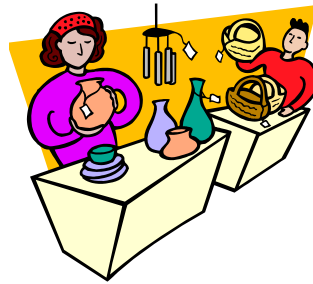


City Council
July 28, 2014
Monday

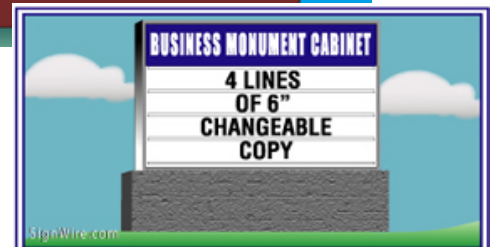


Committee of the Whole 5:00 P.M.
Regular Meeting 6:00 P.M.



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

Produced and
Distributed by the City Clerk's Office -7/23/2014-rk



2014 JULY - AUGUST

- Monday 28th:** **CITY COUNCIL**
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 29th:** **PUBLIC SAFETY BUILDING PROJECT OPEN HOUSE**
Homer Fire Station 5:00 p.m. to 6:30 p.m.
- Thursday, July 31st:** **PUBLIC SAFETY BUILDING REVIEW COMMITTEE**
Regular Meeting 5:30 p.m. (Upstairs Conference Room)
- Monday, August 4th:** **CITY COUNCIL**
Worksession 6:00 p.m.
- Tuesday, August 5th:** **LIBRARY ADVISORY BOARD**
Regular Meeting 5:00 p.m.
- Wednesday, August 6th:** **PLANNING COMMISSION**
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Friday, August 8th:** **VESSEL HAUL OUT TASK FORCE**
Regular Meeting 3:30 p.m.
- Monday, August 11th:** **CITY COUNCIL MEETING**
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6 p.m.
Library Advisory Board 1st Tuesday 5 p.m.
Economic Development Advisory Commission 2nd Tuesday 6 p.m.
Parks and Recreation Advisory Commission 3rd Thursday of the Month with the Exception of July & 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.)
Public Arts Committee Quarterly 2nd Thursday 5:00 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
BRYAN ZAK, COUNCILMEMBER – 16
DAVID LEWIS, COUNCILMEMBER – 14
BEAUREGARD BURGESS, COUNCILMEMBER – 15
GUS VAN DYKE, COUNCILMEMBER – 16

City Manager, Walt Wrede
City Attorney, Thomas F. Klinkner

<http://cityofhomer-ak.gov/cityclerk> for home page access, Clerk's email address is: clerk@ci.homer.ak.us City 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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
JULY 28, 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. ***Alaska North to the Future* Publication Update** – Community & Economic Development Coordinator Koester (10 minutes)
4. **CONSENT AGENDA**
5. **REGULAR MEETING AGENDA**
6. **COMMENTS OF THE AUDIENCE**
7. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, August 11, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. A Worksession is scheduled for Monday, August 4, 2014 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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
JULY 28, 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

Committee of the Whole 5:00 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 June 23, 2014. City Clerk. Recommend adoption. *Page 21*
- B. **Memorandum 14-108**, from Mayor, Re: Appointment of Savanna Bradley to the Planning Commission, Patrick Brown to the Economic Development Advisory Commission, and Erin Hollowell to the Public Arts Committee. *Page 39*

- C. **Memorandum 14-109**, from Deputy City Clerk Re: Liquor License Restaurant Designation Permit for Happy Face Restaurant. **Page 53**
- D. **Ordinance 14-32**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72.030(b) Regarding the Duties and Powers of the Homer Advisory Planning Commission Related to Subdivisions, and Amending Homer City Code 2.72.060 Regarding the Commission's Meeting Schedule and Deleting the Requirement to Provide Records of Commission Action to the Council. City Manager. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 75**
- E. **Ordinance 14-33**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2015 in the Amount of \$6,650 for Books and Library Materials, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 81**
Memorandum 14-110 from Library Director as backup. **Page 85**
- F. **Ordinance 14-34**, An Ordinance of the City Council of Homer, Alaska, Amending Table 3 Permitted Sign Characteristics by Zoning District, Following Homer City Code 21.60.060, Signs on Private Property, to Permit Changeable Copy Signs and Illumination Internal in the Gateway Business District. Planning. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 89**
Memorandum 14-119 from City Planner as backup. **Page 93**
- G. **Ordinance 14-35**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 5.05.010, 5.05.020, and 5.05.030 to Prohibit the Use of E-Cigarettes in City Structures, Vehicles, and Watercraft. Lewis. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 121**
- H. **Ordinance 14-36**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$35,000 From the General Fund / Fund Balance for Clearing Trees and Underbrush on City Owned Property in the Town Center and the Trail From Poopdeck to the Library in Order to Enhance Public Health and Safety. Mayor & City Council. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 127**
Memorandum 14-111 from City Manager and Police Chief as backup. **Page 133**

- I. **Ordinance 14-37**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating Up to \$19,000 From the Leased Property Depreciation Account for Improvements at the Homer Education and Recreation Complex (HERC) Gym to Bring the Building Into Compliance With the Fire Code. Mayor. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. *Page 135*

Memorandum 14-113 from City Manager as backup. *Page 139*

- J. **Ordinance 14-38**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Port and Harbor Enterprise Fund Operating Budget by Making Necessary Mid-Year Adjustments to Certain Expenditure Line Items and Transfers to the Depreciation Account. City Manager. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. *Page 165*

Memorandum 14-114 from Port and Harbor Director as backup. *Page 171*

- K. **Ordinance 14-39**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$80,000 From the Homer Accelerated Water/Sewer Program (HAWSP) for the Purchase of Property for a New Water Storage Tank (Lot A2, Barnett Subdivision, Quiet Creek Addition 2014) and Closing Costs Associated With the Purchase. City Manager/Public Works Director. Recommended dates: Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014.

Page 175

Memorandum 14-115 from Public Works Director as backup. *Page 179*

- L. **Resolution 14-079**, A Resolution of the City Council of Homer, Alaska, Submitting the Question of the Election of a Charter Commission to the Qualified Voters of the City at the October 7, 2014 Regular City Election. City Manager. Recommend adoption.

Page 195

- M. **Resolution 14-080**, A Resolution of the Homer City Council Awarding the Art Work Contract for the New Harbormaster Office Complex on the Homer Spit to Joshua Nordstrom of Homer, Alaska, in the Amount of \$5,200.00, Adrien Segal of Oakland, California, in the Amount of \$10,500.00, and Julianne Tomich of Homer, Alaska, in the Amount of \$3,500.00, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption. *Page 197*

Memorandum 14-112 from Art Selection Committee as backup. *Page 199*

- N. **Resolution 14-081**, A Resolution of the City Council of Homer, Alaska, Approving a Memorandum of Agreement Between the Alaska Department of Transportation and Public Facilities (ADOT/PF) and the City of Homer Regarding Homer Ferry Terminal Improvements at the Pioneer Dock. City Manager. Recommend adoption.

Page 209

- O. **Resolution 14-082**, A Resolution of the City Council of Homer, Alaska, Amending Chapters Two and Six of the Property Management Policies and Procedures (Lease Policies) to Provide for Port and Harbor Advisory Commission Review of Lease Committee Recommendations on the Lease Policies and on Lease Proposals and Successful Bidders Before Those Recommendations are Submitted to the City Council. City Manager. Recommend adoption.

Page 225

- P. **Resolution 14-083**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Execute an Agreement to Purchase Property for a New Water Tank (Lot A2, Barnett Subdivision, Quiet Creek Addition 2014). City Manager/Public Works Director. Recommend adoption.

Page 253

Memorandum 14-115 from Public Works Director as backup.

Page 179

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORTS REPORT/COMMISSION

A. Borough Report

B. 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 14-20(S)**, An Ordinance of the Homer City Council Amending Homer City Code 21.26.020, Permitted Uses and Structures, to Add Open Air Business as a Permitted Use in the General Commercial 2 Zoning District. Roberts. Introduction May 12, 2014 and Referred to the Planning Commission, Substitute adopted June 23, 2014, Public Hearing and Second Reading July 28, 2014. **Page 265**

Memorandum 14-105 from City Planner as backup. **Page 271**

- B. **Ordinance 14-30**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From the U.S. Fish and Wildlife Service In the Amount of \$110,000 for Reconstruction of a Section of the Beluga Slough Trail, and Providing an In-Kind Match in the Form of Design, Permitting, and Project Management Services, Having a Total Value of \$25,000. City Manager/Public Works Director. Introduction June 23, 2014, Public Hearing and Second Reading July 28, 2014. **Page 305**

- C. **Ordinance 14-31**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Budget by Appropriating \$84,000 From the Homer Accelerated Roads and Trails Fund (HART) for a Traffic Calming Pilot Project in Old Town. Van Dyke/Howard. Introduction June 23, 2014, Public Hearing and Second Reading July 28, 2014. **Page 317**

9. **ORDINANCE(S)**

10. **CITY MANAGER'S REPORT**

- A. City Manager's Report **Page 333**
1. Memorandum 14-116 from City Planner, Re: Proposal for Joint Work Session Between City Council and Homer Advisory Planning Commission. **Page 339**
 2. Memorandum 14-117 from City Planner, Re: Update on Review of Comprehensive Plan Recommendation on East End Road Zoning. **Page 341**
 3. Memorandum 14-118 from Community and Economic Development Coordinator, Re: Green Dot Training for City Employees. **Page 343**

- B. Records Inventory Report **Page 345**

11. **CITY ATTORNEY REPORT**

- A. June 2014 Report

Page 349

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Port and Harbor Improvement Committee
- D. Employee Committee Report
- E. Port and Harbor Building Task Force
- F. Public Safety Building Review Committee
- G. Vessel Haul-Out 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, August 11, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. A Worksession is scheduled for Monday, August 4, 2014 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 14-17 a Regular Meeting of the Homer City Council was called to order on June 23, 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

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABBOUD
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
IT MANAGER POOLOS
PORT AND HARBOR DIRECTOR HAWKINS
PROJECT MANAGER NELSEN

Council met as a Committee of the Whole from 5:00 p.m. to 5:52 p.m. to hear a report on the Citizens Academy from Community & Economic Development Coordinator Katie Koester and discuss Greatland Street Extension. The Council discussed Consent Agenda and Regular Meeting Agenda items.

AGENDA APPROVAL

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

The following changes were made: **CONSENT AGENDA - Resolution 14-077**, A Resolution of the City Council of Homer, Alaska, Approving Amendment One to the Cooperative Agreement Between the Alaska Department of Fish and Game and the City of Homer Regarding Renovation of the Homer Harbor Boat Launch Facility. City Manager/Port and Harbor Director/Public Works Director. Amendment One of Draft Cooperative Agreement Number 12-085. **Resolution 14-075**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a Fanciful Loon Windsock Sculpture by Alaskan Artist Rachelle Dowdy to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. Memorandum 14-107 from Parks and Recreation Advisory Commission as backup. **Resolution 14-076** A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a "Marine Debris Relief Sculpture of Silver Salmon" by Homer Artist Lynn Marie Naden to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. Recommend adoption. Memorandum 14-107 from Parks and Recreation Advisory Commission as backup. **VISITORS** - Written

comments on bed tax. **PUBLIC HEARINGS - Resolution 14-060**, A Resolution of the Homer City Council Maintaining the Water and Sewer Fees at the 2014 Rate and Updating the Homer Fee Schedule Accordingly. City Manager/Finance Director. Written public comments. **CITY MANAGER'S REPORT** - City Manager's Report of June 23, 2014. **RESOLUTIONS - Resolution 14-078(S)**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Homer Harbormaster's Building / Deepwater Dock Trail Boardwalk to Steiner's North Star Construction, Inc. of Homer, Alaska, in the Amount of \$2,082,697 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Memorandum 14-106 from Project Manager as backup.

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

LEWIS/ZAK– SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Heather Beggs, on behalf of the Kachemak Bay Rotary Club, urged support of Resolution 14-074.

Margarida Kondak, city resident, spoke against natural gas line assessments for individual condominium units.

Brianna Allen, city resident, supports Ordinance 14-31 and Resolutions 14-075 and 14-076. She read an email from Old Town neighbors into the record.

George Matz, Chair of Kachemak Bay Research Reserve Community Council, spoke in support of Resolution 14-073.

Amy Springer, city resident, advocated for the correction of Ordinance 13-02. The per lot assessment for natural gas was changed to per owner for condominiums.

Asia Freeman, city resident, spoke in support of Ordinance 14-31 and Resolutions 14-075 and 14-076.

Jim Lavrakas, Executive Director of Homer Chamber of Commerce, supports Ordinance 14-31.

Mike Dye, Homer resident, asked that the Council not support the borough bed tax ordinance since there are a lot of better options.

Tom Stroozas, Homer resident and Homer Voice for Business, spoke in opposition of the Kenai Peninsula Borough bed tax.

Mike Warburton, city resident, spoke in opposition to the borough bed tax.

Jon Faulkner, Homer resident, spoke against the borough bed tax.

Craig Forrest, Homer resident, spoke against the borough bed tax.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of June 9, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-100**, from Mayor, Re: Reappointment of Tom Bos to the Homer Advisory Planning Commission.
- C. **Memorandum 14-101** from Mayor, Re: Recommendation to Mayor Navarre for the Appointment of Franco Venuti to the Kenai Peninsula Borough Planning Commission to Fill the City of Homer Seat.
- D. **Ordinance 14-30**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From the U.S. Fish and Wildlife Service In the Amount of \$110,000 for Reconstruction of a Section of the Beluga Slough Trail, and Providing an In-Kind Match in the Form of Design, Permitting, and Project Management Services, Having a Total Value of \$25,000. City Manager/Public Works Director. Recommended dates: Introduction June 23, 2014, Public Hearing and Second Reading July 28, 2014.
- E. **Ordinance 14-31**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Budget by Appropriating \$84,000 From the Homer Accelerated Roads and Trails Fund (HART) for a Traffic Calming Pilot Project in Old Town. Van Dyke/Howard. Recommended dates: Introduction June 23, 2014, Public Hearing and Second Reading July 28, 2014.

- F. **Resolution 14-070**, A Resolution of the Homer City Council Accepting the 2013 Comprehensive Annual Financial Report with Audit and Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, BDO, USA, LLP and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance Director. Recommend adoption.

- G. **Resolution 14-071**, A Resolution of the Homer City Council Electing to Participate in the AMLJIA Loss Control Incentive Program for the City of Homer for the 2014-2015 Policy Year. City Manager/Finance. Recommend adoption.

- H. **Resolution 14-072**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Sign a Grant Agreement With the U.S. Fish and Wildlife Service (USFWS) for Reconstruction of a Section of the Beluga Slough Trail. City Manager/Public Works Director. Recommend adoption.

- I. **Resolution 14-073**, A Resolution of the City Council of Homer, Alaska, Expressing Its Support for the Kachemak Bay Research Reserve and Urging the Governor and Department of Fish and Game Commissioner Campbell to Hire an Interim On-Site Director and Expedite Efforts to Identify a New State Partner. City Manager. Recommend adoption.

- J. **Resolution 14-074**, A Resolution of the Homer City Council Renaming and Dedicating the Rotary Garden at the Homer Public Library to the Peter Larson Memorial Rotary Garden. City Clerk/Library Advisory Board. Recommend adoption.

Memorandum 14-102 from Library Advisory Board as backup.

- K. **Resolution 14-075**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a Fanciful Loon Windsock Sculpture by Alaskan Artist Rachelle Dowdy to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. Recommend adoption.

Memorandum 14-103 from Public Arts Committee as backup.

Memorandum 14-107 from Parks and Recreation Advisory Commission as backup.

Moved to Resolutions.

- L. **Resolution 14-076** A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a "Marine Reso 14-076 Debris Relief Sculpture of Silver Salmon" by Homer Artist Lynn Marie Naden to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. Recommend adoption.

Memorandum 14-103 from Public Arts Committee as backup.

Memorandum 14-107 from Parks and Recreation Advisory Commission as backup.

Moved to Resolutions.

- M. **Resolution 14-077**, A Resolution of the City Council of Homer, Alaska, Approving Amendment One to the Cooperative Agreement Between the Alaska Department of Fish and Game and the City of Homer Regarding Renovation of the Homer Harbor Boat Launch Facility. City Manager/Port and Harbor Director/Public Works Director. Recommend adoption.

Resolutions 14-075 and 14-076 were moved to Resolutions B and C. (Lewis)

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

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. Shanon Hamrick – Kenai Peninsula Tourism Marketing Council

Shanon Hamrick, Kenai Peninsula Tourism Marketing Council (KPTMC), reported on Ordinance 2014-25 introduced by Borough Assembly Member Bill Smith to levy a borough-wide 4% bed tax. The proposition will go before the voters in October. One in 13 Alaska jobs is in tourism and 25% of Kenai Peninsula Borough sales tax comes from visitors. The average amount spent by a visitor to Alaska is \$941. The national average bed tax is 13.73% and each U.S. household

would pay \$1,000 more in taxes without the revenue generated by travel and tourism. KPTMC spent two years working on a 1% tourism tax but was not able to get any traction at the administrative level.

A 4% borough-wide bed tax would generate \$2.4M and be allocated as follows:

- 33% for borough marketing
- 56% returned to cities
- 11% for school funding

The KPB Assembly will hold public hearings on July 1 and July 22.

Mayor Wythe called for a recess at 7:01 p.m. and reconvened the meeting at 7:07 p.m.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Proclamation, July as Parks and Recreation Month

Mayor Wythe read and presented the proclamation to Parks and Recreation Advisory Commissioner Roger MacCampbell.

B. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported an ordinance for the expansion of the South Peninsula Hospital (SPH) service area was introduced. The ordinance proposes to expand the service area to the waters of the southern Kenai Peninsula borough, but not take in additional land area. Oil rigs moored over the winter would be subject to the SPH service area taxes. The proposed service area expansion will not increase taxes for oil rigs; it will just allocate taxes to the appropriate service area. The question of the proposed service area expansion will go to the voters.

The Borough is considering voting by mail. Assemblyman Smith believes it should be an administrative decision to go forward with the idea. A number of people do early voting. There is the heartfelt argument from people that have gone to voting booths with their ancestors, yet the voter turnout rate is 20%. There is hope the voter turnout will increase if ballots can arrive at your door.

Assemblyman Smith introduced an ordinance for a borough-wide 4% bed tax. It is a challenging concept to impose the bed tax on lodging businesses since visitors also go to

restaurants and join in other activities. Voters rejected a proposed one-tenth percent (.10%) sales tax. He hopes the bed tax will go to the voters. Visitors cost us money in police, emergency and restroom care. Adopting a bed tax may be an opportunity to lower the property tax mill rate.

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Roger MacCampbell expressed appreciation for the proclamation for parks month. The commission voted not to expend city funds on the buoy art. They weighed in on the silver salmon and giant loon sculptures at Bishop's Beach. They are still waiting for the park needs assessment. When it is done it will provide better guidelines on the HERC building. The commission would like to see the gymnasium keep operating as it is part of community recreation. Other business before the commission is Woodard Creek trails, Karen Hornaday Park, and Bayview Park Master Plan.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 14-27**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating Up to \$600,000 From the Port and Harbor Reserves as a Local Match for Repair, Replacement, and Rehabilitation of Infrastructure and Facilities at the Homer Small Boat Harbor Load and Launch Ramp. City Manager/Port and Harbor Director. Introduction June 9, 2014, Public Hearing and Second Reading June 23, 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 14-27 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 14-28**, An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$179,892.97 From the Harbor Reserve Fund for the Local Match Associated With Deep Water Dock Feasibility Study and Authorizing the City Manager to Execute All Appropriate Documents. City Manager/Public Works Director. Introduction June 9, 2014, Public Hearing and Second Reading June 23, 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 14-28 by reading of title only for second and final reading.

ZAK/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 14-29**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$37,708 From the General Fund/Fund Balance to Fund a Permanent Part Time Administrative Assistant Position at Public Works. Burgess. Introduction June 9, 2014, Public Hearing and Second Reading June 23, 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 14-29 by reading of title only for second and final reading.

BURGESS/LEWIS - SO MOVED.

A correction to the job description will be made to read part-time.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 14-060**, A Resolution of the Homer City Council Maintaining the Water and Sewer Fees at the 2014 Rate and Updating the Homer Fee Schedule Accordingly. City Manager/Finance Director.

Memorandum 14-090 from City Manager as backup.

David Raskin, Kachemak City resident, complained about the treatment from the City of Homer as to sewer rates.

Bill Smith asked if Kachemak City residents would be charged for the rate that comes through a water meter if it were hooked up.

Bill Overway, Kachemak City Council Member, referenced City Manager Wrede's letter to Mayor Morris dated May 28, 2014 and stated he discharges 2,000 gallons of sewage per month.

Mayor Wythe closed the public hearing.

Motion on the floor from June 9: MOTION FOR THE ADOPTION OF RESOLUTION 14-060 BY READING OF TITLE ONLY.

City Manager Wrede noted there was a lot of discussion on dropping sewer usage for Kachemak City customers to 3,000 gallons per month and Council chose not to.

Council discussed the idea of separate meters for Kachemak City to have a more accurate reading of their sewer discharge. The meters could be for individual households or a meter for

the entire Kachemak City sewer discharge. The meters would come with a cost. The 3,500 rate billed is average usage for households in the U.S. The perspective of both councils is different.

City Manager Wrede noted it was hard to get an accurate meter reading with one sewer line as it clogs frequently and the maintenance is high. The individual water meters would need to be visible, inspected, repaired, and replaced. There are a lot of different sources of water for Kachemak City residents. He has talked to Kachemak City about them taking over the function and it is still something we could do. We can still look at cost estimates. Meters are an administrative burden for both cities, but would give a more accurate record of consumption.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

1. City of Homer Community Recreation Report
1. Town Center Clearing: The Community and the Police Department continue to struggle with illegal activities that are taking place in makeshift camping areas. One of the biggest problem areas for camping and illegal activity is on City land in the Town Center. One of the City lots, directly behind the laundry, is very densely wooded and it is difficult for the Police to see in there, or to leave their vehicles and walk in there safely. We are proposing to do some clearing in that area. The small, densely packed black spruce would come out. Tall healthy trees would stay but be limbed high enough that the police can see in. Carey is talking to the Corps of Engineers about possible permits due to wetlands and to various local contractors about mechanized clearing vs. hand cutting. We will have cost estimates and maybe an action item at the next meeting. Police Chief Mark Robl is prepared to discuss this problem with you in detail. This is a public safety issue that the Police feel should be a priority.
2. PARC Committee: This Committee is scheduled to meet on June 18 to provide final guidance on the contract with the selected consultant re: the needs assessment. The guidance will include the scope of work, benchmarks, deliverables, timetables, etc. Once I get that information, I will negotiate and execute the contract.
3. Load and Launch Ramp: This agenda contains a resolution which if adopted, would approve an amendment to the Cooperative Agreement between the City and ADF&G regarding repair and replacement work at the boat harbor load and launch ramp. The

purpose of the amendment is to clarify and more specifically spell out how Phase II of the project, the construction phase, will work. ADF&G, Sport Fish division has taken responsibility for all of the pre-construction work, engineering, design, permitting, through the bidding process. The City will manage the construction phase. The amended Cooperative Agreement will work like a reimbursable grant to the City. We can get into this in a little more detail at the meeting.

4. Green Dot Program: The City has provided support to the Green Dot Program in several ways. You may have noticed the big green dot outside of City Hall. On June 24th, I will meet with Tara Schmidt to talk about Green Dot Training for City staff. I believe this will be important for all City staff members but I want to concentrate first on staff members that have high contact with the public could be in positions where intervening could be helpful. The Library comes immediately to mind.
5. E-Cigarettes: Apparently, there is quite a bit of discussion going on about e-cigarettes and whether they should be included as part of smoking ban rules in public spaces. I have to admit, I am clueless on this subject and will have to get more information. Library Director Ann Dixon informed me that there is a discussion going on among Library Directors and Library Associations about how to handle this. Several Libraries have already included e-cigarettes as part of their smoking regulations, including Palmer and Juneau. Ann thought it would be wise to get out in front of this because it is only a matter of time before somebody lights up an e-cigarette in the library (or City Hall for that matter). Ann wanted to know if the City's current code on smoking was applicable and enforceable. Tom Klinkner is looking into that. So, this is just a heads-up that you might be hearing more about this later. The LAB will discuss it as a policy matter at the next meeting. If we change the code, or decide that the current code covers it, it would likely apply to all city buildings, not just the library.
6. Safety Training: On Wednesday, June 25, the City will conduct an almost all day safety training for new employees and summer temporaries. We are working hard to create a safe working environment, improve awareness of safety generally, and reduce the City's risk. The City recently formed a safety committee that includes representatives from all departments.
7. HR Position: The advertising period for this position closed on June 15th. Interviews will be conducted the week of June 23. We hope to have that position filled. In the meantime, Andrea Petersen is still on the payroll and helping us from Reno. Andrea Browning is filling in and helping also, where appropriate.
8. Natural Gas Distribution Project: You have probably noticed that the contractors are making good progress on phase two, the bluff area. It is possible that construction of the distribution system could be completed by early August. They will still be working on tie-ins, restoration work, clean-up, and service lines during that period. Only one easement remains to be obtained on Kachemak Drive and we are hopeful work can begin there soon. I think the contractors are doing an excellent job and most of the feedback I hear from property owners is very positive about what they are doing. Enstar reports that they have about 1,500 service lines either installed or applied for and around 900 meters that are "spinning." At the July 28 meeting, I hope to have a

progress report for you. This will include a look at the actual build-out, the status of the project budget, preliminary assessment roll adjustments, and information about the assessments. The report will also include a recommended course of action with respect to assessments for condominium buildings.

9. Mercer Meeting: On June 17th, John Li and I met with Mercer Company representatives to discuss the status of the Health Insurance Plan. They provided us with a comprehensive set of statistics which were very informative. I won't go into great detail here but so far, it looks like the changes made to the program are resulting in significant cost savings for the City. We went over the solicitation of bids from the private sector and the type of information that would be most helpful to the Council when Jeff Paxton is here in August.

City Manager Wrede referenced the manager's report in the supplemental packet. He told Amy Springer and Ken Castner the City is looking at the judge's decision on the condominiums and is reevaluating how condos will be assessed. They should not conclude there will be one assessment per condo. He hopes to have a report at the July 28th meeting. He will be looking at a full range of options. City Manager Wrede commented the judge didn't have the correct facts. In Castner's case, the condo would not get nine assessments. The City was required to notify every property owner with an interest in a property. At that time it looked like there were eight to nine owners of the Castner condominium. That was not going to be the number of assessments the building would get. As presented, he would have to agree with the judge it would be unfair.

City Manager Wrede assured the public he will come out with a recommendation soon. The new assessment roll will go before the Council in October. We are continually scrubbing the assessment roll, comparing as-builts to the roll. He is hearing as much from the other property owners to make the decision if they are going to have to pay for condos assessments. How is it fair? We have to explain to all the property owners we are trying to do what is fair for everybody. No matter how the assessments were set up, someone would think it was not fair. We are not just trying to be fair to condo owners; we are trying to be fair to other property owners. It is a balancing act.

Currently e-cigarettes are not part of the smoking ban rules in public spaces. If Council wants to include e-cigarettes, there will need to be an amendment to the ordinance. Council would like to wait until there is evidence one way or other about e-cigarette risks before banning them in public spaces. Council prefers to follow the State and Borough guidelines.

There is a proposal to clear trees in Town Center due to safety reasons. The City and police are experiencing illegal campsites around town; some are on private city land. The worst place on city-owned land is directly behind the laundromat lot on Main Street. It is heavily wooded and thick making police officers leave their cars and walk in. It is hard to monitor. The police have been hauling lots of camping materials out. City Manager Wrede will come to Council with a resolution to proceed with clearing to remove black spruce and limb the healthy larger trees. It

will allow the officers to see in or shine a flashlight in. Some of the land may be wetlands so Carey is checking with the Corps of Engineers if mechanized treatment is needed. He is talking to contractors and Enstar contractors to see what the best manner of treatment is.

CITY ATTORNEY REPORT

COMMITTEE REPORT

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

Mayor Wythe announced the meeting is tomorrow at 5:30 p.m. in the Conference Room. She encouraged public participation.

- G. Vessel Haul-Out Task Force

PENDING BUSINESS

- A. **Ordinance 14-20**, An Ordinance of the Homer City Council Amending Homer City Code 21.18.030, Conditional Uses and Structures, 21.24.030, Conditional Uses and Structures, and 21.26.030, Conditional Uses and Structures, to Add Farmers' Market as a Conditional Use in the Central Business District, General Commercial 1 and General Commercial 2 Zoning Districts. Roberts. (Introduction May 12, 2014, Referred to the Planning Commission)

Ordinance 14-20(S), An Ordinance of the Homer City Council Amending Homer City Code 21.26.020, Permitted Uses and Structures, to Add Open Air Business as a Permitted Use in the General Commercial 2 Zoning District. Roberts. (Substitute recommended by the Planning Commission)

Memorandum 14-105 from City Planner as backup.

ROBERTS/LEWIS - MOVED TO SUBSTITUTE ORDINANCE 14-20(S) FOR ORDINANCE 14-20.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/ZAK - MOVED TO POSTPONE TO JULY 28 FOR PUBLIC HEARING AND FINAL READING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 14-078**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Homer Harbormaster's Building / Deepwater Dock Trail Boardwalk to a Firm to be Announced of City and State in an Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Resolution 14-078(S), A Resolution of the Homer City Council Awarding the Contract for the Construction of the Homer Harbormaster's Building / Deepwater Dock Trail Boardwalk to Steiner's North Star Construction, Inc. of Homer, Alaska, in the Amount of \$2,082,697 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 14-106 from Project Manager as backup.

Mayor Wythe called for a motion for the adoption of Resolution 14-078 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Mayor Wythe called for a motion to substitute Resolution 14-078(S) for Resolution 14-078.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

- B. **Resolution 14-075**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a Fanciful Loon Windssock Sculpture by Alaskan Artist Rachelle Dowdy to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. Recommend adoption.

Memorandum 14-103 from Public Arts Committee as backup.

Memorandum 14-107 from Parks and Recreation Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 14-075 by reading of title only.

ZAK/HOWARD - SO MOVED.

Public Arts Committee wants to accept the sculpture, but the Parks and Recreation Advisory Commission recommended against accepting it. There are no monies for maintaining it.

Roger MacCampbell, Parks and Recreation Advisory Commissioner, was asked to provide input on the sculpture.

Mr. MacCampbell provided his own thoughts on the sculpture. He inspected the site and the land is too marshy next to the boardwalk to place the sculpture. It is a huge concrete structure that will require a large base. Without a good safety plan in Old Town he is concerned with vandalism and who will pay for it. The commission is in favor of the salmon sculpture.

The loon sculpture is 9' tall. Questions need to be answered on the placement and responsible party for repairs. A criteria for accepting art work is that it include maintenance provisions.

LEWIS/ZAK - MOVED TO REFER BACK TO THE PUBLIC ARTS COMMITTEE AND HOPE THEY CAN ANSWER OUR QUESTIONS BEFORE IT COMES BACK.

There was no discussion.

VOTE: (refer to PAC) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 14-076** A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a "Marine Debris Relief Sculpture of Silver Salmon" by Homer Artist Lynn Marie Naden to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. Recommend adoption.

Memorandum 14-103 from Public Arts Committee as backup.

Memorandum 14-107 from Parks and Recreation Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 14-076 by reading of title only.

LEWIS/HOWARD - SO MOVED.

LEWIS/ROBERTS - MOVED TO REFER BACK TO THE PUBLIC ARTS COMMITTEE AS WE HAVE NO IDEA ON HOW WE WILL MAINTAIN IT AND THERE IS NO FUNDING MENTIONED FOR MAINTAINING THIS.

Council would like to see a better picture of the sculpture when it returns. The proposal for accepting the art needs to include a plan for maintenance.

VOTE: (refer to PAC) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Adrienne Sweeney, city resident, expressed opposition to the proposed bed tax.

Mike Dye, Homer resident, expressed opposition to the proposed bed tax.

Jim Lavrakas, Homer Chamber of Commerce, announced a Chamber sponsored educational forum on issues surrounding the bed tax ordinance. It will be held on Thursday, June 26th at Best Western Bidarka.

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 had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe commented on the bed tax, stating she has never traveled anywhere outside Homer that does not have a bed tax. Homer has a lot to offer and some type of revenue to support economic development would be helpful. Voters will make the decision; the City Council doesn't need to make it.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis thanked the Library Advisory Board for bringing up the garden and naming it after Peter Larson. He saw Peter working there a number of times and it is appropriate. Councilmember Lewis is in favor of keeping the HERC gym open since it is well used and people deserve it. Other areas of Alaska don't mind taking his money as a bed tax. He announced Aaron Selbig's presence at the meeting. KBBi is having a goodbye party for Aaron on Thursday at 5:30 p.m.

Councilmember Burgess had no comment.

Councilmember Zak asked for a moment of silence for Peter Larson.

Councilmember Roberts noted someone testified that the 7.5% sales tax went to the hospital. She corrected that the mill rate goes to the hospital, not the sales tax. She appreciates the Planning Commission working with her to sort out the ordinance she sponsored to allow Farmers' Markets in other areas besides Town Center. She is looking forward to the report from City Manager Wrede on the gas line. It has been underway for two to three years. Councilmember Roberts thanked Rick Foster, the City's representative on the Kenai Peninsula Borough Planning Commission. He has given a lot to the area. She said goodbye to Aaron Selbig of KBBi. He has done a good job to help us. She congratulated Mayor Wythe on receiving her bachelor's degree. She referenced Katie Koester's remarks on the Citizens Academy that it is necessary to feed people if you expect to hold their attention over dinner time. That should be considered in other venues.

Councilmember Howard thanked Project Manager Dan Nelsen for a sharp pencil on the harbormaster's project along with Bryan Hawkins. It is exciting and by this time next year we will have had an open house and occupancy. Aaron Selbig posted on Facebook that he is sitting in his last city council meeting. She is going home and pretending to book a hotel room since she is interested to see if there are listings that have no bed tax. She did not hear the tsunami alarms today after the large earthquake. She congratulated the City on the annual water report. It was well done and has great ideas.

City Manager Wrede commented if there is no threat to Homer the tsunami sirens do not sound. Today the 8.1 earthquake was off the Aleutian Islands. Tsunami warnings were issued, but there was no threat to Homer. It was a deep earthquake that didn't generate much wave. If there are news reports all over about a giant earthquake there should be a way to tell people about it.

Councilmember Van Dyke commented we will continue working on the water and sewer rates. The current model is flawed as it is a 1:1 ratio water/sewer usage. There are certain times of the year when you are watering the lawn and washing cars. He understands the frustration of both Kachemak City and City of Homer residents. He would like to be on the board when the rates come up again. He applauded Steiner's North Star Construction for saving the City \$217,000 on the harbormaster's building. He was adamant about not spending the additional \$300,000.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:30 p.m. The next Regular Meeting is Monday, July 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.

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 14-108

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: JULY 21, 2014
SUBJECT: APPOINTMENT OF SAVANNA BRADLEY TO THE PLANNING COMMISSION,
PATRICK BROWN TO THE ECONOMIC DEVELOPMENT ADVISORY
COMMISSION, AND ERIN HOLLOWELL TO THE PUBLIC ARTS COMMITTEE

Savanna Bradley is appointed to the Planning Commission to replace outgoing member Larry Slone. Her term will expire July 1, 2017.

Patrick Brown is appointed to the Economic Development Advisory Commission to replace outgoing member Merry Maxwell. His term will expire April 1, 2015.

Erin Hollowell is appointed to the Public Arts Committee to replace outgoing member Angie Newby. Her term will expire April 28, 2016.

RECOMMENDATION:

Confirm the appointment of Savanna Bradley to the Planning Commission, Patrick Brown to the Economic Development Advisory Commission, and Erin Hollowell to the Public Arts Committee.

Fiscal Note: N/A



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

CITY CLERK'S OFFICE
 CITY OF HOMER
 491 E. Pioneer Avenue
 Homer, AK 99603
 PH. 907-235-3130
 FAX 907-235-3143

JUL 21 2014

J

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: Savanna Bradley Date: 7/20/14
 Physical Address: 4824 Shannon Ct, Homer, AK 99603
 Mailing Address: same as above
 Phone Number: 299 3526 Cell #: 299 3526 Work #: 435 3338
 Email Address: savanna.bradley@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 27 yrs 1 mos. I have been a resident of the area for 27 yrs 1 mos.

I am presently employed at Pratt Museum

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

MS in Arts Management - integration of arts into communities via arts organi-
zations, focus on Museums. Applicant was Born & raised in Homer, have
seen the growth & change that has happened over the last 20+ years. Familiar
with local organizations and various agencies through my sister.

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

No

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

An active interest in the way this city will grow & change over the next few years,
& how it will impact the place I grew up in & love.

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

The Pratt may have some projects to present in the future, but no other organizations

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? no

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:

Life-long local who plans on staying.

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!



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

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: PATRICK BROWN Date: 6-17-2014
 Physical Address: 40996 Woodman Lane Homer Alaska 99603
 Mailing Address: same
 Phone Number: 907.775.4638 Cell #: 907.775.4638 Work #: n/a
 Email Address: KL3DB@ARRL.net

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 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 checked="" 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 1 yrs ___mos. I have been a resident of the area for 15 yrs ___mos.

I am presently employed at Retired / Director of Operations - Geneva Woods Pharmacy

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

I have worked for several firms demonstrating increasing market share at the city, state, national & international levels. I have the dedication, overview, strategic insight and enthusiasm to provide practical insight, direction and encouragement for Homer Gov't., niche markets and profitable ROI.

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

Yes, 1) Seward Port & Commerce Advisory Board / Seward Alaska 1992-1995

2) Kenai Borough Economic Development District / Kenai Alaska 1992-1995

3) Wasilla Planning Commission / Wasilla Alaska 2012-2013

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

I enjoy challenges of Economic Development; meeting people of various cultural backgrounds and their solutions united in overcoming obstacles and developing markets to serve our world - profitably!

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? N/A

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:

I offer my expertise, knowledge and enthusiasm to aid and assist our Homer residents to prosper.

I offer my expertise, knowledge and enthusiasm to aid and assist our Homer residents to prosper.

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!

June 17, 2014

Mayor Mary E. (Beth) Wythe
Homer City Hall
491 East Pioneer Ave
Homer AK 99603
Phone: 907-235-8121 ext. 2246
Email: kkoester@cityofhomer-ak.gov

City Manager Walt Wrede
Councilmember Bryan Zak
Commissioner Krisintu
Commissioner Ross
Commissioner Barth
Commissioner Arno

Honorable Mayor Wythe:

My name is Patrick Brown, residing just outside the Homer City limits. I am applying for the position of Homer Economic Development Advisory Commissioner as a resident outside the City of Homer.

I'm a turnaround specialist. My work expertise spans 4 decades but my passion is Project LEON, a satellite launching application. Looking for potential launching locations in this area is one compelling reason I moved here a year ago.

As a Value Added Solutions Builder with CEO (Customer-Employee-Owner) Solutions, no one else offers answers as passionately! My greatest attributes: ENTHUSIASM, dedication and professionalism! My expertise in business systems has propelled several firms to first place in their spheres of operation. My knowledge skillset is Project Management, Quality Control and Production, Engineering, Education and Training/Mentoring.

Lufthansa Air Cargo Facility JFK, under my management, was the ONLY Airport Facility to be 100% ISO CERTIFIED upon first audit with no errors and no further recommendations; managed personnel of 200 direct/contract employees with budgets of \$150 Million. No other airport facility, foreign or domestic, ever 100% ISO Certified upon first audit.

Geneva Woods Pharmacy, largest medical operation in Alaska received their complete HIPAA Certification in 60 days under my direction.

Living in the Mat-Su Valley during the past 5 years, I have been involved and participated in a dozen boards and commissions. Active in the community I monitored the pulse of profit, non-profit organizations and various gov't entities.

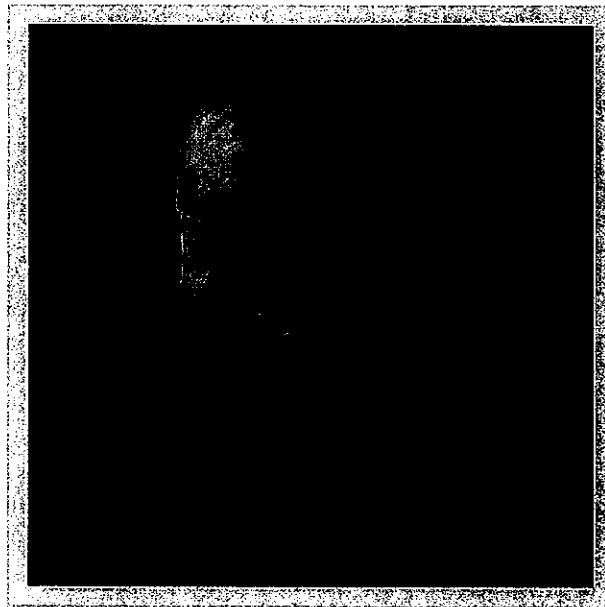
I thrive on learning, research-development and niche market applications. As an example the #1 export to China is 2 million wooden chopsticks yearly made in Alabama. The 2013 Google E-City Award identifying Homer with \$25 Million in additional commerce is an excellent foundation on which to build and expand.

Back in the 90's, I volunteered as Board Member for the Seward Port and Commerce Advisory Board and the Kenai Economic Development District. The following is a summary of the types of projects I labored with to various levels of success.

- 1) Alaska Aerospace Development Corp. - Kodiak Island Launch Center
Molniya & Polar Orbit satellites
- 2) Small Business Incubator-Economic Development
- 3) NAFTA Trade Agreement-Foreign Trade Zones
- 4) "Northwest Passage" Markets - Russian Arctic Circle
- 5) World Bank Pacific Rim "Bartering" System
- 6) Alaska Natural Gas Pipeline
- 7) Aquaculture-Agriculture; Oyster Farming, Whitefish Research-Marketing
- 8) Energy Development; Solar, Wind, Water resources

To Predict the Future just CREATE IT! I would be honored to serve at the desires of the City of Homer and assist our community to prosper.

Respectfully,



Patrick Brown
40996 Woodman Lane
Homer AK 99603
Cell Phone: 907.775.4638
Email: KL3DB@ARRL.net

Patrick Brown
COMMUNITY SERVICE POSTIONS

1. Project LEON – Shoot Stuff Cheaply into Space!
CSO – Chief Strategic Officer
2. WASILLA PLANNING COMMISSION
Past Planning Commissioner
3. NFB – National Federation of the Blind
Past Alaska State Secretary and Wasilla President
4. MAP – Mat-Su Agency Partnerships
Past Vice-Chair
5. SPARC – (South Peninsula Amateur Radio Club)
Vice President
6. MARA – (Mat-Su Amateur Radio Association)
Past President/CEO and Secretary KL3DB
7. TOASTMASTERS Mat-Su Valley
Past President and VP Public Relations
8. MINI MUSHERS SLED DOG CHALLENGE
Autism Alaska - Assistant Organizer
9. MSBA – Mat-Su Business Alliance
Past Member
10. SERTOMA (Service-To-Mankind)
Past VP Programs
11. LIONS CLUB - WASILLA
Founding Charter Member, Past President
12. Mat-Su Transportation Coalition
Disability Advocate
13. MASCOT (Mat-Su Community Transit)
Special Requirements Transportation Advisor
14. AMC – Alaska Mobility Coalition
Member, Transportation Advocate
15. BOARD OF DIRECTORS/EXECUTIVE BOARD MEMBER-Retired
Seward Port & Commerce Advisory Board
Kenai Borough Economic Development District
16. PALMER SENIOR & WASILLA SENIOR CENTERS
Activities Coordinator, Bingo Announcer

WORK HISTORY

Director of Operations
Geneva Woods Pharmacy-Alaska / 2009

- Accomplished HIPAA Certification for facility and operations in 60 days
- Managed 120 staff members for pharmacy operations and quality control
- Processed over 25,000 monthly prescriptions

Customer Care Consultant
T-Mobile Wireless / 2004-2007
Verizon Cellular Service / 2003-2004

- Awarded JD Powers Customer Care Excellence 7 consecutive times
Achievement never before or since attained by a communications company
- Managed quality customer service 1,000 person Call Center
- Developed streamlined quality customer service education programs

Manager
MailBoxes Etc – The UPS Store / 1999-2002

- Nurtured this facility into the #1 revenue operation within 10,000 franchises
- Directed branch store operations with a staff of 10
- Facility processed 1,000 daily accounts; more “mail” than 3rd world countries

Business Manager
CompUSA / 1996-1999

- Elevated quality efficiency - revenues to 1st place within the 175-store chain
- Created, staffed, trained and managed 30 person Call and Service Center
- Managed 2,500 accounts in Alaska
- Developed and implemented online internet sales and service program for Alaska

General Manager
FedEx / Lufthansa Air Cargo / 1994-1996

- Lufthansa Air Cargo received ISO Certification in 60 days at 100% Efficiency
 - No other facility ever accomplished this feat on 1st audit
- Managed 200 direct/indirect employees in 24/7 environment for operations
- Managed budgets of \$50-\$150 Million for operations, expenses and payrolls

EDUCATION AND TRAINING

CSO – Chief Strategic Officer / Coursework 2004-current

MBA Harvard “Fast Forward” Series Program / 1999-2003

MCSE Microsoft Software Training - CompUSA 1996 - 1998

Quality: LEED - Leadership in Environmental and Energy Design
ISO Certification & Six Sigma Training / Military (MIL) Specs
Step Processing / V-I-C-T-O-R-Y / Lean Manufacturing
Just-In-Time / Zero Defects / Dr. Deming

Amateur Radio KL3DB

Project LEON-Shoot Stuff Cheaply into Space!

