



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 Agenda Changes/Supplemental Packet

TO: MAYOR AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: AUGUST 24, 2015
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Memorandum 15-141, From Mayor Re: Appointment of Marcia Kuszmaul to the Library Advisory Board.

Page 3

Ordinance 15-31, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Authorizing the Expenditure of \$150,000 for the Purchase of a New Dump Truck From the General Fund, Authorizing the Application of a Loan for Said Purchase, and Authorizing the City Manager To Execute All Appropriate Documents. Burgess. Recommended dates: Introduction August 24, 2015, Public Hearing and Second Reading September 14, 2015.

Amending agenda title expenditure amount to \$150,000 and changing Ordinance line 31 from \$159,000 to \$150,000. (Revisor Authority HCC1.08.060(C)(7))

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PUBLIC HEARINGS

Ordinance 15-29, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Lewis/Reynolds.

Written public comments
KBCHA Plan excerpt

Page 7

Page 15

COMMITTEE REPORTS

All Hazard Mitigation Plan Committee report from Councilmember Reynolds

NEW BUSINESS

Memorandum 15-143, Deferred Assessment for Satterwhite-Smith, Ridgley, and Jackman-Olson for the Homer Natural Gas Special Assessment District.

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

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

Received by the Clerk's Office

AUG 19 2015 AM 09:43

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

Name: Marcia J. Kuszmaul Date: August 18, 2015
 Physical Address: 40963 China Poot St., Homer, AK 99603
 Mailing Address: P.O. Box 1697, Homer, AK 99603
 Phone Number: _____ Cell #: 907-299-1566 Work #: 907-235-4779
 Email Address: mkuszmaul@hotmail.com

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

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

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

I have been a resident of the city for ___ yrs ___ mos. I have been a resident of the area for ___ yrs 8 mos.

I am presently employed at owner and proprietor, Juneberry Lodge (bed & breakfast)

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

Board Member & Officer, King County Library System Foundation,

Issaquah, WA 1997-2015; Director of Marketing, American Library Association, Chicago, IL 1987-94;

MLS, University of Washington, Seattle, WA 1986; Clerk, Homer Public Library, Homer, AK 1984-85

Speaker, Alaska Library Association, Juneau, AK 1984; advisor to (Bill) Gates Library Foundation, 19

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

Yes, foundation board member of one of the nation's leading library systems (King County, WA)

for 18 years. Active as employee and member of American Library Association since 1981 --

committee member.

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

Libraries are at the heart of every community providing equal access to literacy, learning and quality

leisure activity. I understand and appreciate the value of the Homer Public Library, having worked the

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

Long-time member and supporter of the American Library Association, trustee division.

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

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

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

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

Commercial

Recreational

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

I first lived in Homer and worked at the library 30 years ago. I recently returned to Homer as a local b

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

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

3 Burgess

4 **ORDINANCE 15-31**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2015 OPERATING BUDGET BY AUTHORIZING
8 THE EXPENDITURE OF \$150,000 FOR THE PURCHASE OF A DUMP
9 TRUCK FROM THE GENERAL FUND, AUTHORIZING THE
10 APPLICATION OF A LOAN FOR SAID PURCHASE, AND
11 AUTHORIZING THE CITY MANAGER TO EXECUTE ALL
12 APPROPRIATE DOCUMENTS.

13
14 WHEREAS, One of the two Public Works dump truck has been taken out of service due
15 to extensive frame damage making it cost prohibitive to repair; and

16
17 WHEREAS, It is necessary to have two in the work fleet as they are often used
18 simultaneously and to have one available when the other is down for repairs or maintenance;
19 and

20
21 WHEREAS, Public Works can utilize the State's purchase contract and recognize a
22 \$27,000 savings from the normal retail price for the same truck; and

23
24 WHEREAS, Public Works has looked at used trucks and finds that the age and cost to
25 outfit it to serve their needs makes a new truck purchased through the State contract a
26 preferred option.

27
28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

29
30 Section 1. The Homer City Council hereby amends the FY 2015 Operating Budget by
31 appropriating \$150,000 from the Public Works Vehicle Depreciation Fund for the purchase of
32 a new dump truck.

33
34 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
152-0383	Dump Truck	\$150,000

35
36
37
38 Section 2. The Homer City Council hereby authorizes the City Manager to apply for and
39 secure a 2.833% loan (through Construction Machinery Inc.) in the amount of \$150,000 for the
40 dump truck purchase for the term of 60 months.

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

44
45 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of
46 _____, 2014.

