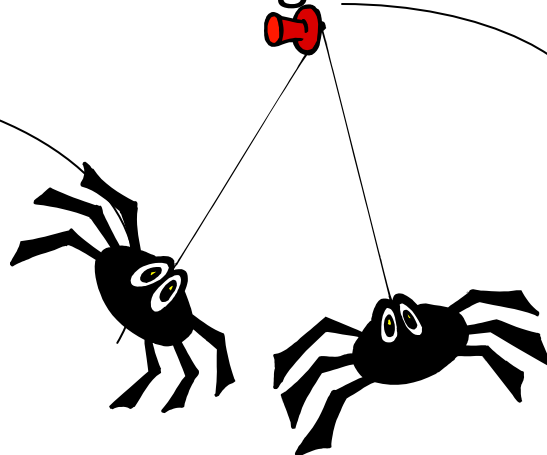


City Council  
October 28, 2013  
Monday

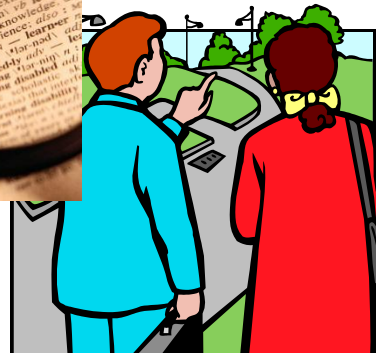


Worksession 4:00 P.M.  
Committee of the Whole 5:00 P.M.  
Regular Meeting 6:00 P.M.



Cowles Council Chambers  
City Hall  
491 E. Pioneer Avenue  
Homer, Alaska

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# October/November 2013

<b>Monday 28<sup>th</sup></b>	<b>CITY COUNCIL</b> Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.  <b>PARKS AND RECREATION ADVISORY COMMISSION</b> Site Visit to Sterling Community Recreation Center 10:30 a.m. to Noon.
<b>Wednesday 30<sup>th</sup></b>	<b>PORT AND HARBOR ADVISORY COMMISSION</b> Special Meeting 5:00 p.m.
<b>Tuesday 5<sup>th</sup></b>	<b>LIBRARY ADVISORY BOARD</b> Regular Meeting 5:00 p.m.  <b>PORT AND HARBOR BUILDING TASK FORCE</b> Meeting 5:30 p.m. (Public Hearing)
<b>Wednesday 6<sup>th</sup></b>	<b>PLANNING COMMISSION</b> Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
<b>Thursday 7<sup>th</sup></b>	<b>PERMANENT FUND COMMITTEE</b> Special Meeting 5:15 p.m.
<b>Monday 11<sup>th</sup></b>	<b>CITY OFFICES CLOSED</b> in observance of Veterans Day.
<b>Tuesday 12<sup>th</sup></b>	<b>ECONOMIC DEVELOPMENT ADVISORY COMMISSION</b> Regular Meeting 6:00 p.m.
<b>Thursday 14<sup>th</sup></b>	<b>PUBLIC ARTS COMMITTEE</b> Regular Meeting 5:00 p.m.  <b>TRANSPORTATION ADVISORY COMMITTEE</b> Regular Meeting 5:30 p.m.
<b>Monday 18<sup>th</sup> – Friday 22<sup>nd</sup></b>	<b>ALASKA MUNICIPAL LEAGUE CONFERENCE</b> in Anchorage.
<b>Wednesday 20<sup>th</sup></b>	<b>PORT AND HARBOR ADVISORY COMMISSION</b> Regular Meeting 5:00 p.m.
<b>Thursday 21<sup>st</sup></b>	<b>LIBRARY LANDSCAPE COMMITTEE</b> Meeting 12:00 to 1:00 p.m. at Library.  <b>PARKS AND RECREATION ADVISORY COMMISSION</b> Regular Meeting 5:30 p.m.
<b>Saturday 23<sup>rd</sup></b>	<b>PARKS AND RECREATION ADVISORY COMMISSION</b> Worksession Noon. Fall Park Walk Thru HERC & Karen Hornaday Park.
<b>Monday 25<sup>th</sup></b>	<b>CITY COUNCIL</b> Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

**Regular Meeting Schedule**  
**City Council 2<sup>nd</sup> and 4<sup>th</sup> Mondays 6:00 p.m.**  
**Library Advisory Board 1<sup>st</sup> Tuesday 5:00 p.m.**  
**Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6:00 p.m.**  
**Parks and Recreation Advisory Commission 3<sup>rd</sup> Thursday of the month with exception of December 5:30 p.m.**  
**Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.**  
**Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5:00 p.m.**  
**(May – August 6:00 p.m.)**  
**Transportation Advisory Committee Quarterly 3<sup>rd</sup> Tuesday 5:30 p.m.**  
**Public Arts Committee Quarterly 3<sup>rd</sup> Thursday 5:00 p.m.**  
**Lease Committee Quarterly 2<sup>nd</sup> Thursday 3:00 p.m.**  
**Permanent Fund Committee Quarterly 2<sup>nd</sup> Thursday 5:15 p.m.**

**MAYOR AND CITY COUNCILMEMBERS AND TERMS**

**BETH WYTHER, MAYOR – 14**  
**FRANCIE ROBERTS, COUNCILMEMBER – 15**  
**BARBARA HOWARD, COUNCILMEMBER – 14**  
**DAVID LEWIS, COUNCILMEMBER – 14**  
**BRYAN ZAK, COUNCILMEMBER – 16**  
**BEAUREGARD BURGESS, COUNCILMEMBER – 15**  
**GUS VAN DYKE, COUNCILMEMBER - 16**

**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](mailto: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](http://www.cityofhomer-ak.gov)



**WORKSESSION**  
**4:00 P.M. MONDAY**  
**OCTOBER 28, 2013**

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 GUS VAN DYKE  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER WALT WREDE  
CITY CLERK JO JOHNSON

## **WORKSESSION AGENDA**

### **1. CALL TO ORDER, 4:00 P.M.**

Councilmember Van Dyke has requested excusal.

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

### **3. 2014 Budget**

Budget Message for Fiscal Year 2014 from City Manager

**Page 7**

Memorandum 13-137 from City Manager, Re: Amendments to Employee Health Insurance Plan

**Page 13**

Memorandum 13-138 from Fire Chief, Re: Fire Department Budget Requests

**Page 23**

### **4. COMMENTS OF THE AUDIENCE**

### **5. ADJOURNMENT NO LATER THAN 4:50 P.M.**

Next Regular Meeting is Monday, November 25, 2013 at 6:00 p.m., Worksession at 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.



## **2014 BUDGET MESSAGE**

### **Fiscal Year 2014**

#### **Introduction**

Homer City Code Section 3.05.010 requires that the City Manager provide the City Council with a budget proposal for the next fiscal year by the third Friday in October. HCC 3.05.011 states that the budget proposal should be accompanied by a budget message which summarizes the proposal, highlights significant changes from the previous year's budget, and addresses other important fiscal policy considerations.

The budget proposal for Fiscal Year 2014 is attached for your consideration. The Committee of the Whole meeting on October 14<sup>th</sup> is dedicated entirely to going over the draft budget. The Finance Director will be there to talk about revenue projections and to make sure everyone understands the budget layout and where to find the information they need. The Acting City Manager and Department heads will be available to discuss expenditures and overall fiscal policy. It is my goal to make sure the Council understands the budget and the assumptions that went into putting it together. This is a draft budget and is commonly referred to as the "Manager's Budget." Once the budget ordinance is introduced by Council, (scheduled for October 28), it becomes the Council's budget and amendments can be made as Council deems appropriate.

#### **General Fund**

The draft budget contains revenue projections that we consider to be realistic and conservative. The projections are based upon audited numbers from Fiscal Year 2012 and revenue received so far for Fiscal Year 2013 through the end of September. This data is supplemented with tax and economic projections provided by the Borough and the State. Finally, we take into consideration information about economic trends provided by local sources such as the Chamber of Commerce and the Marine Trades Association. Based upon anecdotal information, we expect that the third quarter sales receipts will be significantly higher than last year. We have projected, based upon what we know, that revenues will increase by at least \$400,000 over last year. Once again, we are preparing a budget with limited information regarding revenues. New property tax information and additional sales tax information will become available in November. Therefore, it is possible that the Council will be able make budget amendments based upon this new information prior to final adoption of the budget in December.

On the expenditure side, this can basically be described as a "status quo" or "treading water" budget. The budget is "balanced" in the sense that expenditures do not exceed revenues. The budget is basically flat with the exception of the new items added which include funding for depreciation, Phase I of the IT upgrades, and a 2% COLA. Noteworthy expenditure reductions occurred in fuel costs and insurance premiums. The conservation and risk management measures we have implemented are paying off.

Unfortunately, revenue limitations prevent us from proposing that important programmatic and staffing issues be addressed at this time. In addition to that, proposed contributions to depreciation accounts are less than desirable and cannot be increased unless revenue projections improve or significant program cuts are made. Hopefully, it will be possible to address depreciation further either before the budget is adopted in December or at mid-year. Once again, the Department Heads have been very frugal with respect to operating expenditures and keeping costs down. There are very few increases in line items that are discretionary. The Budget contains very lean departmental operating budgets.

On the capital and equipment side, this budget contains proposed expenditures that begin to address the priority needs backlog. A description of these expenditures and a justification for them is included in the budget. These expenditures can be explained more fully at the Committee of the Whole meeting. They include repainting the 1995 backhoe, removing an underground fuel tank at the airport, and a new vehicle for the project manager at Public Works, a new phone system, air conditioner for the radio room and new squad car for the Police Department, a new gas detector and external fire escape for the Fire Department, new technology equipment at the Library, and Phase One / virtual server and storage arrays for IT. Unfortunately, I was not able to approve other worthy projects. These projects are included at the back of the budget and I hope to have those added soon.

#### Highlights / What is and is not Included

This section contains a list of highlighted items in the operating budget that are of great interest and importance to the City Administration, City employees, the Council, and the general public. These are issues that the Council is likely to hear much more about as the budget approval process moves forward.

- COLAs: The budget includes a 2% COLA for all employees. The employees have not received a COLA for the past five years. Adding a COLA is consistent with the Council's request that we look at the entire compensation package and not just focus on health insurance. The COLA helps employees keep up with inflation and helps to partially compensate for the pay cut contained in the health insurance plan amendments. The cost of living continues to rise and the value of City compensation continues to erode. This issue is beginning to affect the City's ability to recruit and retain quality employees. I hope Council will increase the COLA if it has the opportunity.
- Personnel: This budget does not include any new personnel, including positions requested and filling currently vacant positions. From a management perspective, I can tell you that we have very urgent needs in some departments, especially Police Dispatch, building maintenance, parks, and the library.
- Depreciation: This budget contains a minimal amount of money for depreciation. The good news is that we were at least able to transfer some money into depreciation accounts this year. That was not the case last year. The fleet reserves are funded at last year's levels.
- Nonprofits: This budget contains funding for all nonprofits at last year's levels. The Chamber of Commerce has formally requested an increase in its budget allocation. Other requests may be coming. None of these requests are included in this draft budget. The Council may amend this part of the budget as it sees fit and appropriate.
- Money for a Parks and Recreation Needs Assessment is not included due to budget limitations.

- Money requested by the Public Arts Committee for Baycrest gateway is not included due to budget limitations.

#### Budget Priorities

This section contains the City Manager's budget priorities for items that are presently not included in the budget. If revenue projections improve before December or by mid-year 2013, I would recommend that the following be added to the budget.

- Personnel: We have very serious needs in some departments, especially Police Dispatch, Public Works and the Library. Staffing requests from Fire Department are well supported and would improve public safety and public services. Parks could really use another seasonal employee. The top, critical priorities from my perspective are filling the vacant police dispatch position, upgrading the Children's Librarian position, and getting help for building maintenance.
- Depreciation: It is the Council's adopted policy to provide significant funds for depreciation and I could not agree more. This should be addressed if more revenues become available.
- COLA: This issue is very important for competitiveness and for the morale of City employees. Unfortunately, I could only find enough money for 2%. That does not keep up with inflation over the past five years.

#### Policy Considerations

There are several important General Fund policy consideration that I believe the Council should take into consideration as it moves ahead with budget discussions.

- Health Care Costs: Rapidly escalating health insurance costs continue to consume more and more of the available revenues despite recent steps that were taken to restrain or reduce costs. This puts significant constraints on the City's ability to address program and service delivery needs. We believe the amendments proposed for the health insurance plan which accompany this budget will address the problem in a very significant and meaningful way. We look forward to your response.
- Core Programs: There has been a good deal of discussion lately about new programs and services that the public wants but the City cannot afford. The public has been asked to identify where the money would come from or to show that they were willing to pay for it. I think at this point, it would be useful to note that the City needs some of that additional revenue to take care of its most basic services and functions. The fact that we are continually talking about the lack of funds for depreciation, maintenance and repair, replacement of aging equipment, vacant positions and competitive compensation should be an indicator.
- The Disconnect: There continues to be a huge public disconnect between what we want and what we are willing to pay for and maintain. We all love our capital projects. There is no shortage of ideas about new programs, new services, and new infrastructure. There are so many examples and the pressure continues to grow. We continue to build new stuff and make requests for more. Unfortunately, all of that new stuff requires money and increased staffing for maintenance and operations. The City's maintenance and operations responsibilities continue to grow while the

budget and staffing levels continue to stagnate and in many cases, decrease. The City staff have done an excellent job of increasing efficiency and “doing more with less.” However, we are getting very close to our limits and the point of diminishing returns. This needs further public discussion.

### **Port and Harbor Enterprise Fund**

The Draft FY 2014 Budget projects that revenues will increase by approximately \$200,000. We believe that number is very conservative and it ultimately could be significantly more than that. Most of the increase is related to increased activity at the Deep Water Dock which we expect to continue. This projection does not assume that the drilling Rig Endeavor will dock there again this year. It also does not include any increases in fees. An increase across the board to cover inflation is recommended and fee increases are also recommended by Northern Economic in their new rate study. Fees will be discussed in detail by the Port and Harbor Commission and it may make recommendations by the time the Budget is formally introduced on October 28. Revenue projections are based on actual revenue receipts in 2012 and receipts to date in 2013. We also take into consideration current revenue trends and business cycles. The projected revenues are sufficient to cover basic maintenance and operations. The Enterprise Fund is balanced in the sense that expenditures do not exceed revenues. This Budget contains revenues of \$4,544,817 and expenditures of \$4,534,344.

Expenditures have changed very little from last year if you look solely at maintenance and operations. The Port and Harbor staff has been very frugal and efficient when it comes to costs that are within their control. The increase in overall expenses is attributable largely to a substantially larger transfer to depreciation reserves and to new bond payments. This budget funds depreciation at \$705,217 which is about \$200,000 more than last year. It also transfers \$300,000 into the Bond Reserves Account. In short, the fee increases instituted in 2012 and 2013 are doing exactly what they were intended to do; cover the cost of bond repayment and provide additional revenue for depreciation. Overall, the Enterprise Fund is in pretty good shape. There are operational needs that cannot be funded at this time but should be identified and prioritized. Chief among them is the need to increase staffing levels and contributions to depreciation accounts.

This budget contains several relatively small capital expenditures which total \$62,000. They are all explained and justified in the budget document and can be discussed more fully at the Committee of the Whole meeting. Capital improvements include maintenance cameras at the Fish Dock, a float sweeper, a new door on the Fish Dock cold storage unit, a used two wheel drive vehicle, and a new waste oil heater for the maintenance shop.

### **Budget Priorities**

If the revenue picture were to change in a positive way, there are several priority items that I would recommend be added to the budget or receive increased funding.

- Depreciation: The depreciation account fund balance is insufficient for the amount of assets the Port and Harbor owns and maintains and transfers to this account are far below what is recommended by the auditors.

- Funding for a Port Operations Specialist.

#### Budget Policy Considerations

- Depreciation: The depreciation fund balance remains insufficient given the assets of the Port and Harbor. This fund took a big hit when approximately \$800,000 was transferred recently to the Port Bond Reserves Account. According to the Bond Bank, we should transfer that money back into the depreciation account. The Bond Reserve account only needs to have a balance of 1:25 times the annual bond payment. The City should find ways to increase contributions to the depreciation fund.
- Revenues for Operations: Fees were increased recently to cover anticipated bond payments and depreciation. However, this left little room for additional fee adjustments to cover increasing maintenance and operations costs. The City recently received the rate study it commissioned from Northern Economics. The study addresses maintenance and operations and the level of revenues that are needed to make the enterprise fund sustainable.
- Staffing levels: Staffing levels have not changed for many years but duties and responsibilities have increased dramatically. Most evenings there is only one harbor officer on duty which is a bit risky considering the total value of not only the port and harbor assets, but the value of assets mooring in or otherwise using the facilities.
- Revenues Generally: Significant structural changes are occurring in both the commercial and sport fishing industries. It will be important to monitor these changes and their potential impacts upon the revenues and business model of the port and harbor.

#### Water and Sewer Special Revenue Fund

There is good news overall about the Water and Sewer Special Revenue Fund. This proposed budget is balanced and there is no need to dip into the reserves, raise fees, or make unsustainable cuts to an already lean budget. The Fund is expected to be operating in the black in 2014 which is good news for all. The projected revenues are conservative. We felt that a conservative approach was necessary because revenues under the new rate structure are much more dependent on consumption than the prior fee schedule which brings with it a greater level of uncertainty. In addition we don't know what effect the new schedule might have on consumer behavior. Consumption was definitely trending upward this year and that provides a measure of confidence in our projections. The projected revenues are sufficient to cover budgeted expenditures. The budget is balanced in the sense that expenditures do not exceed revenues. At the time this report was written, revenues were projected at \$3,621,500 and expenditures were \$3,616,062. Some last minute adjustments are anticipated before the Council receives the final draft.

Expenditures for basic maintenance and operations have changed very little from last year. In fact, the sewer budget has actually decreased slightly. The Water and Sewer Superintendent and his staff should be commended for providing a very lean and efficient operating budget and for holding expenses down. The slight increase in expenditures is mostly attributable to increases in fixed costs. This budget transfers the minimal amount (\$200,000) into the depreciation account. More would be desirable.

The draft budget contains a number of capital expenditures which will come out of depreciation and fleet reserve accounts. The capital budget includes a total of about \$75,000 in expenditures for sewage lagoon improvements, a water storage tank diffuser, a snow plow and flatbed for an existing truck, mixed oxidant disinfectant at the water treatment plant, and a new mid-size 4by4. If more revenues become available, it is recommended that they be placed into the depreciation account.

#### Policy Considerations

- Increasing Customers: This has been discussed many times before. One of the fundamental flaws that needs to be addressed is that we have an expensive and expansive treatment, collection and distribution infrastructure and very few customers to pay for maintenance and operations. There are many ideas for increasing the customer base from in-filling, to expanding the system to the rest of the city, to identifying new buyers for bulk water. All of these ideas should be explored further.
- Rate Model: 2014 will be the first year for the new rate structure and it should provide us with experience and good information as we head into 2015. We would recommend that the Council consider spending some funds to commission a rate study similar to the one it received for the Port and Harbor.





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

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(f) 907-235-3148

### Memorandum 13-137

**TO:** Mayor Wythe and Homer City Council  
**FROM:** Walt Wrede  
**DATE:** October 5, 2013  
**SUBJECT:** Amendments to Employee Health Insurance Plan

#### Introduction

In June of this year, the City Council held a workshop to hear a presentation from the City's insurance broker / consultant on the state of the employee health insurance plan. The picture presented was bleak despite recent amendments to the benefit package, the implementation of employee premiums, an increase in the City contribution, and the implementation of a new wellness program. Health care costs are rising so rapidly that it affects every decision we make about the budget. Health Insurance is now driving the bus. There are many factors contributing to this including escalating medical costs, an aging workforce, and very high utilization of a rich plan.

Following is a quick recap of the workshop information. In calendar year 2012, the City budgeted \$1,300 per employee per month for health insurance. Actual expenses for that year were \$1,912.82 per employee per month. The City experienced cost overruns for that year of \$641,115. In 2013 (this year), the City contribution was raised to \$1,500 per employee, per month. The average cost was \$1,871.20 per employee per month at the end of May and based upon that trend, it was projected that the City would lose another \$371,290 in 2013. The Council transferred \$800,000 from reserves to the self-insurance fund as part of the mid-year budget amendment. This transfer covered real and projected losses for these two years but it did little to replenish the insurance reserve fund.

To make matters worse, the broker projected that if no changes were made to the plan, the cost in 2014 would be \$2,050.81 per employee, per month or \$2,486,588 a year. This would require another \$600,000 and would likely result in significant budget cuts. It was clear to everyone that this trend is not sustainable.

