



# City of Homer

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

Office of the City Clerk

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## Memorandum Agenda Changes/Supplemental Packet

TO: MAYOR WYTHER AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK 

DATE: AUGUST 11, 2014

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

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

State of Alaska, Department of Natural Resources, Public Notice of Operations Application from Hilcorp Alaska, LLC for New Development of Gas Wells Near Ninilchik. Page 3

### **PUBLIC HEARINGS**

**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.

Written public comments

Page 5

**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

Page 7

### **RESOLUTIONS**

**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.

Detailed maps

Page 9

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Natural Resources**

Division of Oil & Gas  
Anchorage Office

550 W. 7<sup>th</sup> Avenue Suite 1100  
Anchorage, Alaska 99501-3560  
Main: 907.269.8800  
Fax: 907.269.8939

**PUBLIC NOTICE**

**Hilcorp Alaska, LLC, Ninilchik Unit  
Bartolowits Pad**

The Alaska Department of Natural Resources (ADNR), Division of Oil and Gas (DOG), has received a unit plan of operations application from Hilcorp Alaska, LLC (Hilcorp) for the Bartolowits Pad, which is located near Ninilchik, Alaska. DOG is providing public notice and an opportunity to comment under AS 38.05.035.

**Applicant:** Hilcorp Alaska, LLC, 3800 Centerpoint Drive, Suite 100, Anchorage, AK 99503  
Contact: Ms. Kelley Nixon, (907) 777-8335

**Project ID:** LO/CI 14-004 Bartolowits Pad

**Location:** Seward Meridian, Township 1N, Range 12W, Section 7  
ADL: 000590

**Project Description:** Hilcorp proposes to drill and produce up to five new development gas wells at Bartolowits Pad. Hilcorp is the surface owner and subsurface lease holder at the Bartolowits Pad. Hilcorp plans to drill Frances #2 in October 2014, and Frances #3 in November 2014. The three additional wells (Frances #4 to #6) are planned to be drilled from the Bartolowits Pad prior to December 2017. Additional program details are outlined in the Plan of Operations.

The application package is available for review at the DOG, Permitting Section, 550 West 7<sup>th</sup> Avenue, Suite 800, Anchorage, Alaska 99501-3560 or online at <http://www.dog.dnr.alaska.gov/Permitting/Permitting.htm#permittingnotices>.

Please send your comments to DOG by e-mail at [dog.permitting@alaska.gov](mailto:dog.permitting@alaska.gov), or by regular mail to the DOG address above. All comments must be in writing. A copy of the final decision will be sent to any person who provides written comments. Only persons who comment in writing during the public comment period will be eligible to file an administrative appeal or to request reconsideration of the final decision (11 AAC 02).

**All comments must be received by the Comment Deadline: 4:30 pm, Alaska Standard Time, September 5, 2014.**

The ADNR complies with Title II of the Americans with Disabilities Act of 1990. This Notice will be made available in alternative communication formats upon request. Individuals with disabilities who may need auxiliary aids, services, or special modifications to participate may contact the address above or call 907-269-8411.

**Posted: 08/06/2014**



## Jo Johnson

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**From:** Jeff Stier <jeffstier@gmail.com>  
**Sent:** Thursday, August 07, 2014 6:39 AM  
**To:** Department Clerk  
**Subject:** Thoughts on proposed e-cigarette legislation

August 7, 2014

Dear Mayor Wythe,

I understand that the city of Homer has begun to consider a ban on the public use of vapor products such as e-cigarettes. I applaud the council's interest, according to news reports, in getting a better understanding of the issue before taking action that might not only unnecessarily restrict freedom, but that could also have the unintended consequence of undermining the public health goal of reducing the harm from tobacco use.

I have been studying policy approaches to e-cigarettes and other forms of tobacco harm reduction for nearly a decade, but in the U.S. and overseas. While I regret that I will not be able to testify in person at your August 11th hearing, I appreciate your consideration of my written thoughts on the matter, as you consider the merits and risks of this proposed e-cigarette legislation.

As you are aware, the Food and Drug Administration is spending \$270 million to understand the science of vapor products and how they are being used, as part of the agency's plan to develop science-based regulations that protect the public, while at the same time, not removing the incentive for smokers to switch to these dramatically less-harmful alternatives to cigarettes.

As cities around the country have struggled with how, if at all, to regulate e-cigarettes over and above pending FDA regulations now being put in place, some reasonable approaches have emerged that strike a balance. Examples of those regulations include a ban on all e-cigarette sales to minors, restrictions on how the products can be displayed in stores, and bans on the use of the products in daycares and schools.

