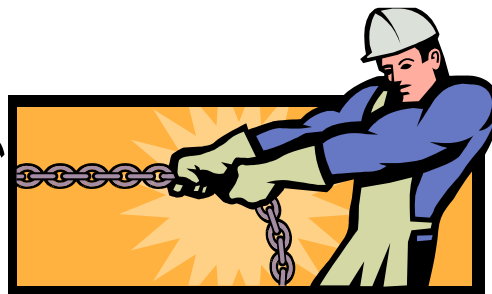


City Council
September 22, 2014
Monday

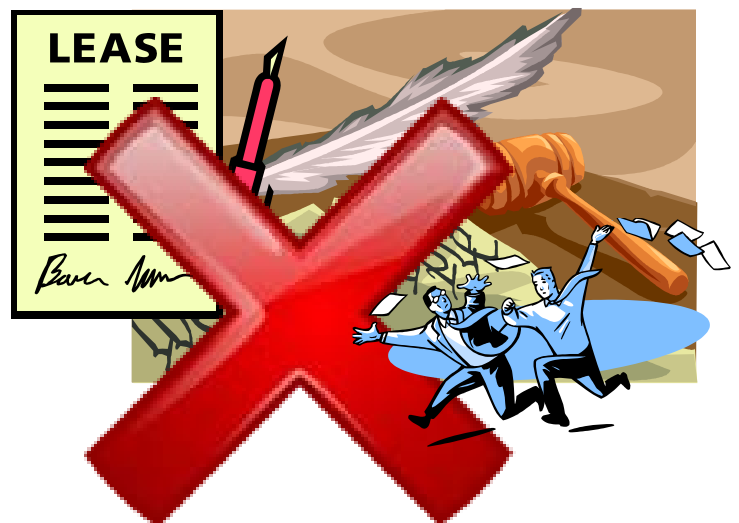


Worksession 4:00 P.M.
Committee of the Whole 5:00 P.M.
Regular Meeting 6:00 P.M.



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

Produced and
Distributed by the City Clerk's Office -9/17/2014-rk



SEPTEMBER/OCTOBER 2014

- Monday,
September 22ND:** **CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m. and
Regular Meeting 6:00 p.m.
- Wednesday,
September 24th:** **PORT & HARBOR ADVISORY COMMISSION**
Regular Meeting 5:00 p.m.
- Thursday,
September 25th:** **PUBLIC SAFETY BUILDING REVIEW COMMITTEE**
Regular Meeting 5:30 p.m. (Upstairs Conference Room)
- Thursday,
September 25th:** **VOLUNTEER APPRECIATION EVENT**
Homer Elks Club, Jenny Lane 6:00 p.m. to 8:00 p.m.
- Monday,
September 29th:** **BOARD OF ADJUSTMENT CUP 14-05**
Special Meeting 6:00 p.m.
- Tuesday,
September 30th:** **PUBLIC ARTS COMMITTEE**
Worksession 5:00 p.m.
- Wednesday,
October 1st:** **PLANNING COMMISSION**
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Tuesday,
October 7th:** **LIBRARY ADVISORY BOARD**
Regular Meeting 5:00 p.m.
- Monday, October 13th:** **CITY COUNCIL MEETING**
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00
p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6 p.m.
Library Advisory Board 1st Tuesday 5 p.m.
Economic Development Advisory Commission 2nd Tuesday 6 p.m.
Parks and Recreation Advisory Commission 3rd Thursday of the Month with the Exception of
July & December 5:30 p.m.
Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m. (May – August 6:00 p.m.)
Public Arts Committee Quarterly 2nd Thursday 5:00 p.m.
Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

- BETH WYTHE, MAYOR – 14
FRANCIE ROBERTS, COUNCILMEMBER – 15
BARBARA HOWARD, COUNCILMEMBER – 14
BRYAN ZAK, COUNCILMEMBER – 16
DAVID LEWIS, COUNCILMEMBER – 14
BEAUREGARD BURGESS, COUNCILMEMBER – 15
GUS VAN DYKE, COUNCILMEMBER – 16

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

<http://cityofhomer-ak.gov/cityclerk> for home page access, Clerk's email address
is: clerk@ci.homer.ak.us City Clerk's office phone number: direct line 235-3130, other number
435-3106.

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



WORKSESSION
4:00 P.M. MONDAY
SEPTEMBER 22, 2014
COWLES COUNCIL CHAMBERS

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

WORKSESSION AGENDA

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

Councilmember Zak has requested telephonic participation.

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

3. FINAL REPORT FROM VESSEL HAUL-OUT TASK FORCE

Page 7

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, October 13, 2014 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Special Meetings are scheduled for Monday, September 29, 2014 at 6:00 p.m., October 20, 2014 at 6:00 p.m., and Saturday, October 25, 2014 9:00 a.m. – 4:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Vessel Haul-Out Task Force

Final Report
September 22, 2014



Task Force Members:

Bryan Hawkins ◇ David Lewis ◇ Mike Stockburger ◇ Mike Pate
Ian Pitzman ◇ Glen Carroll ◇ Barbara Howard

Contents

- ❖ Vessel Haul-out Task Force Presentation
- ❖ Final Report to Homer City Council
- ❖ Large Vessel Haul-out Questionnaire & Letter
- ❖ Memo to VHOTF from Bryan Hawkins, Port Director Re: Questionnaire Results dated May 9, 2014
- ❖ Business Performa
- ❖ Capital Improvement Projects
- ❖ Overview of Haul-out Area

LARGE VESSEL HAUL- OUT FACILITY

- Local fleet of larger vessels wanting to stay local for services
- Locally available marine trades
- Great Location

WHY NOT HOMER!



© Scott Dickerson

VESSEL HAUL-OUT TASK FORCE: PURPOSE & MISSION

Resolution 14-015: Make recommendations to City Council on a large vessel haul-out & repair facility

- Discuss possibility of such a facility at the Port
- Explore the benefits & challenges
- Review & discuss all facets of a vessel haul-out & repair facility
- Provide recommendation by October 1, 2014



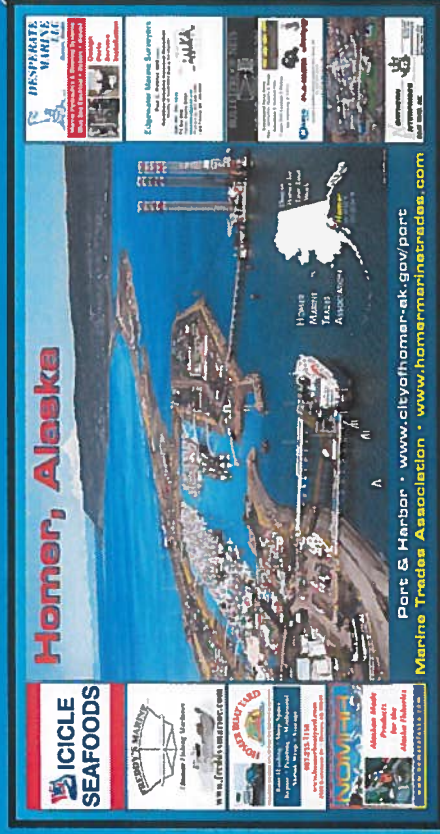
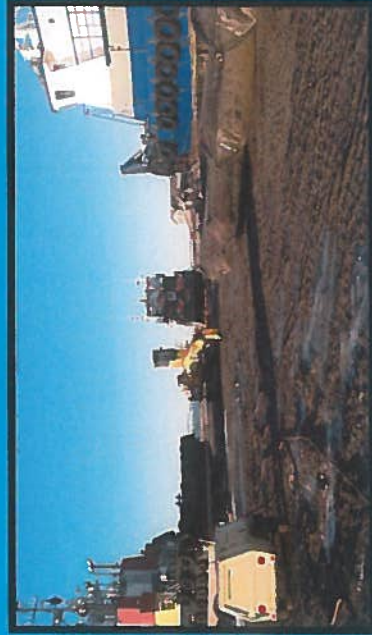
TASK FORCE ACCOMPLISHMENTS

- Sent survey of interest to vessel owners & fleet managers
- Reviewed repair yard management plans/policies
- Reviewed methods/costs for hauling vessels
- Developed short and long-term goals
- Developed business performance
- Held 12 public meetings



WHO BENEFITS?

- Larger vessels that currently have to travel for services
- Local marine trades people
- Other business owners
- City of Homer



WHERE?

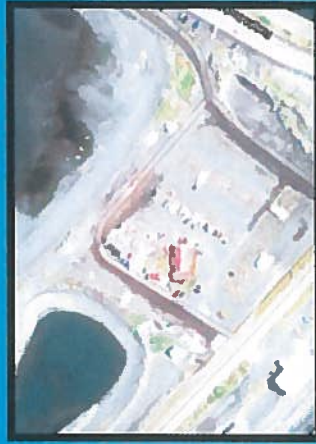
Option 1 – Barge Haul-Out Area (between Fishing Hole & Harbor)

- Gently sloping beach – optimal 5% slope
- Lowest uplands elevation = less lifting
- Marine Industrial zoning
- Electricity & water available



Option 2 – Concrete Pad & Adjoining Areas

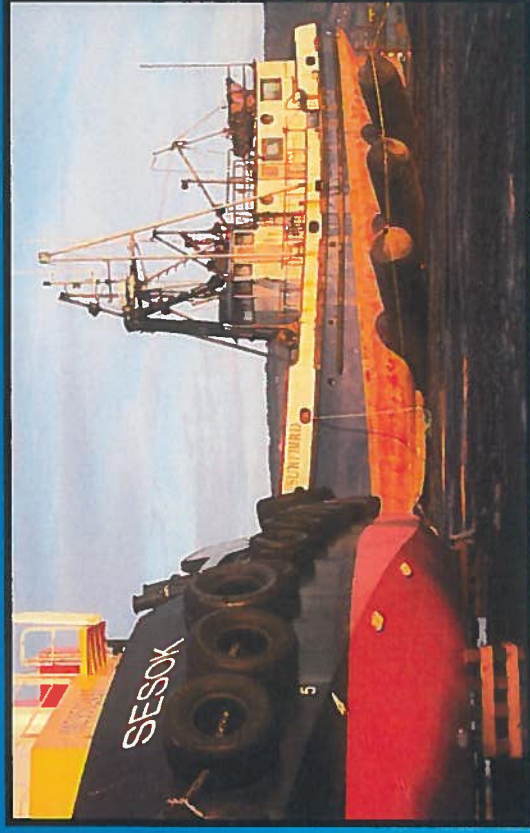
- Large (5 acre industrial pad)
- Run-off water treatment development easier to achieve in this location
- Lot 21 – currently set aside for boat lift



WHEN?

A.S.A.P.

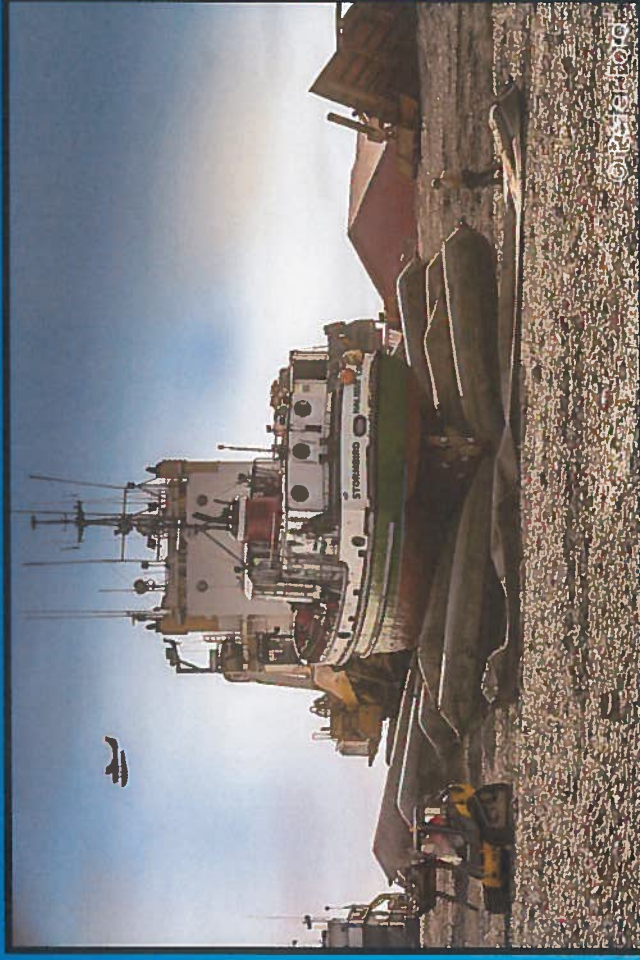
- Seven large vessels were hauled out spring 2014
- Growing list of requests for upcoming fall 2014
- Multiple projects on the horizon for Cook Inlet
- Revenue opportunities for the community



HOW?

METHODS USED TO HAUL OUT LARGE VESSELS:

- Marine Ways – Railway to pull boat out
- Lifts – Traveling or Stationary
- Trailers – Towed or Self Propelled
- Pneumatic Bags
- Combinations of the Above



VESSEL REPAIR YARD MANAGEMENT OPTIONS

Open Yard vs. Closed Yard

- **Open yard:** vessel owners are allowed to work on their own vessels & hire contractors from an approved list of vendors
- **Closed yard:** vessel owners contract with the repair facility for all repairs; yard employees perform the work

Public, Private, Co-op, or Other

- **City-managed facility:** a new department within the Port & Harbor created specifically for running & maintaining the yard
- **Privately-managed facility:** a privately owned business operates the yard under a long-term lease with the City

TASK FORCE RECOMMENDATIONS

1. Continue large vessel haul-out at Barge Haul-out Area September through May
2. Resolve land use issues to provide for year-round use
3. Support the Barge Mooring & Marine Ways CIP's
4. Fund the design, engineering, & permitting for upland improvements for repair yard
5. Develop and advertise an RFP for developing the facility



RFP GOALS

Key points to include in the RFP:

- ✓ Haul-out facilities for local & new, large vessel customers
- ✓ Safe environment for workers completing maintenance tasks
- ✓ Develop environmentally-approved, full service facilities
- ✓ Encourage year-round job growth in the marine trades & support the industry
- ✓ Promote marine trade skills & job training in Lower Kenai Peninsula schools & colleges
- X City does not want to compete with established, privately-owned & operated haul-out facilities. City wants to bring new business into community & work to keep large vessel maintenance from leaving town.

FUTURE NEED FOR THE TASK FORCE

The task force's mission has been accomplished, but is there more work to be done?

What should be done with the Vessel Haul-out Task Force?

- A. Disband the task force, or
- B. Remain formed to meet only when needed

Special & Related Projects:

- Develop an RFP for a large vessel haul-out & repair facility
- Act as a review panel for RFP applications
- Act as a review panel for capital improvement proposals
- Other future needs relating to the haul-out facility



Memorandum

TO: MAYOR BETH WYTHER & HOMER CITY COUNCIL
FROM: VESSEL HAUL-OUT TASK FORCE
DATE: SEPTEMBER 22, 2014
SUBJECT: FINAL REPORT

Executive Summary: After careful research, discussion and evaluation the Vessel Haul-Out Task Force presents the following for your consideration.

The need for a vessel haul-out facility of some configuration is highly desired by the commercial fishing fleet; deep v-haul and wide body vessels and barges. The amenities of good weather, ice-free harbor area, marine services and upland facilities make the Port of Homer a very attractive consideration for general maintenance work as well as emergency repair work. During the shoulder months of 2013-2014 in the beach area near Lot TR1-A, approximately seven vessels of various types were hauled out for repairs. Two additional vessels were turned away.

The skilled jobs this created, along with additional income to the Harbor Enterprise fund, was a welcomed economic surge. Because of this unexpected activity the task force was organized to dream about the “what if’s”. Bottom line is: the perfect all-accommodating haul-out facility is not in the near future for the Homer Harbor because of the tremendous, upfront facility costs. What is feasible is to improve what we have going for us by beefing up the beach mooring system, establishing electrical power hook-up service, and building an environmentally adequate wash-down facility. The task force’s research gives up the cost to be about \$650,000.00. The upgrades needed are on the existing CIP list and we recommend prioritizing these projects for this year.

RECOMMENDATION: Approve the CIP beach and harbor improvements as described in CIP Barge Mooring Facility Phase II in the amount of \$105,000.00 with the funding source to be from the general fund balance account. Instruct staff to apply and receive all necessary permits this type of marine activity requires. Further, it is recommended the public involvement is restricted to scheduling and supervising rules and regulations, leaving the balance of the activities to the private sector as an open shop. The task force recommends a tariff rate schedule for this new harbor service to be developed and approved. Finally, instruct staff to write and advertise a Request for Proposal for developing the facility.

Background: At the December 4, 2013 meeting of the Port and Harbor Commission, Port Director/Harbormaster Hawkins presented the concept of a vessel haul out facility that is further described in a supporting memorandum. In addition to the commissioners’ comments, several members of the community (user groups) identified the need to provide a service to the larger vessels. City Manager Wrede also spoke about the projects potential. The commission requested the City Council form a committee to research the possibilities of a vessel haul-out repair facility.

On January 7, 2014 the City Council adopted Resolution No. 14-015 authorizing the formation of the Vessel Haul-Out Task Force.

The Task Force has held twelve meetings and made one presentation to the Port and Harbor Commission. All meetings were well attended by members of the public and government agencies. The staff members for the City Clerk; Finance; Planning; Public Works and Port and Harbor provided valuable and timely information requested.

Members of the Task Force were selected as a good representation of the user groups and interested parties: Glen Carroll; David Lewis; Ian Pitzman; Mike Stockburger; Mike Pate; Bryan Hawkins and Barbara Howard were appointed by the mayor to serve on the task force.

Recent Haul-Out Activities: During March through May 2014, as many as six large vessels of various types were on the beach area of Lot TR1-A. Tugs, barges, and other fishing vessels were being hauled out on air bags and tractors for maintenance and repair. Economically, this activity was a welcome boom to the shoulder months for all marine trades of the Homer area. Income generated by the mooring for the enterprise fund was approximately \$18,000. This amount is low because we did not have a tariff schedule to reflect the true value of the facility. As many as twenty workers were on-site doing high, wage-earning work. Welders, carpenters, mechanics, painters, and other services were readily working for three months. The restaurants and other businesses noted a welcomed increase to business during this period. The beach area was restored to “better than before” status by May 20th in plenty of time for Parks and Recreation staff to prepare the area for campground use and other recreational activities.

Result of Research: As part of our research, we developed and sent out a questionnaire to the user groups of approximately 300 vessel owners/operators. We received 44 replies. Copies of the questionnaire and staff memo of the results are included with this report. The need for such service was once again confirmed.

Management Options: A Business Performa was developed as a guiding tool for our assumptions and timeline. A copy of this document is included as well.



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4350 Homer Spit Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

April 4, 2014

Re: Large Vessel Haul-Out Facility – Potential Future Facility & Questionnaire

Dear Vessel Owner,

Homer City Council has formed a task force focused on the possibility of building a large vessel haul-out and repair facility on the Homer Spit. The task force is made up of two City Council members, two Port and Harbor Advisory Commissioners, two members of Homer Marine Trades Association, and the Port Director/Harbor Master. This group has been assembled to review/discuss the possibility of a large vessel haul-out and repair facility, the benefits and challenges of building such a facility, and the options of the facility being owned privately or by the Harbor Enterprise.

The task force's goal is to utilize the existing fenced-in, 5 acre, concrete pad located on the Homer Spit for a year-round facility (see map on other page). Nearby lots 10 and 11 may also be utilized. Due to limited space, the City is only interested in creating a vessel maintenance and repair facility, not a vessel storage yard. A rate structure would be established to encourage vessel owners to accomplish their boat projects on an efficient and timely basis.

To better aid the task force in determining the potential market for a large vessel haul-out and repair facility, we are asking for your input via a questionnaire. We have chosen to send this letter to you because:

- You are the owner of a vessel that is 58 to 300 feet in length
- Your vessel may be too wide (beamy), and too heavy (over 70 displacement tons) for other haul-out facilities
- You have utilized Homer's harbor and/or port
- You may have difficulty finding local facilities that can haul your vessel out for repairs and maintenance

If this description applies to you, then we are very interested in hearing more about your vessel and your willingness to use a Homer-based, large vessel haul-out facility. We are also interested in your opinion of who the potential owners/financers should be, such as: the City of Homer, a private business, or a private group (i.e. local businesses and vessel owners forming a cooperative).

Enclosed with this letter is a brief questionnaire. Please complete the form and return to the Harbor Office by May 5, 2014 by the following methods:

- **Mail** – City of Homer, Port and Harbor 4350 Homer Spit Road, Homer, AK 99603
- **In Person** – Office located at the above address; at the top of Ramp 2
- **Email** – Scan and email to rtussey@ci.homer.ak.us

This questionnaire is available online at:

<http://www.cityofhomer-ak.gov/port/large-vessel-haul-out-facility-questionnaire>

It is also available at the following Survey Monkey link:

<https://www.surveymonkey.com/s/352RNL6>

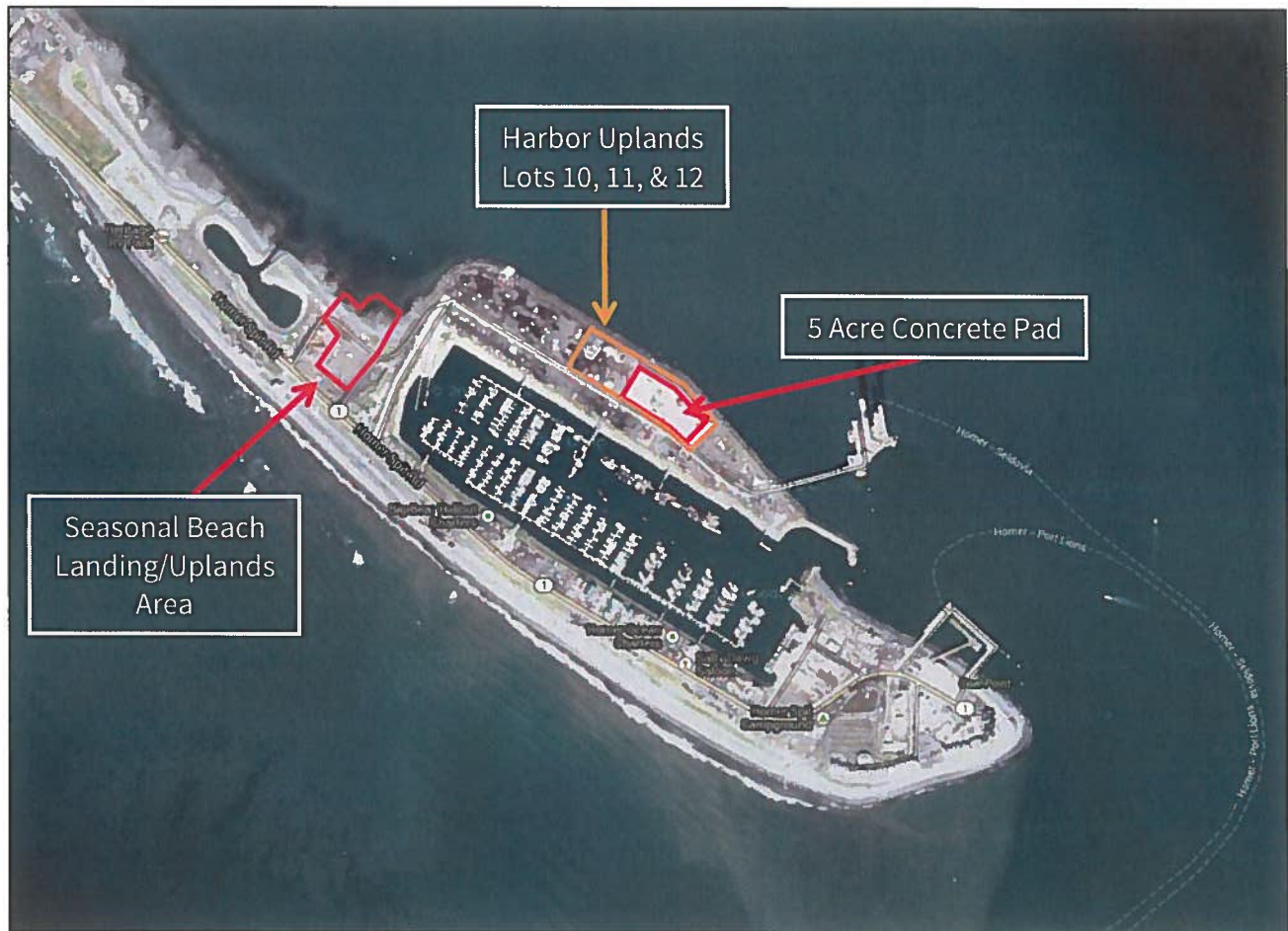
We appreciate your time and hope to hear what you have to say on the subject by May 5th!

Sincerely,



Bryan Hawkins
Port Director/Harbormaster

Encl. Large Vessel Haul-Out Questionnaire





City of Homer Vessel Haul-Out Task Force

Large Vessel Haul-Out Facility Questionnaire

***Please Complete & Return to the Harbor Office by Monday, May 5, 2014**

Hello and thank you for taking a moment to complete the following questionnaire! The information you provide will be used by the Vessel Haul-Out Task Force for the sole purpose of conducting research for potential users of a large vessel haul-out and repair facility, located on the Homer Spit. This fact-finding questionnaire is designed to help decision-makers move in the right direction with this proposed project; your participation will not obligate you in any way. We thank you for your time and input!

Name of Owner: _____

Vessel Name: _____ Home Port: _____

Vessel Length: _____ Beam: _____ Displacement Tonnage (actual weight): _____

Type of Vessel: Tender Fishing Vessel Landing Craft Barge Tug Other: _____

Hull Shape: Deep Draft, Single Keel Shallow-Draft, Flat Bottom, Twin Engine Other: _____

Hull Material: Steel Aluminum Wood Fiberglass Other: _____

1. When looking for a place to haul out, what motivates you to choose one facility/location over another?
(Rate the following choices, **1** being most important and **5** being less important)

___ Geographic Area

___ Price

___ Marine Industry Support

___ Harbor Amenities

___ Local Services

2. If this kind of facility existed in Homer, would you use it?

Absolutely

Possibly

I don't know

No

3. What is your preferred method for removing the vessel from the water?

Trailer

Dry Dock

Travel Lift

Air Bags

Other: _____

4. In regards to your maintenance/repair schedule, how often would you have your vessel hauled?

Annually

Every Other Year

Once Every 3-5 Years

Other: _____

5. What time of the year would you like to be hauled out?
 - Spring
 - Summer
 - Fall
 - Winter

6. How long would you like to be hauled out?
 - Days
 - Weeks
 - Months

7. While hauled out, what kind of boat work are you looking to have done? (select one or more)
 - Hull Maintenance – sandblasting, painting, zincs, etc.
 - Mechanical – props, shafts, engines, etc.
 - Fabrication – fiberglass, welding, etc.
 - Inspection Purposes – USCG, insurance, etc.
 - Other: _____

For the next few questions, let's focus on who will own this facility, who will oversee operations/maintenance, and where the funding will come from to build such a facility. Please select the answer you agree with best.

8. Let's say that the City of Homer Port and Harbor offered specific lots in the harbor, at a reasonable lease rate and term, to establish the facility. How would you suggest a facility such as this be funded and owned?
 - The City of Homer Port and Harbor, funded through state grant appropriations
 - A private business
 - A cooperative consisting of local businesses and vessel owners interested in investing
 - Other: _____

9. If the facility is built, who do you think should operate the haul-out equipment, run the office, and manage the facility overall?
 - The City of Homer Port and Harbor, working as another branch of the Port and Harbor department
 - A private business that is the owner AND operator
 - A private business that operates through a contract under the ownership of another entity (such as the City)
 - A cooperative consisting of local businesses and vessel owners
 - Other: _____

10. If you were given the opportunity to be a part of a cooperative effort (involving local businesses and vessel owners) that owned, operated, managed, and maintained a large vessel haul-out facility, would you be interested in being a part of it?
 - Yes
 - No

Please provide other comments you may have:



Memorandum

TO: VESSEL HAUL-OUT TASK FORCE

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER & RACHEL TUSSEY,
ADMINISTRATIVE SECRETARY

DATE: MAY 9, 2014

SUBJECT: REPORT ON THE LARGE VESSEL HAUL-OUT QUESTIONNAIRE RESULTS

This memorandum presents the findings of a market research and opinion study that Port and Harbor Staff conducted for the Large Vessel Haul-Out Task Force. Information on how the questionnaire was conducted and how responses were compiled are presented first, followed by the findings of the questionnaire. Staff's comments on the questionnaire's results are discussed lastly.

Questionnaire Conduction & Response Compilation

To determine the potential market group for a large vessel haul-out and repair facility, staff formulated a questionnaire (see attached). This questionnaire and a letter (see attached) was mailed and emailed to recipients using Port and Harbor Marina account information, and also posted on the City of Homer website as a pop-up quiz (link: <https://www.surveymonkey.com/s/352RNL6>). Our targeted group's characteristics included the following:

- The owner of a vessel that is 58 to 300 feet in length
- The vessel may be too wide (beamy), and too heavy (over 70 displacement tons) for other haul-out facilities
- The owner has utilized Homer's harbor and/or port
- The owner may have difficulty finding local facilities that can haul-out their vessel

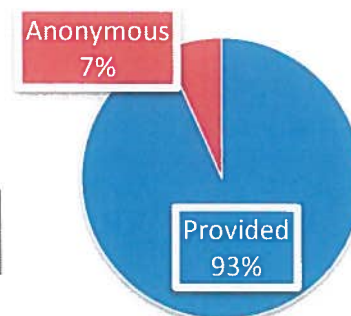
All questionnaires were sent out April 4, 2014 with a 30-day period for collecting, ending May 5, 2014. Combining all questionnaires received in person, by mail, by email, and via the link to the online Survey Monkey, there was a response rate of 22% (45 of 209). All responses were entered into an Excel spreadsheet where total numbers were calculated. Because some questions had more than one response (or none at all), findings are based on the total number of responses given to that particular question.

Findings

Vessel Information

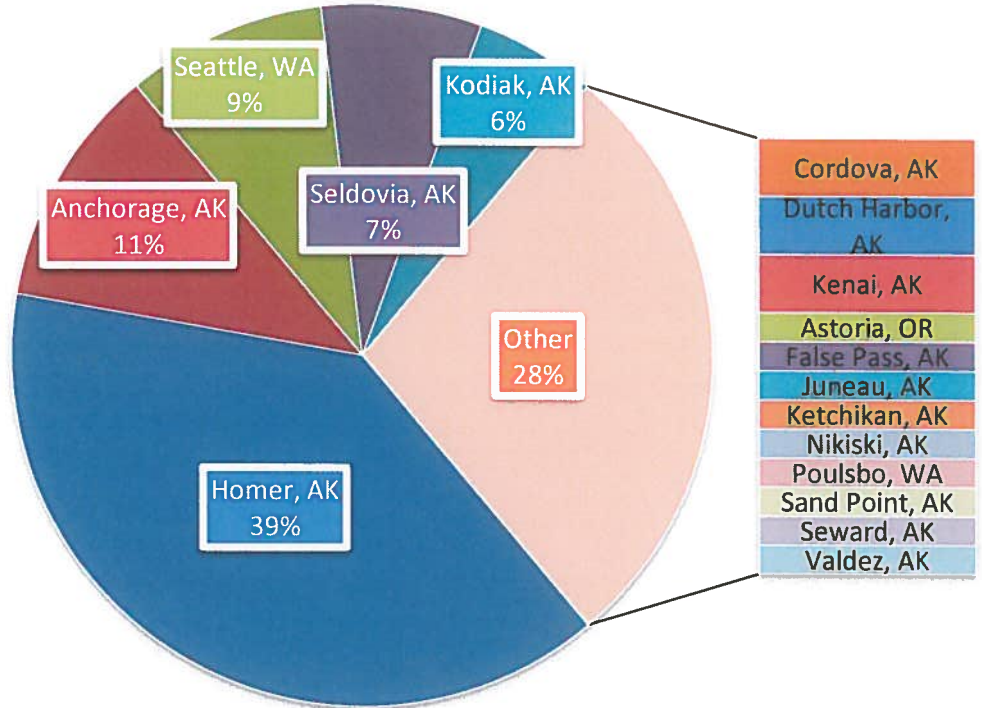
Question 1 & 2: Provided Owner & Vessel Name

Provided	42
Anonymous	3



Question 3: Home Port

Homer, AK	21
Anchorage, AK	6
Seattle, WA	5
Seldovia, AK	4
Kodiak, AK	3
Cordova, AK	2
Dutch Harbor, AK	2
Kenai, AK	2
Astoria, OR	1
False Pass, AK	1
Juneau, AK	1
Ketchikan, AK	1
Nikiski, AK	1
Poulsbo, WA	1
Sand Point, AK	1
Seward, AK	1
Valdez, AK	1

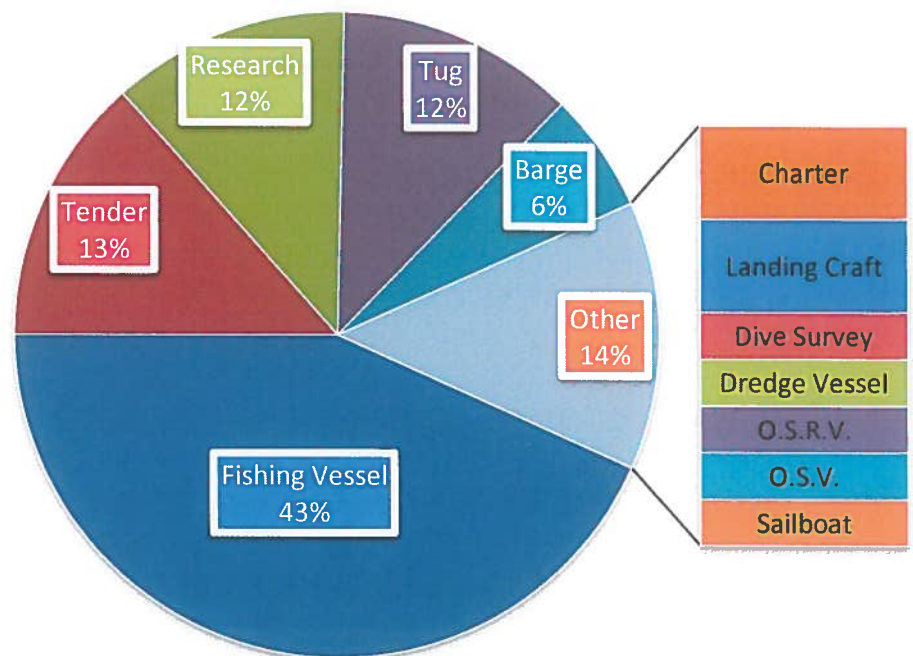


Question 4, 5, & 6: Vessel Length, Beam, & Displacement Tonnage

	Vessel Length	Beam	Displacement Tonnage
Min	58	17	30
Average	101	27	248
Max	250	60	1,500
Most Common	58	20	85

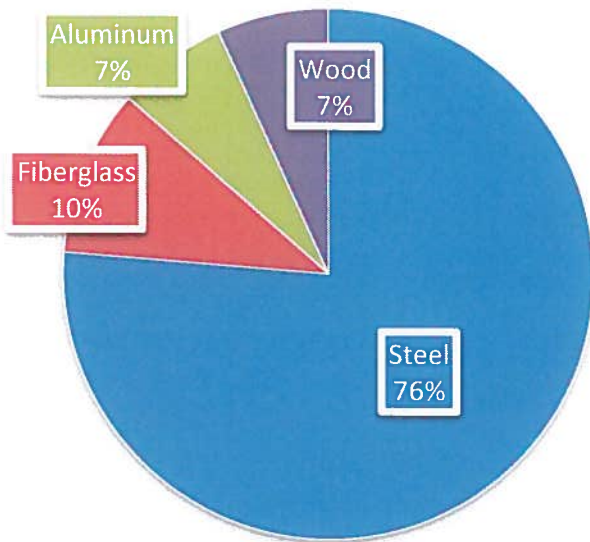
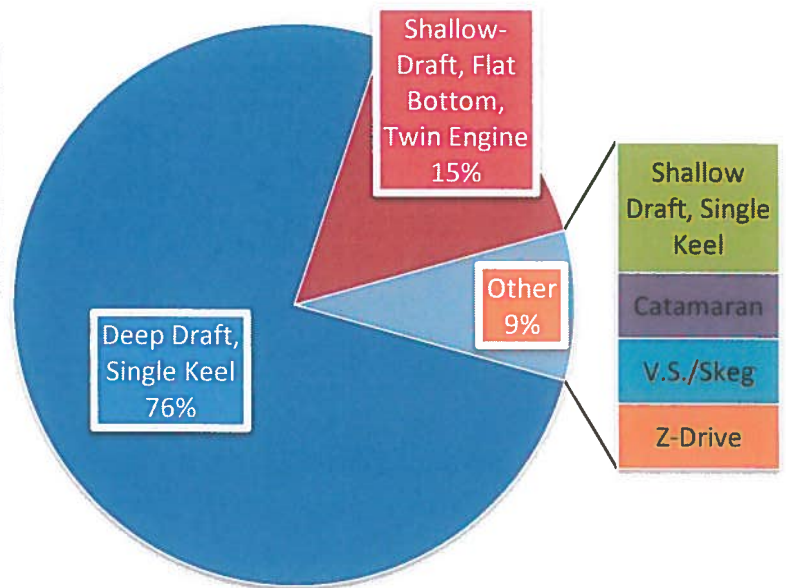
Question 7: Type of Vessel

Fishing Vessel	29
Tender	9
Research	8
Tug	8
Barge	4
Charter	2
Landing Craft	2
Dive Survey Vessel	1
Dredge Vessel	1
Oil Spill Response Vessel	1
Offshore Supply Vessel	1
Sailboat	1



Question 8: Hull Shape

Deep Draft, Single Keel	44
Shallow-Draft, Flat Bottom, Twin Engine	9
Shallow Draft, Single Keel	2
Catamaran	1
Voith Schneider/Skeg	1
Z-Drive	1

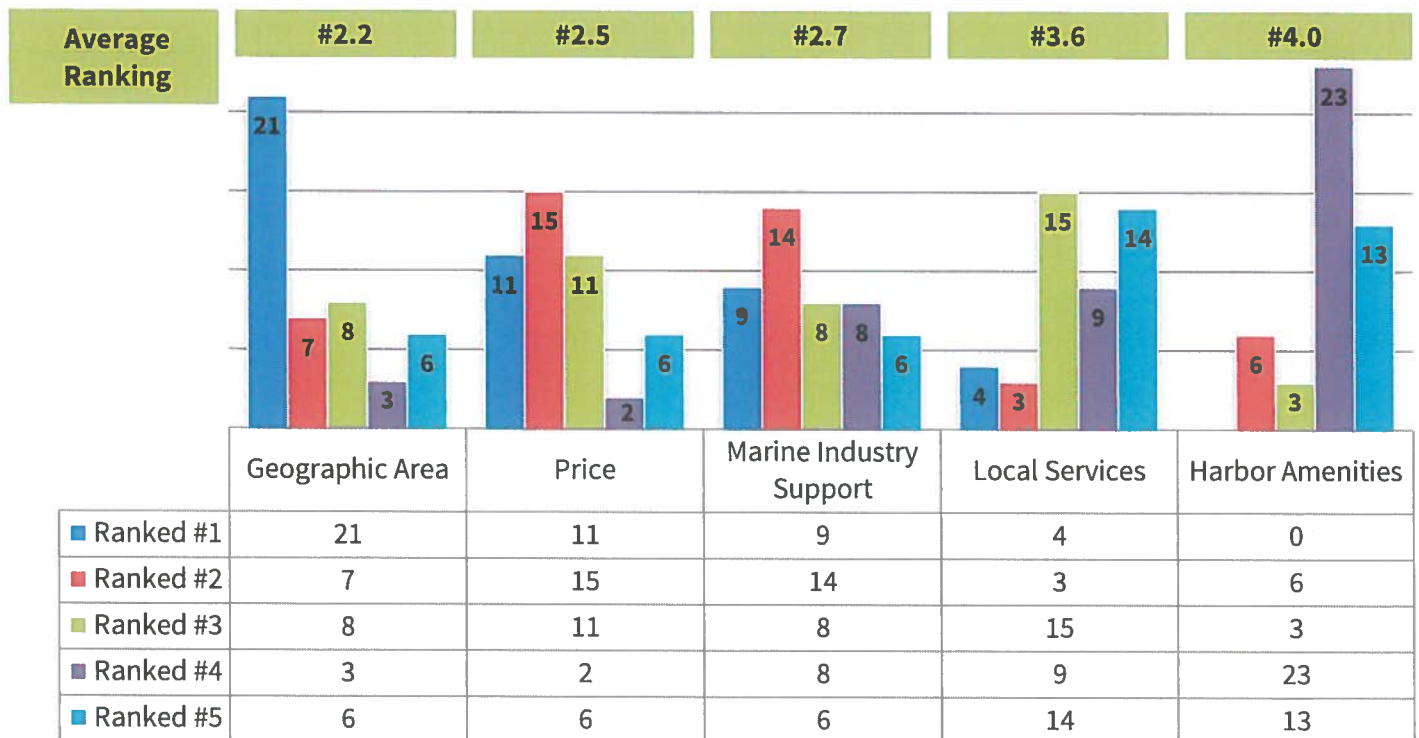


Question 9: Hull Material

Steel	45
Fiberglass	6
Aluminum	4
Wood	4

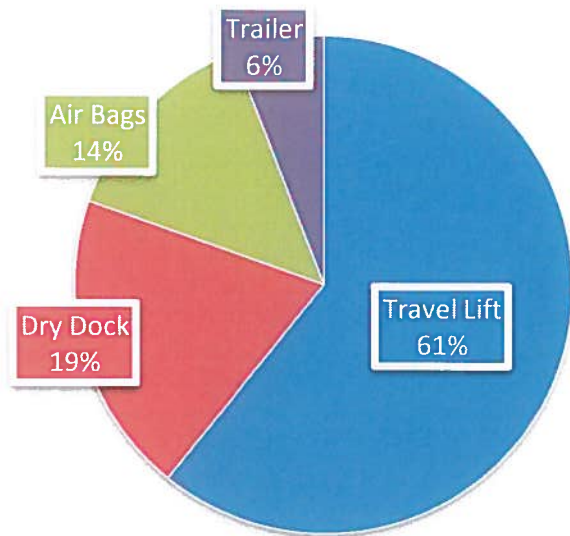
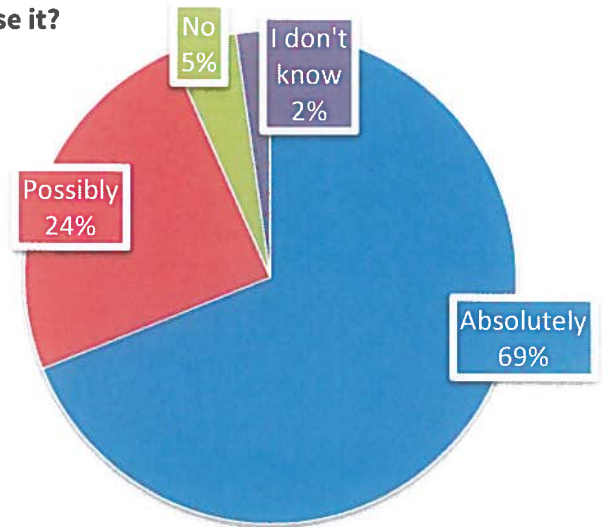
Haul-Out Preferences

Question 10: When looking for a place to haul out, what motivates you to choose one facility/location over another?



Question 11: If this kind of facility existed in Homer, would you use it?

