

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



SPECIAL MEETING
6:00 P.M. MONDAY
JUNE 29, 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 KATIE KOESTER
CITY CLERK JO JOHNSON

SPECIAL 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

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 June 15, 2015. City Clerk. Recommend adoption. **Pages 25/29**

B. **Memorandum 15-101**, from Deputy City Clerk, Re: Liquor License Transfer and Application for Best Western Bidarka Inn/Otter Room. **Page 47**

- C. **Ordinance 15-20**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Environmental Conservation Municipal Matching Grant in the Amount of \$1,922,577 and Authorizing a 30% Matching Requirement From the Homer Accelerated Water And Sewer Fund (HAWSP) in the Amount of \$576,773.10 for the Purpose of Completing the Water Distribution/Storage Improvement Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommended dates: Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015. (Postponed from June 15, 2015.) **Page 59**

- D. **Ordinance 15-23**, An Ordinance of the Homer City Council Amending Homer City Code 21.40.070, Requirements, Regarding Standards for Impervious Coverage in the Bridge Creek Watershed Protection District. Planning. Recommended dates: Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015. **Page 65**

Memorandum 15-100 from City Planner as backup. **Page 69**

- E. **Ordinance 15-24**, An Ordinance of the Homer City Council Enacting HCC 2.52.080, Correctional Officer Qualifications, Regarding the Qualification and Certification of City Correctional Officers. City Manager. Recommended dates: Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015. **Page 347**

Memorandum 15-090 from Police Chief as backup. **Page 351**

- F. **Ordinance 15-25**, An Ordinance of the City Council of Homer, Alaska, Re-Appropriating the 2003 Allocation From the Alaska Department of Community and Economic Development as Fisheries Revitalization Aid for the Purpose of Refurbishing a Fish Dock Crane. City Manager/Port and Harbor Director. Recommended dates: Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015.

Page 353

Memorandum 15-089 from Port and Harbor Director as backup. **Page 357**

- G. **Resolution 15-052**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Renewal of the Special Services Contract for FY 2016 with the Alaska Department of Public Safety in the Amount of \$36,000.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommend adoption. **Page 369**

Memorandum 15-093 from Police Chief as backup. **Page 371**

- H. **Resolution 15-053**, A Resolution of the Homer City Council Awarding the Contract for the Refurbishment of Homer Fire Department Apparatus Tanker 2 to U.S. Fire Equipment LLC of Sumner, Washington, in the Amount of \$154,375.01 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Fire Chief. Recommend adoption. **Page 373**

Memorandum 15-094 from Fire Chief as backup. **Page 375**

- I. **Resolution 15-054**, A Resolution of the City Council of Homer, Alaska, Authorizing Lease Negotiations for Lot 19 on the Homer Spit Between the City and Jose Ramos, dba Harbor Grill, and Finding That Awarding a New Lease to the Current Lessee Without a Competitive Bidding Process is in the Public Interest. City Manager. Recommend adoption. **Page 383**

Memorandum 15-096 from Lease Committee as backup. **Page 385**

- J. **Resolution 15-055**, A Resolution of the City Council of Homer, Alaska, Directing the Administration to Issue a Request for Proposals for Janitorial Services. City Manager. Recommend adoption. **Page 417**

Memorandum 15-103 from City Manager as backup. **Page 419**

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation**, July as Parks and Recreation Month **Page 425**

B. Borough Report

C. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

a. Minutes of June 3, 2015 **Page 427**

3. Economic Development Advisory Commission

- a. Memorandum 15-097 from Deputy City Clerk, Re: Recommendation Regarding Affordable Housing **Page 435**
 - b. Memorandum 15-099 from Deputy City Clerk, Re: Recommendation Regarding Special Assessment Districts Levy of Assessment After Subdivision **Page 471**
4. Parks and Recreation Advisory Commission
 5. Port and Harbor Advisory Commission
 6. Cannabis Advisory Commission
- 8. PUBLIC HEARING(S)**
- A. **Ordinance 15-18(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Capital Budget by Appropriating ~~\$613,000~~ **\$621,500** From the General Fund Fund Balance to the Public Safety Building Project Account to Fund the New Public Safety Building to 35% Design. Mayor. Introduction May 26, 2015, Postponed to June 29, 2015 for Public Hearing and Second Reading. **Page 487**

Memorandum 15-074 from City Manager as backup. **Page 493**
 - B. **Ordinance 15-19**, An Ordinance of the Homer City Council, Amending Homer City Code Chapter 9.16 to Revise HCC 9.16.040, HCC 9.16.100, and Add HCC 9.16.110 Repealing the Seasonal Sales Tax Exemption as Applied to Certain Categories of Nonprepared Foods, Including But Not Limited to Cakes, Cookies, Ice Cream, Candy, Chips, and Frozen Pizzas. Lewis. Introduction June 15, 2015, Public Hearing and Second Reading June 29, 2015. **Page 513**
 - C. **Ordinance 15-21**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Appropriating \$277,335.45 to Pay for Homer Natural Gas Special Assessment District Assessments of 85 City Lots From Various City Reserve Funds. City Manager. Introduction June 15, 2015, Public Hearing and Second Reading June 29, 2015. **Page 531**
 - D. **Ordinance 15-22**, An Ordinance of the City Council of Homer, Alaska, Declaring That Lillian Walli Estates Subdivision Lots 57-60, 65-67, and 70 No Longer Need to Be Retained For a Public Purpose as No Public Need Exists For Retaining the Property and Releasing HM0880016 T06S R14W S24 Lillian Walli Estate Sub Lot 60, 65, 66, 67, 70, 57,

58, 59 For Sale Subject to Land Disposal Proceedings Under the Homer City Code. City Manager. Introduction June 15, 2015, Public Hearing and Second Reading June 29, 2015. **Page 545**

Ordinance 15-22(S), An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for Lots 57, 58, 59, 60, 65, 66, 67 and 70, Lillian Walli Estate, and Authorizing Their Sale. City Manager. **Page 549**

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

- A. City Manager's Report **Page 567**
 - 1. Memorandum 15-107 from City Manager, Re: Budget Work Session follow-up. **Page 569**
 - a. Memorandum 15-108 from Library Director as backup. **Page 587**
 - 2. Memorandum 15-104 from Assistant City Manager, Re: Budget Issues Survey. **Page 609**
 - 3. Memorandum 15-106 from Planning Commission, Re: Recommendation on Waddell Way. **Page 611**

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

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

13. PENDING BUSINESS

- A. **Ordinance 15-08**, An Ordinance of the Homer City Council Amending Subsection (C) of Homer City Code 21.50.020, Site Development Standards – Level One, and Subsection (A) of Homer City Code 21.50.030, Site Development Standards – Level Two, to Require

Revegetation of Exposed, Cleared, Filled and Disturbed Soils Within 9 Months. Planning. Introduction April 13, 2015, Referred to Planning Commission April 13, 2015. Recommend Public Hearing and Second Reading July 27, 2015. **Page 629**

Ordinance 15-08(S), An Ordinance of the Homer City Council Amending Subsection (C) of Homer City Code 21.50.020, Site Development Standards – Level One, and Subsection (A) of Homer City Code 21.50.030, Site Development Standards – Level Two, to Require Revegetation of Exposed, Cleared, Filled and Disturbed Soils **by August 31st or Within 9 Months, Whichever Comes First**. City Manager/Planning.

Page 635

Memorandums 15-048 and 15-098 from City Planner as backup. **Pages 639/685**

B. **Resolution 15-043**, A Resolution of the City Council of Homer, Alaska, Urging the U.S. Navy to Change Training Exercises in the Gulf of Alaska. Zak/Roberts. Recommend adoption. Postponed from June 15, 2015. **Page 687**

C. **Resolution 15-048**, A Resolution of the City Council of Homer, Alaska, Noting the Sufficiency of the Petition for the Lillian Walli Fairview Avenue Road Reconstruction and Paving and Sewer Improvements Special Assessment District and Setting the Public Hearing Date for September 14, 2015. City Clerk/Public Works Director. Recommend adoption. Postponed from June 15, 2015. **Page 701**

Resolution 15-048(S), A Resolution of the City Council of Homer, Alaska, Providing for the Submission of a Revised Petition to Form the Lillian Walli Fairview Avenue Road Reconstruction and Paving and Sewer Improvements Special Assessment District.

Page 703

Memorandum 15-086 from Public Works Director as backup.

Page 705

Memorandum 15-105 from City Manager as backup.

Page 709

14. NEW BUSINESS

15. RESOLUTIONS

A. **Resolution 15-049**, A Resolution of the City Council of Homer, Alaska, Awarding a New Twenty-Year Lease, With Two Five-Year Options, on a Portion of Lot 11, Homer Spit Subdivision, No. 5 to SPITwSPOTS (SWS), Inc. of Homer, Alaska, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Clerk.

Page 733

Memorandum 15-091 from Lease Committee as backup.

Page 735

B. **Resolution 15-050**, A Resolution of the City Council of Homer, Alaska, Providing for the Reassessment of Condominium Units in the Homer Natural Gas Distribution Special Assessment District. City Clerk. **Page 933**

C. **Resolution 15-051**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting a Regional and Community Jails Services Contract for FY 2016 With the Alaska Department of Corrections in the Amount of \$424,080 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief.

Page 949

Memorandum 15-092 from Police Chief as backup.

Page 951

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, July 27, 2015 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC HEARING(S)

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

Ordinances 15-18(S), 15-19, 15-21, and 15-22

A **public hearing** is scheduled for **Monday, June 29, 2015** during a Special City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinance 15-18(S), 15-19, 15-21, and 15-22 internet address:

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

Ordinance 15-18(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Capital Budget by Appropriating \$621,500 From the General Fund Fund Balance to the Public Safety Building Project Account to Fund the New Public Safety Building to 35% Design. Mayor.

Ordinance 15-19, An Ordinance of the Homer City Council, Amending Homer City Code Chapter 9.16 to Revise HCC 9.16.040, HCC 9.16.100, and Add HCC 9.16.110 Repealing the Seasonal Sales Tax Exemption as Applied to Certain Categories of Nonprepared Foods, Including But Not Limited to Cakes, Cookies, Ice Cream, Candy, Chips, and Frozen Pizzas. Lewis.

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Ordinance 15-22, An Ordinance of the City Council of Homer, Alaska, Declaring That Lillian Walli Estates Subdivision Lots 57-60, 65-67, and 70 No Longer Need to Be Retained For a Public Purpose as No Public Need Exists For Retaining the Property and Releasing HM0880016 T06S R14W S24 Lillian Walli Estate Sub Lot 60, 65, 66, 67, 70, 57, 58, 59 For Sale Subject to Land Disposal Proceedings Under the Homer City Code. City Manager.



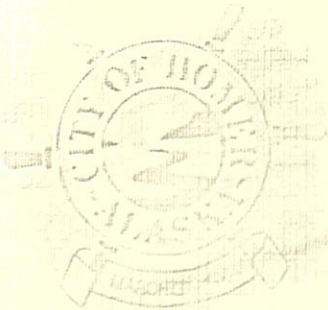
All interested persons are welcomed to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.


** 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, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

CLERK'S AFFIDAVIT OF POSTING

I, Jo Johnson, qualified City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 15-18(S), Amending the FY 2015 Capital Budget by Appropriating \$621,500 From the General Fund Fund Balance to the Public Safety Building Project Account to Fund the New Public Safety Building to 35% Design; Ordinance 15-19, Amending Homer City Code Chapter 9.16 to Revise HCC 9.16.040, HCC 9.16.100, and Add HCC 9.16.110 Repealing the Seasonal Sales Tax Exemption as Applied to Certain Categories of Nonprepared Foods; Ordinance 15-21, Amending the FY 2015 Operating Budget by Appropriating \$277,335.45 to Pay for Homer Natural Gas Special Assessment District Assessments of 85 City Lots From Various City Reserve Funds; and Ordinance 15-22, Declaring That Lillian Walli Estates Subdivision Lots 57-60, 65-67, and 70 No Longer Need to Be Retained For a Public Purpose as No Public Need Exists For Retaining the Property and Releasing HM0880016 T06S R14W S24 Lillian Walli Estate Sub Lot 60, 65, 66, 67, 70, 57, 58, 59 For Sale Subject to Land Disposal Proceedings Under the Homer City Code was posted at Homer City Hall and at the Homer Public Library on June 18, 2015 and that the City Clerk posted same on City of Homer Homepage on June 4, 2015.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 18th day of June, 2015.




Jo Johnson, City Clerk

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-18

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Capital Budget by Appropriating \$613,000 From the General Fund Fund Balance to the Public Safety Building Project Account to Fund the New Public Safety Building to 35% Design.

Sponsor: Mayor

1. City Council Regular Meeting May 26, 2015 Introduction
 - a. Memorandum 15-074 from City Manager as backup w/attachments
Memorandum 15-007 from Public Safety Building Review Committee and
Community Revenue Sharing Program estimates from Anderson Group
2. City Council Special Meeting June 29, 2015 Public Hearing and Second Reading
 - a. Substitute Ordinance 15-18(S) as adopted on May 26, 2015
 - b. Memorandum 15-074 from City Manager as backup w/attachments
Memorandum 15-007 from Public Safety Building Review Committee and
Community Revenue Sharing Program estimates from Anderson Group
 - c. Ordinance 13-38
 - d. Resolution 14-020
 - e. Resolution 14-093
 - f. Written public comments

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

3 Mayor

4 **ORDINANCE 15-18(S)**
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2015 CAPITAL BUDGET BY
8 APPROPRIATING ~~\$613,000~~ **\$621,500** FROM THE GENERAL FUND
9 FUND BALANCE TO THE PUBLIC SAFETY BUILDING PROJECT
10 ACCOUNT TO FUND THE NEW PUBLIC SAFETY BUILDING TO 35%
11 DESIGN.
12

13 WHEREAS, Resolution 14-093 adopted by the City Council on October 13, 2014,
14 established the 2015-2020 Capital Improvement Plan and the Capital Project Legislative
15 Priorities for Fiscal Year 2016; and
16

17 WHEREAS, A new public safety building has been included in the “Top 5” CIP Priority
18 List since 2015 and inserted as the number one non-water and sewer project; and
19

20 WHEREAS, Ordinance 13-38(S) adopted by the City Council on September 23, 2013
21 funded preliminary design of the new public safety building in; and
22

23 WHEREAS, Resolution 14-020 adopted by the City Council on January 13, 2014
24 established the Public Safety Building Review Committee; and
25

26 WHEREAS, The Public Safety Building Review Committee has met many times to
27 advance the project and work on space needs analysis, comparison of alternatives,
28 preliminary design, cost estimation, site selection, and developing a financing plan; and
29

30 WHEREAS, The Public Safety Building Review Committee has done all the work they
31 can without additional funding; and
32

33 WHEREAS, Designing the new public safety building to 35% will give the City a product
34 that is ready to take to the voters for bonding; and
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36 WHEREAS, It is appropriate and in the City’s interest to dedicate ~~\$613,000~~ **\$621,500** of
37 2015 and 2016 State Revenue Sharing in order to move this project forward; and

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NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City of Homer hereby amends the FY 2015 Capital Budget by appropriating ~~\$606,000~~ **\$621,500 of 2015 and 2016 State Revenue Sharing** from the General Fund Fund Balance for 35% design of the new public safety building.

Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0100	General Fund Fund Balance	\$613,000 <u>\$621,500</u>

Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0377	Public Safety Building Project Account	\$613,000 <u>\$621,500</u>

Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___day of _____, 2015.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:
NO:
ABSTAIN:

75 ABSENT:
76 First Reading:
77 Public Hearing:
78 Second Reading:
79 Effective Date:

80
81

82 Review and approved as to form:

83
84 _____

85 Mary K. Koester, City Manager

86
87 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

88
89

Fiscal Note: Fiscal information included in body of Ordinance.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

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(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 15-074

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: May 20, 2015
SUBJECT: Funding Public Safety Building to 35% Design

Ordinance 15-18 authorizes funding for bringing the public safety building to 35% design. The cost to bring this project to 35% design is \$663,000, however, there is \$50,329 left in the Public Safety Building Project Account that can be used on funding the next phase.

The Council has wisely indicated a desire to ensure State Revenue Sharing is spent on one time capital budget items and not factored into the operating budget. With the state budget in crisis, municipalities have been told revenue sharing could go away. The current proposal is to decrease State Revenue Sharing by 33% starting in FY2017 (see chart from Anderson Group). This will result in over a \$100,000 decrease for the City of Homer in FY2017. While it is wise to not count on State Revenue Sharing to balance the budget given the State's current fiscal climate, I caution that because Revenue Sharing has been used in the past and currently to balance the budget, appropriating the funds to a capital expense will have an impact on the current 2015 and 2016 budget.

Ordinance 15-18 takes Revenue Sharing from SFY2015 and adds it to SFY2016 Revenue Sharing to come up with the one time funds for 35% design. According to the draft audit there is a surplus from last year's budget in an amount equal to or greater than the SFY2015 Revenue Sharing payment from the State (\$341,037). The City will receive the SFY2016 Revenue Sharing Payment July 1 (\$321,468).

Enc:

Memorandum 15-007 from Public Safety Building Review Committee
Community Revenue Sharing Program estimates from Anderson Group



Memorandum 15-007

TO: Homer City Council

FROM: Public Safety Building Review Committee (PSBRC)

DATE: January 05, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendations:

1. The City Council approve the conceptual design.

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

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

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

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

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

Project Funding Needs – How Much and When?

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

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

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

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

Total Project \$29,897,000

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

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

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

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

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

Community Revenue Sharing Program

\$Millions

COH

%Chg

Actual	FY14 CRS Beginning Balance (7/1/2013)	180.00		
	FY14 CRS Allocation (7/1/2013)	(60.00)	341,603	
	FY14 CRS Appropriation (7/1/2013)	60.00		
	<u>FY14 Ending Balance (6/30/2014)</u>	<u>180.00</u>		
	FY15 CRS Beginning Balance (7/1/2014)	180.00		
	FY15 CRS Allocation (7/1/2014)	(60.00)	340,595	-0.30%
	<u>FY15 CRS Appropriation (7/1/2014)</u>	<u>52.00</u>		
<u>FY15 Ending Balance (6/30/2015)</u>	<u>172.00</u>			
Estimated	FY16 CRS Beginning Balance (7/1/2015)	172.00		
	FY16 CRS Allocation (7/1/2015)	(57.33)	320,747	-5.83%
	FY16 CRS Appropriation (7/1/2015)	-		
	<u>FY16 Ending Balance (6/30/2016)</u>	<u>114.67</u>		
	FY17 CRS Beginning Balance (7/1/2016)	114.67		
	FY17 CRS Allocation (7/1/2016)	(38.22)	213,831	-33.33%
	FY17 CRS Appropriation (7/1/2016)	-		
	<u>FY17 Ending Balance (6/30/2017)</u>	<u>76.44</u>		
	FY18 CRS Beginning Balance (7/1/2017)	76.44		
	FY18 CRS Allocation (7/1/2017)	(25.48)	142,554	-33.33%
	<u>FY18 CRS Appropriation (7/1/2017)</u>	<u>-</u>		
<u>FY18 Ending Balance (6/30/2018)</u>	<u>50.96</u>			

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

3 Mayor/City Council

4 **ORDINANCE 13-38(S)**
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2013 CAPITAL BUDGET BY APPROPRIATING
8 \$300,000 FROM A COMBINATION OF THE FIRE DEPARTMENT,
9 POLICE DEPARTMENT, AND GENERAL DEPRECIATION RESERVE
10 FUNDS TO BEGIN PRELIMINARY ENGINEERING AND DESIGN
11 WORK ON THE PROPOSED NEW PUBLIC SAFETY BUILDING.
12

13 WHEREAS, Resolution 13-087(A), adopted by the City Council on September 9, 2013,
14 established the 2014-2019 Capital Improvements Plan and the Capital Project Legislative
15 Priorities for Fiscal Year 2015; and
16

17 WHEREAS, A new public safety building has been included in the "Top 5" CIP Priority
18 List for 2015 and inserted as the number one non- water and sewer project; and
19

20 WHEREAS, In order for the City to have a realistic chance of obtaining funding for the
21 project this year, it needs to quickly initiate specific actions which include site selection,
22 refined space needs analysis, comparison of alternatives, preliminary engineering and
23 design, precise cost estimating, and developing a financing plan that includes a significant
24 local contribution; and
25

26 WHEREAS, Appropriating initial funding for preliminary engineering and design is an
27 important first step and the work will incorporate to some degree the necessary actions
28 noted above; and
29

30 WHEREAS, It is appropriate and in the City's interest to appropriate funds for this
31 purpose from depreciation reserves in order to move this project forward and leverage
32 funding from other sources.
33

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

36 Section 1. The City of Homer hereby amends the FY 2013 Capital Budget by
37 appropriating \$300,000 from a combination of the Police, Fire, and General Depreciation

38 Reserves for the to begin preliminary engineering and design work on the new public safety
39 building as follows:

40

41 **Transfer From:**

42 <u>Account</u>	<u>Description</u>	<u>Amount</u>
43 156-0394	Police Depreciation Reserve	\$ 50,000
44 156-0393	Fire Depreciation Reserve	\$ 50,000
45 156-0375	General Depreciation Reserve	<u>\$200,000</u>
46	TOTAL	\$300,000

47 **Transfer To:**

48 <u>Account</u>	<u>Description</u>	<u>Amount</u>
49 * 151 6 -0377	Public Safety Building	
50	Project Account	<u>\$300,000</u>
51	TOTAL	\$300,000

52

53 Section 2. The Council authorizes the City Manager to solicit a Request for Proposals
54 for a GC/CM contract pursuant to applicable provisions of the City Procurement Code.

55

56 Section 3. This is a budget amendment ordinance only, is not permanent in nature,
57 and shall not be codified.

58

59 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 23rd day of September, 2013.

60

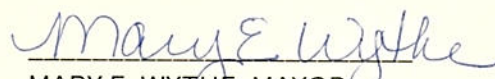
61

CITY OF HOMER

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MARY E. WYTHE, MAYOR

65

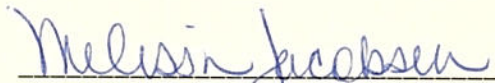
66

67 ATTEST:

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MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

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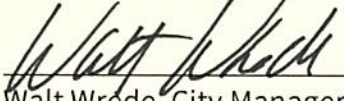
76

Acct. # amended per Finance 12/18/13 J. Johnson, City Clerk

77 YES: 5
78 NO: 0
79 ABSTAIN: 0
80 ABSENT: 1

81
82 First Reading:
83 Public Hearing:
84 Second Reading:
85 Effective Date:


86
87 Reviewed and approved as to form.

88 
89 _____
90 Walt Wrede, City Manager

91
92 Date: 9/26/13
93

94
95 Fiscal Note: NA
96

97



Thomas F. Klinkner, City Attorney

Date: 9/30/13

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 RESOLUTION 14-020
6

7 A RESOLUTION OF THE HOMER CITY COUNCIL CREATING A
8 PUBLIC SAFETY BUILDING REVIEW COMMITTEE AND
9 ESTABLISHING THE SCOPE OF WORK AND PARAMETERS UNDER
10 WHICH THE COMMITTEE WILL CONDUCT ITS WORK.
11

12 WHEREAS, The City has solicited GC/CM proposals from qualified firms or teams to
13 conduct preliminary engineering, design, site evaluation, and cost estimating for the
14 proposed new Homer Public Safety Building; and
15

16 WHEREAS, Proposals are due on January 21, 2014; and
17

18 WHEREAS, It would be beneficial to establish a Public Safety Building Review
19 Committee (PSBRC) to assist the City with numerous functions including review and
20 evaluation of the proposals, similar to the committees the Council has established for
21 construction projects on other public buildings.
22

23 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes
24 the Public Safety Building Review Committee (PSBRC).
25

26 BE IT FURTHER RESOLVED that the Committee membership shall be the Mayor or one
27 member of the City Council, the Police Chief or their designee, the Fire Chief or their designee,
28 a member of the public, preferably with construction or project management experience, and
29 a member of the business community.
30

31 BE IT FURTHER RESOLVED that primary staff support shall be provided by Carey Meyer
32 and Dan Nelsen and secondary support shall be provided as needed and requested by the
33 City Manager, the Finance Director, and the City Planner.
34

35 BE IT FURTHER RESOLVED the Scope of Work shall include:
36

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


- 37 • Review the proposed contract and provide input on the scope of work and
- 38 deliverables
- 39 • Review work products and participate in regular briefing with the contractor
- 40 • Make recommendations and provide direction to staff and the contractors as
- 41 the project proceeds
- 42 • Make recommendations to Council as to how to proceed as various
- 43 benchmarks are achieved.
- 44

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


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

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

56
57 CITY OF HOMER

58
59
60 
61 MARY E. WYTHE, MAYOR

62
63 ATTEST:

64
65 
66 _____
67 JO JOHNSON, MMC, CITY CLERK

68
69 Fiscal Note: Staff time and advertising costs.

70
71

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**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

RESOLUTION 14-093

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED by the Homer City Council for the City of Homer on this 13th day of October, 2014.

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CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Jo Johnson

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

Jo Johnson

From: Kathy Hill <kathhill@alaska.net>
Sent: Monday, June 22, 2015 8:59 PM
To: Department Clerk
Subject: For council packets

Dear Mayor, City Council Members, City Manager:

I ask that you reconsider the spending of \$621,500 out of the reserves for the next step in the building of the safety campus. Where is the fiscal management in all of this? Is this the best way to use the reserves?

Should not the money be saved for a rainy day when a city emergency rears its head? Do we need at the present time more police officers? Are all of the city employees being fairly compensated for their work? Will the health insurance plan need additional funding? How are we doing on maintenance of infrastructure in the city?

I see the writing on the wall that state money is unavailable now and for any number of years into the future. The passing of a bond is quite questionable as the public-at-large has not been educated about the project.

You say that you need completion of this next step to show to the voters. Several months ago I saw some architectural drawings of the proposed building. Aren't these designs good enough to show to the voters?

It scares me that you could sink in no time over a million dollars into a project that may go nowhere because of financial constraints and voter apathy. It is quite an iffy proposition. Why spend this kind of money on a huge document that is a quite tentative one right now? Would you run your own personal business or your own home with these kinds of risks?

I think that it is time to think out of the box on this project. I look at the fiasco that occurred with the Town Square project. There was minimal marketing of the project to the public and no money. Sounds like the same scenario that we are in right now.

However, some city employees were thinking out of the box and the renovation of the present facility came to pass. Good job!

My recommendation is a no vote on Ordinance 15-18(s).

Respectfully submitted,
Kathy Hill

Sent from my iPad

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-19

An Ordinance of the Homer City Council, Amending Homer City Code Chapter 9.16 to Revise HCC 9.16.040, HCC 9.16.100, and Add HCC 9.16.110 Repealing the Seasonal Sales Tax Exemption as Applied to Certain Categories of Nonprepared Foods, Including But Not Limited to Cakes, Cookies, Ice Cream, Candy, Chips, and Frozen Pizzas.

Sponsor: Lewis

1. City Council Special Meeting June 15, 2015 Introduction
 - a. Kenai Peninsula Borough Ordinance 2008-28
 - b. Ordinance 08-32(S)(A-2)
 - c. Kenai Peninsula Borough Initiative Ordinance 2008-01

2. City Council Special Meeting June 29, 2015 Public Hearing and Second reading
 - a. Kenai Peninsula Borough Ordinance 2008-28
 - b. Ordinance 08-32(S)(A-2)
 - c. Kenai Peninsula Borough Initiative Ordinance 2008-01
 - d. Taxable Non-Prepared Food Items Study of 12 States by Barb Brodowski

**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 15-19

AN ORDINANCE OF THE HOMER CITY COUNCIL, AMENDING HOMER CITY CODE CHAPTER 9.16 TO REVISE HCC 9.16.040, HCC 9.16.100, AND ADD HCC 9.16.110 REPEALING THE SEASONAL SALES TAX EXEMPTION AS APPLIED TO CERTAIN CATEGORIES OF NONPREPARED FOODS, INCLUDING BUT NOT LIMITED TO CAKES, COOKIES, ICE CREAM, CANDY, CHIPS, AND FROZEN PIZZAS.

WHEREAS, A proposition was passed by the voters in the Kenai Peninsula Borough (“Borough”) exempting nonprepared foods from sales tax from September 1st through May 31st; and

WHEREAS, The Borough adopted Ordinance 2008-28 authorizing cities within the Borough, including the City of Homer (“City”), to continue taxing nonprepared foods during the period from September 1st through May 31st despite the Borough’s exemption of such foods from sales tax during those months; and

WHEREAS, The City enacted Ordinance 08-32(S)(A-2) on December 8, 2008 exempting the sales of nonprepared foods from City sales tax during September 1st through May 31st of each year; and

WHEREAS, The loss of sales tax revenues on the sale of nonprepared foods has had a substantial negative impact on funding for essential City services including but not limited to water, sewer, and road project matching funds and has required the almost complete elimination of all non-essential City services; and

WHEREAS, It is in the City’s best interest to reinstate the sales tax at the full 4.5% rate on a year-round basis on the categories of nonprepared foods described in Homer City Code 9.16.100(c), enacted by this ordinance, to provide funding for City services.

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. The City of Homer exercises the authority granted it under Kenai Peninsula Borough Ordinance 2008-28 to levy and collect sales taxes on the nonprepared food items described in Homer City Code 9.16.100(c), enacted by this ordinance, on a year-round basis notwithstanding Kenai Peninsula Borough Initiative Ordinance 2008-01.

43 Section 2. Homer City Code 9.16.040 is amended to read as follows:

44
45 9.16.040 Borough Provisions Adopted by Reference. **Subject to Section 9.16.100 and**
46 **9.16.110,** Those sections of the Kenai Peninsula Borough Code of Ordinances applicable to
47 the levy and collection of the sales tax described in this chapter are incorporated by this
48 reference and made a part of this chapter as though fully set forth in this chapter.

49
50 Section 3. Homer City Code 9.16.100 is amended to read as follows:

51
52 9.16.100 Exemptions.

53
54 **The following sales of items are exempt from sales tax:**

55
56 a. ~~Commencing January 1, 2009, s~~**Except as provided in section 9.16.110 of**
57 **the city code, sales** of nonprepared food items **occurring** from September 1st
58 through May 31st of each year.

59
60 b. **The sale of** all other items granted exemption from sales tax under the
61 Kenai Peninsula Borough Code as amended from time to time, except where the Kenai
62 Peninsula Borough by ordinance expressly authorizes the City to tax a source
63 exempted from sales tax by the Kenai Peninsula Borough Code and City imposes a
64 sales tax on that source in compliance with the law.

65
66 Section 4. Homer City Code Chapter 9.16 is amended to add section 9.16.110 to read
67 as follows:

68
69 **9.16.110 Sales Tax**

70
71 **Sales of the following products shall be subject to sales tax 365 days a year:**

72
73 a. **beverages containing less than 50% fruit or vegetable juice, including**
74 **soft drinks, energy drinks and sports drinks, but excluding dairy and dairy**
75 **substitute beverages;**

76
77 b. **candy;**

78
79 c. **potato and corn chips, pretzels, crackers and other ready-to-eat snack**
80 **foods;**

81
82 d. **ready-to-eat baked products, including cookies, cake, donuts, danish,**
83 **and muffins, but excluding bread;**

84

85 **e. ice cream, sherbet and other frozen desserts;**

86
87 **f. frozen foods that are ready to eat upon heating in a conventional or**
88 **microwave oven, including entrees, dinners, pizza and burritos, but excluding**
89 **frozen fruits and vegetables; and**

90
91 **g. prepackaged or made-to-order sandwiches, wraps and salads.**

92
93 Section 5. This ordinance is of a permanent and general character and shall be
94 included in the city code.

95
96 Section 6. This ordinance shall take effect January 1, 2016.

97
98 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
99 _____, 2015.

100
101 CITY OF HOMER

102
103
104 _____
105 MARY E. WYTHE, MAYOR

106 ATTEST:

107
108
109 _____
110 JO JOHNSON, MMC, CITY CLERK

111
112
113
114
115 YES:

116 NO:

117 ABSTAIN:

118 ABSENT:

119
120
121
122
123 First Reading:

124 Public Hearing:

125 Second Reading:

126 Effective Date:

127 Reviewed and approved as to form:

128

129 _____

130 Mary K. Koester, City Manager

131

132 Date: _____

133

Thomas F. Klinkner, City Attorney

Date: _____

Introduced by:	Mayor
Date:	08/19/08
Hearings:	09/02/08 & 09/16/08
Action:	Postponed Until 09/16/08
Action:	Enacted as amended
Vote:	6 Yes, 1 No, 2 Absent
Action:	Reconsideration Filed by Fischer
Date:	10/14/08
Action:	Reconsideration Failed
Vote:	1 Yes, 8 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-28**

**AN ORDINANCE AUTHORIZING THE GENERAL LAW CITIES IN THE KENAI
PENINSULA BOROUGH TO LEVY AND COLLECT SALES TAXES ON
NONPREPARED FOOD ITEMS**

WHEREAS, if approved by the voters in the October 7, 2008, election, ballot Proposition 1 will require that nonprepared food items be exempt from borough sales taxes from September 1 through May 31 of each year; and

WHEREAS, Alaska Statute 29.45.700 requires general law cities in the borough that levy a sales tax to levy the tax sources taxed by the borough unless the assembly by ordinance authorizes the city to levy and collect taxes on other sources; and

WHEREAS, the cities of Soldotna, Homer, and Seldovia are general law cities that levy a sales tax and will be required to exempt nonprepared foods if Proposition 1 passes, unless the assembly gives them the option to tax nonprepared food year-round; and

WHEREAS, the cities of Seward and Kenai are home rule cities and are, therefore, exempt from the statutory requirement to tax the same sources as the borough unless otherwise provided by the assembly; and

WHEREAS, at its meeting on August 13, 2008, the Soldotna City Council adopted Resolution 2008-052 requesting the Kenai Peninsula Borough to grant the city of Soldotna the option to tax nonprepared food; and

WHEREAS, at its meeting of September 10, 2008 the Seldovia City Council adopted Resolution 09-03 in support of Kenai Peninsula Borough Ordinance 2008-28; and

WHEREAS, at its meeting of July 28, 2008, the Homer City Council introduced Ordinance 08-32, amending the Homer Sales Tax Code to seasonally exempt sales of nonprepared food between September 1 and May 31 each year and scheduled that ordinance for public hearing on October 27, 2008; and

WHEREAS, exempting nonprepared food items for nine months each year will likely have a significant impact on the cities' revenues; and

WHEREAS, each city is in the best position to make policy decisions concerning whether or not to exempt nonprepared food items from its respective city sales tax; and

WHEREAS, it is accordingly appropriate to authorize the city councils of general law municipalities to make this decision on behalf of their own constituents;

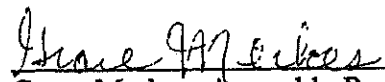
NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

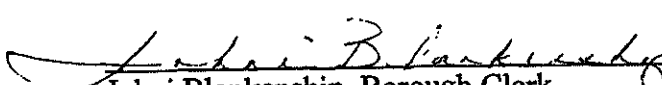
SECTION 1. That the general law cities in the Kenai Peninsula Borough are authorized to levy and collect sales taxes on nonprepared food items on a year-round basis except for sales that are required to be exempted by AS 29.45.700 as now enacted or may be hereinafter.

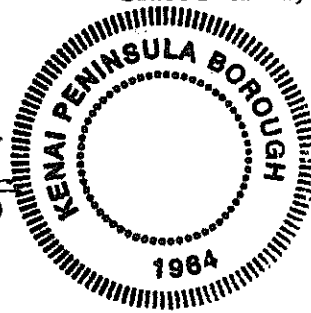
SECTION 2. That this ordinance shall take effect on October 14, 2008, if Proposition 1 of the Kenai Peninsula Borough regular election is approved by the voters.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER, 2008.

ATTEST:


Grace Merkes, Assembly President


Johni Blankenship, Borough Clerk



Enactment:

Yes: Long, Martin, Smith, Sprague, Superman, Merkes
No: Fischer
Absent: Gilman, Knopp

Reconsideration:

Yes: Fischer
No: Fischer, Gilman, Knopp, Long, Martin, Smith, Sprague, Superman, Merkes
Absent: None

CITY OF HOMER
HOMER, ALASKA

Mayor

ORDINANCE 08-32(S)(A-2)

1
2 AN ORDINANCE ENACTING HOMER CITY CODE
3 9.16.100 TO EXEMPT SALES OF NONPREPARED
4 FOODS FROM SEPTEMBER 1ST THROUGH MAY 31ST OF
5 EACH YEAR, PENDING COMPLETION OF AN ADVISORY
6 VOTE REGARDING THE SALES TAX STRUCTURE FOR
7 NONPREPARED FOOD ITEMS, AND INCORPORATING IN
8 THE HOMER CITY CODE ALL OTHER SALES TAX
9 EXEMPTIONS ADOPTED BY THE KENAI PENINSULA
10 BOROUGH.

11
12 WHEREAS, A proposition was passed by the voters in the Kenai Peninsula
13 Borough exempting nonprepared foods from sales tax from September 1st through
14 May 31st; and

15
16 WHEREAS, The City of Homer ("City") believes it is appropriate to exempt the
17 sales of nonprepared foods from taxation from September 1st through May 31st.

18
19 THE CITY OF HOMER HEREBY ORDAINS:

20
21 Section 1. Homer City Code Chapter 9.16 is hereby amended by adding the
22 following section 9.16.100:

23
24 9.16.100 Exemptions. The following are exempt from the Homer sales
25 tax:

26
27 a. Commencing January 1, 2009, sales of nonprepared food items from
28 September 1st through May 31st of each year.

29
30 b. All other items granted exemption from sales tax under the Kenai
31 Peninsula Borough Code as amended from time to time, except where the
32 Kenai Peninsula Borough by ordinance expressly authorizes the city to tax
33 a source exempted from sales tax by the Kenai Peninsula Borough Code
34 and the city imposes a sales tax on that source in compliance with the law.

35
36 Section 2. This exemption on nonprepared food items shall no longer be
37 effective if the Borough's exemption on nonprepared foods from its sales tax is repealed
38 or overturned.

39

40 Section 3. The Council intends to bring forward a proposition for an advisory
41 vote regarding the sales tax structure for nonprepared food items as soon as
42 administratively practical.

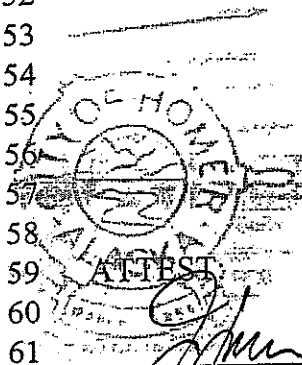
43
44 Section 4. This ordinance shall take effect upon its adoption by the Homer City
45 Council.

46
47 Section 5. This ordinance is of a permanent and general character and shall be
48 included in the city code.

49
50 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA,
51 this 8th day of December, 2008.

52
53
54 CITY OF HOMER

55 James C. Hornaday
56 JAMES C. HORNADAY, MAYOR
57



58
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60
61 JO JOHNSON
62 JO JOHNSON, CMC, CITY CLERK

63
64
65 AYES: 6
66 NOES: 0
67 ABSTAIN: 0
68 ABSENT: 0

69
70 First Reading: 7/28/08
71 Public Reading: 11/24/08
72 Second Reading: 12/08/08
73 Effective Date: 12/09/08

74
75
76 Reviewed and approved as to form:

77
78 Walt Wrede
79 Walt Wrede, City Manager

80 Thomas F. Klinkner
81 Thomas F. Klinkner, City Attorney

82 Date: 12/12/08

Date: 12-18-08

Sponsored by: Citizen Initiative Ordinance
Election Date: 10/07/08
Certification Date: 10/14/08
Vote: 60.15% Yes, 39.85 % No

**KENAI PENINSULA BOROUGH
INITIATIVE ORDINANCE**

**AN ORDINANCE FOR A SEASONAL (SEPTEMBER 1 TO MAY 31) EXEMPTION OF
ALL SALES OF NONPREPARED FOOD ITEMS FROM BOROUGH SALES TAX**

WHEREAS, taxation of basic food items can create a serious hardship for residents within the Kenai Peninsula Borough; and

WHEREAS, since last year, the Kenai Peninsula Borough has raised its sales tax percentage by 50% (from 2% to 3 %), and has experienced huge sales tax revenue increases from the increase price of fuel, groceries, and other necessities required by our local residents, resulting in a huge windfall of revenue to Borough coffers; and

WHEREAS, such taxation can be particularly difficult for families, the elderly, low income individuals and unemployed people; and

WHEREAS, a seasonal sales tax exemption will afford relief almost exclusively to residents of the Kenai Peninsula Borough; and

WHEREAS, burdening individuals and families who are least able to pay with taxation of products necessary for their survival is not in the best interest of our society; and

WHEREAS, most state governments exempt sales tax on unprepared food items and, of the minority that so tax unprepared food, many do so at a reduced rate; and

WHEREAS, the collection of revenue required for borough and municipal operation can be more fairly accomplished without burdening our local residents, who are least able to support such taxation.

NOW, THEREFORE, BE IT ORDAINED BY THE VOTERS OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough Code is hereby amended by creating a new Section 5.18.200(15)(c) to read as follows:

5.18.200. (15)(c) Exemptions/waivers - Sales of nonprepared food items. Sales tax is prohibited on all sales of nonprepared food items from September 1 until May 31 of each year. These food items exempted from sales tax include those which have been previously granted exemption in KPB 5.18.200(14) for food purchased with

coupons issued under the federal food stamp program.

SECTION 2. If approved by a majority of the voters, voting on this question at a regular or special election held for that purpose; this ordinance shall take effect January 1 of the year following the certification of that election.

ENACTED BY THE VOTERS OF THE KENAI PENINSULA BOROUGH AT AN ELECTION HELD ON THE 7TH DAY OF OCTOBER, 2008 WITH CERTIFICATION ON OCTOBER 14, 2008.

Taxable Non-Prepared Food Items Study

Taxable Items	Indiana	Rhode Island	Iowa	Wisconsin	New Jersey	New York	Colorado	North Dakota	Texas	Minnesota	Maine	Kentucky
Almond bark	X	X	X	X	X	X		X	X	X		X
Baking chips, sweetened		X	X	X	X			X		X	X	X
Baking chocolate in the form of a bar, drop, or piece that contains a sweetener		X	X	X	X			X		X	X	X
Unsweetened baking chocolate in bars, pieces or chips			X					X				
Bar Mixes (Liquid) -Sweetened			X	X	X			X	X			X
Beer Nuts	X	X	X	X	X	X		X	X	X		X
Beer Nuts Party Mix	X	X	X	X	X	X		X	X	X		X
Beverage powders that are dietary supplements	X	X		X				X		X	X	X
Beverages, sweetened containing no milk products and containing 50% or less juice	X	X	X	X	X	X		X	X	X		X
Bottled water, unsweetened, plain						X			X		X	
Bottled water, sweetened	X	X	X	X	X	X		X	X	X	X	X
Breath mints	X	X	X	X	X	X		X	X	X	X	X
Butterscotch chips		X	X	X	X			X		X	X	X
Cake decorations that are candy	X	X	X	X	X	X		X	X	X	X	X
Candied fruits / glazed	X	X	X	X	X	X		X	X	X	X	X
Candy	X	X	X	X	X	X		X	X	X	X	X
Candy, chocolate	X	X	X	X	X	X		X	X	X	X	X
Candy unless product contains flour (e.g., Nestle Crunch) or requires refrigeration		X			X			X				
Candy and confectionery	X	X	X	X	X	X		X	X	X	X	X
Candy, dietetic	X	X	X	X	X	X		X	X	X	X	X
Candy apples	X	X	X	X	X	X		X	X	X	X	X
Caramels	X	X	X	X	X	X		X	X	X	X	X
Caramel apples	X	X	X	X	X	X		X	X	X	X	X

Taxable Non-Prepared Food Items Study

Taxable Items	Indiana	Rhode Island	Iowa	Wisconsin	New Jersey	New York	Colorado	North Dakota	Texas	Minnesota	Maine	Kentucky
Caramel corn	X	X	X	X	X	X		X	X	X	X	X
Cereal bars without flour	X	X						X		X		
Chewing gum	X	X	X	X	X	X	X	X	X	X	X	X
Chocolate chips		X	X	X	X			X		X	X	X
Chocolate chips and other flavored chips, if sweetened		X	X	X	X			X		X	X	X
Chocolate covered raisins	X	X	X	X	X	X		X	X	X	X	X
Chocolate covered nuts	X	X	X	X	X	X		X	X	X	X	X
Chocolate covered pretzels			X			X			X	X	X	
Chocolate-covered potato chips	X								X	X	X	
Coated candy	X	X	X	X	X	X		X	X	X	X	X
Cocktail mixes	X					X		X				
Cocktail mixes containing 50% or less fruit or vegetable juice	X	X	X	X		X		X	X	X		X
Coffee drinks that contain sweeteners, unless it also contains milk or a milk product				X								
Collins mixer						X						
Confections that are candy	X	X	X	X	X	X		X	X	X	X	X
Cracker jacks	X	X	X	X	X	X		X	X	X	X	X
Cranberry juice cocktails						X						
Deli items that are prepared food	X	X	X	X	X	X	X		X	X	X	X
Dietary supplements	X	X		X			X	X		X	X	X
Dietary supplements (including energy bars containing "supplemental facts" box)	X	X						X			X	X
Dietetic carbonated beverages	X	X	X	X	X	X	X	X	X	X	X	X
Dietetic soft drinks	X	X	X	X	X	X	X	X	X	X	X	X
Dried fruit with sweeteners	X	X	X	X	X	X		X	X	X	X	X
Energy bars unless product contains flour or requires refrigeration		X			X							
Flaked coconut w/sweetener	X	X	X		X							

Taxable Non-Prepared Food Items Study

Taxable Items	Indiana	Rhode Island	Iowa	Wisconsin	New Jersey	New York	Colorado	North Dakota	Texas	Minnesota	Maine	Kentucky
French burnt peanuts	X	X	X	X	X	X		X	X	X		X
Frozen yogurt												
Frozen fruitbars and/or novelty items												
Fruit drinks that contain a sweetener and have 50% or less fruit juice by volume	X	X	X	X	X	X		X	X	X		X
Fruit drinks if product contains less than 70% real fruit juice					X							
Fruit nectars if product contains less than 70% real fruit juice					X							
Fruit punch if product contains less than 70% real fruit juice						X						
Fruit Roll-ups	X			X						X		X
Fruit snacks that contain a sweetener	X	X	X	X				X	X	X		X
Fudge	X	X	X	X	X	X		X	X	X		X
Gatorade		X			X					X		X
Gluten-free candy products	X											
Granola bars			X									
Granola bars that are sweetened, unless they contain flour												
Heated foods and beverages	X	X	X	X	X	X		X	X	X		X
Heath Bar bits	X	X	X	X	X			X		X		X
Herbal supplements										X		
HI-C	X	X	X	X	X	X		X	X	X		X
Honey roasted and honey coated nuts	X	X	X	X	X	X		X	X	X		X
Honey roasted peanuts	X	X	X	X	X	X		X	X	X		X
Ice												
Ice blocks				X								
Ice cream							X					
Ice cubes												
Ice cream cones (hand dipped)												
Ice cream sundries					X				X			

Taxable Non-Prepared Food Items Study

Taxable Items	Indiana	Rhode Island	Iowa	Wisconsin	New Jersey	New York	Colorado	North Dakota	Texas	Minnesota	Maine	Kentucky
Ice cream sundries (less than 2 items per container)									X			
Ice pops, juice pops, popsicles that do not contain milk products or more than 50% fruit juice									X			
Iced tea (Liquid) sweetened					X							
Jordan almonds	X	X	X	X	X	X		X	X	X		X
Juices that contain sweeteners and 50% or less fruit or vegetable juice by volume	X	X	X	X	X	X		X	X	X		X
Kool-Aid			X			X			X			
Lemonade (liquid) sweetened	X	X	X	X	X	X		X	X	X		X
Licorice			X			X						X
Licorice w/o flour	X	X										
Non-liquid coffee (flavored)										X		
Maple sugar candy	X	X	X	X	X	X	X	X	X	X		X
Marshmallows	X	X	X	X	X	X		X	X	X		X
Mineral water						X						
MiO Liquid Water Enhancer						X						
Monster Energy Drink		X				X		X	X	X		X
Noncarbonated drinks made from milk derivatives or tea												
Nutritional snack bars											X	
Nuts that are candy, such as honey roasted cashews	X	X	X	X	X	X		X	X	X		X
Orange Crush	X	X	X	X	X	X	X	X	X	X		X
Peanut brittle	X	X	X	X	X	X		X	X	X		X
Peanuts that are candy, such as honey roasted peanuts	X	X	X	X	X	X		X	X	X		X
Popcorn that is candy, such as caramel corn (sweetener added)	X	X	X	X	X	X		X	X	X		X

Taxable Non-Prepared Food Items Study

Taxable Items	Indiana	Rhode Island	Iowa	Wisconsin	New Jersey	New York	Colorado	North Dakota	Texas	Minnesota	Maine	Kentucky
Popped corn (popped kettle and caramel)	X		X					X	X	X	X	
Popsicles												
Powerade		X			X			X	X	X		X
Powdered bartender mixers (not frozen)			X								X	
Powdered drink mixes that are dietary supplements	X	X		X				X		X	X	X
Prepared foods	X	X	X	X	X	X	X	X	X	X	X	X
Pretzels that are prepared food				X								
Pumpkins used for decoration					X							
Raisins that are candy, such as yogurt coated raisins	X	X	X	X	X	X		X	X	X	X	X
Red Bull		X				X		X	X	X		X
Rehydration solutions (Pedialyte, Ceralyte, Infalyte, etc.)								X		X		
Rockstar Energy Drink		X				X		X	X	X		X
Root beer	X	X	X	X	X	X	X	X	X	X	X	X
Salted nuts that are candy	X	X	X	X	X	X		X	X	X		X
Sandwiches that are prepared food	X	X	X	X	X	X	X	X	X	X	X	X
Seltzer (water)						X					X	
Sherbert												
Smartwater						X					X	
Soft drinks / carbonated pop	X	X	X	X	X	X	X	X	X	X	X	X
Sports/Energy drinks	X	X						X	X	X		X
Taffy apples	X	X	X	X	X	X		X	X	X		X
Tea (with "supplemental facts" label)								X		X	X	
Tea drinks that contain sweeteners	X	X	X	X	X			X	X	X	X	X
Trail mix with candy pieces								X				
Vegetable juice that contains a sweetener and 50% or less juice by volume	X	X	X	X	X	X		X	X	X		X

Taxable Non-Prepared Food Items Study

Taxable Items	Indiana	Rhode Island	Iowa	Wisconsin	New Jersey	New York	Colorado	North Dakota	Texas	Minnesota	Maine	Kentucky
Vichy water					X						X	
Vitaminwater					X						X	
Water, sweetened	X	X	X	X	X	X		X	X	X	X	X
Water, carbonated					X	X	X				X	
Yogurt covered raisins	X	X	X	X	X	X		X	X	X	X	X
Yogurt covered nuts	X	X	X	X	X	X		X	X	X	X	X
Yogurt, frozen												
Yoo Hoo						X						
5-Hour Energy		X				X		X	X	X		X

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-21

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Appropriating \$277,335.45 to Pay for Homer Natural Gas Special Assessment District Assessments of 85 City Lots From Various City Reserve Funds.

Sponsor: City Manager

1. City Council Special Meeting June 15, 2015 Introduction
 - a. List of City properties for gas assessments
2. City Council Special Meeting June 29, 2015 Public Hearing and Second Reading
 - a. List of City properties for gas assessments

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 15-21

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY 2015 OPERATING BUDGET BY
APPROPRIATING \$277,335.45 TO PAY FOR HOMER NATURAL GAS
SPECIAL ASSESSMENT DISTRICT ASSESSMENTS OF 85 CITY LOTS
FROM VARIOUS CITY RESERVE FUNDS.

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council initiated a Homer Natural Gas Special Assessment District on July 23, 2012, via Resolution 12-069 assessing all parcels equally that benefited from the natural gas distribution system; and

WHEREAS, Construction of 73 miles of natural gas distribution system was complete in 2014; and

WHEREAS, The City has benefited from the construction of the natural gas distribution system with a cost savings and reduced carbon emissions for facilities that have been hooked up to natural gas; and

WHEREAS, The final assessment roll for the Homer Natural Gas Special Assessment District was adopted on March 23, 2015, via Resolution 15-017; and

WHEREAS, The total project cost for the Homer Natural Gas Special Assessment District was \$12,359,388 divided among 3,788 parcels at a cost of \$3,262.77 per parcel; and

WHEREAS, The City of Homer owns 85 parcels that are included in the Homer Natural Gas Special Assessment District; and

WHEREAS, It is in the City's best interest to pay the assessments off in full as soon as possible to avoid accruing interest.

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
39

40 Section 1. The FY 2015 Operating Budget is hereby amended by appropriating
41 \$3,262.77 from the Animal Shelter Reserve fund for the assessment associated with the
42 Animal Shelter parcel.
43

44 Section 2. The FY 2015 Operating Budget is hereby amended by appropriating
45 \$3,262.77 from the City Hall Reserve fund for the assessment associated with the City Hall
46 parcel.
47

48 Section 3. The FY 2015 Operating Budget is hereby amended by appropriating
49 \$32,627.70 from the General Fund Reserve fund for the assessment associated with 10
50 miscellaneous City parcels.
51

52 Section 4. The FY 2015 Operating Budget is hereby amended by appropriating
53 \$13,051.08 from the Library Reserve fund for the assessment associated with the Library
54 building, old library parcel and 2 adjacent parcels.
55

56 Section 5. The FY 2015 Operating Budget is hereby amended by appropriating
57 \$6,525.54 from the Parks and Recreation Reserve fund for the assessment associated with
58 Ohlson Lane and Jack Gist Parks.
59

60 Section 6. The FY 2015 Operating Budget is hereby amended by appropriating
61 \$1,631.39 from the Police Reserve fund and \$1,631.39 from the Fire Reserve fund for the
62 assessment associated with the Fire and Police Station parcel.
63

64 Section 7. The FY 2015 Operating Budget is hereby amended by appropriating
65 \$6,525.54 from the Public Works Reserve fund for the assessment associated with the 2 Public
66 Works Administration building parcels.
67

68 Section 8. The FY 2015 Operating Budget is hereby amended by appropriating
69 \$6,525.54 from the Water Reserve fund for the assessment associated with the Water
70 Treatment Plant and parcel reserved for a new water tank.
71

72 Section 9. The FY 2015 Operating Budget is hereby amended by appropriating
73 \$202,291.74 from the Port and Harbor Reserve fund for the assessment associated with 62
74 parcels on the Homer Spit.

75 Expenditure:

76	<u>Account</u>	<u>Description</u>	<u>Amount</u>
77	156-0370 (Animal Shelter Reserve)	1 Parcel	\$3,262.77
78	156-0384 (City Hall Reserve)	1 Parcel	\$3,262.77
79	156-0375 (General Fund Reserve)	10 Parcels	\$32,627.70
80	156-0390 (Library Reserve)	4 Parcels	\$13,051.08
81	156-0385 (Park & Rec Reserve)	2 Parcels	\$6,525.54
82	156-0394 (Police Reserve)	½ Parcel	\$1,631.39
83	156-0393 (Fire Reserve)	½ Parcel	\$1,631.38
84	156-0395 (Public Works Reserve)	2 Parcels	\$6,525.54
85	256-0378 (Water Reserve)	2 Parcels	\$6,525.54
86	456-0380 (Port and Harbor Reserve)	62 Parcels	<u>\$202,291.74</u>
87			
88	Total	85 Parcels	\$277,335.45

89

90 Section 10. This is a budget amendment ordinance, is temporary in nature, and shall
91 not be codified.

92

93 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___day of _____, 2015.

94

95 CITY OF HOMER

96

97 _____

98 MARY E. WYTHE, MAYOR

99

100

101 ATTEST:

102

103 _____

104 JO JOHNSON, MMC, CITY CLERK

105

106 YES:

107 NO:

108 ABSTAIN:

109 ABSENT:

110

111

112 First Reading:

113 Public Hearing:

114 Second Reading:

115 Effective Date:

116

117

118 Review and approved as to form:

119

120 _____

121 Mary K. Koester, City Manager

122

123 Date: _____

124

125 Fiscal Note: Fiscal information included in body of Ordinance.

Thomas F. Klinkner, City Attorney

Date: _____

Parcel_ID	LEGAL	Assessment	Facility/Notes	Account Code	Account Total
17714020	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0850128 GLACIER VIEW SUB NO 18 LOT 1	\$3,262.77	Animal Shelter	Animal Shelter Reserve 156-0370	Animal Shelter Total: \$3,262.77
17720408	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2004048 GLACIER VIEW SUB CAMPUS ADDN LOT 6-A-2	\$3,262.77	City Hall	City Hall Reserve 156-0384	City Hall Reserve Total: \$3,262.77
17307094	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 2011030 HILLSTRANDS'S HOMESTEAD LOT 1	\$3,262.77	Vacant Lot, Skyline	General Fund Reserve 156-0375	
17510070	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2000022 HOMER SCHOOL SURVEY 1999 CITY ADDN TRACT 2	\$3,262.77	HERC Building and Old High School	General Fund Reserve 156-0375	
17514301	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 75	\$3,262.77	Bartlett Restroom	General Fund Reserve 156-0375	
17717706	T 6S R 13W SEC 29 SEWARD MERIDIAN HM 0003415 OSCAR MUNSON SUB LOT 43	\$3,262.77	Ocean Dr Loop	General Fund Reserve 156-0375	
17719234	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2013052 NILS O SVEDLUND SUB 2013 REPLAT LOT 7-A	\$3,262.77	Town Center Lot Behind Alice's	General Fund Reserve 156-0375	
17720204	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0750018 GLACIER VIEW SUB NO 1 REPLAT LTS 1.8 & 9 BLK 4 LOT 9-A	\$3,262.77	WKFL Park/Restroom	General Fund Reserve 156-0375	
17908050	T 6S R 13W SEC 14 SEWARD MERIDIAN HM S1/2 OF GOVT LOT 30 LYING WEST OF KACHEMAK DR	\$3,262.77	Kachemak Drive Lot - For Sale	General Fund Reserve 156-0375	
17911005	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0004712 HARRY FEYER SUB LOT 1	\$3,262.77	Kachemak Drive Lot - For sale	General Fund Reserve 156-0375	
17915003	T 6S R 13W SEC 23 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHEASTERLY OF KACHEMAK BAY DRIVE	\$3,262.77	Kachemak Drive Lot - For Sale	General Fund Reserve 156-0375	
17936020	T 6S R 13W SEC 22 SEWARD MERIDIAN HM 0830087 SCENIC BAY SUB LOT 4	\$3,262.77	Kachemak Drive Lot	General Fund Reserve 156-0375	General Fund Reserve Total: \$32,627.70
17514416	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2	\$3,262.77	Old Library - Lot for Sale	Library Reserve 156-0390	
17710740	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2005036 GLACIER VIEW SUB NO 26 TRACT A	\$3,262.77	Library Building	Library Reserve 156-0390	

Parcel_ID	LEGAL	Assessment	Facility/Notes	Account Code	Account Total
17710739	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2005036 GLACIER VIEW SUB NO 26 TRACT B	\$3,262.77	Library Adjacent Lot	Library Reserve 156-0390	
17710739	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2005036 GLACIER VIEW SUB NO 26 TRACT B	\$3,262.77	Library Adjacent Lot	Library Reserve 156-0390	Library Reserve Total: \$13,051.08
17901023	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0990063 JACK GIST SUB LOT 2	\$3,262.77	Jack Gist Park	Park & Rec Reserve 156-0385	
17520009	T 6S R 13W SEC 19 SEWARD MERIDIAN HM PORTION THEREOF S OF OLSEN LANE	\$3,262.77	Park on Olson Lane (recently declared parkland)	Park & Rec Reserve 156-0385	Park & Rec Reserve Total: \$6,525.54
17702057	T 6S R 13W SEC 17 & 20 SEWARD MERIDIAN HM 0870011 NEW HOMER HIGH SCHOOL NO 2 TRACT 1-B	\$3,262.77	Police/Fire station	1/2 Police Reserve 156-0394 1/2 Fire Reserve 156-0393	Police Reserve Total: \$1,631.85 Fire Reserve Total: \$1,631.85
17712014	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0003743 WADDELL SUB THAT PORTION S OF HOMER BY PASS RD	\$3,262.77	Public Works Admin. Building	Public Works Reserve 156-0395	
17714016	T 6S R 13W SEC 20 SEWARD MERIDIAN HM NE1/4 NE1/4 SW1/4 & S1/2 NE1/4 SW1/4	\$3,262.77	Public Works Admin. Building	Public Works Reserve 156-0395	Public Works Reserve Total: \$6,525.54
17308034	T 6S R 13W SEC 8 SEWARD MERIDIAN HM 0960051 TULIN TERRACE SUB UPPER TERRACE LOT 34	\$3,262.77	Water Tank Lot, Skyline	Water Reserve 256-0378	
17701009	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 2014023 BARNETT SUB QUIET CREEK ADDN 2014 TRACT A2	\$3,262.77	New Water Tank on Shelfish	Water Reserve 256-0378	Water Reserve Total: \$6,525.54
	PORT /SPIT				
18103105	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 5	\$3,262.77	Camp Ground Office/Park Land	Port & Harbor Reserve 456-0380	
18103117	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-A	\$3,262.77	Pier 1 Lot, Camp Ground, Barge Haul Out	Port & Harbor Reserve 456-0380	
18103119	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-C	\$3,262.77	Leased Land	Port & Harbor Reserve 456-0380	
18103214	T 6S & 7S R 13W SEC 35 & 36 & 1 & 2 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED SMALL BOAT HARBOR	\$3,262.77	Ice House/Fish Dock Facility	Port & Harbor Reserve 456-0380	

Parcel_ID	LEGAL	Assessment	Facility/Notes	Account Code	Account Total
18103218	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0920024 HOMER SPIT FOUR SUB	\$3,262.77	Leased Land - Coast Guard Building	Port & Harbor Reserve 456-0380	
18103220	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 12	\$3,262.77	Chip Pad	Port & Harbor Reserve 456-0380	
18103221	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 2	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103222	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 3	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103223	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 4	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103224	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 5	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103225	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 6	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103226	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 7	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103227	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 8	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103228	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 9	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103229	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 10	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103230	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 11	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103231	T 6S R 13W SEC 35 & 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 1	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	

Parcel_ID	LEGAL	Assessment	Facility/Notes	Account Code	Account Total
18103232	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 13	\$3,262.77	Parking Lot / Laydown Lease Area	Port & Harbor Reserve 456-0380	
18103233	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 14	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103234	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 15	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103235	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 16	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103236	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 17	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103237	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 18	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103238	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 19	\$3,262.77	Leased Land	Port & Harbor Reserve 456-0380	
18103239	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 20	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103241	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 22	\$3,262.77	New Harbor Office	Port & Harbor Reserve 456-0380	
18103242	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 23	\$3,262.77	New Harbor Office	Port & Harbor Reserve 456-0380	
18103243	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 24	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103244	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 25	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103245	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 26	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	

Parcel_ID	LEGAL	Assessment	Facility/Notes	Account Code	Account Total
18103246	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 27	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103247	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 28	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103248	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 29	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103249	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 30	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103250	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 31	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103251	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 32	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103252	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 33	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103253	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 34	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103254	T 6S R 13W SEC 35 & 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 35	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103255	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 36	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103256	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 37	\$3,262.77	Restrooms	Port & Harbor Reserve 456-0380	
18103259	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1	\$3,262.77	Deep Water Dock Restrooms, Lease Area	Port & Harbor Reserve 456-0380	
18103309	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 30	\$3,262.77	Leased Land, Subway, Salty Dawg, Others	Port & Harbor Reserve 456-0380	

Parcel_ID	LEGAL	Assessment	Facility/Notes	Account Code	Account Total
18103310	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 29	\$3,262.77	Harbor Restrooms	Port & Harbor Reserve 456-0380	
18103311	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 28	\$3,262.77	Old Harbormaster Office	Port & Harbor Reserve 456-0380	
18103318	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 17	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103319	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 16	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103320	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 15	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103321	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 14	\$3,262.77	Parking Lot	Port & Harbor Reserve 456-0380	
18103322	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 13	\$3,262.77	Restrooms, Parking Lot	Port & Harbor Reserve 456-0380	
18103324	T 6S & 7S R 13W SEC 35 & 36 & 1 & 2 SEWARD MERIDIAN HM 0910003 HOMER SPIT SUB NO TWO LOT 12A	\$3,262.77	Restrooms, Parking Lot	Port & Harbor Reserve 456-0380	
18103402	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 50	\$3,262.77	Leased Land	Port & Harbor Reserve 456-0380	
18103403	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49	\$3,262.77	Port - Currently Drege Spoils	Port & Harbor Reserve 456-0380	
18103404	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 48	\$3,262.77	Port Maintenance, Alaska Marine Highway Warehouse	Port & Harbor Reserve 456-0380	
18103431	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMD LOT 88-1	\$3,262.77	Leased Land - South Central Radar	Port & Harbor Reserve 456-0380	
18103442	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-2	\$3,262.77	Leased Land - Yourkowski	Port & Harbor Reserve 456-0380	

Parcel_ID	LEGAL	Assessment	Facility/Notes	Account Code	Account Total
18103444	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-4	\$3,262.77	Leased Land - Faulkner	Port & Harbor Reserve 456-0380	
18103445	T 7S R 13W SEC 1 SEWARD MERIDIAN HM A PORTION OF GOVT LOT 20 PER A/L 207 @ 73	\$3,262.77	Leased Land	Port & Harbor Reserve 456-0380	
18103448	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930049 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B	\$3,262.77	End of the Road Park + Restrooms	Port & Harbor Reserve 456-0380	
18103451	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0990043 CITY OF HOMER PORT INDUSTRIAL NO 4 LOT 12-B	\$3,262.77	Port, Vacant Lot on Fish Dock Rd	Port & Harbor Reserve 456-0380	
18103477	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 9-A	\$3,262.77	Port, Vacant Lot on Fish Dock Rd	Port & Harbor Reserve 456-0380	
18103478	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 10 A	\$3,262.77	Port, Vacant Lot on Fish Dock Rd	Port & Harbor Reserve 456-0380	Port & Harbor Reserve Total: \$202,291.74
	Total:	\$277,335.45			

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-22

An Ordinance of the City Council of Homer, Alaska, Declaring That Lillian Walli Estates Subdivision Lots 57-60, 65-67, and 70 No Longer Need to Be Retained For a Public Purpose as No Public Need Exists For Retaining the Property and Releasing HM0880016 T06S R14W S24 Lillian Walli Estate Sub Lot 60, 65, 66, 67, 70, 57, 58, 59 For Sale Subject to Land Disposal Proceedings Under the Homer City Code.

Sponsor: City Manager

1. City Council Special Meeting June 15, 2015 Introduction
 - a. Ordinance 93-17
 - b. Ordinance 94-2(A)
 - c. Resolution 15-030(A)
 - d. 2015 Land Allocation Information on Lillian Walli Estates Lots

2. City Council Special Meeting June 29, 2015 Public Hearing and Second Reading
 - a. Substitute Ordinance 15-22(S)
 - b. Ordinance 93-17
 - c. Ordinance 94-2(A)
 - d. Resolution 15-030(A)
 - e. 2015 Land Allocation Information on Lillian Walli Estates Lots

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 15-22

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
DECLARING THAT LILLIAN WALLI ESTATES SUBDIVISION LOTS
57-60, 65-67, AND 70 NO LONGER NEED TO BE RETAINED FOR A
PUBLIC PURPOSE AS NO PUBLIC NEED EXISTS FOR RETAINING
THE PROPERTY AND RELEASING HM0880016 T06S R14W S24
LILLIAN WALLI ESTATE SUB LOT 60, 65, 66, 67, 70, 57, 58, 59 FOR
SALE SUBJECT TO LAND DISPOSAL PROCEEDINGS UNDER THE
HOMER CITY CODE

WHEREAS, Ordinance 93-17, Section 2, accepted and designated Lillian Walli Estates
Subdivision Lots 57-60, 65-67, and 70: KPB Parcel No. 175-241-11 and Parcel No. 175-241-12
("Property") for a public purpose and declared that a public need existed for the retention of
the Property by the City at the time the Property was accepted; and

WHEREAS, Ordinance 94-2(A) confirmed the designation of the Property for a public
purpose and the then existing public need for retention of the Property, which was described
in Ordinance 94-2(A) as Assessor's Parcel No. 175-241-12-4, Plat No. 88-16 and Lot 67; and

WHEREAS, The City of Homer, Alaska, determined in Resolution 15-030(A) authorizing
the City 2015 Land Allocation Plan that the Property, described within the Resolution as
HM0880016 T06S R14W S24 LILLIAN WALLI ESTATE SUB LOT 60, 65, 66, 67, 70, 57, 58, 59,
should be subject to sale as part of that allocation plan; and

WHEREAS, The Property as described in Resolution 15-030(A) or in Ordinances 93-17
and 94-2(A), is no longer needed for a public purpose and it is now in the City's best interest to
dispose of the Property via sale.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Property is no longer needed for public use or purpose;

Section 2. The City Manager is hereby authorized to commence the sale of the
Property subject to the Homer City Code, including but not limited to HCC Chapter 18.12.

Section 3. This Ordinance is not permanent in nature, and shall not be codified.

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

43 _____, 2015.

44

45

CITY OF HOMER

46

47

48

MARY E. WYTHE, MAYOR

49

50

51 ATTEST:

52

53

54 _____

55 JO JOHNSON, MMC, CITY CLERK

56

57

58

59

60

61 YES:

62 NO:

63 ABSTAIN:

64 ABSENT:

65

66

67

68

69 First Reading:

70 Public Hearing:

71 Second Reading:

72 Effective Date:

73

74 Reviewed and approved as to form.

75

76 _____

77 Mary K. Koester, City Manager

78

79 Date: _____

80

81

82 Fiscal Note: N/A

Thomas F. Klinkner, City Attorney

Date: _____

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 15-22(S)

5 AN ORDINANCE OF THE HOMER CITY COUNCIL DETERMINING
6 THAT A PUBLIC PURPOSE DOES NOT EXIST FOR LOTS 57, 58,
7 59, 60, 65, 66, 67 AND 70, LILLIAN WALLI ESTATE, AND
8 AUTHORIZING THEIR SALE.
9

10
11 WHEREAS, the following tax-foreclosed property located in the City was conveyed to
12 the City of Homer ("City") by Clerk's Deed recorded in the Homer Recording District on
13 September 28, 1992, in Book 217 at Pages 886-887:

14
15 Lots 57, 58, 59, 60, 65 and 70, Lillian Walli Estate, according to Plat 88-16,
16 Homer Recording District, Third Judicial District, State of Alaska;

17
18 and

19
20 WHEREAS, the following tax-foreclosed property located in the City was conveyed to
21 the City by Clerk's Deed recorded in the Homer Recording District on August 20, 1993, in Book
22 225 at Pages 321-322, as corrected by a Corrected Clerk's Deed recorded in the Homer
23 Recording District on December 13, 1993, in Book 228 at Pages 865-867:

24
25 Lots 66 and 67, Lillian Walli Estate, according to Plat 88-16, Homer Recording
26 District, Third Judicial District, State of Alaska,

27
28 (together with Lots 57, 58, 59, 60, 65 and 70, Lillian Walli Estate, the "Property"); and

29
30 WHEREAS, by Ordinance 93-9, adopted June 28, 1993, the City accepted Lots 57, 58,
31 59, 60, 65 and 70, Lillian Walli Estate, authorized the payment of unpaid Kenai Peninsula
32 Borough taxes on the property with accrued interest but without penalty as required by AS
33 29.45.490, and found that the property was required for a public purpose; and

34
35 WHEREAS, by Ordinance 93-17, adopted October 11, 1993, the City accepted Lots 66
36 and 67, Lillian Walli Estate, authorized the payment of unpaid Kenai Peninsula Borough taxes
37 on the property with accrued interest but without penalty as required by AS 29.45.490, and
38 found that the property was required for a public purpose; and

39
40 WHEREAS, the Council has determined that a public purpose does not now exist for the
41 Property and designated the Property for sale in Resolution 15-030(A), adopted April 27, 2015.

42
43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
44

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95

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Staff

RECEIVED

OCT 14 1993

CITY OF HOMER
HOMER, ALASKA

PERKINS COIE

ORDINANCE 93-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, ACCEPTING CERTAIN TAX-FORECLOSED PROPERTIES DEEDED TO THE CITY BY THE KENAI PENINSULA BOROUGH AND DETERMINING THE DISPOSITION OF THOSE PARCELS.

WHEREAS, following action on the 1993 foreclosure of delinquent 1989, 90 and 91 utility assessments the City of Homer requested issuance of Clerk's Deed to the below listed properties located within the City of Homer; and

WHEREAS, issuance of the Clerk's Deeds were granted on the listed properties on August 11, 1993, Deeds received by the City of Homer and recorded in the Homer Recording District; and

WHEREAS, the Administration recommends that the Homer City Council accept the AA Mattox Subdivision Lots 18 & 19, Lillian Walli Estates Subdivision Lots 66 and 67 (Lots 57-60, 65 & 70 were part of an earlier foreclosure) and Homer Enterprises Inc. Subdivision Lot 3 Block 3 and designate these parcels for public purpose; and

WHEREAS, pursuant to HCC 18.02.065(4)(b) the right of the former record owner to repurchase this property ceases upon the final adoption of this Ordinance.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City of Homer accepts the following foreclosed property located on the Corner of East Road and Mattox Road on the western side the first two parcels:

AA Mattox Subdivision Lots 18 & 19; KPB Parcel # 179-061-01 and Parcel # 179-061-02

The last known record owner of the property according to Borough assessment roll was Richard L. Blackney, P.O. Box 7536, Everett, Washington, 98201-7536.

The City of Homer hereby finds that these parcels are required for a public purpose and, thus, the property shall be designated for public purpose pursuant to the provisions of Title 18 of the Homer City Code.

Pursuant to the requirements of AS 29.45.490, the City shall satisfy unpaid Kenai Peninsula Borough taxes and assessments against the property, with accrued interest but without penalty.

Page two
Ordinance 93-17
City of Homer

Section 2. The City of Homer accepts the following foreclosed property located to the east of West Hill Road on Shelley Avenue and Lillian Drive.

Lillian Walli Estates Subdivision Lots 57-60, 65-67 & 70. KPB Parcel # 175-241-11 and Parcel # 175-241-12.

Lots 57, 58, 59, 60, 65 and 70 were part of an earlier foreclosure under a Tax foreclosure and were deeded to the City of Homer by the Kenai Peninsula Borough. These were accepted and designated for public purpose by the City Council via Ordinance 93-9. The Borough records reflect these lots as belonging to the City of Homer and exempt from Taxation.

The last known record owner of the property according to the Borough assessment roll was John R. Gibson, P.O. Box 2393, Homer, Alaska, 99603.

The City of Homer hereby finds that these parcels are required for a public purpose and, thus, the property shall be designated for public purpose pursuant to the provisions of Title 18 of the Homer City Code.

Pursuant to the requirements of AS 29.45.490, the City shall satisfy unpaid Kenai Peninsula Borough taxes and assessments against the property, with accrued interest but without penalty.

Section 3. The City of Homer accepts the following foreclosed property located on Rangeview Avenue on the south side the third lot west of Wright Street.

Homer Enterprises Inc. Subdivision Lot 3 Block 3
KPB Parcel # 175-113-06

The last known record owner of the property according to the Borough assessment roll was Mary Alice Maxfield, 3670 Lake Street, Homer, Alaska 99603.

The City of Homer hereby finds that these parcels are required for a public purpose and, thus, the property shall be designated for public purpose pursuant to the provisions of Title 18 of the Homer City Code.

Pursuant to the requirements of AS 29.45.490, the City shall satisfy unpaid Kenai Peninsula Borough taxes and assessments against the property, with accrued interest but without penalty.

Page Three
Ordinance 93-17
City of Homer


Section 4. Pursuant to the requirements of AS 29.45.460, within five days after the first publication of the notice of public hearing on this ordinance, the City Clerk or her designee shall send a copy of the hearing notice to the former record owners of the properties identified in this ordinance.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 11th day of October, 1993.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

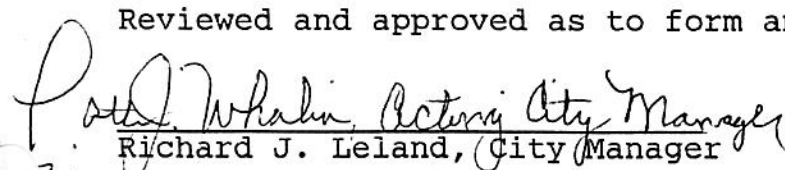
ATTEST:


MARY L. CALHOUN, CITY CLERK

AYES: 6
NOES: 0
ABSENT: 0
ABSTAIN: 0

First Reading: 9/13/93
Public Hearing: 9/27/93
Second Reading: 10/11/93
Effective Date: 10/12/93

Reviewed and approved as to form and content:


Richard J. Leland, City Manager

Date: 10-12-93


Gordon J. Tans, City Attorney

Date: 10-14-93

ORDINANCE 94-2(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, ACCEPTING CERTAIN TAX-FORECLOSED PROPERTIES DEEDED TO THE CITY BY THE KENAI PENINSULA BOROUGH AND DETERMINING THE DISPOSITION OF THOSE PARCELS.

WHEREAS, following action on the 1991 foreclosure of delinquent 1990 real property tax liens, the Kenai Peninsula Borough has deeded certain properties located within the City of Homer to the City; and

WHEREAS, the Clerk's Deed was received on January 28, 1994 from the District Recorder's Office; and

WHEREAS, ~~Administration recommended that Council accept Thompson Subdivision Lot 9, KPB # 179-020-28-4 and Resubdivision of tracts "G" and "H" of Tietjen Subdivision Tract H Two (H-2) and designate these parcels for resale, finding that a public need does not exist pursuant to HCC § 18-06-042(a), and~~

WHEREAS, Lot Sixty-Seven (67), Lillian Walli Estates has already been deeded to the City of Homer through previous foreclosures, accepted and designated for public purpose via Ordinance 93-17.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City of Homer accepts the following foreclosed property located on the south side of East Road, one lot to the west and across from Thompson Drive in the Thompson Subdivision Plat No. 64-51 and more particularly described as:

Assessor's Parcel No. 179-020-28-4
Thompson Subdivision Plat 64-51, Lot 9

The last known record owner of the property according to the Borough assessment roll was Dennis Fry, P.O. Box 1198, Hayfork, California, 96041-1198.

The City of Homer hereby finds that this parcel is ~~not~~ required for a public purpose and, thus, the property shall be designated for ~~resale~~ public purpose pursuant to the provisions of Title 18 of the Homer City Code. A one year grace period (redemption period) will begin on the effective date of this Ordinance.

Pursuant to the requirements of AS 29.45.490, the City shall satisfy unpaid Kenai Peninsula Borough taxes and assessments against the property, with accrued interest but without penalty.

Section 2. The City of Homer accepts the following foreclosed property located on the west side of East Lane in the Tietjen Subdivision Plat No. 75-42 and is a resubdivision of Tracts "G" & "H" and more particularly described as:

Assessor's Parcel No. 179-280-33-4
Tietjen Subdivision Plat 75-42, Tract H-Two (H-2)

The last known record owner of the property according to the Borough assessment roll was Julie Ann Cesarini, P.O. Box 812, Homer, Alaska 99603.

The City of Homer hereby finds that this parcels is not required for a public purpose and, thus, the property shall be designated for ~~resale-~~ public purpose pursuant to the provisions of Title 18 of the Homer City Code. A one year grace period (redemption period) will begin on the effective date of this Ordinance.

Pursuant to the requirements of AS 29.45.490, the City shall satisfy unpaid Kenai Peninsula Borough taxes and assessments against the property, with accrued interest but without penalty.

Section 3. The City of Homer hereby acknowledges that the following foreclosed property located on the corner of Shelley Avenue and Robert Avenue in the Lillian Walli Estates Plat No. 88-16 has already been deeded to the City of Homer through a previous City of Homer Assessment foreclosures, accepted and designated for public purpose via Ordinance 93-17, and more particularly described as:

Assessor's Parcel No. 175-241-12-4
Lillian Walli Estates, Plat No. 88-16 Lot 67

The prior record owner, before being deeded to the City of Homer, was John R. Gibson, 4006 Mullikin Street, Homer, Alaska 99603 the present record owner is the City of Homer, 491 E. Pioneer Avenue, Homer, Alaska.

The City of Homer hereby found via Ordinance 93-17 that this parcel is required for a public purpose and, thus, the property is noted as being designated for public purpose pursuant to the provisions of Title 18 of the Homer City Code.

Pursuant to the requirements of AS 29.45.490, the City shall satisfy unpaid Kenai Peninsula Borough taxes and assessments against the property, with accrued interest but without penalty. There are some unpaid taxes, due to the Borough kicking off this foreclosure just prior to the City of Homer foreclosure on same parcel.

Section 4. Pursuant to the requirements of AS 29.45.460, within five days after the first publication of the notice of public hearing on this ordinance, the City Clerk or her designee shall send a copy of the hearing notice to the former record owners of the properties identified in this ordinance.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 29th day of March, 1994.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

ATTEST:

Mary L. Calhoun
MARY L. CALHOUN, CITY CLERK

AYES: 5
NOES: 0
ABSENT: 1
ABSTAIN: 0

First Reading: 02/28/94
Public Hearing: 03/14/94
Second Reading: 03/29/94
Effective Date: 03/30/94

Reviewed and approved as to form and content:

Patti J. Whalin
Patti J. Whalin, Int City Manager
Date: 3-30-94

Gordon J. Tans
Gordon J. Tans, City Attorney
Date: 4 April 1994

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**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

RESOLUTION 15-030(A)

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING THE
CITY OF HOMER 2015 LAND ALLOCATION PLAN.

WHEREAS, The Property Management Policy and Procedures Manual sets policy for municipal land management; and

WHEREAS, Chapter 3 of the Property Management Policy and Procedures Manual establishes that a Land Allocation Plan will be developed annually; and

WHEREAS, The City Council discussed the Land Allocation Plan during a Worksession on April 27, 2015; and

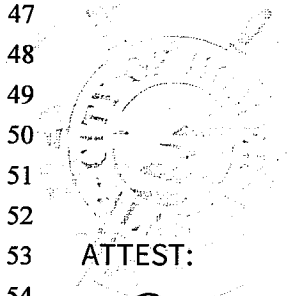
WHEREAS, The Economic Development Advisory Commission, Parks and Recreation Advisory Commission, Port and Harbor Advisory Commission, and Advisory Planning Commission reviewed the draft Land Allocation Plan and provided their recommendations as outlined in Memorandum 15-055 by the Deputy City Planner; and

WHEREAS, Council had the following recommendations to amend the plan:

1. Homer Spit No. 5 Lot 11 - portion be available for long term cell tower lease
2. Homer Spit No. 2 Lot 12-A - remove from short term lease
3. Homer Spit Subdivision Amended, Lots 28 and 29 - retain for parking and restrooms, deleting reference to harbormaster office
4. HM T06S R 13W S19 Portion Thereof S of Olsen Lane; T 6S R 13W Sec 28 Seward Meridian HM Govt Lots 5, 6, 7, 8; T 6S R 13W Sec 28 Seward Meridian HM Govt Lots 10-15 - designate as parks
5. C7 - Government Lots 10, 21, 24, 25 HM T06S R13W S14 will be advertised for sale
6. E19 - T 6S R 13W Sec 20 Seward Meridian HM 0840005 Lakeside Village Sub Amended Lot 2 Blk 4 staff to explore and bring a recommendation to replat to extend through to Lakeside Drive (act on Resolution 09-33)
7. E22 - That Portion of Govt Lot 3 Lying Southwesterly of Kachemak Drive, T6S R13W S23 list lot for sale pending appraisal and attempt to contact adjacent land owners to see if they have an interest in purchasing
8. E23 - Government Lot 36 HM T06S R13W S14, Harry Feyer Subdivision Lot 1 list lot for sale pending appraisal
9. E6 - HM0880016 T06S R14W S24 Lillian Walli Estate Sub Lot 60, 65, 66, 67, 70, 57, 58, 59 list all lots for sale

43 NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Homer 2015
44 Land Allocation Plan is hereby approved as presented.

45
46 PASSED AND ADOPTED by the Homer City Council this 27th day of April, 2015.



