. Domestic violence and sexual assault are considered women's issues. Men and boys feel alienated. Sexual Assault and Domestic Violence impacts everyone in a community yet it is still an issue so few people publicly align with. That is because the only message being put out is don'ts. Need to get the message in the main stream, need accessible ways for people to step into preventing. There needs to be a culture change.

Violence is a red dot on a map - a bunch of individual choices. So the solution is a green dot, a single moment where someone uses their words and voice to make the red dot less likely. When green dots are more than red dots, numbers come down. The Green Dot Strategy does not require an individual to be a hero; they don't have to have a bunch of personal growth, they just have to do a couple of things in their existing life.

How to make a green dot realistic? Legitimize personal obstacles. It is not just high school kids that have obstacles, everyone faces obstacles. Maybe someone is shy, influenced by peer pressure; doesn't know what to do, is fighting family norms of violence, etc. Assume whatever obstacles an individual comes in the room with, they leave with. Instead of telling someone to not be shy, say what can a shy person do in this situation? It is about options. Green Dot teaches the three Ds.

- 1)Direct. Some people may feel comfortable going at a situation head on. Directly addressing inappropriate behavior.
- 2)Delegate. Get someone else to do it. Call law enforcement, get your best friend to intervene, report anonymously, get a few friends together.
- 3)Distract. Sometimes the best is to diffuse or redirect a situation so that in that moment tension goes down.

November 19, 2012

Page 2

What does green dot look like in a community?

Green Dot is creating a menu where communities can pick and choose different elements to add to what a community is doing. Green Dot is meant to be complementary to other organizations, not supplant them.

1- Intro talk that will inspire hope in a community, introduce the basic map and then introduce obstacles, etc. People would come to the talk could walk out and actually do something. Just that can create change in folks. Target audience is anyone

2- More intensive training. The Green Dot Strategy is based on Diffusion of innovations research. The idea that within any given community there are certain early adopters that carry the most influence. The extended training targets those influential people. Get key folks to model green dots, the rest will follow. They will train more effectively than trainers ever will. If the only people modeling are the expected people, they don't carry the social influence. When you are establishing a new brand, if you have the wrong people the new initiative is dead before it starts. The key is to make sure first line of visibility is the people with social credibility within subgroups. Train them to recognize high risk behaviors. Long before an assault, there are tons of warning signs. Teach the cues to recognizing red dots and potential red dots. Teach how to deal with the obstacles. Training incorporates facilitated activities such as roll play to practice a green dot. Makes people feel comfortable doing the right thing. Blanketing the whole community is not the most efficient or effective way to change a culture.

3- In the Schools. Teaching risk reduction is good, but by high school or college it is too late. By then students think they are invincible and distancing themselves from authority. Instead of teaching kids don'ts, teach them to keep an eye on your friend and make sure they are not an idiot. Work with what is happening developmentally. Teach in middle school.

Green Dot has developed 4 day training model. They suggest is that if a community is interested in Green Dot they send an individual to a training in Kentucky so they can see how it will work for their community. (4 day training is \$900 plus travel/room and board).

Onsite training:
For implementation of Green Dot, the best strategy is to bring trainers to your community to "train the trainers." (Cost: \$10,000 plus travel and materials. There are also ongoing implementation costs that can be tailored to a community's budget.)

Green Dot in Alaska

The Vision is to create trainers in Alaska. The Council on Domestic Violence and Sexual Assault is working on customizing the program to Alaska and developing a sustainable program with local trainers. Right now they are looking at working with two communities in Alaska to be Green Dot pilot projects. The State has not yet chosen who those communities will be.



Government Finance Officers Association
203 N. LaSalle Street - Suite 2700
Chicago, IL 60601

Phone (312) 977-9700 Fax (312) 977-4806

11/09/2012

NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Homer** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Finance Department, City of Homer

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.

PUBLIC HEARING(S)

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

**Ordinances 12-47, 12-48, 12-49, 12-50 and 12-51
Resolutions 12-088 and 12-089**

A **public hearing** is scheduled for **Monday, November 26, 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.

Ordinances 12-47, 12-48, 12-49, 12-50 and 12-51 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Resolutions 12-088 and 12-089 internet address:
<http://www.cityofhomer-ak.gov/resolutions>

Ordinance 12-47, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager.

Resolution 12-088, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk.

Resolution 12-089, A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600. City Clerk.

Ordinance 12-48, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Kestrel Circle and a Portion of Golden Plover Avenue as Urban Road. City Manager/Public Works Director.

Ordinance 12-49, An Ordinance of the City Council of Homer, Alaska, Appropriating \$20,000 from the Homer Accelerated Roads and Trails Fund (HART) for the Purpose of Conducting Survey Work and Engineering / Cost Estimating to Determine the Cost of Constructing the Initial One Half Mile of the Proposed Kachemak Drive Non-Motorized Pathway in Accordance with Resolution 12-079(S). Mayor/City Council.

Ordinance 12-50, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant Award from the Rasmuson Foundation in the Amount of \$18,852 for Collection Enhancement and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director.

Ordinance 12-51, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating \$212,270 from the Homer Accelerated Roads and Trails Fund (HART) to Re-Pave Fish Dock Road and Construct Improvements to Outer Dock Road and Appropriating \$100,000 from the General Fund Reserves / Fund Balance for a Reimbursable Economic Development Grant to Fund the Homer Tidal Power Incubator Project. Mayor.



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

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, the City of Homer Kiosks at City Clerk's Office, Captain's Coffee, Harbormaster's Office, and Redden Marine Supply of Homer and the City's homepage -

<http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Jo Johnson, CMC, City Clerk

Publish: Homer Tribune – November 21, 2012

A handwritten signature in black ink, appearing to read 'Jo Johnson', written over the end of the publication date.

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 12-47, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures); Ordinance 12-48, Amending the Official Road Maintenance Map of the City of Homer by Adding Kestrel Circle and a Portion of Golden Plover Avenue as Urban Road; Ordinance 12-49, Appropriating \$20,000 from the Homer Accelerated Roads and Trails Fund (HART) for the Purpose of Conducting Survey Work and Engineering / Cost Estimating to Determine the Cost of Constructing the Initial One Half Mile of the Proposed Kachemak Drive Non-Motorized Pathway in Accordance with Resolution 12-079(S); Ordinance 12-50, Accepting and Appropriating a Grant Award from the Rasmuson Foundation in the Amount of \$18,852 for Collection Enhancement and Authorizing the City Manager to Execute the Appropriate Documents; Ordinance 12-51, Amending the FY 2012 Capital Budget by Appropriating \$212,270 from the Homer Accelerated Roads and Trails Fund (HART) to Re-Pave Fish Dock Road and Construct Improvements to Outer Dock Road and Appropriating \$100,000 from the General Fund Reserves / Fund Balance for a Reimbursable Economic Development Grant to Fund the Homer Tidal Power Incubator Project; Resolution 12-088, Maintaining the City of Homer Fee Schedule at the Current Rates; and Resolution 12-089, Maintaining the Port of Homer Terminal Tariff No. 600 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 November 8, 2012 and that the City Clerk posted same on City of Homer Homepage on November 8, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 8th day of November, 2012.




Renee Krause, CMC, Deputy City Clerk I

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

A **public hearing** is scheduled for **Monday, November 26, 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.

Resolution 12-0XX, A Resolution of the City Council of Homer, Alaska, Authorizing Participation in the Community Development Block Grant Program.

The Public Hearing is to discuss applying for a Community Development Block Grant for:

- a) Renovations to the Boys and Girls Club; or
- b) A Grant Program to Help Low Income Seniors Pay the Natural Gas Homer Special Assessment District per lot assessment.

Suggested project proposals from the public are welcome.

Jo Johnson, CMC, City Clerk



Publish: Homer Tribune – November 21, 2012
Homer News – November 22, 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 Resolution 12-xx Authorizing Participation in the Community Development Block Grant Program 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 November 16, 2012 and that the City Clerk posted same on City of Homer Homepage on November 15, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 16th day of November, 2012.

Renee Krause
Renee Krause, CMC, Deputy City Clerk I



ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-47

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures).

Sponsor: City Manager

1. City Council Regular Meeting October 22, 2012 Introduction
2. City Council Regular Meeting November 26, 2012 Public Hearing

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 12-47
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, APPROPRIATING FUNDS FOR THE CALENDAR
8 YEAR 2013 FOR THE GENERAL FUND, THE WATER-
9 SEWER FUND, THE PORT/HARBOR FUND, DEBT FUNDS,
10 AND CAPITAL RESERVE FUNDS (CONDITIONAL
11 EXPENDITURES).

12 THE CITY OF HOMER ORDAINS:

13 Section 1. Pursuant to the authority of Alaska Statute, Title 29, the appropriations for
14 Calendar Year ending December 2013 are appropriated as follows:

15	General Fund	\$11,430,413
16	Water-Sewer Fund	\$ 3,593,462
17	Port/Harbor Fund	\$ 5,836,667
18	Capital Projects	\$ 2,289,188
19	Internal Service Funds	\$ <u>2,169,416</u>
20	Total Expenditures	\$ 25,319,146

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

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

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

27 Section 5. The property tax mill levy is set at 4.5 mills for 2013.

28 Section 6. This Ordinance is limited to approval of the Budget and appropriations for
29 Calendar Year 2013, is a non code Ordinance and shall become effective January 1, 2013.

30 PASSED AND ENACTED by the Homer City Council on this ____ day of December,
31 2012.

32 CITY OF HOMER

33 _____
34 MARY E. WYTHER, MAYOR
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47 ATTEST:

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49

50 JO JOHNSON, CMC, CITY CLERK

51

52

53 Introduction:

54 Public Hearing:

55 Second Reading:

56 Effective Date:

57

58 AYES:

59 NOES:

60 ABSTAIN:

61 ABSENT:

62

63 Reviewed and approved as to form:

64

65

66 Walt E. Wrede, City Manager

67

68 Date: _____

69

70

71 Fiscal Note: See Line Item Budget and detail.

Thomas Klinkner, City Attorney

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 12-088

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby maintains the
City of Homer Fee Schedule at the current rates.

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

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Fee Schedule

July 2012

This Pamphlet compiled by the Office of the Homer City Clerk

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



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

Updated: July 2012

07/12 - clerk

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

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

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

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

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

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

Phone Numbers for main offices:

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

BILLING AND PAYMENTS - 235-8121 ext 2240 or 0 for the front desk.

Assessment Bills (City of Homer only) - 235-8121 ext 2240
Port/Harbor Bills - 235-3160
Water/Sewer Bills - 235-8121 ext 2240
Ambulance Bills - 235-8121 ext 2228
Emergencies - 911 (Fire, Medical, Police)

ADMINISTRATIVE FEES FOR THE CITY OF HOMER

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

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

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

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

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

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

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

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

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

CD Reproductions: \$20.00

Document copying fees: \$.25/page

Certification Fee: \$10/report

Driver License Records \$10

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

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

Lease application fee \$30

Lease fee \$300

Lease Assignment Fee \$250

Local Bidder's Preference

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

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

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

Production Fees -

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

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

Local Improvement Districts (LID's):

HARP (Homer Accelerated Roads Program) LID's

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

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

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

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

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

Notary \$5.00

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

Tapes: Audio Cassette (Police Department) \$25 tape

Subsequent, \$15/tape Includes 1st class postage

Video Cassette (Police Department) \$30/tape

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

AIRPORT TERMINAL FACILITY

Administration - 235-8121 (ext 2225)

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

Advertising only:

\$ 75/yr. - size 9X4"

\$ 100/yr. - size 9X7"

\$125/yr. - size 9X11"

Advertising w/Direct Dial Phone - \$350/year

Long Term Parking - Per day \$5

Annual Pass \$500/year

Vending Machine Space \$30/month

ANIMAL CONTROL FEES

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

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

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

Impound fees:

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

Live Trap:

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

Adoption Fee \$ 15.00

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

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

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

CAMPING FEES

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

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

"Camping" means:

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

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

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

All fees inclusive of sales tax.

CITY CLERK

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

Administrative - 235-3130

Cemetery fees amended Resolution 98-28.

Cemetery - plot - \$200

Excavation

adult - \$500; \$400 opening, \$100 closing

infant \$375; \$300 opening, \$75 closing

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

City Council and Commission Meeting packet fee

Per Packet:

0 - 25 pages - \$5.00

26 - 50 pages - \$10.00

51 - 100 pages - \$20.00

100 - 200 pages - \$25.00

200 - 500 pages - \$30.00

500+ pages - \$35.00

Per Month, Per Council or Advisory Body:

1 packet same fees as above.

2 packets above fee with 10% reduction.

3 packets above fee with 12% reduction.

4 or more packets above fee with 15% reduction.

City Hall Facility Use Fee (Resolution 03-159)

Government Agencies, generally, are exempt from fees.

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

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

City Pins and Mugs (Resolution 98-28)

Logo Pins \$1.00
Logo Mugs \$4.00
Scene Mugs \$8.00

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

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

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

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

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

LIBRARY FEES

235-3180 (Amended: Ordinance 05-08; Resolution 12-006, 04-98(S)(A); 03-87; 99-19(A); 98-86; 97-87)

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

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

Overdue Items - 14 day circulation (except digital devices) \$0.15/day
(except digital devices) Maximum charge \$6.00

7 day and 1 day circulation - \$1.00/day
Digital Devices \$5.00/day

Interlibrary Loans- \$1.00/day
2nd overdue notice - \$1.00/notice

Bill notice - \$1.00/notice
Admin. Fee for Bills Sent to Collection Agency \$25.00

Photo copy \$.15/ea (letter size) and (legal size) per side
\$.25/ea (11"x17") per side
\$1 .00/ea color copies (letter size) and (legal size) per side
\$2.00/ea color copies (11"x17") per side

Interlibrary loan fee \$2 standard size books
\$.15 per page for photo copy
Priority Mail \$4.00
Microfilm/videos/CDS/Audios

Additional charges may be assessed and mailing costs may exceed these amounts.

Replacement/Repair of items

Lost or damaged items: Replacement cost plus \$7.00 processing fee per item
Lost or damaged cases, hang-up bags, etc.: Replacement cost or \$2.00, whichever is greater

Lost map or inserts - \$10/item
Lost out-of print items - \$50/Alaskana
\$40/non fiction
\$35/fiction

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

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

Improper Return of Digital Devices- \$25 fee if not returned to Front Desk staff

Please Note: To receive a refund on a lost item, patrons must return the item within sixty days of lost status. Refunds of payment for items deemed valuable to the collection and returned after the 60-day period may be made at the discretion of the Director. No refunds will be given for digital devices.

PLANNING AND ZONING DEPARTMENT

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

Zoning Permit

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

Zoning Permit Fees:

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

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

ROW Permit - minor \$90
major \$90

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

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

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

Zoning Ordinance - HCC 21 \$ 15
 Sign Permit - \$ 50
 Variance - \$250
 Erosion and Sediment Control Plan (BCWPD): \$300

Storm Water Protection Plan Fee: \$200

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

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

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

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

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

Flood Hazard Development Permit \$200

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

Elimination of a common interior lot line. \$200.00

Right of Way and Section Line \$300

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

Utility easement vacation: no fee

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

the evaluation process is still in effect.

Street Renaming

Fees

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

- | | |
|----------------------------------------------------------------------------------------|-------|
| (1) Street Naming Petition and hearing advertising fee | \$150 |
| (2) Installation of each new City sign, post, etc. Per sign: | \$150 |
| (3) Replacement of existing City sign due to change where no post is needed. Per sign: | \$ 80 |

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

(B) For Private Road Naming:

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

PORT AND HARBOR DEPARTMENT

(The following fees have been set by legislative enactments to HCC 10, Ord. 95-18(A) and Resolutions 12-037(S), 12-023, 10-89, 06-52, 06-04, 05-123, 04-96, 03-154(S), 03-104, 03-88, 00-39, 99-118(A), 99-101, 99-78(S), 99-30(A), 95-69 (Port/Harbor Tariff No. 600), Resolution 95-19, Resolution 01-84(S)(A), Resolution 02-81(A), Resolution 07-121, and Resolution 08-123)
Harbor Office - 235-3160
Fish Dock - 235-3162

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

Administrative cost for changing boat in slip - \$25.00

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

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

PARKING FEES

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

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

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

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

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

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

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

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

Long term parking will be enforced year around.

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

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

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

Annual Moorage fee - \$37.86 per lineal foot, plus \$50.00 administrative charge.

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

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

Dockage charges will be assessed based on lineal foot per calendar day or portion thereof as follows:

0' to 100'	\$254.13	451' to 475'	\$1,327.51	651' to 675'	\$2,711.10
101' to 200'	\$423.25	476' to 500'	\$1,434.88	676' to 700'	\$2,990.88
201' to 300'	\$677.75	501' to 525'	\$1,580.26	701' to 725'	\$3,368.76
301' to 350'	\$871.38	526' to 550'	\$1,687.63	726' to 750'	\$3,766.63
351' to 375'	\$961.01	551' to 575'	\$1,806.01	751' to 775'	\$4,188.01
376' to 400'	\$1,043.38	576' to 600'	\$1,958.38	776' to 800'	\$4,668.88
401' to 425'	\$1,137.26	601' to 625'	\$2,174.26		
426' to 450'	\$1,243.13	626' to 650'	\$2,445.63		

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

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

Wharfage:

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

COMMODITY

WHARFAGE RATE

Freight N.O.S.

\$7.96

(Not Otherwise Specified)

Freight at barge ramp

\$5.14

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

\$3.95/thousand board ft.

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

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

Petroleum products

\$0.6363/barrel

(inbound and outbound)

\$0.01515 per gallon

Wood Chips (all grades)

\$ as per contract

Seafood/fish product

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

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

\$10.12 per head

Fowl: Any kind, crated

\$10.12 per crate

Boats: Up to and including twenty (20) feet LOA

\$15.66 each

Over twenty (20) feet LOA

\$1.60 per lineal ft.

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

Demurrage

0.09/sq. ft.

Uplands Storage:

Land for Gear Storage-

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

Open areas, fishing gear 0.12/ sq. ft.

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

Boat Trailers-

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

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

Up to 30 feet

\$ 75.00/month Oct 1 to May 1

Over 30 feet

\$100.00/month Oct 1 to May 1

TIDAL GRIDS:

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

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

WATER:

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

ELECTRICITY (per kilowatt):

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

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

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

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

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

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

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

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

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

LABOR/PERSONNEL:

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

SPECIAL SERVICES:

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

REGULATED GARBAGE HANDLING FEE:

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

SEARCH AND RESCUE FEES:

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

PUBLIC LAUNCH RAMPS:

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

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

BEACHES AND BARGE RAMP:

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

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

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

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

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

FISH DOCK:

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

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

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

Blocking access to cranes - \$150.00/hr.

Unattended vessels - \$150.00/hr.

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

ITEM	FEE
Annual access	\$52.00 per year
Card (private license)	(annual renewal fee)
Card replacement fee	\$15.00 per occurrence
Cold Storage	\$334.75/month
(Cold storage rate structure is for storage area of eight (8) feet by ten (10) feet	\$309/per month for two (2) consecutive months
	\$283.25/per month for three (3) consecutive months
	\$275.50/per month for nine (9) month season
	Minimum one month rental
	Inspection \$50/per hour
Bait Storage Fee (4x4x4)	
Per Day	\$5.15
Per Week	\$25.75
Per Month	\$77.25
Ice Plant Bin Storage	\$200/per month, minimum two (2) months
(Roofed over, open sided storage bins at west end of of ice plant building sixteen (16) feet by twelve (12) feet)	
Fish Dock crane	\$90.64/per hour
Minimum charge per hour for crane	Fifteen minutes
Ice	\$124.95/per ton
Seafood Wharfage/Fish product	Setting a tariff of \$4.76 per ton of seafood/fish product across the docks.

Regardless of species bait in quantities greater than one ton that is loaded onto a vessel at Fish Dock, shall be charged seafood wharfage.

Freight NOS, Nonfish Cargo	\$14.50/per ton for cargo going over the Fish Dock.
Fish Waste Disposal Fees/Fish Grinder	\$5.00/Tub \$30.00/Tote

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

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

PUBLIC SAFETY

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

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

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

<u>Offense</u>	<u>Penalty/Fine</u>
Muffler not working properly	CORR/\$500
Muffler modified/excessive noise	CORR/\$500
Muffler removed or inoperative	CORR/\$500

Noise exceeds limits:	
First conviction	\$100
Second conviction within 6 months of first conviction	\$200
Third conviction within 6 months of any prior conviction	\$300

Sale of vehicle exceeding noise limits:	
First conviction	\$100
Second conviction within six (6) months of first conviction	\$200

Third conviction within six (6) months of any prior conviction	\$300
----------------------------------------------------------------	-------

Jake brake use prohibited:

First conviction	\$100
Second conviction within six (6) months of first conviction	\$200 plus proof of satisfactory HPD commercial vehicle inspection
Third conviction within six (6) months of any prior conviction	\$300 plus proof of satisfactory HPD commercial vehicle inspection

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

Public Transportation (HCC 8.12.150 and 8.12.200):

Vehicle Permit \$75 Fiscal Year, expires June 30th
Permit \$37.50 after January 1st, expires June 30th
\$5 Replacement Permit

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

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

Parking Tickets -\$25

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

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

FIRE DEPARTMENT FEES

Emergency 911

Administrative Office - 235-3155

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

AMBULANCE:

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

FIRE:

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

VOLUNTEER PERSONNEL:

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

PUBLIC WORKS DEPARTMENT

Administrative - 235-3170

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

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

SUBDIVISION AGREEMENT FEE SCHEDULE:

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

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

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

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

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

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

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

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

WATER AND SEWER FEES:

(The following fees have been set by the following legislative enactment HCC Title 14, new fees set forth in Ordinance 11-43, Resolution 11-062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A), Resolution 07-119 (A), Resolution 07-120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125, Resolution 05-122, Resolution 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A), Resolution 03-159, Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34, Ordinance 00-02, Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with amendments by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).

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

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

Establishing service includes a one time disconnect - \$30
Service calls, inspections, repairs not to exceed one hour - \$25 per employee plus equipment and materials.

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

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

SEWER FEES:

Sewer Connection and Extension Permit Fee

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

Sewer Rate Schedule.

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

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

Seasonal monthly sewer customer charge will be \$10.00 or one half off the regular monthly customer charge.

*-Customer classification definitions for determining water rates:

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

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

Commercial - Any user not defined as Residential.

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

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

Sewer System Dischargers Who Are Members of Kachemak City LID:

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

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

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

Seasonal Sewer Meter Fee is \$211.97.

WATER FEES:

Water Connection Fee

Single Family/Duplex \$300

Multi-Family/Commercial/Industrial \$375

Water Rate Schedule.

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

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

Seasonal monthly water customer charge will be \$12.50 or one half off the regular monthly customer charge.

*-Customer classification definitions for determining water rates:

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

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

Commercial - Any user not defined as Residential.

Meter Size Deposits.

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
3/4	\$80.00	\$230.00
1	\$90.00	\$250.00
1-1/2	\$115.00	\$310.00
2	\$150.00	\$370.00
3	\$220.00	\$525.00
4	\$310.00	\$730.00
6	\$520.00	\$1,225.00

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

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

RESIDENTIAL HOLDING TANK FEES

(Resolution 02-23)

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

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

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

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

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

LEGISLATIVE BODY

MAYOR

Mary E. (Beth) Wythe – 2014

COUNCILMEMBERS

Vacant —2013

Bryan Zak—2013

Barbara Howard—2014

David Lewis—2014

Francie Roberts—2015

Beauregard Burgess—2015

ADVISORY BODIES

Parks and Recreation Advisory
Commission

Advisory Planning Commission

Port and Harbor Advisory
Commission

Library Advisory Board

Economic Development Advisory
Commission

DEPARTMENTS

Located At:

City Hall

City Manager's Office
Administration
Personnel

City Clerk's Office
Records & Elections
Planning & Zoning

Public Works Facility

Public Works
Water & Sewer
Maintenance
City Engineer
Inspector

On the Spit

Port and Harbor

Public Library
Library

Police Department
Public Safety
Police Department

Fire Hall

Fire Department
EMS
Fire
Rescue

Homer High School

Community Recreation

PORT OF HOMER TERMINAL TARIFF NO. 600

Terminal Tariff No. 600
Filed under ATFI Rules



Issued by City of Homer
Phone 907.235.3160 Fax 907.235.3152
Or Visit our Website at
<http://www.cityofhomer-ak.gov/port>
4350 Homer Spit Road
Homer, Alaska 99603

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

Issued: July 2, 2012

Effective: July 2, 2012

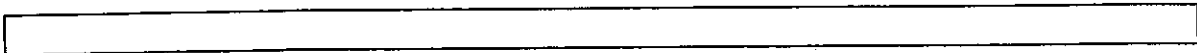
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RULE: 01 -- SCOPE (I)

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

RULE: 03 -- RATE APPLICABILITY RULE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 04 -- HEAVY LIFT (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 05 -- EXTRA LENGTH (I)

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE



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

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

RULE: 09 -- FREIGHT FORWARDER COMPENSATION (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 10 -- SURCHARGES AND ARBITRARIES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 11 -- MINIMUM QUANTITY RATES (I)

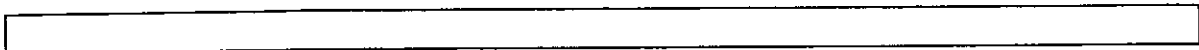
EFF: 31OCT1994

NOT APPLICABLE

RULE: 12 -- AD VALOREM RATES (I)

EFF: 31OCT1994

NOT APPLICABLE



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RULE: 13 -- TRANSSHIPMENT (I)

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

RULE: 16 -- HAZARDOUS CARGO (I)

EFF: 31OCT1994

NOT APPLICABLE

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

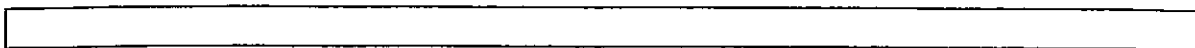
EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE



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

EFF: 31OCT1994

NOT APPLICABLE

RULE: 20 -- OVERCHARGE CLAIMS (I)

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

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

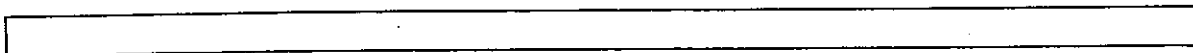
EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE



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

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE

RULE: 28 -- DEFINITIONS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 29 -- SYMBOLS (I)

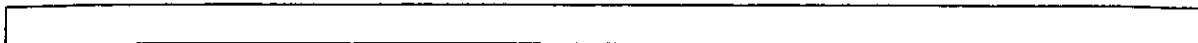
EFF: 31OCT1994

NOT APPLICABLE

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

EFF: 31OCT1994

NOT APPLICABLE



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RULE: 31 -- SEASONAL DISCONTINUANCE (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 32 -- MILITARY CARGO TERMS (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 33 -- PROJECT RATES (I)

EFF: 31OCT1994

NOT APPLICABLE

RULE: 34 -- TERMINAL TARIFFS (I)

EFF: 31OCT1994

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

RULE: 34.1 -- SCOPE (C)

EFF: 15SEPT1995

SECTION I

SCOPE:

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

NAME

ADDRESS

PORT OF HOMER

4350 HOMER SPIT ROAD
 HOMER, ALASKA 99603

--

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

EFF: 01JAN2002

SUBSECTION 100

Abbreviations:

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

Symbols:

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

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RULE 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
 (continued)

DEFINITIONS:

(a) DEFINITIONS OF FEDERAL MARITIME COMMISSION MAY CONTROL:

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

(b) BEAM:

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

(c) CITY DOCKS:

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

(d) DERELICT:

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

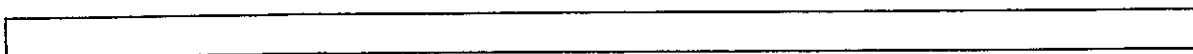
(e) FLOAT; FLOAT SYSTEM:

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

(f) HOLIDAYS:

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

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



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

(g) HOMER HARBOR:

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

(h) LENGTH:

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

(i) OPERATOR:

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

(j) OWNER:

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

(k) POINT OF REST STAGING AREA:

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

(l) REGISTRATION:

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

(m) RESERVED MOORING:

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



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

(n) STALL:

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

(o) SMALL BOAT HARBOR:

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

(p) TERMINAL FACILITIES:

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

(q) TRANSIENT:

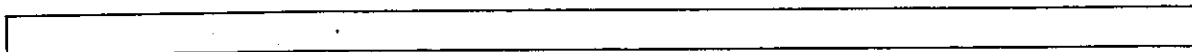
"Transient" means any vessel using the mooring space on a temporary basis or which does not have a specific reserved mooring space.

(r) "VESSEL" DEFINED:

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

(s) WATERWAY:

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



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RULE: 34.2 - NOTICE TO THE PUBLIC (C)

EFF: 21DEC1999

SECTION 1

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

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

RULE: 34.4 - APPLICATION OF TARIFF (C)

EFF: 01JAN2002

SUBSECTION 105

(a) GENERAL APPLICATION OF TARIFF:

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



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RULE: 34.4 - APPLICATION OF TARIFF

(continued)

(b) TARIFF EFFECTIVE:

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

(c) ACCEPTANCE OF TARIFF:

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

(d) RESERVATION OF AGREEMENT RIGHTS:

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

(e) COMPLIANCE WITH CONDITIONS OF BERTHING:

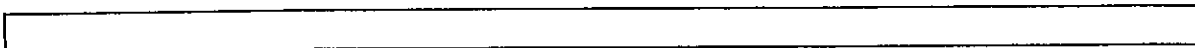
Use of city docks and terminal facilities and the acceptance of services shall comply with any additional Conditions of Berthing set forth in subsection 310 contained herein.

RULE: 34.5 - APPLICATION OF RATES (C)

EFF: 27DEC2000

SUBSECTION 110

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



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RULE: 34.5 - APPLICATION OF RATES
(continued)

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

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

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

RULE: 34.6 - INSURANCE (C)

EFF: 15SEP1995

SUBSECTION 115

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

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

EFF: 01JAN2002

SUBSECTION 120

(a) RESPONSIBILITY FOR CHARGES:

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



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

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

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

(c) CHARGES ON DELINQUENT ACCOUNTS:

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

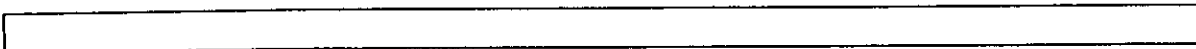
RULE: 34.8 - LIABILITY FOR LOSS OR DAMAGE AND INDEMNITY (I)

EFF: 15SEP1995

SUBSECTION 125

(a) RESPONSIBILITY LIMITED

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



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

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

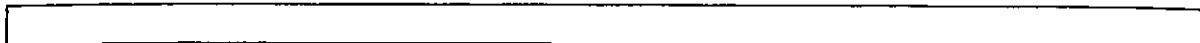
(b) INDEMNITY:

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

(c) OWNER'S RISK:

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

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



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

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

(d) **LIMITS OF LIABILITY:**

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

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

EFF: 21DEC1999

SUBSECTION 130

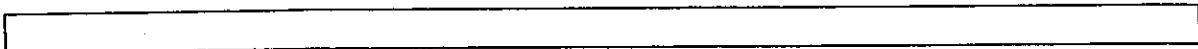
SUBJECT TO SUBRULE 34.8 (d)

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

(a) **ACCESS TO HARBOR OR PORT FACILITIES:**

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

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



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

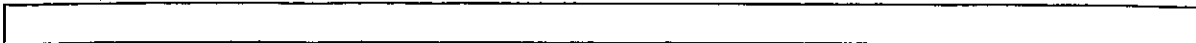
- (4) during periods of congestion, or in cases of emergency, when, in the judgment of the Harbormaster, the circumstances the prevailing or likely to occur will prevent the city docks or terminal, or harbor facilities, or any portion of them from providing customary services to the public.

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

(b) RIGHT TO REFUSE CARGO:

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

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



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

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

(c) RIGHT TO SCHEDULE VESSELS AND CARGO:

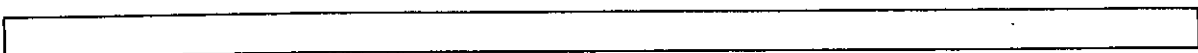
In his discretion, the Harbormaster shall at all times have the right to schedule access to any harbor or port facility by any person or vessel, or to remove any person, vessel, or cargo at any time from any city dock or terminal facility in order to provide for efficient operation of the city docks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

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

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

(e) RIGHT TO WITHHOLD DELIVERY OF FREIGHT:

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



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RULE: 34.9 - RIGHTS OF THE CITY OF HOMER

(continued)

(f) RIGHT TO SELL FOR UNPAID CHARGES:

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

(g) EXPLOSIVES:

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

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

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

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

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

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



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RULE: 34.9 - RIGHT OF THE CITY OF HOMER
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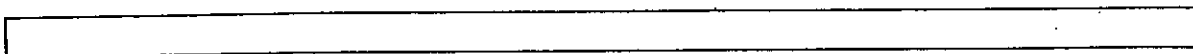
- (3) Movements of vessels to reduce congestion, or maximize services. In his discretion, the Harbormaster shall at all times have the right to move or rearrange any vessel from its present location to any other location in order to reduce congestion within or on the terminal, the docks or the harbor to prevent disruption of customary services to the public.

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

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

(j) RIGHT TO IMPOUND AND DISPOSE OF VESSEL:

- (1) Impoundment of vessels for violations. The Harbormaster is authorized to impound any vessel in or on the Homer Harbor, terminal, or dock facilities whose owner or operator is not aboard and which is not properly identified by name and/or number; or any vessel in violation of any provisions of this tariff; or any vessel whose owner or operator has not paid the stall license fee or any other fee or charge due the City for the vessel by the due date of such fee or charge and such fee or charge is thirty days past due; or any vessel which is unsafe and whose owner or operator has failed to remove it after notice. The Harbormaster may impound a vessel by immobilizing it or removing or having it removed from the water and placed in City or commercial storage with all expenses and risk of haul-out and storage to be borne by the owner of such vessel.
- (2) The owner or operator of any vessel impounded by the City shall be subject to and liable for storage charge and shall be subject to and liable for all costs incurred by the City by reason of impounding or removal.
- (3) The procedure for impoundment, including notice and pre-impoundment hearing are set forth in 10.04.120 of the Homer City Code.



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

(k) RIGHT TO REMOVE AND DISPOSE OF NUISANCES.

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

RULE: 34.10 - SHIPPERS REQUESTS AND COMPLAINTS (I)

EFF: 15SEP1995

SUBSECTION 135

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

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

EFF: 15DEC1999

SUBSECTION 140

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



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RULE: 34.12 - MANIFESTS REQUIRED OF VESSELS (C)

EFF: 15DEC1999

SUBSECTION 145

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

RULE: 34.13 - MOORAGE IN HARBOR (C)

EFF: 01JAN2006

SUBSECTION 150

(a) ASSIGNMENT OF MOORAGE:

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

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

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

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

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

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

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RULE: 34.13 - MOORAGE IN HARBOR (C)
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No long term (more than 3 consecutive months) live-aboard situation is permitted in the harbor without Harbormaster's approval in writing after an evaluation of the sanitary, service and congestion problems that may be a result of such arrangement.

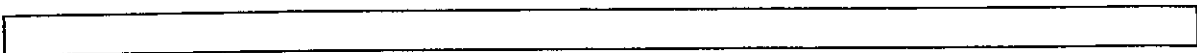
A stall, on becoming available, shall promptly be made available to the next applicant from the top of the appropriate waiting list, as provided herein. The applicant may be assigned to an available stall upon completion and execution of the moorage agreement, payment of the appropriate moorage fee,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

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

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

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

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



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RULE: 34.13 - MOORAGE IN HARBOR
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of appropriate size for the stall assigned within such one-year period and paid the \$25.00 administrative fee for changing the boat assigned to this reserved stall. Otherwise, the moorage agreement expires. Failure of the owner or operator to give notice in writing to the Harbormaster of the sale, assignment, transfer or loss of use, control and/or possession of a vessel occupying a reserved moorage space within fifteen days of the loss or transfer is grounds for immediate termination of the moorage agreement.

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

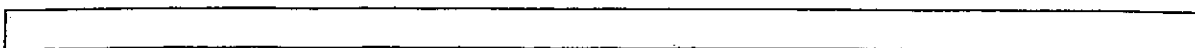
Upon the death of any reserved stall user, reserved mooring privileges shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

(b) WAITING LIST FOR RESERVED STALL ASSIGNMENT:

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

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

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



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RULE: 34.13 - MOORAGE IN HARBOR
(continued)

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

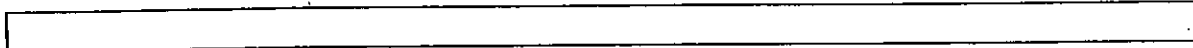
Upon the death of an applicant, the applicant's rank on the waiting list shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

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

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

(c) RESERVED STALL ASSIGNMENTS:

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



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RULE: 34.13 - MOORAGE IN HARBOR
 (continued)

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

(e) **NOTICE UPON ARRIVAL:**

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

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

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

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



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RULE: 34.13 - MOORAGE IN HARBOR
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(f) VESSEL REGISTRATION:

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

RULE: 34.14 - BERTHING AT THE PORT (C)

EFF: 01JAN2002

SUBSECTION 155

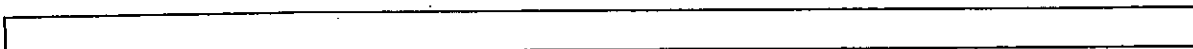
(a) ASSIGNMENT OF BERTHS:

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

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

(Subject to Subrule 34.8 (d) herein)

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



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RULE: 34.14 - BERTHING AT THE PORT
(continued)

(b) PREFERENCE TO RESERVED DOCK USE:

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

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

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

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

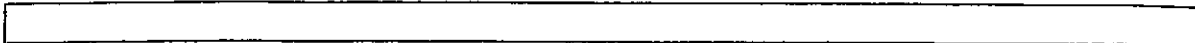
EFF: 01JAN2009

SUBSECTION 160

(a) GENERAL PROVISIONS

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

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



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

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

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

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

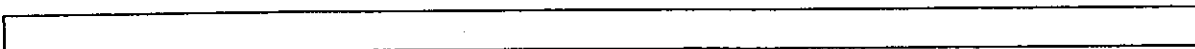
Temporary storage and/or shipment through the Port of Homer of quantities of hazardous waste in excess of 400 pounds of acutely hazardous material) requires a minimum 14 day advance request for a permit, in compliance with the "Interim Policy for the Port and City of Homer concerning notification by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

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

Pumping or storing fuel on floats is prohibited.

(c) RESPONSIBILITY FOR HOUSEKEEPING:

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



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RULE: 34.15 - SAFETY, SANITATION AND HOUSEKEEPING
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Deposit of fish carcasses, including heads, bones or viscera from sport fishing activities is authorized only at designated locations.

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

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

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

(d) SMOKING PROHIBITED:

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

(e) WASTE OIL AND PETROLEUM PRODUCTS:

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



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

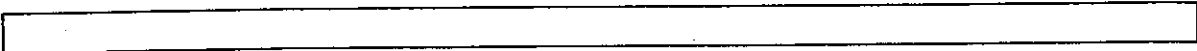
Larger quantities of waste oil may be accepted by the Harbormaster upon prior arrangement by written approval on a case by case basis. These larger quantities of waste oil, if accepted shall be charged \$3.25 per gallon handling and disposal fee.

(f) TUG REQUIREMENT AND SPEED LIMITATIONS

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

(g) TYING TO PILING IS PROHIBITED:

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



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

(h) FIRE EXTINGUISHER REQUIREMENTS:

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

(i) NO POSTING OR DEFACEMENT:

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

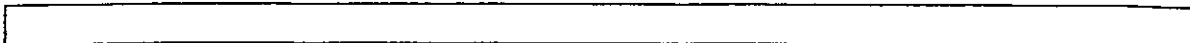
No person shall disregard, deface, remove, tamper with or damage any sign or notice posted or installed by the Harbormaster.

(j) ANIMALS:

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

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

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



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

(m) **PLACEMENT OF GEAR:**

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

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

SUBSECTION 165

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

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

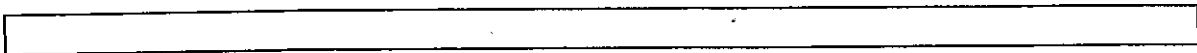
SUBSECTION 170

(a) **APPLICATION OF TARIFF:**

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

(b) **CLEARING AND HEATING PETROLEUM LINES:**

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



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RULE: 34.17 - BULK PETROLEUM PRODUCTS

(continued)

(c) REGULATIONS GOVERNING PETROLEUM PRODUCTS:

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

(d) HOUSEKEEPING:

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

Spillage from disconnected lines shall be cleaned up immediately by vessel or consignee.

