

City Council
April 14, 2014
Monday



Worksession 4:00 P.M.
Committee of the Whole 5:00 P.M.
Special Meeting 5:30 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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Happy Homer

April 2014

| | |
|----------------------------|--|
| Monday 14 th | CITY COUNCIL Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m. |
| Tuesday 15 th | CITY COUNCIL – BOARD OF ADJUSTMENT Special Meeting 6:00 p.m. |
| Wednesday 16 th | PLANNING COMMISSION Worksession 5:30 p.m. and Regular Meeting 6:30 p.m. |
| Thursday 17 th | PARKS AND RECREATION ADVISORY COMMISSION Regular Meeting 5:30 p.m. |
| Monday 21 st | VESSELL HAUL-OUT TASK FORCE Meeting 3:30 p.m. |
| Wednesday 23 rd | PORT AND HARBOR ADVISORY COMMISSION Regular Meeting 5:00 p.m. |
| Monday 28 th | 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 WYTHE, 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
APRIL 14, 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.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **REPORT FROM PUBLIC WORKS RE: ESTIMATED COSTS, FINANCING OPTIONS, POLICY CONSIDERATIONS, AND FEASIBILITY OF CONSTRUCTING A "LOOP" WATER AND SEWER CONNECTION THAT EXTENDS UP WEST HILL ROAD, ACROSS SKYLINE DRIVE, AND DOWN EAST HILL ROAD. (Resolution 14-010)**
Page 7
4. **LILLIAN WALLI SUBDIVISION – POTENTIAL FOR WATER AND SEWER SPECIAL ASSESSMENT DISTRICT**
Page 9
5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, April 28, 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
HOMER, ALASKA**

Burgess

RESOLUTION 14-010

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
DIRECTING THE CITY MANAGER TO PRODUCE A REPORT ON THE
ESTIMATED COSTS, FINANCING OPTIONS, POLICY
CONSIDERATIONS, AND FEASIBILITY OF CONSTRUCTING A
“LOOP” WATER AND SEWER CONNECTION THAT EXTENDS UP
WEST HILL ROAD, ACROSS SKYLINE DRIVE, AND DOWN EAST HILL
ROAD; TO BE PRESENTED AND DISCUSSED AT A FUTURE
WORKSESSION SCHEDULED BY THE CITY COUNCIL.

WHEREAS, The City of Homer maintains and operates state of the art water and sewer
treatment plants and an extensive distribution and collection system; all of which is very
expensive; and

WHEREAS, The Water and Sewer Special Revenue Fund is operated like an Enterprise
Fund in the sense that the costs of maintaining and operating the system is supported
entirely by user fees; and

WHEREAS, Less than one half of all structures within the Homer City limits are
connected to the piped water and sewer system resulting in public safety and environmental
concerns; and

WHEREAS, Many Homer residents would like to be served by the water and sewer
utility for a variety of reasons, including, but not limited to, failed septic systems, tainted
wells, erosion issues, reduced property values, and the inability to get financing; and

WHEREAS, Even though the City of Homer will subsidize 25 percent of the cost and
offer attractive financing under the Water and Sewer Special Assessment District program, it
remains prohibitively expensive to extend water and sewer into some of the rural residential
neighborhoods; and

WHEREAS, Fixed costs that continue to rise combined with a stagnate customer base
that is not growing is a business model that is destined to fail; and

WHEREAS, The City Council has discussed the need to promote "in-filling", expand the system, and find other ways to increase the customer base; and

WHEREAS, It is important for the Council to address this issue and thoroughly explore all options available to it to expand the system and the utility customer base; and

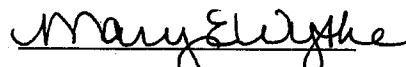
WHEREAS, One option for expanding service which deserves discussion is to construct water and sewer main lines in a loop which goes up West Hill Road, extends across Skyline Drive, and returns to downtown via East Hill Road; an idea that might make neighborhood Special Assessment Districts more attractive and stimulate development.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is directed to produce a report on the estimated costs, financing options, policy considerations, and feasibility of constructing a "loop" water and sewer connection that extends up West Hill Road, across Skyline Drive, and down East Hill Road.

BE IT FURTHER RESOLVED that the report shall be presented and discussed at a future worksession to be scheduled by the City Council.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of January, 2014.

CITY OF HOMER

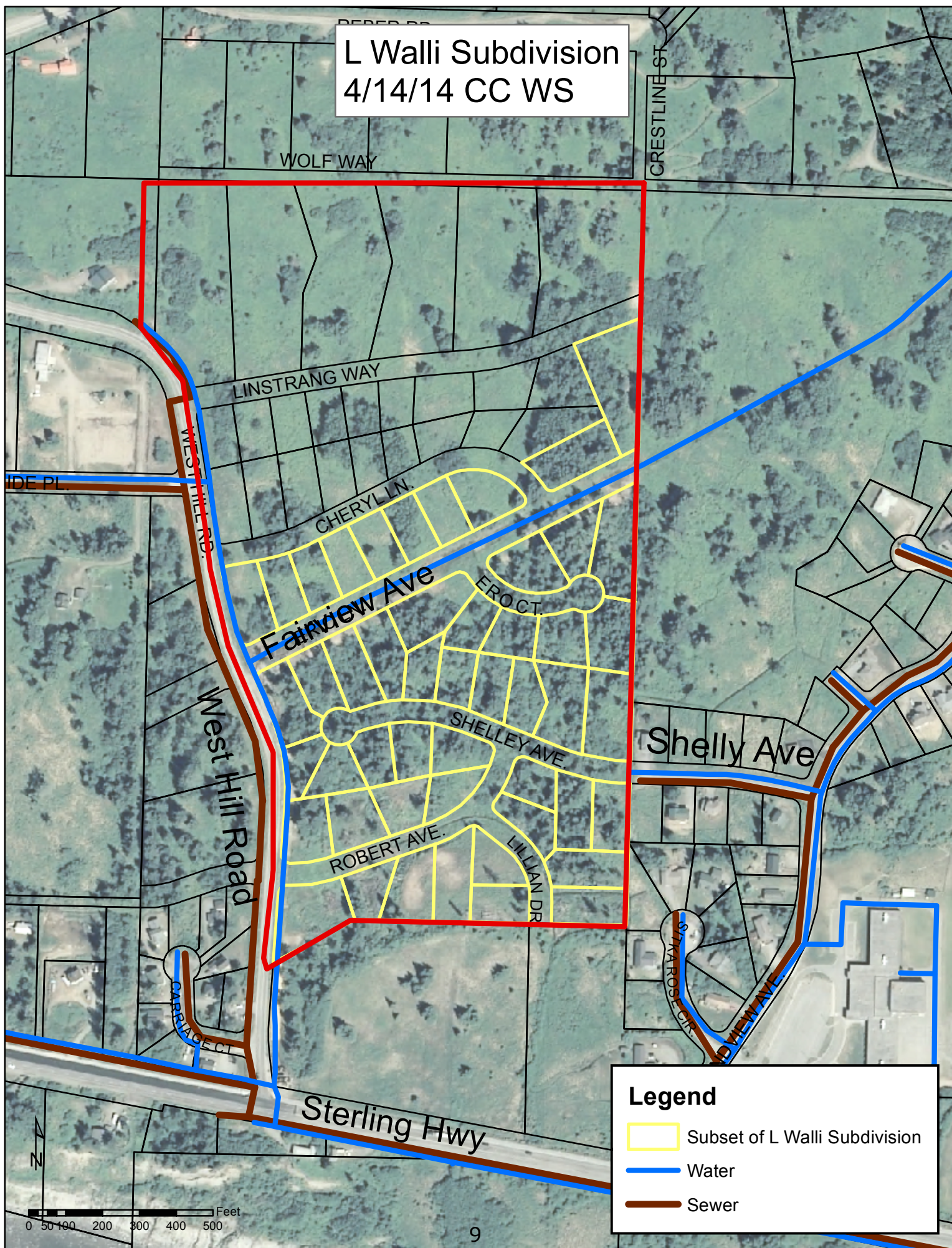

MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Staff time, estimated to be 6 to 8 hours.

L Walli Subdivision
4/14/14 CC WS



Legend

- Subset of L Walli Subdivision
- Water
- Sewer

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
APRIL 14, 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.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **Ordinance 14-09(A)**, 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 and On a Lot That Is Over One Acre Not Serviced by City Water and Sewer Services. City Manager/Planning. (Referred to the Planning Commission on February 24, 2014.) *Page 95*

Memorandum 14-068 from City Planner as backup. *Page 99*
4. **CONSENT AGENDA**
5. **REGULAR MEETING AGENDA**
6. **COMMENTS OF THE AUDIENCE**
7. **ADJOURNMENT NO LATER THAN 5:30 P.M.**
Next Regular Meeting is Monday, April 28, 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 COUNCIL
COWLES COUNCIL CHAMBERS
491 E. PIONEER AVENUE
HOMER, ALASKA
www.cityofhomer-ak.gov



**SPECIAL MEETING
5:30 P.M. MONDAY
APRIL 14, 2014**

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

SPECIAL MEETING AGENDA

1. **CALL TO ORDER, 5:30 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
3. **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**
4. **NEW BUSINESS**
 - A. **Memorandum 14-070**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint No. 2014-01.) **Page 15**
5. **ADJOURNMENT NO LATER THAN 5:55 P.M.**

Next Regular Meeting is Monday, April 28, 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 14-070

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: APRIL 9, 2014

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(C)(3),
MATTERS, WHICH BY LAW, MUNICIPAL CHARTER, OR ORDINANCES ARE
REQUIRED TO BE CONFIDENTIAL. (ETHICS COMPLAINT NO. 2014-01.)

Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

Acting City Manager Johnson has requested an Executive Session regarding "Ethics Case No. 2014-01" for the Special Meeting of April 14, 2014. This has been publicly and internally noticed since that time.

City Attorney Klinkner will be present.

RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Conference Room.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
APRIL 14, 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

REGULAR MEETING AGENDA

Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Special Meeting 5:30 p.m.
in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of March 24, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-065**, from Mayor, Re: Appointment of Shelly Erickson to the Planning Commission.

- C. **Resolution 14-046**, A Resolution of the City Council of Homer, Alaska, Amending Chapter 2, Section 2.2(A) of the City of Homer Property Management Policy and Procedures (Lease Policy) Regarding Committee Membership. Mayor and City Council. Recommend adoption. **Page 53**

Memorandum 14-066 from City Manager as backup. **Page 55**

- D. **Resolution 14-047**, A Resolution of the Homer City Council Awarding the Contract for Two Public Works Vehicles to the Firm of Kendall Ford of Wasilla, Alaska, in the Amount of \$51,466.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

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Memorandum 14-067 from Project Manager as backup. **Page 59**

- E. **Memorandum 14-069**, from City Clerk, re: Correction of Account Number on Ordinance 13-39. **Page 61**

6. VISITORS

- A. Lolita Brache and Lisa "Red" Asselin, Best Beginnings Homer, 10 minutes.

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7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Proclamation - Week of the Young Child April 20 – 27, 2014 **Page 75**

- B. Mayor's Proclamation – National Library Week April 13-19, 2014 **Page 77**

- C. Mayor's Recognition - Homer Glacier Kings Pee Wee Hockey Team State Champions **Page 79**

- D. Mayor's Recognition – Homer Glacier Kings Squirt C Hockey Team State Champions **Page 81**

- E. Citizens Academy Certification Ceremony

- F. Mayor's Report – Spring Representation **Page 83**

- G. Borough Report

- H. 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 14-09(A)**, 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 and On a Lot That Is Over One Acre Not Serviced by City Water and Sewer Services. City Manager/Planning. (Referred to the Planning Commission on February 24, 2014.) *Page 93*

Memorandum 14-068 from City Planner as backup. *Page 99*

- B. **Ordinance 14-14**, An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Five-Year Time Limitation for Filing a Complaint of a Violation of the City Ethics Code. City Clerk. Introduction March 24, 2014, Public Hearings April 14 & 28, 2014 and Second Reading April 28, 2014. *Page 117*

Memorandum 14-046 from City Clerk as backup. *Page 123*

Ordinance 14-14(S), An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Limitation Period for Filing a Complaint of a Violation of the City Ethics Code of Five-Years or One Year After Discovery of the Violation. City Clerk. *Page 121*

- C. **Ordinance 14-15**, An Ordinance of the Homer City Council, Repealing HCC 4.45.010, Election Recount, and Enacting HCC Chapter 4.45, Election Recount; Regarding the Procedure for Recounts in City Elections. City Clerk. Introduction March 24, 2014, Public Hearing and Second Reading April 14, 2014. *Page 125*

Memorandum 14-047 from City Clerk as backup.

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- D. **Ordinance 14-16**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$31,000 From the General Fund-Fund Balance for Marketing and Showcasing Homer as a Great Place to Live, Work, and Play in the Next Edition of the *Alaska: North to the Future Volume V* Book. Mayor/Council. Introduction March 24, 2014, Public Hearing and Second Reading April 14, 2014.

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9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

- A. City Manager's Report

Page 143

- B. Bid Report

Page 147

11. CITY ATTORNEY REPORT

- A. City Attorney Report – March 2014

Page 151

12. COMMITTEE REPORT

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

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

16. COMMENTS OF THE AUDIENCE

- 17. COMMENTS OF THE CITY ATTORNEY**
- 18. COMMENTS OF THE CITY CLERK**
- 19. COMMENTS OF THE CITY MANAGER**
- 20. COMMENTS OF THE MAYOR**
- 21. COMMENTS OF THE CITY COUNCIL**
- 22. ADJOURNMENT**

Next Regular Meeting is Monday, April 28, 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.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 14-08 a Regular Meeting of the Homer City Council was called to order on March 24, 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, HOWARD, LEWIS, ROBERTS, VAN DYKE, ZAK (telephonic) |
| | STAFF: | CITY MANAGER WREDE CITY CLERK JOHNSON FINANCE DIRECTOR LI IT MANAGER POOLOS PORT AND HARBOR DIRECTOR HAWKINS PROJECT MANAGER NELSEN PUBLIC WORKS DIRECTOR MEYER |

Councilmember Zak has requested telephonic participation.