47
48 CITY OF HOMER

49
50
51 _____
52 MARY E. WYTHE, MAYOR

53
54 ATTEST:

55
56
57 _____
58 JO JOHNSON, MMC, CITY CLERK

59
60
61 AYES:

62 NOES:

63 ABSTAIN:

64 ABSENT:

65
66
67
68 First Reading:

69 Public Reading:

70 Second Reading:

71 Effective Date:

72
73
74
75 Reviewed and approved as to form:

76
77
78 _____
79 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

80
81 Date: _____

Date: _____

82

Kathy Smith
4139 Kachemak Way
Homer, AK 99603

August 21, 2015
To the Members of the Homer City Council

I moved to the Homer area in 1974 and have been a permanent Homer city resident since 1985. I would like to comment on the proposed Beach Policy.

The use of Homer's beaches has grown immensely since the last policy update in 2007. With the increase in visitors to our beaches, it is obvious that many of those policies no longer work.

I have been dismayed for a long time by the large numbers of vehicles on the berms and beaches. I used to like to walk the beach with my dog and my family. The noise of speeding cars and trucks on Bishops Beach has ruined this experience for us. I am fully prepared to accept the ban on motorized vehicles as was proposed by the beach task force.

It is my understanding that this proposed ban has now been modified. At the very least, I believe that a total ban on vehicles to the east side of the beach should be banned altogether and that any remaining traffic should be controlled by a speed limit of 10 miles per hour.

As to those folks who still gather coal, as I used to do when I first lived in Homer, I hope that any coal-gathering beaches outside the non-motorized-vehicle-area will be identified and available for use.

As regards pets, I agree with on-leash and poop clean-up policies as proposed. I believe glass should also be banned. I really hope that the end result of all these changes will be less trash on our beaches.

I believe we must look toward the future and put in place a Beach Policy that will best benefit not just people, but all resident and visiting populations of Homer, including birds and marine life.

Thank you,
Kathy Smith

P.O. Box 2994
Homer AK 99603

August 21, 2015

Homer City Council
City of Homer
Homer AK 99603

Dear Council Members:

I appreciate the hard work it takes to find a solution for the problems on our beaches. I hope you will take the time to examine the extensive information provided by the Parks and Recreation Commission.

The most talked about area is Bishops Beach because it has the most problems and the most use. Since it is clear a compromise is needed to accommodate the different user groups and provide a safe place for families with children, creating clearcut user zones is reasonable and makes sense. I urge you to make the voluntary pedestrian area to the east, "Zone 7," a year-round "No Vehicles" area for many reasons:

1. The owner of most of this part of Bishops Beach is the U.S. Fish and Wildlife Service. They have a mandate to protect habitat for migratory birds and for marine mammals. The spokesperson for USFWS stated that they would like both berms and the part in between closed to vehicular use so that the berm can undergo natural restoration. Closing Zone 7 to vehicles makes this area easier for the City and for USFWS to manage.
2. People driving vehicles on the berms in Zone 7 have destroyed most of the struggling vegetation that remains. (See photos below Taken on April 3, 2015.) If this were a closed area, most likely this vegetation would reestablish itself, stabilizing many parts of this storm berm. The area between, if no longer compacted by vehicles, would be able to be colonized by seeds from the adjoining vegetated berm and other seeds brought by crows and other shorebirds that do use this area.
3. Seasonal use has problems and creates more headaches for enforcement. Winter has dramatically changed in recent years so this area is not always frozen. Vehicles would probably not always stay just on the compacted area, but would drive up on the berm for the view and parking. A special zone would have to be established for the cars to park at the end. If vehicles were required to drive on the shore side of the outer berm, depending on the tide, the vehicles would likely end up on the berm, again defeating restoration. It would be too complicated to regulate a restriction of using the area at low tide only. Access is not being denied to individuals, merely to vehicles.

4. This area is connected to the boardwalk. People walking down from I & O very often are birding or enjoying a quiet walk. Providing this one short quiet area will be a tremendous asset for the visiting public as well as local users.
5. If closed to vehicles and protected by a barrier and an ordinance that provides a tool for enforcement, local outdoor non-profits, USFWS, KNERR, and schools will have a ready-made beach restoration laboratory or classroom to study the changes.

I also believe in the interest of protecting the habitat and wildlife that use USFWS land in Zone 7, this area should become a year-round dogs on leash only area. I support more education about picking up dog feces on the beach and around town. The City should provide more trash containers and bags for dog walkers.



Tufts of beach grass are surviving among all the car tracks on the storm berm in zone 7.



Struggling patches of grass still exist between areas where cars have been parked.



Closeups of some of the grass in the larger photo above.



Next to the compacted driven area are pockets of grass and other vegetation.



Close up of the area shown in photo above illustrates vehicle damage to vegetate areas.



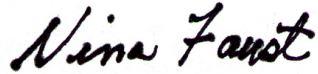
The lower, inner part of the outer storm berm has remnants of grass and vegetation.



So many cars are damaging the berm now, vegetation can hardly survive.