Absolutely	31
Possibly	11
No	2
I don't know	1

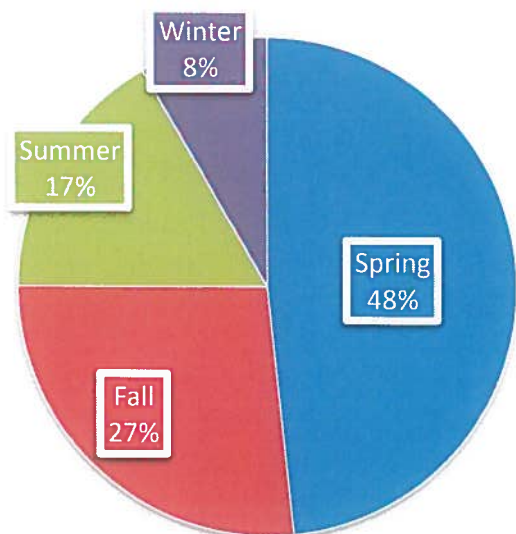
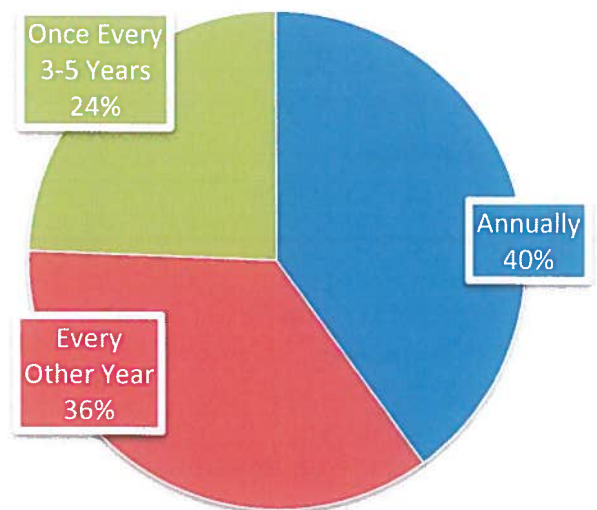


Question 12: What is your preferred method for removing the vessel from the water?

Travel Lift	31
Dry Dock	10
Air Bags	7
Trailer	3

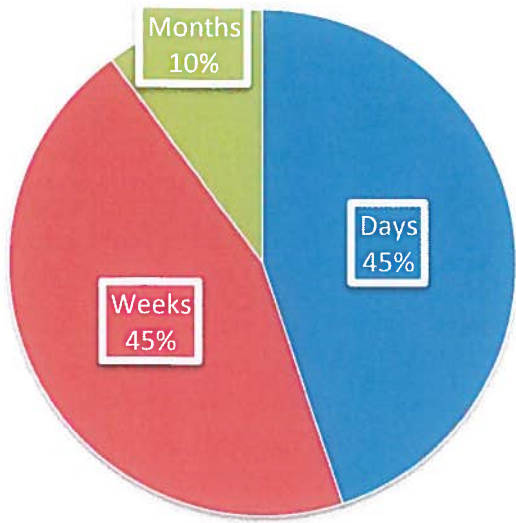
Question 13: In regards to your maintenance/repair schedule, how often would you have your vessel hauled?

Annually	18
Every Other Year	16
Once Every 3-5 Years	11



Question 14: What time of the year would you like to be hauled out?

Spring	29
Fall	16
Summer	10
Winter	5

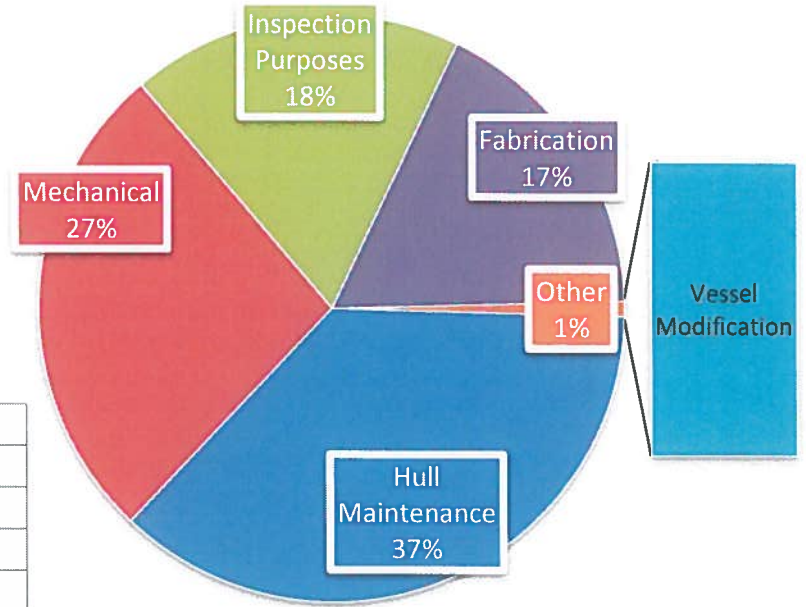


Question 15: How long would you like to be hauled out?

Days	22
Weeks	22
Months	5

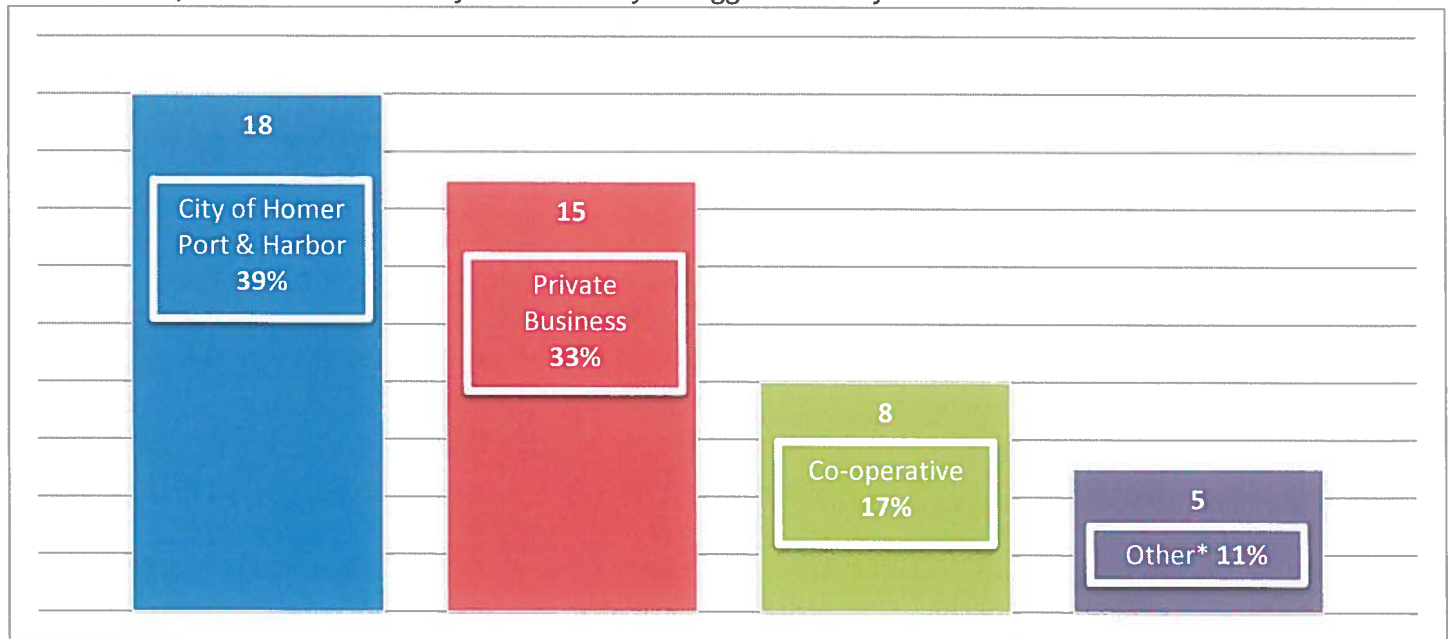
Question 16: While hauled out, what kind of boat work are you looking to have done?

Hull Maintenance	44
Mechanical	32
Inspection Purposes	22
Fabrication	21
Vessel Modifications for Research Charters	1



Financing & Ownership of a Homer Spit Haul-Out Facility

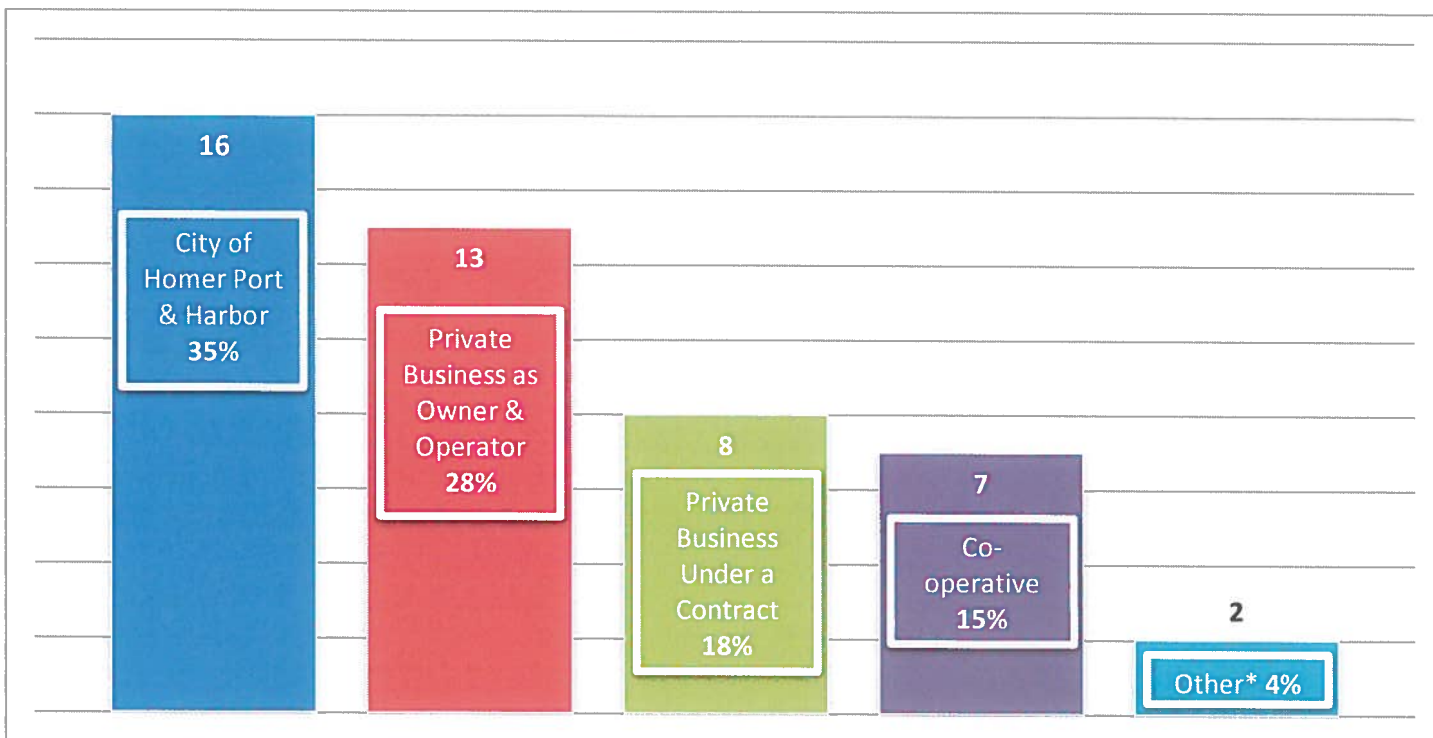
Question 17: Let's say that the City of Homer Port and Harbor offered specific lots in the harbor, at a reasonable lease rate and term, to establish the facility. How would you suggest a facility such as this be funded and owned?



***(1)** All of the above but all have problems. Homer would have a short window but fairly decent summer weather. Price is the main deal breaker. Can you afford such a facility to be used 3 months a year?

* (2)	I believe the Homer Harbor and Spit should remain a facility to service the commercial and recreational boating community. An industrial barge facility with sandblasting, welding, and heavy industrial use is not the direction the harbor should go. An educational facility to attract visitors, instead of repelling visitors, should be considered.
* (3)	I kind of like what is available right now. A couple of small but capable air bag-pulling companies. They have, or seem to find, the appropriate equipment, and the City leases the ground for them to work on.
* (4)	A facility like the Port Townsend, WA boat yard.
* (5)	Unsure - I have no faith the City of Homer can pull of any project. Seaton has no stroke.

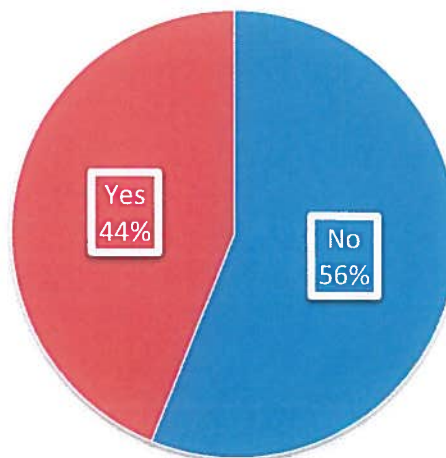
Question 18: If the facility is built, who do you think should operate the haul-out equipment, run the office, and manage the facility overall?



* (1)	Do not build this facility.
* (2)	Whoever has the best plan for cost effective services.

Question 19: If you were given the opportunity to be a part of a cooperative effort (involving local businesses and vessel owners) that owned, operated, managed, and maintained a large vessel haul-out facility, would you be interested in being a part of it?

No	23
Yes	18



Additional Questionnaire Comments

For **Question 20**, space was given for recipients to leave further comments. Below are all comments, in verbatim, that were submitted to staff.

•	Needed
•	Great project - Keep it moving
•	I would haul out more frequently if haul-out was easily available. Currently I have to leave area so requires great deal of organization and effort to be effective with time and money. Operation and management should clearly be monitored by Port and Harbor. I do not wish project to be delayed while waiting for grants and state funding. Give private enterprise or cooperative opportunity to move it forward.
•	I'm going to King Cove for next haul out; there last year; Kodiak the year before
•	Dry storage lot for large vessels with travel lift service i.e. for winter storage & summer vessel modifications. I have had the R/V Thunder in Seward for 2 years as they offer these services & Homer does not have a good large vessel haul out facility.
•	Homer needs a big haul out. I'm 100% for it. Most fisher men that have boats do their work in the fall are spring, so you know Alaska weather, snow, rain, wind, cold, so it would be nice to have like some kind of shelters, and more than one. Not one haul-out in Alaska that I know of have heated, and more than one kind of shelters. Haul outs need shelters; it's a must for the kind of weather we have. If you can have more than one kind of shelter, the haul out will be the best in Alaska and do really good. Thank you.....
•	I understand price of travel lift is not economical; air bags would be ok.
•	As of now, I wouldn't participate in a cooperative effort.
•	Kodiak's facility, although very nice, runs in the red constantly. Prices keep going up with no end in sight. Poor management, too many people wearing harbor dept. clothes, ancillary charges escalating (electric boxes etc.)
•	In the present summer facility you should be concerned about the environmental protection that needs to be in place in order to protect the surrounding area from sand blasting a high pressure cleaning remnants and overspray of paint. Using dry cloths under vessels will not in my opinion provide protection from chips and marine growth, etc. staying in that area.
•	Homer prides itself in being the "Halibut Capital" and a leading visitor attraction. Creating an industrial shipyard adjacent to the small boat harbor is not the best use of the property. Consider an educational facility to attract visitors from around the world.
•	I agree that a travel lift facility is needed however most likely cost prohibitive. Homer has grids that service the fleet now and it is doubtful to me the cost of a travel lift facility could be profitable. You need at minimum a 300 ton lift probably a 500 but then you can end up like Kodiak with a too expensive of a project so the fees are too high and only those that have to go there.
•	Sand Blasting would have to be part of the facility.
•	A large vessel haul out would be an asset to the City of Homer.
•	I may be selling my boat shortly. If you still want to consider my comments, it would be helpful to have a large boat haul out in Homer. Presently, I would have to go somewhere else to haul out. Price is a huge consideration and makes a difference on where I haul out. Please keep the application short. One place has a 19 page application that discourages use of the application and facility; tell your lawyer to keep it short (1 or 2 pages). If a travel lift or crane is used, have flat straps. One place had only round straps that greatly increased the risk of strap chafing on boat edges and keels. Have chocks available publicly. Public ownership is better than private, as private facilities don't seem generally to be as available and affordable as public facilities for whatever reason.
•	We currently operate two barges and 3 tugs in Cook Inlet. We now take our tugs to Kodiak to service them. Seward ships has been an expensive and dysfunctional owner but preferable to Kodiak because it is on the road system. Homer is attractive because it is close and on the road system.
•	We have tugs from 45 feet to 205 and also some smaller barges too. Always looking for a new idea and a place closer than Seattle / Ketchikan to do the work.
•	I would love to see a haul out facility in Homer that could be used at all or most tides. I have 3 similar boats that

	would all use the facility. If the city runs it they should be similar to Northern Enterprises and not the City of Seward. Owners must be able to work on their own boats and prices should be reasonable. This facility would attract more business and more opportunity to Homer. Especially in the off season.
•	I would have re-powered in Homer if you had a travel lift. The port is well run, you should run the lift.
•	I have done vessel work in other communities and Homer has the best marine trade services but no haul out. I have voiced my preference but would be willing to do most anything to make one available in Homer. This would be a huge benefit to the local economy.

Staff's Review of Questionnaire Results

In reviewing the results of the questionnaire, the task force should keep in mind the 22% response rate. This rate does not surprise staff as we have often found this to be the case when trying to survey our workboat fleet. The problem is that they are busy working and many of these owner/operators simply do not have the time, or they are out of town during the survey period.

The results do support the need for hauling both large, deep-draft vessels and large, shallow-draft vessels. And certain comments in the Additional Questionnaire Comments section reflect concerns over the high costs a haul-out facility could bring to vessel owners and the Harbor Enterprise. These concerns just show that our user groups are educated on the challenges and pitfalls involved with bringing this service to Homer.

Overall, this questionnaire supports the haul-out concept. The task force and staff should continue researching haul-out machinery alternatives that provide the service and keep costs affordable for both the user and the Port and Harbor Enterprise. It always comes down to money. If our goal is to run the Harbor Enterprise as a business, Harbor Staff has concerns about justifying a standard haul-out machinery method, such as a travel lift, because of the number of users and the upland's capacity.

Attached: Large Vessel Haul-Out Questionnaire
 Letter to Vessel Owners Re: Questionnaire dated April 4, 2014

**Business Performance
Large Vessel Haul Out
Assumptions and Projections**

ASSUMPTIONS

- 1. Minimal construction to include excavation and improving the existing beach site, installing a permanent ramp area, driving mooring pilings, and investigating and/or constructing and/or purchasing a cradle and/or trailer to assist in pulling vessels with deeper hull designs.**
- 2. Future projects and needs include improving the present storage area adjacent to the ramp for larger vessels, rebuilding the existing access road from the current beach site to the concrete pad, installing the necessary drains and catch systems at the pad, considering permanent and/or portable structures at the pad, considering other means of pulling vessels, i.e. a travel lift.**
- 3. The City of Homer will continue to own and maintain the ramp area, the storage area and the concrete pad.**
- 4. The City of Homer will administer the use and occupancy of all areas, will establish minimum qualifications for all users, will monitor all related activities and will gain remuneration from user fees, rental agreements and/or leases.**

PROJECTIONS

Phase I

- 1. Cost of ramp construction.**
- 2. Cost of piling installation.**
- 3. Cost of storage area improvements.**
- 4. Cost of purchasing a saddle or trailer for deeper draft vessels.**
- 5. Cost of additional working necessary on site, i.e. lighting, power, etc.**
- 6. Deferred maintenance expenses related to noted improvements.**
- 7. Cost of related debt service.**
- 8. Projected administrative expenses for the City of Homer.**
- 9. Expected annual remuneration from all user fees.**

Phase II

- 1. Cost to rebuild and improve existing road from ramp site to existing pad.**
- 2. Cost of improving pad and installing a catch system for waste fluids and/or materials.**
- 3. Additional equipment and/or improvements necessary to operate and maintain pad area.**
- 4. Deferred maintenance expenses related to noted improvements.**
- 5. Cost of related debt service.**
- 6. Projected administrative expenses for the City of Homer.**
- 7. Expected annual remuneration from all user fees.**



Barge Mooring Facility

Project Description & Benefit: Constructing a barge mooring facility at Lot TR 1A (east of the Nick Dudiak Fishing Lagoon) will meet the growing freight needs of existing Homer businesses and attract additional large vessel business. Phase 1 of the mooring facility will consist of a row of piles driven perpendicular to the beach that extend down through the tidal area in conjunction with a stern anchoring system and bollards above the high water line. This will provide secure moorings for vessels that cannot currently be accommodated within the harbor's basin due to lack of space. Phase 2 includes uplands support facilities such as a wash down pad and stormwater pollution prevention plan (SWPPP). The project is a response to requests from vessel owners and managers seeking safe moorage and uplands haulout area for large shallow draft vessels.

Total Project Cost (2014): \$1,850,000

Phase 1 - Pilings and Bollards

Design/Engineering/Permitting/Geotechnical (2015): \$250,000

Construction - (2016): \$1,000,000

Phase 2 - Uplands Improvements

Design/Engineering/Permitting (2018): \$105,000

Construction - (2019): \$495,000



Site of proposed barge mooring facility

Added a phase 2 to the project.



A ramp has been 'roughed in' at the site of the barge mooring facility allowing for the Sesok and Surfbird, pictured left, to undergo winter repairs in Homer. The proposed improvements would greatly expand the capacity of the Homer Port for large vessel haul out and maintenance.



Marine Ways Large Vessel Haulout Facility

Project Description & Benefit: This project will construct a “marine ways” facility for hauling out large vessels (over 70 tons) for dry-dock, maintenance, inspection, and repairs utilizing the existing 5-acre concrete pad at Lot 12. Currently there are no private facilities in Homer capable of hauling out vessels of this size. With construction of the marine ways facility, the Port of Homer would also be able to serve large freight barges that require inspections in order to be Coast Guard certified for their trade.

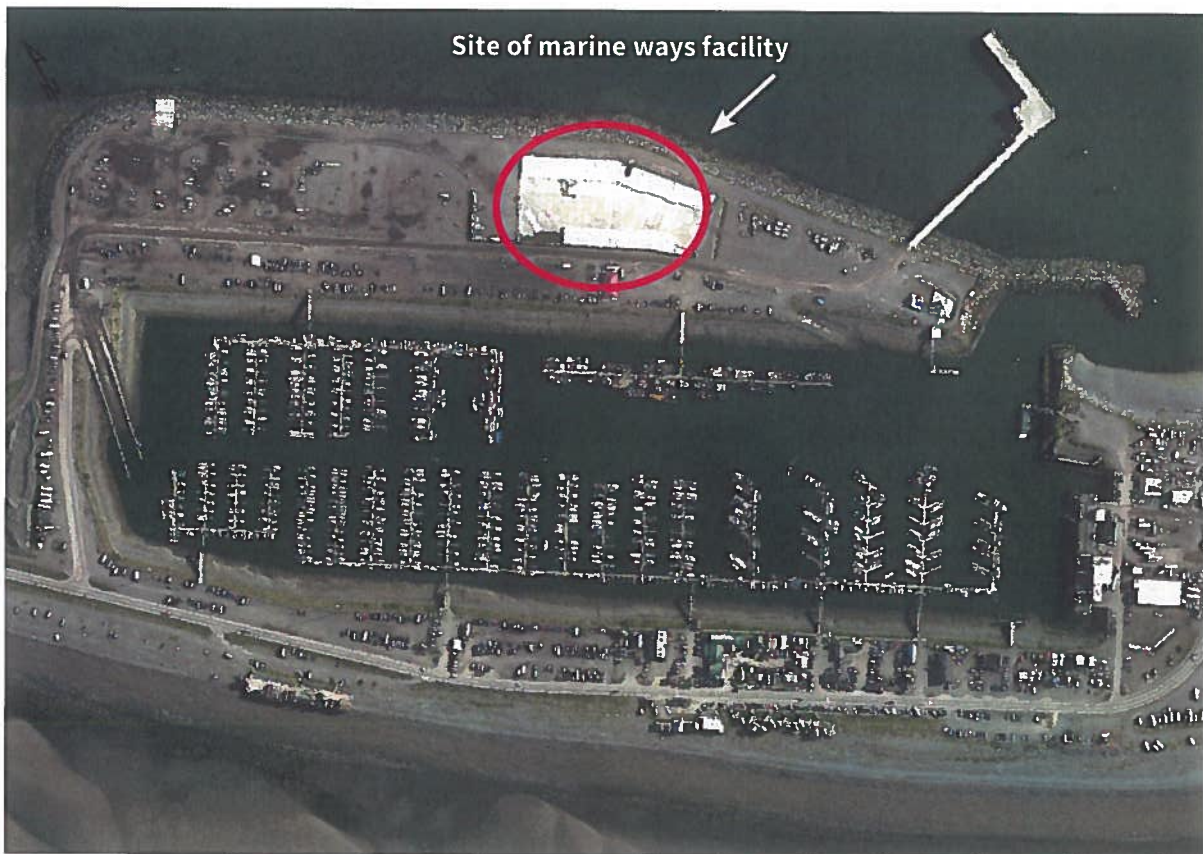
Since the wood chip business that formerly used Lot 12 left Homer, the lot and its concrete pad have been under utilized. Construction of the Marine Ways facility will accomplish a project that has been discussed for years and capitalize on the marine trades skill set that already exists in Homer. It is estimated that the facility would eventually support at least 50 full-time, long-term jobs.

Plans & Progress: A Large Vessel Haulout Task Force has been established to discuss how best to meet the need of this class of vessels. Different haulout options are being considered to serve our large vessel fleet, such as a travel lift, cylindrical air bags, a large vessel boat trailer, or possibly creating long ramp and marine ways to the East of the Chip pad that would allow operators to pull these vessels from the bay on rails up onto the chip pad for repair.

Total Project Cost: \$6,000,000 - \$10,000,000
(Project cost is dependent on method of haulout chosen)

Schedule: 2016

Priority Level: 2



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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
SEPTEMBER 22, 2014
COWLES COUNCIL CHAMBERS

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

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Zak has requested telephonic participation.

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

3. 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. (Postponed from September 8, 2014.)

Page 307

Memorandums 14-134 and 14-144 from Community and Economic Development Coordinator as backup.

Pages 309/313

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, October 13, 2014 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Special Meetings are scheduled for Monday, September 29, 2014 at 6:00 p.m., October 20, 2014 at 6:00 p.m., and Saturday, October 25, 2014 9:00 a.m. – 4:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
SEPTEMBER 22, 2014
COWLES COUNCIL CHAMBERS

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

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Zak has requested telephonic participation.

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 September 8, 2014 and Special meeting minutes of September 15, 2014. City Clerk. Recommend adoption. **Pages 55/75**
- B. **Memorandum 14-138**, from Deputy City Clerk Re: Liquor License Transfer of Stock Ownership for Oaken Keg. **Page 77**
- C. **Ordinance 14-46**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 8.12.200(d) "Chauffeur's License – Required", to Remove the Enumerated Chauffer Application Fee and Instead Identify Chauffer License Fees in the City of Homer Fee Schedule Determined by City Council Resolution. City Manager/City Clerk. Recommended dates: Introduction September 22, Public Hearing and Second Reading October 13, 2014. **Page 89**
- Memorandum 14-145 from City Clerk as backup. **Page 93**
- D. **Ordinance 14-47**, An Ordinance of the Homer City Council Amending the FY 2014 Operating Budget by Appropriating \$105,000 from the General Fund / Fund Balance for Barge Mooring Facility Phase 2 – Uplands Improvements. City Manager/Port and Harbor Director. Recommended dates: Introduction September 22, Public Hearing and Second Reading October 13, 2014. **Page 97**
- Memorandum 14-146 from Vessel Haul-Out Task Force as backup. **Page 101**
- E. **Resolution 14-097**, A Resolution of the City Council of Homer, Alaska, Calling for an Amendment to the Constitution of the United States to Abolish Corporate Personhood. Lewis/Burgess. Recommend adoption. **Page 103**
- F. **Resolution 14-098**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Grant Request in the Amount of \$1.65 Million for its New Facility. Roberts. Recommend adoption. **Page 107**
- G. **Resolution 14-099**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for a Safe Routes to Schools Planning Grant in the Amount of \$15,000 and Expressing Commitment to Provide In-Kind Staff Time as a Contribution. City Manager. Recommend adoption. **Page 109**

Memorandum 14-141 from Deputy City Planner as backup. **Page 111**

Memorandum 14-142 from Parks and Recreation Advisory Commission as backup.

Page 113

- H. **Resolution 14-100**, A Resolution of the City Council of Homer, Alaska, Declaring and Stating for the Record That It Finds it to be in the Public Interest for the City to Own the Proposed New Public Safety Building and It is Not Interested in Leasing the Building From a Third Party. Mayor/Council. Recommend adoption.

Page 115

- I. **Resolution 14-101**, A Resolution of the City Council of Homer, Alaska, Approving a New Five Year Sublease at the Homer Airport Terminal for Hertz/Pioneer Car Rental, Inc., Approving a New Owner, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption. **Page 117**

Memorandum 14-143 from City Manager as backup. **Page 119**

6. VISITORS

- A. Vessel Haul-Out Task Force, Final Report, 10 minutes. **Page 7**

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation** - September 28th - October 4th as Childhood Cancer Awareness Week **Page 135**

- B. Borough Report

- C. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

a. Minutes of September 3, 2014 **Page 137**

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

- 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, Referred to Planning Commission, Public Hearing September 22, 2014. **Page 147**

Memorandum 14-123 from City Attorney as backup. **Page 151**

9. ORDINANCE(S)

10. CITY MANAGER’S REPORT

- A. City Manager’s Report **Page 157**

- B. Bid Report **Page 163**

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

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

13. PENDING BUSINESS

- A. **Ordinance 14-19**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End

Mixed Use (E-MU). Van Dyke. (Introduction May 12, 2014, Referred to the Planning Department. Recommend Public Hearing October 13, 2014.) **Page 171**

Memorandum 14-139 from City Planner as backup. **Page 189**

- B. **Resolution 14-075**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation From the Bunnell Street Arts Center of a Fanciful Loon Windsock Sculpture by Alaskan Artist Rachelle Dowdy to be Placed at Bishop's Beach Park. City Clerk/Public Arts Committee. (Referred to the Public Arts Committee June 23, 2014.) **Page 273**

Memorandums 14-103 and 14-140 from Public Arts Committee as backup.

Pages 275/277

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

Page 281

- C. **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. (Postponed from September 8, 2014.)

Page 307

Memorandums 14-134 and 14-144 from Community and Economic Development Coordinator as backup.

Pages 309/313

14. NEW BUSINESS

15. RESOLUTIONS

16. COMMENTS OF THE AUDIENCE

17. COMMENTS OF THE CITY ATTORNEY

18. COMMENTS OF THE CITY CLERK

19. COMMENTS OF THE CITY MANAGER

20. COMMENTS OF THE MAYOR

21. COMMENTS OF THE CITY COUNCIL

22. ADJOURNMENT

Next Regular Meeting is Monday, October 13, 2014 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Special Meetings are scheduled for Monday, September 29, 2014 at 6:00 p.m., October 20, 2014 at 6:00 p.m., and Saturday, October 25, 2014 9:00 a.m. – 4:30 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 14-21 a Regular Meeting of the Homer City Council was called to order on September 8, 2014 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, HOWARD, LEWIS, ROBERTS, VAN DYKE,

ABSENT: ZAK (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
PORT & HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

The Council met as a Committee of the Whole from 5:30 p.m. until 5:54 p.m. to discuss 2015 BUDGET – REVENUE SOURCES, Consent and Regular Meeting Agenda items.

Councilmember Zak has requested excusal.

Mayor Wythe declared Councilmember Zak’s absence as excused. There was no objection from the Council.

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: **PUBLIC HEARINGS** - 2015-2020 CAPITAL IMPROVEMENT PLAN FY 2016 LEGISLATIVE REQUESTS, Written public comments. **CITY MANAGER’S REPORT** - City Manager’s Report of September 8, 2014; Memorandum 14-137 from Community and Economic Development Coordinator, Re: Plan Selection for Strategic Implementation Planning; **PENDING BUSINESS** - **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; Written public comments; **RESOLUTIONS** - **Resolution 14-096(S)**, A Resolution of

the Homer City Council Awarding the Karen Hornaday Park Campground/Trail Improvement Project to Arno Construction, LLC of Homer, Alaska, in the Amount of \$70,438.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Memorandum 14-136 from Public Works Director as backup.

Mayor Wythe called for a motion to approve the agenda as amended.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

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 25, 2014. City Clerk. Recommend adoption.

- 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.

Memorandum 14-131 from Public Works Director as backup.

Moved to Resolutions.

- 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.

Memorandum 14-132 from Public Works Director as backup.

Moved to Resolutions.

- 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.

- 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.

Memorandum 14-133 from Deputy City Planner as backup.

Moved to Resolutions.

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

- 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.

Resolutions 14-089 and 14-090 were moved to Resolutions B and C. (Lewis)
Resolution 14-092 was moved to Resolutions D. (Roberts)

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

HOWARD/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported on the upcoming ballot issues. They include limited animal control for cities outside city limits. The measure will benefit the City of Homer. Services will be contracted and paid for by a 0.2 (two tenths) mil rate. Another ballot measure is whether the Borough shall adopt a vote by mail system. It is a controversial topic, but Assemblyman Smith believes it will increase voter turnout. The final measure is for the South Peninsula Hospital service area expansion. The expansion will include the southern end of the borough to take in all the waters. The Borough Assembly will meet in Homer on Tuesday, September 16th.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Meeting Minutes of August 20, 2014
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney reported on the recent improvements at Karen Hornaday Park. They have applied for the Rivers, Trails, and Conservation Assistance Program where the National Park Service assists in finding grants for the Woodard Creek portion of Karen Hornaday Park. The other restoration of Woodard Creek is being worked on by individuals in the community. Commissioner Lowney thanked the Council for their support of the HERC building. Commissioner business includes the continuing use of the HERC building as a recreational facility, seeking funds for trails and safe routes to school, and ways to link Homer by connector trails.

5. Port and Harbor Advisory Commission

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.

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

Mayor Wythe opened the public hearing.

Diane Borgman, President of Homer Council on the Arts (HCOA), asked that the HCOA building renovation be included in the CIP.

Chloe Pleznac, 14-year-old student, requested support for HCOA.

Devry Garity, city resident, spoke in support of arts and the renovation/expansion of HCOA.

Donna Aderhold, city resident, expressed opposition to including roads/transportation plans in the CIP.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Resolution 14-093 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

ROBERTS/LEWIS - MOVED TO POSTPONE RESOLUTION 14-093 TO SEPTEMBER 22, 2014.

There was no discussion.

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

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 14-137 from Community and Economic Development Coordinator, Re: Plan Selection for Strategic Implementation Planning.

B. Public Safety Building Open House Flyer

1. Tsunami Warning System: As most of you know, we had another false alarm this past week which caused quite a bit of disruption and anxiety for a short period of time. Police Dispatch, the Port and Harbor Office and City Hall spent a fair amount of time fielding phone calls and helping to get the information out that it was a false alarm. Homer, Seward, Seldovia and Nanwalek were affected. NOAA reports that it was a computer glitch. What was supposed to be a test message came across that way on the weather radios. Unfortunately, it came across as a real warning on the sirens. Chief Painter, Chief Robl, and Port and Harbor Director Bryan Hawkins have all been communicating with the Borough Office of Emergency Management about this incident. One positive outcome was that the manually activated "all clear" message worked.
2. Public Safety Building Open House: There is an open house this Wednesday, September 10th, at 6 PM here at City Hall. The purpose of the open house is to give the public an opportunity to learn more about the proposed new public safety building. Emphasis will be placed on the deficiencies of the two existing buildings and the space needs analysis. Attached is a flyer announcing the event. We encourage the public to come, get informed, and get involved in the discussion during the early stages of planning.
3. Public Safety Building Committee Requests: At the last Council meeting, Committee Chair Ken Castner stated that it would be really helpful to the Committee going forward if the Council could give it guidance on two specific issues: 1) Is the Council "locked in" on the HERC property as the location for the public safety building? Does the Committee have the green light to evaluate additional sites or would it be wasting time and energy by doing so? 2) Is the Council open to the idea of having a private company build the building and entering into a lease agreement? On the first question, the City Clerks researched the record and no resolution specifically naming the HERC site as the location for the building could be found. There are numerous memorandums and project descriptions which mention this site as a preferred location. There are many reasons why the Council initially identified this as a likely location. Those reasons included location, parcel size, terrain,

access, ownership, proximity to utilities, already developed infrastructure, a local match for outside funding, etc. However, the Council has not specifically or unequivocally identified this site as the location for the building. I think the idea was to wait for a recommendation from the Committee and the Consultants. I agree that it would be helpful to let the Committee know where the Council is on this.

On the second question, this is an option the Council has not discussed with respect to the public safety building. Some of you will recall that it was part of the discussion when the new city hall in Town Center was being considered. The Council at that time decided that it was more in the long term public interest to own the building and finance it with public dollars than it would be to lease. In this case, there are clearly advantages and disadvantages to leasing.

Much depends upon how the lease is structured. For example, if the City owned the building and the ground under it at the end of the lease term, leasing might be worth considering. There are many variables that would have to be taken into consideration. Who pays for building maintenance and repair? Those types of considerations would be addressed through the proposal and lease negotiation process. Following is a quick snapshot of some advantages and disadvantages:

Advantages

- The financing package could come together quicker.
- Initial investment made by the private sector and not the taxpayers
- The City does not incur long term debt, in the conventional sense.
- HVFD and HPD could occupy the building quicker.

Disadvantages

- The City may have less control over location
- The City may be making lease payments for many years instead of loan payments on a building it owns.
- Leasing might take away the City's ability to leverage other public funds.
- Homer taxpayers could end up paying the full cost of the building.
- A large, probably outside investor, or group of investors, would need to be involved, and they would be looking to recoup their investment and turn a profit. That is not a bad thing. We just need to be cognizant of who is paying for it.

That is a very brief outline of some of the considerations. Again, I agree with Ken that it is important for the Council to rule this option in or out at some point soon. If the Council wants to pursue the lease option, the strategy will be important. For example, if Council wants to design the building itself and select the location, it may have a little time. Then you are simply telling investors you want them to build this building at this location and if

they do so, you will lease it from them. If you want to solicit proposals for a building with basic space needs only specified, we should think about doing that sooner.

4. CUP 13-12 Remand: CUP 13-12, the one having to do with a proposed communications tower, was remanded from the Board of Adjustment back to the Planning Commission. City Planner Rick Abboud requested that the Council be informed that the permit applicant, Kodiak Microwave System, LLC has withdrawn its application. Therefore, no further action is planned or scheduled related to this remand.
5. Strategic Planning: Attached is a brief update on the October 25 Strategic Planning session. Katie will be available to discuss this with you at the meeting if there are comments or questions.
6. Kachemak City Sewer Agreement and Fee Schedule Changes: This agenda contains Resolution 14-008 (sewer agreement) and Resolution 14-088 (Fee Schedule amendments) under Pending Business. They were postponed at the last meeting in order to give the Kachemak City Council time to review the agreement. It turns out that Kachemak City was not able to schedule a meeting until Wednesday, September 10th. So, I will be asking you to postpone these two resolutions again, until September 22. In the meantime, I am working with Holly on some of the amendments requested by Councilmember Burgess.
7. Ordinance 14-45: Ordinance 14-45 is the ordinance which addresses appeals to the Board of Adjustment. This ordinance appears under pending business instead of under public hearings and second reading, as you might expect. The reason for that is we were reminded that this ordinance amends Title 21 and therefore, must be reviewed by the Planning Commission. So, we placed this ordinance under Pending Business and will request that Council postpone it until the PC can review it. They will do so at the next available meeting.
8. DOT/PF Scoping Meeting / MP 157-169 / Anchor Point to Baycrest Hill: DOT/PF will be holding public scoping meetings on September 15 and 16 to gather public input on the Sterling Highway MP 157-169 (Anchor Point to Baycrest Hill) project. (AKSAS#58106). Anticipated work includes reconstructing the roadway, realigning horizontal and vertical curves, adding passing and climbing lanes, improving intersections, replacing culverts, constructing a bridge over the North Fork Anchor River, replacing the bridge over the South Fork Anchor River, increasing shoulder width, and clearing vegetation. A copy of the flyer announcing the meetings is attached.
9. Hospice of Homer Open House: Attached is an invitation from Hospice of Homer to the Mayor and Council to attend the open house at their new facility on Wednesday, Oct. 15, from 5 to 7 PM. As always, please notify the Clerk if you plan to attend so we can put out a public notice if necessary.
10. Karen Hornaday Park Fire Circle Project: Attached is a copy of a letter from the Homer Foundation that was written to Public Works Director Carey Meyer. A fire circle is an important component of the Karen Hornaday Park Improvement Plan. This park has benefitted frequently from collaborative community effort and the fire circle is just another example. Many thanks to the Rotary Club, the Homer Foundation, and the Homer Playground project for their support.

11. Kachemak Bay Research Reserve: Things are looking up and appear to be moving in a good direction concerning the Research Reserve. You will recall that State Funding and support was in jeopardy this spring and the Council adopted a Resolution of support and authorized the staff and the City Lobbyist to work on the issue with the legislature. I have been representing the City at Reserve Community Council meetings and there will be another one this coming week. At this point, it looks like the Reserve will partnering with and possibly become part of the University of Alaska, Anchorage. This is potentially a very positive development on several levels.

City Manager Wrede told the Council if the HERC building turns out to be the site of the new public safety building we will lose the gym and Public Works shop, a very important part of what we do. We will have to figure out what to do with Mike Riley and his shop and staff. They currently occupy a 4,000 sq. ft. area in the HERC building. There are a number of needs at the Public Works complex for both long and short range planning needs. These will be discussed at a future Worksession.

The Parks, Arts, Recreation, and Culture Committee (PARC) has a contract in place with consultants. They met today to review surveys and research methodology. Regular reports will be provided to the Council.

Mayor Wythe announced the public safety building open house Wednesday, September 10 at 6:00 p.m. There will be a review of space needs, information the committee has talked about, and you can meet with the contractors. At the last meeting Chairman Castner asked if Council was locked in on the HERC property for the building site. Last year as the Council was preparing legislative requests they looked at a number of properties and narrowed it down to the HERC site. If the committee presents a more preferred site the Council will consider it. In looking at the initial size requirement, the HERC is the best site.

Mayor Wythe noted there is also the potential for leasing a facility. Her position is since the City owns property it can be used as a matching contribution to the construction of the facility. City Manager Wrede advised the Council that the State may provide capital funds for a building, but a lease is considered operations and is not funded. The Council unanimously agreed against leasing a facility. There is more opportunity for State funding if the City provides the land asset. Mayor Wythe requested a resolution that the Council is not considering a lease option for the September 22 meeting

Community and Economic Development Coordinator Koester provided information about the upcoming strategic planning session.

Public Works Director Meyer explained the new fire pit and bench at Karen Hornaday Park that the Rotary Club sponsored. It is a nice addition to the new picnic shelter at the park.

City Manager Wrede announced upcoming meetings the Department of Transportation will hold on roadway reconstruction and new bridges for Milepost 157-169 of the Sterling Highway. The area will cover from Anchor Point to Baycrest Hill. Meetings are scheduled for September 15 and 16.

CITY ATTORNEY REPORT

A. City Attorney's Report

City Attorney Wells reported on September 3 an appeal to the Court of Appeals for the Ninth Circuit was filed by Auction Block on the Federal Maritime decision dismissing the claims against the City. An executive session will be scheduled soon to explain the process to the Council.

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

Councilmember Howard reported the task force will make a presentation to the Council on September 22 at 4:00 p.m.

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.

Memorandum 14-123 from City Attorney as backup.

Mayor Wythe called for a motion to refer to the Planning Commission and postpone to September 22, 2014 for public hearing and second reading.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.)

Memorandum 14-125 from City Manager as backup.

Mayor Wythe called for a motion to postpone to September 22, 2014.

LEWIS/ROBERTS - SO MOVED.

The postponement will allow Kachemak City Council to meet and discuss the wastewater agreement.

Councilmember Burgess objected to the postponement for the sake of expediency and requested amendments to the agreement.

VOTE: (postponement) NO. LEWIS, BURGESS, ROBERTS, HOWARD, VAN DYKE

Motion failed.

BURGESS/ROBERTS - MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT FIFTH WHEREAS, LINE 2, TO READ “BY THE PARTIES IN 1988 THAT WAS ONE OF THE BASIS FOR JOINT FUNDING.”

