



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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MEMORANDUM AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: MAY 13, 2013

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Ordinance 13-17(S), An Ordinance of the City of Homer, Alaska, Making Technical Corrections to the Homer City Code Before its Republication by Code Publishing, Inc. City Clerk. Page 1

Resolution 13-044(S), A Resolution of the Homer City Council Authorizing the Formation of the Webber Subdivision Road Reconstruction and Paving Special Assessment District and Authorizing the City Manager to Proceed with the Preparation and Construction of the Project. City Clerk. Page 9

Objection to Special Assessment District Page 11

PUBLIC HEARINGS

Ordinance 13-11(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code §21.03.040 to Add a Definition of Lodging; Amending Homer City Code §§21.28.020, 21.28.030, 21.28.040 and 21.28.070, Regarding the Marine Commercial Zoning District; Amending Homer City Code §§21.30.020, 21.30.030, 21.30.040 and 21.30.070, Regarding the Marine Industrial Zoning District; and Adopting Homer City Code §21.50.040, Site Development Standards - Level 3, to Implement the Homer Spit Comprehensive Plan. Planning.

Written public comments Page 13

Ordinance 13-12(S), An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Marine Industrial (MI) Zoning District to Conservation (CONS), Marine Commercial (MC) and Open Space Recreational (OSR), and Amending the Homer City Zoning Map to Rezone a Portion of the Open Space Recreational (OSR) Zoning District to Marine Industrial (MI), to Implement the 2010 Homer Spit Plan. Page 15

CITY ATTORNEY REPORT

City Attorney Report, April 2013

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RESOLUTIONS

Resolution 13-047(S), A Resolution of the Homer City Council Awarding the Contract for Homer Restroom Facilities Improvements 2013 to the Firm of Steiner's North Star Construction, Inc. of Homer, Alaska, in the Amount of \$949,141 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Page 21

Memorandum 13-071 from Public Works Project Manager as backup

Page 23

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 13-17(S)

AN ORDINANCE OF THE CITY OF HOMER, ALASKA, MAKING
TECHNICAL CORRECTIONS TO THE HOMER CITY CODE BEFORE ITS
REPUBLICATION BY CODE PUBLISHING, INC.

WHEREAS, Code Publishing, Inc. has performed a legal analysis of the current Homer City Code, that has identified Code provisions that require technical correction before the republication of the Code; and

WHEREAS, It is desirable that the technical corrections identified by Code Publishing, Inc. be adopted before the Code republication to assure that the republished Code is as accurate and current as possible.

NOW, THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, is amended to read as follows:

(c) The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below.

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
<u>HCC 5.38.010</u>	<u>Feeding or baiting certain birds (first offense)</u>	<u>\$50</u>
<u>HCC 5.38.010</u>	<u>Feeding or baiting certain birds (second and subsequent offense)</u>	<u>\$200</u>
HCC 19.20.020	General rules	\$300
HCC 19.20.030	Park closure	\$150

Section 2. Subsection (a) of Homer City Code 1.70.010, Created; Membership, is amended to read as follows:

a. There shall be a City of Homer Public Arts Committee, hereinafter referred to as the Committee. The Committee shall consist of five members, who shall be appointed by the Mayor subject to confirmation by the City Council. Prior to making appointments, the Mayor may solicit nominations from the Pratt Museum, community arts groups, and the public. All members of the Public Arts Committee should ~~may~~ have a demonstrated interest and familiarity with arts

and culture, either through professional practice or volunteer work. When considering applicants, preference may be given to:

1. A working professional artist.
2. A person working in the public education community.
3. A City Council member.
4. A person with experience or training related to the arts, such as art history, or employment in fields such as architecture, education, curation, conservation, performing arts or visual arts.
5. A person representing the public at large.

Section 3. Homer City Code 1.70.020, Terms of members; Vacancies, is amended to read as follows:

1.70.020 Terms of members; Vacancies. a. Members of the Committee are appointed for two-year terms, with ~~two~~ three terms and ~~three~~ four terms commencing in alternate years.

b. A vacancy on the Committee is filled for the unexpired term by appointment by the Mayor subject to confirmation by the City Council.

c. The Committee may declare a vacancy in the office of a Committee member with three or more unexcused absences from successive regular and special meetings of the Committee.