RULE: 34.18 - HARBOR MOORAGE RATES (A)

EFF: 02JULY2012

SUBSECTION 200

(a) CALCULATION OF MOORAGE RATES:

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

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

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

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



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RULE: 34.18 - HARBOR MOORAGE RATES
(continued)

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

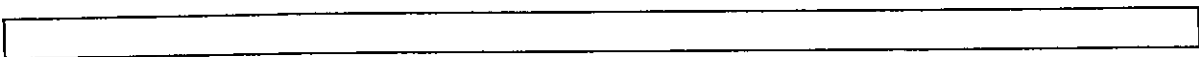
All vessels in the harbor are subject to these rates, except properly registered seine skiffs or work skiffs attached to the mother vessel. Work skiff is defined as a boat that is usually carried on the deck or super structure of the mother vessel and is regularly used in the commercial enterprise of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

(b) ANNUAL MOORAGE FEE:

The annual moorage fee for reserved moorage and transient moorage privileges shall be thirty seven dollars and eighty six cents (\$37.86) per lineal foot based on the overall length of the vessel (including all hull attachments such as bowsprits, davits, dinghies, swimsteps etc.) plus a fifty dollar (\$50.00) administration charge; or for a reserved stall, the length of the finger float stall assigned, or the overall length of the vessel, whichever is greater plus a fifty dollar (\$50.00) administration charge.

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

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



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RULE: 34.18 - HARBOR MOORAGE RATES
 (continued)

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

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



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RULE: 34.19 - DOCKAGE (A)
 EFF: 02JULY2012

SUBSECTION 205

(a) DEFINITION:

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

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

(b) DOCKAGE CHARGES:

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

0' to 100'	\$254.13	451' to 475'	\$1,327.51	651' to 675'	\$2,711.10
101' to 200'	\$423.25	476' to 500'	\$1,434.88	676' to 700'	\$2,990.88
201' to 300'	\$677.75	501' to 525'	\$1,580.26	701' to 725'	\$3,368.76
301' to 350'	\$871.38	526' to 550'	\$1,687.63	726' to 750'	\$3,766.63
351' to 375'	\$961.01	551' to 575'	\$1,806.01	751' to 775'	\$4,188.01
376' to 400'	\$1,043.38	576' to 600'	\$1,958.38	776' to 800'	\$4,668.88
401' to 425'	\$1,137.26	601' to 625'	\$2,174.26		
426' to 450'	\$1,243.13	626' to 650'	\$2,445.63		

A service charge of \$481.53 will be assessed for each Cruise Ship. The crane at the inside of (berth No. 2) of Deep Water Dock shall be subject to same terms for charge and usage as for the cranes on Fish Dock (Rule 34.30).

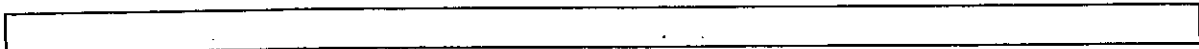
RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE (A)
 EFF: 02JULY2012

SECTION II

SUBSECTION 210

(a) DEFINITION:

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



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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE
(continued)

Log quantities will be reported by manifest to the Port Office for subsequent billing. The basis for measuring 1,000 board feet (M.B.M.) log scale shall be the Scribner Rule or Scribner Dec. C Log Rule. All log scales will be performed by an independent log scaling bureau. Certified copies of log scale tickets and/or log scale books shall be provided to the Port for all logs shipped. The basis for the tariff payment to the City will be computed on a net log scale, with a maximum of a twenty five percent (25%0 deduct factor for defects and taper; that is gross scale minus 25% total deduct.

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

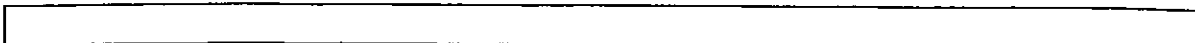
(b) APPLICATION:

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

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

(c) OVERSIDE:

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



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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE
(continued)

(d) OVERSTOWED CARGO:

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

(e) SCHEDULE OF RATES:

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

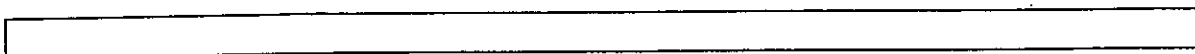
COMMODITY	WHARFAGE RATE
Freight N.O. S.	\$7.96
Freight at Barge Ramp	\$5.14
Poles, logs, cants or cut Finished lumber per MBM	\$3.95/thousand board feet
(Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.)	

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

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

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

Petroleum Products	\$0.6363/barrel
(inbound and outbound)	\$0.01515/gallon
Wood Chips (all grades)	\$ as per contract



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RULE: 34.20 - DEFINITIONS AND CHARGES WHARFAGE
(continued)

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

RULE: 34.21 - DEMURRAGE (A)

EFF: 01JAN2011

SUBSECTION 215

(a) DEFINITION:

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

(b) FREE TIME:

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



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RULE: 34.21 - DEMURRAGE (A)
(continued)

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

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

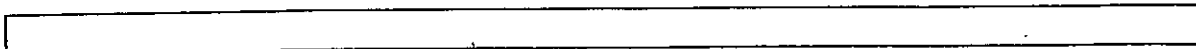
(c) RATES:

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

(d) LAY-DOWN AREAS:

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

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



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RULE: 34.21 - DEMURRAGE
(continued)

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

RULE: 34.22 - UPLAND STORAGE (A)

EFF: 01JAN2009

SUBSECTION 230

(a) AREA OF LAND AVAILABLE:

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

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

(b) BOAT TRAILER STORAGE:

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



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RULE: 34.22 - UPLAND STORAGE
(continued)

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

(c) **METHOD OF CALCULATIONS OF RATES:**

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

(d) **STORAGE CHARGES:**

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

(e) **RATES:**

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

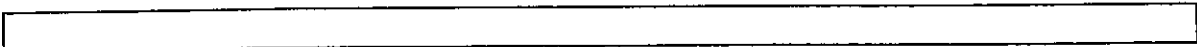
A storage month shall extend from a date in one calendar month to, but not including, the same date of the next and all succeeding calendar months. Less than one month's storage will be charged for the full month. The Harbormaster may negotiate storage contracts for six months or longer.

Fees for general storage are as follows:

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

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

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



PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160 TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	43
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RULE: 34.22 - UPLAND STORAGE
(continued)

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

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

(f) EMPTY CRADLES/TRAILERS:

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

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

SUBSECTION 235

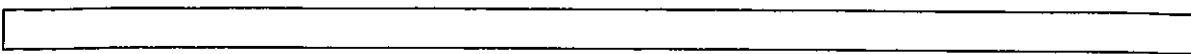
(a) TIDAL GRIDS

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

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

(b) RATES:

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



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RULE: 34.23 - TIDAL GRIDS
(continued)

(c) USE OF TIDAL GRIDS

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

(d) WRITTEN PERMISSION FOR USE OF GRIDS:

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

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

EFF: 15SEP1995

SUBSECTION 240

(a) HANDLING DEFINED:

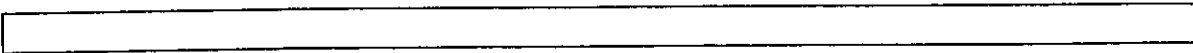
Handling means the service of physically moving cargo between point of rest and any place on the terminal facility other than the end of a ship's tackle.

(b) LOADING AND UNLOADING DEFINED:

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

(c) TERMINAL USE PERMIT:

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



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RULE: 34.25 - SERVICE CHARGES (A)

EFF: 01JAN2011

SUBSECTION 245

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

(a) SPECIFIC SERVICES:

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

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

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



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RULE: 34.25 - SERVICE CHARGES
(continued)

- (b) Subject to availability, transient vessel may buy electrical power on a metered basis from October 15 to April 15.
1. There will be a \$28.80 connect/disconnect fee.
 2. Metered transient vessels will be charged a meter availability and connect/disconnect fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.
 3. There will be an electrical usage charge per kilowatt as determined by the local public utility.

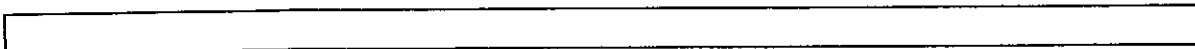
- (c) Unless other arrangements have been made in writing with the Harbormaster, transient vessels shall be charged the following rates (where metered power is unavailable).

	110 volt	220 volt	208 volt 3 phase
Daily (or part thereof)	\$10.20	\$20.12	\$45.20
Monthly	\$152.67	\$341.70	Available meter only

If a transient vessel consumes more electricity than would be covered by these flat rates, then such transient vessel shall be charged for the actual consumption. If a transient vessel on the daily rate accrues daily charges that total for a 30 day period more than the monthly flat rate, then the monthly rate shall be billed.

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

- (d) 208 volt/3 phase electrical power is available at System 5 on a first come-first served basis, for which the vessel will be charged the following rates:
1. There will be an electrical usage charge per kilowatt hour as determined by the local public utility:
 2. Vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.
 3. There will be a \$28.80 connect/disconnect fee.
- (3) Towing inside small boat harbor: Skiff with operator ½ hour \$68.00, Skiff with operator 1 man hour \$102.00. Any additional personnel required will be charged at rate of \$99.00 per hour.



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RULE: 34.25 - SERVICE CHARGES

(continued)

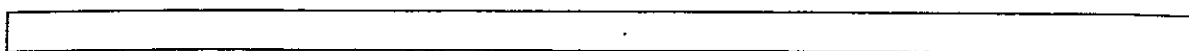
- (4) Pumping vessel: \$40.79 per day or portion thereof for electrical pumps.
 \$69.97 per hour or portion thereof for gas pumps. (includes attendant time)

(b) LABOR/PERSONNEL:

(1) When labor is furnished by the City at the request of a user it is expressly stipulated that the City acts as agent of the user. The City shall charge for labor provided by the City for the following services:

- (i) all services not specifically described in this Tariff.
- (ii) Services of loading, unloading, or transferring cargo for which no specific commodity rates are provided and which cannot be performed at the rates named N.O.S. and cargo in packages or units of such unusual bulk, size, shape or weight as to preclude performing such services at rates named under individual items of this Tariff.
- (iii) Services for which no specific commodity rates are provided and any other services for which specific rates are named in this Tariff because of unusual conditions or requirements of shippers not normally incidental to such services preclude the performance; and
- (iv) Services of cleaning City docks or terminal facilities of dunnage, stevedore gear, and other equipment or material when the shipper, vessel owner or consignee fails to promptly clear the facility as requested by the Harbormaster.

(2) When a user notifies the Harbormaster for labor for a specific time and labor is on the job ready for work at that time, the use shall be charged from the time the labor is ready for work until the work is concluded even if the work is delayed through no fault of the City.



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RULE: 34.25 - SERVICE CHARGES
(continued)

- (3) All labor provided by City personnel shall be charged at \$102.00 per hour. (½ hour minimum at \$51.00. Work requiring call-outs shall be charged at a minimum of two hours.

(c) EQUIPMENT:

When the City utilizes city equipment to provide services under this Subsection, it will charge users for the cost of that equipment on an hourly basis at the rates charged capital projects within the City of Homer for similar equipment.

(d) REGULATED GARBAGE HANDLING FEE:

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

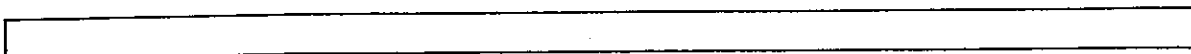
(e) SPECIAL SERVICES:

Except where otherwise required by law, the Harbormaster has the authority to refuse or to provide or to arrange for the provision of services in addition to those set out in paragraph (a) above. Special services, including waste, bulk oil, or garbage disposal shall be billed at the City's actual cost (including city labor costs as determined in paragraph 2 above) plus 125% of city costs for services arranged and paid for by the City but provided by others. Waste oil in quantities greater than 5 gallons, shall be charged a \$3.35 per gallon handling and disposal fee.

Special services shall not include the taking or handling of sewage of any kind. Sewage disposal must be accomplished by the vessel owner or his agent pursuant to federal, state and municipal laws, codes and ordinances.

RULE: 34.26 - PASSENGER FEES (C)
EFF: 02JULY 2012

Deleted pursuant to Resolution 12-038(S)



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RULE: 34.27 - SEARCH AND RESCUE FEES (A)

EFF: 01JAN2011

SUBSECTION 255

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

RULE: 34.28 - BOAT LAUNCH RAMP FEES (A)

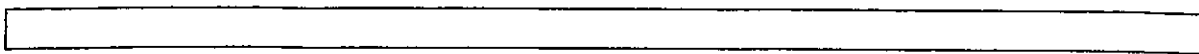
EFF: 01JAN2011

SUBSECTION 260

(a) USE OF PUBLIC LAUNCH RAMPS:

The City owns and provides access to public launch ramps, Access to those ramps is generally on a first come, first served basis, but the Harbormaster may deviate from that policy or refuse access to a ramp when, in his judgment, the public interest would be served and his consideration in that determination of the following factors:

- (1) The degree of existing or potential congestion in the harbor, including upland storage area, and whether the proposed launch or retrieval will affect that congestion, and
- (2) Whether the launch or retrieval poses a risk of loss of public or private property.



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RULE: 34.28 - BOAT LAUNCH RAMP FEES (A)
(continued)

(b) CHARGES FOR USE OF PUBLIC LAUNCH RAMPS:

Vessels shall be charged \$13.00 per day to launch from the public launch ramps from April 1 through October 15 (Reserved stall lessees exempt for the boat assigned to and registered to the stall only, not for other boats owned by the same individual.) Vessel owners or operators may obtain a seasonal permit for \$130.00 entitling a specific vessel and owner to launch from April 1 through October 15. (Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)

(c) RAMP USE:

The principal intended use of the launch ramp is the launch and recovery of small/trailable vessels. An authorized subsidiary use is the incidental, noncommercial, loading or unloading of goods, supplied or materials.

The principal intended use of the harbor barge ramp is the commercial loading or unloading of goods, materials, equipment or personnel. An authorized subsidiary use is the loading or unloading of fishing gear and equipment or other use approved by the Harbormaster.

At the Harbormaster's discretion, reasonable restrictions may be placed on the use of any ramp owned or operated by the City.

RULE: 34.29 - BEACHES AND BARGE RAMP (A)

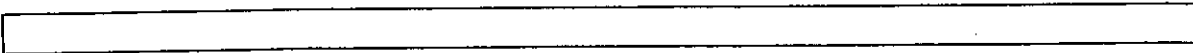
EFF: 01JAN2011

SUBSECTION 270

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

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

Vessels up to 50 ft.	per foot \$1.50
Vessels over 50 ft.	per foot \$1.50



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RULE: 34.29 - BEACHES AND BARGE RAMP
(continued)

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

The user of any beach area or barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be (\$90.00) per hour per person, plus appropriate equipment rental and material costs.

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

RULE: 34.30 - FISH DOCK (A)
EFF: 02JULY2012

SUBSECTION 275

The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear. Any other use must be approved in advance by the Harbormaster.

Dock fees shall be those set at Subrule 34.19 Subsection 205;

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

No non-City owner cranes or boom trucks may be brought onto Fish Dock for use in loading/unloading without advance Harbor Officer approval.

Every person using a crane on the Fish Dock shall first obtain a license from the City. A private user shall obtain a private license, which shall be the annual access card, and shall pay the annual access card fee set forth in this subsection. A private license shall entitle only the owner if an individual, and the master and crew of a vessel to load/unload the vessel at the Fish Dock. In addition to the annual license fee, all users of the Homer Fish Dock shall pay the user fees set forth herein.



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RULE: 34.30 - FISH DOCK
(continued)

The Harbormaster shall designate one or more cranes on the Fish Dock open to public use (both private and commercial users) on a first-come first-served basis. All private licenses and food services are subject to a two-hour maximum time limit during the times when other private or food service licensees are waiting to use the crane. This time shall be the time that the licensees actually occupy the crane berthing space or otherwise has possession of the public use crane. Every other crane at the Fish Dock and the crane on the Main dock may be designated by the Harbormaster for preferential use. Preferential use of a crane shall entitle the holder to the exclusive right to use of the crane for loading and unloading fish and fish product during fish buying periods and to priority use of crane for all other uses; provided however, that a preferential user shall not be entitled to use of the crane until an actual and legal use of the crane by non-preferential user ends. The Harbormaster shall promulgate such additional rules as may be necessary to implement this section.

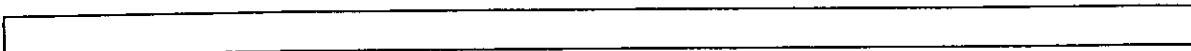
For an approved user's vessel blocking access to cranes other than those in use, a fee of one hundred fifty dollars (\$150.00) per hour will be assessed if such vessel is not immediately moved upon request of Harbor staff and if another vessel is thereby forced to wait.

Vessels are not to be left unattended at Fish Dock. Vessels moored at Fish Dock must have sufficient crew on board to move the vessel upon request or direction of Harbor staff. A fee of one hundred fifty dollars (\$150.00) per hour will be assessed against the owner or operator of a vessel per hour left unattended at Fish Dock that obstructs access by other vessels.

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

No person shall use the Fish Dock in violation of this section.

Schedule of rates shall be set by City Council Resolution
See also Subrule 34.20 Subsection 210 e.



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RULE: 34.30 - FISH DOCK
(continued)

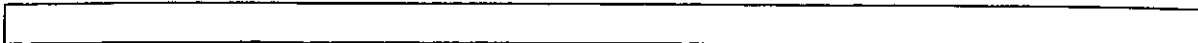
ITEM	FEE
Annual access	\$52.00 per year
Card (private license)	(annual renewal fee)
Card replacement fee	\$15.00 per occurrence
Cold Storage	\$334.75/month
(Cold storage rate structure is for storage area of eight feet by ten feet)	\$309/per month for two consecutive months
	\$283.25 per month for three consecutive months minimum one month rental inspection \$50/hour
	\$257.50 per month nine month season
Ice Plant Bin Storage (roofed-over, open-sided Storage bins at west end of ice plant building Sixteen feet by twelve feet)	\$200/month Minimum two months
Bait Storage Fee per bin (4x4x4)	
Per Day	\$5.15
Per Week	\$25.75
Per Month	\$77.25
Fish Dock Crane	\$90.64/hour
Minimum charge per hour for crane	Fifteen minutes
Ice	\$124.95 per ton

Seafood wharfage/Fish product:

Setting a tariff of \$4.76 per ton of seafood/fish product across the docks regardless of species. Bait in quantities greater than one (1) ton that is loaded onto a vessel at Fish Dock, shall be charged seafood wharfage.

Freight NOS, Non-fish Cargo:

\$14.50/T for cargo going over the Fish Dock. Fishing gear is free from wharfage. Except as otherwise provided under a lease agreement contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded into totes or transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate, unless this is ice that was purchased from the City Ice Plant.



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RULE: 34.31 - CONDITIONS OF BERTHING (C)

EFF: 15DEC1999

SUBSECTION 310

All applications for Bessel berthing shall be made in the form specified by the Harbormaster and may require the timely filing of the financial responsibility information called for by Supplement to Vessel Berthing Application, completed in accordance with, and otherwise governed by, the terms and conditions set forth below:

(1) Unless waived pursuant to paragraph 2 below, the terms of payment for all applicable terminal or dockage charges shall be cash in advance. A cash deposit or acceptable security in an amount equal to 125% of the estimated applicable charges will be required to be posted with the Harbormaster six days prior to the vessel's scheduled arrival, or at such time as may be authorized or directed by the Harbormaster, but in all cases in advance of actual services rendered.

When a cash deposit has been posted, any excess there of after satisfaction of all applicable port charges, shall be promptly refunded by the Port of Homer to the party posting same.

(2) The Harbormaster may waive the requirement of cash in advance as to all or any category or categories of its anticipated port charges when the party responsible for such charges has been identified by berthing agent to the satisfaction of the Harbormaster, and:

- (i) That the party responsible has established credit worthiness acceptable to the Harbormaster; or
- (ii) Adequate security, acceptable to the Harbormaster in an amount equal to 125% of the applicable estimated port charges, has been posted; or
- (iii) The agent requesting the berth, or another entity, in each case applicable to the Harbormaster as credit worthy, has personally accepted financial responsibility for the applicable charges.

(3) The vessel agent or other person requesting a berth ("berthing agent") shall provide, as a part of the berthing process and to the extent of his knowledge, all information called for by any Supplement to Vessel Berthing Application respecting the vessel, its estimated arrival and departure, amount(s) and type(s) of cargo to be loaded or discharged.

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RULE: 34.31 - CONDITIONS OF BERTHING
(continued)

The vessel agent or other person requesting a berth shall provide an estimate of the amount of each category of port charges, as enumerated, and the party responsible there for.

The submission of this form, signed by the berthing agent, shall constitute the berthing agent's information supplied, based upon and to the extent of information made available to the berthing agent shall be held personally liable to the City of Homer as a result of the agent's failure to accurately report the above information.

Should the berthing agent, subsequent to submission of this form, receive information which materially differs from the information the agent reasonably believes is not equally known to the Harbormaster, it shall immediately notify the Harbormaster and if requested by the Harbormaster, promptly file an amended Supplement to Vessel Berthing Application with the Harbormaster.

All estimates of terminal and dockage charges are subject to approval and/or adjustment by the Harbormaster.

(4) The Harbormaster shall, promptly after receipt of this form, advise the berthing agent as to (i) its approval or adjusted estimate of terminal charge and (ii) whether posting of cash or security is required for any one or more categories of such charges and the amount thereof.

(5) In addition to the terms for berth reservation and establishment of financial responsibility as set forth herein, request for berth reservation and assignment of berths shall otherwise be in accordance with all local rules and regulations established by the City of Homer.

(6) The City of Homer retains the right in its sole discretion to determine whether a responsible party or agent is credit worthy and waive the cash-in-advance requirement. The City may establish guidelines for determining whether a responsible party or an agent is credit worthy. Compliance with these guidelines does not create a right to waiver of the cash-in-advance requirement.

(7) For safety or other reasons, the City of Homer in some circumstances may grant a vessel a temporary berth before the owner or agent has paid all applicable charges or otherwise complied with all applicable Tariff provisions of conditions of berthing.

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RULE: 34.31 - CONDITIONS OF BERTHING
(continued)

In such circumstances, the vessel may unload its cargo only if (i) the Harbormaster determines that a regular berth is available, and (ii) the owner pays all applicable charges and complies with all other applicable Tariff provisions and conditions of berthing. If no regular berth is available, or the vessel owner or agent does not pay all applicable charges and comply with other applicable provisions, the vessel may not unload its cargo and shall sail on the next tide. The vessel shall be assessed appropriate fees as set forth in this Tariff.

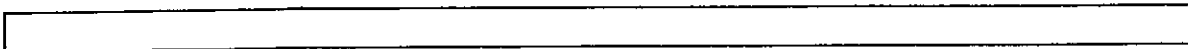
RULE: 34.32 - PARKING FEES
EFF: 09APR2012

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

(a) LONG TERM PARKING PERMITS

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

- (1) Seasonal permits for day use parking (Ramps 1-4): \$250.00.
- (2) Long Term parking permits required for vehicles 20' or less parked in excess of seven (7) consecutive 24-hour days.
- (3) Long Term parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee \$100.00.
- (4) Long Term parking annual permit (January 1st through December 31st): fee \$200.00.
- (5) Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.
- (6) Monthly parking permit for vehicles over 20': fee \$85.00 for 30 consecutive days in a portion of Lot 9 only.
- (7) Long term parking will be enforced year around.
- (8) Parking lot restrictions for long term parking, May 1 through October 1, as depicted on harbor map (Resolution 11-036(A)).
- (9) Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime parking in long term parking area will be limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit.



ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-48

An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Kestrel Circle and a Portion of Golden Plover Avenue as Urban Road.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting October 22, 2012 Introduction
 - a. Memorandum 12-162 from Public Works Inspector as backup
2. City Council Regular Meeting November 26, 2012 Public Hearing and Second Reading
 - a. Memorandum 12-162 from Public Works Inspector as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 12-48
6

7 AN ORDINANCE OF THE CITY COUNCIL OF
8 HOMER, ALASKA, AMENDING THE OFFICIAL
9 ROAD MAINTENANCE MAP OF THE CITY OF
10 HOMER BY ADDING KESTREL CIRCLE AND A
11 PORTION OF GOLDEN PLOVER AVENUE AS
12 URBAN ROAD.
13

14 WHEREAS, The City of Homer has determined that it is necessary to provide
15 minimum standards to regulate design and construction of public streets, roads, and
16 highways within the City of Homer; and
17

18 WHEREAS, Ordinance 85-14, HCC 11.04.055, adopted July 2, 1985 provides
19 appropriate street design and construction standards as well as an official maintenance
20 map to record streets officially accepted for maintenance; and
21

22 WHEREAS, HCC 11.04.055 provides that the City shall not accept maintenance
23 responsibility for any road or street which is not constructed or reconstructed to the
24 adopted standards unless the road is shown on the Official Road Maintenance Map, as
25 amended via Ordinance 02-23(S), adopted June 10, 2002, of the City of Homer; and
26

27 WHEREAS, An additional 2425 linear feet has been duly inspected, reviewed,
28 approved by the Department of Public Works and recommended for acceptance by the
29 City of Homer as Urban Road.
30

31 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
32

33 Section 1. Section 11.04.55 Official Road Maintenance Map adopted is hereby
34 amended per provisions of sections (a) through (e) to include the following additional
35 streets as Urban Road by the City of Homer and recorded as amendments #35 and #36 on
36 the New Official Road Maintenance Map adopted: The following mileage calculations
37 are to the nearest hundredth.
38

Amend	Subdivision	Roadway Name	Lineal Feet	Mile	Class
35.	Canyon Trails	Golden Plover Ave.	1450	.28	Urban
36.	Canyon Trails	Kestrel Circle	975	.18	Urban

39 Section 2. This is a non code ordinance and of a permanent nature.
40
41
42

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

45
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51

CITY OF HOMER

MARY E. WYTHER, MAYOR

52 ATTEST:
53
54

55
56 _____
JO JOHNSON, CMC, CITY CLERK
57
58

59 Introduction:
60 Public Hearing:
61 Second Reading:
62 Effective Date:

63
64 AYES:
65 NOES:
66 ABSTAIN:
67 ABSENT:

68
69 Reviewed and approved as to form:
70

71 _____
72 Walt E. Wrede, City Manager

Thomas Klinkner, City Attorney

73
74 Date: _____

Date: _____

75
76
77
78

Fiscal Note: Annual maintenance costs for these improvements is estimated to be \$10,912.50.



CITY OF HOMER

PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145
EMAIL dgardner@ci.homer.ak.us

MEMORANDUM 12-162

To: Jo Johnson, City Clerk

Through: Carey Meyer, PW Director *CSM*
From: Dan Gardner, Inspector *DMG*

Date: October 2, 2012

Subject: Street Improvements – Official road Maintenance Map
Canyon Trails Subdivision

As part of a subdivision agreement for Canyon Trails Subdivision, road improvements have been constructed to Urban Road standards, as classified by road maintenance definitions. These streets have been inspected and are ready for formal acceptance by the city council.

The streets are listed below with their corresponding lengths.

- Golden Plover Avenue – 1450 lineal feet
(An additional 1150 lineal feet of Golden Plover which runs through Kachemak City and leads into the Canyon Trails Subdivision will be periodically plowed as necessary to allow for reasonable access to the city portion. This is not to be added to the official maintenance map)
- Kestrel Circle – 975 lineal feet

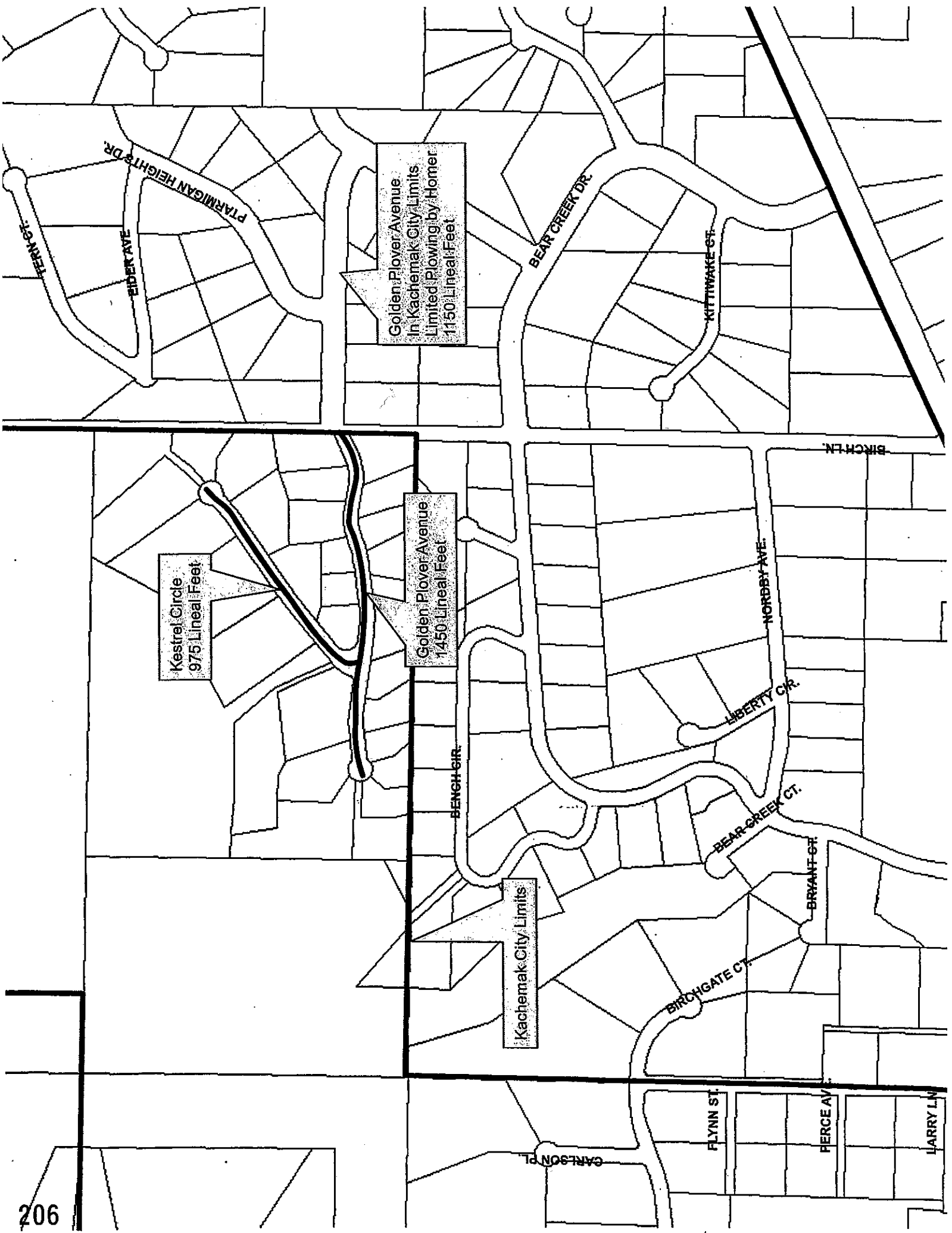
This is a total of 2425 lineal feet, for a total of .46 miles.

In accordance with Ordinance 85.13, Section 12.20.090, and Section 11.20.100, this Department requests that the city council formally accept the street improvements for operation and maintenance. Upon council's approval, please add the additional .46 miles of roadway to the official road maintenance map for year-round maintenance.

See attached map for location of streets.

Fiscal note: Annual maintenance costs for these improvements is estimated to be \$10,912.50.

C: Jan Jonker, Superintendent
Walt Wrede, City Manager



PARMIGIAN HEIGHTS DR.
EIDER AVE.
TENNIS CT.

Golden Plover Avenue
In Kachemak City Limits
Limited Plowing by Homer
1150 Linear Feet

BEAR CREEK DR.

KITTAWAKE ST.

Kestrel Circle
975 Linear Feet

Golden Plover Avenue
1450 Linear Feet

BENCH CIR.

NORDBY AVE.

LIBERTY CR.

BEAR CREEK CT.

Kachemak City Limits

BRYANT CT.

BIRCHGATE CT.

CARLSON PL.

FLYNN ST.

PERCE AV.

LARRY LN.

BIRCH LN.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-49

An Ordinance of the City Council of Homer, Alaska Appropriating \$20,000 from the Homer Accelerated Roads and Trails Fund (HART) for the Purpose of Conducting Survey Work and Engineering / Cost Estimating to Determine the Cost of Constructing the Initial One Half Mile of the Proposed Kachemak Drive Non-Motorized Pathway in Accordance with Resolution 12-079(S).

Sponsor: Mayor/City Council

1. City Council Regular Meeting October 22, 2012 Introduction
 - a. Memorandums 12-163, 12-164, and 12-165 from Kachemak Drive Path Committee as backup
 - b. Synopsis of October 11, 2012 Kachemak Drive Path Committee meeting
 - c. Resolution 12-079(S)

2. City Council Regular Meeting November 26, 2012 Public Hearing and Second Reading
 - a. Memorandums 12-163, 12-164, and 12-165 from Kachemak Drive Path Committee as backup
 - b. Synopsis of October 11, 2012 Kachemak Drive Path Committee meeting
 - c. Resolution 12-079(S)

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor/City Council

4 ORDINANCE 12-49
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, APPROPRIATING \$20,000 FROM THE HOMER
8 ACCELERATED ROADS AND TRAILS FUND (HART) FOR
9 THE PURPOSE OF CONDUCTING SURVEY WORK AND
10 ENGINEERING / COST ESTIMATING TO DETERMINE THE
11 COST OF CONSTRUCTING THE INITIAL ONE HALF MILE
12 OF THE PROPOSED KACHEMAK DRIVE NON-MOTORIZED
13 PATHWAY IN ACCORDANCE WITH RESOLUTION 12-
14 079(S).
15

16 WHEREAS, Resolution 12-079(S) authorized the allocation of up to \$20,000 from the
17 HART Fund for the purpose of survey work and engineering estimates to determine the cost of
18 constructing the initial one half mile of the proposed Kachemak Drive Non-Motorized Pathway;
19 and
20

21 WHEREAS, Resolution 12-079(S) provided the background, foundation, and
22 justification for this appropriation; and
23

24 WHEREAS, Resolution 12-079(S) states the intent of the Council on this matter and a
25 budget amendment / appropriation ordinance is required to implement that intent.
26

27 NOW, THEREFORE, BE IT ORDAINED by the City of Homer:
28

29 Section 1. The Homer City Council hereby appropriates \$20,000 from the Homer
30 Accelerated Roads and Trails Fund (HART) for the purpose of survey work and engineering /
31 cost estimating to determine the cost of constructing the initial one half mile of the proposed
32 Kachemak Drive Non-Motorized Pathway as follows:
33

34 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
165-375	Kachemak Drive Pathway	\$20,000

35
36
37

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

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

43
44 CITY OF HOMER

45
46
47
48 _____
MARY E. WYTHER, MAYOR

49 ATTEST:

50
51
52 _____
53 JO JOHNSON, CMC, CITY CLERK

54
55
56 Introduction:
57 Public Hearing:
58 Second Reading:
59 Effective Date:

60
61 AYES:
62 NOES:
63 ABSTAIN:
64 ABSENT:

65
66 Reviewed and approved as to form:

67
68 _____
69 Walt E. Wrede, City Manager

70
71 Date: _____

72
73 _____
Date: _____

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 12-163

TO: MAYOR WYTHE AND CITY COUNCIL
THRU: WALT WREDE, CITY MANAGER
FROM: KACHEMAK DRIVE TRAIL COMMITTEE
DATE: OCTOBER 16, 2012
RE: EXPRESSING SUPPORT AND CONTACT DESIGNATION

This committee supports Kevin Walker in his endeavor to provide input, receive information, and share expertise as a private citizen to the contractor for the proposed gas line and find out if there is a way to connect the gas line work with construction of the Kachemak Drive Trail.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-164

TO: MAYOR WYTHE AND CITY COUNCIL
COPY: CAREY MEYER, PUBLIC WORKS DIRECTOR
THRU: WALT WREDE, CITY MANAGER
FROM: KACHEMAK DRIVE TRAIL COMMITTEE
DATE: OCTOBER 16, 2012
RE: THANK YOU FOR FUNDING AND REQUEST TO BE INCLUDED IN THE COMMUNICATIONS WITH THE SURVEYOR

Thank you to the Homer City Council for approving the resolution to allocate up to \$20,000 from the HART fund for the purposes of survey work and an engineering estimate for the first half mile of the proposed Kachemak Drive Trail.

Kachemak Drive Trail Committee requests that the city inform and include this committee in communications with the surveyor, so that we can assist on the ground and in providing information as to where we've flagged out a possible pathway. We are available to do brush clearing, and chain saw work to assist the work of the surveyor. We are interested in who, when and how the survey work will be done. Our goal is to make the \$20,000 go as far as possible by providing volunteer labor at every stage.

Plans, specifications and estimates should be developed with our input. We can provide the pre-engineering packet to the surveyor. We have done a lot of work and it should be shared. Using HOPP as our model, we need cost estimates to break out materials, equipment and labor, so that we can estimate cost savings from volunteer labor.

This committee supports Kevin Walker in his endeavor to provide input, receive information, and share expertise and in effect speak for this committee to the surveyor.

Included are our phone numbers for questions or concerns.

Kevin Walker 235-5304; Dave Brann 235-6018; Bumpo Bremicker 399-1345; Lindianne Sarno 235-2952; Lynne Burt 235-5380; and Beth Cumming 235-7971.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

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



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MEMORANDUM 12-165

TO: CAREY MEYER, PUBLIC WORKS DIRECTOR
COPY: WALT WREDE, CITY MANAGER
FROM: KACHEMAK DRIVE TRAIL COMMITTEE
DATE: OCTOBER 16, 2012
RE: COMPLETING SURVEY WORK ON KACHEMAK DRIVE TRAIL

At the regular meeting on October 11, 2012 the committee discussed and approved the following recommendation.

The Kachemak Drive Trail Committee strongly urges the Public Works Department to proceed before snowfall with the survey and engineering work as described in resolution 12-079(S).

Minutes of Kachemak Drive Trail Committee, 5:30 p.m., October 11, 2012

Call to Order by Chair Bremicker

Attending: Beth Cumming, Lindianne Sarno (recording), Bumppo Bremicker, chair, Lynne Burt. Kevin Walker, visitor.

Agenda Approval – Beth move, Lynne, second. Approved.

Approval of Minutes of previous Meeting (September 13, 2012), Beth move, Lynne second. Approved.

Visitors, Kevin Walker, not city resident. You got my e-mail (needs Lynne's e-mail address). lynneburt890@gmail.com Resolution addressed first half mile, excludes other three miles. Assume city will help a lot with first half mile. That means I can move onto the other three miles. Allocation of \$20,000 to determine feasibility of first one half mile. Looking at gas line map for other three miles, it looks as if gas line will stay inside right of way. Might try to get out of road and into the sewer line right of way. Kevin is hoping to work with Enstar, acquire relevant survey information, and be able to use that to persuade them to finish their grading to resemble the path, for example ramps on both sides of driveways. Kevin was hoping City would be here this evening. Kevin would like to work closely with the surveyor hired by the city, whoever it is. If city sends out a bid package, Kevin will send it to a person he has worked with before.

Beth recommends Kevin contact Carey Meyer before 8 in the morning.

Bumppo: See if we can add factors to the Enstar survey before it goes out for a bid,

Kevin: If there is extra work, I can do it. Recommend surveyor to survey driveways, for example. The gas company's contractor may have equipment that can work from the road, putting the line into the side of the shoulder. 4" pipe. Won't be high pressure line. Gas line has to be about four feet deep.

We discuss minimum distance between water and sewer.

Bumppo: Factors: Extra fill, ramps for driveway, leave a ten foot pathway that's potentially bikeable with the addition of tytar and gravel.

Lindianne: Will Kevin be working with surveyor on first half mile also? Can we let Carey Meyer know that we want to be involved in the \$20,000 survey as well as the gas line survey?

Bumppo: we need to do a memo from this group saying we would like a representative from this group to work with the city on that half mile, so that we can help.

Kevin: First half mile, not sure exactly where the flags for the trail are.

Bumppo: Path goes from spit side, along the bottom, gets to one spot where tree is overhead, forks at that point, goes up the hill and on Mud Bay trail. We need to go with the surveyor.

Beth: Marker where city line and road right of way come together = first step.

Memo to Carey Meyer, Walter Wrede, and Homer City Council:
From Kachemak Drive Trail Committee

Thank you to Homer City Council for approving the resolution to allocate up to \$20,000 from the HART fund for the purposes of survey work and an engineering estimate for the first half mile of the proposed Kachemak Drive Trail.

Kachemak Drive Trail Committee requests that the city inform and include this committee in communications with the surveyor, so that we can assist on the ground and in providing information as to where we've flagged out a possible pathway. We are available to do brush clearing, and chain saw work to assist the work of the surveyor. We are interested in who, when and how the survey work will be done. Our goal is to make the \$20,000 go as far as possible by providing volunteer labor at every stage.

Plans, specifications and estimates should be developed with our input. We can provide the pre-engineering packet to the surveyor. We have done a lot of work and it should be shared. Using HOPP as our model, we need cost estimates to break out materials, equipment and labor, so that we can estimate cost savings from volunteer labor.

