



## City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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


(p) 907-235-3130

(f) 907-235-3143

# Memorandum

## Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK 

DATE: AUGUST 10, 2015

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

### CONSENT AGENDA

**Memorandum 15-127**, from Mayor, Re: Appointment of Barbara Howard to the Public Safety Building Review Committee.

Written comments by Ralph Crane, former PSBRC member

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

Thank you from Pratt Museum

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### PUBLIC HEARINGS

#### **2016 Budget Priorities**

Written public comments

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### ORDINANCES

**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

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**CITY ATTORNEY REPORT**

City Attorney Report – July 2015

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**PENDING BUSINESS**

**Memorandum 15-118**, from Finance Director and Public Works Director, Re: Water and Sewer Rate Recommendations for 2015.

Memorandum 15-139 from Finance Director as backup.

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RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



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Fiscal Note: N/A

## Jo Johnson

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**From:** Renee Krause  
**Sent:** Thursday, August 06, 2015 9:39 AM  
**To:** Jo Johnson  
**Subject:** FW: PSBRC resignation

**Importance:** High

Here is Ralph Cranes formal resignation

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

**From:** Ralph Crane [<mailto:kummok@earthlink.net>]  
**Sent:** Thursday, August 06, 2015 8:32 AM  
**To:** Renee Krause  
**Cc:** Mary (Beth) E. Wythe; Mark Robl; Bob Painter; Ken Castner ; Carey Meyer; Dale Smythe ([DSmythe@uskh.com](mailto:DSmythe@uskh.com))  
**Subject:** Re: PSBRC Meeting July 1  
**Importance:** High

Greetings Mayor Wythe, Chief Robl, Chief Painter, Director Meyer, Chair Castner, and Mr. Smythe:

I have recently been informed that the Council would like to fill the "General Public" chair on the PSBRC that I was honored to fill prior to my extended period of chemo infusion. It is with my complete understanding and support that I fully endorse the Council's endeavor to keep the PSBRC active and moving forward. The chemo has unfortunately left me with an unexpected inability to remember and intuitively process mentally as well as I had hoped by now. The leukemia has been severely trounced and the prognosis for recovery is positive but this irritating "chemo brain" side effect is dragging on much longer than I'd hoped.

Physically, the treatment was a success, immunities have been restored enough that I can once again be in public without risk of hospitalization...mentally however, I'd be much more suited for a position as a career Washington politician than a local activist for a greatly needed safe and efficient Public Safety building. The work of this committee must continue fully staffed and at full speed. The risk of injury and fatality is great enough in the daily field operations, as my own personal experience (and reason for resigning from this important task), can certainly attest. Public safety employees should at the very least expect a safe, more risk free environment in the building in which they work daily. That is not currently the case in Homer and I pray that this will change through the diligent efforts of all those involved with this worthy pursuit, including a new active chair member representing the general public.

Please know that I fully and completely support these efforts of the PSBRC and the mission of the Homer City Council to provide such a safe and effective building and also know that I can be counted on for such support, even though I must resign from my position on the PSBRC.

Sincerely,

Ralph E. Crane

Retired Fire Department Chief Officer/Peace Officer...and (still) living testimony to the reality of the normal risks involved with the daily activities of the public safety servant.



# Pratt Museum

Homer Society of Natural History, Inc.

July 22, 2015

Beth Wythe, Mayor  
Homer City Council Members  
City of Homer  
491 East Pioneer Avenue  
Homer, Alaska 99603

Dear Madam Mayor and City Council Members,

On behalf of the staff, Board of Directors, and volunteers of the award-winning Pratt Museum, thank you for the City of Homer's contribution to the Pratt Museum of \$16,625, the third quarter payment of the City's total pledge of \$66,500 for Fiscal Year 2015.

The museum's special exhibit, *Watermark*, will be on view through August 2. On Friday, August 7, a special exhibit in partnership with the Center for Alaska Coastal Studies will open. *Beachcomber's Regret* features the science and history of marine debris in Kachemak Bay through large-scale community art sculptures and educational multi-media displays of actual debris.

The City of Homer's financial support helps the Museum serve the community of Homer as a repository of stories, artifacts, and art; and as a source of hands-on educational opportunities. This support helps us serve as a gathering place where individuals of all ages can learn more about their community, environment, and themselves. The City's contribution to the Pratt is part of the Museum's diverse financial plan that strives to build self-sufficiency and a sustainable future for the Museum.