Section 4. Homer City Code 3.01.025, Deposit of money, is amended to read as follows:

3.01.025 Deposit of money. Deposit of money. All money collected by departments of the City shall be deposited with the Finance Director/Treasurer within three working days after collection, ~~except that for~~ amounts less than \$100 shall be deposited with the Finance Director/Treasurer, deposit Friday by 10:00 AM the following Friday.

Section 5. Homer City Code 3.05.005, Budget Assumptions, is amended to read as follows:

3.05.005 Budget Assumptions. By the third Friday in September the City Manager shall present to the Council an overview of preliminary budget assumptions for the next fiscal year of the City. These preliminary assumptions will address by fund, revenue projections, tax and utility rates, program additions or deletions, wages and benefits, or other issues with potential impact on the City's overall financial condition.

Section 6. Subsection (b) of Homer City Code 5.16.100, Overhead charge, civil penalties, is amended to read as follows:

b. Whenever a nuisance is abated by the City, the owner of the property in question shall pay a civil penalty in addition to the actual costs and overhead charge. The civil penalty for abating a nuisance is \$300 for the first nuisance abated. For each subsequent nuisance that is abated by the City within two consecutive calendar years concerning property owned by the same person, the civil penalty shall be fifty percent of the cost of abatement or \$500, whichever is more, but not exceeding \$1,000 per day that the nuisance has continued. The civil penalty

shall be imposed without regard to whether the nuisances abated by the City involve the same real property or are of the same character.

Section 7. Homer City Code 5.38.060, Violations and penalties, is repealed.

Section 8. Homer City Code 6.08.010, Flight to avoid arrest, is amended to read as follows:

6.08.010 Flight to avoid arrest. No person may avoid or attempt to avoid arrest by ~~shall intentionally evading evade a police law officer following the officer's a request or~~ command by words or signal to stop. ~~Such request may be made verbally or by signal.~~

Section 9. Subsection (a) of Homer City Code 6.12.010, Definitions, is repealed and reenacted to read as follows:

a. "Controlled substance" means a drug, substance, or immediate precursor included in the schedules set out in AS 11.71.140 – 11.71.190, as amended.

Section 10. Subsection (b) of Homer City Code 6.12.010, Definitions, is amended to read as follows:

b. "Drug paraphernalia" means all items, equipment, devices, products and materials of any kind which are used, or intended for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined herein. Drug paraphernalia includes, but is not limited to:

1. Kits used or intended for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is controlled substance or from which a controlled substance can be derived;

2. Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

3. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances except for use by or under the direction of law enforcement agencies or medical research or treatment facilities;

5. Scales and balances used or intended for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, manite, dextrose and lactose, used or intended for use in cutting controlled substances;

7. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used or intended for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles and other objects used or intended for use in injecting, controlled substances into the human body;

12. Objects used or intended for use in injecting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

ii. Water pipes;

iii. Carburetion tubes and devices;

iv. Smoking and carburetion masks;

v. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

vi. Miniature cocaine spoons, and cocaine vials;

vii. Chamber pipes;

viii. Carburetor pipes;

ix. Electric pipes;

x. Air-driven pipes;

xi. Chillums;

xii. Bongs;

xiii. Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors the following:

1. Statements by the manufacturer, owner or by anyone in control of the object concerning its use;

2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

3. The proximity of the object, in time and space, to a direct violation of AS 11.71.010 – 11.71.060, as amended ~~AS 17.10 or AS 17.12;~~

4. The proximity of the object to controlled substance;

5. The existence of any residue of controlled substances on the object;

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of AS 11.71.010 – 11.71.060, as amended ~~AS 17.10 or AS 17.12;~~ the innocence of an owner, or of anyone in control of the object, as to a direct violation of AS 11.71.010 – 11.71.060, as amended ~~AS 17.10 or AS 17.12;~~ shall not prevent a finding that the object is intended for use as drug paraphernalia;

7. Instructions, oral or written, provided with the object concerning its use;

8. Descriptive materials accompanying the object which explain or depict its use;

9. National and local advertising concerning its use;

10. The manner in which the object is displayed for sale;

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

- 172 13. The existence and scope of legitimate uses for the object in the community;
173 14. Expert testimony concerning its use.
174