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS – MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 2.3, LINE 3, TO STRIKE “LESS I & I.”

The amendment will eliminate an exemption that Kachemak City receives from I & I (inflow and infiltration). Exempting Kachemak City from I & I skews the ratio of maintenance costs for the overall system from Kachemak City.

City Manager Wrede noted we do not have a mechanism for measuring inflow and infiltration that is precise.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS - MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 4.3, LINE 1, TO READ “HOMER SHALL REVIEW UTILITY RATES AT LEAST BIENNIALLY.”

Although the Council passed the idea of reviewing water and sewer rates annually, it should not be specified in a contractual agreement with a customer. Future councils may change it back to biennially.

VOTE: YES. VAN DYKE

VOTE: NO. ROBERTS, HOWARD, LEWIS, BURGESS

Motion failed.

BURGESS/HOWARD – MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 4.3, LINE 1, TO READ: HOMER SHALL REVIEW UTILITY RATES PERIODICALLY AND STRIKE “AT LEAST ANNUALLY” FROM THE RECORD.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess referenced Article 4.3, Line 5, that states Kachemak utility customers shall pay the same rate for utility service as Homer utility customers. Many of his constituents feel there should be a cost levied to support the water and sewer system if you live outside the City of Homer. City residents already pay property tax and sales tax to support the water

and sewer system. He feels Kachemak City customers should pay the same rate as a City of Homer customer, including applicable taxes and fees, ie. the city of Homer sales tax.

Councilmember Howard agreed Kachemak City customers should be subject to the charges and the sales tax that Homer residents pay.

Councilmember Lewis believes the rate structure should reflect what the sales tax is although we can't charge them sales tax.

City Attorney Wells advised there is a very precise test with the Borough to determine if we can charge sales tax. Often you can charge sales tax when there is ambiguity where the services are given. The plant is located within the city of Homer and it travels to a resident outside the city of Homer to a government entity that acts as a conduit to the residents. There is a lot to work out in this area; it will require significant legal work. There may be an argument if there is no basis for a tax, raising a rate to incorporate a tax is a de facto tax. If the tax was not proper or legal we may have a problem. The research has not been done; it is something we have to look into.

ROBERTS - MOVED TO DELETE THAT SENTENCE (INTERGOVERNMENTAL AGREEMENT ARTICLE 4.3, LINE 5, "UTILITY CUSTOMERS IN KACHEMAK SHALL PAY THE SAME RATE FOR UTILITY SERVICE AS UTILITY CUSTOMERS IN HOMER THAT RECEIVE THE SAME CATEGORY OF SERVICE.")

Motion died for lack of second.

Councilmember Burgess referenced other sentences in Articles 4.3 and 4.4 that speak to the same thing. The agreement could be referred back to staff with a consensus from the Council that users in Kachemak City pay what an equivalent user in the city of Homer would.

City Attorney Wells advised the Council that City Manager Wrede and she have been working on the agreement. It would parallel and be consistent with what they have been doing over the last couple weeks.

Councilmember Van Dyke asked if the services are being provided within the city of Homer doesn't it qualify as a tax collectible process?

City Attorney Wells answered under the Borough code there is a strong possibility that is the case. It is outlined by the provisions in the Borough; we need to understand the right answer to that question. At the Council's direction language will be crafted that is lawful.

BURGESS/ROBERTS - MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 4.4, LINE 6, TO STRIKE "ESTIMATED RESIDENTIAL" SINCE KACHEMAK CITY IS NOT ENTIRELY COMPRISED OF RESIDENCES.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess questioned language in Article 4.4, Line 8, and why it is necessary to specifically include amortization, depreciation of capital improvements, and a rate structure or to specify it in a contract.

City Manager Wrede answered the language was included because there was a lot of confusion about it in the discussion with Kachemak City. They wanted to know exactly what the bill included. The bill is not only maintenance and operations, but includes the cost of administration and depreciation expenses. Capital costs were addressed elsewhere in the agreement.

Councilmember Burgess asked if the language could be clarified since there is some ambiguity now.

BURGESS/LEWIS - MOVED TO POSTPONE TO OCTOBER 27 AS AMENDED AND RETURN TO STAFF FOR UPDATES.

There was brief discussion on a postponement date that would allow Kachemak City to review the amendments.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.)

Councilmember Burgess asked if we want it specific to Kachemak City or specific to metered versus non-metered customers. It may make sense to rework the amendments in the Fee Schedule to exclude Kachemak City agreements.

BURGESS/HOWARD – MOVED TO POSTPONE TO OCTOBER 27th PENDING STAFF REVIEW WITH REGARD TO SPECIFICITY TO SOME OF THE LANGUAGE IN THE FEE SCHEDULE.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

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.

Resolution 14-096(S), A Resolution of the Homer City Council Awarding the Karen Hornaday Park Campground/Trail Improvement Project to Arno Construction, LLC of Homer, Alaska, in the Amount of \$70,438.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 14-136 from Public Works Director as backup.

Councilmember Burgess declared a conflict of interest due to his company being on the plan holders list for projects in Resolutions 14-096(S), 14-089, and 14-090. Councilmember Burgess was exited the dais.

Mayor Wythe called for a motion for the adoption of Resolution 14-096 by reading of title only.

HOWARD/LEWIS - SO MOVED.

Mayor Wythe called for a motion to substitute Resolution 14-096(S) for Resolution 14-096.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.

- 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.

Memorandum 14-131 from Public Works Director as backup.

Councilmember Burgess was previously excused due to a conflict of interest.

Mayor Wythe called for a motion for the adoption of Resolution 14-089 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Memorandum 14-132 from Public Works Director as backup.

Councilmember Burgess was previously excused due to a conflict of interest.

Mayor Wythe called for a motion for the adoption of Resolution 14-090 by reading of title only.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess returned to his seat.

- D. **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.

Memorandum 14-133 from Deputy City Planner as backup.

Mayor Wythe recused herself due to an ongoing conflict of interest and passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion for the adoption of Resolution 14-092 by reading of title only.

LEWIS/BURGESS – SO MOVED.

Councilmember Burgess requested a map with the actual build-out of the gas lines and exempted lots indicated before the final determination on the assessment roll.

Councilmember Lewis asked if the map would include the number of condominiums or just the lot itself.

Councilmember Burgess looks forward to an in-depth discussion about condos, but for now just requests the map depicting exempted properties. The gas line build-out is slightly different than what was proposed.

City Manager Wrede advised the Council that Enstar is preparing final as-built maps. It will show the lots, where the gas line is, and which lots have been exempted through Council actions.

City Manager Wrede suggested adding another whereas clause after the fourth whereas to read: “WHEREAS, A NUMBER OF LOTS ARE EXEMPTED BECAUSE OF ENGINEERING AND CONSTRUCTION CHANGES THEY ARE NOT SERVED.”

Mayor Pro Tempore Roberts called for a motion to that effect.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

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

Motion carried.

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

Motion carried.

Mayor Pro Tempore Roberts called for a recess at 7:17 p.m. and reconvened the meeting at 7:19 p.m., returning the gavel to Mayor Wythe.

COMMENTS OF THE AUDIENCE

Ken Landfield, city resident, expressed support for the HCOA on the CIP. He would like to see Council adopt a resolution on corporate personhood.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented the meeting has left him speechless.

COMMENTS OF THE MAYOR

Mayor Wythe thanked everyone that came out to talk about the CIP. She acknowledged Borough Assembly Candidate Kelly Cooper, Homer City Council Candidate Catriona Lowe, and Homer Mayor Candidate Lindianne Sarno in the audience.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis liked Ken Landfield's idea and asked for a resolution for the next meeting.

Councilmember Burgess commented on the history of corporations and asked to co-sponsor the resolution with Councilmember Lewis. He asked that no more funds be appropriated to the harbor until Bryan Hawkins agrees not to shave his beard since he is devilishly handsome with it. There are lots of things going on in the harbor; get down there and check it out.

Councilmember Roberts is happy to vote yes for Resolution 14-095 for the Board of Fisheries to hold their meeting here. She thanked the Rotary Club for the fire circle and The Homer Foundation for improving Karen Hornaday Park. She thanked the Port and Harbor Improvement Committee Members who did a ton of work. Without that group we would not be telling everyone to go out to the harbor.

Councilmembers Howard and Van Dyke had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:25 p.m. The 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. Special Meetings are scheduled for Monday, September 15, 2014 at 5:30 p.m. and 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____

Session 14-22 a Special Meeting of the Homer City Council was called to order on September 15, 2014 at 5:30 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, HOWARD, LEWIS, ROBERTS,
VAN DYKE

ABSENT: ZAK (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS (telephonic)

Councilmember Zak has requested excusal.

Mayor Wythe declared Councilmember Zak's absence excused. There was no objection from the Council.

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

Mayor Wythe called for a motion to approve the agenda.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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).

Mayor Wythe called for a motion for the adoption of the recommendations of Memorandum 14-135 to meet in executive session for a legal briefing on Auction Block vs. City of Homer.

LEWIS/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/HOWARD - MOVED TO ADJOURN TO EXECUTIVE SESSION.

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

Motion carried.

Council adjourned to Executive Session at 5:35 p.m.

Mayor Wythe reconvened the meeting at 5:57 p.m.

Mayor Pro Tempore Roberts stated the Council met with the attorney and were given an update on Auction Block vs. City of Homer. We advised our attorney how to move forward with the case.

COMMENTS OF THE AUDIENCE

There was no audience.

ADJOURNMENT NO LATER THAN 5:55 P.M.

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 5:58 p.m. The 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

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Office of the City Clerk

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Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 14-138

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: SEPTEMBER 17, 2014
SUBJECT: LIQUOR LICENSE TRANSFER OF STOCK OWNERSHIP FOR OAKEN KEG

We have been notified by the ABC Board of an application for a Liquor License transfer of stock ownership in the City of Homer for the following:

Type: Package Store
Lic #: 4162
DBA Name: Oaken Keg #1832
Licensee/Applicant: Safeway Inc.
Premise Address: 90 Sterling Highway, Homer, AK
Mailing Address: PO Box 29096 MS 6531, Phoenix, AZ 85038

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

Fiscal Note: Revenues.



September 12, 2014

City of Homer
Attn: City Clerk

VIA Email: clerk@cityofhomer-ak.gov
Cc: jjohnson@ci.homer.ak.us
joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Safeway Inc. – Package Store License #4162 DBA Oaken Keg #1832

- New Application Transfer of Ownership (stock) Transfer of Location
 Restaurant Designation Permit DBA Name Change

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

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

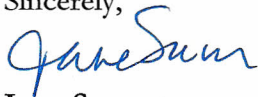
Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must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

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

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

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

Sincerely,



Jane Sawyer

Business Registration Examiner

jane.sawyer@alaska.gov

907-269-0359

State of Alaska
Alcoholic Beverage Control Board

Date of Notice: September 12, 2014

Application Type: **NEW** _____

TRANSFER
 Ownership (stock)
 _____ Location
 _____ Name Change

Governing Body: **City of Homer**
Community Councils: None

License #: 4162
 License Type: Package Store
 D.B.A.: Oaken Keg # 1832
 Licensee/Applicant: Safeway Inc.
 Physical Location: 90 Sterling Highway, Homer, AK
 Mail Address: PO Box 29096 MS 6531
 Telephone #: 623-869-3573
 EIN: 94-3019135

Corp/LLC Agent:	Address	Phone	Date and State of Incorporation	Good standing?
United States Corporation Company	9360 Glacier Hwy. Ste. 202 Juneau, AK 99801	800-927-9800	11/07/1986 Delaware	Yes

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

Member/Officer/Director:	DOB	Address	Phone	Title/Shares (%)
Robert L. Edwards President	08/11/1955	3954 Pontina Court Pleasanton, CA 94566	925-467-3276	0
Robert A. Gordon Secretary/Sr. VP	09/14/1951	24 Robert Road Orinda, CA 94563	925-467-3276	0
Bradley S. Fox VP	12/31/1955	315 Lowell Lane West Lafayette, CA 94549	925-467-3276	0
Albertson's Holdings LLC Shareholder	N/A	250 Parkcenter Blvd. W. Plaza Boise, ID 83706	N/A	100

If **transfer** application, current license information:

License #: 4162
 Current D.B.A.: Oaken Keg
 Current Licensee: Safeway Inc.
 Current Location: 90 Sterling Hwy, Homer

Additional comments:

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

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

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

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

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

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

Sincerely,



Jane Sawyer

Business Registration Examiner

jane.sawyer@alaska.gov

907-269-0359

Alcoholic Beverage Control Board
2400 Viking Drive
Anchorage, AK 99501

Transfer Liquor License

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

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

SECTION A - LICENSE INFORMATION			FEES
License Year: 2014-2015	License Type: Package Store	Statute Reference	Filing Fee: \$100.00 Rest. Desig. Permit Fee: (<i>\$50.00</i>) \$ Fingerprint: \$ (<i>\$51.50 per person</i>) TOTAL \$100.00
License #: 4162		Sec. 04.11.150	
Local Governing Body: (City, Borough or Unorganized) Kenai Peninsula Borough City of Homer		Community Council Name(s) & Mailing Address: None	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Safeway Inc.		Doing Business As (Business Name): Oaken Keg #1832	Business Telephone Number: (623) 869-3573 Fax Number: (623) 869-1399
Mailing Address: PO Box 29096 MS 6531		Street Address or Location of Premises: 90 Sterling Highway Homer, AK	Email Address: Nasc.tax@safeway.com
City, State, Zip: Phoenix, AZ 85038-9096			
Is any shareholder related to the current owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes" please state the relationship _____			
SECTION B - TRANSFER INFORMATION			
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Name and Mailing Address of CURRENT Licensee : Safeway Inc. Business Name (dba) BEFORE transfer: Oaken Keg #1832 Street Address or Location BEFORE transfer: 90 Sterling Highway Homer, AK	
SECTION C - PREMISES TO BE LICENSED			
Distance to closest school grounds: .3 Miles	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable	
Distance to closest church: .2 Miles	<i>Distance measured under:</i> <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.		
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	

Transfer Liquor License

SECTION D – LICENSEE INFORMATION

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

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

Name	Name of Business	Type of License	Business Street Address	State
See Attached				

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

Yes No If Yes, attach written explanation.

SECTION E – OWNERSHIP INFORMATION - CORPORATION

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

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Safeway Inc.		Telephone Number: (623) 869-3573	Fax Number: (623) 869-1399
Corporate Mailing Address: PO Box 29096 MS 6531	City: Phoenix	State: AZ	Zip Code: 85038-9096
Name, Mailing Address and Telephone Number of Registered Agent United States Corporation Company 9360 Glacier Hwy., Ste. 202, Juneau, AK 99801 (800) 927-9800		Date of Incorporation OR Certification with DCED: 11/7/1986	State of Incorporation: Delaware

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

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Robert L. Edwards	President	0	3954 Pontina Court, Pleasanton, CA 94566	(925) 467-3276	8/11/1955
Robert A. Gordon	Secretary/ <i>Sr</i> VP	0	24 Robert Road, Orinda, CA 94563	(925) 467-3276	9/14/1951
Bradley S. Fox	Treasurer/ VP	0	315 Lowell Lane West, Lafayette, CA 94549	(925) 467-3276	12/31/1955
Albertson's Holdings LLC	Shareholder	100	250 Parkcenter Blvd., West Plaza Boise, ID 83706	N/A	N/A

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

Transfer Liquor License

SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

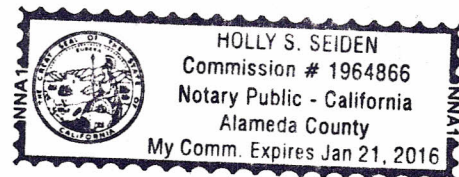
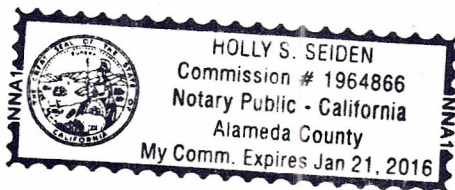
Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>
Home Phone: Work Phone:	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration

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

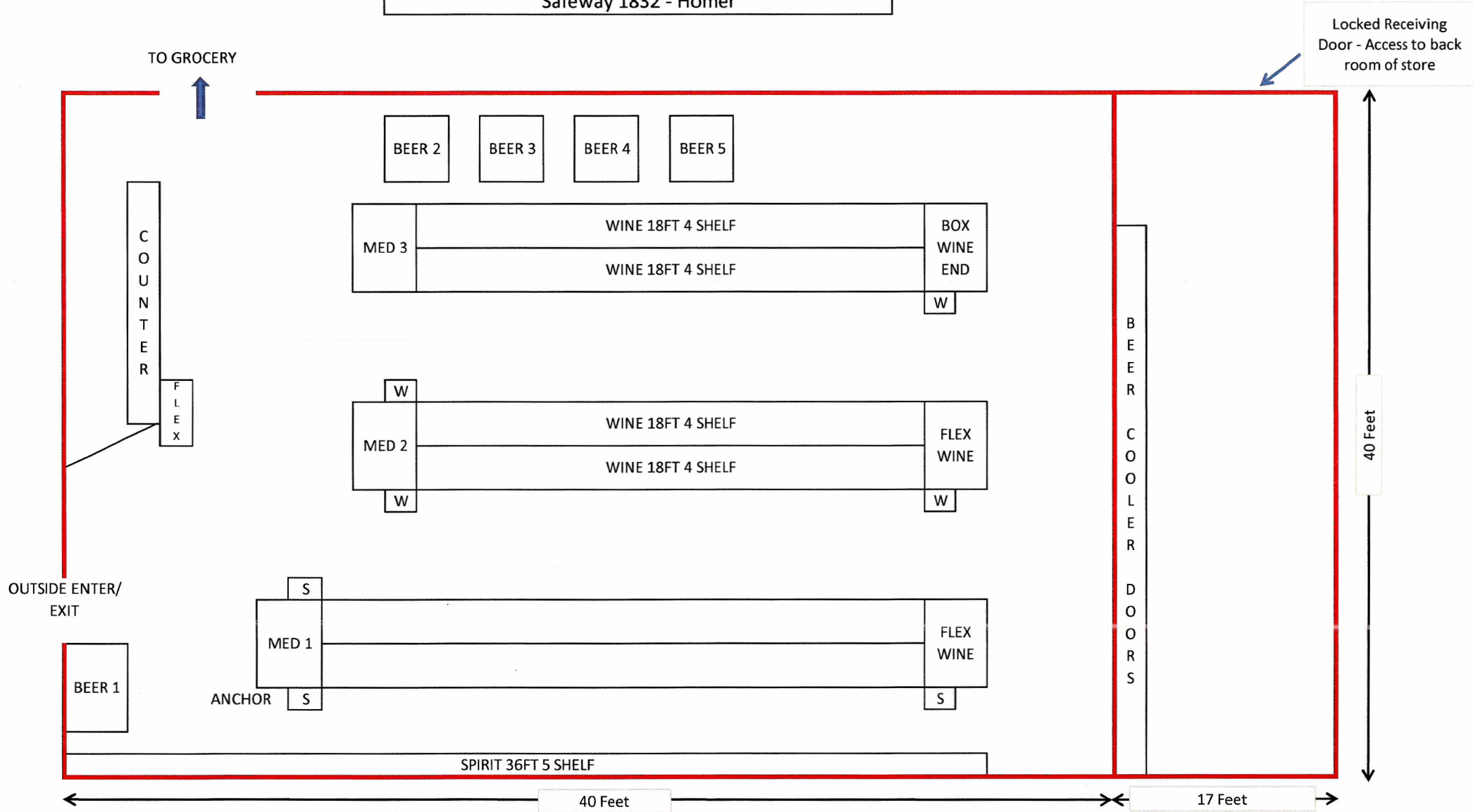
Signature of Current Licensee(s)	Signature of Transferee(s)
Signature <i>Robert Gordon</i>	Signature <i>Robert Gordon</i>
Signature Safeway Inc. <i>Robert Gordon</i>	Signature Safeway Inc. <i>Robert Gordon</i>
Name & Title (Please Print) By: <i>Secretary + Sr. Vice President</i>	Name & Title (Please Print) By: <i>Secretary + Sr. Vice President</i>
Subscribed and sworn to before me this <i>29</i> day of <i>AUGUST, 2014</i>	Subscribed and sworn to before me this <i>29</i> day of <i>AUGUST 2014</i>
Notary Public in and for the State of <i>CALIFORNIA</i> <i>Hollys Seiden</i>	Notary Public in and for the State of <i>CALIFORNIA</i> <i>Hollys Seiden</i>
My commission expires: <i>JAN. 21, 2014</i>	My commission expires: <i>JAN. 21, 2014</i>



ATTACHMENT A

ALASKA LIQUOR LICENSES							
Current DBA	Facility	Liq Lic No.	Liq Lic Exp	Address	City	Zip Code	Corporate Owner
Safeway	2522	174	2014	502 MARINE WAY	KODIAK	99615	Safeway Inc.
Crow Creek Mercantile	1839	287	2015	HIGHTOWER STREET	GIRDWOOD	99587	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1821	778	2015	301 NORTH SANTA CLAUS LANE	NORTH POLE	99705	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1802	792	2014	1340 GAMBELL STREET	ANCHORAGE	99501	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1805	793	2014	1650 W. NORTHERN LIGHTS BLVD.	ANCHORAGE	99503	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1806	795	0014	600 E. NORTHERN LIGHTS BLVD.	ANCHORAGE	99503	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1809	799	2014	5600 DEBARR ROAD	ANCHORAGE	99504	Carr-Gottstein Foods Co.
Safeway Store	2754	995	2015	3627 AIRPORT WAY	FAIRBANKS	99701	Safeway Inc.
Oaken Keg	3410	999	2015	30 COLLEGE RD	FAIRBANKS	99701	Safeway Inc.
Oaken Keg Spirit Shop	1843	1336	2014	3678 COLLEGE ROAD	FAIRBANKS	99709	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	520	1358	2015	3101 PENLAND PARKWAY	ANCHORAGE	99508	Safeway Inc.
Oaken Keg Spirit Shop	1812	1397	2014	4000 WEST DIMOND BLVD.	ANCHORAGE	99515	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1807	1464	2014	11409 BUSINESS PARK BLVD.	EAGLE RIVER	99577	Carr-Gottstein Foods Co.
Oaken Keg	1813	1799	2014	1501 HUFFMAN ROAD	ANCHORAGE	99515	Carr-Gottstein Foods Co.
Oaken Keg	548	1845	2015	44428 STERLING HWY S	SOLDOTNA	99669	Safeway Inc.
Oaken Keg Spirit Shop	1817	2094	2014	7731 EAST NORTHERN LIGHTS BLVD	ANCHORAGE	99504	Carr-Gottstein Foods Co.
Oaken Keg	1739	2098	2014	644 WEST EVERGREEN	PALMER	99645	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1811	2266	2014	595 EAST PARKS HIGHWAY	WASILLA	99654	Carr-Gottstein Foods Co.
Safeway Store	1090	2509	2015	2685 MILL BAY RD.	KODIAK	99615	Safeway Inc.
Oaken Keg	1833	2912	2014	1313 MEALS STREET	VALDEZ	99686	Safeway Inc.
Oaken Keg Spirit Shop	1808	3218	2014	10576 KENAI SPUR HIGHWAY	KENAI	99611	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1820	3507	2015	3033 VINTAGE BLVD.	JUNEAU	99801	Carr-Gottstein Foods Co.
Oaken Keg	1832	4162	2015	90 STERLING HIGHWAY	HOMER	99603	Safeway Inc.
Oaken Keg	2628	4167	2014	1725 ABBOTT ROAD	ANCHORAGE	99507	Safeway Inc.
Oaken Keg	2728	4334	2014	1907 SEWARD HWY.	SEWARD	99664	Carr-Gottstein Foods Co.
Oaken Keg Spirit Shop	1818	4361	2014	2417 TONGASS AVE.	KETCHIKAN	99901	Carr-Gottstein Foods Co.
OUTSIDE OF ALASKA SAFEWAY INC. HAS INTERESTS IN ALCOHOLIC BEVERAGE LICENSES AS SHOWN BELOW							
SAFEWAY INC.							
Arizona, California, Colorado, District of Columbia, Hawaii, Idaho, Maryland, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Virginia, Washington, Wyoming							
RANDALL'S FOOD AND DRUG							
Texas							
TOM THUMB							
Texas							
VONS							
California							
PAVILIONS							
California							
PAK 'N SAVE							
California							

Safeway 1832 - Homer





City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

Memorandum:

To: Melissa Jacobsen, Deputy City Clerk
From: William Hutt, Lieutenant *WTH*
Date: September 15, 2014
Subject: Liquor License Transfer for Oaken Keg

We have no objection to the liquor license transfer listed below:

Type:	Package Store
Lic #:	4162
DBA Name:	Oaken Keg #1832
Licensee/Applicant:	Safeway Inc.
Premise Address:	90 Sterling Highway, Homer, AK
Mailing Address:	PO Box 29096 MS 6531, Phoenix, AZ 85038

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-46

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 8.12.200(d) “Chauffeur’s License – Required”, to Remove the Enumerated Chauffer Application Fee and Instead Identify Chauffer License Fees in the City of Homer Fee Schedule Determined by City Council Resolution.

Sponsor: City Manager/City Clerk

1. City Council Regular Meeting September 22, 2014 Introduction
 - a. Memorandum 14-145 from City Clerk as backup
 - b. Resolution 06-45

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

3 City Manager/City Clerk

4 **ORDINANCE 14-46**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 8.12.200(d), "CHAUFFER'S
8 LICENSE-REQUIRED", TO REMOVE THE ENUMERATED CHAUFFER
9 APPLICATION FEE AND INSTEAD IDENTIFY CHAUFFER LICENSE
10 FEES IN THE CITY OF HOMER FEE SCHEDULE DETERMINED BY
11 CITY COUNCIL RESOLUTION.

12
13 WHEREAS, The City of Homer, Alaska ("City"), administrative fee schedule includes the
14 cost of administrative fees imposed for chauffer licenses, including the application fee; and

15
16 WHEREAS, The City wishes to remove specific chauffer license application fees
17 enumerated in the Homer City Code in the interest of clarity and ease of public reference.

18
19 THE CITY OF HOMER HEREBY ORDAINS:

20
21 Section 1. Homer City Code 8.12.200(d) is amended to read as follows:
22

23 d. The applicant shall pay a ~~nonrefundable application fee of \$25.00~~ plus a fingerprint
24 processing fee as set forth in AS 44.41.025(a), plus **a nonrefundable application fee,**
25 **fees for fingerprints,** and any other processing fees in the amount determined by
26 Council resolution and set forth in the City administrative fee schedule.

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

29
30 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
31 _____ 2014.

32
33 CITY OF HOMER

34
35
36 _____
37 MARY E. WYTHE, MAYOR
38

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

39 ATTEST:

40

41

42 _____

43 JO JOHNSON, MMC, CITY CLERK

44

45

46

47 YES:

48 NO:

49 ABSTAIN:

50 ABSENT:

51

52

53

54 First Reading:

55 Public Hearing:

56 Second Reading:

57 Effective Date:

58

59

60

61 Reviewed and approved as to form:

62

63

64 _____

65 Walt Wrede, City Manager

66

67 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



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 14-145

TO: Mayor Wythe and Homer City Council
FROM: Jo Johnson, City Clerk
DATE: September 16, 2014
SUBJECT: Amendment to HCC 8.12.200(d) Chauffeur's License Fees

It was recently discovered that HCC 8.12.200(d) Chauffeur's License – Required fees are different than fees listed in the Fee Schedule. In 2006 the Fee Schedule was amended by Resolution 06-45 to increase the chauffeur's license application fee to \$75.

The chauffeur's license application fee in HCC 8.12.200(d) and was not updated to reflect the increase.

RECOMMENDATION: Adopt Ordinance 14-46 to amend the language for chauffeur's license application fee to coincide with the Fee Schedule.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk
Requested by HPD

RESOLUTION 06-45

A RESOLUTION OF THE CITY COUNCIL AMENDING THE CITY FEE SCHEDULE UNDER PUBLIC SAFETY, THE COST OF THE CHAUFFEURS LICENSE IS \$75.00 PLUS OTHER FEES IN THE AMOUNT OF \$35.00 (FOR FINGERPRINTING TO THE STATE OF ALASKA) NOT \$59.00 AS IS CURRENTLY LISTED.

WHEREAS, The Homer Police Department Dispatchers advised the City Clerk of an inaccuracy in the fingerprinting fee listed under Public Safety, Chauffeurs License.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of Homer Fee Schedule, Public Safety fees as follows:

PUBLIC SAFETY

Emergency 911

Administrative Office 235-3150

HPD = Homer Police Department

(The following fees have been set by legislative enactments to HCC 7).

Handicap Parking Violation \$100

Noisy Vehicles - enforcement begins April 28, 2004.

Noise greater than 85 decibels (dBA) at a distance of fifty (50) feet is prohibited. Between the hours of 8 p.m. and 8 a.m. not greater than 75 dBA at a distance of fifty (50) feet.

Offense	Penalty/Fine
---------	--------------

Muffler not working properly	CORR/\$500
------------------------------	------------

Muffler modified/excessive noise	CORR/\$500
----------------------------------	------------

Muffler removed or inoperative	CORR/\$500
--------------------------------	------------

Noise exceeds limits:

First conviction	\$100
------------------	-------

Second conviction within 6 months	\$200
-----------------------------------	-------

of first conviction

Third conviction within 6 months	\$300
----------------------------------	-------

of any prior conviction

Sale of vehicle exceeding noise limits:

First conviction	\$100
------------------	-------

Second conviction within six (6) months of first conviction	\$200
---	-------

Third conviction within six (6) months of any prior conviction	\$300
--	-------

Jake brake use prohibited:

First conviction	\$100
------------------	-------

Second conviction within six (6) months of first conviction	\$200 plus proof of satisfactory
---	----------------------------------

HPD commercial vehicle inspection

Page Two
Resolution 06-45
City of Homer

Third conviction within six (6) months of any prior conviction \$300 plus proof of satisfactory HPD commercial vehicle inspection

CORR: "CORR" means a correctable/dismissal offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to a HPD vehicle inspector within thirty (30) days. If the required repair is not made and shown to a vehicle inspector within the specified time, the defendant must pay the fine.

Public Transportation (HCC 8.12.150 and 8.12.200):

Vehicle Permit \$75 Fiscal Year, expires June 30th
Permit \$37.50 after January 1st, expires June 30th
\$5 Replacement Permit

~~[Chauffeurs License \$75 application fee (non refundable) plus finger print and other processing fees in the amount of \$59.00.]~~

Chauffeurs License \$75 application fee plus the fees in the amount of \$35.00 (for Fingerprinting to the State of Alaska)(none of these fees are refundable)

Annual Safety Inspection commercial vehicles \$100

(The following fees have been set by legislative enactments AAC 13 (Paid at City Hall).

Parking Tickets -\$10

(The following fees have been set by legislative enactments to HCC 8, Ord. 01-20).

Itinerant Merchant - \$110/for 60 days
Mobile Food Unit - \$130/per yr.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 24th day of April, 2006.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


MARY L. CALHOUN, CMC, CITY CLERK

Fiscal Note: Revenues, amount not defined. /mlc

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-47

An Ordinance of the Homer City Council Amending the FY 2014 Operating Budget by Appropriating \$105,000 from the General Fund / Fund Balance for Barge Mooring Facility Phase 2 – Uplands Improvements.

Sponsor: City Manager/Port and Harbor Director

1. City Council Regular Meeting September 22, 2014 Introduction
 - a. Memorandum 14-146 from Vessel Haul-Out Task Force as backup

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

3 City Manager/
4 Port and Harbor Director

5 **ORDINANCE 14-47**

6
7 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING THE
8 FY 2014 OPERATING BUDGET BY APPROPRIATING \$105,000
9 FROM THE GENERAL FUND / FUND BALANCE FOR BARGE
10 MOORING FACILITY PHASE 2 – UPLANDS IMPROVEMENTS.

11
12 WHEREAS, The Large Vessel Haul-Out Task Force has spent several months
13 researching the development and expansion capabilities of a Large Vessel Haul-Out and
14 Repair Facility in the Homer Port and Harbor; and

15
16 WHEREAS, The Vessel Haul-Out Task Force recommended changes to the Barge
17 Mooring Facility Capital Improvement Plan project to include a second phase that covers
18 necessary upland improvements that support the vessel repair yard activities currently
19 taking place; and

20
21 WHEREAS, The task force recommends action be taken for the first step in this
22 process, which is the designing, engineering, and permitting for such a facility as this will help
23 with current haul-out use and aid in planning for this much needed improvement.

24
25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

26
27 Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by
28 appropriating \$105,000 from the General Fund/Fund Balance for Barge Mooring Facility
29 Phase 2 – Uplands Improvements as follows:

30
31 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-0100	Barge Mooring Facility Phase 2 – Uplands Improvements	\$105,000

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

39
40 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
41 _____ 2014.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

58 YES:
59 NO:
60 ABSTAIN:
61 ABSENT:

62
63
64
65 First Reading:
66 Public Hearing:
67 Second Reading:
68 Effective Date:

69
70
71 Reviewed and approved as to form.

72
73
74 _____
75 Walt Wrede, City Manager

Thomas F. Klinkner, City Attorney

76
77 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4350 Homer Spit Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 14-146

TO: MAYOR BETH WYTHE & HOMER CITY COUNCIL

FROM: VESSEL HAUL-OUT TASK FORCE

DATE: SEPTEMBER 22, 2014

SUBJECT: FINAL REPORT

Executive Summary: After careful research, discussion and evaluation the Vessel Haul-Out Task Force presents the following for your consideration.

The need for a vessel haul-out facility of some configuration is highly desired by the commercial fishing fleet; deep v-haul and wide body vessels and barges. The amenities of good weather, ice-free harbor area, marine services and upland facilities make the Port of Homer a very attractive consideration for general maintenance work as well as emergency repair work. During the shoulder months of 2013-2014 in the beach area near Lot TR1-A, approximately seven vessels of various types were hauled out for repairs. Two additional vessels were turned away.

The skilled jobs this created, along with additional income to the Harbor Enterprise fund, was a welcomed economic surge. Because of this unexpected activity the task force was organized to dream about the "what if's". Bottom line is: the perfect all-accommodating haul-out facility is not in the near future for the Homer Harbor because of the tremendous, upfront facility costs. What is feasible is to improve what we have going for us by beefing up the beach mooring system, establishing electrical power hook-up service, and building an environmentally adequate wash-down facility. The task force's research gives up the cost to be about \$650,000.00. The upgrades needed are on the existing CIP list and we recommend prioritizing these projects for this year.

RECOMMENDATION: Approve the CIP beach and harbor improvements as described in CIP Barge Mooring Facility Phase II in the amount of \$105,000.00 with the funding source to be from the general fund balance account. Instruct staff to apply and receive all necessary permits this type of marine activity requires. Further, it is recommended the public involvement is restricted to scheduling and supervising rules and regulations, leaving the balance of the activities to the private sector as an open shop. The task force recommends a tariff rate schedule for this new harbor service to be developed and approved. Finally, instruct staff to write and advertise a Request for Proposal for developing the facility

Background: At the December 4, 2013 meeting of the Port and Harbor Commission, Port Director/Harbormaster Hawkins presented the concept of a vessel haul out facility that is further described in a supporting memorandum. In addition to the commissioners' comments, several members of the community (user groups) identified the need to provide a service to the larger vessels. City Manager Wrede also spoke about the projects potential. The commission requested the City Council form a committee to research the possibilities of a vessel haul-out repair facility.

On January 7, 2014 the City Council adopted Resolution No. 14-015 authorizing the formation of the Vessel Haul-Out Task Force.

The Task Force has held twelve meetings and made one presentation to the Port and Harbor Commission. All meetings were well attended by members of the public and government agencies. The staff members for the City Clerk; Finance; Planning; Public Works and Port and Harbor provided valuable and timely information requested.

Members of the Task Force were selected as a good representation of the user groups and interested parties: Glen Carroll; David Lewis; Ian Pitzman; Mike Stockburger; Mike Pate; Bryan Hawkins and Barbara Howard were appointed by the mayor to serve on the task force.

Recent Haul-Out Activities: During March through May 2014, as many as six large vessels of various types were on the beach area of Lot TR1-A. Tugs, barges, and other fishing vessels were being hauled out on air bags and tractors for maintenance and repair. Economically, this activity was a welcome boom to the shoulder months for all marine trades of the Homer area. Income generated by the mooring for the enterprise fund was approximately \$18,000. This amount is low because we did not have a tariff schedule to reflect the true value of the facility. As many as twenty workers were on-site doing high, wage-earning work. Welders, carpenters, mechanics, painters, and other services were readily working for three months. The restaurants and other businesses noted a welcomed increase to business during this period. The beach area was restored to “better than before” status by May 20th in plenty of time for Parks and Recreation staff to prepare the area for campground use and other recreational activities

Result of Research: As part of our research, we developed and sent out a questionnaire to the user groups of approximately 300 vessel owners/operators. We received 44 replies. Copies of the questionnaire and staff memo of the results are included with this report. The need for such service was once again confirmed.

Management Options: A Business Performance was developed as a guiding tool for our assumptions and timeline. A copy of this document is included as well.

**CITY OF HOMER
HOMER, ALASKA**

Lewis/Burgess

RESOLUTION 14-097

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
CALLING FOR AN AMENDMENT TO THE CONSTITUTION OF THE
UNITED STATES TO ABOLISH CORPORATE PERSONHOOD.

WHEREAS, Government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the Constitution of the United States and the Declaration of Independence; and

WHEREAS, Free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, Persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food; and

WHEREAS, Corporations are entirely human-made legal fictions created by express permission of We The People and our government; and

WHEREAS, Corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of We The People; and

WHEREAS, In addition to these advantages, the great wealth of large corporations allows them to wield coercive force of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights; and

WHEREAS, Corporations are not mentioned in the Constitution of the United States, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States; and

WHEREAS, Interpretation of the Constitution of the United States by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People; and

42 WHEREAS, The illegitimate judicial bestowal of civil and political rights upon
43 corporations usurps basic human and Constitutional rights guaranteed to human persons,
44 and also empowers corporations to sue municipal and state governments for adopting laws
45 that violate ‘corporate rights’ even when those laws serve to protect and defend the rights of
46 human persons and communities; and

47
48 WHEREAS, Corporations are not and have never been human beings, and therefore
49 are rightfully subservient to human beings and governments as our legal creations; and

50
51 WHEREAS, Large corporations’ profits and survival are often in direct conflict with the
52 essential needs and rights of human beings; and

53
54 WHEREAS, The recent Citizens United v. the Federal Election Commission Supreme
55 Court decision that rolled back the legal limits on spending in the electoral process creates an
56 unequal playing field and allows unlimited spending by wealthy individuals, corporations
57 and other entities to influence elections, candidate selection, policy decisions and sway
58 votes, and forces elected officials to divert their attention from The Peoples’ business, or
59 even vote against the interest of their human constituents, in order to ensure competitive
60 campaign funds for their own re-election; and

61
62 WHEREAS, The judicial interpretation to construe spending money in political
63 campaigns as speech is contrary of the notion of one person, one vote and allows those with
64 the most money to have an unfair advantage in a political system that should be about
65 ensuring that all citizens have equal access to the political process and to influencing the
66 outcome of elections; and

67
68 WHEREAS, Money is property, not speech; and

69
70 WHEREAS, Large corporations own most of America’s mass media and use that media
71 as a megaphone to express loudly their political agenda and to convince Americans that their
72 primary role is that of consumers, rather than sovereign citizens with rights and
73 responsibilities within our democracy, and this forces citizens to toil to discern the truth
74 behind headlines and election campaigning; and

75
76 WHEREAS, Tens of thousands of people and municipalities across the nation are
77 joining with the Move to Amend campaign to call for an Amendment to the Constitution of
78 the United States to Abolish Corporate Personhood and the doctrine of Money as Speech.

79
80 NOW, THEREFORE, BE IT RESOLVED that the City of Homer, Alaska, hereby calls on our
81 legislators, elected officials, mayor, commissioners, of Alaska to join the tens of thousands of
82 citizens, grassroots organizations and local governments across the country in the Move to
83 Amend campaign to call for an Amendment to the Constitution to Abolish Corporate

84 Personhood and the doctrine of Money as Speech and return our democracy, our elections,
85 our communities to America’s human persons and to thus claim our sovereign right to self-
86 governance.

87
88 BE IT FURTHER RESOLVED that the City of Homer, Alaska, calls on other communities
89 and jurisdictions to join with us in this action by passing similar Resolutions. Be it further
90 resolved that the City of Homer Alaska supports education to increase public awareness of
91 the threats to our democracy posed by Corporate Personhood, and encourages lively
92 discussion to build understanding and consensus to take appropriate community and
93 municipal actions to democratically respond to these threats.

94
95 PASSED AND ADOPTED by the Homer City Council this 22nd day of September, 2014.

96
97 CITY OF HOMER

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100 _____
101 MARY E. WYTHE, MAYOR

102
103 ATTEST:
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106 _____
107 JO JOHNSON, MMC, CITY CLERK

108
109 Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

Roberts

RESOLUTION 14-098

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
EXPRESSING SUPPORT FOR THE PRATT MUSEUM'S GRANT
REQUEST IN THE AMOUNT OF \$1.65 MILLION FOR ITS NEW
FACILITY.

WHEREAS, The Pratt Museum is a national award-winning museum that serves more than 30,000 visitors and engages more than 4,000 education program participants annually; and

WHEREAS, The Pratt is consistently recognized as one of Alaska's leading cultural institutions and a model among community museums across the nation; and

WHEREAS, The Pratt is the recipient of the Governor's Award for the Humanities, and the National Award for Museum Service, the country's highest honor for museums; and

WHEREAS, The Pratt is a regional economic engine, generating about \$1 Million in annual economic activity and drawing visitors to our community from across the state, nation, and world; and

WHEREAS, The Pratt is embarking on a construction project to better serve its visitors and the community long into the future by providing new exhibits; full handicap accessibility; expanded research capacity to serve students and scholars; and improved ability to expand and preserve the largest collections in the sciences, arts, and humanities on the Kenai Peninsula; and

WHEREAS, The Pratt was awarded a Challenge Grant of \$750,000 from the National Endowment for the Humanities, which must be matched three to one with non-federal dollars to leverage these funds; and

WHEREAS, A capital grant of \$1.6 Million from the State of Alaska will provide necessary funding for construction of the Pratt Museum's \$9.5 Million new facility and site redesign project, enabling the Museum to maintain project momentum at this crucial stage; and

WHEREAS, The Pratt Museum's construction project is the City's No. 1 priority for nonprofit funding, is included in the City of Homer Capital Improvement Program; and the City supports the Pratt Museum with operational and capital project funding.

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

3 City Manager

4 **RESOLUTION 14-099**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE CITY MANAGER TO APPLY FOR A SAFE ROUTES TO
8 SCHOOLS PLANNING GRANT IN THE AMOUNT OF \$15,000 AND
9 EXPRESSING COMMITMENT TO PROVIDE IN-KIND STAFF TIME AS A
10 CONTRIBUTION.

11
12 WHEREAS, The Homer Non-Motorized Transportation and Trails Plan (HNMTTP), is
13 part of the Homer Comprehensive Plan; and

14
15 WHEREAS, The HNMTTP identifies school children as a special population that is
16 vulnerable and needs specific accommodations for the non-motorized trail system to be fully
17 functional; and

18
19 WHEREAS, The Safe Routes to School Program is a federal program administered by
20 the State, to improve safety on walking and bicycling routes to school, and to encourage
21 children and families to travel between home and school using these routes, grades K-8; and

22
23 WHEREAS, The HNMTTP recommends the actions of identifying safe routes to school,
24 and creating a safe environment for children to walk or bike to school; and

25
26 WHEREAS, The Sate Routes to School Plan will accomplish the action items listed in
27 the HNMTTP; and

28
29 WHEREAS, The creation of a Safe Routes to School Plan is required for projects to be
30 eligible for federal planning and construction funds.

31
32 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, expresses
33 its support for a Safe Routes to School Planning Grant application of \$15,000 and authorizes
34 the City Manager to submit the appropriate documents.

35
36 BE IT FURTHER RESOLVED that the Council expresses support for the City of Homer to
37 provide in-kind staff services as a match.

