



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk


491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

MEMORANDUM AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK 
DATE: AUGUST 26, 2013
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Memorandum 13-126 from City Manager, Re: Ordinance 13-37 *Page 3*

CITY MANAGER'S REPORT

Contract Modification for Homer Small Boat Harbor System 5 Improvements

Page 5

RESOLUTIONS

Resolution 13-087, A Resolution of the Homer City Council Adopting the 2014-2019 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2015. Mayor/City Council.

East to West Transportation Corridor Project *Page 11*

Memorandum 13-125 from City Clerk, Re: Amendment to Kachemak Drive Phase II Water and Sewer Assessment Roll *Page 13*

Resolution 13-088, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Kachemak Drive Phase II Water and Sewer Special Assessment District. City Clerk.

Written public testimony *Page 15*

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue

Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MEMORANDUM 13-126

TO: Mayor Wythe and the Homer City Council

FROM: Walt Wrede

DATE: August 26, 2013

SUBJECT: Ordinance 13-37

The August 26, 2013 City Council packet contains Ordinance 13-37 entitled "An Ordinance of the City Council of Homer, Alaska, Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Exclude from the Time for Which a Nonconforming Use May Cease the Time From the Death of its Operator Until the Use is Legally Available to Transfer to a Successor Operator." This ordinance is sponsored by the Mayor and City Manager.

Under the code as it currently is written, a legal non-conforming use may continue so long as the use is not "discontinued" for one year (12 consecutive months). If the use is discontinued for 12 consecutive months, the nonconforming use may not be continued and subsequent uses must comply with the zoning code.

This ordinance proposes to amend the definition of "discontinued" as it is applied to nonconforming uses. The proposed amendment is as follows:

"Discontinued" means that a nonconforming use has ceased, and has not substantially resumed, for a period of 12 consecutive months, regardless of intent; provided that when a nonconforming use ceases because of the death of its operator the time the nonconforming use has ceased shall not include the time from the death until the use is legally available for transfer to a successor operator.

The practical effect of the amendment is that it "stops the clock" when the operator of a nonconforming use dies and the disposition of the property is involved in a legal process, such as probate court, which prevents the successor operator from continuing the nonconforming use. The time that it takes to resolve legal issues involving the death of the operator before a use can legally continue by a successor would be subtracted from the 1 year "discontinued" criteria.

The reason for bringing this forward for Council and Planning Commission discussion is that even though the City Zoning Code is well intentioned, there may sometimes be unintended consequences. This may be one of those cases. It seems to the sponsors that making a legal nonconforming use illegal because an operator died and 12 months passed before a successor operator was legally able to continue the use is not something that was intended when the code

was drafted. This seems to warrant further discussion and we think that the public at large would agree.

RECOMMENDATION: Introduce Ordinance 13-37 and forward it to the Planning Commission with a request for comments and recommendations.

CONTRACT MODIFICATION
(Change Order)

Contract Modification No. 1

Date: 8/22/2013

OWNER: City of Homer

P.O. No. _____

PROJECT NAME: Homer Small Boat Harbor System 5 Improvements

Project No. 415-920-5261

CONTRACTOR: Puffin Electric, Inc.

(GLA 2)

P.O. BOX 1724

Homer, Alaska 99603

THE FOLLOWING MODIFICATIONS TO THE CONTRACT ARE HEREBY ORDERED:

Add an additional \$191,952.00 to the original contract amount to
compinsate Puffin Electric, Inc. to complete the extra work that
is listed on the attached Change Order Request. See also the
attached back up for this added work.