175 Section 11. Homer City Code 7.04.023, State schedule of minor traffic offenses and bail
176 forfeiture--Adopted, is amended to read as follows:
177

178 7.04.023 State schedule of minor traffic offenses and bail forfeiture--Adopted. The City,
179 pursuant to AS 28.05.151 Chapter 76, SLA, 1987, adopts the schedule of minor traffic offenses
180 and bail forfeiture amounts contained in Rule 43.1 of the Alaska Rules of Administration
181 ~~Rules Governing the Administration of All Courts~~. A copy of Rule 43.1 is on file in the Office of
182 the City Clerk, and is made a part of this section.
183

184 Section 12. Footnote 1 to Homer City Code 7.06.100, Penalty and fine schedule, is
185 deleted:
186

187 ~~[1] All vehicles operated within the City of Homer shall comply with this chapter by~~
188 ~~April 28, 2004.~~
189

190 Section 13. Subsection (b) of Homer City Code 7.08.020, Stopping or parking--Where
191 prohibited, is amended to read as follows:
192

193 b. No parking shall be permitted on a City arterial, as defined in Section 21.03.040
194 7.12.005 (a).
195

196 Section 14. Homer City Code 7.08.060, Violation--Penalty, is amended to read as
197 follows:
198

199 7.08.060 Violation--Penalty. Unless another penalty is expressly provided, the penalties
200 ~~penalty~~ for violating provisions of this chapter are the same as those listed in the State of Alaska
201 Traffic Bail Forfeiture Schedule pursuant to Rule 43.1 of the Alaska Rules of Administration
202 ~~Administrative Rules of the Alaska Rules of Court for violations~~ violation of 13 AAC 02.340
203 through 13 AAC 02.377 ~~13 AAC 02.337~~.
204

205 Section 15. Subsection (h) of Homer City Code 7.20.030, Use of snowmachines, is
206 amended to read as follows:
207

208 7.20.030 Use of snowmachines. No person shall drive, operate, stop or move a
209 snowmachine:
210

* * *

211 h. Without having such snowmachine registered as provided for in AS Chapter 28.39
212 ~~Section 5.30.010, Alaska Statutes~~;
213

214 Section 16. The footnote to Homer City Code Chapter 8.04, Alcoholic Beverage
215 Licenses, is amended to read as follows:
216

For statutory provisions authorizing municipalities to regulate alcoholic beverages ~~within the scope of authority specified by state law, see AS 29.35.210; for provisions defining the scope of municipal authority, see AS 04.21.010 AS 04.15.0780;~~ for provisions authorizing municipal protest of state licensing board decisions, see AS 04.11.480 ~~AS 04.10.270~~.

Section 17. HCC 8.11.010, Applicable state law incorporated, is amended to read as follows:

8.11.010 Applicable state law incorporated. All statutes of the State of Alaska and any rules or regulations adopted by any state agency pertaining to public nuisances, food and food service establishments, public health and public sanitation applicable to a mobile food service, with particular reference but not limited to, Titles 17 and 18, Alaska Statutes, as amended, and 18 AAC 31.600, et seq., as amended, are incorporated by this reference as though fully set forth in this chapter.

Section 18. Subsection (a) of HCC 9.16.100, Exemptions, is amended to read as follows:

9.16.100 Exemptions. a. ~~Commencing January 1, 2009,~~ Sales sales of nonprepared food items from September 1st through May 31st of each year.

Section 19. Subsection (b) of HCC 14.04.020, Connection--Required, is amended to read as follows:

b. ~~After October 1, 1973, no~~ No person shall occupy and no person shall own, maintain or control any structure or premises used as a home, apartment, or other living quarters unless the structure is connected to the City sewer; nor, ~~after October 1, 1973,~~ shall any person occupy, maintain or control any structure or premises used for any commercial, industrial or business use unless the structure is connected to sewer; provided, however, that the provision of this subsection shall not apply if the existing sanitary facilities shall have been approved by the Alaska Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.

Section 20. HCC 14.05.215, IWAN required for significant industrial users, is amended to read as follows:

14.05.215 IWAN required for significant industrial users. No SIU may connect to or remain connected to the STW, or otherwise introduce or cause the entry of waste into the STW ~~after July 24, 1990,~~ without first obtaining an Industrial Wastewater Acceptance Notification (IWAN).

