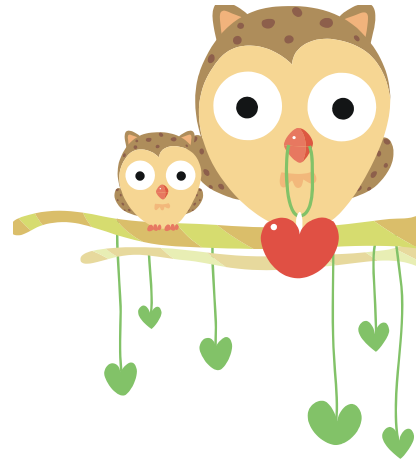


City Council
February 10, 2014
Monday



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

Produced and
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February 2014

Monday 10th CITY COUNCIL
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Tuesday 11th PUBLIC SAFETY BUILDING REVIEW COMMITTEE
Meeting 5:30 p.m.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
Regular Meeting 6:00 p.m.

Thursday 13th PUBLIC ARTS COMMITTEE
Regular Meeting 5:00 p.m.

PERMANENT FUND COMMITTEE
Regular Meeting 5:15 p.m.

Monday 17th CITY OFFICES CLOSED in observance of Presidents' Day.

Wednesday 19th PLANNING COMMISSION
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.

Thursday 20th PARKS AND RECREATION ADVISORY COMMISSION
Regular Meeting 5:30 p.m.

CITIZENS ACADEMY Session 1
5:30 p.m. – 8:00 p.m.

Monday 24th CITY COUNCIL
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

City Council 2nd and 4th Mondays 6:00 p.m.

Library Advisory Board 1st Tuesday 5:00 p.m.

Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.

Parks and Recreation Advisory Commission 3rd Thursday of the month with exception of December 5:30 p.m.

Planning Commission 1st and 3rd Wednesday 6:30 p.m.

Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m.

(May – August 6:00 p.m.)

Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.

Public Arts Committee Quarterly 3rd Thursday 5:00 p.m.

Lease Committee Quarterly 2nd Thursday 3:00 p.m.

Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BETH 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

Clerk's office phone number: direct line 235-3130, other number 435-3106.

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



WORKSESSION
4:00 P.M. MONDAY
FEBRUARY 10, 2014
COWLES COUNCIL CHAMBERS

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 Howard has requested telephonic participation.

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

3. EMPLOYEE COMPENSATION PACKAGE

Memorandum 14-025, from Personnel Director, Re: Compensation. *Page 7*

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, February 24, 2014 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-025

TO: MAYOR WYTHE AND COUNCIL
THROUGH: WALT WREDE
FROM: ANDREA PETERSEN
DATE: JANUARY 22, 2014
SUBJECT: COMPENSATION

Base Pay

“What does base pay for the City of Homer mean?” Base pay is an employee's initial rate of compensation, excluding increases in the rate of pay. An employee's base pay can be expressed as a base hourly rate of pay or as an annual salary. Extra forms of compensation that are excluded from base pay typically include: shift differential pay, on-call pay, incentive-based pay or merit-based pay. As a general rule, an employee's base pay is the pay they will receive at a minimum, while extra forms of pay may increase the total pay above this level.

Range Classifications

“How does the City determine the range of a classification?” Job descriptions are written and reviewed on a regular basis and revised when needed. The job description will include but not limited to the following:

- Knowledge, skills, abilities, experience, education, training or specialization.
- Developing policy and procedures or carrying out policy and procedures.
- Nonsupervisory position or Supervisory position and type of supervisor (i.e. City Manager, Department Director, Division Head, Unit Supervisor).
- Budget/expenditure authority.
- Exposure to adverse weather or hazardous working conditions.
- Overall liability to the City.
- Public Visibility (Visibility of the incumbent to individuals and agencies with which City personnel are likely to come into contact such as key City personnel, general public, government officials, and key service personnel).

These “core functions” of the position are then evaluated by using a rating system. Typically, three supervisors review the job description and use the City’s Factoring Form to help them determine the

range of the classification. Once the factoring is complete the supervisors will discuss their evaluation of the position to determine the range the position should be placed in. This has been a successful procedure for the City in the past; however, there are times that the market needs to be reviewed and considered as well.

Total Compensation

“What does total compensation mean?” When most of us hear the term “compensation” we typically only think of the money we receive in our paycheck each payday. However, “Total Compensation” goes beyond salary, it is the complete pay package for employees. Total compensation can be defined as all of the resources available to employees, which are used by the employer to attract, motivate and retain employees.

City of Homer regular full-time employees enjoy a total compensation package that exceeds the value of their base salary alone. The image below represents some of the key elements which makeup Total Compensation:



Compensation Surveys

“What is a compensation survey?” A compensation survey is survey of compensation practices and trends among participating companies, typically compiled by an independent research organization. Compensation surveys enable their participants to learn market compensation practices for jobs offered in their organizations. There are five compensation surveys enclosed for you to review. Public entities are challenged with comparing positions of like kind. Many positions are not the same in other public entities. Some positions have unique or other duties that are not typically included in the position in the private sector. This makes it very challenging when reviewing compensation surveys that are not tailored to fit the organization’s interests and needs. Enclosed is an analysis of some positions within the City of Homer. Please remember this analysis is comparing titles and not necessarily actual duties. The AML Salary and Benefit Survey is very informative; however, the City’s close competitors (Soldotna, Kenai, and Seward) information is not included.

Closing

Total compensation can be challenging for many organizations. The biggest challenge is to have a good balance of offered benefits to the actual base compensation. Although offering excellent benefits is a smart recruitment strategy, benefits do not always allow employees to financially keep up with inflation. Please let me know if you have any questions or concerns regarding this information.

Enc:

Alaska Municipal Salary & Benefit Survey FY 2014
Joint Alaska Survey Participant Survey
Kenai Peninsula Borough 2013 Compensation Study Overview
Kodiak Island Borough Compensation Study
City of Kodiak Classification and Compensation Study
City of Homer Position Analysis

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
FEBURARY 10, 2014
COWLES COUNCIL CHAMBERS

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

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Howard has requested telephonic participation.

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

3. **CHARTER COMMISSION**

A. **Memorandum 14-029**, from City Clerk, Re: Charter Commission Election Petition. *Page 13*

4. **CONSENT AGENDA**

5. **REGULAR MEETING AGENDA**

6. **COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, February 24, 2014 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 14-029

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: FEBRUARY 4, 2014
SUBJECT: CHARTER COMMISSION ELECTION PETITION

Pursuant to AS §29.10.010(e), I am submitting this report on the charter commission election petition. The petition for a Charter Commission Election was submitted timely on January 27, 2014 by sponsor Ken Castner. In all, 15 petition booklets were received. Of the 15 petition booklets, 14 were sufficient and one was blank. The number of names on the sufficient booklets totaled 224.

A current list of registered voters within city limits was requested and received by the Clerk's office on January 24, 2014. Deputy City Clerk Jacobsen reviewed the 224 names on the petition and determined that: 28 signatures were insufficient because the name was not listed on the current voter roll, the name was illegible, a signature was not included, or the person signed the petition more than once. It was determined 196 of the signatures were valid signatures of registered voters within the city limits.

Pursuant to AS §29.10.010(e), the petition must bear a number of voter signatures equal to 15 percent of the number of votes cast at the October 1, 2013 regular City election, which is 185. I find the petition for a Charter Commission Election bears sufficient signatures, and therefore have certified the petition.

Alaska Statutes do not provide guidance as to when the charter commission election should be held, however, Council may choose to be guided by the provisions for scheduling an initiative or referendum election. An initiative or referendum is submitted to the voters at any of the following occurring at least 60 days after certification of the petition: (i) the next regular election; (ii) a previously scheduled special election; or (iii) a special election scheduled by ordinance if the Council determines it to be in the best interest of the City and no other election will occur within 75 days after certification of the petition.

Since there presently is no special election scheduled in the City, the Council has two options: place the question on the ballot at the October 7, 2014 regular City election, or call an earlier special election.

Once the Council has determined when to hold the election, it will fix the date for submission of charter commission candidate nomination petitions to the City Clerk. The submission date should allow enough time for the Clerk to give the required 20-day election notice after the candidates for charter commission have been determined.

Assuming the charter commission election will be held on the regular election date in October, I suggest the candidacy filing period for the charter commissioners open on May 1 and close on July 15, 2014.

RECOMMENDATION:

Determine when the election for a charter commission shall be held and schedule the candidacy filing period.

MEMORANDUM

TO: MAYOR AND COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: EFFECT OF ADOPTING HOME RULE CHARTER

CLIENT: CITY OF HOMER

FILE NO.: 506,742.101

DATE: DECEMBER 3, 2013

**CC: WALT WREDE, CITY MANAGER
JO JOHNSON, CITY CLERK**

I previously have described the process by which the City would adopt a home rule charter, and some of the consequences of doing so. The purpose of this memorandum is to provide a more general discussion of the effect on the City of adopting a home rule charter.

The home rule option first appeared in the Alaska Constitution—there were no home rule cities in Alaska before statehood. The Alaska Constitution and statutes now provide for two general categories of cities. A home rule city is a city that has adopted a home rule charter.¹ A general law city is a city that has no charter.²

The starting point for describing the effect of adopting a home rule charter is Article 10, §11 of the Alaska Constitution, which provides:

A home rule borough or city may exercise all legislative powers not prohibited by law or charter.

The constitution was intended to grant broad power to home rule municipalities:

The authors of this provision hoped that its simple language and sweeping grant of power would enable home rule municipalities to meet a multitude of legislative needs without depending on specific grants of power from a state legislature.³

However, the evolution since statehood of Title 29 of the Alaska Statutes, which provides for municipal government, has blurred part of the distinction between home rule and general law cities. While the Alaska Constitution provides that home rule municipalities may exercise all

¹ Alaska Constitution, art. 10, §9; AS 29.04.010.

² AS 29.04.020.

³ *Jefferson v. State*, 527 P.2d 37, 42 (Alaska 1974).

powers not prohibited by law or charter, Title 29 also provides that all cities—whether home rule or general law—may “exercise any power not otherwise prohibited by law.”⁴

With this introduction, I will examine the two-part constitutional limitation on the powers of home rule cities: (i) prohibition by law, and (ii) prohibition by charter, emphasizing the remaining distinctions between home rule and general law cities.

Prohibition “by law” means prohibition by statute enacted by the legislature.⁵ The courts use the same test to determine whether a home rule or general law city’s exercise of a power is prohibited by law: “The prohibition must be either by express terms or by implication such as where the statute and [city] ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded the weight of law.”⁶

Title 29 continues to distinguish between home rule and general law cities in expressly prohibiting the exercise of powers. All prescriptions in Title 29 of the manner in which municipal governments must act are express prohibitions on general law municipalities acting otherwise. In contrast, only those provisions of Title 29 that are identified in AS 29.10.200 “apply to home rule municipalities as prohibitions on acting otherwise than as provided.”⁷

An example of prohibition by implication is that state statutes of limitations impliedly prohibit a home city from requiring written notice within 120 days after an injury to allow the injured person to bring a lawsuit against the city.⁸

Prohibition “by charter” means that the City’s home rule charter itself could prohibit the City from exercising certain powers. Once included in a home rule charter, such a prohibition could be changed only by a charter amendment, which requires voter approval.⁹ Examples that frequently appear in other municipalities’ home rule charters include requirements of voter approval to dispose of city property, a limitation on the hours during which the council may meet, and a limitation on city indebtedness to a specified percentage of assessed valuation. In contrast, the Council may not limit the legislative power of future councils by enacting ordinances that include restrictions on their future amendment or repeal: “One council may not

⁴ AS 29.35.250(a); AS 29.35.260(a); *McCormick v. City of Dillingham*, 16 P.3d 735, 740 (Alaska 2001).

⁵ See, *State v. A.L.I.V.E. Voluntary*, 606 P.2d 769, 772-773 (Alaska 1980); Alaska Constitution Art. XII, §11: “As used in this constitution, the terms, ‘by law’ and ‘by the legislature,’ or variations of these terms, are used interchangeably when related to law-making powers.”

⁶ *Jefferson v. State*, 527 P.2d 37, 43 (Alaska 1974); *Gilman v. Martin*, 662 P.2d 120, 124 (Alaska 1983).

⁷ *Municipality of Anchorage v. Frohne*, 568 P.2d 3, 5 (Alaska 1977). A copy of AS 29.10.200 is attached for your reference.

⁸ *Johnson v. City of Fairbanks*, 583 P.2d 181, 186-87 (Alaska 1978).

⁹ AS 29.10.100(a).

by an ordinance bind itself or its successors so as to prevent free legislation in matters of municipal government."¹⁰

TFK/

¹⁰ 6 McQuillin, *The Law of Municipal Corporations* § 21.10, at 374 (rev.3d ed. 2007) (footnotes omitted).

AS § 29.10.200. Limitation of home rule powers. Only the following provisions of this title apply to home rule municipalities as prohibitions on acting otherwise than as provided. These provisions supersede existing and prohibit future home rule enactments that provide otherwise:

- (1) AS 29.05.140 (transition);
- (2) AS 29.06.010 (change of municipal name);
- (3) AS 29.06.040--29.06.060 (annexation and detachment);
- (4) AS 29.06.090--29.06.170 (merger and consolidation);
- (5) AS 29.06.190--29.06.420 (unification of municipalities);
- (6) AS 29.06.450--29.06.530 (dissolution);
- (7) AS 29.10.100 (charter amendment);
- (8) AS 29.20.010 (conflict of interest);
- (9) AS 29.20.020 (meetings public);
- (10) AS 29.20.050 (legislative power);
- (11) AS 29.20.060--29.20.120 (assembly composition and apportionment);
- (12) AS 29.20.140 (qualifications of members of governing bodies);
- (13) AS 29.20.150 (term of office);
- (14) AS 29.20.220 (executive power);
- (15) AS 29.20.270(e) (ordinance veto by mayor);
- (16) AS 29.20.630 (prohibited discrimination);
- (17) AS 29.20.640 (reports);
- (18) AS 29.25.010(a)(10) (municipal exemption on contractor bond requirements);
- (19) AS 29.25.050 (codification);
- (20) AS 29.25.060 (resolutions);
- (21) AS 29.25.070(e) (notices of certain civil actions);
- (22) AS 29.25.074 (surcharge);
- (23) AS 29.25.080 (breast-feeding);
- (24) AS 29.26.030 (notice of elections);
- (25) AS 29.26.050 (voter qualification);
- (26) AS 29.26.250--29.26.360 (recall);
- (27) AS 29.35.020 (extraterritorial jurisdiction);
- (28) AS 29.35.030 (eminent domain);
- (29) AS 29.35.050(a)--(c) (garbage and solid waste services);
- (30) AS 29.35.055 (local air quality control program);
- (31) AS 29.35.060 (franchises and permits);
- (32) AS 29.35.070 (public utilities);

- (33) AS 29.35.080 (alcoholic beverages);
- (34) AS 29.35.090(b) (certain vacations of rights-of-way prohibited);
- (35) AS 29.35.120 (post audit);
- (36) AS 29.35.125 (fees for police protection services);
- (37) AS 29.35.131--29.35.137 (enhanced 911 system);
- (38) AS 29.35.141 (regulation of radio antennas);
- (39) AS 29.35.144 (sprinkler fire protection systems);
- (40) AS 29.35.145 (regulation of firearms and knives);
- (41) AS 29.35.160 (education);
- (42) AS 29.35.170(b) (assessment and collection of taxes);
- (43) AS 29.35.180(b) (land use regulation);
- (44) AS 29.35.250 (cities inside boroughs);
- (45) AS 29.35.260 (cities outside boroughs);
- (46) AS 29.35.340 (acquisition of areawide power);
- (47) AS 29.35.450 (service areas);
- (48) AS 29.35.500--29.35.590 (hazardous materials and wastes);
- (49) AS 29.40.160(a)--(c) (title to vacated areas);
- (50) AS 29.40.200 (subdivisions of state land);
- (51) AS 29.45.010--29.45.560 and 29.45.800 (property taxes);
- (52) AS 29.45.650(c), (d), (e), (f), (i), (j), and (k) (sales and use tax);
- (53) AS 29.45.700(d), (e), and (g) (sales and use tax);
- (54) AS 29.45.750 (taxation of mobile telecommunications);
- (55) AS 29.45.810 (exemption from municipal taxation);
- (56) AS 29.46.010(b) (exemption from municipal assessment);
- (57) AS 29.47.200(b) (security for bonds);
- (58) AS 29.47.260 (revenue bonds);
- (59) AS 29.47.470 (air carriers);
- (60) AS 29.65 (general grant land);
- (61) AS 29.71.040 (procurement preference for state agricultural and fisheries products);
- (62) AS 29.71.050 (procurement preference for recycled Alaska products).

10-2

MEMORANDUM

TO: MAYOR BETH WYTHE

FROM: THOMAS F. KLINKNER

RE: CHARTER COMMISSION AND CHARTER ADOPTION

CLIENT: CITY OF HOMER

FILE NO.: 506,742.101

DATE: OCTOBER 21, 2013

**CC: WALT WREDE, CITY MANAGER
JO JOHNSON, CITY CLERK**

1. *Introduction and Summary.*

This responds to your request for information regarding what a charter commission is, and how it will affect the City. In short, a charter commission is a group of seven City voters that is elected to prepare a proposed home rule charter for the City.¹ The City's voters may petition for the election of a charter commission.² The charter that the commission develops is submitted to the City's voters, and becomes effective upon voter approval.³ Upon adoption of a home rule charter by the City's voters, the City would cease to be a first class, general law city, and would become a home rule city governed by the charter.⁴ Adopting a home rule charter would have the following effects on the City. First, the structure of the City government would be determined by the charter rather than by statute. Second, the charter, rather than statute, would govern the scope of the City's general powers. Third, becoming a home rule city would allow the City to adopt a sales tax structure different than that of the Kenai Peninsula Borough without the consent of the Borough Assembly.

¹ AS 29.10.010(e).

² *Id.*

³ AS 29.10.080(a).

⁴ *Id.*

2. **A Charter's Effect on the City.**

A. **In General.**

The Alaska Constitution and statutes provide for two general categories of cities. A home rule city is a city that has adopted a home rule charter.⁵ A general law city is a city that has no charter.⁶ All cities have powers conferred by law (*i.e.*, state statute).⁷ In addition, home rule cities have powers conferred by home rule charter and may exercise all powers not prohibited by law or by charter.⁸

There is little practical distinction between the general powers that are granted to home rule and general law cities. While the Alaska Constitution provides that home rule cities may exercise all powers not prohibited by law or charter, statutes grant powers to general law cities in similar broad terms. All cities "may exercise any power not otherwise prohibited by law."⁹ A liberal construction is to be given to the powers of all cities.¹⁰ The courts use the same test to determine whether a city's exercise of a power is "prohibited by law" without regard to whether it is a home rule or general law city: "The prohibition must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded the weight of law."¹¹

B. **A Charter Could Determine the Structure of the City Government.**

Title 29 of the Alaska Statutes governs the powers and functions of municipalities. Only certain provisions of Title 29 apply to home rule cities as a prohibition against acting otherwise.¹² Most of the important provisions of Title 29 that do not apply to a home rule city concern the internal structure of city government. Thus, through a home rule charter the City's voters could determine such matters as the number of council members, the number of votes by which the council may act (either generally or on specific subjects), when and whether the mayor may vote on matters before the council, and the scope of the mayor's veto power.

⁵ Alaska Constitution, art. 10, §9; AS 29.04.010.

⁶ AS 29.04.020.

⁷ Alaska Constitution art. 10, §7; AS 29.04.020.

⁸ Alaska Constitution, art. 10, §11; AS 29.04.010.

⁹ AS 29.35.250(a); AS 29.35.260(a); *McCormick v. City of Dillingham*, 16 P.3d 735, 740 (Alaska 2001).

¹⁰ Alaska Constitution, art. 10, §1; AS 29.35.410.

¹¹ *Jefferson v. State*, 527 P.2d 37, 43 (Alaska 1974); *Gilman v. Martin*, 662 P.2d 120, 124 (Alaska 1983).

¹² AS 29.10.200; *Municipality of Anchorage v. Frohne*, 568 P.2d 3, 5 (Alaska 1977).

C. A Charter Could Restrict the Exercise of the City's General Powers.

In addition to the restrictions in state statute on the exercise of powers by a first class city, the City's voters could impose other restrictions on the exercise of the City's powers in a home rule charter. Unlike an ordinance that restricted the exercise of a power by the City, which could be overturned by the subsequent enactment of another ordinance by the Council,¹³ restrictions in a home rule charter could be changed or eliminated only with voter approval. Examples that frequently appear in other municipalities' home rule charters include requirements of voter approval to dispose of city property, a limitation on the hours during which the council may meet, and a limitation on city indebtedness to a specified percentage of assessed valuation.

D. A Charter Would Allow the City to Adopt Its Own Sales Tax Structure.

Most statutes affecting the relationship of the City to the Kenai Peninsula Borough still would apply to the City if it were a home rule city. One significant exception to this general rule concerns the autonomy of the City's sales tax structure. A general law city within the Borough must uniformly tax the same sources as the Borough, and allow only the same exemptions as the Borough, unless the Borough Assembly by ordinance authorizes the city to levy and collect its sales tax on other sources.¹⁴ However, the statute that requires that the sales tax levied by a city within a borough must conform to the structure of the borough's sales tax is not made applicable to home rule municipalities, and therefore does not act as a prohibition on a home rule municipality acting other than as the statute provides.¹⁵

3. The Role of a Charter Commission in the Adoption of a Charter.

A proposed home rule charter is prepared by a charter commission of seven elected members.¹⁶ The Clerk has certified an application for a petition for a charter commission election and will issue a petition to its sponsors. The petition requirements are similar to those for an initiative or referendum petition.¹⁷ When the Clerk receives the completed petition she delivers it to the Council with a report of the number of valid signatures that she has determined to be on the petition.¹⁸

If the petition has sufficient valid signatures, the Council fixes a date for the submission of nominations of charter commission candidates.¹⁹ A candidate for a charter commission shall have been qualified to vote in the City for at least one year

¹³ *Miller v. Matanuska-Susitna Borough*, 54 P.3d 285, 292 (Alaska 2002).

¹⁴ AS 29.45.700(a); *City of Homer v. Gangl*, 650 P.2d 396, 399-401 (Alaska 1982).

¹⁵ AS 29.10.200; *Frohne*, 568 P.2d at 5.

¹⁶ AS 29.10.010(e).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ AS 29.10.040(b).

immediately preceding the charter commission election.²⁰ There are no other qualifications or limitations on eligibility to be elected to a charter commission. A charter commission candidate is nominated by a petition signed by at least 50 voters or the number of voters equal to ten percent of the number of votes cast in the City during the last regular election, whichever is less.²¹ Since more than 500 votes were cast at the October 1, 2013, regular City election, each charter commission candidate must be nominated by at least 50 voters. If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and an election on the question may not be held.²²

The statutes do not prescribe when a charter commission election shall be held. However, the Council may choose to be guided by the provisions for scheduling an initiative or referendum election. An initiative or referendum is submitted to the voters at any of the following occurring at least 60 days after certification of the petition: (i) the next regular election; (ii) a previously scheduled special election; or (iii) a special election scheduled by ordinance if the Council determines it to be in the best interest of the City and no other election will occur within 75 days after certification of the petition.²³ At the charter commission election the voters shall consider the question "Shall a charter commission be elected to prepare a proposed charter?" and shall elect the members of the commission.²⁴ If the question is approved, the seven candidates receiving the highest number of votes immediately organize as a charter commission.²⁵

Within one year after its election, the charter commission shall prepare a proposed home rule charter for the City.²⁶ The commission shall give published notice of and hold at least one public hearing on the proposed charter.²⁷ The proposed charter shall be signed by a majority of the members of the commission and filed in the office of the Clerk.²⁸ Within 15 days, the Clerk shall publish the proposed charter and make copies available.²⁹ The proposed home rule charter is submitted to the voters at an election held not less than 30 days or more than 90 days after the proposed charter is published.³⁰ If a majority of those voting favor the proposed charter, the proposed

²⁰ AS 29.10.040(a).

²¹ AS 29.10.040(b).

²² AS 29.10.040(c).

²³ AS 20.26.170(a), 29.26.180(a).

²⁴ AS 29.10.050.

²⁵ *Id.*

²⁶ AS 29.10.060.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ AS 29.10.070.

charter becomes the organic law of the City effective on the date the election is certified.³¹

If the proposed charter is rejected, the charter commission shall prepare another proposed charter to be submitted to the voters at an election to be held within one year after the date of the first charter election.³² If the second proposed charter is also rejected, the charter commission shall be dissolved and the question of adoption of a charter shall be treated as if it had never been proposed or approved.³³

TFK/

³¹ AS 29.10.080(a).

³² AS 29.10.090(a).

³³ *Id.*



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

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 Howard has requested telephonic participation.

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Special and Regular meeting minutes of January 27, 2014. City Clerk. Recommend adoption. *Pages 41/45*
- B. **Memorandum 14-027**, from Mayor, Re: Appointment of Patricia Utley to the Library Advisory Board and Ralph Crane and Ken Castner to the Public Safety Building Review Committee. *Page 73*

- C. **Memorandum 14-028**, from Deputy City Clerk Re: Liquor License Renewals for AJ's Oldtown Steakhouse & Tavern, BPO Elks Lodge #2127, Oaken Keg, Happy Face, Finn's, and Captain Pattie's Fish House. *Page 85*
- D. **Ordinance 14-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.71.050(d), "Commission Hearing and Procedures", to Permit Four Instead of Five Members of the Homer Advisory Planning Commission to Approve a Conditional Use Under the Homer City Code. City Manager/Planning. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014. *Page 107*
- E. **Ordinance 14-09**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12.020, "Permitted Uses And Structures", to Expand the Permitted Uses in the Rural Residential District to Include the Addition of a Detached Dwelling Unit as an Accessory to a Single Family Dwelling on a Lot Serviced by City Water and Sewer Services. City Manager/Planning. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014. *Page 125*
- F. **Ordinance 14-10**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72.040, "Terms of Commission Members", Changing the Number of Successive Unexcused Absences that Make a Commission Member Subject to Removal From Two to Three. City Manager/Planning. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014. *Page 137*
- G. **Resolution 14-026**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Crittenden Drive Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption. *Page 149*
- H. **Resolution 14-027**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Webber Subdivision Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption. *Page 159*

- I. **Resolution 14-030**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Kachemak Bay Research Reserve and Requesting Continued Financial and Administrative Support from the State of Alaska. Lewis. Recommend adoption.

Page 171

- J. **Resolution 14-031**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply Unallocated Municipal Harbor Grant Funds and Revenue Bond Proceeds Toward Completion of Additional Float Replacement and Improvements That Are Already Included in the Adopted Capital Improvement Program (CIP), and Further, to Issue a Change Order With the Selected Contractor and Expand the Scope of Work to Accomplish This Objective. City Manager. Recommend adoption.

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6. VISITORS

- A. **Ken Castner**, Charter Commission, 10 minutes.

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

- A. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2014 ***Page 183***

- 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 14-01(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.76.010, Commission - Creation and Membership, to Make a Representative of the Homer Marine Trades Association and the Director of the Homer Chamber of Commerce Ex Officio, Non-Voting Members of the Economic

Development Advisory Commission. City Clerk/Economic Development Advisory Commission. Introduction January 13, 2014, Public Hearings January 27 and February 10, 2014 and Second Reading February 10, 2014. *Page 191*

Memorandum 14-024 from Community and Economic Development Coordinator as backup. *Page 197*

- B. **Ordinance 14-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$500,000 from the Port and Harbor Enterprise Fund Depreciation Reserves for the Purpose of Providing the City's 25% Local Match for the New Port and Harbor Building. City Manager. Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014. *Page 199*

Memorandum 14-003 from Project Manager as backup. *Page 205*

- C. **Ordinance 14-06(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating Up to \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building. City Manager. Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Page 207

Memorandum 14-003 from Project Manager as backup.

Page 205

Memorandum 14-026 from Port and Harbor Advisory Commission as backup.

Page 213

- D. **Ordinance 14-07**, An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$34,089 from the Airport Reserve Fund for the Replacement of the Boilers at the Airport Terminal and Authorizing the City Manager to Execute All Appropriate Documents. City Manager/Public Works Director. Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Page 215

Memorandum 14-022 from Public Works Director as backup.

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9. **ORDINANCE(S)**

10. **CITY MANAGER'S REPORT**

- A. City Manager's Report

Page 225

B. Bid Report *Page 245*

11. CITY ATTORNEY REPORT

1. City Attorney Report for January 2014 *Page 249*

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

A. **Resolution 13-116(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Economic Development Advisory Commission Bylaws to Include That the Director of the Homer Chamber of Commerce and a representative of the Homer Marine Trades Association May Serve as a Non-Voting, Ex-Officio Members of the Commission. City Clerk/Economic Development Advisory Commission. (Postponed from January 27, 2014 to follow Ordinance 14-01(A).) *Page 255*

Memorandum 13-165 from Economic Development Advisory Commission as backup.

Page 257

Memorandum 14-024 from Community and Economic Development Coordinator as backup.

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14. NEW BUSINESS

A. **Memorandum 14-029**, from City Clerk, Re: Charter Commission Election Petition. *Page 269*

15. RESOLUTIONS

A. **Resolution 14-028**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Policies and Procedures Manual Review Policies for Conditional Use Permits "Review Standards" and Policy for Review of Zoning Variances "Determination" to Permit Four Instead of Five Members of the Homer Advisory Planning Commission to Approve a Conditional Use Permit and a Variance. City Manager/Planning. *Page 365*

B. **Resolution 14-029**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Bylaws "Quorum; Voting" to Permit Four Instead of Five Members to Approve a Conditional Use Permit or a Variance; and "Vacancies" to Change the Number of Successive Unexcused Absences that Make a Commission Member Subject to Removal From Two to Three. City Manager/Planning. *Page 387*

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, February 24, 2014 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.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 14-02 a Special Meeting of the Homer City Council was called to order on January 27, 2014 at 4:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, LEWIS, ROBERTS, VAN DYKE, ZAK

ABSENT: HOWARD (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER (telephonic in Executive Session)
IT MANAGER POOLOS
PERSONNEL DIRECTOR PETERSEN

Councilmember Howard has requested excusal.

Mayor Wythe declared Councilmember Howard's absence as excused. There was no objection from the Council.

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

Mayor Wythe called for a motion to approve the agenda as presented.

LEWIS/ROBERTS – SO MOVED.

Councilmember Burgess arrived at 4:03 p.m.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Ken Castner, city resident, commented on the lawsuit and the City's objection to his claim for attorney fees.

Kevin Hogan, city resident, commented on the time and expense of the lawsuit and Administration's comments on the decision.

NEW BUSINESS

- A. **Memorandum 14-012**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(A-C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege (A Legal Briefing on Castner vs. City of Homer).

Mayor Wythe called for a motion for approval of the recommendations of Memorandum 14-012 to meet in Executive Session to hear a legal briefing on Castner vs. City of Homer.

VAN DYKE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, BURGESS, ROBERTS, ZAK, VAN DYKE

Motion carried.

Council adjourned to Executive Session at 4:10 p.m. and reconvened the meeting at 4:36 p.m.

Mayor Pro Tempore Roberts stated the attorney briefed us on the Castner case and we gave the attorney advice on how to proceed.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 4:37 p.m. The next Regular Meeting is Monday, February 10, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession at 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____

Session 14-03 a Regular Meeting of the Homer City Council was called to order on January 27, 2014 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, LEWIS, ROBERTS, VAN DYKE, ZAK

ABSENT: HOWARD (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
DEPUTY HARBORMASTER CLARKE
FINANCE DIRECTOR LI
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PROJECT MANAGER NELSEN

Councilmember Howard has requested excusal.

Mayor Wythe declared Councilmember Howard's absence as excused. There was no objection from the Council.

Council met for a Special Meeting in Executive Session from 4:00 p.m. to 4:37 p.m. for the purpose of a legal briefing on Castner vs. City of Homer. From 4:37 p.m. to 4:59 p.m. Council conducted a Worksession to discuss Employee Compensation Package. Council met as a Committee of the Whole from 5:03 p.m. to 5:46 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: **CONSENT AGENDA - Ordinance 14-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building. City Manager. Memorandum 14-026 from Port and Harbor Advisory Commission as backup. **PUBLIC HEARINGS - Ordinance 14-03**, An Ordinance of the Homer City Council,

Amending HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100, to Repeal the Exemption From City Sales Tax of Sales of Nonprepared Foods From September 1st Through May 31st; Amending HCC 9.16.010 to Dedicate a Sales Tax of One-Quarter Percent (.25%) to Fund a Parks and Recreation Department; and Submitting the Question of Repealing Such Sales Tax Exemption and Such Sales Tax Dedication to the Qualified Voters of the City at the October 7, 2014 Regular City Election. Burgess. Written public comments. **RESOLUTIONS - Resolution 14-023**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation of a Life-Size Bronze Bust of Brother Asaiah Bates by an Anonymous Donor and Created by Homer Artist Leo Vait for Permanent Placement in WKFL Park. City Clerk/Public Arts Committee. Written public comments.

Mayor Wythe called for a motion to approve 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

Ken Castner, city resident, commented on Resolution 13-116, requesting that commissioners reside in the 99603 zip code.

Kevin Walker, Kachemak City resident, commented on Resolution 14-008, requesting that the billable sewage be reduced to 2,500 gallons.

Steve Zimmerman, city resident, spoke on Ordinance 14-06, requesting a zero interest loan for the new harbor building.

Cathy Ulmer, city resident, commented on Ordinance 14-06, requesting a zero interest loan for the new harbor building.

Kevin Hogan, city resident, commented on Ordinance 14-06, citing Article 9, Section 8 of the constitution regarding the loan.

Bumppo Bremicker, city resident, supports Resolution 14-023 as written.

Ken Landfield, city resident, questioned Resolution 14-023 and read a letter he had published in the Homer News.

Michael Kennedy, city resident, spoke in opposition of Resolution 14-023.

Charles Davis, city resident, supports Ordinance 14-06 and opposes Resolution 14-023.

Leo Vait, city resident, supports Resolution 14-023, noting Brother Asaiah volunteered for the sculpture, knowing it was to be in a public setting.

Larry Slone, city resident, suggested Resolution 14-023 should be postponed and sent to the community for further review.

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 January 13, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-013**, from Mayor, Re: Reappointment of Cathy Ulmer, Bob Hartley, and Mike Stockburger to the Port and Harbor Advisory Commission; Appointment of Barbara Howard, David Lewis, Mike Stockburger, Bryan Hawkins, Todd Hoppe, and John Michael Pate to the Vessel Haul-Out Task Force; and Mayor Wythe to the Public Safety Building Review Committee.
- C. **Memorandum 14-014**, from City Manager, Re: City Representation at Board of Fisheries Meeting.
- D. **Memorandum 14-021**, from City Clerk, Re: Travel Authorization for Councilmember Zak to Attend the Alaska Municipal League Winter Legislative Conference in Juneau, Alaska, February 17 – 19, 2014.
- E. **Ordinance 14-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$500,000 from the Port and Harbor Enterprise Fund Depreciation Reserves for the Purpose of Providing the City's 25% Local Match for the New Port and Harbor Building. City Manager. Recommended dates: Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Memorandum 14-003 from Project Manager as backup.

- F. **Ordinance 14-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building. City Manager.

Recommended dates: Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Memorandum 14-003 from Project Manager as backup.

Memorandum 14-026 from Port and Harbor Advisory Commission as backup.

Moved to Ordinances.

- G. **Ordinance 14-07**, An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$34,089 from the Airport Reserve Fund for the Replacement of the Boilers at the Airport Terminal and Authorizing the City Manager to Execute All Appropriate Documents. City Manager/Public Works Director. Recommended dates: Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Memorandum 14-022 from Public Works Director as backup.

- H. **Resolution 14-022**, A Resolution of the City Council of Homer, Alaska, Approving a New Five Year Lease at the Homer Airport Terminal Between the City of Homer and Era Aviation, and Finding that it is in the Public Interest to Award the Lease Without a Competitive Bidding Process. City Manager. Recommend adoption.

Memorandum 14-015 from City Manager as backup.

- I. **Resolution 14-025**, A Resolution of the Homer City Council Awarding the Contract for the Homer Harbor Facilities Improvements 2014 to the Firm of Harris Sand & Gravel, Inc. of Valdez, Alaska, in the Amount of \$4,834,748.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Port and Harbor Director. Recommend adoption.

Memorandum 14-020 from Project Manager as backup.

Ordinance 14-06 was moved to Ordinances A. (Van Dyke)

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

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Lisa Roberts, United Way

Lisa Roberts, Executive Director for Kenai Peninsula United Way, reported they help fund programs to support victims of domestic violence and sexual assault, provide confidential health care services, active social daycare for elderly people, services to children under age 3 that might be experiencing development delays, and a mentoring program for children in the area. These programs are vital to the health of our community. Some agencies rely heavily on the help from United Way. There are 27 member agencies that receive funds from the annual campaign; six of those reside in Homer. Last year for every dollar donated to United Way from Homer, \$5 was returned. Kenai Peninsula United Way uses only 15% of the raised funds for administrative costs. Everything that is raised stays on the peninsula. The organization runs with minimal staff. United Way wants to advance the common good of the whole peninsula by focusing on education, income, and health. She would like to recruit people and organizations to give and partner for a better community. For more information see United Way on Facebook, their website: www.kpunitedway.com, phone 283-9500, or email: kpuw@ptialaska.net.

B. James Hornaday & George Matz, Kachemak Bay Research Reserve

Ralph Brosches, Kachemak Bay Research Reserve (KBRR) member, reported they have a federal and state partnership between the NOAA coastal office and the Alaska Department of Fish and Game (ADF&G) Division of Sports Fish. The local council fosters dialogue with local coastal issues of concern and provides a voice for the community. KBRR was dedicated as an estuarine research system in 1999. It is Alaska's first and only research reserve, the only sub-arctic reserve, and the largest reserve in the national system. The mission of KBRR is to enhance understanding of the Kachemak Bay estuary and adjacent waters to ensure the ecosystems remain healthy and productive. The ADF&G Sports Fish is undergoing a period of sustained budget constraints that is associated with declining license revenues, decreased federal grant funding, and limited general fund allocations relative to increasing operating costs. ADF&G contributes 40% to the research. The outlook for 2014 is uncertain. It is the intent of ADF&G to seek a new state partner.

KBRR is an economic driver for the community with an annual operating budget of \$2M. This provides local jobs and expenditures to the community. They also partner with local state and federal agencies for added grant funding. This brings research to Kachemak Bay including coastal erosion, bluff erosion, sea level rise, and coastal uplift and juvenile salmon nursery research. KBRR is important to K-12 local school education, reaching 3,500 people per year. State funding is crucial for funding to the Islands and Ocean Visitor Center.

Jim Hornaday, member of KBRR, passed out a memo. He provided a three-point sermon:

1. KBRR is the furthest north national estuarine reserve. They have a good relationship with ADF&G Sports Fish Division. There is a close connection on the work of the reserve and the City of Homer Climate Action Plan. They are doing legal research on ocean rise, uplift, and erosion. The City is implementing the Climate Action Plan to include: converting buildings to natural gas, buying more efficient cars, and tidal power development. KBRR coordinates with other agencies.
2. KBRR is an important economic engine bringing in millions of dollars over the years in wages and grants. Since the fishing industry is the key to our economic survival, the KBRR works on salmon and the overall health of Kachemak Bay. Preservation of the beauty and integrity of the environment is essential to the tourism industry.
3. Ask the City to pass a resolution in support of KBRR and urging the State of Alaska to meet its continuing responsibility to serve as a partner to NOAA and the agreement with Islands and Ocean Visitor Center.