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

BURGESS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met in a Worksession from 4:00 p.m. to 4:47 p.m. to discuss a Report from Public Works Re: Estimated Costs, Financing Options, Policy Considerations, and Feasibility of Constructing a "Loop" Water and Sewer Connection that Extends Up West Hill Road, Across Skyline Drive, and Down East Hill Road (Resolution 14-010). From 5:00 p.m. to 5:09 p.m. Council met as a Committee of the Whole to review the Consent and Regular Meeting Agendas.

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 agenda changes were made:

CONSENT AGENDA - **Memorandum 14-063**, from Lease Committee: Re: Recommendation for a Lease on Lot 13B for Snug Harbor Seafoods. (Backup to Resolution 14-043); **Memorandum 14-064**, from Lease Committee: RE: Recommendation for a Lease Assignment

on Lot 32 for Happy Face Restaurant. (Backup to Resolution 14-044).
ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS -
Lobbyist Report, March 20, 2014.

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

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Michele Miller, city resident and Public Arts Committee Member, commented she is available for questions on Resolution 14-023.

Bumppo Bremicker, city resident, commented on Resolution 14-023. He thinks the statue is a good idea, although Brother Asaiah would say to figure it out on your own.

Jim Lavrakas, Executive Director of the Homer Chamber of Commerce, expressed approval of Ordinance 14-16. The appropriation for the publication is a reasonable amount of money over four years. He urged Council to check with other cities on the idea.

Larry Slone, city resident, commented on Resolution 14-023. No one has done as much as Brother Asaiah has to develop a sense of community spirit. That spirit is what brings people here, along with the beauty of Kachemak Bay and the people here.

Steve Zimmerman, city resident, Port and Harbor Advisory Commissioner, and Lease Committee Member, commented on Resolution 14-043. The Lease Committee met last Friday and made recommendations for the Snug Harbor lease to include: fair market value for the lease, amendments to seafood buying, and deadlines for required improvements. He urged Council to review the lease before approving it. He questioned the point of not having a Lease Committee when leases do not go before the Port and Harbor Advisory Commission.

Kevin Hogan, city resident, commented on Resolution 14-043 and the Lease Committee. He suggested giving the committee full information and let them do their job without any side deals and under the table leases. It is wrong to eliminate the Lease Committee and let Administration handle it; public assets need public oversight. Additionally, Ordinance 14-14 is very disturbing as it does not protect the citizens' interests of someone in violation of the ethics statute. No statute of limitations is needed for someone that may have used city resources or funds fraudulently.

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 Special and Regular meeting minutes of March 10, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-044**, from Mayor, Re: Reappointment of Matt Strobel and Phil Gordon to the Library Advisory Board and Ian Pitzman to the Vessel Haul-Out Task Force.
- C. **Memorandum 14-045**, from Deputy City Clerk Re: Liquor License Renewals for Starvin Marvin's, Save-U-More Liquor, Homer Brewing Company, Inc., and Restaurant Designation for AJ's Oldtown Steakhouse.
- D. **Ordinance 14-14**, An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Five-Year Time Limitation for Filing a Complaint of a Violation of the City Ethics Code. City Clerk. Recommended dates: Introduction March 24, 2014, Public Hearing and Second Reading April 14, 2014.

Memorandum 14-046 from City Clerk as backup.

Moved to Ordinances.

- E. **Ordinance 14-15**, An Ordinance of the Homer City Council, Repealing HCC 4.45.010, Election Recount, and Enacting HCC Chapter 4.45, Election Recount; Regarding the Procedure for Recounts in City Elections. City Clerk. Recommended dates: Introduction March 24, 2014, Public Hearing and Second Reading April 14, 2014.

Memorandum 14-047 from City Clerk as backup.

- F. **Ordinance 14-16**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$31,000 From the General Fund-Fund Balance for Marketing and Showcasing Homer as a Great Place to Live, Work, and Play in the Next Edition of the *Alaska: North to the Future Volume V* Book. Mayor/Council. Recommended dates: Introduction March 24, 2014, Public Hearing and Second Reading April 14, 2014.

- G. **Resolution 14-039**, 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. City Manager/Planning. Recommend adoption.

Memorandum 14-051 from City Clerk as backup.

- H. **Resolution 14-040**, A Resolution of the Homer City Council Disbanding the Transportation Advisory Committee and Assigning Road and Trail Standards to the Homer Advisory Planning Commission. City Manager. Recommend adoption.

Memorandum 14-057 from Deputy City Clerk as backup.

- I. **Resolution 14-041**, A Resolution of the Homer City Council Approving the City of Homer 2014 Land Allocation Plan. City Manager/City Council. Recommend adoption.

Memorandums 14-037 and 14-050 from Deputy City Planner as backup.

- J. **Resolution 14-042**, A Resolution of the Homer City Council Awarding the Contract for the Purchase of a Ford Explorer Police Vehicle to the Firm of Kendall Ford Wasilla of Wasilla, Alaska, in the Amount of \$25,845.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommend adoption.

Memorandum 14-059 from Police Chief as backup.

- K. **Resolution 14-043**, A Resolution of the City Council of Homer, Alaska, Approving a Twenty-Year Lease, With Two Five-Year Options, for Snug Harbor Seafoods on Lot 13B, Port Industrial Subdivision Number 2, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 14-060 from City Manager as backup.

Memorandum 14-063 from Lease Committee as backup.

Moved to Resolutions.

- L. **Resolution 14-044**, A Resolution of the City Council of Homer, Alaska, Approving the Assignment of the Happy Face Land Lease, Lot 32, Homer Spit Amended, to Yong Kim dba Lee and Kim LLC, Extending the Term of the Lease to Twenty Years, With Two Five-Year Options, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 14-061 from City Manager as backup.

Memorandum 14-064 from Lease Committee as backup.

- M. **Resolution 14-045,** A Resolution of the Homer City Council Awarding the Contract for the Homer Fire Station #2 Skyline Drive to the Firm of Steiner's North Star Construction, Inc. of Homer, Alaska, in the Amount of \$510,800.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandums 14-039 and 14-062 from Project Manager as backup.

Ordinance 14-14 was moved to Ordinances A. (Burgess)

Resolution 14-043 was moved to Resolutions A. (Burgess)

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

LEWIS/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission

Lindianne Sarno, Economic Development Advisory Commissioner, began a report on her three years on the commission. Mayor Wythe asked if her report was the commission's report rather than her own. Ms. Sarno repeatedly stated it was her final report after serving three years on

the commission. Mayor Wythe instructed Ms. Sarno to provide her own comments in writing or speak at the end of the meeting when comments from the audience are allowed.

4. Parks and Recreation Advisory Commission

Matt Steffy, Chair of the Parks and Recreation Advisory Commission, welcomed Peter Roedl, the newest member. They now have a full commission with the exception of a student representative. A high school person is interested in applying for the vacant seat. Community Recreation Coordinator Mike Illg will be speaking at the Citizens Academy this week with a presentation on community recreation. The spring and summer recreation program is out and is available at various locations throughout town or online. Today was the first PARC (Parks, Arts, Recreation and Culture) committee meeting to review the RFP (Request for Proposals). They will have two meetings before finalizing it. They hope to have the RFP out by the end of the week with a contract award by the end of May. They are anticipating completion of the survey by the end of April 2015. Spring cleaning events include cleanup on the Poopdeck Trail April 12 and Karen Hornaday Park cleanup on May 3. The commission has a Worksession on April 3 to discuss the Karen Hornaday Park Master Plan and Phase II of the Land and Water Conservation Fund. The next regular meeting will be April 17.

5. Port and Harbor Advisory Commission

Steve Zimmerman, Port and Harbor Advisory Commissioner, reported their next meeting is Wednesday, March 26. He suspects the commission would like to review the Snug Harbor lease.

C. Lobbyist Report, March 20, 2014

PUBLIC HEARING(S)

- A. **Ordinance 14-12**, An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$15,000 From the Fire Depreciation Reserve and \$83,000 From the General Fund – Fund Balance for the Homer Fire Station #2 Skyline Drive Project. City Manager/Public Works Director. Introduction March 10, 2014, Public Hearing and Second Reading March 24, 2014.

Ordinance 14-12(S), An Ordinance Of The City Council Of Homer, Alaska, Amending The 2014 Operating Budget By Appropriating ~~\$15,000 From The Fire Depreciation Reserve And \$83,000~~ **\$98,000** From The General Fund – Fund Balance For The Homer Fire Station #2 Skyline Drive Project. City Manager/Public Works Director.

Memorandum 14-039 from Public Works Director as backup.

Mayor Wythe opened the public hearing.

Doug Stark, city resident, commented that citizens were promised fire protection when the annexation took place. He urged Council to pass the ordinance. He plans to sign up as a permanent volunteer fire fighter.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion to substitute ordinance 14-12(S) for Ordinance 14-12.

BURGESS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion for the adoption of Ordinance 14-12(S) by reading of title only for second and final reading.

LEWIS/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 14-13**, An Ordinance of the City Council of Homer, Alaska, Authorizing the City Administration to Accept Donations for the Parks, Arts, Recreation and Culture Needs Assessment, Directing That a Separate Account Be Established to Manage and Track Donations, and Approving the Expenditure of Those Funds for the Purpose of Conducting a Parks, Arts, Recreation and Culture Needs Assessment. City Manager/Finance Director. Introduction March 10, 2014, Public Hearing and Second Reading March 24, 2014.

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

Mayor Wythe called for a motion for the adoption of Ordinance 12-13 by reading of title only for second and final reading.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 14-14**, An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Five-Year Time Limitation for Filing a Complaint of a Violation of the City Ethics Code. City Clerk. Recommended dates: Introduction March 24, 2014, Public Hearing and Second Reading April 14, 2014.

Memorandum 14-046 from City Clerk as backup.

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

LEWIS/ROBERTS - SO MOVED.

Councilmember Burgess reflected on the discussion at the Committee of the Whole. He appreciates Mr. Hogan's comments, yet understands the rationale for a time limit. It is the public's right to make some sort of amends if new information comes to light. There needs to be an avenue for recourse. He asked staff to contact the attorney to request language to address new information that may come to light after the statute of limitations expires.

Councilmember Roberts clarified the ethics code only affects elected city officials and the city manager. She appreciates hearing Mr. Hogan's concerns. Most of the elected officials have no access to taking money. The consequences in the ethics code for a violation are not really as effective once a person has left office. If someone was criminally negligent she would hope the City would go after them in criminal court.

Councilmembers Lewis and Van Dyke indicated there is a need for a time limit since most crimes need a time limit. You could rob a bank and be done with that if you elude for seven years. The only crime that doesn't have a statute of limitations is murder.

BURGESS/LEWIS - MOVED TO SEND BACK TO THE CLERK PENDING ATTORNEY REVIEW TO EXPLORE AVENUES OF WHERE NEW EVIDENCE MAY COME TO LIGHT BEYOND THE STATUTE OF LIMITATIONS.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Parks and Recreation Needs Assessment: The Parks and Recreation Commission will hold a special meeting on Thursday, March 20 to discuss the Needs Assessment. The Commission has been briefed on this project before but this meeting is significant because it will be the first public meeting and hearing focused mainly on the needs assessment. The focus will be on the mission statement and the goals for the research project. This is the first big chance for the public to weigh in. On March 24, the PARC Committee will meet to finalize the draft RFP in anticipation of it going out at the end of the month.
2. Citizens Academy: We are now moving into session 5 on Thursday the 20th. The focus of this session will be the Police and Fire Departments. Presentations will start at City Hall and then tours will be given for the two facilities. Last week's session at Public Works seemed to be well received. The participants seemed particularly interested in the Sewer Treatment Plant, and we spent a lot of time there.
3. Kachemak Bay Research Reserve Funding Threatened: Work continues in the attempt to get state funding restored, at least for the next year so that a new State partner can be identified. An effort to restore the money to the Senate Operating Budget appeared to be successful at the time this was written. Senator Micciche, Senator Stevens and Representative Seaton are working hard to get the funding restored. The City is providing staff and lobbying support where appropriate. Some of the information provided is attached.
4. Intergovernmental Agreement with Kachemak City. Attached is a letter from Kachemak City regarding sewer rates for your information. At the time this report was written, I had not yet responded. My intent is to send a letter confirming that we have accepted partial payment, a statement of the balance owed, and the amount of interest that will be applied to the unpaid balance.
5. Bay Welding / Overhead Power Lines / Kachemak Drive and East End Road Area. Attached is a letter from Bay Welding Services which is signed and endorsed by 13 businesses which are located and do business in the general area of the Northern Enterprises Boat Yard. Overhead power lines in the area are restricting business operations and potential growth, expansion, and diversification. The businesses cannot afford to pay the entire cost of putting the lines underground themselves. HEA has policies and tariffs it needs to follow and it cannot simply absorb this cost and pass it on to ratepayers. Bay Welding is looking for some sort of compromise solution and because this could have significant economic development implications, is asking the City for assistance. Please let me know how and if you would like the City to proceed.
6. HERC Building: At the last meeting we discussed the land allocation plan. During that discussion, one of the things that came up was whether we could put out an RFP to

lease the HERC Building. I could not remember, and my notes were not clear, whether this was just a general discussion, or whether the Council as a body wanted us to do that. I think the discussion was during the workshop and I do remember some talk about bringing a resolution authorizing an RFP to this meeting or attaching words to that effect to the land allocation plan approval resolution which is before you. If Council wishes to do this, I hope we can have some discussion first. It seems like we are moving on too many tracks all at once when it comes to the HERC building. I would suggest that we wait at least until the Public Safety Building site selection process is complete before we RFP again. A long term lease where the lessee makes significant improvements to the building is inconsistent with using the site for a public safety building. Short term leases for uses that pass Fire Marshall muster could work if that is what the Council had in mind.