Section 21. Subsection (b)(2) of HCC 14.05.220, Application for industrial wastewater acceptance, is amended to read as follows:

2. The 2012 North American Industry Classification System (NAICS) Standard Industrial Classification (SIC) number of the SIU ~~according to the SIC manual of the U.S. bureau of the Budget, 1972, as amended;~~

Section 22. Subsection (b) of HCC 18.20.010, Definitions, is amended to read as follows:

b. "Abandoned vehicle" is any vehicle, as defined by subsection (a), that has been discarded, left unattended, standing or parked in a public right-of-way upon or within 10 feet of the traveled portion of a highway or street, in excess of 48 hours; or that has been discarded, left unattended, standing or parked upon private property without the consent of the owner or person in charge of the property in excess of 24 hours; or that has been discarded, left unattended, standing or parked upon public property without the consent of the person in charge of the property for more than 30 days.

Section 23. HCC 18.28.080, Herring spawn covenant, is repealed.

Section 24. Footnote 1 to Homer City Code Chapter 19.08, Campgrounds, is deleted:

~~[1] For statutory provisions authorizing cities to provide and regulate recreational facilities, see A.S. 29.48.030(15).~~

Section 25. Subsection (b) of HCC 20.08.030, Nuisance animals, is amended to read as follows:

b. The owner of any animal shall not permit the same to defecate, dig upon or injure private property owned by another person or public property or a public thoroughfare.

Section 26. Subsection (b) of HCC 22.10.055, Underground utilities, is amended to read as follows:

b. All existing overhead utility wire or cable facilities, including, but not limited to, electric power, telephone, and telecommunications cables which shall, ~~April 14, 1987,~~ be relocated and/or which receive major modifications, shall be placed underground unless the utility obtains an exception pursuant to the provisions of subparagraphs e. and f. of this section. Major modifications shall not include reconductoring, reinsulating or in-kind replacement. The provisions of this subparagraph shall apply equally to the abandonment of pole lines except that if one utility abandons a pole line another existing utility which shares that pole line may buy the pole line and continue to use the pole line for the acquiring utility's cable facilities.

Section 27. Subsection (c) of HCC 22.10.055, Underground utilities, is amended to read as follows:

~~c. After October 24, 2006, all~~ All extensions of utility wire or cable facilities including, but not limited to, electric power, telephone, and telecommunications cables for the purpose of providing such utility service to any land not served before that date by overhead cable facilities shall be installed only as provided by HCC Chapter 14.50.

Section 28. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 28th day of May 2013.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

City Attorney

Date: _____

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 13-044(S)

A RESOLUTION OF THE HOMER CITY COUNCIL
AUTHORIZING THE FORMATION OF THE WEBBER
SUBDIVISION ROAD RECONSTRUCTION AND PAVING
SPECIAL ASSESSMENT DISTRICT AND AUTHORIZING
THE CITY MANAGER TO PROCEED WITH THE
PREPARATION AND CONSTRUCTION OF THE PROJECT.

WHEREAS, A petition was initiated by property owners within the Webber Subdivision
to form a Road Reconstruction and Paving Special Assessment District; and

WHEREAS, The Webber Subdivision Road Reconstruction and Paving Special
Assessment District boundary includes property fronting, predominately, Waddell Street and
Waddell Road, located within Webber, Webber No. 7, Bluff Park No. 4 Harmon Porter Addition,
and Bluff Park Harmon Porter 1997 Addition Subdivisions; and

WHEREAS, The estimated cost of the road reconstruction and paving improvements is
\$265,000, with property owners paying \$30 per front foot for reconstruction and \$17 per front foot for
paving; and

WHEREAS, Resolution 13-023(S) was adopted on March 11, 2013 noting the
sufficiency of the petition and setting a public hearing date; and

WHEREAS, A public hearing was held on Monday, May 13, 2013 and there were
_____ people testifying on the matter; and

WHEREAS, The objection deadline for written objections was May 10, 2013 and two
written objections were received, totaling three parcels.