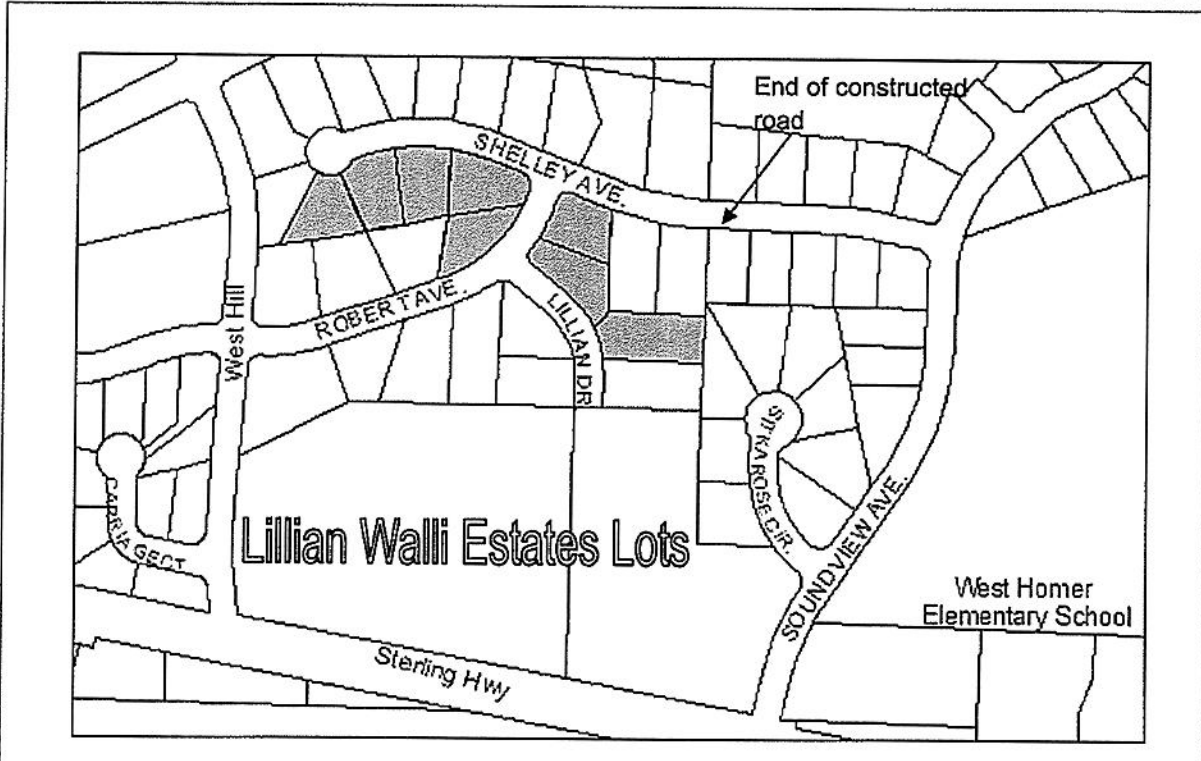
CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

51
52
53 ATTEST:

54
55 *Jo Johnson*
56 _____
57 JO JOHNSON, MMC, CITY CLERK

58
59 Fiscal Note: N/A



Designated Use: Sell	
Acquisition History: Tax foreclosure. Eight lots, KPB Ord 93-09, 93-147, and 94-2(A)	
Area: East lot is just over a third of an acre. Total Acreage: 3.02 acres.	Parcel Number: 175241-10-12, 26-30
2006 Assessed Value: \$7,800-\$8,400 per lot. Total: \$56,000	
Legal Description: HM0880016 T06S R14W S24 LILLIAN WALLI ESTATE SUB LOT 60, 65, 66, 67, 70, 57, 58, 59.	
Zoning: Rural Residential	Wetlands: All lots mapped as potential wetlands
Infrastructure: No roads, water or sewer immediately adjacent to these lots.	
Notes: Resolution 2004-24A: The Council directed staff to work with Parks and Recreation to identify a lot to keep as a park.	
Resolution 2012-50(S): Initiated a Special Assessment District to develop the subdivision. This process began in fall 2012.	
These lots were previously assessed for the Sterling Highway Sewer line.	
Resolution 15-030(A) Sell all lots.	
Finance Dept. Code: 392.0005	

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-8121 x2222

(f) 907-235-3148

City Manager's Report

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: June 29, 2015
SUBJECT: City Manager's Report

Budget Work Session Follow-up

Council requested extensive follow-up on budgetary matters from the work session. This information is included as an attachment to the City Manager's Report.

Collecting Public Input on Budget

Mayor Wythe has provided some direction from her trip to the State Budget Forum on conducting a Town Hall meeting. Assistant City Manager Lawrence prepared a draft schedule for a survey and town hall meeting that is attached. I would like to gather your feedback and availability on the best way to reach out to the public on their understanding of core services and the most thoughtful approach to reducing services.

Waddell Way

The Planning Commission held a public hearing on Waddell Way June 17th and selected option A, connecting Waddell Way with Grubstake and routing through the lot above the post office with the cluster of cabins. In 2013 City Council passed Resolution 13-033 approving a variation of option B. This was motivated by the fact that a non-profit organization was purchasing the Waddell lot that would be necessary for option A to proceed. That land sale fell through and it effectively put both options back on the table. Please provide Council input on the preferred alternative for Waddell Way so Public Works Director Meyer can begin bid document preparation efforts with construction occurring this fall. Project completion is slated for spring of 2016. See attached maps and recommendation from the Planning Commission.

No Fireworks, Please

With Fourth of July around the corner the Fire Chief sends a friendly reminder that fireworks are a bad idea. Sale of fireworks has been banned by the state for the last few weeks to mitigate fire danger.

Demand for Recovery of Preference Payments (Buccaneer)

The City received a demand for recovery of preference payments letter from a legal firm in Texas. The firm is claiming that the City of Homer was given preferential treatment for payments made to the Port and Harbor during the 90-day period preceding their filing for

Bankruptcy. The claim is for \$17,457.15. A number of other local businesses have been sent a similar letter. It is a tremendous burden for a small business to have to hire a bankruptcy attorney and fight this demand. City attorney Klinkner is working with the Port and Harbor on this issue.

Enc:

Memorandum 15-107 and attachments for Budget Work Session follow-up
Memorandum 15-104 from Assistant City Manager Re: Budget Issues Survey
Waddell Way: Resolution 13-033, Memorandum 15-106 Re: recommendation from Planning Commission and Maps



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Memorandum 15-107

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: June 24, 2015
SUBJECT: Budget Follow-up from June 15 Council Meeting

At the June 15 work session on budget shortfalls, Council had a number of follow up questions. I have addressed some of them in this memo, however the bulk are addressed in the two attached spreadsheets, expenditures and revenue.

The revenue spreadsheet has attachments that provide additional information. I have also included the sales tax and mill rate tables from Alaska Taxable 2014, a report produced by the State on municipal taxation rates and policies. A full copy of the report can be found at <http://commerce.state.ak.us/dnn/Portals/4/pub/OSA/14Taxable.pdf>. The report inaccurately lists Homer sales tax as year round, which I will bring to the attention of the State Assessor.

List of Staffed Meeting:

Boards and Commissions:

- Advisory Planning Commission
- Economic Development Advisory Commission
- Port and Harbor Advisory Commission
- Parks and Recreation Advisory Commission
- Cannabis Advisory Commission
- Library Advisory Board

Standing Committees:

- Public Arts Committee
- Permanent Fund Committee

Temporary Committees:

- Public Safety Building Review Committee
- Vessel Haul-Out Task Force

Information from Homer Foundation

In 2014 the City of Homer Grant Program through the Homer Foundation gave \$31,180 in mini grants ranging from \$3,000-\$3,780 to the following organizations: Bunnell Street Arts Center, Center for Alaskan Coastal Studies, Cook Inlet Keeper, Homer Hockey Association, Homer Community Food Pantry, Homer Council on the Arts, Hospice of Homer, Kachemak Heritage Land Trust, and Kachemak Ski Club. End of year 2014 the fund had a balance of \$261,720. The

City gives \$19,000 a year to the fund. I have asked the Homer Foundation to provide a more detailed analysis of the fund performance, distributions, and suggestions on how to maximize the utility of the fund. I hope to provide a complete report to you by the July meeting, possibly with a presentation from the Foundation.

Make City Code More User Friendly

Councilmember Burgess pointed out that if Council is reducing staff capacity, there is an obligation to make certain changes in code that reflect the City of Homer's capacity to do less. City Planner Abboud is looking into ways to simplify and streamline City land use and planning code. This will be an ongoing exercise by departments and I appreciate the acknowledgment of Council that if we are being asked to do less there may be places where code needs to change to reflect our capacity.

Tax Cap

Homer City Code 9.16.020 has a mill levy cap of 6 mills after which the sales tax goes away.

Enc:

Expenditures and Revenue Spreadsheets

Municipalities Tax Charts

Memorandum 15-108 from Homer Public Library

Overtime Chart

Part-time and Temporary Employee Chart

KPB Mill Rate Chart

Cost of Real Property from KPB

HPD Fees for Code Violations

Fees and Fines – 5 Year History

Tourism, It's Everyone's Business Flyer

2015 BUDGET EXPENDITURES

EXPENDITURES	DOLLAR VALUE (2015 Budget)	NOTES
Overtime	\$299,894	You asked for a comparison of overtime versus an employee. Overtime hours are distributed among different job duties. However, for comparison purposes the total compensation package for the average COH employee is \$95,000
Clerks	\$11,000	Elections, boards & commissions
Finance	\$12,220	Audit
Planning	\$2,500	Public meetings
Library	\$1,000	Incidentals
Airport	\$1,757	Maintenance & janitorial
Fire	\$23,286	Primarily emergency support services overtime hours.
Police	\$203,537	\$25,000 is billed to grants (non-GF)
Public Works	\$44,594	\$25,000 is just for winter roads. This allows PW to plow at night, and make roads ready for traffic in the am.
Temporary Employees 2015 Budget	\$151,369	
Clerks	\$4,889	Elections
Community Recreation	\$10,007	Sub for when Coordinator is out of office
Library	\$6,500	Summer temporary library aide
Police	\$32,500	Temporary Jail Officers and psychological and clerical
Parks-Cemetery	\$97,473	12 temporary parks employees who work in the summer cleaning restrooms, city beautification, collecting camp fees, maintaining parks. Collected \$154,000 in camp fees in 2015.
Temporary Employees July 1- December 31, 2015	\$95,385	
Clerks	\$4,889	Elections
Community Recreation	\$5,000	Sub for when Coordinator is out of office
Library	\$4,329	Summer temporary library aide
Police	\$16,250	2 temporary part time jail officers and funding for psychological services and clerical help.

2015 BUDGET EXPENDITURES

EXPENDITURES	DOLLAR VALUE (2015 Budget)	NOTES
Parks-Cemetery	\$64,917	12 temporary parks employees who work in the summer cleaning restrooms, city beautification, collecting camp fees, maintaining parks. Budgeted to collect \$154,000 in camp fees in 2015.
Community Recreation	\$103,138	The Community Recreation budget is \$138,138, however it generates revenue that offsets the cost of the program, predications for 2015 is \$35,000.
Departmental (Non-Profits)	\$173,000	Chamber \$51,000; Homer Hockey Association \$14,000; Pratt Museum \$66,500; Haven House \$14,000; Homer Foundation \$19,000; Homer Senior Citizens \$10,000.
Close Library 1 Day a Week	\$31,500	\$31,500 represents the first day. The Library budget is \$1M. Of that \$640,000 is personnel. The Library is currently open 6 days a week.
57 Warm Status Animal Shelter	\$147,315	Cost of the Animal Shelter is \$162,315. Chief Robl estimates it would cost \$15,000 to minimally heat and maintain the building.
Reduce Plowing to Impassable Only	Marginal	Marginal savings on fuel and sand, reduced wear and tear on the equipment, but most of the cost is labor.
Savings from Winter 2015 Minimal Snow Removal	\$12,000	Marginal savings on fuel and sand, reduced wear and tear on the equipment, the only significant cost savings was in reduced overtime (labor).
Eliminate Code Enforcement	\$95,000 Cost of Average Employee	Planning Department has been reduced by 1 position, whose duties entailed code enforcement. Those duties will now be spread among the department and code enforcement will become more complaint driven. Some level of code enforcement is central to the functioning of the Planning Department.
Airport Costs	\$123,843	Revenue at the Airport is only \$96,000 which means the City of Homer subsidized the airport by \$125,000 a year. The most obvious solution is to find more leases at the Airport. Another airline or freight operator would be ideal. CM office is looking into other income generating actives such as advertising and a landing tax.

2015 BUDGET EXPENDITURES

EXPENDITURES	DOLLAR VALUE (2015 Budget)	NOTES
Attorney	Unknown	<p>FY2015 budgets \$266,000 for attorney fees, however there is no guarantee we will not go over that amount depending on litigation. An in-house attorney would be useful, however the very top end of our wage structure, \$145,000 total compensation package, may not be sufficient to attract an attorney. We would still need to hire an outside attorney for expert subject matters, such as labor law, etc. If at some point the City eliminates the position, we could be subject to termination study fines from PERS. We are a small City to hire a staff attorney: Soldotna, Kenai, Palmer and Wasilla do not have staff attorneys. Another option would be to RFP our legal contract and see if we can get a lower bid. We a four year contract with Birch Horton Bittner & Cherot that expires in 2016. Currently we pay a fixed price for 50 hours a month of consulting services including travel to one Council meeting a month. Above and beyond that we pay an hourly rate.</p>

2015 REVENUE

REVENUE	DOLLAR VALUE	NOTES	ADD. INFO.
Raise Property Tax 1 Mill	\$660,000 per mill.	Currently COH taxpayers pay 4.5 COH, 4.5 KPB and 2.3 SPH (total 11.3). The next opportunity to make a mill rate increase effective would be July 2016.	KPB Mill Rate Chart
Raise Sales Tax 1%	\$1,708,868	Based on 2014 sales tax revenue.	
Reinstate Seasonal Sales Tax on Non-prepared Food	\$833,473	Sales tax that would have been generated from 9/1 to 5/31: 2010-2011 \$735,501; 2011-2012 \$794,163; 2012-2013 \$812,065; 2013-2014 \$833,473	
Raise Sales Tax Cap from 500-1000	Unknown	KPB is considering putting this on the October ballot. A public hearing will be held on 07/07/15. If voters approve raising the cap, no other action by the City is required.	
Eliminate COH \$20,000 Property Tax Exemption for Primary Residence	\$95,000	The City cannot exempt more than \$50,000 on primary residence. Currently we exempt the first \$20,000, but could exempt less. The \$94,000 figure eliminates entirely the exemption for primary residence.	Cost of Real Property from KPB
Eliminate Senior Property Tax Exemption (\$150,000)	\$275,500	The \$150,000 senior property tax exemption is a mandate from the State. The Legislature would have to take action to allow municipalities to remove this exemption.	Cost of Real Property from KPB
Increase Revenue at the Animal Shelter	Negligible	Animal shelter generated \$6,162 in fines in 2014. Most of this was for an outstanding violation that cost more than we collected in attorney fees. Animal fines have not been raised in a while, it is worth looking at increasing them but probably will not have much impact on revenue. 24 animal violations were levied last year.	HPD fees for code violations; Five year history fees and fine violations.
Charge for Internet at the Library	Unknown	The HPL receives a subsidy for internet we would not be eligible for if charging. It would also make the Library ineligible for state grants. Library could charge non-City residents, but it would be very staff time intensive to regulate.	
RFP Ambulance Billing	Revenue Neutral	It is unknown how much we will recover with more aggressive third party collections, but at a minimum it will be neutral.	

2015 REVENUE

REVENUE	DOLLAR VALUE	NOTES	ADD. INFO.
Increasing Fines for Code Violations	Negligible	2014 'fines and forfeiture' revenue was \$20,142, including the animal shelter. Most of the HPD issued fine amounts are mandated by the State. The main city issued fine we can control is parking violations. Levying fines is staff intensive, and areas like the Planning department where there is less staff we will see a decline. Could take a closer look at all charges for services (camp fees, clerk, etc.)	HPD fees for code violations; Five year history fees and fine violations.

Part 2 - Municipal Class Tax Types, Rates and Revenues

Table 1
2014 Municipalities: Class, Populations and Property Taxes

Municipality	Type of Municipality	Population⁽¹⁾	Property Tax	Mills
Adak	Second Class City	283	No	None
Akhiok	Second Class City	85	No *	10.750
Akiak	Second Class City	355	No	None
Akutan	Second Class City	1,154	No	None
Alakanuk	Second Class City	704	No	None
Aleknagik	Second Class City	211	No	None
Aleutians East Borough	Second Class Borough	3,281	No	None
Allakaket	Second Class City	108	No	None
Ambler	Second Class City	264	No	None
Anaktuvuk Pass	Second Class City	358	No *	18.500
Anchorage, Municipality of	Unified Home Rule Borough	301,134	Yes	14.980
Anderson	Second Class City	235	No	None
Angoon	Second Class City	438	No	None
Aniak	Second Class City	546	No	None
Anvik	Second Class City	80	No	None
Atka	Second Class City	67	No	None
Atkasuk	Second Class City	248	No *	18.500
Barrow	First Class City	4,717	No *	18.500
Bethel	Second Class City	6,278	No	None
Bettles	Second Class City	14	No	None
Brevig Mission	Second Class City	445	No	None
Bristol Bay Borough	Second Class Borough	933	Yes	13.000
Buckland	Second Class City	487	No	None
Chefornak	Second Class City	436	No	None
Chevak	Second Class City	984	No	None
Chignik	Second Class City	92	No	None
Chuathbaluk	Second Class City	127	No	None
Clark's Point	Second Class City	54	No	None
Coffman Cove	Second Class City	163	No	None
Cold Bay	Second Class City	85	No	None
Cordova	Home Rule City	2,302	Yes	12.070
Craig	First Class City	1,195	Yes	6.000
Deering	Second Class City	139	No	None
Delta Junction	Second Class City	1,101	No	None
Denali Borough	Non-Unified Home Rule Borough	1,793	No	None
Dillingham	First Class City	2,395	Yes	13.000
Diomede	Second Class City	119	No	None
Eagle	Second Class City	93	Yes	0.000
Eek	Second Class City	356	No	None
Egegik	Second Class City	112	No	None
Ekwok	Second Class City	115	No	None
Elim	Second Class City	352	No	None
Emmonak	Second Class City	811	No	None
Fairbanks	Home Rule City	32,204	Yes	16.905
Fairbanks North Star Borough	Second Class Borough	99,632	Yes	13.149
False Pass	Second Class City	40	No	None
Fort Yukon	Second Class City	590	No	None
Galena	First Class City	483	No	None
Gambell	Second Class City	722	No	None
Golovin	Second Class City	181	No	None
Goodnews Bay	Second Class City	268	No	None
Grayling	Second Class City	188	No	None

36 Municipalities (cities & boroughs) levy a property tax; the cities of Eagle and Wasilla have a property tax but don't actually levy the tax and are not counted here.

15 Boroughs & 12 cities within boroughs, levy a property tax

9 Cities in the Unorganized Borough levy a property tax

⁽¹⁾DCCED 2013 Certified Municipal Populations for FY15 Programs

*Indicates that city does not levy property tax, but borough in which city is located does.

Part 2 - Municipal Class Tax Types, Rates and Revenues

Table 1
2014 Municipalities: Class, Populations and Property Taxes

Municipality	Type of Municipality	Population⁽¹⁾	Property Tax	Mills
Gustavus	Second Class City	502	No	None
Haines Borough	Non-Unified Home Rule Borough	2,530	Yes	10.170
Holy Cross	Second Class City	167	No	None
Homer	First Class City	5,136	Yes	11.300
Hoonah	First Class City	798	No	None
Hooper Bay	Second Class City	1,134	No	None
Houston	Second Class City	2,039	Yes	12.662
Hughes	Second Class City	88	No	None
Huslia	Second Class City	322	No	None
Hydaburg	First Class City	405	No	None
Juneau, City & Borough of	Unified Home Rule Borough	33,064	Yes	10.760
Kachemak	Second Class City	455	Yes	7.800
Kake	First Class City	598	No	None
Kaktovik	Second Class City	262	No *	18.500
Kaltag	Second Class City	184	No	None
Kasaan	Second Class City	75	No	None
Kenai	Home Rule City	7,247	Yes	8.860
Kenai Peninsula Borough	Second Class Borough	56,862	Yes	4.500
Ketchikan	Home Rule City	8,313	Yes	11.700
Ketchikan Gateway Borough	Second Class Borough	13,856	Yes	5.700
Kiana	Second Class City	406	No	None
King Cove	First Class City	934	No	None
Kivalina	Second Class City	402	No	None
Klawock	First Class City	786	No	None
Kobuk	Second Class City	159	No	None
Kodiak	Home Rule City	6,338	Yes	12.750
Kodiak Island Borough	Second Class Borough	13,824	Yes	10.750
Kotlik	Second Class City	644	No	None
Kotzebue	Second Class City	3,202	No	None
Koyuk	Second Class City	342	No	None
Koyukuk	Second Class City	89	No	None
Kupreanof	Second Class City	25	No *	4.000
Kwethluk	Second Class City	783	No	None
Lake & Peninsula Borough	Non-Unified Home Rule Borough	1,689	No	None
Larsen Bay	Second Class City	88	No *	10.750
Lower Kalskag	Second Class City	302	No	None
Manokotak	Second Class City	492	No	None
Marshall	Second Class City	473	No	None
Matanuska-Susitna Borough	Second Class Borough	96,074	Yes	10.182
McGrath	Second Class City	320	No	None
Mekoryuk	Second Class City	201	No	None
Metlakatla	Federal Law	N/A	No	None
Mountain Village	Second Class City	862	No	None
Napakiak	Second Class City	362	No	None
Napaskiak	Second Class City	442	No	None
Nenana	Home Rule City	399	Yes	12.000
New Stuyahok	Second Class City	500	No	None
Newhalen	Second Class City	214	No	None
Nightmute	Second Class City	281	No	None
Nikolai	Second Class City	108	No	None
Nome	First Class City	3,659	Yes	12.000
Nondalton	Second Class City	165	No	None

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Part 2 - Municipal Class Tax Types, Rates and Revenues

Table 1
2014 Municipalities: Class, Populations and Property Taxes

Municipality	Type of Municipality	Population⁽¹⁾	Property Tax	Mills
Noorvik	Second Class City	641	No	None
North Pole	Home Rule City	2,209	Yes	16.156
North Slope Borough	Non-Unified Home Rule Borough	7,905	Yes	18.500
Northwest Arctic Borough	Non-Unified Home Rule Borough	7,796	No	None
Nuiqsut	Second Class City	452	No *	18.500
Nulato	Second Class City	262	No	None
Nunam Iqua (Sheldon Point)	Second Class City	211	No	None
Nunapitchuk	Second Class City	551	No	None
Old Harbor	Second Class City	225	No *	10.750
Ouzinkie	Second Class City	185	No *	10.750
Palmer	Home Rule City	6,085	Yes	12.662
Pelican	First Class City	79	Yes	7.000
Petersburg Borough	Non-Unified Home Rule Borough	3,216	Yes	11.140
Pilot Point	Second Class City	70	No	None
Pilot Station	Second Class City	628	No	None
Platinum	Second Class City	63	No	None
Point Hope	Second Class City	683	No *	18.500
Port Alexander	Second Class City	66	No	None
Port Heiden	Second Class City	118	No	None
Port Lions	Second Class City	188	No *	10.750
Quinhagak	Second Class City	690	No	None
Ruby	Second Class City	202	No	None
Russian Mission	Second Class City	312	No	None
Saint George	Second Class City	97	No	None
Saint Mary's	First Class City	544	No	None
Saint Michael	Second Class City	412	No	None
Saint Paul	Second Class City	453	No	None
Sand Point	First Class City	1,018	No	None
Savoonga	Second Class City	718	No	None
Saxman	Second Class City	411	No *	5.000
Scammon Bay	Second Class City	518	No	None
Selawik	Second Class City	872	No	None
Seldovia	First Class City	245	Yes	9.850
Seward	Home Rule City	2,487	Yes	8.370
Shageluk	Second Class City	76	No	None
Shaktolik	Second Class City	272	No	None
Shishmaref	Second Class City	598	No	None
Shungnak	Second Class City	294	No	None
Sitka, City & Borough of	Unified Home Rule Borough	9,039	Yes	6.000
Skagway, Municipality of	First Class Borough	982	Yes	7.000
Soldotna	First Class City	4,284	Yes	7.660
Stebbins	Second Class City	593	No	None
Tanana	First Class City	238	No	None
Teller	Second Class City	241	No	None
Tenakee Springs	Second Class City	141	No	None
Thorne Bay	Second Class City	518	No	None
Togiak	Second Class City	878	No	None
Toksook Bay	Second Class City	630	No	None
Unalakleet	Second Class City	701	No	None
Unalaska	First Class City	4,737	Yes	10.500
Upper Kalskag	Second Class City	222	No	None
Valdez	Home Rule City	4,101	Yes	20.000

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Part 2 - Municipal Class Tax Types, Rates and Revenues

Table 1
2014 Municipalities: Class, Populations and Property Taxes

Municipality	Type of Municipality	Population⁽¹⁾	Property Tax	Mills
Wainwright	Second Class City	543	No *	18.500
Wales	Second Class City	150	No	None
Wasilla	First Class City	8,365	Yes *	9.662
White Mountain	Second Class City	197	No	None
Whittier	Second Class City	229	Yes	8.000
Wrangell, City & Borough of	Unified Home Rule Borough	2,456	Yes	12.750
Yakutat, City & Borough of	Non-Unified Home Rule Borough	622	Yes	8.000

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Part 2 - Municipal Class Types, Rates and Revenues

Table 2 - 2014 Municipal Sales Taxes, Special Taxes and Revenues

Municipality	SALES TAX Rate* Revenues	BED TAX Rate* Revenues	ALCOHOL TAX Rate* Revenues	CAR RENTAL TAX Rate* Revenues	RAW FISH TAX Rate* Revenues	Wholesale Rate* Revenues	TOBACCO TAX Retail Rate* Revenues	MISC. SPECIAL TAXES Revenues
Aleutians East Borough	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	2.0% \$4,073,343	0.0% \$0	0.0% \$0	\$0
Akutan	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	1.5% \$1,715,128	0.0% \$0	0.0% \$0	\$0
Cold Bay	0.0% \$0	10.0% \$24,191	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$52,579 (6)
False Pass	3.0% \$74,011	6.0% \$1,673	0.0% \$0	0.0% \$0	2.0% \$45,240	0.0% \$0	0.0% \$0	\$0
King Cove	4.0% \$673,959	0.0% \$0	0.0% \$0	0.0% \$0	2.0% \$863,542	0.0% \$0	0.0% \$0	\$100,000 (5)
Sand Point	4.0% \$935,188	7.0% \$17,762	0.0% \$0	0.0% \$0	2.0% \$715,745	0.0% \$0	0.0% \$0	\$0
Anchorage, Municipality of	0.0% \$0	12.0% \$22,949,191	0.0% \$0	8.0% \$5,265,282	0.0% \$0	55.0% \$22,789,454	115.3% \$22,789,454	\$0
Bristol Bay Borough	0.0% \$0	10.0% \$107,522	0.0% \$0	0.0% \$0	3.0% \$678,102	0.0% \$0	0.0% \$0	\$0
Denali Borough	0.0% \$0	7.0% \$3,067,856	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$91,569 (3)
Anderson	6.0% \$24,210	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Fairbanks North Star Borough	0.0% \$0	8.0% \$1,857,091	5.0% \$1,049,356	0.0% \$0	0.0% \$0	8.0% \$1,421,503	0.0% \$0	\$0
Fairbanks	0.0% \$0	8.0% \$2,611,580	5.0% \$2,131,139	0.0% \$0	0.0% \$0	8.0% \$923,434	0.0% \$0	\$0
North Pole	4.0% \$2,585,385	8.0% \$55,273	5.0% \$2,16,078	0.0% \$0	0.0% \$0	8.0% \$124,062	0.0% \$0	\$0
Haines Borough	5.5% \$2,699,510	4.0% \$88,046	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Juneau, City & Borough of	5.0% \$44,045,000	7.0% \$1,275,000	3.0% \$925,000	0.0% \$0	0.0% \$0	45.0% \$1,340,000	\$1/pack \$0	\$0
Kenai Peninsula Borough	3.0% \$30,277,598	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Homer	4.5% \$7,399,059	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Kachemak	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Kenai	3.0% \$6,623,650	5.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Seldovia	2.5%/4.5% (1)	0.0% \$128,487	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Seward	4.0% \$4,584,701	4.0% \$408,256	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Soldotna	3.0% \$7,725,471	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Ketchikan Gateway Borough	2.5% \$8,585,916	6.0% \$55,132	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Ketchikan	3.5% \$10,233,763	7.0% \$386,230	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Saxman	4.0% \$123,835	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Kodiak Island Borough	0.0% \$0	5.0% \$75,042	0.0% \$0	0.0% \$0	1.075% \$1,715,496	0.0% \$0	0.0% \$0	\$128,323 (7)
Akhiok	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Kodiak	7.0% \$11,536,720	5.0% \$188,298	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Larsen Bay	3.0% NR	\$5/ppd	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Old Harbor	3.0% \$35,266	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Ouzinkie	3.0% \$7,147	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Port Lions	0.0% \$0	5.0% \$9,440	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Lake & Peninsula Borough	0.0% \$0	6.0% \$132,592	0.0% \$0	0.0% \$0	2.0% \$1,185,450	0.0% \$0	0.0% \$0	\$21,968 (4)
Chignik	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	2.0% (2)	NR	0.0% \$0	\$0
Egegik	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	3.0% \$1,365,542	0.0% \$0	0.0% \$0	\$0
Newhalen	2.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Nondalton	3.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Pilot Point	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	\$0
Port Heiden	0.0% \$0	0.0% \$0	0.0% \$0	0.0% \$0	3.0% \$203,643	0.0% \$0	0.0% \$0	\$0

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(8) Salmon Enhancement Tax.

(9) Passenger Transfer Tax at \$2.50/passenger.

(10) Gaming Tax at same percentage is included in the sales tax figures.

(11) Bed Tax % for normal room rentals; Bed Tax Flat Rate for lodging packages.

Part 2 - Municipal Class Types, Rates and Revenues

Table 2 - 2014 Municipal Sales Taxes, Special Taxes and Revenues

Municipality	SALES TAX		BED TAX		ALCOHOL TAX		CAR RENTAL TAX		RAW FISH TAX		TOBACCO TAX		MISC. SPECIAL TAXES	
	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Whse Rate*	Retail Rate*	Revenues	Revenues
Matanuska-Susitna Borough	0.0%	\$0	8.0%	\$1,108,924	0.0%	\$0	0.0%	\$0	0.0%	\$0	55.0%	110.0	\$6,846,912	\$0
Houston	2.0%	\$159,272	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Palmer	3.0%	\$6,121,186	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Wasilla	3.0%	\$14,984,221	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
North Slope Borough	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Anaktuvuk Pass	3.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	3.0%	0.0%	\$0	\$0
Atkasuk	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Barrow	0.0%	\$0	5.0%	\$41,711	3.0%	\$36,533	0.0%	\$0	0.0%	\$0	12.0%	\$1/pack	\$155,999	\$0
Kaktovik	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nuiqsut	0.0%	\$0	7.0%	\$61,455	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Point Hope	3.0%	\$28,617	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Wainwright	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Northwest Arctic Borough	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Ambler	3.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Buckland	6.0%	\$135,972	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Deering	3.0%	\$18,526	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kiana	3.0%	\$116,357	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kivalina	2.0%	\$39,524	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kobuk	3.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kotzebue	6.0%	\$3,670,321	6.0%	\$79,247	6.0%	\$178,098	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Noorvik	4.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Selawik	6.5%	\$220,834	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Shungnak	2.0%	\$36,657	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Petersburg Borough	6.0%	\$3,098,729	4.0%	\$49,082	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kupreanof	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Sitka, City & Borough of	5%/6%⁽¹⁾	\$9,585,476	6.0%	\$366,600	0.0%	\$0	0.0%	\$0	\$10/fishbox	\$112,060	45.0%	50.00	\$489,087	\$0
Skagway, Municipality of	3%/5%⁽¹⁾	\$6,874,994	8.0%	\$154,321	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Wrangell, City & Borough of	7.0%	\$2,599,202	6.0%	\$40,697	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Yakutat, City & Borough of	5.0%	\$897,189	8.0%	\$119,528	0.0%	\$0	8.0%	\$13,413	1.0%	\$42,832	0.0%	0.0%	\$0	\$0

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(8) Salmon Enhancement Tax.

(9) Passenger Transfer Tax at \$2.50/passenger.

(10) Gaming Tax at same percentage is included in the sales tax figures.

(11) Bed Tax % for normal room rentals; Bed Tax Flat Rate for lodging packages.

Part 2 - Municipal Class Types, Rates and Revenues

Table 2 - 2014 Municipal Sales Taxes, Special Taxes and Revenues

Municipality	SALES TAX		BED TAX		ALCOHOL TAX		CAR RENTAL TAX		RAW FISH TAX		TOBACCO TAX		MISC. SPECIAL REVENUES	
	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Whse Rate*	Retail Rate*	Whse Rate*	Revenues
Adak	4.0%	\$439,870	5.0%	\$7,633	0.0%	\$0	0.0%	\$0	2.0%	\$134,861	0.0%	0.0%	0.0%	\$0
Akiak	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Alakanuk	4.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Aleknagik	5.0%	\$55,273	9.0%	\$83,234	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Allakaket	0.0%	\$0	0.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Angoon	3.0%	NR	5.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Aniak	2.0%	\$16,887	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	30.0%	0.0%	0.0%	\$11,010
Anvik	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Aiika	0.0%	\$0	10.0%	\$1,268	0.0%	\$0	0.0%	\$0	2.0%	\$64,395	0.0%	0.0%	0.0%	\$0
Bethel	6.0% ⁽¹⁰⁾	\$7,883,471	12.0%	\$550,109	0.0%	\$0	0.0%	\$0	0.0%	\$0	45.0%	100.0	0.0%	\$539,654
Bettles	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Brevig Mission	3.0%	\$37,572	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Chefornak	2.0%	\$36,599	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Chevak	3.0%	\$129,191	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Chuathbaluk	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Clark's Point	5.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Coffman Cove	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Cordova	6.0%	\$3,291,966	6.0%	\$116,136	0.0%	\$0	0.0%	\$11,139	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Craig	5.0%	\$1,719,271	0.0%	\$0	6.0%	\$120,433	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Delta Junction	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Dillingham	6.0% ⁽¹⁰⁾	\$2,732,315	10.0%	\$84,771	10.0%	\$346,744	0.0%	\$0	0.0%	\$848,910	0.0%	0.0%	0.0%	\$0
Diomed	4.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Eagle	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Eek	2.0%	\$44,400	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Ekwok	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Elim	3.0%	\$75,055	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Emmonak	3.0%	\$240,041	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Fort Yukon	3.0%	\$174,072	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Gatena	3.0%	\$235,226	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Gambell	3.0%	\$76,153	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Golovin	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Goodnews Bay	3.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Grayling	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Gustavus	3.0%	\$387,038	4.0%	\$63,471	0.0%	\$0	0.0%	\$0	0.0%	\$10/fishbox	0.0%	0.0%	0.0%	\$0
Holy Cross	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Hoonah	6.5%	\$1,360,696	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Hooper Bay	4.0%	\$264,656	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Hughes	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Huslia	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Hydaburg	6.0%	\$37,193	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Kake	5.0%	\$163,663	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0

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Kaltag	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kasaan	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Klawock	6.0%	\$669,514	6.0%	\$4,810	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kotlik	3.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Koyuk	2.0%	\$33,908	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Koyukuk	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Kwethluk	5.0%	\$81,293	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Lower Kalskag	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Manokotak	2.0%	\$4,115	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Marshall	4.0%	\$112,172	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
McGrath	0.0%	\$0	10.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Mekoryuk	4.0%	\$36,415	0.0%	\$0	0.0%	\$0	0.0%	\$0	4.0%	\$0	0.0%	0.0%	\$0	\$0
Metlakatla	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Mountain Village	3.0%	\$158,892	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Napakiaak	4.0%	\$75,643	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Napaskiak	3.0%	\$12,148	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nenana	4.0%	\$141,477	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
New Stuyahok	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nightmute	2.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nikolai	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nome	5.0%	\$5,319,713	6.0%	\$145,301	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nulato	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nunam Iqua	4.0%	\$8,591	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Nunapitchuk	4.0%	\$59,250	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Pelican	4.0%	\$44,674	10% ⁽¹¹⁾	\$2,932	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Pilot Station	4.0%	\$117,637	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Platinum	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Port Alexander	4.0%	\$13,604	6.0%	\$1,337	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Quinhagak	3.0%	\$145,308	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$155	0.0%	0.0%	\$0	\$0
Ruby	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Russian Mission	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Saint George	3.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Saint Mary's	3.0%	\$155,000	0.0%	\$0	3.0%	\$1,601	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Saint Michael	4.0%	\$143,303	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Saint Paul	3.0%	\$384,086	0.0%	\$0	0.0%	\$0	0.0%	\$0	3.0%	\$2,061,513	0.0%	0.0%	\$0	\$0
Savoonga	3.0%	\$93,974	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Scammon Bay	4.0%	\$83,810	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Shageluk	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Shaktolik	4.0%	\$69,025	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0
Shishmaref	2.0%	\$63,758	0.0%	\$0	0.0%	\$0	0.0%	\$0	4.0%	\$200	0.0%	0.0%	\$0	\$0
Stebbins	3.0%	\$66,053	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	\$0	\$0

*Local municipality rates may be in addition to borough rates, or exclusive of; please check with the local municipality for these details

107 Municipalities levy a general sales tax and 11 of these municipalities did not report (NR= Not Reported)

(1) Seasonal Sales Tax rate varies according to the time of year; rates expressed for periods Oct-Mar and Apr-Sep respectively.
 (2) Raw Fish Tax components include: 1% Salmon Landing Tax, 2% Non-Salmon Landing Tax, 1% Processing Tax.
 (3) Resources subject to Severance Tax include: copper, lead, gold, silver, molybdenum and limestone.
 (4) Guide Tax at \$3/Day.
 (5) Fisheries Business Impact Tax.
 (6) Fuel Transfer Tax.
 (7) Resources subject to severance tax: minerals in place; timber or forest products; gravel, sand, rock and coal; raw finfish, shellfish mollusks & other commercial products at sea.
 (8) Salmon Enhancement Tax.
 (9) Passenger Transfer Tax at \$2.50/passenger.
 (10) Gaming Tax at same percentage is included in the sales tax figures.
 (11) Bed Tax % for normal room rentals; Bed Tax Flat Rate for lodging packages.

Part 2 - Municipal Class Types, Rates and Revenues

Table 2 - 2014 Municipal Sales Taxes, Special Taxes and Revenues

Municipality	SALES TAX		BED TAX		ALCOHOL TAX		CAR RENTAL TAX		RAW FISH TAX		TOBACCO TAX		MISC. SPECIAL Revenues	
	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Rate*	Revenues	Whsle Rate*	Retail Rate*	Whsle Rate*	Revenues
Tanana	2.0%	\$27,513	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Teller	3.0%	\$42,627	0.0%	\$0	0.0%	\$0	0.0%	\$0	3.0%	\$0	0.0%	0.0%	0.0%	\$0
Tenakee Springs	2.0%	\$15,430	6.0%	\$2,073	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Thorne Bay	6.0%	\$430,729	4.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Togiak	2.0%	\$111,455	0.0%	\$0	0.0%	\$0	0.0%	\$0	2.0%	\$0	0.0%	0.0%	0.0%	\$0
Toksook Bay	2.0%	NR	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Unalakleet	5.0%	\$401,952	5.0%	\$5,671	5.0%	\$4,291	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Unalaska	3.0%	\$12,272,264	5.0%	\$157,474	0.0%	\$0	0.0%	\$0	2.0%	\$4,450,050	0.0%	0.0%	0.0%	\$0
Upper Kalskag	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Valdez	0.0%	\$0	6.0%	\$387,153	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
Wales	3.0%	\$15,038	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0
White Mountain	1.0% ⁽¹⁰⁾	\$9,137	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$0 ⁽¹⁰⁾
Whittier	0%/5% ⁽¹⁾	\$619,402	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	\$0	0.0%	0.0%	0.0%	\$283,889 ⁽⁹⁾

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(5) Fisheries Business Impact Tax.

(6) Fuel Transfer Tax.

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City of Homer

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Homer Public Library

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(f) (907)-235-3136

Memorandum 15-108

TO: Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Ann Dixon, Library Director
DATE: June 24, 2015
SUBJECT: Request for Information

The Library was asked to provide information on two topics:
One day of operational cost
Charging for computer use at the Library.

One Day of Operational Cost

The primary cost is staffing. Two people, absolute minimum, are required to keep the Library open. Closing one 8-hour day per week would result in laying off one half-time staff person. Savings would amount to about \$31,000 (including insurance). A small savings in utilities could also be expected. Though more difficult to estimate, a guess is around \$3,000.

Charging for computer use at the Library

If we were to charge for computer use at the Library we would no longer be eligible for federal E-rate reimbursement for internet access. For the upcoming federal fiscal year (July 1, 2015 – June 30, 2016) that amount is \$12,413.76. I advise against this for several reasons:

- It's unlikely that we would be able to recoup that amount through computer user fees.
- The people who are most in need of computer access would be most negatively impacted. Many people of all ages and walks of life cannot afford computer equipment and/or the internet access fees. They use our computers to apply for jobs; run their home businesses; apply for scholarships, certifications and licenses (such as food handling and six-pack); fill out government paperwork (including PFDs); do their taxes and banking; research medical conditions; study for exams; and many other activities of daily life. (Others who *can* afford home computer access find our computers useful while theirs are in the shop.)
- Reduced access to library computers would negatively impact economic activity, for the same reasons listed above.

- The internet is an essential access point for information. The basic mission of a public library is to provide access to information for its citizens. Charging for access to information runs counter to the mission of a public library.
- It would place a hardship on the many children who use our computers daily.
- Tourists are generally highly appreciative of our internet access. Though they might be willing to pay, I'm not sure the amount garnered would make up for the resulting decrease in good will. A friendlier approach might be to have a voluntary donation jar for visitors' computer use.

While we cannot charge directly for internet access while receiving federal E-rate funds, according to Patience Frederiksen at the Alaska State Library we could charge non-residents for library cards and require as policy that only card-holders may use our services, including computers. This would require a major policy change, as currently we do not charge residents who live outside the City of Homer but within our library's service area. A number of pros and cons that would impact staff, residents and visitors accompany this issue.

Conclusion

The Library is one of the most heavily used facilities in Homer, with attendance last year of over 129,600 and circulation of more than 130,039 materials. Clearly, with an average use of nearly 11,000 visits and 11,000 items per month, the Library is filling a variety of important needs in the community, from literacy, information, and education to employment, cultural activity, community gathering, and technical support. Use of the Library has increased steadily over the past several years. It's important to realize that any reductions to existing services will impact the community.

If budget reductions are necessary, I would prefer to accomplish them by careful selection of line items, rather than a broad stroke such as closing the Library one day per week. Lay-off of trained personnel should be a measure of last resort, as it impacts not only the public but staff workload and morale. I'd like to work with the City Manager to identify places to cut that, hopefully, will not weaken the long-term viability of the Library.

Description	Overtime	Actual	Actual	Actual	Actual	Actual	Budget
		12/31/2010	12/31/2011	12/31/2012	12/31/2013	12/31/2014	12/31/2015
CITY CLERK	Overtime	5,411	5,985	7,641	6,296	8,053	8,000
CITY ELECTIONS	Overtime	-	-	78	-	-	-
CITY ELECTIONS	Part Time OT	751	758	573	780	821	3,000
City Manager	Overtime	86	35	913	155	42	375
PERSONNEL	Overtime	-	-	-	-	4	2
ECONOMIC DEVELOPMENT	Overtime	-	141	-	-	-	-
INFORMATION SYSTEMS	Part Time OT	-	-	168	-	-	-
Community Recreation Program	Overtime	-	-	-	85	-	28
FINANCE	Overtime	1,615	9,122	14,077	9,507	10,181	12,220
Planning & Zoning	Overtime	199	55	614	404	1,923	2,500
LIBRARY	Overtime	1,190	165	42	815	277	1,000
LIBRARY	Part Time OT	105	-	47	-	-	-
AIRPORT FACILITIES	Overtime	4,113	2,770	3,566	4,055	4,471	4,135
AIRPORT FACILITIES	Part Time OT	427	1,390	2,943	1,124	1,284	1,757
		13,897	20,421	30,662	23,220	27,054	33,017
FIRE ADMINISTRATION	Overtime	6,384	5,516	9,673	11,640	11,183	8,694
FIRE SERVICES	Overtime	4,910	4,461	4,605	3,862	4,166	7,287
MEDICAL SERVICES	Overtime	4,910	4,461	4,604	3,861	4,166	7,287
MEDICAL SERVICES	Part Time OT	-	-	-	-	380	-
		16,204	14,439	18,882	19,363	19,896	23,267
POLICE ADMINISTRATION	Overtime	656	484	1,460	1,032	451	1,500
DISPATCH	Overtime	22,860	22,932	82,376	120,214	121,425	50,000
DISPATCH	Part Time OT	-	-	-	925	-	308
INVESTIGATION	Overtime	15,706	13,765	18,536	24,476	17,764	20,000
PATROL	Overtime	69,052	61,560	82,112	96,074	68,247	78,425
PATROL	Part Time OT	-	-	-	-	-	-
JAIL	Overtime	22,738	42,405	45,715	44,325	45,179	46,304
JAIL	Part Time OT	10,813	5,877	11,568	2,697	2,546	7,000
		141,824	147,021	241,767	289,742	255,612	203,537
PUBLIC WORKS ADMINISTRATION	Overtime	238	134	74	1,022	1,676	1,060
GENERAL MAINTENANCE	Overtime	3,758	2,503	3,714	3,085	5,913	4,372
GENERAL MAINTENANCE	Part Time OT	161	413	664	226	179	377
GRAVEL ROADS	Overtime	96	77	265	359	329	344
PAVED ROADS	Overtime	287	762	931	866	841	941
WINTER ROADS	Overtime	37,885	25,441	41,171	19,030	13,732	25,074
WINTER ROADS	Part Time OT	-	-	6	-	-	-
PARKS - CEMETERY	Overtime	362	431	522	290	343	1,520
PARKS - CEMETERY	Part Time OT	1,224	-	5	-	369	167
MOTOR POOL	Overtime	253	712	1,255	549	3,569	1,425
MOTOR POOL	Part Time OT	37	-	38	-	150	-
ENGINEERING INSPECTION	Overtime	2,047	1,042	1,488	1,851	1,611	1,820
JANITORIAL	Overtime	7,155	8,098	5,362	5,769	9,572	7,195
JANITORIAL	Part Time OT	681	369	52	92	564	301
		54,185	39,982	55,549	33,139	38,849	44,594
WATER SYSTEMS ADMINISTRATION	Overtime	1,141	404	321	860	2,303	1,355
WATER SYSTEMS ADMINISTRATION	Part Time OT	2	-	2	-	-	-
TREATMENT PLANT	Overtime	16,217	24,475	27,715	23,544	27,854	25,121
TESTING	Overtime	117	245	284	163	100	500
PUMP STATIONS	Overtime	146	269	231	293	120	400
PUMP STATIONS	Part Time OT	-	-	-	-	1	-
DISTRIBUTION SYSTEMS	Overtime	14,219	13,549	10,003	17,571	15,295	15,068
DISTRIBUTION SYSTEMS	Part Time OT	-	-	13	254	29	102

Description	Overtime	Actual	Actual	Actual	Actual	Actual	Budget
		12/31/2010	12/31/2011	12/31/2012	12/31/2013	12/31/2014	12/31/2015
WATER RESERVOIR	Overtime	213	216	733	518	177	500
WATER RESERVOIR	Part Time OT	-	-	2	-	1	-
WATER METERS	Overtime	179	367	53	181	353	2,000
WATER METERS	Part Time OT	-	-	2	-	-	-
WATER HYDRANTS	Overtime	401	210	1,166	1,078	675	1,500
WATER HYDRANTS	Part Time OT	-	-	4	-	10	-
SEWER SYSTEMS ADMINISTRATION	Overtime	445	388	321	877	1,675	1,080
SEWER SYSTEMS ADMINISTRATION	Part Time OT	2	-	2	-	-	-
SEWER PLANT OPERATIONS	Overtime	12,978	13,355	17,260	16,376	15,016	16,225
SEWER PLANT OPERATIONS	Part Time OT	-	-	2	-	-	-
SEWER SYSTEM TESTING	Overtime	227	397	555	306	203	355
SEWER LIFT STATIONS	Overtime	3,608	7,052	5,848	6,523	4,013	7,000
SEWER LIFT STATIONS	Part Time OT	-	-	11	-	24	-
COLLECTION SYSTEM	Overtime	6,361	1,214	2,153	2,922	1,928	2,460
COLLECTION SYSTEM	Part Time OT	-	-	-	-	22	-
		56,256	62,142	66,682	71,464	69,799	73,665
PORT - HARBOR ADMINISTRATION	Overtime	3,695	2,194	1,252	2,811	3,038	2,298
PORT - HARBOR ADMINISTRATION	Part Time OT	-	-	7	734	-	247
HARBOR	Overtime	14,499	16,366	12,737	17,160	15,542	16,500
HARBOR	Part Time OT	1,363	1,642	229	74	181	3,000
Pioneer Dock	Overtime	857	976	758	1,019	926	835
Pioneer Dock	Part Time OT	3	70	14	4	11	-
FISH DOCK	Overtime	6,967	9,796	7,630	9,064	6,318	7,701
FISH DOCK	Part Time OT	2,455	1,996	2,000	2,244	2,033	2,113
DEEP WATER DOCK	Overtime	936	2,640	904	1,180	1,123	1,000
DEEP WATER DOCK	Part Time OT	3	70	14	4	11	-
FISH GRINDER	Overtime	-	32	-	-	-	-
PORT - HARBOR ADMIN MAINTENANC	Overtime	23	23	-	-	-	-
HARBOR MAINTENANCE	Overtime	1,293	1,215	1,645	1,565	2,267	1,923
HARBOR MAINTENANCE	Part Time OT	-	-	-	157	-	600
MAIN DOCK MAINTENANCE	Overtime	16	71	205	195	281	239
DWD MAINTENANCE	Overtime	299	129	205	195	281	239
		32,410	37,221	27,598	36,407	32,011	36,693
Total		314,776	321,226	441,140	473,336	443,221	414,774

		Actual	Actual	Actual	Actual	Actual	Budget
Dept/Div Description	Description	12/31/2010	12/31/2011	12/31/2012	12/31/2013	12/31/2014	12/31/2015
CITY CLERK	P/T Employees	-	-	-	-	369	-
CITY CLERK	Fringe Benefits P/T	477	-	-	1,224	30	-
CITY ELECTIONS	P/T Employees	782	813	757	868	815	1,644
CITY ELECTIONS	Fringe Benefits P/T	124	5	5	6	6	245
CITY ELECTIONS	Part Time Overtime	751	758	573	780	821	3,000
PERSONNEL	P/T Employees	-	-	-	-	11,453	-
PERSONNEL	Fringe Benefits P/T	-	-	-	18	941	-
INFORMATION SYSTEMS	P/T Employees	20,193	23,049	21,213	-	-	-
INFORMATION SYSTEMS	Fringe Benefits P/T	4,256	6,160	7,842	-	-	-
INFORMATION SYSTEMS	Part Time Overtime	-	-	168	-	-	-
Community Recreation Program	P/T Employees	2,843	4,472	4,947	9,145	6,103	9,253
Community Recreation Program	Fringe Benefits P/T	234	364	401	742	583	754
FINANCE	P/T Employees	120	-	-	2,339	-	-
FINANCE	Fringe Benefits P/T	4,865	3,838	-	155	-	-
LIBRARY	P/T Employees	93,811	88,847	90,250	95,156	76,543	94,399
LIBRARY	Fringe Benefits P/T	12,129	11,402	12,978	7,511	5,718	47,294
LIBRARY	Part Time Overtime	105	-	47	-	-	-
AIRPORT FACILITIES	P/T Employees	7,886	6,772	4,473	4,706	12,997	13,517
AIRPORT FACILITIES	Fringe Benefits P/T	1,210	1,013	888	789	1,854	1,845
AIRPORT FACILITIES	Part Time Overtime	427	1,390	2,943	1,124	1,284	1,757
FIRE SERVICES	P/T Employees	-	-	-	-	-	14,361
FIRE SERVICES	Fringe Benefits P/T	-	-	-	-	-	2,223
MEDICAL SERVICES	P/T Employees	-	-	-	-	31,421	14,361
MEDICAL SERVICES	Fringe Benefits P/T	-	-	-	-	4,714	2,223
MEDICAL SERVICES	Part Time Overtime	-	-	-	-	380	-
POLICE ADMINISTRATION	P/T Employees	12,642	9,853	4,308	6,066	1,976	6,712
POLICE ADMINISTRATION	Fringe Benefits P/T	1,383	1,055	451	501	160	547
DISPATCH	P/T Employees	-	-	-	1,045	-	-
DISPATCH	Fringe Benefits P/T	-	-	-	85	-	-
DISPATCH	Part Time Overtime	-	-	-	925	-	308
JAIL	P/T Employees	85,714	79,777	85,821	34,537	32,944	16,380
JAIL	Fringe Benefits P/T	23,249	13,109	10,284	3,891	3,811	1,861
JAIL	Part Time Overtime	10,813	5,877	11,568	2,697	2,546	7,000
PUBLIC WORKS ADMINISTRATION	P/T Employees	-	1,622	1,486	2,180	5,531	8,768
PUBLIC WORKS ADMINISTRATION	Fringe Benefits P/T	-	132	120	135	422	7,315
GENERAL MAINTENANCE	P/T Employees	11,871	10,158	14,033	14,119	6,819	5,793
GENERAL MAINTENANCE	Fringe Benefits P/T	1,701	1,650	2,752	2,116	4,524	791
GENERAL MAINTENANCE	Part Time Overtime	161	413	664	226	179	377
WINTER ROADS	P/T Employees	-	-	1,844	-	-	-
WINTER ROADS	Fringe Benefits P/T	-	-	207	-	-	-
WINTER ROADS	Part Time Overtime	-	-	6	-	-	-
PARKS - CEMETERY	P/T Employees	75,909	56,777	61,593	68,657	79,893	85,102
PARKS - CEMETERY	Fringe Benefits P/T	13,659	15,194	14,429	12,848	16,140	12,204
PARKS - CEMETERY	Part Time Overtime	1,224	-	5	-	369	167
MOTOR POOL	P/T Employees	10,401	-	12,951	-	13,011	-
MOTOR POOL	Fringe Benefits P/T	1,329	-	3,920	2,709	5,324	-
MOTOR POOL	Part Time Overtime	37	-	38	-	150	-
JANITORIAL	P/T Employees	945	-	-	2,028	-	-
JANITORIAL	Fringe Benefits P/T	239	912	194	579	134	-
JANITORIAL	Part Time Overtime	681	369	52	92	564	301
Total General Fund		402,173	345,779	374,210	280,000	330,527	360,501
WATER SYSTEMS ADMINISTRATION	P/T Employees	288	590	2,213	-	4,765	4,384
WATER SYSTEMS ADMINISTRATION	Fringe Benefits P/T	36	159	790	619	1,331	3,657
WATER SYSTEMS ADMINISTRATION	Part Time Overtime	2	-	2	-	-	-
TREATMENT PLANT	P/T Employees	1,588	-	-	2,801	2,781	4,634
TREATMENT PLANT	Fringe Benefits P/T	625	-	-	307	311	665
PUMP STATIONS	P/T Employees	635	-	-	400	404	662
PUMP STATIONS	Fringe Benefits P/T	80	-	-	44	45	95

		Actual	Actual	Actual	Actual	Actual	Budget
<u>Dept/Div Description</u>	<u>Description</u>	<u>12/31/2010</u>	<u>12/31/2011</u>	<u>12/31/2012</u>	<u>12/31/2013</u>	<u>12/31/2014</u>	<u>12/31/2015</u>
PUMP STATIONS	Part Time Overtime	-	-	-	-	1	-
DISTRIBUTION SYSTEMS	P/T Employees	-	-	3,688	-	211	-
DISTRIBUTION SYSTEMS	Fringe Benefits P/T	21	-	439	23	26	-
DISTRIBUTION SYSTEMS	Part Time Overtime	-	-	13	254	29	102
WATER RESERVOIR	P/T Employees	-	-	615	-	7	-
WATER RESERVOIR	Fringe Benefits P/T	-	-	69	-	1	-
WATER RESERVOIR	Part Time Overtime	-	-	2	-	1	-
WATER METERS	P/T Employees	-	-	615	-	-	-
WATER METERS	Fringe Benefits P/T	-	-	69	-	-	-
WATER METERS	Part Time Overtime	-	-	2	-	-	-
WATER HYDRANTS	P/T Employees	-	-	1,229	-	70	-
WATER HYDRANTS	Fringe Benefits P/T	-	-	138	-	9	-
WATER HYDRANTS	Part Time Overtime	-	-	4	-	10	-
SEWER SYSTEMS ADMINISTRATION	P/T Employees	288	590	2,213	-	4,765	4,384
SEWER SYSTEMS ADMINISTRATION	Fringe Benefits P/T	36	159	790	619	1,331	3,657
SEWER SYSTEMS ADMINISTRATION	Part Time Overtime	2	-	2	-	-	-
SEWER PLANT OPERATIONS	P/T Employees	3,130	-	615	4,801	4,768	7,945
SEWER PLANT OPERATIONS	Fringe Benefits P/T	1,293	-	585	526	534	1,139
SEWER PLANT OPERATIONS	Part Time Overtime	-	-	2	-	-	-
SEWER LIFT STATIONS	P/T Employees	-	-	3,073	-	176	-
SEWER LIFT STATIONS	Fringe Benefits P/T	-	-	346	-	22	-
SEWER LIFT STATIONS	Part Time Overtime	-	-	11	-	24	-
COLLECTION SYSTEM	P/T Employees	-	-	-	-	162	-
COLLECTION SYSTEM	Fringe Benefits P/T	-	-	-	-	20	-
COLLECTION SYSTEM	Part Time Overtime	-	-	-	-	22	-
Total Water & Sewer		8,024	1,498	17,524	10,394	21,826	31,324
PORT - HARBOR ADMINISTRATION	P/T Employees	-	4,637	17,996	1,016	-	-
PORT - HARBOR ADMINISTRATION	Fringe Benefits P/T	-	624	4,132	203	-	-
PORT - HARBOR ADMINISTRATION	Part Time Overtime	-	-	7	734	-	247
HARBOR	P/T Employees	67,378	60,241	69,954	55,961	87,672	64,274
HARBOR	Fringe Benefits P/T	13,778	8,975	9,075	10,528	12,351	9,506
HARBOR	Part Time Overtime	1,363	1,642	229	74	181	3,000
Pioneer Dock	P/T Employees	2,830	1,879	1,690	2,120	3,796	2,872
Pioneer Dock	Fringe Benefits P/T	340	332	1,774	260	539	425
Pioneer Dock	Part Time Overtime	3	70	14	4	11	-
FISH DOCK	P/T Employees	19,873	42,834	30,834	27,454	33,399	42,025
FISH DOCK	Fringe Benefits P/T	12,345	8,226	7,869	7,275	8,197	7,128
FISH DOCK	Part Time Overtime	2,455	1,996	2,000	2,244	2,033	2,113
DEEP WATER DOCK	P/T Employees	2,829	1,879	1,690	2,120	3,796	2,872
DEEP WATER DOCK	Fringe Benefits P/T	340	358	225	260	540	425
DEEP WATER DOCK	Part Time Overtime	3	70	14	4	11	-
OUTFALL LINE	P/T Employees	-	-	-	-	459	-
OUTFALL LINE	Fringe Benefits P/T	-	-	-	-	63	-
PORT - HARBOR ADMIN MAINTENANC	P/T Employees	-	147	135	-	-	-
PORT - HARBOR ADMIN MAINTENANC	Fringe Benefits P/T	-	12	11	-	-	-
HARBOR MAINTENANCE	P/T Employees	19,274	19,565	419	17,978	974	14,836
HARBOR MAINTENANCE	Fringe Benefits P/T	6,323	5,087	4,966	2,424	396	2,194
HARBOR MAINTENANCE	Part Time Overtime	-	-	-	157	-	600
MAIN DOCK MAINTENANCE	P/T Employees	-	-	-	-	-	1,854
MAIN DOCK MAINTENANCE	Fringe Benefits P/T	-	-	-	-	-	274
DWD MAINTENANCE	P/T Employees	-	-	-	-	-	1,854
DWD MAINTENANCE	Fringe Benefits P/T	-	-	-	-	-	274
KACHEMAK DRIVE PHASE II	P/T Employees	-	14,168	11,077	-	-	-
KACHEMAK DRIVE PHASE II	Fringe Benefits P/T	-	1,462	1,207	-	-	-
KACHEMAK DRIVE PHASE II	Part Time Overtime	-	413	1,010	-	-	-
Total Port & Harbor		149,134	174,618	166,327	130,816	154,417	156,774
City-wide		559,331	521,895	558,062	421,210	506,770	548,600

TAF	TAG	
	10 SELDOVIA	
10	Seldovia	4.60
11	Seldovia RSA	0.75
50	Borough	4.50
		9.85
	11 SELDOVIA RSA	
11	Seldovia RSA	0.75
50	Borough	4.50
67	Road Maint.	1.40
		6.65
	20 HOMER	
20	Homer	4.50
50	Borough	4.50
52	So. Hospital	2.30
		11.30
	21 HOMER ODLA	
20	Homer	4.50
21	Homer ODLA	9.9625
50	Borough	4.50
52	So. Hospital	2.30
		21.2625
	30 KENAI	
30	Kenai	4.35
50	Borough	4.50
51	Cent. Hosp.	0.01
		8.86
	40 SEWARD	
40	Seward	3.12
43	Sew/Bear Cr. Flood	0.75
50	Borough	4.50
		8.37
	41 SEWARD SPECIAL	
41	Seward Special	3.12
43	Sew/Bear Cr. Flood	0.75
50	Borough	4.50
		8.37
	43 SEWARD-BEAR CREEK FLOOD SA	
43	Sew/Bear Cr Flood	0.75
50	Borough	4.50
67	Road Maint.	1.40
		6.65
	52 SOUTH HOSPITAL	
52	So. Hospital	2.30
50	Borough	4.50
		6.80
	53 NIKISKI FIRE	
53	Nikiski Fire	2.90
50	Borough	4.50
51	Cent. Hosp.	0.01
54	No. Pen Rec.	1.00
67	Road Maint.	1.40
		9.81
	54 N. PENINSULA RECREATION	
54	No.Pen.Rec.	1.00
50	Borough	4.50
51	Cent. Hosp.	0.01
58	Cent. Emer. Ser.	2.65
67	Road Maint.	1.40
		9.56

TAF	TAG	
	55 NIKISKI SENIOR	
55	Nikiski Sen.	0.20
50	Borough	4.50
51	Cent. Hosp.	0.01
53	Nikiski Fire	2.90
54	No. Pen Rec.	1.00
67	Road Maint	1.40
		10.01
	57 BEAR CREEK FIRE	
57	Bear Creek Fire	3.25
43	Sew/Bear Cr. Flood	0.75
50	Borough	4.50
67	Road Maint.	1.40
		9.90
	58 CENTRAL EMERGENCY SERVICES	
58	Cent. Emer.Ser.	2.65
50	Borough	4.50
51	Cent. Hosp.	0.01
67	Road Maint.	1.40
		8.56
	61 CENTRAL HOSPITAL WEST	
50	Borough	4.50
51	Cent. Hosp.	0.01
67	Road Maint.	1.40
		5.91
	63 CENTRAL HOSPITAL EAST	
50	Borough	4.50
51	Cent. Hosp.	0.01
64	Cent. Pen. EMS	1.00
67	Road Maint.	1.40
		6.91
	64 CENTRAL PEN. EMERGENCY MEDICAL	
64	Cent Pen. EMS	1.00
50	Borough	4.50
52	South Hosp.	2.30
67	Road Maint.	1.40
		9.20
	65 SOUTH HOSPITAL/ROADS	
50	Borough	4.50
52	South Hosp.	2.30
67	Road Maint.	1.40
		8.20
	67 KPB ROAD MAINTENANCE	
50	Borough	4.50
67	Road Maint.	1.40
		5.90

TAF	TAG	
	68 ANCHOR POINT FIRE/EMERGENCY	
68	Fire/Emergency	2.75
50	Borough	4.50
52	South Hosp.	2.30
67	Road Maint.	1.40
		10.95
	70 SOLDOTNA	
70	Soldotna	0.50
50	Borough	4.50
51	Cent. Hosp.	0.01
58	Cent. Emer. Ser.	2.65
		7.66
	80 KACHEMAK*	
80	Kachemak	1.00
50	Borough	4.50
52	South Hosp.	2.30
		7.80
	81 KACHEMAK EMERGENCY SERV.	
81	Kachemak EMS	2.60
50	Borough	4.50
52	South Hosp.	2.30
67	Road Maint.	1.40
		10.80

50K Borough TAF's and Homer 20K
All other City TAF mills do not apply

EMS VOLUNTEER 10,000 EXEMPTION
ALL BOROUGH TAF's
HOMER (20) & SEWARD (40)

***Kachemak City TAG 80-No tax on**
personal property/boats/aircraft

100,000 PERSONAL EXEMPTION
ALL BOROUGH TAF's
HOMER (20) & SOLDOTNA (70)

AIRCRAFT TAX:
FLAT TAX FOR ALL BOROUGH TAF'S,
SELDOVIA (10) & SOLDOTNA (70)
Borough Flat Portion + City Flat Portion
TAG'S 20,40 & 41
Full value X TAF Millrate
Plus (+) Borough Flat Portion

BOAT TAX:
FLAT TAX FOR ALL BOROUGH TAF'S
HOMER(20),SOLDOTNA(70),SELDOVIA(10)
Borough Flat Portion + City Flat Portion
TAG'S 40 & 41 (Seward)
Full value X TAF Millrate PLUS (+)
Borough Flat Portion
TAG 30 Class 1 & 2 Exempt and
Class 3-7 Full value X TAF Millrate
PLUS (+) Borough Flat Portion

Senior Exemptions:
Borough 300,000 exempt unless Variable
10,20,30,40,41,70,80 upto 150,000 exempt
over is Taxed at City TAF Rate

Disability Tax Credit:
TAF 30 Kenai \$250.00
Borough TAF'S \$500.00

*TAF= Tax Authority Fund

*TAG = Tax Authority Group

2015 Certified Values Real Values
TAG 20 REAL PROPERTY SUMMARY GRM_Live
(Excludes Oil Accounts)

		ASSESSED VALUES	KPB	CITY
Total Accounts	4,358	Total Ass'd Land	316,256,200	316,256,200
Total Acreage	15,192.17	Total Ass'd Improvements	744,245,900	744,245,900
		Total Ass'd Real Property	<u>1,060,502,100</u>	<u>1,060,502,100</u>

EXEMPTIONS & DEFERMENTS

MANDATORY EXEMPTIONS

		Count	KPB Value	City Value
7	Government Ex Value	280 280	272,422,600	272,422,600
9	Disabled Veteran Exemption	10 10	1,447,400	1,447,400
10	Religious Exemption	25 25	15,684,700	15,684,700
15	ANCSA Native Ex Value	1 1	1,672,400	1,672,400
17	Armed Forces Agency Ex Value	1 1	185,900	185,900
18	Electric CoOp Ex Value	4 4	4,382,600	4,382,600
19	Fire Control System Exemption	11 11	206,888	206,888
20	State Educational Ex Value	7 7	980,400	980,400
26	Hospital Ex Val	1 1	4,166,300	4,166,300
28	University Ex Val	2 2	6,720,700	6,720,700
44	Charitable Ex Val	37 37	9,512,700	9,512,700
49	FCL Foreclosure	1 1	114,800	114,800
54	MSV Multi-Purpose Senior Variable	1 1	1,032,200	1,032,200
182	Senior Mandatory	432 432	61,208,700	61,208,700
Total MANDATORY EXEMPTIONS		813 <u>813</u>	<u>379,738,288</u>	<u>379,738,288</u>

OPTIONAL EXEMPTIONS

		Count	KPB Value	City Value
30	Disabled Resident \$500TAX CREDIT Bo	18 18	0	0
36	OP Volunteer FF/EMS Exemption 1	8 8	80,000	80,000
183	OP Homer Residential Exemption	1,070 1,070	0	21,054,300
188	OP Community Purpose Ex Val	24 24	12,883,300	0
189	OP Homers Override Exemption	22 22	0	12,849,700
190	OP >150k Senior Ex Borough Only	357 357	33,796,300	0
191	OP >150k DisVet Ex Borough Only	9 9	918,200	0
194	Soldotna Disabled Vet > 150k	9 9	0	0
195	OP Residential Exemption	850 850	40,793,600	0
Total OPTIONAL EXEMPTIONS		2,367 <u>2,367</u>	<u>88,471,400</u>	<u>33,984,000</u>

TAG 20 Exemption Totals: 3,180 **3,180** **468,209,688** **413,722,288**

RECAP	TAXABLE VALUE	KPB Value	City Value
	TOTAL ASSESSED VALUE	\$1,060,502,100	\$1,060,502,100
	TOTAL EXEMPTIONS	\$468,209,688	\$413,722,288
	TOTAL TAXABLE	<u>\$592,292,412</u>	<u>\$646,779,812</u>

2015 Certified Values Real Values
TAG 21 REAL PROPERTY SUMMARY GRM_Live
(Excludes Oil Accounts)

		ASSESSED VALUES	KPB	CITY
Total Accounts	14	Total Ass'd Land	975,900	975,900
Total Acreage	10.83	Total Ass'd Improvements	2,320,300	2,320,300
		Total Ass'd Real Property	<u>3,296,200</u>	<u>3,296,200</u>

EXEMPTIONS & DEFERMENTS

MANDATORY EXEMPTIONS		Count	KPB Value	City Value
7	Government Ex Value	2	1,800	1,800
182	Senior Mandatory	5	646,700	646,700
	Total MANDATORY EXEMPTIONS	<u>7</u>	<u>648,500</u>	<u>648,500</u>

OPTIONAL EXEMPTIONS		Count	KPB Value	City Value
183	OP Homer Residential Exemption	0	0	158,200
190	OP >150k Senior Ex Borough Only	4	325,900	0
195	OP Residential Exemption	7	334,100	0
	Total OPTIONAL EXEMPTIONS	<u>11</u>	<u>660,000</u>	<u>158,200</u>

TAG 21 Exemption Totals:	18	<u>26</u>	<u>1,308,500</u>	<u>806,700</u>
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		TAXABLE VALUE	KPB Value	City Value
RECAP		TOTAL ASSESSED VALUE	\$3,296,200	\$3,296,200
		TOTAL EXEMPTIONS	\$1,308,500	\$806,700
		TOTAL TAXABLE	<u>\$1,987,700</u>	<u>\$2,489,500</u>

Code Section	Description of Violation	Fine Amount
HCC 1.18.030	Code of ethics—Standards and prohibited acts	\$300
HCC 5.05.030	Smoking in City building, vehicle or watercraft	\$25
HCC 5.06.030(a)	Nuclear weapons or components	\$500
HCC 5.06.030(b)	Producing, dumping or storing radioactive materials	\$500
HCC 5.06.030(c)	Radioactive material disposal site	\$500
HCC 5.08.020	Transporting unsecured load of garbage, trash or other materials in vehicle	\$300
HCC 5.20.020	Opening burning, permit required	\$300
HCC 5.20.030	Trash burning—approved container required	\$300
HCC 5.20.050	Handling or storing explosives	\$300
HCC 5.24.030	Fireworks—Sale prohibited	\$300
HCC 5.24.040	Fireworks—Use prohibited	\$300
HCC 5.24.050	Fireworks exhibit—Permit required	\$300
HCC 5.28.010	Discharge of Firearms	\$300
HCC 5.30.020	Hunting Prohibited	\$300
HCC 5.30.025	Trapping prohibited	\$300
HCC 5.34.010	Aircraft landings and takeoffs from lands and beaches west of Homer Spit prohibited	\$300
HCC 5.38.010	Feeding or baiting wild bald eagles, crows, ravens or gulls prohibited—First offense	\$50

HCC 5.38.010	Feeding or baiting wild bald eagles, crows, ravens or gulls prohibited—Subsequent offense	\$200
HCC 5.40.010	Bear attraction offense—Committed unintentionally	\$300
HCC 5.40.010	Bear attraction offense—Committed intentionally	\$500
HCC 6.08.010	Flight to Avoid Arrest	\$300
HCC 6.12.020	Sale of drug paraphernalia	\$300
HCC 8.08.020	Itinerant or transient merchant—License required	\$300
HCC 8.08.080	Itinerant or transient merchant—Exhibition of license	\$300
HCC 8.08.100	Itinerant or transient merchant—Use of streets and other public places	\$300
HCC 8.11.030	Mobile food service—License required	\$300
HCC 8.11.070(b)	Mobile food service—Operation near similar business at fixed location	\$300
HCC 8.11.070(c)	Mobile food service—Operation in City park or campground	\$300
HCC 8.11.070(d)	Mobile food service—Operation in congested area on Homer Spit	\$300
HCC 8.12.120	Public transportation vehicle—Permit required	\$300
HCC 8.12.200	Chauffeurs license—Required	\$300
HCC 8.12.250	Public transportation vehicle—Prohibited operation	\$300
HCC 8.12.400	Public transportation vehicle—Display of rates/fares	\$300

HCC 10.08.100	Dumping battery, oil, hazardous substance or contaminated water into harbor	\$1,000
HCC 10.08.100	Dumping refuse, garbage, other pollutants into harbor—First offense	\$100
HCC 10.08.100	Dumping refuse, garbage, other pollutants into harbor—Second offense	\$200
HCC 10.08.100	Dumping refuse, garbage, other pollutants into harbor—Third offense	\$300
HCC 10.08.100	Dumping refuse, garbage, other pollutants into harbor—Fourth and subsequent offense	\$1,000
HCC 10.08.200	Dumping fish carcasses into harbor—First offense	\$100
HCC 10.08.200	Dumping fish carcasses into harbor—Second offense	\$200
HCC 10.08.200	Dumping fish carcasses into harbor—Third offense	\$300
HCC 10.08.200	Dumping fish carcasses into harbor—Fourth and subsequent offense	\$1,000
HCC 10.08.210	Vessel speed greater than two mph—First offense	\$100
HCC 10.08.210	Vessel speed greater than two mph—Second offense	\$200
HCC 10.08.210	Vessel speed greater than two mph—Third offense	\$300
HCC 10.08.210	Vessel speed greater than two mph—Fourth and subsequent offense	\$1,000
HCC 13.08.010	Work in City right-of-way or connecting to City utility—Permit required	\$300
HCC 13.08.130	Restore City right-of-way to original condition	\$300
HCC 13.08.140	Repair of damage to City utilities	\$300
HCC 14.04.050	Sewer extension or connection—Permit required	\$300

HCC 14.04.070	Destruction of private sewage disposal system after connection to City sewer system	\$300
HCC 14.04.090	Discharge of surface drainage into City sewer	\$300
HCC 14.08.030	Water extension or connection—Permit required	\$300
HCC 14.08.040	Connection to private water system—Permit required	\$300
HCC 14.08.105	Resale of City water—Permit required	\$300
HCC 18.20.015	Storing, parking or leaving abandoned or junk vehicle	\$300
HCC 18.20.025	Failure to remove abandoned or junk vehicle	\$300
HCC 19.02.020	Large special event—Permit required	\$300
HCC 19.04.040	Burial of human remains outside approved cemetery	\$300
HCC 19.04.090(a)	Monument or other memorial protruding above ground level in City cemetery	\$300
HCC 19.04.090(b)	Placement, alteration or removal of monument, memorial or plant without City consent	\$300
HCC 19.08.030(a)	Camping on City property where prohibited	\$300
HCC 19.08.030(b)	Camping without property owner permission	\$300
HCC 19.08.030(d)	Camping in closed campground	\$300
HCC 19.08.050	Camping in City campground—Permit required	\$300
HCC19.08.060	Camping in City campground for more than 14 days	\$300
HCC 19.08.070(a)	Disposal of human waste on City property	\$300

HCC 19.08.070(c)	Erect, occupy, utilize structure on City property	\$300
HCC 19.08.070(d)	Park, leave, maintain, utilize vehicle, camper unit, or camp where prohibited	\$300
HCC 19.08.070(e)	Deface, destroy, alter or remove City property	\$300
HCC 19.08.070(f)	Dog at large in City campground	300
HCC 19.08.070(g)	Campsite in City campground left in disorderly or unsightly condition	\$300
HCC 19.08.080	Improper storage of garbage, refuse, other waste in City campground	\$300
HCC 19.12.080	Excavation or removal of gravel or fill—Permit required	\$300
HCC 19.12.090	Tampering with, burning or removing driftwood from storm berm	\$300
HCC 19.16.030(a)	Operating motor vehicle in beach area—First offense	\$25
HCC 19.16.030(a)	Operating motor vehicle in beach area—Second offense	\$250
HCC 19.16.030(a)	Operating motor vehicle in beach area—Third and subsequent offense	\$499
HCC 19.20.020	Violation of general park rules	\$300
HCC 19.20.030	Enter park during hours of closure	\$150
HCC 20.08.010(a)	Dog at large—No prior conviction	\$25
HCC 20.08.010(a)	Dog at large—One prior conviction	\$50
HCC 20.08.010(a)	Dog at large—Two prior convictions	\$100
HCC 20.08.010(a)	Dog at large—Three prior convictions	\$300

HCC 20.08.020	Unrestrained animal on floats in Small Boat Harbor	\$25
HCC 20.08.030	Nuisance animal—First offense	\$25
HCC 20.08.030	Nuisance animal—Second offense	\$50
HCC 20.08.030	Nuisance animal—Third offense	\$100
HCC 20.08.030	Nuisance animal—Fourth and subsequent offense	\$300
HCC 20.08.040	Cruelty to animals	\$300
HCC 20.08.070(c)	Large animal to running at large—First offense	\$25
HCC 20.08.070(c)	Large animal to running at large—Second and subsequent offense	\$300
HCC 20.08.080	Confinement of female dog or cat in heat	\$100
HCC 20.08.090	Abandonment of animal	\$50
HCC 20.08.100	Maintain structures, pens and yards where animal kept in clean and sanitary condition	\$50
HCC 20.08.110	Animal/vehicle accident	\$50
HCC 20.12.010	Dog license required	\$25
HCC 21.12.020	Dog license to be worn and displayed	\$25
HCC 20.12.030	Counterfeit dog license receipt or substitute dog tag	\$300
HCC 20.16.010	Rabies vaccination required	\$300
HCC 20.16.020	Quarantine of animal suspected of rabies required	\$300

HCC 20.20.010	Permitting animal to bite	\$100
HCC 20.20.020	Destruction of animal before quarantine	\$300
HCC20.20.030(a)	Vicious animal at large	\$300
HCC 20.20.030(b)	Permitting vicious animal to bite	\$300
HCC 20.20.030(c)	Vicious animal muzzled while transported	\$300
HCC 20.20.030(d)	Vicious animal muzzled when off owner's premises	\$300
HCC 20.24.020	Interference with enforcement officer	\$300
HCC 20.24.030	Unauthorized removal of animal from custody	\$300
HCC 20.24.040	Tampering with City live traps	\$300
HCC 20.24.050	Removal of animal from quarantine	\$300
HCC 20.24.060	Furnishing false information	\$300
HCC 20.28.020	Kennel license--Required	\$50

G/L	Fund	Dept	Obj-Code	Dept/Div Description	Description	Actual 12/31/2010	Actual 12/31/2011	Actual 12/31/2012	Actual 12/31/2013	Actual 12/31/2014
100-0020-4402	100	0020	4402	Fines & Forfeitures	Non Moving Fine	2,270	4,904	1,857	96	8,860
100-0020-4401	100	0020	4401	Fines & Forfeitures	Fines/Forfeit	13,281	12,556	6,208	10,373	11,282
			Total			15,551	17,460	8,065	10,469	20,142

G/L	Fund	Dept	Obj-Code	Dept/Div Description	Description	Actual 12/31/2010	Actual 12/31/2011	Actual 12/31/2012	Actual 12/31/2013	Actual 12/31/2014
100-0015-4304	100	0015	4304	Permits & Licenses	Peddler Permits	440	1,160	-	1,831	2,176
100-0015-4302	100	0015	4302	Permits & Licenses	Sign Permits	550	250	1,400	300	650
100-0015-4309	100	0015	4309	Permits & Licenses	Row Permit	675	430	1,600	-	810
100-0015-4301	100	0015	4301	Permits & Licenses	Driveway Permit	1,650	1,975	1,035	1,325	2,045
100-0015-4314	100	0015	4314	Permits & Licenses	Taxi/chauffeurs/safety Inspec	1,800	675	1,113	1,200	1,500
100-0015-4308	100	0015	4308	Permits & Licenses	Zoning Fees	5,250	3,350	5,700	18,350	6,800
100-0015-4303	100	0015	4303	Permits & Licenses	Building Permit	12,600	17,200	11,400	12,700	13,950
100-0020-4402	100	0020	4402	Fines & Forfeitures	Non Moving Fine	2,270	4,904	1,857	96	8,860
100-0020-4401	100	0020	4401	Fines & Forfeitures	Fines/Forfeit	13,281	12,556	6,208	10,373	11,282
100-0035-4654	100	0035	4654	Charges For Services	Spit Camping	154,262	126,197	112,491	121,251	133,298
100-0035-4316	100	0035	4316	Charges For Services	Lid Application Fee	-	200	400	100	100
100-0035-4650	100	0035	4650	Charges For Services	Rents & Leases	-	300	3,000	9,000	30
100-0035-4604	100	0035	4604	Charges For Services	HVF Class Fees	-	1,175	-	875	1,535
100-0035-4610	100	0035	4610	Charges For Services	Plans & Specs	150	575	-	100	-
100-0035-4599	100	0035	4599	Charges For Services	Pioneer Beautif	466	820	480	555	445
100-0035-4611	100	0035	4611	Charges For Services	City Clerk Fees	655	1,161	959	1,375	1,420
100-0035-4317	100	0035	4317	Charges For Services	Lid Yearly Bill	1,037	960	990	1,095	1,656
100-0035-4902	100	0035	4902	Charges For Services	Other Revenue	1,110	0	-	-	-
100-0035-4613	100	0035	4613	Charges For Services	Cemetery Plots	1,600	4,600	1,800	1,600	4,200
100-0035-4660	100	0035	4660	Charges For Services	Advertising - Community School	2,830	2,210	1,840	1,400	300
100-0035-4609	100	0035	4609	Charges For Services	Animal Care Fee	6,153	6,709	6,534	6,027	6,162
100-0035-4516	100	0035	4516	Charges For Services	Pw Equip & Serv	12,090	9,427	2,106	3,728	2,388
100-0035-4608	100	0035	4608	Charges For Services	City Campground	21,596	19,390	16,580	19,709	23,276
100-0035-4607	100	0035	4607	Charges For Services	Other Services	25,464	28,345	24,105	26,436	27,521
100-0035-4614	100	0035	4614	Charges For Services	Community Recreation Fees	29,462	29,557	26,505	32,165	39,980

TOURISM, IT'S EVERYONE'S BUSINESS

ARGUMENTS AGAINST A BED TAX:

CON: A bed tax would put an additional burden on the accommodations sector to collect taxes for the rest of the industry.

PRO: We could build in a 5% return for the businesses collecting the tax to offset the time spent on additional bookkeeping and credit card charges.

ARGUMENTS FOR A BED TAX:

The intent of a bed tax would be to create a sustainable funding source for tourism marketing and infrastructure for the Borough and our cities. Investing in Tourism Marketing is an investment in the economic development of the Kenai Peninsula Borough.

An identified funding source that would be 100% identified as being from the Tourism Industry would stop the argument from many in the Borough that they do not want their tax dollars going to pay for tourism marketing.

We could all stop spending so much time fighting for a small slice of what the industry deserves and get about the business of selling our product!

IMAGINE WHAT WE COULD DO WITH AN ADEQUATE MARKETING BUDGET...

TV and Radio advertising in the Anchorage market all Spring and Fall to drive shoulder season visitation.

Full page cooperative ads in national magazines.

A presence at national consumer shows that our competitors are attending.

A presence on international sales missions that our competitors are attending.

A position dedicated to working to bring conventions and meetings to The Kenai.

Stimulate off season and niche markets such as Eco-tourism and winter sports.

ALASKA SALES AND BED TAXES

Destination	Sales Tax	Bed Tax	Total
Anchorage		12	12
Cordova		6	6
Fairbanks		8	8
Haines		4	4
Homer	7.5		7.5
Juneau		12	12
Kenai	6	0	6
Ketchikan		6.5	6.5
Kodiak		10	10
Mat-Su CVB		5	5
Palmer	3	5	8
Seldovia	7.5		7.5
Seward	7	4	11
Sitka		12	12
Soldotna	6		6
Unalaska/Dutch Harbor	3	5	8
Wasilla	2.5	5	7.5

By aggressively marketing The Kenai and our individual communities, we will see our fair share of visitors and groups – and their expenditures, which will support hundreds of small businesses in the region that rely on the tourism industry – from golf courses and restaurants to art galleries and outdoor adventure operators.

