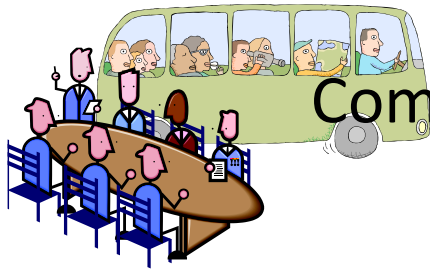
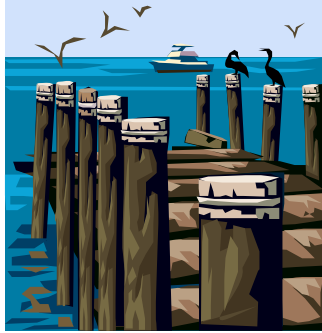


City Council  
August 11, 2014  
Monday



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

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

Produced and  
Distributed by the City Clerk's Office -8/6/2014-rk





# 2014 AUGUST

- Monday 11<sup>th</sup>:** **CITY COUNCIL**  
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m.,  
and Regular Meeting 6:00 p.m.
- Thursday 14<sup>th</sup>:** **PUBLIC ARTS COMMITTEE**  
Regular Meeting 5:00 p.m.
- PERMANENT FUND COMMITTEE**  
Regular Meeting 5:15 p.m.
- Monday 18<sup>th</sup>:** **VESSEL HAUL OUT TASK FORCE**  
Regular Meeting 3:30 p.m.
- Tuesday 19<sup>th</sup>:** **STATE PRIMARY ELECTION DAY**  
Polls open at 7:00 a.m. and close at 8:00 p.m.
- Wednesday 20<sup>th</sup>:** **PLANNING COMMISSION**  
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday, August 21<sup>st</sup>:** **PARKS AND RECREATION ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Monday, August 25<sup>th</sup>:** **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 2<sup>nd</sup> and 4<sup>th</sup> Mondays 6 p.m.  
Library Advisory Board 1<sup>st</sup> Tuesday 5 p.m.  
Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6 p.m.  
Parks and Recreation Advisory Commission 3<sup>rd</sup> Thursday of the Month with the Exception of  
July & December 5:30 p.m.  
Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.  
Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5:00 p.m. (May – August 6:00 p.m.)  
Public Arts Committee Quarterly 2<sup>nd</sup> Thursday 5:00 p.m.  
Permanent Fund Committee Quarterly 2<sup>nd</sup> 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](mailto: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](http://www.cityofhomer-ak.gov)



**WORKSESSION**  
**4:00 P.M. MONDAY**  
**AUGUST 11, 2014**  
**COWLES COUNCIL CHAMBERS**

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

### **WORKSESSION AGENDA**

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

Councilmember Roberts has requested excusal.

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

**3. CHARTER COMMISSION – CITY'S INVOLVEMENT**

*Page 7*

**4. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, August 25, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



**MEMORANDUM**

**TO: MAYOR BETH WYTHE**

**FROM: THOMAS F. KLINKNER**

**RE: CHARTER COMMISSION AND CHARTER ADOPTION**

**CLIENT: CITY OF HOMER**

**FILE NO.: 506,742.101**

**DATE: OCTOBER 21, 2013**

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

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**1. *Introduction and Summary.***

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

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<sup>1</sup> AS 29.10.010(e).

<sup>2</sup> *Id.*

<sup>3</sup> AS 29.10.080(a).

<sup>4</sup> *Id.*

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

### **A. In General.**

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

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

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

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

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<sup>5</sup> Alaska Constitution, art. 10, §9; AS 29.04.010.

<sup>6</sup> AS 29.04.020.

<sup>7</sup> Alaska Constitution art. 10, §7; AS 29.04.020.

<sup>8</sup> Alaska Constitution, art. 10, §11; AS 29.04.010.

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

<sup>10</sup> Alaska Constitution, art. 10, §1; AS 29.35.410.

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

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



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

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

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

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

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

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

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

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

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

<sup>15</sup> AS 29.10.200; *Frohne*, 568 P.2d at 5.

<sup>16</sup> AS 29.10.010(e).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> AS 29.10.040(b).

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

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

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

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<sup>20</sup> AS 29.10.040(a).

<sup>21</sup> AS 29.10.040(b).

<sup>22</sup> AS 29.10.040(c).

<sup>23</sup> AS 20.26.170(a), 29.26.180(a).

<sup>24</sup> AS 29.10.050.

<sup>25</sup> *Id.*

<sup>26</sup> AS 29.10.060.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> AS 29.10.070.

charter becomes the organic law of the City effective on the date the election is certified.<sup>31</sup>

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

TFK/

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<sup>31</sup> AS 29.10.080(a).

<sup>32</sup> AS 29.10.090(a).

<sup>33</sup> *Id.*



## MEMORANDUM

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: THOMAS F. KLINKNER**

**RE: EFFECT OF ADOPTING HOME RULE CHARTER**

**CLIENT: CITY OF HOMER**

**FILE NO.: 506,742.101**

**DATE: DECEMBER 3, 2013**

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

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

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

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

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

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

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

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

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<sup>1</sup> Alaska Constitution, art. 10, §9; AS 29.04.010.

<sup>2</sup> AS 29.04.020.

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

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

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

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

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

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

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

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

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

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

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

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

<sup>9</sup> AS 29.10.100(a).

by an ordinance bind itself or its successors so as to prevent free legislation in matters of municipal government.”<sup>10</sup>

TFK/

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

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

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



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



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



**COMMITTEE OF THE WHOLE**  
**5:00 P.M. MONDAY**  
**AUGUST 11, 2014**  
**COWLES COUNCIL CHAMBERS**

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

### **COMMITTEE OF THE WHOLE AGENDA**

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

Councilmember Roberts has requested excusal.

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

**3. 2015 BUDGET PRIORITIES**

**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 25, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



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



**REGULAR MEETING**  
**6:00 P.M. MONDAY**  
**AUGUST 11, 2014**  
**COWLES COUNCIL CHAMBERS**

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

## **REGULAR MEETING AGENDA**

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

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

Councilmember Roberts has requested excusal.

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

### **2. AGENDA APPROVAL**

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

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

### **4. RECONSIDERATION**

### **5. CONSENT AGENDA**

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

- A. Homer City Council unapproved Regular meeting minutes of July 28, 2014. City Clerk. Recommend adoption.

**Page 35**

- B. **Ordinance 14-40**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$10,000 From the Fire Department Depreciation Reserves for a New Thermal Imaging Camera. City Manager/Fire Chief. Recommended dates: Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014. **Page 57**

Memorandum 14-121 from Fire Chief as backup. **Page 61**

- C. **Ordinance 14-41**, 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 the Provision of Records of Commission Action to the Council. City Manager. Recommended dates: Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

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Memorandum 14-122 from City Manager as backup. **Page 69**

- D. **Ordinance 14-42**, An Ordinance of the Homer City Council Accepting and Appropriating a Legislative Grant From the State of Alaska in the Amount of \$1,430,000 for Waddell Way Road Improvement, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

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- E. **Ordinance 14-43**, An Ordinance of the Homer City Council Accepting and Appropriating a Legislative Grant From the State of Alaska in the Amount of \$350,000 for Fire Department Equipment Upgrades, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

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- F. **Ordinance 14-44**, An Ordinance of the Homer City Council Accepting and Appropriating a Legislative Grant From the State of Alaska in the Amount of \$350,000 for the Harbor Sheet Pile Loading Dock, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014. **Page 79**



- G. **Resolution 14-086**, A Resolution of the Homer City Council Scheduling a Joint Worksession With the Advisory Planning Commission to Discuss Tower Regulation and Permit Requirements, and Other Planning Matters. City Manager.

**Page 83**

Memorandum 14-116 from City Planner as backup.

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**6. VISITORS**

- A. Diane Converse, Pratt Museum Capital Project Update, 10 minutes.
- B. Sean Baski, Project Engineer, and Laura Paul, Construction Project Manager, Department of Transportation/Public Facilities, Sterling Highway Project, 10 minutes.

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

- A. Borough Report
- B. Commissions/Board Reports:
1. Library Advisory Board
  2. Homer Advisory Planning Commission
  3. Economic Development Advisory Commission
  4. Parks and Recreation Advisory Commission
  5. Port and Harbor Advisory Commission

**8. PUBLIC HEARING(S)**

- A. **2015 Budget Priorities**
- B. **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. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 97**

Memorandum 14-110 from Library Director as backup.

**Page 101**

- C. **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. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 109**

Memorandum 14-119 from City Planner as backup. **Page 113**

- D. **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. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 141**

- E. **Ordinance 14-36(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$25,000 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. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 151**

Memorandum 14-111 from City Manager and Police Chief as backup.

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- F. **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. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014.

**Page 159**

Memorandum 14-113 from City Manager as backup.

**Page 165**

- G. **Ordinance 14-38(A)**, 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. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 189**

Memorandum 14-114 from Port and Harbor Director as backup. **Page 195**

- H. **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. Introduction July 28, 2014, Public Hearing and Second Reading August 11, 2014. **Page 197**

Memorandum 14-115 from Public Works Director as backup. **Page 203**

**9. ORDINANCE(S)**

**10. CITY MANAGER'S REPORT**

A. City Manager's Report **Page 211**

**11. CITY ATTORNEY REPORT**

A. Report for July 2014

**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**

A. **Resolution 14-084**, A Resolution of the Homer City Council Identifying Homer FAA Site Sub Tract 38A in the Town Center as a Viable Location for a Community Center. Mayor. Recommend adoption. **Page 239**

B. **Resolution 14-085**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska Department of Transportation and Public Facilities (ADOT/PF) Retain the Existing Road Profile and Striping Plan on Ocean Drive Which Consists of One Wide Bike/Pedestrian Lane on the South Side of the Road. Mayor/City Council. Recommend adoption. **Page 243**

**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 25, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA



# RECONSIDERATION





# CONSENT AGENDA



Session 14-18 a Regular Meeting of the Homer City Council was called to order on July 28, 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 ATTORNEY KLINKNER  
CITY PLANNER ABBOUD  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER  
FINANCE DIRECTOR LI  
LIBRARY DIRECTOR DIXON  
PORT & HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Council met as a Committee of the Whole from 5:00 p.m. to 5:43 p.m. to hear an update on the *Alaska North to the Future* publication from Community and Economic Development Coordinator Koester. Council also discussed Consent and Regular Meeting Agenda items.

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

### **AGENDA APPROVAL**

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

The following changes were made: **CONSENT AGENDA - Ordinance 14-33**, 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. Notice of FY 2015 Public Library Assistance Grant. Alaska Public Library Assistance Grant Agreement FY2015. **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. Re-envisioning the Homer Public Library's Western Lot. **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. Written public comments. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - AMLJIA Board of Trustees Summer Meeting, Tuesday, July 29 at Land's End. **CITY MANAGER'S REPORT** - Gas Distribution System Report, written public comments. Summer 2014 Projects Update. Memorandum 14-120 from Community & Economic Development Coordinator, Re: *Alaska North to the Future, Volume V*.

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

ZAK/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Kathy Hill, city resident, expressed support for Ordinance 14-37.

Sue Mauger, Homer Friends of the Public Library, offered support for Ordinance 14-36.

#### **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 23, 2014. City Clerk. Recommend adoption.

- 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.
- C. **Memorandum 14-109**, from Deputy City Clerk Re: Liquor License Restaurant Designation Permit for Happy Face Restaurant.
- 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.

Moved to Ordinances.

- 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.

Memorandum 14-110 from Library Director as backup.

- 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. Memorandum 14-119 from City Planner as backup.

- 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.

Moved to Ordinances.

- 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.

Memorandum 14-111 from City Manager and Police Chief as backup.

Moved to Ordinances.

- 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.

Memorandum 14-113 from City Manager as backup.

- 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.

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

Moved to Ordinances.

- 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.

Memorandum 14-115 from Public Works Director as backup.

Moved to Ordinances.

- 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.
- 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.

Memorandum 14-112 from Art Selection Committee as backup.

- 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.
- 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.

Moved to Resolutions.

- 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.
- Memorandum 14-115 from Public Works Director as backup.

Moved to Resolutions.

Ordinances 14-32, 14-35, and 14-36 were moved to Ordinances A, B, and C. (Burgess)

Ordinances 14-39 and 14-38 were moved to Ordinances D and E. (Roberts)  
Resolutions 14-083 and 14-082 were moved to Resolutions A and B. (Roberts)

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

HOWARD/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

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

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

Peter Roedl, Parks and Recreation Advisory Commissioner, reported the commission discussed the HERC building at their last meeting and requested the HERC gym be maintained until there is a facility to take its place. He referenced the usage of the HERC gym in a document prepared by Community Recreation Coordinator Mike Illg. Best Beginnings has adopted Bayview Park and has hired a landscaper to do design work. They should be breaking ground and doing improvements soon. Park Day was Saturday at Coal Point Park and was successful with the Pratt Museum staff there and Dave Brann making a presentation.

- 5. Port and Harbor Advisory Commission



Glen Carroll, Port and Harbor Advisory Commissioner, presented a visual demonstration of large vessels hauled out using airbags. The advantage to using air bags is that you can haul out significantly larger vessels at minimal cost. It affords us the opportunity of moving into large vessel haul outs gradually with minimal expense. In contrast, a travel lift costs between \$6M and \$10M. Mr. Carroll presented a shallow draft vessel that hauls out easily on the air bags, but a deeper draft vessel falls over on the air bags. The solution is a cradle to keep the deeper draft boats upright. The air bags and cradle afford the opportunity of handling two styles of boats. The visual picture Mr. Carroll presented was meant to help the Council understand the final report of the Vessel Haul-Out Task Force to be presented soon by Councilmembers Howard and Lewis.

C. AMLJIA Board of Trustees Summer Meeting, Tuesday, July 29 at Land's End

### **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.

Memorandum 14-105 from City Planner as backup.

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

ROBERTS/BURGESS - MOVED TO ADOPT ORDINANCE 14-20(S).

There was brief discussion if heliports were included; the ordinance only pertains to Farmers' Markets.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

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 14-30 by reading of title only for second and final reading.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

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 14-31 by reading of title only for second and final reading.

HOWARD/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## ORDINANCE(S)

- A. **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.

Mayor Wythe called for a motion for the adoption of Ordinance 14-32 for introduction and first reading by reading of title only.

LEWIS/BURGESS – SO MOVED.