Amateur and Commercial Satellite Launching Systems

Chicago Stations WYCA / WGVE / WLTH

25 years Public Communications Media

8 years Chicago Market

AIRRES (Alaska Independent Radio Reading and Educational Services)

Station operations

Announcer / Media Reporter

ILR (Independent Living Resources)

Media transcription for folks with disabilities

Controls Engineering / Phenology – Global Intermodal Systems

Ongoing Field Research - Alaska

Studies include HARP, HAARP, SHARP, and Project LEON

Mathematics: Intuitive Topology/Affine Geometry - Indiana University

Communication Electronics/Industrial Energy - Sauk College



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

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: Erin Hollowell Date: 6/20/14
 Physical Address: 38859 Fritz Creek Valley Rd. Homer
 Mailing Address: same
 Phone Number: 226-3560 Cell #: 907-491-1001 Work #: 907-491-1001
 Email Address: erin@blepsias.net

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 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 checked="" 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 ___ yrs ___ mos. I have been a resident of the area for 3.4 yrs ___ mos.

I am presently employed at Friends of the Homer Public Library and KBC of Kenai Peninsula College

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

I was employed by the Ketchikan Area Arts and Humanities Council for five years. Since that time, I have been the board president of the Cordova Arts Council and on the board for the Bunnell Street Arts Center. I have also served on the Alaska State Literary Arts Panel.

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

Cordova Arts Council - 3 years. Bunnell Street Arts Center - 2 years

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

I believe that public art is an integral part of Homer's community identity.

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

I am a member of the Bunnell Street Arts Center and the Homer Council on the Arts.

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? _____

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!



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 14-109

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JULY 21, 2014

SUBJECT: LIQUOR LICENSE RESTAURANT DESIGNATION PERMIT FOR HAPPY FACE RESTAURANT

We have been notified by the ABC Board of a restaurant designation permit within the City of Homer for the following:

Type: Restaurant Designation Permit
Lic #: 5342
DBA Name: Happy Face Restaurant
Premise Address: 4400 Homer Spit Road
Owner: Lee & Kim, LLC
Mailing Address: 4400 Homer Spit Road, Homer, AK 99603

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

Fiscal Note: Revenues.



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

Email: assemblyclerk@borough.kenai.ak.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

July 11, 2014

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

JUL 11 2014

RE: Non-Objection of New License Application

Business Name : Happy Face Restaurant
License Type : Restaurant Eating Place – Public Convenience
License Location : City of Homer
License No. : 5342

Dear Ms. Oates,

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

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

Sincerely,

Michele Turner
Deputy Borough Clerk

MLT/klr

cc: City of Homer
Applicant
KPB Finance Department
File

100 1 202



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM

DATE: July 9, 2014

TO: Melissa Jacobsen, Deputy City Clerk

FROM: Mark Robl, Police Chief

SUBJECT: LIQUOR LICENSE RESTAURANT DESIGNATION PERMIT FOR HAPPY FACE RESTAURANT

JUL 10 2014

We do not object to the following new liquor license:

Type:	Restaurant Designation Permit
Lic #:	5342
DBA Name:	Happy Face Restaurant
Premise Address:	4400 Homer Spit Road
Owner:	Lee & Kim LLC
Mailing Address:	4400 Homer Spit Rd, Homer, AK 99603

NOS OF JUL



City of Homer

www.cityofhomer-ak.gov

Faxed 7/9/14
HPP
Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF
FROM: MELISSA JACOBSEN, DEPUTY CITY CLERK *uj*
DATE: JULY 9, 2014
SUBJECT: LIQUOR LICENSE RESTAURANT DESIGNATION PERMIT FOR HAPPY FACE RESTAURANT

We have been notified by the ABC Board of a liquor license restaurant designation permit application the City of Homer for the following:

Type: Restaurant Designation Permit
Lic #: 5342
DBA Name: Happy Face Restaurant
Service Location: 4400 Homer Spit Road
Owner: Lee & Kim, LLC
Mailing Address: 4400 Homer Spit Road, Homer, AK 99603

This matter is scheduled for the July 28th City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **Wednesday, July 23, 2014**.

Thank you for your assistance.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,

and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

City of Homer
Attn: Jo Johnson
VIA EMAIL: jjohnson@ci.homer.ak.us

Lee & Kim LLC

d.b.a. Happy Face Restaurant – License #5342

- New Application** **Transfer of Ownership** **Transfer of Location**
 Restaurant Designation Permit **DBA Name Change**

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

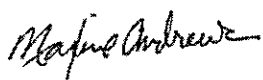
Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e),

and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: July 8, 2014

Application Type: **New** **TRANSFER**
 Ownership
 Location
 Name Change

Governing Body:	City of Homer
Community Councils:	n/a
License #:	5342
License Type:	Restaurant Eating Place (Public Convenience)
D.B.A.:	Happy Face Restaurant
Licensee/Applicant:	Lee & Kim, LLC
Physical Location:	4400 Homer Spit Road
Mail Address:	4400 Homer Spit Road Homer, AK 99603
Telephone #:	Young Kim 817-600-1115
EIN:	46-4633565

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
Lee & Kim, LLC	4400 Homer Spit Road Homer , AK 99603	817-600-1115	1/2/2014 Alaska	yes

Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Young Kim	9/10/1964	4400 Homer Spit Road Homer , AK 99603	817-600-1115	Manager, Member 100%

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board and the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.

r



Maxine Andrews
Business Registration Examiner
Direct line: 907-269-0358
Email: maxine.andrews@alaska.gov

Alcoholic Beverage Control Board
 2400 Viking Drive
 Anchorage, AK 99501

New Liquor License

(907) 269-0350
 Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

License is: Full Year OR Seasonal List Dates of Operation: _____

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>2014-2015</u>	License Type: <u>Restaurant Eating Place</u>	Statute Reference Sec. 04.11. <u>400G</u>	License Fee: \$ <u>600</u>
Office Use: License #: <u>5342</u>	<u>Public Convenience</u>		Filing Fee: \$100.00 Rest. Desig. Permit Fee: \$ <u>50⁰⁰</u>
Local Governing Body: (City, Borough or Unorganized) <u>Homer</u>		Community Council Name(s) & Mailing Address: <u>N/A</u>	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Lee & Kim, LLC</u>		Doing Business As (Business Name): <u>Happy Face Restaurant</u>	Business Telephone Number: <u>817-600-1115</u> Fax Number:
Mailing Address: <u>4400 Homer Spit Rd</u> City, State, Zip: <u>Homer AK 99603</u>		Street Address or Location of Premises: <u>4400 Homerspit Rd.</u>	Email Address: <u>chang1472@gmail.com</u>
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>5.6 miles</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Distance to closest church: <u>4.2</u>	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No. _____	<input checked="" type="checkbox"/> Not applicable	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

Alcoholic Beverage Control Board
 2400 Viking Drive
 Anchorage, AK 99501

New Liquor License

(907) 269-0350
 Fax: (907) 334-2285
<http://commerce.alaska.gov/dnni/abc/Home.aspx>

SECTION C - LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
B.L. & Kentypase	New Peking	Restaurant	145 S. Willow	Kemai AK

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes No If Yes, attach written explanation.

SECTION D - OWNERSHIP INFORMATION - CORPORATION

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an individual ownership): Lee & Kim LLC		Telephone Number: 817-600-1115	Fax Number: —
Corporate Mailing Address: Hoodlamer Spit Rd		City: Homer	State: AK
Name, Mailing Address and Telephone Number of Registered Agent:		Date of Incorporation OR Certification with DCED: 1/27/2014	State of Incorporation: AK

Is the Entity in "Good Standing" with the Alaska Division of Corporations? Yes No
 If no, attach written explanation. Your entity *must* be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Yong Kim	owner	100	4400 Hoodlamer Spit Rd Homer, AK 99603	817-600-1115	9/10/1964

NOTE: If you need additional space, please attach a separate sheet.

Alcoholic Beverage Control Board
 2400 Viking Drive
 Anchorage, AK 99501

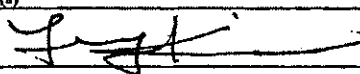
New Liquor License

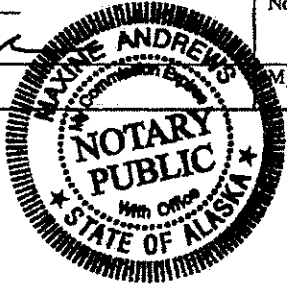
(907) 269-0350
 Fax: (907) 334-2285
<http://commerce.alaska.gov/dnn/abc/Home.aspx>

SECTION E - OWNERSHIP INFORMATION - SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)			
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)			
Name: YONG KIM Address: 4400 Homer Spit Rd Homer AK 99603 Home Phone: 907 235 0148 Work Phone: 907 235 0148	Applicant <input checked="" type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth: 9/10/64	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:

Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Licensee(s) Signature:  Signature: Name & Title (Please Print): YONG KIM (owner) Subscribed and sworn to before me this 28 day of May , 2014 . Notary Public in and for the State of Alaska My commission expires: w/office	Signature of Licensee(s) Signature: Signature: Name & Title (Please Print): Subscribed and sworn to before me this _____ day of _____, _____. Notary Public in and for the State of _____ My commission expires: _____
---	--



**STATE OF ALASKA
ALCOHOLIC BEVERAGE CONTROL BOARD
APPLICATION FOR RESTAURANT DESIGNATION PERMIT
AS 04.16.049 & 3 AAC 304.715 - 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 - 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 5342 Type: Restaurant / Eating Place

This application is for designation of premises where: (Please check the appropriate items below)

- 1. Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2. Persons 16 - 20 years of age may dine unaccompanied.
- 3. Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4. Persons between 16 - 20 years of age may be employed. *(See note below)

Licensee's Name: Lee and Kim LLC

Name of Business: Happy Face

Business Address: 4400 Homer Spit Rd. city: Homer

1. Hours of operation 11am to 9pm Telephone Number: 817-600-1115

2. Have police been called to your premises for any reason? Yes No
(If you answered yes, please explain below).

3. * Duties of employment: dishwasher, table busser, Food Service

4. Are video games available to the public on your premises? Yes No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?
 Yes No

6. How is food served? Table Service Buffett Service Counter Service Other _____

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours? Yes No

*** A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION ***

*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

**Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.

D. Walsh Gunn
Licensee Signature

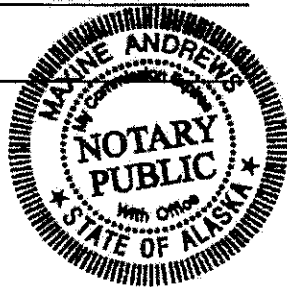
Local Governing Body Approval

Subscribed and sworn to before me this 8th day of July 2014

Date

Maxine Andrews
Notary Public in and for Alaska

My Commission expires: 12/31/15



Director, ABC Board

Date

Happy Face Restaurant

American - Chinese



Beer & Wine

Tel. 235-0148

4400 Homer Spit Rd, Homer AK 99603

OPEN 7 DAYS A WEEK

HAPPY FACE SPECIALS

Fish & Chips

Fresh Alaskan Halibut

\$15.95

Seafood Combo

Breaded Alaskan Halibut, Prawns, and Scallops served w/ Fries and salad

\$22.95

Clam Chowder

small - \$4.95

med - \$5.95

Appetizers

Egg Rolls (2).....	\$3.95
Mozzarella Sticks (6).....	\$7.95
Cream Cheese Won Tons.....	\$7.95
Fried Mushrooms.....	\$7.95
Jalapeno Poppers.....	\$7.95
Pot-Stickers (10) fried or steamed.....	\$9.95
Fried Prawns.....	\$12.95
BBQ Pork.....	\$10.95
Spicy Sesame Chicken Wings.....	\$9.95
Chinese Combo Plate.....	\$17.95

includes egg rolls, cream cheese won tons, pot stickers, bbq pork and fried prawns

Chicken and Seafood Baskets

All served with French fries

Chicken Strips.....	\$9.95
Chicken Nuggets(10pc).....	\$8.95
4 Piece Fried Chicken.....	\$12.95
Shrimp Basket.....	\$10.95
Fried Oysters.....	\$14.95
Clam Strips.....	\$12.95
Fried Scallops.....	\$13.95

Salads

Chef's Salad.....	\$10.95
Turkey, ham, tomato, Swiss and American cheese, w/ egg	
Chef's Salad w/ Shrimp.....	\$12.95
Turkey, ham, tomato, Swiss and American cheese, baby shrimp, w/ egg	
Shrimp and Avocado Salad.....	\$13.95
Baby shrimp, avocado, pickles, tomato, olives, w/ egg	
Grilled Chicken Salad.....	\$11.95
Tender marinated chicken w/ cucumbers and tomato	

Burgers & Sandwiches

Prepared to order, served with French fries or coleslaw. All burgers are made with a 1/3 lb patty

Hamburger Deluxe.....	\$8.95
Cheeseburger Deluxe.....	\$9.50
British Burger.....	\$9.95
Melted Swiss cheese on bacon	
Mushroom Burger.....	\$9.95
Melted Swiss cheese on sautéed mushrooms	
Happy Face Burger.....	\$10.95
Ham, bacon, grilled onions, jalapenos, and sautéed mushrooms with Swiss cheese and Thousand Island dressing	
California Burger.....	\$10.95
Roast beef, bacon, grilled onions, avocado with Swiss cheese and Thousand Island dressing	
Teriyaki Burger.....	\$10.50
Grilled onions and pineapple ring with Swiss cheese and homemade Teriyaki sauce	
Halibut Burger.....	\$15.95
Breaded halibut with Tartar sauce	
Chicken Sandwich.....	\$10.50
Melted Swiss cheese on a deep fried chicken patty	
Philadelphia Sandwich.....	\$12.95
Sliced roast beef, grilled onions, tomatoes, melted with Swiss cheese served on sourdough bread	
French Dip Sandwich.....	\$12.95
Tender roast beef on a toasted French roll served with Au Jus	
Franny.....	\$11.95
Turkey, bacon, tomato, and melted Swiss cheese on sourdough bread	
Steak Sandwich.....	\$14.95
6 oz. New York steak served with grilled onions, mushrooms, and green bell peppers on sourdough	
Club Sandwich.....	\$10.95
Grilled turkey, bacon, lettuce, and tomato on toasted bread	
Cold Turkey, Ham, or Roast Beef Sandwich.....	\$9.95
Turkey, ham, or roast beef with lettuce, tomato, and mayo	
Grilled Ham n Cheese.....	\$8.95
Grilled Cheese.....	\$5.95

Dinner

All of our dinner selections are served with salad, choice of potato, and vegetables

Fish and Chips Dinner.....	\$22.95
<i>Tender filers of breaded halibut served with house tartar sauce</i>	
Halibut Dinner.....	\$29.95
<i>10 oz. of grilled Alaskan halibut served with house tartar sauce</i>	
Captain's Plate.....	\$24.95
<i>Halibut steaks and deep fried prawns served with our house tartar sauce and cocktail sauce</i>	
New York Steak.....	\$22.95
<i>12 oz. Eastern US choice beef served with onion rings</i>	
T-Bone Steak.....	\$24.95
<i>13 oz. US choice beef steak served with onion rings</i>	
Steak and Prawns.....	\$24.95
<i>6 oz. New York steak served with deep fried prawns</i>	
Deep Fried Prawns.....	\$19.95
<i>six deep fried prawns served with our house tartar sauce and cocktail sauce</i>	
Deep Fried Chicken.....	\$16.95
<i>1/2 Fried chicken served on a bed of lettuce</i>	
Chicken and Chips.....	\$17.95
<i>Breaded Strips of Chicken served on a bed of lettuce</i>	
Ground Sirloin Steak.....	\$18.95
<i>ground beef topped with grilled onions and brown gravy</i>	
Chicken Fried Steak.....	\$17.95
<i>chicken steak dipped in flour and cracker meal batter served with our house country gravy</i>	
Pork Chops.....	\$19.95
<i>Delicious pork chops served with applesauce and topped with our house country gravy</i>	
Veal Cutlet.....	\$19.95
<i>Tender veal cutlet served with brown gravy</i>	

Side Orders

French Fries.....	\$4.95
Onion Rings.....	\$6.95
Tossed Salad.....	\$3.95
Small Salad w/ Shrimp.....	\$5.95
Extra sauces or dressings.....	\$0.50
Extra Ingredients.....	\$2.00

Beverages

Coffee or Hot Tea
Hot chocolate
Milk
Juice
Soda
Shakes

Chinese Combinations

Please choose ONE in each category

Lunch \$11.95

(Served 11:15 am - 2:30 only)
Served with fried rice & soup

1. Egg Roll
2. Breaded Almond Chicken

AND

- A. Mongolian Beef
- B. Almond Chicken
- C. Beef w/ Vegetables
- D. Broccoli Chicken
- E. Kung Pao Chicken
- F. Shrimp w/ Vegetables *spicy*
- G. Chicken Chowmein
- H. Sweet and Sour Pork OR Chicken

Dinner \$19.95

(Served 11:15 am - close)
Served with eggroll, fried rice, and soup

1. Sweet and Sour Pork
2. Sweet and Sour Chicken
3. Sweet and Sour Shrimp
4. Breaded Almond Chicken

AND

- A. Mongolian Beef
- B. Almond Chicken or Breaded
- C. Broccoli Beef or Chicken
- D. Snow Pea Chicken
- E. Kung Pao Chicken
- F. Beef w/ Vegetables *spicy*

Chinese Soups

Sizzling Rice Soup.....	\$11.95
Chicken Broth, Shrimp, Green Peas, Bamboo Shoots, Mushrooms, Mixed vegetables"	
Hot n' Sour Soup.....	\$12.95
Shredded pork, shrimp, bean-curd, cooked with Chinese vinegar and hot pepper	
Three Ingredient Soup.....	\$13.95
shrimp, scallops, abalone, and mixed vegetables.	
Won Ton Soup.....	\$10.95
mixed vegetables and won tons	
Chicken Noodle Soup.....	\$13.95
Shrimp Noodle Soup.....	\$14.95
Ton-Ton Noodle Soup*SPICY*.....	\$14.95
Beef and mixed vegetables	
Seafood Noodle Soup *SPICY*.....	\$16.95
Shrimp, scallops, squid, and mixed vegetables	

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-32

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72.030(b) Regarding the Duties and Powers of the Homer Advisory Planning Commission Related to Subdivisions, and Amending Homer City Code 2.72.060 Regarding the Commission's Meeting Schedule and Deleting the Requirement to Provide Records of Commission Action to the Council.

Sponsor: City Manager

1. City Council Regular Meeting July 28, 2014 Introduction

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 ORDINANCE 14-32

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 2.72.030(b) REGARDING THE
7 DUTIES AND POWERS OF THE HOMER ADVISORY PLANNING
8 COMMISSION RELATED TO SUBDIVISIONS, AND AMENDING
9 HOMER CITY CODE 2.72.060 REGARDING THE COMMISSION'S
10 MEETING SCHEDULE AND DELETING THE REQUIREMENT TO
11 PROVIDE RECORDS OF COMMISSION ACTION TO THE
12 COUNCIL.
13

14
15 WHEREAS, The platting power within the City is exercised by the Kenai Peninsula
16 Borough.

17
18 WHEREAS, Kenai Peninsula Borough Code 20.25.050 provides for the Homer Advisory
19 Planning Commission ("Commission") to review and comment on all proposed vacations,
20 abbreviated subdivision plats, subdivision plat waivers, and preliminary plats of land within the
21 City.
22

23 WHEREAS, The language of HCC 2.72.030(b) regarding the duties of the Commission
24 related to platting and subdivisions is inconsistent with Kenai Peninsula Borough Code
25 20.25.050, and should be amended to conform to the latter provision.
26

27 WHEREAS, HCC 2.72.060 should be updated to conform to the Commission's current
28 meeting schedule, and the requirement in HCC 2.72.060 that every decision or finding of the
29 Commission shall be directed to the City Council at the earliest possible date should be deleted
30 as redundant and wasteful of limited City resources.
31

32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

33
34 Section 1. Subsection (b) of Homer City Code 2.72.030, Duties and powers, is amended
35 to read as follows:
36

37 The Commission shall be required to do the following:

38
39 b. Review and comment on all proposed vacations, abbreviated subdivision plats,
40 subdivision plat waivers, and preliminary plats of land within the City before their submittal to
41 the Kenai Peninsula Borough, as provided in Kenai Peninsula Borough Code 20.25.050 ~~Exercise~~
42 ~~control over platting and subdivision of lots, blocks or lands within the City limits. All proposed~~
43 ~~plans, plats or replats of lots, blocks or lands within the City limits, and all streets, alleys and~~
44 ~~other portions of the same intended to be dedicated to public or private use, or vacated within~~

[Added language underlined. Deleted language stricken through.]

45 the corporate limits, shall first be submitted to the Commission for its approval or rejection
46 before such plans, plats or replats shall be submitted to the Borough Planning and Zoning
47 Commission for final approval and recordation. Unless the City Council shall disapprove the
48 action of the Commission within 20 days, its decision shall be final. If the Commission has
49 approved any plan, plat or replat, and the City Council has not, within 20 days, disapproved this
50 action, the Commission, through its Chairman, shall endorse its approval on the plan, plat or
51 replat, and the owner thereof may then offer it to the Borough Planning and Zoning
52 Commission for final approval;

53
54 Section 2. Homer City Code 2.72.060, Record of proceedings, is amended to read as follows:

55
56 2.72.060 Record of proceedings. The Commission shall meet regularly twice a month,
57 There shall be a regular monthly meeting of the Commission, and permanent records or
58 minutes shall be kept of Commission proceedings, and such minutes shall record the vote of
59 each member upon every question. Every decision or finding shall immediately be filed in the
60 office of the City Clerk, and shall be a public record open to inspection by any person. ~~Every~~
61 ~~decision or finding shall be directed to the City Council at the earliest possible date.~~

62
63 Section 3. This Ordinance is of a permanent and general character and shall be
64 included in the City Code.

65
66 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day
67 of August 2014.

68
69 CITY OF HOMER

70
71
72 _____
73 MARY E. WYTHE, MAYOR

74
75 ATTEST:

76
77
78 _____
79 JO JOHNSON, MMC, CITY CLERK

80
81
82 AYES:

83 NOES:

84 ABSTAIN:

85 ABSENT:

86

87

88

89 First Reading:
90 Public Reading:
91 Second Reading:
92 Effective Date:

93
94

95 Reviewed and approved as to form:

96

97

98

99 _____
Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

100

101 Date: _____

Date: _____

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-33

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2015 in the Amount of \$6,650.00 for Books and Library Materials, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting July 28, 2014 Introduction
 - a. Memorandum 14-110 from Library Director as backup
 - b. Alaska Public Library Assistance Grant Agreement FY2014

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Library Director

5 ORDINANCE 14-33
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 ACCEPTING AND APPROPRIATING A STATE OF ALASKA
9 PUBLIC LIBRARY ASSISTANCE GRANT FOR FY 2015 IN THE
10 AMOUNT OF \$6,650.00 FOR BOOKS AND LIBRARY
11 MATERIALS, AND AUTHORIZING THE CITY MANAGER TO
12 EXECUTE THE APPROPRIATE DOCUMENTS.
13

14 WHEREAS, The City submitted an application for the Alaska Public Library Assistance
15 Grant for books and library materials; and
16

17 WHEREAS, The State awarded the grant in the amount of \$6,650.00, requiring a local
18 match of \$7,000.00; and
19

20 WHEREAS, The match of \$7,000.00 was included in the 2014 budget.
21

22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
23

24 Section 1. The Homer City Council hereby accepts and appropriates a State of Alaska
25 Public Library Assistance Grant in the amount of \$6,650.00 for books and library materials as
26 follows:
27

28 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-030-4507	State of Alaska Public Library Assistance Grant	\$6,650.00

29
30
31
32
33

34 Section 2. The City Manager is authorized to execute the appropriate documents.
35

36 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not
37 be codified.
38

39 ENACTED BY THE HOMER CITY COUNCIL this ____ day of _____, 2014.
40
41
42
43
44

45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:
NO:
ABSENT:
ABSTAIN:

First Reading:
Public Hearing:
Second reading:
Effective Date:

Reviewed and approved as to form:

Walt Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Homer Public Library

500 Hazel Avenue
Homer, AK 99603

library@cityofhomer-ak.gov

(p) (907)-235-3180

(f) (907)-235-3136

Memorandum 14-110

TO: Mayor and Council

THROUGH: Walt Wrede, City Manager

FROM: Ann Dixon, Library Director

DATE: July 7, 2014

SUBJECT: Alaska Public Library Assistance Grant Award and Budget Revision

Each year the Homer Public Library applies for the Alaska Public Library Assistance Grant, a matching grant funded by the State of Alaska. As in past years, we were awarded the grant. When we applied for the grant, the amount offered and requested was \$7,000. However, the State Library, which administers the grant, has reduced that amount to \$6,650 because not enough money was appropriated to fully fund the grants. In that case, each grant to qualifying libraries is reduced proportionally.

The Homer Public Library is obligated to match at the original amount of \$7,000. The funds are intended to be spent on books and library materials. Our current book budget meets the \$7,000 requirement.

I have revised the budget, as requested by the Alaska State Library. The agreement is ready to be approved and signed. It must be received by the State Library by September 1 in order to receive this year's award.

RECOMMENDATION: Approve Ordinance 14-33 accepting the Alaska Public Library Assistance Grant.

Alaska Public Library Assistance Grant Agreement FY2014

This agreement made and entered into this eighteenth day of June 2013, by and between the **Alaska State Library**, hereafter referred to as the Grantor; and the **Homer Public Library**, hereafter referred to as the Grantee.

Whereas, the State of Alaska has appropriated funds for public library assistance; and whereas, the application of the Grantee for a grant for public library assistance has been approved. NOW THEREFORE, for and in consideration of the mutual covenants herein contained the parties hereto agree as follows:

The Grantor will agree to:

1. Furnish funds in the amount of **\$6,600**.
2. Provide advisory services in furtherance of the grant project.

The Grantee will agree to:

1. Expend local funds of at least **\$7,000** for project purposes. Funds may be expended only for public library purposes and must be clearly attributable to public library services and operations.
2. Provide at least the following services free to residents of the municipality or community:
 - Establish and maintain a collection of books and other materials for loan;
 - Provide access to interlibrary loans;
 - Provide reading or other educational programs for children; and
 - Provide reference information.
3. Abide by the conditions set forth in its application and approved by the Grantor, including:
 - The number and timing of open hours;
 - The existing and ongoing educational requirements for the library director.
4. Expend at least \$3,500 on library materials and online services for each outlet.
5. Have trained staff on duty in the library during the scheduled open hours.
6. Submit a Final Grant and Technology Report and Public Library Annual Report by September 1, 2014.
7. Maintain accurate records for auditing purposes.
8. Return any grant funds unexpended or unencumbered by June 30, 2014, and all funds for which there is no proper accounting.
9. Repay any portion of grant funds that have not actually been matched by local funds over the course of the grant period.
10. Receive prior approval from the Grantor for any line item change that exceeds 10% of the line item, except that no prior approval is required for:
 - Line item changes of less than \$100; or
 - Line item changes that add funds to library materials and online services.

The source of funding for this agreement is as follows:

State Sources	\$6,600
----------------------	----------------

By accepting this award or agreement, the grantee may become subject to the audit requirements of State of Alaska Administrative code 2 AAC 45.010. As a result, the grantee may be required to provide for an audit and to permit independent auditors to have access to their records and financial statements. The grantee should consult with an independent auditor for assistance in determining audit requirements for each fiscal year.

The undersigned understands and agrees to the conditions of this agreement. Both signatures are required.

For the Library

For the Legal Entity

Signature

Signature

Title

Date

Title

Date

**PLEASE MAKE A PHOTOCOPY OF THE SIGNED AGREEMENT FOR YOUR RECORDS
RETURN BY SEPTEMBER 1, 2013 TO: GRANTS ADMINISTRATOR, ALASKA STATE LIBRARY,
344 WEST THIRD AVENUE, SUITE 125, ANCHORAGE, AK 99501**

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-34

An Ordinance of the City Council of Homer, Alaska, Amending Table 3 Permitted Sign Characteristics by Zoning District, Following Homer City Code 21.60.060, Signs on Private Property, to Permit Changeable Copy Signs and Illumination Internal in the Gateway Business District.

Sponsor: Planning

1. City Council Regular Meeting July 28, 2014 Introduction
 - a. Memorandum 14-119 from City Planner as backup

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 14-34

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND ILLUMINATION INTERNAL IN THE GATEWAY BUSINESS DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Table 3, Permitted Sign Characteristics by Zoning District, following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Sign Type	Table 3.													
	RR	UR	RO	INS (a)	CBD	TC	GBD	GC ₁	GC ₂	EEMU	MC	MI	OSR	PS(e)
Animated (b)	N	N	N	N	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	P	P	P	PN	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	PN	P	P	P	P	P	N	N
Illumination External	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	P	P	N	P	P	P	P	P	N	N

Notes to Table 3

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

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

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

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

23
24
25
26
27

CITY OF HOMER

28
29

MARY E. WYTHE, MAYOR

30 ATTEST:

31
32
33

JO JOHNSON, MMC, CITY CLERK

34
35
36

37 YES:
38 NO:
39 ABSTAIN:
40 ABSENT:

41
42

43 First Reading:
44 Public Hearing:
45 Second Reading:
46 Effective Date:

47
48

Reviewed and approved as to form:

49
50

Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

51
52
53
54

Date: _____

Date: _____

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



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 14-119

TO: MAYOR WYTHER AND HOMER CITY COUNCIL

FROM: RICK ABOUD, CITY PLANNER

DATE: JULY 22, 2014

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND ILLUMINATION INTERNAL IN THE GATEWAY BUSINESS DISTRICT.

The Planning Commission received a request from Faith Lutheran Church that was submitted as an informational item at the meeting of April 16, 2014 where a representative of the church spoke at the meeting. The item was part of the agenda May 7th and June 4th where a draft amendment to the sign code was produced. On June 18th a Public hearing on the subject was held. After receiving favorable testimony at the public hearing, the Commission voted unanimously to recommend the amendment to the sign code.

Recommendation:

The Homer Advisory Planning Commission recommends the City Council adopt the recommended changes to the signage allowance in the Gateway Business District.

Attachments:

Letter from Faith Lutheran Church dated 3.19.14

Staff Reports 14-41, 14-53 and 14-56

Excerpts from Planning commission meeting minutes 4.16.14, 5.7.14, 6.4.14 and 6.18.14

Draft Ordinances dated 5.7.14 and 6.18.14

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. Reconsideration

5. Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of March 19, 2014 meeting **pg. 5**

6. Presentations

7. Reports

- A. Staff Report PL 14-31, City Planner's Report **pg. 11**

8. Public Hearings

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

- A. Staff Report PL 14-33, Conditional Use Permit (CUP) 2014-05 Request to allow building into the front setback at 320 W Pioneer Avenue **pg. 27**
- B. Staff Report PL 14-34, Request for exemption from the Bridge Creek Watershed Protection District, Lot 4, Tulin East Highlands Subdivision, 1270 Don's Drive **pg. 49**

9. Plat Consideration

- A. Staff Report PL 14-32, Harrington Heights 2014 Replat Preliminary Plat **pg. 61**


10. Pending Business

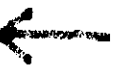
- A. Staff Report PL 14-36, Itinerant Merchants (IM) and Mobile Food Service (MFS) April 16, 2014 **pg. 73**

11. New Business

- A. Staff Report PL 14-35, Discussion on moving a lot line in the Bridge Creek Watershed Protection District, decreasing the size of a lot **pg. 99**

12. Informational Materials

- 
- A. City Manager's Report from the March 24, 2014 City Council Meeting **pg. 103**
- B. Letter from Faith Lutheran Church Planning Board RE: changeable copy signs in the Gateway Business District. **pg. 107**
- C. KPB Platt Committee Notice of Meeting in Homer Monday, April 14, 2014 at Land's End Resort **pg. 109**
- D. KPB Plat Committee Notice of Decisions
- Barnett's South Slope Sub. Quiet Creek Park Revised Preliminary Plat **pg. 111**
 - Mattox Subdivision 2014 Preliminary Plat **pg. 145**



Session 14-08, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on April 16, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, SLONE, STEAD, STROOZAS, VENUTI

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/ SLONE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Merlin Cordes, city resident, commented on behalf of Faith Lutheran Church and read the letter that was included in the packets informational materials. The current sign for Faith Lutheran Church is in need of replacement and they would like to put up a new sign that includes a changeable copy area to advertise their community events. In accordance with HCC 21.95.010, they are asking that a Planning Commissioner initiate an amendment to HCC 21.60.060 table 3 to allow changeable copy signs and internally illuminated signs in the Gateway Business District.

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of March 19, 2014 meeting

Chair Venuti called for a motion to approve the consent agenda.

HIGHLAND/ SLONE SO MOVED.

There was no discussion.

New Business

- A. Staff Report PL 14-35, Discussion on moving a lot line in the Bridge Creek Watershed Protection District

Commissioner Stroozas left the table based on his earlier declaration in relation to being a property owner within 300 feet of the subject property.

Deputy City Planner Engebretsen noted that there is no formal action on this tonight; this is a conceptual check on whether the Commission agrees with moving property lines to match the watershed boundaries as we know them. The issue addressed here is how to address a lot with a portion that flows toward the watershed and a portion that flows away. The concept of shifting a lot line to follow the watershed boundary is an option to consider, or allow the portion of a lot that flows away considered as not part of the watershed. Either option will likely include a code amendment, but staff would like to have a conceptual conversation with the Commission as to what they think would be preferred.

David Treat explained he owns two lots in the watershed protection district that are relatively equal in size. The property line between the two lots is very close to the structures that were built on the lot that is out of the watershed. The survey showed a section of the land behind the lot that was just exempted that drains away from the watershed. He is interested in a future action to shift the lot line to encompass the portion that drains away from the watershed into this lot that was just exempted. It gives him a little more room between the structure and the property line, and allows for a clear line between what is and is not in the watershed.

The Commission discussed the situation and agreed that it would be appropriate to consider a code amendment to address circumstances where a portion of a lot flows toward and a portion that flows away from the watershed.

Deputy City Planner Engebretsen said staff will bring back some proposals for consideration.

Informational Materials

- A. City Manager's Report from the March 24, 2014 City Council Meeting
- B. Letter from Faith Lutheran Church Planning Board RE: changeable copy signs in the Gateway Business District.
- C. KPB Platt Committee Notice of Meeting in Homer Monday, April 14, 2014 at Land's End Resort
- D. KPB Plat Committee Notice of Decisions
 - Barnett's South Slope Sub. Quiet Creek Park Revised Preliminary Plat
 - Mattox Subdivision 2014 Preliminary Plat



The Commission continued discussion regarding the sign code in the GBD, and options for amending the code, which includes collecting signatures and request from a Planning Commissioner to institute

a change. Commissioner Erickson requested an ordinance change relating to changeable copy and internally illuminated signs in the district.

Commissioner Highland commented about a comment from the Boroughs review of the Quiet Creek Subdivision that Homer is supposed to have a storm water management plan to address those concerns about runoff transfer. She asked if that is what they have been discussing recently. Deputy City Planner Engebretsen suggested that it might not have been very clear in the testimony what the city has and when it applies. She believes there was some discussion about storm water requirements like in the CBD, which is different than city wide storm drainage, and also different from subdivision storm water regulations.

Comments of the Audience

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

Joe Carter commented regarding the discussion replatting a lot line in the BCWPD, he thinks replatting between two common properties is a separate issue from any issue relating to the drainage. He believes if the lodging were provided, some folks from the NRCS would come out free of charge to go out with real time GPS and walk the 2100 acres of the BCWPD and map it on the ground. He talked about the current process of the LYDAR mapping and its inaccuracy. He will provide information he talked about in the worksession to staff for review.

Buck Jones, President of the Faith Lutheran Church Planning Board, commented that the GBD is very small and is one lot deep along the Sterling Highway, and changeable copy signs are only restricted in that area. He referenced other changeable copy signs in Homer, and said what they are asking is for the GBD to follow the rest of the sign code around town. He wouldn't want to see it limited to just churches or non-profits, due to the chance of starting a conflict.

Gary Syth, Pastor of Faith Lutheran Church, gave a brief example of their need for the changeable copy sign. This weekend the service times are changing for the Easter Service, but they don't have a way for the general public to know the times are changed. Sandwich boards are not allowed in the GBD either.

Comments of Staff

Deputy City Clerk Jacobsen reminded the Commission that the appropriate time for commissioners to declare their conflicts of interest is after the Chair announces the agenda item, and before the applicant begins their presentation.

Comments of the Commission

Commissioner Highland said she received a call from a member of the public expressing concern that the Dolphin Villa does not have running water, and also about the buses that are parked over by Two Sisters. Deputy City Planner Engebretsen said that in the future it is best to refer people with those type questions the Planning Department.

Commissioner Slone welcomed Shelly back to the Commission and advised that he will likely miss the next meeting.

Commissioner Erickson said she is glad to be back.

Commissioner Bos thought it was a good meeting with respectful conversation all the way around. He thanked staff for doing another marvelous job.

Commissioner Stead and Stroozas had no comment.

I Chari Venuti commented about driving in to Soldotna and seeing all the signs, he would hate to see Homer get like that. There is a reason we have no changeable copy signs in various areas. It is a great idea the church should have a good sign out there, but he doesn't think it should be a changeable copy sign. He thinks they could do the same thing with portable signs they add to what they have. He said it was an interesting meeting and thanked everyone for their participation.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:36 p.m. The next regular meeting is scheduled for May 7, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 14-41

TO: Homer Advisory Planning Commission
THROUGH: Julie Engebretsen, Deputy City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: May 7, 2014
SUBJECT: Draft Ordinance 14-xx, Amending Homer City Code HCC 21.60.060, Table 3, Permitted Sign Characteristics

INTRODUCTION: The Faith Lutheran Church Planning Board submitted a letter, requesting a change to the sign code to allow internally lit, changeable copy signs in the Gateway Business District (GBD). At the meeting of April 16th, the Planning Commission reviewed the request, and initiated a code amendment per 21.95.010. This item is not currently scheduled for public hearing; this staff report is an introduction to the issue and for discussion purposes. A public hearing, with a complete draft ordinance, will be on the May 21st HAPC agenda.

When reviewing this staff report, a key question emerges: Will allowing changeable copy and/or internally lit signs provide an attractive gateway to residents and visitors as they enter Homer on the Sterling Highway?

BACKGROUND:

For years the church has used temporary signs such as banners to notify the public of upcoming events because permanent changeable copy signs are not allowed in the GBD. The church requests two amendments to Homer's Sign Code HCC 21.60.060, Table 3:

1. To allow changeable copy signs, and
2. To allow internally illuminated signs.

If both amendments are approved, a principal building in the GBD would be allowed one permanently mounted, internally lit, changeable copy sign. For the most part, the sign standards in the GBD are the same standards as in the other business districts with the exception of Table 3 (HCC 21.60.060). Table 3 does not allow changeable copy or illumination internal signs in the GBD.

ANALYSIS:

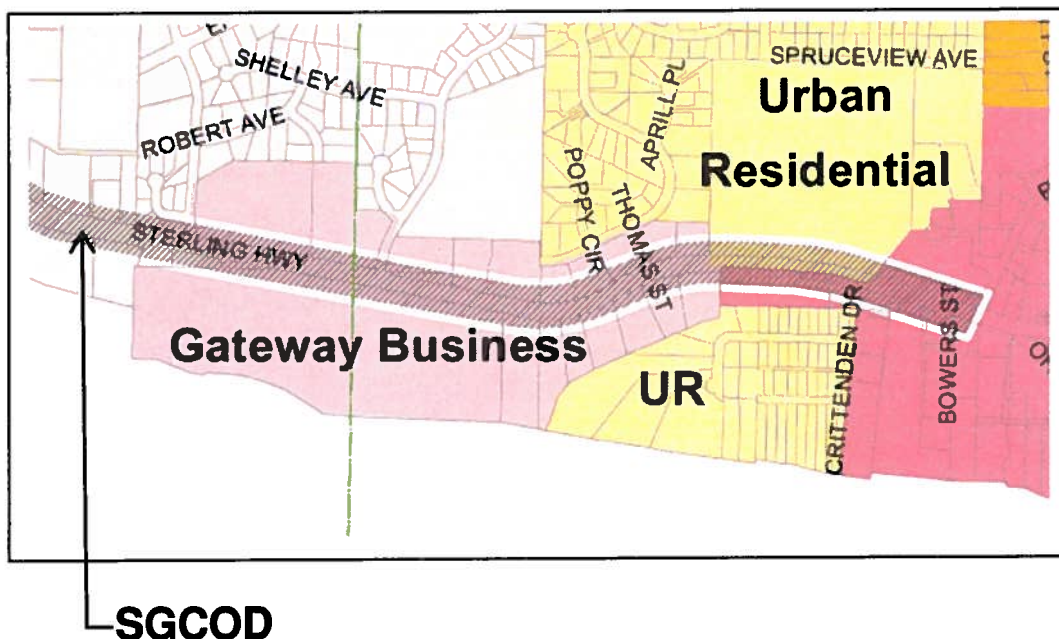
Changeable copy signs can be internal or externally lit. In Homer all changeable copy signs must be permanently mounted and the lettering can only change one time per day, with an exemption for time and temperate, HCC 21.60.040 Definitions:

“Changeable copy sign” means a sign that includes characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign, and on which the message changes less often than one time per day; provided, that a changing electronic or mechanical indication of time or temperature does not cause a sign to be a changeable copy sign.”

Internally lit also referred to as Illumination Internal signs: If the light source is not external; it's internal. Technology changes rapidly, so by today's standards internal light sources may include LED, Electronic Message Center, back lit and halo lighting. In general, internally lit signs are more legible because the light bulbs are better maintained and the light source can't be misdirected. Regardless of the district, Homer's Sign Code does not allow animated signs, HCC 21.60.080(e) Design, construction, and maintenance.

“Illumination, if used, shall not be animated. Light rays shall shine only upon the sign or upon the lot on which the sign is located, and no direct light or significant glare shall be cast onto any adjacent lot, street, or right-of-way.”

Gateway Business District and Overlay District: The GBD runs west from the Homer Middle School along both sides of the Sterling Highway, south to Kachemak Bay, and ends just past the corner of West Hill Road and Carriage Court where Story Real Estate is located. Permitted uses include: retail, restaurants, hotels, financial institutions, churches, schools and entertainment establishments. The portion of parcels that front and are within 150 feet of the centerline of the Sterling Highway are within the narrow Scenic Gateway Corridor Overlay District (SGCOD). The SGCOD does not affect signage in the GBD because the SGCOD requires that signs comply with the sign code as it applies to the GBD.



Purpose of the GBD:

"The purpose of the Gateway Business District is primarily to promote mixed use development, with an emphasis on visitor-oriented business. Conflicts between residential and business uses are resolved in favor of business. Among the goals of the Gateway Business District regulations are the minimization of future traffic congestion along the Sterling Highway corridor, and preservation of the favorable experience residents and visitors have when entering Homer by way of the Sterling Highway."

Purpose of the SGCOD:

a. The primary purpose of the Scenic Gateway Corridor Overlay District is to make additional provisions for preservation of scenic vistas, to enhance the compatibility of development and to minimize future traffic congestion and maintain safety along the Sterling Highway corridor.

b. The Scenic Gateway Corridor Overlay District shall overlap and overlay existing zoning districts. The intent of this district is to have development that is sensitive to the "Gateway" of Homer and provide an additional layer of protection for the panoramic views of the Gateway while furthering the primary purposes of the district.

The 2010 Comprehensive Plan references the Gateway as a mixed use, "visitor-oriented area that should be developed in a manner that provides an attractive gateway to Homer." Ch 4, pg 5. This aligns with the Chapter 4 Land Use goals:

Goal 2: Maintain the quality of Homer's natural environment and scenic beauty." Ch 4, pg 4-1.

Goal 4: Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.

Illumination Internal Signs: Discuss how internally lit signs relates to the purpose of the GBD and the Comprehensive Plan. Some considerations are:

- Attractiveness, or not, between internally lit and externally lit signs.
- Legible: Research indicates the internally lit signs are more legible because the light is more evenly distributed.
- Public safety: When a sign is more legible, motorist have more time to react.
- Lighting levels: Homer does not have sign brightness or luminance levels.

Changeable copy sign code amendment: Staff supports changeable copy signs because a permanently mounted changeable copy sign is more attractive than temporary signs such as banners or sandwich boards. This combined with Homer's Sign standards upholds the purpose of the GBD.

HCC 21.95.040 Planning Department review of code amendment states that: 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.