WHEREAS, Council finds that the petition is in proper form and bears sufficient
signatures; and

WHEREAS, Council finds that the road improvement is necessary and of benefit to the
properties within the Webber Subdivision.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that the formation
of the Webber Subdivision Road Reconstruction and Paving Special Assessment District is
hereby authorized and that the City Manager is hereby authorized to proceed with the preparation
and construction of the project.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2013.

CITY OF HOMER

FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Project No: 160-774: Property owner share of road reconstruction is \$28,800.00 and \$32,801.16 for paving, for a total of \$61,601.16 for property owner share. Total front footage is 1,929.48. All other costs of the project are paid by the Homer Accelerated Roads and Trails Program that is funded by sales tax dollars.

CITY OF HOMER
PROPERTY OWNER'S**STATEMENT OF OBJECTION**
TO SPECIAL ASSESSMENT DISTRICTSPECIAL ASSESSMENT DISTRICT: **WEBBER SUBDIVISION ROAD RECONSTRUCTION AND PAVING**I/we affirm that I/we are the owner(s) of the following lots in the Special Assessment District
(give legal description):

I/We object to the Webber Subdivision Road Reconstruction and Paving Special Assessment District.

Reasons/Comments: 1. Expensive 2. unfair voting method based on value of property instead of one vote equal per household 3. Unfair costs; some homeowners "already have road improvements" and will pay less. Did these homeowners originally pay for these prior road improvements?

PROPERTY OWNER'S PRINTED NAME, SIGNATURE, AND DATE:

	(signature)	(date)
Jacqueline McDonough	<i>Jacqueline W. McDonough</i>	5/10/13
	(signature)	(date)
Thomas McDonough	<i>Thomas McDonough</i>	5/10/13
	(signature)	(date)

NOTE: Please make sure that all the property owners of record print, sign, and date this document. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM. FAXED OR EMAILED OBJECTION FORMS WILL NOT BE ACCEPTED.

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK BY THE DEADLINE, MAY 10, 2013, 5:00 P.M.

City of Homer
Office of the City Clerk
491 E. Pioneer Avenue
HOMER, ALASKA 99603



Kachemak Bay Conservation Society
3734 Ben Walters Ln, Homer, AK 99603
907 235.8214
kbayconservation@gmail.com

Homer City Council
P.O. Box 2994
Homer, AK 99603
clerk@cityofhomer-ak.gov

May 8, 2013

RE: Ordinance 13-11(A) Amendment

Dear Council Members,

The Kachemak Bay Conservation Society (KBCS) researched the process for the rewriting of the Homer Spit Zoning. There was a public hearing at a Planning Commission Meeting; the Planning Department held a Spit Workshop and all spit landowners received a mail out regarding these changes. KBCS opposes amending Ordinance 13-11(A) to re-allow Heliports for helicopter flightseeing as a conditional use on the Homer Spit for the following reasons:

1. The Spit is not intended to be a flight zone for frequenting landing aircraft.
2. Helicopter flightseeing is not very compatible with the purposes of some of the other zones that have been designated on the Spit, particularly the Conservation Zones. The areas outside of the Marine Industrial Zones are used for recreation, commercial shops, parking for harbor access, sport fishing, bird watching, biking, sightseeing, and more.
3. The frequent takeoff and landing of flightseeing aircraft would add a noise level that would be disturbing, as this is one of Homer's most heavily used recreational areas.
4. The takeoff and landing of helicopters amongst all this activity is not only disturbing, noisy, and polluting, it can poses an unacceptable safety risk. These safety concerns consist of many birds flying around the Spit. Bald Eagles, shorebirds, geese, cranes, ravens, crows, sea ducks, kittiwakes, and multispecies of gulls' flights mixed with helicopters could lead to tragedy.
5. KBCS believes that helicopters are already based nearby at the airport and should remain there.

While KBCS thinks that there may be some valid reasons for a carefully regulated and a carefully sited heliport for marine industrial purposes that would be placed in the Marine Industrial Zone, heliports elsewhere on the Spit for commercial purposes, such as flightseeing, should be prohibited. Therefore, KBCS is opposed to amending Ordinance 13-11(A) to allow heliports on the Spit for helicopter flightseeing.