THE NATIONAL AVERAGE

BED TAX IS 10%

The goal is to HELP the industry, to provide funds to attract tourists and meetings to The Kenai, which in turn will generate sales tax revenue for the region, which helps to pay for schools, fire, police, streets and other city services.

HOW MUCH WOULD A BED TAX GENERATE ON THE KENAI?

Using 2012 Accommodations Sales Tax figures, a 1% Borough wide bed tax would generate just under \$700,000.

A 1% City bed tax in Homer would generate \$120,000.



TOURISM, IT'S EVERYONE'S BUSINESS

CHALLENGES WITH THE KENAI'S CURRENT TOURISM MARKETING STRATEGY

We are the best Alaska has to offer, and yet we aren't competing on a level playing field with our competition!

Tourism in Alaska is big business, and communities are aggressively competing for visitor dollars. If the Kenai is going to remain competitive, we have got to stay in the game.

- Anchorage - 7 million dollars
- Juneau - 1 million
- Fairbanks - 2.9 million
- Mat-Su Borough - \$850,000
- KPTMC - \$300,000 from KPB

When the Kenai Peninsula is not marketing competitively with other areas, we do not exist in the minds of potential Alaskan visitors.

We do not have our hand out for a gift!

TOURISM GETS VERY LITTLE RESPECT ON THE KENAI. It is estimated that tourism brings in more than 30% of our sales tax, yet asking for our marketing dollars to keep that money flowing into our communities is viewed as an ask as for a hand out rather than an investment.

We should be working together! Incorporated communities that benefit from sales tax dollars are in the same boat as the Borough as a whole.

WE ALL SPEND A HUGE AMOUNT OF TIME SECURING A SMALL AMOUNT OF MONEY FOR PROMOTING WHEN WE COULD BE MARKETING AND MAKING A REAL DIFFERENCE IN THE NUMBER OF PEOPLE WHO ARE VISITING OUR COMMUNITIES!

WE ARE ASKING THAT YOU ARE PART OF THE CONVERSATION... IS A BED TAX WORTH EXPLORING?

KPTMC put forward a broad base 1% tourism assessment plan that would collect from all segments of the industry. This plan was not supported by the KPB administration. Bed taxes are common and accepted by the traveling public and the administration would support formulating a plan. **If the tourism industry on The Kenai bands together to create it's own stream of marketing dollars WE CAN CONTROL OUR OWN DESTINY AND GROW!**

ARGUMENTS AGAINST A BED TAX:

CON: Some argue that higher prices will lead to a decline of tourism.

PRO: The marketing that we will be able to put in place will GROW our visitor base, not shrink it. Bed taxes are in place throughout the nation and Alaska. We are the only region in Alaska that does not have one.

CON: Bed taxes, as with other taxes, have the habit of continuously increasing regardless of economic conditions.

PRO: If The Kenai's tourism industry formulates this plan and brings it forward to our Borough and Cities, we can control the amount of tax levied and the way it is spent, rather than having it forced on us and used for general government in the future.

CON: A bed tax could affect our residents, such as traveling sports teams.

PRO: We can control the way a bed tax would be structured and look at options such as making it seasonal.

TOURIST PAY. BUSINESS BENEFITS. THE KENAI WINS.



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 15-104

TO: Mayor Wythe and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Patrick Lawrence, Assistant City Manager
DATE: June 24, 2015
SUBJECT: Core Service Survey and Town Hall Meeting

The purpose of this memo is to update the Mayor and Council on the status of the Town Hall meeting being held to discuss the budget shortfall. Prior to the Town Hall Meeting, the public will have the opportunity to provide feedback using the survey described below. The information collected from the survey will inform the discussion at the Town Hall Meeting.

We propose going live with the survey July 7th. Staff will advertise the survey on the radio, in the newspapers, and on the City website. The survey will run until August 8th, at which point we will compile the results and present the findings at the Town Hall meeting on August 15th, during which a discussion will be had with the public regarding the results. We propose to utilize keypad polling to gauge the stance of the audience and help spur further discussion. The results of the survey and the keypad polling will then be tabulated and presented to the Council on August 24th.

Survey:

The intent of this survey is to gather information from the public on which City-provided services they consider to be a Core Service as well as what revenue generating ideas they are most in favor of.

A Core Service is one that is vital to the health, safety, and strength of the Community. They tend to reflect large City investments, cannot be duplicated, represent a large segment of the community, and are typically a City Council priority. A Core Service is indispensable.

- 1) Where do you live?
 - a- Homer City Limits
 - b- Kachemak City
 - c- Anchor Point
 - d- Diamond Ridge
 - e- Fritz Creek
 - f- Other

- 2) What services the City of Homer provides do you consider a Core Service or essential? Rank 1-11 in importance to you, 1 being the most important, 11 being the least.
- a- ___ Park and Recreation
 - b- ___ Road maintenance
 - c- ___ City Administration
 - d- ___ Police
 - e- ___ Fire and EMS
 - f- ___ Library
 - g- ___ Planning and Zoning
 - h- ___ Economic Development
 - i- ___ Boards and Commissions (used to collect the public's input)
 - j- ___ Non-Profits (Chamber of Commerce, Pratt Museum, etc.)
 - k- ___ Airport
 - l- ___ Animal Shelter

(Port & Harbor and Sewer & Water are not included due to the self-sustaining nature of their operations)

- 3) The City has already made spending cuts and further cuts will be required to correct the deficit. What City provided services would you recommend reducing?

- 4) Generating revenue will help keep many of your Core Services operational. Please rank these revenue generating designs from 1-7, 1 being most in favor of seeing enacted.
- a- ___ Increase the Mill rate
 - b- ___ Introduction of a Room Levy
 - c- ___ Increase Sales Tax Cap from \$500 to \$1,000
 - d- ___ End seasonal non-prepared food tax holiday
 - e- ___ Increase Fees and Fines
 - f- ___ Increase the Sales Tax
 - g- ___ Lower exempt portion of taxable property value

- 5) Please share any additional revenue-generating ideas.

Recommendation:

Provide staff with feedback on the proposed Town Hall Meeting and Survey questions.
Approve the timeline for rollout of the Survey and Town Hall.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 15-106

TO: KATIE KOESTER, CITY MANAGER
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: JUNE 24, 2015
SUBJECT: PLANNING COMMISSION ACTION REGARDING WADDELL WAY PROJECT

The Homer Advisory Planning Commission held a public hearing on June 17, 2015 regarding the Waddell Way project. The following is a summary of actions taken at the meeting. Public hearing comments and discussion highlights will be available upon completion of the meeting minutes.

Carey Meyer, Public Works Director, and John Pekar, Project Engineer with Kinney Engineering, provided project information to the Commission and there were three city residents who provided comment during the public hearing and written comments from four citizens provided in a laydown packet.

The Commission moved and approved unanimously a motion recommending the proposed Waddell Way Project improvement is consistent with the general plan and established planning principles in that –

1. The Transportation Plan supports construction of Waddell Way and
2. The provision of connected street system and pedestrian and cycle amenities are consistent with established planning principles in the city's adopted comprehensive plans.

The Commission reviewed options A and B proposed for the Waddell Way project. A motion was made that the Commission recommends option B and the motion failed after discussion with two voting yes and five voting no.

The Commission voted unanimously on two additional motions to:

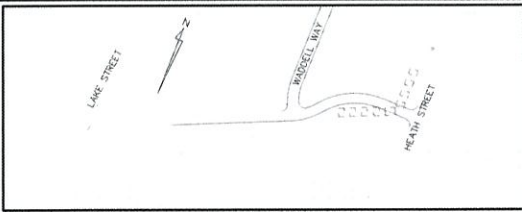
- To support option A with level 2 on the north/south section and level four on the east/west section
- To support less curve design, minimize the amount of marginal remainders of lots due to road alignment, support lighting at intersections, see a fix for the HEA driveway, and add traffic calming measures.

Public Notice Exhibit Index

Proposed Waddell Way Road Improvements

- 1) Horizontal Alignment - Option A: This alignment extends Waddell Way from Lake Street over to the Heath Street/Grubstake Avenue intersection. It is the least expensive alignment, due to reduced utility relocation costs; lower long term right-of-way acquisition costs, and the least negative impact on the adjacent HEA operations.
- 2) Horizontal Alignment - Option B: This alignment extends Waddell Way from Lake Street over to the Heath Street/Bonanza Avenue intersection. It is more expensive than the Option A alignment, due to increased utility relocation costs; higher long term right-of-way acquisition costs, and has greater impacts on the adjacent HEA operations.
- 3) City Transportation Plan – Plate 2A and 2B: these maps are included in this notice to show that the official City Transportation Plan envisions Waddell Way to be extended to Heath Street and line up with Grubstake Avenue under either of the proposed E/W collector alignments (shown on the maps as a bold dashed pink line).
- 4) Public Works has developed five pedestrian/bike friendly road designs. These alternatives were developed in an attempt to provide adequate and reasonable pedestrian and bicycle amenities for new road projects. Public Works is recommending a **Level 4A** design – a copy of the typical cross-section is attached.

SHEET NO.	TOTAL SHEETS	
1A	1A	
APPENDIX NO.		
ATTACHMENT NO.		
REVISIONS		
NO.	DATE	DESCRIPTION



PLANS DEVELOPED BY:
 KINNEY ENGINEERING, LLC
 FOR
 CITY OF HOMER, ALASKA
 PUBLIC WORKS DEPARTMENT

PHONE: (907) 232-3170
 FAX: (907) 232-3145

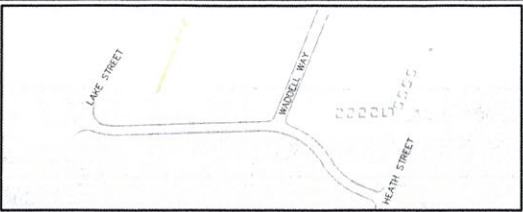


CITY OF HOMER
 WADDELL WAY ROAD AND
 WATER MAIN IMPROVEMENTS
 OPTION A



DRAWING LOCATION	\\server\home\desktop\waddell\01\11\11\10\Production\Drawings\Waddell\01\11\11\10\Option A Plan and Profile - Option A Plan 3 (10/12/11) 8:15 AM
DATE TIME	10/12/11 8:15 AM
LAYOUT	4
SCALE	
DATE	
SCALE	
DATE	
SCALE	

SHEET NO.	TOTAL SHEETS
1B	1B
ADDENDUM NO.	
ATTACHMENT NO.	
REVISIONS	
NO.	DATE
DESCRIPTION	



PLANS DEVELOPED BY:
 KINNEY ENGINEERING, LLC
 FOR
 CITY OF HOMER, ALASKA
 PUBLIC WORKS DEPARTMENT



PHONE (907) 235-3170
 FAX (907) 235-3145



CITY OF HOMER
 WADDELL WAY ROAD AND
 WATER MAIN IMPROVEMENTS
OPTION B

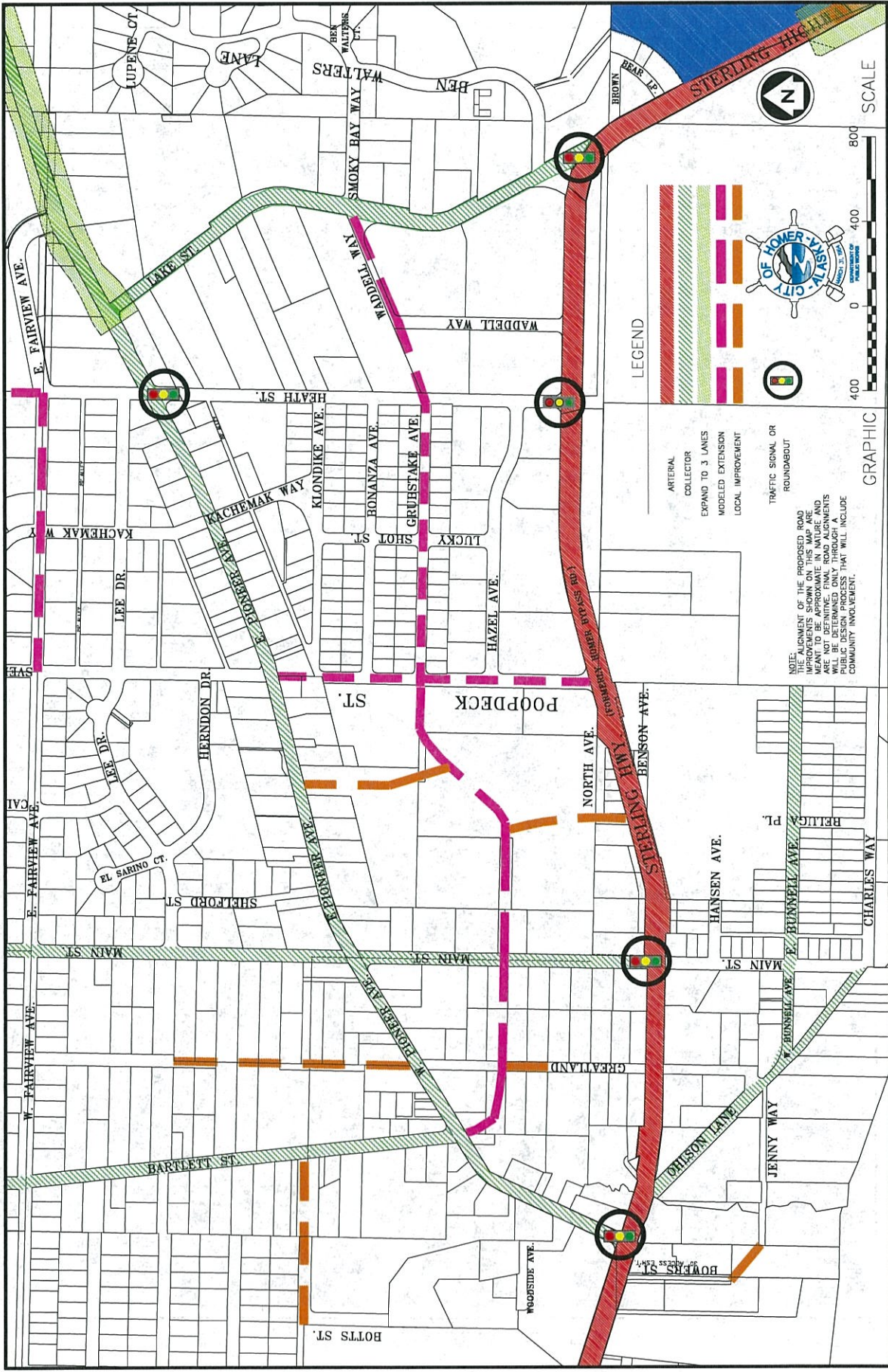


DATE TIME	LAYOUT	SCALE	DRAWING LOCATION
8			\\server\home\Desktop\Waddell\Waddell\Production Drawings\Waddell\Waddell\Plan and Profile - Option B Ray2\w of rd\1985\15 4 17 PM
			JOHN PEARL



MIKE TAUTAINEN, P.E.
CONSULTING ENGINEER, INC.
TRANSPORTATION CONSULTANT
TRAVEL DESIGNER
LAND DEVELOPMENT
PLANNING & DESIGN
IN ACCORDANCE WITH
ALASKA STATUTE 27.05

DATE	DESCRIPTION
05/2005	FINAL PLAN
04/2005	REVISED PLAN
03/2005	REVISED PLAN
02/2005	REVISED PLAN
01/2005	REVISED PLAN



LEGEND



NOTE: (UNLESS OTHERWISE NOTED) IMPROVEMENTS SHOWN ON THIS MAP ARE MEANT TO BE APPROXIMATE IN NATURE AND ARE NOT DEFINITIVE FINALLY APPROVED. THIS PUBLIC DESIGN PROCESS THAT WILL INCLUDE COMMUNITY INVOLVEMENT.



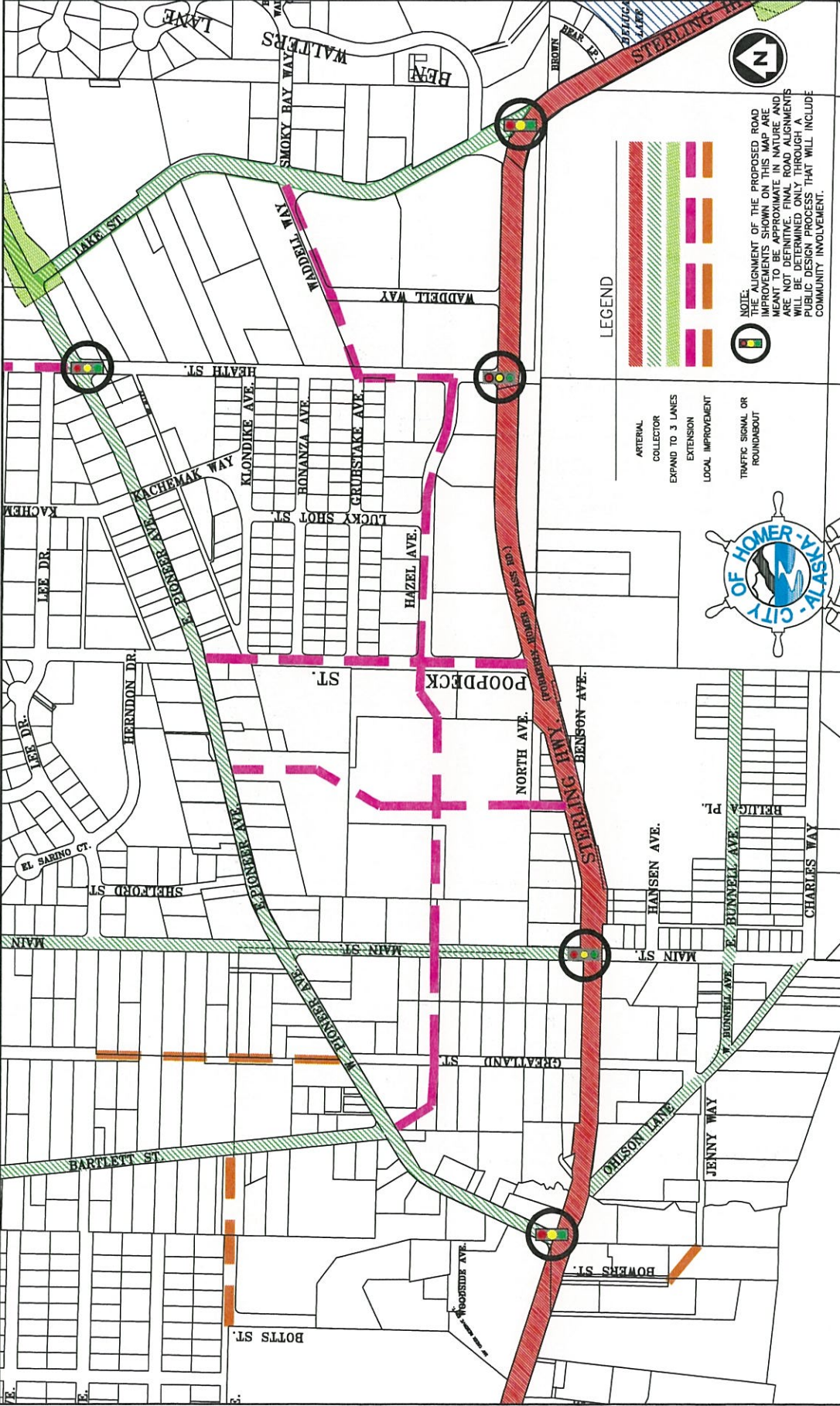
GRAPHIC

2005 HOMER AREA TRANSPORTATION PLAN
CENTRAL BUSINESS DISTRICT, ALTERNATE B



Mike Tauratoin, P.E.
CONSULTING ENGINEER, INC.
1000 W. BEAR LE
LAKESIDE DRIVE
LAKESIDE, ALASKA 99571
TELEPHONE: 907-336-1111
FAX: 907-336-1112
E-MAIL: MIKE@MIKETAURATOIN.COM

DATE	11/11/04
BY	MIKE T
CHECKED BY	MIKE T
APPROVED BY	MIKE T
SCALE	AS SHOWN
PROJECT	2005 HOMER AREA TRANSPORTATION PLAN
SHEET NO.	2B
TOTAL SHEETS	2

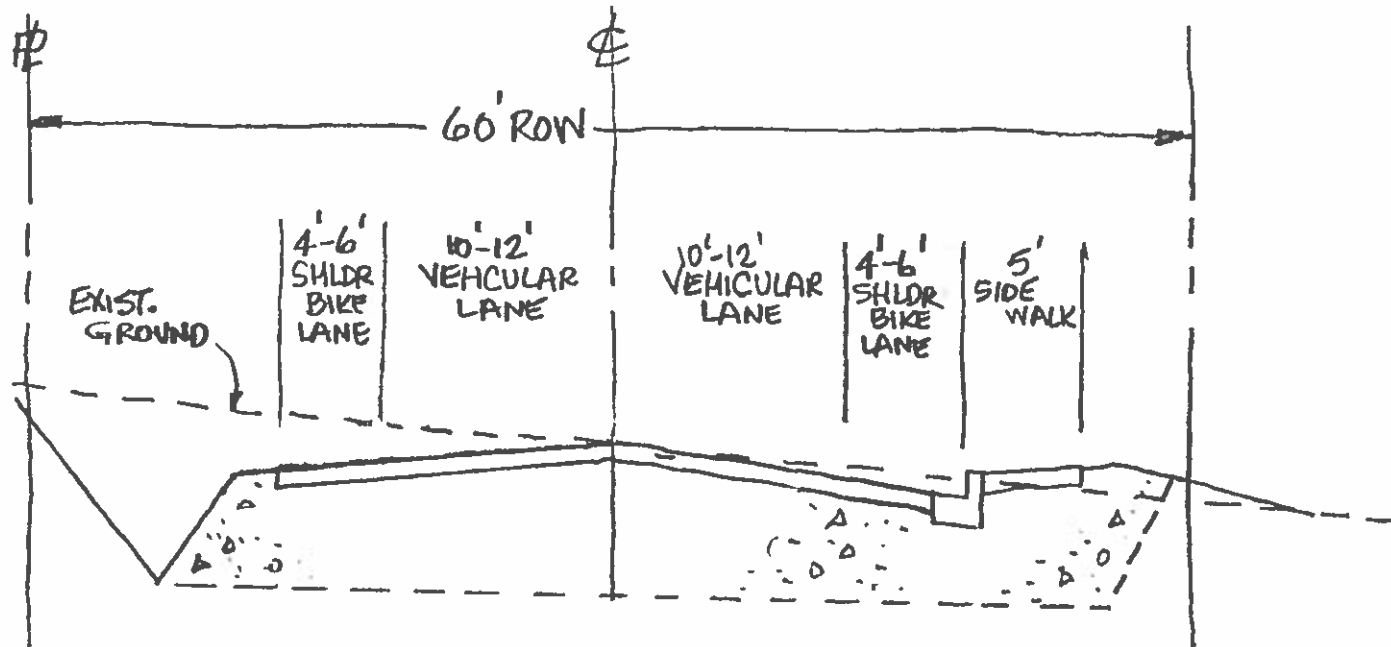


LEGEND

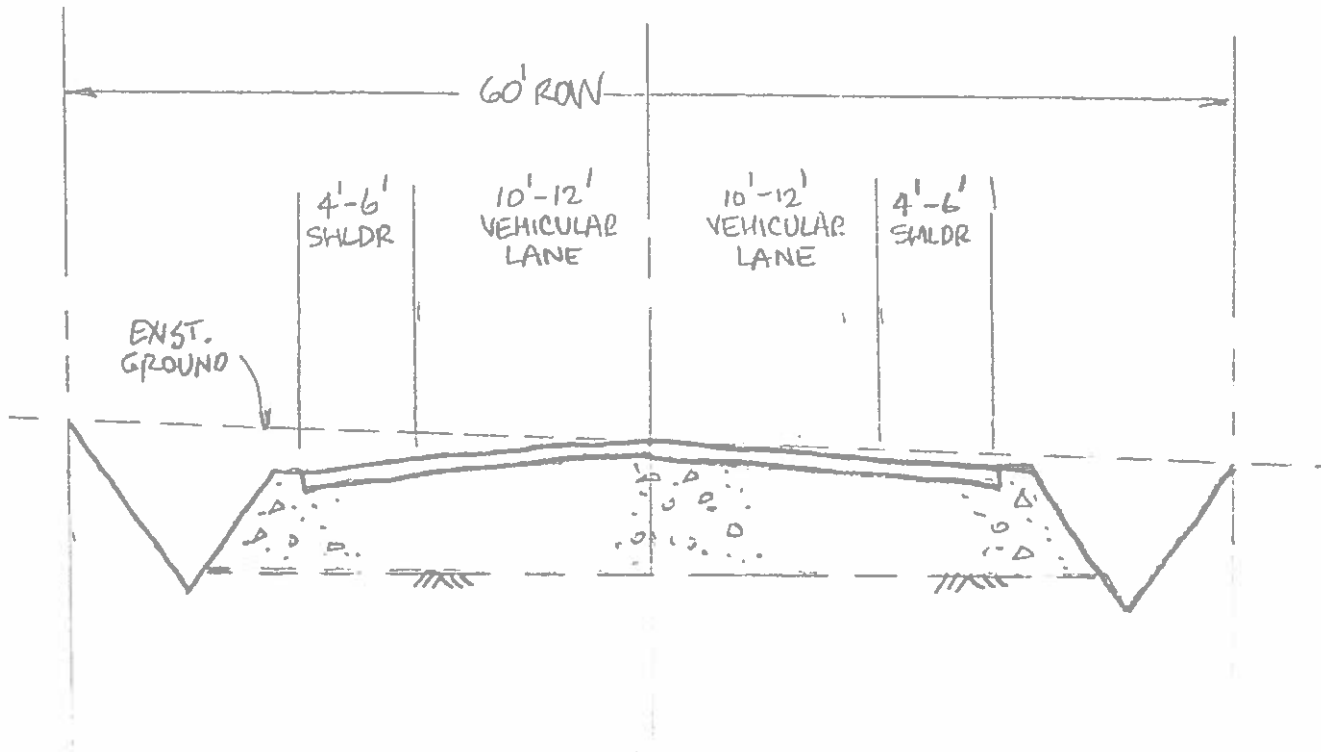
- ARTERIAL
- COLLECTOR
- EXPAND TO 3 LANES
- LOCAL IMPROVEMENT
- TRAFFIC SIGNAL OR ROUNDABOUT

NOTE: THE ALIGNMENT OF THE PROPOSED ROAD IMPROVEMENTS SHOWN ON THIS MAP ARE MEANT TO BE APPROXIMATE IN NATURE AND ARE NOT DEFINITIVE. FINAL ROAD ALIGNMENTS WILL BE DETERMINED ONLY THROUGH A PUBLIC DESIGN PROCESS THAT WILL INCLUDE COMMUNITY INVOLVEMENT.





LEVEL 4A
SIDEWALK/WIDENED PAVEMENT
 WADDELL WAY (E/W PORTION)



LEVEL 2
WIDENED PAVEMENT BOTH SIDES
 WADDELL WAY (N/S PORTION)

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

3 City Manager/Public Works

4 **RESOLUTION 13-033**

5 A RESOLUTION OF THE CITY COUNCIL OF HOMER,
6 ALASKA, APPROVING A 2005 TRANSPORTATION PLAN
7 CENTRAL BUSINESS DISTRICT EAST/WEST CORRIDOR
8 ALTERNATIVE USING HAZEL AVENUE AS THE
9 CONNECTION TO HEATH STREET, AND THE WADDELL
10 WAY PORTION OF THE ROAD CORRIDOR BE
11 CONNECTED TO HEATH STREET AT BONANZA AVENUE.

12 WHEREAS, The Transportation Advisory Committee and the City Council has shown
13 support for proceeding with the Waddell Way Road Improvements between Lake Street and
14 Heath Street; and
15

16 WHEREAS, The Transportation Advisory Committee recommended at their February
17 19th meeting, that the new east/west central business district road corridor recommended in the
18 2005 Transportation Plan follow Alternate B, using Hazel, not Grubstake, and that the Waddell
19 Way portion of the corridor connect to Heath Street at Bonanza Avenue; and
20

21 WHEREAS, The City cannot effectively proceed with the right-of-way acquisition and
22 design, and property owners in the area cannot effectively proceed with development until the
23 Waddell Way road corridor alignment has been established.
24

25 NOW, THEREFORE, BE IT RESOLVED, that the City Council of Homer, Alaska,
26 approves a 2005 Transportation Plan Central Business District East/West Corridor alternative
27 using Hazel Avenue as the connection to Heath Street, and the Waddell Way Portion of the road
28 corridor be connected to Heath Street at Bonanza Avenue.
29

30 PASSED AND ADOPTED by the Homer City Council this 8th day of April, 2013.
31

32 CITY OF HOMER

33
34
35
36 ATTEST:

Mary E. Wythe
37 MARY E. WYTHE, MAYOR

38
39 *Melissa Jacobson Acting City Clerk*
40 JO JOHNSON, CMC, CITY CLERK

41
42 Fiscal Note: N/A

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-08

An Ordinance of the Homer City Council Amending Subsection (C) of Homer City Code 21.50.020, Site Development Standards – Level One, and Subsection (A) of Homer City Code 21.50.030, Site Development Standards – Level Two, to Require Revegetation of Exposed, Cleared, Filled and Disturbed Soils Within 9 Months.

Sponsor: City Manager/Planning

1. City Council Regular Meeting April 13, 2015 Introduction
 - a. Memorandum 15-048 from City Planner as backup w/attachments: proposed draft ordinance, staff reports, excerpts of Planning Commission meetings of 2/04/15 and 3/18/15, and Memo PL 15-01

2. City Council Special Meeting June 29, 2015 Pending Business
 - a. Substitute Ordinance 15-08(S)
 - b. Memorandum 15-098 from City Planner as backup w/attachments: Ordinance 15-08, staff reports, excerpts of Planning Commission meetings of 4/13/15, 5/06/15, 5/20/15, and 6/03/15, and Memo PL 15-06
 - c. Memorandum 15-048 from City Planner as backup w/attachments: proposed draft ordinance, staff reports, excerpts of Planning Commission meetings of 2/04/15 and 3/18/15, and Memo PL 15-01

41 1. Development shall not adversely impact other properties by causing
42 damaging alteration of surface water drainage, surface water ponding, slope failure,
43 erosion, siltation, or root damage to neighboring trees, or other adverse effects.

44 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
45 disturbed soils shall be protected against subsequent erosion by methods such as, but
46 not limited to, landscaping, planting, and maintenance of vegetative cover.

47 3. All exposed, cleared, filled and disturbed soils shall be revegetated
48 within 9~~16~~ months following the initiation of earthwork.

49
50 Section 3. This Ordinance is of a permanent and general character and shall be
51 included in the City Code.

52
53 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
54 2015.

55
56 CITY OF HOMER

57
58
59 _____
60 MARY E. WYTHE, MAYOR

61
62 ATTEST:
63
64
65 _____
66 JO JOHNSON, MMC, CITY CLERK

67
68
69 AYES:
70 NOES:
71 ABSTAIN:
72 ABSENT:
73
74 First Reading:
75 Public Hearing:
76 Second Reading:
77 Effective Date:

78
79
80 Reviewed and approved as to form:
81

82 _____
83 Mary K. Koester, City Manager
84
85 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 ORDINANCE 15-08(S)
5

6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
7 SUBSECTION (c) of HOMER CITY CODE 21.50.020, SITE
8 DEVELOPMENT STANDARDS – LEVEL ONE, AND SUBSECTION (a)
9 OF HOMER CITY CODE 21.50.030, SITE DEVELOPMENT
10 STANDARDS – LEVEL TWO, TO REQUIRE REVEGETATION OF
11 EXPOSED, CLEARED, FILLED AND DISTURBED SOILS BY AUGUST
12 31ST OR WITHIN 9 MONTHS WHICHEVER COMES FIRST.
13

14 THE CITY OF HOMER ORDAINS:

15
16 Section 1. Subsection (c) of Homer City Code 21.50.020, Site development standards –
17 Level one, is amended to read as follows:
18

19 c. Landscaping Requirements. All development activity on lands shall conform to the
20 following:

21 1. Development activities shall not adversely impact other properties by
22 causing damaging alteration of surface water drainage, surface water ponding, slope
23 failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring
24 trees, or other damaging physical impacts. The property owner and developer shall
25 take such steps, including installation of culverts or buffers, or other methods, as
26 necessary to comply with this requirement.

27 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
28 disturbed soils shall be protected against subsequent erosion by methods such as, but
29 not limited to, landscaping, ~~planting,~~ and maintenance of native vegetative cover, **or**
30 **plantings to minimize invasive species.**

31 3. All exposed, cleared, filled and disturbed soils shall be revegetated
32 within ~~9~~ 16-months following the initiation of earthwork, **or reseeded by the next**
33 **August 31st, whichever comes first.** ~~Natural~~ Native revegetation is acceptable if the
34 site naturally revegetates within that ~~9~~ 16-month period. If ~~natural~~ native revegetation
35 is not successful within that ~~9~~ 16-month period, the property owner and developer
36 shall revegetate by other means no later than the end of that ~~9~~ 16-month period.
37

38 Section 2. Subsection (a) of Homer City Code 21.50.030, Site development standards –
39 Level two, is amended to read as follows:
40

41 a. Site Development.

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

42 1. Development shall not adversely impact other properties by causing
43 damaging alteration of surface water drainage, surface water ponding, slope failure,
44 erosion, siltation, or root damage to neighboring trees, or other adverse effects.

45 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
46 disturbed soils shall be protected against subsequent erosion by methods such as, but
47 not limited to, landscaping, planting, and maintenance of vegetative cover.

48 3. All exposed, cleared, filled and disturbed soils shall be revegetated
49 within 9~~16~~ months following the initiation of earthwork.

50
51 Section 3. This Ordinance is of a permanent and general character and shall be
52 included in the City Code.

53
54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
55 2015.

56
57 CITY OF HOMER

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59
60
61 _____
62 MARY E. WYTHE, MAYOR

63 ATTEST:
64
65
66 _____
67 JO JOHNSON, MMC, CITY CLERK

68
69
70 AYES:
71 NOES:
72 ABSTAIN:
73 ABSENT:
74
75 First Reading:
76 Public Hearing:
77 Second Reading:
78 Effective Date:

79
80
81 Reviewed and approved as to form:
82

83 _____
84 Mary K. Koester, City Manager
85
86 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



City of Homer

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Memorandum 15-048

TO: MAYOR WYTHER AND HOMER CITY COUNCIL
THROUGH MARVIN YODER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: March 25, 2015
SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.50.020 AND 21.50.030, SITE DEVELOPMENT STANDARDS LEVEL ONE AND TWO.

As a result of conversations starting in Planning Commission work sessions, the Planning Commission determined that current site development standards allowing up to 16 months for reseeding deserves more consideration. In an effort to help further the goals and objective of the Homer Comprehensive Plan (Chapter 4, Goal 2: Maintain the quality of Homer's natural environment and scenic beauty. & Objective B: Establish development standards and require development practices that protect environmental functions.), the Planning Commission finds 9 months a more reasonable time frame in order to reseed/revegetate soils disturbed due to development.

The proposed amendment was a subject of the February 4th and March 18th meetings of the Commission, the latter being a public hearing that included the testimony of one citizen in support and none against. The Commission voted unanimously to recommend that the City Council adopt the draft ordinance.

Att.

1. Proposed draft ordinance
2. Staff Reports
3. Excerpts of Planning Commission meetings held 2/4/15 and 3/18/15
4. Memo Pl 15-01

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

3 Planning

4 **ORDINANCE 15-xx**

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
7 SUBSECTION (c) of HOMER CITY CODE 21.50.020, SITE
8 DEVELOPMENT STANDARDS – LEVEL ONE, AND SUBSECTION (a)
9 OF HOMER CITY CODE 21.50.030, SITE DEVELOPMENT
10 STANDARDS – LEVEL TWO, TO REQUIRE REVEGETATION OF
11 EXPOSED, CLEARED, FILLED AND DISTURBED SOILS WITHIN 9
12 MONTHS.

13
14 THE CITY OF HOMER ORDAINS:

15
16 Section 1. Subsection (c) of Homer City Code 21.50.020, Site development standards –
17 Level one, is amended to read as follows:

18
19 c. Landscaping Requirements. All development activity on lands shall conform to the
20 following:

21 1. Development activities shall not adversely impact other properties by
22 causing damaging alteration of surface water drainage, surface water ponding, slope
23 failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring
24 trees, or other damaging physical impacts. The property owner and developer shall
25 take such steps, including installation of culverts or buffers, or other methods, as
26 necessary to comply with this requirement.

27 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
28 disturbed soils shall be protected against subsequent erosion by methods such as, but
29 not limited to, landscaping, planting, and maintenance of vegetative cover.

30 3. All exposed, cleared, filled and disturbed soils shall be revegetated
31 within 9 ~~16~~ months following the initiation of earthwork. Natural revegetation is
32 acceptable if the site naturally revegetates within that 9 ~~16~~ month period. If natural
33 revegetation is not successful within that 9 ~~16~~ month period, the property owner and
34 developer shall revegetate by other means no later than the end of that 9 ~~16~~ month
35 period.

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

41 1. Development shall not adversely impact other properties by causing
42 damaging alteration of surface water drainage, surface water ponding, slope failure,
43 erosion, siltation, or root damage to neighboring trees, or other adverse effects.

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45 disturbed soils shall be protected against subsequent erosion by methods such as, but
46 not limited to, landscaping, planting, and maintenance of vegetative cover.

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50 Section 3. This Ordinance is of a permanent and general character and shall be
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54 2015.

55
56 CITY OF HOMER

57
58
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60 MARY E. WYTHE, MAYOR

61
62 ATTEST:
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66 JO JOHNSON, MMC, CITY CLERK

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Marvin Yoder, City Manager

Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



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Staff Report PL 15-11

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: February 4, 2015
SUBJECT: Draft ordinance amending 21.50 Site Development Requirements

Introduction

The Commission has expressed interest in pursuing code changes that will improve storm water quality. One method to do so is to limit storm water runoff over bare soil. Currently, most of Homer's residential districts don't require reseeding after dirt work has started for 16 months. That's a really long time! One way to limit the amount of time the ground can stay bare, is to change the revegetation requirements.

Analysis

21.50.020(c) (3) states:

"All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16-month period. If natural revegetation is not successful within that 16-month period, the property owner and developer shall revegetate by other means no later than the end of that 16-month period."

In most of the commercial districts, revegetation (which might include formal landscaping) must be accomplished within 9 months of substantial completion of the construction project, or the first growing season, whichever is sooner. This seems like a reasonable timeframe for all construction; commercial or residential. Someone who had a late foundation start, say in September, would need to reseed no later than May.

Staff Recommendation: Discuss reducing the 16 month time limit to 9 months.

HIGHLAND/BOS - MOVED TO ADOPT STAFF REPORT PL 15-41, TOWERS ORDINANCE AND POSTPONE THE PUBLIC HEARING TO BRING IT BACK FOR REVISIONS.

Discussion on requesting information from professionals in the field for the next review of the commission so that the commission can make informed decisions on possible revisions to the draft ordinance. Discussion also included seeing more than two comments on this and input from the industry professionals would be added value, he further stated that most of Homer is a view shed and he would like to see some requirement for blending into nature.

Commissioner Highland asked about amending line 147-148 on page 33 of the packet to add "ice" since that would be a big deal here. Staff can add that note and make the motion at the next meeting.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead clarified that the Staff Report has been adopted and the commission will see the ordinance again with minor revisions at the next meeting, with more public comment.

C. Staff Report PL 15-42, Site Development Standards

Chair Stead read the title into the record. City Planner Abboud read his report.

Chair Stead opened the public hearing for comment. Seeing no public present the public hearing was closed.

BOS/ERICKSON - MOVED TO ADOPT DRAFT ORDINANCE 15-08, SITE DEVELOPMENT STANDARDS AND FORWARD TO CITY COUNCIL FOR PUBLIC HEARING.

Commissioner Highland noted line 11, space needed between words "BY" and "AUGUST" and a comma was needed in line 32 after the word "months".

Commissioner Venuti, questioned line 36, requesting clarification for "other means" once clarification was provided then it was discussed that it does not allow time for the developer to re-vegetate since the ordinance states that it must be re-vegetated by native or other means. Commissioner Erickson pointed out the use of the word "that" in line 34 before nine month period provides definition of the period allowed for a cleared area to be re-vegetated. There was a brief discussion on the enforcement of the area being re-vegetated in the 9 month time period.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT

Motion carried

PLAT CONSIDERATION

There were no plat considerations.

PENDING BUSINESS

A. Staff Report PL 15-43, Waddell Way

Chair Stead read the title into the record. City Planner Abboud reviewed his report and requested recommendations from the commission.

ERICKSON/BOS - MOVED TO ADOPT OPTION A



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Staff Report PL 15-42

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: June 3, 2015
SUBJECT: Draft Ordinance 15-08 Site Development Standards

Introduction

At the April 13th City Council meeting, the Council introduced Ordinance 15-08, amending the site development requirements to require revegetation of exposed soils within 9 months. The Council referred the ordinance back to the Commission with direction to address several issues, listed below. The Commission subsequently heard a presentation by Matt Steffy of the Homer Soil and Water Conservation District on invasive weeds, and discussed the ordinance at the May 6th and May 20th meetings.

A public hearing has been advertised for this ordinance.

Concerns of Council and HAPC response:

Section 1 Invasive Species

REYNOLDS/ROBERTS –MOVED THAT DURING THE CONSTRUCTION PERIOD THAT THE SOIL IS DISTURBED IF THERE COULD BE ANY MEASURES PUT IN THAT INVASIVES DON'T GET HOLD THEN THAT THEY WOULD BE REMOVED.

REYNOLDS/BURGESS – MOVED THAT LINE 29 HAVE MORE SPECIFIC LANGUAGE: VEGETATIVE NATIVE COVER AND WEED FREE PLANTS WITH NO INVASIVE SPECIES.

HAPC discussion: At the May 6th work session, Mr. Steffy from the Homer Soil and Water Conservation District was available to answer questions about invasive weeds. A key point he made was that the best way to control erosion, and at the same time prevent invasive weeds, is to establish new vegetation or reseed. The Commission chose to amend the ordinance to require reseeding within 9 months, or by August 31st, whichever comes first. There was also consensus that education was important.

Staff comment: A pamphlet on invasive weeds is now on display in the Planning Office. When the City website is updated with the new media policy, more information and links about invasive species will be added. If customers are looking for more information, the local soil and water conservation district office has trained staff who are able to provide professional guidance, at no cost.

Section 2 – Allow alternate erosion control methods

BURGESS/ROBERTS – MOVED TO AMEND THAT IN ALL THE SECTIONS THEY OFFER REASONABLE EROSION PREVENTION ALTERNATIVES TO VEGETATIVE COVER IF AND WHEN APPROPRIATE FOR SWPP LIKE BURLAP MATTING OR THOSE CONTROL SACKS THAT YOU CAN USE FOR HIGHWAY PROJECTS OR WOOD CHIPS OR LANDSCAPING MATERIALS OR GRAVELS.

Motion carried.

Planning staff comment: These options are already available to the developer. Code does not offer a long list of options; it simply gives a few examples. Further, the developer is not limited to the few items listed in code. Under HCC 21.03.020 Words and Phrases, states: c. When the words “include” or “including” or “such as” are used, they shall be construed as though followed by the phrase “but not limited to” unless the context clearly indicates the contrary. So if a developer wants to do something besides planting or limiting their clearing area, they can. The developer has any number of options that they can present, the only thing that is not an option is do nothing.

Code states:

“2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.”

Section 3 Revisit the enforceability and legal ramifications of the ‘no adverse impact’ language

BURGESS/REYNOLDS – MOVED TO ASK THE PLANNING COMMISSION TO REVISIT THE ENTIRE SECTION OF CODE WITH SPECIFIC REGARD FOR ENFORCEABILITY AND POTENTIAL LEGAL RAMIFICATIONS OF ENFORCEABILITY FOR THE CITY OF HOMER AND INTER-NEIGHBOR RELATIONSHIPS, SPECIFICALLY SECTION 1 OF ITEM C.

Motion carried.

“1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.”

HAPC Comments: At the meeting of May 6th, the Commission and staff discussed this section of code. Staff commented that this language provides a tool to work with property owners on solutions. The Commission was in agreement that it was important to have language to be able to address issues that affect other people’s property, and that this language should not be removed from code.

Section 4

Mayor Wythe asked that the Planning Commission consider enforceability and non-prohibitive development. It is important we don’t continue building regulation that prevents people from developing properties. She asked that the Planning Commission look at it fresh as to how it will affect the ability of an individual to develop their properties.

HAPC comments: At the May 20th meeting, Chair Stead commented that he believed the amendment talks about the enforceability by saying they are going to attempt to get non-invasive species so that it can be a little bit more enforceable along with the native vegetation....

Staff comments: Code already requires revegetation, although a longer timeframe is allowed. Sixteen months is a very long time; dirt work may begin one spring but the 16 month timeframe doesn’t run out until the following fall. The original developer or even land owner may be long gone, leaving a new land owner and the neighborhood with an erosion problem. The new regulation will allow staff and developers to respond more quickly and uniformly to revegetation requirements.

Staff Recommendation

Conduct a public hearing and recommend approval to the City Council.

Attachments

1. Memorandum 15-06
2. Draft Ordinance 15-08
3. May 6, 2015 meeting minutes
4. May 20, 2015 meeting minute



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Memorandum 15-06

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: May 28, 2015
SUBJECT: Planning Staff review of ordinance 15-08 as amended

Planning Staff review per 21.95.040

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

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

Staff response: 2008 Comprehensive Plan Chapter 4 Land Use Goal 2 is supported by this amendment. Goal 2 states: Maintain the quality of Homer's natural environment and scenic beauty. Objective B states: Establish development standards and require development practices that protect environmental functions. This amendment encourages the preservation of the natural environment by requiring revegetation of a site either with native plantings, or reseeding within 9 months after clearing has begun, which will also help reduce soil erosion. This amendment is consistent with the comprehensive plan and will further the goals and objectives of the plan.

b. Will be reasonable to implement and enforce.

Staff response: This amendment will provide date specific regulation for reseeding which is an improvement to current code. Planning staff will be able to perform a visual inspection of properties under development in late summer to verify if revegetation is occurring. If a site has not naturally revegetated or been reseeded, staff can work with the land owner to take corrective action. Current code allows for a 16 month timeframe from the initiation of earthwork, which is not tracked by the department. The code amendment will be reasonable to implement and enforce.

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

Staff response: This amendment promotes health, safety and welfare by helping to prevent soil erosion, and discouraging the establishment of invasive weeds.

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

Staff response: This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

42 1. Development shall not adversely impact other properties by causing
43 damaging alteration of surface water drainage, surface water ponding, slope failure,
44 erosion, siltation, or root damage to neighboring trees, or other adverse effects.

45 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
46 disturbed soils shall be protected against subsequent erosion by methods such as, but
47 not limited to, landscaping, planting, and maintenance of vegetative cover.

48 3. All exposed, cleared, filled and disturbed soils shall be revegetated within 9
49 ~~16~~ months following the initiation of earthwork.

50
51 Section 3. This Ordinance is of a permanent and general character and shall be
52 included in the City Code.

53
54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
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62 ATTEST:
63
64 _____
65 JO JOHNSON, MMC, CITY CLERK

66
67 AYES:
68 NOES:
69 ABSTAIN:
70 ABSENT:

71
72 First Reading:
73 Public Hearing:
74 Second Reading:
75 Effective Date:

76
77 Reviewed and approved as to form:
78

79 _____
80 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

81
82 Date: _____ Date: _____

B. Staff Report PL 15-34 Site Development Standards

City Planner Abboud reviewed the staff report.

Commissioners discussed reseeding within 9 months versus one year. If the development is a house, building the foundation the activity that most disturbs the ground and reseeding could be completed once the foundation is in and also the time frame could vary depending on when construction starts. The Commission recommended reseeding by August 31st or within 9 months, whichever comes first.

They also discussed information Mr. Steffy's provided relating to voluntary compliance and the need to educate the public and encourage certified seed and certified gravel to help reduce invasive species. Commissioner Erickson suggested the city taking a lead in requiring local pits bring in the guys from the state could solve a lot of the problem without costing anything. It would raise awareness and they would be more willing to work with Mr. Steffy.

Commissioner Highland noted mention of a state law relating to noxious weeds and that language could be incorporated in permitting language. We are in better shape than other communities so it's important to somehow get on board before it gets worse. She support's Mr. Steffy's recommendation of holding an invasive weeds clinic for contractors, maybe that's another place for the city to be a leader and work with the Soil & Water Conservation District.

Commissioner Erickson noted Mr. Steffy's comments about packaged seed you can buy at the store that could contain noxious material, so it can come from various sources. It will be important not to target anyone as the problem and to educate people on what to look for to get a better product. We will need to do our best to watch and protect ourselves from it. She thinks it would be better for the city to take the lead and educate rather than having it in code. A lot of people don't realize there could be noxious plants in the cheap grass seed.

City Planner Abboud encouraged that the city could be a leading advocate for this and include it as a subject of conversation in site planning and so forth. He agrees that education is a good start because most of the people in Homer feel compelled to do the right thing.

Regarding the alternate erosion control methods, Commissioner Highland noted that an idea is bringing it to people's attention to use certified forage.

Regarding adverse impacts, City Planner Abboud said it needs to be stated what people can't do for risk of impacting neighbors, it gives staff the tool to work with property owners to work to solutions. He will look at other codes to see what type of adverse impact language is used. He has never had to take anyone to task in a penalty phase, but there are neighbors who have filed suit against each other. Commissioner Erickson commented about the issues with tree cutting on Mt. Augustine Drive and that it's important to have this language to be able to address issues that affect other people's property. She would be uncomfortable removing the language. The other commissioners concurred.

New Business

A. Staff Report PL 15-32 Appointment to the Cannabis Advisory Commission

B. Staff Report PL 15-37, Ordinance 15-08, Site Development Standards

Chair Stead introduced and brought the item to the floor.

City Planner Abboud provided background to date on the ordinance. They had a presentation on invasive weeds and the importance of plantings. Staff recommended the commission review and discuss Lines 29/30 and 32/33 and expressed concerns regarding enforcement of weed free materials, currently there is no source of weed free gravel or fill on this part of the peninsula. This amendment to the ordinance was made by Council at the meeting.

Staff recommendations were to discuss the amendments on the record and forward to public hearing.

Commissioner Stroozas questioned the use of the word "Natural" in line 33 and opined that all vegetation is natural. He asked if it should not follow the use of the word "native" as in line 29. Chair Stead requested a motion.

ERICKSON/VENUTI - MOVE TO CHANGE "NATURAL" IN LINE 33 AND 34 TO "NATIVE" AND FORWARD FOR PUBLIC HEARINGS.

Discussion followed on the wording for legislative purposes and enforcement of the sentiment "weed free plants with no invasive species"; the time limit of nine months to re-vegetate was to protect against erosion; weeds will never be eradicated but they can minimize them.

STROOZAS/BOS (amendment) - MOVED TO AMEND LINE 29 TO DELETE THE WORD "PLANTINGS", AND AMEND LINE 30 TO DELETE "AND WEED FREE PLANTS WITH NO INVASIVE SPECIES" INSERT "OR PLANTINGS TO MINIMIZE INVASIVE SPECIES."

There was no discussion on the amendment.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead stated for the record that he believed the amendment talks about the enforceability by saying that they are going to attempt to get non-invasive species so that it can be a little bit more enforceable along with the native vegetation and he is not sure that this is only enforceable by complaint. City Planner Abboud responded that they do follow-up on permits to make sure that there is compliance with the rules.

VOTE. (main) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report PL 15-38, Waddell Way Design

Chair Stead read the title into the record. He requested input from City Planner Abboud.

City Planner Abboud stated that since no hard answers are needed at this time that a motion is required. They spoke about the connection of the road connections. The street will have to be renamed.

Chair Stead recommended bring it to the floor with a motion to adopt and that they will start taking public comment at the June 3rd and 17th meeting and they will make the recommendation to council at the June 17th meeting on the four requested recommendations.



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Staff Report PL 15-37

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: May 20, 2015
SUBJECT: Site Development Standards

Introduction

At the April 13th City Council meeting, the Council introduced Ordinance 15-08, amending the site development requirements to require revegetation of exposed soils within 9 months. The Council referred the ordinance back to the Commission with direction to address several issues.

At the May 6th work session, Mr. Steffy from the Homer Soil and Water Conservation District was available to answer questions about invasive weeds. A key point he made was that the best way to control erosion, and at the same time prevent invasive weeds, is to establish new vegetation or reseed. The Commission chose to amend the ordinance to require reseeding within 9 months, or by August 31st, whichever comes first.

Mayor Wythe asked that the Planning Commission consider enforceability and non-prohibitive development. It is important we don't continue building regulation that prevents people from developing properties. She asked that the Planning Commission look at it fresh as to how it will affect the ability of an individual to develop their properties.

Discussion

Staff recommends the Commission consider lines 29/30, and 32/33 to discuss the enforceability of these provisions, and the effect on development and land owners.

Lines 29/30: This is an amendment Council made. Staff is concerned about the ability to enforce weed free plants with no invasive species. There is currently no source of weed free gravel or fill on this part of the peninsula.

"2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of native vegetative cover, and weed free plants with no invasive species.

Line 32/33 – reseed by August 31st. Please comment on the record how the Commission feels this will be enforceable, and what affect it will have on development.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within ~~9~~16-months following the initiation of earthwork, **or reseeded by August 31st, whichever comes first.** Natural revegetation is acceptable if the site naturally revegetates within that ~~9~~16-month period. If natural revegetation is not successful within that ~~9~~16-month period, the property owner and developer shall revegetate by other means no later than the end of that ~~9~~16-month period.

Staff Recommendation: Discuss the amendments on the record, and forward to public hearing. Staff will have the attorney review the ordinance prior to public hearing. Staff will also draft a memo in response to Council's concerns, and present it for the Commission's comments at the next meeting.

Attachments

1. Amended draft ordinance 5/20/15 version

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 ORDINANCE 15-08
5

6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
7 SUBSECTION (c) of HOMER CITY CODE 21.50.020, SITE
8 DEVELOPMENT STANDARDS – LEVEL ONE, AND SUBSECTION (a)
9 OF HOMER CITY CODE 21.50.030, SITE DEVELOPMENT
10 STANDARDS – LEVEL TWO, TO REQUIRE REVEGETATION OF
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36 other means no later than the end of that ~~9~~16-month period.
37

38 Section 2. Subsection (a) of Homer City Code 21.50.030, Site development standards –
39 Level two, is amended to read as follows:
40

41 a. Site Development.

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

- 42 1. Development shall not adversely impact other properties by causing
- 43 damaging alteration of surface water drainage, surface water ponding, slope failure,
- 44 erosion, siltation, or root damage to neighboring trees, or other adverse effects.
- 45 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
- 46 disturbed soils shall be protected against subsequent erosion by methods such as, but
- 47 not limited to, landscaping, planting, and maintenance of vegetative cover.
- 48 3. All exposed, cleared, filled and disturbed soils shall be revegetated within 9
- 49 ~~16~~ months following the initiation of earthwork.

50
51 Section 3. This Ordinance is of a permanent and general character and shall be
52 included in the City Code.

53
54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
55 2015.

56
57 CITY OF HOMER

58
59
60 _____
61 MARY E. WYTHE, MAYOR

62 ATTEST:

63 _____
64 JO JOHNSON, MMC, CITY CLERK

- 65
- 66 AYES:
- 67 NOES:
- 68 ABSTAIN:
- 69 ABSENT:

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

75
76 Reviewed and approved as to form:

77
78 _____
79 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

80
81 Date: _____

Date: _____

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



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

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Staff Report PL 15-34

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: May 6, 2015
SUBJECT: Site Development Standards

Introduction

At the April 13th City Council meeting, the Council introduced Ordinance 15-08, amending the site development requirements to require revegetation of exposed soils within 9 months. The Council referred the ordinance back to the Commission with direction to address several issues.

One of the issues was invasive weeds. Matt Steffy, from Homer Soil and Water Conservation District, will be presenting at the work session. This staff report does not address invasive weeds, but staff expects some discussion after hearing his presentation.

Analysis

There are several points Council would like the Commission to consider. Excerpts of the Council's minutes are below, with discussion points from staff. The full minutes are an attachment. Staff also created a table of the various related regulations we already have on the books – see attachments.

Additionally, it is helpful to consider there are two different things going on in code. One deals with erosion and sediments, and the other deals with revegetation. A land owner who hydro seeds right away accomplishes both goals: prevents further soil erosion, and establishes quick growing vegetation. A land owner that uses straw to keep mud from flowing on the property accomplishes erosion and sediment control, but may not accomplish long term vegetation if the grasses don't grow underneath the straw.

HCC 21.50.020 (c) in part states:

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16-month period. If natural revegetation is not successful within that 16-month period, the property owner and developer shall revegetate by other means no later than the end of that 16-month period.

Council Comments and Staff Responses. Sections added for organization, and minutes were organized by topic.

Section 1 – Invasive Species

Section 2 – Allow alternate erosion control methods

Section 3 - Revisit the enforceability and legal ramifications of ‘no adverse impact’ language

Section 4 – consider over all enforceability, and not prohibiting development.

Section 1 Invasive Species

REYNOLDS/ROBERTS –MOVED THAT DURING THE CONSTRUCTION PERIOD THAT THE SOIL IS DISTURBED IF THERE COULD BE ANY MEASURES PUT IN THAT INVASIVES DON'T GET HOLD THEN THAT THEY WOULD BE REMOVED.

The Council discussed the burden it would place on property owners since practically everything is invasive. Most invasive plants are wind or water populated. Regulating anyone who leaves an area open and disturbed that may be populated by an invasive species has an economic obligation to remove the invasive species. This would require removing invasive species from public right-of-ways.

There are a number of invasive species that are problematic and the City does work with Soil and Water Conservation to reduce and remove the invasive species. Motion carried.

REYNOLDS/BURGESS – MOVED THAT LINE 29 HAVE MORE SPECIFIC LANGUAGE: VEGETATIVE NATIVE COVER AND WEED FREE PLANTS WITH NO INVASIVE SPECIES.

Although there are few plant varieties native to Alaska, the plant material center in Palmer may help the Planning Commission determine which plants are invasive species. Motion carried.

Planning staff comment: Council voiced two issues: preventing invasive species during construction, and then vegetating with native species and no invasives if the site doesn't green up on its own. Mr. Steffy will provide more information at the May 6th HAPC work session. Additionally, staff will provide information on what the city already does about invasive weeds, and it may be possible to update the city website as well.

Staff recommendation: *Hear Mr. Steffy's presentation, and consider if the zoning code is a mechanism to address invasive species concerns.*

Section 2 – Allow alternate erosion control methods

BURGESS/ROBERTS – MOVED TO AMEND THAT IN ALL THE SECTIONS THEY OFFER REASONABLE EROSION PREVENTION ALTERNATIVES TO VEGETATIVE COVER IF AND WHEN APPROPRIATE FOR SWPP LIKE BURLAP MATTING OR THOSE CONTROL SACKS THAT YOU CAN USE FOR HIGHWAY PROJECTS OR WOOD CHIPS OR LANDSCAPING MATERIALS OR GRAVELS.

Motion carried.

Planning staff comment: These options are already available to the developer. Code does not offer a long list of options; it simply gives a few examples. Further, the developer is not limited to the few items listed in code. Under HCC 21.03.020 Words and Phrases, states: c. When the words “include” or “including” or “such as” are used, they shall be construed as though followed by the phrase “but not limited to” unless the context clearly indicates the contrary. So if a developer wants to do something besides planting or limiting their clearing area, they can. The developer has any number of options that they can present, the only thing that is not an option is do nothing.

Code states:

“2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and disturbed soils shall be protected against subsequent erosion by methods such as, but not limited to, landscaping, planting, and maintenance of vegetative cover.”

Section 3 Revisit the enforceability and legal ramifications of the ‘no adverse impact’ language

BURGESS/REYNOLDS – MOVED TO ASK THE PLANNING COMMISSION TO REVISIT THE ENTIRE SECTION OF CODE WITH SPECIFIC REGARD FOR ENFORCEABILITY AND POTENTIAL LEGAL RAMIFICATIONS OF ENFORCEABILITY FOR THE CITY OF HOMER AND INTER-NEIGHBOR RELATIONSHIPS, SPECIFICALLY SECTION 1 OF ITEM C.

Motion carried.

Planning Staff Comments: Council is referring to this section of code, 21.50.020(c)1. Staff will provide more comment on this section of code at the next meeting.

“1. Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees,

or other damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.”

Section 4

Mayor Wythe asked that the Planning Commission consider enforceability and non-prohibitive development.

Mayor Wythe commented the amendments have made it prohibitive to develop at a time when economic development is going to become extremely key for us to do anything to resemble a park and recreation. It is important we don't continue building regulation that prevents people from developing properties. She asked that the Planning Commission look at it fresh as to how it will affect the ability of an individual to develop their properties.

Planning Staff Comment: Code requires the staff and the Commission to consider these very concerns. Staff thinks with a little more discussion and clarity on why the amendment is proposed, Council's concern will be addressed.

Staff recommendation: Planning Commission discuss on the record (at the regular meeting) why the change in code is beneficial, what is accomplished, and the effective burden for developers.

Staff Recommendation:

1. After hearing Mr. Steffy's presentation, discuss any concerns or ways to address invasive species within 21.50.
2. Consider Comments in each section, and discuss on the record (regular meeting).

Next steps: at the next meeting, staff will bring forward discussion of the 'no adverse impact' language, and anything else the Commission requests. The Council did not provide a date by which they wanted this ordinance back, so the Commission has time to further consider this ordinance if desired.

Attachments

1. Excerpt of Council meeting minutes of April 13, 2015
2. Table 1, General requirements for landscaping and reseeding
3. Draft ordinance

Excerpt from City Council Regular Meeting of April 13, 2015 (unapproved)

- A. **Ordinance 15-08**, An Ordinance of the Homer City Council Amending Subsection (C) of Homer City Code 21.50.020, Site Development Standards – Level One, and Subsection (A) of Homer City Code 21.50.030, Site Development Standards – Level Two, to Require Revegetation of Exposed, Cleared, Filled and Disturbed Soils Within 9 Months. Planning. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

Memorandum 15-048 from City Planner as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 15-08 for introduction and first reading by reading of title only.

ROBERTS/REYNOLDS – SO MOVED.

REYNOLDS/ROBERTS – MOVED TO AMEND TO STRIKE 9 MONTHS AND PROPOSE 6 MONTHS (LINES 30-34).

The Council discussed shortening the time for requiring revegetation. It is impractical and an added expense for a builder to have to revegetate halfway through the building process. It is not effectively accomplishing the goal to prevent erosion and promote positive species. In our long winter season it is difficult to have a project finished within 9 months after start.

Councilmember Roberts called for the question.

VOTE: YES. REYNOLDS

VOTE: NO. ROBERTS, LEWIS, ZAK, BURGESS, VAN DYKE

Motion failed.

The Council discussed sending the ordinance back to the Planning Commission since Item 1C incites litigation.

BURGESS/VAN DYKE - MOVED TO STRIKE CONTENTS IN LINES 21 - 26.

The Council suggested that the Planning Commission review the language from a regulatory standpoint.

VOTE: (amendment) YES. VAN DYKE, BURGESS

VOTE: NO. REYNOLDS, ROBERTS, ZAK, LEWIS

Motion failed.

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

Motion carried.

BURGESS/LEWIS - MOVED TO REFER THIS TO THE PLANNING COMMISSION.

A time frame within completion of a project is more important than time frame from initial disturbance. Adjustments may be made for projects that have erosion considerations. The post-construction time for revegetation is needed

ROBERTS/BURGESS – MOVED TO AMEND TO POSTPONE THE SECOND READING.

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

Motion carried.

VOTE: (refer to Planning Commission as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/BURGESS – MOVED THAT LINE 29 HAVE MORE SPECIFIC LANGUAGE: VEGETATIVE NATIVE COVER AND WEED FREE PLANTS WITH NO INVASIVE SPECIES.

Although there are few plant varieties native to Alaska, the plant material center in Palmer may help the Planning Commission determine which plants are invasive species.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS – MOVED TO AMEND THAT IN ALL THE SECTIONS THEY OFFER REASONABLE EROSION PREVENTIONAL ALTERNATIVES TO VEGETATIVE COVER IF AND WHEN APPROPRIATE FOR SWPP LIKE BURLAP MATTING OR THOSE CONTROL SACKS THAT YOU CAN USE FOR HIGHWAY PROJECTS OR WOOD CHIPS OR LANDSCAPING MATERIALS OR GRAVELS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/REYNOLDS – MOVED TO ASK THE PLANNING COMMISSION TO REVISIT THE ENTIRE SECTION OF CODE WITH SPECIFIC REGARD FOR ENFORCEABILITY AND POTENTIAL LEGAL RAMIFICATIONS OF ENFORCEABILITY FOR THE CITY OF HOMER AND INTER-NEIGHBOR RELATIONSHIPS, SPECIFICALLY SECTION 1 OF ITEM C.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/ROBERTS –MOVED THAT DURING THE CONSTRUCTION PERIOD THAT THE SOIL IS DISTURBED IF THERE COULD BE ANY MEASURES PUT IN THAT INVASIVES DON'T GET HOLD THEN THAT THEY WOULD BE REMOVED.

The Council discussed the burden it would place on property owners since practically everything is invasive. Most invasive plants are wind or water populated. Regulating anyone who leaves an area open and disturbed that may be populated by an invasive species has an economic obligation to remove the invasive species. This would require removing invasive species from public right-of-ways.

There are a number of invasive species that are problematic and the City does work with Soil and Water Conservation to reduce and remove the invasive species.

VOTE: YES. LEWIS, REYNOLDS, ZAK, ROBERTS

VOTE: NO. VAN DYKE, BURGESS

Motion carried.

Mayor Wythe asked for a motion that the Planning Commission consider enforceability and non-prohibitive development.

BURGESS/LEWIS – SO MOVED TO DO WHAT THE MAYOR SAID.

Mayor Wythe commented the amendments have made it prohibitive to develop at a time when economic development is going to become extremely key for us to do anything to resemble a park and recreation. It is important we don't continue building regulation that prevents people from developing properties. She asked that the Planning Commission look at it fresh as to how it will affect the ability of an individual to develop their properties.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Table 1 General Reseeding and Landscaping Requirements

District/type of development	Code Requirements	Re-Seeding timeframe	Required landscaping	Staff notes
Residential - generally triplexes and smaller	21.50, level 1	16 months, if native vegetation does not take hold before.	no	* recommendation is to change to 9 months
Commercial, small and large building projects, 4-plexes or larger	21.50, level 2	16 months, if native vegetation does not take hold before.	Yes, within 9 months or one growing season after substantial completion.	generally, commercial projects don't last for years, and this timeframe is easily met. Most contractors and business owners don't want a muddy mess for their customers. (examples: city hall, college, Orielly's, recently built apartment complexes)
mid-large project	DAP - Development Activity Plan - 21.74	soil stabilization: 3 days		DAP is geared toward controlling storm water and run off during construction. Silt fencing is an example. Its there during construction but removed when the project is complete.
	SWP (Storm Water Plan) 21.75			SWP is geared toward long term storm water control AFTER construction. A permanent storm water pond is an example, or fuel tank containment area.

Non City regulations: Development clearing an acre or more requires a SWPPP, or Storm Water Pollution Prevention Plan. This is a state/federal requirement and is above and beyond what the City regulates. The City Storm Water Plan is similar, but is less rigorous and is geared toward smaller projects.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Planning

4 ORDINANCE 15-08

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
7 SUBSECTION (c) of HOMER CITY CODE 21.50.020, SITE
8 DEVELOPMENT STANDARDS – LEVEL ONE, AND SUBSECTION (a)
9 OF HOMER CITY CODE 21.50.030, SITE DEVELOPMENT
10 STANDARDS – LEVEL TWO, TO REQUIRE REVEGETATION OF
11 EXPOSED, CLEARED, FILLED AND DISTURBED SOILS WITHIN 9
12 MONTHS.

13
14 THE CITY OF HOMER ORDAINS:

15
16 Section 1. Subsection (c) of Homer City Code 21.50.020, Site development standards –
17 Level one, is amended to read as follows:

18
19 c. Landscaping Requirements. All development activity on lands shall conform to the
20 following:

21 1. Development activities shall not adversely impact other properties by
22 causing damaging alteration of surface water drainage, surface water ponding, slope
23 failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring
24 trees, or other damaging physical impacts. The property owner and developer shall
25 take such steps, including installation of culverts or buffers, or other methods, as
26 necessary to comply with this requirement.

27 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
28 disturbed soils shall be protected against subsequent erosion by methods such as, but
29 not limited to, landscaping, planting, ~~and~~ maintenance of native vegetative cover,
30 **and weed free plants with no invasive species.**

31 3. All exposed, cleared, filled and disturbed soils shall be revegetated within 9
32 ~~16~~ months following the initiation of earthwork, **or reseeded by August 31st,**
33 **whichever comes first.** Natural revegetation is acceptable if the site naturally
34 revegetates within that 9~~16~~-month period. If natural revegetation is not successful
35 within that 9~~16~~-month period, the property owner and developer shall revegetate by
36 other means no later than the end of that 9~~16~~-month period.

37
38 Section 2. Subsection (a) of Homer City Code 21.50.030, Site development standards –
39 Level two, is amended to read as follows:

40
41 a. Site Development.

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

- 42 1. Development shall not adversely impact other properties by causing
- 43 damaging alteration of surface water drainage, surface water ponding, slope failure,
- 44 erosion, siltation, or root damage to neighboring trees, or other adverse effects.
- 45 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
- 46 disturbed soils shall be protected against subsequent erosion by methods such as, but
- 47 not limited to, landscaping, planting, and maintenance of vegetative cover.
- 48 3. All exposed, cleared, filled and disturbed soils shall be revegetated within 9
- 49 ~~16~~ months following the initiation of earthwork.

50
51 Section 3. This Ordinance is of a permanent and general character and shall be
52 included in the City Code.

53
54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
55 2015.

56
57 CITY OF HOMER

58
59
60 _____
61 MARY E. WYTHE, MAYOR

62 ATTEST:

63 _____
64 JO JOHNSON, MMC, CITY CLERK

65
66 AYES:

67 NOES:

68 ABSTAIN:

69 ABSENT:

70
71 First Reading:

72 Public Hearing:

73 Second Reading:

74 Effective Date:

75
76 Reviewed and approved as to form:

77
78 _____
79 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney
Date: _____

80
81
[Bold and underlined added. Deleted language stricken through.]



City of Homer

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Memorandum 15-048

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH: MARVIN YODER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: March 25, 2015
SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.50.020 AND 21.50.030, SITE DEVELOPMENT STANDARDS LEVEL ONE AND TWO.

As a result of conversations starting in Planning Commission work sessions, the Planning Commission determined that current site development standards allowing up to 16 months for reseeding deserves more consideration. In an effort to help further the goals and objective of the Homer Comprehensive Plan (Chapter 4, Goal 2: Maintain the quality of Homer's natural environment and scenic beauty. & Objective B: Establish development standards and require development practices that protect environmental functions.), the Planning Commission finds 9 months a more reasonable time frame in order to reseed/revegetate soils disturbed due to development.

The proposed amendment was a subject of the February 4th and March 18th meetings of the Commission, the latter being a public hearing that included the testimony of one citizen in support and none against. The Commission voted unanimously to recommend that the City Council adopt the draft ordinance.

Att.

1. Proposed draft ordinance
2. Staff Reports
3. Excerpts of Planning Commission meetings held 2/4/15 and 3/18/15
4. Memo PI 15-01

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CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 15-xx

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
SUBSECTION (c) OF HOMER CITY CODE 21.50.020, SITE
DEVELOPMENT STANDARDS – LEVEL ONE, AND SUBSECTION (a)
OF HOMER CITY CODE 21.50.030, SITE DEVELOPMENT
STANDARDS – LEVEL TWO, TO REQUIRE REVEGETATION OF
EXPOSED, CLEARED, FILLED AND DISTURBED SOILS WITHIN 9
MONTHS.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 21.50.020, Site development standards –
Level one, is amended to read as follows:

c. Landscaping Requirements. All development activity on lands shall conform to the
following:

1. Development activities shall not adversely impact other properties by
causing damaging alteration of surface water drainage, surface water ponding, slope
failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring
trees, or other damaging physical impacts. The property owner and developer shall
take such steps, including installation of culverts or buffers, or other methods, as
necessary to comply with this requirement.

2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
disturbed soils shall be protected against subsequent erosion by methods such as, but
not limited to, landscaping, planting, and maintenance of vegetative cover.

3. All exposed, cleared, filled and disturbed soils shall be revegetated within 9
~~16~~ months following the initiation of earthwork. Natural revegetation is acceptable if
the site naturally revegetates within that 9~~16~~-month period. If natural revegetation is
not successful within that 9~~16~~-month period, the property owner and developer shall
revegetate by other means no later than the end of that 9~~16~~-month period.

Section 2. Subsection (a) of Homer City Code 21.50.030, Site development standards –
Level two, is amended to read as follows:

a. Site Development.

1. Development shall not adversely impact other properties by causing
damaging alteration of surface water drainage, surface water ponding, slope failure,
erosion, siltation, or root damage to neighboring trees, or other adverse effects.

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

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43 2. Upon completion of earthwork, all exposed slopes and all cleared, filled, and
44 disturbed soils shall be protected against subsequent erosion by methods such as, but
45 not limited to, landscaping, planting, and maintenance of vegetative cover.

46 3. All exposed, cleared, filled and disturbed soils shall be revegetated within 9
47 16 months following the initiation of earthwork.

48
49 Section 3. This Ordinance is of a permanent and general character and shall be
50 included in the City Code.

51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
53 2015.

54
55 CITY OF HOMER

56
57
58 _____
59 MARYE. WYTHE, MAYOR

60
61 ATTEST:

62
63
64 _____
65 JO JOHNSON, MMC, CITY CLERK

66
67
68 AYES:

69 NOES:

70 ABSTAIN:

71 ABSENT:

72
73
74 First Reading:

75 Public Hearing:

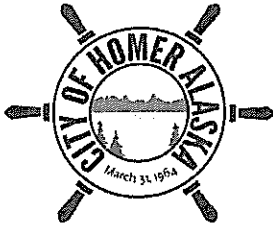
76 Second Reading:

77 Effective Date:

78
79
80 Reviewed and approved as to form:

81
82
83 _____
84 Marvin Yoder, City Manager

83 _____
84 Thomas F. Klinkner, City Attorney



City of Homer

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Staff Report PL 15-18

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: February 18, 2015
SUBJECT: Draft ordinance amending 21.50 Site Development Requirements

Introduction

Currently, the reseeding requirements provide 16 months in which to reseed or revegetate soils disturbed by development. The Planning Commission has reviewed this policy and proposes that the city adopt a 9 month timeframe for revegetation of disturbed soils.

Analysis

The Planning Commission believes that the allowance of 9 months for reseeding/revegetation is a more appropriate standard for which to protect environmental functions and characteristics as desired in the Comprehensive Plan. The possibility of a site having exposed soils for more than an entire growing season is greatly reduced. This requirement will require that more thought and planning be given to environmentally friendly development techniques while reducing the opportunity for the migration of disturbed soils offsite.

Staff Recommendation: Hold public hearing and make recommendation for adoption of the proposed amendment to the City Council.

Attachments:

1. Memorandum PL15-01
2. Draft Ordinance 15-xx



City of Homer

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Staff Report PL 15-11

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: February 4, 2015
SUBJECT: Draft ordinance amending 21.50 Site Development Requirements

Introduction

The Commission has expressed interest in pursuing code changes that will improve storm water quality. One method to do so is to limit storm water runoff over bare soil. Currently, most of Homer's residential districts don't require reseeding after dirt work has started for 16 months. That's a really long time! One way to limit the amount of time the ground can stay bare, is to change the revegetation requirements.

Analysis

21.50.020(c) (3) states:

"All exposed, cleared, filled and disturbed soils shall be revegetated within 16 months following the initiation of earthwork. Natural revegetation is acceptable if the site naturally revegetates within that 16-month period. If natural revegetation is not successful within that 16-month period, the property owner and developer shall revegetate by other means no later than the end of that 16-month period."

In most of the commercial districts, revegetation (which might include formal landscaping) must be accomplished within 9 months of substantial completion of the construction project, or the first growing season, whichever is sooner. This seems like a reasonable timeframe for all construction; commercial or residential. Someone who had a late foundation start, say in September, would need to reseed no later than May.

Staff Recommendation: Discuss reducing the 16 month time limit to 9 months.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

None

Reports

A Staff Report PL 15-17, 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 15-18 Draft ordinance for Site Development Requirements

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Larry Slone, city resident, commented that he agrees with the change to 9 months for re-vegetation.

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

HIGHLAND/BRADLEY MOVED TO FORWARD THE DRAFT ORDINANCE AMENDING 21.50 SITE DEVELOPMENT REQUIREMENTS FOR PUBLIC HEARING AND RECOMMEND ADOPTION.

Commissioner Highland expressed concern about the nine month re-vegetation timeframe carrying over into winter.

There was discussion that planning staff will talk to applicants about the time frame and address it then and encourage starting their re-vegetation as the finish up the dirt work. Because of our seasons, most people start their projects early to take advantage of the full building season and finish up before winter.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

031915 mj

- Collocation requirements. It will be challenging to expect a provider to overbuild because they aren't going to know what they will be accommodating. Generally it is a goal to collocate on towers and it must be allowed if possible.
- Starting point for parking requirements at least 2. They may need to have more and on collocated towers may need to say parking spaces per carrier.
- Setback of at least one, 1.1 may be better.
- Network improvement permit information is based on FCC regulations.
- Bonding versus insurance requirements relating to abandonment.

City Planner Abboud will bring back a copy from the attorney with line numbers. He will also invite people who have worked in the industry and who have dealt with regulations.

Chair Stead opened the floor to public comments.

Aaron Larson commented that their concerns relating to fall zone should focus on things falling off the tower rather than the tower falling over. It is more likely that parts will fall off the tower. He suggested half the distance of the tower as a setback.

Josh Reynolds from SpitwSpots commented that there are very extensive regulations by the FCC and FAA regarding tower lighting and color and it takes lawyers to get through those regs. Generally lighting isn't required less than 150 feet. He reiterated that the likelihood of a tower falling is minimal, noting there are some that were built in the 50's for purposes of national security that are still standing. Requiring a bond is something that could be discouraging to small business investment. There has to be insurance to protect people and their assets. He thinks what the largest community interest is going to be is what defines a tower. They will have to be careful because there are things they can't regulate. He referenced the Over the Air Device Reception law that says property owners can put up antennae and structures for them 12 feet above their roofline to receive signal.

New Business

A Staff Report P1 15-11 Draft Ordinance for Site Development Requirements

City Planner Abboud reviewed the staff report.

ERICKSON/VENUTI MOVED TO REDUCE THE 16 MONTH TIME LIMIT TO 9 MONTHS.

There was discussion that it will come back for a public hearing.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 15-12 BCWPD recommendations to City Council

City Planner Abboud reviewed the staff report.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum PL 15-01

TO: Homer Advisory Planning Commission

FROM: Rick Abboud, City Planner

DATE: March 18, 2015

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.50.020 and 21.50.030 Site
Development Standards - Revegetation

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

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

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

Discussion: Comprehensive Plan Chapter 4, Goal 2: "Maintain the quality of Homer's natural environment and scenic beauty." A strategy stated to accomplish this goal includes "recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics." Examples given include "site development policies for drainage, vegetation, and grading." This amendment is directly correlated toward accomplishing this goal.

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. It does not require the creation of any additional processes than currently exists.

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

Staff response: The public health, safety and welfare is held in higher regard as the amendment provides a higher standard for the protection from the negative effects of exposed soils.

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

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The Planning Commission initiated the code amendment at the February 4th, 2015 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.



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Staff Report PL 15-18

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: February 18, 2015
SUBJECT: Draft ordinance amending 21.50 Site Development Requirements

Introduction

Currently, the reseeding requirements provide 16 months in which to reseed or revegetate soils disturbed by development. The Planning Commission has reviewed this policy and proposes that the city adopt a 9 month timeframe for revegetation of disturbed soils.

Analysis

The Planning Commission believes that the allowance of 9 months for reseeding/revegetation is a more appropriate standard for which to protect environmental functions and characteristics as desired in the Comprehensive Plan. The possibility of a site having exposed soils for more than an entire growing season is greatly reduced. This requirement will require that more thought and planning be given to environmentally friendly development techniques while reducing the opportunity for the migration of disturbed soils offsite.

Staff Recommendation: Hold public hearing and make recommendation for adoption of the proposed amendment to the City Council.

Attachments:

1. Memorandum PL15-01
2. Draft Ordinance 15-xx



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Memorandum PL 15-01

TO: Homer Advisory Planning Commission

FROM: Rick Abboud, City Planner

DATE: March 18, 2015

SUBJECT: Draft Ordinance 14-XX Amending HCC 21.50.020 and 21.50.030 Site
Development Standards - Revegetation

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

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

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

Discussion: Comprehensive Plan Chapter 4, Goal 2: "Maintain the quality of Homer's natural environment and scenic beauty." A strategy stated to accomplish this goal includes "recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics." Examples giving include "site development policies for drainage, vegetation, and grading." This amendment is directly correlated toward accomplishing this goal.

Staff response: This amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. It does not require the creation of any additional processes than currently exists.

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

Staff response: The public health, safety and welfare is held in higher regard as the amendment provides a higher standard for the protection from the negative effects of exposed soils.

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

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The Planning Commission initiated the code amendment at the February 4th, 2015 Work Session, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.



Memorandum 15-098

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: JUNE 18, 2015
SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.50.020 AND 21.50.030, SITE DEVELOPMENT STANDARDS LEVEL ONE AND TWO.

After the additional review of the draft ordinance requested by the City Council, the Planning Commission has recommended a new draft ordinance.

1. Vegetative native cover and weed free plants with no invasive species.

After the Commission listened to a presentation from Matt Steffy from the Homer Soil and Water Conservation District the Commission regarding what exactly is an invasive species and how the State of Alaska deals with them, they found that the most practical method of control is reseeding as soon as possible.

2. Allowance of alternate erosion control measures.

The Commission found that this is addressed in lines 28-31 of the draft ordinance. Several measures are listed here along with an allowance for other methods not listed. It is specific to controlling erosion after dirt work is completed. Language regarding minimizing invasive species is proposed.

3. Enforceability and legal ramifications of the “no adverse impact” language.

While the language describing adverse impact may not always lead to identifying clear cut examples, many times it does. The Planning Commission is in consensus that these expectations are important in describing negative impacts that need to be avoided and they do prescribe some efforts that developers need to consider. The language does provide an important tool from which to base discussion upon when negative impacts are noticed alongside of new development.

4. Consideration of enforceability and non-prohibitive development.

Reseeding by a date specific or in nine months if work is initiated after development is much easier to keep track of then the current 16 month period in code. Not being too prescriptive regarding invasive species (what are they, what needs to be done when introduced) contributes to enforceability. The Commission agreed that we will do our best to keep people informed and provide non-ordinance support for dealing with invasive species. The best thing developers can do is contact Soil and Water. Seeding is not onerous and does not require much investment.

The new consideration of this code was the subject of three Planning Commission meetings inclusive of the public hearing conducted at the meeting of June 3, 2015. No one testified and the revised ordinance received unanimous support.

**CITY OF HOMER
HOMER, ALASKA**

Zak/Roberts

RESOLUTION 15-043

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
URGING THE U.S. NAVY TO CHANGE TRAINING EXERCISES IN
THE GULF OF ALASKA.

WHEREAS, The City of Homer supports vibrant fishing economies that illustrate coastal Alaska's reliance on the fish and wildlife resources in the Gulf of Alaska; and

WHEREAS, The City of Homer supports a strong national defense, and recognizes the need for trainings and exercises to promote military readiness; and

WHEREAS, The U.S. Navy plans to conduct training exercises in June 2015 which will release hundreds of thousands of pounds of toxic and other pollutants into waters designated by NOAA as Essential Fish Habitat for a multitude of species that support economic development in Alaskan coastal communities and the harvest of wild Alaskan fish for global markets; and

WHEREAS, The training will also entail various forms of high frequency sonar which will disrupt the behaviors of hundreds of thousands of marine mammals, and have untold impacts on various fish species; and

WHEREAS, The training area is a highly productive region for many marine fish, shellfish and marine mammal populations and supports some of the most productive fisheries in the United States. It is also an important spawning area for many fishes, and the training is scheduled to take place during the summer season when many fish populations are migrating and spawning.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, does hereby request that the Navy move these trainings to less sensitive areas 200 nautical miles from Alaska's shoreline, and conduct the exercises at a later time in the year to avoid spawning, rearing and migrating fish and other species.