KBRR employs eleven people; employment varies in the summer. ADF&G Sports Fish is looking for a new partner or mesh of partners to help with the financial responsibility. There is currently nothing in the works. When Islands and Ocean Visitor Center was built the State was to take over the rental agreement. The State entered into the original agreement with NOAA, who requires a state partner. There is a moral obligation and argument can be made that there is a legal requirement. Another lease agreement will be signed in April and may include a new partner.

Jessica Ryan, Education Coordinator at KBRR, reported they are doing research on melting glaciers and measuring the rebound of the mountains across the bay. They are rising and there is instrumentation in place that compares that with the sea level rise. In a three-year study it appears that we are outpacing sea level rise by a little bit. KBRR is looking at circulation patterns as the fresh water empties into the bay and accelerates with warmer weather and more melting. It may change circulations patterns by creating more of a freshwater lens on top of the bay that that will change what organisms live in the bay and affect the food chain of the bay. The uplift at the current time is more rapid than the rise of the ocean. Dredging in the harbor will continue as we are losing 2.5 ft. to erosion.

The City could be most effective with general support, requesting that the State meet the requirements it signed on for.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation, "Congenital Heart Defect Awareness Week" February 7 – 14, 2014**

Mayor Wythe read and presented the proclamation to Dottie Zopp, grandmother of baby Chloe.

- 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
 - a. Letter from Kate Crowley, Re: ReCreate Rec Fundraising

Dave Brann, Parks and Recreation Advisory Commissioner, reported the commission discussed the sculpture of Brother Asaiah and agreed the City should accept the commission. The placement of the bust should have more public discussion. They talked about the recreation needs assessment and the City Manager provided them information about forming a steering committee to get things moving quickly. Chair Steffy asked to join the Alaska Recreation and Parks Association, and the commission agreed to become a member. The ribbon cutting ceremony for the Kachemak Bay Water Trail will be Friday, June 6th. An agreement with the Little League for park usage is being worked on. Lastly, it is an ongoing effort to get hosts at Karen Hornaday Park. The commission is exploring options for providing utilities or a better site.

5. Port and Harbor Advisory Commission

Mike Stockburger, Port and Harbor Advisory Commissioner, reported there are exciting times at the port and harbor. Money is coming in and needs to be spent so more money will come in. He thanked Council for approving folks for the Large Vessel Haul-Out Task Force. Several people have voiced an interest in a larger boat haul-out facility that may attract more people to Homer. It could be a new building in a new location to facilitate the needs. There will be a new load and launch ramp with funding from Fish and Game. The five lanes will remain to allow bigger boats to come in. A steeper slope will help with the loading of boats on trailers. They are trying to get rid of the hard break at the top of the ramp and provide improved traction on both the ramp and walking ramp.

PUBLIC HEARING(S)

A. Crittenden Drive Road Reconstruction and Paving Special Assessment District

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

B. Webber Subdivision Road Reconstruction and Paving Special Assessment District

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

C. Ordinance 14-01, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.78.010, Commission - Creation and Membership, to Make the Director of the Homer Chamber of Commerce an Ex Officio, Non-Voting Member of the Economic Development Advisory Commission. City Clerk/Economic Development Advisory Commission. Introduction January 13, 2014, Public Hearing and Second Reading January 27, 2014.

Memorandum 14-024 from Community and Economic Development Coordinator as backup.

Mayor Wythe opened the public hearing.

Kevin Hogan, city resident, opposes Ordinance 14-01 due to the Chamber of Commerce's conflict of interest.

Larry Slone, city resident, supports Ordinance 14-01 to facilitate communication between the entities.

Jackie Dentz, city resident, supports Ordinance 14-01 since the Chamber is strictly advisory.

Jim Lavrakas, Chamber of Commerce Executive Director, supports Ordinance 14-01 and Katie Koester serving on their board.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-01 by reading of title only for second and final reading.

LEWIS/ZAK – SO MOVED.

ROBERTS/ZAK - MOVED TO AMEND AFTER LINE 30 FOLLOWING "MEETING" TO ADD: WHEREAS, THE HOMER MARINE TRADES ASSOCIATION REPRESENTS PROFESSIONALS

AND BUSINESSES IN THE MARINE TRADES THAT CONTRIBUTE TO THE ECONOMIC VITALITY OF THE COMMUNITY; AND WHEREAS, THE WORK THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION DOES TO PROMOTE ECONOMIC DEVELOPMENT WOULD BENEFIT FROM THE PERSPECTIVE AND EXPERTISE OF THIS INDUSTRY AND I WOULD ALSO LIKE TO AMEND LINE 45 FOLLOWING THE WORD "COUNCILMEMBER" TO INSERT: A REPRESENTATIVE OF THE HOMER MARINE TRADES ASSOCIATION.

There was no discussion.

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

Motion carried.

ROBERTS/LEWIS - MOVED TO AMEND THE TITLE TO REFLECT THE PREVIOUS AMENDMENT.

There was no discussion.

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

Motion carried.

Mayor Wythe called for a motion to postpone to February 10th for public hearing and second reading due to the substantive amendment.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

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

Motion carried.

D. **Ordinance 14-03**, An Ordinance of the Homer City Council, Amending HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100, to Repeal the Exemption From City Sales Tax of Sales of Nonprepared Foods From September 1st Through May 31st; Amending HCC 9.16.010 to Dedicate a Sales Tax of One-Quarter Percent (.25%) to Fund a Parks and Recreation Department; and Submitting the Question of Repealing Such Sales Tax Exemption and Such Sales Tax Dedication to the Qualified Voters of the City at the October 7, 2014 Regular City Election. Burgess. Introduction January 13, 2014, Public Hearing and Second Reading January 27, 2014.

Mayor Wythe opened the public hearing.

Kathy Hill, city resident, opposes Ordinance 14-03. She asked that the recreation needs assessment be completed, compiled, and studied.

Kate Crowley, city resident, spoke for Recreate Rec in opposition of Ordinance 14-03.

Barb Brodowski, city resident, spoke in opposition of Ordinance 14-03 as it will bring an undue hardship on people.

Andy Haas, Homer resident, supports Ordinance 14-03 for stable funding.

Bumppo Bremicker, city resident, spoke in support of Ordinance 14-03 since it is easier to pay a little bit every time you buy groceries.

Larry Slone, city resident, spoke in opposition of Ordinance 14-03 as it taxes people on primary needs and gives in for secondary things.

Kevin Hogan, city resident, spoke in opposition of Ordinance 14-03 citing the constitution Article 9, Section 7.

Charles Davis, city resident, opposes Ordinance 14-03 as it is taxing the wrong people instead of those that will benefit from enhanced recreation.

Steve Zimmerman, city resident, spoke in opposition of Ordinance 14-03 as it is confusing with three different things in it.

Ken Landfield, city resident, spoke in opposition of Ordinance 14-03 as it the cultural and recreation needs on the backs of poor hungry people.

Michael Kennedy, city resident, opposes Ordinance 14-03 on the basis of meeting primary needs versus secondary needs.

Jim Lavrakas, Chamber of Commerce Executive Director, commented the Board of Directors at the Chamber are opposed to Ordinance 14-03.

Steve Hooker, city resident, opposes Ordinance 14-03 since it will be a hardship on families.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-03 by reading of title only for second and final reading.

LEWIS/BURGESS – SO MOVED.

Mayor Wythe called for a recess at 7:35 p.m. and reconvened the meeting at 7:41 p.m.

Councilmember Lewis expressed doubts the ordinance will pass. People drive up the road and pay sales tax to Soldotna and Kenai that goes to their parks and recreation. There is the sin (alcohol) and bed taxes, but both come with costs to administrate them. As a hockey and soccer parent he drove up the road and spent thousands of dollars in other cities paying for their facilities. Sarah Palin instituted the sales tax in Wasilla to fund their sports center.

Councilmember Burgess commented the idea of sponsoring the ordinance was to initiate a dialogue and have the community take some responsibility for finding a solution. The ordinance puts something on the table the voters can vote on at the next election. During budget discussions the most consistent consensus from people who wanted funding for recreation and public arts was to reinstate the sales tax on food. Although he finds the idea abhorrent, most of the citizens felt it was a reasonable idea. Recreate Rec doesn't support it because it is not a dedicated tax. Nothing Council does is set in stone; the voters can change it. He is not sure he buys the fact people will go elsewhere for food, but does sympathize that the food tax is regressive. He questioned the harm in letting people vote on this. Recreation is a fundamental need. Another option is a service area, but it is not as easy as a tax since it is a borough-wide effort and not all property owners will support it. His hope is someone will come forward with a better solution.

Councilmember Van Dyke knows there are ways we can fund things; we have to get together and figure out the good way to do so. He opposes the ordinance as it is an unfair burden on residents within the city. Money will go up the road and the .25% allocated to recreation is only as good as the council seated here. He would like to see the ordinance buried so deep it never surfaces again.

Councilmember Roberts noted it does not just put the burden on the city residents, but also collects sales tax from people outside the city. She asked if the ballot measure can be pulled if the recreation needs assessment comes up with a different choice.

City Clerk Johnson answered the question could always be removed from the ballot by the end of June.

LEWIS – MOVED TO AMEND THE DEDICATED SALES TAX TO FUND A PARKS AND RECREATION DEPARTMENT FROM .25 TO .75 SO IT IS AT THE SAME AMOUNT AS HARP AND HAWSP FUNDS.

Motion died for lack of a second.

Mayor Wythe recognized the community has voted on reinstating sales tax on nonprepared food two or three times. That is the only reason the community does not collect sales tax on food from September to May. As the vote was passing the Borough changed the regulations so that a First Class city could choose to accept or decline the city's portion of the sales tax. Per the voters will that they were eliminating both city and borough sales tax, she was a strong supporter of eliminating the tax. She would like the community to recognize the ownership of

the 4.5% tax belongs to the City Council, not the community. Citizens believed they were voting the whole thing down and that is the only reason Council has taken this position. This tax exists today on our books and is waived at the pleasure of the Council. They are not required to bring it to the voters. It is not a new tax; it exists on our books. Council can reinstate the tax at any time. Mayor Wythe hopes Council votes this down.

When we raised the sales tax by 1% we also lowered the mil rate by .5%. Those rates have not changed since the Library was built. She suggested creating a blog spot on the city webpage where citizens could give us their ideas to find additional revenue.

Councilmember Lewis called the title "nonprepared foods" a misnomer. You do not pay sales tax on food staples, nor do you pay sales tax on junk food snacks. Whatever is covered under the SNAP (Supplemental Nutritional Assistance Program) is included.

Councilmember Burgess noted the budget included funding for things outside the primary needs. When people say we need to fund the wonderful and essential things we say yes we will fund them. When people say you need to balance your budget on paper we say no that's okay we won't fund our depreciation. We will pass that on to our kids and grandkids. It is not sustainable and we are going into debt to run our city government. City employees are taking a down cut on their healthcare and we are looking at workforce reduction quality. Council needs to take more responsibility and put something forward for the voters to vote on. If you want to raise revenues it is the people that have to do it. We are not living within the means set for us.

Councilmember Roberts clarified the .25% tax does not come from just increased food tax; it comes from total city sales tax.

Councilmember Burgess explained if we were to reinstate the winter sales tax on nonprepared food it raises about \$800,000. Dedicating .25% of total sales tax is \$300,000 to \$350,000, an amount to sustain the parks and recreation department at the current level or fund a debt service on a community recreation facility. If approved, one-third of the income would go to community recreation and the other two-thirds to the budget shortfall and a portion of reserve account funding. We would still be running at a long term deficit.

VOTE: (main motion) YES. LEWIS, BURGESS, ROBERTS

VOTE: NO. ZAK, VAN DYKE

Motion failed.

- E. **Ordinance 14-04**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$35,000 From the Port and Harbor Depreciation Reserves to Replace the Fish Grinder in the Fish Waste Grinding Facility. City Manager/Port and Harbor Director. Introduction January 13, 2014, Public Hearing and Second Reading January 27, 2014.

Memorandums 14-005 and 14-017 from Port and Harbor Director as backup.

Mayor Wythe opened the public hearing.

Kevin Hogan, city resident, opposes Ordinance 14-04, another example of the City's parade of spending on sole source procurements.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-04 by reading of title only for second and final reading.

LEWIS/ROBERTS – SO MOVED.

Councilmember Van Dyke would like to see more information on different types of machines.

Councilmember Burgess supports the expenditure for the specialized fish grinder. He agrees with Mr. Hogan that the City could take an in-depth look at the RFP process. There could be an email subscription list to get more private enterprise involved. He suggested a Worksession to come up with different ways to do this.

City Manager Wrede acknowledged the need to revamp the procurement policy. He doesn't believe we are consciously trying to go around the procurement policy. There are problems and we could do better. We can review the policy and make some recommendations on how to change it.

VOTE: YES. ROBERTS, LEWIS, BURGESS

VOTE: NO. ZAK, VAN DYKE

Motion failed.

At the end of Ordinances Councilmember Zak requested reconsideration of Ordinance 14-04. It was reconsidered and adopted with five votes.

ORDINANCE(S)

- A. **Ordinance 14-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building. City Manager. Recommended dates: Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Memorandum 14-003 from Project Manager as backup.

Memorandum 14-026 from Port and Harbor Advisory Commission as backup.

Mayor Wythe called for a motion for the introduction of Ordinance 14-06 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Councilmember Van Dyke commented the building is still \$300,000 over budget. He doesn't want to take \$300,000 from other city budgets to fund it; we can comply with the \$2M available for it.

ROBERTS/LEWIS – MOVED TO AMEND LINE 56 TO SAY ANNUAL INTEREST RATE IS ZERO PERCENT.

Council discussed charging the port 2% interest on the loan. The port generates its share of sales tax that goes to the general fund. A different aspect is there is value to time and every business in the community provides sales tax revenue to the city.

VOTE: (amendment) YES. LEWIS, VAN DYKE, ROBERTS

VOTE: NO. ZAK, BURGESS

Motion failed.

ROBERTS/LEWIS - MOVED TO AMEND LINES 8 AND 42 PRECEDING \$300,000 AND ADD "UP TO" \$300,000.

The amendment was suggested since all of the monies may not be used.

VOTE: (amendment) YES. VAN DYKE, LEWIS, ZAK, ROBERTS, BURGESS

Motion carried.

Mayor Wythe and Councilmember Lewis commented the building will last 20 to 30 years and has to be built well to meet the up and coming needs of the harbor. Everything in the building is important. When the East Boat Harbor is added the second story will be useful.

Councilmember Zak asked for immediate reconsideration of the vote on the amendment regarding interest.

City Clerk Johnson requested a recess to provide an answer on the reconsideration.

Mayor Wythe called for a recess at 8:25 p.m. and reconvened the meeting at 8:28 p.m.

City Clerk Johnson advised Council the reconsideration was appropriate from Councilmember Zak.

ZAK/ROBERTS – MOVED FOR IMMEDIATE RECONSIDERATION OF THE VOTE ON THE AMENDMENT TO OFFER ZERO PERCENT INTEREST ON THE \$300,000.

There was no discussion.

VOTE: (reconsideration) YES. ZAK, VAN DYKE, LEWIS, ROBERTS
VOTE: NO. BURGESS

Motion carried.

VOTE: (motion to eliminate 2% interest rate) YES. LEWIS, ZAK, ROBERTS
VOTE: NO. BURGESS, VAN DYKE

Motion failed.

VOTE: (main motion as amended) YES. LEWIS, BURGESS, ROBERTS, ZAK, VAN DYKE

Motion carried.

ZAK/LEWIS - MOVED FOR IMMEDIATE RECONSIDERATION OF ORDINANCE 14-04.

There is a need to work on the RFP process and also a need to grind fish this summer.

VOTE: (reconsideration) YES. ROBERTS, LEWIS, ZAK, BURGESS, VAN DYKE

Motion carried.

VOTE: (Ordinance 14-04) YES. LEWIS, VAN DYKE, ZAK, BURGESS, ROBERTS

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. **Memorandum 14-023**, from Community and Economic Development Coordinator, Re: Citizens Academy.

1. Natural Gas Conversions: City Hall, the Library, the Public Works building, the Sewer Treatment Plant, and the Animal Shelter are all converted, hooked up, and being heated with natural gas. The two new restrooms downtown are also connected. The

- remainder of the buildings on the approved list for conversion will be done in phase II, probably late summer or early fall this year. We have taken another look at converting the Fire Hall and may want to discuss that further.
2. Airport Terminal Gas Conversion: The Airport Port Terminal was also scheduled to be converted to natural gas this month. However, that project has been slowed a bit while PW looks at another approach. The mechanical room at the terminal is rather small. It turns out that adding new jets to the furnace there makes it almost impossible to get in and do any work. The boiler is already 20 years old and may need increased maintenance going forward. We are considering the purchase of a new boiler instead of converting the old one. The new boilers are close to 100 percent efficient, they are so small that they can be mounted on the wall, and of course, you have a boiler that you can expect to last many years. If we went this route, we would have to request another \$20,000 from the Council, but I think it would be worth it. Even though more investment would be required upfront, the payback period is still just a little over a year and the City ends up with a new and much more efficient boiler. Much depends on whether we can sell or find a use for the jets we already purchased. Carey and Dan are working on that now.
 3. Downtown Restrooms: The new downtown restrooms are undergoing final inspection and they will be ready for use shortly. By far, most of the feedback we have gotten is that they look really attractive and will add to downtown. The downtown business owners have been requesting public restrooms for many years and it is finally a reality. Many business owners have expressed how happy they are about this and we are receiving inquiries about when they will be open. We anticipate that the restroom at WKFL park will receive more use in the winter than the one by Bartlett St. They will be really popular during parades and special events. Right now the tentative plan is to keep just one door open in each restroom during the winter months. After a few months, we should have better information about usage patterns and maintenance and operations costs.
 4. Harbor Construction Projects: This agenda contains a resolution awarding a construction contract for the replacement of Ramp 3 and several floats in the harbor. You may recall that this work was paid for by a 4.2 Million State grant and \$4.2 Million in bond sale revenue. Here is the good news. All of the bids came in under the engineers estimate and the two lowest, from very reputable companies, came in approximately \$2 Million under the estimate. Carey has double checked the bids and he and Bryan have talked to the engineers who did the cost estimate to look for discrepancies. So, there are decisions to be made about what to do. We are currently checking with the granting agency, the Municipal Bond Bank, our attorney's, and others to see what the possibilities are, from borrowing less and returning some grant money to using the money for other projects. Bryan is compiling a list of other projects on the CIP list that these funds could be used for. We would be very happy to discuss this situation in detail at the meeting. Right now, we are leaning toward recommending that we add a change order to the construction contract to replace additional floats on the CIP List and provide them with water and electric. Bryan would like to design a new float to accommodate the 60' by 60" fishing vessels that are becoming more common in the

- fleet. This could generate additional revenue for the Enterprise Fund. The advantages of going this route include 1) save on mobilization costs, 2) save on engineering and design costs, 3) approval from funding agencies is easier because we are simply expanding the existing project scope rather than adding new, completely different projects, and 4) we can move quickly. Remember that the State grant money must be expended within 18 months.
5. Skyline Drive Fire Station: As you know, the City has many construction projects underway, soon to be completed, or in the planning stages. It is really hard to keep all of those balls in the air and I am constantly amazed and appreciative of the job that Carey, Bryan, and Dan do in that regard. I really don't believe we could keep up this pace and get as much done as we are if the Council had not seen the wisdom in hiring a new project manager several years ago. One of the projects that is flying under the radar a little is the new Fire Station on Skyline Drive. I just wanted to mention that this project is also moving ahead. Engineering and design is complete and I signed the Public Notice / Request for Construction Bids this week. Hopefully we will receive good bids and construction will commence this spring or summer.
 6. Parks and Recreation Needs Assessment: Work has begun on the Parks and Recreation Needs Assessment. Based upon the conversation the Council had at the last meeting (move fast, form a committee administratively, use the Parks and Recreation Commission) and the discussion the Parks and Recreation Commission had at its meeting on January 16, I have formed the small working group/steering committee. The first meeting is Thursday, January 23, at 5:30. It is a seven member Committee. Not all of the names have been finalized at the time this was written but the seats include Community Recreation Program, ReCreate Rec, Chair of the Parks Commission, MAPP, Homer Council on the Arts, Voices for Business, and the Homer Hockey Association. The first meeting will be organizational in nature and will include meeting schedule, work plan, etc. The Parks and Recreation Commission will be involved at key points, approve work products, hold public hearings do public outreach, and make recommendations to the Council.
 7. GC/CM Proposal Receipt Log: At the last meeting the Council approved creation of a GC/CM Committee to oversee the new public safety building project. You may recall that the City has already solicited proposals which were due January 21. Evaluating the proposals is one of the first tasks the Committee will do. Attached is the Proposal Receipt Log. You can see that we got a good response. I am pleased to see a good response from local firms.
 8. Citizen's Academy: Katie is working very hard on setting up the Citizens Academy. The Academy is scheduled to begin February 20. We appreciate the helpful input from Council member Howard. Attached is a memorandum from Katie on this topic and she will be available to discuss it at the meeting.
 9. Compensation Parity Studies: At the last workshop on employee compensation, the Council requested copies of recent parity studies conducted by other municipalities. Andrea has obtained these documents and I believe they will take up several hundred pages in your packet. Sorry! Andrea is also doing a report for you which summarizes and consolidates this mass of information so it is easier to digest. Because of the

- executive session, it is likely that we won't have too much time to talk about this on Monday night. Another workshop will probably have to be scheduled if the Council wants to dive into this in any detail.
10. Sound System in Council Chamber: You will recall that the sound system, the mikes, the teleconference connection, and everything associated with it was a disaster at the last meeting. Further, the reception at KBBI was awful as well. Nick is looking into this in detail and will provide you with a report and some recommendations, probably at the next meeting.
 11. Critical Habitat Legislation: Katie and Linda Anderson are making great progress with building consensus and crafting legislation that would remove the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area. We have received lots of help from the Planning Department, Bryan Hawkins, ADF&G, and DNR. The legal description of the new boundaries is being prepared by DNR and will be included in legislation that will be introduced shortly. Special thanks go to Representative Seaton, Senator Micciche, and the Speaker of the House, Mike Chenault.
 12. Spit Parking Lot: At the last meeting, during public comments, a citizen mentioned that he thought HART funds should not have been used to construct a parking lot on the Spit. That is a fair point and may warrant additional discussion. You will recall that Council recently approved design of a parking lot extension adjacent to the existing parking lot at the Seafarer's Memorial. We told you at the time that using HART funds for this might be a stretch and that other sources of funding were available if Council wanted to discuss it. In short, we have used HART money for parking lots in the past. We have received legal guidance that constructing parking lots was probably OK if the parking lot has a direct nexus to a trail. In other words, it was the jumping off point for a trail, access point, or it was obvious that everyone parked there to use the trail. We did this most recently with the parking lot improvements at Bishops Beach (paving) because it is a jumping off point for the Beluga Slough Trail, the new trail to be built on Charles Way, and the new pedestrian lanes in Old Town. I think we may have also used HART funds for improvements and expansion at the Spit Trail Parking Lot on Kachemak Drive. The parking lot expansion at the Seafarers Memorial will clearly be used by folks using the new and extended Spit Trail and the trail extension to Coal Point. However, it is across the street and a block away from the trail and it will also be used by folks patronizing local businesses. So, let us know if you want to discuss this one further.
 13. Chief Painter Accepted into FEMA Academy: Fire Chief Bob Painter has been accepted into the National Emergency Management Executive Academy. This program is a collaborative effort between FEMA's Emergency Management Institute and prominent programs at higher education institutions offering a cutting edge curriculum that support the advancement of the emergency management profession and its executive leadership. Collaborators include Harvard University, the University of Hawaii-National Disaster Preparedness Training Center, U.S Navy Post graduate School, Center for Homeland Defence and Security, and Texas A&M Engineering and Extension Service. Only 40 applicants were selected nationwide. The course is held in Emmitsburg Maryland in four week long sessions spread over the entire year. Congratulations to

- Bob. This training will serve the community well and we are fortunate to have someone as qualified as Bob in this position.
14. Wastewater Agreement with Kachemak City: This agenda contains a resolution approving a new wastewater agreement between the City of Homer and Kachemak City. This agreement has not been updated since it was originally signed in 1988. The new version is mostly an update and removes much of the language that is no longer relevant; especially all of language having to do with construction of the new sewer treatment plant and the sewer lines in Kachemak City. One thing of particular note is that the draft agreement says the baseline average for gallons put into the system is 2,500 instead of 3,500. You will recall that this was a big issue for Kachemak City when the new water and sewer rate fee schedule was approved. Since the fee schedule was approved, we have spent more time talking to Kachemak City about this and we are pretty certain that the average monthly number of gallons placed into the collection system is significantly less than 3,500. There are many reasons for this including the fact that everyone either hauls water or has it delivered. People who do that tend to be much more conservation minded. Also, the demographics there are changing. Kids are grown up and moving out, the population is aging, and many residences have only two occupants. The new rate model was based primarily upon consumption. Keeping that in mind, it seems inconsistent with the intent of the model to charge people for more than they are actually using. Installing meters is problematic for a variety of reasons and measuring how much water people use is complicated because it is delivered, hauled, collected by roof cistern systems, and obtained via wells. 2,500 gallons seems like a reasonable number. The available evidence seems to suggest that the average is probably less than that. Another reason for dropping the number to 2,500 is that Kachemak City residents do not have the ability to shut off their meters and pay less during the months that they are away and are not putting anything into the system. They pay the full amount whether they are home or not. We recommend changing the amount to 2,500. If Council agrees, we will have to amend the fee schedule. The estimated fiscal impact is about \$27,000.
 15. The Finance Department has been awarded a Certificate of Achievement for Excellence in Financial Reporting for their comprehensive annual financial report for the fiscal year ending December 31, 2012. This certificate is well deserved by the dedicated staff in the Finance Department.

City Manager Wrede congratulated the Finance Department on the Certificate of Achievement for excellence in financial reporting. It was for a good audit and very few comments.

Fire Chief Painter has been accepted into the prestigious National Emergency Management Executive Academy which will benefit the entire community.

The bid for harbor construction projects came in \$2M under the engineer's estimate. The Port and Harbor Advisory Commission will discuss if we should return grant money or put the excess funds towards other projects on the CIP list. Council could amend the contract with the contractor and do some float work and upgrades to water and electric. Adding projects now

will realize less mobilization and engineering and design costs. Council will have a conversation at the next meeting. We have 18 months to expend the grant monies. One project would be to reconfigure one float to accommodate 60 ft. x 60 ft. vessels.

Councilmember Burgess issued kudos to Project Manager Nelsen on the Port and Harbor building project.

B. Games Report

1. Homer Animal Friends

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

Bob Hartley, Port and Harbor Improvement Committee Member, reported the committee supports additional funds for the harbor. They can't see leaving those funds unused and sent back to the State. They can only be used for projects in the harbor. If we don't expend them now we will have to within a couple years.

- F. Employee Committee Report
- G. Port and Harbor Building Task Force

PENDING BUSINESS

- A. **Resolution 13-116**, A Resolution of the City Council of Homer, Alaska, Amending the Economic Development Advisory Commission Bylaws to Include That the Director of the Homer Chamber of Commerce May Serve as a Non-Voting, Ex-Officio Member of the Commission. City Clerk/Economic Development Advisory Commission. (Pulled from December 9, 2013.)

Memorandum 13-165 from Economic Development Advisory Commission as backup.

Memorandum 14-024 from Community and Economic Development Coordinator as backup.

Mayor Wythe called for a motion for the adoption of Resolution 13-116 by reading of title only.

LEWIS/BURGESS – SO MOVED.

ROBERTS/LEWIS – MOVED TO AMEND LINES 10 AND 32 AFTER THE WORD “COMMERCE” SAY “AND MARINE TRADES ASSOCIATION MEMBER.”

The amendment will parallel the amendments in Ordinance 14-01.

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

Motion carried.

ROBERTS/LEWIS - MOVED TO AMEND THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION BYLAWS SECOND PARAGRAPH, SECTION 1, AFTER FIRST SENTENCE “TWO MEMBERS MAY BE RESIDENTS FROM OUTSIDE THE CITY LIMITS” TO ADD: “AND RESIDE IN ZIP CODE 99603.”

Councilmember Zak expressed opposition.

VOTE: YES. VAN DYKE, LEWIS, ROBERTS

VOTE: NO. ZAK, BURGESS

Motion failed.

ROBERTS/LEWIS – MOVED TO POSTPONE RESOLUTION 13-116 TO PARALLEL ORDINANCE 14-01(A).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 14-008**, A Resolution of the City Council of Homer, Alaska, Approving a New Intergovernmental Wastewater Agreement Between the City of Homer and Kachemak City. City Manager. (Postponed from January 13, 2014.)

Motion on the floor from January 13: MOTION FOR THE ADOPTION OF RESOLUTION 14-008 BY READING OF TITLE ONLY.

Councilmember Burgess commented water and sewer is a contentious issue. To alleviate some derisiveness the Water and Sewer Task Force was formed. The task force worked hard to bring in all the information to make an informed decision. It was decided to use the 3,500 gallon figure of sewer usage per user per month for Kachemak City residents. It was based on precedent and no hard information to go on. Kachemak City users have their water delivered or they are on wells; there is no way to assess the sewer usage figure. In the contract we are reducing the rate of sewer usage to Kachemak City users by a third - from 3,500 to 2,500 gallons per user. As a representative of the City of Homer when he thinks of an external user group, city residents should have a benefit for a system they pay for. He would like to err on the side of financial conservatism when charging for water and sewer outside of the city. He has received input from Kachemak City residents that they should be charged a fair price. There are lots of options: to meter the one flow in from all of Kachemak City. Some Kachemak City users are using far less than 3,500 gallons per month and some are using way more. Council should have a larger discussion. Also in the contract is the City's obligation to hire a third party consultant to act as an arbitrator. He sees big dollar signs and smiling attorneys.

Councilmember Roberts concurs with the concerns of Councilmember Burgess and is not ready to vote. She ultimately wants to pass a contract for Kachemak City, but first we should examine how much sewage they are sending into the system.

ROBERTS/BURGESS – MOVE TO POSTPONE UNTIL AFTER WE HAVE A WORKSESSION.

The Clerk will send out a meeting invitation.

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

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 14-021**, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement Between the City of Homer and the Homer Chamber Of Commerce. City Manager.

Mayor Wythe called for a motion for the adoption of Resolution 14-021 by reading of title only.

ZAK/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 14-023**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation of a Life-Size Bronze Bust of Brother Asaiah Bates by an Anonymous Donor and Created by Homer Artist Leo Vait for Permanent Placement in WKFL Park. City Clerk/Public Arts Committee.

Memorandum 14-016 from Public Arts Committee as backup.

Memorandum 14-018 from Parks and Recreation Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 14-023 by reading of title only.

ZAK/ROBERTS – SO MOVED.

LEWIS/ROBERTS – MOVED TO POSTPONE AND REFER TO THE PUBLIC ARTS COMMITTEE TO HOLD PUBLIC MEETINGS AND COME BACK TO COUNCIL WITH A CONSENSUS AS TO WHAT SHOULD BE DONE WITH THE STATUE AND WHERE IT SHOULD BE PLACED.

The next Public Arts Committee meeting is February 13.

Artist Leo Vait has a spot for casting in early March. He can still complete the statue if a decision is made by May.

Councilmember Burgess voiced his apprehension about placing a statue of a person with a religious association in a public place. As a secular organization we are treading on thin water. The feedback he received was that Brother Asaiah's philosophy was better immortalized than he was in human. We need to heed the public's input.

LEWIS/ROBERTS - MOVED TO BRING THE RESOLUTION BACK TO THE SECOND MEETING IN MARCH (MARCH 24) WITH A RECOMMENDED CONSENSUS OF WHERE THIS SHOULD BE PLACED.

There was no discussion.

VOTE: (amendment) YES. ZAK, VAN DYKE, LEWIS, ROBERTS

VOTE: NO. BURGESS

Motion carried.

VOTE: (postponement) YES. LEWIS, ZAK, ROBERTS, VAN DYKE

VOTE: NO. BURGESS

Motion carried.

- C. **Resolution 14-024**, A Resolution of the City Council of Homer, Alaska, Awarding the Contracts for Park Signage to Handpainted Designs by Dan Coe of Anchor Point, Alaska, in the Amount of \$1,650.00 for Jeffrey Park, Bayview Park, and Louie's Lagoon; to Lost Things Designs of Homer, Alaska, in the Amount of \$1,360.00 for the Jack Gist Park; and Approving the Uniform Sign Design Criteria as Standards for All City Parks, Trails, Beaches, and Recreational Areas. City Clerk/Public Arts Committee.

Memorandum 14-019 from Parks and Recreation Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 14-024 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Councilmember Zak declared a potential conflict of interest as he buys things from Dan Coe. Mayor Wythe ruled there was not a conflict since Dan Coe did not buy things from Councilmember Zak. There was no objection from the Council.

Councilmember Van Dyke declared a potential conflict of interest as Dan Coe has his car fixed in his shop. Councilmember Van Dyke has not derived more than \$500 per occurrence or more than \$5,000 in a year for car repairs. Mayor Wythe ruled there was not a conflict and there was no objection from the Council.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Lindianne Sarno, city resident and Recreate Rec, commented on the HERC building. It is now called Homer Heritage High School and they want to save the building and operate it as Kachemak Bay Community Center for culture, arts, recreation, education, and economic development programs.

Ken Castner, city resident, supports the new harbor building. We need to agree what our values are. The CIP is the community's and he would like to see a better comprehensive approach in the CIP and expenditures. He turned in the Home Rule petition today with more than enough signatures.

Tony Burgess, city resident, urged Council to explore a locally or regionally public funded health insurance, sharing the risk with cities or the borough. There is an opportunity to make a remarkable statement of community values with a more coherent and compassionate approach to the welfare of our citizens.

Charles Davis, city resident, commented we are running an inefficient government that costs more money and hurts the low income people. We need to have a much more efficient operation with no more taxes on food.

Jeanne Parker, city resident, asked why the placement of the public safety building was so high on the CIP and came out of the blue. The HERC building is very important to her as it has the nicest gym floor in town. She would not want it torn down to build a new public safety building.

Ginny Espenshade, city resident, appreciates the efforts of finding a consensus to place the Brother Asaiah statue. She suggested a borough-wide recreational area funded by a small property tax increase.

Larry Slone, city resident, told Council there are alternative methods of funding the City's requirements. Gears of the government are beginning to slip and get gummed up with confusion, uncertainty, suspicion, and personal vendettas. The Citizens Academy may help get the City back on track.

Michael Kennedy, city resident, believes it is a bad idea to appeal the Castner lawsuit over natural gas. It has opened avenues for other inequities in the system. It is discriminating against Anchor Point to only allow 99603 zip code commissioners and would be a rule for only one commission and not the others. We are quibbling over \$300,000 for parks and rec yet talking \$15M for police and fire, something a town of 5,000 people cannot afford.

Ken Landfield, city resident, commented the \$15M for police and fire could include room for an arts and cultural facility. He appreciates there will be a community wide conversation on the statue of Brother Asaiah.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson announced the upcoming Citizens Academy.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented on the proposed amendment to limit commissioners to the 99603 zip code. Cutting out Anchor Point would cut out a lot of commissioners. As to the procurement policy, one guy comes to every meeting saying we don't follow the procurement policy. The first question City Manager Wrede asks department heads if we are going sole source is if we have a good reason. The policy needs to be rewritten, as it is a little outdated. For increased revenues there are ways outside the box. Maybe we should have a community discussion. Charlie Davis raised one, increasing the \$500 limit on sales tax. It hasn't been raised

since 1964. We asked the Borough to look into this and the estimated tax revenue is estimated at \$700,000 to \$800,000, about the same as reinstating sales tax on nonprepared food. There is a required ratio between property and sales tax with 6 mils being the limit. Sales tax is our biggest revenue source. The first meeting on the group working with the recreation needs assessment was held. There are strong feelings about keeping the HERC building, especially the gym. The site for the Public Safety building is not blocked in stone. The engineers will look at all the sites identified. The HERC site was preferred since the City already owns it and it has gas and utilities. Council has talked about the HERC building quite a bit and has looked at the costs to fix it up and tear it down. We have talked about getting together with contractors or cost estimators where improvements could be phased in. There is still a lot of debate to be had about the HERC.

COMMENTS OF THE MAYOR

Mayor Wythe commented to do anything different to the HERC building from the current classrooms, it has to be brought up to code. The \$7M estimate to do that could be used to build a new building. We do not have \$200,000 a year to expend just to keep it open. We do not have money for parks and recreation. The Public Safety building has been on the CIP for a number of years. It was elevated since there are potentially funds available. It is a five year project and we need to move forward. The existing public safety buildings are not meeting the needs of the community; they do not have adequate space. Public safety is a number one responsibility of a First Class city. We are not asking the community to come up with \$15M. Mayor Wythe congratulated Fire Chief Painter on his acceptance to the FEMA academy and Finance Director Li for the good audit report. Council is committed to doing a long range strategic plan and we need to get it on the agenda sooner than later. The meetings will be open to the public. There are currently two openings on the Public Safety Building Review Committee.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis commented he keeps bringing up the sales tax to bring Mike (Kennedy) here to keep him from doing other things. The college rented the HERC building for a number of years paying \$60,000 a year and performed the maintenance work on it. That is what kept the Boys and Girls Club there. Tomorrow night is senior night at the hockey rink with the high school hockey team. They beat SoHi the last two games and are playing Kenai. He invited people to come out and watch the game.

Councilmember Burgess said the City does work hard to honor the bid and procurement policy, but it could use a good revamp. If you are a member of the business community and have things to offer, please email him. The CIP process is quite inclusive with feelers sent to the commissions and non-profits. Council then prioritizes the list as to where we can get funding. A new public safety building is being sought, as it is a good opportunity for the State to supply funding without spending our own tax dollars. The site is not set in stone and HERC is not on the verge of getting demolished. It costs more money to remodel the HERC than it would cost to build something new. Council doesn't want to tear down the building or get rid of it unless it

has a means to do so. We are limiting ourselves by not exploring more building site options. We need to think outside the box for feasible options that the community can get behind.

Councilmember Van Dyke commented the port does need the new building. Although he is set in his ways that it should be done within the budget, he can bend.

Councilmember Zak commented tonight is an excellent example of why we serve on the council. It is the characters that make up the community. A meeting ago we learned the drift netters were affected by changes to Area 1A; city representatives are going to talk to the Board of Fisheries. That is **W**isdom. We gained **K**nowledge when Kachemak Bay Research Reserve shared the importance of their organization and the need to keep the economic base strong. We have **F**aith by Lisa Roberts' presentation of the United Way, and **L**ove for the little girl with the congenital heart condition and the many ways the community reaches out to the citizens. It is a unique and wonderful community with all those elements and the citizens all working together to bring it together. The budget process worked well; we have to make tough decisions.

Councilmember Roberts congratulated Fire Chief Painter for being selected for the FEMA academy. She worked with him on the Emergency Operation Plan last year. She thought the Borough Assembly had to raise the \$500 sales tax limit. During budget time a lot of people came to us asking for things and Council felt frustrated. There were a lot of comments on the sales tax and people are adamantly opposed to sales tax, yet people want recreation. Everyone needs to remember we don't know how we are going to do it. The Citizens Academy is about to come to fruition with city employees giving a lot of their time to explain their functions.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:49 p.m. The next Regular Meeting is Monday, February 10, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession at 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 14-027

TO: HOMER CITY COUNCIL

FROM: MARY E. WYTHE, MAYOR

DATE: FEBRUARY 4, 2014

SUBJECT: APPOINTMENT OF PATRICIA UTLEY TO THE LIBRARY ADVISORY BOARD AND RALPH CRANE AND KEN CASTNER TO THE PUBLIC SAFETY BUILDING REVIEW COMMITTEE.

Patricia Utley is appointed to the Library Advisory Board to replace outgoing member Tamara Fletcher. Her term will expire April 1, 2016.

Ralph Crane and Ken Castner are appointed to the Public Safety Building Review Committee.