## Response

The consensus of the Council was that we needed to again address rapidly rising health care costs. Several ideas were floated about how to approach it. The Council was informed that the Administration was already working on amendments to the plan for consideration. It was generally agreed that the best and most appropriate course of action would be for the administration to amend the plan and for the Council to approve it as part of the normal budget process. The City Manager reported that the administration's goal was to keep the City contribution at the same level as 2013; \$1,500 per employee, per month. The extra funds needed would be made up through changes in the plan and a larger employee contribution.

Since the June workshop, HR Director Andrea Petersen and Insurance broker Jeff Paxton have been working almost non-stop to come up with plan amendments that satisfy our goals. Finance Director John Li and I were brought into the conversation at crucial decision making points. The broker also called upon other experts and an actuarial as needed. Our goals going into this process were:

- Maintain the current (FY 13) City contribution of \$1,500 per employee, per month in order to slow the rapid growth in City expenses for health insurance and protect other programs from budget cuts.
- Protect existing jobs and programs
- Produce health insurance plan options for employees that are still very good plans compared to industry standards and comparable cities and organizations.
- Minimize to the extent possible the financial impacts to employees.
- Compensate employees for the loss in benefits with a COLA (if possible).
- Mitigate the potential impacts of the excise tax.
- Have the amendments approved as part of the normal budget process.

Andrea and Jeff worked very hard to come up with a plan that was sustainable and at the same time minimized to the extent possible the impacts on employees. This was a very difficult task given the magnitude of the problem. I believe they reviewed and adjusted at least 80 different plans using different assumptions, utilization trends, and interpretations of the data. We started out thinking that we would do as much as we could with plan amendments and try to minimize premiums (money deducted from paychecks). The two plans forwarded to employees ended up containing both plan amendments and increases in premiums. Significant increases in premiums was necessary because if we relied totally on plan amendments, we would have had deductibles and out of pocket max levels so high that the end result was a plan that essentially covered only catastrophic events.

We met with employees the weeks of September 23 and 30 to explain the need for changes and go over the new, proposed insurance plans. The reaction was what you might expect.

Employees in general were not very happy. Many employees knew this was coming sooner or later and were not surprised. Others appreciated the fact that they have a choice between two different plans. Employees who are recent arrivals let us know that these are still good plans compared with what is available in most other places.

But, there is no way to sugar coat this. If implemented, this would be a significant reduction in employee benefits and real hit to their wallets. I don't like reducing employee benefits and would increase them if I had the resources to do so. They deserve it. The biggest impact will be disproportionately to employees in middle income brackets who have families. From my conversations with employees, it seems like the premiums are a bigger concern than increases in deductibles and other plan amendments. This is a lot to absorb all at once and will really impact family budgets. The Council could reduce premiums or delay their full implementation but that would likely require budget cuts elsewhere, new revenues, or acceptance of the risk that there might be additional cost overruns and no replenishment of the reserve fund.

Based upon the feedback we received from employees, we reduced the new premiums 20% across the board with the exception of the premium for employee only. The plans were calculated to cover the Plan costs and replenish the reserve fund. After a lot of additional number crunching, I concluded that this reduction in premiums was an acceptable risk. If this decision turns out to be a bad move, the risk is that the reserve fund will not be replenished and further adjustments may be necessary.

It is projected that the two plan options that have been rolled out would save the City approximately \$600,000 in 2014 assuming we did nothing and maintained the status quo. It is important to be clear about this though. We have not cut the City budget for health insurance. We have simply stopped the escalation in cost. The City contribution to insurance is maintained at last year's level. The employees are making up the additional cost through plan amendments and premiums. It is hoped that these plans will result in employees thinking more like consumers and making typical consumer choices when it comes to purchasing health care services. The result could be less utilization and lower costs.

#### Characteristics of the New Plans

Copies of the proposed health insurance plans that have been provided to the employees are attached for your information. A copy of the current plan is also attached for comparison purposes. In short, the primary amendments contained in the new plans are:

- Two plans for employees to choose from; a "Core Plan" and a "Buy-Up Plan."
- Unbundling of medical, dental, and vision plans.
- Higher co-pays, higher deductibles, and higher out of pocket limits.

- The preferred Provider Organization (PPO) Network will no longer be silent to the participant
- Higher premiums (payroll deductions)
- A new co-pay for office visits.
- New fees for spouses who have insurance at their own employer but choose to seek coverage by the City Plan.
- Payments / incentives to employees who “opt-out” and take coverage with their spouse’s plan.

### The Process Going Forward

It is my understanding that the Council’s expectation is that the Administration will amend the health insurance plan to reduce the City’s costs, hold the City contribution to the same level as the FY 2013 Budget, and submit the package to Council as part of the normal budget approval process. We have completed our work. I believe that we have produced the best product we could given the circumstances and the limited financial resources available to us. This has been a very painful process as you might imagine. But I believe that if implemented, the new plan will slow the rapid escalation in health care costs and still provide a very good benefit to employees. I very much want to provide a COLA this year but chances are that I may not be in a position to do so in the draft budget. I would welcome any Council discussion about COLAs or providing assistance with the premiums however, you should be aware going in that this will likely mean cuts somewhere else or new revenue.

The Budget schedule calls for the City Manager to deliver the draft budget to the Council by October 14. This is the date of a regular Council meeting and the Committee of the Whole will be used for an introduction to the draft FY 2014 Budget. As part of the budget discussion, we can also review the proposed health insurance plan.

**I would strongly recommend that the Council let us know early on whether it is in favor of this plan or not. Council will have two opportunities to do this, at the meeting on the 14<sup>th</sup>, when the budget is delivered to you and on October 28<sup>th</sup>, when the budget is formally introduced by ordinance. The reason for requesting that you act quickly on this is that in order to implement the new plan beginning January 1, 2014, we must start an open enrollment period on November 1. The open enrollment period will last for two months until the end of December.**

### Future Recommendations

As we worked our way through this process, it became clear to me that a self- insured plan may no longer be the most cost effective approach for the City. The self-insured plan has served us very well for many years. For a long time, the City had the best coverage at the

lowest cost per employee of any City. But things have changed, and changed rapidly. We now have some of the highest costs per employee. There are many possible reasons for this. The reasons include rising medical costs overall, an aging workforce, a rich plan that results in high utilization and costs, and a very small pool over which to spread the risk.



I would recommend that the City stick with the self-insured plan for at least one more year until we have more information about some of the variables and uncertainties that currently exist. As things shake out, we might recommend a variety of changes next year that could reduce costs further. For example:

- The exchanges: As you know, the Affordable Health Care Act includes insurance exchanges which are currently being established. These exchanges may provide options that are not available now.
- Private Insurance: As we amend the benefit package to get closer to industry standards, the bids we receive from the private sector insurance companies become more and more attractive. We are rapidly moving toward the time when private insurance will be cheaper than the self- insurance plan.
- Plan Utilization: The proposed plan is projected to change utilization as employees make choices about where and how to spend their money. In short, there is a possibility that utilization may decrease, thus reducing costs.

Council will also need to consider how it will respond if costs continue to escalate in future years. Will the City increase its contribution? Will the City and employees split the additional costs based upon some formula? Employees are very worried about this because they know health care costs will only continue to go up. These are discussion items we will need to have as we move forward.

Thanks for your time and consideration. As always, do not hesitate to contact me if you have any questions or comments.



# City of Homer - Current Medical Plan, 2013 -

 	<b>CURRENT PLAN</b>	
	In Network	Out of Network
Lifetime Maximum	Unlimited	
Deductible (Single / Family)	\$100 / \$300	70% / 30%
Coinsurance	90% / 10%	70% / 30%
Out of Pocket Max (Deductible Not Included)	\$500 single / \$1,500 family	
Provider Network	First Choice	None
Office Visit		
• Primary Care Physician	100%	30% after deductible
• Specialist	10% after deductible	30% after deductible
Diagnostic Lab & X-Ray		
• All Other	10% after deductible	30% after deductible
• Complex	10% after deductible	30% after deductible
• Preventive	100%	100%
Preventive Care	100%	100%
Hospital		
• Inpatient Facility	10% after deductible	30% after deductible
• Outpatient Surgery	10% after deductible	30% after deductible
• Emergency	10% after deductible	10% after deductible
Prescriptions		
• Retail (30-day supply)	\$5 / \$10 (generic/brand name)	
• Mail Order (90-day supply)	\$10 / \$30 (generic/brand name)	
Mental Health		
• Inpatient	10% after deductible	30% after deductible
• Outpatient	100%	30% after deductible
Spinal Manipulation (10 visits/year)	100%	30% after deductible

FT Employee Payroll Deductions		
26 Pay Periods		
Med/Dental/Vision Premium Effective April 1, 2012	Per Pay Period	
Employee Only	\$17.84	
Spouse	\$56.75	
Child (each)	\$4.81	

PT Employee Payroll Deductions		
26 Pay Periods		
Med/Dental/Vision Premium Effective April 1, 2012	Per Pay Period	
Employee 20 Hr	\$35.68	
Employee 24 Hr	\$29.73	
Employee 28 Hr	\$25.48	

# City of Homer - Medical Dual Plan Option - January 1, 2014

 	<b>CORE PLAN</b>	
	In Network	Out of Network
Lifetime Maximum	Unlimited	
Deductible (Single / Family)	\$1,500 / \$4,500	\$4,000 / \$12,000
Coinsurance	70% / 30%	50% / 50%
Out of Pocket Max (Deductible Not Included)	\$3,000 / \$9,000	\$4,000 / \$12,000
Provider Network	First Choice	None
Office Visit		
• Primary Care Physician	\$35 copay	50% / 50% after deductible
• Specialist	\$35 copay	50% / 50% after deductible
• Spinal Manipulation (10 visits/year)	\$35 copay	50% / 50% after deductible
• Acupuncture	\$35 copay	50% / 50% after deductible
• Physical Therapy	\$35 copay	50% / 50% after deductible
Diagnostic Lab & X-Ray		
• Complex	70% / 30% after deductible	50% / 50% after deductible
• All Other	70% / 30% after deductible	50% / 50% after deductible
• Preventive	100%	100%
Preventive Care	100%	100%
Hospital		
• Inpatient Facility	70% / 30% after deductible	50% / 50% after deductible
• Outpatient Surgery	70% / 30% after deductible	50% / 50% after deductible
• Emergency	\$150 copay (waived if admitted), 30% after deductible	
Prescriptions	(generic/brand name formulary/brand name non-formulary)	
• Retail (30-day supply)	\$25 / \$50 / \$75	
• Mail Order (90-day supply)	\$50 / \$100 / \$150	
Mental Health		
• Inpatient	70% / 30% after deductible	50% / 50% after deductible
• Outpatient	\$35 copay	50% / 50% after deductible



This is a summary of benefits. This is not a contract.

City of Homer Core Medical Plan	
2014 Employee Contribution	
Pay Periods: 26	
EE Only	46.15
EE + Spouse	\$ 92.30
EE + Child	\$ 64.62
EE + Children	\$ 101.54
EE + Sp + Child	\$ 120.00
EE + Sp + Children	\$ 138.46

Spousal Cost-Sharing Fee (EE Pays)	\$200/month	\$92.30/pp
(Spouse has coverage with employer but elects COH medical plan)		
EE elects spouse M/D/V insurance (COH Pays)	\$250/month	\$115.38/pp
EE elects spouse medical insurance (COH PAYS)	\$200/month	\$92.30/pp

2014 Payroll Deductions for Part-Time Core Plan	
Employee 20 Hr	\$92.30
Employee 24 Hr	\$78.46
Employee 28 Hr	\$73.84

# City of Homer - Medical Dual Plan Option - January 1, 2014

 		<b>BUY-UP PLAN</b>	
		In Network	Out of Network
Lifetime Maximum		Unlimited	
Deductible (Single / Family)		\$400 / \$1,200	\$800 / \$2,400
Coinsurance		80% / 20%	60% / 40%
Out of Pocket Max (Deductible Not Included)		\$2,000 / \$6,000	\$3,000 / \$9,000
Provider Network		First Choice	None
Office Visit			
• Primary Care Physician		\$30 copay	60% / 40% after deductible
• Spinal Manipulation (10 visits/year)		\$30 copay	60% / 40% after deductible
• Acupuncture		\$30 copay	60% / 40% after deductible
• Physical Therapy		\$30 copay	60% / 40% after deductible
• Specialist		\$30 copay	60% / 40% after deductible
Diagnostic Lab & X-Ray			
• Complex		80% / 20% after deductible	60% / 40% after deductible
• All Other		80% / 20% after deductible	60% / 40% after deductible
• Preventive		100%	100%
Preventive Care		100%	100%
Hospital			
• Inpatient Facility		80% / 20% after deductible	60% / 40% after deductible
• Outpatient Surgery		80% / 20% after deductible	60% / 40% after deductible
• Emergency		\$100 copay (waived if admitted), 20% after deductible	
Prescriptions		(generic/brand name formulary/brand name non-formulary)	
• Retail (30-day supply)		\$10 / \$20 / \$30	
• Mail Order (90-day supply)		\$20 / \$40 / \$60	
Mental Health			
• Inpatient		80% / 20% after deductible	60% / 40% after deductible
• Outpatient		\$30 copay	60% / 40% after deductible

This is a summary of benefits. This is not a contract.

City of Homer Buy-Up Medical Plan	
2014 Employee Contribution	
Pay Periods: 26	
EE Only	\$ 51.65
EE + Spouse	\$ 194.46
EE + Child	\$ 139.14
EE + Children	\$ 215.53
EE + Sp + Child	\$ 249.78
EE + Sp + Children	\$ 293.90

**Spousal Cost-Sharing Fee (EE Pays)** \$200/month \$92.30/pp

(Spouse has coverage with employer but elects COH medical plan)

**EE elects spouse M/D/V Insurance (COH Pays)** \$250/month \$115.38/pp

**EE elects spouse medical insurance (COH Pays)** \$200/month \$92.30/pp

**2014 Payroll Deductions for Part-Time Buy-Up Plan**



Employee 20 Hr \$103.30

Employee 24 Hr \$87.81

Employee 28 Hr \$82.64





# City of Homer - Dental Plan Option - January 1, 2014

 	<b>Benefit</b>
Calendar Year Deductible Per Person Deductible Applies to	<b>\$100 / \$300</b> <b>Class B Service - Basic</b> <b>Class C Service - Major</b>
Class A Services ~ Preventive	100%
Class B Services ~ Basic	80%
Class C Services ~ Major	50%
Maximum Benefit Amount Per Person Per Calendar Year	\$1,500
Maximum Benefit Amount Per Person Orthodontics	\$750

<b>City of Homer</b> <b>2014 Payroll Deductions</b>	
Pay Periods:	Select: <div>26</div>
<b>Dental Plan</b>	
EE Only EE + Spouse EE + Child EE + Children EE + Sp + Child EE + Sp + Children	<b>EE Contribution</b>  \$2.31 \$4.62 \$4.62 \$6.92 \$6.92 \$11.54

# City of Homer - Vision Plan Option - January 1, 2014

		<b>Benefit</b>
<b>Exam (including contact fitting exam)</b>		<b>80%</b>
<b>Single/Bifocal/Trifocal Lenses/Frames</b>		<b>100% up to \$175</b>
<b>Lenticular Lenses/Frames</b>		<b>100% up to \$275</b>
<b>Contact Lenses</b>		<b>100% up to \$125</b>

<b>City of Homer</b>	
<b>2014 Payroll Deductions</b>	
Pay Periods:	Select: 26
<b>Vision Plan</b>	
EE Only	\$3.25
EE + Spouse	\$6.50
EE + Child	\$6.50
EE + Children	\$9.75
EE + Sp + Child	\$9.75
EE + Sp + Children	\$16.25



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Volunteer Fire Department

604 East Pioneer Ave  
Homer, Alaska 99603

[fire@cityofhomer-ak.gov](mailto:fire@cityofhomer-ak.gov)

(p) 907-235-3155

(f) 907-235-3157

### Memorandum 13-138

TO: Mayor and City Council  
THROUGH: Jo Johnson, Acting City Manager  
FROM: Robert Painter, Fire Chief  
DATE: October 7, 2013  
SUBJECT: Fire Department Budget Requests

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Honorable Mayor Wythe & City Council:

Having reviewed the City Manager's Budget Memo to Council I would like to provide comment regarding the lack of support for the numerous funding requests presented to the City Manager regarding urgently needed and necessary maintenance issues regarding the existing station and the serious lack of advanced life support coverage during the summer months.

The Homer Volunteer Fire Department was established in 1952 by volunteers dedicated to providing fire protection and ambulance service to their neighbors. In 1979, following years of fundraising, the existing station on Pioneer Avenue was constructed using mostly volunteer time and labor and dedicated in 1980. Following consolidation with the City of Homer in 1990, the station and other assets were transferred to the city's care. Except for a major seismic construction upgrade and other necessary repairs in 1996/97 there has been little done to the station except routine maintenance. The majority of the floor coverings (rubber tile and carpeting) is original to the building (installed in 1979) and is simply wearing out. The exterior of the building, last stained more than 5 years ago, is also in desperate need of repainting and staining to maintain both the structure of the building and to prevent rot and decay of this critical infrastructure.

We realize that replacing the existing fire station with a new Public Safety Building has been identified as a capital priority but this process, with all good intentions, will still take at least 3-5 years before completion, if funding is obtained. In the meantime, it is vital that the existing facility be adequately maintained so that it retains its value and functionality. Deferring routine maintenance is neither wise, nor fiscally prudent if there is money in the building depreciation account.

As indicated in the City Manager's memorandum, his budget only included funding to replace the exterior fire escape and to replace aging and obsolete gas detectors and calibration equipment necessary for the safety of our responders.

For Fiscal Year 2014 the Fire Department also requested funding for two, full-time seasonal Emergency Service Specialists (Firefighter/EMT-3) personnel to help provide coverage during the summer when a number of our volunteer responders are on leave and our paid staff tend to take annual leave (full staffing places 3 personnel [Fire Chief, Departmental Services Coordinator and ESS] in the station during the workweek 8 am until 5 pm, but only 1 on duty [ESS] 24 hours). As the call volume of the fire department continues to rise almost every year, our volunteer membership is harder pressed to be available around the clock, especially during the daytime hours when the majority of calls are handled. These two seasonal employees would aid in providing a more immediate response to calls both during the day and help ensure that advanced life support is available 24/7 as required by our ambulance certification level. As the fire department has had a vacant full-time position for some time (Assistant Chief), the remaining staff strives to provide continuous EMS coverage, often resulting in overtime and on-call pay.

I can assure the Mayor and City Council it is not my desire or intention to create a fully paid fire department. The community has been well served by the mostly volunteer fire department for over 60 years, and we strongly desire to retain both the volunteer spirit and level of professionalism demonstrated by HVFD from its inception. None-the-less, I do believe that we have reached a crossroads in the evolution of the fire service in Homer and must, for the benefit of our community, add more paid personnel during the busiest time of year to relieve the stress on both paid staff and volunteers alike.

I request the Council's support of my request for additional seasonal personnel in the 2014 budget.



P.O. Box 2703, Homer, Alaska 99603 - (907) 235-2647 – [www.homerhockey.org](http://www.homerhockey.org)

October 4, 2013

Homer City Council  
491 E Pioneer Ave  
Homer, AK 99603

Dear Mayor Wythe, Homer City Council Members and City Manager Walt Wrede:

The Homer Hockey Association Board wishes to express its support for the proposed "Parks and Recreation Needs Assessment" to be included in the 2014 budget. This study will provide the important data needed to adequately identify and plan for existing and future parks, trails and recreational opportunities in the Homer area including the activities provided by the Homer Hockey Association. Thank you for your time, energy and support as we truly believe that recreation is an essential component contributing to the well-being of every resident of and visitor to Homer. Additionally, recreational opportunities play major roles in creating and sustaining a successful and healthy community.

With appreciation,

***Homer Hockey Board of Directors***





September 30, 2013

To the Members of the Homer City Council:

By the time you receive this letter, there will be at least one – and possibly two – new faces on the City Council. Whatever the results of the election, I wish new and current members of the Council the wisdom and patience it takes to properly conduct the people's business. Public service takes a tremendous amount of time and energy, and it is often a thankless task. Good luck.

As you now settle in and tackle the upcoming budget, I ask that you consider incremental funding for the Homer Public Library. In particular, I ask that you consider increased funding for the library's badly outdated book collection, as well as increased funding to bring the Youth Services Librarian position from part-time to full-time. I can only hope that you will keep an open mind as you review the facts.

