

City Council
September 14, 2015
Monday



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



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



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2015
SEPTEMBER

- Monday 14th** CITY COUNCIL Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. Regular Meeting 6:00 p.m.
- Tuesday 15th** KENAI PENINSULA BOROUGH ASSEMBLY DINNER, 5:00 p.m., South Peninsula Hospital
- Wednesday 16th** ADVISORY PLANNING COMMISSION Worksession 5:30 p.m. Regular Meeting 6:30 p.m.

PUBLIC SAFETY BUILDING REVIEW COMMITTEE Regular Meeting 5:30 p.m.
- Thursday 17th** PARKS & RECREATION ADVISORY COMMISSION Regular Meeting 5:30 p.m.
- Wednesday 23rd** PORT & HARBOR ADVISORY COMMISSION Regular Meeting 5:00 p.m. Upstairs in the Conference Room

TOWN HALL MEETING 5:15 p.m. – 7:00 p.m.
- Thursday 24th** CANNABIS ADVISORY COMMISSION Regular Meeting 5:30 p.m.
- Monday 28th** CITY COUNCIL Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6 p.m.
- Library Advisory Board 1st Tuesday except January, April, August and November 5:00 p.m.
- Economic Development Advisory Commission 2nd Tuesday 6 p.m.
- Parks and Recreation Advisory Commission 3rd Thursday of the month with the exception of January, July and December 5:30 p.m.
- Planning Commission 1st and 3rd Wednesday 6:30 p.m.
- Port and Harbor Advisory Commission 4th Wednesday 5 p.m. (May-September 6:00 p.m.)
- Public Arts Committee Quarterly 2nd Thursday 5:00 p.m. Upstairs in the Conference Room
- Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

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

City Manager, Katie Koester
City Attorney, Thomas Klinkner

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

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



WORKSESSION
4:00 P.M. MONDAY
SEPTEMBER 14, 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

WORKSESSION AGENDA

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. REVENUE SOURCES FOR GENERAL FUND** *Page 9*
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, September 28, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

2015 REVENUE OPTIONS

REVENUE	ANNUAL \$ VALUE	PRO	CON	BARRIER	EFFECTIVE 2016?	HOW WOULD BECOME EFFECTIVE	RESPONSE FROM PUBLIC	NOTES	ADD. INFO.
Raise Property Tax 1 Mill	\$660,000 per mill.	Can be implemented by Council.	Increases taxes on residents when many of the services City provides are to entire Homer area.		Yes	Council pass a resolution by July 1, 2016 increasing the mill rate.	Town Hall: 65% positive response; Online poll: selected by 24.74% of respondents	Currently COH taxpayers pay 4.5 COH, 4.5 KPB and 2.3 SPH (total 11.3). According to HCC if property taxes increase to 6 mills, sales tax is eliminated.	KPB Mill Rate Chart. Pg. 13
Raise Sales Tax .5%	\$854,434	Raises sufficient funds to bring City close to closing the gap. Taxes non-residents who use City services.	Places burden on local business. Makes rents more expensive.	Need a vote of City residents.	Yes - after first quarter	Council would pass an ordinance to increase the sales tax and for a special election. If ordinances follow budget cycle, voters would vote in a February special election.	Town Hall: 85% positive response; Online survey: 35.43% selected option	Based on 2014 sales tax revenue. Revenue estimate for 2016 (2-4 quarters) is \$717,669. Current COH sales tax is 4.5% COH and 3% KPB.	
1% seasonal sales tax increase (6 moths of year)	\$1,141,762	Captures more visitor revenue. Closes gap.	Burden on local businesses.	Need a vote of City residents.	Yes	Council would pass an ordinance to increase the sales tax for a special election. If ordinances follow budget cycle, voters would vote in a February special election.	Not polled	Based on 2014 sales tax revenue.	
Repeal HART (direct .75% sales tax back to general fund)	\$996,601	No tax increase for public. Generates sufficient revenue to close the gap.	Eliminates funding for roads and trails, basic infrastructure Short term fix. Would effect road HSAD program.	Need a vote of City residents.	Yes	Council would pass an ordinance to not continue to fund HART and for a special election. If ordinance follows budget cycle, voters would vote in a February special election. If ballot language is retroactive, we could capture full estimated amount for 2016.	Not polled	Based on 2014 sales tax revenue. HART has been around since 1987.	HART fund activity reports. Pg. 15 Legislation enacting HART. Pg. 17 HART Policy Manual. Pg. 21
Reinstate Seasonal Sales Tax on Non-prepared Food	\$833,473	Can be implemented by Council. Not a 'new' tax.	Taxes basic necessity. Regressive.	Voters will likely remove option to not participate for first class cities in October.	Only if voters fail October ballot initiative.	Ordinance by Council.	Town Hall: 82% positive response; Online survey: 46.96% selected	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	KPB Ordinance 2008-28. Pg. 31
Raise Sales Tax Cap from \$500-1000	Unknown	Instituted Borough wide.	Burden on businesses, especially those that sell large items. Raise rent cost.	Unsure how much momentum is behind current proposal.	No	Ordinance by Borough and vote (note, it can be implemented w/o a vote, but the current proposal puts a vote to Borough residents).	Town Hall: 80% positive response; Online survey: 39.83% selected option	KPB Assembly Member Cooper has proposed putting this on the October 2017 ballot. If voters approve raising the cap, no other action by the City is required.	KPB Ordinance 2015-09. Pg. 33

