

City Council

Monday

September 8, 2014

Special Meeting 5:00 p.m.

Committee of the Whole 5:30 p.m.

Regular Meeting 6:00 p.m.



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

September 2014

Monday 8 th	CITY COUNCIL Special Meeting 5:00 Committee of the Whole 5:30 p.m. Regular Meeting 6:00 p.m.
Tuesday 9 th	ECONOMIC DEVELOPMENT ADVISORY COMMISSION Regular Meeting 6:00 p.m.
Wednesday 10 th	Public Safety Building Task Force Open House 6:00 p.m.
Monday 15 th	BOARD OF ADJUSTMENT HEARING 6:00 p.m.
Wednesday 17 th	HOMER ADVISORY PLANNING COMMISSION Worksession 5:30 p.m., Regular Meeting 6:30 p.m. PUBLIC ARTS COMMITTEE Worksession 5:00 p.m.
Thursday 18 th	PARKS & RECREATION ADVISORY COMMISSION Regular Meeting 5:30 p.m. PERMANENT FUND COMMITTEE Special Meeting 5:15 p.m.
Monday 22 nd	CITY COUNCIL Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.
- Library Advisory Board 1st Tuesday 5:00 p.m.
- Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
- Parks and Recreation Advisory Commission 3rd Thursday of the month with the exception of December 6:30 p.m.
- Planning Commission 1st and 3rd Wednesday 6:30 p.m.
- Port and Harbor Advisory Commission 4th Wednesday 5 p.m.
- Transportation Advisory Committee Quarterly 3rd Tuesday 5:30 p.m.
- Public Arts Committee Quarterly 3rd Thursday 5:00 p.m.
- Lease Committee Quarterly 2nd Thursday 3 p.m.
- Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

- BETH WYTHE, MAYOR – 14
- FRANCIE ROBERTS, COUNCILMEMBER – 15
- BARBARA HOWARD, COUNCILMEMBER – 14
- DAVID LEWIS, COUNCILMEMBER – 14
- BRYAN ZAK, COUNCILMEMBER – 16
- BEAUREGARD BURGESS, COUNCILMEMBER – 15
- GUS VAN DYKE, COUNCILMEMBER – 16
- City Manager, Walt Wrede
- City Attorney, Thomas Klinkner

<http://clerk.ci.homer.ak.us> for home page access, Clerk's email address is: clerk@ci.homer.ak.us
Clerk's office phone number: direct line 235-3130, other number 235-8121 x2226.

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



SPECIAL MEETING
5:00 P.M. MONDAY
SEPTEMBER 8, 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

SPECIAL MEETING AGENDA

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

Councilmember Zak 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. PUBLIC COMMENTS ON MATTERS ALREADY ON THE AGENDA

4. PENDING BUSINESS

5. NEW BUSINESS

A. Memorandum 14-135, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1&5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit, and Matters that are Attorney-Client Privilege (Legal Briefing on Auction Block vs. City of Homer)

6. COMMENTS OF THE AUDIENCE

7. ADJOURNMENT NO LATER THAN 5:25 P.M.

Next Regular Meeting is Monday, September 22, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a 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.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 14-135

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: SEPTEMBER 3, 2014

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(1 & 5) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY/CLIENT PRIVILEGE (LEGAL BRIEFING ON AUCTION BLOCK V. CITY OF HOMER)

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

City Manager Wrede requested an Executive Session regarding "A Legal Briefing on Auction Block vs. City of Homer" for the Special Meeting of September 8, 2014. This has been publicly and internally noticed since that time.

Attorney Wells will be present.

RECOMMENDATION:

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

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



COMMITTEE OF THE WHOLE
5:30 P.M. MONDAY
SEPTEMBER 8, 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, 5:30 P.M.

Councilmember Zak 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 – REVENUE SOURCES

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

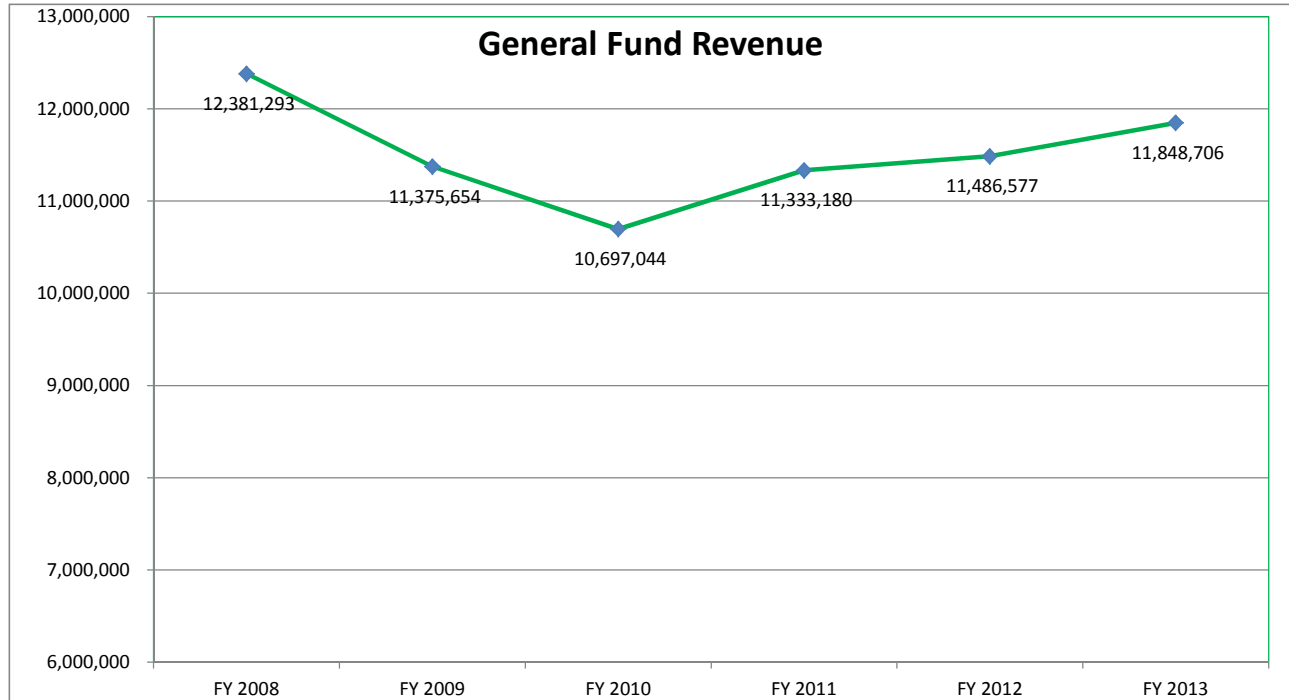
7. ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, September 22, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a 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.

Revenue Sources - General Fund

General Fund

Revenue Sources	Sum, Actual FY09	Sum, Actual FY10	Sum, Actual FY11	Sum, Actual FY12	Sum, Actual FY13	FY 13 (%)
Airport Revenues	165,781	166,666	168,569	170,609	138,227	1.2%
Charges For Services	910,175	529,636	483,463	376,397	491,468	4.1%
Fines & Forfeitures	16,065	15,551	17,460	8,065	10,469	0.1%
MAYOR - COUNCIL	0	0	40,000	2,989	0	0.0%
Operating Transfers	1,490,831	1,251,184	1,259,098	1,387,140	1,319,905	11.1%
Other Revenue	65,342	19,317	32,722	42,226	41,909	0.4%
Permits & Licenses	21,472	22,965	25,040	22,248	35,706	0.3%
Property Taxes	2,934,631	2,960,163	2,922,280	3,009,577	3,220,859	27.2%
Revenues-other Agencies	1,406,136	1,252,709	1,589,064	1,687,880	1,754,771	14.8%
Sales & Use Tax	4,336,888	4,463,546	4,763,805	4,752,288	4,944,776	41.7%
Use Of Money	28,333	15,308	31,680	27,159	(109,384)	-0.9%
Grand Total	11,375,654	10,697,044	11,333,180	11,486,577	11,848,706	100.0%



Revenue Sources - General Fund

Grand Total		11,375,654	10,697,044	11,333,180	11,486,577	11,848,706	
<u>Categories</u>	<u>Descriptions</u>	<u>Actual FY09</u>	<u>Actual FY10</u>	<u>Actual FY11</u>	<u>Actual FY12</u>	<u>Actual FY13</u>	
Property Taxes	Oil Tax	-	-	-	-	181,087	
Revenues-other Agencies	Ak Shared Rev	370,967	374,392	459,632	485,141	341,161	
Revenues-other Agencies	Prisoner Care	444,087	540,506	562,385	497,503	695,314	
Revenues-other Agencies	Borough 911	49,440	49,920	49,920	51,360	51,360	
Revenues-other Agencies	Police Sp Serv	72,500	9,000	36,000	36,000	36,000	
Revenues-other Agencies	Library Grt Ak	6,350	12,500	6,500	6,500	278	
Revenues-other Agencies	Pioner Av Maint	34,000	34,000	34,000	34,000	0	
Revenues-other Agencies	Reimbursements	11,614	-	-	-	600	
Revenues-other Agencies	Other Grants	43,204	13,500	8,500	13,500	0	
Revenues-other Agencies	PERS Revenue	372,845	218,891	432,061	563,877	630,058	
Revenues-other Agencies	Restitution	1,129	-	65	-	0	
Operating Transfers	G/F Admin Water	183,822	195,392	200,968	226,432	241,203	
Operating Transfers	G/F Admin Sewer	283,494	281,469	279,013	310,086	319,102	
Operating Transfers	G/F Admin P & H	406,541	356,894	369,068	393,483	532,436	
Operating Transfers	G/F ADMIN HART	215,221	160,951	141,927	161,590	75,737	
Operating Transfers	G/F Admin Hawsp	377,840	256,478	252,352	277,595	143,012	
Operating Transfers	G/F ADMIN HART -TRAILS	23,913	-	15,770	17,954	8,415	
MAYOR - COUNCIL	Transfer from Fimd	-	-	-	2,989	0	
MAYOR - COUNCIL	Transfers Operating	-	-	40,000	-	0	
Sub-total		2896966.66	2503893.15	2,888,162	3,078,009	3,255,763	
						27.5%	
<u>Categories</u>	<u>Descriptions</u>	<u>Actual FY09</u>	<u>Actual FY10</u>	<u>Actual FY11</u>	<u>Actual FY12</u>	<u>Actual FY13</u>	<u>FY 13 %</u>
Airport Revenues	Airport Total	165,781	166,666	168,569	170,609	138,227	1.6%
Charges For Services	Other Charges Total	20,626	26,011	28,057	18,310	26,230	0.3%
Charges For Services	City Campground	22,300	21,596	19,390	16,580	19,709	0.2%
Charges For Services	Other Services	26,038	25,464	28,345	24,105	26,436	0.3%
Charges For Services	Community Recreation Fees	28,166	29,462	29,557	26,505	32,165	0.4%
Charges For Services	Old School Fees	52,439	90,272	33,510	6,750	0	0.0%
Charges For Services	Fire Contr Kachemack City	65,737	68,250	101,237	69,376	66,773	0.8%
Charges For Services	Spit Camping	143,549	154,262	126,197	112,491	121,251	1.4%
Charges For Services	Ambulance Fees	205,110	114,318	117,169	99,508	194,877	2.3%
Charges For Services	Fire Contr Kes	346,210	-	-	2,772	4,027	0.0%
Fines & Forfeitures	Non Moving Fine	2,283	2,270	4,904	1,857	96	0.0%
Fines & Forfeitures	Fines/Forfeit	13,782	13,281	12,556	6,208	10,373	0.1%
Other Revenue	PLANNING TRUST	6	-	-	-	0	0.0%
Other Revenue	Donations/Gifts	600	-	-	-	100	0.0%
Other Revenue	Proc Law Suits	722	-	6	-	24,453	0.3%
Other Revenue	Surplus Prop	4,869	4,917	-	25,295	3,556	0.0%
Other Revenue	Other Revenue	59,145	14,400	32,716	16,931	13,800	0.2%
Permits & Licenses	Row Permit	160	675	430	1,600	0	0.0%
Permits & Licenses	Peddler Permits	408	440	1,160	-	1,831	0.0%
Permits & Licenses	Sign Permits	900	550	250	1,400	300	0.0%
Permits & Licenses	Driveway Permit	1,395	1,650	1,975	1,035	1,325	0.0%
Permits & Licenses	Taxi/chauffeurs/safety Inspec	1,858	1,800	675	1,113	1,200	0.0%
Permits & Licenses	Zoning Fees	4,200	5,250	3,350	5,700	18,350	0.2%
Permits & Licenses	Building Permit	12,551	12,600	17,200	11,400	12,700	0.1%
Property Taxes	Pen/Int Prop Tx	3,935	5,335	6,104	18,346	11,850	0.1%
Property Taxes	Prior Years Taxes	15,525	25,366	31,554	29,327	47,596	0.6%
Property Taxes	Motr Vehicle Tx	58,999	54,662	50,118	46,560	53,598	0.6%
Property Taxes	Per Prop Tax	179,288	171,327	154,422	164,506	162,330	1.9%
Property Taxes	Real Prop Tax	2,676,885	2,703,473	2,680,082	2,750,837	2,764,399	32.2%
Sales & Use Tax	Sales Tax Comm	4,000	4,000	3,000	145	4,000	0.0%
Sales & Use Tax	Liquor License	19,550	25,450	20,400	25,750	22,450	0.3%
Sales & Use Tax	Cooperative Tax	28,452	27,582	59,183	27,672	49,343	0.6%
Sales & Use Tax	Sales Tax	4,284,887	4,406,514	4,681,222	4,698,721	4,868,983	56.7%
Use Of Money	Penalty/Int	-	-	46	-	0	0.0%
Use Of Money	Interest Income	28,333	15,308	31,633	27,159	(109,384)	-1.3%
		8478686.94	8193151.17	8,445,018	8,408,568	8,592,943	100.0%
						72.5%	