The book budget has been an ongoing issue for many years, with Homer perpetually behind the curve when compared to neighboring communities of similar size. In 2012, for example, the Homer Library's book budget was \$23,000, compared to \$48,500 for Kenai, \$50,300 for Kodiak, and \$40,000 for Soldatna. The City Council increased the book budget in 2013 to \$33,000 (thank you!), but we still have a lot of catch up. The average publication date of our adult non-fiction collection is 1992, for goodness sake! The Library Advisory Board provided an excellent overview of these dismal facts at a recent City Council Meeting. If any members missed that meeting, I hope that you will take the time to review that information.

The Youth Services Librarian is currently funded part-time at 28 hours per week. That is not enough to meet the demand, which has increased steadily each year and even more since the closure of the Boys and Girls Club. If you have had occasion to visit the library during Story Hour or any Summer Reading Program event, you already know how popular those programs are (who knew that we could squeeze over 150 adults and children into the Children's Library for a puppet show?). Those and similar programs are not just one-off events – they take time and organization. A Youth Services Librarian staffing the Children's Library during peak hours would also provide for greater oversight of the materials and facility, as well as allowing for a check-out area in the Children's enclosed space, thus decreasing noise and congestion at the main circulation desk.

One other thing – about that puppet show? In case some of you find that to be a “non-essential” expenditure of city funds, you should be aware that the puppeteer and supplies associated with that event – and indeed all of the Summer Reading Program events as well as many other events and programs held at the Library – were paid for by the Friends of the Homer Public Library. Since the new Library opened, the Friends have provided over \$130,000 in direct support of Library services and programs. This includes expenditures for programs and events that some might find non-essential (a puppet show) as well as some very essential items like landscape improvements/maintenance, memberships to the American Library Association and Grant Station, and needed equipment and shelving. In addition, volunteers provide hundreds of hours augmenting the Library's bare bone staff by doing everything from shelving books to mending much-loved books so that they can be checked out again. The point being – we are doing our part. It is up to you to ensure that the City does its part to fund this very essential service.

Sincerely,

Marylou Burton  
Manor Road, Homer





September 29, 2013

Dear Mayor Wythe, Council Members of the City of Homer, and City Manager Walt Wrede,

***I am writing to request your support for a Parks and Recreation Needs Assessment for the City of Homer and it's surrounding areas. I support the Parks and Recreation Advisory Committee's request for this action. The completion of a Recreational Needs Assessment would ultimately result in a Recreational Master Plan for the City of Homer and it's surrounding areas.***

I am a resident of Homer. When I first moved to Homer in 2002, I worked as a Skills Trainer for The Center. It was an endless search for healthy, recreational activities to do with people of all ages. We often used the HERC building, and I regularly accompanied kids to the Boys and Girls Club there. As a mother of two young children (ages 4 and 6) I continue to look for recreational opportunities for our whole family. I have attended the toddler playgroups at the HERC building, regularly enroll in Community Schools programs, and search endlessly for indoor (and outdoor!) activities. My husband and I own a business in town, a primary residence and a rental home (both in town) and we hope to remain here to raise our children until they graduate from Homer High School.

Recently, I was a co-chair for the Homer Playground Project. This opportunity provided me with a chance to meet and talk with many people from all walks of life here in Homer. The subject of recreational opportunities was a regular discussion. I had the pleasure of spending time with many parents, who were, and are, continually searching for "things for their kids to do". And, often, a place for them to do it! The new Homer Playground is only one part of the improvements taking place at Karen Hornaday Park, through it's Master Plan. The Plan is a work in progress, and a guide for action. (I also serve on the Karen Hornaday Park Sub-Committee).

I am now a part of the new group, ReCREATE REC, which formed in April, here in Homer. I know the Council has been introduced to our group. The group is growing in size each meeting, and is represented by diverse folks from a variety of Recreational User Groups. In our discussions, we all feel a state-of-the-art Recreational Facility (such as the HERC has tried to be) is needed in Homer. We also realize we need money for this, not only to build, but to maintain. The goal of ReCREATE REC is more broad than just a gathering space: ***"To assist the growing recreational, wellness and extracurricular needs of the citizens of the Southern Kenai Peninsula through support and growth of social, artistic, and recreation programs as well as the establishment of an indoor recreation and community space."***

As we discuss options: a Parks and Recreation Department in Homer? A Recreation Service Area (mil rate increase)? it becomes clear that we need to start with a plan. That is why I personally am requesting the City take an unbiased look at the Recreational Needs of Homer and it's surrounding area. This could be done with a

**Recreational Needs Assessment** and the development of a **Recreation Master Plan**. (Soldotna has just completed a Master Plan: [http://www.ci.soldotna.ak.us/pdf/rec\\_master\\_plan/RecTrailsMasterPlan.pdf](http://www.ci.soldotna.ak.us/pdf/rec_master_plan/RecTrailsMasterPlan.pdf)).

A Recreation Needs Assessment, and ultimately a Recreation Master Plan would take a look at our current situation and help to identify needs, wants, and ultimately goals. From there, we can take steps forward. I appreciate your attention in this matter.

Thank You for all that you do!

Sincerely,  
Deborah Cox  
PO Box 244  
Homer, AK 99603  
(907)299-1516

COWLES COUNCIL CHAMBERS  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



COMMITTEE OF THE WHOLE  
5:00 P.M. MONDAY  
OCTOBER 28, 2013

MAYOR BETH WYTHER  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER BARBARA HOWARD  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER WALT WREDE  
CITY CLERK JO JOHNSON

### COMMITTEE OF THE WHOLE AGENDA

**1. CALL TO ORDER, 5:00 P.M.**

Councilmember Van Dyke has requested excusal.

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

**3. Ken Castner, Petition for Charter Commission Election**

**4. 2014 BUDGET**

**5. CONSENT AGENDA**

**6. REGULAR MEETING AGENDA**

**7. COMMENTS OF THE AUDIENCE**

**8. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Next Regular Meeting is Monday, November 25, 2013 at 6:00 p.m., Worksession at 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.



CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



COWLES COUNCIL CHAMBERS  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



**REGULAR MEETING  
6:00 P.M. MONDAY  
OCTOBER 28, 2013**

MAYOR BETH WYTHER  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER BARBARA HOWARD  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER WALT WREDE  
CITY CLERK JO JOHNSON

## **REGULAR MEETING AGENDA**

**Worksession 4:00 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.**

### **1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Councilmember Van Dyke has requested excusal.

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

### **2. AGENDA APPROVAL**

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

### **3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

### **4. RECONSIDERATION**

### **5. CONSENT AGENDA**

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

- A. Homer City Council unapproved Regular meeting minutes of September 23 and October 14, 2013. City Clerk. Recommend adoption. ***Pages 47/61***

- B. **Memorandum 13-148**, from Mayor, Re: Appointment of Corbin Arno to the Economic Development Advisory Commission, Reappointment of Councilmember Bryan Zak to the Economic Development Advisory Commission as Consulting Member, and Reappointment of Matt North to the Permanent Fund Committee.

**Page 77**

- C. **Memorandum 13-151**, from Deputy City Clerk, Re: Liquor License Renewal for Salty Dawg Saloon and Café Cups.

**Page 83**

- D. **Ordinance 13-42**, An Ordinance of the City Council of Homer, Alaska, Amending the Definition of “Discontinued” in Homer City Code 21.61.015, Definitions, to Extend the Time Required to Discontinue a Nonconforming Use from 12 Months to 36 Months. Zak. Recommended dates: Introduction October 28, 2013, Refer to Planning Commission, Public Hearing and Second Reading November 25. **Page 91**

- E. **Ordinance 13-43**, An Ordinance of the Homer City Council Authorizing the Expenditure of Homer Accelerated Water and Sewer Program (HAWSP) Funds for Paradise Place Sewer Main Extension and Approving the Creation of a Deferred Assessment on Benefitted Properties. City Manager/Public Works Director. Recommended dates: Introduction October 28, 2013, Public Hearing and Second Reading November 25, 2013.

**Page 95**

Memorandum 13-150 from Public Works Inspector as backup. **Page 101**

- F. **Ordinance 13-44**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2014 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 28, 2013, Public Hearings November 25 and December 9, 2013, and Second Reading December 9, 2013.

**Page 105**

- G. **Resolution 13-107**, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at Current Rates. City Clerk. Recommended to follow Budget Ordinance 13-44 schedule.

**Page 109**

- H. **Resolution 13-108**, A Resolution of the City Council of Homer, Alaska, Maintaining the Port and Harbor Terminal Tariff No. 600 at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 13-44 schedule.

**Page 111**

- I. **Resolution 13-109**, A Resolution of the Homer City Council Awarding the Bid for the Port and Harbor Surplus Dock Fenders to the Firm of Alaska Marine Excavation LLC of Anchor Point, Alaska, in the Amount of \$25,500 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

**Page 113**

Memorandum 13-152 from Port and Harbor Director as backup. **Page 115**



**6. VISITORS**

- A. **Jim Lavrakas**, Homer Chamber of Commerce, 10 minutes. **Page 121**
- B. **Ken Castner**, Petition for Charter Commission Election, 5 minutes.

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

- A. **Mayor's Proclamation - Extra Mile Day** - November 1, 2013 **Page 129**
- 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

**8. PUBLIC HEARING(S)**

- A. **Ordinance 13-39**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Land and Water Conservation Fund Grant from the State of Alaska Division of Parks and Outdoor Recreation in the Amount of \$75,000 and Appropriating the Required Local Match in the Amount of \$75,000 for Improvements to Karen Hornaday Park and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction October 14, 2013, Public Hearing and Second Reading October 28, 2013. **Page 135**
- B. **Ordinance 13-40**, An Ordinance of the Homer City Council, Amending HCC 7.04.010, State Statutes Adopted by Reference, HCC 7.04.020, Copies of State Traffic Code on File, HCC 7.04.030, Violation—Penalty, HCC 7.08.010, Compliance with State Law, HCC 7.08.045, Handicapped Parking, HCC 7.08.058, Removal of Impoundment Notice, and HCC 10.04.110, Violation—Penalty; and Repealing HCC 7.04.023, State Schedule of Minor Traffic Offenses and Bail Forfeiture—Adopted, HCC 7.04.025, State Schedule of

Minor Traffic Offenses and Bail Forfeiture--Conflict with General Penalty, HCC 7.06.100, Penalty and Fine Schedule, HCC 7.08.060, Violation—Penalty, HCC 7.20.010, Compliance with State Law, HCC 7.20.080, Violation—Penalty, HCC Chapter 24, Traffic Violation Mandatory Sentences, and HCC 7.28.060, Violation; Penalty; to Establish a Consolidated Traffic Fine Schedule. City Clerk. Introduction October 14, 2013, Public Hearing and Second Reading October 28, 2013. **Page 141**

- C. **Ordinance 13-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating a U.S. Fish & Wildlife Learning Landscape Grant with 50% In-Kind Matching Requirement, Up to \$25,000, for the Purpose of Completing Landscaping Improvements at Karen Hornaday Park Playground. City Manager/Public Works Director. Introduction October 14, 2013, Public Hearing and Second Reading October 28, 2013. **Page 151**

Memorandum 13-142 from Public Works Director as backup. **Page 155**

**9. ORDINANCE(S)**

**10. CITY MANAGER’S REPORT**

- A. City Manager’s Report

**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. Port and Harbor Building Task Force

**13. PENDING BUSINESS**

**14. NEW BUSINESS**

- A. **Memorandum 13-149**, from City Clerk, Re: Selection/Appointment of Mayor Pro Tempore for 2013/2014. **Page 171**

**15. RESOLUTIONS**

**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, November 25, 2013 at 6:00 p.m., Worksession at 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.



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA



# RECONSIDERATION





# CONSENT AGENDA



Session 13-19, a Regular Meeting of the Homer City Council was called to order on September 23, 2013 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Ave, Homer, Alaska, and opened with the Pledge of Allegiance.

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

ABSENT: DOLMA (excused)

STAFF: CITY MANAGER WREDE  
DEPUTY CITY CLERK JACOBSEN  
PORT DIRECTOR/HARBORMASTER HAWKINS  
FINANCE DIRECTOR LI  
CITY PLANNER ABOUD  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER

Council met as a Committee of the Whole from 5:00 p.m. to 5:41 p.m. to discuss Consent Agenda 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** Written Public Comment for Resolution 13-096 Requesting the Kenai Peninsula Borough Assembly Amend the Agreement between the Borough and the City Regarding the Transfer of Owner ship of the Old Middle School Property to Permit the City to Sell the Property and Use the Proceed for Public Purpose if the Council Deems it to be in the Public Interest; **Commission Reports** Memorandum 13-136 from Parks and Recreation Advisory Commission Re: HERC Site; **Public Hearings** Memorandum 13-134 from City Planner, Backup to Ordinance 13-37 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; **City Manager's Report** Kodiak Island Borough Resolution Regarding Tustumena Replacement Fund; and Pending Business Memorandum 13-135 From Parks and Recreation Advisory Commission for Resolution 13-040 Directing City Administration to Terminate All Survey , Design, and Cost Estimating Work on the Kachemak Drive Pathway.

Mayor Wythe called for a motion for the approval of the agenda as amended.

HOWARD/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Kathy Hill, city resident, commented in support of Resolution 13-095. She has a glimmer of hope regarding the HERC gym. She acknowledged that indoor recreation space is at a premium in our community and in her opinion the gym should be saved. It makes no sense to her to tear down the building then search for a huge amount of dollars to build a new one. Let's figure out a way to renovate it and keep it functioning for many more years. It is known that the school district can ask the community recreation programs to vacate their facilities, and with the demolition of the HERC gym, there would be no place to go. She questioned if the HERC gym could be integrated with the new public safety building and be used as a community facility as well. In her research she found two grants that appear to be geared toward recreation facility renovation, one is the State administered Community Development Block Grant sponsored by the Department of Housing and Urban Development, and the other is the Community Facilities Grant funded by the Department of Agriculture. She asked that Council please consider saving the HERC gym for our community.

Doug Dodd, city resident, thanked Mike Illg, City Administration, City Council, and the Mayor for making the HERC gym available for pickle ball over the past year. If that venue had not been available, he would not have participated at the International Senior Games in Fairbanks last month. Mr. Dodd acknowledged the economic benefits that accrue through community recreation and told Council about a retired couple from Fairbanks who came to visit in their motorhome for a week or so before moving on, but stayed for two months, regularly participating in the Pickle Ball games. The decision of how to best use the HERC gym and property is important with lasting consequences and should be made after an open discussion involving all the stakeholders. It would be best to do this through facilitated public hearings, not during regular council meetings. He thanked Council for their time, for making the HERC available for the past year, and for allowing Pickle Ball to continue while the issues surrounding the HERC are resolved.

Scott Adams, city resident by annexation, commented that he would like to see the fire department and police department proposal be put to the voters of the City of Homer. They did so for the city hall and he thinks they would get an outstanding idea of how people feel about what they are planning to do. It's a prime location and the value of the property could be better used than putting a fire and police department. His mom lives in Chatham, Mass, and their population is more than Homer and they have less police force, fire department, and less government than we do. He would like to see the City Council step back and review this. With the upcoming election there will be some change on Council and he would like to see any action taken after the election. He fears the way this council is going will break us all. Realistically we will be taxed for this.

### **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 September 9, 2013. City Clerk. Recommend adoption.

B. **Resolution 13-092**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission Bylaws, Regular Meetings, Establishing a Meeting Time Limit of 8:00 p.m. City Clerk/Parks and Recreation Advisory Commission. Recommend adoption.

Memorandum 13-132 from Parks and Recreation Advisory Commission as backup.

C. **Resolution 13-093**, A Resolution of the Homer City Council Amending the Procurement Policy and Procedures Manual to Increase Limits for Purchase Orders. City Manager/Finance Director. Recommend adoption.

D. **Resolution 13-094**, A Resolution of the Homer City Council Recognizing and Thanking the Alaska State Fire Chiefs Association for Submitting the Statewide Grant to Upgrade Firefighting Equipment for the Homer Volunteer Fire Department. City Manager/Fire Chief. Recommend adoption.

E. **Resolution 13-095**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Keep the Homer Education and Recreation Complex (HERC) Gym Open for Pickleball and Other Community Recreation Programs that Require Only Minimal Heat and Utilities, Until Such Time as the Building is Demolished. Lewis. Recommend adoption.

F. **Resolution 13-096**, A Resolution of the City Council of Homer, Alaska, Requesting that the Kenai Peninsula Borough Assembly Amend the Agreement Between the Borough and the City Regarding the Transfer of Ownership of the Old Middle School Property to Permit the City to Sell the Property and Use the Proceeds for a Public Purpose if the Council Deems it to Be in the Public Interest to Do So. Howard. Recommend adoption.

Memorandum from City Attorney as backup.

Councilmember Lewis requested Resolution 13-096 be moved to Resolutions.

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

LEWIS/ZAK SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## VISITORS

A. **Beth Cumming**, Kachemak Drive Non-Motorized Path Group, 10 minutes.

Beth Cumming, Lynn Burt, and Kevin Walker were present to comment to the Council about the Kachemak Drive Non-Motorized Path Group.

Beth Cumming said the group's first request is to turn down Resolution 13-040, second is allocate additional funds from HART to complete the survey as was laid out in Resolution 12-079, third they would like Council to show support for this project. It now appears it may be a state project since a title check shows the land in question is owned by the state. Some thoughts expressed about tonight's resolution are that it cuts out the possibility of any request for HART funding relative to the proposed Kachemak Drive Path. If it's a state project this could be a moot point. Another thought is that it's negative and unnecessary since the city has no financial obligations to the group beyond completion of the survey. Additionally this resolution is like a door slammed in the face in terms of encouraging other grass roots groups to go to the city with their ideas for addressing a public need they perceive as critical. The group is offering to provide matching funds to go with additional HART funds to complete the survey. One way for the city to show support is to provide half the cost of completing the survey. They will now be approaching a state agency in their attempt to provide the path, and offering memorandums would help show support as well.

Lynn Burt said they are her tonight to introduce themselves as HAT, Homer Area Trails. HAT is a tax exempt non-profit under the Homer Foundation. There is a bank account in place which will allow HAT to acquire and distribute funds. HAT is asking the City of Homer's permission to build, with volunteer labor, a level 1 or 2 trail on the first half mile of Kachemak Drive starting at the Y off of the Mud Bay Trail, up through the woods to Homer Airport long term parking, since this section poses the greatest challenge. It happened this summer that the airport required trees to be cut for the western approach of the airport runway. This is the hillside where HAT wants to put the trail. She cited a letter from City Manager Wrede to the Airport Manager appreciating DOTPF's concern about safety at the airport, and that section of road is the most dangerous section of road for bicyclist and pedestrians. A separated bike path on the south side of the road in that location would greatly enhance public safety. Ms. Burt continued that the trail is now more doable because of the tree removal. Please vote down resolution 13-040, they are confident that the trail section of the first half mile can be built inexpensively with volunteer labor doing 90% of the work. All they need for now is the city's expression of support. She shared a comment from Lindiann Sarno that if she were on the council and a group of volunteers devoted hundreds of hours to to a trail project that will increase public safety and organizing volunteers to do the trail work, I would say thank you.

Kevin Walker commented that they found an 8% grade in the middle section they want to build and they have a good start at engineering. He's done a cost estimate loosely based on Nelson Engineering's for a level 1 or 2 trail, coming out at a tenth of their cost. He estimates \$35,000. They want to keep this rolling and ask for councils support.

Discussion ensued regarding whether or not any of the funds allocated in Resolution 12-079 were still available, but weren't able to determine at the time.

#### **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. Borough Report
- B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

Mike Barth, Economic Development Advisory Commissioner, gave the Council a brief overview of the Commission's activity including weighing on the Capital Improvement Plan, and discussion of Town Center and the need for an anchor tenant. He explained that CIRI is a key land owner in the town center and they believe it would be good to find out what they may have planned for their land. The group has also addressed affordable housing with a focus on the challenges for Coast Guard housing. Mr. Barth advised that there will be a bylaw amendment coming before Council soon to add the Chamber Director as a non-voting member.

Mayor Wythe suggested including a Marine Trades seat as well.

4. Parks and Recreation Advisory Commission

Robert Archibald, Parks and Recreation Advisory Commissioner, commented that the Alaska Recreational Parks Association held its annual meeting in Juneau where Mike Illg gave a presentation on Professional Certification and Commissioner Matt Steffy conducted a session on Schoolyard Habitat using West Homer Elementary as an example. At the award ceremony Homer Hockey Association was awarded the 2012 Outstanding Organization Award in recognition of its success as a non-profit organization, one of only four such organizations in the U.S. Mr. Illg and Mr. Steffy invited the Association to hold their 2015 meeting in Homer. The Commission talked with the Old Town group about a sign and statue at Bishop Beach. They sent several memos to Council regarding Resolution 12-040, and requesting Council support to use HERC site for recreation and education.