Finding 1: This amendment is consistent with the 2010 Comprehensive Plan Chapter 4 Land Use Goal because a permanently mounted, changeable copy sign is more attractive than temporary signs such as banners or sandwich boards.

Finding 2. Homer's Sign standards restrict the sign size and sign height (10 ft) which helps to further the goals and objectives of the Comprehensive Plan. This amendment to allow changeable copy signage is not contrary to the goal and objectives of the comprehensive plan.

b. Will be reasonable to implement and enforce.

Finding 3: This amendment will be reasonable to implement and enforce.

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

Finding 4: This amendment promotes health, safety and welfare by allowing uses in the GBD to notify the public of community events by using permanently mounted, changeable copy signs.

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

Finding 5: This amendment is consistent with the intent, wording and purpose of HCC Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

1. Changeable Copy Signs: Planning staff recommends amending HCC 21.60.060 Table 3 to allow Changeable Copy signs.

2. Illumination Internal Signs: Discuss how internally lit signs relates to the purpose of the GBD and the Comprehensive Plan.

ATTACHMENTS

1. Letter from Faith Lutheran Church stamp dated March 19, 2014
2. Draft Ordinance dated May 7, 2014.

Faith Lutheran Church Planning Board

1000 Soundview Ave.

Homer, AK. 99603

To: Homer Advisory Planning Commission

City of Homer

Planning and Zoning Office

491 E. Pioneer Ave.

We at Faith Lutheran Church need to replace our sign. We are located at the corner of Soundview and the Sterling Hwy, across from West Homer Elementary in the Gateway Business District. Our current sign is falling over and looks run down. Last summer we put out banners attached to our current sign to notify the public about various events and services such as Easter service, Vacation Bible School, Faith Lutheran Youth Group etc. We received a letter from planning and zoning that these banners violate the sign code in our zoning district. In the fall of 2013 we voted as a congregation to replace our sign with a new sign having our church name on top and an area of changeable type on the bottom. Upon receiving a quote for an acceptable sign, we took the new sign plan to the Planning and Zoning department and learned that changeable copy, internally lit signs are not allowed in the Gateway Business District. As a church, we have various events for the community throughout the year and would like to be able to communicate times and dates to the passing public. The sign that we are wanting to install does this in a clean, simple manner and complies with the rest of the sign code.

We at Faith Lutheran Church are requesting an amendment to Homer City Code 21.60.060 Table 3 to allow changeable copy signs in the Gateway Business District.

We would also request to amend Homer City Code 21.60.060 Table 3 to allow an internally illuminated sign in the Gateway Business District.

According to HCC 21.95.010, a member of the Planning Commission may initiate an amendment to this Title.

Respectfully submitted:

Faith Lutheran Church Planning Board

Buck Jones, President

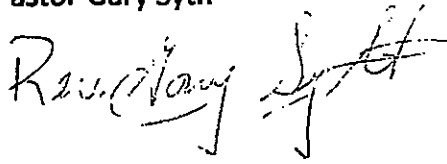
Buck Jones 299-1857

RECEIVED

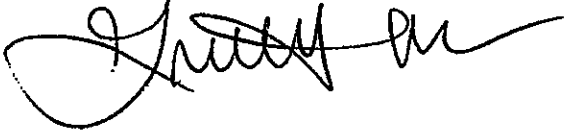
MAR 19 2014

**CITY OF HOMER
PLANNING/ZONING**

Pastor Gary Syth



Gretchen McCullough, Director Christian Education



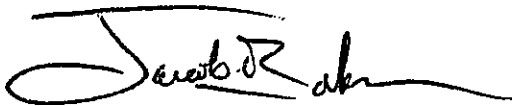
Milli Martin, Finance Director



John Baker, Elders Board



Jacob Baker, Director Church Properties



Tamekia Jones, Director of Education

Carol Clark, Director of Parish Activities

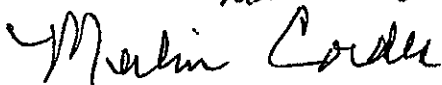


Martha Hendrickson, Director of Pre-School Education

Carol Cordes, Secretary



Marlin Cordes, Past President
Past Director of Finance
Past Director of Church Properties



**CITY OF HOMER
HOMER, ALASKA**

Planning

DRAFT ORDINANCE 14-presented May 7, 2014

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND ILLUMINATION INTERNAL IN THE GATEWAY BUSINESS DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Table 3, Permitted Sign Characteristics by Zoning District, following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Sign Type	Table 3.													
	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS(e)
Animated (b)	N	N	N	N	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	P	P	P	PN	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	PN	P	P	P	P	P	N	N
Illumination External	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	P	P	N	P	P	P	P	P	N	N

Notes to Table 3

a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.

b. Animated signs may not be neon or change colors or exceed three square feet in area.

c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.

d. Neon signs may not be flashing and may not exceed 32 square feet.

e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

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

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

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

23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Walt E. Wrede, City Manager
Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

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

HIGHLAND/BOS - MOVED TO CHANGE HELIPADS BEING PERMITTED OUTRIGHT IN THE BRIDGE CREEK WATER PROTECTION (BCWP) TO REQUIRE A CUP FOR HELIPADS.

There was a discussion on the pros and cons to allowing helipads by CUP process only.

VOTE. NO. STEAD, STROOZAS.

VOTE. YES. VENUTI, HIGHLAND, BOS, ERICKSON.

Motion carried.

Staff explained the table for GC2 that Heliports are permitted outright at the airport and that helipads are allowed only by CUP process for GC2.

Commissioners requested the following changes:

- under the RO Helipads CUP needed insert Hospital.
- remove the permitted outright from the table for Helipad
- remove the permitted outright from the table for Heliports and include an explanation for the airport

NEW BUSINESS

A. Staff Report PL 14-41, Draft Ordinance 14-XX Amending Homer City Code 21.60.060 Table 3 Permitted Sign Characteristics by Zoning District to permit Changeable Copy and Internally Illuminated signs in the Gateway Business District

Staff reviewed the report. Recommendation to allow changeable copy signage and discuss allowing internally lit signage at this meeting.

A lengthy discussion was entertained on the pros and cons of changeable copy and whether the signage was internally lit or externally lit. Staff requested the commission come to consensus on what they would like to see and then the public can weigh in on the guidelines as presented. Currently signage that is externally lit is allowed.

Staff stated that the commission initiated an ordinance. This item can be postponed and discussed later. They can vote on it. The commissioners can recommend no changes be made and Council will make the final decisions.

Staff confirmed any commissioner can initiate a zoning ordinance referencing HCC 21.95.010. The next step is a public hearing held by the commission; the commission will then submit a recommendation to City Council will make the final decision.

Further discussion covered allowing permanent changeable copy signs on private property in the gateway business district, urban residential, rural residential and residential office districts; adding the word "permanent"; adding portable signs not permitted.

Staff summarized the recommendations of the commission and stated this would be back before the commission in June.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 14-53

TO: Homer Advisory Planning Commission (HAPC)
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
DATE: June 4, 2014
SUBJECT: Changeable copy and internally lit sign in the Gateway Business District

Background: At the May 7, 2014 HAPC meeting the Commission discussed Staff Report PL 14-41 which puts forth two requests to amend the sign standards in the Gateway Business District. If approved, the two amendments to Table 3 in Homer's Sign Code 21.60.060 would:

1. Allow changeable copy signs in the GBD, and
2. Allow internally illuminated signs in the GBD.

Permanently mounted: The commission discussed the need for changeable copy signs to be permanently mounted. Homer's Sign Code requires that all changeable copy signs be permanently mounted, HCC 21.60.060 Table 3 (c). **"Changeable copy signs must be wall- or pole-mounted, and may not be flashing."**

Churches are Institutions (per Table 1 (a) HCC 21.60.060) and Institutions may have an internally lit, changeable copy sign in the residential districts with a maximum sign area of 20 sf Table 2 Part A HCC 21.60.060. Since the GBD is not a residential district this code provision for institutions does not apply.

Gateway Business District: The attached draft ordinance only makes changes to the GBD which runs west from the Homer Middle School along both sides of the Sterling Highway, south to Kachemak Bay, and ends just past the corner of West Hill Road and Carriage Court where Story Real Estate is located. SR 14-41 pg 2.

Motions are needed to move this draft ordinance to public hearing.

- a) If no motion(s) are made, the attached draft ordinance will move forward to public hearing to allow changeable copy signs and internally illuminated signs in the GBD.
- b) If the Commission does not recommend changeable Copy signs in the GBD, a motion is needed to clearly documenting the reasoning.
- c) If the Commission does not recommend Illumination Internal signs in the GBD, a motion is needed clearly documenting the reasoning.

Attachments

1. Staff Report PL 14-41 presented at the May 7, 2014 HAPC meeting (with attachments)
2. May 7, 2014 HAPC minutes

Plat Consideration

- A. Staff Report PL 14-51, Bidarka Heights Unit 3 Knutson Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant or public comment.

There was brief discussion regarding the street name Highland Drive being west Highland. There wasn't adequate information to determine which was correct.

ERICKSON/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-51 AND APPROVE BIDARKA HEIGHTS UNIT 3 KNOTSON REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

- A. Staff Report PL 14-53, Changeable Copy and Internally Lit Sign in the Gateway Business District

City Planner Abboud reviewed the staff report.

The commissioners briefly discussed their preferences regarding changeable copy and internally illuminated signs in the Gateway Business District (GBD). They addressed differences in externally and internally lit signs. There was general consensus that having a public information sign would be beneficial for the Lutheran Church for the purpose of public service information and emergency notifications.

STROOZAS/ERICKSON MOVED THAT CHANGEABLE COPY AND INTERNALLY LIT SIGNS IN THE GATEWAY BUSINESS DISTRICT AS SPELLED OUT IN STAFF REPORT PL 14-41 USING THE TWO AMENDMENTS TO TABLE THREE IN HOMER SIGN CODE 21.60.060 WOULD ALLOW CHANGEABLE COPY SIGNS IN THE GBD AND INTERNALLY ILLUMINATED SIGNS IN THE GBD.

There was no further discussion.

VOTE: YES: STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS

Motion carried.

- B. Staff Report Pl 14-54, Towers





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 14-56

TO: Homer Advisory Planning Commission (HAPC)
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
DATE: June 18, 2014
SUBJECT: Changeable copy and internally lit sign in the Gateway Business District

Background: At the June 4, 2014 meeting the Commission discussed Staff Report PL 14-53 and PL 14-41 which put forth two requests to amend the sign standards in the Gateway Business District. The Commission voted to allow both changeable copy and internally lit signs in the Gateway Business District.

“STROOZAS/ERICKSON MOVED THAT CHANGEABLE COPY AND INTERNALLY LIT SIGNS IN THE GATEWAY BUSINESS DISTRICT AS SPELLED OUT IN STAFF REPORT PL 14-41 USING THE TWO AMENDMENTS TO TABLE THREE IN HOMER SIGN CODE 21.60.060 WOULD ALLOW CHANGEABLE COPY SIGNS IN THE GBD AND INTERNALLY ILLUMINATED SIGNS IN THE GBD.

VOTE: YES: STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS”

Attached is the DRAFT ordinance to:

1. Allow changeable copy signs in the GBD, and
2. Allow internally illuminated signs in the GBD.

Public Notice: “AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND ILLUMINATION INTERNAL IN THE GATEWAY BUSINESS DISTRICT. “

Staff Recommendation: Hold a public hearing and forward recommendation to City Council.

Attachment:

1. Draft ordinance

**CITY OF HOMER
HOMER, ALASKA**

Planning

DRAFT ORDINANCE 14-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT, FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND ILLUMINATION INTERNAL IN THE GATEWAY BUSINESS DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. Table 3, Permitted Sign Characteristics by Zoning District, following Homer City Code 21.60.060, Signs on private property, is amended to read as follows:

Table 3.														
Sign Type	RR	UR	RO	INS (a)	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS(e)
Animated (b)	N	N	N	N	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	P	P	P	PN	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	PN	P	P	P	P	P	N	N
Illumination External	N	N	N	P	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	P	P	N	P	P	P	P	P	N	N

Notes to Table 3

- a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, non-profit or public safety/benefit nature, *i.e.*, schools, churches and hospitals.
- b. Animated signs may not be neon or change colors or exceed three square feet in area.
- c. Changeable Copy signs must be wall or pole mounted, and may not be flashing.
- d. Neon signs may not be flashing and may not exceed 32 square feet.
- e. The PS column does not represent a zoning district. It applies to Public Signs permitted under the zoning code, in all zoning districts.

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

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

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

23
24
25 CITY OF HOMER

26
27
28
29 _____
30 MARY E. WYTHE, MAYOR

31 ATTEST:

32
33
34 _____
35 JO JOHNSON, CMC, CITY CLERK

36
37 YES:

38 NO:

39 ABSTAIN:

40 ABSENT:

41
42 First Reading:

43 Public Hearing:

44 Second Reading:

45 Effective Date:

46
47 Reviewed and approved as to form:

48
49
50 _____
51 Walt E. Wrede, City Manager

52 Date: _____

Thomas F. Klinkner, City Attorney
Date: _____

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

PRESENTATIONS

There were no presentations scheduled.

REPORTS

A. Staff Report PL 14-55, City Planner's Report

Deputy City Planner Engebretsen reviewed the staff report. She added that an incomplete application had been received on another tower and provided direction regarding ex-parte communication regarding the matter.

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 14-56, Changeable Copy and internally lit sign in the Gateway Business District

Chair Venuti opened the Public Hearing.

Deputy City Planner Engebretsen reviewed the staff report.

Mr. Buck Jones, President, Planning Board, Faith Lutheran Church, applicant, provided a brief history on the reason for the request to allow changeable copy and internally lit signage.

Mr. Gary Syth, Pastor, Faith Lutheran Church, testified in favor of allowing changeable copy and internally lit signage.

Chair Venuti closed the Public Hearing.

ERICKSON/STROOZAS - MOVED TO APPROVE THE DRAFT ORDINANCE 14-XX AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND INTERNAL ILLUMINATION IN THE GATEWAY BUSINESS DISTRICT.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

There were no plat considerations on the agenda.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-35

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 5.05.010, 5.05.020, and 5.05.030 to Prohibit the Use of E-Cigarettes in City Structures, Vehicles, and Watercraft.

Sponsor: Lewis

1. City Council Regular Meeting July 28, 2014 Introduction

1 CITY OF HOMER
2 HOMER, ALASKA

3 Lewis

4 ORDINANCE 14-35

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 5.05.010, 5.05.020 and 5.05.030
7 TO PROHIBIT THE USE OF E-CIGARETTES IN CITY
8 STRUCTURES, VEHICLES AND WATERCRAFT.
9

10
11 WHEREAS, The City has prohibited the smoking of tobacco in City buildings, on other
12 identified public properties, and in vehicles and watercraft owned by the City, for the reason,
13 among others, that it endangers the health and welfare of other persons who are present
14 where the smoking occurs.

15
16 WHEREAS, The Council finds that the vapor emitted by an e-cigarette also may offend,
17 and endanger the health and welfare, of other persons who are present where the e-cigarette
18 is being used, and that the use of e-cigarettes in City buildings, on other identified public
19 properties, and in vehicles and watercraft owned by the City, should be restricted in the same
20 manner as the smoking of tobacco in such places.

21
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

23
24 Section 1. Homer City Code 5.05.010, Legislative intent, is amended to read as follows:

25
26 5.05.010 Legislative intent. It is the intent of this provision to accommodate and protect
27 the public health and welfare of those who do not desire to be exposed to secondhand smoke
28 or vapor from e-cigarettes while completing City business or performing City employment
29 responsibilities.

30
31 Section 2. Homer City Code 5.05.020, Definitions, is amended to read as follows:

32
33 5.05.020 Definitions. In this chapter:

34 "E-cigarette" means an electronic device that uses a heating element, battery, or
35 electronic circuit to issue a vapor for inhalation in a manner that simulates smoking a lighted or
36 heated cigar, cigarette, or pipe, or other lighted or heated tobacco or plant product intended
37 for inhalation.

38 "Public buildings and other areas owned or operated by the City" does not include
39 public sidewalks and streets, unless located within 50 feet of a petroleum fuel dispensing
40 facility.

41 "Smoking" means and includes using or operating an e-cigarette or the inhaling,
42 exhaling, burning or carrying of any lighted smoking equipment or paraphernalia for tobacco
43 or any other weed or plant.
44

45 Section 3. Homer City Code 5.05.030, Prohibition, is amended to read as follows:

46
47 5.05.030 Prohibition. Smoking is prohibited ~~No person shall smoke any tobacco product~~
48 ~~and no person shall smoke any other substance in all any~~ public buildings owned or operated
49 by the City or any of its departments. This prohibition applies to City Hall, the Police Station,
50 the Fire Hall, public works facilities, animal shelter, library, port and harbor buildings, airport
51 terminal and any other buildings owned or occupied by the City. This prohibition also applies to
52 all City-owned or leased vehicles or watercraft as follows:

53 a. Smoking in any form is objectionable to many and shall not be permitted in any
54 public buildings owned by the City of Homer or leased by the City as lessee and in all motor
55 vehicles or watercraft owned, rented, leased or used by the City of Homer, or by any
56 departments, councils, commissions, or other agencies of the City. This would exclude public
57 sidewalks, streets, public parks, other outdoor areas, and leased properties in which the City is
58 the lessor.

59 b. The City shall designate a "smoking area" outside City-owned buildings and facilities,
60 in which this section does not prohibit areas for smoking ~~by nonminors shall be allowed~~. A
61 smoking area shall be situated no closer than 15 feet from premise entrances, open doors or
62 windows.

63 c. Smoking shall be prohibited on City-owned properties located within 50 feet of a
64 petroleum fuel dispensing facility.

65 d. The person in charge of City areas listed above shall make reasonable efforts to
66 prevent smoking in those areas in which smoking is not allowed and shall post "No Smoking"
67 and "Warning" signs conspicuously in these areas.

68 e. The person in charge of a City area listed above shall post signs in those areas in
69 which this section does not prohibit smoking ~~is allowed~~.

70
71 Section 4. This Ordinance is of a permanent and general character and shall be
72 included in the City Code.

73
74 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day
75 of August 2014.

76
77 CITY OF HOMER

78
79
80
81 _____
82 MARY E. WYTHE, MAYOR

83 ATTEST:

84
85
86 _____
87 JO JOHNSON, MMC, CITY CLERK

88 AYES:
89 NOES:
90 ABSTAIN:
91 ABSENT:

92
93
94 First Reading:
95 Public Reading:
96 Second Reading:
97 Effective Date:

98
99

100 Reviewed and approved as to form:

101

102

103

104 _____
Walt Wrede, City Manager

105

106 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-36

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$35,000 From the General Fund / Fund Balance for Clearing Trees and Underbrush on City Owned Property in the Town Center and the Trail From Poopdeck to the Library in Order to Enhance Public Health and Safety.

Sponsor: Mayor & City Council

1. City Council Regular Meeting July 28, 2014 Introduction
 - a. Memorandum 14-111 from City Manager and Police Chief as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor & City Council

4 ORDINANCE 14-36
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2014 OPERATING BUDGET BY
8 APPROPRIATING \$35,000 FROM THE GENERAL FUND / FUND
9 BALANCE FOR CLEARING TREES AND UNDERBRUSH ON CITY
10 OWNED PROPERTY IN THE TOWN CENTER AND THE TRAIL
11 FROM POOPDECK TO THE LIBRARY IN ORDER TO ENHANCE
12 PUBLIC HEALTH AND SAFETY.
13

14 WHEREAS, Police Chief Robl reports that homeless and seasonal camps in Homer
15 appear to be expanding over previous years in both size and number; and
16

17 WHEREAS, Unfortunately, many of these illegal and unpermitted camps are hotspots
18 for a variety of illegal and in some cases, dangerous activities; and
19

20 WHEREAS, One of the primary problem areas is on City owned land in the designated
21 Town Center; and
22

23 WHEREAS, Homer Police Department has been working cooperatively with CIRI, the
24 other major landowner in the Town Center, and the Public Works Parks Maintenance staff, to
25 reduce trespass and illegal activities in Town Center; and
26

27 WHEREAS, Another problem area for illegal activities and dangerous behavior is the
28 trail leading from the Poopdeck Trail to the Library; and
29

30 WHEREAS, HPD strongly recommends that the City clear these area in a manner
31 similar to what occurred along the Poopdeck Trail last year in order to improve visibility,
32 enforcement and public safety; and
33

34 WHEREAS, The Public Works Department has obtained initial cost estimates for this
35 work and the Administration recommends clearing small dense trees, alders and underbrush,
36 and cutting limbs on large healthy trees high enough to allow officers and others to see into
37 the woods.
38

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

41 Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by
42 appropriating \$35,000 from the General Fund / Fund Balance for clearing trees and underbrush
43 on City owned land in the designated Town Center and along the trail from Poopdeck to the
44 library as follows:

45
46 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0100	Tree and Brush Clearing	\$35,000

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

53
54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of
55 _____, 2014.

57 CITY OF HOMER

60 _____
61 MARY E. WYTHE, MAYOR

63 ATTEST:

66 _____
67 JO JOHNSON, MMC, CITY CLERK

70 AYES:

71 NOES:

72 ABSTAIN:

73 ABSENT:

76 First Reading:

77 Public Reading:

78 Second Reading:

79 Effective Date:

80 Reviewed and approved as to form:

81

82

83

84 _____
Walt Wrede, City Manager

85

86 Date: _____

87

88

89

90

91

Thomas F. Klinkner, City Attorney

Date: _____



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 14-111

TO: Mayor Wythe and Homer City Council
FROM: Walt Wrede, City Manager, and Mark Robl, Chief of Police
DATE: July 21, 2014
SUBJECT: Town Center and Library Trail Clearing

Chief Robl reports that homeless and seasonal camps appear to be expanding in both number and size this year over previous years. Unfortunately, these illegal and unsanctioned camps are in many cases hotspots for illegal and dangerous activities that present a threat to the safety and well-being of the general public. Two of the biggest problem areas are City owned land in the designated Town Center and the trail that leads from the Poopdeck Trail to the library. Both areas are thickly forested with dense black spruce, alders, and underbrush which makes visibility difficult. Chief Robl recommends that these areas be cleared similar to what the City did last year along the Poopdeck Trail.

The City Council discussed this issue briefly at the last meeting in response to a section in the City Manager's Report. The Council appeared to be in agreement that something needed to be done. Council was informed that the administration would put together a plan of action and a budget request for the next meeting.

Administration recommends that these areas be cleared similar to what occurred on the Poopdeck Trail. This would entail clearing underbrush and small diameter trees. Large healthy trees would be preserved but limbed high enough so that visibility is improved. Carey has been working with the Corps of Engineers on wetlands delineation and a clearing strategy that would cause minimal damage to wetlands and habitat. It is likely that the work will be done with some combination of mechanized equipment and hand tools. Because mechanized equipment might be most efficient, it is probable that the work will not be done until fall or winter to minimize disturbance to wet soils.

At this time, we are not planning to haul wood out to a location where the public could take it for firewood. There are two reasons for this. First, doing that would definitely drive the cost higher. Second, most of the trees that will be removed will be 8 inches in diameter or less. The current plan is to take stumps right down to the ground and leave small pieces on the ground. Much of the debris will be ground into wood chips. Carey has obtained some very preliminary

cost estimates. This job will be put out to bid and when the bids come in, we will adjust the scope of work if needed.

RECOMMENDATION: Approve Ordinance 14-36 and appropriate \$35,000 for clearing at the two locations identified.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-37

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating Up to \$19,000 From the Leased Property Depreciation Account for Improvements at the Homer Education and Recreation Complex (HERC) Gym to Bring the Building Into Compliance With the Fire Code.

Sponsor: Mayor

1. City Council Regular Meeting July 28, 2014 Introduction
 - a. Memorandum 14-113 from City Manager as backup
 - b. Fire Marshall Occupancy Change Correspondence
 - c. Resolution 13-095
 - d. Written public comments

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor

4 ORDINANCE 14-37
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2014 OPERATING BUDGET BY
8 APPROPRIATING UP TO \$19,000 FROM THE LEASED
9 PROPERTY DEPRECIATION ACCOUNT FOR IMPROVEMENTS
10 AT THE HOMER EDUCATION AND RECREATION COMPLEX
11 (HERC) GYM TO BRING THE BUILDING INTO COMPLIANCE
12 WITH THE FIRE CODE.
13

14 WHEREAS, The Homer City Council adopted Resolution 13-095 which authorized the
15 City Manager to keep the HERC Gym open for pickleball, adult basketball, and other
16 Community Recreation programs that require minimal heat and utilities until such time as the
17 building is demolished; and
18

19 WHEREAS, The City Administration has consulted with the State Fire Marshall on
20 several occasions about this building and requested a site visit, but never requested a formal
21 plan review; and
22

23 WHEREAS, The City recently requested a formal Fire Marshall plan review in order to
24 assure the public that the building is safe and to get a more definitive idea of what it would cost
25 to bring the building into compliance given its current occupancy and use; and
26

27 WHEREAS, The Fire Marshall has provided a preliminary review and the City Engineer
28 has provided cost estimates to address the issues identified.
29

30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:
31

32 Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by
33 appropriating up to \$19,000 from the Leased Property Depreciation Reserve for improvements
34 at the HERC Gym that will bring the facility into compliance with the Fire Code as follows:
35

36 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0396	Fire Code Upgrades	\$19,000



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 14-113

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: July 21, 2014

SUBJECT: HERC Gym / Fire Code

On September 23, 2013, the Council adopted Resolution 13-095. Resolution 13-095 authorized the City Manager to keep the HERC Gym open for pickleball, basketball, and other Community Recreation programs that require only minimal heat and utilities. The gym is heavily used by the Community Recreation Program and its use has expanded because facilities at the High School and Middle School are in high demand for school related activities. Many people consider the gym to be a community asset. The Council decided to make it available for use by the public until such time as it is demolished or a final determination is made as to the future of the building and property.

Every time the Council discusses this building, the fact that it does not meet modern building codes invariably comes up. Of particular concern is the Fire Code. The City consulted with the Fire Marshall on several occasions over the years regarding this building. We provided old building plans prepared by the Borough and the University, described current uses and building characteristics over the phone, and requested a site visit. A Fire Marshall plan review was performed on this building before the college moved in and the occupancies had not changed much since the college moved out, especially with respect to the gym. The Fire Marshall did not express concern about this building and its uses however, we never received anything definitive. Since the gym is now the only part of the facility now open to the public, we decided to ask the Fire Marshall for a full plan review of the gym only. We did this to assure the Council and the public that the building is safe from a Fire Code perspective and to get a more precise handle on what deficiencies there are and how much it would cost to fix them.

Attached is a copy of the letter the City received from the Fire Marshall which constitutes his preliminary plan review response. Also attached is a rough estimate from the City Engineer regarding what it would cost to address the issues raised. You will see that the Fire Marshall requested additional information and confirmation, which the Public Works Department is in the process of providing.

Although the Fire Marshall plan review is not final, we decided to get an ordinance moving now so that we are in a position to make the required improvements quickly and not interrupt activities at the gym. We believe the chances are good that a final determination will be received prior to second reading of the ordinance. The cost to bring this building into compliance is relatively inexpensive and it would be a good investment in the community to keep it open until a determination is made as to its final disposition. The \$19,000 would come from the HERC Building Depreciation fund.

RECOMMENDATION: Approve Ordinance 14-37 appropriating up to \$19,000 from the Leased Property Depreciation Account.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

July 08, 2014

Dan Nelsen
City of Homer
491 E Pioneer Ave
Homer, AK 99603

SUBJECT: Homer Education Recreation Center (HERC)
Building - Occupancy Change
CITY: Homer
PLAN REVIEW: 2014Anch1430
OCCUPANCY: A-3
2009 INTERNATIONAL BUILDING AND FIRE CODE

Dear Dan Nelsen:

Plans for the subject facility Occupancy Change have been reviewed by this office for conformity with the State Fire and Life Safety Regulations. However, before construction, alteration, or repairs may begin, the list of item(s) on the following page(s) require clarification and/or new drawings must be submitted for approval.

Please provide the above information to our office within thirty (30) days from the date of this letter.

If you have any questions on this matter, please contact us at the address above.

Sincerely,

A handwritten signature in cursive script that reads "Timothy W. Fisher".

Timothy Fisher
Plans Examiner

Reference is made to the above cited plan review, specifically to item(s):

1. Verify that emergency lighting is present and operational throughout the proposed open area. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas: IBC. 1006.3
2. Verify that exit signs are present and operational as required per this section. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor or exit passageway is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign. IBC. 1011
3. Verify that extinguishers are present and been inspected within the past year from a state licensed inspector. Provide size, type and location. Portable fire extinguishers shall be installed in the following locations. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies. IFC. 906.1(1)
4. Verify that the fire sprinkler system is operational and inspected by a state licensed fire systems company within the past year, provide the report. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists: 1.The fire area exceeds 12,000 square feet (1115 m²);2.The fire area has an occupant load of 300 or more; or3.The fire area is located on a floor other than a level of exit discharge serving such occupancies. . IBC. 903.2.1.3
5. Verify that the fire alarm is in operation and inspected within the last year by a state licensed fire systems company, provide report. (As Amended) A manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in Group A occupancies having an occupant load of 300 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.Exception: A manual fire alarm system shall be installed in Group A-2 occupancies with an occupant load of 100 or more. IFC. 907.2.1 (F)

6. Verify use of kitchen and whether a grease or smoke laden vapors will be present. If grease and smoke laden vapors will be present, provide an inspection report that the kitchen hood and duct suppression system is operational and inspected within the last year.

Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial equipment and exhaust systems of the type and arrangement protected. Preengineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance UL 300 and listed and labeled for the intended application. Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. IFC. 904.11

7. Provide use of the space and exit door configuration. Plans are hard to read on number of doors, to determine width. Configuration of space is required, sport events, bleachers, tables and chairs or just chairs, stages, etc. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by the factors in this section (1005.1) and not less than specified elsewhere in this code. IBC. 1005.1
8. Provide documentation the local fire authority or their designee has been involved in discussions regarding fire apparatus access, premises identification, fire protection water supplies and key boxes. IFC. Chapter 5

Walt Wrede

From: Walt Wrede
Sent: Monday, July 21, 2014 11:27 AM
To: Walt Wrede
Subject: FW: HERC Gym - Fire Marshall response

From: Carey Meyer
Sent: Tuesday, July 08, 2014 12:25 PM
To: Walt Wrede
Cc: Bob Painter; Dan Nelsen; Mike Riley
Subject: HERC Gym - Fire Marshall response

- 1) **Verify emergency lighting** – PW will need to verify that existing emergency lighting is operational and/or install additional to comply.
Max Cost \$4,000
- 2) **Verify exit signs** – PW will need to verify adequacy of existing signage; expect that additional signage will be required.
Max Cost \$2,500
- 3) **Verify fire extinguishers** – might need a few more.
Max Cost \$1,500
- 4) **Verify fire sprinkler system** – My reading of their comments indicate no need for a sprinkler system. 1 - fire area (gym, exit hallway, kitchen, restroom/showers, boiler room is less than 12,000 SF; 2) occupancy load less than 300; and 3) – fire area essentially on same level as exits.
Max Cost \$0
- 5) **Verify fire alarm system** – PW will need to verify existing system is operational, make repairs, and coordinate inspection. No need for manual alarm (if occupancy less than 100);
Max Cost \$3000
- 6) Since **kitchen** is not in use; no kitchen fire suppression equipment required.
Max Cost \$0
- 7) **Space exit door configuration** – this will take PW verifying code requirements, but does not seem to be a major issue. Maybe we should remove bleachers, maybe new door openings.
Max Cost \$8,000
- 8) **Provide documentation** of local fire authority involvement – PW can work with Fire Chief on this, assume access, fire flows are adequate.
Max Cost \$0

Max Cost to Comply = \$19,000

Carey S. Meyer, P.E., MPA
Public Works Director/City Engineer
City of Homer, Alaska
3575 Heath Street
Homer, AK 99603
cmeyer@ci.homer.ak.us
(p) 907-435-3124
(f) 907-235-3145

City of Homer Community Recreation

Week of July 21-27

Monday, July 21

11:30AM-6PM Gymnastics	Mat Room
12:00PM Lunchtime Pickle Ball	HERC Gym
12:30PM-3:30PM ZUMBA For Kids!	Mat Room
5:30PM Pickle Ball	HERC Gym
5:30PM Basketball	Gym
6:00PM Weight Room	Weight room
7:30PM-9PM Argentine Tango	Green Room

Tuesday, July 22

5:00PM Karate	Mat Room
6:00PM Weight Room	Weight Room
8:00PM Basketball	Gym

Wednesday, July 23

6:00AM Morning Basketball	Gym
12:30PM-3:30PM ZUMBA For Kids!	Mat Room
5:30PM Pickle Ball	HERC Gym
5:30PM Volleyball	Gym
6:00PM Weight Room	Weight Room
6:00PM Ping Pong	Commons
7:30PM-9PM Argentine Tango	Green Room

Thursday, July 24

5:00PM Karate	Mat room
5:30PM Basketball	Gym
6:00PM Weight Room	Weight Room

Friday, July 25

6:00AM Morning Basketball	Gym
11:30AM-6PM Gymnastics	Mat Room
5:30PM Pickle Ball	HERC Gym

Saturday, July 26

11AM-4PM Homer Public Library Ice Cream Celebration	Commons
---	---------

Sunday, July 27

4:00PM Volleyball	Gym
-------------------	-----

City of Homer Community Recreation

Week of July 28-August 3

Monday, July 28

11:30AM-6PM Gymnastics	Mat Room
12:00PM Lunchtime Pickle Ball	HERC Gym
12:30PM-3:30PM ZUMBA For Kids!	Mat Room
5:30PM Pickle Ball	HERC Gym
5:30PM Basketball	Gym
6:00PM Weight Room	Weight room
7:30PM-9PM Argentine Tango	Green Room

Tuesday, July 29

5:00PM Karate	Mat Room
6:00PM Weight Room	Weight Room
8:00PM Basketball	Gym

Wednesday, July 30

6:00AM Morning Basketball	Gym
12:30PM-3:30PM ZUMBA For Kids!	Mat Room
5:30PM Pickle Ball	HERC Gym
5:30PM Volleyball	Gym
6:00PM Weight Room	Weight Room
6:00PM Ping Pong	Commons
7:30PM-9PM Argentine Tango	Green Room

Thursday, July 31

5:00PM Karate	Mat room
5:30PM Basketball	Gym
6:00PM Weight Room	Weight Room

Friday, August 1

6:00AM Morning Basketball	Gym
11:30AM-6PM Gymnastics	Mat Room
5:30PM Pickle Ball	HERC Gym

Saturday, August 2

Sunday, August 3

4:00PM Volleyball	Gym
-------------------	-----

**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 13-095

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR PICKLEBALL, BASKETBALL, AND OTHER COMMUNITY RECREATION PROGRAMS THAT REQUIRE ONLY MINIMAL HEAT AND UTILITIES UNTIL SUCH TIME AS THE BUILDING IS DEMOLISHED.

WHEREAS, The City of Homer does not have the funds to refurbish the HERC Building or to operate and maintain it and it has been unsuccessful in identifying a suitable use for it going forward; and

WHEREAS, At a recent CIP Planning workshop, the City Council decided that it was in the best interest of the community to demolish the building and use the land as the site of a proposed new public safety building; and

WHEREAS, There are a number of steps which must be taken before the building can be demolished including identifying the funding for demolition and selecting a contractor through the City's procurement procedures; and

WHEREAS, Minimal heat must be maintained in the building whether it is in use or not in order to prevent pipes from freezing and snow from accumulating on the flat roof; and

WHEREAS, Pickleball, adult basketball, and other City of Homer Community Recreation Programs are very popular and make a large contribution to community health and the quality of life; and

WHEREAS, These programs involve vigorous physical activity and do not require heat above the minimal setting already used to keep the building in "warm status"; and

WHEREAS, Advocates for these programs have requested that the gymnasium remain open with minimal heat and utilities until such time as the building is demolished.

NOW THEREFORE BE IT RESOLVED that the Council finds that the gymnasium remains an asset for as long as the HERC building remains standing and that it would be in the best interest of the community to use it provided that maintenance and utility costs are minimal; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to keep the HERC gymnasium open for pickleball, basketball, and other City of Homer Community Recreation Programs that require only minimal heat and utilities until such time as the building is demolished.

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

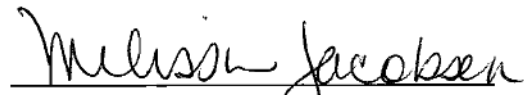
PASSED AND ADOPTED by the Homer City Council this 23rd day of September, 2013

CITY OF HOMER



MARY E. WYTHE, MAYOR

ATTEST:



MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: Estimated additional \$15,000 for electric and maintenance; \$7,500 in 2013 and \$7,500 in \$2014.



Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:03 AM
To: Jo Johnson
Subject: FW: HERC gym

From: mary widlowski [<mailto:mlkw3708@hotmail.com>]
Sent: Sunday, July 20, 2014 10:42 PM
To: Renee Krause
Subject: HERC gym

I would like to see the HERC Gym maintained for use of the public. Please authorize funds to upgrade the gym so that it is in compliance with the Homer fire codes.

Mary and Chuck Widlowski
48730 Elmers Way
Homer

Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:04 AM
To: Jo Johnson
Subject: FW: herc gym

From: paul castellani [<mailto:pjwillgrow@gmail.com>]
Sent: Sunday, July 20, 2014 10:34 PM
To: Renee Krause
Subject: herc gym

I would like to express how grateful I am for the use of the gym. I love to play pickle ball and my children both benefitted from the boys and girls club when it was in operation. Please keep the gym as a community resource! It just makes sense to upgrade the existing structure and preserving important recreational opportunities for all of us.

Paul Castellani
P.O. box 682
Anchor Pt., AK, 99556
235-0703

Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:06 AM
To: Jo Johnson
Subject: FW: HERC Gym

From: Lori Zitzmann [<mailto:loriznm@gmail.com>]
Sent: Sunday, July 20, 2014 5:10 PM
To: Renee Krause
Subject: HERC Gym

I am writing to voice my support for the continued use of the HERC gym facilities for community recreation purposes for the public. This facility contributes greatly to the health and wellbeing of Homer residents on a year round basis. Please approve the funding to bring it up to Fire & Safety code, so the gym may continue to be enjoyed by so many members of our community.

Lori Zitzmann
579 Hidden Way
Homer, Alaska 99603

Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:07 AM
To: Jo Johnson
Subject: FW: HERC Gym

From: Lauren Childers [<mailto:childers.lauren@gmail.com>]
Sent: Sunday, July 20, 2014 2:10 PM
To: Renee Krause
Subject: HERC Gym

To whom it may concern,

I would like to see the HERC gym maintained for the use of the public. Please authorize the funds to upgrade the gym so that it is in compliance with city fire codes. Although it may seem like a small amount of time, I greatly value community recreation events available at this site. I think they are what make Homer so wonderful to call home.

Sincerely,
Lauren Childers
4735 Tamara St.
Homer, AK 99603

Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:07 AM
To: Jo Johnson
Subject: FW: Use of the HERC

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

From: Janie Leask [<mailto:janie.leask@gmail.com>]
Sent: Sunday, July 20, 2014 2:06 PM
To: Renee Krause
Subject: Use of the HERC

I'm lending my voice to request the city continue the public use of the HERC gym.
I'm 65 years old and the HERC provides me an opportunity to get 6-10 hours a week of aerobic exercise through playing Pickleball.

I ask the City authorize the needed funds to upgrade the gym to bring it into compliance with city fire codes.

Thank you.
Janie Leask

Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:08 AM
To: Jo Johnson
Subject: FW: HERC Building

From: doug [<mailto:dugdodd@yahoo.com>]
Sent: Sunday, July 20, 2014 2:04 PM
To: Renee Krause
Subject: HERC Building

To whom it may concern:

The Kenai Peninsula Borough gave the HERC building to the City of Homer with the intent and expectation that it be used to provide recreation benefits to the general public. I request that the City designate the funds necessary to keep the gym open, including but not limited to, complying with applicable fire and safety regulations. Thank you.

Sincerely,
Doug Dodd
PO Box 381
Homer, AK 99603

Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:08 AM
To: Jo Johnson
Subject: FW: HERC gym upgrades

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

From: Liz Diament [<mailto:lizdiament@yahoo.com>]
Sent: Sunday, July 20, 2014 1:28 PM
To: Renee Krause
Subject: HERC gym upgrades

Hi there,

I am part of the community schools program and enjoy the use of the HERC gym. I would like to see the HERC gym maintained for the use of the community at large.

As someone who lives here year round, the use of indoor recreation space in the winter and rainy summers is invaluable.

We as a community are always trying to provide alternatives to alcohol and drugs: Not only for teens but adults as well. This space provides ample alternative recreation that adults and kids alike can enjoy.

Please authorize the funds to upgrade the gym so that it is in compliance with city fire codes. It is a small amount to spend for this great space in our community.

Elizabeth Diament
Po box 15074
61565 Ohlson Mtn Rd
Homer ak 99603
914-588-0332

Jo Johnson

From: Renee Krause
Sent: Monday, July 21, 2014 8:55 AM
To: Jo Johnson
Subject: FW: HERC safety compliance

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

From: Paul Seaton [<mailto:pkseaton@gmail.com>]
Sent: Monday, July 21, 2014 8:32 AM
To: Renee Krause
Subject: HERC safety compliance

As a private citizen who has participated in community schools pickle ball I want to support the \$19,000 safety maintenance for keeping the HERC gym available for public use. The facility is well used with 16-20 people now four nights per week. With the \$2 per person per night charge this is a recreational opportunity that is improving the health of residents. Thank you for your consideration of recreation in Homer.

Sincerely,
Paul Seaton

Sent from iPhone by Paul Seaton

Jo Johnson

From: Renee Krause
Sent: Wednesday, July 23, 2014 7:52 AM
To: Jo Johnson
Subject: FW: cc mtg.

From: Kathy Hill [<mailto:kathhill@alaska.net>]
Sent: Wednesday, July 23, 2014 7:24 AM
To: Renee Krause
Subject: cc mtg.

Dear City Council Members:

I ask that you approve the proposed ordinance regarding the HERC gym. This is a small amount to bring it up to compliance with the fire codes. This will allow many people continued access to the gym.

Thank you,
Kathy Hill

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-38

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Port and Harbor Enterprise Fund Operating Budget by Making Necessary Mid-Year Adjustments to Certain Expenditure Line Items and Transfers to the Depreciation Account.

Sponsor: City Manager

1. City Council Regular Meeting July 28, 2014 Introduction
 - a. Memorandum 14-114 from Port and Harbor Director as backup
 - b. Email from Finance Director, Re: Port and Harbor Mid-Year Budget Amendment Request

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 14-38

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2014 PORT AND HARBOR ENTERPRISE
8 FUND OPERATING BUDGET BY MAKING NECESSARY MID-
9 YEAR ADJUSTMENTS TO CERTAIN EXPENDITURE LINE ITEMS
10 AND TRANSFERS TO THE DEPRECIATION ACCOUNT.

11
12 WHEREAS, The Port and Harbor Director recommends that certain mid-year budget
13 adjustments to the Port and Harbor budget are necessary and appropriate and he has
14 explained and justified them in Memorandum 14-114; and

15
16 WHEREAS, The Port and Harbor Director recommends further that transfers from the
17 Enterprise Fund / Fund Balance and from the Revenue Bond Reserve Account to the
18 Depreciation Account are desirable and consistent with City Council policy; and

19
20 WHEREAS, The proposed transfer from the Fund balance represents the excess of
21 revenues over expenses in 2013, the prior fiscal year and the transfer from the Revenue Bond
22 Reserve Account represents the amount that the Alaska Municipal Bond Bank says is above
23 and beyond the required balance; and

24
25 WHEREAS, The Finance Director and the City Manager concur and recommend
26 approval.

27
28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

29
30 Section 1. The Homer City Council hereby amends the FY 2014 Port and Harbor
31 Enterprise Fund Operating Budget as follows:

32

33 <u>Account</u>	<u>Original Budget (\$)</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended Budget</u>
34 <u>Description</u>				
35 400-0601-5202	\$12,000	\$10,500		\$32,500
36 400-0601-5207	\$ 4,000	\$ 4,000		\$ 8,000

37	<u>Account</u>	<u>Original Budget (\$)</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended Budget</u>
38	<u>Description</u>				
39	400-0601-5287	\$ 3,000	\$13,600		\$16,600
40	400-0602-5218	\$ 3,260	\$12,000		\$15,260
41	400-0604-5218	\$ 2,000	\$30,000		\$32,000
42	400-0382 (Bond Reserve)			\$500,000	Transfer to Depreciation
43	400-0380 (Depreciation)		\$500,000		Transfer from Bond Reserve
44	400-0380 (Depreciation)		\$800,000		Transfer from Fund Balance

45

46 Section 2. This is a mid-year budget adjustment ordinance, is not permanent in nature,
47 and shall not be codified.

48

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

51

52

CITY OF HOMER

53

54

55

56

MARY E. WYTHE, MAYOR

57

58 ATTEST:

59

60

61

62 _____
JO JOHNSON, MMC, CITY CLERK

63

64 YES:

65 NO:

66 ABSENT:

67 ABSTAIN:

68

69

70

71 First Reading:

72 Public Hearing:

73 Second reading:

74 Effective Date:

75

76 Reviewed and approved as to form:

77

78 _____

79 Walt Wrede, City Manager

80

81 Date: _____

82

83

84

85

86

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4350 Homer Spit Road

Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 14-114

TO: MAYOR BETH WYTHE & HOMER CITY COUNCIL
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER
DATE: JULY 22, 2014
SUBJECT: FY 2014 MID-TERM BUDGET AMENDMENT

The Port and Harbor's approved 2014 budget is in need of account adjustments to either repair accounts that were underfunded as an oversight, or to add funding to accounts due to unforeseen expenditures that came up during the Spit trails and harbor improvements projects. Mid-term adjustments are requested for the following accounts:

601-5202: We do not have a line item for signage in our operations budget, therefore all harbor signage costs are coded to our operations supplies budget, which has been exceeded. This expenditure replaced signage that was either faded out and unreadable or addressed necessary changes in signage due to construction of the trail and improvements at the Load and Launch Ramp.