CONTRACT AMOUNT

CONTRACT TIME (CALANDAR DAYS)

Original Amount: <u>\$ 477,788.00</u>	Original Duration <u>Completion date: 11/1/13</u>
PREVIOUS Change Orders: <u>0</u>	PREVIOUS Change Orders: <u>0</u>
(Add) <u>\$0</u>	(Add) <u>0 Days</u>
THIS Change Order: #1	THIS Change Order: #1
(Add) <u>\$ 191,952.00</u>	(Add) <u>0 Days</u>
REVISED Contract Amount: <u>\$ 669,740.00</u>	REVISED Contract Time: see below <u>Days</u>

Revised Contract Completion Date is _____

PUBLIC WORKS	CONTRACTOR	ENGINEER / INSPECTOR
By: <u>Dan Nelsen</u> City Project Manager	By: <u>Bruce Hess</u> Puffin Electric, Inc.	By: <u>N/A</u>
Date: <u>8/22/2013</u>	Date: <u>8/22/2013</u>	Date: <u>N/A</u>

Walt Wrede
Walt Wrede
City Manager

8/22/13
Date

PUFFIN ELECTRIC INC.



www.pei-ak.com

Puffin Electric is a Certified HUB Zone Contractor

*3808 Ben Walters Lane
Homer, Alaska 99603
(907) 235-8160
Fax (907) 235-8150*

August 21, 2013

City of Homer – Public Works Department
3575 Heath Street
Homer, AK 99603

RE: Homer Small Boat Harbor System 5 Improvement Project

The below list and price is for the requested modification of our contract for the above project either described or shown on the revised drawings;

1. New circuitry and layout
2. Eight new addition pedestal heads
3. Four new addition pedestal stanchions
4. Upgrading SHA to 1000amp
5. Required changes to the circuit breakers in SDA
6. New MDAE at the uplands
7. Required HEA equipment at uplands (Excluding HEA fees if any)
8. Changing the 8 reused existing pedestals stanchions to new pedestals stanchions. This will provide a total of 16 new stanchions. Including the four listed in item 1.
Also included is a reconfigure 4 of the stanchions to allow mounting in the newer section of the floats.
9. Testing feeder cable from the upland to the existing equipment for possible reuse

The total additional amount for the described work is:

\$191,952.00 .

Puffin Electric Inc.
Small Boat Harbor - System 5
Improvements - Homer, AK

20



Description

Add (8) New pedestal heads
and associated circuitry

RFI

ASI

1

Lead Sheet

CONTRACTORS COSTS

LABOR TOTAL (See Sheet 3 of 5)		\$	17,632.55
SAFETY @ 3% LABOR TOTAL		\$	528.98
MATERIALS TOTAL (See Sheet 4 of 5)		\$	48,837.03
EQUIPMENT TOTAL (See Sheet 5 of 5)		\$	-
INSURANCE @ 1%		\$	669.99
CONTRACTORS SUBTOTAL		\$	67,668.54
CONTRACTORS SUBTOTAL WITH OVERHEAD AT	12%	\$	76,896.07
CONTRACTORS SUBTOTAL WITH PROFIT AT	10%	\$	85,440.08

SUBCONTRACTOR COSTS

SUBCONTRACTOR TOTAL (See Sheet 5 of 5)		\$	-
10 % OVERHEAD AND PROFIT	X .10	\$	-
SUBCONTRACTORS TOTAL WITH OVERHEAD AND PROFIT		\$	-
SUBTOTAL		\$	85,440.08

QC / DOCUMENT CONTROL / ENGINEERING @ 2%	X .02	\$	1,708.80
BOND @ 2%	X .02	\$	1,708.80

TOTAL PROPOSAL \$ 88,857.68

Puffin Electric Inc.
Small Boat Harbor - System 5
Improvements - Homer, AK



Description

New Switch Gear

RFI

ASI

2

Lead Sheet

CONTRACTORS COSTS

LABOR TOTAL (See Sheet 3 of 5)		\$	16,362.48
SAFETY @ 3% LABOR TOTAL		\$	490.87
MATERIALS TOTAL (See Sheet 4 of 5)		\$	51,820.86
EQUIPMENT TOTAL (See Sheet 5 of 5)		\$	-
INSURANCE @ 1%		\$	686.74
CONTRACTORS SUBTOTAL		\$	69,360.95
CONTRACTORS SUBTOTAL WITH OVERHEAD AT	12%	\$	78,819.27
CONTRACTORS SUBTOTAL WITH PROFIT AT	10%	\$	87,576.96