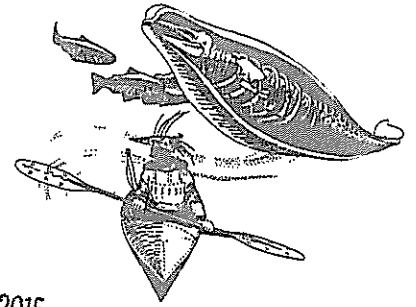
We work hard to operate like a business, raising more money from earned sources than the national average for museums; and we work hard to keep the proportion of earned revenue as high as possible, in addition to contributed revenue, to meet the Museum's operational needs.

Again, thank you very much for your investment in the Pratt. Please do not hesitate to contact me directly at 435-3333 or [director@prattmuseum.org](mailto:director@prattmuseum.org).

Sincerely,

  
Diane Converse  
Museum Director/CEO

Thank you!



JUL 28 2015







## Jo Johnson

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**From:** Gary and Terri Lyon <sealion@xyz.net>  
**Sent:** Monday, August 10, 2015 9:45 AM  
**To:** Department Clerk  
**Subject:** Council Feedback

Greetings Council Members,

I wish to lodge my opinions regarding the following issues that directly affect my businesses and life in Home;

1) Bed Tax, OPPOSED to it in any form.

2) Sales Tax Cap, OPPOSED to raising it, I often use this as a sales tool to encourage clients to spend above the \$500 limit, and it WORKS!  
Please do not raise it!

3) Groceries exemption, OPPOSED to getting rid of it, the public has voted for this exemption more than once, we want it left in place.  
Please listen when the voters speak, you are our representatives!

Best Regards,  
Gary Lyon  
299 2000  
(live out of city limits and do business within city limits)

## Jo Johnson

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**From:** anderson@xyz.net  
**Sent:** Monday, August 10, 2015 7:20 AM  
**To:** Department Clerk

i am writing in opposition to a proposed bed tax, yet again. as an owner of a vacation rental, i must voice that this is unfair. we already do not have a cap on what we tax our guests who come to homer to spend money and help our town. at what point will be price ourselves totally out of range of many tourists? it can happen. enough already. anytime there is any shortage of funds, the city looks to tax us all more. doesn't it seem a better choice to look at what the city is spending and cut there? if any of us ran our own finances like the city does, we would be broke and homeless by now. we are looking at new facilities for our fire and police that we cannot afford. we could also have added onto the old library and not built a new one. could the harbor have gotten along with an addition at their office instead of a whole new building? yes. it is time we lived within our means in the cosmic hamlet. i totally oppose the bed tax that is aimed only at our visitors that help keep homer going.

thank you,

marti anderson, over a 40 year homer resident paradise view cabin  
2358340

## Jo Johnson

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**From:** john juliussen <jcjuliussen@hotmail.com>  
**Sent:** Thursday, August 06, 2015 3:21 PM  
**To:** Department Clerk  
**Subject:** Beach access

My comments are to the council concerning proposed beach ordinances restricting motorized vehicles. I launch a skiff with a 4-wheeler all from my own property on kachemak drive. I touch no one else's property and I was repeatly told these would not affect my use. Looks like the wording says otherwise. I and others also leave a skiff on the beach. It has a motor is that a motorized vehicle? There is no problem on my beach with no public access. There is no need for this ordinance in my area. Please pass my concerns to the council

Sent from Outlook

**Jo Johnson**

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**From:** Nina Faust <aknina51@gmail.com>  
**Sent:** Thursday, August 06, 2015 9:44 PM  
**To:** Jo Johnson  
**Subject:** Ordinance 15-29

P.O. Box 2994  
Homer AK 99603

August 6, 2015

Homer City Council  
Homer AK 99603

Dear Council Members:

I have written many letters to the Parks and Recreation Committee regarding the need to close the beach on the eastern side of Bishops' Beach to protect the berms, the vegetation, and other natural resources that vehicles have been destroying. I am an advocate of making this area into a citizen science research laboratory on berm restoration. The issue of vehicles on the beach is complicated, controversial, and difficult to resolve in a way that would make everyone happy.