2015 REVENUE OPTIONS

REVENUE	ANNUAL \$ VALUE	PRO	CON	BARRIER	EFFECTIVE 2016?	HOW WOULD BECOME EFFECTIVE	RESPONSE FROM PUBLIC	NOTES	ADD. INFO.
Eliminate COH \$20,000 Property Tax Exemption for Primary Residence	\$94,000	Can be implemented by Council.	Burden is on year round City of Homer residents. Does not raise much revenue.		Yes	Requires Council action only.	Town Hall: 42% positive response; Online survey: 25.79% selected option	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 eliminations entirely the exemption for primary residence.	Certified Real Property from KPB. Pg. 37
Internet Sales	Unknown	Wouldn't it be great to tax Amazon! Or at least tax those sales that are taxable...	Pretty difficult to implement.	Borough would have to expand its taxation of internet sales to its full ability. City taxing on own requires Borough approval and would be logistically difficult.	No	A) Borough would expand its taxation of internet sales to full extent allowed by constitution (lots of rules apply, most sales not taxable). B) Borough would allow municipalities to tax internet sales. Then the City would have to collect tax.	Not polled	Limitations on what you can tax are severe. Store has to have to have a physical presence in Borough/State.	Memo from City attorney on taxation of internet sales. Pg. 39
Increasing Fines for Code Violations	Negligible	Can be done by Council.	Enforcement can cost more than revenue (officer/staff/legal time).		Yes	With budget cycle.	Town Hall: 67% positive response; Online survey: 29.77% selected option	Staff will review fee schedule and propose reasonable increases for 2015 budget cycle.	
Bed Tax	\$120,000 per 1%	Captures revenue from visitors.	Targets one industry. Argument revenue should be dedicated to economic development. Not enough to balance budget unless very high.	Requires Borough action.	Unlikely	Borough would need to allow COH to institute a tax OR pass one themselves. Then would need a vote. Borough appetite for bed tax seems low. If Borough allowed City to collect tax, we would have to get in the business of tax collection.	Town Hall: 81% positive response; Online survey: 65.41% positive response	Estimate provided by KPTMC in 2012	Tourism, Its Everyone's Business Flyer. Pg. 45
Excise Tax	Unknown	Popular to tax alcohol, tobacco, and marijuana.	Difficult to implement. Revenue impact very unknown.	State rules, may be opportunity with marijuana changes.	Maybe?	Borough could implement an excise tax which would impact City. City may be able to implement, and collect, excise tax on own.	Not polled	Lots of outstanding issues and potential with legalization of marijuana and desire to tax it.	