7. Employee Health Insurance: You will recall that we discussed bringing the employee health insurance issue back to you at around mid-year. The idea was to address the issue before we started budget preparation in the fall. Right now, we are targeting the first meeting in August or a special meeting / workshop on an off-Monday (preferable). This would be a workshop forum. Jeff Paxton, our broker would be present for a presentation. The idea would be to present the data we have for the first 8 months of the new plan to look at impacts on costs and employee utilization. We would also present you with the bids we have received from private sector insurance companies. The goal would be for Council to be able to make an informed decision going forward re: staying self-insured vs. the private sector. Starting the process this early will help with budget preparation, will give us time to make all of the necessary transfers, and give employees adequate notice.
8. PERS: As you know, the Governor has proposed transferring \$3 billion into the PERS account to reduce the unfunded liability, reduce future payments, and improve the state's credit rating. The Council has passed a resolution in support of this. The Legislature is currently discussing this proposal. One proposal that is being discussed is raising the municipal contribution from 22% to 24% in exchange for transferring the \$ 3 Billion. This idea is being opposed by AML and the Muni's. If this proposal were to be implemented, it would cost the City an additional \$114,000 per year. Not good.
9. Kachemak Drive: Enstar is having difficulty obtaining the easements it needs to construct the proposed gasline along Kachemak Drive. Some property owners say they will only grant easements if the line is bored in front of their property (expensive). Some are just flat refusing to grant an easement. At last report, they had about 75% of the easements they needed but the remainder parcels are difficult. If this issue is not resolved in a timely manner, it could mean that some or all of Kachemak Drive might not receive gas as part of this assessment district. Kachemak Drive is part of Phase II and it will be one of the most expensive sections in the City. Putting this line in now as part of the assessment district is a real bargain and it will be tough to explain to the property owners who want it that they might not get it because a handful of their neighbors are not inclined to be cooperative. The project is due to wrap up in late August. Pushing the Kachemak Drive work off to year 3 is not a viable option for a variety of reasons including cost, contractual obligations, and loan agreements with the Borough.

10. Washington DC Trip: The City of Homer prevailed in the Auction Block v. City of Homer case as was previously reported. Auction Block has decided to appeal that decision. A hearing for oral argument has been scheduled before the Federal Maritime Commission on April 3, in Washington DC. City Attorney Holly Wells has requested that I be present for the hearing. While there, I will also take the opportunity to visit with the Congressional Delegation to discuss capital projects and federal issues of concern to the Homer City Council. I will take some personal leave while on the East Coast, in part to attend a memorial service, and will be back in the office on April 16. I will miss the April 14 Council meeting.

City Manager Wrede reported on Item #5 Bay Welding/Overhead Power Lines/Kachemak Drive and East End Road Area within his report. Bay Welding is asking if the City would help them with costs of taking down the overhead power lines. It was suggested that a compromise be explored with Homer Electric Association.

Enstar is having difficulty getting easements on Kachemak Drive for the gas line. Some folks want their property bored and others are flat opposed to the line going in. They are missing 13 easements at this time. Many of those are folks Enstar has not been able to get ahold of. City Manager Wrede encouraged Council to contact the absent property owners if they know someone. The gas line could potentially wind up with the same situation as water and sewer; gas on each end without any service in the middle of the road. There are no utility easements on Kachemak Drive and it is difficult to purchase them if the price is too high or people don't want to sell. We hope to get the word out to those who are away. The gas line is being constructed on the bay side of Kachemak Drive.

CITY ATTORNEY REPORT

COMMITTEE REPORT

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

Public Works Director Meyer and Project Manager Nelsen reported on the 65% build-out plans for the new port and harbor building. We have moved through the 65% design review; at the task force's last meeting they approved moving to 95% design. The Project Manager has made and continues to proactively manage the project to keep it within budget. If we stay on

schedule and on budget we can expect to break ground in the summer with a grand-opening in the spring.

PENDING BUSINESS

- A. **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. (Referred to Public Arts Committee on January 27, 2014 for a public hearing.)

Memorandums 14-016 and 14-048 from Public Arts Committee as backup.

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

Memorandum 14-058 from Library Advisory Board as backup.

Motion on the floor from January 27: MOTION FOR THE ADOPTION OF RESOLUTION 14-023 BY READING OF TITLE ONLY.

The donor has withdrawn the offer to donate the bronze statue of Brother Asaiah.

VOTE: NO. LEWIS, BURGESS, ROBERTS, HOWARD, ZAK, VAN DYKE

Motion failed.

NEW BUSINESS

- A. **Memorandum 14-056** from City Clerk, Re: Reducing Commission, Board, and Committee Meetings.

Memorandum 14-049 from Library Advisory Board as backup.

Memorandum 14-052 from Public Arts Committee as backup.

Memorandum 14-053 from Economic Development Advisory Commission as backup.

Memorandum 14-054 from Port and Harbor Advisory Commission as backup.

Memorandum 14-055 from Parks and Recreation Advisory Commission as backup.

Mayor Wythe called for a motion to discuss Memorandum 14-056.

BURGESS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Council reviewed the proposed amendments to the commission and committee meeting schedules and determined they were all reasonable. A resolution to amend the make-up of the Lease Committee will be on the April 14th agenda. The Library Advisory Board and Parks and Recreation Advisory Commission require bylaws amendments to change their meeting schedule. They will be discussed before the Board and Commission before returning to Council for approval.

RESOLUTIONS

- A. **Resolution 14-043**, A Resolution of the City Council of Homer, Alaska, Approving a Twenty-Year Lease, With Two Five-Year Options, for Snug Harbor Seafoods on Lot 13B, Port Industrial Subdivision Number 2, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 14-060 from City Manager as backup.

Memorandum 14-063 from Lease Committee as backup.

Mayor Wythe called for a motion to adopt the recommendations of Resolution 14-043.

LEWIS/BURGESS - SO MOVED.

City Manager Wrede noted Steve Zimmerman is correct at some of the things he pointed out. Those provisions are in Memorandum 14-063 from the Lease Committee. The lease rate will be changed to the appraised value and language about sport fish will be changed. An ADF&G person showed up at the committee meeting to question buying and selling sport fish. Snug Harbor will do something similar to what Coal Point does with fish processing. Benchmarks will be added so that building construction will start by the fall of this year and be completed within two years. Snug Harbor is not proposing to do any commercial fish processing at this time so an outfall line agreement will not be required.

HOWARD/BURGESS - MOVED TO SEND THIS BACK TO THE CITY MANAGER TO DO WHAT HE SAID HE WILL DO AND BRING IT BACK TO US IN MAY TO ALLOW THE COMPLETED DOCUMENT TO BE ON THE AGENDA FOR THE PORT AND HARBOR ADVISORY COMMISSION TO REVIEW IN APRIL.

City Manager Wrede noted although it is not ideal to postpone the lease, it is fine.

Council discussed the Port and Harbor Advisory Commission meeting dates to review the lease.

City Manager Wrede advised it is important to get something done since Snug Harbor has been on a month to month basis for three years. We usually brief the Port and Harbor Advisory Commission on leases, although they have never reviewed lease documents. This would be a first for the commission. It adds more bureaucratic hoops and that is why the Lease Committee was doing that. Council was assured that all concerns expressed will be addressed in the lease. The lessee is already aware of the amendments.

HOWARD/BURGESS – MOVED TO WITHDRAW THE AMENDMENT.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a recess at 7:08 p.m. and reconvened the meeting at 7:11 p.m.

ROBERTS/LEWIS – MOVED TO ADD TO THIS RESOLUTION ON LINE 56: "BE IT FURTHER RESOLVED THAT THE RECOMMENDATIONS OF THE LEASE COMMITTEE REGARDING, APPRAISALS, BENCHMARKS, AND SPORT FISH WILL BE ADDRESSED IN THE FINAL VERSION OF THE LEASE."

There was no further discussion.

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

Motion carried.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Larry Slone, city resident, commented on Resolution 14-043 and the importance of an independent review. If we are doing away with the Lease Committee it is important to have another set of eyes looking at it.

Scott Simmons, Homer resident, made a request for Public Works to sweep the streets before the first tourist arrives. He commented on an ambulance bill he recently received for a ride for

his daughter in 2013. His insurance company did not pay it. The City billed for advanced life support emergency instead of a basic life support ride. The City has since corrected it, but he expressed concern that this may happen often.

Jim Lavrakas, Executive Director of the Homer Chamber of Commerce, thanked the Mayor and City Manager for coming to the luncheon last week at the Alibi and speaking on the state of the city and plans for this year. He commented on the successful Winter King Tournament, the best tournament in last the last 21 years. There were 906 anglers, 270 boats, with 202 fish caught. More than \$130,000 in cash was awarded to winners of side bets and the top ten fish. Next week the webcam will be operating on the Chamber's website. Spit Spots placed the webcam free of charge on the Harbor Grill overlooking Ramp 3. He urged folks to go to kachemakshorebird.org to sign up for the Shorebird Festival. The Chamber will be at the sportsman show in Anchorage this week.

Ken Landfield, city resident, commented on Resolution 14-023. It was important there was a community conversation on the subject prior to the statue being created. He was surprised at the comments that surfaced at the Public Arts Committee. Mr. Landfield commented on the excellent classes offered at the Citizens Academy and thanked Council for making it possible. A new source of revenue for the City could be extending the \$500 cap on sales tax.

Councilmember Burgess responded he looked into an increased sales tax cap. The City of Seward tried to increase theirs. Since the Kenai Peninsula Borough collects sales tax for all the municipalities they told the City of Seward they would charge them \$48,000 to \$50,000 to increase the limit since it would cost the Borough money to modify their software. If more cities were involved the Borough's fee may be lower.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede will look into the discrepancy of the ambulance billing. He is pretty sure it is a mistake. He assured the public we are not systematically overcharging insurance companies. At the last Port and Harbor Advisory Commission meeting the commission expressed concerns about leases. He plans to attend the next commission meeting to address the issues, many of them have to do with enforcement of violations of the zoning code.

COMMENTS OF THE MAYOR

Mayor Wythe commented on the acceptance of the bust of Brother Asaiah, noting it was the second time in three years a request for a memorial placement was made. She requested some type of regulation to accept or not accept memorials. At the next meeting a Worksession has been scheduled to provide an update on the water and sewer loop and the potential for Lillian Walli subdivision property to open for small development in water and sewer. Public Works may be getting the sweeping equipment ready to address the dust issue. She thanked the Homer Chamber of Commerce for inviting her and City Manager Wrede to their meeting to provide the "State of the City" address. She outlined all the fun things the City is doing while Walt talked about the finances. The Alibi provided a great meal. She learned they are trying to develop a family community place there.

COMMENTS OF THE CITY COUNCIL

Councilmember Van Dyke expressed disappointment in the Mayor's decision not to allow the ex-commissioner to speak. It is Council's duty and responsibility to hear from all the people of the community. He was more disappointed Ms. Sarno left the meeting and did not address Council at the proper time. He thanked everyone that stayed and gave input.

Councilmember Zak had no comment.

Councilmember Roberts thanked Lindianne Sarno for three years of service on the EDC. Our Mayor's job is to run the meeting and she must make difficult decisions sometimes. The Mayor did nothing purposeful as she encouraged Ms. Sarno to stay to the end of the meeting to speak to Council. That is the appropriate time to give a personal comment. She is sorry that Ms. Sarno did not remain as she suspects we would be interested to hear what she had to say.

Councilmember Burgess echoed the sentiments of Gus and Francie. He thanked Lindianne for her three years of service on the EDC. There is a functional and motivated Council now who is trying to get things done. Tonight Skyline Fire Station was approved, something we have been working on since annexation. Natural gas is going in the streets. Public Works has lots of projects to support quality of life in town. The resolutions and ordinances that we pulled this evening as a result of public comments show that we are listening to the people. When you come to this Council you will be heard. The Mayor made the right call in asking that the comments be made at the appropriate time. He likes the idea of maintaining the Lease Committee. It has a minimal amount of oversight and the sets of public eyes bring things to the table that are valuable. On the health insurance and ambulance issue you try to tackle it different ways; so long as 30% of healthcare dollars go to support health care insurance billing you are going to have issues. The more middlemen there are, the more cuts. He appreciated the dialogue on the Brother Asaiah statue. Lots of people rejoiced to him that they got to come out and talk about the February issue. He looks forward to the next February issue.

Councilmember Lewis echoed the comments of Beau, Francie, and Gus. The past couple of weeks two of Homer's tier two hockey teams, the Squirts and PeeWees won State. The ice rink

is in financial trouble. We can win State because we have real ice and it keeps the money here. We need to come up with a way to keep the rink open and it is not going to be easy.

Councilmember Howard thanked the port and harbor for the work they did for the derby. She did not hear the Chamber make one announcement that the City waived the harbor fees of \$2,500 to \$3,000 and provided police, harbor, and fire assistance. She would have appreciated a thank you from the organizers.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:34 p.m. The next Regular Meeting is Monday, April 14, 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 14-065

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHER, MAYOR
DATE: APRIL 8, 2014
SUBJECT: APPOINTMENT OF SHELLY ERICKSON TO THE PLANNING COMMISSION

Shelly Erickson is appointed to the Planning Commission to replace the seat vacated by Jennifer Sonneborn. Her term will expire July 1, 2016.

RECOMMENDATION:

Confirm the appointment of Shelly Erickson to the Advisory Planning Commission.