In the tight financial times the City currently faces, the least expensive and most effective method is to close the beach to all vehicles. It is also the one method that resolves many of the difficult issues creating controversy and most effectively addresses the conservation of marine resources and protection of private property.

I urge you to introduce Ordinance 15-29 and read the extensive packet of information from the Parks and Recreation Committee. I think you will find that this group did a thorough job of examining the issues and crafting potential solutions. This is an important issue that needs an effective solution. I personally feel that Ordinance 15-29 is the best course of action for public safety, conservation of marine resources, and least cost the City.

Sincerely,

Nina Faust

## Jo Johnson

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**From:** Susanne Wilson <laurenbutterfly62@gmail.com>  
**Sent:** Thursday, August 06, 2015 9:44 PM  
**To:** Jo Johnson  
**Subject:** Ordinance 15-29

I support the introduction of Ordinance 15-29 on August 10 so that we can move to protect the beach marine resources that are important to this area.

Thank you.

Susanne Wilson

P.O. Box 136, Homer, AK 99603

## Jo Johnson

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**From:** Kat Haber <kathaber@aol.com>  
**Sent:** Thursday, August 06, 2015 9:55 PM  
**To:** Jo Johnson  
**Subject:** Car free Bishop Beach, please

Hello all,

Please note my request for your consideration of Bishop Beach becoming a car free zone. Homer City Ordinance 15 - 29, dealing with vehicles on Homer's Beaches will be before City Council Monday, August 10. I understand that It will take 4 Council Members to vote YES for introduction.

Thanks for forwarding my message of support for this measure.

Naturally,

***Kat Haber***

***907-299-2363***

***300 Whispering Meadows***

***Homer, AK 99603***

## Jo Johnson

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**From:** Donna Maltz <dm1aloha@gmail.com>  
**Sent:** Thursday, August 06, 2015 10:09 PM  
**To:** Jo Johnson  
**Subject:** Ordinance 15-29

It is an incredible nuisance, noise pollution, environmental atrocity, and disheartening to see the amount of traffic, or any traffic at all on our beaches. I came to home in 1982 and enjoyed many walks and campfires while observing nature in a pristine environment. Now I go to the beach and worry about drag racers and drunks driving to areas that once were only enjoyed by respectful citizens.

A lot of work has gone into the Park and Recreation Committee process to help develop a way to protect the beach marine resources so important to the area and resolve the many conflicts and problems that have been increasing over the years on local beaches. Kevin and I, urge the City Council to introduce Ordinance 15-29 so we can move the public process forward. Thank you for your commitment to keep Homer Homer.

Sincerely Donna and Kevin Maltz  
Tax payer and Owner's of the Fresh Sourdough Express Bakery & Cafe

## Jo Johnson

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**From:** Kim Smith <krsmith1002@gmail.com> on behalf of Kim R. Smith <krsmith@gci.net>  
**Sent:** Monday, August 10, 2015 7:49 AM  
**To:** Department Clerk  
**Subject:** For Dispersal to City Council Member Regarding Ordinance 15-29

I would like to offer support of Ordinance 15-29, being heard tonight and brought forth by Ms. Reynolds and Mr. Lewis. I have been a resident of Homer since 1978. My family has utilized our beaches for years and for many reasons including picnicking with our family, coaling and walking our dogs. Over the years, the beaches, especially Bishops, have become an unsafe environment for children, families, walkers and dogs. The unsafe behavior has escalated, and it is only prudent of the council to make this change and exclude vehicular traffic from the beaches. I believe this ordinance, with its winter inclusion of vehicles, offers the balance necessary to ensure the public's ability to collect fuel as historically practiced. Surfers and kayakers can walk the few hundred yards it would take to get to the shore to enjoy their activities, we see this in countless shores worldwide. Sometimes you have to walk to get to your favorite location. Critical habitat along the shoreline needs the traffic to stop. Our grandchildren need the ability to walk and run along the beaches safely and without the vigilance necessary when cars are racing along the berms. And the City Council would be wise to respect the countless hours the volunteers and public have put into this recommendation. The task force has worked diligently and heard from the public for months. This is what the public is asking for and the City Council as a whole should support this ordinance.