SUBCONTRACTOR COSTS

SUBCONTRACTOR TOTAL (See Sheet 5 of 5)		\$	2,100.00
10 % OVERHEAD AND PROFIT	X .10	\$	210.00
SUBCONTRACTORS TOTAL WITH OVERHEAD AND PROFIT		\$	2,310.00
SUBTOTAL		\$	89,886.96

QC / DOCUMENT CONTROL / ENGINEERING @ 2%	X .02	\$	1,797.74
BOND @ 2%	X .02	\$	1,797.74

TOTAL PROPOSAL \$ 93,482.44

Puffin Electric Inc.
Small Boat Harbor - System 5
Improvements - Homer, AK



Description

Provide all new pedestal
head stanchions

RFI	
ASI	3

Lead Sheet

CONTRACTORS COSTS

LABOR TOTAL (See Sheet 3 of 5)		\$	260.52
SAFETY @ 3% LABOR TOTAL		\$	7.82
MATERIALS TOTAL (See Sheet 4 of 5)		\$	5,542.76
EQUIPMENT TOTAL (See Sheet 5 of 5)		\$	-
INSURANCE @ 1%		\$	58.11
CONTRACTORS SUBTOTAL		\$	5,869.21
CONTRACTORS SUBTOTAL WITH OVERHEAD AT	12%	\$	6,669.55
CONTRACTORS SUBTOTAL WITH PROFIT AT	10%	\$	7,410.61

SUBCONTRACTOR COSTS

SUBCONTRACTOR TOTAL (See Sheet 5 of 5)		\$	-
10 % OVERHEAD AND PROFIT	X .10	\$	-
SUBCONTRACTORS TOTAL WITH OVERHEAD AND PROFIT		\$	-
SUBTOTAL		\$	7,410.61

QC / DOCUMENT CONTROL / ENGINEERING @ 2%	X .02	\$	148.21
BOND @ 2%	X .02	\$	148.21

TOTAL PROPOSAL \$ 7,707.04

Puffin Electric Inc.
Small Boat Harbor - System 5
Improvements - Homer, AK



Description

Testing Existing SHA feeds
and credit if OK

RFI

ASI

6

Lead Sheet

CONTRACTORS COSTS

LABOR TOTAL (See Sheet 3 of 5)		\$	1,450.19
SAFETY @ 3% LABOR TOTAL		\$	43.51
MATERIALS TOTAL (See Sheet 4 of 5)		\$	-
EQUIPMENT TOTAL (See Sheet 5 of 5)		\$	-
INSURANCE @ 1%		\$	14.94
CONTRACTORS SUBTOTAL		\$	1,508.63
CONTRACTORS SUBTOTAL WITH OVERHEAD AT	12%	\$	1,714.36
CONTRACTORS SUBTOTAL WITH PROFIT AT	10%	\$	1,904.84

SUBCONTRACTOR COSTS

SUBCONTRACTOR TOTAL (See Sheet 5 of 5)		\$	-
10 % OVERHEAD AND PROFIT	X .10	\$	-
SUBCONTRACTORS TOTAL WITH OVERHEAD AND PROFIT		\$	-
SUBTOTAL		\$	1,904.84

QC / DOCUMENT CONTROL / ENGINEERING @ 2%	X .02	
BOND @ 2%	X .02	

TOTAL PROPOSAL \$ 1,904.84



East to West Transportation Corridor

Project Description & Benefit: Currently the only way for drivers to get through town is Pioneer Avenue or the Sterling Highway. Extending Bartlett Street, putting in a road through Town Center, and acquiring and upgrading Waddell Way will provide an alternate east west route for traffic, easing congestion and allowing drivers to more quickly and efficiently get to their desired destination. This project fulfills a major objective of the City's 2005 Transportation Plan.