Presently the Kenai Peninsula Borough law empowers the Homer Advisory Planning Commission to make zoning and subdivision decisions that are passed on directly to the Borough. Homer City Code as written obligates decisions of the Planning Commission to be passed to City Council for review.

VOTE: YES. LEWIS, ZAK

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

Motion failed.

- B. **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.

Mayor Wythe called for a motion for the adoption of Ordinance 14-35 for introduction and first reading by reading of title only.

LEWIS/BURGESS – SO MOVED.

Councilmember Burgess commented there was little definitive evidence that vapors from e-cigarettes are harmful to those around them. While the justification for banning tobacco is due to the threat of other people's health, there is nothing to say e-cigarettes cause harm to the general public. The intent of the ordinance is to ban e-cigarettes in the same places where cigarettes are banned.

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

VOTE: NO. BURGESS

Motion carried.

- C. **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.

Memorandum 14-111 from City Manager and Police Chief as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 14-36 for introduction and first reading by reading of title only.

BURGESS/ROBERTS – SO MOVED.

Councilmember Burgess acknowledged the need to clear out brush and open trails along the library for safety measures, but pointed out \$35,000 is too much to do the job.

BURGESS/ROBERTS – MOVED TO AMEND ALL REFERENCES OF \$35,000 TO READ \$16,000.

BURGESS/ROBERTS – MOVED TO AMEND THE AMENDMENT TO READ UP TO \$16,000.

Councilmember Burgess commented that including the amount informs potential bidders how to bid. He has walked the plots. His own land company does this type of work and unless there is padding to do design work, the figure is high.

Councilmember Howard expressed confidence with staff's recommendations which have proven to be fiscally conservative.

City Manager Wrede reported Public Works Director Meyer talked to contractors to come up with the number. Although there is some urgency to do the library trail before fall, we could go out to bid and then come back to Council for the award.

Public Works Director Meyer reported we don't do a lot of land clearing of city property and he is not an expert on what it will cost. If a project exceeds \$25,000 the contractor is obligated to pay Davis-Bacon wages. The project will be a competitive bid process and he can support a reduction. The price was put together earlier when we wanted to do it in the summer time.

Since then we have talked about doing it in the winter. The Corps of Engineers supports that also. We will get a better price if the contractor does the work after the peak of construction season. We can put it out to bid in August and give the contractor until Thanksgiving to complete the work.

Council discussed the safety needs for the library. The Police Chief has expressed concern about the other side of Town Center and there was clearing done on Poopdeck. Council suggested putting it out to bid to find where the bids are.

BURGESS/ROBERTS – MOVED TO WITHDRAW THE MOTION TO AMEND.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/BURGESS – MOVED TO DELETE ALL REFERENCES TO \$35,000.

City Manager Wrede advised we could put the project out to bid and address the work areas separately if needed.

VOTE: (amendment) YES. HOWARD, ZAK

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

Motion failed.

Options are to amend the amount to \$25,000 or vote the ordinance down and have Administration move forward with the bid process.

Bids could be split for the Library and Town Center project.

BURGESS/LEWIS – MOVED TO AMEND \$35,000 TO READ \$25,000 EVERYWHERE IN THE ORDINANCE AND ADD A LINE WHERE APPROPRIATE TO SAY WE AUTHORIZE AND ENCOURAGE PUBLIC WORKS TO BID THE TWO PROJECTS SEPARATELY IF THEY SO DESIRE.

ROBERTS/BURGESS – MOVED TO AMEND THE AMENDMENT TO SAY “UP TO \$25,000”.

There was no discussion.

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

Motion carried.

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

Motion carried.

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

Motion carried.

- D. **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.

Memorandum 14-115 from Public Works Director as backup.

Councilmember Burgess recused himself from discussion on Ordinance 14-39 and exited the dais. His conflict of interest is due to his ownership of property near the subject property.

Mayor Wythe called for a motion for the adoption of Ordinance 14-39 for introduction and first reading by reading of title only.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess returned to his seat.

- E. **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.

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

Mayor Wythe called for a motion for the adoption of Ordinance 14-38 for introduction and first reading by reading of title only.

LEWIS/ROBERTS - SO MOVED.

ROBERTS/ZAK - MOVED TO AMEND TO CORRECT LINE 35 TO \$22,500.

There was no discussion.

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

Motion carried.

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

Motion carried.

## **CITY MANAGER'S REPORT**

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

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.

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.
4. Memorandum 14-120 from Community and Economic Development Coordinator, Re: Alaska North to the Future, Volume V

City Manager Wrede reported he attended two meetings last week with groups talking about trails and restoration projects. The Woodard Creek Coalition and the Parks and Recreation Advisory Commission are talking about restoring and daylighting Woodard Creek. Homer Council on the Arts is about to build a new building as the old one had water damage. Pratt Museum is interested in Woodard Creek too. The City replaced two culverts with bridges. Mr. Wrede wrote a letter of support to the National Park Service to say the City is interested in broad planning for the entire watershed. Upper parts of the watershed are in Karen Hornaday Park.

He met with the Friends of the Library and Kachemak Heritage Land Trust. They are working with the Forestry Service on trails and signage on their land, to do something in conjunction with the Friends.

The DOT plans for specifics on a pedestrian/bike lane and crosswalks on Ocean Drive was presented for Council review.

Mayor Wythe called for a recess at 7:04 p.m. and reconvened the meeting at 7:11 p.m.

Council recommended one pedestrian/bike lane instead of one on each side of Ocean Drive and that the crosswalks remain where they are.

A Worksession with the Planning Commission will be scheduled between October 21 and 31. The Clerk will send out a poll to provide the best date. A resolution will be forthcoming at the August 11<sup>th</sup> meeting for the Worksession.

City Manager Wrede hopes Ordinance 14-32 might be reconsidered. The Planning Commission is advisory to the Council and many things the Planning Commission does may be appealed to the Board of Adjustment. Platting authority still rests with the Borough. The focus of Ordinance 14-32 was to eliminate the inconsistency with the Borough code that the City Council would have the ability to reject plats.

Council discussed the Kachemak City sewer rates and Mayor Morris' suggestion of meters for Kachemak City sewer customers. Residents would buy a meter if they wished and pay rates based on usage, or pay the flat 3,500 gallon fee. It was suggested the City's sewer-only customers be provided with the same option of individual meters. City Manager Wrede will bring forth a resolution amending the fee schedule by the August 25<sup>th</sup> council meeting. The sewer contract with Kachemak City will be forthcoming at the August 11<sup>th</sup> meeting.

Mayor Wythe passed the gavel to Mayor Pro Tempore Roberts during the gas distribution system discussion.

City Manager Wrede reported the construction crews are ahead of schedule; they only have 4 miles left of distributions to install out of 74 miles. Most of it is on Kachemak Drive. Crews are working there now. They were delayed due to obtaining necessary easements from 18 property owners. The DOT has no right-of-way for parts of the road. It will take three to four more weeks to finish installation, then cleanups and restoration work are needed. The two construction companies, UTI and Clark Management did a tremendous job. We anticipated the worst going in, but very little of that happened. It was a major project that took a lot of cooperation. City Manager Wrede is cautiously optimistic we may come in at budget or under. The total project was not to exceed \$12,160,000. At the end of June costs are at \$10.6M. Costs will come in through the end of August. Once all project costs are in we will calculate final costs and will make sure who was served and who was not. The number of lots served is still a moving target, with Council exempting some. For a variety of reasons 17,000 ft. of line was not built. The contractors found a better way to service customers. This means there are less properties being assessed, but we spent less money in construction.

City Manager Wrede advised the free main allowance will come back to the City as soon as the final assessment roll is completed. The City will get rebates from Enstar for all those that hook up. The Council has talked about a number of ways to use the money, including reducing assessments further. By September we should have final project costs and recognize which properties are served. The Council will need to make a decision on condominium assessments by August 25. We will make it very public and let people know if they object to assessments the time to file an objection is when the final assessment roll is out there. The final assessment roll will be introduced in January. There will be an objection period and final assessments will be mailed in March. There is enough work to do in that period to make sure the software runs properly. Deputy City Planner Julie Engebretsen said

for subdivisions we may not have the final approval from the Borough until the end of December. We will still get the assessments out in the first quarter of 2015.

Council commented on the condo owners' assessments as a complex issue that requires legal counsel. The Castner vs. City of Homer ruling may not be definitive for all condo owners. Council will need to make a decision on the method of assessments to direct city staff on how to proceed.

City Attorney Klinkner advised the Enstar tariff under which free main allowance is paid goes back to the developer. The City is the administrator of the gas improvement. As free main allowance payments come in they may be held in a separate fund to pay the City's obligation for construction costs. It is up to the Council to determine what the money is to be used for. City Manager Wrede was asked to prepare a memo to list the pros and cons of each method.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

B. Records Inventory Report

**CITY ATTORNEY REPORT**

A. June 2014 Report

City Attorney Klinkner reported he had expected the Federal Maritime Commission decision in the Auction Block to be issued today. Instead they are allowed until August 15, a routine extension to perfect their decision.

**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 Chair Castner was going to be here to make a report but had other obligations. She announced the committee's meeting on Thursday, July 31<sup>st</sup> at 5:30 p.m.

G. Vessel Haul-Out Task Force

## **PENDING BUSINESS**

## **NEW BUSINESS**

## **RESOLUTIONS**

- A. **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.

Memorandum 14-115 from Public Works Director as backup.

Councilmember Burgess recused himself from discussion on Resolution 14-083 and exited the dais. His conflict of interest is due to his ownership of property near the subject property.

Mayor Wythe called for a motion for the adoption of Resolution 14-083 by reading of title only.

VAN DYKE/LEWIS - SO MOVED.

Councilmember Van Dyke expressed his displeasure at the \$80,000 price tag for an acre and a quarter for a piece of property worth \$40,000 to \$50,000.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess returned to his seat.

- 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.

Mayor Wythe called for a motion for the adoption of Resolution 14-082 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

ROBERTS/LEWIS - MOVED TO AMEND TO ADD AFTER THE PERIOD ON LINE 38 AND ALSO ON LINE 76 AFTER THE WORD “AFTER”: WHEN THE LEASE PROPERTY IS ON LAND ON THE HOMER SPIT SURROUNDING THE PORT AND HARBOR AREA.

The amendment is made so that the Port and Harbor Advisory Commission is not involved in other leases.

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

Motion carried.

ROBERTS/LEWIS - MOVED TO REMOVE THE SENTENCE IN LINE 76 AFTER THE WORD “AFTER” AND INSERT IT INTO LINE 73 AFTER THE WORD “BIDDER” AND DELETE THOSE EXACT WORDS IN LINE 76.

There was no discussion.

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

Motion carried.

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

Motion carried.

#### **COMMENTS OF THE AUDIENCE**

Carey Meyer, city employee, announced the Public Safety Building Review Committee on Thursday, July 31<sup>st</sup> at 5:30 p.m. in Council Chambers. We are trying to inform the public of why we need a new public safety building. An open house at the Fire Hall is scheduled for Tuesday, July 29<sup>th</sup> from 5:00 to 6:30 p.m.

Leo Nikora, city resident, urged Council to follow the judge's orders for natural gas assessments on condominiums.

Jim Lavrakas, city resident, expressed opposition to the natural gas assessments on condominiums.

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

City Attorney Klinkner had no comment.

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

City Clerk Johnson announced the candidacy filing opening on Friday, August 1<sup>st</sup> for the mayor and two councilmember seats. Absentee voting for the State Primary Election will begin on Monday, August 4<sup>th</sup>, hours 8:00 to 5:00 p.m. at the Clerk's office.

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

City Manager Wrede reminded the City Council of a special meeting on August 11 at 6:00 p.m. to talk about employee health insurance.

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

Mayor Wythe announced her absence until August 11. In working through the public safety building location, the Council proposed the best location as the HERC site. The continuing conversation is the need to maintain public access to the HERC building for different purposes. Council has allocated money to provide minimal fire code requirements, but not for public health and safety. For the August 11<sup>th</sup> meeting she will sponsor a resolution identifying an alternate location for a community center in the Town Center where we had proposed building City Hall. This will be pending the PARC Needs Assessment and the community voting for financial support. She is asking for a good faith gesture from the City Council to say they are in support of doing something if the community is supportive of providing and finding finances to make it happen.

The public safety building has the community's awareness and Mayor Wythe is providing legislative outreach to the Governor and representatives on the Kenai Peninsula Borough. She is updating them on the progress, including the 35% plan that will be presented later in September. The public safety building has been the #1 item on the CIP and the City has followed through on its commitment. She encouraged Council to come to the meeting on Thursday to listen in. The GC/CM will be telephonic and has a person specifically dedicated to public outreach.

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

Councilmembers Howard and Lewis had no comment.

Councilmember Van Dyke congratulated the Library on serving the one millionth visitor.

Councilmember Roberts congratulated the people appointed to commissions. She is glad to appoint Savannah Bradley, a young person in the community. She is glad to see young people serving. A lot of people didn't hear about North to the Future, but the eight pages are very impressive. She thanked Taz Tally and Jim Lavrakas for their work on the project.

Councilmember Zak dittoed Councilmember Roberts' remarks on North to the Future. While reading it he sees the wonderful things that make Homer what it is, the marine trades, tourism, and quality of life. There are lots of people here in the summer. North to the Future will be a good way to communicate to our Legislators. Homer's future is bright and we are all optimistic. There has been an increase in tourism to Alaska overall. He thanked the Council for supporting the Fishing Hole with the dredging and stocking. The word is out the silvers are back in the lagoon; that has a great impact on the economy. There are many good things happening on the City Council.

Councilmember Burgess commented there is a real legitimate need to update the public safety infrastructure and now is the time to move on it. One concern he has heard is, "Why are we going to spend \$15M to \$17M on a new building?" The more proactive we are the less municipal money we have to spend as we anticipate leveraging State or Federal funds. It is a good summer and someone wrote us a letter to tell us we did something well.<sup>1</sup>

### **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:06 p.m. The 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

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<sup>1</sup> Reference made to the email received from Kathy Smith thanking Council for excavating and stocking the Fishing Hole.

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.

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

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



**ORDINANCE REFERENCE SHEET**  
**2014 ORDINANCE**  
**ORDINANCE 14-40**

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$10,000 From the Fire Department Depreciation Reserves for a New Thermal Imaging Camera.