Respectfully,  
Kim Smith



## Jo Johnson

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**From:** Mercedes Harness <mercedesharness@gmail.com>  
**Sent:** Monday, August 10, 2015 6:25 AM  
**To:** Jo Johnson  
**Subject:** ordinance to ban beach driving

Council,

I am writing in support of the ordinance to ban beach driving at Bishop's Beach. I have 2 children, ages 1 and 4. Over the last several years, the beach traffic has gotten increasingly worse--both near the shoreline on low tide when the sand is firm, and above on the "road" made by repeated traffic. The people driving on the beach are often not paying attention, there are no clear road rules, and frankly, I'm scared one of my kids will get run over. In fact, I'm concerned that this won't be considered a serious issue until someone gets hurt.

This is a community safety issue. If our kids are not safe playing on the beach with their families, where can they be safe?

I thank you for your consideration. Regards, Mercedes Harness

## Jo Johnson

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**From:** Homer Veterinary Clinic <homervet@acsalaska.net>  
**Sent:** Sunday, August 09, 2015 7:39 PM  
**To:** Jo Johnson  
**Subject:** Support for new ordinance to limit/restrict vehicular access to Homer beaches

Dear City Clerk,

Following the detailed research and work put into the introduction of this ordinance limiting vehicle access to the beaches of Homer I would like to send my support by email.

Limited access with some type of use permit for the collection of coal during specific hours/time of year and tidal patterns could be considered for those citizens who uniquely use coal for heating homes.

I look forward to the day when citizens and visitors alike, can visit our beautiful scenic beaches and find peace in such a privileged natural setting. I had a number of visitors this summer who commented on how disruptive and dangerous some situations on our beaches are and they could not comprehend that those of us fortunate enough to live here would not strive to protect our beaches and oceans. Limiting vehicular access is a first step in the right direction.

I am unable to attend the city meeting on August 10th due to work commitments but hope that input from all local citizens is considered at this time.

Thank you

Dr Dots Sherwood MVB, MSc, MRCVS  
Homer Veterinary Clinic  
326 Woodside Avenue  
Homer AK 99603  
907-235-8960  
[homervet@acsalaska.net](mailto:homervet@acsalaska.net)

TO: Homer City Council

FROM: Lani Raymond  
41640 Gladys Ct., Homer, AK

DATE: August 9, 2015

RE: Ordinance 15-29

I strongly encourage the City Council to allow the introduction of Ordinance 15-29, restricting vehicle use on beaches.

The Parks and Rec. Commission reviewed the Beach Policy for seven months--a lengthy and comprehensive look at all the issues involved. One result is an enormous amount of public input from all user groups, residents of Old Town, and from specialists such as the Chief of Police and Fish and Wildlife Service personnel. Fortunately all of this information is available to the Council and to the public. The issues brought forth are serious ones and deserve a review by the City Council.

I attended most of the meetings and would have these thoughts to offer.

Why should driving be restricted on the beach?

- \***To protect berms** which protect our Slough and wetlands and bird habitat.
- \***To protect the tide pool areas** from damage.
- \***To protect people** walking on the beach. There are very serious issues of reckless driving, making beach walking unsafe for children, older people and often, everyone. This can not be sufficiently dealt with by our existing police force.
- \***To protect people** using the beach. There are very serious issues of drug use, partying on private property, etc., which can not be sufficiently dealt with by our existing police force.
- \***To allow safer, quieter walks** for both residents and visitors to Homer.
- \***To obey the law.** It is illegal to drive on the beach because it is almost all private property (above mean high tide) or critical habitat (below mean high tide).  
(A permit system could be enacted for legitimate use of vehicles on the beach for collection of coal, etc.)

What are some economical/practical solutions for restricting vehicle use?

- \*Position **large boulders** or other physical barriers that would block access where needed (to lessen the impact on enforcement needed by police personnel).
- \*Use "**beach patrol**" personnel (less expensive than police personnel) to help enforce some of the other ordinances concerning dogs, etc., and to provide information to the public.
- \*Position a volunteer "**Beach Host**" trailer there during the summer months.
- \*Post adequate **signage** and information so expectations and laws are clear to everyone.

Thank you for your consideration of this matter.