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

HART Fund
Roads - Activities Report

	<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>7/31/2015</u>
Revenue						
160-0375-4201 Sales Tax	989,932	1,061,183	1,057,215	1,095,521	1,122,738	462,156
160-0375-4801 Interest Income	9,149	34,990	26,215	25,966	18,068	4,422
160-0771-4610 Sale of Plans & Specs	0	60	0	0	0	0
160-0774-4610 Specs & Plans	0	0	0	600	0	0
Total Revenue	<u>999,081</u>	<u>1,096,233</u>	<u>1,083,430</u>	<u>1,122,088</u>	<u>1,140,807</u>	<u>466,578</u>
Expenditures						
160-0375-5241 G/F Admin Fees	144,856	0	161,590	75,737	0	0
160-0766-5241 G/F Admin Fees	0	141,927	0	0	93,476	115,365
160-0766-5105 Overtime	0	0	0	2,138	0	0
160-0766-5212 Engr/Arch/Desin	0	0	27,620	0	0	0
160-0774-5212 Engr/Arch/Design	0	0	16,350	12,785	0	0
160-0766-5261 Construction	0	0	2,988	690,080	33,800	0
160-0771-5261 Construction	0	169,588	2,014	0	0	0
160-0774-5261 Construction	0	0	0	630,449	44,845	0
160-0771-5227 Advertising	0	300	0	0	0	0
160-0766-5227 Advertising	0	150	861	0	0	0
160-0774-5227 Advertising	0	0	0	414	200	0
160-0774-5103 Part Time Employees	0	0	0	9,608	0	0
160-0766-5102 Fringe Benefits	0	0	0	677	0	0
160-0774-5104 Fringe Benefits - P/T	0	0	0	1,208	0	0
160-0774-5107 P/T Overtime	0	0	0	2,616	0	0
Total Expenses	<u>144,856</u>	<u>311,965</u>	<u>211,424</u>	<u>1,425,712</u>	<u>172,320</u>	<u>115,365</u>
Revenue Over (Under) Exp.	<u>854,225</u>	<u>784,269</u>	<u>872,007</u>	<u>(303,625)</u>	<u>968,486</u>	<u>351,213</u>
Beginning Fund Balance	<u>3,818,917</u>	<u>4,673,142</u>	<u>5,457,410</u>	<u>6,329,417</u>	<u>6,025,792</u>	<u>6,994,279</u>
Ending Fund Balance	<u>4,673,142</u>	<u>5,457,410</u>	<u>6,329,417</u>	<u>6,025,792</u>	<u>6,994,279</u>	<u>7,345,491</u>

HART Fund
Trails - Activities Report

	<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>7/31/2015</u>
Revenue						
165-0375-4201 Sales Tax	111,631	134,891	100,502	121,725	124,744	51,351
165-0375-4801 Interest Income	522	1,695	1,506	1,448	1,391	340
165-0375-4610 Plans & Specs		300				
Total Revenue	<u>112,153</u>	<u>136,886</u>	<u>102,007</u>	<u>123,172</u>	<u>126,135</u>	<u>51,691</u>
Expenditures						
165-0375-5102 Fringe Benefits	0	0	0	27	0	0
165-0375-5105 Overtime	0	0	0	81	0	0
165-0375-5212 Engr/Arch/Desin	3,150	0	0	17,500	7,769	4,284
165-0375-5227		100				
165-0375-5241 G/F Admin Fees	16,095	15,770	17,954	8,415	10,386	28,841
165-0375-5261 Construction	0	7,715	0	18,103	5,810	1,672
165-0375-5990 Transfers To			61,000			
Total Expenses	<u>19,245</u>	<u>23,585</u>	<u>78,954</u>	<u>44,125</u>	<u>23,965</u>	<u>34,796</u>
Revenue Over (Under) Exp.	<u>92,908</u>	<u>113,300</u>	<u>23,053</u>	<u>79,047</u>	<u>102,170</u>	<u>16,895</u>
Beginning Fund Balance	<u>133,314</u>	<u>226,222</u>	<u>339,522</u>	<u>362,576</u>	<u>441,623</u>	<u>543,793</u>
Ending Fund Balance	<u>226,222</u>	<u>339,522</u>	<u>362,576</u>	<u>441,623</u>	<u>543,793</u>	<u>560,687</u>