601-5207: The new "No Wake" harbor buoys were an end-of-the-season purchase that was intended to be paid for out of our 2013 budget, but the auditors disagreed and instead moved the expenditure to our 2014 account, effectively wiping out our vehicle boat maintenance account for the year.

601-5287, 602-5218, 604-5218: These expense accounts have corresponding revenue accounts related to electrical retail sales on System 5 and water retail sales on the Pioneer and Deep Water Dock. Because there have been significant increases in sales, the expenses too have increased and are exceeding budget.

400-0380: When we set up our bond reserves, we funded it from the Port and Harbor reserves. When the City Manager applied for the bond he was told by the bank that we "overfunded" the account and that our goal should be to keep 1.25 times the total amount of an annual bond payment in the bond reserves. This adjustment accomplishes that goal and helps our depreciation reserves picture at the same time.

400-0380: Revenues earned in 2013 exceeded expenditures. This adjustment moves those surplus monies to the Port and Harbor Depreciation Reserve.

Recommendation

Approve the attached mid-term budget requests recommended by Finance and Port and Harbor.

Attached: Email from John Li, Finance Director Re: Port & Harbor Mid-Term Budget Amendment Requests dated July 11, 2014

Fiscal Note: Harbor Operating Supplies 400-0601-5202
Harbor Vehicle/Boat Maintenance 400-0601-5207
Harbor Electrical Supplies 400-0601-5287
Pioneer Dock Water 400-0602-5218
Deep Water Dock Water 400-0604-5218
Bond Reserve 400-0382
Port & Harbor Depreciation Reserve 400-0380

Jo Johnson

From: Bryan Hawkins
Sent: Tuesday, July 22, 2014 5:08 PM
To: Jo Johnson
Subject: FW: Revised - Midterm Budget Amendment requests

I don't know if you got a copy of this or not so, here you go

Bryan

From: John Li
Sent: Tuesday, July 22, 2014 12:14 PM
To: Walt Wrede
Cc: Bryan Hawkins; Laurie Moore
Subject: Revised - Midterm Budget Amendment requests

Midterm Budget Amendment requests:

Port and Harbor:

Account #	Description & Justification	Original Budget (\$)	Increase by (\$)	Decrease by (\$)	FY 2014 Amended Budget (\$)	Notes
400-0601-5202	Additional signage required	12,000	10,500		32,500	Harbor, New trail projects
400-0601-5207	2013 Audit Adjustment	4,000	4,000		8,000	Harbor, Wake Buoy
400-0601-5287	Electrical plug over run for system 5	3,000	13,600		16,600	Harbor, Revenue line 4619
400-0602-5218	Due to significant increase in sales	3,260	12,000		15,260	PD, Revenue line 4641
400-0604-5218	Due to significant increase in sales	2,000	30,000		32,000	DWD, Revenue line 4668
400-0382-Bond Reserve	No longer required after 12/31/2013	N/A		500,000	N/A	Transfer to 0380
400-0380-Depreciation Reserve	Transfer from bond reserve	N/A	500,000		N/A	Transfer from 0382
400-0380-Depreciation Reserve	Transfer from Fund Balance	N/A	800,000		N/A	

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-39

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$80,000 From the Homer Accelerated Water/Sewer Program (HAWSP) for the Purchase of Property for a New Water Storage Tank (Lot A2, Barnett Subdivision, Quiet Creek Addition 2014) and Closing Costs Associated With the Purchase.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting July 28, 2014 Introduction
 - a. Memorandum 14-115 from Public Works Director as backup
 - b. Map
 - c. Purchase Agreement Between Quiet Creek Community Homeowners and the City of Homer

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 14-39
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2014 OPERATING BUDGET BY
9 APPROPRIATING \$80,000 FROM THE HOMER ACCELERATED
10 WATER/SEWER PROGRAM (HAWSP) FOR THE PURCHASE OF
11 PROPERTY FOR A NEW WATER STORAGE TANK (LOT A2,
12 BARNETT SUBDIVISION, QUIET CREEK ADDITION 2014) AND
13 CLOSING COSTS ASSOCIATED WITH THE PURCHASE.
14

15 WHEREAS, The City Council authorized the acceptance of an EPA grant, Ordinance 12-
16 40(S), which provided design funds for various water system improvements; and
17

18 WHEREAS, One of these improvements is a new water tank, recommended in the
19 Water/Sewer Master Plan, to provide more dependable fire flows to the core area of the City
20 and a more redundant distribution system for the areas below the bluff; and
21

22 WHEREAS, Public Works has determined that one particular property was best suited
23 for the new water tank, Lot A2, Barnett Subdivision, Quiet Creek Addition 2014, (see Public
24 Works Memorandum 14-115); and
25

26 WHEREAS, Based on the review of potential sites for the tank, the subject property is
27 best suited for a new water tank; and
28

29 WHEREAS, Based on the evaluation of the value of the lot proposed to be purchased
30 for the new tank, Public Works concludes that the fair value of the property is \$72,000; and
31

32 WHEREAS, Closing costs are estimated to be \$8,000.
33

34 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
35

36 Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by
37 appropriating \$80,000 from the Homer Accelerated Water/Sewer Program (HAWSP) for the
38 purchase of property for a new water storage tank.

39 Expenditure:

40 <u>Account</u>	<u>Description</u>	<u>Amount</u>
41 205-375 (HAWSP Account)	Property Purchase (New Water Tank)	\$80,000

42

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

45

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

48

49

CITY OF HOMER

50

51

52

MARY E. WYTHE, MAYOR

53

54

55

ATTEST:

56

57

58

JO JOHNSON, MMC, CITY CLERK

59

60

61

AYES:

62

NOES:

63

ABSTAIN:

64

ABSENT:

65

66

First Reading:

67

Public Reading:

68

Second Reading:

69

Effective Date:

70

71

Reviewed and approved as to form:

72

73

Walt Wrede, City Manager

74

Thomas F. Klinkner, City Attorney

75

76

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 14-115

TO: Walt Wrede – City Manager
FROM: Carey Meyer – Public Works Director
DATE: July 22, 2014
SUBJECT: **Land Purchase – Proposed Water Tank**

The City Council authorized the acceptance of an EPA grant, Ordinance 12-40(S), which provided design funds for various water system improvements. One of these improvements is a new water tank, recommended in the Water/Sewer Master Plan, to provide more dependable fire flows to the core area of the City and a more redundant distribution system for the areas below the bluff.

After contacting several property owners in the general vicinity of the proposed tank location (near the Shellfish Ave./South Slope Dr. intersection), Public Works has determined that one particular property was best suited for the new water tank. The site needs to be at a particular elevation and as close as possible to the pressure zone below the tank, to create the proper pressures on the system and minimize construction costs. The property is shown on the attached map. The property is unique, in that it best serves the needs of the project.

The property owner is a willing seller (assuming the price is fair). To establish a fair value for the property, Public Works has looked at the KPB tax assessment values of vacant property in the area. Based on KPB tax assessment values, similar property in the area (immediately across the street) is assessed at \$1.08 - \$1.09 per square foot. The proposed 1.497 acre lot would then be valued at approximately \$72,000. Although the Borough maintains that their tax assessment values reflect market value, our experience in the past is that they were low (up to 25%). Currently, they may be closer to market value.

The value established by the appraisal is \$45,000. The appraiser acknowledges that due to the lack of recent raw land sales comparable to the proposed property, the value he can place on the property is lower than what he could have established in the past.

The proposed location of the tank site is part of a larger parcel, the lot for the tank needs to be created by subdividing the larger parcel. This means that there is no KPB land value for tax purposes established for the lot. Public Works has received preliminary plat approval from both the Homer Advisory Planning Commission and the KPB Platting Committee to create the new lot.

Homer City Code requires that property *sold* by the City be appraised and that property cannot be sold for less than the appraised value. There is no requirement that the price of property purchased by the City be limited by the appraised value.

Based on the review of potential sites for the tank, the subject property is best suited for a new water tank because:

- 1) The lot is at the correct elevation.
- 2) Owners of other potential lots are not willing to sell.
- 3) Building the tank on other lots would increase the cost of the project.

Based on the evaluation of the value of the lot proposed to be purchased for the new tank, Public Works concludes that the fair value of the property is \$72,000 because:

- 1) It is consistent with the KPB assessed value for tax purposes.
- 2) The lot has unique characteristics from the perspective of this project.
- 3) The price is higher than the current appraised value (raw land sales appear to be very slow), but lower than what the property might have appraised for a few years ago.
- 4) The proposed purchase price reflects the value that the new water storage tank has to the entire community and all of the water system customers.

The property owners initially wanted more than \$72,000 for the property. Comparable raw land sales from a few years ago would indicate the property was worth \$85,000 to \$90,000.

Attached is a draft purchase agreement (reviewed by the City Attorney) that offers to purchase the property for \$72,000. The owners are evaluating whether to accept the offer. The City Manager has the authority to sign the purchase agreement, Council approval would be appropriate, due to the special nature of the expenditure.

Recommendations:

The City Council pass a resolution authorizing the City Manager to sign the attached purchase agreement (purchase price \$72,000); and pass an Ordinance authorizing the expenditure of \$80,000 from the Homer Accelerated Water/Sewer Program (HAWSP) for the purchase of the proposed lot for a new water tank (including purchase price and closing costs).

Fiscal Note: 205-375 (HAWSP Account)



1 inch = 600 feet

PURCHASE AGREEMENT

between

QUIET CREEK COMMUNITY HOMEOWNERS

(BY AND THROUGH THE QUIET CREEK HOMEOWNER'S ASSOCIATION, INC.)

and

CITY OF HOMER

1. PARTIES: The Collective Homeowners of the Quiet Creek Community ("Seller") agrees to sell and convey to the City of Homer, an Alaska municipal corporation ("Purchaser"), and Purchaser agrees to buy from Seller the Property described below.

2. PROPERTY: The Property is a portion (identified as "Lot A2" on Exhibit A attached hereto) of Tract A, Barnett Subdivision Quiet Creek Addition, according to Plat No. 2003-56 in the Homer Recording District, Third Judicial District, State of Alaska, together with all rights, privileges and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, and easements ("Property").

3. SALES PRICE: Seventy Two Thousand and No/100 Dollars (\$72,000.00).

4. EARNEST MONEY: Within five business days after the execution of this Agreement by both parties, Purchaser shall deposit Three Thousand Six Hundred and No/100 Dollars (\$3,600) (5% of the sales price) as earnest money with Kachemak Bay Title Company, as Escrow Agent ("Escrow Agent"), at 3733 Ben Walters Ln, Suite 1, Homer, Alaska 99603. If Purchaser fails to deposit the earnest money as required by this paragraph, this Agreement shall be null and void.

5. APPROVAL CONDITION: The parties' obligations under this Agreement are subject to the approval of this Agreement by the Homer City Council ("Approval Condition"). If the Approval Condition has not been satisfied on or before August 11, 2014, either Purchaser or Seller may terminate this Agreement by written notice to the other party. Upon such termination neither party shall have any further rights or obligations hereunder (except as may be expressly provided to the contrary elsewhere in this Agreement), and the earnest money, without interest, shall be immediately refunded to Purchaser; provided, however, that Purchaser shall be responsible for any title or escrow cancellation fees.

6. ADDITIONAL TERMS AND CONDITIONS:

A. Because the sale of the Property to Purchaser will eliminate all frontage of the remainder of Tract A (identified as "Lot 1A" on Exhibit A) on Shellfish Avenue, the remainder of Tract A will be exempt from any and all future assessments for water main,

sewer main, or road construction improvements in Shellfish Avenue. The sale of the Property will not affect the potential for future assessments to the remainder of Tract A for water main, sewer main, or road construction improvements in South Slope Drive (that benefit Lot A1).

B. Purchaser shall coordinate and pay for the preparation and approval of preliminary and final plats substantially in the form of Exhibit A to establish the Property as a separate parcel. Purchaser shall provide copies of the preliminary and final plats to Seller, and Seller shall execute the certificate to plat on the final plat.

C. Purchaser shall coordinate and pay for an appraisal of the Property, utilizing a firm approved by Seller.

D. Before substantial completion of Purchaser's construction of a water tank on the Property, Purchaser shall contract and pay for the creation of a vegetative buffer within the remainder of Tract A along the boundary between the remainder of Tract A and the Property, substantially as shown on the preliminary buffering plan attached hereto as Exhibit B. Purchaser shall obtain a two-year warranty on the buffering landscaping from the installation contractor, provide a copy of the warranty to Seller before the buffering landscaping is installed, and assign the warranty to Seller when installation is completed. Upon the assignment of the warranty to Seller, Purchaser shall have no further obligation to Seller regarding the buffering landscaping, and Seller shall be responsible for long term maintenance of the buffering landscaping.

E. Seller will provide documentation showing that the officer who executes this Agreement and the documents required to complete the sale transaction is authorized to execute those documents on behalf of Sellers.

F. Purchaser agrees not to subdivide the Property (Lot A2) in the future.

7. TITLE POLICY:

A. Purchaser shall order from Kachemak Bay Title Company, and shall deliver to Seller within ten (10) days following the execution of this Agreement by both parties, a preliminary title report pertaining to the Property (the "Commitment"), together with legible (to the extent available) copies of all documents relating to the title exceptions referred to in such Commitment.

B. On or before fifteen (15) days after the delivery of the Commitment, Purchaser shall notify Seller in writing of any title exceptions identified in the Commitment which Purchaser disapproves. Any exception not disapproved in writing within said period shall be deemed approved by Purchaser, and shall constitute a "Permitted Exception" hereunder. Purchaser and Seller hereby agree that all non-delinquent property taxes and assessments shall also constitute "Permitted Exceptions." Within ten (10) days after receipt of Purchaser's written notice of disapproved title exceptions, if any, Seller shall notify Purchaser in writing of any disapproved title exceptions which Seller is unable or unwilling to cause to be removed prior to or at Closing. Seller's failure to give such notice shall be deemed an election not to remove any disapproved title exceptions.

With respect to such exceptions, Purchaser then shall elect, by giving written notice to Seller and Escrow Agent within ten (10) days thereafter, (x) to terminate this Agreement, or (y) to waive its disapproval of such exceptions, in which case such exceptions shall then be deemed to be Permitted Exceptions. Purchaser's failure to give such notice shall be deemed an election to waive the disapproval of any such exception. In the event Purchaser elects to terminate this Agreement in accordance with clause (x) above, the earnest money, without interest, shall be immediately refunded to Purchaser; provided, however, that Purchaser shall be responsible for any title or escrow cancellation fees.

8. DUE DILIGENCE:

A. Within fifteen (15) days following the execution of this Agreement by both parties ("Feasibility Period"), Purchaser shall conduct its inspection of the Property to Purchaser's satisfaction ("Due Diligence"). Seller shall cooperate with Purchaser in providing access to the Property and information reasonably requested by Purchaser. Purchaser agrees to repair any damage to the Property caused by Purchaser's Due Diligence activities in the event of failure to close.

B. Upon execution of this Agreement, Purchaser shall have the right to enter the Property to inspect and investigate the Property upon providing reasonable notice to Seller, subject to the terms and conditions of this Agreement.

C. Purchaser shall indemnify, defend and hold Seller harmless from any and all liability directly or indirectly resulting from or otherwise arising out of or in connection with the activities of Purchaser or its employees, agents, consultants or other representatives during its Due Diligence assessment of the Property.

D. Purchaser shall be solely responsible for all costs incurred in connection with its Due Diligence, including without limitation consultant costs.

E. Before the end of the Feasibility Period, Purchaser may determine, in its sole and absolute discretion, that the Property is not suitable for the purposes intended, and may terminate this Agreement by delivering written notice to that effect to Seller before the end of the Feasibility Period. Such termination notice shall be called the "Feasibility Termination Notice." In the event Purchaser elects to terminate this Agreement, the earnest money, without interest, shall be immediately refunded to Purchaser; provided, however, that Purchaser shall be responsible for any title or escrow cancellation fees.

9. PROPERTY CONDITION: Subject to Purchaser's right to terminate this Agreement under Paragraph 8(E), Purchaser accepts the Property in its present condition.

10. CLOSING:

A. The closing of the sale shall occur on or before the latest to occur of the following: (i) Kenai Peninsula Borough approval of the final plat establishing the Property as a separate parcel; (ii) August 15, 2014, or (iii) within 7 days after objections

to matters disclosed in the Commitment have been cured (Closing Date). If either party fails to close the sale by the Closing Date, the non-defaulting party may exercise the remedies contained in Paragraph 14.

B. At closing:

(1) Seller shall execute and deliver a statutory warranty deed conveying title to the Property to Purchaser substantially in the form attached hereto as Exhibit C, and showing no additional exceptions to those permitted in Paragraph 7.

(2) Purchaser shall pay the Sales Price in good funds acceptable to Escrow Agent.

(3) Seller and Purchaser shall execute and deliver any notices, statements, certificates, affidavits, releases, loan documents and other documents required of them by this Agreement, the Commitment or law necessary for the closing of the sale and the issuance of the Title Policy.

C. All covenants, representations and warranties in this Agreement survive closing.

11. POSSESSION: Seller shall deliver possession of the Property to Purchaser upon closing and funding.

12. SETTLEMENT AND OTHER EXPENSES: Purchaser shall be responsible for all costs associated with the ownership transfer.

13. PRORATIONS: Taxes for the current year, interest, maintenance fees, assessments, dues and rents will be prorated through the Closing Date. If taxes for the current year vary from the amount prorated at closing, the parties shall adjust the prorations when tax statements for the current year are available.

14. DEFAULT:

A. No party shall be deemed to be in "Default" (herein so defined) hereunder unless such party fails to cure an alleged default within ten (10) days after receipt from the other party of written notice thereof; provided, however, that (i) if such alleged default is not susceptible of being cured within said ten (10) day period, such party shall not be deemed in Default hereunder so long as such party commences to cure the alleged default within said ten (10) day period and diligently prosecutes the same to completion within thirty (30) days; and (ii) no notice shall be required or cure period permitted in the event the alleged default is a failure to close the transaction contemplated hereby at the Closing.

B. In the event of a Default by Seller hereunder, Purchaser shall be entitled, in addition to any and all other remedies to which Purchaser may be entitled at law or in equity, (i) to terminate this Agreement by written notice to Seller, in which event the

earnest money shall be returned to Purchaser and neither party shall have any further rights, obligations, or liabilities hereunder.

C. In the event of a Default by Purchaser hereunder, Seller shall be entitled, as Seller's sole and exclusive remedy, to terminate this Agreement by written notice to Purchaser, in which event the earnest money shall be retained by Seller as liquidated damages; thereafter, neither party shall have any further rights, obligations, or liabilities hereunder. The parties acknowledge and agree that the actual damages in such event are uncertain in amount and difficult to ascertain, and that said amount of liquidated damages was reasonably determined.

15. ATTORNEY'S FEES: The prevailing party in any legal proceeding related to this Agreement is entitled to recover reasonable attorney's fees and all costs of such proceeding incurred by the prevailing party.

16. ESCROW AGENT: The Escrow Agent is not (a) a party to this Agreement and does not have liability for the performance or nonperformance of any party to this Agreement, (b) liable for interest on the earnest money, and (c) liable for the loss of any earnest money caused by the failure of any financial institution in which the earnest money has been deposited unless the financial institution is acting as Escrow Agent. At closing, the earnest money shall be applied to the Sales Price. If both parties make written demand for the earnest money, Escrow Agent may require payment of unpaid expenses incurred on behalf of the parties and a written release of liability of Escrow Agent from all parties. If one party makes written demand for the earnest money, Escrow Agent shall give notice of the demand by providing to the other party a copy of the demand. If Escrow Agent does not receive written objection to the demand from the other party within ten (10) days after notice to the other party, Escrow Agent may disburse the earnest money to the party making demand reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and Escrow Agent may pay the same to the creditors. If Escrow Agent complies with the provisions of this paragraph, each party hereby releases Escrow Agent from all adverse claims related to the disbursal of the earnest money. Escrow Agent's notice to the other party will be effective when hand-delivered or deposited in the U. S. Mail, postage prepaid, certified mail, return receipt requested, addressed to the other party at such party's address shown below. Notice of objection to the demand will be deemed effective upon receipt by Escrow Agent.

17. SELLER REPRESENTATIONS: Seller represents that:

A. As of the Closing Date there will be no liens, assessments, or security interests against the Property which are not Permitted Exceptions or will not be satisfied out of the sales proceeds.

B. There is no broker, finder, or other intermediary of any kind with whom Seller has dealt in connection with the transaction contemplated hereby, and Seller agrees to indemnify, defend, and hold harmless Purchaser from any claim made by any broker or

agent alleging entitlement to any such fee or commission as a result of having dealt with the Seller.

18. NOTICES: All notices from one party to the other must be in writing and are effective when mailed to, hand-delivered at, or transmitted by facsimile as follows:

To Purchaser at:

City of Homer
Attn: City Manager
491 East Pioneer Avenue
Homer, Alaska 99603
Telephone: (907) 235-8121
Facsimile: (907) 235-3140

To Seller at:

Quiet Creek Community Homeowners
Attn: Karen Berg Forrester, Vice President
Quiet Creek Homeowners Association, Inc.
PO Box 1623
Homer, Alaska 99603
Telephone: (907) 235-6577

19. GENERAL PROVISIONS:

A. Each individual executing this Agreement hereby represents and warrants that he or she has the capacity set forth on the signature pages hereof with full power and authority to bind the party on whose behalf he or she is executing this Agreement to the terms hereof.

B. Time is of the essence in the performance of and compliance with each of the provisions and conditions of this Agreement. In the computation of any period of time provided for in this Agreement or by law, the day of the act or event from which such period of time runs shall be excluded, and the last day of such period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period shall be deemed to run until the end of the next business day.

C. This Agreement, including all exhibits attached hereto, constitutes the entire agreement and understanding of the parties with respect to the subject matter hereof, and there are no other prior or contemporaneous written or oral agreements, undertakings, promises, warranties, or covenants with respect thereto not contained herein.

D. This Agreement may be amended only by a written instrument executed by all of the parties hereto.

E. No waiver of any condition or provision of this Agreement by any party shall be valid unless in writing signed by such party. No such waiver shall be deemed or construed as a waiver of any other or similar provision or of any future event, act, or default.

F. If any provision of this Agreement is deemed unenforceable in whole or part, such provision shall be limited to the extent necessary to render the same valid or shall be deemed excised from this Agreement and replaced by a valid provision as close in meaning and intent as the excised provision as circumstances require, and this

Agreement shall be construed as if said provision had been incorporated herein as so limited or as so replaced, as the case may be.

G. Headings of paragraphs herein are for convenience of reference only and shall not be construed as part of this Agreement.

H. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors, and permitted assigns.

I. This Agreement shall be governed by and construed in accordance with the laws of the State of Alaska.

J. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute a single instrument.

K. In no event shall this Agreement be construed more strongly against any one person solely because such person or its representative acted as drafter hereof, it being acknowledged by the parties hereto that both have had access to the advice of legal counsel, that this Agreement has been subject to substantial negotiation, and that all parties have contributed substantially to the preparation of this Agreement.

L. The parties agree to execute such instructions to Escrow Agent and Title Company and such other instruments and to do such further acts as may be reasonably necessary to carry out the provisions of this Agreement on terms mutually acceptable to Purchaser and Seller.

M. Notwithstanding anything to the contrary contained herein, this Agreement shall not be deemed or construed to make the parties hereto partners or joint venturers, or to render either party liable for any of the debts or obligations of the other, it being the intention of the parties to merely create the relationship of Seller and Purchaser with respect to the Property to be conveyed as contemplated hereby.

EXECUTED the ____ day of July 2014.

CITY OF HOMER

Walt Wrede, City Manager

QUIET CREEK COMMUNITY HOMEOWNERS

Harlow Lockwood, President
Quiet Creek Community Homeowners Association, Inc.

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of July 2014, by Walt Wrede, City Manager of the CITY OF HOMER, an Alaska municipal corporation, on behalf of the City.

Notary Public in and for Alaska
My commission expires: _____

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of July 2014, by Harlow Lockwood, President of Quiet Creek Community Association, Inc., on behalf of the collective homeowners of the Quiet Creek Community.

Notary Public in and for Alaska
My commission expires: _____

EXHIBIT A

Form of Plat for the Property

EXHIBIT B

Preliminary Buffering Plan

EXHIBIT C

Form of Warranty Deed

HOMER RECORDING DISTRICT
AFTER RECORDING, RETURN TO:
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603
Attn: City Manager

STATUTORY WARRANTY DEED
A.S. 34.15.030

QUIET CREEK COMMUNITY ASSOCIATION, INC., an Alaska nonprofit corporation, whose address is P.O. Box 1623, Homer, Alaska 99603, for good and valuable consideration in hand paid, the adequacy and sufficiency of which is hereby acknowledged, conveys and warrants to the CITY OF HOMER, an Alaska municipal corporation, whose address is 491 East Pioneer Avenue, Homer, Alaska 99603, the following described real property:

Lot A2, Barnett Subdivision, Quiet Creek Addition 2014, according to Plat No. 2014-___, Homer Recording District, Third Judicial District, State of Alaska, containing 1.497 acres.

DATED this ___ day of _____ 2014.

GRANTOR: QUIET CREEK COMMUNITY ASSOCIATION, INC.

Harlow Lockwood, President
Quiet Creek Community Association, Inc.
(in accordance with attached Corporate Resolution
#12 regarding signature authority)

STATE OF ALASKA)
) ss:
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____ 2014, by Harlow Lockwood, President of Quiet Creek Community Association, Inc., on behalf of the collective homeowners of the Quiet Creek Community.

Notary Public in and for Alaska
My commission expires: _____

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 RESOLUTION 14-079

5 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
6 SUBMITTING THE QUESTION OF THE ELECTION OF A
7 CHARTER COMMISSION TO THE QUALIFIED VOTERS OF THE
8 CITY AT THE OCTOBER 7, 2014 REGULAR CITY ELECTION.
9

10
11 WHEREAS, On February 4, 2014, the City Clerk reported to the Council that she had
12 certified a petition for a charter commission as having sufficient signatures; and

13
14 WHEREAS, At its February 10, 2014 regular meeting, the Council determined that the
15 charter commission election would be held at the October 7, 2014 regular City election, and
16 that the candidate filing period for charter commission members would close on July 15, 2014;
17 and

18
19 WHEREAS, As of the closing of the charter commission candidate filing period, seven
20 petitions for qualified charter commission candidates bearing sufficient signatures had been
21 filed, the minimum number required by law.

22
23 NOW, THEREFORE, BE IT RESOLVED:

24
25 Section 1. The City shall submit the following proposition to the qualified voters of
26 the City at the October 7, 2014 regular City election. The proposition must receive an
27 affirmative vote from a majority of the qualified voters voting on the question to be approved.
28

29 Proposition No. 1
30 Charter Commission

31
32 Shall a charter commission be elected to prepare a proposed charter?

33
34 Section 2. The City shall submit the election of members of a charter commission
35 to the qualified voters of the City at the October 7, 2014 regular City election. If Proposition
36 No. 1 receives an affirmative vote from a majority of the qualified voters voting on the
37 question, the seven charter commission candidates receiving the highest number of votes
38 organize as the charter commission.
39

40 PASSED AND ADOPTED by the Homer City Council this _____ day of
41 _____2014.

42
43
44
45
46

CITY OF HOMER

MARY E. WYTHE, MAYOR

47
48 ATTEST:

49
50
51

JO JOHNSON, MMC, CITY CLERK

52
53
54

Fiscal Note: N/A

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk

4 RESOLUTION 14-o8o
5

6 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING
7 THE ART WORK CONTRACT FOR THE NEW HARBORMASTER
8 OFFICE COMPLEX ON THE HOMER SPIT TO JOSHUA
9 NORDSTROM OF HOMER, ALASKA, IN THE AMOUNT OF
10 \$5,200.00, ADRIEN SEGAL OF OAKLAND, CALIFORNIA, IN THE
11 AMOUNT OF \$10,500.00, AND JULIANNE TOMICH OF HOMER,
12 ALASKA, IN THE AMOUNT OF \$3,500.00, AND AUTHORIZING
13 THE CITY MANAGER TO EXECUTE THE APPROPRIATE
14 DOCUMENTS.
15

16 WHEREAS, The Request for Proposals was advertised in the Homer News on May 1,
17 2014, the Homer Tribune on May 7, 2014, the Anchorage Daily News and the Peninsula
18 Clarion on May 5, 2014, the Alaska State Council on the Arts website, and posted on the
19 City's website; and
20

21 WHEREAS, Proposals were due by 4:30 p.m. on Thursday, June 12, 2014 and five
22 proposals were received by the City Clerk's Office; and
23

24 WHEREAS, The 1% for Art Selection Committee reviewed the proposals and
25 recommended the awards for the art work to Joshua Nordstrom for his compass rose
26 medallion in the amount of \$5,200.00, to Adrien Segal for her three dimensional tide chart in
27 the amount of \$10,500.00, and to Julianne Tomich for her history mural of the Homer Spit in
28 the amount of \$3,500.00; and
29

30 WHEREAS, This award is not final until notice is received by Joshua Nordstrom of
31 Homer, Alaska, Adrien Segal of Oakland, California, and Julianne Tomich of Homer, Alaska,
32 from the City of Homer.
33

34 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
35 awards the art work contracts for the New Harbormaster Office Complex on the Homer Spit to
36 Joshua Nordstrom of Homer, Alaska, Adrien Segal of Oakland, California, and Julianne Tomich
37 of Homer, Alaska, and authorizes the City Manager to execute the appropriate documents and
38 proceed accordingly.
39

40 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 28th day of July,
41 2014.
42
43

44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Acct. No. 415-0935 New Harbormaster Office Complex on the Homer Spit
\$19,200.



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 14-112

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: ART SELECTION COMMITTEE FOR THE NEW HARBORMASTER OFFICE PROJECT

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

DATE: JUNE 25, 2014

RE: RECOMMENDATION TO AWARD

The members of the Selection Committee reviewed and discussed five proposals. These were submitted in response to an advertised Request for Proposals for artwork to fulfill the 1% for the Arts Program in accordance with Homer City Code, Chapter 18.07 Funds for Works of Art in Public Places. The committee reviewed the proposals at a meeting on June 19, 2014. The members of the committee present have unanimously agreed on the following artists and proposed works of art for the following locations within the new Harbormaster Office.

1. Joshua Nordstrom, Tierra Tile – Five foot, round, mosaic tile, compass rose medallion to be installed in the front entrance lobby area. \$5,200.00
2. Adrien Segal – three dimensional, representation of a full cycle 29 days of tide charts recorded in Kachemak Bay to be hung from the ceiling in the front entrance lobby. \$10,500.00
3. Julianne Tomich – a hand-painted mural, approximately 5' x 11', depicting some of the history of the Homer Spit from 1900 to 2014 and possibly beyond, just outside the Harbormaster Office positioned to be seen above the proposed counter from the lobby area. \$3,500.00

RECOMMENDATION

Approve recommendation to award contracts to the artists noted above and authorize the City Manager to execute the appropriate documents.

**Request for Proposals
Incorporation of Art into the New Harbormaster Office Complex
On the Homer Spit, City of Homer, Alaska**

Proposals to provide art or to incorporate art into the new Harbormaster Office 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, June 12, 2014.**

The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the bids shall not be considered. All firms submitting proposals must be listed on the "Plan Holder's List" maintained by the City Clerk. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>. Respondents not on the plan holder's list shall be deemed unresponsive and shall not be considered. The City shall not accept faxed proposals. A pre-proposal meeting will be held on **Thursday, May 22, 2014 at 2:00 p.m. at City Hall Conference Room Upstairs** to review building plans, answer any questions, and visit the building site if necessary.

For proposal specifications and evaluation criteria please visit the city website <http://www.cityofhomer-ak.gov/rfps> or contact:

**City Clerk's Office
Renee Krause, CMC, Deputy City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603
907-235-8121 ext 2224**

Please direct all questions regarding this project to:

**Dan Nelsen, Project Manager
3575 Heath Street
Homer, Alaska 99603
907-235-3170 ext 3240**

The intent of this proposal effort is to provide an opportunity for artists and other interested persons to present ideas on how and what art can be incorporated into the building (interior and exterior), and the surrounding site. The proposals will be evaluated by the Art Selection Committee established for the project utilizing the City's 1% for Art Funding designated for this project. All ideas and concepts will be considered. Expect that more than one art piece or idea could be funded with the available dollars. The City of Homer reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award the contract to the respondent that best meets the selection criteria based on the recommendations of the review committee.

CITY OF HOMER

Walt Wrede, City Manager

Advertisement:

Homer News
Homer Tribune
Alaska State Council on the Arts
Clarion
Anchorage Daily News

Fiscal Note: 415-0935-5227

REQUEST FOR PROPOSAL
By the City of Homer, Alaska

INCORPORATING ART INTO THE NEW HARBORMASTER OFFICE
COMPLEX ON THE HOMER SPIT

The City of Homer, Alaska is requesting proposals from artists and other interested parties to provide art, artist services or ideas for incorporating art into the new Harbormaster's Office Complex on the Homer Spit. Proposals will be received at the City Clerk's Office, City Hall until **4:30 p.m., Thursday, June 12, 2014.** Proposals received after this date and time will not be accepted. The City reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals and to enter into an agreement with the respondent(s) that best meet the selection criteria as determined by the Art Selection Committee.

The following subjects are discussed in this Request for Proposal (RFP) to assist you in preparing your proposal.

- I. Introduction
- II. Scope of Services
- III. General Requirements
- IV. Proposal Format and Content
- V. Evaluation Criteria and Selection Process

I. **INTRODUCTION**

THE CHALLENGE: The City is currently in the process of building a new **4775** square foot addition that will house **the Administration offices, Conference Rooms, and the Public Areas along with storage and garage facilities.** There will be meeting and conference rooms along with restroom facilities that can be accessed independently from the general offices of City personnel; there will be new waiting area. The City has made incorporation of art in municipal buildings a priority and has dedicated **\$19,500.00** for the incorporation of art into this project.

OPPORTUNITY: To create a public building that will serve the essential functions of City of Homer Port & Harbor Services. The City of Homer already demonstrates their appreciation of the arts, which has become a distinguishing characteristic of this community, by displaying a host of various works of art in a multitude of mediums.

ANTICIPATED PROJECT DATES: The following dates represent the project timeframe and are subject to change based on the overall project completion date, selected location or additional factors that are or may be unknown at this time.

Advertisement Dates:
Week of **May 1, 2014**
Week of **May 8, 2014**
May 11, 2014 (Clarion or Anchorage papers)

Deadline for Submittal of Proposals:
June 12, 2014

Proposals Submitted to Selection Committee:
June 13, 2014

Proposals Reviews and Comments Returned to Staff:
June 18, 2014 (or sooner)

Selection Committee Meeting for Review and Selection:
June 19, 2014 @ 1:00 p.m.
June 26, 2014 @ 1:00 p.m.

Finalists Interviews if Required:
Week of July 11, 2014

Recommendation to City Council:
No Later than July 15, 2014

Award by Council:
July 21, 2014 or August 11, 2014

Project Installation and Building Open House:
By May 15, 2015

II. **SCOPE OF SERVICES**

The Selection Committee will consider, but is not limited to, one or more of the following sites for placement of works of art. Artists are encouraged to submit one or more concept or proposals for the project.

Building Exterior Areas:
Entryways
Exterior Walls
Central Green Space located in front of building

(See attached Site Plan showing the potential art placement areas described above)

Building Interior Areas:
Entryways
Public Reception and Waiting Area
Conference Rooms

(See attached Floor Plan showing the potential art placement areas described above and front and back exterior building elevations)

The amount of the commission will be up to **\$19,500.00** in one or more individual awards which must cover all costs of design, engineering (if needed), fabrication, installation, special lighting and an identifying plaque. State laws related to public construction, including insurance, bonding and payment of prevailing wages rates may apply.

III. GENERAL REQUIREMENTS

The following information is presented as a guideline for the preparation of the proposals:

a. To achieve a uniform review process and obtain the maximum degree of comparability it is required that the proposals be organized in the manner specified below. Proposals that do not address the items listed in this section may be considered incomplete and may be deemed non-responsive by the Art Selection Committee.

b. Interested firms/artists shall submit seven 8 ½” x 11” original, completed proposals in an envelope marked as follows:

HARBORMASTER OFFICE COMPLEX ART
REQUEST FOR PROPOSALS
HOMER, ALASKA

c. The proposals shall be addressed to:
City Clerk’s Office, Renee Krause, City of Homer 491 E. Pioneer Avenue, Homer, Alaska 99603.

Proposals shall be received at the office of the City Clerk until **4:30 p.m., Thursday, June 12, 2014** Proposals received after this date or time will not be accepted.

d. Direct questions regarding this proposal to Renee Krause, CMC, Deputy City Clerk, City Clerk’s Office, City of Homer, 907-235-8121, ext.2224 or rkrause@ci.homer.ak.us

e. Direct questions regarding the building or site to Dan Nelsen, Project Manager, Public Works Department, City of Homer, 907-235-3170, ext 3240 or dnelsen@ci.homer.ak.us

IV. PROPOSAL FORMAT AND CONTENT

1. Letter of Transmittal (2 Pages Maximum) – The transmittal letter shall identify the project or idea for which the proposal has been prepared; briefly state your understanding of the services to be provided; make a positive commitment to provide the services specified; and give the name, title, address and phone number of the contact person(s) proposing to provide art or artistic involvement.

2. Proposal Narrative (6 pages maximum) – The proposal narrative shall provide the following information:

A. If you have existing art that you are proposing to be incorporated into the project – At a minimum, you should address the following:

- Photos of the art work, brief description of the dimensions, colors, approximate budget and the location for the installation of the piece.
- A current resume of the artist
- A minimum of three photos of other works completed by the artist
- A self-addressed stamped envelope for the return of these documents if required.

B. If you are an artist proposing to provide new art for the project – at a minimum you should address the following:

- A brief description of the proposed art work or thumbnail sketch (copy, collage, handwritten notes are all acceptable) describing the location, dimensions, materials, colors and approximate budget.
- A current resume of the artist
- A minimum of three photos or slides of other works completed by the artist
- A self-addressed stamped envelope should be provided for return of above materials if needed.

C. If you have an idea for incorporating art into the project – at a minimum you should address the following:

- A brief description of the proposed artwork or thumbnail sketch (copy, collage, handwritten notes are all acceptable) describing the location, dimensions, materials, colors and approximate budget.
- A self-address stamped envelope should be provided if return if the materials if needed.

The thumbnail sketches should be designed to encourage more ideas and concepts without consuming a lot of the proposers time. Color is preferred but not required.

No submissions in binders or notebooks please.

V. EVALUATION CRITERIA AND SELECTION PROCESS

A. EVALUATION:

Submitted proposals will be reviewed by the Art Selection Committee established for this project. The Art Selection Committee will be able to pick up copies of the proposals received and the Scoring Sheets no later than **Friday, June 13, 2014** for their review and scoring. All comments and scoring sheets are to be returned to staff no later than the following **Wednesday, June 18, 2014, at 12:00 p.m.** Meetings are tentatively scheduled for **June** for a target date of Council award no later than **Monday, July 21, 2014.**

The Art Selection Committee will make their recommendations to the City Council for approval. The City of Homer reserves the right to reject any and all proposals submitted and shall not be liable for any costs incurred by any proposer in response to the request for proposal.

The proposals will be reviewed using any or all of the following, but is not limited to the following:

1. Proposal Requirements - All requirements outlined in the Request for Proposal have been followed and/or are included in the proposal package.
2. Any other information required by the request for proposals document.
3. Concept of the Proposal
4. Proposer interest or willingness in collaboration or working within a team approach.
5. Proposers experience or interest in working in the public realm or outside a studio setting.
6. Ability of the Proposer to meet time deadlines and schedules.
7. Quality of previous work of the proposer.
8. Is the proposed artwork designed and constructed by persons experienced in the production of such artwork and recognized by critics and peers as one who produces works of art.
9. Does the proposed work of art aesthetically enhance the public space or built environment to which it relates or otherwise interacts with its surrounding environment?
10. Does the proposed work of art add to the local identity and profile in the context of the City of Homer?
11. Is it specifically designed for its site (location) and is commensurate in scale with its surroundings?
12. Is a suitable addition to the public space proposed?
13. Is it durable (where applicable) and reasonable to maintain in terms of time and expense?
14. Does the artwork need lighting or other additional fixtures? Have they been included in the proposal?
15. Is it a permanent fixed asset to the property or can it be relocated to another facility or location if required in the future?
16. Is the proposed art suitable by way of form and quality, for public viewing and accessibility taking into consideration the possibility of an unsecured public space?
17. Does the proposed art require regular maintenance in order for it to last?
18. Does the proposed art fall within the applicable zoning codes as outlined in the Homer City Code?
19. Is the proposed artwork susceptible to vandalism?
20. Is the proposed artwork free of unsafe conditions or factors?

21. Does the proposed contribute to a sense of civic pride?
22. Does the proposed involve the local community? Such as addresses, but is not limited to, aspects of the city's history and/or culture?
23. Is the proposed work of art recognizing the overall broad intent and objectives of the City of Homer Public Art Policy?

B. SELECTION:

The proposals chosen will be based on the overall top choices of the Art Selection Committee after scoring. If there is no apparent first, second and/or third choices the top proposers will be invited to attend a presentation/interview.

Depending on the cost of the proposed art work submitted all top proposers may be selected for recommendation to City Council by the Arts Selection Committee for installation.

A Finalist Evaluation will be conducted wherein the top proposers will be invited to make an presentation interview which may include questions on some or all of the following:

- Artistic excellence – review of sample of the proposed work of art or previous works presented by the Finalists
- Ability to relate the proposed artwork to the site
- Experience with projects in similar scope and/or type
- Knowledge of fabrication and installation of media proposed
- Ability to be detail oriented – efficient understanding or schedules and budgets
- Flexibility/Open to ideas
- The proposed budget is realistic for the proposed work of art
- Presentation of the proposed concept/artwork

And may also contain some or all of the questions/topics outlined in the evaluation process.

Staff will contact the Finalists and schedule appointments no later than 10 working days after the Art Selection Committee makes their choices.

Once the Arts Selection Committee has determined the final choice(s) for recommendation the proposer(s) will be notified by the City Clerk's Office.

All information regarding the award of the project is to be confidential until awarded by City Council. The name(s) will not be available until the Thursday prior to the Council Meeting when the recommendation will be approved.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 RESOLUTION 14-081
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 APPROVING A MEMORANDUM OF AGREEMENT BETWEEN
8 THE ALASKA DEPARTMENT OF TRANSPORTATION AND
9 PUBLIC FACILITIES (ADOT/PF) AND THE CITY OF HOMER
10 REGARDING HOMER FERRY TERMINAL IMPROVEMENTS AT
11 THE PIONEER DOCK.
12

13 WHEREAS, The Pioneer Dock is owned by the City of Homer and serves as the Alaska
14 Marine Highway System (AMHS) Homer Ferry Terminal pursuant to a 2001 Memorandum of
15 Agreement and a 2010 Lease and Relinquishment Agreement signed by the parties; and
16

17 WHEREAS, AMHS has access to funding and wishes to make capital improvements at
18 the Pioneer Dock which would improve dock access and berthing for ferry vessels making port
19 calls in Homer; and
20

21 WHEREAS, The City of Homer appreciates the economic and intermodal transportation
22 benefits associated with the AMHS presence in the community; and
23

24 WHEREAS, Improvements to the Pioneer Dock will benefit AMHS, the Port of Homer,
25 and the local economy at large; and
26

27 WHEREAS, DOT/PF and AMHS engineers and project managers have consulted with
28 the City regarding the design and functionality of the proposed improvements and
29 incorporated the City's comments and concerns where appropriate; and
30

31 WHEREAS, The City Administration has agreed to the scope and design of the
32 proposed improvements; and
33

34 WHEREAS, The City Administration and the City Attorney have reviewed the proposed
35 MOA and recommend approval.
36

37 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the
38 proposed Memorandum of Agreement between the Alaska Department of Transportation and
39 Public Facilities and the City of Homer regarding improvements to the Ferry Terminal at the
40 Pioneer Dock, a copy of which is attached and incorporated herein.
41

42 BE IT FURTHER RESOLVED that the City Manager is authorized to execute the final
43 document and to agree to minor amendments to the draft that are not substantive in nature.
44
45

46 PASSED AND ADOPTED by the Homer City Council on this 28th day of July, 2014.

47

48

CITY OF HOMER

49

50

51

MARY E. WYTHER, MAYOR

52

53 ATTEST:

54

55

56

JO JOHNSON, MMC, CITY CLERK

57

58

59 Fiscal Note: N/A

MEMORANDUM OF AGREEMENT
Between
STATE OF ALASKA
Department of Transportation and Public Facilities
And
CITY OF HOMER
Regarding
Homer Ferry Terminal Improvements
State Project #68223

The State of Alaska, Department of Transportation and Public Facilities (DOT&PF) and the City of Homer, Alaska (City) enter this Memorandum of Agreement (Agreement). It becomes effective once executed by both parties.

