

# CITY COUNCIL JANUARY 12, 2015 MONDAY



Special Meeting 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

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# 2015 JANUARY



- Monday 12<sup>th</sup>:** **CITY COUNCIL**  
Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m.,  
and Regular Meeting 6:00 p.m.
- Tuesday 13<sup>th</sup>:** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Wednesday 14<sup>th</sup>:** **CITY MANAGER SELECTION COMMITTEE**  
Meeting 4:00 p.m.
- Monday 19<sup>th</sup>:** **PUBLIC SAFETY BUILDING REVIEW COMMITTEE**  
Regular Meeting 5:30 p.m.
- Wednesday 21<sup>st</sup>:** **PLANNING COMMISSION**  
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 22<sup>nd</sup>:** **PARKS AND RECREATION ADVISORY COMMISSION**  
Special Meeting 5:30 p.m.
- Monday 26<sup>th</sup>:** **CITY COUNCIL**  
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m.,  
and Regular Meeting 6:00 p.m.

**Regular Meeting Schedule**  
**City Council 2<sup>nd</sup> and 4<sup>th</sup> Mondays 6 p.m.**  
**Library Advisory Board 1<sup>st</sup> Tuesday with the exception of January,  
April, August, & November 5 p.m.**  
**Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6 p.m.**  
**Parks and Recreation Advisory Commission 3<sup>rd</sup> Thursday with the exception of  
July & December 5:30 p.m.**  
**Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.**  
**Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5 p.m. (May – August 6 p.m.)**  
**Public Arts Committee Quarterly 2<sup>nd</sup> Thursday 5 p.m.**  
**Permanent Fund Committee Quarterly 2<sup>nd</sup> Thursday 5:15 p.m.**

## **MAYOR AND CITY COUNCILMEMBERS AND TERMS**

**BETH WYTHE, MAYOR – 16**  
**FRANCIE ROBERTS, COUNCILMEMBER – 15**  
**BRYAN ZAK, COUNCILMEMBER – 16**  
**DAVID LEWIS, COUNCILMEMBER – 17**  
**BEAUREGARD BURGESS, COUNCILMEMBER – 15**  
**GUS VAN DYKE, COUNCILMEMBER – 16**  
**CATRIONA REYNOLDS, COUNCILMEMBER – 17**

**City Manager, Marvin Yoder**  
**City Attorney, Thomas F. Klinkner**

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



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



**SPECIAL MEETING**  
**4:00 P.M. MONDAY**  
**JANUARY 12, 2015**  
**COWLES COUNCIL CHAMBERS**

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
COUNCIL MEMBER CATRIONA REYNOLDS  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER MARVIN YODER  
CITY CLERK JO JOHNSON

### **SPECIAL MEETING AGENDA**

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

Councilmember Zak has requested excusal.

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

**3. Memorandum 15-001**, 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 (Natural Gas Assessments for Condominiums).

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**4. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, January 26, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.





# City of Homer

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

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## Memorandum 15-001

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: JANUARY 5, 2015

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(1 & 5) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY/CLIENT PRIVILEGE (NATURAL GAS ASSESSMENTS FOR CONDOMINIUMS).

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

Mayor Pro Tempore Roberts requested an Executive Session regarding "Natural Gas Assessments for Condominiums" for the Special Meeting of January 12, 2015. This has been publicly and internally noticed since that time.

Attorney Klinkner will be present and staff will participate.

### RECOMMENDATION:

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







# City of Homer

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## MEMORANDUM

**TO:** Julie Engebretsen, Jo Johnson, Dan Gardner, Marvin Yoder

**FROM:** Walt Wrede *W. Wrede*

**DATE:** December 12, 2014

**SUBJECT:** Transition Notes: Condominiums and the Final Assessment Roll

### Introduction

At the November 25 meeting, the City Council received Memorandum 14-175 which provided a status report on the Homer Natural Gas Distribution System project. The Memorandum included a section on Condominium units and how they should be assessed on the final assessment roll. The memorandum was accompanied by a memorandum from Tom Klinkner which went into much more detail and contained a very specific recommendation on how condominium units should be treated. I believe you all have copies of both Memos. If not, I will get them to you.

The Council reviewed the material and listened to Mr. Klinkner's explanation at the meeting. However, it was not able to take action or make any decisions at that time. If the Council does not agree with Tom's recommendation or wishes to discuss the matter, or other options further, I would suggest that an executive session be scheduled for the January 12<sup>th</sup> meeting at 4 PM. I understand that Tom is planning to be at that meeting. Marvin Yoder will be there also and it would be good for him to be involved in the discussion.

For the purposes of this memorandum, I will assume that the Council accepts Tom's recommendation and wants us to proceed accordingly. As you know, tying up the condominium piece is one of the last remaining tasks that must be addressed in order for the final assessment roll to be completed. So, following is an outline of the steps that should be taken to complete this task. The outline is based upon Tom's recommendation. As you can see, this will require some research and possibly field work. Not all condos are treated the same.

### Condominium Assessments / Next Steps

1. **For condos where more than one unit is served by a single service line or meter.** Determine the actual number of condominium units in each condominium building, exclude all units, tax parcels, lots, or parts of the property that are owned in common ( boiler rooms, parking lots, open space, the lot the building sits on, etc), apply a single per lot assessment to the property, divide the per lot assessment by the number of condominium units, and levy the resulting amount against each unit.
2. **For condo complexes that consist of multiple buildings, each of which has its own service connection.** Assign full single lot assessment to each building with a service connection, divide by

the number of condo units in that building, and levy the resulting amount against each unit in the building.

3. **For condo complexes where each unit has a separate service connection or meter.** Assign a full per lot assessment to each unit that has a separate service connection.
4. **For condominiums in the district that are not currently hooked up to natural gas.** Consult with the Condo association and/or Enstar to see how the condos would most likely receive service. In some cases, the Condominiums may have applied for service but not yet received it and that information would be helpful.
5. Correctly correlate the actual elements of the condominium with the KPB tax assessment records. As we learned in the Castner case, some tax parcels with tax IDs may actually be elements owned in common and are therefore not subject to an assessment. Also, we have to be very careful this time to distinguish between the mailing list of people who have an interest in properties to be assessed, and the actual assessment roll. This caused confusion last time around.

Thanks. I appreciate all of the work you have done on this project to date. It has been a huge undertaking. It will be nice to get it wrapped up. I think we are scheduled to roll out the assessment roll the second meeting in January, so this is a loose end that needs to be tied up rather soon. Once we do this, we can give the community the final assessment amount.



## City of Homer

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### Memorandum 14-175

**TO:** Mayor Wythe and Homer City Council

**FROM:** Walt Wrede

**Date:** November 24, 2014

**SUBJECT:** Natural Gas Distribution System

#### ***STATUS REPORT***

#### ***HOMER NATURAL GAS DISTRIBUTION SYSTEM SPECIAL ASSESSMENT DISTRICT***

##### Introduction / Background

The Homer Natural Gas Distribution System project has a history of public discussion and Council action that goes back to 2009 when the possibility of a gas line extending to Homer from the North Fork looked more and more realistic. I will not attempt to rehash all of that history here, but it did seem useful to highlight the significant Council actions that got us to where we are today.

- When it adopted Resolution 12-069, the City Council initiated a Natural Gas Distribution System Special Assessment District. The Resolution contained a finding that all parcels of real property would be assessed equally because they would be provided access to gas.
- Resolution 12-081 contained and endorsed an improvement plan for the Special Assessment District. The plan included a per-lot assessment estimated to be \$3,283.30. This amount was a preliminary estimate and was subject to adjustment based upon the City's actual costs incurred for the improvement and the number of parcels on the final assessment roll.
- Ordinance 12-46 appropriated \$50,165 for the first round of assessment district administrative costs and for public outreach and education. The funds were to be recovered later through property assessments.
- Ordinance 13-02 formally created the Homer Natural Gas Distribution System Special Assessment District.
- Ordinance 13-03 (S) (2) authorized the City to issue Natural Gas Distribution System Special Assessment Bonds in an amount not to exceed \$12,700,00 to finance the project.

- Ordinance 13-09 appropriated funds in the amount of \$539,368 for administration and direct services provided in support of the assessment district and established a project budget. The funds were to be recovered over ten years through property assessments.
- Resolution 13-017 (S) authorized and approved a construction contract between the City of Homer and Enstar Natural Gas Company in an amount not to exceed \$12,160,632.

### Construction Summary

The gas distribution system construction project was completed in two seasons. This is impressive because there were many knowledgeable and experienced parties who were skeptical that a job of this size and scope could be done in two seasons. The original plan was for the "Core Area" in downtown to be constructed in 2013 and the East End, Spit, and Bluff areas to be completed in 2014. The warm winter in 2013-2014 enabled the contractors to accelerate the schedule and work on the Spit was completed during the winter months. Work in parts of the West Hill area began earlier in the season than originally anticipated.

The end result was that the entire project was completed several months early. Again, we cannot say enough about the contractors who worked for Enstar. They did an excellent job and responded quickly to City or citizen inquiries. Enstar, the contractors, and the City staff worked very well together and coordinated their efforts toward a common goal. Problems were resolved quickly and efficiently. Our early concerns about traffic disruptions, dust, property owner complaints, and general public inconvenience did not materialize except for a very few isolated incidents. In summary, the project went about as smoothly as anyone could have hoped for.

The contract between the City and Enstar contained a preliminary estimate that the project would consist of 392,000 linear feet or 74.24 miles of pipe. Those numbers were refined later when the engineered / design plan was completed in preparation for the bidding process. The designed plans called for 377,054 linear feet or 71.41 miles of pipe. The final constructed / installed number is 375,835 linear feet or 71.18 miles of pipe.

There are many reasons for the differences between the estimates in the contract, the engineered plans, and the final construction numbers. First, estimates became much more precise as Enstar moved from the preliminary drawings used for project planning and contract discussion purposes to the engineered, bid ready documents used later. Most of the adjustments were mutually agreed upon. For example, there were instances where the alignment of a section of pipe was changed because a more direct and shorter route was identified. There were times where it was decided not to construct sections of pipe that were in the original design because the right of way was not cleared or constructed, there were no other utilities present, no structures to be served, and construction would have been expensive with little or no benefit. There were instances where pipe was eliminated because all of the adjacent lots could be served from different directions and the pipe was redundant (Poopdeck ROW). There were also instances where additional pipe was installed due to unforeseen circumstances such as the Enstar's inability to obtain easements.

One of the major reasons this project went far more smoothly than anyone anticipated was the fact that much more of the project was "bored" than the design or bid documents anticipated. Boring costs are significantly more per unit than "trenching". The original design and cost estimate

Anticipated that boring would only be used to avoid or mitigate damage to sensitive areas like streams, wetlands, or steep trenches. It would also be used in downtown areas where there would be potential conflicts with other utilities or infrastructure and/or restoration costs (pavement, sidewalks) would be high if trenching were employed. In short, the plan was to trench as much as possible to keep costs and ultimately assessments as low as possible.

The project design and bid documents called for 7.8 miles or 10% of the project to be bored and 64.33 miles or 90% of the project to be trenched. In the end, 46.02 miles or 65% of the pipe was installed using boring technology and 25.16 miles or 35% was installed by trenching. As you can see, this is a significant difference. There are a number of reasons for this. They include:

- Preliminary engineering and fieldwork, conducted mostly in winter and without the benefit of field locates, did not anticipate or identify all of the areas where boring was preferred or necessary.
- Most of the decisions to bore were made independently by the contractors because they found it to be in their best interest to do so. For example, UTI received a discount on the normal per unit cost of boring in year one because of the anticipated volume of work. Other times contractors determined that it was cheaper and easier to bore because they could avoid permitting, mitigation, and restoration costs that might be associated with trenching. In all cases where the contractors decided independently to bore, they were paid the trench price.
- In some cases the City agreed to boring in advance due to special circumstances. For instance, on Kachemak Drive and on Skyline Drive, there were areas where Enstar could only obtain vital easements if it agreed to bore. If we had refused, important gas loops would not have been completed and we would have been left with dead end lines. In addition, a significant number of parcels that were included in the assessment district and whose owners wanted gas would not have been served. We determined it was worth the extra money in those cases.

### Property Served

A benefited or served property in the Homer Natural Gas Distribution System Assessment District is defined as a property that has a gas line fronting its property line or one that is close enough, as in the case of a cul-de-sac, to be accessed with a normal service line. The preliminary assessment roll contained 3,855 properties to be assessed. This number was used to calculate the estimated assessment per property. Assessment rolls are often changing and evolving based upon new information and circumstances and this one is no exception. It will likely change several more times between now and the time Council approves the final roll. The Council has already amended the preliminary assessment roll several times by resolution, most recently through adoption of Resolution 14-092-A.

The current, amended roll contains 3,816 properties to be assessed. This is a reduction of 39 properties. This is important to note because 39 fewer properties at an estimated assessment of \$3,283 per property results in a \$128,037 reduction in revenue; revenue that is needed to repay the City's loan. Following is break down of those 39 properties:

- 11 properties were removed from the roll due to lot line vacations which occurred prior to the deadline established by Council.
- 9 properties were exempted from assessment because they were not benefitted. These are properties that are not developable for some reason, pursuant to criteria established by Council resolution.
- 19 properties were excluded from the assessment district because they were not served due to mutual decisions by the City and Enstar (See Construction Summary Above).

As requested by Council, the Planning Department will produce a large map that can be placed on the wall for the next meeting on December 8, 2014. This map will show where the gas lines are constructed, which properties are served, and which properties are either exempted or not served.

### Project Cost

The estimated total project cost prior to construction was \$12,700,000. This number includes the not to exceed contract price with Enstar (\$12,160,632) plus the City budgeted administration and direct costs (\$539,368). The news is good with respect to both components of the budget. The final negotiated post construction project cost was \$12,085,632 or \$75,000 below the not to exceed contract amount. The City's costs are \$273,756 or \$265,612 below the approved budget. This figure includes anticipated administrative expenses that will accrue during the next phase of assessment district approval and finalization in 2015.

Therefore, the final project cost is \$12,359,388. This is \$340,612 below the total project budget. So, the news so far is good. The project was completed on time and under budget. An added financial benefit is the fact that the City will not have to draw down as much money on its loan with the Borough as expected.

### Condominiums

The preliminary assessment roll included full assessments for each individual condominium unit within a condominium building or complex. Kenneth W. Castner III sued the City (3HO-13-38 CI) and argued that the condominium complex he had an ownership interest in should only receive one assessment for the parcel it was located on. The City argued otherwise based upon the clear language of the relevant statute and second opinions obtained by attorneys experienced in this area of law. The judge ruled in favor of Castner and against the City. The City believes this was a flawed decision for many reasons but decided that on balance, it was not worth the time, effort, and expense to appeal. It is not my intent to rehash this case here.

The judge's decision had the potential to have very significant impacts upon the assessment roll and the assessment amount ultimately paid by the remaining property owners. For example, if the City only levied one assessment per lot for condominium units, approximately 102 properties would be dropped from the assessment roll. One hundred and two properties times the projected per property assessment is \$334,000 in lost revenue needed to repay the Borough loan. This lost revenue and additional cost would have to be shifted to the remaining property owners in the assessment district.

Since the judge rendered his decision, Tom Klinkner and I have spent time weighing the costs and benefits of various alternative approaches to assessing Condos. We have tried to balance the

Competing requirements of the judge's decision, the statutes, the desire to achieve a degree of proportionality and fairness for all property owners, and other financial, legal, and political considerations.

A recommendation from Tom on how to proceed with the assessment of condos is attached and Tom will be available to discuss this with you in person at the November 24 meeting. In short, Tom concludes, all things considered, that the City would be best served by issuing one assessment per lot for condo buildings and dividing the assessment by the number of condos in the building. Exceptions to this approach would include condos with individual service lines and/or meters. So for example, in Mr. Castner's case, if we apply one assessment to the property, subtract the separate tax parcels that are owned in common, and divide it by the number of condo units (assuming 5), you wind up with an assessment for each condo of about \$657.00. This approach complies with the law and assigns individual assessments to each condo. Therefore, the assessment roll does not lose 102 properties. However, the bottom line is still the same. Approximately \$334,000 in assessment revenue is lost which will have to be made up somehow. This amount may be reduced somewhat when condos with individual service lines or meters are accounted for.

The discussion in the next section on projected assessments assumes that the Council will accept Tom's recommendation. We understand that may not be the case. If the Council wants to discuss this further in more detail, including legal strategies and the potential legal costs, benefits, and risks associated with other alternatives, I would suggest an executive session soon, before the final assessment roll is produced for public consumption in late January. If Council does not object or question the recommendation, this is the approach the administration will take in preparing the final assessment roll. Remember that Council will still have public hearings on the final roll and the opportunity to hear property owner objections. The Council will have additional opportunities to amend the roll at that time as it sees appropriate before final approval.

#### Projected Assessments

Following is a chart that shows what the estimated property assessment will be using the new, updated information we have on total project costs and the number of properties to be assessed. Keep in mind that this will likely change slightly before the final roll is produced as new information on individual condos is produced and other information emerges during the public comment and objection period. For information purposes, this chart contains a comparison of the original assessment estimate vs. the current, post project estimate and a comparison of what assessments will be if each individual condo unit receives a full assessment rather than one assessment per lot divided by the number of condos.

Original Cost Estimate: \$12,657,147 (This is the first estimate that was used to calculate estimated assessments)

Final Total Project Cost: \$12,359,388

	<u>Number of Parcels</u>	<u>Assessment</u>	<u>Difference from original</u>
Original Estimate	3855	\$3,283.31	
Condos Fully Assessed	3816	\$3,238.83	-- \$44.48
Condos Assessed Per Lot	3714	\$3,327.78	+ \$44.47

It should be noted that the City will be receiving quarterly Free Main Allowance rebate payments from Enstar for the next ten years. The City receives rebates every time a property owner hooks up to natural gas. The rebate is a way to partially reimburse the City for its initial investment in the distribution system infrastructure. Kachemak City has been receiving rebates that average in the neighborhood of \$800.00 per property. If Enstar's projections on future customers are close to accurate, the City should be receiving Free Main Allowance payments that total \$1.2 Million or more. The Council has talked about applying the FMA toward reducing property assessments. If it does so, the assessment in the end could be less than \$3,000.

#### Next Steps

Between now and January, the staff will be working on tuning up the final assessment roll and making sure the new assessment software program is operational. The final assessment roll is scheduled to be on the Council agenda the second meeting in January. Once the final roll is introduced, Council will follow the process prescribed in Title 17 of the code. The process will include opportunities for the landowners in the assessment district to object and to point out errors and omissions.

In the interim, it would be good for the Council to consider several other items:

- Confirm and formalize how the FMA payments will be used and allocated.
- Consider a set of recommendations, still to be submitted, regarding SAD code changes that will streamline administration.
- Consider incentives for payment in full. For example, it is my understanding that for Borough USADs, if property owners pay the assessment in full within 60 days of billing, there is no interest charged and no lien against the property is recorded. This works to the advantage of both the City and the property owner.



## MEMORANDUM

**TO: WALT WREDE, CITY MANAGER  
CITY OF HOMER**

**FROM: THOMAS F. KLINKNER**

**RE: NATURAL GAS DISTRIBUTION SYSTEM ASSESSMENTS FOR  
COMMON INTEREST COMMUNITIES**

**FILE NO.: 506,742.205**

**DATE: NOVEMBER 7, 2014**

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### **1. Introduction.**

By Resolution 12-069, the Council initiated a natural gas distribution system special assessment district ("District") and found that "the natural gas distribution system will benefit equally all parcels of real property in the City that will receive access to natural gas service ... and that all parcels so benefited should be assessed equally for the cost of the natural gas distribution system." In the improvement plan for the District adopted by Resolution 12-081, the amount of this per-lot assessment was estimated to be \$3,283.30; however this amount is subject to adjustment based on the actual costs incurred by the City for the natural gas distribution system improvements.

In *Castner v. City of Homer*<sup>1</sup> the Superior Court held that levying natural gas distribution system assessments on condominium units in the Kachemak Bay Title Building as though the units were individual parcels would result in assessments that were invalidly disproportionate to the benefit the units would receive from the improvements. The following updates and completes our analysis of the effect of the *Castner* decision on the City's assessment of condominiums for natural gas distribution system improvements.

### **2. The Assessment of Condominiums**

As we have explained previously, the assessment of condominiums is regulated by the Uniform Common Interest Ownership Act, Alaska Statute Chapter 34.08 (the "Act"). A condominium consists of separately owned units each of which holds an

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<sup>1</sup> Superior Court No. 3HO-13-38CI.

undivided interest in common elements.<sup>2</sup> The Act provides for the treatment of units in a condominium as separate parcels of real estate:

(b) In a condominium or planned community,<sup>3</sup>

(1) if there is a unit owner other than a declarant, each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate;

(2) if there is a unit owner other than a declarant, each unit shall be separately taxed and assessed, and a separate tax or assessment may not be rendered against any common elements for which a declarant has reserved no development rights.<sup>4</sup>

On the basis of the rules in AS 34.08.720(b), the City proposed to assess each condominium unit in the District the same per lot assessment amount as other benefited real estate parcels.

### **3. The Decision in the *Castner* Case**

In *Castner*, the Superior Court observed that the City's improvement plan called for all parcels of real property in the District to be assessed an equal amount, regardless of a parcel's use or other characteristics, and that each parcel of real property in the District other than a condominium typically would receive natural gas service through a single service connection to the distribution system.<sup>5</sup> The Superior Court contrasted this state of affairs with the assessments proposed for property in which *Castner* owned condominium units:

Kachemak Bay Title Building is located within the city limits of Homer, and is comprised of five condominium units and a 30% ownership of all common property associated with the units. The plaintiff owns [interests in] three condominium units located in the Kachemak Bay Title

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<sup>2</sup> AS 34.08.990(8). Common elements consist of the exterior walls and structural elements of a multi-unit building, shared interior facilities such as lobbies and elevators, and exterior areas used for such purposes as parking and landscaping.

<sup>3</sup> A planned community typically consists of separately owned units with common elements owned by an association. A subdivision of single family dwellings with common open space owned by a homeowners' association would be a planned community.

<sup>4</sup> AS 34.08.720(b). These rules in apply "if there is a unit owner other than the declarant." "Declarant" refers to the developer of the condominium project. Thus, the rules in AS 34.08.720(b) apply from the time that the developer of a condominium project has sold at least one unit in the project.

<sup>5</sup> Memorandum Decision and Order dated January 8, 2014 ("Order"), 9.

Building. ... The City of Homer included the Kachemak Bay Title Building's five condominium units, the lot on which the building is located, and the parking area within the gas improvement district and assessed each "property" \$3,283.30 for the benefit they would receive by the gas line. In sum, the Kachemak Bay Title Building parcel is being assessed nine times for a total of \$29,549.70, which includes the plaintiff's assessed costs of \$9,849.90.

Thus, the Superior Court found that although the Kachemak Bay Title Building received natural gas service through a single service connection, it was subject to nine separate assessments.<sup>6</sup>

In its analysis, the Superior Court relied heavily on a Wisconsin court decision that each property receiving sewer service through an individual service connection should be assessed equally, regardless of whether the property was owned singly or in separate condominium units:

The Wisconsin Supreme Court noted that "other lots that [had] multiple habitable units and were provided access to the sewer main through one four-inch stub to the lot were charged only one availability charge. Yet the Petitioners' lot was assessed an availability charge 18 times higher for the same, single four-inch stub. The court held that assessment costs was [sic] not levied uniformly, because the condominiums were not treated the same as the other lots that received one access stub to connect each lot to the sewer main ...

The court finds the reasoning of the Wisconsin Supreme Court's holding in *Steinbach* to be compelling. First, there is no nexus between the charge to an owner of a "parcel of record" or "lot" who shares access to the gas line through one two-inch high density polyethylene pipe and the City of Homer's cost to provide that access. Second, lots or parcels that have multiple habitable units and leases were provided with the same access to the gas line through one two-inch high density polyethylene pipe to the lot were charged only one assessment charge per lot or parcel. ... Third, there is no showing that each condominium owner received a greater benefit than was provided to other properties affected by the gas line extension.<sup>7</sup>

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<sup>6</sup> Order, 2-3. The reference to nine assessments is based on the City's initial draft assessment roll. The City later found that the division of the Kachemak Bay Title Building property into nine separate tax parcels was incorrect. One difficulty with the *Castner* decision is that the Superior Court did not allow the City to complete the administrative process of correcting this sort of error in the assessment roll for the District. It is unclear whether correction of the assessment roll would have affected the Superior Court's decision.