There are still many difficult issues to deal with to the west on Bishops Beach. Some things are out of control and are going to be difficult to manage. One of the most serious is the drug problem. Reckless driving is a safety issue for everyone. I look forward to a compromise ordinance that allows for an area to the east without vehicles.

Sincerely,

A handwritten signature in black ink that reads "Nina Faust". The signature is written in a cursive, flowing style.

Nina Faust

**KACHEMAK BAY
AND
FOX RIVER FLATS
CRITICAL HABITAT AREAS
MANAGEMENT PLAN**

DECEMBER 1993

**Prepared by the Divisions of
Habitat and Restoration
and
Wildlife Conservation**

**Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, AK 99518-1599**

Carl L. Rosier, Commissioner



Excerpts from KBCHA plan. p. 7 + 11

POLICIES

ACCESS - Maintain existing public access into Kachemak Bay and Fox River Flats critical habitat areas. Improve public access within Kachemak Bay Critical Habitat Area consistent with the goals of the management plan. Fox River Flats Trail should continue to be used as an all weather trail with appropriate terms and conditions, including weight restrictions, placed on use of motorized vehicles.

OFF-ROAD USE OF MOTORIZED VEHICLES - To ensure the protection of important habitat, avoid harmful disturbance of fish and wildlife, and accommodate a variety of critical habitat area users, the department will, as appropriate, establish motorized vehicle use corridors and seasonal and vehicle use restrictions under a general permit for individual personal and recreational transportation. Organized group events involving 20 or more individuals or use of industrial or construction type vehicles may, in the commissioner's discretion, be authorized under an individual Special Area Permit under 5 AAC 95.420(a)(7) if the use is consistent with the goals and policies of this management plan. Traversing areas with rooted vegetation in airboats or hovercraft is prohibited.

INFORMATION AND EDUCATION - Inform the public about resource values, recreational opportunities (including high value viewing areas) and rules in Kachemak Bay and Fox River Flats critical habitat areas. Encourage compatible educational programs and research and monitoring of fish, wildlife, and habitat resources and their uses.

FISH AND WILDLIFE HABITAT AND POPULATION ENHANCEMENT AND REHABILITATION - As appropriate, allow enhancement and rehabilitation of habitat of indigenous wildlife or fish species and enhancement of fish and wildlife populations where it furthers the management goals of Kachemak Bay and Fox River Flats critical habitat areas, is not at the expense of existing resource values (including diversity and abundance) and doesn't interfere with public use and enjoyment. Priority should be given to encouraging rehabilitation of depleted indigenous fish and wildlife populations.

WATER QUALITY - Water quality standards applied to estuarine, marine, and freshwater environments in the critical habitat areas shall be state water quality standards set out in 18 AAC 70 (as amended as of January 7, 1987). Cumulative effects of waste discharge shall be a primary concern when determining appropriate activities in the critical habitat areas and must meet the above specified standards. Discharge of treated waste products may only be allowed within the critical habitat areas when there is a demonstrable need for which there is no feasible alternative.

MOORING BUOYS, RUNNING LINES, AND NAVIGATIONAL AIDS - Mooring buoys and running lines will be allowed under the terms of a general permit where adjacent upland landowners require public or private access to their property. Public mooring buoys may also be allowed under the terms of a general permit. Mooring buoys and running lines will be sited, designed, and used in a manner which does not interfere with navigation for the purpose of public use and enjoyment of the critical habitat areas, existing fisheries, or other authorized uses. In areas where a proliferation of buoys would have the potential to interfere with navigation for the purpose of public use and enjoyment of the critical habitat areas, or public uses of the critical habitat area, an area or areas may

MINING - Mineral or coal leasing will not be allowed in the critical habitat areas. Close the critical habitat areas to new locatable mineral entry and close tide and submerged lands within the critical habitat areas to issuance of offshore prospecting permits. **Incidental gathering of loose coal for personal use on Kachemak Bay beaches will continue to be allowed.**

MATERIAL EXTRACTION - Material extraction on public lands will not be allowed within the critical habitat areas unless for purposes of maintenance, enhancement, or restoration of critical habitat area habitat. All material extraction activities within the critical habitat areas, including activities on private lands, must be consistent with critical habitat area statutes and the goals and policies of this management plan.

OIL AND GAS - To avoid damage to fish and wildlife habitats, disturbance to fish and wildlife populations, and displacement of public use, surface entry for oil and gas exploration or development will not be allowed on Kachemak Bay or Fox River Flats critical habitat areas, except that geophysical surveys may be permitted if there is no surface impact and appropriate stipulations, including seasonal restrictions, preclude impact to fish and wildlife habitat, fish and wildlife populations, and public use of the critical habitat areas.

OIL DRILLING RIG STORAGE - To avoid damage to fish and wildlife habitats, disturbance to fish and wildlife populations, and displacement of public use of Kachemak Bay Critical Habitat Area, drilling rig storage will not be allowed in the Kachemak Bay Critical Habitat Area.