RECITALS

WHEREAS, DOT&PF is responsible for the planning, design, and construction of state transportation facilities, AS 44.42.020;

WHEREAS, this Agreement concerns improvements to a state ferry terminal that forms part of the state highway system;

WHEREAS, state law authorizes DOT&PF to cooperate, coordinate, and enter agreements relating to highways with local government entities, AS 19.05.040(10), AS 44.42.020(a)(6);

WHEREAS, the City is a first class city and empowered to enter agreements with the State, AS 29.35.010(13);

WHEREAS, the City and DOT&PF (the Parties) entered a 2001 Memorandum of Agreement (2001 MOA) that resulted in construction of the Multi-Purpose Ocean Dock - commonly known as the "Pioneer Dock" - (Dock) at the Alaska Marine Highway System Ferry Terminal (Terminal) in Homer, Alaska;

WHEREAS, as stated in the 2001 MOA, the State of Alaska possesses a legal interest in the Dock;

WHEREAS, the Parties entered a 2010 Lease & Relinquishment Agreement (2010 Lease);

WHEREAS, the 2001 MOA and the 2010 Lease address rights and responsibilities of the Parties concerning the Dock and the Terminal;

WHEREAS, the Parties do not intend for this Agreement to affect the respective rights or responsibilities addressed in the 2001 MOA or the 2010 Lease except as (1) temporarily necessary to achieve the timely and successful completion of the project addressed in this Agreement (Project) and (2) identified in this Agreement;

WHEREAS, DOT&PF has budgeted funds for certain improvements to the Dock and the Terminal to be performed in the Project;

WHEREAS, the Parties will cooperate to achieve timely and successful completion of the Project;

WHEREAS, the Homer City Council has approved Resolution No. *, which authorizes the City to enter this Agreement;

WHEREAS, the Parties wish to memorialize the key elements of their agreement concerning the Project and their respective rights and responsibilities in relation thereto;

NOW, THEREFORE, in consideration of the mutual undertakings addressed in this Memorandum, the parties agree as follows:

TERMS OF AGREEMENT

I. Incorporation

The Parties agree the foregoing Recitals are true and correct and incorporate them into this Agreement by reference.

II. Project Purpose and Scope

The purpose of this project is to improve access and berthing for the Alaska Marine Highway System (AMHS) ferry vessels in Homer. Anticipated project activities include the following:

- Refurbish four existing dock fender panels;
- Replace a fifth dock fender panel with a wrap-around panel and add two 24-inch diameter steel pin piles;
- Install four new dock fender panels to decrease spacing between existing fenders; each panel includes two 24-inch diameter steel pin piles (for a total of eight new 24” steel piles);
- Relocate existing catwalk and install new catwalk support structure that includes two 24-inch diameter steel piles;
- Modify fender panels on two existing mooring dolphins;
- Repair, replace, or provide new mooring bollard(s) on dock surface;
- Add a covered pedestrian walkway to east approach; and
- Conduct other assorted minor dock refurbishment measures above High Tide Line (HTL), as necessary.

Illustrative drawings of Project improvements are attached hereto as Exhibit 1.

III. Project Responsibilities

(A) DOT&PF's responsibilities include:

- (1) Review and approve the Project budget;
- (2) Prepare Plans, Specifications, and Estimate (PS&E) package;
- (3) Develop the Project with DOT&PF staff and/or contracted professional services;
- (4) Administer all aspects of Project procurement and resulting contracts;
- (5) Seek City comment on Project design and scheduling;
- (6) Pay all Project costs, fees, and expenses from appropriated Project monies;
- (7) Comply with applicable statute, regulations, codes, and standards regarding administration, design, and construction of the Project.

(B) The City's responsibilities include:

- (1) Prompt review and comment on any matter that DOT&PF submits for the City's input;
- (2) In response to reasonable request, authorize DOT&PF and its contractors to conduct Project-related work on City property and provide DOT&PF with construction easements and such other accommodations as may be necessary to satisfy the needs of the Project; and
- (3) Ensure that use of the Dock and/or Terminal by the City and authorized persons does not conflict with or impede Project administration, Project scheduling, or Project-related activities of AMHS, DOT&PF, or Project contractors.

IV. Final Inspection

The City may participate in DOT&PF's final inspection of the Project. However, DOT&PF will determine when the Project reaches substantial completion. As used in this Agreement, "substantial completion" means the point at which:

- (A) The newly constructed dock improvements and any appurtenant structures, utilities, fencing, signage, markings, and safety/security features (Facility) are installed and completed, with the exception of minor punch list items;
- (B) AMHS and the public can safely and effectively use the Facility without further delays, impediments, or disruptions; and
- (C) DOT&PF's Project team issues a letter to the contractor acknowledging that the Project has reached substantial completion.

XII. Notification

When any written notice, request, direction, or other communication is necessary, the Parties will deliver it in person, by certified mail, or by email addressed to the party for whom it is intended, as follows:

DOT&PF: Regional Director
 DOT&PF, SE Region,
 6860 Glacier Hwy, MS-2506

Juneau, Alaska 99811-2506
Ph: 907/465-1762
Current addressee: al.clough@alaska.gov

City: City Manager
City of Homer

XIII. Miscellaneous Provisions

(A) Each Party represents and warrants to the other that (i) it is duly organized, validly existing and in good standing under the laws under which it is organized; (ii) it has the power and authority to enter into this Agreement and to perform fully its obligations hereunder; (iii) the individual executing this Agreement on its behalf has the authority to do so; (iv) the obligations created by this Agreement, insofar as they purport to be binding on it, constitute legal, valid and binding obligations enforceable in accordance with their terms; and (v) it is under no contractual or other legal obligation that shall in any way interfere with its full, prompt and complete performance hereunder.

(B) This Agreement inures to the benefit of and is binding upon the Parties and their respective successors and permitted assigns, if any.

(C) This Agreement shall not be construed as creating the relationship of principal-agent, master-servant, partnership, or joint venture between the Parties. Neither Party shall have authority to make any statements, representations, or commitments of any kind or to take any action that is binding on the other, except as explicitly provided herein or authorized by the other Party in writing.

(D) Neither Party may assign any portion of this Agreement or any benefits or rights arising under the Agreement without the written consent of the other.

(E) No supplement, modification, or amendment of this Agreement is binding unless executed in a writing signed by the authorized representative of the Party to be bound thereby. No provisions of this Agreement may be waived unless done in writing and signed by the authorized representative of the Party to be charged therewith. Waiver of any one provision shall not be deemed to be a waiver of any other provision

(F) Waiver by a Party of any default by the other will not be deemed a waiver of rights concerning any subsequent default.

(G) The headings used in this Agreement are for convenience only and shall not be deemed to limit or affect any of the provisions of the Agreement.

(H) This Agreement shall not be construed as conferring any legal rights, privileges, or immunities or as imposing any legal duties or obligations on any person or persons other than the parties named in this Agreement.

(I) The City is not an intended beneficiary of any contracts between the DOT&PF and any contractors, subcontractors or consultants or any other third parties, and has no contractual rights with respect to such contracts or any provisions thereof, unless expressly stated otherwise.

(J) This Agreement has been jointly negotiated and drafted by the parties, and both parties have had the ability and opportunity to consult with legal counsel prior to signature. The Agreement shall not be construed for or against either party.

(K) If a court of competent jurisdiction holds any portion of this Agreement invalid, the invalid portion will be severed and will not affect the validity of the remainder.

(L) The provisions of this MOA, the 2001 MOA and the 2010 Lease constitute the whole of the agreement between the Parties with respect their subject matter; no separate understandings or side agreements exist.

Dated: _____

DEPARTMENT OF TRANSPORTATION
& PUBLIC FACILITIES – SE Region

By: _____
Al Clough, Regional Director

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2014.

Notary Public in and for Alaska
My commission expires: _____

Dated: _____

CITY OF HOMER

By: _____

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2014.

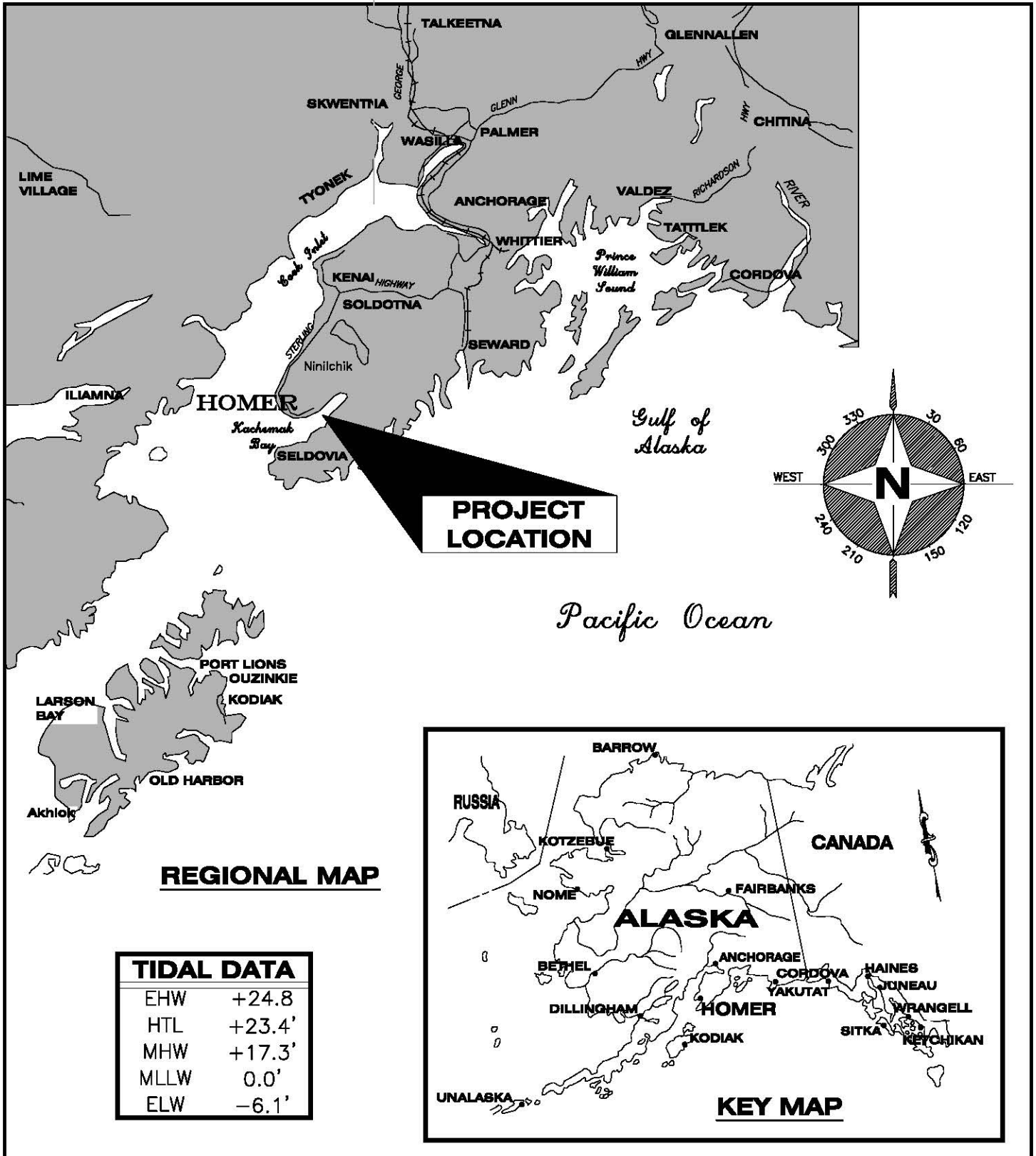
Notary Public in and for Alaska
My commission expires: _____

Acknowledgment of the Homer City Council

BE IT REMEMBERED that on the ____ day of _____, 2014 at a regular meeting of the Homer City Council, the Council granted its approval of the foregoing instrument.

Dated: _____

Clerk, City of Homer



PROJECT PURPOSE:
FERRY TERMINAL IMPROVEMENTS

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA
CITY OF HOMER

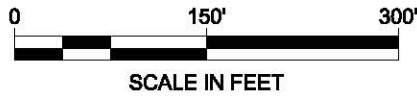
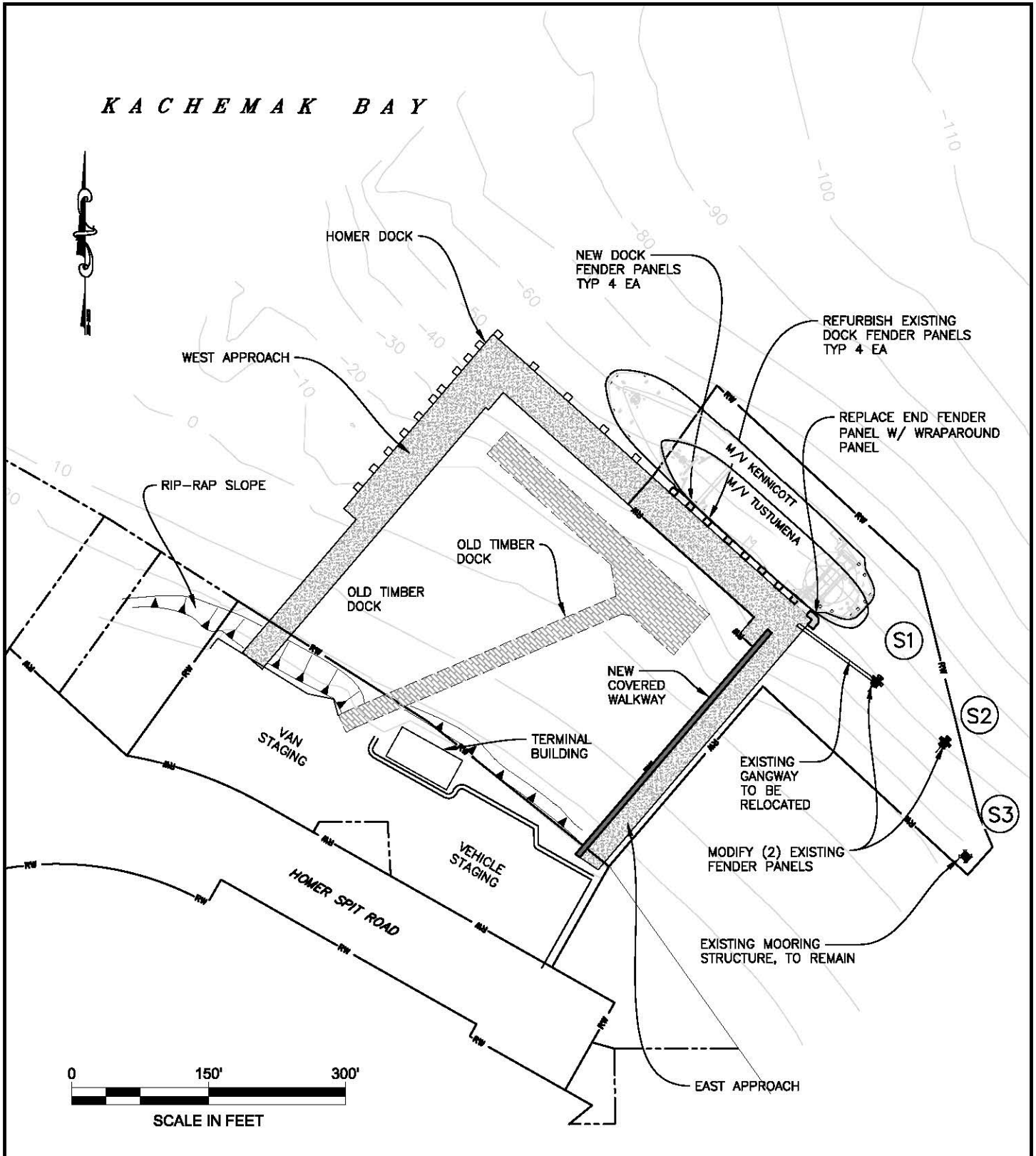
KEY & REGIONAL MAPS

APPLICATION BY:
STATE OF ALASKA
DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
SOUTHEAST REGION

HOMER FERRY TERMINAL IMPROVEMENTS

PROJECT NO. 68223
AT: HOMER, ALASKA
LOCATED IN: T7S, R13W, SECTION 1
SEWARD MERIDIAN
LAT. 59° 36' 08.7" N
LONG. 151° 24' 33.6" W

DATE: MARCH 2014 SHEET 1 OF 6



PROJECT PURPOSE:
 FERRY TERMINAL IMPROVEMENTS

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA
 CITY OF HOMER

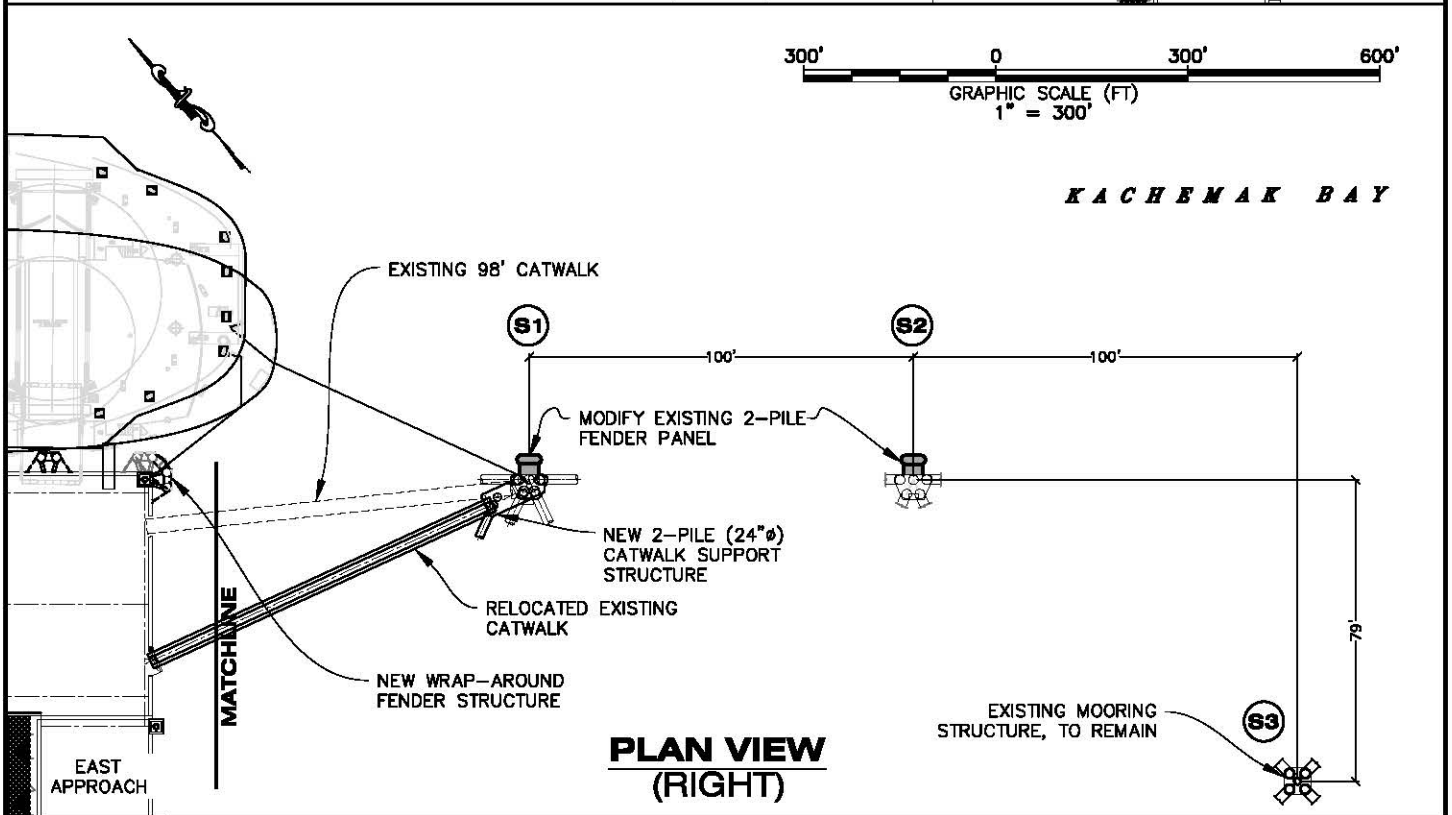
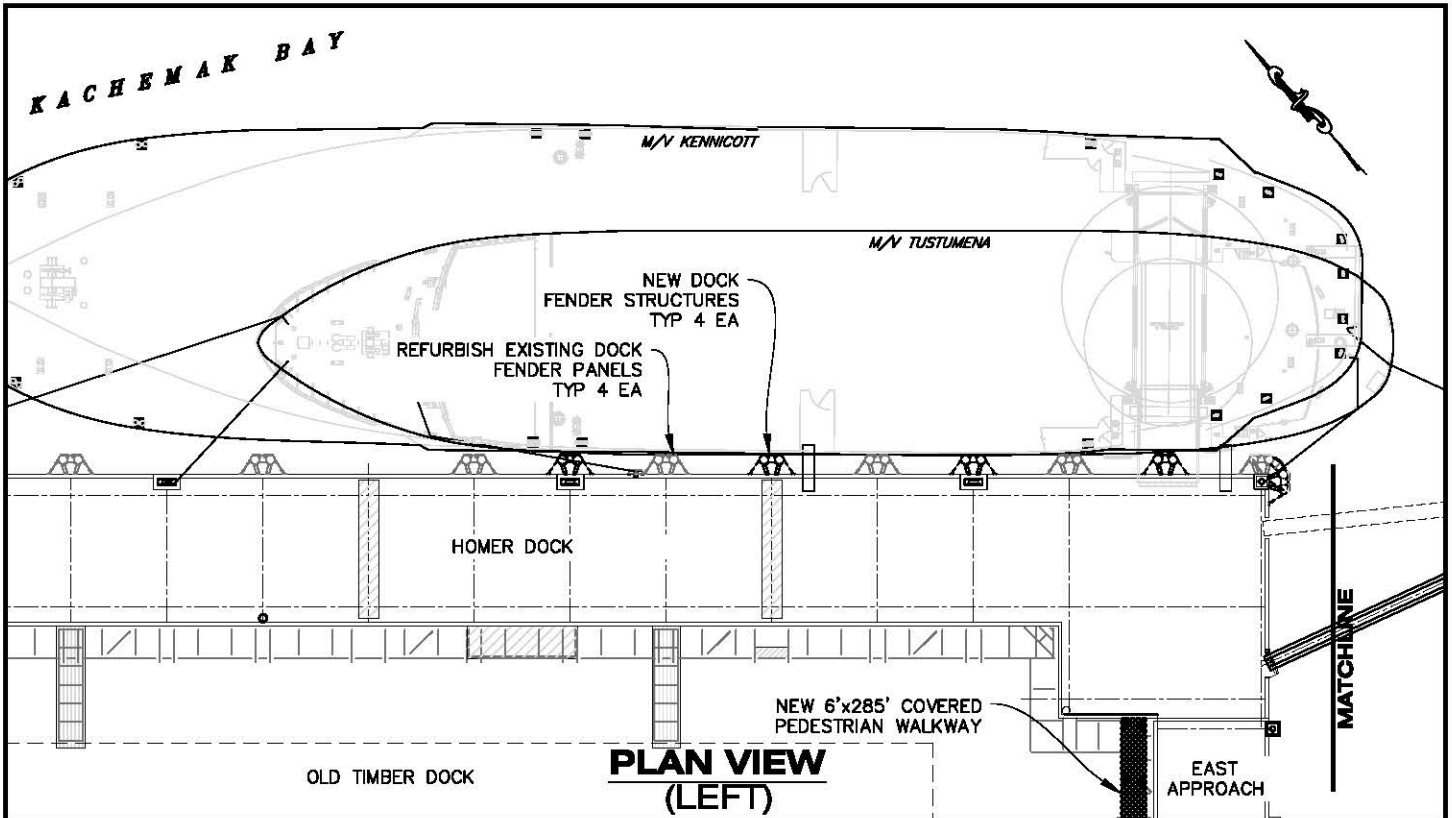
SITE LAYOUT

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHEAST REGION

HOMER FERRY TERMINAL IMPROVEMENTS
 PROJECT NO. 68223

AT: HOMER, ALASKA
LOCATED IN: T7S, R13W, SECTION 1
 SEWARD MERIDIAN
 LAT. 59° 36' 08.7" N
 LONG. 151° 24' 33.8" W

DATE: MARCH 2014 **SHEET** 2 **OF** 7



PROJECT PURPOSE:
 FERRY TERMINAL IMPROVEMENTS

ADJACENT PROPERTY OWNERS:
 STATE OF ALASKA
 CITY OF HOMER

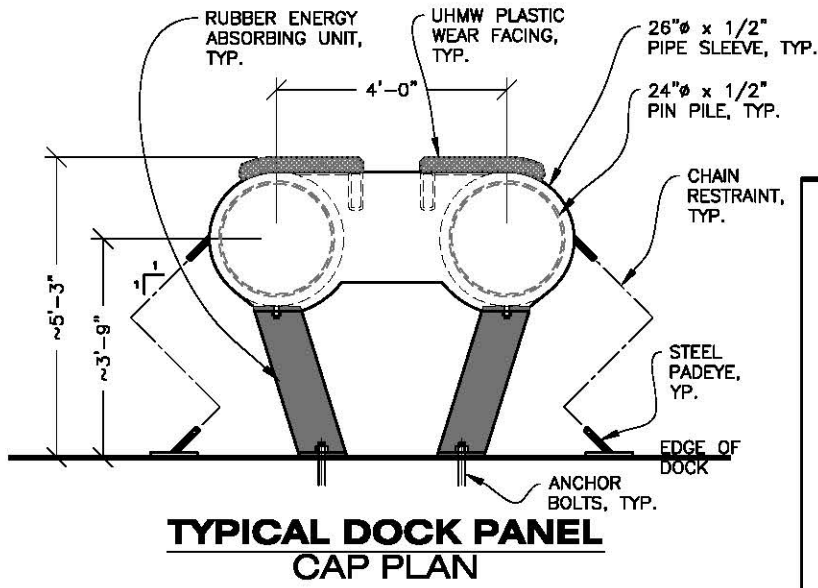
PLAN VIEWS

APPLICATION BY:
 STATE OF ALASKA
 DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
 SOUTHEAST REGION

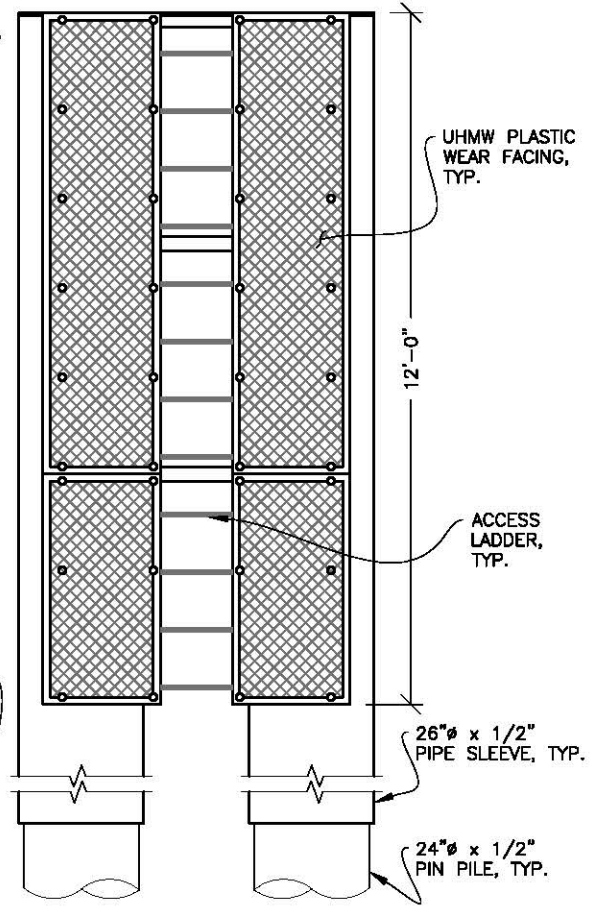
HOMER FERRY TERMINAL IMPROVEMENTS
 PROJECT NO. 68223

AT: HOMER, ALASKA
LOCATED IN: T7S, R13W, SECTION 1
 SEWARD MERIDIAN
 LAT. 59° 36' 08.7" N
 LONG. 151° 24' 33.6" W

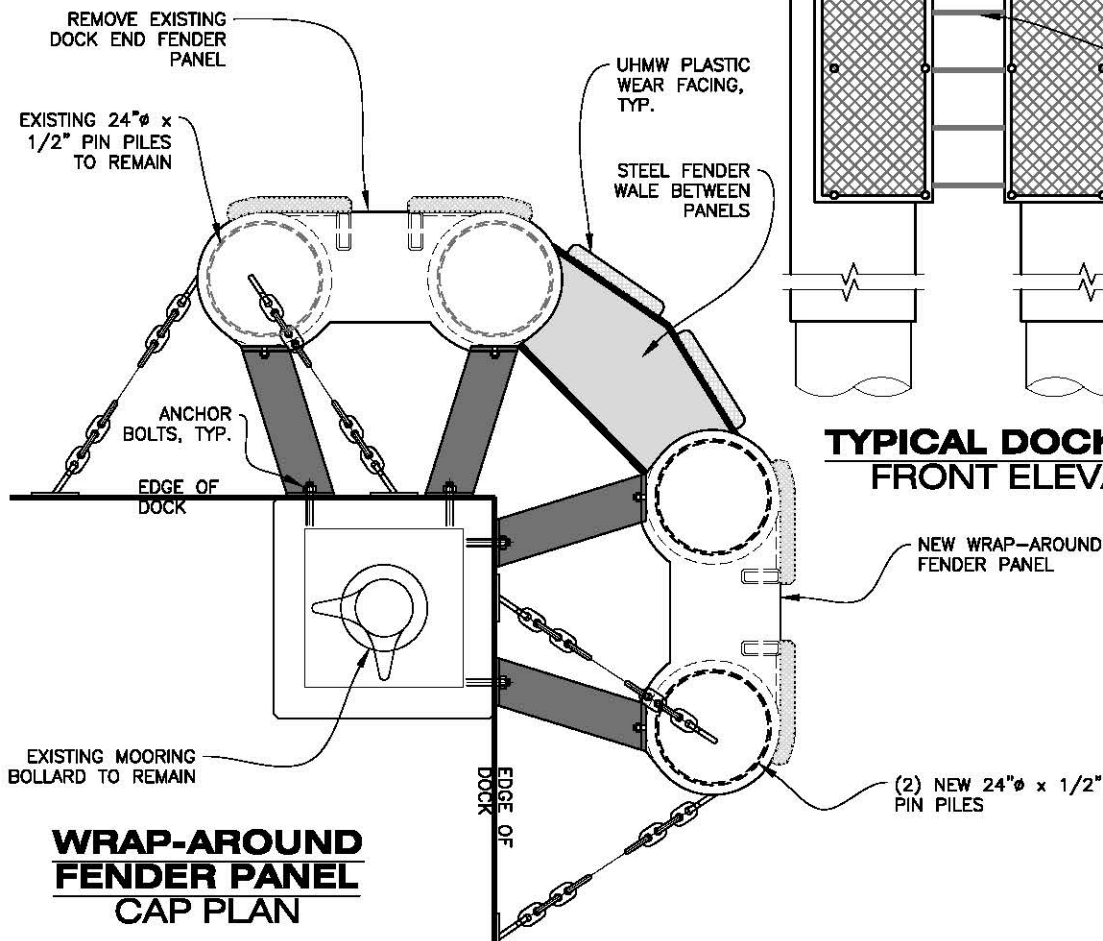
DATE: MARCH 2014 **SHEET** 3 **OF** 7



**TYPICAL DOCK PANEL
CAP PLAN**



**TYPICAL DOCK PANEL
FRONT ELEVATION**



**WRAP-AROUND
FENDER PANEL
CAP PLAN**

PROJECT PURPOSE:
FERRY TERMINAL IMPROVEMENTS

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA
CITY OF HOMER

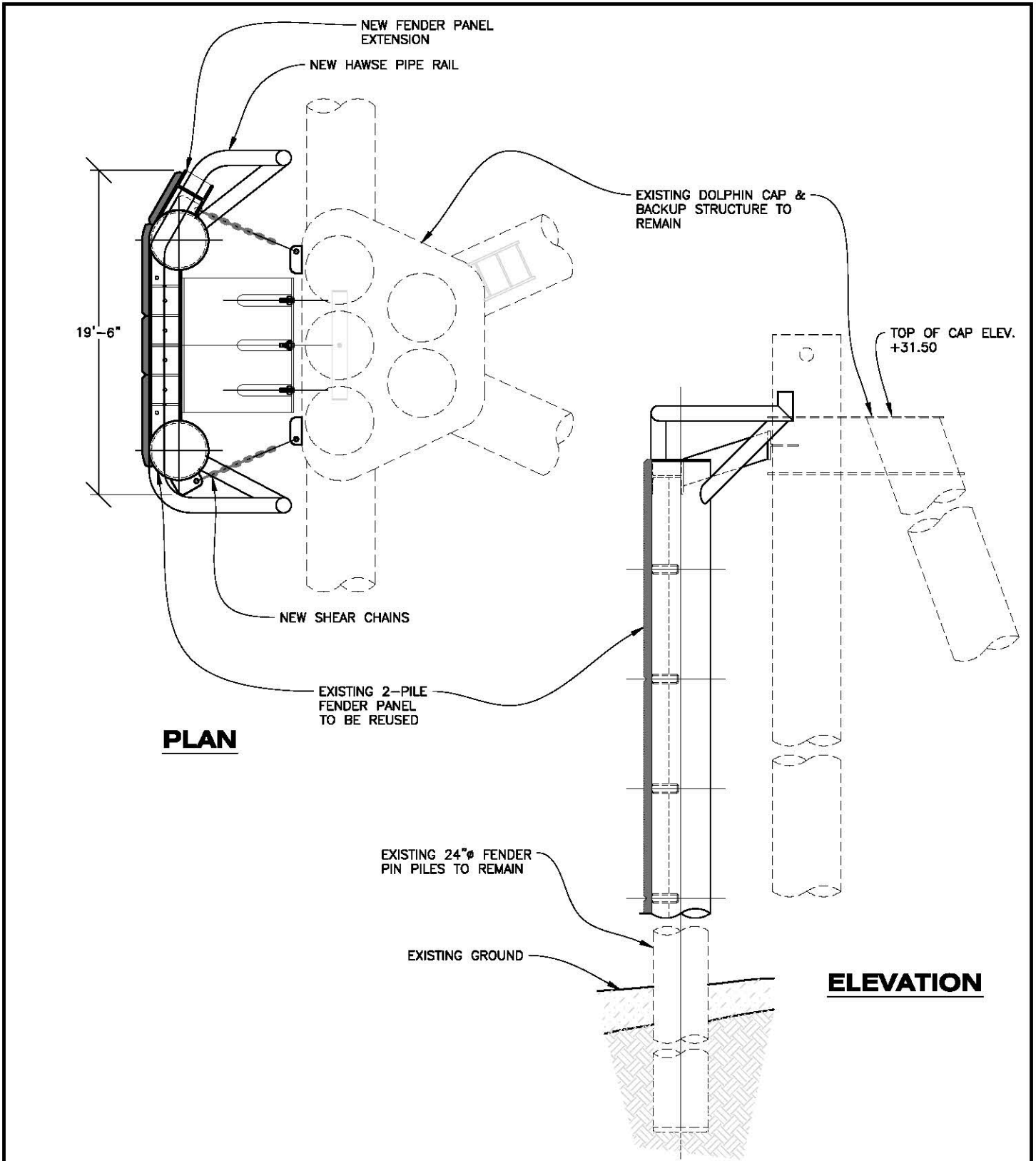
DOCK FENDER PANELS

APPLICATION BY:
STATE OF ALASKA
DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
SOUTHEAST REGION

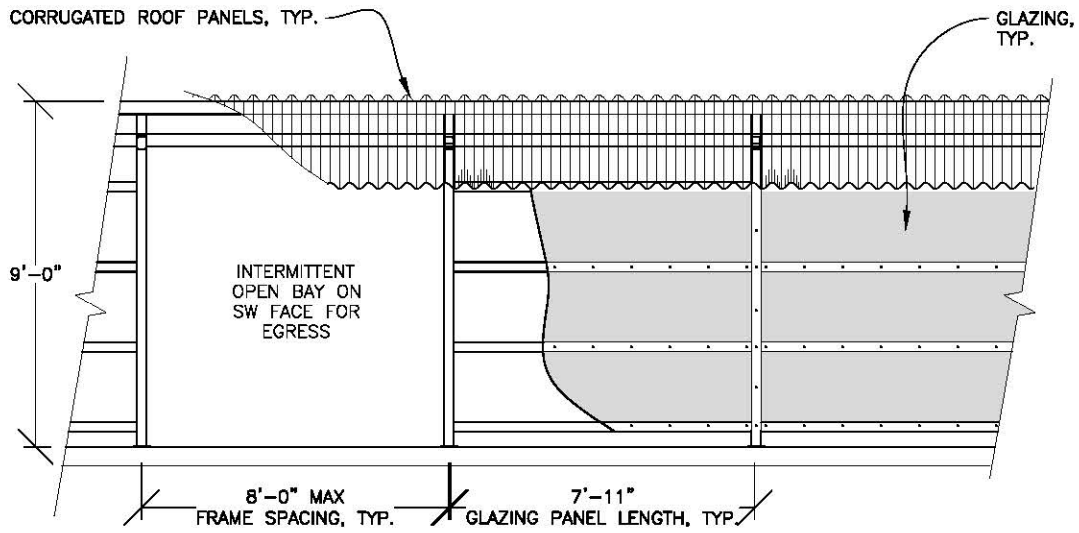
HOMER FERRY TERMINAL IMPROVEMENTS
PROJECT NO. 68223

AT: HOMER, ALASKA
LOCATED IN: T7S, R13W, SECTION 1
SEWARD MERIDIAN
LAT. 59° 36' 08.7" N
LONG. 151° 24' 33.8" W

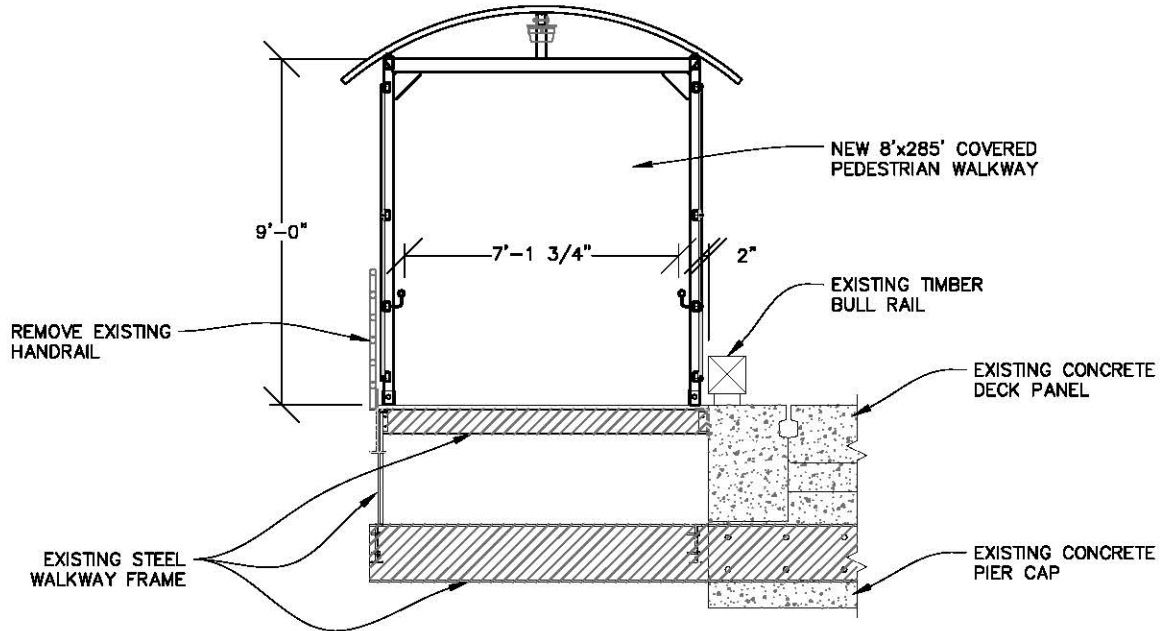
DATE: MARCH 2014 **SHEET** 4 **OF** 7



<p>PROJECT PURPOSE: FERRY TERMINAL IMPROVEMENTS</p> <p>ADJACENT PROPERTY OWNERS: STATE OF ALASKA CITY OF HOMER</p>	<p>NEW DOLPHIN FENDER PANEL</p> <p>APPLICATION BY: STATE OF ALASKA DEPT. OF TRANSPORTATION & PUBLIC FACILITIES SOUTHEAST REGION</p>	<p>HOMER FERRY TERMINAL IMPROVEMENTS PROJECT NO. 68223</p> <p>AT: HOMER, ALASKA LOCATED IN: T7S, R13W, SECTION 1 SEWARD MERIDIAN LAT. 59° 36' 08.7" N LONG. 151° 24' 33.8" W</p> <p>DATE: MARCH 2014 SHEET 5 OF 7</p>
--	---	--



SIDE ELEVATION



FRONT ELEVATION

PROJECT PURPOSE:
FERRY TERMINAL IMPROVEMENTS

ADJACENT PROPERTY OWNERS:
STATE OF ALASKA
CITY OF HOMER

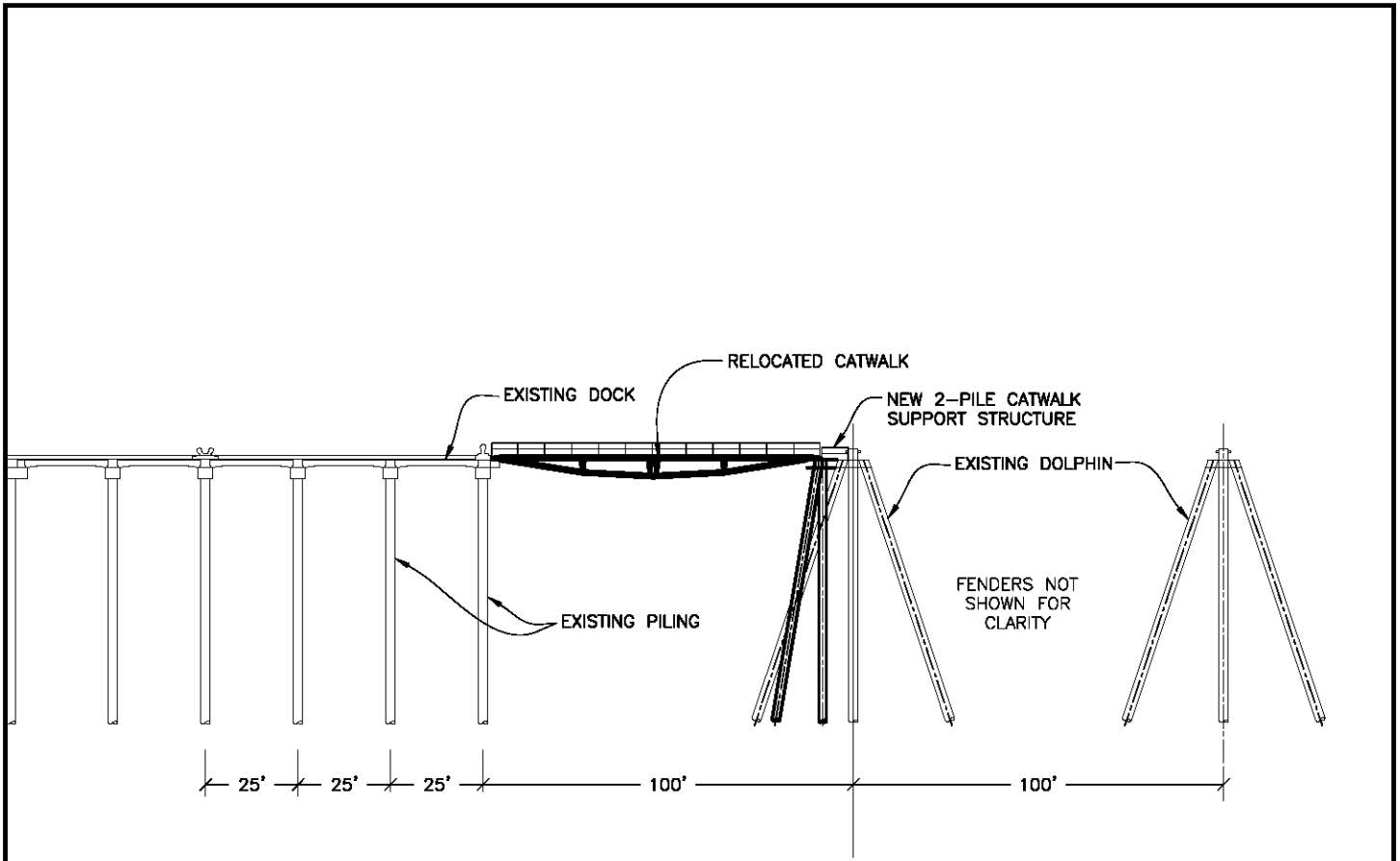
NEW COVERED WALKWAY

APPLICATION BY:
STATE OF ALASKA
DEPT. OF TRANSPORTATION & PUBLIC FACILITIES
SOUTHEAST REGION

HOMER FERRY TERMINAL IMPROVEMENTS
PROJECT NO. 68223

AT: HOMER, ALASKA
LOCATED IN: T7S, R13W, SECTION 1
SEWARD MERIDIAN
LAT. 59° 36' 08.7" N
LONG. 151° 24' 33.8" W

DATE: MARCH 2014 **SHEET** 6 **OF** 7



ELEVATION

<p>PROJECT PURPOSE: FERRY TERMINAL IMPROVEMENTS</p> <p>ADJACENT PROPERTY OWNERS: STATE OF ALASKA CITY OF HOMER</p>	<p>CATWALK ELEVATION</p> <p>APPLICATION BY: STATE OF ALASKA DEPT. OF TRANSPORTATION & PUBLIC FACILITIES SOUTHEAST REGION</p>	<p>HOMER FERRY TERMINAL IMPROVEMENTS PROJECT NO. 68223</p> <p>AT: HOMER, ALASKA LOCATED IN: T7S, R13W, SECTION 1 SEWARD MERIDIAN LAT. 59° 36' 08.7" N LONG. 151° 24' 33.6" W</p> <p>DATE: MARCH 2014 SHEET <u>7</u> OF <u>7</u></p>
--	--	--

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

3
4 RESOLUTION 14-082

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING CHAPTERS TWO AND SIX OF THE PROPERTY
8 MANAGEMENT POLICIES AND PROCEDURES (LEASE
9 POLICIES) TO PROVIDE FOR PORT AND HARBOR ADVISORY
10 COMMISSION REVIEW OF LEASE COMMITTEE
11 RECOMMENDATIONS ON THE LEASE POLICIES AND ON
12 LEASE PROPOSALS AND SUCCESSFUL BIDDERS BEFORE
13 THOSE RECOMMENDATIONS ARE SUBMITTED TO THE CITY
14 COUNCIL.