5. Port and Harbor Advisory Commission

## **PUBLIC HEARING(S)**

- A. **Ordinance 13-37**, 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 for Transfer to a Successor Operator. Mayor/CityManager. Introduction August 26, 2013, Referred to Planning Commission for Their September 18, 2013 Meeting, Public Hearing and Second Reading September 23, 2013.

Memorandum 13-126 from City Manager as backup.

Mayor Wythe opened the public hearing and there was no public comment.

Mayor Wythe called for the adoption of Ordinance 13-37 by reading of title only for second and final reading.

ZAK/ROBERTS SO MOVED.

There was no discussion.

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

Motion fails.

- B. **Ordinance 13-38**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council. Introduction September 9, 2013, Public Hearing and Second Reading September 23, 2013.

**Ordinance 13-38(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2013 Capital Budget by Appropriating \$300,000 From a Combination of the Fire Department, Police Department, and General Depreciation Reserve Funds to Begin Preliminary Engineering and Design Work on the Proposed New Public Safety Building. Mayor/City Council.

Memorandum 13-129 from City Manager as backup.

Mayor Wythe opened the public hearing.

Justin Arnold, city resident, commented at a prior meeting Councilmember Burgess brought up a point that we can use the fire hall for community rec. Mr. Arnold said we already have a building, a school house, with one of two wood basketball courts that we can use. He understands there is asbestos in the building and it raises a lot of problems, but why are we moving forward with a new fire hall and police station, spending \$300,000 for planning. He commented that when they did the new bumpers on the Deep Water Dock, planning and engineering cost twice as much as putting the bumpers on. He doesn't see why we are moving forward with a new building when we could easily, and hopefully cheaply, renovate the buildings and structures that are next to each other already. He questions why we would tear down a building that is going to be expensive. He doesn't understand why we are moving forward with this. He thinks there needs to be a lot more thought into what we're doing here.

Corbin Arno, city resident, said he also believes this is being rushed. One day Council saying the police department is understaffed and there isn't money to hire more staff. The next meeting you want to spend \$15 million on a brand new building, that is three or four times larger. It will take more staff to take care of the building, and more money. He thinks they need to take some more public comment before they rush this thing through. He doesn't think it's a good idea.

Scott Adams, city resident, commented that his insurance rate will go up if they do this because it will move him one mile further from the fire department. He wonders how many other people would be affected by moving the fire department to the proposed site. He thinks they should hold off on this and let other people decide, other than the six or seven of them. He knows we voted the Council in, but this seems to be a big issue and needs more people involved.

There were no further comments and Mayor Wythe closed the public hearing.

Mayor Wythe called or a motion to substitute Ordinance 13-38(S) for Ordinance 13-38.



LEWIS/ROBERTS SO MOVED.

There was no discussion for the substitution.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for the adoption of Ordinance 13-38(S) by reading of title only for second and final reading.

HOWARD/ROBERTS SO MOVED.

Councilmember Lewis commented the Council held their worksession on August 17 where they chose their list for the CIP and one of the reasons they selected the police and fire department as it is push by legislature to fund that. If we are going to put things on the list, it needs to be things they are interested in funding. It is his understanding the study they requested will also look at a second location off Main Street.

ZAK/BURGESS MOVED TO AMEND LINE 9 TO ADD AFTER POLICE DEPARTMENT **RECREATIONAL DEPARTMENT** AND ON LINE 11 ADD PUBLIC SAFETY/**RECREATIONAL BUILDING**.

Councilmember Zak explained that this is the design stage and that way we can open it up for the public input on whether it should be fire and police, and/or recreation.

There were comments from other Councilmembers that they understand the intent of the amendment, this wasn't their intent when they chose their CIP items. They have other options for the recreational center as they have previously discussed.

VOTE: YES: ZAK, BURGESS

NO: LEWIS, ROBERTS, HOWARD

Motion failed.

Councilmember Burgess recognized the comments from the two City Council candidates and said it is easy to look from afar and observe the City Council as people who make decisions on whim and don't give consideration to all these things. But the decision to put a public safety building up in Homer is the result of a very long process. Our police and fire station are grossly undersized. Our firefighting equipment gets the abuse of elements and lack of functionality because it can't be stored in a warm spot which means reduced response time, which means we spend more money on upgrades and maintenance to the equipment. There have been some slow response times, especially in the winter, which is a reason they decided to do a fire station up on Skyline. The police station right now has almost nonexistent jail facilities. We pay money to the state and have to move a lot of inmates up to Wildwood in Kenai, resulting in more dollars leaving the City. Ultimately when they design the CIP list they are looking at what they think the legislature can give the City money for. All of the money to build the facility isn't going to come out of the tax payers' pockets, but with monies they think they can get from state and federal organizations, as well as the legislature. The Council has considered

lots of variables and alternatives regarding location, and the HERC site is the most cost effective site to develop which is one of the reasons they arrived at that situation. The HERC building itself is filled with asbestos, is very expensive to maintain, and we all love community recreation, but we have to weigh the cost versus benefit of budgetary decisions. Lots of thinking goes into this figure, they want public input, but if people want to participate in the process they need to bring informed dialog to the process.

Mayor Wythe added that this is proposed as a five year program, there is nothing about it that is going to be quick. Having it organized for 2015 consideration by Legislature is the objective Council is working on now. The City's match, or contribution is the introduction of design with the hope of drawing in the additional funds throughout the process. The anticipation is a 2016-17 construction season and 2018 occupancy.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a five minute break at 7:08 p.m. The meeting resumed at 7:14 p.m.

## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

#### **A. City Manager's Report**

City Manager Wrede commented about the Kodiak Island Borough Resolution regarding the Tustumena included in the supplemental packet and advised that a resolution to the Council is forthcoming. He reminded the public that the new public restrooms are being built with cruise ship head tax funds and City staff is working to address the maintenance aspect. He advised the Council of Buccaneer's interest in wintering the drill rig Endeavor at the harbor. Lastly he reported that the City was successful getting a Land and Water Conservation Fund grant for more work at Hornaday Park.

Mayor Wythe commented in support of the contract with Buccaneer, Homer has an active port and we are open for business.

Councilmember Howard asked about the status of the Economic Benefit Report from the drill rig, and was advised that the report is still pending from Northern Economics because they are waiting for information from Buccaneer.

Councilmember Lewis asked about year round access to the new public bathrooms. City Manager Wrede said they are still working to make that decision.

Councilmember Zak expressed his hope that if the rig comes back some of the monies will go to the Homer Foundation as they did last time.

Councilmember Burgess reiterated the need to get the ball moving on annexing what part of the harbor area waters the City will want for future use and expansion.

Councilmember Roberts agreed with City Manager Wrede's suggestion of a building committee for the public safety building, as this process has worked well in the past. She also found the information about funding from FEMA for new emergency operation centers and states interest in helping with the jail.

B. Bid Report

**CITY ATTORNEY REPORT**

**COMMITTEE REPORT**

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

Councilmember Howard reported the next Task Force meeting is October 21<sup>st</sup> to look at 25% conceptual design plans. At their last meeting they identified user groups of the facility and responsibilities of harbor staff; it was quite a lengthy and impressive list of tasks that the harbor staff performs. They will be setting two public hearing dates in November trying to make sure everyone involved with this building has a chance to learn about it and offer input.

**PENDING BUSINESS**

- A. **Resolution 13-040**, A Resolution of the Homer City Council Directing the City Administration to Terminate All Survey, Design, and Cost Estimating Work on the Kachemak Drive Pathway. Mayor. (Postponed from April 22, 2013.)

Memorandum 13-059 from Parks and Recreation Advisory Commission as backup.

The motion on the floor from April 22, 2013 is as follows:

LEWIS/HOWARD SO MOVED FOR THE ADOPTION OF RESOLUTION 13-040 BY READING OF TITLE ONLY.

LEWIS/ROBERTS MOVED TO AMEND LINE 30 REMOVE CITY ADMINISTRATION, LINE 31 REMOVE THE PARKS AND RECREATION ADVISORY COMMISSION.

Councilmember Lewis said he doesn't think they should stop all work on the path, he thinks it's important and it would be nice to have a trail connecting the East End trail to the base of the spit. He would like to see a plan that addresses the whole trail and he doesn't think we should stop work on it.

There was discussion that this resolution isn't the appropriate ways to show support to the State regarding the trail on State property.

VOTE: YES: LEWIS

NO: BURGESS, ROBERTS, ZAK, HOWARD

Motion failed.

There was no further discussion on the main motion.

VOTE: YES: HOWARD

NO: BURGESS, LEWIS, ROBERTS, ZAK

Motion fails.

## **NEW BUSINESS**

## **RESOLUTIONS**

- A. **Resolution 13-096**, A Resolution of the City Council of Homer, Alaska, Requesting that the Kenai Peninsula Borough Assembly Amend the Agreement Between the Borough and the City Regarding the Transfer of Ownership of the Old Middle School Property to Permit the City to Sell the Property and Use the Proceeds for a Public Purpose if the Council Deems it to Be in the Public Interest to Do So. Howard.

Mayor Wythe called for a motion for the adoption of Resolution 13-096 by reading of title only.

HOWARD/ZAK SO MOVED.

Councilmember Howard explained that she is asking for the Borough to give them the right to sell the property, should they feel they need to should they locate the public safety building someplace else. It doesn't mean they are going to sell it, but it puts more options on the table that belong to the City. Right now their hands are tied. They can't sell it and there are specific ways to use the building. It is an expensive building and we have to do something with it.

There was brief discussion whether there were more deed restrictions. City Manager Wrede was unsure, but Attorney Klinkner has concluded that the only restrictions that are still in place are the two listed.

Councilmember Lewis commented that he isn't in favor of getting rid of any city land. It's easy to say we won't sell it, but a future council might. If we have this land we should hold it because it's a prime piece. If it isn't going to be used for fire and police, we may find a recreational use.

Councilmember Burgess thinks it is better to empower this or any future council to have as many options at their disposal as possible. He doesn't like the idea of selling the parcel and leasing or other

uses could be advantageous to the community, but he doesn't see a reason why they shouldn't seek the possibility to be more flexible with the options.

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

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Kathy Hill thanked the Council for their support tonight and invited them to observe or play pickle ball some time.

Public Works Director Meyer responded to a comment that was made about how much money was spent to plan and design new fenders on the Deep Water Dock. He thinks the suggestion was that we spent twice as much on planning and design as we did on construction. He explained that he will not recommend to the City Manager to sign a contract that represents spending any more than ten percent of a construction cost for design and planning. When it comes to the Deep Water Dock we had a very effective engineer do the design of the project which we spent between five and six percent of the cost of the design. He just wanted to clarify that they try to spend the communities money as if it were our own, and to get the best bang for the buck that they can.

Mike Barth, city resident, commented regarding the HERC and public safety building. He encouraged everyone to evaluate the priorities. He doesn't think there is any question they both are needed at some point. For him rushing into a public safety building might be kind of a near sighted decision because he doesn't know that it's an immediate need at this point, versus a recreational facility. The bottom line is the one there is not a viable option at this point, so an option needs to be provided. He noted Councilmember Burgess' comment about making sure we know what the usage is and the statistics. Mr. Barth said he doesn't know the statistics, but hopes Council has them. His wife Amanda said the building was used twice a week during the school year for toddler and preschool play group. She hopes there is a way to bring that group back, it was very busy and exactly what moms and dads needed to get out with their kids in the winter months. Coming back to priorities, both are needs and what's more important.

Beth Cumming, city resident, commented that she respects city staff, City Council, and the Mayor. They might be surprised to know how closely her philosophical outlook follows our Mayor's. She respects the person who didn't follow the survey as was requested last October. In a way she wants to offer an apology from herself. If it had occurred to her or other members of the proposed path group that we could reduce the proposal from a level 3 trail to a level 1 or 2 with some aspects of a level 3, we would not be sitting here tonight. She said she is a slow thinker and it never occurred to her. She acknowledged the request of Council for them to get specific. She wanted to give examples of prices they could have had, but felt they had to go through an acceptable city process. They had an offer of doing the engineering and survey by a licensed firm to do it for free. Because they hemmed and hawed they missed that opportunity. Secondly they did a title search and they paid from their pockets to have the title search done, and found the land belongs to the state.

Bonnie Jason, city resident, thanked the Council for keeping the HERC building open and available for Homer recreational enthusiasts. She hopes they will come for pickle ball. She encouraged the continuing support of the recreational movement in Homer. She hopes they will support the recreational needs assessment, she thinks it's a great opportunity.

Robert Archibald, city resident, commented that storing the jack up rigs on the spit might be interesting and provide funding for the harbor and the city. Earmarking some of that money for the Homer Foundation might make things a little more palatable. He thinks it's an excellent idea and hopes they consider it. He noted that they the Parks and Recreation Advisory Commission will be losing the Chair, Bumpo Bremmicker, and they look forward to the appointment of Roger MacCampbell.

Chance Rockett, non-resident, commented regarding community recreation. He thinks the Council asked for public support and over the last three or four meetings, we have shown how important that is to Homer, more so than a lot of things. In research he does, he sees how important the public safety building is, and the harbor are to Homer. He sees that getting grant money for a public safety building is more realistic than getting money for recreation. They are pursuing that and asking for everything they can, just like others would do for a recreation facility. He wants the public to know that we need to move on and not take stabs and think the City Council doesn't care about rec. He doesn't think that's the case, he thinks there are issues with people about the building being where the HERC building is. He thinks it is unrealistic to spend \$10 million to revamp the building, but he would like to point out that the gym could be a part of the actual plan for the public safety building. Maybe the gym, skate park, and basketball court could be saved and included with the building. Police and fire could benefit from having the gym as well. He thanked the Council for listening to them. They will continue to come for recreation. Recreation is needed. He was born and raised here and thinks the youth should be provided with more options besides academics and arts, he thinks that's a big hole.

#### **COMMENTS OF THE CITY ATTORNEY**

Deputy City Clerk Jacobsen reminded listeners that Election Day is October 1<sup>st</sup>, and absentee/early voting is available at the City Clerk's office for anyone who can't get to their polling place on October 1<sup>st</sup>.

#### **COMMENTS OF THE CITY MANAGER**

City Manager Wrede clarified that it is not the intent to store the rig Endeavor at the Deep Water Dock, it is his understanding that the purpose is to perform maintenance starting November 1<sup>st</sup>.

#### **COMMENTS OF THE MAYOR**

Mayor Wythe thanked the candidates for attending and participating at the meetings this month, it shows sincere intent to learn what's going on. She wished them good luck at the polls. With regard to earlier comments about priorities, Mayor Wythe explained that the responsibility of a first class city first comes to safety and roads. The council has to meet those obligations before considering things like contributing funds for parks and recreation. This is an ongoing battle every year for the City of Homer. It becomes harder as our funds become more restricted. She has said this several times in the last couple years, the Council has reduced the budget for the City of Homer over \$3 million over the last eight and a half years, a huge reduction. In addition to that we are the only city on the peninsula

that honored the vote of the citizens to fully suspend the sales tax on food in the winter. Every other first class city on the peninsula suspended the borough portion but still collects their city tax. That was a substantial financial reduction to the city. When you reduce your city income by almost \$1 million of tax revenue, those are funds that could be had for keeping the library open more, providing parks and recreation facilities, much less a department for parks and rec. Those are all things we need to take into consideration as citizens when we vote on how we want our tax dollars to be reduced. No one, herself included, is interested in paying taxes, but she is interested in providing the money required by the community to provide those services that are important to her. That is what people lose when they think about not paying sales tax. Property tax will keep the basic services funded, and that's about it. Regarding the jack up rigs coming to Homer, for her, there is much more than money in the coffers of the community. She sees it when she drives down the hill and for her the conversation about the jack up rig being at a working harbor port in our community, if you can tell there is a jack up rig at the harbor, you aren't looking at the view anyway. She thanked everyone for coming out and looks forward to the upcoming elections. Everyone come out and vote.

### **COMMENTS OF THE CITY COUNCIL**

Councilmember Roberts commented about the Kachemak Drive Path, she didn't vote for the resolution, that doesn't mean she doesn't support the path, she just didn't think it was the right vehicle to proceed. She thinks they indicated they support it, it seems like there are more issues coming up. She is glad to see the people come and talk about recreation; she thinks it's an important part of the community. She also knows from looking at plenty of city budgets that the recreation doesn't pay for itself right now. For people asking for more recreation, citizens must be willing to start adding back the sales tax to the budget. We can't afford to do these things in recreation right now and she would like to think the public would start telling them that they want to spend some money toward recreation. She thinks adding sales tax back in the equation for food tax is a way that non city residents can contribute to the program. Lastly, good luck to everyone in the upcoming election.

Councilmember Zak thanked Ms. Cummings for coming here tonight and he doesn't think there is anything wrong with slow thinking, the fact that we are thinking is what matters. Over time there may be added pieces and facts that come out. He congratulated the Homer Area Trails nonprofit group. That's huge. He acknowledged Chance Rockett for coming out and taking notes. He said they are saving a little bit with paper reduction and using the tools. The citizens who come out and realize their voice is being heard is wonderful. When we have discussions tonight about budget considerations and if the Homer Foundation will see funds from the jack up rig, we are thinking about it and listening. Finally he likes pickles so he will have to come out and play pickle ball. He prefers the dill pickles.

Councilmember Burgess said he appreciated Mr. Rocketts comments, they were thoughtful and measured. He thinks the larger discussion about community recreation needs to be how do we establish a funding mechanism to support the program and a facility. There are a lot of people in the community who support recreation, he is one and a lot who sit at the table are. They don't want to tie their horse to a building that would be costly to remodel. We all need to expand our vision and think out of the box and long term about what the community really needs. Right now isn't that any one wants to get rid of recreation, it's that they have a real possibility of meeting one of the city's core long term needs in a public safety building. Police and fire are at the core of what a city needs to provide. They have the opportunity to seek funds for a facility that can meet the community's needs

for the next thirty plus years. We need to weigh those priorities and go after that money. If there is really the community will to have a larger discussion about recreation, let's talk about the funding mechanism. Let's talk about a borough wide service area to support the users outside the City. If we are really dedicated, let's talk about sales tax. Let's see what a budget for that is, see what we can build and support in a building and program. Instead of saying City Council want to take away our last vestiges of community recreation, we need to say how can we make it possible to have a long term plan, long term goal, and effective solution to the problem. He appreciates the rec groups who have started to figure this out and been talking to them about how to develop a long term strategy and vision to do that. He thinks this council will support them in doing that.

Councilmember Lewis said everyone should get out and vote. When he first got elected and the sales tax was on the ballot they had 28% voter turnout. 18% voted in favor of getting rid of the sales tax. An 18% majority of 28% made that decision. If you don't vote, then you won't things done. We need to have a good turnout; he would love to see 50 for 60 % of the registered voters voted. We aren't going to get anything done; we won't get recreation or a lot of things if people don't vote.

Councilmember Howard put forth a challenge to the community, that between now and July 2014, some sort of package is put together to say to the voters on the October 2014 ballot, do you want a recreation department and if so are you willing to tax yourself for it and in the meantime, have a needs assessment done. We don't really know what the need is. We aren't the bad guys, we just need to know what you want and how do you want to pay for it. Let's get something on target to make this happen so this time next year we will have something to vote yes on.

#### **ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:13 p.m. The next Regular Meeting is Monday, October 14, 2013 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for October 21, 2013 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_



Session 13-20 a Regular Meeting of the Homer City Council was called to order on October 14, 2013 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: ACTING CITY MANAGER/CLERK JOHNSON  
CITY ATTORNEY KLINKNER  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER  
FINANCE DIRECTOR LI  
LIBRARY DIRECTOR DIXON  
POLICE CHIEF ROBL  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS PROJECT MANAGER NELSEN

Council met as a Committee of the Whole from 5:00 p.m. to 5:51 p.m. to discuss 2014 Budget.

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

### **AGENDA APPROVAL**

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

The agenda was amended to include the oath of office for newly elected officials, Incumbent Bryan Zak and New Councilmember Gus Van Dyke, and seating arrangement for Council under Announcements/Presentations.

The following changes were made:

**CONSENT AGENDA -\_Resolution 13-097,** A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 1, 2013 to Decide Ballot Referendum #1 “Shall Homer City Code Chapter 5.42 Prohibiting Sellers from Providing Customers with Disposable Plastic Shopping Bags be Repealed: and to Elect Two Council Members. City Clerk/Canvass Board. Memorandum 13-146 from Deputy City Clerk as backup.  
**Resolution 13-102,** A Resolution of the Homer City Council Restoring the Irrevocable

Grandfather Rights Back to the Bay View Inn. Zak. Memorandum 13-147 from City Attorney as backup. Written public comments. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Oath of Office to Newly Elected Officials Gus Van Dyke and Bryan Zak; **PUBLIC HEARING(S)** - **2014 Budget**; Written public comments. **PENDING BUSINESS** - **Resolution 13-106(S)**, A Resolution of the Homer City Council Awarding the Bid for the Operation and Management of the Homer Animal Shelter to Coastal Animal Care of Homer, Alaska, in the Amount of \$129,988.80 for a Three-Year Contract, with a Two-Year Extension Option, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Police Chief. Memorandum 13-145 from Police Chief as backup.