Building a road through Town Center, 30 acres of undeveloped land in the heart of Homer, is the first step in opening up this prime commercial real estate. The Homer Comprehensive Plan, Town Center Development Plan and Comprehensive Economic Development Strategy all call for careful development of Town Center. The roads will be built to urban road standards and include such amenities as sidewalks, storm drains, and street lighting. Development on newly opened lots will help grow Homer's downtown business sector.

Plans & Progress: The City recently purchased a lot for Bartlett Street Extension. The City has a dedicated fund for road improvement projects and is willing to pledge...

Total Project Cost: \$8,459,000

2014 (Land Acquisition): \$1,400,000

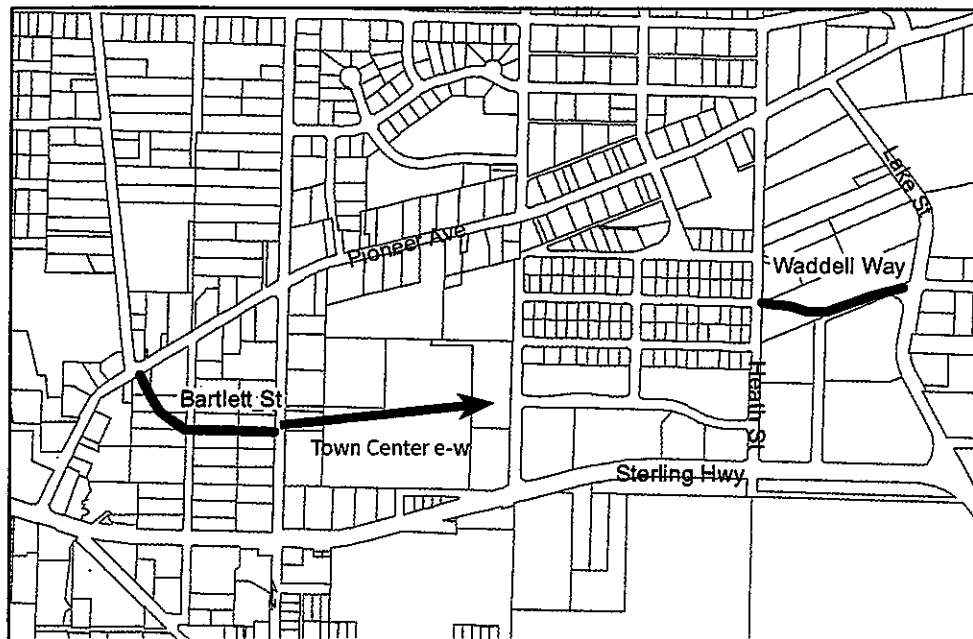
2015 (Design): \$543,000

2016 (Construction): \$5,430,000

2017 (Inspection & Contingency): \$1,086,000

State Request FY2015: \$

(City of Homer Match: \$



PROPOSED NEW PROJECT - DRAFT

2013 Priority Road Project
 Conceptual Cost Estimate
 20-Aug-2013

Bartlett Extension - Pioneer Ave to Main St./Greatland Connection

	LF	\$/LF	Cost
Road Improvements	1100	\$750	\$825,000
Street Lights/Landscaping	1000	\$100	\$100,000
Storm Drainage	1100	\$150	\$165,000
Water Main	1100	\$150	\$165,000
Sewer Main	900	\$150	\$135,000

Subtotal Construction	\$1,390,000
Subtotal Design	\$139,000
Subtotal Inspection	\$69,500
Subtotal Contingency	\$208,500
Total Bartlett Extension	\$1,807,000

Total Project

Construction	\$5,430,000
Design	\$543,000
Inspection	\$271,500
Contingency	\$814,500
	\$7,059,000

Town Center Roadway - Main St to Hazel Ave.

	LF	\$/LF	Cost
Road Improvements	1500	\$750	\$1,125,000
Street Lights/Landscaping	1400	\$100	\$140,000
Storm Drainage	1200	\$150	\$180,000
Water Main	1500	\$150	\$225,000
Sewer Main	1200	\$150	\$180,000

Subtotal Construction	\$1,850,000
Subtotal Design	\$185,000
Subtotal Inspection	\$92,500
Subtotal Contingency	\$277,500
Total Town Center Extension	\$2,405,000

Waddell Avenue - Heath St. to Lake St./Waddell Way Connection to Sterling Hwy.