Fiscal Note: N/A



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

APR 02 2014 PM 01:43 *RK*
CITY CLERK'S OFFICE
CITY OF HOMER
491 E. Pioneer Avenue
Homer, AK 99603
PH. 907-235-3130
FAX 907-235-3143

Received by the 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: Shelly Erickson Date: 4-2-14
Physical Address: 4453 E Hill Road
Mailing Address: PO Box 3695
Phone Number: 235-6200 Cell #: 392 4700 Work #: 235-1386
Email Address: Shellyhro31@gmail.com

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 other that you are interested in serving on by marking with and X or a V

| | | |
|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | ADVISORY PLANNING COMMISSION | 1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM |
| <input type="checkbox"/> | ECONOMIC DEVELOPMENT ADVISORY COMMISSION | 2 ND TUESDAY OF THE MONTH AT 6:00 P.M. |
| <input type="checkbox"/> | PARKS & RECREATION ADVISORY COMMISSION | 3 RD THURSDAY OF THE MONTH AT 5:30 P.M. |
| <input type="checkbox"/> | PORT & HARBOR ADVISORY COMMISSION | 4 TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY - SEPTEMBER 6:00 PM |
| <input type="checkbox"/> | PERMANENT FUND COMMITTEE | 2 ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER |
| <input type="checkbox"/> | PUBLIC ARTS COMMITTEE | 2 ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER |
| <input type="checkbox"/> | LIBRARY ADVISORY BOARD | 1 ST TUESDAY OF THE MONTH AT 5:00 P.M. |
| <input type="checkbox"/> | CITY COUNCIL | 2 ND AND 4 TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M. |
| <input type="checkbox"/> | OTHER - PLEASE DESIGNATE | |

I have been a resident of the city for 1959 yrs 0 mos. I have been a resident of the area for 0 yrs 0 mos.

I am presently employed at Home Run Oil

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

was on the Commission but had to get off for personal & business reasons.

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long:

EDC, Lease Committee & planning

Why are you interested in serving on the indicated commission, committee, board or task force?

because we care about our town

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

No

Please answer the following if you are applying for the Advisory Planning Commission:

Have you ever developed real property, other than your personal residence, if so briefly describe?

yes - years ago

Please answer the following if you are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

Commercial

Recreational

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

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor/Council

4 RESOLUTION 14-046

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING CHAPTER 2, SECTION 2.2(A) OF THE CITY OF
8 HOMER PROPERTY MANAGEMENT POLICY AND
9 PROCEDURES (LEASE POLICY) REGARDING COMMITTEE
10 MEMBERSHIP.

11
12 WHEREAS, The City Council has been reviewing all City Boards, Commissions,
13 Committees, and Task Forces to look for ways to reduce expenditures, redundancy, and
14 overlapping responsibilities; and

15
16 WHEREAS, The Lease Committee can be eliminated in its present form because other
17 existing Commissions can advise the Council on Lease Policies and lease proposal evaluation,
18 negotiation, and administration is more appropriately handled by the City Administration,
19 consistent with the City Code; and

20
21 WHEREAS, It is recommended that the membership of the Lease Committee be
22 changed back to its previous form by eliminating public members and making it an
23 Administrative Committee; and

24
25 WHEREAS, The reasons for abolishing the Lease Committee in its current form have
26 been summarized in Memorandum 14-066; a copy of which is attached and incorporated
27 herein.

28
29 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby finds that it
30 is in the City's interest to change the membership of the Lease Committee by eliminating
31 public membership and returning the Committee to an Administrative Committee.

32
33 BE IT FURTHER RESOLVED that Chapter 2, Section 2.2(A) is deleted in its entirety and
34 replaced with:

35
36 (A) The City Manager shall establish a Lease Committee that will at a minimum,
37 consist of the Finance Director, the City Planner, and the Port and Harbor
38 Director. The Lease Committee may consult with other department heads such

as the Fire Chief, Police Chief and Public Works Director, the City Attorney, or
outside professionals as needed and appropriate.

PASSED AND ADOPTED by the Homer City Council this 14th day of April, 2014.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-o66

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE March 29, 2014

SUBJECT: Lease Committee

The City Council has been discussing ways to reduce expenditures, redundancy, and overlapping jurisdictions by eliminating some committees and lowering the number of meetings for others. The staff currently spends a very significant amount of time providing support to the various Boards, Commissions, Committees and Task Forces and this can make them less productive with respect to their regular duties. The City budget cannot accommodate additional staff members so it is wise to maximize the time of the current staff. As one organizational policy expert put it, if your goal is inefficiency, gridlock, and employee burnout then appoint lots of committees!

The Lease Committee is one of the Committees under consideration for elimination; at least in its present form. I have been asked to summarize the reasons given for eliminating this Committee as it is presently structured.

- Redundancy: This committee is one of several that has been charged with reviewing the adopted Lease Policies and making recommendations to the Council. The Economic Development Commission and the Port and Harbor Commission have both undergone extensive reviews of the policies. This creates unnecessary confusion. One of the standing Commissions can handle review and recommendations regarding the Lease Policies.
- Efficiency: Business people and prospective lessees often complain about how long it takes to get anything done with the City. Streamlining the permitting and leasing process is in line with the "Open for Business" approach espoused by the Council. Lease applications can be reviewed, evaluated, and presented to the Council by the Administration. That is the way it used to be. This would save many weeks and is more consistent with the Administration's fiduciary duties under the Code.
- Legal Concerns: The City Attorney has expressed concern about having public members on a Lease Committee that reviews, evaluates, and participates in the lease negotiation strategy process. This is the fiduciary responsibility of the City Manager

under the Code. According to the City Attorney, inclusion of public members on the Lease Committee is problematic because of the Committee's role as advisor to the City Manager in the evaluation of lease proposals and the negotiation of lease terms with prospective lessees. In performing these functions, Lease Committee members may become privy to confidential information regarding the business plans, finances and operations of prospective lessees, and the City's strategy in negotiating with prospective lessees. The likeliest candidates to be public members of the Lease Committee are persons who may have business interests in competition with prospective lessees, or may themselves hold leases of City property in the harbor area, resulting in inherent conflicts of interest, the potential for misuse of confidential information, and opportunities to engage in various forms of anticompetitive behavior. Even if this conduct occurs without the City's knowledge or consent, the role of the actor as a Lease Committee member could expose the City to potential liability for that conduct. Another concern is that the Lease Committee, in its present form, may be subject to things like the Open Meetings Act and Ex-Parte Contact. It is impossible for the Staff members of the Committee to comply with those laws because of their other duties in the process, including frequent contact with the applicant and collaboration on evaluating proposals and lease administration generally. In other words, staff members talk to each other regularly and are privy to information that the other members of the Committee are not. Having the Lease Committee return to an Administration function eliminates that concern.

RECOMMENDATION:

Change the Lease Committee membership by eliminating public members and including only members of the Administration. The revised Lease Committee would have sole responsibility for evaluating lease proposals, negotiating terms, and making recommendations to the Council. The Council could request advice from another standing Commission, like the Port and Harbor Commission, on the Lease Policies, if it thought that to be appropriate.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 RESOLUTION 14-047

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDDING
8 THE CONTRACT FOR TWO FORD F-150 PICKUP TRUCKS FOR
9 PUBLIC WORKS TO THE FIRM OF KENDALL FORD OF WASILLA,
10 ALASKA, IN THE AMOUNT OF \$51,466.00 AND AUTHORIZING
11 THE CITY MANAGER TO EXECUTE THE APPROPRIATE
12 DOCUMENTS.

13
14 WHEREAS, Funds were appropriated in the 2014 budget to purchase two new pickup
15 trucks for the Public Works Department; and

16
17 WHEREAS, Ford F-150 work trucks are working well for the Public Works Department;
18 and

19
20 WHEREAS, The State Equipment Fleet through the State of Alaska Department of
21 Transportation and Public Facilities (ADOT&PF) offers the best pricing; and

22
23 WHEREAS, Kendall Ford Wasilla offers the 2014 Ford F-150 trucks for the State
24 contract price of \$51,466.00 (\$25,733 each); and

25
26 WHEREAS, Public Works budgeted \$54,000 in FY 2014 budget for the purchase of two
27 work trucks; and

28
29 WHEREAS, The remaining funds will be used for vehicle equipment, including snow
30 tires, mobile radios, fire extinguishers, etc.; and

31
32 WHEREAS, This award is not final until written notification is received by the firm from
33 the City of Homer.

34
35 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
36 the contract for the purchase of two Ford F-150 Pickup Trucks to the firm of Kendall Ford
37 Wasilla of Wasilla, Alaska, in the amount of \$51,466.00 and authorizes the City Manager to
38 execute the appropriate documents.

39
40 PASSED AND ADOPTED by the Homer City Council this 14th day of April, 2014.
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43
44

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Public Works vehicles \$51,466.00 budgeted for 2014; Public Works Fleet Fund Account 152-0383 and Water and Sewer Fund Accounts 256-0378 and 256-0379.



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 14-067

To: Walt Wrede, City Manager
From: Dan Nelsen, Project Manager
Through: Carey Meyer, PW Director
Date: April 2, 2014
Subject: **Award of 2- F150 4x4 Pickup Trucks for Public Works**

Discussion

The 2014 Public Works Operating Budget contains \$54,000 for the purchase of two new 2014 Ford F-150 work trucks.

On February 5, 2014 three bids were reviewed on the State of Alaska Vehicle Requisition website for two Ford F-150 4x4 pickup trucks.

| | |
|----------------------------------|--------------------|
| Dealer Name - Location | 2 ea. F-150 Trucks |
| Kendall Ford - Wasilla, AK | \$ 51,466.00 |
| Worthington Ford - Anchorage, AK | \$ 52,910.00 |
| AK Sales - Anchorage, AK | \$ 53,118.00 |

Recommendation

Award the purchase of these work trucks from Kendall Ford, 2701 E. Mt. Village Dr., Wasilla, AK 99654 in the total amount of \$ 51,466.00.

Fiscal Note

This purchase is budgeted in the 2014 Operating Budget Public Works Fleet Fund Account 152-0383 and the Water & Sewer Fund Account 256-0378 & 0379.

The remaining balance shall be used for vehicle equipment including snow tires, mobile radios, fire extinguishers, etc.



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 14-069

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, CITY CLERK
DATE: APRIL 8, 2014
SUBJECT: CORRECTION OF ACCOUNT NUMBER ON ORDINANCE 13-39

Accounting Supervisor Laurie Moore has notified me the account number supplied for the Land and Water Conservation Fund Grant from the State of Alaska Division of Parks and Outdoor Recreation in the Amount of \$75,000 and Appropriating the Required Local Match in the Amount of \$75,000 for Improvements to Karen Hornaday Park on Ordinance 13-39 is incorrect. The correct account number for the local matching funds for the Land and Water Conservation Fund Grant Project is 100-0100. The ordinance should be corrected to reflect the correct account number for accounting purposes.

RECOMMENDATION:

Approve the correction of Account No. 100-0375 for the local matching funds for the Land and Water Conservation Fund Grant Project to 100-0100.

Jo Johnson

From: Laurie Moore
Sent: Friday, March 28, 2014 7:02 AM
To: Jo Johnson
Subject: RE: ORDINANCE 13-39

Thank you!

Laurie Moore

Accounting Supervisor
City of Homer, Alaska
Ph - 1-907-435-3113
E-mail - lmoores@ci.homer.ak.us
Fax - 1-907-235-3140

"It is our responsibilities, not ourselves, that we should take seriously."
Peter Ustinov
British actor and writer

Notice: Emails to and from this address are subject to disclosure under the Alaska public records law

From: Jo Johnson
Sent: Thursday, March 27, 2014 8:25 AM
To: Laurie Moore
Cc: John Li; Walt Wrede
Subject: RE: ORDINANCE 13-39

Hi Laurie,
This will need to go back to Council in the form of a memorandum to correct the mistake. It exceeds my revisor authority. I will put it on the April 14th agenda.

Thank you,

Jo Johnson, MMC
City Clerk

City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
907~235~3130
jjohnson@ci.homer.ak.us

PUBLIC RECORDS LAW DISCLOSURE:

Most e-mails from or to this address will be available for public inspection under Alaska public records law.

From: Laurie Moore
Sent: Wednesday, March 26, 2014 5:01 PM
To: Jo Johnson
Cc: John Li
Subject: ORDINANCE 13-39

Hi Jo,

We just discovered that Ordinance 13-39 has an incorrect account code. The account code reference to the General Fund balance is incorrect (100-0375). It should be 100-0100.

I will leave it up to you if you need to bring this back to Council for a correction.

Thanks, Laurie

Laurie Moore
Accounting Supervisor
City of Homer, Alaska
Ph - 1-907-435-3113
E-mail - lmoore@ci.homer.ak.us
Fax - 1-907-235-3140

"It is our responsibilities, not ourselves, that we should take seriously."

Peter Ustinov
British actor and writer

Notice: Emails to and from this address are subject to disclosure under the Alaska public records law

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 13-39

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

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

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

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

Revenue:

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

Expenditure:

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

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

Expenditure:

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

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

ENACTED BY THE CITY COUNCIL of Homer, Alaska, this 28th day of October, 2013.

CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Jo Johnson
JO JOHNSON, MMC, CITY CLERK

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 1

First Reading: 10/14/13
Public Hearing: 10/28/13
Second Reading: 10/28/13
Effective Date: 10/29/13

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Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: 10/31/13

Date: _____

Fiscal Note: Fiscal information included in body of Ordinance.

VISITORS



BEST BEGINNINGS

Alaska's Early Childhood Investment

Best Beginnings Homer

c/o Homer Public Health Center, 195 Bunnell Avenue, Ste. C, Homer, AK 99603

A coalition of non profit agencies and individuals supporting early childhood education in the Homer area.