PASSED AND ADOPTED by the Homer City Council on this 15th day of June, 2015.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

NOTES ON PROPOSED GULF OF ALASKA NAVY TRAINING EXERCISES:

The following are excerpts from the Navy's Environmental Impact Statement and can be read in full at www.goaeis.com.

EIS Section 3.6 Fish:

- The TMAA and vicinity is a highly productive region for various marine fish and shellfish populations and supports some of the most productive fisheries in the United States*
- The TMAA falls within the Alaska Current (AC) and the Alaska Coastal Current (ACC) systems. Both currents flow in a northerly direction off southeastern Alaska and then turn southwestward along the Alaska coast**
- Currently the GOA supports habitats of "endangered" and "threatened" populations of high seas salmon (Chinook, coho, chum, and sockeye salmon, and steelhead)
- The TMAA and vicinity is a highly productive region for various marine fish and shellfish populations and supports some of the most productive fisheries in the United States. It is also an important spawning area for many fishes
- At least 383 species belonging to 84 families of marine and anadromous fishes have been reported from the predominant ecosystems found in the GOA TMAA
- 59 of the 66 managed groundfish species are known to occur in the TMAA
- Five species of Pacific salmon (Chinook, coho, chum, pink, and sockeye salmon) have EFH designated within the TMAA
- Of the five species of Pacific Salmon, Chinook would be the most affected by the Navy's trainings
- The effects [of the trainings] on fish could include direct physical injury, such as potential for death, injury, or failure to (or an increase in the time needed to) reach the next developmental stage.
- Stress to fish populations in warfare areas includes environmental stressors, acoustic effects of underwater sounds to fish, effects of underwater impulsive sounds, explosive ordnance, nonexplosive ordnance, and expended materials.
- Potential stressors to fish and EFH include vessel movements (disturbance and collisions), aircraft overflights (disturbance), explosive ordnance, sonar training (disturbance), weapons firing/nonexplosive ordnance use (disturbance and strikes), and expended materials (ordnance-related materials, targets, sonobuoys, and marine markers).
- Potential effects of explosive charge detonations on fish and EFH include disruption of habitat; exposure to chemical by-products; disturbance, injury, or death from the shock (pressure) wave; acoustic impacts; and indirect effects including those on prey species and other components of the food web.

* These trainings will occur during fishing season. Commercial fishing is the largest private sector employer in the state of Alaska and supports over 800,000 jobs.

** This means that the expended materials left in the water after the trainings will flow towards Alaska's coastline.

In reference to Sonar:

- There have been very few studies on the effects that human-generated sound may have on fish
- The majority of studies often lack appropriate controls, statistical rigor, and/or expert analysis of the results
- Hearing capability data only exists for fewer than 100 of the 29,000 fish species
- Generally, a clear correlation between hearing capability and the environment cannot be asserted or refuted due to limited knowledge of ambient sound levels in marine habitats and a lack of comparative studies
- Based upon currently available data it is not possible to predict specific effects of Navy impulsive sources on fish. At the same time, there are several results that are at least suggestive of potential effects that result in death or damage

- The literature on vulnerability to injury from exposure to loud sounds is similarly limited, relevant to particular species, and, because of the great diversity of fish, not easily extrapolated

We just don't know:

- The effects of sound on fish are largely unknown
- A number of studies have examined the effects of explosives on fish. However, these studies are often variable, so extrapolation from one study to another, or to other sources, such as those used by the Navy, is not really possible
- Little is known about the very important issues of nonmortality damage in the short- and long-term, and nothing is known about effects on behavior of fish.
- More well-controlled studies are needed on the hearing thresholds for fish species and on temporary and permanent hearing loss associated with exposure to sounds.
- The effects of sound may not only be species specific, but also depend on the mass of the fish (especially where any injuries are being considered) and life history phase (eggs and larvae may be more or less vulnerable to exposure than adult fish).
- No studies have established effects of cumulative exposure of fish to any type of sound or have determined whether subtle and long-term effects on behavior or physiology could have an impact upon survival of fish populations.

Munitions Constituents:

- Petroleum hydrocarbons released during an accident are harmful to fish. Jet fuel is toxic to fish.
- Unburned fuel may be spread over a large area
- Fuel spills and material released from weapons and targets could occur at different locations and at different times.
- Potential impacts from Navy explosives training include degradation of substrate and introduction of toxic chemicals into the water column

EIS Section 3.14 Public Safety:

- Undetonated ordnance on the ocean floor may pose a risk to fishermen, particularly bottom trawlers. If a trawl contacted an undetonated ordnance item, the item could detonate.
- Chaff (aluminum-coated polymer fibers inside of a launching mechanism) will be used during the trainings. Upon deployment, the chaff and small pieces of plastic are expended. The purpose of chaff is to counter avoid aircraft detection by radar by masking the aircraft and to provide false radar returns to defeat radar-guided anti-aircraft defensive systems. Chaff will form a large cloud of fiber that disperses slowly, which could affect public safety.
- Some solid training items expended at sea could migrate to the shoreline where the public could encounter them. Included among these items are targets and sonobuoys.

Hazardous materials from the trainings left in the water include **heavy metals, propellants, and explosives**. Including the following: Cyanide, Chromium, Lead, Tungsten, Nickel, Cadmium, Barium chromate, Chlorides, Phosphorus, Titanium compounds, Lead oxide, Barium chromate, Potassium perchlorate, Lead chromate, Ammonium perchlorate, Potassium perchlorate, Fulminate of mercury, Potassium perchlorate and Lead azide.

The Navy was permitted Alternative 2 (their preferred).

Table 3.2-18: Numbers and Weights of Expended Training Materials – Alternative 2

Type of Training Material	Quantity of Training Materials				Increase under Alternative 2 (%)	
	Alternative 2		No Action Alternative		Number	Weight
	Number	Weight (lb)	Number	Weight (lb)		
Bombs	360	160,000	120	54,000	200	200
Missiles	66	20,300	22	6,770	200	200
Targets/Pyrotechnics	644	11,200	252	3,610	160	210
Naval gun shells	26,376	27,500	10,564	10,700	150	160
Small arms rounds	11,400	420	5,000	180	130	130
Sonobuoys	1,587	61,900	24	936	6,500	6,500
PUTR	7	2,100	0	0	NA	NA
SINKEX ¹	858	70,000	0	0	NA	NA
Total	41,298	352,000	15,982	76,200	160	360

Table 3.2-19: Expended Materials Considered Hazardous – Alternative 2

Type of Training Material	Weight of Material (lb) ¹		Hazardous Content (%)
	Total Expended	Hazardous	
Bombs	160,000	1,130	0.70
Missiles	20,300	169	0.83
Targets and pyrotechnics	11,200	381	3.40
Naval gun shells	27,500	3,310	12.0
Small-caliber rounds	420	4.20	1.00
Sonobuoys	61,900	4,680	7.56
PUTR	2,100	0	0
SINKEX	70,000	850	1.25
Total	352,000	10,500	2.98

Alaska regulations on expended and hazardous materials are not applicable to Navy training in the TMAA because no training activities take place within State waters (up to three nm from shore). Alaska has not developed any state-specific military munitions regulations.

Assuming Navy training under Alternative 2 would remain consistent over periods of five and 20 years, the Navy would expend approximately 880 tons (209 lb per nm² [27.5 kg per km²]) and 3,520 tons (835 lb per nm² [110 kg per km²]) of training material in the TMAA, respectively.

Continued, next page

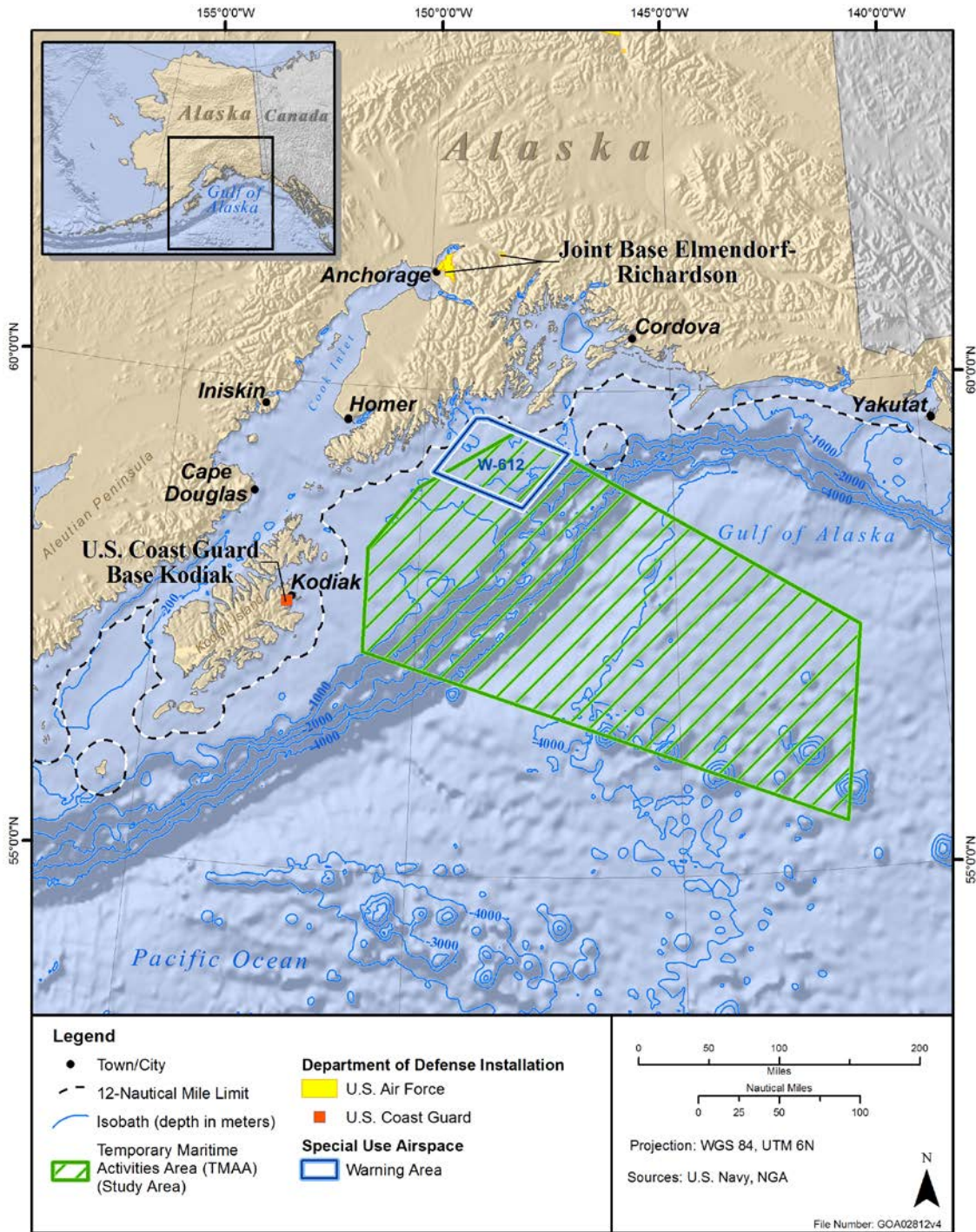
List of Weapons to be Used in the GOA Trainings

Table 3.2-1: Hazardous Constituents of Expendable Training Materials, by Training Item

Training Item		Hazardous Constituent				
		Heavy Metal	Propellant	Battery	Explosive	Pyrotechnic
Missiles	AIM-7 Sparrow missile	✓	✓	✓	✓	
	AIM-9 Sidewinder missile	✓	✓	✓	✓	
	AIM-120 Advanced Medium-Range Air-to-Air Missile (AMRAAM)	✓	✓	✓	✓	
	Standard Missile-1	✓	✓	✓	✓	
	AGM-65 Maverick	✓	✓	✓	✓	
	AGM-84 Harpoon	✓	✓	✓	✓	
	AGM-84K Standoff Land Attack Missile – Expanded Response (SLAM-ER)	✓	✓	✓	✓	
	AGM-88 High Speed Anti-Radiation Missile (HARM)					
	AGM-114 Hellfire	✓	✓	✓	✓	
	AGM-119 Penguin					
Bombs	BDU-45 Practice (inert) ²	✓			✓	
	MK-82 500-pound (lb) bomb (192.2 Net Explosive Weight [NEW]), HE ³	✓			✓	
	MK-83 1,000-lb bomb (415.8 NEW), HE ³	✓			✓	
	MK-84 2,000-lb bomb (944.7 NEW), HE ³	✓			✓	
Naval Gun Shells	5"/54-caliber (cal) gun shell (inert)	✓	✓			
	5"/54-cal gun shell (live)	✓	✓		✓	
	76- millimeter (mm) gun shell (inert)	✓	✓			
	76-mm gun shell (live)	✓	✓		✓	
	57-mm gun shell	✓	✓		✓	
	25-mm gun shell	✓				
	20-mm gun shell	✓				
Small Arms Rounds	0.50-cal machine gun	✓	✓			
	7.62-mm projectile	✓	✓			
Targets and Pyrotechnics	BQM-74E unmanned aerial target ⁵	✓		✓		
	LUU-2B paraflare ¹	✓				✓
	MK-58 Marine Marker ¹	✓				✓
	MK-39 Expendable Mobile Anti-Submarine Warfare Training Target (EMATT)	✓		✓		
Sonobuoys	SSQ-36 Bathythermograph (BT)	✓		✓		
	SSQ-53 Directional Frequency Analysis and Recording (DIFAR)	✓		✓		
	SSQ-62 Directional Command Activated Sonobuoy System (DICASS)	✓		✓		
	SSQ-77 Vertical Line Array Directional Frequency Analysis and Recording (VLAD)	✓		✓		
	SSQ-110A Extended Echo Ranging (EER)	✓		✓	✓	
Torpedoes	MK-48 Advanced Capability (ADCAP) torpedo	✓	✓	✓	✓	
Chaff	ALE-43 Dispenser (Aluminized glass roll) ⁴				✓	

Map of the TMAA* (Temporary Maritime Activities Map)

*exact locations of training exercises are classified



Jo Johnson

From: Shelley Gill <whaledetective@yahoo.com>
Sent: Wednesday, June 10, 2015 8:52 AM
To: Bryan Zak
Subject: Navy exercises in the Gulf of Alaska

Dear Mr. Zak,

Thank you for submitting the resolution against Navy testing. I understand it will come before the council Monday June 15. Homer is a town dependent on the health of the sea. All of our tourist related businesses, all of our fishing charters and the commercial fleet, even the grocery stores currently boxing boat orders rely on the vigor of the marine environment.

Sadly Alaska is experiencing climate change linked events such as the warm water blob that now extends from Baja through the Gulf to the Bering sea. A surface temperature increase of 5 degrees is limiting plankton bloom, affecting feed fish populations and causing sea star and sea lion die offs along the Pacific coast. Prince William Sound is still struggling to recover from the Exxon Valdez oil spill 26 years later. The ocean noise levels have increased substantially in the last five years- so much so that some species of whales have had to scream to be heard. These cumulative affects on the ocean habitat are poorly understood but common sense tells us introducing spent munitions, toxic chemicals, active sonar and Navy noise to the habitat is a really bad idea, especially during the peak of the migration of salmon and whales.

There is virtually no research on how active sonar affects migrating salmon. National Marine Fisheries asked the Navy to monitor and study these effects when the Navy applied for a permit for Northern Edge exercises five years ago. The Navy declined.

When the Navy held a public hearing in Homer in March they gave an analysis on the impact of sonar on marine mammal species. They forgot to mention three species of beaked whales that frequent the deep Alaska Trench. To prevail in legal action against the Navy one must show proof of harm. That proof came in the Bahamas in 2000 when beaked whales and dolphins stranded after Navy exercises there. A biologist, Ken Balcomb, himself a former Navy sonar guy, obtained the head of a freshly dead Cuviers beaked whale and after storing it in a freezer at a local bar overnight, flew it to a necropsy expert where it was proved the whale died from sonar trauma. This set the stage for both California and Hawaii through the NRDC to push these exercises out of their waters.

The Navy's exercises put our way of life and our economic viability in peril. As our newly elected governor canvasses the state asking Alaskans what paths we should take to insure our economic future it is incumbent that we remember we have the miracle of a strong fishery-a sustainable and environmentally clean industry that helped build Alaska. We need to act now to protect it. I'll see you at City Hall on Monday.

Shelley Gill
Homer

Sent from my iPad

*Mayor c/c
6/18/15*

To Homer City Council

Statement of Craig Matkin

17 June 2015

Marine Mammal Biologist
3430 Ste B1 Homer, Alaska 99603

RE : Navy Training Activities in Gulf of Alaska

I am a marine mammal biologist working out of Homer. I initially made comments in regarding the Navy EIS in conjunction with NRDC during the comment phase on the Navy environmental impact statement five years ago. We made it clear at that time that the permit for the number of takes of marine mammals (up to 182,000 annually) requested was not warranted as sufficient research was lacking on numbers and species of marine mammals present. The takes may be either mortality or disruption of essential behaviors, like feeding, breeding, nursing, or surfacing. The proposed mid-frequency sonar work was a particular concern due to the known mortalities of beaked whales in the Bahamas in 2000 that was clearly linked to Navy testing as well as mortality in other areas across the globe that appeared to also be linked to active sonar

It is very speculative just how many marine mammals of what species inhabit the area where the explosions and sonar activities will occur at the time of those activities. The potential area is extremely large (42,000 sq miles) and we have no clear indication of where the activities will be focused. When they say it will occur "off the shelf to avoid migratory fish and marine mammals" (a quote by Navy representative at the 15 June Council meeting), it is not only vague but inaccurate. There are marine mammals across the entire testing range, although the densities in specific areas are not well documented as there has been so little study -basically one line transect survey over part of the range in 2009 which found a "unexpectedly large numbers" of marine mammals. Also, this one attempt at assessing the population was made in April when many migratory species are not present. The Navy training is scheduled in summer when those migratory marine mammals are present. In a 2011 letter, the National Marine Fisheries Service disagreed with the Navy's assessment that environmental damage would be minimal, citing concerns about "physical and chemical effects from expended materials" and writing that "acoustic effects cannot be fully discounted until they are understood better."

Although the Navy has used various sonar in the past, the 2010 EIS allowed the use of newer and high powered mid frequency active sonars known to have negative effects on marine mammals. It is disingenuous to say the proposed maneuvers are just "business as usual" as was recently stated by the Navy in the Anchorage Daily News. The types and intensity of sonars has changed dramatically in recent decades these advanced and potentially lethal sonars used in Alaskan waters.

It's time to be more forthright in assessing the usefulness of this training versus the environmental risk. These maneuvers are justified on the grounds there is no training substitute for the actual battle activities that release toxic chemicals and project damaging levels of Sound into the environment. I can't imagine in our times, there is not the potential for a more simulated warfare approach that does not harm the already beleaguered environment, potentially maim or kill marine mammals, and threaten the livelihoods of coastal Alaskans . The Navy can no longer be given blanket permission to proceed under a broad and unspecific National Security concerns. **As our chosen representatives we ask you, the Homer City Council, to send this message by requesting a postponement of these activities and support their reduction in scope.** Apparently lack of fiscal support by Congress has already reduced the

scope of these training maneuvers although it will not limit the use of mid frequency sonar
Thanks for your concern. Craig Matkin

Please see addended material.

Craig Matkin statement Addendum

The Navy has made the following statement regarding this years (2015) training activities in regard sonar use. It is of concern as it essentially opens the door to any type of sonar use:

Active sonar levels (generally)—Navy will operate active sonar at the lowest practicable level, not to exceed 235 dB, **except as required to meet tactical training objectives.**

(The following is from a joint statement with NRDC and others)

All of the mitigation that the Navy has proposed for sonar impacts boils down to the following: a very small safety zone around the sonar source, maintained primarily with visual monitoring by personnel with other responsibilities, with aid from shipboard passive monitoring when personnel are already using such technology. Under the proposed scheme, operators would power-down the system if a marine mammal is detected within 1,000 yards and shut-down the system if a marine mammal is detected within 200 yards. This mitigation scheme disregards the best available science on the significant limits of visual monitoring. Visual detection rates for marine mammals generally approach only 5 percent. Moreover, the species perhaps most vulnerable to sonar-related injuries, beaked whales, are among the most difficult to detect because of their small size and diving behavior. It has been estimated that in anything stronger than a light breeze, only one in fifty beaked whales surfacing in the direct track line of a ship would sighted; as the distance approaches 1 kilometer, that number drops to zero.

Right whales are also notoriously hard to detect, and the Navy plans to train next to critical habitat for the highly endangered North Pacific right whale. Right whales are uniquely vulnerable to ship strikes because they often hover on or near the surface of the water. Due to their dark coloration and lack of a dorsal fin, however, they are difficult to detect. The Navy's reliance on visual observation as the mainstay of its mitigation plan is therefore profoundly misplaced.

I disagree with acoustic studies the Navy cited in their EIS based on older, habituated Navy test dolphins. Recently Kastelein and Rippe studies of younger animals (harbor porpoise *Phocoena phocoena*) with more appropriate test signals yielded significantly different results. These animals demonstrated an aversion to more complex signals in the frequency range of the proposed sonars and at 130dB re: 1μPa@1m. (Animals used in this study had been recently taken into captivity and approximately 3 years old.) While the signals used in this study were specifically designed to repel net-predatory marine mammals, the signals are more similar in form to many communication sonars than to the sinusoidal waves or band limited pink noise used in the LOA Request citations.

Another study by Verboom and Kastelein indicates that more complex signals induce a discomfort threshold level for younger, less habituated marine mammals (*P. phocoena* and harbor seal *Phoca vitulina*) at or below 133dB re:1μPa@1m. This study extrapolates a TTS level for these animals at 150 dB(w) re:1μPa@1m for the harbor seal, and 137dB(w) re:1μPa@1m for the harbor porpoise. The paper also goes on to suggest that hearing injury – PTS, will occur in the Harbor porpoise and Harbor seal at 180dB and 190dB respectively – not the 215 dB and 224+ dB (respectively) represented in the LOA Request.

Like the estimated PTS levels used in the LOA Request (Navy EIS), the TTS figures from the Verboom and Kastelein (2005) study are extrapolations – extrapolating results from behavioral noise-testing of young, healthy marine mammals against known human auditory responses. The disparity between the TTS figures used by Verboom and Kastelein and the figures used in the LOA Request (Navy EIS) indicate a high degree of scientific uncertainty in the models and extrapolation methods used in both sets of assumptions. I am more inclined to accept the Verboom Kastelein numbers for three reasons: 1) they were not cited or crafted under the rubric of justifying a proposed program; 2) their studies were not funded by an agency whose desired actions would be limited by more precautionary results, and 3) they are inherently more precautionary, in that they examine the thresholds of behavioral response, not the upper limits of physiological response.

Jo Johnson

From: Kat Haber <kathaber@aol.com>
Sent: Tuesday, June 23, 2015 4:11 PM
To: Department Clerk; Gus Van Dyke; Catriona Reynolds; Francie Roberts; David Lewis; Bryan Zak; Beauregard Burgess
Subject: Fwd: Navy war games in Gulf

I ask you to stand with whale detective Shelly Gill in opposing any activity that would risk our vibrant marine economy and home. We should be wiser and not lose our fisheries incrementally.

[Naturally.](#)

Kat

Homer is a town dependent on the health of the sea. All of our tourist related businesses, all of our fishing charters and the commercial fleet, even the grocery stores currently boxing boat orders rely on the vigor of the marine environment.

Sadly Alaska is experiencing climate change linked events such as the warm water blob that now extends from Baja through the Gulf to the Bering sea. A surface temperature increase of 5 degrees is limiting plankton bloom, affecting feed fish populations and causing sea star and sea lion die offs along the Pacific coast. Prince William Sound is still struggling to recover from the Exxon Valdez oil spill 26 years later. The ocean noise levels have increased substantially in the last five years- so much so that some species of whales have had to scream to be heard. These cumulative affects on the ocean habitat are poorly understood but common sense tells us introducing spent munitions, toxic chemicals, active sonar and Navy noise to the habitat is a really bad idea, especially during the peak of the migration of salmon and whales. There is virtually no research on how active sonar affects migrating salmon. National Marine Fisheries asked the Navy to monitor and study these effects when the Navy applied for a permit for Northern Edge exercises five years ago. The Navy declined.

When the Navy held a public hearing in Homer in March they gave an analysis on the impact of sonar on marine mammal species. They forgot to mention three species of beaked whales that frequent the deep Alaska Trench. To prevail in legal action against the Navy one must show proof of harm. That proof came in the Bahamas in 2000 when beaked whales and dolphins stranded after Navy exercises there. A biologist, Ken Balcomb, himself a former Navy sonar guy, obtained the head of a freshly dead Cuviers beaked whale and after storing it in a freezer at a local bar overnight, flew it to a necropsy expert where it was proved the whale died from sonar trauma. This set the stage for both California and Hawaii through the NRDC to push these exercises out of their waters.

The Navy's exercises put our way of life and our economic viability in peril. As our newly elected governor canvasses the state asking Alaskans what paths we should take to insure our economic future it is incumbent that we remember we have the miracle of a strong fishery-a sustainable and environmentally clean industry that helped build Alaska. We need to act now to protect it.

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

3 City Clerk/
4 Public Works Director

5 **RESOLUTION 15-048**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 NOTING THE SUFFICIENCY OF THE PETITION FOR THE LILLIAN
9 WALLI FAIRVIEW AVENUE ROAD RECONSTRUCTION AND PAVING
10 AND SEWER IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT
11 AND SETTING THE PUBLIC HEARING DATE FOR SEPTEMBER 14,
12 2015.

13
14 WHEREAS, A petition for road reconstruction and paving and sewer improvements for
15 property owners within the Lillian Walli Fairview Avenue Subdivision was circulated from
16 October 30, 2014 to December 30, 2014; and

17
18 WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires
19 signatures of not less than one half in value of the real property in the proposed improvement
20 district; and

21
22 WHEREAS, Signatures from property owners in favor of the road reconstruction and
23 paving and sewer improvements equal 70.6%; and

24
25 WHEREAS, A neighborhood meeting was held on February 11, 2015; and

26
27 WHEREAS, The notice of public hearing and statement of objection form will be sent to
28 property owners by certified mail in accordance with HCC 17.04.050(a).

29
30 WHEREAS, The lots contained within this proposed special assessment district are
31 covered by a subdivision agreement that stipulates that the costs of the construction of all
32 subdivision improvements are the responsibility of the lot owners; and

33
34 WHEREAS, Improvements constructed within this subdivision are not eligible for
35 Homer Accelerated Roads and Trails (HART) funding, but can be completed as a HART Special
36 Assessment District with 100% of the cost of the proposed road and sewer improvements
37 being the responsibility of the benefitted properties; and

38
39 WHEREAS, The properties within the proposed Lillian Walli Sewer Special Assessment
40 District have been previously assessed for sewer improvements that did not provide sewer
41 service to the properties; a credit should be given each benefitted property in the amount of
42 the previous assessment.

44 WHEREAS, It is expected that the road improvements that should be constructed
45 within Fairview Avenue will incorporate additional pavement width, curb and gutter, street
46 lighting and pedestrian/bike friendly amenities associated with a “collector” street that are
47 not normally required for a residential road, the cost of which benefits the community as a
48 whole.

49
50 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council notes the sufficiency of
51 the petition for the Lillian Walli Fairview Avenue Subdivision Road Reconstruction and Paving
52 and Sewer Improvements Special Assessment District and sets a public hearing date of
53 September 14, 2015.

54
55 BE IT FURTHER RESOLVED that the Homer City Council supports the creation a special
56 assessment district through the HART program, once all conditions necessary have been met,
57 with the understanding that 100% of the cost of the road and sewer improvements are the
58 responsibility of the benefitted lot owners; and that the amount of previously paid sewer
59 assessments will be credited back to each property owner at the time the proposed Lillian
60 Walli road and sewer assessments are levied; and that any additional cost associated with
61 constructing a “collector” street vs. a normal residential street will be paid for by the City.

62
63 PASSED AND ADOPTED by the City Council of Homer, Alaska this 15th day of June,
64 2015.

65
66 CITY OF HOMER

67
68
69
70 _____
71 MARY E. WYTHE, MAYOR

72 ATTEST:
73
74
75 _____
76 JO JOHNSON, MMC, CITY CLERK

77
78 Fiscal Note: Staff time and certified mail fees.

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

3 City Manager

4 **RESOLUTION 15-048(S)**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 PROVIDING FOR THE SUBMISSION OF A REVISED PETITION TO
8 FORM THE LILLIAN WALLI FAIRVIEW AVENUE ROAD
9 RECONSTRUCTION AND PAVING AND SEWER IMPROVEMENTS
10 SPECIAL ASSESSMENT DISTRICT.

11
12 WHEREAS, A petition for road reconstruction and paving and sewer improvements for
13 property owners within the Lillian Walli Fairview Avenue Subdivision was circulated from
14 October 30, 2014 to December 30, 2014; and

15
16 WHEREAS, The lots contained within this proposed special assessment district are
17 covered by a subdivision agreement that stipulates that the costs of the construction of all
18 subdivision improvements are the responsibility of the lot owners; and

19
20 WHEREAS, Improvements constructed within this subdivision are not eligible for
21 Homer Accelerated Roads and Trails (HART) funding, but the City nonetheless is willing to
22 finance the cost of constructing the improvements in the proposed district from HART
23 program funds, with 100% of the financed cost being repaid from assessments of the
24 benefitted properties; and

25
26 WHEREAS, The properties within the proposed Lillian Walli Sewer Special Assessment
27 District have been previously assessed for sewer improvements that did not provide sewer
28 service to the properties; a credit should be given each benefitted property in the amount of
29 the previous assessment; and

30
31 WHEREAS, It is expected that the road improvements that should be constructed
32 within Fairview Avenue will incorporate additional pavement width, curb and gutter, street
33 lighting and pedestrian/bike friendly amenities associated with a "collector" street that are not
34 normally required for a residential road, the cost of which benefits the community as a whole;
35 and

36
37 WHEREAS, The petition erroneously stated that the proposed improvements were
38 eligible for HART and Homer Accelerated Water and Sewer Program (HAWSP) funds; and

39
40 WHEREAS, This inaccuracy in the petition calls into question the validity of signatures
41 from property owners in favor of the improvements, and to assure the validity of signatures in
42 favor of the improvements, the petition should be resubmitted to the property owners with a
43 correct description of the sources of funding for the improvements.

44 NOW, THEREFORE, BE IT RESOLVED that the petition for the Lillian Walli Fairview
45 Avenue Subdivision Road Reconstruction and Paving and Sewer Improvements Special
46 Assessment District shall be resubmitted to the property owners in the proposed district with a
47 correct description of the sources of funding for the improvements, with further proceedings
48 on the petition to be governed by HCC 17.04.040 – 17.04.050.

49
50 BE IT FURTHER RESOLVED that the Homer City Council supports the creation of the
51 special assessment district once all necessary conditions have been met, with the City
52 financing the cost of constructing the improvements in the proposed district from HART
53 program funds, with 100% of the financed cost being repaid from assessments of the
54 benefitted properties, with the understanding that the amount of previously paid sewer
55 assessments will be credited back to each property owner at the time the proposed Lillian Walli
56 road and sewer assessments are levied; and that any additional cost associated with
57 constructing a “collector” street vs. a normal residential street will be paid for by the City.
58

59 PASSED AND ADOPTED by the Homer City Council on this 29th day of June, 2015.
60

61 CITY OF HOMER
62

63
64 _____
65 MARY E. WYTHE, MAYOR
66

67 ATTEST:
68

69 _____
70 JO JOHNSON, MMC, CITY CLERK
71

72 Fiscal Note: N/A
73



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 15-086

TO: Mary K. Koester, City Manager
FROM: Carey Meyer, Public Works Director
DATE: June 10, 2015
SUBJECT: **Lillian Walli Subdivision**
Fairview Avenue Road and Sewer Special Assessment District

In response to a request by a property owner within the Lillian Walli Subdivision, a petition for road reconstruction and paving and sewer improvements was circulated from October 30, 2014 to December 30, 2014 for what is now known as the Lillian Walli Fairview Avenue Road Reconstruction and Paving and Sewer Improvements Special Assessment District (SAD). The district boundaries are shown on the attached map.

Signatures from property owners in favor of the road reconstruction and paving and sewer improvements equal 70.6%; sufficient to move forward with a public hearing and potentially the formation of the district.

Three issues need to be clarified regarding how the costs of the road and sewer improvements will be assessed to benefitted property owners:

- 1) The lots contained within this proposed special assessment district are covered by a subdivision agreement that stipulates that the costs of the construction of all subdivision improvements are the responsibility of the lot owners. Improvements constructed within this subdivision are not eligible for HART subsidy funding. *Can the proposed road and sewer improvements be completed as a HART Special Assessment District with 100% of the cost of the proposed road and sewer improvements being the responsibility of the benefitted properties?*
- 2) The proposed road improvements in Fairview Avenue will, most probably, be more substantial than a normal neighborhood road. Fairview Avenue should be constructed as a “collector” street, with pedestrian/bike friendly amenities, street lighting and additional pavement widths that are not normally associated with a residential neighborhood street. *Will the City cover the additional cost of these “collector” street requirements?*
- 3) The properties within the proposed Lillian Walli sewer special assessment district have been previously assessed for sewer improvements that did not provide sewer service to the properties. The subdivision was assessed for extending the sewer main along the Sterling

Highway. Should a credit be given back to the Lillian Walli property owners, since they did not receive sewer service from the Sterling Highway sewer improvement?

Recommendations:

The City Council pass a resolution that notes the sufficiency of the petition for the Lillian Walli Fairview Avenue Road Reconstruction and Paving and Sewer Improvements Special Assessment District and sets a public hearing date.

The resolution should also support the creation a special assessment district through the HART program, once all conditions necessary have been met, with the understanding that 100% of the cost of the road and sewer improvements are the responsibility of the benefitted lot owners; that the amount of previously paid sewer assessments will be credited back to each property owner at the time the proposed Lillian Walli road and sewer assessments are levied; and that any additional cost associated with constructing a “collector” street vs. a normal residential street will be paid for by the City.





City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 15-105

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: June 29, 2015
SUBJECT: Lillian Walli and Resolution 15-048(S)

The Council voted to postpone Resolution 15-048, initiating a Homer Special Improvement District for Lillian Walli at the June 15 meeting based on the fact that the petition that was circulated to gauge property owner interest in the HSAD erroneously stated that the subdivision was eligible for HART and HAWSP cost sharing. Like other new subdivisions in the City of Homer, the developer is responsible for the cost of the utility and road improvements. The subdivision agreement signed in 1988 states that the developer is responsible for “street, drainage, water, storm drain, sanitary sewer, street signs, street lighting, underground power and monumentation improvements.”

Because the petition had inaccurate information, the City Attorney recommends replacing it with Resolution 15-048(S) that clearly outlines the responsibilities of each party and directs staff to re-circulate the petition among lot owners on Eric Lane.

I have included my email correspondence with the lot owner initiating the special assessment district along Eric Lane, Fran Durner, that further explains how the City can help with the improvements. Lillian Walli is a unique case: the subdivision was platted a long time ago, lot owners have been assessed for water and sewer improvements along Eric Lane and up West Hill, and there are multiple lot owners. Through Resolution 15-048(S) the City is proposing to help develop Lillian Walli in three important ways:

- 1) Offering the financing mechanism, organizational structure and construction expertise through the City of Homer Special Assessment District Process. (Note: it is likely more cost effective to privately develop the utilities and road in question, however finding private financing and a legally binding mechanism for all lot owners to participate is more difficult.)
- 2) Crediting lot owners for what they have previously contributed in Sewer Assessments.
- 3) Cost sharing with lot owners to bring Eric Lane (Fairview Avenue) up to a collector street standard.

I appreciate that the cost of the improvements are steep, that there has been a long string of road blocks to developing the subdivision, and hard feelings. However, the City has to balance the desire to develop Lillian Walli with the precedent that is being set for other developments and the wise use of taxpayer dollars.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

January 15, 2015

Dear Property Owner,

A petition for Fairview Avenue (Eric Lane) road reconstruction and paving improvements and sewer improvements was initiated to create the Lillian Walli Fairview Avenue Special Assessment District (SAD) in your neighborhood. By certified mail you were notified of the petition and advised to sign it if you support the request that a Homer Accelerated Roads and Trails Program and Homer Accelerated Water Sewer Program Special Assessment District for road reconstruction and paving improvements and sewer improvements be created to include your property.

There was sufficient interest for the district. Pursuant to HCC 17.04.040(b) a neighborhood meeting is scheduled for Wednesday, February 11, 2015 from 5:30 p.m. to 6:15 p.m. in the City Hall Cowles Council Chambers at 491 E. Pioneer Avenue. Staff will be available at the neighborhood meeting to answer questions on the proposed project, so please plan to attend. For further information contact the City Clerk's Office at 235-3130.

Sincerely,

Melissa Jacobsen, CMC
Deputy City Clerk



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

October 30, 2014

Dear Property Owner:

A request for road improvements and sewer improvements was made for your neighborhood. The request was made by Francesca Durner on October 22, 2014.

A Special Assessment District may be initiated with petition signatures of the record owners of one half or more in value of the real property in the proposed district. We have compiled a list of the property owners within the boundaries of the Lillian Walli Subdivision-Fairview Avenue improvement district, including your parcel(s).

If you support the road reconstruction and paving improvements and the sewer improvement and wish for the City to determine a cost estimate of the project you will need to sign and return the petition. By signing you are indicating that you may favor the road improvements and wish to hear more about the project, including costs. The Property Owner Petition must be returned to the City Clerk by **December 30, 2014**.

If you are not interested in starting the road reconstruction and paving improvements and sewer improvements you do not need to sign the Property Owner Petition. Your lack of response indicates that you are not in favor of the Special Assessment District.

Pursuant to the Homer Accelerated Roads and Trails Program, property owner contribution to road improvements is \$30 per front foot for gravel and \$17 per front foot for paving. Pursuant to the Homer Accelerated Water and Sewer Program, districts shall be assessed 75% property owner share of the project. Projects will be authorized only after a public hearing to insure public participation in the process. The parcels within this proposed district currently have a deferred water assessment of \$4,895.00.

We will determine the amount of interested property owners by the number of signatures that are returned. You will be notified of the results once the petition deadline has passed.

Please call with questions you may have about the Special Assessment District. We would be happy to assist you.

Sincerely,

Melissa Jacobsen
Deputy City Clerk

Enc. Property Owner Petition
Map of proposed project

PETITION FOR ROAD RECONSTRUCTION AND PAVING AND FOR SEWER IMPROVEMENTS FOR FAIRVIEW AVENUE (ERIC LANE)

Francesca Durner of 1421 N St., Anchorage, Alaska filed a request for road reconstruction and paving improvements and for sewer improvements.
Request Date: October 22, 2014

District Name: Lillian Walli Subdivision-Fairview Avenue; Improvement Requested: Water_ Sewer Road Reconstruction Paving

We the undersigned owners of real property fronting, predominately, Fairview Avenue located within Lillian Walli Subdivision within the City of Homer, Alaska, request that a Homer Accelerated Roads and Trails Program Special Assessment District for road reconstruction and paving improvements and a Homer Accelerated Water and Sewer Program Special Assessment District for sewer improvements be created to include the properties listed below. We represent the owners of at least one-half or more in value of the real property to be benefited by these improvements.

Pursuant to the Homer Accelerated Roads and Trails Program, property owner contribution to road improvements is \$30 per front foot for gravel and \$17 per front foot for paving. Pursuant to the Homer Accelerated Water and Sewer Program, districts shall be assessed 75% property owner share of the project. Projects will be authorized only after a public hearing to insure public participation in the process.

If you are in favor of these improvements please sign in the Signature and Date slot. Please date your signature. We ask that you include your phone number for future reference, although this is not mandatory. **Deadline for this petition is December 30, 2014.** For this petition to be sufficient, signatures representing at least one half or more in value of the real property to be benefited must be secured. If sufficient, a neighborhood meeting will be held. IN WITNESS WHEREOF, we have set our hands:

Signature/Date (Phone Number Optional)	Property Owner Name & Address	Legal Description & Parcel Number	Assessed Property Value
	David Gibson 511 N 148 th St. Shoreline, WA 98133	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 39 175-241-24	\$14,600
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 40 175-241-23	\$13,400
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 41 175-241-22	\$14,300
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 42 175-241-21	\$14,100
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 43 175-241-34	\$15,900

PETITION FOR ROAD RECONSTRUCTION AND PAVING AND FOR SEWER IMPROVEMENTS FOR FAIRVIEW AVENUE (ERIC LANE)

Francesca Durner of 1421 N St., Anchorage, Alaska filed a request for road reconstruction and paving improvements and for sewer improvements.
Request Date: October 22, 2014

District Name: Lillian Walli Subdivision-Fairview Avenue; Improvement Requested: Water _ Sewer X Road Reconstruction X Paving X

We the undersigned owners of real property fronting, predominately, Fairview Avenue located within Lillian Walli Subdivision within the City of Homer, Alaska, request that a Homer Accelerated Roads and Trails Program Special Assessment District for road reconstruction and paving improvements and a Homer Accelerated Water and Sewer Program Special Assessment District for sewer improvements be created to include the properties listed below. We represent the owners of at least one-half or more in value of the real property to be benefited by these improvements.

Pursuant to the Homer Accelerated Roads and Trails Program, property owner contribution to road improvements is \$30 per front foot for gravel and \$17 per front foot for paving. Pursuant to the Homer Accelerated Water and Sewer Program, districts shall be assessed 75% property owner share of the project. Projects will be authorized only after a public hearing to insure public participation in the process.

If you are in favor of these improvements please sign in the Signature and Date slot. Please date your signature. We ask that you include your phone number for future reference, although this is not mandatory. **Deadline for this petition is December 30, 2014.** For this petition to be sufficient, signatures representing at least one half or more in value of the real property to be benefitted must be secured. If sufficient, a neighborhood meeting will be held. IN WITNESS WHEREOF, we have set our hands:

Signature/Date (Phone Number Optional)	Property Owner Name & Address	Legal Description & Parcel Number	Assessed Property Value
	Francesca Durner 1421 N St. Anchorage, AK 99501	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 47 175-241-41	\$14,700
	Ero Steve Walli 35910 North Fork Rd. Anchor Point, AK 99556	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 48 175-41-40	\$14,000
	Brent and Judith Johnson 20773 Porcupine Ln. Clam Gulch, AK 99568	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 49 175-241-39	\$16,800
	Brent and Judith Johnson 20773 Porcupine Ln. Clam Gulch, AK 99568	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 27 175-241-42	\$15,300
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 28 175-241-59	\$14,600

PETITION FOR ROAD RECONSTRUCTION AND PAVING AND FOR SEWER IMPROVEMENTS FOR FAIRVEIW AVENUE (ERIC LANE)

Francesca Durner of 1421 N St., Anchorage, Alaska filed a request for road reconstruction and paving improvements and for sewer improvements.
Request Date: October 22, 2014

District Name: Lillian Walli Subdivision-Fairview Avenue; Improvement Requested: Water _ Sewer Road Reconstruction Paving

We the undersigned owners of real property fronting, predominately, Fairview Avenue located within Lillian Walli Subdivision within the City of Homer, Alaska, request that a Homer Accelerated Roads and Trails Program Special Assessment District for road reconstruction and paving improvements and a Homer Accelerated Water and Sewer Program Special Assessment District for sewer improvements be created to include the properties listed below. We represent the owners of at least one-half or more in value of the real property to be benefited by these improvements.

Pursuant to the Homer Accelerated Roads and Trails Program, property owner contribution to road improvements is \$30 per front foot for gravel and \$17 per front foot for paving. Pursuant to the Homer Accelerated Water and Sewer Program, districts shall be assessed 75% property owner share of the project. Projects will be authorized only after a public hearing to insure public participation in the process.

If you are in favor of these improvements please sign in the Signature and Date slot. Please date your signature. We ask that you include your phone number for future reference, although this is not mandatory. **Deadline for this petition is December 30, 2014.** For this petition to be sufficient, signatures representing at least one half or more in value of the real property to be benefitted must be secured. If sufficient, a neighborhood meeting will be held.
IN WITNESS WHEREOF, we have set our hands:

Signature/Date (Phone Number Optional)	Property Owner Name & Address	Legal Description & Parcel Number	Assessed Property Value
	Brent and Judith Johnson 20773 Porcupine Ln. Clam Gulch, AK 99568	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 29 175-241-58	\$13,000
	Judith Johnson 20773 Porcupine Ln. Clam Gulch, AK 99568	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 30 175-241-57	\$13,000
	Eugene Dobrzynski 288 Season Dr. Fernley, NV 89408	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 31 175-241-56	\$13,000
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 33 175-241-54	\$12,700
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 34 175-241-53	\$13,200

PETITION FOR ROAD RECONSTRUCTION AND PAVING AND FOR SEWER IMPROVEMENTS FOR FAIRVIEW AVENUE (ERIC LANE)

Francesca Durner of 1421 N St., Anchorage, Alaska filed a request for road reconstruction and paving improvements and for sewer improvements.
Request Date: October 22, 2014

District Name: Lillian Walli Subdivision-Fairview Avenue; Improvement Requested: Water _ Sewer Road Reconstruction Paving

We the undersigned owners of real property fronting, predominately, Fairview Avenue located within Lillian Walli Subdivision within the City of Homer, Alaska, request that a Homer Accelerated Roads and Trails Program Special Assessment District for road reconstruction and paving improvements and a Homer Accelerated Water and Sewer Program Special Assessment District for sewer improvements be created to include the properties listed below. We represent the owners of at least one-half or more in value of the real property to be benefited by these improvements.

Pursuant to the Homer Accelerated Roads and Trails Program, property owner contribution to road improvements is \$30 per front foot for gravel and \$17 per front foot for paving. Pursuant to the Homer Accelerated Water and Sewer Program, districts shall be assessed 75% property owner share of the project. Projects will be authorized only after a public hearing to insure public participation in the process.

If you are in favor of these improvements please sign in the Signature and Date slot. Please date your signature. We ask that you include your phone number for future reference, although this is not mandatory. **Deadline for this petition is December 30, 2014.** For this petition to be sufficient, signatures representing at least one half or more in value of the real property to be benefitted must be secured. If sufficient, a neighborhood meeting will be held. IN WITNESS WHEREOF, we have set our hands:

Signature/Date (Phone Number Optional)	Property Owner Name & Address	Legal Description & Parcel Number	Assessed Property Value
	Eugene Dobrzynski 288 Season Dr. Fernley, NV 89408	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 35 175-241-52	\$14,600
	Pat Miller 2220 North Star St. Apt. 1 Anchorage, AK 99556	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 7 175-241-69	\$18,600
	Dick Lewis PO Box 2836 Homer, AK 99603	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 32 175-241-55	\$12,700



LINSTRANG WAY

WEST HILL RD.

CHERYL LN.

ERO CT.

ERIC LN.

SHELLEY AV.

17524169

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17524142

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17524159

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17524158

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17524140

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17524141

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17524134

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17524121

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17524123

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17524122

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17524124

Subject properties by KPB Tax ID and
subdivision lot number.
COH 10/8/2014

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

3 Interim City Manager

4 **RESOLUTION 15-032**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL PARTIALLY
7 RELEASING THE DEVELOPMENT COVENANT OF THE LILLIAN
8 WALLI ESTATES SUBDIVISION REQUIRING EVERY LOT OR TRACT
9 WITHIN THE PROPERTY BE SERVED BY ROADS, WATER, SEWER,
10 DRAINAGE, AND OTHER UTILITIES BEFORE A REQUEST FOR A
11 BUILDING PERMIT OR ADDITIONAL UTILITY CONNECTION MAY BE
12 MADE.
13

14 WHEREAS, The City of Homer (“City”), whose address is 491 East Pioneer Avenue,
15 Homer, Alaska 99603, and Ero Steve Walli and John Robert Gibson (together, “Owners”),
16 entered into an Agreement dated May 16, 1988 (“Agreement”), and recorded May 19, 1988, in
17 Book 0183 at Page 424 in the Homer Recording District, Third Judicial District, State of Alaska;
18 and
19

20 WHEREAS, The Agreement applies to real property now described as Tract B and Lots
21 1 through 77, Lillian Walli Estates Subdivision, according to Plat No. 88-16, Homer Recording
22 District, Third Judicial District, State of Alaska (the “Property”); and
23

24 WHEREAS, In the Agreement, the Owners and their successors and assigns agree that,
25 “no request for a building permit or additional utility connections will be made until
26 improvements (roads, water, sewer, drainage, and other utilities), are completed and
27 accepted by the City” (“Development Covenant”); and
28

29 WHEREAS, As beneficiary of the Development Covenant, the City has determined that
30 the Development Covenant imposes an unreasonable burden on the development of the
31 Property, and that it is in the public interest for the City to partially release the Property from
32 the Development Covenant as provided herein.
33

34 NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Homer hereby
35 partially releases the Development Covenant insofar as it requires that every lot or tract
36 within the Property be served by roads, water, sewer, drainage, and other utilities before a
37 request for a building permit or additional utility connection may be made for any lot or tract
38 within the Property, such partial release to have the effect of revising the Development
39 Covenant to read as follows: “no request for a building permit or additional utility
40 connections will be made for a lot or tract until improvements (roads, water, sewer, drainage,
41 and other utilities) serving that lot or tract are completed and accepted by the City.”
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43 PASSED AND ADOPTED by the Homer City Council this 27th day of April, 2015.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

50 ATTEST:

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54 JO JOHNSON, MMC, CITY CLERK

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56 Fiscal Note: N/A

Katie Koester

From: Katie Koester
Sent: Wednesday, June 24, 2015 10:53 AM
To: 'durner1'; Department Clerk; Jo Johnson; Carey Meyer; Francie Roberts; David Lewis; Bryan Zak; Beauregard Burgess (beauburgess@ci.homer.ak.us); Gus Van Dyke; Catriona Reynolds; Mary (Beth) E. Wythe
Cc: Brent Johnson; Davids Gardens; Steve Walli; Pat Miller; Gene Dobrzynski; Cheryl Ford; peter.fefelov@acsalaska.net
Subject: RE: For Council Meeting 6/15/15
Attachments: Memo on lillian walli and reso 15-048(S).pdf; Reso 15-048(S).pdf

Fran,

Thank you for your email objecting to Resolution 15-048. Council postponed action on the resolution until the June 29th meeting. The City attorney recommends the Council substitute the attached resolution, Resolution 15-048(S).

Road Improvements

The petition that was circulated inaccurately includes information about cost sharing under the HART program. This was a grave oversight on the part of the City. Lillian Walli is not eligible for participation in the HART program per the HART policy manual Part VI, paragraph 9 at page 7, "New subdivisions may not participate in HART for the construction of subdivision roads..." Furthermore, the original subdivision agreement with the City of Homer establishes that the development of the subdivision is the responsibility of the developers. This is standard for all new subdivision development in the City.

WHEREAS, Ero Steve Walli and John R. Gibson, as executors, signed a development agreement with the City of Homer, which is recorded in Book 0183 pages 424 and 425 Homer Recording District, the terms of this Development Agreement being incorporated herein by this reference, designating themselves responsible for street, drainage, water, storm drain, sanitary sewer, street signs, street lighting, underground power and monumentation improvements to the Walli Estate, and" (p. 19-20)

The information on cost sharing through HART should not have been included in the petition as it gave lot owners the inaccurate impression that they would only be charge \$30 a linear foot for improvements. The City still proposes, as is consistent with HART policy, to pay the difference between constructing Eric Lane as a subdivision road versus a collector. Preliminary estimates for constructing Eric Lane as a collector street is \$774,000. Of this, under Resolution 15-048(S) the City would be responsible for \$255,500, or approximately 1/3 of the cost associated with improving the road from a 'normal' subdivision road and a collector street.

Sewer Improvements

Again, the subdivision agreement states that developers are responsible for the cost of utilities, including sewer improvements. A preliminary estimate for the cost of installing sewer in Eric Lane is \$180,000. Resolution 15-048(S) credits the lot owners for the amount they have already paid for bringing Sewer to West Hill Road.

Accessing your lot off of Eric Lane

The Homer Advisory Planning Commission has reviewed platt note 7 on the Lillian Walli Subdivision and recommended its removal. The City believes that the imposition of driveway restrictions along Fairview Avenue is inconsistent with similar properties located along Fairview. The Borough will take any action on removing the platt note, but because we anticipate they will ask the City's opinion, the Planning Commission took it up at their last meeting.

What is next?

Resolution 15-048(S) directs the City to re-circulate the petition gauging interest from property owners with a correct description of funding sources. If there is enough interest, the City will move forward with drafting an improvement plan that includes a cost estimate and project description.

I hope we are able to continue working together on our common goal to bring the Lillian Walli lots to market.

Sincerely,

Katie Koester
City Manger

From: durner1 [mailto:durner1@gmail.com]

Sent: Saturday, June 13, 2015 5:50 PM

To: Department Clerk; Jo Johnson; Katie Koester; Carey Meyer; Francie Roberts; dlewis@ci.homer.ak.us; bzak@ci.homer.ak.us; bburgess@ci.homer.ak.us; gvandyke@ci.homer.ak.us; creynolds@ci.homer.ak.us; tklinkner@ci.homer.ak.us

Cc: Brent Johnson; Davids Gardens; Steve Walli; Pat Miller; Gene Dobrzynski; Cheryl Ford; peter.fefelov@acsalaska.net

Subject: For Council Meeting 6/15/15

I will not be able to attend the work sessions or council of the whole meetings on Monday night, 6/15, but I would appreciate it if this letter would be added to the information packet or read at the meetings.

Thank you.

Fran Durner

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 KATIE KOESTER

PUBLIC WORKS DIRECTOR CAREY MEYER

CITY CLERK JO JOHNSON

You have before you for consideration at the City Council meeting on June 15, 2015, Public Works Director Memorandum 15-086 and Resolution 15-048, both addressing a Special Assessment District along Fairview/Erik Avenue in the Lillian Walli Subdivision. If approved, these actions would impede the ability of private landowners to develop new housing and add to the city's property tax revenues.

I would like to point out inaccurate statements in both documents and urge you to amend the resolution or reject it outright until it can be corrected.

Both documents assert that "100% of the costs" of improving the Lillian Walli Subdivision are the responsibility of the lot owners within the subdivision and therefore the property owners are not eligible for HART or HAWSP funds. I can tell you that this is not accurate, and that continuing this interpretation serves only to frustrate responsible housing development in Homer.

I had heard this "100% of the costs" stated by the City for so long that others and I began to believe it. However, there is no language in any of the properties' recorded documents signed by the responsible parties that makes such a definitive statement. The city's extreme interpretation of the agreement—not supported by fact—has led to years of frustration and inaction.

In fact, the subdivision development agreement, signed May 16, 1988, and recorded shortly thereafter states, "...no request for a building permit...will be made until all improvements...are completed and accepted by the City." It does not specifically address

which party or parties should pay for which improvements. Nor does it place any limitations or restrictions on how to pay for the improvements or eliminate cost-sharing options.

A subsequent agreement of November 16, 1988, also recorded, which assessed the subdivision for water and sewer improvements, states that in the May 16, 1988, development agreement, lot owners will be "responsible" for the improvements. In neither of those legal documents is there any language or words using responsible "for 100% of the costs."

It is reasonable to assume that any developer of land be responsible for its development, but it is also reasonable to assume that if shared funding is available and the subdivision is eligible for those funds, then the landowners would have every right to pursue the use of those funds. Under HART and HAWSP, the Lillian Walli Subdivision is clearly eligible for shared funding of the improvements in the subdivision. The matters before you June 15 would eliminate that option.

I do not believe it is Council's intent to further stall or frustrate the efforts of the Walli Subdivision's owners to develop and attain access to their land. We have been ready and willing to work through this for years but it was only after Interim City Manager Marvin Yoder was able to take a fresh look at the situation that we were finally able to gain some attention.

It has been over 27 years since the subdivision was created, and yet no homes have been built on any of the lots. Sharing the improvements through HART and HAWSP would help change that. Most of us are retired or nearing retirement and we do not have much time, money or energy left at this point to bang our heads against the City of Homer's stonewall.

I urge you to reject Resolution 15-048 outright or amend the inaccurate language that perpetuates a so-called agreement requiring 100% of improvement costs and eligibility for HART and HAWSP funding.

Your actions at the Monday, April 15th Council meeting will send us a clear message.

Thank you for your consideration.

Respectfully,

Fran Durner

--
Fran



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 15-057

TO: MAYOR AND COUNCIL
FROM: MARVIN L. YODER, INTERIM CITY MANAGER
DATE: APRIL 22, 2015
SUBJECT: LILLIAN WALLI SUBDIVISION

I first became aware of the Lillian Walli Subdivision in January. It was clear there were issues but since the plat was dated 1988 it did not seem urgent. The subdivision has about 80 lots and 15 owners.

In February, Carey apprised of an earlier request for an assessment district for the lots that bordered Eric Lane (Fairview). The City Council considered that but could not honor that request since in 1988, the City included a document with the Subdivision Agreement that stated "no request for a building permit ... will be made until improvements ... are completed and accepted by the City".

That prohibition included tract "B" which is on the Sterling Hwy and next to the Lutheran Church. The State DOT also honors that agreement and will not allow a driveway permit from West Hill Road to access the subdivision.

When water and sewer were constructed in Sterling Highway, ALL of the lots in Lillian Walli were assessed, including tracts C & D and lots 36 – 38, which were on the west side of West Hill road. The gas line was constructed in Eric Lane and West Hill which will result in further assessments, but no chance to develop unless a majority of the owners agree to an assessment district to develop the entire subdivision. Estimates are that to fully fund an assessment district would result in an assessment of over \$80,000 per lot.

As you can imagine a few of the owners are somewhat hostile to the City. They feel that the City is partially responsible for the inability to develop the property. They have paid assessments and taxes for years and are no closer to a workable development plan than they were 25 years ago. It should be noted that the City is an owner of eight lots, which it obtained due to foreclosure. The concern is that if this situation continues, there could be further property owner default when the gas line assessments come due.

With this history, I began to contact the property owners. There are, excluding the city, 6 major property owners and owners with one to three lots. I have met with 3 and contacted 3 others by email or phone. One authorized a local person to speak for him.

We discussed a possible solution which appears to be acceptable to the major owners. Mr. Klinkner has prepared the attached Resolution which complies with my understanding of the owner's wishes.

This Resolution applies to tract B and lots 1 through 77 in the Lillian Walli Subdivision. Tracts A, C & D were exempted when the utility assessment district was formed.

Tract C has been subdivided and developed. Tract B was purchased by the Lutheran Church and has replated to include a land they previously owned. Although not developed there is some indication that lot 36 may have been previously exempted from the subdivision requirements. The current status of lot 17 is not known.

Another decision for the City Council (also part of the Land Allocation plan) would be to determine what will be done with the city owned lots. There are several options.

- The City could sell its lots to a developer prior to the development of the subdivision.
- The City could cooperate with the developer and sell the lots after the improvements are complete.
- The City could sell some of the lots and designate the remaining acreage for drainage, green space and/or for other community use.

Changes to the current agreement will benefit the City in several ways.

- The issues with this subdivision have elicited negative responses toward the City for many years. Finding a solution will be positive step for the City.
- The Economic Development Commission, among others, has been promoting ways to encourage more affordable housing in Homer. The lack of affordable, adequate housing was identified as a pressing need in a study by the US Coast Guard. Allowing individual developers the opportunity to begin construction, without the current restrictions, would be a positive step towards meeting the housing needs in Homer.
- Once these lots are developed, the City will realize increase in property taxes as well as increased revenue for the city utilities.

NEW BUSINESS

RESOLUTIONS

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

3 City Manager

4 **RESOLUTION 15-049**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AWARDING A NEW TWENTY-YEAR LEASE, WITH TWO FIVE-YEAR
8 OPTIONS ON A PORTION OF LOT 11, HOMER SPIT SUBDIVISION,
9 NO. 5 TO SPITWSPOTS (SWS), INC. OF HOMER, ALASKA, AND
10 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
11 THE APPROPRIATE DOCUMENTS.
12

13 WHEREAS, A Request for Proposals for Homer Spit Property Lease for an Owner-
14 Operated/Subleased Wireless Communication Tower was issued April 15, 2015; and
15

16 WHEREAS, The advertisement for sealed proposals to lease City property on the
17 Homer Spit was advertised in the Homer Tribune April 22 and 29, 2015, and the Anchorage
18 Daily News on April 26, 2015, posted on Alaska Bid Network and on the City Clerk's Bids and
19 RFPs website; and
20

21 WHEREAS, Sealed proposals were due at the Office of the City Clerk by 4:00 p.m. on
22 May 14, 2015 with an extension until May 21, 2015 as outlined in Addendum #2; and
23

24 WHEREAS, Two proposals were submitted and the Lease Committee reviewed the
25 pro/cons of each proposal and determined the three most significant differences between
26 GCI and SWS proposals is:

- 27 1) the available number of co-locations and potential revenue source from
28 subleasing,
29 2) the proposed square foot amount, and
30 3) the proposed monthly base rent and how requested reimbursements affect the final
31 revenue to the City from this lease.
32

33 WHEREAS, The Lease Committee favors SWS proposal as it offers more co-locations on
34 their tower, creating a higher use of the tower and higher revenues for the City's Port and
35 Harbor Enterprise; and
36

37 WHEREAS, It is appropriate that the City Council review and approve the new lease
38 proposal given the scope of the project; and

39 WHEREAS, The City administration has reviewed the proposal using the criteria
40 contained in the adopted Lease Policy, determined that the new proposal is in the City's
41 interest, and recommends approval of a new lease; and

42

43 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves a
44 new twenty-year lease, with two five-year options, for SPITwSPOTS, Inc. on a portion of Lot
45 11, Homer Spit Subdivision, No. 5, and authorizes the City Manager to negotiate and execute
46 the appropriate documents.

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48 PASSED AND ADOPTED by the Homer City Council this 29th day of June, 2015.

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CITY OF HOMER

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MARY E. WYTHER, MAYOR

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ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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Fiscal Note: Lease revenue \$3,100 per month and 25% of sublease fees.



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4350 Homer Spit Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 15-091

TO: MAYOR BETH WYTHER & HOMER CITY COUNCIL

FROM: LEASE COMMITTEE

CC: PORT & HARBOR ADVISORY COMMISSION

DATE: MAY 29, 2015

SUBJECT: COMMUNICATION TOWER ON SPIT RFP REVIEW & RECOMMENDATIONS

Earlier this year, the City received a lease proposal for the construction of a communication tower on the Homer Spit. The Lease Committee concluded that such a significant project should go through the Request for Proposal process. The City of Homer Port and Harbor issued a RFP for Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower. Proposal deadline was May 14, 2015 and was later extended to May 21, 2015 per an addendum; two lease proposals were received. The Lease Committee met on May 28, 2015 for the purpose of discussing the two proposals, both of which were for a portion of Lot 11. The Lease Committee graded both proposals according to Chapter 6 of the City's Lease Management Policy and per the grading criteria outlined in the RFP.

Both proposals were found to be compliant per the RFP requirements and in accordance with the lease policies. To better compare the proposals, the following table breaks down the primary details with the differences in bold.

	Proposal #1: Dryden & LaRue, Inc. (GCI)	Proposal #2: Spit W Spots (SWS)
Site Location	Lot 11	Lot 11
Tower Height	120 feet	120 feet
Tower Type	Monopole	Self-standing; proposal includes reasons why this style of tower is ideal
Construction Timeline	Immediately, complete by fall 2015	Immediately, complete by fall 2015
Lease Term	20 Year with Two, 5-year options	20 Year with Two, 5-year options
Square Foot Size	2,800sf	8,910sf
Base Rent	\$1,000 for GCI's usable 1,200sf area; \$500 for GCI's unused 1,200sf area (setbacks); \$0 for City's occupied 1,600sf area. Total:\$1,500/month	\$3,100/month
# Co-Locations Available	2 Spaces	6 Spaces , including an area for non-profit organizations' small antennas
Customer's Subleasing Fee	Proposal does not specify	\$2,100/month for 10' space
City's % of Sublease Revenue	Proposal does not specify	25% of sublease fee paid to City
Tower & Building Space for City Use?	Yes, but GCI requests monthly reimbursement of \$581.47 to be credited towards monthly rent	Yes; proposal does not include reimbursement requests , if any

The Lease Committee reviewed the pro/cons of each proposal and determined the three most significant differences between GCI and SWS proposals is 1) the available number of co-locations and potential revenue source from subleasing, 2) the proposed square foot amount, and 3) the proposed monthly base rent and how requested reimbursements affect the final revenue to the City from this lease.

Co-Locations: It is the policy of the City to maximize the value of its assets and lease property for the highest and best use. Because of this goal, the Lease Committee favors SWS proposal as it offers more co-locations on their tower than GCI, which is a higher use of this asset; the potential for more subleasing means higher revenue for the City's Port & Harbor Enterprise as well. It also means fewer towers on the Homer Spit since multiple users can occupy one tower.

The City's intention for the tower was not to manage it ourselves; we wanted a company that is willing to construct the infrastructure and then work as the manager, overseeing the subleases, and the City collects a percentage of the revenues from the subleases. SWS offer that in their proposal. GCI touches on the subject as it was a requirement of the RFP, but they did not include information on what they would charge for subleasing or the percentage the City would receive.

Square Foot Area: GCI's proposed square foot area is efficiently consolidated into what areas are usable/not usable, with different rates according to use. SWS have requested more square footage, specifically with safety in mind, because they felt a wider footprint at the base of the tower (as well as larger setbacks) would reduce falling hazards to nearby buildings/equipment. While consolidation is ideal, the committee deems safety a priority as well. Plus a larger square foot area means a higher base rent.

Base Rent: SWS proposed \$3,100/month (\$37,200/year). GCI's proposed base rent is broken down depending on if the area is being utilized by them, is unused setback area, or occupied by the City. The total would be \$1,500, but once their proposed reimbursement for tower space is deducted, it estimates to about \$918/month, or \$11,016/year.

Other Issues: Another primary concern of the committee was the level of experience GCI has over SWS. GCI has constructed numerous towers throughout the state and are familiar with the necessary upkeep it takes to maintain such infrastructure. They also have set corporate policies regarding subleasing, yet some of which may be difficult for smaller organizations or businesses to co-locate from them. SWS have constructed one tower (completed in 2014), so they are familiar with the process, just not as much as GCI. SWS, though, included more information regarding co-location in their proposal and were much more willing to accommodate other businesses and the City's equipment on their tower.

Concerns that can be brought up during lease negotiations after the lease has been awarded include the following:

- Insurance requirements for tower climbers
- Third party hires for equipment installations
- Specific location of tower on Lot 11
- Removal of tower infrastructure at the end of the lease
- Use of the building for City equipment

Recommendation

The Lease Committee recommends City Council award a 20-year lease with two, five-year options to Spit-W-Spots of Homer, Alaska for a portion of Lot 11 on the Homer Spit, and instruct the City Manager to move forward with lease negotiations.

Attached: Dryden & LaRue, Inc. Lease Proposal
Spit W Spots Lease Proposal
RFP for Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower
RFP Addendum #1 & #2



City of Homer, Alaska

Request for Proposals

Homer Spit Property Lease for an
Owner-Operated/Subleased Wireless Communication Tower

REQUEST FOR PROPOSALS
By the City of Homer, Alaska

For Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower

The City of Homer, Alaska is requesting proposals from qualified wireless facilities and communication service provider(s) that are interested in designing, permitting, constructing, operating, maintaining, owning, and subleasing a wireless communications tower for the purpose of providing improved wireless voice and data services to the general public and the City. Successful proposer will be offered the opportunity to negotiate for a 30-year term lease with the City of Homer to construct a communications tower on a portion of City-owned land that is located on the Homer Spit.

A mandatory pre-proposal meeting/teleconference will be held Tuesday, May 5, 2015 at 2:00 pm at the Homer City Hall Conference Room.

Sealed proposals for the **Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower** will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:00 PM, Thursday, May 14, 2015**. The time of receipt will be determined by the City Clerk's time stamp. A Lease Application Fee of \$30.00 will be due upon submittal of proposal.

Proposals received after the time fixed for the receipt of the bids shall not be considered. **All proposers must submit a City of Homer Proposal Holders Registration form to be on the Proposal Holders List before they attend the mandatory pre-close meeting and to be considered responsive.** The Proposal holder registration form and the RFP package are available on line at <http://www.cityofhomer-ak.gov/rfps>.

The City reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award a contract to the respondent that best meets the selection criteria and the City's needs.

Dated this 15th day of April 2015.

CITY OF HOMER

Katie Koester, City Manager

Account #: 400-0600-5227

Published: Homer Tribune – April 22 & 29, 2015
Anchorage Daily News – April 26, 2015
Alaska Bid Network

REQUEST FOR PROPOSALS
By the City of Homer, Alaska

For Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower

The City of Homer, Alaska is requesting proposals from qualified wireless facilities and communication service provider(s) for the project and lease proposal described herein. The City reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award a contract to the respondent that best meets the selection criteria and the City's needs.

The following subjects are discussed in this RFP to assist you in preparing your proposal:

- I. Introduction
- II. Scope of Work
- III. Lease Proposal Requirements
- IV. Planning & Zoning Requirements
- V. Other Provisions
- VI. RFP General Requirements
- VII. Proposal Format and Content
- VIII. Evaluation Criteria and Selection Process
- IX. Proposed RFP and Award Schedule
- X. Attachments

I. INTRODUCTION

The City of Homer is interested in providing a portion of City-owned land on the Homer Spit for leasing to a qualified wireless facilities and communication service provider, who would oversee the designing, permitting, constructing, operating, maintaining, owning, and subleasing of a wireless communications tower. The successful proposer will be offered the opportunity to negotiate a lease with a 20-year term with two, five-year options with the City of Homer. See Attachment #4 for a sample ground lease.

II. SCOPE OF WORK

- A. **Tower, Support Buildings, Visual Impact, and Coverage Area:** Proposers shall propose a tower of such height, capacity, and structural integrity that it will be capable of providing reliable coverage to the provider's target area, which should be specified in their Proposal Narrative. The tower shall be designed in such a manner that it permits expansion to accommodate future sub-lessees with minimal or no disruption to tower operations, while also providing an esthetically pleasing visual look. Explain how the tower height is the minimum required for effective operation for the equipment it is proposed to support. The Proposer should indicate the anticipated signal strength levels (coverage) in their target area using standard industry cell location, propagation modeling techniques, and antenna locations on the proposed tower. The City understands this information is theoretical and may vary significantly in actual practice.

Use of the site is limited to the wireless communications services for which the facility is being constructed. It is intended to be an un-manned site used only for the transmission and reception of the wireless communications provided by the provider and its subtenants. Only those activities directly related to the operation and maintenance of the communications systems structures and utilities at the site are permitted.

Proposals must include precautions regarding emergency preparedness, such as the installation of a standby power generator capable of supporting all equipment in the equipment building, except any City-operated equipment. Proposals should also include plans for a complete grounding system to protect the tower, the building, and its internal and external equipment. The completed grounding system shall be tested and the test results shall be submitted to the City.

- B. **Subleasing:** It is a goal of the City to minimize the impact of towers on the Spit, therefore subleasing of tower space is necessary to ensure many businesses are able to benefit from a single tower. As per the City's base lease agreement, tenants shall not assign or sublease its interest in their lease or in the City's property without first obtaining the written consent of City Council, which is to be done in writing at least 30 days prior to the effective date of the proposed assignment or sublease, accompanied by a copy of the proposed assignment or sublease. The tenant shall be assessed additional rent, equal to 10 – 25% of the tenant's current Base Rent for the subleased area.

Proposers must include in their narrative how many spaces they would be able to provide for subleasing and the rental rate per space they intend to charge each sub-lessee. Proposals that include evidence for provisions of subleasing, including any agreements with other providers the tower intends to serve, will be considered advantageous. Subleasing will be a mandatory aspect of the lease with the City.

- C. **Locations for Tower:** Two locations on the Homer Spit are available for the purpose of **one** communication tower. Proposers are encouraged to inspect the two parcels and specify in their proposal the selected lot and amount of square footage they intend to utilize; **this square foot amount should include uses for short-term and long-term plans.** Parcel descriptions are as follows:
- **Lot 11**, Homer Spit Subdivision, No. 5, Homer Recording District, Homer, Alaska. See Attachment #1 for lot location. This lot consists of approximately 77,536 square feet of vacant land located at 4300 Freight Dock Road. KPB Parcel #181-032-30.
 - **Lot 48**, Homer Spit Sub Amended, Homer Recording District, Homer, Alaska. See Attachment #2 for lot location. Two sections of this lot are available for proposals: the roadside section approximately 2,400 square feet and the section near existing tower approximately 2,128 square feet. Parcel is located at 4667 Homer Spit Road. KPB Parcel #181-034-04.
- D. **City Use of Tower:** The City wishes to reserve the top ten (10) feet of the tower to install, operate, and maintain a transmitter for City-only use. The City would reserve the right to attach all associated cabling to the tower to link the transmitters and receivers to the ground-based operational equipment, power supply sources, and grounding devices. Any equipment buildings will be allowed within the secured portion of the property to house the equipment necessary to operate any City-owned equipment located on the tower. The City will work with the successful Proposer to ensure that the City improvements to the site do not adversely impact the ability of the provider.

III. LEASE PROPOSAL REQUIREMENTS

- A. **General Proposal Requirements:** Every proposal, to be deemed responsive, must contain the information requested in Chapter 5 of the City's Lease Policy (see Attachment #5, Property Management Policy and Procedures Manual), to include but not limited to the following:
1. A completed application form provided by the City, see Attachment #3.
 2. A proposed base rental rate, the duration of lease requested, number of options to renew, and any proposed rent escalation factors.
 3. Any applicable fees to include but not limited to Lease Application fee \$30 (submitted with proposal), and Lease fee of \$300 (submitted when selected as winning proposer).

4. A clear and precise narrative description of the proposed use of the property that addresses all sections outlined in this RFP.
5. A specific time schedule and benchmarks for development.
6. A proposed site plan drawn to scale that fulfills the requirements outlined under “Planning & Zoning Requirements”.
7. Any other information that is directly pertinent to the proposal scoring criteria contained herein.
8. All other required attachments requested on the lease application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity’s state of domicile, and references.

B. **Proposed Base Rental Rate:** Proposers should note that fair market rent is the baseline, or minimum rent (see Chapter 7 of the City’s Lease Policy, Attachment #5). The amount offered by the proposer for lease payments is an important factor in determining the successful proposal. A recent appraisal was conducted in 2013 for communication towers on the Homer Spit. For planning purposes, Proposers can assume that fair market rent is likely to be within the range of \$9.60 to \$10.80 per square foot/per year.

C. **Lease Length/Options of Renewal:** The City is offering a lease with a 20-year term with two, five-year options, which is subject to final lease negotiations. Proposers may include a different term in their lease application. As per Chapter 11 of the City’s Lease Policy (see Attachment #5), leases shall contain no more than two options for renewal and each option shall be for no more than 25% of the length of the initial base term. The exercise of any option shall be dependent upon lessee not being in breach of any provisions of the lease at that time.

D. **Insurance Requirements:** Proposers are required to provide proof of insurance with their lease application. The successful Proposer shall maintain in force at all times during their lease with the City the following policies of insurance:

- A. Comprehensive general liability insurance with limits of liability not less than a combined single limit for bodily injury and property damage of \$1,000,000 each occurrence and \$2,000,000 aggregate.
- B. Comprehensive automobile liability covering all owned, hired and non-owned vehicles with coverage limits not less than \$1,000,000 occurrence combined single limit for bodily injury and property damage.
- C. Workers' compensation insurance as required by AS 23.30.045. This coverage shall include employer’s liability protection not less than \$1,000,000 per person, \$1,000,000 per occurrence. The workers' compensation insurance shall contain a waiver of subrogation clause in favor of the landlord (City).
- D. Environmental remediation and environmental impairment liability, including sudden and accidental coverage , gradual pollution coverage, and clean-up cost coverage associated with any activity by Tenant or others on, from, or related to the Property, with coverage limits not less than \$1,000,000 for any one accident or occurrence. Coverage shall extend to loss arising as a result of the work or services or products furnished, used or handled in connection with provider's operations contemplated under their lease.
- E. Property insurance covering the property’s improvements in an amount not less than full replacement cost of the improvements.
- F. During construction of the communication tower and during any subsequent alteration or restoration of the improvements at a cost in excess of \$250,000 per job, successful Proposer shall maintain builder's risk insurance in an amount equal to the completed value of the project.

IV. PLANNING & ZONING REQUIREMENTS

Successful proposer is responsible for the following:

1. Apply for and secure all required local, state and federal permits. Local permits include but are not limited to a conditional use permit and a zoning permit. An approved Conditional Use Permit (CUP) will be required prior to the issuance of a zoning permit for construction.
2. Application should specify area for at least **two** parking spaces on site.
3. Provide **level one and level two site plan** as found in HCC 21.73.020-030. Site plans shall show on a survey, map, or plan of the subject property (drawn to a scale of not less than one inch equals 20 feet) all of the following:

Level One Site Plan

- a. The precise location of the lot boundaries and all setbacks and easements.
- b. The precise location and dimensions of all existing and proposed structures, including any proposed changes to the exterior dimensions of existing structures.
- c. Elevation drawings and dimensions of all existing and proposed structures, including any proposed changes to exterior dimensions of existing structures.
- d. Existing site features and conditions, including topography, drainage, streams, water bodies, wetlands, lines of mean high tide, storm berms, areas prone to erosion, and the general location of vegetation.
- e. The precise location of all existing and proposed structures in relation to existing and proposed streets and other rights-of-way.
- f. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of the site and to and from all parking areas.
- g. On-site traffic and pedestrian circulation systems, and a detailed parking plan.
- h. Pedestrian access to adjacent public lands, waters, walkways and trails. Where practical, safe, and where other means of access have not been provided, access easements may be required.
- i. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display elevation changes and cut and fill quantities.
- j. The location of the site in relation to other existing uses on neighboring properties.

Level Two Site Plan

- a. All information required by HCC 21.73.020(a) through (e);
- b. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of all loading berths or areas;
- c. Turning radius for vehicles;
- d. The location and proposed screening of open storage areas;
- e. Basic floor plans and location of all existing and proposed structures;
- f. Location of utilities;
- g. Proposed signs and lighting;
- h. The location of the site in relation to residential uses and other existing industrial uses on adjacent properties;
- i. Location of snow storage.

V. OTHER PROVISIONS

- A. **Due Diligence Period:** The Proposer will have a Due Diligence period of one hundred and twenty (120) days from the date that a lease with the successful Proposer is approved by City Council to conduct any necessary testing or evaluation of the property, and complete the Conditional Use Permit and Site Plan approval process required by the City as described in Section IV. In the event that any of the testing determines that a condition exists on the property that would make it financially unfeasible for the successful Proposer to conduct the requirements of this RFP, or the provider is unable to obtain any of the

required approvals from the City or other governmental agency, the successful Proposer may terminate the Lease with no further liability.

- B. **Ownership of Improvements:** Once a lease has been completed between the successful Proposer and the City, any and all buildings, fixtures and improvements constructed or maintained on the property by the tenant will be and remain the property of the tenant during the lease term and any extended terms, and may be removed or replaced by the tenant. Upon the expiration of the lease, and the City does not approve a new lease or the tenant opts not to seek a new lease, the City will not accept ownership of the improvements. The tenant will be required to remove all improvements constructed by the tenant and return the property to its vacant-land state prior to the lease.
- C. **Environmental Condition Testing:** The City is unaware of any environmental conditions that may adversely impact the property. Proposers may elect to retain a properly qualified environmental consulting firm to conduct an environmental site assessment of the property. Should the Proposer decide to have an environmental site assessment conducted, said environmental site assessment shall be done at the sole cost and expense of the Proposer. A copy of all reports and work product generated for the Proposer concerning the environmental, archeological and geological condition of the property shall be provided to the City within ten (10) days of their completion.
- D. **Utilities:** All utilities will be the responsibility of the successful Proposer. City water and sewer are available to each parcel. It is the responsibility of the developer to extend the water and sewer into the parcel and make necessary connections, if necessary, for proposed use.

VI. RFP GENERAL REQUIREMENTS

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified below. Proposals that do not address the items listed in this request may be considered incomplete and may be deemed non-responsive by the City. Interested providers should submit their completed proposal using the following instructions:

One original and four (4) copies of the completed proposal in an opaque envelope marked as follows:
OWNER-OPERATED/SUBLEASED WIRELESS COMMUNICATION TOWER RFP
Homer, Alaska
PROPOSAL DATED: _____

The Proposal submittals shall be addressed to:
City of Homer, City Clerk
491 E. Pioneer Ave.
Homer, Alaska 99603

Proposals and the Lease Application Fee of \$30.00 shall be received at the Office of the City Clerk **no later than 4:00 pm, Thursday, May 14, 2015**. Please direct proposal submission questions to Jo Johnson, City Clerk, at (907) 235-3130. Please direct technical questions regarding this proposal to the Office of the City Manager in writing at citymanager@cityofhomer-ak.gov, or at 491 E. Pioneer Avenue, Homer, AK 99603.

Proposals received after the time fixed for the receipt of the bids shall not be considered. **All proposers must submit a City of Homer Proposal Holders Registration form to be on the Proposal Holders List before they attend the mandatory pre-close meeting and to be considered responsive.** The Proposal holder registration form and the RFP package are available on line at <http://www.cityofhomer-ak.gov/rfps>.

There will be a mandatory meeting/teleconference held prior to the closure of the RFP. This will give all Proposers involved the opportunity for questions and answers with City Staff to ensure all information is open and concise. **The mandatory Pre-Close RFP meeting/teleconference will be held Tuesday, May 5, 2015 at 2:00 pm at the Homer City Hall Conference Room.** Proposers interested in participating via telephone can call in at the following number: Virtual Conference Room: 907-235-8121, Extension #2299. Callers will be on hold until meeting begins

VII. PROPOSAL FORMAT AND CONTENT

Letter of Transmittal (one page maximum): The transmittal letter shall briefly state the Proposer's understanding of the City's request, make a positive commitment to provide the professional services specified, and give the name, title, address, and phone number of the person(s) authorized to make representations for the firm. The letter shall be signed by a corporate officer or other individual who has the authority to bind the firm.

Proposal Narrative: The proposal narrative shall provide the following information:

1. Lease Proposal Narrative: Specify in detail the Proposer's ability to fulfill all sections of this RFP, including but not limited to subleasing, tower capabilities, lease specifications, and Planning and Zoning requirements. It should also include the proposed square foot rate and any additional lease requirements the Proposer chooses to propose.
2. Lease Proposal Application: The required application and its attachments are outlined under Section III: Lease Proposal Requirements. See Attachment #3 for the Lease Application.
3. Site Plans: Requirements detailed under Section IV: Planning & Zoning must be addressed.

VIII. EVALUATION CRITERIA AND SELECTION PROCESS

The Lease Committee will evaluate the proposals and make a recommendation on a successful bidder to the City Council, who issues the official lease approval and the notice to proceed with lease negotiations. Prior to submitting a recommendation from the Lease Committee to the City Council, lease proposals pertaining to Homer Spit land are submitted to the Port and Harbor Advisory Commission for review and comment. The Commission may, at its discretion, provide additional recommendations to the City Council. If an agreement with any proposer cannot be reached, the next highest ranked proposer may be contacted for negotiations. The City of Homer reserves the right to terminate negotiations with any proposer should it be in the City of Homer's best interest. The commencement date of the lease will be negotiated with the successful Proposer.

The criteria for evaluating proposals are specified in Chapter 6 of the City's Lease Policy; it includes but is not limited to the following:

1. Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan.
2. The development plan including all proposed phases and timetables.
3. The proposed capital investment.
4. Experience of the applicant in the proposed business or venture.
5. Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development.
6. The number of employees anticipated.
7. The proposed rental rate.
8. Other financial impacts such as tax revenues, stimulation of related or spin-off economic development, or the value of improvements left behind upon termination of the lease.
9. Other long term social and economic development.

