

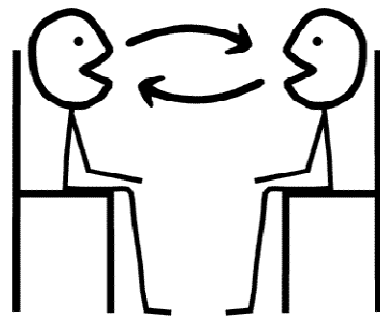
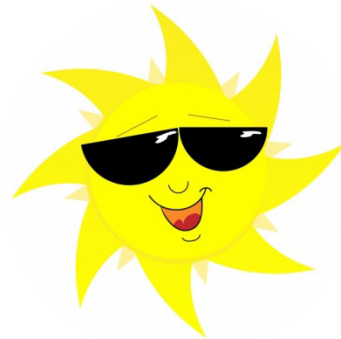
City Council  
February 9, 2015  
Monday



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

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

Produced and  
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2015  
FEBRUARY



- Monday 9<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.
- Tuesday 10<sup>th</sup>:** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Wednesday 11<sup>th</sup>:** **CITY MANAGER SELECTION COMMITTEE**  
Meeting 5:15 p.m.
- LILLIAN WALLI SPECIAL ASSESSMENT DISTRICT**  
Neighborhood Meeting 5:30 p.m.
- Thursday 12<sup>th</sup>:** **PUBLIC ARTS COMMITTEE**  
Worksession 4:00 p.m. and Regular Meeting 5:00 p.m.
- PERMANENT FUND COMMITTEE**  
Regular Meeting 5:15 p.m.
- Monday 16<sup>th</sup>:** **CITY OFFICES CLOSED**  
In Observance of Presidents' Day
- Tuesday 17<sup>th</sup>:** **PORT AND HARBOR ADVISORY COMMISSION**  
Special Meeting 5:15 p.m.
- PUBLIC SAFETY BUILDING REVIEW COMMITTEE**  
Meeting 5:30 p.m.
- Wednesday 18<sup>th</sup>:** **PLANNING COMMISSION**  
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 19<sup>th</sup>:** **PARKS AND RECREATION ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Monday 23<sup>rd</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 WYTHER, 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)



**WORKSESSION**  
**4:00 P.M. MONDAY**  
**FEBRUARY 9, 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

### **WORKSESSION AGENDA**

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

- 3. NATURAL GAS LINE FREE MAIN ALLOWANCE**

Memorandum 15-016 from Deputy City Planner as backup.

*Page 7*

- 4. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, February 23, 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.





# 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 15-016

TO: Mayor Wythe, and Homer City Council

THROUGH: Marvin Yoder, Interim City Manager, Jo Johnson, City Clerk, John Li, Finance Director, Carey Meyer, Public Works Director, Rick Abboud, City Planner, Katie Koester, Community and Economic Development Coordinator

FROM: Julie Engebretsen, Deputy City Planner

DATE: February 2, 2015

SUBJECT: Free Main Allowance Work Session

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Staff members Jo Johnson, Carey Meyer, John Li, Rick Abboud, Katie Koester and myself met in preparation of this work session on Monday February 2<sup>nd</sup>. The free main allowance is a fee that people pay when they hook up to natural gas. Enstar collects the fee, and annually refunds the City. The City has stated that these funds will be used equally between all property owners in the assessment district. To date, we don't know how much money Enstar has collected, but we hope to have an update at the meeting. After much staff discussion, there are three key points that emerged.

### **Key Points:**

1. The City needs to create a reserve fund for the free main allowance. Enstar will send the City a check every year, for ten years, with the free main allowance funds collected for the year. These funds should not be deposited in the general fund.
2. There has been discussion of whether the City could credit free main funds against the assessment amount, resulting in a lower assessment, or a reduced bill the first year. At this point, we don't have the free main funds, nor do we know how much they might be. So the assessment amount is moving forward without this potential credit.
3. In the coming months, Council should pass a resolution setting the policies the City will follow with the free main allowance. Finance Director Li is working with Enstar to learn when during the year the City should expect payment and the amounts for 2013 and 2014. When considering this resolution, staff has some suggestions:

A. Plan to credit the free main allowance toward the assessments in year 1, 2, 5 and 10, and only when the amount is over a certain dollar amount, say \$100.00. There are two parts to these suggestions. First, we expect the majority of the free main allowance in years one and two, when the majority of people will have hooked up to gas. Second, there will be a smaller amount of free main funds over 10 years. But it's a large administrative burden to credit accounts and issue checks; we don't want to be sending \$3.00 checks. Council can

determine a dollar amount over which the City would apply a credit to the assessment amount. (The Borough has a \$25 threshold, for example). For land owners that have paid the assessment in full, the current land owner would receive a refund check.

B. Refund 70-80% of the free main allowance to the assessment district. Retain a percentage to cover the costs of bad debt, and low income deferred assessments. The City has a 10-year loan, but it is possible not everyone will have paid their assessment in full in that timeframe. This policy can be revisited in future years and amended by resolution as needed.

**Requested actions:**

1. Direct staff/attorney to draft an ordinance creating a reserve account for free main fund.
2. Direct staff/attorney to begin drafting a resolution, creating policies for dispersing the free main allowance. Bring the resolution to a future work session.

**Backup Material:**

1. Free Main Allowance information from City of Homer website
2. Assessment Repayment Schedule
3. Example from the Kenai Peninsula Borough

From City of Homer Website: <http://www.cityofhomer-ak.gov/naturalgas/how-does-special-assessment-district-work>

First published November 19, 2012

Authored by Katie Koester with edits and input from Attorney Klinkner

### **What refunds will ENSTAR pay the City?**

ENSTAR projects the economic feasibility of a main extension by comparing the estimated cost of constructing the main extension with the total Free Main Allowance (FMA) for the customers that are expected to receive gas service from the main extension. The FMA is designed to allocate the cost of existing ENSTAR plant among its customers, and ENSTAR calculates it annually. Its calculation is described in [Section 602c of the ENSTAR tariff](#).

ENSTAR will refund to the City of Homer the amount of the FMA for each customer that connects directly to the gas mains that are constructed within the HSAD during the year of their construction and during the following 10 years. One estimate by Enstar is that if 90% of the homes in the HSAD hook up to gas in the first few years, approximately 10% of the project cost will be refunded back to the City.

A customer that connects to main extension from a gas line constructed within the HSAD must pay a prorated share of construction of the improvement in the HSAD. ENSTAR refunds to the City the amount of such payments received during the year of construction of the improvement in the HSAD and the two following years.

The City will use any funds refunded from ENSTAR to pay down the loan for building the distribution system in the HSAD. The City will equally distribute the benefit to all lot/parcel owners. If you pay your assessment in full when the improvement is completed, you would receive a refund of part of the assessment from the City. If you are paying your assessment in annual installments, either the number or the amount of the installments will be reduced. Because the City cannot predict how much ENSTAR will refund through the FMA and new hookups outside the HSAD, this figure has not been included in the calculation of the per lot/parcel assessment of \$3283.





**HSAD Payment Schedule as of 2/3/2015**

Assessment Amount	PV	<b>3,237.14</b>
Annual Interest Rate	i	<b>4.00%</b>
Terms of the Assessment in Years	n	<b>10</b>
Payment Frequency	Annual	
Compound Period	Annual	
Payment Type	End of the period	0
Period (PMT) Interest Rate		<b>4.00%</b>
Num. of Payment		10
	FV	<b>0.00</b>

Year	Payment #	Total Payment	Payment breakdown				Balance
			Admin Charge	Prin. & Int.	Principal	Interest	
1	1	(\$402.11)	(\$3.00)	(\$399.11)	(\$269.62)	(\$129.49)	\$2,968
2	2	(\$402.11)	(\$3.00)	(\$399.11)	(\$280.41)	(\$118.70)	\$2,687
3	3	(\$402.11)	(\$3.00)	(\$399.11)	(\$291.63)	(\$107.48)	\$2,395
4	4	(\$402.11)	(\$3.00)	(\$399.11)	(\$303.29)	(\$95.82)	\$2,092
5	5	(\$402.11)	(\$3.00)	(\$399.11)	(\$315.42)	(\$83.69)	\$1,777
6	6	(\$402.11)	(\$3.00)	(\$399.11)	(\$328.04)	(\$71.07)	\$1,449
7	7	(\$402.11)	(\$3.00)	(\$399.11)	(\$341.16)	(\$57.95)	\$1,108
8	8	(\$402.11)	(\$3.00)	(\$399.11)	(\$354.81)	(\$44.30)	\$753
9	9	(\$402.11)	(\$3.00)	(\$399.11)	(\$369.00)	(\$30.11)	\$384
10	10	(\$402.11)	(\$3.00)	(\$399.11)	(\$383.76)	(\$15.35)	(\$0)
		(\$4,021.10)	(\$30.00)	(\$3,991.10)	<b>(\$3,237.14)</b>	(\$753.96)	



**NOTICE OF FINAL ASSESSMENT, PAYMENT SCHEDULE, AND RIGHT TO  
APPEAL FINAL ASSESSMENT  
ANCHOR POINT UTILITY SPECIAL ASSESSMENT DISTRICT**

**DATE:** September 26, 2012

**TO:** [REDACTED]

**RE:** Anchor Point  
Utility Special Assessment District  
Account Number: 2195  
Parcel Number: [REDACTED]

**Legal Description:** [REDACTED]  
[REDACTED]  
[REDACTED]

**FINAL ASSESSMENT ESTABLISHED:**

You are hereby notified the Kenai Borough Assembly on September 4, 2012, in Ordinance 2012-32 confirmed the final assessment roll, and the construction of a natural gas main line within the Anchor Point Utility Special Assessment District (USAD).

**FINDINGS:** On August 11, 2011, the Kenai Peninsula Borough Clerk certified a petition for USAD formation as having signatures at least 70% of the owners of parcels within the USAD and owners of 75.7% of the parcels signed the petition. After written notice of public hearing to property owners dated August 15, 2011, and published notice of public hearing on August 18, 2011 and September 1, 2011, the Assembly adopted a resolution to form the district and proceed with the construction of the improvements, Resolution 2011-090, on September 20, 2011. The Assembly found that natural gas

Anchor Point USAD  
"Notice of Final Assessment"

Page 1 of 5

is an economical and safe source of heat and increases parcels marketable value. Written objections to the formation of the district were to be filed with the borough clerk within 30 days of the mailing of the notice of the public hearing of Resolution 2011-090, after which the Assembly found that 50% of the property owners within the USAD did not oppose proceeding with the improvement. After construction of the improvement the final costs were established and the final assessment roll presented to the assembly. Notice dated August 24, 2012 was mailed to property owners within the USAD of the September 4, 2012 hearing on the final assessment roll. Publication of this public hearing was published August 2, 2012 and August 30, 2012. Two individuals having ownership in one parcel included in the project appeared to state objections at that hearing. The assembly confirmed the final assessment roll of the parcels specifically benefited within the USAD by the natural gas pipeline on September 4, 2012. Ordinance 2012-32 and the Final Assessment Roll will be recorded with the Kenai Recording District. This recording constitutes a lien placed upon the parcel and will remain until the total assessment is paid in full.

**PAYMENT SCHEDULE:** The total assessment allocated to each parcel is \$2,699.28. After applying any pre-pay requirement of \$0.00, the total due at this time for your benefited parcel is **\$2,699.28**. There are two payment options:

1. The entire assessment may be prepaid without interest or penalty within thirty days of the date of this notice. If you take this option please make a payment of **\$2,699.28** payable to the Kenai Peninsula Borough no later than October 26, 2012.

2. The assessment may be prepaid in whole or in part with interest to the payment date. Interest on the unpaid amount of the assessment shall accrue at the rate of 5.25 percent (5.25%) per annum. Assessments that are not prepaid shall be paid in ten equal annual installments due by March 31 of each year, commencing March 1, 2013. **Utility special assessment billings are separate from property tax billings.** Installments shall include principal plus accrued interest. Please find following an estimated ten-year payment schedule:

**ANCHOR POINT UTILITY SPECIAL ASSESSMENT DISTRICT  
ESTIMATED PAYMENT SCHEDULE**

**Equal Payment Plan**

Assessment Amount: \$ 2,699.28  
 Assessment Date: September 26, 2012

Payment Number	Billing Date	Due Date	Payment Amount	Interest Amount	Principal Amount	Balance
1	3/1/2013	3/31/2013	\$ 347.01	\$ 73.23	\$ 273.78	\$ 2,425.50
2	3/1/2014	3/31/2014	\$ 347.01	\$ 130.45	\$ 216.56	\$ 2,208.94
3	3/1/2015	3/31/2015	\$ 347.01	\$ 118.80	\$ 228.21	\$ 1,980.73
4	3/1/2016	3/31/2016	\$ 347.01	\$ 106.53	\$ 240.48	\$ 1,740.25
5	3/1/2017	3/31/2017	\$ 347.01	\$ 93.59	\$ 253.42	\$ 1,486.83
6	3/1/2018	3/31/2018	\$ 347.01	\$ 79.96	\$ 267.05	\$ 1,219.78
7	3/1/2019	3/31/2019	\$ 347.01	\$ 65.60	\$ 281.41	\$ 938.37
8	3/1/2020	3/31/2020	\$ 347.01	\$ 50.47	\$ 296.54	\$ 641.83
9	3/1/2021	3/31/2021	\$ 347.01	\$ 34.52	\$ 312.49	\$ 329.34
10	3/1/3022	3/31/2022	\$ 347.01	\$ 17.67	\$ 329.34	\$ -
			\$ 3,470.10	\$ 770.82	\$ 2,699.28	

Accounts become delinquent the day after a payment is due but unpaid. If an installment of the assessment is delinquent, the installment of the assessment, plus accrued interest and penalty becomes due thirty days after the date of notice of the installment delinquency. If the installment, plus accrued interest and penalty are not paid within sixty days following the installment due date, the total assessment balance plus accrued interest, penalty and any collection or foreclosure costs

incurred by the KPB becomes due. The penalty for delinquent installment payments is the same as the penalty for delinquent real property taxes in effect on the date of the delinquency. Currently, penalty is calculated on the unpaid principal payment in the amount of 5% on the day the payment becomes delinquent and an additional 5% added when the payment is more than 30 days delinquent.

**“FREE MAIN ALLOWANCE” CREDITS:** The Borough has created a reserve account that will accumulate all refunds from Enstar Natural Gas Company, arising from new customers connecting to the main gas line referred to as “free main allowances”. At the end of each fiscal year, the Borough will analyze the balance in the reserve account. If the balance is less than \$25.00 per lot, no further action will be taken. If the balance is equal to or greater than \$25.00 per lot, the balance in the reserve account will be distributed. If your total assessment is “paid in full”, the Borough will issue a refund to the owner of record as shown on the most recent records of the Borough Assessor. If your total assessment is NOT paid in full, the Borough will apply a credit to your account. The Borough will apply such credits in the following order: First, to ANY outstanding balance applied in the order of unpaid costs, penalty, interest and then principal; and, Second, to the owner of record as shown on the most recent records of the Borough Assessor. The application of credits will not impact the subsequent payment schedule.

If any lot or tract within the District is divided into two or more lots, the credit for such re-subdivided lots shall be computed by counting the re-subdivided lots as a single lot for purposes of determining the initial credit entitlement. If any lots or tracts are consolidated, the converse shall apply. The

initial credit entitlement shall then be divided equally among the subject lots. If an account is in a delinquent or foreclosure status, any such credit shall be applied against the delinquent balance in the order described above.

**NOTICE OF RIGHT TO APPEAL FINAL ASSESSMENT:** You are hereby notified that you have 30 days from the date of distribution of this Notice of Final Assessment to file an appeal of the final assessment with the Superior Court in Kenai Alaska, in accordance with the Alaska Rules of Appellate Procedure, Part VI.

If you should choose payment option (1) of the Payment Schedule, please remit payment to the following address:

**Kenai Peninsula Borough  
Anchor Point USAD  
144 N. Binkley  
Soldotna, AK 99669-7599**

Please reference your USAD account number and/or parcel number with your payment. If you should have any questions, you may contact the finance department at (907) 714-2174 or within the Kenai Peninsula Borough at 1 (800) 478-4441, ext. 2174.



Craig C. Chapman  
Finance Director





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**  
**FEBRUARY 9, 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.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. CONSENT AGENDA**
- 4. REGULAR MEETING AGENDA**
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 5:50 P.M.**  
Next Regular Meeting is Monday, February 23, 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  
FEBRUARY 9, 2015  
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE  
COUNCIL MEMBER FRANCIE ROBERTS  
COUNCIL MEMBER DAVID LEWIS  
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COUNCIL MEMBER CATRIONA REYNOLDS  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER MARVIN YODER  
CITY CLERK JO JOHNSON

## REGULAR MEETING AGENDA

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

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

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

- A. **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. Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015. Reconsideration issued by Councilmember Van Dyke on January 26, 2015.

**Page 33**

## 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 Special meeting minutes of January 5, 2015 and Regular meeting minutes of January 26, 2015. City Clerk. Recommend adoption.  
*Pages 41/47*
- B. **Memorandum 15-017**, from Mayor, Re: Reappointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council, Reappointment of James Hornaday as the Alternate Board Member for the Cook Inlet Regional Citizens Advisory Council, and Appointment of Robert Archibald to the Prince William Sound Regional Citizens' Advisory Council.  
*Page 59*
- C. **Memorandum 15-018**, from Deputy City Clerk, Re: Liquor License Transfer for Land's End and New Liquor License for Cannery Bay Restaurant.  
*Page 61*
- D. **Ordinance 15-03**, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the City's Interest in Lot 6-A-1, Nils O. Svedlund Subdivision 2013 Replat for \$1,655.50 to Dragonfly, LLC, and Establishing the Terms of the Sale. City Manager. Recommended dates: Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.  
*Page 103*
- E. **Ordinance 15-04**, An Ordinance of the Homer City Council Accepting and Appropriating a Grant from the Alaska Highway Safety Office in the Amount of \$40,768.01 for the Homer Police Department Project Drive and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.  
*Page 117*
- Memorandum 15-019 from Police Chief as backup.  
*Page 121*
- F. **Resolution 15-011**, A Resolution of the City Council of Homer, Alaska, Acknowledging the January 2015 Surplus Equipment Bid Results. City Clerk. Recommend adoption.  
*Page 127*

**6. VISITORS**

- A. John Bushell, Summer Solstice Music Festival, 10 minutes

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

- A. **Mayor's Proclamation**, Congenital Heart Defect Awareness Week – February 7 – 14, 2015 **Page 139**

- B. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2015 **Page 141**

- C Borough Report

- D. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

- a. Minutes of January 21, 2015 **Page 143**

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

- a. Memorandum 15-022 from Parks and Recreation Advisory Commission **Page 151**

5. Port and Harbor Advisory Commission

**8. PUBLIC HEARING(S)**

- A. **Ordinance 15-02**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From The Homer Foundation in the Amount of \$930 for the Public Library Fireplace Natural Gas Conversion. City Manager. Introduction January 26, 2015, Public Hearing and Second Reading February 9, 2015. **Page 157**

**9. ORDINANCE(S)**

**10. CITY MANAGER’S REPORT**

- A. City Manager’s Report **Page 171**
  
- B. Games Report **Page 177**
  - 1. Alaska Hotel and Lodging Association

**11. CITY ATTORNEY REPORT**

**12. COMMITTEE REPORT**

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

**13. PENDING BUSINESS**

- A. **If reconsidered - 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. Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015. **Page 33**

**14. NEW BUSINESS**

- A. **Memorandum 15-020**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2) Subjects That Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion (View Written Public Comments Pertaining to the City Manager Applicants and Discuss the Personal Character of the Applicants); and 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 (Haunschild/Duggan vs. City of Homer). **Page 193**

- B. **Memorandum 15-021**, from City Clerk, Re: Selection of City Manager Applicants for Face-to-Face Interviews and Determine Interview Dates. **Page 195**

**15. RESOLUTIONS**

**16. COMMENTS OF THE AUDIENCE**

**17. COMMENTS OF THE CITY ATTORNEY**

**18. COMMENTS OF THE CITY CLERK**

**19. COMMENTS OF THE CITY MANAGER**

**20. COMMENTS OF THE MAYOR**

**21. COMMENTS OF THE CITY COUNCIL**

**22. ADJOURNMENT**

Next Regular Meeting is Monday, February 23, 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



**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
2. City Council Regular Meeting January 26, 2015 Public Hearing and Second Reading
3. City Council Regular Meeting February 9, 2015 Reconsideration





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 February, 2015.

86

87

CITY OF HOMER

88

89

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\_\_\_\_\_  
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: \_\_\_\_\_



# CONSENT AGENDA



Session 15-01 a Special Meeting of the Homer City Council was called to order on January 5, 2015 at 5:30 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: BURGESS, LEWIS, REYNOLDS, ROBERTS,  
VAN DYKE, ZAK (telephonic)

STAFF: CITY CLERK JOHNSON  
CITY ATTORNEY KLINKNER

Councilmember Zak has requested telephonic participation.

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

Mayor Wythe called for a motion to approve the agenda.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**APPEAL OF CITY MANAGER WALT WREDE'S PARTIAL DENIAL OF FRANK GRISWOLD'S NOVEMBER 6 AND 11, 2014 PUBLIC RECORDS REQUESTS**

Appellant Frank Griswold and Attorney Thomas Klinkner, representing city administration, were present.

A. Preliminary Matters

Councilmember Zak disclosed a potential conflict of interest. About a half hour ago he had a call from an individual who had read about this in the paper and wanted to give him his input. He did not discuss it with him.

Mayor Wythe ruled it does not constitute a conflict of interest. There was no objection from the Council.

Appellant Griswold raised preliminary matters in his brief that he submitted today. Mayor Wythe has a conflict of interest/bias since the documents were written to or from her. He asserted Mayor Wythe has an amorous relationship with Mr. Wrede as depicted in the Homer News photo.

Mayor Wythe passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion to disqualify Mayor Wythe. There was no motion stated.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

Appellant Griswold stated Attorney Klinkner has a bias and conflict of interest. His name is in Attorney Levesque's redacted records. The Council should be advised by unbiased independent legal counsel. The decision is due January 9, 2015 and should not be written by Birch Horton Bittner or Attorney Levesque. Legal arguments were presented in his brief; he hopes there is an impartial review of the legal issues before the decision is made.

Mayor Wythe told Mr. Griswold his recommendations will be taken under advisement.

Appellant Griswold clarified there are more parts to his ligation matters; it is laid out in his brief.

## B. Oral Argument

Mayor Wythe advised the parties on the procedures for oral argument.

Appellant Griswold would like to rely exclusively on his brief. He was not able to find any procedures in city code if new evidence is allowed. This is similar to a board of adjustment hearing where most procedures are laid out. It may be a good idea to prescribe procedures so they are not made up arbitrarily. He referenced the eight redactions which had bled through, but there were just four redactions disclosed.

28:50 minutes remain.

Attorney Klinkner, on behalf of the City Manager, clarified he is not here to represent or advise the Council. If the Council feels it needs independent representation it is entitled to get it. The issues are straightforward enough that it should not be necessary, but it is the Council's call.

The way the matter has evolved, attorney client privilege is the principal concern, deliberative process secondary if relevant at all. There are two classes of documents:



communications between Attorney Holly Wells and the Mayor and/or City Clerk on behalf of the Board of Adjustment regarding its June 14<sup>th</sup> decision. The documents have been provided to the Council in-camera. The Council will make the call as to if they are privileged. The second call are the invoices for legal services, confined to invoices for litigation matters and two redactions for non-litigation matters. One was a pre-litigation discussion of potential litigation; the other was an ongoing litigation matter that was billed to the wrong account. Finally there is the matter of Joseph Levesque invoices. Mr. Wrede provided those to Mr. Griswold on December 10<sup>th</sup> with redactions. Attorney Klinkner became aware when Mr. Griswold complained to the Clerk's office the end of December. He has not yet had an opportunity to collect un-redacted copies of those invoices for the Council's inspection. He suggested that we roll that into the current appeal and get it disposed of. He will work with the Clerk to get copies without redactions as part of the in-camera inspection.

He agrees with Mr. Griswold that the Cool Homes case is the most pertinent authority and guidance pertaining to attorney client privilege. He referenced page 5 of his written submission pertaining to attorney client privilege communications. He encouraged the Council to look for discussion of facts and controversy in litigation and litigation strategy. The Council may find things that don't involve either of those in the mails withheld; those documents should be made available to Mr. Griswold. If the Council finds discussion of litigation strategy they should affirm the City Manager's decision to withhold the documents.

Councilmember Roberts noted the records request was filed on November 6<sup>th</sup>. She asked when Attorney Levesque's billings were received.

Attorney Klinkner answered the Levesque invoices were responsive to Mr. Griswold's November 11<sup>th</sup> records request. Attorney Levesque's invoices were for his work on Conditional Use Permit 14-05. Mr. Griswold broadened his request for invoices on November 11<sup>th</sup>. City Manager Wrede overlooked the Levesque invoices when he initially responded to Mr. Griswold's request on December 10<sup>th</sup>. The Levesque invoices have not been pulled together yet.