Mayor Wythe called for a motion for the approval of the agenda as amended.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Lindianne Sarno, city resident and member of Homer Area Trails, supports the Kachemak Drive non-motorized path. No reconsideration is needed on Resolution 13-040.

Beth Cumming, city resident, asked Council to vote down reconsideration for Resolution 13-040.

#### **RECONSIDERATION**

- A. **Resolution 13-040**, A Resolution of the Homer City Council Directing the City Administration to Terminate All Survey, Design, and Cost Estimating Work on the Kachemak Drive Pathway. Mayor.

Mayor Wythe called for a motion to reconsider Resolution 13-040.

ROBERTS/HOWARD – SO MOVED.

Councilmember Roberts brought the resolution back for reconsideration to allow an opportunity to vote the way she intended.

VOTE: YES. ROBERTS, HOWARD

VOTE: NO. DOLMA, ZAK, BURGESS, LEWIS

Motion failed.

## **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. **Memorandum 13-139**, from Mayor, Re: Appointment of Roger MacCampbell to the Parks and Recreation Advisory Commission, Tom Stroozas to the Planning Commission, and Daniel Donich to the Port and Harbor Advisory Commission, and the Reappointment of Dave Brann to the Parks and Recreation Advisory Commission.
- B. **Ordinance 13-39**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Land and Water Conservation Fund Grant from the State of Alaska Division of Parks and Outdoor Recreation in the Amount of \$75,000 and Appropriating the Required Local Match in the Amount of \$75,000 for Improvements to Karen Hornaday Park and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction October 14, 2013, Public Hearing and Second Reading October 28, 2013.
- C. **Ordinance 13-40**, An Ordinance of the Homer City Council, Amending HCC 7.04.010, State Statutes Adopted by Reference, HCC 7.04.020, Copies of State Traffic Code on File, HCC 7.04.030, Violation—Penalty, HCC 7.08.010, Compliance with State Law, HCC 7.08.045, Handicapped Parking, HCC 7.08.058, Removal of Impoundment Notice, and HCC 10.04.110, Violation—Penalty; and Repealing HCC 7.04.023, State Schedule of Minor Traffic Offenses and Bail Forfeiture—Adopted, HCC 7.04.025, State Schedule of Minor Traffic Offenses and Bail Forfeiture--Conflict with General Penalty, HCC 7.06.100, Penalty and Fine Schedule, HCC 7.08.060, Violation—Penalty, HCC 7.20.010, Compliance with State Law, HCC 7.20.080, Violation—Penalty, HCC Chapter 24, Traffic Violation Mandatory Sentences, and HCC 7.28.060, Violation; Penalty; to Establish a

Consolidated Traffic Fine Schedule. City Clerk. Introduction October 14, 2013, Public Hearing and Second Reading October 28, 2013.

- D. **Ordinance 13-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating a U.S. Fish & Wildlife Learning Landscape Grant with 50% In-Kind Matching Requirement, Up to \$25,000, for the Purpose of Completing Landscaping Improvements at Karen Hornaday Park Playground. City Manager/Public Works Director. Introduction October 14, 2013, Public Hearing and Second Reading October 28, 2013.

Memorandum 13-142 from Public Works Director as backup.

- E. **Resolution 13-097**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 1, 2013 to Decide Ballot Referendum #1 "Shall Homer City Code Chapter 5.42 Prohibiting Sellers from Providing Customers with Disposable Plastic Shopping Bags be Repealed: and to Elect Two Council Members. City Clerk/Canvass Board. Recommend adoption.

Memorandum 13-146 from Deputy City Clerk as backup.

- F. **Resolution 13-098**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Grant Request in the Amount of \$2.55 Million for Its New Facility. Mayor/Roberts/Burgess. Recommend adoption.
- G. **Resolution 13-099**, A Resolution of the Homer City Council Encouraging Governor Parnell and the Alaska State Legislature to Invest in Transportation Infrastructure. Burgess. Recommend adoption.
- H. **Resolution 13-100**, A Resolution of the City Council of Homer, Alaska, Requesting the Governor to Include in His FY 2015 Capital Budget a Deposit of \$100 Million into the Vessel Replacement Fund for the Purpose of Constructing a New Ocean-Going Vessel to Replace the M/V Tustumena. Mayor/City Council. Recommend adoption.
- I. **Resolution 13-101**, A Resolution of the City Council Of Homer, Alaska, Supporting the Center for Alaskan Coastal Studies Recreational Trail Program Grant Application Administered by the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation. Zak. Recommend adoption.
- J. **Resolution 13-102**, A Resolution of the Homer City Council Restoring the Irrevocable Grandfather Rights Back to the Bay View Inn. Zak. Recommend adoption.

Memorandum 13-147 from City Attorney as backup.

MOVED TO RESOLUTIONS.

- K. **Resolution 13-103**, A Resolution of the City Council of Homer, Alaska, Approving a Sublease and Operating Agreement Between the Kenai Peninsula Borough and South Peninsula Hospital Inc. Dated August 28, 2013. City Manager. Recommend adoption.
- L. **Resolution 13-104**, A Resolution of the Homer City Council Awarding the Contract for the Homer Natural Gas Conversion Project Phase I to the Firm of Intelligent Design, LLC of Anchorage, Alaska, in the Amount of \$56,776.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 13-143 from Project Manager as backup.

- M. **Resolution 13-105**, A Resolution of the Homer City Council Awarding the Bid for the Snow Removal and Sanding Services 2013/14, 2014/15, and 2015/16 to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$450.00 per Snow Plow/Trip; \$450.00 per Sanding/Trip; Total/Trip \$900.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 13-144 from Public Works Director as backup.

MOVED TO RESOLUTIONS.

- N. **Memorandum 13-140**, from City Clerk, Re: Travel Authorization for Mayor Wythe and Councilmember Zak to Attend the Alaska Municipal League 63<sup>rd</sup> Annual Local Government Conference in Anchorage, Alaska, November 18 - 22, 2013.
- O. **Memorandum 13-141**, From City Clerk Re: Vacate the West Half of the 80-foot Wide Public Use Easement that Extends Through the East Portion of Lot 38, Bunnell's Subdivision. Said Plat Bunnell's Subdivision is Recorded in the Seldovia Recording District. Said Easement was Created in 1970 and Recorded in Book 60 Page 230-234 Homer Recording District (HRD), and is Applied to the Subject Property by the Applicant Note Page 230 of Book 60 HRD Describing Property by Parcel No. 175-142-13, and as Lot 28 of Bunnell's Subdivision. Said Easement is Further Shown as

Easement 21 Within Said Book 60 Page 234 HRD. All Property Lies Within Section 19, Township 6, Range 13 West, Seward Meridian, Alaska, Within the City of Homer and the Kenai Peninsula Borough, KPB File 2013-132; Location: City of Homer.

Item J – Resolution 13-102 and Item M – Resolution 13-105 were moved to Resolutions.

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

ZAK/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

## **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

### **A. Recognition of Councilmember Dolma**

Mayor Wythe recognized Councilmember Dolma for his service on the Council and presented him a plaque.

### **B. Oath of Office Administered to the Newly Elected Officials Gus Van Dyke and Bryan Zak/Seating Arrangement**

City Clerk Johnson administered the Oath of Office to Gus Van Dyke and Bryan Zak.

Council retained their current seating arrangement with newly elected member Gus Van Dyke to replace James Dolma's seat.

### **C. Borough Report**

Bill Smith, Kenai Peninsula Borough Assemblyman, reported Mayor Navarre had a good conversation with Governor Parnell on health care needs and support for the Pratt Museum. The Assembly presented their short capital project list that includes a request for money for roads. They are asking for money to contain or eradicate the plant infestation Elodia. If it spreads in the Bridge Creek reservoir it would be difficult to deal with. The Assembly is looking for support for shoring up the Tall Tree Bridge and supporting Homer Electric's request for a generator for Seldovia. They need backup for the south side of the bay when the lines go down in storms. There is a need to recap the landfill; there is \$250,000 for design work and \$1.9M to manage the landfill after it is closed. It is the first of three phases to close the landfill that will be ongoing for the next 15 years.

D. Commissions/Board Reports:

1. Library Advisory Board

a. 2013 Strategic Plan

David Groesbeck, LAB Chair, referenced the draft strategic plan that is a work in progress and represents the thinking of members of the LAB.

2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

Lindianne Sarno, Chair of the EDC, reported Councilmember Zak, Katie Koester, and she toured the city water intake plant. Todd Cook provided an excellent tour that she highly recommends. From an economic development point of view they are looking at marketing the hundreds of thousands of gallons of water we don't use. The EDC plans to tour the sewage treatment plant and she wonders what marketable product will be discovered there.

4. Parks and Recreation Advisory Commission

Matt Steffey, Parks and Recreation Advisory Commissioner, congratulated Councilmembers Zak and Van Dyke. He welcomed Roger MacCampbell to the Parks and Recreation Advisory Commission and Dave Brann for renewing his seat. Recently there was a clean up of the Poopdeck Trail to clear alder from the trail. The recreate rec group is gaining momentum. Kate Crowley has scheduled a visit to the Sterling Community Recreation Center on October

28<sup>th</sup> from 10:30 a.m. to noon. Members of the commission will be attending and Council is invited. Letters of support for the parks and recreation needs assessment are contained in the council packet. It is a one-time budget expenditure for a needs assessment that has not been conducted since the 80's. He requested Council keep the item on the table as they move through the budget process. The cost of the needs assessment is \$50,000.

5. Port and Harbor Advisory Commission

**PUBLIC HEARING(S)**

A. **2014 BUDGET**

Budget Message for Fiscal Year 2014 from City Manager  
Memorandum 13-137 from City Manager, Re: Amendments to Employee Health Insurance Plan  
Memorandum 13-138 from Fire Chief, Re: Fire Department Budget Requests

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

**ORDINANCE(S)**

**CITY MANAGER'S REPORT**

- A. City Manager's Report
- B. Bid Report

**CITY ATTORNEY REPORT**

- 1. City Attorney Report – September 2013

City Attorney Klinkner congratulated the newly elected council members. He reported the litigation with Tony Neal over the terms of his donation of Ben Walters Memorial Park has been resolved in the City's favor. A final judgment has been entered that voids the covenants document that Mr. Neal relied on for his claim against the city. The City's record title is clear of the covenants document. The deed to the park is still in effect and contains conditions for



the property's use as a park. It remains in effect and is binding on the city. We secured Mr. Neal's agreement not to appeal the decision and in return agreed to waive any claim for attorney fees.

## **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. Port and Harbor Building Task Force

## **PENDING BUSINESS**

- A. (If Reconsideration Passes) **Resolution 13-040**, A Resolution of the Homer City Council Directing the City Administration to Terminate All Survey, Design, and Cost Estimating Work on the Kachemak Drive Pathway. Mayor.

Memorandums 13-059 and 13-135 from Parks and Recreation Advisory Commission as backup.

Reconsideration failed. No action taken.

## **NEW BUSINESS**

## **RESOLUTIONS**

- A. **Resolution 13-106**, A Resolution of the Homer City Council Awarding the Bid for the Operation and Management of the Homer Animal Shelter to the Lowest Responsible

Bidder in the Amount of the Low Bid and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Police Chief.

**Resolution 13-106(S)**, A Resolution of the Homer City Council Awarding the Bid for the Operation and Management of the Homer Animal Shelter to Coastal Animal Care of Homer, Alaska, in the Amount of \$129,988.80 for a Three-Year Contract, with a Two-Year Extension Option, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Police Chief.

Memorandum 13-145 from Police Chief as backup.

Mayor Wythe called for a motion for the adoption of Resolution 13-106 by reading of title only.

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to substitute Resolution 13-106(S) for Resolution 13-106.

BURGESS/ZAK – SO MOVED.

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 13-102**, A Resolution of the Homer City Council Restoring the Irrevocable Grandfather Rights Back to the Bay View Inn. Zak.

Memorandum 13-147 from City Attorney as backup.

Mayor Wythe called for a motion for the adoption of Resolution 13-102 by reading of title only.

ZAK/LEWIS – SO MOVED.

Councilmember Zak brought the resolution forward for a chance to discuss it. Memorandum 13-147 from the city attorney talks about the reasons why we cannot just grandfather businesses in. He talked to Planning about procedures anyone with a business could go through to become conforming. Just one day of operating the business within the twelve month period makes it conforming. If that is not possible there is the option of a conditional use permit through the Planning Commission or addressing the definition of non-conforming or discontinuance. Both of those options might be another way for businesses to continue operations.

Councilmember Burgess agrees with Councilmember Zak's intention to assist a business. We do run a lot of legal risks by playing favorites or micromanaging. The best approach is to find a more universal solution, still remaining business friendly.

Councilmember Howard commented a property owner has the right to have his property at the highest and best use. The value of the subject property has been reduced by taking it back to residential. A solution must be applicable city-wide. In most courts property rights are precious and we need to be careful. She encouraged the applicants to work through the proper channels to resolve things for the good of the whole.

Councilmember Lewis asked the city attorney if it is possible to go back to the ordinance that all businesses in the annexed portion of the city could be grandfathered in permanently. Because of annexation businesses should not be punished.

City Attorney Klinkner will review the annexation/grandfather rights for properties.

Councilmember Dolma thinks the conversation is not properly directed. There are legal mechanisms by legal remedy that could have been taken by the landowner to avoid the situation. It is wrong to address this for a specific landowner.

Mayor Wythe advised Council they can provide direction to Planning and Zoning. It can be a broad direction that they explore alternatives with no impact on businesses. The attorney could look to see if there is a provision related to annexation.

Councilmember Dolma reiterated the situation wasn't caused by the way the grandfathered business was set up. The problem was that the owner of the property did not do things that were possible; it was poor planning. It is not something the city did wrong and this is not the correct way to fix it.

Councilmember Burgess requested the Planning Commission take a look at how to transition uses that are nonconforming into conforming uses. He runs into th situation with neighbors and other small businesses. He requested the Planning Commission to come back with something more user friendly.

Mayor Wythe confirmed Council's recommendation to have Planning review nonconforming uses.

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

Motion failed.

- C.     **Resolution 13-105**, A Resolution of the Homer City Council Awarding the Bid for the Snow Removal and Sanding Services 2013/14, 2014/15, and 2015/16 to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$450.00 per Snow Plow/Trip; \$450.00 per Sanding/Trip; Total/Trip \$900.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 13-144 from Public Works Director as backup.

Mayor Wythe called for a motion for the adoption of Resolution 13-105 by reading of title only.

DOLMA/LEWIS - SO MOVED.

Councilmember Dolma questioned the high rates and asked if it was possible for the city employees to do the plowing/sanding or put it out for bid again.

Councilmember Burgess commented the bid seemed high, but there are five buildings to plow. That computes to \$90 per building for plowing/sanding. Gregoire Construction is qualified to do the work.

Council discussed the option of postponing action to October 28<sup>th</sup> when the City Manager and Public Works Director were back. After hearing that Public Works was busy plowing/sanding other critical areas of town in the early mornings, Council decided to award the contract tonight.

VOTE: 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 had no comment.

#### **COMMENTS OF THE CITY CLERK**

City Clerk Johnson thanked everyone that participated in this year's election. It was a successful election with a few new learning experiences. We appreciate our election workers and the other clerks in the office.

#### **COMMENTS OF THE CITY MANAGER**

Acting City Manager Johnson had no comment.

#### **COMMENTS OF THE MAYOR**

Mayor Wythe congratulated Bryan and Gus and thanked James for his commitment this last year. She thanked Jo for taking on the role of the city manager while Walt is on vacation and for being the city clerk.

#### **COMMENTS OF THE CITY COUNCIL**

Councilmember Dolma commented it has been a fun year. He is looking forward to following the exploits of the City Council next year.

Councilmember Lewis thanked James. He said it has been fun serving with him. He is sure James will enjoy sitting home on Monday nights now. He congratulated both Bryan and Gus and Justin on his successful return of the bags. He is disappointed but not surprised.

Councilmember Burgess thanked everyone for a great meeting and thanked everyone for voting in the election. He will be sad to see James go. Bryan and Gus, let's work hard. For upcoming budget priorities it important that we pay attention to and seriously consider the upcoming 2% staff COLA. We should look to the COLA and increasing base pay as a way to justify and reduce health care costs. Given the budget presentation, we need to look at optimizing our operating revenues. There is money we could be making on airport operations and across the board. A community recreation needs assessment is needed. There are a lot of other things the community can do to keep the ball rolling and bring in other revenue streams. We should take the Chamber's request for funding to shore up the visitors center and marketing more seriously. We rely on the Chamber of Commerce to market the community.

Councilmember Zak thanked James for his service to the community. As James said, there is opportunity for past council members to sign up for a commission. He thanked all the people that ran the election. He met a lot of great people and learned a lot from them in the process. It was a learning process after the election to see the recount and the professionalism with the voting. The way everything was done is a critical process that was done correctly by professionals. It was a 3.5 to 4 hour process and he felt reassured at the importance of voting. He appreciates the time voters took to come to vote; it was down to ten votes. He thanked the LAB for presenting their strategic plan, and acknowledged the letters in the packet from the Homer Hockey Association and the rec group. Lastly, he thanked the folks that asked him to present Resolution 13-102 to try to find a solution to the nonconforming use. There are three or four possible solutions that we have to keep addressing.

Councilmember Roberts thanked James for his service. She enjoyed working with him. He is an insightful and thoughtful person. She looks forward to continuing to work with Bryan and welcomed Gus.

Councilmember Howard thanked James for serving on the City Council and Planning Commission. She enjoyed working with him. She congratulated and welcomed Gus. She thanked the unsuccessful candidates for getting in the arena. She thanked the Clerks for running a smooth election and conducting the recount. It was a lot of stress, but they complied with the law very well.

Mayor Wythe announced the Rotary Health Fair is Saturday, November 2.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:02 p.m. The next Regular Meeting is Monday, October 28, 2013 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.

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JO JOHNSON, MMC, CITY CLERK

Approved: \_\_\_\_\_







## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

[mayor@ci.homer.ak.us](mailto:mayor@ci.homer.ak.us)

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 13-148

TO: HOMER CITY COUNCIL

FROM: MARY E. WYTHE, MAYOR

DATE: OCTOBER 21, 2013

SUBJECT: APPOINTMENT OF CORBIN ARNO TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION, REAPPOINTMENT OF COUNCILMEMBER BRYAN ZAK TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION AS CONSULTING MEMBER, AND REAPPOINTMENT OF MATT NORTH TO THE PERMANENT FUND COMMITTEE.

Corbin Arno is appointed to the Economic Development Advisory Commission to replace outgoing member Nicholas Schmitt. His term will expire April 1, 2016.

Councilmember Bryan Zak is reappointed to the Economic Development Advisory Commission as consulting member. His appointment will expire with office.

Matt North is reappointed to the Permanent Fund Committee. His appointment will expire October 31, 2015.

#### RECOMMENDATION:

Confirm the appointment of Corbin Arno to the Economic Development Advisory Commission, the reappointment of Bryan Zak to the Economic Development Advisory Commission as consulting member, and the reappointment of Matt North to the Permanent Fund Committee.

Fiscal Note: N/A





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

CITY CLERKS OFFICE  
CITY OF HOMER  
491 E. PIONEER AVENUE  
HOMER, ALASKA 99603  
PHONE 907-235-3130  
FAX 907-235-3143

RECEIVED BY CLERK'S OFFICE

OCT 15 2013 PM 01:42 *pk*

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	Corbin Arno	Date	10-15-13
Physical Address	2700 Sprucewood Dr.	City	Homer
Mailing Address	P.o. Box 2231	Zip Code	99603
Phone	235-2013	Work #	
		Cell #	299-0015
Email Address	corbinwaynearno@gmail.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 type="checkbox"/>	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 P.M. WORKSESSIONS AT 5:30 P.M.
<input checked="" type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY - JANUARY TO APRIL & SEPTEMBER TO DECEMBER AT 5:00 P.M. 4TH WEDNESDAY - MAY - AUGUST AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	TRANSPORTATION ADVISORY COMMITTEE	3RD TUESDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 5:15 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

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

I am presently employed as:

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

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

If so when and where?