Sponsor: City Manager/Fire Chief

1. City Council Regular Meeting August 11, 2014 Introduction
  - a. Memorandum 14-121 from Fire Chief as backup



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Fire Chief

**ORDINANCE 14-40**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE FY 2014 OPERATING BUDGET BY  
APPROPRIATING \$10,000 FROM THE FIRE DEPARTMENT  
DEPRECIATION RESERVES FOR A NEW THERMAL IMAGING  
CAMERA.

WHEREAS, The Homer Volunteer Fire Department (HVFD) has two thermal imaging cameras (TICs) and the oldest of the two has malfunctioned and cannot be repaired; and

WHEREAS, Thermal imaging cameras are vitally important pieces of equipment for a fire department and they significantly improve safety for both victims and fire crews; and

WHEREAS, It is important for HVFD to have two TICs so that the Department has a back-up and both crews attacking a fire have access to one.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by appropriating \$10,000 from the Fire Department Depreciation Reserves for a new Thermal Imaging Camera as follows:

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0393	New Thermal Imaging Camera	\$10,000

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

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

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CITY OF HOMER

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

ATTEST:

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

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second reading:

Effective Date:

Reviewed and approved as to form:

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

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

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

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



## City of Homer

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

## Volunteer Fire Department

604 East Pioneer Ave  
Homer, Alaska 99603

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

(p) 907-235-3155

(f) 907-235-3157

### Memorandum 14-121

TO: Walt Wrede, City Manager  
FROM: Robert Painter, Fire Chief  
DATE: August 1, 2014  
SUBJECT: Thermal Imaging Camera (TIC)

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Our oldest of two thermal imaging cameras (TICs) has malfunctioned. We returned it to the manufacturer for repair and have been advised that due to its age, replacement parts are no longer available, thus the unit was unrepairable. While we still have one working TIC I believe it is important for us to have two units immediately available in cases of fire, one for each crew making entry into the structure.

Thermal imaging cameras enable crews to “see” in the dark, smoky environment always present at a fire, especially at night. Crews, equipped with TICs are more quickly able to locate victims trapped by fire, and allow rescue crews to more quickly exit the hazard zone by being able to see the most advantageous egress route. TICs operate by using the infrared spectrum of light and projecting that image on the hand held camera. The camera differentiates between items that reflect and absorb heat at different rates. In addition to being a tool for search and rescue, in any low light condition (TICs are routinely used for searches at night to locate victims outdoors), TICs can be used to determine fluid levels in exterior fuel tanks such as propane and fuel oil, and hidden fire in walls, floors, and ceilings, thus reducing the amount and extent of damage necessary to locate and extinguish residual “hot spots”.

The manufacturer of the TIC, Bullard, is currently offering a trade in credit for the old camera, even though it isn't working, of \$500. I would request that \$10,000 be budgeted from Fire Department Reserves for the replacement to enable us to also purchase an additional spare battery pack for the unit.

RECOMMENDATION: Introduce and approve Ordinance 14-40.



**ORDINANCE REFERENCE SHEET**  
**2014 ORDINANCE**  
**ORDINANCE 14-41**

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 the Provision of Records of Commission Action to the Council.

Sponsor: City Manager

1. City Council Regular Meeting August 11, 2014 Introduction
  - a. Memorandum 14-122 from City Manager as backup





1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 14-41**

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 THE PROVISION OF RECORDS OF  
11 COMMISSION ACTION TO THE COUNCIL.  
12

13  
14 WHEREAS, The platting power within the City is exercised by the Kenai Peninsula  
15 Borough.  
16

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

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

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

31 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
32

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

36 The Commission shall be required to do the following:  
37

38 b. Review and comment on all proposed vacations, abbreviated subdivision  
39 plats, subdivision plat waivers, and preliminary plats of land within the City before their  
40 submittal to the Kenai Peninsula Borough, as provided in Kenai Peninsula Borough Code  
41 20.25.050 ~~Exercise control over platting and subdivision of lots, blocks or lands within the City~~  
42 ~~limits. All proposed plans, plats or replats of lots, blocks or lands within the City limits, and all~~

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

52  
53 Section 2. Homer City Code 2.72.060, Record of proceedings, is amended to read as  
54 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. Copies of such minutes Every decision or finding shall~~  
60 ~~immediately be filed in the office of the City Clerk, shall be provided to the City Council not~~  
61 ~~later than its first regular meeting after their preparation, and shall be a public record open to~~  
62 ~~inspection by any person. Every decision or finding shall be directed to the City Council at the~~  
63 ~~earliest possible date.~~

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

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68 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of  
69 August 2014.

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71 CITY OF HOMER

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75 MARY E. WYTHE, MAYOR  
76

77 ATTEST:

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80 \_\_\_\_\_  
81 JO JOHNSON, MMC, CITY CLERK  
82  
83  
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85 AYES:

86 NOES:

87 ABSTAIN:

88 ABSENT:

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91 First Reading:

92 Public Reading:

93 Second Reading:

94 Effective Date:

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97 Reviewed and approved as to form:

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100 \_\_\_\_\_

101 Walt Wrede, City Manager

102

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

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

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





## City of Homer

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

Office of the City Manager

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

(p) 907-235-8121 x2222

(f) 907-235-3148

### Memorandum 14-122

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: August 4, 2014

SUBJECT: New Ordinance / Old Topic (Ordinance 14-32)

Ordinance 14-32 entitled "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 COMMISSIONS'S MEETING SCHEDULE AND DELETING THE REQUIREMENT TO PROVIDE RECORDS OF COMMISSION ACTION TO THE COUNCIL", failed upon introduction at the regular Council meeting on July 28, 2014. The primary objection to this ordinance seemed to be the deletion of the requirement that the Council be notified of Commission decisions or findings at the earliest possible date. It was noted that the Planning Commission is advisory to the Council and the Council should be aware of its actions and decisions.

At the meeting I suggested that a reconsideration of the vote on Ordinance 14-32 might be appropriate because the ordinance could easily be amended to address the specific concerns voiced by the Council. Voting the Ordinance down threw out the primary objective of the Ordinance which was to make HCC 2.72.030 (b) consistent with the Borough Code with respect to Planning Commission duties and powers, and remove the clause which says Planning Commission recommendations to the Borough on Plats can be forwarded after 20 days if the Council does not disapprove of the recommendation. Ordinance 14-32 was brought to you for two reasons. First, The City Attorney thought it was important to remove inconsistency between the City and Borough Codes in order to avoid confusion and potential legal actions. Second, I was under the impression (perhaps incorrectly), that the Council did not want to hear appeals of Planning Commission recommendations to the Borough on platting matters. The Borough has not delegated platting powers to the City. Therefore, the Planning Commission in this case is advisory to the Borough, who is the final authority. The

appeal of Planning Commission recommendations on the proposed Quiet Creek Subdivision Preliminary Plat brought this issue to the forefront.

The Council suggested that rather than reconsidering Ordinance 14-32, it would be better if I simply came back with a different ordinance. The packet for this meeting contains Ordinance 14-41 which addresses the concerns expressed by the Council. Specifically, it states that Planning Commission minutes should be placed in the Council packet at the first meeting after they are prepared. This requirement should serve to keep the Council up to speed on Commission decisions, findings and actions. The ordinance keeps the language contained in Ordinance 14-32 which clarifies the duties of the Commission with respect to subdivisions and plats in order to make it consistent with the Borough Code. The ordinance also deletes the provision that says Commission recommendations on plats are forwarded to the Borough after 20 days if the Council does not disapprove.

**RECOMMENDATION:** Introduce and approve Ordinance 14-41.

**ORDINANCE REFERENCE SHEET**  
**2014 ORDINANCE**  
**ORDINANCE 14-42**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Legislative Grant in the Amount of \$1,430,000 for Waddell Way Road Improvement, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting August 11, 2014 Introduction





**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 14-42**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A LEGISLATIVE GRANT IN THE AMOUNT OF \$1,430,000 FOR WADDELL WAY ROAD IMPROVEMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City has been awarded a Legislative Grant in the amount of \$1,430,000 for Waddell Way Road Improvement; and

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

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby accepts and appropriates a Legislative Grant in the amount of \$1,430,000 for Waddell Way Road Improvement as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
_____	Waddell Way Road Improvement	\$1,430,000

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_ day of \_\_\_\_\_, 2014.

CITY OF HOMER

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

38 ATTEST:

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41 \_\_\_\_\_

42 JO JOHNSON, MMC, CITY CLERK

43

44 YES:

45 NO:

46 ABSENT:

47 ABSTAIN:

48

49 First Reading:

50 Public Hearing:

51 Second reading:

52 Effective Date:

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54 Reviewed and approved as to form:

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56 \_\_\_\_\_

57 Walt Wrede, City Manager

58

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

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61

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

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

**ORDINANCE REFERENCE SHEET**  
**2014 ORDINANCE**  
**ORDINANCE 14-43**

An Ordinance of the Homer City Council Accepting and Appropriating a Legislative Grant From the State of Alaska in the Amount of \$350,000 for Fire Department Equipment Upgrades, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting August 11, 2014 Introduction



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 14-43**

AN ORDINANCE OF THE HOMER CITY COUNCIL ACCEPTING AND APPROPRIATING A LEGISLATIVE GRANT FROM THE STATE OF ALASKA IN THE AMOUNT OF \$350,000 FOR FIRE DEPARTMENT EQUIPMENT UPGRADES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City has been awarded a Legislative Grant in the amount of \$350,000 for Fire Department Equipment Upgrades; and

WHEREAS, It is in the City’s best interest to accept and appropriate the grant.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby accepts and appropriates a Legislative Grant in the amount of \$350,000 for Fire Department Equipment Upgrades as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
_____	Fire Department Equipment Upgrades	\$350,000

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_ day of \_\_\_\_\_, 2014.

CITY OF HOMER

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

38 ATTEST:

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42 JO JOHNSON, MMC, CITY CLERK

43

44 YES:

45 NO:

46 ABSENT:

47 ABSTAIN:

48

49 First Reading:

50 Public Hearing:

51 Second reading:

52 Effective Date:

53

54 Reviewed and approved as to form:

55

56 \_\_\_\_\_

57 Walt Wrede, City Manager

58

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

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61

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

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

**ORDINANCE REFERENCE SHEET**  
**2014 ORDINANCE**  
**ORDINANCE 14-44**

An Ordinance of the Homer City Council Accepting and Appropriating a Legislative Grant From the State of Alaska in the Amount of \$350,000 for the Harbor Sheet Pile Loading Dock, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting August 11, 2014 Introduction





**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 14-44**

AN ORDINANCE OF THE HOMER CITY COUNCIL ACCEPTING AND APPROPRIATING A LEGISLATIVE GRANT FROM THE STATE OF ALASKA IN THE AMOUNT OF \$350,000 FOR THE HARBOR SHEET PILE LOADING DOCK, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City has been awarded a Legislative Grant in the amount of \$350,000 for the Harbor Sheet Pile Loading Dock; and

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

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby accepts and appropriates a Legislative Grant in the amount of \$350,000 for the Harbor Sheet Pile Loading Dock as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
_____	Harbor Sheet Pile Loading Dock	\$350,000

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

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_ day of \_\_\_\_\_, 2014.

CITY OF HOMER

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

38 ATTEST:

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41 \_\_\_\_\_

42 JO JOHNSON, MMC, CITY CLERK

43

44 YES:

45 NO:

46 ABSENT:

47 ABSTAIN:

48

49 First Reading:

50 Public Hearing:

51 Second reading:

52 Effective Date:

53

54 Reviewed and approved as to form:

55

56 \_\_\_\_\_

57 Walt Wrede, City Manager

58

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

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

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

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 14-086**

A RESOLUTION OF THE HOMER CITY COUNCIL SCHEDULING A  
JOINT WORKSESSION WITH THE ADVISORY PLANNING  
COMMISSION TO DISCUSS TOWER REGULATION AND PERMIT  
REQUIREMENTS, AND OTHER PLANNING MATTERS.

WHEREAS, In recent months there have been a number of complex issues presented to  
the Planning Department; and

WHEREAS, It would be wise for the City Council and the Advisory Planning  
Commission to meet to discuss the proposed issues and possible solutions; and

WHEREAS, The main focus of a joint Worksession will be tower regulation and permit  
requirements, along with other planning matters; and

WHEREAS, The City Clerk conducted a Doodle poll to find the best date for a  
Worksession with staff, the City Council, and the Advisory Planning Commission; and

WHEREAS, The best date to schedule the Worksession is Thursday, October 23, 2014 at  
6:00 p.m. for both the City Council and Advisory Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby schedules a  
joint Worksession with the Advisory Planning Commission on Thursday, October 23, 2014 at  
6:00 p.m. to discuss tower regulation and permit requirements, and other planning matters.

PASSED AND ADOPTED by the Homer City Council on this 11<sup>th</sup> day of August, 2014.

CITY OF HOMER

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

38 ATTEST:

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41 \_\_\_\_\_

42 JO JOHNSON, MMC, CITY CLERK

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44 Fiscal Note: N/A

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## **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.



# VISITORS





ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



# PUBLIC HEARING(S)



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

**2015 Budget Priorities**

**Ordinances 14-33, 14-34, 14-35, 14-36(A), 14-37, 14-38(A), and 14-39**

A **public hearing** is scheduled for **Monday, August 11, 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 14-33, 14-34, 14-35, 14-36(A), 14-37, 14-38(A), and 14-39 internet address:**  
<http://www.cityofhomer-ak.gov/ordinances>

**2015 Budget Priorities**

**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.

**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.

**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.

**Ordinance 14-36(A),** An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$25,000 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.

**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.

**Ordinance 14-38(A),** 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.

**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.



All interested persons are welcomed to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

\*\* Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, the City of Homer Kiosks at City Clerk's Office, Captain's Coffee, Harbormaster's Office, and Redden Marine Supply of Homer and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us) or fax 235-3143.

Jo Johnson, MMC, City Clerk

Publish: Homer News: August 7, 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 2015 Budget Priorities; Ordinance 14-33, 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; Ordinance 14-34, 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; Ordinance 14-35, 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; Ordinance 14-36(A), Amending the FY2014 Operating Budget by Appropriating \$25,000 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; Ordinance 14-37, 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; Ordinance 14-38(A), Amending the FY2014 Port and Harbor Enterprise Fund Operating Budget by Making Necessary Mid-Year Adjustments to Certain Expenditure Line Items and Transfers to the Depreciation Account; Ordinance 14-39, 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 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 Thursday, July 31, 2014 and that the City Clerk posted same on City of Homer Homepage on Wednesday, July 30, 2014.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 30<sup>th</sup> day of July, 2014.