Lani Raymond

## Jo Johnson

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**From:** Alice Porter <aliceporteralaska@gmail.com>  
**Sent:** Sunday, August 09, 2015 7:50 AM  
**To:** Jo Johnson  
**Subject:** Our beaches

Greetings,

I urge the City Council to introduce Ordinance 15-29 to move the public process forward. I raise my voice loud in support of our beaches as vehicle- free areas so that Nature may prevail and the quality of our environment may be preserved and enhanced. Cars and dogs need not have free range over this precious area. Homer is not just any town where anything goes, it is a leader in balancing human life with the natural environment. Let us end the current degradation and respect the beauty, value and viability of this estuary.

Sincerely,

Alice Porter  
Homer resident 36 years  
Retired teacher and Research Reserve volunteer.

## Jo Johnson

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**From:** Duane Howe <drduhowe@gmail.com>  
**Sent:** Sunday, August 09, 2015 12:27 AM  
**To:** Jo Johnson  
**Subject:** Ordinance 15-29

City Council  
Jo Johnson  
Ordinance 15-29

I have been following the issue of dogs and vehicles on Bishop's Beach and would like to let you know that I think the plan that the Parks and Recreation Committee has come up with is on the right track, and I hope the City Council will introduce it and pass it. Dogs should not be turned loose on the beach. The amount of waste that is left behind can cause infections of various kinds in other dogs even if they have been vaccinated. It may appear that the beach is clean after the tide goes in and out, but that is not necessarily true, especially during low tides. Another thing that is happening is the loss of berm material along the upper edges of the beach. When this soil is lost there is less protection against washouts and normal environmental development.

There are numbers of drug deals of various kinds taking place on the beach regularly as well as parties that result in lots of noise that land owners and others do not appreciate and cannot do anything about.

I hope the council will introduce and pass Ordinance 15-29.

Thank you,

Duane Howe, DVM  
41640 Gladys Ct  
Homer, AK 99603  
[duhowe@alaska.net](mailto:duhowe@alaska.net)

## Jo Johnson

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**From:** Dale Chorman <dalechorman@gmail.com>  
**Sent:** Saturday, August 08, 2015 8:34 PM  
**To:** Jo Johnson  
**Subject:** Vehicles on beach

I've lived in the Homer area for over 30 yrs and have been appalled by the vehicles on the beach!

Sent from my iPad

## Jo Johnson

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**From:** Mary Lou Kelsey <mlkelsey53@gmail.com>  
**Sent:** Monday, August 10, 2015 9:47 AM  
**To:** Jo Johnson  
**Subject:** Beach policy

To Homer City Council -Greetings from Ocean Drive Loop and thank you for considering our input to the beach policy under review. We are private land owners of beach front property on the Beluga Slough and across from Bishops Beach. We support restricting vehicle traffic on the fragile beach berms. We have no issue with pedestrian or canine use except for unattended bonfires. Thank you for reviewing the public's input and working to preserve our beautiful city beaches.

Mary Lou Kelsey  
William Bell  
598 Ocean Drive Loop  
Homer, AK 99603  
907-299-1985 <[mlkelsey53@gmail.com](mailto:mlkelsey53@gmail.com)>

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Mary Lou Kelsey, CNM  
907.299.1985

## Jo Johnson

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**From:** Kristen Wright <kristennicolew@yahoo.com>  
**Sent:** Monday, August 10, 2015 10:30 AM  
**To:** Jo Johnson  
**Subject:** Beach access

Hello. I am a Homer resident for the last 9 years. I have three children and two dogs and we all love spending time on our beautiful public beaches.

My 14 year old and even my 6 year old have spent a great deal of time playing at Bishops beach in particular but my 3 year old has not.

These days, it has become such a hassle to trek through the parking lot that has become the initial 1/4 mile or so of the entrance to Bishops that we have been avoiding it. The amount of vehicles coming and going mean that my kids have to keep extremely close for fear of them being struck. It's not the end of the world but it's actually a bit stressful, as walking small children near a busy street or parking lot tends to be. Especially because they are at the beach! They want to run and start playing! My old, very slow dog has nearly been hit on two different occasions as he doesn't move quickly enough.