<sup>7</sup> Order, 11-12.

On the basis of this analysis, the Superior Court concluded that "[t]he per lot assessment is, however, disproportionate to the benefit conferred upon unit owners as opposed to other assessed properties within the assessment district."<sup>8</sup>

#### **4. The ENSTAR Tariff.**

ENSTAR provides service under the terms in its tariff on file with the Regulatory Commission of Alaska. An additional consideration in implementing the *Castner* decision is the ENSTAR tariff provision regarding service connections. The tariff provides for the installation of one service connection and meter connecting ENSTAR's distribution system to each customer. A customer is the person or entity that contracts with ENSTAR for natural gas service. Thus, if there is one service connection to a condominium property, the entire condominium property (or its related homeowners' association) would be the customer. It also is possible that ENSTAR could install a separate service connection and meter for each unit in a condominium, or for each building in a multi-building condominium project. The number of service connections and meters that will be installed in each case is determined by the contractual relationship between ENSTAR and its customer, and not by the City.

#### **5. Assessing Condominiums.**

The City could apply the *Castner* decision at various levels of generality. At a minimum, it binds the City in its assessment of *Castner's* condominium property. The City may levy an amount equal to only one per-lot natural gas distribution system assessment against the entire Kachemak Bay Title Building. To do so consistently with the Act, the City should determine the actual number of condominium units in the building, excluding all parts of the property that are properly characterized as common elements, divide the per-lot assessment amount by the number of condominium units, and levy the resulting amount against each of those units.

While the *Castner* decision does not strictly bind the City in assessing condominiums other than the Kachemak Bay Title Building, we recommend that the City apply the same assessment method to any other condominium where more than one unit is served by a single service connection to the natural gas distribution system. If a condominium project consists of only one building that is served by a single service connection, the City should levy assessments against the condominium units in the building in the manner described for the Kachemak Bay Title Building. If a condominium project consists of multiple buildings, each of which is served by its own service connection, the City should allocate a single per-lot assessment to each service connection, divide it by the number of condominium units in the related building, and levy an assessment equal to the resulting amount against each condominium unit in that building. If there is a separate service connection for each unit in a condominium, the City should levy the per-lot assessment amount against that unit.

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<sup>8</sup> Order, 13.

I also recommend that the City adopt the following process in assessing condominiums.

- **Correctly correlate the actual elements of the condominium with the Kenai Peninsula Borough's tax assessment records. As the *Castner* case illustrates, the Borough tax assessment records are only a starting point for levying assessments against condominiums. Each tax parcel that corresponds to a condominium unit should be identified as such. Any tax parcel that corresponds only to a common element (open space, parking area, etc.) should be excluded from the assessment roll. In cases where there is doubt about the nature of a tax parcel in a condominium, a review of the recorded declaration for the condominium or an inspection of the condominium property may be required.**
- **For condominium units currently receiving natural gas service, identify the customer receiving gas service, and the facilities through which gas service is provided. If the customer is an individual unit owner, and the unit receives gas service through a separate service connection and meter, the unit may be treated as a separate lot for assessment purposes. If the customer is a representative of multiple unit owners (such as a homeowners' association), and the units receive gas service through a single service connection and meter, the multiple units receiving service should be treated as a single lot for assessment purposes, as described above.**
- **For condominium units in the District that do not currently receive natural gas service, the City, with advice from ENSTAR, should determine the manner in which ENSTAR would be most likely to provide service to the condominium. Based on that determination, units in the condominium should be assessed as described above.**



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



COMMITTEE OF THE WHOLE  
5:00 P.M. MONDAY  
JANUARY 12, 2015  
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
COUNCIL MEMBER CATRIONA REYNOLDS  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER MARVIN YODER  
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 15-007**, A Resolution of the Homer City Council Approving the Recommendations of the Public Safety Building Review Committee. Mayor.

*Page 81*

Memorandum 15-007 from Public Safety Building Review Committee as backup.

*Page 83*

**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, January 26, 2015 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.





CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



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



**REGULAR MEETING  
6:00 P.M. MONDAY  
JANUARY 12, 2015  
COWLES COUNCIL CHAMBERS**

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
COUNCIL MEMBER CATRIONA REYNOLDS  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER MARVIN YODER  
CITY CLERK JO JOHNSON

## **REGULAR MEETING AGENDA**

**Special Meeting 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 December 8, 2014. City Clerk. Recommend adoption. **Page 39**
- B. **Memorandum 15-002**, from Mayor, Re: Appointment of Therese Smith to the Library Advisory Board, Karin Marks to the Economic Development Advisory Commission, and Reappointment of Daniel Donich to the Port and Harbor Advisory Commission. **Page 57**
- C. **Ordinance 15-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040(M) Regarding Compensation for the Mayor and Council. City Council. Recommended dates: Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015. **Page 65**
- D. **Resolution 15-001**, A Resolution of the City Council of Homer, Alaska, Ratifying and Confirming the Appointment of an Interim City Manager, and Providing for Related Matters. Mayor. Recommend adoption. **Page 71**
- E. **Resolution 15-002**, A Resolution of the Homer City Council Confirming the Appointments of Zhiyong Li as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2015. City Manager. Recommend adoption. **Page 73**
- F. **Resolution 15-003**, A Resolution of the Homer City Council Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Recommend adoption. **Page 75**
- G. **Resolution 15-006**, A Resolution of the City Council of Homer, Alaska, Re-Adopting the Established Investment Policies of the Permanent Fund. City Clerk/Permanent Fund Committee. Recommend adoption. **Page 77**
- Memorandum 15-006 from Permanent Fund Committee as backup. **Page 79**
- H. **Resolution 15-007**, A Resolution of the Homer City Council Approving the Recommendations of the Public Safety Building Review Committee. Mayor. Recommend adoption. **Page 81**
- Memorandum 15-007 from Public Safety Building Review Committee as backup. **Page 83**

- I. **Memorandum 15-004**, from City Clerk, Re: Amendment of Resolution 14-120(A) the 2015 Meeting Schedule for Council and Advisory Bodies. Recommend adoption.

**Page 101**

- J. **Oath of Office – City Manager Yoder**

## 6. VISITORS

- A. Woodard Creek Coalition – Jim Preston & Marvin Hansen, 10 minutes

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

- A. Mayor’s Proclamation – The Big Read

**Page 111**

- B. Borough Report

- C. Commissions/Board Reports:

- 1. Library Advisory Board

- 2. Homer Advisory Planning Commission

- a. Minutes of December 3, 2014

**Page 113**

- 3. Economic Development Advisory Commission

- 4. Parks and Recreation Advisory Commission

- 5. Port and Harbor Advisory Commission

- D. Thank You from Cook Inletkeeper and Homer Senior Citizens for City Contributions

**Page 119**

## 8. PUBLIC HEARING(S)

- A. **Ordinance 14-56**, An Ordinance of the Homer City Council Amending Homer City Code 21.70.010, Zoning Permit Required, and 21.90.030, Invalid Land Use Permits, Regarding the Requirement for a Zoning Permit and the Relationship of Zoning Violations to Permit Issuance. Planning. Introduction December 8, 2014, Public Hearing and Second Reading January 12, 2015.

**Page 127**

Memorandum 14-177 from City Planner as backup.

**Page 133**

**9. ORDINANCE(S)**

**10. CITY MANAGER'S REPORT**

A. City Manager's Report

**Page 151**

B. Bid Report

**Page 161**

C. Games Report

**Page 163**

1. Homer Society of Natural History Inc.

**11. CITY ATTORNEY REPORT**

A. City Attorney's Report, December 2014

**Page 171**

**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

G. City Manager Selection Committee

**13. PENDING BUSINESS**

**14. NEW BUSINESS**

- A. **Memorandum 15-003**, from City Clerk, Re: Authorization for Councilmember Zak to Serve on the Alaska Municipal League Legislative Position Committee and Travel to the Legislative Meeting and Conferences as Required. **Page 179**

**15. RESOLUTIONS**

- A. **Resolution 15-004**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska Legislature Re-Appropriate the \$1,405,000 That the City Received for the Waddell Way Road Improvement to a New Public Safety Building. Mayor.

**Page 185**

- B. **Resolution 15-005**, 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 January 5, 2015. City Clerk.

**Page 201**

Memorandum 15-005 from Deputy City Planner as backup.

**Page 205**

**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, January 26, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.





PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA



# RECONSIDERATION



# CONSENT AGENDA



Session 14-31 a Regular Meeting of the Homer City Council was called to order on December 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, LEWIS, REYNOLDS, ROBERTS,  
VAN DYKE, ZAK

**STAFF:**

CITY MANAGER WREDE  
DEPUTY CITY CLERK JACOBSEN  
CITY ATTORNEY WELLS  
PUBLIC WORKS DIRECTOR MEYER  
PORT & HARBOR DIRECTOR HAWKINS  
FINANCE DIRECTOR LI  
LIBRARY DIRECTOR DIXON  
CITY PLANNER ABBOD  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER

The Council met as Committee of the Whole from 5:00 p.m. until 5:36 p.m. to discuss Consent Agenda and Regular Meeting Agenda items.

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

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

**AGENDA APPROVAL**

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

The following changes were made: **Consent Agenda – Resolution 14-126**, A Resolution of the City Council of Homer, Alaska, Approving the Kenai Peninsula Borough School District Agreement for Joint Use of Equipment and Facilities for the Period July 1, 2014 through June 30, 2016 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. **City Attorney Report** – City Attorney written report for November 2014. **Comments of the Mayor** – Certificate of Appreciation and Recognition of Walt Wrede.

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

ZAK/LEWIS SO MOVED

There was no discussion.

VOTE: 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 November 24, 2014. City Clerk. Recommend adoption.
- B. Memorandum 14-176 from Mayor, Re: Appointment of Susan Braund to the Library Advisory Board.
- C. **Ordinance 14-56**, An Ordinance of the Homer City Council Amending Homer City Code 21.70.010, Zoning Permit Required, and 21.90.030, Invalid Land Use Permits, Regarding the Requirement for a Zoning Permit and the Relationship of Zoning Violations to Permit Issuance. Planning. Recommended dates: Introduction December 8, 2014, Public Hearing and Second Reading January 12, 2015.

Memorandum 14-177 from City Planner as backup.

- D. **Resolution 14-120**, A Resolution of The City Council of Homer, Alaska, Establishing the 2015 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public Arts Committee. City Clerk.

Memorandum 14-179 from Parks and Recreation Advisory Commission as backup.

Memorandum 14-180 from Library Advisory Board as backup.

Memorandum 14-181 from Port and Harbor Advisory Commission as backup.

Memorandum 14-182 from Public Arts Committee as backup.

Memorandum 14-183 from Deputy City Clerk as backup.

- E. **Resolution 14-121**, A Resolution of the Homer City Council Awarding the Officer Uniform and Homer Jail Laundry Contract to the Firm of Homer Cleaning Center of Anchor Point, Alaska, at a Rate of \$1.95 Per Pound for Jail Linens, \$9.00 Each for Officer Uniform Shirts and Pants, Officer Jackets \$16.00 Each, and a \$20 Special Delivery Fee Per Trip. City Clerk. Recommend adoption.

Memorandum 14-184 from Police Chief as backup.



- F. **Resolution 14-122**, A Resolution of the City Council of Homer, Alaska, Adopting an Alternative Allocation Method for the FY 15 Shared Fisheries Business Tax Program and Certifying That This Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption.
- G. **Resolution 14-123**, A Resolution of the City Council of Homer, Alaska, in Support of Full Funding for the State of Alaska Harbor Facility Grant Program in the FY 2016 State Capital Budget. City Manager/Port and Harbor Director. Recommend adoption.
- H. **Resolution 14-124**, A Resolution of the City Council of Homer, Alaska, In Support of the Addition of Port and Harbor Employees to the List of Employees Covered by AS 12.55.135. City Manager/Port and Harbor Director. Recommend adoption.
- I. **Resolution 14-125**, A Resolution of the Homer City Council Confirming the City Manager's Appointment of Jo Johnson as Acting City Manager for Calendar Year 2015. City Manager.

Mayor Wythe requested item B move to New Business, item 14 A. Councilmember Roberts requested item D move to Resolutions, item 15 A.

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

ZAK/ROBERTS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **VISITORS**

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

- A. **Mayor's Recognition** – Finance Department for Certificate of Achievement for Excellence in Financial Reporting

Finance Director Li received the Certificate of Achievement and commended the Finance Department staff for their good work.

- B. Borough Report

None

- C. Commissions/Board Reports:

1. Library Advisory Board

Katherine Utley, Library Advisory Board Member, thanked the Council for the support they have given the library and recognized their newest member, Amy Alderfer. Ms. Utley read some positive comments about the Homer Library that she found on Trip Advisor. The comments related to the efficiency of the staff, appreciation of the space available and the beauty of the building, the library collection, the children's library collection and activities, and the availability of free Wi-Fi. Out of 22 reviews, 15 were excellent and only two were average. She also read a letter to the Library Director from Senator Lisa Murkowski acknowledging that the Homer Public Library has been recognized by the Library Journal as one of America's star libraries for 2014. The library received four out of five stars. Ms. Utley reviewed some of the library statics, noting that this year's circulation, attendance, and children's programs will exceed 2013.

2. Homer Advisory Planning Commission

a. Minutes of November 5, 2014

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Roger MacCampbell, Parks and Recreation Commissioner, advised the Council that the the Commission has scheduled a worksession and have already started to receive feedback about Bishop's Beach. He said they hope to have that work done in the spring. Mr. MacCampbell thanked Walt, on behalf of the Commission, for his 12 years of service.

5. Port and Harbor Advisory Commission

Mike Stockburger, Port and Harbor Advisory Commissioner, reported on the harbors presence at Pacific Marine Expo in Seattle, the Commission is working on moorage rates, and harbor improvements. He also noted that vessel haul outs have started and are going well.

**PUBLIC HEARING(S)**

- A. **Ordinance 14-51**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2015 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures).  
City Manager. Introduction October 27, 2014, Public Hearings November 24 and December 8, 2014, and Second Reading December 8, 2014.

Memorandum 14-178 from Public Arts Committee as backup.

Michele Miller, Public Arts Committee Chair, commented in support of the budget amendments for the Public Arts Fund. Their first priority is \$4,000 to pay a contractor to inventory the Public Art in all City facilities, after which the committee and their staff will assess what is needed to best catalog the data

and make it available to the public. She cited cataloging as defined on page 8 of the Public Arts Committee Administrated Guidelines.

Jan Rumble, Homer Hockey Association Board of Directors member, commented in support of the budget amendment for HHA, and noted the Board runs the Kevin Bell Ice Arena. She explained the funds would be used in September 2015 when they begin paying principle on the building. She reviewed their operating budget, noting they work within their budget each year. September is a critical point in their history, when they will experience extreme financial challenges. She explained the valuable service the volunteer run ice rink provides the City through programs and sales tax revenue in the fall and winter months through attendance at tournaments and other events hosted at the ice rink.

Jan Spurkland, non resident and representative of Kachemak Nordic Ski Club, commented in support of funds allocated toward the negotiation of land at the Roger's Loop trailhead. The trail offers year round recreational use and the parking situation is less than adequate. Upgrades to the area will improve safety and enhancement of the area up there.

Doug Waclawski, Homer High School Principal, commented in support of funding for the Homer Hockey Association, citing benefit to students and the high school hockey program. The hockey program is costly with fees for ice time as well as travel and any increases to the fees will make it more difficult for students to participate, and the arena would suffer greatly without the high school program.

Kris Holderied, city resident, commented in support of funding for the Homer Hockey Association, addressing how the programs are growing and drawing more visitors from around the state and even other states, to Homer in the winter months.

Patrice Krant, Volunteer Interim Executive Director of the Homer Chamber of Commerce, commented in support of the increase in the HCOC marketing contract. She noted the \$1.1 million sales tax revenue increase in 2014 for the city's \$51,000 investment in marketing funds.

Robert Archibald, city resident, commented in support of improving parking at the Roger's Loop Trailhead, citing the approval of the Diamond Creek Management plan will likely result in more trails and added stress in the parking area. He commented in support of funding for the picnic shelter on the spit, noting there are some plans in place and the seed money will help get that going. Lastly commented in support of the funding for Homer Hockey Association, and included history of Kevin Bell whose love for hockey and desire for teaching the game to our youth has really impacted our community.

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

Mayor Wythe called for a motion for the adoption of Ordinance 14-51 by reading of title only for second and final reading.

ROBERTS/LEWIS SO MOVED

REYNOLDS/LEWIS MOVED TO DISCUSS THE AMENDMENT BY COUNCILMEMBER VAN DYKE ABOUT THE HOCKEY RINK.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

REYNOLDS/LEWIS MOVED TO AMEND THAT RATHER THAN OPERATIONS THE MONEY BE DESIGNATED FOR PRINCIPAL.

Councilmember Reynolds expressed this could be good seed money for a capital campaign for the upcoming year, designating it as such would strengthen any bid they made to possible funders.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Further discussion regarding the amended amendment ensued.

Councilmember Burgess recognizes the benefit the Kevin Bell Arena offers and is inclined to support it, but believes that the City's primary role relates to funding core city services first.

Councilmember Roberts agrees that the Homer Hockey Association is a wonderful organization. She doesn't think funding it at the city is the best way to go. She also commented about core services, specifically noting support for employees. She doesn't agree with giving money to hockey when we aren't looking at COLA's for our own employees.

Councilmember Zak thanked the Hockey Association for what they do in this public/private partnership. He mentioned a story relating to teamwork, and noted that this small amount of funding for HHA won't resolve any of the larger issues relating to the budget, funding reserves at the community level as an example.

Councilmember Lewis concurs with Councilmember Roberts about support for employees, but until we find bigger chunks of revenue it will be hard. He noted the Council supports the Pratt Muesum and Haven House through line items, and increased chamber funding. There are a lot of people in the town who have kept the rink going. He talked about his time as a hockey parent and all the money that went up the road because Homer didn't have an ice rink, but now that money can stay here. He further noted other communities who fund their rinks, like Anchorage for example, you don't hear them talk about cutting funds to their rinks. Wasilla paid for their rink through sales tax. Supporting the rink is supporting the community.

Councilmember Reynolds noted that three non-profits that have line items are programs the city would have to hire staff to administrate, if the non- profits didn't. Those include the Haven House who provides forensic interviewing, known as the child advocacy center; the Pratt Museum is charged with maintaining the archives of the City's history, and the Chamber of Commerce for advertising. While everyone agrees the hockey association is important, it's different than those other line items.

Mayor Wythe added that these small dollar line items add up and peel away our legal fund. It will be about \$100,000 if we fund everything that has come forward. We need to look at the reality of that when we need legal funds. She also pointed out that the Council made a concerted effort to move nonprofit funding into the Homer Foundation with the objective of getting it to a point where it is raising money to support their contributions to nonprofits and off the budget line items. Lastly, she expressed concern in moving forward that we are picking up more of these items and not meeting our regular needs. The recreation service district has come up three times during her tenure and it has passed in the city, but failed in the surrounding area. If it comes up again, a lot of legwork will need to be done in the surrounding area and isn't something the Council can do. She hopes that making this concession this year, that next year if it fails to be funding through a variation of a tax, that we can say that we did what we could to get through the vote, and we don't have the ability to support you.

Question was raised if anything needs to be put in place to confirm how the money is spent.

LEWIS/VAN DYKE AMENDED THAT THE FUNDS BE A PRINCIPAL CONTRIBUTION.

There was discussion that there could be accountability without a formal grant agreement, if that's what the Council's expectation is then the City can hold on to the money until they get verification on how the money will be used.

VOTE: (Secondary Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE: (Primary Amendment) YES: LEWIS, BURGESS, ZAK, VAN DYKE  
NO: ROBERTS, REYNOLDS

Motion carried.

BURGESS/VAN DYKE MOVED TO AMEND THE BUDGET TO ALLOCATE \$4,000 FROM PROFESSIONAL SERVICES TO THE PUBLIC ARTS COMMITTEE FOR THE PURPOSE OF INVENTORYING THE CITY'S PUBLIC ARTS ASSETS, PROVIDED THE INVENTORY MUST BE COMPLETE BY THE END OF FY 2015.

There was no discussion.

VOTE: (Primary Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BURGESS/ROBERTS MOVED TO BRING TO THE FLOOR THE 2015 PROPOSED BUDGET AMENDMENT FOR COUNCIL COMPENSATION ON PAGE 142 OF THE PACKET.

Councilmember Burgess reviewed that in 2008 Councilmember compensation was at \$150 per month per councilmember, meals were included, and the intent was that the pay was not designed to compensate as a second income. Since then there were budget difficulties and councilmember pay was amended down to \$50 per month. His goal with the amendment is to get back to a place with what compensation used to be and to allow more access to any potential member of the public who would want to participate and wouldn't have to make above and beyond sacrifice financially. His goal is to tie councilmember pay to meeting participation. Rather than \$150 per month, a councilmember would get \$75 per meeting day, reduced compensation for telephonic participation, and no compensation when they participate with advisory bodies. He recognized that it is more cost effective for the Council to sit a BOA rather than hiring a hearing officer and there will be a savings to professional services relating to health care consultant fees.

Councilmember Van Dyke confirmed that there would still be the ability to opt out of being paid.

Councilmember Roberts expressed her agreement with the proposal.

VOTE: (Primary Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ROBERTS/BURGESS MOVED TO ADD SIGNAGE FOR PARKS AND RECREATION THROUGH THE PUBLIC ARTS COMMITTEE FOR \$1,000 TO THE BUDGET.

Councilmember Roberts noted comments that this was in the budget before but was not included this time, and there has been a lot testimony from Parks and Recreation about signage.

VOTE: (Primary Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no action taken regarding the Heath Street mural, fees for event booth rental budget requests.

Councilmember Burgess noted he would work on an ordinance to further specify how the compensation is payable.

There was no further discussion regarding the budget.

VOTE: (Main Motion as Amended) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**Resolution 14-114**, A of the City Council Amending the City of Homer Fee Schedule Under Administrative Fees, Animal Control Fees, City Clerk Fees, Library Fees, and Port and Harbor Department Annual Moorage Fees. City Clerk. Follows Budget Ordinance 14-51 schedule.

Mayor Wythe opened the public hearing. There were no comments and the hearing was closed.

Mayor Wythe called for a motion for the adoption of Resolution 14-114 by reading of title only.

LEWIS/VAN DYKE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**Resolution 14-115**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600. City Clerk. Follows Budget Ordinance 14-51 schedule.

Mayor Wythe opened the public hearing. There were no comments and the hearing was closed.

Mayor Wythe called for a motion for the adoption of Resolution 14-115 by reading of title only.

LEWIS/VAN DYKE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. **Ordinance 14-54(S)**, An Ordinance of the Homer City Council Amending the FY 2014 Operating Budget by Authorizing the Expenditure of \$255,000 From the Port and Harbor Reserves to Extend Potable Water to Floats K Through Q and to Make Electrical/Structural Upgrades to Floats HH and JJ. City Manager/Port and Harbor Director. Introduction November 24, 2014, Public Hearing and Second Reading December 8, 2014.

Memorandum 14-173(S) from Port and Harbor Director as backup.

Mayor Wythe opened the public hearing. There were no comments and the hearing was closed.

Mayor Wythe called for a motion for the adoption of Ordinance 14-54(S) by reading of title only.

ZAK/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 14-55(S)**, An Ordinance of the Homer City Council Re-appropriating Funds Authorized by Ordinances 12-33(A)(S) and 12-39(S) for the Design and Engineering Phases of the Homer Harbor Improvement Projects to Construction and Replacement of HH and JJ Floats on System 4. City Manager/Port and Harbor Director. Introduction November 24, 2014, Public Hearing and Second Reading December 8, 2014.

Memorandum 14-174 from Port and Harbor Director as backup.