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



**REGULAR MEETING
6:00 P.M. MONDAY
SEPTEMBER 8, 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

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Zak 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 August 25, 2014. City Clerk. Recommend adoption. **Page 27**

- B. **Resolution 14-089**, A Resolution of the Homer City Council Awarding the Contract for Tree Clearing on the Town Center Site Project to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$7,250 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption. **Page 43**

Memorandum 14-131 from Public Works Director as backup. **Page 45**

- C. **Resolution 14-090**, A Resolution of the Homer City Council Awarding the Contract for Tree Clearing on the Library Site Project to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$2,450 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption. **Page 47**

Memorandum 14-132 from Public Works Director as backup. **Page 49**

- D. **Resolution 14-091**, A Resolution of the Homer City Council Awarding the Contract for Strategic Implementation Planning for the Homer City Council to the University of Alaska, Center for Economic Development, in an Amount Not to Exceed \$7,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption. **Page 51**

- E. **Resolution 14-092**, A Resolution of the Homer City Council Amending the Preliminary Assessment Roll for the Homer Natural Gas Special Assessment District by Exempting Certain Properties and Making Amendments for Recorded Property Plat Actions Through July 28, 2014. City Clerk. Recommend adoption. **Page 53**

Memorandum 14-133 from Deputy City Planner as backup **Page 59**

- F. **Resolution 14-094**, A Resolution of the Homer City Council Disbanding the Port and Harbor Improvement Committee. City Manager. Recommend adoption. **Page 61**

- G. **Resolution 14-095**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska Board of Fisheries Hold Its 2017 Upper Cook Inlet Finfish Meeting on the Kenai Peninsula and Approving Joint Resolution 2014-01. City Manager. Recommend adoption. **Page 63**

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

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3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

**A. 2015-2020 CAPITAL IMPROVEMENT PLAN
FY 2016 LEGISLATIVE REQUESTS**

Resolution 14-093 , A Resolution of the Homer City Council Adopting the 2015-2020 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2016. Mayor/City Council. Recommend postponement to September 22, 2014.
Page 83

Memorandum 14-134 from Community and Economic Development Coordinator as backup.

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

A. City Manager's Report

B. Public Safety Building Open House Flyer **Page 93**

11. CITY ATTORNEY REPORT

A. City Attorney's Report **Page 97**

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

A. **Ordinance 14-45**, An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City Manager. Introduction August 25, 2014. Recommend Refer to Planning Commission for Review and schedule Public Hearing September 22, 2014. **Page 103**

Memorandum 14-123 from City Attorney as backup. **Page 105**

B. **Resolution 14-008**, A Resolution of the City Council of Homer, Alaska, Approving a New Intergovernmental Wastewater Agreement Between the City of Homer and Kachemak City. City Manager. (Postponed from August 25, 2014.) **Page 107**

Memorandum 14-125 from City Manager as backup. **Page 109**

- C. **Resolution 14-088**, A Resolution of the City Council of Homer, Alaska, Amending the Sewer Fee Schedule to Provide a Fee Structure for Metered Sewer Only Customers. Mayor/City Council. (Postponed from August 25, 2014.) **Page 119**

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 14-096**, A Resolution of the Homer City Council Awarding the Karen Hornaday Park Campground/Trail Improvement Project to the Firm to be Announced in the Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption. **Page 127**

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, September 22, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a 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 14-20 a Regular Meeting of the Homer City Council was called to order on August 25, 2014 at 6:00 p.m. by Mayor Pro Tempore Francie Roberts 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 WELLS
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR LI
LIBRARY DIRECTOR DIXON
PORT & HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

The Council met for a Worksession from 4:00 p.m. to 4:51 p.m. to discuss 2015-2020 Capital Improvement Plan and FY 2016 Legislative Requests. From 5:00 p.m. to 5:38 p.m. the Council met as a Committee of the Whole to discuss Consent and Regular Meeting Agenda items. Mayor Wythe attended the Worksession and then excused herself due to an illness.

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: **PENDING BUSINESS - Resolution 14-008**, A Resolution of the City Council of Homer, Alaska, Approving a New Intergovernmental Wastewater Agreement Between the City of Homer and Kachemak City. City Manager. Intergovernmental Agreement with Kachemak City.

Mayor Pro Tempore Roberts called for a motion to approve 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

Catriona Lowe, city resident, asked for a correction in the minutes of August 11 regarding her testimony about the speed limit on Ocean Drive.

Ginny Espenshade, city resident, commented on the new turf field for the high school.

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 August 11, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-128** from Deputy City Clerk, Re: Liquor License Transfer for Patel's #2.
- C. **Memorandum 14-124**, from Deputy City Clerk, Re: Confirmation of Election Judges for the Regular City of Homer Election October 7, 2014.
- D. **Ordinance 14-45**, An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City Manager. Recommended dates: Introduction August 25, 2014, Public Hearing and Second Reading September 8, 2014.

Memorandum 14-123 from City Attorney as backup.

- E. **Resolution 14-087**, A Resolution of the Homer City Council Amending the City Council Operating Manual to Include City Code Recodification Revisions. City Clerk. Recommend adoption.

Memorandum 14-126 from City Clerk as backup.

Mayor Pro Tempore Roberts called for a motion for the approval of the recommendations of the consent agenda as read.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

Mayor Pro Tempore Roberts acknowledged City Lobbyist Linda Anderson, mayoral candidate Lindianne Sarno, and council member candidate Catriona Lowe.

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

Parks and Recreation Advisory Commissioner Robert Archibald reported Adele Person made a presentation to the commission on safe routes to school. The commission is forwarding their budget recommendations to add a part time employee to help Community Recreation Coordinator Mike Illg. Commissioner Archibald acknowledged the fine job Mr. Illg is doing in managing his time and to keep the program going. He hopes that we can keep the HERC operating until something happens with the building.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **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. Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

Memorandum 14-121 from Fire Chief as backup.

Mayor Pro Tempore Roberts opened the public hearing. In the absence of public testimony Mayor Pro Tempore Roberts closed the public hearing.

Mayor Pro Tempore Roberts called for a motion for the adoption of Ordinance 14-40 by reading of title only for second and final reading.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **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. Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

Memorandum 14-122 from City Manager as backup.

Mayor Pro Tempore Roberts opened the public hearing.

Ginny Espenshade, city resident, hopes the Council can explore other ways to provide oversight to the Planning Commission with a council member sitting on the Planning Commission, with more training, and a code revision to distinguish a different process when a larger subdivision is involved.

Katherine George, city resident, noted that the Borough Planning Commission will side with the recommendations of the City Planning Commission if there is a difference between the City and Borough designation of plats.

Mayor Pro Tempore Roberts closed the public hearing.

Mayor Pro Tempore Roberts called for a motion for the adoption of Ordinance 14-41 by reading of title only for second and final reading.

LEWIS/HOWARD – SO MOVED.

Council discussed the ordinance acknowledging the Planning Commission has the ability to recommend platting decisions to the Borough Planning Commission. There is no allowance in the borough code for the City Council to object to a Planning Commission platting decision. Ordinance 14-45 brings the City of Homer code in compliance with the Kenai Peninsula Borough code and will streamline the process. Council asked the City Attorney to allow more public input and oversight of the Planning Commission and that the City Manager work with Ginny Espenshade to incorporate her ideas.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **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. Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

Ordinance 14-42(S), 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.

Mayor Pro Tempore Roberts opened the public hearing. In the absence of public testimony Mayor Pro Tempore Roberts closed the public hearing.

Mayor Pro Tempore Roberts called for a motion to substitute Ordinance 14-42(S) for Ordinance 14-42.

ZAK/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts asked if there was objection to the adoption of Ordinance 14-42(S). In the absence of a motion, Council agreed by unanimous consent to adopt Ordinance 14-42(S).

D. **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. Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

Ordinance 14-43(S), 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.

Mayor Pro Tempore Roberts opened the public hearing. In the absence of public testimony Mayor Pro Tempore Roberts closed the public hearing.

Mayor Pro Tempore Roberts called for a motion to substitute Ordinance 14-43(S) for Ordinance 14-43.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts called for a motion for the adoption of Ordinance 14-43(S) by reading of title only for second and final reading.

BURGESS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **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. Introduction August 11, 2014, Public Hearing and Second Reading August 25, 2014.

Ordinance 14-44(S), 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.

Mayor Pro Tempore Roberts opened the public hearing. In the absence of public testimony Mayor Pro Tempore Roberts closed the public hearing.

Mayor Pro Tempore Roberts called for a motion to substitute Ordinance 14-44(S) for Ordinance 14-44.

BURGESS/HOWARD - SO MOVED.

Mayor Pro Tempore Roberts called for a motion for the adoption of Ordinance 14-44(S) by reading of title only for second and final reading.

HOWARD/LEWIS - SO MOVED.

Councilmember Zak asked for an explanation on the harbor sheet pile dock.

Port and Harbor Director Hawkins explained the harbor sheet pile dock is located next to the barge ramp between the barge ramp and fuel dock. In the 1990's it was recommended as a project. It will use some space that is underutilized and create more dockage space in the safety of the harbor. For overflow times at the Fish Dock it will be useful. It also creates a dock with no weight limitations. Loading landing crafts and vessels using that side of the harbor is a great way to enhance and grow that side of the business. There is also opportunity for vessels to tie up at the facility and take on a project. It is a good investment for the harbor.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 14-129 from Community and Economic Development Coordinator, Re: Strategic Implementation Planning
 2. Memorandum 14-130 from Port Director/Harbormaster, Re: Harbor Improvements Construction Schedule
-
1. Ocean Drive Paving and Striping: At the last meeting, Sean Baski, DOT/PF Project Manager, made a presentation on the Ocean Drive repaving job. The emphasis was on proposed improvements targeting pedestrian and biker safety. Sean stayed for the entire

meeting and took notes on the comments provided by the Council and those public members who testified. Several days later, after consulting with his colleagues at DOT/PF, Sean called me to provide answers and responses. Following is a summary of those responses:

- Shoulder Maintenance: Several members of the public who testified said that safety for bikers would be improved if the shoulders were swept and the edges maintained. The response is that DOT/PF maintenance staff is aware of this and they do the best they can. They have other much higher maintenance priorities and like the City, they are faced with staffing and budget constraints.
- Shoulder Extension on Causeway: During the public comments, it was suggested that the shoulder on the North side of the road should be extended across the causeway to make an easy connection with the trail that begins near McDonalds. The response is that expanding the paved footprint is not part of the project and cannot be funded under the repaving program. Sean also noted that doing that would likely require widening the causeway as much as 8 feet into the lake and replacing the outfall pipes. This would be very expensive. If the City wanted to pursue this idea further, it could consider nominating it for a STIP project or making a capital request to the Legislature.
- Sidewalks: Several people inquired about separated sidewalks, perhaps elevated with curbs and gutters. Again, this goes beyond the scope of the project and could not be funded under the current program. The STIP Program, the HSIP Program, and CIP requests to the Legislature are some of the funding possibilities. DOT/PF would also be open to the City funding that improvement itself however, under the current program rules, HART Funds cannot be used on a State Road. Sean cited engineering and design considerations that would have to be addressed including drainage in a very flat area and restricting driveway access for local businesses to defined ingress and egress points. We agreed that some business owners might object to that but it would definitely improve safety overall, for everyone, including motorists.
- Crosswalk: In response to comments by both the Council and the public, the crosswalk has been moved from Lake Street at the curve to Lampert Lane.
- Public Input: Several people commented that it was unfortunate that the public only had the opportunity to comment now, when the project is already underway. Sean said that this project, because it was a simple repaving project, did not follow the normal nomination process. Repaving projects are nominated by DOT/PF maintenance personnel and once the projects are nominated, there is a short window for construction and pressure to get these jobs under contract and out the door quickly. Repaving jobs are basically maintenance and do not have the long lead times for planning, engineering, scoping that other construction projects have. What made this repaving project a little different was the proposed safety improvements. Even though this was a compressed timeframe, DOT/PF had an open house and a comment period, and it worked closely with City staff members. I told Sean that I felt bad that

the City administration did not bring the work on Ocean Drive to the attention of the Council sooner. The proposed changes seemed logical and good to the staff (the shoulders more so than the crosswalk locations) and there appeared to be support from user groups.

- Diagonal Striping / Bold Striping at Outer Edge of Driving Lane: Demarcation of the shoulders was mentioned several times. Diagonal striping in the shoulder area and bolder, wider striping at the outer edge of the drive lane was suggested. Sean referred to the engineering and design manuals and standards that he had to comply with. There are nationwide standards that apply to diagonal striping and 8 inch striping. Those tools are used in specific situations and to use them here would be inappropriate. The driving public benefits from standardization and they should have certain expectations when they see specific things, like diagonal stripes. Diagonal stripes are used to visually separate driving lanes from bike lanes. They are five feet wide. If you did that here, you would be left with only one foot and bike lane.
 - Safety Generally: There was a lot of discussion about the fact that drivers don't respect crosswalks in Homer. The crosswalks on the Sterling Highway received particular attention. Sean pointed out that pedestrian and bike safety at crosswalks is dependent upon three equally important things, engineering, enforcement, and education. DOT/PF is primarily responsible for the engineering component of that formula. Enforcement and education requires a concerted effort and commitment by the community. DOT/PF has an active education campaign via the Alaska Highway Safety Office which targets programs where they get the most "bang for the buck" in saving lives and preventing injuries. Sean noted that the new traffic signal soon to be constructed at the intersection of Main Street and the Sterling Highway should help because it will slow drivers down and provide breaks in the traffic.
 - Flashing Signs / Push Button Signs at Crosswalks: It was suggested that flashing or push button crosswalk signs be installed. Sean's response is the state's regional traffic engineer is currently drafting criteria and guidelines for their use in Alaska. There would have to be certain traffic studies and triggers to be met before they would be used. Sean suggested that after studies are completed, the HSIP program might be a source of construction funds and that if this was a priority for the Council, it should inform the Regional Planner and Regional Traffic Engineer.
2. 2017 Board of Fish meetings: On October 17 and 18, the Board of Fisheries will hold a workshop in Juneau. One of the things on the Board's Agenda is scheduling the 2017 Upper Cook Inlet Board meetings. The Board has a tendency to want to have these meetings in Anchorage. It would not surprise me if Mat-Su representatives push to have the meetings up there. The Kenai Peninsula Borough and the Cities of Kenai, Soldotna, Seward, and Homer have been talking internally about a joint resolution requesting that the meetings be held on the Kenai Peninsula. The City of Kenai attorney is currently working on a resolution. One discussion we are having is whether to offer a specific location possible location in each community or just keep it general, anywhere on the

Peninsula. You can expect to see this resolution on the September 8th agenda. Let me know if you would like to discuss further.