RECOMMENDATION:

Confirm the appointment of Patricia Utley to the Library Advisory Board and Ralph Crane and Ken Castner to the Public Safety Building Review 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

JAN 22 2014 PM 02:03

ly

RECEIVED BY CLERK'S OFFICE

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

Name Patricia Kathryn Utley Date Jan 22 / 2014
 Physical Address Seaside Farm City Homer
 Mailing Address P.O. Box 2657 Zip Code 99603
 Phone _____ Work # Pool Cell # 907-750-3793
 Email Address gatfish@icloud.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 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input checked="" type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 6:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	3RD THURSDAY OF THE MONTH AT 11:00 A.M. WORKSESSIONS AT 10:00 A.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 6:00 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for 5 mos. yrs I have been a resident of the area for 5 mos. yrs.

I am presently employed as: Water Aerobic/Swimming Instructor KK Pool

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

BA Philosophy Minor Latin
Library experience: Student Supervisor
Periodicals Coordinator

Have you ever served on a similar commission, committee, board or task force? I was on the board for the

If so, when & where: Freebox Clothing Exchange - did some fund raising for them

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

I am interested in serving on the above because:

Sounds interesting!

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? No, other than kayak
If yes, is you use primarily: Commercial Recreational Both

Please include any additional information that may assist the Mayor in his decision making:

I just love Home, beautiful town, wonderful people.



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

JAN 29 2014 PM 04:52 *[Signature]*

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

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Name Date

Physical Address City

Mailing Address Zip Code

Phone Work # Cell #

Email Address

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<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 P.M. WORKSESSIONS AT 5:30 P.M.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 5:00 P.M.
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<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 checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Public Safety Building Task Force

Curriculum Vitae

Ralph E. Crane

986 Larkspur Court
Homer, Alaska 99603
Cell/Text: 909/218-6362
kummok@earthlink.net

SUMMARY A successful, consistently effective Fire Protection Management and Planning Officer, fully experienced in both wildland and structural fire prevention and control. Specialist in QRS Fire Sprinkler system water supply and cold weather protection

POSITIONS HELD	Firefighter	Fire Apparatus Engineer	Fire Captain
	Battalion Chief	Forestry Tech V	Fire Training Officer
	Fire Planning Officer	Operations Chief	Inspector/Investigator
	PIO	Deputy Fire Marshal	Fire Marshal

PUBLICATIONS

- 'Residential Fire Safety Master Plan' Office of the State Fire Marshal (CA), Advisor, 1988
- 'California Voluntary Standard for the Design, Installation , Testing of Self Contained Water Supply Systems for Residential Fire Sprinkler Applications', Office of the State Fire Marshal (CA), Committee Chair and Technical Author, 1995
- 'Cooperative Fire Protection in Rural Areas', Alaska State Legislature
- 'AHJ Perspective', column, 'Fire Protection Contractor' magazine

EDUCATION

- Eastern Oregon State College
Major: Fire Services Administration
- University of Alaska/Anchorage Community College
Assoc of Applied Science Degree: Fire Science/Structural
Assoc of Applied Science Degree: Fire Science/Wildland
- College of the Siskiyous, •San Joaquin Delta College
Major: Fire Science Major: Fire Science (Honor Roll)
- Shasta College
Certification: Business Management (Honor Roll)
- Special Study: Over 100 seminars and courses in fire operations/management

LICENSES/

CERTIFICATIONS

Alaska Class A CDL w/ TXP1M	ICBO "Plans Examiner" Cert.
POST PC 832 Arrest Cert.	NFA "Fire Prevention Officer" Cert.
POST PC 832 Firearm's Cert.	Alaska Fire Service Instructor Cert.
SB Sheriff's Dept CapStun Cert.	First Responder Op - Haz Mat Cert.
CFSTES Firefighter I & II Cert.	CFSTES Fire App Driver/Op I
FAA Student Pilots License	

HONORS

- Appointed "Knight Bachelor" in the Order of Life Safety Servants 1999
- Appointed to U.S. Coast Guard Presidential Support Team
- "Alaska Firefighter of the Year" Award , Alaska State Fire Marshal 1986
- Honor Roll Shasta College and San Joaquin Delta College

PROFESSIONAL ACTIVITIES

Past Member	California State Fire Marshal's Advisory Committee on Automatic Fire Sprinkler Systems
Past Member	California State Fire Marshal's Special Task Force on Automatic Fire Sprinkler Systems in Manufactured Housing
Past Board Member	California Fire Chiefs Association, Southern California Fire Prevention Officers Association
Past President/CEO	Fire FX, Inc. (fire sprinkler water supply system manufacturer)
Contributing Writer	Fire Protection Contractor Magazine (Fire Sprinkler Industry)
Instructor	Anchorage Community College , College of the Siskiyous, Mt San Antonio College
Past Hearing Officer	San Bernardino Youth Accountability Board
Past Member	Fire Marshals Association of North America
Past Member	National Fire Protection Association
Past Member	Western Fire Chiefs Association
Member, Certified	International Conference of Building Officials
Past Member	UFC Article 81 Committee
Past Appointee	Alaska State Fire Marshal's Public Fire Education Advisory Committee
Past Appointee	Alaska State Fire Marshal's Firefighter Memorial Committee
Past Appointee	Alaska State Fire Marshal's Residential Sprinkler System Advisory Committee
Past Appointee	California State Fire Marshal's Advisory Committee on Residential Sprinkler Systems
Past Director	Coalition for Home Fire Sprinklers - Alaska Campaign
Past Member	Anchorage Chapter, National Fire Sprinkler Assoc
Past President	Southcentral (Alaska) Fire Prevention Council
Guest Speaker	Numerous local/statewide/national groups, including: International Conference of Building Officials Anchorage Kiwanis/Rotary/Lions Clubs Anchorage Live/Norma Goodman Show - TV talk show Herb Shaindlin's "Hotline" - radio talk show American Association of Women in Construction

University of Alaska - Fairbanks
Alaska Governor's Safety and Health Conference
Independent Insurance Agents and Brokers Association
Alaska Fire Chiefs & Alaska Firefighters Associations
Construction Specification Institute
Building Owners and Managers Association
California Fire Safety Forum
San Bernardino Co FPO Assoc

ACHIEVEMENTS

Rancho Cucamonga Fire Protection Dist (RCFD)

- Designed and initiated the RCFD's first parking ticket program allowing authorized employees to issue a "quick cite" instead of (RCFD) long form citation. Program was subsequently adopted by the San Bernardino Sheriff/Rancho Cucamonga Police Dept
- As Local Area Network (LAN) Administrator, planned, designed, budgeted, ordered, installed, maintained, and trained users on, all the functions of an Apple Macintosh computer network for the RCFD Headquarters office
- Designed and implemented the RCFD's formal "Application for Alternate Method" process, per requirements of UFC Art 2
- Justified and hired the RCFD's New Construction Inspector, which was later instrumental in developing the current Fire Department/Building and Safety development review service, 'New Construction Unit'
- Developed a Public Education Specialist assessment center program now emulated in other fire agencies
- Oversaw the design and building of the RCFD's fully functional Public Education Unit, and Arson Investigation Unit (specialized vehicles)
- Served as founding member of 5 person West End Fire Chiefs Association Codes and Standards Development Committee 1991 to present
- Authored new AFD Fire Inspection Program, complete with new Fire Inspection forms, procedures, training, files management, and handbooks
- Coordinated and delivered Anchorage's first Uniform Fire Code Seminar and Company Inspection Train-The-Trainer Course
- AFD Merit Awards for Employee Suggestions (3)
- Co-developed an in-house television broadcast network for providing education/communications to all AFD sites (12)

Anchorage Fire Department (AFD)

*Alaska Division
of Forestry (ADF)*

- Co-developed with the University of Alaska - School of Engineering, a dedicated water supply system for use with residential (QRS) sprinkler systems in remote areas
- Conducted over 50 statewide live QRS fire sprinkler demonstrations
- Accomplished over 400 comprehensive plan reviews in a 6-month period
- Involved with over 200 hours of courtroom procedures - civil and criminal
- Developed and implemented a complete emergency Vehicles operation course
- Co-developed AFD's first program for fire company operations assessment
- Development of Alaska Div of Forestry's Statewide Incident Reporting System
- Alaska Legislative "Commission on the Year 2000", 1979 "Future Frontiers" conference
- Alaska Governor's Commission on Fire Prevention and Control
- Co-authored Division's statewide Fire Management Handbook
- Produced Multimedia documentary on "1979 Delta Barley Project Conflagration"



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

FEB - 5 2014

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

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This information is public and will be included in the Council Information packet.

Name Date

Physical Address City

Mailing Address Zip Code

Phone Work # Cell #

Email Address

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.
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<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 3:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	Public Safety Building Review

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:

I WORK AS AN ESTIMATOR & PROJECT REVIEWER FOR VARIOUS PUBLIC WORKS OFFICES AROUND AREA.

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:

I HAVE PROFESSIONAL KNOWLEDGE

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.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 14-028

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: FEBRUARY 4, 2014

SUBJECT: LIQUOR LICENSE RENEWALS FOR AJ'S OLDTOWN STEAKHOUSE AND TAVERN, BPO ELK'S LODGE #2127, OAKEN KEG, HAPPY FACE, FINN'S, AND CAPTAIN PATTIE'S FISH HOUSE

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

Type: Beverage Dispensary
Lic #: 1252
DBA Name: AJ's Oldtown Steakhouse & Tavern
Premise Address: 120 W Bunnell Ave.
Owner: APS Investments LLC
Mailing Address: 135 W Bunnell Ave., Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy.
Owner: Safeway Inc.
Mailing Address: Po Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant Eating Place – Public Convenience
Lic #: 3666
DBA Name: Happy Face
Premise Address: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer, AK 99603

Type: Restaurant Eating Place – Seasonal
Lic #: 4164
DBA Name: Finn’s
Premise Address: 4287 Homer Spit Road, Unit #4
Owner: Finn’s LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant Eating Place – Seasonal
Lic #: 2673
DBA Name: Captain Pattie’s Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Pattie’s Fish House, Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556-0210

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

Fiscal Note: Revenues.



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 27, 2014

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501-1768

RE: Non-Objection of License Renewal

Business Name	:	AJ's Oldtown Steakhouse & Tavern
License Type	:	Beverage Dispensary
License Location	:	City of Homer
License No.	:	1252

Dear Ms. Lambert,

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

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

Sincerely,

Michele Turner
Deputy Borough Clerk

MLT/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 27, 2014

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501-1768

RE: Non-Objection of License Renewal

Business Name	:	AJ's Oldtown Steakhouse & Tavern
License Type	:	Beverage Dispensary
License Location	:	City of Homer
License No.	:	1252

Dear Ms. Lambert,

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

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

Sincerely,

Michele Turner
Deputy Borough Clerk

MLT/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@borough.kenai.ak.us

JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 29, 2014

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501-1768

RE: Non-Objection of License Renewal

Business Name	:	BPO Elks Lodge #2127
License Type	:	Club
License Location	:	City of Homer
License No.	:	367

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



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January 29, 2014

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501-1768

RE: Non-Objection of License Renewal

Business Name	:	Finn's
License Type	:	Restaurant/Eating Place
License Location	:	City of Homer
License No.	:	4164

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



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JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 29, 2014

Ms. Christine Lambert
Records & Licensing Supervisor
Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501-1768

RE: Non-Objection of License Renewal

Business Name	:	Happy Face
License Type	:	Restaurant Eating Place/Public Convenience
License Location	:	City of Homer
License No.	:	3666

Dear Ms. Lambert,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM

DATE: January 23, 2014

TO: Melissa Jacobsen, Deputy City Clerk

FROM: Mark Robl, Chief of Police

SUBJECT: Liquor License Renewal

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

Type: Beverage Dispensary
Lic #: 1252
DBA Name: AJ's Oldtown Steakhouse & Tavern
Premise Address: 120 W Bunnell Ave.
Owner: APS Investments LLC
Mailing Address: 135 W Bunnell Ave. Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Service Location: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Service Location: 90 Sterling Hwy
Owner: Safeway Inc.
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant Eating Place – Public Convenience
Lic#: 3666
DBA Name: Happy Face
Service Location: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer, AK 99603

Type: Restaurant Eating Place - Seasonal
Lic#: 4164
DBA Name: Finn's
Service Location: 4287 Homer Split Road #4
Owner: Finn's LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant Eating Place - Seasonal
Lic#: 2673
DBA Name: Captain Pattie's Fish House
Service Location: 4241 Homer Split Road #1
Owner: Captain Pattie's Fish House Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556-0210



HOMER POLICE DEPARTMENT
4060 Heath Street
Homer, Alaska 99603
Telephone (907) 235-3150
Fax (907) 235-3151

The information contained in this Fax is CONFIDENTIAL AND/OR PRIVILEGED. This fax is intended to be reviewed initially by only the individual named below. If the reader of this transmittal page is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copy of this fax or the information contained herein is prohibited. If you have received this fax in error, please immediately notify the sender by telephone and return this fax to the sender at the above address. Thank you.

TO: Melissa Jacobsen DATE: 1/23/14

FAX NUMBER: 235-3140

MESSAGE: _____

NUMBER OF PAGES INCLUDING COVER SHEET: 3

SENDER: NS00 - HPD



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF

FROM: MELISSA JACOBSEN, DEPUTY CITY CLERK

DATE: JANUARY 23, 2014

SUBJECT: REQUEST FOR LIQUOR LICENSE RENEWALS FOR AJ'S OLDTOWN STEAKHOUSE AND TAVERN, BPO ELK'S LODGE #2127, OAKEN KEG, HAPPY FACE, FINN'S, AND CAPTIAN PATTIE'S FISH HOUSE

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

Type: Beverage Dispensary
Lic #: 1252
DBA Name: AJ's Oldtown Steakhouse & Tavern
Premise Address: 120 W Bunnell Ave.
Owner: APS Investments LLC
Mailing Address: 135 W Bunnell Ave., Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy.
Owner: Safeway Inc.
Mailing Address: Po Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant Eating Place – Public Convenience
Lic #: 3666
DBA Name: Happy Face
Premise Address: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer, AK 99603

Type: Restaurant Eating Place – Seasonal
Lic #: 4164
DBA Name: Finn’s
Premise Address: 4287 Homer Spit Road, Unit #4
Owner: Finn’s LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant Eating Place – Seasonal
Lic #: 2673
DBA Name: Captain Pattie’s Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Pattie’s Fish House, Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556-0210

This matter is scheduled for the February 10, 2014 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **Wednesday, February 5, 2014**.

Thank you for your assistance.

Transmission Log

CITY CLERK'S OFFICE

Thursday, 2014-01-23 10:45

22

Date	Time	Type	Job #	Length	Speed	Station Name/Number	Pgs	Status
2014-01-23	10:43	SCAN	00524	0:52	21600	907-235-3151	5	OK -- V.34 1M31



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF
FROM: MELISSA JACOBSEN, DEPUTY CITY CLERK
DATE: JANUARY 23, 2014
SUBJECT: REQUEST FOR LIQUOR LICENSE RENEWALS FOR AJ'S OLDTOWN STEAKHOUSE AND TAVERN, BPO ELK'S LODGE #2127, OAKEN KEG, HAPPY FACE, FINN'S, AND CAPTIAN PATTIE'S FISH HOUSE

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

Type:	Beverage Dispensary
Lic #:	1252
DBA Name:	AJ's Oldtown Steakhouse & Tavern
Premise Address:	120 W Bunnell Ave.
Owner:	APS Investments LLC
Mailing Address:	135 W Bunnell Ave., Homer, AK 99603
Type:	Club
Lic #:	367
DBA Name:	BPO Elks Lodge #2127
Premise Address:	215 W Jenny Way
Owner:	BPO Elks Lodge #2127
Mailing Address:	215 W Jenny Way, Homer, AK 99603
Type:	Package Store
Lic #:	4162
DBA Name:	Oaken Keg
Premise Address:	90 Sterling Hwy.
Owner:	Safeway Inc.
Mailing Address:	Po Box 29096 MS 6531, Phoenix, AZ 85038-9096
Type:	Restaurant Eating Place - Public Convenience
Lic #:	3666
DBA Name:	Happy Face
Premise Address:	4400 Homer Spit Road
Owner:	Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address:	4400 Homer Spit Road, 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: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

January 22, 2014

Renewal Application Notice

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

Attn: City Clerks & Borough Clerk

VIA EMAIL: jjohnson@ci.homer.ak.us; smodigh@ci.kenai.ak.us;

clerk@cityofseward.net; jkinney@cityofseward.net; cityclerk@ci.soldotna.ak.us;

jblankenship@borough.kenai.ak.us; kring@borough.kenai.ak.us; joanne@borough.kenai.ak.us

cityclerk@cityofseldovia.com

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



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: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

January 22, 2014

RE: Liquor License Renewal Notice

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

HOMER

Type: Beverage Dispensary
Lic #: 1252
DBA Name: AJ's Oldtown Steakhouse & Tavern
Premise Address: 120 W Bunnell Ave.
Owner: APS Investments LLC
Mailing Address: 135 W Bunnell Ave., Homer, AK 99603

Type: Club
Lic #: 367
DBA Name: BPO Elks Lodge #2127
Premise Address: 215 W Jenny Way
Owner: BPO Elks Lodge #2127
Mailing Address: 215 W Jenny Way, Homer, AK 99603

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg
Premise Address: 90 Sterling Hwy.
Owner: Safeway Inc.
Mailing Address: Po Box 29096 MS 6531, Phoenix, AZ 85038-9096

Type: Restaurant Eating Place – Public Convenience
Lic #: 3666
DBA Name: Happy Face
Premise Address: 4400 Homer Spit Road
Owner: Hyang-Suk Yuk & Chae Myong Yuk
Mailing Address: 4400 Homer Spit Road, Homer, AK 99603

Type: Restaurant Eating Place – Seasonal
Lic #: 4164
DBA Name: Finn’s
Premise Address: 4287 Homer Spit Road, Unit #4
Owner: Finn’s LLC
Mailing Address: PO Box 1435, Homer, AK 99603

Type: Restaurant Eating Place – Seasonal
Lic #: 2673
DBA Name: Captain Pattie’s Fish House
Premise Address: 4241 Homer Spit Road #1
Owner: Captain Pattie’s Fish House, Inc.
Mailing Address: PO Box 210, Anchor Point, AK 99556-0210

KENAI

Type: Recreational Site
Lic #: 3209
DBA Name: Alaskalanes
Premise Address: 10639 Spur Hwy.
Owner: Alaskalanes Inc.
Mailing Address: PO Box 1509, Kenai, AK 99611

OUTSIDE CITY LIMITS

Type: Beverage Dispensary
Lic #: 838
DBA Name: Alaska Roadhouse Bar & Grill
Premise Address: 48289 Golddust Drive
Owner: Alaska Roadhouse Company
Mailing Address: 48289 Golddust Drive, Soldotna, AK 99669

Type: Beverage Dispensary
Lic #: 297
DBA Name: De Canter Inn
Premise Address: Mile 107 Sterling Hwy.
Owner: UMFA Inc.
Mailing Address: PO Box 703, Soldotna, AK 99669

Type: Beverage Dispensary
Lic #: 523
DBA Name: The Homestead Restaurant
Premise Address: 55829 East End Road
Owner: Homestead Fine Dining Inc.
Mailing Address: PO Box 3041, Homer, AK 99603

Type: Beverage Dispensary - Seasonal
Lic #: 4747
DBA Name: Fireweed Meadows
Premise Address: 72749 Milo Fritz Ave.
Owner: Kyllonen Enterprises Inc.
Mailing Address: PO Box 49, Anchor Point, AK 99556

Type: Beverage Dispensary Tourism
Lic #: 3002
DBA Name: Eagle Crest Dining Room & Lounge
Premise Address: 17245 Frontier Circle Complex 1
Owner: Alaska Hotel Properties LLC
Mailing Address: 800 Fifth Ave. Ste. 2600, Seattle, WA 98104-3176

Type: Beverage Dispensary Tourism
Lic #: 555
DBA Name: Inlet View Restaurant & Bar
Premise Address: 15630 Sterling Hwy.
Owner: Inlet View Restaurant & Bar Inc
Mailing Address: PO Box 39150, Ninilchik, AK 99639

Type: Club
Lic #: 3469
DBA Name: BPO Elks Lodge #2706
Premise Address: 44640 Parkway Ave.
Owner: Soldotna Elks Lodge #2706
Mailing Address: 44640 Parkway Ave., Soldotna, AK 99669-7114

Type: Package Store
Lic #: 2822
DBA Name: Big John's
Premise Address: 41437 Sterling Hwy.
Owner: Irini, Inc.
Mailing Address: PO Box 151, Kenai, AK 99611

Type: Package Store
Lic #: 1350
DBA Name: Inlet View Restaurant & Bar
Premise Address: 15630 Sterling Hwy.
Owner: Inlet View Restaurant & Bar Inc.
Mailing Address: PO Box 39150, Ninilchik, AK 99639

Type: Package Store
Lic #: 1097
DBA Name: Sunrise Inn
Premise Address: Mile 45 Sterling Hwy.
Owner: Quartz Creek Enterprises Inc.
Mailing Address: PO Box 832, Cooper Landing, AK 99572

Type: Package Store
Lic #: 4535
DBA Name: TJ Seggy's
Premise Address: 50470 Sterling Hwy.
Owner: TLS, Inc.
Mailing Address: 50470 Sterling Hwy., Soldotna, AK 99669

Type: Package Store
Lic #: 1294
DBA Name: Big John's
Premise Address: No Premises
Owner: Irini, Inc.
Mailing Address: PO Box 151, Kenai, AK 99611

Type: Recreational Site - Seasonal
Lic #: 4969
DBA Name: Fireweed Meadows
Premise Address: 72749 Milo Fritz Avenue
Owner: Kyllonen Enterprises Inc.
Mailing Address: PO Box 49, Anchor Point, AK 99556

Type: Restaurant Eating Place
Lic #: 5014
DBA Name: AK Supperclub.com
Premise Address: 64316 Elizabeth Street
Owner: Paul & Angela Warner
Mailing Address: PO Box 39856, Ninilchik, AK 99639

Type: Restaurant Eating Place
Lic #: 5156
DBA Name: Gwin's Lodge/Gwin's Roadhouse
Premise Address: 14865 Sterling Hwy.
Owner: Gwin's Resorts, LLC
Mailing Address: PO Box 769, Cooper Landing, AK 99572-0769

SEWARD

Type: Beverage Dispensary
Lic #: 324
DBA Name: The Seward Alehouse
Premise Address: 215 Fourth Ave.
Owner: Seward Alehouse, Inc.
Mailing Address: PO Box 2442, Seward, AK 99664

SELDOVIA

Type: Package Store
Lic #: 1019
DBA Name: Seldovia Liquor Store
Premise Address: 281 Main Street
Owner: Seldovia Native Association Inc.
Mailing Address: PO Drawer L, Seldovia, AK 99663-0250

SOLDOTNA

Type: Beverage Dispensary
Lic #: 708
DBA Name: Maverick Saloon
Premise Address: 44698 Sterling Hwy.
Owner: Cynthia Lee Day
Mailing Address: 44698 Sterling Hwy., Soldotna, AK 99669

Type: Beverage Dispensary -Tourism
Lic #: 3134
DBA Name: Copper Top Lounge
Premise Address: 44715 Sterling Hwy.
Owner: Hooligans Lodging & Saloon, Inc.
Mailing Address: 44715 Sterling Hwy., Soldotna, AK 99669

Type: Beverage Dispensary -Tourism
Lic #: 45
DBA Name: Mykel's Restaurant
Premise Address: 35041 Kenai Spur Road
Owner: Mykel's Restaurant, Inc.
Mailing Address: 35041 Kenai Spur Road, Soldotna, AK 99669

Type: Package Store
Lic #: 1845
DBA Name: Oaken Keg #548
Premise Address: 44428 Sterling Hwy.
Owner: Safeway Inc.
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038-9096

If you have any questions or concerns regarding this information, please feel free to contact me.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/Christine C. Lambert

Christine C. Lambert
Licensing & Records Supervisor

Christine.lambert@alaska.gov

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-08

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.71.050(d), "Commission Hearing and Procedures", to Permit Four Instead of Five Members of the Homer Advisory Planning Commission to Approve a Conditional Use Under the Homer City Code.

Sponsor: City Manager/Planning

1. City Council Regular Meeting February 10, 2014 Introduction
 - a. Planner Staff Reports 13-93, 14-01, and 14-02
 - b. Excerpt from Planning Commission minutes of November 6, 2013 and January 2, 2014

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 ORDINANCE 14-08

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.71.050(d), "COMMISSION
8 HEARING AND PROCEDURES", TO PERMIT FOUR INSTEAD OF
9 FIVE MEMBERS OF THE HOMER ADVISORY PLANNING
10 COMMISSION TO APPROVE A CONDITIONAL USE UNDER THE
11 HOMER CITY CODE.

12
13 WHEREAS, The Homer Advisory Planning Commission ("Commission") is comprised of
14 appointed members who cannot all attend every Commission meeting despite the best efforts
15 of each of the Commission members; and

16
17 WHEREAS, Requiring a supermajority to approve all conditional use permits interferes
18 with the Commission's ability to conduct hearings and issue decisions on conditional use
19 permits since a supermajority is not always present at each Commission meeting; and

20
21 WHEREAS, It is in the City's best interest to expand the Commission's authority to
22 approve a conditional use permit with four members, which is a majority of the Commission,
23 rather than a supermajority, which is five members.

24
25 THE CITY OF HOMER HEREBY ORDAINS:

26
27 Section 1. Homer City Code 21.71.050(d) is amended to read as follows:

28
29 (d) Approval of the conditional use shall require the affirmative vote of ~~five~~ **four**
30 members of the Commission.

31
32 Section 2. This Ordinance is of a permanent and general character and shall be
33 included in the City Code.

34
35 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____
36 day of _____, 2014.

37
38 CITY OF HOMER

39
40
41 _____
42 MARY E. WYTHE, MAYOR

[Bold and underlined added. Deleted language stricken through.]

43 ATTEST:

44

45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49

50

51

52

53

54 YES:

55 NO:

56 ABSTAIN:

57 ABSENT:

58

59 First Reading:

60 Public Hearing:

61 Second Reading:

62 Effective Date:

63

64 Reviewed and approved as to form:

65

66

67

68 _____
Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

69

70 Date: _____

Date: _____

71

72

73

74 Fiscal Note: N/A

[Bold and underlined added. Deleted language stricken through.]



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 13-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 4, 2013 **postponed to Jan 2, 2014**
SUBJECT: Amending the HAPC Bylaws & Policies and Procedures

At the November 6, 2013 meeting, the Planning Commission directed staff to bring forth amendments to the HAPC Bylaws and Policies and Procedures Manual. The changes to the documents are listed below. Final action on these amendments will be at the January 2nd meeting. Amendments must be presented in writing at one meeting, and may be acted upon at the next meeting. This meeting is the first where the proposed amendments are provided in writing. A separate staff report will introduce an accompanying ordinance at the January 2nd meeting to provide needed code amendments to Title 21 and Title 1.

1. Remove the majority plus one vote needed for Conditional Use Permits and Variances.

a. From HAPC Bylaws, pg 4, Section K. Quorum; Voting:

"Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of a ~~an ordinance, resolution or motion. Conditional use permits and zoning variances require a majority plus one vote.~~ Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote or may be done in accordance with J. Consensus. For purposes of notification to parties of interest in a matter brought before the Commission, the Chair may enter for the record the vote and basis for determination."

From the HAPC Policies and Procedures Manual:

b. Page 4 of 8, Conditional Use Permits, delete text stating "~~Approval of a conditional use permit requires five yes votes.~~"

c. Page 8 of 8, Variances, delete text stating "~~Approval of a variance requires five yes votes.~~"

2. Amend the number of times a Commissioner may miss meetings from three consecutive or six regular meetings in a calendar year; to three consecutive unexcused absences, with the Chair approving absences or six regular meetings in a calendar year.

a. From HAPC Bylaws, pg 5, Section O. Vacancies:

"A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. **The Chair shall determine excused absences.** The Commission shall declare a vacancy when the person appointed:

1. Fails to qualify;
2. Fails to take office within thirty days after his/her appointment;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of his/her office;
5. Misses three consecutive **unexcused** or six regular meetings in a calendar year; or
6. Is convicted of a felony or of an offense involving a violation of his/her oath of office."

Requested action:

The HAPC review and move to amend the bylaws and policies and procedures manual.

Attachments:

1. Draft minutes excerpt from 11/6/2013 meeting
2. Draft Bylaws
3. Draft Policy and Procedures



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Memorandum PL 14-01

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Planning Technician

DATE: December 20, 2014

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Discussion: Comprehensive Plan Chapter 4 Goal 3 Object A states: "Create a clear, coordinated regulatory framework that guides development." One of the implementation strategies states: "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review."

This proposed amendment will allow a decision on a conditional use permit at any meeting with a quorum of Homer Advisory Commission members. This will give applicants greater certainty as to when their application will be heard by the Commission, and a decision rendered.

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. The amendment relaxes a more stringent code requirement.

c. Will promote the present and future public health, safety and welfare.

Staff response: A vote of four Commissioners will still be required to approve a conditional use permit, thus protecting the present and future public health, safety and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. Within Homer City Code, only Conditional Use Permits require a vote of a supermajority, or five Commissioners. All other business, such as variances, nonconforming reviews, conditional fence permits, public signs and Bridge Creek Watershed mitigation plans only require four affirmative votes for approval. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The Planning Commission initiated the code amendment at the November 6th, 2013 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.



City of Homer

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STAFF REPORT PL 14-02

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 2, 2014
SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

Requested Action: Conduct a public hearing and forward a recommendation to the City Council.

GENERAL INFORMATION

Under Homer City Code 21.71.050(d), approval of a conditional use permit requires five affirmative votes by the Commission. The Commission consists of citizen volunteers with busy lives. Most of the time, there are five Commissioners at every meeting to hear and make decisions upon conditional use applications, but not always. Reducing the number of yes votes to four will allow the Commission to make a decision at any meeting for which there is a quorum. No other matter the Commission decides upon requires a supermajority.

STAFF COMMENTS/RECOMMENDATIONS:

Conduct a public hearing, consider testimony, and make a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance 14-xx Amending HCC 21.71.050(d)
2. Memorandum PL 14-01 Staff Review

Plat Consideration

None

Pending Business

None

New Business

A. Staff Report PL 13-86 Review of Bylaws

Acting City Planner Engebretsen briefly reviewed the staff report and noted discussion during the worksession about the Commissioner absences as outlined in the bylaws, and also changing the voting requirements to a simple majority regarding CUP's and variances. She noted that staff doesn't have a recommendation at this time regarding the simple majority issue.

Commissioner Highland expressed interest in Commissioners being allowed to participate telephonically. She understands that it couldn't be done for the quasi-judicial actions of the meeting, but for the other parts it would be helpful when people are ill or travelling.

Acting City Planner Engebretsen noted that because of the actions the Commission addresses, it would significantly limit what the person on the phone could speak to. She also explained her experience has been that some people do well at participating telephonically but many don't.

SONNEBORN/HIGHLAND MOVED TO AMEND BYLAWS TO ENABLE A SIMPLE MAJORITY TO APPROVE A CONDITIONAL USE PERMIT OR VARIANCE.

Commissioner Slone noted that during the worksession they discussed and agreed that because staff clearly does a more than adequate job of reviewing criteria for CUP and variances to verify compliance with the ordinances. Generally very little discussion necessary by the Commissioners and four would be adequate from his perspective.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SLONE MOVED TO ALLOW TELEPHONIC PARTICIPATION EXCEPT FOR PARTICIPATION ON ANY QUASI JUDICIAL MATTERS.

Commissioner Sonneborn commented she isn't sure they need that complication in their meetings. By addressing the voting, they won't have the problem of not enough Commissioners in the future. She thinks it is really important to be here in person. There are times when it is challenging to follow things when you're here in person, and being home with distractions she wouldn't trust that the group is getting full attention. It's only a couple times a month and people just need to plan to be here. If people are ill, their minds aren't up to it, so they should be home taking care of themselves. It is okay to miss a meeting sometimes.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 6, 2013

Chair Venuti agreed with Ms. Sonneborn, but said it would be nice to call in and listen. Deputy City Clerk Jacobsen noted that if a Commissioner is absent and would like to hear the discussion, they can request a copy of the recording from the City Clerk's office.

Commissioner Highland reiterated that it is another possibility for Commissioners to participate if they have already missed some meetings.

VOTE: YES: HIGHLAND, SLONE
NO: SONNEBORN, VENUTI

Motion failed.

SLONE/HIGHLAND MOVED TO AMEND CITY CODE 1.76.040 C ANY COMMISSIONER WHO SHALL HAVE ~~TWO~~ **THREE** SUCCESSIVE UNEXCUSED ABSENCES SHALL BE SUBJECT TO REMOVAL BY THE COMMISSION BY A MAJORITY VOTE OF THE MEMBERS PRESENT; BYLAWS SECTION 0.5, THREE CONSECUTIVE **UNEXCUSED** OR SIX REGULAR MEETINGS IN A CALENDAR YEAR; AND REFINE THE WORD UNEXCUSED TO DEFINE THAT UNEXCUSED REQUIRES APPROVAL BY THE CHAIR.

Commissioner Slone explained that it gives a little more flexibility for extenuating circumstances they might miss more than three meetings, but requires them to be accountable for their time if the situation arises.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Slone also noted a section of the policy manual that needs clarification under item U. It states "The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members,". He suggested changing it to "The amended policy and procedure manual must subsequently be endorsed by a resolution of the City Council." Acting City Planner Engebretsen recognized it as a grammatical change that staff can take care of.

B. Staff Report PL 13-87 Draft Ordinance 13-42 Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Uses from 12 to 24 Months

Chair Venuti advised the Commission that he has a conflict of interest on this matter because he is involved with the Bayview Inn property.

There was discussion that with only 3 Commissioners in attendance to address the conflict it was recommended that this matter be postponed to the next meeting.

SLONE/SONNEBORN MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-01, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing and there were no public comments.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE TO ALLOW A SIMPLE MAJORITY VOTE FOR THE APPROVAL OF CONDITIONAL USE PERMITS AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments in support of the draft ordinance noting that this change will improve the way the commission does business for the public and that staff does an exemplary job of reviewing and providing information for their review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 14-04, Draft Ordinance 14-XX Amending HCC 21.12.020 and 21.12.030 to allow one accessory dwelling unit as a permitted use on a lot served by city water and sewer

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

Ken Castner, city resident, asked for clarification regarding the process for water and sewer hookups relating to the accessory dwellings. City Planner Abboud explained that the accessory dwelling would be hooked up to water and sewer as required by Public Works and as outlined in code.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.12.020 AND 21.12.030 TO ALLOW AN ACCESSORY DWELLING UNIT AS A PERMITTED USE AND RECOMMENDS ADOPTION BY CITY COUNCIL.

Commissioner Slone commented that it brings up a good point whether the accessory dwelling will be put on a separate meter. It would be a significant consideration with respect to the income the city derives of the water and sewer system. It isn't a major consideration relating to this action, but is something to think about. Another point is that we are doing some infilling based on infrastructure and additional usage of water and sewer would be beneficial to the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

City Planner Abboud reviewed the Commission's role in plat consideration and the staff report that includes the following recommendations:

- Planning Commission recommends approval of the preliminary plat, with the following comments:
 1. Increase the size of lot 2 to meet the dimensional size requirement of 10,000 square feet. Elimination or reduction in size of Park A to meet this requirement is acceptable.
 2. A development agreement is required.
 3. The shared driveways shall meet fire department access requirements.
 4. The developer shall clarify with Public Works prior to final platting which creeks shown on the plat have a drainage easement and the width of the easements.
 5. Continue the 15 foot utility easement around the bulb of Sophie Court
 6. Work with the City of Homer and the Kenai Peninsula Borough address officer on E911 compliant street names
 7. During the first phase of construction, build Nelson Ave and Ronda Street from East End Road all the way to the intersection with South Slope Drive, and that portion of South Slope Drive within the subdivision.
 8. Construct fire hydrants as part of the subdivision.
 9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
 10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

Chair Venuti asked Commissioners who visited the site prior to the meeting to report to the Commission.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-09

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12.020, "Permitted Uses And Structures", to Expand the Permitted Uses in the Rural Residential District to Include the Addition of a Detached Dwelling Unit as an Accessory to a Single Family Dwelling on a Lot Serviced by City Water and Sewer Services.

Sponsor: City Manager/Planning

1. City Council Regular Meeting February 10, 2014 Introduction
 - a. Planner Staff Reports PL 14-02 and 14-04
 - b. Excerpt of Planning Commission minutes of January 2, 2014

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 ORDINANCE 14-09

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.12.020, "PERMITTED USES
8 AND STRUCTURES", TO EXPAND THE PERMITTED USES IN
9 THE RURAL RESIDENTIAL DISTRICT TO INCLUDE THE
10 ADDITION OF A DETACHED DWELLING UNIT AS AN
11 ACCESSORY TO A SINGLE FAMILY DWELLING ON A LOT
12 SERVICED BY CITY WATER AND SEWER SERVICES.

13
14 WHEREAS, The City of Homer, Alaska, permits the addition of a detached dwelling unit
15 as an accessory to a single family dwelling in other districts, including but not limited to the
16 urban residential district; and

17
18 WHEREAS, It is in the City's best interest to permit the addition of detached dwelling
19 units as an accessory to a single family dwelling in the rural residential district so long as the
20 property at issue is serviced by the City of Homer water and sewer system.

21
22 THE CITY OF HOMER HEREBY ORDAINS:

23
24 Section 1. Homer City Code 21.12.020 is amended to read as follows:

25
26 The following uses are permitted outright in the Rural Residential District:

- 27
28 a. Single-family dwelling;
29 b. Duplex dwelling;
30 c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);
31 d. Public parks and playgrounds;
32 e. Rooming house, bed and breakfast and hostel;
33 f. Home occupations, provided they conform to the requirements of HCC 21.51.010;
34 g. Agricultural activities, including general farming, truck farming, livestock farming,
35 nurseries, and greenhouses; provided, that:
36 1. Other than normal household pets, no poultry or livestock may be housed and
37 no fenced runs may be located within 100 feet of any residence other than
38 the dwelling on the same lot;
39 2. No retail or wholesale business sales office is maintained on the premises;
40 h. Private stables;
41 i. Private floatplane tie-down as an accessory use incidental to residential use;

[Bold and underlined added. Deleted language stricken through.]

- 42 j. Storage of personal commercial fishing gear in a safe and orderly manner and
- 43 separated by at least five feet from any property line as an accessory use incidental to
- 44 residential use;
- 45 k. As an accessory use incidental to residential use, the private outdoor storage of
- 46 noncommercial equipment, including noncommercial trucks, boats, and not more than
- 47 one recreational vehicle in a safe and orderly manner and separated by at least five feet
- 48 from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet
- 49 in length;
- 50 l. Other customary accessory uses incidental to any of the permitted uses listed in the
- 51 RR district; provided, that no separate permit shall be issued for the construction of any
- 52 detached accessory building prior to that of the main building;
- 53 m. Temporary (seasonal) roadside stands for the sale of produce grown on the
- 54 premises;
- 55 n. Mobile homes, subject to the requirements of HCC 21.54.100;
- 56 o. Day care homes; provided, however, that outdoor play areas must be fenced;
- 57 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;
- 58 q. Open space, but not including outdoor recreational facilities described in
- 59 HCC 21.12.030;
- 60 r. As an accessory use, one small wind energy system per lot having a rated capacity not
- 61 exceeding 10 kilowatts;
- 62 **s. One detached dwelling unit, excluding mobile homes, as an accessory building to**
- 63 **a principal single family dwelling on a lot serviced by City water and sewer services**
- 64 **in compliance with Title 14 of this code.**

65
66 Section 2. This Ordinance is of a permanent and general character and shall be
67 included in the City Code.