However, a complete ban on the use of e-cigarettes in public places goes too far because:

- #1) there is no evidence that it will do anything to protect public health,
- #2) there is a real risk of undermining public health by reducing the incentive for smokers to switch.

Evidence continues to emerge that smokers who are trying to quit do better with e-cigarettes than they do by willpower alone or with medical nicotine replacement therapies. see: <http://www.addictionjournal.org/press-releases/e-cigarette-use-for-quitteing-smoking-is-associated-with-improved-success-rates->

If smokers who quit smoking and are now using dramatically less harmful e-cigarettes instead are forced to use the product (which produces no second hand smoke) together with smokers, we run a serious risk that they'll

revert back to smoking. In this case, “playing it safe,” by banning the use of e-cigarettes in city structures, vehicles and watercraft, is likely to do more harm than good.

In fact, Mitch Zeller, the Director of the Food and Drug Administration’s Center for Tobacco Products, recently spoke to the Robert Wood Johnson Foundation about the potential for E-cigarettes to reduce the harm from tobacco use. In particular, he cautioned about the need to regulate the products carefully in light of their harm-reduction potential. By treating e-cigarettes like cigarettes, and banning their use in all places, the city would be failing to heed Mr. Zeller’s advice.

Zeller’s comment on e-cigarettes left little doubt that there’s a risk to over-regulation.

He said that,

“if at the end of the day people are smoking for the nicotine, but dying from the tar, then there’s an opportunity for FDA to come up with what I’ve been calling a comprehensive nicotine regulatory policy that is agency-wide and that is keyed to something that we call the continuum of risk: that there are different nicotine containing and nicotine delivering products that pose different levels of risk to the individual.”

He added, “Right now the overwhelming majority of people seeking nicotine are getting it from the deadliest and most toxic delivery system, and that’s the conventional cigarette. But if there is a continuum of risk and there are less harmful ways to get nicotine, and FDA is in the business of regulating virtually all of those products, then I think there’s an extraordinary public health opportunity for the agency to embrace some of these principles and to figure out how to incorporate it into regulatory policies.”

Because e-cigarettes present a huge opportunity to eradicate smoking around the country, I encourage you to take all of the science, as well as the FDA’s Mitch Zeller’s insightful thoughts on the danger of over-regulation.

If you have any questions about finding the right regulatory balance, I’d be happy to discuss the matter with you further. I’m available at (646)245-1443 or you can email me at [jeffstier@gmail.com](mailto:jeffstier@gmail.com)

Sincerely,

Jeff Stier

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Jeff Stier  
Senior Fellow, National Center for Public Policy Research  
Director, Risk Analysis Division  
Twitter: @JeffASTier  
Phone: 646-245-1443



## Jo Johnson

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**From:** Renee Krause  
**Sent:** Friday, August 08, 2014 4:11 PM  
**To:** Jo Johnson  
**Subject:** FW: Herc building and Pickleball participants

See below

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

**From:** Holly Van Pelt [<mailto:hvpmaak@gmail.com>]  
**Sent:** Friday, August 08, 2014 3:01 PM  
**To:** Renee Krause  
**Subject:** Herc building and Pickleball participants

Dear City Council members,

I am a city resident and I want to express my interest in the city maintaining the HERC gym for long term public use. I have a concern that were we to lose this facility, the costs of building a new one would place a large monetary burden upon Homer citizens. A new building would be a very lovely thing to have, but I fear one that we cannot afford and the expense of which Homer citizens are likely to reject. Please consider this when weighing all of the factors in the future of the HERC building.

Thank you all for your volunteerism and for your consideration of my comments.