HAZARDOUS MATERIALS - Hazardous materials may not be stored or deposited in the critical habitat areas.

OTHER USES - To protect fish and wildlife populations and their habitats in the critical habitat areas, the department may allow by permit only those activities compatible with the purposes for which the critical habitat areas were established, terms and standards of 5 AAC 95, and the goals and policies of the plan. Any activity that is not compatible with the purposes for which the critical habitat areas were established, terms and standards of 5 AAC 95, and the goals and policies of this plan will not be allowed.



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(p) 907-235-3130

(f) 907-235-3143

MEMORANDUM 15-143

TO: MAYOR AND CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, ACTING CITY CLERK

DATE: AUGUST 21, 2015

SUBJECT: DEFERRED ASSESSMENT FOR SATTERWHITE-SMITH, RIDGELY, AND JACKMAN-OLSON
FOR THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Beverly Satterwhite and Reginald Smith have applied for an assessment deferment for Kenai Peninsula Borough (KPB) Parcel Number 179-370-29.

Paul and Anne Ridgely have applied for an assessment deferment for KPB Parcel Number 175-081-34.

Kelly Jackman and Richard Olson have applied for an assessment deferment for KPB Parcel Number 177-174-16

Pursuant to HCC 17.04.190 Deferment of assessment payments for low income residents, assessments may be deferred if the person:

1. Has an annual family income that is less than 125 percent of the current U.S. Health and Human Services Poverty Guidelines for Alaska;
2. Owns or has a life tenancy in the assessed property, and permanently resides in a single-family dwelling on the property; and
3. Is not determined by the City, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the exemption.

Documentation has been shown that the applicants meet the criteria established for a deferment of assessment payments. An assessment payment deferment is subject to approval by the Council.

RECOMMENDATION:

Review the Satterwhite/Smith and Ridgely applications for natural gas assessment deferment. Take action to approve or disapprove the application.

Fiscal Impact: \$9,788.31 unpaid balance.



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491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

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(f) 907-235-3143

August 21, 2015

Beverly Satterwhite
Reginald Smith
2201 Aspen Lane
Homer, AK 99603

Dear Ms. Satterwhite and Mr. Smith,

I have reviewed your application to defer the assessment for the natural gas special assessment district. At this time your income meets the amount allowed for a deferral.

On August 24, 2015 the Homer City Council will be reviewing your request for deferral of assessment. Although your income does qualify, the deferral is subject to the approval of the City Council.

If you wish to attend the meeting you are allowed to speak to the request for deferral at the beginning of the council meeting under *Public Comments Upon Matters Already on the Agenda*. The council meeting begins at 6:00 p.m. in Cowles Council Chambers at City Hall.

I want to assure you the council packet will contain only your signed deferment request and will not include the supporting documents you filed with your request for deferment. Those documents will remain in our office as confidential, used only in determining your eligibility for the deferral.

Please let me know if you have any questions regarding this determination.

Sincerely,

Melissa Jacobsen
Acting City Clerk



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Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

August 21, 2015

Paul and Anne Ridgely
3675 Jennifer Place
Homer, AK 99603

Dear Mr. and Mrs. Ridgley,

I have reviewed your application to defer the assessment for the natural gas special assessment district. At this time your income meets the amount allowed for a deferral.

On August 24, 2015 the Homer City Council will be reviewing your request for deferral of assessment. Although your income does qualify, the deferral is subject to the approval of the City Council.

If you wish to attend the meeting you are allowed to speak to the request for deferral at the beginning of the council meeting under *Public Comments Upon Matters Already on the Agenda*. The council meeting begins at 6:00 p.m. in Cowles Council Chambers at City Hall.

I want to assure you the council packet will contain only your signed deferment request and will not include the supporting documents you filed with your request for deferment. Those documents will remain in our office as confidential, used only in determining your eligibility for the deferral.

Please let me know if you have any questions regarding this determination.

Sincerely,

Melissa Jacobsen
Acting City Clerk



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491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

August 21, 2015

Kelly Jackman
Richard Olson
P.O. Box 3145
Homer, AK 99603

Dear Ms. Jackman and Mr. Olson,

I have reviewed your application to defer the assessment for the natural gas special assessment district. At this time your income meets the amount allowed for a deferral.

On August 24, 2015 the Homer City Council will be reviewing your request for deferral of assessment. Although your income does qualify, the deferral is subject to the approval of the City Council.

If you wish to attend the meeting you are allowed to speak to the request for deferral at the beginning of the council meeting under *Public Comments Upon Matters Already on the Agenda*. The council meeting begins at 6:00 p.m. in Cowles Council Chambers at City Hall.

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Please let me know if you have any questions regarding this determination.

Sincerely,

Melissa Jacobsen
Acting City Clerk