Mayor Wythe opened the public hearing. There were no comments and the hearing was closed.

Mayor Wythe called for a motion for the adoption of Ordinance 14-55(S) by reading of title only.

REYNOLDS/LEWIS MOVED TO ADOPT ORDINANCE 14-55(S) BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

- A. City Manager's Report
- B. Bid Report
- C. Games Report

- 1. Alaska State Elks Charitable Trust

Councilmember Burgess suggested that there not be a ribbon cutting for the Skyline Drive Fire Station until it is operational. Other Councilmembers agreed. He also encouraged people to read and understand the marijuana legislation. A lot of the regulatory burden falls to municipalities and it will be important to do outreach with the community. He said he would like to hear from the members of the public on how they feel about moving forward in a regulatory way within city.



Councilmember Zak appreciated the information regarding the Islands and Ocean Visitor Center roof. He supports having it included as CIP project.

### **CITY ATTORNEY REPORT**

City Attorney Wells had nothing to add to the written report. She commented that a problem with the marijuana initiative initiative is that it fails to understand the interaction between Borough government and City government, and the different classifications of cities. In addition to work sessions on various issues there is also the need to work together with the Borough.

### **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

Mayor Wythe commented that the next meeting is Wednesday at 5:30 p.m.

- F. Vessel Haul-Out Task Force
- G. City Manager Selection Committee

Councilmember Roberts advised that the next committee meeting will be Wednesday at 4:00 p.m. She explained there is a public portion and for personnel reasons, an executive session when they consider applicants. They are in the preliminary phase of reviewing applications. They have met approximately three times and reviewed a considerable number of applications and narrowed it down, but are not ready to release any names to the public. They are currently in the process of hiring an Interim City Manager, the contract is not in place yet, but expects there will be an announcement very soon. The goal is to have the Interim Manager on board before Walt leaves.

### **PENDING BUSINESS**

#### **NEW BUSINESS**

- A. Memorandum 14-176 from Mayor, Re: Appointment of Susan Braund to the Library Advisory Board.

Mayor Wythe called for a motion to approve the appointment of Susan Braund to the Library Advisory Board.

LEWIS/ROBERTS SO MOVED.

Councilmember Roberts said they reviewed the application and she looks like a fine applicant.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **RESOLUTIONS**

- A. **Resolution 14-120**, A Resolution of The City Council of Homer, Alaska, Establishing the 2015 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public Arts Committee. City Clerk.

Memorandum 14-179 from Parks and Recreation Advisory Commission as backup.

Memorandum 14-180 from Library Advisory Board as backup.

Memorandum 14-181 from Port and Harbor Advisory Commission as backup.

Memorandum 14-182 from Public Arts Committee as backup.

Memorandum 14-183 from Deputy City Clerk as backup.

Mayor Wythe called for a motion for the adoption of Resolution 14-120 by reading of title only.

LEWIS/ZAK SO MOVED.

ROBERTS/LEWIS MOVED TO AMEND LINE 59 , CITY COUNCIL MEETING SCHEDULED IN APRIL SHOULD BE APRIL 13<sup>TH</sup> AND APRIL 27<sup>TH</sup>.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE: (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **COMMENTS OF THE AUDIENCE**

Larry Slone, city resident, commended Councilmember Roberts and Mayor Wythe for espousing of financial conservatism and references to the core services in the core area. He acknowledged mixed comments about City Manager Wrede's time with the city, many people indicate he's done a fine job and other's less favorable. Mr. Slone said from a professional perspective, he gives Walt an A- and wished him well in his future endeavors.

Roberta Highland, city resident, thanked Walt for all he has done and for being mostly a good guy in her estimations.

Mike Illg, city resident and Recreation Coordinator for the city, thanked Walt and said he is a very proficient and top notch public servant, something for public employees and politicians to emulate and learn from. He thinks Walt's best quality is he's a terrific person, kind, patient, and sincere. He's a huge legacy in Homer.

Kris Holderied, city resident, commented as Director of NOAA Kasitsna Bay Laboratory that Kachemak Bay was designated as habitat focus area under NOAA Habitat Blueprint program and people can contact her if they have questions about that effort. In her NOAA hat and citizen hat, she thanked Walt for terrific work over a long period of time. He has a way of making things work with a lot of people and she hasn't seen anyone accomplish that the way he does. She thanked him for his service.

Marie Bader, with Kachemak Shellfish Growers and Kachemak Mariculture Association, appreciated Walt's accessibility over the years, his door was always open. When she learned he wouldn't be at the helm any more, she personally worried about things with the shellfish grower's co-op. She thanked him for his work.

Barbara Howard, city resident, said tonight we say farewell and good wishes to our City Manager, with mixed feelings of course. While we want the best for him and Mary, we also want the best for us. The recruitment team for the city 12 years ago was tasked with finding the perfect City Manager for the needs of the city at that time and into the future. Walt Wrede filled the bill. His strong consensus building skills and ability to mend fences was and is the management and communication style we have learned to depend on. She thanked him for his dedication to excellence in customer service and respect for the tax dollars of our City. We'll miss him.

Mille Martin, non-resident, commented that Walt has been a breath of fresh air for the past 12 years. She was on the Borough Assembly when he was hired and her colleague from Seward bemoaned the fact that Homer acted faster than Seward and they were sorry to lose the opportunity to hire Walt. After 12 years, she knows why. Homer is very fortunate. This council has their work cut out for them, trying to find his replacement. She thanked him and wished him and Mary the very best.

Ray Kranich, city resident, commented that he was on the City Council when Walt was hired. After 5 years of service on the council, he feels like that was one of the shining decisions he helped make to hire Walt. He has never regretted that decision. He recalled there were three candidates interviewed and what jumped out to him about Walt was he was asked a three part question and immediately began responding. Mr. Kranich recognized that Walt listens and he can remember and he has seen those qualities since they hired him. His demeanor and business sense and treating people fairly leave huge shoes for this Council to fill.

Robert Archibald, city resident, commented that in his time being involved with non-profits and some of the harebrained ideas in time, Walt was always available to have a good conversation and worked

to understand what was going on and find ways for the city to interface with them. A lot of groups will miss him.

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

City Attorney Wells Holly echoes the comments regarding Walt. As an attorney that works primarily with municipalities and a lot of City Managers she said it has been a pleasure and honor to work with Walt. He has one of the most collaborative approaches to management that she has witnessed. He is always respectful, tempered, incredibly knowledgeable or willing to be responsive enough to get to a level of knowledge. It's very unique and Homer has been very lucky to have him in the position for that period of time.

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

Deputy City Clerk Jacobsen read a statement from City Clerk Johnson who was called away unexpectedly and couldn't attend tonight's meeting:

Congratulations on finishing your 12-year marathon. You've crossed miles of smooth roads, skipped through some speed bumps, surmounted hills, and scaled and conquered mountains. You've remained calm, steady, focused, and always stayed on course. It's been a good run! I commend you for your incredible work ethic; early to work, late to leave. You did whatever it took to get the job done. You and your Subaru have been a permanent fixture at City Hall and will be sorely missed. You've represented the city well with your high morals, good judgment, and great leadership skills. You have a genuine concern for the well-being of the employees and the citizens of our community. You've done an excellent job as our leader.

Your sound advice has helped me put things in perspective and focus on the big picture. Instead of dwelling on problems, you've helped me work toward solutions. You've reminded me to take the high road where the view is better and the travel is faster. You have supported, encouraged, and inspired me. For all these things, I thank you. You've won this marathon and can be proud of all your accomplishments. You've made a difference and you will be remembered. As you choose your new adventure, I wish you miles of smooth roads, sunny skies, marvelous views, and lots of leisurely pit stops. You certainly deserve it!

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

City Manager Wrede thanked all the people for all the well wishes he is receiving. People have sent cards and emails; he has been stopped on the street, the store, and so on. It's been humbling and gratifying to talk to people around town. He thanked the community, it's been a wonderful place for him and Mary to live, and they will be back. They have felt at home and embraced by the community from day one. City Manager Wrede said any success he's had has been achieved because of the wonderful people around him, starting with the City Councilmembers and Mayors. He thinks they have accomplished a lot over 12 years, there have been a lot of positive things and some ups and downs, but overall a good working relationship. There has always been respect and courtesy and they did their best for the town. Colleagues he talks to have councils that fight with each other, have

divisions, and don't give the support and tools to do the job. City Manager Wrede thanked the staff. He has been really fortunate to have terrific department heads around him and good support staff like the lobbyist, and the City Attorneys at Birch, Horton, Bittner and Cherot and also Gordon Tans. He acknowledged Public Works Director Meyer, Police Chief Robl, and Fire Chief Painter who have been on staff for his tenure. They and all the other department heads have been terrific. The city has a wonderful set of employees and he hopes they realize and value that. He and Mary wish Homer nothing but the best in the future. The future is rosy for Homer, whatever this community wants, can happen. The sky's the limit.

### **COMMENTS OF THE MAYOR**

Mayor Wythe recognized Elaine Grabowski for the 2014 Special Commendation Award. Elaine was nominated for the award by Samantha Cunningham, the Kenai Peninsula EMS Coordinator, who is also one of our volunteers. The nomination was submitted to the Governor's Alaska Council on Emergency Medical Services (ACEMS). She was selected by that body to receive the 2014 Special Commendation Award, that includes the noted recognition "In honor of your dedication and passion you bring to Homer VFD, your community at the Alaska EMS System for over 32 years as a community educator, leader, mentor, and voice for the volunteers."

#### **A. Recognition of Walt Wrede, City Manager**

Mayor Wythe presented City Manager Wrede with a plaque. She and the Council read the citations included in his recognition as follows:

The City of Homer and its residents thank you for caring, sharing, and the selfless giving of your time and energy. As City Manager from March 2003 to December 2014 you have accomplished these projects:

Ocean Drive Loop Erosion Control Project; Expansion of water and sewer to areas unserved, including East End Road, Hillside Acres, and Kachemak Drive; Road improvements for East End Road, Spruceview and Noview Roads, and Crittenden and Waddell Way; New Buildings for the Animal Shelter and the Library; City Hall renovation; and New Harbormaster building.

Collaboration in building the Kevin Bell Arena; Conference Center Feasibility Study; Water Treatment Facility and Waste Water Treatment Plant improvements; Implementation of Climate Action Plan; Energy audit on city buildings, implementing measures to reduce energy use by 8%; Public restrooms in town and along the spit trail; and city-wide natural gas distribution line.

Deepwater Dock improvements, East Harbor Expansion, Tidal power feasibility; Revenue bonding plan for Ramp 3 Gangway and Approach, Harbor Float Replacement, System 5 Upgrades, and Load and Launch Ramp; Uplands lease management; Vessel Underway policy, Homer spit parking policy, and harbor dredge materials management.

Acquisition of 160 acres in the Diamond Creek Corridor; Non-Motorized Transportation and Trails Plan; 2006 Arctic Winter Games; Community Recreation as a division of Public Works; Improvements at Karen Hornaday Park ball fields, playground and campground, and Jack Gist Park ball fields and

disc golf course; Expanded trail system to include Reber Trail, Beluga Trail, Homer Spit Trail, and West Elementary Trail; and collaboration with Kachemak Nordic Ski Club for ski trail maintenance.

Kenai Peninsula Housing Initiative and Habitat for Humanity property acquisitions; Continued Coast Guard presence in Homer; Homer Coordinated Transportation Plan; Spruce Bark Beetle Mitigation Program in the Homer Reservoir Watershed and Baycrest ski areas; Acquisition of land in the Bridge Creek Watershed to protect the reservoir watershed; and New City of Homer Website.

Your leadership and management has succeeded in reducing the City's budget, the property tax mil rate, and increased the City's financial integrity. For this and so much more may you long be remembered by the community as a true leader.

The audience responded with a standing ovation for City Manager Wrede.

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

Councilmember Lewis commented he has been on the council for six years and is really disappointed that Walt isn't sticking around until at least the end of his term, because working with him has been a great opportunity. He made coming on to the council very easy and for that he said thank you.

Councilmember Burgess recognized Charles Davis. He appreciated his perspective and input at council meetings. He is a rare breed of man who had strong political opinions and wasn't afraid to be eccentric, which is something he really likes at a council meeting. He will miss Charles. He recognized Jo for her Municipal Clerk of the Year Award, is sorry she couldn't be here tonight, and wished her the best as she visits with her mother; and thanked Melissa for filling at the last minute. This isn't the easiest meeting to do that at. He noted comments made about oil tax revenues coming down with oil prices decreasing; it might be a good idea to revisit the legislative approach we have taken to oil taxation. It may have more to do with the way we tax oil as a state. One thing he appreciates as a Councilmember is there are two different views of the polar extremes of the population of politicians. One is a lily white, rosy view of the politician as the noble crusader, who says what he thinks and is crystal clear, and is uncompromising. At a certain point we all kind of think that's who we want representing us as a Manager. The problem is that person doesn't really get anything done and you end up with a political environment similar to a federal level; lots of people being very righteous and uncompromising. The other is the house of cards politician who is so unscrupulous in reaching their goals but willing to completely bend over backwards to say something other than what they are really thinking to reach the designated end. Both ends of spectrum are harmful to our society. Walt represents the quintessential effective politician and he admires Walt for his political subversiveness in that he is able to tell you a lot of what you want to hear while always reaching for the consensus and maybe actually doing something slightly different for the betterment of the community. He made it easy to function as a council in the sense they could set policy and priority but he got the important day to day b.s. done and followed through on the important stuff as well, a consensus builder through and through.

Councilmember Reynolds said as the newest Councilmember she agrees that working with Walt has helped ease the process of taking the seat. She hopes they find another City Manager who will be as accessible and easy to communicate with, and as willing to build that consensus. She is really glad

everyone is here to recognize this momentous occasion. She wished everyone a happy New Year and hopes everyone enjoys whatever holiday they celebrate.

Councilmember Van Dyke offered his best wishes and congratulations to our exiting captain in charge, Walt Wrede.

Councilmember Zak said he will miss Walt in his appearances at Alice's and hopes he will be back down for that. The other performance that he has noticed is Walt's reputation throughout the state of Alaska. If the Alaska Municipal League could be here they would, they recognize Walt's leadership and expertise. He said they would look forward at any to his input and input in Juneau for us. He said thank you so much for all you've done.

Councilmember Roberts said the eight years she has been on Council, Walt has been the City Manager and when he announced his resignation, she felt terrible. Like everyone else she hoped he would be there until she finished her term. She admires him for so many things, one of his biggest strengths in her mind is that he represented the employees of the City of Homer fairly and honestly and he represented the citizens of Homer fairly and honestly. He had an open door for any citizen that wanted to see him, and he worked with the Council so well. He performs his job in a superlative manner. She doesn't know how they will replace him, tonight's a sad night for the City of Homer. We wish him all the best and she knows he will do great things, whatever he does in the future.

Mayor Wythe commented that Walt has sat by her side for ten years. She told Beau, we are not politicians; we are public administrators and public servants. Walt does that exceptionally.

#### **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:03 p.m. Following adjournment, cake and refreshments were served to celebrate Walt Wrede and his 12 years of outstanding service to the City of Homer. Next Regular Meeting is Monday, January 12, 2015 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.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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







## City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 15-002

TO: HOMER CITY COUNCIL  
FROM: MARY E. WYTHE, MAYOR  
DATE: JANUARY 5, 2015  
SUBJECT: APPOINTMENT OF THERESE SMITH TO THE LIBRARY ADVISORY BOARD, KARIN MARKS TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION, AND REAPPOINTMENT OF DANIEL DONICH TO THE PORT AND HARBOR ADVISORY COMMISSION

---

Therese Smith is appointed to the Library Advisory Board to replace outgoing member Larry Slone. Her term will expire April 1, 2015.

Karin Marks is appointed to the Economic Development Advisory Commission to replace outgoing member Neil Wagner. Her term will expire April 1, 2017.

Daniel Donich is reappointed to the Port and Harbor Advisory Commission. His term will expire February 1, 2018.

#### RECOMMENDATION:

Confirm the appointment of Therese Smith to the Library Advisory Board, Karin Marks to the Economic Development Advisory Commission, and reappointment of Daniel Donich to the Port and Harbor Advisory Commission.

Fiscal Note: N/A





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

*non-resident  
 not appointed -*  
 CITY CLERK'S OFFICE  
 CITY OF HOMER  
 491 E. Pioneer Avenue  
 Homer, AK 99603  
 PH. 907-235-3130  
 FAX 907-235-3143

Received by the Clerk's Office

NOV 26 2014 01:53 PM

The information below provides some basic background for the Mayor and Council  
 This information is public and will be included in the Council Information packet

Name: Therese Smith Date: Nov 26, 2014  
 Physical Address: Bluff Drive, Homer AK 99603  
 Mailing Address: PO Box 1193, Homer AK 99603  
 Phone Number: \_\_\_\_\_ Cell #: 907-444-6944 Work #: N/A  
 Email Address: tsmithalaska@gmail.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a v

<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1 <sup>ST</sup> & 3 <sup>RD</sup> WEDNESDAY WORKSESSION PRIOR
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 <sup>ND</sup> TUESDAY OF
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3 <sup>RD</sup> THURSDAY OF
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4 <sup>TH</sup> WEDNESDAY OCT-APR MAY - SEP
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	2 <sup>ND</sup> THURSDAY OF FEBRUARY, MAY
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	2 <sup>ND</sup> THURSDAY OF FEBRUARY, MAY
<input checked="" type="checkbox"/>	LIBRARY ADVISORY BOARD	1 <sup>ST</sup> TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	CITY COUNCIL	2 <sup>ND</sup> AND 4 <sup>TH</sup> MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE DESIGNATE	

*Therese Smith  
 1811 Saltwater  
 Homer AK*  
*Corrected address to re-submit.  
 she listed house sitting address  
 on application.  
 DEC 08 2014 PM 12:29  
 Residence is Saltwater Dr.*

I have been a resident of the city for \_\_\_ yrs 8 mos. I have been a resident of the area for \_\_\_ yrs 8 mos. 26-year  
I am presently ~~employed at~~ Retired ~~at~~ US Gov't Employee State resides

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

Government employee 25 years +  
PTA member 5 years +  
Active library volunteer, previous library employee,  
ASD (Anchorage) library volunteer, 5 years +

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

see above

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

Libraries are the grocery stores for the community's  
brains. I love being part of the team to support education

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

Member of Islands + Oceans Friends.  
"Library enthusiast" and book addict (haha)

Please answer the following if you are applying for the Advisory Planning Commission:

Have you ever developed real property, other than your personal residence, if so briefly describe? NO

Please answer the following if you are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

       Commercial                             Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

Previously LAB member briefly, interrupted by being  
an employee at the library (temp for summer) -

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!



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

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

Received by the Clerk's Office

DEC 22 2014 AM 11:32 PK

The information below provides some basic background for the Mayor and Council  
 This information is public and will be included in the Council Information packet

Name: KARIN J MARKS Date: 12/22/14  
 Physical Address: 202 W Pioneer Ave Suite A Homer AK 99603  
 Mailing Address: same as above  
 Phone Number: 907-235-7874 Cell #: 907-399-7421 Work #: 907-235-7076  
 Email Address: KJM59@alaska.net

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a v

	ADVISORY PLANNING COMMISSION	1 <sup>ST</sup> & 3 <sup>RD</sup> WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
X	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 <sup>ND</sup> TUESDAY OF THE MONTH AT 6:00 P.M.
	PARKS & RECREATION ADVISORY COMMISSION	3 <sup>RD</sup> THURSDAY OF THE MONTH AT 5:30 P.M.
	PORT & HARBOR ADVISORY COMMISSION	4 <sup>TH</sup> WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY - SEPTEMBER 6:00 PM
	PERMANENT FUND COMMITTEE	2 <sup>ND</sup> THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	PUBLIC ARTS COMMITTEE	2 <sup>ND</sup> THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
	LIBRARY ADVISORY BOARD	1 <sup>ST</sup> TUESDAY OF THE MONTH AT 5:00 P.M.
	CITY COUNCIL	2 <sup>ND</sup> AND 4 <sup>TH</sup> MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
	OTHER - PLEASE DESIGNATE	

I have been a resident of the city for 26 yrs 4 mos. I have been a resident of the area for \_\_\_ yrs \_\_\_ mos.

I am presently employed at ART SHOP GALLERY

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

1- owned + operated a small business that has employees for over 20 years

2- worked for business, government + non profits in several states

3- Master in Administration 4- interested in year round growth in Homer

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

was Treasurer for Hospice of Homer for 5 years

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

I feel that the one area that Homer needs to pursue is growth in year round jobs and population

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

Please answer the following if you are applying for the Advisory Planning Commission:

Have you ever developed real property, other than your personal residence, if so briefly describe?

I own my commercial building + conduct business in it and rent part of it

Please answer the following if you are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

           Commercial                                 Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

When you have completed this application please review all the information and return to the City Clerk's Office . You may also email this document to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!

**Jo Johnson**

---

**From:** Melissa Jacobsen  
**Sent:** Tuesday, December 30, 2014 8:01 AM  
**To:** Jo Johnson  
**Subject:** FW: Port Commission Term Expiration

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

**From:** Chris Donich [<mailto:homerfishing@gmail.com>]  
**Sent:** Monday, December 29, 2014 11:13 PM  
**To:** Melissa Jacobsen  
**Subject:** Re: Port Commission Term Expiration

Hello Melissa, Yes I would like to be reappointed for a 3 year term.  
Thanks Daniel.

On 12/29/14, Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)> wrote:

> Hi Daniel,  
>  
> Your appointment to the Port & Harbor Advisory Commission expires on  
> February 1, 2015.  
>  
> Please let me know whether or not you want to request reappointment  
> for a three year term no later than Tuesday, January 20th.  
>  
> Thank you, Melissa  
>  
>  
> Melissa Jacobsen, CMC  
> Deputy City Clerk  
> City of Homer, Alaska  
> 907-435-3107  
>  
> City of Homer City Clerk's  
> Office <<http://www.cityofhomer-ak.gov/cityclerk>>  
> PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address  
> will be available for public inspection under Alaska public records law.  
>  
>





**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-01**

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040(M) regarding Compensation for the Mayor and Council.

Sponsor: City Council

1. City Council Regular Meeting January 12, 2015 Introduction



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

3 City Council

4 **ORDINANCE 15-01**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING HOMER CITY CODE 2.08.040(M) REGARDING  
8 COMPENSATION FOR THE MAYOR AND COUNCIL.  
9

10 WHEREAS, The functioning of a vital, just, resilient and truly representative democracy  
11 requires that all citizens have equitable and economically viable avenues to participate in  
12 government and to hold elected office, if duly elected; and  
13

14 WHEREAS, The median income of the current Mayor and Council Members probably is  
15 markedly higher than the median income of their constituents; and  
16

17 WHEREAS, The office of Mayor or Council Member is not attainable or tenable for a  
18 person of limited or even moderate economic means without minimum levels of  
19 compensation; and  
20

21 WHEREAS, The Laws of the State of Alaska and the United States of America require  
22 minimum levels of pay and compensation be paid for work or services performed; and  
23

24 WHEREAS, Reasonable and thoughtful execution of the duties of the office of Mayor or  
25 Council Member requires at least 6 to 9 hours of work per meeting in the form of participating  
26 at City Council meetings, reading 250 to 600+ pages of City Council packets and other related  
27 documents on a monthly or per meeting basis, being available to the public and City staff to  
28 answer questions and listen to concerns, crafting legislation, reviewing legal briefs, serving  
29 from time to time as a member of the Board of Adjustment, and all of the other duties and  
30 obligations associated with the office of Mayor or Council Member; and  
31

32 WHEREAS, Current levels of Mayor and Council Member compensation are 200% lower  
33 than levels 8 years ago, and those levels were reduced in a time of severe economic recession  
34 and dire budgetary constraints; and  
35

36 WHEREAS, Compensation for the work performed by the Mayor and Council Members  
37 ideally should be correlated with measurable time and personal resources invested in  
38 executing the duties of office; and  
39

40 WHEREAS, Socio-economic and political circumstances in which we live and govern  
41 demand a continually increasing amount of time, energy, professional knowledge, and

42 expertise in order to effectively represent and safeguard the concerns and interests of the  
43 Citizens of Homer; and

44  
45 WHEREAS, AS 29.20.620 authorizes the Council by ordinance to provide a method of  
46 determining the salaries of elected officials, provided that the salary **stipend** of the Mayor  
47 may not be reduced during the term of office of the Mayor.