Sincerely,

Holly Van Pelt

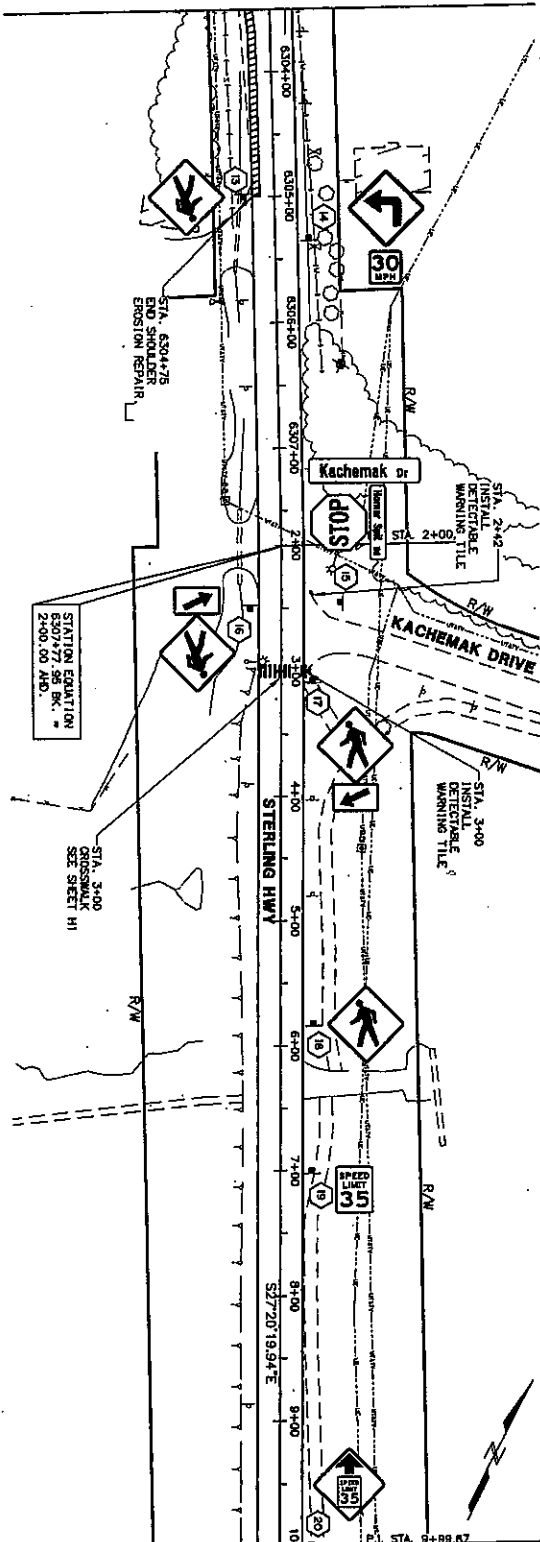






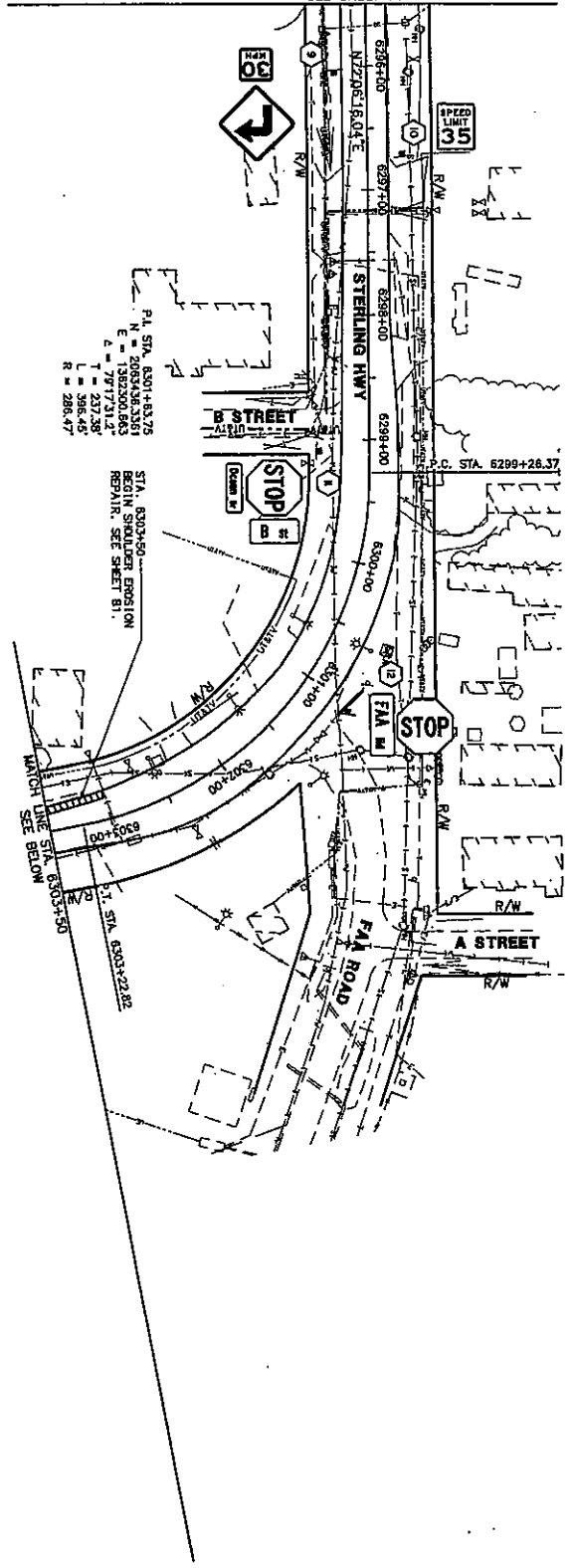
PAGE SETUP	DESIGNED BY
PLAT CTR	CHECKED BY
COMPUTER DESIGNATION	DATE PLOTTED

MATCH LINE STA. 6303+50  
SEE ABOVE



MATCH LINE STA. 6499+50  
SEE SHEET F3

MATCH LINE STA. 6295+50  
SEE SHEET F1

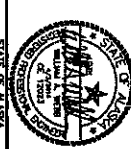


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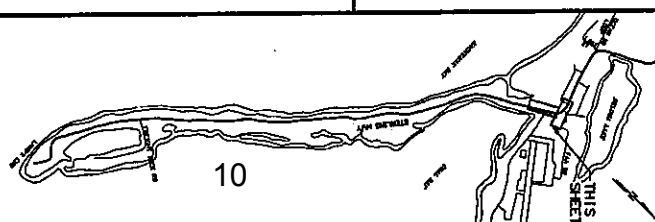
STA. 6302+60  
C.C. STA. 6302+60  
BEGIN SHOULDER EROSION  
REPAIR. SEE SHEET B1.

PL STA. 6303+22.82

PLANS DEVELOPED BY: USOR, INC.



STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC SAFETY  
STERLING HIGHWAY  
AP 174 - 179  
PAVEMENT PRESERVATION  
PAYING PLAN  
STA. 6295+50 TO  
STA. 10+00

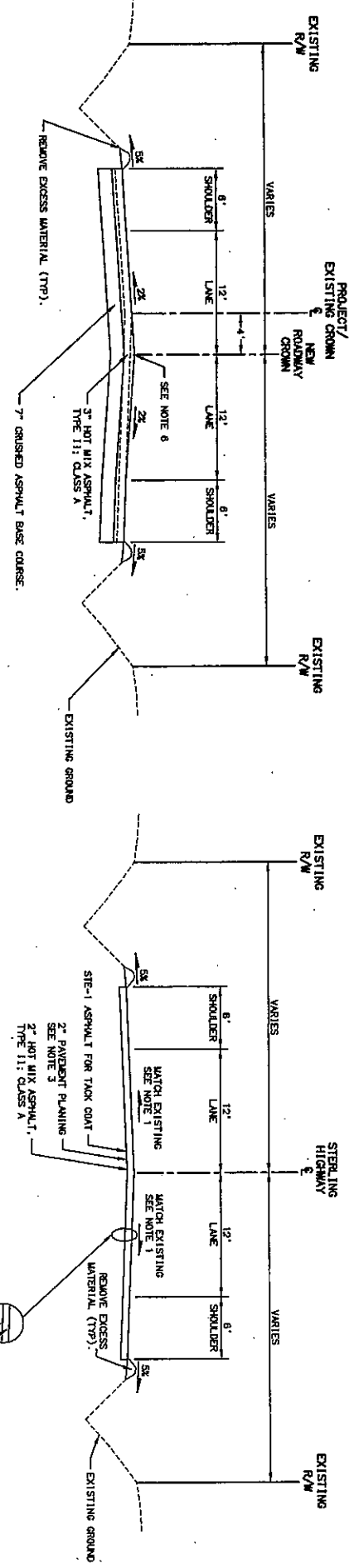


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SHEET NO.	TOTAL SHEETS	
F2	F11	
STATE	YEAR	
ALASKA	2014	
PROJECT DESIGNATION		
0211(059)/55260		
ANSWER NO.		
ATTACHMENT NO.		
REVISIONS		
NO.	DATE	DESCRIPTION



NO.	DATE	REVISIONS DESCRIPTION	STATE	PROJECT DESIGNATION	YEAR	SHEET NO.	TOTAL SHEETS
			ALASKA	0211 (059) / 55280	2014	B1	B2