15
16 WHEREAS, The Port and Harbor Enterprise Fund receives lease revenues from leases
17 on City owned properties immediately adjacent to the Port and Harbor; and

18
19 WHEREAS, How municipally owned lands adjacent to the Port and Harbor are
20 managed and leased has a direct impact on the operations, efficiency, productivity, and
21 profitability of the Port and Harbor Enterprise; and

22
23 WHEREAS, It is appropriate that the Property Management Policies and Procedures
24 (Lease Policies) be amended to provide a meaningful role for the Port and Harbor Advisory
25 Commission with respect to leasing policies generally and recommendations from the Lease
26 Committee on individual leases.

27
28 NOW, THEREFORE, BE IT RESOLVED that:

29
30 Section 1. Section 2.2(B) of the City of Homer Property Management Policy and
31 Procedures (Lease Policy) is amended to read as follows:

32
33 B. The Lease Committee is responsible for:

- 34
- 35 • Reviewing the Lease Policies and Procedures as needed and making
36 recommendations to the City Council. Prior to making recommendations to the
37 City Council on the Lease Policies and Procedures, the Lease Committee shall
38 consult with and seek comments from the Port and Harbor Advisory
39 Commission.
 - 40 • Advising the City Manager or designee as to the terms, purposes, stipulations
41 and negotiation approach to proposed leases
 - 42 • Reviewing all proposed leases and making recommendations to the City Council

43
44 Section 2. Section 6.2 of the City of Homer Property Management Policy and
45 Procedures (Lease Policy) is amended to read as follows:

46 6.2 PROCEDURES

47 A. All lease proposals shall be evaluated and scored by the Lease Committee.

48 B. The Criteria for evaluating proposals shall include but is not limited to the
49 following:

50 1. Compatibility with neighboring uses and consistency with applicable
51 land use regulations including the Comprehensive Plan.

52 2. The development plan including all proposed phases and timetables.

53 3. The proposed capital investment.

54 4. Experience of the applicant in the proposed business or venture.

55 5. Financial capability or backing of the applicant including credit history,
56 prior lease history, assets that will be used to support the proposed development.

57 6. The number of employees anticipated.

58 7. The proposed rental rate.

59 8. Other financial impacts such as tax revenues, stimulation of related or
60 spin-off economic development, or the value of improvements left behind upon
61 termination of the lease.

62 9. Other long term social and economic development.

63 C. Lease Rental Rates

64 1. The determination of lease rental rates is addressed in Chapter 7.

65 D. After evaluating and scoring the proposals, the Lease Committee shall make a
66 recommendation on a successful bidder to the City Council. The recommendation shall be
67 contained in the form of a memorandum from the City Manager to the City Council that
68 appears on the consent calendar of a regular meeting agenda. If a recommendation to approve
69 a proposal is adopted, the Manager or his designee shall finalize a lease document for
70 presentation to Council for approval. If the Council approves the lease, it will not be executed
71 until the period for reconsideration under section 8.3 passes.

72 E. Prior to submitting a recommendation from the Lease Committee to the City
73 Council on a lease proposal or successful bidder, the City Manager shall provide the
74 recommendation to the Port and Harbor Advisory Commission for review and comment. The
75 Commission may, at its discretion, provide recommendations to the City Manager and to the
76 City Council. After receiving the Commission recommendations, the City Manager may refer
77 the matter back to the Lease Committee if appropriate and warranted.

78 F. Final approval of long term leases (more than six months) rests with the City
79 Council. The Council shall either:

80 1. Approve the proposed lease

81 2. reject the proposed lease; or

82 3. remand the unapproved lease to the Manager with comments

83

84 PASSED AND ADOPTED by the Homer City Council on this 28th day of July 2014.

85

86

87

88

89

90
91
92
93
94
95
96
97
98
99
100
101

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

Table of Contents

CHAPTER 1:
Lease Policies / Goals, Purpose, and Responsibility.....3

CHAPTER 2:
Lease Committee.....4

CHAPTER 3:
Properties Available for Lease.....5

CHAPTER 4:
RFP Process / Competitive Bidding.....7

CHAPTER 5:
Lease Application Process.....8

CHAPTER 6:
Application / Proposal Evaluation Process.....9

CHAPTER 7:
Lease Rental Rates.....10

CHAPTER 8:
Reconsideration.....11

CHAPTER 9:
Lease Implementation.....12

CHAPTER 10:
Improvements.....14

CHAPTER 11:
Length of Leases / Options.....15

CHAPTER 12:
Lease Rate Adjustments.....17

CHAPTER 13:
Sub-Leasing.....18

CHAPTER 14:
Assignments.....20

CHAPTER 15:
Insurance.....21

CHAPTER 16:
Hazardous Materials.....23

CHAPTER 17:
Performance Standards.....24

CHAPTER 18:
Conclusion of Lease.....25

CHAPTER 19:
Surplus Equipment Disposal.....

APPENDICES:

Homer City Code / [Chapter 18.08](#) – City Property Leases. [last amendment, Ordinance 04-22](#)

[Resolution 04-25\(A\)](#), adopted April 26, 2004.

[Resolution 07-25\(A\)](#), adopted June 25, 2007.

[Resolution10-77\(A\)](#), adopted September 27, 2010.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICIES AND PROCEDURES

CHAPTER 1: LEASE POLICIES / GOALS, PURPOSE, AND RESPONSIBILITY

1.1 GOALS AND PURPOSE

- A. The property lease management policies contained herein are authorized by HCC 18.08 and are intended to provide guidance, clarity, and standardization for all leasing activities on City owned property.
- B. It is the policy of the City of Homer to lease property when it is in the overall best interest of the City to do so. The City will seek to maximize the value of its assets and lease property for the highest and best use.
- C. It is the policy of the City to implement its leasing program in a fair and nondiscriminatory manner. Opportunities for long term leases on City owned properties will be made available to the public through the RFP process described herein.
- D. It is the policy of the City to lease property for a specific purpose or use. Leasing for the purpose of speculation and/or subleasing land will be discouraged.

1.2 RESPONSIBILITY

- A. The Lease Committee described herein shall be responsible for reviewing this policy manual and making recommendations to the City Council as needed, advising the City Manager or designee as to terms, stipulations, and negotiating approach with respect to leases, evaluating lease applications, and making recommendation to the City Council regarding proposed leases.
- B. The City Manager or designee is responsible for all lease negotiation activities and for implementing and administering the lease policies and procedures.
- C. The City Council has responsibility for approving and adopting the lease policies and for final approval of all leases over six months in duration.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICIES AND PROCEDURES

CHAPTER 2: LEASE COMMITTEE

2.1 POLICY

A. It is the policy of the City of Homer to establish and maintain a Lease Committee.

2.2 PROCEDURES

- A. The City Manager shall establish a Lease Committee that will consist of the Finance Director, the City Planner, the Port and Harbor Director, one member of the Economic Development Commission, one member of an additional commission as determined appropriate by the City Manager, and one member of the public. The Manager shall consult with the Chair of the Commissions to determine who from the Commission and who from the public might best serve the Committee and not be subject to conflicts of interest. The Lease Committee may consult with other department heads such as, the Fire Chief, Police Chief and the Public Works Director and the City Manager or outside professionals as needed and appropriate.
- B. The Lease Committee is responsible for:
- Reviewing the Lease Policies and Procedures as needed and making recommendations to the City Council
 - Advising the City Manager or designee as to the terms, purposes, stipulations and negotiation approach to proposed leases
 - Reviewing all proposed leases and making recommendations to the City Council
- C. In all cases, the Lease Committee shall make recommendations that are consistent with this policy and procedures manual or make specific findings as to why a deviation is warranted and justified.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 3: PROPERTIES AVAILABLE FOR LEASE

3.1 POLICY

- A. It is the policy of the City of Homer to provide property for lease through a fair, nondiscriminatory, and standardized process that the public can readily understand and support.
- B. It is the policy of the City that public land shall be leased in a way that maximizes the value of City assets, promotes activities and uses that are in the overall best interest of the City, and are consistent with the Comprehensive Plan.

3.2 PROCEDURES

- A. The Lease Committee shall maintain a list of all City properties that have been authorized for lease by the City Council. This list shall be made readily available to the public. The Lease Committee may also develop a list of additional properties, for City Council review, that it recommends should be made available for lease.
- B. The City Council shall identify which City properties are available for lease through its annual land allocation workshop process which includes the Lease Committee, the Planning Commission, the Port and Harbor Commission, and the Parks and Recreation Commission.
- C. All properties identified as available for lease by the City Council shall be subject to the lease policies and procedures contained herein.
- D. All uses and activities on lands made available for lease are subject to the City Comprehensive Plan, zoning ordinances, flood ordinance, subdivision ordinance, and other applicable local, state, and federal laws and regulations.
- E. The City Council may restrict specific City properties to certain uses or classes of use. Such properties will be available for leasing only such uses. The City Council has in the past restricted the use of lots immediately adjacent to the Fish Dock to activities directly related to commercial fishing. Similarly, it has restricted uses on lots adjacent to the Deep Water Dock to marine industrial uses with an emphasis on shipping and cargo handling. The purpose for these restrictions is to encourage growth in targeted economic sectors, to insure that the City receives the maximum benefits from the large investment the public has made in those docks, and to provide land for businesses that require close proximity to the docks in order to operate efficiently and profitably.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 4: REQUEST FOR PROPOSALS (RFP)

4.1 POLICY

- A. It is the policy of the City of Homer that a request for proposals, or a competitive bidding process be used for the leasing of City owned property. Exceptions to this policy may be made by the City Council as per section 10.2.E of these policies and/or under special or exceptional circumstances. The Council shall review recommendations of the Lease Committee and, if an exception is granted, adopt a resolution finding that it is in the public interest and approving the exception.

4.2 PROCEDURES

- A. Properties that are available for lease will be advertised by the Lease Committee through the normal City of Homer public notice process a minimum of one time per year. The Lease Committee shall provide such notice within 60 days of the completion of the annual land allocation process and adoption by the Council of the Land Allocation Plan. The committee may advertise more frequently as needed and appropriate.
- B. Requests for Proposals shall be solicited by the Lease Committee during a time frame identified in the advertisements and proposal submittal documents.
- C. The criteria used to score and rank proposals shall include, but not necessarily be limited to, the criteria listed in the evaluation chapter herein.
- D. The Lease Committee shall review, evaluate, score, and rank all responsive proposals and make recommendations to the Manager. If none of the responsive proposals is satisfactory, the Lease Committee may recommend against all of the proposals. The manager shall notify the City Council of the Committee's recommendations.
- E. The Lease Committee must obtain approval from the City Council before requesting proposals to lease property that is not on the approved list of properties available for lease.
- F. The City Council may by resolution in particular cases approve other bidding or proposal procedures or exceptions to these procedures.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 5: LEASE APPLICATION PROCESS

5.1: POLICY

- A. It is the policy of the City of Homer to provide for a streamlined, standardized, and easily understood lease application process. A full and complete application packet shall be provided to all applicants. Applicants must be qualified under Section 18.08.50 of the Homer City Code.
- B. The City administration will provide for pre-application meetings with all potential applicants to provide relevant information on things like land use regulations, lease policies, the permitting process, and other relevant topics.

5.2 PROCEDURES

- A. A responsive lease application / proposal shall include:
 - 1. A completed application form provided by the City
 - 2. Any applicable fees
 - 3. A clear and precise narrative description of the proposed use of the property
 - 4. A specific time schedule and benchmarks for development
 - 5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.
 - 6. Any other information that is directly pertinent to the proposal scoring criteria contained herein
 - 7. All other required attachments requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.
 - 8. Any other information required by the solicitation or request for proposals.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 6: APPLICATION / PROPOSAL EVALUATION PROCESS

6.1 POLICY

- A. It is the policy of the City of Homer to provide for a fair, standardized and objective proposal evaluation process.

6.2 PROCEDURES

- A. All lease proposals shall be evaluated and scored by the Lease Committee.
- B. The Criteria for evaluating proposals shall include but is not limited to the following:
 - 1. Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan.
 - 2. The development plan including all proposed phases and timetables.
 - 3. The proposed capital investment.
 - 4. Experience of the applicant in the proposed business or venture.
 - 5. Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development.
 - 6. The number of employees anticipated.
 - 7. The proposed rental rate.
 - 8. Other financial impacts such as tax revenues, stimulation of related or spin-off economic development, or the value of improvements left behind upon termination of the lease.
 - 9. Other long term social and economic development.
- C. Lease Rental Rates
 - 1. The determination of lease rental rates is addressed in Chapter 7.
- D. After evaluating and scoring the proposals, the Lease Committee shall make a recommendation on a successful bidder to the City Council. The recommendation shall be contained in the form of a memorandum from the City Manager to the City Council that appears on the consent calendar of a regular meeting agenda. If a recommendation to approve a proposal is adopted, the Manager or his designee shall finalize a lease document for presentation to Council for approval. If the Council approves the lease, it will not be executed until the period for reconsideration under section 8.3 passes.
- E. Final approval of long term leases (more than six months) rests with the City Council. The Council shall either:
 - 1. Approve the proposed lease
 - 2. reject the proposed lease; or
 - 3. remand the unapproved lease to the Manager with comments

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 7: Lease Rental Rates

7.1 POLICY

It is the policy of the City of Homer to provide for a lease rental rate structure that stimulates business activity, promotes the best use of City land, and maximizes the value of City owned real property.

7.2 PROCEDURES

A. Lease Rental Rates Generally

1. All property shall be leased at no less than “fair market rent”. Fair market rent is defined as the rental income that a public and private property would most likely command in the open market; indicated by the current rents paid for comparable space as of the date of the appraisal.
2. Payment of a higher than market rent resulting from an applicant’s proposal is generally in the public interest and will help to establish fair market rent using current market forces.
3. The City Council may establish a minimum rent or “asking price.” It may set the minimum rent at an amount equal to or higher than the estimated “fair market rent” if it finds that it is in public interest to do so. It may set uniform rental rates for a class of similar properties that remain available for leasing after the conclusion of a competitive lease offering.
4. The Council may approve a lease of City land for less than fair market rent, minimum rent, or uniform rental rate only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use, and a statement identifying such public purpose or use.

- B. Rental Rate Determination: Lease rental rates shall be determined by periodic appraisals scheduled and paid for by the City.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 8: RECONSIDERATION

8.1 POLICY

It is the policy of the City of Homer to provide for a reconsideration process so that a fully responsive bidder may seek remedies to actions by the City Council that he or she may believe are in error, unfair, or otherwise unsatisfactory. The reconsideration provisions apply only to final approval of a lease by the City Council.

8.2 RESPONSIBILITY

- A. The City Council is responsible for hearing reconsiderations and for making the final determination on them.
- B. The City Manager is responsible for providing all required staff support necessary to assist the Council in hearing and deciding reconsiderations.

8.3 PROCEDURE

- A. A fully responsive bidder who believes that the City Council final action on the terms of a proposed lease is unsatisfactory may request a reconsideration.
- B. Reconsideration Process:
 - 1. A written request for reconsideration must be filed by a fully responsive bidder with the City Clerk within 15 days of the City Council action which is to be reconsidered. Any decision for which reconsideration is not requested within that period shall become final.
 - 2. The City Clerk shall schedule the matter for reconsideration before the City Council at an appropriate regular meeting.
 - 3. The person requesting reconsideration and all parties involved in the Council action to be reconsidered, shall be notified by the Clerk of the reconsideration request and the date upon which the Council will reconsider. Such notice shall be given not less than 15 days prior the scheduled reconsideration.
 - 4. An electronic tape recording shall be kept of the entire reconsideration proceeding and typewritten minutes shall be prepared. The electronic tape recording shall be preserved according to the City's records retention policy at the time.
 - 5. The decision of the City Council on reconsideration shall be final. There shall be no appeal.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 9: LEASE IMPLEMENTATION

9.1 POLICY

It is the policy of the City of Homer that all leases shall be negotiated and administered in a fair, standardized, and professional manner that is consistent with the Homer City Code and these policies and procedures.

9.2 PROCEDURES

- A. The Lease Committee and the City Manager shall develop a standardized ground lease document that contains standard provisions applicable to all ground leases. Similarly, the Lease Committee and the City Manager may develop one or more standardized building leases (as many as necessary to apply to each City building available for leasing) containing standard provisions applicable to all leases of space in a city building. The standard lease documents shall be reviewed by the City attorney and approved by the City Council. Standard lease documents provide the baseline requirements and conditions of all city leases. They are the starting point in negotiations and are subsequently structured and modified to meet the specifics of the development proposal with respect to things like term, lease rate, allowed uses, required insurance, and so on.
- B. The terms and conditions of each lease shall be reviewed by the Lease Committee prior to execution. The committee shall make recommendations on terms and conditions to the Manager and the City Council.
- C. The City Manager or designee is responsible for lease negotiations, including any negotiated changes in the standard lease terms. The Manager shall take into consideration the following when negotiating the terms of a lease:
 1. the nature of the proposed use
 2. the type and cost of the improvements to be placed on the property
 3. the period of time required to amortize the improvements
 4. the overall benefit to the City
 5. consistency with the Comprehensive Plan and all other relevant land use codes and regulations
 6. the public need and benefit
 7. the date of commencement and completion of improvements
 8. the value and usefulness of buildings, structures, and other permanent improvements that will remain on the City's land after termination of the lease.
 9. other factors deemed relevant by the Lease Committee or the City Manager.
- D. The determination of lease rental rates is addressed in Chapter 7.

- E. All leases and attachments, or in the direction of the City Manager a memorandum of lease, shall be recorded in the proper recording office by the Clerk's office. The Lessee is responsible for the recording fees.
- F. All leases must require the lessee to comply with applicable zoning, parking, sign, flood, and other pertinent local ordinances and state and federal statutes and regulations.
- G. If a lease is awarded, an as-built survey including elevations performed by an RPLS(Registered Professional Land Surveyor) shall be provided to the City within 6 months of completion of permitted or required development or requirements under the lease. Each additional structure or significant improvement shall require an additional or updated as-built except that the Manager may waive the RPLS requirement. The lessee will be required to subdivide and replat city owned parcels if the lease so requires. All surveys are to be provided by the lessee at his/her expense.
- H. At the time each as-built is submitted, a statement of value including leaseholds and all improvements shall be provided. The Statement of Value shall be either a letter of opinion or appraisal completed by an Alaska Certified General Appraiser.
- I. All development requirements and performance standards contained in the lease shall be strictly enforced and if not complied with or negotiated for modification as per 10.2.B, shall be cause for the lease to be terminated.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 10: IMPROVEMENTS

10.1 POLICY

It is the policy of the City of Homer that all improvements installed, maintained, occupied, and used on leased City property shall be strictly monitored and shall be consistent with the terms and conditions of the lease and all other applicable codes and regulations.

10.2 IMPLEMENTATION

- A. Construction of improvements on leased properties shall take place only after review and approval of the construction plans by the Lease Committee and all applicable permits and legal requirements are secured.
- B. Construction of improvements that are not consistent with the lease agreement are prohibited unless they are approved by an amendment to the lease approved by the City Council. The amendment is subject to the same review process as initial leases.
- C. All improvements constructed upon leased property become the property of the City upon termination of the lease unless otherwise provided in the lease, or agreed to by the parties in writing, the lessee shall on or before the lease termination date remove all improvements the lessee is authorized or required to remove and restore the property to the same condition it was in at the time the lease was executed by the lessee.
- D. Lessee shall be responsible for all municipal property taxes on the leasehold interest in the real property and improvements and sales taxes on the rent payments.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 11: LENGTH OF LEASES / OPTIONS

11.1 POLICY

It is the policy of the City of Homer that the duration of all leases including all options shall be consistent with the provisions of Chapter 18.08 of the Homer City Code and the provisions of these policies and procedures.

11.2 PROCEDURES

- A. The initial term of leases shall be related to a large degree upon the magnitude of the lessee's financial investment and the value and usefulness of improvements that lessee will make and leave on the property upon the termination of the lease. It shall also be related, to a lesser degree, upon lessee's financing and the reasonable amortization requirements of the lessee and financing agency. Generally speaking, the larger the investment, and the greater the value and usefulness of permanent improvements that will remain on the property after termination of the lease, the longer the lease period.
- B. Leases that extend beyond 30 years (including all options) will be treated as exceptional and shall be evaluated on a case by case basis.
- C. Leases shall contain no more than two options for renewal and each option shall be for no more than 25% of the length of the initial base term. The exercise of any option shall be dependent upon lessee not being in breach of any provisions of the lease at that time.
- D. If the lease or the lessee's approved development plan provides for utilization of the lot for several months a year and the lessee installs improvements or infrastructure, occupies the lot (by persons or things), or does anything else that precludes or devalues utilization of the lot for the remainder of the year by the City or another party, the lessee shall pay either a premium rent for the months the parcel is actually in use or fair market rental for the entire lease year.
- E. It is the policy of the City that equal opportunities should be provided to compete for leasing available public property. A lessee whose initial lease and all options have expired shall have no automatic right of further renewal or extension. In general, it is the policy of the City that the Lease Committee shall offer such properties to the public through the RFP/competitive bidding process described herein.
- F. Lease Renewals: The City Council, after reviewing a recommendation from the Lease Committee, may elect to not require a competitive bidding process for a property whose lease has expired (including all options) if it finds that it is in the best interest of the City to enter into a new lease agreement with the current lessee. If the current lessee is interested in entering into a new lease agreement, he/she must indicate so in writing to the City Manager at least 12 months prior to

the expiration of the lease and submit a formal lease application/proposal for evaluation by the Lease Committee. The City will review the application but is under no obligation to enter into a new lease. If the Council chooses to approve such a new lease without a competitive process, it must approve such new lease by resolution within six months that includes a finding that it is in the public interest to do so, after consideration of relevant facts including, but not limited to, the following:

1. The lessee's past capital investment and binding commitment to future capital investment
2. The lessee's financial condition and prior lease history
3. The number of persons employed and the prospects for future employment
4. Tax revenues and other financial benefits to the City of Homer anticipated in the future if the lease is renewed.
5. Consistency of the past use and intended future use with all applicable land use codes and regulations, the Comprehensive Plan, and Overall Economic Development Plan
6. Other opportunities for use of the property that may provide greater benefits to the City of Homer.
7. Other social, policy, and economic considerations as determined by the Council

G. Short Term Leases

1. A short term lease of 6 months or less may be approved by the City Manager after review and recommendations by the Lease Committee.
2. Short term leases are not required to go through the competitive bidding/PFP process described herein
3. Short term leases shall not include renewable options and no consecutive short term leases for the same property to the same lessee may be issued without the approval of the City Council.
4. Applicants for short term leases must go through the formal application process described herein.
5. The City Manager will advise the Council through memorandum or the Manager's report of all short term leases.

H. At the expiration or termination of a lease the City may negotiate to reimburse the lessee for improvements at fair market value, and then issue a request for proposals offering the lot and improvements as a package.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 12: LEASE RATE ADJUSTMENTS

12.1 POLICY

It is the policy of the City of Homer to adjust lease rental rates from time to time in order to compensate for inflation, increases in the cost of living, and changing real estate market conditions.

12.2 PROCEDURES

- A. All leased properties shall be appraised every fifth year. The appraisal shall be conducted by an Alaska Certified General Real estate Appraiser. Appraisals shall be subject to the following:
 - 1. The lease rate shall be adjusted upward based upon increased property appraisal values. This periodic adjustment compensates for changing market conditions in the area by determining the fair rental value. In the event that an appraisal reveals that fair market rent has declined, the lessee may petition the City for an amendment to the lease and reduction in the lease rate. The City is under no obligation to do so. Any reduction in lease rates must be approved by the City Council and the motion to do so must include a statement regarding why the action is in the public interest.
 - 2. During the month of January each year, the City will contract with an Alaska Certified General Real Estate Appraiser to appraise all leased parcels which are due for their five year appraisals in that year. The appraisals will be bundled and conducted at the same time under the same contract in order to reduce costs. The City will select the appraiser and bear the cost of the appraisal.
 - 3. The newly adjusted lease rate determined by the appraisal will take effect on the anniversary date of the lease.
- B. In addition, all rental rates shall be adjusted annually based upon changes in the Anchorage Consumer Price Index (CPI). No CPI adjustments shall be made in the initial year of the lease or in any year in which an appraisal adjustment occurs.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES

CHAPTER 13: SUB-LEASES

13.1 POLICY

It is the policy of the City of Homer that City land should be leased for a specific use or purpose approved by the City. City land shall not be leased for the purpose of speculation. Individual business structures unrelated to the primary permitted use that are owned by the lessee or subtenants of the lessee shall be discouraged.

13.2 PROCEDURES

- A. If a potential lessee intends to sub-lease City owned property, this intention shall be clearly stated and described in the original lease application and proposal.
- B. In order for a sub-lease to be approved, the right to sub-lease, and the terms and conditions thereon, must be specifically included and stated in the underlying base lease.
- C. All sub-leases must be in writing and executed by the parties. All sub-leases must be approved by the City Council after a recommendation is provided by the City Manager and the Lease Committee. Approval must be granted prior to occupancy of the leased premises by the sub-tenant.
- D. All amendments to sub-leases must be in writing and approved by the City Council prior to becoming effective.
- E. Sub-leasing shall not be used as a method to accomplish the transfer of interest in the entire leasehold.
- F. All sub-leases must comply with applicable zoning, parking, sign, flood, and other applicable local ordinances and state and federal statutes.
- G. All sub-leases are subject to the base lease and all sub-tenants must comply with the relevant provisions of the base lease as identified by the Lease Committee. Sub leases of City land are subject to additional rent pursuant to HCC 18.08.120.
- H. Sub-leasing within a building may be approved provided that the terms and conditions of such are clearly set out and described in the original base lease.
- I. Partnerships: The City may consider and approve a lease and development plan that consists of two or more independent businesses that finance, construct, and occupy the same building or improvements. The businesses, business relationship, and proposed uses must be approved by the City in advance. Partnerships such as this are not considered to be a sub-lease.
- J. Developers/Investors: The City may consider proposals from developers who wish to construct buildings and/or other improvements for the purpose of sub-leasing, if all tenants of the building or land are engaged in activities that are permitted by applicable zoning codes and restricted uses as approved by the Council in effect at the time. The lessee will be in violation of the lease if he/she sub-leases for uses other than those permitted by the lease.

13.3 PROCEDURES

- A. If a lessee with an assignable lease wishes to assign, the City must first make a determination that the lessee is current and not in default with respect to lease payments, taxes, and other fees that may be owing, and in compliance with any other relevant terms and conditions of the base lease. If the lessee is in good standing and eligible to assign, the following procedures will apply.
- B. The lessee shall request approval of lease assignment in written form and submit a lease assignment document(s) to the Lease Committee.
- C. The Lease Committee shall review the request and assignment document(s), determine whether the proposed assignee is qualified under HCC 18.08.050, and meet with assignee to ascertain whether the assignment would be beneficial to the interests of the City.
- D. The assignee shall submit a new lease application form complete with all attachments and proposals following the process described herein for lease applications, and submit it along with any applicable fees to the Lease Committee for review.
- E. The Lease Committee shall review the application and proposal using the application evaluation criteria described herein.
- F. The Lease Committee shall make a recommendation on the assignment to the City Council for final action.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICIES AND PROCEDURES

CHAPTER 14: ASSIGNMENTS

14.1 POLICY

It is the policy of the City of Homer to incorporate an assignment provision into the lease document if that is requested by the lessee. Consent to an assignment request shall be conditioned upon receipt of all current and applicable payments and properly submitted documentation. The proposed assignee must also be acceptable to the City of Homer and commit to develop and use the property in a manner acceptable to the City.

14.2 DEFINITIONS

- A. Assignable lease: A lease which contains a provision permitting its assignment by lessee.
- B. Assignment: A transfer of interests or rights to property, real or personal, in possession or in action, or of any estate or right therein. The assignment of a lease is distinguishable from a sublease to the extent that in assigning, the lessee transfers his entire interest and estate in the premises, whereas, in a sublease, the sublessee acquires something less than the lessee's entire interest.

14.3 RESPONSIBILITY

- A. The Lease Committee is responsible for reviewing assignment provisions that may be included in lease documents. The Lease Committee is also responsible for reviewing and making recommendations to the City Council on all requests to assign a City lease.
- B. The City Council is the final authority on all requests to assign.
- C. The City Council may approve assignment of a lease to banks or other financial institutions for financing or other reasons if it determines that to be in the best interest of the City.

14.4 ASSIGNMENT WITH SALE OF BUSINESS

Where a lessee intends to assign the lease as part of a sale of the business located on the lease lot, the person who intends to purchase the business may apply to extend the lease term to allow the continuation of the business and to secure financing for the purchase.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES MANUAL

CHAPTER 15: INSURANCE

15.1 POLICY

It is the policy of the City of Homer to require lessees to carry general public liability insurance, environmental insurance if appropriate, workers compensation insurance, and any other insurance coverage determined to be necessary by the City in order to protect City assets and the public interest.

15.2 PROCEDURES

- A. All lessees shall keep in force for the full term of the lease public liability insurance in the amount of not less than \$1 million coverage per occurrence for bodily injury (including death) and property damage. The City of Homer shall be named as an additional insured.
- B. Lessees who intend to conduct activities which could potentially have significant risk of environmental contamination shall also obtain not less than \$2 million in environmental insurance (Environmental Impact Insurance and/or Environmental Clean-up Policy, or the equivalent subject to review and approval by the City Manager) with the City of Homer as an additional insured. Environmental Insurance for the purposes of City leasing procedures shall meet the standards of the Environmental Insurance Requirement document attached as Appendix A to these policies. The following procedures apply in determining whether a significant risk of environmental contamination is present:
 1. The City will determine on a case by case basis whether a lease of City property will involve a significant risk of environmental contamination due to the use of the property, the presence of hazardous materials, or the location of the property.
 2. If the City determines that a significant risk is present, the environmental insurance requirement shall apply.
 3. Recommendations by the Manager and Lease Committee on environmental insurance are subject to final approval by the Homer City Council through the lease approval process.
 4. The following are examples of uses that generally will not involve a significant risk of environmental contamination. This list is not exhaustive or all inclusive and is provided for illustrative purposes only: restaurants, retail/charter businesses, commercial fishing gear storage (provided the storage does not include fuels, lubricants, hydraulic fluids, and solvents, or machinery containing any of them, campgrounds, entertainment establishments, drinking establishments, and the ordinary use of commonly used household cleaning agents and office products.

5. The following are examples of uses that generally will involve a significant risk of environmental contamination. This list is not exhaustive and is provided for illustrative purposes only: a) Storage or processing of logs, chips & other wood products, b) sale, manufacture, distribution, fueling of equipment, or storage of petroleum products, c) repair shops involving the use of solvents, d) activities in the tidelands or in close proximity to environmentally sensitive areas, e) the use of drums to collect, transport, or store waste oil, solvents, or other hazardous materials, f) the use of hazardous materials in manufacturing or processing, g) storage of hazardous waste in quantities sufficient to trigger reporting obligations under the Resource Conservation and Recovery Act, h) outside use or storage of equipment with a risk of leaking fuels, lubricants, solvents or hydraulic fluid.
- C. Certificates of Insurance showing the required insurance is in effect and identifying the City of Homer as an additional insured shall be provided to the City of Homer initially at the time a lease becomes effective and annually thereafter, and upon every change in insurance provider or insurance coverage.
- D. All insurance policies must be in effect for the duration of the lease term, or longer if stated in the lease, and the City must be notified of any changes to policies.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICY AND PROCEDURES MANUAL

CHAPTER 16: HAZARDOUS MATERIALS

16.1 POLICY

It is the policy of the City of Homer to require that all lessees on City owned property take the precautions necessary to protect city property and the surrounding environment from pollution and contamination. All leases of City property, whether they are subject to the Environmental Insurance Requirement or not, shall include terms which impose the minimum requirements for environmental protection set out below.

16.2 PROCEDURES

- A. The lessee shall not allow hazardous materials to be used or kept on City property, except as specifically permitted or necessary for the lessee's lawful use and approved of the property.
- B. The lessee's use of hazardous materials, if permitted, shall comply will all applicable laws and regulations.
- C. The lessee shall not pollute or contaminate the environment with discharges, leaks, or emissions of hazardous materials.
- D. The lessee shall be required to promptly notify the appropriate authorities and the City of any discharge or spill and to clean up the impacted area at lessee's own expense in compliance with applicable laws.
- E. Lessee shall be fully liable for all damages, costs and expenses related to a violation of the terms of the lease with respect to the use, storage, cleanup, remediation, or disposal of hazardous materials.

CITY OF HOMER
PROPERTY MANAGEMENT
POLICIES AND PROCEDURES

CHAPTER 17: PERFORMANCE STANDARDS

17.1 POLICY

It is the policy of the City of Homer that leased properties and the improvements on them shall be maintained in a way that provides for the health and safety of the community, and is consistent with community values with respect to zoning, aesthetics, architecture, and other values as determined by the City Council.

17.2 PROCEDURES

- A. All properties leased by the City are to be maintained in a proper, safe, clean, and orderly fashion taking into consideration its permitted use, surrounding, properties, zoning, and other applicable laws and regulations.
- B. The City of Homer reserves the right to enter leased property and the structures thereon at all reasonable times. This includes regular annual inspections.
- C. All commercial structures shall at all times be in compliance with applicable building, fire, mechanical, electrical and other regulations.
- D. Applicable building code and fire marshal inspections must be performed and certified to the City upon completion of all renovations, remodels, and / or new construction.
- E. Easements or Rights-of-Way on the leased parcel shall not be used in any way that interferes with the rights of the holders or any person(s) lawfully using the easement or right-of-way.
- F. Easements or Rights-of-Way outside of the leased parcel and/or immediately adjacent to it shall not be used for storage, parking, or any other authorized uses.
- G. Failure to comply with the performance standards listed in this section or any other provisions or stipulations contained in the lease are grounds for termination of the lease if the lessee does not rectify the problem after reasonable notice by the City.

CITY OF H
OMER
PROPERTY MANAGEMENT
POLICIES AND PROCEDURES

CHAPTER 18: CONCLUSION OF LEASE

18.1 POLICY

It is the policy of the City of Homer to provide for a smooth transition and the restoration of City property at the time a lease expires.

18.2 PROCEDURE

- A. Improvements constructed by the Lessee or sub-lessees shall be left in place unless removal is authorized or required by the provisions of the lease. If the lease authorizes or requires removal of improvements, they may be removed prior to the conclusion of the lease if doing so would not damage the leased property or adjoining properties. Removing improvements shall be coordinated with and approved by the City Manager prior to commencement of activities.
- B. Unless otherwise agreed by the parties, when the lessee is authorized or required to remove improvements, the lessee shall remove all improvements made on the property by lessee prior to termination of the lease.
- C. When authorized or required to remove improvements, if lessee fails to do so prior to the termination date of the lease, lessee shall forfeit the improvements to the City and shall receive no compensation therefore, or, at the City's election, pay to the City the costs incurred by the City in removing and disposing of the improvements.
- D. Unless otherwise provided in the lease, or agreed to in writing by the parties, the lessee shall restore the property to the same condition it was in at the time the lease was executed by the lessee.
- E. An environmental inspection (Phase I, plus further testing, including test holes if the need for such further testing is indicated by the Phase I inspection) shall be completed at the termination of the lease at the lessee's expense. Identified environmental problems shall be rectified by lessee at his/her expense.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 RESOLUTION 14-083

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT
9 TO PURCHASE PROPERTY FOR A NEW WATER TANK (LOT A2,
10 BARNETT SUBDIVISION, QUIET CREEK ADDITION 2014).

11
12 WHEREAS, The City Council authorized the acceptance of an EPA grant, Ordinance 12-
13 40(S), which provided design funds for various water system improvements, including a new
14 water tank; and

15
16 WHEREAS, Public Works has evaluated several potential sites, identified a preferred
17 site, worked with the willing property owner, established conditions of sale and a mutually
18 agreeable sales price (see Memorandum 14-115); and

19
20 WHEREAS, The conditions of sale and purchase price (\$72,000) have been incorporated
21 into a purchase agreement and the agreement has been reviewed by the City Attorney; and

22
23 WHEREAS, The City Manager and the Public Works Director support the purchase of
24 the property for a new water tank as shown in the purchase agreement as in the best interest
25 of the project and the community; and

26
27 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes
28 the City Manager to execute the agreement to purchase Lot A2, Barnett Subdivision, Quiet
29 Creek Addition 2014 for the purpose of building a new water storage tank

30
31 PASSED AND ADOPTED by the Homer City Council on this 28th day of July, 2014.

32
33 CITY OF HOMER

34
35
36 _____
37 MARY E. WYTHE, MAYOR

38 ATTEST:

39
40 _____
41 JO JOHNSON, MMC, CITY CLERK

42
43 Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

City Manager/
Public Works Director

ORDINANCE 12-40(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A SPECIAL ACT APPROPRIATIONS PROJECT (SAAP) GRANT IN THE AMOUNT OF \$881,818 AND AUTHORIZING A 45% MATCHING REQUIREMENT FROM THE HOMER ACCELERATED WATER AND SEWER FUND (HAWSP) IN THE AMOUNT OF \$396,818 FOR THE PURPOSE OF COMPLETING WATER DISTRIBUTION/STORAGE IMPROVEMENT PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City submitted an application for a Special Act Appropriations Project Grant for the purpose of completing water distribution/storage improvement projects to include Redwood Tank Removal, Kachemak Drive Water Main Extension, Water System Distribution/Storage Improvements, and Replacement of Old Cast Iron Water Main on the Homer Spit; and

WHEREAS, The Special Act Appropriations Project Grant was awarded to the City in the amount of \$881,818, requiring a 45% match of \$396,818 from the Homer Accelerated Water and Sewer Fund; and

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a Special Act Appropriations Project Grant in the amount of \$881,818 with a required 45% match of \$396,818 from the Homer Accelerated Water and Sewer Fund for the purpose of completing water distribution/storage improvement projects as follows:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
215-836	Design Old Cast Iron Water Main Replacement	\$170,000
215-834	Design Kachemak Drive Water Main	\$105,000
215-828	Design Redwood Tank Removal	\$ 30,213
215-835	Design Water Distribution/Storage Improvements	\$576,605

46 Expenditure:

47

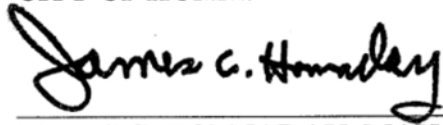
48 <u>Account</u>	49 <u>Description</u>	50 <u>Amount</u>
51 205-375	52 45% HAWSP Fund Match	53 \$396,818

54 Section 2. The City Manager is authorized to execute the appropriate documents.

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


57 ENACTED BY THE HOMER CITY COUNCIL this 27 day of August, 2012.

58 CITY OF HOMER

59 

60 JAMES C. HORNADAY, MAYOR

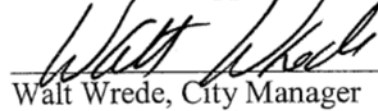
61 ATTEST:

62 
63
64 JO JOHNSON, CMC, CITY CLERK

65 YES: 6
66 NO: 0
67 ABSENT: 0
68 ABSTAIN: 0

69
70
71 First Reading: 8/13/12
72 Public Hearing: 8/27/12
73 Second reading: 8/27/12
74 Effective Date: 8/28/12

75 Reviewed and approved as to form:

76 
77
78 Walt Wrede, City Manager

79 
80
81 Thomas F. Klinkner, City Attorney

82 Date: 8/29/12

83 Date: 8-31-12

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

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

Ordinances 14-20(S), 14-30, and 14-31

A **public hearing** is scheduled for **Monday, July 28, 2014** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 14-20(S), 14-30, and 14-31 internet address:

<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 14-20(S), An Ordinance of the Homer City Council Amending Homer City Code 21.26.020, Permitted Uses and Structures, to Add Open Air Business as a Permitted Use in the General Commercial 2 Zoning District. Roberts.

Ordinance 14-30, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From the U.S. Fish and Wildlife Service In the Amount of \$110,000 for Reconstruction of a Section of the Beluga Slough Trail, and Providing an In-Kind Match in the Form of Design, Permitting, and Project Management Services, Having a Total Value of \$25,000. City Manager/Public Works Director.

Ordinance 14-31, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Budget by Appropriating \$84,000 From the Homer Accelerated Roads and Trails Fund (HART) for a Traffic Calming Pilot Project in Old Town. Van Dyke/Howard.



All interested persons are welcomed to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, the City of Homer Kiosks at City Clerk's Office, Captain's Coffee, Harbormaster's Office, and Redden Marine Supply of Homer and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Jo Johnson, MMC, City Clerk

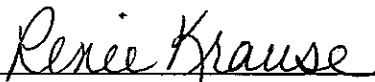
A handwritten signature in black ink, appearing to read "Jo Johnson", written over the printed name.

Publish: Homer News: July 24, 2014

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 14-20(S), Amending Homer City Code 21.60.020, Permitted Uses and Structures, to Add Open Air Business as a Permitted Use in the General Commercial 2 Zoning District; Ordinance 14-30, Accepting and Appropriating a Grant from the U.S. Fish and Wildlife Service in the Amount of \$110,000 for reconstruction of a Section of the beluga Slough Trail, and providing and In-Kind Match in the Form of Design, Permitting, and Project Management Services, Having a Total Value of \$25,000; Ordinance 14-31, Amending the FY 2014 Budget by Appropriating \$84,000 from the Homer Accelerated Roads and Trails Fund (HART) for a Traffic Calming Pilot Project in Old Town was distributed to the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office and Redden Marine on Friday, June 27, 2014 and that the City Clerk posted same on City of Homer Homepage on Wednesday, June 25, 2014.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 25th day of June, 2014.



Renee Krause, CMC, Deputy City Clerk I

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-20

An Ordinance of the Homer City Council Amending Homer City Code 21.18.030, Conditional Uses and Structures, 21.24.030, Conditional Uses and Structures, and 21.26.030, Conditional Uses and Structures, to Add Farmers' Market as a Conditional Use in the Central Business District, General Commercial 1 and General Commercial 2 Zoning Districts.