This committee supports Kevin Walker in his endeavor to provide input, receive information, and share expertise and in effect speak for this committee to the surveyor.

Included are our phone numbers.

Kevin Walker 235-5304, Dave Brann 235-6018, Bumppo Bremicker 399-1345,
Lindianne Sarno 235-2952, Lynne Burt 235-5380, Beth Cumming 235-7971.

Lynne proposes that we accept, Bumppo seconds, this memo is approved.

Second memo:

To Walter Wrede, Homer City Manager:
From Kachemak Drive Trail Committee

This committee supports Kevin Walker in his endeavor to provide input, receive information, and share expertise as a private citizen to the contractor for the proposed gas line and find out if there is a way to connect the gas line work with construction of the Kachemak Drive Trail.

Beth moves, Lynne seconds, memo is accepted.

Kevin leaves November 11 – January 10, 2012. He will go in and talk to Carey Meyer before he leaves, and will be available telephonically if necessary.

Pending Business: Short Term and Long Term Goals of Committee. Beth: what next? To encourage public works to get right at the survey. Don't wait until the snow is too deep.

Memo to City Manager Walter Wrede and Public Works Director Carey Meyer:
From the Kachemak Drive Trail Committee:
The Kachemak Drive Trail Committee strongly urges the Public Works Department to proceed before snowfall with the survey and engineering work as described in resolution 12-079(S).

Lynne moves, Bummpo seconds, memo is approved.

Continued Pending Businesses:

Link to Kachemak Drive Neighborhood Association, phone calls, letter to editor, KBBI, eventual goal is community wide group. Volunteers for building the trail.

Lindianne: Concurrently, look for sources of funding. State, federal, city HART funds, grants. Dave Brann. HART funds will be continuing source of funds to attract matching funds.

Beth: Would like to have numbers available. Plans specifications and estimates. Next meeting is December 13. Request times in January, February. No meeting in November.

Beth: Has been thinking about possibility that whole drive doesn't have to be all one entity, state or city. Why not a city trail, first half mile, and then connect that to possible state trail.

New Business: Future of Kachemak Drive Committee, page 11. We will not consider dissolving this committee until the path is complete and ready for bicyclists. Lindianne moves, Lynne Burt seconds, unanimous approval.

Discussion and Recommendations on Actions Taken by Council at the October 8 meeting: we have already done this, and have memos to go.

Memo to Renee: Meeting dates: First Thursdays from now on would be preferable, and we do not need the city council chambers. We are a small group. We want to meet two weeks before Parks and Rec. Starting with December, January and February. December 6, January 3, February 7. Are these dates possible?

Kevin Walker suggests that we Google State of Alaska Application for Trail Safety, Signing and education projects, Alaska Trail Initiative.

Meeting adjourned by Chair Bremicker at 7:30 p.m.

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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

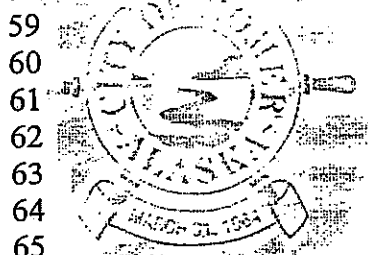
WHEREAS, The construction of the first section of the proposed Kachemak Drive Non-Motorized Pathway, from the intersection of Kachemak Drive and Spit Road, approximately one-half of a mile up Kachemak Drive towards the parking area at the crest of the hill, would provide immediate safety benefits for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



CITY OF HOMER


JAMES C. HORNADAY, MAYOR

66 ATTEST:

67
68
69 
70 JO JOHNSON, CMC, CITY CLERK

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

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-50

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant Award from the Rasmuson Foundation in the Amount of \$18,852 for Collection Enhancement and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting October 22, 2012 Introduction
 - a. Memorandum 12-166 from Library Director as backup
2. City Council Regular Meeting November 26, 2012 Public Hearing and Second Reading
 - a. Memorandum 12-166 from Library Director as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Library Director

4 ORDINANCE 12-50
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ACCEPTING AND APPROPRIATING A GRANT AWARD
8 FROM THE RASMUSON FOUNDATION IN THE AMOUNT
9 OF \$18,852 FOR COLLECTION ENHANCEMENT AND
10 AUTHORIZING THE CITY MANAGER TO EXECUTE THE
11 APPROPRIATE DOCUMENTS.
12

13 WHEREAS, On June 5, 2012 the Homer Public Library submitted an application for a
14 Tier 1 Grant from the Rasmuson Foundation to purchase books, media, and other library
15 materials to enhance the library's collection; and
16

17 WHEREAS, On October 1, 2012 the Rasmuson Foundation awarded the grant request in
18 the amount of \$18,852.
19

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

22 Section 1. That the grant of \$18,852 from the Rasmuson Foundation is hereby
23 accepted and appropriated as follows and that the City Manager is authorized to execute the
24 appropriate documents:
25

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	Rasmuson Tier 1 Grant	\$18,852.00

26
27
28

29 Section 2. The City Manager is authorized to execute the appropriate documents.
30

31 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall
32 not be codified.
33

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

36 CITY OF HOMER
37

38
39 _____
MARY E. WYTHE, MAYOR

40 ATTEST:
41

42
43 _____
JO JOHNSON, CMC, CITY CLERK
44
45
46

47 Introduction:
48 Public Hearing:
49 Second Reading:
50 Effective Date:

51
52 AYES:
53 NOES:
54 ABSTAIN:
55 ABSENT:

56
57 Reviewed and approved as to form:

58
59 _____
60 Walt E. Wrede, City Manager

61
62 Date: _____

63
64

Thomas Klinkner, City Attorney

Date: _____

**Homer Public Library
500 Hazel Avenue
Homer, Alaska 99603
907-235-3180**

MEMORANDUM 12-166

TO: Mayor and Council

THROUGH: Walt Wrede, City Manager

FROM: Ann Dixon, Library Director

DATE: October 17, 2012

RE: Rasmuson Foundation Tier 1 Award

The Rasmuson Foundation has awarded \$18,852 to the City of Homer - Homer Public Library for collection enhancement. The award funds will be used to expand and update the current collection by purchasing books, audiobooks, DVDs, music, and reference materials. Funds from the award must be spent by September 30, 2013 with a report due 30 days thereafter.

RECOMMENDATION: Approve Ordinance 12-50 accepting the Rasmuson Foundation Tier 1 award for collection enhancement and authorizing the Library Director to execute the Award agreement.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-51

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating \$212,270 from the Homer Accelerated Roads and Trails Fund (HART) to Re-Pave Fish Dock Road and Construct Improvements to Outer Dock Road and Appropriating \$100,000 from the General Fund Reserves / Fund Balance for a Reimbursable Economic Development Grant to Fund the Homer Tidal Power Incubator Project.

Sponsor: Mayor

1. City Council Regular Meeting October 22, 2012 Introduction
2. City Council Regular Meeting November 26, 2012 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

Mayor

ORDINANCE 12-51

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2012 CAPITAL BUDGET BY APPROPRIATING \$212,270 FROM THE HOMER ACCELERATED ROADS AND TRAILS FUND (HART) TO RE-PAVE FISH DOCK ROAD AND CONSTRUCT IMPROVEMENTS TO OUTER DOCK ROAD AND APPROPRIATING \$100,000 FROM THE GENERAL FUND RESERVES / FUND BALANCE FOR A REIMBURSIBLE ECONOMIC DEVELOPMENT GRANT TO FUND THE HOMER TIDAL POWER INCUBATOR PROJECT.

WHEREAS, Sustaining and promoting economic development are vital to the long-term success of any community; and

WHEREAS, Receiving financial assistance through State and Federal grant funds is becoming increasingly difficult; and

WHEREAS, The City of Homer has identified port and harbor activities as a substantial contributor to the economic viability of our community; and

WHEREAS, The City of Homer has also identified, through the Climate Action Plan, a desire to support the reduction of greenhouse gas emissions in a variety of ways including the use of tidal energy; and

WHEREAS, More research is required in the area of viable tidal energy in order to obtain this objective; and

WHEREAS, There are a variety of low-cost projects recommended for inclusion in the 2013 - 2018 Capital Improvement Plan (CIP) which will meet both the objective of tidal power and support of the port and harbor industry in Homer; and

WHEREAS, The City of Homer has designated income to the Homer Accelerated Roads and Trails (HART) Fund through the collection of sales taxes for the purpose of road improvements; and

WHEREAS, Both the re-pavement of the Fish Dock Road and the upgrade to the Outer Fish Dock Road are proposed for inclusion in the CIP but also qualify for funding through the HART Fund; and

WHEREAS, The collective cost of these two projects is estimated to be \$212,270, which is an amount easily covered through the HART Fund; and

47
48 WHEREAS, The Homer City Council recognizes the need to invest in the future
49 economy of the community and that there is potential for the proposed Homer Tidal Incubator
50 Project to generate local jobs in addition to providing for a needed research location; and

51
52 WHEREAS, The City of Homer providing funding for the Homer Tidal Incubator Project
53 through a reimbursable economic development grant, increases the probability of the investment
54 actually stimulating our local economy; and

55
56 WHEREAS, The success of the project will be dependent on qualified leadership such as
57 a university; and

58
59 WHEREAS, The economic benefits will be dependent on local employment, a further
60 requirement will be that the research being conducted provides local employment opportunities.

61
62 NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

63
64 Section 1. The Homer City Council hereby amends the FY 2012 Capital Budget by
65 appropriating \$212,270 from the HART Fund for the purpose of funding the re-pavement of Fish
66 Dock Road and upgrades to Outer Dock Road as provided for and described in the CIP
67 documents which are attached and incorporated herein as follows:

68
69 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
60-375	Pave Fish Dock Road / Upgrade Outer Dock Road	\$212,270

74
75 Section 2. The Homer City Council hereby amends the FY 2012 Capital Budget by
76 appropriating \$100,000 from the General Fund Reserves / Fund Balance for the purpose of
77 providing \$100,000 in the form of a reimbursable economic development grant to fund the
78 Homer Tidal Incubator Project as described in the CIP documents which are attached and
79 incorporated herein as follows:

80
81 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-100	Incubator Project	\$100,000

85
86 Section 3. The City Manager is authorized to draft the documents and take the steps
87 necessary to initiate the Homer Tidal Incubator Reimbursable Grant Program.

88
89 Section 4. This ordinance is a budget amendment ordinance only, is not of a permanent
90 nature, and shall not be codified.

91
92 ENACTED BY THE HOMER CITY COUNCIL this ____ day of _____, 2012.

CITY OF HOMER

MARY E. WYTHE, MAYOR

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ATTEST:

JO JOHNSON, CMC, CITY CLERK

Introduction:
Public Hearing:
Second Reading:
Effective Date:

AYES:
NOES:
ABSTAIN:
ABSENT:

Reviewed and approved as to form:

Walt E. Wrede, City Manager

Date: _____

Thomas Klinkner, City Attorney

Date: _____

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-53

An Ordinance of the Homer City Council, Amending HCC 9.16.010(A) and HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100 Reinstating on a Year-Round Basis the City of Homer Sales Tax Imposed on Sales of Non Prepared Foods.

Sponsor: Zak

1. City Council Regular Meeting November 26, 2012 Introduction
 - a. Kenai Peninsula Borough Ordinance 2008-28
 - b. Ordinance 08-32(S)(A-2)
 - c. City Attorney Memorandum re: Effect of Vote on Proposition to Repeal Sales Tax Exemption
 - d. Written public comments

1 CITY OF HOMER
2 HOMER, ALASKA

Zak

3
4 ORDINANCE 12-53
5

6 AN ORDINANCE OF THE HOMER CITY COUNCIL,
7 AMENDING HCC 9.16.010(A) AND HCC 9.16.040, AND
8 REPEALING AND REENACTING HCC 9.16.100
9 REINSTATING ON A YEAR-ROUND BASIS THE CITY OF
10 HOMER SALES TAX IMPOSED ON SALES OF
11 NONPREPARED FOODS.
12

13 WHEREAS, A proposition was passed by the voters in the Kenai Peninsula Borough
14 (“Borough”) exempting nonprepared foods from sales tax from September 1st through May 31st;
15 and
16

17 WHEREAS, The Borough adopted Ordinance 2008-28 authorizing cities within the
18 Borough, including the City of Homer (“City”), to continue taxing nonprepared foods during the
19 period from September 1st through May 31st despite the Borough’s exemption of such foods from
20 sales tax during those months; and
21

22 WHEREAS, The City enacted Ordinance 08-32(S)(A-2) on December 8, 2008 exempting
23 the sales of nonprepared foods from City sales tax during September 1st through May 31st of each
24 year; and
25

26 WHEREAS, The loss of sales tax revenues on the sale of nonprepared foods has had a
27 substantial negative impact on funding for essential City services including but not limited to
28 water, sewer, and road project matching funds and has required the almost complete elimination
29 of all non-essential City services; and
30

31 WHEREAS, It is in the City’s best interest to reinstate the sales tax on nonprepared foods
32 at the full 4.5% rate on a year-round basis to provide funding for City services.
33

34 THE CITY OF HOMER HEREBY ORDAINS:
35

36 Section 1. The City of Homer exercises the authority granted it under Kenai
37 Peninsula Borough Ordinance 2008-28 to levy and collect sales taxes on nonprepared food items
38 on a year-round basis notwithstanding Kenai Peninsula Borough Initiative Ordinance 2008-01.
39

40 Section 2. Section 9.16.010(a) of the Homer City Code is hereby amended to read as
41 follows:
42

43 9.16.010 Levied. a. A consumer’s sales tax in the amount of three percent is
44 levied by the City on all sales, rents and services within the City except as the
45 same may be otherwise exempted by law. ~~provided that the rate of sales tax on~~
46 ~~nonprepared food items shall be 1.5% during the period from September 1~~

47 ~~through May 31. This reduced tax rate imposed on nonprepared foods items shall~~
48 ~~no longer be effective if the Borough's exemption of nonprepared foods from its~~
49 ~~sales tax is repealed or overturned. As used in this subsection, the term~~
50 ~~"nonprepared foods" shall have the meaning ascribed to that term in Chapter 5.18~~
51 ~~of the Kenai Peninsula Borough Code, as the same may be amended from time to~~
52 ~~time.~~

53
54 Section 3. Section 9.16.040 of the Homer City Code is hereby amended to read as
55 follows:

56
57 9.16.040 Borough Provisions Adopted by Reference. Except for provisions
58 regarding exemption from sales tax, which are addressed in Section 9.16.100 of
59 this chapter, Those sections of the Kenai Peninsula Borough Code of Ordinances
60 applicable to the levy and collection of the sales tax described in this chapter are
61 incorporated by this reference and made a part of this chapter as though fully set
62 forth in this chapter.

63
64 Section 4. Section 9.16.100 of the Homer City Code is hereby repealed and reenacted
65 to read as follows:

66
67 9.16.100 Exemptions. Except for sales of nonprepared food items, all
68 sales, rentals, and services that are exempted from sales tax under the Kenai
69 Peninsula Borough Code as amended from time to time shall be exempt from the
70 sales tax levied under Section 9.16.010 of this chapter.

71
72 Section 5. This ordinance is of a permanent and general character and shall be
73 included in the city code.

74
75 Section 6. This ordinance shall take effect January 1, 2013.

76
77
78 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this
79 day of _____, 2012.

80
81
82
83 CITY OF HOMER

84
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86 _____
87 MARY E. WYTHE, MAYOR
88
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91
92

93 ATTEST:

94

95

96

97 JO JOHNSON, CMC, CITY CLERK

98

99

100 AYES:

101 NOES:

102 ABSTAIN:

103 ABSENT:

104

105 First Reading:

106 Public Reading:

107 Second Reading:

108 Effective Date:

109

110

111 Reviewed and approved as to form:

112

113

114

115 Walt Wrede, City Manager

116

117 Date: _____

118

Thomas F. Klinkner, City Attorney

Date: _____

Introduced by:	Mayor
Date:	08/19/08
Hearings:	09/02/08 & 09/16/08
Action:	Postponed Until 09/16/08
Action:	Enacted as amended
Vote:	6 Yes, 1 No, 2 Absent
Action:	Reconsideration Filed by Fischer
Date:	10/14/08
Action:	Reconsideration Failed
Vote:	1 Yes, 8 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-28**

**AN ORDINANCE AUTHORIZING THE GENERAL LAW CITIES IN THE KENAI
PENINSULA BOROUGH TO LEVY AND COLLECT SALES TAXES ON
NONPREPARED FOOD ITEMS**

- WHEREAS,** if approved by the voters in the October 7, 2008, election, ballot Proposition 1 will require that nonprepared food items be exempt from borough sales taxes from September 1 through May 31 of each year; and
- WHEREAS,** Alaska Statute 29.45.700 requires general law cities in the borough that levy a sales tax to levy the tax sources taxed by the borough unless the assembly by ordinance authorizes the city to levy and collect taxes on other sources; and
- WHEREAS,** the cities of Soldotna, Homer, and Seldovia are general law cities that levy a sales tax and will be required to exempt nonprepared foods if Proposition 1 passes, unless the assembly gives them the option to tax nonprepared food year-round; and
- WHEREAS,** the cities of Seward and Kenai are home rule cities and are, therefore, exempt from the statutory requirement to tax the same sources as the borough unless otherwise provided by the assembly; and
- WHEREAS,** at its meeting on August 13, 2008, the Soldotna City Council adopted Resolution 2008-052 requesting the Kenai Peninsula Borough to grant the city of Soldotna the option to tax nonprepared food; and
- WHEREAS,** at its meeting of September 10, 2008 the Seldovia City Council adopted Resolution 09-03 in support of Kenai Peninsula Borough Ordinance 2008-28; and
- WHEREAS,** at its meeting of July 28, 2008, the Homer City Council introduced Ordinance 08-32, amending the Homer Sales Tax Code to seasonally exempt sales of nonprepared food between September 1 and May 31 each year and scheduled that ordinance for public hearing on October 27, 2008; and

WHEREAS, exempting nonprepared food items for nine months each year will likely have a significant impact on the cities' revenues; and

WHEREAS, each city is in the best position to make policy decisions concerning whether or not to exempt nonprepared food items from its respective city sales tax; and

WHEREAS, it is accordingly appropriate to authorize the city councils of general law municipalities to make this decision on behalf of their own constituents;

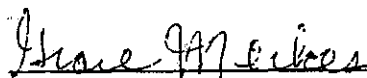
NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the general law cities in the Kenai Peninsula Borough are authorized to levy and collect sales taxes on nonprepared food items on a year-round basis except for sales that are required to be exempted by AS 29.45.700 as now enacted or may be hereinafter.

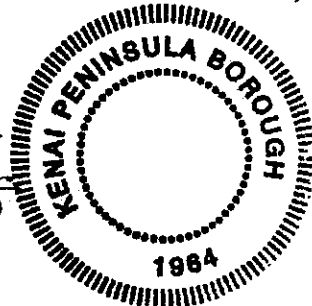
SECTION 2. That this ordinance shall take effect on October 14, 2008, if Proposition 1 of the Kenai Peninsula Borough regular election is approved by the voters.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER, 2008.

ATTEST:


Grace Merkes, Assembly President


Johni Blankenship, Borough Clerk



Enactment:

Yes: Long, Martin, Smith, Sprague, Superman, Merkes
No: Fischer
Absent: Gilman, Knopp

Reconsideration:

Yes: Fischer
No: Fischer, Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, Merkes
Absent: None

CITY OF HOMER
HOMER, ALASKA

Mayor

ORDINANCE 08-32(S)(A-2)

1
2 AN ORDINANCE ENACTING HOMER CITY CODE
3 9.16.100 TO EXEMPT SALES OF NONPREPARED
4 FOODS FROM SEPTEMBER 1ST THROUGH MAY 31ST OF
5 EACH YEAR, PENDING COMPLETION OF AN ADVISORY
6 VOTE REGARDING THE SALES TAX STRUCTURE FOR
7 NONPREPARED FOOD ITEMS, AND INCORPORATING IN
8 THE HOMER CITY CODE ALL OTHER SALES TAX
9 EXEMPTIONS ADOPTED BY THE KENAI PENINSULA
10 BOROUGH.

11
12 WHEREAS, A proposition was passed by the voters in the Kenai Peninsula
13 Borough exempting nonprepared foods from sales tax from September 1st through
14 May 31st; and

15
16 WHEREAS, The City of Homer ("City") believes it is appropriate to exempt the
17 sales of nonprepared foods from taxation from September 1st through May 31st.

18
19 THE CITY OF HOMER HEREBY ORDAINS:

20
21 Section 1. Homer City Code Chapter 9.16 is hereby amended by adding the
22 following section 9.16.100:

23
24 9.16.100 Exemptions. The following are exempt from the Homer sales
25 tax:

26
27 a. Commencing January 1, 2009, sales of nonprepared food items from
28 September 1st through May 31st of each year.

29
30 b. All other items granted exemption from sales tax under the Kenai
31 Peninsula Borough Code as amended from time to time, except where the
32 Kenai Peninsula Borough by ordinance expressly authorizes the city to tax
33 a source exempted from sales tax by the Kenai Peninsula Borough Code
34 and the city imposes a sales tax on that source in compliance with the law.

35
36 Section 2. This exemption on nonprepared food items shall no longer be
37 effective if the Borough's exemption on nonprepared foods from its sales tax is repealed
38 or overturned.
39

40 Section 3. The Council intends to bring forward a proposition for an advisory
41 vote regarding the sales tax structure for nonprepared food items as soon as
42 administratively practical.

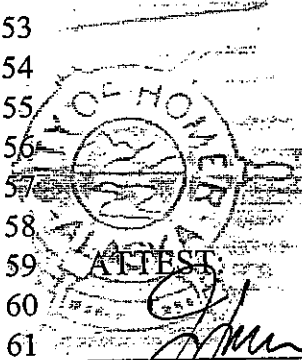
43
44 Section 4. This ordinance shall take effect upon its adoption by the Homer City
45 Council.

46
47 Section 5. This ordinance is of a permanent and general character and shall be
48 included in the city code.

49
50 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
51 this 8th day of December, 2008.

52
53
54 CITY OF HOMER

55 James C. Hornaday
56 JAMES C. HORNADAY, MAYOR
57



58
59
60
61 Jo Johnson
62 JO JOHNSON, CMC, CITY CLERK

63
64
65 AYES: 6
66 NOES: 0
67 ABSTAIN: 0
68 ABSENT: 0

69
70 First Reading: 7/28/08
71 Public Reading: 11/24/08
72 Second Reading: 12/08/08
73 Effective Date: 12/09/08

74
75
76 Reviewed and approved as to form:

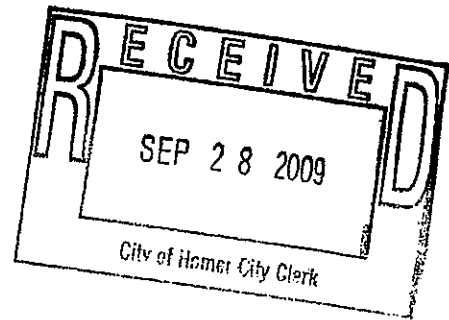
77
78 Walt Wrede
79 Walt Wrede, City Manager

80 Thomas F. Klinkner
81 Thomas F. Klinkner, City Attorney

82 Date: 12/12/08

Date: 12-18-08

MEMORANDUM



TO: Walt Wrede, City Manager
Jo Johnson, City Clerk
City of Homer

FROM: Tom Klinkner

DATE: September 28, 2009

FILE NO. 506,742.1

RE: Effect of Vote on Proposition to Repeal Sales Tax Exemption

The City of Homer ("City") enacted an ordinance exempting sales of nonprepared food items from September 1 until May 31 from the City's sales tax. The City then enacted an ordinance providing for the levy of a 3% sales tax on sales of nonprepared food items from September 1 until May 31, placed a proposition for the levy of such a tax on the ballot for the October 6, 2009 regular City election, and made the tax levy subject to voter approval of the proposition. You have asked the following questions regarding the vote on this proposition:

1. If the voters do not approve the proposition, may the Council thereafter repeal the tax exemption for sales of nonprepared food items from September 1 until May 31 without voter approval?
2. If the voters approve the proposition, may the Council thereafter increase the rate of sales tax on sales of nonprepared food items from September 1 until May 31 without voter approval?

In summary, if the voters do not approve the proposition, the Council may repeal the tax exemption without voter approval. If the voters approve the proposition, it is not clear whether the Council may increase the rate of sales tax on sales of nonprepared food items from September 1 until May 31 without voter approval.

1. Background.

The City levies a sales tax under the authorization in AS 29.45.700(a):

- (a) A city in a borough that levies and collects areawide sales and use taxes may levy sales and use taxes on all sources taxed by the borough in the manner provided for boroughs. Except as provided in (d) and (e) of this section, the assembly may by ordinance authorize a city to levy and collect sales and use taxes on other sources.

Before January 1, 2009, the City levied a sales tax at an aggregate rate of 4.5% "on all sales, rents and services within the City except as the same may be otherwise exempted by law."¹ The City Code did not specify any sales tax exemptions, so sales were exempt from City sales tax only if exempt under federal or state law, or exempt from the sales tax levied by the Kenai Peninsula Borough ("Borough").²

An initiative proposition to exempt sales of nonprepared food from September 1 to May 31 from Borough sales tax was placed on the ballot at the October 7, 2008 regular Borough election ("Borough Proposition").³ Under AS 29.45.700(a), voter approval of this initiative would have precluded the City from taxing the sales that the initiative exempted from Borough sales tax unless the Borough Assembly authorized it to do so by ordinance.

Anticipating the effect of this initiative on the levy of sales taxes by general law cities in the Borough, the Borough Assembly on September 16, 2008, adopted Ordinance 2008-28. Section 1 of Ordinance 2008-28 provided, "That the general law cities in the Kenai Peninsula Borough are authorized to levy and collect sales taxes on nonprepared food items on a year-round basis except for sales that are required to be exempted by AS 29.45.700 as now enacted or may be hereinafter (sic)." Ordinance 2008-28 was to become effective on October 14, 2008 if the voters approved the Borough Proposition. The voters approved the Borough Proposition at the October 7, 2008 regular Borough election. The exemption enacted by the Borough Proposition was to become effective on January 1, 2009.

With voter approval of the Borough Proposition, the authorization in Borough Ordinance 2008-28 for general law cities in the Borough to tax nonprepared food items on a year-round basis became effective on October 14, 2008. Thus, voter approval of the Borough Proposition had no effect on the application of the City sales tax to nonprepared food items. However, on December 8, 2008, the City Council adopted Ordinance 08-32(S)(A-2). This ordinance enacted HCC 9.16.100(a), making sales of nonprepared food items exempt from City sales tax from September 1 through May 31 of each year, commencing January 1, 2009. Section 3 of Ordinance 08-32(S)(A-2) also

¹ HCC 9.16.010.

² Under AS 29.45.700(a), the City's sales tax structure must mirror that of the Borough with regard to which transactions are taxable or exempt from taxation, subject to the authority of the "assembly...by ordinance [to] authorize a city to levy and collect sales and use taxes on other sources." *City of Homer v. Gangl*, 650 P.2d 396, 399-400 (Alaska 1982).

³ The initiative proposed enacting Kenai Peninsula Borough Code 5.18.200(15)(d) as follows:
(d) Sales of nonprepared food items. Sales tax is prohibited on all sales of nonprepared food items from September 1 until May 31 of each year. These food items exempted from sales tax include those which have been previously granted exemption in KPB 5.18.200(14) for food purchased with coupons issued under the federal food stamp program.

stated, "The Council intends to bring forward a proposition for an advisory vote regarding the sales tax structure for nonprepared food items as soon as administratively practical."

On January 26, 2009, the Council adopted Ordinance 09-02, providing for the levy of a sales tax on nonprepared foods at a rate of 3.0% from September 1 through May 31 of each year, effective January 1, 2010, but only if the City voters approved the following proposition ("City Proposition") at the October 6, 2009 regular City election:

Shall the City of Homer levy a sales tax on sales of nonprepared food items at a rate of 3.0%, consisting of 0.75% to fund water and sewer systems (HAWSP), 0.75% to fund construction of roads and trails (HART), and 1.5% for the general fund during the period from September 1st through May 31st?

The questions presented here concern what effect the vote on the City Proposition will have on the Council's power thereafter to legislate regarding the taxation of sales of nonprepared food items from September 1 through May 31.

2. Ordinance 09-02 Repealed a Sales Tax Exemption, which Did Not Require Voter Approval.

AS 29.35.250(a) authorizes the City to "exercise any power not otherwise prohibited by law." AS 29.20.050(a) vests the legislative power of the City in the Council. Thus, the Council may exercise its legislative power without voter approval, except where prohibited by law from doing so. One prohibition on the exercise of legislative power by the Council is the requirement in AS 29.45.670 that "[a] new sales and use tax or an increase in the rate of levy of a sales tax approved by ordinance does not take effect until ratified by a majority of the voters at an election." In contrast, the power to grant sales tax exemptions is not so limited: "[sales tax] exemptions may be granted by ordinance."⁴

*City of St. Mary's v. St. Mary's Native Corporation*⁵ addressed the question whether a city council could repeal a sales tax exemption by ordinance, without voter approval. The City's sales tax ordinance had exempted from taxation the part of a sale in excess of \$1,000. The case challenged the council's repeal of this exemption by ordinance. The court held that repealing a sales tax exemption neither increases the rate of levy of a sales tax, nor imposes a new sales tax—the two actions that AS 29.45.670 makes subject to voter approval.⁶ Thus, the city council could repeal the sales tax exemption under its implicit authority to repeal any ordinance that it had the power to enact:

⁴ AS 29.45.650(a).

⁵ 9 P.3d 1000 (Alaska 2000).

⁶ 9 P.3d at 1006-1008.

Alaska Statute 29.45.650(a) grants a municipality the power to grant an exemption to a sales tax by ordinance without voter approval. We conclude that this grant of power implies the power to repeal such an exemption by ordinance. As one commentator has observed:

Specific grant of power to repeal ordinances, however, ordinarily is not necessary since it is the general rule that power to enact ordinances implies power, unless otherwise provided in the grant, to repeal them. It is patently obvious that the effectiveness of any legislative body would be entirely destroyed if the power to amend or repeal its legislative acts were taken away from it.

Moreover, Alaska's constitution and our prior case law require us to interpret AS 29.45.650(a) in favor of the broad power of municipal governments. We have concluded that article X, section 1 of the Alaska Constitution restrains us from implying limitations "on the taxing authority of a municipality where none are expressed."⁷

While the amendments of the City Code in Ordinance 09-02 speak in terms of the levy of a sales tax on nonprepared food items from September 1 through May 31, their effect is to partially repeal the tax exemption for such sales that was enacted by Ordinance 08-32(S)(A-2). Under the court's analysis in *City of St. Mary's*, the City Code amendments in Ordinance 09-02 neither increase the rate of levy of a sales tax, nor impose a new sales tax, and could take effect without voter approval.

3. *If the Voters Reject the City Proposition, the Council Nonetheless May Repeal the Sales Tax Exemption for Nonprepared Food Items without Voter Approval.*

Ordinance 09-02 only makes voter approval of the City Proposition a condition to the effectiveness of its partial repeal of the tax exemption for sales of nonprepared food items from September 1 through May 31. Voter rejection of the City Proposition merely causes the failure of that condition. It has no other legal effect. Nothing in Ordinance 09-02 indicates that voter rejection of the City Proposition would restrict the Council's authority to legislate regarding the sales tax exemption for nonprepared food items. Moreover, such a restriction is not permissible. It is a well established rule of municipal law that a city council may not limit the legislative power of future councils by prohibiting the repeal of an ordinance:

The power of repeal extends, generally speaking, to all ordinances. Indeed, a municipal corporation cannot abridge its own legislative powers

⁷ 9 P.3d at 1007 (footnotes omitted).

by the passage of irrevocable ordinances. The members of its legislative body are trustees for the public, and the nature and limited tenure of their office impress the ordinances enacted by them with liability to change. One council may not by an ordinance bind itself or its successors so as to prevent free legislation in matters of municipal government. Accordingly, in the absence of a valid provision to the contrary, a municipal council or assembly, having the power to legislate on, or exercise discretionary or regulatory authority over, any given subject, may exercise that power at will by enacting or repealing an ordinance in relation to that subject.⁸

Thus, the Council's adoption of Ordinance 09-02 could not "abridge its own legislative power" by either expressly or implicitly attributing that result to the voters' rejection of the City Proposition. Notwithstanding voter rejection of the City Proposition, the Council may repeal the sales tax exemption for nonprepared food items in Ordinance 08-32(S)(A-2) without voter approval.

4. Voter Approval of the City Proposition May Preclude the Council from Eliminating the Remainder of the Exemption for Sales of Nonprepared Food Items.

In upholding the repeal of a sales tax exemption by ordinance, the *City of St. Mary's* decision also took notice of the specific manner in which the repealed sales tax exemption had been adopted. The city's voters had authorized a sales tax by approving the following ballot measure: "Shall the City of St. Mary's levy a 3% sales tax?"⁹ Only after the vote did the city council adopt a detailed sales tax ordinance that included exemptions, among which was the exemption whose repeal by the council was the subject of the litigation.¹⁰ One of the *City of St. Mary's* opinion's concluding statements indicates that this sequence of events may have affected the outcome of the case: "We therefore conclude that when a local government grants an exemption by ordinance **and the exemption is not subjected to a public vote**, it may repeal that exemption by ordinance without a public vote."¹¹

The court examined this qualifying phrase in *Interior Cabaret, Hotel, Restaurant & Retailers Association v. Fairbanks North Star Borough ("ICHRRA")*.¹² This case concerned a sales tax on alcoholic beverages that the borough levied pursuant to voter approval of the following ballot proposition: "Shall the Fairbanks North Star Borough levy an areawide 5% tax on the retail sale of alcoholic beverages with limited exemptions for alcoholic beverage sales to the extent taxed by the City of Fairbanks

⁸ 6 McQuillin, *The Law of Municipal Corporations* § 21.10, at 374 (rev.3d ed. 2007) (footnotes omitted).

⁹ 9 P.3d at 1004.

¹⁰ *Id.*

¹¹ 9 P.3d at 1007-1008 (emphasis added).

¹² 135 P.3d 1000 (Alaska 2006).

and the City of North Pole?"¹³ The opponent of the tax argued that the ballot proposition impermissibly restricted the authority of the borough assembly to later repeal the exemptions referred to in the ballot proposition:

ICHRRA correctly points out that the exemptions in Ordinance 2003-52 may have made the sales tax more palatable to some voters; it argues that because borough voters approved both the tax and the exemptions, repeal of or reduction in the exemptions would be a new tax or an increase in the rate of levy. ICHRRRA reasons that the assembly therefore cannot repeal the exemptions without voter approval. This, ICHRRRA argues, is a violation of the separation of powers because it takes budget authority away from the assembly and places it in the hands of the voters.¹⁴

The court acknowledged the basis for this argument in the *City of St Mary's* decision:

In *St. Mary's* we concluded that "when a local government grants an exemption by ordinance and the exemption is not subjected to a public vote, it may repeal that exemption by ordinance without a public vote." ***The negative implication of this statement may be that when exemptions are approved by public vote, they may not be repealed by a mere ordinance.***¹⁵

However, the court rejected the separation of powers argument, concluding that, even if a voter-approved sales tax exemption could not be repealed without voter approval, the borough's sales tax was valid: "We see no separation of powers problem with an areawide tax that includes voter-approved exemptions that require voter approval for repeal."¹⁶

Before resolving the separation of powers issue, though, the court also examined the "negative implication" that it observed in the *City of St. Mary's* decision, returning to the language used in the statute authorizing sales tax exemptions:

Moreover, AS 29.45.650(a) provides that "[e]xemptions *may* be granted by ordinance." (Emphasis added.) The use of the permissive term "may" suggests that ordinances are not the sole means by which exemptions may be granted. We therefore do not read AS 29.45.650(a) as either precluding the adoption through referendum of a sales tax with

¹³ 135 P.3d at 1002.

¹⁴ 135 P.3d at 1004.

¹⁵ *Id.* (footnote omitted, emphasis added).

¹⁶ *Id.*

exemptions *or mandating that repeal of an exemption adopted in this manner would require voter approval.*¹⁷

But the court's statement that it did not interpret AS 29.45.650(a) to require voter approval for the "repeal of an exemption adopted [as part of a voter-approved sales tax referendum]" was not its last word on this subject. It concluded with the following disclaimer:

Because the assembly has not attempted to repeal these exemptions, we need not decide here whether it could do so without voter approval.¹⁸

Thus, if a sales tax referendum includes a description of tax exemptions in the question whether to levy a sales tax, it is not certain whether a sales tax exemption described in the referendum is subject to repeal without voter approval.

As discussed above, the City Code amendments in Ordinance 09-02 partially repeal a sales tax exemption—they do not levy a new sales tax. If the voters approve the City Proposition, they are only ratifying that partial repeal. In contrast to the situation that was presented in *ICHRRA*, the voters would not be ratifying the levying of a new sales tax, subject to exemptions. Nonetheless, there is the same feature that the court noticed in *ICHRRA*, that the reduced rate of taxation of sales of nonprepared food items in the City Proposition might have made the partial repeal of the tax exemption more palatable to some voters. This, combined with the court's observation in *ICHRRA* that an ordinance is not the exclusive means of granting a sales tax exemption under AS 29.45.650(a), might lead a court to reason by analogy that a voter-ratified partial repeal of a sales tax exemption precludes a further repeal of the exemption by ordinance.

However, there also is a viable argument for the contrary result. As discussed above, under the holding in *City of St. Mary's*, the amendments to the City Code in Ordinance 09-02 that partially repealed the tax exemption for sales of nonprepared food items from September 1 to May 31 were not required to be subject to voter approval. As in the case of voter rejection of the City Proposition, voter approval of the City Proposition cannot deprive a future Council of authority to act on the same subject.

Thus, it is unclear whether voter approval of the City Proposition would preclude the Council from subsequently modifying or repealing the remaining exemption of sales of nonprepared foods from the full 4.5% sales tax previously authorized by the voters.

¹⁷ *Id.* (footnotes omitted, emphasis added).

¹⁸ 135 P.3d at 1004 n. 20.

OCT 30, 2012

To All Homer City Council Members —

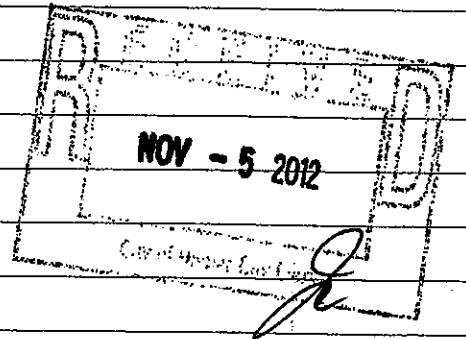
My name is Robert Townsend. I'm 64 years old and live off of less than \$20,000 per year. Please don't mess with the tax exemption for groceries without first bringing it to a vote of the people.

I live within my means and do without many things I can't afford. I wish you would do the same.

Thank You,

Robert Townsend

Ph # 907-748-1925



ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-54

An Ordinance of the Homer City Council, Amending HCC 9.16.040 and HCC 9.16.100 to Make Certain Categories of Nonprepared Foods Subject to the City of Homer Sales Tax on a Year-Round Basis.

Sponsor: Lewis

1. City Council Regular Meeting November 26, 2012 Introduction
 - a. Kenai Peninsula Borough Ordinance 2008-28
 - b. Ordinance 08-32(S)(A-2)
 - c. Kenai Peninsula Borough Initiative Ordinance 2008-01

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**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 12-54

AN ORDINANCE OF THE HOMER CITY COUNCIL,
AMENDING HCC 9.16.040 AND HCC 9.16.100 TO MAKE
CERTAIN CATEGORIES OF NONPREPARED FOODS
SUBJECT TO THE CITY OF HOMER SALES TAX ON A
YEAR-ROUND BASIS.

WHEREAS, A proposition was passed by the voters in the Kenai Peninsula Borough
("Borough") exempting nonprepared foods from sales tax from September 1st through May 31st;
and

WHEREAS, The Borough adopted Ordinance 2008-28 authorizing cities within the
Borough, including the City of Homer ("City"), to continue taxing nonprepared foods during the
period from September 1st through May 31st despite the Borough's exemption of such foods from
sales tax during those months; and

WHEREAS, The City enacted Ordinance 08-32(S)(A-2) on December 8, 2008 exempting
the sales of nonprepared foods from City sales tax during September 1st through May 31st of each
year; and

WHEREAS, The loss of sales tax revenues on the sale of nonprepared foods has had a
substantial negative impact on funding for essential City services including but not limited to
water, sewer, and road project matching funds and has required the almost complete elimination
of all non-essential City services; and

WHEREAS, It is in the City's best interest to reinstate the sales tax at the full 4.5% rate
on a year-round basis on the categories of nonprepared foods described in Homer City Code
9.16.100(c), enacted by this ordinance, to provide funding for City services.