68
69 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
70 _____, 2014.

71
72 CITY OF HOMER

73
74
75 _____
76 MARY E. WYTHE, MAYOR

77
78 ATTEST:

79
80
81 _____
82 JO JOHNSON, MMC, CITY CLERK

[Bold and underlined added. Deleted language stricken through.]

83 YES:
84 NO:
85 ABSTAIN:
86 ABSENT:
87
88
89 First Reading:
90 Public Hearing:
91 Second Reading:
92 Effective Date:

93
94

95 Reviewed and approved as to form.

96
97

98 _____
Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

99

100 Date: _____

Date: _____

101

102

103 Fiscal Note: N/A

104

105

[Bold and underlined added. Deleted language stricken through.]



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Memorandum PL 14-02

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Planning Technician

DATE: December 20, 2014

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.12.020 to allow an accessory dwelling unit in the Rural Residential District

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Discussion: Comprehensive Plan Chapter 4, Goal 3 Object A states: "Create a clear, coordinated regulatory framework that guides development." One of the implementation strategies states: "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review."

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. The amendment relaxes a more stringent code requirement.

c. Will promote the present and future public health, safety and welfare.

Staff response: A Conditional Use Permit will still be required for more than one dwelling unit that is not connected to City Water and Sewer.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. All other residential zoning districts, as well as the Central Business District contain a provision allowing an accessory dwelling unit as a permitted use. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The Planning Commission initiated the code amendment at the October 2nd, 2013 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.

STAFF REPORT PL 14-04

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 2, 2014
SUBJECT: Draft Ordinance 14-XX Amending HCC 21.12.020 to allow an accessory dwelling unit as a permitted use

Requested Action: Conduct a public hearing and forward a recommendation to the City Council.

GENERAL INFORMATION

In 2011, the City Council adopted Ordinance 11-44(s), which allowed a single accessory dwelling unit on a lot as a permitted use. Previously, a conditional use permit was required if a homeowner wanted to build a cabin, or other detached dwelling unit, on the same lot as a primary single family home. Duplexes, or a single structure with two dwelling units, were allowed as a permitted use. The result of these regulations was the increased cost and regulatory process requirements for the applicant to build a detached dwelling opposed to an attached dwelling. The Commission considered many such conditional uses over the years, with few if any denials, and few conditions. It was not a productive use of Commission time, or the applicant's money. Ordinance 2011-44(s) allowed these accessory dwellings as a permitted use, with the issuance of a zoning permit.

At the time, the Commission did not allow this use in the Rural Residential District. It was felt with the prevalence of onsite wells and septic systems, greater oversight for public health concerns was warranted. In the past few years, several water and sewer line extensions have been completed in the rural district. This has allowed land owners to apply for conditional use permits, because their land now meets the dimensional requirements for more than one dwelling unit per acre. Staff recommended the Commission allow these accessory dwelling units as a permitted use, where both city water and sewer serve the property. This allows rural residential land owners with city water and sewer to enjoy the same rights as those in other residential districts, and also continues to provide Commission review for those applications not served by city utilities.

STAFF COMMENTS/RECOMMENDATIONS:

Conduct a public hearing, consider testimony, and make a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance 14-xx Amending HCC 21.12.020
2. Memorandum PL 14-02 Staff Review

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-01, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing and there were no public comments.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE TO ALLOW A SIMPLE MAJORITY VOTE FOR THE APPROVAL OF CONDITIONAL USE PERMITS AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments in support of the draft ordinance noting that this change will improve the way the commission does business for the public and that staff does an exemplary job of reviewing and providing information for their review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 14-04, Draft Ordinance 14-XX Amending HCC 21.12.020 and 21.12.030 to allow one accessory dwelling unit as a permitted use on a lot served by city water and sewer

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

Ken Castner, city resident, asked for clarification regarding the process for water and sewer hookups relating to the accessory dwellings. City Planner Abboud explained that the accessory dwelling would be hooked up to water and sewer as required by Public Works and as outlined in code.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.12.020 AND 21.12.030 TO ALLOW AN ACCESSORY DWELLING UNIT AS A PERMITTED USE AND RECOMMENDS ADOPTION BY CITY COUNCIL.

Commissioner Slone commented that it brings up a good point whether the accessory dwelling will be put on a separate meter. It would be a significant consideration with respect to the income the city derives of the water and sewer system. It isn't a major consideration relating to this action, but is something to think about. Another point is that we are doing some infilling based on infrastructure and additional usage of water and sewer would be beneficial to the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

City Planner Abboud reviewed the Commission's role in plat consideration and the staff report that includes the following recommendations:

- Planning Commission recommends approval of the preliminary plat, with the following comments:
 1. Increase the size of lot 2 to meet the dimensional size requirement of 10,000 square feet. Elimination or reduction in size of Park A to meet this requirement is acceptable.
 2. A development agreement is required.
 3. The shared driveways shall meet fire department access requirements.
 4. The developer shall clarify with Public Works prior to final platting which creeks shown on the plat have a drainage easement and the width of the easements.
 5. Continue the 15 foot utility easement around the bulb of Sophie Court
 6. Work with the City of Homer and the Kenai Peninsula Borough address officer on E911 compliant street names
 7. During the first phase of construction, build Nelson Ave and Ronda Street from East End Road all the way to the intersection with South Slope Drive, and that portion of South Slope Drive within the subdivision.
 8. Construct fire hydrants as part of the subdivision.
 9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
 10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

Chair Venuti asked Commissioners who visited the site prior to the meeting to report to the Commission.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-10

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72.040, "Terms of Commission Members", Changing the Number of Successive Unexcused Absences that Make a Commission Member Subject to Removal From Two to Three.

Sponsor: City Manager/Planning

1. City Council Regular Meeting February 10, 2014 Introduction
 - a. Planner Staff Report PL 13-93
 - b. Excerpt of Planning Commission minutes of November 6, 2013 and January 2, 2014

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 ORDINANCE 14-10
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 2.72.040, "TERMS OF
8 COMMISSION MEMBERS", CHANGING THE NUMBER OF
9 SUCCESSIVE UNEXCUSED ABSENCES THAT MAKE A
10 COMMISSION MEMBER SUBJECT TO REMOVAL FROM TWO
11 TO THREE.
12

13 WHEREAS, The Homer Advisory Planning Commission ("Commission") is comprised of
14 appointed members who cannot all attend every Commission meeting despite the best efforts
15 of each of the Commission members; and
16

17 WHEREAS, It has been difficult to recruit new commissioners and it is in the City's best
18 interest to increase the number of successive unexcused absences before a Commission
19 member is subject to removal.
20

21 THE CITY OF HOMER HEREBY ORDAINS:
22

23 Section 1. Homer City Code 2.72.040(c) is amended to read as follows:
24

25 (c) Any Commissioner who shall have ~~two~~ **three** successive unexcused absences shall
26 be subject to removal by the Commission by a majority vote of the members present.
27

28 Section 2. This Ordinance is of a permanent and general character and shall be
29 included in the City Code.
30

31 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____
32 day of _____, 2014.
33

34 CITY OF HOMER
35

36
37 _____
38 MARY E. WYTHE, MAYOR
39

40 ATTEST:
41
42

43 _____
44 JO JOHNSON, MMC, CITY CLERK

[**Underlined added.** Deleted language stricken through.]

45 YES:

46 NO:

47 ABSTAIN:

48 ABSENT:

49

50 First Reading:

51 Public Hearing:

52 Second Reading:

53 Effective Date:

54

55 Reviewed and approved as to form:

56

57

58 _____

59 Walt Wrede, City Manager

60

61 Date: _____

62

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

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Staff Report 13-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 4, 2013 **postponed to Jan 2, 2014**
SUBJECT: Amending the HAPC Bylaws & Policies and Procedures

At the November 6, 2013 meeting, the Planning Commission directed staff to bring forth amendments to the HAPC Bylaws and Policies and Procedures Manual. The changes to the documents are listed below. Final action on these amendments will be at the January 2nd meeting. Amendments must be presented in writing at one meeting, and may be acted upon at the next meeting. This meeting is the first where the proposed amendments are provided in writing. A separate staff report will introduce an accompanying ordinance at the January 2nd meeting to provide needed code amendments to Title 21 and Title 1.

1. Remove the majority plus one vote needed for Conditional Use Permits and Variances.

a. From HAPC Bylaws, pg 4, Section K. Quorum; Voting:

"Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of a ~~an ordinance, resolution or motion. Conditional use permits and zoning variances require a majority plus one vote.~~ Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote or may be done in accordance with J. Consensus. For purposes of notification to parties of interest in a matter brought before the Commission, the Chair may enter for the record the vote and basis for determination."

From the HAPC Policies and Procedures Manual:

b. Page 4 of 8, Conditional Use Permits, delete text stating "~~Approval of a conditional use permit requires five yes votes.~~"

c. Page 8 of 8, Variances, delete text stating "~~Approval of a variance requires five yes votes.~~"

2. Amend the number of times a Commissioner may miss meetings from three consecutive or six regular meetings in a calendar year; to three consecutive unexcused absences, with the Chair approving absences or six regular meetings in a calendar year.

a. From HAPC Bylaws, pg 5, Section O. Vacancies:

"A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. **The Chair shall determine excused absences.** The Commission shall declare a vacancy when the person appointed:

1. Fails to qualify;
2. Fails to take office within thirty days after his/her appointment;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of his/her office;
5. Misses three consecutive **unexcused** or six regular meetings in a calendar year; or
6. Is convicted of a felony or of an offense involving a violation of his/her oath of office."

Requested action:

The HAPC review and move to amend the bylaws and policies and procedures manual.

Attachments:

1. Draft minutes excerpt from 11/6/2013 meeting
2. Draft Bylaws
3. Draft Policy and Procedures

Plat Consideration

None

Pending Business

None

New Business

A. Staff Report PL 13-86 Review of Bylaws

Acting City Planner Engebretsen briefly reviewed the staff report and noted discussion during the worksession about the Commissioner absences as outlined in the bylaws, and also changing the voting requirements to a simple majority regarding CUP's and variances. She noted that staff doesn't have a recommendation at this time regarding the simple majority issue.

Commissioner Highland expressed interest in Commissioners being allowed to participate telephonically. She understands that it couldn't be done for the quasi-judicial actions of the meeting, but for the other parts it would be helpful when people are ill or travelling.

Acting City Planner Engebretsen noted that because of the actions the Commission addresses, it would significantly limit what the person on the phone could speak to. She also explained her experience has been that some people do well at participating telephonically but many don't.

SONNEBORN/HIGHLAND MOVED TO AMEND BYLAWS TO ENABLE A SIMPLE MAJORITY TO APPROVE A CONDITIONAL USE PERMIT OR VARIANCE.

Commissioner Slone noted that during the worksession they discussed and agreed that because staff clearly does a more than adequate job of reviewing criteria for CUP and variances to verify compliance with the ordinances. Generally very little discussion necessary by the Commissioners and four would be adequate from his perspective.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SLONE MOVED TO ALLOW TELEPHONIC PARTICIPATION EXCEPT FOR PARTICIPATION ON ANY QUASI JUDICIAL MATTERS.

Commissioner Sonneborn commented she isn't sure they need that complication in their meetings. By addressing the voting, they won't have the problem of not enough Commissioners in the future. She thinks it is really important to be here in person. There are times when it is challenging to follow things when you're here in person, and being home with distractions she wouldn't trust that the group is getting full attention. It's only a couple times a month and people just need to plan to be here. If people are ill, their minds aren't up to it, so they should be home taking care of themselves. It is okay to miss a meeting sometimes.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 6, 2013

Chair Venuti agreed with Ms. Sonneborn, but said it would be nice to call in and listen. Deputy City Clerk Jacobsen noted that if a Commissioner is absent and would like to hear the discussion, they can request a copy of the recording from the City Clerk's office.

Commissioner Highland reiterated that it is another possibility for Commissioners to participate if they have already missed some meetings.

VOTE: YES: HIGHLAND, SLONE
NO: SONNEBORN, VENUTI

Motion failed.

SLONE/HIGHLAND MOVED TO AMEND CITY CODE 1.76.040 C ANY COMMISSIONER WHO SHALL HAVE ~~TWO~~ **THREE** SUCCESSIVE UNEXCUSED ABSENCES SHALL BE SUBJECT TO REMOVAL BY THE COMMISSION BY A MAJORITY VOTE OF THE MEMBERS PRESENT; BYLAWS SECTION 0.5, THREE CONSECUTIVE **UNEXCUSED** OR SIX REGULAR MEETINGS IN A CALENDAR YEAR; AND REFINE THE WORD UNEXCUSED TO DEFINE THAT UNEXCUSED REQUIRES APPROVAL BY THE CHAIR.

Commissioner Slone explained that it gives a little more flexibility for extenuating circumstances they might miss more than three meetings, but requires them to be accountable for their time if the situation arises.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Slone also noted a section of the policy manual that needs clarification under item U. It states "The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members,". He suggested changing it to "The amended policy and procedure manual must subsequently be endorsed by a resolution of the City Council." Acting City Planner Engebretsen recognized it as a grammatical change that staff can take care of.

B. Staff Report PL 13-87 Draft Ordinance 13-42 Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Uses from 12 to 24 Months

Chair Venuti advised the Commission that he has a conflict of interest on this matter because he is involved with the Bayview Inn property.

There was discussion that with only 3 Commissioners in attendance to address the conflict it was recommended that this matter be postponed to the next meeting.

SLONE/SONNEBORN MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

something special about this piece of property. It sounds to him like this is trying to say we don't want this subdivision but we can't stop it. It is a conflicted recommendation and he doesn't support.

Commissioner Highland noted her concerns again about the challenges that would be involved with developing the property because of the drainage issues, particularly after having walked the property.

VOTE: NO: BOS, STEAD, HIGHLAND, VENUTI, STROOZAS, SLONE

Motion failed.

Commissioner Highland stated she will not be supporting it because of the concerns she addressed relating to the letter, and because of its density.

Commissioner Slone commented in support of adoption.

VOTE: YES: STEAD, VENUTI, STROOZAS, SLONE, BOS
NO: HIGHLAND

Motion carried.

Pending Business

A. Staff Report PL 13-93, Resolution 13-xx amending HAPC Bylaws

City Planner Abboud reviewed the changes discussed in the worksession.

There was comment regarding removing unexcused with respect to vacancies.

SLONE/HIGHLAND MOVED TO REMOVE THE BOLD AND UNDERLINE ON PAGE 220.

There was brief discussion that Commissioner Bos travels regularly at the end of the year and will likely be absent for three consecutive meetings. The amendment would essentially remove him from the commission.

There was further discussion relating to keeping the three consecutive excused absences.

VOTE: NO: STEAD, SLONE, STROOZAS, BOS, HIGHLAND, VENUTI

Motion failed.

STEAD/BOS MOVED TO APPROVE STAFF REPORT PL 13-93 AMENDING THE BYLAWS AND POLICIES AND PROCEDURES FOR THE HOMER ADVISORY PLANNING COMMISSION.

There was brief discussion relating a grammatical error on page 222, bottom paragraph. City Planner Abboud said that staff would review the paragraph and re-write it.

VOTE: YES: SLONE, STEAD, STROOZAS, VENUTI, HIGHLAND, BOS

Motion carried.

New Business

Informational Materials

A. City Manager's Report from December 9, 2013 City Council Meeting

Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

Ken Castner, city resident, commented that the SWPPP plans are very costly, noting Kachemak City's was \$350,000 of a \$2 million project cost. Relating to changes to the city code, Mr. Stead had commented we aren't going to make changes to the city code. Mr. Castner said he has been addressing to the City Council for years, two topics, finish Greatland and put in a storm water distribution system that makes sense. But you don't start storm water at the top, you start it at the bottom. It's just like tributaries feeding to a stream, then to a river, then to a concourse. We don't have adequate drainage into Kachemak Bay off of this bench. When you look at that map you can see where it has sloughed off over the course of time. His building on Ben Walters flooded when impounded water up above the road discharged. But the City had nothing to say about it, it wasn't their fault, it was an act of God, sorry Mr. Castner, but not our problem. Mr. Castner said he French drained the entire property and hasn't had a problem since. Still, when you all take an action of approval, you have to take some ownership of it. It's not that we're doing the best we can according to code. If the code is no good, then change it and give us some relief. It's a bigger problem than Mr. Neal's project. Except for the center of town, we have a ditch by ditch solution to storm water. He would like to see the Commission start developing a comprehensive plan on dealing with it according to the Climate Action Plan. Mr. Castner explained a project he did in Kodiak that included differential vaults that were the size of this room to handle storm water. It isn't a secret as to how to handle it.

Ginny Espenshade said she forgot to thank the staff for getting all this information together and she appreciates that they went above and beyond to get it into the packet. She thanked the two who walked the property and isn't surprised they are the ones with the most concerns. From her legal background she commented that when you worry about putting something in writing that may raise liability, you should also worry if you are liable. She thinks there is a record now that includes science, cross section, and she urged them to reconsider and look at the 2005 plat approval process. Concerns were met with specific recommendations about runoff, traffic, and street design. They can support development that is safe in the interest of the whole community. Say fifty lots and she'll say sold. We aren't saying no development on the property, we are saying responsible, safe development that respects the neighboring properties and the entire community. The high school is a critical structure; it is a shelter for our area. People stayed at the high school when the Icicle fire happened. So you'll have slope failure, run off, floods, and it runs into the site where your supposedly sheltering people. She urged them to reconsider.

1 CITY OF HOMER
2 HOMER, ALASKA

City Clerk

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4 RESOLUTION 14-026

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6 A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING
7 THE ASSESSMENT ROLL, ESTABLISHING DATES FOR
8 PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING
9 DELINQUENCY, PENALTY, AND INTEREST PROVISIONS FOR
10 THE CRITTENDEN DRIVE ROAD RECONSTRUCTION AND
11 PAVING SPECIAL ASSESSMENT DISTRICT.
12

13 WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts,
14 the Homer City Council created a Crittenden Drive Road Reconstruction and Paving Special
15 Assessment District on November 28, 2011 via Resolution 11-108 at the \$30 per front foot for
16 road reconstruction and \$17 per front foot for road paving owner share of assessments; and
17

18 WHEREAS, A public hearing was held on February 13, 2012 to hear objections to the
19 formation of such district; and
20

21 WHEREAS, The objection deadline for written protests was March 23, 2012 and no
22 written objections were received; and
23

24 WHEREAS, Resolution 12-030 was adopted by Council on April 9, 2012 authorizing the
25 formation of the Crittenden Drive Road Reconstruction and Paving Special Assessment
26 District; and
27

28 WHEREAS, The Crittenden Drive Road Reconstruction and Paving Special Assessment
29 District was completed and accepted by Public Works for city maintenance; and
30

31 WHEREAS, All assessment per parcel corrections deemed necessary have been made
32 and a final assessment roll was prepared and a public hearing scheduled for January 27, 2014;
33 and
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35 WHEREAS, All record property owners within the district were mailed the final
36 assessment roll, notice of their right to object, and notice of the January 27th public hearing;
37 and
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39 WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and
40 corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the
41 official assessment roll for the Crittenden Drive Road Reconstruction and Paving Special
42 Assessment District and the Mayor and Clerk shall be directed to sign same.
43

44 NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on May 1, 2014,
45 all assessments in the Crittenden Drive Road Reconstruction and Paving Assessment District
46 shall become due and payable in full. All assessments not paid in full by this date shall be
47 considered delinquent and in default and shall have added a penalty of ten percent (10%)
48 which penalty and principal amount of the assessment shall both draw interest at a rate of
49 three percent (3%) per annum until paid. Should default occur, the City of Homer will institute
50 a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property
51 on which assessments are in default. All costs including collection and legal fees resulting from
52 such action, shall be added and incorporated into the assessed amount due plus interest and
53 penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real
54 property; and

55
56 BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered
57 whereby the assessment may be paid in ten (10) equal yearly installments plus interest of three
58 percent (3%) on the unpaid balance of the assessment. The first such installment shall be due
59 and payable without interest on or before 5:00 p.m. May 1, 2014 and each installment
60 thereafter shall be due on or before May 1st of each year, plus interest on the unpaid balance of
61 the assessment. If any annual installment payment is not received when due, the entire
62 outstanding principal amount of the assessment shall be in default and shall be immediately
63 due and payable. The entire outstanding assessment principal (including the annual
64 installment) shall have added a penalty of ten percent (10%) on the outstanding principal. The
65 principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum until
66 paid. Should default occur, the City will institute civil action for foreclosure of the assessment
67 lien. Foreclosure shall be against all property on which assessments are in default. All costs
68 including collection and legal fees resulting from such action shall be added and incorporated
69 into the assessed amount due plus interest and penalties, and shall be reimbursed from the
70 proceeds of foreclosure sale of the assessed real property.

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72 PASSED AND ADOPTED by the Homer City Council on this 10th day of February, 2014.

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74 CITY OF HOMER

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78 MARY E. WYTHE, MAYOR

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82 ATTEST:

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85 _____
86 JO JOHNSON, MMC, CITY CLERK
87

88 Fiscal Note: Total project costs are \$294,767.00; property owner share is \$61,230.66;
89 \$233,536.34 paid by HART.
90
91

FINAL ASSESSMENT ROLL – ATTACHMENT A

PROJECT NAME: CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT

DATE: FEBRUARY 4, 2014

Total Project Cost: \$294,767

Abutting Property Owners Assessed \$30 per front foot for gravel and \$17 per front foot for paving: \$61,230.66

Homer Accelerated Roads and Trails Program (HART) Share: \$233,536.34

OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	ASSESSED PROPERTY VALUE	FRONT FOOTAGE	ASSESSED PROPERTY OWNER SHARE OF ASSESSMENT
Clayton & Joan Ellington PO Box 833 Homer, AK 99603	Lot 8-A1, Webber Subdivision 175-183-24	\$422,700	137.7	\$6,471.90
Homer Hotels LLC 575 Sterling Hwy Homer, AK 99603	Lot 10-A, Webber Subdivision No. 7 175-183-10	\$145,300	160.66	\$7,551.02
Kyoko Haseo PO Box 1972 Soldotna, AK 99669	Lot 9 Block 2, Webber Subdivision 175-182-09	\$35,100	150.76	\$7,085.72
Virginia M. Harris 3945 Balchen Dr. Anchorage, AK 99517	Lot 10 Block 2, Webber Subdivision 175-182-10	\$46,300	150.76	\$7,085.72
Michael J. Warburton 3500 Crittenden Dr. Homer, AK 99603	Lot 2, Webber Subdivision No. 6 175-184-05	\$430,800	155	\$7,285.00
	Tract 1-A, Webber Subdivision No. 8 175-184-07	\$457,600	387.90	\$18,231.30
	Lot 3, Webber Subdivision No. 6 175-184-06	\$650,300	160	\$7,520.00

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 11-108

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
FINDING THE NEED TO CREATE THE CRITTENDEN DRIVE
RECONSTRUCTION AND PAVING LOCAL IMPROVEMENT
DISTRICT (LID) AND SETTING A PUBLIC HEARING FOR
JANUARY 23, 2012.

WHEREAS, The owners of property fronting Crittenden Drive signed the application for road reconstruction and paving improvements at the required level of at least 50% thereby forwarding this LID to the petition phase; and

WHEREAS, A neighborhood meeting was held on August 9, 2011 at 5:00 p.m. regarding the requested improvements and one property owner and staff were in attendance; and

WHEREAS, Property owners signing the petition equal \$1,725,800.00 in property value or 78%; and

WHEREAS, The Homer City Council finds the need to create the Crittenden Road Reconstruction and Paving LID pursuant to HCC 17.04.030; and

WHEREAS, The deadline for this LID Petition was October 28, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds the need to create the Crittenden Road Reconstruction and Paving Local Improvement District and sets the date for public hearing as January 23, 2012 during the Regular City Council meeting that begins at 6 p.m. for the purpose of hearing protests against the formation of said improvement district.

BE IT FURTHER RESOLVED by the City Council that should the rest of the property owners, excluding the governmental agencies, sign the petition between now and the public hearing that the Council may agree to waive the 60 day objection period provided that the involved property owners agree thereto in writing by signing a waiver to that effect.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 28th day of November, 2011.

CITY OF HOMER


MARY E. WYTHE, MAYOR PRO TEMPORE

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 12-030

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE FORMATION OF THE CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT ASSESSMENT DISTRICT AND AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE PREPARATION AND CONSTRUCTION OF THE RECONSTRUCTION AND PAVING PROJECT.

WHEREAS, The Crittenden Drive Reconstruction and Paving Improvement District boundary includes Webber Subdivision Lots 2, 3, 8-A1, 9, 10, 10-A, and Tract 1-A; and

WHEREAS, Resolution 11-108 was adopted on November 28, 2011 declaring Council's intent to create Crittenden Drive Road Reconstruction and Paving Improvement District and to set a public hearing date and objection period; and

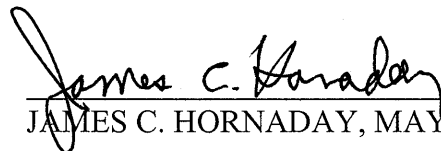
WHEREAS, A Public Hearing was held on Monday, February 13, 2012 and there were no people testifying on this matter; and

WHEREAS, The objection deadline for written protests was March 23, 2012 and no written objections were received.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the formation of the Crittenden Drive Road Reconstruction and Paving Improvement District is hereby authorized and that the City Manager is hereby authorized to proceed with the preparation and construction of said project.


PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9th day of April, 2012.

CITY OF HOMER



JAMES C. HORNADAY, MAYOR

ATTEST:



JO JOHNSON, CMC, CITY CLERK

47 Fiscal Note: Project No: 160-774: Property owner share of road reconstruction is \$39,083.40 and
48 \$22,147.26 for paving, for a total of \$61,230.66 for property owner share. Total front footage is
49 1,302.78. All other costs of the project are paid by the Homer Accelerated Roads and Trails
50 Program that is funded by sales tax dollars.
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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 14-027

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY, AND INTEREST PROVISIONS FOR THE WEBBER SUBDIVISION ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT.

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council created a Webber Subdivision Road Reconstruction and Paving Special Assessment District on March 11, 2013 via Resolution 13-023(S) at the \$30 per front foot for road reconstruction and \$17 per front foot for road paving owner share of assessments; and

WHEREAS, A public hearing was held on May 13, 2013 to hear objections to the formation of such district; and

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

WHEREAS, Resolution 13-044(S)(A) was adopted by Council on May 13, 2013 authorizing the formation of the Webber Subdivision Road Reconstruction and Paving Special Assessment District; and

WHEREAS, The Webber Subdivision Road Reconstruction and Paving Special Assessment District was completed and accepted by Public Works for city maintenance; and

WHEREAS, All assessment per parcel corrections deemed necessary have been made and a final assessment roll was prepared and a public hearing scheduled for January 27, 2014; and

WHEREAS, All record property owners within the district were mailed the final assessment roll, notice of their right to object, and notice of the January 27th public hearing; and

WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Webber Subdivision Road Reconstruction and Paving Special Assessment District and the Mayor and Clerk shall be directed to sign same.

44 NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on May 1, 2014,
45 all assessments in the Webber Subdivision Road Reconstruction and Paving Assessment
46 District shall become due and payable in full. All assessments not paid in full by this date shall
47 be considered delinquent and in default and shall have added a penalty of ten percent (10%)
48 which penalty and principal amount of the assessment shall both draw interest at a rate of
49 three percent (3%) per annum until paid. Should default occur, the City of Homer will institute
50 a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property
51 on which assessments are in default. All costs including collection and legal fees resulting from
52 such action, shall be added and incorporated into the assessed amount due plus interest and
53 penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real
54 property; and

55
56 BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered
57 whereby the assessment may be paid in ten (10) equal yearly installments plus interest of three
58 percent (3%) on the unpaid balance of the assessment. The first such installment shall be due
59 and payable without interest on or before 5:00 p.m. May 1, 2014 and each installment
60 thereafter shall be due on or before May 1st of each year, plus interest on the unpaid balance of
61 the assessment. If any annual installment payment is not received when due, the entire
62 outstanding principal amount of the assessment shall be in default and shall be immediately
63 due and payable. The entire outstanding assessment principal (including the annual
64 installment) shall have added a penalty of ten percent (10%) on the outstanding principal. The
65 principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum until
66 paid. Should default occur, the City will institute civil action for foreclosure of the assessment
67 lien. Foreclosure shall be against all property on which assessments are in default. All costs
68 including collection and legal fees resulting from such action shall be added and incorporated
69 into the assessed amount due plus interest and penalties, and shall be reimbursed from the
70 proceeds of foreclosure sale of the assessed real property.

71
72 PASSED AND ADOPTED by the Homer City Council on this 10th day of February, 2014.

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74 CITY OF HOMER

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78 MARY E. WYTHE, MAYOR

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82 ATTEST:

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85 _____
86 JO JOHNSON, MMC, CITY CLERK
87

88 Fiscal Note: Total project costs are \$461,045.00; property owner share is \$61,601.16;
89 \$399,443.84 paid by HART.
90
91

FINAL ASSESSMENT ROLL – ATTACHMENT A

PROJECT NAME: WEBBER SUBDIVISION ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT

DATE: FEBRUARY 4, 2014

TOTAL PROJECT COST: \$461,045

Abutting Property Owners Assessed \$30 per front foot for reconstruction and \$17 per front foot for paving: \$61,601.16

Homer Accelerated Roads and Trails Program (HART) Share: \$399,443.84

OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	ASSESSED PROPERTY VALUE	FRONT FOOTAGE	ASSESSED PROPERTY OWNER SHARE OF ASSESSMENT
Rex D. Kaufman PO Box 15362 Fritz Creek, AK 99603	Lot 1, Bluff Park No. 4 Harmon Porter Addn. 175-100-54	\$222,500	166.2' (paving only)	\$2,825.40
Wilfred V. Jr. & Jacqueline J. Dentz 656 Waddell St. Homer, AK 99603	Lot 2, Bluff Park No. 4 Harmon Porter Addn. 175-100-55	\$331,800	75.68' (paving only)	\$1,286.56
Kevin L. Gottlieb 1842 Bootlegger Cove Dr. Anchorage, AK 99501	Lot 3, Bluff Park No. 4 Harmon Porter Addn. 175-100-56	\$369,200	75.0' (paving only)	\$1,275.00
John & Barbara Valensi 418 Mt. Vernon Dr. Council Bluffs, IA 51503	Lot 4, Bluff Park No. 4 Harmon Porter Addn. 175-100-57	\$115,900	127.9' (paving only)	\$2,174.30
Charles A. Gibson & Deborah A. Poore 710 Waddell St. Homer, AK 99603	Lot 5, Bluff Park No. 4 Harmon Porter Addn. 175-100-58	\$231,800	72.8' (paving only)	\$1,237.60
Thomas D. Renfrew & Carol L. Porter-Renfrew 645 Waddell St. Homer, AK 99603	Lot 8, Bluff Park No. 4 Harmon Porter Addn. 175-100-61	\$265,700	155.8' (paving only)	\$2,648.60

FINAL ASSESSMENT ROLL – ATTACHMENT A

PROJECT NAME: WEBBER SUBDIVISION ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT

DATE: FEBRUARY 4, 2014

TOTAL PROJECT COST: \$461,045

Abutting Property Owners Assessed \$30 per front foot for reconstruction and \$17 per front foot for paving: \$61,601.16

Homer Accelerated Roads and Trails Program (HART) Share: \$399,443.84

OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	ASSESSED PROPERTY VALUE	FRONT FOOTAGE	ASSESSED PROPERTY OWNER SHARE OF ASSESSMENT
Matthew Early 609 Waddell St. Homer, AK 99603	Lot 9, Bluff Park No. 4 Harmon Porter Addn. 175-100-62	\$230,200	109.9' (paving only)	\$1,868.30
Kurt St. Jean 722 Waddell St. Homer, AK 99603	Lot 6A, Bluff Park Harmon Porter 1997 Addn. 175-100-64	\$220,200	77.1' (paving only)	\$1,310.70
David K. & Jennifer A. Olsen PO Box 3944 Homer, AK 99603	Lot 7A, Bluff Park Harmon Porter 1997 Addn. 175-100-66	\$196,000	109.1' (paving only)	\$1,854.70
John Phillip Rummery 579 Waddell St. Homer, AK 99603	Lot 2 Block 2, Webber Subdivision 175-182-02	\$145,000	60.0'	\$2,820.00
Danile B. Perry PO Box 572 Homer, AK 99603	Lot 4 Block 2, Webber Subdivision 175-182-04	\$140,000	60.0'	\$2,820.00
Kary B. Greeley 3430 Main St. Ste B2 Homer, AK 99603	Lot 5 Block 2, Webber Subdivision 175-182-05	\$182,500	60.0'	\$2,820.00

FINAL ASSESSMENT ROLL – ATTACHMENT A

PROJECT NAME: WEBBER SUBDIVISION ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT

DATE: FEBRUARY 4, 2014

TOTAL PROJECT COST: \$461,045

Abutting Property Owners Assessed \$30 per front foot for reconstruction and \$17 per front foot for paving: \$61,601.16

Homer Accelerated Roads and Trails Program (HART) Share: \$399,443.84

OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	ASSESSED PROPERTY VALUE	FRONT FOOTAGE	ASSESSED PROPERTY OWNER SHARE OF ASSESSMENT
Kyoko Haseo PO Box 1972 Soldotna, AK 99669	Lot 6 Block 2, Webber Subdivision 175-182-06	\$40,200	60.0'	\$2,820.00
	Lot 7 Block 2, Webber Subdivision 175-182-07	\$40,200	60.0'	\$2,820.00
	Lot 8 Block 2, Webber Subdivision 175-182-08	\$139,100	60.0'	\$2,820.00
Homer Hotels, LLC 575 Sterling Hwy Homer, AK 99603	Lot 11-A, Webber Subdivision No. 7 175-183-11	\$123,100	60.0'	\$2,820.00
Leonard H. Van Sandt 2020 Campbell Pl. Anchorage, AK 99507	Lot 13-A, Webber Subdivision No. 7 175-183-13	\$140,200	60.0'	\$2,820.00
Stephen R. & Kathleen A. Boyle 544 Waddell St. Homer, AK 99603	Lot 14-A, Webber Subdivision No. 7 175-183-14	\$126,500	60.0'	\$2,820.00
John R. & Judith E. Johnson 236 W. Rezanof Dr. Kodiak, AK 99615	Lot 15-A, Webber Subdivision No. 7 175-183-15	\$184,200	60.0'	\$2,820.00
Laura L. Todd PO Box 688 Homer, AK 99603	Lot 16-A, Webber Subdivision No. 7 175-183-16	\$96,200	60.0'	\$2,820.00

FINAL ASSESSMENT ROLL – ATTACHMENT A

PROJECT NAME: WEBBER SUBDIVISION ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT

DATE: FEBRUARY 4, 2014

TOTAL PROJECT COST: \$461,045

Abutting Property Owners Assessed \$30 per front foot for reconstruction and \$17 per front foot for paving: \$61,601.16

Homer Accelerated Roads and Trails Program (HART) Share: \$399,443.84

OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	ASSESSED PROPERTY VALUE	FRONT FOOTAGE	ASSESSED PROPERTY OWNER SHARE OF ASSESSMENT
Michael C. & Rebecca B. Frye 580 Waddell St. Homer, AK 99603	Lot 17-A, Webber Subdivision 175-183-17	\$221,100	60.0'	\$2,820.00
Paul D. Gutzler 567 Waddell St. Homer, AK 99603	Lot 3 Block 2, Webber Subdivision 175-182-03	\$141,500	60.0'	\$2,820.00
Charles & Barbara Deal PO Box 2584 Homer, AK 99603	Lot 18-A, Webber Subdivision No. 7 175-183-18	\$145,200	60.0'	\$2,820.00
Douglas L. Tuttle & Barbara D. Kaun PO Box 3542 Homer, AK 99603	Lot 12-A, Webber Subdivision No. 7 175-183-12	\$150,600	60.0'	\$2,820.00
Claudia L. Carlson PO Box 124 Homer, AK 99603	Lot 1 Block 2, Webber Subdivision 175-182-01	\$159,600	60.0'	\$2,820.00

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 13-023(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, NOTING THE SUFFICIENCY OF THE PETITION FOR THE WEBBER SUBDIVISION ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT AND SETTING THE PUBLIC HEARING DATE FOR MAY 13 , 2013.

WHEREAS, A petition for road reconstruction and paving improvements for property owners within the Webber Subdivision was circulated from December 28, 2012 to February 26, 2013; and

WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires signatures of not less than one half in value of the real property in the proposed improvement district; and

WHEREAS, Signatures from property owners in favor of the road reconstruction and paving improvements equal 61.4%; and

WHEREAS, A neighborhood meeting has been scheduled for March 13, 2013; and

WHEREAS, The notice of public hearing and statement of objection form will be sent to property owners by certified mail in accordance with HCC 17.04.050(a).


NOW, THEREFORE, BE IT RESOLVED that the Homer City Council notes the sufficiency of the petition for the Webber Subdivision Road Reconstruction and Paving Special Assessment District and sets a public hearing date of May 13 , 2013.

PASSED AND ADOPTED by the City Council of Homer, Alaska this 11th day of March, 2013.

CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Staff time and certified mail fees.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 13-044(S)(A)

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

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

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

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

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

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

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

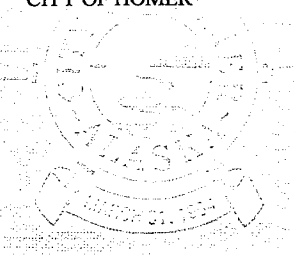
WHEREAS, Council finds that the petition is in proper form and bears sufficient signatures; and

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

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

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

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CITY OF HOMER

Francie Roberts

FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST:

J. Johnson
JO JOHNSON, CMC, CITY CLERK

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

1 CITY OF HOMER
2 HOMER, ALASKA

Lewis

3
4 RESOLUTION 14-030

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 EXPRESSING SUPPORT FOR THE KACHEMAK BAY RESEARCH
8 RESERVE AND REQUESTING CONTINUED FINANCIAL AND
9 ADMINISTRATIVE SUPPORT FROM THE STATE OF ALASKA.