38
39 PASSED AND ADOPTED by the Homer City Council this 22nd day of September, 2014.
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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A 2015 wage and operating budget.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 14-141

TO: Mayor Wythe and Homer City Council

THROUGH: Walt Wrede, City Manager, Rick Abboud, City Planner

FROM: Julie Engebretsen, Deputy City Planner

DATE: September 17, 2014

SUBJECT: Resolution to apply for Safe Routes to School Program Grant

The Planning Department would like to apply for a State of Alaska Safe Routes to School Planning Grant. Safe Routes to School (SRTS) is a federal program administered by the State, which was created in 2005. The program provides funding for creating a Safe Routes to School Plan, and these plans are specifically required in order for infrastructure and planning projects to be eligible for federal funding. The Alaska Department of Transportation also considers the plan during project planning.

The Homer Non-Motorized Transportation and Trails Plan (HNMTTP) is an adopted part of the Homer Comprehensive Plan. The Plan was written and adopted just months before the SRTS program was approved by Congress, and has many of the same ideas. The HNMTTP specifically addresses the needs of school children for safe walking and biking, and outlines an action plan. The SRTS Plan will meet the recommendations of the HNMTTP, and also make future infrastructure improvements eligible for federal funding.

The project entails working with stakeholders to identify current conditions and hazards for children walking and biking to school, grades K-8. Project partners include the school district, each school, school children and parents, law enforcement, maintenance organizations such as City of Homer Public Works and DOT, Laidlaw, and other interested groups and citizens.

The grant does not require a City match; however it will not cover staff costs. Therefore, the grant application will request funding for program materials. City staff, mostly the Planning Department, will provide in-kind services to facilitate the process and write the plan. The City costs for the project will be paid from the forecasted 2015 wage and operating budget.

The Parks and Recreation Advisory Commission passed a motion of support at their meeting of August 21st, to apply for the grant.

Recommendation: City of Homer apply for a grant to create a Safe Routes to School Plan.



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 14-142

TO: Mayor Wythe and Homer City Council
THROUGH: Renee Krause, Deputy City Clerk
FROM: Parks and Recreation Advisory Commission
DATE: September 17, 2014
SUBJECT: City of Homer Safe Streets Program and Application for the Safe Routes to School

The Parks and Recreation Advisory Commission at the regular meeting on August 21, 2014 under Pending Business had the Safe Routes to School and the Homer Safe Street Program on the agenda. Following is the excerpt from the minutes of that meeting and the motion made in support of these programs.

B. Safe Routes to School and Homer Safe Street Program

Ms. Engebretsen provided a summary for her information contained in the packet. She requested a motion from the commission if they supported Council applying for a grant through the Safe Routes to School program.

LOWNEY/LILLIBRIDGE – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Ms. Engebretsen then provided an outline on what the Homer Safe Streets Program which the project in Old Town is the guinea pig for the program.

Some aspects of the proposed program are:

- Intended to facilitate city and community members to form partnerships to solve local problems.*
- Streamlines the city response to citizen concerns*
- Opens doors to better communication and coordination of services*
- Public Education*
- Funding mechanism using the HART program to pay for improvements*
- Technical assistance and partnerships to solve problems*
- This has not been presented to Council*

Questions and comments posed by the commission were:

- Issue with roads in areas such as parks and not necessarily in a community*

- *Users of the facility could bring that before the city*
- *Educating the general public on the existence of the HART program and how it works*
- *Research by the city on speed humps versus speed bumps*
- *Most cities who installed the speed humps wanted them removed*
- *Speed bumps are good idea in a parking lot*
- *May need to hire an engineer*

STEFFY/MACCAMPBELL – MOVED THAT THE PARKS AND RECREATION ADVISORY COMMISSION SUPPORTS THE IMPEMENTATION OF THE HOMER SAFE STREETS PROGRAM.

Discussion on educating and informing the public on the safety issues to be addressed implementing this program. Include the hard facts in the education, invite the newspapers to print an article also; perfect time with the roads being redone to install crosswalks too.

VOTE. YES. LILLIBRIDGE, LOWNEY, BRANN, ROEDL, MACCAMPBELL, ARCHIBALD, STEFFY

Motion carried.

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

3 Mayor/Council

4 **RESOLUTION 14-100**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 DECLARING AND STATING FOR THE RECORD THAT IT FINDS IT TO
8 BE IN THE PUBLIC INTEREST FOR THE CITY TO OWN THE
9 PROPOSED NEW PUBLIC SAFETY BUILDING AND IT IS NOT
10 INTERESTED IN LEASING THE BUILDING FROM A THIRD PARTY.

11
12 WHEREAS, The Committee Chair, on behalf of the Public Safety Building Review
13 Committee, has requested that the City Council provide the Committee with guidance on
14 whether leasing a new public safety building from a third party builder/owner is an option
15 that the Council would consider; and

16
17 WHEREAS, The City Council discussed this topic in some detail at its regular meeting
18 on September 8, 2014 during review of the City Manager's report; and

19
20 WHEREAS, Although no formal action could be taken at that time, all five Council
21 members present and the Mayor voiced support for public ownership of the new public safety
22 building and opposition to leasing; and

23
24 WHEREAS, The Mayor and Council requested that a resolution to that effect be drafted
25 and placed on the September 22 Agenda for further discussion and action.

26
27 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby declares and
28 states for the record, that it finds it to be in the overall public interest for the City to own the
29 proposed new public safety building and it is not interested in leasing the building from a
30 third party builder/owner.

31
32 BE IT FURTHER RESOLVED that the Council finds public ownership of the building to
33 be preferable for the following reasons:

- 34
35
 - The City retains more control over the location of the building.
 - Lease payments could continue indefinitely and exceed the cost of the building.
36

- 37 • The land the building will be sited on could not be used as a local project contribution
- 38 to leverage state or federal funding.
- 39 • State or federal capital funding would no longer be an option and the taxpayers would
- 40 pay the full cost of building construction and more.
- 41 • A public safety building houses core functions of the City and is too important to not
- 42 be in public ownership.

43

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

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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52 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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57 Fiscal Note: N/A

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

3 City Manager

4 **RESOLUTION 14-101**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 APPROVING A NEW FIVE YEAR SUBLEASE AT THE HOMER
8 AIRPORT TERMINAL FOR HERTZ / PIONEER CAR RENTAL, INC.,
9 APPROVING A NEW OWNER, AND AUTHORIZING THE CITY
10 MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

11
12 WHEREAS, The John Thompson, dba Hertz/ Pioneer Car Rental wishes to sell his
13 business to Brian Berens; and

14
15 WHEREAS, John Thompson has a current sublease with the City of Homer with the
16 term beginning May 1, 2012 and ending December 31, 2016; and

17
18 WHEREAS, The State of Alaska DOT does not allow subleases to be assigned; and

19
20 WHEREAS, The buyer has formally applied for a new sublease, and requested a new
21 term of five years; and

22
23 WHEREAS, Hertz/ Pioneer has been an excellent, long-term tenant at the airport
24 terminal, has made substantial investments in its business over the years, generates jobs,
25 spin-off economic activity, lease revenue, and sales tax revenues; and

26
27 WHEREAS, The Lease Committee reviewed the application at its meeting on
28 September 16 and found the application to be complete, the applicant to be qualified, and
29 recommends approval; and

30
31 WHEREAS, The Administration recommends Council approval of a new five year
32 sublease.

33
34 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves a
35 new five year sublease at the Airport Terminal for Hertz/ Pioneer Car Rental, Inc., approves
36 the new owner, and authorizes the City Manager to execute the appropriate documents.

37 BE IT FURTHER RESOLVED that the sublease shall be subject to approval of the State
38 of Alaska DOT.

39
40 PASSED AND ADOPTED by the Homer City Council this 22nd day of September, 2014.

41
42 CITY OF HOMER

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46 _____
47 MARY E. WYTHE, MAYOR

48 ATTEST:

49
50
51 _____
52 JO JOHNSON, MMC, CITY CLERK

53
54 Fiscal Note: Average Lease Revenue per year \$29,530.

55



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 14-143

TO: Mayor Wythe and Homer City Council
FROM: Walt Wrede
DATE: September 17, 2014
SUBJECT: New Airport Sublease Approval / Hertz Rental Cars

John Thompson dba Hertz/ Pioneer Car Rental wishes to sell his business to Brian Berens. Mr. Thompson has a current sublease with the City of Homer which does not expire until December 31, 2016. The State of Alaska Department of Transportation does not allow subleases to be assigned, and only permits five years as the maximum term of a sublease. (Leases within the airport terminal are subleases. The City leases the land the terminal sits on from the State.)

The proposal submitted by Hertz / Pioneer Car Rentals is complete and fully responsive to the lease application requirements. The proposal is included for your information. The credit report and the financial statement have been removed in order to protect the privacy of the owners and proprietary business information.

Hertz has been an excellent tenant at the airport. Hertz generated \$29,340 in direct lease revenue for the City last year and has averaged just above that over the past three years. Hertz's generates sales tax revenues, jobs, and spin-off economic activity. The owners have continually invested in the company and upgraded the rental car fleet, and the new buyer has indicated he will continue to do the same. The company works hard to provide convenient and professional services to the travelling public and does a great deal to promote tourism and business in Homer.

RECOMMENDATION: Approve a new five year sublease at the Airport Terminal for Hertz/Pioneer Car Rentals and authorize the City Manager to execute the appropriate documents.



Airport Lease Application/Assignment Form

Directions:

1. Please submit this application form to the City Manager's Office, 491 Pioneer Avenue, Homer, AK, 99603.
2. Please answer all questions on this form, or put "N/A" in the space if it is non-applicable.
3. Please include all applicable fees in the form of a check, made payable to the City of Homer.

Applicant Name:	Brian Berens
Social Security Number:	366-90-5927
Mailing Address:	PO Box 249
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	(269) 751-9227
Representative's Name:	Brian Berens
Mailing Address:	PO Box 249
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	(269) 751-9227
Property Location:	3720 FAA Road, Suite 123 Homer, Alaska 99603
Legal Description:	Lot 5A, Block 800, Homer Airport Tracts
Type of Business to be placed on property:	Rental Car Company
Additional Info.	Buying Pioneer Car Rental
Duration of Lease requested:	Five Years
Number of parking spaces required:	Employee:2 Car Rental: 15
Proof of General Liability, Automobile Liability, and Workers Compensation Insurance will be required upon signing of sublease. General Liability and Workers Compensation Insurance shall name the City of Homer and State of Alaska DOT as additional insured.	

1.	Fees	<p><u>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</u></p> <p><input checked="" type="checkbox"/> City of Homer Application fee - \$30.00. Covers costs associated with processing the application.</p> <p><input checked="" type="checkbox"/> City of Homer Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease.</p> <p><input type="checkbox"/> State of Alaska Sublease Application fee - \$55.00. Covers the costs of preparing and processing the DOT sublease. <i>This fee will be collected at time of lease signing.</i></p>
2.	Financial Data	<p><u>Please indicate lessee's type of business entity:</u></p> <p><input type="checkbox"/> Sole or individual proprietorship.</p> <p><input type="checkbox"/> Partnership.</p> <p><input checked="" type="checkbox"/> Corporation.</p> <p><input type="checkbox"/> Other - Please explain: _____</p> <p><input checked="" type="checkbox"/> Financial Statement - Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</p> <p><input type="checkbox"/> Surety Information - Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance.</p> <p><input type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt.</p> <p><input type="checkbox"/> Pending Litigation - Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.</p>

3. Partnership Statement	<p><input type="checkbox"/> If the applicant is a partnership, please provide the following:</p> <p>Date of organization: _____</p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership</p> <p>Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where _____ When _____</p> <p>Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Where _____ When _____</p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement. Please attach a copy of your partnership agreement.</p> _____
---------------------------------	--

4. Corporation Statement

If the applicant is a corporation, please provide the following:

Date of Incorporation:
5/5/97

State of Incorporation:
AK

Is the Corporation authorized to do business in Alaska?
 No Yes. Is so, as of what Date?
5/5/97

Corporation is held? Publicly Privately If publicly held, how and where is the stock traded?

Officers & Principal Stockholders [10%+]:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Shares</u>
John Thompson	President	Homer	200
_Share_transfer_at_closing_____			
Brian Berens	President	Homer	200

Please furnish a copy of Articles of Incorporation and By-laws.

Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.

<u>Name</u>	<u>Title</u>
John Thompson	President
_Share_transfer_at_closing_____	
Brian Berens	President

<p>5. Applicant References</p>	<p>Please list four persons or firms with whom the Applicant or its owners have <i>conducted business transactions</i> with during the past three years. Two references named shall have knowledge of your financial management history, <i>of which at least one must be your principal financial institution</i>. Two of the references must have knowledge of your business expertise.</p> <p>Name: <u>Tom Bos</u></p> <p>Firm: <u>Homer Cabins</u></p> <p>Title: <u>Owner</u></p> <p>Address: <u>3619 Main Street</u></p> <p>Telephone: <u>(907) 235 6768</u></p> <p>Nature of business association with Applicant: <u>Landlord</u></p> <p>Name: <u>Alaska USA FCU</u></p> <p>Firm: <u>Alaska USA FCU</u></p> <p>Title: <u>Research Department</u></p> <p>Address: <u>PO Box 196613 Anchorage, AK 99519</u></p> <p>Telephone: <u>(800) 525 9094</u></p> <p>Nature of business association with Applicant: <u>Primary Financial Institution</u></p> <p>Name: <u>John Thompson</u></p> <p>Firm: <u>Pioneer Car Rentals Inc</u></p> <p>Title: <u>Owner</u></p> <p>Address: <u>PO Box</u></p> <p>Telephone: <u>(907) 235 4204</u></p> <p>Nature of business association with Applicant: <u>Car Rental Business Seller</u></p> <p>Name: <u>Kathy Toms</u></p> <p>Firm: <u>Aurora Taxes</u></p> <p>Title: <u>Owner</u></p> <p>Address: <u>PO Box 664 Anchor Point, AK 99556</u></p>
---------------------------------------	---

I hereby certify that the above information is true and correct to the best of my knowledge.

Signature: *Brian Berens*

Date: *8/4/14*

experience.docx

1 of 1

8/14/14

Pioneer Car Rental Inc.

3720 FAA Road Suite 123

Homer, Alaska 99603

Fax: 907-235-8414

Phone: 907-235-0734

City of Homer

RFP----Rental Car Concession

Experience

When I decided to begin my second career, one of the criteria in my search was training from a knowledgeable source. John has a thorough understanding of the expectations, from the visitor's to Homer, and has agreed to guide me through this transition. I intend to learn and capitalize, from John's experience and knowledge of the auto rental business here in Homer, and continue with the service he has provided in the past.

The current employees of Pioneer Car Rental Inc. will stay the same and in their familiar, respective roles. I expect the current level of service to continue without any interruptions, and the casual observer to not see any difference in what is being provided today.

I am looking forward to this experience and plan to grow and adapt, along with Homer, in the coming days and years.

proposal.docx

1 of 1

8/14/14

Pioneer Car Rental Inc.

3720 FAA Road Suite 123

Homer, Alaska 99603

Fax: 907-235-8414

Phone: 907-235-0734

City of Homer

RFP---- Rental Car Concession

Proposal

I am looking forward, to the opportunity to continue to serve the visitors at the Homer Airport Terminal with operations of Pioneer Car Rental Inc.

The continuation of current service, with the already familiar faces greeting customers, will go on as before. Answering questions and giving directions with a smile, to the local businesses and places of interest, is just part of the job of renting clean, mechanically sound, late model vehicles.

I am also enthused about meeting and building new relationships with the good people of Homer.

business plan.docx

1 of 1

8/14/14

Pioneer Car Rental Inc.

3720 FAA Road Suite 123

Homer, Alaska 99603

Fax: 907-235-8414

Phone: 907-235-0734

City of Homer

RFP----Rental Car Concession

Business Plan

I am excited to begin a relationship with the banking institutions, located here in Homer. I view my financial obligations seriously and have always paid my debts on time. My credit is excellent and I have every expectation of continuing in a likewise manner. I am using my personal savings to purchase Pioneer Car Rental Inc. and intend to use business funds first, and/or business loans secondly, for future vehicle purchases. I have a good relationship with the previous owner, John Thompson, and through his guidance plan to continue purchasing most of the fleet thru Worthington Ford and Affordable Used Cars of Alaska.

I am committed to the continued service, for the visitors to Homer and the employees that are currently fulfilling this task. I am looking forward to growing with the community for many years to come.

vehicles and staffing.docx

1 of 1

8/14/14

Pioneer Car Rental Inc.
3270 FAA Road Suite 123
Homer, Alaska 99603
Fax: 907-235-8414
Phone: 907-235-0734

City of Homer
RFP----Rental Car Concession

Vehicles & Staffing

This past summer Pioneer Car Rental Inc. maintained a fleet of sixteen late model vehicles. In previous years this number increased to between seventeen and twenty vehicles during the busier May to September months, then dropped down again for the slower months. I envision a similar size automobile fleet, while closely following the previous business model requiring late model automobiles with low mileage.

There are two employees that have been with Pioneer Car Rental Inc. and they will continue to stay employed in the same capacity. Hours of operation will remain the same, from 6:15am to 7:30pm Monday thru Friday. Saturday and Sunday will also stay the same, open eight hours per day and covering all pertinent flights.

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**Childhood Cancer Awareness Week
September 28 - October 4, 2014**

WHEREAS, The American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year.

WHEREAS, One in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, Founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, The American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Providence Alaska Medical Center in Anchorage, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, The American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award ceremonies, community Get Well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, I, Mary E. Wythe, Mayor, do hereby proclaim:

**Childhood Cancer Awareness Week
September 28 - October 4, 2014**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 22nd day of September, 2014.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Session 14-16, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Acting Chair Bos at 6:30 p.m. on September 3, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: STEAD, STROOZAS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Acting Chair Bos called for approval of the agenda.

HIGHLAND/VENUTI 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).

Reconsideration

Adoption of Consent Agenda

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

A. Approval of Minutes of August 20, 2014 meeting

Acting Chair Bos called for a motion to adopt the consent agenda.

HIGHLAND/ERICKSON SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-81, City Planner's Report

City Planner Abboud reviewed the staff report.

Public Hearings

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

There were no public hearings scheduled.

Plat Consideration

- A. Staff Report PL 14-82, Homer Enterprises Inc. Subdivision Resetarits Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant presentation.

Michael Squires, city resident and neighboring property owner, had questions about the reason for the replat and what impact the replat will have on property taxes. City Planner Abboud replied that he doesn't have any information from the applicant regarding their intent for the replat, but any activity will have to be in accordance with urban residential zoning. He said he doesn't know about any affect it will have related to property taxes.

There were no further public comments.

Question was raised whether the applicant had been advised that this will not eliminate an assessment for the natural gas line. City Planner Abboud said he has not spoken with the applicant and does not know if they are aware.

There was discussion about the need to advise property owners who are eliminating lot lines that the deadline for being exempt from gas line assessment has passed.

HIGHLAND/ERICKSON MOVED TO APPROVE STAFF REPORT PL 14-82, HOMER ENTERPRISES INC. SUBDIVISION RESETARITS REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.
Motion carried.

Pending Business

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 3, 2014

A. Staff Report PL 14-83, Proposal to amend to the Bridge Creek Watershed Protection District.

City Planner Abboud commented that Cookinlet Keeper will be providing feedback at a future meeting and briefly reviewed the staff report and the proposals included in the report.

ERICKSON/HIGHLAND MOVED TO ACCEPT PROPOSAL 2, 4, AND 5 AS IS.

Proposal 2: Staff, rather than the Commission, will approve mitigation plans. Code requirements for mitigation plans will be drafted based on prior staff reports and meeting minutes.

Proposal 4: Uncovered decks connected to a primary structure are exempt from impervious calculations (up to 500 square feet.)

Proposal 5: One accessory structure up to 200 square feet is allowed without a zoning permit and is not counted toward impervious coverage on the lot.

Comments included:

- Proposals 2, 4, and 5 gives the property owners a little more flexibility and simpler for the planning department. It's a good compromise to get started without a lot of extra work.
- There haven't been a lot of property owners clamoring for this change. The realtors have an interest.
- Water quality is the most important aspect to all of us and unless we get a lot of people clamoring for change, then there isn't a pressing reason to change.
- Decisions should be made based on feedback from the people who live there.
- Uncovered decks being exempt seem reasonable.
- The numbers in 4 and 5 would be in addition to the total square foot allowable coverage.

There was discussion about the impact of proposals 4 and 5, on current residents and impervious coverage.

ERICKSON/HIGHLAND MOVED TO AMEND PROPOSAL 4 THAT THE 500 SQUARE FEET INCLUDES THE EXISTING DECKS.

There was discussion that this will help clarify the intent that existing residents can have the exemption for up to 500 sf of deck. City Planner Abboud suggested after the amendment proposal 4 would read uncovered decks, including existing decks, connected to a primary structure are exempt from impervious calculations (up to 500 sf).

VOTE: (Amendment) YES: BOS, HIGHLAND, ERICKSON, BRADLEY
NO: VENUTI

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended): YES: HIGHLAND, ERICKSON, VENUTI, BRADLEY, BOS

Motion carried.

HIGHLAND/ERICKSON MOVED TO ACCEPT PROPOSAL THREE.

Proposal 3: Set a maximum amount of developable area for smaller lots. Staff recommends for lots under 3 acres:

1. *An impervious surface maximum of 5,500 square feet.*
2. *A property may have 4.2% impervious surface without a mitigation plan.*
3. *Eliminate the provision of an increase to 6.4%, instead, the cap is a flat 5,500 square feet.*
4. *If a property wants to go over 4.2%, a mitigation plan is required*

Comments included:

- The realtor's suggestion of a 6200 sf coverage allowance to encompass a 2000 to 2200 sf house seems reasonable for growing families. Reducing it to 5500 reduces the size of those family houses.
- Access is a key point in how much coverage is needed. Some of the lots need long driveways.
- With the demographics of an aging population, is 5500 sf adequate for a ranch still home and attached garage.
- It's hard to say whether or not the 2.5 acre lots will need enough driveway construction to use up a significant amount of impervious coverage.
- 5500 sf allowance with the 500 sf deck and 200 sf out building is still a 6200 sf allowance overall. Less than 5500 sf allowed would not be adequate for development.

There was discussion for clarification that the 4 recommendations in proposals three would all be options for development on lots less than three acres.

In response to the suggestion of an incentive for property owners to purchase the empty lot next to them and leave it vacant to help protect the watershed, City Planner Abboud explained it could work in a place where there is a lot of pressure for development and a lot of opportunity for protection. In this case it could eventually raise issue with non-conformity. It is also questionable if the demand is there.

There was further discussion reviewing and clarifying the calculations addressed in the effects of proposal three.

VOTE: YES: ERICKSON, BRADLEY, BOS, HIGHLAND, VENUTI

Motion carried.

HIGHLAND/VENUTI MOVED TO ACCEPT PROPOSAL ONE.

Proposal 1: Allow a portion of a lot to be excluded from the watershed.

There was discussion that there is an allowance in code that a property owner can be excluded if they provide evidence the entire lot is out of the watershed. Allowing a portion of a lot to be excluded can raise issue with meandering lines, manipulating lots, and how the property can be developed.

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

Motion failed.

VENUTI/BOS MOVED TO ACCEPT THE PROPOSAL TO ALLOW MOVING PROPERTY LINES TO FOLLOW WATERSHED BOUNDARIES.

There was discussion that this is like proposal one, where it raises similar issues. There is already a requirement lots can't be subdivided smaller than 4.5 acres.

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

Motion failed.

New Business

Informational Materials

- A. City Manager's Report, August 25, 2014
- B. Kenai Peninsula Borough Planning Commission Notice of Decision Re: James Waddell Survey Petska Addition Time Extension Request

Comments of the Audience

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

None

Comments of Staff

None

Comments of the Commission

Commissioner Highland said well-done Mr. Bos.

Commissioner Bradley had no comment.

Commissioner Erickson said it was a fun meeting.

Commissioner Venuti said Mr. Bos was a great Chair tonight.

Acting Chair Bos said it was a good meeting. He liked the talk about the water shed and water quality.

Adjourn

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 3, 2014

There being no further business to come before the Commission, the meeting adjourned at p.m. The next regular meeting is scheduled for September 17, 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**

Ordinance 14-45

A **public hearing** is scheduled for **Monday, September 22, 2014** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 14-45 internet address:

<http://www.cityofhomer-ak.gov/ordinances>

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.



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

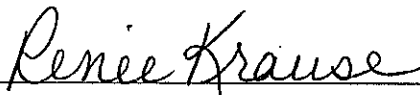
Publish: Homer Tribune: September 17, 2014

A handwritten signature in black ink, appearing to read "Jo Johnson".

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, CMC, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 14-45**, 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 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, September 12, 2014 and that the City Clerk posted same on City of Homer Homepage on Thursday, September 11, 2014.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 11th day of September, 2014.



Renee Krause, CMC, Deputy City Clerk I

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
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.

Sponsor: City Manager

1. City Council Regular Meeting August 25, 2014 Introduction
 - a. Memorandum 14-123 from City Attorney as backup

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**CITY OF HOMER
ORDINANCE 14-45**

City Manager

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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.

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THE CITY OF HOMER ORDAINS:

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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

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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

81
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

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

MANAGER'S REPORT

September 22, 2014

TO: MAYOR WYTHE / HOMER CITY COUNCIL

FROM: WALT WREDE

UPDATES / FOLLOW-UP

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

1. HERC Building Property / Deed Restrictions: The Homer City Council adopted Resolution 13-096 on September 23, 2013. This is the resolution which requests that the Kenai Peninsula Borough amend the deed restrictions on the HERC property to provide the City with the option of selling the property and using the proceeds for the benefit of the general public. A copy of the resolution is attached. You will recall that Mayor Navarre spoke in favor of this option and said he would support it. I reported to the Council about six months ago that I had checked in with the Mayor requesting a status report. The Mayor reported that the Council's request was undergoing a legal review. We also discussed the fact that the Council was actively considering this property as the site of a new public safety building and therefore, quick Borough action was not needed and could be delayed until the site selection process is completed. There was no further discussion about this until last week when suddenly there was a flurry of activity. First, Assembly Member Bill Smith called to say that the Council's resolution had just come to his attention and that he would be sponsoring an ordinance to remove the deed restrictions. His intent was to get it introduced before he left office. A day later, I received an e-mail from the Mayor's staff which included an application form for amendments to deed restrictions and indicated that the Administration was preparing to go ahead with its own ordinance. So, things are moving. The situation on the ground has changed somewhat since the Council adopted this resolution. Please let me know if the Council no longer supports Resolution 13-096.
2. Bishops Beach Mischief: The City continues to receive reports and complaints about problems at Bishops Beach, including Bishops Beach Park and the beach itself. These reports are coming from Old Town residents and as far up the beach as the Crittenden / Hidden Way and Salt Water Drive neighborhoods. The complaints include parties, loud noise, dangerous campfires, habitat damage, reckless driving, harassment of other beach and park users, drugs and alcohol, litter, etc. I am aware that Councilmembers are

receiving calls also. This week I will be getting together with U.S. Fish and Wildlife staff who are concerned about habitat damage there and want to do some restoration.

This is a topic that might need in-depth Council discussion. Below is a range of possible options that could be taken to address the issue. Some of them could be done administratively. Others would require specific Council action and/or appropriation. Support for all of these options has been expressed over time by various members of the community and by community organizations.

- Rehire Beach Patrol Officer
 - Install a gate that keeps vehicles out of the park and closes off the beach access point to vehicles during certain hours.
 - Install surveillance cameras
 - Establish park hours and close the Park during the evening.
 - Amend the Beach Policies with respect to where vehicles are allowed
 - Prohibit camping on the beach
 - Establish a permit system for motorized access to the beach
 - Organize a Neighborhood Watch / Beach Patrol effort
 - Start a reward system for information leading to arrests.
3. FEMA Flood Maps: FEMA has completed new preliminary flood maps for the Homer coastline. The new maps incorporate recent changes to the Spit Floodplain maps and new updated information about the rest of the coast within the City limits. In short, very little has changed in terms of flood hazards. The biggest change is good news for the City. The Public Works complex has been removed from the VE, 100 year flood zone. FEMA held a meeting for City staff and a public meeting on September 11th. These are preliminary maps and can be viewed on line or in the City planning office. An appeal period will begin on October or November of 2014. The appeal period will end in February of 2015. The City is eligible to appeal parts or all of the maps because it is the participant in the National Flood Insurance Program. Aggrieved property owners would bring complaints to the City, along with evidence and back-up, and the City would forward the information to FEMA for review and determination. Appeals must include specific data and facts. Letters of final determination will be issued in May of 2015. The effective date of the new maps will be November 2015. For more information, you can consult the Planning Department.
4. Candidates for Public Office and Information Requests: As you know, it is the campaign season. Candidates for public office often request documents or data from the City for their own information in order to get up to speed on City issues. Sometimes these documents or information are used for campaign purposes. This can be a tricky issue and must be handled carefully. City staff are required to be nonpartisan in local elections and must treat candidates equally. Additionally, incumbent candidates are prohibited from using their offices, or implied authority or influence to get City staff to assist them with their campaigns. An incumbent mayor in an Alaska city was recently publically chastised for using his office to obtain information used for campaign purposes that other candidates might not have access too or know existed. So, in order to address this, we

have been proceeding under the following policy. If a candidate requests information that is a public record, is routine, and could be obtained by any member of the public, we provide the information without asking the candidate to fill out a public records request. We do this because it is in the public interest to have well informed candidates and a well informed electorate. If the records request is not routine, requires a great deal of staff time to produce, or requires the staff to compile new records or records presentation, then a public records request is required and the provisions in HCC 2.84 (Public Release of Records) and the associated regulations apply like they would to any citizen. I think this is a way for the City to be fair and nonpartisan but at the same time, facilitate information release that leads to informed public discourse.

5. Kachemak City Sewer Agreement and Fee Schedule Changes: The Kachemak City Council reviewed the latest amendments to the draft Wastewater Agreement at its meeting on September 10th. I am scheduled to meet with Mayor Morris on September 18 to discuss his Council's reaction and comments. I can provide more information on this discussion at the meeting.
6. 2015 Budget: The Finance Department and the department heads are working hard on the draft 2015 operating budget. We are scheduled to bring the budget to the Council on October 13. One of the things Finance and PW is spending a lot of time on is re-evaluating how labor costs are allocated between Public Works and the Water and Sewer operation. Public Works has undergone some internal re-organization and now is a good time to take a look at labor allocation. This is still under active discussion but Council should expect that some level of labor costs will be shifted from the Water and Sewer Fund to the General Fund. This appears to be the right things to do however, it will have definite implications for the General Fund.
7. Employee Health Insurance: Jeff Paxton will be here on September 30 to meet with us and then the Employee Committee. John, Andrea, and I will have a phone conference with him next week in preparation for the meeting with the Employee Committee. The purpose of the meeting is to go over the year to date performance of the self insurance fund and to review the proposals we have received from the private sector. We have received several attractive bids from the private sector which look attractive and will receive further analysis. We are on track to provide Council with a recommendation on how to proceed as part of the upcoming budget process.
8. Natural Gas Project: The construction project is complete. Final invoices have been submitted and the accounts are closed. Enstar representatives will be here on September 25 to work with the City on a final project close-out.

ATTACHMENTS

1. Resolution 13-096

**CITY OF HOMER
HOMER, ALASKA**

Howard

RESOLUTION 13-096

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA REQUESTING THAT THE KENAI PENINSULA BOROUGH ASSEMBLY AMEND RELEVANT AGREEMENTS AND THE QUITCLAIM DEED REGARDING THE TRANSFER OF OWNERSHIP OF THE OLD MIDDLE SCHOOL PROPERTY TO PERMIT THE CITY TO SELL THE PROPERTY AND DEDICATE THE PROCEEDS FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC.

WHEREAS, The Kenai Peninsula Borough transferred ownership of the Old Intermediate School property to the City of Homer via a Quitclaim Deed dated July 7, 2000; and

WHEREAS, The property is described as Tract 2, Homer School Survey 1999 City Addition according to Plat 2000-22; and

WHEREAS, The City Attorney advises that the only currently operative restriction on the use or disposal of the property is a restriction contained in the Deed which states “ the site shall be owned in perpetuity by the City of Homer or its successor and managed for the use and benefit of the general public”; and

WHEREAS, The City cannot afford to operate and maintain the buildings nor bring them up to current code requirements and a suitable future use has not been identified; and

WHEREAS, The City Council has concluded that it is in the best interest of the community to demolish the buildings and use the site for the proposed new public safety building; and

WHEREAS, The Council wishes to expand the options available to it in the event that it is determined the site is not suitable for a public safety building; and

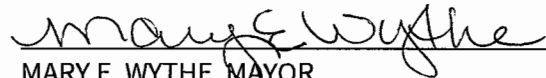
WHEREAS, Permitting the City to sell the property provided that the proceeds of the sale are directed to the use and benefit of the general public would be in the best interest of the community and would be consistent with the original intent of the Borough when it conveyed the property.

NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby requests that the Kenai Peninsula Borough Assembly amend relevant agreements and the Quit Claim Deed on the transfer of ownership of the Old Middle School Property to allow the City to sell the property and dedicate and direct the sale proceeds to the use and benefit of the general public.

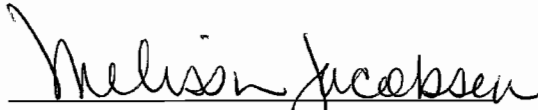
PASSED AND ADOPTED this 23rd day of September, 2013.

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CITY OF HOMER

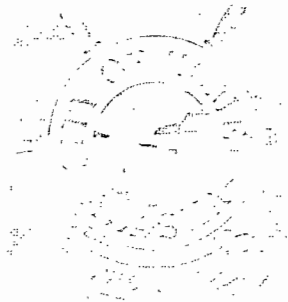

MARY E. WYTHE, MAYOR

ATTEST:



MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: NA





City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: SEPTEMBER 17, 2014
SUBJECT: BID REPORT

RFP FOR REFURBISHMENT OF FIRE DEPARTMENT APPARATUS ENGINE 4- Proposals to refurbish Engine 4 will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:30 P.M., Friday September 26, 2014**. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the bids shall not be considered. All firms submitting proposals must be listed on the "Plan Holders List" maintained by the City Clerk. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>. Respondents not on the plan holders list shall be deemed unresponsive and shall not be considered. The City shall not accept faxed proposals.

ITB NOTICE OF SALE OF SAILING VESSEL- Notice is hereby given that the **27' sailing vessel Tarwathie**, AK 6976K, located on A float at the Homer Small Boat Harbor in Homer, Alaska, will be sold by the City of Homer to the highest bidder as is, together with its equipment, gear, furniture, apparel, fixtures, tackle, boats, machinery, anchors and all appurtenances. The Tarwathie is a 27' fiberglass recreational sailboat with a 7 1/2' beam and a 4' draft.

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-19

An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU).

Sponsor: Van Dyke

1. City Council Regular Meeting May 12, 2014 Introduction
 - a. Map of proposed area to be rezoned to East End Mixed Use
2. City Council Regular Meeting September 22, 2014 Pending Business
 - a. Map of proposed area to be rezoned to East End Mixed Use

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

3 Van Dyke

4 **ORDINANCE 14-19**
5

6 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
7 AMENDING THE HOMER CITY ZONING MAP TO REZONE PORTIONS OF THE
8 RURAL RESIDENTIAL (RR), URBAN RESIDENTIAL (UR) AND RESIDENTIAL OFFICE
9 (RO) ZONING DISTRICTS TO EAST END MIXED USE (E-MU).
10

11 WHEREAS, Appendix B to the City of Homer Comprehensive Plan, at page 1, states,
12 "Homer has a freewheeling, organic character. In many parts of town, land uses—residential,
13 office, retail, storage, industrial and open space—are freely mixed. This style breaks common
14 rules of traditional planning, but in most instances the result is attractive and functional. This
15 eclectic mix of uses fits together with little or no conflicts, and helps create Homer's unique,
16 well-liked character;" and
17

18 WHEREAS, The City of Homer Comprehensive Plan, at page 4-2, states, "Homer's land
19 use pattern is generally supported by the City's current zoning designations, but an eclectic
20 mix of land uses is still found in various zoning districts. This mixing of uses is part of the
21 unique character of Homer and is not without benefits. The current land use zones largely
22 fulfill their intended functions, but in some cases do not mesh with the realities of existing or
23 desired future use patterns. Growth in Homer will require a new set of standards to guide the
24 form and location of future land use and development;" and
25

26 WHEREAS, East End Road between Lake Street and the western boundary of
27 Kachemak City is similar in character to the Gateway Business District along the Sterling
28 Highway, and similarly should be in a zoning district that allows a mixture of uses; and
29

30 WHEREAS, Rezoning the East End Road corridor to East End Mixed Use would allow
31 the land in this corridor to be used to its highest and best use, while also providing the City
32 with much needed business growth potential.
33

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

36 Section 1. The Homer Zoning Map is amended to transfer the parcels listed on the
37 attached Exhibit A from the Rural Residential (RR) zoning district to the East End Mixed Use (E-
38 MU) zoning district as shown on the attached Exhibit B.
39

40 Section 2. The Homer Zoning Map is amended to transfer the parcels listed on the
41 attached Exhibit A from the Urban Residential (UR) zoning district to the East End Mixed Use (E-
42 MU) zoning district as shown on the attached Exhibit C.

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Section 3. The Homer Zoning Map is amended to transfer the parcels listed on the attached Exhibit A from the Residential Office (RO) zoning district to the East End Mixed Use (E-MU) zoning district as shown on the attached Exhibit D.

Section 4. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 5. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABSENT:

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

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Reviewed and approved as to form:

Walt Wrede, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

PARCEL_ID	LEGAL DESCRIPTION
	Urban Residential to East End Mixed Use Zoning
17903018	T 6S R 13W SEC 16 SEWARD MERIDIAN HM COMMENCING AT THE S1/4 CORNER COMMON TO SEC 16 & 21 PROCEED N 0 DEG 13 MIN 20 SEC W 1448.35 FT TH WEST 714.79 FT TH N 0 DEG 13 MIN 20 SEC W 233.49 FT TO THE SOUTH BOUNDARY OF THE HOMER EAST RD TH CONTINUE N 0 DEG 13
17702076	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0970038 HOMER UNITED METHODIST CHURCH SUB AMENDED LOT 1
17705215	Northern portion of T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2004024 A A MATTOX 1958 ADDN NO 5 TRACT B-1
17705209	Northern portion of LEGAL T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0003746 A A MATTOX SUB 1958 ADDN LOT 6 & 7
17906107	T 6S R 13W SEC 16 SEWARD SW HM 2006020 VIRGINIA LYNN 2006 REPLAT LOT 20A-1, Portion of
	Rural Residential to East End Mixed Use Zoning
17929025	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0880046 COOPER SUB GREER 1988 SUB OF LOT 2 BLK 1 LOT 2A
17929009	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0720764 COOPER SUB LOT 1 BLK 2 EXCLUDING DOT ROW
17929026	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004035 COOPER SUB NO 8 LOT 3A BLOCK 1
17929020	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0850048 COOPER SUB UNIT 6 LOT 16-A BLK 2
17929027	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004035 COOPER SUB NO 8 LOT 3B BLOCK 1
17929001	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0720764 COOPER SUB LOT 1 BLK 1 EXCLUDING DOT ROW
17929017	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0720764 COOPER SUB LOT 15 BLOCK 2 EXCL PTN DEEDED TO DOT BY WD 2006-4993
17929023	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0850096 COOPER SUB NO 5 LOT 17A
17932003	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0830019 MEADOW-WOOD PLACE SUB AMENDED LOT 3 BLK 2 EXCLUDING DOT ROW
17938001	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0810033 MEADOW-WOOD PLACE UNIT 3 LOT 1
17939002	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0820047 SCENIC VIEW SUB NO 6 LOT F7-A EXCLUDING DOT ROW
17929024	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0880046 COOPER SUB GREER 1988 SUB OF LOT 2 BLK 1 LOT 2B
17932002	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0830019 MEADOW-WOOD PLACE SUB AMENDED LOT 2 BLK 2
17939003	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0820047 SCENIC VIEW SUB NO 6 LOT 5
17932001	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0830019 MEADOW-WOOD PLACE SUB AMENDED LOT 1 BLK 2 EXCLUDING DOT ROW
17939023	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004104 SCENIC VIEW SUB NO 6 TRACT A & VACATION OF TILLY CRT TRACT A
17938017	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0980027 GUY WADDELL REPLAT LOT 1 TRACT G LOT 1-A EXCLUDING DOT ROW
17938018	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0980027 GUY WADDELL REPLAT LOT 1 TRACT G LOT 1-B

PARCEL_ID	LEGAL DESCRIPTION
17902050	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0790052 THOMPSON SUB RESUB LOT 1 TRACT E LOT 1B
17902013	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0000000 WADDELL SURVEY TRACT A
17902024	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0640051 THOMPSON SUB LOT 02 EXCLUDING DOT ROW
17902039	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0000000 GUY WADDELL BOUNDARY SURVEY TRACT H SLY 266 FT THEREOF EXCLUDING DOT ROW
17902095	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2009033 GUY WADDELL SUB NO 3 JUNES ADDN LOT 1E
17902012	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0890004 CHRISTENSEN TRACTS SUB NO 2 AMENDED TRACT D EXCLUDING DOT ROW
17902006	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2013004 THOMPSON SUB 2012 LOT 08-A
17902063	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0840058 GUY WADDELL TR B LINDER SUB LOT 1
17902096	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2009033 GUY WADDELL SUB NO 3 JUNES ADDN LOT 2
17902019	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0860059 GUY WADDELL BOUNDARY SURVEY REPLAT BRODERSON TRACT D-A TRACT D-A-1 EXCLUDING DOT ROW
17902086	T 6S R 13W SEC 16 SEWARD SW HM 2006044 CHRISTENSEN TRACTS NO 4 TRACT 1
17902075	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0950042 EARLY SPRING SUBD TRACT 1 RESUB LOT 1 EXCLUDING DOT ROW
17903063	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 2
17902074	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0890003 CHRISTENSEN TRACTS AMENDED TRACT C
17903021	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 SW1/4 BEGIN @S1/4 CORNER COMMON TO SEC 16&21; TH N 0 DEG 13'20" W 1448.35 FT TO POB; TH W 714.79 FT; TH N 0 DEG 13'20"W 269.14 FT TO CENTER OF HOMER EAST RD; TH N57 DEG 17'30"E 208 FT ALONG CENTER OF RD;
17903033	T 6S R 13W SEC 16 SEWARD MERIDIAN HM THAT PORTION OF THE NE1/4 SW1/4 COMMENCING AT THE CENTER 1/4 CORNER OF SEC 16 TH PROCEEDING S 0 DEG 14 MIN E ALONG CENTERLINE 485.4 FT TO THE INTERSECTION WITH THE SOUTH ROW LINE OF HOMER EAST RD TO THE POB TH S 0 DE
17903034	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT INTERSECTION OF CENTERLINE OF SEC 16 WITH THE SOUTH ROW LINE OF HOMER EAST RD PROCEED S 00 DEG 14 MIN E 265.8 FT TH S 57 DEG 17 MIN 30 SEC W 23.7 FT TO THE POB TH N 32 DEG 42 MIN 30 SEC W TO HOMER EAST R
17903016	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 NE1/4 SW1/4 COMMENCE @SECT CORNER SECS 16 17 20 & 21 TH N1 DEG 11'40"W 568.5 FT TO SOUTH ROW LINE OF HOMER EAST RD; TH N70 DEG 14'E 354 FT; TH N57 DEG 17'30"E 2203.18 FT; TH S32 DEG 42'30"E 30 FT TO POB;
17902131	T 6S R 13W SEC 16 SEWARD SW HM 2006054 STREAM HILL PARK SUB UNIT 1 TRACT 1
17907003	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCIS H THORN SUB LOT 3 BLK 1 EXCLUDING DOT ROW
17902158	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2008048 STREAM HILL PARK UNIT 2 TRACT F