The City of Homer reserves the right to reject any and all proposals submitted and shall not be liable for any costs incurred by any proposer in response to this solicitation or for any work done prior to the issuance of a notice to proceed or signed agreement. Evaluators may discuss factual knowledge of, and may investigate Proposer’s prior experience and performance in regards to communication towers. This includes information referenced in the proposal, available written evaluations, and contacted references that were listed in the lease application, or other persons knowledgeable of the Proposer's past performance. Submittals will be evaluated and scored in accordance with the following criteria:

1. Lease Proposal Narrative	25 points
2. Completed Lease Application	20 points
3. Fulfillment of Subleasing Requirements	20 points
4. Proposed Square Footage	15 points
5. Proposed Base Rent	10 points
6. Proposed Visual Impact Remedies	5 points
7. Fulfillment of RFP Requirements	<u>5 points</u>
Maximum Score	100 points

IX. PROPOSED RFP & AWARD SCHEDULE

RFP Advertisement	April 22 & 29, 2015 – Homer Tribune April 26, 2015 – Anchorage Daily News Alaska Bid Network
Pre-Closing Meeting/Teleconference	May 5, 2015 at 2:00 pm
Proposals Due	May 14, 2015 at 4:30 pm
Review of Proposals & Choosing of Firm	May 15 – 20, 2015
City Council Award	May 26, 2015
Begin Lease Negotiations	May 27, 2015

X. ATTACHMENTS

1. Vicinity Map for Lot 11
2. Vicinity Map for Lot 48
3. Lease Application
4. Sample Ground Lease
5. Property Management Policy and Procedures Manual

**REQUEST FOR PROPOSALS
By the City of Homer, Alaska**

For Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower

ADDENDUM #1

SECTION II.D – City Use for Tower:

REMOVAL of the entire section pertaining to the City reserving the top ten (10) feet of the tower to install, operate, and maintain a transmitter for City-only use, including the reservation for support equipment and buildings. All Proposers are not required to address this scope of work item in their proposal.

REQUEST FOR PROPOSALS
By the City of Homer, Alaska
For Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower

ADDENDUM #2

Addendum 2.1: Sec. II, D. City Use of Tower (REINSTATED)

The first section of the tower directly below the top section and above 100 feet AGL shall be reserved exclusively for City-use for the purpose of public safety antennas. The section of tower will be configured to allow the mounting of two, 10 foot tall dipoles in a location facing the City and operating in the VHF band. The City's antennas and other antennas on the tower must be separated enough to eliminate any interference potential.

The successful Proposer will be required to complete all tower-related installation and termination work for the antennas and helihax, including mounting the antennas, installing helihax cable from the repeater locations to the antennas, and connecting the helihax to the antennas. The City will provide the antennas, helihax and all supplies and equipment for the installation. The City will oversee future maintenance/repairs; the successful Proposer would not be obligated to provide maintenance.

In addition to tower space, the successful Proposer will be required to provide adequate building space to the City, approximately 100 square feet of climate controlled floor area, for the City's repeaters and equipment. Equipment will consist of two, industry-standard racks of equipment with externally-affixed duplexers, also of industry-standard size. This space must be separated from the Proposer's equipment, with restricted access to City personnel only. The City will be responsible for the electricity to City equipment, including establishing a separate meter and alternate power source in the event of an outage.

Proposers must include in their narrative the design and specifications that will fulfill the City's purpose for tower use. During lease negotiations, the City will be reviewing the successful proposer's final tower designs. The City must approve of the design of the City-Only use areas, as well as the overall project, before construction may proceed.

Addendum 2.2: Sec.VI RFP General Requirements

Proposals and the Lease Application Fee of \$30.00 shall be received at the Office of the City Clerk **no later than 4:00 pm, Thursday, May 21, 2015**. Please direct proposal submission questions to Jo Johnson, City Clerk, at (907) 235-3130. Please direct technical questions regarding this proposal to Bryan Hawkins., Port Director/Harbormaster in writing at bhawkins@cityofhomer-ak.gov, or at 4311 Freight Dock Road, Homer, AK 99603.

Addendum 2.3: Sec. IX. Proposed RFP & Award Schedule

Proposals Due	Thursday, May 21, 2015 at 4:00 pm
Lease Committee Review	May 28, 2015
Port & Harbor Advisory Commission Review	June 10, 2015
City Council Award	June 22, 2015
Begin Lease Negotiations	June 23, 2015

Owner-Operated/Subleased Wireless Communication Tower RFP

Proposal Evaluation Checklist

Name of Company: Sprt w/ spots

Are they on the Planholder's List: yes no

Was the proposal received on time: yes no
5/21/15 2:27pm

Did they submit the correct # of copies (4): yes no

Was the \$30 Lease Proposal Fee Included: yes no

Did they attend the Planholder's Meeting: yes no

Comments:

Lease Proposal Narrative	25 pt.	<hr/>
Completed Lease Application	20 pt.	<hr/>
Fulfillment of Subleasing Requirements	20 pt.	<hr/>
Proposed Square Footage	15 pt.	<hr/>
Proposed Base Rent	10 pt.	<hr/>
Proposed Visual Impact Remedies	5 pt.	<hr/>
Fulfillment of RFP Requirements	5 pt.	<hr/>
Total:		<hr/>



CITY OF HOMER
PROPERTY MANAGEMENT
LEASE APPLICATION CHECKLIST

Applicant Name: Spit w Spots

Date Application Received: May 21, 2015

CHAPTER 5: LEASE APPLICATION PROCESS

5.1: POLICY

- A. It is the policy of the City of Homer to provide for a streamlined, standardized, and easily understood lease application process. A full and complete application packet shall be provided to all applicants. Applicants must be qualified under Section 18.08.50 of the Homer City Code:
 - (a) a natural person and is responsible, meaning the applicant has sufficient skill, experience and financial capability to perform all the obligations of the lessee under the proposed lease; and
 - (b) a person who is at least nineteen years of age; or
 - (c) a group, association or corporation which is authorized to conduct business under the laws of the State of Alaska. (Ord. 92-10 (part), 1992). 183 (Homer 06/04)
- B. The City administration will provide for pre-application meetings with all potential applicants to provide relevant information on things like land use regulations, lease policies, the permitting process, and other relevant topics.

5.2 PROCEDURES

A. A responsive lease application / proposal shall include:

- 1. A completed application form provided by the City

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

Includes RFP narrative + intro letter per RFP requirements

- 2. Any applicable fees

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

lease application fee

3. A clear and precise narrative description of the proposed use of the property

YES	NO	N/A	INCOMPLETE
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NOTES:

4. A specific time schedule and benchmarks for development

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

7. All other **required attachments** requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

- Applicant information
- Plot Plan
- Development Plan
- Insurance
- Proposed Subleases
- Environmental Information
- Agency approvals and permits
- Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational.
- Partnership information and a copy of the partnership agreement OR
- Corporation information and a copy of the Articles of Incorporation and Bylaws
- Certificate of good standing issued by the entity's state if domicile
- Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which **MUST** be your principal financial institution) and two must have knowledge of your business expertise).

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

8. Any other information required by the solicitation or request for proposals.

YES	NO	N/A	INCOMPLETE
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NOTES:

Application review completed by Rachel Tussery on May 22, 2015
(date)

SPITwSPOTS, Inc. 03/12
369 E Pioneer Ave, Ste B
Homer, AK 99603
907-226-2082

FIRST NATIONAL BANK ALASKA
3655 Heath St.
Homer, AK, 99603

8788

5/21/2015

PAY TO THE ORDER OF City of Homer

\$ **30.00

Thirty and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD



City of Homer
491 E Pioneer Avenue
Homer, AK 99603



MEMO

Lease Application Fee

[Handwritten Signature] MP



**Letter of Transmittal
City of Homer Alaska RFP for
Spit Property (Lot 11) Lease for Wireless Communications Tower**

May 14th 2015

To: Homer City Manager, RFP Review Committee, and Homer City Clerk,

Thank you for the opportunity to offer our proposal to construct a 120', self-supporting tower for communications equipment for our company, The City of Homer, and any other interested potential sub-lessors, on lot 11 of the Homer Spit Subdivision, located off of Freight Dock Road. Please find enclosed with this letter, an original proposal narrative and supporting documents, as well as four identical copies of the complete packet. All of us at SPITwSPOTS, INC are very excited to participate in this RFP and to have a chance to take real action towards a long-sought, economically beneficial, relationship with the City of Homer (COH).

This RFP and our ability to participate enthusiastically are the result of a great deal of thoughtful planning and hard work on the part of COH staff and commission members, as well as the sincere and good-hearted efforts of SPITwSPOTS, INC, its officers and shareholders. We thank you and commend you for all that you have done thus far to provide an economical and feasible location for all wireless communication enterprises and users on the Homer Spit.

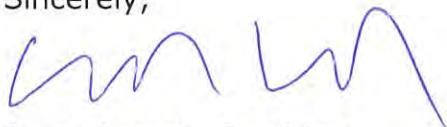
SPITwSPOTS, Inc. (SWS) is prepared to offer its professional services in the leasing of an area of ground located on the SE corner of lot 11, as described in the RFP document, issued by the City of Homer on April 15th of this year. SWS intends to construct a 120' self-supporting tower, designed and engineered to accommodate all communications equipment necessary for its current and future operations, as well as the anticipated antennas and equipment of the City of Homer, and up to 5 other "heavy LTE" cellular telephone communications providers.

The following persons within our organization are authorized to make representations and to bind SWS, Inc. with regard to this RFP and any subsequent lease negotiations or arrangements with the COH:

- Beaugard Burgess, Secretary 907-299-8280
- Aaron Larson, President 907-299-0920
- Joshua Reynolds, CIO 907-299-1993

All parties may be contacted at our main corporate address of, 369 East Pioneer Ave, Suite B, Homer, AK 99603.

Sincerely,



Aaron Larson, President
SPITwSPOTS, INC



THE COMPANY / PROPOSER

SPITwSPOTS Inc. is the foremost high-speed wireless internet service provider on the Kenai Peninsula, serving over 1,600 specific homes and business sites on the Southern Kenai Peninsula and the communities surrounding Kachemak Bay. Our clients include hospitals, healthcare providers, schools, small businesses, industrial firms, hotels, campgrounds, over a thousand local residences, and special project clients like the Discovery Channel, USCG and other branches of the State and Federal Government. SPITwSPOTS Inc. provides residential and commercial internet service to users across a wide geographical area from the head of Kachemak Bay to Seldovia and north to Anchor Point, with the majority of users based in the City of Homer. SPITwSPOTS offers a host of networking services, including network administration, router management, and customized hardware configuration and installation for large commercial clients. Services also include hi-speed HOTwSPOTS for hotels and marinas as well as secure wireless links for hospitals, schools and other sensitive users.

CAPABILITIES / EXPERIENCE OF APPLICANT

SPITwSPOTS Inc. operates, maintains and has installed sundry communications equipment on over a dozen towers and tower sites in the greater Kachemak Bay area, including very large and remote towers (such as the one overlooking Seldovia), and more typical self-supporting communications towers in the 60' – 120' range. In spring of 2014 we completed construction of our own 80' Rohn Industries, self-supporting tower in downtown Anchor Point. This tower is adjacent to the ACS utility building on the north side of the North Fork Road in downtown Anchor Point. SWS has a 30 year leasehold with the private land owner on which the tower sits. Construction of the entire site, related utility building, tower foundation, and erection of the tower was managed and funded by SWS using a qualified construction firm as GC, subcontractors and materials suppliers, tower climbing professionals, qualified climbers and equipment all local to the Southern Kenai Peninsula. SWS is also primarily responsible for fully operating and managing 4 other towers and tower sites in the Homer area, and coordinating tower operations and user needs.

Because SPITwSPOTS is a Wireless Internet Service Provider (WISP), and not a cellular telephone service provider, our business model has forced and encouraged us to build strong, positive relationships with other tower owners, operators and users. Many of the locations and towers we occupy are in areas where we are co-locating and cooperating intimately with multiple stakeholders, including other WISPs, cell carriers, radio stations, secure institutional wireless links, etc. As a result, SWS is a very considerate and responsive partner. If we were not good neighbors and good tenants, we would not be able to occupy many of the locations in which we currently operate, and our business would not be as successful as it is today. We are very aware of the needs of other site stakeholders and work constantly to make sure our operations are not disruptive to other users.

We believe that the City of Homer needs more than just a logistically qualified firm to construct, operate and manage a tower specifically designed to co-locate multiple communications providers. The COH needs a firm with a history and business model built around site coordination, cooperation, and immediate responsiveness to site owner, sub-lessor, and neighbor-provider needs. SWS can offer this level of oversight, accountability and flexibility in a way that a large cell phone carrier can't, simply because of the nature of a large organization accustomed only to occasional co-location with other cell providers. If it is truly the City of Homer's intent to co-locate the maximum possible number of communication services providers on a new tower, then selecting a firm that is open to any and all potential sub-lessors, and that understands their needs is extremely important.

Lack of flexibility and cooperative spirit on the part of another potential site operator/lessor will cost the COH in the form of lower tower occupancy and lost sublease revenues. For example, SWS has been in close communication with (General Communication Inc) GCI, and its representatives since it became clear that GCI would likely be one of the other (if not the only other) responsive bidders on this COH's communications tower RFP. As such, SWS approached GCI representatives and enthusiastically offered to support their proposal via letters of support and MOUs affirming SWS's willingness to co-locate and sublease on the new tower if GCI were awarded the lease. GCI was willing to do the same to assist SWS in our proposal. GCI has agreed that it is very interested in occupying the top, non-City occupied spot, on a SWS tower in exchange for a monthly lease of approximately \$2,100 per month (near the industry standard).

Unfortunately, GCI was only able to offer SWS an area on the much lower portion of their proposed tower (which is all SWS needs to occupy for its purposes as a WISP, but is otherwise useless real estate to a cell provider), for a rate of OVER \$5,100 a month in rent. When GCI was asked why SWS would be charged such an astronomically high rate to occupy an otherwise un-utilized portion of the tower, GCI replied that their accounting department rules restrict them to charge rents based ONLY on the number of antennas or transmitters a prospective sub-lessor would install, regardless of the size, profile or transmitter strength of each antenna. This means, in effect, that a GCI-managed tower would be very limited and restrictive in the kinds of users it would be able to sub-lease to. This means fewer revenues for the City of Homer, and a failure to address the COH's stated desire to consolidate communications equipment on a single tower. SWS, nor any other WISP or small-scale antenna user, cannot economically afford to occupy a tower managed thusly. SWS and other similar organizations and potential tower users would have to find other locations on the Spit, potentially privately-owned locations not on City property, if tower occupancy was, in effect, reduced to only those users with large single antennas and transmitters, such as cell carriers.

SWS is not in direct competition for customers or market share with the most likely sub-lessors of a SWS-managed tower (cell providers). Even though cell providers do sometimes willingly co-locate, the very nature of the market is such that the economic incentives to allow another potential competitor to co-locate on a tower a cell provider owns are dubious, without being explicitly required to do so by

the City of Homer or Federal/State Law. As a WISP, SWS has no such direct conflict with any potential cell provider, including GCI, which may wish to occupy tower space. Our inclusive business practices, management style and flexibility in sublease pricing, translate directly into greater and more rapid revenues for the City of Homer in terms of greater tower utilization, occupancy and optimal market-based pricing.

In short, SPITwSPOTS, Inc has extensive experience as a tower operator, manager, co-user, and occupant, actively dealing with a wide variety of stakeholder concerns on many types of towers in dozens of locations around Kachemak Bay. SWS has recent knowledge and experience negotiating, building and managing a similar long-term lease and tower construction, of a tower very similar to the one we propose to construct on Lot 11 from the same designer and manufacturer (Rohn) of our 80' tower in Anchor Point (completed in 2014.)

OVERVIEW OF SITE PLAN

TOWER LOCATION & SITE PLAN

SPITwSPOTS would like to lease a portion of the ground located in the south corner of Lot 11, located at 4300 Freight Dock Road, with a KPB parcel ID of 181-032-30. We propose to occupy an area in the corner of the lot almost directly across the street from the new Harbor Master's Office. Of the two lots offered as potential communications tower sites, this lot is the only one SWS can feasibly use for its primary and current operations. The locations available for consideration on the other lot, Lot 48, have multiple disadvantages:

1. The surrounding land uses near Lot 48 are not consistent, in SWS's view, with heavy industrial or commercial infrastructure, such as a communications tower. Land's End Resort and several of the Land's End Condos are SWS clients. In addition, the very end of the Homer Spit has special significance as a tourist attraction and economic engine for our community. Reduction of eye sores and tall structures near this location should be a priority.
2. Large cruise ships and transport vessels berthed at the Deep Water Dock and the Ferry Terminal frequently obstruct line of sight communications between points on lot 48 and points out East End Road and near the Head of Kachemak Bay. (Line of sight communication equipment are the core of SWS's infrastructure, unlike some equipment used by cell providers.) SWS has many customers in these areas and cannot afford any interruption of service for them caused by normal and regular harbor operations. RF interference from these large docked vessels as well as nearby communication towers operated by other providers are also a concern on Lot 48.

Advantages of locating a tower on the South corner of Lot 11 are many:

1. Lot 11 is located in a heavy industrial marine area. In fact, we are proposing to use a portion of Lot 11 adjacent to the "Chip Pad". This area is frequently used for activities best kept away from intimate view of the general public and tourists. SWS believes that use of lot 11 is less likely to raise public objection during CUP hearings or any potential public objections to City Council approval of such a lease.
2. Lot 11 has no obstruction between its coastline and areas on the northern edge of Kachemak Bay. This is where the majority of SWS customers are located. This is also, presumably, the area the City of Homer intends to service with public safety communications equipment mounted to the top of the tower.

3. Future expansion of the East Boat Harbor would make Lot 11 central to the Homer Harbor as a whole. This would allow SPITwSPOTS and its potential sub-lessors and co-locators optimal access and line of sight to harbor users and enterprises, helping SWS and our neighbor cell carriers provide superior service within the entire harbor.
4. In the mandatory May 5th Pre-Bid conference, Harbormaster Hawkins indicated that the SE (South) corner of lot 11 was the city's "preferable" location for a communications tower, if lot 11 were the preferred site of a proposer.
5. Erection of a tower on lot 11 offers a larger, safer and more secure working environment for the erection, operation and servicing of a communications tower, away from tourist hotspots, heavily trafficked public roads, shops, hotels and restaurants.
6. There are no large fuel tanks, chemicals or explosive compounds permanently stored within the fall distance of the proposed tower site on lot 11 (as would be the case on lot 48).

In the attached Level I and Level II site plans, engineered drawings and site survey, SWS proposes to provide and utilize a relatively large area of ground for the 120' tall communications tower and related ground equipment, parking, fencing, snow storage and access. (An area 81' x 110') Our experience working on and around other tower sites which we own and lease, has led us to appreciate having truly ample space for SAFE and efficient tower operations and access. Our proposed site plans contain more than enough space for snow storage and equipment staging in even the most precipitous of Alaskan winters, including three parking spaces and two oversized snow storage areas. Even though the City only requires parking for up to two utility vehicles on the tower site, we believe, and our experience working on sites with other providers has shown us, that two parking spaces are often insufficient. Extra vehicles frequently end up parking along roadways or on unoccupied areas of adjacent lots, creating safety hazards as well as inconvenience and frustration for neighbors and nearby land users. The presence of more vehicles is often most common when emergency situations or extreme weather events force providers to hurry to respond to the needs of their customers and equipment. This is not the time to find out, when snow is piled high and visibility is poor, that the site lacks sufficient parking. Safety is at the heart of our commitment to potential sub-lessors, the City of Homer, our customers, and our employees.

Many tower installations overlook the risk of falling objects, tools, and equipment from a tower, particularly when being worked on, to the general public and persons who may be present on the ground. These objects can often bounce off of the tower framework or mounted equipment and project outward, away from the main tower structure. This can lead to serious injury or death of persons who may be near the base of the tower. SWS has planned accordingly for a securely

fenced tower base ground area that is much larger than typical industry practices. In our opinion, many of the towers around Homer are seriously deficient in this regard. By having a much larger fenced ground area, SWS provides a higher degree of safety for the general public and those employees working near the base of the tower by reducing the chance that falling objects may strike people or property near or even somewhat distant from the tower base.

SWS appreciates and recognizes that the COH may choose to develop or lease other portions of Lot 11 in the future. Our site plan is designed to be fully self-contained for all access, operations and tower maintenance needs. It will even be possible to disassemble the tower or place a heavy lift crane on site for placing/removing large equipment, without needing to utilize or interfere with any space outside of the proposed site footprint. The entire site, beyond those secure areas already fenced, can thus be fenced, gated and secured, at the City's option, providing benefit to adjacent ground and an additional layer of safety to tower occupants and the general public.

Building and designing a tower and site plan that is truly appealing and fully utilizable for up to 6 co-located communications providers (including the City of Homer) means having ample ground space to stage equipment when adding or removing tower-mounted devices. SWS has designed a secure, fenced ground equipment yard adjacent to the fenced tower base, within which 6 "primary" providers have ample room to each locate a ground utility building or similar small structure with up to a 10' by 10' footprint. In addition, providers that may require added security, such as their own internal security fence, have the space and flexibility to add these improvements. Hypothetical utility buildings, similar to those that other providers are likely to utilize, are shown in the attached site plan, but are not shown in any cross-sectional views, as we do not have an exact idea what providers may wish to install. These specific structures would be subject to approval by the COH as part of initial lease or future sub-lease negotiations.

SWS will work closely with the City of Homer to design and build a climate-controlled secure ground utility structure that will adequately address the City's needs for storage, service and security of their ground equipment. The structure will, at the COH's option, occupy one of the six, 10' x 10' areas set aside for provider ground equipment, or an area of the City's choosing within the 40' x 40' main tower base fence enclosure. The COH will, at its option, be able to use/share backup power with SWS via our 10 KW natural gas standby power generator (see later description) or SWS will install a reasonable backup power solution of the City's choosing during site development. All electrical utility service, and the 8 pair telephone service which the COH requires, will be installed and connected for COH use. SWS will work closely with COH staff to provide optimal access to needed utilities and to a well-designed ground space for COH ongoing needs.

Even though City Code only requires a 5' setback for structures in the Marine Industrial building zone, SWS has elected to use a 10' setback from the adjacent lot line. Not only does this allow for future utilities to be more easily run to future users to the Northeast of the proposed site (or parts of the chip pad), it provides another degree of ease of access and safety. SWS would like to develop the site

with the long-term needs and potential uses of the City, the Harbor and its other lands and leases in mind.

During the development phase of tower erection and site construction, SWS proposes to utilize the entire Southwest half of lot 11, for purposes of staging equipment, assembling tower sections, locating cranes, etc. Having this larger area secure and available for use will dramatically increase the safety, speed and efficiency with which SWS will be able to manage construction of the tower and site. Western access to the chip pad is through a fence opening/gate, located to the Northeast of the proposed tower site. Using the Southwest half of lot 11 during construction should minimize disturbance to traffic flow in and out of the chip pad through this entry/exit.

TOWER DESCRIPTION / SPECIFICATIONS

SWS understands the COH's desire to minimize negative visual impact to the Homer Harbor and views of Kachemak Bay from places beyond, while prioritizing user safety and minimizing service disruption to multiple tower users. With this in mind we have endeavored to select the most unobtrusive, robust and safe tower design available.

We propose to construct a tower 120' in total height, from the base of the foundation to the top of the main tower structure. This is the minimum height necessary to accommodate the needs of cell providers and the City of Homer, if the COH wishes to occupy the top 10' of the tower. GCI, as a sub-lessor, has indicated that it would like to occupy a level at least 100' - 110' up on the tower. Additional cell providers will likely require access to tower sections above 70'. Hence, in order to have a tower capable of housing at least 5 total cell providers, or similar users, in addition to the needs of SWS and the COH, the tower must be at least 120' in height. This is particularly true if the COH will need exclusive access to the top 10' of the tower and be one of the tower users. If the COH is able to utilize the very top of the tower (with antennas extending above 120') and is given assurance by SWS or a proximal sub-lessor, such as GCI, that there will be no RF interference with the City's VHF antennas, then City antennas will, at the COH's option, be located at the very top of the tower very near to GCI's equipment.

A latticed, galvanized steel, self-supporting SSMW series Rohn 120' tower, anchored to a 3 pillar engineered concrete foundation is the safest, most operationally manageable and most aesthetically pleasing tower design available for SWS's and potential sub-lessors' needs. The tower and foundation will be custom engineered by the tower manufacturer to accommodate the 30+ medium and small-sized antennas and transmitters that SWS will utilize currently and in the future. Each 10' section above 60' in height will be designed to accommodate the equipment profiles and loads of a typical "heavy LTE" cellular telephone carrier, such as GCI, and the very top of the tower will be engineered to accommodate the City's VHF antennas and related gear. A list of equipment space/loading needs provided by GCI includes the following:

- (3) Ericsson AIR21 Antennas
- (2) 1” Hybrid Fiber/Power Transmission Lines
- (3) DBXNH-6565B-VTM Quad-Port Antennas
- (16) 1 ¼” Eupen EC6-50A Coax Lines
- (3) Ericsson RRU01’s
- (1) 2’ Ericsson Microwave Antenna (UKY22044/SC15 Antenna w/ RAU2x18 Radio)
- (1) 2’ Ericsson Microwave Antenna (UKY22041/SC15 Antenna w/ RAU2x11 Radio)
- (2) LMR-400 Coax Lines
- (3) Valmont VFA12-U Frame Mounts

The tower would be designed to accommodate 6 complete sets of the above itemized equipment at 10’ intervals from the 120’ mark down. In addition, the tower will be engineered to accommodate the following SWS equipment at various RF appropriate points along the tower:

- 1 x Andrew, Model: VHLP3-11W
- 3 x Ubiquity AF24 or AF24HD
- 6 x Ubiquity RD5G30 or RD3G26 (Same weight and Profile) with Drum Style shield kits from RF Armor
http://www.rfarmor.com/cart/index.php?main_page=product_info&cPath=1&products_id=1&zenid=asd2locq1qbbako7p46f7s2ev1
- 6 x Ubiquity AM-5AC22-45 (or equivalent antenna of same or lessor profile)
- 2 x Ubiquity AM-V2G-Ti
- 3 x Telrad BreezCompact 1000 model 300726

A tower which allows for the various activities and needs of up to 6 primary tower users, their equipment, climbers, cables, etc., needs to be easily climbed and accessed, on short notice by multiple climbers from different organizations.

Mounting capabilities for a wide variety of equipment must be straightforward. Mounting of new or unforeseen equipment must be easily accomplished with minimal or no modification of the tower and minimal or no disruption to other tower users and equipment. It is primarily for these reasons and reasons of climber and user safety that SWS proposes to use a lattice-framed, self-supporting tower design rather than a monopole.

Although Harbormaster Hawkins indicated at the mandatory RFP conference that he may have a personal aesthetic preference for a monopole tower design, he suggested that a prospective applicant should justify the aesthetic appeal of whatever tower design the applicant selected. SWS conducted, and has conducted in the past, extensive research and public outreach in an attempt to



Image 1

discover whether the general public prefers a mono-pole type design or a latticed, self-supporting tower design. Public surveys and studies available online indicate no clear aesthetic preference on the part of the general public, with regard to the use of similarly sized mono-poles vs. self-supporting towers, like the one SWS proposes. There is some indication that a mono-pole with equipment ONLY mounted to the very top of the tower (as shown in image 1), has slightly greater aesthetic appeal to the general public than does a self-supporting tower with only top mounted equipment (see image 2). However, when multiple providers' gear or multiple levels of equipment are placed on a mono-pole (see image 3), there is a slight aesthetic preference for a self-supporting tower design, such as the one SWS proposes.



Image 2

The proposed tower would likely have even more antennas than what is shown in image 3. From a distance, self-supporting towers are more transparent and less visible than monopoles, reducing their impact on viewsapes and the surrounding environment (see <http://www.fabrimet.com/advantages-lattice-towers.html>). This leads SWS to believe that from an aesthetic standpoint, the general public, tourists and the community at large will actually find the mono-pole in this application less favorable than a self-supporting (SS) tower, particularly when loaded with equipment from multiple providers.

While the aesthetic appeal of SS towers vs. monopoles may be somewhat debatable and subjective from person to person, SS towers are vastly superior in terms of dynamic load stability (in high winds or earthquakes) which makes them much safer and more economical to construct and maintain. Most importantly, self-supporting towers are preferable in terms of user safety and operational functionality and equipment up time. Tower climbers and technicians universally prefer climbing and working on self-supporting towers because they are far easier and safer to climb, work on, and mount equipment to than monopoles. The structure of a SS tower also provides much greater flexibility for adding (raising, lowering and mounting) and removing equipment, particularly large equipment, than does a monopole. While equipment may be raised and lowered within the internal framework of a SS tower without impeding or interfering with other equipment mounted to the outside of a tower, on a mono-pole, such as the one shown in image 3, there is no way to raise or lower equipment without working around or removing tower-mounted equipment in the anticipated lift path. This is a HUGE problem and important consideration for a tower intended to co-locate so many



Image 3

users. Hence, a monopole design is more likely to cause inconvenience and service interruption for providers than a SS tower design, and provides a less safe working environment for providers and their employees. SWS's concern for the safety of its employees and the safety of other users is our paramount and overriding priority. We think a good landlord would be inclined to agree. Safety of life and property comes first. When we consider the safety issues, uptime concerns, and lack of flexibility of tower space inherent in a monopole design, the choice to use a self-supporting tower is an easy one.

EQUIPMENT TYPES & SIGNAL STRENGTHS

We presume that this proposal requirement is more relevant to a large cellular telephone service provider, as these firms tend to use one or very few RF bands with large, high-power antennas and licensed spectra. The nature of a WISP makes a complete and current accounting of current signal strengths and bands used very difficult or impossible. We frequently jump frequencies and utilize many bands in a real-time RF environment.

SWS commonly uses equipment in the 900MHz, 2.4GHz, 3.65GHz, 5GHz, and 24GHz unlicensed and/or lightly-licensed bands, and the 11GHz licensed band. SWS deploys a variety of equipment from various manufacturers, such as Ubiquiti Networks, SAF Tehnika, Telrad, RF Armor and others. Due to the rapid pace of technological advancement in our industry, equipment models, vendors, and frequency use change rapidly. This is not an all-inclusive list of frequencies and equipment used currently, nor in the future. (See attached propagation map)

EMERGENCY PREPAREDNESS & PRECAUTIONS

SWS will install and maintain a 10 KW natural gas standby, backup power generator. This generator will be located on an elevated platform located within the 40' x 40' tower base security enclosure indicated on the site plans. Exact location and placement of the generator will not be determined until final connection approval from Enstar Natural Gas has been obtained, and after reviewing other site concerns with the COH as part of the lease negotiation process. Backup power from this generator will be available to any other co-locating provider if needed and to the City of Homer. Some providers will make other arrangements for backup power. To accommodate this need, the secured tower area is oversized and easily able to accommodate additional storage of emergency equipment, standby power plants and the like.

The tower, all fences, ground structures and ground structure platforms (if any) will be fully equipped with manufacturer engineered lightning arrest and grounding systems. Grounding systems for the tower will be tested by a qualified

engineering and testing firm, such as Tauriainen Engineering & Testing of Soldotna, AK or a qualified firm they may recommend.

All applicable signage and safety placards will be posted on site, including but not limited to: "danger, high voltage", "no trespassing", "do not climb", "danger, keep out", etc. The site entry will be marked with the tower manufacturer's tower serial number and original metal tower build certification plate. The name and emergency contact information of the tower operator (SPITwSPOTS) and all sub-leasers will be prominently displayed on the SW section of security fence surrounding the base of the tower. A "Homer Sign Code" (HCC 21.60) appropriate sign, showing the company name SPITwSPOTS and an emergency contact phone number will be affixed to the tower face visible from the Freight Dock Road ROW. This sign will be illuminated in low light times in a manner consistent with HCC 21.60. Security lighting, mounted no higher than 24' above grade and attached to the tower, will illuminate the three available parking spaces as well as the base of the tower (for security and added anti-climb deterrence measures). SWS will work closely with Port and Harbor staff to assure that any lighting will not interfere with Port and Harbor night operations or the needs of the Port and Harbor Building.

All electrical connections, communications lines, gas lines, and other utilities will be rated for total inundation by salt water below points 4' in elevation above grade. All conduit and underground utilities will be sealed and secured against flooding and inundation. The grade below the secured tower base and the utility housing security yard will be elevated at least 1' above surrounding grade to alleviate ponding of water and to deflect moving water or currents in the case of flooding or inundation of the site.

PERMITTING & ZONING

The following agency review and permitting will be required for this project:

1. City of Homer Zoning / Building Permit. - This permit will be secured as part of lease negotiations with the COH or immediately following lease negotiation conclusion (with final tower design and approved site plan). SWS has worked closely with the Homer Planning Dept. to develop a site plan that meets all current zoning requirement and RFP specifications. The Homer City Clerk and Planning Dept. indicated that a zoning permit application should NOT be included with this RFP packet, but rather would be applied for as part of formal lease negotiations after a project award.
2. City of Homer CUP - This permit may be required pending current City legislation regarding towers according to the Homer Planning Department. If so, this permit will be secured as part of lease negotiations with the COH or immediately following lease negotiation conclusion. SWS has worked closely with the Homer Planning Dept. to develop a site plan that meets all current zoning requirement and RFP specifications, and anticipates some potential CUP requirements of current draft legislation. The Homer City Clerk and

Planning Dept. indicated CUP application should NOT be included with this RFP packet, but rather would be applied for as part of formal lease negotiations after a project award.

3. FAA approval of the site or structure is not required for this location (see attached FAA flight path and site determination). However, FAA review will be required as part of FCC link registration and approval for SWS and other users. SWS has already begun this FAA review process and expect to have it completed within 45 days.
4. FCC permitting for all licensed links will be finalized when RFP is awarded.
5. Lack of wetlands or Navigable Waters of the United States, makes a JD or Permit from the USACOE unnecessary for the scope of the proposed site plan.
6. SWS will secure any and all other required permits that may be required but not listed above.

LEASE PROPOSAL & SUBLEASING

LEASE SPECIFICATIONS

SWS would like a 20 year lease with two 5 year options for renewal. We propose to pay \$3,100 per month (\$37,200 per year), for the use of the ground area proposed in the attached site plans. For the base rental rate of the tower only, this is a rate of \$93 per square foot per year. For the entire area to be utilized (including unused setbacks and unused ROW setbacks, driveways and snow storage) this is an effective annual rate of \$4.18 per square foot per year. This overall footprint can be easily reduced if the City would like a more consolidated site footprint and a high PSF effective rental rate for the total area and setbacks. However, we believe that this would compromise the safety of the site and may require use of adjacent ground from time to time for providers to utilize a crane or other large equipment. SWS is open to proposed rent escalation factors, such as periodic adjustment of primary lease and subleases to account for inflation, by using a CPI or similar economic measure to periodically adjust rent. We are happy to defer to the City's preference with regard to an appropriate CPI or similar rent-escalation metric during lease negotiations.

SWS proposes to lease a total ground area of 81' by 110' for a total of 8,910 square feet of ground. (See attached site plans) This area includes all space needed for access, parking, setbacks, future tower modification, maintenance, heavy snow storage, and all facilities and equipment needed for up to six total "primary" providers, including the City of Homer. This proposed area can be reduced by up to 60% if the City of Homer wishes to keep the ground footprint of the facility to a minimum. (This would make the effective total site base rent \$10.43 per square foot per year for all space leased). But for the long-term self-sufficiency of the site, safety and because COH staff indicated at the pre-RFP conference that a larger site would be preferable, SWS has decided to propose the use of this larger area.

There will be up to 5 spaces available on the tower for "heavy LTE" cellular telephone service providers, like GCI, AT&T, Verizon or similarly equipped providers. SWS will charge a market based rental rate to subleases, based on provider needs of approximately \$2,100 per month, per 10' section of tower use (with variations for position on tower, number and power of antennas, etc.). SWS will remain flexible in our rates to accommodate as many providers at the highest rate available. The top 10' of the tower will be available for use by the City of Homer, as well as up to 100 square feet of ground space in the shared utility building area, shown on the site plans. There will also be space available for up to 35 antennas for SWS and its WISP-related operations. There will be space available for at least 3 other small "secondary" users, who may wish to mount equipment such as dedicated secured link antennas (KPB school district, Homer Hospital, SVT), small weather stations, webcams (HCOC), VHF or marine related antennas (USCG, NOAA and other harbor users). SWS will make a concerted effort to include as many providers and potential subleases as can be safely accommodated on the tower, pending City of Homer sublease approval. Issues of

RF interference with existing providers will naturally be taken into account, so that a potential new user will not interfere with or disrupt the operations of an existing leaser or sublease.

Subleases will, of course, be negotiated on a case by case basis with COH input and final approval. It is SWS's intention that the City of Homer shall receive 25% of all sublease monies collected by SWS from tower subleases. As previously mentioned, GCI has expressed a strong desire and affirmative commitment to lease space on a SWS operated tower. GCI would be charged a fair market rate of around \$2,100 per month. GCI did provide SWS with a "letter of intent", expressing their desire to sublease on a SWS operated tower. However, because SWS is unwilling to provide a similar letter (as we cannot afford to pay \$5,100+ to co-locate on a GCI operated tower), GCI asked that we not include their letter of intent with our RFP. We have honored this request and asked them to do the same.

Put simply, SWS does not need a 120' tower for its safe and efficient operation. The City of Homer has asked for a tower that can safely and reliably accommodate other users and that the tower and site be managed and designed with these co-located users' needs in mind. This is precisely the tower SWS proposes to build – a tower and a site designed from the ground up to seamlessly accommodate at least 6 primary users, their ground equipment and gear. Our design is highly flexible, workable, elegant and safe. Our management of this tower will be inclusive, highly responsive and with the City of Homer's long-term financial and harbor development interests in mind.

During the "development phase" of the lease, during which the tower will be assembled and constructed and the ground-based improvements will be installed, SWS would like to lease the entire SW half of Lot 11, indicated as "Construction Staging" on the attached site plans. During the development phase of the project, SWS proposes to lease this additional area from the City for purposes of tower section construction and equipment storage. We will pay an additional \$1,500 per month during this period of the site lease, for the use of this larger area of ground.

SITE DEVELOPMENT PLAN

SPITwSPOTS, INC. has retained the services of Southern Exposure LLC, (SELLC) a Homer-based general contracting firm to oversee all permitting and development of the tower site. Southern Exposure LLC was the general contractor (GC) for the development and installation of SWS's 80' SS tower in Anchor Point, completed in 2014. In addition, SELLC has acted as GC and/or the primary foundation and excavation contractor in the construction of several large and medium-sized towers and tower projects in the Homer area, most notably, a 130' tall, 13 KW wind turbine and tower for Ageya Wilderness Center (located near the top of East Hill road off of Easy Street). SELLC is a locally owned, operated and staffed general contracting firm, specializing in excavation and concrete foundations.

SELLC has retained the services of Tauriainen Engineering & Testing of Soldotna, AK and Ability Surveys of Homer, AK to provide all site design, testing and final site as-built plans. SELLC has experience working closely on large projects with each of these firms. Subcontractors are likely to include, Shank Electric LLC of Homer, AK, Puffin Electric of Homer, AK, and Alaska Crane Ltd, of Anchorage, AK. Whenever possible, local firms and employees will be exclusively utilized for the development of the SWS site and tower. With the exception of Alaska Crane, all primary employees and subcontractors will be based in the City of Homer or on the Kenai Peninsula. The economic benefits inherent in using local firms and labor cannot be understated, both for the local economy and for the tax revenues of the City of Homer. Development of the tower site will likely cost between \$250,000 and \$300,000, depending on final COH ground structure needs and any potential weather delays during tower erection and placement. An award of the tower to SWS means a huge net injection of capital into the local economy. This translates directly into local jobs, livelihoods, development of local professional resources and of course, increased local tax revenues for the COH and the KPB.

Development of the tower site will occur in three sequential phases. Phase I will include final permitting of the tower design and site plan, lease negotiations, tower structure and materials procurement. Phase II will include staging of materials, installation of all ground equipment, utilities and foundations, assembly and erection of the tower, and fencing of the secure areas of the site. Phase III will include final testing of all site equipment, lightning suppression and grounding systems, and installation of all provider equipment on the tower structure and in ground structures.

PHASE I – PROPOSED TIMELINE

May 28, 2015 –

- Lease Committee Review
- FAA Permitting - Already Completed
- Tower Manufacturer Design - Already Completed
- Begin Negotiations with GCI for tower design and sublease needs/terms

June 22, 2015 –

- City Council Award
- Finalize all GC & Subcontractor agreements
- Confirm final sublease (GCI) and COH tower design / ground equipment needs
- Begin all zoning/building/CUP permitting, lease negotiations
- Begin general equipment/supplies procurement
- Finalize HEA utility install plan
- Finalize Enstar Utility Install plan
- Finalize GCI telephone & data ground utility installation plans (8 line phone service for COH)

June 30, 2015 –

- Finalize tower design needs of COH and GCI (and any other sub leases)
- Order tower structure and ship to AK
- Confirm build dates and schedule crane windows

July 15, 2015 –

- Finalize Lease Negotiations
- Finalize all Zoning and Building Permitting (except CUP if applicable)
- Finalize all materials procurement and subcontractor agreements

PHASE II – PROPOSED TIMELINE

July 17, 2015 –

- Install temporary construction fencing around SW half of Lot 11 and secure site. Place appropriate safety signs and emergency contact info for GC
- Mobilize excavation equipment and materials to site
- Accept delivery of tower components at site

July 21, 2015 –

- Begin excavation of primary tower foundation and utilities
- Grade / Level all driveways and building areas
- Finalize delivery of all gravel and fill needed to site
- Begin to assemble tower sections

Aug 3, 2015 –

- Finish Tower Foundation
- Finish all below ground utility installations

- Finish tower section assembly and prep for crane picks
- Begin construction/installations of all ground structures / equipment enclosures / backup power generators
- Send tower foundation concrete test cores to TE&T

Aug 15, 2015 –

- Receive verification that concrete tests are good for 1 week sample from TE&T
- Begin 2 week weather “window” for crane erection of tower sections
- Finalize all exterior utilities and ground structure main components
- Begin installation of permanent security fence posts and foundations

Aug 31, 2015 –

- Finalize Tower structure placement (erection)
- Begin final installation of permanent security fence and signage
- Install Tower Security lighting
- Finalize all main utility connections (gas, electric, phone, data)
- Begin installation of all tower-mounted equipment and indoor ground equipment/electronics
- Test all grounding and lightning suppression equipment

September 14, 2015

- All ground structures, ground equipment and tower-mounted equipment is fully installed
- All security fences and gates installed
- Take down of temporary security fence and cleaning / re-grating of larger “construction phase” area of Lot 11
- Final walk-thru and test of all City equipment and Site design elements
- Final Testing of equipment
- As-Built Survey Completed
- End Construction Phase

PHASE III – PROPOSED TIMELINE

September 15, 2015

- Ribbon Cutting & SWS Opening Event
- Conduct 1st Safety Meeting and Site Protocols meeting for tower users (GCI, COH, SWS, etc.)
- Agree on ongoing communications plan, site management plan, and schedule next meeting
- Hand over all COH equipment maintenance to COH

Narrative Summary/Conclusion

SPITwSPOTS will make an initial capital investment of \$250,000 - \$300,000 in the development of this 120' wireless communication tower and tower site. Although SWS is preapproved by two lending institutions for the full amount to fund the construction of the tower, SWS will likely raise all of the capital necessary through additional capital investments of its existing shareholders. Having recently completed construction of an almost identical tower structure in Anchor Point, SWS is financially and logistically very capable of safely and quickly erecting the proposed tower structure and developing the tower site.

Choosing a local business for this tower lease will provide significant benefits to the City of Homer. First, in selecting a local business to build the tower, the city of Homer will be investing in local jobs. SWS currently employs 11 staff people, most of whom live in and all of whom conduct business in the City of Homer. Increased service area and subleasing of the tower site will easily add 4-6 year round positions to the SWS payroll in the near future (1-3 years). All construction crews, contractors, and subcontractors, with the exception of heavy lift crane operators, hired for the development will be local firms.

Additionally, increased revenues for SWS created by expanding our service area will remain in the local economy much longer and to a much greater effect, than would profits of a large cell carrier. SWS currently has gross revenues of over \$1,200,000 annually, the majority of which is taxable as sales tax. Much of SWS's business is conducted within the Homer City Limits and the resulting taxes directly benefit the City of Homer. The tower will increase the SWS service area and quality of existing coverage by up to 40%, generating new revenue for SWS (in the form of NEW and previously unserved customers) and tax potential for the COH. Unfortunately, if GCI is awarded the bid, SWS will not be able to co-locate on the tower and see this expansion of service. SWS offers the ONLY viable means for many of the potentially newly-served customers in the Kachemak Bay and Homer area to receive high speed internet. GCI, conversely, is primarily concerned with maintaining the quality of its cell service within its existing customer base. It is unlikely that this new tower will add significantly more customers or significantly expand cell or data service to areas that are currently unserved by GCI or a competitor.

In order to continue to expand its business and serve more customers, SWS will have to find other locations on the spit to locate its antennas. This would be a twofold disadvantage to the city, by not meeting the city's goal of decreasing the number of towers in the city of Homer, as SWS would then need to build additional towers or find roof-space for its hardware to meet the needs of its service area, and by losing the additional tax revenue that would be available should SWS be able to increase its service area. However, if SWS wins the lease to construct the communications tower, GCI and other wireless communications providers will certainly co-locate on the tower. This is a win-win, rather than a win-lose scenario for the COH. A SWS managed tower is a tower offering maximum participation and maximum returns for the COH, with the added benefit of a much greater portion of

the local area receiving new access to the 21st century economy, in the form of reliable, high-speed internet.

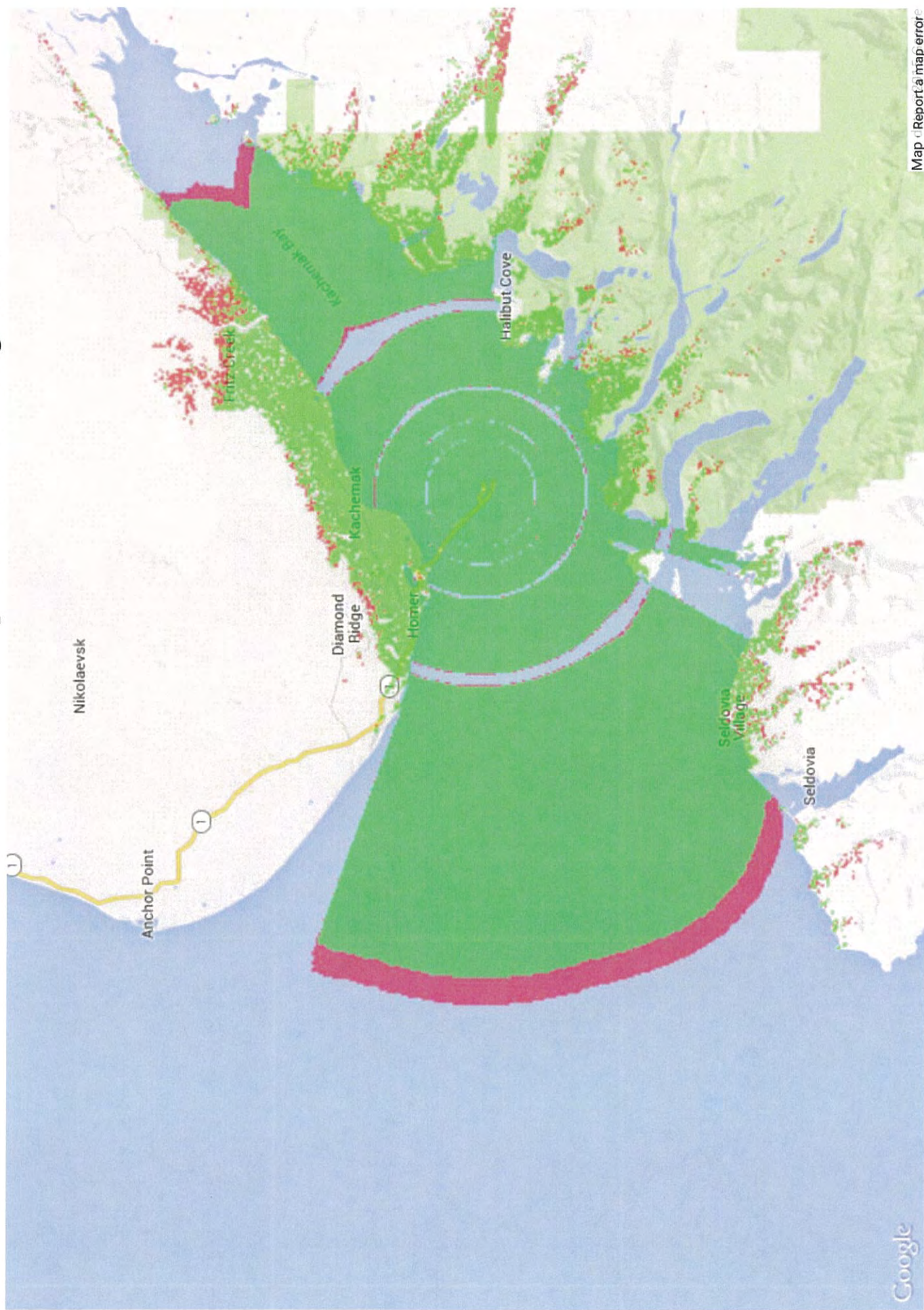
In the long term, the SWS bid to construct the communications tower generates the greatest potential for social and economic development in Homer. Allowing SWS to make this investment in the City of Homer is an investment in community capital that will help to grow innovative and resilient community members and businesses. Broadband connectivity services delivered by SWS, allow residents of the Kenai Peninsula to live at the "end of the road," and yet conduct business with partners all over the world, continue their education, or simply complete day to day tasks that can now only be accomplished via the web. As Homer looks ahead, access to the best communications and internet services will be key to attracting and maintaining future generations who will want to enjoy Alaska's wilderness and resources while being able to run successful businesses and be part of the global society and economy. Homer's recognition as Alaska's "Google eCity" for 2013 & 2014 showcases its strong online business community and reflects how online business effects the local economy. We know that SWS's services and our use of cutting edge delivery technologies, and the largest WISP infrastructure on the Kenai Peninsula, play a role in the eCity distinction. But in order for the City of Homer to maintain this level of progress and growth, continued investment in local businesses and infrastructure must be made. SWS understands this need, and wants to work with the City of Homer to ensure that these services continue to be available and actively developed.

The City of Homer has been urging SPITwSPOTS for years to find and develop a permanent location on the Homer Spit to conduct its business and place its antenna infrastructure. Every step of the way, we have done our best to understand the COH's needs and to work to meet those needs. This tower RFP is an opportunity for the COH to share in the economic and community benefits of allowing a home-grown business to do what the City has been urging SWS to do for years: find a permanent, financially beneficial location on the Homer Spit. We are ready to move forward, and to make this long-sought vision a reality. We look forward to working with and partnering with the City of Homer!

Please enter an address to search

Address Search

Proposed Tower Coverage Area



City of Homer-Lease Application/Assignment Form

Directions:

1. Please type.
2. Please submit this application form to the City Clerk's Office, 491 Pioneer Avenue, Homer, Alaska 99603.
3. Please answer all questions on this form, or put "N/A" in the space if it is non applicable.

Applicant Name: Social Security No.s	SPITwSPOTS LLC,
Mailing Address:	369 E. Pioneer Ave, Suite B
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	(907) 226-2082
Representative's Name:	Aaron Larson - or- Beauregard Burgess
Mailing Address:	369 E. Pioneer Ave, Suite B
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	(907) 299-0920 -or- (907) 299-8280
Property Location:	South corner of Lot 11, Homer Spit Subdivision, No. 5. Address: 4300 Freight Dock Road, Homer AK 99603. KPB Parcel #181-032-30.
Legal Description:	T6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 11
Type of Business to be placed on property:	Wireless internet service provider (WISP) and applicable communications service providers per additional sublease agreements.
Size of Buildings to be placed or leased:	One 120' self supporting communications tower and up to six sub-leasor specific utility ground shacks up to 10'x10' each.
Duration of Lease requested:	20-year term
Options to re-new:	Two, five-year options to re-new
Special lease requirements:	
Number of parking spaces required, per code:	2 parking spaces are required by code. 3 parking spaces will be installed.

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan	<p>A drawing of the proposed leased property showing:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Size of lot - dimensions and total square footage. – to scale, please. <input type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned – to scale, please. <input type="checkbox"/> Water and sewer lines – location of septic tanks, if needed. <input type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated – please refer to Homer City Code _____ 																				
2.	<p>Development Plan Please see detailed development plan in attached RFP narrative.</p>	<p><input type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left; width: 50%;">Dates</th> <th style="text-align: left; width: 50%;">Tasks</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left; width: 60%;">Building Use</th> <th style="text-align: left; width: 40%;">Dimensions and square footage</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table>	Dates	Tasks	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	Building Use	Dimensions and square footage	_____	_____	_____	_____	_____	_____
Dates	Tasks																					
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Building Use	Dimensions and square footage																					
_____	_____																					
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_____	_____																					
3.	Insurance	<p><input type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																				
4.	<p>Subleases See attached RFP narrative.</p>	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																				
5.	<p>Health Requirements N/A - No water, sewer or waste generated on site</p>	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																				
6.	<p>Agency Approval See attached notice from the FAA</p>	<p><input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.</p>																				

7.	Fees	<p><u>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</u></p> <p><input checked="" type="checkbox"/> Application fee - \$30.00. Covers costs associated with processing the application.</p> <p><input type="checkbox"/> Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease.</p> <p><input type="checkbox"/> Assignment fee - \$250.00. Covers the costs of preparing and processing the lease transfer.</p>
8.	Financial Data	<p><u>Please indicate lessee's type of business entity:</u></p> <p><input type="checkbox"/> Sole or individual proprietorship.</p> <p><input type="checkbox"/> Partnership.</p> <p><input checked="" type="checkbox"/> Corporation.</p> <p><input type="checkbox"/> Other – Please explain: _____</p> <hr/> <p><input checked="" type="checkbox"/> Financial Statement – Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</p> <p><input type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance.</p> <p><input type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt.</p> <p><input type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.</p>
9.	Partnership Statement N/A	<p><input type="checkbox"/> <u>If the applicant is a partnership, please provide the following:</u></p> <p>Date of organization: _____</p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership</p> <p>Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____</p> <p>Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____</p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement.</p> <p>Limited/ <u>General</u> <u>Name</u> <u>Address</u> <u>Share %</u></p>

Please attach a copy of your partnership agreement.

10. **Corporation Statement**
EIN: 45-4678779

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

Date of Incorporation: 02/03/2012

State of Incorporation: Alaska

Is the Corporation authorized to do business in Alaska?

No Yes. Is so, as of what Date? 10/21/13

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

Officers & Principal Stockholders [10%+]:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>
Aaron Larson, President		369 E. Pioneer Ave, Homer AK 99603	39.62%
Carly Ott, Treasurer		369 E. Pioneer Ave, Homer AK 99603	0.29%
Beauregard Burgess, Secretary		369 E. Pioneer Ave, Homer AK 99603	5.48%
Joshua Reynolds, CIO		369 E. Pioneer Ave, Homer AK 99603	0.0042%
Darius Kliene, Stockholder		PO Box 15396 Fritz Creek, AK 99603	15.23%

SWS Inc has 26 shareholders, the majority of which own less than 10% of shares. Please see attached.

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

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

Name Title

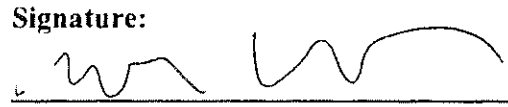
Aaron Larson President

Beauregard Burgess Secretary

Joshua Reynolds CIO

11.	Applicant References	<p>Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.</p> <hr/> <p>Name: Erik Neibur Firm: First National Bank Alaska - Homer Branch Title: Branch Manager - Homer Branch Address: 3655 Heath Street, Homer AK 99603-7667 Telephone: 907-235-5800 Nature of business association with Applicant: _____ Principal financial institution</p> <hr/> <p>Name: Beauregard Burgess Firm: Homer Bookkeepers, LLC Title: CEO Address: PO Box 2311, Homer AK 99603-2311 Telephone: 907-235-3217 Nature of business association with Applicant: _____ Conducts all bookkeeping duties for SWS</p> <hr/> <p>Name: Gail Forrest Firm: Tech Connect Title: Owner Address: 432 E. Pioneer Ave, Homer, AK 99603 Telephone: 907-235-6157 Nature of business association with Applicant: _____ Equipment supplier</p> <hr/> <p>Name: Jon Larson Firm: Alaska Communications Systems Title: Account Representative Address: 600 Telephone Ave, Anchorage, AK 99503 Telephone: 907-564-7212 Nature of business association with Applicant: _____ Primary upstream internet service provider</p>
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I hereby certify that the above information is true and correct to the best of my knowledge.

Signature: 

Date: 5-21-15

Certificate of Incorporation

The undersigned, as Commissioner of Commerce, Community and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

SPITwSPOTS, Inc



IN TESTIMONY WHEREOF, I execute the certificate
and affix the Great Seal of the State of Alaska
effective February 03, 2012.

A handwritten signature in cursive script that reads "Susan K. Bell".

Susan K. Bell
Commissioner

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

SPITWSPOTS, INC

PO BOX 15364 FRITZ CREEK AK 99603

owned by

SPITWSPOTS, INC

is licensed by the department to conduct business for the period

October 21, 2013 through December 31, 2015
for the following line of business:

51 - Information

This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Susan K. Bell
Commissioner





STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Sean Parnell, Governor
Susan K. Bell, Commissioner
Sara Chambers, Director

Division of Corporations, Business and Professional Licensing

Office Use Only

COR

Business Corporation

2015 Biennial Report

For the period ending December 31, 2014

Web-10/29/2014 5:49:10 PM

- This report is due on January 02, 2015
- \$100.00 if postmarked before February 02, 2015
- \$137.50 if postmarked on or after February 02, 2015

Entity Name: SPITwSPOTS, Inc
Entity Number: 10002297
Home Country: UNITED STATES

Home State/Province: ALASKA

Registered Agent

Name: Aaron Larson
Physical Address: 369 EAST PIONEER AVE, STE.
B, Homer, AK 99603
Mailing Address: PO BOX 15364, Homer, AK 99603

Entity Physical Address: 369 E PIONEER AVE, SUITE B, HOMER, AK 99603-7622

Entity Mailing Address: 369 E PIONEER AVE, SUITE B, HOMER, AK 99603-7622

Please include all officials. Check all titles that apply. Must use titles provided. All domestic business corporations must have a president, secretary, treasurer and at least one director. The secretary and the president cannot be the same person unless the president is 100% shareholder. The entity must also list any alien affiliates and those shareholders that hold 5% or more of the issued shares.

Name	Address	% Owned	Titles
Norman Bailey	PO BOX 73, SELDOVIA, AK 99663	8.9310	Shareholder
Beauregard Burgess	PO BOX 2311, HOMER, AK 99603	3.1303	Secretary, Shareholder
Jeana Cotney	PO BOX 3144, HOMER, AK 99603	0.2233	Shareholder
Joey Grives	461 LILLY DRIVE, SOLDOTNA, AK 99669	5.8319	Shareholder
Darius Kleine	PO BOX 15396, FRITZ CREEK, AK 99603	16.3437	Shareholder
Jon Klein	40205 PORTLOCK DRIVE, HOMER, AK 99603	3.3491	Shareholder
Ken Kleine	39955 HIGHVIEW CT, HOMER, AK 99603	1.3396	Shareholder
Aaron Larson	PO BOX 15364, HOMER, AK 99603	38.7202	Director, President, Shareholder
McKenzie McCarthy	203 Ocean Drive Loop, #8, Homer, AK 99603	0.6252	Shareholder
Meares Investment Company, LP	PO BOX 9, ESTER, AK 99725	2.2327	Shareholder
Joe Miles	PO BOX 3741, HOMER, AK 99603	2.9026	Shareholder
David Morris	PO Box 2478, Homer, AK 99603	0.0046	Shareholder
James Murphy	153 WEST LITTLE, SOLDOTNA, AK 99669	0.9824	Shareholder
Kirk Olsen	PO BOX 580, HOMER, AK 99603	0.6028	Shareholder
Brian Ormond	PO BOX 2525, HOMER, AK 99603	6.8768	Shareholder
Carly Ott	PO Box 2311, Homer, AK 99603	0.2367	Director, Shareholder, Treasurer
Mavis Owens	206 6th Street NW, Nora Springs, IA 50458-8846	1.4736	Shareholder
Joshua Reynolds	122 West Danview, Apt 11, Homer, AK 99603	0.0045	Director, Shareholder
Corey Rosano	3396 MAIN STREET, LOT 2, HOMER, AK 99603	0.1786	Shareholder
Kenneth Schroeder	36540 Spruce Circle Rd, Anchor Point, AK 99556	0.317	Shareholder
Eric Sloth	616 SOUNDVIEW AVE, HOMER, AK 99603	2.2327	Shareholder
Dean Thoemke	90 RANKIN RD, SELAH, WA 98942	0.1340	Shareholder
Justin Thoemke	90 RANKIN RD, SELAH, WA 98942	0.4465	Shareholder
Neil Wagner	PO Box 1801, Homer, AK 99603	2.6570	Shareholder

Douglas Ziegler	153 Irwin St, San Rafael, CA 94901	0.2232	Shareholder
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Purpose: Any lawful

NAICS Code: 517210 - WIRELESS TELECOMMUNICATIONS CARRIERS

New NAICS Code (optional):

Complete the below stock information on record with the Department. You may not change your authorized shares with this form. An amendment is required. Fill in number of shares issued.

Class	Series	Authorized	Par Value	Amount Issued
Common		100000	\$0.00	22394

I certify under penalty of perjury under the Uniform Electronic Transaction Act and the laws of the State of Alaska that the information provided in this application is true and correct, and further certify that by submitting this electronic filing I am contractually authorized by the Official(s) listed above to act on behalf of this entity.

Name: Carly Ott

PO Box 110806, Juneau, AK 99811-0806
 Telephone: (907) 465-2550 Fax: (907) 465-2974 Text Tel: (907) 465-5437
 Website: <http://commerce.alaska.gov/dnn/cbpl>

4164 Pennock Street, Suite A
Homer, Alaska 99603
(907) 235-2717-Phone
(907) 235-2715-Fax

December 7, 2011

Department of Commerce &
Economic Development
Corporations Section
P.O. Box 110808
Juneau, AK 99811-0808

RE: SPITwSPOTS, Inc./Articles of Incorporation

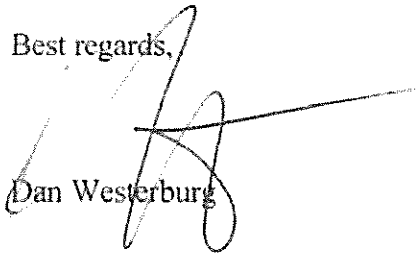
Dear Sir or Madam:

Enclosed please find the Articles of Incorporation (original) for SPITwSPOTS, Inc. Also enclosed are the ARTICLES OF DISSOLUTION for SPITwSPOTS, LLC. As you can see, the members of SPITwSPOTS, LLC, have elected to dissolve the Limited Liability Company and form a corporation in its place.

I am enclosing a check in the amount of \$25 to cover the dissolution of the LLC, as well as a check in the amount of \$250 to cover the incorporation of SPITwSPOTS.

Please forward the Certificate of Incorporation and Certificate of Dissolution at your earliest convenience.

Best regards,


Dan Westerburg

DW:mca
Enclosures
cc: Aaron Larson
w/enclosures

Daniel Westerburg • 4164 Pennock St., Ste. A • Homer, AK 99603 • T: (907)235-2717 • F: (907)235-2715

**ARTICLES OF INCORPORATION FOR
SPITwSPOTS, INC.**

The undersigned natural persons being of the age of 18 years or older, and acting as the incorporators of this corporation under the provisions of the Alaska Corporations Code, AS 10.06, hereby adopt the following ARTICLES OF INCORPORATION.

ARTICLE I: NAME

The name of the corporation shall be SPITwSPOTS, Inc.

ARTICLE II: PURPOSE AND POWERS

The purpose of this corporation shall be to engage in the business of providing wireless internet access service (NAIS #517210), and to engage in the transaction of any other lawful business for which corporations may be incorporated under Alaska law.

ARTICLE III: REGISTERED OFFICE AND AGENT

The registered office of the corporation shall be P.O. Box 15364, Fritz Creek, Alaska 99603, with a physical address of 369 East Pioneer Ave., Ste. B, Homer, Alaska 99603. The registered agent shall be Aaron L. Larson at those addresses.

ARTICLE IV: ALIEN AFFILIATES

There are no non-resident aliens or corporations affiliated with this corporation.

ARTICLE V: SHARES OF AUTHORIZED STOCK

The aggregate number of shares which the corporation may issue shall be 100,000 shares of one class of voting common stock, having no par value.

ARTICLE VI: STOCKHOLDER PREEMPTIVE RIGHTS

The shares of stock to be held by the initial shareholders shall be identical to the membership units such shareholders held as members of SpitwSpots, LLC, an Alaska limited liability company, now dissolved. After issuance of such stock, each stockholder of this corporation shall have the right to purchase shares of this corporation that may from time to time be issued whether or not presently authorized, including shares from the

Daniel Westerborg • 4164 Penrock St., Ste. A • Homer, AK 99603 • T: (907)235-2717 • F: (907)235-2715

the time of issue bears to the total number of shares outstanding, exclusive of treasury shares. This right shall have been deemed waived by any stockholder who does not exercise it and pay for the shares preempted within thirty (30) days of receipt of a notice in writing from the corporation stating the prices, terms and conditions of the issue of shares and inviting him to exercise his preemptive rights.

ARTICLE VII: DIRECTOR LIABILITY

The liability of the corporation's director(s) to the corporation and/or to the corporation's stockholders for breach of fiduciary duty shall be limited or eliminated to the maximum extent permitted by state law.

ARTICLE VIII: INITIAL DIRECTORS AND INCORPORATORS

The management of this corporation shall be vested in a Board of Directors. The number of directors shall be fixed from time to time by the By-Laws of the corporation. Until such time as the first meeting of the Board of Directors has been held and the By-Laws of the corporation shall be adopted, the directors of the corporation shall be three (3) in number. The initial directors shall be the same persons as the incorporators. The names and addresses of the initial directors and incorporators are as follows:

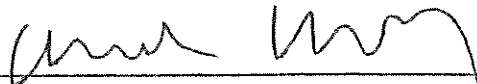
Aaron L. Larson
P.O. Box 15364
Fritz Creek, AK 99603

James Murphy
153 West Little
Soldotna, AK 99669

Ken Kleine
39955 Highview Ct.
Homer, AK 99603

These Articles of Incorporation for SPITwSPOTS, Inc., are executed this 14th day of October, 2011.

10-14-11
Date


AARON L. LARSON

11-1-11

Date

J. Murphy
JAMES MURPHY

10-13-11

Date

K. Kleine
KEN KLEINE

VERIFICATIONS

STATE OF ALASKA)

) ss.

THIRD JUDICIAL DISTRICT)

I, AARON L. LARSON, being first duly sworn, do hereby depose and state as follows: I am the person above named; I have read the foregoing Articles of Incorporation of SPITwSPOTS, Inc., and understand the contents thereof; I have executed said Articles of Incorporation freely and voluntarily for the purposes set forth therein; and I verify that the same are true and accurate to the best of my knowledge.

Aaron L. Larson
AARON L. LARSON

SUBSCRIBED AND SWORN TO before me this 14th day of October, 2011.


[Signature]
Notary Public in and for Alaska
My Commission Expires: 7/18/13



Daniel Westerburg • 4164 Pennock St., Ste. A • Homer, AK 99603 • T: (907)235-2717 • F: (907)235-2715

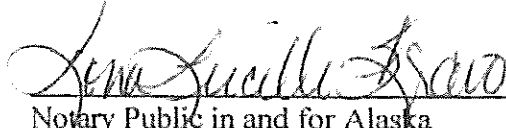
STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, JAMES MURPHY, being first duly sworn, do hereby depose and state as follows:
I am the person above named; I have read the foregoing Articles of Incorporation of SPITwSPOTS, Inc., and understand the contents thereof; I have executed said Articles of Incorporation freely and voluntarily for the purposes set forth therein; and I verify that the same are true and accurate to the best of my knowledge.

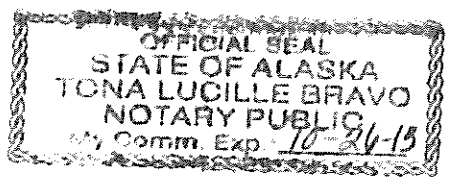


JAMES MURPHY

SUBSCRIBED AND SWORN TO before me this 1st day of November, 2011.



Notary Public in and for Alaska
My Commission Expires:




Daniel Westerburg • 4164 Pennock St., Ste. A • Homer, AK 99603 • T: (907)235-2717 • F: (907)235-2715

THIRD JUDICIAL DISTRICT

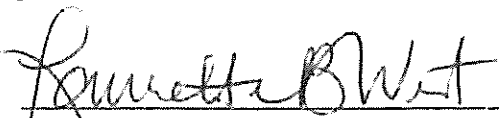
) ss.
)

I, KEN KLEINE, being first duly sworn, do hereby depose and state as follows: I am the person above named; I have read the foregoing Articles of Incorporation of SPITwSPOTS, Inc., and understand the contents thereof; I have executed said Articles of Incorporation freely and voluntarily for the purposes set forth therein; and I verify that the same are true and accurate to the best of my knowledge.



KEN KLEINE

SUBSCRIBED AND SWORN TO before me this 13th day of October, ~~2004~~ 2011 (low)



Notary Public in and for Alaska
My Commission Expires: 6/19/12

By-Laws of SpitwSpots, Inc.

ARTICLE I: SPITwSPOTS, Inc.

The name of the corporation shall be SpitwSpots, Inc.

ARTICLE II: PURPOSES AND POWERS

The purpose of this corporation shall be to engage in the business of providing wireless internet access service (NAIS #517210), and to engage in the transaction of any other lawful business for which corporations may be incorporated under Alaska law.

ARTICLE III: REGISTERED OFFICE AND AGENT

The registered office of the corporation shall be 369 East Pioneer Ave, Suite B Homer, AK 99603. The registered agent of the corporation shall be Aaron L. Larson at the same address.

ARTICLE IV: OTHER OFFICES

The corporation may have offices at such other locations within or without the State of Alaska as the Board of Directors may, from time to time, designate, or as the business of the corporation may require.

ARTICLE V: SHARES OF STOCK

Section 1 - Certificates of Stock.

Initially, the Board shall issue 1,976 shares and allocate them among the shareholders as set forth in Schedule A to this instrument.

Certificates representing shares of the corporation shall be in such form as shall be adopted by the Board of Directors, and shall be numbered and registered in the order in which they are issued. Each certificate shall designate the state in which the corporation was incorporated, the name of the record holder of the shares represented thereby, the number of the

certificate, the date of issuance, the number of shares for which is issued, and the par value, if any. Each certificate shall further designate the rights, privileges, preferences and restrictions of the stock, if any, the provisions as to redemption or conversion, if any, and shall make reference to any liens or restrictions upon transfer or voting. Rights, privileges, preferences and restrictions of the stock appearing in the Articles of Incorporation, or in these By-Laws may appear on the certificate by reference. Each certificate for shares must be signed by (1) the Chairman of the Board, or the President or a Vice President of the corporation, and (2) the Secretary, or any Assistant Secretary and may bear the corporate seal or a facsimile thereof. No certificate representing shares shall be issued until the full amount of consideration therefore, if any, has been paid, except as otherwise permitted by law.

Section 2 - Registered Shareholders.

The corporation shall be entitled to treat the holder of record of any share or shares as the absolute owner thereof for all purposes and, accordingly, shall not be bound to recognize any legal, equitable, or other claim to, or interest in, such share or shares on the part of any another person, whether or not it shall have express or other notice thereof, except as otherwise expressly provided by law.

Section 3 - Transfer of Shares.

Upon surrender or cancellation of the certificate or certificates representing shares of the corporation, with an assignment or power of transfer endorsed thereon or delivered therewith and duly executed, with such proof of the authenticity of the signature and of authority to transfer and of payment of transfer taxes, if any, as the corporation or its agents may require, the corporation or transfer agent shall issue a new certificate to the person entitled thereto, cancel the old certificate and record the transaction on its books. No transfer of stock shall be binding upon the corporation unless made and recorded upon its stock books. Nothing in this section shall be deemed to invalidate rights, privileges, preferences and restrictions of the stock otherwise appearing in the Articles of Incorporation, or in these By-Laws.

Section 4 - Preemptive Rights.

Each shareholder of this corporation shall have preemptive rights as to the purchase of shares of this corporation that may from time to time be issued whether or not presently authorized, as set forth in the Articles of Incorporation.

Section 5 - Restriction on Transfer.

No shares of the corporation or certificates representing such shares shall be transferred in violation of any law or of any restriction on such transfer set forth in the Articles of Incorporation or amendments hereto, or any buy and sell agreement, right of first refusal, or other agreement restricting such transfer which has been filed with the corporation if reference to any such restrictions is made on the certificates representing such shares. With regard to any agreement restricting such transfer, the corporation shall not be bound by any restrictions not filed with and duly noted by the corporation. The corporation may rely in good faith on the

opinion of its counsel as to such legal or contractual violations with respect to any such restrictions unless the violation has been finally determined by a court of competent jurisdiction. The corporation and any party to such agreement shall have the right to have a restrictive legend imprinted upon any such certificate and any certificates issued in replacement or exchange therefore or with respect thereto. All shares of stock issued by the corporation shall have the following language printed on the certificates representing such shares, or language carrying the same intent and meaning:

Part A - General Restrictions.

TRANSFER SUBJECT TO RESTRICTIONS IN BYLAWS

Said language and the provisions referenced thereby shall be binding upon every person now or hereafter becoming a shareholder of this corporation, all of whom shall take such stock subject to all of the referenced provisions. All pledges, hypothecation, or other encumbrances of said stock, or dealing with regard thereto, shall likewise be subject to all referenced provisions.

Part B - First Right of Refusal.

If any shareholder of the corporation should desire to sell, transfer, pledge, encumber, or in any manner dispose of shares of stock, the shareholder must offer for sale to the corporation, in writing, the said share or shares of the corporation at the same price and on the same terms as would govern upon a transfer to a person not a shareholder. The corporation shall have seven (7) days from the receipt of said offer within which to exercise its option to purchase said stock. Said notice shall be given by the shareholder to the company at its registered office. Such purchase may be made by action of the Board of Directors and without any action of the shareholders of the corporation.

In the event that the corporation should fail, refuse or be unable to exercise, within seven (7) days after receipt of the aforesaid offer, its option to purchase all or a part of such stock, the remaining shareholders of the corporation shall have the option to purchase said stock or the portion thereof not purchased by the corporation, said option to be exercised within seven (7) days after there has been mailed or e-mailed to each shareholder of the corporation a notice giving the number of shares being offered for sale and the price at which said shares are being offered. This notice shall be sent by United States mail or via electronic mail, addressed to each shareholder as shown by the corporation's records, and shall be sent within seven (7) days after the expiration of the period granted the corporation within which to exercise its prior option. Shareholders of the corporation, so desiring to purchase said stock, shall send to the corporation, within the period aforesaid, written subscriptions for the number of shares desired by them. The corporation and its agents must make a good faith effort to contact shareholders in the above described "first right of refusal" process via either electronic or paper mail means (at its option) only via the most current such address(es) it may have on file for a given shareholder. It is the obligation of each shareholder of record to make sure that mailing and e-mail addresses of record with the corporation are current.

If no part of the shares offered for sale, or if less than the total number of shares so

offered for sale, is purchased by the corporation or shareholders, or both, then the stock not so purchased shall be returned to the shareholders who offered the same for sale and the said shareholders shall thereafter have the right to sell said stock to whomever will purchase same, provided, however, that the sale of such stock shall not be made at any lower price than that which was offered to the corporation originally, as aforesaid, and provided further that the sale of such stock shall not be made later than ninety (90) days after the date upon which said stock was offered to the corporation originally as aforesaid. Sale of new stock by the corporation at the discretion of the existing shareholders or Board of Directors shall not be subject to these restrictions or first right of refusal.

If more than the total number of shares so offered for sale and available for purchase by the shareholders of the corporation is desired by the shareholders of the corporation, then the shareholders, so desiring to purchase same, shall be entitled to purchase said stock in the proportions in which the common stockholding of each shareholder purchasing the same bears to each other. In the event that the proportion to which any shareholder should be entitled, determined in this manner, should be more than the number of shares desired to be purchased by said shareholder, then the surplus shall be distributed to the remaining shareholders, so desiring to purchase, in the proportion in which the common stockholdings of each such remaining shareholders bear to each other. No fractional shares shall be issued in connection with any offerings under this Article but only whole shares will be issued to the shareholders. At the option of the corporation, (1) the sum total of the fractional shares may be purchased by the corporation at the price at which the stock was offered originally, or (2) the sum total of the fractional shares may be returned to the shareholder who offered the same for sale and the said shareholder shall have the right to sell said stock to whomsoever will purchase the same provided, however, the sale of such stock shall not be made at any lower price than which it was offered to the corporation originally, and provided further that the sale of such stock shall not be made later than ninety (90) days after the date upon which the said stock was offered to the corporation originally, as aforesaid.

All stock so purchased by the corporation under and pursuant to the provisions of this Article shall be canceled by the corporation forthwith.

Part C- Death of Shareholder.

Upon the death of a shareholder, the corporation shall have the option to purchase all or a portion of the deceased shareholder's shares of stock from his or her estate. The purchase price shall be the book value of the stock as of the deceased shareholder's death, as determined by the corporation's certified public accountant. Written notice that the option is being exercised must be sent by certified mail to the estate's representative within 90 days after the representative has been appointed, unless the corporation has not yet been notified of the shareholder's death, in which case the option must be exercised within 90 days of receiving such notice.

In the event the corporation fails to timely exercise the option to purchase the deceased shareholder's stock, the remaining shareholders shall have the option to purchase the stock, or any portion thereof not purchased by the corporation. The corporation must notify all shareholders of record via certified mail or e-mail within seven (7) days if the corporation fails to

exercise its option to purchase said shares. Written notice that the option is being exercised by a shareholder must be sent by certified mail to the estate's representative and the corporation within 30 days after the corporation's option to purchase has expired. The purchase price will be the book value of the stock as of the date of the deceased shareholder's death, as determined by the corporation's certified public accountant or his or her designee.

In the event that more than the total number of shares of stock available for purchase is desired by the remaining shareholders, the provisions set forth in the fourth paragraph of Part B of this Article, will control.

Section 6 - Lost, Stolen or Destroyed Certificates.

The holder of any certificate representing shares of the corporation shall immediately notify the corporation of any loss, theft or destruction of the certificate representing said shares. The corporation may issue a new certificate for any certificate alleged to have been lost, stolen or destroyed on production of such evidence of loss, theft or destruction as the Board of Directors in its discretion requires of the owner of the lost, stolen or destroyed certificate, and upon provision to the corporation of a bond in such sum as the Board may direct, and with such surety or sureties as may be satisfactory to the Board to indemnify the corporation against any claims, loss, liability or damage it may suffer on account of issuance of a new certificate. A new certificate may be issued without requiring any such evidence or bond when, in the judgment of the Board of Directors, it is appropriate and proper to do so.

Section 7 - Record Date.

In lieu of closing the share records of the corporation, the Board of Directors may fix, in advance, a date not exceeding fifty (50) days nor less than ten (10) days, as the record date for the determination of shareholders entitled to receive notice of, or to vote at, any meeting of shareholders, or to consent to any proposal without a meeting, or for the purpose of determining shareholders entitled to receive payment of any dividends, or allotment of any rights, or for the purpose of any other action. If no record date is fixed, the record date for the determination of shareholders entitled to notice of, or to vote at a meeting of shareholders shall be at the close of business on the day next proceeding the day on which notice is given, or, if no notice is given, the day on which the meeting is held.

Section 8 - Transfer Agents and Registrars.

The Board of Directors may from time to time appoint one or more transfer agents and one or more registrars for the shares of the corporation who shall have such powers and duties as the Board of Directors shall specify.

Section 9 - Treasury Stock.

Treasury stock, if any, shall be held by the corporation subject to the disposal of the Board of Directors, and shall neither vote nor participate in dividends.

Section 10 - Lien Against Stock.

The corporation shall have a first lien on all the shares of its stock, and upon all dividends declared upon the same, for any indebtedness of the respective holders thereof to the corporation.

ARTICLE VI: SHAREHOLDER MEETINGS

Section 1 - Annual Meetings.

The annual meeting of shareholders shall be held annually on the third Friday in the month of February, at the hour of 6:00 o'clock p.m., unless such day should fall on a legal holiday, or unless prior notice of a different date shall be sent to shareholders in accord with these By-Laws. If the date set forth above shall fall on a legal holiday, and prior notice of a different date has not been sent to shareholders, the meeting shall be held at the same hour and place on the next succeeding business day that is not a legal holiday. At such meeting the shareholders shall elect directors to serve until their successors shall be elected and qualified, and shall transact such other business as may properly come before the meeting.

Section 2 - Special Meetings.

Special meetings of the shareholders may be called at any time by the Board of Directors or by the President, and in his absence, any other officer. It shall be the duty of the Directors or President to call such a meeting when so requested by shareholders holding twenty-five percent (25%) of the outstanding capital stock of this corporation.

Section 3 – Notice.

Notice of the time and place of all annual and special meetings shall be mailed or e-mailed by the Secretary not less than ten (10) days, and not more than ninety (90) days, before the date thereof to each shareholder of record entitled to vote at such meeting, and to any other shareholder to whom the giving of notice may be required by law. Notice of any shareholders' meeting, including the annual meeting, may be waived by a majority vote of shareholders present, as long as a quorum of shares represented by shareholders and voting in favor of waiving notice requirements shall vote to do so. Notice of any special meeting shall state the purpose of the meeting. All said notices shall be directed to each shareholder at his or her respective address as it appears on the corporation's records at the time of sending, unless a shareholder shall have previously filed with the corporation a written request that notices be mailed to some other address. Notice of any meeting need not be given to any person who may become a shareholder of record after the mailing of such notice and prior to the meeting, or to any shareholder who attends such meeting, in person or by proxy, or to any shareholder who, in person or by proxy, submits a signed waiver of notice either before or after such meeting.

Section 4 - Voting and Proxies.

At every such meeting each shareholder shall be entitled to cast one vote for each share of voting stock held in his name, which vote may be cast by him either in person, or by proxy. All proxies (designation of proxies) shall be in writing, and shall be filed with the Secretary and by him entered of record in the minutes of the meeting. No proxy shall be valid after the expiration of eleven months from the date of its execution, unless the persons executing it shall have specified therein the length of time it is to continue in force. Except as otherwise provided by statute or by the Articles of Incorporation, any corporate action to be taken by the vote of the shareholders, other than the election of directors, shall be authorized by a majority of votes cast at a meeting of shareholders. Votes cast for election of directors may be cumulated such that any shareholder may cast for any individual director or directors votes equal to the total number of shares held by the shareholder, provided that the total number of votes cast by said shareholder for all directors elected shall not exceed the number of shares held by the shareholder.

Section 5 - Quorum.

Except as otherwise provided herein, or by statute, or in the Articles of Incorporation or amendments thereto, a quorum for the transaction of business at any meeting of shareholders shall consist of a number of members representing a majority of the shares of stock issued and outstanding, present in person or by proxy, provided however, that the shareholders present at any meeting, though less than a quorum, may adjourn the meeting to a future time. The withdrawal of a shareholder after commencement of a meeting shall have no effect on the existence of a quorum, provided that a quorum was once established during the meeting.

Section 6 - Resolutions.

Any resolution in writing, signed by all of the shareholders entitled to and voting thereon, shall be and constitute action by such shareholders to the effect therein expressed, with the same force and effect as if the same had been duly passed by unanimous vote at a duly called meeting of shareholders and such resolution so signed shall be inserted in the Minute Book of the corporation under its proper date.

ARTICLE VII: BOARD OF DIRECTORS

Section 1 --Number.

The business and property of the corporation shall be managed and controlled by the Board of Directors. The number of directors shall be five unless there are less than five shareholders. In that event, the number of directors shall equal the number of shareholders. In the event of a deadlock, the corporation's CPA or his or her designee shall be appointed a special director and cast the deciding vote.

Section 2 - Election and Term of Office.

The directors shall be elected annually by a majority of the votes cast by the shareholders at the annual meeting and shall hold office for one year or until their successors are duly elected and qualified.

Section 3 -- Annual Meeting.

The annual meeting of the Board of Directors shall be held immediately following the annual shareholders meeting, or at a time and date agreed upon at the annual shareholders meeting by the Board of Directors members present.

Section 4 - Special Meetings.

Special meetings of the Board of Directors may be called by the President or by a majority of the members of the Board of Directors and shall meet at such time and place as they may designate or in the absence of a meeting, in any manner allowable by the law.

Section 5 - Notice.

Notice of all regular and special meetings of the Board of Directors, except the regular meeting immediately following the annual shareholders meeting, shall be mailed, e-mailed or transmitted by telegraphic communication to each director by the Secretary at least two (2) days prior to, but not more than fifty (50) days previous to, the time fixed for the meeting, provided however that either before, at or after said meeting, said notice may be waived in writing by any of said directors, and that any meeting of said directors may be had without notice when a majority of said directors designate in writing the time and place of said meeting.

Section 6 -- Quorum.

A quorum for the transaction of business at any special meeting or regular meeting of the Board of Directors shall consist of a majority in number of said Board, provided however, that a majority of those present at any regular or special meeting shall have power to adjourn the meeting to a future date.