10
11 WHEREAS, The Kachemak Bay National Estuarine Research Reserve (KBNERR), also
12 known locally as the Kachemak Bay Research Reserve (KBRR), or "Reserve" , is a federal-state
13 collaborative partnership between the National Oceanic and Atmospheric Administration
14 (NOAA) Coastal Office and the State of Alaska, Department of Fish and Game (ADF&G)
15 Division of Sport Fish; and

16
17 WHEREAS, KBRR was established in 1999 with strong support from the community;
18 and

19 WHEREAS, The mission of KBRR is to enhance the understanding of the Kachemak Bay
20 estuary and adjacent waters to ensure that these ecosystems remain healthy and productive;
21 and

22 WHEREAS, KBRR has a local advisory council which stimulates a dialogue about local
23 coastal issues of concern and provides a voice for the community on coastal matters; and

24
25 WHEREAS, The "Reserve" has an annual operating budget of approximately \$2 Million,
26 is a significant local employer, and attracts visiting professionals, grants, and related revenues
27 and expenditures which circulate through the local economy; and

28
29 WHEREAS, KBRR "partners" with local NGOs, universities, and state and federal
30 agencies and these partnerships bring highly skilled professionals and cutting edge research to
31 the community; and

32
33 WHEREAS, KBRR has provided relevant research which has applied applications to the
34 City of Homer including studies on coastal bluff erosion, sea level rise, and coastal uplift; and

35
36 WHEREAS, KBRR is well positioned and has the resources to be a leader in climate
37 change research; and

38 WHEREAS, The "Reserve" has an education program which reaches 3,500 people per
39 year through public and K-13 programming and needs based training for decision makers; and
40

41 WHEREAS, ADF&G is experiencing a period of sustained budget constraints associated
42 with General Fund cuts, declining license revenues, and decreased federal grant funding at a
43 time when operating costs continue to rise; and
44

45 WHEREAS, ADF&G contributes 40% of the cost of the "Reserve", a non-federal match
46 is required, and anticipated shortfalls in state funding will necessitate a reduction in the
47 KBNERR budget; and
48

49 WHEREAS, The state rental agreement and associated funding was a key component in
50 securing the funding for construction of the Alaska Islands and Ocean Visitor Center and
51 continued state funding is crucial for continued operation of a facility that hosts 75,000 visitors
52 each year; and
53

54 WHEREAS, The KBRR mission is much broader than the Division of Sport Fish's mission
55 which is to "protect and improve the state's recreational fisheries resources"; and
56

57 WHEREAS, For the reasons stated above, it is ADF&G's intent to seek a new state
58 partner for the "Reserve" with a mission more closely related to coastal and estuarine
59 stewardship.
60

61 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that the
62 Kachemak Bay Research Reserve is an important component of the local economy and that it
63 provides research and educational programs that are important to the community.
64

65 BE IT FURTHER RESOLVED that the Council hereby requests that the State of Alaska
66 proceed with its stated intent to find a new state partner for KBRR and further, that it provide
67 adequate and stable funding necessary to sustain the operations of the "Reserve" so that it can
68 continue to carry out its mission.
69

70 PASSED AND ADOPTED by the Homer City Council this 10th day of February, 2014.
71

72 CITY OF HOMER
73

74 _____
75 MARY E. WYTHE, MAYOR

76 ATTEST:

77

78

79 _____

80 JO JOHNSON, MMC, CITY CLERK

81

82 Fiscal Note: N/A

83

84

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 RESOLUTION 14-031

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE CITY MANAGER TO APPLY UNALLOCATED
8 MUNICIPAL HARBOR GRANT FUNDS AND REVENUE BOND
9 PROCEEDS TOWARD COMPLETION OF ADDITIONAL FLOAT
10 REPLACEMENT AND IMPROVEMENTS THAT ARE ALREADY
11 INCLUDED IN THE ADOPTED CAPITAL IMPROVEMENT
12 PROGRAM (CIP), AND FURTHER, TO ISSUE A CHANGE ORDER
13 WITH THE SELECTED CONTRACTOR AND EXPAND THE SCOPE
14 OF WORK TO ACCOMPLISH THIS OBJECTIVE.

15
16 WHEREAS, The City of Homer has received a State Municipal Harbor Grant and sold
17 Revenue Bonds in the total amount of \$8,412,000 to replace infrastructure and make certain
18 improvements in the harbor; and

19
20 WHEREAS, The engineer's estimate for replacing certain floats and Ramp 3 was
21 \$7,059,280 and the Council has approved the funds and adopted a budget based upon this
22 figure; and

23
24 WHEREAS, The lowest qualified bidder submitted a bid of \$4,834,748 and was awarded
25 a contract via Resolution 14-025 at the regular meeting on January 27, 2014; and

26
27 WHEREAS, There is now approximately \$2 million in unallocated grant and bond funds
28 which could be used for another purpose or returned unspent; and

29
30 WHEREAS, The City Administration recommends that the funds be used to expand the
31 contractor's scope of work to construct additional float replacements and improvements that
32 are already included in the approved CIP; and

33
34 WHEREAS, There are many advantages associated with this course of action including
35 lower design costs, lower mobilization costs, an easier and quicker permitting environment,
36 and the assurance that the grant funds can be spent within the required 18 months; and

37

38 WHEREAS, This recommendation also improves the chances that the additional work
39 can be quickly approved by the granting agency (ADOT/PF) and the Municipal Bond Bank.

40
41 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes
42 the City Manager to apply unallocated Municipal Harbor Grant funds and Revenue Bond
43 Proceeds toward completion of additional float replacement and improvements that are
44 already included in the adopted Capital Improvement Program.

45
46 BE IT FURTHER RESOLVED that the Council authorizes the City Manager to issue a
47 change order and / or expand the scope of work with the approved contractor to achieve this
48 objective.

49
50 PASSED AND ADOPTED by the Homer City Council this 10th day of February, 2014.

51
52 CITY OF HOMER

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55 _____
56 MARY E. WYTHE, MAYOR

57
58 ATTEST:
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61 _____
62 JO JOHNSON, MMC, CITY CLERK

63
64 Fiscal Note: N/A

65

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk/
4 Public Works Director

5 RESOLUTION 14-025
6

7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING
8 THE CONTRACT FOR THE HOMER HARBOR FACILITIES
9 IMPROVEMENTS 2014 TO THE FIRM OF HARRIS SAND &
10 GRAVEL, INC. OF VALDEZ, ALASKA, IN THE AMOUNT OF
11 \$4,834,748.00 AND AUTHORIZING THE CITY MANAGER TO
12 EXECUTE THE APPROPRIATE DOCUMENTS.
13

14 WHEREAS, In accordance with the Procurement Policy, the Invitation to Bid was
15 advertised in the Homer News on November 21 and 27, 2013 and the Peninsula Clarion on
16 November 24, 2013, and sent to two in-state plans rooms, and posted on the Clerk's home
17 page; and
18

19 WHEREAS, Bids were due on December 20, 2013 and Addendum #2 was issued to
20 extend the due date until January 16, 2014; and
21

22 WHEREAS, Four bids were received and after review the firm of Harris Sand & Gravel,
23 Inc. of Valdez, Alaska was determined to be the lowest responsive bidder and found to be
24 qualified to complete the work; and
25

26 WHEREAS, This award is not final until written notification is received by Harris Sand &
27 Gravel, Inc. from the City of Homer.
28

29 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
30 the contract award for the Homer Harbor Facilities Improvements 2014 to the firm of Harris
31 Sand & Gravel, Inc. of Valdez, Alaska, in an amount not to exceed \$4,834,748.00 and
32 authorizes the City Manager to execute the appropriate documents.
33

34 PASSED AND ADOPTED by the Homer City Council this 27th day of January, 2014.
35

36 CITY OF HOMER
37

38
39 
40 MARY E. WYTHE, MAYOR
41
42
43
44

45 ATTEST:

46

47

48

49 
JO JOHNSON, MMC, CITY CLERK

50

51 Fiscal Note: Harbor Float Replacement 415-0920 (GLA 01); Ramp #3 Replacement: 415-0920
52 (GLA 03).



VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

BROTHER ASAIAH BATES DAY

February 14, 2014

WHEREAS, Asaiah Bates served on the Homer City Council from January 8, 1973 to December 8, 1975; and

WHEREAS, He took up the cause of many who were unable to do so or who lacked the knowledge or were shy of the processes and procedures thereof; and

WHEREAS, He demonstrated time and again his selflessness and concern for others through contributions, volunteerism and monetary donations and moral support to the community and community members; and

WHEREAS, He was dedicated to assisting, developing and supporting children's programs and scholarships; and

WHEREAS, His faithful presence at Council meetings and well received input were a continual refreshment to the Council; and

WHEREAS, Because of his deep love for everyone and everything, Mayor Jack Cushing proclaimed February 14, 2000 as Asaiah Bates Day and encouraged everyone to recognize February 14th not only as Valentine's Day, but as Asaiah Bates Day.

NOW, THEREFORE, I, Mary E. Wythe, Mayor do hereby proclaim the day of February 14, 2014 as:

BROTHER ASAIAH BATES DAY

in the City of Homer, Alaska and encourage all Citizens to take time to remember this great Icon of Homer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 10th day of February, 2014.

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 14-01(A), 14-05, 14-06(A), and 14-07

A **public hearing** is scheduled for **Monday, February 10, 2014** 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 14-01(A), 14-05, 14-06(A), and 14-07 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 14-01(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.76.010, Commission - Creation and Membership, to Make a Representative of the Homer Marine Trades Association and the Director of the Homer Chamber of Commerce Ex Officio, Non-Voting Members of the Economic Development Advisory Commission. City Clerk/Economic Development Advisory Commission.

Ordinance 14-05, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$500,000 from the Port and Harbor Enterprise Fund Depreciation Reserves for the Purpose of Providing the City's 25% Local Match for the New Port and Harbor Building. City Manager.

Ordinance 14-06(A), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating Up to \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building. City Manager.

Ordinance 14-07, An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$34,089 from the Airport Reserve Fund for the Replacement of the Boilers at the Airport Terminal and Authorizing the City Manager to Execute All Appropriate Documents. 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 or fax 235-3143.

Jo Johnson, MMC, City Clerk

A handwritten signature in black ink, appearing to read 'Jo Johnson', written in a cursive style.

Publish: Homer Tribune: February 5, 2014

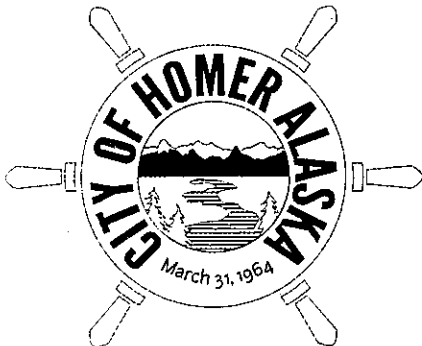
CLERK'S AFFIDAVIT OF POSTING

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 14-01(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.76.010, Commission - Creation and Membership, to Make a Representative of the Homer Marine Trades Association and the Director of the Homer Chamber of Commerce Ex Officio, Non-Voting Members of the Economic Development Advisory Commission; Ordinance 14-05, Amending the FY 2014 Operating Budget by Appropriating \$500,000 from the Port and Harbor Enterprise Fund Depreciation Reserves for the Purpose of Providing the City's 25% Local Match for the New Port and Harbor Building; Ordinance 14-06(A), Amending the FY 2014 Operating Budget by Appropriating Up to \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building; Ordinance 14-07, Amending the 2014 Operating Budget by Appropriating \$34,089 from the Airport Reserve Fund for the Replacement of the Boilers at the Airport Terminal at the City of Homer kiosks located at the City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office and Redden Marine on January 31, 2014 and that the City Clerk posted same on City of Homer Homepage on January 29, 2014.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 29th day of January, 2014



Renee Krause, CMC, Deputy City Clerk I



ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-01

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.78.010, Commission—Creation and Membership, to Make the Director of the Homer Chamber of Commerce an Ex Officio, Non-Voting Member of the Economic Development Advisory Commission.

Sponsor: City Clerk/Economic Development Advisory Commission

1. City Council Regular Meeting January 13, 2014 Introduction
2. City Council Regular Meeting January 27, 2014 Public Hearing and Second Reading
 - a. Memorandum 14-024 from Community and Economic Development Coordinator as backup
3. City Council Regular Meeting February 10, 2014 Public Hearing and Second Reading
 - a. Ordinance 14-01(A) as amended by Council on January 27
 - b. Memorandum 14-024 from Community and Economic Development Coordinator as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk/Economic Development
4 Advisory Commission

5 ORDINANCE 14-01(A)
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE ~~1.78.010~~ 2.76.010,
9 COMMISSION—CREATION AND MEMBERSHIP, TO MAKE A
10 REPRESENTATIVE OF THE HOMER MARINE TRADES
11 ASSOCIATION AND THE DIRECTOR OF THE HOMER CHAMBER
12 OF COMMERCE ~~AN~~ EX OFFICIO, NON-VOTING MEMBERS OF
13 THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION.
14

15 WHEREAS, Resolution 11-007(S)(A) adopted the Community Economic Development
16 Strategy (CEDS); and
17

18 WHEREAS, The implementation table in the CEDS identifies the Homer Chamber of
19 Commerce as one of the groups responsible for carrying out its implementation strategies; and
20

21 WHEREAS, The Economic Development Advisory Commission and Director of the
22 Homer Chamber of Commerce have acknowledged the importance of communication
23 between the City and Chamber to successfully carrying out the CEDS implementation
24 strategies, as well as the two entities' cooperation in other areas to promote economic
25 development for the community; and
26

27 WHEREAS, At its July 9, 2013 regular meeting the Commission introduced an
28 amendment to its bylaws to make the Director of the Homer Chamber of Commerce an ex
29 officio, non-voting member of the Commission, and approved the amendment at its
30 November 12, 2013 regular meeting.
31

32 WHEREAS, The Homer Marine Trades Association represents professionals and
33 businesses in the marine trades that contribute to the economic vitality of the community;
34 and
35

36 WHEREAS, The work the Economic Development Advisory Commission does to
37 promote economic development would benefit from the perspective and expertise of this
38 industry.
39

40 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
41

42 Section 1. Homer City Code ~~1.78.010~~ 2.76.010, Commission—Creation and
43 membership, is amended to read as follows:

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

44 ~~1.78.010~~ 2.76.010 Commission--Creation and membership. a. There is created the City
45 of Homer Economic Development Advisory Commission, referred to in this chapter as the
46 Commission. Such Commission will be made up of seven members, who shall be nominated by
47 the Mayor and confirmed by the City Council. A minimum of five commissioners shall reside
48 within the corporate limits of the City of Homer and shall be registered voters in the Kenai
49 Peninsula Borough or the City of Homer.

50
51 b. A Chairman and Vice-Chairman of the Commission shall be selected annually and
52 shall be appointed from and by the appointive members.

53
54 c. The Mayor, the City Manager, ~~and~~ one Councilmember, a representative of the
55 Homer Marine Trades Association, and the Director of the Homer Chamber of Commerce
56 shall serve as consulting members of the Commission in addition to the seven appointive
57 members, and may attend and participate in all meetings as consultants, but shall have no
58 vote.

59
60 Section 2. This Ordinance is of a permanent and general character and shall be
61 included in the City Code.

62
63 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
64 _____ 2014.

65
66 CITY OF HOMER

67
68
69 _____
70 MARY E. WYTHE, MAYOR

71
72 ATTEST:

73
74
75 _____
76 JO JOHNSON, MMC, CITY CLERK

77
78
79
80 YES:

81 NO:

82 ABSTAIN:

83 ABSENT:

[Added language underlined. Deleted language stricken through.]

84 First Reading:
85 Public Hearing:
86 Second Reading:
87 Effective Date:
88
89
90 Reviewed and approved as to form.

91 _____
92
93 Walt Wrede, City Manager

94
95 Date: _____

96
97
98 Fiscal Note: N/A
99

Thomas F. Klinkner, City Attorney

Date: _____

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



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-024

TO: Honorable Mayor Wythe and Homer City Council
THROUGH: Walt Wrede, City Manager
FROM: Katie Koester, Community and Economic Development Coordinator
DATE: January 22, 2014
SUBJECT: Ordinance 14-01: Marine Trades Member on EDC

The Economic Development Advisory Commission has asked that an advisory seat for the Homer Chamber of Commerce Director be added to the Economic Development Advisory Commission. Ordinance 14-01 does this. In the past Council has discussed extending the same opportunity to the Homer Marine Trades Association (HMTA). The Association has considered this carefully and at their January 16, 2014 meeting passed a motion to request the Homer City Council create a non-voting seat on the Economic Development Advisory Commission for an HMTA representative. At the meeting, which I attended, it was discussed that there is a vacant regular seat on the Commission a member could apply for. HMTA preferred a seat that was dedicated, non-voting and advisory.

If the Council would like to add an advisory seat to the Economic Development Advisory Commission, I suggest the following amendments to Ordinance 14-01:

Line 30 following "meeting." Insert "; and

WHEREAS the Homer Marine Trades Association represents professionals and businesses in the marine trades that contribute to the economic vitality of the community; and

WHEREAS the work the Economic Development Commission does to promote economic development would benefit from the perspective and expertise of this industry."

Line 45 following "Councilmember" insert ", a representative of the Homer Marine Trades Association"

Amend the title to include the Homer Marine Trades Association member.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-05

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$500,000 from the Port and Harbor Enterprise Fund Depreciation Reserves for the Purpose of Providing the City's 25% Local Match for the New Port and Harbor Building.

Sponsor: City Manager

1. City Council Regular Meeting January 27, 2014 Introduction
 - a. Memorandum 14-003 from Project Manager as backup
2. City Council Regular Meeting February 10, 2014 Public Hearing and Second Reading
 - a. Memorandum 14-003 from Project Manager as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 14-05

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2014 OPERATING BUDGET BY
8 APPROPRIATING \$500,000 FROM THE PORT AND HARBOR
9 ENTERPRISE FUND DEPRECIATION RESERVES FOR THE
10 PURPOSE OF PROVIDING THE CITY'S 25% LOCAL MATCH FOR
11 THE NEW PORT AND HARBOR BUILDING.

12
13 WHEREAS, The Port and Harbor Building Task Force has been meeting regularly and
14 working with staff and the architects on building design and cost control; and

15
16 WHEREAS, The Task Force has been looking for efficiencies and cost cutting measures
17 and has settled on a design and estimated project cost that is reasonable given the City's
18 budget and does not unduly compromise the building's attractiveness, function and utility; and

19
20 WHEREAS, The City Council was briefed on the current status of the project by the
21 Chair of the Task Force and it discussed back-up Memorandum 14-003 with recommendations
22 at its regular meeting on January 13, 2014; and

23
24 WHEREAS, The Architects have been instructed to proceed to 65% plans which will
25 result in even more precise cost estimating; and

26
27 WHEREAS, The current estimated project budget is \$2,296,772 of which \$1,500,000 will
28 come from a re-appropriated Legislative grant; and

29
30 WHEREAS, As part of the Legislative capital request, the City pledged to provide a local
31 match of 25% or \$500,000.

32
33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

34
35 Section 1. The City Council hereby amends the FY 2014 Operating Budget by
36 appropriating \$500,000 from the Port and Harbor Enterprise Fund Depreciation Reserve for
37 the purpose of providing the City's 25% local match for the new port and harbor building as
38 follows:

39	Transfer From:		
40	<u>Account</u>	<u>Description</u>	<u>Amount</u>
41	456-380	Port and Harbor Depreciation	\$500,000
42			
43	Transfer To:		
44	<u>Account</u>	<u>Description</u>	<u>Amount</u>
45	415-0935	Port and Harbor Building Project Account	\$500,000
46			
47			

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

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51 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____
52 2014.

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54 CITY OF HOMER

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58 MARY E. WYTHE, MAYOR

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60 ATTEST:

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64 JO JOHNSON, MMC, CITY CLERK

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67 YES:
68 NO:
69 ABSTAIN:
70 ABSENT:

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73 First Reading:
74 Public Hearing:
75 Second Reading:
76 Effective Date:
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80 Reviewed and approved as to form.

81

82 _____

83 Walt Wrede, City Manager

84

85 Date: _____

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88 Fiscal Note: Noted within ordinance.

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92

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 14-003

TO: Port and Harbor Building Task Force (PHBTF)
 THROUGH: Bryan Hawkins - Harbormaster
 FROM: Dan Nelsen – Project Manager
 DATE: December 20, 2013
 SUBJECT: Project Budget – New Harbormaster’s Building

In December 2012, the design team looked at three alternatives regarding a new Harbor-master’s building. The preferred alternative was the construction of a new facility (project cost is shown below as 2012 budget). In November 2013, a 25% design and budget was presented to the PHBTF (project cost is shown below as 2013 budget).

Recently, the design team has made significant progress in limiting the scope of the project and reducing the cost (project cost is shown below as 2014 budget). Attached are revised site plan, floor plan and building elevations.

	2014 Budget	2013 Budget	2012 Budget
Design	\$180,000	\$285,000	\$214,000
Construction	\$1,788,883	\$3,040,925	\$1,848,805
Inspection	\$75,000	\$90,000	\$75,000
Furnishings	\$30,000	\$30,000	\$30,000
City Admin	\$24,000	\$26,000	\$24,000
1% for Art	\$20,000	\$30,000	\$21,000
Contingency	\$178,888	\$410,525	\$292,578
Total Cost	\$2,296,772	\$3,912,450	\$2,505,383
Bldg Square Footage	4778	4778	5077
Bldg Cost/SF	\$416	\$722	\$422
Bldg Const Only	\$1,967,772	\$3,451,450	\$2,141,383
Total Project Cost	\$2,296,772	\$3,912,450	\$2,505,383
Current Budget Authority	\$2,000,000	\$2,000,000	\$2,000,000
Addn Funding Needed	\$296,772	\$1,912,450	\$505,383

The new 2014 budget reflects a decrease in square footage from the original 2012 project; a decrease in the per square footage cost, a reduction in the overall project cost and a reduction in the need for additional funding beyond that currently authorized. This project will need additional funding above that currently authorized (\$350,500).

The current project includes over-slope development, but the second floor has been removed, the maintenance shop size was reduced, and the administrative areas were decreased.

Further reductions in the cost of this project would most likely include elimination of over-slope development and building square footage reductions that would negatively impact current and future building functionality.

Recommendation: The Port and Harbor Building Task Force approve the budget for this project in the amount of \$2,297,000 (as shown above), approve proceeding with 65% design based on this budget, and support the acquisition of the additional required funding.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-06

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building.

Sponsor: City Manager

1. City Council Regular Meeting January 27, 2014 Introduction
 - a. Memorandum 14-003 from Project Manager as backup
2. City Council Regular Meeting February 10, 2014 Public Hearing and Second Reading
 - a. Ordinance 14-06(A) as amended by Council on January 27
 - b. Memorandum 14-003 from Project Manager as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 14-06(A)
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2014 OPERATING BUDGET BY
8 APPROPRIATING UP TO \$300,000 FROM THE GENERAL FUND
9 BALANCE FOR THE PURPOSE OF PROVIDING A LOAN TO THE
10 PORT AND HARBOR ENTERPRISE FUND TO COMPLETE THE
11 FINANCING PACKAGE FOR THE NEW PORT AND HARBOR
12 BUILDING.
13

14 WHEREAS, The Port and Harbor Building Task Force has been meeting regularly and
15 working with staff and the architects on building design and cost control; and
16

17 WHEREAS, The Task Force has been looking for efficiencies and cost cutting measures
18 and has settled on a design and estimated project cost that is reasonable given the City's
19 budget and does not unduly compromise the building's attractiveness, function and utility; and
20

21 WHEREAS, The City Council was briefed on the current status of the project by the
22 Chair of the Task Force and it discussed back-up Memorandum 14-003 with recommendations
23 at its regular meeting on January 13, 2014; and
24

25 WHEREAS, The Architects have been instructed to proceed to 65% plans which will
26 result in even more precise cost estimating; and
27

28 WHEREAS, The current estimated project budget is \$2,296,772 of which \$1,500,000 will
29 come from a re-appropriated Legislative grant; and
30

31 WHEREAS, As part of the Legislative capital request, the City pledged to provide a local
32 match of 25% or \$500,000; which it has done through adoption of Ordinance 14-05; and
33

34 WHEREAS, An additional \$300,000 is needed to complete the building financing
35 package and both the Task Force and the Administration recommend a loan from the General
36 Fund Balance.
37
38

39 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
40

41 Section 1. The City Council hereby amends the FY 2014 Operating Budget by
42 appropriating up to \$300,000 from the General Fund Balance for the purpose of providing a
43 loan to Port and Harbor Enterprise Fund to complete the financing package for the new port
44 and harbor building as follows:
45

46 Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0100	General Fund Balance	\$300,000

49 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-0935	Port and Harbor Building Project Account	\$300,000

54
55 Section 2. The term of the loan is five years, the first annual principal payment is
56 January 15, 2015, and the annual interest rate is two percent (2%).
57

58 Section 3. This is a budget amendment ordinance only, is not permanent in nature,
59 and shall not be codified.
60

61 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____
62 2014.
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64 CITY OF HOMER
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67 _____
68 MARY E. WYTHER, MAYOR
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70 ATTEST:
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73 _____
74 JO JOHNSON, MMC, CITY CLERK
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79 YES:
80 NO:
81 ABSTAIN:
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85 First Reading:
86 Public Hearing:
87 Second Reading:
88 Effective Date:

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92 Reviewed and approved as to form.

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95 _____
Walt Wrede, City Manager

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97 Date: _____

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Thomas F. Klinkner, City Attorney

Date: _____

100 Fiscal Note: Noted within ordinance.

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City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 14-026

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JANUARY 23, 2014

SUBJECT: PORT AND HARBOR ADVISORY COMMISSION RECOMMENDATION FOR
ORDINANCE
14-06 APPROPRIATING \$300,000 FOR THE PORT AND HARBOR BUILDING PROJECT

At the January 22nd regular meeting of the Port and Harbor Advisory Commission the Commissioners received an update on the Port and Harbor building project. They reviewed the drawings and discussed funding that is available including legislative monies and matching funds from harbor reserves, and also addressed the \$300,000 shortfall for the project.

The Commission recognized the key role that the Port and Harbor facility plays in city revenue and that it is appropriate for the City Council to grant the \$300,000 for the project.

- The general fund receives money from the port and harbor through tax revenue and administrative fees
- The project benefits the City of Homer, not just the harbor
- There is \$500,000 committed from the harbor reserves
- There is lot of catching up to do with harbor maintenance and additional payments slows that progress
- It is an expensive infrastructure so building reserves for continued maintenance and replacement is needed

ZIMMERMAN/STOCKBURGER MOVED THAT THE PORT AND HARBOR COMMISSION RECOMMENDS THAT THE CITY COUNCIL GRANT MONEY TO THE PROJECT FOR THE NEW PORT AND HARBOR BUILDING TO MAKE UP THE SHORTFALL AFTER THE STATE FUNDING AND THE FUNDS FROM THE HARBOR RESERVE.

VOTE: YES: STOCKBURGER, ULMER, HARTLEY, ZIMMERMAN

Motion carried.

Commissioners were pleased with the design and emphasized support of maintaining the overslope development and the garage to allow for onsite maintenance that Harbor Officers perform on a regular basis. They expressed their appreciation to Staff and the Task Force for their work, consideration of space needs, and attention to costs.

Recommendation to Council: Amend Ordinance 14-06 to amend the FY2014 Operating budget by appropriating \$300,000 from the General Fund for the purpose of providing a grant to the Port and Harbor Enterprise fund to complete the finance package for the New Port and Harbor Building.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-07

An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$34,089 from the Airport Reserve Fund for the Replacement of the Boilers at the Airport Terminal and Authorizing the City Manager to Execute All Appropriate Documents.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting January 27, 2014 Introduction
 - a. Memorandum 14-022 from Public Works Director as backup
2. City Council Regular Meeting February 10, 2014 Public Hearing and Second Reading
 - a. Memorandum 14-022 from Public Works Director as backup

CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

ORDINANCE 14-07

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE 2014 OPERATING BUDGET BY
APPROPRIATING \$34,089 FROM THE AIRPORT RESERVE FUND
FOR THE REPLACEMENT OF THE BOILERS AT THE AIRPORT
TERMINAL AND AUTHORIZING THE CITY MANAGER TO
EXECUTE ALL APPROPRIATE DOCUMENTS.

WHEREAS, The City Council has authorized the expenditure of \$20,084 to replace the burners on the Airport Terminal boilers as part of converting City facilities to natural gas; and

WHEREAS, The boilers that exist at the terminal are over 20 years old and replacing these boilers at the same time that the burners are being replaced will increase substantially the efficiency of the heating system and reduce maintenance costs; and

WHEREAS, The cost to replace both the burners and the boilers at the Airport Terminal will cost \$54,173; and

WHEREAS, If both the burners and the boilers are replaced, the annual Terminal heating cost would be reduced by \$27,000, the cost of the total conversion would be paid for within 2.04 years (see Memorandum 14-022).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2014 Operating Budget is hereby amended by appropriating \$34,089 from the Airport Reserve fund for the replacement of the boilers at the Airport Terminal.

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-388 (Airport Reserve Fund)	Replacement of Boilers at the Airport Terminal	\$34,089

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____
2014.

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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

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Fiscal Note: Noted within ordinance.



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 14-022

TO: Walt Wrede – City Manager
FROM: Carey Meyer – Public Works Director
DATE: January 22, 2014
SUBJECT: **Authorization to Replace Boilers – Airport Terminal**

The Airport Terminal is in the process of being converted to natural gas. The boilers that exist at the terminal are over 20 years old. Replacing these boilers at the same time that the burners are being replaced will increase substantially the efficiency of the heating system and reduce maintenance costs. The existing boilers that are reaching the end of their useful life would be replaced.

Replacement of both boilers and burners will cost \$54,173. The Council has already authorized spending \$20,084 to replace only the burners. An additional \$34,089 would be needed to implement a complete conversion.

The old boilers operate at 50% efficiency. New boilers will operate at 97% efficiency.

If both the boilers and the burners are replaced:

Current average annual fuel cost to heat Terminal	\$32,000
Proposed average annual fuel cost (complete conversion)	<u>\$ 5,000</u>
Annual cost savings	\$27,000

Benefit /Cost = \$54,173/\$27,000 = .49 (payback in 2 years)

The current balance in the Airport Reserve Fund is \$73,000.

Recommendation:

The City Council pass an ordinance amending the 2014 Operating Budget by appropriating \$34,089 from the Airport Reserve Fund for the replacement of the boilers at the Airport Terminal and authorizing the City manager to execute all appropriate documents.

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MANAGER'S REPORT

February 10, 2014

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Public Works Department: Carey Meyer wears many hats for the City and he juggles many important responsibilities. The Council and the Public see him and interact with him most often in his roles as Project Manager and City Engineer. In fact, that is where he spends a great deal of time and where his work is most visible. However, Carey is also the Public Works Director and the head of the City's largest department, with the biggest budget and the most personnel. The Public Works Department has experienced a number of retirements lately and it has lost many great employees and years of experience. This was not a surprise and we knew this was coming for several years. As a result, Carey has been involved in succession planning and in looking at ways to reorganize the department with the goal of increasing efficiency, saving money, and providing an even better product to the public. Carey has a report on this for you (attached) and I would like to devote my time for the Manager's report to Carey so you can get some insight into what is happening in the City's biggest (and many in the public would say most important) department.
2. Ramp 7: As most of you probably know by now, we experienced a structural failure at Ramp 7 last weekend and the lower end of the ramp is currently sitting in the water. The ramp is blocked off so that the public cannot access it. This is the ramp constructed by the Seldovia Village Tribe (SVT) to access the Seldovia Ferry Berth. It also provides much improved access to the System 5 float. The ramp is available for public use and will become the property of the City when the lease expires. We are currently working closely with SVT to determine the cause, get the ramp out of the water, and repair the damage.
3. Board of Fisheries Testimony: I went to Anchorage last week to provide testimony at the Board of Fish meetings related to Resolution 14-019. A copy of my testimony is attached for your information. I plan to head back to Anchorage on Thursday, the 6th to provide additional testimony at committee meetings.
4. Harbor Construction Projects: The last agenda contained a resolution awarding a construction contract for the replacement of Ramp 3 and several floats in the harbor. You may recall that this work was paid for by a 4.2 Million State grant and \$4.2 Million in bond

sale revenue. Here is the good news. All of the bids came in under the engineers estimate and the two lowest, from very reputable companies, came in approximately \$2 Million under the estimate. Carey has double checked the bids and he and Bryan have talked to the engineers who did the cost estimate to look for discrepancies. The Bond Bank and the State of Alaska have approved the idea (that we talked about at the last meeting) of using the unallocated funds for additional float replacement and improvements that are already on the CIP and are simply an expansion of the existing work. The Port and Harbor Commission has reviewed and endorsed this approach. This agenda contains a resolution authorizing us to proceed accordingly.

5. Parks and Recreation Needs Assessment: The second meeting of the Needs Assess Steering Committee took place on Wednesday, February 5th. The focus of this meeting was reviewing other needs assessments, reviewing draft RFPs, and talking about the kinds of questions that should be asked.
6. Citizen's Academy: Katie is working very hard on setting up the Citizens Academy. The Academy is scheduled to begin February 20. We appreciate the helpful input from Council member Howard. Attached is a memorandum from Katie on this topic. This information appeared in the last packet. Since the time is getting short and we want to get the word out to the public, I thought it would be good to include this information again.
7. Enstar Meeting: We had a meeting with Enstar officials last week to discuss the workplan for the upcoming construction season (which has already begun apparently!). In the next month we will be approving the workplan, and adjusting the assessment roll to account for decisions that were made during construction last year. Enstar's contractor, UTI is already working on the Spit, which you may have noticed. They expect to have gas to Spit business by April. Kachemak Drive will be next and then the bluff areas. Enstar projects that it could be done and construction completed by the end of August.
8. Critical Habitat Legislation: The legislation that would remove the Homer Port and Harbor from the critical habitat area is on the move. Companion bills have been read across in both the House and the Senate. Committee hearings in both Chambers are scheduled this week and I will testify, once from Homer and once from Anchorage.

ATTACHMENTS

1. Board of Fish Testimony
2. Public Works Reorganization and Succession
3. Citizens Academy
4. February Employee Anniversaries

BOARD OF FISHERIES TESTIMONY

January 31, 2014

Thankyou Chairman Johnstone and members of the Board. For the record, my name is Walt Wrede. I am the City Manager of Homer, Alaska and am here speaking on behalf of the Mayor and the Homer City Council. I appreciate the opportunity to comment.

The City of Homer is strongly opposed to Proposals 138,139,140,142,and 143, all of which which close or severely restrict driftnet fishing in Area 1. The City Council unanimously adopted Resolution 14-019 which states its opposition to these proposals. I believe a copy is in your packet.

Others with much more expertise than I will testify about how these proposals are not based upon good science, effective management practices, or the sustained yield principle. You will hear how these proposals will fail to achieve the result the proposers want and will result in chronic over escapement, reduced product quality, lost revenues, and diminished economic opportunity.

My purpose here is to discuss the social and economic impacts these proposals would have on Homer and the Lower Kenai Peninsula. Area 1 has comprised the traditional fishing grounds of the Cook Inlet drift fishery since statehood. Cook Inlet Sockeye equals about 5% of worldwide sockeye production; a very important and valuable fishery . 300 or about half of the Cook Inlet drift permit owners live in Homer and neighboring communities. 250 Cook Inlet drift net permits have Homer addresses on them. Driftnet vessels usually employ two deckhands and that generally translates into financial support for two families and 900 jobs in the Homer area. These are primarily long time, year around residents, who have worked in this fishery for decades and in many cases, have passed the tradition down from generation to generation. These are our friends and neighbors and commercial fishing is deeply ingrained into the social and economic fabric of the community.

There are over 100 Homer based commercial fishing vessels that participate in the Cook Inlet Drift fishery. These proposals will triple travel time to the fishing grounds, increase costs, and reduce harvest opportunities. Instead of basing their operations out of the Homer Port and Harbor, they will likely be forced to move farther north near the Kasilof and Kenai River corridors. Moving the fleet's base of operations away from Homer will have a devastating ripple effect on all of the support businesses including the marine trades, marine supply stores, fuel distributors, seafood processors, Fish Dock operators, grocery stores, and so on. The money lost by third parties will ripple through the entire economy.

The Homer Port and Harbor is operated as an Enterprise Fund and it is the primary fishing port on Cook Inlet. The Port and Harbor is designed and operated to provide services and support to the commercial fleet. Homer has 170 accounts associated with fishing vessels, tenders, and fish processors which participate in the Cook Inlet Drift Fishery. These accounts generate between \$800,000 and \$900,000 annually in revenues associated with things like moorage, seafood wharfage, ice sales, slip fees, cold

storage and crane rentals. These revenues are needed to maintain critical infrastructure and services to the fleet. These proposals would likely result in significant revenue declines. Keep in mind that this is only direct revenue to the Enterprise Fund. It does not account for losses in sales taxes, fisheries business tax, local salaries, and payments to third parties that circulate through the local economy 2 or 3 times.

In summary, The Cook Inlet drift fishery is a vital economic engine which has sustained Homer for many years. The economic impacts associated with these proposals are immense and cannot be justified if they are not based upon good science, conservation, sound management practices, and sustained yield principles. We see no evidence that they are and we urge the Board to reject Proposals 138,139,140,142, and 143.

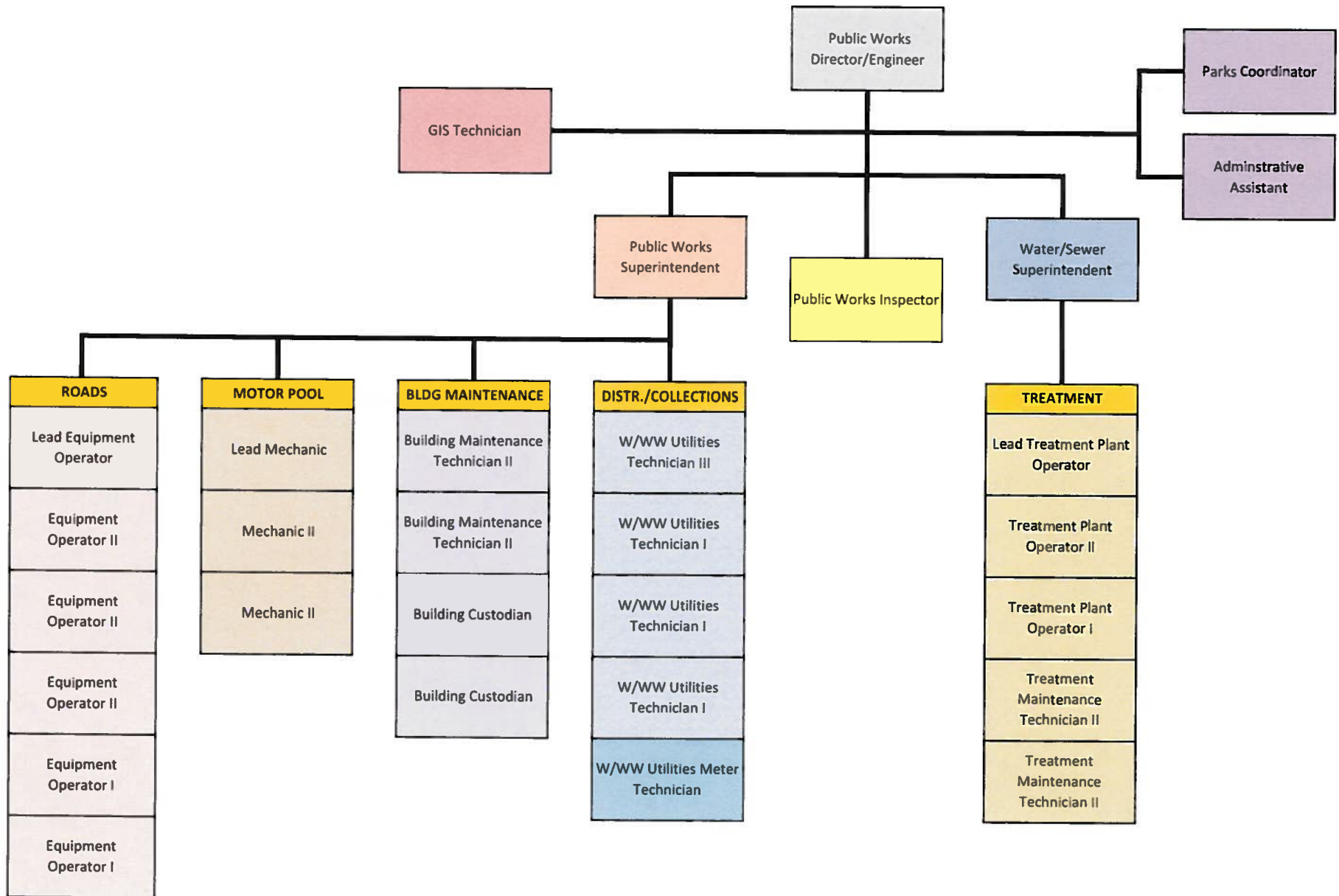
Thanks for the opportunity to comment.