Councilmember Zak asked for clarification as to attorney/client privilege on invoices as referenced in Mr. Griswold's brief.

Attorney Klinkner advised invoices for legal services are not privileged just because they are from an attorney. If the invoices indicate that services were provided and the amount charged, that is not privileged. If the time entries and work description entries reveal privileged facts or litigation strategy there is an issue of privilege.

21:01 minutes remain.

B. Rebuttal

Appellant Griswold objected to the absence of the Levesque invoices well before Christmas. After that he was provided the redacted Levesque invoices. Mr. Wrede claimed there were names that were redacted, but the redactions render most invoices meaningless. It is not the responsibility of the billing attorney to redact his own invoices. Very seldom have any portions of attorney invoices been redacted.

What is unique about this case is the communications with Attorney Holly Wells. Ordinarily communications would be confidential, but in this case she was acting as a neutral attorney because of the dual representation of members of the law firm. She was ethically bound to only provide the Board in a neutral capacity. A non-neutral attorney can do all sorts of things, wherein Attorney Wells was restricted to only providing the Board with procedural advice. She indicated she had done a lot of research on Mr. Griswold's questions and responded, but he never got the responses. Whatever information she provided should have been available to everyone. It is a distinction that probably will not be provided in case law.

Mr. Griswold wished the Council luck in their decision and entertained a motion for extending the Friday deadline.

LEWIS/REYNOLDS - MOVED TO GO TO EXECUTIVE SESSION.

Mr. Griswold objected to Councilmember Zak's participation in executive session.

City Clerk Johnson advised Councilmember Zak is not able to participate in executive session pursuant to city code.

The Council discussed going to executive session for deliberations now or at a later date.

VOTE: YES. LEWIS, BURGESS, ROBERTS, REYNOLDS, ZAK, VAN DYKE

Motion carried.

Mayor Wythe called for a motion to postpone to a date certain for an executive session or adjourn to executive session now.

BURGESS/ ROBERTS - MOVED TO ADJOURN TO EXECUTIVE SESSION.

Councilmember Zak won't return until after January 19<sup>th</sup>.

VOTE: YES. ROBERTS, REYNOLDS, LEWIS, ZAK, BURGESS, VAN DYKE

Motion carried.

Councilmember Zak was released as he was not eligible to meet in executive session with his telephonic participation.

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 6:04 p.m. The next Regular Meeting is scheduled for Monday, January 12, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession at 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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JO JOHNSON, MMC, CITY CLERK

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



Session 15-04 a Regular Meeting of the Homer City Council was called to order on January 26, 2015 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 (telephonic), LEWIS, REYNOLDS,  
VAN DYKE, ZAK

ABSENT: ROBERTS (excused)

STAFF: CITY MANAGER YODER  
CITY CLERK JOHNSON  
CITY PLANNER ABOUD  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER  
FINANCE DIRECTOR LI  
LIBRARY DIRECTOR DIXON  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Burgess has requested telephonic participation.

Councilmember Roberts has requested excusal.

LEWIS/REYNOLDS - MOVED TO ALLOW COUNCILMEMBER BURGESS TO PARTICIPATE BY TELEPHONE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe ruled Councilmember Roberts' absence as excused. There was no objection from the Council.

The Council met in a Worksession from 4:00 p.m. to 4:56 p.m. with Facilitator Melissa Houston and Community and Economic Development Coordinator Katie Koester to discuss Strategic Doing. From 5:02 p.m. to 5:15 p.m. the Council met as a Committee of the Whole to discuss Memorandum 15-013 and Consent and Regular Meeting Agenda items.

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

## **AGENDA APPROVAL**

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

The following changes were made:

**CONSENT AGENDA - Memorandum 15-009**, from Deputy City Clerk, Re: New Liquor License for La Baleine Cafe. Non-Objection from Kenai Peninsula Borough and Homer Police Chief; **PUBLIC HEARINGS - Ordinance 14-56(A)**, 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. Written public comments.

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

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe called for a motion to amend the agenda to hear New Business Memorandum 15-012 after comments of the City Council.

ZAK/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

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

There were no public comments.

## **RECONSIDERATION**

### **CONSENT AGENDA**

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

- A. Homer City Council unapproved Special meeting minutes of December 1, 2014 and January 12, 2015 and Regular meeting minutes of January 12, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-008**, from Mayor, Re: Appointments of Daniel Stanislaw and David Friedlander to the Economic Development Advisory Commission, and Reappointment of Glen Carroll to the Port and Harbor Advisory Commission.
- C. **Memorandum 15-009**, from Deputy City Clerk, Re: New Liquor License for La Baleine Cafe.
- D. **Ordinance 15-02**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From The Homer Foundation in the Amount of \$930 for the Public Library Fireplace Natural Gas Conversion. City Manager. Recommended dates: Introduction January 26, 2015, Public Hearing and Second Reading February 9, 2015.
- E. **Resolution 15-008**, A Resolution of the Homer City Council Awarding the Contract for the Purchase of a 2015 Ford F-550 Truck for Public Works to the Firm of Worthington Ford of Anchorage, Alaska, in the Amount of \$36,367 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-010 from Public Works Superintendent as backup.

- F. **Resolution 15-009**, A Resolution of the Homer City Council Amending the U.S. Coast Guard Lease on Government Lot 20 to Add an Additional 20 Years of One-Year Renewals, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 15-011 from Port and Harbor Advisory Commission as backup.

- G. **Resolution 15-010**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for an Alaska Drinking Water Fund (ADWF) Loan for {Phase I of the Homer Water Distribution/Storage Improvement Project in the Amount of \$594,075. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-014 from Public Works Director as backup.

Moved to Resolutions.

Item G, Resolution 15-010 was moved to Resolutions, Item A. Reynolds.

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

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

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

#### **A. Borough Report**

Kenai Peninsula Borough Assembly Member Kelly Cooper reported members of the Homer area can now make borough sales and property tax payments at the local borough office. Checks or cash are not accepted, but residents can pay bills electronically.

The Borough approved their capital project priorities for 2015 and in the upcoming weeks will be lobbying for the projects in Juneau. Last week the Assembly heard lengthy testimony by Assembly Member Wolf who introduced an ordinance to prohibit the operation of marijuana cultivation facilities in areas of the Peninsula outside of the cities. This will be up for public hearing on February 24<sup>th</sup>. Homer area residents may testify telephonically at the Borough Annex at 6:00 p.m. Assembly Member Cooper finds the ordinance premature and irresponsible and would like to put together working committees to monitor the State as they navigate this legislation.

She looks forward to participating in the park (MAPP) meeting this week, the Port and Harbor Advisory Commission Worksession, and the grand opening of Diamond Ridge Fire Station.

#### **B. Commissions/Board Reports:**

1. Library Advisory Board
2. Homer Advisory Planning Commission
  - a. Minutes of January 7, 2015
3. Economic Development Advisory Commission



- b. Memorandum 15-013, From Economic Development Advisory Commission, Re: Affordable Housing Tax Incentive
  - 4. Parks and Recreation Advisory Commission
  - 5. Port and Harbor Advisory Commission
- C. Homer Foundation Quarterly Report for City of Homer Fund

### **PUBLIC HEARING(S)**

- A. **Ordinance 14-56(A)**, 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 Hearings January 12 and 26, 2015 and Second Reading January 26, 2015.

Memorandum 14-177 from City Planner as backup.

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

Mayor Wythe called for a motion for the adoption of Ordinance 14-56(A) by reading of title only for second and final reading.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 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. Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015.

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

Mayor Wythe called for a motion for the adoption of Ordinance 15-01 by reading of title only for second and final reading.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, BURGESS, REYNOLDS

VOTE: NO. ZAK, VAN DYKE

Motion failed.

## **ORDINANCE(S)**

### **CITY MANAGER’S REPORT**

#### A. City Manager’s Report

##### **Natural Gas as-built**

I spoke with Julie Engebretsen and Dan Gardner about the as-built drawings. Both believed that these drawings were proprietary Enstar property. Staff has attempted to provide adequate information to the council for each amendment to the assessment roll. If there is concern about specific parcels we will research those issues for you.

##### **Travel**

I serve on the ABC Board for the State. There are 5 meetings per year. The next meeting is in Juneau and I will be there February 10 - 12. I have contacted the Homer City Lobbyist to set up some meetings with our legislators while I am there. I will be available by phone. Jo Johnson will be acting manager in my absence.

##### **STIP**

The State of Alaska has provided the latest Transportation priorities. Those of interest to Homer are as follows:

- |   |              |              |
|---|--------------|--------------|
| • Pioneer Ave Rehabilitation              | FY 2015      | \$ 336,590   |
| • MP 157 - 169 (Anchor Point to Baycrest) | FY 2015      | \$55,265,000 |
| After 2015                                | \$72,700,000 |              |
| • MP 114 - 135 Pavement Preservation      | After 2015   | \$20,000,000 |

##### **Land Purchase**

Several years ago Walt had discussions with a land owner regarding the parcel of land next to the sewer treatment plant. The parcel sold but is now for sale again. I received an email that there was an offer on the property but that the city could have the first chance to purchase.

This parcel would give public works a buffer around the public works complex and offer opportunity for future expansion. Is there a consensus to begin discussions with the owner? If a tentative agreement was reached, it would be brought to the council on a future agenda.

### **Library Grant**

The library received notification that they have been awarded a continuing education grant. The city will be reimbursed up to \$1000.00 for expenses incurred by a library staff member attending the AKLA Conference in Juneau.

### **FYI**

The City received information about the Rasmuson Foundation funding an annual award program for Alaskan artists. The 2015 Individual Artist Award Program application period is now open.

City Manager Yoder reported at the last council meeting there was a request for as-builts so the Council could see the natural gas system. Some properties were deleted from the roll. The information he received back was as-builts were considered Enstar propriety property. If there are specific areas the Council would like to know about he will get specific answers.

Mr. Yoder serves on the ABC Board and will be in Juneau the week of February 10<sup>th</sup>. He has meetings scheduled with Lobbyist Linda Anderson and both legislators. The State of Alaska provided their STIP priorities. The three projects that affect Homer on the STIP are: Pioneer Avenue rehabilitation has been moved to 2015; Anchor Point is part of 2015, with pavement preservation after that.

Mr. Yoder received an email from a property owner next to the sewer treatment plant. He thought he had an offer on the property and wanted to know if the city wanted first right. It is not a high priority item. The City had looked at it before to add to the public works area. He asked if the Council was interested in pursuing the property.

The Library has received a \$1,000 grant for training to allow a library staff member to attend a conference in Juneau. Additional information is from the Rasmuson Foundation and their program for Alaskan artists.

There was work being done at 3850 Heath Street next to Horizon with no permit in place. We issued a stop order until the permits are in place. He is not sure if they are qualified for a permit.

Councilmember Burgess expressed his frustration with the feedback from the Planning Department on which right-of-ways the gas line was installed in. The Council is going to be approving a \$12M assessment roll without as-builts for right-of-ways. We hired Enstar to build the natural gas line and can't even know which right-of-ways the natural gas line is in. Anyone who dials 811 can have access to this information. Most people objecting to the natural gas

line are relying on the Council's knowledge where the gas line is. He believes the Planning Department needs to step up and provide better information. He doesn't want to rely on Sharpie lines on a map to determine who should and shouldn't get an assessment.

B. Bid Report

## **CITY ATTORNEY REPORT**

## **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

## **PENDING BUSINESS**

- 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.

Motion on the floor from January 12: MOTION FOR THE ADOPTION OF RESOLUTION 15-004 BY READING OF TITLE ONLY.

Community & Economic Development Coordinator Koester and Mayor Wythe will be traveling to Juneau the end of February and will ask about the re-appropriation then. Postponing the resolution until March will allow time to be more clear on what the Legislature might allow us to do.

ZAK/LEWIS – MOVED TO POSTPONE TO THE FIRST MEETING IN MARCH.

There was no discussion.

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

Motion carried.

## **NEW BUSINESS**

- A. **Memorandum 15-012**, 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 (Pending Litigation).

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 15-012 to meet in Executive Session to discuss pending litigation.

LEWIS/ZAK SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to suspend the rules and move Memorandum 15-012 to follow comments of the City Council.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **RESOLUTIONS**

- G. **Resolution 15-010**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for an Alaska Drinking Water Fund (ADWF) Loan for {Phase I of the Homer Water Distribution/Storage Improvement Project in the Amount of \$594,075. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-014 from Public Works Director as backup.

Councilmember Burgess declared a conflict of interest due to his financial interest in real property in the area of the proposed project.

Mayor Wythe ruled Councilmember Burgess did have a conflict of interest. There was no objection from the Council.

Councilmember Burgess was excused from participation.

Mayor Wythe called for a motion for the adoption of Resolution 15-010 by reading of title only.

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess rejoined the meeting.

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

There were no comments of the audience.

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

City Attorney Klinkner was not present.

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

City Clerk Johnson had no comments.

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

City Manager Yoder told the Council he was asked by the Chamber of Commerce to speak at their February 17<sup>th</sup> meeting.

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

Mayor Wythe had no comment.

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

Councilmember Burgess commented it was unfortunate the Council decided not to approve the pay increase as appropriated in the budget.

Councilmember Lewis had no comment.

Councilmember Reynolds encouraged everyone to go to the Green Dot celebration Friday night. It is recognition of the community's participation. All city employees got certified; it will strengthen the community to get the program in place.

Councilmember Van Dyke said he was speechless.

Councilmember Zak is happy to be back to Homer. He thanked the Council for allowing him to be telephonic. He commented on the Strategic Doing Worksession and encouraged people to view the City's website to find the Comprehensive Plan and a tactical way of implementing it. The Mayor has been leading the effort and it is exciting to see how the Council and the city are working towards achieving the elements.

## **NEW BUSINESS**

- A. **Memorandum 15-012**, 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 (Pending Litigation).

Councilmember Burgess was excused due to his telephonic participation.

LEWIS/REYNOLDS – MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

VOTE: YES. REYNOLDS, LEWIS, ZAK, VAN DYKE

Motion carried.

The Council adjourned to Executive Session at 6:31 p.m.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 6:31 p.m. The next Regular Meeting is Monday, February 9, 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.

---

JO JOHNSON, MMC, 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 15-017

TO: HOMER CITY COUNCIL

FROM: MARY E. WYTHE, MAYOR

DATE: FEBRUARY 2, 2015

SUBJECT: REAPPOINTMENT OF CARLA STANLEY TO THE COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL, REAPPOINTMENT OF JAMES HORNADAY AS THE ALTERNATE BOARD MEMBER FOR THE COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL, AND APPOINTMENT OF ROBERT ARCHIBALD TO THE PRINCE WILLIAM SOUND REGIONAL CITIZENS' ADVISORY COUNCIL.

---

Carla Stanley is reappointed to the Cook Inlet Regional Citizens Advisory Council to represent Homer. Her term will expire April 2018.

James Hornaday is reappointed as Alternate Board Member to the Cook Inlet Regional Citizens Advisory Council. His term will expire April 2018.

Robert Archibald is appointed to the Prince William Sound Regional Citizens' Advisory Council to represent Homer. He will replace outgoing Board Member Nick Garay. Mr. Archibald's term will expire May 2017.

#### RECOMMENDATION:

Confirm the reappointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council, the reappointment of James Hornaday as Alternate Board Member to the Cook Inlet Regional Citizens Advisory Council, and appointment of Robert Archibald to the Prince William Sound Regional Citizens' Advisory Council.

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 15-018

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: FEBRUARY 3, 2015

SUBJECT: LIQUOR LICENSE TRANSFER FOR LAND'S END AND NEW LIQUOR LICENSE FOR CANNERY BAY RESTAURANT

---

We have been notified by the ABC Board of an application for a liquor license transfer and a new liquor license in the City of Homer for the following:

Type:	Beverage Dispensary
Lic #:	645
DBA Name:	Land's End
Licensee/Applicant:	Land's End Acquisition Corp.
Premise Address:	4786 Homer Spit Road, Homer, AK 99603
Mailing Address:	4786 Homer Spit Road, Homer, AK 99603
Type:	Beverage Dispensary - Tourism (seasonal)
Lic #:	5371
DBA Name:	Cannery Bay Restaurant
Licensee/Applicant:	Ocean Shores Inc.
Premise Address:	451 Sterling Hwy, Homer, AK 99603
Mailing Address:	3500 Crittenden Dr., Homer, AK 99603

RECOMMENDATION: Voice non objection and approval for the liquor license transfer for Land's End and new liquor license application for Cannery Bay Restaurant.

Fiscal Note: Revenues.





THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.269.0350  
TDD: 907.465.5437  
Fax: 907.334.2285

January 22, 2015

City of Homer

Attn: Jo Johnson VIA EMAIL: jjohnson@ci.homer.ak.us

**Land's End Acquisition Corporation      d.b.a. Land's End – License #645**  
 **New Application**                       **Transfer of Ownership**                       **Transfer of Location**  
 **Restaurant Designation Permit**                       **DBA Name Change**

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

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

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

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

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

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

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

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



Maxine Andrews  
Business Registration Examiner  
Direct line: 907-269-0358  
Email: maxine.andrews@alaska.gov



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



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# Transfer Liquor License

License is:  Full Year OR  Seasonal List Dates of Operation: \_\_\_\_\_

SECTION A - LICENSE INFORMATION			FEES
License Year: 2015-16	License Type: Beverage Dispensary	Statute Reference: Sec. 04.11.090	12415
License #: 645			Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized) Homer Kenai Peninsula Borough	Community Council Name(s) & Mailing Address: n/a		Rest. Desig. Permit Fee: (\$50.00) \$ 50.
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): Land's End Acquisition Corporation	Doing Business As (Business Name): Land's End	Business Telephone Number: 235-0402	Fingerprint: \$ (\$51.50 per person)
Mailing Address: 4786 Homer Spit Rd. City, State, Zip: Homer, AK 99603	Street Address or Location of Premises: 4786 Homer Spit Rd. Homer, AK 99603	Fax Number: 235-0430	TOTAL 150.
Is any shareholder related to the current owner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Email Address: landsendjdf@gmail.com	
If "yes" please state the relationship <u>all the same</u>			

SECTION B - TRANSFER INFORMATION	
<input checked="" type="checkbox"/> Regular Transfer <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents. <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Name and Mailing Address of CURRENT Licensee: Land's End Acquisition Corporation 4786 Homer Spit Rd., Homer, AK 99603 Business Name (dba) BEFORE transfer: Land's End Acquisition Corporation Street Address or Location BEFORE transfer: 4786 Homer Spit Rd. Homer, AK 99603

SECTION C - PREMISES TO BE LICENSED		
Distance to closest school grounds: 5 miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable
Distance to closest church: 5 miles	Distance measured under: <input checked="" type="checkbox"/> AS 04.11.410 OR <input type="checkbox"/> Local ordinance No.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached <u>in file</u>

## Transfer Liquor License

### SECTION D – LICENSEE INFORMATION

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

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

Name	Name of Business	Type of License	Business Street Address	State

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

Yes  No If Yes, attach written explanation.

### SECTION E – OWNERSHIP INFORMATION - CORPORATION

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

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): <b>Land's End Acquisitions Corporation</b>		Telephone Number: <b>235-0402</b>	Fax Number: <b>235-0430</b>
Corporate Mailing Address: <b>4786 Homer Spit Rd</b>	City: <b>Homer</b>	State: <b>AK</b>	Zip Code: <b>99603</b>
Name, Mailing Address and Telephone Number of Registered Agent: <b>Jonathan Faulkner 4786 Homer Spit Rd, Homer, AK 99603 399-3410</b>		Date of Incorporation OR Certification with DCED: <b>4/22/1988</b>	State of Incorporation: <b>Alaska</b>
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, attach written explanation. Your entity <i>must</i> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Jonathan Faulkner	President, Treasurer	0	4621 West Hill Rd Homer, AK 99603	235-0402	12/17/1960
Sara Faulkner	Vice President, Secretary	0	4621 West Hill Rd Homer, AK 99603	235-0402	7/8/1961
Jonathan and Sara Faulkner Living Trust		51.7	4621 West Hill Rd Homer, AK 99603	235-6970	
Charles Ryan		10.67	6101 West Tree Drive Anchorage, AK 99516	346-1306	5/23/1948
Rebecca Alexander		10.67	6101 West Tree Drive Anchorage, AK 99516	346-1306	10/5/1951
Steve Agni		23.1	PO Box 244661 Anchorage, AK 99524	299-0583	3/8/1954



# Transfer Liquor License

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

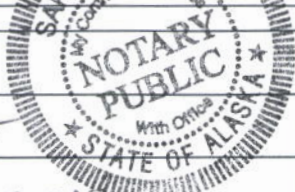
## SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

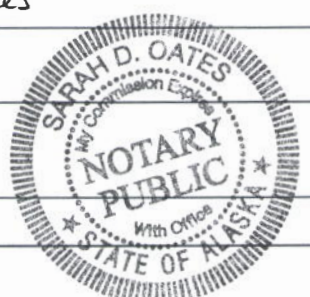
**Individual Licensees/Affiliates** (The ABC Board defines an “Affiliate” as the spouse or significant other of a licensee. Each Affiliate must be listed.)

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

**Declaration**

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

<b>Signature of Current Licensee(s)</b> Signature <i>Alea Fulk</i>		<b>Signature of Transferee(s)</b> Signature <i>Alea Fulk</i> , Trustee
Signature <i>Jean Faulkner</i>		Signature <i>Jean Faulkner</i> , Trustee
Name & Title (Please Print) <i>Sara and Jan Faulkner, owners</i>		Name & Title (Please Print) <i>Sara and Jan Faulkner, Trustees</i>
Subscribed and sworn to before me this <i>8th</i> day of <i>January 2015</i>		Subscribed and sworn to before me this <i>8th</i> day of <i>January 2015</i>
Notary Public in and for the State of Alaska <i>Joh</i>		Notary Public in and for the State of Alaska <i>Joh</i>
My commission expires: <i>11/office</i>		My commission expires: <i>11/office</i>



**STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT  
AS 04.16.049 & 3 AAC 304.715 – 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 – 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: 645 Type: Beverage Dispensary

This application is for designation of premises where: (Please check the appropriate items below)

- 1.  Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2.  Persons 16 – 20 years of age may dine unaccompanied.
- 3.  Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4.  Persons between 16 – 20 years of age may be employed. \*(See note below)

Licensee's Name: Land's End Acquisition Corp.

Name of Business: Land's End

Business Address: 4786 Homer Spit Road City: Homer

1. Hours of operation 7am to 10pm. Telephone Number: 235-0406

2. Have police been called to your premises for any reason?  Yes  No  
(If you answered yes, please explain below).

3. \* Duties of employment: busser, dishwasher, hostess, cook, expediter, cleaner

4. Are video games available to the public on your premises?  Yes  No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?  
 Yes  No

6. How is food served?  Table Service  Buffett Service  Counter Service  Other \_\_\_\_\_

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours?  Yes  No

**\*\*\* A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\***

\*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

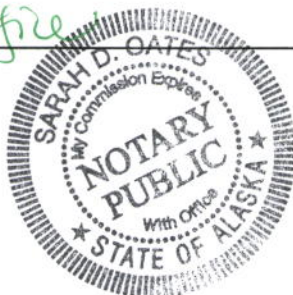
\*\*Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.