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. The City of Homer exercises the authority granted it under Kenai
Peninsula Borough Ordinance 2008-28 to levy and collect sales taxes on the nonprepared food
items described in Homer City Code 9.16.100(c), enacted by this ordinance, on a year-round
basis notwithstanding Kenai Peninsula Borough Initiative Ordinance 2008-01.

Section 2. Homer City Code 9.16.040 is amended to read as follows:

9.16.040 Borough Provisions Adopted by Reference. Subject to Section 9.16.100,
Those sections of the Kenai Peninsula Borough Code of Ordinances applicable to the levy and
collection of the sales tax described in this chapter are incorporated by this reference and made a
part of this chapter as though fully set forth in this chapter.

93 AYES:
94 NOES:
95 ABSTAIN:
96 ABSENT:
97
98
99 First Reading:
100 Public Reading:
101 Second Reading:
102 Effective Date:
103
104
105 Reviewed and approved as to form:
106
107
108
109 _____
110 Walt Wrede, City Manager
111 Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

Introduced by:	Mayor
Date:	08/19/08
Hearings:	09/02/08 & 09/16/08
Action:	Postponed Until 09/16/08
Action:	Enacted as amended
Vote:	6 Yes, 1 No, 2 Absent
Action:	Reconsideration Filed by Fischer
Date:	10/14/08
Action:	Reconsideration Failed
Vote:	1 Yes, 8 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-28**

**AN ORDINANCE AUTHORIZING THE GENERAL LAW CITIES IN THE KENAI
PENINSULA BOROUGH TO LEVY AND COLLECT SALES TAXES ON
NONPREPARED FOOD ITEMS**

- WHEREAS,** if approved by the voters in the October 7, 2008, election, ballot Proposition 1 will require that nonprepared food items be exempt from borough sales taxes from September 1 through May 31 of each year; and
- WHEREAS,** Alaska Statute 29.45.700 requires general law cities in the borough that levy a sales tax to levy the tax sources taxed by the borough unless the assembly by ordinance authorizes the city to levy and collect taxes on other sources; and
- WHEREAS,** the cities of Soldotna, Homer, and Seldovia are general law cities that levy a sales tax and will be required to exempt nonprepared foods if Proposition 1 passes, unless the assembly gives them the option to tax nonprepared food year-round; and
- WHEREAS,** the cities of Seward and Kenai are home rule cities and are, therefore, exempt from the statutory requirement to tax the same sources as the borough unless otherwise provided by the assembly; and
- WHEREAS,** at its meeting on August 13, 2008, the Soldotna City Council adopted Resolution 2008-052 requesting the Kenai Peninsula Borough to grant the city of Soldotna the option to tax nonprepared food; and
- WHEREAS,** at its meeting of September 10, 2008 the Seldovia City Council adopted Resolution 09-03 in support of Kenai Peninsula Borough Ordinance 2008-28; and
- WHEREAS,** at its meeting of July 28, 2008, the Homer City Council introduced Ordinance 08-32, amending the Homer Sales Tax Code to seasonally exempt sales of nonprepared food between September 1 and May 31 each year and scheduled that ordinance for public hearing on October 27, 2008; and

WHEREAS, exempting nonprepared food items for nine months each year will likely have a significant impact on the cities' revenues; and

WHEREAS, each city is in the best position to make policy decisions concerning whether or not to exempt nonprepared food items from its respective city sales tax; and

WHEREAS, it is accordingly appropriate to authorize the city councils of general law municipalities to make this decision on behalf of their own constituents;

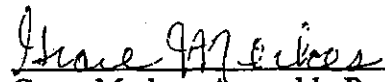
NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:


SECTION 1. That the general law cities in the Kenai Peninsula Borough are authorized to levy and collect sales taxes on nonprepared food items on a year-round basis except for sales that are required to be exempted by AS 29.45.700 as now enacted or may be hereinafter.

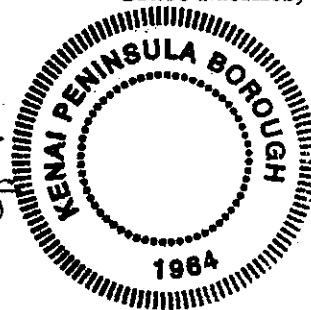
SECTION 2. That this ordinance shall take effect on October 14, 2008, if Proposition 1 of the Kenai Peninsula Borough regular election is approved by the voters.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER, 2008.

ATTEST:


Grace Merkes, Assembly President


Johni Blankenship, Borough Clerk



Enactment:

Yes: Long, Martin, Smith, Sprague, Superman, Merkes

No: Fischer

Absent: Gilman, Knopp

Reconsideration:

Yes: Fischer

No: Fischer, Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, Merkes

Absent: None

CITY OF HOMER
HOMER, ALASKA

Mayor

ORDINANCE 08-32(S)(A-2)

1
2 AN ORDINANCE ENACTING HOMER CITY CODE
3 9.16.100 TO EXEMPT SALES OF NONPREPARED
4 FOODS FROM SEPTEMBER 1ST THROUGH MAY 31ST OF
5 EACH YEAR, PENDING COMPLETION OF AN ADVISORY
6 VOTE REGARDING THE SALES TAX STRUCTURE FOR
7 NONPREPARED FOOD ITEMS, AND INCORPORATING IN
8 THE HOMER CITY CODE ALL OTHER SALES TAX
9 EXEMPTIONS ADOPTED BY THE KENAI PENINSULA
10 BOROUGH.

11
12 WHEREAS, A proposition was passed by the voters in the Kenai Peninsula
13 Borough exempting nonprepared foods from sales tax from September 1st through
14 May 31st; and

15
16 WHEREAS, The City of Homer ("City") believes it is appropriate to exempt the
17 sales of nonprepared foods from taxation from September 1st through May 31st.

18
19 THE CITY OF HOMER HEREBY ORDAINS:

20
21 Section 1. Homer City Code Chapter 9.16 is hereby amended by adding the
22 following section 9.16.100:

23
24 9.16.100 Exemptions. The following are exempt from the Homer sales
25 tax:

26
27 a. Commencing January 1, 2009, sales of nonprepared food items from
28 September 1st through May 31st of each year.

29
30 b. All other items granted exemption from sales tax under the Kenai
31 Peninsula Borough Code as amended from time to time, except where the
32 Kenai Peninsula Borough by ordinance expressly authorizes the city to tax
33 a source exempted from sales tax by the Kenai Peninsula Borough Code
34 and the city imposes a sales tax on that source in compliance with the law.

35
36 Section 2. This exemption on nonprepared food items shall no longer be
37 effective if the Borough's exemption on nonprepared foods from its sales tax is repealed
38 or overturned.
39

40 Section 3. The Council intends to bring forward a proposition for an advisory
41 vote regarding the sales tax structure for nonprepared food items as soon as
42 administratively practical.

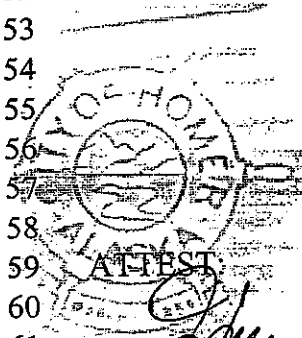
43
44 Section 4. This ordinance shall take effect upon its adoption by the Homer City
45 Council.

46
47 Section 5. This ordinance is of a permanent and general character and shall be
48 included in the city code.

49
50 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
51 this 8th day of December, 2008.

52
53
54 CITY OF HOMER

55 *James C. Hornaday*
56 _____
57 JAMES C. HORNADAY, MAYOR



58
59 ATTEST
60
61 *[Signature]*
62 JO JOHNSON, CMC, CITY CLERK

63
64
65 AYES: 6
66 NOES: 0
67 ABSTAIN: 0
68 ABSENT: 0

69
70 First Reading: 7/28/08
71 Public Reading: 11/24/08
72 Second Reading: 12/08/08
73 Effective Date: 12/09/08

74
75
76 Reviewed and approved as to form:

77
78 *Walt Wrede*
79 _____
80 Walt Wrede, City Manager

Thomas F. Klinkner

Thomas F. Klinkner, City Attorney

81
82 Date: 12/12/08

Date: 12-18-08

Sponsored by: Citizen Initiative Ordinance
Election Date: 10/07/08
Certification Date: 10/14/08
Vote: 60.15% Yes, 39.85 % No

**KENAI PENINSULA BOROUGH
INITIATIVE ORDINANCE**

**AN ORDINANCE FOR A SEASONAL (SEPTEMBER 1 TO MAY 31) EXEMPTION OF
ALL SALES OF NONPREPARED FOOD ITEMS FROM BOROUGH SALES TAX**

WHEREAS, taxation of basic food items can create a serious hardship for residents within the Kenai Peninsula Borough; and

WHEREAS, since last year, the Kenai Peninsula Borough has raised its sales tax percentage by 50% (from 2% to 3 %), and has experienced huge sales tax revenue increases from the increase price of fuel, groceries, and other necessities required by our local residents, resulting in a huge windfall of revenue to Borough coffers; and

WHEREAS, such taxation can be particularly difficult for families, the elderly, low income individuals and unemployed people; and

WHEREAS, a seasonal sales tax exemption will afford relief almost exclusively to residents of the Kenai Peninsula Borough; and

WHEREAS, burdening individuals and families who are least able to pay with taxation of products necessary for their survival is not in the best interest of our society; and

WHEREAS, most state governments exempt sales tax on unprepared food items and, of the minority that so tax unprepared food, many do so at a reduced rate; and

WHEREAS, the collection of revenue required for borough and municipal operation can be more fairly accomplished without burdening our local residents, who are least able to support such taxation.

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

SECTION 1. That the Kenai Peninsula Borough Code is hereby amended by creating a new Section 5.18.200(15)(c) to read as follows:

5.18.200. (15)(c) Exemptions/waivers - Sales of nonprepared food items. Sales tax is prohibited on all sales of nonprepared food items from September 1 until May 31 of each year. These food items exempted from sales tax include those which have been previously granted exemption in KPB 5.18.200(14) for food purchased with

coupons issued under the federal food stamp program.

SECTION 2. If approved by a majority of the voters, voting on this question at a regular or special election held for that purpose; this ordinance shall take effect January 1 of the year following the certification of that election.

ENACTED BY THE VOTERS OF THE KENAI PENINSULA BOROUGH AT AN ELECTION HELD ON THE 7TH DAY OF OCTOBER, 2008 WITH CERTIFICATION ON OCTOBER 14, 2008.

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-55

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Highway Safety Program Grant for DUI Enforcement and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Police Chief

1. City Council Regular Meeting November 26, 2012 Introduction
 - a. Memorandum 12-17 from Police Chief as backup
 - b. Grant Agreement

CITY OF HOMER
HOMER, ALASKA

City Manager/Police Chief

ORDINANCE 12-55

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, ACCEPTING AND APPROPRIATING AN ALASKA
HIGHWAY SAFETY PROGRAM GRANT FOR DUI
ENFORCEMENT AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE
DOCUMENTS.

WHEREAS, The Homer Police Department has received a grant for DUI enforcement
from the State of Alaska Highway Safety Program; and

WHEREAS, The grant is in the amount of \$7,100.00 and will be used for the Homer
Police Department officers to conduct high-visibility seat belt and DUI enforcement; and

WHEREAS, The purpose of the grant is to reduce deaths and injuries caused by impaired
drivers and to increase compliance with Alaska's primary seat belt law.

NOW, THEREFORE, the City of Homer Ordains:

Section 1. That the City Council hereby accepts and appropriates an Alaska Highway
Safety Program grant for DUI enforcement as follows and hereby authorizes the City Manager or
his designee to execute the appropriate documents:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
157-780	Alaska Highway Safety Program DUI Enforcement Grant	\$7,100.00
Expenditure:		
157-780-5102/5105	Officer Wages and Benefits	\$7,100.00

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

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

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

51 Introduction:
52 Public Hearing:
53 Second Reading:
54 Effective Date:

55
56

57 Ayes:
58 Noes:
59 Abstain:
60 Absent:

61
62

63 Reviewed and approved as to form:

64

65

66 _____
Walt E. Wrede City Manager

Thomas F. Klinkner, City Attorney

67

68

69 Date: _____

Date: _____

70

71 Fiscal Note: Fiscal information included in body of Ordinance.



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

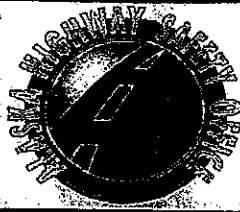
MEMORANDUM 12-172

DATE: November 19, 2012
TO: Walt Wrede, City Manager *W. Wrede*
FROM: Mark Robl, Chief of Police *Mark Robl*
SUBJECT: Highway Safety Grant

We have received the attached grant from the Alaska Highway Safety Office. This is a DUI enforcement grant that will enable us to participate in the statewide DUI prevention project. It will reimburse us for police officer overtime costs associated with working over-time hours doing DUI patrols during certain time frames around holidays from now until September 2nd, 2013.

I request that we obtain council approval to accept this grant and participate in the prevention program.

Fiscal Note: Revenue, \$7,100 to 100.157.780



Grant Agreement Notice to Proceed

State of Alaska, DOT & PF
P.O. Box 112500
Juneau, AK 99801-2500
Ph: 907-465-2446
Fx: 907-465-4030
dot.alaska.gov/highwaysafety

Grantee Name and Address: City Of Homer 491 E. Pioneer Ave Homer, Alaska 99603	Title/ Short Description: High Visibility Enforcement Overtime Grant
------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------

Supplemental Agreements: Check all that apply.

Match Agreement
 Enforcement Agreement
 Law Enforcement Liaison Agreement

Action Requested:

New Setup
 Add Funds
 Reduce Funds
 Closure (Decrease)

Revision of Funds: Please provide explanation of funding change and budget breakdown.

FUNDING SUMMARY

Budgets Approved for this NTP

Budget Category	Current Budget Totals	AHSO Increase (Decrease)	Revised Budget Totals
(100) Personnel Services	\$ -	\$ 6,500.00	\$ 6,500.00
(200) Travel & Per Diem	\$ -	\$ -	\$ -
(300) Contractual Services	\$ -	\$ 600.00	\$ 600.00
(400) Commodities	\$ -	\$ -	\$ -
(500) Equipment	\$ -	\$ -	\$ -
(Indirect Costs)	\$ -	\$ -	\$ -
TOTALS	\$ -	\$ 7,100.00	\$ 7,100.00
TOTAL AMOUNT AUTHORIZED TO DATE			\$ 7,100.00

Explanation of Approved Grant Application & Activity Dates:

Activities as outlined in the FFY 2013 Grant Application covering the period of October 1, 2012 - Sep. 30, 2013.

AHSO USE ONLY

Project Control Programming				NTP #: 1
Collocation Code	Program Code	Ledger Code	Account Code	Grant #: 154 AL -13-01-00(B)-2
24462421	51870	30187982	77436	
Project #	<input type="checkbox"/> RSA (Interstate Agency) <input checked="" type="checkbox"/> EN (Outer State Agency)			Project End Date: 9/30/2012
83574				CFDA #: 20.607

Project Control Programming Approved

Program Control Agent Name: Cynthia Johnson	Accounting Technician Name: Stefanie Bingham
 Signature _____ Date _____	 Signature _____ Date 10-24-12

You may proceed with the activities for the Categories and specific Tasks enumerated above in the Funding Summary. Any activities beyond the written scope and/or any costs above the price estimate in our Agreement require prior AHSO approval and a Project Revision. Actual cost underrun of the Contract Amount for any Category shall not routinely accumulate for other Categories. AHSO reserves the right to retain or reallocate any remaining funds resulting from such cost underruns. Conditions to this agreement are as outlined in the "Agreement Conditions" Section 4 of the application for grant. **CONDITIONS ARE A PART OF THE PROJECT AGREEMENT AND, AS SUCH, ARE BINDING ON ALL PARTIES TO THE PROJECT AGREEMENT.**

This NTP is cumulative and supersedes all prior NTPs for this Agreement.

The AHSO Administrator for this NTP is: Tammy Kramer

Issued for the Contracting Agency per ADOT&PF Policy #01.01.050 by: Tammy Kramer	Accepted for the Grantee by:
 Signature _____ Date 10/24/2012	 Signature _____ Date 11-15-12



Supplemental DUI Enforcement Agreement

State of Alaska, DOT & PF
P.O. Box 112500
Juneau, AK 99801-2500
Ph: 907-465-2446
Fx: 907-465-4030
dot.alaska.gov/highwaysafety

Grantee Name and Address: City Of Homer, Jo Earls, Grants Administrator 491 E. Pioneer Ave. Homer, Alaska 99603	Title/ Short Description: High Visibility Enforcement
---------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------

Action Requested New Setup Revision of Agreement: Please provide change in the Enforcement Plan Breakdown.

ACTUAL COST OF OVERTIME TO INCLUDE BENEFITS IS NOT TO EXCEED THE FOLLOWING AMOUNT INCLUDING VEHICLE USAGE \$ 8,000.00

Enforcement Plan Breakdown				
Enforcement Period	Budget of Time/Hours			Budget
	EXPENSE ITEMS	HOURS	AVERAGE HOURLY	
Pre- Holiday Season (Required) December 1st - 11th, 2012	Hours		\$ 65.00	\$ 975.00
	Vehicle Usage	15.00	\$ 6.00	\$ 90.00
Enforcement Period Total:				\$ 1,065.00
Holiday (Required) December 12th - January 1st, 2013	Hours		\$ 65.00	\$ 1,300.00
	Vehicle Usage	20.00	\$ 6.00	\$ 120.00
Enforcement Period Total:				\$ 1,420.00
Superbowl (Optional) February 3rd, 2013	Hours		\$ 65.00	\$ 975.00
	Vehicle Usage	15.00	\$ 6.00	\$ 90.00
Enforcement Period Total:				\$ 1,065.00
St. Patrick's Day (Optional) March 16th - 17th, 2013	Hours		\$ 65.00	\$ 975.00
	Vehicle Usage	15.00	\$ 6.00	\$ 90.00
Enforcement Period Total:				\$ 1,065.00
Independence Day (Required) July 4th, 2013	Hours		\$ 65.00	\$ 1,300.00
	Vehicle Usage	20.00	\$ 6.00	\$ 120.00
Enforcement Period Total:				\$ 1,420.00
National Impaired Driving Crackdown (Required) August 16th - September 2nd, 2013	Hours		\$ 65.00	\$ 975.00
	Vehicle Usage	15.00	\$ 6.00	\$ 90.00
Enforcement Period Total:				\$ 1,065.00
Total Hours			\$	6,500.00
Total Vehicle Usage			\$	600.00
GRAND TOTAL of Enforcement Periods				\$ 7,100.00

Purpose/Objectives: In order to reduce deaths and injuries caused by impaired drivers and to increase compliance with Alaska's primary seat belt law, the Grantee will conduct high-visibility seat belt and DUI enforcement as detailed in the Alaska Strategic Enforcement Partnership Enforcement Plan submitted to the Alaska Highway Safety Office in April 2006. The _____ agrees to participate in the following enforcement blitzes from October 1, 2012 through September 30, 2013. As a guideline, a minimum of three (3) self-initiated contacts per hour funded with a 'desired outcome' of contacting as many violators as possible should be made. Allowable use of funds is for overtime salary @ 1.5 times the normal rate, wages and benefits of commissioned personnel in direct support of operational activity. To receive reimbursement for personnel services the department must provide activity sheets, overtime hours worked and the overtime hourly rates for each officer.

Agreement are as outlined above for FFY 2013 Grant period of October 1, 2012 - Sep. 30, 2013.

Project Control DUI Enforcement Agreement Approved

Program Control Agent Name: Cynthia Johnson	Accepted for the Grantee by:
 Signature	 Signature
Date	Date
10-15-12	11-15-12

You may proceed with the activities for the Categories and specific Tasks enumerated in the above Enforcement Agreement. Conditions to this agreement are as outlined in the "Agreement Conditions" **CONDITIONS ARE A PART OF THE PROJECT AGREEMENT AND, AS SUCH, ARE BINDING ON ALL PARTIES TO THE PROJECT AGREEMENT.**

This Enforcement Agreement is cumulative and supersedes all prior Enforcement Agreements.

The AHSO Administrator for this NTP is: Tammy Kramer.

Issued for the Contracting Agency per ADOT&PF Policy #01.01.050 by: Tammy Kramer

Signature Date
10-19-12

AGREEMENT CONDITIONS

THE FOLLOWING CONDITIONS ARE A PART OF THE PROJECT AGREEMENT AND, AS SUCH, ARE BINDING ON ALL PARTIES TO THE PROJECT AGREEMENT:

- A. **Property:** State and Local Agencies and Other Non-State Sub grantees: Equipment and other property acquired under this Agreement for use in highway safety projects shall be used and kept in operation for highway safety purposes. State Agencies: Property management standards described in the "State Property Accounting Manual" will be used in accounting for equipment purchased under this Agreement. Local Agencies and Other Non-State Sub grantees: Standards for property management described in 49 CFR 18.32(c) through (e) will be used in accounting for equipment purchased under this Agreement. The Applicant Agency shall seek disposition instructions from the Alaska Highway Safety Office prior to disposing of any item of equipment purchased under this project. Nothing in this Agreement shall prevent the Applicant Agency from following existing property management standards that exceed the requirements set out in 49 CFR 18.32(c) through (e).
- B. **Copyright:** The Alaska Highway Safety Office and the U.S. Department of Transportation reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for State or federal government purposes: (1) the copyright in any work developed under a grant, sub grant, or contract under a grant or sub grant; and (2) any rights of copyright to which a grantee, sub grantee, or a contractor purchases ownership with grant support.
- C. **Sub Awards to Debarred and Suspended Parties:** Grantees and sub grantees must not make any award (sub grant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension."
- D. **Standards for Americans with Disabilities:** Grantees, contractors, and others who receive funding from the State of Alaska, Department of Transportation and Public Facilities, to provide a service or services to the general public as an agent of the state must certify that all programs, services, and activities operated under the grant or contract are made available to the general public in compliance with the Americans with Disabilities Act of 1990. Grant or contract recipients are subject to state review.
- E. **Procurement Standards:** Grantees and sub grantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 49 CFR 18.36.
- F. **Progress Reports:** The Applicant Agency will submit quarterly narrative progress reports which must include an update on grant performance measures, by the 15th of the month following the end of each calendar quarter and an annual evaluation report by October 30th during the life of the project.

Exceptions

1. High Visibility Enforcement Overtime Individual Enforcement Period Reports are to be submitted by 30 days following Last Day of Enforcement Activity.

- G. **Financial Reports:** The Applicant Agency certifies that it has an accounting system capable of properly accounting for expenditures made under this project. Claims for costs incurred must be submitted on a monthly basis. Claims must be accompanied by supporting documentation. All claims shall be submitted by the 15th of the following month expenditures occur.

Exceptions

1. Travel expenditures shall be submitted by the 15th of the following month after completion of travel.
2. High Visibility Enforcement Overtime Claims are to be submitted by 30 days following Last Day of Enforcement Activity.

- H. **Motorcycle-related Advertisements:** All motorcycle-related advertising must have approval of the Alaska Motorcycle Safety Advisory Committee (AMSAC) http://www.dot.state.ak.us/stwdplng/hwysafety/motorcycle_safety.shtml
- I. **News Releases:** The Alaska Highway Safety Office encourages agencies to publicize Highway Safety project approval. The Alaska Highway Safety Office shall be named as the granting agency in any news releases announcing the approval of this project. Any subsequent news releases written by the Applicant Agency shall mention the Alaska Highway Safety Office.
- J. **Highway Safety Tag:** The Alaska Highway Safety Office shall be noted as the sponsor or co-sponsor in any public information materials developed under a highway safety project. This requirement includes: public service announcements on radio and

television, newspaper advertisements, pamphlets and brochures, and promotional "give-aways" such as bumper stickers, key chains, etc. Promotional items must include the "Target Zero" logo or wording to support the Alaska Strategic Traffic Safety Plan as well as the type or national/state slogan of a national or state driver behavior program: Impaired Driving, Occupant protection, Traffic Records, Motorcycle Safety, etc. Examples of a national program: "Click It Or Ticket", and "Drive Sober Or Get Pulled Over". **Record**

- K. **Retention:** All financial and programmatic records, supporting documents, statistical records, and other records of the Applicant Agency which are required to be maintained by the terms of 49 CFR 18.42 and other records reasonably considered as pertinent to program regulations or the project agreement must be retained for a period of three years after submittal of the final claim. Additional record retention requirements may be found in 49 CFR 18.42 and are incorporated and made part of this Agreement by reference. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and sub grantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.
- L. **Enforcement:** If the Applicant Agency materially fails to comply with any term of this Agreement, the Alaska Highway Safety Office may take one or more of the actions listed in 49 CFR 18.43(a)(1) through (5), as appropriate in the circumstances. Additional provisions for enforcement are listed in 49 CFR 18.45(b) through (d).
- M. **Termination for Convenience:** Except as provided in 49 CFR 18.43, this Agreement may be terminated in whole or in part only as follows: (a) by the Alaska Highway Safety Office with the consent of the Applicant Agency, in which case the two parties shall agree upon the termination conditions, including the effective date, and, in the case of partial termination, the portion to be terminated, or (b) by the Applicant Agency upon written notification to the Alaska Highway Safety Office, setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. If, however, in the case of a partial termination, the Alaska Highway Safety Office determines that the remaining portion of this Agreement will not accomplish the purposes for which the award was made, the Alaska Highway Safety Office may terminate the Agreement in its entirety under either 49 CFR 18.43 or paragraph (a) of this section.
- N. **Audit:** The Applicant Agency agrees to arrange for a financial and compliance audit as required under the Single Audit Act of 1984 and to provide a copy of the final audit report to the Alaska Highway Safety Office upon request. The CFDA (Catalog of Federal Domestic Assistance) number of the State and Community Highway Safety Program is 20.600-20.613. The financial agency responsible for arranging for the audit shall be advised by the applicant agency of this number.
- O. **Laws of Alaska:** This Agreement shall be governed in all respects by the laws of the State of Alaska.
- P. **Limited English Proficient Persons (LEP) Guidance:** There are two federal authorities, title VI of the civil Rights Act of 1964 and the Presidential Executive Order (EO) 13166, Improving Access to Services for Persons with Limited English Proficiency, that require the ADOT&PF to provide LEP persons with meaningful access to programs, activities and services. To fully implement Title VI and EO 13166, the US DOT published guidance to its recipients of federal assistance on December 14, 2005 in the Federal Register. ADOT&PF is required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. By 2/2/2008, the department's Civil Rights Office staff had developed a plan, in cooperation with staff from all three regions. A policy and procedure manual is being created to explain how to implement this plan. If you have any questions, please contact the Civil Rights Manager, at 907 269-0850.
- Q. **Buy America Act:** Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.
- R. **Political Activity (Hatch Act)** The Applicant Agency will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Name of Authorizing Official


Signature of Authorizing Official

11-15-12

Date

CERTIFICATION REGARDING FEDERAL LOBBYING:

Certification for Contracts, Grants, Loans, and Cooperative Agreements:

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub grants, and contracts under grant, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Name of Authorizing Official

Mark Hall

Signature of Authorizing Official

11-15-12

Date

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-56

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Online With Libraries (OWL) Grant in the Amount of \$4,760.00 for a Temporary Part-Time IT Aide for the Public Library and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting November 26, 2012 Introduction
 - a. Memorandum 12-173 from Library Director as backup
 - b. Alaska OWL Internet Technology Aide Grant Agreement FY2013
 - c. Project Budget

CITY OF HOMER
HOMER, ALASKA

City Manager/Library Director

ORDINANCE 12-56

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING AN ONLINE WITH LIBRARIES (OWL) GRANT IN THE AMOUNT OF \$4,760.00 FOR A TEMPORARY PART-TIME IT AIDE FOR THE PUBLIC LIBRARY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Homer Public Library has received an OWL grant to fund a part-time IT aide for the library; and

WHEREAS, The grant is in the amount of \$4,760.00 and will be used for the part-time IT aide to assist with technical support and training in library technology.

NOW, THEREFORE, the City of Homer Ordains:

Section 1. That the City Council hereby accepts and appropriates an Online With Libraries (OWL) grant for a temporary part-time IT aide for the Public Library as follows and hereby authorizes the City Manager or his designee to execute the appropriate documents:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
157-799	OWL Grant	\$4,760.00
<u>Expenditure:</u>		
157-799	Temporary Part-Time IT Aide	\$4,760.00

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

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

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

51 Introduction:
52 Public Hearing:
53 Second Reading:
54 Effective Date:
55

56
57 Ayes:
58 Noes:
59 Abstain:
60 Absent:
61

62
63 Reviewed and approved as to form:
64

65 _____
66 Walt E. Wrede City Manager

Thomas F. Klinkner, City Attorney

67
68
69 Date: _____

Date: _____

70
71 Fiscal Note: Fiscal information included in body of Ordinance.

**Homer Public Library
500 Hazel Avenue
Homer, Alaska 99603
907-235-3180**

MEMORANDUM 12-173

TO: Mayor and Council

THROUGH: Walt Wrede, City Manager

FROM: Ann Dixon, Library Director

DATE: November 19, 2012

RE: OWL Project Grant for a Temporary Part-Time IT Aide

The Online With Libraries (OWL) project, which is implemented by the Alaska Department of Education & Early Development and the Alaska State Library, has awarded the Homer Public Library a grant of \$4,760 to fund a part-time IT Aide (7 hours per week) through June 30, 2013, to assist with technical support, training staff members and the public in basic digital literacy skills and videoconferencing procedures, and performing basic library tasks connected with library technology.

The IT Aide is needed to work on a backlog of IT tasks, as well as install and program equipment that has been purchased but not set up.

The Library is required to comply with existing requirements of the Public Library Assistance Grant and with accurate record keeping for the project's duration.

RECOMMENDATION: Approve Ordinance 12-56 accepting the OWL Project Grant for a Temporary Part-Time IT Aide.

Alaska OWL (Online with Libraries) Internet Technology Aide Grant Agreement FY2013

This agreement is made and entered into this _____ day of _____, 20___, by and between the Alaska State Library Alaska OWL Project, hereafter referred to as the Grantor; and the _____ Library, hereafter referred to as the Grantee.

Whereas, the U.S. Department of Commerce has granted funds to the Alaska State Library for internet technology aides for small public libraries; and whereas, the application of the Grantee for an internet technology aide has been approved. NOW THEREFORE, for and in consideration of the mutual covenants herein contained, the parties hereto agree as follow:

The Grantor (Alaska State Library) will agree to:

1. Furnish funds up to the amount of \$ 7,280.00.
2. Provide initial and periodic training for the internet technology aide
3. Provide advisory services in furtherance of the grant project

The Grantee will agree to:

1. Comply with the ongoing requirements of the Alaska Public Library Assistance Grant for FY2013.
2. If open less than 20 hours per week, open the library 4 additional hours per week through June 30, 2013.
3. Hire or contract a person to serve as an Internet Technology Aide (ITA), who will be present in the library at least 5 hours per week.
4. Provide the name and contact information for the person hired as the ITA to the Alaska OWL project staff.
5. Assign duties to the ITA including basic technical support, training other staff members and the public in basic digital literacy skills and videoconferencing procedures, and performing basic library tasks if necessary for extended library hours.
6. Verify that the ITA has participated in and completed all in-person and online training required by the Alaska State Library.
7. Document all ITA hours worked through a Project OWL timesheet, which will be returned by the monthly deadline to the Project OWL Compliance Administrator, Alex Pock, at the Alaska State Library, 344 W 3rd Ave. Suite 125, Anchorage, AK 99501,
8. Send monthly reports of any OWL Project training in the library to the OWL Project Compliance Administrator, Alex Pock, Alaska State Library, 344 West 3rd Ave., Suite 125, Anchorage, AK 99501.
9. Use all funds received solely for the purposes outlined above.
10. Repay any portion of grant funds that have not actually been used for these purposes by June 30, 2013.

The source of funding for this agreement is as follows:

BTOP Federal Grant CFDA 11.557 Award No. 02-42-B10560 **up to \$ 7,280.00**

By accepting this agreement, the grantee may become subject to the audit requirements of State of Alaska Administrative code 2 AAC 45.010. As a result, the Grantee may be required to provide for an audit and to permit independent auditors to have access to their records and financial statements. The Grantee should consult with an independent auditor for assistance in determining audit requirements for the fiscal year.

The undersigned understands and agrees to the conditions of this agreement. BOTH Signatures Are Required.

For the Library

For the Legal Entity

Signature

Signature

Title Date

Title Date

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

This section to be completed by Finance

Special Project Number 157-799 DATE 10/19/2012
 GL Activity Task Number _____

Project Name: OWL IT Aide
 Activity Task Name: OWL IT Aide
 Project Start Date: Dec. 11, 2012 Project End Date: 7/30/2013

Project Description: Hire a part-time temporary IT Aide to assist with technical support, training staff members and the public in basic digital literacy skills and videoconferencing procedures, and perform basic library tasks connected with library technology.

Funding Source: On-line With Libraries (OWL) program, through Alaska State Library and U.S. Department of Commerce.

Other Comments: _____

Codes	Expense Description	Project Budget	
		Grant Budget	Local Match (if Required)
5101/2	Project -Salaries & Benefits	\$4,760	
5202	Materials		
5210	Professional Services		
	Project Management		
	Inspection		
5212	Engr / Arch / Design		
5216	Postage / Freight		
5227	Advertising		
5261	Construction		
5262	Contingency		
5901	c/o Equipment, Furnishing >\$1,000		
5903	c/o Buildings & Improve >\$1,000		
	TOTAL	\$ 4,760.00	\$

Resolution : _____ Ordinance: _____

Approvals

Ann Dixon *Ann Dixon* 10/31/12
 Requesting Department/Project Manager Date
~~Regmie Mawson~~ *Regmie Mawson* 11/19/2012 10/31/12
 Finance Department Date
 Walt Wrede *Walt Wrede* 10/31/12
 City Manager Date

This section to be completed by Finance

Project Number/Budget Scanned & E-mailed to:

City Clerk: _____ Date & Initial _____ Requesting Dept: _____ Date & Initial _____
 _____ Date & Initial _____ Date & Initial _____
 _____ Date & Initial _____

Scanned to "Y" drive: _____

ORDINANCE REFERENCE SHEET
2012 ORDINANCE
ORDINANCE 12-57

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating an Additional \$101,250 from the General Fund Balance for Completion of the Nick Dudiak Fishing Lagoon Dredging Project.

Sponsor: City Manager/Public Works Director/Port and Harbor Director

1. City Council Regular Meeting November 26, 2012 Introduction
 - a. Memorandum 12-169 from City Manager as backup
 - b. Memorandum 12-156 from Public Works Director as backup
 - c. Memorandum 12-147 from Public Works Director as backup
 - d. Emergency Ordinance 12-52(S)
 - e. Ordinance 12-44(A)(S)
 - f. Ordinance 12-43

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

3 City Manager/Public Works Director/
4 Port and Harbor Director

5 **ORDINANCE 12-57**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AMENDING THE FY 2012 CAPITAL BUDGET BY
9 APPROPRIATING AN ADDITIONAL \$101,250 FROM THE
10 GENERAL FUND BALANCE FOR COMPLETION OF THE
11 NICK DUDIAK FISHING LAGOON DREDGING PROJECT.
12

13 WHEREAS, The Homer City Council adopted Ordinance 12-43 and Ordinance 12-44
14 (A)(S) which together appropriated \$376,500 for the Fishing Lagoon Dredging Project; and
15

16 WHEREAS, The approved project budget/appropriation was based upon the removal of
17 25,000 cubic yards of material and it is now apparent that 32,500 cubic yards of material will
18 need to be removed if the Lagoon is to be dredged to its original design depth; and
19

20 WHEREAS, Dredging an additional 7,500 cubic yards will cost \$101,250; and
21

22 WHEREAS, Homer City Council adopted emergency Ordinance 12-52 on November 2,
23 2012 to allocate an additional \$101,250 to the Fishing Lagoon Dredging Project.
24

25 NOW, THEREFORE, BE IT ORDAINED by the City of Homer:
26

27 Section 1: The City Council hereby amends the FY 2012 Capital Budget by appropriating
28 an additional \$101,250 from the General Fund Balance for completing the Nick Dudiak Fishing
29 Lagoon Dredging Project as follows:
30

31 Expenditure:

32 From Account:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-100	Fishing Hole Dredging	\$101,250

36 To Account:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-779	Nick Dudiak Fishing Lagoon Dredging	\$101,250

MEMORANDUM 12-169

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: November 1, 2012

SUBJECT: Emergency Ordinance / Additional Funds for Nick Dudiak Fishing Lagoon Project

The Council recently adopted Ordinance 12-44 (A) (S) which appropriated \$100,000 from the Fishing Hole Maintenance Fund and \$167,500 from the General Fund Balance for the Fishing Hole dredging project. When the \$100,000 Legislative Grant is added, we had a total project budget / appropriation of \$367,500. Ordinance 12-44 (A) (S) and supporting Memorandums 12-147 and 12-156 are included in the packet as back-up for your information.

As you know, a dredging contract has been let and work is currently underway. The original estimate of the amount of material that needed to be removed when this project was proposed to the Legislature was 25,000 yards. This estimate was based upon information on lagoon depth levels that was available to us at the time. The contractor on the job has experience and the equipment necessary to make these types of estimates. He looked at the job before he submitted a bid and also concluded that 25,000 cubic yards would have to be removed. Based upon this concurrence, we went with that number when requesting funding from the Council rather than spend an additional \$6,000 for a detailed survey.

The contractor is now very close to removing 25,000 cubic yards. It is clear now that additional material will have to be removed in order to get the Lagoon back to its original design depth. New survey work is available to us that shows exactly where the problem areas are. It is now clear that an additional 7,500 cubic yards will need to be removed, for a total of 32,500 cubic yards. If this work is not completed, parts of the northern section of the Lagoon will have a steep shelf and will remain only 4 or five feet deep in some areas.

The contractor bid this job at \$13.50 per cubic yard. That is a really good price considering that he did the harbor dredging job for close to \$22.00 per yard. Unfortunately, \$13.50 per yard times 7,500 yards adds up to \$101,250; a lot of money. The material being dredged is of high quality and we do anticipate getting \$40,000 or more of the appropriation back through the sale of this material. The plan is to RFP this material separately from the other dredged stockpiles. Contractors have suggested that this material could bring bids that are quite a bit more than the current minimum price of \$5.00.

The money would again have to come from the General Fund Balance. This seems like the most logical place. The Mayor has suggested that we could use the extra \$100,000 the City received in Revenue Sharing this year. This seems appropriate since it is a one-time allocation. This money is unallocated at this point and would normally be added to the Fund Balance unless Council appropriates it.

HCC 1.08.040 governs emergency ordinances. It states that emergency ordinances must contain a finding that an emergency exists and a statement of the facts supporting such a declaration. The Administration believes that an emergency ordinance is justified in this case for the following reasons:

- The contractor is already mobilized and on-site. To remobilize at a later date would cost approximately \$20,000.
- Council is not scheduled to meet again until November 26 and second reading of an appropriation ordinance could not occur until December 10; much longer than the equipment can remain on-site.
- This method of dredging is the preferred method approved by the environmental permitting agencies. Stopping now and/or dredging in a different manner at a later date would require new permits and jeopardize completion of the project. It might also increase the cost.
- Stopping now would mean the permitting window for dredging might be missed and the project might not be complete by spring.
- A new RFP for dredging the remaining material would take time, be costly, and likely mean the project would not be complete by spring.
- Stopping now before the design depth is reached in all areas of the Lagoon would mean that optimal conditions for fish survival would not be attained.
- The Council has made it clear that it wants the Lagoon dredged to its original design depth and that the project be completed in time for ADF&G stocking this spring. The best way to accomplish that would be to keep moving. If we do so, the project will be completed in a few days.

RECOMMENDATION: Approve Emergency Ordinance 12-52



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.



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.

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

3 City Manager/Public Works Director/
4 Port and Harbor Director

5 **EMERGENCY ORDINANCE 12-52(S)**
6

7 AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF
8 HOMER, ALASKA, AMENDING THE FY 2012 CAPITAL
9 BUDGET BY APPROPRIATING AN ADDITIONAL \$101,250
10 FROM THE GENERAL FUND BALANCE FOR COMPLETION
11 OF THE NICK DUDIAK FISHING LAGOON DREDGING
12 PROJECT.
13

14 WHEREAS, The Homer City Council adopted Ordinance 12-43 and Ordinance 12-44
15 (A)(S) which together appropriated \$376,500 for the Fishing Lagoon Dredging Project; and
16

17 WHEREAS, The approved project budget/appropriation was based upon the removal of
18 25,000 cubic yards of material and it is now apparent that 32,500 cubic yards of material will
19 need to be removed if the Lagoon is to be dredged to its original design depth; and
20

21 WHEREAS, The City of Homer received a supplemental \$100,000 in revenue sharing
22 this year and it would be appropriate to allocate this money toward the repair of the fishing
23 lagoon.
24

25 WHEREAS, Dredging an additional 7,500 cubic yards will cost \$101,500; and
26

27 WHEREAS, An emergency exists and an emergency ordinance is justified because:
28

- 29
- 30 • The contractor is already on site and mobilized. To remobilize would cost approximately
31 \$20,000 and it cannot be assumed that the contractor would be available later or would
32 complete the job for the same unit price.
 - 33 • The Council, under its present schedule, could not adopt an appropriation ordinance until
34 December 10, far longer than the equipment can be retained on site. The contractor would
35 likely need to be compensated for sitting idle.
 - 36 • A new RFP for dredging the remaining material would be costly and time consuming,
37 and could increase the total expenditure and jeopardize the targeted completion date.
 - 38 • Stopping now and/or completing the job using another method of dredging would drive
39 the cost higher, cause the City to miss the environmental window for dredging, and
potentially require new permits.