**CITY OF HOMER
HOMER, ALASKA**

Council/Manager

ORDINANCE 06-42

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA SUBMITTING A SET OF BALLOT QUESTIONS TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION ON OCTOBER 3, 2006, REGARDING THE HOMER ACCELERATED ROADS PROGRAM (HARP), INCLUDING CONTINUATION OF THE PROGRAM AND REAUTHORIZING THE THREE FOURTHS PERCENT (¾%) SALES TAX LEVY FOR UP TO TWENTY ADDITIONAL YEARS, AMENDING HARP TO AUTHORIZE CONSTRUCTION OF NEW ROADS AND NEW TRAILS, AND AMENDING HOMER CITY CODE SUBSECTION 9.16.010 (C) ACCORDINGLY.

WHEREAS, The Homer Accelerated Roads Program (HARP) and the three fourths percent (¾%) sales tax levy approved by the voters in October 1987 to provide funding for the program, both expire on December 31, 2007; and

WHEREAS, The general intent of the program, as approved by the voters in 1987, is to provide for the reconstruction of local substandard roads and/or upgrade existing City roads, thereby reducing maintenance costs, improving access, increasing property values, and improving the quality of life (Resolution 88-47 #1); and

WHEREAS, The purpose, intent, qualifying criteria, financing, and other provisions of the HARP are provided in the HARP Policy Manual as amended from time to time and in Ordinance 87-19; and

WHEREAS, The City Council has determined that reconstruction and upgrades of local streets and associated utilities remains a urgent need and top priority; and

WHEREAS, The Council wishes to continue to provide a dedicated source of local revenue for this purpose and wishes to ask the voters to reauthorize the HARP Program and the existing three quarters percent (¾%) sales tax levy to provide funding for HARP for up to 20 additional years; and

WHEREAS, State and Federal funding for the construction of new local roads and trails is dwindling and the Council hereby finds it is in the public interest to develop a local source of funding to provide for necessary expansion of the local transportation infrastructure; and

WHEREAS, the construction of new roads and new trails are high priorities in both the Homer Transportation Plan and the Homer Non-Motorized Transportation Plan respectively; and

WHEREAS, The Council also wishes to ask the voters for authorization to amend the HARP to allow the revenue generated by the three fourths percent (3/4%) dedicated sales tax levy to be used for the construction of new local roads and new trails.

NOW THEREFORE, The City of Homer Ordains:

Section 1: The Homer City Council finds that it is in the best interest of the community to ask the voters if the Homer Accelerated Roads Program (HARP) and the three fourths percent (3/4%) sales tax levy currently dedicated to this purpose should be reauthorized and extended for up to twenty additional years. The Council also finds that it is in the best interest of the community to ask the voters if they will authorize amendments to the HARP and permit the dedicated sales tax levy to be used for construction of new local roads and trails.

Section 2: Homer City Code Section 9.16.010 is hereby amended to read as follows:

9.16.010 c. An additional consumer's sales tax in the amount of three quarter's percent (3/4%) is hereby levied by the City of Homer on all sales, rents, and services within the City except the same may be otherwise exempted by law, for the purpose of funding of street reconstruction improvements and related utilities, construction of new local roads, and construction of new local trails.