[Signature]  
Licensee Signature

Subscribed and sworn to before me this 8<sup>th</sup> day of Jan, 2015

[Signature]  
Notary Public in and for Alaska

My Commission expires: n/office



\_\_\_\_\_  
Local Governing Body Approval

\_\_\_\_\_  
Date

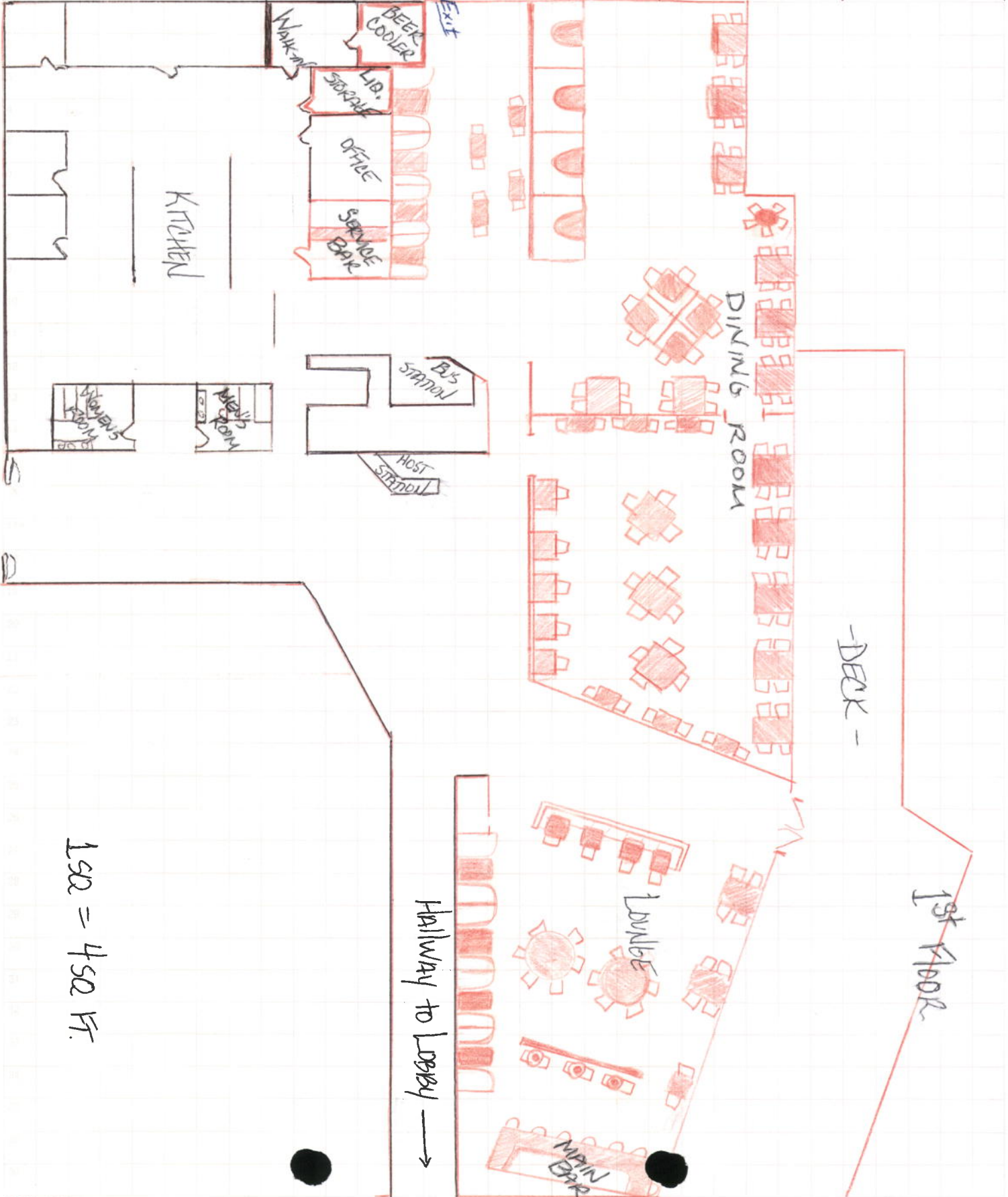
\_\_\_\_\_  
Director, ABC Board

\_\_\_\_\_  
Date

# General Purpose Worksheet



Subject	Page No.	Of
File	By	Date



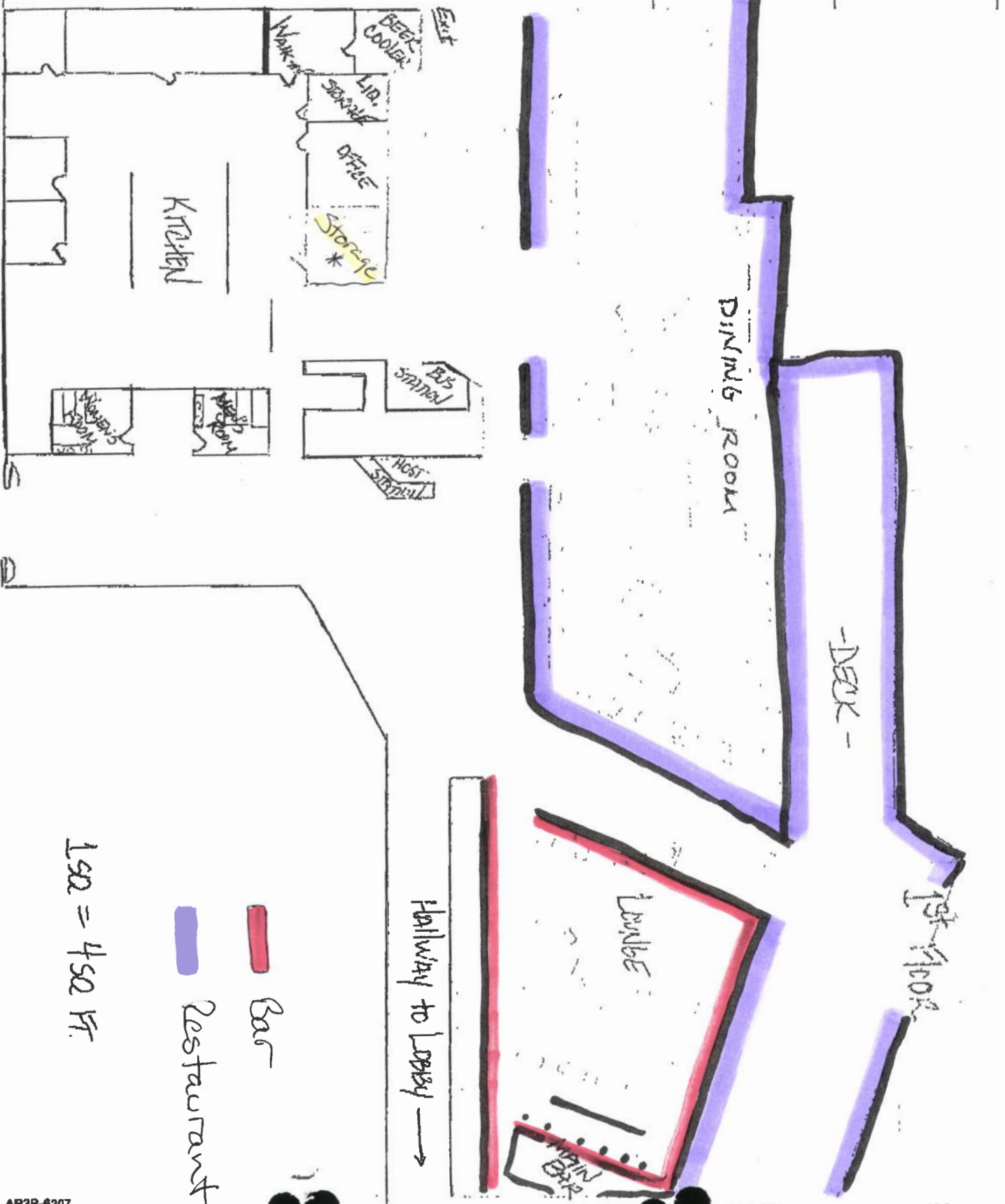


OK  
6/18/06

### General Purpose Worksheet

Subject	Page No	Of
File	By	Date

\*NO LONGER A SERVICE BAR



1 SQ = 4 SQ FT

Bar

Restaurant

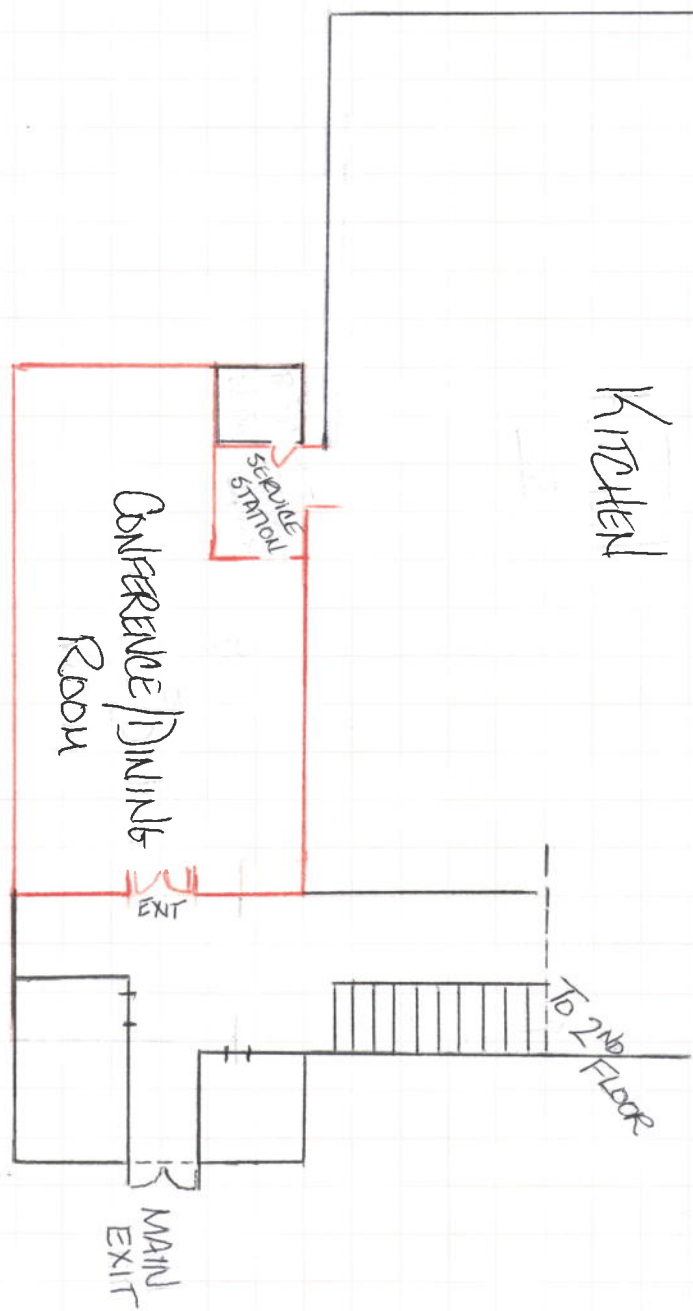
Hallway to Lobby →

# General Purpose Worksheet



Subject	Page No.	Of
File	By	Date

1 sq. = 4 sq. ft.

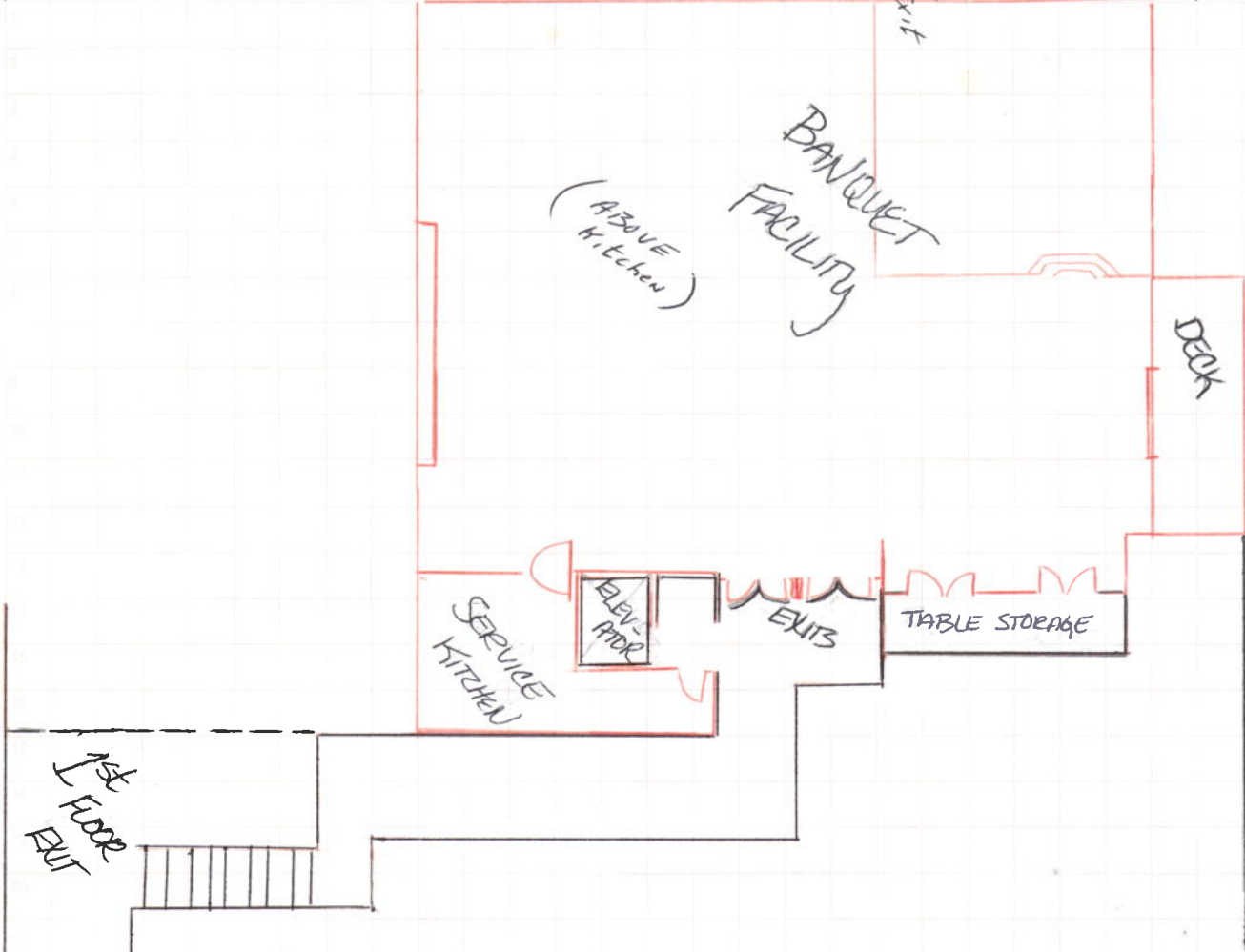


1<sup>st</sup> FLOOR

# General Purpose Worksheet



Subject	Page No.	Of
File	By	Date



2ND FLOOR

1 SQ = 4 SQ. FT.



# Welcome to the Chart Room

## Breakfast

Parties of 6 or more with split checks, please inform your server prior to ordering. Thank you.

### Signature Breakfasts

<b>Yogurt Parfait</b>	<b>\$9</b>
vanilla yogurt layered with fresh fruit & granola	
<b>Vanilla-Rum French Toast</b>	<b>\$6 / \$11</b>
freshly baked bread, powdered sugar, fresh fruit	
<b>Oatmeal Supreme</b>	<b>\$9</b>
whole grain oats, candied pecans, raisins, fresh sliced apple	
<b>Chorizo &amp; Black Bean Migas</b>	<b>\$13</b>
scrambled eggs, roasted onions & peppers, cheddar, fried corn tortilla strips, salsa, sour cream	
<b>Homemade Buttermilk Biscuits &amp; Gravy</b>	<b>\$7 / \$10</b>
all made from scratch in our kitchen	
<b>House Made Elk Sausage &amp; Potato Hash</b>	<b>\$15</b>
caramelized onion, mushrooms, roasted peppers, potatoes, sunny side eggs	

The following is served with your choice of home fries or fruit, and choice of toast.

<b>The Basics - two eggs your way</b>	<b>\$8</b>
<b>OR two eggs your way with bacon, ham, or sausage</b>	<b>\$10</b>
<b>OR two eggs your way with house made elk sausage</b>	<b>\$12</b>
<b>Veggie Scramble</b>	<b>\$13</b>
eggs, asparagus, spinach, broccoli, fresh basil & parmesan	
<b>Breakfast Sandwich</b>	<b>\$11</b>
fried egg, grilled ham, cheddar, caramelized onion	
<b>Three Egg Omelet</b>	<b>\$13</b>
bacon, swiss, mushroom <b>OR</b> spinach, grilled onions & peppers, feta <b>OR</b> smoked salmon, goat cheese	

### À La Carte

Egg whites \$2 - One egg \$2 - Two eggs \$4 - Ham, Bacon or Sausage \$5 - House-made elk sausage \$6 - Fruit \$5  
Home fries \$4 - Salsa or Sour Cream \$1.25 - Toast or English muffin \$3 - Cold cereal \$3.50 - Plain oatmeal \$6

### Beverages

Coffee Regular or Decaf \$2 - Selected Teas \$2 - Milk: Small \$2 or Large \$4 - Hot Chocolate \$2  
Juice: Small \$2.25 or Large \$4.50 - Orange, Tomato, Apple, Cranberry  
Fountain Soda \$1.75 - Dr. Pepper, Coke, Diet Coke, Sprite, Root Beer, Lemonade  
Espresso Specialty Drinks - Alaska & Zen Chai - Fruit Smoothies

Executive Chef, Matt Orchard and his culinary team welcome you to the

## Chart Room Restaurant

### Afternoon Menu

---

#### Soups

- Clam Chowder & Soup of the Day** - New England style clam chowder or our daily preparation **\$5 / \$8**  
**Soup, Salad & Bread** - tossed green salad, bowl of soup or clam chowder, freshly baked bread **\$12**

#### Salads

- Grilled Chicken Salad with Beets** - walnuts, gorgonzola, fresh lemon, olive oil **\$9 / \$15**  
**Pear & Feta Spinach Salad** - toasted almonds, candied pomegranate, red onion, balsamic vinaigrette **\$9 / \$15**  
**Smoked Salmon & Goat Cheese Salad** - candied pecans, raisins, red onion, lemon vinaigrette **\$9 / \$15**  
**Caesar Salad** - romaine, grated parmesan cheese, croutons, Caesar dressing **\$11**  
*add shrimp, chicken, or smoked salmon* **\$7**  
**House Salad** - Chili Garlic Vinaigrette, Buttermilk Garlic, Blue Cheese, Lemon Honey Vinaigrette **\$5 / \$8**

#### Lunch

- Baked Macaroni & Cheese** - cheddar, jack, fontina, parmesan **\$10**  
**Fried Calamari** - chipotle aioli **\$12**  
**King Crab & Artichoke Dip** - cream cheese, sour cream, parmesan, freshly baked bread **\$12**  
**Steamer Clams** - white wine, garlic, lemon and butter **\$20**  
**Fresh Kachemak Bay Mussels** - honey-sambal broth, gorgonzola, cilantro **\$20**  
**BBQ Pork Ribs** - chipotle-brown sugar glaze, fries, vinaigrette slaw **\$15**  
**Sticky Wings** - honey-sambal BBQ sauce, celery, gorgonzola **\$12**  
**Fish-n-Chips** - panko breaded with fries OR grilled with vegetables and red potatoes **Cod \$15 Halibut \$19**  
**Alaskan Bouillabaisse** - halibut, clams, striped shrimp, scallops, mussels, saffron-tomato broth **\$19**  
**Butternut Squash Ravioli** - curried walnut brown butter, parmesan, fresh herbs **\$15**  
**Elk Meatloaf** - potato pancake, mushroom cream, fried onions **\$16**  
**Herb Roasted Chicken** - olive oil, herbs, roasted red potatoes, fresh vegetables **\$17**
- Burger & sandwiches served with choice of fries, vinaigrette slaw, house salad, or cup of chowder or the soup of the day.*
- Kachemak Burger** - ½ lb. American wagyu beef (add cheese \$1.50, bacon \$2, other stuff \$1.25 each) **\$14**  
**Buffalo Fried Chicken Sandwich** - gorgonzola, onions & peppers, hot sauce, ciabatta roll **\$13**  
**Chorizo Grilled Cheese** - pepper jack, cheddar, spicy chorizo, grilled sourdough, marinara **\$11**  
**Blackened Rockfish Sandwich** - sweet red pepper sauce, vinaigrette slaw, ciabatta roll **\$13**  
**BLT** - bacon, lettuce, tomato on grilled sourdough **\$11**

#### Beverages

- Coffee Regular or Decaf \$2 - Selected Teas \$2 - Hot Chocolate \$2 - Milk \$2 - Iced Tea \$2  
Juice: Small \$2.25 or Large \$4.50 - Orange, Tomato, Apple, Cranberry  
Fountain Soda \$2 - Dr. Pepper, Coke, Diet Coke, Sprite, Root Beer, Lemonade

**Parties of 6 or more with split checks, please inform your server prior to ordering. Thank you.**

Alaska Department of Public Health would like you to know that consuming raw or undercooked protein such as meat, shellfish, <sup>76</sup>eggs may increase your risk of food borne illness.

Executive Chef, Matt Orchard and his culinary team welcome you to the  
**Chart Room Restaurant**  
**Evening Menu**

---

**Starters**

<b>Fresh Kachemak Bay Oysters</b>	<b>\$18</b>
<i>served raw on the ½ shell OR baked Rockefeller style</i>	
<b>Fresh Kachemak Bay Mussels</b>	<b>\$20</b>
<i>honey-sambal broth, gorgonzola, cilantro</i>	
<b>Steamer Clams</b>	<b>\$20</b>
<i>white wine, garlic, lemon and butter</i>	
<b>Fried Calamari</b>	<b>\$12</b>
<i>chipotle aioli</i>	
<b>King Crab &amp; Artichoke Dip</b>	<b>\$12</b>
<i>cream cheese, sour cream, parmesan, freshly baked bread</i>	
<b>Clam Chowder</b>	<b>\$5 / \$8</b>
<i>New England style clam chowder</i>	

**Salads**

<b>Grilled Chicken Salad with Beets</b>	<b>\$9 / \$15</b>
<i>walnuts, gorgonzola, fresh lemon, olive oil</i>	
<b>Pear &amp; Feta Spinach Salad</b>	<b>\$9 / \$15</b>
<i>toasted almonds, candied pomegranate, red onion, balsamic vinaigrette</i>	
<b>Smoked Salmon &amp; Goat Cheese Salad</b>	<b>\$9 / \$15</b>
<i>candied pecans, raisins, red onion, lemon vinaigrette</i>	
<b>Caesar Salad</b>	<b>\$11</b>
<i>romaine, grated parmesan cheese, croutons, Caesar dressing</i>	
<b>add shrimp, chicken, or smoked salmon</b>	
<b>House Salad</b>	<b>\$5 / \$8</b>
<i>Chili Garlic Vinaigrette, Buttermilk Garlic, Blue Cheese, Lemon Honey Vinaigrette</i>	

**Pasta**

<b>Alaskan Seafood Alfredo</b>	<b>\$29</b>
<i>scallops, halibut, salmon, fettuccini, garlic cream sauce, parmigiano-reggiano, garlic bread</i>	
<b>Garlic Shrimp Spaghetti</b>	<b>\$25</b>
<i>jumbo prawns, Alaskan side stripe shrimp, asparagus, olive oil, garlic, basil, parmesan, red pepper flakes</i>	
<b>Alaskan Scallops Florentine</b>	<b>\$25</b>
<i>linguini, spinach, sambuca cream sauce, pancetta</i>	
<b>Butternut Squash Ravioli</b>	<b>\$19</b>
<i>curried walnut brown butter, lemon, garlic, parmesan</i>	

Executive Chef, Matt Orchard and his culinary team welcome you to the  
**Chart Room Restaurant**  
**Evening Menu**

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**From the Sea**

<b>Blackened Alaskan Rockfish</b>	<b>\$25</b>
<i>Alaskan side striped shrimp &amp; sweet potato hash, sweet pepper sauce</i>	
<b>Alaskan Bouillabaisse</b>	<b>\$19 / \$34</b>
<i>halibut, clams, shrimp, scallops, mussels, saffron-garlic-tomato broth, rouille, garlic bread</i>	
<b>Halibut Iliamna</b>	<b>\$31</b>
<i>crab-artichoke-parmesan crust, potatoes &amp; vegetables</i>	
<b>King Crab Legs</b>	<b>1 leg \$27 / 2 legs \$54</b>
<i>roasted red potatoes, vegetables, lemon, drawn butter</i>	
<b>Fish-n-Chips:</b>	<b>Halibut \$19 Cod \$15</b>
<i>panko breaded with fries OR grilled with vegetables &amp; red potatoes</i>	

*We will gladly prepare any fish or selection simply grilled or pan seared with lemon & olive oil.*

**From the Farm**

<b>16 oz. New York Strip Steak</b>	<b>\$31</b>
<i>bacon-balsamic-mushroom sauce, roasted red potatoes &amp; vegetables</i>	
<b>Roasted Duck "Pot Pie"</b>	<b>\$25</b>
<i>roasted duck meat, mirepoix, potatoes, peas, savory duck sauce, puff pastry</i>	
<b>Braised Beef Short Ribs</b>	<b>\$27</b>
<i>sherry-soy-garlic broth, pancetta, sesame fried basmati rice, orange-ginger sugar snap peas, carrots</i>	
<b>16 oz. Hand Cut Rib-eye</b>	<b>\$33</b>
<i>roasted garlic &amp; blue cheese, potatoes &amp; vegetables</i>	
<b>House Made Elk Meatloaf</b>	<b>\$16</b>
<i>potato pancake, crispy fried onion, mushroom sauce</i>	
<b>Herb Roasted Chicken</b>	<b>\$17</b>
<i>olive oil, herbs, roasted red potatoes, fresh vegetables</i>	

**Comfort Food**

<b>Baked Macaroni &amp; Cheese - cheddar, jack, fontina, parmesan</b>	<b>\$10</b>
<b>Sticky Wings - honey-sambal BBQ sauce, celery, gorgonzola</b>	<b>\$12</b>
<b>Kachemak Burger - ½ lb. American wagyu beef (add cheese \$1.50, bacon \$2, other stuff \$1.25 each)</b>	<b>\$14</b>
<b>BBQ Pork Ribs - chipotle-brown sugar glaze, fries, vinaigrette slaw</b>	<b>\$15</b>

**Parties of 6 or more with split checks, please inform your server prior to ordering. Thank you.**



Executive Chef, Matt Orchard and his culinary team welcome you to the  
**Chart Room Restaurant**  
**Weekend Brunch Menu**

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**Signature Breakfasts**

<b>Yogurt Parfait</b> - vanilla yogurt layered with fresh fruit & granola	<b>\$9</b>
<b>Vanilla-Rum French Toast</b> - homemade bread, powdered sugar, fresh fruit	<b>\$6 / \$11</b>
<b>Oatmeal Supreme</b> - whole grain oats, candied pecans, craisins, fresh apple	<b>\$9</b>
<b>Chorizo &amp; Black Bean Migas</b> - scrambled eggs, onions, peppers, cheddar, fried tortilla, salsa, sour cream	<b>\$13</b>
<b>Homemade Buttermilk Biscuits &amp; Gravy</b> - all made from scratch in our kitchen	<b>\$6 / \$10</b>
<b>House Made Elk Sausage &amp; Potato Hash</b> - caramelized onion, mushrooms, potatoes, sunny side eggs	<b>\$15</b>

The following is served with your choice of home fries or fruit.