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

I am interested in serving on the above because:

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

☒ Yes ☐ No

If yes, please list organizations:

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence? ☐

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:

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

[Print Form](#)

## Jo Johnson

---

**From:** bryanzak@aol.com  
**Sent:** Monday, October 07, 2013 11:04 AM  
**To:** Jo Johnson  
**Subject:** Re: Reappointment to EDC

Yes, I would still like to be reappointed and I understanding holding off until after the recount.

Thank you,

**Bryan Zak**  
**Cell 907-223-6681**

-----Original Message-----

**From:** Jo Johnson <[JJJohnson@ci.homer.ak.us](mailto:JJJohnson@ci.homer.ak.us)>  
**To:** [bryanzak@aol.com](mailto:bryanzak@aol.com) ([BryanZak@aol.com](mailto:BryanZak@aol.com)) <[bryanzak@aol.com](mailto:bryanzak@aol.com)>  
**Sent:** Mon, Oct 7, 2013 11:02 am  
**Subject:** Reappointment to EDC

Bryan,  
With the application for recount of the ballots I am going to hold off putting your reappointment to the EDC until October 28. The recount may move the resolution to certify election results back if we are not done.

You do still want to be reappointed to that commission?

Thanks,

Jo Johnson

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

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





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 13-151

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, DEPUTY CITY CLERK

DATE: OCTOBER 23, 2013

SUBJECT: LIQUOR LICENSE RENEWAL FOR SALTY DAWG SALOON AND CAFÉ CUPS

---

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

Type: Beverage Dispensary  
Lic #: 1002  
DBA Name: Salty Dawg Saloon  
Service Location: 4380 Homer Spit Road  
Owner: Sdawg, Inc.  
Mailing Address: PO Box 2581., Homer, AK 99603

Type: Restaurant Eating Place  
Lic.#: 3210  
DBA Name: Café Cups  
Service Location: 162 W. Pioneer Ave.  
Owner: Bivalves, Inc.  
Mailing Address: 162 W. Pioneer Ave., Homer, AK 99603

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

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: October 22, 2013  
TO: Melissa Jacobsen, Deputy City Clerk  
FROM: *for* Mark Robl, Chief of Police *WTHA*  
SUBJECT: Liquor License Renewals

---

The Homer Police Department has no objection to the liquor license renewals for the following businesses:

#### Beverage Dispensary

Salty Dawg Saloon Lic#1002  
4380 Homer Spit Road  
Homer, AK 99603  
Owner: Sdawg, Inc.  
Mailing Address: PO Box 2581. Homer, AK 99603

#### Restaurant Eating Place

Café Cups Lic #3210  
162 W Pioneer Ave.  
Homer AK 99603  
Owner: Bivalves, Inc.



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

### Memorandum

TO: MARK ROBL, POLICE CHIEF

FROM: MELISSA JACOBSEN, DEPUTY CITY CLERK

DATE: OCTOBER 21, 2013

SUBJECT: LIQUOR LICENSE RENEWAL FOR SALTY DAWG SALOON AND CAFÉ CUPS

---

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

Type: Beverage Dispensary  
Lic #: 1002  
DBA Name: Salty Dawg Saloon  
Service Location: 4380 Homer Spit Road  
Owner: Sdawg, Inc.  
Mailing Address: PO Box 2581., Homer, AK 99603

Type: Restaurant Eating Place  
Lic.#: 3210  
DBA Name: Café Cups  
Service Location: 162 W. Pioneer Ave.  
Owner: Bivalves, Inc.  
Mailing Address: 162 W. Pioneer Ave., Homer, AK 99603

This matter is scheduled for the October 28, 2013 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **Wednesday, October 23, 2013**.

Thank you for your assistance.



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5437  
Fax: 907.263.5930

October 10, 2013

RE: Liquor License Renewal Notice

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

**HOMER**

Type: Beverage Dispensary  
Lic #: 1002  
DBA Name: Salty Dawg Saloon  
Premise Address: 4380 Homer Spit Road  
Owner: Sdawg Inc.  
Mailing Address: PO Box 2581, Homer, AK 99603

Type: Restaurant Eating Place  
Lic #: 3210  
DBA Name: Café Cups  
Premise Address: 162 W Pioneer Ave.  
Owner: Bivalves Inc.  
Mailing Address: 162 W Pioneer Ave., Homer, AK 99603

**KACHEMAK**

Type: Beverage Dispensary - Duplicate  
Lic #: 4813  
DBA Name: Wasabi's Fusion  
Premise Address: 59217 East End Road  
Owner: Flying Fish LLC  
Mailing Address: 59217 East End Road, Homer, AK 99603

Type: Winery  
Lic #: 4374  
DBA Name: Bear Creek Winery  
Premise Address: 60203 Bear Creek Road  
Owner: Bear Creek Winery LLC  
Mailing Address: 60203 Bear Creek Drive, Homer, AK 99603



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.263.5900  
TDD: 907.465.5437  
Fax: 907.263.5930

October 10, 2013

**Renewal Application Notice**

City of Homer, Kachemak, Kenai, Seward, Soldotna, Kenai Peninsula Borough

Attn: City Clerks & Borough Clerk

VIA EMAIL: [jjohnson@ci.homer.ak.us](mailto:jjohnson@ci.homer.ak.us); [kachemak@xyz.net](mailto:kachemak@xyz.net); [smodigh@ci.kenai.ak.us](mailto:smodigh@ci.kenai.ak.us);  
[clerk@cityofseward.net](mailto:clerk@cityofseward.net); [jkinney@cityofseward.net](mailto:jkinney@cityofseward.net); [cityclerk@ci.soldotna.ak.us](mailto:cityclerk@ci.soldotna.ak.us);  
[jblankenship@borough.kenai.ak.us](mailto:jblankenship@borough.kenai.ak.us); [kring@borough.kenai.ak.us](mailto:kring@borough.kenai.ak.us); [joanne@borough.kenai.ak.us](mailto:joanne@borough.kenai.ak.us)

We have received a renewal application for the attached listed licenses 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

/s/ *Christine C. Lambert*  
Christine C. Lambert  
Licensing & Records Supervisor  
[Christine.lambert@alaska.gov](mailto:Christine.lambert@alaska.gov)



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-42**

An Ordinance of the City Council of Homer, Alaska, Amending the Definition of “Discontinued” in Homer City Code 21.61.015, Definitions, to Extend the Time Required to Discontinue a Nonconforming Use from 12 Months to 36 Months.

Sponsor: Zak

1. City Council Regular Meeting October 28, 2013 Introduction





**CITY OF HOMER  
HOMER, ALASKA**

Zak

**ORDINANCE 13-42**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE DEFINITION OF "DISCONTINUED" IN HOMER  
CITY CODE 21.61.015, DEFINITIONS, TO EXTEND THE TIME  
REQUIRED TO DISCONTINUE A NONCONFORMING USE FROM 12  
MONTHS TO 36 MONTHS.

WHEREAS, The City's zoning code permits the continuation of a lawful nonconforming use subject to limitations; and

WHEREAS, One such limitation is that the right to maintain a nonconforming use terminates when the use ceases and has not substantially resumed for a period of 12 consecutive months; and

WHEREAS, Due to factors outside the control of the former or successor operator of a nonconforming use, the time required for a successor operator to resume the operation of the use may exceed 12 months, resulting in an unfair forfeiture of the right to maintain the use; and

WHEREAS, A 36-month limit on the time a nonconforming use may cease will provide a more reasonable time for a successor operator to accomplish the steps necessary to resume operation of the use.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The definition of "Discontinued" in HCC 21.61.015, Definitions, is hereby amended to read as follows:

"Discontinued" means that a nonconforming use has ceased, and has not substantially resumed, for a period of 36 ~~12~~ consecutive months, regardless of intent.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

[Added language underlined. ~~Deleted language stricken through.~~]

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

\_\_\_\_\_  
Walt Wrede, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Fiscal Note: N/A

[Added language underlined. ~~Deleted language stricken through.~~]

**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-43**

An Ordinance of the Homer City Council Authorizing the Expenditure of Homer Accelerated Water and Sewer Program (HAWSP) Funds for Paradise Place Sewer Main Extension and Approving the Creation of a Deferred Assessment on Benefitted Properties.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting October 28, 2013 Introduction
  - a. Memorandum 13-150 from Public Works Inspector as backup
  - b. Map of proposed sewer extension



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Public Works Director

**ORDINANCE 13-43**

AN ORDINANCE OF THE HOMER CITY COUNCIL AUTHORIZING  
THE EXPENDITURE OF HOMER ACCELERATED WATER AND  
SEWER PROGRAM (HAWSP) FUNDS FOR PARADISE PLACE SEWER  
MAIN EXTENSION AND APPROVING THE CREATION OF A  
DEFERRED ASSESSMENT ON BENEFITTED PROPERTIES.

WHEREAS, The owner of Lot 3, Block 2, Paradise South Subdivision needs to replace  
the lot's on-site sewer system and desires to connect to the City sewer system; and

WHEREAS, To receive City sewer service, the owner of Lot 3, Block 2, Paradise South  
Subdivision must extend a sewer main 700 feet west along Paradise Place from Spencer Drive  
to the western edge of Lot 3, Block 2; and

WHEREAS, This sewer main extension also would front and benefit Lots 1 and 4, Block  
1, and Lots 1 and 2, Block 2, Paradise South Subdivision, and the cost of design and  
construction of the main extension should be allocated equally among the five benefitted  
properties; and

WHEREAS, Lot 1, Block 1, and Lot 1, Block 2, Paradise South Subdivision already  
receive city sewer service from an existing main, and both were considered adjacent to that  
main and paid main extension costs at the time of their connection; and

WHEREAS, The owners of the other benefitted properties have declined to participate  
in a special assessment district to finance the main extension; and

WHEREAS, In the past the City has reimbursed a property owner who extends a sewer  
main for the costs of the extension that are allocated to other benefitted properties, and  
made those other benefitted properties subject to deferred assessments for their allocated  
portion of the main extension costs; and

WHEREAS, The Public Works Department and the City Attorney recommend that the  
City pay the part of the main extension cost that would be allocated to Lot 1, Block 1, and Lot  
1, Block 2, Paradise South Subdivision because each lot already paid main extension costs  
when it connected to the City sewer system; and

WHEREAS, Lot 4, Block 1, and Lot 2, Block 2, Paradise South Subdivision should be subject to deferred assessments for their portion of the main extension cost that are due and payable to the City only if and when the owner of the lot applies for a connection permit to receive City sewer service.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The owner of Lot 3, Block 2, Paradise South Subdivision initially shall pay the cost of design and construction of a 700 foot sewer main extension west along Paradise Place from Spencer Drive to the western edge of Lot 3, Block 2. The estimated cost of the sewer main extension is \$37,000.

Section 2. The cost of the sewer main extension described in Section 1 shall be allocated equally among Lots 1 and 4, Block 1, and Lots 1, 2 and 3, Block 2, Paradise South Subdivision, as illustrated in the following table:

Property Description (Lots in Paradise South Subdivision):	Allocation of Estimated Cost
Lot 1, Block 1	\$7,400
Lot 4, Block 1	\$7,400
Lot 1, Block 2	\$7,400
Lot 2, Block 2	\$7,400
Lot 3, Block 2	\$7,400
<b>Total Estimated Cost</b>	<b>\$37,000</b>

Section 3. The City Council authorizes the City to reimburse the owner of Lot 3, Block 2, Paradise South Subdivision the portion of the actual cost (whether greater or less than the estimated cost stated herein) of design and construction of the sewer main extension that benefits Lots 1 and 4, Block 1, and Lots 1 and 2, Block 2, Paradise South Subdivision. The estimated total amount of the reimbursement is \$29,600. HAWSP Funds shall be used to make this reimbursement:

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
205-375	HAWSP Funds Paradise Place Sewer Main Extension	\$29,600

Section 4. Lot 4, Block 1, and Lot 2, Block 2, Paradise South Subdivision shall be subject to deferred assessments in an amount equal to one-fifth of the actual cost (whether greater or less than the estimated cost stated herein) of design and construction of the sewer main extension. A deferred assessment shall be due and payable when the owner of the lot applies for a connection permit to receive City sewer service.

Section 5. This ordinance is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

110 Reviewed and approved as to form.

111

112

113 \_\_\_\_\_  
Walt Wrede, City Manager

114

115 Date: \_\_\_\_\_

116

117

118 Fiscal Note: Estimated project cost design and construction of the sewer main extension is  
119 \$37,000 with the portion of the cost that is allocated to four of the benefitted properties paid  
120 for by the HAWSP (\$29,600). Two benefitted properties will be subject to deferred  
121 assessments; that will be borne by HAWSP until the owner of the lot applies for a connection  
122 permit to receive City sewer service.

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Public Works

3575 Heath Street  
Homer, AK 99603

[publicworks@cityofhomer-ak.gov](mailto:publicworks@cityofhomer-ak.gov)

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 13-150

To: Walt Wrede, City Manager

From: Dan Gardner, PW Inspector

Date: October 15, 2013

Subject: **Proposed Paradise Place Sewer Main Extension  
From Spencer Drive East for 700 Lineal Feet  
Approval to Create Deferred Assessments on Benefitted Properties**

---

A property owner on Paradise Place is in need of replacing their on-site sewer system, and desires to connect to the City sewer collection system. The referenced lot is identified as Lot #1 Delehanty on the attached map. A 700 foot sewer mainline extension would be required for this lot to have sewer service. The owner has made contact with all but four lot owners in the area north and west of their lot and there is not anyone that is interested in participating in a sewer LID. Based on this information, the owners of Lot #1 have pursued a design for the 700 foot extension and also have a cost estimate for the extension and are ready to pursue construction.

When the proposed 700 foot extension is completed, there will be a total of 5 benefitting properties. One of the properties would be owned by the “developer”, and identified on the attached map as Lot 1 Delehanty. Two of the lots have active city sewer service and are identified as Lot #4 Springer and Lot #5 Schulz. These two lots paid extension costs at the time of their connection, and the lots were considered “adjacent to the main” at the time of their connection. Based on this fact, and the city attorney’s opinion, the city should pay for the extension costs for the main along these two lots. The remaining two lots are Lot #2 Anderson and lot #3 Lucas, neither of which are interested in connecting at this time.

Homer City Code does provide for a method that allows a “developer” who extends a main to be reimbursed by benefitting properties when connections are made. The method is seldom utilized because it requires considerable upfront documentation, only applies to connections made within 10 years, and the situation is difficult to monitor after construction is complete.

Another approach to this situation, used in the past as recently as 2007 on Fairview Avenue and again in 2009 on Fairview Avenue, is for the City to reimburse the “developer” for the costs of extending that portion of main that benefits others and create deferred assessments

(based on fairly apportioned construction costs) on benefited properties. These assessments are due and payable to the City, only if and when connection permit applications are made.

Below is a cost estimate and methodology approach for deferred assessments:

The lot owner needing service (Lot #1 on attached map) is required to extend the sewer main from Spencer Drive, west to the western edge of their property to be eligible for sewer service (approximately 700 feet). This proposed extension would front and benefit Lot numbers 2, 3, 4, and 5 in addition to the “developer’s” lot.

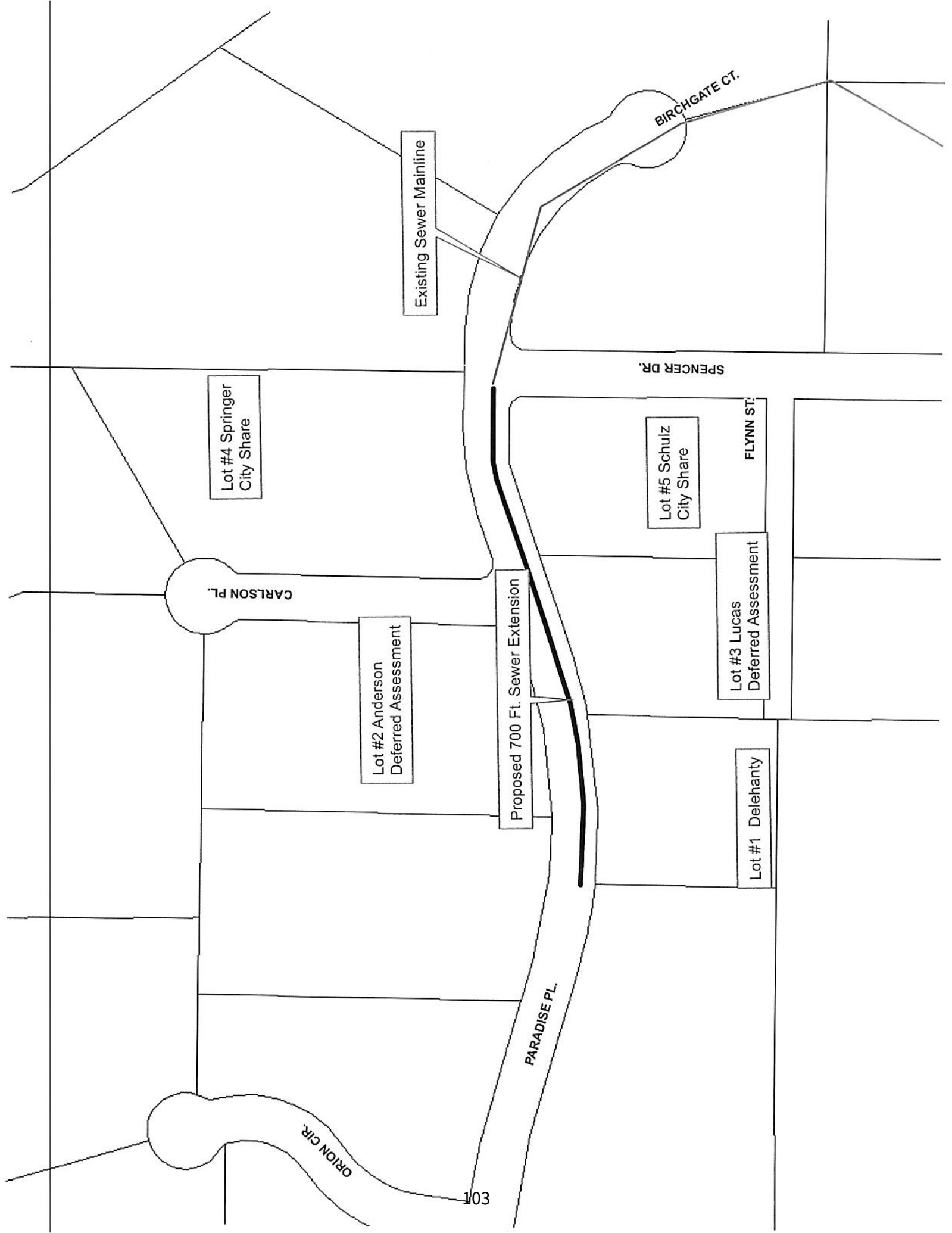
The total cost of design and construction would then be shared equally between the 5 benefitting properties.

#### Estimated Cost Responsibility

Lot #1	\$ 7400
Lot #2	\$ 7400
Lot #3	\$ 7400
Lot #4	\$ 7400
Lot #5	\$ 7400
Total Cost =	\$ 37,000

#### Recommendation

City Council authorize expenditure of Homer Accelerated Water & Sewer Program (HAWSP) funds for construction of the proposed Paradise Place Sewer Main Extension, and approve the creation of deferred assessments on benefitted properties. The owner of Lot #1 (see attached map) will initially cover all costs associated with design and construction. As soon as the improvements are installed and approved, the City will reimburse the owner the value of the deferred assessments based on the actual, documented design and construction costs and according to the cost share table referenced above.



BIRCHGATE CT.

Existing Sewer Mainline

SPENCER DR.

Lot #4 Springer  
City Share

Lot #5 Schulz  
City Share

FLYNN ST.

Lot #3 Lucas  
Deferred Assessment

CARLSON PL.

Lot #2 Anderson  
Deferred Assessment

Proposed 700 Ft. Sewer Extension

Lot #1 Delehanty

PARADISE PL.

ORION CIR.

103



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-44**

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2014 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 28, 2013 Introduction



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 13-44**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
APPROPRIATING FUNDS FOR THE CALENDAR YEAR 2014 FOR  
THE GENERAL FUND, THE WATER-SEWER FUND, THE  
PORT/HARBOR FUND, DEBT FUNDS, AND CAPITAL RESERVE  
FUNDS (CONDITIONAL EXPENDITURES).

THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to the authority of Alaska Statute, Title 29, the appropriations for  
Calendar Year ending December 2014 are appropriated as follows:

General Fund	\$11,836,954
Water-Sewer Fund	\$ 3,801,211
Port/Harbor Fund	\$ 4,678,077
Capital Projects	\$ 62,000
Internal Service Funds	\$ <u>2,377,175</u>
Total Expenditures	\$ 22,755,417

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

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

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

Section 5. The property tax mill levy is set at 4.5 mills for 2014.