3. Natural Gas Update: At the July 28th meeting I provided the Council with a Gas Distribution System Report. I would like to provide an update on that report. First, the contract. The City signed a “not to exceed” contract with Enstar in the amount of \$12,160,632. The bulk of the distribution system work was essentially complete by the end of July. We recently paid the July invoice and so far, the City has paid a cumulative total of \$11,657,047. Some limited work has continued into August and additional costs to be reimbursed are anticipated. At the end of August we should have a much more definitive picture of where we are. Second, the Report I provided on July 28 contained a section called Next Steps which included tasks and target completion dates. Based upon further consultation with Enstar, City staff, and the City Attorney, I would like to amend the target completion dates. The new target completion dates are:

<u>Task</u> <u>Date</u>	<u>Target Completion</u>
Calculate Final Project Costs	September 30, 2014
Reconcile Properties Served	September 30, 2014
Recommendation / Council Action/Condo Assessments	October 13, 2014
Recommendation / Council Action / Free Main Allowance	October 13, 2014
Set Up / Test New SAD Software	October 30, 2014
Final Assessment Roll Introduced (HCC 17.04.070)	January 12, 2015
Assessment Roll Approval Process (HCC 17.04.070-090)	January-March 2015
Assessments Mailed to Property Owners	March-April 2015

4. Strategic Planning: Attached is a memorandum from Katie Koester regarding strategic planning. A consultant has been selected by the review team. Due to timing concerns, we need to notify the consultant as soon as possible in order to make the selected date work. We need to move fast but we have some associated issues we need to discuss including budget/appropriation and contract award, etc.

City Manager Wrede yielded his time to Port and Harbor Director Hawkins to summarize the harbor projects.

Port and Harbor Director Hawkins reported the pile barge is tied to JJ float. The east side of JJ float has been cleared for all the equipment. This afternoon the first load of floats arrived by barge, offloading at the Deep Water Dock. Floats and pilings will be staged on JJ float in a giant block. The piling will be staged on the uplands by the barge ramp. Ramp 2 is the current harbor office. On September 2 the work barge will be moved into that location and will begin to dismantle A Float. Work includes replacing 900 ft. of A Float that will extend up to K Float. Ramp 3 and J Float will be removed in the process. As they are pulling float out they will build float back. By September 22 they will have replaced all the floats. It will have a lot of impact to the vessels in the area. Port staff has been talking to vessel owners and has sent out letters and placed notices. The vessels have to be relocated while the work is being done.

We will be making an island out of F, G, and H Floats while the connecting float is being replaced. If vessel owners need to relocate they should contact the harbor office to work out the details. There is no way around the intrusive project. The contractors are committed to getting in and getting it done and returning service as soon as possible.

After September 22 they will move down to R and S Float for the same process. There is no timeline yet for the System 4 improvement. When we finish with the R and S Float, System 4 is next on the list. By this time next year the harbor will have a whole different look.

Port and Harbor Director Hawkins reported we are just finishing the design for the load and launch ramp. It will likely bid early September, although he is not sure when the construction will take place.

The construction trailer will be located right across from Ramp 3, closing the approach to Ramp 3 and the harbor trail. The approach and connection point at the bank is being rebuilt. It will be a 100 ft. covered ramp instead of a 57 ft. ramp. The lake that forms at the parking lot at Ramp 3 is a bigger problem. The land is flat and when we build up one area it moves the water to another area. A storm water plan is needed.

We have been repowering System 5 and the project will be complete by the end of the week. It has been a major remodel of the system. We had 10 pedestals and have increased to 32 pedestals with a year-round water supply there. The harbormaster's office is progressing with the walls up. They are pushing to get the building closed before winter. Completion may be by the end of February.

Ramp 7 will be taken back out when the JJ and HH Floats in System 4 are done. There will be a short period of time with no access. When the floats are put back in will be sitting on a good landing float.

B. Bid Report

CITY ATTORNEY REPORT

Attorney Wells reported the Federal Maritime Commission issued a decision upholding the administrative law judge's decision. The decision favored the City and dismissed Auction Block vs. City of Homer claims.

The City has been addressing the dual representation process adopted by the Board of Adjustment, the Planning Department, and the Planning Commission. An attorney from the City Attorney's office is appointed to represent the Planning Department and a separate attorney is appointed to represent the Board of Adjustment. The attorneys do not talk or correspond. It allows the City to receive representation in a very cost effective manner. The system has been challenged before the Ethics Committee before the Alaska Bar Association. Attorney Klinkner and she received separate ethics complaints against them. The Alaska Bar Association has chosen not investigate, finding the process put in place to be appropriate.

COMMITTEE REPORT

A. Public Arts Committee

Public Arts Committee Vice Chair Michele Miller reported there are three pieces of art going into the new port and harbor building. The PAC is now full with the appointments of Lance Petersen and Erin Hollowell. They are working on budget requests. A small project fell through at the last minute so the PAC will decide another community related project and ask for a small amount of money. The Baycrest Overlook improvement project will be funded with minimal expense. There will soon be a catalog database listing all the city art.

B. Permanent Fund Committee

C. Port and Harbor Improvement Committee

D. Employee Committee Report

E. Port and Harbor Building Task Force

Councilmember Howard encouraged everyone to go look at the port building progress. It is coming along quite rapidly.

F. Public Safety Building Review Committee

Public Safety Building Review Committee Chair Ken Castner reported the City Manager allowed the City to enter into a contractual agreement with the architect and members of the GC/CM team. Loren Barry and his dad came to town to do a space needs assessment. Needs for the Police, Fire, and EMS were comprehensively reviewed. They came up with a program in housing and training facilities to keep personnel fit and able to respond. Initially we were

looking at a \$15M project, a number taken out of the air. After the space needs analysis, 50,000 sq. ft. is needed. In comparison, the new harbor building is 4,800 sq. ft. at \$2M. Based on those figures it takes construction costs over \$20M and total project costs over \$25M for the public safety building. All of a sudden it is a different kettle of fish. USKH has helped develop a public outreach program and will encourage public input. Chair Castner asked the Council to make two critical decisions: whether the HERC location is the preferred site, and if we will consider leasing options for the land and/or the building. Asked if the committee had thoughts of a combined community center, Chair Castner answered they have only been looking at the Police, Fire, and EMS. The next committee meeting is Tuesday, August 26 at 5:30 p.m. in Cowles Council Chambers.

G. Vessel Haul-Out Task Force

Councilmember Howard reported on Wednesday, August 27 Councilmember Lewis and Port and Harbor Director Hawkins will make a presentation to the Port and Harbor Advisory Commission at 6:00 p.m. They will make a presentation to the City Council on September 22.

PENDING BUSINESS

- A. **Resolution 14-008**, A Resolution of the City Council of Homer, Alaska, Approving a New Intergovernmental Wastewater Agreement Between the City of Homer and Kachemak City. City Manager. (Postponed from March 10, 2014.)

Memorandum 14-125 from City Manager as backup.

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

BURGESS/HOWARD - MOVED TO POSTPONE RESOLUTION 14-008 TO OUR NEXT MEETING PENDING REVIEW BY THE KACHEMAK CITY COUNCIL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 14-088**, A Resolution of the City Council of Homer, Alaska, Amending the Sewer Fee Schedule to Provide a Fee Structure for Metered Sewer Only Customers. Mayor/City Council.

Mayor Pro Tempore Roberts called for a motion for the adoption of Resolution 14-088 by reading of title only.

LEWIS/HOWARD - SO MOVED.

BURGESS/HOWARD - MOVED TO POSTPONE TO RE-INTRODUCE RESOLUTION 14-088 AND BRING IT BACK WITH RESOLUTION 14-008.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Jim Lavrakas, Homer Chamber of Commerce Executive Director, thanked the Council for the new paved parking lot at the Chamber.

Ken Castner, city resident, commented on Kachemak City residents' offer of a \$500 credit to those that paid gas line assessments early.

Tom Zitzmann, city resident, commented about the partying and trespassing on his private property near Bishop's Beach.

Christine Scozinski, city resident, asked the Council to issue a Request for Proposals to get a second opinion on employee healthcare.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no further comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comments.

COMMENTS OF THE MAYOR

Mayor Wythe was not present.

COMMENTS OF THE CITY COUNCIL

Councilmember Howard asked parties to take down the political signs from the August 19 election. She would like the city to be political sign free by August 31st. She complimented Mayor Pro Tempore Roberts on running an effective, kind, considerate, and efficient meeting.

Councilmember Burgess thanked the City Clerk for her ongoing patience in his desire to speak.

Councilmember Van Dyke commented on the speaker at the Worksession that alluded the Council is trying to throw sand in the charter commission process. The Council didn't do anything but discuss how this current Council can help this new commission. Top CIP priorities should be those projects that will bring revenue back in the city first. When the revenue stream flows we can then explore other problems. He is pleased the crosswalk near Beluga Lodge (on Ocean Drive) has been moved closer to his shop (Scruggs Automotive) so that people can be seen.

Councilmember Zak commented the Council was talking about the CIP list at the Worksession. At the next meeting the public will get a chance to share their thoughts. He is pleased to see Lobbyist Linda Anderson here. The Council heard about harbor projects and discussed future developments of the City. He acknowledged Tom Zitzmann's comments and asked everyone to be considerate of others.

Mayor Pro Tempore Roberts had no further comments.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tempore Roberts adjourned the meeting at 7:05 p.m. The next Regular Meeting is Monday, September 8, 2014 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 14-089**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
8 TOWN CENTER TREE CLEARING PROJECT TO GREGOIRE
9 CONSTRUCTION OF HOMER, ALASKA, IN AN AMOUNT OF \$7,250
10 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE
11 APPROPRIATE DOCUMENTS.

12
13 WHEREAS, In accordance with the Procurement Policy, fax-back bids were solicited
14 from twelve area-wide contractors; and

15
16 WHEREAS, Bids were due on August 21 and seven bids were received (see
17 Memorandum 14-131 from Public Works); and

18
19 WHEREAS, Bids were opened and the firm of Gregoire Construction of Homer, Alaska,
20 was determined to be the low responsive bidder and found to be qualified to complete the
21 work; and

22
23 WHEREAS, The cost of the construction of this project, as reflected in the low bid, is
24 within the budget authorized by the City Council; and

25
26 WHEREAS, This award is not final until written notification of award is received by
27 Gregoire Construction from the City of Homer.

28
29 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
30 the contract award for the Tree Clearing on the Town Center Site Project to the firm of
31 Gregoire Construction of Homer, Alaska, in the amount of \$7,250 and authorizes the City
32 Manager to execute the appropriate documents.

33
34 PASSED AND ADOPTED by the Homer City Council this 8th day of September, 2014.

35
36 CITY OF HOMER

37
38
39 _____
40 MARY E. WYTHE, MAYOR
41
42

43 ATTEST:

44

45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: Acct. No. 100-0100, \$7,250



MEMORANDUM 14-131

To: Walt Wrede, City Manager
Through: Carey Meyer, PW Director
Date: August 29, 2014
Subject: **Award of Construction Contract
Tree Clearing - Town Center Site**

On August 21, 2014 fax-back quotes were received for the above referenced project. In accordance with the Procurement Policy, fax-back bids were solicited from twelve area-wide contractors.

This project will consist of clearing underbrush and small trees from City-owned property in Town Center (approximately 1.5 acres).

Six responsive bids were received from qualified firms. The bid results were evaluated and the results are listed below

Responsive Bidder's Names	Location	Amount
Property Improvements	Homer	\$ 13,050
Southern Exposure, LLC	Homer	\$ 24,300
Gregoire Construction	Homer	\$ 7,250
Homer Winter Services	Homer	\$ 23,200
Polar North	Soldotna	\$24,000
Paul's Services	Anchor Point	\$13,500
	Engineer's Estimate	\$19,500

Recommendation:

City Council pass a resolution awarding the construction contract for the Town Center Tree Cutting project in the amount of \$7.250 to Gregoire Construction of Homer, Alaska and authorizing the City Manager to execute all appropriate documents necessary to complete this project.

Fiscal Note - Town Center Tree Cutting: 100-0100

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Public Works

RESOLUTION 14-090

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE LIBRARY SITE TREE CLEARING PROJECT TO GREGOIRE CONSTRUCTION OF HOMER, ALASKA, IN AN AMOUNT OF \$2,450 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy, fax-back bids were solicited from twelve area-wide contractors; and

WHEREAS, Bids were due on August 21 and seven bids were received (see Memorandum 14-132 from Public Works); and

WHEREAS, Bids were opened and the firm of Gregoire Construction of Homer, Alaska, was determined to be the low responsive bidder and found to be qualified to complete the work; and

WHEREAS, The cost of the construction of this project, as reflected in the low bid, is within the budget authorized by the City Council; and

WHEREAS, This award is not final until written notification of award is received by Gregoire Construction from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract award for the Library Site Tree Clearing Project to the firm of Gregoire Construction of Homer, Alaska, in the amount of \$2,450 and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 8th day of September, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

43 ATTEST:

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47 _____
JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: Acct. No. 100-0100, \$2,450



MEMORANDUM 14-132

To: Walt Wrede, City Manager
Through: Carey Meyer, PW Director
Date: August 29, 2014
Subject: **Award of Construction Contract
Tree Clearing - Town Center Site**

On August 21, 2014 fax-back quotes were received for the above referenced project. In accordance with the Procurement Policy, fax-back bids were solicited from twelve area-wide contractors.