<b>Breakfast Sandwich</b> - fried egg, grilled ham, cheddar cheese, caramelized onion	<b>\$11</b>
<b>Traditional Eggs Benedict</b> - poached eggs, sliced ham, house made hollandaise sauce, English muffin	<b>\$14</b>
<b>Florentine Eggs Benedict</b> - poached eggs, tomatoes, spinach, house made hollandaise sauce, English muffin	<b>\$14</b>
<b>Country Style Eggs Benedict</b> - poached eggs, sausage, house made hollandaise sauce, homemade biscuit	<b>\$14</b>
<b>Land's End Eggs Benedict</b> - poached eggs, crab & artichoke dip, hollandaise sauce, English muffin	<b>\$14</b>

The following is served with your choice of home fries or fruit, and choice of toast.

<b>The Basics</b> - two eggs your way	<b>\$8</b>
<b>OR</b> with bacon, ham, or sausage	<b>\$10</b>
<b>OR</b> with house made elk sausage	<b>\$12</b>
<b>Three Egg Omelets</b> - bacon, mushroom & swiss	<b>\$13</b>
<b>OR</b> crab & artichoke	<b>\$13</b>
<b>OR</b> smoked salmon & goat cheese	<b>\$13</b>
<b>OR</b> spinach, grilled onions & peppers, feta	<b>\$13</b>
<b>Veggie Scramble</b> - eggs, asparagus, spinach, broccoli, fresh basil & parmesan	<b>\$13</b>

**À La Carte**

Egg Whites \$2 - One egg \$2 - Two eggs \$4 - Ham, Bacon or Sausage \$5 - House-made elk sausage \$6 - Fruit \$5  
 Home fries \$4 - Salsa or Sour Cream \$1.25 - Toast or English muffin \$3 - Cold cereal \$3.50 - Plain oatmeal \$6

**Beverages**

Coffee Regular or Decaf \$2 - Selected Teas \$2 - Milk: Small \$2 or Large \$4 - Hot Chocolate \$2  
 Juice: Small \$2.25 or Large \$4.50 - Orange, Tomato, Apple, Cranberry  
 Fountain Soda \$1.75 - Dr. Pepper, Coke, Diet Coke, Sprite, Root Beer, Lemonade  
 Espresso Specialty Drinks - Alaska & Zen Chai - Fruit Smoothies

The following warning is posted per Alaska Stat. Title  
 Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of food-borne illness.

*Executive Chef, Matt Orchard and his culinary team welcome you to the*  
**Chart Room Restaurant**  
**Weekend Brunch Menu**

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**Soups**

**Clam Chowder & Soup of the Day** - New England style clam chowder or our daily preparation **\$5 / \$8**  
**Soup, Salad & Bread** - tossed green salad, bowl of soup or clam chowder, freshly baked bread **\$12**

**Salads**

**Grilled Chicken Salad with Beets** - walnuts, gorgonzola, fresh lemon, olive oil **\$9 / \$15**  
**Pear & Feta Spinach Salad** - toasted almonds, candied pomegranate, red onion, balsamic vinaigrette **\$9 / \$15**  
**Smoked Salmon & Goat Cheese Salad** - candied pecans, raisins, red onion, lemon vinaigrette **\$9 / \$15**  
**Caesar Salad** - romaine, grated parmesan cheese, croutons, Caesar dressing **\$11**  
*add shrimp, chicken, or smoked salmon* **\$7**  
**House Salad** - Chili Garlic Vinaigrette, Buttermilk Garlic, Blue Cheese, Lemon Honey Vinaigrette **\$5 / \$8**

**Lunch**

**Baked Macaroni & Cheese** - cheddar, jack, fontina, parmesan **\$10**  
**Fried Calamari** - chipotle aioli **\$12**  
**King Crab & Artichoke Dip** - cream cheese, sour cream, parmesan, freshly baked bread **\$12**  
**Steamer Clams** - white wine, garlic, lemon and butter **\$20**  
**Fresh Kachemak Bay Mussels** - honey-sambal broth, gorgonzola, cilantro **\$20**  
**BBQ Pork Ribs** - chipotle-brown sugar glaze, fries, vinaigrette slaw **\$15**  
**Sticky Wings** - honey-sambal BBQ sauce, celery, gorgonzola **\$12**  
**Fish-n-Chips** - panko breaded with fries OR grilled with vegetables and red potatoes **Cod \$15 Halibut \$19**  
**Alaskan Bouillabaisse** - halibut, clams, striped shrimp, scallops, mussels, saffron-tomato broth **\$19**  
**Butternut Squash Ravioli** - curried walnut brown butter, parmesan, fresh herbs **\$15**  
**Elk Meatloaf** - potato pancake, mushroom cream, fried onions **\$16**  
**Herb Roasted Chicken** - olive oil, herbs, roasted red potatoes, fresh vegetables **\$17**

*Burger & sandwiches served with choice of fries, vinaigrette slaw, house salad, or cup of chowder or the soup of the day.*

**Kachemak Burger** - ½ lb. American wagyu beef (add cheese \$1.50, bacon \$2, other stuff \$1.25 each) **\$14**  
**Buffalo Fried Chicken Sandwich** - gorgonzola, onions & peppers, hot sauce, ciabatta roll **\$13**  
**Chorizo Grilled Cheese** - pepper jack, cheddar, spicy chorizo, grilled sourdough, marinara **\$11**  
**Blackened Rockfish Sandwich** - sweet red pepper sauce, vinaigrette slaw, ciabatta roll **\$13**  
**BLT** - bacon, lettuce, tomato on grilled sourdough **\$11**

**Parties of 6 or more with split checks, please inform your server prior to ordering. Thank you.**

*The following warning is posted per Alaska Stat. 18.65  
 Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of food borne illness.*

## Beer

<i>On Draft: Broken Birch Bitter</i>	\$5
<i>On Draft: Red Knot Scottish Ale</i>	\$5
<i>On Draft: Seasonal Brew</i>	\$5
<i>Widmer Hefeweizen</i>	\$5.25
<i>Black Butte Porter</i>	\$5.25
<i>Corona</i>	\$5.25
<i>Heineken</i>	\$5.25
<i>Alaskan White</i>	\$5.25
<i>Alaskan Amber</i>	\$5.25
<i>Amstel Light</i>	\$5.25
<i>Budweiser / Bud Lite</i>	\$4.75
<i>Coors Light</i>	\$4.75
<i>Miller Lite</i>	\$4.75
<i>Beck's N/A</i>	\$4.75
<i>Angry Orchard Hard Cider</i>	\$5
<i>Mike's Hard Lemonade</i>	\$5
<i>Mike's Hard Black Cherry</i>	\$5

## Cocktails

<b>Aperol Spritz</b>	\$8
<i>Aperol, prosecco, club soda &amp; an orange slice</i>	
<b>Blue Moon Margarita</b>	\$7
<i>Cuervo Gold Tequila, Triple sec, Blue Curacao</i>	
<b>Land's End Bloody Mary</b>	\$8
<i>pepper vodka, seasoned mix, pickle, onion, olive &amp; pepperoncini</i>	
<b>Kachemak Kool Aid</b>	\$7
<i>citrus vodka, cranberry juice &amp; lemonade</i>	
<b>Boat Drink</b>	\$8
<i>Myers &amp; coconut rum, citrus juices, 151</i>	
<b>Wild Berry Champagne</b>	\$12
<i>Champagne &amp; Chambord</i>	

## Martinis

<b>Watermelon</b>	\$9
<i>watermelon schnapps, vodka, Triple Sec</i>	
<b>Glacier Ice</b>	\$9
<i>Hypnotic Liqueur &amp; Kettle One</i>	
<b>Key Lime</b>	\$9
<i>vanilla vodka, lime &amp; pineapple juices</i>	
<b>Alpenglow</b>	\$9
<i>raspberry vodka &amp; Chambord</i>	

## Hot Cocktails

<b>Coconut Brownie</b>	\$8
<i>Spiced rum, coconut cream &amp; hot chocolate</i>	
<b>Peppermint Pattie</b>	\$8
<i>Peppermint Schnapps &amp; hot chocolate</i>	
<b>Nutty Irishman</b>	\$8
<i>Baileys, Frangelico &amp; coffee</i>	
<b>Hot Apple Pie</b>	\$8
<i>Tuaca &amp; hot apple cider</i>	
<b>Café Almond Joy</b>	\$8
<i>Frangelico, Malibu Rum, Baileys &amp; coffee</i>	
<b>Black Forest</b>	\$8
<i>Chambord, White Cocoa, vodka &amp; hot chocolate</i>	
<b>Hot Buttered Rum</b>	\$8
<i>Dark rum, buttered rum batter &amp; hot water</i>	
<b>Beautiful</b>	\$8
<i>Cognac &amp; Grand Marnier in a heated snifter</i>	
<b>Black Opal</b>	\$8
<i>Drambuie &amp; Kahlua in a heated snifter</i>	
<b>Café Keene</b>	\$8
<i>Baileys, Amaretto, &amp; coffee</i>	
<b>Traditional Irish Coffee</b>	\$8
<i>Jamesons Irish Whiskey &amp; coffee</i>	
<b>Awesome Coffee</b>	\$8
<i>Yukon Jack, Carolyns &amp; coffee</i>	







JAN 27 2015 PM 01:58 *[Signature]*



# CITY OF HOMER POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911  
TELEPHONE (907) 235-3150  
TELECOPIER (907) 235-3151

## MEMORANDUM

**DATE:** January 26, 2015  
**TO:** Melissa Jacobson, Deputy City Clerk  
**FROM:** *[Signature]* Mark Robl, Police Chief  
**SUBJECT:** LIQUOR LICENSE TRANSFER LAND'S END

---

We do not object to the following liquor license transfer for:

<b>Type:</b>	<b>Beverage Dispensary</b>
Lic #:	645
DBA Name:	Land's End
Licensee/Applicant:	Land's End Acquisition Corp.
Premise Address:	4786 Homer Spit Road, Homer, AK 99603
Mailing Address:	4786 Homer Spit Road, Homer, AK 99603



# KENAI PENINSULA BOROUGH

144 North Binkley St., Soldotna, Alaska 99669-7520  
1-800-478-4441, Ext. 2160 • 907-714-2160 • Fax 907-714-2388  
www.kpb.us • assemblyclerk@kpb.us



**JOHNI BLANKENSHIP, MMC  
BOROUGH CLERK**

February 5, 2015

Sarah Oates  
Records & Licensing Supervisor  
Alcoholic Beverage Control Board  
2400 Viking Drive  
Anchorage, AK 99501-1768

RE:    Transfer of Ownership/Stock  
      New Licensee/Applicant       :    Land's End Acquisition Corporation  
      New Business Name           :    Land's End  
      License Type                 :    Beverage Dispensary  
      License Location             :    City of Homer  
      License No.                 :    345

Dear Ms. Oates,

The Kenai Peninsula Borough Finance Department has reviewed its files and has raised no objection, based on unpaid or delinquent taxes, to the transfer of ownership/stock as referenced above.

Should you have any questions, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, MMC  
Borough Clerk

JB/klr

cc:    Applicant  
      City of Homer  
      KPB Finance Department  
      File



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive  
Anchorage, Alaska 99501  
Main: 907.269.0350  
TDD: 907.465.5437  
Fax: 907.334.2285

January 27, 2015

City of Homer

Attn: Jo Johnson VIA EMAIL: jjohnson@ci.homer.ak.us

**Ocean Shores Inc. d.b.a. Cannery Bay Restaurant – License #5371**  
 **New Application**       **Transfer of Ownership**       **Transfer of Location**  
 **Restaurant Designation Permit**       **DBA Name Change**

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

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

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

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

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

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

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

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



Maxine Andrews  
Business Registration Examiner  
Direct line: 907-269-0358  
Email: maxine.andrews@alaska.gov



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

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

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

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

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 104.145, Local Governing Body Protest.

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



Maxine Andrews  
Business Registration Examiner  
Direct line: 907-269-0358  
Email: maxine.andrews@alaska.gov

Alcoholic Beverage Control Board  
 2400 Viking Drive  
 Anchorage, AK 99501

## New Liquor License

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

License is:     Full Year    OR     Seasonal    List Dates of Operation: May 1 - Sept 30

SECTION A - LICENSE INFORMATION			FEES
Office Use: License Year: <u>2015-2016</u>	License Type: <u>Beverage Dispensary-Tourism</u>	Statute Reference Sec. 04.11. <u>400(d)</u>	License Fee: <u>\$ 1250</u>
Office Use: License #: <u>5371</u>			Filing Fee:        \$100.00
Local Governing Body: (City, Borough or Unorganized) <u>City of Homer</u>		Community Council Name(s) & Mailing Address:	Rest. Desig. Permit Fee:        \$ <u>50.00</u>
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership): <u>Oceanshores Inc.</u>		Doing Business As (Business Name): <u>Cannery Bay Restaurant</u>	Fingerprint:        \$ ( <u>\$51.50 per person</u> )
Mailing Address: <u>3500 Crittenden Dr.</u>		Street Address or Location of Premises: <u>451 Sterling Hwy</u>	<b>TOTAL</b> <u>1451.50</u>
City, State, Zip: <u>Homer, AK 99603</u>		<u>Homer</u>	Business Telephone Number: <u>907-235-7775</u>
			Fax Number: <u>907-235-8639</u>
			Email Address: <u>mjwarburton77@gmail.com</u>
SECTION B - PREMISES TO BE LICENSED			
Distance to closest school grounds: <u>213'</u>	<b>Distance measured under:</b> <input checked="" type="checkbox"/> AS 04.11.410 <b>OR</b> <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Distance to closest church: <u>1/4 mile</u>	<b>Distance measured under:</b> <input checked="" type="checkbox"/> AS 04.11.410 <b>OR</b> <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input checked="" type="checkbox"/> Existing facility <input type="checkbox"/> New building		<input checked="" type="checkbox"/> Not applicable	
		<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input checked="" type="checkbox"/> Diagram of premises attached	



Alcoholic Beverage Control Board  
2400 Viking Drive  
Anchorage, AK 99501

### New Liquor License

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

#### SECTION C – LICENSEE INFORMATION

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

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

Name	Name of Business	Type of License	Business Street Address	State

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

Yes  No If Yes, attach written explanation.

#### SECTION D – OWNERSHIP INFORMATION - CORPORATION

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

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): <i>Ocean Shores Inc.</i>		Telephone Number: <i>907-235-7775</i>	Fax Number: <i>907-235-8634</i>
Corporate Mailing Address: <i>3500 Crittenden Dr</i>	City: <i>Homer</i>	State: <i>AK</i>	Zip Code: <i>99603</i>
Name, Mailing Address and Telephone Number of Registered Agent: <i>Robert Reiman 730 I st. Anch. AK 99501</i>		Date of Incorporation OR Certification with DCED: <i>9/30/2002</i>	State of Incorporation: <i>AK</i>

Is the Entity in "Good Standing" with the Alaska Division of Corporations?  Yes  No

If no, attach written explanation. Your entity **must** be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.

#### Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
<i>Michael J Warburton</i>	<i>Pres</i>	<i>100</i>	<i>3500 Crittenden Dr,</i>	<i>907-235-7775</i>	<i>7/2/50</i>
<i>"</i>	<i>Dir</i>		<i>"</i>	<i>"</i>	<i>"</i>
<i>"</i>	<i>Treas</i>		<i>"</i>	<i>"</i>	<i>"</i>
<i>"</i>	<i>VP</i>		<i>"</i>	<i>"</i>	<i>"</i>
<i>"</i>	<i>Sec</i>		<i>"</i>	<i>"</i>	<i>"</i>
<i>"</i>	<i>Mng</i>		<i>"</i>	<i>"</i>	<i>"</i>

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



Alcoholic Beverage Control Board  
2400 Viking Drive  
Anchorage, AK 99501

### New Liquor License

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

#### SECTION E - OWNERSHIP INFORMATION - SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

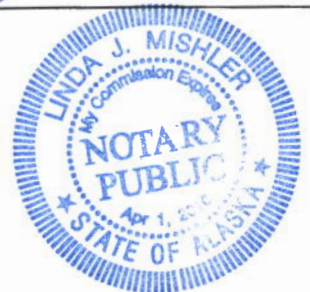
**Individual Licensees/Affiliates** (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)

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

#### Declaration

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

Signature of Licensee(s) Signature:	Signature of Licensee(s) Signature:
Signature	Signature
Name & Title (Please Print)	Name & Title (Please Print)
Subscribed and sworn to before me this _____ day of _____	Subscribed and sworn to before me this 16 day of January 2015
Notary Public in and for the State of _____	Notary Public in and for the State of Alaska
My commission expires:	My commission expires: 4/1/2016



STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
AFFIDAVIT IN CONNECTION WITH POSTING LIQUOR LICENSE APPLICATION  
Alaska Statutes: 04.11.260, 04.11.310

**POSTING AFFIDAVIT**

3 AAC 304.125 The public notice must be given within the 60 days immediately preceding the filing of the application.

I, the undersigned, being first duly sworn on oath, depose and say that:

1. a. Posting of application for a new Beverage Dispensary Tourism liquor license  
for Ocean Shores Restaurant  
located at 451 Sterling Hwy Homer AK 99603  
(address and/or location)

OR

b. Posting of application for transfer of a \_\_\_\_\_ liquor license  
currently issued to \_\_\_\_\_ whose business name (d/b/a)  
is \_\_\_\_\_ located at \_\_\_\_\_  
(address and/or location)

2. Has been completed by me for the following **10 FULL day period:**  
Jan 16, 2015 to Jan 26, 2015

\*\*\* Prior to the filing of said application, a true copy of the application was posted at the following described locations: (name and address of location)

a. Location of premises to be licensed 451 Sterling Hwy  
b. Other conspicuous location in the area Homer City Hall

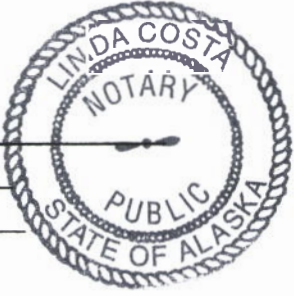
3. I believe that with the approval of this application, population would not at one time exceed in the aggregate of one license of the type requested for population as provided by law. AS 04.11.400 (check one)

- a. ( ) a radius of five (5) miles of the proposed location.
- b. ( ) an incorporated city, organized borough or unified municipality.
- c.  does not apply (application filed under AS 04.11.400(d)(e)(g) or transfer of license holder or location within an incorporated city or unified municipality or organized borough).
- d. ( ) established village.
- e. ( ) lodge license.
- f. ( ) common carrier.

Linda Costa  
(signature)

SUBSCRIBED and SWORN to me this 27 day of January, 2015.

Linda Costa  
Notary Public in and for State of Alaska  
My commission expires: 04/10/2017



**FYI: This page must be signed and notarized after you have posted your 3-page Liquor License application.**

**STATE OF ALASKA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
APPLICATION FOR RESTAURANT DESIGNATION PERMIT  
AS 04.16.049 & 3 AAC 304.715 - 794**

The granting of this permit allows access of persons under 21 years of age to designated licensed premises for purposes of dining, and persons between the ages of 16 - 20 for employment. If for employment, please indicate in detail what the employment duties will be in question #3.

License Number: \_\_\_\_\_ Type: Beverage Dispensary - Tourism

This application is for designation of premises where: (Please check the appropriate items below)

- 1.  Bona fide restaurant pursuant to 3 AAC 304.305 & 3 AAC 304.715-794.
- 2.  Persons 16 - 20 years of age may dine unaccompanied.
- 3.  Persons under 16 may dine accompanied by a person 21 years of age or older.
- 4.  Persons between 16 - 20 years of age may be employed. \*(See note below)

Licensee's Name: Michael Warburton

Name of Business: Ocean Shores Hotel

Business Address: 3500 Crittendon Dr City:  Homer AK 99603

1. Hours of operation 7am to 10pm. Telephone Number: 907-235-7775

2. Have police been called to your premises for any reason?  Yes  No  
(If you answered yes, please explain below).

3. \* Duties of employment: Kitchen work, table service & bussing

4. Are video games available to the public on your premises?  Yes  No

5. Do you provide live entertainment, such as live music, pool tables, karaoke, dancing, sports or pin-ball?  
 Yes  No

6. How is food served?  Table Service  Buffet Service  Counter Service  Other \_\_\_\_\_

7. Is an owner, manager or supervisor 21 years of age or older always present during business hours?  Yes  No

**\*\*\* A MENU AND DETAILED PREMISES DIAGRAM MUST ACCOMPANY THIS APPLICATION \*\*\***

\*Employees 16 and 17 years of age must have a valid work permit and a letter maintained in your files from a parent or guardian authorizing employment at your establishment.

\*\*Please attach additional sheets of paper if more space is needed to describe food service, entertainment, etc.