I have in the past appreciated the ability to drive onto the beach. We would occasionally drive to find a more remote spot to have a fire or collect beach rocks for a yard project. I recognize that folks even NEED some access to gather coal for heating. 5-10 years ago this used to all seem to balance out nicely and the beach could be comfortably managed on foot or car. These last years, it seems that the privilege has been abused by too many who drive too quickly, who loiter and who litter. Bishops beach is in a rather sad state. It's time for a change.

I wonder if the city might come up with an easily obtained day permit for those with valid vehicle access needs?

I feel that a towns public beaches should be its crowning glory. Especially in a place as wild and beautiful as Homer. We hate to impose too many restrictions on ourselves but there comes a time when it is necessary to examine the pros and cons and decide what is overall safest and most appealing to the majority of the community and visitors alike.

Thank you for your time!

Kristen Cook  
40650 Belnap dr.  
Homer, Alaska  
Sent from my iPhone



Donald Lane  
1535 Lincoln St.  
POB 2921  
Homer, AK 99603

8/9/2015

Homer City Council  
City of Homer  
Homer Ak.

RE: Ordinance 15-29, Restrictions of Vehicles on Homer Spit Beaches

Sirs: I am a Homer resident. I have been driving on Bishops Beach ,west, for over 30 years. My uses of the beach include coal gathering, sight seeing, and parking to enjoy beach while having lunch in my truck.

The Parks and Recreation Committee has met numerous times to provide recommendations to the Council on improvements to our beach experience. While a appreciate the Committees time and efforts I do not agree with some of the outcomes. Some years ago, in response to public concern about “bad behavior on the beach” reported by some members of the public. Judge Hornaday as mayor, chaired council discussion and possible solutions. One solution was a City of Homer commitment to improve signage at Bishops Beach to clearly direct vehicles to the west away from the slough. The City has done a poor job of maintaining signage and enforcement which has resulted in part to where we are now in the discussion.

With 30 plus years of driving on Bishops beach I have the following thoughts. Bishops Beach is a storm berm, the character of this beach changes constantly with every tide, and significantly with every storm. I have seen boulders and gravel replaced and covered by sand. Over and over. As I approach the beach in my jeep it is necessary to stop and consider the changes since last visit as new locations of rock and sand influence the route I will take. This storm berm is characterized by constant erosion of the uplands and bluff as they are battered by weather. The debris from erosion adds to the constant mix of coal, sand, and boulders, always shifting some. This is not good habitat for much flora and fauna and very little exists. What ever perceived damage is done by vehicles on sand flats is quickly washed away by the next onslaught of water, wind, and erosion debris.

The concept of “bad behavior” as reason to restrict historic and traditional vehicle access to Bishops Beach is poor public policy. Some of the “bad behavior” suggested include,

1. Trespassing. All landowners enjoy the benefit of preventing trespassing. If their property is properly posted, trespassing is unlawful and enforceable. Restricting my access will not relieve beachfront property owners of the responsibility to post their property to prevent trespassing. The idea of restricting my access to Bishops Beach to solve this problem is misdirected.

2. Reports of Drug Dealing, I fail to see how restricting my access will contribute in meaningful way to the war on drugs. If we have learned anything, the deals go on, the

location will always change. Vehicle restrictions will do nothing but appease some more noble members of the Homer public.

3. Doing donuts on the beach. I cannot see the harm, no flora or fauna of significance, I confess to having done a couple donuts myself. It enhances my driving skills, my knowledge of my vehicle relating to power and control. I cannot see why it should offend people. I apologize for being human. The tracks are washed away on the tide. There is the concern about pedestrian and vehicle interaction but I have not heard of one accident on Bishops beach involving vehicle/walker interaction. Maybe the police report is different. I see much more danger in the cross walks scattered around town. There are laws already to deal with negligent driving risking others.

What you should do.

1. Good signage and concrete barrier blocks preventing vehicles turning toward Beluga Slough. This barrier would protect berm at Beluga Slough and provide vehicle free place for pedestrian to enjoy wildlife. Barrier blocks could have "no motorized vehicles" permanently inscribed. Beach vehicles would turn right and west.

2. Encourage Beach front property owners to post boundaries of their property and report trespassing incidents. Bishops beach has been active as long as I can remember and property owners should not expect public to bend to their perceived inconveniences.

3. I do not think requiring dog on leashes is necessary, I do think owners should have a leash on their person in case needed. I often seen free dogs frolicking with owners on the sand at low tide, while the beach is lightly populated. It is right and appropriate. However, because dog interactions on busy public beach are troubling to all, that is good time to have leash available to avoid uncomfortable situations.