This project will consist of clearing underbrush and small trees from City-owned property in Town Center (approximately 2.0 acres).

Seven responsive bids were received from qualified firms. The bid results were evaluated and the results are listed below

Responsive Bidder's	Location	Amount
Property Improvements	Homer	\$ 9,750
Southern Exposure, LLC	Homer	\$ 21,200
Gregoire Construction	Homer	\$ 2,450
Homer Winter Services	Homer	\$ 15,800
Polar North	Soldotna	\$24,000
Paul's Services	Anchor Point	\$13,400
Alaska Hardy	Homer	\$24,782
	Engineer's Estimate	\$14,500

Recommendation:

City Council pass a resolution awarding the construction contract for the Library Site Tree Cutting project in the amount of \$2.450 to Gregoire Construction of Homer, Alaska and authorizing the City Manager to execute all appropriate documents necessary to complete this project.

Fiscal Note - Town Center Tree Cutting: 100-0100

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 14-091

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR STRATEGIC IMPLEMENTATION PLANING FOR THE HOMER CITY COUNCIL TO THE UNIVERSITY OF ALASKA, CETNER FOR ECONOMIC DEVELOPMENT, IN AN AMOUNT NOT TO EXCEED \$7,000 AND AUTHORITIZNG THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy, proposals were solicited from three Alaskan organizations; and

WHEREAS, Proposals were due on August 1 and three proposals were received; and

WHEREAS, Proposals were studied by a review team who determined the University of Alaska Center for Economic Development to be the most qualified to complete this work; and

WHEREAS, The cost of this project falls within the City Council Professional Services budget; and

WHEREAS, This award is not final until written notification of award is received by University of Alaska Center for Economic Development from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract award for Strategic Implementation Planning to the University of Alaska Center for Economic Development in an amount not to exceed \$7,000 and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 8th day of September, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Acct. No. 100-0100-5210, \$7,000

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 14-092

A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING THE PRELIMINARY ASSESSMENT ROLL FOR THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT BY EXEMPTING CERTAIN PROPERTIES AND MAKING AMENDMENTS FOR RECORDED PROPERTY PLAT ACTIONS THROUGH AUGUST 27, 2013.

WHEREAS, Council adopted Ordinance 13-02 on February 11, 2013 creating the City of Homer Natural Gas Distribution Special Assessment District; and

WHEREAS, Upon adoption of Ordinance 13-02, certain properties were exempted from the special assessment district including lands that changed through a platting action recorded on or prior to January 28, 2013, and additional lands that were exempt from the district because of criteria in Resolution 12-076; and

WHEREAS, Updates to the preliminary assessment roll will be presented to Council twice a year for the life of the project; and

WHEREAS, Between August 27, 2013 and July 28, 2014 four additional properties are exempted and lot line vacations and new lots created by platting actions are outlined on Attachment A; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the preliminary assessment roll for the Homer Natural Gas Special Assessment District by exempting certain properties and making amendments for recorded property plat actions through July 28, 2014 as outlined on Attachment A, a copy of which is attached and incorporated herein.

PASSED AND ADOPTED by the Homer City Council this 8th day of September, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

New Exempt Lots		Legal Description	Reason for Change from Preliminary Assessment Roll Resolution 12-081
Parcel ID	Owner		
17357079	Kristine Holderied Eugene and Patricia Mangiardi	T 65 R 14W SEC 13 SEWARD MERIDIAN HM 2001078 ARNO SUB LOT 2 THAT PORTION LYING OUTSIDE HOMER CITY LIMITS	The property does not have access to gas. No line was run on Diamond Ridge, to access this property.
17507014		T 65 R 14W SEC 23 SEWARD MERIDIAN HM 0760075 COUNTRY CLUB ESTATES SUB TRACT 4	Lot is not developable; steep coastal bluff. \$100 value from KPB tax assessor.
17522017	Mary McCann	T 65 R 14W SEC 23 SEWARD MERIDIAN HM 0670482 BAYCREST SUB LOT 49	Lot is not developable; steep coastal bluff. \$600 value from KPB tax assessor.
17701075	Linda Drummond	T 65 R 13W SEC 17 SEWARD MERIDIAN HM 2000070 BAYVIEW GARDENS ADDN # 8 LOT B4	Gas line is across a large canyon from the buildable area of property. Gas line will have to come across private land to serve the lot.
Gas Line not constructed to properties - Properties excluded from assessment			
17928028	David A Yenney	T 65 R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-3	Helen Circle is an undeveloped Right of Way and no gas line was constructed to these lots.
17928026	David A Yenney	T 65 R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-1	Helen Circle is an undeveloped Right of Way and no gas line was constructed to these lots.
17928027	David A Yenney	T 65 R 13W SEC 15 SEWARD MERIDIAN HM 0750042 TIETJEN RESUB OF TRACTS G & H TRACT G-2	Helen Circle is an undeveloped Right of Way and no gas line was constructed to these lots.
17730287	Joshua Cooper and Sabrina Malchoff	T 65 R 13W SEC 20 SEWARD MERIDIAN HM 0800054 D G ACRES SUB LOT 26-B	D.G. Court is an undeveloped right of way and no gas line was constructed to these lots.
17730288	Joshua Cooper and Sabrina Malchoff	T 65 R 13W SEC 20 SEWARD MERIDIAN HM 0800054 D G ACRES SUB LOT 26-A	D.G. Court is an undeveloped right of way and no gas line was constructed to these lots.
17324142	Daniel and Brenda Farren	T 65 R 13W SEC 18 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES SUB AMENDED LOT 33	Westwood Ave is not constructed in this location and no gas line was constructed in the right of way.
17324143	Daniel and Brenda Farren	T 65 R 13W SEC 18 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES SUB AMENDED LOT 34	Westwood Ave is not constructed in this location and no gas line was constructed in the right of way.
17324144	Daniel and Brenda Farren	T 65 R 13W SEC 18 SEWARD MERIDIAN HM 0860023 WESTWOOD ESTATES SUB AMENDED LOT 35	Westwood Ave is not constructed in this location and no gas line was constructed in the right of way.
17913310	John Mitchell	T 65 R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 49	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.

September 2014 Changes to the Preliminary Assessment Roll
for the Homer Natural Gas Special Assessment District

17913308	John Mitchell	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 51	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913309	John Mitchell	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 50	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913307	John Mitchell	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 52	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913207	Thomas and Debora Kerns, Carol Sachek	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 41	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913208	Thomas and Debora Kerns, Carol Sachek	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 42	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913209	David and Susan Hanson	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 43	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913210	David and Susan Hanson	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 44	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913211	David and Susan Hanson	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 45	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913311	David and Susan Hanson	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 48	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
17913312	David and Susan Hanson	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0610256 VIRGINIA LYN SUB LOT 47	Virginia Lynn Way is not constructed in this location and no utilities are present. No gas line was constructed.	
Recorded Platting Actions				
Lot line vacation				
Parcel ID	Owner	New Legal Description	Notes	Old Parcel & Legal Description
17324168	Atz Kilcher	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2013047 WINTERGREEN SUBDIVISION 2013 REPLAT LOT 5-A-1	Two assessments for this lot. Two lots were combined into one lot after the preliminary assessment roll was approved.	17324164, 17324165, Wintergreen Sub Lot 5 Replat Lots 5-A and 5-B
17348027	Velton, Samuel and Jonathan Cason	T 6S R 14W SEC 13 SEWARD MERIDIAN HM 2013035 WEST HILL SUBD CASON 2013 ADDN LOT 1A	Four assessments for this parcel. Four parcels were combined into one lot after the preliminary assessment roll was approved.	17348011 West Hill Sub Lot 1 Blk 1, 17502023 Emerald Highland Estates Sub Unit 1 Lot1 Blk 1, 17502037 long legal, 17502083 Long legal

September 2014 Changes to the Preliminary Assessment Roll
for the Homer Natural Gas Special Assessment District

17710742	David Whitmire	Glacierview Whitmire Lot 4A	Two assessments for this lot. Two lots were combined into one lot after the preliminary assessment roll was approved.	17710729, 17710730 Glacier View Sub No 3 Lots 4 & 5, Block 11
17924036	Harmon Hall	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2013043 SCENIC VIEW SUB SCENIC GROVE ADDN NO 1 2013 REPLAT LOT 2-A-1	Three assessments for this lot. Three lots were combined into one lot after the preliminary assessment roll was approved.	17924033, 17924034, 17924035 Scenic View Sub Scenic Grove Addn No 1 Lot 2, Lot 1 & lot 2-A Tract B
17720318	Melvyn Strydom	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2013042 GLACIER VIEW SUB 2013 REPLAT LOT 6A-1	Two assessments for this lot. Two lots were combined into one lot after the preliminary assessment roll was approved.	17720316, 17720317 long legals
17420318	East End Mini Storage LLC	T 6S R 13W SEC 11 SEWARD MERIDIAN HM 2013051 RUMLEY-COLLIE SUB SEVEN TRACT BC	Two assessments for this lot. Two lots were combined into one lot after the preliminary assessment roll was approved.	17420313, 17420314 Rumley Collie Sub No 6 Tracts B and C
New Lots created				
Parcel ID	Owner	New Legal Description	Notes	Old Parcel & Legal Description
179177230	Bruce Petska	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 2013032 BAY VIEW SUBD #3 2012 ADDN LOT 1-A2	One assessment for this lot. Parent parcel was split into two lots	17917727 Bayweiw Sub No 3 Replat of Lots 54 & 55 Lot 1-A
17917729	Bruce Petska	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 2013032 BAY VIEW SUBD #3 2012 ADDN LOT 1-A1	One assessment for this lot. Parent parcel was split into two lots	17917727 Bayweiw Sub No 3 Replat of Lots 54 & 55 Lot 1-A
17512323	Koegh Robert Fox Plan	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2013044 HARRINGTON HEIGHTS 2013 REPLAT LOT 9-A-2	One assessment for this lot. Parent parcel was split into two lots	17512320 Harrington Heights 2009 Lot 9-A Block 3
17512322	Koegh Robert Fox Plan	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2013044 HARRINGTON HEIGHTS 2013 REPLAT LOT 9-A-1	One assessment for this lot. Parent parcel was split into two lots	17512320 Harrington Heights 2009 Lot 9-A Block 3
Parcel and Legal Description Changes; no change in the number of assessments				
Parcel ID	Owner	New Legal Description	Notes	Old Parcel & Legal Description
17712030	Point of View LLC	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2013054 YAH SURE SUB 2013 LOT 1A	One assessment. No change in number of assessments. Change in property lines resulted in a new parcel number and legal description	17712025 Yah Sure Sub Lot 1
17712031	Coastal Ventures LLC	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2013054 YAH SURE SUB 2013 LOT 2A	One assessment. No change in number of assessments. Change in property lines resulted in a new parcel number and legal description	17712024 Yah Sure Sub Lot 2
17719233	Dragonfly LLC	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2013052 NILS O SVEDLUND SUB 2013 REPLAT LOT 6-A-1	One assessment. No change in number of assessments. Change in property lines resulted in a new parcel number and legal description	17719226 Nils O Svedlund Sub No 7 Lot 6-A
17719234	City of Homer	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2013052 NILS O SVEDLUND SUB 2013 REPLAT LOT 7-A	One Assessment. No change in number of assessments. Change in property lines resulted in a new parcel number and legal description	17719209 Long legal



City of Homer

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Planning

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Memorandum 14-133

TO: Mayor Wythe and Homer City Council
THROUGH: Walt Wrede, City Manager, Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: September 2, 2014
SUBJECT: Resolution 14-092

RE: Changes to the Homer Natural Gas Assessment District, Preliminary Assessment Roll between August 27, 2013 and July 28, 2014

This memorandum outlines changes to the Homer Natural Gas Assessment District, Preliminary Assessment Roll. Due to the extent of this project, staff will present Council with these changes approximately twice a year through December 2014. This process allows citizens to petition council to remove lands from the district based on the criteria approved by Resolution 12-076, and for tracking of property changes within the district for the purposes of levying assessments.

This memo describes changes to the assessment roll for property actions between August 27, 2013 and July 28th 2014. These changes fall in three categories; additional lands that should be exempt from the district per Resolution 12-076, lands that do not have access to gas due to changes in construction plans, and lands that have changed through a platting action recorded on or prior to July 28, 2014.

Requested Lot Exemptions

Four property owners have requested lot exclusions. One does not have access to gas, two lots are steep and undevelopable, and the fourth lot can't access the gas due to a large canyon between the gas line and the developed area of the property.

Staff Recommends These be granted an exemption from the district and gas assessment.

Gas line construction changes and resulting exclusions

In the spring, Enstar consulted with the Administration on not building gas lines in several rights of way. All the rights of way are undeveloped, and most adjacent land is vacant. Generally, the City did not include lands on undeveloped rights of way in the SAD. But there were a few locations where the decision needed to be made once the project was underway. The properties on the attached table do not have direct access to a gas line, and should be excluded from the SAD. Property owners have been notified of the change and there were no objections.

Platting Actions

The attached table describes the changes to the assessment roll due to recorded plats between August 27, 2013, and July 28, 2014

Attachments: Spreadsheet of Changes dated 7/28/2014

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 14-094

A RESOLUTION OF THE HOMER CITY COUNCIL DISBANDING THE PORT
AND HARBOR IMPROVEMENT COMMITTEE.