Section 3: The City Clerk shall submit the following questions to the voters at the regular municipal election to be held on October 3, 2006. The ballot propositions shall read as follows:

PROPOSITION 1:

Shall the City of Homer, Alaska continue to provide a funding source for street reconstruction improvements and related utilities in accordance with the City of Homer Accelerated Roads Program (HARP) by continuing after December 31,2007 to levy a three fourth percent (3/4%) sales tax to fund HARP for up to twenty additional years?

YES _____ NO _____

PROPOSITION 2:

If Proposition 1 is approved by the voters, shall the City also be authorized to use the revenue from the three fourths percent (3/4 %) dedicated sales tax for the construction of new local streets?

YES _____ NO _____

PROPOSITION 3:

If Proposition 1 is approved by the voters, shall the City also be authorized to use the revenue from the three fourths percent (3/4%) dedicated sales tax for the construction of new local non-motorized trails?

YES _____ NO _____

Section 4. If Ballot Proposition 1 contained herein is not approved by the voters, the amendments to HCC 9.16.010 (C) approved in Section 2 of this ordinance shall not take effect and the three fourths percent (3/4%) dedicated sales tax levy is not extended beyond December 31, 2007.

Section 5. If Ballot Proposition 1 contained herein is approved by the voters but Ballot Propositions 2 and 3 are rejected, the amendment to HCC 9.16.010 (C) approved in section 2 of this ordinance shall not take effect, but the authorization to extend HARP and to levy the three fourths percent (3/4%) dedicated sales tax for HARP shall take effect and continue for 20 years after December 31, 2007.

Section 6. If Ballot Proposition One and Proposition Two contained herein are approved by the voters, then the amendment to HCC 9.16.010 C referring to construction of new streets shall take effect, and the Council shall amend the HARP program by resolution to provide qualifying criteria and conditions under which new street construction projects could be funded using HARP revenue.

Section 7. If Ballot Proposition One and Proposition Three contained herein are approved by the voters, then the amendment to HCC 9.16.010 C referring to construction of new trails shall take effect, and the Council shall amend the HARP program by resolution to provide qualifying criteria and conditions under which new trail construction projects could be funded using HARP Revenue.

Section 8. The City Manager and the City Clerk and their designees are authorized to provide unbiased factual and educational information to the public regarding these ballot questions and what effect they might have on the budget, the capital improvement program, community development generally, or other relevant information that might help the voters make an informed decision.

Section 9. If Ballot Proposition 1 and either or both of Ballot Propositions 2 and 3 are approved by the voters, the respective amendments to HCC 9.16.010 C shall be effective immediately upon certification of the election. If approved by the voters, the amendment(s) to HCC 9.16.010 C shall be incorporated in the Homer City Code. The remaining sections of this ordinance are not of a permanent nature and as such, shall not be codified.

PASSED AND ENACTED by the Homer City Council this 14 day of Sept,
2006.



CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

ATTEST:

Mary L. Calhoun
MARY L. CALHOUN, CMC, CITY CLERK

Introduction: 07/24/06
Public Hearing: 08/14/06
Second reading: 08/14/06
Effective Date: 08/15/06

Ayes: 6
Nays: 0
Abstain: 0
Absent: 0

Reviewed as to form and content:

Walt Wrede
Walt Wrede, City Manager
Date: 8/15/06

Gordon Tans
Gordon Tans, City Attorney
Date: 22 August 2006

Fiscal Note: Revenue estimated at \$1 Million per year

H.A.R.T. POLICY MANUAL

Homer Accelerated Roads and Trails Program



Adopted September 10, 2007

Produced & Distributed by the City Clerk's Office — 2/19/2008 — rt

H.A.R.T. POLICY MANUAL
(HOMER ACCELERATED ROADS AND TRAILS PROGRAM)

TABLE OF CONTENTS

- I. Purpose and Intent
- II. Definitions
- III. Qualifying Criteria
- IV. Financing and Assessments
- V. Utilities
- VI. Special Provisions
- VII. Trail Prioritizing Criteria and Planning Guidelines