Challenges/Opportunities

At the Public Works Department

- Experienced Personnel Retiring
- Changing Water System Regulatory Environment
- Opportunities to Promote from Within
- Potential for “New Blood” in Organization
- Organizational Culture Change Opportunities
- Span of Control Improvements
- Increased Productivity/Effectiveness

PREVIOUS PUBLIC WORKS ORGANIZATIONAL CHART

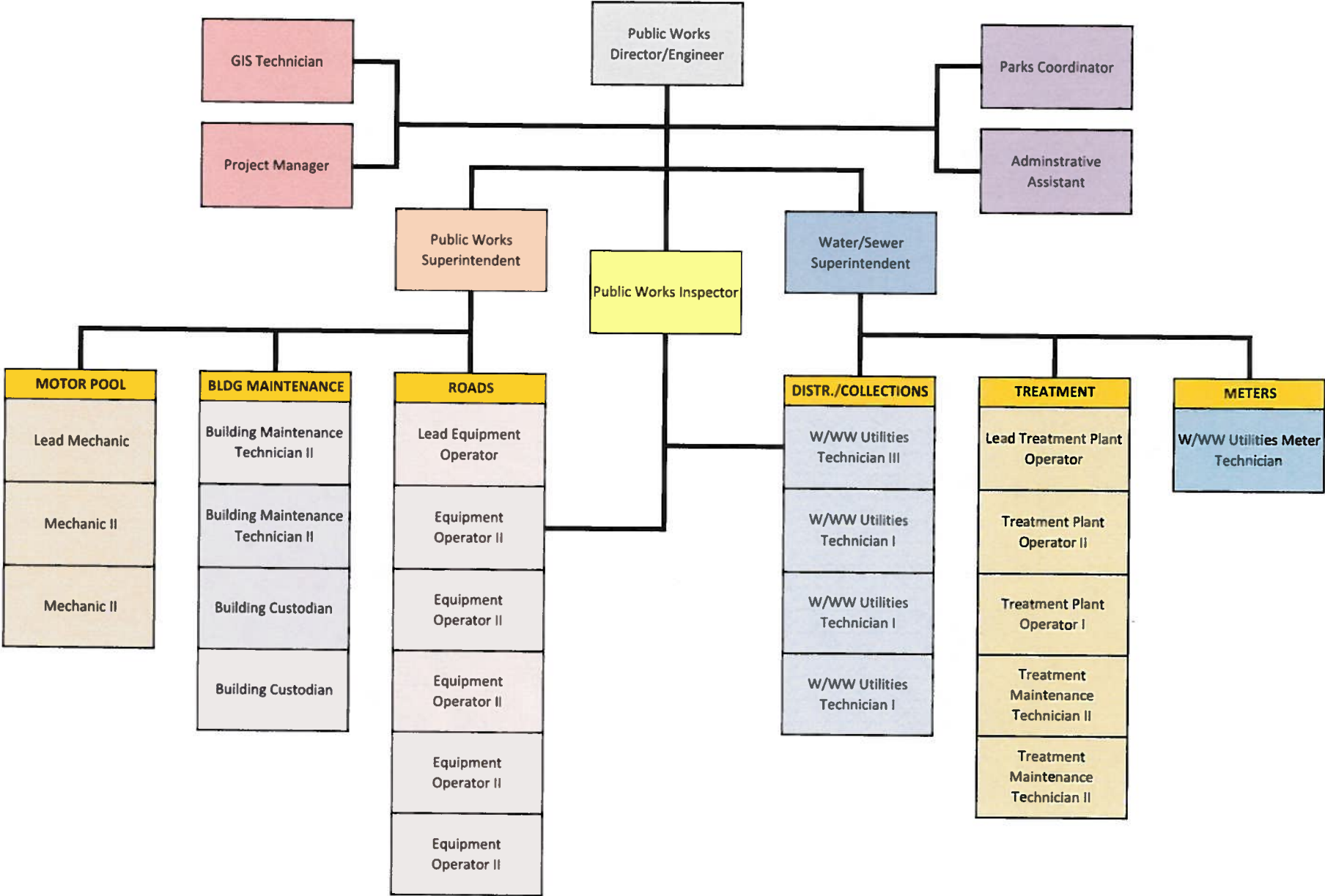


What We Did

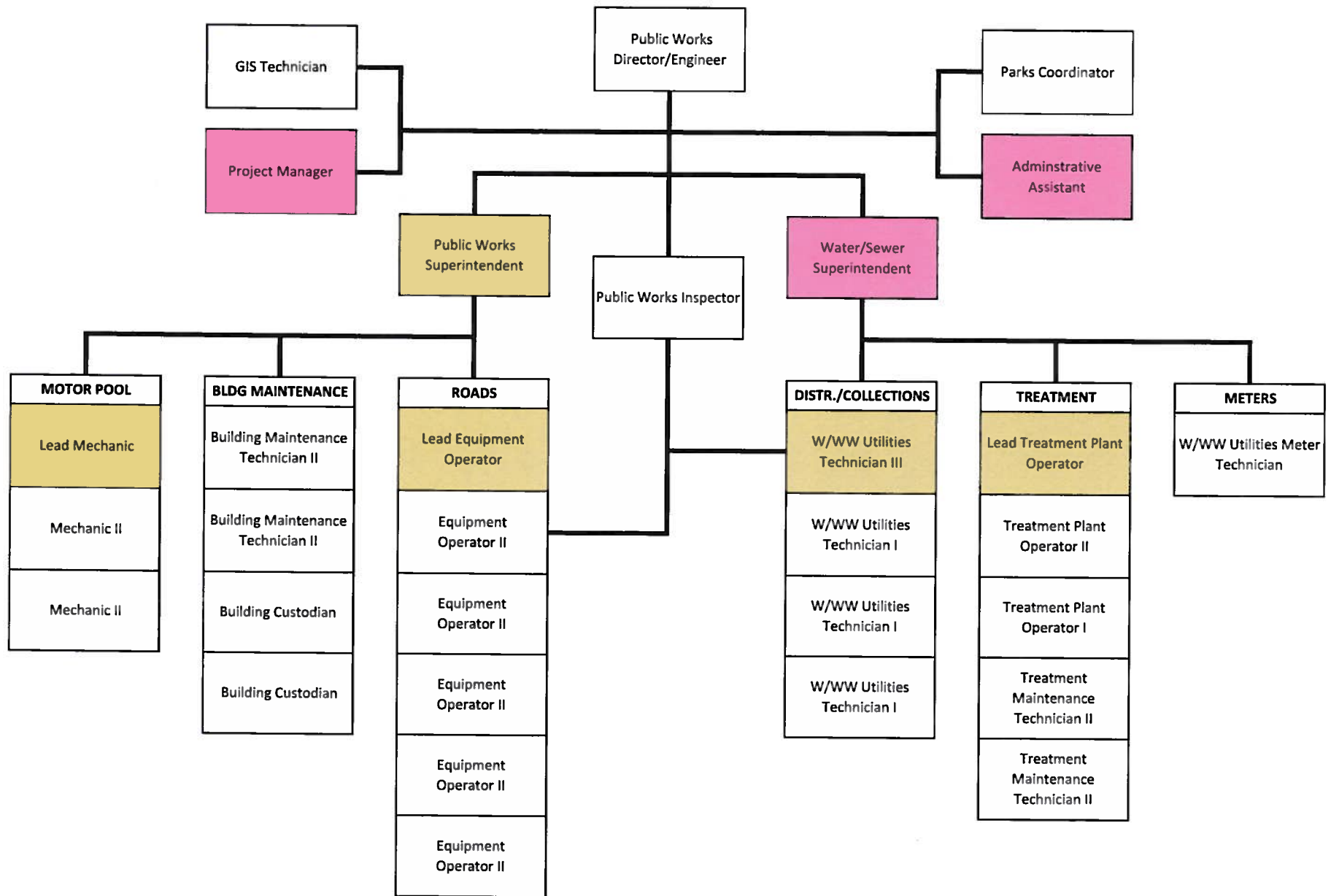
At the Public Works Department

- We moved supervision of the Water Distribution/Sewer Collection Unit from the PW superintendent to the Water/Sewer superintendent
 1. Improved our ability to address changing regulatory environment
 2. Improved span of control
 3. Supported organization change
 4. Provided opportunity for in-house promotions
 5. Increased productivity/effectiveness
- We hired a new Project Manager and Administrative Assistant (New Blood)
- Gave opportunities to existing employees to play a bigger role

NEW PUBLIC WORKS ORGANIZATIONAL CHART



IN-HOUSE PROMOTIONS vs "NEW BLOOD" INFUSSION





City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-023

TO: Honorable Mayor Wythe and Homer City Council
THROUGH: Walt Wrede, City Manager
FROM: Katie Koester, Community and Economic Development Coordinator
DATE: January 22, 2014
SUBJECT: Citizens Academy

The purpose of this memo is to update Council on the planning for the City of Homer Citizens Academy.

Dates for the Academy are Thursday evenings 5:30-8:00 pm from February 20 to March 27th with a graduation ceremony at City Council on April 14.

Registration begins Monday, January 27th and is open for three weeks until Monday, February 17. Class size will be limited to 15 participants with a couple of overflow spots for staff, media or Council members. Nonresidents are welcome to apply, however the City Clerk will verify residency and priority will be given to City of Homer residents. The Academy will be advertised in the local papers, online and on the radio. Interested applicants can get more information and register online at the City of Homer homepage (www.cityofhomer-ak.gov).

Department Directors have been flexible and accommodating in scheduling the Academy and are excited about the opportunity to showcase their departments. Seven individuals have already expressed an interest in participating in the Academy before any advertising effort.

Please let your friends and colleagues know about this opportunity to get an in-depth look at the how the City of Homer operates.

Enc.

City of Homer Citizens Academy Agenda

Registration Form: City of Homer Citizens Academy (copy of online form)

City of Homer 2014 Citizens Academy Frequently Asked Questions

Poster Advertising Citizens Academy (reduced from 11x17)

City of Homer Citizens Academy Agenda

Thursdays 5:30-8:00pm February 20 through March 27

Certification Ceremony April 14

- 1) Thursday February 20, 2014. 5:30 -8pm. City Hall Cowles Council Chambers. 491 E. Pioneer Avenue.

5:30 – Overview and Welcome

5:45 – Office of the City Manager

6:45 – Break/Dinner

7:00 – Office of the City Clerk

8:00 – End of Day. Submit Evaluation

- 2) Thursday, February 27, 2014. 5:30-8pm. Harbormaster’s Office. 4350 Homer Spit Road.

5:30 – Welcome and Tour of Harbormaster’s Office

5:45 – Load on bus. Maintenance Shop for Dinner/Overview

6:15 – Port and Harbor Facilities Tour: DWD, Pioneer Dock, Fish Dock/Ice Plant, Overview of Facility Improvements Underway

8:00 – Wrap up at Harbormaster’s Office. Submit Evaluation.

- 3) Thursday, March 6, 2014. 5:30-8pm. Homer Public Library. 500 Hazel Avenue.

5:30 – Library

6:30 – Break/Dinner

6:45 – Personnel

7:30 – Information Technology

8:00 – End of Day. Submit Evaluation

- 4) Thursday, March 13, 2014. 5:30-8pm. Homer Public Works. 3575 Heath Street.

5:30 – Community Recreation

5:45 – Public Works

6:45 – Break/Dinner

7:00 – Water/Sewer Treatment (tour of Sewer Treatment Facility)

8:00 – Wrap up. Submit Evaluation. Sign up for Water Treatment Tour

5) Thursday, March 20, 2014. 5:30-8pm. City Hall Cowles Council Chambers. 491 E. Pioneer Avenue.

5:30 – Homer Volunteer Fire Department.

6:30 – Break/Dinner

6:45 – Homer Police Department

8:00 – End of Day. Submit Evaluation. Sign up for tour of Police Station/Fire Hall

6) Thursday March 27, 2014. City Hall Council Chambers. 491 E. Pioneer Avenue Lower Entrance.

5:30 – Planning Department

6:40 – Break/Dinner

6:50 – Finance Department

8:00 – End of Day. Submit Evaluation

1) Monday April 14, 2014. City Hall Council Chambers. 491 E. Pioneer Avenue Lower Entrance.

6:00 – City Council Regular Meeting. Certification Ceremony. Cake with Council, guests, and public.

Registration Form: City of Homer Citizens Academy

Published on City of Homer Alaska Official Website (<http://www.cityofhomer-ak.gov>)

Registration Form: City of Homer Citizens Academy

Unpublished

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Categories Forms, Permits, and Applications

Thank you for your interest in the City of Homer Citizens Academy.

Registration is limited to 15 participants and will be reserved on a first come basis. Although nonresidents are welcome to apply, the City Clerk will verify residency and priority will be given to City of Homer residents. Meetings will be held Thursday evenings from February 20 through March 27 from 5:30-8:00pm with a certification ceremony at City Council on Monday, April 14. Attendance is mandatory: participants must attend 5 out of the 6 classes to certificate. Photos taken during the program may be used by the City. Please enter a valid email address. Unless requested otherwise, most communication regarding the Academy will occur via email.

Registration closes February 17 at 5:00pm

Name: *

Mailing Address: *

Physical Address: *

Home Phone:

Cell Phone:

E-mail Address: *

Emergency Contact (Name and Phone): *

Physical Limitations (academy will include tours):

Dietary Restrictions:

What do you hope to get out of the Citizens Academy:

Source URL (retrieved on 2014-01-22 14:07):

<http://www.cityofhomer-ak.gov/citycouncil/registration-form-city-homer-citizens-academy>

City of Homer 2014 Citizens Academy

Frequently Asked Questions (FAQ)

What is the City of Homer Citizen's Academy? It is a free program created to increase and develop citizen's knowledge of how the City operates. Citizens will learn the complexities involved with running a municipality.

Why was the Academy created? To provide residents with an inside look at city government and provide the education, skills, and interest for members of the public to serve on city commissions, committees, and City Council.

How do I register? Register online at www.cityofhomer-ak.gov

Who can participate in the Academy? The Academy is open to the public, however, because of space limitations priority will be given to City of Homer residents.

When is the Academy? The Academy consists of six consecutive Thursday evening sessions from 5:30pm to 8:00pm. Sessions begin February 20, 2014 and end March 27, 2014 with a graduation ceremony during City Council on April 14, 2014. Additional tours of City facilities will be available but not mandatory.

What materials are provided? You will be provided with a binder at the beginning of the Academy. Materials will be given to you to add to your binder as the different departments present.

What do I do at the beginning of each class? When you arrive sign in and pick up an evaluation form. There is a lot to cover and the program will start on time, it is best to arrive a few minutes early to get situated.

Will food be provided? Yes. Simple fare and refreshments will be provided. There is a section on the registration form to note dietary restrictions and we will do our best to accommodate.

Where are the classes held? The classes will be held at various City facilities. Information on the classes will be included in each participant's acceptance letter along with a agenda for each class.

What do I wear to class? Dress is casual. In some instances you will be asked to wear warm clothing and/or comfortable shoes for tours of facilities.

May I bring a guest or relative? Due to space limitations participants may not bring guests to classes; however they are strongly encouraged to bring guests to the certification ceremony.

What do I do if I need to miss a class? Participants are allowed to miss one of the 6 sessions.

What if I still have more questions? Contact Katie Koester at kkoester@ci.homer.ak.us / 907.435.3101



City of Homer Citizens Academy

A behind the scenes look at how the City of Homer operates

Thursday Evenings
5:30pm-8:00pm
February 20 - March 27th
Certification Ceremony April 14th

Space is limited. Spots will be held on a first come first serve basis.
Registration closes Monday, February 17th at 5:00pm.

For more info, including online registration, visit:

www.cityofhomer-ak.gov





City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: Walt Wrede
DATE: February 5, 2014
SUBJECT: February Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Tim Yarbrough,	Fire	12	Years
Dan Miotke,	Fire	12	Years
Walt Wrede,	Admin	11	Years
George Tyrer,	Port & Harbor	10	Years
Debra Waldorf,	Library	6	Years
Jim Knott,	Police	4	Years
Nathan Hull,	Police	1	Year
Dan Nelsen,	Public Works	1	Year



City of Homer

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Office of the City Clerk

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Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 4, 2014
SUBJECT: BID REPORT

ITB Skyline Drive Fire Station - Sealed bids for the construction of the Homer Fire Station #2 – Skyline Drive will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 PM, Thursday, February 27, 2014 at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms, and Plans and Specifications are available on line.

RFP Seasonal Operation of the Fish Grinding Facility - City of Homer's Port and Harbor is requesting proposals from qualified firms for the seasonal operation of the Fish Grinding Facility. Successful proposer will be contracted to operate and maintain the Fish Waste Grinding Facility during sport/commercial fishing seasons, May 1 to October 20, for a consecutive three years, 2013 to 2016. Operation and maintenance tasks include, but are not limited to the following: provide labor to grind the fish waste that is delivered to the fish grinder; provide routine maintenance on the fish grinder equipment and the tote dump system; provide 20 non-insulated fish totes with lids and a forklift capable of lifting 1,500 pounds; verify the documented deliveries, collect samples required by ADEC, and submit findings and delivery record book to the Port and Harbor.

CITY ATTORNEY REPORT

MEMORANDUM

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR JANUARY 2014

CLIENT: CITY OF HOMER

FILE NO.: 506,742.18

DATE: FEBRUARY 5, 2014

The following summarizes our activities as City Attorney during the month of January 2014.

City Council. Holly Wells attended the January 13, 2014 City Council meeting. We drafted ordinances repealing the sales tax exemption for nonprepared foods, and explained the Council's authority to enact the repeal.

Castner v. City of Homer. The superior court found in favor of Mr. Castner's claim that the City's proposed assessments against the condominium project in which he owned units were excessive. We advised the Council on actions to be taken in response to the court's decision.

Planning. We advised the Planning Department regarding whether the Planning Commission's approval of a preliminary plat was subject to appeal, the procedure for reconsideration of a Commission action, and the Commission's visiting a site that is the subject of an application.

Port and Harbor. I completed revised moorage agreements for the Harbor.

City of Homer v. Shadle. Mara Michaletz prepared for the continued court hearing on the imposition of penalties for Mr. Shadle's zoning violation.

City of Homer v. Reidel. Mara Michaletz tried the latest citations issued to Mr. Reidel for failing to keep his goats confined to his property, and obtained a conviction on each citation.

Auction Block Company v. City of Homer. Holly Wells is preparing the City's prehearing brief, and preparing for oral argument before the Federal Maritime Commission in early April.

I will be available to answer questions regarding these matters at the February 10, 2014 Council meeting.

cc: Walt Wrede
Jo Johnson

COMMITTEE REPORTS

PENDING BUSINESS

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk/Economic Development
4 Advisory Commission

5 RESOLUTION 13-116(A)
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE ECONOMIC DEVELOPMENT ADVISORY
9 COMMISSION BYLAWS TO INCLUDE THAT THE DIRECTOR OF
10 THE HOMER CHAMBER OF COMMERCE AND A
11 REPRESENTATIVE OF THE HOMER MARINE TRADES
12 ASSOCIATION MAY SERVE AS A NON-VOTING, EX-OFFICIO
13 MEMBERS OF THE COMMISSION.
14

15 WHEREAS, The Community Economic Development Strategy (CEDS) was adopted via
16 Resolution 11-007(S)(A); and
17

18 WHEREAS, The implementation table in the CEDS identifies the Homer Chamber of
19 Commerce as one of the groups responsible for carrying out the implementation strategies;
20 and
21

22 WHEREAS, The Economic Development Advisory Commission and Director of the
23 Homer Chamber of Commerce have acknowledged the importance of communication
24 between the City and Chamber as key to being successful in carrying out these strategies, as
25 well as other areas the entities can work together to promote economic development for the
26 community; and
27

28 WHEREAS, The Commission introduced the amendment at their July 9, 2013 regular
29 meeting and approved their amendment at a second meeting on November 12, 2013 in
30 accordance with their bylaws.
31

32 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the
33 Economic Development Advisory Commission Bylaws to include that the Director of the
34 Homer Chamber of Commerce and a representative of the Homer Marine Trades
35 Association may serve as a non-voting, ex-officio members of the Commission.
36

37 PASSED AND ADOPTED by the Homer City Council this 10th day of February, 2014.
38

39 CITY OF HOMER
40

41
42 _____
43 MARY E. WYTHE, MAYOR
44

45 ATTEST:

46

47

48

49 _____
JO JOHNSON, MMC, CITY CLERK

50

51 Fiscal Note: N/A



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Office of the City Clerk

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(f) 907-235-3143

Memorandum 13-165

TO: MAYOR WYTHE AND CITY COUNCIL MEMBERS

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: NOVEMBER 14, 2013

SUBJECT: ECONOMIC DEVELOPMENT ADVISORY COMMISSION BYLAW AMENDMENT TO TO INCLUDE THAT THE DIRECTOR OF THE HOMER CHAMBER OF COMMERCE MAY SERVE AS A NON-VOTING, EX-OFFICIO MEMBER OF THE COMMISSION.

At the November 12, 2013 regular meeting of the Economic Development Advisory Commission, Commissioners reviewed the draft resolution 13-xxx amending the EDC bylaws to include the Director of the Homer Chamber of Commerce as a non-voting, ex-officio member of the Commission and voted unanimously to forward it to the City Council for adoption.

Pursuant to the Commissions bylaws the bylaw amendment was introduced at their July 9th regular meeting, and noticed a second time at the September 9th regular meeting.

Recommendation:

Adopt Resolution 13-116 to amend the Economic Development Advisory Commission bylaws.



City of Homer

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Administration

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Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-024

TO: Honorable Mayor Wythe and Homer City Council
THROUGH: Walt Wrede, City Manager
FROM: Katie Koester, Community and Economic Development Coordinator
DATE: January 22, 2014
SUBJECT: Ordinance 14-01: Marine Trades Member on EDC

The Economic Development Advisory Commission has asked that an advisory seat for the Homer Chamber of Commerce Director be added to the Economic Development Advisory Commission. Ordinance 14-01 does this. In the past Council has discussed extending the same opportunity to the Homer Marine Trades Association (HMTA). The Association has considered this carefully and at their January 16, 2014 meeting passed a motion to request the Homer City Council create a non-voting seat on the Economic Development Advisory Commission for an HMTA representative. At the meeting, which I attended, it was discussed that there is a vacant regular seat on the Commission a member could apply for. HMTA preferred a seat that was dedicated, non-voting and advisory.

If the Council would like to add an advisory seat to the Economic Development Advisory Commission, I suggest the following amendments to Ordinance 14-01:

Line 30 following "meeting." Insert "; and

WHEREAS the Homer Marine Trades Association represents professionals and businesses in the marine trades that contribute to the economic vitality of the community; and

WHEREAS the work the Economic Development Commission does to promote economic development would benefit from the perspective and expertise of this industry."

Line 45 following "Councilmember" insert ", a representative of the Homer Marine Trades Association"

Amend the title to include the Homer Marine Trades Association member.

CITY OF HOMER ECONOMIC DEVELOPMENT ADVISORY COMMISSION

BYLAWS

Section 1. History/Membership/Record Keeping

The City of Homer Economic Development Advisory Commission was established in 1993 with those powers and duties as set forth in Title 1, Chapter 78, of the Homer City Code. (Ordinance 93-15(S)(A)). The Commission was inactivated January 24, 2000 at EDC request on January 11, 2000. Council reactivated the Commission on February 27, 2006 via Resolution 06-20. The Commission is established to act in an advisory capacity to the City Manager and the City Council in areas of economic development within the City.

The Homer Economic Development Advisory Commission consists of seven voting members; no more than two (2) members may be residents from outside the city limits. Members shall be nominated by the Mayor and confirmed by the City Council to serve 3-year staggered terms. In addition to the seven members who make up the voting body, one Homer area high school student and one City Council member may also be appointed as non-voting members. The Mayor, City Manager, ~~and/or~~ City Planner, **and/or the Director of the Homer Chamber of Commerce** may serve as non-voting ex-officio members of the Commission.

Permanent records or minutes shall be kept of the proceedings of the regular monthly meetings. The minutes will record the vote of each member upon every question. Every decision shall be filed in the office of the City Clerk and shall be public record open to inspection.

Section 2. The duties and responsibilities of the Commission are:

- A. Act in an advisory capacity to the City Manager and the City Council on the overall economic development planning for the City of Homer.
- B. Provide ongoing review and evaluation of the City of Homer Comprehensive Economic Development Strategy (formerly known as the Overall Economic Development Plan) and formulate recommendations for revision. Revisions, amendments and extensions of the Comprehensive Economic Development Strategy (CEDS) may be adopted by the City Council after consideration and report by the Commission.
- C. Collect and analyze data relevant to economic development to evaluate existing community resources.
- D. Formulate and develop the overall long range economic development goals of the residents of the City of Homer through public hearing process.
- E. Identify specific alternatives or projects to accomplish the City's objectives and recommend priorities.
- F. Review recommendations of the Homer Advisory Planning Commission to encourage a business-friendly environment in Homer.
- G. Promote public interest in overall economic development.

H. Make inquiries regarding matters related to economic development.

I. Collaborate with other City of Homer advisory bodies, the Homer Chamber of Commerce, Kenai Peninsula Economic Development District, and Kenai Peninsula Tourism Marketing Council in activities of mutual interest.

Section 3. The Economic Development Commission will abide by the following rules and guidelines:

A. Existing Alaska State Law, Borough Code, and Homer City Code, where applicable.

B. Robert's Rules of Order, current version, in so far as this treatise is consistent with Homer City Code.

C. Decision Making

1. Quorum: Four commission members shall constitute a quorum. At least four affirmative votes are required for the passage of any action of the Commission and shall constitute the meaning of "majority vote." The final vote on a motion may be expressed through roll call or by unanimous consent ("no objection").

2. Voting: All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain.

3. Abstentions: All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon. A member of the Commission requesting to be excused from voting may make a brief, oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. A member may not be permitted to abstain except upon the unanimous consensus of members present. A member may not explain a vote, may not discuss the question while the roll call vote is being taken and may not change his/her vote thereafter.

4. Consensus: The Commission may, from time to time, express its opinion or preference concerning a subject brought before it for consideration. Said statement, representing the will of the body and meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.

5. Notice to Reconsider: A member of the Commission who voted on the prevailing side on any issue may provide notice of reconsideration within 48 hours from the time the original action was taken. The Chair or Vice-Chair shall notify staff of the reconsideration.

6. Conflict of Interest: A member of the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest per HCC 1.12. The member shall disclose any financial interest in the topic before debating or voting. The member cannot participate in the debate or vote on the matter, unless the Commission determines the financial interest is not substantial. Following the Chair's announcement of the agenda item, the Commissioner should state that he/she has a conflict of interest. Once stated, the member should distance himself/herself from all

motions. The Commission must move and vote on whether or not there is a conflict of interest. At this time a motion shall be made by another Commissioner restating the disclosed conflict. Once the motion is on the floor, the Commissioner can disclose his/her financial interest in the matter and the Commission may discuss the conflict of interest. A vote will then be taken. An affirmative vote excuses the Commissioner and he/she takes a seat in the audience or remains nearby. Upon completion of the agenda item, the Commissioner will be called back to join the meeting.

D. Communication with Mayor & Council and City Manager

1. Any recommendation the Commission may have regarding economic development is to be directed to the City Council through the City Manager. Recommendations of the Commission concerning policy issues may be sent directly to the Council upon request of the Commission.

2. Any report or recommendation made in response to a specific request from the City Council shall be made directly to the Council, unless otherwise directed by the Council.

E. Meetings/Agendas:

1. Regular meetings will take place on the second Tuesday of each month at 6:00 p.m.

2. Items may be added to the Regular Meeting agenda at the request of staff, the Commission as a whole, or individual commissioners. Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m. Packets should be available by end of day on the Thursday following the agenda deadline.

3. After the agenda deadline, the commission may, through majority vote, add or remove agenda items at the beginning of a meeting during "Approval of the Agenda." Added items shall be for discussion purposes only; no action may be taken.

4. Special Meetings, Worksessions, and Public Forums may be called by the Chair or a majority of the Commission. Worksessions and Public Forums do not require a quorum. However, no action may be taken at a worksession or forum; items on the agenda are for discussion only.

F. The general order of business during a Regular Meeting shall be as follows:
(Information in parentheses need not appear on the agenda. Time limits do not include optional question/answer period. The Chair, with concurrence of the body, may adjust the time limit.)

1. Call to Order

2. Approval of Agenda

3. Public Comments Regarding Items on the Agenda. (3 minute time limit per person)

4. Reconsideration (Vote on reconsideration with item placed under pending business for reconsideration of action by the Commission.)

5. Approval of Minutes

6. Visitors (Scheduled visitors who have been invited to give a presentation will be allotted no more than 20 minutes per presentation. For unscheduled visitors, the Chair will set a time limit of no more than 5 minutes per person. Topics should be relevant to the role of the Commission as an advisory body.)

7. Staff & Council Report/Committee Reports/Borough Reports (Written reports are to be provided by packet deadline. Time limit for oral reports not to exceed 5 minutes.)

8. Public Hearing (3 minute time limit per person.)

9. Pending Business (Items that have been carried over from previous meeting, postponed, reconsidered, tabled, etc.)

10. New Business

11. Informational Materials (No action may be taken on these matters; they may be discussed only.)

12. Comments of the Audience (3 minute time limit per person.)

13. Comments of the City Staff

14. Comments of the Council member

15. Comments of the Chair

16. Comments of the Commission.

17. Adjournment/Next Regular Meeting (Also state any additional meetings to be scheduled. All Regular Meetings will be held in the Homer City Hall, Cowles Council Chambers.)

G. Duties and Powers of the Officers:

A Chair and Vice-Chair will be selected annually (November meeting) by the voting members. The Chair will preside at all meetings of the Commission, call special meetings in accordance with the by-laws, sign documents of the Commission, see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record. The Vice-Chair will perform all duties and be subject to all responsibilities of the Chair in his/her absence, disability or disqualification of office. The Vice-Chair will succeed the Chair if he/she vacates the office before the term is completed, to complete the unexpired term. A new Vice-Chair will be elected at the next regular meeting. It is the responsibility of the Chair to advise the City Clerk regarding any and all non-regular meetings within a timely manner to meet Code requirements for advertisement/publication.

H. Vacancies:

A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. The Commission shall declare a vacancy when the person appointed:

1. fails to qualify to take office within 30 days after his/her appointment;
2. resigns and the resignation is accepted;
3. is physically or mentally unable to perform the duties of his/her office;
4. misses three consecutive regular meetings unless excused; or
5. is convicted of a felony or of an offense involving a violation of his/her oath of office.

I. Amendment of Bylaws:

The by-laws may be amended at any meeting of the Commission with five affirmative votes, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting. The amendment shall be presented in the form of a Resolution by the City Council and shall be forwarded to the City Council through the City Clerk at the earliest possible date.

(These Bylaws were approved by the Homer City Council on August 25, 2008 via Resolution 08-89.)

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 14-029

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: FEBRUARY 4, 2014
SUBJECT: CHARTER COMMISSION ELECTION PETITION

Pursuant to AS §29.10.010(e), I am submitting this report on the charter commission election petition. The petition for a Charter Commission Election was submitted timely on January 27, 2014 by sponsor Ken Castner. In all, 15 petition booklets were received. Of the 15 petition booklets, 14 were sufficient and one was blank. The number of names on the sufficient booklets totaled 224.

A current list of registered voters within city limits was requested and received by the Clerk's office on January 24, 2014. Deputy City Clerk Jacobsen reviewed the 224 names on the petition and determined that: 28 signatures were insufficient because the name was not listed on the current voter roll, the name was illegible, a signature was not included, or the person signed the petition more than once. It was determined 196 of the signatures were valid signatures of registered voters within the city limits.

Pursuant to AS §29.10.010(e), the petition must bear a number of voter signatures equal to 15 percent of the number of votes cast at the October 1, 2013 regular City election, which is 185. I find the petition for a Charter Commission Election bears sufficient signatures, and therefore have certified the petition.

Alaska Statutes do not provide guidance as to when the charter commission election should be held, however, Council may choose to be guided by the provisions for scheduling an initiative or referendum election. An initiative or referendum is submitted to the voters at any of the following occurring at least 60 days after certification of the petition: (i) the next regular election; (ii) a previously scheduled special election; or (iii) a special election scheduled by ordinance if the Council determines it to be in the best interest of the City and no other election will occur within 75 days after certification of the petition.

Since there presently is no special election scheduled in the City, the Council has two options: place the question on the ballot at the October 7, 2014 regular City election, or call an earlier special election.

Once the Council has determined when to hold the election, it will fix the date for submission of charter commission candidate nomination petitions to the City Clerk. The submission date should allow enough time for the Clerk to give the required 20-day election notice after the candidates for charter commission have been determined.

Assuming the charter commission election will be held on the regular election date in October, I suggest the candidacy filing period for the charter commissioners open on May 1 and close on July 15, 2014.

RECOMMENDATION:

Determine when the election for a charter commission shall be held and schedule the candidacy filing period.

A PETITION FOR A CHARTER COMMISSION ELECTION
Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 1

*I certify the petition is
Johnston, City Clerk Haylet*

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tomsina.biz
Ph. (907) 235-9021 X27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 50

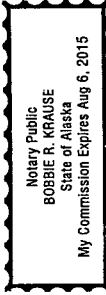
KENNETH W. CASTNER III
Printed Name

Kenneth W. Castner III 1/18/2014
Signature Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 8th day of January, 2014.

Bobbie R Krause
Notary Public in and for the State of Alaska
My Commission expires: 08/06/15

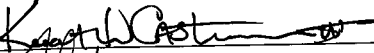

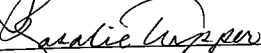

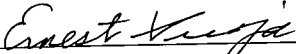
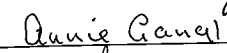

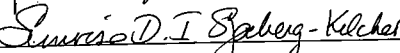
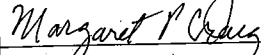



DATE PETITION ISSUED BY HOMER CITY CLERK: October 29, 2013

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	10/29/13		KENNETH W. CASHMORE	196 Mountain View Dr. HOMER, AK 99603	PO Box 558 HOMER, AK 99603
2	11/01/13		John F Mouw	2975 Kachemak Dr. Homer, AK 99603	PO Box 212 Homer, AK 99603
3	11/12/13		ROSALIE TUPPER	HOMER, AK 99603 4088 WEST HILL RD.	SAME
4	11/12/13		Helen MEEKE	1495 Bay Ave. Homer AK 99603	Same
5	11/14/13		Ernest Sueja	1590 East Road	Box 1271 Homer, AK 99603
6	11/12/13		ANNIE GANGL	277 HERNOON DRIVE	Box 465 Homer AK 99603
7	11/12/13		Joan INGRAM	2819 Bay Vista	POB 1594 "
8	11/12/13		Sunrise Sjoeborg	4670 Tamara St.	→ SAME ←
9	11/12/13		MARGARET P. CRAIG	2373 Mt Augustine	PO Box 2317
10	11/12/13		MICHAEL E. CRAIG	2373 Mt. AUGUSTINE DR	PO Box 2317

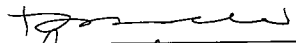
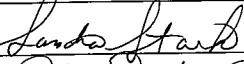
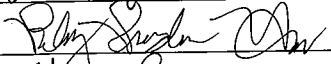
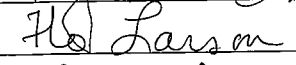
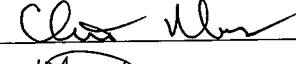

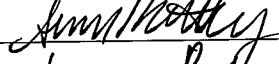
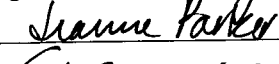
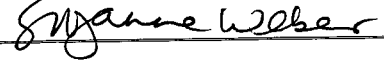
PETITION BOOKLET NO.: 1

DATE PETITION ISSUED BY HOMER CITY CLERK: October 29, 2013

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11	11/6/13	Marika E. Mouw	MARIKA E. MOUW	2975 Kachemak Drive Homer, AK 99603	P.O. Box 4084 Homer, AK 99603
12	"		DOUGLAS STARK	2073 HORIZON CT	2073 HORIZON CT 99603
13	"		Sandra Stark	same	same
14	"		Polly Prindler Hess	1766 Highland Dr Homer	PO Box 696
15	"		Flo Larson	1018 Barnett Place	P.O. Box 3112, Homer
16	11/13/13		Chris Moss	1285 Jeffery Ave.	Box 1115 Homer
17	11/14/13		Mike McFone	5115 Hubbard Ln	Same
18	11/14/13		Amy Rattenbury	1500 Eagle View Dr.	PO Box 1377 Homer
19	11/15/13		Jeanne Parker	866 Linda Ct.	866 Linda Ct Homer
20	11/15/13		Suzanne Weber	152 W Danriaw Ave #A	same

PETITION BOOKLET NO.: 1

DATE PETITION ISSUED BY HOMER CITY CLERK: October 29, 2013

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21	11/16/13	<i>Margarida Kondak</i>	Margarida Kondak	152 Mountain View Dr.	PO Box 113, Homer
22	11/17/13	<i>Michael McKinney</i>	Michael McKinney	972 Lakeside Dr ^{Homer, AK}	SAME
23	11/17/13	<i>Roberta Copeland McKinney</i>	Roberta Copeland McKinney	972 Lakeside Dr ^{Homer, AK}	SAME
24	11/18/13	<i>Brad Marden</i>	BRAD MARDEN	4645 Lincoln Circle, Homer	PO Box 2856, Homer
25	11/23/13	<i>Laura Potts</i>	Laura Potts	4284 Kramer In Homer	PO Box 2902
26	1/25/13	<i>Susan McHane</i>	Susan McHane	3185 Mt Augustine Dr	P.O. Box 819
27	1/23/13	<i>Patricia Jay</i>	Patricia Jay	2133 Mt. Augustine Dr.	Box 1101 Homer
28	1/23/13	<i>Mary Smith</i>	MARYANN SMITH	4139 KACHEMAK WAY	Box 3099 HOMER
29	1/23/13	<i>Darrell Birghimer</i>	DARRELL BIRGHIMER	4264 KRAMER LANE HOMER, AK	4264 KRAMER LANE HOMER, AK
30	11-23-13	<i>Dixie Hart</i>	DIXIE HART	545 Rangeview Home A/c	SAME

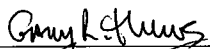



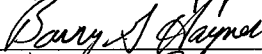
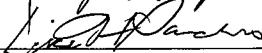
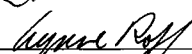
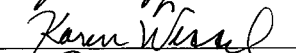

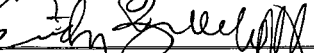
PETITION BOOKLET NO.: 1

DATE PETITION ISSUED BY HOMER CITY CLERK: October 29, 2013

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31	11/29/13		GARY R. THOMAS	4284 KRAMER LANE, HOMER	P.O. Box 24816 Homer, AK 99603
32	11-23-13		C.A. JAY	PO Box 1101, 2133 MT. AUGUSTINE HOMER	
33	11/23/13		Harold C. Smith	2185 Mt. Augustine Dr. Homer AK 99603	PO Box 20865
34	11/23/13		William Regan	1293 Iris Ct. Homer	AK 99603
35	11/23/13		BARRY G. HAYNES	4893 clover Ln	PO Box 2965 Homer
36	11/23/13		DICK H. SANDERS	1690 GARDEN PARK DR	Box 3073
37	11/23/13		LYNNE ROFF	1690 GARDEN PARK DR.	Box 3073
38	11/23/13		Karen Wessel	4744 Sabrina Rd.	Same
39	11/23/13		Nancy Lord	196 Mountainview Dr.	P.O. Box 558 Homer
40	11/23/13		CINDY BRINKERHOFF	1522 Blue Sky Ave	PO Box 92 Homer

PETITION BOOKLET NO.: 1

DATE PETITION ISSUED BY HOMER CITY CLERK: October 29, 2013

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41	11-29-13		Kathy A. Larimer	3917 Lakeside Ct. - Homer	P.O. Box 581 - Homer
42	11-24-13		CAROL BRUNKER	1522 Blue Sky Ave	P.O. Box 92 - Homer
43	11/25/13		PETER C. NORTON	1292 BELUGA CT HOMER, AK 99603	1292 BELUGA CT HOMER AK 99603
44	11/25/13		Bruce Turkington	2000 Coyote Drive Box 1181	Box 1181 Homer AK
45	11/25/13		Janet Hansenberger	4486 Early Spring	Box 920 Homer AK
46	11/25/13		SHILA HOUGHT	1258 Blue Sky Lane	Box 291 Homer AK
47	11/25/13		MARK S. EDMISTER	PO Box 4375 Kachemak Dr.	P.O. Box 1374 Homer, AK
48	11-26-13		Larry N. James	4048 Battle Pt. St #6	Same
49	11 26 13		VIRGINIA M. MARKS	250 HERSON	SAME
50	11-26-13		EILEEN GOEHRING	855 SOUNDVIEW	PO Box 245, Homer

A PETITION FOR A CHARTER COMMISSION ELECTION
Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 12

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:
Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603
Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:
Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603
Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: _____

Printed Name _____

Signature _____ Date _____

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public in and for the State of Alaska
My Commission expires: _____

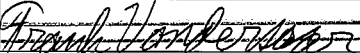
PETITION BOOKLET NO.: 2

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	31 Oct 2013		FRANK VONDERSAAR	1740 SALTWATER DR HOMER	1740 SALTWATER DR HOMER 99603
2					
3					
4					
5					
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7					
8					
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10					

PETITION BOOKLET NO.: 2

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11					
12					
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PETITION BOOKLET NO.: 2

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

PETITION BOOKLET NO.: 2

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
32					
33					
34					
35					
36					
37					
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39					
40					

PETITION BOOKLET NO.: 2

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
42					
43					
44					
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47					
48					
49					
50					

A PETITION FOR A CHARTER COMMISSION ELECTION
Issued on October 29, 2013 by the Homer City Clerk
Required Signatures: 185

PETITION BOOKLET NO.: 3

JAN 27 2014

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:
Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603
Email kcastner@tonisina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:
Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603
Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 8

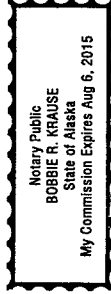
Robianne Sarno
Printed Name

LINDIANNE SARNO Jan 8, 2014
Signature Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 8th day of January, 2014.