- 40 • Stopping now or delaying would likely result in the City Council not being able to
41 achieve its goals including restoring the Lagoon to its original design depth, insuring
42 optimal conditions for fish survival, and completing the project before ADF&G stocks
43 the Lagoon in the spring.

44
45 NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

46
47 Section 1: The City Council hereby amends the FY 2012 Capital Budget by appropriating
48 an additional \$101,250 from the General Fund Balance for completing the Nick Dudiak Fishing
49 Lagoon Dredging Project as follows:

50
51 Expenditure:

52 From Account:

53 <u>Account No.</u>	<u>Description</u>	<u>Amount</u>
54 100-100	Fishing Hole Dredging	\$101,500

55
56 To Account:

57 <u>Account No.</u>	<u>Description</u>	<u>Amount</u>
58 151-779	Nick Dudiak Fishing 59 Lagoon Dredging	\$101,500

60
61 Section 2. The Council finds that an emergency exists and that an emergency ordinance
62 is justified for the reasons stated in the Whereas clauses.

63
64 Section 3. This ordinance is a budget amendment ordinance only, is not of a permanent
65 nature, and shall not be codified.

66
67 Section 4. The material generated by this project can be sold for use off the Spit.

68
69 Section 5. Any proceeds from gravel sales will be placed in the fishing lagoon fund.

70 PASSED AND ADOPTED by the Homer City Council this 2nd day of November, 2012.

71
72 CITY OF HOMER

73
74
75 
76 MARY E. WYTHE, MAYOR
77

78 ATTEST:

79

80

81

82 JO JOHNSON, CMC, CITY CLERK

83

84

85

86 YES: 6

87 NO: 0

88 ABSTAIN: 0

89 ABSENT: 0

90

91 First Reading: 11/02/12

92 Public Hearing:

93 Second Reading: 11/02/12

94 Effective Date: 11/02/12

95

96

97

98 Reviewed and approved as to form:

99

100

101

102 Walt Wrede, City Manager

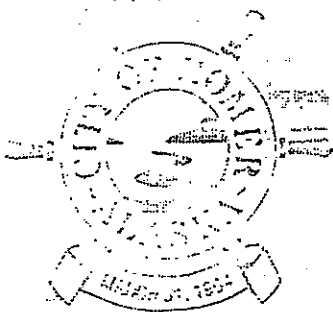
103

104 Date: 11/5/12

105

Thomas F. Klinkner, City Attorney

Date: _____



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:

27
28

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

29
30
31
32 Section 2. This ordinance is a budget amendment only, is not of a permanent nature, and
33 shall not be codified.

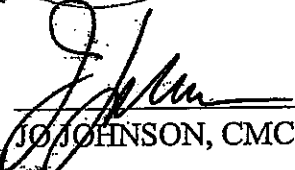
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35 ENACTED BY THE HOMER CITY COUNCIL this 8th day of October,
36 2012.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

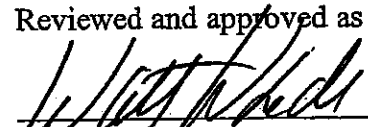
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ATTEST

JO JOHNSON, CMC, CITY CLERK

YES: 6
NO: 0
ABSENT: 0
ABSTAIN: 0

First Reading: 9/24/12
Public Hearing: 10/08/12
Second reading: 10/08/12
Effective Date: 10/09/12

Reviewed and approved as to form:

Walt Wrede, City Manager

Date: Oct 10, 2012


Thomas F. Klinkner, City Attorney

Date: 10-16-12

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**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 \$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 \$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 \$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	\$167,500

To Account:

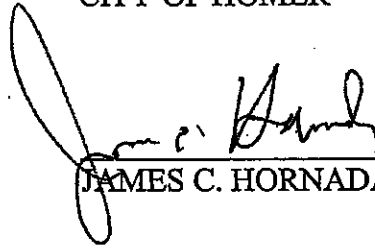
151-779	Nick Dudiak Fishing Lagoon Dredging Fishing Lagoon Improvements	\$267,500
---------	--------------------------------------------------------------------	-----------

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.

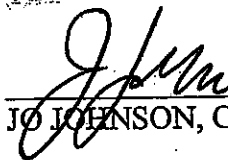
51
52 PASSED AND ADOPTED by the Homer City Council this 8th day of
53 October, 2012.

CITY OF HOMER



JAMES C. HORNADAY, MAYOR



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67 
68 JO JOHNSON, CMC, CITY CLERK

69
70
71 YES: 6
72 NO: 0
73 ABSENT: 0
74 ABSTAIN: 0

75
76 First Reading: 9/24/12
77 Public Hearing: 10/08/12
78 Second reading: 10/08/12
79 Effective Date: 10/09/12

80
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83 Reviewed and approved as to form:

84 
85
86 Walt Wrede, City Manager


Thomas F. Klinkner, City Attorney

87
88 Date: Oct 10, 2012

Date: 10-16-12

CITY MANAGER'S REPORT

MANAGERS REPORT
October, 2012

TO: MAYOR HORNADAY / HOMER CITY COUNCIL

FROM: WALT WREDE

W. Wrede

UPDATES / FOLLOW-UP

1. MOA with Borough / Garbage Collection: The Port and Harbor contracts for garbage collection on the Spit and it pays for up to twenty, five yard dumpsters at 11 different locations during the year. This costs the Enterprise Fund about \$50,000 per year. It is estimated that about 10 percent of all garbage that winds up in dumpsters there is either garbage from people residing on the South Side of the Bay or local residents who find it more convenient to dump their garbage on the Spit than drive up to the dump on Baycrest Hill. The dumpsters at Ramp 4 and the Fishing Lagoon are hotspots for local residents and the dumpsters at Ramp 6 are a favorite for those residing across the Bay. Harbor users pay for garbage collection through their slip fees and Borough taxes. It is unfair to ask them to cover the cost associated with dumping by others. The Spit is in effect functioning like a transfer facility for the Borough. The Borough has recognized this in effect by placing a recycle dumpster there and by reimbursing the Enterprise Fund \$ 875 per year for one dumpster that is tipped five times. Clearly not enough. All Borough residents pay for garbage collection through their taxes. Since the Spit is functioning like a transfer station, it seems reasonable that the City should receive more than \$875 per year from the Borough. We are hoping for some discussion on the topic and for permission to negotiate a new arrangement with the Borough.
2. H.S. Football Field Upgrade: As you know, the School District is hoping to obtain funding this legislative session for new artificial turf at the High School Football field. Attached is a proposed project description and budget. I had several conversations with Dr. Gee this past week about the project. The District would like to obtain some level of support from the City. The range of possibilities include a resolution, placement on the City CIP List, and appropriating local matching funds. The District is currently working on getting the project on the Borough and School Board CIP Lists. Dr. Gee may request to speak with the Council as a visitor at an upcoming meeting.
3. Proposed Capital Budget Amendment: Attached is a proposed budget amendment submitted by the Public Works Department. This proposed expenditure was submitted too late to make the draft budget, however, it has emerged as a priority for PW. The money would come from the sewer reserves. This project has to do with upgrading the telemetry which automatically feeds staff data about the system and sends alarms if there are problems. At this point it would be up to Council to amend the budget to add this appropriation if it sees fit. We hope that you will.
4. Homer Hockey Tournament: The City received a big thank you letter this week from Homer Hockey Association for its recent contribution to the purchase of

zamboni batteries. The Association pointed out that City support helps it provide a great recreational opportunity for local residents. The rink also provides a big boost to the local economy. This weekend the Association hosted the End of the Road Shoot Out Tournament which includes teams from many Alaska communities. Please see the attached tournament schedule. I thanked the Association but informed them that I could not accept the season pass. I attended part of the tournament and the Mariners played terrific.

5. Dredged Spoils: At the time this report was written, the dredging project at the fishing lagoon was just about complete. The materials that came from the lagoon are of high quality. We plan to RFP this material separately from the other dredged materials and use the proceeds to replenish the Fishing Lagoon Maintenance Fund.
6. Jail Position: Chief Robl has 4 temporary, part time staff that he uses to cover shifts at the jail. This has worked out well in the past because it gives him some flexibility in terms of scheduling and because he has been able to hire mostly retired, experienced personnel. The problem for us is that the number of hours we are able to use part time employees is limited by PERS rules. Due to a variety of circumstances, these folks have been working many hours and we need to cut them back or face penalties. The solution to this problem is to eliminate several of these part time positions and hire one full time position. Finance has run the numbers and it appears that we could make this move without budgeting any additional funds. Please see the attached budget request. However, doing this would be adding another authorized, full-time, position with full benefits. This would require action in the form of a motion to amend the budget. No additional funds would be required but we do need a full time position authorized. We hope you will do so. Mark, Regina, and Andrea will all be available to answer questions you may have.
7. Fender Failure and Dolphin Damage: This agenda contains resolutions awarding contracts to repair a dolphin at the Pioneer Dock and to remove damaged fenders at the Deep Water Dock. The damage at the Pioneer Dock was caused by the ferry and the State of Alaska will pay the cost of the repairs. The damaged fenders on the Deep Water Dock were scheduled to be removed anyway next Spring as part of the Cruise Ship grant project, so the grant will pay for this work. The fenders need to be removed now because they are a safety hazard.
8. Employee Wellness Program: The Employee Committee reports that approximately 80% of all employees have now signed up for the wellness program. Folks are really getting into it. The Committee is working to inform employees about the self insurance health care plan and steps they can take to save the plan money. It is hoped that a well informed and healthy work force will use the plan less and reduce costs in the process.
9. Natural Gas Update: The three scheduled community meetings have taken place and I believe that for the most part, they went pretty well. The certified mailing containing the improvement plan and the objection forms went out on November 1st. That was a monumental effort and I believe the Post Office is still upset with us for all the congestion this caused there! It looked like Christmas came early. I am currently working with Enstar on a draft construction contract that we can

make available for public review. Between now and January we will make ourselves available to any organization that would like a presentation on the HSAD.

10. Deferred Assessments for Seniors: One of the questions we have received most often about the proposed natural gas HSAD is whether deferred assessments will be available. Our answer is unsatisfactory to most people. The answer is maybe. The code as currently written would allow for deferred assessments. However, the Council would have to approve them on a case by case basis. The Council would also have to identify a funding source to pay for the deferred assessments. This issue warrants discussion and I think it would be beneficial to definitely answer it soon, before the late January end of the objection period. Tom Klinkner advises that if the Council does not wish to provide deferred assessments in this case, it could make that clear by either making a motion as part of the budget approval process or adopting an ordinance amending the code, or both. The staff is working to see if it can get a reasonable estimate on how many seniors might be eligible for the deferment so we have a better sense of how much money we are talking about.
11. Main St. / Sterling Highway: Last month I visited DOT/PF in Anchorage and I was informed that their application for funding for the Sterling Highway/Main Street intersection under the Highway Safety Intersection Program (HSIP) was funded. DOT/PF is approved for \$2.8 Million to do either a roundabout or a traffic signal. Design and some permitting and ROW work will begin next year. A four way stop and blinking light, similar to the one currently at Pioneer and Lake is also funded. So, the City will need to make a final decision about how it wants to use the \$2 Million that it has. The sooner the better so that it can be integrated into the larger project.
12. Deep Water Dock MOU: After years of lobbying and negotiation, I am happy to say that we now have a draft MOU for the dock expansion feasibility work. We are reviewing it now and hope to be ready for Council action in the near future. Recall that the City has \$2 Million in a federal appropriation and \$1 Million in a state appropriation to do feasibility studies and some design and permitting work. The studies would look at lengthening the dock face and strengthening the trestle.
13. MAP 21: While I was at DOT/PF, I received a briefing on the recently passed federal transportation bill, known as Map 21. Information is attached. It appears that cities in Alaska will have to again pay more attention to the STIP process in order to get projects funded. Earmarks cannot be counted on as they have been in the past.

ATTACHMENTS

1. H.S. Football Field Improvement Plan
2. Proposed Capital Budget Amendment / SCADA Equipment Upgrade
3. Letter from Homer Hockey
4. Proposed Jail Position



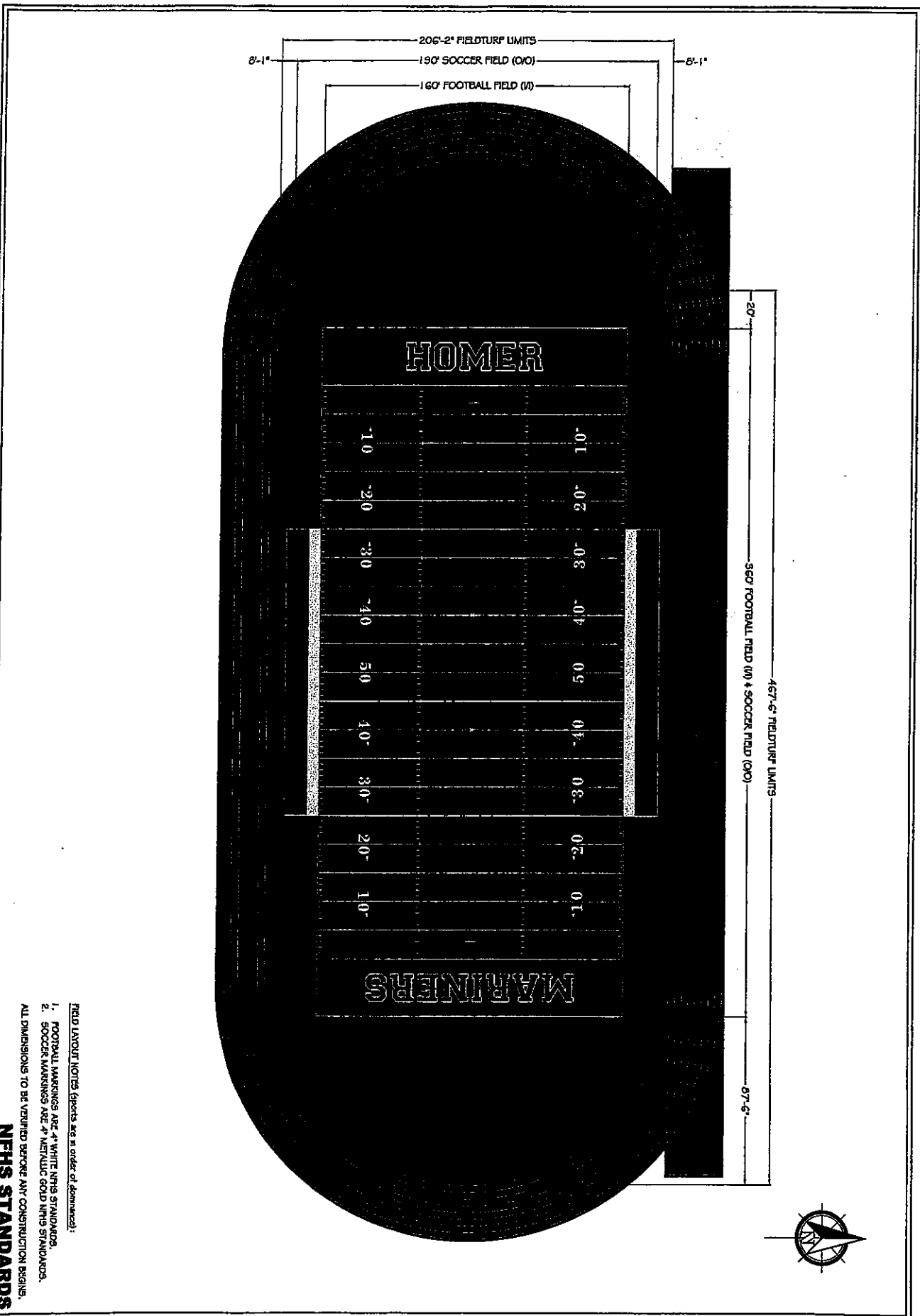
City of Homer

Memorandum

To: Mayor Wythe and Homer City Council
From: Walt Wrede, City Manager *W. Wrede*
Date: November 7, 2012
Re: November Employee Anniversaries

I want to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years. Each of these employees will have an anniversary this month.

Dave Shealy,	Police	15	Years
Mike Riley,	Public Works	12	Years
Lisa Ellington,	Port & Harbor	6	Years
Paul Clark,	Police	5	Years
Jenna deLumeau,	Finance	3	Years
Ian Overson,	Police	1	Year



FIELD LAYOUT NOTES (objects are in order of placement):

1. FOOTBALL MARKINGS ARE 4" WHITE NYLON STANDARDS.
2. SOCCER MARKINGS ARE 4" METALLIC GOLD NYLON STANDARDS.

ALL DIMENSIONS TO BE VERIFIED BEFORE ANY CONSTRUCTION BEGINS.

NFHS STANDARDS

**HOMER HIGH SCHOOL
HOMER, AK**

DATE: APRIL 26, 2012 ISSUE: PRESENTATION SHEET: 1/2 FIELD LAYOUT



DRAWN BY:	J.B.
CHECKED BY:	-
SCALE:	1"=40'
FIELD AREA:	91,894 sq.ft.

All Rights Reserved. Confidential Information: No portion of these drawings may be disclosed, used, reproduced, modified or shown, without prior written consent of FieldTurf.



Table 2: Artificial Turf Installation and Material Costs

Description	Quantity	Unit	Estimated Unit Price	Price
Artificial turf and installation including: 91,100-SF of field surface and tile Markings for football and soccer SweepRight, Shipping	1	LS	\$780,944	\$781,000
End zone lettering	13	EA	\$1,500	\$19,500
Groomer	1	EA	\$5,500	\$5,500
Subtotal				\$806,000
Contractor Mark-up, Support, and Overhead at 10%				\$80,600
TOTAL				\$886,600
Notes:				
1. Costs are based on an email from Field Turf 4/24/12.				
2. Maintenance supplies include those listed in the estimate (Appendix D).				

Field Drainage and Section

The most complicated component of artificial turf design is the handling of field drainage. Fields can be designed to collect all the water from the field or to allow it to percolate. At about 100,000-SF (2.3 acres), the athletic field within a track represents a significant flow potential. Knowing that materials at the Homer High School site are largely low-permeability, frost susceptible silts and clays; and, knowing that the field may have a groundwater table at 8 feet bgs, it is assumed that the field will be designed as an impermeable field, with water collected and piped for disposal. While this can be done in a number of ways, one means is to place an impermeable membrane underneath the field and rest the carpet on tile. The tile allows water to flow across the field beneath the playing surface. The flows are then collected in perimeter drains. In this case, the drain would be a rock-filled ditch at the perimeter of the track. A perforated pipe in the trench would direct flows to discharge points. The discharge points can be the existing system or pipes beneath the track and will need to be addressed in track construction.

The section beneath the field needs to be designed to support the loading of the field, players, and occasional maintenance vehicles or other traffic expected on the field. A typical section is similar to that beneath a track, 4 inches of leveling course over 12 to 18 inches of subbase material and a geotextile. The specific section is typically based on the proposed field, drainage system, and native materials.



Table 3 provides a planning level estimate of the artificial turf design and construction, to the point of turf installation, covered in the previous section.

Table 3: Artificial Turf Drainage and Section Costs

Description	Quantity	Unit	Estimated Unit Price	Price
Membrane (material and installation)	91,100	LS	\$0.20	\$53,700
Leveling course	1,125	CY	\$48.00	\$53,985
Subbase	3,374	CY	\$40.00	\$135,000
Drain rock	1,807	CY	\$30.00	\$135,600
Geotextile (Separation)	14,623	SY	\$3.00	\$43,900
8-inch corrugated polyethylene pipe (CPEP)-Type SP	1,220	LF	\$25.00	\$30,500
Excavation	6,306	CY	\$20.00	\$126,100
Subtotal				\$578,785
Contractor Mark-up, Support, and Overhead at 20%				\$115,745
Project Design, Administration, and Estimating Contingencies at 20%				\$115,745
TOTAL				\$810,275

Goal Posts

The final item required for any fully functional field is a goal post. The existing goal posts, while usable, would be removed to construct the artificial turf. It is recommended that if possible they be salvaged for use at another field in Homer, but that new posts are purchased for the new field. The new posts should have ground sleeves designed for use with an artificial turf system. There are two primary styles in use at multipurpose football and soccer fields – dual goals and gooseneck goals.

A combination goal is just that, a soccer goal with football uprights. Examples of several such goals are provided in Appendix D. Note that these goals come in two styles for the soccer piece. The first has legs at the back of the goal to form support for the soccer netting – this make a total of four legs on the field beneath the football uprights. The second uses European or loop stays to support the netting – removing the additional legs and leaving just two posts on the field. These have the advantage of being a single installation with only nets and pads requiring secure storage. Estimated costs for a set of combination goals are provided in Table 4.



Table 4: Combination Goal Costs

Description	Quantity	Unit	Estimated Unit Price	Price
Combination Goals, High School	1	pair	\$3,225	\$3,225
White Powder Coating of Goal Mouth	1	pair	\$450	\$450
Soccer Nets, white	1	pair	\$148	\$148
6-inch-thick pads	2	pair	\$467	\$934
Silk-screening (Homer Mariners)	13	each	\$15	\$195
Foundation boxes	2	pair	\$1,000	\$2,000
Freight	1	LS	\$1,450	\$1,450
Subtotal				\$8,443
Contractor Markup, Handling, Overhead at 25%				\$2,110
Total				\$10,553
Notes:				
1. Costs are based on a proposal from Aluminum Athletic Equipment (AAE) dated April 17, 2011 (Appendix D) with freight estimated from an earlier email.				
2. Project administration, concrete footing, and other costs are not specifically included here.				

At this time, the CAC has indicated a preference for the use of gooseneck goals. Gooseneck goals are available with an 8-foot offset for multipurpose fields so that a portable soccer goal can sit beneath the goal, with the required offsets for legal play. While more expensive overall, this installation provides the most traditional setup for both teams. There is a single goal post as an obstruction at each end, but storage is needed for the pole pads and the portable soccer goals. Costs can be saved if new soccer goals are not purchased and also if contractor markup is avoided by direct purchase. Estimated costs for a set of gooseneck and soccer goals is provided in Table 5.

Table 5: Gooseneck and Portable Goal Costs

Description	Quantity	Unit	Estimated Unit Price	Price
8-foot Offset, Gooseneck Football Goals, Yellow	1	pair	\$6,583	\$6,583
Foundation boxes	1	pair	\$1,000	\$1,000
6-inch-thick pads	1	pair	\$590	\$590
Silk Screening (Homer Mariners)	13	each	\$15	\$195
Soccer Goal, portable	1	pair	\$3,357	\$3,357
Rollaway Soccer Goal wheels	1	set	\$297	\$297
Soccer Nets, white	1	pair	\$148	\$148
Freight	1	LS	\$3,650	\$3,350
Subtotal				\$15,670
Contractor Markup, Handling, Overhead at 25%				\$3,918
Total				\$19,588
Notes:				
1. Costs are based on a proposal From AAE dated April 17, 2011 (Appendix D) with freight estimated from an earlier email.				
2. Project administration, concrete footing, and other costs are not specifically included here.				

At least eight weeks should be allowed for receipt of goals and accessories regardless of the style selected.



Turf Project Cost

As a separate project, budgeting for an artificial turf surfacing on the Lower Field should provide at least \$2 million with appropriate escalations for inflation, as soon as a timeline is developed, as shown in Table 6.

Table 6: Lower Field Artificial Turf Project

Description	Price
Artificial Turf Installation and Material Costs	\$886,600
Drainage and Section	\$810,275
Gooseneck and Portable Goal Costs	\$19,588
Subtotal	\$1,716,463
KPB finance, administration, and contingencies at 15%	\$257,469
Total	\$1,973,932

The development of the field independent of the track is easy, with the exception of the drainage pipe crossings. While these can be installed with trenchless technologies it is most cost effective to provide facilities during track construction while considering later development. As discussed here, a minimum of one track crossing will be required for this purpose.

The development of the track ahead of the field is advantageous in some respects. The interior edge of the track will be set to a constant elevation, something that is often lost with time on older tracks. A curb will also be set and become the attachment point for the field. The field can then be crowned or flat, as designed, and will have a constant edge to work from allowing for maximum width development. Had the field been developed first, a transition zone or inset curb would likely have been required to address the irregularities in the track elevation which would have limited soccer field size. Within an equal-quadrant track as proposed, the soccer field width is already limited to about a 195- to 200-foot, depending on how close the community feels it is acceptable to be to the track.

3.1.1 Access

Generally, access to the Athletic Stadium is acceptable with the exception of the need for ADA access to the Lower Field, which will be addressed as part of track development. There are no identified deficiencies or repairs needed to the perimeter fencing.

While the perimeter fencing for the Athletic Stadium is adequate, many fields also include a 4-foot, chain-link spectator separation fence. This fence provides field security from unauthorized traffic and can be used to limit spectator access to the track and/or field during events. The fencing can also be used to route spectators appropriately. Given the current access routing, spectator fencing along the track perimeter at the base of the grandstand would be sufficient to prevent access. Additional fencing at the top of the drive access should also be considered. While fencing costs are dependent on length, height, and number of gates, for planning purposes, costs for the fencing (400 LF) shown in Figure 2 are estimated at \$26,500. This assumes \$60/LF for 4-foot 9 gauge chain-link fence, with an additional \$500 per pedestrian gate and \$1,500 per vehicle access gate (20-foot double swing).

CITY OF KETCHIKAN
 DEPARTMENT BUDGET REQUEST
 11/1/2012

Requesting Department PUBLIC WORKS Date 11/7/2012

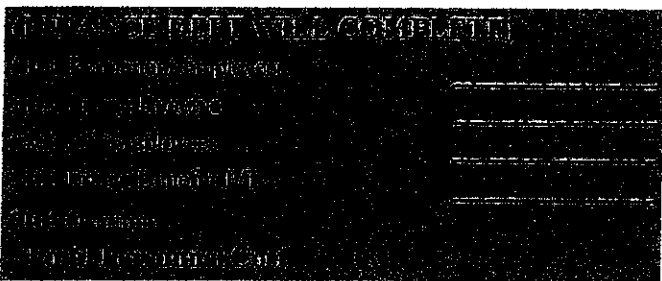
Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____
 Salary Range & Step _____
 Full-time
 Part-time Hours Per Year _____

Request Other Than Personnel:

Description Lift Stations
SCADA Upgrade
 Fund Name: Sewer Fund
 Account Name: Sewer Reserve
 Account # 256.379
 Estimated Cost: \$60,000



Justification

This request is to upgrade our autodialing & SCADA systems in (5) wastewater lift stations. The original systems were installed in 1998 and the technology is outdated and no longer supported. The request is estimated at \$12,000 per station and includes the following locations.

- (2) stations located on the Spit
- (1) station on Bay Avenue
- (1) station at Kachemak City
- (1) station on Beluga Slough

Other stations, including the new station on Kachemak Drive and the Fish Outfall station on the Spit already have the new systems installed. This work will standardize all of our stations to the present technology.

Requestor's Name: Jonker / Fraizer

Department Head Approval: *Carly Meyer*

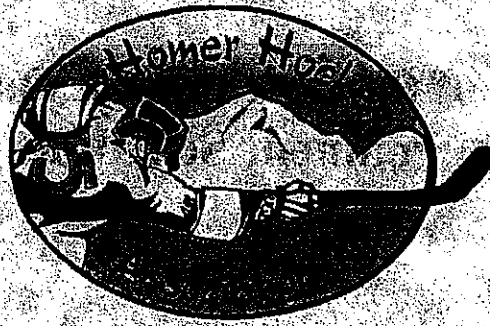
City Manager Recommendation: _____

Approved *John L. Johnson*

Denied _____

Comments _____

Date 11/6/12



P.O. Box 2703, Homer, Alaska 99603 -- (907) 235-2647 - www.homerhockey.org

November 7, 2012

Dear Mr. Wrede,

Thank you again for your recent financial support to purchase zamboni batteries for the Kevin Bell Arena.

Homer Hockey Association and the Mariner Co-Op Hockey Team would like you to join us at the End of the Road Tournament this weekend. This is the largest event the Kevin Bell Arena hosts this winter and an excellent example of how city support enables positive community recreational activities. The volunteer efforts are great, the hockey even better.

Enclosed please find a season's game pass, which will enable you to come and watch any Mariner home game at the Kevin Bell Arena for free. On the back of the letter, is a schedule of this weekend's tournament games.

On behalf of our public skaters, broom ball players and hockey enthusiasts, we hope to see you at the rink.

Respectfully,

Steve Dehanty
Homer Hockey Assn. President
Burch Rappert
Mariner Hockey

End of the Road Shoot Out Tournament Schedule

Thursday, November 8

9:00-11:00

11:30-1:30 Glenallen vs. Kenai

2:30 - 4:30 Houston vs. Hutchison

5:00 - 7:00 Kenai vs. Bartlett

7:30 - 9:30 Homer vs. Delta

Friday, November 9

9:00 - 11:00 Delta vs. Glenallen

11:30 - 1:30 Houston vs. Kenai

2:30 - 4:30 Hutchison vs. Delta

5:00 - 7:00 Bartlett vs. Glenallen

7:30 - 9:30 Hutchison vs. Homer

Saturday, November 10

9:00 - 11:00 Glenallen vs. Homer

11:30 - 1:30 Bartlett vs. Delta

2:30 - 4:30 Kenai vs. Hutchison

5:00 - 7:00 Homer vs. Houston

End of the Road Shoot Out Tournament Schedule

Thursday, November 8

9:00-11:00

11:30-1:30 Glenallen vs. Kenai

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7:30 - 9:30 Hutchison vs. Homer

Saturday, November 10

9:00 - 11:00 Glenallen vs. Homer

11:30 - 1:30 Bartlett vs. Delta

2:30 - 4:30 Kenai vs. Hutchison

5:00- 7:00 Homer vs. Houston



U.S. Department of Transportation
Federal Highway Administration

August 2012

After 10 extensions, a 27-month bill

- SAFETEA-LU expired on 9/30/09
- 10 extensions (final one from 7/1/12 - 7/6/12)
- Strong bipartisan vote for 27-month transportation bill
 - Passed 373-52 in the House
 - Passed 74-19 in the Senate
- Also includes major non-transportation provisions, e.g.,
 - Extension of 3.4% interest rates for student loans
 - Reauthorization of flood insurance program

MAP-21 themes

- Strengthens America's highway and public transportation systems
- Creates jobs and supports economic growth
- Supports the Department's aggressive safety agenda
- Simplifies and focuses the Federal program
- Accelerates project delivery and promotes innovation
- Establishes a performance-based Federal program

3

Stable funding

- Program authorized through FY14
 - Current law through end of FY12
 - Most new provisions go into effect on October 1st
- Avg. annual funding at FY12 levels (plus minor inflation)
- Extends Highway Trust Fund taxes and ensures 2 years of solvency for Highway Trust Fund (HTF)
- Substantial programmatic consolidation
 - No earmarks
 - Most discretionary programs eliminated

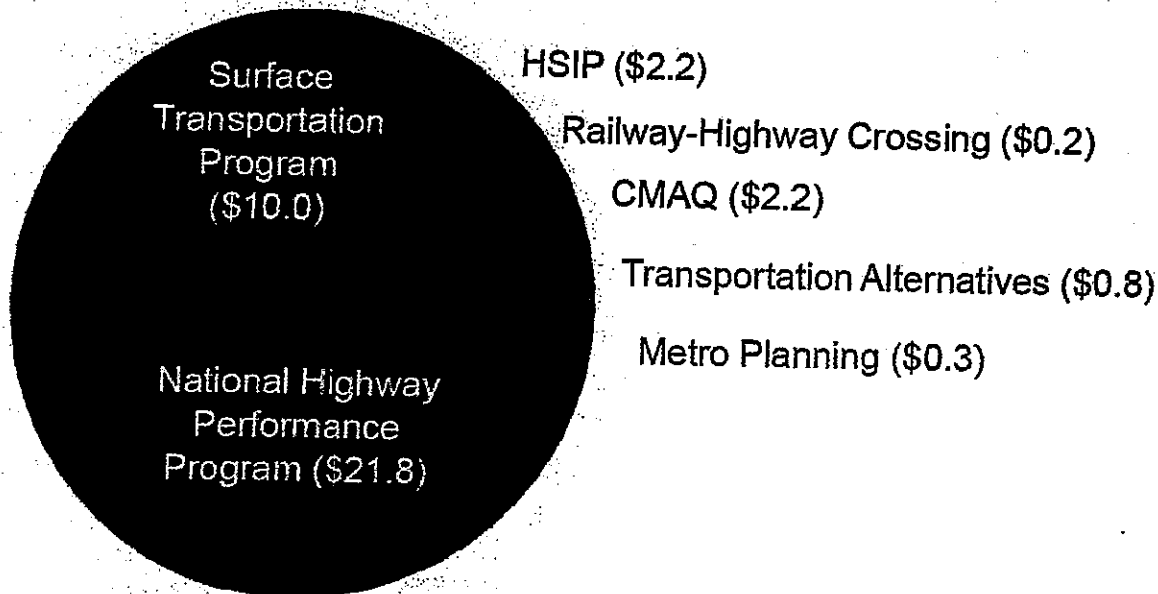
4

Program structure

MAP-21	Current Law
National Highway Performance Program (NHPP)	NHS, IM, & Bridge (portion)
Surface Transportation Program (STP)	STP & Bridge (portion)
Congestion Mitigation & Air Quality Improvement Program (CMAQ)	CMAQ
Highway Safety Improvement Program (HSIP)	HSIP (incl. High Risk Rural Roads)
Railway-Highway Grade Crossing <i>(takedown from HSIP)</i>	Railway Highway Grade Crossing
Metropolitan Planning	Metropolitan Planning
Transportation Alternatives <i>(set aside from NHPP, STP, HSIP, CMAQ, and Metro Planning)</i>	TE, Recreational Trails, and Safe Routes to School

6

\$37.7 billion/year in formula funding



Note: Amounts in \$ billions; individual program amounts do not add exactly to total due to rounding

9

National Highway Performance Program (\$21.8B)

- Funds an enhanced National Highway System, combining functions of the existing NHS, IM and Bridge Programs
- Enhanced NHS includes existing NHS, all principal arterials, STRAHNET, and intermodal connectors
- Requires an asset management plan
- States set targets for conditions and performance
- Min. standards for Interstate & bridge conditions in a State
 - DOT to set minimum standard for Interstate pavement condition
 - Law sets standard for NHS bridges -- no more than 10% of deck area may be structurally deficient

10

Freight provisions

- National Freight Policy
 - Establishment of National Freight Network, incl. Primary Freight Network, remainder of Interstate System, and critical rural freight corridors
 - National freight strategic plan
 - Freight transportation conditions and performance reports
 - Development of transportation investment data and planning tools
- Prioritization of projects to improve freight movement
 - For these projects, increases Federal share payable to 95% on the Interstate System and 90% elsewhere
 - USDOT must certify project improves efficiency of freight movement
 - Project must be identified in a State freight plan
- State freight advisory committees & freight plans encouraged; plan required to qualify for increased Federal share

24

Performance management

- MAP-21 identifies national goal areas
- USDOT establishes measures, with input
- States set targets
- State & metro plans describe how the organization will use program and project selection to help achieve targets
- States report to USDOT on progress toward targets (within 4 yr of enactment; biennially thereafter)
- Reports typically lead to corrective actions (not sanctions)
- Consequences if condition of NHS falls below thresholds

28

Transportation planning

- Metropolitan planning
 - Population thresholds for MPOs and TMAs unchanged
 - MPOs to establish performance targets
 - Long range plan incorporates other performance plans
 - TIP to be updated at least every 4 yr
 - MPO serving a TMA selects all projects except those on NHS, which are selected by State with MPO cooperation
- Statewide & nonmetropolitan planning
 - Transition to performance-based, outcome-driven planning process, with State setting performance targets
 - Long range plan includes report on conditions & performance of system relative to established performance measures
 - Long range plan incorporates other performance plans

29



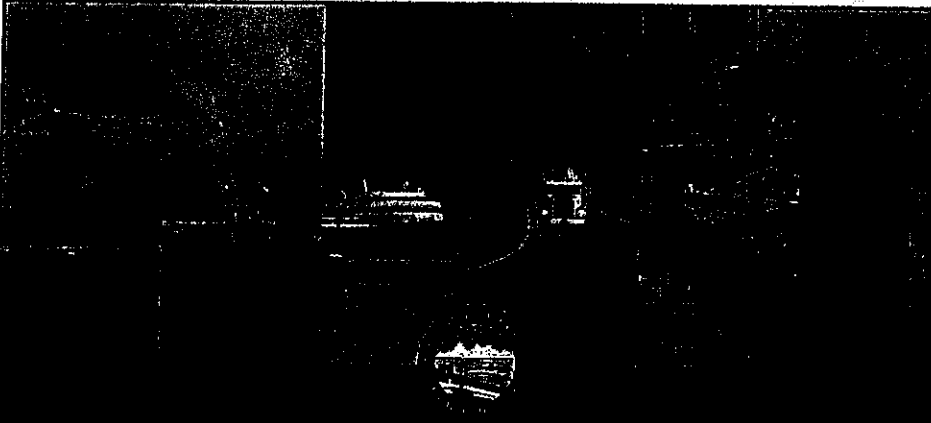
Next steps

- Communication
 - Webpage
 - Summary
 - Fact sheets and Q&As
- Implementation
 - October 1 “phase in”
 - Transitional procedures
 - Follow-on guidance and regulation
- <http://www.fhwa.dot.gov/map21>

39

**The bill establishes national performance goal
in seven areas:**

- safety
- infrastructure condition
- congestion reduction
- freight movement and economic vitality
- environmental sustainability
- reduced project delivery delays

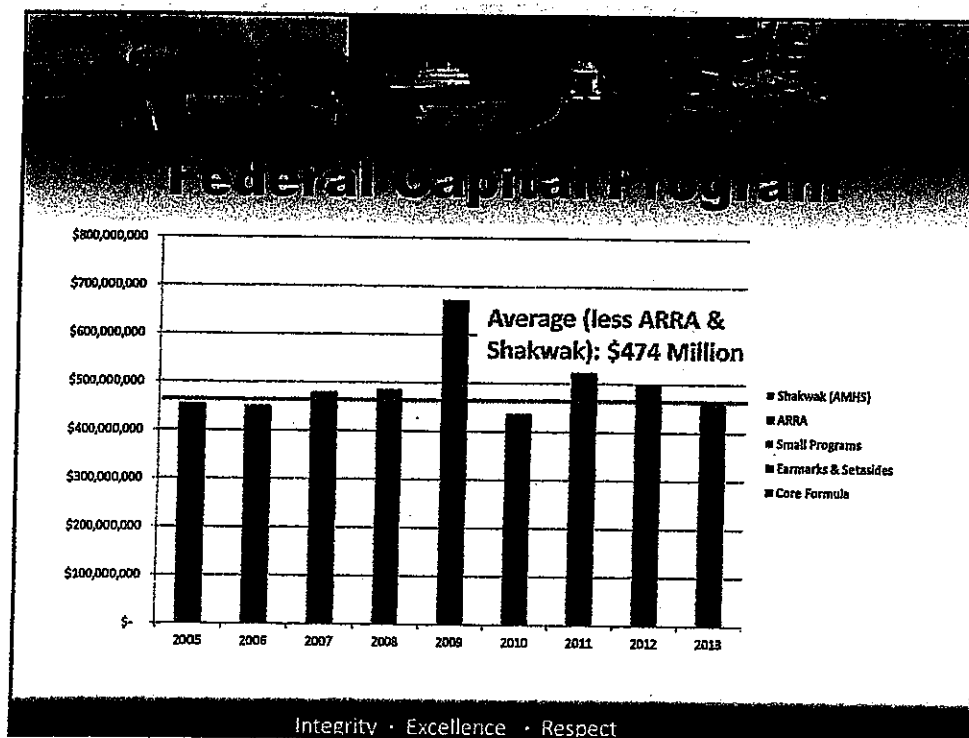


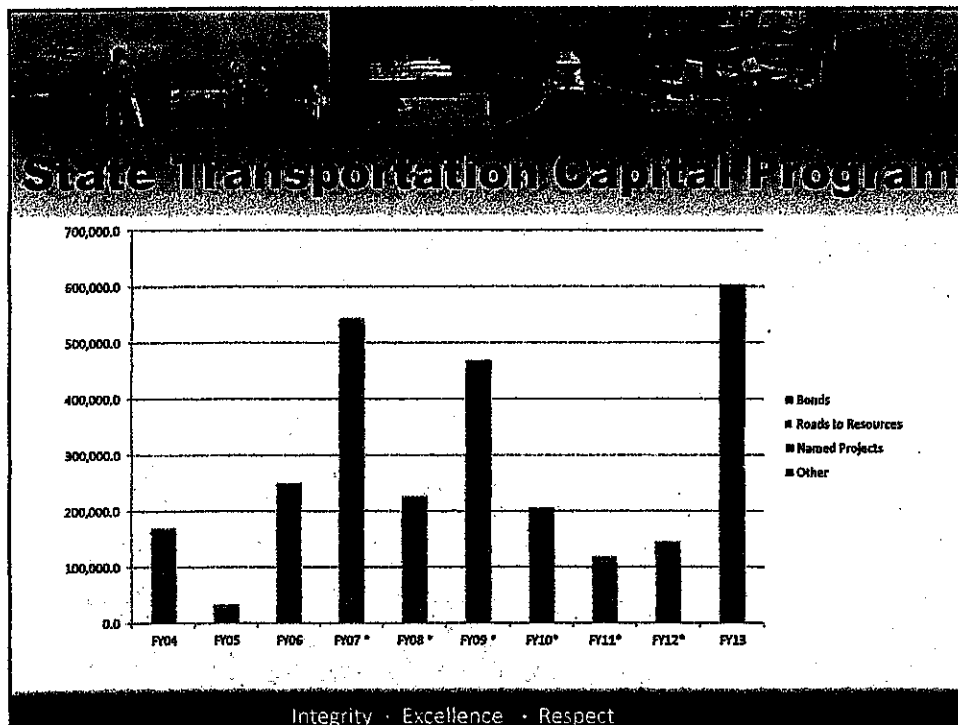
Alaska Department of Transportation & Public Facilities

MAP-21: Current Federal Transportation Policy

Director Jeff Ottesen

Fall, 2012





MAP-21 Funding

- Highway funding down from high of \$520 M to \$461 M
 - Similar reduction felt in all other states
- Transit funding at \$45 M, plus new ferry funding of yet unknown amount
- Significant streamlining of funding categories
- New federal priorities:
 - National Highway System (expanded)
 - Highway Safety
 - Meeting performance standards on NHS
 - Urban areas > 200,000 population

Integrity · Excellence · Respect

What are the Federal Interests?