Michael Warburton  
Licensee Signature

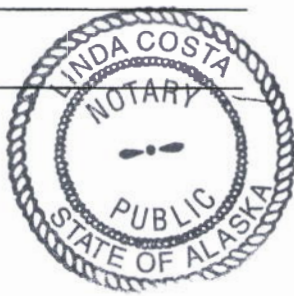
\_\_\_\_\_  
Local Governing Body Approval

Subscribed and sworn to before me this 27 day of Jan 2015

\_\_\_\_\_  
Date

Linda Costa  
Notary Public in and for Alaska

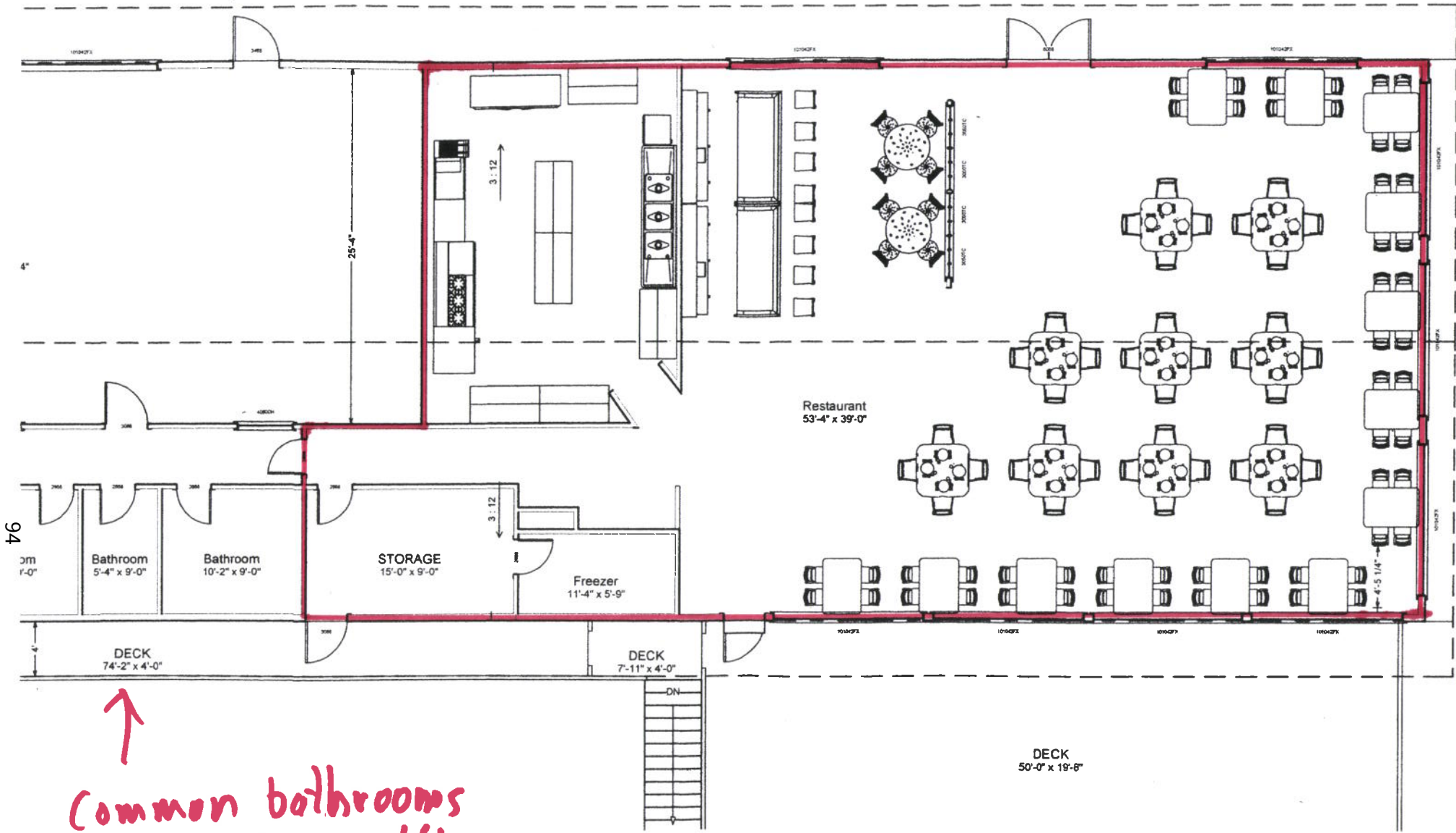
My Commission expires; 04/10/2017



\_\_\_\_\_  
Director, ABC Board

\_\_\_\_\_  
Date





Common bathrooms  
for whole building

9/23/14  
Michael J. Wauters

# Cannery Bay

---

## DINNER

### Starters to Share

**Chipotle Shrimp Cocktail \$9**

South of the border style, garlic poached shrimp, avocado, tomato, sweet chipotle cocktail, lime spiked chip on the side

**Coconut Calamari \$11**

Bistro favorite, light coconut bread crumb crust, spicy ginger thai sauce

**Sriracha "Hot Wing's" \$10**

The big wings, tossed in a sweet and spicy sauce, bleu cheese crumbs

**Bistro Bleu Cheese and Fruit \$6**

Bleu cheese crème, toasted baguette, fruit

**"IPA" Battered Halibut \$13**

House made batter, Alaska halibut chunks, caper tartar, lemon

**The Best Seared Ahi Tuna \$12**

Seared rare yellow fin tuna loin thin sliced, wasabi aioli, bean sprout kim chee

**Hibachi NY Steak Skewers \$10**

Ny steak marinated with ginger soy glaze, fresh mango salsa

**Corn Chips and Pico \$5**

Lime spiked corn chips, fresh made pico de gallo

---

### Soups and Greens

**Rustic Alaska Chowder**

**Cup/Bowl \$4/6**

Halibut, salmon, rockfish and clams simmered in cream crab broth, big potato chunks, roasted corn, dill, and thyme

**Kannery Bay House Soup**

**Cup/Bowl \$4/6**

Hot and fresh (ask your server)

**The Wedge (fork and knife salad) starter \$6**

Iceberg wedge, “the best” bleu cheese dressing, ripe grape tomatoes, pepper bacon and chopped egg

**Bistro Caesar starter/entree \$5/8**

Classic Caesar with our bistro twist, crisp romaine, garlic crouton, chopped egg, ripe tomato, parmesan

**Asian Crispy Chicken Salad starter/entree \$7/10**

House spring mix, sliced crispy chicken, sliced orange, carrots, chow mein noodle, roasted almonds, creamy sesame dressing

**Kannery Bay House Salad starter \$5**

House salad mix, thin sliced cabbage, English cucumber, grape tomato, red onion, carrots, sour cream ranch dressing

**Super Spinach starter/entree \$6/9**

Blend of baby spinach and house greens, sliced apples, red grapes, goat cheese, spicy walnuts, cider vinaigrette

**Add to a Salad**

**Pan roasted Garlic Shrimp \$5**

**Blackened Chicken breast \$4**

**Pan-Seared Alaskan Salmon \$7**

---

## **Big and Juicy Burgers and Sandwiches**

All burgers and sandwiches are fully dressed, loaded with veggies, and served with crispy mesquite fries

**Sub a Side 36 House Salad or Cup of Soup or Chowder \$1.50**

**THE “Plain Jane” Burger \$9.50**

Fresh Mr. Prime Beef patty, grilled onions, tomatoes, romaine hearts, 36 burger spread, on a fresh baked French Oven bun

**BBC Bacon Cheese Burger \$11**

Fresh Mr. Prime Beef patty, pepper bacon, grilled onions, tomatoes, romaine hearts, burger spread, on a fresh baked French Oven bun. Choice of cheddar, swiss, pepper jack or bleu cheese

**Salmon BLT \$14**

Seared Alaskan salmon, peppered bacon, basil aioli, tomatoes, romaine hearts, on Jeff’s WORLD FAMOUSE rosemary focaccia

**Blackened Chicken \$11**

Cajun spiced chicken breast, spicy aioli, pepper jack, grilled onions, tomatoes and romaine lettuce on a fresh baked French Oven bun

**Bistro Headliners**

All headliners served with smashed red potatoes, and sautéed Bistro vegetables

**Slow Cola Braised BBQ Ribs \$20**

“fall off the bone” baby back ribs, basted twice with 36 BBQ sauce

**Pacific Island Style Ribs \$20**

Eric’s secret hosin sweet thai chili glaze, pickled ginger garnish

**Thick Cut Bone in Pork Chop \$18**

Slow roasted with brown sugar and sage glaze, portabello mushroom ragout, tomatoes and bleu cheese

**Hand Cut Rib–Eye Steak \$25**

Peppercorn and olive oil marinated, horseradish Bistro butter and blistered asparagus, simple but great

**Kannery Bay NY-Steak \$24**

True bistro fare, three pepper marinate, portabello mushroom ragout, tomatoes and bleu cheese

**Basil and Walnut Crusted Chicken \$17**

Pan-seared herb bread crumb crust, shallots, roasted garlic, spinach and tomato pan sauce, topped with French goat cheese

---

**Alaskan Seafood**

**Cajun Style Halibut \$24**

Spice rubbed “Wild” Alaskan halibut pan roasted, traditional Cajun cream, southern style fried shrimp garnish

**Pan-Seared Salmon \$22**

Cilantro marinate, “Wild” Alaskan salmon, seared jasmine rice cake, skillet roasted corn relish, fresh lime hollandaise

**Coconut Crusted Rockfish \$18**

Light coconut and bread crumb crust, Alaska caught yellow eye rock fish, lemon grass beurre blanc, spicy citrus sauce, and fresh mango salsa

**Alaskan Scallop & Prawn Skewer \$22**

Savory herb marinated Nova Scallop and White Tiger Prawns, char grilled asparagus, champagne lemon basil sauce

**Steamed Alaskan King Crab \$34**

One pound of Sweet Alaska crab, fresh lemon and drawn butter

---

**& Other Good Stuff**

**Alder Smoke Salmon and Dill Fettuccini \$17**

Kippered king salmon chunks, Fresh pasta from AK pasta Co., dill cream sauce, shaved parmesan cheese

**Sausage and Crimini Rigatoni \$18**

Grilled and sliced sausage, sautéed mushrooms, Fresh pasta from AK pasta Co., roasted garlic cream, chevre goat cheese

**Roasted Garlic and Shrimp Spaghettini \$17**

Crimini mushrooms, grape tomato, fresh basil, zucchini, Fresh pasta from AK pasta Co. tossed in extra virgin olive oil

---

**Jeff's Famous Desserts**

**#1 Bread Pudding \$6**

Caramelized pears and apples, sun-dried fruit, Vanilla custard, hot butter rum sauce, candied pecans

**Ultimate Brownie Sundae \$6**

White chocolate walnut brownie, Matanuska creamery ice cream, Ghirardelli chocolate drizzle, whipped cream, chopped peanuts, and sprinkles

**Classic Burnt Crème \$5**

Traditional baked custard, burnt sugar crust, strawberry preserve

**Tis the Seasonal Fruit Crisp \$5**

Oven warmed fruit compote layered with Jeff's pecan granola, Matanuska creamery ice cream, 5-spice dust



**Molten Chocolate Cake \$6**

Dark chocolate cake filled with ganache, Matanuska creamery ice cream

**Matanuska Creamery Ice Creams \$4**

Vanilla and flavor of the week

---

## **Soda, Juice and More**

**KONA coffee or decaf \$2.00**

**Taro or Lipton tea \$2.00**

**Nestle hot coco \$2.00**

**Sunkist juices \$3.00**

Apple, orange, cranberry, grape

**Coke Sodas \$2.00**

Coke and diet, dr. pepper, sprite

**Whole milk \$3.00**

**Minute maid lemon aid \$2.00**

**Brewed iced tea \$2.00**

---





# CITY OF HOMER POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

JAN 30 2015

EMERGENCY 911

TELEPHONE (907) 235-3150

TELECOPIER (907) 235-3151

## MEMORANDUM

**DATE:** January 28, 2015  
**TO:** Melissa Jacobsen, Deputy City Clerk  
**FROM:** Mark Robl, Police Chief  
**SUBJECT:** NEW LIQUOR LICENSE CANNERY BAY RESTAURANT

---

We do not object to the following liquor license:

<b>Type:</b>	<b>Beverage Dispensary-Tourism (seasonal)</b>
Lic #:	5371
DBA Name:	Cannery Bay Restaurant
Licensee/Applicant:	Ocean Shores Inc.
Premise Address:	451 Sterling Highway, Homer, AK 99603
Mailing Address:	3500 Crittenden Dr. , Homer, AK 99603



# KENAI PENINSULA BOROUGH

144 North Binkley St., Soldotna, Alaska 99669-7520  
1-800-478-4441, Ext. 2160 • 907-714-2160 • Fax 907-714-2388  
www.kpb.us • assemblyclerk@kpb.us



**JOHNI BLANKENSHIP, MMC  
BOROUGH CLERK**

February 5, 2015

Ms. Sarah Oates  
Records & Licensing Supervisor  
Alcoholic Beverage Control Board  
2400 Viking Drive  
Anchorage, AK 99501-1768

RE: Non-Objection of New License Application

Business Name	:	Cannery Bay Restaurant
License Type	:	Beverage Dispensary – Tourism (Seasonal)
License Location	:	City of Homer
License No.	:	5371

Dear Ms. Oates,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the issuance of this license.

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

Johni Blankenship, MMC  
Borough Clerk

JB/klr

cc: City of Homer  
Applicant  
KPB Finance Department  
File

**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-03**

An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the City's Interest in Lot 6-A-1, Nils O. Svedlund Subdivision 2013 Replat for \$1,655.50 to Dragonfly, LLC, and Establishing the Terms of the Sale.

Sponsor: City Manager

1. City Council Regular Meeting February 9, 2015 Introduction
  - a. Quitclaim Deed
  - b. Resolution 13-069



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

3 City Manager

4 **ORDINANCE 15-03**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 APPROVING THE SALE OF THE CITY'S INTEREST IN LOT 6-A-1,  
8 NILS O. SVEDLUND SUBDIVISION 2013 REPLAT FOR \$1,655.50 TO  
9 DRAGONFLY, LLC, AND ESTABLISHING THE TERMS OF THE SALE.

10  
11 WHEREAS, Dragonfly, LLC owns property on Pioneer Avenue described as Lot 6-A-1,  
12 Nils O. Svedlund Subdivision 2013 Replat, according to Plat No. 2013-52, Homer Recording  
13 District ("Lot 6-A-1"), which is the site of the Pioneer Building; and

14  
15 WHEREAS, Plat No. 2013-52 moved the boundary between the property owned by  
16 Dragonfly, LLC and City-owned property to the west to cause a triangular piece of that City-  
17 owned property fronting on Pioneer Avenue and having an area of 385 square feet to become  
18 part of Lot 6-A-1; and

19  
20 WHEREAS, The City joined in Plat No. 2013-52 to resolve an encroachment of the  
21 Pioneer Building into a required building setback as required for the redevelopment project  
22 for the Pioneer Building and new site plan approved by the Planning Commission through  
23 Conditional Use Permit 13-06; and

24  
25 WHEREAS, Notwithstanding the recording of Plat No. 2013-52, the City retains its  
26 ownership interest in the 385 square foot triangular area that Plat No. 2013-52 incorporated  
27 into Lot 6-A-1, and Dragonfly, LLC has requested that the City sell its interest in this property  
28 to remove a cloud on the title of Dragonfly, LLC to Lot 6-A-1; and

29  
30 WHEREAS, The property proposed for sale is not needed by the City and disposal will  
31 not impede future development by the City of the adjacent City-owned property; and

32  
33 WHEREAS, The Homer City Council approved the sale of this 385 square foot area in  
34 concept through adoption of Resolution 13-069; and

35  
36 WHEREAS, The area proposed for sale is too small to be developed and would be of no  
37 use to anyone other than Dragonfly, LLC, and therefore a public sale is not warranted and  
38 direct negotiation of the sale between the City and Dragonfly, LLC is necessary and  
39 appropriate; and

40  
41 WHEREAS; HCC 18.12.020 provides that an appraisal is not required if property does  
42 not exceed \$1,000 in value in the current tax assessment records of the Kenai Peninsula

43 Borough, and the current assessed value of the parcel to be sold is \$1,655.50.

44

45 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

46

47 Section 1. Notwithstanding anything to the contrary in Homer City Code Chapter  
48 18.12, the City Manager is authorized and directed to negotiate the sale of the City's interest  
49 in Lot 6-A-1 to Dragonfly, LLC for a price not less than \$1,655.50, and to execute the  
50 appropriate documents.

51

52 Section 2. The execution and delivery of Plat No. 2013-52 on behalf of the City is in all  
53 respects ratified and confirmed.

54

55 Section 3. This is a non-Code ordinance of a permanent nature.

56

57 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
58 \_\_\_\_\_, 2015.

59

60

61

62

CITY OF HOMER

63

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66

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

67

68 ATTEST:

69

70

71

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

73

74

75

76

77

78

79 YES:

80 NO:

81 ABSTAIN:

82 ABSENT:

83



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

88  
89  
90

91 Reviewed and approved as to form.

92

93 \_\_\_\_\_

94 Marvin Yoder, City Manager

95

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

97

98

99 Fiscal Note: NA

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

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



**HOMER RECORDING DISTRICT**

AFTER RECORDING, RETURN TO:

City of Homer  
491 East Pioneer Avenue  
Homer, Alaska 99603  
Attn: City Manager

**QUITCLAIM DEED**

The CITY OF HOMER, an Alaska municipal corporation (“Grantor”), whose address is 491 East Pioneer Avenue, Homer, Alaska 99603, for good and valuable consideration in hand paid, the adequacy and sufficiency of which is hereby acknowledged, conveys and quitclaims to DRAGONFLY, LLC, an Alaska limited liability company (“Grantee”), whose address is 64362 Bridger Road, Homer, Alaska 99603, all interest which Grantor has, if any, in the following described real property (“Property”):

Lot 6-A-1, Nils O. Svedlund Subdivision 2013 Replat, according to Plat No. 2013-52, Homer Recording District, Third Judicial District, State of Alaska

DATED this \_\_\_ day of \_\_\_\_\_, 2015.

GRANTOR: CITY OF HOMER

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

STATE OF ALASKA                    )  
  ) ss:  
THIRD JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_ 2015, by Marvin Yoder, City Manager of the CITY OF HOMER, an Alaska municipal corporation, on behalf of the City.

\_\_\_\_\_  
Notary Public in and for Alaska  
My commission expires:\_\_\_\_\_





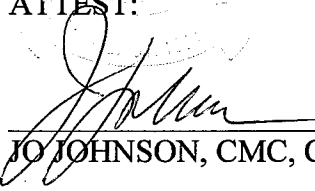
40 BE IT FURTHER RESOLVED that the Council hereby approves the proposed sale and  
41 easement agreement with Harmon and Pauli Hall and authorizes the City Manager to execute the  
42 easement agreement and take the necessary steps required under the City Code to initiate the  
43 land sale.

44  
45 PASSED AND ADOPTED by the Homer City Council this 24<sup>th</sup> day of June, 2013.

46  
47 CITY OF HOMER

48  
49  
50   
51 MARY E. WYTHE, MAYOR

52  
53 ATTEST:

54   
55  
56  
57 JO JOHNSON, CMC, CITY CLERK

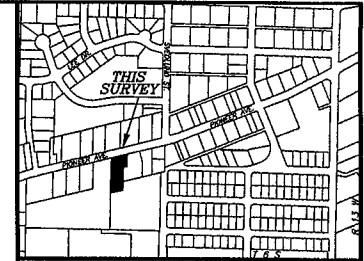
58  
59  
60 Fiscal information: Amount to be determined from sale of land.

61  
62  
63  
64

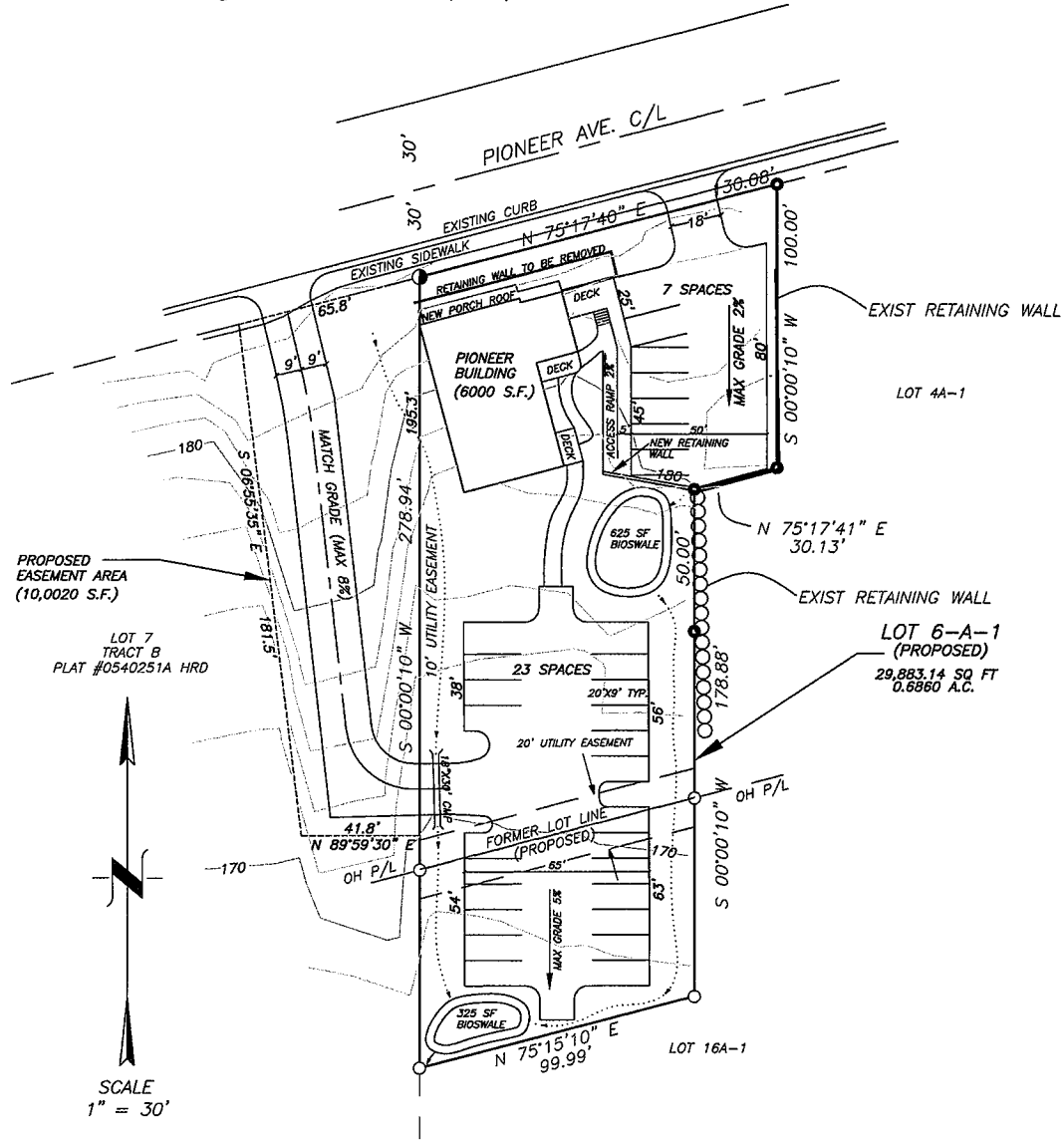
**NOTES**

**LEGEND**

- 2" ALUMINUM CAP ON 30" X 5/8" REBAR SET IN 1984 (PLAT #1984-123 HRD) (RECORD)
- 5/8" REBAR W/ STAMPED SURV-KAP SET IN 1990 (PLAT #1990-20 HRD) (RECORD)
- ⦿ AL CAP MONUMENT, 4469-S (RECORD)

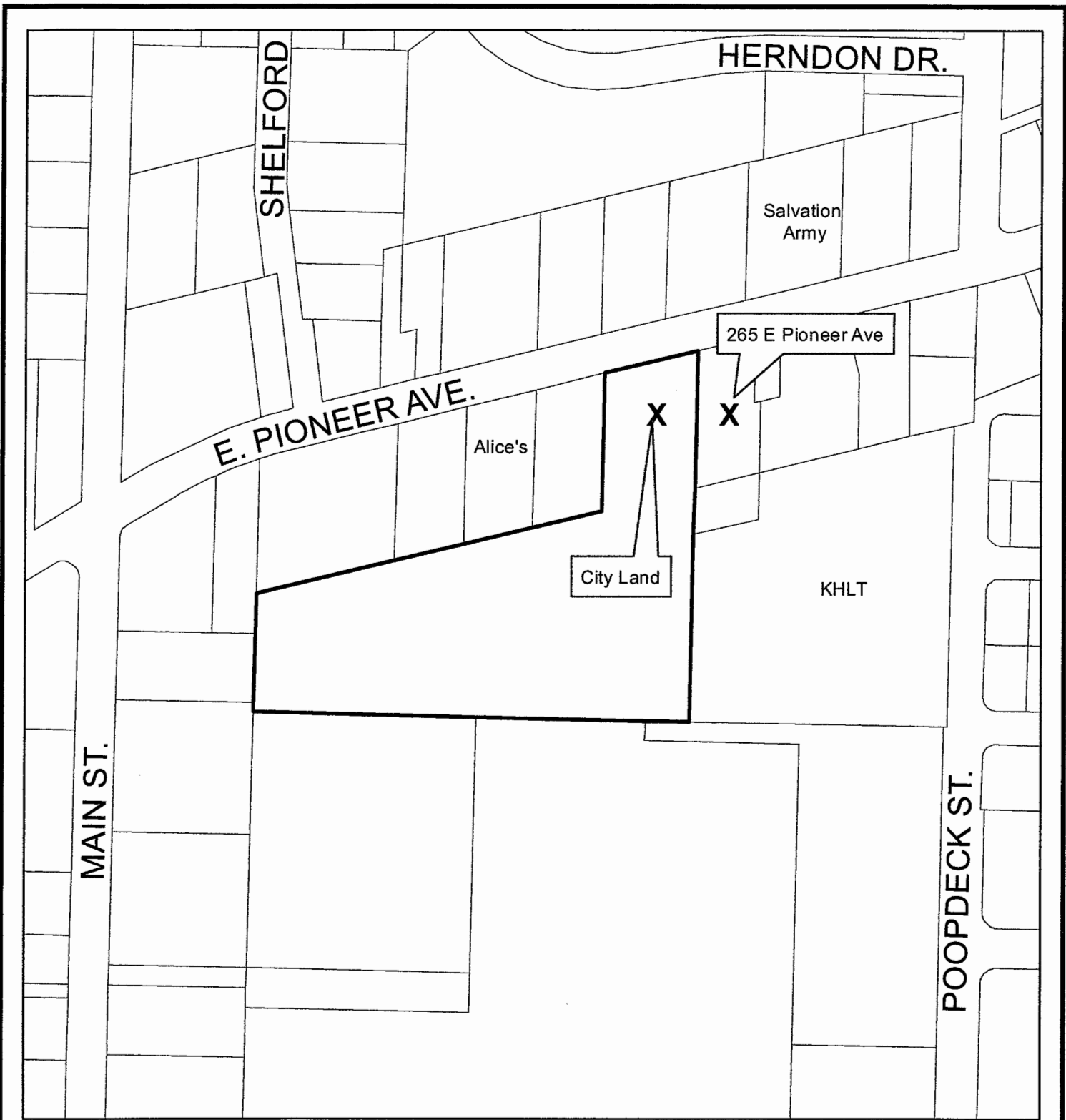


**VICINITY MAP**  
SCALE: 1" = 1000' U.S.G.S. QUAD. SELDOVA (C-4 & C-5)



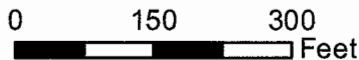
SCALE  
1" = 30'

<b>PIONEER BUILDING C.U.P. SITE PLAN</b>		
EXISTING SITE CONDITIONS WITH TOPOGRAPHY AND ASBUILT LOCATIONS OF IMPROVEMENTS OVERLAID WITH PROPOSED NEW SITE PLAN INCLUDING BUILDING ADDITIONS, PARKING, LANDSCAPING, INGRESS AND EGRESS AND SITE DRAINAGE IMPROVEMENTS		
CONTAINING .6880 ACRES MORE OR LESS		
<b>SEABRIGHT SURVEY + DESIGN</b> KENTON T. BLOOM, P.L.S.		
1044 EAST ROAD, SUITE A HOMER, ALASKA 99603 (907) 235-4247		
DRAWN BY: K.B.	CHKD BY: KB	JOB #13-03
DATE: 4/26/2018	SCALE: 1"=30'	SHEET #1 OF 1