Robbie Krause
Notary Public in and for the State of Alaska
My Commission expires: 08/06/15



PETITION BOOKLET NO.: 3

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	10-31-13	<i>Lindianne Sarno</i>	LINDIANNE SARNO	HOMER, ALASKA 99603 4297 KACHEMAK DRIVE	4297 KACHEMAK DRIVE HOMER, ALASKA 99603
2	10/31/13	<i>Richard F. Bremicker</i>	Richard F. Bremicker	4897 Kachemak Dr. Homer AK	same
3	11/1/13	<i>Chris Lopez</i>	CHRIS LOPEZ	3585 E. END RD. HOMER AK	same
4	11-1-13	<i>Samuel P. Smith</i>	SAMUEL P. SMITH	65360 DIMOND RIDGE RD.	SAME
5	11/1/13	<i>Wes S. Schacht</i>	WES S CHACHT KOSKOVICH	FRITZ CR. AK 99603 53045 HUTLER RD.	PO BOX 15243 FRITZ CR. 99603
6	11-1-13	<i>Richard Koskovich</i>	RICHARD KOSKOVICH	B. 1282	B. 282 Homer AK 99603
7	11-1-13	<i>Allen Cameron</i>	ALLEN CAMERON	34741 LOWBUSH ST. HOMER AK 99603	SAME
8	1-2-14	<i>Nina Lisowski</i>	NINA LISOWSKI	1724 HIGHLAND DR. HOMER 99603	BOX 1576 HOMER 99603
9					
10					

PETITION BOOKLET NO.: 3

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11					
12					
13					
14					
15					
16					
17					
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20					

PETITION BOOKLET NO.: 3

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

PETITION BOOKLET NO.: 3

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
32					
33					
34					
35					
36					
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PETITION BOOKLET NO.: 3

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
42					
43					
44					
45					
46					
47					
48					
49					
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PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 4

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:
 Kenneth W. Castner III
 196 Mountain View Drive
 P.O. Box 558
 Homer, AK 99603
 Email kcastner@tonsina.biz
 Ph. (907) 235-9021 x27
 Fax (907) 235-2021

Alternate Contact Person:
 Virginia Espenshade
 566 Rainbow Court
 P.O. Box 1752
 Homer, AK 99603
 Email Ginny.Espenshade@gmail.com
 Ph. (907) 235-1823
 Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 18

MARK MILLSAUGEL
Printed Name

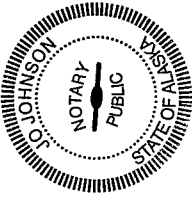
Mark Millsaugel
Signature

11-22-13
Date

State of Alaska)
) ss

Third Judicial District)

Subscribed and sworn before me this 22nd day of November, 2013.



Mark Millsaugel
Notary Public in and for the State of Alaska

My Commission expires: 12/19/15

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13
 NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.
 Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	1 NOV 2013		MARK MILLSPARUGH	3848 PENNOCK, HOMER, AK, BOX 2824, HOMER	
2	1 NOV 2013		Andy Gilliam	552 BONAWEA HOMER AK	552 BONAWEA HOMER AK
3	11/1/13		Emily Wadson	31a lee drive	31a lee drive Homer AK
4	11/1/2013		William D. Hague	2600 Sprucewood Drive Homer AK 99603	Mailing & Residence PO Box 4083 Homer AK 99603
5	11/1/2013		BRUCE J. FLANIGAN	4722 SPRING ST. HOMER	PO BOX 4083 HOMER, AK 99603
6	1-11-2013		SHARM SATERQUIS	195 MT. VIEW DRIVE	SAME
7	1-11-2013		John McClean	4478 east Hill Dr	PO 2491 Homer AK 99603
8	1-1-2013		James Ellis	3636 Stirling Way	SCOUT
9	11-1-13		Jesse Lee	445 Grubbs fork	SAME
10	11/01/2013		Edward Staring	1012 Ball Ave Homer AK	Box 1129 Homer AK 99603

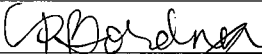



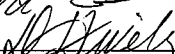
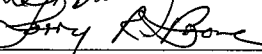

PETITION BOOKLET NO.: 4

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11	11.2.13		Peggy Gordon	394 E. Fairview Homer, AK 99603	
12	11.2.13		Mike Coates	394 E. FAIRVIEW AVE HOMER AK 99603	
13	11-3-13		Katie Verjinsky	17 CEDAR APT 20 HOMER AK 99603	
14	11/3/13		Ben Martin	PO Box 889 HOMER AK 99603	
15	11/1/13		Diane Hivoly	204 Ocean Drive Loop HOMER AK 99603	
16	11/9/13		LARRY F. BOONE	1316 Highland Dr. Homer P.O. Box 261 Homer 99603	
17	11/9/13	Margaret Y. Boone	Margaret Y. Boone	1316 Highland Dr. Homer P.O. Box 261 Homer 99603	
18	11/19/13		Jack Beech	Spur View P.O. Box 1538 Homer 99603	
19					
20					

PETITION BOOKLET NO.: 4

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
23					
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PETITION BOOKLET NO.: 4

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
32					
33					
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PETITION BOOKLET NO.: 4

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/31/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
42					
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A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 5

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 3

Virginia Espenshade
Printed Name

Virginia Espenshade 1/27/14
Signature Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 27 day of January, 2014.

Daniel Butler, Deputy Clerk
Notary Public in and for the State of Alaska
My Commission expires: 1/1/12



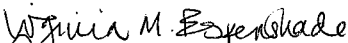

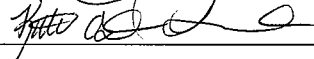
PETITION BOOKLET NO.: 5

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	1/23/14		Virginia M. Espenshade	566 Rainbow Court Homer AK	Box 1752, Homer AK 99603
2	1/23/14		PAUL GAVENUS	566 Rainbow Ct	Box 1752 Homer AK 99603
3	1/23/14		Katie Aspen Gavenus	566 Rainbow Ct Homer, AK	Box 1752 Homer, AK 99603
4					
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PETITION BOOKLET NO.: 5

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11					
12					
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14					
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PETITION BOOKLET NO.: 5

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
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PETITION BOOKLET NO.: 5

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
32					
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PETITION BOOKLET NO.: 5

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
42					
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A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 6

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 3

Charles H. Davis, Jr.

Printed Name

[Signature]

Signature

1-3-14

Date

State of Alaska)

) ss

Third Judicial District)

Subscribed and sworn before me this 3rd day of January, 2014.

[Signature]

Notary Public in and for the State of Alaska

My Commission expires: 12/19/15



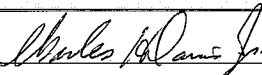
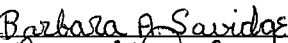
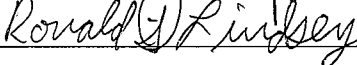
PETITION BOOKLET NO.: 6

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	11-2-2013		Charles H. Davis, Jr.	144 CHARLES WAY	PO Box 906 HOMER, ALASKA 99603
2	11-04-2013		Barbara A. Savidge	148 CHARLES WAY	P.O. Box 1867 HOMER AK 99603
3	11-19-13		RONALD D Lindsey	148 CHARLES WAY	PO BX 1867 HOMER AK 99603
4					
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PETITION BOOKLET NO.: 6

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11					
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PETITION BOOKLET NO.: 6

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
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PETITION BOOKLET NO.: 6

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
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PETITION BOOKLET NO.: 6

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
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A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk.

Required Signatures: 185

PETITION BOOKLET NO.: 7

JAN 27 2014

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 3

GARY P. MANDELIK
Printed Name

Gary P. Mandelik 01/03/2014
Signature Date

State of Alaska)
) SS
Third Judicial District)

Subscribed and sworn before me this 3rd day of January, 2014.

[Signature]
Notary Public in and for the State of Alaska
My Commission expires: 12/14/15



DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	11/17/2013	<i>Ruth A. Hall</i>	RUTH A. HALL	1349 BAY AVENUE #A, HOMER, AK 99603	Same
2	11/20/2013	<i>Clinton W. Hlebichuk</i>	CLINTON W. HLEBICHUK	290 Crastusood Circle Homer	PO Box 2984 Homer, 99603
3	01/03/2014	<i>Gary P. Mandzik</i>	GARY P. MANDZIK	295 Crastusood Circle Homer AK. 99603	PO Box 2529 Homer, AK 99603
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PETITION BOOKLET NO.: 7

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11					
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PETITION BOOKLET NO.: 7

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
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PETITION BOOKLET NO.: 7

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
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PETITION BOOKLET NO.: 7

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
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A PETITION FOR A CHARTER COMMISSION ELECTION
Issued on October 29, 2013 by the Homer City Clerk
Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 10

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:
Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603
Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:
Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603
Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

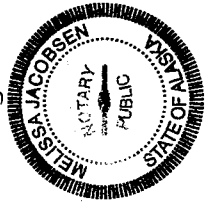
The total number of signatures on this petition: 6

ROBBIE TURPER
Printed Name
Robbie Turper
Signature
1-23-14
Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 23 day of January, 2014.

Melissa Jacobson
Notary Public in and for the State of Alaska
My Commission expires: 4/8/16



DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	Nov. 7 th 2013		KATHERINE I. GILL	40424 FROTHING ST HOMER, AK	SAME
2	11-7-2013		GEORGE W. MEEKER	1475 BAY AVE, HOMER, AK 99602	SAME
3	11-7-2013		Timothy D O'Leary	405 Klondike, Homer AK 99603	same
4	12-12		Dick Lewis	Po Box 2836	same
5	12/25/13		STEPHEN M. MUELLER	PO Box 1843	SAME 1549 SEASCAPE DR
6	12/25/13		Roberta Mueller	PO Box 1843	SAME 1549 SEASCAPE DR
7	1/14/2014		KATHERINE I. GILL	3695 POPPY CIRCLE HOMER	SAME
8					
9					
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PETITION BOOKLET NO.: 10

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.
Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11					
12					
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DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13
 NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
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DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No. Date	Signature	Printed Name	Residence Address	Mailing Address
31				
32				
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DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
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A PETITION FOR A CHARTER COMMISSION ELECTION
Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 12

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 11

Chris Story
Printed Name

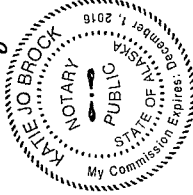
[Signature]
Signature

1/24/14
Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 24 day of January, 2014.

Kate O Brock
Notary Public in and for the State of Alaska
My Commission expires: 12/1/16



DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	11/8/13		Tiffany R Story	9675 Kachemak Dr.	Po Box 3160 Homer
2	12/5/13		Corbin Aeno	2700 Sprucewood Dr.	Po Box 2231 Homer
3	12/9/13		William Miotke	4530 Jade Dr.	4530 Jade Dr Homer AK 99603
4	12/10/13		Amanda Miotke	4530 Jade Dr. Homer, AK 99603	4530 Jade Dr. Homer, AK 99603
5	12/18/13		Paul Rugloski	4242 Gavin Ct Homer, AK 99603	4242 Gavin Ct Homer AK 99603
6	12/18/13		FRANK BAUER	4009 Bartlett St Homer	AK 99603 (same)
7	10-24-14		JON GREGGORY SARBER	1285 BAY AVE HOMER, AK 99603	(same)
8	1/24/14		VICKI L. SARBER	1285 Bay Ave. Homer AK	99603 (same)
9	1/24/14		LYNN K STORCK	4034 Kachemak Way,	Homer, AK 99603
10	1/24/14		N.L. STORY	4034 Kachemak Way	Homer, AK 99603

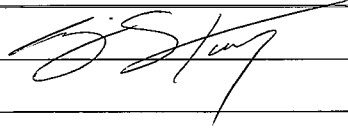
PETITION BOOKLET NO.: 12

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11	1/24/14		Chris Stang	2675 Kachukak Drive	Box 366 Homer Ak. 99603
12					
13					
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DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
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PETITION BOOKLET NO.: 12

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
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PETITION BOOKLET NO.: 12

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
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PETITION FOR A CHARTER COMMISSION ELECTION

2013 by the Homer City Clerk

JAN 27 2014

... petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 50

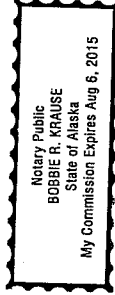
KENNETH W. CASTNER III
Printed Name

Kenneth W. Castner III 1/8/2014
Signature Date

State of Alaska)
) SS
Third Judicial District)

Subscribed and sworn before me this 8th day of January, 2014.

Bobbie R Krause
Notary Public in and for the State of Alaska
My Commission expires: 08/06/15



A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

PETITION BOOKLET NO.: 13

JAN 27 2014

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@konsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they pur/port to be.

The total number of signatures on this petition: 50

Kenneth W. Castner III
Printed Name

Kenneth W. Castner III 1/8/2014
Signature Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 8th day of January, 2014.

Bobbie R. Krause
Notary Public In and for the State of Alaska
My Commission expires: 08/06/15



DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13
 NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.
 Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	11-28-13	<i>Martha R McQuilty</i>	Martha R McQuilty	421 Main View Dr Homer 99603	SAME
2	11-28-13	<i>Daniel McQuilty</i>	Daniel McQuilty	421 Main View Dr Homer 99603	SAME
3	11-28-13	<i>Frankie Y. Coats</i>	Frankie Y. Coats	157 Island View Ct.	SAME
4	11-28-13	<i>Lance Petersen</i>	Lance Petersen	592 Ocean Drive Loop	PO Box 824 Homer, AK
5	11/28/13	<i>Blair Keffer</i>	Blair Keffer	189 Island View Ct.	Same
6	11-28-13	<i>Ronald L. Keffer</i>	Ronald L. Keffer	189 ISLAND VIEW COURT	SAME
7	11-28-13	<i>Harold O. Spence</i>	Harold O. Spence	431 Mountain View Dr	Box 1798, Homer, AK 99603
8	11-28-13	<i>Robert K Paul</i>	Robert K Paul	502 Mountain View Dr	Same
9	11/28/13	<i>Roger Mac Campbell</i>	Roger Mac Campbell	HSTH GOLF SPRING ST HOMER	Box 221 Homer, AK 99603
10	11-28-13	<i>Laure Benson</i>	Laure Benson	157 Island View Ct	Same

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13
 NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.
 Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11	11-28-13		James Roblin	1/276 Shiloh Ct AK 99603 Homer	1/276 Shiloh Ct AK 99603
12	11-28-13		Brad Bohn	14556 Shady Ct Homer, AK	14556 Shady Ct Homer, AK
13	11-28-13		Barbara Peterson	492 Ocean Bldg. #1 Homer	PO Box 894, Homer, AK.
14	11-28-13		Christine Rupp TAKERS	3219 Utrata Homer	920 Box 557 Homer
15	11-28-13		Lynn Spruce	331 Mt. View Dr Homer	PO Box 1748 Homer AK
16	12/6/13		STEVEN ALBERT	795 FIREWOOD, HOMER	795 FIREWOOD, HOMER, AK 99603
17	12/6/13		MR. B. ALBERT	4358 KATIE AK DR HOMER	PO Box 532, Homer AK 99603
18	12/6/13		Juliana Carlson	109 W. Krumm Homer	109 W. Krumm Homer
19	12/6/13		Kyle Schneider	135 Lee Dr. #1 B Homer, AK 99603	← 2260 B
20	12/7/13		Tony L. BURGESS	834 Shellfish Ave.	PO Box 2311 Homer 99603

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13
 NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21	12-7-13		L. W. Wilkinson	277 Lee Tr Homer	Santa AS area
22	12-9-13		Mike Ilig	934 Larkspur Ct. Homer AK	PO Box 339 Homer AK
23	12/9/13		Kevin Hogan	4735 Farmer St Homer	5203 Santa
24	12/9/13		W.L. Stone	152 W. DAVENPORT HOMER 99603	PO Box 2261 Homer 99603
25	12/9/13		M. K. Vogt	2676 Sprucewood Dr	PO Box 3353
26	12/9/13		Andrew Johnson	94c Ocean Bldg	Home
27	12/9/13		Gail Edgely	5000 Link	POB 1273 Home 99603
28	12/9/13		Kathryn P. Cowley	820 Jeffrey Ave	PO Box 2862
29	12/9/13		Robert Bruchfeld	226 Sprucewood Dr	PO Box 2460 99603
30	12/9/13		Debra Lowrey	350 Woodside Ave	PO Box 1445

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13
 NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31	9 Dec 2013		Julia Clymer	1001 Melody Rose Lane	PO Box 3312, Homer
32	19 Dec 2013		Tracey Tillian	791 Ocean Drive Homer AK 99603	same
33	9 Dec 2013		John Hansen	262 Kite Dr. Homer AK 99603	201482 same
34	9 Dec 2013		Katherine K. George	546 W. Appleton Blvd. Dr.	same
35	12/14		Neil W. Wagner	2095 Valley Little (Keweenaw)	Box 1801
36	1/2/14		Lynn Wagner	2015 Fisher Little (Keweenaw)	PO Box 1201
37	2/14		Patricia L. Moss	1085 Jeffrey Ave	. Box 1115, Homer 1532
38	1-2-14		Leo Vait	4290 Kramer Lane	PO Box 1532, Homer
39	1-2-14		Nancy Vait	4290 Kramer Lane	PO Box 1532, Homer
40	1/5/14		Mary E. Wuythe	4301 West Hill Rd.	Box 1822, Homer

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13
 NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No. Date	Signature	Printed Name	Residence Address	Mailing Address
41	01/05/14	Donald Reed	833 Island View CT	P.O. Box 522 99603
42	01/05/14	Julie Least	233 Island View Court	P.O. Box 522 99603
43	01/05/14	KAREN Cady / Journ	176 Island View Court	176 Island View Court
44	1/7/14	Lucille S. Hodson	479 Geubstake	479 Geubstake
45	1/7/14	Daniel Cape	1680 Highland Dr	PO BOX 1178
46	7/14	Mike Lemelin	4540 Anderson St	SAME
47	1-8-14	FRANK VANDERHAAR	1740 SALTWATER	SAME
48	1-8-14	David Duke	116 West Bunnell Ave. APT. 9	SAME
49	1-8-14	Paul R. Hodgdon	479 Geubstake Ave	P.O. Box 1102 Homer, AK 99603
50	1/8-14	Mike Houait	1 Mike West Hill Rd	3733 Elmwood Ln Homer

A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk.

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 14

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tomsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 12

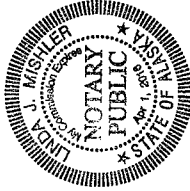
Kevin Hopson
Printed Name
[Signature]
Signature

12/23/13
Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 23 day of December, 2013

[Signature]
Notary Public in and for the State of Alaska
My Commission expires: 4/1/2016



PETITION BOOKLET NO.: 14

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

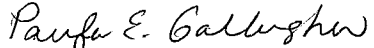

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	12/9/13	<i>Jessica Mart</i>	Jessica Mart	4800 Dimond Creek Pl	PO Box 3244 Homer
2	12-10-13	<i>Steve Zimmerman</i>	Steve Zimmerman	925 Jeffery Ave	PO Box 1291 Homer
3	12/10/13	<i>Heather Brinster</i>	Heather Brinster	4610 Thomas Ct, Homer	same
4	12/10/13	<i>Brad Faulkner</i>	Brad Faulkner	4474 Homer Sp T Rd	PO. Box 996 Homer
5	12.11.13	<i>Kevin Kiel</i>	KEVIN KIEL	3545 main st	3545 main st Homer
6	12-12-13	<i>Mike Dye</i>	Mike Dye	274 E Andover court	BOX 1559 Homer
7	12-19-13	<i>Josh Garvey</i>	Josh Garvey	4037 Muffox Rd, Homer	Same
8	12-22-13	<i>Angela A. Hend</i>	Angela A. Hend	2395 E. End Homer AK 99603	PO BOX 3662
9	12/23/13	<i>Shelly Erickson</i>	SHelly ERICKSON	4453 E Hill Rd Homer	Box 3 3695
10	12/23/13	<i>Kevin Meyer</i>	Kevin Meyer ³³³	1335 Eagleview Dr	PO 187 Homer

PETITION BOOKLET NO.: 14

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.
Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11	10/23/13		Paula E. Gallagher	4721 Rochelle Rd #C Homer, AK 99603	same address
12	12/23/13		Jan Overson	423 Ombstake Homer, AK 99603	same
13					
14					
15					
16					
17					
18					
19					
20					

PETITION BOOKLET NO.: 14

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

PETITION BOOKLET NO.: 14

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
32					
33					
34					
35					
36					
37					
38					
39					
40					

PETITION BOOKLET NO.: 14

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
42					
43					
44					
45					
46					
47					
48					
49					
50					

A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 15

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonisina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 37

Wm Lawrence Stone
Printed Name

[Signature]
Signature

1/24/14
Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 24 day of January, 2014.

[Signature]
Notary Public in and for the State of Alaska
My Commission expires: 12/31/14



DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	12/10/13	<i>Thonda Marchand</i>	Thonda Marchand	4657 Scabria #1 Homer AK	Same
2	12/10/13	<i>John James Polster</i>	John James Polster	1506 OCEAN DR, HOMER AK	Same
3	12/10/13	<i>Ronald Nieman</i>	Ronald Nieman	1363 Bay Ave Homer AK	Box 1845-Homer AK
4	12/10/13	<i>Ralph Broshes</i>	RALPH BROSHES	Box 4475 Homer 358 4475 Side Homer	Box 4475 Homer
5	12/10/13	<i>Lindsay Wolter</i>	Lindsay Wolter	P.O. Box 3519 (mailing)	4905 W. Hill (residence)
6	12/10/13	<i>Cristy Somers</i>	Cristy Somers	468 Rainbow Ct	Same
7	12/10/13	<i>Mark Reilly</i>	MARK REILLY	4464 TUNE HT.	Same
8	12/10/13	<i>Robert Hightower</i> ^{Rescinded 15}	ROBERTA HIGHTOWER	P.O. Box 460, Homer AK	_____
9	12/10/13	<i>George M. Kennedy</i>	GEORGE M. KENNEDY	844 OCEAN DR, HOMER AK	Same
10	12.12.13	<i>D. Jeanne Taylor</i>	D. JEANNE TAYLOR	455 KLONDIKE AVE	P.O. Box 1471, Homer

PETITION BOOKLET NO.: 15

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11	12/17/13		Troy Montoya	PO Box 583 ^{3585 East End St}	Same ^{Homer}
12	12-11-13		LOUIS MARLON	1224 LOOK WAY HOMER	SAME
13	12/14/13		Kathleen Scott	P.O. Box 587 ^{1293 Beluga} Homer Ct, Homer	Same
14	1/3/14		LANE CHESLEY	P.O. Box 2152 HOMER	1019 MELBOY ROSE LANE
15	1/3/14		Bruce Hass	PO 696 Homer	1766 Highland Drive
16	1/8/14		Polly Prindle-Hess	1766 Highland Dr	PO BOX 696 HOMER
17	1/3/14		Brittney Jeska	57489 E. Skyline Dr.	PO Box 604, Homer
18	1/16/14		Dennis Flounschillo	3281 kechemek dr	Box 3373 Homer
19	1/16/14		Louis Martinez	P.O. BOX 2973	39484 N. Woodman Ln
20	1/16/14		Janet Bowen	279 Lee St	PO Box 1642 Homer

PETITION BOOKLET NO.: 15

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21	1/16/14	<i>DW</i>	DAVE INGRAHAM	CLOVER LN	P.O. Box 5328
22	1/17/14	Walter Juonola	Walter Juonola	4202 ^{RESIDENCE} OUTSIDE CITY LIMITS -VOID-	-
23	1/17/14	<i>Priscilla Andrade</i>	Priscilla Andrade	5705 Felix Cir	P.O. Box 1781
24	1/17/14	<i>Jennifer Cabana</i>	Jennifer Cabana	850 Soundview Ave	Box 1541
25	1/19/14	<i>Jose L. Gamboa</i>	Jose L. Gamboa	196 Island View Ct.	Box 2144
26	1/17/14	Jessie Derrance	Jessie Derrance	OUTSIDE CITY LIMITS -VOID-	-
27	1/17/14	<i>Juge Clark</i>	JUGE CLARK	1630 Garden Park Dr. R.G. Box Home	Box 2420
28	1-17-14	<i>Bruce G. Hawkins</i>	Bruce G Hawkins	clove Ln	Box 2966
29	1-17-14	<i>Judith V. Mullikin</i>	Judith V. Mullikin	Box 381 Bonanza Ave	Box 790
30	1/17/14	<i>Don A. Williams</i>	DON A. WILLIAMS	21211 KACHONAK Way	Box 1757

PETITION BOOKLET NO.: 15

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31	1/17/14	Barbara Walker	Barbara Walker	1506 Ocean Drive	1506 Ocean Drive
32	4/14/14	Robert Reimann ^{NOT RESIDENT}	Robert Reimann	Box 2149, Homer, AK ^{NOT CITY RESIDENT}	61456 Endicott rd bp.
33	1/23/14	Julie Yates	JULIE YATES	505 SKYLINE DR	PO Box 2726
34	1/23/14	David Lefton	David Lefton	1605 Garden Park Dr.	Box 2466
35	1-23/14	James Nestor	(PATRICK) James Nestor	201 Ocean Loop Dr	PO 1194
36	1/23/14	Judith M. Eckert	Judith M. Eckert	990 Soundview Ave	PO 1249
37	1/23/14	PAT McNARY	PAT McNARY	282 LEE DR	PO 1467
38					
39					
40					

PETITION BOOKLET NO.: 15

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
42					
43					
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45					
46					
47					
48					
49					
50					

A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 16

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

344

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 2

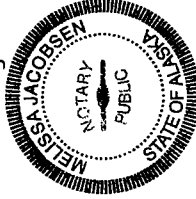
Ole Anderson
Printed Name

Ole Anderson 1/27/2014
Signature Date

State of Alaska)
) ss
Third Judicial District)

Subscribed and sworn before me this 24 day of January, 2014.

Melissa Jacobsen
Notary Public in and for the State of Alaska
My Commission expires: 9/15/16



PETITION BOOKLET NO.: 16

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

2013

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	12/27	Ole Andersson	Ole Andersson	4500 Tundra Rose Street	PO Box 1015 Homer 99603
2	1/11/2014	John Regan	JOHN REGAN	295 Whispering Meadows	PO Box 3310 Homer
3					
4					
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6					
7					
8					
9					
10					

PETITION BOOKLET NO.: 116

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

PETITION BOOKLET NO.: 16

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

PETITION BOOKLET NO.: 16

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
32					
33					
34					
35					
36					
37					
38					
39					
40					

PETITION BOOKLET NO.: 16

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
41					
42					
43					
44					
45					
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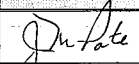


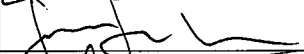

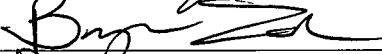


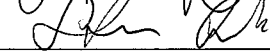

PETITION BOOKLET NO.: 17

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	1/9/14		JM PATE	1850 HIGHLAND DR.	Po Box 257, Homer, AK 99603
2	1/13/14		Dan Pitzman	4284 Svedland	same
3	1/16/14		Ben Gibson	602 Shellfish Ave	SAME
4	1/16/14		JAMES LARRAKAS	152 MOUNTAIN VIEW	HOMER AK 99603
5	1-16-14		TOM STROZIAS	1295 DONS DR.	POBOX 1481 HOMER AK
6	1-21-14		Bryson Zerk	2525 Sleds Dr	same
7	1-21-14		Denise Pitzman	990 Bell Ave.	PO Box 3100
8	1-23-14		DAVE ADLIN	4290 SHIRLEY CT	SAME
9	1-23-14		Steve Gibson	1622 Highland Dr	Same
10	1-23-2014		Wendy Erd 351	2285 Bayview Dr.	P.O. BOX 736, Homer AK 99603

PETITION BOOKLET NO.: 17

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
11	1-24-14		Maureen Wilkinson	277 Lee Drive	Same
12	1/24/14		Cynthia L. Nelson	Deluga Ct 1221 Homer AK	Same
13	1/24/14		Diane Borgman	5001 Spruce Circle Homer	PO Box 2992
14	1/24/14		Mary Rose Groch	3165 E. Bonnell St #A	3913 Kachemak Way
15	1-25-14		Nathan Wise	1930 E. End Rd #B Homer AK 99637	SAME
16					
17					
18					
19					
20					

PETITION BOOKLET NO.: 17

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
21					
22					
23					
24					
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30					

PETITION BOOKLET NO.: 17

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.					
Shall a Charter Commission be formed?					
No.	Date	Signature	Printed Name	Residence Address	Mailing Address
31					
32					
33					
34					
35					
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PETITION BOOKLET NO.: 17

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

NOTICE: The signatures must be secured within 90 days after the date the petition is issued (AS 29.26.120(a)(4)).

A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
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A PETITION FOR A CHARTER COMMISSION ELECTION

Issued on October 29, 2013 by the Homer City Clerk

Required Signatures: 185

JAN 27 2014

PETITION BOOKLET NO.: 18

This petition booklet must be returned in its entirety. Do not break apart.

DIRECT QUESTIONS AND RETURN ALL COPIES OF THIS PETITION TO THE CONTACT PERSON OR ALTERNATE CONTACT PERSON LISTED BELOW:

Contact Person:

Kenneth W. Castner III
196 Mountain View Drive
P.O. Box 558
Homer, AK 99603

Email kcastner@tonsina.biz
Ph. (907) 235-9021 x27
Fax (907) 235-2021

Alternate Contact Person:

Virginia Espenshade
566 Rainbow Court
P.O. Box 1752
Homer, AK 99603

Email Ginny.Espenshade@gmail.com
Ph. (907) 235-1823
Fax (907) 235-2021

STATEMENT OF SPONSOR

356

I, the undersigned sponsor, state that I have personally circulated this petition, included in the Petition Booklet number stated above. All signatures were affixed in my presence, and I believe the signatures to be those of the persons whose names they purport to be.

The total number of signatures on this petition: 6

Wm Lawrence Stone
Printed Name

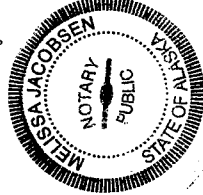
[Signature]
Signature

1/27/14
Date

State of Alaska)
) SS
Third Judicial District)

Subscribed and sworn before me this 27th day of January, 2014.

Melissa Jacobsen
Notary Public in and for the State of Alaska
My Commission expires: 9/18/16



PETITION BOOKLET NO.: 18

DATE PETITION ISSUED BY HOMER CITY CLERK: 10/29/13

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A PETITION FOR A CHARTER COMMISSION ELECTION.

Shall a Charter Commission be formed?

No.	Date	Signature	Printed Name	Residence Address	Mailing Address
1	1/24/14	Lorena J. Evans	Lorena F Evans	163 E Bayview	PO Box 2307
2	1/24/14	Geraldine Barlow	GERALDINE BARLOW <small>(DARK INK)</small>	3400 BOWERS	PO Box 891
3	1/23/14	Edward R. Murphy	Edward R. Murphy	079 W. Fairview	SAME
4	01/24/14	William L. Williams	WILLIAM L. WILLIAMS	1700 RICHMOND AVE <small>(ORIGINAL) - HOMER AVE</small>	PO Box 621
5	1/25/14	Judy Cameron	Judy Cameron	1603 Bandy Ct	PO Box 2768
6	1/25/14	Dale Conn	DALE CONN	40570 MORNING STAR <small>HOMER</small>	SAME
7	1/25/14				
8					
9					
			357		

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11					
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RESOLUTIONS

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 RESOLUTION 14-028
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE HOMER ADVISORY PLANNING COMMISSION
8 POLICIES AND PROCEDURES MANUAL REVIEW POLICIES FOR
9 CONDITIONAL USE PERMITS "REVIEW STANDARDS" AND
10 POLICY FOR REVIEW OF ZONING VARIANCES
11 "DETERMINATION" TO PERMIT FOUR INSTEAD OF FIVE
12 MEMBERS OF THE HOMER ADVISORY PLANNING
13 COMMISSION TO APPROVE A CONDITIONAL USE PERMIT AND
14 A VARIANCE.
15

16 WHEREAS, The Homer Advisory Planning Commission is made up of appointed
17 members who despite their best efforts cannot attend every commission meeting; and
18

19 WHEREAS, Requiring a supermajority of the commission's membership to approve a
20 conditional use permit or a variance impedes with their ability to conduct hearings and issue
21 decisions on a timely basis; and
22

23 WHEREAS, By expanding the Commission's authority to approve a conditional use
24 permit or a variance with four members instead of five members is in the City's best interest to
25 conduct business timely; and
26

27 WHEREAS, These amendments were reviewed and discussed by the Homer Advisory
28 Planning Commission at their November 6, 2013 and January 2, 2014 meetings and received
29 unanimous support from the commission.
30

31 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
32 amends the Homer Advisory Planning Commission Policies and Procedures Manual Review
33 Policies for Conditional Use Permits "Review Standards" and Policy for Review of Zoning
34 Variances "Determination" to permit four instead of five members of the Homer Advisory
35 Planning Commission to approve a conditional use permit or a variance.
36

37 PASSED AND ADOPTED by the Homer City Council on this ____ day of February, 2014.
38

39 CITY OF HOMER
40

41
42 _____
43 MARY E. WYTHE, MAYOR
44

45 ATTEST:

46

47

48

49 _____
JO JOHNSON, MMC, CITY CLERK

50

51 Fiscal Note: N/A

Policies and Procedures Homer Advisory Planning Commission



2014

QUALIFICATION STATEMENT

Nothing in this chapter should be considered in lieu of any applicable laws and procedures found in the Alaska State Statutes, the Kenai Peninsula Borough Code of Ordinances, where applicable, or the Homer City Code.

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INTRODUCTION

The purpose of this policy manual is to clarify the role of the Homer Advisory Planning Commission ("Commission") in administration of the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22. Further, this manual describes policies for the Commission that are supplementary or explanatory to the requirements of Homer City Code.

This manual is divided into sections, which explain the policies for administering and implementing the land use permitting ordinances and the zoning ordinance.

The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of the proposed amendment is given to each member in writing. Proposed amendments to the procedure manual shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting.

PUBLIC TESTIMONY AND COMMENT

The Commission invites citizen participation regarding matters brought before it for consideration.

For any public participation before the Commission, the citizen should walk to the microphone located at the rostrum directly in front of the Commission podium, sign in, and after receiving recognition from the Chair, state his/her name and address and purpose for appearing. Comments are limited to three minutes. In special circumstances, this time limit may be extended by two minutes by the Chair with concurrence of the body. Items that generate a large amount of citizen interest may be taken out of their regular position on the agenda at the discretion of the Commission as an accommodation to the public. Moving these items on a published agenda will be done at the beginning of the meeting, during the adoption of the agenda.

Comment time limits

Comments and testimony are limited to three minutes. In special circumstances, this time limit may be adjusted by two minutes up or down by the Chair with concurrence of the body.

Public Comment

Any citizen desiring to speak on any matter other than public hearing items or preliminary plats on the agenda may do so under "Public Comments." After the public comment period is introduced, the Chair may recognize any member of the public who wishes to address the Commission. No official action will be taken by the Commission under this item.

Public Hearings and Plats

The public may comment on public hearing items and preliminary plats when those agenda items are addressed by the commission. These are generally items eight and nine on the regular agenda.

Comments on topics not on the agenda

Any citizen desiring to speak on a matter not on the agenda may do so under "Comments of the Audience," item number thirteen on the regular agenda.

DELIBERATION of QUASI-JUDICIAL DECISIONS

When making a quasi judicial decision, the Commission may choose to deliberate at an open meeting, or may choose to meet at a time, date and location set by the Commission. Such a meeting for deliberations only is not subject to the Open Meetings Act and is not required to be open to the public.

APPEALS (Quasi Judicial)

PURPOSE

The purpose of review of appeals before the Commission is to ascertain that errors of fact or interpretation have not been made pertaining to zoning matters. Generally, appeals to the Commission will be appeals of a determination, decision, or permitting matter decided upon by the City Planner.

The City Council, sitting as the Board of Adjustment, hears appeals of decisions made by the Commission. For example, conditional use permits, variance, etc, can be appealed to the Board of Adjustment, or a matter that was appealed to the Commission can be further appealed to the Board of Adjustment.

Public Hearing

Appeals before the Commission require a public hearing. Notice of the public hearing will be in accordance with HCC 21.93 and HCC 21.94.

Review Standards

In reviewing an appeal request, the Commission will consider:

1. Documentation of evidence;
2. The Record of Appeal; and
3. Controlling sections of Chapter 21 Homer City Code;

4. Any new evidence or testimony presented during the public hearing. Once the public hearing is closed, the Commission cannot hear additional comments on the topic.

Determination

All decisions will be in writing. The officially adopted minutes shall be made part of the decision. A specific statement of findings and reasons supporting the decision shall be made. Copies of the decision will be promptly mailed to the persons participating in the appeal.

An appeal from an action or determination of the Commission is to be filed with the city clerk within thirty days of the distribution of the decision document.

**REVIEW OF BRIDGE CREEK WATERSHED
PROTECTION DISTRICT**

PURPOSE

The Commission may approve development within the Bridge Creek Watershed Protection District (BCWPD) subject to the standards provided in the zoning ordinance and in compliance with the Comprehensive Plan, for those uses or structures specified within the Bridge Creek Watershed Protection District ordinance. The purpose is to prevent the degradation of the water quality and protect the Bridge Creek Watershed to ensure its continuing suitability as a water supply source for the City’s public water utility. These provisions benefit the public health, safety, and welfare of the residents of the City of Homer and other customers of the city’s water system by restricting land use activities that would impair the water quality, or increase the cost for treatment.

Conditional Use

A conditional use permit may be issued in accordance with Chapter 21.61 and subject to the requirements of the Bridge Creek Watershed Protection District Chapter 21.40.060 Conditional uses and structures, and/or Chapter 21.40.080 Erosion sediment control, Chapter 21.40.090 Agricultural activity, Chapter 21.40.100 Timber growing and harvesting operations, Chapter 21.40.110 Stream buffers, and Chapter 21.40.130 Exceptions to buffers.