WHEREAS, Resolution 11-060 created the Port and Harbor Improvement Committee and tasked the Committee to develop a revenue bonding program to fund six port and harbor projects that have been on the city's Capital Improvement Plan for a number of years ; and

WHEREAS, The Port and Harbor Improvement Committee met regularly, considered and revised the project list, addressed appropriate tariff fee increases, held public hearings, and sought recommendations from the Port and Harbor Advisory Commission ; and

WHEREAS, The Port and Harbor Improvement Committee made their final report and recommendations to Council in Memorandum 12-076 which were adopted by Resolution 12-043 ; and

WHEREAS, Funds have been secured and the port and harbor improvements are in progress;
and

WHEREAS, The Port and Harbor Improvement Committee has completed the work it was tasked with.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, disbands the Port and Harbor Improvement Committee.

PASSED AND ADOPTED by the Homer City Council this 8th day of September, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

Mayor / Council

RESOLUTION 14-095

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
REQUESTING THE ALASKA BOARD OF FISHERIES HOLD ITS 2017
UPPER COOK INLET FINFISH MEETING ON THE KENAI PENINSULA AND
APPROVING JOINT RESOLUTION 2014-01.

WHEREAS, Upper Cook Inlet finfish are a vital and very important component of the Homer economy and the social and cultural fabric of the community; and

WHEREAS, Homer residents are all impacted by Upper Cook Inlet finfish fisheries either directly or indirectly and many participate in commercial, sport, subsistence, and personal use fisheries there; and

WHEREAS, The Alaska Board of Fisheries Upper Cook Inlet Finfish regular meeting has not been held on the Kenai Peninsula since 1999; and

WHEREAS, City of Homer residents and businesses benefit from informed science based fisheries management, strategies, and practices; and

WHEREAS, Sound management strategies and practices are developed by transparent processes, accessible public meetings, and user participation, knowledge, and representation; and

WHEREAS, Conducting the Alaska Board of Fisheries regular meetings concerning Upper Cook Inlet finfish exclusively in Anchorage instead of rotating between Anchorage and the Kenai Peninsula greatly limits participation by Homer residents because of the substantial expense association with travel and lodging for multi-day meetings in Anchorage; and

WHEREAS, All users of public resources are entitled to reasonable access to public meetings and processes concerning matters affecting their economy, livelihood and lifestyle; and

WHEREAS, Holding the 2017 Alaska Board of Fisheries Upper Cook Inlet Finfish meeting on the Kenai Peninsula would improve the amount of testimony about local traditional knowledge, which is a great resource for the Board of Fisheries; and

WHEREAS, It is in the best interest of the residents and visitors to both the Kenai Peninsula and the Anchorage area to maintain healthy, well managed salmon stocks and provide opportunities and access for diverse user groups; and

WHEREAS, Joint Resolution No. 2014-01; A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH, COUNCILS OF THE CITY OF HOMER, CITY OF KENAI, CITY OF SELDOVIA, CITY OF SEWARD, AND CITY OF SOLDOTNA, REQUESTING THE ALASKA BOARD OF FISHERIES HOLD ITS

46 2017 UPPER COOK INLET FINFISH MEETING ON THE KENAI PENINSULA, is proposed to be sent to the
47 Alaska Board of Fisheries and other interested parties for consideration.

48
49 NOW, THEREFORE, BE IT RESOLVED that the Alaska Board of Fisheries is respectfully and
50 strongly urged to schedule its full Upper Cook Inlet Finfish Meeting of 2017 and future such meetings
51 on the Kenai Peninsula on a semi-regular basis.

52
53 BE IT FURTHER RESOLVED that the Homer City Council hereby expresses its support for Joint
54 Resolution 2014-01 and authorizes Mayor Wythe to sign it on behalf of the City of Homer.

55
56 PASSED AND ADOPTED by the Homer City Council this 8th day of September, 2014.

57
58 CITY OF HOMER

59
60
61 _____
62 MARY E. WYTHE, MAYOR

63
64

65
66 ATTEST:

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68 _____
69 JO JOHNSON, MMC, CITY CLERK

70
71 Fiscal Note: N/A

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**KENAI PENINSULA BOROUGH
CITY OF HOMER
CITY OF KENAI
CITY OF SELDOVIA
CITY OF SEWARD
CITY OF SOLDOTNA**

JOINT RESOLUTION NO. 2014 - 01

**A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA
BOROUGH, COUNCILS OF THE CITY OF HOMER, CITY OF KENAI, CITY OF
SELDOVIA, CITY OF SEWARD AND CITY OF SOLDOTNA, REQUESTING THE
ALASKA BOARD OF FISHERIES HOLD ITS 2017 UPPER COOK INLET FINFISH
MEETING ON THE KENAI PENINSULA.**

WHEREAS, Upper Cook Inlet Finfish issues are vitally important to, and directly impact residents, municipal governments and communities on the Kenai Peninsula; and

WHEREAS, many local residents and businesses of the Kenai Peninsula depend on, participate in, and are otherwise affected by decisions made by the Board of Fisheries with regard to subsistence fisheries, sport fisheries, commercial fisheries, personal use fisheries and conservation measures in Upper Cook Inlet; and

WHEREAS, when making informed decisions regarding finfish issues in Upper Cook Inlet, the Board of Fisheries should consider the comments and interests from residents of the Kenai Peninsula; and

WHEREAS, the costs and travel time to attend meetings outside the Kenai Peninsula pose a significant burden to local residents, limiting participation and the Board of Fisheries' ability to benefit from local knowledge; and

WHEREAS, the Alaska Board of Fisheries has not held its full Upper Cook Inlet Finfish meeting on the Peninsula since 1999 despite numerous requests that it do so; and

WHEREAS, holding the meeting on the Kenai Peninsula would show local residents, businesses and communities that the Board of Fisheries listens, cares about and understands the local impacts of its decisions; and

WHEREAS, there are local quality venues of sufficient size with advanced technologic capabilities to host public meetings, as well as exceptional lodging and dining opportunities on the Kenai Peninsula;

NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH ASSEMBLY, AND THE COUNCILS FOR THE CITY OF HOMER, CITY OF KENAI, CITY OF SELDOVIA, CITY OF SEWARD AND CITY OF SOLDOTNA:

Section 1. That the Alaska Board of Fisheries is respectfully and strongly urged by the Kenai Peninsula municipal governments representing their constituents to hold the full 2017 Upper Cook Inlet Finfish meeting on the Kenai Peninsula.

Section 2. That this Joint Resolution be forwarded to Governor Sean Parnell, Senator Peter Micciche, Senator Gary Stevens, Speaker Mike Chenault, Representative Kurt Olson, Representative Paul Seaton, Governor’s Chief of Staff Mike Nizich, Department of Fish & Game Commissioner Cora Campbell, Alaska Board of Fisheries Members – Karl Johnstone, Orville Huntington, Susan Jeffrey, John Jensen, Fritz Johnson, Thomas Kluberton, Reed Moriskey, Alaska Board of Fisheries Executive Director Glenn Haight

Section 3. That this resolution takes effect immediately upon approval by the participating city councils.

APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2014.

HAL SMALLEY,
ASSEMBLY PRESIDENT

ATTEST:

Johni Blankenship, Borough Clerk

APPROVED BY THE COUNCIL OF THE CITY OF HOMER this * day of *, 2014.

MARY E. WYTHE, HOMER MAYOR

ATTEST:

Jo Johnson, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF KENAI this * day of *, 2014.

PAT PORTER, MAYOR

ATTEST:

Sandra Modigh, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SELDOVIA THIS * DAY OF *, 2014.

KEITH GAIN, SELDOVIA MAYOR

ATTEST:

Mary Klinger, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SEWARD, THIS * DAY OF *, 2014.

JEAN BARDARSON, SEWARD MAYOR

ATTEST:

Johanna Kinney, City Clerk

APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA, this * day of *, 2014.

NELS ANDERSON, SOLDOTNA MAYOR

ATTEST:

Michelle M. Saner, City Clerk

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

Session 14-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on August 20, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for approval of the agenda.

HIGHLAND/BOS 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).

Joel Cooper, non-resident who lives in the Bridge Creek Watershed Protection District, commented that he has reviewed the information provided by the staff and the realtors. He thinks the commission should go back and look at the USGS report, speak with them about their work, and how they assess how things are working. He thinks they should calculate the impervious cover for the watershed as a whole, based on the numbers they have and current development. He submitted a table he prepared using the parcel viewer and applied the recommended 6200, 4000, and 5000 square footages recommended and lot sizes 4.5 acres and below. It starts to give an idea of what the impact might be in relation to Todd Cook's feedback relating to density of development and also concerns about fuel tanks and septic tanks. In reference to the draft ordinance, Mr. Cooper suggested including some kind of containment system for fuel tanks so there will be a buffer should an accidental spill occur. A question came up in the worksession if the current ordinance working and since the water quality is not degrading, then you can say to some extent that it is working.

Reconsideration

None

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 August 6, 2014 meeting

HIGHLAND/VENUTI MOVED TO ADOPT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

- A. Public Works Director Carey Meyer – Public Safety Building Presentation

Public Works Director Meyer did not show up to present. City Planner Abboud gave a brief overview on the locations being considered for the project.

Reports

- A. Staff Report PL 14-69, City Planner's Report

City Planner Abboud reviewed his report.

Commissioner Erickson and Venuti commented about the new sign at the high school and that it was flashing messages, besides just the date and time. City Planner Abboud said he would follow up.

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 14-78, Proposal to expand the Residential Office Zoning District eastward along East End Road.

City Planner Abboud reviewed the staff report.

Commissioner Stead opened the public hearing.

Ray Kranich, city resident, commented that he understands this came to the Commission from Council but he questions what the reason is behind it. Is there a need for it? Is RO filled up or are there significant portions of RO still vacant that could be infilled? Basic principles of the Comp Plan and zoning aspects encourage infill rather than sprawl. He has to look at this and try to figure out what is behind it. He reviewed some history of the proposed area and also relating to the CUP for Blackwell in the area from his time on the Planning Commission. The Commission at the time, put their necks out and approved the CUP, and the Council backed the Commission's decision, it went to court and the City lost. He agrees with Sharon Minch's comments that a rezone should only be done when there is

significant need. The Commission's decision here is a very important and heavy one on stability in zoning.

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

Question was raised as to why Councilmember Van Dyke's introduced the proposed ordinance. City Planner Abboud explained his understanding that it was language Mr. Van Dyke said he had seen in the Comp Plan. Mr. Abboud said he didn't want to speculate because isn't sure of the exact reason.

Commissioner Erickson raised the notion that that there are commercial activities going on in the proposed area and that perhaps the proposed area is more of a natural break in the uses that have been taking place for years. City Planner Abboud suggested the natural break is further down the road. He pointed out there are a lot of residences in the area, there are even horses grazing in the area. As Mrs. Minch mentions in her letter, he explained that if the Commission wants to support those types of businesses, it has to be re-positioned in the Comp Plan accordingly to the uses they want to see there and everyone in the district should be able to do it.

Commissioner Venuti referenced the Comp Plan which addresses a neighborhood commercial east end road district. It refers to limited number of small scale, local serving, commercial areas designed to meet the convenience of commercial service needs of neighborhood residents; that the objectives may also be met through the planned unit development process or an overlay zone allowing more commercial; and that the retail uses in the underlying residential office district. City Planner Abboud feels this refers more to neighborhood convenience where people would go to grab a gallon of milk or something like that. This same thing was included up in the West Hill area but the neighbors said no and it was taken out of the Comp Plan.

Commissioner Bos asked if this rezone would allow the activity that isn't allowed now to operate. City Planner Abboud said it would not.

VENUTI/ERICKSON MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING RESIDENTIAL OFFICE ZONING ON EAST END ROAD AND FORWARD IT TO CITY COUNCIL FOR ADOPTION.

Commissioner Venuti said this is a nice notion, but doesn't see a good reason to support the change, and there hasn't been any support expressed by property owners in the area.

Commissioner Stroozas agreed and added that Mrs. Minch's comments weigh on his mind about opening up the City up to more litigation.

Commissioner Highland agreed that this change doesn't make sense.

VOTE: NO: BOS, STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS, BRADLEY

Motion failed.

Plat Consideration

Pending Business

A. Staff Report PL 14-80, Proposal to amend to the Bridge Creek Watershed Protection District

City Planner Abboud touched on the discussion at the worksession and advised the Commission that Water/Wastewater Superintendent Todd Cook will be talking to them at their next meeting.

Commissioner Erickson expressed that she supports a reasonable backup containment system for anything that brings potential disaster. It's more than fair, it's responsible, and it shouldn't be that costly. Her thought is that existing property owners could be asked to do it, and new construction would require it. It isn't only regarding fuel tanks but anything that could cause a potential hazard.

Commissioner Stroozas supports 6200 square feet as the maximum amount of developable area for lots less than 4.5 acres.

Commissioner Highland questioned the numbers provided in Mr. Cooper's calculations, also the suggestion of working with USGS, and looking at overall impervious for the area. City Planner Abboud said they could come up with more useable numbers, as an example one could build more on a 2.5 acre lot with an approved mitigation plan than on a larger lot with no mitigation plan. He said he isn't sure what the role of USGS was in the process and will have to investigate it further. There was discussion that there might be new information after 13 years. In looking at total impervious area, Mr. Abboud said it doesn't really change the framework of what we are doing.

Commissioner Highland said she would like the property owners in the area to be surveyed to get their input on their concerns and more concrete information. City Planner Abboud agreed that is something that can be done.

Chair Stead commented that he prefers percentages of allowable square footage rather than a set number. He also thinks they should look at buffer zones between properties and try to figure out how that works. He read the report that was provided in the last packet and the report is focused mostly on the soils surrounding Anchorage, which are different than the soils that surround Homer and the Bridge Creek Watershed District; also the report is focused on the entire watershed of a particular stream. We are looking at this from a perspective of the realtors, who are only focused on a couple of small subdivisions and there is a lot of undeveloped land in the district that needs to be considered, so he thinks it's relevant to look at the entire district and the entire impervious surface. This needs to be looked at more in a holistic picture than on a per lot basis. He suggested they may want to look at the subdivision restriction of 4.5 acres. There are a lot of things that need to be reviewed in the Bridge Creek Watershed District. The issue here is maintaining water quality and maintaining ability for people to develop the land further.