City of Homer  
 Planning and Zoning Department  
 June 18, 2013

Vicinity Map

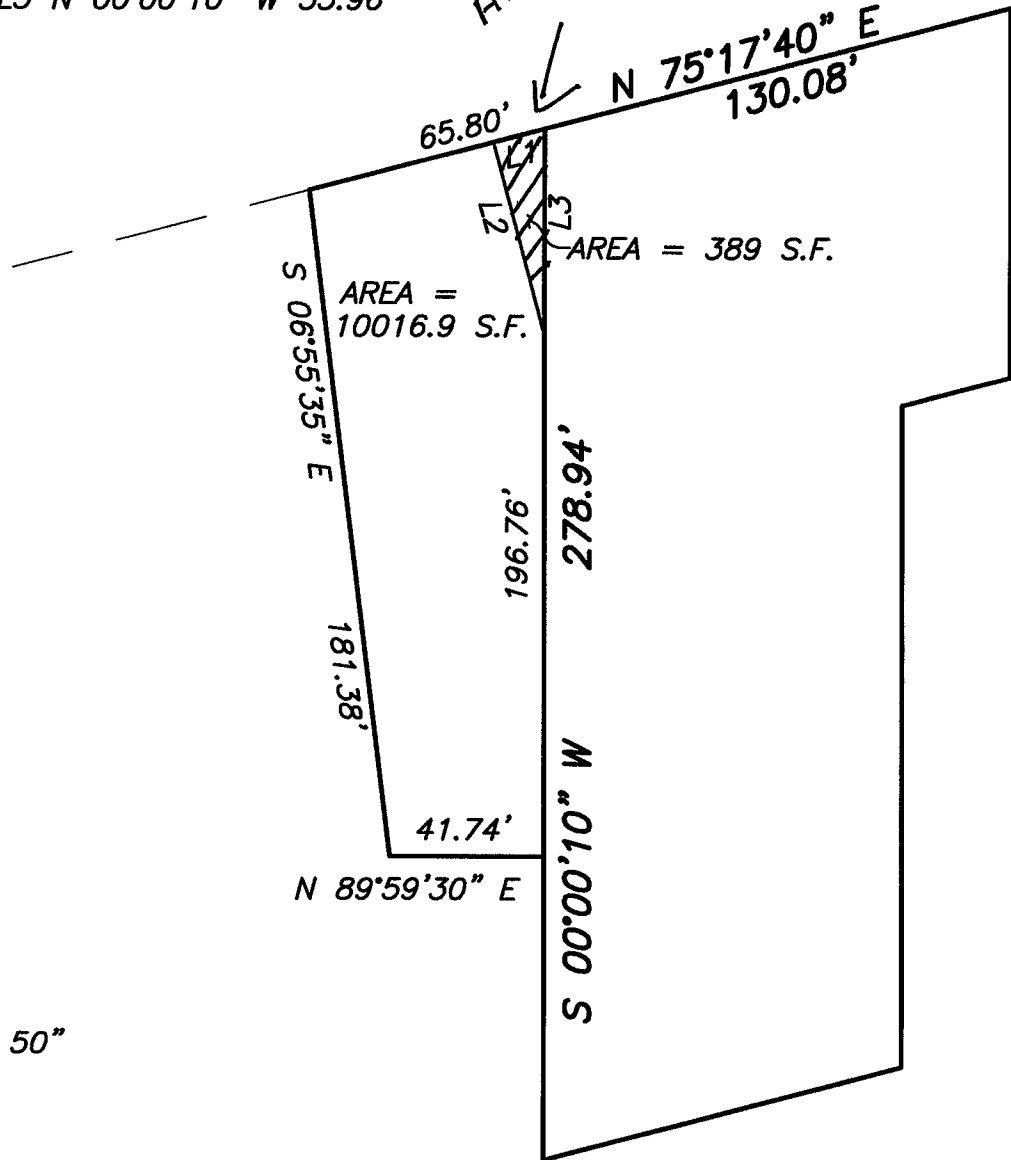


*Disclaimer:  
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.*



L1 N 75°17'40" E 14.36'  
L2 N 14°51'52" W 54.13'  
L3 N 00°00'10" W 55.96'

AREA TO BE  
SOLD



1" = 50"



**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-04**

An Ordinance of the Homer City Council Accepting and Appropriating a Grant From the Alaska Highway Safety Office in the Amount of \$40,768.01 for the Homer Police Department Project Drive and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Police Chief

1. City Council Regular Meeting February 9, 2015 Introduction
  - a. Memorandum 15-019 from Police Chief as backup
  - b. Notice to Proceed, Grant Agreement, Bids for Trailer and ATV



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

3 City Manager/  
4 Police Chief

5 **ORDINANCE 15-04**  
6

7 AN ORDINANCE OF THE HOMER CITY COUNCIL ACCEPTING AND  
8 APPROPRIATING A GRANT FROM THE ALASKA HIGHWAY SAFETY  
9 OFFICE IN THE AMOUNT OF \$40,768.01 FOR THE HOMER POLICE  
10 DEPARTMENT PROJECT DRIVE AND AUTHORIZING THE CITY  
11 MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.  
12

13 WHEREAS, The City submitted an application for the Homer Police Department Project  
14 Drive to purchase a side by side ATV, an enclosed trailer, and fund Project Drive; and  
15

16 WHEREAS, The ATV and funds will be used to conduct clinics at local schools to  
17 increase awareness of impaired driving while under the influence of drugs or alcohol; and  
18

19 WHEREAS, The State awarded the grant in the amount of \$40,768.01, requiring a local  
20 match of \$4,076.80; and  
21

22 WHEREAS, The match of \$4,076.80 was included in the 2015 budget.  
23

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

26 Section 1. The Homer City Council hereby accepts and appropriates a Grant from the  
27 Alaska Highway Safety Office in the amount of \$40,768.01 for Homer Police Department  
28 Project Drive as follows:  
29

30 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-7003	Alaska Highway Safety Office Grant	\$40,768.01

31  
32  
33  
34  
35

36 Section 2. The City Manager is authorized to execute the appropriate documents.  
37

38 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not  
39 be codified.  
40

41 ENACTED BY THE HOMER CITY COUNCIL this \_\_\_ day of \_\_\_\_\_, 2015.  
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CITY OF HOMER

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

ATTEST:

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

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second reading:

Effective Date:

Reviewed and approved as to form:

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

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

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

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



# CITY OF HOMER

## POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911  
TELEPHONE (907) 235-3150  
TELECOPIER (907) 235-3151

### Memorandum 15-019

DATE: January 30, 2015  
TO: Marvin Yoder, City Manager  
FROM: Mark Robl, Chief of Police  
SUBJECT: Project Drive

We have received a grant from the state last fall to fund our "Project Drive" program. I request that we obtain council approval to obligate funds and proceed with Project Drive.

Project Drive is a program we have been doing for approximately five years. It involves us conducting clinics at local schools and events to teach kids the effects of alcohol and drug impairment on driving. We do so by having the children drive a side by side ATV with a police officer in it while wearing fatal vision goggles that simulate the effects of impairment. The program has been well received and seems to be very effective. It also provides us with a great opportunity to connect with young teenage children and have positive interaction with them.

We have been conducting Project Drive with borrowed equipment from other police departments. Every time we want to do it we have had to coordinate the equipment loans and scheduling with the departments and send an officer up to either Soldotna or Anchorage to pick-up the equipment and then take it back when we're finished. This has taken considerable time and expense. This grant funds the purchase of the equipment we need to run the program.

We would like to purchase the two main pieces of equipment for this program as soon as possible. The low bidder for the side by side ATV, a Polaris RZR, is Homer Saw at \$12,699.99. The low bidder for an enclosed trailer to haul it in is White Spruce Trailer Sales at \$10,250. The state has issued us a notice to proceed and begin Project Drive. We are ready to do so.







# Notice to Proceed

State of Alaska, DOT & PF  
 P.O. Box 112500  
 Juneau, AK 99801-2500  
 Ph. 907-465-2446  
 Fx. 907-465-4030  
[dot.alaska.gov/highwaysafety](http://dot.alaska.gov/highwaysafety)

<b>Grantee Name and Address:</b> Homer Police Department 4060 Heath Street Homer, AK 99603	<b>Title/ Short Description:</b> Homer PD Project Drive
---	--

**Supplemental Agreements:** Check all that apply.

Enforcement Agreement     
  Law Enforcement Liaison Agreement

**Action Requested:**

New Setup     
  Add Funds     
  Reduce Funds     
  Closure (Decrease)

Revision of Funds: Please provide explanation of funding change and budget breakdown.

FUNDING SUMMARY			
Budgets Approved for this NTP			
Budget Category	Current Budget Totals	AHSO Increase (Decrease)	Revised Budget Totals
(100) Personnel Services	\$ 15,316.21	\$ -	\$ 15,316.21
(200) Travel & Per Diem	\$ 270.00	\$ -	\$ 270.00
(300) Contractual Services	\$ -	\$ -	\$ -
(400) Commodities	\$ 2,655.00	\$ -	\$ 2,655.00
(500) Equipment	\$ 18,450.00	\$ 2,000.00	\$ 20,450.00
(Indirect Costs)	\$ -	\$ -	\$ -
<b>TOTALS</b>	<b>\$ 36,691.21</b>	<b>\$ 2,000.00</b>	<b>\$ 38,691.21</b>
<b>TOTAL AMOUNT AUTHORIZED TO DATE</b>			<b>\$ 38,691.21</b>

**Explanation of Approved Grant Application & Activity Dates:**  
 Project Revision for increased cost in ATV purchase.  
 \*\*Reimbursement cannot exceed the amount of this NTP\*\*

AHSO USE ONLY					
Activities as outlined in the FFY 2015 Grant Application covering the period of:					10/1/2014 - 9/30/2015
Project Control Programming				NTP #:	2
				Grant #:	402PT-15-06-00(B)
Collocation Code	Program Code	Ledger Code	Account Code	Full Grant Amount:	\$38,691.21
24462628	57870	30028882	77436	FAIN #:	18X9204020AK
Project #	<input type="checkbox"/> RSA (Interagency)	<input checked="" type="checkbox"/> EN (Non-Interagency)	DUNS #:	01217563 616927349	
76009			CFDA #:	20.600	

Project Control Programming Approved			
Program Control Agent Name: Sumer Todd-Harding		Accounting Technician Name: Stefanie Bingham	
<i>Sumer Todd-Harding</i> Signature	<i>Stefanie Bingham</i> Signature	12/11/14 Date	12/23/14 Date

You may proceed with the activities for the Categories and specific Tasks enumerated above in the Funding Summary. Any activities beyond the written scope and/or any costs above the price estimate in our Agreement require prior AHSO approval and a Project Revision. Actual cost underrun of the Contract Amount for any Category shall not routinely accumulate for other Categories. AHSO reserves the right to retain or reallocate any remaining funds resulting from such cost underruns. Conditions to this agreement are as outlined in the "Agreement Conditions" Section 3 of the application for grant, **CONDITIONS ARE A PART OF THE PROJECT AGREEMENT AND, AS SUCH, ARE BINDING ON ALL PARTIES TO THE PROJECT AGREEMENT.**

**This NTP is cumulative and supersedes all prior NTPs for this Agreement.**

The AHSO Administrator for this NTP is: Tammy Kramer	
Issued for the Contracting Agency per ADOT&PF Policy #01.01.050 by: Tammy Kramer <i>Tammy Kramer</i> Signature	Accepted for the Grantee by: <i>William T. Hutt</i> Signature
12/23/14 Date	12/23/14 Date



**FFY 2015  
HIGHWAY SAFETY  
GRANT AGREEMENT**

State of Alaska  
Department of Transportation & Public Facilities  
Alaska Highway Safety Office (AHSO)  
P.O. 112500, Suite #200  
Juneau AK 99811-2500  
Ph: 907-465-2446  
Fax: 907-465-4030  
[www.dot.alaska.gov/ahso](http://www.dot.alaska.gov/ahso)

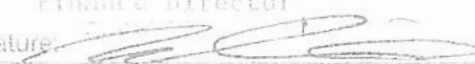
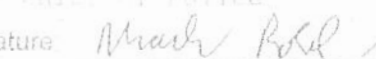
<b>Subgrantee Agency Name and Address:</b> Homer Police Department 4060 Heath Street Homer, AK 99603 Project Manager Lieutenant William Hult		<b>Project Title:</b> Homer PD Project Drive
Non-Profit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Project Location:</b> Homer
<b>Grant Period:</b> Begin: 10/01/2014 End: 09/30/2015		Effective Date: 10/01/2014

If previously funded, indicate the total number of months of Federal support: N/A


Other Federal or State Support (If using other Federal support on this project, it must be identified and explained):

COST CATEGORY	AHSO	MATCH	TOTAL
A. Personnel Services	\$15,316.21	\$1,701.80	\$17,018.01
B. Contractual Services			
C. In-State Travel & Per Diem	\$270.00	\$30.00	\$300.00
D. Commodities	\$2,655.00	\$295.00	\$2,950.00
E. Operating Capital Outlay			
F. Equipment	\$18,450.00	\$2,050.00	\$20,500.00
G. Indirect Costs (10% of total budget maximum) allowed ONLY with a current cognizant Federal Agency Letter			
<b>Total</b>	<b>\$36,691.21</b>	<b>\$4,076.80</b>	<b>\$40,768.01</b>

Acceptance of conditions: It is understood and agreed by the undersigned that any grant funds received from the AHSO are subject to all State and Federal government regulations. This project does or will constitute an official part of the Highway Safety Program of the State of Alaska, and will meet all requirements and administrative regulations of the National Highway Traffic Safety Administration and Federal Highway Administration. The undersigned also agree to perform those activities detailed in the attached proposal and will maintain records documenting expenditure of funds for the activities. **Subject to the availability of Federal funding**, reimbursement will be made upon submission of a reimbursement voucher following completion of monthly grant activities, including an update on grant performance measures. Final reimbursement claim will not be processed until all four Quarterly Reports, Equipment Record (if purchased), and Annual Evaluation Report are submitted to, and received by, the AHSO.

Subgrantee Financial Manager: John Li Title: Finance Director Signature:  Date: 9/25/2014	Phone: 907-235-8121 E-mail: zli@ci.homer.ak.us Fax: 907-235-3140
Subgrantee Authorizing Official: Mark Robl Title: Chief of Police Signature:  Date: 9/25/2014	Phone: 907-235-3150 E-mail: mrobl@ci.homer.ak.us Fax: 907-235-3151

**AHSO ONLY:**

AHSO Administrator: Tammy Kramer Signature:  Approved By: _____ Date: 10/1/14	Grant #: 402PT-15-06-00(B) CC: 24462628 LC: 30028882 PGM: 57870 Program Area: 402 Police Traffic Svcs
---	---

**White Spruce Trailers, Inc.-Fbx**

10 Mile Richardson Hwy/2156 Bunge St  
 P.O. Box 56300  
 North Pole, AK 99705  
 907-488-3004 Fax: 907-488-2551

Quote #:	2805
Quote Date:	11/24/2014
Page:	1
Customer #:	7105

Quoted To:  
 City of Homer Police Department  
 4060 Heath Street  
 Homer AK 99603

Valid Through: 12/4/2014

Phone: 907-235-3150		Cust PO: RFQ 8 x 16		Terms: Net 30	
Reference:		Ship Via:		Salesperson: BID	
Stock Code	Description	Quantity	Price	Extended	
BL816TA2 RD +12	8x16 Encl'd Trlr w/Tandem 3500# axles, Rear Ramp Door, Side Door w/ Flushlok, Sp. Tire Mt., 12 inches extra height	1.00	10,065.00	10,065.00	
CT1008	ST205/75R15 LRD 5 on 4.5	1.00	100.00	100.00	
L5	Commercial License, Trailer Prep, Registration, & Document Processing	1.00	85.00	85.00	

\*\*\* MEGAN - 11/24/2014 02:06 pm \*\*\*

Quote from original quote #2801 with no e-track system or tie downs and no delivery to Homer.

FOB Anchorage

Trailer can be delivered within 90 days of receipt of purchase order.

Trailer includes the following:

- 102" Wide body design with no-show beavertail to allow for a 84" door clearance (\$400)
- Reinforced rear ramp door
- Fold-down stabilizer jacks rated at 1,000# each
- Upgraded to radial tires (better than bias ply tires on Alaskan roads) (\$150)
- LED Light Package (\$170)
- Urethane coating on tongue and rear member (\$150)

Color: undetermined

SubTotal:	10,250.00
Tax:	0.00
Shipping:	0.00
<b>Total:</b>	<b>10,250.00</b>

Deposits are non-refundable. A \$500 Deposit holds items for 2 weeks. Warranties are manufactures warranties only and no other warranty by WSTS is expressed or implied. If you have a warranty claim, we will make a good faith attempt in resolving the issue, but the decision or action taken by the manufacturer is final and WSTS cannot be held responsible. PO Sales are Net 30 payment. A service charge of 1.5% per month will be added to unpaid balances Trailers sales are final, parts subject to 15% restocking fee, special orders 50% restocking fee.

To: City of Homer  
Police Dept.  
Ryan Browning  
4060 Heath St  
Homer, Alaska 99603

From: Homer Saw & Cycle  
1532 Ocean Dr.  
Homer, Alaska 99603  
907-235-8406  
Fax-907-235-8950  
[homersaw@xyz.net](mailto:homersaw@xyz.net)

Re: bid for 2015 Polaris RZR 570 White Lightning

2015 Polaris RZR 570 White Lightning-	\$10,300.00
Sport Roof-	2878748- \$220.00
35" light bar-	2880527- \$650.00
Harness-	2879863- \$50.00
Deluxe front bumper-	2878284- \$250.00
Rear bumper-	2878697- \$200.00
REBLR 14 flat black bead lock wheels w/ moto attack tire-	2880024- \$1250.00
White rings for wheels-	1522244-133 -\$320.00
Lug nuts-	2877409- \$30.00
Seat slider-	2877390- \$70.00
All accessories installed	

Total price-\$13,440.00

**Bid Price-\$12,699.99**

---

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 15-011**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
ACKNOWLEDGING THE JANUARY 2015 SURPLUS EQUIPMENT BID  
RESULTS.

WHEREAS, A Surplus Personal Property Sale was conducted in accordance with Homer  
City Code 18.30; and

WHEREAS, The January 2015 Surplus Equipment Sale Invitation to Bid was advertised  
in the Homer News on January 15, 2015 and the Homer Tribune on January 21, 2015 and was  
posted on the City Clerk's website; and

WHEREAS, Sealed bids were due by 3:00 p.m. on Wednesday, January 28, 2015; and

WHEREAS, There were 63 items on the surplus equipment list that was posted online;  
and

WHEREAS, 10 bidders submitted a total of 52 bids on 38 of the items available for sale;  
and

WHEREAS, The City Manager shall reevaluate the value of the items not bid upon and if  
found to meet the criteria of Homer City Code 18.30.040, the City Manager may authorize the  
disposal of items through noncompetitive bidding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
acknowledges the surplus equipment bid results, attached as Exhibit A.

PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of February, 2015.

CITY OF HOMER

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

43 ATTEST:

44

45 \_\_\_\_\_

46 JO JOHNSON, MMC, CITY CLERK

47

48

49 Fiscal Note: Cost of advertising and processing bids. Generated revenue \$4,049.08 distributed  
50 to the appropriate accounts.

**Surplus Equipment Sale Bid Tally  
January 2015**

Exhibit A

ITEM #	NAME	DESCRIPTION	
	<b>Port &amp; Harbor</b>		
PH 01	Boat Trailer	Single Axle, EZ Loader, No Plate (13-22)	Carl Jones- \$105.00
PH 02	Boat Trailer	Double Axle, Calkins, No License Plate (13-01)	Will Hutt- \$117.00
PH 03	Boat Trailer	Single Axle, Calkins, Washington Plate FC 3269 (13-33)	No bids received
PH 04	Concrete Mooring	2,000 lb. Block with Union	Mike Nakada- \$150
PH 05	Concrete Mooring	2,500 lb. Block with Union	Mike Nakada- \$200
PH 06	Concrete Mooring	3,000 lb. Block with Union	Mike Nakada- \$200
PH 07	Concrete Mooring	1,000 lb. Block with Union	Mike Nakada- \$100
PH 08	Concrete Mooring	3,000 lb. Block with Union	Mike Nakada- \$200
PH09	Flootation Tub	1 each, 4'LX3'WX2'H	Ben Murray- \$11
PH 10	Anchor	600 lb. Steel Anchor, Danforth	Mike Nakada- \$500 AK Marine Excav. - \$606
PH 11	Fence Posts	8 each, 3"X4"X8'	Joanne Perret- \$28.50 Ben Murray- \$22
PH 12	Wood Steps	4'LX18"WX2'H	Ben Murray- \$11
PH 13	Ice Delivery system	Pneumatic ice delivery system, blower and motor, rotary valve, heat exchanger, diverter valves, 330' aluminum 5" pipe, 20' aluminum 6" pipe, assorted fittings, etc.	No bids received
PH 14	Autio Fish Grinder	Fish Grinder with 3-phase Motor (Poor Condition)	No bids received

**Surplus Equipment Sale Bid Tally  
January 2015**

<b>ITEM #</b>	<b>NAME</b>	<b>DESCRIPTION</b>	
PH 15	Electrical Cabinet	Square D, Twin 200 Amp Service, 4'HX3'W,1'D	No bids received
PH 16	Bouy/Float	Anshin Buoy/Float 3'LX2' dia.	No bids received
PH 17	Fishing Pole	Shakespeare 6' Halibut Pole	No bids received
PH 18	Cot/Bed	IKEA Canvas Cot	Pike Ainsworth - \$26    Ben Muray - \$14
PH 19	Propeller	Aluminum Outboard Prop, 15.5"X15, right handed	No bids received
PH 20	Fuel Transfer System	Simplex SPS-20, Day tank filling system, two pumps	Harris Sand & Gravel- \$101 Mike Zelinski- \$120
PH 21	Concrete Mooring	1000 lb Block with Union	Mike Nakada- \$100
	<b>Public Works</b>		No bids received
PW 01	Vehicle	1993 Chevy S-10 Pickup - 99,990 miles, mechanical good, body rusted, broken motor mount	Mike Zelinski- \$150
PW 02	Vehicle	1989 GMC 1-Ton Pickup - 123,867 miles, mechanical good, frame very poor, driveable	No bids received
PW 03	Street Sweeper	1990 Elgin Pelinan Street Sweeper - 4167 engine hours 8178 machine hours, mechanical good, engine excellent, poor	No bids received
PW 04	Excavator	1984 Internation Wheeled Excavator - 4048 hours, International Wheeled Excavator, transmission problems	John Symens - \$617.15    Ben Murray - \$777
PW 05	Snowblower	1985 9541C Fair 9' Snowblower - 57 hours, runds good JD6619AF engine	No bids received
PW 06	Brush Chipper	Olathe Brush Chipper, low hours, 300 ci straigh six Ford engine	Carl Jones- \$605    John Symens- \$601.16 Ben Murray - \$777
PW 07	V-Plow	1999- 9' Hiniker V-Plow, fits Ford F-550	No bids received
PW 08	Sander/Spreader	1986- 8 yard Chief Sander/Spreader, slide in end dump, hydrolic drive	John Symens - \$41.75



**Surplus Equipment Sale Bid Tally  
January 2015**

<b>ITEM #</b>	<b>NAME</b>	<b>DESCRIPTION</b>	
PW 09	End Dump Box	1981- 10 yard End Dump Box, Off from Ford LT800 End Dump Truck	No bids received
PW 10	Plastic Fuel Tank	28 gallon Plastic Fuel Tank	Ben Murray- \$12
PW 11	Pressure Paint Tanks	(2) 40 gallon Pressure Paint Tanks	Ben Murray- \$12
PW 12	Auger Attachment	Post Hole Auger Attachment (JD Tractor Mount)	No bids received
PW 13	Snow Gate Attachment	Snow gate attachment for Champion Motor Grader	No bids received
PW 14	Sand/Fertilizer Spreader	Small Sand/Fertilizer Spreader w/receiver hitch install	Ben Murray- \$12
PW 15	Mag 10 Compressor	Atlas Copco Mag 10 Compressor, 10hp, 3Ph, 25,000hrs, working	No bids received
PW 16	Mag 10 Compressor	Atlas Copco Mag 10 Compressor, 10hp, 3Ph, 25,000hrs, working	No bids received
PW 17	Burner Assembly	American Standard Oil Burner Assembly Model LC534A	Ben Murray- \$12
PW 18	Burner Assembly	Weil-McLain Oil Burner Assembly, Model EH	Ben Murray- \$12
PW 19	Burner Assembly	Reillo Oil Burner Assembly, Model R40	Ben Murray- \$17
PW 20	Burner Assembly	Reillo Oil Burner Assembly, Model R40	Ben Murray- \$17
PW 21	Burner Assembly	Weil-McLain Oil Burner Assembly, Model EH	Ben Murray- \$12
PW 22	Burner Assembly	Power Flame Oil Burner Assembly, Model WCR1-0	Ben Murray- \$12
PW 23	Burner Assembly	Power Flame Oil Burner Assembly, Model WCR1-0	Ben Murray- \$12
PW 24	Burner Assembly	Beckett Clean Cut Burner Assembly, Model AFG	John Symens- \$21.45 Ben Murray - \$17

**Surplus Equipment Sale Bid Tally  
January 2015**

<b>ITEM #</b>	<b>NAME</b>	<b>DESCRIPTION</b>	
PW 25	Burner Assembly	Beckett Clean Cut Burner Assembly, Model AFG	John Symens - \$22.13 Ben Murray - \$17
PW 26	De-Aerator	Tigerloop Ultra De-Aerator, Model TJN	No bids received
PW 27	De-Aerator	Tigerloop De-Aerator, Model T60I	No bids received
PW 28	De-Aerator	Tigerloop Ultra De-Aerator, Model TJN	No bids received
PW 29	De-Aerator	Tigerloop De-Aerator, Model T60I	No bids received
PW 30	Water Heater	Bock 23 Gal Oil Hot Water Heater, with Wayne Burner Assembly	John Symens - \$50.32 Ben Murray - \$82
PW 31	Fuel Oil Day Tank	Simplex Fuel Oil Day Tank, Approximately 30 Gallon Tank	Harris Sand & Gravel- \$35 Ben Murray- \$32 Mike Zelinski- \$40
PW 32	Bleacher	Retractable Bleachers, Three 16' Sections, each section holds 70 people, 10 rows high x 16'	No bids received
PW 33	Printer	HP Wide Format Deskjet 800 Printer, Model C7783, may need new circuit card	No bids received
PW 34	Batter/Electrical Tester	Sun Pro Battery/Electrical Tester. 15-20 years old, good condition	Ben Murray- \$3.25
	<b>City Clerk/Planning</b>		
CH 01	Filing Cabinet	Tan- 2 drawer metal filing cabinet	Jo Johnson- \$21.30 Harris Sand & Gravel - \$11 Ben Murray - \$15
CH 02	Scanner	Visioneer Scanner Strobe XP 470	No bids received
CH 03	Typewriter	Smith Corona Wordsmith	No bids received
CH 04	TV/VCR Combo	JVC 13" Model 13142W	No bids received
CH 60	Computer Desk	Wood with wheels	Harris Sand & Gravel - \$21

**Surplus Equipment Sale Bid Tally**  
**January 2015**

<b>ITEM #</b>	<b>NAME</b>	<b>DESCRIPTION</b>	
CH 65	Kiosks	Two metal kiosks	Ben Murray- \$10
CH 66	Dry Erase Board	Dry Erase Board	Ben Murray- \$10
CH 67	Cork Board	Small Cork Board	Ben Murray - \$10



# VISITORS



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS





**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**CONGENITAL HEART DEFECT AWARENESS WEEK**

**February 7 - 14, 2015**

WHEREAS, Congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

WHEREAS, Over a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, Every year, 40,000 babies are born in the United States with congenital heart defects; and

WHEREAS, Some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, Undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim February 7 – 14, 2015 as:

**CONGENITAL HEART DEFECT AWARENESS WEEK**

and encourage families to share experiences and information with the public and the media in order to raise public awareness about Congenital Heart Defects.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 9<sup>th</sup> day of February, 2015.