Co-Chair

Bonnie Betley,
Homer Public Health
907-235-8857

Co-Chair

Lolita Brache,
Kachemak Kids Early Learning
Center

Treasurer

Liz Cupp
Homer Public Health Center
907-235-8857
Fiscal Agent: Sprout

Contract Coordinators

Jenny Martin
907-435-7101
Red (Lisa) Asselin
907-399-1567

FY14 Work Group Leaders:

Community Awareness

Margarete Wisner,
South Pen. Behavioral Health

Language & Literacy

Ann Dixon,
Homer Public Library Director

Parent Engagement & Education

Jenny Fonkert,
Parent

Playspaces

Kate Crowley,
Parent

Business & Economic Impact

Hanna Young,
Homer Head Start teacher

Best Beginnings Homer has developed a 5 yr Strategic Plan based on specific requirements from our grantor, Best Beginnings (statewide), and our local community needs. This Strategic Plan was created by our coalition leaders with input from parents, professionals and community members who support early education. Each Spring, our coalition as a whole reviews our progress and creates a new operating plan for the upcoming year based on our Strategic Plan.

FY14 Goals:

Community Support

- Increase awareness about early education in local community (i.e. Week of the Young Child events, Community Café with Rotary Health fair, PSAs and advertising, etc.)
- Increase awareness and participation early education legislative issues (i.e. Family Meeting with Legislators, testifying and writing legislators, etc.)

Language & Literacy

- Increase access and use of literacy resources.
- Increase attendance at literacy trainings and presentations for parents, caregivers, and professionals.
- Increase accessibility and use of literacy services (i.e. storytimes, outreach programs, Imagination Library, etc.)

Parent Engagement & Education

- Increase accessibility and use of home visiting programs (Parents as Teachers, Head Start, etc).
- Increase attendance at early education / parenting class trainings and presentations.

Playspaces

- Increase quantity and accessibility to safe and developmentally appropriate indoor and outdoor playspaces for young children. (i.e. Adopt a Park / Bayview Park, Toddler playgroups, Community Center advocacy, etc.)

Business & Economic Impact

- Increase number of quality child care programs in community (i.e. mini grants for providers, advocacy and support for training, etc.)
- Increase number of family friendly businesses within local business community (for both customers and employees).



Best Beginnings Homer Coalition Partners

- Our coalition partners with over 18 different groups/sectors ranging from professionals and early learning programs to parents and individual community members.
- Over 60 volunteers and members on our email list serve that participate on various levels
- BBH is also a work group member within our MAPP community coalition and provides MAPP with all quarterly and yearly stats from each year's projects and events.
- Here are just some of our partners:
 - Sprout Family Services
 - Homer Head Start
 - Homer Public Health
 - Homer Public Library
 - South Peninsula Hospital Pediatric Unit
 - Child Care Centers
 - Paul Banks Elementary & PreK
 - South Pen. Behavioral Health
 - & The Children's Program
 - City of Homer
 - Kachemak Bay Research Reserve
 - SVT
 - Office of Children Services & GALS
 - Thread
 - Haven House
 - Kachemak Bay Family Planning
 - Homer Foundation
 - Homer Job Center
 - Alaska Center for Resources
 - Kachemak Bay Campus
 - UAA Early Learning programs
 - Many local businesses, parents, caregivers, and community members!

Funding

- 37% from Best Beginnings Alaska (\$45,000 in FY14. Since FY10, our funding has increased due to positive results from our projects and motivated partners and volunteers.)
- 3% from local grant writing and donations (\$4,000 estimated FY14.)
- 60% Inkind Donations (\$74,000 estimated FY14 from partners and volunteers assisting with projects and events.)

How our coalition functions:

- Monthly coalition meetings to review work group progress and planning for upcoming events. CoChairs, Coordinators, Work Group Leaders and other members present.
- Work Groups meet as needed to address their operational plans and projects.
- 2 paid part-time contract coordinators assist work groups with projects, grant writing, and fulfilling grant reports.
- Monthly email updates about work group progress and upcoming members events are sent to all members and posted on our MAPP work group page and our BBH Facebook page.
- Strategic Planning happens annually in April during our Week of the Young Child / Professionals Community Café. CoChairs, Coordinators, Work Group Leaders, other members, and new community professionals and individuals meet during a working lunch to review the year's progress and outline goals and an operational plan for the upcoming fiscal year.

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

Week of the Young Child

April 20-26, 2014

WHEREAS, All young children need and deserve high-quality early learning experiences that will prepare them for life; and

WHEREAS, Positive and purposeful parenting, high quality and accessible child care, and early education programs build strong brains during the critical years from birth to 5; and

WHEREAS, Studies and research continue to reinforce that preparing babies and young children to succeed in school and life has profound impacts on building a strong and vibrant economy; and

WHEREAS, Best Beginnings Homer and other local Homer organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child; and

WHEREAS, These organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Homer and outlying areas; and

WHEREAS, Teachers, child care providers, and others who make a difference in the lives of young children in Homer deserve thanks and recognition; and

WHEREAS, Public policies that support early learning for all young children are crucial to young children's futures.

NOW, THEREFORE, I, Mary E. Wythe, Mayor, do hereby proclaim April 20-26, 2014 as the Week of the Young Child in Homer, Alaska, and encourage all citizens to work to make an investment in early childhood education in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 14th day of April, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

National Library Week 2014

April 13–19, 2014

WHEREAS, Libraries empower the individual by supporting literacy and lifelong learning;
and

WHEREAS, Libraries strengthen families and build communities; and

WHEREAS, Libraries are the great equalizer, serving people of every age, education level, income level, ethnicity and physical ability; and

WHEREAS, Libraries protect our right to know; and

WHEREAS, Libraries strengthen our nation; and

WHEREAS, Libraries advance research and scholarship; and

WHEREAS, Libraries help us to better understand each other; and

WHEREAS, Libraries preserve our cultural heritage; and

WHEREAS, Libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, I, Mary E. Wythe, Mayor, do hereby proclaim April 13-19, 2014 as National Library Week in Homer, Alaska, and encourage all residents to visit the library this week to take advantage of the wonderful library resources available at your library.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 14th day of April, 2014.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S RECOGNITION

**HOMER GLACIER KINGS PEE WEE HOCKEY TEAM
STATE CHAMPIONS**

WHEREAS, The Homer Hockey Association Pee Wee division is for hockey players ages 11-12 years old; and

WHEREAS, The 2013-2014 Homer Glacier Kings Pee Wee Hockey team finished their season with an undefeated record of 46 wins and 0 losses, and outscored their opponents 281 - 58; and

WHEREAS, The Homer Glacier Kings Pee Wee Hockey team traveled to Anchorage for the three day State Championship games, where they played teams from Anchorage, Eagle River, Kenai, and Juneau; and

WHEREAS, The Homer Glacier Kings Pee Wee Hockey team remained undefeated in six straight games, four of them were shutouts, and they brought home the 2014 State Hockey title; and

WHEREAS, The City of Homer recognizes the accomplishments of the the Homer Glacier Kings Pee Wee Hockey team players Tommy Bridgeman, Claire Bryant, Liam Coleman, Tyler Gilliland, Finn Heimbold, Kaitlyn Johnson, Lee Lowe, Colby Marion, Zasima Martushev, Isaiah Nevak, Ethan Pitzman, Nicholas Reutov, Conner Roderick, Hunter Warren, Phineas Weston, Tucker Weston, Karl Wickstrom and Joshua Williamson, along with Head Coach Steve Nevak and Assistant Coach Chance Rockett.

NOW, THEREFORE, I Mary E. Wythe, Mayor of Homer, do hereby recognize the accomplishments of the the Homer Glacier Kings Pee Wee Hockey team as

State Champions

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 14th day of April, 2014.

CITY OF HOMER

MARY E WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S RECOGNITION

**HOMER GLACIER KINGS SQUIRT C HOCKEY TEAM
STATE CHAMPIONS**

WHEREAS, The Homer Hockey Association Squirt C division is for hockey players ages 8-10 years old; and

WHEREAS, The 2013-2014 Homer Glacier Kings Squirt C team finished their season with 20 wins, 4 ties, and 14 losses; and

WHEREAS, The Homer Glacier Kings Squirt C team traveled to Wasilla and competed with 9 other teams in the three day State Championship Tournament; and

WHEREAS, The Homer Glacier Kings Squirt C team was undefeated in the championship tournament games.

WHEREAS, The City of Homer recognizes the accomplishments of the the Homer Glacier Kings Squirt C team players Rachel Bolin, Terry Gilliland, Hunter Green, Delilah Harris, Timothy Hatfield, Fiona Hatton, Dylan McBride, Tobias (Jack) Nevak, Casey Otis, Haylee Owen, Kazden Stineff, Keegan Strong and Micah Williamson, along with Head Coach Chris Owen and Assistant Coaches Dave Bolin and Travis Larson.

NOW, THEREFORE, I Mary E. Wythe, Mayor of Homer do hereby recognize the accomplishments of the the Homer Glacier Kings Squirt C Hockey team as

State Champions

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 14th day of April, 2014.

CITY OF HOMER

MARY E WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK



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

TO: HOMER CITY COUNCIL
FROM: MAYOR WYTHE
DATE: APRIL 9, 2014
SUBJECT: SPRING REPRESENTATION

First, allow me to apologize for the lateness of this report. It has been a busy spring and opportunities to represent the community in a variety of ways have been many.

First, I had the privilege of speaking at the Kenai Peninsula Economic Development District's annual industry forum again. This year the forum was in Kenai. We spent two days hearing about a number of exciting prospects for the Peninsula in the coming few years including the gas line terminus in Nikiski. This forum provided an opportunity to highlight the work the City has done to make good on our "open for business" initiative by sharing the upgrades to the harbor and discussing the deep-water dock expansion and the potential for the new East harbor.

Walt and I also had the opportunity of providing a state of the City address for the Homer Chamber. Walt did a great job of presenting the financial state of the City and talked about the legislation to release the harbor from the critical habitat area, and I enjoyed sharing similar information to what was presented at the industry forum with our local business owners.

Copies of my notes for each of these events are attached for your reference. The presentations did not go exactly as the notes are printed, but this generally represents what I talked about.

In addition to these two opportunities, we made two trips to Juneau which appears at first blush to have been quite profitable for the City. On our first trip, Katie, Linda and I met with Senators Micciche and Stevens, Speaker Chennault and also with Representative Seaton. We shared information about the new format for our Capital Improvement Projects List and the top five projects included there. We also requested support for the bills being presented by Senator Micciche and Speaker Chennault regarding the removal of the harbor from the critical habitat area. Meetings with the Coast Guard and DOT were canceled in favor of sitting in on the House sessions the Bill was finalized. This was an interesting process to observe and we also had the honor of observing the swearing-in of the new Representative for Juneau.

Ultimately our representatives decided to just go with the Senate bill, which worked out quite well and moved rapidly through both the Senate and the House to be the first piece of legislation passed this year. Congratulations to Senator Micciche and many thanks to Speaker Chennault and Representative Seaton for their support were provided at our follow-up visit in February. We also thanked Senator Stevens for signing on in support.

Acting City Manager, Jo Johnson attended the second trip to Juneau with me. This was her first trip in this capacity and we had a great time. We were able to meet with Senators Micciche and Stevens again as well as Representative Seaton. While they would not provide any advance information regarding the capital budget initiative, Senator Micciche did say he did not think we would be disappointed. Indeed, after reviewing the proposed budget, it appears that Homer has made a good showing again this year.

In addition, on our second visit we were able to make the appointments with the Coast Guard and DOT, both of which were encouraging. The Coast Guard staff representatives that we met with were all new this time, but they were very familiar with Homer. We discussed the East Harbor project and were provided with some new recommendations for potentially garnering Coast Guard support for the project. While it is not probable that we will be able to get a long-term letter of commitment, Captain Jack Vogt did encourage us to pass a Resolution for our State and Federal delegation to carry forward stating the many benefits of our location, ice-free port and developing oil & gas industry in the Nikiski area as key indicating factors for continuing to maintain the Cutter and for proposing that one of the new Rapid Response Vessel be ported here. Including information about the savings for not having to dredge that may be possible with the new harbor was also recommended. Captain Vogt indicated that Homer is a preferred station by their crew members and is often selected as a retirement port of call. We knew this, but it is always nice to have confirmation. Notes on this will be passed to Walt and Katie.

Our meeting with Commissioner Kemp and his new Policy & Program Specialist, Tyson Gallagher, also proved to be encouraging. They will be taking a tour of the State road systems this summer and anticipate visiting Homer in May. The Commissioner also indicated that he enjoyed the tour last summer, but is looking forward to a less formal and closer look at the projects that have been completed, those proposed and specifically the Spit Road. Tyson will be in contact with Jo when they determine their travel schedule.

All told, with the passage of the legislation and nearly two million dollars of capital improvement funding, these two trips to Juneau appear to have been well worth the time and investment. Thank you again for the opportunity.

2014 Industry Forum

- Last year at the 2013 Industry Outlook Forum I had the privilege of addressing you in Homer and delivering the message that Homer is open for business. I am happy to report that Homer continues that message and has been working to improve our facilities in order to attract and retain the diverse economic factors that make up the fabric of our community.
- The Homer Port and Harbor is an important economic engine in Homer and this year work began to complete over 10 million dollars of facility and system improvements including:
 - replacing floats,
 - electrical systems, and
 - ramp 3, which a primary access point for harbor users.
 - Design work is also underway for an extension of the Deep Water Dock.
- The Homer port and harbor enjoys a diversity of uses from tourism and charter fishing, to commercial fishing and freight handling. The Port also provides an access point for research, and oil and gas support vessels.
- There are many current and potential City of Homer Port and Harbor service customers here today. Our harbor provides safe moorage and access to many local services including our excellent marine trades' professionals. Homer is also conveniently accessible by road and air.
- We want to make it absolutely clear; the Homer Port and Harbor is open for *your* business.
- In order to allow wider use of the deep water dock facilities, the City is working with Speaker Chennault and Senator Micciche on legislation to exempt the municipal lands associated with the Port and Harbor from the Kachemak Bay Critical Habitat area.