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



**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
  
2. City Council Regular Meeting August 11, 2014 Public Hearing and Second Reading
  - a. Memorandum 14-110 from Library Director as backup
  - b. Notification of Public Library Assistance Grant from State of Alaska Division of Libraries, Archives and Museums
  - c. Alaska Public Library Assistance Grant Agreement FY2015
  - d. Alaska Public Library Assistance Grant Application



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 PUBLIC  
9 LIBRARY ASSISTANCE GRANT FOR FY 2015 IN THE AMOUNT OF  
10 \$6,650.00 FOR BOOKS AND LIBRARY MATERIALS, AND  
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
12 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

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34 Section 2. The City Manager is authorized to execute the appropriate documents.  
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36 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not  
37 be codified.  
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39 ENACTED BY THE HOMER CITY COUNCIL this \_\_\_ day of \_\_\_\_\_, 2014.  
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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

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

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

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



**City of Homer**

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

**Homer Public Library**

500 Hazel Avenue  
Homer, AK 99603

[library@cityofhomer-ak.gov](mailto: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

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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.





THE STATE  
of **ALASKA**

GOVERNOR SEAN PARNELL

**Department of Education &  
Early Development**

Division of Libraries, Archives & Museums

344 West Third Avenue, Suite 125  
Anchorage, Alaska 99501  
Main: 907.269-6570  
Fax: 907.269-6580

Linda S. Thibodeau, Director

July 2, 2014

Ann Dixon  
Homer Public Library  
500 Hazel Avenue  
Homer, AK 99603

Dear Ann,

**The total Public Library Assistance grant for FY2015 for the Homer Public Library will be \$6,650.** Although the State Library has reduced the grant, your library may NOT reduce the amount of local match, \$7,000.

The reason that we will not be able to fund grant requests at \$7,000 is that the grant line in the State Library's budget has not been fully funded for some years. Since the money appropriated is not sufficient to fully fund the grants, regulations require that we: "reduce each grant proportionally."

**In order to receive your grant check as soon as possible, please:**

- **Return the enclosed grant agreement and budget revision as soon as you can.** Two different people (the librarian and the appropriate legal authority) must sign the grant agreement, since it is a legal document committing your library to certain obligations in return for receiving the public library assistance grant. Once we have your agreement and budget revision, we will start mailing out grant checks.
- **Please review your original grant budget and revise that budget to show how you plan to spend the lower amount of the grant.** For libraries without branches, show how you plan to spend \$6,650, rather than the \$7,000 you requested on the grant application. We have included a copy of the budget from your original grant application and a budget revision form. This budget revision form should be submitted with your grant agreement.
- **As you fill out the budget revision form, please remember that the library MUST spend at least \$3,500 on the Collection (Library Materials). Of this \$3,500, each library may include UP TO a total of \$500 for Electronic Materials and Online Services. We have broadened the definition of Electronic Materials and Online Services to include: Internet Service Provider (ISP) fees, OCLC license fees, and database access or purchase fees.**

PLAG Cover letter  
Page two of two  
July 2, 2014

The FY2015 Public Library Assistance grant year starts July 1, 2014. Librarians and officials should carefully note and follow the regulations governing the administration of this grant. To remain eligible for the grant, the library **MUST**:

- Submit by September 1, 2015 the following legally required reports for FY2015: *Final Grant Report*, *Technology Report*, and *Annual Public Library Report*.
- Spend at least \$3,500 on library materials and online services.
- Be open at least 10 hours per week for 48 weeks.
- Schedule some evening and weekend hours each week.
- Have **trained** paid or volunteer staff on duty in the library during **all** open hours.
- Combined school/public libraries must take special care to not use grant money or local funds used as matching money for school library purposes. This includes purchasing school-type library materials (books, magazines, etc.)

Each library director is required to attend at least 6 hours of continuing education during the current two year cycle, which includes FY2014 and FY2015 (July 2013 through June 2015). If you attended continuing education during FY2014, do be sure to record that training on your FY2014 public library annual report.

The State Library audits the records of selected libraries at the end of the grant year and reclaims any grant funds not properly accounted for. Also, any portion of this grant money not spent or encumbered by June 30, 2015 must be returned to the State Library. Please call or write if you have questions. You may contact me at: [Patience.Frederiksen@alaska.gov](mailto:Patience.Frederiksen@alaska.gov) Thank you.

Sincerely,



Patience Frederiksen  
Grants Administrator



**Alaska Public Library Assistance Grant Agreement FY2015**

This agreement made and entered into this second day of July 2014, 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 **\$6,650**.
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, 2015.
7. Maintain accurate records for auditing purposes.
8. Return any grant funds unexpended or unencumbered by June 30, 2015, 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**

**\$6,650**

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, 2014 TO: GRANTS ADMINISTRATOR, ALASKA STATE LIBRARY,  
344 WEST THIRD AVENUE, SUITE 125, ANCHORAGE, AK 99501**

eligible 6/30/14

FY2015 ALASKA PUBLIC LIBRARY ASSISTANCE GRANT APPLICATION

RECEIVED

DUE: April 1, 2014

1. Library Name: Homer Public Library
2. Address: 500 Hazel Ave.  
 City: Homer Zip: 99603 ALASKA STATE LIBRARY
3. Head Librarian: Ann Dixon 4. Phone No: 907-435-3151
5. Fax No: 907-235-3136 6. E-mail: adixon@ci.homer.ak.us
7. Mailing address if award is done as paper check: 491 East Pioneer Ave., Homer, AK 99603

8. Schedule of Hours Library Will Be Open (Note any seasonal library schedule changes you expect this year):

Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Total Hours Per Week	Weeks Open Per Year
To	10 To 6	10 To 8	10 To 6	10 To 8	10 To 6	10 To 6	52	52

9. If the library will be open fewer than 52 weeks, which weeks will your library be closed?  
 \_\_\_\_\_
10. Number of branch libraries and/or bookmobiles: 0 Please fill out the enclosed **Branch Library or Bookmobile Application Addendum Page** and attach to the grant application. Currently applies just to Anchorage, Barrow, Fairbanks, Juneau, Kotzebue, and Naknek.

11. Budget Summary:

	Local Funds for Match	Public Library Assistance Grant Funds Requested	Total Project Budget
<b>a. Personnel</b>			
1. Salaries and Wages	\$362,248	0	\$362,248
2. Fair Value Rate for Volunteer Labor (#12 below)		Not Applicable	
3. Benefits	\$267,111		\$267,111
<b>b. Collection (Library Materials)</b>			
1. Books	\$43,000	\$7,000	\$50,000
2. Subscriptions	\$8,994	0	\$8,994
3. Audiovisuals	\$16,420	0	\$16,420
4. Online Services, and Internet Service Provider (ISP) Fees (Expenditures up to \$500 total)	0	0	0
5. Microforms, Computer Software for Patron Use, Games and Toys	0	0	0
<b>c. Other Expenditures</b>			
1. Building Operations	\$77,458	0	\$77,458
2. Furniture, Equipment & Computers	\$9,358	0	\$9,358
3. Travel	\$6,718	0	\$6,718
4. Supplies	\$11,470	0	\$11,470
5. Online Services and Internet Service Provider (ISP) Fees (Expenditures beyond \$500 total)	\$6,500	0	\$6,500
6. Services	\$26,431	0	\$26,431
7. All Other Unreported Expenditures	\$6,500	0	\$6,500
<b>d. Total</b>	<b>\$842,208</b>	<b>\$7,000</b>	<b>\$849,208</b>

Note: If Local Funds for Match column totals \$7,000 or more, you should request \$7,000 in Grant Funds Requested column.

**PUBLIC LIBRARY ASSISTANCE GRANT FY2015  
Budget Revision**

Budget Summary	Local Funds for Project	Grant Funds Requested	Total Project Budget
a. Personnel			
1. Salaries and Wages (Actual funds)			
2. Benefits			
3. Value of Volunteer Labor		Not applicable	
b. Collection (Library Materials)			
1. Books in Print Format			
2. Subscriptions in Print Format			
3. Audiovisuals			
4. Electronic (Digital) Materials and Online Services (No computers or e-readers.)			
5. Initial \$500 Spent on Internet Service Provider (ISP) Fees. (Report remaining ISP fees on line c-6. No computers or e-readers.)			
6. Other Materials such as Microforms, Computer Software for Patron Use, Games and Toys. (No computers or e-readers.)			
c. Other Expenditures			
1. Building Operations			
2. Furniture, Equipment, Computers, E-Readers			
3. Travel			
4. Supplies			
5. Services (Do NOT include internet service provider fees on this line.)			
6. Internet Service Provider Fees paid beyond \$500 total. (List first \$500 of ISP fees on line b-5 above.)			
7. All Other Unreported Expenditures.			
d. Total			

As Amended for Library Name: \_\_\_\_\_

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

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

For the Alaska State Library: \_\_\_\_\_

1. The Alaska State Library must approve any change of more than 10% to any budget line on your original grant application. Please show the entire revised budget in the budget summary above.
2. Changes of less than \$100 to any line item or any change that adds funds to amounts budgeted for library materials (lines B1 through B6) do NOT need to be approved by the State Library, even if the change is more than 10%.
3. The librarian should sign this form, then fax it to 907-269-6580 or mail it to Alaska State Library, 344 West Third Avenue, Suite 125, Anchorage, AK 99501 or send a scanned copy to: [Patience.Frederiksen@alaska.gov](mailto:Patience.Frederiksen@alaska.gov)
4. The grants administrator at the Alaska State Library will sign this form and return it to you.
5. Keep the signed copy of this budget revision with your original grant application. Questions? Call 1-800-776-6566!



**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
  
1. City Council Regular Meeting August 11, 2014 Public Hearing and Second Reading
  - 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:

		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	<del>PN</del>	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	<del>PN</del>	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

CITY OF HOMER

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

29  
30

ATTEST:

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

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YES:

NO:

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ABSTAIN:

ABSENT:

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42

43  
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First Reading:

Public Hearing:

45  
46

Second Reading:

Effective Date:

47  
48

Reviewed and approved as to form:

49  
50

51  
52

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

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

53  
54

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

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

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





## City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

## Memorandum 14-119

TO: MAYOR WYTHE 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 7<sup>th</sup> and June 4<sup>th</sup> where a draft amendment to the sign code was produced. On June 18<sup>th</sup> 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**

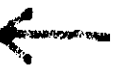
B. Letter from Faith Lutheran Church Planning Board RE: changeable copy signs in the Gateway Business District. **pg. 107**

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

## Planning

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Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto: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 16<sup>th</sup>, 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 21<sup>st</sup> 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:

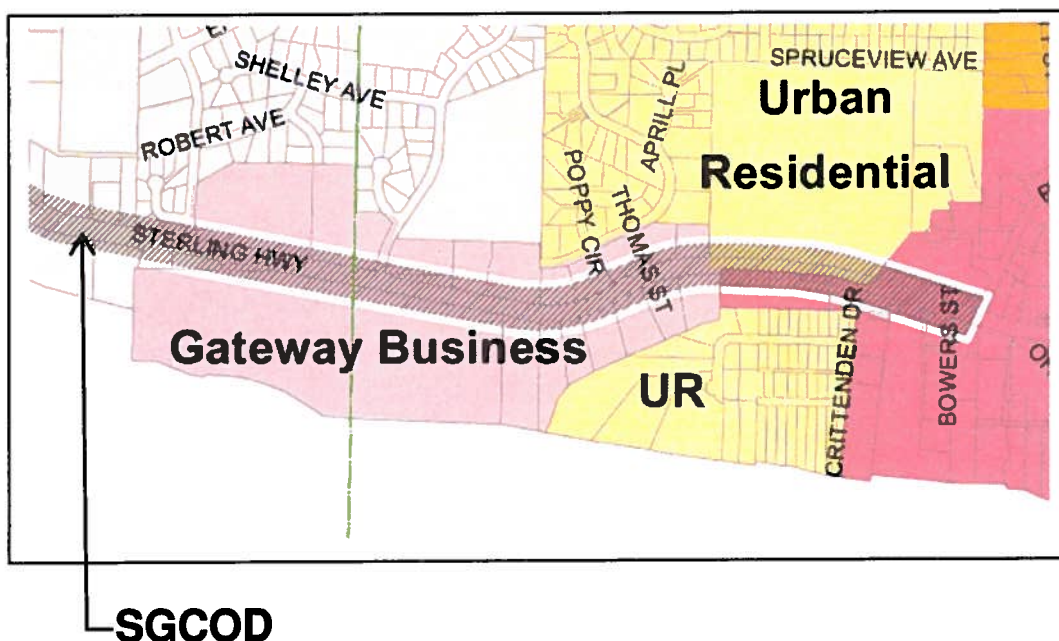
**Changeable copy signs** can be internal or externally lit. In Homer all changeable copy signs must be permanently mounted and the lettering can only change one time per day, with an exemption for time and temperate, HCC 21.60.040 Definitions:

“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

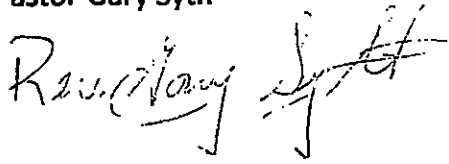
*Buck Jones* 299-1857

**RECEIVED**

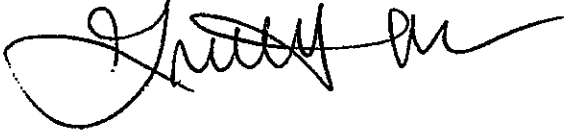
MAR 19 2014

**CITY OF HOMER  
PLANNING/ZONING**

Pastor Gary Syth



Gretchen McCullough, Director Christian Education



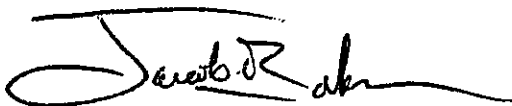
Milli Martin, Finance Director



John Baker, Elders Board



Jacob Baker, Director Church Properties



Tamekia Jones, Director of Education

Carol Clark, Director of Parish Activities

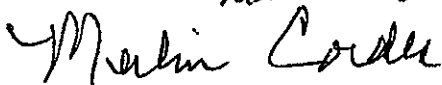


Martha Hendrickson, Director of Pre-School Education

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:

		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	<del>PN</del>	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	P	P	<del>PN</del>	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.