Section 7 - Duties and Powers.

The Board of Directors shall be responsible for the control and management of the affairs, property and interests of the corporation, and may exercise all powers of the corporation except to the extent that they are reserved to the shareholders in the Articles of Incorporation, these By-Laws, or by statute. The directors shall elect the officers of the corporation, and fix (if any) their salaries, benefits and/or any other forms of compensation. Such election shall be held at the annual meeting of the Board of Directors following each annual shareholders meeting. An officer may be removed at any time by a majority vote of a full Board of Directors. At each annual shareholders meeting the directors shall submit a statement of the business done during the preceding year, together with a report of the general financial condition of the corporation, and of the condition of its tangible property.

Section 8 -- Manner of Acting.

At all meetings of the Board of Directors, each director present shall have one vote. Except as otherwise provided by statute, by the Articles of incorporation, or by these By-Laws, the action of a majority of the directors present at any meeting at which a quorum is present shall be the act of the Board of Directors. Any action authorized, in writing, by all of the directors entitled to vote thereon and filed with the minutes of the corporation shall be the act of the Board of Directors with the same force and effect as if the same had been passed by unanimous vote at a duly called meeting of the Board. In the event of a tie vote of the Directors voting at a meeting, the President shall break the stalemate, even if he or she is also a Director.

Section 9- Vacancies.

Vacancies in the Board of Directors may be filled for the unexpired terms by a majority vote of the remaining directors at any regular or special directors meeting, or by a majority vote of shareholders at any meeting.

Section 10 - Resignation.

Any director may resign at any time by giving written notice to the Board of Directors, the President or the Secretary of the corporation. Unless otherwise specified in such written notice, such resignation shall take effect upon receipt thereof by the Board of Directors or such officer, and the acceptance of such resignation shall not be necessary to make it effective.

Section 11 – Removal.

Any director may be removed with or without cause at any time by the shareholders, at a special meeting of the shareholders called for that purpose, and may be removed for cause by action of the Board of Directors.

Section 12 --Salary.

No stated salary shall be paid to directors, as such, for their services unless approved by the shareholders. However, a fixed sum and expenses of attendance, if any, may be allowed for attendance at each regular or special meeting of the Board. Nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefore.

Section 13 - Contracts, Conflict of Interest.

No contract or other transaction between this corporation and any other corporation shall be impaired, affected or invalidated, nor shall any director be liable in any way by reason of the fact that any one or more of the directors of this corporation is or are interest in, or is a director or officer, or are directors or officers of such other corporation, provided that such facts are disclosed or made known to the Board of Directors. Any director, personally and individually, may be a party to or may be interested in any contract or transaction of the corporation, and no

director shall be liable in any way by reason of such interest, provided that the fact of such interest be disclosed or made known to the Board of Directors, and provided that the Board of Directors shall authorize, approve or ratify such contract or transaction by the vote (not counting the vote of any such director) of a majority of a quorum, notwithstanding the presence of any such director at the meeting at which such action is taken. Such director or directors may be counted in determining the presence of a quorum at such meeting. This Section 13 shall not be construed to impair or invalidate or in any way affect any contract or other transaction which would otherwise be valid under the applicable law thereto.

Section 14 - Committees.

The Board of Directors, by resolution adopted by a majority of the entire Board, may from time to time designate from among its members an executive committee and such other committees, and alternate members thereof, as they deem desirable, and each consisting of three or more members, with such powers and authority as may be provided in such resolution, provided however, that said authority does not exceed the authority which would otherwise be allowed by law.

ARTICLE VIII: OFFICERS

Section 1 -- Number, Qualifications, Election and Term.

The officers of this corporation shall be a President, Secretary and any other officer which the Board of Directors may designate from time to time, and who shall be elected for a term of one year at the regular meeting of the Board of Directors, and shall hold office until their successors are duly elected and qualified. Offices may be combined as permitted by the law. The office of President and Secretary shall not be held by a single individual unless that individual is the sole shareholder of the corporation. The offices of Secretary and treasurer may be held by a single individual.

Section 2 - Resignation.

Any officer may resign at any time by giving written notice of such resignation to the Board of Directors, or to the President or the Secretary of the corporation. Unless otherwise specified in such written notice, such resignation shall take effect upon receipt thereof by the Board of Directors or by such officer, and the acceptance of such resignation shall not be necessary to make it effective. Nothing in this Section 2 shall be deemed to alter the terms of any contract between an officer and the corporation, including a contract of employment, nor shall anything in this Section 2 be deemed to eliminate or otherwise reduce obligations due the corporation from the officer which may arise from contract or otherwise by virtue of the resignation of an officer.

Section 3 -- Removal.

Any officer may be removed, either with or without cause, and a successor elected by the Board of Directors at any time.

Section 4 - Vacancies.

A vacancy in any office by reason of death, resignation, inability to act, disqualification, or any other cause, may at any time be filled for the unexpired portion of the term by the Board of Directors.

Section 5 - Duties of Officers.

Subsection A: President. The President shall preside at all directors and shareholders meetings; shall have general supervision over the affairs of the corporation and over the other officers; by himself, or with the Secretary, as required by statute, the Articles of Incorporation or these By-Laws, shall sign all stock certificates and written contracts of the corporation, and shall perform all such other duties as are incident to this office. In case of the absence or disability of the President, his duties shall be performed by any other officer or as designated by the directors.

Subsection B: Secretary. The Secretary shall issue notices of all directors and shareholders meetings, and shall attend and keep the minutes of the same. The Secretary shall have charge of all corporate books, records and papers, shall have and be custodian of the corporate seal shall attest with his signature, and impress with the corporate seal all stock certificates and written contracts of the corporation, and shall perform all such other duties as are incident to his office. In addition, unless the Board of Directors shall designate an individual office of Treasurer, the Secretary shall carry out the duties set forth for the position of Treasurer in Subsection C. below.

Subsection C: Treasurer [if designated]. The treasurer, if designated by the Board of Directors, shall have custody of all money and securities of the corporation and shall be responsible for all corporate disbursements. The treasurer shall keep regular books of account and shall submit them, together with all his vouchers, receipts, records and other papers to the directors for their examination and approval as often as they may wish, and shall perform all such other duties as are incident to his office.

Subsection D: Other Offices. All other offices shall, unless otherwise provided by the Board of Directors, each have such powers and duties as generally pertain to their respective offices and title, or as set forth in a resolution of the Board of Directors creating such other office.

Section 6 - Salaries.

Salary or other compensation paid any officer shall be established by the Board of Directors and shall not be subject to challenge by reason of any officer also being a member of the Board.

Section 7 – Bonding and Insurance.

By consenting to serve as a director or officer of the corporation, every individual gives his or her full implicit legal consent to have the corporation obtain surety bonding, life insurance policies, or other similar instruments of financial or legal assurance in the name of any director or officer. The proceeds, legal protections, or any value of such a legal or financial instrument may be entirely of the corporations choosing. The corporation is under no obligation to compensate or pay out proceeds from such an instrument to any officer or director or to his or her family or designee. The individual in question, however, is under no legal or financial obligation to pay the cost or premiums of acquiring such an instrument obtained and/or owned by the corporation or for the corporation's benefit.

In the event the corporation requires the officer or director to submit to a medical examination, background check or similar reasonable interview or examination in an effort to obtain surety bonding, life insurance or other similar instrument in the officer or director's name, he or she shall cooperate fully, provided any personal medical or legal records as necessary and answer all questions truthfully, and any costs incurred by him or her in submitting to such an examination shall be the financial responsibility of the corporation.

ARTICLE IX: DIVIDENDS

Dividends, to be paid out of the surplus earnings of the corporation, may be declared from time to time and in such amounts as deemed appropriate by the Board of Directors, provided however, that no dividend shall be paid that will impair the capital of the corporation. The Board of Directors shall declare dividends by resolution.

ARTICLE X: FINANCES, BOOKS AND RECORDS

Section 1 -- Corporate Funds.

The funds of the corporation shall be deposited in such bank or trust company as the Board of Directors shall designate. All checks, drafts or other orders for payment of money, notes or other evidences of indebtedness, issued in the name of or payable to the corporation shall be signed or endorsed by such person or persons and in such manner as shall be determined by resolution of the Board of Directors, provided however, that any check or order in excess of \$50,000 shall require the signature and/or approval of both the President and Secretary, unless the Board of Directors shall provide express authority for issue of checks or orders in excess of \$50,000 without the signature and/or approval of both the President and Secretary, said express authority to be provided through a resolution of the Board of Directors.

Section 2 - Records.

The corporation shall maintain adequate and correct books, records and accounts of its business and properties. All such books, records and accounts shall be kept at its place of business as fixed by the Board of Directors, except as otherwise provided by law.

Section 3 - Inspection, Books and Accounts.

All books and accounts of the corporation shall be open to inspection by the shareholders in the manner and to the extent required by law.

Section 4 - Inspection, By-Laws.

The original or a copy of the By-Laws and any amendments thereto, certified by the Secretary, shall be open to inspection by the shareholders and Directors in the manner and to the extent required by law.

Section 5 - Disallowance of Payments.

Any payments made to an officer of the corporation, such as a salary, commission, bonus, interest or entertainment expense incurred by him, which shall be disallowed in whole or in part as a deductible expense by the Internal Revenue Service, shall be reimbursed by such officer to the corporation to the full extent of such disallowance. It shall be the duty of the directors, as a board, to enforce payment of each such amount disallowed. In lieu of payment by the officer, subject to the determination of the directors, proportionate amounts may be withheld from his future compensation payments until the amount owed to the corporation has been recovered.

ARTICLE XI: FISCAL YEAR

The fiscal year of the corporation shall be the calendar year.

ARTICLE XII: CORPORATE SEAL

The corporate seal, if any, shall be in such form as shall be approved from time to time by the Board of Directors.

ARTICLE XIII: AMENDMENTS

Section 1 - By-Laws, by Shareholders.

All By-Laws of the corporation shall be subject to alteration or repeal, and new By-Laws may be made, by a majority vote of the shareholders at the time entitled to vote in the election of directors.

Subsection A – Resolutions Adopted by SHAREHOLDERS

Resolution 2011-01 Adopted 12/08/2011 - Amendment to allow BOD to issue shares and/or purchase options (OTB) of corporate stock equal to up to 15% of outstanding shares at the beginning of the calendar year over the course of the calendar year.

The BOD may, at their discretion issue shares or options to buy shares of SWS Inc. stock at a given price per share. When issuing stock options the BOD may not issue options to buy for less than the current cost basis (GAAP) value of those shares. When issuing new shares of stock for sale the BOD may not issue shares for less than the current cost basis value of existing shares. The BOD may not issue a number of shares in a given calendar year totaling more than 15% of the outstanding shares at the beginning of that calendar year, without the consent of a majority of existing shareholders. The board may include stock or stock options as part of pay or incentive packages for officers and employees of the company. Stock provided to employees as part of a pay or incentive package may be provided for less than cost basis value. Rules of first right of refusal by existing shareholders shall apply for all issuances of shares or options to buy, with the exception of shares or options to buy provided to employees or officers of the company as part of a pay or incentive package. Shares issued as compensation to employees and corporate officers count towards 15% annual limit of total shares the BOD may issue annually without a majority vote of current shareholders

Resolution 2011-02 Adopted 12/08/2011 - Amendment to allow company to obtain life insurance policies on all BOD members, corporate officers and employees.

The company may at the discretion of the BOD or at the recommendation of an officer obtain life insurance policies on any member of the BOD, any officer or any employee. Members of the BOD and corporate officers implicitly give their consent to have such policies taken out by the company, by accepting a position on the BOD or as a corporate officer. Any employee being hired for a position where a life insurance policy is recommended must consent to allow the company to obtain such a policy as part of his or her employment contract.

Resolution 2011-03 Adopted 12/08/2011 - Resolution to issue shares of SWS Inc. stock in proportion to existing shares of SWS LLC stock.

Resolution to issue shares of SWS Inc. stock in proportion to existing shares of SWS LLC stock. It is hereby resolved that SPITwSPOTS, Inc will issue shares in identical number and proportion to current ownership of shares in SPITwSPOTS, LLC.

Resolution 2011-04 Adopted 12/08/2011 - Amendment to allow corporate records to be physically located away from SWS Inc. corporate offices as long as records are easily accessible from those offices as necessary.

The financial and corporate records of the company may be physically located at a place other than the main corporate office of SWS Inc. as long as such records are easily accessible and

available for proper use by employees, officers, shareholders and other necessary parties. (i.e. records may be located online, on a remote server, at the offices of a CPA or qualified professional services provider, or similar situation.)

Resolution 2011-05 Adopted 12/08/2011 - Amendment to allow SWS Inc. to issue 15% or more of corporate stock if approved by a 60% majority vote of outstanding shareholders.

If approved by a 60% or more majority vote of existing shareholders, SWS Inc. may issue a number of new shares of stock to be determined by a 60% majority vote of shareholders. Such shares must be valued at or above current cost basis value (GAAP). Rules of first right of refusal apply to all such issuances of stock.

Resolution 2011-06 Adopted 12/08/2011 - Resolution to accept the calendar year as the fiscal financial calendar year for SWS Inc.

The calendar year shall be the fiscal financial calendar year.

Resolution 2011-07 Adopted 12/08/2011 - Amendment to allow President and/or Secretary to set time and date of annual shareholder meeting.

In the month of December the President and Secretary shall agree upon a time and date for the annual shareholder meeting to be held between January 7th and February 28th of the following year. Notice of the agreed upon date and time of the meeting must be mailed out to all shareholders of record no later than 10 days prior to the set meeting date. If the meeting date is more than 30 days from the date of notice being sent in December, the rules of maximum date of notice do not apply. (i.e. notice may be sent more than 30 or 50 days in advance of the meeting date if applicable.)

Resolution 2011-08 Adopted 12/08/2011 - Amendment to allow telephonic participation in shareholder and BOD meetings.

If a shareholder, director or officer wishes to participate in a meeting via telephonic means he or she may do so at the company's expense by providing at least 48 hours of advance notice to the Secretary or appropriate designee. The person requesting to participate in this way must do so via the means provided by the company, not using another method of his or her design or choosing. An individual participating remotely waives his or her right to any compensation or reimbursement of costs associated with attending the meeting. Once the meeting is convened a majority vote of members (including those participating remotely) must be held in the affirmative to allow those members present telephonically to participate in the meeting. If there are not sufficient votes to approve such participation, remote members must be disconnected and may not participate in further meeting business.

Resolution 2011-09 Adopted 12/10/2011 - Resolution to allow amendment of the By-Laws at any Shareholder Meeting, not just at the annual meeting.

The By-Laws may be amended by a 60% or more vote of any members participating in any meeting of the shareholders in which a quorum is present, not just the annual meeting.

Resolution 2011-10 Adopted 12/10/2011 - Resolution to allow a non-board member to be appointed as President of the Company.

The President may be any shareholder of the company, duly nominated and appointed by the Board of Directors. The President does not need to be a member of the Board of Directors.

Section 2 -- Articles of Incorporation.

Articles of Incorporation may be amended only as set forth in the provisions of Sections 10.06.504 and 10.06.506 of the Alaska Corporations Code, as said sections may be amended, renumbered and/or restated from time to time.

ARTICLEXIV: ADOPTION

The undersigned certifies that the foregoing By-Laws have been adopted as the By-Laws of SpitwSpots, Inc.

DATED: 2/08/2014


Secretary

Witnessed By:


Signature

Kenneth Schroeder
Printed Name


Signature

Carly Ott
Printed Name



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/15/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER HOMER INSURANCE CENTER, INC 509 STERLING HWY, STE 201 HOMER, ALASKA 99603	CONTACT NAME: PHONE (A/C, No, Ext): 907-235-3881 FAX (A/C, No): 907-235-3882 E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
INSURED SPITWSPOTS, INC 369 E PIONEER AVE SUITE B HOMER, AK 99603	INSURER A: WESTERN WORLD INSURANCE CO.	
	INSURER B: BERKSHIRE HATHAWAY COMPANIES	
	INSURER C: ALASKA NATIONAL INSURANCE CO. AKN	
	INSURER D:	
	INSURER E:	
INSURER F:		NAIC #

COVERAGES **CERTIFICATE NUMBER:** 9,857 **REVISION NUMBER:**

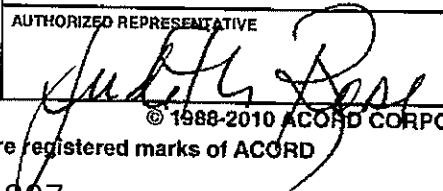
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			NPP8137157	11/28/2014	11/28/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ EXCLUDED GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ EXCLUDED
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			02APM00154903	11/28/2014	11/28/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTIONS						EACH OCCURRENCE \$ AGGREGATE \$ \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	15B WW 97540	2/10/2015	2/10/2016	<input type="checkbox"/> WC STATU-TORY LIMITS <input checked="" type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

INSTALL RADIO SIGNAL BOXES FOR WIRELESS INTERNET -- INTERNET PROVIDING & COMPUTER REPAIR

CERTIFICATE HOLDER **CANCELLATION**

CITY OF HOMER 491 EAST PIONEER AVENUE HOMER, ALASKA 99603	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

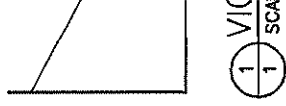
SPITwSPOTS, Inc Balance Sheet

As of December 31, 2014

	<u>Dec 31, 11</u>	<u>Dec 31, 12</u>	<u>Dec 31, 13</u>	<u>Dec 31, 14</u>
ASSETS				
Total Current Assets	27,851.21	71,881.48	74,321.53	66,431.81
Total Fixed Assets	149,746.61	218,880.58	516,423.65	635,924.03
TOTAL ASSETS	177,597.82	290,762.06	590,745.18	702,355.84
LIABILITIES & EQUITY				
Total Current Liabilities	44,431.09	39,877.30	88,321.63	155,112.17
Total Long Term Liabilities	174,879.54	225,190.24	299,180.18	412,430.35
TOTAL LIABILITIES	219,310.63	265,067.54	387,501.81	567,542.52
TOTAL EQUITY	-41,712.81	25,694.52	202,204.27	134,813.32
TOTAL LIABILITIES & EQUITY	177,597.82	290,762.06	589,706.08	702,355.84

SPITwSPOTS, Inc
Profit & Loss
January 2011 through December 2014

Income/Expense	Jan-Dec 2011	Jan-Dec 2012	Jan-Dec 2013	Jan-Dec 2014
Revenue	521,061.64	678,150.22	902,573.90	1,237,228.65
Cost of Goods Sold	282,501.05	304,201.07	318,769.39	552,331.56
Gross Profit	238,560.59	373,949.15	583,804.51	684,897.09
Advertising and Promotion	2,782.32	4,832.44	17,032.82	48,197.72
Bad Debt Expense		14,707.08	11,064.86	14,700.07
Bank Service Charges	1,645.59	2,186.98	1,996.41	2,721.31
Business Licenses and Permits		237.50	100.00	100.00
Charity			200.00	184.00
Computers, Software, and Websites	7,955.17	3,468.13	6,738.13	8,589.03
Education and Training			1,770.00	2,655.00
Discounts	1,575.96	18,955.43	49,508.00	95,519.73
Field Supplies	156.33	4,855.30	6,050.02	8,111.58
Finance Charges	547.83	2,239.91	925.13	128.87
Gifts & Thank Yous			1,849.93	217.18
Insurance	2,791.00	6,703.75	10,202.66	16,886.63
Interest	15,376.01	21,604.86	19,077.97	38,518.34
Janitorial Expense	22.20	111.78	115.46	
Meals and Entertainment	251.17	1,211.45	2,933.48	5,577.91
Memberships, Dues, Subscription		325.00	698.66	1,669.84
Office Supplies	6,426.07	7,074.57	6,205.87	4,822.88
Payroll	102,161.79	139,732.17	266,403.18	366,631.97
Postage, Shipping & Delivery	11,456.71	5,749.61	10,846.20	4,752.27
Printing and Reproduction	2.40	580.50	3,098.00	2,461.60
Professional Fees	17,876.98	38,035.92	34,364.12	69,207.81
Rent & Lease	7,820.00	13,560.00	28,023.50	29,199.57
Repairs and Maintenance		82.40	1,921.45	782.59
Small Tools and Equipment	1,665.44	371.79	1,477.23	732.90
Travel	4,655.23	2,309.80	5,885.06	6,184.07
Utilities	11,800.44	4,959.60	8,015.13	10,713.90
Vehicles	11,077.90	14,821.62	21,656.82	17,445.92
WISPer Lease Equipment				2,855.00
Total Expense	208,046.54	308,717.59	518,160.09	759,567.69
Net Ordinary Income	30,514.05	65,231.56	65,644.42	-74,670.60
Net Other Income	431.28	-3,647.23	12,681.21	6,502.17
Net Income	30,945.33	61,584.33	78,325.63	-68,168.43



W BAY

LOT 11
HOMER SPIT SUB NO. 5

CONSTRUCTION
PHASE STAGING
AREA

8,910 SF (81'X110')
LEASE AREA

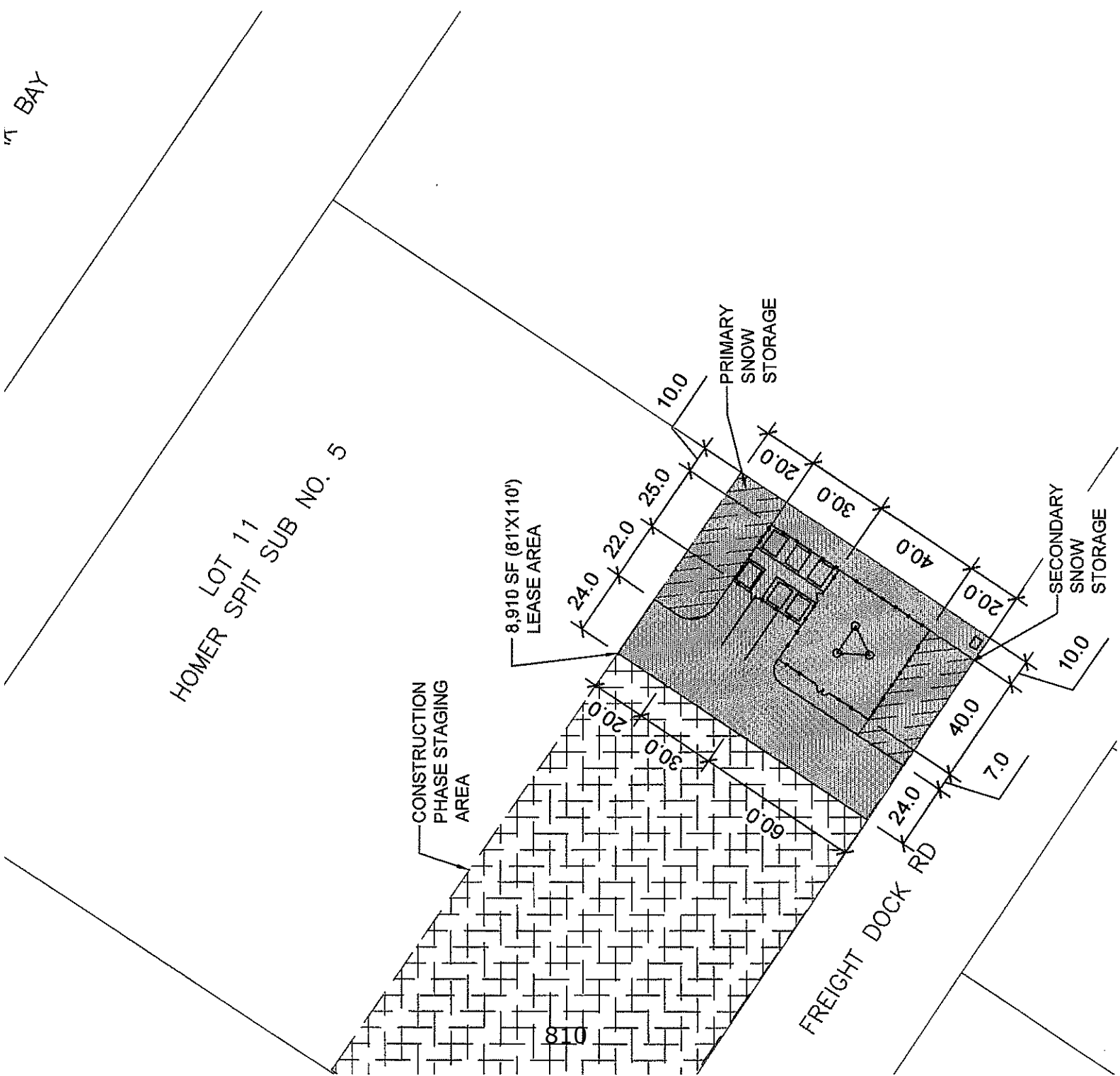
PRIMARY
SNOW
STORAGE

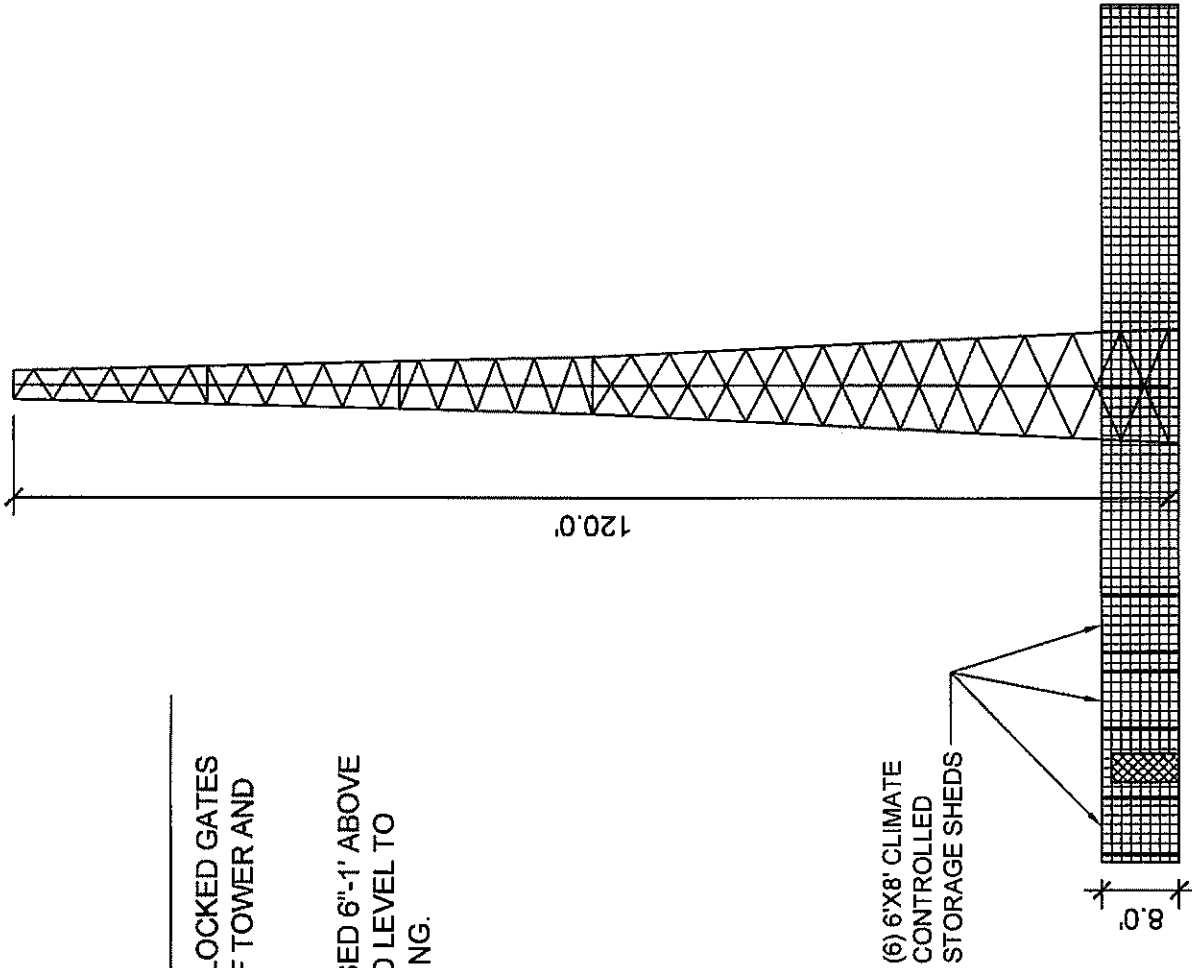
SECONDARY
SNOW
STORAGE

FREIGHT DOCK RD

NOTES:

1. PROPOSED TOWER LAYOUT CHANGE BASE ON FINAL E
2. ALL REQUIRED MUNICIPAL SAFETY PLACARDS AND G WARNING SIGNS (INCLUDING LIMITED TO, "DANGER", "H AND "NO CLIMBING") WILL THE TOWER AND TOWER I
3. SIGNS WILL BE POSTED IN 'SPITSPOTS' AS THE COM RESPONSIBLE FOR THE T TO CONTACT IN THE EVEN EMERGENCY.
4. LIGHTS FOR PARKING ARE ON TOWER AT OR BELOW

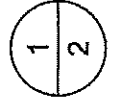




NOTES:

1. 8' SECURITY FENCE W/ LOCKED GATES AROUND PERIMETER OF TOWER AND STORAGE SHEDS.
2. TOWER PAD TO BE RAISED 6"-1' ABOVE SURROUNDING GROUND LEVEL TO PREVENT WATER PONDING.

ELEVATION



SCALE: 1" = 20'

N58°42'48"W

266.95'

145.32'

S31°18'48"W 290.63'

145.32'

LINE MARKING HALF OF LOT 11
DESIRED FOR CONSTRUCTION STAGING.

PROPOSED TOWER SITE LEASE
(SEE SHEET 2)

N58°41'12"W

81.00'

145.38'

35.38'

S31°18'48"W 290.76'

110.00'

1.782 AC. GROSS

LOT 11

S31°18'48"W

110.00'

.2045 AC 8910 SQ. FT.
LEASE AREA

81.00'

LOT 12

INDUSTRIAL STORAGE
(FORMERLY CHIP PROCESSING)

LOT 10

PARKING & SHORT TERM
INDUSTRIAL STORAGE

185.95'

N58°41'12"W

266.95



PARKING (VACANT)	PARKING (VACANT)	PARKING (VACANT)	PARKING (VACANT)	HARBOR- MASTER'S OFFICE
26	25	24	23	22

NOTES:

1. SHEETS 1, 2 AND 3 OF THIS SITE PLAT WERE PREPARED TO COMPLY WITH HCC 21.73.020 AND .030, (SITE PLAN; LEVEL ONE AND LEVEL TWO).

2. LOT 11 IS CURRENTLY VACANT AND CONTAINS NO BUILDINGS OR STRUCTURES, AND IS NEARLY LEVEL GRAVEL WITH A SLIGHT NEGATIVE GRADIENT TOWARDS OUTER DOCK ROAD.

3. THE PURPOSE OF SHEET 1 IS TO SHOW THE ENTIRE (VACANT) LOT 11 AND ADJACENT LOTS. SHEET 2 IS A DETAIL OF THE PROPOSED TOWER SITE.

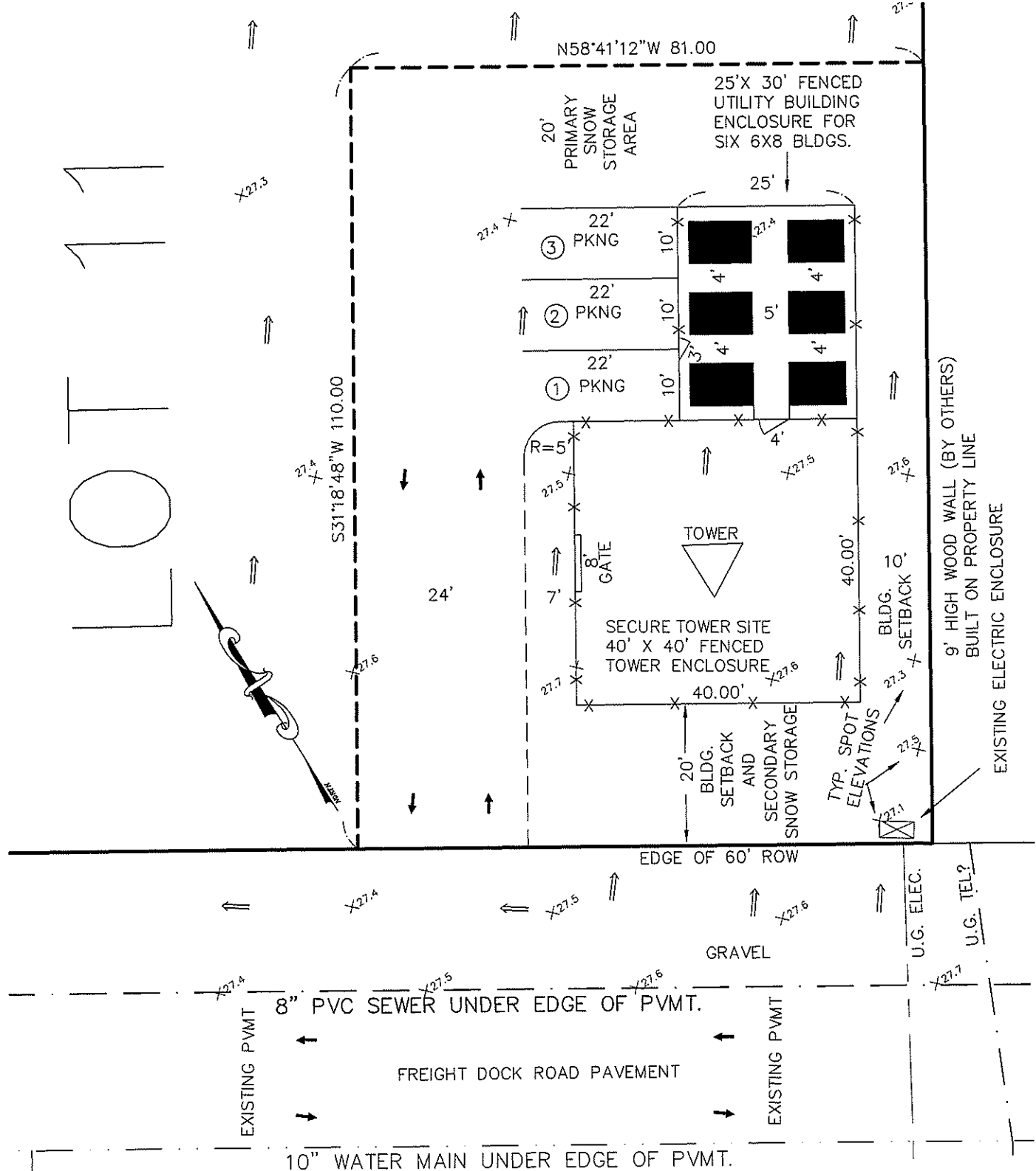
LEGEND

⊗ SEWER MAN HOLE

SITE PLAN
WIRELESS COMMUNICATION TOWER

LOT 11

HARBOR SITE NO. FIVE



NOTES:

1. SHEETS 1, 2 AND 3 OF THIS SITE PLAT WERE PREPARED TO COMPLY WITH HCC 21.73.020 AND .030, (SITE PLAN; LEVEL ONE AND LEVEL TWO).

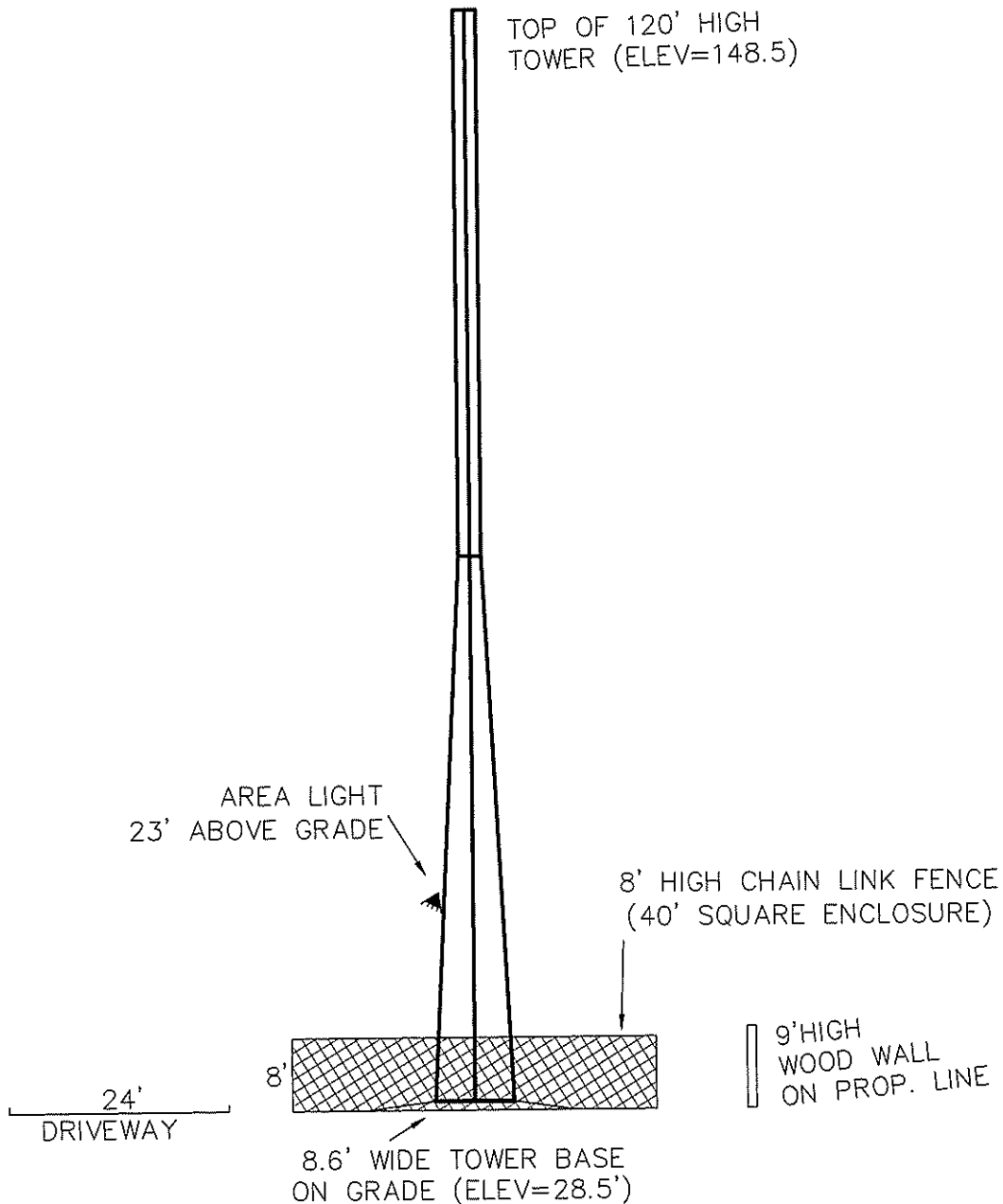
2. LOT 11 IS CURRENTLY VACANT AND CONTAINS NO BUILDINGS OR STRUCTURES, AND IS NEARLY LEVEL GRAVEL WITH A SLIGHT NEGATIVE GRADIENT TOWARDS OUTER DOCK ROAD.

3. THE PURPOSE OF SHEET 1 IS TO SHOW THE ENTIRE (VACANT) LOT 11 AND ADJACENT LOTS. SHEET 2 IS A DETAIL OF THE PROPOSED TOWER SITE. SHEET 3 IS PROFILE VIEW.

4. SPOT ELEVATIONS ARE EXISTING GROUND. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1987. TO CONVERT DATUM TO MEAN LOWER LOW WATER (MLLW)

LEGEND	
↓ ↑	TRAFFIC DIRECTIONAL ARROWS
↑↑	DRAINAGE FLOW DIRECTION

SITE PLAN
WIRELESS COMMUNICATION TOWER
LOT 11
 HOMER SITE NO. FIVE



PROFILE VIEW

NOTES:

1. SHEETS 1, 2 AND 3 OF THIS SITE PLAT WERE PREPARED TO COMPLY WITH HCC 21.73.020 AND .030, (SITE PLAN; LEVEL ONE AND LEVEL TWO).
2. SPOT ELEVATIONS ARE EXISTING GROUND. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1987. TO CONVERT DATUM TO MEAN LOWER LOW WATER (MLLW 1983-2001 EPIC) EQUALS ZERO, ADD 4.83 FEET.

SITE PLAN
 WIRELESS COMMUNICATION TOWER
 LOT 11
 HOMER, GEORGIA



Notice Criteria Tool

Notice Criteria Tool - Desk Reference Guide V_2014.2.0

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

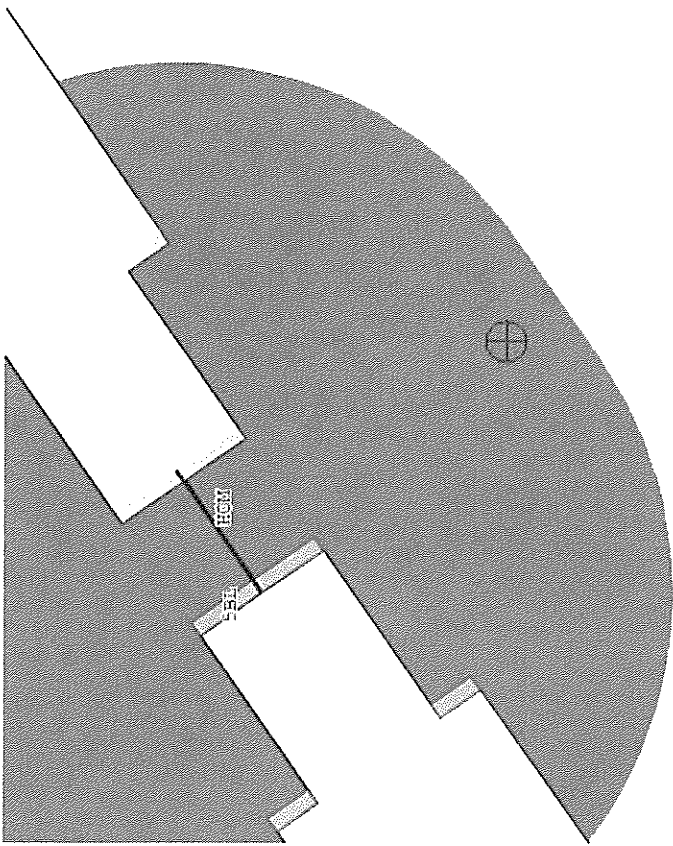
If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map for Off Airport construction](#), or contact the [FAA Airports Region / District Office for On Airport construction](#).

The tool below will assist in applying Part 77 Notice Criteria.

Latitude: 59 Deg 36 M 26.97 S N
Longitude: 151 Deg 25 M 28.21 S W
Horizontal Datum: NAD83
Site Elevation (SE): 25 (nearest foot)
Structure Height (AGL): 130 (nearest foot)
Traverseway: No Traverseway
Is structure on airport: No Yes
(Additional height is added to certain structures under 77.9(c))

Results

You do not exceed Notice Criteria.



Convert Lat and Long to DMS

Type the latitude and longitude values to convert into **degrees minutes seconds (DMS)**.

Latitude

59.607494

DMS Latitude

59° 36' 26.9784" N

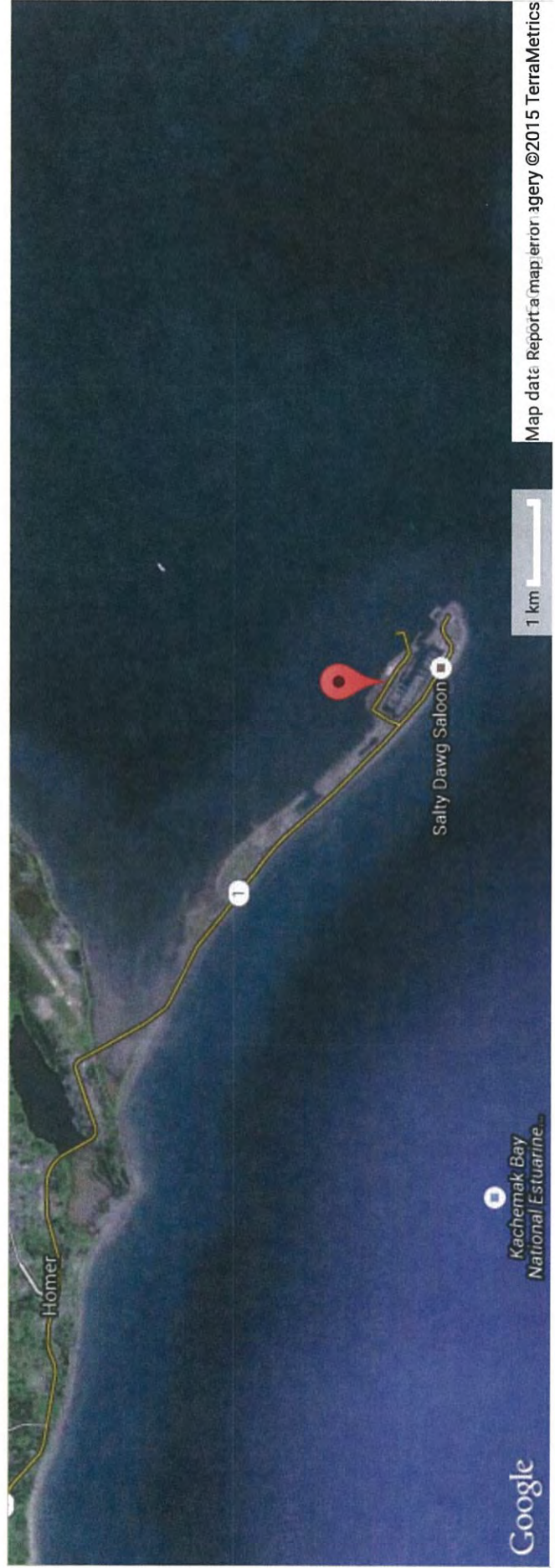
DMS Longitude

151° 25' 28.2180" W

Longitude

-151.424505

Convert



Division of Corporations, Business and Professional Licensing

Search Corporations Database

Entity Number 10002297

Current Only

Entity Name

Starts With Contains

Search

Reset

Showing results 1 to 1 of 1

Entity Type	Entity#	Entity Name	Entity Name Type	Status
Business Corporation	10002297	SPITwSPOTS, Inc	Legal Name	Good Standing

1

Alaska Entity #10002297

State of Alaska
Department of Commerce, Community and Economic Development
Corporations, Business and Professional Licensing

Certificate of Compliance

The undersigned, as Commissioner of Commerce, Community and Economic Development of the State of Alaska, and custodian of corporation records for said state, hereby issues a Certificate of Compliance for:

SPITwSPOTS, Inc

This entity was formed on December 13, 2011 and is in good standing. This entity has filed all biennial reports and fees due at this time.

No information is available in this office on the financial condition, business activity or practices of this corporation.



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective May 21, 2015.

A handwritten signature in black ink, appearing to read "Chris Hladick".

Chris Hladick
Commissioner

Lindsay Wolter
Attorney at Law

4164 Pennock Street, Suite A
Homer, Alaska 99603
(907) 235-2717-Phone
(907) 235-2715-Fax

May 20, 2015

VIA HAND DELIVERY

Jo Johnson, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603

RE: Wireless Communication Tower Review

Dear Ms. Johnson and Wireless Communication Tower Review Committee:

I am writing to support SPITwSPOTS' (SWS) bid for the City of Homer Wireless Communication Tower RFP. As a SWS customer, I support its effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' tower.

As you know, SWS provides essential and affordable public and private wireless internet services to hundreds of private users and businesses that would otherwise be unavailable. The construction of the 120' communications tower proposed by SWS would improve existing service by limiting service disruptions currently created by use of numerous smaller towers (which could be removed) and by expanding the SWS service area to include areas otherwise unable to receive service due to their locations. Construction of the SWS communications tower would give more area residents access to services that are increasingly important to everyday life.

These service benefits would not be available to SWS customers if GCI wins the bid. The pricing structure proposed by GCI would be cost prohibitive for SWS, making it impossible for SWS to co-locate on the GCI tower, or for customers like me to see the coverage benefits of GCI's proposed structure. On the other hand, SWS's proposal includes a lattice-style tower, which is ideal for mounting the many small antennas needed by a Wireless Internet Service Provider, but would also provide ample space and an affordable price structure for companies like GCI to co-locate.

The most important factor from my perspective is that SWS is a locally owned Homer-based operation. Its number one priority is to benefit our community. I hope that the City of Homer strongly considers awarding a bid that will help a business that has deep

Ltr to Jo Johnson and Committee
May 20, 2015
Page 2

roots in our community. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in our community. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the City of Homer, other wireless communications providers, and its customers.

Thank you for considering my support. I hope you support our local business and award the bid to SWS.

Best Regards,

A handwritten signature in cursive script that reads "Lindsay Wolter".

Lindsay Wolter



SELDOVIA VILLAGE TRIBE

Tradition Integrated with Technology

Drawer L
Seldovia, AK 99663

To Whom It May Concern:

This is a letter supporting the effort of SpitwSpots to obtain permits and approvals for erecting a tower on the Homer Spit to support wireless operations and business needs in the local area. Our organization and associated operations (Seldovia Bay Ferry, SVT Health & Wellness) have been SpitwSpot customers for many years, and have benefited from their unique operation and capabilities.

SpitwSpots has consistently provided us with reliable, low cost internet bandwidth for our multiple operations. In addition, they also provide very competitive internal bandwidth that allows us to support high-speed internal communications among our multiple physical location. We currently count on their service on the Homer Spit to support our Seldovia Bay Ferry operations and to provide service to our partner the Pratt Museum for the camera on Gull Island.

Finally, I want to stress that their bandwidth capabilities are backed by responsive and knowledgeable customer support. SpitwSpots is a local company that has worked hard to provide high-speed internet to many customers that were not served by the statewide telecom companies. They brought Internet to Seldovia far in advance of other companies and spent time and money to develop technological solutions to deliver quality service to our local area. This project will allow them to continue to provide quality local service and expand their capabilities to surrounding communities.

Thank you for your consideration,

Erik Pullman, PhD
SVT IT Director



May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

These service benefits would not be available to SWS customers if GCI wins the bid to build the communications tower. The pricing structure proposed by GCI based on number of antennas would be cost prohibitive for SWS, making it impossible for SWS to collocate on the tower or for customers like me to see the coverage benefits of this new structure. SWS, however, would construct a lattice style tower that would be ideal for mounting the many small antennas needed by a WISP (Wireless Internet Service Provider) and would provide ample room an affordable price structure for companies like GCI to collocate.

Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

Penelope S Anderson
SWS Customer and Supporter

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

Jessica Anderson
by guardian
SWS supporter

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

These service benefits would not be available to SWS customers if GCI wins the bid to build the communications tower. The pricing structure proposed by GCI based on number of antennas would be cost prohibitive for SWS, making it impossible for SWS to collocate on the tower or for customers like me to see the coverage benefits of this new structure. SWS, however, would construct a lattice style tower that would be ideal for mounting the many small antennas needed by a WISP (Wireless Internet Service Provider) and would provide ample room an affordable price structure for companies like GCI to collocate.

Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the need s of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer splt.

Sincerely,

Janise Anderson
SWS supporter



May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I strongly support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet to me, my guest, and hundreds of other private users along with many businesses. Without their service this would not be available. The construction of the 120' communication tower as proposed by SWS would improve this service. Construction of this communications tower would give more area residents access to benefits that are increasingly important to everyday life.

These service benefits would not be available to SWS customers if GCI wins the bid to build the communications tower. The pricing structure proposed by GCI based on number of antennas would be cost prohibitive for SWS, making it impossible for SWS to collocate on the tower or for customers like me to see the coverage benefits of this new structure. SWS, however, would construct a lattice style tower. It would be ideal for mounting the many small antennas needed by a WISP (Wireless Internet Service Provider) plus provide ample room and affordable price structure for companies like GCI to collocate.

Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business. Money generated by the SWS tower will remain in the community. It will stimulate economic growth providing jobs in the City of Homer. SWS understand the needs of our community. They will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

A handwritten signature in black ink that reads "Marcella Suptam". The signature is written in a cursive style.

SWS Customer and Supporter

WWW.COZYCOVEINN.COM

205 Cozy Cove Drive, PO Box 3246
Homer, Alaska 99603
phone: 907.399.6277
email: cozycove4us@gmail.com

Alpine Additions
PO Box 3576
Homer Ak. 99603
907.299.0902 alpinestu@gmail.com

May 20, 2015

To whom it may concern:

SpitwSpots is a great company for our community and I hope this opportunity of erecting a tower on the spit will allow them to continue providing their superb service as Homer continues to grow. I think it is very forward thinking on their part to consider a tower design that will be adaptable to the future needs of everyone. Homer needs more of that type of vision.

Sincerely,

Stuart Schmutzler,
dba Alpine Additions

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

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Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer split.

Sincerely,



Darius Baltz
Box 3213 Homer

SWS Customer and Supporter

ph # 756-1269

This is clearly a longer term solution
with added benefit of being all inclusive.
Win Win for ⁸²⁸Homer & environs.

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

I strongly support SpitwSpots in their effort to construct a lattice-style 120' foot tower that would be available to all area communications providers.

Their design is totally sensible to me. The alternative proposal by GCI, no matter how they justify it or tell you otherwise, will be designed to serve only their own interests. They don't know SPITwSPOTS as do Homer people and are in no position to judge their capabilities.

We have used SPITwSPOTS for years. I suspect some of you are also SpitwSpots customers. Their track record is solid. They serve areas which, at least in the past, were minimally served or not served at all by GCI or others.

Calls for service are always well-handled. The same cannot be said of GCI. A recent call to GCI resulted in nothing but disrespect and arrogance on their end. If any of you have had dealing with SPITwSPOTS, I am doubtful you would have had experienced anything but good service.

In addition, SPITwSPOTS has always aggressively pursued technologically advanced improvements as well as continually expanding their service. Aaron has constantly pursued a solid vision for the area. They are LOCAL to Homer and clearly capable of providing solid ongoing service to Homer and other areas, including across the Bay.

A design that allows sharing technologies with other service providers, including GCI, makes total sense. I don't know what their bid is but, even if it is higher than GCI's, the benefit to Homer would exceed any difference in cost. Should their bid be lower, I suggest that it be a no-brainer to select them. *The bid alone should not be the determining factor.*

One more thing. Since a GCI design would negatively impact SPITwSPOTS and other service providers, it is important that the other providers not be forced to accept that single, inadequate tower. They must be provided a way to ensure their service is strong.

SPITwSPOTS has always known what they are doing. Their reputation and commitment to Homer has been solid.

In my past life, I served as a Commissioner on Homer's Economic Development Advisory Commission and on various committees at the Chamber. I have background in administration and in multiple other areas. I strongly encourage you to accept SPITwSPOTS' design for the Spit and to reject that of GCI.

Let the Homer company grow. They have earned it and Homer deserves the better service their tower design would provide.

You are invited to call me if you wish a more personal recommendation.

Sincerely,



Stephen Scarpitta
Halcyon Heights B&B/Inn

(907) 299-8166

DAVID C. RASKIN, PH.D.

50075 EIDER AVENUE
HOMER, ALASKA 99603

(907) 235 0514
DAVIDC.RASKIN@ME.COM

20 May 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a long-time SWS customer, we support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

May 20, 2015

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

TOM MORTENSON
SEEDOUA

Subject: Re: Help Support SPITwSPOTS
From: Scott Miller <scottysusan@gmail.com>
Date: 5/20/2015 11:12 AM
To: SPITwSPOTS INC <Accounting@spitwspots.com>

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,
Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

Scott Miller

SWS Customer and Supporter

On Wed, May 20, 2015 at 10:55 AM, SPITwSPOTS INC <Accounting@spitwspots.com> wrote:
Dear Scott Miller,

I am writing you today to let you know about an opportunity to support SPITwSPOTS in our efforts to provide ever increasing coverage and quality of service in the Homer area.

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



Kandy Van Daele, c/o Conesys Inc.
SWS Customer and Supporter



KANDY VAN DAELE
Corporate Controller

CONESYS, INC.
2280 208th Street
Torrance CA 90501
T: 310.618.3737 ext: 274
F: 310.618.3722

kvandaele@conesys.com
www.conesys.com

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,
Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

Michael and Margaret Craig
2373 Mount Augustine Dr.
Homer, AK 99603

SWS Customer and Supporter

Subject: Re: Help Support SPITwSPOTS
From: David Bowman <djmbowman@gmail.com>
Date: 5/20/2015 12:08 PM
To: SPITwSPOTS INC <Accounting@spitwspots.com>

My letter to the review committee follows:

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

I have been using Spit Spots for my internet needs for 3 years. They have consistently provided excellent customer service, and I believe their homegrown business is a great asset to the community of Homer. For many people in Homer, myself included, Spit Spots provides the only option for decent internet service. There is no cell service at my house and thus my internet connection is vital for my communication needs. Although I live far enough down East End Road that neither a GCI tower nor a Spit Spots tower on the Homer spit would benefit me directly, I fully support Spit Spots' bid, as it would benefit many of their customers and their future growth as a company. In addition, it could benefit GCI customers by allowing for the possibility of GCI antennas on the tower. From what I understand a GCI tower would not allow for spit spots antennas.

Please consider supporting Spit Spots' bid to build a tower on the spit as it would be the choice that would benefit the greatest number of people living in Homer and promote the growth of a quality local business.

Sincerely,
Homer resident, David Bowman

On Wed, May 20, 2015, 11:23 AM SPITwSPOTS INC <Accounting@spitwspots.com> wrote:
Dear David Bowman,

I am writing you today to let you know about an opportunity to support SPITwSPOTS in our efforts to provide ever increasing coverage and quality of service in the Homer area.

The city of Homer has issued an RFP to build a communications tower on the spit.

<http://www.cityofhomer-ak.gov/cityclerk/rfp-spit-property-lease-wireless-communication-tower>

The City's stated intent is to limit the number of towers on the Spit by requiring the constructed tower to have adequate space for co-location and to allow subleasing. There are only two companies bidding on this RFP, SPITwSPOTS and GCI. SPITwSPOTS will benefit from a 100+ foot tower on the spit for several reasons including:

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

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Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

Kevin Jones
119301 East End Rd.
Homer, AK 99603
235-6284

Sherry Mitchell
Heritage RV Park
3350 Homer Spit Road
Homer, AK 99603

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

The Heritage RV Park has used the services provided by SWS for 10 years and has experienced exceptional customer service and immediate technical assistance when necessary during our very busy peak season and during non-business hours. SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more access to wireless services that are increasingly important to everyday life and to the increasing number of visitors to the Homer spit.

These service benefits would not be available to SWS customers if GCI wins the bid to build the communications tower. The pricing structure proposed by GCI based on number of antennas would be cost prohibitive for SWS, making it impossible for SWS to collocate on the tower or for customers such as the Heritage RV Park to see the coverage benefits of this new structure. SWS, however, would construct a lattice style tower that would be ideal for mounting the many small antennas needed by a WISP (Wireless Internet Service Provider) and would provide ample room an affordable price structure for companies like GCI to collocate.

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

May 20, 2015

Page 2

Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this local business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS owners understand the needs of our community, and will manage the tower in a way that best meets the needs of the City of Homer, other wireless communications providers, and their customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sherry Mitchell".

Sherry Mitchell

Manager

Heritage RV Park

Subject: Re: Help Support SPITwSPOTS
From: Michael R Moore <michaelrmoore54@gmail.com>
Date: 5/20/2015 12:48 PM
To: SPITwSPOTS INC <Accounting@SPITwSPOTS.com>

Michael R Moore
michaelrmoore54@gmail.com
Cel - 907-299-0335
HM - 907-235-7846

On May 20, 2015, at 11:50 AM, SPITwSPOTS INC <Accounting@SPITwSPOTS.com> wrote:

Dear Michael Moore,

I am writing you today to let you know about an opportunity to support SPITwSPOTS in our efforts to provide ever increasing coverage and quality of service in the Homer area.

The city of Homer has issued an RFP to build a communications tower on the spit.

<http://www.cityofhomer-ak.gov/cityclerk/rfp-spit-property-lease-wireless-communication-tower>

The City's stated intent is to limit the number of towers on the Spit by requiring the constructed tower to have adequate space for co-location and to allow subleasing. There are only two companies bidding on this RFP, SPITwSPOTS and GCI. SPITwSPOTS will benefit from a 100+ foot tower on the spit for several reasons including:

- 1)**Increased Stability;** over the years SPITwSPOTS has had to move equipment on the Spit for various reasons resulting in disruptions of service to customers.
- 2)**Improved Coverage;** the greater height of this tower would help reduce RF reflections and provide better coverage to more of the Kachemak Bay are.
- 3)**Better Mounting Surfaces;** Our current roof top and small side mount towers on the Spit pose logistical challenges when it comes to deploying our growing number of antennas. The

Subject: Re: Help Support SPITwSPOTS
From: Nick Varney <ncvarney@gmail.com>
Date: 5/20/2015 1:20 PM
To: SPITwSPOTS INC <Accounting@spitwspots.com>

We strongly support SpitwSpots bid to build the new communication lattice type tower.

It reflects a more professional and user-friendly approach.

Nick and Jane Varney

On Wed, May 20, 2015 at 11:52 AM, SPITwSPOTS INC <Accounting@spitwspots.com> wrote:
Dear Nick Varney,

I am writing you today to let you know about an opportunity to support SPITwSPOTS in our efforts to provide ever increasing coverage and quality of service in the Homer area.

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- 2)**Improved Coverage;** the greater height of this tower would help reduce RF reflections and provide better coverage to more of the Kachemak Bay are.
- 3)**Better Mounting Surfaces;** Our current roof top and small side mount towers on the Spit pose logistical challenges when it comes to deploying our growing number of antennas. The lattice type tower that we are proposing will provide much better mounting surfaces for heavier and more sensitive equipment.

We believe that GCI intends to erect a 120 foot mono-pole type tower. Mono-poles are common for cell phone providers. SPITwSPOTS proposes to erect a 120 foot lattice type self-supporting tower. Given the variety of antenna types and safety concerns for climbers, a lattice tower makes more sense for us to use than a mono-pole.

Subject: Re: Help Support SPITwSPOTS
From: Dale Banks <dale@loopylupine.com>
Date: 5/20/2015 1:59 PM
To: SPITwSPOTS INC <Accounting@SPITwSPOTS.com>

Dear Homer City Clerk and Wireless Communication Tower Review Committee,
Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

Dale Banks

SWS Customer and Supporter

--

Dale Banks

~Owner~

Loopy Lupine Distribution

Re: Help Support SPITwSPOTS

PO Box 2888
4854 Eagle Place
Homer, AK 99603
www.loopylupine.com
(907) 235-5100 phone
(907) 299-0524 mobile

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

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Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

RICHARD BAGLEY
CHINA POOT BAY
HOMER, AK 99603
907-398-4933

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

Raeyn Weyer
PO Box 121
Seldovia
AK 99663

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

I am sending this letter to show support for SPITwSPOTS (SWS) in their bid for the City of Homer Wireless Communication Tower RPF. The construction of the 120' communication tower as proposed by SWS would improve internet service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area.

I use SPITwSPOTS because they are a local Homer-based operation, (I realize GCI also has a Homer office but you can't exactly call them a local business), they provide quality service and are excellent at responding to queries should a problem arise. I suggest supporting this small business by allowing them to construct the tower. It sounds like their plan for the tower construction will also support other user groups such as GCI.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Robin Lohse

{no subject}

Subject: (no subject)
From: Leckels3@aol.com
Date: 5/20/2015 4:34 PM
To: accounting@spitwspots.com

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,
Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF.

As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

(no subject)

Sincerely,

Larry and Kathy Eckels

Seldovia, AK

Leckels3@aol.com

SWS Customer and Supporter

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

May 20, 2015

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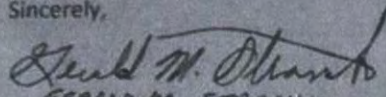
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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



GERALD M. STRANIK
SWS Customer and Supporter

184 DAY ST SELDOWIA AK

Subject: Re: Help Support SPITwSPOTS
From: Gregory Tressler <gtressler@mac.com>
Date: 5/20/2015 8:20 PM
To: SPITwSPOTS INC <Accounting@SPITwSPOTS.com>

Please feel free to print the following letter of support.

May 20, 2015

Dear Homer City Clerk And Wireless Communication Tower Review Committee.

Please except this letter in support of SpitWSpots (SWS) bid for the city of Homer's Wireless Communication Tower RPF.

Their bid proposes a design that will more readily accommodate multiple types of equipment and users, including Local companies, such as SWS.

Thank you for accepting this letter of support for SWS's bid.

Sincerely,

Gregory W Tressler and
Laurinda S Pepi

From Greg's iPhone.

On May 20, 2015, at 12:32 PM, SPITwSPOTS INC <Accounting@SPITwSPOTS.com> wrote:

Dear Greg Tressler,

I am writing you today to let you know about an opportunity to support SPITwSPOTS in our efforts to provide ever increasing coverage and quality of service in the Homer area.

The city of Homer has issued an RFP to build a communications tower on the spit.

<http://www.cityofhomer-ak.gov/cityclerk/rfp-spit-property-lease-wireless-communication-tower>

The City's stated intent is to limit the number of towers on the Spit by requiring the constructed tower to have adequate space for co-location and to allow subleasing. There are only two companies bidding on this RFP, SPITwSPOTS and GCI. SPITwSPOTS will benefit from a 100+ foot tower on the spit for several reasons including:

1)**Increased Stability**; over the years SPITwSPOTS has had to move equipment on the Spit for various reasons resulting in disruptions of service to customers.

2)**Improved Coverage**; the greater height of this tower would help reduce RF reflections and

Deborah Anderson
41140 China Poot Street
Homer, AK 99603
(414)335-9396

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

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Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



Deborah Anderson
SWS Customer and Supporter

Susan J. Amundson
1060 East End Road
Homer, AK 99603

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120 foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120 foot communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

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Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

I urge you to award the bid to build a wireless communication tower on the Homer Spit to SPITwSPOTS. This would be a platform from which to collate other communications services. Let's support local businesses!

Thank you for accepting this letter of support.

Sincerely,



SWS Customer and Supporter

May 20, 2015

City Clerk Jo Johnson

C/c Wireless Communication Tower Review Committee:

Dear Homer City Clerk Jo Johnson and Review Committee:

I submit this letter FOR SPITwSPOTS BID SUPPORT concerning the City of Homer Wireless Communication Tower RFP.

As a SPITwSPOTS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to include all area communications providers.

Being legally blind using our internet services to provide Talking Book downloads, GCI does not provide service in my home, ACS DSL was too slow so it would time out after two hours before completing one book download. I chose SPITwSPOTS when I discovered their services while attending our Homer Theater. 10Mbps may mean nothing to most folks but as an Extra Class Amateur Radio Operator KL3DB, it translates to a full audio book download in two minutes, only 2 MINUTES!

Within our vulnerable population of the disabled and infirmed and aging baby boomers relocating to the Homer region, we need reliable, consistent and cost effective service. SPITwSPOTS provides this service and as for me it is less expensive and incredibly faster than previous providers! The marketplace bears record that SPITwSPOTS is the clear winning provider. In addition it is true new and more powerful equipment is needed in about a two year cycle to maintain industry standards for service.

The RFP is a selection for the best provision for our residents and visitors to our area. A lattice style of tower proposed and engineered by SPITwSPOTS has many strategic advantages over a monopole. It would be 120' tall. Having lived in Wasilla where these concerns were expressed while I was Planning Commissioner, expert testimony affirmed that a single 120' lattice tower engineered with provisions to enable competition for an option to stage their systems also was the solution. Only one tower at 120' negates several and multiple towers for each service provider. If you hold a pencil up at your arm's length then you see the "footprint" this tower would encumber, which is minimal. Painting it modestly to not

contrast with the surrounding scenery would be similar to the light poles already present on our Spit. Once established the system upgrades would be accomplished safely and effectively when climbing, working, servicing and installing equipment.

As a Ham Radio Training Instructor and SPARC, (South Peninsula Amateur Radio Club), Past Vice-President, SPITwSPOTS supports emergency communication capabilities in our communities. When all else fails, Ham Radio!

Page 2/2

As a City of Homer Evangelist promoting economic development, I believe a video cam atop this tower would be well invested to promoting: "the end of the road where the sea begins!" If a picture is worth the thousand words, how many volumes are written within our landscape?

From my understanding of the facts submitted in this process, I believe GCI would economically prohibit cost effective competition from the marketplace. This practice was observed in the Mat-Su Valley. As an example and if I could obtain GCI service, it would cost me \$50 more per month on a fixed income! In contrast SPITwSPOTS has lowered my billing with their blazing fast speeds to meet my needs for service. This provides essential and affordable public and private wireless internet services to me and hundreds of other consumer users and businesses that would otherwise be unavailable. Homer has been awarded the Goggle E-City twice, donating our respectful use for communication services.

These service benefits would not be available to SPITwSPOTS customers if GCI wins the bid to build, own, delegate and dictate communication tower usage. The pricing structure proposed by GCI is based on number of antennas required. It would be cost prohibitive for SPITwSPOTS, making it impossible for SWS to collocate on the tower or for customers as me to experience coverage benefits of this new structure. SPITwSPOTS, however, would construct a lattice style tower that would be ideal for mounting the many small antennas needed by a WISP, (Wireless Internet Service Provider) and would provide ample room with affordable price structures for companies such as GCI to collocate.

SPITwSPOTS is a homegrown and Homer-based operation. It makes common sense for our City of Homer to choose SPITwSPOTS to construct the tower. This decision makes economic sense since monies generated

by the SPITwSPOTS tower will remain in our community. The spin-off benefits include stimulating economic growth and providing jobs in our City of Homer especially our expanding maritime business infrastructure.

SPITwSPOTS understands the needs of our community, and will manage the tower in a responsible manner that best meets the needs of our City of Homer, other wireless communications providers, and all of the customers and businesses.

Thank you for accepting my letter in support for the SPITwSPOTS Bid to build a wireless communication tower on the Homer spit.

Respectfully,

SWS Customer and Supporter Patrick Brown

Phone 907.775.4638

Email: KL3DB@ARRL.net

City of Homer and Wireless Communication Tower Review Committee,

I support the SPITwSPOTS bid to construct a Wireless Communication Tower on the Spit in the City of Homer.

I think that a communication tower that is erected on the Spit should affordably accommodate providers like SPITwSPOTS to improve their vital service to the citizens of Kachemak Bay.

I live on the southside of Kachemak Bay 4 miles outside of Seldovia via the Jakolof Bay Road. I overlook the Bay and have a view of Homer and the Spit. Due to this vantage, I have been able to have SPITwSPOTS provided my business and family with internet service for the last 4-5 years with a signal that originates on the Spit. I don't have any other affordable options for this service. I would not be able to do my current job and my child would have had more difficulty with his schoolwork if not for this service (Netflix is nice too!) For the most part the service has been good, but frequently we have difficulties with interruptions due to the location of the transmission antennae on the Spit.

SPITwSPOTS has made every effort to continue and improve my internet and has been very accommodating of my needs. I hear similar things from other customers on this side of the Bay. As a local company, employing local people they are more responsive to the needs of their customers. I believe they are a business, but they are also trying to make a better community.

I am sure they would bring these values to this project as well. Thank you for the consideration.

Sincerely,

Mark Janes
P.O. Box 191
Seldovia, Alaska 99663
299-3224

Subject: Re: Help Support SPITwSPOTS
From: Betty Siegel <siegelbetty@gmail.com>
Date: 5/21/2015 8:06 AM
To: SPITwSPOTS INC <Accounting@spitwspots.com>

Please add my name to the letter of support for Spitwspots on the spit.
Thank you.

Elizabeth A Siegel
1501 Race Rd.
PO Box 357
Homer, AK 99603

On Wed, May 20, 2015 at 12:58 PM, SPITwSPOTS INC <Accounting@spitwspots.com> wrote:
Dear Siegel, Betty,

I am writing you today to let you know about an opportunity to support SPITwSPOTS in our efforts to provide ever increasing coverage and quality of service in the Homer area.

The city of Homer has issued an RFP to build a communications tower on the spit.
<http://www.cityofhomer-ak.gov/cityclerk/rfp-spit-property-lease-wireless-communication-tower>

The City's stated intent is to limit the number of towers on the Spit by requiring the constructed tower to have adequate space for co-location and to allow subleasing. There are only two companies bidding on this RFP, SPITwSPOTS and GCI. SPITwSPOTS will benefit from a 100+ foot tower on the spit for several reasons including:

- 1)**Increased Stability;** over the years SPITwSPOTS has had to move equipment on the Spit for various reasons resulting in disruptions of service to customers.
- 2)**Improved Coverage;** the greater height of this tower would help reduce RF reflections and provide better coverage to more of the Kachemak Bay are.
- 3)**Better Mounting Surfaces;** Our current roof top and small side mount towers on the Spit pose logistical challenges when it comes to deploying our growing number of antennas. The lattice type tower that we are proposing will provide much better mounting surfaces for heavier and more sensitive equipment.

We believe that GCI intends to erect a 120 foot mono-pole type tower. Mono-poles are common for cell phone providers. SPITwSPOTS proposes to erect a 120 foot lattice type self-supporting tower. Given the variety of antenna types and safety concerns for climbers, a

May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,


SWS Customer and Supporter

May 21, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please consider my letter in support of the SpitwSpots bid for the City of Homer Wireless Communication Tower RPF. I am a customer and I support their effort to improve vital wireless internet service to Homer and the surrounding areas.

Spit w/Spots provides affordable public and private service to me and other users and businesses. The communication tower would improve this service by limited disruptions.

Spit w/Spots is a local Homer based operation and I would prefer to have them build the tower as they have a real interest in our area vs the competitor which owes their allegiance to their investors not the southern Kenai Peninsula residents.

Thank you for your time and consideration.


SWS Customer and Supporter

May 20, 2015

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,

Bonnie Leasure

SWS Customer and Supporter

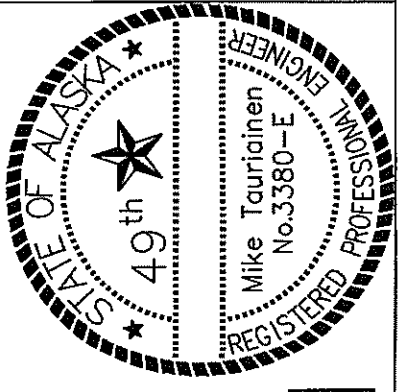
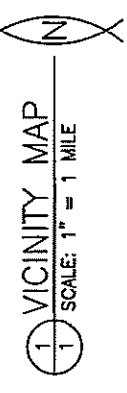
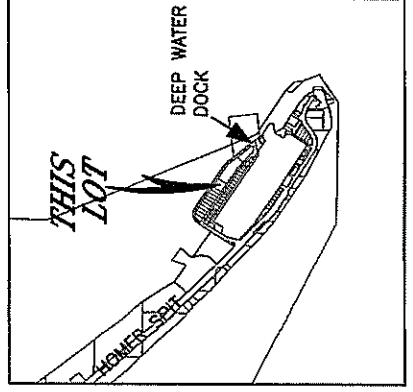
REVISIONS	
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TAURIAINEN ENGINEERING & TESTING
 35186 Spur Hwy Soldotna, AK 99689 TEL (907)262-4624 FAX 262-5777 EMAIL: engineering@taurainen.net

HOMER SPIT LEASE WIRELESS COMMUNICATION TOWER

DATE	MAY 2015
DRAWN	JK
CHECKED	MT
FILE NAME	HSTest
PROJ #	
SHEET	1

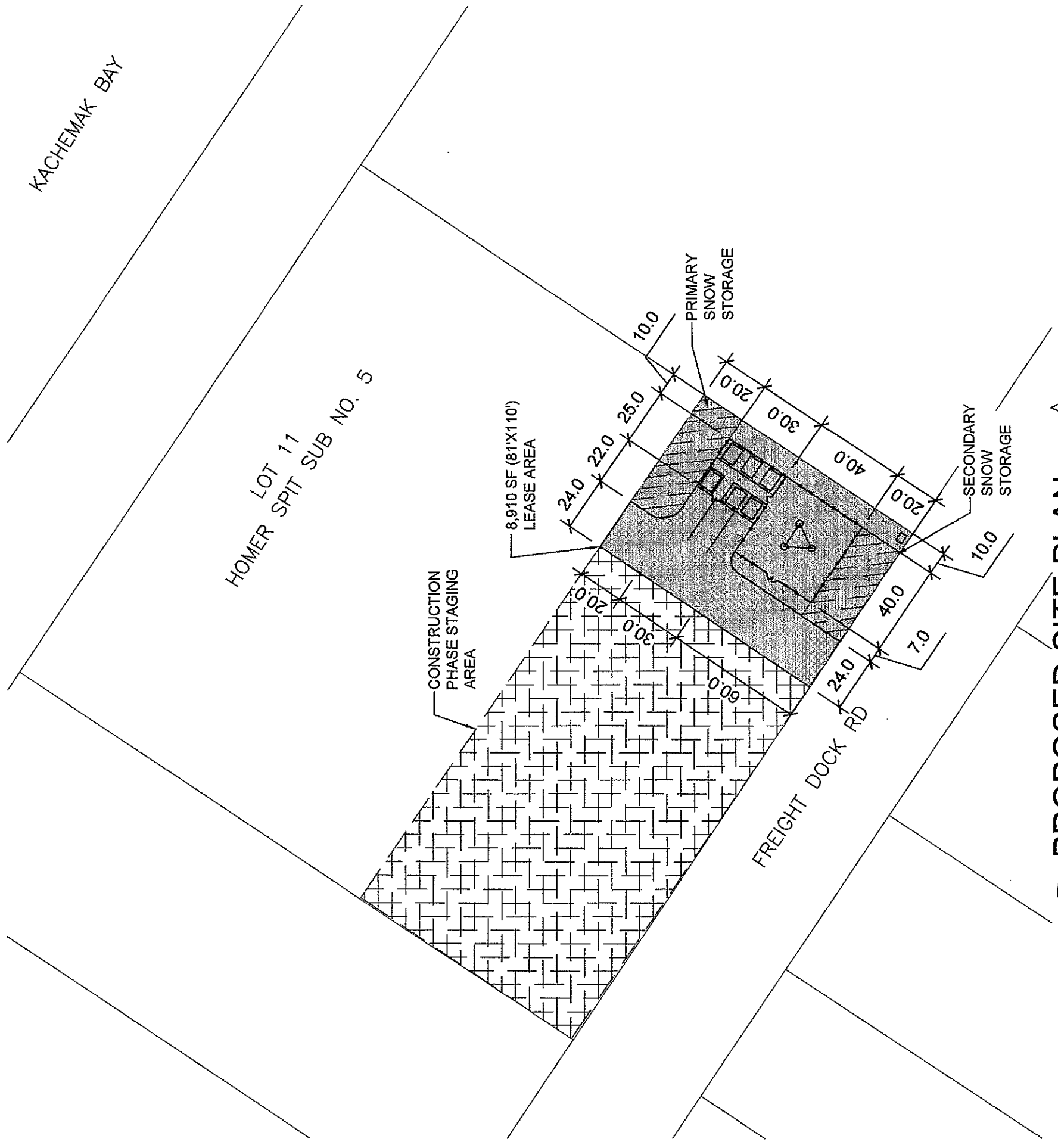
LOT 11
HOMER SPIT SUB NO. 5



PROPOSAL SET
NOT FOR CONSTRUCTION

NOTES:

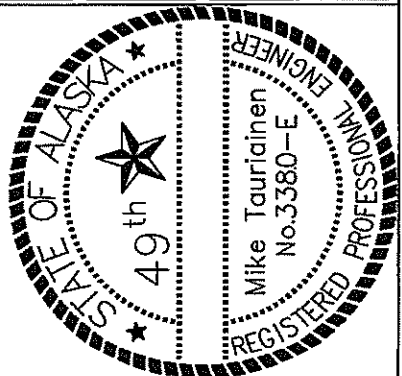
1. PROPOSED TOWER LAYOUT SUBJECT TO CHANGE BASE ON FINAL ENGINEER PLANS.
2. ALL REQUIRED MUNICIPAL & STATE SAFETY PLACARDS AND GENERAL WARNING SIGNS (INCLUDING BUT NOT LIMITED TO, "DANGER", "HIGH VOLTAGE" AND "NO CLIMBING") WILL BE PLACED ON THE TOWER AND TOWER FENCE.
3. SIGNS WILL BE POSTED IDENTIFYING 'SPITSPOTS' AS THE COMPANY RESPONSIBLE FOR THE TOWER AND WHO TO CONTACT IN THE EVENT OF AN EMERGENCY.
4. LIGHTS FOR PARKING AREA TO BE PLACED ON TOWER AT OR BELOW 25'.



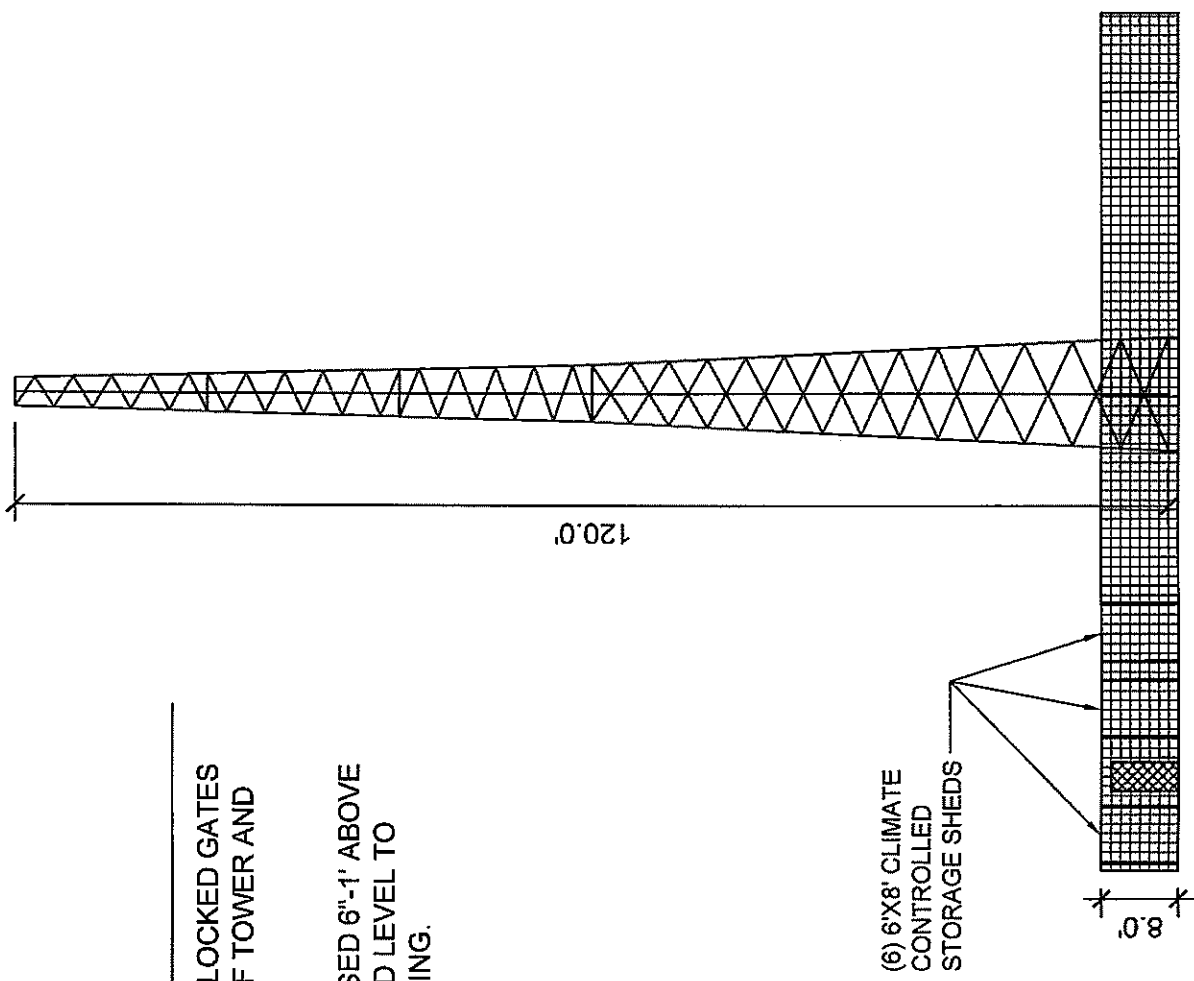
PROPOSED SITE PLAN
SCALE: 1" = 50'

HOMER SPIT LEASE WIRELESS COMMUNICATION TOWER

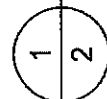
LOT 11
HOMER SPIT SUB NO. 5



PROPOSAL SET
NOT FOR CONSTRUCTION



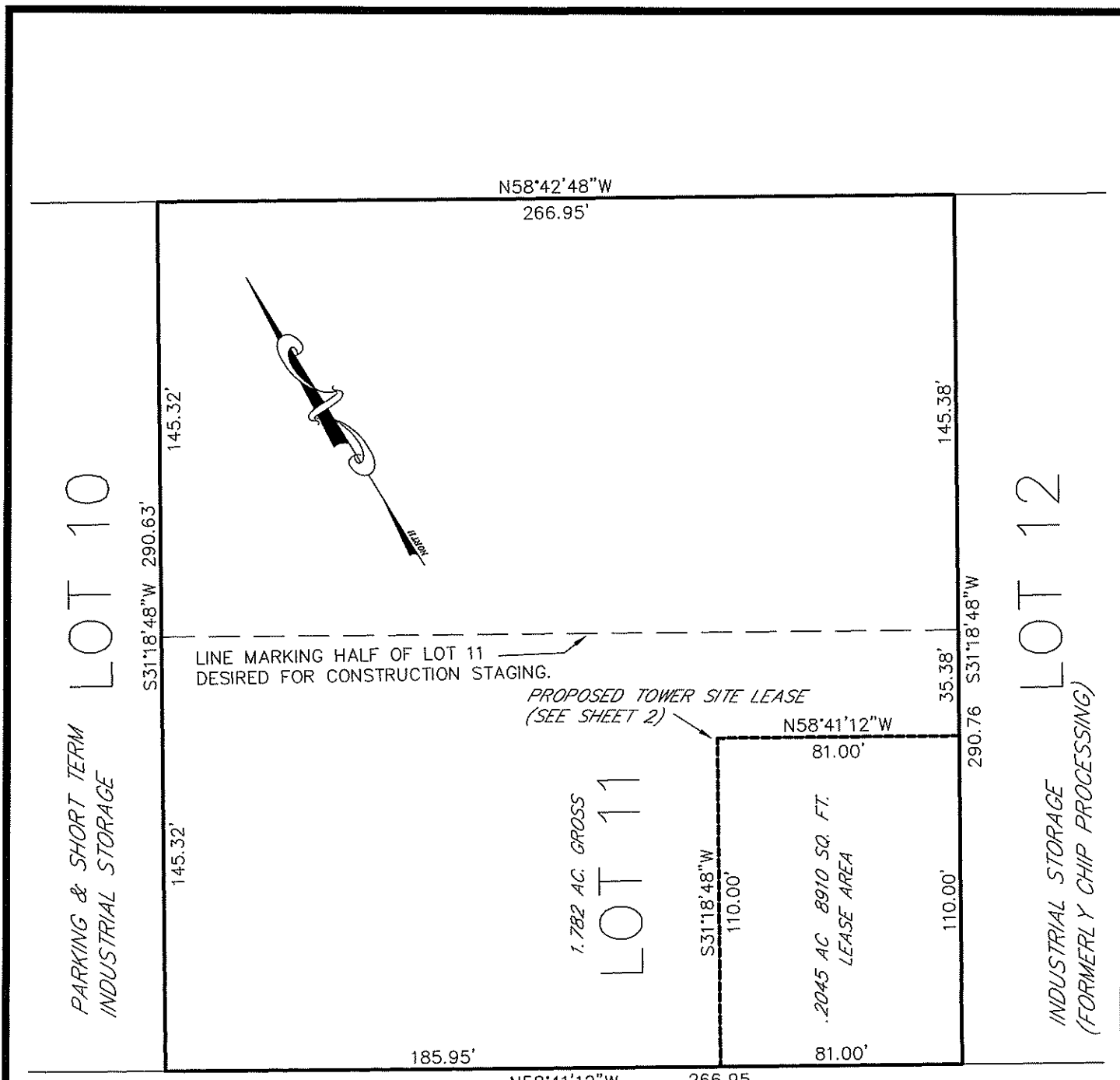
ELEVATION



SCALE: 1" = 20'

NOTES:

1. 8' SECURITY FENCE W/ LOCKED GATES AROUND PERIMETER OF TOWER AND STORAGE SHEDS.
2. TOWER PAD TO BE RAISED 6"-1' ABOVE SURROUNDING GROUND LEVEL TO PREVENT WATER PONDING.