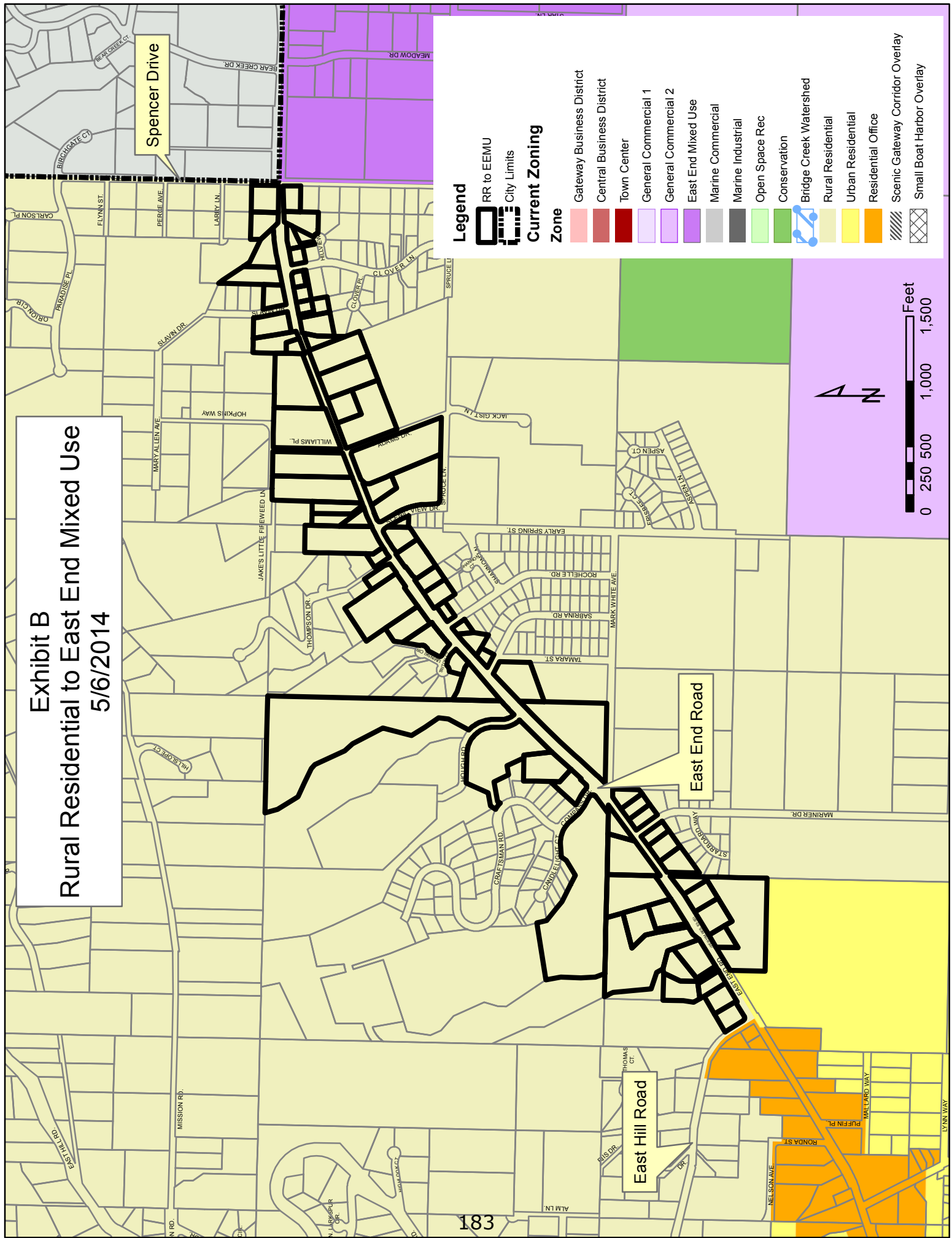
PARCEL_ID	LEGAL DESCRIPTION
17903082	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 1
17903076	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-A
17903027	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT THE 1/4 CORNER COMMON TO SEC 16 & 21 TH PROCEED N 0 DEG 13 MIN 20 SEC W 1448.35 FT TH WEST 714.79 FT TH N 0 DEG 13 MIN 20 SEC W 233.49 FT TH N 57 DEG 17 MIN 30 SEC E 208 FT TO THE POB TH CONTINUE N 57 DE
17903080	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 3-A
17903083	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 2
17902160	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2008048 STREAM HILL PARK UNIT 2 TRACT H
17903079	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 2
17907010	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCIS H THORN SUB LOT 5 BLK 1 EXCLUDING DOT ROW
17907002	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCIS H THORN SUB LOT 1 BLK 1
17903066	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 5
17903065	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 4
17907007	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCIS H THORN SUB LOT 7 BLK 1
17907006	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCIS H THORN SUB LOT 6 BLK 1
17907008	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCIS H THORN SUB LOT 8 BLK 1
17907001	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCES H THORN SUB LOT 2 BLK 1 EXCLUDING DOT ROW
17903077	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-B
17907004	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002388 FRANCIS H THORN SUB LOT 4 BLK 1 EXCLUDING DOT ROW
17411215	T 6S R 13W SEC 10 SEWARD MERIDIAN HM POR SW1/4 SE1/4 SW1/4 SE1/4 SW1/4 EXCLUDING DOT ROW
17411220	T 6S R 13W SEC 10 SEWARD MERIDIAN HM 0860008 SCENIC VIEW SUB NO 10 LOT A2-E
17903078	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 1
17411307	T 6S R 13W SEC 10 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 8 EXCLUDING DOT ROW
17411225	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2002055 SCENIC VIEW SUB BROSTE ADDN LOT 1
17411226	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2002055 SCENIC VIEW SUB BROSTE ADDN LOT 2
17411227	T 6S R 13W SEC 15 SEWARD MERIDIAN HM THAT PARCEL AS DESCRIBED IN WD 17@317 A PORTION OF WHICH IS LOT 7 TRACT A SCENIC VIEW SUB PLAT 52-587 EXCLUDING DOT ROW
17411218	T 6S R 13W SEC 10 SEWARD MERIDIAN HM 0810042 SCENIC VIEW SUB PLAT OF A3A & A3B LOT A3A
17411219	T 6S R 13W SEC 10 SEWARD MERIDIAN HM 0810042 SCENIC VIEW SUB PLAT OF LOT A3A & A3B LOT A3B
17924012	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 3 TRACT B EXCLUDING THE N 200 FT OF THE E 200 FT THEREOF EXCLUDING DOT ROW
17924004	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 4 TRACT A EXCLUDING DOT ROW
17924032	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004087 SCENIC VIEW SUB NO 7 LOT 2A-3 EXCLUDING DOT ROW

PARCEL_ID	LEGAL DESCRIPTION
17924003	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 3 TRACT A EXCLUDING DOT ROW
17924009	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 5 TRACT B EXCLUDING DOT ROW
17924024	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0780103 SCENIC VIEW REPLAT OF LOT 1 TR B LOT 1B EXCLUDING DOT ROW
17924005	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 5 TRACT A EXCLUDING DOT ROW
17924011	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 3 TRACT B BEGINNING AT THE NORTHEAST CORNER OF LOT 3 TRACT B PROCEED WEST 200 FT TH SOUTH 200 FT TH EAST 200 FT TH NORTH 200 FT TO THE POB
17924029	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000058 SCENIC VIEW SUB LOT 4 TRACT B
17924019	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0810031 SCENIC VIEW SUB MARY ALLEN 1981 REPLAT LOT 6 TRACT B EXCLUDING DOT ROW
17924031	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2004087 SCENIC VIEW SUB NO 7 LOT 2A-2 EXCLUDING DOT ROW
17924002	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 2 TRACT A E1/2 THEREOF EXCL DOT ROW
17924014	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0000587 SCENIC VIEW SUB LOT 1 TRACT A
17924036	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 2013043 SCENIC VIEW SUB SCENIC GROVE ADDN NO 1 2013 REPLAT LOT 2-A-1
	Residential Office to East End Mixed Use Zoning
17730201	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED LOT 23 BLK 2
17903006	T 6S R 13W SEC 16 SEWARD MERIDIAN HM COMMENCING AT THE S1/16 CORNER OF SEC 16 PROCEED S 0 DEG 23 MIN E 192 FT TO THE POB TH S 0 DEG 23 MIN E 518 FT TO THE NORTH ROW LINE OF HOMER EAST RD TH N 70 DEG 18 MIN 30 SEC E ALONG SAID ROW 209.3 FT TH N 46 DEG 21
17903060	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0910039 DIERICH ADDN SUB NO 3 LOT 1-A
17906201	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0003017 MATTOX SUB LOT 05 EXCLUDING DOT ROW
17905002	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0630840 ROSEBUD SUB LOT 03 EXCLUDING DOT ROW
17905003	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0630840 ROSEBUD SUB LOT 02 EXCLUDING DOT ROW
17906104	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005055 MATTOX SUB BIRCH TERRACE REPLAT LOT 19-A
17906301	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN SW1/4 SW1/4 BEGIN @ CORNER COMMON TO SECS 16,17,20 &21 TH E 1320.6 FT TO 1/16 CORNER; TH N 0 DEG 05'W 1004.5 FT TO POB; TH N 0 DEG 05'W 332.5 FT TO CORNER 2; TH S57 DEG 30'W 246.6 FT TO CORNER 3; TH S0 DEG 05'
17903009	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002087 JAMES WADDELL BOUNDARY SURVEY TRACT 10 EXCLUDING DOT ROW

PARCEL_ID	LEGAL DESCRIPTION
17903012	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002087 JAMES WADDELL BOUNDARY SURVEY TRACT 7 EXCLUDING DOT ROW
17906101	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0003017 MATTOX SUB LOT 18 EXCLUDING DOT ROW
17906220	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0860096 A A MATTOX NO 6 LOT 16-B2
17903067	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2001032 DIERICH ADDN NO 4 LOT 2A-1
17905001	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0630840 ROSEBUD SUB LOT 01
17906303	T 6S R 13W SEC 16 SEWARD MERIDIAN HM POR SW1/4 SW1/4 S OF HOMER E RD & W OF LOTS 3 & 4 OF MATTOX SUB EXCLUDING DOT ROW
17903087	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2008029 MINSCH SUB LOT 1
17906302	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0003017 MATTOX SUB LOT 03 EXCLUDING DOT ROW
17903085	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2006084 NELSON AVENUE & RONDA STREET ROW DEDICATION LOT 4B-3A
17906217	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0700552 A A MATTOX SUB OF TR 16 LOT 16A
17906499	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0003017 MATTOX SUB LOT 17 & PTN OF SW1/4 SW1/4 DESCRIBED AS: BEGIN @SEC CORNER COMMON TO SECS 16,17,20&21; TH N89 DEG 55'30"E 499.32 FT; TH N28 DEG 38'10"W 316.53 FT ALONG E BOUNDARY OF MATTOX RD TO SW CORNER OF
17906107	T 6S R 13W SEC 16 SEWARD SW HM 2006020 VIRGINIA LYNN 2006 REPLAT LOT 20A-1
17906219	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0860096 A A MATTOX NO 6 LOT 16-B3
17906221	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0860096 A A MATTOX NO 6 LOT 16-B1
17903011	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002087 JAMES WADDELL BOUNDARY SURVEY TRACT 8
17903010	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0002087 JAMES WADDELL BOUNDARY SURVEY TRACT 9
17903035	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0721059 DIERICH ADDN SUB LOT 4B-1
17903007	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0003373 JAMES WADDELL SURVEY OF TRACT 4 LOT 4A
17705215	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2004024 A A MATTOX 1958 ADDN NO 5 TRACT B-1
17705155	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2007089 A A MATTOX SUB GLACIERVIEW BAPTIST CHRUCH REPLAT LOT 12A
17705302	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0003746 A A MATTOX SUB 1958 SUB LOT 18 EXCLUDING DOT ROW
17705214	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2004024 A A MATTOX 1958 ADDN NO 5 LOT 5A
17705156	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2010064 A A MATTOX SUB 1958 SELDOVIA VILLAGE TRIBE ADDN NO2 LOT 10B
17705407	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2002062 A A MATTOX SUB PENNOCK PLACE ADDN LOT 14-C
17705310	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2007078 A A MATTOX SUB 2007 ADDN LOT 16-A1
17705409	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2003070 A A MATTOX SUB PENNOCK PLACE ADDN NO 2 LOT 14A-2

PARCEL_ID	LEGAL DESCRIPTION
17705309	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 200055 A A MATTOX SUB 2000 ADDN LOT 16C
17705311	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2007078 A A MATTOX SUB 2007 ADDN LOT 16-A2
17705411	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2004067 AA MATTOX SUB PENNOCK PLACE ADDN NO 3 LOT 14-B1
17705213	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2004024 A A MATTOX 1958 ADDN NO 5 LOT 4A-1
17705153	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2002069 A A MATTOX SUB HOMER PROFESSIONAL BUILDING ADDN LOT 37A
17705410	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2004067 AA MATTOX SUB PENNOCK PLACE ADDN NO 3 LOT 1
17705301	T 6S R 13W SEC 17 & 20 SEWARD MERIDIAN HM 5803746 A A MATTOX SUB 1958 ADDN LOT 19 EXCLUDING DOT ROW
17705212	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2004024 A A MATTOX 1958 ADDN NO 5 LOT 4A-2
17705209	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0003746 A A MATTOX SUB 1958 ADDN LOT 6 & 7
17705308	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 200055 A A MATTOX SUB 2000 ADDN LOT 16B
17705306	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0003746 A A MATTOX SUB 1958 ADDN LOT 17 THAT PORTION BEGINNING AT THE CORNER COMMON TO SEC 16 & 17 & 20 & 21 TH WEST 363.8 FT TO THE POB TH N 19 DEG W 187.4 FT TH S 70 DEG 18 MIN 30 SEC W 208.8 FT TH N 19 DEG 41 MI

Exhibit B Rural Residential to East End Mixed Use 5/6/2014



Legend

- RR to EEMU
- City Limits
- Current Zoning**
- Zone**
- Gateway Business District
- Central Business District
- Town Center
- General Commercial 1
- General Commercial 2
- East End Mixed Use
- Marine Commercial
- Marine Industrial
- Open Space Rec
- Conservation
- Bridge Creek Watershed
- Rural Residential
- Urban Residential
- Residential Office
- Scenic Gateway Corridor Overlay
- Small Boat Harbor Overlay

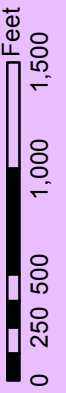
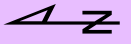
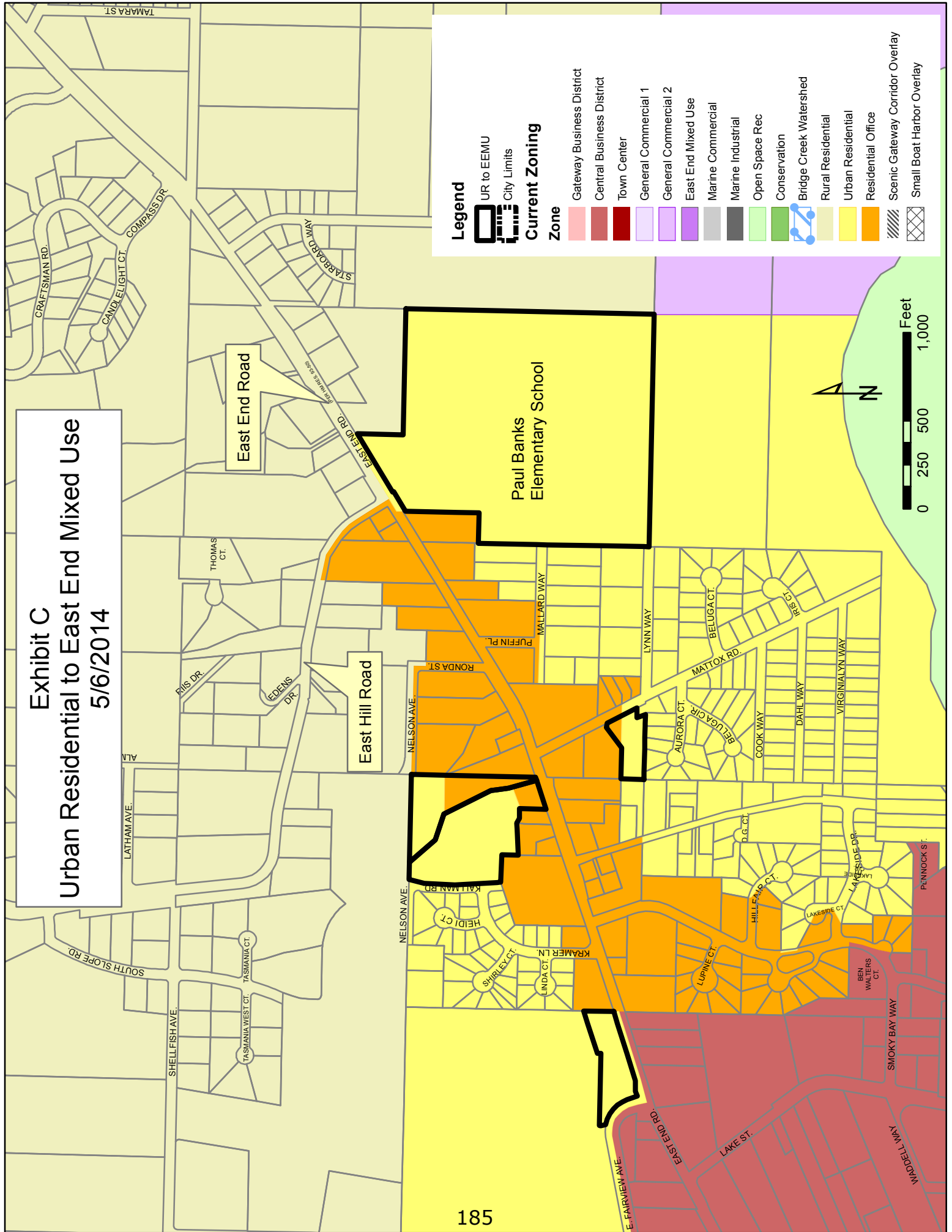


Exhibit C Urban Residential to East End Mixed Use 5/6/2014



Legend
UR to EEMU
City Limits
Current Zoning

- Zone**
- Gateway Business District
 - Central Business District
 - Town Center
 - General Commercial 1
 - General Commercial 2
 - East End Mixed Use
 - Marine Commercial
 - Marine Industrial
 - Open Space Rec
 - Conservation
 - Bridge Creek Watershed
 - Rural Residential
 - Urban Residential
 - Residential Office
 - Scenic Gateway Corridor Overlay
 - Small Boat Harbor Overlay

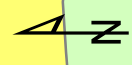
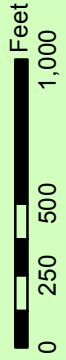
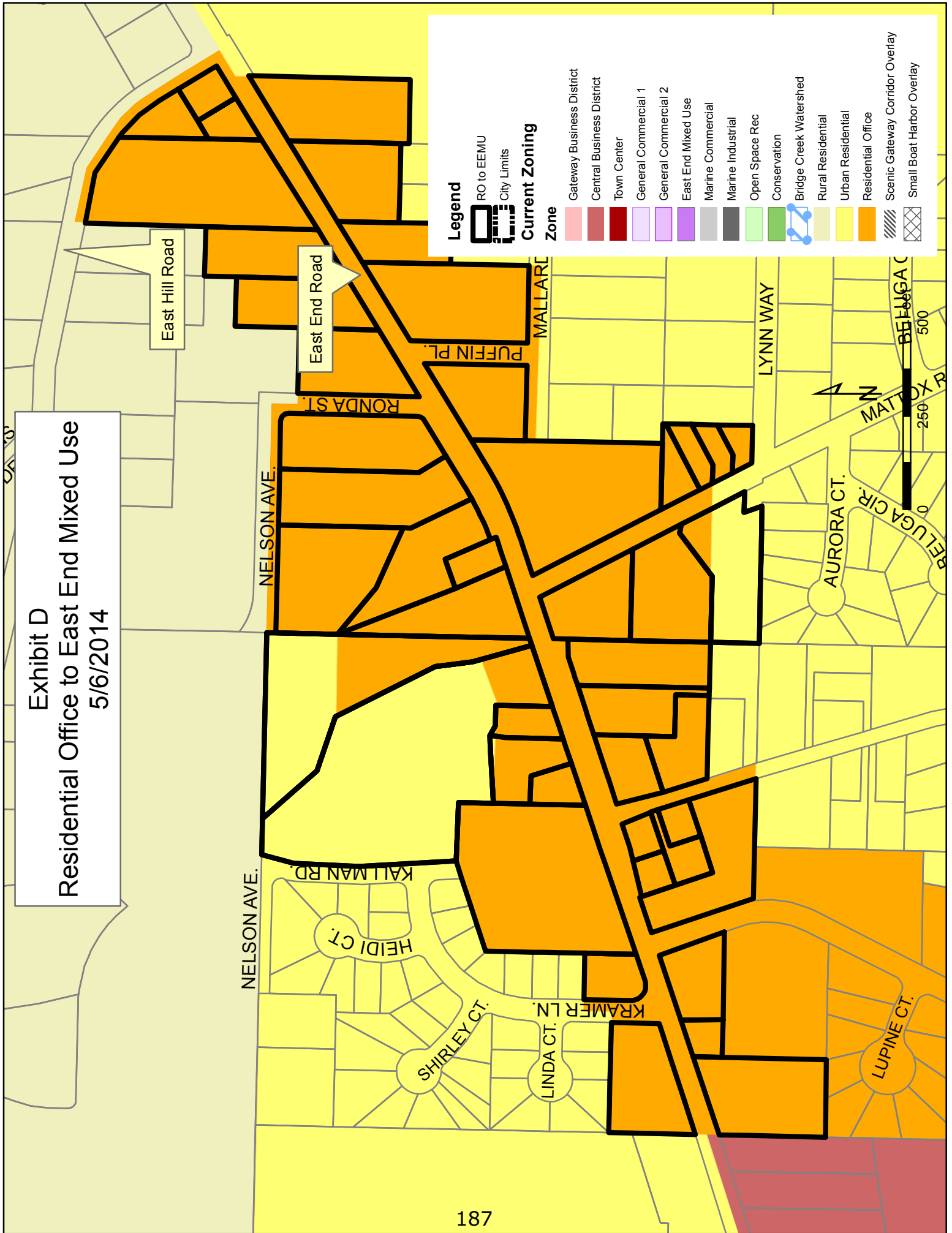


Exhibit D
Residential Office to East End Mixed Use
5/6/2014



Legend

- RO to EEMU
- City Limits

Current Zoning Zone

- Gateway Business District
- Central Business District
- Town Center
- General Commercial 1
- General Commercial 2
- East End Mixed Use
- Marine Commercial
- Marine Industrial
- Open Space Rec
- Conservation
- Bridge Creek Watershed
- Rural Residential
- Urban Residential
- Residential Office
- Scenic Gateway Corridor Overlay
- Small Boat Harbor Overlay



City of Homer

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Memorandum 14-139

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: RICK ABBOUD, CITY PLANNER
DATE: AUGUST 9, 2014
SUBJECT: DRAFT ORDINANCE AMENDING RO ZONING DISTRICT ALONG EAST END ROAD

As requested by the City Council, the Planning Commission reviewed the Comprehensive Plan Land Use Recommendations in regards to the East End Road corridor found generally in the easterly direction from the intersection of East Hill Road. Much of information was covered in my memo (14-117, dated July 23, 2014) attached to the City Managers Report of July 28, 2014. After a very thorough review of the proposed area of consideration by Councilman Van Dyke, the comprehensive plan maps and text, all the permitted and conditionally permitted uses in the entire city, and the input (rather lack of) from 2 noticed public hearings (August 6 & 20) to all property owners in and adjacent to the proposal, the Planning Commission voted unanimously to oppose any zoning change at this time.

Many factors contributed to the decision of the Planning Commission. Outlined in Memo 14-117 was the desire to not pull business opportunities for infill out of the other business districts, concern about introducing additional congestion along East End Road in an area already dominated by turning lanes to East Hill Road and Paul Banks Elementary, and foremost the lack of support by any developer or property owner for the zoning change.

Recommendation:

The Homer Advisory Planning Commission recommends the City Council **not** change the current zoning along East End Road.

Attachments:

City Council meeting minutes excerpt from 5.12
Staff Reports 14-43, 14-52, 14-59, 14-67, 14-70, and 14-78
Planning Commission meeting minutes excerpts from 5.21, 6.4, 6.18, 7.16, 8.6, and 8.20
Draft Ordinances to modify the RO District dated 6.4, 6.18, and 7.16
Memo 14-117 Rick Abboud Update to Mayor and Council
Draft Ordinance to rezone a portion of the RO District to RR 8.6



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MEMORANDUM 14-

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: RICK ABBOUD, CITY PLANNER
DATE: SEPTEMBER 9, 2014
SUBJECT: DRAFT ORDINANCE AMENDING RO ZONING DISTRICT ALONG EAST END ROAD

As requested by the City Council, the Planning Commission reviewed the Comprehensive Plan Land Use Recommendations in regards to the East End Road corridor found generally in the easterly direction from the intersection of East Hill Road. Much of information was covered in my memo (14-117, dated July 23, 2014) attached to the City Managers Report of July 28, 2014. After a very thorough review of the proposed area of consideration by Councilman Van Dyke, the comprehensive plan maps and text, all the permitted and conditionally permitted uses in the entire city, and the input (rather lack of) from 2 noticed public hearings (August 6 & 20) to all property owners in and adjacent to the proposal, the Planning Commission voted unanimously to oppose any zoning change at this time.

Many factors contributed to the decision of the Planning Commission. Outlined in Memo 14-117 was the desire to not pull business opportunities for infill out of the other business districts, concern about introducing additional congestion along East End Road in an area already dominated by turning lanes to East Hill Road and Paul Banks Elementary, and foremost the lack of support by any developer or property owner for the zoning change.

Recommendation:

The Homer Advisory Planning Commission recommends the City Council **not** change the current zoning along East End Road.

Attachments:

Staff Reports 14-78, 14-70, 14-67, 14-59, 14-52 and 14-43
Planning Commission meeting minutes excerpts from 8.20, 8.6, 7.16, 6.18, 6.4 and 5.21
Draft Ordinance to rezone a portion of the RO District to RR 8.6
Draft Ordinances to modify the RO District dated 7.16, 6.18 and 6.4
Memo 14-117 Rick Abboud Update to Mayor and Council
City Council meeting minutes excerpt from 5.12
Comprehensive Plan Land Use Recommendations



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Staff Report 14-78

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 20, 2014
SUBJECT: Draft ordinance amending RO zoning district on East End Road

Last meeting the Planning Commission held a public hearing on whether or not 15 properties currently zoned Rural Residential should be change to Residential Office. Only one property owner submitted a comment and none testified. The one comment that was received expressed concern to whether Blackwell Pump would be negatively affected. Not one property owner or developer or anyone else has suggested their desire or the need to operate any of the additional uses allowed in a Residential Office District (RO) in this area. Additionally, there are several vacant lots located on East End Road in the RO district immediately to the west of the proposed expansion.

Unless we hear from some people expressing a demand for the opportunities that an expanded RO district would provide, I am extremely hesitant to recommend this a change in the zoning map. This issue has been forwarded several times in the last 8 years or so and not come to fruition. Reviewing the evidence so far, it seems to revolve around the business with the Blackwell sign on it.

This map amendment does nothing to change the status of the pump business located within. Blackwell lost a court case that determined he did not have a right to continue his long time use of the lot. The restriction of uses of this lot was a result of the first introduction of zoning to the City of Homer. The operation, as I understand it, does not cleanly fit into code. It could be supported in the Central Business District if all activities and storage were within an enclosed building and some attention given to design manual concepts. As I see it, it is best suited for the East End Mixed Use or General Commercial 1 or 2 Districts. This being the case, there is a very good reason the zoning has not changed to accommodate it.

The RO district is meant to be a buffer between a commercial district and a residential district, not a full blown commercial district. In order to accommodate a business such as Blackwell, all others in the same district would have the same opportunity. So not just one "Blackwell" but, possibly "Blackwell" in every lot.

Please consider your recommendation to the City Council carefully. Discuss your reasoning for support or opposition to the proposal. Below is the Planning Department review of the code and general analysis of condition.

Surrounding Land Use:

North:	RR	Residential and multi-family
South:	UR	Urban Residential
East:	RR	Rural Residential
West:	RO	Residential Office

Comprehensive Plan: “NC Neighborhood Commercial East End Road – limited numbers of small scale, local serving commercial areas, designed to meet the convenience commercial service needs of neighborhood residents. The objectives behind this recommendations category might also be met through the Planned Unit Development process or an overlay zone allowing more commercial and retail uses than the underlying Residential Office District.”

Wetland Status: Possible wetlands in northwest corner of Lot 1 Watson Ridge and southeast corner of Lot B-3-B Mutch-Gangl 2005 Addn,

Flood Plain Status: Zone D: Areas in which flood hazards and undetermined.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: City water and sewer is available or extension possible.

Benefits of the rezone:

- Creates additional areas for office operations that value frontage on an arterial road.
- May open a new area open to business activities with minimal additional infrastructure requirements or public expenditures.
- Provides an opportunity to increase the tax base with additional businesses.
- Increases the value of the property currently located in the proposed rezone area (as suggested by the Kenai Peninsula Borough Assessor’s office).
- Provides more options for development of vacant properties

Detriments of the rezone:

- More traffic may be introduced during the start and finish of the workday.
- Arterial development creep may discourage infill development in the Central Business District.
- May encourage strip development that is to be discouraged according to comprehensive plan.

Existing Conditions:

- The area proposed to be rezoned is served by a paved arterial and is served by city water and sewer or it is nearby for consideration of extension.
- The proposed area also abuts the Residential Office district to the west and a residential zone is found to the East North and South. The progression of zoning district, west to east, is CBD, RO, and lastly RR.
- Current uses in the proposed area include a mixture of single family, nonconforming business and vacant land.

PARCEL_ID	USEAGE	ACREAGE
17903021	100 Residential Vacant	4.85
17903033	110 Residential Dwelling - single	0.50
17903034	110 Residential Dwelling - single	0.64
17903080	110 Residential Dwelling - single	1.13
17903083	110 Residential Dwelling - single	5.45
17903016	130 Residential Mobile Home	0.95
17903063	350 General Commercial (Mobile Home and former water fill up location)	0.52
17903076	100 Residential Vacant	0.96
17903079	100 Residential Vacant	0.73
17903027	100 Residential Vacant	0.50
17903066	350 General Commercial (Blackwell Pump)	1.10
17903082	110 Residential Dwelling - single	1.27
17903065	110 Residential Dwelling - single	0.93
17903077	100 Residential Vacant	2.62
17903078	100 Residential Vacant	0.68
Total Acreage		22.83
Vacant lots: 6, Acreage:		10.34

Function of Zone:

- Currently, the area proposed for expansion of the Residential Office District supports rural activities with larger lot sizes focused on support of residential uses.
- The proposed area would provide an even larger buffer between the CBD and Urban Residential district as does the existing RO districts and would support smaller lot size and general office uses.

Nonconforming Uses and Structures.

At least three nonconforming uses have been identified in the area proposed for rezone along with two structures. Currently, no properties in the area proposed for rezone has been subject to code enforcement: no complaints have been recorded and no activities or conditions have been found have significant negative impact the health, safety and welfare of the nearby residents or the community in general. Code enforcement activity commencement is generally determined in relation to the condition mentioned above in relation to the entire community. The propose rezone is based on the need for support of . Additionally, I have noticed a lot that is used for grazing horses, this use would become subject to rules regarding nonconforming uses, as it is not supported in the Residential Office District. The two mobile homes found in the area for rezone would become nonconforming and if moved or damaged above 50% of the value they would have to be discontinued.

Analysis

HCC 21.95.020 states that a zoning map amendment may be initiated by a member of the City Council.

City Councilman Van Dyke introduced Ordinance 14-19, proposing to rezone property near East End Road and City Council requested that the Commission review Homer Comprehensive Plan recommendations.

Per HCC 21.95.050 The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

After reviewing the comprehensive plan recommendations, the proposal is consistent with the suggested area and zoning designation. The Planning Commission makes the recommendation with consideration for the intent of the comprehensive plan in consideration of the effect on the nearby properties and the wider community.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Conditions in this area have been consistent over time. Several lots and nearly half of the acreage has remained vacant. The two businesses found in the area are not found to be listed as uses in the current Rural Residential District and neither in the proposed Residential Office District.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity

of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns

It is difficult to see the interest of the public as we have found no indication that the landowners of the fifteen lot or any surrounding lots seek the change. No proposals have been suggested that would take advantage of a new zoning classification. A good deal of vacant land exists in the Residential Office District on East End Road leading to the proposed area of expansion. East End Road in this area is dominated by a turning lane into Paul Banks Elementary School and no other provisions are found for making left hand turns. It would lead one to believe that State DOT would want to limit driveway accesses in the area. Extension of the zone would fit into long range land use patterns as demand would dictate. Up zoning any more than to the Residential Office would lead to leakage from other districts especially the Central Business District where a desire to concentrate business is expressed in the comprehensive plan.

STAFF RECOMMENDATIONS:

Hold a Public Hearing, giving consideration to testimony. Review and discuss staff report and forward recommendation to the City Council. It is not the recommendation of staff to forward the proposed change in zoning unless convincing public testimony is provided about the demand for the change.

ATTACHEMENTS:

1. Lay down comment from Aug 6th meeting: Gloria Corey
2. Sharon Minsch Comment dated Aug. 15, 2014
3. Utilities Map
4. Residential Office Regulations
5. Draft Ordinance 14-XX
6. Exhibit A
7. Exhibit B
8. Public Notice

Lay Down at August 6, 2014 HAPC Meeting

In regard to Public Hering by the Homer Advisory Planning Commission on Wednesday, August 6, 2014 at 6:30 p.m. at the Homer City Hall

Thank you Travis for the links - I have a concern that Blackwell Pump (Wholesale Retail) and Quick Draw (Retail) would have to find another locale for their business location - Am I reading the proposal correctly? If so, I would like to state that Don Blackwell has been a good neighbor to my husband and I in many caring ways and I would hope that this new zoning would not force him to find a new location?

This comment is for tonights public hearing that I am unable to attend - so during the three inute comment from those in attendance please read my concern into the record

Thank You

Gloria F. Corey and William A Corey

access road by Blackwells to 1410 East End Road

PO Box 1155

Homer, Alaska 99603

phone 235-1897



Regarding the public hearing on a proposed amendment to the Homer Zoning Code to rezone a few properties on East End from Rural Residential to Residential Office. We live next door to Paul Banks and are zoned RO. We are allowed office and residential uses. That is compatible with the area homes and the school.

There is no reason given to rezone the residential homes in this area to RO. Why is this being proposed and what is the purpose? What benefit is there to the City of Homer?

The comprehensive plan specifically outlines efforts to prohibit urban sprawl. This area is to be a buffer between the road, town and the heavy industrial activity further out the road. The property owners are not asking for this area to be rezoned. The newest building activity in this area of RO has been multi family, residential and office. A check of the records will show that the Blackwell property owner went to court and the court ruled against the property owner. The problem was not created by the City and is not the responsibility of the City to solve yet I still hear people publically continue to vilify the City for not fixing the problem.

When the property was purchased by Blackwell the previous business was closed and shut down. There were no grandfather rights transferred. The property has operated illegally under the current zoning and continues to do so even though the court ruled against them. I do not understand why the City allows it to continue but that does not make it legal.

I have nothing against Don Blackwell. He is well known and respected in Homer. This issue is not about him or his property. Changing zoning for the entire City to try to solve a problem for one property owner is basically "spot" zoning and it is not legal. Trying to rezone this problem away is not responsible nor does this make any sense.

I do not believe that the current business operating at the Blackwell property is permitted in RO zoning. This only makes the zoning issue worse. Storing commercial water tanks, pipe or well drilling equipment is not permitted in RO. A retail store selling products is not permitted in RO. Changing the zoning to RO does not solve the Blackwell property problem.

Permitting a commercial/industrial activity at this location by rezoning to RO would then permit this type of commercial/industrial activity in any RO zone in town. Industrial storage such as large water tanks, pipe and well drilling equipment nor retail store fronts are appropriate or allowed in Residential Office zoning.

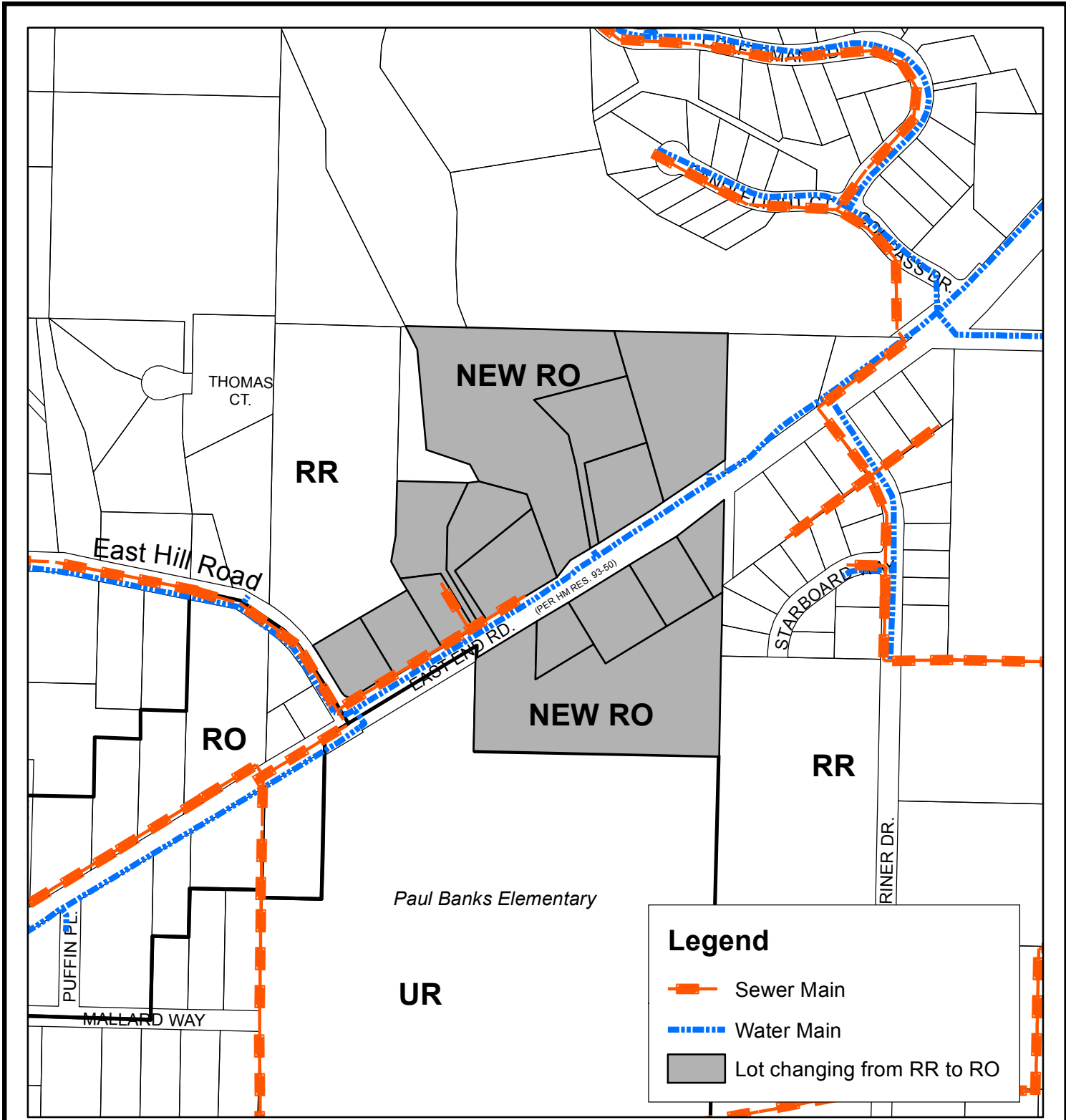
If there is a need for more commercial/industrial/retail activity on East End Road it should include the entire area from Lake Street out to the E End Mixed use. It should happen after a review and amendment to the Comp plan. It should be because Homer needs more land zoned for those type of activities and not done as an attempt to make a non-confirming use legal. There is nothing any different about these lots proposed to be rezoned RO from the rural residential use they are except the one non-confirming illegally operating business that is part of it.

If the City Council wants to find a way to solve the Blackwell property problem they should do it without opening the City up for lawsuits. Expanding RO zoning in this little area does not serve the area nor the City well at this time. Rezoning the area surrounding Blackwell does not fix the problem.

Sharon Minsch 1379 E. Edn Road #1 submitted electronically 8-15-2014

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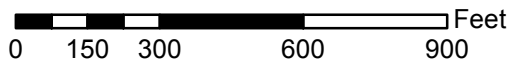
8/15/2014



City of Homer
 Planning and Zoning Department

8/13/14

Utilities Map



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

Chapter 21.16RO RESIDENTIAL OFFICE DISTRICTSections:

- 21.16.010 Purpose.
- 21.16.020 Permitted uses and structures.
- 21.16.030 Conditional uses and structures.
- 21.16.040 Dimensional requirements.
- 21.16.050 Site and access.
- 21.16.060 Traffic requirements.
- 21.16.070 Site development standards.
- 21.16.080 Nuisance standards.
- 21.16.090 Lighting standards.

21.16.010 Purpose. The residential office district is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods. (Ord. 08-29, 2008).

21.16.020 Permitted uses and structures. The following uses are permitted outright in the residential office district:

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple family dwelling, provided the structure conforms to HCC § 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC § 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

l. Private exterior storage of the occupant's personal noncommercial equipment, including non commercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

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

n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

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

p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

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

r. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot. (Ord. 11-44(S) §2 (part), 2011; Ord. 11-23(A) §3 (part), 2011; Ord. 09-34(A) §8 (part), 2009; Ord. 08-29, 2008).

21.16.030 Conditional uses and structures. The following uses may be permitted in the residential office district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Planned unit developments, excluding all industrial uses;
- b. Townhouses;
- c. Public or private schools;
- d. Hospitals and medical clinics;
- e. Public utility facilities and structures;
- f. Mortuaries;
- g. Day care facilities; provided, however, that outdoor play areas must be fenced.

h. More than one building containing a permitted principal use on a lot.

- i. Group care homes.
- j. One small wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.

k. Other uses approved pursuant to HCC §21.04.020.(Ord. 10-06 §1, (part), 2010; Ord. 09-34(A) §9 (part), 2009; Ord. 08-29, 2008).

21.16.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the residential office district:

- a. The minimum lot size is 7,500 square feet.
- b. Building setbacks;
 - 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

2. Residential buildings shall be set back from all other lot boundary lines according to the number of stories as follows:

<u>Number of Stories</u>	<u>Setback (in feet)</u>
1 story	5 feet
1 ½ half stories	6 feet
2 stories	7 feet
2 ½ half stories	8 feet

3. Non-residential buildings shall be set back 15 feet from all other lot boundary lines, except that this setback may be reduced to not less than the setback that would apply under HCC §21.16.040(b)(2) if the reduction is approved by the State Fire Marshal.

c. The maximum building height shall be 35 feet.

d. Detached accessory buildings may not occupy more than 25 percent of a required rear or side yard and no portion of a required front yard, and shall be located at least five feet from the nearest part of a main building and five feet from all property lines.

e. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit. (Ord. 10-06 §2 (part), 2010; Ord. 08-29, 2008).

21.16.050 Site and access. a. A zoning permit for any non-residential use or structure shall not be issued by the City without an approved site plan and an approved level two right-of-way access plan that conform to the standards of HCC Chapter 21.73.

b. All access points to rights-of-way shall conform to the standards of a level two right-of-way access plan stated in HCC Chapter 21.73. This applies to all uses and structures. (Ord. 08-29, 2008).

21.16.060 Traffic requirements. A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition),

b. Is estimated to generate more than 500 vehicle trips per day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition);

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d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection. (Ord. 10-06 §4, 2010).

21.16.070 Site development standards. a. All single family and duplex residential development in the residential office district shall comply with the level one site development standards contained in HCC § 21.50.020.

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21.16.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §5, 2010).

21.16.090 Lighting standards. The level one lighting standards of HCC § 21.59.030 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §6, 2010).

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Planning

ORDINANCE 14-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) DISTRICT TO RESIDENTIAL OFFICE (RO).