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto: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

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## Planning

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(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:

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	<del>PN</del>	P	P	P	P	P	N	PH
Illumination Internal		N	N	N	P	P	P	<del>PN</del>	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.

24 CITY OF HOMER

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30 MARY E. WYTHE, MAYOR

31 ATTEST:

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34 \_\_\_\_\_  
35 JO JOHNSON, CMC, CITY CLERK

36  
37 YES:

38 NO:

39 ABSTAIN:

40 ABSENT:

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42 First Reading:

43 Public Hearing:

44 Second Reading:

45 Effective Date:

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47 Reviewed and approved as to form:

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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
2. City Council Regular Meeting August 11, 2014 Public Hearing and Second Reading
  - a. Backup information compiled by Library Director Dixon



1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

Lewis

3  
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





88 AYES:

89 NOES:

90 ABSTAIN:

91 ABSENT:

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94 First Reading:

95 Public Reading:

96 Second Reading:

97 Effective Date:

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100 Reviewed and approved as to form:

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Walt Wrede, City Manager

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

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

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



## **Concerns about the safety of vapor emissions from e-cigarettes**

Compiled by Ann Dixon 7/30/2014

This is not an exhaustive list of information and research on e-cigarettes. It's a quick survey compiled during my own attempts to better understand the issue of safety as it might apply to the Library. I've tried to include articles with varying points of view from sources such as research journals, health organizations, and government offices. I have not included e-cigarette industry sources.

Three general points can be garnered from the information below.

- Although data is still being collected, it appears that e-cigarette emissions contain varying levels of toxins, nicotine, and particulates which may in at least some cases be harmful to bystanders.
- E-cigarettes are being marketed to teens, are addictive, and their use among teens is growing rapidly. Public health organizations are very concerned about research showing that e-cigarettes are encouraging use of regular cigarettes among teens.
- The nicotine liquid used in e-cigarettes is concentrated (to various degrees, depending on brand) and toxic if ingested or absorbed on the skin. Amounts as small as a teaspoon can kill a child. Cases of accidental poisoning of children are rising significantly.

### **American Lung Association Statement on E-Cigarettes. 2014.**

"The American Lung Association is very concerned about the potential safety and health consequences of electronic cigarettes...absent Food and Drug Administration (FDA) oversight, there is no way for the public health, medical community or consumers to know what chemicals are contained in e-cigarettes or what the short and long term health implications might be..."

A study has estimated that there are 250 different e-cigarette brands for sale in the U.S. today...in initial lab tests conducted by the FDA in 2009, detectable levels of toxic cancer-causing chemicals were found, including an ingredient used in anti-freeze, in two leading brands of e-cigarettes and 18 various cartridges...

Also unknown is what the potential harm may be to people exposed to secondhand emissions from e-cigarettes. Two initial studies have found formaldehyde, benzene and tobacco-specific nitrosamines (a carcinogen) coming from those secondhand emissions."

Full text: <http://www.lung.org/stop-smoking/tobacco-control-advocacy/federal/e-cigarettes.html>

### **Contemporary Reviews in Cardiovascular Medicine: E-Cigarettes**

*Circulation*/American Heart Association. 2014.

"Although data are limited, it is clear that e-cigarette emissions are not merely "harmless water vapor," as is frequently claimed, and can be a source of indoor air pollution. Smoke-free policies protect nonsmokers from exposure to toxins and encourage smoking cessation."

Full text: <http://circ.ahajournals.org/content/129/19/1972.full>

### **Does e-cigarette consumption cause passive vaping?**

[Indoor Air](#). 2013 Feb;23(1):25-31. doi: 10.1111/j.1600-0668.2012.00792.x. Epub 2012 Jul 2.

“Prominent components in the gas-phase are 1,2-propanediol, 1,2,3-propanetriol, diacetyl, flavorings, and traces of nicotine. As a consequence, 'passive vaping' must be expected from the consumption of e-cigarettes...The consumption of e-cigarettes marks a new source for chemical and aerosol exposure in the indoor environment. To evaluate the impact of e-cigarettes on indoor air quality and to estimate the possible effect of passive vaping, information about the chemical characteristics of the released vapor is needed.”

<http://www.ncbi.nlm.nih.gov/pubmed/22672560>

### **Background Paper on E-Cigarettes**

Center for Tobacco Control Research and Education, University of California, San Francisco. December 2013.

- “E-cigarettes deliver lower levels of toxins than conventional cigarettes, but they still deliver some toxins
- E-cigarettes pollute the air less than conventional cigarettes, but they pollute the air. They do not just emit "harmless water vapor"
- People passively exposed to e-cigarettes aerosol absorb nicotine (measured as cotinine), with one study showing levels comparable to passive smokers.”

Full text: [http://arizonansconcernedaboutsmoking.com/201312e-cig\\_report.pdf](http://arizonansconcernedaboutsmoking.com/201312e-cig_report.pdf)

**Electronic Cigarettes.** National Centre for Smoking Cessation and Training, Public Health England. 2014.

“Low levels of toxicants and carcinogens have been detected in electronic cigarette liquid and vapour although these are much lower than those found in conventional cigarette smoke and are not considered to pose any passive inhalation risk.”

[http://www.ncsct.co.uk/usr/pub/e-cigarette\\_briefing.pdf](http://www.ncsct.co.uk/usr/pub/e-cigarette_briefing.pdf)

**Levels of selected carcinogens and toxicants in vapour from electronic cigarettes.** *Tobacco Control*, March 3, 2013.

“Results: We found that the e-cigarette vapours contained some toxic substances. The levels of the toxicants were 9–450 times lower than in cigarette smoke and were, in many cases, comparable with trace amounts found in the reference product.”

Full text: <http://tobaccocontrol.bmj.com/content/early/2013/03/05/tobaccocontrol-2012-050859.abstract>

**Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol** *PLoS ONE* 8(3): e57987, March 20, 2013

“The concentrations of nine of eleven elements in EC aerosol were higher than or equal to the corresponding concentrations in conventional cigarette smoke. Many of the elements identified in EC aerosol are known to cause respiratory distress and disease.”

Full text: <http://www.plosone.org/article/info:doi/10.1371/journal.pone.0057987#abstract0>

**Electronic Cigarette.** Wikipedia. July 2014.

### **“Second hand vapor**

Generally e-cigarette aerosol has notably fewer toxicants than cigarette smoke (other than particulates) and is likely to pose less harm to others.<sup>[2][3][24][37]</sup> Studies found e-cigarettes emissions put into the air known carcinogens, ultrafine particles, and heavy metals.<sup>[2]</sup> Studies funded by the e-cigarette industry and e-cigarette proponents have concluded the levels are not of significant health concern for human exposures.<sup>[35]</sup>

Full text: [http://en.wikipedia.org/wiki/Electronic\\_cigarette](http://en.wikipedia.org/wiki/Electronic_cigarette)

**Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks.** *BMC Public Health*. 2014 Jan 9;14:18. doi: 10.1186/1471-2458-14-18.

#### **CONCLUSIONS:**

“Current state of knowledge about chemistry of liquids and aerosols associated with electronic cigarettes indicates that there is no evidence that vaping produces inhalable exposures to contaminants of the aerosol that would warrant health concerns by the standards that are used to ensure safety of workplaces. However, the aerosol generated during vaping as a whole (contaminants plus declared ingredients) creates personal exposures that would justify surveillance of health among exposed persons in conjunction with investigation of means to keep any adverse health effects as low as reasonably achievable. Exposures of bystanders are likely to be orders of magnitude less, and thus pose no apparent concern.” (Note: I’m not sure what this means! But it’s from the article 35 cited in Wikipedia, connected with the e-cigarette industry.)

<http://www.ncbi.nlm.nih.gov/pubmed/24406205>

### **Concerns about the effects of e-cigarettes on youth addiction to tobacco**

Press Release from the Center for Disease Control, 2013.

#### **E-cigarette use more than doubles among U.S. middle and high school students from 2011-2012**

##### ***More than 75 percent of youth users smoke conventional cigarettes too***

"The increased use of e-cigarettes by teens is deeply troubling," said CDC Director Tom Frieden, M.D., M.P.H. "Nicotine is a highly addictive drug. Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes."

Full text: <http://www.cdc.gov/media/releases/2013/p0905-ecigarette-use.html>

#### **Electronic Cigarettes and Conventional Cigarette Use Among US Adolescents: A Cross-sectional Study** Lauren M. Dutra, ScD; Stanton A. Glantz, PhD

*JAMA Pediatr*. 2014;168(7):610-617. doi:10.1001/jamapediatrics.2013.5488.

#### **ABSTRACT**

“Importance: Electronic cigarette (e-cigarette) use is increasing rapidly among adolescents, and e-cigarettes are currently unregulated.

Conclusions and Relevance: Use of e-cigarettes was associated with higher odds of ever or current cigarette smoking, higher odds of established smoking, higher odds of planning to quit smoking among current smokers, and, among experimenters, lower odds of abstinence from

conventional cigarettes. Use of e-cigarettes does not discourage, and may encourage, conventional cigarette use among US adolescents.”

Full text of abstract: <http://archpedi.jamanetwork.com/article.aspx?articleid=1840772>

**Letter from Attorneys General to the FDA requesting regulation of e-cigarettes:**

September 24, 2013

“The nicotine found in e-cigarettes is highly addictive, has immediate bio-chemical effects on the brain and body at any dosage, and is toxic in high doses.”

Full text: [http://www.ct.gov/ag/lib/ag/press\\_releases/2013/20130924\\_ecigarette\\_finalletter.pdf](http://www.ct.gov/ag/lib/ag/press_releases/2013/20130924_ecigarette_finalletter.pdf)

**Concerns about accidental nicotine poisoning of children**

**Selling a Poison by the Barrel: Liquid Nicotine for E-Cigarettes** *New York Times*, March 23, 2014.

“These “e-liquids,” the key ingredients in e-cigarettes, are powerful neurotoxins. Tiny amounts, whether ingested or absorbed through the skin, can cause vomiting and seizures and even be lethal. A teaspoon of even highly diluted e-liquid can kill a small child...children...may be drawn to their bright colors and fragrant flavorings like cherry, chocolate and bubble gum.

Reports of accidental poisonings, notably among children, are soaring..(leading to) a surge in calls to poison control centers. Nationwide, the number of cases linked to e-liquids jumped to 1,351 in 2013, a 300 percent increase from 2012.

The nicotine levels in e-liquids varies. Most range between 1.8 percent and 2.4 percent, concentrations that can cause sickness, but rarely death, in children. But higher concentrations, like 10 percent or even 7.2 percent, are widely available on the Internet. A lethal dose at such levels would take “less than a tablespoon,” according to Dr. Cantrell, from the poison control system in California. “Not just a kid. One tablespoon could kill an adult,” he said.

Full text: [http://www.nytimes.com/2014/03/24/business/selling-a-poison-by-the-barrel-liquid-nicotine-for-e-cigarettes.html?\\_r=0](http://www.nytimes.com/2014/03/24/business/selling-a-poison-by-the-barrel-liquid-nicotine-for-e-cigarettes.html?_r=0)

**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
2. City Council Regular Meeting August 11, 2014 Public Hearing and Second Reading
  - a. Ordinance 14-26(A) as amended by Council on July 28
  - b. Memorandum 14-111 from City Manager and Police Chief as backup
  - c. Re-envisioning the Homer Public Library's Western Lot, by Friends of the Homer Library







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**WHEREAS, The Homer City Council authorizes and encourages Public Works to bid the two projects separately if they desire.**

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by appropriating ~~\$35,000~~ **up to \$25,000** from the General Fund / Fund Balance for clearing trees and underbrush on City owned land in the designated Town Center and along the trail from Poopdeck to the library as follows:

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0100	Tree and Brush Clearing	<del>\$35,000</del> <b><u>\$25,000</u></b>

Section 2. **The Homer City Council hereby authorizes and encourages Public Works to bid the two projects separately if they desire.**

Section 23. This is a budget amendment ordinance only, 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

76 AYES:  
77 NOES:  
78 ABSTAIN:  
79 ABSENT:

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84 First Reading:  
85 Public Reading:  
86 Second Reading:  
87 Effective Date:

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90 Reviewed and approved as to form:

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Walt Wrede, City Manager

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

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

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





## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto: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

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





**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**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.

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

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

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

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

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

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

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto: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

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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 m<sup>2</sup>);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

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

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**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](mailto: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
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### Sunday, July 27

4:00PM Volleyball	Gym
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# 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
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**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.

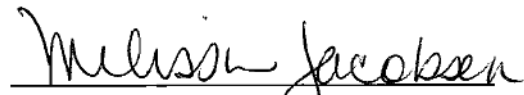
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PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of September, 2013

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

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

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**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

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**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**

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**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**

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

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**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

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**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
  
2. City Council Regular Meeting August 11, 2014 Public Hearing and Second Reading
  - a. Ordinance 14-38(A) as amended by Council on July 28
  - b. Memorandum 14-114 from Port and Harbor Director as backup
  - c. Email from Finance Director, Re: Port and Harbor Mid-Year Budget Amendment Request



CITY OF HOMER  
HOMER, ALASKA

City Manager

ORDINANCE 14-38(A)

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.

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

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

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

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

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

<u>Account</u> <u>Description</u>	<u>Original Budget (\$)</u>	<u>Increase</u>	<u>Decrease</u>	<u>Amended Budget</u>
400-0601-5202	\$12,000	\$10,500		<del>\$32,500</del> <b>\$22,500</b>
400-0601-5207	\$ 4,000	\$ 4,000		\$ 8,000





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

Port and Harbor

4350 Homer Spit Road

Homer, AK 99603

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

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 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

**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
  
2. City Council Regular Meeting August 11, 2014 Public Hearing and Second Reading
  - 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





73 \_\_\_\_\_

74 Walt Wrede, City Manager

75

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

\_\_\_\_\_

Thomas F. Klinkner, City Attorney

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





# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 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





# ORDINANCE(S)





# CITY MANAGER'S REPORT





# City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

### MANAGER'S REPORT

August 11, 2014

**TO:** MAYOR WYTHE / HOMER CITY COUNCIL

**FROM:** WALT WREDE

#### UPDATES / FOLLOW-UP

NOTE: Some of these items appeared in the last report. I have updated them and brought them back in case the Council wanted to discuss.