48  
49 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

50  
51 Section 1. Homer City Code 2.08.040(m) is amended to read as follows:

52  
53 m. Salaries of Elected Officials.

54 1. The Mayor and each Council Member shall be paid a salary stipend of  
55 \$75 for each council-meeting-day in which the person participates in person, or \$50  
56 per council-meeting-day in which a majority of the person's participation time is  
57 telephonic. A council-meeting-day is any calendar day in which the person  
58 participates in any one or more of the following:

59 a. A scheduled and publically noticed meeting of the City Council,  
60 including without limitation a regular meeting, special meeting, committee of  
61 the whole meeting and meeting in executive session.

62 b. A scheduled and publically noticed meeting of the Board of  
63 Adjustment, Board of Ethics, or other board or commission that is composed of  
64 the Mayor and Council Members.

65 c. Training or continuing education programs, and work sessions,  
66 that are required by law or commonly recognized best practice to perform the  
67 duties of Mayor or Council Member.

68 ~~The Council may fix by ordinance the salaries of elected officials. The Council members will~~  
69 ~~receive a \$50.00 nonwage stipend per month during their term of office as a reimbursement~~  
70 ~~for expenses and the Mayor at \$75.00 per month. The City shall not spend any funds for~~  
71 ~~elected officials' membership in the Public Employees Retirement System. An elected official~~  
72 ~~may not receive any other compensation for service to the City municipality unless~~  
73 ~~specifically authorized to do so by ordinance. Per diem payments or reimbursements for~~  
74 ~~expenses are not compensation under this section.~~

75  
76 Section 2. The compensation provided in Section 1 above applies to service as Mayor  
77 or Council Member commencing the first day of the first calendar month following the  
78 calendar month in which this ordinance is enacted, and as of that date replaces all forms of  
79 compensation previously payable for service as Mayor or Council Member, other than  
80 reimbursement for expenses incurred in performing official duties.

81  
82 Section 3. Section 1 of this Ordinance is of a permanent and general character and  
83 shall be included in the City Code.

84 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of  
85 January, 2015.

86

87

CITY OF HOMER

88

89

90

91

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

92

93 ATTEST:

94

95

96

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

98

99

100 AYES:

101 NOES:

102 ABSTAIN:

103 ABSENT:

104

105

106 First Reading:

107 Public Reading:

108 Second Reading:

109 Effective Date:

110

111 Reviewed and approved as to form:

112

113

114

\_\_\_\_\_  
115 Marvin Yoder, City Manager

116

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

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

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



**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 15-001**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
RATIFYING AND CONFIRMING THE APPOINTMENT OF AN INTERIM  
CITY MANAGER, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Walt Wrede’s term of employment as City Manager ended on December 31,  
2014; and

WHEREAS, The Council by Resolution 14-117 authorized the City Manager Selection  
Committee (“Committee”) to hire an Interim City Manager to succeed Mr. Wrede for a term of  
up to six months while the Committee selects a permanent replacement; and

WHEREAS, The Committee has offered the position of Interim City Manager to Marvin  
Yoder, and Mr. Yoder has accepted the position on the terms stated in the Employment  
Agreement (“Agreement”) that now is before this meeting; and

WHEREAS, It is in the best interest of the City that the Council ratify and confirm the  
Committee’s appointment of Mr. Yoder as Interim City Manager and the terms of his  
employment in the Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
ratifies and confirms in all respects the City Manager Selection Committee’s appointment of  
Marvin Yoder as Interim City Manager effective January 1, 2015, and the terms of the  
Employment Agreement between the City and Mr. Yoder that now is before this meeting, and  
in addition ratifies and confirms in all respects all official acts taken by Mr. Yoder in the  
capacity of Interim City Manager from January 1, 2015 through the effective date of this  
resolution.

PASSED AND ADOPTED by the Homer City Council on this 12<sup>th</sup> day of January, 2015.

CITY OF HOMER

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

ATTEST:

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





**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 15-002**

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE APPOINTMENTS OF ZHIYONG LI AS TREASURER AND LAURIE MOORE AS DEPUTY TREASURER FOR CALENDAR YEAR 2015.

WHEREAS, Homer City Code §1.34.010 states that the Treasurer and Deputy Treasurer shall be appointed by and serve at the pleasure of the City Manager, that the Treasurer and Deputy Treasurer shall be confirmed by the Council annually during the first meeting in January and whenever the appointment becomes vacant or whenever the City Manager deems it appropriate to change the appointment; and

WHEREAS, Pursuant to HCC §1.34.010, City Manager Marvin Yoder hereby provides notice of the appointment of Zhiyong Li as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, confirms the appointments of Zhiyong Li as Treasurer and Laurie Moore as Deputy Treasurer for the Calendar Year 2015.

PASSED AND ADOPTED by the Homer City Council this 12<sup>th</sup> day of January, 2015.

CITY OF HOMER

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

ATTEST:

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

Fiscal Note: N/A



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

3 City Manager

4  
5 **RESOLUTION 15-003**

6  
7 A RESOLUTION OF THE HOMER CITY COUNCIL DESIGNATING  
8 SIGNATORIES OF CITY ACCOUNTS AND SUPERSEDING ANY  
9 PREVIOUS RESOLUTION SO DESIGNATING.

10  
11 WHEREAS, Councilmember Francie Roberts was voted Mayor Pro Tempore for 2015, Jo  
12 Johnson was appointed as Acting City Manager for 2015, and Zhiyong Li was appointed as  
13 Treasurer for 2015.

14  
15 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the  
16 designated signatories, effective January 12, 2015 are as follows with the number of  
17 signatories defined:

18  
19 On the regular Wells Fargo Bank Alaska checking account #016030109 that the following are  
20 the designated signatories for this account, with dual signatures required for checks over  
21 \$5,000; on the investment accounts with Alaska Municipal League, First National Bank,  
22 Raymond James Investment, Wells Fargo Bank Alaska, and other institutions, and for  
23 Department of Administration Grants and other grants, one of the following authorized  
24 signatories or the dual electronic authorization system is required for all transactions:

25  
26 **MARY E. WYTHER, MAYOR**  
27 **FRANCES ROBERTS, MAYOR PRO TEMPORE**  
28 **MARVIN YODER, CITY MANAGER**  
29 **JO JOHNSON, ACTING CITY MANAGER/CITY CLERK**  
30 **ZHIYONG LI, FINANCE DIRECTOR/TREASURER**

31  
32 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 12<sup>th</sup> day of January,  
33 2015.

34  
35 CITY OF HOMER

36  
37  
38 \_\_\_\_\_  
39 MARY E. WYTHER, MAYOR  
40  
41  
42

43  
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51

ATTEST:

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

Fiscal Note: N/A

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk/Permanent Fund  
Committee

**RESOLUTION 15-006**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, RE-ADOPTING THE ESTABLISHED INVESTMENT POLICIES OF THE PERMANENT FUND.

WHEREAS, Pursuant to Homer City Code 3.10.130(b)(2) the City Council shall review the investment policies of the Permanent Fund at least once a year during the first quarter and shall by formal resolution, re-adopt or modify said policies; and

WHEREAS, The Permanent Fund Committee met on February 13, June 12, August 14, September 18, and November 13, 2014 to review the investment policies of the Permanent Fund as outlined in Homer City Code Chapter 3.12; and

WHEREAS, By unanimous consent the Permanent Fund Committee voted that the fund remain as it is currently established and invested.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, re-adopts the established investment policies of the Permanent Fund.

PASSED AND ADOPTED by the Homer City Council this 12<sup>th</sup> day of January, 2015.

CITY OF HOMER

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

ATTEST:

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

Fiscal Note: N/A





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 15-006

TO: MAYOR WYTHER AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK, ON BEHALF OF THE PERMANENT FUND COMMITTEE

DATE: JANUARY 5, 2015

SUBJECT: INVESTMENT POLICIES OF THE PERMANENT FUND

---

The Permanent Fund Committee met on February 13, June 12, August 14, September 18, and November 13, 2014. At each meeting the committee reviewed the investment policies of the Permanent Fund.

The Permanent Fund Committee unanimously voted to maintain the current investment policies; there is no change recommended at this time.

### RECOMMENDATION:

Adopt Resolution 15-006 readopting the established investment policies of the Permanent Fund.





**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 15-007**

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING THE  
RECOMMENDATIONS OF THE PUBLIC SAFETY BUILDING REVIEW  
COMMITTEE.

WHEREAS, The Public Safety Building Review Committee (PSBRC) has worked the last eleven months to complete the Public Safety Building conceptual design scope of work as outlined in Resolution 14-020; and

WHEREAS, The PSBRC reviewed and rated GC/CM proposals, reviewed the proposed contract and provided input on the scope of work and deliverables, reviewed work products and participated in regular briefing with the contractor, made recommendations and provided direction to staff and the contractors as the project proceeded; and

WHEREAS, The PSBRC has reached a financial and design benchmark authorized by the Council and has made recommendations to the Council as outlined in Memorandum 15-007.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that the following recommendations of the Public Safety Building Review Committee, as outlined in Memorandum 15-007, are approved:

- The City Council approves the conceptual design
- The City Council approves the schedule for the project
- The City Council approves the budget to take the project to 35% design

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 12<sup>th</sup> day of January, 2015.

CITY OF HOMER

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

43 ATTEST:  
44  
45  
46 \_\_\_\_\_  
47 JO JOHNSON, MMC, CITY CLERK  
48  
49 Fiscal Note: N/A



## Memorandum 15-007

TO: Homer City Council

FROM: Public Safety Building Review Committee (PSBRC)

DATE: January 05, 2015

SUBJECT: **Public Safety Building  
Conceptual Design Status Report  
Recommendations on How to Proceed**

The Committee, working with City staff, has worked over the last eleven months to accomplish the completion of the Public Safety Building conceptual design scope of work contained within Ord. 14-020. The ordinance contained the following tasks:

“Review and rate GC/CM proposals and make a recommendation to the Council.”

✓ *This work is complete. A construction manager and project architect have been selected and the Council awarded contracts that achieve the first level of design.*

“Review the proposed contract and provide input on the scope of work and deliverables.”

✓ *This work is complete and was elucidated within the contract documents.*

“Review work products and participate in regular briefing with the contractor.”

✓ *This work is complete to the extent of reaching a conceptual design – a design and funding benchmark.*

“Make recommendations / provide direction to staff /contractors as the project proceeds.”

✓ *This work is complete to this juncture of additional policy related direction. The committee selected a site for the new facilities and the Council has ratified the location. The site selection has allowed advancement of the preliminary site and building design.*

“Make recommendations to Council as to how to proceed as benchmarks are achieved.”

✓ *We have reached a financial and design benchmark. Our recommendations are stated below.*

The committee, at the onset, agreed to work by consensus. In the event of failing unanimity, the options discussed are presented.

The committee initiated interactions with the citizenry, through the opportunities of its meetings, which often held three agenda spots for public comment and questions, and

presentations to civic organizations. We hope that these will continue as the next phase develops.

We have reached a point that requires policy direction from the City Council which may include further appropriation of funds to advance the project beyond the initial phase. The Council also now needs to decide whether to dissolve or extend the life of the Committee (as directed in the enabling ordinance).

### **Recommendations:**

#### 1. The City Council approve the conceptual design.

- Needs Analysis – A space needs study, commissioned by the architect with a firm specializing in accurate program identification and space allocations for municipal public safety buildings, documented a 2016 building size of ~22,000 square feet for the Police Department and ~21,200 square feet for the Police Department. Space allocations were based on mid-point (not the largest acceptable or the smallest acceptable) square footages for each program element.
- Site Planning - A site plan was developed that provides an efficient layout of a combined facility (as a single project); but also provides for the opportunity to construct in two phases. The site is not large enough to construct a building of a single story, so much of the building is on two floors.
- Site Mitigations – The HERC site contains a variety of existing encumbrances:
  - A waterway transects the property;
  - The Public Works Department occupies one of the existing buildings;
  - The gymnasium and an adjacent classroom are used for community recreation and training;
  - The skateboard park is located there; and
  - An outdoor basketball court is partially located there.
- Public Comment – Almost all public comment revolved around the loss of the recreational spaces. Some also wondered about the proximity to the KPSD Homer Middle School and the access to the school across the HERC property. When questions were posed by the public, the Committee or City staff or the GC/CM Design Team provided responsive information.
- Alternatives:
  - The “Build Everything as Soon as Possible” approach.
    - Pro: Notion that soonest money is the cheapest money, and soonest construction is the least expensive price per square foot.
    - Con: Shortage of funds for the size of the designed project may delay construction for many years, and returns a focus on the mitigations listed above.
  - The “Two Phases” approach.
    - Pro: Phasing allows a continued use of some of the existing facilities and may be the only sized plan that can be financed through municipal bonding or financing in this calendar year.

- Con: Future construction costs will undoubtedly be higher than today's. The Fire/EMS personnel worry that Phase II may fall off the list of City priorities.
  - The "Private/Public" Partnership approach.
    - Pro: Teaming with a private partner could allow the entire project to proceed. A private entity can put certain tax advantages to good use, where the City cannot.
    - Con: The Council has previously decided that owning and maintaining municipal buildings is the best public policy.
- Policy Considerations:
  - Does the City go to complete design and pursue funding for the complete project; or
  - Does the City go to complete design and pursue funding for the first phase of the project; or
  - Does the City go to Phase One design and pursue funding for the first phase of the project; or
  - Does the City put the project on hold until a more solid funding plan has been established?

2. The City Council approve a schedule for the project. The GC/CM team developed a schedule with the following milestones:

	<u>Start</u>	<u>End</u>
35% Preliminary Design	Feb 2015	Dec 2015
Bond proposition on the ballot	Jun 2015	Oct 2015
65% GMP Design	Nov 2015	Sept 2016
100% Final Design	Sept 2016	Apr 2017
Construction	May 2017	Sept 2018

3. The City Council approve a budget to take the project to 35% design. Taking the next step will fill in some of the blank areas and establish some of the craft budgets (civil, electrical, mechanical and specialties) to further public information and review. A rough order of magnitude cost estimate was completed by the GC/CM team for the project; assuming 2017-18 construction. The total cost of a single combined project is \$29.9 M. Postponing construction or phasing may increase the overall cost of the project.

### Project Funding Needs – How Much and When?

Need	Amount	Date Needed
Complete 10% Conceptual Design	\$300,000	Appropriated
Complete 35% Preliminary Design	\$663,000	February, 2015
Complete 65% GMP Design	\$643,000	November, 2015
Complete 100% Final Design	\$316,000	September, 2016

Total Design/City Admin = \$1,922,000

Site Preparation/Demolition	\$975,000	March, 2017
First Year Building Construction	\$18,000,000	July, 2017
Second Year Building Construction	\$9,000,000	July, 2018

Total Construction/Inspect/CA/Art = \$27,975,000

Total Project \$29,897,000

The Design Team attempted to assess building square footage for both Police and Fire to determine if initial costs could reasonably be reduced. The design team concluded that rather than eliminating square footage to reduce costs, the City should seek cost sharing with other local, state, and federal agencies for jail, range, and emergency management facilities.

The Committee concluded that from a practical perspective there is no significant square footage with a lower priority that should be postponed (with the possible exception of the shooting range). The Committee also determined that it was premature to make reductions in scope prior to establishing firmer designs and cost estimates. Cutting and trade-offs can come later in the process.

If the State would participate in Jail construction (say pay 1/3 the cost); it could reduce the City's cost by \$1,100,000. Participation in Range construction (say pay half the cost) might reduce the City's cost by \$900,000). The potential for Federal/State/Borough participation in the cost of this project should also be investigated. Private organizations (such as the NRA) might also contribute to the costs of the project.

4. The City Council should either disband or reauthorize the Committee. Per the resolution that created the PSBRC, the committee "shall be disbanded when the initial scope of work is complete and the Council appropriation is expended. The Council may extend the life of the Committee and expand its scope of work if the project proceeds beyond this initial phase and additional project revenues are secured."
5. The City Council should consider some policy matters that are outside of the purview of the PSBRC.
  - a. What is the future of the fire department? Many have suggested that the EMS/Fire response duties found on the southern peninsula, be combined or reorganized. This could affect the programing and sizing of the new City facilities.

- b. What will the operational costs of the new facilities be and how will the City pay for those costs? The existing maintenance, janitorial, heating and lighting expenses will be magnified by the increased size of the new facilities. As part of a plan presented to the public, operational costs should be addressed.





FILE: U:\204600234\DWGS\DESIGN\L-SP-PHASE 2.DWG PLOTTED: Dec 18, 2014 - 9:52:13 AM (Spackman, Michael)



89



SCALE IN FEET  
IMAGE DATE: 05/12/2011

Date Stamped:			
REVISIONS	Revision	By	
		No.	Date

**Stantec**  
 2515 "A" Street  
 Anchorage, Alaska 99503  
 Phone: (907) 276-6245  
 FAX: (907) 258-4653  
 www.stantec.com

Project:  
**HOMER PUBLIC SAFETY BUILDING**

City of Homer  
Homer, Alaska 99603

Project Mgr. **DRS**

Drawn

Checked

Date **10/30/2014**

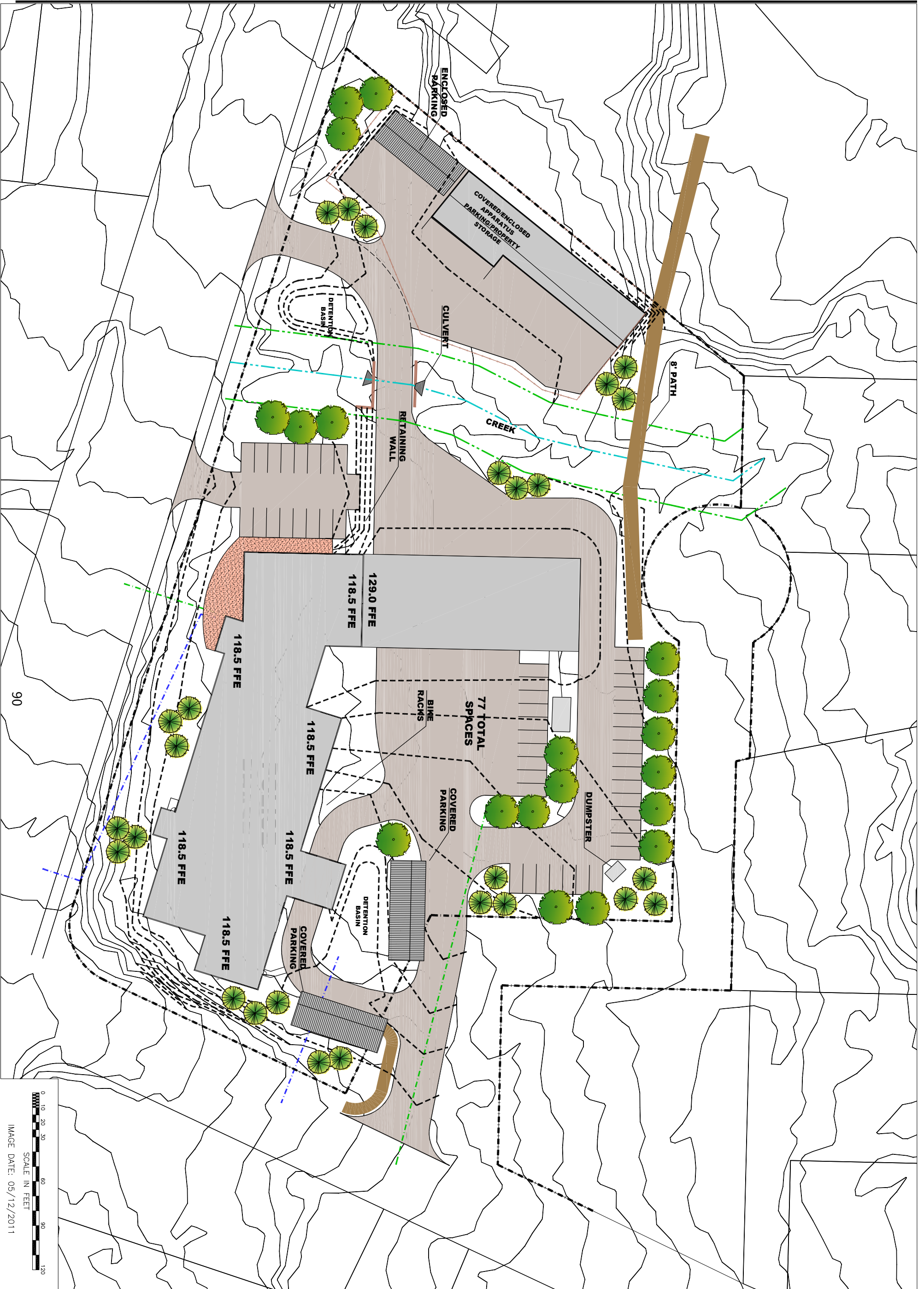
Sheet Contents:  
**PHASE 2 BUILD OUT CONCEPT**

Sheet No.:

**L1.2**

Project Number: 204600234

THIS DRAWING IS HALF-SIZE AT 11"x17"



SCALE IN FEET

IMAGE DATE: 05/12/2011

<p>Project: <b>HOMER PUBLIC SAFETY BUILDING</b></p>	<p>City of Homer Homer, Alaska 99603</p>	<p>Project Mgr.: DRS</p>	<p>Drawn: Checked: Date: 10/30/2014</p>	<p>Sheet Contents:</p>	<p><b>L1.2</b></p>	<p>PHASE 2 BUILD OUT CONCEPT</p>	<p>Sheet No.:</p>	<p>Project Number: 204600234</p>	<p>Date Stamped:</p>																																			
									<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Revision</th> <th>By</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Date	Revision	By																															
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2515 'A' Street  
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**1 PHASE ONE - LEVEL 1**  
A0.1  
1/16" = 1'-0"



<b>LEVEL 1 - PHASE ONE + TWO</b>	
POLICE LOBBY	1,131 SF
JAIL	4,363 SF
PROPERTY + EVIDENCE	4,919 SF
INVEST. + PATROL	5,411 SF
DISPATCH	3,406 SF
SUBTOTAL	19,230 SF
<b>LEVEL 2 - PHASE ONE + TWO</b>	
TRAINING + FITNESS	10,082 SF
RANGE	2,372 SF
SUBTOTAL	12,454 SF
<b>TOTAL</b>	<b>31,520 SF</b>

Date Stamped:	

REVISIONS		
No.	Date	Revision

**Stantec**

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Project: **HOMER PUBLIC SAFETY BUILDING**

City of Homer  
Homer, Alaska 99603

Project Mgr.: DRS

Drawn: \_\_\_\_\_  
Checked: \_\_\_\_\_  
Date: 10/30/14

Sheet Contents:  
**PHASE ONE - LEVEL 1**

Sheet No.: **A0.1**

Project Number: 204600234

1 PHASE ONE - LEVEL 2  
A0.2 1/16" = 1'-0"



Date Stamped:		By	
REVISIONS			
No.	Date	Revision	



2515 A' Street  
Anchorage, Alaska 99503  
Phone: (907) 276-4245  
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Project:  
**HOMER PUBLIC SAFETY BUILDING**

City of Homer Homer, Alaska 99603	
Project Mgr:	DRS
Drawn	
Checked	
Date	10/31/14

Sheet Contents:  
**PHASE ONE - LEVEL 2**

Sheet No.:  
**A0.2**

Project Number: 204600234

**1** PHASE TWO - LEVEL 1  
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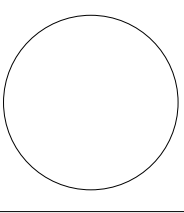
**LEVEL 1 - PHASE ONE + TWO**

POLICE LOBBY	1,131 SF
JAIL	4,363 SF
PROPERTY + EVIDENCE	4,919 SF
INVEST. + PATROL	5,411 SF
DISPATCH	3,406 SF
FIRE LOBBY	1,717 SF
FIRE ADMIN.	4,241 SF
SUBTOTAL	25,188 SF