CITY OF HOMER

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

ATTEST:

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



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**BROTHER ASAIAH BATES DAY**

**February 14, 2015**

WHEREAS, Asaiah Bates served on the Homer City Council from January 8, 1973 to December 8, 1975; and

WHEREAS, He took up the cause of many who were unable to do so or who lacked the knowledge or were shy of the processes and procedures thereof; and

WHEREAS, He demonstrated time and again his selflessness and concern for others through contributions, volunteerism and monetary donations and moral support to the community and community members; and

WHEREAS, He was dedicated to assisting, developing and supporting children's programs and scholarships; and

WHEREAS, His faithful presence at Council meetings and well received input were a continual refreshment to the Council; and

WHEREAS, Because of his deep love for everyone and everything, Mayor Jack Cushing proclaimed February 14, 2000 as Asaiah Bates Day and encouraged everyone to recognize February 14<sup>th</sup> not only as Valentine's Day, but as Asaiah Bates Day.

NOW, THEREFORE, I, Mary E. Wythe, Mayor do hereby proclaim the day of February 14, 2015 as:

**BROTHER ASAIAH BATES DAY**

in the City of Homer, Alaska and encourage all Citizens to take time to remember this great Icon of Homer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 9<sup>th</sup> day of February, 2015.

CITY OF HOMER

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

ATTEST:

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



Session 15-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on January 21, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: ERICKSON

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN  
PLANNING TECHNICIAN BROWN

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BRADLEY 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).

None

### **Reconsideration**

None

### **Adoption of Consent Agenda**

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

A. Approval of Minutes of January 7, 2015

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

VENUTI/HIGHLAND SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**Presentations**

None

**Reports**

- A. Staff Report PL 15-05, City Planner's Report

City Planner Abboud reviewed the staff report.

**Public Hearings**

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

- A. Staff Report PL 15-06, Conditional Use Permit 2015-01 for 7 cabins on a lot at 2315 East End Road

Commissioner Venuti declared he has a conflict of interest.

STROOZAS/BOS MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.

Commissioner Venuti explained that he has a business relationship with the client and it falls within the limits outlined in city code.

VOTE: YES: BOS, STEAD, HIGHLAND, STROOZAS, BRADLEY

Motion carried.

Commissioner Venuti left the table.

City Planner Abboud reviewed the staff report.

Kurt St. Jean, applicant, commented about Homer's housing needs and the good results he has had with the cabins he built on Kachemak Drive. He thinks the small one bedroom cabins give renters more of a feeling of independence and leaving some of the trees on the property will provide buffers for the tenants. The cabins will be professionally managed, boat storage will not be allowed, there will be a dumpster on site, and he will build storage facilities so there won't be stuff strewn around the yards.

Chair Stead opened the public hearing.

Leah Jenkins, city resident and adjacent property owner, referenced the aerial photo to show her lot and identify a gully that runs along the property. She expressed her concern about plans for the septic and water, and that she is unclear where the utility right-of-way is. She sent a letter to the Commission that was provided in their meeting packet.

Ken Ozment, city resident and neighboring property owner, referenced the aerial photo to show his lot and where the power line is located. He stated he is adamantly opposed to the project because he believes it will negatively impact the neighborhood and property values. He believes there are better areas for this type of a housing project. His concerns include increased noise, excessive vehicles, pets, and it could attract more bears to the area. He sent a letter to the Commission that was provided in their meeting packet.

Ron Broste, city resident and property owner in the noticed district, opposes the development. He cited concerns with increased traffic in an spot where the speed limit increases from 35 to 45 MPH. The grade of the driveway is fairly steep and the line of sight is questionable there. He also expressed concern about increased noise.

Ray Kranich, city resident and property owner in the noticed district, commented in opposition of the project based on the density of the project. He doesn't believe the lot is big enough to meet the minimum requirements.

Barbara Williams, city resident and property owner in the noticed area, said she has lived on her property since 1965. She commented in opposition of the project because of the increased traffic, the steepness of the driveway, and increased congestion when the cabins are full.

There were no further comments. Chair Stead closed the public hearing and opened the floor to rebuttal by staff and applicant.

City Planner Abboud explained that Mr. St. Jean will have to get permits from Public Works and approval by DEC for the sewer line utility easement and have a legal connection before any of the structures can be permitted. He concurred with concerns about the speed limit and noted people have attempted to get it lowered in that particular area. The density for the development is legal for this subdivision, and it is next to the infrastructure which the Comprehensive Plan would say is where you would want the development.

Mr. St. Jean commented that work is currently being done to improve the grade of the driveway. He understands this is something new and hard for people to envision, but he doesn't believe it will devalue the property. It will be a clean and well put together project.

In response to questions from Commissioners, Mr. St. Jean said he may consider an onsite manager if he found the right person. He wouldn't consider lowering the number of cabins because what he has proposed fits on the property. The sewer line is stubbed to the lot as shown and the property has been surveyed. Fencing is an option if there is an apparent problem. He explained that the units will be built on pilings, similar to what he did on Kachemak Drive. This area isn't wetlands but excavating for foundations would be detrimental to the land.

BOS/STROOZAS MOVED TO ADOPT STAFF REPORT PL 15-06 AND APPROVE CUP 15-01 AT 2315 EAST END ROAD FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT, WITH FINDINGS 1 THROUGH 10 AND CONDITIONS 1, 2, AND 3.

Commissioner Bos commented that this project will have to go through the requirements to make it a safe project. Maybe after this is complete the speed can be addressed again. The applicant has been a good steward in other projects he has built.

Commissioner Bradley agrees and sees the need for affordable housing. This project offers a great opportunity and it is a good location for it.

Commissioner Stroozas added that the density of the project complies with code and as long as the conditions are met there is no reason to deny it.

HIGHLAND MOVED TO LOWER THE NUMBER OF CABINS TO SIX.

Motion died for lack of a second.

HIGHLAND MOVED TO REQUEST PRIVACY FENCING ON THE SIDES THAT HAVE RESIDENCES ON IT NOW.

Motion died for lack of a second.

VOTE (Main motion): YES: HIGHLAND, STEAD, STROOZAS, BRADLEY, BOS

Motion carried.

Commissioner Venuti returned to the table.

B. Staff Report PL 15-07, Proposed Ordinance to amend the Bridge Creek Watershed Protection District impervious coverage allowance

City Planner Abboud reviewed the staff report.

Chair Stead re-opened the public hearing.

Kevin Dee, non-resident in the Bridge Creek Watershed Protection District, said he enjoyed the worksession discussion regarding the BCWPD, and agrees that property owners with smaller lots need some relief. He has concerns about the integrity of the watershed as there are many components to maintaining it. He agrees with voting down the ordinance and working on new ideas.

Sue Mauger, Science Director at Cook Inletkeeper and non-resident in the Bridge Creek Watershed Protection District, appreciates the the Commission being thoughtful about making changes to the original ordinances and encouraged them to continue to use caution in considering this area. She explained that if the smaller lots were scattered across the area there would be less concern, but because they are concentrated it changes the dynamic.



Joel Cooper, non-resident in the Bridge Creek Watershed Protection District, appreciates the recommendation to not pass this draft ordinance and encouraged the Commission to continue to look at other options for these property owners.

Bill Smith, non-resident, commented that when developing the current BCWPD as it is in code they looked at a lot of methods using Alaska numbers and chose the high end of the range that was given for impacts. They made allowance for impervious coverage in rights-of-way and roads in the district. True science would take in the roads and driveways that serve the lot and in terms of science you may find the lots are over 10% impervious coverage. He hopes the Commission goes forward with making recommendations to Council because it's important that the community does something for the people we are asking to help protect our water.

Rich Fetterhoff, city resident and owner of a smaller lot in the Kelly Ranch Estates, appreciates the initiative to accommodate property owners. The restrictions imposed on the property owners there are hardships. The total acreage in the subdivision is about 4 acres out of 2,000 or .002%. It's hard to believe that is really going to be detrimental to the watershed. He asked that they continue to consider this.

Lance Prouse, owner of a lot in the watershed district, said he lives on Eagle View because it isn't feasible to build on his lot, which is about 1.5 acres. He appreciates the Commission looking at this and agrees with Mr. Fetterhoff that it's time for some relief up there. He understands the concern and mitigation for runoff and pollutants, having worked on putting the gas line in the area. It is very expensive to do mitigation on the lots up there, it takes hours upon hours of time, and the typical homeowner isn't going to be able to find the financing to hire someone to spend those hours. The land owners don't want to pollute the water, other stop gap measures are in place, and property owner need to be able to use or sell their lots.

There were no further comments and the hearing was closed.

VENUTI/BOS MOVED TO APPROVE THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT DRAFT ORDINANCE.

HIGHLAND MOVED TO AMEND THAT IF THIS IS APPROVED SHE REQUESTS STATE HYDROLOGIST GIVE US A PRESENTATION AND THAT WE ASK THE STATE TO DO SOME ON GROUND WORK WITH THE BRIDGE CREEK WATER SHED.

Motion failed for lack of a second.

STROOZAS/HIGHLAND MOVED TO AMEND THE DRAFT ORDINANCE TO CHANGE FROM 40 GALLONS OF RETAINAGE ON A LOT TO A MINIMUM OF 1000 GALLONS PER LOT.

There was brief discussion to confirm staff agreed with 1000 gallons not 4000 gallons.

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

Motion failed.

Commissioner Venuti commented there has been minimal testimony of making this change. Most of it has been against making a change to the district as it stands. He suggests taking in to consideration information shared by Mr. Smith at the worksession, and approach this differently and try to make some non-zoning incentives to land owners up there.

Commission Highland agreed and said the previous work done on this ordinance was immense and they chose to go conservative because it is our only water source. She likes the idea of incentives and wants to further explore them. She is also interested in seeing what possibilities there are to get funding to purchase some of the property.

Commissioner Bradley also agrees with previous comments and supports the idea of incentives.

Commissioner Stroozas reiterated a comment of the public that we are looking at 4 acres in the entire acreage of 93 lots. It is .0019%. He acknowledged the work that was done in creating the district and this is not going to bring them to a ten percentile figure, the point where engineers and scientists have expressed is where you need to start being concerned. We need to do something to help the lot owners who can't build and can't sell. They are stuck.

Commissioner Bos recognized there has been a lot of testimony relating to water quality and its history. There hasn't been much testimony for it. If we end up moving it along to the city to try to get help for the land owners he would like to say that it shouldn't just be the city taking on the adjustment, it should be everyone getting water from the watershed.

Chair Stead appreciates the previous work that was done. He believes the current studies provided have given them some additional things to look at, but doesn't think it's conclusive or that they have any way to help specify reasonable mitigation methods. He doesn't support this particular ordinance, but they should revamp it.

VOTE (Main motion): YES: STROOZAS  
NO: BRADLEY, STEAD, VENUTI, HIGHLAND, BOS

Motion failed.

There was brief discussion that the cost causer/cost payer approach of increasing water rates to have funds to offer some sort of relief could be a challenge. It was also noted that the four acres would create a lot of concentration in close proximity to the creek and some sort of unified or subdivision mitigation could address concerns we heard, it just isn't clear what that might look like.

It was further noted the information from Cook Inletkeeper says we should be able to go up to 10% if there are some sort of buffers provided and protect the riparian zones. Hopefully something can be done along those lines so these people can have some relief.

They talked about the state hydrologist for DNR and that our local NRCS people have a lot of information. There could be a way to work with NRCS to sift through what questions should be asked

to be more specific on the direction this should be going. They also touched on different avenues for funding to acquire properties.

### **Plat Consideration**

### **Pending Business**

- A. Staff Report PL 15-08, Towers

City Planner Abboud reviewed the staff report.

Discussion ensued regarding tower height, fall zones, and conditional use. They used the table included in the packet and plugged in the following heights as a starting point for consideration of conditional use:

UR, OSR, CONS, CBD and TC – greater than 60’ requires CUP  
RR and RO – greater than 85’ requires CUP  
MI, MC, GC2, EEMU- greater than 120’ requires CUP  
GC1 - greater than 120’ or FAA requirement  
BCWP (outside city) – greater than 150’ requires CUP

No suggestions were made yet on the maximum height.

### **New Business**

### **Informational Materials**

- A. Resolution 15-001 Interim City Manager  
B. City Manager’s report for January 12, 2015 Council Meeting

### **Comments of the Audience**

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

None

### **Comments of Staff**

City Planner Abboud commented that he will work on this and they will look at the Comprehensive Plan in relation to the Strategic Doing process the Council is working on.

### **Comments of the Commission**

Commissioner Highland commented about the CUP tonight. It is difficult for her when people come in and have issues with a proposal. That area is moving out of rural residential, and when she first started and looked at rural residential, she didn’t realized how much is allowed there. It was a good meeting, they got a lot done.

Commissioner Bradley said they had some good discussion tonight.

Commissioner Bos thought it was a good meeting. He commented that nobody wants anything new around their place. He knows a little bit about what was there before, and he thinks this can only be better.

Commissioner Venuti echoed Mr. Bos's comments.

Commissioner Stroozas commented that there is more work yet to come on Bridge Creek, we'll get it precise one of these days and have it done. He will be absent at the next meeting.

Chair Stead said he appreciates everyone's work, it can be tough at times, especially when the audience is full of people.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:51 p.m. The next regular meeting is scheduled for February 4, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

---

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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



# 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 15-022

TO: MAYOR AND HOMER CITY COUNCIL  
FROM: PARKS AND RECREATION ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: JANUARY 26, 2015  
SUBJECT: RECOMMENDATION TO DONATE FITNESS COURSE EQUIPMENT TO WEST HOMER ELEMENTARY

---

Commissioner Lowney working with Angie Otteson, Keri Sythe, and Lynn Maslow were interested in establishing a fitness course around a nature trail behind the West Homer Elementary school. The Parks and Recreation Advisory Commission discussed and made a recommendation to donate unused fitness course equipment that was obtained by the city in the 1990's.

Following is the excerpt of the minutes related to the discussion and subsequent recommendation:

*D. Outdated Senior Fitness Course – Discussion and Recommendation on Donation to West Homer Elementary*

*Chair Steffy read the title into the record. Commissioner Lowney provided a brief background on the request.*

*This equipment is brand new and still crated, it was never used. Commissioner Lowney has met with Angie Otteson, Parks Maintenance and she supports providing the equipment to West Homer Elementary. The school will incorporate it into their curriculum and will be available for public use. The borough or school district would install and maintain the equipment.*

*The commission discussed the equipment being outdated and following the procurement manual process.*

*STEFFY/BRANN - MOVED THAT THE PARKS AND RECREATION ADVISORY COMMISSION SUPPORTS THE TRANSITIONING OF OWNERSHIP OF THE FITNESS COURSE EQUIPMENT CURRENTLY OWNED BY THE CITY OF HOMER AND IN STORAGE TO THE KENAI PENINSULA SCHOOL DISTRICT FOR INSTALLATION AND USE BY WEST HOMER ELEMENTARY.*

*There was a brief discussion that Chair Steffy does have funding remaining from a grant he received through his employment that may assist in the placement of the equipment. It was also discussed that this equipment once installed would be maintained by the borough school district personnel and available for public use outside of school hours presumably.*

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

*Student Commissioner Ochoa voted in favor of the motion.*

*Motion carried.*

**Recommendation:**

Approve the Recommendation to Transfer Ownership of the Fitness Course Equipment to Kenai Peninsula School District specifically for West Homer Elementary Fitness Course Project.

# PUBLIC HEARING(S)





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

**Ordinance 15-02**

A **public hearing** is scheduled for **Monday, February 9, 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.

**Ordinances 15-02 internet address:**

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

**Ordinance 15-02**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From The Homer Foundation in the Amount of \$930 for the Public Library Fireplace Natural Gas Conversion. City Manager.



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

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

A handwritten signature in cursive script, appearing to read "Jo Johnson".

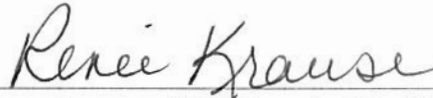
Jo Johnson, MMC, City Clerk

Publish: Homer Tribune: February 4, 2015

**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 15-02** Accepting and Appropriating a Grant from the Homer Foundation in the Amount of \$930 for the Public Library Fireplace Natural Gas Conversion 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, January 30, 2015 and that the City Clerk posted same on City of Homer Homepage on Wednesday, January 28, 2015.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 28<sup>th</sup> day of January, 2015.



Renee Krause, CMC, Deputy City Clerk I

**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-02**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From The Homer Foundation in the Amount of \$930 for the Public Library Fireplace Natural Gas Conversion.

Sponsor: City Manager

1. City Council Regular Meeting January 26, 2015 Introduction
  - a. Grant application
  - b. Letter of thanks from Mayor Wythe
  
2. City Council Regular Meeting February 9, 2015 Public Hearing and Second Reading
  - a. Grant application
  - b. Letter of thanks from Mayor Wythe



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 15-02**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
ACCEPTING AND APPROPRIATING A GRANT FROM THE HOMER  
FOUNDATION IN THE AMOUNT OF \$930.00 FOR THE PUBLIC  
LIBRARY FIREPLACE NATURAL GAS CONVERSION.

WHEREAS, The City submitted an application to The Homer Foundation for Natural Gas Conversion of the Library Fireplace; and

WHEREAS, The Homer Foundation awarded the grant to the City of Homer in the amount of \$930.00 to support conversion of the Library fireplace to natural gas as part of the City's Climate Action Plan.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a grant from The Homer Foundation in the amount of \$930.00 for natural gas conversion of the Library fireplace as follows:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0390	Natural Gas Conversion of the Library Fireplace Grant	\$930.00

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_\_ day of February, 2015.

CITY OF HOMER

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

43 ATTEST:

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46 \_\_\_\_\_

47 JO JOHNSON, MMC, CITY CLERK

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50 YES:

51 NO:

52 ABSENT:

53 ABSTAIN:

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57 First Reading:

58 Public Hearing:

59 Second reading:

60 Effective Date:

61

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64 Reviewed and approved as to form:

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66 \_\_\_\_\_

67 Marvin Yoder, City Manager

68

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

70

71

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

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

FOR OFFICE USE ONLY:

Grant # \_\_\_\_\_

Date Rec'd \_\_\_\_\_

Exempt Status confirmed by staff \_\_\_\_\_

**THE HOMER FOUNDATION  
GRANT APPLICATION  
FY15 Grants Cycle  
(July 1, 2014 – June 30, 2015)**

APPLICANT: City of Homer

Please Check:  501(c)(3) Non-Profit Organization EIN#: 92-0030963

IRS Letter of Determination attached.

IRS Letter of Determination on file at the HF, and there have been no changes.

Society/Group\*  Individual\*

\*Expenditure responsibility provided for funds awarded to non-exempt entities.

APPLICANT ADDRESS: 491 E. Pioneer Ave. Homer, Alaska 99603

CONTACT PERSON: Katie Koester TITLE: Community and Economic Development Coordinator

PHONE #: 907.435.3101 EMAIL: [kkoester@ci.homer.ak.us](mailto:kkoester@ci.homer.ak.us)

PROJECT TITLE: Homer Public Library Fireplace Natural Gas Conversion

PROJECT START/END DATES: 9-29-14 to 10-30-14

TOTAL PROJECT COST: \$2,475

AMOUNT REQUESTED FROM THE HOMER FOUNDATION: \$ 930

Have you ever received a grant from the Homer Foundation?  YES  NO

If yes, provide the grant number for the most recent award: Grant # \_\_\_\_\_

- 2010-2012 Community Schools (Alaska State Legislature)

- 2014 – Karen Hornaday Park Fire Pit (Kachemak Bay-Homer Rotary)

Are you compliant with the final reporting requirements?  YES  NO

If not, please provide an update for your project.

**I certify that the information contained in this application, including all attachments and supporting material, is true and correct. (Signer must be an authorized fiduciary for the organization, or the building principal for a school.)**

SIGNATURE:  \_\_\_\_\_

PRINTED NAME: Jo Johnson TITLE: Acting City Manager

DATE: 1-5-2014

**THE HOMER FOUNDATION  
GRANT APPLICATION  
FY15 Grants Cycle**

**I. Grant Narrative:** Attach another sheet if you need more room. Please use a separate sheet for budget spreadsheet and budget narrative.

1. Provide a brief description of your organization, society, group, entity, summarizing your mission, goals and objectives.

The mission of the Homer Public Library is to support the information needs of the community by providing access to quality resources in a welcoming atmosphere by a knowledgeable and caring staff.

We take seriously our responsibility to serve as a place for children to discover the joy of reading and the value of libraries. We pledge to promote literacy, learning, and enrichment for people of all ages, thereby enhancing the economic, social, and cultural vitality of our community.

2. Describe the project for which you are requesting funding. Include a project timeline and an explanation of how the project will benefit the community. If you are partnering with another organization/s please provide a letter/s showing their support of this project.

The Homer Public Library fireplace provides a cozy and comfortable place for the public to read and relax. It also is a warm and inviting spot where many community events are hosted.

This project converts the gas fireplace in the Homer Public Library from propane to natural gas. Propane is a very expensive fuel source and the Library budget is expected to save 60% after this conversion.

The Homer Public Library fire place was converted to natural gas during the fall of 2014 (project completion date October 31, 2014).



## The Homer Foundation FY15 Grant Cycle

### II. Budget:

ORGANIZATION NAME: City of Homer

PROJECT TITLE: Homer Public Library Fireplace Natural Gas Conversion

**PROJECT BUDGET:** Please provide complete budget detail for this project (fill in only the blanks that pertain to this project). Include a budget narrative. Use the narrative to explain how Homer Foundation funds would be used, to prioritize your funding needs, and to indicate which revenue sources have been realized and which are pending. Explain any discrepancies.