PARKING (VACANT)	PARKING (VACANT)	PARKING (VACANT)	PARKING (VACANT)	HARBOR- MASTER'S OFFICE
26	25	24	23	22

NOTES:

1. SHEETS 1, 2 AND 3 OF THIS SITE PLAT WERE PREPARED TO COMPLY WITH HCC 21.73.020 AND .030, (SITE PLAN; LEVEL ONE AND LEVEL TWO).

2. LOT 11 IS CURRENTLY VACANT AND CONTAINS NO BUILDINGS OR STRUCTURES, AND IS NEARLY LEVEL GRAVEL WITH A SLIGHT NEGATIVE GRADIENT TOWARDS OUTER DOCK ROAD.

3. THE PURPOSE OF SHEET 1 IS TO SHOW THE ENTIRE (VACANT) LOT 11 AND ADJACENT LOTS. SHEET 2 IS A DETAIL OF THE PROPOSED TOWER SITE.

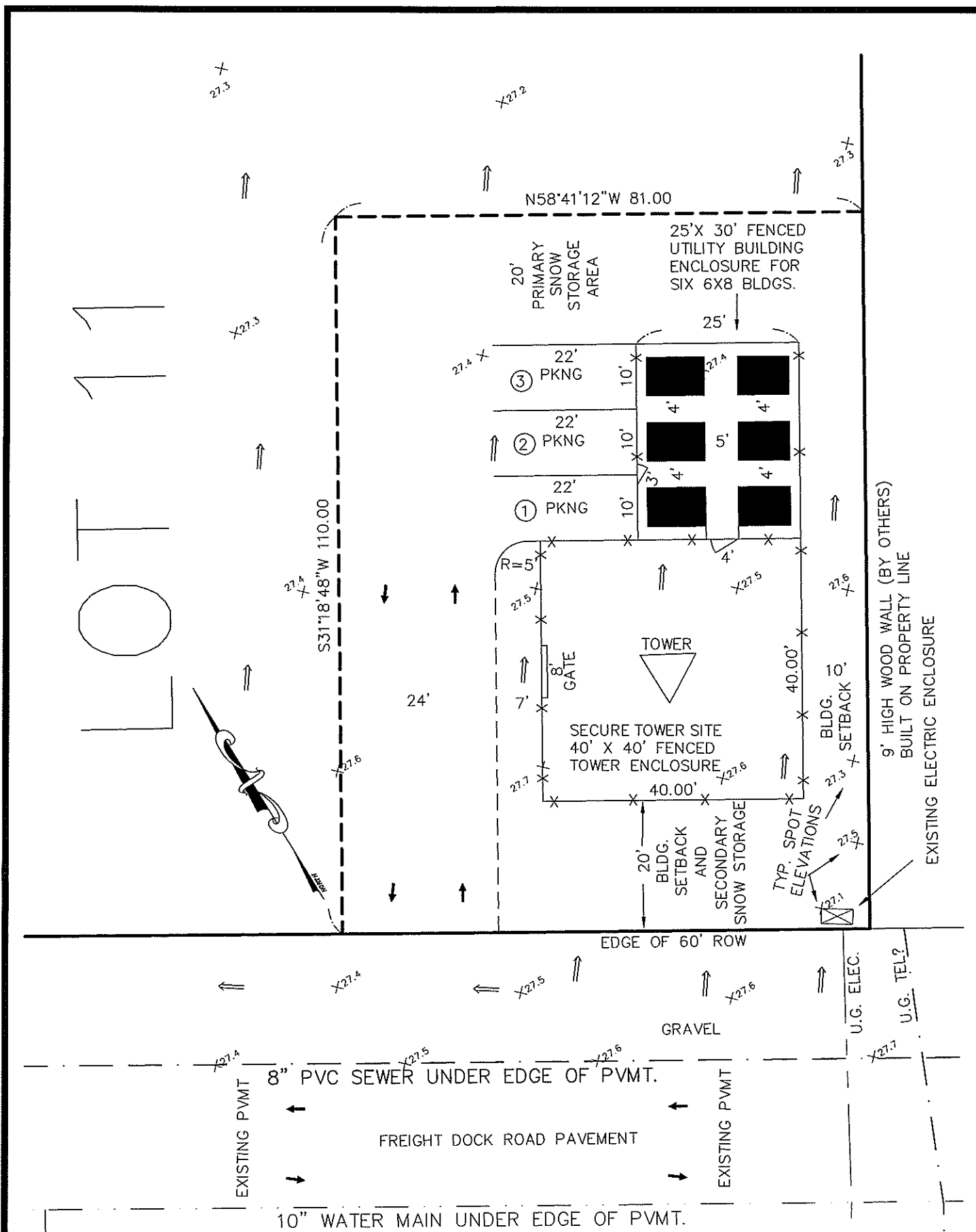
LEGEND
⊕ SEWER MAN HOLE

SITE PLAN
 WIRELESS COMMUNICATION TOWER
 LOT 11
 HOMER SPIT No. FIVE
 (HM93-12) IN THE HOMER RECORDING DISTRICT

ABILITY SURVEYS
 REGISTERED LAND SURVEYORS
 (907) 235-8440
 152 DEHEL AVE., HOMER, ALASKA 99603

DATE	5/12/2015
JOB No.	4808
DWG No.	4808_4762
SCALE	1" = 50'

SHEET 1 OF 3



NOTES:

1. SHEETS 1, 2 AND 3 OF THIS SITE PLAT WERE PREPARED TO COMPLY WITH HCC 21.73.020 AND .030, (SITE PLAN; LEVEL ONE AND LEVEL TWO).
2. LOT 11 IS CURRENTLY VACANT AND CONTAINS NO BUILDINGS OR STRUCTURES, AND IS NEARLY LEVEL GRAVEL WITH A SLIGHT NEGATIVE GRADIENT TOWARDS OUTER DOCK ROAD.
3. THE PURPOSE OF SHEET 1 IS TO SHOW THE ENTIRE (VACANT) LOT 11 AND ADJACENT LOTS. SHEET 2 IS A DETAIL OF THE PROPOSED TOWER SITE. SHEET 3 IS PROFILE VIEW.
4. SPOT ELEVATIONS ARE EXISTING GROUND. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1987. TO CONVERT DATUM TO MEAN LOWER LOW WATER (MLLW 1983-2001 EPIC) EQUALS ZERO, ADD 4.83 FEET.
5. PARKING AREA LIGHTING PROVIDED BY LIGHT ON TOWER BELOW 25 FEET ABOVE GRADE.

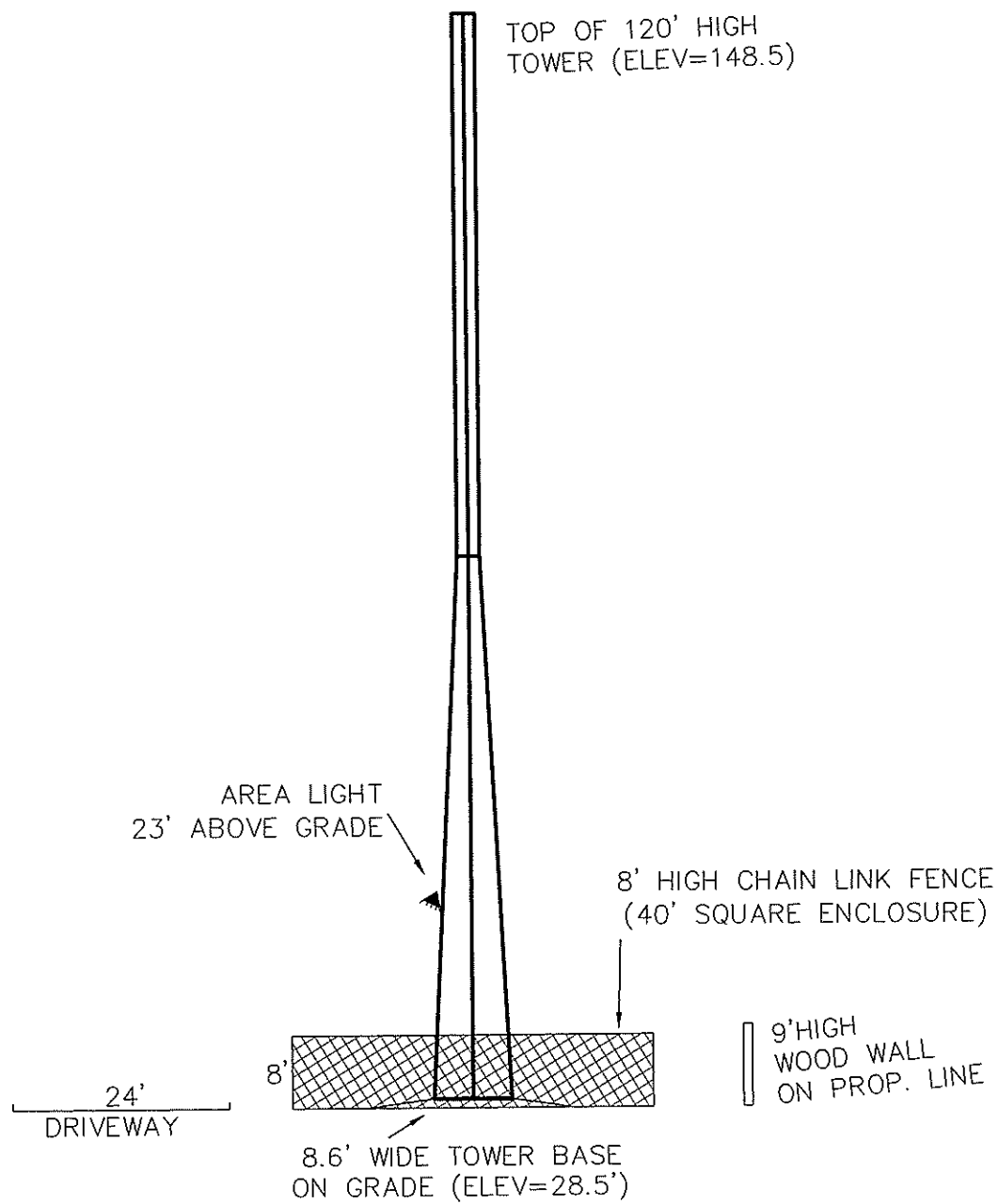
LEGEND	
↓ ↑	TRAFFIC DIRECTIONAL ARROWS
↑↑	DRAINAGE FLOW DIRECTION

SITE PLAN
WIRELESS COMMUNICATION TOWER
LOT 11
HOMER SPIT No. FIVE
(HM93-12) IN THE HOMER RECORDING DISTRICT

ABILITY SURVEYS
 REGISTERED LAND SURVEYORS
 (907) 235-8440
 152 DEHEL AVE., HOMER, ALASKA 99603

DATE	5/12/2015
JOB No.	4808
DWG No.	4808_4762
SCALE	1" = 20'

SHEET 2 OF 3



PROFILE VIEW

NOTES:

1. SHEETS 1, 2 AND 3 OF THIS SITE PLAT WERE PREPARED TO COMPLY WITH HCC 21.73.020 AND .030, (SITE PLAN; LEVEL ONE AND LEVEL TWO).
2. SPOT ELEVATIONS ARE EXISTING GROUND. VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1987. TO CONVERT DATUM TO MEAN LOWER LOW WATER (MLLW 1983-2001 EPIC) EQUALS ZERO, ADD 4.83 FEET.

SITE PLAN
 WIRELESS COMMUNICATION TOWER
 LOT 11
 HOMER SPIT No. FIVE
 (HM93-12) IN THE HOMER RECORDING DISTRICT

DATE	5/12/2015
JOB No.	4808
DWG No.	4808_4762
SCALE	1" = 20'

ABILITY SURVEYS

REGISTERED LAND SURVEYORS
 (907) 235-8440
 152 DEHEL AVE., HOMER, ALASKA 99603

SHEET 3 OF 3

May 20, 2015

MAY 27, 2015



Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

These service benefits would not be available to SWS customers if GCI wins the bid to build the communications tower. The pricing structure proposed by GCI based on number of antennas would be cost prohibitive for SWS, making it impossible for SWS to collocate on the tower or for customers like me to see the coverage benefits of this new structure. SWS, however, would construct a lattice style tower that would be ideal for mounting the many small antennas needed by a WISP (Wireless Internet Service Provider) and would provide ample room an affordable price structure for companies like GCI to collocate.

Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

box 107

MAY 27 2015

Seldovia, 99663

20 may '015

J

ahoy city clerk of Homer &
wireless tower review committee:

i can see why you would like to limit the towers on the spit to one -- they are ugly. therefore i am in support of a multi-use tower such as that proposed by "spit spots" for reasons that i'm sure that they have made you aware. i reside "across the bay" and am a subscriber of spit spots services.

thank you,

will soren

MAY 21 2015
ROGER WARREN

May 20, 2015

MAY 27 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

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Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,



SWS Customer and Supporter

William J. Glynn, Jr.
P.O. Box 79
Kasilof, AK 99610

City of Homer
City Hall
491 E. Pioneer Ave.
Homer, AK 99603

Re: Spit located tower

5-24-2015

This is an open letter to the City Council, the Mayor, the City Manager, and the lease committee.

To Whom It May Concern:

It has come to my attention recently that the City is considering the installation of a tower on the Homer Spit for purposes of improving communications. I support efforts to improve connectivity in the Last Frontier. While I have no financial interest in the award of the lease, I am, as a landlord of CGI, compelled to share some information with the City.

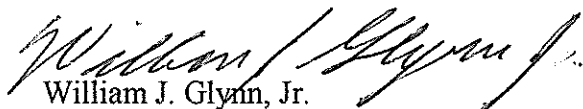
As you may recall, when GCI wanted to erect a mono pole on my property at 1028 Skyline West, a conditional use permit was required for that project. One of the conditions imposed by the City and contained in the permit was the removal of my 90' tower. During the public hearing for the permit CGI's representative, Mr. David Stringer, made a presentation to the City to encourage approval of the permit. He stated on the record and in front of numerous members of the public that GCI wanted to be a good neighbor and not cause any problems for me or cause me any financial harm.

Recognizing that my 90' tower supported antennas belonging to rent paying tenants, GCI promised that if the City approved the conditional use permit that all of my rent paying tenants would be reinstated on the GCI pole at no cost to me.

That did not happen. Once the conditional use permit was issued GCI was not interested in the expense of proper installation of my tenants' antennas and none of the rent generating antennas were relocated to the pole. Those tenants have moved onto other locations and I have lost all of that income. GCI has now taken the stand that, despite the public record, GCI never made those promises and owes me no compensation.

Given the situation at present and the GCI unwillingness to honor past commitments, it is not likely that I will allow GCI/AWN to renew the current lease when it expires.

Your attention to this matter will be appreciated. Thank You.


William J. Glynn, Jr.

MAY 20 2015



May 20, 2015

Dear Homer City Clerk and Wireless Communication Tower Review Committee,

Please accept this letter in support of the SPITwSPOTS (SWS) bid for the City of Homer Wireless Communication Tower RPF. As a SWS customer, I support their effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' foot tower that would be available to all area communications providers.

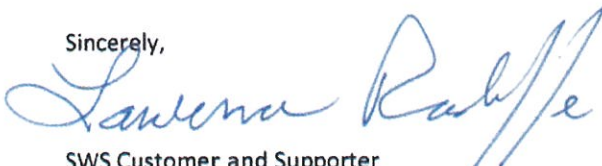
SPITwSPOTS provides essential and affordable public and private wireless internet services to me and hundreds of other private users and businesses that would otherwise be unavailable. The construction of the 120' communication tower as proposed by SWS would improve this service by limiting service disruptions currently created by use of smaller towers and expanding their service area to include hidden away nooks and crannies of the Kachemak Bay area. Construction of this communications tower would give more area residents access to services that are increasingly important to everyday life.

These service benefits would not be available to SWS customers if GCI wins the bid to build the communications tower. The pricing structure proposed by GCI based on number of antennas would be cost prohibitive for SWS, making it impossible for SWS to collocate on the tower or for customers like me to see the coverage benefits of this new structure. SWS, however, would construct a lattice style tower that would be ideal for mounting the many small antennas needed by a WISP (Wireless Internet Service Provider) and would provide ample room an affordable price structure for companies like GCI to collocate.

Because SWS is a homegrown, Homer-based operation, it makes sense for the City of Homer to choose this business to construct the tower. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in the City of Homer. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the COH, other wireless communications providers, and its customers.

Thank you for accepting this letter of support for the SPITwSPOTS bid to build a wireless communication tower on the Homer spit.

Sincerely,




SWS Customer and Supporter

LAWRENCE RADCLIFFE
52085 Abby Ave.
Homer.

99603

235-4231

MAY 22 2015 PM03:14 

Lindsay Wolter
Attorney at Law

4164 Pennock Street, Suite A
Homer, Alaska 99603
(907) 235-2717-Phone
(907) 235-2715-Fax

May 20, 2015

VIA HAND DELIVERY

Jo Johnson, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603

RE: Wireless Communication Tower Review

Dear Ms. Johnson and Wireless Communication Tower Review Committee:

I am writing to support SPITwSPOTS' (SWS) bid for the City of Homer Wireless Communication Tower RFP. As a SWS customer, I support its effort to improve vital wireless internet services to Homer and the surrounding areas by constructing a lattice-style 120' tower.

As you know, SWS provides essential and affordable public and private wireless internet services to hundreds of private users and businesses that would otherwise be unavailable. The construction of the 120' communications tower proposed by SWS would improve existing service by limiting service disruptions currently created by use of numerous smaller towers (which could be removed) and by expanding the SWS service area to include areas otherwise unable to receive service due to their locations. Construction of the SWS communications tower would give more area residents access to services that are increasingly important to everyday life.

These service benefits would not be available to SWS customers if GCI wins the bid. The pricing structure proposed by GCI would be cost prohibitive for SWS, making it impossible for SWS to co-locate on the GCI tower, or for customers like me to see the coverage benefits of GCI's proposed structure. On the other hand, SWS's proposal includes a lattice-style tower, which is ideal for mounting the many small antennas needed by a Wireless Internet Service Provider, but would also provide ample space and an affordable price structure for companies like GCI to co-locate.

The most important factor from my perspective is that SWS is a locally owned Homer-based operation. Its number one priority is to benefit our community. I hope that the City of Homer strongly considers awarding a bid that will help a business that has deep

Ltr to Jo Johnson and Committee
May 20, 2015
Page 2

roots in our community. Money generated by the SWS tower will remain in the community, stimulating economic growth and providing jobs in our community. SWS understands the needs of our community, and will manage the tower in a way that best meets the needs of the City of Homer, other wireless communications providers, and its customers.

Thank you for considering my support. I hope you support our local business and award the bid to SWS.

Best Regards,

A handwritten signature in blue ink that reads "Lindsay Wolter". The signature is written in a cursive style with a long horizontal flourish at the end.

Lindsay Wolter

Owner-Operated/Subleased Wireless Communication Tower RFP

Proposal Evaluation Checklist

Name of Company: GCI

Are they on the Planholder's List: ✓ yes no

Was the proposal received on time: ✓ yes 5/21/15 8:36am no

Did they submit the correct # of copies (4): ✓ yes no

Was the \$30 Lease Proposal Fee Included: ✓ yes no

Did they attend the Planholder's Meeting: ✓ yes no

Comments:

Lease Proposal Narrative	25 pt.	<u> </u>	<u> </u>
Completed Lease Application	20 pt.	<u> </u>	<u> </u>
Fulfillment of Subleasing Requirements	20 pt.	<u> </u>	<u> </u>
Proposed Square Footage	15 pt.	<u> </u>	<u> </u>
Proposed Base Rent	10 pt.	<u> </u>	<u> </u>
Proposed Visual Impact Remedies	5 pt.	<u> </u>	<u> </u>
Fulfillment of RFP Requirements	5 pt.	<u> </u>	<u> </u>
Total:		<u> </u>	<u> </u>



CITY OF HOMER
PROPERTY MANAGEMENT
LEASE APPLICATION CHECKLIST

Applicant Name: GCI

Date Application Received: May 21, 2015

CHAPTER 5: LEASE APPLICATION PROCESS

5.1: POLICY

- A. It is the policy of the City of Homer to provide for a streamlined, standardized, and easily understood lease application process. A full and complete application packet shall be provided to all applicants. Applicants must be qualified under Section 18.08.50 of the Homer City Code:
 - (a) a natural person and is responsible, meaning the applicant has sufficient skill, experience and financial capability to perform all the obligations of the lessee under the proposed lease; and
 - (b) a person who is at least nineteen years of age; or
 - (c) a group, association or corporation which is authorized to conduct business under the laws of the State of Alaska. (Ord. 92-10 (part), 1992). 183 (Homer 06/04)
- B. The City administration will provide for pre-application meetings with all potential applicants to provide relevant information on things like land use regulations, lease policies, the permitting process, and other relevant topics.

5.2 PROCEDURES

A. A responsive lease application / proposal shall include:

- 1. A completed application form provided by the City

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

- 2. Any applicable fees

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

3. A clear and precise narrative description of the proposed use of the property

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

4. A specific time schedule and benchmarks for development

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

7. All other **required attachments** requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

Applicant information

Plot Plan

Development Plan

Insurance

Proposed Subleases

Environmental Information

Agency approvals and permits

Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational.

n/a Partnership information and a copy of the partnership agreement OR

etc Corporation information and a copy of the Articles of Incorporation and Bylaws

Certificate of good standing issued by the entity's state if domicile

Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which **MUST** be your principal financial institution) and two must have knowledge of your business expertise).

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

8. Any other information required by the solicitation or request for proposals.

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

Application review completed by Rachel Tussey on May 21, 2015
(date)



POSTAL MONEY ORDER

Serial Number

Year, Month, Day

Post Office

U.S. Dollars and Cents

21150535871

2015-03-12 995240

\$30.00

Amount

THIRTY DOLLARS & 00c *****

Pay to

City of Homer

Clerk

Address

491 East Pioneer Ave

From

Dryden & LaRue

0007

Homer, AK 99603

Address

3305 Arctic Blvd Anchorage, AK 99503

Memo

GCI lease app fee

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SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

0000080021

21150535871



May 21, 2015

Jo Johnson,
Homer City Clerk
491 Pioneer Ave
Homer, Alaska 99603

Re: Addendum to Alaska Wireless Network LLC, Proposal for Homer Spit Property Lease for an Owner-Operated/Subleased Wireless Communication Tower, Base Rental Rate Section

Dear Ms. Johnson

Please consider the following paragraph as an addendum to the above referenced Proposal's Base Rental Rate Section:

AWN is willing to begin rental payments upon successful execution of the Lease by both parties, at the start of the one hundred and twenty (120) day Due Diligence Period. We expect to this to be approximately 15 days after Lease Negotiations begin and understand this will be before all City, State and Federal permits are in place.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul McLendon", with a long horizontal flourish extending to the right.

Paul McLendon
Project Manager / Network Services
5450 A. St. Anchorage AK 99518
(907) 952-0591



May 13, 2015

City of Homer, City Clerk
491 E. Pioneer Ave
Homer, AK 99603

Re: Transmittal Letter, Owner-Operated/Subleased Wireless Communication Tower RFP

Alaska Wireless Network (AWN) is proposing construction of a telecommunications facility on City-owned land on the Homer Spit. The site on Lot 11, Homer Spit Subdivision No. 5 is located in the Industrial-Marine zoning district where such towers are considered a conditional use.

The 120 foot monopole tower will be erected within a 40' x 50' fenced area which will contain associated equipment cabinets. Parking for two vehicles will be outside the fenced area but included in the leased area. Construction of this tower will provide improved cellular and high speed LTE data communications to the City of Homer and Kachemak Bay.

AWN understands that the City wishes to limit the number of towers in the area and will design a tower to co-locate two other telecommunications providers and Homer internet provider SPITwSPOTS. AWN hereby makes a positive commitment to offer tower space to other telecommunication providers at standard rates, commit finances to ensure compliance with all required City, State and Federal permitting requirements, design and construct according to our attached proposal, lease application and site plan.

The following person(s) are authorized to make representations for AWN:

Paul McLendon
Project Manager / Network Services
5450 A. St, Anchorage AK 99518
(907) 952-0591

Respectfully,

A handwritten signature in blue ink, appearing to read "Ben Benton".

Ben Benton
VP / Wireless Operations
6831 Arctic Blvd, Anchorage AK 99518
(907) 868-1889

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<i>TYPICAL MONOPOLE</i>	<i>APPENDIX D</i>
<i>SITE PLAN</i>	<i>In Notebook Pocket</i>

1) PROPOSAL NARRATIVE (25 points)

Introduction

GCI General Communication Corp. (GCI), through its business subsidiary The Alaska Wireless Network (AWN) is pleased to respond to this Request for Proposals (RFP), including Addenda #1 and #2. In order for Homer businesses and individuals to keep pace with the latest in wireless services, a new cell tower is necessary in Homer. More than one-third of households rely on wireless for all their phone services.

AWN has considered several locations for a new tower to support customers in the City of Homer (City), and has determined the location north of the Homer small boat harbor will provide the best service—it is away from the residential neighborhoods but will enhance voice and data coverage for the City, the “bench” along East End Road, and on Kachemak Bay. The tower will be constructed in a marine industrial zone, accommodating upgrades to the current services offered by all cell providers. It is to the City’s benefit to enable first class telecommunication services to Homer residents, businesses, cruise ship passengers, commercial fishing crews and other transient maritime users. The service will offer significant social and economic benefits, and by encouraging co-location of multiple service providers, will reduce the number of towers on the spit. The increased coverage of Kachemak Bay will increase the safety margin for everyone on the water.

GCI has been in the telecommunications business since 1979 and is the leader in extending voice and data service to rural Alaska. GCI’s Terra Southwest project has extended a telecommunication network to western Alaska, providing high speed internet to remote villages. This proposed cell tower by AWN will offer tower space to two additional cell provider companies, which will represent a capital investment of more than \$350,000. GCI will utilize this tower to offer 4G LTE and improve existing voice and data services to the City. If AWN is awarded this Bid the new tower will also allow AWN to consolidate antennas from an existing site and remove the existing wood pole. AWN has the funding allocated to move forward with the project immediately upon approval.

AWN is aware that the City wants to limit the number of towers within the City limits. AWN proposes to have multiple companies use the tower, as “co-locators”. Based on AWN’s analysis of the telecommunications market, AWN believes that two additional primary co-locators are practical and economically feasible. AWN is offering tower space to ATT and Verizon to assure efficient, full utilization of the tower. Additionally, AWN will design a tower to accommodate antennas 50’ to 70’ above ground level for companies that do not need to locate antennas at the top of the tower, such as Homer wireless internet provider SPITwSPOTS. AWN will accommodate the City’s request in Addendum #2, providing shelter for the City’s radios and space on the tower for the City’s antennas.

There are usually two types of entities that seek to build communication towers. The first is a tower company, whose purpose is to maximize profits by securing rights to erect towers in critical geographic locations, and then seek maximum lease rates from service providers such as AWN. The second category is a service provider, whose purpose is to provide economic, competitive telecommunication services to the public. AWN is an *Alaska-Owned* service provider. AWN and their competing service providers frequently co-locate on the same towers. The rates charged between one service provider to another are similar from one company to another, because if a steep lease rate is demanded from a competing carrier today, then tomorrow the roles may be reversed, inviting a punitive lease rate. AWN currently has Master Service Agreements in place with the other Wireless Carriers in Alaska to provide space on each other's towers. *It is in the public's best interest* to lease a tower site to a service based telecommunication company such as AWN, where healthy competition assures reasonable rates, and a spirit of cooperation eliminates price gouging.

Tower, Support Buildings, Visual Impact & Coverage Area

“Proposers shall propose a tower of such height, capacity, and structural integrity that it will be capable of providing reliable coverage to the provider’s target area. . . explain how the tower height is the minimum required for effective operation. . .”

Radio wave coverage is primarily determined by a line of sight. The taller the tower, the better the coverage, but there is a point of diminishing returns. The lower the tower, the less coverage, and interference with buildings and other objects increase. AWN has selected the monopole design to be consistent with the other monopole steel structures on the Spit, such as the light poles. The hundred-foot monopole, with two ten foot sections added to the top for co-locators, a total of 120 feet, is the best compromise between coverage and height, and aesthetically pleasing appearance. Several coverage maps are attached in Appendix B.

The structural integrity is assured by mounting the tower on a driven steel pile, designed by an Alaska registered structural engineer, based on a geotechnical boring. This places a main structural element of the tower underground, out of sight. The tower is a long-term investment, and will design to meet long-term goals, including the capacity to co-locate other carrier's antennas and equipment.

“Proposals must include precautions regarding emergency preparedness, such as the installation of a standby power generator. . . .”

AWN's installations utilize a battery backup system, which will give eight hours of reserve power. This will allow AWN to bring a portable generator to the site until commercial power can be restored. Each co-locator will be required to provide an emergency power plan. Some carriers use battery backups, some prefer to have a generator on site.

“Proposals should also include plans for a complete grounding system to protect the tower, the building, and its internal and external equipment.”

A grounding system will be designed, installed and tested to protect the tower and equipment. A typical grounding plan is attached in Appendix C.

“Two locations on the Homer Spit are available for the purpose of one communication tower.”

This proposal is for the Lot 11 site of 2,800 square foot as shown on the application and site plan. This site was chosen due to its proximity to power, right of way access, and a wide separation between the site and the anticipated new freight dock access points. We propose that the City establish a 10’ wide Utility corridor along the northeast side of the lease to facilitate ease of Utility expansion for future uses of the surrounding land.

AWN hired a professional surveyor to conduct a topographic survey, locating underground utilities on the Lot 48 site to properly evaluate the potential site. This survey revealed multiple buried utility cables, which bisect the two sites identified on the City’s Lot 48 exhibit in the RFP. There could be prescriptive easements along these lines. Electrical code requires separation of buried power and steel piles. The loss of functionality, increased development costs, delays and cost to move the buried cables and the possibility of fuel-contaminated soil make this site unacceptable at the proposed lease rents.

“The City is offering a lease with a 20-year term with two, five-year options, which is subject to final lease negotiations.”

AWN requires a minimum of 20 years to amortize the capital investment for the tower. These terms are acceptable to AWN.

“Proposers are required to provide proof of insurance with their lease application.”

Our insurance statement is included in Section 3 of our Lease Application. AWN will make certain all insurance requirements are met or exceeded, and the City will be added as an additional insured once a contract is negotiated.

City of Homer Use of Tower

“Proposers must include in their narrative the design and specifications that will fulfill the City’s purpose for tower use.”

AWN will occupy the top of the tower, and install their sector frame mount and telecommunication antennas at a 120’ RAD center. The City’s dipole antennas will be attached

to the same sector frame, with the antennas extending above the top of the tower. AWN has mounted comparable VHF public safety band antennas on towers before, and guarantees that they will not interfere with each other. AWN or its contractors will install the City's antennas and antenna cables. After installation, the City will be responsible for operation and maintenance of the City's antennas and related equipment.

AWN will order a 120' monopole tower from one of our preferred suppliers. The structural and foundation design will be included in the cost of the tower.

"In addition to tower space, the successful Proposer will be required to provide adequate building space to the City . . ."

AWN will provide a secure shelter within the fenced lease area, with a minimum area of 64 square feet of space for the City's equipment that can be maintained between 40° and 70° F. all year. This area will be suitable to house the City-supplied equipment as listed in Addendum #2 such as the repeaters, duplexers and other equipment. An 8 pair phone line will be installed in the shelter. After the City inspects and approves the shelter, ownership of the building will be transferred to the City.

Power to the City's shelter will have its own meter, and there will be a transfer switch installed allowing the City to connect to a City provided generator. AWN will provide the shelter up front, but will expect the City to reduce the AWN monthly payment for the duration of the 20-year lease, ***based on the actual cost to provide the building on the site, plus a 7%, monthly compounded interest, cost of funds.*** Based on an estimated equipment shelter cost of \$75,000, this would result in a monthly credit of \$581.47. For a \$60,000 shelter cost, the monthly credit would be \$465.18.

Planning & Zoning Requirements

"Successful proposer is responsible to "Apply for and secure all required local, state and federal permits."

GCI has constructed hundreds of telecommunications facilities statewide, is familiar with all Local, State and Federal permitting requirements and will ensure all necessary approvals are secured prior to construction.

No structures are proposed by AWN, so the Fire Marshal's office has not been contacted. If one of the co-locating companies wants to locate a building on site, then the Fire Marshall's office will be contacted to review the building plans. With the last minute addendum to add a shelter for the City of Homer, AWN has not had the opportunity to submit final plans for the City's shelter to the Fire Marshall. AWN and its parent company have installed numerous shelters

throughout Alaska and are familiar with the Fire Marshall requirements. Submittal of a final plan to the Fire Marshall will be made following award.

Cell towers are allowed as a conditional use in this zoning district. AWN has had a number of phone conversations and an informal meeting to inform ourselves of the City of Homer requirements for a lease application, conditional use permit and zoning permit. Our site plan is designed to meet the requirements of the lease application, CUP and the Zoning Permit.

AWN has compared the Homer City Code Chapter 18 and the Property Management Policy and Procedures guide with the RFP. AWN plans to be present to answer any questions at the public hearings of the City Council, Planning Commission and the Port and Harbor Commission.

Schedule

Our schedule with benchmarks is included with our lease application in Appendix A. AWN is proposing a fast track schedule to install the tower and provide improved service to the City of Homer.

2) LEASE APPLICATION—(SEE ATTACHMENT) (20 points)

3) SUBLEASING REQUIREMENTS (20 points)

“It is a goal of the City to minimize the impact of towers on the Spit, therefore subleasing of tower space is necessary to ensure many businesses are able to benefit from a single tower.”

AWN proposes to erect a tower capable of accommodating two additional telecommunication company co-locators with a typical install of six panel antennas and two microwave antennas per company. The tower will be designed to accommodate additional antennas to support other co-locators, two-way radio and other individuals who do not require access to the 100-foot height to function. These co-locators will be facilitated through City-approved sub-leases with AWN.

“As per the City’s base lease agreement, tenants shall not assign or sublease its interest in their lease or in the City’s property without first obtaining the written consent of City Council. . .”

AWN understands the sub-leases must be approved by the City Council at least 30 days prior to the proposed sublease. AWN anticipates an additional rent assessment for each sub-lease.

“Proposers must include in their narrative how many spaces they would be able to provide for subleasing and the rental rate per space they intend to charge each sub-leasee.”

The proposed 120-foot tower will be designed to accommodate two additional telecommunication co-locators with typical antenna requirements, as well as lower elevation antennas. The rent for the sublease will be based on a standard rate sheet (See below), calculated on factors including the number and type of antennas, the height of the antennas and the amount and type of cables. This rate sheet is similar to what other telecommunication company’s use when AWN wants to co-locate on their towers.

**AWN Tower Price Matrix
Effective October 21, 2014**

Application Fee	\$2,500		
Modification Amendment Application Fee	\$2,500		
Tower Space	Price	Quantity	Total
Number of antennas (*includes 2 lines of COAX per antenna)	\$ 255		\$ -
Antenna Reserve (will charge full rate when installed)	\$ 130		\$ -
GPS	\$ 55		\$ -
Add'l Coax up to 1 5/8"	\$ 55		\$ -
Add'l Coax above 1 5/8" and less than 2 1/4"	\$ 105		\$ -
Add'l TMA/MHA/TTA Amplifiers/Diplexers (2 per antenna included)	\$ 30		\$ -
RRU's	\$ 130		\$ -
MW Dish: 0-4'	\$ 105		\$ -
MW Dish: 4-8'	\$ 155		\$ -
MW Dish: 8' and greater	\$ 205		\$ -
RAD Center Fee: Microwave Dish 0-30**	\$ 55		\$ -
RAD Center Fee: Microwave Dish 30'-60**	\$ 80		\$ -
RAD Center Fee: Microwave Dish 60'-80**	\$ 105		\$ -
RAD Center Fee: Microwave Dish 80-100**	\$ 155		\$ -
RAD Center Fee: Microwave Dish 100' and greater	\$ 205		\$ -
RET w/control cable up to 3 lines per system	\$ 55		\$ -
Minimum Tower Space Fee	\$ 800		\$ -
Rev Share: amount equal to the total rev share paid.			\$ -
Ground Space			
Exterior Ground Space (w/or w/o Shelter) sq ft	\$ 4		\$ -
Interior Space (within AWN Shelter)	\$ 500		\$ -
Backup Generator Access	\$ 150		\$ -

* 1 RRU can be substituted for 2 Lines of COAX **TOTAL MRC** \$ -

“Proposals that include evidence for provisions of subleasing, including any agreements with other providers the tower intends to serve, will be considered advantageous.”

The primary evidence that AWN intends to accommodate co-locators is our plan to build a tower with the space to hold other carrier’s antennas. The City’s use of a per-square-foot base rent and the requirement to include in the lease space for co-locators places the risk for the co-locators on AWN. AWN understands the desire to limit the number of towers, and our plan is harmonious with this policy.

AWN made contact with Verizon Wireless, AT&T and SPITwSPOTS, inviting them to co-locate on this tower at standard rates, but we have not reached a contractual agreement yet.

The co-locator's equipment will be situated within the fenced lease area, and the sub-leases will be subject to the terms of the parent AWN lease, including emergency power requirements.

"The tenant will be assessed additional rent, equal to 10-25% of the tenant's current Base Rent for the subleased area."

AWN is aware of the surcharge for sub-lease areas, including references in the RFP, the Property Management Policy and Procedures guide and Homer City Code Chapter 18.08.120 c.

4) Proposed Square Footage (15 points)

AWN proposes a lease of 2,800 square feet, as shown in the attached Application and Site Plan. This area consists of a 40' x 50' section with an additional 20' x 40' space to accommodate parking for two vehicles and snow storage. The 40' x 50' area should accommodate the City of Homer's and all subleasee's facilities, based on AWN's past agreements with the other service providers.

5) Proposed Base Rental Rate (15 points)

18.08.080 Appraisal. a. "An appraisal of the fair market value or fair rental value of the property will be required before the original approval of a lease and at the time of review and renewal. The appraisal can be made by an independent contractor or the Kenai Peninsula borough Assessor as negotiated in the lease agreement."

AWN assumes that the market rent appraisal report by Derry & Associates dated March 30, 2013, which determined an opinion of value for two similar sites on the Spit with 11 comparable site evaluations will be sufficient to meet this code requirement.

The City's RFP indicates a prospective range of value of \$9.61 to \$10.81 based on the appraisal of a 999 square foot site at a site rent of \$800 to \$900 per month. Capitalizing the \$9.61 to \$10.81 per square foot based on an 8% annual lease rate would result in a land values ranging from \$125 to \$135 per square foot which is much higher than the market value of the underlying land.

Tower sites are leased on a site basis rather than a square foot basis with sites typically ranging from 600 to 1,200 square feet. AWN initially proposed a site lease for 1,030 square feet, slightly larger than the appraised site area, but within the range of a typical site, anticipating a site lease of approximately \$900 per month.

The RFP requirements significantly increased the size of the site necessary to accommodate City of Homer facilities and co-locators. Based on the RFP criteria the site has expanded to 40 feet wide by 70 feet long, 2,800 square feet, to incorporate a shelter and fence for the City, additional co-locator sites, a multi-gang meter base, and additional parking and snow storage area. Of this 2,800 square foot site, AWN will utilize a 1,200 square feet area. The remaining 1,600 square feet will be for the use of the City and up to three co-locators, for their shelters, generators, the multi-gang meter base, a second parking space and snow storage.

To comply with the RFP, AWN will be required to assume the additional costs to fence the entire site for security, install greater electrical capacity and a multi-gang box to serve the City and potential co-locators. In addition to the additional site development costs, AWN is obligated to rent a 133% larger site on the possibility of additional co-locators. Without an ordinance assuring that the City of Homer will not approve additional tower sites on City or private property on the spit, there is no guarantee of subleases to co-locators. Even if there is a co-location sublease, the City will require a 10% to 25% increase in the base rate for that sublease area. Consequently, AWN bears all the risk for the extra area without assurance of repayment of its additional site development costs or the increased rental. Therefore, AWN proposes an initial rental for the site as follows:

- AWN portion consisting of 1,200 square feet – \$1000 per month (\$10.00 per square foot on an annual basis)
- City of Homer area 25% of 1,600 square feet, 400 square feet - \$0 per year¹
- Remaining 1,200 square feet -- \$500 per month (\$5.00 per square foot on an annual basis)
- Automatic increase in base rent for the remaining 1,200 square feet by \$250 per month plus the applicable sublease increase for each co-locator sublease.

Base Rent Summary

The initial rate, with no co-locators, is \$1,500 per month or \$18,000 per year rate, which will increase to \$1,750 monthly upon the first co-locator sublease, and by an additional \$250 per month for each subsequent co-locator. The sublease increases of 10% to 25% would be in addition to this base rent.

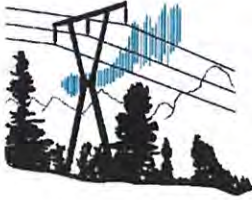
AWN recognizes the City's policy to get a new appraisal every 5 years, and to apply a Consumer Price Index.

¹ City of Homer requires a 10' x 10' building site, assuming 16' x 16' perimeter – 3' around the building (256 square feet) plus 25% of the 400 square feet for parking and 100 square feet for multi-gang meter base to serve the City and co-locators.

6) Proposed Visual Impact Remedies (5points)

The tower will be galvanized steel material with a matte grey color, similar to the light posts in the area, which will allow it to blend into the skyline. It has been our experience leaving the tower this color will have the least visual impact. AWN proposes to install an eight-foot chain link with privacy slats or wooden fence around the base of the tower and equipment ground space. The fence will provide both security and keep ground equipment out of view from nearby users of the area.

7) Fulfillment of RFP Requirements (5 points)



Dryden & LaRue, Inc.

CONSULTING ENGINEERS & RIGHT OF WAY SERVICES

3305 Arctic Blvd., Suite 201, Anchorage, Alaska 99503-4575

Phone: (907) 349-6653 • Fax: (907) 770-7749

Email: row@drydenlarue.com

May 19, 2015

City Manager's Office
City of Homer
491 Pioneer Ave
Homer, AK 99603

Re: GCI / AWN Lease Application, Amended

Dear City of Homer:

Please find enclosed an amended lease application from GCI General Communications Incorporated (GCI) through their subsidiary company Alaska Wireless Network (AWN) for a telecommunications tower site. Our application fee was transmitted with our original application and cover letter dated April 10, 2015, and is being held by Renee Krause..

The site is needed to provide to Homer the next generation of wireless communication. We have had informal discussions with City of Homer personnel to identify a suitable site. We are aware of the upcoming freight dock study and expansion project, and have selected a site away from the anticipated dock access area to be compatible with industrial expansion in that area.

The proposed cell tower is a monopole attached to steel piling, rising to 120' above the ground. It will have capacity to accommodate two other telecommunication company's antennas, and other antennas which can be mounted in the area of the tower 50 to 70 feet above ground. This will reduce the overall number of towers in the City, and provide a tall location for the City's emergency services radio antennas. Our proposal narrative explains how the tower and ground space can accommodate the City's need for deployment of emergency radio antennas and equipment.

You may contact me at 907-646-5197, or Paul McLendon at 907-868-5693 with any questions.

Regards

Timothy L. Mullikin, P.L.S., Right of Way agent



Lease Application/Assignment Form

Directions:

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

Applicant Name:	Paul McLendon
Business Name:	The Alaska Wireless Network, LLC
Social Security Number:	
Mailing Address:	2550 Denali St., Suite 1000
City, State, ZIP code:	Anchorage, AK 99503-2751
Business Telephone No.	907-868-5693
Representative's Name:	Timothy Mullikin, Dryden & LaRue, Anchorage
Mailing Address:	3305 Arctic Blvd., Suite 201
City, State, ZIP code:	Anchorage, AK 99503
Business Telephone No.	907-646-5197
Property Location:	On the Homer Spit, North of the harbor.
Legal Description: See Attached.	Portion of Lot 11, Homer Spit No. Five, Plat No. 93-12, H.R.D.,
Type of Business to be placed on property:	Telecommunication tower and equipment cabinet
Duration of Lease requested:	20 year
Options to re-new:	two five (5) year extensions

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input checked="" type="checkbox"/> Size of lot - dimensions and total square footage (to scale)</p> <p><input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned (to scale).</p> <p><input type="checkbox"/> Water and sewer lines – location of septic tanks, if needed.</p> <p><input checked="" type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated</p>								
2.	Development Plan	<p><input checked="" type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <p align="center">Tasks</p> <p align="center">_____ See Attached Schedule & (2) Development Plan</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>For each building, indicate:</p> <table border="0"> <tr> <td>Building Use</td> <td>Dimensions and square footage</td> </tr> <tr> <td>No buildings--weatherproof equipment cabinets</td> <td></td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </table>	Building Use	Dimensions and square footage	No buildings--weatherproof equipment cabinets		_____	_____	_____	_____
Building Use	Dimensions and square footage									
No buildings--weatherproof equipment cabinets										
_____	_____									
_____	_____									
3.	Insurance Form attached. Will add COH as additional insured upon lease approval	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>								
4.	Subleases See attached supplemental page, and also the RFP Narrative.	<p><input checked="" type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>								
5.	Health Requirements	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>								

6.	Agency Approval See Attached.	<input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.
7.	Fees The application fee was submitted previously and is being held by Renee Krause.	<u>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</u> <input checked="" type="checkbox"/> Application fee - \$30.00. Covers costs associated with processing the application. <i>Please make check payable to the City of Homer.</i> <input type="checkbox"/> Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease. <input type="checkbox"/> Assignment fee - \$250.00. Covers the costs of preparing and processing the lease transfer. <i>Please make check payable to the City of Homer.</i>
8.	Financial Data See attached.	<u>Please indicate lessee's type of business entity:</u> <input type="checkbox"/> Sole or individual proprietorship. <input type="checkbox"/> Partnership. <input type="checkbox"/> Corporation. <input checked="" type="checkbox"/> Other – Please explain: Limited Liability Company _____ <hr/> <input checked="" type="checkbox"/> Financial Statement – <u>Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</u> <input checked="" type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance. <input checked="" type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt. <input checked="" type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.

9. Partnership Statement

na If the applicant is a partnership, please provide the following:

Date of organization: _____

Type: General Partnership Limited Partnership

Statement of Partnership Recorded? Yes No

Where _____ When _____

Has partnership done business in Alaska? Yes No

Where _____ When _____

Name, address, and partnership share. If partner is a corporation, please complete corporation statement.

Please attach a copy of your partnership agreement.

10. Corporation Statement

Proof of signatory authority for the Limited Liability Company will be provided after agreement upon lease terms.

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

Date of Incorporation: _____

State of Incorporation: _____

Is the Corporation authorized to do business in Alaska?

No Yes. Is so, as of what Date? _____

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

Officers & Principal Stockholders [10%+]:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>

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

<u>Name</u>	<u>Title</u>

11. Applicant References

Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.

Name: SEE ATTACHMENT
Firm: _____
Title: _____
Address: _____
Telephone: _____
Nature of business association with Applicant: _____

Name: _____
Firm: _____
Title: _____
Address: _____
Telephone: _____
Nature of business association with Applicant: _____

Name: _____
Firm: _____
Title: _____
Address: _____
Telephone: _____
Nature of business association with Applicant: _____

Name: _____
Firm: _____
Title: _____
Address: _____
Telephone: _____
Nature of business association with Applicant: _____

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

Signature:

Sanjay Kumar Mallik

Date: 4-17-15 AMENDED *SM*
3-12-15

ID	% Complete	Task Name	Duration	Start	Finish	Predecessor/Notes
1	8%	Homer	165 days	Mon 4/20/15	Wed 12/9/15	
2	8%	Homer Split	165 days	Mon 4/20/15	Wed 12/9/15	
3	45%	Site Acquisition	56 days	Mon 4/20/15	Wed 7/8/15	
4	100%	Prep COH RFP Package	23 days	Mon 4/20/15	Wed 5/20/15	
5	0%	Lease Committee Review	9 days	Thu 5/28/15	Tue 6/9/15 4	
6	0%	Port & Harbor Review	9 days	Wed 6/10/15	Sun 6/21/15 5	
7	0%	City Council Award	0 days	Mon 6/22/15	Mon 6/22/15 6	
8	0%	Lease Negotiations	2 wks	Tue 6/23/15	Tue 7/7/15 7	
9	0%	Lease Executed	0 days	Wed 7/8/15	Wed 7/8/15 8	
10	0%	Permitting	60 days	Wed 7/8/15	Wed 9/30/15	
11	0%	FAA/FCC/NEPA/SHPO/TCNS	3 mons	Wed 7/8/15	Wed 9/30/15 9	Federal and State permitting required to build tower
12	0%	COH CUP Permit	3 mons	Wed 7/8/15	Wed 9/30/15 9	City of Homer Conditional Use Permit
13	0%	Construction	90 days	Wed 7/8/15	Wed 11/11/15	
14	0%	Equipment Procurement	8 wks	Wed 7/8/15	Tue 9/1/15 9	Order and receive tower and cellular equipment
15	0%	Lot Survey/1a	5 days	Wed 7/8/15	Tue 7/14/15 9	Professional survey required to complete site plan and 1a letter
16	0%	Geotech	5 wks	Wed 7/15/15	Tue 8/18/15 15,9	Geotechnical drilling to determine suitability of soils for tower foundation
17	0%	SOW/Bid Package	2 wks	Wed 8/19/15	Tue 9/1/15 16	Complete Scope of Work (SOW) and RFP for contractors bidding on construction
18	0%	Review Bids/Award Const.	2 days	Wed 9/2/15	Thu 9/3/15 17	Review bids and award construction to contractor
19	0%	Site Construction	4 wks	Thu 10/1/15	Wed 10/28/15 11,12,14,18	Construction of pad, tower and AC electrical distribution equip.
20	0%	E/// RBS, L&A Install	2 wks	Thu 10/29/15	Wed 11/11/15 19	Installation of cellular equipment and antennas by Ericsson (E///)
21	0%	Transport	10 days	Fri 11/13/15	Thu 11/26/15	
22	0%	MW Install	1 wk	Fri 11/13/15	Thu 11/19/15 20	Installation of Microwave equipment by GCI
23	0%	Backhaul Testing	1 wk	Fri 11/20/15	Thu 11/26/15 22	Testing of Microwave circuits to support backhaul connectivity to site
24	0%	Ericsson Integration	6 days	Fri 11/27/15	Fri 12/4/15	
25	0%	Site Integration	1 day	Fri 11/27/15	Fri 11/27/15 23	Integration of cellular site into GCI network by E/// after backhaul is delivered
26	0%	Shutdown Testing & Tuning	1 wk	Mon 11/30/15	Fri 12/4/15 25	Testing, tuning and optimization of cell site by E///
27	0%	Ops Acceptance	2 days	Mon 12/7/15	Wed 12/9/15	
28	0%	Review/Approved COP Documentation	2 days	Mon 12/7/15	Tue 12/8/15 26	GCI operations team to review site performance and E/// Close out Documentation

Project: Homer_Split_Schedule_05
Date: Wed 5/20/15

Page 1

Task: Summary | Project Summary | External Tasks | Summary | External Milestone | Inactive Milestone | Manual Task | Inactive Task | Manual Summary Rollup | Manual Summary | Start-only | Finish-only | Deadline | Progress

ID	% Comple	Task Name	Duration	Start	Finish	Predecessor	Notes	May 21		July 11		September 1		October 21		Dece
								4/12	5/3	5/24	6/14	7/5	7/26	8/16	9/6	9/27
29	0%	Site In-Service	0 days	Wed 12/9/15	Wed 12/9/15 28		GCI operations team will allow site to go in service to public after approval of COP									12/9

Project: Homer_Spit_Schedule_05 Date: Wed 5/20/15	Task	Summary	External Milestone	Inactive Summary	Manual Summary Rollup	Finish-only
	Split	Project Summary	Inactive Task	Manual Task	Manual Summary	Deadline
	Milestone	External Tasks	Inactive Milestone	Duration-only	Start-only	Progress

Exhibit _____

Lease Description

That portion of Lot 11, Homer Spit No. Five, Plat No. 93-12, Homer Recording District, Third Judicial District, State of Alaska, described as follows:

Commencing at the most southerly corner of said Lot 11, identical with the most westerly corner of Lot 12, the POINT OF BEGINNING;

Lease description will be provided upon successful lease negotiation

2. Development Plan

Our development plan follows the attached schedule, with benchmarks identified in the column “Task Name”. The Site Acquisition started with identifying suitable locations for the tower, and is now focused on this proposal and application to the City. We believe that our proposal satisfies the criteria set out on the RFP and the City will conclude that it is in the best interest of the City and area residents to issue a lease to AWN.

Once the promise of a lease is in hand, then AWN will proceed with the Homer Conditional Use Permit application, Zoning permit, and required State and Federal permits.

The construction phase includes the geotechnical investigation of the site, so the tower manufacturer can design the size and length of the pile to be driven. An estimation of the antenna numbers, weight and wind resistance will all be factored in to the structural design of the tower and meet TIA/EIA-222-G structural specifications, which takes local wind, ice and seismic data in to account.

A bid package will be assembled with a statement of work and a professional tower installer will be contracted to drive the pile and erect the tower. This construction is preliminarily scheduled after the peak summer season.

After the tower is erected and new pad completed, AWN will release the site to Ericsson to complete installation of cellular equipment and antennas. As soon as Ericsson is complete AWN will install Microwave equipment to deliver data and voice circuits to the site. Ericsson will return to the site after circuits are delivered to complete testing, tuning and optimization. AWN will review the sites performance results and if acceptable activate the site for public use. Per the current project schedule the site is expected to go into service December 2015.

4. Subleases

AWN proposes to erect a tower capable of accommodating AWN, two other primary service provider co-locators at the 100’ and 110’ levels, and other antennas such as local wireless internet providers, lower on the tower. These co-locators will be facilitated through sub-leases with AWN. AWN understands the sub-leases must be approved by the City Council at least 30 days prior to the proposed sublease. AWN anticipates an additional rent assessment for each sub-lease.

6. Agency Approval

Fire Marshall—No buildings proposed.

Corps of Engineers—Disturbed ground, no wetlands, no need for a permit.

EPA—Project is less than one acre, no permit required.

FEMA—Not within a designated flood plain, no elevation certificate needed.

FAA—Proposed tower does not intrude into the airspace so no aeronautical study required.

U.S. Fish 7 Wildlife—After a definite site is selected for lease, an informal conference will be necessary to discuss the impact on the threatened species Stellar Eider.

SHPO—No historic sites anticipated, since this site was created by dredged fill material.

Alaska Entity #10006073

State of Alaska
Department of Commerce, Community and Economic Development
Corporations, Business and Professional Licensing

Certificate of Compliance

The undersigned, as Commissioner of Commerce, Community and Economic Development of the State of Alaska, and custodian of corporation records for said state, hereby issues a Certificate of Compliance for:

The Alaska Wireless Network, LLC
transacting business in this state under the name of
The Alaska Wireless Network, LLC

This entity was formed on July 10, 2012 and is in good standing. This entity has filed all biennial reports and fees due at this time.

No information is available in this office on the financial condition, business activity or practices of this corporation.



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective **March 22, 2013**.

A handwritten signature in cursive script that reads "Susan K. Bell".

Susan K. Bell
Commissioner

3. Insurance



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/30/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh & McLennan Agency LLC 1031 W. 4th Avenue P: (907) 276-5617 Suite #400 F: (907) 276-6292 Anchorage, AK 99501 100147-STND-GAUWE-14-15 INSURED General Communication, Inc. (GCI) GCI Communication Corp. 2550 Denali Street, Suite 1000 Anchorage, AK 99503	CONTACT NAME: PHONE: [A/C, No, Ext]: FAX (A/C, No): E-MAIL: ADDRESS: INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: Liberty Mutual Fire Ins Co 23035 INSURER B: North American Elite Insurance Company 29700 INSURER C: LM Insurance Corporation 33600 INSURER D: Hiscox Insurance Co. Ltd 1120525 INSURER E: INSURER F:
---	--

COVERAGES CERTIFICATE NUMBER: SEA-002154178-21 REVISION NUMBER: 7

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		TB2641435394054	12/31/2014	12/31/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS HIRED AUTOS	SCHEDULED AUTOS NON-OWNED AUTOS	AS2641435394044	12/31/2014	12/31/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 25,000	<input checked="" type="checkbox"/> OCCUR CLAIMS-MADE	UMB200035800	12/31/2014	12/31/2015	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> Y N/A	EW564N435394014 (AK) "\$500,000 SIR" WA264D435394064 (AOS) "\$500,000 Deductible"	12/31/2014	12/31/2015	<input checked="" type="checkbox"/> WC STATUTORY LIMITS OTH-ER E.L EACH ACCIDENT \$ 1,000,000 E.L DISEASE - EA EMPLOYEE \$ 1,000,000 E.L DISEASE - POLICY LIMIT \$ 1,000,000
D	Professional Liability		UCS2659084 14	12/01/2014	12/01/2015	Aggregate 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Evidence of Insurance

CERTIFICATE HOLDER

CANCELLATION

General Communications, Inc. 2550 Denali Street, Suite 1000 Anchorage, AK 99503	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Kirk C. Leadbetter <i>Kirk C. Leadbetter</i>
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AFFIDAVIT OF LYNDA TARBATH

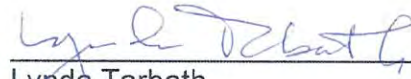
STATE OF ALASKA)
) ss.
)

THIRD JUDICIAL DISTRICT

I, LYNDA TARBATH, state as follows:

1. I am Vice President and Chief Accounting Officer of GCI Communication Corp. ["GCICC"], a subsidiary of the holding corporation General Communication, Inc. ["GCI"]. I have personal knowledge of the facts contained in this affidavit.
2. The Alaska Wireless Network, LLC ("AWN") is currently an indirectly, wholly-owned subsidiary corporation of GCI, was formed as a limited liability company under the laws of the state of Delaware, and is in good standing under the laws of the state of Alaska.
3. After the Closing (as defined under the Asset Purchase and Contribution Agreement dated as of June 4, 2012 by and among Alaska Communications Systems Group, Inc., ACS Wireless, Inc., GCI, GCI Wireless Holdings, LLC and AWN), AWN will be 2/3 owned by GCI Wireless Holdings, LLC, and 1/3 owned by ACS Wireless, Inc.
4. After the Closing, is anticipated hold total assets contributed by ACS and GCI in excess of \$400 million and annual revenue in excess of \$240 million.

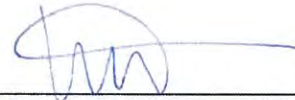
FURTHER YOUR AFFIANT SAYETH NAUGHT.



Lynda Tarbath

SUBSCRIBED AND SWORN TO before me this 10th day of
April, 2013.





Notary Public in and for Alaska
My Commission Expires: 2-14-2014

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 OR 15(d) of The
Securities Exchange Act of 1934

Date of report (Date of earliest event reported): July 22, 2013

GENERAL COMMUNICATION, INC.

(Exact name of registrant as specified in its charter)

State of Alaska

(State or other Jurisdiction of
Incorporation or organization)

0-15279

Commission File Number

92-0072737

(I.R.S Employer
Identification No.)

**2550 Denali Street
Suite 1000
Anchorage, Alaska**

(Address of principal executive offices)

99503

(Zip Code)

Registrant's telephone number, including area code: (907) 868-5600

NONE

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligations of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 2.01 Completion of Acquisition or Disposition of Assets.**The Transaction**

On July 22, 2013, for the purpose of combining their wireless networks, Alaska Communications Systems Group, Inc. ("ACS") and General Communication, Inc. ("GCI") completed the transactions (the "Closing") contemplated by the June 4, 2012, Asset Purchase and Contribution Agreement (the "Contribution Agreement") between themselves, two of their respective subsidiaries (the "ACS Member" and the "GCI Member"), and The Alaska Wireless Network, LLC ("AWN") (the parties to these agreements are sometimes referred to in this report individually as a "Party" and, collectively as the "Parties"). Each Party retained its respective retail wireless business; therefore, references below to "wireless assets" exclude assets used primarily in those retail businesses (unless the context indicates otherwise).

1) The terms of the AWN transaction

Transactions at Closing. Pursuant to the Contribution Agreement, ACS sold certain wireless assets (the "ACS Sold Assets") to the GCI Member for a cash payment. The GCI Member then contributed the ACS Sold Assets together with GCI's wireless assets to AWN in exchange for the GCI Member's membership interest in AWN. The ACS Member contributed the ACS wireless assets that were not sold to GCI to AWN in exchange for the ACS Member's membership interest in AWN. The wireless assets contributed by each Party are described in more detail in section (b)1), below and the consideration for the ACS Sold Assets and the assets contributed by ACS and GCI are discussed in section (d), below.

The ongoing relationship among the Parties will be governed by a number of related agreements that were executed at Closing including the First Amended and Restated Operating Agreement of The Alaska Wireless Network, LLC (the "Operating Agreement"), the Facilities and Network Use Agreement (the "FNUA") and the working capital loan agreement made by GCI to AWN (the "Loan Agreement").

2) The terms of the AWN operating arrangements

Governance. Under the Operating Agreement, AWN will generally be managed by its majority owner, GCI, but subject to budget review by a Board comprised of the CEOs of GCI, ACS, and AWN. Budgets and business plans that do not meet certain financial criteria are normally subject to consent by the ACS board member and the ACS Member will have other customary minority protective approval rights, including consents in respect of certain incurrences of indebtedness, sales of assets and business combinations, dissolution and bankruptcy, related party transactions, issuances and repurchases of securities, and material contracts.

Distributions. AWN's dividend policy is to distribute its adjusted free cash flow (as defined in the Operating Agreement) to its members on a periodic basis. The ACS Member will be entitled to a cumulative preferred distribution of up to \$50 million in each of the first two years after Closing, and \$45 million in each of the two years thereafter (years 3 and 4). During this time period the GCI Member will receive any distributions in excess of those amounts. After the full payment of the preferred distributions, distributions will be made according to percentage ownership interests of the GCI Member and the ACS Member. The distributions to each member are subject to adjustment based on the number of ACS and GCI subscribers; however, the aggregate adjustment to distributions is capped at \$21.8 million for each member.

Network Use. The Operating Agreement requires each of ACS and GCI to exclusively use the services of AWN to provide wireless services in the State of Alaska. Under the FNUA, the retained retail wireless businesses of ACS and GCI will purchase wireless services from AWN at a wholesale rate estimated to be 30% below market-based retail rates. AWN will obtain or purchase additional network capacity from the ACS Member and the GCI Member or their respective affiliates as the initial contributed capacity and certain build obligations are filled. Purchases of the additional capacity will be at market rates.

Affiliate Services. GCI and, potentially, to some extent ACS, will provide staffing, administration, and professional service support to AWN which will be charged based on agreed, fixed fee and cost-based principles. GCI will provide certain executive consulting services to AWN in exchange for a consulting fee equal to 4% of AWN's free cash flow (as defined in the Operating Agreement) the first and second year after the Closing of the transactions, 6% of AWN's free cash flow for the third and fourth year after the closing of the transactions and 8% of AWN's free cash flow each year thereafter.

Loan. GCI will provide a revolving working capital loan to AWN of up to \$50 million pursuant to the Loan Agreement at an interest rate equal to the revolving portion of GCI's senior credit facility. The commitments under the Loan Agreement expire four years after the Closing.

(b) Description of the assets and liabilities involved

1) Types of assets and liabilities contributed to AWN

ACS Assets. The ACS Sold Assets consist of an indefeasible usage right on the Northstar fiber optic cable system, a portion of the spectrum licenses described below, and tangible assets used by ACS primarily in its non-retail wireless operations including cell site equipment, wireless network core systems, and the related tangible assets necessary to operate the ACS wireless network.

The ACS contributed assets consist of substantially all of the remaining tangible and intangible assets used by the ACS companies primarily in their non-retail wireless operations including: work in progress, contracts, certain accounts receivable, the remaining portion of the spectrum licenses, and indefeasible network usage rights.

GCI Assets. The GCI contributed assets consist of the ACS Sold Assets and the tangible and intangible assets used by the GCI companies in their non-retail wireless operations including: cell site equipment, wireless network core systems, and the related tangible assets necessary to operate the GCI wireless network, contracts, certain accounts receivable, spectrum licenses, and indefeasible network usage rights.

Contributed Liabilities. The contributed liabilities are the liabilities arising under the contributed contracts after the closing date, direct third party data circuit costs provided by tariff or purchase orders after the closing date and certain asset retirement obligations arising under the contributed contracts.

2) Asset remediation and environmental obligations assumed

AWN will not assume any asset remediation or environmental obligations and each contributing party has indemnified AWN against environmental claims related to ownership or operation of the contributed assets prior to the Closing.

3) Age, condition and location of the assets

ACS Assets. The ACS tangible assets are located at almost 250 cell sites throughout the state of Alaska, predominantly in urban areas and covering the substantial majority of the Alaska population. Each site includes CDMA service with additional LTE facilities serving Anchorage and portions of Fairbanks, Juneau, the Kenai Peninsula, and the Matanuska-Susitna Valley. The wireless networks include Ericsson core equipment located at various central office locations in Anchorage and Juneau. In addition, under an agreement with GCI, ACS has integrated GCI's GSM/HSPA+ network with ACS' LTE network. The assets are in good condition and, in general, vary in age from 1-2 years in the case of the assets related to ACS' LTE network and up to 15 years in the case of ACS' 1xRTT network. The spectrum being contributed by ACS has an indefinite life.

GCI Assets. The GCI tangible Assets are located at over 395 statewide wireless facilities that cover most of the Alaska population providing service to urban and rural Alaska communities. GSM/HSPA+ and CDMA/EVDO wireless facilities serve urban Alaska locations. The urban network includes Ericsson and Nortel wireless switches located in Anchorage and 235 cell sites that serve the following areas of Alaska: Anchorage and Eagle River, the Matanuska-Susitna Valley, Kenai Peninsula, Southeast, Kodiak, Prudhoe Bay and Fairbanks. The rural network consists of 160 GSM facilities that are located throughout Alaska's rural villages and communities. In addition, under an agreement with ACS, GCI has integrated all of its GSM/HSPA+ sites with all 57 of ACS' LTE network sites. These integrated sites are located in Anchorage, Fairbanks, Juneau and the Kenai Peninsula. GCI is also contributing approximately 1,500 wireless access points in Anchorage, Fairbanks, Juneau, Kodiak, Ketchikan, Kenai-Soldotna, Matanuska-Susitna valley, and other areas of the State to support wireless access services. The tangible assets are in good condition and have an average age of three years. The spectrum being contributed by GCI has an indefinite life.

4) *How the assets and liabilities contributed to AWN (including the ACS Sold Assets) were used before the transaction and how they are expected to be used after the transaction*

The following table summarizes key changes in the use of the assets before and after the Closing:

Assets	ACS and GCI prior to Closing	Changes due to AWN Closing
Cell site equipment, wireless network core systems, and the related tangible assets	· ACS and GCI own separate wireless networks, with separate physical facilities (such as cell sites) (with a limited integration of LTE and GSM/HSPA networks)	· ACS and GCI will combine their wireless networks into a single AWN network · It is expected that some physical facilities will be consolidated and/or eliminated as part of the network integration
Contracts	· ACS and GCI own separate wireless networks with potentially duplicative contracts and leases	· It is expected that some of the contracts and leases will be terminated, renegotiated, or allowed to expire
Spectrum licenses	· ACS has primarily operated its network as a CDMA network in the 850 MHz Cellular (824-849/869-894 MHz) and the 1900 PCS (1850-1910/ 1930-1990 MHz) spectrum bands with initial development of LTE technology in the AWS (1710 - 1755/2110 - 2155 MHz) spectrum · GCI has primarily operated its network as a GSM and UMTS/HSPA network over the PCS spectrum band. In certain rural markets where the spectrum was available to license, GCI has deployed GSM in 850 MHz Cellular spectrum. GCI has also deployed public WiFi service over unlicensed 2.4 GHz spectrum	· It is expected that the combined network will move over time to an LTE network over the AWS spectrum band with voice fallback to GSM/HSPA over the 1900 PCS and 850 MHz Cellular spectrum and data offloading to a public WiFi network. AWN may also utilize other bands for LTE in the future, such as the 1900 PCS and 850 MHz Cellular spectrum bands
Network usage	· Local exchange carriers of ACS' and GCI's wireline networks provide capacity for wireless ACS and GCI physical facilities operations	· AWN will have indefeasible usage rights on certain

5) *The nature and terms of third party agreements existing prior to the transaction that AWN will assume and the nature and terms of third party arrangements that AWN intends to obtain*

AWN will assume approximately 400 contracts from ACS and approximately 500 from GCI. In general, these contracts fall into one of five categories:

- Wholesale customer contracts providing for data and voice transport from cell sites to interconnect points
- Cell site leases
- Vendor contracts
- Roaming agreements
- Cellular access termination agreements

The terms of the contracts vary from short-term contracts that can be cancelled on notice, to evergreen contracts with indefinite termination dates. In light of its larger scope, when compared to its members, AWN will seek improved contracts in each area of its operations and will likely seek to enter into additional carrier and wholesale customer contracts.

6) *The assets and employees not to be acquired that will be necessary to operate the contributed assets*

As a result of the contributions from the ACS Member and the GCI Member at Closing, AWN is expected to receive substantially all of the assets it requires to run its business. AWN will use future generated cash flows as necessary to engineer, operate and maintain the competitiveness of the networks formed by the assets being contributed. However, staffing will be with GCI employees either via secondment or service contract both of which will be charged on a fixed fee and cost-based methodology as agreed-upon in the Operating Agreement. To date, 15 full-time employees have been identified for secondment to AWN. ACS does not currently plan to provide any employees.

(c) The identity of the person(s) from whom the assets were acquired or to whom they were sold and the nature of any material relationship, other than in respect of the transaction, between such person(s) and the registrant or any of its affiliates, or any director or officer of the registrant, or any associate of any such director or officer

The source and disposition of the assets is described in the sections above. Other than pursuant to transactions in the normal course of business, there is no material relationship between ACS and its affiliates, directors, and officers, on the one hand, and GCI and its affiliates, directors, and officers, on the other hand, other than those relationships created at Closing.

(d) The nature and amount of consideration given or received for the assets

ACS received a cash payment of \$100.0 million for the ACS Sold Assets and the ACS Member received a one-third membership interest in AWN in exchange for the wireless assets it contributed. ACS will record a gain in the third quarter of 2013 on derecognition of the ACS Sold Assets and the ACS Member assets contributed directly to AWN. The amount of this gain is subject to, in part, determination of final asset and enterprise valuations. In addition, a portion of the preferred distributions to be received by the ACS Member, as adjusted for the number of ACS subscribers described in (a)2), may be deemed contingent consideration by ACS on the derecognition of wireless assets described above. The amount of such contingent consideration, if any, cannot currently be estimated. The GCI Member received a two-thirds membership interest in exchange for contributing its wireless assets and the ACS Sold Assets to AWN.

Revenue generated by the assets

1) *The source and nature of each type of revenue that the assets to be contributed to AWN have generated prior to the transaction*

GCI and ACS have historically earned revenue in six areas of their wireless operations as described below:

- Retail: services sold to residential, business and governmental customers and the sale of wireless handsets and other equipment and accessories
- CETC: subsidies received from the government as competitive eligible telecommunications carriers ("CETC")
- Backhaul: providing for data and voice transport from cell sites to interconnect points for other telecommunications carriers
- Roaming: providing service to customers of other telecommunications carriers that travel to GCI's or ACS' respective service areas
- Cellular access termination: providing connections when other telecommunications carriers call GCI's or ACS' respective customers
- Other: providing miscellaneous services, including antenna and equipment space and electrical power for other telecommunications carriers on GCI's or ACS' respective facilities.

- 2) *The amount of each type of revenue that the assets to be contributed to AWN have generated prior to the transaction*

For the 12 months ended December 31, 2012, ACS and GCI earned the following unconsolidated revenue in each area identified above (amounts in thousands):

Type of Revenue	ACS	GCI
Retail	\$ 74,090	71,595
CETC	\$ 20,733	48,081
Backhaul	\$ 7,277	4,359
Roaming	\$ 55,105	26,757
Cellular access termination	\$ 1,913	1,618
Other	\$ 1,604	256

Note, year-end 2012 revenue data is provided as certain of the underlying activities are seasonal in nature and 2012 is the most recent period for which a full-year of data is readily available.

- 3) *The nature of each type of revenue that the assets to be contributed to AWN are expected to generate after the consummation of the transaction*

Post Closing, a newly created wholesale revenue stream is anticipated to be the most significant revenue stream for AWN which will approximate 70% of the retail pricing charged to customers in the relevant markets. That revenue stream will be pressured with Verizon's entry into the market and as it seeks to expand its retail presence. The contributed assets should continue to generate CETC (subject to recent regulatory changes), backhaul, roaming, cellular access termination and other revenues, but retail revenue will remain with ACS, GCI, and their respective affiliates. Market forces and other forces and risks will continue to place pressure on all of these revenue streams.

- 4) *Aggregate amounts of material historical expenses incurred that will be comparable to AWN's future operations*

For the 12 months ended December 31, 2012, ACS and GCI incurred unconsolidated wireless business expenses in each area identified (amounts in thousands):

Type of Expense	ACS	GCI
COGS	\$ 81,362	58,738
SG&A	\$ 31,050	15,477
Depreciation and amortization	\$ 11,680	16,387
Other	\$ 1,180	---

A number of factors will prevent ACS' expenses from being comparable to AWN's future operations. The expenses identified above are fixed and variable in their composition, which will have an effect on ACS's operating expense structure following the close of the transaction. As an example, expenses include the cost of retail stores which will remain with ACS.

The GCI expenses exclude wireless retail costs, which remain with GCI. The GCI expenses also reflect GCI's plan as of January 1, 2013, to strategically focus on its wireless network and represents a reclassification of expenses as reported in its December 31, 2012 Form 10-K to conform to its current focus.

Factors including market changes, synergies, and other forces and risks will continue to place pressure on each of these cost streams.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

GENERAL COMMUNICATION, INC.