**LEVEL 2 - PHASE ONE + TWO**

TRAINING + FITNESS	10,082 SF
RANGE	2,372 SF
FIRE LIVING	4,096 SF
FIRE APPARATUS BAY	7,807 SF
FIRE APPARATUS SUPPORT	1,481 SF
SUBTOTAL	25,838 SF

**TOTAL 51,026 SF**



Date Stamped:

REVISIONS		By
No.	Date	Revision



2515 A' Street  
Anchorage, Alaska 99503  
Phone: (907) 276-4245  
FAX: (907) 258-4653  
www.stantec.com

Project:  
**HOMER PUBLIC SAFETY BUILDING**

City of Homer  
Homer, Alaska 99603

Project Mgr.:	DRS
Drawn:	
Checked:	
Date:	12/04/14

Sheet Contents:  
**PHASE TWO - LEVEL 1**

Sheet No.:

**A0.3**

Project Number: 204600234

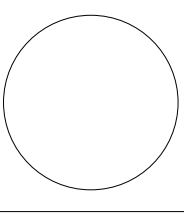
1 PHASE TWO - LEVEL 2  
A0.4 1/16" = 1'-0"



LEVEL 1 - PHASE ONE + TWO	
POLICE LOBBY	1,131 SF
JAIL	4,363 SF
PROPERTY + EVIDENCE	4,919 SF
INVEST. + PATROL	5,411 SF
DISPATCH	3,406 SF
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FIRE APPARATUS BAY	7,807 SF
FIRE APPARATUS SUPPORT	1,481 SF
SUBTOTAL	25,838 SF

**TOTAL 51,026 SF**



Date Stamped:

REVISIONS		
No.	Date	Revision



2515 A' Street  
Anchorage, Alaska 99503  
Phone: (907) 276-4245  
FAX: (907) 258-4653  
www.stantec.com

Project:  
**HOMER PUBLIC SAFETY BUILDING**

City of Homer  
Homer, Alaska 99603

Project Mgr.: DRS

Drawn:

Checked:

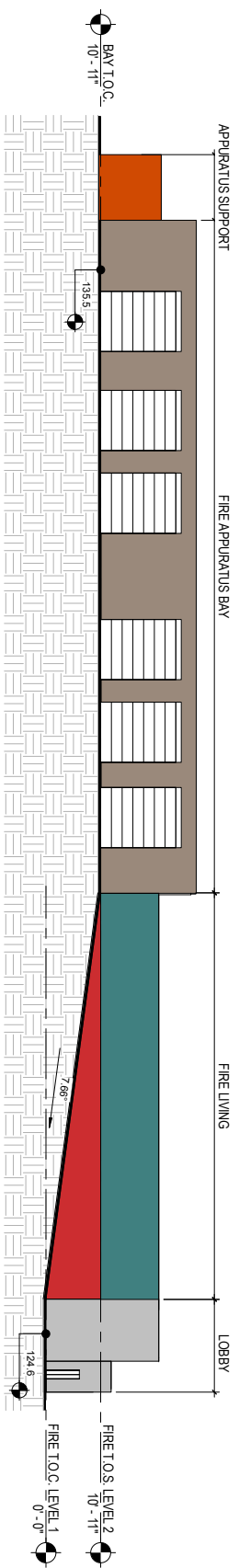
Date: 10/24/14

Sheet Contents:  
**PHASE TWO - LEVEL 2**

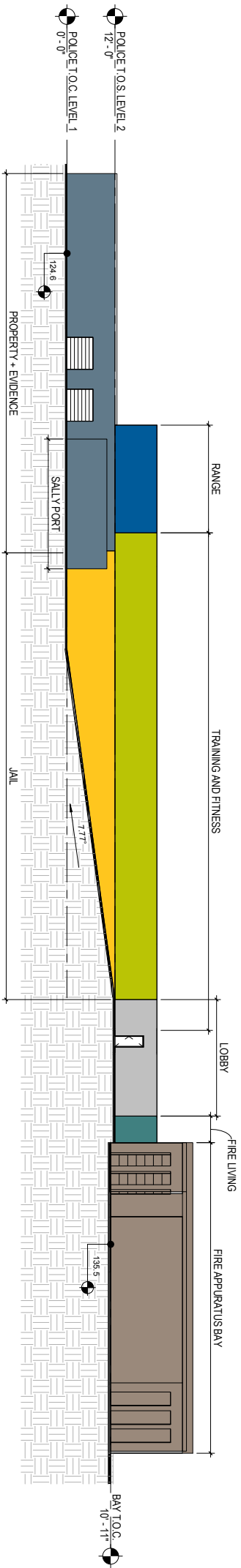
Sheet No.:

**A0.4**

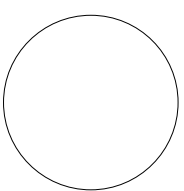
Project Number: 204600234



**2**  
ELEVATION 2  
1/8" = 1'-0"



**1**  
ELEVATION 1  
1/8" = 1'-0"



Date Stamped:

REVISIONS		By
No.	Date	Revision



2515 A' Street  
Anchorage, Alaska 99503  
Phone: (907) 276-4245  
FAX: (907) 258-4653  
www.stantec.com

Project:  
**HOMER PUBLIC SAFETY BUILDING**

City of Homer Homer, Alaska 99603	
Project Mgr:	DRS
Drawn	
Checked	
Date	12/04/14

Sheet Contents:  
**PHASE TWO ELEVATIONS**

Sheet No.:

**A0.5**

Project Number: 204600234

Activity Name	Resp. Discipline	Original Duration	Start	Finish	2015												2016												2017												2018												2019		
					Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar										
<b>Homer Public Safety Building</b>																																																							
<b>Preconstruction</b>																																																							
<b>10% Conceptual Design</b>																																																							
Trip #1 - Interviews for Needs Assessment	USKH	3	01-Jun-14 A	03-Jun-14 A																																																			
Develop Needs Assessment	USKH	12	10-Jun-14 A	26-Aug-14 A																																																			
Concept Design 10%	USKH	19	04-Oct-14 A	10-Dec-14																																																			
Trip #2 - Presentation & Discussion	USKH	1	10-Dec-14	10-Dec-14																																																			
Pre-Construction NTP	COH	0	26-Jan-15																																																				
Site Survey	CGC	1	30-Jan-15	30-Jan-15																																																			
<b>35% Schematic Design</b>																																																							
Preliminary Design 35%	USKH	213	01-Feb-15	01-Sep-15																																																			
Bond Proposition	COH	62	01-Aug-15	01-Oct-15																																																			
Trip #3 - 35% Presentation	USKH	1	10-Sep-15	10-Sep-15																																																			
Issuance of 35% Documents	USKH	0	01-Oct-15																																																				
Develop Phasing Plan, 35% Design Review	CGC	15	01-Oct-15	15-Oct-15																																																			
Initial 35% Schedule Development	CGC	15	01-Oct-15	15-Oct-15																																																			
Bid Package Prep & Development	CGC	25	01-Oct-15	25-Oct-15																																																			
35% Budget Alignment	CGC	15	26-Oct-15	09-Nov-15																																																			
Develop Subcontracting Plan	CGC	25	10-Nov-15	04-Dec-15																																																			
Subcontracting Plan Owner Review	COH	10	05-Dec-15	14-Dec-15																																																			
Develop Site Logistics Plan	CGC	11	10-Dec-15	20-Dec-15																																																			
<b>65% Design Devopment</b>																																																							
65% Design	USKH	244	15-Nov-15	15-Jul-16																																																			
Trip #4 - 65% Presentation	USKH	3	21-Jul-16	23-Jul-16																																																			
Sub Solicitation Period - 65%	CGC	40	24-Jul-16	01-Sep-16																																																			
65% Bid Day	CGC	0		01-Sep-16																																																			
Compile Budget	CGC	15	02-Sep-16	16-Sep-16																																																			
65% GMP to Owner	CGC	0		16-Sep-16																																																			
GMP Reconciliation	CGC	15	17-Sep-16	01-Oct-16																																																			
<b>95% Construction Documents</b>																																																							
Final Design	USKH	154	15-Sep-16	15-Feb-17																																																			
95% Docs to City of Homer	USKH	0	05-Mar-17																																																				
95% Review & Budget Alignment	CGC	25	05-Mar-17	29-Mar-17																																																			
Finalize CPM Schedule	CGC	25	05-Mar-17	29-Mar-17																																																			
Secure Early Submittals for Long-Lead	CGC	25	05-Mar-17	29-Mar-17																																																			
Trip #5 - Final Design Presentations	USKH	3	21-Mar-17	23-Mar-17																																																			
Design Complete	USKH	0		23-Mar-17																																																			
Final Review	CGC	25	30-Mar-17	23-Apr-17																																																			
NTP	COH	0	24-Apr-17																																																				
City of Homer Permit Issued	COH	0		24-Apr-17																																																			
Issuance of Conformed Docs	USKH	0	24-Apr-17																																																				
<b>Construction</b>																																																							
Civil/Utilities	CGC	30	24-Apr-17	23-May-17																																																			
Substructure	CGC	50	09-May-17	27-Jun-17																																																			
Superstructure	CGC	65	29-May-17	01-Aug-17																																																			
Exterior Walls/Skin	CGC	65	28-Jun-17	31-Aug-17																																																			
Roof	CGC	40	12-Aug-17	20-Sep-17																																																			
Interior Framing	CGC	60	01-Sep-17	30-Oct-17																																																			
Mechanical & Electrical Rough-In	CGC	120	01-Oct-17	28-Jan-18																																																			
Hang, Tape, Finish, Paint GWB	CGC	120	30-Nov-17	29-Mar-18																																																			
Architectural Finishes	CGC	160	08-Feb-18	17-Jul-18																																																			
Mechanical & Electrical Finishes	CGC	100	09-Apr-18	17-Jul-18																																																			
Testing & Balancing	CGC	40	28-Jun-18	06-Aug-18																																																			
Substantial Completion	CGC	0		06-Aug-18																																																			
Commissioning / Punchlist	CGC	30	07-Aug-18	05-Sep-18																																																			
Final Completion	CGC	0		05-Sep-18																																																			

## Homer Public Safety Building

█ Actual Work     █ Critical Remaining Work  
▬ Remaining Work     ◆ Milestone



# Conceptual Cost Estimate

## Homer Public Safety Building Project

### January 6, 2014

	2017 const start				2017 const start					
	PHASE 1				PHASE 2				PHASE 1 and 2	
	Quantity	Unit	Unit Price	TOTAL	Quantity	Unit	Unit Price	TOTAL	TOTAL	
<b>SITE - GENERAL</b>										
Mob/Demob/General Conditions		LS	LS	\$180,000		LS	LS	\$210,000	\$210,000	\$390,000
Building Demolition		LS	LS	\$160,000		LS	LS	\$340,000	\$340,000	\$500,000
Excavation - On-Site Disposal	7,500	CY	\$4	\$30,000	4,500	CY	\$4	\$18,000	\$48,000	\$48,000
Excavation - Off-Site Disposal	2,500	CY	\$10	\$25,000	1,750	CY	\$10	\$17,500	\$42,500	\$42,500
Import Select Fill Material	3,500	CY	\$25	\$87,500	5,500	CY	\$25	\$137,500	\$225,000	\$225,000
Paving (2" LC/2" AC)	21,000	SF	\$5	\$105,000	14,000	SF	\$5	\$70,000	\$175,000	\$175,000
Curb & Gutter	3,000	LF	\$22	\$66,000	2,000	LF	\$22	\$44,000	\$110,000	\$110,000
Sidewalk/Trails/Courtyard		LS	LS	\$35,000		LS	LS	\$15,000	\$15,000	\$50,000
Storm Drainage		LS	LS	\$25,000		LS	LS	\$35,000	\$35,000	\$60,000
Water Service		LS	LS	\$45,000		LS	LS	-	\$0	\$45,000
Sewer Service		LS	LS	\$25,000		LS	LS	-	\$0	\$25,000
Landscaping/Seeding		LS	LS	\$20,000		LS	LS	\$35,000	\$35,000	\$55,000
Detention Basins		LS	LS	\$15,000		LS	LS	\$15,000	\$15,000	\$30,000
Gas/Electric/Tele Service		LS	LS	\$125,000		LS	LS	\$15,000	\$15,000	\$140,000
Utility Relocations		LS	LS	\$50,000		LS	LS	\$80,000	\$80,000	\$130,000
Site Lighting		LS	LS	\$20,000		LS	LS	\$40,000	\$40,000	\$60,000
SWPPP		LS	LS	\$20,000		LS	LS	\$30,000	\$30,000	\$50,000
Dumpster/Pad/Enclosure		LS	LS	\$20,000		LS	LS	-	\$0	\$20,000
Emergency Generator		LS	LS	\$95,000		LS	LS	-	\$0	\$95,000
<b>SUBTOTAL SITE CIVIL</b>				<b>\$1,148,500</b>	<b>\$1,102,000</b>				<b>\$2,250,500</b>	
<b>ASSESSORY - POLICE</b>										
Sally Port	981	sf	\$275	\$269,775				-	\$0	\$269,775
Vehicle Impound Bay	523	sf	\$350	\$183,120				-	\$0	\$183,120
Vehicle Impound Storage			\$200	\$0	1962	sf	\$150	\$294,300	\$294,300	\$294,300
Stolen Item Storage			\$175	\$0	872	sf	\$50	\$43,600	\$43,600	\$43,600
Staff Vehicle Enclosed Parking	1,199	sf	\$275	\$329,725				-	\$0	\$329,725
Staff Vehicle Covered Parking	981	sf	\$200	\$196,200				-	\$0	\$196,200
K-9	55	sf	\$150	\$8,175				-	\$0	\$8,175
<b>SUBTOTAL ACCESSORY STRUCTURES</b>				<b>\$986,995</b>	<b>\$702,400</b>				<b>\$1,689,395</b>	
<b>MAIN BUILDING</b>										
Fire Public Areas			-	\$0	2,173	sf	\$325	\$706,063	\$706,063	\$706,063
Fire Administration			-	\$0	2,705	sf	\$350	\$946,750	\$946,750	\$946,750
Fire Living Areas			-	\$0	7,326	sf	\$325	\$2,381,031	\$2,381,031	\$2,381,031
Fire Staff/Facilities Support			-	\$0	735	sf	\$350	\$257,250	\$257,250	\$257,250
Fire Apparatus Bays and Support			-	\$0	9,370	sf	\$350	\$3,279,500	\$3,279,500	\$3,279,500
Police Public Areas	774	sf	\$375	\$290,156				-	\$0	\$290,156
Dispatch/Records	2,406	sf	\$350	\$842,188				-	\$0	\$842,188
Police Administration	608	sf	\$350	\$212,625				-	\$0	\$212,625
Police Investigations	1,125	sf	\$350	\$393,750				-	\$0	\$393,750
Police Patrol	2,559	sf	\$350	\$895,563				-	\$0	\$895,563
Police Property/Evidence	3,000	sf	\$325	\$975,000				-	\$0	\$975,000
Police Jail	4,473	sf	\$950	\$4,248,875				-	\$0	\$4,248,875
Police Range/Armory	4,744	sf	\$550	\$2,609,063				-	\$0	\$2,609,063
Police Support Spaces	4,998	sf	\$350	\$1,749,125				-	\$0	\$1,749,125
Shared Spaces	2,293	sf	\$325	\$745,063	2,293	sf	\$375	\$859,688	\$1,604,750	\$1,604,750
Communications				\$85,000				\$18,000	\$103,000	\$103,000
Furnishings	26,978	sf	\$5	\$134,890	22,309	sf	\$5	\$111,545	\$246,435	\$246,435
<b>SUBTOTAL BUILDING CONSTRUCTION</b>				<b>\$13,181,296</b>	<b>\$8,559,826</b>				<b>\$21,741,123</b>	
<b>SUBTOTAL SITE/BLDG CONSTRUCTION</b>				<b>\$14,168,291</b>	<b>\$9,262,226</b>				<b>\$23,430,518</b>	
Design	8	%	-	\$1,133,463				-	\$740,978	\$1,874,441
1% for Art				\$70,000					\$70,000	\$140,000
Construction Assistance/Inspection	2	%	-	\$283,366				-	\$185,245	\$468,610
Contingency	15	%	-	\$2,125,244				-	\$1,389,334	\$3,514,578
City Administration	2	%	-	\$283,366				-	\$185,245	\$468,610
<b>TOTAL PROJECT COST</b>				<b>\$18,063,730</b>	<b>\$11,833,027</b>				<b>\$29,896,757</b>	



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

3 City Manager/  
4 Public Works Director

5 **RESOLUTION 14-020**

6  
7 A RESOLUTION OF THE HOMER CITY COUNCIL CREATING A  
8 PUBLIC SAFETY BUILDING REVIEW COMMITTEE AND  
9 ESTABLISHING THE SCOPE OF WORK AND PARAMETERS UNDER  
10 WHICH THE COMMITTEE WILL CONDUCT ITS WORK.

11  
12 WHEREAS, The City has solicited GC/CM proposals from qualified firms or teams to  
13 conduct preliminary engineering, design, site evaluation, and cost estimating for the  
14 proposed new Homer Public Safety Building; and

15  
16 WHEREAS, Proposals are due on January 21, 2014; and

17  
18 WHEREAS, It would be beneficial to establish a Public Safety Building Review  
19 Committee (PSBRC) to assist the City with numerous functions including review and  
20 evaluation of the proposals, similar to the committees the Council has established for  
21 construction projects on other public buildings.

22  
23 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes  
24 the Public Safety Building Review Committee (PSBRC).

25  
26 BE IT FURTHER RESOLVED that the Committee membership shall be the Mayor or one  
27 member of the City Council, the Police Chief or their designee, the Fire Chief or their designee,  
28 a member of the public, preferably with construction or project management experience, and  
29 a member of the business community.

30  
31 BE IT FURTHER RESOLVED that primary staff support shall be provided by Carey Meyer  
32 and Dan Nelsen and secondary support shall be provided as needed and requested by the  
33 City Manager, the Finance Director, and the City Planner.

34  
35 BE IT FURTHER RESOLVED the Scope of Work shall include:

- 36  
37
- Review and rate GC/CM proposals and make a recommendation to the Council

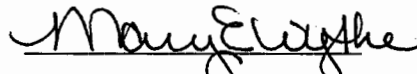
- 37 • Review the proposed contract and provide input on the scope of work and
- 38 deliverables
- 39 • Review work products and participate in regular briefing with the contractor
- 40 • Make recommendations and provide direction to staff and the contractors as
- 41 the project proceeds
- 42 • Make recommendations to Council as to how to proceed as various
- 43 benchmarks are achieved.

44  
45 BE IT FURTHER RESOLVED that the Committee shall establish its own work schedule  
46 and shall be disbanded when the initial scope of work is complete and the Council  
47 appropriation is expended. The Council may extend the life of the Committee and expand its  
48 scope of work if the project proceeds beyond this initial phase and additional project  
49 revenues are secured.


50  
51 BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for parties  
52 interested in serving as the public and business community representatives.

53  
54 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13<sup>th</sup> day of January,  
55 2014.

56  
57 CITY OF HOMER

58  
59  
60   
61 MARY E. WYTHE, MAYOR

62  
63 ATTEST:

64   
65  
66 \_\_\_\_\_  
67 JO JOHNSON, MMC, CITY CLERK

68  
69 Fiscal Note: Staff time and advertising costs.

70  
71



# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 15-004

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: JANUARY 5, 2015

SUBJECT: AMENDMENT OF RESOLUTION 14-120(A) THE 2015 MEETING SCHEDULE FOR COUNCIL AND ADVISORY BODIES.

---

After the adoption of Resolution 14-120(A) at the December 8, 2014 council meeting it was brought to my attention that the Library Advisory Board schedule was incorrect.

Instead of meeting each month of the year, the Library Advisory Board has eight scheduled meetings per year. I have corrected Resolution 14-120(A) to reflect the actual meetings for the LAB in 2015.

RECOMMENDATION:

Informational only.



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

City Clerk

3  
4 **RESOLUTION 14-120(A)**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 ESTABLISHING THE 2015 REGULAR MEETING SCHEDULE FOR  
8 THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY  
9 COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND  
10 RECREATION ADVISORY COMMISSION, ADVISORY PLANNING  
11 COMMISSION, PORT AND HARBOR ADVISORY COMMISSION,  
12 PERMANENT FUND COMMITTEE, AND PUBLIC ARTS COMMITTEE.  
13

14 WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually  
15 sets the schedule for regular and some special meetings, noting the dates, times and places  
16 of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and  
17

18 WHEREAS, The public is informed of such meetings through the kiosks located at  
19 Captain's Coffee, Harbormaster's Office, Redden Marine Services of Homer, and the City  
20 Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Home Page on the Internet, and  
21 postings at the Clerk's Office at City Hall, and the Public Library; and  
22

23 WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper  
24 of general circulation at least three days before the date of the meeting and that special  
25 meetings should be advertised in the same manner or may be broadcast by local radio at  
26 least twice a day for three consecutive days or two consecutive days before the day of the  
27 meeting plus the day of the meeting; and  
28

29 WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council  
30 and all commissions, boards, committees, subcommittees, task forces and any sub-unit of  
31 the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that  
32 the failure to give the notice provided for under this chapter does not invalidate or otherwise  
33 affect any action or decision of a public body of the City; however, this sentence does not  
34 change the consequences of failing to give the minimum notice required under State Statute;  
35 that notice will ordinarily be given by the City Clerk; and that the presiding officer or the  
36 person or persons calling a meeting are responsible for notifying the City Clerk of meetings in  
37 sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City;  
38 and  
39

40 WHEREAS, This Resolution does not preclude additional meetings such as emergency  
41 meetings, special meetings, worksessions, and the like; and  
42

43 WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the  
 44 Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

45  
 46 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2015 meeting  
 47 schedule is established for the City Council, Economic Development Advisory Commission,  
 48 Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning  
 49 Commission, Port and Harbor Advisory Commission, Permanent Fund Committee, and Public  
 50 Arts Committee of the City of Homer, Alaska, as follows:

51  
 52 Holidays - City Offices closed:

January 1*, New Year's Day, Thursday	February 16*, Presidents' Day, the third Monday	March 31*, Seward's Day, last Monday	May 25*, Memorial Day, last Monday	July 3*, Independence Day, Friday	September 7*, Labor Day, first Monday
October 19*, Alaska Day, Monday	November 11*, Veterans Day, Wednesday	November 26* Thanksgiving Day, Thursday	November 27*, Friday, the day after Thanksgiving	December 25*, Christmas, Friday	

53  
 54 \*Indicates holidays - City offices closed.  
 55 \*\*If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the  
 56 preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel  
 57 Rules and Regulations.

58  
 59 CITY COUNCIL (CC)

January 12, 26	February 9, 23	March 9, 23	April 13, 28	May 11, 26*	June 8, 22
July 13**, 27	August 10, 24	September 14, 28	October 6 Election	October 12, 26, for Oath of Office 20*	Canvass Board October 9 or 12
November 3 Run- Off Election	November 9**, 23	December 14****	December 21**** if needed		

60  
 61 City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50  
 62 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each  
 63 month at 6:00 p.m. \*\*\*The City Council traditionally reschedules regular meetings that fall on  
 64 holidays or High School Graduation days, for the following Tuesday. Council will not conduct  
 65 a First Regular Meeting in July.

66



67 AML Annual Conference Week is tentatively scheduled for November 16 – 20, 2015.

68 \*Tuesday meeting due to Memorial Day/Alaska Day.

69 \*\*There will be no First Regular Meeting in July or November.

70 \*\*\*\* The City Council traditionally cancels the last regular meeting in December and holds the  
 71 first regular meeting and one to two Special Meetings as needed. Generally the second  
 72 Special Meeting the third week of December, will not be held.

73

74 ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 13	February 10	March 10	April 14	May 12	June 9
July 14	August 11	September 8	October 13	November 10	December 8

75

76 Economic Development Advisory Commission Regular Meetings are held on the second  
 77 Tuesday of each Month at 6:00 p.m.