1. Kachemak City Sewer: I have informed Mayor Morris that the Homer City Council liked his proposal and that I was instructed to bring back a resolution which amends the Fee Schedule for sewer only customers in both Kachemak City and within the Homer City limits. The Mayor was scheduled to relay this information to his City Council this week. Tom Klinkner is working on a draft of a new wastewater agreement between the two Cities. Resolutions amending the fee schedule and approving the new wastewater agreement are scheduled for the August 25 meeting.
2. Ocean Drive Paving and Striping: At the last meeting, the Council discussed the proposed paving and striping plan for Ocean Drive. Council requested a resolution expressing its recommendation that the existing wide bike lane on the South side of the road remain and that the proposed crosswalk at Lake Street be eliminated. A resolution to that effect is included in the agenda for this meeting. I conveyed the Council's recommendations to the ADOT/PF project staff in an e-mail and follow-up phone call last week. In response, the Project Engineer and the Construction Project Manager have decided to come down and address the Council at this meeting. I have scheduled them as a Visitor on the meeting Agenda.
3. DEC Grant Application: Attached is a copy of the City's DEC water and sewer grant application for State Fiscal Year 2016. I have attached this information for your review in part, because the City generally lists DEC projects as its number 1 Priority on the CIP List. These projects are reviewed and scored by DEC and if they score high enough, and funding is available, they are inserted in the Governor's Capital Budget and transmitted to the Legislature for final approval. This application requests a grant in the amount of \$1,922,577. The total estimated project cost is \$2,746,538. A local match of approximately \$800,000 will be needed. In the past, the City has provided local matches by taking low interest loans which reduces pressure on the HAWSP Fund Balance. The loans are repaid through a combination of property assessments and sales tax revenues. The proposed project is phased and includes several components which are included

in the Water and Sewer Master Plan. The projects were designed and engineered using an EPA grant. There is also an alternative energy component.

4. Storm Water Plan: Carey Meyer has submitted a grant application to EPA for a storm water master plan. Storm water and drainage generally, can be a problem in Homer, as you know. We have applied for grants in the past for this purpose but have not yet been successful. The Planning Department nominated a storm water plan as a new project for inclusion in the CIP.
5. FY 2015 Budget Priorities: The Committee of the Whole Agenda for this meeting includes a discussion of Budget Priorities for Fiscal Year 2015. This is the Council first opportunity to let the staff know what its budget priorities are for the next fiscal year. This information is very helpful to me as we prepare the draft budget for next year. In order to help jump start the discussion, I thought it might be a good idea to list my priorities going in to the process. The following list of priorities is not exhaustive but it includes most of the big ones:
  - Restore GF Depreciation Funding
  - Maintain Desirable Fund Balances
  - Sustainable Employee Health Insurance Plan
  - Maintain Existing Programs at Current Staffing Levels
  - City Gas Assessment Payments
  - Borough Loan Repayment
  - Increase Building Maintenance and Police Staffing Levels
  - Wage Scale Adjustments
  - M&O Requirements for New Buildings and Infrastructure
  - P&H Tariff Adjustments
  - W&S Revenues
6. Parks, Arts, Recreation, and Culture (PARC) Needs Assessment: The ink is dry on the contract with the consulting firm Agnew::Beck. The consultant is ready to start work and we anticipate some initial meetings as early as next week. The consultant's first meeting with the PARC Committee will be toward the end of this month or early September. At the time this report was written, there was a possibility that Chis Beck, a principle in the firm, would be available to speak with the Council at this meeting. He will definitely be in town that day doing some initial consultations with key stakeholder groups.
7. Strategic Planning: Katie has received proposals from consulting firms that are interested in facilitating a Council planning session. The objective is to establish priorities and an action plan based on existing already adopted plans; a plan to implement the plan. A proposal review team which includes the Mayor is currently reviewing and rating the proposals. We hope to have a recommendation to you soon on a consultant and the proposed date for the planning session.
8. Finance Department: The Finance Department is very busy this summer with the normal increase in sometime activities. The Department has "recovered" from recent audit and is now gearing up for preparation of the FY 2015 Budget. A great deal of time and effort is going into grant and financial reporting since we currently have so many capital projects in various stages of completion. Department staff members are working hard to test and implement new software that will make ambulance billing and special assessment district accounting more efficient and precise.

9. Clerk's Office: In addition to their regular duties, the Clerk's office is very busy gearing up for the upcoming primary and municipal elections. The candidate filing period is now open and there will be a proposition on the October ballot.
10. Police Department: HPD continues to be very busy this summer. The jail has not seen too many vacancies. Last week we said goodbye to Officer Steve Smith who is retiring after many years of service with HPD and the Alaska State troopers. Steve Smith was an excellent officer and he was loved and well respected by the community. He will be missed and we wish him the best in all of his future adventures.
11. Fire Department: Chief Painter reports that the two temporary, summertime EMT/firefighters that the Council approved are working out great. Summer is often a difficult time to get volunteers to respond in sufficient numbers to emergency medical or fire calls. Because it is summer, many volunteers have other things calling them, like the rest of us. Having these two paid staff members at the station and available to respond has been very helpful and HVFD has been able to keep its level of service high during the busiest part of the year. These positions have been particularly helpful with emergency medical calls. It is my intent to try and fit funding for these two positions in the budget for next year.
12. Library: Library Director Ann Dixon reports that the temporary/part time position the Council approved has also been very helpful. This staff person has been stationed almost exclusively at the front reference desk which frees the staff up to do other tasks and assist library patrons. The library is experiencing record numbers of visitors. At the last meeting, Council member Van Dyke noted that the Library has passed the 1 million visitation mark. The library reports that it had 12,242 visits in June (up from 10,639 last June) and 12,997 visits in July. There were only two months this year (February and May) in which visitation was less than 10,000. Library circulation in July was 11,892 which is significantly up over July of last year (9,612). The Summer Reading Program has more kids signed up than ever, over 300.
13. Construction Projects: You may have noticed that the slab is poured and framing has already begun on the new Port and Harbor Office Building. The contractor has an aggressive construction schedule and the new expectation is that the Port and Harbor staff may be able to occupy the building as soon as March of next year. What you probably haven't noticed is that the steel frame of the new Skyline Fire Station is up and that project is moving along as well. Both buildings should be closed in by winter so work can proceed on the interior. The City is waiting for the final design plans on the Load and Launch Ramp work and will put that out to bid as soon as possible. We also expect to solicit RFPs from engineering firms for the preconstruction work on the proposed Deep Water Dock expansion within the next few weeks. The harbor work, including float replacements, water and electric service to System 5, and Ramp 3 replacement will begin this fall.

## ATTACHMENTS

1. SFY 2016 DEC Municipal Matching Grant Questionnaire – Storm Water Master Plan
2. SFY 2016 DEC Municipal Matching Grant Questionnaire – Water Storage/Distribution Improvements



Department of Environmental Conservation

# Municipal Matching Grant Questionnaire SFY16

**Tasks:**

- 1. Complete Steps
- 2. Submit

**Your Current Entries:**

<b>Tracking #:</b>	FY16AMMG0026	<b>Facility:</b>	City of Homer, Storm Water Master Plan	<b>Type:</b>	Municipal Matching Grant Questionnaire
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**Project Information****Details**

<b>Project Title:</b>	City of Homer, Storm Water Master Plan
<b>Total Project Cost:</b>	340,000
<b>Requested Matching Grant Funds:</b>	340,000
<b>Project Scope:</b>	2. Wastewater

**Project Description: (Scope of Work to be funded under this grant)**

The City of Homer has an outdated master plan. The current plan was prepared in the 80's, projecting only basin runoff flows. The existing storm drainage system is expanding and a more comprehensive storm water plan is needed to more effectively plan and construct storm water infrastructure, including sedimentation/detention facilities, snow storage and water quality improvements.

This master plan will mitigate storm water runoff through the use of a wide variety of gray and green infrastructure practices and technologies that improve the quality and reduce the quantity of runoff discharging directly to receiving waters; develop public education programs targeting specific storm water causing receiving stream degradation; provide storm water management systems and practices, including collection, storage, conveyance and treatment structures that are components of a comprehensive plan to preserve or restore natural/stable in-stream hydrology; and identify projects that incorporate green infrastructure to manage, treat or reduce storm water discharges and urban non-point source runoff to the critical wildlife habitat of Kachemak Bay.

**Project Needs (0 - 300 Pts)****Details**

<b>Project Need:</b>	No threat of disease or pollution event
<b>Required documentation is:</b>	N/A
<b>Describe Issues and Benefits:</b>	

**Project Development Status (0 - 125 Pts)****Details**

<b>Development Status</b>	5. No project development has been accomplished. (0 Pts.)
<b>Required documentation is:</b>	N/A

**Comments:****Relationship to Other Project Phases (0 - 100 Pts)****Details****Relationship to Other Project Phases:**

None of the above criteria applies. (0 Pts.)

**Phases:**

Required documentation is:

N/A

**Explanation****Operations and Maintenance - Operators (0 - 100 Pts)****Details**

Is your drinking water treatment system operated by the correct level of certified operators? (25 Pts. if Yes or if not applicable)

Yes

Drinking Water Treatment System Operator Name

Todd Cook

Drinking Water Treatment System Operator, Certification Type, and Level

WT Lvl IV

Drinking Water Treatment System Operator Certification Number

16726

Is your drinking water distribution system operated by the correct level of certified operators? (25 Pts. if Yes or if not applicable)

Yes

Drinking Water Distribution System Operator Name

Todd Cook

Drinking Water Distribution System Operator, Certification Type, and Level

WD Lvl III

Drinking Water Distribution System Operator Certification Number

12040

Is your wastewater treatment system operated by the correct level of certified operators? (25 Pts. if Yes or if not applicable)

Yes

Wastewater Treatment System Operator Name

Todd Cook

Wastewater Treatment System Operator, Certification Type, and Level

WWT IV

Wastewater Treatment System Operator Certification Number

13195

Is your wastewater collection system operated by the correct level of certified operators?(25 Pts. if Yes or if not applicable)

Yes

Wastewater Collection System Operator Name

Manfred Kirchner

Wastewater Collection System Operator, Certification Type, and Level

WWC Lvl II

Wastewater Collection System Operator Certification Number

16886

Is your solid waste / stormwater system operated by qualified operators? (100 Pts. if Yes)

No

Type, Organization, Date of Training:



<b>Operation Capabilities (0 - 150 Pts)</b>	<b>Details</b>
<b>Drinking Water System Operations:</b>	YES: Sample results are submitted to the State. (75 Pts.); OR
<b>Wastewater System Operations:</b>	YES: Wastewater permit requirements are being met by system. (75 Pts.); OR
<b>Solid Waste Operations:</b>	

<b>Operations and Maintenance - Costs (0 - 50 Pts)</b>	<b>Details</b>
<b>Please select from the following choices:</b> <a href="#">For Example Estimate (Click Here)</a>	Operation and Maintenance costs have not been estimated. (0 Pts.)
<b>Required documentation is:</b>	N/A

<b>Operations and Maintenance - Misc (0 - 100 Pts)</b>	<b>Details</b>
Has a rate analysis of the water/sewer utilities been conducted within the last 5 years, or documentation can be provided that shows rates have been reviewed during the annual budget process for cost of service? (if Yes, 50 Pts.) <u>Documentation is required:</u> Copy of a rate analysis/study cover page, table of contents and summary pages; or, a summary of annual budget documents on a rate review."	
Is the most current user fee ordinance provided? (if Yes, 50 Pts.) <u>Documentation is required:</u> Copy of ordinance summary documents.	
<b>Required documentation is:</b>	N/A

<b>Local Project Commitment (0 - 225 Pts)</b>	<b>Details</b>
<b>Are adequate funds available now?</b>	No
<b>Funding Source (1):</b>	Homer Accelerated Water/Sewer Fund
<b>Federal/State/Local:</b>	L
<b>Funding Amount:</b>	340,000
<b>Funding Year:</b>	2016
<b>Estimated Use Date:</b>	07/15/2014
<b>Funding Source (2):</b>	
<b>Federal/State/Local:</b>	Select
<b>Funding Amount:</b>	
<b>Funding Year:</b>	
<b>Estimated Use Date:</b>	
<b>Funding Source (3):</b>	
<b>Federal/State/Local:</b>	Select
<b>Funding Amount:</b>	
<b>Funding Year:</b>	

Estimated Use Date:	
Funding Source (4):	
Federal/State/Local:	Select
Funding Amount:	
Funding Year:	
Estimated Use Date:	
Funding Source (5):	
Federal/State/Local:	Select
Funding Amount:	
Funding Year:	
Estimated Use Date:	
Federal funds as part financing? (if Yes, 75 Pts.)	No
If Yes, 75 Pts.	Yes
If yes, amount:	340,000
If yes, 50 pts.	No
If yes, amount:	
If yes, 25 pts.	No
Is this project your number one requested state priority project?	No
If this is your number one priority, a Council resolution should be attached to this questionnaire identifying this project as your number one local state funding priority over all other projects for this fiscal year. (if Yes, 50 Pts.)	No
<u>Documentation is required</u> , however a resolution may be submitted later during the one week preliminary community project score review.	
Required documentation is:	N/A

<b>Population Benefiting Ratio (5 - 15 Pts) Details</b>	
<b>Requested Matching Grant Funds:</b>	340,000
<b>Population of Community Benefiting:</b>	5003
<b>Cost/Population ratio:</b>	68
<b>Select Appropriate Cost/Population Benefit:</b>	Low cost/population benefiting

<b>Project Costs Details</b>	
Administration:	15,000
Project Planning/Design:	325,000
Engineering Management/Inspection:	
Construction:	
Equipment:	
Other (Identify Cost):	
Amount:	
Other (Identify Cost):	
Amount:	
Other (Identify Cost):	
Amount:	
<b>Total Costs: (Sum of above)</b>	340,000

Department of Environmental Conservation

# Municipal Matching Grant Questionnaire SFY16

**Tasks:**

- 1. Complete Steps
- 2. Submit

**Your Current Entries:**

<b>Tracking #:</b>	FY16AMMG0029	<b>Facility:</b>	Homer Water Storage/Distribution Improvements	<b>Type:</b>	Municipal Matching Grant Questionnaire
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<b>Project Information</b>	<b>Details</b>
<b>Project Title:</b>	Homer Water Storage/Distribution Improvements
<b>Total Project Cost:</b>	2,746,538
<b>Requested Matching Grant Funds:</b>	1,922,577
<b>Project Scope:</b>	1. Water 4. Water Quality Enhancement
<b>Project Description: (Scope of Work to be funded under this grant)</b>	
<p>This project will 1) provide piped water service to areas not currently served, (2 improve water quality, and 3) provide for looping of water system serving important economic (Harbor and Spit operations) and health care facilities (Hospital and central medical complex) to allow these facilities to be provided dependable, redundant water service to these critical essential facilities (as recommended by the Homer Water/Sewer Master Plan).</p> <p>The overall multi-phased project consists of the installation of an underground 0.75 MG water storage tank; 2,600 LF of 12" distribution main (connecting two isolated portion of town) including a new PRV station; replacement of three PRV stations on the East Trunk and installation of micro turbines generating power to the grid; the installation of 2,000 LF of water main between the new tank and the water system; and the abandonment of an existing functionally obsolete (+50 yrs old) steel water tank and replacement of adjacent PRV station; and slip-lining of old cast iron water main on the Spit.</p> <p>The design of the overall multi-phase project is being completed utilizing an EPA SAAP grant (\$884,000). The design for overall project will be complete and approved by ADEC by October 2014. The first phase of this project (this grant application) is approved by ADEC now.</p>	

<b>Project Needs (0 - 300 Pts)</b>	<b>Details</b>
<b>Project Need:</b>	Current conditions show that a disease event might occur. This project will prevent or minimize the potential public health concern of this problem (100 Pts.)
<b>Required documentation is:</b>	Attached
<b>Describe Issues and Benefits:</b>	
<p>Construction of this phase of the overall project will make it possible to service the South Peninsula Hospital and a major portion of our Medical Support Community (i.e. medical clinics, long term care facilities, etc.) from either the East or West Trunk line in the event of a major main failure or other emergency (Shellfish</p>	

Ave./South Slope Drive water main and PRV station). Currently these facilities can only be served by the West Trunk.