There was discussion regarding looking toward the future and what development could potentially occur. City Planner Abboud said what is before the commission now is minimal incremental changes, but to consider anything more would mean stepping way back and spending a lot of money to restudy the whole area.

Commissioner Bos expressed his concern with holding people accountable to their mitigation plan and the runoff from their property. There are a lot of people who don't want to be held accountable for anything, junk, antifreeze leaking from cars, and that kind of thing. He thinks they can give a little bit, but he thinks they need some input from a lot of people. If the water up there isn't preserved, property down here won't be worth anything.

Further discussion ensued regarding developing buffer zones, mitigation plans, and ways for property owners to be able to develop their property to the fullest extent.

This agenda item will come back at the next meeting.

New Business

Informational Materials

- A. City Manager's Report from August 11, 2014 City Council Meeting
- B. Resolution 14-086 scheduling a joint worksession with Homer City Council and the Advisory Planning Commission to discuss tower regulation and permit requirements, and other planning matters on Thursday, October 23, 2014 at 6pm
- C. Planning Commission Memo to City Council Re: CIP Recommendations
- D. Kenai Peninsula Borough Plat Committee Notice of Decision Re: Bidarka Heights Unit 3 Knutson Replat Preliminary Plat

Comments of the Audience

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

None

Comments of Staff

Deputy City Clerk Jacobsen announced that another Volunteer Appreciation Party is in the works for September 25th and that invitations will be going out soon.

Comments of the Commission

Commissioner Bos congratulated Mr. Stead and Mr. Stroozas for stepping up, thanked Mr. Venuti for his great service, and welcomed Ms. Bradley as a new commissioner. This was a good meeting with good input.

Commissioner Highland asked to add storm water to their agenda at the City Council worksession.

Commissioner Bradley thanked everyone for a fantastic second meeting.

Commissioner Erickson suggested that if people in the watershed district bought a second lot, leave it blank, and get a tax break for preserving the land.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 20, 2014

Commissioner Venuti asked what happened with the tower remand. City Planner Abboud explained he has been in contact with the attorney and the applicant hasn't pursued anything.

Commissioner Stroozas commended Chair Stead on his first meeting and advised he will be absent at the next meeting.

Chair Stead said thank goodness it's over. He thought they had good discussion and said he may also be absent at the next meeting.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:59 p.m. The next regular meeting is scheduled for September 3, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

PUBLIC HEARING(S)

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

**2015-2020 Capital Improvement Plan
FY 2016 Legislative Requests**

A **public hearing** is scheduled for **Monday, September 8, 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.

CIP internet address:

<http://www.cityofhomer-ak.gov/economicdevelopment/draft-2015-2020-capital-improvement-plan>

**2015-2020 CAPITAL IMPROVEMENT PLAN
FY 2016 LEGISLATIVE REQUESTS**



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

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

Jo Johnson, MMC, City Clerk 
Publish: Homer News: September 4, 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 **2015-2020 Capital Improvement Plan FY2016 Legislative Requests**, [http://www.cityofhomer-ak.gov/economic development/draft-2015-2020-capital-improvement](http://www.cityofhomer-ak.gov/economic%20development/draft-2015-2020-capital-improvement) was distributed to the City of Homer kiosks located at City Clerk's Office, Captain's Coffee Roasting Co., Harbormaster's Office and Redden Marine on Friday, August 29, 2014 and that the City Clerk posted same on City of Homer Homepage on Tuesday, August 26, 2014.

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



Renee Krause, CMC, Deputy City Clerk I

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**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

RESOLUTION 14-093

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE 2015-2020
CAPITAL IMPROVEMENT PLAN AND ESTABLISHING CAPITAL PROJECT
LEGISLATIVE PRIORITIES FOR FISCAL YEAR 2016.

WHEREAS, A duly published hearing was held on September 8, 2014 in order to obtain public comments on capital improvement projects and legislative priorities; and

WHEREAS, It is the intent of the City Council to provide the Governor, the State Legislature, State agencies, the Alaska Congressional Delegation, and other potential funding sources with adequate information regarding the City's capital project funding needs.

NOW, THEREFORE BE IT RESOLVED by the City Council of Homer, Alaska, that the "City of Homer Capital Improvement Plan 2015-2020" is hereby adopted as the official 6-year capital improvement plan for the City of Homer.

BE IT FURTHER RESOLVED that the following capital improvement projects are identified as priorities for the FY 2016 State Legislative Request:

1. Water Storage/Distribution Improvements
2. Public Safety Building
3. Harbor Sheet Pile Loading Dock
4. Fire Department Fleet Management Plan
5. East to West Transportation Corridor

BE IT FURTHER RESOLVED that projects for the FY 2016 Federal Legislative Request will be:

1. Deep Water/ Cruise Ship Dock Expansion, Phase 1
2. East Boat Harbor

BE IT FINALLY RESOLVED that the City Manager is hereby instructed to advise appropriate State and Federal representatives and personnel of the City's FY 2016 capital project priorities and take appropriate steps to provide necessary background information.

PASSED AND ADOPTED by the Homer City Council for the City of Homer on this 22nd day of September 2014.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-134

TO: Mayor Wythe and Homer City Council

THROUGH: Walt Wrede, City Manager

FROM: Katie Koester, Community and Economic Development Coordinator

DATE: September 2, 2014

SUBJECT: Capital Improvement Plan Resolution

This memo accompanies Resolution 14-093 adopting the 2015-2020 Capital Improvement Plan and establishing capital project legislative priorities for fiscal year 2016.

During the August 25, 2014 Council work session Council communicated that the Legislative Request, or top 5, is to remain consistent until those projects are fully funded. Therefore, I brought forward a resolution that is substantially similar to Resolution 13-087(A) from 2013. Councilmember Zak submitted the prioritized below list that varies from Resolution 13-087(A):

1. Water Storage/Distribution Improvements
2. Homer Education and Recreation Center Upgrades
3. Harbor Sheet Pile Loading Dock
4. Fire Department Equipment Upgrades
5. East to West Transportation Corridor
6. Storm Water Plan

At the work session Councilmember Roberts asked a question regarding the project Water Storage/Distribution Improvements. The project map shows a water main across Shellfish that extends south down South Slope Street. Councilmember Roberts asked why the South Slope Street portion of the line was not funded through a Homer Special Improvement District (HSAD). This section of pipe will not have adequate pressure therefore adjacent lots will not be able to access this water main. The Public Works Director hopes to be able to take advantage of the trenching when the main water line is installed and install a parallel water line that is accessible (through a HSAD or developer); the pipe itself will be paid for by the City.

Proposed New Projects:

The following Projects have been proposed by City Commissions, Department Heads, and/or Community Organizations. **Council needs to make a formal motion to include these projects in the 2015-2020 CIP.**

City of Homer Projects

1. Replacement Ambulance: proposed by Fire Chief
2. Backup Generator for Homer Public Library: proposed by Library Director
3. Homer Education and Recreation Center Upgrades: proposed by Parks & Recreation Commission
4. Seafarers Memorial Parking: proposed by Port & Harbor Director and Port & Harbor Commission
5. Storm Water Plan: proposed by Planning Director, Public Works Director and Planning Commission
6. Bayview Park Restoration Project: proposed by Parks & Recreation Commission and Best Beginnings Homer
7. Homer Spit Trailhead Restroom: proposed by Planning Commission

Projects Submitted By Other Organizations

1. Reconfiguration and Facility Upgrade: Homer Council on the Arts
2. Safety/Security Improvements: Haven House

The following projects will be removed from the 2015-2020 for the reason expressed in the second column. Traditionally Council has not made formal motions to remove projects from the CIP. However, **if Council disagrees with the removal of a project, or would like it moved to the Long Range section of the CIP, please direct staff accordingly.**

PROJECT:	REASON:
HH Float Improvements	Able to replace more floats as part of current Harbor Improvements than originally anticipated.
Town Center Infrastructure	Staff decided elements of this project are encompassed in the project East to West Transportation Corridor and recommend removal to prevent duplicate requests
Pioneer Avenue Upgrade	State funded project, DOT selected preferred alternative & Council passed resolution of support
Sterling Highway Reconstruction Anchor Point to Baycrest Hill	This section of road improved recently by ADOT/PF
Kachemak Bay Equestrian Association: Cottonwood Horse Park	KBEA completed this project (paid off land)
Haven House: Sustainability/ Energy Efficiency Improvements	Funded by Legislature
Visitor Information Center: Beautification Phase 1: Parking Lot	Funded by Legislature
Kenai Peninsula Borough: Homer High School Turf Field	Funded by bond
Kachemak Ski Club: Ohlson Mountain Rope Tow Safety Equipment Upgrade	Funded by Legislature

Remaining steps from Council:

- 1) Make a motion to adopt the proposed new projects, listing each by project title that the council would like to include in the 2015-2020 CIP.
- 2) If desired, make a motion to make 'Rogers Loop Trailhead Land Acquisition' a City of Homer project, as requested by Kachemak Nordic Ski Club
- 3) Discuss the Legislative Request, or top 5 projects, in the accompanying CIP resolution. (Per the CIP schedule adopted in May, the resolution is not adopted until the September 22nd meeting to give the public an additional opportunity to comment).

ORDINANCE(S)

CITY MANAGER'S REPORT

We don't think about
police, EMT and fire services
until we need them...

Now they need us.



Come spend a few minutes to learn what our police officers and fire fighters need to do their job safely and protect our community.

Open House #1 Homer Public Safety Building Project

Wednesday September 10, 2014 6:00 - 8:00 pm (drop in format)
City Hall Cowles Council Chambers, 491 E. Pioneer Avenue

To learn more please contact us:



Carey S. Meyer, Public Works Director
Dan Nelsen, Project Manager
City of Homer
(p) 907-235-3170

Sara Doyle, Public Involvement
USKH, now Stantec
sara.doyle@stantec.com
(p) 888-706-8754



CITY ATTORNEY REPORT

MEMORANDUM

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: HOLLY C. WELLS

RE: CITY ATTORNEY REPORT FOR AUGUST 2014

CLIENT: CITY OF HOMER

FILE NO.: 506,742.18

DATE: SEPTEMBER 3, 2014

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

City Council. I attended the August 25, 2014, City Council meeting and prepared to advise Council regarding several matters including a proposed ordinance amending the Homer City Code to reflect the City of Homer's role in the subdivision platting approval process, which is governed by the Kenai Peninsula Borough. Tom Klinkner worked with the administration on issues surrounding the Charter Commission, including the language for a Charter Commission proposition.

City Clerk. I advised the City Clerk regarding Board of Adjustment procedural issues. Tom Klinkner worked with the City Clerk on issues regarding the Charter Commission and prepared to advise the City Council on that matter as well. Mr. Klinkner also reviewed the ballot form for the October 2014 election.

Planning Department. Mr. Klinkner advised the City Planner regarding issues surrounding applications for conditional uses and drafted an ordinance regarding Council's review of Planning Commission's recommendations to the Kenai Peninsula Borough regarding subdivision plats.

City of Homer v. Reidel. Mara Michaletz continued her efforts regarding prosecution of loose goat citations against the Reidels, which involved potential settlement negotiations and preparation for an evidentiary hearing scheduled for September 18, 2014.

Water and Sewer Utility. Mr. Klinkner worked with the City Manager to revise the waste water agreement between Kachemak City and the City of Homer.

Port and Harbor. I worked with the Port and Harbor Director on issues surrounding agreements governing stall reservations and assignments. Additionally, I reviewed the order received from the Federal Maritime Commission dismissing Auction

Block's action against the City and prepared for the potential appeal of that decision by Auction Block.

Social Media Policy. I started working with the City Manager on the review of the City's use, or lack thereof, of social media and the development of a social media policy that serves the City's needs.

Personnel Issues. Amy Limeres advised the City Manager regarding personnel rehire and probationary period issues. She also advised the City Manager regarding former employee allegations of racial discrimination in light of the Equal Employment Opportunity Commission's determination that the City did not engage in such discrimination.

I will be available to answer questions regarding these matters at the September 8, 2014, Council meeting.

cc: Walt Wrede
Jo Johnson

COMMITTEE REPORTS

PENDING BUSINESS

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**CITY OF HOMER
ORDINANCE 14-45**

City Manager

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.93.060 STANDING – APPEAL TO BOARD OF ADJUSTMENT AND 21.93.500 PARTIES ELIGIBLE TO APPEAL TO BOARD OF ADJUSTMENT – NOTICE OF APPEARANCE, PROVIDING FOR THE CITY PLANNER OR DESIGNEE TO PARTICIPATE IN APPEALS TO THE BOARD OF ADJUSTMENT.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.93.060, Standing – Appeal to Board of Adjustment, is amended to read as follows:

21.93.060 Standing – Appeal to Board of Adjustment. Only the following have standing to appeal an appealable action or determination of the Planning Commission to the Board of Adjustment:

a. Applicant for the action or determination, or the owner of the property that is the subject of the action or determination under appeal.

b. The City Manager, ~~or~~ **the City Planner** or the City Planner’s designee, or any governmental official, agency, or unit.

c. Any person who actively and substantively participated in the proceedings before the Commission and is aggrieved by the action or determination.

d. Any person who actively and substantively participated in the proceedings before the Commission and would be aggrieved if the action or determination being appealed were to be reversed on appeal.