78

79 LIBRARY ADVISORY BOARD (LAB)

	February 3	March 3		May 5	June 2
July 7		September 1	October 6		December 1

80

81 Library Advisory Board Regular Meetings are held on the first Tuesday of the months of  
 82 February, March, May, June, July, September, October, and December at 5:00 p.m.

83

84 PARKS AND RECREATION ADVISORY COMMISSION (P/R)

	February 19	March 19	April 16	
May 21	June 18		August 20	
September 17	October 15	November 19		

85

86 Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday  
 87 of each month at 5:30 p.m. with the exception of January, July, and December.

88

89 PLANNING COMMISSION (P/C)

January 7, 21	February 4, 18	March 4, 18	April 1, 15	May 6, 20	June 3, 17
July 15**	August 5, 19	September 2, 16	October 7, 21	November 4**	December 2**

90

91 Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of  
 92 each month at 6:30 p.m. \*\*There will be no First Regular Meeting in July or Second Regular  
 93 Meetings in November and December.

94

95

96

97 PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 28	February 25	March 25	April 22	May 27	June 24
July 22	August 26	September 23	October 28	November 18	December 16

98  
99 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of  
100 each month at 5:00 p.m., with the exception of May, June, July and August meetings that are  
101 held at 6:00 p.m. The Regular Meetings in the months of November and December are  
102 traditionally scheduled for the third Wednesday of the month.

103  
104 PERMANENT FUND COMMITTEE (PFC)

February 12	May 14	August 13	November 12
-------------	--------	-----------	-------------

105  
106 Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of  
107 the months of February, May, August, and November at 5:15 p.m.

108  
109 PUBLIC ARTS COMMITTEE (PAC)

February 12	May 14	August 13	November 12
-------------	--------	-----------	-------------

110  
111 Public Arts Committee Regular Meetings are held quarterly on the second Thursday of the  
112 months of February, May, August, and November at 5:00 p.m.

113  
114 PASSED AND ADOPTED by the Homer City Council this 8<sup>th</sup> day of December, 2014.

115  
116 CITY OF HOMER

117  
118  
119 \_\_\_\_\_  
120 MARY E. WYTHE, MAYOR

121 ATTEST:

122  
123  
124 \_\_\_\_\_  
125 JO JOHNSON, MMC, CITY CLERK

126  
127 Fiscal Impact: Advertizing of meetings in regular weekly meeting ad and advertizing of any  
128 additional meetings.

# VISITORS



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



# CITY OF HOMER

## MAYOR'S PROCLAMATION

### THE BIG READ

WHEREAS, The Big Read is a series of free outreach events designed to promote literacy, reading and open dialogue within our community; the 2015 series will focus on author Ray Bradbury's classic dystopian novel *Fahrenheit 451*; and

WHEREAS, The Friends of the Homer Public Library is one of 77 organizations nationwide to receive a grant as part of The Big Read project by the National Endowment for the Arts; Friends of the Homer Public Library, along with its community partners, will host various Big Read events throughout the month, including: book discussions, guest speakers, a drama performance, art classes, film viewings and panel discussions, just to name a few; and

WHEREAS, The Big Read was created in response to the 2004 National Endowment for the Arts report "Reading at Risk: A Survey of Literary Reading in America," which identified a critical decline in literary reading; the study showed that literary reading was declining among all age groups, with the steepest decline in the youngest age groups; and

WHEREAS, The City of Homer is committed to providing educational opportunities to our residents, such as The Big Read; literacy and open dialogue within the community is of vital importance to continue to grow and become a prosperous region; we are thankful for Friends of the Library, The Homer Public Library, their partners, staff, and volunteers for the work they have done to make The Big Read project a success.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, on behalf of all its citizens, do hereby proclaim January 23 as "The Big Read Day" in the City of Homer and encourage all residents to take part in the various Big Read events from January 23 to March 19.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED the Seal of the City of Homer, Alaska, to be affixed this 12<sup>th</sup> day of January, 2015.

CITY OF HOMER

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MARY E. WYTHER, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK





Session 14-20, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on December 3, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BOS

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN  
PUBLIC WORKS DIRECTOR MEYER

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

STROOZAS/HIGHLAND 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).

There were no public comments.

### **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 November 5, 2014 meeting
- B. Decision and Findings for Conditional Fence Permit at 3945 Mullikin St.

Chair Stead called for a motion to adopt the consent agenda.

HIGHLAND/STROOZAS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

A. Tom Taffe, Wind Turbines

Tom Taffe introduced Kamran Vasseghi and explained that they have been studying wind turbines for two years. Mr. Taffe addressed:

- Increasing power costs;
- Benefits of vertical access wind turbines;
- Federal incentives for solar power and wind power;
- The need for keeping up with technological changes;
- Drawbacks and risks of propeller type wind turbines;
- Referenced UGE as a company they should be dealing with because they have already done the research and development in over 90 countries over eight years;
- UGE has solutions for smaller areas;
- The need for incentives and standards;
- State grant programs for commercial projects;
- Encourage the community to get informed and involved.

In response to questions, Mr. Taffe and the Commission addressed system capacity, unit cost, view protection and planning, federal and state subsidies, and fossil fuel energy.

### **Reports**

A. Staff Report PL 14-94, City Planner's Report

City Planner Abboud reviewed the staff report.

There was further discussion regarding towers and the FCC's role, regulation, and preserving view shed.

### **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.

### **Plat Consideration**

A. Staff Report PL 14-95, Tietjen Subdivision Church of Christ Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant comment and no public comment.

Commissioner Venuti asked if the applicant is aware this will not affect their gas line assessment. City Planner Abboud said he did not know. An unidentified audience member said he is aware.

VENUTI/STROOZAS MOVED TO APPROVE STAFF REPORT PL 14-95 TIETJEN SUBDIVISION CHURCH OF CHRIST ADDITION PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

It was noted that this action seems pretty straight forward.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **Pending Business**

#### **New Business**

##### A. Staff Report 14-96, Wind Energy Systems

City Planner Abboud reviewed the staff report and acknowledged the comments about changing technology and opportunities for different types of energy units. He envisions more of a focused discussion of some of the externalities of these devices and how they might be regulated.

Commissioner Stroozas noted Mr. Taffe's comments about state and federal money as a kick starter to help get something going, and thinks it will take something like that to get it going. In his opinion there aren't enough people who want to do it on their own. If a typical residence uses 600kwh per month at 22 cents per kwh is \$132 per month. It would take about 340 months to pay back and that doesn't factor in maintenance. His recommendation is for staff to review the proposal and bring it back at a later date.

Commissioner Erickson suggested the street lights that are powered by the small wind turbines might work well on the spit trail and it would be a good chance to see how well the work. She also expressed that obstruction of the view shed is an important factor.

Commissioner Venuti said that one of the most important issues when they initially discussed this was protecting the view.

Commissioner Bradley added that they only referenced one company, there are other opportunities to see designs for street lights and so forth that is more efficient and less showy. She commented about the changing technology and that it is likely cost probative for most people. As they become more affordable and we start seeing them more often she wonders if we'll get used to seeing them, like we do with cell towers now.

Commissioner Highland noted this is renewable energy and something that is going forward on doing some good. There are going to be people who are willing to pay to do their part. Mr. Vasseghi has a piece of property in town and will likely need one. We want to think proactively about this. She doesn't think it is a good idea to postpone this for too long, because we are already in an energy crisis.

They discussed code and current height allowances and how all this can be addressed. First they need to get a definition of tower. The Commission agreed to schedule discussion at a future date.

### **Informational Materials**

- A. City Manager's Report for the November 24, 2014 City Council Meetings
- B. City of Homer Capital Projects Status Report- Public Works Department October 2014
- C. Kenai Peninsula Borough Planning Commission Notice of Decision Re: Section Line Easement Vacation Plan with Dierich Addition Lot 4B-1 Time Extension Request

### **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**

Deputy City Clerk Jacobsen commented about the wind turbines on Pillar Mountain in Kodiak.

City Planner Abboud said he will work with the Chair on updating the Commission work list.

### **Comments of the Commission**

Commissioner Stroozas wished everyone a Merry Christmas and Happy New Year.

Commissioner Venuti commended the Planning staff for doing a great job while Rick was away. He wished everyone a Merry Christmas and Happy New Year.

Commissioner Erickson commented that a couple things stood out to her tonight. One was the review and technology every two or three years to see where we're at every two or three years. She liked the fact that they looked at a chapter in the Comp Plan every year is a great idea because things change quickly. She wished everyone a Merry Christmas and Happy New Year.

Commissioner Bradley had no comments.

Commissioner Highland was excited to have tonight's conversation. It's a futuristic conversation. If everyone changed something, in time it would make a difference. She wished everyone Happy Holidays.

Chair Steady wished everyone a happy Christmas and wonderful New Year. The topics discussed are near and dear to his heart and he looks forward to future discussions, but he doesn't agree with everything that was presented tonight.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:03 p.m. The next regular meeting is scheduled for January 7, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





December 29, 2014

Homer City Council  
City of Homer  
491 East Pioneer Avenue  
Homer, Alaska 99603

JAN - 2 2015

Dear Mayor and City Council Members:

Thank you to the City of Homer for continuing its support of the nonprofit community through funds administered by the Homer Foundation! This consistent support makes a big difference in the capacity of our local nonprofit organizations, which frequently rely on community and volunteer support to achieve our goals.

We're excited to report that in August 2014, we finished baseline water quality data collection for our Citizens' Environmental Monitoring Program (CEMP) (1996-2014), with a total of 329 volunteers who dedicated 7,000 hours of their time collecting water quality data in and around the City of Homer. We have developed three baseline reports (Bidarka Creek, Beaver Creek and McNeil Creek), and in the next year we will complete the remaining 12 baseline water quality reports - including for Woodard Creek, Diamond Creek, Fritz Creek and others.

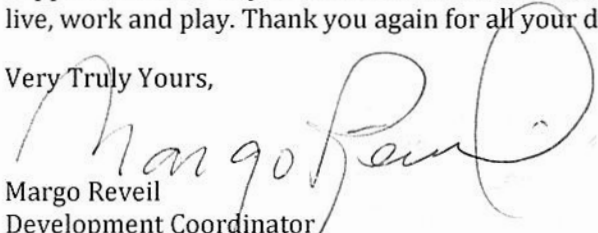
In 2010 the City of Homer passed a resolution (10-61) to support the Alaska Clean Harbors program, which is now recognized as an invaluable statewide resource for municipal harbors. Inletkeeper developed this program in partnership with the City of Homer, the Alaska Department of Environmental Conservation and the Alaska Association of Harbormasters and Port Administrators, and in 2011 Homer Harbor became the first certified Alaska Clean Harbor in Alaska. In 2014, Cook Inletkeeper began facilitating a statewide task force on Abandoned & Derelict Vessels (ADV), and Homer is leading the way for municipalities with Bryan Hawkins' participation. Through our Safe Drinking Water project, we help local homeowners and families test and understand the issues affecting their private drinking water sources.

In addition, Cook Inletkeeper sponsored its 9<sup>th</sup> annual Electronics Recycling Day in 2014, which kept another 21,423 lbs. of electronic waste out of our landfill, for a grand total of over 153,000 pounds since the program's inception in 2006. More recently we've been working with the Borough's solid waste management team, to make electronics recycling a part of their quarterly hazardous waste days. This would make electronics recycling a permanent program for Homer residents, and allow volunteers to focus their efforts on outreach and education.

Many of our projects, supported by the Homer community, are transferable to communities throughout the Cook Inlet watershed and the state. As a result, this ongoing support by the Homer City Council not only touches many lives in our local community but sets an example and precedent for community problem solving for other communities.

Inletkeeper employs seven staff people—five of whom reside in Homer. Since our inception in 1995, we have created numerous opportunities for meaningful employment and added over \$6 million to the local economy. Support from the City of Homer demonstrates the Council's commitment to making Homer a superior place to live, work and play. Thank you again for all your dedicated service to our community.

Very Truly Yours,



Margo Reveil  
Development Coordinator  
cc: Homer Foundation





JAN - 2 2015

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Dear Mayor and City Council,

Thank you so very much for your generous donation towards our Natural Gas Conversion. Your contribution has allowed us to secure funding to complete the Assisted Living and Senior Center buildings. We appreciate your support. Thank you Ken

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**Thank You!**



# PUBLIC HEARING(S)



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

**Ordinance 14-56**

A public hearing is scheduled for Monday, January 12, 2015 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.

Ordinance 14-56 internet address:

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

**Ordinance 14-56**, An Ordinance of the Homer City Council Amending Homer City Code 21.70.010, Zoning Permit Required, and 21.90.030, Invalid Land Use Permits, Regarding the Requirement for a Zoning Permit and the Relationship of Zoning Violations to Permit Issuance. Planning.

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 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://www.cityofhomer-ak.gov/cityclerk> . Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us) or fax 235-3143.

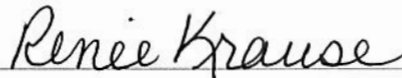
Melissa Jacobsen, CMC, Deputy City Clerk

Publish: Homer Tribune: December 31, 2014

**CLERK'S AFFIDAVIT OF POSTING**

I, Renee Krause, CMC, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 14-56**, Amending Homer City Code 21.70.010, Zoning Permit Required, and 21.90.030, Invalid Land Use Permits, regarding the Requirement for a Zoning Permit and the relationship of Zoning Violations to Permit Issuance 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, December 26, 2014 and that the City Clerk posted same on City of Homer Homepage on Friday, December 26, 2014.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 26<sup>th</sup> day of December, 2014.



Renee Krause, CMC, Deputy City Clerk I

**ORDINANCE REFERENCE SHEET**  
**2014 ORDINANCE**  
**ORDINANCE 14-56**

An Ordinance of the Homer City Council Amending Homer City Code 21.70.010, Zoning Permit Required, and 21.90.030, Invalid Land Use Permits, Regarding the Requirement for a Zoning Permit and the Relationship of Zoning Violations to Permit Issuance.

Sponsor: Planning

1. City Council Regular Meeting December 8, 2014 Introduction
  - a. Memorandum 14-177 from City Planner as backup
2. City Council Regular Meeting January 12, 2015 Public Hearing and Second Reading
  - a. Memorandum 14-177 from City Planner as backup





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**CITY OF HOMER  
ORDINANCE 14-56**

Planning

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.70.010, Zoning permit required, is amended to read as follows:

21.70.010 Zoning permit required. a. Except as provided in subsection (c) of this section, a zoning permit shall be obtained from the City Planner for the following:

1. Erection, construction or ~~moving~~ **expansion** of any building or structure.

2. Site development activities that trigger other review or approval requirements under the Homer Zoning Code, such as, but not limited to, the requirement of a site plan, development activity plan or stormwater protection plan.

3. **An increase in the height, or an exterior dimension of any floor, of an existing building, or an increase in the height, or the footprint area,** ~~A change or expansion of **an existing** any building, structure or lot.~~

4. A change or expansion of the use of a lot.

b. The zoning permit required by this section shall be obtained prior to the commencement of any ~~work, change or expansion of a building, structure, lot or use, or other~~ activity for which the permit is required. Failure to do so is a violation.

c. The following are exempt from the requirement to obtain a zoning permit, but not from compliance with applicable requirements of the Homer Zoning Code, such as, but not limited to, the development activity plan or stormwater protection plan:

1. **Any change to an existing building that does not increase the height, or exterior dimension of any floor, of the building, and any change to an existing structure that does not increase the height, or footprint area, of the structure.**

2. Erection or construction of a one-story detached accessory building used as a tool and storage shed, playhouse, or other accessory use, provided the building area does not exceed 200 square feet; and further provided, that there is already a main building on the same lot.

~~3.~~ Fences or walls used as fences, unless otherwise regulated by the Homer City Code.

~~4.~~ Removal of any building or structure.

~~5.~~ Termination of any type of use.



85 First Reading:  
86 Public Hearing:  
87 Second Reading:  
88 Effective Date:

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91 Reviewed and approved as to form:

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95 Marvin Yoder, City Manager

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

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

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





## City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

### Memorandum 14-177

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: RICK ABOUD, CITY PLANNER

DATE: October 7, 2014

SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

#### **Introduction:**

This ordinance was a subject of business at the September 17, 2014 meeting of the Commission and a subsequent public hearing was held at the October 15<sup>th</sup> meeting. No comments or testimony from the public was made. The Commission voted unanimously in support of sending the proposed ordinance for adoption by the City Council.

The ordinance was produced by the City Attorney. The reason for the ordinance is summed up well in staff report PI 14-88. Basically, this addresses the possibly perceived rigidity of the code and is intended to allow for reasonable permitting of structures that comply with current regulations. Any violations found during the process can still be addressed by the Planning Director in a manner similar to the authority used for code enforcement. It is a response to the realities currently presented in the city with regards to development that is regulated in code and those that may not present a health, safety or welfare issue.

#### **Recommendation:**

The Homer Advisory Planning Commission recommends the City Council adopt the amendment.

#### **Attachments:**

Staff Report 14-88

Draft Ordinance 14-56

Ordinance review memo

Excerpts from Planning Commission meeting minutes 9.17.14 and 10.15.14





# City of Homer

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

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491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
(p) 907-235-3106  
(f) 907-235-3118

## Staff Report PL 14-88

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: October 15, 2014  
SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

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**Introduction:** This particular section of code has been cited in regards to recent appeals of Planning Commission decisions in CUP's. The City Attorney has provided a suggested code amendment for your review.

Attached is a draft of an ordinance amending the Zoning Code regarding the issuance of zoning permits and relationship between permit issuance and zoning violations:

1. The ordinance defines more clearly the activities that require a zoning permit, in particular a zoning permit for alteration of an existing building, which is required only when the alteration changes the exterior dimensions of the building.
2. The ordinance prohibits the issuance of a permit under the Zoning Code unless all structures and uses permitted under the permit conform to the Zoning Code, and leaves it to the discretion of the permitting authority whether to require correction of other Zoning Code violations on the property.

**Analysis:** Code language may now be interpreted that all alterations need a zoning permit, even though we do not have a building inspector. It seems to be a waste of time and money to make someone gain a permit for an activity that the City does not have any regulation regarding, such as a residential interior remodel or roof replacement and such. This proposed amendment addresses this issue.

Currently if one were to make an inflexible interpretation of code, no zoning permits (as in all permits reference in zoning code, not just CUP's) could be issued unless it was determined that a property has maintained complete compliance with all development regulations and permits. While there may be some better reasons than others why someone may not be in

compliance, permits might only be issued after correction, as in correction that would not require a permit (sometimes this may be nearly impossible, how could you move a building without gaining a permit to do so??). This code language in its present form introduces a 'catch 22' situation. Our city's most experienced litigant has stated he believes all development found to not be in compliance must be removed prior to issuing a permit and no permit may be issued after the fact. While in a perfect world everyone would do their due diligence and get a permit for absolutely everything they do and not make any errors in construction, but this is just not realistic. Sometimes the only reasonable option is to gain a permit.

**Staff Recommendation:** Review the proposed amendment and have a discussion. A public hearing could be scheduled if so desired.

**Attachments:**

1. Proposed Ordinance
2. Memorandum per HCC 21.95.040



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CITY OF HOMER  
ORDINANCE 14-xx

City Manager

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.70.010, Zoning permit required, is amended to read as follows:

21.70.010 Zoning permit required. a. Except as provided in subsection (c) of this section, a zoning permit shall be obtained from the City Planner for the following:

1. Erection, construction or ~~moving~~ expansion of any building or structure.
2. Site development activities that trigger other review or approval requirements under the Homer Zoning Code, such as, but not limited to, the requirement of a site plan, development activity plan or stormwater protection plan.

3. **An increase in the height, or an exterior dimension of any floor, of an existing building, or an increase in the height, or the footprint area,** ~~A change or expansion of an existing any building, structure or lot.~~

4. A change or expansion of the use of a lot.

b. The zoning permit required by this section shall be obtained prior to the commencement of any ~~work, change or expansion of a building, structure, lot or use, or other~~ activity for which the permit is required. Failure to do so is a violation.

c. The following are exempt from the requirement to obtain a zoning permit, but not from compliance with applicable requirements of the Homer Zoning Code, such as, but not limited to, the development activity plan or stormwater protection plan:

1. **Any change to an existing building that does not increase the height, or exterior dimension of any floor, of the building, and any change to an existing structure that does not increase the height, or footprint area, of the structure.**

2. Erection or construction of a one-story detached accessory building used as a tool and storage shed, playhouse, or other accessory use, provided the building area does not exceed 200 square feet; and further provided, that there is already a main building on the same lot.

~~3.~~ Fences or walls used as fences, unless otherwise regulated by the Homer City Code.

~~4.~~ Removal of any building or structure.

~~5.~~ Termination of any type of use.

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



88 Second Reading:

89 Effective Date:

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92 Reviewed and approved as to form:

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Walt Wrede, City Manager

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

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

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





# City of Homer

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

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491 East Pioneer Avenue  
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(p) 907-235-3106  
(f) 907-235-3118

## Memorandum

**TO:** Homer Advisory Planning Commission  
**FROM:** Rick Abboud, City Planner  
**MEETING:** October 15, 2014  
**SUBJECT:** AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED, AND 21.90.030, INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE.

**This memo contains the planning staff review of the zoning code amendment as required by HCC 21.95.040.**

### Planning Staff review of the **code amendment** per 21.95.040

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

**a.** Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

*Staff response:* The Homer Comprehensive Plan page 4-14. Goal 3, Objective A states "Create a clear, coordinate regulatory framework that guides development", going on to recommend implementation strategy 2, "Provide a clear and predictable approval process for every development including organizing project review and permitting and providing appropriate staff review".

Charging and processing payments for activities that are not currently regulated by the City of Homer does not promote an appropriate review.

**b.** Will be reasonable to implement and enforce.

*Staff response:* The proposed amendments will eliminate the spurious process of requirements for activities not currently regulated by City Code. It will be reasonable to implement and enforce.

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

*Staff response:* The amendment does not act as a detriment to present and future public health, safety and welfare. It promotes these values in that it does not require citizens to become frustrated with erroneous development hurdles.

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

*Staff response:* This amendment is consistent with the intent, wording and purpose of HCC Title 21. The city attorney has reviewed and amended the ordinance for consistency.

### **Pending Business**

- A. Staff Report PL 14-87, Proposal to amend to the Bridge Creek Watershed Protection District.

City Planner Abboud noted they heard some new information tonight at the worksession and he reviewed the staff report and draft ordinance.

There was discussion about current lot sizes, proposed development area, and regulations currently in place relating to subdividing. They acknowledged the proposed ordinance is a starting draft based on information the Commission addressed so far. It is something the property owners can consider and give feedback about. The protection district seems to be working now, so they have time to get input.

Other comments included concerns about driveways and parking. Many of the homes have minimal driveways and parking, which becomes a safety concern in the winter. Also, Mr. Shavelson's suggestion to work with a hydrologist would be fitting for the Commission's work on this. Adding it to the CIP could be an option for getting help with funding to pay for the work. It would also be helpful to look at the information the Inletkeeper has accumulated over the years.

There was consensus of the Commission to hold a public hearing at the October 16 meeting.

### **New Business**

- A. Staff Report PL 14-88, An ordinance of the Homer City Council amending Homer City Code 21.70.010, Zoning permit required, and 21.90.030, Invalid land use permits regarding the requirement for a zoning permit and the relationship of zoning violations to permit issuance.

City Planner Abboud reviewed the staff report.

There was discussion about follow-up after permits are issued. It was explained that presently things may or may not be verified, and many permits get issued because what the applicant is asking for is legally permissible, although they may have an issue on their property.

Further discussion centered on the notion of building permits or zoning permits being documentation of work completed on homes, for example, throughout the years. That is how it is done in other communities, and despite the resistance to rules, some of that should be regulated in Homer. The "buyer beware" mentality of properties in the city is shameful.

Point was raised that this ordinance addresses zoning code, which is about land use. City Planner Abboud noted that site visits are done as much as possible to follow up on the work after the permit is issued.