- Federal-Aid System narrowed to just the Interstate and Nat'l Highway routes.
 - NHS broadened to include all Principal Arterials.
 - Added 90 miles (~4%) to Alaska NHS
- 55% of funding focused on the NHS
- 25% of funding focused on lower-tier roads
- 11% of funding directed to safety
- 9% to several other minor categories

What are the Federal Interests?

22% of Road Miles Garner 55% of federal funding

Category	Value
NHS	\$24,302,250
Other	\$6,325,154
Local	\$10,890,721

Sub-Category	Value
NHPP	\$10,890,721
STP	\$6,325,154
Safety	\$6,325,154
CMAQ	\$6,325,154
TA	\$6,325,154
Planning	\$6,325,154

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

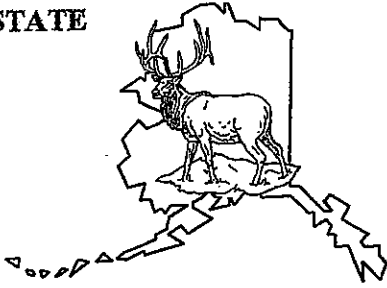
MEMORANDUM - REPORT

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: NOVEMBER 19, 2012
SUBJECT: BID REPORT

REQUEST FOR PROPOSALS FOR INCORPORATING ART INTO FOUR PUBLIC RESTROOMS FACILITIES DOWNTOWN AND ON THE HOMER SPIT Proposals to incorporate art into four (4) new Public Restroom Facilities, two (2) located on Pioneer Avenue and two (2) on the Homer Spit, will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **Thursday, December 6, 2012 at 4:00 p.m.** As there will be four separate buildings, artists are encouraged to submit one or more concepts or proposals so as to ensure artwork will be incorporated into all four restrooms.

INVITATION TO BID FOR CITY OWNED 2012 NICK DUDIAK FISHING LAGOON DREDGE MATERIALS Sealed bids will be received at the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603 until 2:00 p.m. Thursday, December 6, 2012 at which time they will be publicly opened. Bids received after the time fixed for receipt of the bid shall not be considered. The City of Homer is seeking bids from firms or individuals wishing to purchase dredge materials from the Fall 2012 Nick Dudiak Fishing Lagoon dredging project. The dredged materials being sold are of two grades. The combined total maximum for all bids is estimated at 32,000 cubic yards. An estimate of 15,000 to 20,000 cubic yards consists of the top grade material; the remainder is of the base fill. Minimum amount of materials on which a bid will be accepted is 100 cubic yards. Minimum acceptable price is \$7.00 per cubic yard for top grade material and \$5.25 per cubic yard for base fill. This material can be viewed where it is stockpiled between Freight Dock Road and the "Truck Bypass Road". Firms or individuals that are interested in purchasing and removing dredge material for use on or off the Homer Spit are requested to review the materials description, location, bidding instructions and terms. This information may be obtained at the City Clerk's Office, Homer, Alaska, and will be mailed or faxed to requesting firms. Bidders must contact the City Clerk's Office to be entered on the list of bidders prior to submitting their bid.

ALASKA
STATE



ELKS ASSOCIATION

2012 ~ 2013 ALASKA STATE ASSOCIATION OFFICERS

MARK DAUM, President
P.O. Box 672
Sitka, AK 99835-0672
(907) 747-0664 or (907)-321-1232

JANET JOHNSON, President Elect
P.O. Box 1
Kodiak, AK 99615-0001

JON E. SHENNETT, Trustee Chair
P.O. Box 2642
Sitka, AK 99835-2642

JOEL HEMBACH, Vice President
18850 War Admiral Rd.
Eagle River, AK 99577-8329

KONRAD JACKSON, Trustee
PO Box 2935
Soldotna, AK 99669-2935

PAUL J. WHITNEY, Secretary
231 Knoll Circle
Soldotna, AK 99669-7352

BRUCE MORINITI, Trustee
16207 Squaw Valley Circle
Eagle River, AK 99577

AL NAGEL, Treasurer
19637 N. Montague Loop
Eagle River, AK 99577

ROGER R. TRUE, PGER/Alaska Sponsor
251 Thyme Circle
Richland, WA 99352

October 27, 2012

City of Homer
491 East Pioneer Avenue
Homer, AK 99603

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

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

Sincerely,

A handwritten signature in cursive script that reads "Paul J. Whitney".

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

Alaska

2013 Gaming Permit Application

Organization Information

DEPARTMENT USE ONLY
ENV
FSH

826

FEDERAL EIN 92-4003001	If renewing, enter gaming permit # 1415	Phone Number 907-262-5667	Fax Number
Organization Name ALASKA STATE ELKS ASSOCIATION	Mailing Address ALASKA STATE ELKS, ORG		
Mailing Address 231 KNOWL CIRCLE	City SOLDOTNA	State AK	Zip Code 99669-7352
Entity Type (check one) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Association	Organization Type (check one) for definition see AS 55.15.000 and 15 AAC 156.035 <input type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog owners' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input checked="" type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipally <input type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> VFW/Veterans Village		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Does the organization have 25 or more members, as defined in your articles of incorporation or bylaws, who are Alaska residents?			

Members in Charge of Games

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

Primary Member First Name Paul	M.I. J	Primary Member Last Name Wainwright	Alternate Member First Name (M.I.) KENNEDY	Alternate Member Last Name JACKSON
Social Security Number		Email p3easecretary@...	Social Security Number	Email KJACKSON@NORMAL.COM
License Phone Number 907-262-5667	Mobile Number 907-395-7231	License Phone Number 907-395-3572	Mobile Number 907-395-9101	
Mailing Address 231 Knowl Circle	City SOLDOTNA	State AK	Zip Code 99669-7352	
Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test was taken 662	Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test was taken 537	

Legal Questions

These questions must be answered. If you answer 'Yes' to either question, see instructions.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Does any member of management or any person who is responsible for gaming activities have a prohibited conflict of interest as defined by 15 AAC 156.034?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Has any member of management or any person who is responsible for gaming activities ever been convicted of a felony, violation, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?
---------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

We declare, under penalty of perjury or another punishment, that we have authorized this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on this application or any attachments is punishable by law. By our signatures below are the primary member, the alternate member, and if applicable, the manager of games, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 156.034.

Primary Member in Charge's Signature <i>Paul J. Wainwright</i>	Printed Name Paul J. Wainwright	Date 10/19/12
Alternate Member in Charge's Signature (see instructions) <i>Mark Daulton</i>	Printed Name Mark Daulton	Date 10/19/12
Manager of Games Signature <i>Kenneth G. Jackson</i>	Printed Name Kenneth G. Jackson	Date 10/26/12

One copy of the completed application must be sent to the nearest municipality or borough. See instructions for mandatory attachments.

Pay online with OTIS at www.fcr.alaska.gov or make check payable to State of Alaska. New applicants must pay by check.

Permit Fee

The permit fee is based on the 2012 estimated gross revenues. Check the appropriate fee.

<input type="checkbox"/> New applicant	\$20
<input type="checkbox"/> \$0 - \$20,000	\$20
<input checked="" type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

826

Mail to: Alaska Department of Revenue, PO Box 110422, Juneau AK 99811-0422

0452-002 Rev 05/12 - page 1

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2013 Alaska Gaming Permit Application

826

Gaming Permit # 1415	Organization Name ALASKA STATE F.L.S. ASSOCIATION
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Facility-Based Games (self-directed) If more than two facilities, attach a separate sheet.

Facility Name	Physical Address	City	State AK	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull tabs <input type="checkbox"/> Animal classic (chickens) <input type="checkbox"/> Animal classic (pig races) <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Casino pool**			
Facility Name	Physical Address	City	State AK	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull tabs <input type="checkbox"/> Animal classic (chickens) <input type="checkbox"/> Animal classic (pig races) <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Casino pool**			

Area-Based Games If more than two areas, attach a separate sheet. * restricted game type **see instructions for mandatory attachments

Area See ATTACHED LIST	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher contest <input type="checkbox"/> Classic (specify)
Area See ATTACHED LIST	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher contest <input type="checkbox"/> Classic (specify)

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

Manager First Name	Last Name	Social Security Number	Daytime Phone Number
Home Mailing Address		Email	Mobile Phone
City	State	Zip Code	Has the manager of games passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No

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

Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code

Operator Information

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

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

Multiple-Beneficiary Permittee Information (MBP)

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

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

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

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

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2013 ALASKA GAMING PERMIT APPLICATION

AREA-BASED GAMES

Anchorage Area Municipality of Anchorage	Anchorage Elks Lodge 2868 P.O. Box 230462 Anchorage, AK 99525	RAFFLE
Eagle River Area Municipality of Anchorage	Eagle River Elks Lodge 2682 17111 North Eagle River Loop Road Eagle River, AK 99577	RAFFLE
Fairbanks Area City of Fairbanks	Fairbanks Elks Lodge 1551 1003 Pioneer Road Fairbanks, AK 99701	RAFFLE
Wasilla Area Matanuska-Susitna Borough	Palmer Elks Lodge 1842 2600 North Barrys Resort Road Wasilla, AK 99645	RAFFLE
Valdez Area City of Valdez	Valdez Elks Lodge 2537 339 Fairbanks Street (P.O. Box 1607) Valdez, AK 99686	RAFFLE
Bristol Bay Area Bristol Bay Borough	Bristol Bay Elks Lodge 2687 Mile 5 Omholt Subdivision (P.O. Box 477) King Salmon, AK 99613	RAFFLE
Homer Area City of Homer	Homer Elks Lodge 2127 215 Jenny Lane Homer, AK 99603	RAFFLE
Kenai Area City of Kenai	Kenai Elks Lodge 2425 205 Barnacle Way Kenai, AK 99611	RAFFLE
Kodiak Area City of Kodiak	Kodiak Elks Lodge 1772 102 West Marine Way (P.O. Box 846) Kodiak, AK 99615	RAFFLE
Seward Area City of Seward	Seward Elks Lodge 1773 419 5 th Avenue (P.O. Box 426) Seward, AK 99664	RAFFLE
Soldotna Area Kenai Peninsula Borough	Soldotna Elks Lodge 2706 44640 Parkway Avenue Soldotna, AK 99669	RAFFLE
Juneau Area City & Borough of Juneau	Juneau Elks Lodge 420 P.O. Box 33239 Juneau, AK 99803	RAFFLE

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

CITY ATTORNEY REPORT

COMMITTEE REPORT(S)

PENDING BUSINESS

NEW BUSINESS

Office of the City Clerk

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



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

MEMORANDUM 12-174

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK

DATE: NOVEMBER 19, 2012

SUBJECT: VACATE THE 20-FOOT PEDESTRIAN EASEMENT WITHIN TRACT A-1 DEDICATED BY ALFRED ANDERSON SUBDIVISION PRATT MUSEUM REPLAT (PLAT HM 2008-75); AND VACATE THE 10-FOOT UTILITY EASEMENT ALONG THE WEST BOUNDARY OF LOT 14-A AND 15-A GRANTED BY BUNNELL'S SUBDIVISION NO. 17 (PLAT HM 86-44) AND THE 10-FOOT UTILITY EASEMENT ALONG THE WEST BOUNDARY OF LOT 15-A-1 GRANTED BY BUNNELL'S SUBDIVISION 1996 PRATT MUSEUM ADDITION (PLAT HM 97-13); WITHIN SECTION 19, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA; THE CITY OF HOMER AND WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE 2012-160; LOCATION: CITY OF HOMER.

At their November 5, 2012 meeting the Kenai Peninsula Borough Planning Commission approved the vacation of the 20-foot pedestrian easement within Tract A-1 dedicated by Alfred Anderson Subdivision Pratt Museum Replat (Plat HM 2008-75); and vacate the 10-foot utility easement along the west boundary of Lot 14-A and 15-A granted by Bunnell's Subdivision No. 17 (Plat HM 86-44) and the 10-foot utility easement along the west boundary of Lot 15-A-1 granted by Bunnell's Subdivision 1996 Pratt Museum Addition (Plat HM 97-13); within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2012-160; Location: City of Homer.

Notice of vacation was received on November 7, 2012 by fax. Per AS 29.40.140 no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from November 5, 2012 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as is reflected in the minutes of September 5, 2012, Staff Report PL 12-48, Pratt Public Vacation Easement.

"WHERE THE LAND ENDS AND THE SEA BEGINS"

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

RECOMMENDATION:

Voice non objection and consent to the vacation of the 20-foot pedestrian easement within Tract A-1 dedicated by Alfred Anderson Subdivision Pratt Museum Replat (Plat HM 2008-75); and vacate the 10-foot utility easement along the west boundary of Lot 14-A and 15-A granted by Bunnell's Subdivision No. 17 (Plat HM 86-44) and the 10-foot utility easement along the west boundary of Lot 15-A-1 granted by Bunnell's Subdivision 1996 Pratt Museum Addition (Plat HM 97-13); within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2012-160; Location: City of Homer.

Fiscal Note: N/A



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

November 7, 2012

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603-7645

RE: Vacate the 20-foot pedestrian easement within Tract A-1 dedicated by Alfred Anderson Subdivision Pratt Museum Replat (Plat HM 2008-75); and vacate the 10-foot utility easement along the west boundary of Lot 14-A and 15-A granted by Bunnell's Subdivision No. 17 (Plat HM 86-44) and the 10-foot utility easement along the west boundary of Lot 15-A-1 granted by Bunnell's Subdivision 1996 Pratt Museum Addition (Plat HM 97-13); within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2012-160; Location: City of Homer

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced vacation during their regularly scheduled meeting of November 5, 2012. This petition is being sent to you for your consideration and action.

The City Council has 30 days from November 5, 2012 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

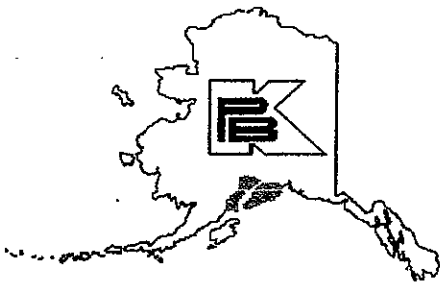
Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

Sincerely,

Max J. Best
Planning Director

MJB:pdh

Attachments



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT
144 North Binkley Street • Soldotna, Alaska 99669-7520
PHONE: (907) 714-2200 • **FAX:** (907) 714-2378
Toll-free within the Borough: 1-800-478-4441, Ext. 2200
www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

November 7, 2012

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF NOVEMBER 5, 2012

RE: Vacate the 20-foot pedestrian easement within Tract A-1 dedicated by Alfred Anderson Subdivision Pratt Museum Replat (Plat HM 2008-75); and vacate the 10-foot utility easement along the west boundary of Lot 14-A and 15-A granted by Bunnell's Subdivision No. 17 (Plat HM 86-44) and the 10-foot utility easement along the west boundary of Lot 15-A-1 granted by Bunnell's Subdivision 1996 Pratt Museum Addition (Plat HM 97-13); within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2012-160; Location: City of Homer

The Kenai Peninsula Borough Planning Commission approved the proposed vacation during their regularly scheduled meeting of November 5, 2012 based on the following findings of fact.

Findings:

1. An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.
2. Vehicular access is provided by Spruceview Avenue and Bartlett Street. Pedestrian access is desirable through this area, and a new easement has been proposed.
3. Superior access is available over the recently constructed trail and proposed trail easement.
4. Sufficient rights-of-way and/or access easements exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. The easements do not appear to be in use for utilities.
7. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
8. Three utility companies have provided statements of non-objection and/or no comments.
9. Homer Advisory Planning Commission approved the proposed vacations and the associated preliminary plat on September 5, 2012.
10. The KPB Plat Committee granted conditional approval to the preliminary plat on October 8, 2012.

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The proposed vacation has been forwarded to the Homer City Council. The City Council has 30 days from November 5, 2012 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Commission will stand.

Please contact the Homer City Office to verify the date the subject vacation will be reviewed by the Council.

This notice and unapproved minutes of the subject portion of the meeting were sent November 7, 2012 to:

Ability Surveys
152 Dehel Ave
Homer, AK 99603

Homer Advisory Planning Commission
491 East Pioneer Avenue
Homer, AK 99603-7645

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603-7645

City of Homer
491 East Pioneer Avenue
Homer, AK 99603-7645

Diane Converse
Homer Society of Natural History Inc.
3779 Bartlett St.
Homer, AK 99603

AGENDA ITEM F. PUBLIC HEARINGS

3. Vacate the 20-foot pedestrian easement within Tract A-1 dedicated by Alfred Anderson Subdivision Pratt Museum Replat (Plat HM 2008-75); and vacate the 10-foot utility easement along the west boundary of Lot 14-A and 15-A granted by Bunnell's Subdivision No. 17 (Plat HM 86-44) and the 10-foot utility easement along the west boundary of Lot 15-A-1 granted by Bunnell's Subdivision 1996 Pratt Museum Addition (Plat HM 97-13); within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2012-160; Location: City of Homer

Note: A replacement 20-foot wide Pedestrian Easement will be granted to City of Homer in nearly the same location.

Staff Report given by Max Best

PC Meeting: 11/5/12

Purpose as stated in petition: The intent of the easement – to provide public pedestrian access-has been fulfilled by constructing public accessible trails in the western portion of our property.

Petitioner: Diane Converse for the Homer Society of Natural History of Homer, Alaska

Notification:

Public notice appeared in the October 25 and November 1, 2012 issues of the Homer News.

Thirteen (13) certified mailings were sent to owners of property within 300 feet of the parcels. Ten (10) receipts have been returned. One notice sent by certified mail due to an invalid address.

Eighteen (18) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Homer Post Office and Homer Community Library to be posted in public locations. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Alaska Communications Systems: No objections.

KPB Floodplain Administrator: This property is not subject to KPB Chapter 21.06.

Staff Discussion:

The remainder of the Floodplain Administrator's comments is for property within the City of Homer. The City of Homer participates in the National Flood Insurance Program and has enacted Chapter 12.12 Flood Damage Prevention. Per comments submitted for the preliminary plat, the property is within Zone D, flood hazards undetermined.

Based on the following findings, Homer Advisory Planning Commission approved the proposed vacations on September 5, 2012.

1. An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.
2. Vehicular access is provided by Spruceview Avenue and Bartlett Street. Pedestrian access is desirable through this area, and a new easement has been proposed.
3. Superior access is available over the recently constructed trail and proposed trail easement.

During the City of Homer's public hearing, the petitioner commented that an ADA accessible trail that improves public access from Spruceview to Bartlett has been constructed. Foot traffic has increased with the new trail.

In response to the plat public hearing notice, HEA submitted a statement of reviewed/no comments.

In response to the plat public hearing notice, ENSTAR submitted a statement of no comments, recommendations, or objections.

The KPB Plat Committee granted conditional approval to the preliminary plat on October 8, 2012.

City of Homer Findings:

1. An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.
2. Vehicular access is provided by Spruceview Avenue and Bartlett Street. Pedestrian access is desirable through this area, and a new easement has been proposed.
3. Superior access is available over the recently constructed trail and proposed trail easement.

KPB Findings:

4. Sufficient rights-of-way and/or access easements exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. The easements do not appear to be in use for utilities.
7. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
8. Three utility companies have provided statements of non-objection and/or no comments.
9. Homer Advisory Planning Commission approved the proposed vacations and the associated preliminary plat on September 5, 2012.
10. The KPB Plat Committee granted conditional approval to the preliminary plat on October 8, 2012.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacations as petitioned, subject to:

1. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.

If the vacation is approved, the Homer City Council has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment noting no members from the public were in attendance at the meeting.

MOTION: Commissioner Foster moved, seconded by Commissioner Tauriainen grant the vacation as petitioned subject to staff recommendations and findings.

Findings:

1. An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.
2. Vehicular access is provided by Spruceview Avenue and Bartlett Street. Pedestrian access is desirable through this area, and a new easement has been proposed.
3. Superior access is available over the recently constructed trail and proposed trail easement.
4. Sufficient rights-of-way and/or access easements exist to serve surrounding properties.

5. No surrounding properties will be denied access.
6. The easements do not appear to be in use for utilities.
7. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
8. Three utility companies have provided statements of non-objection and/or no comments.
9. Homer Advisory Planning Commission approved the proposed vacations and the associated preliminary plat on September 5, 2012.
10. The KPB Plat Committee granted conditional approval to the preliminary plat on October 8, 2012.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES	WHITNEY YES	12 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

4. Vacate portions of rights-of-way within the City of Seward: Poplar Street, Laurel Street, Spruce Street, Fir Street, and Willow Street dedicated by Forest Acres Subdivision (Plat SW 17), also shown on Forest Acres Boundary Survey (SW Plat 78-4); and vacate portions of associated utility sewer easements within Book 37R Page 356, sewer easement within Volume 39R Page 37, Volume 37R Page 368; easements as recorded for Lots DB,DC,DE,DF,DG, QQ & SS in utility and street easement Book 16 Page 85; and the Seward Sanatorium easements are recorded in Volume 16 Page 214; all within Sections 34, Township 1 North, Range 1 West, Seward Meridian, Alaska; and the Kenai Peninsula Borough; KPB File 2012-162; Location: City of Seward

NOTE: A 100-foot ROW for Deickgraeff Road; a 50-foot public access easement along the north boundary of this subdivision; and 50-foot radius cul-de-sacs are for Laurel, Spruce, and Fir Street are being dedicated/granted by this plat.

Staff Report given by Max Best

PC Meeting: 11/5/12

Purpose as stated in petition: This vacation request is being submitted in conjunction with a replat being undertaken by the City of Seward in order to finalize the north Forest Acres Levee and road construction project. This plat consolidates multiple parcels in city ownership, dedicates ROW for the levee and road as constructed, facilitates a land swap with an adjoining land owner, and vacates unused ROW's and utility easements. The right-of-ways being vacated have not been constructed and are partially within the Resurrection River Floodway and a Zone A flood hazard area. The vacated ROW's terminate at the north boundary of the city property. The parcel to the north is unsubdivided land owned by the State of Alaska, which has existing legal access by section line easements and will have additional legal access by the ROW and public access easements created by this plat. Most of the city owned parcels adjoining this ROW vacation are subject to existing non-development covenants that were required by the Corps of Engineers for approval of the levee construction permits. The utility easements being vacated in conjunction with this application are being replaced with easements that contain the existing utility as constructed and provide the service access and possible future utility construction.

Petitioner: James Hunt, City Manager for the City of Seward

Notification:

Public notice appeared in the October 25 and November 1, 2012 issues of the Seward Journal.

Twenty-seven (27) certified mailings were sent to owners of property within 300 feet of the parcels. Twenty-four (24) receipts have been returned.

AGENDA ITEM F. PUBLIC HEARINGS

3. Vacate the 20-foot pedestrian easement within Tract A-1 dedicated by Alfred Anderson Subdivision Pratt Museum Replat (Plat HM 2008-75); and vacate the 10-foot utility easement along the west boundary of Lot 14-A and 15-A granted by Bunnell's Subdivision No. 17 (Plat HM 86-44) and the 10-foot utility easement along the west boundary of Lot 15-A-1 granted by Bunnell's Subdivision 1996 Pratt Museum Addition (Plat HM 97-13); within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; the City of Homer and within the Kenai Peninsula Borough; KPB File 2012-160; Location: City of Homer

Note: A replacement 20-foot wide Pedestrian Easement will be granted to City of Homer in nearly the same location.

STAFF REPORT

PC Meeting: 11/5/12

Purpose as stated in petition: The intent of the easement – to provide public pedestrian access-has been fulfilled by constructing public accessible trails in the western portion of our property.

Petitioner: Diane Converse for the Homer Society of Natural History of Homer, Alaska

Notification:

Public notice appeared in the October 25 and November 1, 2012 issues of the Homer News.

Thirteen (13) certified mailings were sent to owners of property within 300 feet of the parcels. Ten (10) receipts have been returned. One notice sent by certified mail due to an invalid address.

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Comments Received:

Alaska Communications Systems: No objections.

KPB Floodplain Administrator: This property is not subject to KPB Chapter 21.06.

Staff Discussion:

The remainder of the Floodplain Administrator's comments is for property within the City of Kenai. The City of Homer participates in the National Flood Insurance Program and has enacted Chapter 12.12 Flood Damage Prevention. Per comments submitted for the preliminary plat, the property is within Zone D, flood hazards undetermined.

Based on the following findings, Homer Advisory Planning Commission approved the proposed vacations on September 5, 2012.

1. An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.
2. Vehicular access is provided by Spruceview Avenue and Bartlett Street. Pedestrian access is desirable through this area, and a new easement has been proposed.
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During the City of Homer's public hearing, the petitioner commented that an ADA accessible trail that improves public access from Spruceview to Bartlett has been constructed. Foot traffic has increased with the new trail.

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In response to the plat public hearing notice, ENSTAR submitted a statement of no comments, recommendations, or objections.

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City of Homer Findings:

1. An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.
2. Vehicular access is provided by Spruceview Avenue and Bartlett Street. Pedestrian access is desirable through this area, and a new easement has been proposed.
3. Superior access is available over the recently constructed trail and proposed trail easement.

KPB Findings:

4. Sufficient rights-of-way and/or access easements exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. The easements do not appear to be in use for utilities.
7. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
8. Three utility companies have provided statements of non-objection and/or no comments.
9. Homer Advisory Planning Commission approved the proposed vacations and the associated preliminary plat on September 5, 2012.
10. The KPB Plat Committee granted conditional approval to the preliminary plat on October 8, 2012.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacations as petitioned, subject to:

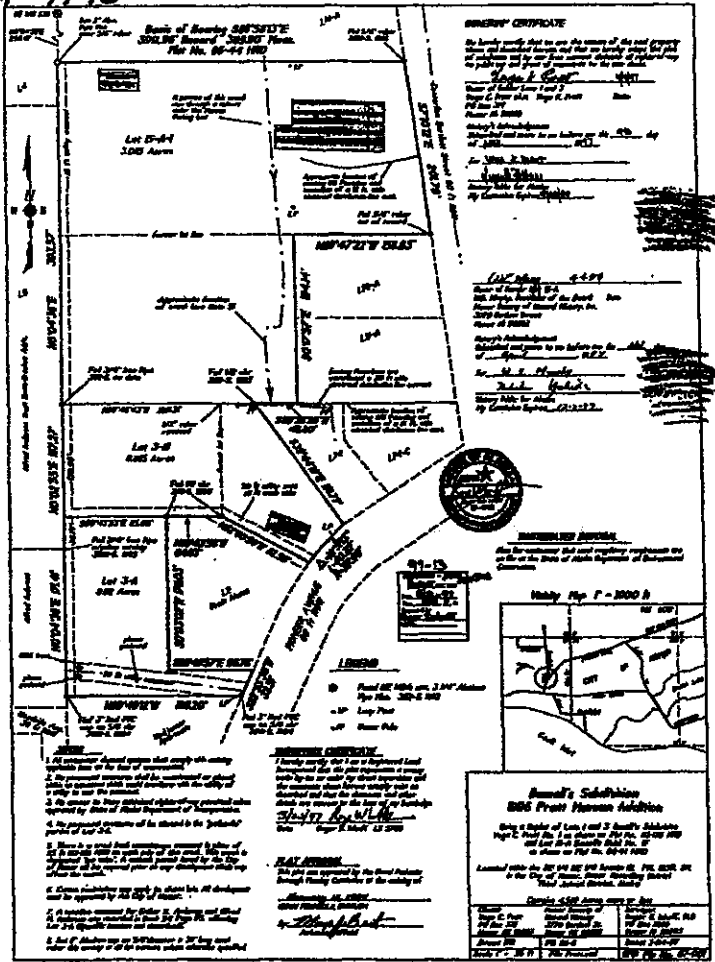
1. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.

If the vacation is approved, the Homer City Council has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

1M-97-13



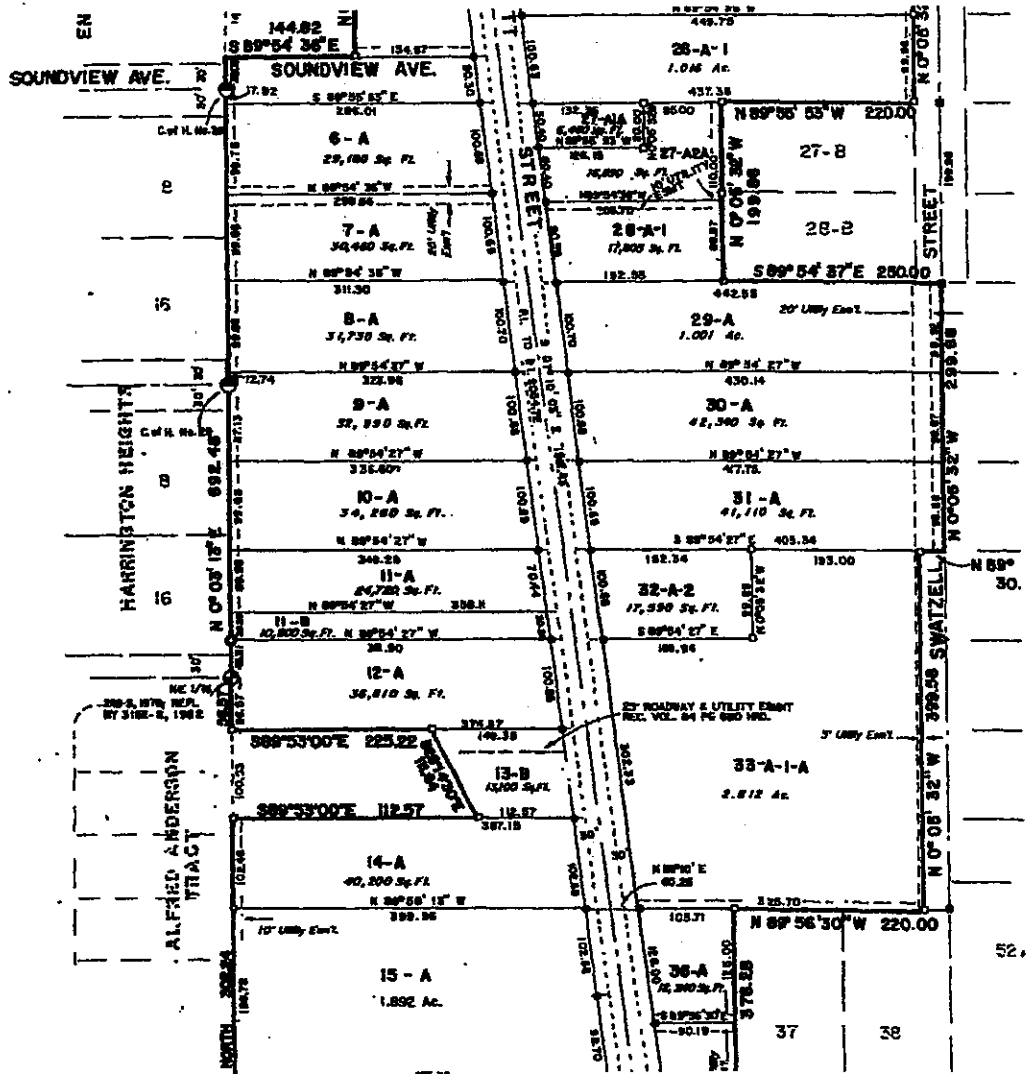
BENEFIT CERTIFICATE
 The benefit certificate shall be in the name of the said company...
 Name of the company...
 Name of the agent...
 Name of the insured...
 Name of the beneficiary...

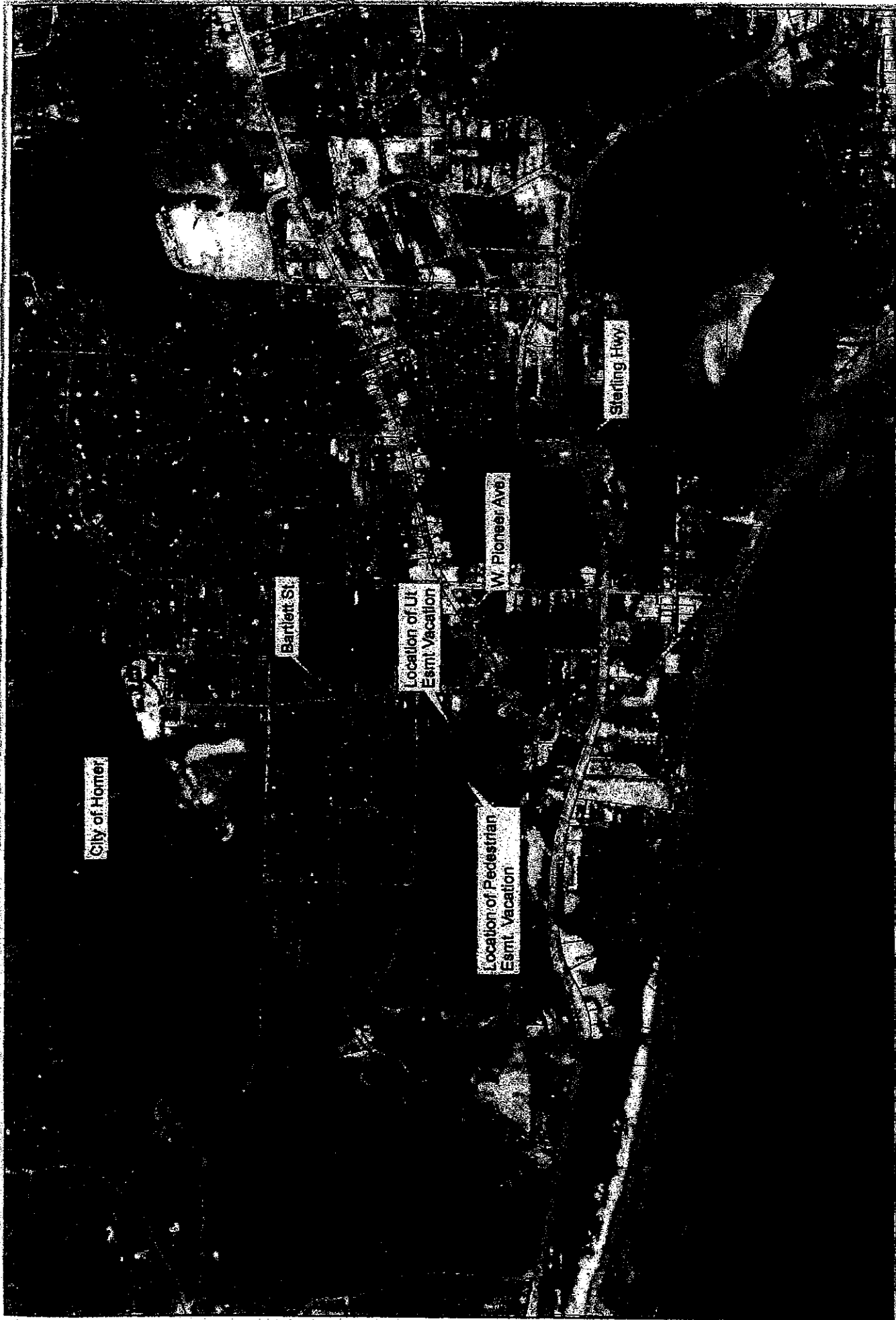
BENEFIT CERTIFICATE
 The benefit certificate shall be in the name of the said company...
 Name of the company...
 Name of the agent...
 Name of the insured...
 Name of the beneficiary...

Legend

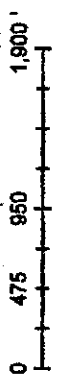
- Red line 1/2" wide
- Blue line 1/4" wide
- Black line 1/8" wide
- Grey line 1/8" wide
- Green line 1/8" wide
- Yellow line 1/8" wide
- Orange line 1/8" wide
- Purple line 1/8" wide
- Brown line 1/8" wide
- Pink line 1/8" wide
- White line 1/8" wide

100-10-111





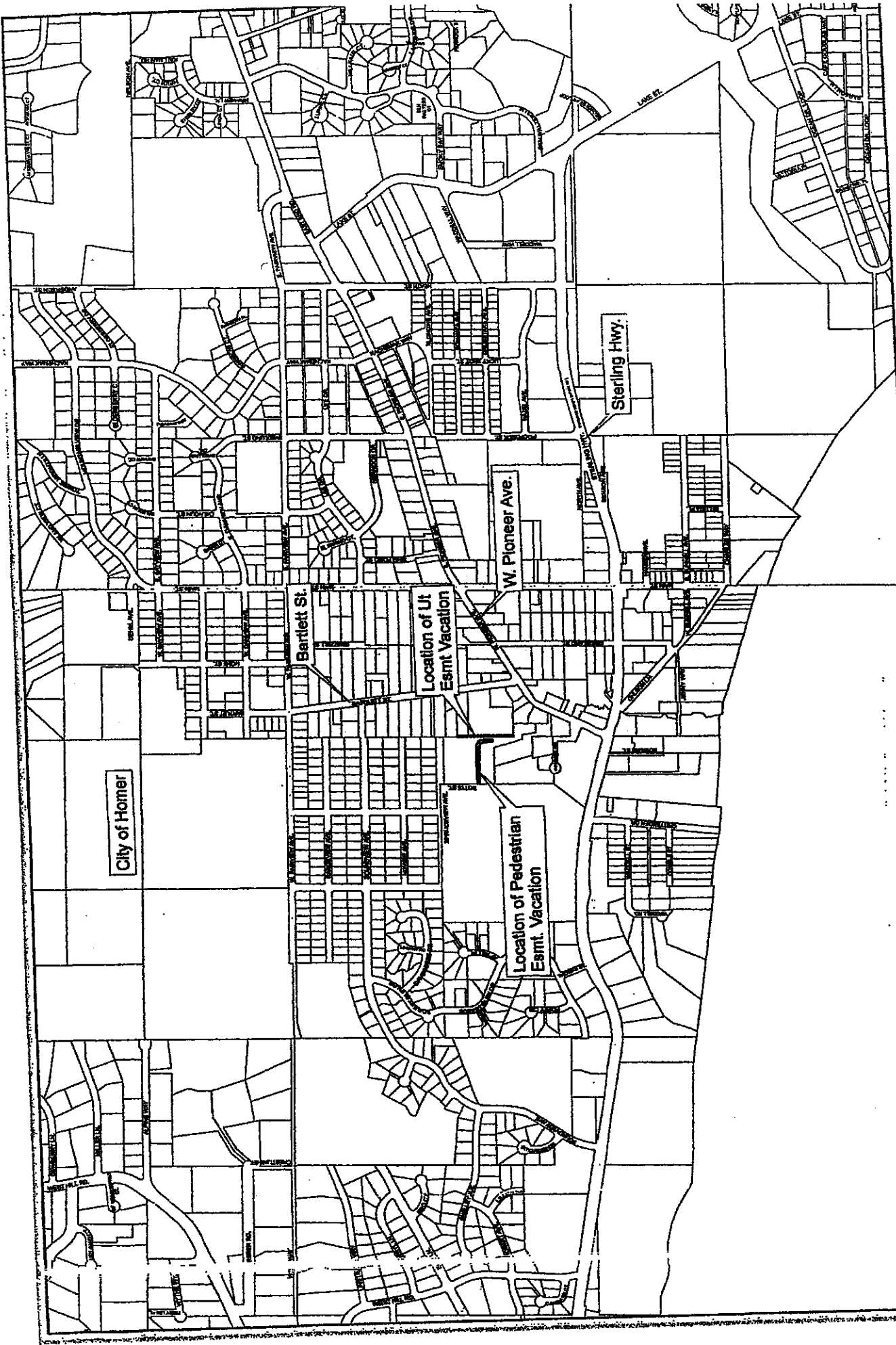
Date: 9/24/2012



Vicinity Map

The information depicted herein is for informational purposes only. The Kona Peninsula Borough assumes no responsibility for any errors on this map.