Section 6. This Ordinance is limited to approval of the Budget and appropriations for  
Calendar Year 2014, is a non code Ordinance and shall become effective January 1, 2014.

PASSED AND ENACTED by the Homer City Council on this \_\_\_\_\_ day of December,  
2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Introduction:  
Public Hearing:  
Second Reading:  
Effective Date:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt Wrede, City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Fiscal Note: See Line Item Budget and detail.



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 13-107**

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, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHER, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 13-108**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
MAINTAINING THE PORT OF HOMER TERMINAL TARIFF NO. 600  
AT THE CURRENT RATES.

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

WHEREAS, It was determined there were no adjustments to the Port of Homer  
Terminal Tariff No. 600 at this time.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby maintains the Port of  
Homer Terminal Tariff No. 600 at the current rates.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this \_\_\_\_\_ day of  
December, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk/  
Port and Harbor Director

**RESOLUTION 13-109**

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE  
BID FOR THE PORT AND HARBOR SURPLUS DOCK FENDERS TO  
THE FIRM OF ALASKA MARINE EXCAVATION LLC OF ANCHOR  
POINT, ALASKA, IN THE AMOUNT OF \$25,500.00 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 News on September 26 and October 3, 2013, and posted on the  
Clerk's home page; and

WHEREAS, Bids were due on October 10, 2013 and three bids were received; and

WHEREAS, Bids were opened and the firm of Alaska Marine Excavation LLC of Anchor  
Point, Alaska, was determined to be the highest responsive bidder; and

WHEREAS, This award is not final until written notification is received by Alaska  
Marine Excavation LLC from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves  
the bid award for the Port and Harbor Surplus Dock Fenders to the firm of Alaska Marine  
Excavation LLC of Anchor Point, Alaska, in the amount of \$25,500.00 and authorizes the City  
Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 28<sup>th</sup> day of October, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

43 Fiscal Note: \$25,500 Revenue for Port and Harbor.  
44



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Port and Harbor

4350 Homer Spit Road  
Homer, AK 99603

[port@cityofhomer-ak.gov](mailto:port@cityofhomer-ak.gov)

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 13-152

TO: Homer: City Council and Mayor  
THROUGH: City Manager, Walt Wrede *WW*  
FROM: Bryan Hawkins, Port Director/Harbormaster  
DATE: October 20, 2013  
SUBJECT: Results on our ITB sale on surplus dock fenders

---

In May of this year, the City completed a dock fender replacement project on our Deep Water Dock. As part of this project, the contractor was directed to move the old fender units to the chip pad, to be sold at a later date.

The city advertised a sale on these dock fenders early in September and received one bid in that sale. That bid offer was below the minimum advertised limit. Staff decided to re-advertise this sale in October with a "or best offer" option, which resulted in three responsive bidders. Bidders and offers are listed below:

- |                                 |                    |
|---------------------------------|--------------------|
| 1. Alaska Scrap & Recycling     | base bid \$ 10,000 |
| 2. Kevin Hogan                  | base bid \$ 14,200 |
| 3. Alaska Marine Excavation LLC | base bid \$25,500  |

Recommendation: City award the sale of the Deep Water Dock surplus fenders to Alaska Marine Excavation LLC for the price of \$ 25,500





**INVITATION TO BID**  
**By the City of Homer, Alaska**  
**For Sale of Surplus Dock Fenders**

Sealed bids will be received on surplus City of Homer, Port and Harbor dock fenders until 3:00 p.m. Thursday, October 10, 2013 at City Clerk's Office, City of Homer, 491 E. Pioneer Avenue, Homer, AK 99603, at which time they will be publicly opened and read. Sealed bids must be on the proper bid form provided by the City. Plan holder registration forms, detailed description of the dock fenders, minimum bid requirements, and bid form are available on line at <http://www.cityofhomer-ak.gov/rfps> **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.**

Inspection of dock fenders may be arranged by contacting the Port Director/Harbormaster Bryan Hawkins during regular office hours before the closing of the bid on October 10<sup>th</sup>. Contact the Harbor Office at 4350 Homer Spit Road, Homer, AK 99603, phone number 907-235-3160.

Dock fenders will be sold in "as is, where is" condition, no warranties expressed or implied. The City reserves the right, when in its best interest, to reject any and all bids and to waive any informalities or irregularities. **The City will consider all proposals for the salvage and disposal of the equipment offered in this sale.** After purchase, dock fenders must be paid for and removed within thirty (30) working days of the bid opening.

Dated this 19<sup>th</sup> day of September 2013.

  
Walt Wrede, City Manager

Account # 400-600-5227

Publish: Homer News September 26 & October 3, 2013  
Alaska Association of Harbormasters & Port Administrators

CITY OF HOMER  
BID TALLY SHEET

Page 1 of 1

PROJECT: ITB Surplus Dock Fender Sale

DUE DATE & TIME: October 10, 2013 3:00 p.m.

CITY CLERK'S OFFICE

BIDDER NO.	BIDDER NAME & ADDRESS	
1.	Alaska Scrap & Recycling dba/ Peninsula Scrap & Salvage 42115 K-Beach Road Soldotna, AK 99669	\$10,000
2.	Kevin Hogan 4735 Tamara St. Homer, AK 99603	\$14,200 – Basic Bid 1. Add \$1,200 if payment/removal extended 90 working days 2. Add \$3,200 if removal extended to 5/30/14 \$18,600 total w/ 1 & 2; \$15,400 w/#1 only, \$17,400 w/#2 only If #2 accepted 25% deposit with bid award by council.
3.	Alaska Marine Excavation 34481 North Fork Rd. Anchor Point, AK 99556	\$25,500
4.		

Staff Present: Deputy City Clerk Jacobsen, Accounting Technician Earls, Port Director/Harbormaster Hawkins

Comments:

# VISITORS





***Our Mission: To support our membership through cooperative economic development and community service.***

**REPORT TO THE CITY  
HOMER CHAMBER OF COMMERCE & VISITOR CENTER  
October 28, 2013  
Jim Lavrakas / Executive Director**

Mayor Wythe, City Council members, City Manager, and residents listening on the radio tonight. I'm Jim Lavrakas, executive director of the Homer Chamber of Commerce & Visitor Center, and I'm happy to come before you tonight to report on how the grant from the City was used last year in the marketing of Homer, and how successful those efforts were.

But please remember that my time as the executive director has been less than 2 months, so I am making my best estimations of the effectiveness of individual marketing efforts.

I'd first like to acknowledge the relationship the Chamber has with the City of Homer. For all intents and purposes, the Chamber has an agreement with the city to provide a service. For any grant money that comes from the City you contract us to market and promote the City of Homer as a place to do business, and a destination where people can enjoy the unique qualities that make Homer stand out from other places in Alaska.

No City funds go towards the operating costs of the Chamber -- no salaries, utilities, or other expenses are paid with those dollars. It all goes into marketing.

It's an immense job, the marketing of our town, and we're the obvious organization to take on that job that the City may not have the resources to do.

This past year we reached out to writers and travel professionals by working with our partners at the Alaska Tourism Industry Association and the Kenai Peninsula Tourism Marketing Council to leverage our advertising dollars with theirs to promote the peninsula as a destination for Alaskans and Outside visitors.

ATIA does the vetting of the professionals we actually host. That means, that we have only had to focus our energies on travel writers and professionals who the State's public relations firm actually feels have potential to reach a market that will help bring more travelers to our area. Of course, some of the publicity we get from these folks is spread out over several years. A writer who goes on a bear viewing adventure, for example, may write about it soon afterwards, AND may use the details and/or photos they collected in future stories about the Homer area.

Some of the professionals we hosted this year were:

With our partners at the Alaska Travel Industry Association we hosted 14 travel professionals from Trek America and Grand American Adventures for several days at the beginning of August. They got to see that our town is still a "lively place" on the shoulder season. They are taking back with them some new adventures, dining, and lodging options for their targeted audiences in England, Germany, the Netherlands, and the U.S. We should start to see the results of that in the next couple of year.



The Cooke & Haggerty party came to town in August contracted by McClatchy Newspapers to write on affordable family travel. Anne Cooke, a travel and adventure writer, is a regular contributor to the McClatchy-Tribune wire service, a other dozen major daily newspapers, and has been blogging for the Huffington Post since late 2010.

We hosted Elizabeth Hey from AAA's VIA Magazine, who will have a story focusing on fishing scheduled for their Jan 2014 issue, but who also did a great feature article in February of this year, on "Where the Bears Are".

In looking at last year's grant of \$41,000 from the City, as you can see in your packets *more than* \$21,000 out of the total budget of \$62,000 went towards local marketing and advertising, for both design, publication, and printing. That's a nice "Buy Local, Shop Local" shot in the arm.

The dues from our members paid the remaining \$21,000 in that \$62,000 marketing budget.

I think that advertising our events in our local newspapers is a wise thing, but after my years of experience in the newspaper business, I've come to understand that there is a limit to the effectiveness of print advertising these days. I believe that a more thoughtful approach to advertising is warranted on all fronts.

I'm looking at more targeted online ads, limiting the number of print ads in the various publications that come calling, and sticking with the tried and true: The Alaska Milepost, and Fish Alaska Magazine, the state visitors guide and Alaska Magazine, where we've had good editorial coverage in the past year.

My contacts at the various media outlets in Anchorage affords the Chamber the kind of publicity for Homer that you cannot buy. Here's an example of that when I engineered a daily photo update from this past Shorebird Festival. For a

couple of hundred dollars I hosted Anchorage Daily News staff photographer Bob Hallinen for a week and the resulting space in the Anchorage paper, *if* you could buy space on the Front page, was valued at well over \$10,000.

This is the kind of publicity that I am able to generate with very little expense.

So, here's what I pledge to you. I promise to scrutinize all marketing dollars going out of the Chamber's doors to make sure they are spent prudently. I promise to focus on the core programs that have been so successful, like our Jackpot Halibut Derby, and those community events like the 4th of July Parade, Winter Carnival, Cleanup Day, Getting to Know Homer, and community forums, that contribute to the quality of life here in our fair city.

One of the efforts I've already started is a rebranding program for our Chamber. A simple revision of our logo produced this image of a modern seaport town with lots to offer as a destination. Just follow your compass. I'll continue to update all the materials that come out of the Chamber to bring any marketing we do more current, consistent, and contemporary.

I plan on exploring the possibility of having a presence on 4th Avenue in Anchorage, where many travelers fresh off their planes and cruise ships seek out the best destinations in the Southcentral area. We want to make them come to Homer.

I look forward, as I know we all do, to the healthy return of salmon to the Nick Dudiak Lagoon. I watch and filmed with excitement the stocking of the 130,000 plus coho smolt into the The Fishing Hole this past May. Those fish should come charging back next Spring! I plan on creating a "They're Coming" campaign that will target Alaskans first and help bring back the glory days of our man-made fishing hole.



Friends of the Fishing Hole, a Chamber program that has gone by the wayside, will be making a comeback and make a late run of coho salmon a possibility again.

We are one of a few seaside towns in Alaska that does not have a webcam set up out at our harbor. When I lived in Ketchikan, before I went to work, I checked the webcam of the charter boat floats just to see the action. I'll be investigating getting our own webcam to create the same excitement for people who want to see the action at *our* Port.

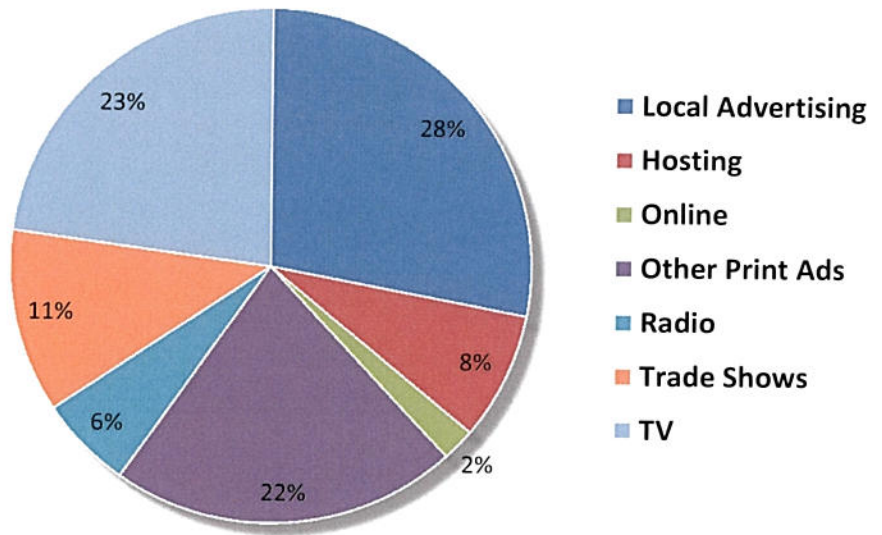
And finally, I will work on a new approach to drawing new residents to our town with an updated relocation program, both on our website and in the materials we send out to folks enquiring about moving to Homer. With the Google eCity award this year we can plan a promotion to those online business entrepreneurs looking for a savvy place where they can start a business and raise a family in a healthy place, like Homer.

So, I finish by saying it's business as usual at the Chamber, and it's not. Where my predecessor was a cheerleader, I'm a project leader. My background is in producing a daily product driven by deadlines that could not be missed, and I know how to lead a team.

I ask you to trust us at the Chamber to do our very best as your contractor to market and promote all of Homer to all of our potential visitors and future residents.

Local Advertising	\$ 21,383.00
Hosting	\$ 6,155.00
Online	\$ 1,600.00
Other Print Ads	\$ 16,500.00
Radio	\$ 4,480.00
Trade Shows	\$ 8,844.00
TV	\$ 17,500.00
<b>TOTAL</b>	<b>\$ 76,462.00</b>

## 2013 MARKETING BUDGET



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**EXTRA MILE DAY  
November 1, 2013**

WHEREAS, Homer, Alaska, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Homer, Alaska, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Homer, Alaska, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Started in 2009 by Founder Shawn Anderson’s vision that one person CAN make a difference, *Extra Mile Day* has grown from 23 participating cities in its inaugural year, to 116 in 2010, to 228 in 2011, to 362 in 2012, and this year a goal of 400 cities has been set.

WHEREAS, The City of Homer is proud to support *Extra Mile Day* on November 1, 2013.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of Homer, Alaska, do hereby proclaim November 1, 2013 to be *Extra Mile Day*. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those around who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 28<sup>th</sup> day of October, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK



## PUBLIC HEARING(S)





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

**Ordinances 13-39, 13-40, and 13-41**

A **public hearing** is scheduled for **Monday, October 28, 2013** 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 13-39, 13-40, and 13-41 internet address:**  
**<http://www.cityofhomer-ak.gov/ordinances>**

**Ordinance 13-39**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Land and Water Conservation Fund Grant from the State of Alaska Division of Parks and Outdoor Recreation in the Amount of \$75,000 and Appropriating the Required Local Match in the Amount of \$75,000 for Improvements to Karen Hornaday Park and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

**Ordinance 13-40**, An Ordinance of the Homer City Council, Amending HCC 7.04.010, State Statutes Adopted by Reference, HCC 7.04.020, Copies of State Traffic Code on File, HCC 7.04.030, Violation—Penalty, HCC 7.08.010, Compliance with State Law, HCC 7.08.045, Handicapped Parking, HCC 7.08.058, Removal of Impoundment Notice, and HCC 10.04.110, Violation—Penalty; and Repealing HCC 7.04.023, State Schedule of Minor Traffic Offenses and Bail Forfeiture—Adopted, HCC 7.04.025, State Schedule of Minor Traffic Offenses and Bail Forfeiture--Conflict with General Penalty, HCC 7.06.100, Penalty and Fine Schedule, HCC 7.08.060, Violation—Penalty, HCC 7.20.010, Compliance with State Law, HCC 7.20.080, Violation—Penalty, HCC Chapter 24, Traffic Violation Mandatory Sentences, and HCC 7.28.060, Violation; Penalty; to Establish a Consolidated Traffic Fine Schedule. City Clerk.

**Ordinance 13-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating a U.S. Fish & Wildlife Learning Landscape Grant with 50% In-Kind Matching Requirement, Up to \$25,000, for the Purpose of Completing Landscaping Improvements at Karen Hornaday Park Playground. City Manager/Public Works Director.



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](mailto:clerk@ci.homer.ak.us) or fax 235-3143.

Jo Johnson, MMC, City Clerk



Publish: Homer Tribune: October 23, 2013

## 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 13-39, Accepting and Appropriating a Land and Water Conservation Fund Grant from the State of Alaska Division of Parks and Outdoor Recreation in the Amount of \$75,000 and Appropriating the Required Local match in the Amount of \$75,000 for Improvements to Karen Hornaday Park; Ordinance 13-40, Amending HCC 7.04.010, State Statutes Adopted by Reference, HCC 7.04.020, Copies of State Traffic Code on File, HCC 7.04.030, Violation – Penalty, HCC 7.08.010, Compliance with State Law, HCC 7.08.045, Handicapped Parking, HCC 7.08.058, Removal of Impoundment Notice, and HCC 10.04.110, Violation – Penalty; Repealing HCC 7.04.023, State Schedule of Minor Traffic Offenses and Bail Forfeiture—Adopted, HCC 7.04.025, State Schedule of Minor Traffic Offenses and Bail Forfeiture—Conflict with General Penalty, HCC 7.06.100, Penalty and Fine Schedule, HCC 7.08.060, Violation—Penalty, HCC 7.20.010, Compliance with State Law, HCC 7.20.080, Violation—Penalty, HCC Chapter 24, Traffic Violation Mandatory Sentences, and HCC 7.28.060, Violation; Penalty; to Establish a Consolidated Traffic Fine Schedule; Ordinance 13-41, Appropriating a U.S. Fish & Wildlife Learning Landscape Grant with 50% In-Kind Matching Requirement, Up to \$25,000, for the Purpose of Completing Landscaping Improvements at Karen Hornaday Park Playground at the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office and Redden Marine October 17, 2013 and that the City Clerk posted same on City of Homer Homepage on October 15, 2013.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 16<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
Renee Krause, CMC, Deputy City Clerk I



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-39**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Land and Water Conservation Fund Grant from the State of Alaska Division of Parks and Outdoor Recreation in the Amount of \$75,000 and Appropriating the Required Local Match in the Amount of \$75,000 for Improvements to Karen Hornaday Park and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting October 14, 2013 Introduction
2. City Council Regular Meeting October 28, 2013 Public Hearing and Second Reading



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 13-39**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A LAND AND WATER CONSERVATION FUND GRANT FROM THE STATE OF ALASKA DIVISION OF PARKS AND OUTDOOR RECREATION IN THE AMOUNT OF \$75,000 AND APPROPRIATING THE REQUIRED LOCAL MATCH IN THE AMOUNT OF \$75,000 FOR IMPROVEMENTS TO KAREN HORNADAY PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City of Homer submitted an application for a Land and Water Conservation Fund Grant for improvements to Karen Hornaday Park; and

WHEREAS, The grant was awarded in the amount of \$75,000 and a local match of \$75,000 is required.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. That the City Council hereby accepts and appropriates a Land and Water Conservation Fund Grant for improvements to Karen Hornaday Park as follows and hereby authorizes the City Manager to execute the appropriate documents:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-0776	Land and Water Conservation Fund Grant	\$75,000

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-0776	Land and Water Conservation Fund Grant	\$75,000

Section 2. The City Council hereby appropriates the required matching funds from the General Fund Balance as follows:

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0375	Local Match	\$75,000

Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL of Homer, Alaska, this \_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

79 Reviewed and approved as to form:

80

81 \_\_\_\_\_

82 Walt Wrede, City Manager

83

84 Date: \_\_\_\_\_

85

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

86 Fiscal Note: Fiscal information included in body of Ordinance.





**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-40**

An Ordinance of the Homer City Council, Amending HCC 7.04.010, State Statutes Adopted by Reference, HCC 7.04.020, Copies of State Traffic Code on File, HCC 7.04.030, Violation—Penalty, HCC 7.08.010, Compliance with State Law, HCC 7.08.045, Handicapped Parking, HCC 7.08.058, Removal of Impoundment Notice, and HCC 10.04.110, Violation—Penalty; and Repealing HCC 7.04.023, State Schedule of Minor Traffic Offenses and Bail Forfeiture—Adopted, HCC 7.04.025, State Schedule of Minor Traffic Offenses and Bail Forfeiture--Conflict with General Penalty, HCC 7.06.100, Penalty and Fine Schedule, HCC 7.08.060, Violation—Penalty, HCC 7.20.010, Compliance with State Law, HCC 7.20.080, Violation—Penalty, HCC Chapter 24, Traffic Violation Mandatory Sentences, and HCC 7.28.060, Violation; Penalty; to Establish a Consolidated Traffic Fine Schedule.