The Kachemak Drive water main extension is the third (and final) phase of providing water service to this area of Homer. The project will provide water service to areas not currently served, eliminate two dead end lines, and provide dependable, redundant water service to the Harbor operations and Spit businesses.

**Project Development Status (0 - 125 Pts) Details**

**Development Status** 1. Engineering plans and specifications have been approved by ADEC or the appropriate regulatory authority.(125 Pts.)

**Required documentation is:** Attached

**Comments:**

Plans have been submitted to Kenai ADEC office for "Approval to Construct" for the first phase of this project. Review comments have been responded to. Expect "Approval to Construct" by first week in August.

**Relationship to Other Project Phases (0 - 100 Pts) Details**

**Relationship to Other Project Phases:** This is the initial phase of construction for a large project that is being 50 phased for purposes of funding under this program. (50 Pts.)

**Required documentation is:** Attached

**Explanation**

This project is the initial phase of a larger project; second phase includes the construction of a new .75 MG water tank, demolition of old storage tank, replacement of 3 pressure reducing valve vaults, installation of 3 micro hydro turbines to provide "green power" to reduce maintenance costs, and complete additional distribution system improvements.

This project also completes the extension of water service to the Kachemak Drive area (Phase III). Phase II funded previously by ADEC/EPA revolving loan fund.

**Operations and Maintenance - Operators (0 - 100 Pts) Details**

**Is your drinking water treatment system operated by the correct level of certified operators? (25 Pts. if Yes or if not applicable)** Yes

**Drinking Water Treatment System Operator Name** Todd Cook

**Drinking Water Treatment System Operator, Certification Type, and Level** WT Lvl IV

**Drinking Water Treatment System Operator Certification Number** 16726

**Is your drinking water distribution system operated by the correct level of certified operators? (25 Pts. if Yes or if not applicable)** Yes

**Drinking Water Distribution System Operator Name** Todd Cook

**Drinking Water Distribution System Operator, Certification Type, and Level** WD III

**Drinking Water Distribution System Operator Certification Number** 12040

**Is your wastewater treatment system operated by the correct level of** Yes

certified operators? (25 Pts. if Yes or if not applicable)	
Wastewater Treatment System Operator Name	Todd Cook
Wastewater Treatment System Operator, Certification Type, and Level	WWT IV
Wastewater Treatment System Operator Certification Number	13195
Is your wastewater collection system operated by the correct level of certified operators?(25 Pts. if Yes or if not applicable)	Yes
Wastewater Collection System Operator Name	Manfred Kirchner
Wastewater Collection System Operator, Certification Type, and Level	WWC Lvl II
Wastewater Collection System Operator Certification Number	16886
Is your solid waste / stormwater system operated by qualified operators? (100 Pts. if Yes)	
Type, Organization, Date of Training:	

<b>Operation Capabilities (0 - 150 Pts)</b>	<b>Details</b>
<b>Drinking Water System Operations:</b>	YES: Sample results are submitted to the State. (75 Pts.); OR
<b>Wastewater System Operations:</b>	YES: Wastewater permit requirements are being met by system. (75 Pts.); OR
<b>Solid Waste Operations:</b>	

<b>Operations and Maintenance - Costs (0 - 50 Pts)</b>	<b>Details</b>
<b>Please select from the following choices:</b>	Operation and Maintenance costs have been estimated for this project and have been found to be equal to or less than current costs. (50 Pts.)
<a href="#">For Example Estimate (Click Here)</a>	
<b>Required documentation is:</b>	Attached

<b>Operations and Maintenance - Misc (0 - 100 Pts)</b>	<b>Details</b>
Has a rate analysis of the water/sewer utilities been conducted within the last 5 years, or documentation can be provided that shows rates have been reviewed during the annual budget process for cost of service? (if Yes, 50 Pts.)	Yes
<b>Documentation is required:</b> Copy of a rate analysis/study cover page, table of contents and summary pages; or, a summary of annual budget documents on a rate review."	
Is the most current user fee ordinance provided? (if Yes, 50 Pts.)	Yes
<b>Documentation is required:</b> Copy of ordinance summary documents.	

Required documentation is: Attached

**Local Project Commitment (0 - 225 Pts) Details**

**Are adequate funds available now?** Yes

**Funding Source (1):** Homer Accelerated Water and Sewer Program  
**Federal/State/Local:** L  
**Funding Amount:** 823,961  
**Funding Year:** 2016  
**Estimated Use Date:** 07/01/2016

**Funding Source (2):**  
**Federal/State/Local:** Select  
**Funding Amount:**  
**Funding Year:**  
**Estimated Use Date:**

**Funding Source (3):**  
**Federal/State/Local:** Select  
**Funding Amount:**  
**Funding Year:**  
**Estimated Use Date:**

**Funding Source (4):**  
**Federal/State/Local:** Select  
**Funding Amount:**  
**Funding Year:**  
**Estimated Use Date:**

**Funding Source (5):**  
**Federal/State/Local:** Select  
**Funding Amount:**  
**Funding Year:**  
**Estimated Use Date:**

**Federal funds as part financing? (if Yes, 75 Pts.)** Yes

**If Yes, 75 Pts.** No

**If yes, amount:**

**If yes, 50 pts.** No

**If yes, amount:**

**If yes, 25 pts.** Yes

**Is this project your number one requested state priority project?** Yes

**If this is your number one priority, a Council resolution should be attached to this questionnaire identifying this project as your number one local state funding priority over all other projects for this fiscal year. (if Yes, 50 Pts.)** Yes

**Documentation is required, however a resolution may be submitted later during the one week preliminary community project score review.**

Required documentation is: Attached

**Population Benefiting Ratio (5 - 15 Pts) Details**

**Requested Matching Grant Funds:** 1,922,577

**Population of Community Benefiting:** 5500

<b>Cost/Population ratio:</b>	350
<b>Select Appropriate</b>	Low cost/population benefiting
<b>Cost/Population Benefit:</b>	

<i>Project Costs</i>	<i>Details</i>
Administration:	50,395
Project Planning/Design:	0
Engineering Management/Inspection:	100,790
Construction:	2,645,748
Equipment:	0
Other (Identify Cost):	
Amount:	
Other (Identify Cost):	
Amount:	
Other (Identify Cost):	
Amount:	
<b>Total Costs: (Sum of above)</b>	<b>2,796,933</b>

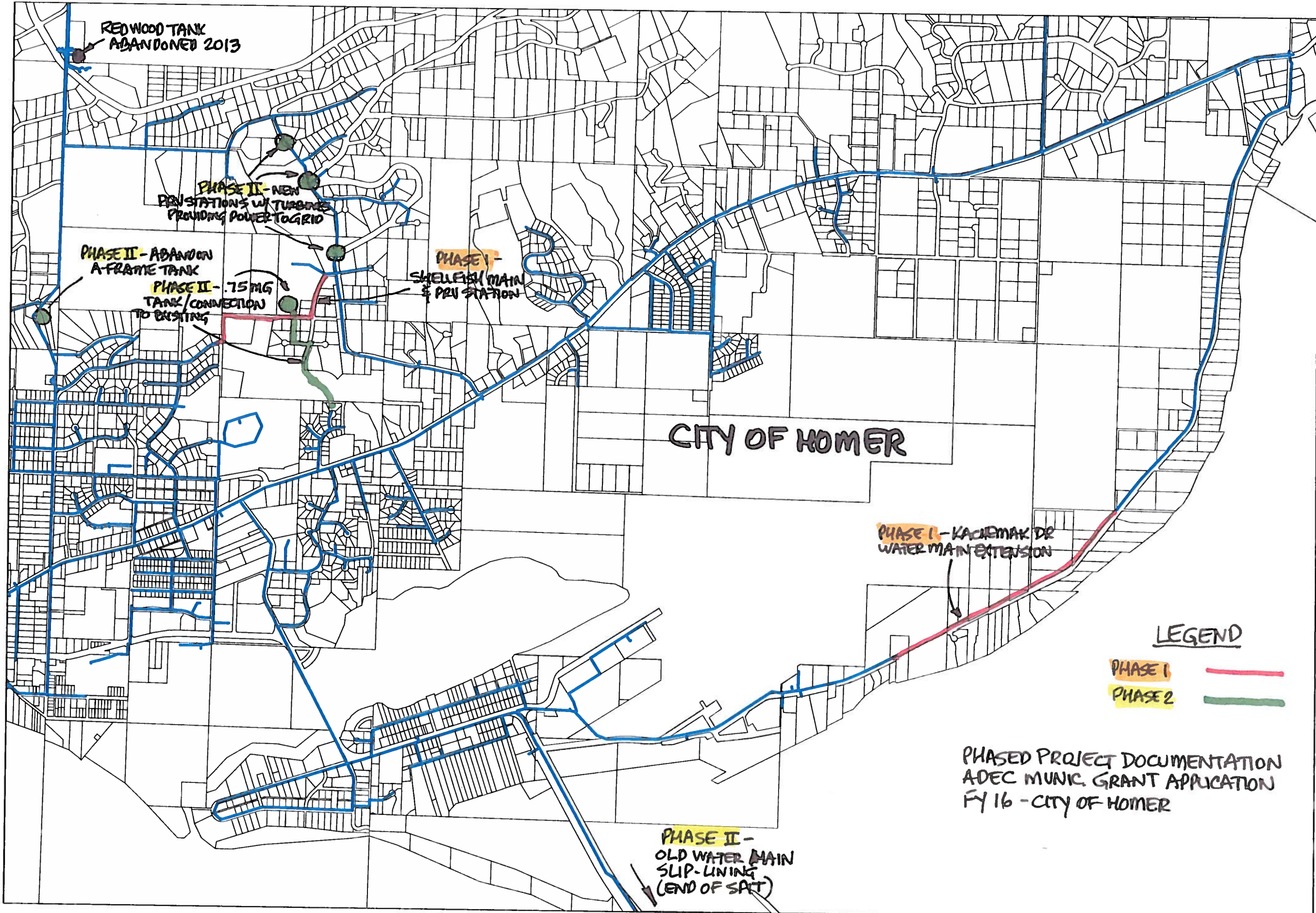
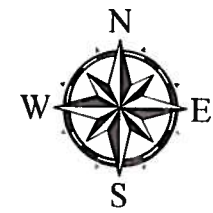
<i>Contact</i>	<i>Details</i>	
<b>Applicant, Cost Estimate Preparer</b>	Name:	Carey S Meyer
	Title:	City Engineer/Public Works Director
	Organization:	City of Homer
	Address:	3575 Heath St.
	City:	Homer
	State:	AK
	Zip:	99603
	Country:	USA
	Phone:	235-3170
	Cell:	399-7232
	Fax:	235-3145
	Email:	cmeyer@ci.homer.ak.us
	Website:	www.ci.homer.ak.us

<i>Attachments</i>	<i>Title (Type), Description</i>
Grant Project Cost Estimate.pdf	(Cost Analysis) Phase I grant cost estimate
100% cost estimate - Shellfish-South Slope main extension.pdf	(Cost Analysis)
100% cost estimate - Shellfish PRV.pdf	(Cost Analysis)
100% cost estimate - Kachemak Dr Phase III main extension.pdf	(Cost Analysis)
Grant Project Detailed O&M Cost Estimate.pdf	(Cost Analysis)
documentation - Step 2 - Public Health Impacts.pdf	(Project Need)
pressure zone map.pdf	(Project Need)
documentation - ADEC approval to Construct status.pdf	(Other)
20140804HomerKachemakPhaseIIIwaterlineext240456CC.pdf	(Other)
32130074_KACHEMAK DR_FINAL REVIEW_SIGNED DWGS cover.PDF	(Project Development)
32130074_KACHEMAK DR_FINAL REVIEW_SIGNED DWGS pt2.PDF	(Project Development)
Shellfish-South Slope Water Main Extension_Final Plans_R2.pdf	(Project Development)
documentation - Step 4 - Phased project info.pdf	(Cost Analysis)

ord_13-44a - establishing city budget including fee schedule.pdf	(Council Resolution)
reso_13-048s2a3 - establishing water rates effective 7-1-14.pdf	(Council Resolution)
reso_14-060 - re-establishing water rates for 2014.pdf	(Council Resolution)
reso13-087a - establishing 2014 project priorities.pdf	(Council Resolution)
water rate study review committee recommendations with water rate study.pdf	(Other) <i>water/sewer rate study 2013</i>
32130074_SHELLFISH PRV_FINAL REVIEW_SIGNED DWGS.pdf	(Project Development) <i>Shellfish PRV Station plans</i>