- This exemption will allow oil and gas drill rigs to moor at the Deep Water Dock and eliminate unrealistic permitting requirements for vessels that drop anchor or moor in the Port and Harbor for more than 14 days.
- We thank our Peninsula legislators for seeing the value to industry and the enhanced environmental safety for Kachemak Bay of allowing this exemption.
- 2013 was a banner construction season for Homer and we are gearing up for another one in 2014.
- Over 20 million dollars in State and Local infrastructure projects were completed in 2013 including:
 - repaving 23 miles of the sterling highway
 - building several new rest rooms and other facilities for cruise ship passengers and other visitors,
 - and construction of 65 miles of natural gas main line.
- 2014 will bring the completion of the natural gas service line build-out in Homer, but many natural gas meters are already spinning; although this years' warm weather will make it difficult to compare home heating costs from previous years.
- 2013 provided excellent summer weather which lured many visitors to Homer. We were pleased to count a number of our Alaskan neighbors in the numbers that chose the "Cosmic Hamlet by the Sea" as their vacation destination.
- The community is already gearing up for a greater advertising presence in 2014.
- Increased City funding to the Homer Chamber of Commerce was provided to help them expanded marketing efforts on our behalf.
- Homer continues to be a place where people want to live. My job is to make sure it is a place where people *can* live and make a living. The City of Homer will continue investing in our infrastructure and working to provide the support required for our diverse economic fabric of businesses to thrive. Homer is open for business and we look forward to doing business with you!

2014 State of the City – Homer Chamber

- 2013 was the beginning of our “Homer is open for business” campaign. I am happy to report that the City has been working to improve our facilities in order to attract and retain the diverse economic factors that provide the economic basis for our community.
- The Homer Port and Harbor is an important economic engine and in 2013 over 10 million dollars of facility and system improvements were started that are slated for completion this year including:
 - replacing floats,
 - electrical systems, and
 - Ramp 3, which a primary access point for harbor users.
 - The Spit trail is being extended and a trail around the harbor will make this area walkable for visitors and locals alike.
 - Design work is also underway for an extension of the Deep Water Dock.
 - In 2015 we anticipate the completion of an update for the load/launch ramp.
- 2013 was a banner construction season for Homer and we are gearing up for another one in 2014.
- Over 20 million dollars in State and Local infrastructure projects were completed in 2013 including:
 - repaving 23 miles of the sterling highway
 - building several new rest rooms and other facilities that have long been on our improvements list,
 - and construction of 65 miles of natural gas main line.
- 2013 provided excellent summer weather which lured many visitors to Homer.
- With your help, through increased funding to expand marketing efforts, we are gearing up for a greater advertising presence in 2014.

- Another exciting advertising opportunity has recently presented itself. Homer has been invited to be the focal community in a publication called Alaska: North to the Future. This is an economic development book for Alaska. The Council has tentatively agreed to participate as the premiere community for the next edition.
- Katie Koester, our Community and Economic Development Coordinator, has been assigned to serve as liaison to the Chamber, so please share your ideas with her.
- Homer continues to be a place where people want to live. The Council's job is to make sure it is a place where people *can* live and make a living.
- The City of Homer will continue investing in our infrastructure and working to provide the support required for our diverse economy.
- The Council and I are committed to spreading the word that Homer is open for business and we appreciate the Chamber's support in this effort!

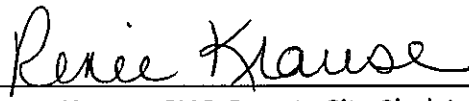
PUBLIC HEARING(S)

Ordinances 14-09(A), 14-14, 14-15, and 14-16

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 14-09(A), 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 and On a Lot That is Over One Acre Not Serviced by City Water and Sewer Services; Ordinance 14-14, Enacting HCC 2.80.100, Limitation Period, Establishing a Five Year Time Limitation for Filing a Complaint of A Violation of the City Ethics Code; Ordinance 14-15, Repealing HCC 4.45.010, Election Recount and Enacting HCC Chapter 4.45 Election Recount; Regarding the Procedure for Recounts in City Elections; Ordinance 14-16, Amending the FY 2014 Operating Budget by Appropriating \$31,000 from the General Fund-Fund Balance for Marketing and Showcasing Homer as A Great Place to Live, Work, and Play in the Next Edition of the *Alaska: North to the Future Volume V* Book 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 March 28, 2014 and that the City Clerk posted same on City of Homer Homepage on March 26, 2014.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 26th day of March, 2014



Renee Krause, CMC, Deputy City Clerk I



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 Served 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
2. City Council Regular Meeting February 24, 2014 Public Hearing and Second Reading
 - a. Planner Staff Reports PL 14-02 and 14-04
 - b. Excerpt of Planning Commission minutes of January 2, 2014
3. City Council Regular Meeting April 14, 2014 Public Hearing and Second Reading
 - a. Ordinance 14-09(A) as amended by Council February 24, 2014
 - b. Memorandum 14-068 from City Planner as backup
 - c. Planner Staff Reports PL 14-28 and 14-24
 - d. Excerpt of Planning Commission minutes of March 5 and 19, 2014
 - e. Planner Staff Reports PL 14-02 and 14-04
 - f. Excerpt of Planning Commission minutes of January 2, 2014

CITY OF HOMER
HOMER, ALASKA

City Manager/Planning

ORDINANCE 14-09(A)

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 **AND ON A
LOT THAT IS OVER ONE ACRE NOT SERVICED BY CITY
WATER AND SEWER SERVICES.**

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

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

**WHEREAS, It is in the city's best interest to permit the addition of detached
dwelling units as an accessory to a single family dwelling in the rural residential district on
a lot that is over one acre not serviced by the City of Homer water and sewer system.**

THE CITY OF HOMER HEREBY ORDAINS:

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

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

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);
- d. Public parks and playgrounds;
- e. Rooming house, bed and breakfast and hostel;
- f. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming,
nurseries, and greenhouses; provided, that:

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

1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;

2. No retail or wholesale business sales office is maintained on the premises;

h. Private stables;

i. Private floatplane tie-down as an accessory use incidental to residential use;

j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;

k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

l. Other customary accessory uses incidental to any of the permitted uses listed in the RR district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building;

m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;

n. Mobile homes, subject to the requirements of HCC 21.54.100;

o. Day care homes; provided, however, that outdoor play areas must be fenced;

p. Recreational vehicles, subject to the requirements of HCC 21.54.320;

q. Open space, but not including outdoor recreational facilities described in HCC 21.12.030;

r. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts;

s. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot serviced by City water and sewer services in compliance with Title 14 of this code.

t. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot that is over one acre and not serviced by City water and sewer services.

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

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

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

Fiscal Note: N/A

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



Memorandum 14-068

TO: Mayor Wythe and Homer City Council

FROM: Rick Abboud, City Planner

DATE: March 25, 2014

SUBJECT: Ordinance 14-09(A), 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 **and On a Lot That Is Over One Acre Not Serviced by City Water and Sewer Services.** City Manager/Planning.

A public hearing was held by the Planning Commission March 19, 2014 on the proposed ordinance. One person provided public testimony. A motion to exclude the additional language added at the City Council was made. Several issues were raised, most revolving around septic systems including:

- The value of notifying neighbors to help document local concerns.
- Concern for contamination or preclusion of nearby wells or well sites.
- Adequacy and documentation of current systems in relation to proposed expansion of septic.
- The wording of the amendment conflicts with standards for dwelling provisions for onsite water and wastewater (40,000 sf per dwelling w/o city services).
- The uncertain follow through and documentation of AKDEC.
- The ability of the city to inspect conditions and final work.
- The ability of a CUP hearing to address unique concerns of individual applications and apply appropriate conditions.

Recommendation:

The Homer Advisory Planning Commission recommends to not amend Ordinance 14-09.

Note: While the City Council is not bound to the recommendation of the Planning Commission, this ordinance, as written, presents conflicting language with other provisions of title 21. If the concept is adopted, I strongly recommend a consultation with myself and

the City Attorney to carefully craft the true intent of the ordinance.

Attachments:

Staff Reports 14-24, 14-28

Excerpts from Planning commission meeting minutes 3.3.14 and 3.19.14



City of Homer

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Homer, Alaska 99603

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(f) 907-235-3118

Staff Report 14-28

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: March 19, 2014
SUBJECT: More than one – amended by City Council

Review: The Planning Commission discussed the proposed amendment at the last meeting. As directed in HCC, the Commission needs to hold a public hearing on proposed amendments to Title 21 prior to making a recommendation to the City Council. This is that opportunity. We would like to have your reasoning for your recommendation on the record so it can easily be understood in a memo to the council, as I will likely not be available to present to the council.

Staff Recommendation: Hold a public hearing and discuss items to clearly document the reasoning for the Planning Commission's recommendation on the record.

Attachments:

1. SR 14-24
2. Ordinance 14-09(A)



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Staff Report 14-24

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: March 5, 2014
SUBJECT: Accessory Dwelling in Rural Residential

Background

After recommendation of the PC, the City Council affirmed the proposal of allowing, *"One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot serviced by City water and sewer services in compliance with Title 14 of this code."*

In addition, a motion was made to amend to ***"allow an accessory detached family dwelling on any rural residential lot over one acre without access to city water and sewer."***

This amendment was then forwarded to the PC for review. We plan to have a public hearing next meeting.

Discussion

If the Commission wishes to affirm recommendation for the concept, we need to adjust the language to be consistent with other provisions of the title.

Concept: *One detached dwelling unit, excluding mobile homes, as an accessory building to a principle single family dwelling* (in the rural residential district regardless of water and sewer status).

Items for discussion:

- Dimensional requirements already handle the amount of land necessary. No reference to amount of land is necessary unless some other requirement might be considered by the commission.
- Similarly, access to city water and sewer really does not provide any other direction than is already provided by code.
- If other considerations are not unique in relation to access to city services, the concept could be combined into one code amendment that omits reference to services.
- Is there any benefit to handle such a request as a CUP?
 - o Notice of neighbors?
 - o Special conditions or considerations for review?

Staff Recommendations:

1. Discuss proposal and make any necessary amendments prior to forwarding to a public hearing.

CITY OF HOMER
HOMER, ALASKA

City Manager/Planning

ORDINANCE 14-09(A)

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 **AND ON A
LOT THAT IS OVER ONE ACRE NOT SERVICED BY CITY
WATER AND SEWER SERVICES.**

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

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

**WHEREAS, It is in the city's best interest to permit the addition of detached
dwelling units as an accessory to a single family dwelling in the rural residential district on
a lot that is over one acre not serviced by the City of Homer water and sewer system.**

THE CITY OF HOMER HEREBY ORDAINS:

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

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

- a. Single-family dwelling;
- b. Duplex dwelling;
- c. Multiple-family dwelling, only if the structure conforms to HCC 21.14.040(a)(2);
- d. Public parks and playgrounds;
- e. Rooming house, bed and breakfast and hostel;
- f. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- g. Agricultural activities, including general farming, truck farming, livestock farming,
nurseries, and greenhouses; provided, that:

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

1. Other than normal household pets, no poultry or livestock may be housed and no fenced runs may be located within 100 feet of any residence other than the dwelling on the same lot;

2. No retail or wholesale business sales office is maintained on the premises;

h. Private stables;

i. Private floatplane tie-down as an accessory use incidental to residential use;

j. Storage of personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to residential use;

k. As an accessory use incidental to residential use, the private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line, provided no stored equipment, boat or vehicle exceeds 36 feet in length;

l. Other customary accessory uses incidental to any of the permitted uses listed in the RR district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building;

m. Temporary (seasonal) roadside stands for the sale of produce grown on the premises;

n. Mobile homes, subject to the requirements of HCC 21.54.100;

o. Day care homes; provided, however, that outdoor play areas must be fenced;

p. Recreational vehicles, subject to the requirements of HCC 21.54.320;

q. Open space, but not including outdoor recreational facilities described in HCC 21.12.030;

r. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts;

s. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot serviced by City water and sewer services in compliance with Title 14 of this code.

t. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot that is over one acre and not serviced by City water and sewer services.

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

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

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

Fiscal Note: N/A

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

**HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 5, 2014**

Motion carried.

Plat Consideration

None

Pending Business

- A. Staff Report 14-24, Ordinance 14-09(A), 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. Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014

City Planner Abboud reviewed the staff report.

The Commission discussed the proposed amendment to include lots over one acre not serviced by water and sewer. They reviewed the process the city uses for approving plans for homes with septic systems. City Planner Abboud explained that city reviews the plan approved by DEC and that it is being installed by a certified installer.

The general consensus of the group was that it should remain allowable as a conditional use. They expressed concern about ensuring adequacy of the system in place being able to accommodate the additional housing. It was also suggested that there be a separate system in place for the additional dwelling. Another issue raised is that generally people living in the rural district don't want a lot of density in their neighborhoods, and leaving it as a CUP gives people an opportunity to be noticed and give feedback about the development.

The Commission will hold a public hearing at their next meeting and make their recommendations after they hear public input.

- B. Staff Report PL 14-23, Heliports March 2014

Chair Venuti noted that they addressed this during the worksession.

Question was raised whether the hospital heliport will be squared away before they take on the rest of this. City Planner Abboud said there are different ways this can be addressed and he will work with the attorney on the best way to resolve it.

Commissioner Highland expressed her opposition to helipad in the rural office district, with exception of the hospital, and in the bridge creek watershed area. She would be supportive of it in GC2 and marine industrial with a special temporary permit that could be acquired from the Planning Department, but not as a use through a CUP.

Regarding the Bridge Creek Watershed area, City Planner Abboud said he would be reluctant to disallow it as there are areas that are difficult to get to and he doesn't think it would impede on the

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mj

**HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 19, 2014**

Motion carried.

Presentations

Reports

A. Staff Report PL 14-27, City Planner's Report

City Planner Abboud reviewed his staff report. There was brief discussion relating to the Board of Realtors comments about relaxing the Bridge Creek Watershed District regulations. He reviewed his trip to Denver for the New Partners for Growth Conference and discussion ensued regarding regulations of marijuana sales, as it may be happening soon in Alaska.

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 14-24, Ordinance 14-09(A), 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 and on a lot that is over one acre not serviced by city water and sewer services.