4. Dog poop should be picked up, city should make doggy bags available in multiple areas. Fecal matter is public health hazard disposal should be encouraged whenever possible.

In Summary, I drive my vehicle on Bishops Beach often. I oppose restricting my access. It will do little to solve the problem reports of bad behavior. Even if it was possible to ever appease that portion of the public. Using the excuse of "Critical Habit" is unfounded. All of Kachemak Bay is Critical Habit, The Kachemak Bay Critical Habitat plan of 1993 specifically makes allowances for vehicles on beach. Some beach area may require a special permit issued by the state if necessary. Bishops Beach has long been used as historic thoroughfare for vehicle traffic. A critical habit permit has never been necessary nor warranted.

Sincerely,

Donald Lane

**MEMORANDUM**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: THOMAS F. KLINKNER**

**RE: CITY ATTORNEY REPORT FOR JULY 2015**

**CLIENT: CITY OF HOMER**  
**506,742.23**

**DATE: AUGUST 7, 2015**

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The following summarizes our activities as City Attorney during the month of July 2015.

City Council. I attended the July 27, 2015 City Council meeting. Holly Wells continued to work with the Cannabis Advisory Commission on marijuana regulation.

City Manager. We drafted a revision to the City Code provisions for the sale of City Property. We drafted an ordinance reinstating a year-round sales tax on certain categories of nonprepared foods.

Natural Gas Assessments. We responded to claims of exemption from assessment from the State Dept. of Transportation and Cook Inlet Region, Inc. We worked with City staff to develop a new assessment roll for condominium unit owners. We drafted an ordinance providing for Council review of additional applications for exclusion from the assessment district.

Planning Department. We drafted revisions to an ordinance regulating telecommunications towers in the City, for review by the Planning Commission.

Library. Katie Davies continued to research the regulation of First Amendment activities in and around the Library.

Parks & Recreation Department. We drafted an ordinance regulating the operation of motor vehicles on beach areas.

City of Homer v. Shadle. Mara Michaletz secured payment of \$15,466.05 in civil penalties and attorney's fees from the defendants in this zoning enforcement action.

Griswold v. City of Homer (Public Records Appeal). Katie Davies briefed the City's opposition to Mr. Griswold's appeal from the City's partial denial of a public records request.





## City of Homer

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

## Finance Department

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### Memorandum 15-139

TO: Honorable Mayor Wythe and City Council  
THROUGH: Katie Koester, City Manager  
FROM: John Li, Finance Director  
DATE: August 10, 2015  
SUBJECT: Water and Sewer Rate Recommendations for 2015 (2)

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At the July 27<sup>th</sup> Council meeting, Council reviewed Memorandum 15-118, Water and Sewer Rate Recommendations for 2015. Even though *projected* revenue did not match *projected* expenses, Memo 15-118 argued for no change to water sewer rates based on the limited time frame the rates had been in effect, 1 year. Council directed staff to return with a recommendation that ensured the city was recovering *actual* expenses.

After the completion of the year 2014 Annual Audit, the City evaluated the impact of the Commodity-Based Water and Sewer Rate Model that took effect on January 1, 2014 by comparing the actual revenues and the actual expenditures for each of the Water and Sewer divisions of the Utility Fund.

#### **Water Division**

The Water Division recorded an effective operating expense of \$2,019,975 (net of PERS relief and other none operating costs). The total water operating revenue (user fees collected) is \$2,063,030, which includes the General Fund transfer for costs of water hydrants' maintenance. The \$43,055 revenue over expense would translate a 3% decrease in water rate, if level of consumption remains at the 2014 level.

#### **Sewer Division**

The Sewer Division recorded an effective operating expense of \$1,761,276 (net of PERS relief and other none operating costs). The total sewer operating revenue (user fees collected) is \$1,671,810. The revenue is under the expense by \$89,466, which would translate a 6.5% increase in sewer rate, if level of consumption remains at the 2014 level.

#### **Recommendation**

Place a resolution on the August 24<sup>th</sup> agenda that leaves the water rate the same and increases the sewer rate by 6.5% with an effective date of January 1, 2016.