**STERLING HIGHWAY**  
STA. 6272+00 TO STA. 6297+00

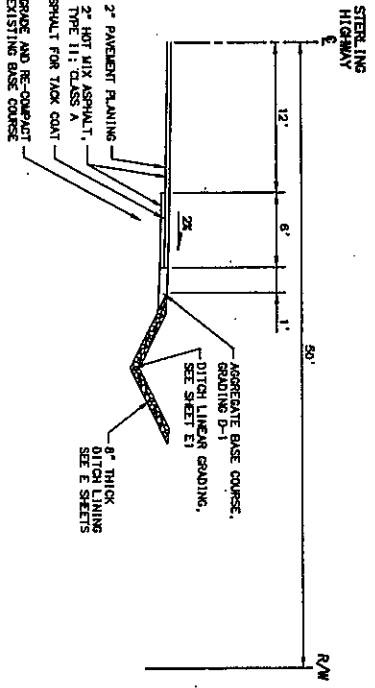
**STERLING HIGHWAY**  
STA. 6297+00 TO STA. 6307+78  
STA. 2400 TO STA. 228+87

**NOTES:**

1. FINISHED ROADWAY CROSS SLOPES SHALL MATCH EXISTING AND BE CONSISTENT THROUGH THE ROADWAY. THE ROADWAY SHALL BE AS DIRECTED BY THE ENGINEER.
2. FOLLOWING PAVEMENTING AND MIXING THE EXISTING ASPHALT PAVEMENT GRADE AND CORRECT REMAINING CRUSHED ASPHALT BASE COURSE MATERIAL NECESSARY TO OBTAIN THE MINIMUM THICKNESS AS SHOWN ON THE TYPICAL SECTION OR AS DIRECTED BY THE ENGINEER PRIOR TO PLACING HOT MIX ASPHALT.
3. IF PLACING OPERATIONS BREAK THROUGH ASPHALT, REPAIR SECTION BY EXCAVATING A RECTANGULAR PATCH AROUND THE BREAK THROUGH AREA, ENLIGHTEN 1 INCH OF BASE COURSE AND CONSTRUCT A 1 INCH LIFT OF ASPHALT, TYPE II, CLASS A LEVEL WITH THE PLANNED ROAD SURFACE.
4. CONSTRUCT HOT MIX ASPHALT ACROSS THE FULL WIDTH OF LANE AND SHOULDER.
5. SHAPE AGGREGATE BASE COURSE, GRADING D-1 AT THE EDGE OF PAVEMENT TO ENSURE THERE IS NO DROP AT THE PAVEMENT'S EDGE WITHIN 48 HOURS AFTER PLACING PAVEMENT.
6. CONDUCT PRECONSTRUCTION SURVEY TO IDENTIFY EXISTING ROAD ELEVATION. IF EXISTING EDGES OF PAVEMENT ARE AT SAME ELEVATION, DETERMINE NEW CENTERLINE ELEVATION FROM EDGE OF PAVEMENT TO CENTERLINE. OTHERWISE, MATCH NEW CENTERLINE ELEVATION TO EXISTING EDGE OF PAVEMENT ELEVATION AT DRIVENWAYS AND APPROACHES.
7. REMOVE EXISTING MATERIAL FROM ROAD SHOULDERS TO FACILITATE DRAINAGE FROM ROAD SURFACE INTO DRAINAGE FACILITIES. SEE D SHEETS FOR LIMITS, GRADING OR REMOVE EXISTIVE MATERIALS. SEE D SHEETS FOR CURVE.
8. AS-BUILTS INDICATE EXISTING PAVEMENT DEPTH AS FOLLOWS:  
6272+00 TO 6296+20 - 3" AC OVER 10" AGGREGATE BASE COURSE  
6296+20 TO 6298+88 - 4.5" AC OVER VARIING DEPTH AGGREGATE BASE COURSE

**GENERAL TYPICAL SECTION NOTES:**

1. APPLY STEP-1 ASPHALT FOR TACK COAT TO VERTICAL SURFACES AND EXISTING ASPHALT PRIOR TO PAVING OR OVERLAYING.
2. CRUSHED ASPHALT BASE COURSE (CAB) MATERIAL MEETING 301(1) SPECIFICATION IS CONSIDERED ACCEPTABLE FOR USE AS APPROVED BY THE ENGINEER. NO ADDITIONAL PAVEMENT WILL BE MADE FOR CAB AS 301(1).



**SHOULDER REPAIR**  
STA. 6303+80 TO STA. 6304+75



STATE OF ALASKA  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF PUBLIC UTILITIES  
**STERLING HIGHWAY:**  
**MP 174-179**  
**PAVEMENT PRESERVATION**  
**TYPICAL SECTION**