WHEREAS, The Homer Advisory Planning Commission reviewed a request from the Homer City Council to review the Homer Comprehensive Plan in regards to recommendations found for Neighborhood Commercial East End rezone, and

WHEREAS, The Homer Advisory Planning Commission, after extensive review, recommends rezoning property from the Rural Residential District to the Residential Office Zoning District; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the matter on August 6, 2014, as required by Homer City Code, Section 21.70.020; and

WHEREAS, The Homer Advisory Planning Commission finds the area of map amendment represents of an extension of an existing boundary contiguous to an existing zoning district; and

WHEREAS, The Homer Advisory Planning Commission determined the map amendment is consistent with the Comprehensive Plan; and

WHEREAS, The Homer Advisory Planning Commission determined the rezone applies a district that is better suited to the proposed area for the zoning map amendment; and

WHEREAS, The Homer Advisory Planning Commission has found that the zoning map amendment is in the best interest of the public; and

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map will be amended as per attached Exhibit A, to extend Residential Office zoning to include all parcels listed on Exhibit B.

Section 2. The City Planner is authorized to sign the map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 3. This is a non Code Ordinance of a permanent Nature.

CITY OF HOMER

Mary E. (Beth) Wythe, MAYOR

ATTEST

Jo Johnson, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

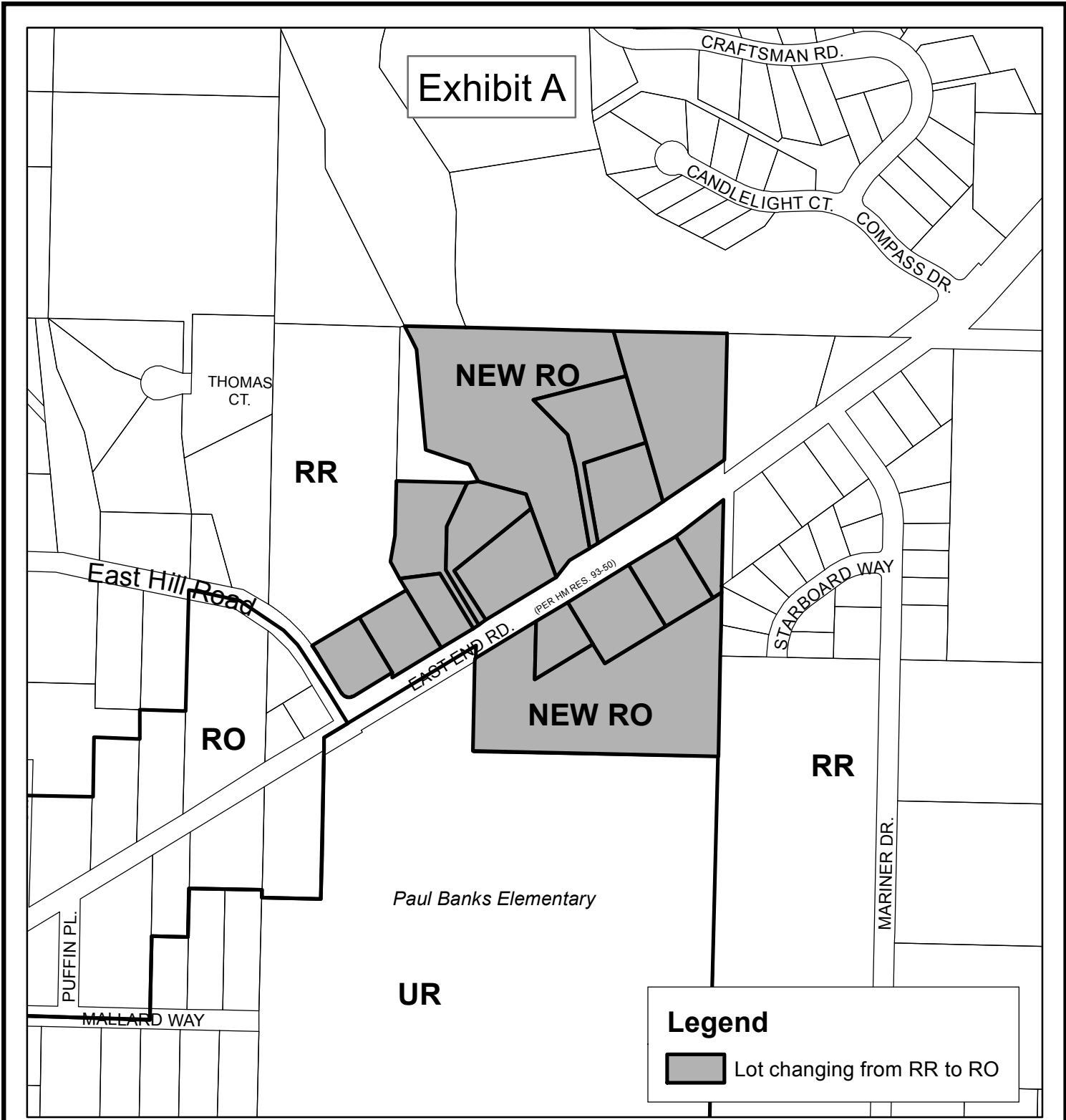
Walt Wrede, City Manager

Tom Klinkner, City Attorney

Date: _____

Date: _____

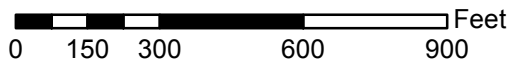
Fiscal Note: Costs of mapping.



City of Homer
Planning and Zoning Department

7/22/2014

Properties to be rezoned from Rural Residential to Residential Office



Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

Tax ID	LEGAL DESCRIPTION
17903021	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 SW1/4 BEGIN @S1/4 CORNER COMMON TO SEC 16&21; TH N 0 DEG 13'20" W 1448.35 FT TO POB; TH W 714.79 FT; TH N 0 DEG 13'20"W 269.14 FT TO CENTER OF HOMER EAST RD; TH N57 DEG 17'30"E 208 FT ALONG CENTER OF RD;
17903033	T 6S R 13W SEC 16 SEWARD MERIDIAN HM THAT PORTION OF THE NE1/4 SW1/4 COMMENCING AT THE CENTER 1/4 CORNER OF SEC 16 TH PROCEEDING S 0 DEG 14 MIN E ALONG CENTERLINE 485.4 FT TO THE INTERSECTION WITH THE SOUTH ROW LINE OF HOMER EAST RD TO THE POB TH S 0 DE
17903034	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT INTERSECTION OF CENTERLINE OF SEC 16 WITH THE SOUTH ROW LINE OF HOMER EAST RD PROCEED S 00 DEG 14 MIN E 265.8 FT TH S 57 DEG 17 MIN 30 SEC W 23.7 FT TO THE POB TH N 32 DEG 42 MIN 30 SEC W TO HOMER EAST R
17903080	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 3-A
17903083	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 2
17903016	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 NE1/4 SW1/4 COMMENCE @SECT CORNER SECS 16 17 20 & 21 TH N1 DEG 11'40"W 568.5 FT TO SOUTH ROW LINE OF HOMER EAST RD; TH N70 DEG 14'E 354 FT; TH N57 DEG 17'30"E 2203.18 FT; TH S32 DEG 42'30"E 30 FT TO POB;
17903063	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 2
17903076	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-A
17903079	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 2
17903027	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT THE 1/4 CORNER COMMON TO SEC 16 & 21 TH PROCEED N 0 DEG 13 MIN 20 SEC W 1448.35 FT TH WEST 714.79 FT TH N 0 DEG 13 MIN 20 SEC W 233.49 FT TH N 57 DEG 17 MIN 30 SEC E 208 FT TO THE POB TH CONTINUE N 57 DE
17903066	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 5
17903082	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 1
17903065	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 4
17903077	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-B
17903078	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 1

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 20, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A second Public Hearing, per by HCC 21.95.060, regarding a proposed amendment to the official Homer City Zoning Map to change the Rural Residential district to the Residential Office District eastward along East End Road.

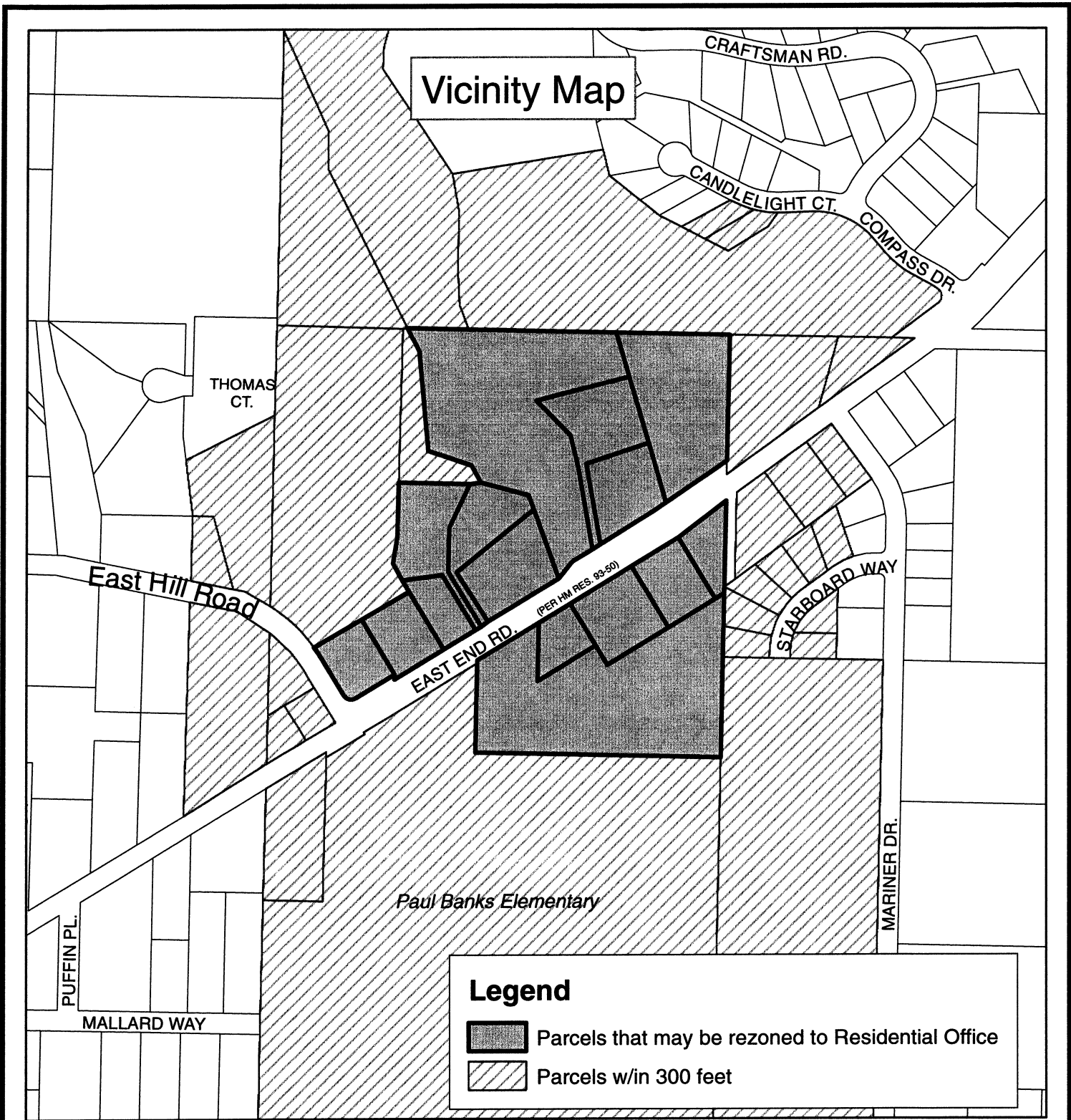
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown at the Planning and Zoning Office, 235-3106.



NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.


.....

VICINITY MAP ON REVERSE



Legend

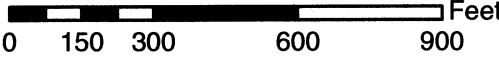
-  Parcels that may be rezoned to Residential Office
-  Parcels w/in 300 feet




City of Homer
Planning and Zoning Department
 7/22/2014

Proposed rezone from Rural Residential to Residential Office

Marked lots are within 300 feet and property owners notified.



0 150 300 600 900 Feet



Disclaimer:
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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



Staff Report 14-70

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 6, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

At the last meeting of the Commission, a motion was made to hold a public hearing on a proposal to extend the Residential Office District along East End Road. So far, we have not had input from nearby affected residents or residents owning property in the area proposed for a map amendment. Without this input, I am hesitant to cement the findings of the Commission. What this means process-wise is that the Commission will need to at least review the item and all its anticipated effects at least once more before a recommendation to the City Council. Staff believes several items deserve consideration including demand, utilities, and the creation of nonconformities. Perhaps another public hearing will be in order.

Below is a copy of my memo to the City Council, as I feel it best explains, in a nutshell, how the Commission arrived at this place and will provide the best information to the public that may attend the Public Hearing.

At request of the City Council, the Planning Commission (PC) is in the process of reviewing the zoning option suggested in the Homer Comprehensive Plan (HCP) for the near section of East End Road. The HCP references a zone for consideration called "Neighborhood Commercial East End Road," describing limited numbers of small scale local serving commercial areas, designed to meet the convenience commercial service needs of the neighborhood residents...." The area for consideration is roughly from Mattox to just past Paul Banks.

This has been discussed at several meetings so far. First, an area was mapped out for consideration with the assistance of Councilmember Van Dyke. Further described in the HCP is a Residential Office District (RO) with an allowance for more commercial and retail uses than presently found in RO. With a map (usually left on the wall of the Council Chambers) and the base code of the RO district, the PC reviewed a list of every other permitted and conditional use presently allowed in the city for inclusion in the district.

After due consideration of absolutely everything that was an option for inclusion in the district, the result was that it varied little from what is presently allowed in RO.

of business activity in the downtown core while discouraging strip development. It was not thought to be a good idea to pull business away from the downtown core which has many infill opportunities. The location is not at such a distance from the established commercial district to really introduce much additional convenience. Additionally, the PC did not want to support activities that would introduce a significant amount of traffic along East End Road which is currently designed without turning lanes and tends to be a bit congested at the start and end of the work day. At this point, the thought was that it really was not useful to make yet another type of zone.

A motion was made and supported at the last meeting to advertise and hold a public hearing for consideration of expansion of the RO district. The Public Hearing will be held at the August 6th meeting of the HPC.

Staff Recommendation: Hold public hearing and consider if the following may be necessary:

- Amendments of map or text
- More work at another meeting
- Another public hearing

This item will need to come before the Commission once more to review all criteria set forth in code for approval of a zoning map amendment. If any significant changes are made, another public hearing is in order.

Attachments:

1. Residential Office District regulations.
2. Ordinance 14-
3. Exhibit A
4. Exhibit B

Chapter 21.16RO RESIDENTIAL OFFICE DISTRICTSections:

- 21.16.010 Purpose.
- 21.16.020 Permitted uses and structures.
- 21.16.030 Conditional uses and structures.
- 21.16.040 Dimensional requirements.
- 21.16.050 Site and access.
- 21.16.060 Traffic requirements.
- 21.16.070 Site development standards.
- 21.16.080 Nuisance standards.
- 21.16.090 Lighting standards.

21.16.010 Purpose. The residential office district is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods. (Ord. 08-29, 2008).

21.16.020 Permitted uses and structures. The following uses are permitted outright in the residential office district:

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple family dwelling, provided the structure conforms to HCC § 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC § 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

1. Private exterior storage of the occupant's personal noncommercial equipment, including non commercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

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

n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

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

p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

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

r. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot. (Ord. 11-44(S) §2 (part), 2011; Ord. 11-23(A) §3 (part), 2011; Ord. 09-34(A) §8 (part), 2009; Ord. 08-29, 2008).

21.16.030 Conditional uses and structures. The following uses may be permitted in the residential office district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

a. Planned unit developments, excluding all industrial uses;

b. Townhouses;

c. Public or private schools;

d. Hospitals and medical clinics;

e. Public utility facilities and structures;

f. Mortuaries;

g. Day care facilities; provided, however, that outdoor play areas must be fenced.

h. More than one building containing a permitted principal use on a lot.

i. Group care homes.

j. One small wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.

k. Other uses approved pursuant to HCC §21.04.020.(Ord. 10-06 §1, (part), 2010; Ord. 09-34(A) §9 (part), 2009; Ord. 08-29, 2008).

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a. The minimum lot size is 7,500 square feet.

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1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

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<u>Number of Stories</u>	<u>Setback (in feet)</u>
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3. Non-residential buildings shall be set back 15 feet from all other lot boundary lines, except that this setback may be reduced to not less than the setback that would apply under HCC §21.16.040(b)(2) if the reduction is approved by the State Fire Marshal.

c. The maximum building height shall be 35 feet.

d. Detached accessory buildings may not occupy more than 25 percent of a required rear or side yard and no portion of a required front yard, and shall be located at least five feet from the nearest part of a main building and five feet from all property lines.

e. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit. (Ord. 10-06 §2 (part), 2010; Ord. 08-29, 2008).

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21.16.090 Lighting standards. The level one lighting standards of HCC § 21.59.030 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §6, 2010).

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Planning

ORDINANCE 14-

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WHEREAS, The Homer Advisory Planning Commission held a public hearing on the matter on August 6, 2014, as required by Homer City Code, Section 21.70.020; and

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Section 2. The City Planner is authorized to sign the map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 3. This is a non Code Ordinance of a permanent Nature.

CITY OF HOMER

Mary E. (Beth) Wythe, MAYOR

ATTEST

Jo Johnson, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

Walt Wrede, City Manager

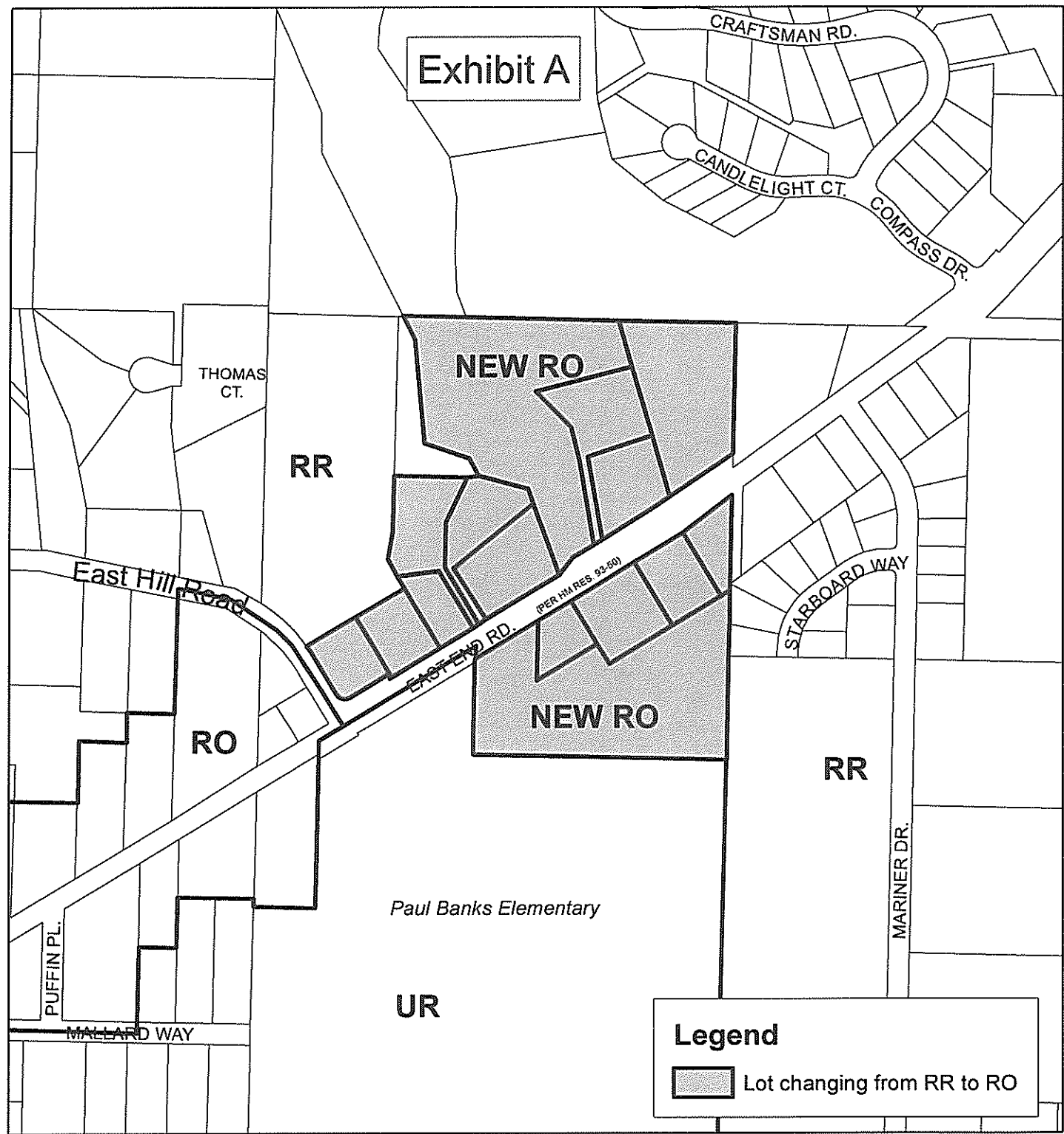
Tom Klinkner, City Attorney

Date: _____


Date: _____

Fiscal Note: Costs of mapping.

Exhibit A



Legend

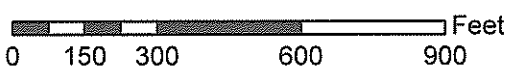
 Lot changing from RR to RO



City of Homer
 Planning and Zoning Department

7/22/2014

Properties to be rezoned from Rural Residential to Residential Office



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Tax ID	LEGAL DESCRIPTION
17903021	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 SW1/4 BEGIN @S1/4 CORNER COMMON TO SEC 16&21; TH N 0 DEG 13'20" W 1448.35 FT TO POB; TH W 714.79 FT; TH N 0 DEG 13'20"W 269.14 FT TO CENTER OF HOMER EAST RD; TH N57 DEG 17'30"E 208 FT ALONG CENTER OF RD;
17903033	T 6S R 13W SEC 16 SEWARD MERIDIAN HM THAT PORTION OF THE NE1/4 SW1/4 COMMENCING AT THE CENTER 1/4 CORNER OF SEC 16 TH PROCEEDING S 0 DEG 14 MIN E ALONG CENTERLINE 485.4 FT TO THE INTERSECTION WITH THE SOUTH ROW LINE OF HOMER EAST RD TO THE POB TH S 0 DE
17903034	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT INTERSECTION OF CENTERLINE OF SEC 16 WITH THE SOUTH ROW LINE OF HOMER EAST RD PROCEED S 00 DEG 14 MIN E 265.8 FT TH S 57 DEG 17 MIN 30 SEC W 23.7 FT TO THE POB TH N 32 DEG 42 MIN 30 SEC W TO HOMER EAST R
17903080	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 3-A
17903083	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 2
17903016	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 NE1/4 SW1/4 COMMENCE @SECT CORNER SECS 16 17 20 & 21 TH N1 DEG 11'40"W 568.5 FT TO SOUTH ROW LINE OF HOMER EAST RD; TH N70 DEG 14'E 354 FT; TH N57 DEG 17'30"E 2203.18 FT; TH S32 DEG 42'30"E 30 FT TO POB;
17903063	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 2
17903076	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-A
17903079	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 2
17903027	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT THE 1/4 CORNER COMMON TO SEC 16 & 21 TH PROCEED N 0 DEG 13 MIN 20 SEC W 1448.35 FT TH WEST 714.79 FT TH N 0 DEG 13 MIN 20 SEC W 233.49 FT TH N 57 DEG 17 MIN 30 SEC E 208 FT TO THE POB TH CONTINUE N 57 DE
17903066	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 5
17903082	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 1
17903065	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 4
17903077	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-B
17903078	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 1

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 6, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A Public Hearing, as required by HCC 21.95.060, regarding a proposed amendment to the official Homer City Zoning Map to expand the Residential Office District eastward along East End Road.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

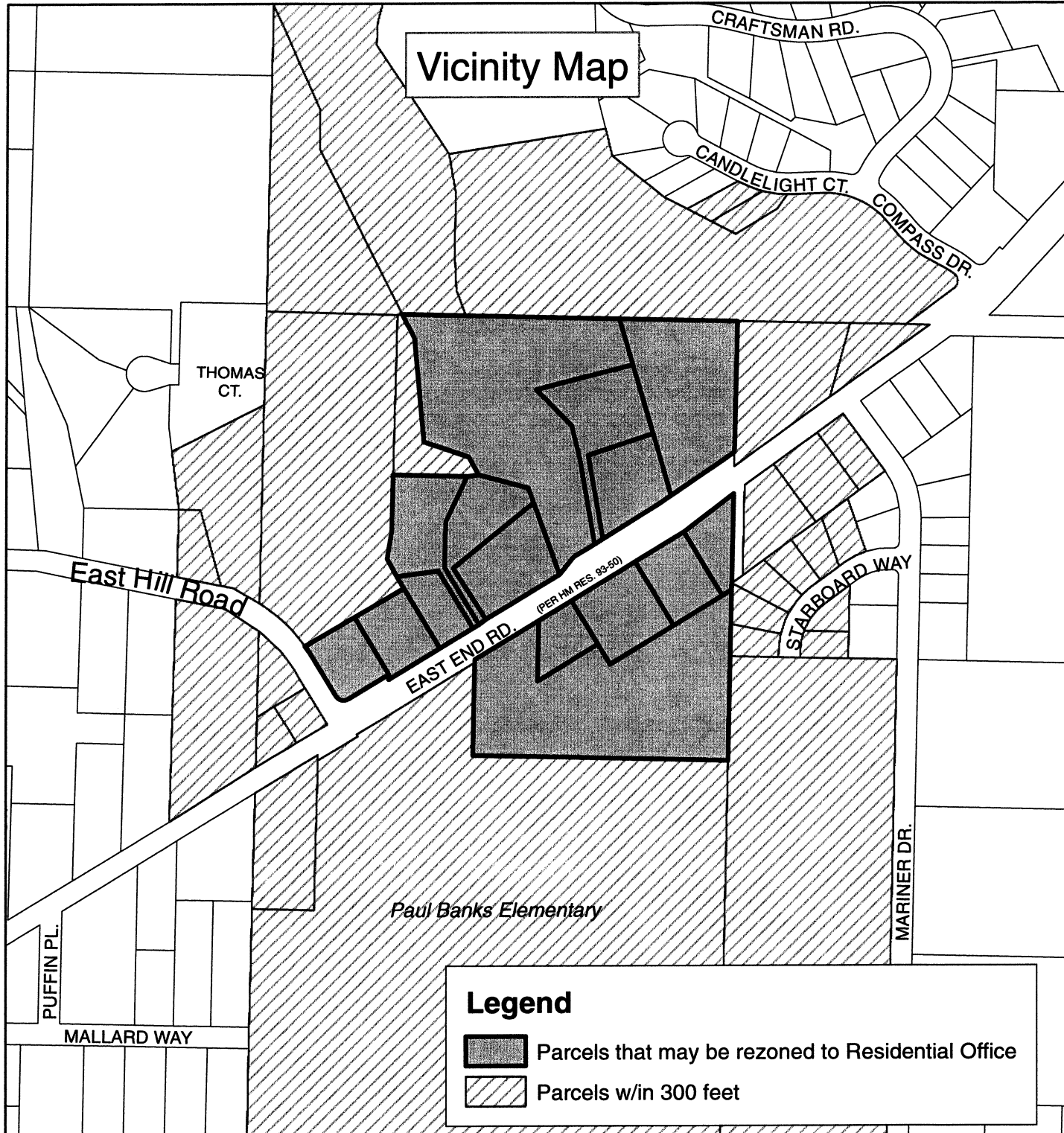
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown at the Planning and Zoning Office, 235-3106.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE

Vicinity Map



Legend

- Parcels that may be rezoned to Residential Office
- Parcels w/in 300 feet

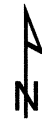


City of Homer
Planning and Zoning Department

7/22/2014

Proposed rezone from Rural Residential to Residential Office

Marked lots are within 300 feet and property owners notified.



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

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

City Planner Abboud reviewed his report.

Public Hearings

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

- A. Staff Report PL 14-70, Proposal to expand the Residential Office Zoning District eastward along East End Road.

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing. There were no comments and the hearing was closed.

Commissioner Highland asked if property owners in the area had been notified. City Planner Abboud confirmed that notices were sent to lot owners in the proposed district, also those within 300 feet, and noticed in the paper.

STEAD/HIGHLAND MOVED TO ACCEPT THE STAFF REPORT WITH STAFF RECOMMENDATIONS FOR AMENDMENTS TO THE MAP AND TEXT AND TO HOLD ANOTHER PUBLIC HEARING.

Commissioner Stead commented that he doesn't think they have much work to do at another meeting, and they can close up this issue.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

- A. Staff Report Pl 14-71, Lakeside Village Subdivision 2014 Replat Preliminary Plat

Commissioner Erickson stated she has a conflict of interest.

HIGHLAND/STROOZAS MOVED THAT COMMISSIONER ERICKSON HAS A CONFLICT OF INTEREST.





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

MEMORANDUM 14-117

TO: MAYOR WYTHER AND HOMER CITY COUNCIL
THROUGH WALT WREDE, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: JULY 23, 2014
SUBJECT: UPDATE ON REVIEW OF COMPREHENSIVE PLAN RECOMMENDATION ON
EAST END ROAD ZONING

At request of the City Council, the Planning Commission (PC) is in the process of reviewing the zoning option suggested in the Homer Comprehensive Plan (HCP) for the near section of East End Road. The HCP references a zone for consideration called "Neighborhood Commercial East End Road," describing limited numbers of small scale local serving commercial areas, designed to meet the convenience commercial service needs of the neighborhood residents...." The area for consideration is roughly from Mattox to just past Paul Banks.

This has been discussed at several meetings so far. First, an area was mapped out for consideration with the assistance of Councilmember Van Dyke. Further described in the HCP is a Residential Office District (RO) with an allowance for more commercial and retail uses than presently found in RO. With a map (usually left on the wall of the Council Chambers) and the base code of the RO district, the PC reviewed a list of every other permitted and conditional use presently allowed in the city for inclusion in the district.

After due consideration of absolutely everything that was an option for inclusion in the district, the result was that it varied little from what is presently allowed in RO. Some of the guiding thought was that the HCP supports infill development and a concentration of business activity in the downtown core while discouraging strip development. It was not thought to be a good idea to pull business away from the downtown core which has many infill opportunities. The location is not at such a distance from the established commercial district to really introduce much additional convenience. Additionally, the PC did not want to support activities that would introduce a significant amount of traffic along East End Road which is currently designed without turning lanes and tends to be a bit congested at the start and end of the work day. At this point, the thought was that it really was not useful to make yet another type of zone.

A motion was made and supported at the last meeting to advertise and hold a public hearing for consideration of expansion of the RO district. The Public Hearing will be held at the August 6th meeting of the HPC.



City of Homer

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Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3106
(f) 907-235-3118

Staff Report 14-67

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: July 16, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

Review: Several concepts were forwarded at the last Planning Commission meeting. Staff is attempting to incorporate the ideas expressed. This staff report will outline changes and these will need motion(s) to approve or modify to complete our record. Hopefully, with direction from the Planning Commission, we will be ready to plan for some public hearings on a draft ordinance.

Follow up/Discussion:

Daycare facilities are currently listed as both permitted and conditional use. I recommend adding them as a permitted use in consideration that this is a quasi-commercial type of district and the amount of activity associated is easily accommodated in such a district.

Open air business was also discussed. I find that the activity is most likely (council has not voted on the recommendation for GC2 as of yet) accepted in our commercial 2 and 1 districts, as well as in the East End Mixed Use District. These are our most intense commercial districts followed by CBD, Town Center and Gateway business, where open air businesses are not allowed. To allow open air business in this proposed district upsets the hierarchy. For instance, the most likely district to succeed this one would be CBD. If this happened, it would create a nonconformity. I believe that farmers market is acceptable as it is found in both town center and CBD, but recommend against permitting open air business.

Screening and landscape was also discussed. I have added the language used in the East End Mixed Use District as a starter for discussion. I would expect that this would be the minimum standard, with perhaps some conversation of additional requirements (found on the ordinance lines 102-114).

Conclusion: After this amount of work and nearing a final draft, I am finding that this concept district is just not that different than our current RO district. Several of the use additions are actually just duplicates of permitted RO uses on which the draft ordinance was based. At this point, one has to ask if creating another district is appropriate. We could just amend the current RO code with a few uses and add design standards to commercial uses and expand the district along East End Road. I believe we have had the conversation that has discussed just what amount of business intensity was appropriate for the proposed district. Going to more intense commercial and industrial activity violates the comprehensive plan's goal of not encouraging strip development and encouraging concentration of commercial activities in the downtown core.

Staff Recommendation: Review and make recommendations with motions.

Attachments:

1. Ordinance 14-xx EERCMDUD

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**CITY OF HOMER
HOMER, ALASKA**

ORDINANCE 14-xx July 16, 2014 Draft

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE xx.xx.xxx, CREATING THE EAST
END RESIDENTIAL C COMMERCIAL MIXED USE DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. HCC xx.xx. East end residential commercial mixed use district:

xx.xx.010 Purpose. Allow a number of small scale commercial developments to be mixed with residential uses. Opportunities for commercial and retail uses are to be more extensive than the Rural Office District.

Section 2. HCC xx.xx.020, Permitted uses and structures.

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

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;
- l. Private exterior storage of the occupant's personal noncommercial equipment, including noncommercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;
- m. Other customary accessory uses to any of the permitted uses listed in the Residential Office District; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building;
- n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory

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

- 44 use in a manner consistent with the requirements of the Homer City Code and as long
45 as such animals are kept as pets and their numbers are such as not to unreasonably
46 annoy or disturb occupants of neighboring property;
47 o. Day care homes; provided, however, that outdoor play areas must be fenced;
48 p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
49 q. As an accessory use, one small wind energy system per lot having a rated capacity
50 not exceeding 10 kilowatts;
51 r. One detached dwelling unit, excluding mobile homes, as an accessory building to a
52 principal single-family dwelling on a lot;
53 s. Apartment units located in a building primarily devoted to business or commercial
54 uses;
55 t. Day care homes and facilities: provided, however, that outdoor play areas must be
56 fenced;
57 u. Mortuaries;
58 v. Publishing, printing and bookbinding;
59 w. Studios;
60 x. Cemeteries.

61

62 Section 3. HCC xx.xx.xxx, Conditional uses and structures.

63

64 xx.xx.030 Conditional uses and structures. The following uses may be permitted in the
65 East End Residential Commercial Mixed Use District when authorized by conditional use
66 permit issued in accordance with Chapter 21.71 HCC:

- 67 a. Planned unit developments, excluding all industrial uses;
68 b. Townhouses;
69 c. Public or private schools;
70 d. Hospitals and medical clinics;
71 e. Public utility facilities and structures;
72 f. Day care facilities; provided, however, that outdoor play areas must be fenced;
73 g. More than one building containing a permitted principal use on a lot;
74 h. Group care homes;
75 i. One small wind energy system having a rated capacity exceeding 10 kilowatts;
76 provided, that it is the only wind energy system of any capacity on the lot;
77 j. Other uses approved pursuant to HCC 21.04.020

78

79

80 Section 4. HCC xx.xx.040, Dimensional requirements. The following dimensional
81 requirements shall apply to all structures and uses in the East End Residential Commercial
82 Mixed Use District.

83

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

- 84 a. The minimum lot size is 7,500 square feet.
85 b. Building Setbacks.
86 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
87 2. Residential buildings shall be set back from all other lot boundary lines according to
88 the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

- 89
90 3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines,
91 except that this setback may be reduced to not less than the setback that would apply
92 under subsection (b)(2) of this section if the reduction is approved by the State Fire
93 Marshal.
94 c. The maximum building height shall be 35 feet.
95 d. Detached accessory buildings may not occupy more than 25 percent of a required
96 rear or side yard and no portion of a required front yard, and shall be located at least
97 five feet from the nearest part of a main building and five feet from all property lines.
98 e. No lot shall contain more than 8,000 square feet of building area (all buildings
99 combined), nor shall any lot contain building area in excess of 30 percent of the lot area,
100 without an approved conditional use permit.

101 **f. Screening.**

102
103 **1. When one or more side or rear lot lines abut land within an RO, RR, or UR**
104 **district or when a side or rear yard area is to be used for parking, loading,**
105 **unloading or servicing, then those side and rear yard areas shall be**
106 **effectively screened by a wall, fence, or other sight-obscuring screening.**
107 **Such screening shall be of a height adequate to screen activity on the lot**
108 **from outside view by a person of average height standing at street level.**

109
110 **2. Outside storage of materials, equipment and trash/dumpsters adjacent to**
111 **rights-of-way shall be screened. Screening may consist of walls, fences,**
112 **landscaped berms, evergreen plantings, or any combination thereof**

113
114 **Section 5. HCC xx.xx.050, Site and access.**

- 115
116 a. A zoning permit for any nonresidential use or structure shall not be issued by the City
117 without an approved site plan and an approved level two right-of-way access plan that

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

118 conform to the standards of Chapter 21.73 HCC.
119 b. All access points to rights-of-way shall conform to the standards of a level two right-
120 of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

121
122 Section 6. HCC xx.xx.060, Traffic requirements.

123
124 A conditional use permit is required for every use that:
125 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
126 calculated utilizing the Trip Generation Handbook, Institute of Transportation
127 Engineers, 9th Edition;
128 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the
129 Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
130 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
131 during any hour of the day due to a change in land use or intensity of use; or
132 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
133 level of service, the highway, road, street, alley or intersection.

134
135
136 Section 8. HCC xx.xx.070, Site development standards.

137
138 a. All single-family and duplex residential development in the East End Residential
139 Commercial Mixed Use District shall comply with the level one site development
140 standards contained in HCC 21.50.020.
141 b. All multifamily residential and all commercial development on lands in this district
142 shall conform to the level two site development standards set forth in HCC 21.50.030.

143
144 Section 9. HCC xx.xx.080, Nuisance standards.

145
146 The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures
147 in this zoning district.

148
149 Section 10. HCC xx.xx.090 Lighting Standards.

150
151 The level one lighting standards of HCC 21.59.030 apply to all development, uses, and
152 structures in this zoning district.

153
154 Section 11. This Ordinance is of a permanent and general character and shall be
155 included in the City Code.

156

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

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

159
160

CITY OF HOMER

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MARY E. WYTHE, MAYOR

165
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ATTEST:

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168

169
170

JO JOHNSON, CMC, CITY CLERK

171
172

YES:

173
174

NO:

ABSTAIN:

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ABSENT:

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First Reading:

Public Hearing:

179
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Second Reading:

Effective Date:

181
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Reviewed and approved as to form:

183
184

185
186

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

187

Date: _____

Date: _____

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

City Planner Abboud reviewed the staff report.

There was discussion about the cost of speed bumps and challenges of speed bumps on gravel roads; they also touched on raised intersections. They addressed improvements that the Old Town group has been working on, and challenges at Hornaday Park.

Question was raised whether the Mattox neighborhood had taken any steps toward road improvements in their area. City Planner Abboud said they haven't.

HIGHLAND/BOS MOVED THAT ON STAFF REPORT 14-65 THE COMMISSION SUPPORTS ALL THE CONCEPTS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 14-67, Creation of the East End Residential/Commercial Mixed Use District

The Commission discussed the district during their worksession before the meeting.

City Planner Abboud reviewed the staff report and the proposed East End Residential/Commercial Mixed Use District uses. They discussed that there are a lot of similarities between this district and Residential Office and raised the question of whether it would be better to make modifications to RO rather than creating a new district.

STEAD/HIGHLAND MOVED THAT WE ABANDON THE EAST END RESIDENTIAL/COMMERCIAL MIXED USE DISTRICT ORDINANCE AND EXPAND THE RESIDENTIAL OFFICE DISTRICT TO INCLUDE THESE PROPERTIES OF INTEREST AND SEE IT AT THE NEXT MEETING.

There was discussion that they can amend residential office at a later date if they choose to.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

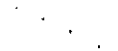
Motion carried.

New Business

A. Staff Report PL 14-68, CIP List Recommendations

The Commission addressed the CIP list at the worksession. City Planner Abboud asked them to be prepared at the next meeting to make their recommendations.

Informational Materials





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 14-59

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: June 18, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

Review: Last meeting we reviewed the list of permitted and conditional uses for consideration in the district. The Commission agreed with the concept of allowing some of the uses that would be found in the Central Business District to the new district. The concept furthered was that the district would accommodate commercial activities that have a relative low impact and not generate a great deal of traffic. This eliminates the “heavier” activities found exclusively in the general commercial and industrial districts as well as other activities that generate more traffic such as larger retail or wholesale.

Discussion: The Comprehensive plan describes this area as one that would support more commercial activities than the Residential Office district. As it is not considered as an expansion of the CBD, we need to be careful not to introduce too much competition, as it is desirable to have a compact business district and not encourage strip development. Keep this in mind when reviewing the new list of uses. The old list ended with “r” for permitted uses. Mortuaries have moved into permitted uses from conditional. Daycare is still a conditional use. Check the new list and review it against the uses found in the CBD, as this is the next district in relationship to an upzoned commercial district.

Next for consideration is development and dimensional requirements with some thought about design and landscaping. I believe that the RO designations for dimensional requirement are appropriate. I am looking for some guidance on design and landscape. I do not believe that we would want corrugated or simple block structures to line the road leading to the CBD, but not sure if it needs to go the level of the Gateway District, although I have no problem with that, as it is a “Gateway”, just from East End. I also think that more attention should be given to landscape than is found in the East End Mixed Use district. I do not need all the specifics, just a consensus on just how far we should go. Then I can refine the district for review at the next meeting. This would be a good time to review the Design Manual and see what concepts may be ripe for this area.

Staff Recommendation: Review and make recommendations regarding the permitted and conditional uses. Give consideration and recommendation for the amount of design and landscape that might be appropriate for the district.

Attachments:

1. Ordinance 14-xx EERCMDUD

1 CITY OF HOMER
2 HOMER, ALASKA

3
4 ORDINANCE 14-__

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE xx.xx.xxx, CREATING THE EAST
8 END RESIDENTIAL C COMMERCIAL MIXED USE DISTRICT.

9
10 THE CITY OF HOMER ORDAINS:

11
12 Section 1. HCC xx.xx. East end residential commercial mixed use district:

13
14 xx.xx.010 Purpose. Allow a number of small scale commercial developments to be
15 mixed with residential uses. Opportunities for commercial and retail uses are to be more
16 extensive than the Rural Office District.

17
18 Section 2. HCC xx.xx.020, Permitted uses and structures.

19
20 The following uses are permitted outright in the Residential Office District:

- 21 a. Single-family and duplex dwelling, excluding mobile homes;
22 b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2)
23 and excluding mobile homes;
24 c. Public parks and playgrounds;
25 d. Rooming house, bed and breakfast and hostel;
26 e. Home occupations; provided they conform to the requirements of HCC 21.51.010;
27 f. Professional offices and general business offices;
28 g. Personal services;
29 h. Museums, libraries and similar institutions;
30 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
31 j. Religious, cultural and fraternal assembly;
32 k. Storage of the occupant's personal commercial fishing gear in a safe and orderly
33 manner and separated by at least five feet from any property line as an accessory use
34 incidental to a permitted or conditionally permitted principal use;
35 l. Private exterior storage of the occupant's personal noncommercial equipment,
36 including noncommercial trucks, boats, campers and not more than one recreational
37 vehicle in a safe and orderly manner and separated by at least five feet from any
38 property line as an accessory use incidental to a permitted or conditionally permitted
39 principal use;
40 m. Other customary accessory uses to any of the permitted uses listed in the
41 Residential Office District; provided, that no separate permit shall be issued for the
42 construction of any detached accessory building prior to that of the main building;
43 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory

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

- 44 use in a manner consistent with the requirements of the Homer City Code and as long
45 as such animals are kept as pets and their numbers are such as not to unreasonably
46 annoy or disturb occupants of neighboring property;
47 o. Day care homes; provided, however, that outdoor play areas must be fenced;
48 p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
49 q. As an accessory use, one small wind energy system per lot having a rated capacity
50 not exceeding 10 kilowatts;
51 r. One detached dwelling unit, excluding mobile homes, as an accessory building to a
52 principal single-family dwelling on a lot;
53 s. Apartment units located in a building primarily devoted to business or commercial
54 uses;
55 t. Day care homes and facilities: provided, however, that outdoor play areas must be
56 fenced;
57 u. General business offices and professional offices;
58 v. Mortuaries;
59 w. Offices;
60 x. Personal services;
61 y. Publishing, printing and bookbinding;
62 z. Studios;
63 aa. Cemeteries.