Sponsor: Roberts

1. City Council Regular Meeting May 12, 2014 Introduction and Referred to Planning Commission
2. City Council Regular Meeting June 23, 2014 Returned from the Planning Commission
 - a. Substitute Ordinance 14-20(S) as recommended by the Planning Commission
 - b. Memorandum 14-105 from City Planner as backup
 - c. Staff Reports 14-48 & 14-50, Excerpts from Planning Commission meeting minutes May 12 and 21, 2014 and June 4, 2014, and Ordinance 14-20 revised
3. City Council Regular Meeting July 28, 2014 Public Hearing and Second Reading
 - a. Substitute Ordinance 14-20(S) as recommended by the Planning Commission
 - b. Memorandum 14-105 from City Planner as backup
 - c. Staff Reports 14-48 & 14-50, Excerpts from Planning Commission meeting minutes May 12 and 21, 2014 and June 4, 2014, and Ordinance 14-20 revised

1 CITY OF HOMER
2 HOMER, ALASKA

3
4 ORDINANCE 14-20(S)

5 Roberts

6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
7 HOMER CITY CODE 21.26.020, PERMITTED USES AND
8 STRUCTURES, TO ADD OPEN AIR BUSINESS AS A PERMITTED
9 USE IN THE GENERAL COMMERCIAL 2 ZONING DISTRICT.

10
11 WHEREAS, The Homer City Code defines a Farmers market as a location where the
12 primary activity is the sale of goods grown upon the land of the seller; and

13
14 WHEREAS, Farmers' markets are permitted outright in the Central Business and Town
15 Center Zoning Districts; and

16
17 WHEREAS, Farmers' markets have become popular and necessary parts of
18 communities nation-wide; and

19
20 WHEREAS, Farmers market is inclusive of the definition of open air business; and

21
22 WHEREAS, Open air business is permitted outright in the General Commercial 1 Zoning
23 District.

24
25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

26
27 Section 1. Homer City Code 21.26.020, Permitted uses and structures, is amended to
28 read as follows:

29
30 21.26.020 Permitted uses and structures. The following uses are permitted outright in
31 the General Commercial 2 District, except when such use requires a conditional use permit by
32 reason of size, traffic volumes, or other reasons set forth in this chapter:

33 a. Production, processing, assembly and packaging of fish, shellfish and seafood
34 products;

35 b. Construction, assembly and storage of boats and boat equipment;

36 c. Manufacture and assembly of pottery and ceramics, musical instruments, toys,
37 novelties, small molded products, electronic instruments and equipment and electrical devices;

38 d. Research and development laboratories;

39 e. Trade, skills or industrial schools;

40 f. Publishing, printing and bookbinding facilities;

41 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service
42 and repair, excluding storage of vehicles or equipment that is inoperable or in need of repair;

- 43 h. Storage and distribution services and facilities, including truck terminals, warehouses
- 44 and storage buildings and yards, contractors' establishments, lumberyards and sales, or similar
- 45 uses;
- 46 i. Airports and air charter operations;
- 47 j. Heliports;
- 48 k. Underground bulk petroleum storage;
- 49 l. Cold storage facilities;
- 50 m. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- 51 n. Mobile commercial structures;
- 52 o. Accessory uses to the uses permitted in the GC2 district that are clearly subordinate
- 53 to the main use of the lot or building, such as wharves, docks, restaurant or cafeteria facilities
- 54 for employees; or caretaker or dormitory residence if situated on a portion of the principal lot;
- 55 provided, that separate permits shall not be issued for the construction of any type of
- 56 accessory building prior to that of the main building;
- 57 p. Taxi operation;
- 58 q. Mobile food services;
- 59 r. Itinerant merchants, provided all activities shall be limited to uses permitted outright
- 60 under this zoning district;
- 61 s. Recreational vehicle parks, provided they shall conform to the standards in Chapter
- 62 21.54 HCC;
- 63 t. Hotels and motels;
- 64 u. Dormitory;
- 65 v. As an accessory use, one small wind energy system per lot;
- 66 **w. Open air business.**

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

70
71 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
72 _____ 2014.

73
74 CITY OF HOMER

75
76
77 _____
78 MARY E. WYTHER, MAYOR

79
80 ATTEST:

81
82
83 _____
84 JO JOHNSON, MMC, CITY CLERK

85

86 AYES:
87 NOES:
88 ABSTAIN:
89 ABSENT:
90
91
92
93 First Reading:
94 Public Hearing:
95 Second Reading:
96 Effective Date:

97
98

99 Reviewed and approved as to form:

100
101
102

103 _____
Walt Wrede, City Manager

104
105 Date: _____
106

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

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

MEMORANDUM 14- 105

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: RICK ABOUD, CITY PLANNER
DATE: June 17, 2014
SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.16.020, PERMITTED USES AND STRUCTURES, TO ADD OPEN AIR BUSINESS AS A PERMITTED USE IN THE GENERAL COMMERCIAL 2 ZONING DISTRICT.

The Planning Commission invited and heard from representatives of the Board of the Homer Farmers Market in the work session and accepted testimony at the beginning of the Regular Meeting of May 21, 2014. A public hearing was held by the Planning Commission meeting of June 4, 2014 on the proposed ordinance. Council Member Roberts provided testimony at the work session held before the meeting.

The ordinance, as originally conceived, was to consider for the conditional use allowance for expansion of farmer's market activities. Uses, as classified in Homer City Code, allow permitted or "outright" uses that are reviewed and permitted through the planning office or conditional uses which may be permitted after a hearing at the Planning Commission. Current code already allows outright provision for farmers market in Central Business District (CBD) and Town Center District (TCD). It is also allowed outright in General Commercial 1 (GC1) district, as it is a subset of "open air business" which is permitted outright. The Commission does not wish to restrict farmer's market activity any further than currently provided in code and does not support moving it to a conditional use from the current permitted status.

Now we have a consideration for the amendment to further consider open air business in CBD and GC2. After discussion about the higher standards for development found in the CBD and all the present efforts at beatification, it was found to not be in the best interests of all the effort made to improve the looks of CBD to allow for flea market activities on a continuous basis. The commission supported a motion to remove consideration for open air business in the CBD and recommended to retain farmers market as a permitted use. No objections were made for the allowance of open air market as a permitted use in the GC2 district, as flea markets and swap meets are commonly found in industrial areas. This also expands to the allowance for farmers market in GC2.

Recommendation:

The Homer Advisory Planning Commission recommends the City Council accept amended Ordinance 14-20

Attachments:

Staff Reports 14-48, 14-50
Excerpts from Planning commission meeting minutes 5.21.14 and 6.4.14
Ordinance 14-20 Revised



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 14-48

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: May 21, 2014
SUBJECT: Farmers market for CBD, GC1 and GC2 Districts

Introduction The City council introduced an ordinance to consider alternate sites for a farmers market and wishes to have the Planning Commission review and make recommendations. At the time of this staff report, I requested that a representative of the Homer Farmers Market come at our work session.

“Farmers’ market” means a location where the primary activity is the sale of goods:

- 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables, other plant products, or other processed agricultural products;*
- 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry, viticulture, vermiculture, aquaculture, eggs, honey and bee products;*
- 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the case of prepared foods; or*
- 4. Created, sewn, constructed, or otherwise fashioned from component materials by the seller.*

It is my understanding that the council wished to consider farmers market/open air business in the CBD, GC1 and GC2 Districts. The Farmers Market was the primary intent. In review of the ordinance, I found that Farmers Market is already permitted outright in the CBD and Open Air Business is permitted outright in GC1 while neither uses are found in the GC2.

What is the difference you may ask? Farmers Market is defined in code and Open Air Business is not. In this case, it is up to me to interpret Open Air Business. Generally, I find it to include all the activities of the Farmers Market and more. May things could be included, like flea markets. This being the case, I really do not find a need to add Farmers Market to the GC1 district, as I find it inclusive of Open Air Business.

After reading the Farmers Market Handbook, I find that most everything is covered in the “Farmers Market” definition, with some possible exception(s). I do not find any mention of the entertainment that is commonly found, although this could possibly be considered a “non” primary activity. Perhaps there are others?

I do see an advantage of a conditionally permitted farmers market in that conditions, such as business hours might be addressed. I am not so sure of the need to roll back the presently out-right permitted nature of the business.

So, this leaves us with consideration of the GC2 district. I am not thinking of many qualms to having a farmers market in GC2 unless it might interfere with heavier operations and be hazardous.

The City Council also asked that I research what was done in Anchorage:

Farmers Market

a. Definition

An occasional, periodic, or seasonal market for offering for sale fresh agricultural, fresh food, or arts and crafts products directly to the consumer at an open-air market, covered structure with multiple stalls, or other pre-designated area, where the vendors are generally individuals who have raised the produce or made the product, or have taken the same on consignment for retail sale.

Farmers Market is a permitted use in all commercial and industrial districts except RO and MI, while also permitted in PLI (Public Lands and Institutions).

Review: Give consideration to the allowance of Farmers Market in CBD, GC1, and GC2. Also review definition of "Farmers Market".

Staff Recommendation: Schedule a public hearing and discuss possible amendment to the ordinance and clearly document the reasoning for the Planning Commission's recommendation on the record.

Attachments:

1. Ordinance 14-20
2. Farmers Market Handbook

Ordinance Details

CITY OF HOMER

ORDINANCE 14-20

Roberts

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.18.030, CONDITIONAL USES AND STRUCTURES, 21.24.030, CONDITIONAL USES AND STRUCTURES, AND 21.26.030, CONDITIONAL USES AND STRUCTURES, TO ADD FARMERS' MARKET AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT, GENERAL COMMERCIAL 1 AND GENERAL COMMERCIAL 2 ZONING DISTRICTS.

WHEREAS, The Homer City Code defines a Farmers market as a location where the primary activity is the sale of goods grown upon the land of the seller; and

WHEREAS, Farmers' markets are permitted outright in the Town Center Zoning district; and

WHEREAS, Farmers' markets have become popular and necessary parts of communities nationwide; and

WHEREAS, Farmers' markets should be centrally located in relation to an area's population.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.18.030, Conditional uses and structures, is amended to read as follows:

21.18.030 Conditional uses and structures. The following uses may be permitted in the Central Business District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- a. Planned unit developments, excluding all industrial uses;
- b. Indoor recreational facilities and outdoor recreational facilities;
- c. Mobile home parks;
- d. Auto fueling stations;
- e. Public utility facilities and structures;
- f. Pipeline and railroads;

- g. Heliports;
- h. Greenhouses and garden supplies;
- i. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;
- j. Shelter for the homeless, provided any lot used for such shelter does not abut a residential zoning district;
- k. More than one building containing a permitted principal use on a lot;
- l. Group care homes and assisted living homes;
- m. Drive-in car washes, but only on the Sterling Highway from Tract A-1 Webber Subdivision to Heath Street;
- n. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that it is the only wind energy system of any capacity on the lot;
- o. Farmers' markets;**
- po. Other uses approved pursuant to HCC 21.04.020.

Section 2. Homer City Code 21.24.030, Conditional uses and structures, is amended to read as follows:

21.24.030 Conditional uses and structures. The following uses may be permitted in the General Commercial 1 District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- a. Campgrounds;
- b. Crematoriums;
- c. Multiple-family dwelling;
- d. Public utility facility or structure;
- e. Mobile home parks;
- f. Planned unit developments;
- g. Townhouses;
- h. Pipelines and railroads;

- i. Heliports;
- j. Shelter for the homeless, provided any lot used for such shelter does not abut an RO, RR, or UR zoning district;
- k. More than one building containing a permitted principal use on a lot;
- l. Day care facilities; provided, however, that outdoor play areas must be fenced;
- m. Other uses approved pursuant to HCC 21.04.020;
- n. Indoor recreational facilities;
- o. Outdoor recreational facilities;
- p. Farmers' markets.**

Section 3. Homer City Code 21.26.030, Conditional uses and structures, is amended to read as follows:

21.26.030 Conditional uses and structures. The following uses may be permitted in the General Commercial 2 District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

- a. Mobile home parks;
- b. Construction camps;
- c. Extractive enterprises, including the mining, quarrying and crushing of gravel, sand and other earth products and batch plants for asphalt or concrete;
- d. Bulk petroleum product storage above ground;
- e. Planned unit developments, excluding residential uses;
- f. Campgrounds;
- g. Junk yard;
- h. Kennels;
- i. Public utility facilities and structures;
- j. Pipelines and railroads;
- k. Impound yards;

l. Shelter for the homeless, provided any lot used for such shelter does not abut an urban, rural or office residential zoning district;

m. More than one building containing a permitted principal use on a lot;

n. Day care facilities; provided, however, that outdoor play areas must be fenced;

o. Group care homes and assisted living homes;

p. Other uses approved pursuant to HCC 21.04.020;

q. Indoor recreational facilities;

r. Outdoor recreational facilities;

s. Farmers' markets.

Section 4. 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.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

HOMER FARMERS' MARKET POLICY HANDBOOK

REVISED
MARCH 24, 2014

HOMER FARMERS' MARKET
P.O. Box 2274
Homer, Alaska 99603



For Information and Applications, visit us at:
www.homerfarmersmarket.org

Friend us on Facebook!
Sign up for our online Newsletter at the website.

Market Manager/Coordinator
(907) 299-7540
Email: manager@homerfarmersmarket.org

Market Advisory Board
Scott Miller, President
Marsha Rougely, Vice President
Rachel Lord, Secretary
Sharon Brooks, Treasurer
Janet Bacher
Paul Castellani
Christina Castellanos
Dan Dorvall
Emily Garrity
Susan Houlihan
Margo Reveil
Dawn Schneider



Policies

1. Alaska Grown/Made in Alaska

Quality Alaskan grown foods are the main emphasis of the Homer Farmers' Market (HFM). The Market will also be an outlet for other Alaskan harvested/ processed foods and nursery products. As available, Market space may be allocated to Alaskan made non-food crafts, with a priority for handcrafted items made with locally grown, harvested or wildcrafted materials. See Market Craft Standards, part A of section 11 for details.

2. Vendor Applications/Fees

All vendors must be members of the HFM. Vendors may not sell unless applications are approved and membership fees are paid. Each vendor is responsible for paying the Market space fee to the designated Market Manager before each Market day. Fees are as follows:

Yearly membership fee:

\$20.00

Full Market space per season (includes Saturdays & Wednesdays):

\$15.53 per week - full season payment of \$295.00 due at time of accepted application.

Market space per day (on a space available basis):

Saturdays - \$22.00 per space, includes following Wednesday Market.

Wednesday Market Only - \$10 per space, per day.

Fees are non-refundable and non-transferable. The signature page at the back of this policy book is required with all applications. There will be a \$25 late fee if full season vendors have not paid by the first scheduled market.

3. Who May Sell

Resale, solicitations and sales outside of booth space are prohibited at the Market. All items sold at the Market must be directly grown, harvested, wildcrafted, processed or crafted by the vendor, with the following exceptions: a vendor may designate a member of his or her household or a paid employee to represent them at the Market; a vendor may sell for one other vendor who is not present, but all vendors must be members. Subletting is not permitted. A Market space may be shared if approved by the Advisory Board or Market Manager. *(Homer Farmers' Market Advisory Board reserves the right to grant variances to these policies to improve the quality of the Market.)*

4. Market Location/Hours

The HFM is an open-air market located at 1211 Ocean Drive. Saturday Markets starting Memorial Day weekend and continue through the fall. The Annual Harvest Party will be the last Saturday in September. Mid-week Markets start the first Wednesday of July.

Saturdays - 10:00 a.m. to 3:00 p.m.

Wednesdays - 3:00 p.m. to 6:00 p.m.

Vendors may not begin selling before the Market opens. The Market Manager will announce the opening of the Market.

5. Space Selection

The Market has a limited number of spaces. Vendors who prepay for the season by the annual meeting and have been accepted by the Board as full season vendors will be assigned a space for the season.

6. Vendor Expectations

- Attend weekly Markets.

- Inform Market Manager by Thursday 5:00 p.m. if unable to attend Saturday Market.
- Vendor space may be reassigned after 9:30 a.m. Saturday morning if Market Manager is not notified of late arrival.

6. Vendor Expectations - Continued

- Available vendor spaces will be assigned by Market Manager.
- Vendors interested in Saturday Market space must call Market Manager by 5:00 p.m. Thursday. *(Failure to abide by policies may result in loss of full season status)*

7. Vendor Set-Up/Clean-Up

Set-Up – Setup may begin at 8:30 a.m. for Saturday Market and is to be completed before the Market opens. Each vendor is responsible for his or her own method of display. No vehicles may be driven in the Market area between 10:00 a.m. and 3:00 p.m.

- Maximum booth size is 10 feet wide.
- Shelters, if used, should be sturdy, weighted against wind and aesthetically pleasing.
- Booths have a height restriction of 10 feet tall.
- Tailgate sales are permitted in available spaces.
- All food items must be displayed at least six inches above ground.
- The Market Manager may request that questionable shelters be removed.

Clean-Up – Vendors must have Market Manager approval to break their spaces down before the close of the Market. Clean up should be completed one hour after Market closes. All vendors are responsible for cleaning their space, including trash and plant debris, and must take their debris with them. If this is not done to the satisfaction of the Market Manager, after an initial warning, the vendor will be fined \$25.00 per violation. Failure to clean up may result in exclusion from the Market.

All sun/rain shelters must be removed two (2) weeks after vendor's last Market or face a fine of \$50 and/or exclusion of future Markets.

8. Pricing/Sales

All items must be clearly labeled with prices. This may be done by individually tagging items or containers of an item, or by listing all items and prices on a sign.

Scales used at the Market must be legal for trade.

9. Organic Labeling

To be fair to all vendors, the Market Board is asking that no one use "organic" in their name, labeling or marketing. It is illegal for those who make over \$5000 a year to use the word without being certified organic (a very costly process), so it leaves them at a disadvantage and misleads consumers. The Info Booth at the front will have information for consumers to explain all this. Feel free to explain details such as "Alaska Naturally Grown Certified: or "no pesticides" or "all natural" or "grown with ..." or whatever. That's the benefit of a farmers market - customers can get to know their farmer and their food!

10. Quality/Inspections

The HFM strives to provide a market place where wholesome, high quality products are sold by the grower/producer. Vendors are expected to bring only high quality products to Market. In order to insure the integrity of the Market, vendors must give permission for the Market Manager or other Market representatives to visit a vendor's land or place of business for reasonable inspection of production or processing facilities.

The State of Alaska Environmental Health Officer (DEC) inspects the Market each season. Every vendor selling or offering prepared food for consumption by the general public must have proper DEC permitting and proof of liability insurance displayed at that booth.

The Market Advisory Board also reserves the right to prohibit products with objectionable images, messages, or product implications being sold at the Market.

11. Non-Food Crafts

HFM is chartered to promote local agriculture and, as such, is not primarily a crafter's market. Market space may be allocated to locally produced crafts on a space available basis, not to exceed 30% during the main harvest season. HFM recognizes the importance of value-added craft products to the local market economy and will attempt to accommodate crafters when possible, while working to maintain an overall focus on agriculture products.

A. **Homer Farmers' Market Craft Standards** – In allocating space at the Market, priority is given to crafts that best meet the following standards. "Ideal" crafts are given top priority followed by "acceptable" and last, "discouraged".

- IDEAL – Handcrafted at least partially from locally obtained recycled or renewable materials. Utilizes local wildcrafted or farm products. *High quality, creative, unique at the Market.*
- ACCEPTABLE – Handcrafted from imported, purchased or non-renewable materials when comparable locally obtained recycled or renewable materials are not available. Locally produced items such as photographs or music CD's. *High quality, creative.*
- DISCOURAGED – Made from imported, purchased or non-renewable materials when comparable locally obtained recycled or renewable materials are available. *Poor quality, similar to other crafts at the Market.*
- UNACCEPTABLE – Assembled from kits or pre-made components.

B. Craft applications for full season consideration must be received by the annual meeting held in January. The Market Advisory Board will meet to evaluate craft vendor applications. Vendors will be asked to show samples of their crafts. Craft vendors will be notified by March 31st of the Board's decision. At that time, if accepted as a full season crafter, the annual membership fee and the full-season Market space fee will be due. Vendors who have not been accepted for the full season may be allotted Market spaces on a weekly space available basis -- if their products meet Market Craft Standards. These weekly space available vendors will pay the Market Manager the weekly fee for each market attended.

12. Food Vendor Standards

Priority is given to applicants whose business is locally owned and who uses products from participating farms, processes the product themselves, and who highlight regional ingredients. All applications must list all product to be vended. Adding product to application after the start of the market must be approved by market management. Food vendors will need to review policy numbers 10 and 14 in this Handbook before applying. Use of generators is discouraged and must be pre-approved by Market management.

- IDEAL – Homemade, handcrafted or wildcrafted ingredients from locally obtained food sources such as Farmers' Market produce or Alaskan meat or seafood. Quality value added product using ingredients from Farmer's Market vendors.
- ACCEPTABLE – Homemade products crafted by vendor with minimal store bought ingredients.
- UNACCEPTABLE – Sale of store bought products such as candy, soda or bag chips.

13. Food Vendors Also Selling Crafts

Food vendors may also sell non-food crafts. Crafts may not exceed 30% of booth space and must be approved by the Market Manager or the Board prior to setup. If crafts exceed 30% of booth space, a vendor will be considered a crafter.

14. Baked Goods/Grain Products

A DEC approved kitchen is not required for the preparation of baked goods including pastries, cookies, muffins, breads, pies and granolas. This does not include items that require refrigeration like cream pies, cheese cake, or items with all meats including fish and poultry. All vendors must be familiar with and follow all aspects of DEC regulations. These regulations (Statute 18 AAC 31.012) can be found at: <http://dec.alaska.gov/commish/regulations/pdfs/18%20AAC%2031.pdf>.

Some highlights:

- The individual who makes the food must be the one who sells it directly to consumers.
- DEC requires that vendors put either on a visible placard or on the label of items the statement “THESE PRODUCTS ARE NOT SUBJECT TO STATE INSPECTION” as well as the vendor’s physical address and telephone number or vendor’s business license number (the Market will provide such a placard).
- In regards to foods like pickles or sauerkraut, refer to DEC regulations for the requirements for testing before selling at the Market.

Specific to the Homer Farmers Market:

- Vendors must prepare baked goods locally from raw ingredients. No commercial mixes or pre-made ingredients are allowed. When available, fruits or vegetables used in baked goods should come from local growers.
- Vendors of baked goods are required to sell items individually wrapped or kept covered and not handled with bare hands. For example: tongs, napkins, or wax paper may be used.
- Vendor must supply a list of the ingredients in the items (either on the labels or on a visible placard).
- Anyone selling food is required to provide a trash can and remove their own trash.
- Reminder: whatever the vendor has signed up to sell (whether produce or crafts), no more than 30% of their booth can be used to sell items under the other categories (such as baked goods).

15. Mushrooms and Sprouts

Wild harvested mushrooms are potentially hazardous. Vendors wishing to sell wild harvested mushrooms must contact the DEC directly regarding State regulations and are responsible for insuring the safety of their mushrooms. Sprouts are considered a potentially hazardous food by the DEC and must be produced in a DEC approved facility in order to be sold at the Market. Vendors selling either of these items must provide a copy of their DEC certification and proof of liability insurance to the Market Manager.

16. Processed or Dried Foods

Preserves, jams and jellies, honey, fruit syrups, dried herbs and teas, and herbal vinegars are exempted from DEC regulation, and may be sold without certification. Processed foods not exempted above are subject to DEC regulation. Vendors are responsible for working directly with the DEC to insure compliance with Alaska Statute 18 AAC 310 and other applicable regulations, and must provide a copy of their DEC certification and proof of liability insurance to the Market Manager.

Fruits, vegetables, and herbs used in processed foods should be primarily grown or wildcrafted by the vendor, or purchased from a local grower.

17. Fish/Seafood

The sale of fish and seafood is regulated by the Alaska Dept. of Fish & Game and the DEC. Vendors must comply with all applicable regulations and must provide the market with copies of their licenses, insurance, permits, and certificates.

Seafood sold at the market must be caught or raised (shellfish) by the vendor or brokered by a vendor whose product is locally sourced.

Priority is given to vendors whose product enhances the diversity of the market.

The total number of seafood vendors at the market will be limited, due to market demand, and at the discretion of the Market Manager and/or the Board of Directors.

18. Sign/Permits

All vendors must clearly display a sign stating their family or business name. All signs must be displayed in a safe manner. Vendors selling regulated products (DEC, USDA, ADF&G, etc.) must clearly display applicable permits or certificates on site.

19. Business Requirements/Sales Taxes

Each vendor is responsible for all aspects of sales and cash flow. Vendors must obtain a permit to collect Borough and City sales taxes, if applicable. Applications are available at Homer City Hall.

20. Parking

Vendor and customer parking spaces have been designated.

21. Restrooms

There is a portable toilet on the Market grounds for use by customers and vendors. Vendors are asked to help to keep it clean and to report any problems to the Market Manager. Vendors are reminded to use the hand washing station located next to the portable toilet.

22. Children at the Market

All children need to be supervised by a parent or guardian as the Market is not responsible for childcare. Children under 16 selling at the HFM should be supervised by a parent or guardian. Children should understand and practice good hygiene procedures. Children who are disorderly will be asked not to return as vendors.

23. Pets and Animals

No pets will be allowed in the Market or in the vendor area as per Alaska Statute 18 AAC 310. The only exceptions to this policy are trained seeing-eye dogs or dogs for the hearing impaired. This includes during set-up or clean-up times. Vendors who bring pets to the Market must keep them in an enclosed vehicle, except when walking them outside of the Market area. It is up to all vendors to enforce this with fellow vendors and customers. No live animals may be sold or displayed at the Market, except seafood sold per DEC regulations.

24. Smoking, Drugs and Alcohol

Smoking is not allowed on the Market grounds. The use or distribution of alcohol, drugs or any illegal substance is prohibited on Market grounds.

25. **Coupon Redemption Program – WIC/SFMNP**
Applicable vendors are encouraged to participate in the Women, Infant, and Children's (WIC) Nutrition Program and the Senior Farmers' Market Nutrition Program (SFMNP). To participate, vendors must contact the Homer WIC office for registration and training on WIC rules and regulations. Only fresh, unprocessed produce may be exchanged for WIC coupons and no money may be given as change.

26. **Token Programs**

The Homer Farmers' Market has two different programs using tokens. The first is for recipients of the QUEST food stamp program. Recipients can swipe their QUEST card at the Market's info booth at the Market entrance where they will receive wooden tokens to spend on food items in the Market. These tokens come with values of \$1 and \$5 and can only be spend on QUEST Food Stamp program eligible foods, including: bread products, produce, meat, fish, poultry, eggs, dairy products, seeds and plant starts which produce food to eat. No change can be given to customers using these tokens. Only vendors participating in the QUEST token program can accept these tokens. The program agreement/contract can be found online at www.homerfarmersmarket.org or at the information booth during Market hours.

The second token program involves the Homer Farmers' Market coin. This golden coin, minted at the Alaska Mint with the Market logo on it was created as a souvenir and to promote buying locally. Customers can buy them with cash or swipe their debit card at the info booth to purchase these coins. The coin has a \$20 value and can be used to purchase any item, the same as if it were a \$20 bill. Change can be given. Vendors wishing to accept these coins need to sign the same contract as those accepting QUEST tokens to show that they understand the difference between the two programs.

Tokens and coins can then be turned in to the information booth on Market days. At the following Saturday Market, the Market Manager will distribute reimbursement checks to vendors. If a vendor is not going to be present to get their check, they need to arrange other options with the Market Manger.

27. **Market Board of Directors**

Homer Farmers' Market is a non-profit organization managed by an advisory board of up to 12 persons. Market Advisory Board members are elected for three-year terms. Any member who has held membership for one year is eligible for election to the Board, and is encouraged to run. Elections are held at the annual HFM general meeting by a vote of all members present. The Market Advisory Board will manage all business, advertisement, and other organizational infrastructure. The Market Manager acts according to the instructions of the Board.

28. **Discrimination and Harassment**

Members/Vendors of the HFM participating in Market functions, whether dealing with customers of the Market or with other Market vendors, shall not discriminate against any individual with regards to selling of products, discipline, or other matters because of age, sex, race, creed, national origin, sexual orientation, or the presence of any physical or mental disability. Members/vendors shall behave toward all customers, potential customers or other vendors in a way that is free of harassment and discrimination. Complaints should be taken to the Market Advisory Board and will be regarded with confidentiality.

Mission Statement

The Homer Farmers' Market welcomes all growers of farm, garden, and greenhouse produce to participate in a weekly market. The Homer Farmers' Market was established in 2000 to aid in the development of a sustainable local agricultural community for the benefit of the greater community of the Kachemak Bay area by:

- *Being an outlet for producers of small quantities of products.*
- *Providing the consumer with an opportunity to purchase excellent garden/farm fresh products.*
- *Expanding economic activity.*
- *Fostering consumer-producer education and relations.*

I have read and agree to abide by the policies contained within the Homer Farmers' Market Policy Handbook

Signature

Date

Printed Name

Business Name

Detach this page and include with your application.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 14-50

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: June 4, 2014
SUBJECT: Open Air Business/Farmers Markets in CBD, GC1 and GC2 Districts

Introduction As a result of the motion made at the last meeting, we are having a public hearing regarding the addition of Open Air Business in the districts listed above. Open Air Business includes Farmers Market by definition. As amended, this use would be permitted outright in all districts. Definitions are included below.

“Business, open air” or “open air business” means the retail sale or display of merchandise or services, including but not limited to farmers’ markets and flea markets, conducted outdoors or under a canopy for protection from the elements and held on a regular or periodic basis. Open air business does not include (1) outdoor display or sales of goods or services by a retail or wholesale business that is principally located in a building, or (2) sales, services or rentals of any kind of boat or motorized vehicle.

“Farmers’ market” means a location where the primary activity is the sale of goods:

1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables, other plant products, or other processed agricultural products;
2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry, viticulture, vermiculture, aquaculture, eggs, honey and bee products;
3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the case of prepared foods; or
4. Created, sewn, constructed, or otherwise fashioned from component materials by the seller.

Review: Open Air Businesses such as flea markets are commonly found in industrial zones, as it is not viewed to have much of a negative impact relative to other industrial uses that might create noise, odor, or be unpleasant to view. Flea markets found to operate as an Open Air Business generally present an unpleasant site when various items in various states of repair or condition are placed on the ground and scattered about.

A comparison of flea markets to garage sales was made. I find outrightly permitting flea markets in the CBD quite different than an occasional garage sale. We made a design manual to guide development in the CBD and quite pointedly restrict the outdoor display of retail or wholesale goods when the business is primarily located in a building. Flea markets are commonly found along well traveled commercial corridors in rather bleak lots, usually old parking lots with little or no landscaping. Garage sales are, for the vast majority, one weekend events in a garage or driveway and generally do not fill entire front yards. PLEASE DO NOT DETRACT FROM ALL THE EFFORTS MADE TO BEAUTIFY OUR CENTRAL BUSINESS DISTRICT BY ALLOWING UNFETTERED FLEA MARKETS TO COLOCATE OR LOCATE ADJACENT TO ESTABLISHED BUSINESSES.

I find no issue with allowing Open Air Business in the GC1 or especially GC2 districts. It is already allowed outright in GC1 and the activity is one that should not detract from the GC2.

Farmers Markets are already permitted outright in the CBD. This concept has already gained community acceptance and have not heard of any concern about the activity from the public.

Staff Recommendation: Make a motion to strike “Open Air Business” as a permitted use in the CBD and add “Farmers Market” in its place, as currently found in code.

Attachments:

1. Ordinance 14-20 revision

Ordinance Details

CITY OF HOMER

ORDINANCE 14-20 (Revised June 4, 2014)

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.18.020, PERMITTED USES AND STRUCTURES AND 21.26.030, PERMITTED USES AND STRUCTURES, TO ADD OPEN AIR BUSINESS AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT AND GENERAL COMMERCIAL 2 ZONING DISTRICTS AND ELIMINATE FARMERS MARKET CENTRAL BUSINESS DISTRICT ZONING.

WHEREAS, The Homer City Code defines a Farmers market as a location where the primary activity is the sale of goods grown upon the land of the seller; and

WHEREAS, Farmers' markets are permitted outright in the Town Center Zoning district; and

WHEREAS, Farmers' markets have become popular and necessary parts of communities nationwide; and

WHEREAS, Farmers' markets should be centrally located in relation to an area's population.

WHEREAS, Farmers market is inclusive of the definition of open air business

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.18.020, Permitted uses and structures, is amended to read as follows:

21.18.020 Permitted uses and structures.

The following uses are permitted outright in the Central Business District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Retail business where the principal activity is the sale of merchandise and incidental services in an enclosed building;
- b. Personal service establishments;
- c. Professional offices and general business offices;
- d. Restaurants, clubs and drinking establishments that provide food or drink for consumption on the premises;
- e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;

- f. Hotels and motels;
- g. Mortuaries;
- h. Single-family, duplex, and multiple-family dwellings, including townhouses, but not including mobile homes;
- i. Floatplane tie-up facilities and air charter services;
- j. Parks;
- k. Retail and wholesale sales of building supplies and materials, only if such use, including storage of materials, is wholly contained within one or more enclosed buildings;
- l. Customary accessory uses to any of the permitted uses listed in the CBD district; provided, that a separate permit shall not be issued for the construction of any detached accessory building prior to that of the main building;
- m. Mobile homes, provided they conform to the requirements set forth in HCC 21.54.100;
- n. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- o. Ministorage;
- p. Apartment units located in buildings primarily devoted to business or commercial uses;
- q. Religious, cultural, and fraternal assembly;
- r. Entertainment establishments;
- s. Public, private and commercial schools;
- t. Museums and libraries;
- u. Studios;
- v. Plumbing, heating and appliance service shops, only if such use, including the storage of materials, is wholly within an enclosed building;
- w. Publishing, printing and bookbinding;
- x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass) from Lake Street west to the boundary of the Central Business District abutting Webber Subdivision, and from Heath Street to the west side of Lakeside Village Subdivision, provided they shall conform to the standards in HCC 21.54.200 and following sections;

y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles; maintenance of taxis must be conducted within an enclosed structure, and requires prior approval by the City Planner of a site, access and parking plan;

z. Mobile food services;

aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;

cc. Rooming house, bed and breakfast and hostel;

dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer Avenue to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the Sterling Highway, subject to the following additional requirements: Vehicles awaiting repair or service, inoperable vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be parked indoors or inside a fenced enclosure so as to be concealed from view, on all sides. The fence shall be a minimum height of eight feet and constructed to prohibit visibility of anything inside of the enclosure. The portion of any vehicle exceeding eight feet in height may be visible outside of the fence. Vehicle parts (usable or unusable), vehicle service supplies, and any other debris created in the repair or servicing of vehicles shall also be stored indoors or inside the fenced enclosure out of view of the public;

ee. Open air business Farmers' market;

ff. Dormitory;

gg. Financial institutions;

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

ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single-family dwelling on a lot. [Ord. 11-44(S) § 3, 2011; Ord. 11-23(A) § 4, 2011; Ord. 09-34(A) § 10, 2009; Ord. 08-29, 2008].

Section 2. Homer City Code 21.26.020, Conditional uses and structures, is amended to read as follows:

The following uses are permitted outright in the General Commercial 2 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Production, processing, assembly and packaging of fish, shellfish and seafood products;
- b. Construction, assembly and storage of boats and boat equipment;
- c. Manufacture and assembly of pottery and ceramics, musical instruments, toys, novelties, small molded products, electronic instruments and equipment and electrical devices;
- d. Research and development laboratories;
- e. Trade, skills or industrial schools;
- f. Publishing, printing and bookbinding facilities;
- g. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair, excluding storage of vehicles or equipment that is inoperable or in need of repair;
- h. Storage and distribution services and facilities, including truck terminals, warehouses and storage buildings and yards, contractors' establishments, lumberyards and sales, or similar uses;
- i. Airports and air charter operations;
- j. Heliports;
- k. Underground bulk petroleum storage;
- l. Cold storage facilities;
- m. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- n. Mobile commercial structures;
- o. Accessory uses to the uses permitted in the GC2 district that are clearly subordinate to the main use of the lot or building, such as wharves, docks, restaurant or cafeteria facilities for employees; or caretaker or dormitory residence if situated on a portion of the principal lot; provided, that separate permits shall not be issued for the construction of any type of accessory building prior to that of the main building;
- p. Taxi operation;
- q. Mobile food services;
- r. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;
- s. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54 HCC;

t. Hotels and motels;

u. Dormitory;

v. As an accessory use, one small wind energy system per lot.

x. Open air business

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

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Councilmember Van Dyke sponsored the ordinance since East End Road is one of the two primary corridors coming in and out of the city. It would be a huge benefit to landowners and the City to get more business and taxes into town.

Council discussed the East End Mixed Use District that would allow almost any kind of business to be mixed in the residential areas. Beginning at Bear Creek there are all kinds of businesses that extend to Kachemak Drive. The designation includes blanket commercial activities and residential. The intent is to expand uses along East End Road to make sure it is not strictly residential. The proposed designation is against the Comprehensive Plan. Council discussed zoning the area to a lower impact business area like Residential Office where different retail businesses could concentrate.

HOWARD/VAN DYKE - MOVED TO POSTPONE ORDINANCE 14-19 TO BE REWORKED WITH THE PLANNING DEPARTMENT SO IT IS MORE COMPLIANT WITH THE EXISTING COMPREHENSIVE PLAN.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Ordinance 14-20**, An Ordinance of the Homer City Council Amending Homer City Code 21.18.030, Conditional Uses and Structures, 21.24.030, Conditional Uses and Structures, and 21.26.030, Conditional Uses and Structures, to Add Farmers' Market as a Conditional Use in the Central Business District, General Commercial 1 and General Commercial 2 Zoning Districts. Roberts. Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

Mayor Wythe called for a motion for the adoption of Ordinance 14-20 for introduction and first reading by reading of title only.

ROBERTS/BURGESS – SO MOVED.

Council discussed Ordinance 14-20 at the Committee of the Whole. The definition of a Farmer's Market is different than an Open-Air Market.

BURGESS/LEWIS - MOVED TO AMEND TO ADD OPEN-AIR BUSINESS AS A CONDITIONALLY PERMITTED USE IN THE THREE CATEGORIES WHERE COUNCILMEMBER

ROBERTS AND THIS PROPOSAL ALLOWS A FARMERS' MARKET AND REFER TO THE PLANNING COMMISSION.

Open-air businesses allow many uses. The Planning Commission may consider Open-Air instead of Farmers' Market.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Construction Update: At the time this report was written, paving was almost complete on the new trails around the harbor. Substantial work has been completed on the interpretative areas and other enhancements. The City is getting really positive feedback about the trails, the upgrades at End of the Road Park (paving, restroom, landscaping), the new trail from the Pioneer Dock to Coal Point Park, and the improvements near the load and launch ramp (lanes for through traffic).
2. More Natural Gas Conversions: This meeting agenda contains an ordinance appropriating money for additional gas conversions at City facilities, including some of the older restrooms around the harbor. The Finance Department reports significant savings so far. Right now, the heating bill at City Hall is about 70% lower each month.
3. Traffic Calming / Old Town: On Tuesday night, the 6th, I planned to attend a meeting of the Old Town Neighborhood Association. The purpose of the meeting was to talk about additional measures that could be taken to reduce speeding and reckless driving. The group planned to address the Planning Commission the next evening. You will recall that the Planning staff and Planning Commission are working on traffic calming policies and procedures. The City has completed much of what it promised to do so far in that regard including new crosswalks, additional signage, narrower driving lanes, and a lower speed limit. The Bishops Beach parking lot has been striped. The Charles Way trail is scheduled to be completed this summer.
4. Ramp 7. The Seldovia Village Tribe has decided to rebuild the damaged float and reinstall Ramp 7 this summer. The City is working with them on a temporary fix that should get us through the summer. One of the City's contract engineers reviewed the proposed plans last week to insure public safety. He recommended some changes that

ERICKSON/ BOS MOVED TO REMOVE CONDITION NUMBER 4, PROVIDE DEDICATION FOR A ¼ CUL-DE-SAC AT THE END OF SEASCAPE DRIVE.

There was no discussion.

VOTE: (Amendment)NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

A. Staff Report PL 14-46, Draft Ordinance on Heliports

The Commission reviewed and agreed that the graphs for heliports and helipads are as they had agreed on previously. The agreed by consensus that it could go forward for public hearing.

New Business

A. Staff Report PL 14-47, Draft Ordinance on Towers

City Planner Abboud reviewed the staff report. He touched on options which include doing nothing, drafting something with the attorney, forming a task force, or working with a consultant.

The Commission talked briefly about the challenges of changing technology and the necessity of having towers where they are needed. There are many different designs for towers, as well as ways to work with topography and deal with line of sight across water. It was suggested that hearing from ACS and/or GCI about what their needs are could be helpful. There are federal regulations that need to be considered as well.

The consensus of the group was that they would like staff to research the regulations of other Alaskan communities and how they determined their regulations.

B. Staff Report PL 14-48, Ordinance 14-20 Farmer's Market/Open Air Business for CBD, GC1, and GC2 Districts

Chair Venuti noted for the record that the Commission heard from Farmers' Market representative and talked about this at the worksession. City Planner Abboud asked that they make a motion and recommendation on open air and what they may or may not modify. His goal is to have something

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
MAY 21, 2014

laid out so the Commission can hold a public hearing. He encouraged the group to make recommendations relating to what they feel is most appropriate as Planning Commissioners.

ERICKSON/BOS MOVED TO ALLOW OPEN AIR BUSINESS IN THE CBD, GC1, AND GC2.

Question was raised if they want to keep flea markets in the definition of open air business, but no action was taken relating to that.

It was suggested the intent of making a requirement for a CUP in the designated districts is to protect the activity at the current location, and avoid a secondary effort in the CBD.

Another point of view is that putting barriers on business from doing what they want to try to do. It was noted that in the code, farmers' market can be in any area and the ordinance as proposed is unnecessary, redundant, and in conflict with itself. It should be rejected and not re-written. Disagreement was also expressed about trying to protect the current Farmers' Market.

Point was also raised that this is seasonal in the summer when people are out and looking for things to do. The more that's out there is better for the community and the tourists.

City Planner Abboud suggested they may want to consider not having open air business in the CBD where there could be flea markets along Pioneer Avenue in parking lots of businesses or empty lots. It could be better in the more industrial areas like it is now. He added that there aren't time restrictions in the code.

Commissioners continued to debate the motion and it was suggested they should hear from Councilmember Roberts before making a decision.

SLONE/BOS MOVED TO POSTPONE TO THE NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Commission agreed to discuss further.

ERICKSON/SLONE MOVED TO RECONSIDER.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Discussion continued on the motion to allow open air business in CBD, GC1, and GC2.

They continued to discuss differing views of leaving it as an allowable use, and changing it to allowable as a CUP. They briefly touched on whether to expand it further into marine industrial. They acknowledged that this will come back for a public hearing and they can make continue to make amendments after they get feedback from the public.

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

Motion carried.

ERICKSON/ BOS MOVED TO REMOVE REFERENCES TO FARMERS' MARKET AND INCLUDE IT UNDER OPEN AIR BUSINESS.

There was no discussion.

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

Motion carried.

Informational Materials

- A. City Manager's Report from the May 12, 2014 City Council Meeting
- B. KPB Plat Committee Notice of Decisions
 - Homer East Road Kachemak Drive to Waterman Road ROW Map Time Extension Request
 - Foothills Subdivision Sunset View Estates No. 2 Time Extension Request

There was brief discussion of the informational items.

Comments of the Audience

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

None

Comments of Staff

City Planner Abboud commented that the tower CUP was remanded back to the Commission and he will let them know if the applicant wants to keep moving forward or try something else.

Comments of the Commission

Commissioner Slone said he will be absent at the next meeting and that he wished the Business After Dark chamber mixer had been better attended.

Commissioner Stroozas commented about another event Get to Know Homer at Islands and Ocean Visitor Center, and the attendance was terrible, so it isn't just them.



VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Presentations

Reports

A. Staff Report PL 14-49, City Planner's Report

City Planner Abboud reviewed his staff report that was included in the packet.

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 14-50, Ordinance 14-xx amending the Homer City Code to include "Open Air Businesses" as a permitted use in the Central Business District and General Commercial 2 District and remove Farmer's Market as Permitted use from the Central Business District.

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

There were no comments and the hearing was closed.

There was brief discussion to clarify the recommended action in the staff report.

HIGHLAND/STEAD MOVED TO STRIKE OPEN AIR BUSINESS AS A PERMITTED USE IN THE CBD AND ADD FARMERS MARKET IN ITS PLACE, AS CURRENTLY FOUND IN CODE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

STEAD/HIGHLAND MOVED TO FORWARD ORDINANCE 14-20, AS AMENDED, TO CITY COUNCIL AND RECOMMEND THEIR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

**CITY OF HOMER, ALASKA
ORDINANCE 14-20(S)**

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.26.020, PERMITTED USES AND STRUCTURES, TO ADD OPEN AIR BUSINESS AS A PERMITTED USE IN THE GENERAL COMMERCIAL 2 ZONING DISTRICT.