Sincerely,

Cindy Birkhimer, Secretary

Kachemak Bay Conservation Society
3734 Ben Walters Lane
Homer, AK 99603

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 13-12(S)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE PORTIONS OF THE MARINE INDUSTRIAL (MI) ZONING DISTRICT TO CONSERVATION (CONS), MARINE COMMERCIAL (MC) AND OPEN SPACE RECREATIONAL (OSR), AND AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE OPEN SPACE RECREATIONAL (OSR) ZONING DISTRICT TO MARINE INDUSTRIAL (MI), TO IMPLEMENT THE 2010 HOMER SPIT PLAN.

WHEREAS, The Homer City Council adopted Ordinance 11-17 on May 24, 2011, adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive Plan and recommending adoption by the Kenai Peninsula Borough Assembly; and

WHEREAS, The Kenai Peninsula Borough Assembly adopted Ordinance 2011-38 on November 1, 2011, adopting the 2010 Homer Spit Plan as part of the Homer Comprehensive Plan; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the rezonings described herein as required by Homer City Code 21.95.060, and

WHEREAS, AS 29.40.040 requires that the City's zoning regulations be consistent with the comprehensive plan and further specific goals and objectives of the plan, and the Homer Advisory Planning Commission has found that the zoning map amendments in this ordinance are necessary to conform the zoning of the Homer Spit area to the 2010 Homer Spit Plan; and

WHEREAS, The Homer Advisory Planning Commission also has found that the proposed rezonings (i) will be reasonable to implement and enforce; (ii) will promote the present and future public health, safety and welfare; and (iii) are consistent with the intent and wording of the other provisions of HCC Title 21.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Marine Industrial (MI) zoning district to the Conservation (CONS) zoning district as shown on the attached Exhibit F.

Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit B from the Marine Industrial (MI) zoning district to the Marine Commercial (MC) zoning district as shown on the attached Exhibit F.

Section 3. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit C from the Marine Industrial (MI) zoning district to the Open Space Recreational (OSR) zoning district as shown on the attached Exhibit F.

Section 4. The Homer Zoning Map is amended to transfer the parcel listed on the attached Exhibit D from the Marine Industrial (MI) and Marine Commercial (MC) zoning districts, to the Marine Commercial (MC) zoning district as shown on the attached Exhibit F.

Section 5. The Homer Zoning Map is amended to transfer the parcel listed on the attached Exhibit E from the Open Space Recreational (OSR) and Marine Industrial (MI) zoning districts, to the Marine Industrial (MI) zoning district as shown on the attached Exhibit F.

Section 6. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 7. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____ 2013.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

90 Reviewed and approved as to form:

91

92

93

94 Walt E. Wrede, City Manager

95

96 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

MEMORANDUM

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: THOMAS F. KLINKNER
RE: CITY ATTORNEY REPORT FOR APRIL 2013
CLIENT: CITY OF HOMER
FILE NO.: 506,742.18
DATE: MAY 7, 2013

The following summarizes our activities as City Attorney during the month of April 2013.

City Council. I attended the April 8, 2013 City Council meeting.

City Clerk. I drafted an ordinance revising the City Code before its republication, based on recommendations from the new Code publisher.

Natural Gas Distribution System. I reviewed a form of easement for natural gas lines located on City property.

Castner v. City of Homer. I responded to Mr. Castner's opposition to the City's motion for summary judgment, and opposed Mr. Castner's motion for summary judgment against the City in this challenge to the assessment of individual condominium units.

City of Homer v. Shadle. The Planning Department and I provided Mr. Shadle and his engineer with additional information regarding requirements to bring his property into compliance with the Homer Zoning Code.

Library. I advised the Library Director regarding compliance with the First Amendment in adopting a policy regarding the use of library computers and video equipment.

Harbor Revenue Bonds. I prepared ordinances authorizing the City to issue up to \$4.2 million in harbor revenue bonds through the Alaska Municipal Bond Bank. On April 22, 2013, I attended a Council work session to explain the terms of the ordinances.