February 2008

I. PURPOSE and INTENT

1. The H.A.R.T. is a combined local funding source of dedicated sales tax and assessments to upgrade city streets, new city streets and new city non-motorized trails.(Ordinance 06-42(S); Resolution 88-47 #1)
2. The intent of the program is to reconstruct local substandard city roads and/or upgrade existing city roads, construct new city streets and non motorized trails, thereby reducing maintenance cost, improving access, increasing property values and improving the quality of life. (Ordinance 06-42(S); Resolution 88-47 #2)
3. Reconstruction and new construction shall be to City Standards. (Ordinance 06-42(S) Resolution 88-47 #19)
4. The City will not accept a street for full time maintenance until it meets city standards and is shown on the official maintenance map.¹ (Ordinance 85-14 07/01/85; Resolution 88-47 #8)
5. When practical, the intent of the program is to preclude the destruction of existing property improvements in built up areas. (Resolution 88-77(A), be it further Resolved clause.)
6. State maintained roads are not part of this program. (Resolution 88-47 #7)
7. The criteria for the H.A.R.T. shall be reviewed annually by the Transportation Advisory Committee, with recommendations reported to the Homer City Council. (Resolution 88-47 #22)
8. Annexed roads are included as newly eligible roads, as listed on the Official Road Maintenance Map. (Resolution 03-116, 08/25/03)
9. New roads shall be listed on the Official Road Maintenance Map. (Resolution 07-82)
10. New trails shall be listed on a map in the City Clerk's Office. (Resolution 07-82)

II. DEFINITIONS

- A. Sidewalk- the term "sidewalk" means a pedestrian facility associated with a road and generally within a street right of way. (Resolution 07-82)
- B. Trail – a pedestrian facility detached from a road, or not within a street right of way. (Resolution 07-82)

¹1.Clerk's Note: Done by Ordinance

III. QUALIFYING CRITERIA

A. Roads

The schedule of street improvements and costs developed by the Public Works Department August 87, consisting of Groups I-IV and the annexed roads of the City boundary amendment of Ordinance 02-08(A) and as noted on the Official Road Maintenance Map, are hereby incorporated. (Resolution 05-70, 06/13/05; Ordinance 02-23(A), 06/10/02; Ordinance 02-08(A), 04/08/03; Resolution 03-116, 08/25/03)

Amendments to the schedule can be accomplished only by Council action and are limited to additions to the schedule due to revision of the street map or transfer of state rights-of-ways to the City.

All projects will be authorized only after a public hearing to insure public participation in the process. (Resolution 88-47 #13)

1. The following criteria may be considered for roads qualifying for reconstruction/utility improvements: (Resolution 88-47 #14, Resolution 87-61(S))

- a. Life, safety and traffic flow (Resolution 87-61(S), Resolution 88-47);
- b. Correct deficiencies of existing systems (Resolution 87-61(S), Resolution 88-47);
- c. System wide basis versus local needs (Resolution 87-61(S), Resolution 88-47);
- d. Complete traffic circulation pattern (Resolution 87-61(S), Resolution 88-47);
- e. Encourage economic development (Resolution 87-61(S), Resolution 88-47);
- f. Correct drainage problems (Resolution 87-61(S), Resolution 88-47);
- g. Reduce maintenance cost (Resolution 87-61(S), Resolution 88-47);
- h. Built to city standards prior to acceptance for maintenance (Resolution 61(S), Resolution 88-47);
- i. Reconstruction is a higher priority than new construction projects (Resolution 87-61(S), Resolution 88-47);
- j. Property owner contribution through LID process by paying \$30 per front foot for gravel and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for additional improvements deemed necessary (Resolution 87-61(S); Resolution 88-47, Resolution 94-50; Resolution 95-97)
- k. City share can apply to related utilities, sidewalks, street lighting, drainage, paving and/or reconstruction of roads identified on the road maintenance map. (Resolution 88-47, Resolution 04-41(A).);
- l. Other factors deemed appropriate by the City Council. (Resolution 87-61(S), Resolution 88-47))