<b>PROJECT REVENUES:</b>			
	<b>CASH</b>	<b>IN-KIND</b>	<b>TOTAL</b>
<b><u>Earned Income (list detail):</u></b>			
Fundraisers			
Fees for Services			
Sales of Goods/Merchandise			
Memberships			
Other (Specify)			
<b><u>Private Gifts, Grants &amp; Contributions: (list detail)</u></b>			
Individual Contributions (do not list names)			
Corporations (list names and amounts)			
<b><u>Homer Foundation Request Amount</u></b>	930		930
Other Foundations (list names and amounts)			
Other (Specify)			
<b><u>Government: (list detail):</u></b>			
Federal			
State			
City of Homer	1545		1545
Other (Specify)			
<b><u>Other Income: (list details)</u></b>			





## 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

January 19, 2015

Homer Foundation  
3733 Ben Walters Lane  
Homer, AK 99603

Dear Ms. Steward,

On behalf of the City of Homer, I would like to express my gratitude to the Homer Foundation and its donors for the grant to connect the fireplace at the Homer Public Library to natural gas. The fireplace is a cozy and inviting space for the public to read, relax and gather. Using natural gas instead of propane to fuel the fireplace reduces carbon emissions by 30% and is one step in the City of Homer's implementation of the Climate Action Plan. At a cost savings of almost 60%, natural gas also frees up funds for other opportunities at the Library.

Thank you for your commitment to a sustainable future for our town and our world.

Sincerely,

  
Mayor Wythe



# 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

February 9, 2015

To: The Mayor and Council

From: Marvin L Yoder

Date: February 4, 2015

### Land Leases

As noted in my previous report there were letters sent to leases on the spit that had one or more non-compliance issues that needed to be resolved. We have received some responses and are working to resolve the outstanding issues. Unresolved issues will be brought to the council.

### Emergency Preparedness

Bob Painter, Fire Chief, is working with the Hospital and the State Emergency preparedness personnel to conduct a large disaster training exercise in March. Bob and/or the hospital staff will provide additional information as the plans are formalized.

### Resolution 15-004

The City Council at its last meeting voted to postpone Res 15-004 which would request the legislature re-appropriate \$1,405,000 from the Waddell Way project to the Public Safety Building project.

Staff has reviewed that Resolution and has determined that re-appropriating \$1.2 million will accomplish what is needed for the PS building until October of 2016. The remaining \$200,000 will complete the ROW survey and engineering portion of the project. These projects are bid ready.

Using HART funds the city could then construct a pioneer road that could be finished and paved at a later date. The soils in the area will require some time to compact before a paving project could proceed.

### FYI

1. Strategic Doing
2. Memo re: HART Fund re-allocation
3. Finance Graph





**CITY OF HOMER**  
Community Recreation  
600 E. Fairview Avenue  
Homer, Alaska 99603

Telephone (907) 235-6090  
Fax (907) 235-8933  
Web Site  
[www.homercommunityrecreation.com](http://www.homercommunityrecreation.com)

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Memo

To: Marvin Yoder/Jo Johnson  
From: Michael Illg, Community Recreation Manager  
Date: 2/3/15  
Re: HART Fund Reallocation Proposal

While we are in the midst of the Parks, Arts, Recreation and Culture (PARC) needs assessment, there have been many discussions on possible future funding mechanisms to assist with PARC related programs, services or community center, including the city's own Community Recreation division. One potential idea (in addition to a service area/property tax or a new sales tax option) through the discussions with Recreate REC and the PARC Committee is to look into the idea of reallocating existing sales taxes that the City of Homer already collects.

The specific tax that should deserve a second look is City's HART Fund. The City of Homer voters approved to dedicate 3/4 (.75) of 1% of all Sales tax for the **Homer Accelerated Roads and Trails Program**. The "HART" program calls for 90% of the revenue to be allocated towards **road** programs and 10% of the annual revenue to be spent on **trails/sidewalks** projects.

With 90% of this .75 sales tax dedicated to Road Projects, the HART Roads reserves has a **current balance of \$6,902,873** as estimated in the FY 2014 budget.

The total **HART ROAD (90%)** has annually collected with interest:

2012:	\$1,059,830
2013:	\$1,222,088
2014:	\$1,113,701 (projected)
Current balance:	<b>\$6,902,873</b>

With 10% of this .75 sales tax dedicated to Trail Projects, the HART Trail reserves has a current balance of **\$439,787** as estimated in the FY 2014 budget.

The **HART TRAILS (10%)** has annually collected with interest:

2012:	\$102,007
2013:	\$123,172
2014:	\$125,193 (projected)
Current balance:	<b>\$439,787</b>

**Total HART Fund Revenue (100%) balance combined:**

2012:	\$1,161,837
2013:	\$1,345,260
2014:	\$1,238,894 (projected)
Current balance:	<b>\$7,342,660</b>

Consider the hypothetical proposal of reallocating the .75 HART Fund tax with .50 (66%) dedicated to Roads and Trails (90/10 split) and .25 (33%) to Recreation. This of course would require the approval of the voters.

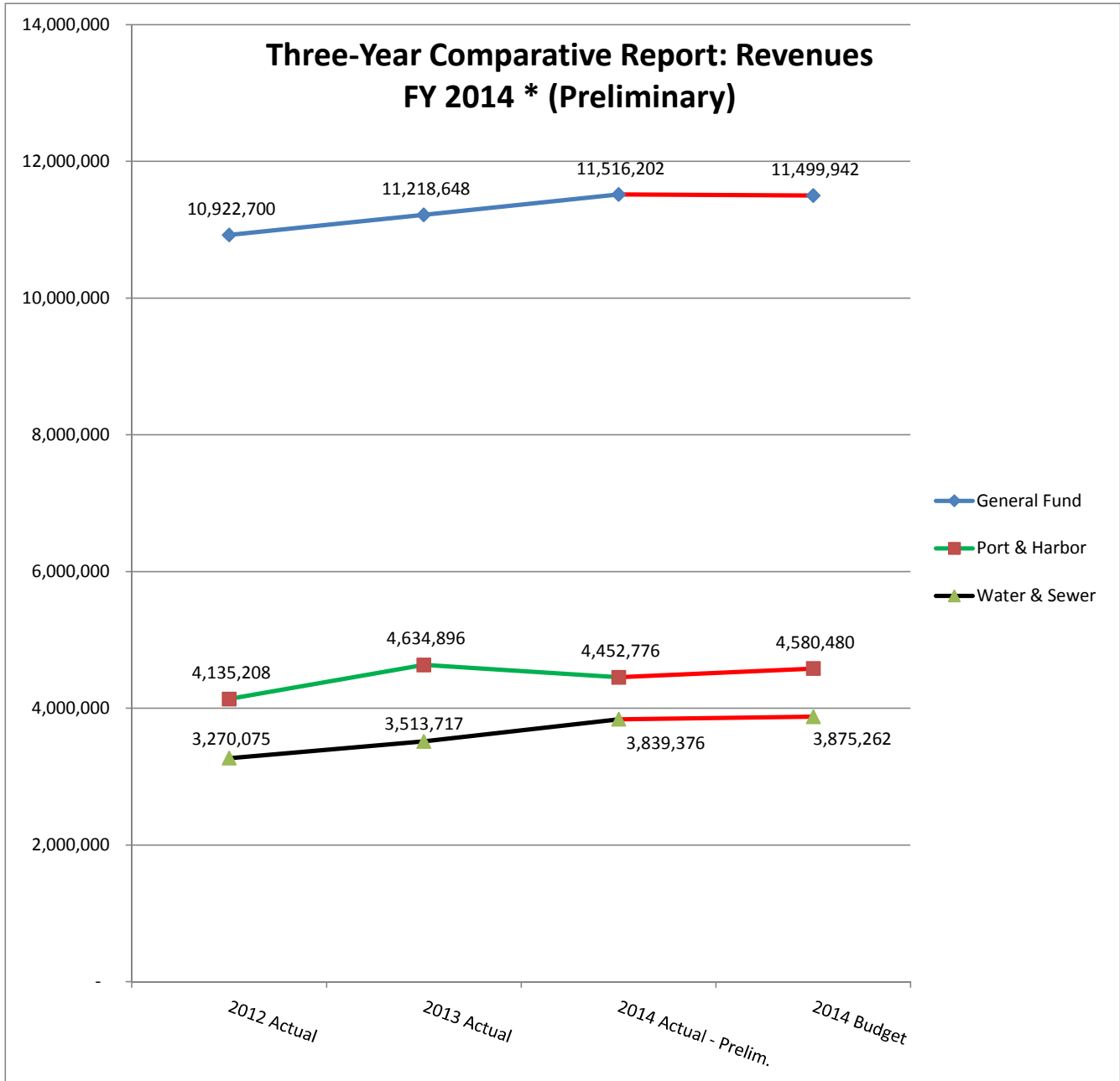
If this hypothetical reallocation would have taken place:

	<u>Roads</u>	<u>Trails</u>	<u>Recreation</u>	<u>Total</u>
2012:	\$690,131	\$76,681	\$383,406	\$1,161,837
2013:	\$812,537	\$88,787	\$443,936	\$1,345,260
2014:	\$735,903	\$81,767	\$408,835	\$1,238,894
<b>Current balance:</b>	<b>\$4,361,540</b>	<b>\$484,615</b>	<b>\$2,423,078</b>	<b>\$7,342,660</b>

This reallocation proposal is simply informational and requires no action from the city council. It does not detail on exactly how the funds would be budgeted and allocated. This could be a potential funding option question on the upcoming statistically valid survey as part of the PARC needs assessment.

**Year End Financial Report  
FY 2014  
Preliminary**

<u>Revenues</u>	<u>2012 Actual</u>	<u>2013 Actual</u>	<u>2014 Actual - Prelim.</u>	<u>2014 Budget</u>	<u>2014 Bud vs. Act</u>
General Fund	10,922,700	11,218,648	11,516,202	11,499,942	16,260
Port & Harbor	4,135,208	4,634,896	4,452,776	4,580,480	(127,704)
Water & Sewer	3,270,075	3,513,717	3,839,376	3,875,262	(35,886)

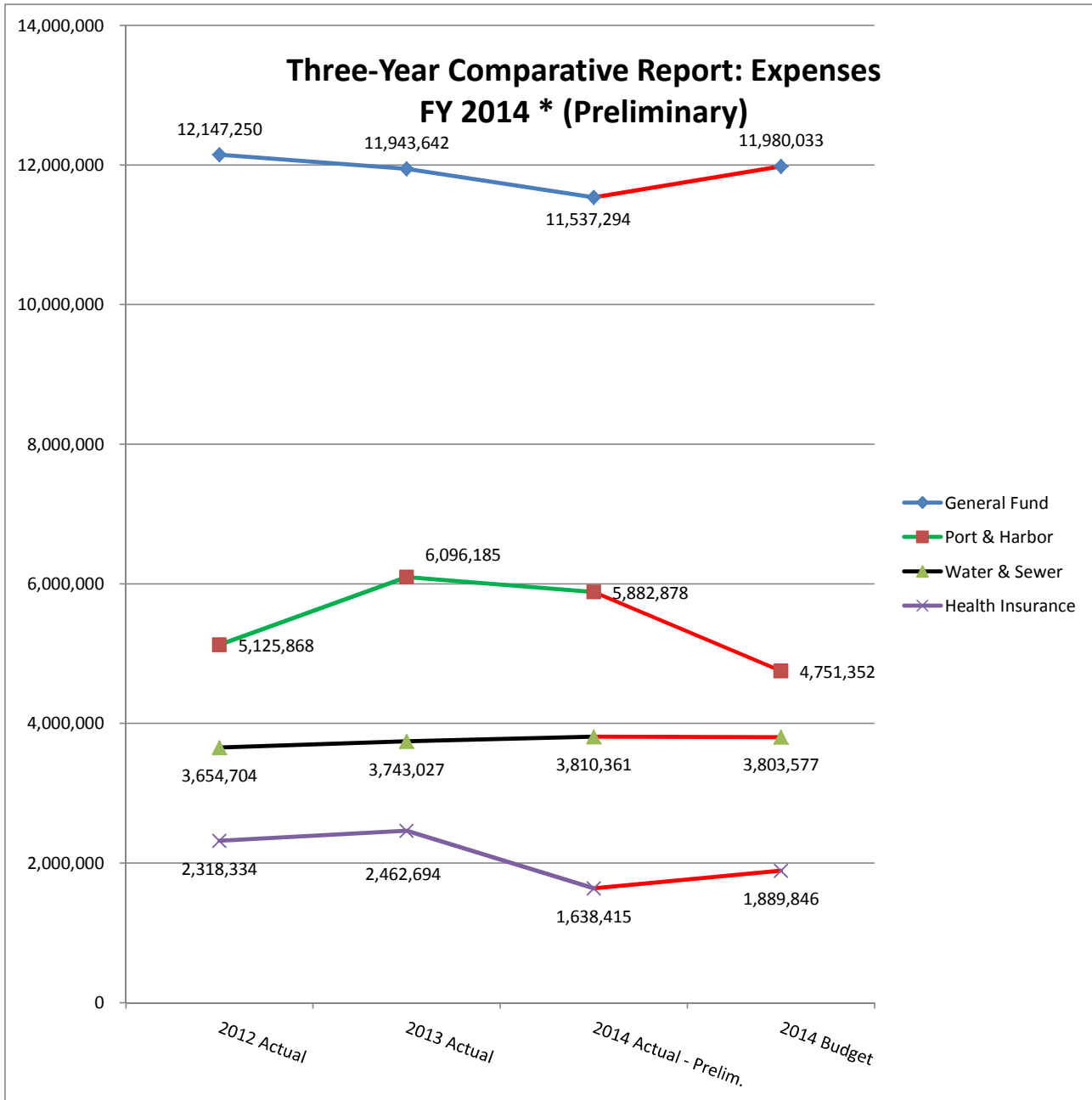


**\*Preliminary report:**

1. The Year-End closing process is still ongoing.
2. Independent Audit will start in the middle of March 2015. It is expected to complete by the end of May 2015.
3. This report provides actual revenue figures for 2012, 2013, and 2014\*. However, 2014 figures may change due to year-end and audit adjustments.
4. This report also provides fiscal year 2014\* Actual vs. Budget Comparison.

**Year End Financial Report  
FY 2014  
Preliminary**

<u>Expenses</u>	<u>2012 Actual</u>	<u>2013 Actual</u>	<u>2014 Actual - Prelim.</u>	<u>2014 Budget</u>	<u>2014 Bud vs. Act</u>
General Fund	12,147,250	11,943,642	11,537,294	11,980,033	<b>442,739</b>
Port & Harbor	5,125,868	6,096,185	5,882,878	4,751,352	<b>(1,131,526)</b>
Water & Sewer	3,654,704	3,743,027	3,810,361	3,803,577	<b>(6,784)</b>
Health Insurance	2,318,334	2,462,694	1,638,415	1,889,846	<b>251,431</b>



**\*Preliminary report:**

1. The Year-End closing process is still ongoing.
2. Independent Audit will start in the middle of March 2015. It is expected to complete by the end of May 2015.
3. This report provides **actual expense** figures for 2012, 2013, and 2014\*. However, 2014 figures may change due to year-end and audit adjustments.
4. This report also provides fiscal year 2014\* Actual vs. Budget Comparison.



# 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: FEBRUARY 3, 2015

SUBJECT: GAMES REPORT

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

Alaska Hotel and Lodging Association

RECOMMENDATION:

Informational only.

Fiscal Note: Revenues.







FEB - 2 2015

January 29, 2015

City Clerk  
City of Homer

To Whom It May Concern:

Per application requirements for Gaming activities, more specifically raffles, being conducted within you region under our Gaming permit; we are forwarding you a copy of our application. This keeps us in compliance with State requirements and regulations.

If you have any questions or concerns, please call my office at 907-272-1229.

Best,

Alicia Matby  
Executive Director



*United in a common goal to make Alaska the most hospitable place on earth!*



**Organization Information**

Federal EIN 92-0125051	If renewing, enter gaming permit # 39	Phone Number (907) 272-1229	Fax Number (907) 272-1289
Organization Name Alaska Hotel and Lodging Association		Website address www.akhla.org	Email address alicia@akhla.org
Mailing Address 330 E. 4th Avenue		City Anchorage	State AK
		Zip Code 99501	
<b>Entity Type</b> (check one)		<b>Organization Type</b> (check one) for definitions see AS 05.15.690 and 15 AAC 160.995.	
<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Association		<input type="checkbox"/> Charitable <input type="checkbox"/> Civic or service <input type="checkbox"/> Dog mushers' association <input type="checkbox"/> Educational <input type="checkbox"/> Fishing derby association <input type="checkbox"/> Fraternal <input type="checkbox"/> Labor <input type="checkbox"/> Municipality <input checked="" type="checkbox"/> Nonprofit trade association <input type="checkbox"/> Outboard motor association <input type="checkbox"/> Police or fire department <input type="checkbox"/> Political <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input type="checkbox"/> IRA/Native Village	
** Does the organization have 25 or more members, as defined in your articles of incorporation or bylaws, who are Alaska residents? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

**Members in Charge of Games**

Members in charge must be natural persons and active members of the organization or employees of the municipality and designated by the organization. Members in charge may not be licensed as an operator, be a registered pull-tab vendor or an employee of a vendor for this organization. If more than one alternate, attach a separate sheet.

Primary Member First Name Alicia	M.I. J	Primary Member Last Name Maltby	Alternate Member First Name Kirsten	M.I.	Alternate Member Last Name Myles
Social Security Number		Email alicia@akhla.org	Social Security Number		Email kmyles@alaskacharr.com
Daytime Phone Number (907) 272-1229	Cell Number (907) 252-8111	Fax Number (907) 272-1289	Daytime Phone Number (907) 274-8133	Cell Number	Fax Number
Home Mailing Address 11800 Northern Raven Drive			Home Mailing Address 473 Dailey #1		
City Anchorage	State AK	Zip Code 99516	City Anchorage	State AK	Zip Code 99515
Has the primary member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Permit # under which test was taken: 39	Has the alternate member passed the test? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Permit # under which test was taken: 346

**Legal Questions**

\*\* These questions must be answered. If you answer Yes to either question, see instructions.

Yes  No Does any member of management, or any person who is responsible for gaming activities, have a prohibited conflict of interest as defined by 15 AAC 160.954?

Yes  No Has any member of management, or any person who is responsible for gaming activities, ever been convicted of a felony, extortion, or a violation of a law or ordinance of this state, or another jurisdiction, that is a crime involving theft or dishonesty, or a violation of gambling laws?

*We declare, under penalty of unsworn falsification, that we have examined this application, including any attachments, and that, to the best of our knowledge and belief, it is true and complete. We understand that any false statement made on the application or any attachments is punishable by law. By our signatures below, we, the primary member, the alternate member, and if applicable, the manager of gaming, agree to allow the Department of Revenue to review any criminal history we may have, in accordance with 15 AAC 160.934.*

Primary Member In Charge's Signature <i>Alicia J. Maltby</i>	Printed Name Alicia J. Maltby	Date 12/3/14
President or Other Officer's Signature (see instructions) <i>Jim Pawson</i>	Printed Name Jim Pawson	Date 12/3/14
Alternate Member In Charge's Signature <i>Kirsten Myles</i>	Printed Name Kirsten Myles	Date 12/3/14
Manager of Gaming Signature	Printed Name	Date

DEPARTMENT USE ONLY
Validation #

Pay online with OTIS at [www.tax.alaska.gov](http://www.tax.alaska.gov) or make check payable to State of Alaska. New applicants must pay by check.

**Permit Fee**

The permit fee is based on the 2014 estimated gross receipts. Check the appropriate box.

<input type="checkbox"/> New applicant	\$20
<input type="checkbox"/> \$0 - \$20,000	\$20
<input checked="" type="checkbox"/> \$20,001 - \$100,000	\$50
<input type="checkbox"/> \$100,001 or more	\$100

Email Address: [dor.tax.gaming@alaska.gov](mailto:dor.tax.gaming@alaska.gov)  
Mail to: Alaska Department of Revenue, PO Box 110420, Juneau AK 99811-0420

Gaming Permit # 39	Organization Name Alaska Hotel and Lodging Association
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**Facility-Based Games (self-directed)** If more than two facilities, attach a separate sheet.

Facility Name	Physical Address	City	State AK	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Calcutta pool**			
Facility Name	Physical Address	City	State AK	Zip Code
Facility Type (check one) <input type="checkbox"/> Owned <input type="checkbox"/> Leased <input type="checkbox"/> Donated	Game Type (check all that apply) <input type="checkbox"/> Bingo <input type="checkbox"/> Raffle <input type="checkbox"/> Pull-tabs <input type="checkbox"/> Animal classic (chicken)* <input type="checkbox"/> Animal classic (rat race)* <input type="checkbox"/> Calcutta pool**			

**Area-Based Games** If more than two areas, attach a separate sheet. \* restricted game type \*\*see instructions for mandatory attachments

Area Talkeetna	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Big Bull Moose Derby <input type="checkbox"/> Classic/Other (specify) _____
Area Anchorage	Game type (check all that apply) <input checked="" type="checkbox"/> Raffle <input type="checkbox"/> Contest of skill <input type="checkbox"/> Fish derby <input type="checkbox"/> Dog musher' contest <input type="checkbox"/> Special draw raffle ** <input type="checkbox"/> Big Bull Moose Derby <input type="checkbox"/> Classic/Other (specify) _____

**Manager of Gaming** Required only for self-directed pull-tabs and bingo.

Manager First Name	MI	Manager Last Name	Social Security Number	Daytime Phone Number
Home Mailing Address			Email	Mobile Phone
City	State	Zip Code	Has the manager of gaming passed the test? <input type="checkbox"/> Yes <input type="checkbox"/> No	Permit # under which test taken

**Vendor Information** Attach 2015 vendor registration form(s) and fee(s) for each vendor listed below.

Bar or Liquor Store Name Roseland Inc., dba Blue Fox	Physical Address 3461 E. Tudor Road	City Anchorage	State AK	Zip Code 99507
Bar or Liquor Store Name Reilly's Irish Pub	Physical Address 317 W. Fireweed Lane	City Anchorage	State AK	Zip Code 99503
Bar or Liquor Store Name Asia Gardens	Physical Address 7828 Old Seward Highway	City Anchorage	State AK	Zip Code 99518
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code
Bar or Liquor Store Name	Physical Address	City	State AK	Zip Code

**Operator Information**

Designate operator who will conduct activities on the organization's behalf. Attach signed operating contract(s). If more than one operator, operator location, or game type, attach a separate sheet.

Operator License #	Operator	Facility Name	Game Type(s)	
Physical Address		City	State	Zip Code

**Multiple-Beneficiary Permittee Information (MBP)**

Designate the MBP with which the organization has signed a partnership or joint venture agreement.

MBP Permit # 1503	MBP Name Boniface Bingo	Facility Name	Game Type(s) Bingo	
Physical Address 360 Boniface Parkway		City Anchorage	State AK	Zip Code 99504

**Dedication of Net Proceeds** Describe in detail how the organization will use the net proceeds from gaming activities.

The net proceeds from gaming activities will be used to provide services and benefits to the members of the Alaska Hotel & Lodging Association.
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<b>Area</b>	<b>Game Type</b>
Denali Borough	Raffle
Denali National Park	Raffle
Fairbanks	Raffle
City of Ketchikan	Raffle
City of Seward	Raffle
Kodiak	Raffle
Copper Center	Raffle
Mat-Su Borough	Raffle
City of Kenai	Raffle
City of Soldotna	Raffle
City of Homer	Raffle
Kenai Peninsula Borough	Raffle



# CITY ATTORNEY REPORT





# 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 15-020

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: FEBRUARY 3, 2015

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(2) SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY REQUEST A PUBLIC DISCUSSION (VIEW WRITTEN PUBLIC INPUT PERTAINING TO THE CITY MANAGER APPLICANTS AND DISCUSS THE PERSONAL CHARACTER OF THE APPLICANTS); AND 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 (HAUNSCHILD/DUGGAN VS. CITY OF HOMER).

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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..."

Homer City Council has requested an Executive Session regarding "View Written Public Input Pertaining to the City Manager Applicants and Discuss the Personal Character of the Applicants" for the Regular Meeting of February 9, 2015. This has been publicly and internally noticed since that time.

City Manager Yoder has requested an Executive Session regarding "Haunschild/Duggan vs. City of Homer" for the Regular Meeting of February 9, 2015. This has been publicly and internally noticed since that time.

Attorney Klinkner will be present.

#### RECOMMENDATION:

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







## City of Homer

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## 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 15-021

TO: MAYOR WYTHER AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: FEBRUARY 3, 2015

SUBJECT: SELECTION OF CITY MANAGER APPLICANTS FOR FACE-TO-FACE INTERVIEWS  
AND DETERMINE INTERVIEW DATES.

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At the February 2, 2015 Special Meeting of the Homer City Council, the Council decided to defer the selection of the city manager candidates that would be advanced to face-to-face interviews to their February 9, 2015 Regular Meeting.

It is suggested interviews before the City Council be scheduled for March 2 and 3. Ideally, out of town candidates would arrive on Sunday, March 1 and the Council could conduct tours of city facilities on Monday. Interviews could take place on Tuesday, March 3.

#### RECOMMENDATION:

Discuss city manager candidates and select those that will advance to face-to-face interviews and determine interview dates.



# RESOLUTIONS



COMMENTS OF THE AUDIENCE  
COMMENTS OF THE CITY ATTORNEY  
COMMENTS OF THE CITY CLERK  
COMMENTS OF THE CITY MANAGER  
COMMENTS OF THE MAYOR  
COMMENTS OF THE CITY COUNCIL  
ADJOURNMENT