The Auction Block Company v. City of Homer. It appears that Mr. Hogan has found new financing, so the threatened foreclosure of his leasehold will not proceed. Holly Wells has negotiated the terms of an assignment to the new lender, and has worked to resolve other lease defaults as well.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 13-047(S)

A RESOLUTION OF THE HOMER CITY COUNCIL
AWARDING THE CONTRACT FOR HOMER RESTROOM
FACILITIES IMPROVEMENTS 2013 TO THE FIRM OF
STEINER'S NORTH STAR CONSTRUCTION, INC. OF
HOMER, ALASKA, IN THE AMOUNT OF \$949,141 AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised in the Homer Tribune on April 4 and 11, 2013, the Peninsula Clarion on April 7,
2013, posted on the Clerk's home page, and sent to two in-state plans room; and

WHEREAS, Bids were due on May 9, 2013 and four bids were received; and

WHEREAS, Bids were opened and the firm of Steiner's North Star Construction, Inc.
was determined to be the low responsive bidder and found to be qualified to complete the work;
and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
approves the contract award for the Homer Restroom Facilities Improvements 2013 to the firm
of Steiner's North Star Construction, Inc. of Homer, Alaska, in the amount of \$949,141 and
authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2013.

CITY OF HOMER

FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Funded under accounts 151-777 and 415-931.



**CITY OF HOMER
PUBLIC WORKS DEPARTMENT**

Dan Nelsen, Project Manager
3575 Heath St.
Homer, Alaska 99603

Telephone: (907)235-3170
Fax: (907)235-3145
EMAIL: dnelsen@cityofhomer-ak.gov

MEMORANDUM 13-071

To: Walt Wrede, City Manager
From: Dan Nelsen, Project Manager
Through: Carey Meyer, PW Director
Date: Friday, May 10, 2013
Subject: **Award of Construction Contract
Homer Restroom Facilities Improvements Project**

On May 9, 2013 bids were opened for the Homer Restroom Facilities Improvements Project 2013. This work was advertised in the Homer News and the Peninsula Clarion during the month of April.

This project consists of constructing 4 new restrooms. Two of which will be located on the Spit and two restrooms will be located in town. This project will be funded by the cruise ship head tax grant from the State of Alaska.

Four responsive bids were received from qualified firms. The bid results were totaled by lump sum for all four restrooms and the results are.

Engineer's Estimate	\$ 1,046,006
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Bidder's Name

Beachy Construction, Inc	\$ 1,121,001
Holden Company	\$ 1,294,172
Sunland Development Co, LLC	\$ 1,127,252
Steiner's North Star Const., Inc.	\$ 949,141

Recommendation:

Award the contract for the Homer Restroom Facilities Improvements Project 2013 in the amount of \$949,141 to:

Steiner's North Star Construction, Inc.
P.O. BOX 1708
Homer, AK. 99603

Fiscal Note: Account No.'s:

Spit Restrooms: 415-931 / Downtown Restrooms: 151-777

CITY OF HOMER

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BID TALLY SHEET: **PROJECT:** Homer Restroom Facilities Improvements 2013
Due Date and Time: May 9, 2013 @ 2:00 p.m. **PROJECT No:** 151-777 & 415-931
City Clerk's Office

Bidder No.	Bidder Name and Address	Part B / Part A	Bid Amount / Additive Alternate Amt.
1.	Beachy Construction 5243 Kachemak Drive Homer, AK 99603	✓/✓	Site 1 \$228,180 Site 3 \$413,201 Site 2 \$243,162 Site 4 \$236,458 Total Bid \$1,121,001
2.	Holden Co. PO Box 2533 Soldotna, AK 99669	✓/✓	Site 1 \$285,249 Site 3 \$439,927 Site 2 \$282,019 Site 4 \$286,976 Total Bid \$1,294,172
3.	Sunland Development	✓/✓	Site 1 \$242,642 Site 3 \$375,710 Site 2 \$243,378 Site 4 \$265,522 Total Bid \$1,127,252
4.	Steiner's North Star Construction PO Box 1708 Homer, AK 99603	✓/✓	Site 1 \$190,702 Site 3 \$349,863 Site 2 \$204,262 Site 4 \$204,314 Total Bid \$949,141

City Engineer's Estimate if applicable: Site 1 \$228,511 Site 2 \$227,000, Site 3 \$554,067, Site 4 \$263,428
Total Engineer Estimate \$1,246,006

Staff Present: Public Work's Director Meyer, Project Manager Nelson, Deputy City Clerk Jacobsen, Accounting Technician Earls

Comments: _____