	LF	\$/LF	Cost
Road Improvements	1900	\$750	\$1,425,000
Street Lights/Landscaping	1800	\$100	\$180,000
Storm Drainage	1000	\$150	\$150,000
Water Main	1900	\$150	\$285,000
Sewer Main	1000	\$150	\$150,000

Subtotal Construction	\$2,190,000
Subtotal Design	\$219,000
Subtotal Inspection	\$109,500
Subtotal Contingency	\$328,500
Total Town Center Extension	\$2,847,000



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk


491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 13-125

TO: MAYOR WYTHE AND CITY COUNCIL
THROUGH:
FROM: JO JOHNSON, CITY CLERK 
DATE: AUGUST 26, 2013
SUBJECT: AMENDMENT TO KACHEMAK DRIVE PHASE II WATER AND SEWER ASSESSMENT ROLL

There is a discrepancy on the Kachemak Drive Phase II Water and Sewer Assessment Roll that need to be corrected.

On page 3 the assessment amount was not listed for David Seaman, owner of Cottonwood Corner Lot 1, KPB parcel number 174-210-41. The parcel needs an assessment in the amount of \$34,140.80.

Following Council's adoption of a motion to increase Mr. Seaman's assessment to the correct amount, I will seek his written consent to the increase. If he consents, Council may confirm the corrected assessment roll at the September 9th meeting.

RECOMMENDATION:

Amend the assessment roll to include an assessment for David Seaman, owner of Cottonwood Corner Lot 1, KPB parcel number 174-210-41, in the amount of \$34,140.80.

August 26, 2013

City of Homer/Office of the City Clerk

Attn.: Jo Johnson



Ms. Johnson,

Pursuant to our conversation this morning, I have complaints with not only the method of notification but also the proposed increase in this water/sewer assessment once again. Please let this letter stand as my formal complaint and objection to be introduced at the City Council meeting at 6:00pm.

First, I would like to bring to your attention, that although you stated you were following City guidelines regarding the written response times for objections, I believe that these deadlines are unfair. I must point out that I reside on the other side of the country in the state of Florida and mailing times are lengthy to get any kind of documents from your area. I had the unfortunate luck of not being available to receive and sign for your letter until only Saturday, August 24, 2013 due to being out of town. This has put me at a disadvantage to completely voicing my objections as it gives me no time to perform the due diligence required for answering such a costly assessment and formulating a clear and complete objection.

I formally object to the increase in assessment amounts. Only this spring, did I receive the information that I will be the lucky one to have to pay for a lift station in order to even hook up due to my position on the line. This is a significant cost that I, or anyone in the future hooking up to this line, will have to bear and skyrockets the costs associated with this amenity for my parcel. Now having to pay an even higher assessment is even more of a financial burden I have to face.

It appears to me that this project has been allowed to flounder causing even more burden on not only me but also my neighbors in this street. I have seen this total project cost increase by leaps and bounds in the years past and I think that it is unreasonable to not only allow those costs to rise, but also pass on the debt to the property owners. According to the little documentation that I have been able to go through, in 2005 the costs for engineer's estimates as well as assessments through 2011 have increased dramatically. With the final tally, this new project cost of almost 4 million dollars is even more of a jump. Based on these new figures, it is upsetting that only a little under a million dollars is being paid by the city and the 75% remainder is being burdened on the property owners.

Again, unfortunately, due to the time constraints of having to pose my objections, I am unable to list any other issues or further justify complaints that I may have for this cost. I thank you for your time and hope that in the future more considerations to the above will be made, especially in light of the looming additional assessment of gas in the area.

Rebecca Province-Winchester

4946 Kachemak Drive

KPB Parcel # 179-080-20