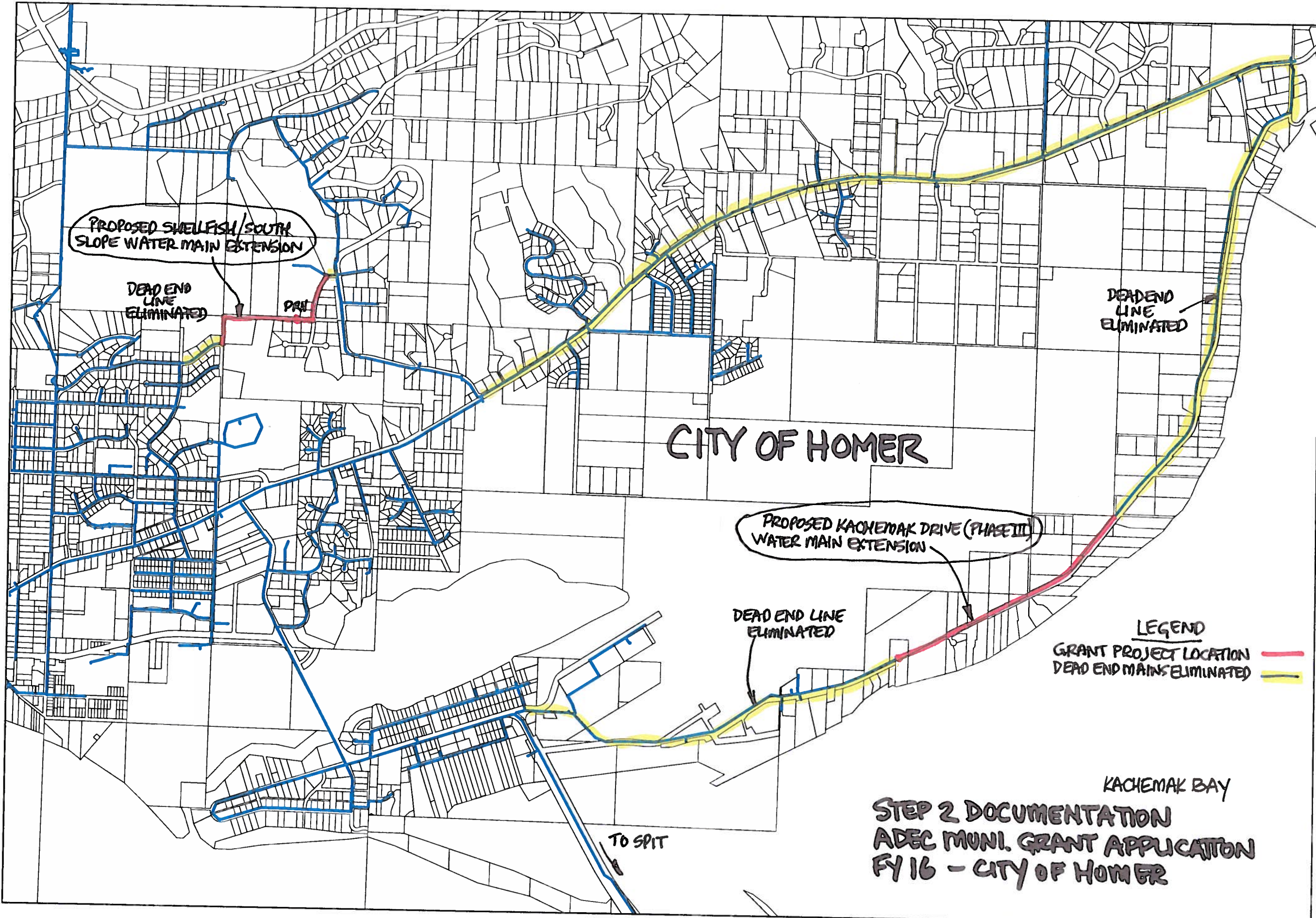
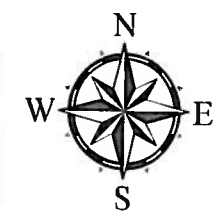
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PHASED PROJECT DOCUMENTATION  
ADEC MUNIC. GRANT APPLICATION  
FY 16 - CITY OF HOMER





CITY OF HOMER

**LEGEND**  
GRANT PROJECT LOCATION ——— (red line)  
DEAD END MAINS ELIMINATED ——— (yellow line)

KACHEMAK BAY  
**STEP 2 DOCUMENTATION  
ADEC MUNI. GRANT APPLICATION  
FY 16 - CITY OF HOMER**

# CITY ATTORNEY REPORT



## MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: THOMAS F. KLINKNER**

**RE: CITY ATTORNEY REPORT FOR JULY 2014**

**CLIENT: CITY OF HOMER**

**FILE NO.: 506,742.18**

**DATE: AUGUST 6, 2014**

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

City Council. I attended the July 28, 2014 City Council meeting. At the request of Council Member Lewis, I drafted an ordinance prohibiting the use of e-cigarettes in City buildings. Holly Wells prepared to advise the Board of Adjustment regarding a pending appeal.

City Clerk. I drafted a resolution calling the charter commission election, and advised the City Clerk regarding the procedure for issuing absentee ballots. Holly Wells advised the City Clerk regarding Board of Adjustment procedural issues.

Planning Department. I advised the City Planner regarding a conditional use application for a property with zoning code violations, and researched the regulation of towers under the zoning code. I drafted a code amendment regarding the City Planner's participation in zoning appeals.

City of Homer v. Reidel. Mara Michaletz prosecuted a new set of loose goat citations against the Reidels, and is working on a longer term resolution of this issue.

Water Utility. I drafted a contract to purchase property for a new water tank site.

Port and Harbor. I worked with the Port and Harbor Director on parking issues at the AMHS staging area, and reviewed a memorandum of agreement with AMHS for dock improvements.

Holly Wells will be available to answer questions regarding these matters at the August 25, 2014 Council meeting.

cc: Walt Wrede  
Jo Johnson



# COMMITTEE REPORTS





PENDING BUSINESS



# NEW BUSINESS



# RESOLUTIONS



**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 14-084**

A RESOLUTION OF THE HOMER CITY COUNCIL IDENTIFYING  
HOMER FAA SITE SUB TRACT 38A IN THE TOWN CENTER AS A  
VIABLE LOCATION FOR A COMMUNITY CENTER.

WHEREAS, The Homer City Council has recognized the community's desire for a  
community recreation facility; and

WHEREAS, The Homer City Council has committed funds for a Parks, Arts, Recreation  
and Culture (PARC) Needs Assessment to determine the resources and prioritize the needs for  
the community concerning parks, arts, recreation and culture facilities and programs, with a  
ten to fifteen year outlook ; and

WHEREAS, Agnew::Beck Consulting, LLC was awarded the contract to complete the  
PARC Needs Assessment by April 30, 2015; and

WHEREAS, If the PARC Needs Assessment determines that the community is  
supportive of funding and maintaining a community recreation facility, a proposition will be  
put before the voters at the October 6, 2015 regular election; and

WHEREAS, The Homer City Council is cognizant of the sentiment the HERC facility  
holds for many community members, but realizes the potential expenses to bring the entire  
HERC facility up to city code exceeds the potential useful life of the facility; and

WHEREAS, The Homer City Council recognizes the current HERC facility is inadequate  
to continue providing community recreation services beyond the use of the gymnasium  
facilities following some modifications prescribed by the Fire Marshall; and

WHEREAS, Contingent upon the favorable outcome of a proposition by the voters to  
fund and maintain a community recreation facility, the Homer City Council identifies Homer  
FAA Site Sub Tract 38A in the Town Center as a viable location for the facility; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby identifies  
Homer FAA Site Sub Tract 38A in the Town Center as a viable location for a community center  
contingent upon the PARC Needs Assessment and the voters' decision to fund and maintain a  
community center.

PASSED AND ADOPTED by the Homer City Council on this 11<sup>th</sup> day of August, 2014.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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

Fiscal Note: Property Value \$468,300 (Kenai Peninsula Borough 2014 Assessment).



## Kenai Peninsula Borough

generated on 8/4/2014 7:15:33 PM EDT

## Parcel

Parcel Number	Tax Account	Parcel Address	Certified Total Value	Data as of	Assess Year
17708015			\$468,300	5/25/2014	2014

## Owner Information

Owner Name	HOMER CITY OF
Owner Address	491 E PIONEER AVE HOMER AK 99603-7624
Transfer Date	02/28/1994
Document #	0
Deed Book/Page	230 685

## Location / Description

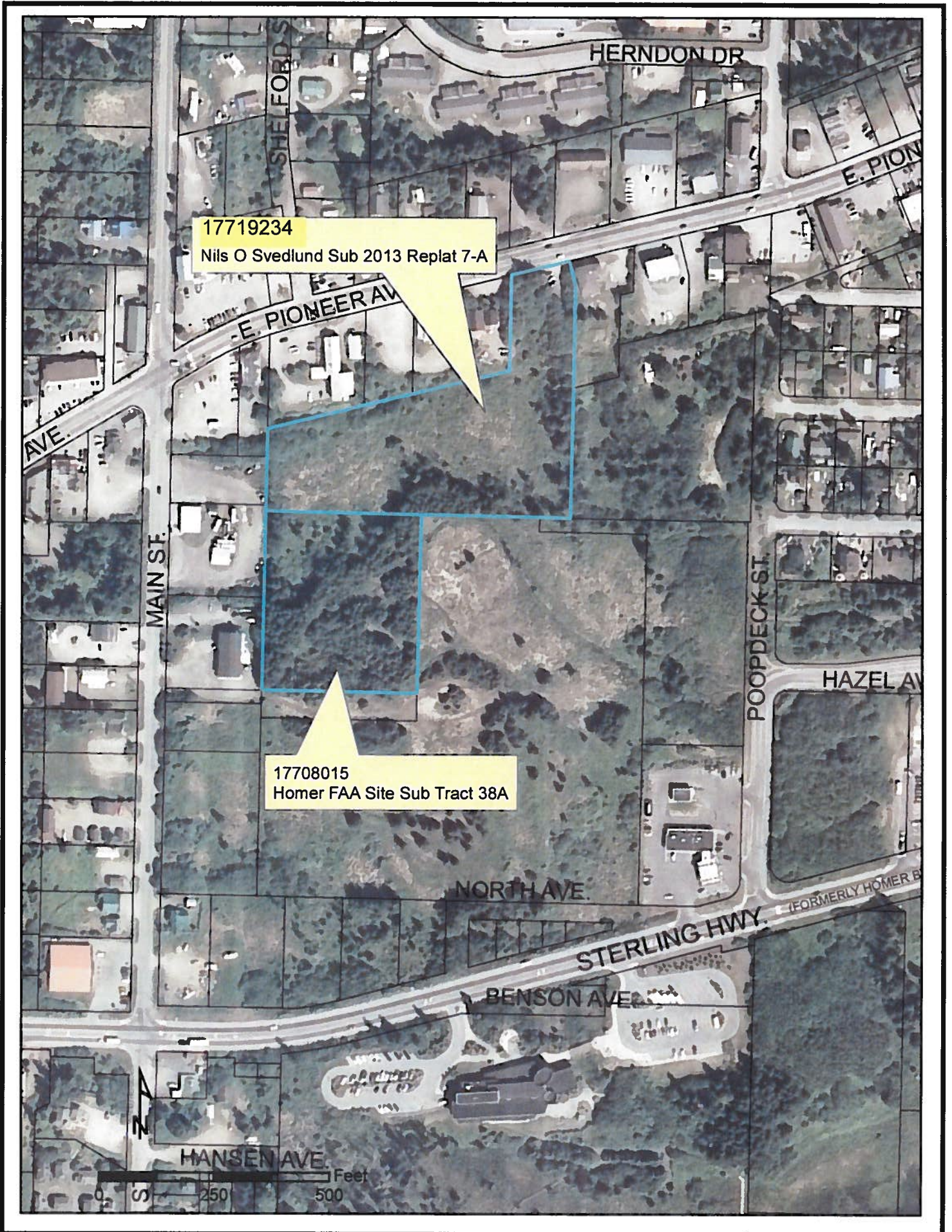
Taxing Unit	20	Base MAP	AR73
Deeded Acreage	3.0000	Legal Desc.	T 6S R 13W SEC 20 Seward Meridian HM 0930008 HOMER FAA SITE SUB TRACT 38A

## Parcel Type

Property Class Code	100 Residential Vacant
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## Assessment Information

Certified Land Value	\$468,300
Certified Imp. Value	\$0
Certified Total Value	\$468,300
Prior Land Value	\$468,300
Prior Imp. Value	\$0



17719234  
Nils O Svedlund Sub 2013 Replat 7-A

17708015  
Homer FAA Site Sub Tract 38A



**CITY OF HOMER  
HOMER, ALASKA**

Mayor/Council

**RESOLUTION 14-085**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, REQUESTING THAT THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (ADOT/PF) RETAIN THE EXISTING ROAD PROFILE AND STRIPING PLAN ON OCEAN DRIVE WHICH CONSISTS OF ONE WIDE BIKE/PEDESTRIAN LANE ON THE SOUTH SIDE OF THE ROAD.

WHEREAS, ADOT/PF is conducting a repaving project in Homer on the Sterling Highway from its intersection with Pioneer Avenue to the end of the Homer Spit; and

WHEREAS, Along Ocean Drive, the project plans call for moving the crown of the road to accommodate a new striping plan which includes two six foot wide pedestrian / bike lanes on each side of the road and new crosswalks at key locations; an attempt to improve public safety; and

WHEREAS, Based upon comments it heard from the public and the justification for the changes provided by DOT/PF, the City Administration wrote a letter of support for the Ocean Drive plans on June 26, 2014; and

WHEREAS, In response to growing public interest and inquiries, the City Council reviewed the plan for Ocean Drive at its regular meetings on July 28 and August 11, 2014; and

WHEREAS, After discussion and a review of the project plans, the City Council expressed the opinion that the existing profile of one wide bike lane on the South side of the road was preferable to small bike lanes on either side of the road with respect to public safety, both for motorists and pedestrians; and

WHEREAS, The Council also concluded that the proposed pedestrian crosswalk at Lake Street was dangerous because it is located on a curve.

36 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby requests that  
37 ADOT/PF retain the existing road profile on Ocean Drive which consists of one wide bike lane  
38 on the South side of the road.

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40 BE IT FURTHER RESOLVED that the Council requests that the proposed pedestrian  
41 crossing at Lake Street be deleted for safety reasons because it is located at a curve.

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43 PASSED AND ADOPTED by the Homer City Council on this 11<sup>th</sup> day of August, 2014.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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51 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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57 Fiscal Note: N/A

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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