Section 2. Homer City Code 21.93.500, Parties eligible to appeal to Board of Adjustment – Notice of appearance, is amended to read as follows:

21.93.500 Parties eligible to appeal to Board of Adjustment – Notice of appearance. a. Only persons who actively and substantively participated in the matter before the Commission and who would be qualified to appeal under HCC 21.93.060 may participate as parties in an appeal from the Commission to the Board of Adjustment.

b. Any person so qualified who desires to participate in the appeal as a party, other than the appellant, the City Planner or the City Planner’s designee, the applicant for the action or determination that is the subject of the appeal and the owner of the property that is the subject of the action or determination, must, not less than 14 days before the date set for the appeal hearing, file with the City Clerk a written and signed notice of appearance containing that party’s name and address, and proof that the person would be qualified under HCC 21.93.060 to have filed an appeal.

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

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

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51 CITY OF HOMER

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54 _____
55 MARY E. WYTHE, MAYOR

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57 ATTEST:
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60 _____
61 JO JOHNSON, MMC, CITY CLERK

62
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64 AYES:
65 NOES:
66 ABSTAIN:
67 ABSENT:

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70 First Reading:
71 Public Hearing:
72 Second Reading:
73 Effective Date:

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76 Reviewed and approved as to form:

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79 _____
80 Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

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82 Date: _____

Date: _____

MEMORANDUM 14-123

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

**RE: PARTICIPATION OF CITY PLANNER AND PLANNING DEPARTMENT
EMPLOYEES IN APPEALS TO BOARD OF ADJUSTMENT**

FILE NO.: 506,742.563

DATE: JULY 30, 2014

In recent appeals from the Homer Advisory Planning Commission ("Commission") to the Board of Adjustment ("Board"), either the City Planner or another Planning Department employee has filed a brief and appeared at the appeal hearing before the Board to provide information to the Board regarding the Commission's decision. I have been asked to draft an amendment to the Homer City Code to sanction this practice. This memorandum accompanies the ordinance that I have prepared for that purpose, and explains the Code amendments in the ordinance.

HCC 21.93.500(a) authorizes the City Planner to participate *as a party* in all appeals to the Board from decisions of the Commission. HCC 21.93.500(a) provides, "Only persons who actively and substantively participated in the matter before the Commission and who would be qualified to appeal under HCC 21.93.060 may participate as parties in an appeal from the Commission to the Board of Adjustment." Under HCC 21.93.500(a), one must meet two qualifications to participate as a party in an appeal from the Commission to the Board: (i) active and substantive participation in the matter before the Commission, and (ii) having standing to appeal under HCC 21.93.060. The City Planner or another Planning Department employee will actively and substantively participate in each matter before the Commission that is subject to appeal to the Board. The City Planner also is designated in HCC 21.93.060(b) as a person who has standing to appeal a decision of the Commission to the Board. Since the City Planner may designate another Planning Department employee to present recommendations to the Commission in a matter that may be appealed to the Board, other Planning Department employees also should be authorized to participate as parties before the Board. Section 1 of the accompanying ordinance amends HCC 21.93.060(b) to make this change.

HCC 21.93.500(b) requires that any person desiring to participate as a party in an appeal to the Board, other than the appellant, the applicant for the action or

determination that is the subject of the appeal and the owner of the property that is the subject of the action or determination, must file an entry of appearance with the City Clerk. Since the City Planner or other Planning Department employee who participates in a matter before the Commission automatically becomes a party to an appeal of the Commission decision to the Board, efficiency would be served by exempting them from this requirement. Section 2 of the accompanying ordinance amends HCC 21.93.500(b) to make this change.

HCC 21.93.090 provides, "No person may **represent a party** to an appeal without filing with the City Clerk written authorization, which shall be signed by the party so represented and provide the name and address of the party's representative" (emphasis added). There has been some confusion regarding whether the City Planner or another Planning Department employee participates in an appeal to the Board in a representative capacity (e.g., as a representative of the City), and therefore is subject to the written authorization requirement in HCC 21.93.090. As the discussion in the preceding paragraphs indicates, the City Planner (or with the proposed Code amendment discussed therein, another Planning Department employee) participates in an appeal to the Board as a party, and not as a representative of a party. Thus, the written authorization requirement in HCC 21.93.090 does not apply to such participation.

TFK/TFK

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

3 City Manager

4 **RESOLUTION 14-008**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 APPROVING A NEW INTERGOVERNMENTAL WASTEWATER
8 AGREEMENT BETWEEN THE CITY OF HOMER AND KACHEMAK
9 CITY.

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11 WHEREAS, The City of Homer owns, operates, and maintains the sewer treatment
12 plant and all of the wastewater collection infrastructure, including pipes and related
13 equipment within Kachemak City; and

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15 WHEREAS, Kachemak City desires to continue to partner with Homer for wastewater
16 collection and treatment to maintain the public health and safety of the greater Homer area;
17 and

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19 WHEREAS, The City of Homer wishes to continue this cooperative relationship
20 because it is in the best interest of the utility and the community at large; and

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22 WHEREAS, Homer has the staff, equipment, and management capability to operate
23 and maintain the waste water collection system in the area, including service to Kachemak
24 City; and

25
26 WHEREAS, The existing Intergovernmental Agreement, adopted by the parties in 1988,
27 needs to be updated to reflect current conditions; and

28
29 WHEREAS, The two Cities have finalized a draft of a new Intergovernmental
30 Agreement on wastewater and the draft was reviewed by the Homer City Council at its
31 regular meeting on January 13, 2014.

32
33 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that continued
34 cooperation and partnership with Kachemak City on wastewater collection and treatment is
35 in the best interest of the greater Homer area.

36 BE IT FURTHER RESOLVED that the Homer City Council hereby approves the new
37 Intergovernmental Wastewater Agreement between the City of Homer and Kachemak City; a
38 copy of which is attached and incorporated herein.

39
40 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13^h day of January,
41 2014.

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43 CITY OF HOMER

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46 _____
47 MARY E. WYTHE, MAYOR

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49 ATTEST:
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52 _____
53 JO JOHNSON, MMC, CITY CLERK

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55 Fiscal Note: N/A

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City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 14-125

TO: Mayor Wythe and Homer City Council
FROM: Walt Wrede
DATE: August 18, 2014
SUBJECT: Revised Wastewater Agreement with Kachemak City

Resolution 14-008 entitled "A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING A NEW INTERGOVERNMENTAL WASTEWATER AGREEMENT BETWEEN THE CITY OF HOMER AND KACHEMAK CITY" first appeared on the January 27, 2014 City Council agenda. The Council discussed the Draft Agreement at a work session on February 24 and again at a Special Meeting (Executive Session) on March 10. At the March 10 Regular Meeting the Council postponed Resolution 14-008 until August.

The City Council expressed numerous concerns about the Draft Agreement and asked the Manager and the City Attorney to rewrite the Agreement to incorporate its concerns. The Draft Agreement was an amended version of the original Agreement adopted in the 1980's. Some Council members thought the document was confusing and hard to understand. Others did not think that it adequately represented how the City of Homer wastewater utility operates today or the relationship between the two cities with respect to the utility. All Council members provided their specific comments to the Manager in the form of notes written on the Draft Agreement.

Resolution 14-008 is back before the Council and is included on the August 25 meeting agenda. The Wastewater Agreement has been rewritten and it incorporates Council comments to the extent feasible and prudent. Highlights include:

- The requirement that Homer pay for professional consultants at various points is removed. This includes when the rate model is reviewed and when proportional shares for capital improvements benefitting both Cities are determined. Homer could employ professionals if it saw the need but is not required to do so.

- The requirement that proportional shares for capital improvements be based upon 20 year projections is removed. Cost sharing is simply based upon proportional volume at the time of construction.
- The Sections on Kachemak City fees and contributions to certain capital improvements are reorganized and simplified for easier understanding.
- The Rate Review Committee membership has been loosened and made more flexible.
- The meter option for sewer only customers in Kachemak City has been inserted.

I look forward to your comments on this latest version of the Agreement. Copies of this Agreement were provided to Kachemak City on Friday, August 15. It is likely that Kachemak City will not be able to get comments back to me before the meeting. It is also possible that further negotiation will be necessary. Therefore, this resolution may need to be postponed again for another meeting. I bring this new Agreement to you now (possibly prematurely) so that you can see the direction it is going and provide comment. We also wanted to comply with the Council's direction and bring this back to you in August.

RECOMMENDATION: Review the Amended Wastewater Agreement and Approve Resolution 14-008. Postpone until September 8 if necessary.

**INTERGOVERNMENTAL AGREEMENT FOR
WASTEWATER UTILITY FACILITIES AND SERVICE
BETWEEN THE CITIES OF HOMER AND KACHEMAK
JANUARY 1, 2014**

AGREEMENT dated as of January 1, 2014, by and between the City of Homer, an Alaska first class city ("Homer"), and the City of Kachemak, an Alaska second class city ("Kachemak").

RECITALS

WHEREAS, Homer owns, operates and maintains a public wastewater utility that provides wastewater collection, transportation and treatment service in Homer and Kachemak; and

WHEREAS, Kachemak desires that Homer continue to provide wastewater collection, transportation and treatment services to maintain the public health and safety of the greater Homer area; and

WHEREAS, Homer has the staff, equipment, and management capability to operate and maintain the wastewater collection, transportation and treatment system that provides wastewater utility service in Kachemak; and

WHEREAS, AS 29.35.010(13) authorizes each party to enter into an agreement with another city; and

WHEREAS, Homer currently provides wastewater collection and treatment services for Kachemak under an Intergovernmental Agreement adopted by the parties in 1988 that was the basis for the joint funding of the Homer wastewater treatment plant and the Kachemak wastewater collection system, which needs to be updated to reflect current conditions.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows.

AGREEMENT

ARTICLE 1 – DEFINITIONS

1.2 “Capital Cost” means a cost associated with the installation or acquisition of improvements, equipment and property including planning, engineering and design, construction, purchase of equipment and materials, supervision of construction, reasonable administration and interest on borrowed money during construction.

1.2 “Category 1 Improvement” means an improvement to the Utility wastewater collection and transportation system other than normal maintenance and replacement that benefits only customers in either Kachemak or Homer.

1.3 “Category 2 Improvement” means an improvement to the Utility wastewater collection and transportation system other than normal maintenance and replacement that benefits customers in both Kachemak and Homer, such as existing and future trunk sewers in the East End Road that provide service to customers in both communities.

1.4 “Category 3 Improvement” means an improvement to the Utility wastewater treatment facilities required by regulatory authorities.

1.5 “Category 4 Improvement” means an improvement to the Utility wastewater treatment facilities required to provide additional capacity.

1.6 “Utility” means the wastewater collection, transportation and treatment utility owned and operated by Homer.

ARTICLE II –UTILITY CAPITAL IMPROVEMENTS BENEFITING KACHEMAK CUSTOMERS

2.1 Kachemak shall pay Homer one hundred percent (100%) of the Capital Cost of all Category 1 Improvements in Kachemak.

2.2 Kachemak shall pay Homer part of the Capital Cost of Category 2 Improvements based on the zone connection fee method in Homer City Code 14.12.030 for the area in a benefited zone in Kachemak.

2.3 Kachemak shall pay Homer a percentage of the Capital Cost of Category 3 Improvements and Category 4 Improvements equal to the estimated percentage of the total wastewater, less I & I, treated by the Utility’s wastewater treatment facilities that is produced by customers in Kachemak in the year the improvement is made. Homer will determine the estimated percentage of total wastewater that is produced by customers in Kachemak in consultation with a committee representing Utility customers established under Section 4.3.

2.4 The payments that are required under this Article may be made either directly by Kachemak to Homer, or from funds made available to Homer on behalf of Kachemak in the form of matching grants or legislative appropriations from third party agencies, including the Environmental Protection Agency and the State of Alaska Department of Environmental Conservation.

2.5 Kachemak shall obtain and grant to Homer all easements and rights-of-way required to construct, operate, and maintain Utility improvements in Kachemak.

2.6 Kachemak shall coordinate all privately funded sewer improvements within Kachemak with Homer and the owner/developer.

ARTICLE III UTILITY SERVICE TO KACHEMAK CUSTOMERS

3.1 A customer in Kachemak may elect to be charged for Utility service on a metered basis. To be charged on a metered basis, a customer shall open a Utility customer account with

Homer, ~~lease purchase~~ a water meter, pay all associated service charges, and provide at its own expense all labor and material required to install the water meter in a manner and location approved by the Homer Public Works Department.

3.2 Kachemak will collect user fees each month from all non-metered Utility customers in Kachemak, at the rate currently prescribed by Homer for Utility service to non-metered customers in Kachemak. Homer shall bill Kachemak in a single monthly bill for all non-metered Utility customers in Kachemak. Kachemak shall pay the amount billed for a month not later than the fifteenth day of the following month. The entire amount of the bill shall be payable regardless of whether Kachemak has collected all user fees due from non-metered Utility customers in Kachemak. Homer will determine the estimated average volume in gallons per month for non-metered customers in consultation with a committee representing Utility customers established under Section 4.3.

3.3 Kachemak shall adopt in its code of ordinances, the same rules and regulations governing the use of wastewater facilities that Homer adopts from time to time in Title 14 of the Homer City Code.

3.4 At Homer's request, Kachemak shall serve as a clearinghouse for all service connection requests for non-metered Utility customers in Kachemak, collecting from requesting customers and remitting to Homer all required fees.

ARTICLE IV – OBLIGATIONS OF HOMER

4.1 Homer shall provide capacity in any future improvements to Homer's Utility facilities sufficient to serve existing and reasonably projected future Kachemak customers.

4.2 Homer shall operate, maintain and repair Utility facilities in Kachemak and provide for the pumping of private septic tanks on properties in Kachemak connected to Utility facilities.