City Planner Abboud reviewed his staff report.

Chair Venuti opened the public hearing.

Ted Schmidt, city resident, said at first blush he was concerned because over the last few years he has heard Council comments about how the water and sewer has trouble financing their infrastructure because one of the problems is that there aren't enough residents tied in to it. He is also aware of a desire to bring water up West Hill to complete a loop in the system. He doesn't think it is a financial possibility in some of these areas because of larger lot sizes. People knew that when buying those lots and it was their preference when they bought them. He feels like this is a left handed way to say you can't do this with your property because you aren't on city water and sewer. He thinks each lot should be examined on its own basis as there are a lot of steep slopes and wetlands.

There was discussion with the City Planner about the process already in place for a conditional use permit process for the larger rural residential lots. Mr. Schmidt raised issue of an action by a previous planning commission approving two duplexes with a community septic system in an area where there were wells less than 200 feet away on other properties. City Planner Abboud said he couldn't speak for to a past action, but it is a reason that these should come for review by the Commission through the CUP process.

There were no further comments and the public hearing was closed.

**HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MARCH 19, 2014**

HIGHLAND/SLONE MOVED TO RECOMMEND COUNCIL ADOPTION OF 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.

Commissioner Highland said she moved to adopt the ordinance without the amendment based on the concerns raised at their previous meeting. The lots that are not serviced by water and sewer should get conditional use permits because of issues with soils, water, and review of the best interest for the area. The CUP process gives notice to property owners in the area and special conditions or considerations for review. Those are some of the reasons they had discussed previously as to why they felt lots without city water and sewer should still be addressed through a CUP.

Commissioner Slone agrees with disapproving the amendment. His main reasoning is because of lots that are not large enough to accommodate sewer systems that won't contaminate wells on adjacent properties that are downhill from the development.

Commissioner Stroozas agreed that those are valid points.

Commissioner Stead commented that the way it's written now, you have to have two acres so saying a lot that is 1.1 acres can automatically have an accessory use doesn't fit. He doesn't think it is very well thought out amendment to what the Commission sent to Council, and supports the motion to adopt the original ordinance as written.

Commissioner Bos doesn't think it could be permitted outright regardless of how big the property is. He recognized that septic's are rated based on bedroom count. He raised concerns about being able to add another residence to a property with a septic when you don't know the status of the drain field, unless you ask the applicant to have it investigated. It will just add to the "buyer beware" list that the next person will have to deal with. He is adamant that we need to stop those situations.

City Planner Abboud reviewed the process by the City and by DEC relating to septic which includes an engineered plan to be done by a certified installer. There has to be a space for the septic and enough space to replace it, and hopefully in those spaces they won't harm a neighboring well.

There was brief discussion relating to building inspections and that if the City had a building inspector it would be much easier to do something like this.

VOTE: NON OBJECTION: UNANIMOUS
CONSENT.

Motion carried.

Plat Consideration

Pending Business



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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(p) 907-235-3106

(f) 907-235-3118

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.



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Planning

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(p) 907-235-3106

(f) 907-235-3118

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

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

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.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

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 14-14

An Ordinance of the Homer City Council, Enacting HCC 2.80.100, Limitation Period, Establishing a Five-Year Time Limitation for Filing a Complaint of a Violation of the City Ethics Code.

Sponsor: City Clerk

1. City Council Regular Meeting March 24, 2014 Introduction
 - a. Memorandum 14-046 from City Clerk as backup
2. City Council Regular Meeting April 14, 2014 Public Hearing
 - a. Memorandum 14-046 from City Clerk as backup
 - b. Substitute Ordinance 14-14(S) from City Attorney

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 14-14

AN ORDINANCE OF THE HOMER CITY COUNCIL, ENACTING
HCC 2.80.100, LIMITATION PERIOD, ESTABLISHING A FIVE-
YEAR TIME LIMITATION FOR FILING A COMPLAINT OF A
VIOLATION OF THE CITY ETHICS CODE.

WHEREAS, The City Ethics Code in HCC Chapter 1.18 establishes important standards
for official conduct in City government; and

WHEREAS, While investigation and action on complaints of violations of the City Ethics
Code serve important public purposes, they demand significant time and resources of the
Board of Ethics and City staff; and

WHEREAS, The benefits of enforcing the City Ethics Code generally decline as an
alleged violation becomes more remote in time; and

WHEREAS, The enforcement of state statutes prohibiting unethical conduct by public
officials typically is subject to a five-year limitation period.

NOW, THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:

Section 1. HCC 2.80.100, Limitation period, is enacted to read as follows:

2.80.100 Limitation period. Notwithstanding any other provision of this chapter or HCC
Chapter 1.18, the Board only may investigate or otherwise act upon a complaint of a potential
violation of HCC Chapter 1.18 that is received by the City Clerk's office within five years after
the date of the alleged violation.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day
of April, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 14-14(S)

AN ORDINANCE OF THE HOMER CITY COUNCIL, ENACTING
HCC 2.80.100, LIMITATION PERIOD, ESTABLISHING A
LIMITATION PERIOD FOR FILING A COMPLAINT OF A
VIOLATION OF THE CITY ETHICS CODE OF FIVE-YEARS OR
ONE YEAR AFTER DISCOVERY OF THE VIOLATION.

WHEREAS, The City Ethics Code in HCC Chapter 1.18 establishes important standards
for official conduct in City government; and

WHEREAS, While investigation and action on complaints of violations of the City Ethics
Code serve important public purposes, they demand significant time and resources of the
Board of Ethics and City staff; and

WHEREAS, The benefits of enforcing the City Ethics Code generally decline as an
alleged violation becomes more remote in time; and

WHEREAS, The enforcement of state statutes prohibiting unethical conduct by public
officials typically is subject to a five-year limitation period.

NOW, THEREFORE, THE CITY OF HOMER HEREBY ORDAINS:

Section 1. HCC 2.80.100, Limitation period, is enacted to read as follows:

2.80.100 Limitation period. (a) Notwithstanding any other section of this chapter or
HCC Chapter 1.18, and subject to (b) of this section, the Board only may investigate or
otherwise act upon a complaint of a potential violation of HCC Chapter 1.18 that is received by
the City Clerk's office within five years after the date of the alleged violation.

(b) After the time limitation in (a) of this section has expired, the Board may investigate
or otherwise act upon a complaint of a potential violation of HCC Chapter 1.18 that is received
by the City Clerk's office within one year after the date of discovery of the alleged violation, but
in no case shall this subsection extend the period of limitation in (a) of this section by more
than three years.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day
of April, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

Memorandum 14-046

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: MARCH 17, 2014
SUBJECT: ENACTING A TIME LIMIT FOR ETHICS CODE COMPLAINTS

Upon review of the Board of Ethics provisions I discovered there was no time limit for filing a complaint of a violation of the City's Ethics Code. The current code leaves a retired city official or city manager in a perpetual state of uncertainty. The more time that passes after an individual held office diminishes the benefit of enforcing the ethics code.

The State of Alaska has a five-year limitation from the date of the potential violation to file a complaint of a violation of the Ethics Code. It is recommended the City of Homer enact a time limit for filing an ethics complaint that is consistent with the State's provision.

RECOMMENDATION:

Adopt Ordinance 14-14 to set a time limit for filing a complaint of a violation of the Ethics Code.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-15

An Ordinance of the Homer City Council, Repealing HCC 4.45.010, Election Recount, and Enacting HCC Chapter 4.45, Election Recount; Regarding the Procedure for Recounts in City Elections.

Sponsor: City Clerk

1. City Council Regular Meeting March 24, 2014 Introduction
 - a. Memorandum 14-047 from City Clerk as backup
2. City Council Regular Meeting April 14, 2014 Public Hearing and Second Reading
 - a. Memorandum 14-047 from City Clerk as backup

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 14-15

AN ORDINANCE OF THE HOMER CITY COUNCIL, REPEALING
HCC 4.45.010, ELECTION RECOUNT, AND ENACTING HCC
CHAPTER 4.45, ELECTION RECOUNT; REGARDING THE
PROCEDURE FOR RECOUNTS IN CITY ELECTIONS.

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. HCC 4.45.010, Election recount, is repealed.

Section 2. HCC Chapter 4.45, Election Recount, is enacted to read as follows:

Chapter 4.45
ELECTION RECOUNT

Sections:

4.45.010 Recount initiation.

4.45.020 Form of application.

4.45.030 Deposit.

4.45.040 Date of recount; Notice.

4.45.050 Procedure for recount.

4.45.060 Certification of recount result.

4.45.070 Return of deposit and apportionment of recount expenses.

4.45.080 Appeal.

4.45.010 Recount initiation. (a) A defeated candidate for an office may apply for a recount of the votes for that office, and 10 qualified voters may apply for a recount of the votes for any office or proposition. A recount application must be in writing and either filed with the Clerk before 5:00 p.m. on the day of the certification of the election results. The date and time of the Clerk's receipt of a recount application, and not the date of mailing or transmission, determines whether the application is timely.

(b) If more candidates than are to be elected to an office tie in having the highest number of votes for the office, or if there is a tie between votes in favor of and opposed to a proposition, the Clerk shall initiate a recount.

4.45.020 Form of application. (a) A recount application shall state in substance the basis of the belief that a mistake has been made and shall identify the particular office or proposition for which the recount is to be held, and shall state that the application is made by a defeated candidate for the office or by 10 qualified voters. The candidate or qualified voters

making the application shall designate by full name and mailing address two persons who shall represent the applicant during the recount. Any person may be named representative, including the candidate or any person signing the application. An application by 10 qualified voters shall also designate one applicant as their point of contact. The application shall include each applicant's signature, and printed full name and mailing address.

4.45.030 Deposit. (a) Unless exempted by (b) of this section, the application shall include a deposit in cash or by cashier's check in the amount of \$250.

(b) No deposit is required and the City shall bear the cost of the recount if:

(1) The recount applicant is a defeated candidate and the difference between the number of votes cast for the defeated candidate and any elected candidate was 20 or less; or

(2) The recount applicants are 10 qualified voters, and the recount is of votes for either an office where the difference between the number of votes cast for an elected candidate and a defeated candidate was 20 or less, or a proposition where the difference between the number of votes cast in favor of and in opposition to the proposition was 20 or less.

4.45.040 Date of recount; Notice. If the Clerk determines that a recount application is substantially in the required form, the Clerk shall fix the date for the recount, which shall be within seven calendar days after the receipt of the recount application. The Clerk shall give each recount applicant and any directly interested candidate or proposition sponsor notice of the time and place of the recount by certified mail, electronic mail, or telephone.

4.45.050 Procedure for recount. (a) The canvass board shall perform the recount. In conducting the recount, the canvass board shall review all ballots to determine which ballots or parts of ballots were properly marked, and which ballots are to be counted in the recount, and shall check the accuracy of the original count and all documentation provided by the election officials. The canvass board shall check the number of ballots and questioned ballots cast against the registers and shall check early and absentee ballots voted against the number of early and absentee ballots that were distributed. The rules incorporated in HCC 4.25.090 shall be followed in counting hand-marked ballots in the recount.

(b) The ballots and other election materials shall remain in the custody of the Clerk during the recount and the highest degree of care shall be exercised to protect the ballots against alteration, mutilation or loss. The recount shall be completed within 10 calendar days.

4.45.060 Certification of recount result. Upon completing the recount, the canvass board shall provide a report of the results of the recount for submission to the Council, and the Council shall issue a certificate of the election.

4.45.070 Return of deposit and apportionment of recount expenses. (a) If the recount results in certification of election of a different candidate for an office or a different outcome of approval or rejection of a proposition than originally was certified, the entire deposit shall be refunded to the recount applicant.

(b) If the requirements in (a) of this section for a total deposit refund are not met, the Clerk shall refund any excess of the deposit over the cost of the recount. If the cost of the recount exceeds the amount of the deposit, the City may recover the excess from any recount applicant, each of whom shall be individually liable for the amount of the excess. The cost of the recount includes the compensation that the city pays to election officials and city staff for working on the recount.

4.45.080 Appeal. A candidate, proposition sponsor or recount applicant who is aggrieved by the result of a recount or decision not to grant a recount may appeal the recount result or decision not to grant the recount to the Superior Court. The appeal shall be filed within 10 calendar days of final Council action certifying the election. If an appeal is not commenced within the 10-day period, the election and the election result is conclusive and valid.

Section 3. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of April, 2014.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

133 Reviewed and approved as to form:

134

135

136

137 _____
Walt Wrede, City Manager

138

139 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

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Memorandum 14-047

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: MARCH 18, 2014
SUBJECT: AMENDMENT TO ELECTION RECOUNT PROCEDURE

Following the October 2013 election a defeated candidate requested a recount of the votes. The process for the recount last year was vague in that it followed the Alaska Statutes for State elections. Homer City Code Chapter 4.45 Election Recount simply states:

4.45.010 Election recount.

A recount of an election may be called and, if called, shall be conducted in substantially the same manner as provided for State elections in the Alaska Statutes, including the requirement of a deposit. The City Clerk shall oversee the recount.

This resulted in an inordinate amount of confusion and attorney assistance for a straight-forward procedure that can be outlined within the City's code.

RECOMMENDATION:

Adopt Ordinance 14-15 to define the City's election recount procedure.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-16

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$31,000 From the General Fund-Fund Balance for Marketing and Showcasing Homer as a Great Place to Live, Work, and Play in the Next Edition of the *Alaska: North to the Future Volume V* Book.

Sponsor: Mayor/Council

1. City Council Regular Meeting March 24, 2014 Introduction
2. City Council Regular Meeting April 14, 2014 Public Hearing and Second Reading

CITY OF HOMER
HOMER, ALASKA

Mayor/Council

ORDINANCE 14-16

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY 2014 OPERATING BUDGET BY
APPROPRIATING \$31,000 FROM THE GENERAL FUND-FUND
BALANCE FOR MARKETING AND SHOWCASING HOMER AS A
GREAT PLACE TO LIVE, WORK, AND PLAY IN THE NEXT
EDITION OF THE *ALASKA:NORTH TO THE FUTURE, VOLUME V*
BOOK.