WHEREAS, The Homer City Code defines a Farmers market as a location where the primary activity is the sale of goods grown upon the land of the seller; and

WHEREAS, Farmers' markets are permitted outright in the Central Business and Town Center Zoning Districts; and

WHEREAS, Farmers' markets have become popular and necessary parts of communities nation-wide; and

WHEREAS, Farmers market is inclusive of the definition of open air business; and

WHEREAS, Open air business is permitted outright in the General Commercial 1 Zoning District.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.26.020, Permitted uses and structures, is amended to read as follows:

21.26.020 Permitted uses and structures. The following uses are permitted outright in the General Commercial 2 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Production, processing, assembly and packaging of fish, shellfish and seafood products;
- b. Construction, assembly and storage of boats and boat equipment;
- c. Manufacture and assembly of pottery and ceramics, musical instruments, toys, novelties, small molded products, electronic instruments and equipment and electrical devices;
- d. Research and development laboratories;
- e. Trade, skills or industrial schools;
- f. Publishing, printing and bookbinding facilities;
- g. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair, excluding storage of vehicles or equipment that is inoperable or in need of repair;
- h. Storage and distribution services and facilities, including truck terminals, warehouses and storage buildings and yards, contractors' establishments, lumberyards and sales, or similar uses;
- i. Airports and air charter operations;
- j. Heliports;

- 47 k. Underground bulk petroleum storage;
- 48 l. Cold storage facilities;
- 49 m. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- 50 n. Mobile commercial structures;
- 51 o. Accessory uses to the uses permitted in the GC2 district that are clearly subordinate to
- 52 the main use of the lot or building, such as wharves, docks, restaurant or cafeteria facilities for
- 53 employees; or caretaker or dormitory residence if situated on a portion of the principal lot;
- 54 provided, that separate permits shall not be issued for the construction of any type of accessory
- 55 building prior to that of the main building;
- 56 p. Taxi operation;
- 57 q. Mobile food services;
- 58 r. Itinerant merchants, provided all activities shall be limited to uses permitted outright
- 59 under this zoning district;
- 60 s. Recreational vehicle parks, provided they shall conform to the standards in Chapter
- 61 21.54 HCC;
- 62 t. Hotels and motels;
- 63 u. Dormitory;
- 64 v. As an accessory use, one small wind energy system per lot.

65 **x. Open air business**

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

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

72
 73 CITY OF HOMER

74
 75
 76 _____
 77 MARY E. WYTHER, MAYOR

78
 79 ATTEST:

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

- 84
- 85
- 86 AYES:
- 87 NOES:
- 88 ABSTAIN:
- 89 ABSENT:
- 90

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-30

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From the U.S. Fish and Wildlife Service In the Amount of \$110,000 for Reconstruction of a Section of the Beluga Slough Trail, and Providing an In-Kind Match in the Form of Design, Permitting, and Project Management Services, Having a Total Value of \$25,000.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting June 23, 2014 Introduction
 - a. USFWS Grant Agreement No. 70181AG029
2. City Council Regular Meeting July 28, 2014 Public Hearing and Second Reading
 - a. USFWS Grant Agreement No. 70181AG029

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 14-30
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 ACCEPTING AND APPROPRIATING A GRANT FROM THE U.S
9 FISH AND WILDLIFE SERVICE (USFWS) IN THE AMOUNT OF
10 \$110,000 FOR RECONSTRUCTION OF A SECTION OF THE
11 BELUGA SLOUGH TRAIL, AND PROVIDING AN IN-KIND MATCH
12 IN THE FORM OF DESIGN, PERMITTING, AND PROJECT
13 MANAGEMENT SERVICES, HAVING A TOTAL VALUE OF
14 \$25,000.
15

16 WHEREAS, The City of Homer accepted a grant from the U.S. Fish and Wildlife Service
17 (USFWS) in the amount of \$25,000 to match project funding from other sources to repair and
18 replace sections of Beluga Slough Trail (Grant Agreement No. 70181AG029); and
19

20 WHEREAS, Construction is now complete and the new trail was recently dedicated at a
21 formal ceremony; and
22

23 WHEREAS, One section of the trail that needs replacement was excluded from the
24 project due in large part to funding limitations; and
25

26 WHEREAS, USFWS recently informed the City that it had identified unspent funds from
27 a program budget that could be used for this purpose and inquired whether the City was
28 interested in accepting a grant and taking responsibility for project management; and
29

30 WHEREAS, The City Administration has proposed accepting the grant and providing an
31 "in-kind" match in the form of design, permitting, and project management services.
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
34

35 Section 1. The Homer City Council hereby accepts and appropriates a grant from the
36 U.S. Fish and Wildlife Service in the amount of \$110,000 for reconstruction of a section of the
37 Beluga Slough Trail, and authorizes the City Manager to execute the appropriate documents,
38 as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Beluga Slough Trail Improvements	\$110,000

Section 2. The City Council approves and appropriates a local match to be provided in the form of design, permitting, and construction management services, some of which is cash and some 'in-kind'; the total value of which is estimated to be \$25,000, as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
HART/TRAILS	Cash / Surveying and Design	\$15,000
	In-Kind /Project Management and Inspection	\$10,000

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

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

77 First Reading:

78 Public Reading:

79 Second Reading:

80 Effective Date:

81

82

83 Reviewed and approved as to form:

84

85

86 _____

87 Walt Wrede, City Manager

88

89 Date: _____

90

91

Thomas F. Klinkner, City Attorney

Date: _____

U. S. Fish and Wildlife Service
 FINANCIAL ASSISTANCE AWARD

PAGE 1 OF 6 PAGES

1. AGREEMENT NO. 70181AG029		2. MODIFICATION NO.		3. TYPE OF AWARD (Check one) <input checked="" type="checkbox"/> GRANT AGREEMENT <input type="checkbox"/> COOPERATIVE AGREEMENT																
4. FWS CONTRACTING OFFICER Richard Primmer, Contracting Specialist USFWS, CGS (MS-171) 1011 E Tudor Road Anchorage, Alaska 99503-6199 Ph: 907-786-3611 Fx: 907-786-3923 e-mail: rich_primmer@fws.gov			5. AWARD RECIPIENT The City of Homer 3575 Heath Street Homer, AK 99603 (907) 235-3170 FAX (907) 235-3145																	
6. FWS PROGRAM OFFICER Mike Edwards Kenai Fish & Wildlife Field Office 43655 Kalifornsky Beach Road Soldotna AK 99669 (907) 260-0125 907 262-7145 fax mike_edwards@fws.gov			7. RECIPIENT'S PROJECT MANAGER Carey Meyer P.E. The City of Homer Public Works Department 3575 Heath Street Homer, AK 99603 (907) 235-3170 FAX (907) 235-3145 cmeyer@ci.homer.ak.us																	
8. PROGRAM STATUTORY AUTHORITY: Fish and Wildlife Coordination Act 16 USC 661 to 666C			9. CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA): No.: 15.631 (Partners for Fish and Wildlife Program)																	
10. DUNS: 040171563		EIN/TIN: 92-0030963		11. PROJECT PERIOD: Date of last signature plus 2 years																
12. TYPE OF RECIPIENT <input checked="" type="checkbox"/> LOCAL GOVERNMENT			13. FUNDING INFORMATION																	
			<table border="1"> <thead> <tr> <th></th> <th>USFWS</th> <th>MATCH</th> </tr> </thead> <tbody> <tr> <td>This obligation</td> <td>\$25,000</td> <td>\$30,000</td> </tr> <tr> <td>Previous obligation</td> <td>-</td> <td>-</td> </tr> <tr> <td>Total obligation</td> <td>\$25,000</td> <td>\$30,000</td> </tr> <tr> <td>Accounting data</td> <td colspan="2">73110-1121-0000 ABC W4</td> </tr> </tbody> </table>				USFWS	MATCH	This obligation	\$25,000	\$30,000	Previous obligation	-	-	Total obligation	\$25,000	\$30,000	Accounting data	73110-1121-0000 ABC W4	
	USFWS	MATCH																		
This obligation	\$25,000	\$30,000																		
Previous obligation	-	-																		
Total obligation	\$25,000	\$30,000																		
Accounting data	73110-1121-0000 ABC W4																			
14. PROVISIONS (Keep the most appropriate provision and delete all the rest along with this statement) Government recipients (including Tribal Govt's) and subrecipients are subject to subparts C, D, and E of 43 CFR 12, Cost Principles 2CFR 225 and OMB Circular A-133.																				
15. PROJECT TITLE AND BRIEF SUMMARY OF THE PURPOSE AND OBJECTIVES: City of Homer Beluga Slough Trail Project The proposed project will restore habitat and provide environmentally responsible visitor access to Beluga Slough by replacing 1050 feet of pre-engineered surface supported trail with 850 of new elevated trail and 200 feet of gravel trail. PFW funds will be used to install an additional 60-70 feet of elevated trail.																				
16a. NAME AND TITLE OF SIGNER (Type or print) Walt Wrede, City Manager			17a. NAME AND TITLE OF FWS OFFICIAL (Type or print) G. Edwards, DRO																	
16b. RECIPIENT <i>(Authorized Signature)</i>		16c. DATE SIGNED 8/18/10	17b. U. S. FISH AND WILDLIFE SERVICE BY <u>IS/ GARY EDWARDS</u> <i>(Signature of FWS Official)</i>		17c. DATE SIGNED 3 Sept 10															

Contractual Sufficiency:
(Signature) 8/31/10
 Rich Primmer, FWS-7-P569
 Federal Assistance Specialist
 Division of Contracting and General Services

Project and Financial Reporting Addendum

Grantee: **The City of Homer**
Project Title: **City of Homer Beluga Slough Trail Project**
Agreement No.: **70181AG029**
KFWFO DCN: **73110APA059**

Project Reporting (Cite FWS #70181AG029 on all correspondence):

Progress reports shall be e-mailed to the Program Officer on an annual basis and will be due by December 31 of each calendar year for the life of this agreement. A final project report will be forwarded to the Program Officer no later than 90 days following project completion. In general, progress reports should: (1) summarize the activities conducted and the accomplishments achieved during the reporting period, (2) describe any problems or issues that may prevent achievement of the goals, objectives and outcome measures stated in the Grant Agreement and (3) include other pertinent programmatic and budget information (e.g. changes in personnel working on the project or deviations from the original budget). *Please see item 5 under Payment Provisions for specific information regarding Final Payment.*

Financial Status Reporting:

1. No later than 90 days after each 12 month term of this agreement (i.e. annually) the Recipient shall submit to the Service Program Officer a Financial Status Report using Standard Form 425 (SF-425). In order to conform to standard interim reporting end dates, the first annual Financial Status Report reporting period end date shall be July 1, 2011.
2. Additionally, a final financial status report (SF425) shall be submitted no later than 90 days after completion of this federal assistance award to the Service Program Officer.
3. Non-federal cost share (actual or in-kind) is to be reflected on the SF-425 reports
4. In accordance with Department of the Interior Policy, delinquent submittal of SF-425 reports may result in invoices being returned unpaid, suspension, or termination of this award.

Payment Provisions

1. Upon acceptance of the terms and conditions of this agreement, the recipient may submit in the mail a requests for payment, on a Standard Form 270, Request for Advance or Reimbursement, no more frequently than monthly. In accordance with the Debt Collection Improvement Act of 1996, all Federal Payments made after January 1, 1999, must be made by Electronic Funds Transfer "EFT", unless a waiver is submitted and subsequently approved by the Service. If an approved waiver is not

on file in the Service's computer system, the EFT banking information must be on record, or the invoice will be returned to the cooperator as payment cannot be made.

2. The original and two copies of **each invoice/payment request (SF-270) shall be submitted to the Service Program Officer listed in block 6 above** for review and recommendation for payment and disbursement. In accordance with U.S. Treasury regulations, payments will be made within 30 calendar days after receipt and approval of a proper invoice.
3. Should the recipient be unable to complete the provisions of this agreement, all monies provided by the Service which prove to be cancelable obligations or unallowable in accordance with applicable codified references (2CFR Parts 215 and 220, Cost Principles for Educational Institutions; 2CFR 225, Cost Principles for State, Local, and Tribal Governments; 2CFR 230, Cost Principals for Nonprofit Organizations; 48 CFR 31.2 cost principles for commercial organizations (and for individual recipients) and also the advanced, but unexpended, portion of any funds shall be refunded.
4. This agreement is intended to support a particular project for a specific period of time. Any portion of funds not expended at the completion of the period of performance of this agreement shall be returned to the Service, along with any interest earned on that amount over and above \$250 per year.
5. **FINAL PAYMENT:** A Final invoice/payment request (SF-270) shall be submitted to the Service Program Officer listed in block 6 above for approval. Prior to approval and processing of the final payment by the Service, all required reports and financial status reports must be received and approved by the Service Program Officer. Failure to provide the required documents will delay the processing of the final payment request.

CCR requirement:

Grantee organizations are required to obtain a DUNS number when completing grant paperwork before returning it to the Service for processing. Contact Dun and Bradstreet at the dedicated toll-free DUNS number request line at 1-866-705-5711 or online <https://eupdate.dnb.com/requestoptions/government/ccrreg/>

Register that specific DUNS number in the "Business Partnership Network / Central Contractor Registry" (CCR) and confirm accuracy of registry information annually thereafter. Visit <http://www.ccr.gov> and click on "Register in CCR" FWS does not administer the CCR database. Please direct all questions to the CCR Assistance Center at 1-888-227-2423. The bank account you enter into CCR for the DUNS number you provide is what will be utilized by the Service for payment under this award.

Active registrant status in CCR must be maintained for the entire lifespan of this grant award.

RESPONSIBILITIES

A. The USFWS shall:

1. Contribute \$25,000 to the City of Homer to carry out the objectives of this agreement. The City of Homer will be reimbursed for direct and indirect expenses upon receipt and approval of invoices to the Service
2. Provide technical assistance in the design of the project.
3. Administer the transfer of funds to the City of Homer, and monitor successful project implementation.
4. Provide a single point of contact to the project. That person is Mike Edwards, Kenai Fish and Wildlife Field Office, 43655 Kalifornsky Beach Rd, Soldotna, Alaska 99669, phone 907/262-0150; FAX 907/262-7145. The Service will notify the Homer SWCD via formal modification to the agreement of any changes to the Service's project manager

B. The City of Homer shall:

1. Ensure the project has all required permits prior to initiating the project.
2. Conduct activities as described above in the project description.
3. Comply with written progress, financial, and contractual reporting requirements.
4. Ensure that both the Service Project Officer receives notification immediately if this project is delayed for any reason.
5. Provide the USFWS an annual status report on projects completed

PROJECT TITLE: Beluga Slough Trail Reconstruction To Restore Wetlands

PROJECT CONTACT

Contact Name: Carey Meyer, Director
Address: City of Homer Department of Public Works
3575 Heath Street
Telephone Number: (907) 435-3124
Fax Number: (907) 235-3145
Email Address: cmeyer@ci.homer.ak.us

PROJECT LOCATION

Trail construction will occur along Beluga Slough, located in the coastal zone within the City of Homer, Alaska (Latitude 59° 38' 21.63" N, Longitude 151 0 32 17.55"W).

PROJECT DURATION

One year.

ESTIMATED COST

Spending Estimate (\$)				
TOTAL	Year 1	Year 2	Year 3	Year 4
\$488,116	\$448,116	#	#	#

Funding per Allocation Year of CIAP (\$)				
TOTAL	FY 07	FY 08	FY 09	FY 10
\$488,116	0	0	0	\$488,116

PROJECT DESCRIPTION

The proposed project will restore habitat and provide environmentally responsible visitor access to Beluga Slough by replacing 1050 feet of pre-engineered surface supported trail with 850 of new elevated trail and 200 feet of gravel trail. The existing trail through wetlands immediately adjacent to the Beluga Slough (critical wildlife habitat) has damaged the wetlands and impedes surface water movement. Construction of the elevated portion of the proposed trail (pier supported trail with surface grating) will allow for the restoration of the damaged wetlands by not impeding sunlight and surface drainage under and immediately adjacent to the trail corridor. The short section of gravel trail (constructed within City right-of-way) will provide access to an existing major storm drain outfall as well as provide for trail access. The outfall is located in wetlands and requires large construction equipment to enter the wetlands to complete long-term maintenance. The proposed short section of gravel trail will provide a pad from which construction equipment can complete outfall maintenance without damaging wetlands or impacting critical Beluga Slough wildlife habitat.



Figure 1 -- Deteriorated Trail Damaging Wetlands



Figure 2 – Existing Trail Along Slough

The original Beluga Slough trail material, installed in 1997, was designed to float with the tide. However, it does not work properly, and instead over the years has become mired in the mud, interfering with the natural flow of water and destroying the plant life that once existed where the trail is now. In the summer of 2006, the U.S. Fish and Wildlife Service Alaska Maritime Refuge (Refuge) removed 162 feet of the plastic trail. Until it is replaced, trail users are forced to walk through an often muddy area to reach the remaining constructed trail. There is a natural tendency for trail users to try to sidestep wet areas, thus widening the path and disturbing more vegetation as a result. The new trail will be constructed as an 8-foot wide elevated walkway built on a foundation of helical piers, which are specifically designed for use in wetlands and other environmentally sensitive areas. (The galvanized steel anchors are engineered to transfer projected loads to bearing-capable strata below weak soils, and eliminate the need for treated wood pilings that can leach toxins.) The trail surface will be grated galvanized steel that will allow light and precipitation to pass to the ground below, thus encouraging restoration of native saltwater marsh plants.

The City of Homer is collaborating with the Refuge on the trail reconstruction project and the Refuge has engaged in discussions with the City about trail design and routing and will provide in-kind support to remove remaining plastic trail segments. The Kenai Peninsula Borough has pledged \$66,562 in financial support. The Homer City Council has authorized the expenditure of \$30,000 to complete the design of the trail project. The City of Homer Public Works Department will provide bidding assistance, construction inspection and contract administration.

MEASUREABLE GOALS AND OBJECTIVES

- Remove existing surface-supported plastic trail - 680 feet.
- Complete 1070 feet of new trail, allowing regrowth of vegetation under existing plastic trail.
- Improvement of wetland wildlife habitat; reduces degradation and protects water quality

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-31

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Budget by Appropriating \$84,000 From the Homer Accelerated Roads and Trails Fund (HART) for a Traffic Calming Pilot Project in Old Town.

Sponsor: Van Dyke/Howard

1. City Council Regular Meeting June 23, 2014 Introduction
 - a. Old Town Traffic Calming Cost Estimate
 - b. Email from Old Town Neighbors

2. City Council Regular Meeting July 28, 2014 Public Hearing and Second Reading
 - a. Old Town Traffic Calming Cost Estimate
 - b. Email from Old Town Neighbors

1 CITY OF HOMER
2 HOMER, ALASKA

3 Van Dyke/Howard

4 ORDINANCE 14-31

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2014 BUDGET BY APPROPRIATING \$84,000
8 FROM THE HOMER ACCELERATED ROADS AND TRAILS FUND
9 (HART) FOR A TRAFFIC CALMING PILOT PROJECT IN OLD
10 TOWN.

11
12 WHEREAS, The Old Town Neighborhood Association has been working collaboratively
13 on a number of neighborhood improvements including traffic calming and pedestrian safety;
14 and

15 WHEREAS, The City Council approved a grant in the amount of \$90,000 in 2013 for trail
16 improvements, cross walk striping, signage, narrowed driving lanes, a pedestrian/bike lane,
17 and paving and striping at the Bishop's Beach parking lot; and

18
19 WHEREAS, Much of that project has been completed but the neighborhood is still
20 experiencing problems with speeding and pedestrian safety; and

21
22 WHEREAS, The neighborhood has been working closely with City staff members on
23 additional improvements that would enhance safety and it has proposed a pilot/
24 demonstration project to evaluate different approaches to traffic calming in Homer that could
25 be utilized in other neighborhoods; and

26
27 WHEREAS, The proposed pilot project would take place in the interim while the
28 planning staff and Planning Commission are developing a traffic calming program that would
29 apply city-wide and it is anticipated that this project could provide useful information as that
30 process moves forward; and

31
32 WHEREAS, The Neighbors have proposed a pilot project that includes four speed
33 humps, two speed bumps in the Bishop's Beach parking lot, rumble strips or flexible wands to
34 delineate the pedestrian lane, and a solar powered speed awareness sign.

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

41 Section 1: The Homer City Council hereby amends the FY 2014 Operating Budget by
42 appropriating \$84,000 from the HART Fund for a traffic calming pilot project in Old Town as
43 follows:
44

45 Expenditure:

46 <u>Account</u>	<u>Description</u>	<u>Amount</u>
47 160-0774	4 Permanent Speed Humps	\$60,000
48	14 Flexible Pedestrian Delineators	\$ 6,000
49	2 Temp. Parking Lot Speed Bumps	\$ 8,000
50	Solar Speed Awareness Signs	\$10,000
51		
52	TOTAL PROJECT BUDGET	\$84,000

53
54 Section 2: This is a budget amendment ordinance, is not permanent in nature, and shall
55 not be codified.
56

57 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
58 _____, 2014.
59

60 CITY OF HOMER
61

62
63 _____
64 MARY E. WYTHER, MAYOR
65

66 ATTEST:
67

68
69 _____
70 JO JOHNSON, MMC, CITY CLERK
71

72
73 AYES:

74 NOES:

75 ABSTAIN:

76 ABSENT:
77

78 First Reading:
79 Public Reading:
80 Second Reading:
81 Effective Date:

82
83
84

85 Reviewed and approved as to form:

86
87

88 _____
Walt Wrede, City Manager

89

90 Date: _____

91
92
93

Thomas F. Klinkner, City Attorney

Date: _____

Old Town Traffic Calming
 Cost Estimate

Alternatives Evaluation

Speed Hump	Quantity	Unit Cost	Cost
Permanent Hump	4	\$12,500	\$50,000
Temporary Hump	4	\$9,500	\$38,000
Temporary Table	4	\$14,500	\$58,000
Centerline Delineators	11	\$300	\$3,300
Parking Lot Speed Bump	2	\$3,250	\$6,500

	Capital Cost	Annual Maint	10 yr Life Cost
Project w/ permanent speed humps =	\$59,800	\$1,100	\$69,700
Project w/ temporary speed humps =	\$47,800	\$4,250	\$86,050
Project w/ temporary speed tables =	\$67,800	\$5,250	\$115,050

Recommended Project

Three Speed Humps/Flexible Pedestrian Delineators/Parking Lot Bumps

	Quantity	Unit Cost	Cost
Permanent Hump	3	\$12,500	\$37,500
Flexible Pedestrian Delineators	14	\$275	\$3,850
Parking Lot Speed Bump	2	\$3,250	\$6,500

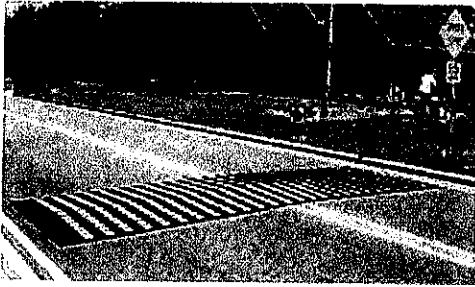
Project w/ permanent speed humps = \$47,850

Permanent Speed Hump: Cost = \$12,500 ea

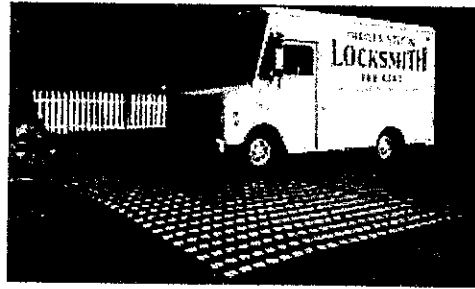
The "Flat top" profile which is 22 feet long comprising two 6 foot long ramps and a 10 foot long top. Height varies from 3 inches to 4 1/2 inches.



Temporary Speed Hump: Cost = \$9,500 to \$14,500 ea (installed)

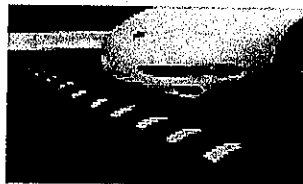


Speed Hump - \$2,250 (materials + shipping/install)

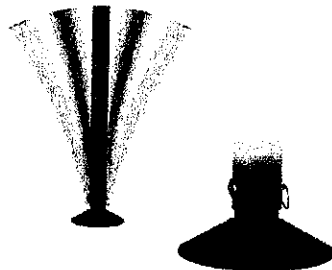


Speed Table - \$4,500 (materials + shipping/install)

Parking Lot Speed Bump: Cost = \$3,250 ea (installed)



Centerline delineators (36" high): Cost = \$300 ea (installed)
Road/Pedestrian delineators (28" high): Cost = \$275 ea (installed)



Walt Wrede

From: Mark Robl
Sent: Wednesday, May 21, 2014 1:24 PM
To: Walt Wrede
Cc: Julie Engebretsen; Nick Poolos
Subject: Old Town Price Quotes

Walt,

I managed to get some price quotes for options we talked about yesterday to help address some of the problems we have in Old Town.

First, a camera set-up with weather proof enclosure is right at \$5,000 a copy. These need to have power and a secure mounting location. We are assuming that we'll have a line of sight shot to Public Works from Bishops Beach. We should be able to tie the camera into the city network there and send it to wherever we decide to go with it. We have sent the information on the cameras to Nick so he can look at compatibility issues.

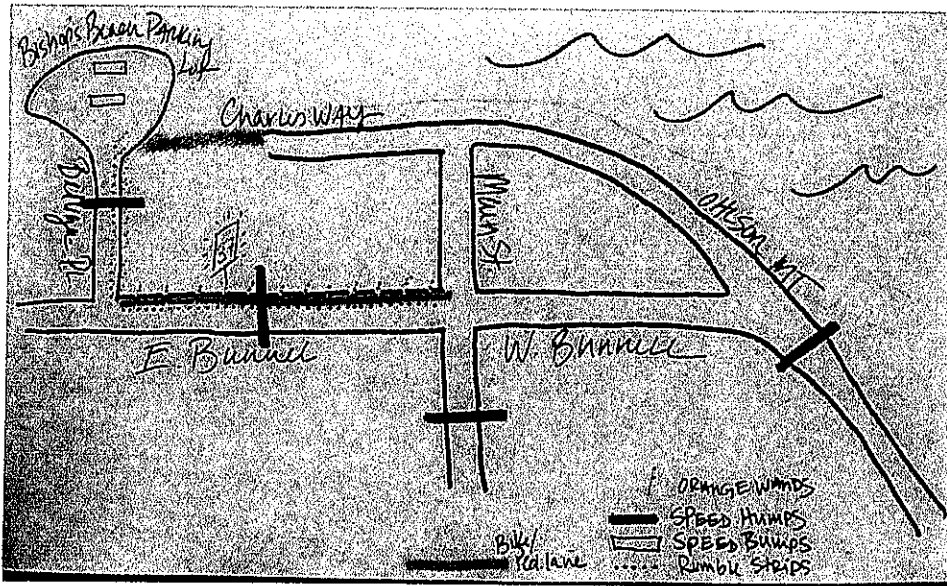
Speed awareness signs are designed to mount on a post of some type and ideally should be located ten feet above the ground. The signs simply show a driver what speed they are travelling at. The signs should have a posted speed limit sign mounted right below it. These signs are \$2895 each provided that regular household power is available at the mounting location. If not a solar upgrade option is another \$1759. These prices are plus shipping. All prices are plus installation.

I will have our SMART cart, (speed monitoring awareness trailer), down on Bunnell tomorrow and we'll leave it there until Monday.

Mark

Walt Wrede

From: Brianna Allen <brianna@bunnellarts.org>
Sent: Tuesday, May 20, 2014 4:43 PM
To: Walt Wrede
Cc: Asia Freeman
Subject: Revised letter from Old Town neighbors and a visual



Dear Walt, Carey, Mark and Bob,

Thank you for the support you've provided to improve Old Town walkability with the widened paved shoulder for pedestrians, crosswalk striping and increased signage.

Old Town Neighbors met two weeks ago to evaluate how these improvements are working. We also discussed our immediate priorities for improving neighborhood safety for pedestrians this summer and subsequently expressed them to Planning and Zoning. We met with the full support of that committee upon sharing our concerns.

As the lane striping wore off last winter, the widened road is enticing speeding traffic. There have been several near misses with people jumping into the ditch to avoid speeding vehicles. We are convinced someone could get hit any day. We are more than willing to pledge ourselves to Old Town safety. Here are our priorities:

(1) Install speed humps and bumps this summer. Old Town residents will put up with the noise of speed bumps for the added safety. Four *speed humps* are needed, one each on Main approaching Bunnell, one on Ohison at the corner of the Elks and condominiums, on East Bunnell, one on Beluga Place approaching the beach. We recognize the challenges the City faces in installing speed humps as both a financial commitment and a policy issue. Removable speed bumps are needed at the Bishop's Beach parking lot as the parking lot is that last surface people drive on before they hit the untamed beach highway.

(2) Install rumble strips, (3) a solar powered speed awareness sign and (4) delineating orange wands at the inner edge of the bike lane to clearly inform users and demarcate the existing pedestrian lane. The *suggested* speed limit signs are not working to slow traffic. In light of this and the existing pressures on Homer's police force, we want physical and semi permanent traffic calming incentives that are physical

objects, not dependent on police enforcement. We noticed what a tremendous difference it made last week to have the speed trailer in the neighborhood last week and are grateful for the temporary impact.

We'd like you to consider Old Town Neighborhood as a "test" site for traffic calming options that concern other neighborhoods. After all, Bunnell to Beluga is not a road that dead ends at Bishop's Beach. It is the entrance to an historic beach "highway" and drivers are just getting revved up as they approach it.

Thank you for your time and attention and all the hard work you've put into supporting our neighborhood efforts!

Sincerely,
Old Town Neighbors
Asia Freeman,
Brianna Allen

Brianna M. Allen
Old Town Development Coordinator
Bunnell Street Arts Center

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MANAGER'S REPORT

July 28, 2014

TO: MAYOR WYTHER / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Kachemak City Sewer: Mayor Morris has provided a new proposal for addressing the Kachemak City sewer charges dispute. Phil's idea is basically a hybrid system which combines elements of various approaches which have received support. Essentially, Phil's proposal is that customers in Kachemak City would have a choice of either continuing to pay the fee at the assumed average gallonage of 3,500 gallons or, they could install a water meter to measure the amount of water that goes into the house and pay by the gallon. If they choose that option, they would have to pay a service charge for the meter and its maintenance and would need to become a direct customer of the City of Homer. The Mayor likes this idea because it becomes an economic decision for the customer rather than a political one. Carey, Dan Gardner, and I went to Kachemak City to discuss this with the Mayor last week. Dan brought up some practical problems with meters which we discussed in some detail. Everyone in the room agreed once again that the easiest way to resolve this is to reduce the assumed gallonage because the administrative headaches associated with meters seems to outweigh the benefits. The Mayor also mentioned that the Kachemak City Council remains interested in a committee which has two members from both Councils. They have already picked their two members. Please let me know if you wish to talk about this in more detail. In the meantime, Tom and I are working on a new contract.
2. Hoka Hey: Hoka Hey is returning to Homer this summer. A headquarters will be established the week of July 28 and riders are expected to start arriving shortly thereafter. The organizers have been coordinating with the City, especially HPD, the Port and Harbor, and the City Manager's office. The City is renting the Old Alaska Ferry Service Building to the organization for two weeks. A Special Events Permit is being reviewed as this report was being drafted for a main event at the Down East Saloon.
3. Ocean Drive Paving and Striping: Community discussion is starting to ramp up a little regarding ADOT/PF's plans for Ocean Drive. As you know, ADOT/PF is planning to repave the Sterling Highway from its intersection with Pioneer Ave. to the end of the Spit. Part of the paving job includes striping and signage related biker and pedestrian safety. Some of this work is part of the MOU between the City and DOT/PF whereby the City assumes responsibility for managing speeds, parking, pedestrian safety, and signage in the business area at the end of the Spit. On Ocean Drive, DOT/PF is planning to restripe the road so that instead of one large bike lane on one

side of the road, there is a six foot bike lane on both sides of the road. DOT/PF planners thought this was a good idea because having bike lanes on both sides of the road makes it easier to make the transition from the bike lane on the causeway to the bike lane on the Spit, which are on opposite sides of the road. Also, some local bikers have indicated that they like the idea of lanes on both sides of the road because they can travel with the traffic and not run into bikers going in the opposite direction. The City provided comments in favor of this idea. However, the wide bike lane that currently exists is popular and there are people in the community who fought hard to get it established. It was a big victory and major improvement. The wider bike lane improves safety and it is used by many including people pushing baby strollers. You may hear more about this in the future. In the meantime, the City will look for solutions that might address everyone's concerns. Narrowing the driving lanes to 10 feet and putting 8 foot lanes on either side is one idea that Carey mentioned yesterday. This would slow traffic and improve pedestrian safety even more. DOT/PF is proposing exactly that for Pioneer Ave. and for the End of the Spit.

4. Joint Work Session / Planning Commission and Council: In the past, the Council has indicated that it would like to have a joint workshop with the Planning Commission at least once a year. It has been a long time since we did that. The idea is to communicate about issues of common concern and discuss planning policy matters that affect the future of the City. There are several issues that come to mind right now that are crying out for discussion. One is whether and to what degree to regulate communication towers. This is a very complicated issue and the planning staff and Planning Commission could spend a huge amount of time and resources on it. Even if an ordinance were drafted and adopted, the City does not have the resources or the expertise to implement and enforce it. We don't have a building inspector which would be very helpful. All of this does not make much sense if it turns out that the Council and the Community at large is really not interested in regulating towers, which are popping up around town faster than dandelions. This is one example of the type of discussion that could be useful. Let me know if you would like to schedule a workshop. I will ask Rick to come up with an agenda.

ATTACHMENTS

1. Memorandum 14-116 from City Planner, Re: Proposal for Joint Work Session Between City Council and Homer Advisory Planning Commission
2. Memorandum 14-117 from City Planner, Re: Update on Review of Comprehensive Plan Recommendation on East End Road Zoning
3. Memorandum 14-118 from Community and Economic Development Coordinator, Re: Green Dot Training for City Employees

GAS DISTRIBUTION SYSTEM REPORT

July 28, 2014

Construction Status

The construction companies (UTI and CMI) took advantage of a warm winter and spring and as a result, are significantly ahead of the initial schedule. As of July 16, there was only 4.5 miles of pipe remaining to be installed. Most of that (3 miles) is on Kachemak Drive. The remainder is at the top of West Hill Road and the Whispering Meadows-Fireweed connection. Kachemak Drive construction was delayed because it took time to obtain the necessary easements. DOT/PF does not have a Right of Way for large sections of Kachemak Drive and therefore, individual utility easements had to be secured. All necessary easements on Kachemak Drive and elsewhere in the community have been obtained.

The contractors estimate that it will take about four more weeks to complete construction of the distribution system. In addition to the work mentioned above, there are still tie-ins to do and clean-up work including the removal of waddles, restoration and re-vegetation work. Work on service lines will continue into the fall but that is not part of the City project and the cost for that work will be paid directly by the customers.

Enstar reports that there are presently about 1,400 service lines that have been ordered and paid for and approximately 1,000 service lines installed. There were between 800 and 900 "meters spinning" as of July 16.

The City cannot say enough about the quality of the work performed by the contractors so far. Considering the size, scope, and complexity of this project, it is simply amazing that we have not experienced more problems and complaints than we have. The problems have been minimal. You will recall that we went into project this last year preparing for the worst and anticipating problems related to traffic disruptions, road closures, dust, utility conflicts, vegetation and landscaping destruction, and other headaches and inconveniences for the community.

Very few problems occurred to the relief of all concerned. This is in large part due to the professional and responsible work of the contractors and the close cooperation between the contractors, Enstar, and the City. It is still too early to say job well done but so far, so good. This job will likely be completed on-time, something many people had doubts about going in. Enstar representatives are planning to visit with the City Council sometime in September or October, after the project is closed out, to provide a final recap and assessment of the project.

Project Cost / Budget:

The City signed a “not to exceed” construction contract with Enstar in the amount of \$12,160,632. At the end of June, the City had paid Enstar invoices totaling \$10,623,886. We still have invoices for July and August that will have to be paid. However, the costs for those months should be significantly reduced from prior months. Since the amount of construction work left on the distribution system is relatively small, the number of crews working has been reduced. Costs for inventory and supplies should be significantly reduced or eliminated. Enstar is now taking stock of all excess inventory paid for by the project and providing the City with a credit. There should also be less overhead charges as the project winds down on things like inventory management, transportation, Enstar labor costs, etc.

It is anticipated that project charges will continue to trickle in through the end of August. The City and Enstar will meet in early September to go over the budget and the final project costs. The final project costs will of course, have an impact on what the property assessment will ultimately be. The City staff and the Enstar Engineers will compare notes and maps to be certain that everyone is on the same page in terms of which properties got served and will therefore be included in the Assessment District.

There are many variables that will be factored in when calculating the assessment amount. As you know, the City Council has already made several adjustments to the Preliminary Assessment Roll and exempted certain properties for a variety of reasons. Based upon adjustments made in the field, Enstar engineers and City staff made decisions that resulted in 17,000 feet or about 3 miles less of pipe being installed than was originally shown in the engineered plans. This will result in fewer properties being served and therefore being assessed. On the other hand, 17,000 feet of pipe not being installed means that the project costs may have been reduced by up to \$500,000. Finally, the condo issue will have to be resolved and we are working on that now. We are doing research and looking at assessment alternatives that take into consideration the law, the recent judge’s decision, precedent, and fairness to all property owners in the district. How this issue is addressed could mean a \$300,000 swing in assessment revenues and impact the assessments of the other property owners.

In short, we are cautiously optimistic at this time, that the final project costs will be on or under budget. What that might mean for property assessments will not be known until we have final project costs and a final number of properties to be assessed.

You might recall that early on, we had discussions about a rebate called the Free Main Allowance \$12. that could be used to lower assessments further or help the City make its loan payments to the Borough. In basic terms, the Free Main Allowance is a rebate that the City will receive from Enstar for each customer that hooks up to gas. Those rebates will start coming in on a quarterly basis after the City has approved the final assessment roll. The purpose of the rebate is to partially reimburse the City for the investment it made in getting the distribution built; an investment that Enstar certainly benefits from. Enstar estimated that the Free Main Allowance could total in the neighborhood of \$1.2 million by the end of the repayment period. The Council should discuss soon how it wants to use the Free Main Allowance. Several ideas have been kicked around but nothing definitive has

been decided. It would be good to have a final decision on that before the final assessment roll is approved.

Next Steps

Following is a summary and projected timetable for major steps in the process as we move into the fall:

<u>Task</u>	<u>Target Completion Date</u>
Calculate Final Project Costs	September 30, 2014
Reconcile Properties Served	September 30, 2014
Council Decision on Condo Assessments	September 8 Meeting
Council Decision on Free Main Allowance	September 8 Meeting
Set Up and Test New SAD Assessment Software	October 30, 2014
Final Assessment Roll Introduced (HCC 17.04.070)	October 27 Meeting
Assessment Roll Approval Process (HCC 17.04.070-090)	Nov.-Jan. 2015
Assessments Mailed to Property Owners	March 2015



Memorandum 14-116

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH WALT WREDE, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: JULY 22, 2014
SUBJECT: PROPOSAL FOR JOINT WORK SESSION BETWEEN CITY COUNCIL AND
HOMER ADVISORY PLANNING COMMISSION

Several complex issues have presented themselves to the Planning Department. Due to the nature of the items and the amount of resources that may be used in preparing amendments to Title 21 of the Homer City Zoning Code, the City Manager and myself thought that it would be prudent to get an impression from the City Council of just how receptive the City may be to the proposed issues and possible solutions.

While a great deal of background material is available, I will make short reference to the issues with the idea to present more comprehensive information at a joint work session.

1. Tower regulation
2. Permit requirements

Both of the subject's breach the concepts of just how much regulation is the city willing to support and enforce. Towers are a very complicated subject with some model ordinances spanning 30 pages or so. Permitting requirements is additionally complex in that, so far, Homer has not taken the route of creating a building department with an inspector. We are hoping that these subjects interest the Council and they may be able to meet with the Commission to provide input to degree of support they might have for possible scenarios presented in a joint works session.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 14-117

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH WALT WREDE, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: July 23, 2014
SUBJECT: UPDATE ON REVIEW OF COMPREHENSIVE PLAN RECOMMENDATION
ON EAST END ROAD ZONING

At request of the City Council, the Planning Commission (PC) is in the process of reviewing the zoning option suggested in the Homer Comprehensive Plan (HCP) for the near section of East End Road. The HCP references a zone for consideration called "Neighborhood Commercial East End Road," describing limited numbers of small scale local serving commercial areas, designed to meet the convenience commercial service needs of the neighborhood residents...." The area for consideration is roughly from Mattox to just past Paul Banks.

This has been discussed at several meetings so far. First, an area was mapped out for consideration with the assistance of Councilmember Van Dyke. Further described in the HCP is a Residential Office District (RO) with an allowance for more commercial and retail uses than presently found in RO. With a map (usually left on the wall of the Council Chambers) and the base code of the RO district, the PC reviewed a list of every other permitted and conditional use presently allowed in the city for inclusion in the district.

After due consideration of absolutely everything that was an option for inclusion in the district, the result was that it varied little from what is presently allowed in RO. Some of the guiding thought was that the HCP supports infill development and a concentration of business activity in the downtown core while discouraging strip development. It was not thought to be a good idea to pull business away from the downtown core which has many infill opportunities. The location is not at such a distance from the established commercial district to really introduce much additional convenience. Additionally, the PC did not want to support activities that would introduce a significant amount of traffic along East End Road which is currently designed without turning lanes and tends to be a bit congested at the start and end of the work day. At this point, the thought was that it really was not useful to make yet another type of zone.

A motion was made and supported at the last meeting to advertise and hold a public hearing for consideration of expansion of the RO district. The Public Hearing will be held at the August 6th meeting of the HPC.



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-118

TO: Mayor Wythe and Homer City Council
THROUGH: Walt Wrede, City Manager
FROM: Katie Koester, Community and Economic Development Coordinator
DATE: July 23, 2014
SUBJECT: Green Dot Training for City Employees

The purpose of this memo is to update you on the City of Homer's participation in the community violence prevention movement, Green Dot. As you recall, the City Council has contributed \$3,500, half of the required local match for bringing the program to Homer. The Council also passed Resolution 14-052, A Resolution of the Homer City Council Proclaiming Homer to be a Green Dot Community.

Green Dot offers 4 hour trainings to the public and employers to teach bystander intervention skills with the aim to change the culture around violence and acts that may lead to violence in our community. Many employers in Homer have trained their staff or are committed to training staff to some level including Haven House, Public Health, Sprout, The Center, Kachemak Bay Family Planning Clinic, Two Sisters Bakery, and South Peninsula Hospital. City Manager Wrede has committed to training all City of Homer staff in Green Dot. This is a huge demonstration of the City's support of violence prevention. Trainings are four hours long and I am working with directors to come up with a calendar that will work for the different schedules and time demands of City employees. Green Dot trainers will offer up to 6 trainings at staggered times of the month and week over fall and early winter and departments will cycle in their employees. With careful planning, the City should be able to keep overtime hours to a minimum.

By training all City staff, the City of Homer will be named as a Gold Standard Green Dot employer with various forms of recognition. More importantly, the City acting as a leader in this community wide effort will spur even more participation by employers and help prevent violent acts in our community.

Trainings will commence in September and I will keep the Council updated in the progress. The goal is to have 90% of City of Homer's 106 permanent employees by the end of the calendar year. More information on Green Dot can be found at www.greendothomer.org.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: JULY 11, 2014
SUBJECT: INACTIVE RECORDS REPORT

In accordance with HCC 2.08.010(g), the City Clerk's office has completed its annual inactive records destruction process.

On May 21st, Department Heads were notified of the inactive records that were eligible for destruction, and as a result, 133 boxes of records were approved, pulled, and staged in the Council Chambers. Shred Alaska performed on-site shredding of 2,493 pounds of inactive records on July 9, 2014. Shred Alaska travels from Anchorage to the Peninsula once a month to provide their on-site service and they deliver the shredded material to the landfill for recycle. This is the City Clerk's third year working with Shred Alaska for our inactive records destruction, and we have been very pleased with the efficiency of their service.

Copies of the Inactive Records Storage Forms and memorandums approving destruction are available in the City Clerk's office for review.

To date, the City Clerk's office has received 31 boxes of inactive records from various city departments, and those boxes have been logged in and stored in the storage areas located within City Hall. That number will likely increase by 20 to 30 boxes as we approach years end.

CITY ATTORNEY REPORT

MEMORANDUM

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR JUNE 2014

CLIENT: CITY OF HOMER

FILE NO.: 506,742.18

DATE: JULY 7, 2014

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

City Council. Holly attended the June 9, 2014 City Council meeting, and I reviewed the agenda packet for the June 23, 2014 City Council meeting. Holly advised the Board of Adjustment regarding an appeal from the granting of a conditional use permit.

City Clerk. I drafted an ordinance regarding the Council's role in Planning Commission review of subdivisions. I advised the City Clerk regarding the calling of a charter commission election. Holly advised the City Clerk regarding prehearing issues on an appeal to the Board of Adjustment.

City of Homer v. Shadle. We responded to filings by Mr. Shadle's counsel regarding the penalties to be imposed for Mr. Shadle's zoning violation.

Planning Department. I advised the City Planner regarding the issuance of zoning permits to cure zoning violations, and the standards for issuing zoning permits.

Port and Harbor. Holly prepared revisions to the City's moorage agreements. We researched issues related to the Buccaneer entities' bankruptcy and its effect on debts owed to the City.

I will be available to answer questions regarding these matters at the July 28, 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