(Registrant)

Date: July 25, 2013

By /s/ John M. Lowber

Name: John M. Lowber
 Title: Senior Vice President,
 Chief Financial Officer
 and Treasurer
 (Principal Financial Officer)

Exhibit Index

Exhibit No.	Description	
2.1	Asset Purchase and Contribution Agreement, dated as of June 4, 2012, among Alaska Communications Systems Group, Inc., General Communication, Inc., ACS Wireless, Inc., GCI Wireless Holdings, LLC and The Alaska Wireless Network, LLC, with Form of First Amended and Restated Operating Agreement of The Alaska Wireless Network, LLC among The Alaska Wireless Network, LLC, GCI Wireless Holdings, LLC, ACS Wireless, Inc., Alaska Communications Systems Group, Inc. and General Communication, Inc. attached thereto as Exhibit A (portions of this Exhibit have been omitted pursuant to a request for confidential treatment under Rule 24b-2 under the Securities Exchange Act of 1934).	Incorporated by reference to Exhibit 10.193 to Form 10-Q filed on August 6, 2012
2.2	Amendment, dated as October 1, 2012, to Asset Purchase and Contribution Agreement, dated as of June 4, 2012, among Alaska Communications Systems Group, Inc., General Communication, Inc., ACS Wireless, Inc., GCI Wireless Holdings, LLC and The Alaska Wireless Network, LLC.	Incorporated by reference to Exhibit 2.1 to Form 8-K filed on October 2, 2012



11. Applicant References

THE ALASKA WIRELESS NETWORK, LLC (AWN)

REFERENCE INFORMATION

BANK REFERENCE:

Wells Fargo Bank West, N.A.
P.O. Box 100600
Anchorage, AK 99510-0600
(907) 265-2855
FX: (907)265-2141
Account number 53-85331433
Contact: Taka Tsukada

VENDOR REFERENCES -

ALASKA TECH SERVICES
PO BOX 111811
Anchorage, AK 99511-1811
PH: (907) 360-5839
FX: (907) 345-2892

BIG W RANCH CORPORATION
2525 Blueberry Road Suite 204
Anchorage, AK 99503
PH: (907) 276-1007
FX: (907) 258-4207

ENGINEERED EQUIPMENT COMPANY
12501 Old Seward Hwy, Suite A
Anchorage, AK 99515
PH: (907) 345-3474
FX: (907) 345-9525

OXFORD GLOBAL RESOURCES INC
PO BOX 3256
Boston, MA 02241-3256
PH: (800) 426-9196
FX: (978) 236-1077

Homer Existing Indoor Coverage (Only Existing Homer Spit site on)

Fritz Creek

421

Diamond Ridge
422

Homer 452-3783_ACS_783

423




Halibut Cove

Kachemak Bay

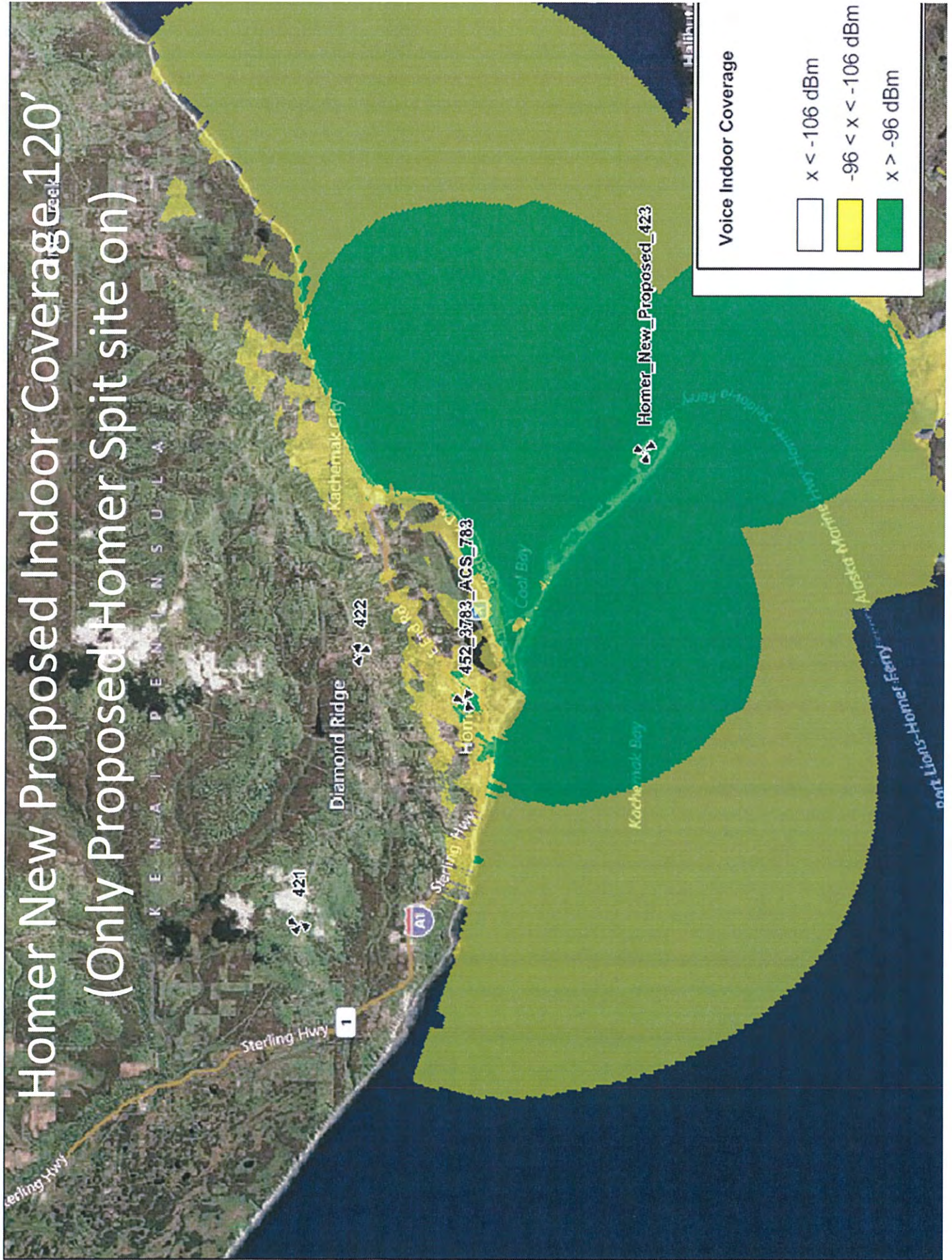
Alaska Marine Hwy

Port Lions-Homer-Ferry
Alaska Marine Hwy

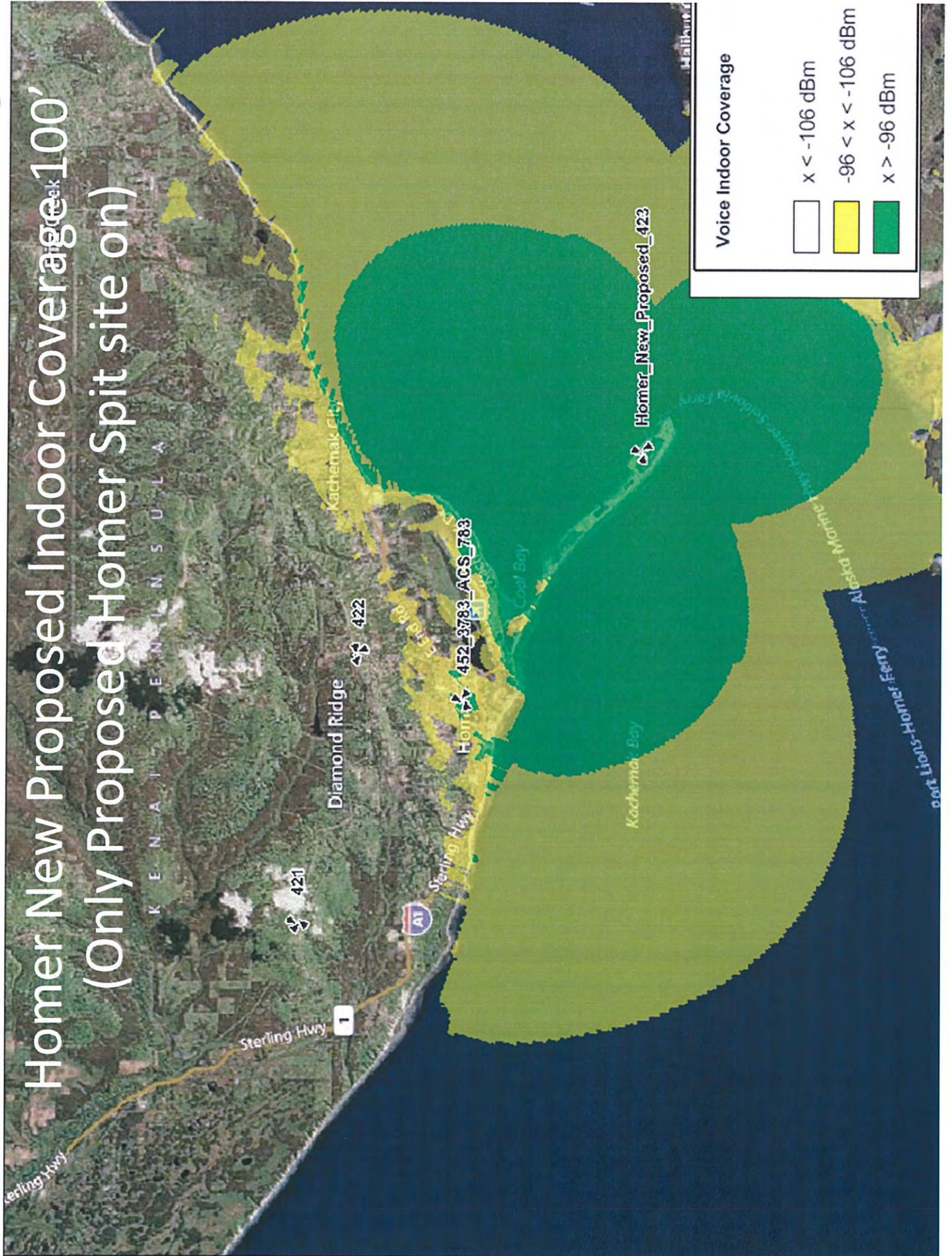
Voice Indoor Coverage

-  $x < -106$ dBm
-  $-96 < x < -106$ dBm
-  $x > -96$ dBm

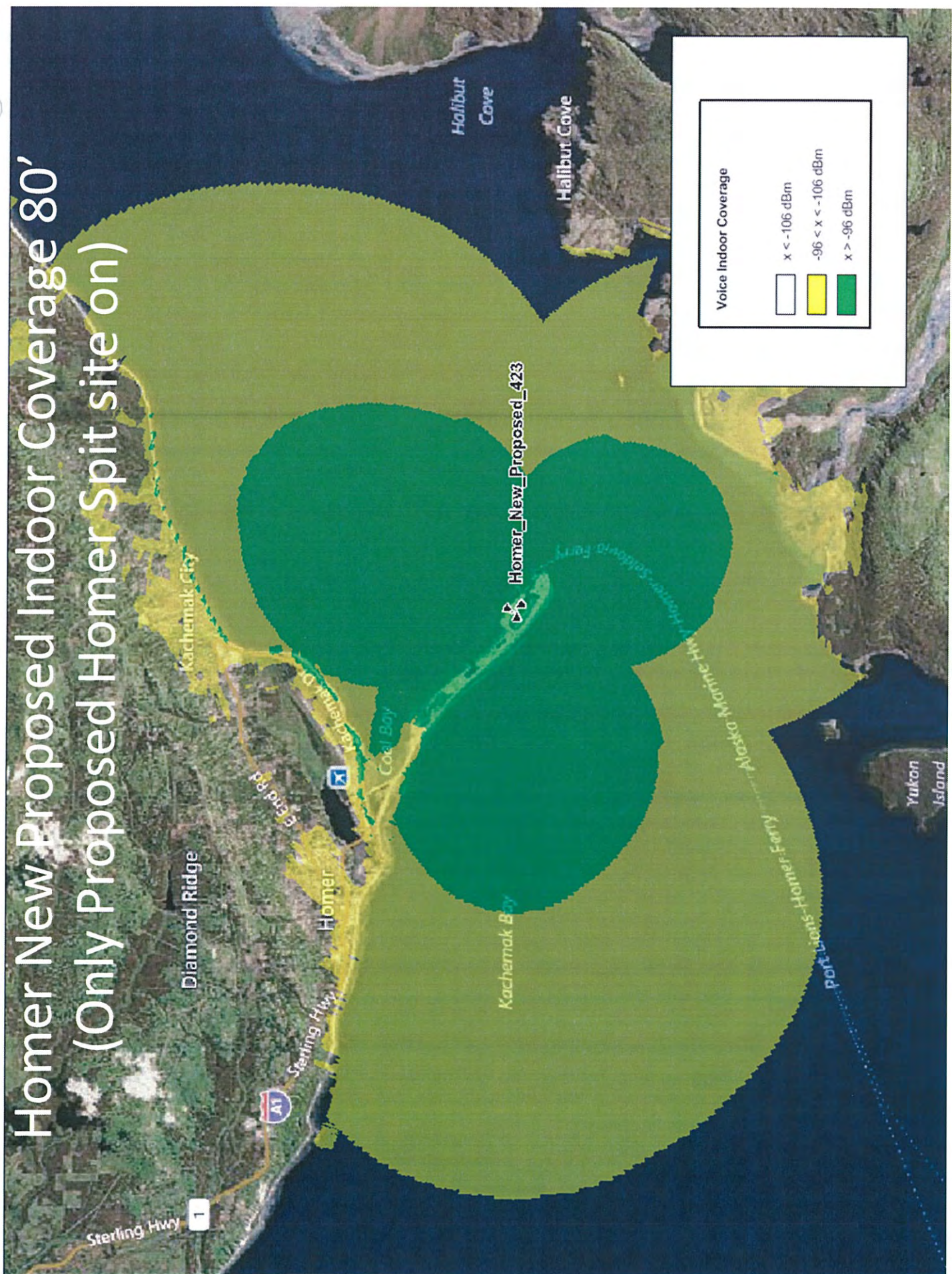
Homer New Proposed Indoor Coverage 120' (Only Proposed Homer Spit site on)



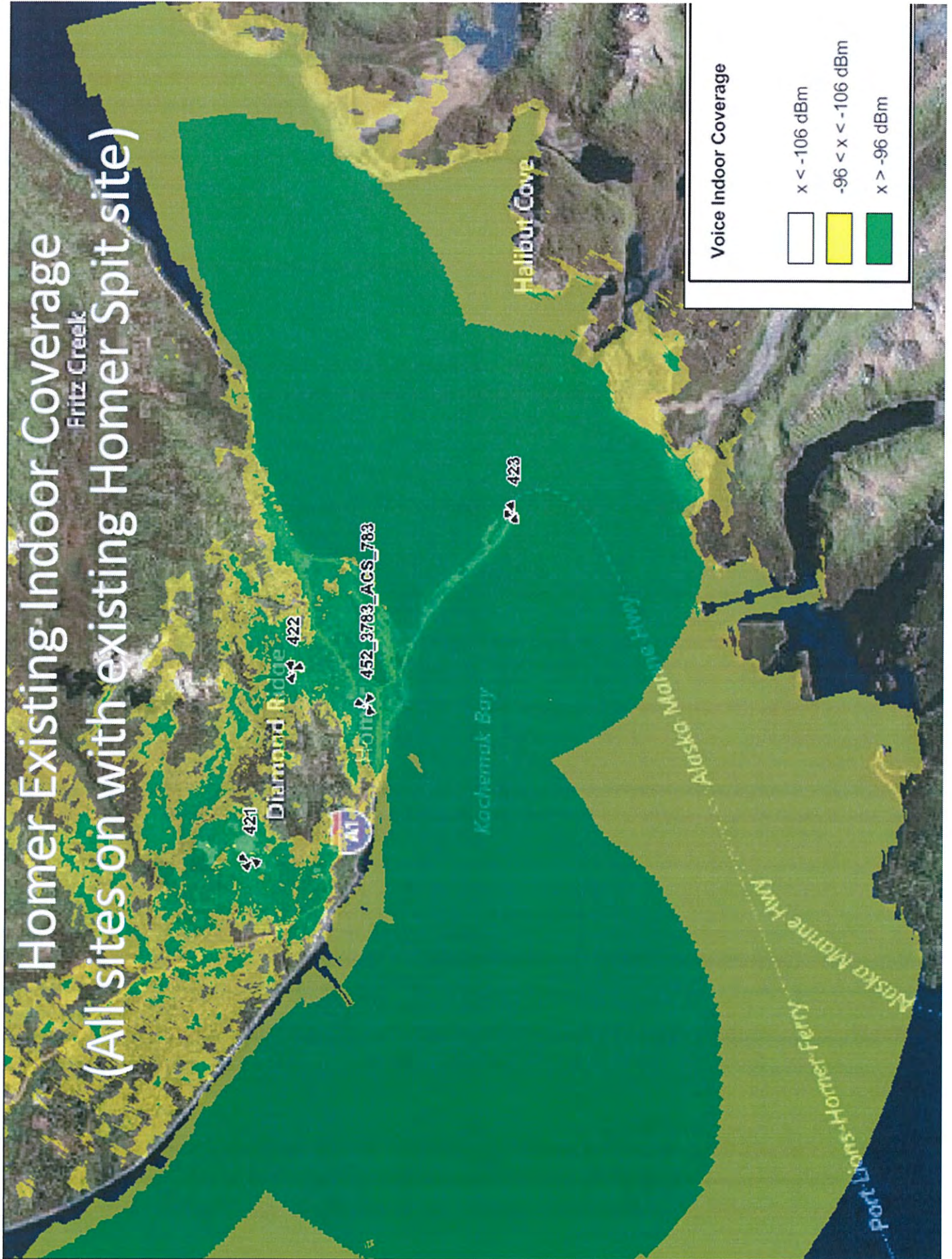
Homer New Proposed Indoor Coverage^{100'} (Only Proposed Homer Spit site on)



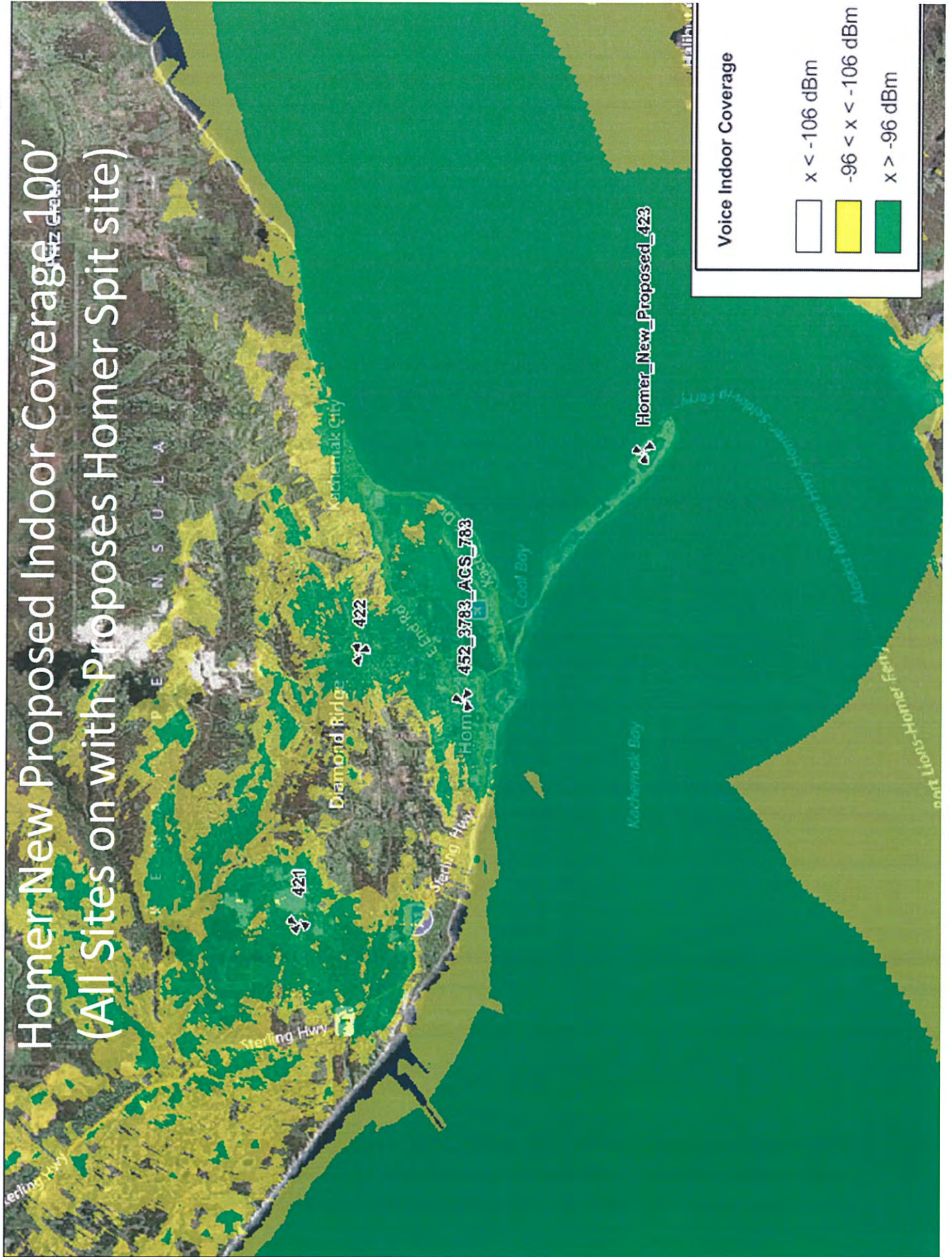
Homer New Proposed Indoor Coverage 80' (Only Proposed Homer Spit site on)



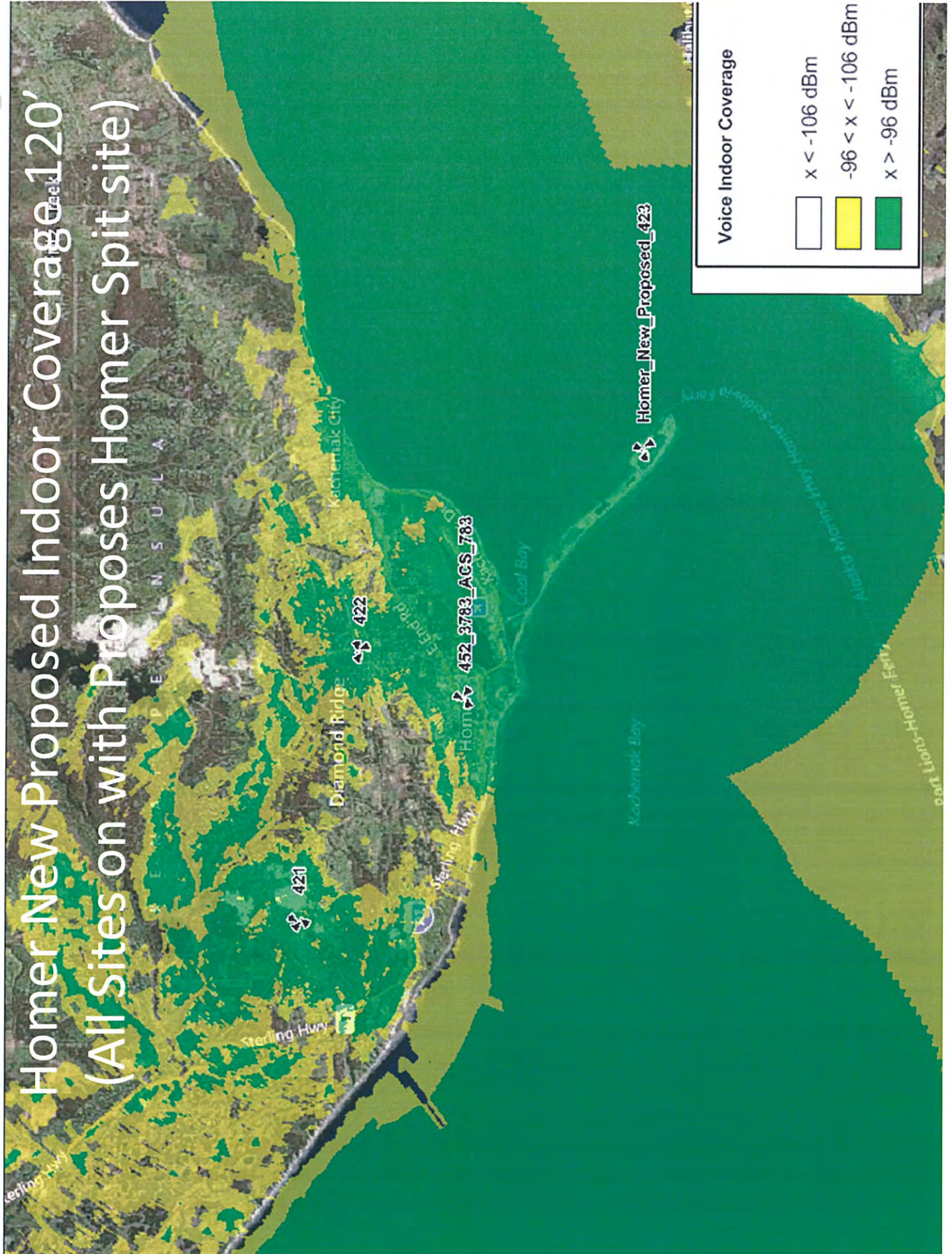
Homer Existing Indoor Coverage Fritz Creek (All sites on with existing Homer Spit site)




Homer New Proposed Indoor Coverage 100' (All Sites on with Proposes Homer Spit site)



Homer New Proposed Indoor Coverage 120' (All Sites on with Proposes Homer Spit site)



PLANS PREPARED FOR:



2550 DENALI ST, SUITE 1000
ANCHORAGE, AK 99503
OFFICE: (800) 770-7886

CONSULTANT:
ERICSSON


CONSULTANT:
ALLPRO
CONSULTING GROUP, INC.
9221 LYNDON B JOHNSON FREEWAY
SUITE 204, DALLAS, TX 75243
PHONE: 972-231-8883
FAX: 972-231-8375
WWW.ALLPROCGI.COM

SITE NUMBER:
264

SITE NAME:
PETIT CIRCLE

SITE ADDRESS:
5731 WEST PETIT CIRCLE
WASILLA, AK 99654

STAMP HERE:



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P.E. STAMP & SIGNATURE 11/17/14

DRAWN BY: B. WEBER
APPROVED BY: R. SEHGAL
ACG JOB #: 14-7225

NO	DESCRIPTION	BY	DATE
A	PRELIMINARY CD	BW	11/17/14
0	FINAL CD	BW	11/17/14

SHEET TITLE:
GROUNDING SITE PLAN










SHEET NUMBER:
G-1

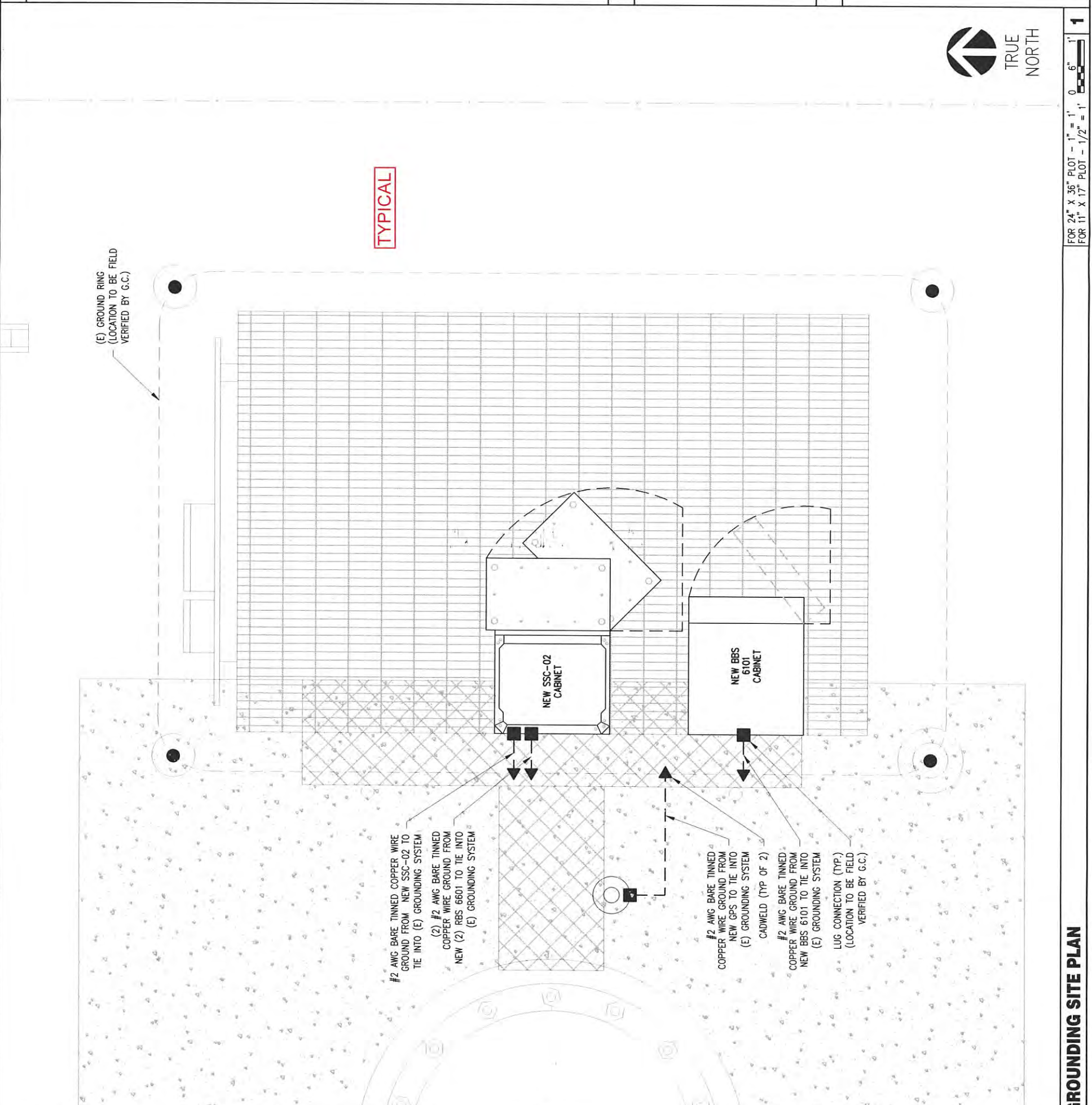
- ### GROUNDING NOTES
- ALL DOWN CONDUCTORS AND GROUND RING CONDUCTOR SHALL BE #2 AWG. SOLID, BARE, TINNED COPPER. UNO. ALL CONNECTIONS TO GROUND RING SHALL BE EXOTHERMICALLY WELDED. CONDUCTOR SHALL BE A MINIMUM DEPTH BELOW GRADE OF 30 INCHES OR TO THE LEDGE. MINIMUM BEND RADIUS SHALL BE 8 INCHES. CONDUCTOR SHALL BE AT LEAST 24 INCHES FROM ANY FOUNDATION, UNO.
 - ELECTRICAL SERVICE GROUND ROD SHALL BE COPPER CLAD STEEL, HARGER, T&B, ERICO OR EQUIVALENT.
 - WHERE MECHANICAL CONDUCTOR CONNECTIONS ARE SPECIFIED, BOLTED, COMPRESSION-TYPE CLAMPS OR SPLIT-BOLT TYPE CONNECTORS SHALL BE USED.
 - GRIND OFF GALVANIZING IN AFFECTED AREA. EXOTHERMICALLY WELD #2 CONDUCTOR AT 6 INCHES ABOVE GRADE OR FOUNDATION, WHICHEVER IS HIGHER. COLD-GALV AFTER. EXOTHERMICALLY WELD OTHER END TO GROUND.
 - GROUND CONDUCTORS ON EXTERIOR WALL OF SHELTER SHALL BE ENCASED IN 3/4" PVC CONDUIT TO GRADE. MOUNT PVC WITH GALVANIZED "C" CLAMPS. SEAL TOP ENDS.
 - FOLLOWING COMPLETION OF WORK, CONDUCT GROUND TEST. SUBMIT WRITTEN TEST TO CONSTRUCTION MANAGER AND PROJECT MANAGER.
 - ALL GROUNDING WORK SHALL COMPLY WITH CARRIER(S) STANDARDS.
 - GROUNDING REQUIREMENTS SHOWN ON THIS PLAN ARE FOR ITEMS THAT ARE LOCATED NEAR GRADE LEVEL AND THAT NEED TO BE TIED TO THE BELOW GRADE GROUND RING.
 - UNLESS NOTED OTHERWISE, ALL GROUNDING SHALL BE IN ACCORDANCE WITH SPRINT'S SSEO DOCUMENTS 3.018.02.004 "BONDING, GROUNDING AND TRANSIENT PROTECTION FOR CELL SITES", AND 3.018.10.002 "SITE RESISTANCE TO EARTH TESTING". ALL GROUNDING SHALL ALSO COMPLY WITH ALL STATE AND LOCAL CODES, AND THE NATIONAL ELECTRICAL CODE (NEC).
 - THE GROUND RING SHALL BE INSTALLED WITHIN 18 TO 24 INCHES FROM THE EQUIPMENT PAD FOUNDATION OR EQUIPMENT PLATFORM.
 - GROUND RODS SHALL NEVER BE SPACED HORIZONTALLY CLOSER THAN TWICE THE GROUND ROD LENGTH.
 - UNLESS NOTED OTHERWISE, ALL GROUNDING CONNECTIONS SHALL BE MADE BY AN EXOTHERMIC WELD.
 - NOTIFY THE CONSTRUCTION MANAGER 24 HOURS IN ADVANCE WHEN THE BURIED GROUND RING IS INSTALLED SO THAT A REPRESENTATIVE CAN INSPECT THE GROUND RING BEFORE IT IS BACKFILLED WITH SOIL.
 - RESISTANCE TO EARTH TESTING IS REQUIRED PER SNC STANDARDS ON ALL PROPOSED SITES.

GROUNDING LEGEND

- ▲ CADWELD CONNECTION
- 10' x 3/4" COPPER CLAD GROUND ROD (10' MIN, 40' MAX SEPERATION EQUALLY SPACED)
- TEST WELL & GROUND ROD
- BURNDY CONNECTION
- - - GROUND CONDUCTOR (GROUND RINGS SHALL BE 2'-6" BELOW GRADE)

TYPICAL CADWELD CONNECTIONS

	TYPE GL LUG		TYPE HS		TYPE PT
	TYPE GT (GROUND ROD ONLY)		TYPE HA		TYPE XA
	TYPE VS		TYPE VBC		TYPE NC



PLANS PREPARED FOR:



2550 DENALI ST, SUITE 1000
ANCHORAGE, AK 99503
OFFICE: (800) 770-7886

CONSULTANT:



CONSULTANT:



CONSULTING GROUP, INC.
8221 LYNDON B JOHNSON FREEWAY
SUITE 204, DALLAS, TX 75243
PHONE: 972-231-8893
FAX: 886-364-8375
WWW.ALLPROGCI.COM

SITE NUMBER:

264

SITE NAME:

PETIT CIRCLE

SITE ADDRESS:

5731 WEST PETIT CIRCLE
WASILLA, AK 99654

STAMP HERE:



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DRAWN BY: B. WEBER

APPROVED BY: R. SEHGAL

ACGI JOB #: 14-7225

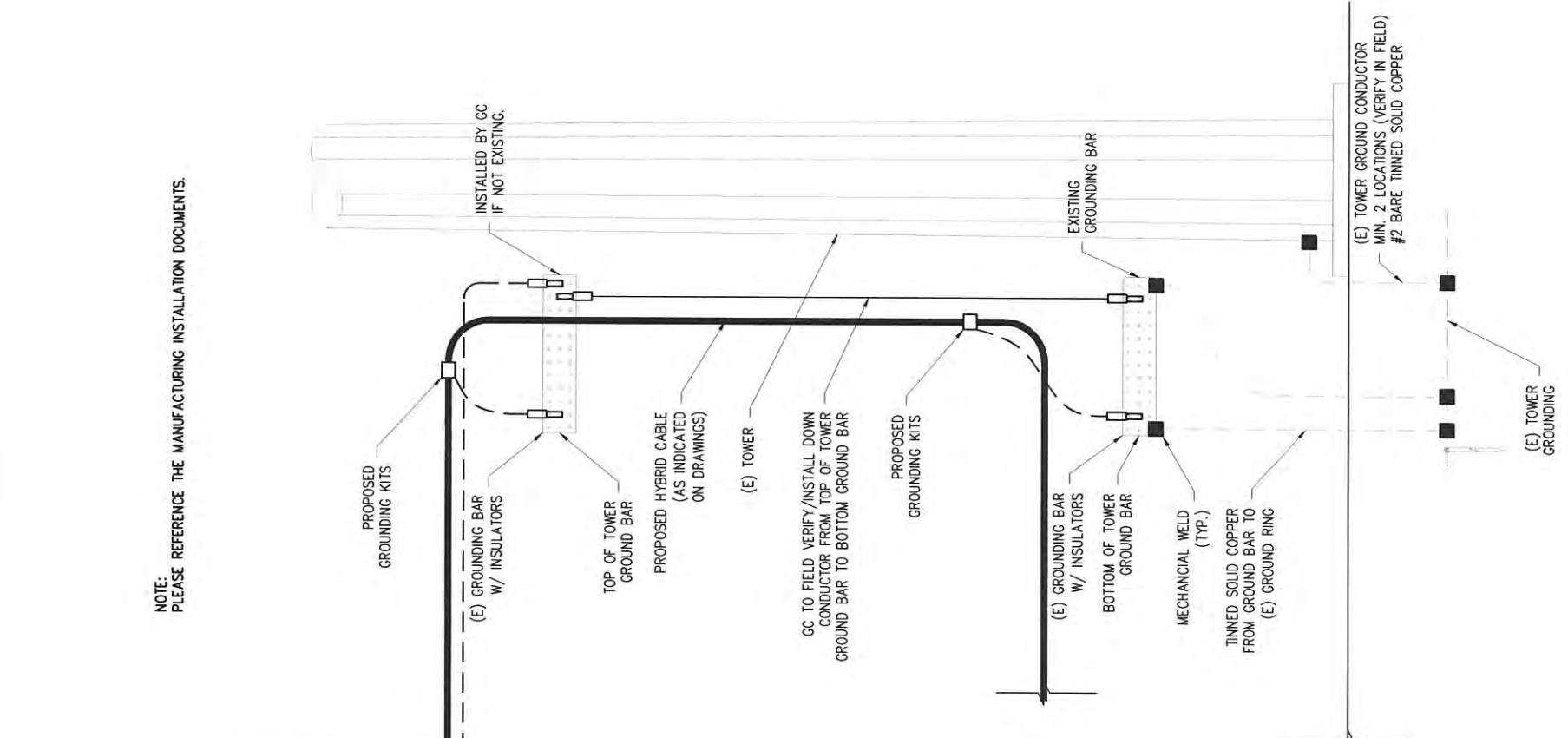
REVISION

NO DESCRIPTION	BY	DATE
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O FINAL CD	BW	11/17/14

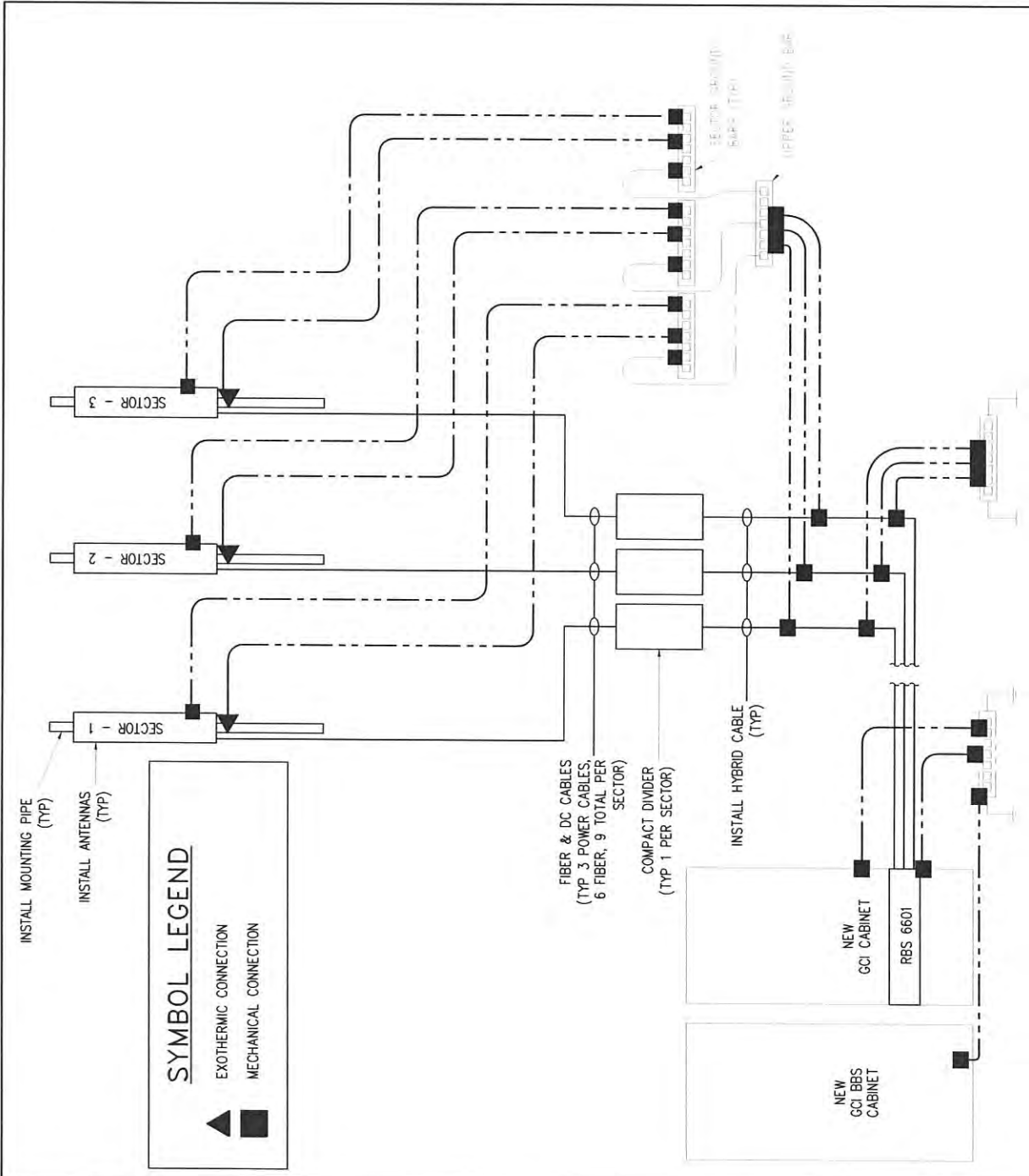
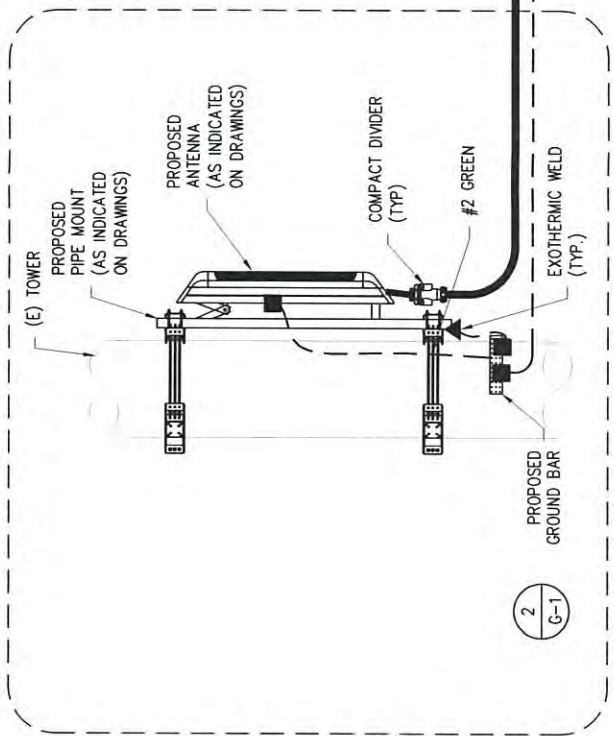
SHEET TITLE: GROUNDING DIAGRAM

SHEET NUMBER: G-2

NOTE: PLEASE REFERENCE THE MANUFACTURING INSTALLATION DOCUMENTS.



TYPICAL

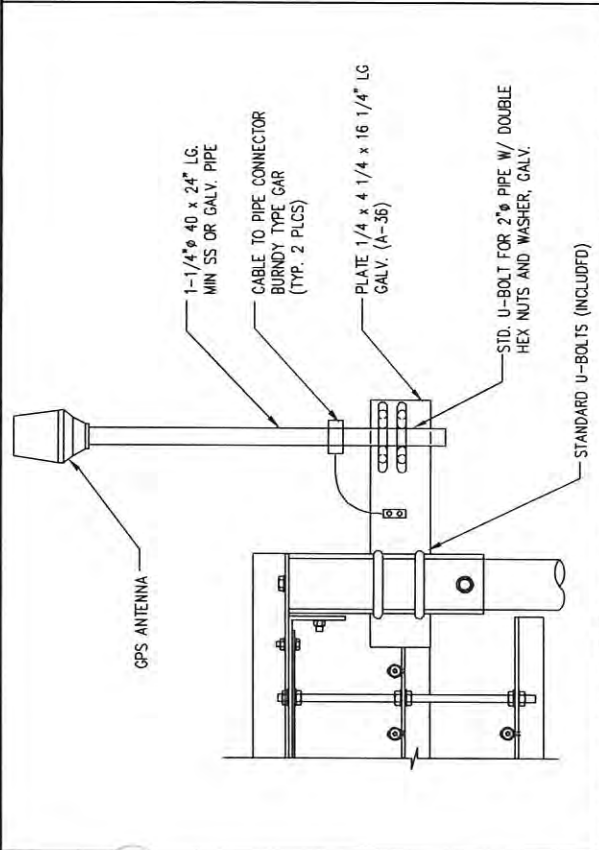


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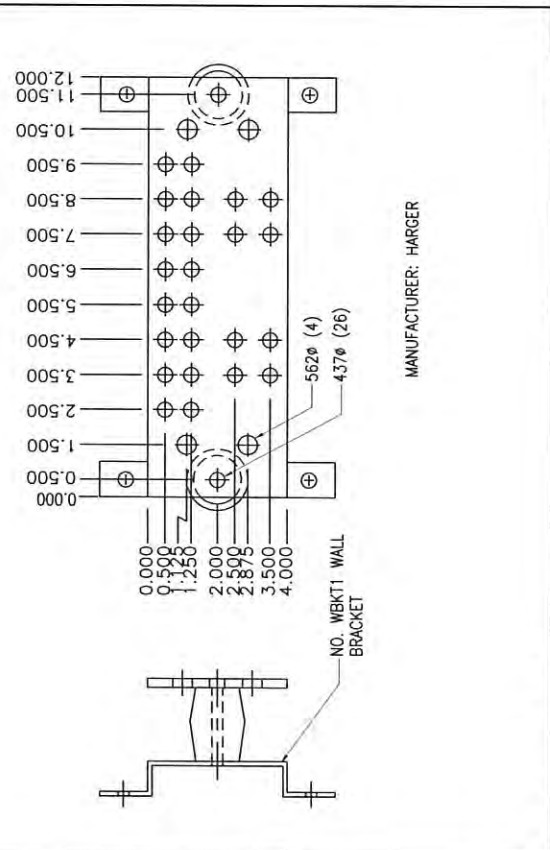
GROUNDING SCHEMATIC DIAGRAM

SCALE: N.T.S.

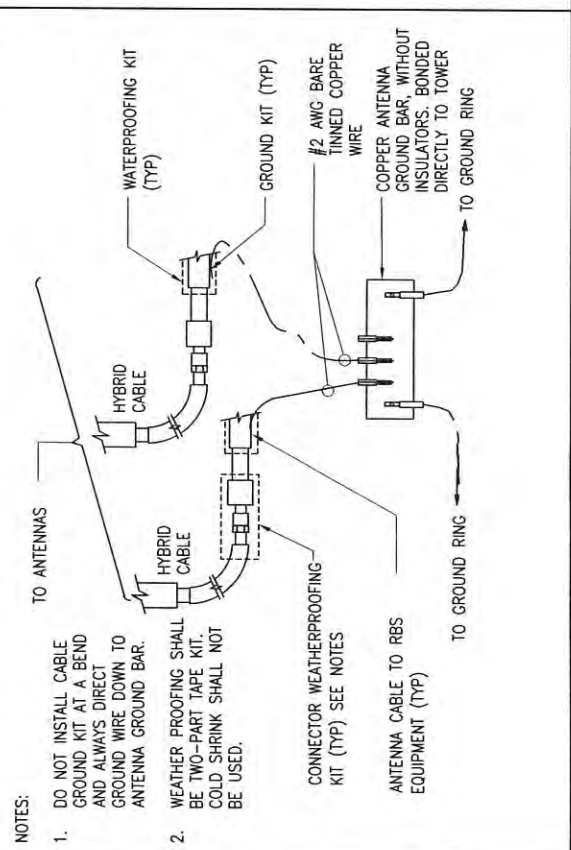
GROUNDING RISER DIAGRAM



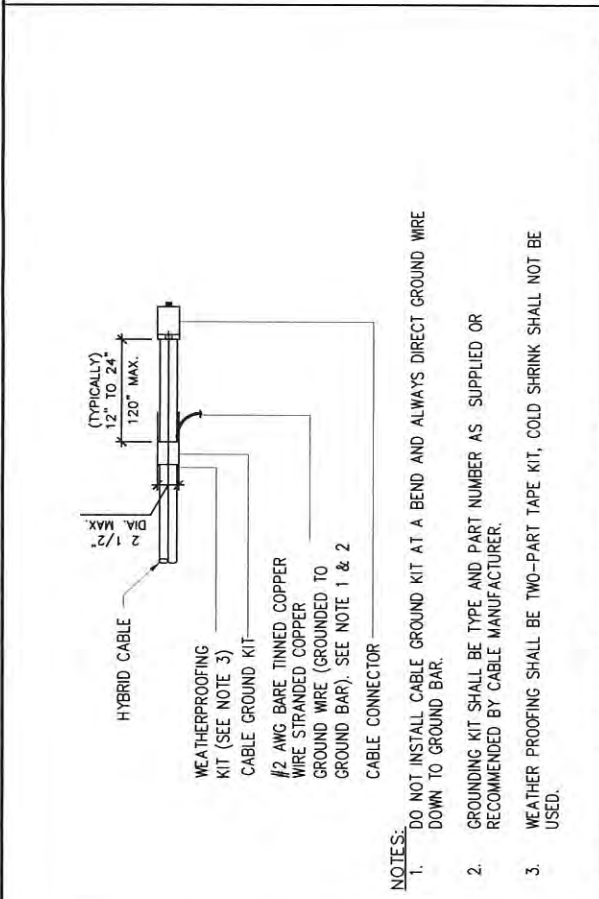
A GPS GROUNDING DETAIL



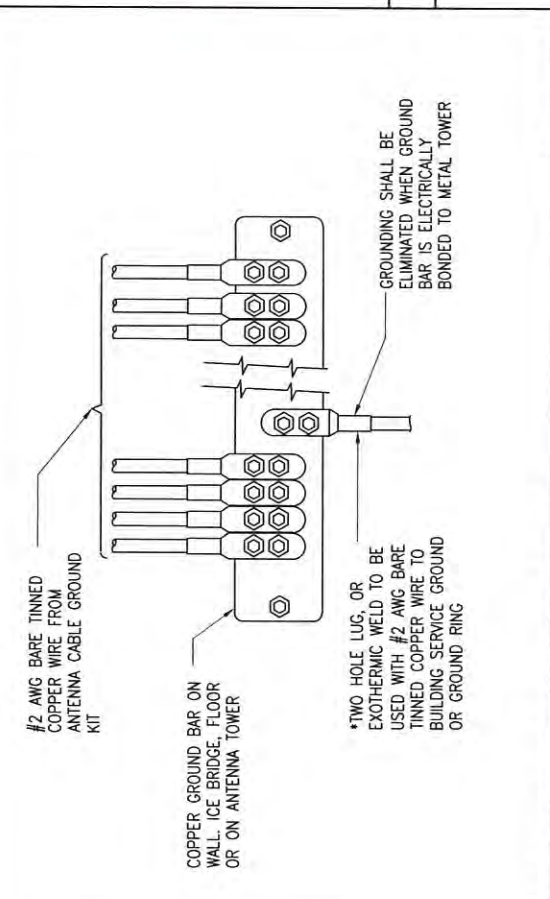
B 12" GROUND BAR



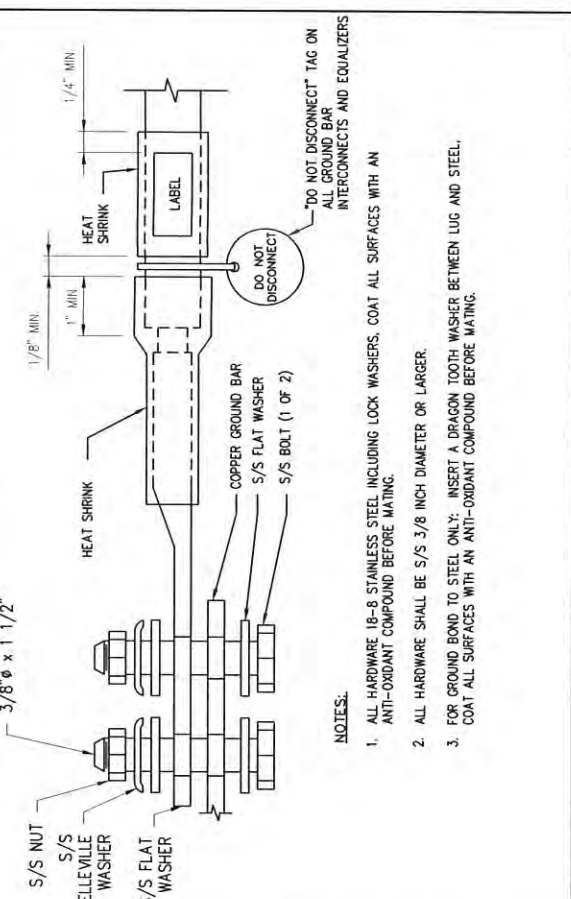
C ANTENNA GROUNDING KIT



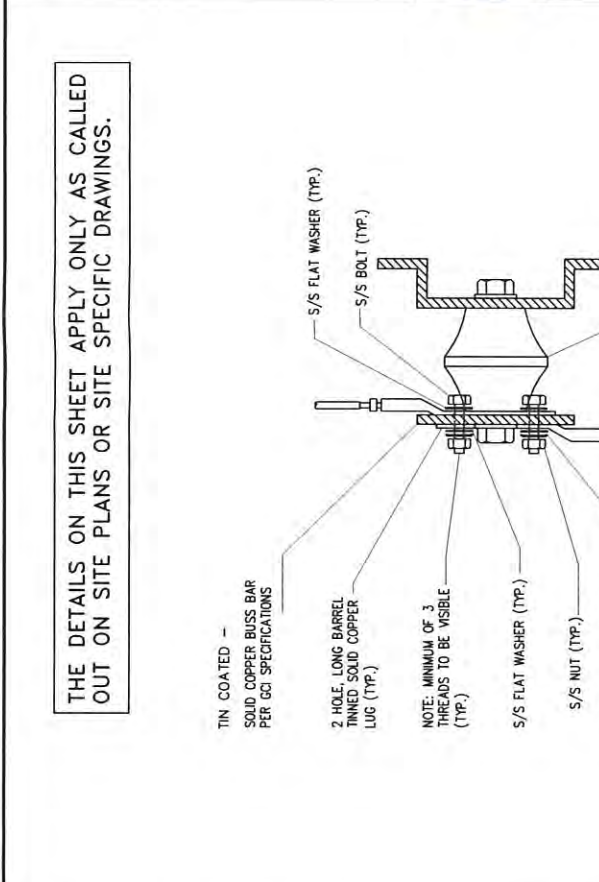
D HYBRID CABLE GROUND KIT DETAIL



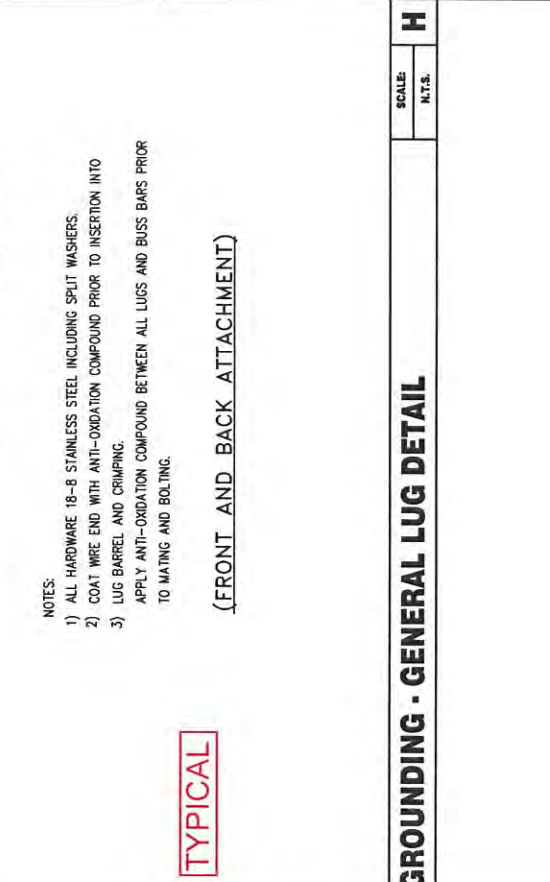
E GROUND WIRE INSTALLATION



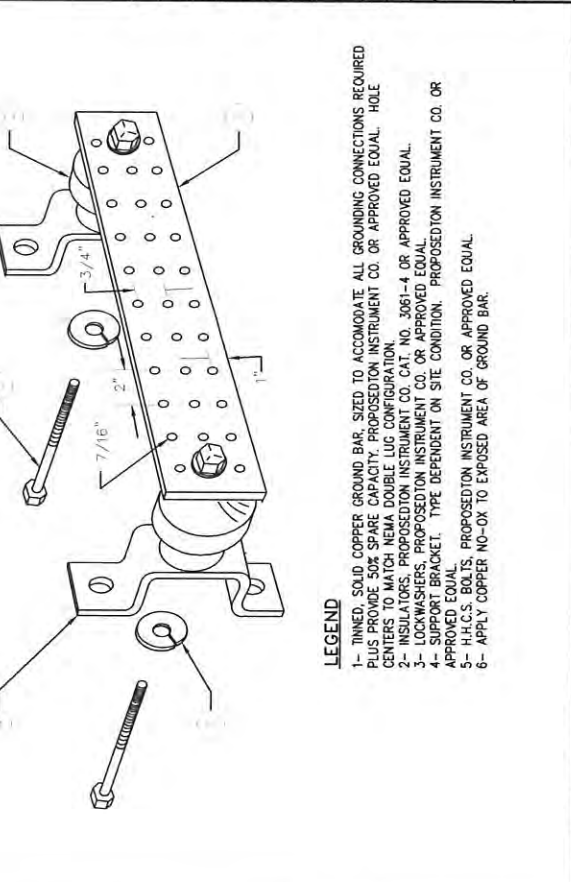
F TWO HOLE MECHANICAL LUG CONNECTION



H GROUNDING - GENERAL LUG DETAIL



G GROUND BAR



G GROUNDING DETAILS

PLANS PREPARED FOR:

2550 DENALI ST, SUITE 1000
ANCHORAGE, AK 99503
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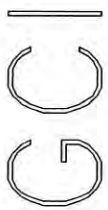
APPROVED BY: R. SEHGAL

ACGI JOB #: 14-7225

NO DESCRIPTION	BY DATE
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0 FINAL CD	BW 11/17/14

SHEET TITLE:
GROUNDING DETAILS

SHEET NUMBER:
G-3



GOLDSTREAM LIONS TOWER (FBL 12)
Fairbanks, Alaska
Prepared For: Steelhead Communications

1.0 GENERAL LOADING

BUILDING CODES:
 INTERNATIONAL BUILDING CODE 2009
 TIA-222-G
 AMERICAN INSTITUTE OF STEEL CONSTRUCTION, 13TH EDITION
 DESIGN REACTIONS PER VALMONT TOWERS JOB #252473
 MAX BASE MOMENT: 17.17 IN-KIP
 MAX BASE SHEAR: 15.1 KIPS
 MAX COMPRESSION: 20.1 KIPS

2.0 GENERAL CONDITIONS

THE CONTRACTOR SHALL CHECK ALL DIMENSIONS AND SECTIONS AND REPORT ANY DISCREPANCY TO THE ENGINEER PRIOR TO THE FABRICATION OR INSTALLATION OF STRUCTURAL MEMBERS.
 THE CONTRACTOR IS RESPONSIBLE FOR FURNISHING ALL TEMPORARY BRACING AND/OR SUPPORTS THAT MAY BE REQUIRED AS THE RESULT OF THE CONTRACTOR'S CONSTRUCTION METHODS AND/OR SEQUENCES.
 THE PROJECT SPECIFICATIONS SHALL BE CONSIDERED AN INTEGRAL PART OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL REVIEW THE SPECIFICATIONS PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.
 THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE SAFETY REQUIREMENTS AND PUBLIC AGENCIES SAFETY ORDINANCES.
 DESIGN BASED ON SOIL REPORT PROVIDED BY DOWL HKM, DATE 6/3/14

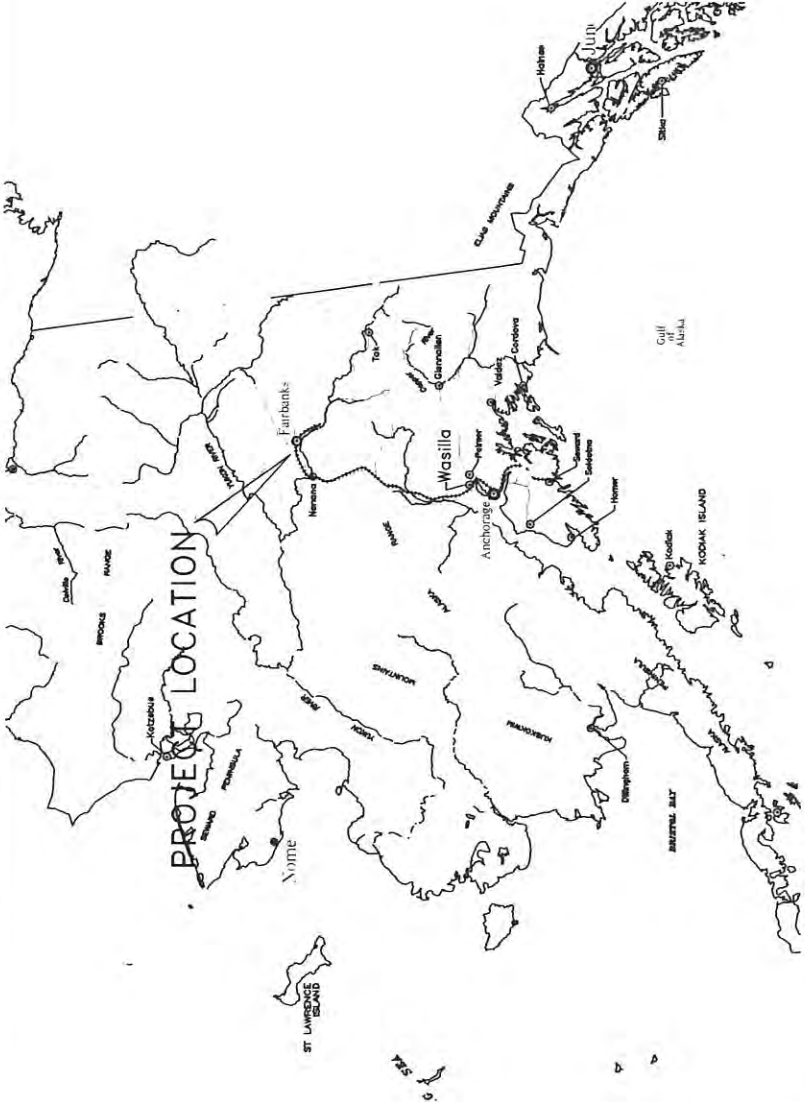
3.0 STEEL

FOUNDATION PILES SHALL BE 24" DIA X .5" WALL ASTM A252 GR 3, 50 KSI YIELD MIN. SPIRAL SEAM PERMISSIBLE.
 ALL STRUCTURAL STEEL SHALL BE ASTM A572 GR B U.N.O..
 SPECIAL INSPECTION BY QUALIFIED REPRESENTATIVE IS REQUIRED.
 ALL WELDING SHALL BE PERFORMED BY AWS D1.1 QUALIFIED WELDERS USING QUALIFIED PROCEDURES.
 ALL STRUCTURAL STEEL FOR THE TOWER FOUNDATION SHALL BE PROTECTED WITH A THREE PART COATING SYSTEM APPLIED AFTER FABRICATION AS FOLLOWS:
 -SHOP PREPARATION: CLEAN ALL SURFACES ACCORDING TO SSPC-10 NEAR WHITE BALST-CLEANING. SURFACES SHALL HAVE A 2 TO 3 MIL SURFACE PROFILE WITH SHARP PATTERN.
 - SHOP PRIMER: 2-4 MIL COATE OF DEVOE CATHA-COAT 302H.
 - SHOP PAINT: TWO 4-8 MIL COATES DEVOE BAR-RUST 235.
 - TOP COAT: 2-3 MIL COATE DEVOE DEVTHANE 389.
 - FIELD PAINTING WELDS, TOUCH UP AND REPAIRS REQUIRED.

4.0 PILE DRIVING

48 HOUR PRIOR NOTICE REQUIRED FOR PILE HAMMER TYPE APPROVAL BY THE ENGINEER OF RECORD.
 THE PILE HAMMER SHALL HAVE A MINIMUM RATING OF 40,000 FT-LBS. IF PILE ENCOUNTERS REFUSAL PRIOR TO ACHIEVING MINIMUM DEPTH, CONTACT THE ENGINEER OF RECORD.
 PILE TOLERANCE SHALL NOT EXCEED 1/2" PER 10 FEET VERTICAL AND +/- 1 1/2" HORIZONTAL.

Typical



5.0 SITE PREPARATION

SITE GRADING SHALL BE DESIGNED TO ROUTE SURFACE WATER AROUND AND AWAY FROM THE TOWER BASE.
 PRE-DRILLING MAY BE REQUIRED TO REACH MINIMUM PILE DEPTH.

6.0 INSPECTIONS

ALL INSPECTIONS TO BE SUBMITTED TO ANDREW P. ADAMS, PE CONSULTING ENGINEER. PROVIDE CONSTRUCTION SCHEDULE AND SPECIAL INSPECTOR INFORMATION PRIOR TO BEGINNING ANY SITE WORK.

REQUIRED VERIFICATION AND INSPECTION OF STEEL CONSTRUCTION

VERIFICATION AND INSPECTION	FREQUENCY	INSPECTION
INSPECTION OF STEEL TYPE AND GRADE.	PERIODIC	INSPECT PRIOR TO FABRICATION
INSPECTION OF WELDS	PERIODIC	PER IBC 1704 AND D1.1
BOLTED CONNECTIONS	PERIODIC	PER IBC 1704

REQUIRED VERIFICATION AND INSPECTION OF DRIVEN DEEP FOUNDATION ELEMENTS

VERIFICATION AND INSPECTION	FREQUENCY	INSPECTION
VERIFY ELEMENT MATERIALS, SIZES AND LENGTHS COMPLY WITH THE REQUIREMENTS.	ONE TIME	INSPECTED PRIOR TO INSTALLATION
OBSERVE DRIVING OPERATIONS AND MAINTAIN COMPLETE AND ACCURATE RECORDS FOR EACH ELEMENT.	CONTINUOUS	PROVIDE LOGS TO ENGINEER OF RECORD

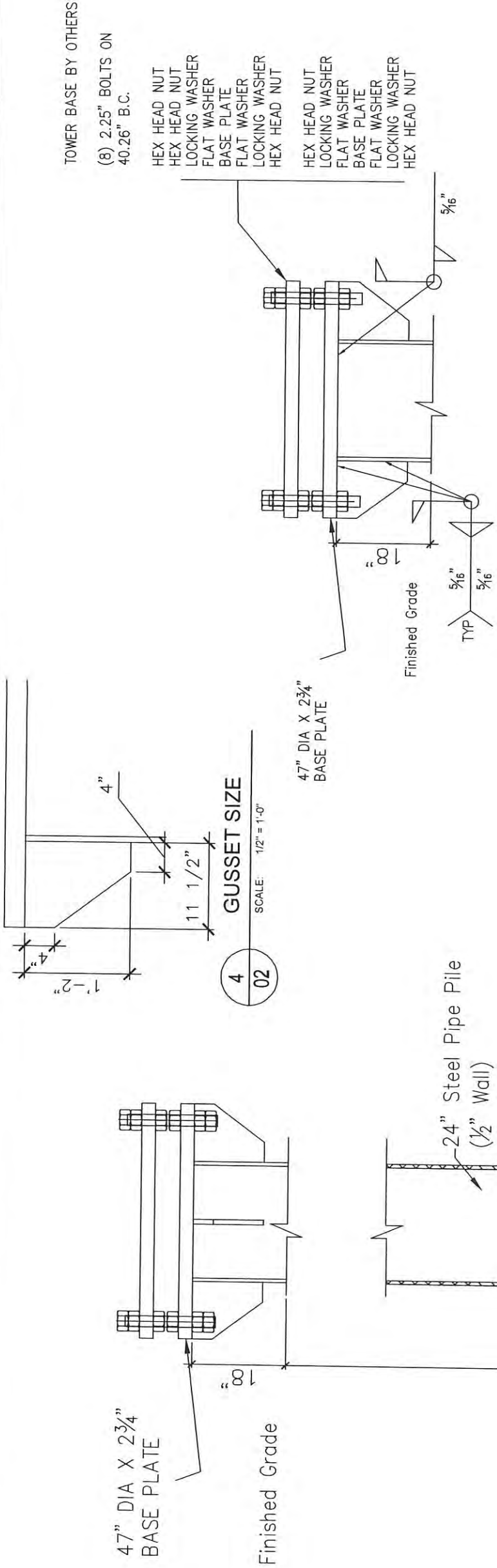
General Notes

GCI-GOLDSTREAM LIONS TOWER
 GOLDSTREAM ROAD
 FAIRBANKS, ALASKA
 STEELHEAD COMMUNICATIONS
 9330 Vanguard Drive #104
 Anchorage, AK 99507

Andrew P. Adams, PE
 Consulting Engineer
 P.O. BOX 876303
 WASILLA, AK 99687
 907-947-9303
 573-586-8735 (CELL)
 ANDREWPAADAMS@GCI.NET



DATE: 8/19/14	DRN: dd	CHK'D: nj	TYPE: Notes	Scale: NA
SHEET NO: 1 OF 2				
JOB NO: SC-140802				
DWG: SC-140802-01 REV 0				



1 STEEL PILE ELEVATION

SCALE: NTS

02

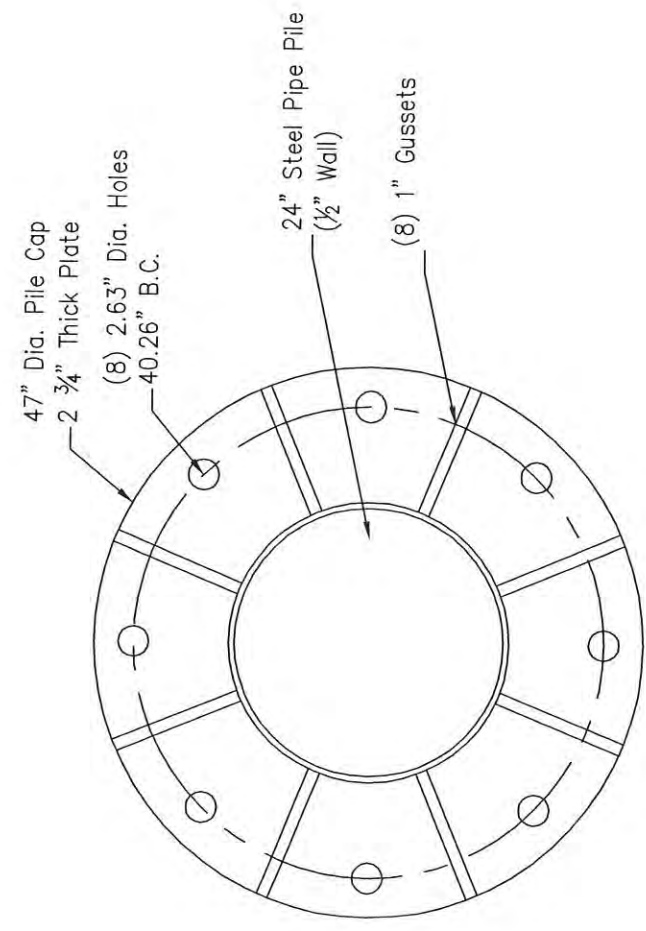
1

2 PILE CAP DETAIL - SECTION

SCALE: 1/2" = 1'-0"

02

2



3 PILE CAP DETAIL - PLAN

SCALE: 3/4" = 1'-0"

02

3

STATE OF ALASKA
49 TH
 Andrew P. Adams
 No. CE12282
 8/20/14
 REGISTERED PROFESSIONAL ENGINEER

Andrew P. Adams, PE
 Consulting Engineer
 P.O. BOX 876303
 WASILLA, AK 99687
 907-947-9303
 573-586-8735 (CELL)
 ANDREW.P.ADAMS@GCI.NET

GCI-GOLDSTREAM LIONS TOWER
 FAIRBANKS, ALASKA
 9330 Vanguard Drive #104
 Anchorage, AK 99507
Typical

DATE: 8/19/14	DR'N: GA	CHK'D: nj	TYPE: Foundation	Scale: NA
SHEET NO: 2 OF 2				
JOB NO: SC-140802				
DWG: SC-140802-02 REV 0				

The use of these plans and specifications shall be restricted to the site for which they were prepared. Any reproduction or distribution is expressly prohibited. These drawings and specifications contain proprietary information and title remains to ANDREW P. ADAMS, PE. In whole or in part, is prohibited.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 15-050

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
PROVIDING FOR THE REASSESSMENT OF CONDOMINIUM UNITS
IN THE HOMER NATURAL GAS DISTRIBUTION SPECIAL
ASSESSMENT DISTRICT.

WHEREAS, By Resolution 15-017, adopted March 23, 2015 the City confirmed the assessment roll for the Homer Natural Gas Distribution Special Assessment District (“District”); and

WHEREAS, On April 3, 2015, the Superior Court in *Castner v. City of Homer, et al.*, Case No. 3HO-13-00038CI, ruled that the City’s method of assessing condominium units in the District was unlawful, and the Alaska Supreme Court recently denied a Petition for Review of this ruling; and

WHEREAS, It now is necessary to prepare a new assessment roll for condominium units in the District, with assessments that comply with the Superior Court’s decision; and

WHEREAS, The assessments in the new assessment roll will be subject to review by the Superior Court for compliance with its decision.

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized and directed to prepare a new assessment roll for condominium units in the District.

BE IT FURTHER RESOLVED that the assessment for each condominium unit in a condominium project shall be an amount equal to the per-lot assessment amount of \$3,262.77 previously approved in Resolution 15-017, divided by the number of units in the condominium project.

BE IT FURTHER RESOLVED that the new assessment roll for condominium units in the District shall be subject to the procedure for certification of an assessment roll in HCC 17.04.070 and 17.04.080, and the appeal procedure in HCC 17.04.130.

BE IT FURTHER RESOLVED that upon the confirmation of the new assessment roll for condominium units in the District, and the approval of the assessments in that assessment roll by the Superior Court in *Castner v. City of Homer, et al.*, Case No. 3HO-13-00038CI, the assessments in that assessment roll will supersede and replace the assessments of condominium units in the District that were confirmed in Resolution 15-017.

43 PASSED AND ADOPTED by the Homer City Council on this 29th day of June, 2015.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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50 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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55

56 Fiscal Note: N/A

57

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT HOMER

KENNETH W. CASTNER III,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF HOMER, *et al.*,)
)
 Defendants.)

Case No. 3HO-13-38 CI

ORDER COMPELLING COMPLIANCE WITH DECISION AND ORDER

Plaintiff, Kenneth Castner III, filed an *Ex Parte Motion* with the court on February 6, 2015, seeking an order requiring Defendants (“the City”) to show cause why it should not be held in contempt for their decision not to comply with the *Memorandum Decision and Order* entered by the court on January 6, 2014 (“the Order”). The City filed a response on February 25, 2015, and Mr. Castner replied on March 5, 2015. The City then filed a *Notice of Compliance* on March 16, 2015, to which Mr. Castner filed an objection on March 18, 2015.

Background

The Order found that the City’s natural gas distribution system special assessment was disproportionate to the benefit conferred upon condominium unit owners compared to other assessed properties. The assessment method was arbitrary and unreasonable — unlawful. The City issued a press release stating that it would not appeal the Order, and the City did not appeal. The Order is therefore final. Mr. Castner now alleges that the City has decided to disregard the Order and its own public announcements, and impose assessments on condominium units using the same method that this court determined to be unlawful.

The City contends that it is adhering to the Order because Mr. Castner's Kachemak Bay Title Building ("Kachemak Building") condominium, and two others, are exempted from the assessment method found to be unlawful by this court. The City also claims Mr. Castner has never had standing in this issue with respect to assessments of condominiums other than the Kachemak Building and thus, has no standing to seek a broader application of the Order now.

Discussion

Mr. Castner challenged the legality of the assessment method applied to all condominium unit owners.¹ The City clearly recognized that the legality of the assessment method was the focus of Mr. Castner's original suit, and the City addressed the legality of the assessment method in its summary judgment memorandum.² The court determined that "[t]he city's assessment with respect to condominium owners is arbitrary and unreasonable." The Order applies to all condominiums and is not limited solely to the Kachemak Building, or Mr. Castner's condominium at the Kachemak Building.

The City seems to be arguing that because Mr. Castner did not file a class action, Mr. Castner does not have standing to challenge arbitrary and unreasonable assessments of other condominiums. The court concluded in the Order that Mr. Castner had standing to challenge the assessment roll, and the City did not appeal. The Order is now a final decision, and Mr. Castner has standing to seek enforcement of an order entered in his favor.

As Mr. Castner points out, the City's logic suggests the executive branch of the government could nullify a judicial declaration striking down a statute or ordinance merely by not enforcing it against individual plaintiffs. Every condominium owner would

¹ Plaintiff's Complaint, p. 2, ¶¶ 9,10.

² Defendants' Memorandum in Support of Motion for Summary Judgment, at 2, 6-7.

be forced to litigate an already settled issue. The City is precluded from relitigating the assessment method's legality under the doctrine of res judicata. Offensive nonmutual collateral estoppel is a component of the broader doctrine of res judicata and precludes defendants from relitigating an issue that the defendant previously litigated and lost against a different plaintiff if certain requirements are met.³ Here, collateral estoppel could be asserted against the City because it was a party to this first action, the issue of the assessment of condominiums would be identical, and the issue has already been resolved by the Order — a final judgment on the merits.⁴

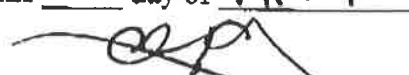
The City's assessment methodology with respect to condominiums was challenged and declared unlawful. This issue has already been resolved by a final judgment on the merits.

Conclusion

It is hereby ordered that the City fully comply with the Order and immediately cease using the method for imposing special assessments on condominium unit owners that was ruled unlawful by the Order.

The court will separately consider the question of whether contempt sanctions should be imposed on the City and any culpable City officials. It will defer a decision whether to conduct further proceedings with respect to any such sanctions, pending its determination that the City has fully complied with this order.

Dated at Kenai, Alaska, this 3rd day of April, 2015.


CHARLES T. HUGNELET
Superior Court Judge

I certify that a copy of the foregoing was
mailed to _____
placed in court box to _____
faxed to Cashier 335-2121
Klinkner 276-3180

Date 4-3-15

³ *United States v. Mendoza*, 464 U.S. 154, 159 n. 4 (1984).
⁴ *See State v. United Cook Inlet Drift Assoc.*, 895 P.2d 947, 950-54 (Alaska 1995).

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 15-017

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY, AND INTEREST PROVISIONS FOR THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT.

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council initiated a Homer Natural Gas Special Assessment District on July 23, 2012 via Resolution 12-069 assessing all parcels equally that benefited from the natural gas distribution system; and

WHEREAS, Public hearings were held on January 14 and 28, 2013 to hear objections to the formation of such district; and

WHEREAS, The objection deadline for written protests was January 25, 2013 and Owners of real property that would bear 50 percent or more of the assessed cost of the improvement did not file timely written objections to the improvement plan with the City Clerk; and

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

WHEREAS, The Homer Natural Gas Special Assessment District was completed by Enstar; and

WHEREAS, All assessment per parcel corrections deemed necessary have been made and a final assessment roll was prepared and public hearings were scheduled for March 9 and 16, 2015; and

WHEREAS, All record property owners within the district were mailed notice of their right to object, the website link to the final assessment roll, and notice of the March 9th and 16th public hearings; and

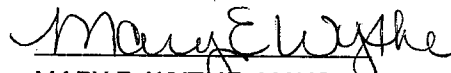
WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Homer Natural Gas Special Assessment District and the Mayor and Clerk shall be directed to sign same.

43 NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on July 1, 2015, all
44 assessments in the Homer Natural Gas Special Assessment District shall become due and
45 payable in full. All assessments not paid in full by this date shall be considered delinquent
46 and in default and shall have added a penalty of ten percent (10%) which penalty and
47 principal amount of the assessment shall both draw interest at a rate of three percent (3%)
48 per annum until paid. Should default occur, the City of Homer will institute a civil action for a
49 foreclosure of the assessment lien. Foreclosure shall be against all property on which
50 assessments are in default. All costs including collection and legal fees resulting from such
51 action, shall be added and incorporated into the assessed amount due plus interest and
52 penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real
53 property; and

54
55 BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered
56 whereby the assessment may be paid in ten (10) equal yearly installments plus interest of
57 four percent (4%) on the unpaid balance of the assessment. The first such installment shall be
58 due and payable without interest on or before 5:00 p.m. July 1, 2015 and each installment
59 thereafter shall be due on or before July 1st of each year, plus interest on the unpaid balance
60 of the assessment. If any annual installment payment is not received when due, the entire
61 outstanding principal amount of the assessment shall be in default and shall be immediately
62 due and payable. The entire outstanding assessment principal (including the annual
63 installment) shall have added a penalty of ten percent (10%) on the outstanding principal.
64 The principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum
65 until paid. Should default occur, the City will institute civil action for foreclosure of the
66 assessment lien. Foreclosure shall be against all property on which assessments are in
67 default. All costs including collection and legal fees resulting from such action shall be added
68 and incorporated into the assessed amount due plus interest and penalties, and shall be
69 reimbursed from the proceeds of foreclosure sale of the assessed real property.

70
71 PASSED AND ADOPTED by the Homer City Council on this 23rd day of March, 2015.

72
73 CITY OF HOMER

74
75
76 
77 MARY E. WYTHE, MAYOR

78
79 ATTEST:

80
81 
82 _____
83 JO JOHNSON, MMC, CITY CLERK
84

85 Fiscal Note: Total project costs are \$12,359,388; 3,788 assessments = \$3,262.77 per parcel.
86
87

BIRCH HORTON BITTNER & CHEROT
 ATTORNEYS AT LAW
 1127 WEST SEVENTH AVENUE
 ANCHORAGE, ALASKA 99501-3301
 TELEPHONE (907) 276-1550 • FACSIMILE (907) 276-3680

FILED
 STATE OF ALASKA
 THIRD DISTRICT

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
 THIRD JUDICIAL DISTRICT AT HOMER
 CLERK, TRIAL COURTS

15 APR 17 PM 1:27
 BY _____
 DEPUTY CLERK

KENNETH W. CASTNER, III,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF HOMER, WALT WREDE,)
 FRANCINE ROBERTS, BEAUREGARD)
 BURGESS, BRYAN ZAK, JO JOHNSON,)
 BARBARA HOWARD, DAVID LEWIS, and)
 JAMES DOLMA,)
)
 Defendant.)

Case No. 3HO-13-00038CI

STIPULATED MOTION FOR STAY

The parties to this action move the Court, by stipulation, to stay the Order Compelling Compliance with Decision and Order entered in this action on April 3, 2015 ("Compliance Order"), pending disposition by the Alaska Supreme Court of the Defendants' Petition for Review of the Compliance Order ("Petition") filed on April 13, 2015, subject to the terms and conditions set forth below.

STIPULATION

The parties stipulate as follows:

1. The Compliance Order may be stayed by this Court pending disposition of the Petition by the Supreme Court, subject to the following terms and conditions.
2. The stay shall be without prejudice to Plaintiff seeking and obtaining enforcement of the Compliance Order and this Court's Memorandum Decision

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and Order, entered January 6, 2014, (“Decision and Order”) upon the expiration of the stay. This Stipulation is not intended, and shall not be construed, to preclude or limit in any way this Court’s authority to enforce those orders or to issue any other orders in this case (including, without limitation, any orders with respect to sanctions or other relief in connection with the Plaintiff’s Motion for Order Requiring City to Show Cause), subject only to any requirement or condition that may be established by the Supreme Court in its disposition of the Petition.

3. The time for the owner of any condominium unit subject to special assessment in the City’s natural gas distribution district (“condominium unit owner”) to file an administrative appeal in the Superior Court from the assessments confirmed by City of Homer Resolution 15-017 shall be considered suspended and extended. Should any condominium unit owner wish to file such an appeal, that appeal may be filed in the Superior Court within 30 days after the date of the disposition of the Petition. This Stipulation is not intended, and shall not be construed, (a) to require the filing of an appeal by any condominium unit owner or (b) to restrict or otherwise limit any condominium unit owner’s right to seek judicial relief through a civil action for declaratory judgment and injunctive relief or other judicial proceeding, to the extent permitted by law.

4. Pending disposition of the Petition, the City shall not deliver a payment statement, as provided in City Ordinance 17.04.090b, to any condominium unit owner. Upon disposition of the Petition, the City may deliver such statements to condominium unit owners after obtaining this Court’s approval that the statements

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are in compliance with this Court's orders, subject to any requirement or condition that may be established by the Supreme Court in its disposition of the Petition; *provided, however*, that such Superior Court approval shall not be required in the event the Supreme Court grants the petition and rules that this Court erroneously ordered the City not to assess condominium unit owners as provided in the special assessment role confirmed by City of Homer Resolution 15-017 and that the City may assess condominium unit owners as provided in that role without further proceedings on remand. The City may move the Superior Court for approval of its statements to condominium unit owners at any time after the disposition of the Petition. The parties shall jointly seek expedited consideration of that motion and shall make good faith efforts to reach agreement and stipulate concerning the proper assessment statements.

5. In this Stipulation, "disposition of the Petition" refers to and includes each of the following:

- a. Denial of the Petition by the Alaska Supreme Court;
- b. A final decision by the Alaska Supreme Court on the merits of the Petition; or
- c. Defendants' voluntary dismissal of the Petition.

6. The stay shall expire and be considered lifted immediately upon disposition of the Petition, absent further order by this Court or the Supreme Court, with the parties thereafter remaining subject to all relevant terms and conditions of this Stipulation.

DATED this 17th day of April, 2015.

By: 
Kenneth W. Castner, Plaintiff pro se

DATED this 16th day of April, 2015.

BIRCH HORTON BITTNER & CHEROT
Attorneys for Defendants

By: 
Thomas F. Klinkner, ABA #7610112

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APR 17 2015

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ORDER

IT IS ORDERED that the foregoing Stipulated Motion to Stay is GRANTED, subject to its stipulated terms and conditions, this 18th day of April, 2015.



Charles T. Huguelet, Superior Court Judge

CERTIFICATE OF SERVICE

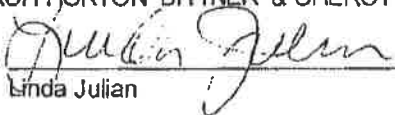
The undersigned hereby certifies that on the 16th day of April, 2015, a true and correct copy of the foregoing was served on the following via first class mail, postage prepaid:

Kenneth W. Castner III
3733 Ben Walters Lane, Suite 4
Homer, AK 99603

Stephan H. Williams, Esq.
1300 Hillcrest Drive
Anchorage, AK 99503

BIRCH HORTON BITTNER & CHEROT

By:


Linda Julian

RECEIVED
APR 27 2015
Birch Horton
Bittner & Chero

I certify that a copy of the forgoing was

mailed to Castner, Klinkner

placed in court box to _____

faxed to _____

scanned to _____

 _____

Judicial Assistant

4-24-15

Date

CASTNER V. CITY OF HOMER
STIPULATED MOTION FOR STAY
F:\506742\1675\00442587 DOCX

CASE NO. 3HO-13-00038C1
PAGE 5 OF 5

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

3 City Manager/
4 Police Chief

5 **RESOLUTION 15-051**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 APPROVING AND ACCEPTING A REGIONAL AND COMMUNITY
9 JAILS SERVICES CONTRACT FOR FY 2016 WITH THE ALASKA
10 DEPARTMENT OF CORRECTIONS IN THE AMOUNT OF \$424,080.00
11 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE
12 APPROPRIATE DOCUMENTS.

13
14 WHEREAS, The jail services contract with the Alaska Department of Corrections has
15 been revised to reflect a five-year contract term; and

16
17 WHEREAS, The period of performance for this contract begins July 1, 2013 and ends
18 June 30, 2018; and

19
20 WHEREAS, The contract amount will fluctuate each year with annual Consumer Price
21 Index and Geographical differential increases; and

22
23 WHEREAS, The jail services contract generates \$424,080.00 in revenue for the City of
24 Homer and is budgeted; and

25
26 WHEREAS, Police Chief Robl recommends approval and acceptance of this contract.

27
28 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
29 and accepts the Regional and Community Jails Services Contract for FY 2016 with the Alaska
30 Department of Corrections in the amount of \$424,080.00 and authorizes the City Manager to
31 execute the appropriate documents.

32
33 PASSED AND ADOPTED by the Homer City Council this 29th day of June, 2015.

34
35 CITY OF HOMER

36
37
38 _____
39 MARY E. WYTHE, MAYOR
40
41
42

43 ATTEST:

44

45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49

50 Fiscal information: \$424,080.00 budgeted in Account 100.030.4503.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum 15-092

TO: City Manager Koester
FROM: Mark Robl, Chief of Police
DATE: June 18, 2015
SUBJECT: FY 2016 Jail Contract Renewal

The Department of Corrections has offered to renew our existing jail contract for FY 2016 for \$424,080. This is a significant decrease from our previous contract but I do recommend we ask council to renew this contract.

I participated in a telephonic conference with the chiefs of the community jails on Monday. We formed a group of representatives which will be meeting with the commissioner of corrections and other state representatives to work on getting our funding levels restored. We are not hopeful of a return to full funding but anything we can gain back will be beneficial. I will keep you posted on our progress.

It is important to realize we are responsible for the care of any prisoners arrested by HPD officers until the time they are arraigned. Arraignment generally happens within 24 hours of arrest but it can be delayed for up to 48 hours under certain circumstances. Last year we arrested 278 people that stayed in our jail prior to arraignment. The troopers brought in 179. Even if we tried to reduce jail services we would still be responsible for the care of hundreds of people in the jail every year. It is not safe to have these people in the jail without direct supervision.

Fiscal note: Revenue, \$424,080 to 100.030.4503

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