Sponsor: City Clerk

1. City Council Regular Meeting October 14, 2013 Introduction
2. City Council Regular Meeting October 28, 2013 Public Hearing and Second Reading



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**ORDINANCE 13-40**

AN ORDINANCE OF THE HOMER CITY COUNCIL, AMENDING HCC 7.04.010, STATE STATUTES ADOPTED BY REFERENCE, HCC 7.04.020, COPIES OF STATE TRAFFIC CODE ON FILE, HCC 7.04.030, VIOLATION—PENALTY, HCC 7.08.010, COMPLIANCE WITH STATE LAW, HCC 7.08.045, HANDICAPPED PARKING, HCC 7.08.058, REMOVAL OF IMPOUNDMENT NOTICE, HCC 7.08.060, VIOLATION—PENALTY, HCC 7.28.060, VIOLATION; PENALTY, AND HCC 10.04.110, VIOLATION—PENALTY; AND REPEALING HCC 7.04.023, STATE SCHEDULE OF MINOR TRAFFIC OFFENSES AND BAIL FORFEITURE—ADOPTED, HCC 7.04.025, STATE SCHEDULE OF MINOR TRAFFIC OFFENSES AND BAIL FORFEITURE—CONFLICT WITH GENERAL PENALTY, HCC 7.06.100, PENALTY AND FINE SCHEDULE, HCC 7.20.010, COMPLIANCE WITH STATE LAW, HCC 7.20.080, VIOLATION—PENALTY, AND HCC CHAPTER 24, TRAFFIC VIOLATION MANDATORY SENTENCES; TO REVISE AND UPDATE CITY VEHICLE AND TRAFFIC REGULATIONS AND ESTABLISH A CONSOLIDATED TRAFFIC FINE SCHEDULE.

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. HCC 7.04.010, State statutes adopted by reference, is amended to read as follows:

7.04.010 State statutes adopted by reference. Pursuant to AS 28.01.010, the city adopts by reference the following state statutes and regulations:

13 AAC 02.005 through 13 AAC 02.560, inclusive (motor vehicle and driving offenses: rules of the road);

13 AAC 04.001 through 13 AAC 04.420, inclusive (motor vehicle and driving offenses: vehicle equipment and inspection);

13 AAC 40.010 (definitions);

AS 28.05.095 (use of seat belts and child safety devices required);

AS 28.10.451 (failure to register vehicle);

AS 28.10.461 (driving vehicle without evidence of registration);

AS 28.10.471 (driving vehicle when registration suspended, revoked or permit expired);

AS 28.11 (abandoned vehicles);

AS 28.15.131 (license to be carried and exhibited on demand);

AS 28.22.019 (proof of insurance to be carried and exhibited on demand);  
AS 28.35.235 (unauthorized use of parking reserved for persons with disabilities);  
AS 28.39.010 (snowmobile registration);  
AS 28.39.040 (display of snowmobile registration);  
AS 28.90.990 (definitions).

~~All laws of the State of Alaska and any rule or regulation adopted by any duly authorized agency of the State of Alaska pertaining to motor vehicles, their licensing, safety measures, rules of the road, and any and all other rules and regulations pertaining to motor vehicles are incorporated into this chapter and made a part of this chapter by reference and the violation of any such law, rule or regulation shall constitute an offense under this Code.~~

Section 2. HCC 7.04.020, Copies of State Traffic Code on file, is amended to read as follows:

7.04.020 Copies of title State Traffic Code on file. A copy of ~~this title, including all state statutes and regulations incorporated herein, Title 13 AAC, the State Traffic Code,~~ shall be incorporated in a manual ~~placed in City Hall and be available for inspection by the general public at city hall during business hours, and copies shall be available for purchase by the public at cost for perusal by interested persons.~~

Section 3. HCC 7.04.023, State schedule of minor traffic offenses and bail forfeiture—Adopted, and HCC 7.04.025, State schedule of minor traffic offenses and bail forfeiture--Conflict with general penalty, are repealed.

Section 4. HCC 7.04.030, Violation—Penalty, is amended to read as follows:

7.04.030 Traffic fine schedules Violation—Penalty. a. For violations of statutes and regulations listed in HCC 7.04.010, the city adopts as its traffic fine schedule the schedule of minor traffic offenses and bail forfeiture amounts contained in Rule 43.1 of the Alaska Rules of Administration.

b. For violations of provisions of this title other than statutes and regulations listed in HCC 7.04.010, the city adopts the following traffic fine schedule:

<u>Code Section</u>	<u>Code Section Title</u>	<u>Fine per Day</u>
<u>7.06.010(b)</u>	<u>Muffler not working properly</u>	<u>Corr/\$500</u>
<u>7.06.010(c)</u>	<u>Muffler modified/excessive noise</u>	<u>Corr/\$500</u>
<u>7.06.010(d)</u>	<u>Muffler removed or inoperative</u>	<u>Corr/\$500</u>
<u>7.06.010(e)(1)</u> <u>or (e)(2)</u>	<u>Noise exceeds limits</u>	<u>first violation \$100;</u> <u>second violation within</u> <u>6 months of first</u> <u>conviction \$200;</u> <u>third violation within 6</u>

		<u>months of any prior conviction \$300</u>
<u>7.06.010(e)(3)</u>	<u>Sale of vehicle exceeding noise limits</u>	<u>first violation \$100;</u> <u>second violation within 6 months of first conviction \$200;</u> <u>third violation within 6 months of any prior conviction \$300</u>
<u>7.06.020</u>	<u>Jake brake use prohibited</u>	<u>First violation \$100</u> <u>Second violation within 6 months of first conviction \$200 plus proof of satisfactory Homer PD commercial vehicle inspection</u> <u>Third violation within 6 months of any prior conviction \$300 plus proof of satisfactory Homer PD commercial vehicle inspection</u>
<u>7.08.020</u>	<u>Stopping or parking—Where prohibited</u>	<u>\$25.00</u>
<u>7.08.021</u>	<u>Starting parked vehicles</u>	<u>\$100.00</u>
<u>7.08.030</u>	<u>Stopping or parking—Size limitation</u>	<u>\$25.00</u>
<u>7.08.040</u>	<u>Stopping or parking—Time limitation</u>	<u>\$25.00</u>
<u>7.08.045</u>	<u>Unauthorized use of parking reserved for persons with disabilities</u>	<u>first violation \$125;</u> <u>second violation \$250</u>
<u>7.08.045</u>	<u>Unauthorized use of parking reserved for persons with disabilities while displaying special license plate or permit</u>	<u>first violation \$250;</u> <u>second violation \$500</u>
<u>7.08.058</u>	<u>Removal of impoundment notice or impounded vehicle prohibited</u>	<u>\$300.00</u>
<u>7.20.030</u>	<u>Use of snowmachines</u>	<u>\$300.00</u>
<u>7.20.040</u>	<u>Time restriction</u>	<u>\$300.00</u>
<u>7.20.050</u>	<u>Driver's license requirement</u>	<u>\$300.00</u>
<u>7.20.055</u>	<u>Operation in designated areas</u>	<u>\$300.00</u>
<u>7.20.060</u>	<u>Towing</u>	<u>\$300.00</u>
<u>7.28.020</u>	<u>Motor vehicle parking</u>	<u>\$30.00</u>
<u>7.28.030</u>	<u>Short-term parking area</u>	<u>\$30.00</u>

<u>7.28.040</u>	<u>Limited long-term parking area</u>	<u>\$30.00</u>
<u>7.28.050</u>	<u>Reserved parking</u>	<u>\$30.00</u>
<u>10.04.100(b)</u>	<u>Restricted parking in harbor</u>	<u>\$25.00</u>

A citation for an offense listed as "Corr" must be dismissed (or voided) if proof of correction is presented to a Homer police department vehicle inspector within 30 days. If the required repair is not made and shown to a vehicle inspector within the specified time, the offense may be disposed of without court appearance as provided in (c) of this section.

c. A person cited for an offense for which a fine is established in subsection (a) or (b) of this section may mail or personally deliver to the Finance Director the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS 12.55.039 and AS 29.25.074, together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. A citation for a scheduled offense may be mailed or personally delivered within fifteen (15) days after the date of the citation. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense. If a person cited for an offense for which a fine amount is established in subsection (a) or (b) of this section appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 12.55.039 and AS 29.25.074.

~~The violation of any provision contained in this chapter shall be punished under Section 1.16.010.~~

Section 5. HCC 7.06.100, Penalty and fine schedule, is repealed.

Section 6. HCC 7.08.045, Handicapped parking, is amended to read as follows:

7.08.045 Unauthorized use of parking reserved for persons with disabilities  
~~Handicapped parking.~~ a. A person may not park ~~or cause to be parked~~ a motor vehicle in a parking space reserved for ~~a person with a disability disabled or medically handicapped persons~~, whether such parking space is on public or private property, unless:

1. the person operating the vehicle has a special permit issued by the State of Alaska under AS 28.10.495;

2. the person operating the vehicle has parked the vehicle for the purpose of transporting a person who as a special permit issued by the State of Alaska under AS 28.10.495 and the person who has the special permit actually exits or enters the vehicle;

3. the motor vehicle displays a special license plate issued to a person with a disability disabled or handicapped persons under AS 28.10.181(d) and is operated by or used for the purpose of transporting a person with a disability; or

4. the motor vehicle displays a special license plate or permit issued to persons with disabilities disabled or handicapped persons by another state, province,

territory, or country and is operated by or used for the purpose of transporting a person with a disability.

b. Any police officer or parking enforcement officer may enforce this section within any public or private parking area by issuing a citation ~~pursuant to subsection (d) of this section~~, or within any public parking area by causing the vehicle parked in violation of this section to be immediately removed as provided by HCC 7.08.050. Only a person who owns or controls a private parking area containing a parking space reserved for a person with a disability ~~reserved handicapped-only parking space~~ may cause the vehicle parked in violation of this section to be removed ~~and towed~~ as provided in HCC 7.08.050.

c. For purposes of this section, a "parking space reserved for a person with a disability ~~handicapped parking only~~" is a parking space conspicuously signed as being reserved for restricted to vehicles displaying a special permit or special license plate described in (a) of this section ~~handicapped parking permits~~, provided that such signs shall, as far as practicable, conform to the current edition of the Alaska ~~Traffic Manual~~ on Uniform Traffic Control Devices prepared by the Alaska Department of Transportation and Public Facilities. ~~Notice of the specific penalty for violating this section shall be posted on the face of all signs erected within the City.~~

d. ~~The penalty for violating this section shall be one hundred dollars for each citation issued.~~

e. ~~The officer responding to an apparent violation may excuse a violation of subsection a. of this section if the officer finds that the person who parked, or caused to be parked, in a reserved handicapped parking spot is actually or recently handicapped or is a handicapped visitor of outside the City.~~

Section 7. HCC 7.08.058, Removal of Impoundment Notice of Impounded Vehicle Prohibited, is amended to read as follows:

7.08.058 Removal of Impoundment Notice or of Impounded Vehicle Prohibited. a. Unless authorized by a police officer or peace officer with authority to enforce parking laws and regulations, it is unlawful for any person to remove an impoundment order from a vehicle upon which it has been posted.

b. Unless authorized by a police officer or peace officer with authority to enforce parking laws and regulations, it is unlawful for any person to move a vehicle after it has been posted with an impoundment order.

~~c. A violation of this section shall be punished pursuant to section 1.16.010 of this code.~~

Section 8. HCC 7.08.060, Violation—penalty, is amended to read as follows:

7.08.060 Citation Violation—penalty. A police officer may issue a citation for a vehicle parked, stopped or standing in violation of this chapter, and deliver it to the operator of the vehicle or affix it to the vehicle if the vehicle is unattended at the time of issuance. ~~Unless~~

another penalty is expressly provided, the penalty for violating provisions of this chapter are the same as those listed in the State of Alaska Traffic Bail Forfeiture Schedule pursuant to Rule 43.1 of the Administrative Rules of the Alaska Rules of Court for violation of 13 AAC 02.340 through 13 AAC 02.337.

Section 9. HCC 7.20.010, Compliance with state law, is repealed.

Section 10. HCC 7.20.080, Violation—penalty, is repealed.

Section 11. HCC Chapter 24, Traffic Violation Mandatory Sentences, is repealed.

Section 12. HCC 7.28.060, Violation; Penalty, is amended to read as follows:

7.28.060 Citation Violation; Penalty. A police officer may issue a citation for a vehicle parked, stopped or standing in violation of this chapter, and deliver it to the operator of the vehicle or affix it to the vehicle if the vehicle is unattended at the time of issuance. Any violation of this chapter is unlawful and shall be punished under city code 1.16.010.

Section 13. HCC 10.04.110, Violation—Penalty is amended to read as follows:

10.04.110 Violation—Penalty. ~~a.~~ Except as provided in HCC 7.04.030 ~~(b)~~ of this section, any violation of the provisions contained in this title or regulations adopted pursuant to this title shall be unlawful and punishable as provided in Section 1.16.010 of this Code.

~~b.~~ A violation of HCC 10.04.100(b) is amenable to disposition without court appearance upon payment of a fine in the amount of \$25.00. The person cited for the violation may mail or personally deliver to the City Finance Department the amount of the fine plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense. If a person cited for a violation of HCC 10.04.100(b) appears in court to contest the citation and is found guilty, the maximum sentence which may be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

Section 14. 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 \_\_\_\_ day of \_\_\_\_\_ 2013.



CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, 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: \_\_\_\_\_



**ORDINANCE REFERENCE SHEET**  
**2013 ORDINANCE**  
**ORDINANCE 13-41**

An Ordinance of the City Council of Homer, Alaska, Appropriating a U.S. Fish & Wildlife Learning Landscape Grant with 50% In-Kind Matching Requirement, Up to \$25,000, for the Purpose of Completing Landscaping Improvements at Karen Hornaday Park Playground.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting October 14, 2013 Introduction
  - a. Memorandum 13-142 from Public Works Director as backup
  - b. Resolution 12-048
  - c. Project Number & Budget Form
2. City Council Regular Meeting October 28, 2013 Public Hearing and Second Reading
  - a. Memorandum 13-142 from Public Works Director as backup
  - b. Resolution 12-048
  - c. Project Number & Budget Form



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Public Works Director

**ORDINANCE 13-41**

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

WHEREAS, The City has been awarded a Learning Landscape Grant from the U.S. Fish  
and Wildlife in the amount of \$25,000; and

WHEREAS, The City Council has approved the acceptance of this grant in Resolution  
12-048; and

WHEREAS, It is in the City's best interest to appropriate the grant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HOMER:

Section 1. The Homer City Council hereby appropriates a Learning Landscape Grant  
from the U.S. Fish and Wildlife in the amount of \$25,000 for completing landscaping  
improvements at the Karen Hornaday Park playground:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-776	Karen Hornaday Park Learning Landscape Grant	\$25,000

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_ day of  
\_\_\_\_\_ 2013.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

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ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Walt Wrede, City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
City Attorney

Date: \_\_\_\_\_



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Public Works

3575 Heath Street  
Homer, AK 99603

[publicworks@cityofhomer-ak.gov](mailto:publicworks@cityofhomer-ak.gov)

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 13-142

TO: Walt Wrede, City Manager  
FROM: Carey Meyer, Public Works Director  
DATE: Monday, October 7, 2013  
SUBJECT: **Karen Hornaday Park – U.S. Fish & Wildlife Learning Landscape Grant Recommendation to Appropriate Funds**

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The Parks and Recreation Advisory Commission has identified landscaping as a priority in implementing the Karen Hornaday Park master plan. The Public Works pursued a cooperative agreement with the U.S. Fish & Wildlife Service for 50% match grant funding up to \$25,000 for the installation of landscaping at the Karen Hornaday Park playground. The grant has been accepted by the City (per Resolution 12-048).

The City is working with the Center for Alaskan Coastal Studies (CACS) and the Homer Playground Project (HoPP) to plan and implement *Learning Landscape* improvements at Karen Hornaday Park, and obtain in-kind matching funds and donations. Landscape work associated with the day use area such as soil tillage, grading, drainage, top soil, seeding, pathways, benches and work being completed at the new playground will qualify for in-kind match funds.

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

Other Partners: The following partners have offered assistance:

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

**Recommendation:** The City Council pass an ordinance appropriating a Learning Landscape Grant from the U.S. Fish and Wildlife in the amount of \$25,000; 50% of which will be matched with labor/material in-kind contributions from participating organizations and individuals.



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/Public Works Director

**RESOLUTION 12-048**

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

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

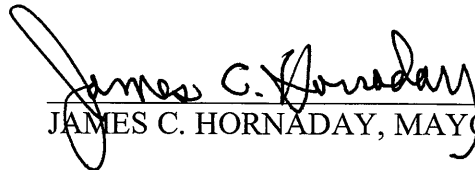
WHEREAS, The City has been offered a "Learning Landscape" grant in the amount up to \$25,000 through U.S. Fish & Wildlife; and

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

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

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

CITY OF HOMER

  
JAMES C. HORNADAY, MAYOR

ATTEST:

  
JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER  
PROJECT NUMBER & BUDGET FORM

***This section to be completed by Finance***

Special Project Number \_\_\_\_\_ DATE \_\_\_\_\_

GL Activity Task Number \_\_\_\_\_

Project Name: Learning Landscape Improvements - Karen Hornaday Park

Activity Task Name: N/A

Project Start Date: 6/1/2013 Project End Date: 11/1/2013

Project Description: Create wildlife habitat and the opportunity for children and visitors to interact and learn about the importance of these wildlife habitats.

Funding Source(s): USFWS grant (\$25,000 grant with \$25,000 in-kind match) See attached.

Other Comments: \_\_\_\_\_

Codes	Expense Description	Project Budget	
		Grant Budget	Local Funds (if Required)
5101/2	Project -Salaries & Benefits	_____	_____
5202	Materials	_____	_____
5210	Professional Services	_____	_____
	Project Management	_____	_____
	Inspection	_____	_____
5212	Engr / Arch / Design	_____	_____
5216	Postage / Freight	_____	_____
5227	Advertising	_____	_____
5261	Construction	<u>25,000.00</u>	<u>41,365.00</u>
5262	Contingency	_____	_____
5901	c/o Equipment, Furnishing >\$1,000	_____	_____
5903	c/o Buildings & Improve >\$1,000	_____	_____
Funding Budget Totals		<u>25,000.00</u>	<u>41,365.00</u>
<b>TOTAL PROJECT BUDGET</b>		<b>\$</b>	<b>66,365.00</b>

**Approvals**

_____ Requesting Department/Project Manager	_____ Date
_____ Finance Department	_____ Date
_____ City Manager	_____ Date

**Resolution :** \_\_\_\_\_ **Ordinance:** \_\_\_\_\_

***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 _____

Scanned to "Y" drive: \_\_\_\_\_

## ORDINANCE(S)



# CITY MANAGER'S REPORT



# CITY ATTORNEY REPORT





## COMMITTEE REPORTS



PENDING BUSINESS



## NEW BUSINESS





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 13-149

TO: MAYOR WYTHER AND HOMER CITY COUNCIL  
FROM: JO JOHNSON, MMC, CITY CLERK  
DATE: OCTOBER 21, 2013  
SUBJECT: SELECTION/APPOINTMENT OF MAYOR PRO TEMPORE FOR 2013/2014

Per Homer City Code Section 1.24.080, Mayor's absence: At the first meeting of the Council following certification of the municipal election each year, there shall be appointed a Mayor Pro Tempore, by majority vote of Council, to act as Mayor during the Mayor's temporary absence or disability.

Pursuant to Council's Operating Manual: A Mayor Pro Tem shall be elected by the majority of the Homer City Council. The term of the Mayor Pro Tem shall be until the call for election by the Homer City Council of a New Mayor Pro Tem. The Mayor Pro Tem shall, in the absence of the Mayor, act as Mayor of the City of Homer as though they themselves had taken the Oath of Office of Mayor with all duties, responsibilities and powers of the Office of the Mayor of the City of Homer.

By tradition the Council has elected a new Mayor Pro Tem at the same annual meeting when newly elected officials are sworn in, with the exception of this year to accommodate schedules. The Mayor Pro Tem, when acting in that capacity, does not lose the privilege or duty to vote as a Councilmember.

Secret Ballots are provided for your convenience and to be used as you deem necessary.

#### RECOMMENDATION:

\_\_\_\_\_ is selected/appointed as Mayor Pro Tempore for the City of Homer for 2013/2014.

Fiscal Note: N/A





# RESOLUTIONS



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