HIGHLAND/BOS MOVED TO HOLD A PUBLIC HEARING ON STAFF REPORT PL 14-88.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **Informational Materials**

- A. City Manager's Report, September 8, 2014
- B. Joanne Thordarson Letter – view obstruction with new development in Forest Glenn Subdivision

### **Comments of the Audience**

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

Scott Adams, city resident, commented about the Bridge Creek/ Kelly Ranch area. He is surprised the Borough allowed that subdivision to go in and some of those back lots should never have been sold. Some of the property on Skyline that is away from the water areas could use some tweaking because most of the acreage is over three acres and they have been on the market for a good ten years. He thinks it should be based on individual lots and not the general area because of the difference in lot size and location within the watershed district. He hopes they do step back and look at the watershed district. In the discussion about regulating development in Homer, their work on steep slope put restrictions on property there. He lives in that area and will be abiding by those rules. He noted that he lives in the area that was annexed and was told the area would get water, only to find out ten years later it isn't feasible. That kind of puts a sting on things. He likes where they are going, he thinks a building inspector might be a direction we are headed. He explained a situation with a neighbor who bought a house that was owner built and the issues she has had to face.

### **Comments of Staff**

City Planner Abboud said they have been working on strategic planning with the Mayor and Council, including some review of the Comp Plan. He will bring the Commission the information to review. The Commission will be looking at some Comp Plan updates in the near future.

Deputy City Clerk Jacobsen reminded the group about the upcoming Volunteer Appreciation Event and also early voting for the municipal elections.

### **Comments of the Commission**

Commissioner Highland said it was a good meeting. She asked about comments she heard about NAPA complaining about having to repaint their building and sign issues. City Planner Abboud reviewed information about corporate branding and the colors those corporate businesses use to advertise. The NAPA building sign and legacy are beyond our code. If someday there are changes, they will need to conform to code. Ms. Highland asked if an acknowledgement could be sent to Joann Thordarson regarding her letter in the informational items.

Commissioner Bradley said she will be absent on October 1<sup>st</sup>.



- It addresses waterborne illnesses linked to pathogens and it's zero in low density population areas, and the Bridge Creek watershed area is a low density populated area.
- The statement in the report that the construction of low density developments disturbs soil over larger land area, accelerating transport of sediment and associated pollutants into water bodies, may apply in this area.
- There may be a discrepancy regarding turbidity values. When turbidity goes up there are issues with bacteria coming in, but the report data shows low turbidity and problems with bacteria. It wasn't clear how they got from one place to the other.
- In best management practices, there are problems with designs for collecting runoff.
- It suggests increasing density of the people living in the area to create larger buffers to lower turbidity.

The concern of dealing with fertilizers in the area was raised, along with invasive grasses in the area. City Planner Abboud talked about challenges of being able to reasonably enforce a regulation on fertilizers and such. It was countered that adding prohibiting fertilizers and herbicides in the ordinance will at least educate people and there will be those who will comply and curb some of the uses. Regarding invasive grasses, in the section regarding reseeding, it was suggested to include wording that it be seeded with natural or native grass.

Relating back to the study, Chair Stead expressed he doesn't think there isn't much there. The biggest things they can do are limit runoff and provide natural buffers. Kelly Ranch Estates flows down to Bridge Creek.

- B. Staff Report PL 14-88, An ordinance of the Homer City Council amending Homer City Code 21.70.010, Zoning permit required, and 21.90.030, Invalid land use permits, regarding the requirement for a zoning permit and the relationship of zoning violations to permit issuance

City Planner Abboud reviewed the staff report.

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

VENUTI/STROOZAS MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING HCC 21.7.010 ZONING PERMITS REQUIRED AND 21.90.030 INVALID LAND USE PERMITS, REGARDING THE REQUIREMENT FOR A ZONING PERMIT AND THE RELATIONSHIP OF ZONING VIOLATIONS TO PERMIT ISSUANCE, AND FORWARD IT TO THE CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was discussion that this seems to be pretty straight forward and that staff doesn't know if there will be any retroactive issues. There may be some discussion about it at the joint worksession with Council.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **Plat Consideration**



# ORDINANCE(S)



# CITY MANAGER'S REPORT





# City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

### MANAGER'S REPORT

January 12, 2015

To: The Mayor and Council

From: Marvin L Yoder

Date: January 6, 2015

Thank all of you for the warm welcome I have received. The move from Palmer to Homer has gone very well.

**Governors Ball** The City has received information that there will be a Governors' Inauguration Ball in Kenai on January 30. The specifics are as follows: Old Kenai Carrs Mall, Doors Open - 5:30pm, No Host Bar - 6pm, Program/Dinner - 6:30pm, Desserts & Dancing, Semi-Formal/Formal Attire, Tickets - \$50 per person.

**Capital Matching Grant** The City of Homer scored well on their application for a State ADEC Matching Grant. The amount of the project is \$1,980,254. The City will be required to provide a 30% match.

If the CMG program is funded by the legislature, this grant will pay for two water main extensions; one on Shellfish Ave and the other on Kachemak Dr.

The Council will need to determine the funding source for the City match. In the past the city has utilized a DEC/EPA loan at 1.5% interest. This decision will be on a future agenda for Council action.

**Island and Ocean Roof Update** In his December manager report, Walt mentioned the need for funds to repair the roof on the Islands and Ocean building. Katie Koester has informed me that the USF&WS has appropriated funds to complete this project in 2015.

Katie also relayed the following message "Steve Delehanty, Refuge Manager for the Alaska Maritime National Wildlife Refuge, expressed thanks to the Homer City Council for their desire to help the facility and asked that partnership be considered in the future when they may need non-federal advocates. Steve also encouraged the City to do anything we can to keep the Kachemak Bay Research Reserve thriving and located in the Islands and Ocean Visitor Center."

**Land Leases** The City has received notice from the Coast Guard and from Petro Marine that they would like to extend their leases with the City.

Currently, we are awaiting a lease proposal from the Coast Guard. Once a proposed lease is received, the lease committee will review it. You can expect this to be an agenda item in the near future.

The Petro Marine Lease does not expire for two years. They are simply giving notice of their intent to continue leasing the property.



Dear Mr. McMahon:

I am writing in response to the email you sent back in November regarding U.S. Coast Guard Lease DTCG89-03-L-J-DE-025 (Lot 20). Please accept my apologies for the tardy response.

The City of Homer is very pleased to learn that the Coast Guard has secured the funding and is planning to proceed with construction of a new support building for CGC Hickory on Lot 20. As you know, construction of this facility is a development requirement contained in the lease that was signed back in 2003. The City of Homer is definitely willing to consider an amendment to the lease that would add an additional 20 years of one year renewals. The City would likely condition approval on assurances that USCG will construct the building in an expeditious manner.

Please proceed with preparing the proposed lease amendment. We look forward to reviewing it. The City Lease Policies require that amendments to existing leases must be approved by the Homer City Council after review and recommendation by the Lease Committee. What is your timeline and how soon do you need approval? I can schedule a Lease Committee meeting as early as next week however, the Homer City Council does not meet again until January 12th. That would be the earliest we could obtain formal approval.

The Lease Policies contain criteria that must be addressed before amendments are made or the term of a lease is extended without competitive bidding. So, please send a formal letter which requests this amendment. It would be very good if you also discussed the USCG commitment to build the support building, a timetable and development schedule, preliminary site plans and/or building designs, etc. Other criteria to be addressed, such as revenue generated, jobs created, and overall economic, social, and public safety value to the community we already know and do not need to be addressed. We are aware of the value USCG brings to the community and we look forward to your long term presence here.

I look forward to your response. Please do not hesitate to contact me if you have further questions.

Sincerely,

Walt Wrede  
City Manager





## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)  
(p) 907-235-8121 x2222  
(f) 907-235-3148

December 12, 2014

Mr. Kurt R. Lindsey

President / CEO

Petro Marine Services

2101 East 63<sup>rd</sup> Ave.

Anchorage, AK. 99507

**SUBJECT:** Your letter dated November 21, 2014.

Dear Mr. Lindsey:

Thanks again for stopping in to visit with the City earlier this fall. We appreciate it and we think the meeting we had was very productive. It was good to get to know you better and to hear about your company's long term commitment to doing business in Homer. I am writing in response to the follow-up letter you sent dated November 21, 2014.

The City has started the process of reviewing your request to extend the term of the two leases Petro has with the City. The Lease Committee considered your request at its meeting on December 3 and developed a recommendation that must now be reviewed by the Port and Harbor Commission and ultimately approved by the Homer City Council. The Committee's recommendation has been forwarded to the Port and Harbor Commission for consideration at its meeting on December 17<sup>th</sup>. City Council action could be expected in January or February.

The Committee recommendation is as follows. The Committee has recommended that the Coal Point lease, also referred to as the marina or terminal lease, be extended for another 20 years. The City would probably recommend a new lease instead of extending the current one. The City's Lease Policies provide that the City Council can offer a new lease to an existing lessee without competitive bidding if there is a very good reason to do so. There are criteria provided for making that determination. In this case, there is no doubt in the Committee's mind that Petro Marine should be awarded a new lease because of its track record, investment in infrastructure, the services it provides to the community and the port and harbor, and the jobs, revenue, and taxes it generates.

The Committee has recommended that the other lease, Lot 8-E-1, also referred to as the fuel float lease, be offered for lease through the RFP process when the current term expires. There are several reasons for this. First, the Lease Policies state a preference for putting leased parcels out for RFP when they expire so that other businesses have an opportunity to benefit from leasing these properties and

the City has a chance to secure the highest and best use of the land. Since the other parcel is being recommended for renewal without competitive bidding, this seemed to be the correct course of action. Second, the City has an interest in promoting competition where possible and the port and harbor is no exception. Making this parcel available through the RFP process provides an opportunity to do that. Finally, the existing lease calls for Petro Marine to engage in Phase II of the site development plan. That includes another tank and a fuel line out to the end of the Deep Water Dock. The City still believes this is important, especially since vessel traffic and activity in Cook Inlet is starting to ramp up and the City has plans to significantly expand the Deep Water Dock. We think this could be a significant long term business opportunity and would like to gauge the level of interest and see what types of proposals are submitted.

Petro Marine will be able to submit a proposal just like anyone else and we would encourage you to do so. In the event that another company submits a successful proposal, the City will work closely with Petro Marine to minimize impacts and financial losses related to infrastructure located at that site. For example, the company could remove its tanks, floats and other equipment, sell them, or lease them to another company. The City would be open to discussing any of these options.

As you may know, I will be leaving this position on December 31. The best way to track this process going forward would be to contact either Julie Nelsen in the City Manager's office or Bryan Hawkins. Julie assists with the administration of leases and Bryan is the Port and Harbor Director.

I hope this information is helpful. Please do not hesitate to contact me if you have any questions or wish to discuss this further. The City appreciates Petro Marine's presence in the community and we look forward to a long and productive relationship in the future.

Sincerely,

Walt Wrede



City Manager

# PETRO MARINE SERVICES

A Petroleum Marketing and Distribution Company

November 21, 2014

Mr. Walter Wrede  
City of Homer  
491 E Pioneer Ave.  
Homer, AK 99603

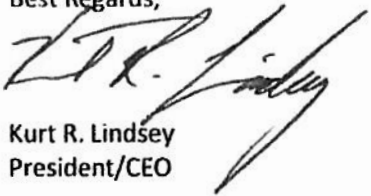
Dear Walt,

Thank you for taking the time to meet with myself and Smokey Norton recently to discuss our fuel floats and terminal leases. As you are aware, the term of our combined lease agreement, as amended, comes up November 30<sup>th</sup> of 2018. We have enjoyed a long and mutually beneficial relationship with the City of Homer. Over the past 22 years since we acquired the lease, Petro Marine Services has invested significant financial resources in infrastructure development, we have paid out millions more in lease fees, and have provided dozens of stable jobs year after year. In addition as an Alaskan owned company, we have supported many different local community projects, events and non-profit organizations. It is our desire to continue to have a positive working relationship with the city, and to be a strong contributor to the local economy well into the future.

We are requesting an extension of our Fuel Float and Terminal Lease Agreements to extend the term for an additional 20 years. This will assure that we are able to operate in the same spirit we have in the past, providing a needed service to the city while remaining a strong supporter of the local community. We are not asking for any other revisions to the lease agreement.

I look forward to hearing from you to begin the process for the lease extension. My contact information is listed below, please feel free to contact me at your earliest convenience to discuss this request, or to schedule a time to meet.

Best Regards,

  
Kurt R. Lindsey  
President/CEO

Office: (907) 561-3505  
Mobile: (907) 491-0178  
Email: [kurtl@petro49.com](mailto:kurtl@petro49.com)

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2101 East 63rd Avenue • Anchorage AK 99507



Phone (907) 344-4571 • Fax (907) 561-3509

a division of  
Petro 49, Inc.



**From:** Steve Delehanty [<mailto:refugefriend@gmail.com>]

**Sent:** Tuesday, December 30, 2014 1:15 PM

**To:** Walt Wrede

**Cc:** Wendy Wayne

**Subject:** Thank You to City Employees

Walt: A contractor recently completed a city sewer hook-up for us at our home on Paradise Place. As a public employee, I know too well how people more often contact agencies to complain rather than compliment. I want to take this moment to brag up the City of Homer, both its council and employees, whom I think handled the situation very professionally.

Dan Gardiner and his staff walked us through all the many steps to get us from a concept to an installed system. Dan was patient and helpful throughout. The city appropriately agreed to cover the costs of two additional potentially served lots from the sewer and water fund, rather than making us as homeowners pay for those extra lots in hopes of perhaps someday getting reimbursed. When we hit a few hiccups during construction, the contractor and the city were very responsive and dealt with the issues responsibly. All in all, the project went well and that speaks well of both your leadership and the competence of your team.

Thank you for the work that City of Homer employees do for all of us behind the scenes every day. Steve







## City of Homer

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

## Office of the City Clerk

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Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto: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: DECEMBER 31, 2014

SUBJECT: BID REPORT

---

**RFP HOMER DEEPWATER DOCK FEASIBILITY STUDY** - The City of Homer intends to enter into a negotiated agreement for professional engineering and economic analysis services to complete a feasibility study for the expansion/ improvement of the Deepwater Dock. A complete description of services is contained in the RFP Package. Estimated period for performance of the Agreement is approximately February 2015 to July 2016. Cost of these professional services is expected to be in the range of \$1,400,000 to \$1,600,000. Sealed proposals for the construction of the **Homer Deepwater Dock Feasibility Study** will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:00 PM, Thursday, January 15, 2015**. The time of receipt will be determined by the City Clerk's time stamp.





# City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

[mayor@ci.homer.ak.us](mailto:mayor@ci.homer.ak.us)  
(p) 907-235-3130  
(f) 907-235-3143

## Memorandum

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: JANUARY 5, 2015

SUBJECT: GAMES REPORT

We have received notification of a 2015 Gaming Permit Application by the following entities:

Homer Society of Natural History Inc.

RECOMMENDATION:

Informational only.

Fiscal Note: Revenues.





# ALASKA DEPARTMENT OF REVENUE

## Charitable Gaming Permit

Location Authorized: Jan. 1, 2015 through Dec. 31, 2015

Permit No  
381

**Permittee**

Homer Society Of Natural History Inc  
3779 Bartlett St  
Homer AK 99603

**Authorized Games of Chance and Skill**

Raffle or Lottery Effective 01/01/2015

**Self-Directed Location:**

**ID#:31916**

Homer  
Homer AK 99603

This qualified organization or municipality is authorized to conduct the listed games of chance and skill for the permit year. Gaming activities of this permittee must be conducted in accordance with AS 05.15. and 15 AAC 160. This permit is not transferable or assignable.

**Katrina E Mitchell, Gaming Manager**

**12/15/2014**

Caution: This does not permit you to do business in Alaska without complying with other State or US Laws.

Issued By

Print Date

**This permit must be posted in a conspicuous place at the location of the authorized activity.**



HOMER SOCIETY OF NATURAL HISTORY INC  
3779 BARTLETT ST  
Homer AK 99603

- Post this permit in a conspicuous place at the specified location.
- This permit expires on December 31st, at midnight, of the year issued.
- Gaming is a privilege; protect your permit. Statutes and Regulations are on the internet and staff is available to answer questions. Ask before you make a mistake.
- Gaming permits can't be loaned or transferred to another person or organization for any purpose.
- You will lose your permit if you conduct card games, dice games, sports boards, or other games that have the three elements of gambling--consideration, chance, and prize-- if they are not specifically authorized by statute.



Department of Revenue - Tax Division

# Online Permitting and Licensing

State of Alaska &gt; DOR &gt; Online Tax Information System &gt; Online Permitting and Licensing

## Application Overview

Version 25: 2015 - Permittee Application Number: 14911



**Current Status: Incomplete**

### Application Task List:

- ✓ 1. Complete Application Form
- ✓ 2. Submit Required Documentation
- 3. Sign This Application
- 4. Pay Application Fees
  - \$20.00 \$50 for each vendor
  - \$20.00 Total**

### Your Application Data (Tracking Number: 14911)

#### Organization Information

Permit Number	381
Year Permit requested for	2015
Federal EIN or Alaska Tax Identification Number	926002856
Name of Organization or Municipality	Homer Society of Natural History Inc
Mailing Address One	3779 Bartlett St
City, State Zip + 4	Homer, AK 99603
Telephone Number (All numbers include area code)	(907) 235-8635
Fax Number (All numbers include area code)	(907) 235-2764
Organization Website Address (If available)	www.prattmuseum.org
Type of Organization	Educational
Organized As	Corporation
How will activities be conducted?	Self-Directed by the Organization
Does the organization have 25 or more members who are Alaska residents as defined in your articles of incorporation or bylaws?	Yes
Have the organization's articles of incorporation changed?	No
Have the organization's bylaws changed?	No
Estimated gross receipts for year prior to application year:	\$0 - \$20,000

#### Game Types

Area Based - Unrestricted	Raffles
---------------------------	---------

#### Self-Directed Facility or Location-specific

#### Area-based Information

Area	Homer
Game Type(s)	Raffles

#### Vendor Information

#### Operator Information

#### Multiple-beneficiary Permittee (MBP)

**Members in Charge / Manager of Games**

What position does this person serve? Primary Member in Charge  
 First name Heidi  
 Middle Initial J  
 Last Name Stage  
 Address PO Box 1970  
 City, State, Zip Homer, AK 99603 + 1970  
 Daytime Telephone (907) 235-8635  
 Mobile Number (907) 299-2454  
 Email Address hstage@prattmuseum.org  
 Has this person taken the test? Yes  
 Permit number under which the test was taken 381

What position does this person serve? Alternate Member in Charge  
 First name Diane  
 Middle Initial L  
 Last Name Converse  
 Address PO Box 513  
 City, State, Zip Homer, AK 99603 + 0513  
 Daytime Telephone (907) 235-8635  
 Mobile Number (907) 299-4794  
 Email Address director@prattmuseum.org  
 Has this person taken the test? Yes  
 Permit number under which the test was taken 381

**Legal Information**

Persons convicted of a felony, extortion, or a violation of a law  
 None

Persons with a prohibited conflict of interest  
 None

**Net Proceeds Dedication, Details**

Net proceeds to be dedicated to the educational programs of the Pratt Museum, a private non-profit museum serving the Kenai Peninsula.

**Attachments**

**Title (Type), Description**

**Extra Notes/Comments/Descriptions to the Tax Division**

Empty text area for extra notes.







# CITY ATTORNEY REPORT



## MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: THOMAS F. KLINKNER**

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

**CLIENT: CITY OF HOMER**

**FILE NO.: 506,742.18**

**DATE: JANUARY 7, 2015**

---

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

City Council. Holly Wells attended the December 8, 2014, City Council meeting. I drafted an employment contract for the Interim City Manager and a resolution authorizing the contract. Holly Wells continued to advise the Board of Adjustment on procedural issues in an appeal from the granting of a conditional use permit.

City Manager. We advised the City Manager regarding responses to public records requests for attorney billing records. I worked with the Administration's Social Media Committee on policies regarding the use of social media by City departments. I continued to work with the City on the preparation of the assessment roll for the natural gas distribution special assessment district.

City of Homer v. Shadle. Mara Michaletz analyzed the Superior Court's final decision in this zoning enforcement action.

Auction Block Company v. City of Homer. Holly Wells worked on the City's appellee's brief in Auction Block's appeal to the U.S. Court of Appeals for the Ninth Circuit from the Federal Maritime Commission's dismissal of its complaint.

I will be available to answer questions regarding these matters at the January 12, 2015, Council meeting.

cc: Marvin Yoder  
Jo Johnson



# COMMITTEE REPORTS



PENDING BUSINESS





# NEW BUSINESS





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 15-003

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: JANUARY 5, 2015

SUBJECT: AUTHORIZATION FOR COUNCILMEMBER ZAK TO SERVE ON THE ALASKA MUNICIPAL LEAGUE LEGISLATIVE POSITION COMMITTEE AND TRAVEL TO THE LEGISLATIVE MEETING AND CONFERENCES AS REQUIRED.

---

Councilmember Bryan Zak would like to serve on the Alaska Municipal League Legislative Position Committee for 2015. Committee membership is limited to elected officials of AML member communities.

A seat on the Legislative Position Committee requires support of the City of Homer to include travel to Juneau in February to meet during the Legislative Meeting, the Summer Conference in August, and the Annual Conference in November in Anchorage, Alaska.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Cost estimates for travel include round trip airfare from Homer to Anchorage at \$250.00 and room rates at \$100.00 per night; from Homer to Juneau at \$500.00 and room rates at \$159 per night. Per diem is \$58.00 per day, for three meals.

For FY 2015 Council budgeted \$4,500 for transportation and \$2,500 for subsistence. To date no funds have been expended from Transportation Acct. No. 100.0100.5236 or Subsistence Acct. No. 100.0100.5237.

### RECOMMENDATION:

Discuss Councilmember Zak's request to apply for the AML Legislative Position Committee and if approved allocate funds for travel as needed.





**ALASKA MUNICIPAL LEAGUE**  
**2015 Legislative Position Committee**  
**Application Form**

FULL NAME BRYAN ZAK  
MUNICIPALITY HOMER  
MAILING ADDRESS 2525 Sterling Hwy, HOMER AK 99603  
PHONE 907-223-6681 WORK 907-260-5629 HOME \_\_\_\_\_  
FAX: 907-227-1530 E-MAIL BRYANZAK@AOL.COM

**Subject Area of Expertise:**

- |  |  |
|--|--|
| <input type="checkbox"/> At-Large                        | <input type="checkbox"/> Finance & Taxation  |
| <input checked="" type="checkbox"/> Economic Development | <input type="checkbox"/> Public Safety       |
| <input type="checkbox"/> Education                       | <input type="checkbox"/> Resource Management |
| <input type="checkbox"/> Energy                          | <input type="checkbox"/> Transportation      |

I would like to apply for a seat on the Alaska Municipal League Legislative Position Committee. I understand that committee membership is limited to elected or appointed officials of AML member communities and that sitting members of the AML board of directors are not eligible for appointment to this committee. I also understand and accept the time and financial commitment required for active participation.

Bryan Zak  
SIGNATURE OF APPLICANT

12/11/2014  
DATE

**MUNICIPAL SUPPORT:** to include physical presence at 3 meetings paid for by municipality. Committee will meet during the Legislative Meeting in February in Juneau, the Summer Conference in August and the Annual Conference in November in Anchorage.

On behalf of the municipality, I am authorized to commit financial support of the above individual's active Participation in the Alaska Municipal League Legislative Position Committee if elected.

AUTHORIZED SIGNATURE: \_\_\_\_\_  
TITLE \_\_\_\_\_ DATE \_\_\_\_\_

Must be submitted to the AML office via fax, mail or email by 4:30 p.m. Wednesday, January 14, 2015

Mail: 217 2nd Street, Suite 200  
Juneau, AK 99801

Fax: (907) 463-5480  
Email: Kathie@akml.org

OVER

**BIOGRAPHICAL SKETCH**

FULL NAME BRYAN ZAK

POSITION WITHIN MEMBER MUNICIPALITY: Councilman

RELEVANT EXPERIENCE IN CHOSEN SUBJECT AREA OF EXPERTISE:

- Five years as the business advisor for the Alaska Small Business Development Center.
- Three years as National Baldrige Examiner
- Certified Global Business Professional
- Past Board member Kenai Peninsula Economic Development District
- Business Retention and Expansion Committee - KPEDD
- Business owner in Alaska for 15 Years
- Past Alaska Performance Excellence Examiner
- Third term Homer City Council



# RESOLUTIONS





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

3 Mayor

4 **RESOLUTION 15-004**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 REQUESTING THAT THE ALASKA LEGISLATURE RE-APPROPRIATE  
8 THE \$1,405,000 THAT THE CITY RECEIVED FOR THE WADDELL  
9 WAY ROAD IMPROVEMENT TO A NEW PUBLIC SAFETY BUILDING.