64
65 Section 3. HCC xx.xx.xxx, Conditional uses and structures.

66
67 xx.xx.030 Conditional uses and structures. The following uses may be permitted in the
68 East End Residential Commercial Mixed Use District when authorized by conditional use
69 permit issued in accordance with Chapter 21.71 HCC:

- 70 a. Planned unit developments, excluding all industrial uses;
71 b. Townhouses;
72 c. Public or private schools;
73 d. Hospitals and medical clinics;
74 e. Public utility facilities and structures;
75 f. Day care facilities; provided, however, that outdoor play areas must be fenced;
76 g. More than one building containing a permitted principal use on a lot;
77 h. Group care homes;
78 i. One small wind energy system having a rated capacity exceeding 10 kilowatts;
79 provided, that it is the only wind energy system of any capacity on the lot;
80 j. Other uses approved pursuant to HCC 21.04.020

81
82
83 Section 4. HCC xx.xx.040, Dimensional requirements. The following dimensional

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

84 requirements shall apply to all structures and uses in the East End Residential Commercial
85 Mixed Use District.

86

87 a. The minimum lot size is 7,500 square feet.

88 b. Building Setbacks.

89 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

90 2. Residential buildings shall be set back from all other lot boundary lines according to
91 the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

92

93 3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines,
94 except that this setback may be reduced to not less than the setback that would apply
95 under subsection (b)(2) of this section if the reduction is approved by the State Fire
96 Marshal.

97 c. The maximum building height shall be 35 feet.

98 d. Detached accessory buildings may not occupy more than 25 percent of a required
99 rear or side yard and no portion of a required front yard, and shall be located at least
100 five feet from the nearest part of a main building and five feet from all property lines.

101 e. No lot shall contain more than 8,000 square feet of building area (all buildings
102 combined), nor shall any lot contain building area in excess of 30 percent of the lot area,
103 without an approved conditional use permit.

104

105 Section 5. HCC xx.xx.050, Site and access.

106

107 a. A zoning permit for any nonresidential use or structure shall not be issued by the City
108 without an approved site plan and an approved level two right-of-way access plan that
109 conform to the standards of Chapter 21.73 HCC.

110 b. All access points to rights-of-way shall conform to the standards of a level two right-
111 of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

112

113 Section 6. HCC xx.xx.060, Traffic requirements.

114

115 A conditional use permit is required for every use that:

116 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
117 calculated utilizing the Trip Generation Handbook, Institute of Transportation

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

- 118 Engineers, 9th Edition;
119 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the
120 Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
121 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
122 during any hour of the day due to a change in land use or intensity of use; or
123 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
124 level of service, the highway, road, street, alley or intersection.

125
126

127 Section 8. HCC xx.xx.070, Site development standards.

128

- 129 a. All single-family and duplex residential development in the East End Residential
130 Commercial Mixed Use District shall comply with the level one site development
131 standards contained in HCC 21.50.020.
132 b. All multifamily residential and all commercial development on lands in this district
133 shall conform to the level two site development standards set forth in HCC 21.50.030.

134

135 Section 9. HCC xx.xx.080, Nuisance standards.

136

137 The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures
138 in this zoning district.

139

140 Section 10. HCC xx.xx.090 Lighting Standards.

141

142 The level one lighting standards of HCC 21.59.030 apply to all development, uses, and
143 structures in this zoning district.

144

145 Section 11. This Ordinance is of a permanent and general character and shall be
146 included in the City Code.

147

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

150

151

CITY OF HOMER

152

153

154

MARY E. WYTHE, MAYOR

155

156

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

157 ATTEST:

158

159

160 _____

161 JO JOHNSON, CMC, CITY CLERK

162

163 YES:

164 NO:

165 ABSTAIN:

166 ABSENT:

167

168 First Reading:

169 Public Hearing:

170 Second Reading:

171 Effective Date:

172

173 Reviewed and approved as to form:

174

175

176 _____

177 Walt E. Wrede, City Manager

178 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

Staff will provide further information on view-shed and what other communities regulate and can view-shed be regulated. She requested the commissioners to also consider co-location with towers - more towers but shorter or less towers but taller.

Chair Venuti requested a consultant or professional with towers come and speak to the commission.

B. Staff Report 14-58, Heliports

Deputy City Planner Engebretsen stated the City Planner has requested the commission consider allowing helipads in the Bridge Creek Watershed Protection District.

SLONE/STEAD - MOVED TO ALLOW HELIPADS IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT BY CONDITIONAL USE PERMIT.

Commissioner Stroozas declared he may have a conflict since he lives and owns property in that district. Chair Venuti declared this was not a quasi-judicial issue. Staff provided further clarification Commissioner Stroozas belonging to a large class of property owners. Commissioner Slone queried the request since the commission already approved this issue two or three meetings ago to approve this use by CUP process. Staff explained that the request for was permitting the use outright.

Further discussion on the regulations being applied to property outside city limits and accommodating the City Planner's request ensued.

VOTE. YES. HIGHLAND, ERICKSON, BOS, VENUTI
VOTE. NO. SLONE, STEAD, STROOZAS

Motion carried.

C. Staff Report 14-59, Creation of the East End Residential /Commercial Mixed Use District

Chair Venuti read the title into the record.

Deputy City Planner Engebretsen reviewed the staff report. Staff commented regarding considerations to require additional landscaping, and more architectural standards similar to the Gateway Business District.

Discussion was conducted on the following:

- Aesthetics
 - minimal requirements with landscaping
 - screening
 - landscaping buffer along street
 - fencing/screening requirements to separate commercial from residential
- Playgrounds
- Open Air Markets
 - Permitted use
 - concern regarding increased traffic problems
- Changes under Conditional Uses
- Allowing Recreational Vehicles

Chair Venuti asked if it was agreed by consensus to add Open Air Markets.

A brief discussion on whether to put Open Air Markets as permitted or conditional use ensued.

Chair Venuti inquired if the commission had consensus.

No expression of consensus was given by the commission. Commissioners Erickson and Bos were in favor of allowing Open Air Markets as a conditional use. Commissioner Slone advocated for permitted outright.

Commissioners Stroozas, Stead and Highland offered no indication of consent or disagreed.

Commissioner Highland commented on line 116 regarding number of trips as a requirement for a conditional use permit and inquired about reducing the number shown. Discussion ensued regarding the type of business with that high of activity which lowering the number of trips would then trigger a \$10,000 traffic study sooner. The commission did not recommend any changes to this requirement.

Next issue addressed was applying the Community Design Manual to the district. Staff provided an example that business owners will do to avoid the application of the Community Design Manual to this district. Staff noted that a conditional use permit for a building over 8000 sf would cost \$8000 since the fees are on a sliding scale. After further discussion it was determined that they could come up with some pleasing design standards.

NEW BUSINESS

There was no new business on the agenda.

INFORMATIONAL MATERIALS

A. City Manager's Report from June 9, 2014 City Council Meeting

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

COMMENTS OF STAFF

Ms. Engebretsen had no comments.

Ms. Krause commented it was an interesting meeting and thanked the commissioners for their patience.

COMMENTS OF THE COMMISSION

Commissioner Highland asked about safe streets and if it was a boiler plate somewhere; Staff responded it would be at the next meeting.

Commissioner Bos commented that it was a good meeting. Thank you.



City of Homer

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(f) 907-235-3118

Staff Report 14-52

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: June 4, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

Introduction The City Council endorsed forwarding Comprehensive Plan recommendations regarding a Commercial District on the near end of East End Road. In the Land Use Chapter of your Comprehensive Plans you will find the depiction (HCP 4-7) and proposed description (HCP 4-5) of such a district. The District is referred to as the East End RO Commercial MU, quite a mouthful. I would be open to a more succinct name. I now refer to it as East End Residential/Commercial Mixed Use. Perhaps East End Commercial or something to that effect without a geographical reference would be a better name.

NC Neighborhood Commercial East End Road – limited numbers of small scale, local serving commercial areas, designed to meet the convenience commercial service needs of neighborhood residents. The objectives behind this recommendations category might also be met through the Planned Unit Development process or an overlay zone allowing more commercial and retail uses than the underlying Residential Office District.

Review: I have crafted an ordinance that basically replicates the RO District. At the last meeting, I provided a matrix of all the uses as designated by districts. I asked that Commissioners review the uses for inclusion in this district. I assume that we could easily accommodate the uses of the current RO district and would consider additional commercial opportunities.

I have also included a map of the area to use as discussion for proposed inclusion in the district.

Remember this is a good time to review the concepts forwarded in the comprehensive as they relate to land use. The plan is a product of forwarding those values.

Staff Recommendation: Discuss and make consensus or motion to include additional uses or other amendments to the ordinance and bring back to PC for further work.

Attachments:

1. Ordinance 14-xx EERCUMUD
2. Area map

1 CITY OF HOMER
2 HOMER, ALASKA

3
4 ORDINANCE 14-__

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE xx.xx.xxx, CREATING THE EAST
8 END RESIDENTIAL C COMMERCIAL MIXED USE DISTRICT.

9
10 THE CITY OF HOMER ORDAINS:

11
12 Section 1. HCC xx.xx. East end residential commercial mixed use district:

13
14 xx.xx.010 Purpose. Allow a number of small scale commercial developments to be
15 mixed with residential uses. Opportunities for commercial and retail uses are to be more
16 extensive than the Rural Office District.

17
18 Section 2. HCC xx.xx.020, Permitted uses and structures.

19
20 The following uses are permitted outright in the Residential Office District:

- 21 a. Single-family and duplex dwelling, excluding mobile homes;
22 b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2)
23 and excluding mobile homes;
24 c. Public parks and playgrounds;
25 d. Rooming house, bed and breakfast and hostel;
26 e. Home occupations; provided they conform to the requirements of HCC 21.51.010;
27 f. Professional offices and general business offices;
28 g. Personal services;
29 h. Museums, libraries and similar institutions;
30 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
31 j. Religious, cultural and fraternal assembly;
32 k. Storage of the occupant's personal commercial fishing gear in a safe and orderly
33 manner and separated by at least five feet from any property line as an accessory use
34 incidental to a permitted or conditionally permitted principal use;
35 l. Private exterior storage of the occupant's personal noncommercial equipment,
36 including noncommercial trucks, boats, campers and not more than one recreational
37 vehicle in a safe and orderly manner and separated by at least five feet from any
38 property line as an accessory use incidental to a permitted or conditionally permitted
39 principal use;
40 m. Other customary accessory uses to any of the permitted uses listed in the
41 Residential Office District; provided, that no separate permit shall be issued for the
42 construction of any detached accessory building prior to that of the main building;
43 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory

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

- 44 use in a manner consistent with the requirements of the Homer City Code and as long
45 as such animals are kept as pets and their numbers are such as not to unreasonably
46 annoy or disturb occupants of neighboring property;
47 o. Day care homes; provided, however, that outdoor play areas must be fenced;
48 p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
49 q. As an accessory use, one small wind energy system per lot having a rated capacity
50 not exceeding 10 kilowatts;
51 r. One detached dwelling unit, excluding mobile homes, as an accessory building to a
52 principal single-family dwelling on a lot.

53
54 Section 3. HCC xx.xx.xxx, Conditional uses and structures.

55
56 xx.xx.030 Conditional uses and structures. The following uses may be permitted in the
57 East End Residential Commercial Mixed Use District when authorized by conditional use
58 permit issued in accordance with Chapter 21.71 HCC:

- 59 a. Planned unit developments, excluding all industrial uses;
60 b. Townhouses;
61 c. Public or private schools;
62 d. Hospitals and medical clinics;
63 e. Public utility facilities and structures;
64 f. Mortuaries;
65 g. Day care facilities; provided, however, that outdoor play areas must be fenced;
66 h. More than one building containing a permitted principal use on a lot;
67 i. Group care homes;
68 j. One small wind energy system having a rated capacity exceeding 10 kilowatts;
69 provided, that it is the only wind energy system of any capacity on the lot;
70 k. Other uses approved pursuant to HCC 21.04.020

71
72 Section 4. HCC xx.xx.040, Dimensional requirements. The following dimensional
73 requirements shall apply to all structures and uses in the East End Residential Commercial
74 Mixed Use District.

- 75
76 a. The minimum lot size is 7,500 square feet.
77 b. Building Setbacks.
78 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
79 2. Residential buildings shall be set back from all other lot boundary lines according to
80 the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet

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

Number of Stories	Setback (in feet)
2 stories	7 feet
2 1/2 stories	8 feet

81
82 3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines,
83 except that this setback may be reduced to not less than the setback that would apply
84 under subsection (b)(2) of this section if the reduction is approved by the State Fire
85 Marshal.

86 c. The maximum building height shall be 35 feet.

87 d. Detached accessory buildings may not occupy more than 25 percent of a required
88 rear or side yard and no portion of a required front yard, and shall be located at least
89 five feet from the nearest part of a main building and five feet from all property lines.

90 e. No lot shall contain more than 8,000 square feet of building area (all buildings
91 combined), nor shall any lot contain building area in excess of 30 percent of the lot area,
92 without an approved conditional use permit.

93
94 Section 5. HCC xx.xx.050, Site and access.

95
96 a. A zoning permit for any nonresidential use or structure shall not be issued by the City
97 without an approved site plan and an approved level two right-of-way access plan that
98 conform to the standards of Chapter 21.73 HCC.

99 b. All access points to rights-of-way shall conform to the standards of a level two right-
100 of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

101
102 Section 6. HCC xx.xx.060, Traffic requirements.

103
104 A conditional use permit is required for every use that:

105 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
106 calculated utilizing the Trip Generation Handbook, Institute of Transportation
107 Engineers, 9th Edition;

108 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the
109 Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

110 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
111 during any hour of the day due to a change in land use or intensity of use; or

112 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
113 level of service, the highway, road, street, alley or intersection.

114
115
116 Section 8. HCC xx.xx.070, Site development standards.

117
[**Bold and underlined added.** Deleted language stricken through.]

118 a. All single-family and duplex residential development in the East End Residential
119 Commercial Mixed Use District shall comply with the level one site development
120 standards contained in HCC 21.50.020.

121 b. All multifamily residential and all commercial development on lands in this district
122 shall conform to the level two site development standards set forth in HCC 21.50.030.

123
124 Section 9. HCC xx.xx.080, Nuisance standards.

125
126 The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures
127 in this zoning district.

128
129 Section 10. HCC xx.xx.090 Lighting Standards.

130
131 The level one lighting standards of HCC 21.59.030 apply to all development, uses, and
132 structures in this zoning district.

133
134 Section 11. This Ordinance is of a permanent and general character and shall be
135 included in the City Code.

136
137 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
138 _____ 2014.

139
140 CITY OF HOMER

141
142
143 _____
144 MARY E. WYTHE, MAYOR

145
146 ATTEST:
147
148
149 _____
150 JO JOHNSON, CMC, CITY CLERK

151
152 YES:
153 NO:
154 ABSTAIN:
155 ABSENT:

156
157 First Reading:

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

158 Public Hearing:
159 Second Reading:
160 Effective Date:

161

162 Reviewed and approved as to form:

163

164

165

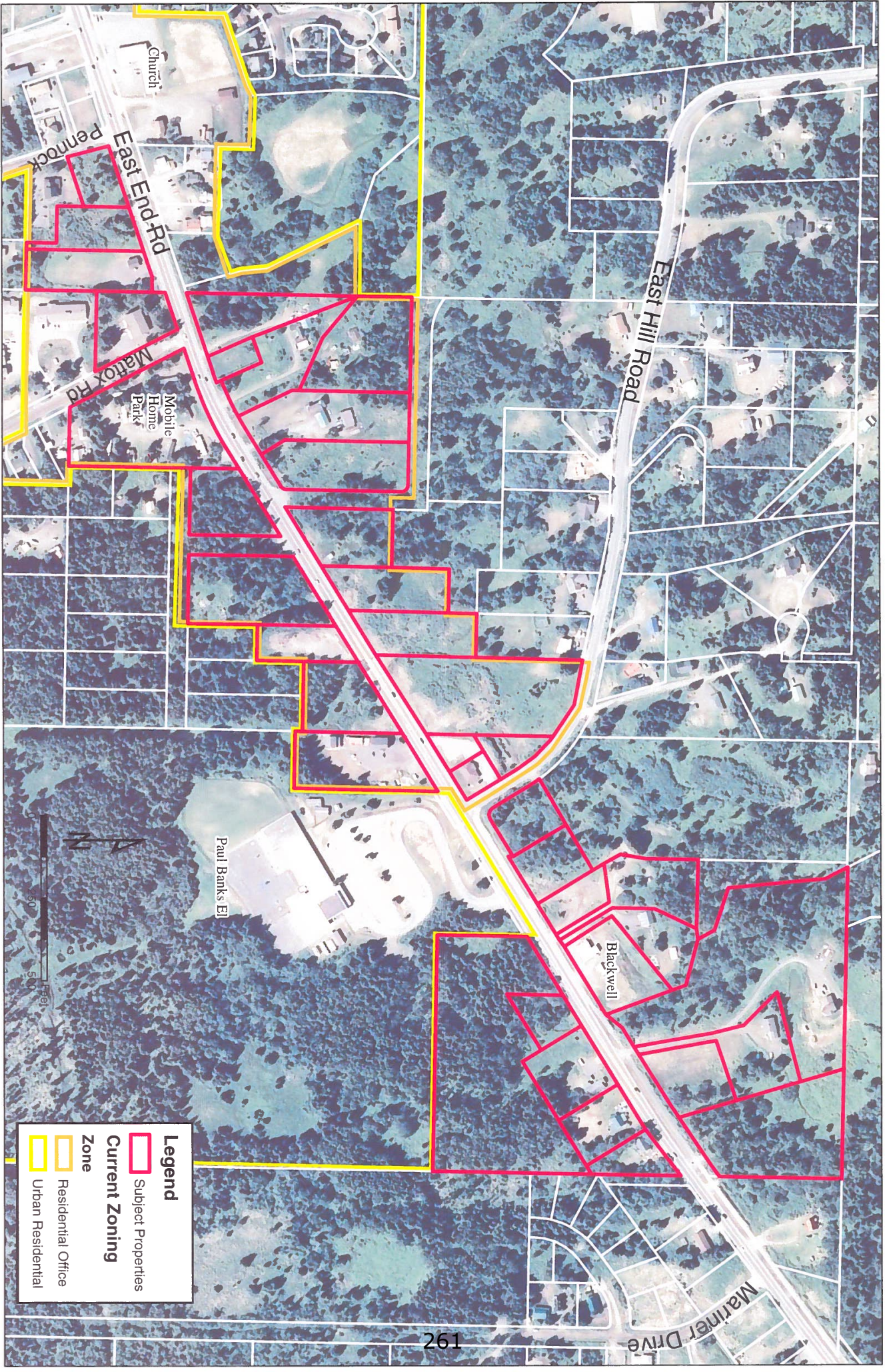
166 _____
Walt E. Wrede, City Manager

167 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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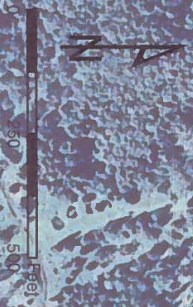


Legend

- Subject Properties

Current Zoning

- Residential Office
- Urban Residential



City Planner Abboud reviewed the staff report.

The Commission discussed information from provided from other municipalities and discussion points included:

- There will probably always be issues with most locations
- Should the city plan for locations that they can be allowed
- Tower location is generally dictated by where the coverage is needed
- We won't be able to get around having them in residential districts
- There are federal regulations that come into play that over rule other regulations, particularly for cellular towers
- Limiting tower height relating to property set backs
- Co-locating towers blending in with the building structure
- Everyone has cell phones and land lines are going away, and having cell phones is a matter of public safety
- It would be beneficial to hear from the wireless communication industry
- Determining at what point would a tower have to be approved by CUP

Commissioner Stead made the following suggestions:

- It has to meet all the FCC requirements with spectral analysis and location, also the coverage are they propose to have with the tower, including back scatter and side scatter, main load, and what they are trying hit on the path.
- Tell what the frequencies are and whether or not any other radio device in the area will be affected.
- Include alternate locations that can be considered.
- Relating to wind energy towers, there are transmission lines that incorporate wind harvesting capability in them, as well as on home generators that are not obtrusive. Those things may want to be considered relating to wind towers.
- Regulate by zoning district, regulate by height, structural safety maybe, setback differences yes, and in the CUP process ask about alternative considerations and spectral analysis according to the FCC to tell us if they are reasonable in the locations.
- The FCC will regulate and mandate in their broadband initiatives.

Staff will work with the information tonight and try to come up with suggestions on regulations.

Commissioner Erickson was excused and left the meeting.

New Business

A. Staff Report PL 14-52, Creating the East End Residential Commercial Mixed Use District

The Commission began reviewing a list of uses to be considered in this district during the worksession. They resumed their review and went through the end of the list. They will look at dimensional requirements and guidelines on landscaping and concealment of certain things.

City Planner Abboud said staff will work with tonight's information and bring something back for review.





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STAFF REPORT PL 14-43

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: May 21, 2014
SUBJECT: City Planner's Report

City Council - Ordinance 14-19,

An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU). Van Dyke. Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

REFERRED to the Planning Department.

POSTPONED to no time certain.

I did speak with Councilman Van Dyke and he was satisfied with an effort to craft an ordinance based on the land use recommendations found in the comprehensive plan. Although I did not have time to make a staff report on the subject, I would gladly welcome some general discussion in preparation for the subject next meeting. You will notice an east end neighborhood commercial described on page 4-5 and "East End RO Commercial MU" designation on the Land Use Recommendations map in the Comprehensive Plan.

Ordinance 14-20, An Ordinance of the Homer City Council Amending Homer City Code 21.18.030, Conditional Uses and Structures, 21.24.030, Conditional Uses and Structures, and 21.26.030, Conditional Uses and Structures, to Add Farmers' Market as a Conditional Use in the Central Business District, General Commercial 1 and General Commercial 2 Zoning Districts. Roberts.

Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

AMENDED to add Open-Air Business to the three districts and REFERRED to the Planning Commission.

Staff activities: Dotti is out of the office until after Memorial Day. I am attending the Chamber mixer May 15th and will be attending a meeting with DOT to discuss Lake and Pioneer Street projects May 23rd. A schedule of meetings is being proposed for discernment of the proposed Public Safety Building. So far, three different sites are being considered.

Mayor Wythe called for a motion for the adoption of Ordinance 14-17(A) by reading of title only for second and final reading.

BURGESS/LEWIS - SO MOVED.

Council discussed the merits of additional compensation for the Mayor and Council. If one does not wish to receive compensation it can be given away. Increasing compensation may encourage someone with a low economic background to participate, knowing they will not have to sacrifice other necessities. The ordinance encourages younger people who make less money to run for a council seat; it is important for diversity. It is a small cost versus benefit for increased representation.

The lack of candidates can be tied to hearing that you are wrong; it takes a thick-skinned person to serve. It was suggested the stipend increase should be brought up at budget time or not at all since other things are not being funded. Although Council can contribute their stipend to a non-profit, the City should not be the bookkeeper for paying non-profits. Some folks are just too busy to devote the time that is required.


VOTE: YES. LEWIS, BURGESS, ROBERTS

VOTE: NO. HOWARD, ZAK, VAN DYKE

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ORDINANCE(S)

- 
- A. **Ordinance 14-19**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU). Van Dyke. Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

Mayor Wythe called for a motion for the adoption of Ordinance 14-19 for introduction and first reading by reading of title only.

VAN DYKE/ZAK - SO MOVED.

Councilmember Van Dyke sponsored the ordinance since East End Road is one of the two primary corridors coming in and out of the city. It would be a huge benefit to landowners and the City to get more business and taxes into town.

Council discussed the East End Mixed Use District that would allow almost any kind of business to be mixed in the residential areas. Beginning at Bear Creek there are all kinds of businesses that extend to Kachemak Drive. The designation includes blanket commercial activities and residential. The intent is to expand uses along East End Road to make sure it is not strictly residential. The proposed designation is against the Comprehensive Plan. Council discussed zoning the area to a lower impact business area like Residential Office where different retail businesses could concentrate.

HOWARD/VAN DYKE - MOVED TO POSTPONE ORDINANCE 14-19 TO BE REWORKED WITH THE PLANNING DEPARTMENT SO IT IS MORE COMPLIANT WITH THE EXISTING COMPREHENSIVE PLAN.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

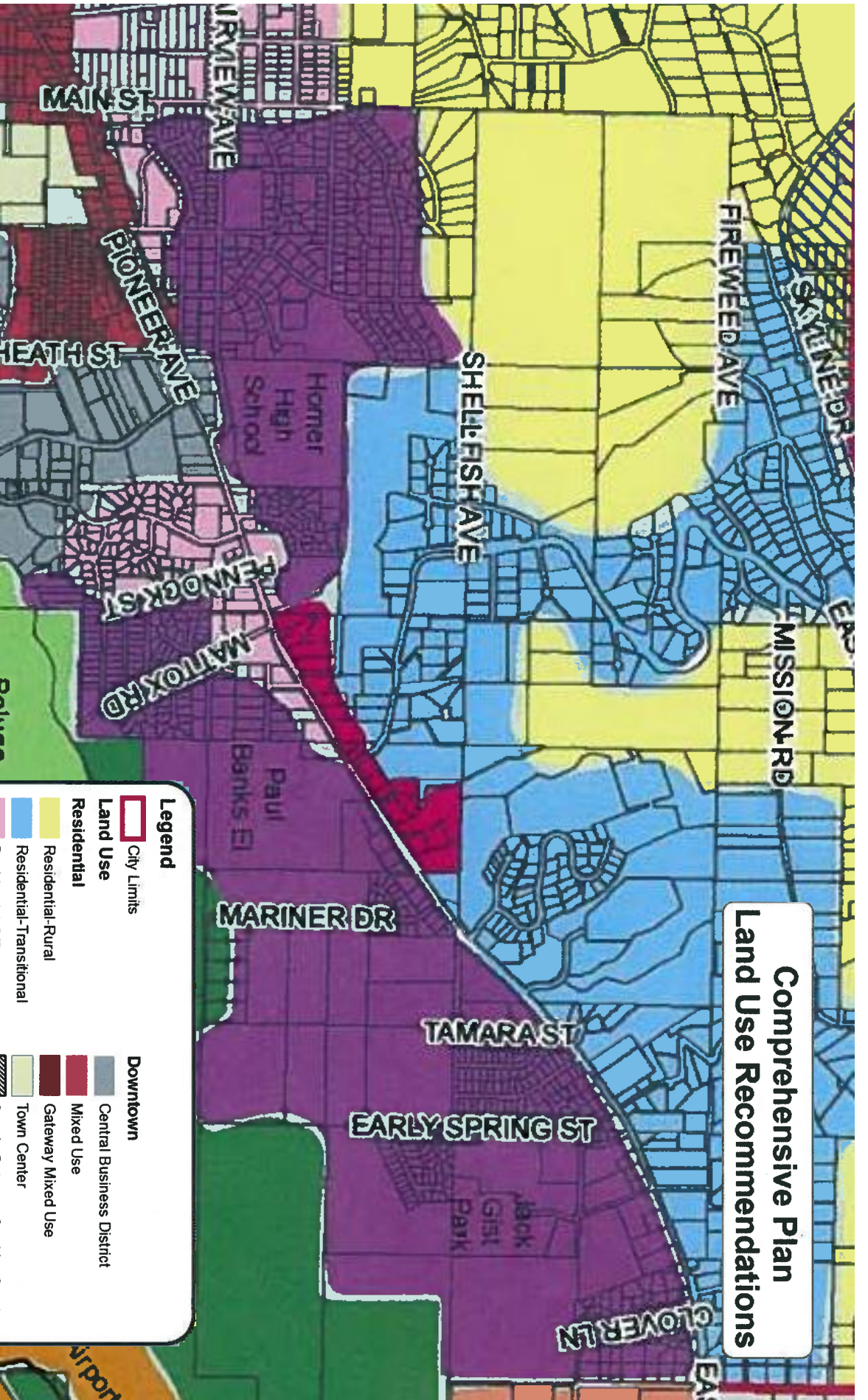
- B. **Ordinance 14-20**, An Ordinance of the Homer City Council Amending Homer City Code 21.18.030, Conditional Uses and Structures, 21.24.030, Conditional Uses and Structures, and 21.26.030, Conditional Uses and Structures, to Add Farmers' Market as a Conditional Use in the Central Business District,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

Mayor Wythe called for a motion for the adoption of Ordinance 14-20 for introduction and first reading by reading of title only.

ROBERTS/BURGESS – SO MOVED.

Council discussed Ordinance 14-20 at the Committee of the Whole. The definition of a Farmer's Market is different than an Open-Air Market.

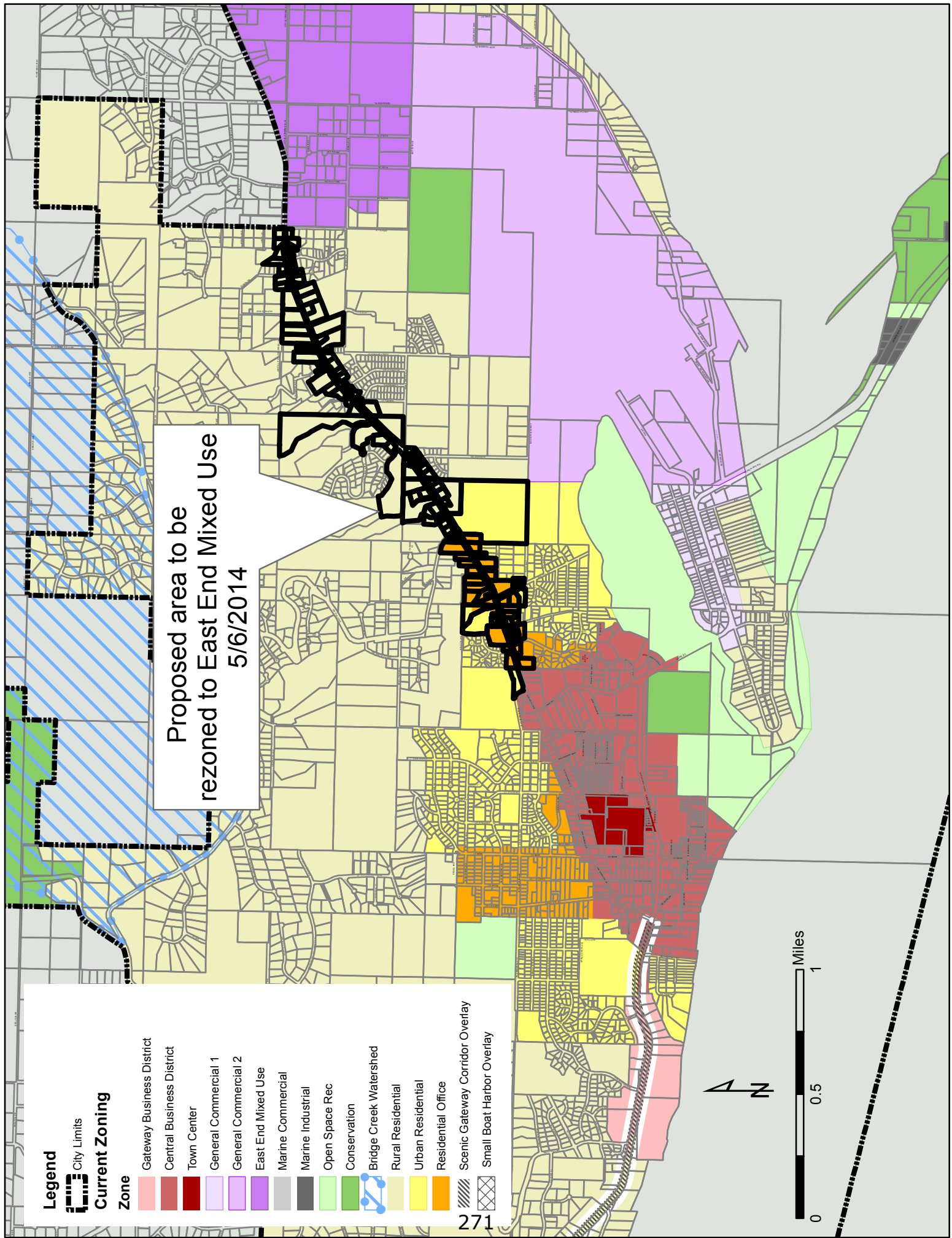
BURGESS/LEWIS - MOVED TO AMEND TO ADD OPEN-AIR BUSINESS AS A CONDITIONALLY PERMITTED USE IN THE THREE CATEGORIES WHERE COUNCILMEMBER



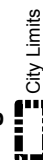
**Comprehensive Plan
Land Use Recommendations**

This map shows a portion of the Land Use Recommendations map found in Chapter 4 of the Homer Comprehensive Plan. Not to Scale.

	Legend		City Limits
	Land Use		Downtown
	Residential		Central Business District
	Residential-Rural		Mixed Use
	Residential-Transitional		Gateway Mixed Use
	Residential-Office		Town Center
	Residential-Urban		Scenic Gateway Corridor Overlay
	East End RO Commercial MU		Commercial
	Parks and Sensitive Areas		East End Mixed Use
	Open Space Rec		GC1-Residential
	Conservation		General Commercial 1
	Bridge Creek Watershed		General Commercial 2



Legend



City Limits

Current Zoning

Zone

- Gateway Business District
- Central Business District
- Town Center
- General Commercial 1
- General Commercial 2
- East End Mixed Use
- Marine Commercial
- Marine Industrial
- Open Space Rec
- Conservation
- Bridge Creek Watershed
- Rural Residential
- Urban Residential
- Residential Office
- Scenic Gateway Corridor Overlay
- Small Boat Harbor Overlay

Proposed area to be
rezoned to East End Mixed Use
5/6/2014



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

3 City Clerk/
4 Public Arts Committee

5 **RESOLUTION 14-075**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 APPROVING AND ACCEPTING THE DONATION FROM THE
9 BUNNELL STREET ARTS CENTER OF A FANCIFUL LOON
10 WINDSOCK SCULPTURE BY ALASKAN ARTIST RACHELLE
11 DOWDY TO BE PLACED AT BISHOP'S BEACH PARK.
12

13 WHEREAS, Bunnell Street Arts Center issued a Request for Proposals in conjunction
14 with the Old Town Artist in Residency project for a new sculpture in Old Town; and
15

16 WHEREAS, Representatives of Bunnell Street Arts Center selected Alaskan Artist
17 Rachelle Dowdy's art sculpture of a fanciful loon with a windsock to be placed at Bishop's
18 Beach Park; and
19

20 WHEREAS, Rachelle Dowdy is a talented artist whose work is held in many public
21 collections throughout the State of Alaska; her artwork is a fanciful loon sculpture with a
22 windsock that provides an instant visual cue to the wind conditions; and
23

24 WHEREAS, Bunnell Street Arts Center would like to donate the artwork to the City's art
25 collection and has completed the required application for the donation; and
26

27 WHEREAS, The Public Arts Committee has reviewed the request for donation to the
28 City of Homer and recommended that the City Council approve and accept the donation and
29 incorporate it into the Municipal Art Collection.
30

31 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
32 approves and accepts the donation from the Bunnell Street Arts Center of a fanciful loon
33 windsock sculpture by Alaskan Artist Rachelle Dowdy to be placed at Bishop's Beach Park,
34 and incorporates it into the City's artwork collection.
35

36 PASSED AND ADOPTED by the Homer City Council this 23rd day of June, 2014.
37

38 CITY OF HOMER
39
40
41

42 _____
43 MARY E. WYTHE, MAYOR
44

45 ATTEST:

46

47

48

49

50 _____
JO JOHNSON, MMC, CITY CLERK

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52 Fiscal Note: N/A



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 14-103

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: PUBLIC ARTS COMMITTEE

THROUGH: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: MAY 19, 2014

SUBJECT: ACCEPTANCE AND PLACEMENT OF TWO DONATIONS OF ART IN BISHOP'S BEACH PARK

BACKGROUND

At the special meeting on May 13, 2014 the Public Arts Committee reviewed a presentation on two proposed donations of art for permanent placement in Bishop's Beach Park. Following is an excerpt from those minutes of the meeting and the subsequent motions recommending acceptance and placement.

NEW BUSINESS

B. Recommendation to City Council on Acceptance and Placement of Donations of Art by Rochelle Dowdy, Fanciful Loon Windsock Sculpture in Bishop's Beach Park and Lynn Naden, Marine Debris Sculpture of A Silver Salmon Attached to the Windscreen of the Pavilion at Bishop's Beach Park.

The committee addressed each donation separately.

1. Donation Application for Fanciful Loon Windsock Sculpture

Staff noted that all required paperwork was received.

PERSON/APLIN – MOVED TO RECOMMEND CITY COUNCIL ACCEPT THE ARTWORK DESCRIBED AS A FANCIFUL LOON WINDSOCK SCULPTURE BY ARTIST RACHELLE DOWDY INTO THE CITY OF HOMER MUNICIPAL ART COLLECTION WITH PLACEMENT IN BISHOP'S BEACH PARK.

Discussion on the prior support expressed by the committee, the Parks and Recreation Advisory Commission and City Council regarding the project and that this project was vetted by the Public Works Director and the Parks Maintenance Coordinator, a contract already executed by the Public Works Director Carey Meyer was duly noted. The city will install the sculpture and perform all future maintenance on the artwork.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Committee further agreed by consensus that the sculpture not be placed next to the boardwalk.

2. Donation Application for the Marine Debris Silver Salmon

PERSON/APLIN – MOVED TO RECOMMEND CITY COUNCIL ACCEPT THE ARTWORK DESCRIBED AS MARINE DEBRIS SCULPTURE OF A SILVER SALMON BY HOMER ARTIST LYNN NADEN INTO THE CITY OF HOMER MUNICIPAL ART COLLECTION WITH PLACEMENT ON THE WINDSCREEN OF THE PAVILION IN BISHOP'S BEACH PARK.

It was noted that placement on the windscreen would not aid in seeing the piece on approach but that it would be seen on the way back from the beach.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation: Approve the Recommendation to Accept the Donation of the Fanciful Loon Windsock Sculpture and the Marine Debris Silver Salmon into the City of Homer Municipal Art Collection and to add the Sculptures into the Park Maintenance Routine Maintenance Schedule as outlined in the donating documents.



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Memorandum 14-140

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: PUBLIC ARTS COMMITTEE

THROUGH: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: AUGUST 18, 2014

SUBJECT: RECOMMENDATION TO ACCEPT THE DONATION OF A FANCIFUL LOON SCULPTURE FOR THE MUNICIPAL ART COLLECTION AND SUPPORT PLACEMENT IN BISHOP'S BEACH PARK

BACKGROUND

At the June 23, 2014 City Council was presented with Resolution 14-075 to Approve and Accept the Donation from the Bunnell Street Arts Center of a Fanciful Loon Windssock Sculpture by Alaskan Artist Rachele Dowdy to be placed in Bishop's Beach Park.

This issue was remanded back to the Public Arts Committee to define the maintenance and address safety concerns expressed by the Parks and Recreation Advisory Commission.

Following is the excerpts from the August 14, 2014 regular meeting minutes regarding the Public Comments on Items on the Agenda and ensuing recommendation from the committee.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Michael Walsh and Asia Freeman, Bunnell Street Arts Center (The Bunnell), commented on the proposed donation of the Fanciful Loon Sculpture by Rachele Dowdy. The Bunnell has found \$1000 to provide to the City to assist with future maintenance costs of the sculpture. They stated that the artist has assured them on the integrity and longevity of the sculpture and the beak was the weakest point but believed that it was out of reach from the public. The artist has further stated that she will be creating and installing the pedestal that the sculpture will be placed upon. There is no site preparation required from the city. The paint used may fade over time but is expected to last several years before this happens.

Mr. Walsh stated that the artist has agreed to be responsible for any damage to the sculpture that is not vandal related such as graffiti or physical damage. She will take care of repairs that are the result of nature or materials. The most maintenance will be the replacement of the windssock.

Mr. Walsh stated that all parties are open to the City's preferred location. The artist actually prefers location 1 next to the Boardwalk. Mr. Walsh stated that his opinion site 1 closest to the boardwalk offered the safest location in regards to vandalism. These sites were suggested by Mr. Meyer.

Vice Chair Miller that they can discuss location when they come to the item on the agenda.

Ms. Freeman commented on the selection process that was conducted and apologized that they did not follow the approved process since it was destined ultimately for a city park. She noted that they had Adele Persons, Marianne Aplin, Paul Duncan, Angie Newby, Deb Lowney, and Carey Meyer. She hoped that it is realized to be placed in the intended location of Bishop's Beach.

Vice Chair Miller suggested that Mr. Walsh and Ms. Freeman have those members of the selection committee attend the Council meeting to testify in favor of the placement of this sculpture since they are involved in the city and their testimony would provide weight. She further advocated that the committee should attend the Council meeting and testify in favor of the donation.

Ms. Aplin stated that they originally did not consider placement in the park but within Old Town and then it was decided to place it within Bishop's Beach Park.

NEW BUSINESS

B. Remand and Reconsideration of the Donation and Acceptance of Sculptures for Placement in or on City Owned Property.

- 1. Donation of the Fanciful Loon Sculpture*
- 2. Administrative Guidelines – Donation Policy*

Ms. Krause reported that the Silver Salmon was pulled by Alaskan Coastal Studies due to a decision to place in another location plus the Parks and Recreation Advisory Commission did not really think that having trash from the beach placed in a net on the windscreen. Ms. Persons also commented that they wanted to keep the marine debris in one location instead of being spread out.

Ms. Krause then explained the objections from the Parks and Recreation Advisory Commission regarding placement of the sculpture within the park. She related the reasons expressed by the commissioners for not wanting the sculpture placed as safety, vandalism, maintenance and placement concerns.

The City Council does consider the recommendations from the Committee and the Commissions before making the decisions on items that come before them. The Committee can go before Commission to explain the situation however their agenda is closed for the next meeting and unless this committee recommends to council that the commission reconsiders they will not hear the item again.

City Council remanded this item back to this committee to address these concerns.

There was a long discussion regarding the location and placement of the sculpture in the park. The intent was to exert positive influences into the various areas throughout Old Town but especially Bishops Beach where a lot of vandalism and negative behavior occurs.

Vice Chair Miller stated that it is not the committee's responsibility to recommend placement. They are responsible for recommending accepting the donation. It was noted that the committee can submit a recommendation stating placement and can educate the commission if necessary after comments from the committee regarding not understanding the opposition the commission offered.

It was further noted that the members of the committee have not heard widespread dislike for this sculpture, the concern expressed on the soil conditions is a legitimate one and the committee could leave the decision for placement up to Public Works or a person experienced in soils.

The Bunnell has come up with \$1000 and the question was asked regarding acceptance by the city but it is not the purview of this committee. It was noted that the donated work if accepted by the City would be undertaken by the city as outlined in the Administrative Guidelines under Donations. The committee pointed out that the windsock was really the only annual requirement and the cost should be minimal since the statue was made out of concrete. Further discussion entertained locations and Ms. Aplin opined that she did not approve of the location nearest to the boardwalk since it would encroach upon the serenity and atmosphere encouraged by the boardwalk. She further commented that there should be a

suitable location that did not encourage or lent itself to vandalism and did not take up the only grassy area for children to play within the park.

PERSONS/HOLLOWELL - MOVED TO RECOMMEND COUNCIL ACCEPT THE DONATION OF THE FANCIFUL LOON SCULPTURE BY RACHELLE DOWDY INTO THE CITY OF HOMER MUNICIPAL ART COLLECTION WHEREAS THE ARTIST WILL ASSUME RESPONSIBILITY FOR ONE YEAR FROM THE DATE OF PLACEMENT FOR ALL REPAIRS AND MAINTENANCE NOT RELATED TO VANDALISM OR DELIBERATE ACTS, AND WHEREAS THE BUNNELL STREET ARTS CENTER HAS PLEDGED \$1000.00 TOWARDS THE POTENTIAL MAINTENANCE COSTS OF THIS DONATION, AND THE PUBLIC ARTS COMMITTEE FURTHER SUPPORTS PLACEMENT WITHIN BISHOP'S BEACH PARK BE DETERMINED BY THE APPROPRIATE PERSONNEL AND THE ARTIST.