WHEREAS, Mayor Wythe received a letter dated February 19, 2014 signed by Senate President Charlie Huggins and House Speaker Mike Chenault inviting the City to participate in and benefit from the next publication of the *Alaska: North to the Future, Volume V* publication; and

WHEREAS, Both the Mayor and the City Manager had conversations with the Executive Vice President of Wyndham Publications, the publisher that has worked with the Legislature on all previous volumes in order to gather additional information; and

WHEREAS, The Alaska Legislature is the sponsoring entity and fully supports the North to the Future project series; and

WHEREAS, This publication is distributed to members of the U.S. Senate and House and is provided by State officials to delegates when on domestic and international travel; and

WHEREAS, Previous editions featured multiple municipalities in Alaska on four pages each and this volume will feature only one municipality and devote a full eight pages to it; and

WHEREAS, The Mayor and City Manager have considered the information provided and viewed prior volumes of the publication and have concluded that this is an excellent, cost effective way to showcase Homer as a great place to live, work, and play and that the book will reach a much wider audience than the City has previously attempted; and

WHEREAS, The City Council discussed this concept at its meeting on March 10, 2013 and there was general agreement to move ahead with the project and introduce an appropriation ordinance.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by appropriating \$31,000 from the General Fund, Fund Balance for showcasing Homer as a great place to live, work, and play in the next edition of the *Alaska: North to the Future Volume V* publication as follows:

Expenditure:

| <u>Account No.</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|--|---------------|
| 100-0100 | Marketing- Alaska: North to the Future Volume V | \$31,000 |

Section 2. The City Administration is encouraged to seek contributions and matching funds for the project from other economic development and marketing entities within the City.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of April, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

77 AYES:

78 NOES:

79 ABSTAIN:

80 ABSENT:

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84 First Reading:

85 Public Reading:

86 Second Reading:

87 Effective Date:

88

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90 Reviewed and approved as to form:

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94 _____
Walt Wrede, City Manager

95

96 Date: _____

97

98

Thomas F. Klinkner, City Attorney

Date: _____

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

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ACTING MANAGER'S REPORT

April 14, 2014

TO: MAYOR WYTHER / HOMER CITY COUNCIL

FROM: JO JOHNSON

UPDATES / FOLLOW-UP

1. Trip to Juneau: I traveled to Juneau with Mayor Wythe to meet with Senators Micciche and Stevens, Representative Seaton, Coast Guard Captain Jack Vogt and staff, DOT Commissioner Kemp and staff, and City Lobbyists Linda Anderson and Yuri Morgan. All meetings were favorable and encouraging for the future of Homer. The first draft of the Senate's capital budget was released and includes funding for Fire Department Equipment Upgrades, Harbor Sheet Pile Loading Dock, Waddell Way Road Improvement, and Ferry Terminal Improvements. Other capital project funding within the draft budget is for Homer Hockey Association and Homer Senior Citizens natural gas conversion and Pratt Museum new building construction.

ATTACHMENTS

1. Senate's Capital Budget Draft

FY 2015 Capital Budget Homer-Kenai Area

| HD | Project Title | SB119 v.A (Governor) | SB119 v.O (Senate) |
|---|---|-------------------------|-----------------------|
| Section 1 - Fiscal Year 2015 Capital Projects | | | |
| Department of Commerce, Community and Economic Development | | | |
| Alaska Energy Authority-Round VII Renewable Energy Project Grants (AS 42.45.045) | | | |
| 28-30 | Stetson Creek Diversion Cooper Lake Dam Facilities Project | \$ | \$ 3,453,900 |
| 30 | Seldovia House Ground Source Heat Pump Project | - | 318,300 |
| Grants to Municipalities (AS 37.05.315) | | | |
| 30 | Homer-Fire Department Equipment Upgrades | - | 350,000 |
| 30 | Homer- Harbor Sheet Pile Loading Dock | - | 350,000 |
| 30 | Homer-Waddell Way Road Improvement | - | 1,430,000 |
| 29 | Kenai-New City Light/Heavy Equipment Storage Building | - | 1,900,000 |
| 29 | Kenai- Replacement Fire Department Pumper/Engine | - | 400,000 |
| 29 | Kenai-Wastewater Treatment Plant Upgrades and Renovation Design | - | 200,000 |
| 28-30 | Kenai Peninsula Borough -Central Peninsula Landfill Equipment Maintenance Building | - | 1,808,000 |
| 28-30 | Kenai Peninsula Borough-Extension of Paved Lighted Pedestrian Path,K-Beach Elementary School to Kenai Peninsula College | - | 463,100 |
| 28-30 | Kenai Peninsula Borough- HVAC System Replacement | - | 807,000 |
| 30 | Seldovia - Fully Equipped Police Vehicle | - | 45,500 |
| 30 | Seldovia- Smolt Stocking for Seldovia Slough | - | 25,000 |
| 28 | Seward-Marine Expansion Including Breakwater | - | 5,900,000 |
| 29 | Soldotna-Citywide Sidewalk, Street and Utility Improvements | - | 24,000 |
| 29 | Soldotna- Regional Sports Complex Roof Replacement | - | 1,200,000 |
| Grants to Named Recipients (AS 37.05.316) | | | |
| 30 | Anchor Point Public Library-New Library Planning | - | 15,000 |
| 30 | Boys & Girls Club of the Kenai Peninsula-Kasilof Clubhouse Technology Center Equipment | - | 10,000 |
| 30 | Cook Inlet Aquaculture Association-Tutsumena Lake Smolt Monitoring | - | 25,000 |
| 30 | Funny River Chamber and Community Association-Playground/Recreational area Upgrades | - | 25,000 |
| 30 | Homer Hockey Association, Inc.- Natural Gas Conversion | - | 12,468 |
| 30 | Homer Senior Citizens Inc.- Senior Center Natural Gas Conversion | - | 100,000 |
| 30 | Homer Society of Natural History dba Pratt Museum-New Museum Building Construction | - | 950,000 |
| 30 | Kachemak Shellfish Mariculture Association-Kachemak Shellfish Hatchery | - | 50,000 |
| 30 | Kachemak Ski Club, Inc.-Diamond Ridge-Safety Equipment for Ohlson Mountain Rope Tow | - | 20,000 |
| 28-30 | Kasilof Regional Historical Association-Kasilof-Victor Holm Cabin Restoration and Access | - | 20,000 |
| 28-30 | Kenai Peninsula Borough-Bear Creek Search and Rescue Equipment | - | 29,700 |
| 28-30 | Kenai Peninsula Borough-Kachemak Emergency Service Area- Quint Aerial | - | 250,000 |
| 30 | Kenai Peninsula Fair Association-Septic System Replacement, Renovations and Facility Upgrades | - | 100,000 |
| 29 | Kenai Watershed Forum-Educational Programming | - | 50,000 |
| 30 | Nikolaevask, Inc.- Natural Gas Conversion and Connection to Water Treatment Building and Multi-Use Facility | - | 100,000 |
| 30 | Ninilchik Community Library-Parking Lot/Driveway Paving and Drainage | - | 60,000 |
| 30 | Snomads, Inc.-Diamond Ridge-Upgrades to Watermelon/Marathon/Diamond Ridge Trails | - | 45,000 |
| 30 | South Peninsula Haven House-Energy Efficiency Improvement and Roof Repair | - | 25,000 |
| 29 | The LeesShore Center-Facility Safety Upgrades | - | 30,000 |
| 30 | Village of Kachemak Selo Water company, Inc.- Fox River (Kachemak Selo) Emergency Response Building | - | 50,000 |
| 30 | Village of Razdolna, Inc.-Parking Lot Safety Improvements | - | 25,000 |
| 30 | Voznesenka Community Council, Inc.-Voznesenka Loop Improvements | - | 50,000 |

FY 2015 Capital Budget Homer-Kenai Area

| HD | Project Title | SB119 v.A (Governor) | SB119 v.O (Senate) |
|--|--|-------------------------|-----------------------|
| Department of Corrections | | | |
| Deferred Maintenance, Renewal, Repair and Equipment | | | |
| 28-30 | Kenai-Wildwood Correctional Center Deferred Maintenance | 1,045,000 | 1,045,000 |
| 28-30 | Seward-Spring Creek Correctional Center Deferred Maintenance | 400,000 | 400,000 |
| Department of Labor and Workforce Development | | | |
| 28-30 | Heavy Equipment Shop/Diesel Shop/Pipe Welding Relocation-Phase 2 | 8,000,000 | 8,000,000 |
| Deferred Maintenance | | | |
| 28-30 | Deferred Maintenance, Renewal, Repair and Equipment-AVTEC | 1,000,000 | 1,000,000 |
| Department of Natural Resources | | | |
| 28-30 | Exxon Valdez Oil Spill Trustee Council Land Acquisition for Public Access on Lower Kenai River | 580,800 | 580,800 |
| 30 | Funny River Community/Alaska State Parks-Funny River-River Access | - | 35,000 |
| 28-30 | Lower Kenai River Park Facility and Access Improvement-Phase 1 of 2 | 1,000,000 | 1,000,000 |
| 28-30 | Public Access and User Facilities Improvements at the Mouth of the Kaslof River Phase 2 | 1,400,000 | 1,400,000 |
| Deferred Maintenance, Renewal, Repair and Equipment | | | |
| 28-30 | Parks and Outdoor Recreation Deferred Maintenance-Kenai Region | 572,000 | 286,000 |
| Department of Public Safety | | | |
| Deferred Maintenance, Renewal, Repair and Equipment | | | |
| 28-30 | Soldotna-Trooper Post Facility Repairs | 150,000 | 150,000 |
| Department of Transportation and Public Facilities | | | |
| Airport Improvement Program | | | |
| 28-30 | Seward-Airport Improvements | 17,000,000 | 17,000,000 |
| Surface Transportation Program | | | |
| 28-30 | Homer-Ferry Terminal Improvements | 1,500,000 | 1,500,000 |
| 28-30 | Soldotna-Kalifornsky Beach Road: Milepost 16 to 22.2 Paving Rehabilitation and Signalization | 6,000,000 | 6,000,000 |
| 28-30 | Williamsport to Pile Bay Road | 3,500,000 | 3,500,000 |
| University of Alaska | | | |
| UAA Community Campuses Deferred Maintenance | | | |
| 28-30 | KPC Campus Renewal | - | 500,000 |
| 30 | KPC Kachemak Bay Campus Renewal | - | 120,000 |
| 29 | KPC Kenai River Campus Career Tech Collateral Buildings Backfill | - | 200,000 |
| 30 | KPC Kachemak Bay Campus Gas Conversion | - | 70,000 |
| | KPC Kenai River Campus Academic Center/Classroom Renewal | - | 50,000 |
| Section 1 Subtotal | | 42,147,800 | 63,553,768 |
| Grand Total: \$ | | 42,147,800 | \$ 63,553,768 |



City of Homer

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Memorandum

TO: MAYOR AND CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: APRIL 8, 2014

SUBJECT: BID REPORT

RFP for a Solid Waste Collection & Disposal Contract 2014-2016- The City of Homer, Alaska is requesting proposals from qualified firms for solid waste collection and disposal. Successful proposer will be contracted to collect and dispose of solid waste from designated City facilities, and to furnish the necessary labor, material, equipment, tools, supervision, and other facilities to perform under such contract. Sealed proposals shall be received at the Office of the City Clerk no later than 4:30 pm, Thursday, April 17, 2014.

ITB Public Works Gravel Supply 2014-2016 - Sealed bids for the City of Homer Public Works Gravel Supply will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska 99603 until 2:00 p.m., Thursday, May 01, 2014, at which time they will be publicly opened and read.

RFP for a Park, Art, Recreation and Culture Needs Assessment - The City of Homer, Alaska is requesting proposals from qualified firms to conduct a park, art, recreation and culture needs assessment. Proposals will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska until 4:30 P.M., Thursday, May 8, 2014. The time of receipt will be determined by the City Clerk's time stamp. Bidders are required to be on the Plan Holder's List to have their proposals evaluated by the selection committee.

CITY ATTORNEY REPORT

MEMORANDUM

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR MARCH 2014

CLIENT: CITY OF HOMER

FILE NO.: 506,742.18

DATE: APRIL 7, 2014

The following summarizes our activities as City Attorney during the month of March 2014.

City Council. I attended the March 10, 2014 City Council meeting, and reviewed the agenda packet for the March 24, 2014 City Council meeting. Holly Wells prepared to advise the Board of Adjustment in an appeal from a Planning Commission Decision.

City Clerk. I advised the City Clerk regarding a limitation period for complaints of ethics code violations, and drafted an ordinance to establish such a limitation period. I drafted an ordinance revising the procedure for recounts in City elections. I advised the City Clerk regarding Open Meetings Act requirements for meetings of advisory boards.

City Manager. I advised the City Manager regarding a proposal to change the composition of the Lease Committee.

Planning. I advised the Planning Department regarding the addition of properties to the natural gas distribution assessment district, and the standing of the City Planner to participate in appeals from Planning Commission decisions.

Port and Harbor. I advised the Port and Harbor Director regarding the impounding of a derelict vessel. I analyzed the agreement between the City and the Alaska Marine Highway System with regard to responsibility for maintaining an oil/water separator on the ferry terminal leasehold.

Public Works. I assisted the Public Works Department in responding to a claim for damage to a drainage outfall line.

City of Homer v. Shadle. Mara Michaletz represented the City at a hearing regarding the imposition of penalties for Mr. Shadle's zoning violation.

Auction Block Company v. City of Homer. Holly Wells prepared for oral argument of this case before the Federal Maritime Commission.

I will be available to answer questions regarding these matters at the April 14, 2014 Council meeting.

cc: Walt Wrede
Jo Johnson

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