10  
11 WHEREAS, The City has received a Legislative Grant in the amount of \$1,405,000 for  
12 improvements to Waddell Way Road (being that it was the #1 transportation project priority  
13 at the time the grant was requested); and

14  
15 WHEREAS, Currently, the #1 City project priority is the replacement of the functionally  
16 obsolete police and fire department buildings that provides basic essential services to the  
17 community; and

18  
19 WHEREAS, In this time of capital project budget constraints, it is reasonable to  
20 sacrifice progress on past priority projects so that a current higher priority City project (that  
21 provides for an essential community service) can continue to make progress; and

22  
23 WHEREAS, The Public Safety Building is included in the City's current Capital  
24 Improvement Plan Priority List.

25  
26 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby respectfully  
27 requests that the Alaska Legislature re-appropriate the \$1,405,000 grant for the design and  
28 construction of the Waddell Way Road Improvements (15-DC-062) to design and construction  
29 of the New Public Safety Building.

30  
31 BE IT FURTHER RESOLVED that the City Manager and the City lobbyist are authorized  
32 to take the appropriate and necessary measures to assist our Legislators in making this  
33 request a reality.

34  
35 PASSED AND ADOPTED by the Homer City Council this 12<sup>th</sup> day of January, 2015.  
36  
37

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CITY OF HOMER

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

ATTEST:

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

Fiscal Note: Transfer of \$1,405,000 Legislative Grant to the Public Safety Building project.



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Commerce, Community,  
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809  
Juneau, Alaska 99811-0809  
Main: 907-465-4731  
TDD: 907-465-5437  
Fax: 907-465-5867

July 31, 2014

Jo Earls  
City of Homer  
491 East Pioneer Avenue  
Homer, AK 99603

COPY

RE: 2015 Designated Legislative Grant Agreements

Dear Ms. Earls:

Enclosed you will find 3 of agreements enclosed] grant agreements between City of Homer and the Department of Commerce, Community and Economic Development. Listed below are the projects and award amounts:

Grant Number	Project Name	Award Amount
15-DC-061	Fire Department Equipment Upgrades	\$350,000.00
15-DC-062	Waddell Way Road Improvements	\$1,405,000.00
15-DC-060	Harbor Sheet Pile Loading Dock	\$350,000.00

In order to receive grant funds, a grant agreement must be executed for each award. Please carefully review the agreements, sign, date and return. Faxed or emailed copies will not be accepted. Upon receipt and approval, fully executed copies will be sent to you for your files.

If you have any additional questions, please contact me via phone at (907)465-4731 or email [robin.park@alaska.gov](mailto:robin.park@alaska.gov).

Sincerely,

Robin Park  
Grants Administrator II

Enclosures



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

Designated Legislative Grant Program  
Grant Agreement

Grant Agreement Number 15 DC 062	Vendor Number CIH84724	Amount of State Funds \$1,405,000.00	
Encumbrance Number/AR/Lapse Date /9959/06/30/2019		Project Title Waddell Way Road Improvement	
<b>Grantee</b>		<b>Department Contact Person</b>	
Name City of Homer		Name Robin Park	
Street/PO Box 491 E. Pioneer Ave.		Title Grant Administrator II	
City/State/Zip Homer, AK 99603		Street/PO Box P.O. Box 110809	
Contact Person Jo Earls		City/State/Zip Juneau, AK 99811-0809	
Phone 907-435-3110	Fax 907-235-3140	Phone (907) 465-4731	Fax (907) 465-5867
Email jearls@ci.homer.ak.us		Email robin.park@alaska.gov	

**AGREEMENT**

The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and City of Homer (hereinafter 'Grantee') agree as set forth herein.

**Section I.** The Department shall pay the Grantee for the performance of the project work under the terms outlined in this Agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed \$1,405,000.00.

**Section II.** The Grantee shall perform all of the work required by this Agreement.

**Section III.** The work to be performed under this Agreement begins 7/1/2014 and shall be completed no later than 6/30/2019.

**Section IV.** The Agreement consists of this page and the following:

ATTACHMENTS

Attachment A: Scope of Work

1. Project Description
2. Project Budget
3. Project Management
4. Reporting

Attachment B: Payment Method

Attachment C: Standard Provisions

AMENDMENTS

Any fully executed amendments to this Agreement

APPENDIX

Appendix A: State Laws and Regulations

Grantee	Department
Signature	Signature
Printed Name and Title Walt Wrede, City Manager	Printed Name and Title Jolene Julian, Grants Administrator III
Date	Date

## Attachment A Scope of Work

### 1. Project Description

The purpose of this FY 2015 Designated Legislative Grant in the amount of \$1,405,000.00 [pursuant to the provisions of AS 37.05.315, Grants to Municipalities, SLA 2014, SB 119, Chapter 18, Section 1, Page 10, and Line 33] is to provide funding to City of Homer for use towards Waddell Way Road Improvement. The objective of this project is to construct a road on the existing Waddell right-of-way, providing an alternate route for traffic and resolving drainage issues.

This project may include, but is not limited to:

- Planning;
- Land acquisition;
- Preliminary design;
- Final design;
- Permitting;
- Public involvement;
- Bidding, and;
- Construction.

COPY

No more than five percent (5%) of the total grant award may be reimbursed for Administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for Administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

### 2. Project Budget

Cost Category	Total Project Costs
Project Funds	\$1,405,000.00
Administration	\$0.00
<b>Total Grant Funds</b>	<b>\$1,405,000.00</b>

### 3. Project Management

This project will be managed by the Grantee.

Signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the chief administrator. For grants appropriated to a municipality, the mayor is the chief administrator unless the municipality operates a managerial form of government; then the city manager/administrator acts as the chief administrator. For named recipients and unincorporated communities, the executive director or highest ranking official will act as chief administrator.

The chief administrator may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The chief administrator also designates financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this Grant. The use of Grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the Grant and any balance of funds under the Grant. It may also result in the Grantee being required to return such amounts to the State.

If applicable under state law, grantees must be registered and in good standing with the Department of Commerce, Community and Economic Development's Division of Corporations, Business and Professional Licensing.

#### **4. Reporting**

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form provided by the Department each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due thirty (30) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project.

## **Attachment B Payment Method**

### **1. Reimbursement Payment**

Upon receiving and approving a Grantee's Financial/Progress Report, the Department will reimburse the Grantee for expenditures paid during the reporting period, in accordance with this Grant Agreement. The Department will not reimburse without approved Financial/Progress Reports, prepared and submitted by the Grantee on the form provided by the Department. Before approving the financial/progress report for payment, the Department may require the Grantee to submit documentation of the costs reported (e.g., copies of vendor billings/invoices and proof of payment, general ledger expenditure report).

### **2. Advance Payment**

In most instances, the Department will make payment to a Grantee on a cost reimbursable basis. If cost reimbursement significantly inhibits the Grantee's ability to implement the project, the Department may advance to the Grantee an amount not to exceed a projected thirty (30) day cash need, or twenty percent (20%) of the amount in Section I, whichever is less.

Before the Department will issue an advance, the Grantee must submit a "Request for Advance Payment" form along with documentation of costs associated with the advance. The "Request for Advance Payment" form can be obtained from the Department electronically or in hard copy.

All advances will be recovered with the Grantee's next Financial/Progress Report form. Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

### **3. Withholding of Ten Percent (10%)**

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this Grant Agreement, including all required reporting of the project.

## Attachment C Standard Provisions

### Article 1. Definition

“Department” refers to the Department of Commerce, Community, and Economic Development with the State of Alaska.

### Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

### Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute the project described in this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

### Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

### Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

### Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.



**Article 7. Retention of Records**

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

**Article 8. Assignability**

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

**Article 9. Financial Management and Accounting**

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

**Article 10. Program Income**

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

**Article 11. Amendments and Modifications**

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

**Article 12. Recordkeeping**

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to project performance and efforts to comply with the provisions of the Grant Agreement.

**Article 13. Obligations Regarding Third-Party Relationships**

None of the Work specified in this Grant Agreement shall be contracted by the Grantee without prior approval of the Department. No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

The Grantee shall remain fully obligated under the provisions of this Grant Agreement notwithstanding its designation of any third party or parties of the undertaking of all or any part of the project described herein. Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all the provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

**Article 14. Conflict of Interest**

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

**Article 15. Political Activity**

No portion of the funds provided hereinunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

**Article 16. Notices**

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

**Article 17. Prohibition Against Payment of Bonus or Commission**

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

**Article 18. Termination by Mutual Agreement**

This Grant Agreement may be terminated, in whole or in part, prior to the completion of contract project activities when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

**Article 19. Termination for Cause**

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

**Article 20. Withdrawal of Funds**

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 19 of this Attachment.

**Article 21. Recovery of Funds**

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all or part of the project funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

**Article 22. Disputes**

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This "Disputes" clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

**Article 23. Jurisdiction**

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

**Article 24. Ownership of Project/Capital Facilities**

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the ownership and operation of the project.

**Article 25. Site Control**

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

As a minimum requirement, the Grantee should obtain a "sufficient interest" that allows the Grantee the right to use and occupy the site for the expected useful life of the building, structure or other improvement. Generally, the interest obtained should be for at least 20 years. A sufficient interest depends upon the nature of the project and the land status of the site.

**Article 26. Insurance**

The Grantee is responsible for obtaining any necessary liability insurance and maintain in force at all times during the performance of this Grant Agreement the insurance policies identified below. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under Alaska Statute AS 21. The Grantee shall require any contractor hired to work on the project be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

- A. Workers' Compensation Insurance for all employees engaged in work under this Grant Agreement, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.
- B. Commercial General Liability Insurance covering all business premises and operations used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where applicable.
- C. Comprehensive Automobile Liability Insurance covering all vehicles used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000.00 property damage.

D. Professional Liability Insurance covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this contract which result in financial loss to the State. Limits required are per the following schedule:

<b>Contract Amount</b>	<b>Minimum Required Limits</b>
Under \$100,000	\$100,000 per occurrence/annual aggregate

**Article 27. Subcontracts for Engineering Services**

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska. In the event that the engineering firm is also the project administrator, the Grantee shall require that the bond or insurance shall be for not less than the amount of the entire project.

**Article 28. Governing law**

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that all permits required for the construction and operation of this project by the Federal, State, or Local governments have been obtained.

**Article 29. Budget Flexibility**

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. Such revisions are limited within each line item to a maximum of ten percent (10%) of the line item or \$10,000, whichever is less, over the entire term of this agreement. Such budget revisions shall be limited to changes to existing budget line items. Budget revisions may not be used to increase any budget item for project administrative expenses. Changes to the budget beyond the limits authorized by this provision may only be made by a formal amendment to this agreement.

**Article 30. Equal Employment Opportunity (EEO)**

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on state funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

**Article 31. Public Purposes**

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

**Article 32. Operation and Maintenance**

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

**Article 33. Assurance**

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

**Article 34. Current Prevailing Rates of Wage**

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project which is the subject of this Grant Agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

**Article 35. Severability**

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

**Article 36. Performance**

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

**Article 37. Sovereign Immunity**

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

**Article 38. Audit Requirements**

The grantee must comply with the audit requirements of the Alaska Administrative Code set forth in **2AAC45.010. AUDIT REQUIREMENTS**. An entity that expends a cumulative or total, equal to the state single audit threshold during the fiscal year is required to have a state single audit. A copy of the most current **2AAC45.010** adopted regulations is available at the Alaska Department of Administration's State Single Audit website: <http://doa.alaska.gov/dof/ssa/index.html>.

Current audit compliance supplements and guides specific to programs under AS 37.05.315 Grants to Municipalities, AS 37.05.316 Grants to Named Recipients, and AS 37.05.317 Grants to Unincorporated Communities can be found at <http://doa.alaska.gov/dof/ssa/2014auditsuppl.html#dept08>

**Article 39. Close-Out**

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received or contract work is performed.

- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

**Article 40. Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

## Appendix A State Laws and Regulations and Permits

Grantees are responsible for all applicable state laws, regulations and permits; including but not limited to the following list which most commonly affects Grantees.

### **Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)**

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

### **Restriction on Use—AS 37.05.321**

A grant or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section “influencing legislative action” means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

### **Hiring Preferences—AS 36.10**

This chapter of the Alaska Statutes applies to grants for public works projects and requires compliance with the hiring preferences under AS 36.10.150 – 36.10.175 for employment generated by the grant.

### **Historic Preservation Act—AS 41.35**

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The Department of Natural Resources may stop the construction to determine the extent of the historic, prehistoric, or archaeological values.

### **Fire Protection—AS 18.70**

This chapter of the Alaska Statutes requires the Alaska Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

### **Procurement Preference for State Agricultural and Fisheries Products—AS 29.71.040**

This chapter of the Alaska Statutes applies to municipalities that use state funds to purchase agricultural and fisheries products. The law requires:

1. When agricultural products are purchased, only such products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, and of like quality compared with agricultural products harvested outside the state.
2. When fisheries products are purchased, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside

the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

### **Alaska Product Preferences—AS 36.15**

This chapter of the Alaska Statutes applies to projects financed by state money in which the use of timber, lumber, and manufactured lumber products is required, only timber, lumber and manufactured lumber projects originating in this state from local forests shall be used wherever practicable. The law requires the insertion of this clause in calls for bids and in all contracts awarded.

### **Permits and Environmental Procedures**

The Alaska Department of Environmental Conservation (ADEC) regulates all activities in Alaska that might pollute the air, water or soil. There are dozens of ADEC permits related to constructing and operating public buildings. The law requires the following permits, including others designated by the commissioner. The following list is not intended to be all-inclusive.

- Air Emissions Permit
- Anadromous Fish Protection Permit
- Authorization for Tidelands Transportation
- Brine or Other Salt Water Waste Disposal Permit
- Burning Permit during Fire Season
- Coal Development Permit
- Critical Habitat Area Permit
- Dam Construction Permit
- Driveway Permit
- Encroachment Permit
- Miscellaneous State Land Use Permit
- Mineral and Geothermal Prospecting Permits
- Occupied Tide and Submerged Land
- Open Burning Permit
- Permit for Use of Timber or Materials
- Permit to Appropriate Water
- Pesticides Permit
- Preferred Use Permit
- Right-of-Way and Easement Permits
- Solid Waste Disposal
- Special Land Use Permit
- State Game Refuge Land Permit
- State Park Incompatible Use Permit
- Surface Oiling Permit
- Surface Use Permit
- Tide and Submerged Lands Prospecting Permit
- Tidelands Permit
- Tidelands Right-of-Way or Easement Permit
- Utility Permit
- Waste Water Disposal Permit
- Water Well Permit



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 15-005**

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 JANUARY 5, 2015.

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

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

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

WHEREAS, Between July 28, 2014 and January 5, 2015 one additional property is exempted and lot line vacations and new lots created by platting actions are outlined on Attachment A.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the preliminary assessment roll for the Homer Natural Gas Special Assessment District by exempting certain properties and making amendments for recorded property plat actions through January 5, 2015 as outlined on Attachment A, a copy of which is attached and incorporated herein.

PASSED AND ADOPTED by the Homer City Council this 12<sup>th</sup> day of January, 2015.

CITY OF HOMER

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MARY E. WYTHE, MAYOR

43 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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49 Fiscal Note: N/A

<b>New Exempt Lots</b>				
Parcel ID	Owner	Legal Description	Reason for Change from Preliminary Assessment Roll Resolution 12-081	
17404013	Marvin and Paula Tretkoff	T 6S R 13W SEC 9 SEWARD MERIDIAN HM E1/2 SW1/4 NE1/4 PORTION S OF SKYLINE DR	Very steep lot with very limited development potential	
18103404LH1	City of Homer	Former Alaska Ferry Adventure Lease	Lease has expired, lease lot is no longer part of the KPB tax roll. Base lot still has an assessment due.	
<b>Recorded Platting Actions</b>				
<b>Lot line vacation</b>				
Parcel ID	Owner	New Legal Description	Notes	Old Parcel & Legal Description
	Tracey Knutsen	Lot 2D1 Bidarka Heights Unit 3 Knutson Replat	No tax ID number assignend as of 1/5/2015. This action vacated a common property line. Two assessments are due.	17501066, 17501067 Lots 2D and 2E, Bidarka Hieghts Unit 3 Inama Addition
	South Peninsula Behavioral Health Services	Lot 12B-1 Block 3 Lakeside Village Sub 2014 Replat	No tax ID number assignend as of 1/5/2015. This action vacated a common property line. Two assessments are due.	17730255, Lakeside Village Sub Amended Lot 15 Blk 3, 17730295 Lakeside Village Subd No 7 Lot 12B Blk 3
	William Jarrett Jr	Lot 2A Blk 6 Bayview Gardens 2014 Addn	No tax ID number assignend as of 1/5/2015. This action vacated a common property line. Two assessments are due.	17359402, 17359403 Lot 2 and 3 Blk 6 Bayview Gardens Sub Addn 1
<b>New Lots created</b>				
Parcel ID	Owner	New Legal Description	Notes	Old Parcel & Legal Description
18103403	City of Homer port lot	Homer Spit Amended Lot 49	KPB amended the tax ID of the lot based on lease information. Lease is now tied to lot 50. Lot 49 has a separate assessment.	
17701009	City of Homer	Barnett Sub Quiet Creek Addition 2014 Tract A2	One assessment due	17701082 Barnett Sub Quiet Creek Addn Tract A
	Compass Rose Properties LLC	Lot F-1A Tietjen Sub Compass Addn	No tax ID number assignend as of 1/5/2015. One assessment due.	17928010 Tietjen Sub Tract F-1
	Compass Rose Properties LLC	Lot F-1B Tietjen Sub Compass Addn	No tax ID number assignend as of 1/5/2015. One assessment due.	17928010 Tietjen Sub Tract F-1
	Compass Rose Properties LLC	Lot F-1C Tietjen Sub Compass Addn	No tax ID number assignend as of 1/5/2015. One assessment due.	17928010 Tietjen Sub Tract F-1
	Kurt St. Jean	Lot 1-A2 Vineyard Estates 2014 Addn	No tax ID number assignend as of 1/5/2015. One assessment due.	17702086 Vineyard Estates Replat 2005 Lot 1-A
	Kurt St. Jean	Lot 1-A1 Vineyard Estates 2014 Addn	No tax ID number assignend as of 1/5/2015. One assessment due.	17702086 Vineyard Estates Replat 2005 Lot 1-A
	Stephen Rollins	Lot 4A Forest Glen Sub Unit 2 2014 Replat	No tax ID number assignend as of 1/5/2015. One assessment due.	17527002 Forest Glen Sub Unit 2 Lot 4

	Stephen Rollins	Lot 4B Forest Glen Sub Unit 2 2014 Replat	No tax ID number assignend as of 1/5/2015. One assessment due.	17527002 Forest Glen Sub Unit 2 Lot 4
	Stephen Rollins	Lot 4C Forest Glen Sub Unit 2 2014 Replat	No tax ID number assignend as of 1/5/2015. One assessment due.	17527002 Forest Glen Sub Unit 2 Lot 4
<b>Parcel and Legal Description Changes; no change in the number of assessments</b>				
Parcel ID	Owner	New Legal Description	Notes	Old Parcel & Legal Description
17512324	Marsha Korpi	Harrington Heights 2014 Replat Lot 3A	Shifting of common lot line. No change in number of assessments	17512306 HM 0640626 Harrington Heights Sub Lot 3 Block 3
17512325	Ken Bergman	Harrington Heights 2014 Replat Lot 1-A1	Shifting of common lot line. No change in number of assessments	17512317 HM 2002066 Harrington heights Bergman Addn Lot 1-A Blk 3
17409031	Doug and Sandra Stark	Paradise Heights Sub 2013 Replat Lot 14B-1	Shifting of common lot line. No change in number of assessments	17409024 Paradise Heights Park Resub Lot 14B
17409030	Doug and Sandra Stark	Paradise Heights Sub 2013 Replat Lot 14A-1	Shifting of common lot line. No change in number of assessments.	17409023 Paradise Heights Park Resub Lot 14A
17906108	Kenai Peninsula Housing Initiatives	Mattox Sub 2014 Lot 18-A1	Shifting of common lot line. No change in number of assessments.	17906101 Mattox Sub Lot 19 excluding DOT ROW
17906109	Kenai Peninsula Housing Initiatives	Mattox Sub 2014 Lot 19-A1	Shifting of common lot line. No change in number of assessments.	17906104 Mattox Sub Birch Terrace Replat Lot 19-A



# City of Homer

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

Planning

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(p) 907-235-3106

(f) 907-235-3118

## Memorandum 15-005

TO: Mayor Wythe and Homer City Council  
THROUGH: Marvin Yoder, Interim City Manager, Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: January 5, 2014  
SUBJECT: Resolution 15-005

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RE: Changes to the Homer Natural Gas Assessment District, Preliminary Assessment Roll between July 28, 2014 and January 5, 2015.

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

This memo describes changes to the assessment roll for property actions between July 28<sup>th</sup> 2014, and January 5, 2015. These changes fall in two categories; additional lands that should be exempt from the district per Resolution 12-076, and lands that have changed through a platting action recorded on or prior to January 1, 2015. These are the final changes to the assessment roll for platting actions; any subsequent platting actions will follow the assessment process set out in HCC 17.04.100.

### Requested Lot Exemptions

One property owner requested a lot exclusion due to the very steep nature of the property.

**Staff Recommends** Grant an exemption from the district and gas assessment.

### Platting Actions

The attached table describes the changes to the assessment roll due to recorded plats between July 28, 2014 and January 5, 2015.

**Attachment:** Spreadsheet of Changes dated 1/5/2014









85 ATTEST:

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89 JO JOHNSON, CMC, CITY CLERK

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91 YES: 6

92 NO: 6

93 ABSTAIN: 6

94 ABSENT: 6

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96 First Reading: 1/28/13

97 Public Hearing: 2/11/13

98 Second Reading: 2/11/13

99 Effective Date: 2/12/13

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101 Reviewed and approved as to form:

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105 Walt E. Wrede  
Walt E. Wrede, City Manager

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108 Date: 2/14/13

Thomas F. Klinkner  
Thomas F. Klinkner, City Attorney

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





37 which parcels within the City limits will not be directly served by gas distribution mains  
38 constructed under the special assessment improvement plan.

39 BE IT FURTHER RESOLVED that the Council hereby adopts the following set of  
40 exclusion criteria:

- 41 • Undeveloped rural areas, parcels, or subdivisions which have no developed road access,  
42 no homes or businesses, and no city utilities.
- 43 • Parcels where a run of more than ½ mile is necessary in order to serve one or just a few  
44 customers. ( With the possible exception of the Spit)
- 45 • Lots that have severe constraints for development such as steep slope, tideland, or other  
46 physical reasons.
- 47 • Lots that do not border a dedicated public right of way.
- 48 • Lots with legal restrictions on their development, such as conservation easements or  
49 designated park lands.

50 BE IT FURTHER RESOLVED that a preliminary map showing the proposed location of  
51 parcels which would be excluded from direct service and gas main extension under these criteria  
52 and the assessment district improvement plan was presented with this resolution and is  
53 incorporated herein.

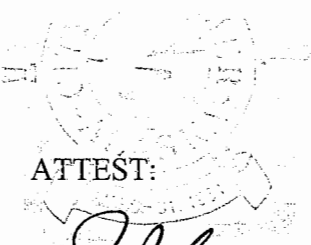
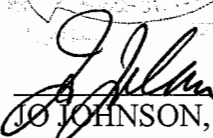
54 PASSED AND ADOPTED by the Homer City Council this 27<sup>th</sup> day of August, 2012.

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CITY OF HOMER

  
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JAMES C. HORNADAY, MAYOR

ATTEST:

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

Fiscal Note: N/A

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