4.3 Homer shall review Utility rates at least biannually at the Utility's expense, to establish fair and equitable rates for all Utility customers. In conducting the review Homer may obtain advice from an independent consultant having expertise in wastewater utility rate analysis, and/or a committee representing Utility customers, which shall have at least one member appointed by the City Council of Kachemak. Utility customers in Kachemak shall pay the same rate for Utility service as Utility customers in Homer that receive the same category of service. ~~The review shall separately evaluate the costs of operating and maintaining the Utility facilities that provide service to customers in Kachemak.~~

4.4 Utility rates for service to customers in Kachemak shall be based on the following: (i) charges to a metered customer shall be equal to the per-gallon and other charges to the same category of metered customer in Homer; (ii) the fee for septic tank pumping shall be equal to the unit cost that Homer selects as the lowest responsive and responsible bid to provide the service under Homer's procurement code; (iii) the sewer usage fee to non-metered customers shall be based on an the estimated average estimated residential volume in gallons per month ~~for non-metered customers in Homer~~ multiplied by the per-gallon charge to the same category of

non-metered customer in Homer, which per-gallon charge shall include ~~(excluding the Capital Cost of Utility improvements but including Utility administration, operation, maintenance and depreciation expenses, but exclude the Capital cost of Utility improvements). The assets on which Utility depreciation expense is based shall include the Capital Cost of Category 2 Improvements, Category 3 Improvements and Category 4 Improvements~~

4.5 Homer shall provide the planning, engineering, design, construction, construction administration and construction surveillance for all Utility capital improvements, including those in Kachemak.

ARTICLE V – MISCELLANEOUS

5.1 This Agreement supersedes and replaces the Intergovernmental Agreement adopted by the parties in 1988.

EXECUTED the ____ day of _____ 2014.

CITY OF HOMER

Walt Wrede, City Manager

CITY OF KACHEMAK

Philemon Morris, Mayor

**INTERGOVERNMENTAL AGREEMENT FOR
WASTEWATER UTILITY FACILITIES AND SERVICE
BETWEEN THE CITIES OF HOMER AND KACHEMAK
JANUARY 1, 2014**

AGREEMENT dated as of January 1, 2014, by and between the City of Homer, an Alaska first class city ("Homer"), and the City of Kachemak, an Alaska second class city ("Kachemak").

RECITALS

WHEREAS, Homer owns, operates and maintains a public wastewater utility that provides wastewater collection, transportation and treatment service in Homer and Kachemak; and

WHEREAS, Kachemak desires that Homer continue to provide wastewater collection, transportation and treatment services to maintain the public health and safety of the greater Homer area; and

WHEREAS, Homer has the staff, equipment, and management capability to operate and maintain the wastewater collection, transportation and treatment system that provides wastewater utility service in Kachemak; and

WHEREAS, AS 29.35.010(13) authorizes each party to enter into an agreement with another city; and

WHEREAS, Homer currently provides wastewater collection and treatment services for Kachemak under an Intergovernmental Agreement adopted by the parties in 1988 that was the basis for the joint funding of the Homer wastewater treatment plant and the Kachemak wastewater collection system, which needs to be updated to reflect current conditions.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows.

AGREEMENT

ARTICLE 1 – DEFINITIONS

1.2 “Capital Cost” means a cost associated with the installation or acquisition of improvements, equipment and property including planning, engineering and design, construction, purchase of equipment and materials, supervision of construction, reasonable administration and interest on borrowed money during construction.

1.2 “Category 1 Improvement” means an improvement to the Utility wastewater collection and transportation system other than normal maintenance and replacement that benefits only customers in either Kachemak or Homer.

1.3 “Category 2 Improvement” means an improvement to the Utility wastewater collection and transportation system other than normal maintenance and replacement that benefits customers in both Kachemak and Homer, such as existing and future trunk sewers in the East End Road that provide service to customers in both communities.

1.4 “Category 3 Improvement” means an improvement to the Utility wastewater treatment facilities required by regulatory authorities.

1.5 “Category 4 Improvement” means an improvement to the Utility wastewater treatment facilities required to provide additional capacity.

1.6 “Utility” means the wastewater collection, transportation and treatment utility owned and operated by Homer.

ARTICLE II –UTILITY CAPITAL IMPROVEMENTS BENEFITING KACHEMAK CUSTOMERS

2.1 Kachemak shall pay Homer one hundred percent (100%) of the Capital Cost of all Category 1 Improvements in Kachemak.

2.2 Kachemak shall pay Homer part of the Capital Cost of Category 2 Improvements based on the zone connection fee method in Homer City Code 14.12.030 for the area in a benefited zone in Kachemak.

2.3 Kachemak shall pay Homer a percentage of the Capital Cost of Category 3 Improvements and Category 4 Improvements equal to the estimated percentage of the total wastewater, less I & I, treated by the Utility’s wastewater treatment facilities that is produced by customers in Kachemak in the year the improvement is made. Homer will determine the estimated percentage of total wastewater that is produced by customers in Kachemak in consultation with a committee representing Utility customers established under Section 4.3.

2.4 The payments that are required under this Article may be made either directly by Kachemak to Homer, or from funds made available to Homer on behalf of Kachemak in the form of matching grants or legislative appropriations from third party agencies, including the Environmental Protection Agency and the State of Alaska Department of Environmental Conservation.

2.5 Kachemak shall obtain and grant to Homer all easements and rights-of-way required to construct, operate, and maintain Utility improvements in Kachemak.

2.6 Kachemak shall coordinate all privately funded sewer improvements within Kachemak with Homer and the owner/developer.

ARTICLE III UTILITY SERVICE TO KACHEMAK CUSTOMERS

3.1 A customer in Kachemak may elect to be charged for Utility service on a metered basis. To be charged on a metered basis, a customer shall open a Utility customer account with

Homer, lease a water meter, pay all associated service charges, and provide at its own expense all labor and material required to install the water meter in a manner and location approved by the Homer Public Works Department.

3.2 Kachemak will collect user fees each month from all non-metered Utility customers in Kachemak, at the rate currently prescribed by Homer for Utility service to non-metered customers in Kachemak. Homer shall bill Kachemak in a single monthly bill for all non-metered Utility customers in Kachemak. Kachemak shall pay the amount billed for a month not later than the fifteenth day of the following month. The entire amount of the bill shall be payable regardless of whether Kachemak has collected all user fees due from non-metered Utility customers in Kachemak. Homer will determine the estimated average volume in gallons per month for non-metered customers in consultation with a committee representing Utility customers established under Section 4.3.

3.3 Kachemak shall adopt in its code of ordinances, the same rules and regulations governing the use of wastewater facilities that Homer adopts from time to time in Title 14 of the Homer City Code.

3.4 At Homer's request, Kachemak shall serve as a clearinghouse for all service connection requests for non-metered Utility customers in Kachemak, collecting from requesting customers and remitting to Homer all required fees.

ARTICLE IV – OBLIGATIONS OF HOMER

4.1 Homer shall provide capacity in any future improvements to Homer's Utility facilities sufficient to serve existing and reasonably projected future Kachemak customers.

4.2 Homer shall operate, maintain and repair Utility facilities in Kachemak and provide for the pumping of private septic tanks on properties in Kachemak connected to Utility facilities.

4.3 Homer shall review Utility rates at least annually at the Utility's expense, to establish fair and equitable rates for all Utility customers. In conducting the review Homer may obtain advice from an independent consultant having expertise in wastewater utility rate analysis, and/or a committee representing Utility customers, which shall have at least one member appointed by the City Council of Kachemak. Utility customers in Kachemak shall pay the same rate for Utility service as Utility customers in Homer that receive the same category of service.

4.4 Utility rates for service to customers in Kachemak shall be based on the following: (i) charges to a metered customer shall be equal to the per-gallon and other charges to the same category of metered customer in Homer; (ii) the fee for septic tank pumping shall be equal to the unit cost that Homer selects as the lowest responsive and responsible bid to provide the service under Homer's procurement code; (iii) the sewer usage fee to non-metered customers shall be based on an estimated average residential volume in gallons per month multiplied by the per-gallon charge to the same category of non-metered customer in Homer, which per-gallon charge shall include Utility administration, operation, maintenance and depreciation expenses, but exclude the Capital cost of Utility improvements.

4.5 Homer shall provide the planning, engineering, design, construction, construction administration and construction surveillance for all Utility capital improvements, including those in Kachemak.

ARTICLE V – MISCELLANEOUS

5.1 This Agreement supersedes and replaces the Intergovernmental Agreement adopted by the parties in 1988.

EXECUTED the ____ day of _____ 2014.

CITY OF HOMER

Walt Wrede, City Manager

CITY OF KACHEMAK

Philemon Morris, Mayor

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

3 Mayor/City Council

4 **RESOLUTION 14-088**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING THE SEWER FEE SCHEDULE TO PROVIDE A FEE
8 STRUCTURE FOR METERED SEWER ONLY CUSTOMERS.
9

10 WHEREAS, A new water and sewer rate model was adopted effective January 1, 2014
11 and since that time, the Homer City Council has engaged in discussions regarding how to
12 accurately measure and charge for the consumption and usage of non-metered sewer only
13 customers; and
14

15 WHEREAS, Water and sewer customers are charged for sewer usage based upon water
16 consumption as measured by water meters; and
17

18 WHEREAS, Sewer only customers do not have water meters and therefore, water
19 consumption and wastewater discharge is based for billing purposes upon an assumed
20 average for residential usage; and
21

22 WHEREAS, After much discussion, the Homer City Council has determined that the
23 fairest and most accurate way to measure and charge for usage for sewer only customers is
24 to provide them with the option of installing a water meter and paying normal fees based
25 upon actual water consumption; and
26

27 WHEREAS, It is necessary to amend the sewer fee schedule to provide a fee structure
28 that accommodates metered sewer only customers.
29

30 NOW, THEREFORE, BE IT RESOLVED that Table II of the Sewer Rate Schedule
31 pertaining to sewer only customers is deleted in its entirety and replaced with the following:
32

<u>Rates</u>	<u>Table II</u>	
Sewer ONLY Customer (Non-Metered)		Sewer
	Fees/Rate/Usage	Per Customer/Per Month
Lift Station Customer	\$0.0218/Gal	\$76.30
Non-Lift-Station Customer	\$0.0147/Gal	\$51.45

38	Monthly Service	\$5.00/Customer/Mo.	\$5.00
39	Pumping Fee (if applicable)	\$7.75/Customer/Mo.	\$7.74
40	Assumption: Av. Sewer Usage	3,500 Gal/Mo.	-----

41

42 **Sewer ONLY Customer (Metered)**

43		Fees/Rate	Per Customer Per Month
44	Lift Station Customer	\$0.0218/Gal	-----
45	Non-Lift Station Customer	\$0.0147/Gal	-----
46	Monthly Service	\$19.00/Mo	\$19.00
47	Pumping Fee (If applicable)	\$7.75/Mo.	\$7.75

48

49 BE IT FURTHER RESOLVED that the third paragraph entitled “Sewer System
 50 Dischargers (Sewer ONLY Customers)” under the Section entitled “Customer classification
 51 definitions for determining sewer rates” is deleted in its entirety and replaced with the
 52 following:

53

54 Sewer System Dischargers (Sewer ONLY customers)

55 A. Non-Metered Customers: Customers who use sewer service only shall be charged a
 56 monthly service charge of \$5.00 plus a sewer usage fee based upon the estimated
 57 average residential volume of 3,500 gallons per month multiplied by the applicable
 58 sewage per gallon rate (see table II). Kachemak City Local Improvement District (LID)
 59 members have contributed to the initial cost of the sewer treatment plant and the
 60 collection system within Kachemak City. For Kachemak City LID non-metered
 61 dischargers connected within the LID, the City of Homer shall bill Kachemak City in
 62 one single bill at the Lift-Station Zone rate of \$89.05 (\$76.30 +5.00+7.75) per
 63 month/per customer. Kachemak City shall be responsible for payment to the City of
 64 Homer. Non-metered sewer only customers residing within the City of Homer shall be
 65 direct customers of the Homer Water and Sewer Utility.

66 B. Metered Customers: Sewer only customers in both Homer and Kachemak City have
 67 the option of installing water meters to measure the amount of water that enters the
 68 premises and leaves as wastewater via the sewage collection system. The sewage
 69 rates for metered sewer only customers are presented in Table II. All water meters
 70 must be approved and installed under the direction of the Homer Public Works
 71 Department. Metered customers residing within Kachemak City shall become direct
 72 customers of the Homer Water and Sewer Utility. In addition to the monthly utility
 73 sewer fees shown in Table II, metered sewer only customers are subject to all other
 74 relevant Water and Sewer fees contained in this Schedule, including the one-time

75 water meter lease fee (HCC 14.08.037),service connect and disconnect fees, service
76 call, inspections, and repair fees, sewer connection and extension permit fees, and a
77 15% administration fee for replacement parts for water and sewer services and
78 functions including pressure reducing valves, sewer saddles, or any Public Works
79 Department stock item for resale to the public.

80
81 PASSED AND ADOPTED by the City Council of Homer, Alaska, this _____ day of
82 _____, 2014.

83
84 CITY OF HOMER

85
86
87 _____
88 MARY E. WYTHE, MAYOR

89
90 ATTEST:
91
92
93 _____
94 JO JOHNSON, MMC, CITY CLERK

95
96 Fiscal Note: N/A

97
98

NEW BUSINESS

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 14-096

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE KAREN HORNADAY PARK CAMPGROUND/TRAIL IMPROVEMENT PROJECT TO _____ OF _____, _____, IN AN AMOUNT OF \$ _____ AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy, fax-back bids were solicited from twelve area-wide contractors; and

WHEREAS, Bids were due on September 4, 2014 and _____ bids were received; and

WHEREAS, Bids were opened and the firm of _____ of _____, _____ was determined to be the low responsive bidder and found to be qualified to complete the work; and

WHEREAS, The cost of the construction of this project, as reflected in the low bid, is within the budget authorized by the City Council; and

WHEREAS, This award is not final until written notification of award is received by _____ from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract award for the Karen Hornaday Park Campground/Trail Improvement Project to the firm of _____ of _____, _____, in the amount of \$ _____ and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 8th day of September, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Acct. No.

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