Preliminary Plats

The Commission will review and comment on all subdivision proposals within the Bridge Creek Watershed Protection District.

**REVIEW POLICIES FOR CONDITIONAL USE PERMITS
(Quasi -Judicial)**

PURPOSE

It is recognized that there are certain uses which are generally considered appropriate in a district, provided that controls and safeguards are applied to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow Commission consideration of the impact of the proposed conditional use on surrounding property and the application of controls and safeguards. This procedure assures that the conditional use will be compatible with the surrounding area and in keeping with the character and integrity of the neighborhood.

Public Hearing

A public hearing before the Commission is required before a conditional use permit may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

Review Standards

The Commission has 45 days from the close of the public hearing to make a decision on a conditional use permit application. The applicant may agree, in writing, to the extension of the 45 day time period for Commission action.

The Commission may approve, approve with conditions, or disapprove an application. The Commission must prepare written findings and reasons supporting its decision. ~~Approval of a conditional use permit requires five yes votes.~~ If a conditional use permit is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission.

Specific conditions may be required. Such conditions will be part of the terms under which the conditional use permit is granted and violations of such terms shall be deemed a violation of this ordinance. Failure to meet any time limitations imposed by the conditional use permit shall void the permit. An extension may be granted following a public hearing on the matter. Extensions will be granted for good cause only.

The development of the conditional use project or site, following issuance of the permit, will be in accordance with the conditions of the permit, standards of the zoning regulations and/or the approved site plan. Failure to observe any conditions or standards will be deemed a violation.

Determination

The Commission must make findings of fact sufficient to support its decision. Upon determination the Commission will document the decision and the basis for decision. The petitioner will be notified by mail by a copy of the meeting minutes and the decision documentation.

Appeals

The Commission Chair will alert the petitioner and other interested parties in attendance that an appeal of the Commission's decision is possible and that the appeal must be filed within thirty days of the distribution of the decision document.

NONCONFORMITY REVIEW POLICIES (Quasi -Judicial)

PURPOSE

The Commission shall review and determine the nonconformity of certain structures and uses. The purpose of review is to establish the commencement date of use, establish the effective date of applicable regulations, and formally accept the nonconformity.

City code states which nonconformities are reviewed by the City Planner and which are reviewed by the Commission. Generally, the Commission will be reviewing nonconforming uses within the city, excluding the areas annexed on March 20, 2002.

Public Hearing

The Commission shall conduct a public hearing per HCC 21.94.

Review Standards

It shall be the responsibility of the owner to show proof of continuing nonconformity of any property, use or structure.

Prior to determining the nonconformity of a use or structure, the Commission will determine:

1. The commencement date of use;
2. The effective date of applicable regulations.

There may exist uses, or structures which were legal before the effective date of the controlling regulation, but which are now prohibited under the terms of the existing ordinance. See HCC 21.61.040.

To avoid undue hardships, actual construction lawfully begun prior to the effective date of the zoning ordinance will be allowed to continue provided the work will be carried on diligently. Actual construction is defined as the placement of materials in a permanent position and fastened to produce a product.

Nonconforming Uses of Land/Structures

When a lawful structure exists prior to September 28, 1982, or March 20 2002 for annexed areas, but does not meet the district or ordinance requirements, it shall be considered nonconforming. Nonconforming structures may be continued and/or expanded only if the nonconformity of the structure does not increase.

Legally existing structures are those that:

1. Exist prior to effective date of Ordinance 4-300-2 (Interim Zoning Ordinance) dated June 13, 1966.
2. Exist prior to effective date of Ordinance No. 33 (Kenai Peninsula Borough) dated May 2, 1967 and are in compliance with Ordinance 4-300-2.
3. Exist prior to effective date of Ordinance 78-13 (Kenai Peninsula Borough) dated May 16, 1978 and are in compliance with Kenai Peninsula Borough Ordinance No. 33 and Homer Ordinance 4-300-2.
4. Exist prior to effective date of Ordinance 82-15 (Homer Zoning Ordinance) dated September 28, 1982 and are in compliance with previous zoning ordinance requirements.

Once a structure made nonconforming by this title is abandoned or brought into conformity with this title, the structure shall thereafter conform to the regulations of the zone in which it is located, and the nonconformity shall not be allowed to continue.

A lawful nonconforming use may continue so long as it remains lawful. No nonconforming use may be enlarged to occupy a greater area of land than was occupied as of the date it became nonconforming, or August 12, 2008, whichever is later. Once a use made nonconforming by this title is abandoned, changed, discontinued, or ceases to be the primary use of a lot, the use of that lot shall thereafter conform to the regulations of the zone which the lot is located, and the nonconformity shall not thereafter be resumed or allowed to continue.

Determination

Upon presentation of such proof that establishes the continuing nonconformity of any use or structure, the Commission shall formally accept the nonconformity, as a valid use or structure until such time as the use ceases. Upon determination by the Planning Commission staff will document the decision and basis for decision. The petitioner will be notified by mail by a copy of the relevant meeting minutes and the decision documentation.

Appeals

The Commission Chair will alert the petitioner and other interested parties that an appeal of the Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the decision document. The City Clerk will process all appeals.

PRELIMINARY PLAT REVIEW POLICIES

PURPOSE

The purpose of this policy statement is to clarify the position of the Commission with regard to their recommendations of acceptance or denial of preliminary plats. This review provides the opportunity for the City to make comments and recommendations to the Kenai Peninsula

Borough Planning Commission. The Kenai Peninsula Borough holds platting powers for the entire borough, both inside and outside the city limits. The Homer Advisory Planning Commission acts as an advisory body to the Borough Planning Commission on plat matters inside city limits and within the Bridge Creek Watershed Protection District.

The preliminary plat process allows an exchange of information between the subdivider, the Planning and Zoning Office, and the Commission. Proper utilization of the preliminary process should result in a recommendation of approval for the majority of the plats.

Procedures

General. Kenai Peninsula Borough Code 20.12.050 governs subdivisions in first class cities. A surveyor will submit one full size copy and a 11" x 17" reduced copy of the preliminary plat to the Planning Director when subdividing land in the City of Homer or the Bridge Creek Watershed Protection District. The Commission shall review the plat and take action within forty-nine days of the date of receipt unless the applicant agrees to an extension. Recommendations of the Commission based upon lawful ordinances shall be incorporated in the final plat.

The Commission will consider plats and make recommendations. The staff report and minutes are then forwarded to the borough planning department.

The borough planning commission makes the final determination. Once the preliminary plat has been accepted, the final plat is submitted to the borough for either administrative approval or approval by the borough planning commission.

ZONING ORDINANCE AMENDMENTS

PURPOSE

The Commission will review all proposals to amend the zoning ordinance or zoning map and make recommendations to the City Council per HCC 21.95. Neither the Commission nor City Council may consider a zoning ordinance request which is substantially the same as any other amendment submitted within the previous nine months and which was rejected.

Initiation/Application

Amendments to the zoning ordinance will be made in accordance with HCC 21.95. When the amendment request is accepted as complete by the Planning Department, the matter will be presented within 30 days to the Planning Commission, according to the Commission meeting schedule and due dates.

Public Hearing

A public hearing before the Commission is required. Notice of the public hearing will be in accordance with HCC 21.94. In the case of a zoning ordinance amendment or major district

boundary change, no notification of neighboring property will be required, but notices will be posted in at least three public places.

Review Standards

Zoning text and zoning map amendments shall be reviewed according to HCC 21.95.

Determination

The Planning Commission shall submit to the City Council its written recommendations per 21.95.060(d) regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal. Such recommendations of the Commission shall be advisory only and shall not be binding on the City Council.

POLICY FOR REVIEW OF ZONING VARIANCES (Quasi-Judicial)

PURPOSE

The Commission may grant a variance to provide relief when a literal enforcement of the regulations and standards of the zoning ordinance, Chapter 21, would deprive a property owner of the reasonable use of his real property.

The purpose of review is to ascertain that those conditions specified as necessary to granting a variance shall be satisfied; that the variance will be the minimum necessary to permit the reasonable use of land or structure, and that the variance will not be granted which will permit a land use in a district in which that use is otherwise prohibited.

Public Hearing

A public hearing before the Commission is required before a variance may be granted. Notice of the public hearing will be in accordance with HCC 21.94.

Review Standards

In reviewing a variance request and prior to granting a variance, the Commission must consider the standards of review as established in HCC 21.72. All of the conditions must exist before a variance can be granted.

Determination

The Commission must prepare written findings and reasons supporting its decision. ~~Approval of a variance requires five yes votes.~~ **Approval** If a variance is denied, the written findings and reasons for that decision will be approved by those who voted against the permit, even if the number against is less than a majority of the Commission. Upon determination, staff will document the decision and the basis for decision. The petitioner will be notified by mail with a copy of the meeting minutes (those portions that apply to the petition) and the decision

documentation. The Commission Chair will alert the petitioner and other interested parties that an appeal of the Commission's decision is possible. The appeal must be filed within thirty days of the distribution of the decision document. The City Clerk will process all appeals.



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 13-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 4, 2013 **postponed to Jan 2, 2014**
SUBJECT: Amending the HAPC Bylaws & Policies and Procedures

At the November 6, 2013 meeting, the Planning Commission directed staff to bring forth amendments to the HAPC Bylaws and Policies and Procedures Manual. The changes to the documents are listed below. Final action on these amendments will be at the January 2nd meeting. Amendments must be presented in writing at one meeting, and may be acted upon at the next meeting. This meeting is the first where the proposed amendments are provided in writing. A separate staff report will introduce an accompanying ordinance at the January 2nd meeting to provide needed code amendments to Title 21 and Title 1.

1. Remove the majority plus one vote needed for Conditional Use Permits and Variances.

a. From HAPC Bylaws, pg 4, Section K. Quorum; Voting:

"Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of a ~~an ordinance, resolution or motion. Conditional use permits and zoning variances require a majority plus one vote.~~ Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote or may be done in accordance with J. Consensus. For purposes of notification to parties of interest in a matter brought before the Commission, the Chair may enter for the record the vote and basis for determination."

From the HAPC Policies and Procedures Manual:

b. Page 4 of 8, Conditional Use Permits, delete text stating "~~Approval of a conditional use permit requires five yes votes.~~"

c. Page 8 of 8, Variances, delete text stating "~~Approval of a variance requires five yes votes.~~"

2. Amend the number of times a Commissioner may miss meetings from three consecutive or six regular meetings in a calendar year; to three consecutive unexcused absences, with the Chair approving absences or six regular meetings in a calendar year.

a. From HAPC Bylaws, pg 5, Section O. Vacancies:

"A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. **The Chair shall determine excused absences.** The Commission shall declare a vacancy when the person appointed:

1. Fails to qualify;
2. Fails to take office within thirty days after his/her appointment;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of his/her office;
5. Misses three consecutive **unexcused** or six regular meetings in a calendar year; or
6. Is convicted of a felony or of an offense involving a violation of his/her oath of office."

Requested action:

The HAPC review and move to amend the bylaws and policies and procedures manual.

Attachments:

1. Draft minutes excerpt from 11/6/2013 meeting
2. Draft Bylaws
3. Draft Policy and Procedures



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(p) 907-235-3106
(f) 907-235-3118

Memorandum PL 14-01

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Planning Technician

DATE: December 20, 2014

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Discussion: Comprehensive Plan Chapter 4 Goal 3 Object A states: "Create a clear, coordinated regulatory framework that guides development." One of the implementation strategies states: "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review."

This proposed amendment will allow a decision on a conditional use permit at any meeting with a quorum of Homer Advisory Commission members. This will give applicants greater certainty as to when their application will be heard by the Commission, and a decision rendered.

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. The amendment relaxes a more stringent code requirement.

c. Will promote the present and future public health, safety and welfare.

Staff response: A vote of four Commissioners will still be required to approve a conditional use permit, thus protecting the present and future public health, safety and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. Within Homer City Code, only Conditional Use Permits require a vote of a supermajority, or five Commissioners. All other business, such as variances, nonconforming reviews, conditional fence permits, public signs and Bridge Creek Watershed mitigation plans only require four affirmative votes for approval. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The Planning Commission initiated the code amendment at the November 6th, 2013 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.



City of Homer

www.cityofhomer-ak.gov

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(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 14-02

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 2, 2014
SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

Requested Action: Conduct a public hearing and forward a recommendation to the City Council.

GENERAL INFORMATION

Under Homer City Code 21.71.050(d), approval of a conditional use permit requires five affirmative votes by the Commission. The Commission consists of citizen volunteers with busy lives. Most of the time, there are five Commissioners at every meeting to hear and make decisions upon conditional use applications, but not always. Reducing the number of yes votes to four will allow the Commission to make a decision at any meeting for which there is a quorum. No other matter the Commission decides upon requires a supermajority.

STAFF COMMENTS/RECOMMENDATIONS:

Conduct a public hearing, consider testimony, and make a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance 14-xx Amending HCC 21.71.050(d)
2. Memorandum PL 14-01 Staff Review

Plat Consideration

None

Pending Business

None

New Business

A. Staff Report PL 13-86 Review of Bylaws

Acting City Planner Engebretsen briefly reviewed the staff report and noted discussion during the worksession about the Commissioner absences as outlined in the bylaws, and also changing the voting requirements to a simple majority regarding CUP's and variances. She noted that staff doesn't have a recommendation at this time regarding the simple majority issue.

Commissioner Highland expressed interest in Commissioners being allowed to participate telephonically. She understands that it couldn't be done for the quasi-judicial actions of the meeting, but for the other parts it would be helpful when people are ill or travelling.

Acting City Planner Engebretsen noted that because of the actions the Commission addresses, it would significantly limit what the person on the phone could speak to. She also explained her experience has been that some people do well at participating telephonically but many don't.

SONNEBORN/HIGHLAND MOVED TO AMEND BYLAWS TO ENABLE A SIMPLE MAJORITY TO APPROVE A CONDITIONAL USE PERMIT OR VARIANCE.

Commissioner Slone noted that during the worksession they discussed and agreed that because staff clearly does a more than adequate job of reviewing criteria for CUP and variances to verify compliance with the ordinances. Generally very little discussion necessary by the Commissioners and four would be adequate from his perspective.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SLONE MOVED TO ALLOW TELEPHONIC PARTICIPATION EXCEPT FOR PARTICIPATION ON ANY QUASI JUDICIAL MATTERS.

Commissioner Sonneborn commented she isn't sure they need that complication in their meetings. By addressing the voting, they won't have the problem of not enough Commissioners in the future. She thinks it is really important to be here in person. There are times when it is challenging to follow things when you're here in person, and being home with distractions she wouldn't trust that the group is getting full attention. It's only a couple times a month and people just need to plan to be here. If people are ill, their minds aren't up to it, so they should be home taking care of themselves. It is okay to miss a meeting sometimes.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 6, 2013

Chair Venuti agreed with Ms. Sonneborn, but said it would be nice to call in and listen. Deputy City Clerk Jacobsen noted that if a Commissioner is absent and would like to hear the discussion, they can request a copy of the recording from the City Clerk's office.

Commissioner Highland reiterated that it is another possibility for Commissioners to participate if they have already missed some meetings.

VOTE: YES: HIGHLAND, SLONE
NO: SONNEBORN, VENUTI

Motion failed.

SLONE/HIGHLAND MOVED TO AMEND CITY CODE 1.76.040 C ANY COMMISSIONER WHO SHALL HAVE ~~TWO~~ **THREE** SUCCESSIVE UNEXCUSED ABSENCES SHALL BE SUBJECT TO REMOVAL BY THE COMMISSION BY A MAJORITY VOTE OF THE MEMBERS PRESENT; BYLAWS SECTION 0.5, THREE CONSECUTIVE **UNEXCUSED** OR SIX REGULAR MEETINGS IN A CALENDAR YEAR; AND REFINE THE WORD UNEXCUSED TO DEFINE THAT UNEXCUSED REQUIRES APPROVAL BY THE CHAIR.

Commissioner Slone explained that it gives a little more flexibility for extenuating circumstances they might miss more than three meetings, but requires them to be accountable for their time if the situation arises.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Slone also noted a section of the policy manual that needs clarification under item U. It states "The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members,". He suggested changing it to "The amended policy and procedure manual must subsequently be endorsed by a resolution of the City Council." Acting City Planner Engebretsen recognized it as a grammatical change that staff can take care of.

B. Staff Report PL 13-87 Draft Ordinance 13-42 Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Uses from 12 to 24 Months

Chair Venuti advised the Commission that he has a conflict of interest on this matter because he is involved with the Bayview Inn property.

There was discussion that with only 3 Commissioners in attendance to address the conflict it was recommended that this matter be postponed to the next meeting.

SLONE/SONNEBORN MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-01, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing and there were no public comments.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE TO ALLOW A SIMPLE MAJORITY VOTE FOR THE APPROVAL OF CONDITIONAL USE PERMITS AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments in support of the draft ordinance noting that this change will improve the way the commission does business for the public and that staff does an exemplary job of reviewing and providing information for their review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 14-04, Draft Ordinance 14-XX Amending HCC 21.12.020 and 21.12.030 to allow one accessory dwelling unit as a permitted use on a lot served by city water and sewer

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

Ken Castner, city resident, asked for clarification regarding the process for water and sewer hookups relating to the accessory dwellings. City Planner Abboud explained that the accessory dwelling would be hooked up to water and sewer as required by Public Works and as outlined in code.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.12.020 AND 21.12.030 TO ALLOW AN ACCESSORY DWELLING UNIT AS A PERMITTED USE AND RECOMMENDS ADOPTION BY CITY COUNCIL.

Commissioner Slone commented that it brings up a good point whether the accessory dwelling will be put on a separate meter. It would be a significant consideration with respect to the income the city derives of the water and sewer system. It isn't a major consideration relating to this action, but is something to think about. Another point is that we are doing some infilling based on infrastructure and additional usage of water and sewer would be beneficial to the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

City Planner Abboud reviewed the Commission's role in plat consideration and the staff report that includes the following recommendations:

- Planning Commission recommends approval of the preliminary plat, with the following comments:
 1. Increase the size of lot 2 to meet the dimensional size requirement of 10,000 square feet. Elimination or reduction in size of Park A to meet this requirement is acceptable.
 2. A development agreement is required.
 3. The shared driveways shall meet fire department access requirements.
 4. The developer shall clarify with Public Works prior to final platting which creeks shown on the plat have a drainage easement and the width of the easements.
 5. Continue the 15 foot utility easement around the bulb of Sophie Court
 6. Work with the City of Homer and the Kenai Peninsula Borough address officer on E911 compliant street names
 7. During the first phase of construction, build Nelson Ave and Ronda Street from East End Road all the way to the intersection with South Slope Drive, and that portion of South Slope Drive within the subdivision.
 8. Construct fire hydrants as part of the subdivision.
 9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
 10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

Chair Venuti asked Commissioners who visited the site prior to the meeting to report to the Commission.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Planning

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RESOLUTION 14-029

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE HOMER ADVISORY PLANNING COMMISSION BYLAWS "QUORUM; VOTING" TO PERMIT FOUR INSTEAD OF FIVE MEMBERS TO APPROVE A CONDITIONAL USE PERMIT OR A VARIANCE; AND "VACANCIES" TO CHANGE THE NUMBER OF SUCCESSIVE UNEXCUSED ABSENCES THAT MAKE A COMMISSION MEMBER SUBJECT TO REMOVAL FROM TWO TO THREE.

WHEREAS, The Homer Advisory Planning Commission is made up of appointed members who despite their best efforts cannot attend every commission meeting; and

WHEREAS, Requiring a supermajority of the commission's membership to approve a conditional use permit or a variance impedes with their ability to conduct hearings and issue decisions on a timely basis; and

WHEREAS, By expanding the Commission's authority to approve a conditional use permit or a variance with four members instead of five members is in the City's best interest to conduct business timely; and

WHEREAS, It has been difficult to recruit new commissioners and it is in the City's best interest to increase the number of successive unexcused absences before a Commission member is subject to removal.

WHEREAS, These amendments were reviewed and discussed by the Homer Advisory Planning Commission at their November 6, 2013 and January 2, 2014 meetings and received unanimous support from the commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the Homer Advisory Planning Commission Bylaws "Quorum; Voting" to permit four instead of five members to approve a conditional use permit or a variance; and "Vacancies" to increase the number of successive unexcused absences before a Commission member is subject to removal from two to three.

PASSED AND ADOPTED by the Homer City Council on this ___ day of February, 2014.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

HOMER ADVISORY PLANNING COMMISSION BYLAWS

The Homer Advisory Planning Commission is established with those powers and duties as set forth in Title 1, Section 76, of the Homer City Code. The Commission is established to maximize local involvement in planning and to implement and recommend modifications to the Homer Zoning Ordinance, Title 21, and Subdivisions, Title 22. The Commission's jurisdiction is limited to the area within the City boundaries and that area designated as the Homer Bridge Creek Watershed Protection District.

The Homer Advisory Planning Commission ("Commission") consists of seven members; no more than one may be from outside the city limits. Members will be appointed by the Mayor subject to confirmation by the City Council for three-year terms (except to complete terms). The powers and duties of the Commission are described in HCC 1.76.030.

- A. To abide by existing Alaska State law, Borough Code of Ordinances, where applicable, and Homer City Code pertaining to planning and zoning functions;
- B. To abide by Robert's Rules of Order, so far as this treatise is consistent with Homer City Code;
- C. Regular Meetings:

All Commission members should be physically present at the designated time and location within the City for the meeting. Teleconferencing is not permitted.

1. First and third Wednesday of each month at 6:30 p.m.
2. Agenda deadline is two weeks prior to the meeting date at 5:00 p.m. Agenda items requiring public hearing must be received three weeks prior to the Commission hearing. However, conditional use applications may be scheduled for public hearing in accordance with HCC 21.94. Preliminary plats must be submitted the Friday two weeks before the Commission meeting.
3. Items will be added to the agenda upon request of staff, the Commission or a Commissioner.
4. Public notice of a regular meeting shall be made as provided in HCC Chapter 1.14
5. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by vote of the Commission.

Procedure: The Chair will entertain a motion to extend the meeting until a specific time. After the motion has been seconded, the Commission will vote. A yes vote will extend the meeting until the specified time. A no vote will require that the Chair conclude business at or before 9:30 pm

and immediately proceed to comments of the audience, the Commission and adjournment.

D. Special Meetings:

All Commission members should be physically present at the designated time and location within the City for the meeting. Teleconferencing is not permitted.

1. Called by Chair or majority of the Commission.
2. Require reasonable notification be given to the Planning Department staff and twenty-four hour notice to Commissioners.
3. Public notice of a special meeting shall be made as provided in HCC Chapter 1.14

E. Duties and Powers of the Officers:

A Chair and Vice-Chair shall be selected annually in August or as soon thereafter as practicable by the appointive members. The Chair shall preside at all meetings of the Commission, call special meetings in accordance with the bylaws, sign documents of the Commission, see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her absence, disability or disqualification of office. The Vice-Chair will succeed the Chair if he/she vacates the office before the term is completed to complete the un-expired term. A new Vice-Chair shall be elected at the next regular meeting.

F. Committees

1. The Chair shall appoint committees for such specific purposes as the business of the Commission may require. Committee appointments will be confirmed by the Commission. Committee membership shall include at least two Commissioners. Other Committee members may be appointed from the public.
2. One Committee member shall be appointed Chair and be responsible for creating an agenda and notifying the City Clerk of meetings so they may be advertised in accordance with Alaska State Law and Homer City Code.
3. One Committee member shall be responsible for furnishing summary notes of all Committee meetings to the City Clerk.
4. Committees shall meet in accordance with Commission bylaws and Robert's Rules.
5. All committees shall make a progress report at each Commission meeting.

6. No committee shall have other than advisory powers.
7. Per Robert's Rules, upon giving a final report, the Committee is disbanded.

G. Motions to Reconsider:

Notice of reconsideration shall be given to the Chair or Vice-Chair, if the Chair is unavailable, within forty-eight hours from the time the original action was taken. A member of the Commission who voted on the prevailing side on any issue may move to reconsider the commission's action at the same meeting or at the next meeting of the body provided the above 48-hour notice has been given. Consideration is only for the original motion to which it applies. If the issue involves an applicant, staff shall notify the applicant of the reconsideration.

H. Conflict of Interest:

A member of the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest per HCC 1.12. The member shall disclose any financial interest in the topic before debating or voting. The member cannot participate in the debate or vote on the matter, unless the Commission has determined the financial interest is not substantial.

Following the Chair's announcement of the agenda item, the Commissioner should state that he has a conflict of interest. Once stated, the member should distance himself/herself from all motions. The Commission must move and vote on whether or not there is a conflict of interest. At this time, a motion shall be made by another Commissioner restating the disclosed conflict. Once the motion is on the floor the Commissioner can disclose his/her financial interest in the matter and the Commission may discuss the conflict of interest. A vote will then be taken. An affirmative vote excuses the Commissioner and he/she takes a seat in the audience or remains nearby. Upon completion of the agenda item, the Commissioner will be called back to join the meeting.

I. Situation of personal interest

A situation of personal interest may arise. For example, a Commissioner may live in the subject subdivision or may be a neighboring property owner. If the Commissioner feels that by participating in the discussion he/she may taint the decision of the Commission, or be unable to make an unbiased decision, the Commissioner should state his/her personal interest. The same procedure as above should be followed to determine the conflict.

J. Ex parte Communications

Ex parte contacts are not permitted in quasi-judicial actions. Ex parte communications can result in a violation of procedural due process. If a Commissioner finds him/herself about to be involved in ex parte contact the Commissioner should recommend that the citizen submit their comments in writing to the Commission or testify on record. If a Commissioner has been involved in an ex parte contact, the contact and its substance should be disclosed at the beginning of the hearing. The Commissioner should state whether or not s/he thinks s/he can make an unbiased decision.

K. Quorum; Voting:

Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of ~~an ordinance, resolution or a motion. Conditional use permits and zoning variances require a majority plus one vote.~~ Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote or may be done in accordance with J. Consensus. For purposes of notification to parties of interest in a matter brought before the Commission, the Chair may enter for the record the vote and basis for determination.

The City Manager, or his/her designee and Public Works Director shall serve as consulting members of the Commission but shall have no vote.

L. Findings:

Findings will be recorded for conditional use permits, variances, acceptance of nonconforming status and zoning ordinance amendments. The findings will include the result of the vote on the item and the basis of determination of the vote, as summarized by the Chair or Vice-Chair, in the absence of the Chair.

M. Consensus:

The Commission may, from time-to-time, express its opinion or preference concerning a subject brought before it for consideration. Said statement, representing the will of the body and meeting of the minds of the members may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.

N. Abstentions:

All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain. A motion to excuse a member from

voting shall be made prior to the call for the question. A member of the Commission requesting to be excused from voting may make a brief oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. An affirmative vote of the Commission excuses the Commissioner. A member may not explain a vote or discuss the question while the roll call vote is being taken. A member may not change his/her vote thereafter.

O. Vacancies:

A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. **The Chair shall determine excused absences.** The Commission shall declare a vacancy when the person appointed:

1. Fails to qualify;
2. Fails to take office within thirty days after his/her appointment;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of his/her office;
5. Misses three consecutive **unexcused** or six regular meetings in a calendar year; or
6. Is convicted of a felony or of an offense involving a violation of his/her oath of office.

P. Procedure for Consideration of Agenda Items:

The following procedure will normally be observed:

1. Staff presents report and makes recommendation;
2. If the agenda item involves an applicant s/he may make a presentation;
3. Commission may ask questions of the applicant and staff.

Q. Procedure for Consideration of Public Hearing Items:

1. Staff presents report and makes recommendation;
2. Applicant makes presentation;
3. Public hearing is opened;
4. Public testimony is heard on item (presentation of supporting/opposing evidence by public – Commission may ask questions of public);
5. Public hearing is closed;
6. Rebuttal of evidence by staff (if any);
7. Rebuttal of evidence by applicant (if any);
8. Commission may ask questions of the applicant, and staff.

9. The Commission will move/second to accept the staff report, with or without staff recommendations. The Commission will discuss the item, may ask questions of staff, and make amendments to the recommendations of staff. Amendments may be made by motion/second.
10. The Commission may continue the topic to a future meeting. Once the public hearing is closed no new testimony or information will be accepted from the public. The Commission may ask questions of the applicant and staff.

R. Procedure for Consideration of Preliminary Plats :

The following procedure will normally be observed:

1. Staff presents report and makes recommendations;
2. Applicant makes presentation;
3. Public comment is heard on the item;
4. Applicant may make a response;
5. Commission may ask questions of applicant, public and staff.

S. The Commission shall act as a body:

A member of the Commission may not speak or act for the Commission without recommendation or direction given by the Commission. The Chair or Chair's designee shall serve as the official spokesperson of the Commission.

T. Bylaws Amended:

The bylaws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting. The bylaws will be endorsed by a resolution of the City Council.

U. Procedure Manual:

The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. Proposed amendments to the procedure manual shall be introduced at one meeting and action shall be taken at a subsequent Commission meeting.

**REGULAR MEETING
AGENDA**

1. **Call to Order**
2. **Approval of Agenda**
3. **Public Comment**
The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
4. **Reconsideration**
5. **Adoption of Consent Agenda**
All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.
6. **Presentations**
7. **Reports**
8. **Public Hearings**
Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.
9. **Plat Consideration**
10. **Pending Business**
11. **New Business**
12. **Informational Materials**
13. **Comments of the Audience**
Members of the audience may address the Commission on any subject. (3 minute time limit)
14. **Comments of Staff**
15. **Comments of the Commission**
16. **Adjournment**
Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission. Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment."



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Staff Report 13-93

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 4, 2013 **postponed to Jan 2, 2014**
SUBJECT: Amending the HAPC Bylaws & Policies and Procedures

At the November 6, 2013 meeting, the Planning Commission directed staff to bring forth amendments to the HAPC Bylaws and Policies and Procedures Manual. The changes to the documents are listed below. Final action on these amendments will be at the January 2nd meeting. Amendments must be presented in writing at one meeting, and may be acted upon at the next meeting. This meeting is the first where the proposed amendments are provided in writing. A separate staff report will introduce an accompanying ordinance at the January 2nd meeting to provide needed code amendments to Title 21 and Title 1.

1. Remove the majority plus one vote needed for Conditional Use Permits and Variances.

a. From HAPC Bylaws, pg 4, Section K. Quorum; Voting:

"Four Commission members shall constitute a quorum. Four affirmative votes are required for the passage of a ~~an ordinance, resolution or motion. Conditional use permits and zoning variances require a majority plus one vote.~~ Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote or may be done in accordance with J. Consensus. For purposes of notification to parties of interest in a matter brought before the Commission, the Chair may enter for the record the vote and basis for determination."

From the HAPC Policies and Procedures Manual:

b. Page 4 of 8, Conditional Use Permits, delete text stating "~~Approval of a conditional use permit requires five yes votes.~~"

c. Page 8 of 8, Variances, delete text stating "~~Approval of a variance requires five yes votes.~~"

2. Amend the number of times a Commissioner may miss meetings from three consecutive or six regular meetings in a calendar year; to three consecutive unexcused absences, with the Chair approving absences or six regular meetings in a calendar year.

a. From HAPC Bylaws, pg 5, Section O. Vacancies:

"A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. **The Chair shall determine excused absences.** The Commission shall declare a vacancy when the person appointed:

1. Fails to qualify;
2. Fails to take office within thirty days after his/her appointment;
3. Resigns and the resignation is accepted;
4. Is physically or mentally unable to perform the duties of his/her office;
5. Misses three consecutive **unexcused** or six regular meetings in a calendar year; or
6. Is convicted of a felony or of an offense involving a violation of his/her oath of office."

Requested action:

The HAPC review and move to amend the bylaws and policies and procedures manual.

Attachments:

1. Draft minutes excerpt from 11/6/2013 meeting
2. Draft Bylaws
3. Draft Policy and Procedures



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Memorandum PL 14-01

TO: Homer Advisory Planning Commission

THROUGH: Rick Abboud, City Planner

FROM: Julie Engebretsen, Planning Technician

DATE: December 20, 2014

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Discussion: Comprehensive Plan Chapter 4 Goal 3 Object A states: "Create a clear, coordinated regulatory framework that guides development." One of the implementation strategies states: "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review."

This proposed amendment will allow a decision on a conditional use permit at any meeting with a quorum of Homer Advisory Commission members. This will give applicants greater certainty as to when their application will be heard by the Commission, and a decision rendered.

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. The amendment relaxes a more stringent code requirement.

c. Will promote the present and future public health, safety and welfare.

Staff response: A vote of four Commissioners will still be required to approve a conditional use permit, thus protecting the present and future public health, safety and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. Within Homer City Code, only Conditional Use Permits require a vote of a supermajority, or five Commissioners. All other business, such as variances, nonconforming reviews, conditional fence permits, public signs and Bridge Creek Watershed mitigation plans only require four affirmative votes for approval. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The Planning Commission initiated the code amendment at the November 6th, 2013 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.



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STAFF REPORT PL 14-02

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: January 2, 2014
SUBJECT: Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

Requested Action: Conduct a public hearing and forward a recommendation to the City Council.

GENERAL INFORMATION

Under Homer City Code 21.71.050(d), approval of a conditional use permit requires five affirmative votes by the Commission. The Commission consists of citizen volunteers with busy lives. Most of the time, there are five Commissioners at every meeting to hear and make decisions upon conditional use applications, but not always. Reducing the number of yes votes to four will allow the Commission to make a decision at any meeting for which there is a quorum. No other matter the Commission decides upon requires a supermajority.

STAFF COMMENTS/RECOMMENDATIONS:

Conduct a public hearing, consider testimony, and make a recommendation to the City Council.

ATTACHMENTS

1. Draft Ordinance 14-xx Amending HCC 21.71.050(d)
2. Memorandum PL 14-01 Staff Review

Plat Consideration

None

Pending Business

None

New Business

A. Staff Report PL 13-86 Review of Bylaws

Acting City Planner Engebretsen briefly reviewed the staff report and noted discussion during the worksession about the Commissioner absences as outlined in the bylaws, and also changing the voting requirements to a simple majority regarding CUP's and variances. She noted that staff doesn't have a recommendation at this time regarding the simple majority issue.

Commissioner Highland expressed interest in Commissioners being allowed to participate telephonically. She understands that it couldn't be done for the quasi-judicial actions of the meeting, but for the other parts it would be helpful when people are ill or travelling.

Acting City Planner Engebretsen noted that because of the actions the Commission addresses, it would significantly limit what the person on the phone could speak to. She also explained her experience has been that some people do well at participating telephonically but many don't.

SONNEBORN/HIGHLAND MOVED TO AMEND BYLAWS TO ENABLE A SIMPLE MAJORITY TO APPROVE A CONDITIONAL USE PERMIT OR VARIANCE.

Commissioner Slone noted that during the worksession they discussed and agreed that because staff clearly does a more than adequate job of reviewing criteria for CUP and variances to verify compliance with the ordinances. Generally very little discussion necessary by the Commissioners and four would be adequate from his perspective.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/SLONE MOVED TO ALLOW TELEPHONIC PARTICIPATION EXCEPT FOR PARTICIPATION ON ANY QUASI JUDICIAL MATTERS.

Commissioner Sonneborn commented she isn't sure they need that complication in their meetings. By addressing the voting, they won't have the problem of not enough Commissioners in the future. She thinks it is really important to be here in person. There are times when it is challenging to follow things when you're here in person, and being home with distractions she wouldn't trust that the group is getting full attention. It's only a couple times a month and people just need to plan to be here. If people are ill, their minds aren't up to it, so they should be home taking care of themselves. It is okay to miss a meeting sometimes.

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Chair Venuti agreed with Ms. Sonneborn, but said it would be nice to call in and listen. Deputy City Clerk Jacobsen noted that if a Commissioner is absent and would like to hear the discussion, they can request a copy of the recording from the City Clerk's office.

Commissioner Highland reiterated that it is another possibility for Commissioners to participate if they have already missed some meetings.

VOTE: YES: HIGHLAND, SLONE
NO: SONNEBORN, VENUTI

Motion failed.

SLONE/HIGHLAND MOVED TO AMEND CITY CODE 1.76.040 C ANY COMMISSIONER WHO SHALL HAVE ~~TWO~~ **THREE** SUCCESSIVE UNEXCUSED ABSENCES SHALL BE SUBJECT TO REMOVAL BY THE COMMISSION BY A MAJORITY VOTE OF THE MEMBERS PRESENT; BYLAWS SECTION 0.5, THREE CONSECUTIVE **UNEXCUSED** OR SIX REGULAR MEETINGS IN A CALENDAR YEAR; AND REFINE THE WORD UNEXCUSED TO DEFINE THAT UNEXCUSED REQUIRES APPROVAL BY THE CHAIR.

Commissioner Slone explained that it gives a little more flexibility for extenuating circumstances they might miss more than three meetings, but requires them to be accountable for their time if the situation arises.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Slone also noted a section of the policy manual that needs clarification under item U. It states "The policy and procedure manual will be endorsed by resolution of the City Council and may be amended at any meeting of the Commission by a majority plus one of the members,". He suggested changing it to "The amended policy and procedure manual must subsequently be endorsed by a resolution of the City Council." Acting City Planner Engebretsen recognized it as a grammatical change that staff can take care of.

B. Staff Report PL 13-87 Draft Ordinance 13-42 Amending the Definition of "Discontinued" in Homer City Code 21.61.015, Definitions, to Extend Time Required to Discontinue a Nonconforming Uses from 12 to 24 Months

Chair Venuti advised the Commission that he has a conflict of interest on this matter because he is involved with the Bayview Inn property.

There was discussion that with only 3 Commissioners in attendance to address the conflict it was recommended that this matter be postponed to the next meeting.

SLONE/SONNEBORN MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-01, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing and there were no public comments.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE TO ALLOW A SIMPLE MAJORITY VOTE FOR THE APPROVAL OF CONDITIONAL USE PERMITS AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments in support of the draft ordinance noting that this change will improve the way the commission does business for the public and that staff does an exemplary job of reviewing and providing information for their review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 14-04, Draft Ordinance 14-XX Amending HCC 21.12.020 and 21.12.030 to allow one accessory dwelling unit as a permitted use on a lot served by city water and sewer

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

Ken Castner, city resident, asked for clarification regarding the process for water and sewer hookups relating to the accessory dwellings. City Planner Abboud explained that the accessory dwelling would be hooked up to water and sewer as required by Public Works and as outlined in code.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.12.020 AND 21.12.030 TO ALLOW AN ACCESSORY DWELLING UNIT AS A PERMITTED USE AND RECOMMENDS ADOPTION BY CITY COUNCIL.

Commissioner Slone commented that it brings up a good point whether the accessory dwelling will be put on a separate meter. It would be a significant consideration with respect to the income the city derives of the water and sewer system. It isn't a major consideration relating to this action, but is something to think about. Another point is that we are doing some infilling based on infrastructure and additional usage of water and sewer would be beneficial to the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

City Planner Abboud reviewed the Commission's role in plat consideration and the staff report that includes the following recommendations:

- Planning Commission recommends approval of the preliminary plat, with the following comments:
 1. Increase the size of lot 2 to meet the dimensional size requirement of 10,000 square feet. Elimination or reduction in size of Park A to meet this requirement is acceptable.
 2. A development agreement is required.
 3. The shared driveways shall meet fire department access requirements.
 4. The developer shall clarify with Public Works prior to final platting which creeks shown on the plat have a drainage easement and the width of the easements.
 5. Continue the 15 foot utility easement around the bulb of Sophie Court
 6. Work with the City of Homer and the Kenai Peninsula Borough address officer on E911 compliant street names
 7. During the first phase of construction, build Nelson Ave and Ronda Street from East End Road all the way to the intersection with South Slope Drive, and that portion of South Slope Drive within the subdivision.
 8. Construct fire hydrants as part of the subdivision.
 9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
 10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

Chair Venuti asked Commissioners who visited the site prior to the meeting to report to the Commission.

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