City of Homer

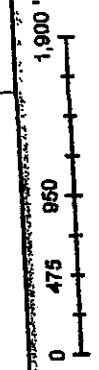
Bartlett St.

Location of Ut
Esmt. Vacation

W. Pioneer Ave.

Sterling Hwy.

Location of Pedestrian
Esmt. Vacation



Vicinity Map



Date: 9/24/2012

The information depicted hereon is a graphical representation only of land available sources. The Homer Planning Department assumes no liability for any error on this map.



Voeller, Paul

From: Bevington, Dan
Sent: Friday, October 19, 2012 10:23 AM
To: Sweppy, Maria; Voeller, Paul; Vinson, Sylvia
Subject: KPB File 2012-160; vacations

Regarding KPB File 2012-160, this project occurs within boundaries of the City of Homer, which has its own floodplain management program under the National Flood Insurance Program (NFIP). As such, KPB File 2012-160 is not subject to KPB Chapter 21.06, Floodplain Management.

Thank-you for the opportunity to comment,

Dan

Daniel Bevington, CFM

Resource Planner/Floodplain Administrator
Kenai Peninsula Borough - River Center
514 Funny River Road | Soldotna, AK 99669
Phone: 907.714.2464 | Fax: 907.260.5992 | Email: dbevington@borough.kenai.ak.us

<http://www.kenairivercenter.org/Agencies/Floodplain/Floodplain.htm>

<http://www.borough.kenai.ak.us>

<http://www.floodsmart.gov/floodsmart/>

<http://www.ready.gov/floods>

<http://www.nfipiservice.com/watermark/index.html>

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2012

A. Staff Report PL 12-50, City Planner's Report

City Planner Abboud reviewed the staff report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 12-46, CUP 12-03, A Request for a Conditional Use Permit (CUP) for 4470 Fish Dock Road, Dockside Fisheries

City Planner Abboud reviewed the staff report.

William Sullivan, applicant commented that he just heard about the fence. There already is one and if they want continuity Mike can put a fence on his property. The boardwalk already exists in front of the retail but when he moves the building back he will fill it in and the bigger space in front will be more conducive for the flow. He thanked the Commission for the time and said it has been an interesting process, he has learned a lot. He is open to input for ideas and ways to do things better.

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

City Planner Abboud reviewed the aerial photo in the discussion of the fence. He suggested the benefit of the fence would be of benefit to the person doing more commercial, and Mr. Sullivan's operation is more industrial. It is a grey area that the Commission can consider but doesn't have to act on. Point was raised that there seems to be mixed use between the commercial and industrial districts as well as there being industrial and commercial use on this lot, screening doesn't seem necessary. Visitors like to see the industrial side of what happens at the harbor as well.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-46 CUP 12-03 KACHEMAK BAY SEAFOODS AT 4470 HOMER SPIT ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS 1-18 AND CONDITIONS 1-5.

There was discussion about leaving recommendation 4 out and deal with housing through the code amendments the Commission is currently working on. There was discussion that the use for a caretaker or employee is allowed through CUP right now and can't be denied based on what they are hoping to change in code.

VOTE: YES: STEAD, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, DOLMA

Motion carried.

B. Staff Report PL 12-48, Pratt Public Easement Vacation

City Planner Abboud reviewed the staff report.

Diane Converse, Pratt Museum Director, explained they have constructed an ADA accessible trail that improves public access from Spruceview to Bartlett.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2012

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

In response to questions, Ms. Converse said the foot traffic has increased with the new trail and she got an email from someone who walked it with a stroller and was very happy with the trail. They are removing the easement at the request of the surveyor. They didn't request removing the one to the south because they may want to use it in the future to connect to Pioneer. There was some discussion of the layout of the trail in relation to the easement, but with out the surveyor in attendance Ms. Converse was unable to respond to the questions raised.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT PL 12-48, VACATION OF A PUBLIC TRAIL EASEMENT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 12-47, Pratt Subdivision Preliminary Plat

City Planner Abboud reviewed the staff report.

Ms. Converse commented that they are combining the pieces to deal with their building project. She has talked with Julie regarding the process to do a zoning change. She doesn't anticipate any issues with the utility easement.

There were no public comments.

HIGHLAND/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 12-47 PRATT SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

Comment was made that this is a good idea.

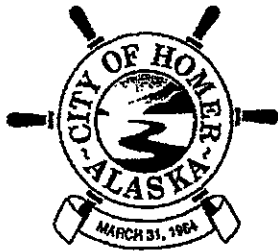
VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

City Planner Abboud reviewed the information for the overnight accommodations as he understood it from the testimony. Staff will bring back some dimensional requirements information and continue working forward. They aren't in a big rush right now.



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

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 12-48

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: September 5, 2012
SUBJECT: Vacation of a public trail easement,

Requested action: Conduct a public hearing and recommend approval of the vacation of a public trail easement on the Pratt Museum property between Bartlett Street and Fairview Ave.

GENERAL INFORMATION

Applicants: Gary Nelson, PLS Homer Society of Natural History Inc.
Ability Surveys 3779 Bartlett St
152 Dehel Ave Homer, AK 99603
Homer, AK 99603

Requested Action: Vacation of a public trail easement
Location: south of Spruceview Ave
Zoning Designation: Urban Residential
Existing Land Use: Trails, Museum grounds

Surrounding Land Use: North: Residential/Vacant
South: Residential/Vacant
East: Museum
West: Middle School

Comprehensive Plan: Chapter 7, Parks, Recreation and Culture, Goal 3: Enhance area wide recreational trail systems and connections between residential areas, downtown, schools, university, institutional areas and recreational areas.

Public Notice: Notice was sent to 65 property owners of 95 parcels as shown on the KPB tax assessor rolls.

ANALYSIS:
This vacation request lies within the Urban Residential zoning district. A preliminary plat also accompanies this request. The plat requires a separate platting action and vote. This staff report will only

address the vacation of the trail easement. The purpose of the vacation is to relocate a public access easement. A new trail has been built, and the easement would be dedicated over the new trail.

An *easement* exists when the property owner retains ownership to the underlying land, but grants certain surface use privileges to someone else. It might be a driveway easement, an easement to the phone company, or in this case, and allowance for the general public to cross the property in a specific location. In a vacation request, the property owner is petitioning for the public to give up the public's right to cross the property. It is the Commission's role to review the public interest in the easement, and make a recommendation for or against giving up the public's right to cross the property. The Homer City Council makes the final decision on giving up this right. A new trail easement is proposed.

15

REVIEW

Kenai Peninsula Borough Code:

20.04.010 Purpose of provisions.

The purpose of this title is to promote an adequate and efficient street and road system, to provide utility easements, to provide minimum standards of survey accuracy and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.

Staff Finding 1: An adequate and safe road system has been provided to serve this area. A new trail easement is proposed over the recently constructed trail.

20.28.150. Vehicular access provision.

Where a right-of-way is required for logical provision of an existing or future road, the planning commission shall not approve the vacation unless an equal or superior right-of-way will be provided in exchange. Where 2 or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider the ultimate density of habitation or use and maintain sufficient rights-of-way to serve such anticipated use.

Staff Finding 2: Vehicular access is provided Spruceview Ave and Bartlett St. Pedestrian access is desirable through this area, and a new easement has been proposed.

20.28.160. Other access provisions.

Rights-of-way which provide or could provide access for pedestrians, off-road vehicles, aircraft and similar modes of transport shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available.

Staff Finding 3: Superior access is available over the recently constructed trail and proposed trail easement.

PUBLIC WORKS COMMENTS: The Public Works Department had no comments.

FIRE DEPARTMENT COMMENTS: Fire Chief Painter had no concerns with the vacation.

STAFF COMMENTS:

Staff recommends the Commission recommend approval of the vacation of the public trail easement.

ATTACHMENTS

1. Vacation Petition
2. Preliminary Plat and vacation map
3. Public Notice
4. Location map



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99689-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200

RECEIVED

Petition to Vacate Public Right-of-Way / Section Line Easement
 Public Hearing Required

SEP 17 2012

Upon receipt of complete application with fees and all required attachments; a public hearing **KENAI PENINSULA BOROUGH PLANNING DEPARTMENT** Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- Fees - \$500 non-refundable fees to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
 - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is 20' PEDESTRIAN EXMT.; dedicated by plat of ALFRED ANDERSON Subdivision, filed as Plat No. 2008-75 in HOMER Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company, if so which? _____
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Section Line Easement. Width of easement must be shown on sketch.
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? Yes No
 Is right-of-way used by vehicles / pedestrians / other? Yes No
 Has section line easement been constructed? Yes No
 Is section line easement being used? Yes No
 Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

The intent of the easement - to provide public pedestrian access - has been fulfilled by constructing publicly accessible trails in the western portion of our property.

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of the right-of-way or section line easement proposed to be vacated. Each must include address and legal description of his / her property.

Submitted by: Signature [Signature] As Petitioner Representative
 Name Lizne Converse
 Address Pratt Museum
3779 FairHelm Street
Homer AK 99603
 Phone 907-235-8035

Petitioners:

Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
_____	_____
Owner of _____	Owner of _____
Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
_____	_____
Owner of _____	Owner of _____



Ken Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200

**Petition to Vacate Utility Easement
 No Public Hearing Required**

Submit completed form to the Kenai Peninsula Borough Planning Department, 144 North Binkley St., Soldotna, AK 99669

Upon receipt of complete application with all required attachments the vacation will be scheduled for Planning Commission action. The petitioner must secure and submit written comments from utility companies. If the easement is within city limits; secure and submit city's written comments. The completed petition, with all required attachments, accompanied by a \$75.00 non-refundable fee, must be submitted to the Planning Department a minimum of thirty (30) days prior to the meeting at which the Planning Commission will take action.

RECEIVED

SEP 17 2012

Fees - \$75.00 non-refundable fee attached.

To accomplish an approved vacation; a Planning Commission Resolution must be filed with the State Recorder to enter the vacation into the public records. Petitioner must pay filing fees (usually \$22-\$27).

Utility easement requested to be vacated was granted by plat of BUNNEL'S Subdivision, filed as Plat No. 86-44 in HOMER Recording District.

Utility easement proposed to be vacated was granted by (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition)

- Comments from _____ Electric Association attached.
- Comments from _____ Gas Company attached.
- Comments from _____ Telephone Company attached.
- Comment from _____ Cable Company attached.
- Comments from City of Homer attached.

Three copies of plat or map showing area proposed to be vacated. If easement was granted by document; one copy of recorded document must be submitted.

If an existing structure is encroaching into easement; As-Built showing encroachment must be attached.
 Is easement being used by utility company? Yes No
 If yes, which utility _____

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

Replat & unused easement.

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of the easement proposed to be vacated. Each must include mail address and legal description of his / her property.

Submitted by: Signature Gary Nelson As Petitioner Representative

Name Gary Nelson
 Address 152 Debel Ave
Homer AK

Phone 235-8440

Petitioners:

Signature Diane Converse Signature _____

Name Diane Converse Name _____

Address Pratt Museum Address _____

3779 Bartlett St.

Homer AK 99603

Owner of Homer Society of Natural History Owner of _____

Lots 14-A & 15-A-1

Signature _____ Signature _____

Name _____ Name _____

Address _____ Address _____

Owner of _____ Owner of _____

ABILITY SURVEYS

MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE SINCE 1976

152 DEHEL AVE. , HOMER, AK. 99603 PH. 907-235-8440 FAX. 235-8440

email; gary@abilitysurveys.com

September 14, 2012

Paul Voeller
Kenai Peninsula Borough
144 N. Binkley St.,
Soldotna, Alaska 99669

RECEIVED

SEP 17 2012

KENAI PENINSULA BOROUGH
PLANNING DEPARTMENT

Re: Preliminary Plat Submittal of Pratt Subdivision.

Enclosed herewith for preliminary plat submittal please find:

- Two full sized paper copies of the 24"X36" preliminary plat and 7 half sized copies.
- Check number 3276 in the amount of \$775 to cover the \$200 plat fee, \$500 for the Pedestrian Easement vacation fee, and \$75 for the Utility Easement vacation fee.
- Copy of the Homer City Planning Department Staff report. Electronic minutes of the Homer Advisory Planning Commission (Sept. 5th) are to be emailed today by Homer Staff to Sylvia Vinson-Miller because the minutes are not yet ready at this time.

The Homer Society of Natural History would like to consolidate these parcels in order to comply with Homer City Code criteria for future development.

The owner would like to vacate a 20' wide pedestrian easement granted to the city of Homer by plat #2008-75, replacing it with a 20' wide easement as shown in nearly the same location except for the portion shown deviating hereon. This is to meet their specific intentions for public recreation and educational goals. The former easement also had non-tangent curves (not called out as such), hence the entire vacation and replacement in "nearly the same location", to clarify/correct it's location. An application is attached.

The owner would like to vacate the property lines between former 14-A and 15-A-1, also between 14-A, 15-A-1 and TR A-1 as shown on the plat.

The owner would also like to vacate the unused 10 feet wide Utility Easement lying adjacent to the west boundary of former lots 14-A and 15-A. See attached application.

The Pratt Museum Staff has been working with the City of Homer on rezoning so the Zoning Status is complex, being discussed and listed in the Homer City Staff report.

Water and Sewer utilities are provided by the City and are on-site.

The preliminary plat has been edited since submission to the City of Homer. I have added the requested 15 feet wide Utility Easement along Bartlett Street and I have added reference to the 50 feet wide Creek Bank Maintenance Easement for Woodard Creek, see note 5. This interpretation shows the museum building as an encroachment.

Thank you for your assistance in this endeavor.

Gary Nelson

Gary Nelson, PLS

Session 12-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on September 5, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DOLMA, ERICKSON, HIGHLAND, SONNEBORN, STEAD, VENUTI

ABSENT: BOS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Bumppo Bremicker, city resident, commented regarding the Pier 1 site. He went down and measured a 10,000 sf and it really isn't a lot of area, just 100x100. He referenced the aerial photo noting where the area for the barge haul out is drawn in. If the Wooden Boat Society was able to get 10,000sf, it would be about a quarter of the area where the camping is shown. The staff report says that it represents 12 campsites, but that isn't how they are laid out and it appears to him there are about 5 sites. If the city gets money from five campsites during the summer, minus the cost of maintaining them and it really isn't that much money. They might be willing to come up with enough to compensate the City for losing five campsites. Maybe they could use fifty feet of frontage, 100 feet is something they just threw out. He mentioned the Parks and Recreation Commission supported the barge haul out, it's a good idea people have just thrown out there, and doesn't know if there is any real planning of it, or where the money is coming from. If it is going to make so much money then why isn't Herndon doing it?

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the August 15, 2012 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects Under HCC 1.76.030 g.
4. KPB Coastal Management Programs Report

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2012

A. Staff Report PL 12-50, City Planner's Report

City Planner Abboud reviewed the staff report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 12-46, CUP 12-03, A Request for a Conditional Use Permit (CUP) for 4470 Fish Dock Road, Dockside Fisheries

City Planner Abboud reviewed the staff report.

William Sullivan, applicant commented that he just heard about the fence. There already is one and if they want continuity Mike can put a fence on his property. The boardwalk already exists in front of the retail but when he moves the building back he will fill it in and the bigger space in front will be more conducive for the flow. He thanked the Commission for the time and said it has been an interesting process, he has learned a lot. He is open to input for ideas and ways to do things better.

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

City Planner Abboud reviewed the aerial photo in the discussion of the fence. He suggested the benefit of the fence would be of benefit to the person doing more commercial, and Mr. Sullivan's operation is more industrial. It is a grey area that the Commission can consider but doesn't have to act on. Point was raised that there seems to be mixed use between the commercial and industrial districts as well as there being industrial and commercial use on this lot, screening doesn't seem necessary. Visitors like to see the industrial side of what happens at the harbor as well.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-46 CUP 12-03 KACHEMAK BAY SEAFOODS AT 4470 HOMER SPIT ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS 1-18 AND CONDITIONS 1-5.

There was discussion about leaving recommendation 4 out and deal with housing through the code amendments the Commission is currently working on. There was discussion that the use for a caretaker or employee is allowed through CUP right now and can't be denied based on what they are hoping to change in code.

VOTE: YES: STEAD, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, DOLMA

Motion carried.

B. Staff Report PL 12-48, Pratt Public Easement Vacation

City Planner Abboud reviewed the staff report.

Diane Converse, Pratt Museum Director, explained they have constructed an ADA accessible trail that improves public access from Spruceview to Bartlett.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2012

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

In response to questions, Ms. Converse said the foot traffic has increased with the new trail and she got an email from someone who walked it with a stroller and was very happy with the trail. They are removing the easement at the request of the surveyor. They didn't request removing the one to the south because they may want to use it in the future to connect to Pioneer. There was some discussion of the layout of the trail in relation to the easement, but with out the surveyor in attendance Ms. Converse was unable to respond to the questions raised.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT PL 12-48, VACATION OF A PUBLIC TRAIL EASEMENT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

A. Staff Report PL 12-47, Pratt Subdivision Preliminary Plat

City Planner Abboud reviewed the staff report.

Ms. Converse commented that they are combining the pieces to deal with their building project. She has talked with Julie regarding the process to do a zoning change. She doesn't anticipate any issues with the utility easement.

There were no public comments.

HIGHLAND/SONNEBORN MOVED TO ADOPT STAFF REPORT PL 12-47 PRATT SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

Comment was made that this is a good idea.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

A. Staff Report PL 12-43, Staff Report 12-43, Draft Ordinance 12-xx Amending HCC 21.28 Marine Commercial Zoning District

City Planner Abboud reviewed the information for the overnight accommodations as he understood it from the testimony. Staff will bring back some dimensional requirements information and continue working forward. They aren't in a big rush right now.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2012

Commissioner Venuti asked how staff will handle the people who have been doing it for years. City Planner Abboud said they are working through the process and gotten the word out there. Just because it has been happening for a long time doesn't make it legal nor does it compel them to enforce every rule. He thinks they have covered 80% or more of the people who are doing it, they have been here at the meetings, they will receive notices of what is happening, and he hopes to provide solutions. Most of the people agreed they want to be in compliance with the Fire Marshall and are aware of insurance concerns.

Chair Erickson commented that between the signs and bags, business owners out there are feeling a little beat up. She would like see them not look back but move forward and look at not starting off with a penalty but encourage them to come along for the next ones after the end of the summer, and anyone from here forward will have to have the proper permitting. We need to be careful with our businesses and do a little bit of good will in the midst of fixing this hole in our code.

Commissioner Dolma disagrees and doesn't believe there is a hole in the code, it wasn't an acceptable use and has been illegal all this time. He doesn't think following code is onerous on a business. He thinks the Commission is pro business and that is what they are addressing this. It is more pro business to address it in the code rather than a bunch of CUP's. He agrees with the 50% cap but to be the most business friendly, there wouldn't be a cap at all. He agrees that housing could be allowed outright.

Commissioner Highland agreed with the 50% cap as well because the business goes with the accessory lodging.

City Planner Abboud suggested that next they look at the purpose statement of the district to talk about widening views of what we want out there.

NEW BUSINESS

- A. Staff Report PL 12-49, Pier 1 Land Use

City Planner Abboud reviewed the aerial photo and a concept of the barge haul out facility.

The Commission commented in favor of the concept of the barge haul out. They recognized that it is a facility that could economically benefit the City both for the harbor and for workers needing lodging, food, and other amenities. It appears to be a workable project in that the barge haul out will be operational in the off season, shutting down in the spring as the tourist traffic increases.

INFORMATIONAL MATERIALS

- A. City Manager's Report dated August 13 and August 27, 2012
- B. Memorandum dated August 15, 2012 from Julie Engebretsen, Planning Technician, regarding Homer Spit Trail and Cruise Ship Improvements
- C. Letter dated August 30, 2012 to Eldeen Jackson from Dotti Harness-Foster, Planning Technician, regarding AA Mattox Sub 1958 Addn No 2, Lot 23
- D. KPB Staff Report dated 8/27/12: WR Bell Subdivision

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2012

None

COMMENTS OF STAFF

None

COMMENTS OF THE COMMISSION

Commissioners Venuti, Stead, and Sonneborn had no comments.

Commissioner Highland commended Chair Erickson for her job chairing the meeting tonight.

Commissioner Dolma said he is looking forward to continuing to address the marine zoning and getting things straightened out.

Chair Erickson thanked everyone for a good meeting tonight.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:27 p.m. The next regular meeting is scheduled for September 19, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

Office of the City Clerk


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



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

MEMORANDUM 12-175

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: NOVEMBER 19, 2012

SUBJECT: POST TRAVEL AUTHORIZATION FOR COUNCILMEMBER
DOLMA TO ATTEND THE ALASKA MUNICIPAL LEAGUE 62ND
ANNUAL LOCAL GOVERNMENT CONFERENCE IN ANCHORAGE,
ALASKA, NOVEMBER 12 - 16, 2012.

Councilmember Dolma attended the Newly Elected Officials training at the Alaska Municipal League (AML) 62nd Annual Local Government Conference in Anchorage, Alaska, November 12 - 16, 2012.

As a newly elected official, Councilmember Dolma's travel authorization was not included in Memorandum 12-153 for travel to AML as approved by Council on October 8th.

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.

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:

Authorize the travel and 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.

Office of the City Clerk


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



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Homer, Alaska 99603
(907) 235-3130
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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.

RESOLUTION(S)



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**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 12-095

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 13 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN THE COOK INLET FISHERIES MANAGEMENT AREA.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 13 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community and Economic Development that the municipality suffered significant effects during calendar year 2011 from fisheries business activities; and

WHEREAS, 3AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community and Economic Development; and

WHEREAS, 3AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, The Homer City Council proposes to use an alternative allocation method for allocation of FY 13 funding available within the Cook Inlet Fisheries Management Area in agreement with all other municipalities in this area participating in the FY 13 Shared Fisheries Business Tax Program.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, by this Resolution, certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2011 of fisheries business activity in the Cook Inlet Fisheries Management Area:

50% divided equally and 50% divided on a per capita basis.

PASSED and ADOPTED by the City Council of Homer, Alaska this 26th day of November, 2012.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Previous year's Acct. 400-603-4206 and budgeted for previous years.

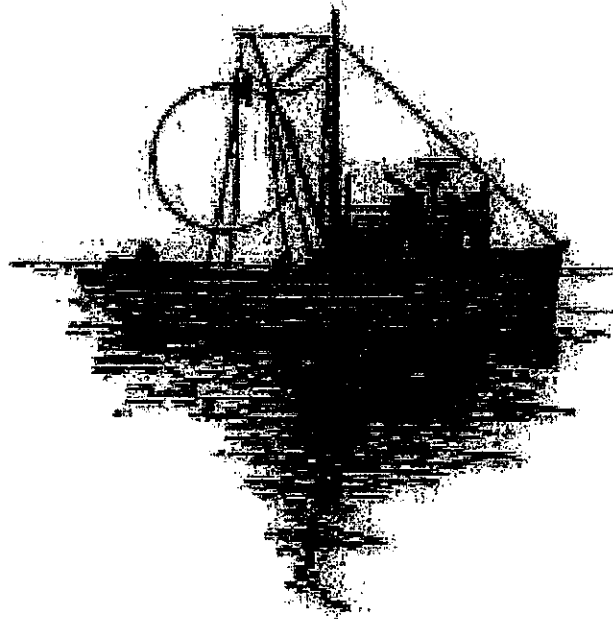
Est Pmt 14.

\$4,205 FIS

158.00 LANDING

**DCCED
SHARED FISHERIES BUSINESS
TAX PROGRAM
FY 13 LONG-FORM APPLICATION
FOR**

FMA 14: COOK INLET



**APPLICATION MUST BE SUBMITTED TO DCCED
NO LATER THAN DECEMBER 15, 2012**

*gave to JO
she will see to
it that it is sent
to Lawrence*

**State of Alaska
Sean Parnell, Governor**

**Department of Commerce, Community, and
Economic Development
Susan K. Bell, Commissioner**

**Division of Community and Regional Affairs
Scott Ruby, Director**

FY 13 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

The purpose of the Shared Fisheries Business Tax Program is to provide for an annual sharing of fish tax collected outside municipal boundaries to municipalities that can demonstrate they suffered significant effects from fisheries business activities. This program is administered separately from the state fish tax sharing program administered by the Department of Revenue which shares fish tax revenues collected inside municipal boundaries.

Program Eligibility

To be eligible for an allocation under this program, applicants must:

1. be a municipality (city or borough); and
2. demonstrate the municipality suffered significant effects as a result of fisheries business activity that occurred within its respective fisheries management area(s).

Program Funding

The funding available for the program this year is equal to half the amount of state fisheries business tax revenues collected outside of municipal boundaries during calendar year 2011.

Program funding is allocated in two stages:

1st Stage: Nineteen Fisheries Management Areas (FMAs) were established using existing commercial fishing area boundaries. The available funding is allocated among these 19 FMAs based on the pounds of fish and shellfish processed in the whole state during the 2011 calendar year. For example, if an area processed 10% of all the fish and shellfish processed in the whole state during 2011, then that area would receive 10% of the funding available for the program this year. These allocations are calculated based on Fisheries Business Tax Return information for calendar year 2011.

2nd Stage: The funding available within each FMA will be allocated among the municipalities in that area based on the level of fishing industry significant effects suffered by each municipality compared to the level of effects experienced by the other municipalities in that FMA.

Some boroughs, because of their extensive area, are included in more than one fisheries management area. In these cases, the borough must submit a separate program application for each area.

FY 13 SHARED FISHERIES BUSINESS TAX PROGRAM

PROGRAM DESCRIPTION

There are Two Application Methods Possible: Standard and Alternative

Standard Method: In the Standard Method, established by the department, each municipality in the FMA must determine and document the cost of fisheries business impacts experienced by the community in 2011. These impacts are submitted by each municipality in their applications. The department will review the applications and determine if the impacts submitted are valid. Once the impacts have been established for each of the municipalities in the FMA, the department will calculate the allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

Alternative Method: Alternative allocation methods may be proposed by the municipalities within the FMA. The department will consider approving the use of a proposed alternative method only if all the municipalities in the area agree to use the method, and if the method includes some measure of the relative effects of the fishing industry on the respective municipalities in the area.

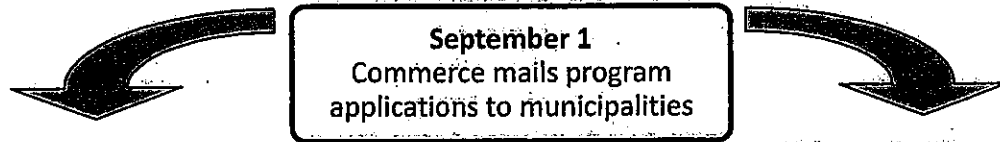
This application packet contains the instructions and forms for applying under either of these methods.

- The **yellow pages** are for applications using the standard method.
- The **pink pages** are to be used for alternative method applications.

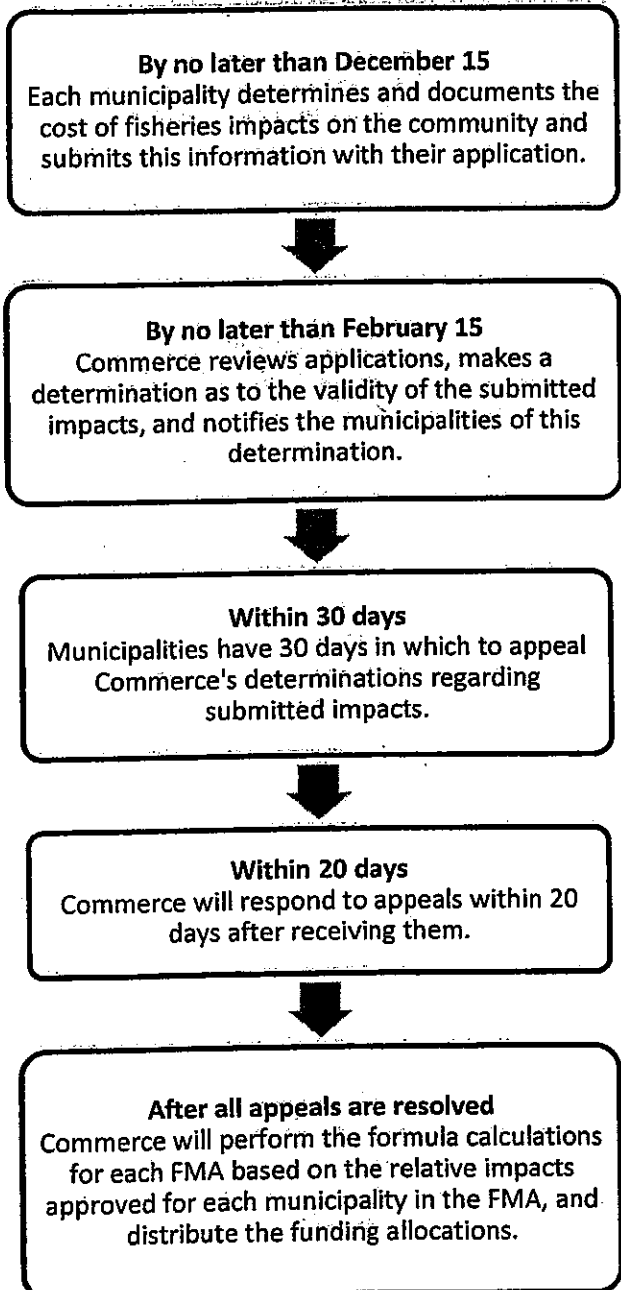
The chart on the following page summarizes the process for these two methods.

FY 13 SHARED FISHERIES BUSINESS TAX PROGRAM

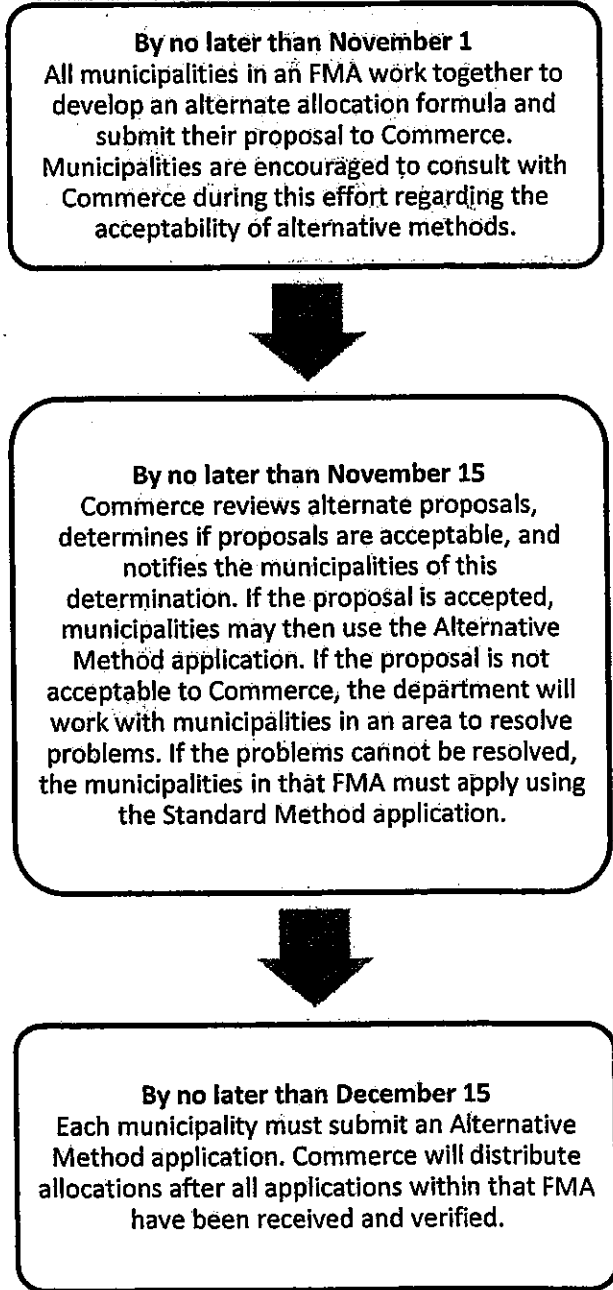
PROGRAM DESCRIPTION



STANDARD METHOD



ALTERNATE METHOD



FY 13 Shared Fisheries Business Tax Program Application Instructions

STANDARD METHOD

The Process

- In the standard method application process each municipality determines and documents the cost to the municipality of fisheries industry significant effects suffered by the community in 2011.
- Details for each of these effects are submitted by municipalities using the Declaration of Significant Effects application forms on the following pages.
- The municipality must also submit an approved resolution by the governing body certifying that the information submitted in the application is correct and complete. A sample resolution is included in this packet.
- The department will review the applications and determine if the significant effects submitted are valid.
- Once the effects have been established for each of the municipalities in a Fisheries Management Area, the department will calculate the funding allocation for each municipality using the following formula:

One half of the funding available within a FMA is divided up among participating municipalities on the basis of the relative dollar amount of impact in each municipality. The other half of the funding available to that area is divided equally among all eligible municipalities.

Guidelines for Completing the Declaration of Significant Effects Forms

Some important definitions: The Shared Fisheries Business Tax Program provides for a sharing of State Fisheries Business Tax with municipalities that can demonstrate they suffered *significant effects* during the *program base year* from *fisheries business activity* in their respective fisheries management area.

For the purposes of this program, "fisheries business activity" means:

- activity related to fishing, including but not limited to the catching and sale of fisheries resources;
- activity related to commercial vessel moorage and commercial vessel and gear maintenance;
- activity related to preparing fisheries resources for transportation; and,
- activity related to processing fisheries resources for sale by freezing, icing, cooking, salting, or other method and includes but is not limited to canneries, cold storages, freezer ships, and processing plants.

And, "significant effects" means:

- municipal expenditures during the program base year demonstrated by the municipality to the department to be reasonable and necessary that are the result of fisheries business activities on the municipality's:
 - population;
 - employment;
 - finances;
 - air and water quality;
 - fish and wildlife habitats; and,
 - ability to provide essential public services, including health care, public safety, education, transportation, marine garbage collection and disposal, solid waste disposal, utilities, and government administration.

And, "program base year" means:

- calendar year 2011.

A municipality does not need to have actually made expenditures in 2011 in order to include them as significant effects in the application. If a fishing business activity impacts a municipality in a manner that will result in a cost to the municipality, then the municipality can claim that impact as a significant effect. For example, a city's pier might have been damaged by an improperly docked fish processing vessel. The city might not have the funds to repair the pier during 2011, but the city has obtained final engineering estimates for the cost of repairs. In this case, the city could declare the repair cost estimates as significant effects on their application. However, **these costs may not be claimed again** if the city subsequently expended the monies to repair the pier at a later date (this would result in a double counting of significant effects).

If a significant effect claimed in the application reflects expenditures that were determined by the municipality to be necessary, but for which the municipality was unable to make an expenditure during the program base year, the application must include a finding by the municipal governing body which documents and clearly describes the procedures and methods by which the need and the estimated cost of such expenditures were determined.

Only that part of overall community impacts which are directly attributable to fishing business activity should be included as significant effects in the application. For example, a city water supply system may be impacted by the fresh water needs of the local fishing fleet and fish processing facilities. However, a city in this situation should not claim the entire cost of operating or maintaining the water system as a "significant effect" for the purposes of this program. In this case, the city must determine and document its estimate of the share of the use, and "wear and tear," of the water system that can reasonably be attributed to fisheries business activity. A place is provided on the *Declaration of Significant Effects* forms for municipalities to explain how they arrived at such estimates.

Examples of eligible significant effects. The kinds of negative effects which a municipality might possibly claim to have suffered are many. It is the responsibility of each municipality to describe, document and justify its particular claims of negative impacts during 2011 resulting from fisheries business activities. For the purposes of this program, all significant effects must be presented in terms of expenditures of municipal funds, either actual or determined necessary. For example, a sudden population increase of 1,000 people is not in itself a negative effect. It is the demonstrable impacts on the city budget of dealing with these extra people that

may be considered as significant effects for this program. The following examples represent the kinds of community impacts which are clearly eligible for inclusion in a city's *Declaration of Significant Effects* forms.

- a municipality's expenses during 2011 in repairing a dock damaged by a fishing vessel;
- a municipality's costs of hiring extra police, teachers or medical staff to cover periods during 2011 when fish processing workers or fishing crew and their families expanded the municipality's population;
- a city 2011 loan which was used to improve the city's water system to meet increased demands for fresh water by local fish processors. Only that part of the debt service which can be directly attributable to supporting the fishing industry may be counted as a significant effect.
- special expenditures made by a city during 2011 to assist or help re-train workers who lost their jobs in the fishing industry because of a downturn in fishing activity;
- a borough's expenditures for operating and maintaining harbor facilities during 2011;
- that part of operating and maintaining a city's water and sewer system or landfill during 2011 that is directly attributable to the fishing industry.

Examples of events which are not eligible to be significant effects. The following are examples of municipal expenditures or events which are **not eligible** for inclusion in a *municipality's Declaration of Significant Effects* forms:

- municipal expenditures that occurred before or after 2011 which are the result of fishing business activities;
- revenues which a city did not receive during 2011 because of a downturn in local fishing business activity.

If you're not sure whether an event is a valid "significant effect" or not, contact DCCED.

Specific Instructions for Completing the Standard Method Application

The completed standard method application submitted by each municipality will contain three elements:

- a set of *Declaration of Significant Effects* forms (one separate form for each significant effect claimed by the municipality). **Three copies of this form are included in the application- please make as many additional copies of this form as you need.**
- a *Cover Page* that provides the total number and cost of the significant effects claimed by the municipality.
- an *approved resolution* by the governing body adopting the application as true and correct. A sample resolution is included in the application.

Instructions for the Cover Page/Summary

The *Cover Page* must be completed and submitted as part of the application. This form summarizes the information found in the application. The number of significant effects claimed should be equal to the number of *Declarations of Significant Effects* forms submitted with the application and the total dollar amount should equal the sum of all the dollar amounts stated in Part 2 on the *Declarations of Significant Effects* forms.

Instruction for the *Resolution* form

Municipalities may use this form, or a similar form, to comply with the requirement that the submitted application be certified by the municipality's governing body.

**Submit your completed application by no later than
December 15, 2012, to:**

**Department of Commerce, Community, and Economic
Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809**

**If you have any questions regarding this program, please call
Lawrence Blood at 465-4751.**

**FY 13 SHARED FISHERIES BUSINESS
TAX PROGRAM**

**STANDARD METHOD APPLICATION
for FMA 14: COOK INLET**

Name of Municipality: _____

Address: _____

Contact Person: _____

Phone Number: _____

Total # of Significant Effects Claimed: _____

Total \$ of Significant Effects Claimed: \$ _____

Return this cover page along with
Declaration of Significant Effects forms and resolution to:

Department of Commerce, Community, and
Economic Development
Division of Community and Regional Affairs
Shared Fisheries Business Tax Program
P.O. Box 110809
Juneau, AK 99811-0809

**FY 13 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Description of the fisheries business activity which resulted in the significant effect:

2. Significant effect (municipal expenditure) made necessary during 2011 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is actual determined necessary

4. Describe how the municipal expenditure figure listed under Part 2 was determined: (Every municipal expenditure marked "determined necessary" must be supported by a resolution that documents and clearly demonstrates the procedures and methods by which the needs and estimates were determined).

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY 13 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Description of the fisheries business activity which resulted in the significant effect:

2. Significant effect (municipal expenditure) made necessary during 2011 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is actual determined necessary

4. Describe how the municipal expenditure figure listed under Part 2 was determined: (Every municipal expenditure marked "determined necessary" must be supported by a resolution that documents and clearly demonstrates the procedures and methods by which the needs and estimates were determined).

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

**FY 13 Shared Fisheries Business Tax Program
DECLARATION OF
SIGNIFICANT EFFECTS FORM**

(One Separate Form for Each Significant Effect Claimed)

1. Description of the fisheries business activity which resulted in the significant effect:

2. Significant effect (municipal expenditure) made necessary during 2011 by the fisheries business activity listed in #1: \$ _____

3. Municipal expenditure is actual determined necessary

4. Describe how the municipal expenditure figure listed under Part 2 was determined: (Every municipal expenditure marked "determined necessary" must be supported by a resolution that documents and clearly demonstrates the procedures and methods by which the needs and estimates were determined).