There was no further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation: Approve the Recommendation to Accept the Donation of the Fanciful Loon Windssock Sculpture into the City of Homer Municipal Art Collection and the best placement within Bishop's Beach Park be made between the artist and appropriate personnel.



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Memorandum 14-107

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: PARKS AND RECREATION ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: JUNE 23, 2014

SUBJECT: RECOMMENDATION FOR PLACEMENT OF TWO DONATIONS OF ART IN BISHOP'S BEACH PARK

Brianna Allen, Old Town Development Coordinator has requested the Parks and Recreation Advisory Commission support a recommendation to City Council to accept the following for placement at Bishop's Beach Park in the desired locations indicated on the applications.

The Commission reviewed the proposal donations at their regular meeting on June 19, 2014. The following discussions and motions ensued:

Fanciful Loon Sculpture

Chair Steffy requested discussion before making a recommendation. Commissioner Archibald stated he has received several comments from the public regarding the artwork and it was not favorable. Commissioner Lowney offered favorable comments on the previous work of the artist. Ms. Krause provided information on placement next to the boardwalk from the Public Arts Committee. It was recommended to place in an area away from the boardwalk.

A discussion ensued surrounding the location and that it should involve more public input on the sculpture.

Chair Steffy requested a motion.

LOWNEY/BRANN - MOVED TO APPROVE AND RECOMMEND PLACEMENT OF THE SCULPTURE IN THE SECOND LOCATION RECOMMENDED BY PUBLIC WORKS.

Further discussion on visiting the park and reviewing the sites suggested. The commission expressed concern with placement in the park due to soil conditions. Commissioners MacCampbell, Archibald and Roedl wanted to visit the site. Commissioner Roedl felt location #3 would be better. Commissioner MacCampbell suggested another park would be appropriate such as Karen Hornaday. He expressed concern regarding the placement of such as heavy piece in that environment.

VOTE. YES. LOWNEY. BRANN.

VOTE. NO. MACCAMPBELL, ARCHIBALD, ROEDL

VOTE. ABSTAIN. STEFFY

Motion failed.

Silver Salmon and Net on Windscreen of Pavilion

Chair Steffy reminded the commissioners of the concern expressed by Ms. Otteson with placement of the art on the windscreen. Some concern for the placement of the net to collect trash was expressed regarding the typical trash that is removed from that beach would not be appropriate for children.

Ms. Krause provided that the discussion and the recommendation from the Public Arts Committee was favorable.

Discussion ensued regarding the permanent attachment to the windscreen and also putting junk from the beach in it.

LOWNEY/BRANN - MOVED TO APPROVE THE RECOMMENDATION TO PLACE THE DONATION OF THE SILVER SALMON ON THE WINDSCREEN AT BISHOPS BEACH AND FURTHER RECOMMEND THAT TRASH BE REMOVED ONCE EACH WEEK.

There was a brief discussion regarding future removal if they trash removal was not kept up.

VOTE. YES. LOWNEY, ROEDL, ARCHIBALD, MACCAMPBELL, STEFFY, BRANN

Motion carried.



MUNICIPAL ART COLLECTION GIFT PROPOSAL APPLICATION

PLEASE TYPE OR PRINT CLEARLY AND MAKE YOUR RESPONSES COMPLETE AND THROUGH.

DATE 5/7/14 BRIANNA ALLEN
 CONTACT PERSON Michael Walsh TITLE OLD TOWN Coordinator
 ORGANIZATION IF APPLICABLE BUNNELL STREET ARTS CENTER
 ADDRESS 106 WEST BUNNELL CITY HOMER STATE AK ZIP 99603
 PHONE 235-2662 FAX _____ CELL 907 299 7403
 EMAIL brianna@bunnellarts.org

TELL US WHY YOU WISH TO DONATE THIS ARTWORK TO THE CITY OF HOMER?

This work of art will be placed near Bishops Beach, in the park by the trail, site # 1 on Map. This sculpture will remind visitors that loons are a part of our community. The sculpture is made with humor and precision to detail.

PROPOSED ARTWORK

TITLE OF ARTWORK LOON Figure
 ARTIST(S) NAME Racelle Dowdy
 YEAR COMPLETED 2014 DIMENSIONS approx 6 feet tall - 12 feet with windsock
 MATERIALS USED TO CREATE ARTWORK concrete, ferro concrete

PHYSICAL DESCRIPTION OF THE PROPOSED PIECE-

An indigenous species to this area, this sculpture will be of a pacific loon standing upright holding a windsock on a pole

NARRATIVE DESCRIPTION OF THE PROPOSED ARTWORK - TELL US THE STORY BEHIND THE PIECE OR SIGNIFICANCE -

Pacific loons are viewable from Bishops Beach. This sculpture will stand on a concrete pedestal holding a windsock reminding us of humor and the beauty of such a species. This sculpture is a site specific piece made for Bishops Beach, by a renowned Alaskan artist.

IS THE PROPOSED PIECE ONE OF A KIND? yes IS THE PIECE PART OF A SERIES, LIMITED OR OTHERWISE? NO
IF SO, AN EDITION OF HOW MANY? _____ IS THE PIECE COMPLETED? NO IF NOT WHEN IS THE
EXPECTED COMPLETION DATE? July 2014
WHAT IS THE CURRENT CONDITION OF THE PIECE? in progress

PROPOSED SITE OR LOCATION

DO YOU HAVE A SITE(S) IN MIND FOR THE PLACEMENT OF THE ARTWORK? IF SO WHERE? Bishops Beach Part Site #1 (in attached map)

IS THIS A CITY OWNED PROPERTY IF NOT WHO OWNS THE PROPERTY? yes

WHAT IS THE RATIONALE FOR SELECTING THIS/THESE LOCATION(S)? It was a community committee decision

ARE YOU AWARE OF ANY PERMITS OR PERMISSIONS THAT MAY BE REQUIRED? The artist holds insurance

TECHNICAL SPECIFICATIONS

DESCRIBE HOW THE ARTWORK IS CONSTRUCTED OR MADE. PLEASE INCLUDE ANY DOCUMENTATION AT THE END OF THIS APPLICATION. ferro-concrete with a welded steel armature. Formed foam wrapped in multiple layers of latex and wire. concrete added to both sides.

HOW IS THE ARTWORK TO BE PROPERLY INSTALLED? on a concrete pedestal, made by the artist.

DOES THE PIECE REQUIRE ELECTRICITY, PLUMBING OR OTHER UTILITY HOOKUPS? NO

WHO WILL BE INSTALLING THE ARTWORK? The artist and staff at Runway

WHAT IS THE EXPECTED LIFETIME AND STAYING POWER OF THE MATERIALS USED IN CREATING THE PIECE? _____

25 years

WHAT MAINTENANCE IS REQUIRED AND HOW OFTEN? wind sock replacement,

once a year.

PLEASE IDENTIFY ANY SPECIFIC MAINTENANCE PROCEDURES AND OR EQUIPMENT AND THE ASSOCIATED COSTS: _____

none that we know of

WHAT PRECAUTIONS HAVE BEEN TAKEN TO GUARD AGAINST VANDALISM IF ANY? None

WHAT STEPS HAVE BEEN TAKEN TO ASSURE THIS PIECE WILL NOT PRESENT A SAFETY HAZARD? _____

BUDGET \$15,000

PROJECT MANAGEMENT FEES \$ 1,000
 ARTIST'S FEES \$ 1,000
 PURCHASE PRICE \$ _____
 PERMITS \$ _____
 STRUCTURAL ENGINEERING \$ 4,000
 SITE PREPARATION \$ _____
 OTHER COSTS NOT LISTED \$ 8,000

INSURANCE \$ 500
 UTILITY HOOKUP \$ _____
 DELIVERY \$ _____
 INSTALLATION \$ 1,500
 SIGNAGE \$ _____
 RECOGNITION \$ _____

DESCRIPTION crating/transportation, install, documentation, repair, material supply

DATE PIECE WAS LAST APPRAISED? _____

WHAT IS THE VALUE OF THE PIECE OR ESTIMATED MARKET VALUE IF NO APPRAISAL WAS DONE? \$10,000

TIMELINE

WHAT IS THE TIMELINE FOR THE COMPLETION OR INSTALLATION OF THE PIECE? IDENTIFY THE DIFFERENT STAGES AND

DATE GOALS TO PREPARE THE PIECE FOR DONATION Install late July when work of art is complete

RESTRICTIONS

ARE THERE ANY KNOWN COVENANTS, REQUIREMENTS OR RESTRICTIONS THAT COME WITH THE PIECE? _____
No

WHAT EXPAECTATIONS DO YOU HAVE FOR THE CITY OF HOMER IN ACCEPTING THIS ARTWORK? _____
None

COMMUNITY INVOLVEMENT

WAS THERE ANY COMMUNITY OR USER INVOLVEMENT IN SELECTING THE RECOMMENDED LOCATION? _____
Worked with Carey Meyer

PLEASE INCLUDE ANY LETTER(S) OF SUPPORT FOR THE PROJECT OR PROPOSED DONATION.

APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION.

- AN RESUME OR BID FROM THE ARTIST WHO CREATED OR WILL CREATE THE ARTWORK.
- FIVE TO TEN IMAGES OF PAST WORK FROM THE ARTIST. THESE CAN BE PHOTOGRAPHS.
- THREE TO FIVE CLEAR IMAGES OF THE PROPOSED ARTWORK
- SCALE DRAWING/MODEL OF THE PROPOSED ARTWORK
- IF YOU HAVE A SITE(S) IN MIND PLEASE INCLUDE PHOTO AND DESCRIPTION OF THE SITE(S) AND A SCALED DRAWING OF THE PROPOSED ARTWORK IN THE RECOMMENDED LOCATION.
- A COPY OF A FORMAL APPRAISAL IF AVAILABLE
- TECHNICAL SPECIFICATIONS, MAINTENANCE MANUAL OR DRAWINGS/RECOMMENDATION FROM STRUCTURAL ENGINEER.

APPLICATIONS ARE TO BE SUBMITTED TO:

THE CITY OF HOMER
CITY CLERKS OFFICE
491 E. PIONEER AVENUE
HOMER, AK 99603
OR YOU MAY SUBMIT VIA FAX AT 907-235-3143 TO SUBMIT VIA EMAIL PLEASE SEND TO clerk@cl.homer.ak.us
IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT THE CLERK'S OFFICE AT 235-3130.

Rachelle Dowdy's artwork is primarily made up of sculptural images of birds and animal-human hybrids. Combining organic materials, such as wood and fibers, with concrete, industrial resins and recycled materials like nails, disc blades, scrap steel and wood. The combinations of images and materials address contemporary issues of life in the north, while putting a spin on popular Alaskan wildlife and motifs.

Rachelle was born in Fairbanks, Alaska in 1971.

She received a B.F.A in sculpture in 1996, from University of Alaska Fairbanks. She has also taught sculpture at the University of Alaska Fairbanks.

Dowdy was a recipient of a Rasmuson Foundation Fellowship and a Marie Walsh Sharpe Art Foundation Summer Seminar scholar.

She participated as an artist-in-residence at Denali National Park, University of Alaska Fairbanks, and Fairbanks North Star Borough School District.

Dowdy has exhibited throughout the state of Alaska, including ANC: International Gallery of Contemporary Art, Anchorage Museum of History and Art, Alaska Pacific University and OutNorth. FAI: The Annex, Well Street Art Company, Fairbanks Arts Association, and the University of Alaska's Museum of the North. She has also exhibited in Homer at Bunnell Street Gallery.

Rachelle Dowdy's work is held in many public collections, including the Anchorage Museum at Rasmuson Center, University of Alaska's Museum of the North, the state's Percent for Art Program, and the Municipality of Anchorage 1% for Art Program. Dowdy completed a private commission for the WILD Foundation: four life-sized ferro-concrete sculptures titled *Wilderness, Wildlands and People: A Partnership for the Public*, which was installed in downtown Anchorage and gifted to the City of Anchorage and the people of Alaska. In November 2009 at Ted Stevens International Airport her latest large-scale 1% for Art piece, *From Here to There and There to Here* was dedicated.

As one of the co-founders of SoNot, a coalition of six visual artists, she organized numerous exhibitions throughout Alaska, including a series of *One Night Art Stands* set in alternative venues. SoNot's final project was to curate *Double XX*, the first comprehensive look at contemporary women artists in

Alaska, exhibited in 2003 at the Fairbanks Arts Association Bear Gallery.
Rachelle currently lives and works in Ester, Alaska.

SOLO EXHIBITIONS

2012 *Up North* Trunk Gallery, Los Angeles, CA
2011 *juggernauts*, Bunnell St. Art Center, Homer, AK
2011 *juggernauts*, The Annex Gallery, Ester, AK
2011 *juggernauts*, Anchorage Museum of History and Art, Anchorage, AK
2010 *New Works*, Well St. Art Co., Fairbanks, AK
2007 *Baby Raven Attack*, The Annex Gallery, Ester, AK
2006 *TransForm*, Bunnell St. Gallery, Homer, AK
2006 *New Works*, Well St. Art Co., Fairbanks, AK
2004 *Works From Studio 4215*, International Gallery of Contemporary Art, Anchorage, AK
2003 *New Works*, Well St. Art Co., Fairbanks, AK
2002 *Quirks and Idiosyncrasies*, Decker/Morris Gallery, Anchorage, AK
2001 *New Works*, International Gallery of Contemporary Art, Anchorage, AK
2000 *New Works*, Bunnell St. Gallery, Homer, AK
2000 *Gatherings*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

INVITATIONALS & GROUP EXHIBITION Selected

2011 *Shared Space*, International Gallery of Contemporary Art, Anchorage, AK
2009 *FREEZE*, Downtown Anchorage, AK
2009 *Expanded Studio: Product*, International Gallery of Contemporary Art, Anchorage, AK
2008 *From Beginning 2 End*, Anchorage Museum of History & Art, Anchorage, AK
2007 *Salve*, International Out North Gallery, Anchorage, AK
2006 *Out of the Box*, Bunnell St. Gallery, Home, AK
2005 *Spot the Dog*, Anchorage Museum of History and Art, Anchorage, AK
2005 *Defiant Objects*, Anchorage Museum of History and Art, Anchorage, AK
2004 *Double XX*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK
2004 *Grand Opening*, Center for Contemporary Art, Anchorage, AK
2003 *Members Show*, International Gallery of Contemporary Art, Anchorage, AK
2003 *Sculpture*, Decker/Morris Gallery, Anchorage, AK
2002 *Lost and Found*, Anchorage Museum of History and Art, Anchorage, AK
2002 *Inner Landscape*, Kenai Visitor Center, Kenai, AK
2002 *Found and Assembled*, Alaska State Museum, Juneau, AK
2001 *Letters Home*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK
2001 *Letters Home*, International Gallery of Contemporary Art, Anchorage, AK
2001 *Touchable Art Show*, International Gallery of Contemporary Art, Anchorage, AK
2000 *Reflection of the Times*, Well St. Art Co., Fairbanks, AK

JURIED EXHIBITIONS

2010 *Object Runway*, International Gallery of Contemporary Art, Anchorage, AK

*Final Five

2006 *Interior Artistians*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

2005 *Earth, Fire and Fiber*, Anchorage Museum of History and Art, Anchorage, AK

2002 *Patterns of Influence*, Bear Gallery, Fairbanks Arts Association, Fairbanks,

AK

* Jurors Choice

2001 *Patterns of Influence*, Bear Gallery, Fairbanks Arts Association, Fairbanks,

AK

2000 *Patterns of Influence*, Bear Gallery, Fairbanks Arts Association, Fairbanks,

AK

2000 *Interior Artistians*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

* 2nd place award

1999 *Patterns of Influence*, Bear Gallery, Fairbanks Arts Association, Fairbanks,

AK

1999 *Interior Artistians*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

1998 *Interior Artistians*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

* honorable mention

1998 *64th Parallel*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

1995 *64th Parallel*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

SoNoT EXHIBITION

2004 *Double XX*, Bear Gallery, Fairbanks Arts Association, Fairbanks, AK

2002 *SoNot Anchorage II*, Alaska Pacific University, Anchorage, AK

2001 *Bizarre Bazaar*, SoNot One Night Stand, Fairbanks, AK

2001 *SoNot Anchorage*, Out North, Anchorage, AK

2001 *SoNot on the Road*, Tok Visitor Center, Tok, AK

2000 *Raw*, SoNoT, Fairbanks, AK

COMMISSIONS

2009 *From Here to There and There to Here*, Anchorage International Airport, Anchorage, AK

2006 *Wilderness, Wildlands and People*, Wild Foundation, Anchorage Museum, Anchorage, AK

2005 *Bohemian Waxwing Flock*, AK Psychiatric Institute, Anchorage, AK

1998 *Salmon*, Gallery Site 1280, Eugene, OR

1995 *inflorescence*, UAF Botanical Garden, 75th anniversary, Fairbanks, AK

PROFESSIONAL EXPERIENCE selected

2012-1999 *Artist in Residence*, Artist in the Schools Program, Fairbanks, AK

•North Pole High School •Salcha Elementary

•Anne Wehn Elementary •New Beginnings Charter School

•Tanana Middle School *"Teaching Artist" Certified
2011-1998 *Juror*, Fairbanks International Ice Art Competition, Fairbanks, AK
2004 *Juror of Feature Films*, Anchorage Film Festival, Anchorage, AK
2004 *Artist in Residence*, Denali National Parks and Preserve, Denali, AK
2003 *Juror*, 1st Annual Ink Fest, Anchorage, AK
2001-1997 *Wood Carving, Sculpture, Earth Art Instructor*, UAF Summer Fine Arts Camp
1999 *Sculpture Instructor*, Arts in the Parks, Fairbanks Arts Association
1998 *Sculpture Instructor*, University of Alaska Fairbanks

EDUCATION

1996 University of Alaska Fairbanks B.F.A *Major: Sculpture Minor: Painting*
1990 Lathrop High School Fairbanks, AK *Honor Society Award in Art*
1998 Marie Walsh Sharpe Art Foundation* Colorado Springs, CO
**Summer Seminar Program for H.S. Juniors, full scholarship*

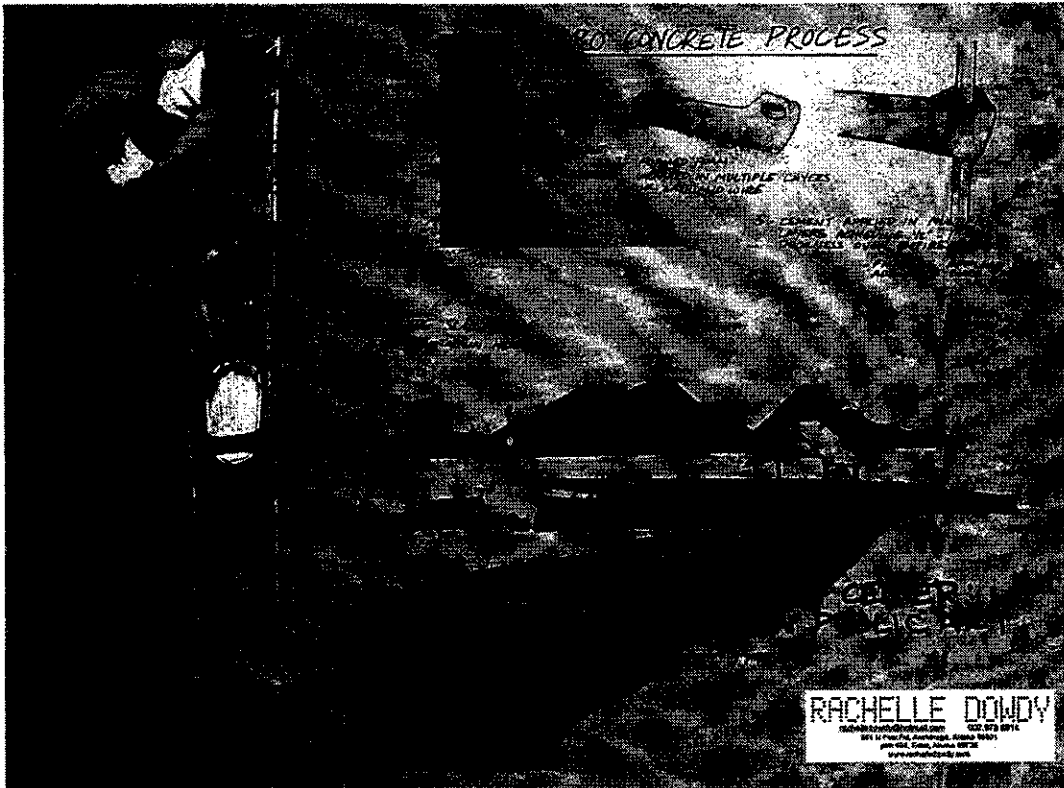
ORGANIZATIONS & COMMITTEES

PRESENT-2003 Arts Advisory Panel, International Gallery of Contemporary Art, Anchorage, AK
2000-2004 Founding Member, SoNot, Artist Coalition, Fairbanks, AK
2003 Artist Selection Committee, Artist in the School Program, AK State Arts Council
2001 Panelist, 1% for Art, Hunter Elementary, Fairbanks North Star School District
1997-2001 Visual Art Committee, Fairbanks Arts Association, Fairbanks, AK

COLLECTIONS select

Anchorage Museum of History and Art Municipality of Anchorage
State of Alaska 1% for Art Program Ted Stevens International Airport
Alaska Psychiatric Institute Morris Thompson Cultural and Visitor Center
Alaska Museum of the North Julie Decker & Michael Morris
Ken Shack Jocelyn Young & Gil Dammond
Sonya Kelliher-Combs & Shaun Combs Wanda Seamster & Mark Fryer
Asia Freeman Michele Miller
Greg Carr Buck and Agnes Walsky
Nancy Burnham David Mollet
Greg and Monica Lyall Donna Goldsmith
Charlotte Fox Dagmar Phillips and Steven Haycox

Proposed Project



RACHELLE DOWDY

rachedowdy@hotmail.com 907.978.6814

251 N Post Rd. Anchorage, Alaska 99501

PO Box 404 Ester, Alaska 99725

www.rachedowdy.com

Bunnell Street Art Center: Old Town Public Art

Loon Figure- Piece Not Yet Titled

Timeline:

Rigid Armature

1.5 weeks

Foam and Lath/Wire Secondary Armature

3 weeks

Concrete Application

3 days

Cure Time and Sanding

1.5 month

Finish and Paint

1 week

Install

1 week

10

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PO Box 404 Ester, Alaska 99725
www.rachelledowdy.com

Bunnell Street Art Center: Old Town Public Art

Loon Figure- Piece Not Yet Titled

Description:

Pacific Loons are indigenous to the area, but nonetheless it is a special experience to encounter these spectacular birds. Bishops Beach offers the unique opportunity for sharing these amazing spaces and moments.

The ferro-concrete loon figure will stand 8-9' in height. The concrete pedestal/pad will add 16-24" to the overall height. Affixed to an aluminum mounting plate and additionally supported through the sculpture's fist soars a commercial grade windsock on a 12' pole. This anthropomorphic sculpture is not only a reminder of our shared space, but the windsock gives us an instant visual cue too the immediate conditions we are about to immerse ourselves into.

RACHELLE DOWDY

rachelledowdy@hotmail.com 907.978.6914
 251 N Post Rd. Anchorage, Alaska 99501
 PO Box 404 Ester, Alaska 99725
www.rachelledowdy.com

Bunnell Street Art Center: Old Town Public Art

Loon Figure- Piece Not Yet Titled

Proposed Budget:

Materials and Supplies, steel, concrete, aluminum, commercial wind sock and assembly and finishes	\$ 5,000
Artist/Design Fee	\$ 1,000
Assistance	--
Studio and Office Cost	--
Production and Fabrication	\$ 4,000
Insurance	\$ 500
Tools:	--
Purchase	--
Rental	--
Crating and Shipping/Transport	\$ 1,000
Installation	\$ 1,500
Documentation Cost	\$ 500
Signage/Plaque	\$ 500
Engineer, Permitting Fees	--
Travel	\$ 500
Contingency	\$ 500
Total:	\$15,000

ART PRODUCTION CONTRACT WITH **Rachelle Dowdy**

In consideration of the mutual promises herein, **Bunnell Street Arts Center** and **The City of Homer** and **Rachelle Dowdy** agree as follows. This contract consists of:

- A. Part I, consisting of Special Provisions;
- B. Part II, consisting of General Provisions;

PART I

SPECIAL PROVISIONS

Section 1. Definitions.

In this contract:

- A. "Administrator" means the Staff of Bunnell
- B. Homer means the town of Homer, Alaska.
- C. "Artist" means **Rachelle Dowdy**.
- D. "Artwork" means the Artwork described in Part I,

Section 2 of this contract.

- E. "Jury" means the Art Selection Jury

Section 2. Scope of Performance.

A. The Artist shall design, execute and install a sculpture yet to be titled in the park at Bishops Beach in Old Town Homer Alaska. The 8ft to 9ft sculpture is of a Pacific Loon standing upright wearing a Hawaiian T-shirt, holding a metal pole 12 ft. in length, which contains a wind sock at the top of the pole.

B. The Artist's sculpture as approved by the Jury shall become the property of the city Homer.

C. The Artwork shall be installed in the park at Bishops Beach in Old Town Homer Alaska.

D. Within sixty (60) days of the acceptance of the Artwork by Bunnell, the Artist shall provide the Administrator with photographic documentation of the Artwork taken after installation. The documentation shall be of publication quality, satisfactory to the Administrator and shall consist of at least three (3) high quality digital photographs at 300 dpi, submitted on a disk and/or emailed.

- E. Prior to final acceptance of the Artwork by the

Administrator, the Artist shall restore the site of the Artwork to a condition at least as good as the Artist found it before installation.

Section 3. Time for Performance.

A. This contract becomes effective when signed on behalf of Bunnell.

B. The Artist shall complete performance of the work described in Section 2 above on or before July 31st, 2014.

C. In the event the Artist is unable to install the Artwork in the manner and at the time required by this contract because the site for the Artwork is not yet fully prepared or if the Artist is unable to complete performance by the specified date due to delays by supplier or fabricator, delays caused by Bunnell, or other events beyond the Artist's control, the parties agree that the Artist shall install the Artwork at a later date to be determined by the Administrator upon no less than thirty (30) days advance written notice. Bunnell shall provide such notice to the Artist within a reasonable time after the site is fully prepared for installation of the Artwork.

D. The Artist shall not be entitled to receive any additional compensation in the event that installation of the Artwork is delayed.

E. Completion of the work described in Section 2 above shall not affect the parties' other obligations under this contract, and all other portions of this contract shall continue to be in full force and effect.

Section 4. Compensation; Method of Payment.

A. Subject to the Artist's satisfactory performance, the total amount of compensation paid under this contract shall not exceed **fifteen thousand dollars (\$15,000.00)**, and Bunnell agrees to pay this sum to the Artist in full payment for the Artwork.

B. Upon receipt of an appropriate invoice for services and any documentation requested by the Administrator, Bunnell shall compensate the Artist in accordance with the following schedule:

1. Twenty-five percent (25%) upon execution of this

Contract.

2. Twenty-five (25%) upon commencement of work with proof to the satisfaction of Bunnell;
3. Twenty-five (25%) upon substantial completion of the artwork;
4. Twenty percent (25%) upon final acceptance of the fully finished and installed artwork and the required photographic and written documentation accepted by Bunnell. Final acceptance shall not be unreasonably withheld.

C. That portion of compensation retained by the Artist, whether for the Artist's design or labor or otherwise, shall be greater or smaller depending upon the portion of compensation the Artist pays out for materials and other costs; if materials and other costs are larger than anticipated, the Artist's ultimate share of the total compensation shall be proportionately smaller; if efficiencies and economies are realized and costs decrease, then the Artist's ultimate share of the total compensation shall be proportionately greater. Under no circumstance is the Artist entitled to total compensation in excess of the amount described in subsection A of this section. Neither is the Artist entitled to any compensation under this contract beyond the scope of Bunnell's express obligations under subsections A and B of this section.

D. The Artist is not entitled to any compensation under this contract, other than what is expressly provided for in this section.

Section 5. Termination of Artist's Services.

The Artist's services under Part I Section 2 may be terminated:

- A. By mutual consent of the parties.
- B. For the convenience of Bunnell, provided that Bunnell notifies the Artist in writing of its intent to terminate under this paragraph at least ten (10) days prior to the effective date of the termination.

C. For cause, by either party where the other party

fails in any material way to perform its obligations under this contract. Termination under this subsection is subject to the condition that the terminating party notifies the other party of the intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to cure the default within thirty (30) days after receiving the notice.

Section 6. Duties Upon Termination.

A. If Bunnell terminates the Artist's services for convenience Bunnell shall pay the Artist for her actual costs reasonably incurred in performing before the termination. Payment under this subsection shall not exceed the total compensation allowable under Part I Section 4. All finished and unfinished documents and materials prepared by the Artist under this contract shall become the property of Bunnell at its option.

B. If the Artist's services are terminated for cause, Bunnell shall pay the Artist the reasonable value of the services satisfactorily rendered prior to termination less any damages suffered by Bunnell because of the Artist's failure to perform satisfactorily. Any finished or unfinished documents or materials prepared by the Artist under this contract shall become the property of Bunnell at its option. Payment under this subsection shall not exceed ninety percent (90%) of the total compensation allowable under Part I Section 4.

C. If the Artist receives payments exceeding the amount to which he is entitled under subsection A or B of this section, she shall remit the excess to the Administrator within thirty (30) days of receiving written notice to do so.

D. The Artist shall not be entitled to compensation under this section until the Artist has delivered to the Administrator all documents, records, work product, materials, and equipment owned by Bunnell, related to this contract and requested by the Administrator.

E. If the Artist's services are terminated for whatever reason; the Artist shall not be entitled to any compensation under this contract other than that allowed by this section. For purposes of calculating any payment that may be due under either A

or B of this section:

1. Artist's design fees shall not exceed ten percent (10%) of the total compensation possible under Part I Section 4(A);
2. The Artist's time and the time of any assistants spent in working on this project shall be valued at no more than THIRTY-FIVE AND NO/100 DOLLARS (\$35.00) per hour.

F. Except as provided in this section, termination of the Artist's services under Part I Section 5 does not affect any other right or obligation of a party under this contract.

Section 7. Risk of Loss.

The Artist shall be responsible for care and protection of the Artwork until final acceptance by Bunnell and shall repair or restore any damage sustained by the Artwork prior to such final acceptance. Final acceptance of the Artwork shall be written, and risk of loss does not shift from Artist to the City of Homer until the Administrator issues final acceptance in writing.

Section 8. Insurance.

A. Insurance is not required until the delivery and installation of the Artwork on site. The Artist shall not commence work on site until all required insurance has been obtained and such insurance has been approved by Bunnell.

Section 9. Assignments.

This contract is personal in nature. Unless otherwise allowed by this contract or in writing by the Administrator, any assignment by the Artist of his interest in any part of this contract or any delegation of duties under this contract shall be void, and any attempt by the Artist to assign any part of his interest or delegate duties under this contract shall give Bunnell the right immediately to terminate this contract without any liability for work performed.

Section 10. Ownership.

The City of Homer shall own the Artwork created by the Artist pursuant to this contract, provided, however, copyright in the Artwork, including the design, shall be owned by the Artist,

subject to the following restrictions:

A. If the relocation of the Artwork which may become necessary during the life of the Artist, The City of Homer shall, to the extent practicable, first consult the Artist.

B. The Artist shall not to recreate the Artwork for another person or organization.

C. Bunnell and/or The City of Homer may use the image of the Artwork for all standard gallery purposes including, but not limited to, displaying the work(s), lending the work(s), reproducing the work(s) by methods involving photographic, electronic and mechanical means, and displaying, distributing, selling and transmitting such reproductions or images to the general public. Reproductions and transmissions may be released through media such as catalogues, books, brochures, postcards, invitations, magazines, newspapers, journals, films, television, slides, negatives and prints. All reproductions shall bear copyright notice, as prescribed by the Copyright Law of the United States, which shall read as follows ©**Rachelle Dowdy**. The effective date of this non-exclusive license shall coincide with the date of ownership of the work(s) of art itself and does not transfer ownership of the copyright to the City of Homer.

D. The Artist shall be entitled to retain and utilize copies of the drawings and models, including photographs of the work, for her own exhibitions. The Artist shall further be entitled to reproduce such drawings, models and photographs for use in her portfolio and in books and publications about his work, and to exercise all other reproduction rights provided under the United States copyright laws, except as otherwise restricted by this contract.

Section 11. Notices.

Any notice required pertaining to the subject matter of this contract shall be either sent via facsimile (FAX) or mailed by prepaid first class registered or certified mail, return receipt requested, to the parties at the following addresses:

Homer: Bunnell Street Arts Center

106 West Bunnell Ave, Suite A
Homer, AK 99603
(907) 235-2662

Artist: Rachelle Dowdy
251 North Post Road
Anchorage, AK 99501
(907) 978-6914

PART II
GENERAL CONTRACT PROVISIONS

Section 1. Relationship of Parties.

The Artist shall perform her obligations hereunder as an independent contractor of Bunnell. Bunnell may administer the contract and monitor the Artist's compliance with its obligations hereunder. Bunnell shall not supervise or direct the Artist other than as provided in this section.

Section 3. Permits, Laws and Taxes.

The Artist shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to her performance under this contract. All actions taken by the Artist under this contract shall comply with all applicable statutes, ordinances, rules, and regulations. The Artist shall pay all taxes pertaining to his performance under this contract.

Section 4. Nonwaiver.

The failure of either party at any time to enforce a provision of this contract shall in no way constitute a waiver of the provision, nor in any way affect the validity of this contract or any part, or the right of such party thereafter to enforce each and every provision hereof.

Section 5. Amendment.

A. This contract shall only be amended, modified, or changed in writing, executed by authorized representatives of the parties, with the same formality as this contract was executed.

B. For the purposes of any amendment modification or change to the terms and conditions of this contract, the only authorized representatives of the parties are:

Artist: **Rachelle Dowdy**

Homer: **Bunnell Street Arts Center**

C. Any attempt to amend, modify, or change this contract

by either an unauthorized representative or unauthorized means shall be void.

Section 6. Jurisdiction; Choice of Law.

Any civil action arising from this contract shall be brought and maintained in the Superior Court for the Third Judicial District of the State of Alaska at Anchorage. The laws of the State of Alaska shall govern the rights and obligations of the parties under this contract.

Section 7. Severability.

Any provision of this contract decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the contract.

Section 8. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this contract shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto.

Section 9. Guarantee.

The Artist guarantees the Artwork against any and all defects in materials, workmanship, or design for a period of one (1) year after final acceptance of the Artwork by Bunnell . Upon request of the Administrator, the Artist shall repair, alter or otherwise remedy any defect in the Artwork, which arises during the guarantee period at the sole expense of the Artist.

Section 10. Liability.

A. If the Artist uses subcontractors or other trades to aid her in the execution of this contract, the Artist shall be responsible for the payment of such work done by these subcontractors and shall secure evidence of payment by waiver of lien by these subcontractors. No third party rights arise by this agreement.

B. The Artist shall indemnify, defend, save, and hold Bunnell and the City of Homer harmless from any and all claims, lawsuits, or liability including attorney's fees and costs allegedly arising out of, in connection with, or incident to any

loss, damage or injury to persons or property occurring during the course of or as a result of the Artist's or any subcontractor's performance pursuant to this contract.

Section 11. Right to Inspect.

The Artist shall, at any time during normal business hours and as often as Bunnell may deem necessary, permit the Administrator to inspect the progress of the Artist's performance under this contract.

Section 12. Repair and Restoration.

A. City of Homer shall make reasonable efforts to maintain the Artwork in good repair at all times after final acceptance by Bunnell. Prior to any repair and restoration of the Artwork which may become necessary during the life of the Artist, Bunnell shall, to the extent practicable, first consult the Artist by sending a notice of such to her at her address.

B. If any damage, modification, change, or alteration occurs to the Artwork after it has been accepted by Bunnell and The City of HOmer then the Artwork shall no longer be represented to be the work of the Artist without her written consent.

Section 13. Availability of Funds. This contract is subject to the availability of funds lawfully appropriated for its performance. Bunnell represents that \$15,000.00 (\$15,000.00), has been appropriated for this project and is available for this purpose.

IN WITNESS WHEREOF, the parties have executed this contract on the date and at the place shown below.

Asia Freeman
Executive Director Bunnell Street Arts Center
Date: _____

Carey Meyer
City of Homer, Director of Public Works
Date: _____

Rachelle Dowdy

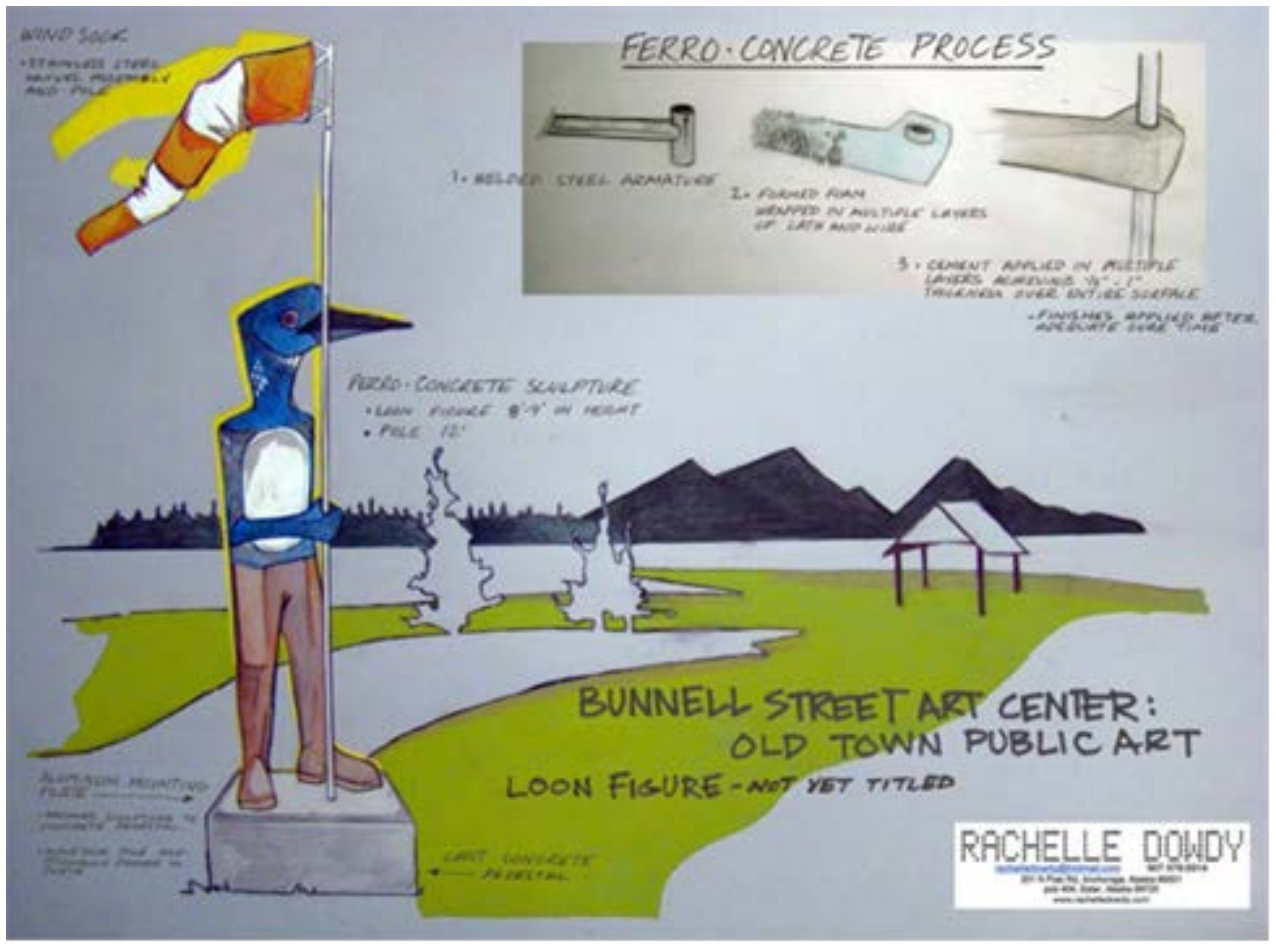
SS# _____
DATE: _____

This is to certify that on the _____ day of _____, 2012, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared _____, known to me to be the _____ of _____, the corporation named in the foregoing instrument, acknowledged to me that (he/she, in his/her) official capacity, is authorized by the corporation to execute the foregoing instrument as the free act and deed of the said corporation for the uses and purposes therein stated.

WITNESS my hand and official seal the date and year first above written.

NOTARY PUBLIC in and for Alaska
My Commission Expires: _____

Date: _____





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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).



City of Homer

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Administration

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(f) 907-235-3148

Memorandum 14-144

TO: Mayor Wythe and Homer City Council
THROUGH: Walt Wrede, City Manager
FROM: Katie Koester, Community and Economic Development Coordinator
DATE: September 17, 2014
SUBJECT: Additional proposed new project for the 2015-2020 CIP

Attached you will find a proposed new project that was recently submitted by the Homer Hockey Association. Please add this to your list of proposed new projects you are considering for the 2015-2020 Capital Improvement Plan.



Homer Hockey Association Kevin Bell Ice Arena Building/Land Acquisition

Project Description & Benefit: The Kevin Bell Arena was constructed in 2005, with initial funding from grants associated with the Kenai Peninsula hosting the 2006 Arctic Winter Games combined with a loan from English Bay Corporation/Homer Spit Properties. Since opening its doors, the Homer Hockey Association (HHA) has operated the rink within its yearly \$300,000 budget. In September 2015, HHA will have to begin paying the principal on its loan which will double monthly payments and make programs too expensive for people to participate. In order to purchase the building and the land, HHA needs to obtain \$2.74 million dollars.

The Homer Hockey Association (HHA) is a volunteer run, non-profit organization, one of a few in the USA. In 2012, HHA won the Alaska Recreation & Parks Association Outstanding Organization award. Volunteers contributed an estimated 14,000 volunteer hours in the 2013-14 season, representing a huge commitment of time and effort by our community. The Kevin Bell Arena hosts up to 800 users a week during the winter.

The Homer Ice Rink hosts many tournaments and events that bring commerce to the City of Homer, especially important during the winter when tourism is low. In the 2013-14 season, HHA hosted 12 separate events with a combined total of 194 games. These tournaments and jamborees brought over 1377 out of town players to Homer who often brought family and fans and spent money in the form of lodging, dining, food and merchandise purchases.

Plans & Progress: The mission of the Homer Hockey Association/Kevin Bell Arena is to cultivate on-ice recreation of all kinds, for all ages, on the Lower Kenai Peninsula. We are accomplishing this mission. We have expanded our programs over the years to include activities for all including: figure skating, hockey for adults and children, broomball, and a new curling program.

Revenue from fundraising, grants, and sponsorships is significant for the organization. Last year, HHA sponsored a seafood dinner, golf tournament, garage sale, and pie auction earning a total of \$13,883. Grants and sponsorships totaled \$68,289 and our raffle, which is mandatory for all of our members, earned \$23,834 for the 2013-14 season. This season, we are conducting some of the same fundraisers and also pursuing a crowdfunding project to obtain contributions from a wider group, not just Homer residents. Every year since the Kevin Bell Arena opened in 2005, the HHA has operated within its budget.

Because of our dire financial situation and the extensive time commitment of our volunteer board, we created a financial task force to explore avenues to secure our financial future. Our grass roots campaign has secured resolutions from the City of Homer and the Kenai Peninsula Borough and is presently circulating a petition to solicit support and inform Kenai Peninsula residents as well as ice sports supporters everywhere of our situation. We have been in contact with our state and federal legislators about our financial situation and are requested their help in identifying possible funding sources.

Total Project Cost: \$2,740,000

Schedule: 2014-2015



**Proposed
by: HHA**

PROPOSED NEW PROJECT - DRAFT

NEW BUSINESS

RESOLUTIONS

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