5. Is the fisheries business activity part of a larger fiscal impact on the municipality?
 yes no

If yes, describe how the fisheries business-related part of the overall fiscal impact was determined.

6. Describe the documentation that supports the municipality's claim of this significant effect (this documentation must be readily available to the department upon request):

FY 13 Shared Fisheries Business Tax Program
Standard Method Resolution

(City or Borough)

RESOLUTION NO. _____

A RESOLUTION CERTIFYING THE FY 13 SHARED FISHERIES BUSINESS TAX
PROGRAM APPLICATION TO BE TRUE AND CORRECT

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 13 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2011 from fisheries business activities; and

WHEREAS, the Department of Commerce, Community, and Economic Development has prepared specific application forms for the purpose of presenting the municipality's claims as to the significant effects suffered by the municipality during calendar year 2011; and

WHEREAS, 3 AAC 134.100 requires the governing body of the municipality to include with the municipality's FY 13 program application an approved resolution certifying the information contained in the application to be true and correct;

NOW THEREFORE BE IT RESOLVED THAT:

The _____ by this resolution certifies
(Governing Body)

the information contained in the _____
(City or Borough)

FY 13 Shared Fisheries Business Tax Program Application to be true and correct to the best of our knowledge.

PASSED AND APPROVED by a duly constituted quorum of the
_____ this ____ day of _____, 20 ____
(Governing Body)

SIGNED _____
Mayor

ATTEST _____
Clerk

FY 13 Shared Fisheries Business Tax Program Application Instructions

ALTERNATE METHOD The Process

- In the alternate method application process all municipalities in a fisheries management area may work together to develop an alternative allocation formula for distributing the available program funding among municipalities in the area. It is advised that the department be consulted during this process if the municipalities have questions or concerns about what constitutes an acceptable alternative to the standard allocation method.
- All the municipalities in an area must reach an agreement in writing on an alternative allocation formula.
- By November 1, the department must receive the proposed alternative method. If the alternative method is not acceptable, the department will work with the municipalities to resolve the problems.
- If the municipalities in an area fail to satisfy the department regarding the acceptability of the alternative allocation method proposed, then each municipality in the region must return to the standard application process and submit separate applications as required by that process.
- If the department finds the alternative allocation method satisfactory, each municipality must then complete an alternative method application consisting of a cover page and resolution. The resolution must be adopted by the governing body and it must clearly describe the approved alternative allocation method within that area. After all alternative method applications within an area have been received and approved; the department will perform the allocations and distribute program funds.

General Guidelines for Developing an Alternative Allocation Method

All municipalities in a fisheries management area must agree on the alternative method: There must be unanimous agreement among all eligible municipalities in a fisheries management area with regard to alternative allocation methods. It is the responsibility of community leaders in the area to work together to negotiate an alternative which is acceptable to all municipalities. The department may be consulted at any time regarding what kinds of formula approaches are considered acceptable by the department.

Alternative methods must incorporate some measure of the relative significant effects experienced by the respective municipalities in the area. The measure of significant effects may take many forms. One area might agree to use the number of commercial fishing boat visits-per-year per community as a measure of significant effects. Another area might use the

FY 13 Shared Fisheries Business Tax Program
Alternative Method Resolution

(City or Borough)

RESOLUTION NO. _____

A RESOLUTION ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 13 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA 14: COOK INLET

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 13 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2011 from fisheries business activities; and,

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and,

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method; and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and,

WHEREAS The _____
(Governing Body) proposes to use an alternative allocation method for allocation of FY 13 funding available within the FMA 14: COOK INLET in agreement with all other municipalities in this area participating in the FY 13 Shared Fisheries Business Tax Program;

NOW THEREFORE BE IT RESOLVED THAT: The _____
(Governing Body) by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2011 of fisheries business activity in FMA 14: COOK INLET:

All municipalities share equally 50% of allocation; all municipalities share remaining 50% on a per capita basis.

PASSED and APPROVED by a duly constituted quorum of the _____ this _____ day of _____ 20__

SIGNED _____
Mayor

ATTEST _____
Clerk

Important Notice

Due to an unavoidable delay in receiving state-wide fishing activity / tax data, you are receiving this Shared Fisheries Business Tax application packet later than normal.

The deadline for this application is December 15, 2012. This provides your municipality with a significantly shorter period to file your application than is typically provided.

If you believe that your municipality will be unable to complete this application by the deadline, please contact:

**Lawrence Blood at (907) 465-4751 or
lawrence.blood@alaska.gov**

CITY OF HOMER

MARY E. WYTHE, MAYOR

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45 ATTEST:

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JO JOHNSON, CMC, CITY CLERK

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50 Fiscal Note: \$40,000 per year compensation.

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In Juneau:
319 Seward Street, Ste. 11
Juneau, AK 99801
907.586.1977 p
907.586.1061 f

In Fairbanks:
3165 Riverview Drive
Fairbanks, AK 99709
907.474.9463 p
907.479.9113 f

October 1, 2012

Wait Wrede, City Manager
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603

Dear Mr. Wrede:

Anderson Group has appreciated the opportunity to provide legislative consulting and lobbying services on behalf of the City of Homer during the 27th Alaska Legislature in 2011 and 2012. We believe we have been a significant factor in the positive legislative results on Homer's behalf through real-time information and proactive engagement of our services. As you know so well, communication timeliness combined with being at the right place and time in Juneau is crucial.

Please accept this request to continue our contractual relationship for the upcoming 28th Alaska Legislature in 2013 and 2014. As you know the members of the House and Senate, as well as the committee structure, will remain constant for the next two years. We believe that this continuity is invaluable when carrying issues between Sessions to achieve success.

In concert with you, the Mayor, City Council and key staff members, we will continue to devote the time required to help protect the City of Homer's interests and ensure positive outcomes of state legislation, regulatory and executive actions, and capital projects.

We propose the following terms for the Councils consideration:

- 1) A base contract fee of \$40,000.00, *(no change)*
- 2) a 2-year contract to cover 28th Alaska Legislature, and *(new)*
- 3) the reimbursement of airfare and lodging for one trip to Homer per year for City of Homer business. *(clarification)*

We have enjoyed working with you, the Council and your professional staff. You have been immediately responsive to requests for information, professional dialogue with key public officials and analysis of legislative proposals and their impact to your community. We wish to continue what we believe to be a successful and beneficial relationship on behalf of the community of Homer. For further information, including our history and experience, please visit www.andersongroupllc.com.

Sincerely,

Linda Anderson, President
Anderson Group, LLC



In Juneau:
319 Seward Street, Ste. 11
Juneau, AK 99801
907.586.1977 p
907.586.1061 f

In Fairbanks:
3165 Riverview Drive
Fairbanks, AK 99709
907.474.9463 p
907.479.9113 f

2013 CONTRACT FOR SERVICES

City of Homer and Anderson Group, LLC

This Contract, effective as of January 1, 2013, is between the City of Homer (hereinafter referred to as "Client"), of 491 E. Pioneer Avenue, Homer, Alaska 99603, and Anderson Group, LLC (hereinafter referred to as "Contractor"), of 3165 Riverview Drive, Fairbanks 99709.

RECITALS

WITNESSETH that:

Whereas, the need for such a Contract has been deemed necessary by Client;

Whereas, Client is entering into this Contract by direct negotiations and not by competitive bid because this is a contract for professional consulting services and Client has determined that it is not feasible to solicit these services through competitive bidding due to the professional nature of the services and the specific qualifications required of the Contractor; and

Whereas, Contractor is willing to undertake the performance of this Contract under its terms.

AGREEMENT

For consideration received, recited herein, Contractor agrees to provide services to Client and/or its designated representative, as set forth in Section H, the Statement of Work.

A. PERIOD OF PERFORMANCE

Subject to either party's right to terminate, the period of performance under this Contract is for two calendar years and shall begin on January 1, 2013 through December 31, 2014. Performance may be extended for additional periods by the written contract of both parties.

B. CONSIDERATION

For services rendered under this Contract, Client agrees to compensate Contractor the annual sum total of \$40,000 to be paid in five equal payments by the fifteenth day of the month beginning in January 2013 and January 2014. If payment is received 30 days past the date due, a 5% late payment fee on the amount owing will apply, and interest will accrue at the maximum legal rate.

Contractor specifically recognizes that the limitation upon this Contract is essential and expressly agrees to be bound thereby. Contractor may submit invoices for reimbursement for travel expenses, lodging, food and entertainment expenses pre-authorized by Client.

C. INDEMNIFICATION

Contractor shall indemnify and hold harmless Client for any and all liability or claim for injury to persons or damage to property arising out of Contractor's performance or non-performance of this Contract.

Client shall indemnify and hold harmless Contractor for any and all liability or claim for injury to persons or damage to property arising out of Client's performance or non-performance of this Contract.

D. ASSIGNMENT AND SUBCONTRACTS

This is a Contract for professional services and no portion of this Contract may be assigned, delegated, or sub-contracted without the written permission of Client or its designee. Client is aware of the existence of a contract between Contractor and Yuri Morgan, an independent contractor, and Client hereby gives its written permission as to this sub-contract and for Contractor to assign tasks and use the services of Mr. Morgan.

E. TAXES

Contractor is, for all purposes, including taxes, workers compensation, and insurance an independent Contractor and not Client's employee. Contractor agrees to make all Social Security, federal or state tax payments or other payments as required by law.

F. STATE OF ALASKA REPORTING REQUIREMENTS

Contractor is responsible to meet all reporting deadlines as required by the Alaska Public Offices Commission with regard to "Lobbyist" Reports and filings. Client is responsible to meet all reporting deadlines as required by the Alaska Public Offices Commission with regard to "Employer of Lobbyist" Reports and filings.

G. COMPLETE CONTRACT

This Contract contains the complete agreement concerning the arrangement between the parties and shall, as of the effective date, supersede all other contracts between the parties. The parties stipulate and agree that neither of them has made any representation with respect to the subject matter of this Contract or any other representations except as are specifically set forth herein, and that neither of them has relied upon any representations in entering into this Contract, except as are specifically set forth herein. Each of the parties acknowledges that he or it has relied on its own judgment in entering into this Contract.

H. STATEMENT OF WORK

Contractor shall perform the following services for Client for the duration of this Contract:

1. Work to secure capital and/or operating budget funding as requested by Client;
2. Political strategy development tailored to meet the specific objectives of Client;
3. Identification of and monitoring the progress of all legislation introduced or proposed for introduction in the Alaska Legislature which may affect Client;
4. Bi-weekly and ad hoc reporting to Client and in sufficient detail to keep Client reasonably apprised of the status and likelihood of passage of such legislation;
5. Evaluation of all relevant legislation and advisory to Client of circumstances which necessitate the presence of Client in Juneau to lobby, testify, or otherwise act to protect the interests of Client;
6. Engagement with members of the Legislature and Administration on behalf of Client on all proposed legislation, regulations and executive actions affecting Client, and coordination with other industry lobbyists and associations when strategically advantageous to Client;
7. Coordination and organization of Client visits to Juneau during the legislative session, including meetings and/or social functions with key public officials.

Client and/or its designees shall be responsible for the following:

1. Provide Contractor with all legislative and administrative priorities and pertinent information necessary for legislative committee and administrative hearings and meetings;
2. Organize and provide technical support to promote Client's goals, i.e. professional testimony;
3. Be available to provide timely input and testimony either via teleconference or in person before legislative committees and administration officials relative to Client's priorities.

I. CONFLICT RESOLUTION PROCEDURES

Contractor shall communicate, coordinate, and report to Client as required under this Contract. Except as otherwise provided, if Contractor receives instruction from other clients that Contractor reasonably, in good faith, believes to be contradictory to instructions provided by Client on a specific issue, Contractor shall declare a conflict by giving notice thereof to each client. After giving said notice of conflict, Contractor shall not carry out any of the duties, tasks, or functions requested by any of the contradictory instructions. Contractor will assist in conciliation efforts to resolve client differences. Said failure to act shall not constitute a breach of this Contract nor shall it decrease the Contract sum or travel reimbursement payable to Contractor hereunder. Contractor shall refrain from so acting until such time as Contractor receives non-contradictory written instructions on the same subject from each client, or from one of said clients who represents to Contractor that the officials have conferred and are now in agreement as to how to proceed. Contractor shall then carry out said instructions as otherwise required by this Contract. Regardless of the existence of a specific conflict, Contractor shall continue to perform all other duties required under this Contract that are not involved in the conflict.

J. TERMINATION

This Contract may be terminated by either party for any reason upon 30 days written notice; in the event such notice is given by either party during the first five months of a year in which this agreement is in effect, compensation will be pro-rated for the portion of five months that this Contract was in effect.

Any notice of termination by Contractor shall be executed by Contractor. Any notice of termination by Client shall be executed by the City Manager of the City of Homer.

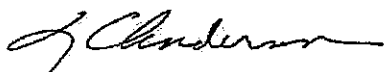
K. GENERAL CONDITIONS

1. The Contractor's and the Client's performance under this Contract shall comply with all applicable statutes, regulations, ordinances, policies and ethical rules.
2. No waiver of any provision of this Contract shall be effective unless in writing signed by both parties. The failure by any party to object to non-performance of, or to seek to compel performance of, an obligation under this Contract shall not constitute a waiver of any subsequent breach of the same or any different obligation.
3. The laws of the State of Alaska shall govern the rights and duties of the parties under this Contract. Venue for any action or proceeding arising from this Contract shall be in the state court at Homer, Alaska.
4. This Contract and the exhibits to it constitute the entire agreement between the parties, superseding all previous representations, discussions and any verbal agreements between them.
5. This Contract may not be modified, limited or added to except by a writing signed by both parties.
6. Notices concerning this Contract shall be given by the parties in writing and shall be personally delivered or mailed to a party at the address set out above. Notice shall be complete when delivered or faxed or emailed.
7. If any provision of this Contract is held to be unenforceable, in whole or in part, such holding will not affect the validity of the other provisions of this Contract.
8. This Contract constitutes the complete and entire statement of all terms, conditions and representations of the agreement between the parties with respect to its subject matter.

IN WITNESS WHEREOF, the parties have executed this Contract and represent that they have the express authority to sign on behalf of the respective agency or party listed below.

CONTRACTOR:
ANDERSON GROUP, LLC

CLIENT:
CITY OF HOMER



BY: _____
Linda C. Anderson, President

BY: _____
Walt Wrede, City Manager

DATE: December 1, 2012

DATE: _____

41 PASSED AND ADOPTED by the Homer City Council this 26TH DAY OF November,
42 2012.

CITY OF HOMER

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MARY E. WYTHER, MAYOR

47 ATTEST:

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49 _____
50 JO JOHNSON, CMC, CITY CLERK

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52 Fiscal Note: A pledge of \$17,000 if grant is awarded.

Memorandum 12-176

To: Walt Wrede, City Manager

From: Robert Painter, Fire Chief

CC:

Date: November 19, 2012

Re: Code Blue Grant Request

I am applying for a Code Blue Grant to replace our 1997 Ambulance through Southern Region EMS Council. The estimated cost of replacing this unit with a similar model and type is \$170,000. The Code Blue Policy requires at least a 10% match from the community. In order to proceed with the grant application I need a letter from the City of Homer guaranteeing the 10% match of \$17,000, if and when the request is approved. Based on previous Code Blue funding I don't anticipate any funds being necessary in fiscal year 2013 as most vehicle requests funded take an average of 18 months to process. Due to diminishing funding sources for Code Blue I feel it unlikely that the regional office will be able to find other funding partners to complete this project but we must initiate the process in order to open other potential funding sources if Code Blue fails.

*Homer
Volunteer
Fire
Department*

604 east pioneer avenue
homer, alaska 99603
907/235-3155
fax 907/235-3157
fire@ci.homer.ak.us

Southern Region EMS Council
6130 Tuttle Place
Anchorage, AK 99507-2041

Executive Director:

The Homer Volunteer Fire Department is a combination (volunteer/paid staff) ALS ambulance service providing service to Homer and Kachemak City. Our run volume for 2011 was a total of 513 responses with 438 being for EMS related calls. Our 2012 responses to date, September 7, 2012 is 404. We propose to replace our 1997 Type I ALS ambulance with a similar style ambulance and surplus the 1997 back to Southern Region for placement with another ambulance service. While the 1997 is still serviceable and has been well maintained over the last 15 years it is showing its age and is requiring increased maintenance. We currently use this ambulance as our "second out" emergency unit and transport/standby ambulance (special events, fires, non-emergent transports). Another, less busy service could see another 5-10 years of useful service from the unit if the maintenance is kept up. Our "first out" ambulance, a 2000 year model Wheeled Coach, would become the reserve unit and second out emergency ambulance in order to lengthen the life span of that unit.

As we have over 30 years experience in dealing with ambulance specifications and operations we would request that we be given the opportunity to draft our own proposals for this replacement ambulance and be involved with the selection of the vendor that will ultimately provide the unit to Homer. Thank you for this opportunity, through Code Blue, to replace this vital piece of equipment.

Sincerely,

Robert L. Painter, Chief

"The team that cares."

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Port and Harbor Director

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RESOLUTION 12-098

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDED A CONTRACT TO PACIFIC PILE AND MARINE, LP, OF SEATTLE, WASHINGTON, IN AN AMOUNT NOT TO EXCEED \$25,000 FOR FENDER PILE REMOVAL AT THE DEEP WATER DOCK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The corner fenders on the City's Deep Water Dock were again damaged during a storm in October 2012, removal of the piling and fenders is necessary to protect the dock from damage; and

WHEREAS, Port and Harbor personnel contacted three contractors (per procurement policy) and Pacific Pile and Marine was the only contractor able to respond; and

WHEREAS, The cost of the required work cannot be reasonably anticipated and a time and material contract is appropriate and in the best interest of the City; and

WHEREAS, This proposed award is not final until written notification is received by Pacific Pile and Marine, LP from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the award of the removal of damaged fenders and piling at the Deep Water Dock to Pacific Pile and Marine, LP, of Seattle, Washington, in the amount not to exceed \$25,000; and authorizes the City Manager to execute the appropriate documents to complete construction.

PASSED AND ADOPTED by the Homer City Council this 26th day of November, 2012.

CITY OF HOMER

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ATTEST:

MARY E. WYTHE, MAYOR

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: \$25,000, Acct. No. 415-926.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 RESOLUTION 12-099
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
7 ALASKA, APPROVING A MEMORANDUM OF
8 AGREEMENT BETWEEN THE HOMER PLAYGROUND
9 PROJECT (HoPP), THE HOMER FOUNDATION, AND THE
10 CITY OF HOMER REGARDING FUTURE MAINTENANCE
11 AND OVERSIGHT RESPONSIBILITIES FOR THE NEW
12 PLAYGROUND AT KAREN A. HORNADAY HILLSIDE
13 PARK.
14

15 WHEREAS, HoPP is an ad-hoc organization which was formed for the specific purpose
16 of building a new playground at Karen A. Hornaday Hillside Park; and
17

18 WHEREAS, HoPP very successfully coordinated all aspects of the playground project
19 including planning, design, community involvement, procurement, and construction; and
20

21 WHEREAS, The playground project is complete and there was a grand opening and
22 community celebration on May 27, 2012; and
23

24 WHEREAS, HoPP wishes to continue on as an organization and play an active role in
25 support of playground maintenance and operations and it has volunteer and financial resources
26 that it can devote to this effort; and
27

28 WHEREAS, A previous MOA between the parties dated June 30, 2011 was focused on
29 the design and construction phase of the project and the parties agree that the requirements of
30 that MOA have been satisfied in full; and
31

32 WHEREAS, It would be beneficial for the parties to enter into a new MOA which
33 establishes and formalizes the roles and responsibilities of the parties with respect to
34 maintenance, operations, and oversight of the new playground.
35

36 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves
37 the Memorandum of Understanding between HoPP, the Homer Foundation, and the City of
38 Homer regarding future maintenance and oversight responsibilities for the new playground at
39 Karen A. Hornaday Park; a copy of which is attached and incorporated herein.

40 BE IT FURTHER RESOLVED that the City Manager is authorized to execute all
41 appropriate documents.

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43 PASSED AND ADOPTED by the Homer City Council this 26th day of November, 2012.

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45 CITY OF HOMER

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MARY E. WYTHE, MAYOR

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51 ATTEST:
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55 JO JOHNSON, CMC, CITY CLERK

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57 Fiscal Note: To be determined; responsibility for maintenance and operations of new
58 playground.

59

MEMORANDUM OF AGREEMENT

BETWEEN

THE HOMER PLAYGROUND PROJECT

AND

THE HOMER FOUNDATION

AND

THE CITY OF HOMER

This Memorandum of Agreement (“MOA”) provides the respective roles and responsibilities for the Homer Playground Project (“HoPP”), the Homer Foundation (the “Foundation”) and the City of Homer (“City”) (collectively, “the parties”) regarding maintenance and oversight at the new playground at Karen A. Hornaday Hillside Park (“Project”), described as:

The Homer Playground Project involved the community in designing, funding, and constructing a play space unique to the character and nature of Homer at Karen Hornaday Park. The final design reflected community values and children’s imagination and involvement, and brought the community into a conversation about the condition and needs of Homer’s park system. The Project utilized the services of playground professionals who helped lead the community in a visioning process resulting in an innovative design that integrates natural play elements with traditional playground equipment and structures, meeting national playground safety and construction standards. The Project was completed with a grand opening and community celebration on May 27, 2012.

A. Recitals

1. The City of Homer owns and maintains the property known as Karen A. Hornaday Hillside Park, which includes the new playground, and is responsible for the management, maintenance, and operation of the playground/park.
2. The Homer Foundation is a community foundation that served as the fiscal agent for HoPP, a local ad hoc public-interest organization that lacks legal tax-exempt non-profit status.
3. The Homer Playground Project is an ad hoc organization formed for the specific purpose of creating a new playground at Karen A. Hornaday Park, and it continues to function in support of playground maintenance and operation.
4. The parties agree all requirements of the previous MOA dated 30 June, 2011 have been met in a satisfactory manner.
5. This MOA authorizes the activities described herein subject to the restrictions and obligations provided herein.
6. Nothing in this agreement obligates the City or the Foundation to provide funding unless authorized by the Foundation or the City.

B. Continuing Role of the Homer Playground Project

1. HoPP certifies it has no outstanding contractual obligations, debts, or fiscal liabilities and the City is receiving the Project without any encumbrances, liens, or restrictions.
2. HoPP acknowledges the City of Homer has authority and jurisdiction over property owned by the City, including Karen Hornaday Park, and has exercised its final approval of the construction of the playground Project.
3. HoPP will provide to the City any final plans, certifications, or maintenance requirements as provided by the professional playground consultants (i.e., Play By Design).
4. HoPP may, upon approval of plans by the City, continue to serve as the contracting authority for future playground development and will be responsible for following generally accepted contracting procedures to ensure due diligence, performance standards, quality assurance, project oversight and reviews, and to establish payment schedules.
5. HoPP will coordinate with the Homer Parks and Recreation Advisory Commission on how HoPP may serve in establishing Adopt-A-Park, Work Parties, and other volunteer opportunities for routine maintenance and special projects associated with the playground. HoPP will seek input and guidance from City staff including the City Manager, Parks Maintenance Coordinator, Parks and Recreation Coordinator, Public Works Director, and Special Projects Coordinator.
If HoPP Steering Committee members decide to dissolve the ad hoc organization, HoPP will provide written instructions to the Foundation that outline restrictions on use of Project funds.

C. Responsibilities of the Homer Foundation

1. The Homer Foundation, as a 501(C)(3) organization, agrees to be the fiscal agent for HoPP and to assume the relevant administrative, financial, and legal responsibilities pursuant to this MOA.
2. The Foundation will maintain Project funds in the current, dedicated Account.
3. The Foundation will disburse funds from the Account at the request and documentation of HoPP for purposes consistent with the goals of continuing maintenance and oversight of the Karen A. Hornaday Park playground.
4. The Foundation will maintain all financial records relating to the Continuing Playground Project Fund according to generally accepted accounting principles, retain records as long as required by law, and make records available as required by law.
5. Should HoPP plan to dissolve or terminate its role in this MOA, HoPP will provide written instructions to the Foundation that outline restrictions on use of Project funds. If HoPP disbands, the Parks and Recreation Advisory Commission and other community groups may approach the Foundation for funding for projects they deem meet the fund's requirements. The Homer Foundation will make the decision to grant or not grant the funds.

6. The Foundation may assess a fee equal to one percent of the fund amount. The fee to be assessed at ¼% quarterly, with a minimum of \$25/quarter

D. Responsibilities of the City of Homer

1. In the event that a contribution is made to the City of Homer for the Project, the City may transfer the funds to the Homer Foundation for deposit into the Account established for the Continuing Playground Project Fund.
2. The City will provide HoPP with authorization to proceed with construction of any additional playground elements when the City has reviewed and approved, in writing, any agreement for construction and/or design services and when the City determines, in writing, that the public has had adequate opportunity for input in project scope and design and that plans and specifications for the project meet required safety, durability and other standards.
3. The City will strive to include in its strategic long-range and annual operating and capital budgets necessary funds for the management of the Project, and agrees to provide in-kind support, city services, materials, and equipment in the continuing maintenance and operation of the Project. The City may participate in grant writing and other fundraising to help sustain the Project.
4. The City assumes ownership of the new playground structures and playground area and recognizes its responsibility and liability to provide maintenance of the play area equipment and grounds for the long-term benefit of the community.
5. The City agrees to meet national playground safety inspection requirements and to correct or protect against any deficiencies found.
The City will work with local interests to establish a volunteer support program, which may include Adopt-A-Park, Special Projects, Work Parties, Individual and Group Projects, Camp or Park Host Program efforts, and establish other innovative and cost-effective community involvement programs to support the Project.

E. Indemnification

The City agrees to hold HoPP and the Homer Foundation harmless for liabilities, damages, or other loss related to the Project and will defend HoPP and the Homer Foundation in any claims brought.

F. Authorized Agents

1. The Authorized Agent for the Homer Playground Project is Miranda Weiss, who will act as principal coordinator of the Project's day-to-day business with the Homer Foundation and the City of Homer.

Contact information: Miranda Weiss
P.O. Box 1498
Homer, AK 99603
907-299-5550
mirandaweiss@gmail.com

Memorandum of Agreement

City of Homer/Homer Foundation/Homer Playground Project

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2. The Authorized Agent for the Homer Foundation is Joy Steward.

Contact information: Joy Steward, Executive Director
The Homer Foundation
P.O. Box 2600
Homer, AK 99603
Phone: 907-235-0541; Fax: 907-235-2021
jsteward@homerfund.org

3. The Authorized Agent for the City of Homer is Walt Wrede.

Contact information: Walt Wrede, City Manager
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603
Phone: 907-435-3102; Fax: 907-235-3148
wwrede@cityofhomer-ak.gov

4. The Parties will notify each other in writing of any changes in Authorized Agents or contact information.

G. Termination

This Agreement will terminate if:

1. HoPP fails to perform its duties herein, and this failure remains unresolved 60 days after notice in writing from the City and/or the Foundation;
2. The Foundation requests HoPP cease activities that it deems might jeopardize its tax-exempt status and HoPP fails to comply within a period of 10 days; or
3. Upon expiration of 30 days after any of the Parties to this Agreement has given written notice of its intent to terminate the Agreement.

Termination of this MOA does not relieve any of the parties from resolving prior fiscal obligations.

In the event a new qualified fiscal agent assumes responsibility for the Project, the balance of the project assets held by the Foundation will be transferred to the new fiscal agent. A new fiscal agent may not assume responsibility for the Project without the City's written approval.

H. Effective Date and Term: This Agreement will take effect when signed by the Authorized Agents of the City of Homer, Homer Foundation, and Homer Playground Project and will remain in effect until terminated as described in Section G.

I. Severability: Any provision or clause of this Agreement that is deemed invalid by a court of otherwise by law shall not affect the validity of the remainder of the Agreement.

J. Governing Law: This Agreement shall be governed by the laws of the State of Alaska. The Parties agree consultation and negotiation are the preferred first options for resolving all disputes.

K. No Partnership: No provision of this Agreement shall be construed to create a partnership or joint venture or any other arrangement where one party would be in any way responsible for debts, losses, or liabilities of another party to the Agreement.

L. Waiver: A waiver by any of the Parties to this Agreement shall not be construed as a continuing waiver of a provision, or a waiver of other provisions of the Agreement. Any waivers of the Agreement conditions shall be done in writing and signed by all parties.

M. Entire Agreement & Modification: This Agreement constitutes the only agreement, and supersedes all prior agreements and understandings, both written and oral, among the parties with respect to the subject matter hereof. This Agreement, including any Exhibits hereto, may not be amended or modified, except in writing and signed by all parties to this Agreement.

N. Acceptance:

Upon signature by the Parties, this Memorandum of Agreement (MOA) between the City of Homer (City), Homer Foundation (Foundation), and the Homer Playground Project (HoPP) terminates, replaces, and supersedes the MOA dated 30 June, 2011 and all other obligations between the parties regarding the development of the Homer Playground Project (HoPP).

CITY OF HOMER:	HOMER FOUNDATION:	HOMER PLAYGROUD PROJECT:
_____ Walt Wrede City Manager	_____ Joy Steward Executive Director	_____ Miranda Weiss Co-Chair

NOTARY ACKNOWLEDGEMENT

STATE OF ALASKA)
)ss.
 THIRD JUDICIAL DISTRICT)

The forgoing instrument was acknowledged before me this ____ day of _____, 2012, by Walt Wrede, City Manager of the City of Homer, an Alaska municipal corporation, for and on behalf of the corporation.

 Notary Public in and for Alaska
 My commission expires: _____

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The forgoing instrument was acknowledged before me this ____ day of _____, 2012, by Joy Steward, Executive Director of the Homer Foundation, a 501C3 community foundation, for and on behalf of the foundation.

Notary Public in and for Alaska
My commission expires: _____

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The forgoing instrument was acknowledged before me this ____ day of _____, 2012, by Miranda Weiss, for and on behalf of the Homer Playground Project.

Notary Public in and for Alaska
My commission expires: _____

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 12-100

A RESOLUTION OF THE CITY COUCNIL OF HOMER,
ALASKA, AUTHORIZING PARTICIPATION IN THE
COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM.

WHEREAS, The Council of the City of Homer wishes to Provide Renovations to the
Boys and Girls Club or a Grant Program to Pay Natural Gas Homer Special Assessment District
Assessments on Behalf of Low Income Seniors; and

WHEREAS, The City of Homer is an applicant for a grant in the amount of \$ _____
from the Alaska Department of Commerce, Community, and Economic Development, under the
Community Development Block Grant (CDBG Program).

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Homer is
hereby authorized to negotiate and execute any and all documents required for granting and
managing funds on behalf of the City of Homer.

BE IT FURTHER RESOLVED the City Manager is also authorized to execute
subsequent amendments to said grant agreement to provide for adjustments to the project within
the scope of services or tasks, based upon the needs of the project.

PASSED AND ADOPTED by the Homer City Council this 26th day of November, 2012.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 12-101

**A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA ACKNOWLEDGING THE OCTOBER 2012
SURPLUS EQUIPMENT BID RESULTS.**

WHEREAS, Pursuant to Homer City Code 18.30 a Surplus Personal Property Sale was conducted; and

WHEREAS, The Sealed Bid Surplus Equipment Sale was advertised in the Homer News October 11, 2012, in the Homer Tribune October 12, 2012, posted on the City Clerk's website, and four of the Port Maintenance specialized items were posted on Craigslist and Alaska's List web sites; and

WHEREAS, Sealed bids were due by 3:00 p.m. on Thursday, October 25, 2012; and

WHEREAS, There were 53 copies of the surplus equipment list distributed, and 21 bidders submitting a total of 60 bids by the deadline; and

WHEREAS, The City Manager shall reevaluate the value of the items not bid upon and if found to meet the criteria of HCC 18.30.040, the City Manager may dispose of the items through non competitive bidding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby acknowledges the surplus equipment bid results, attached as Exhibit A.

PASSED AND ADOPTED by the Homer City Council this 26th day of November, 2012

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Cost of Advertising and processing bids. Generated revenue \$25,822.18 distributed to the appropriate accounts.

City of Homer Surplus Equipment List
October 2012

ITEM #	NAME	DESCRIPTION	Winner	Price	Status
PH 26	Digital Camera & Case	Fujifilm, 10.2 megapixel, 2 x 2GB cards, 2 x 4GB cards	Aaron Glidden	\$ 35.25	Pd cc 10/26/12
PD 8	Necklace	Pearl Necklace	Aaron Glidden	\$6	Pd cc 10/26/12
PD 9	Ring	Gold Ring with Small Stones and Diamonds	Aaron Glidden	\$5	Pd cc 10/26/12
PH 01	Truck 409	1995 Ford F-150, 4x4 pickup	Bill Smith	\$625	Pd cc 10/26/12
PH 02	Truck 420	Meyers 7.5' plow package, set of winter tires on rims	Bill Smith	\$4,311	Pd cc 10/26/12
PH 13	Radial Arm Saw	Older Dewalt compound radial arm saw	Bryan Hawkins	\$55	Pd chk 10/29/12
PH 03	Plow Motor	Older Meyer plow motor and hydraulic unit, modle E-47, spare angle cylinder	Bryan McCarthy	\$115	Pd chk 10/30/12
PH 15	Air Purifier	Bullard Series 41, compresses air purifier	Christine Szocinski	\$6	Pd chk 10/26/12
PH 22	Galvanized tubs	3 x galvi tubs, 25" diameter, 11" tall, holes in bottom	Christine Szocinski	\$17	Pd chk 10/26/12
PD 14	Rifle Ammunition	Approx. 120 Rounds of .22 Long Rifle Ammo	Christine Szocinski	\$8.50	Pd chk 10/25/12
CH 48-B	Door	7 - solid wood doors	Christine Szocinski	\$42.00	Pd chk 10/15/12
CH 23	Desk Top Bundle	in box - all black and sold as a set	Connie Vaz	\$8.52	Pd 10/25/12 by L. Barbe
CH 24	Hanging File Holder	Can be mounted on wall - tan	Connie Vaz	\$3.42	Pd 10/25/12 by L. Barbe
CH 48-B	Door	1- Solid Wood door	Connie Vaz	\$49.50	Pd cc 10/25/12 by L. Barbe
CH 49-c	Floor Mat Rugs	May be purchased individually	Connie Vaz	\$6	Pd cc 10/25/12 by L. Barbe
CH 59	Door	1- Solid Wood	Connie Vaz	\$50.51	Pd cc 10/25/12 by L. Barbe
CH 38	13 Stacking Chairs	Brown, With Arms - To Be Sold As One Unit	Cook Inlet Keep	\$56	Pd cc 11/8/12
CH 57	Map	United States Map mounted to Board	Cook Inlet Keep	\$11	Pd cc 11/8/12
CH 60	Table	Wood	Cook Inlet Keep	\$11	Pd cc 11/8/12
PH 34	Misc. Gauge Wire	Palette of misc. gauge copper wire, approx. 100lbs	Cory Reynolds	\$1	Pd cash
PH 52	Aluminum Gangway	Previously damaged, but repaired. Not engineer	Gary Seims	\$13,111	Pd cc 10/29/112
CH 43	Framed Picture	Homer Spit - Color	Jenna deLumea	\$25	Pd cc 10/26/12
CH 44	Framed Picture	Homer Spit - Black & White	Jenna deLumea	\$25	Pd cc 10/26/12

City of Homer Surplus Equipment List

October 2012

PW 2	Glass Doors	4 (four) 3'x7' Glass Doors - to be sold together	Joanne Perret	\$21.32	Pd chk 10/25/12
PW 3	Oreck Vacuum	XL Comvac 27" Vacuum s/n P06H05328	Joanne Perret	\$6.11	Pd chk 10/25/12
PD 6	Gas Generator	Hamco 2500 Watt Gas Generator	Joanne Perret	\$7	Pd chk 10/25/12
CH 7	Filing Cabinet	Two Drawer Legal Size	Joanne Perret	\$3	Pd chk 10/25/12
CH 46-A	Door	1- Solid Wood - Vertical Rectangle Window	Joanne Perret	\$12.37	Pd chk 10/25/12
CH 47	Door	Solid Wood - Big Window - 1	Joanne Perret	\$21.33	Pd chk 10/25/12
CH 50	Chairs	5 Brown Padded Chairs	Joanne Perret	\$13.58	Pd chk 10/25/12
CH 53	Chairs	2 Purple Padded Chairs	Joanne Perret	\$12.58	Pd chk 10/25/12
CH 20	Table	Desk Table - Grey	Lisa Ellington	\$20	Pd chk 10/26/12
PH 28	Chain-link fence	Approximately 200'+, barbed wire, hangers and fittings	Lurtis Barber	\$219	Pd cc 10/26/12
PH 35	Crane Winch	Hydraulic winch, 5000 lbs, needs servicing	Lurtis Barber	\$111	Pd cc 10/26/12
PH 51	Boat Trailer	28', Steel, black, double axel	Lurtis Barber	\$5	Pd cc 10/25/12
PH 06	Snow Plow	Older Meyer plow, 8', with motor, hydraulic unit, frame	Mark Robl	\$905	Pd chk 11/8/12
PH 19	Misc. Electrical Parts	Breakers, Service Disconnects, etc.	Mark Robl	\$41	Pd chk 11/8/12
PW 1	Table Saw	Rockwell Model 10 Contractor's Saw	Mark Robl	\$71	Pd chk 11/8/12
PD 2	Electric Air Compressor	Dewalt Emglo Portable Twin Tank Air Compressor	Mark Robl	\$51	Pd chk 11/8/12
PD 5	Gas Generator	Generac Model G4050 Gas Generator	Mark Robl	\$11	Pd chk 11/8/12
CH 36	Book Shelf	Black Metal	Mark Robl	\$11	Pd chk 11/8/12
CH 46 C	Door	Solid Wood Vertical Window	Mark Robl	\$5	Pd chk 11/13/12
CH 46 B	Door	Solid Wood Vertical Window	Mark Robl	\$5	Pd chk 11/13/12
CH 51	Chairs	2 Light Brown Padded Chairs	Mark Robl	\$5	Pd chk 11/13/12
CH 39A	Book Shelf	Wood	Mark Robl	\$5	Pd chk 11/13/12
PH 08	Angle Grinders	2 X Black & Decker, 7"	Mike Riley	\$8	Pd cc 10/29/12
PH 11	Bench Grinder	Craftsman .5 HP, two 6" x 3/4" wheels	Mike Riley	\$12	Pd cc 10/29/12

City of Homer Surplus Equipment List

October 2012

PH 46	Steel Piling	30" x 10' x .5"	Mike Riley	\$69	Pd cc 10/29/12
PH 47	Steel Piling	30" x 2' x .5"	Mike Riley	\$20	Pd cc 10/29/12
PW 5	Truck Bed Tool Box	Delta Packer Sport	Mike Riley	\$33	Pd cc 10/29/12
PD 1	Air Impact Wrench	Aircat Model ACA-1404BG 1/2" Air Impact Wrench	Mike Riley	\$12	Pd cc 10/29/12
PD 4	Outboard Motor	Yamaha 2.5 hp 4 Stroke Short Shaft Outboard Motor	Pike Ainsworth	\$101.01	Pd cash 10/25/12
CH 37	31 Stacking Chairs	Brown, No Arms - To Be Sold As One Unit	Rob Way	\$40	Pd chk 10/30/12
CH 49 (2)	Floor Mat Rugs	May be purchased individually	Rob Way	\$10	Pd chk 10/30/12
PH 38	Creosote Logs	Approx 30 logs, 9'-25' long, average 10" diameter	Tammy Jones	\$502	Pd chk 11/1/12
PD 12	Binoculars	Simmons Model 24102 Pocket Binoculars	Tim Griffith	\$6.52	Pd cash 11/1/12
PD 13	Pencil Torch	Butane Pencil Torch	Tim Griffith	\$3.02	Pd cash 11/1/12
PH 04	Outboard	50 HP, Honda 4 stroke, low hours, with controls	Tom Anglin	\$2,057.69	Pd cc 10/26/12
PH 05	Skiff	17.5', Aluminum, 1993, no motor or trailer	Tom Anglin	\$2,107.69	Pd cc 10/26/12
PH 24	Life Jackets (PFDs)	9 X Type 1, Sterns Merchant Mate II offshore, New	Tom Anglin	\$97.69	Pd cc 10/26/12
PH 29	D-Rubber	3" wide, 24' length, and 15' length	Tom Anglin	\$41.69	Pd cc 10/26/12
PH 49	Boat Trailer	16', Escort Trailer, Galvanized, single axel	Tom Anglin	\$ 207.69	Pd cc 10/26/12
PH 50	Boat Trailer	19', EZ Loader, Galvanized, single axel	Tom Anglin	\$ 307.69	Pd cc 10/26/12
PD 7	Ring	Woman's Ring with Diamond and Emerald Stones	Wayne Flint	\$39.50	Pd cc 10/26/12
			TOTAL	\$ 25,822.18	

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