2. The following criteria may be considered for new local roads in addition to applicable criteria in 1:

- a. Connectivity to existing road(s), for example completes a traffic pattern.
- b. Arterials or thoroughfares;
- c. Existing utilities;
- d. Contributing funds such as property owner assessments, loans, grants, etc;
- e. Level of need. (Resolution 07-82)

B. Trails

New local non motorized trails shall be prioritized according to the following:

- a. Project is listed in the HNMTTP or furthers a stated goal of that plan;
- b. Solves a safety concern;
- c. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest;
- d. Protects an established trail;
- e. Creates or improves a trailhead;
- f. Has significant scenic or aesthetic value;
- g. Existence or potential for contributing funds;
- h. Property owner participation. (Resolution 07-82)

IV. FINANCING and ASSESSMENTS

1. The program will utilize an additional dedicated City sales tax not to exceed three quarters of one percent (¾%) supplemental with assessments against adjacent benefited properties. (Ordinance 06-42, Resolution 87-61(S), Resolution 88-47 #3).

2. A three quarters of one percent (¾) dedicated sales tax and will be collected for up to twenty years expiring December 31, 2007 and reauthorizing up to an additional twenty years expiring December 31, 2027 to participate in funding the accelerated roads and trails program (Ordinance 06-42, Resolution 87-61(S), Resolution 88-47 #4). Reauthorized twenty additional years at the October 3, 2006 election (Resolution 06-145(S)) to expire December 31, 2027. Ten percent of the annual revenue shall be used for trail projects.

3. The road improvements will be financed on a combined pay as you go basis as well as sale of revenue bonds in a fifty-fifty ratio. There may be future bond sales as revenues increase. (Resolution 87-47 #6)

4. The City will attempt to obtain long term financing for up to ten years for the private share of funding. (Resolution 88-74 #12, bond change Ordinance 89-17, regarding ten years financing.)

5. Interest, if any, generated from the program will remain with the program funds. (Resolution 88-47 #18)
6. Abutting property owners will share the cost of upgrading a street to residential standards by paying \$30 per front foot for gravel and \$17 per front foot for paving.² (Resolution 87-61(S), Resolution 88-47, Resolution 94-50, Resolution 95-97)
7. The City will pay all costs for any additional improvements required when deemed necessary by the City. Other improvements requested by the benefited property owners will be paid by those same property owners. (Resolution 88-47 #11)
8. The \$30/\$17 split in front foot assessment stands unless there is 100% agreement on a revised formula for a specific project or the amount is adjusted by the City Council. (Resolution 87-61(S), Resolution 88-47; #21; Resolution 95-97)
9. Road Reconstruction assessment payment date, penalty and interest shall be set as soon as the reconstruction project has been accepted by the Public Works Department regardless if the LID/Assessment district wherein reconstruction has been completed is also scheduled for paving as part of the same LID/Assessment District. Paving assessment payment date, penalty and interest will be set as soon as the paving project has been accepted by the Public Works Department. HCC 17.04.070--110. (Resolution 96-73)
10. New Local Roads may be constructed by 100% program funds when the construction thereof benefits the entire City or when the City owns the property wherein the road is to be constructed. The Road to be constructed must meet the qualifying criteria and be recommended by the Transportation Advisory Committee to the City Council. This expenditure must be approved via Ordinance with justification noted within the body of the Ordinance. Whenever possible, New Local Roads will be constructed using the LID process HCC 17.04 and the assessment methodology as noted in item 6. and 8. (Resolution 07-82)
11. HART funds may be used to leverage outside funds for New Local Roads and Trails. (Resolution 07-82)
12. New Local Trails may be constructed using 100% program funds and follow the procedures listed in item 10. (Resolution 07-82)
13. Sidewalks shall be paid for out of road funds, and trails shall be paid for out of the 10% allocated to trails. (Resolution 07-82)

² Danview/Svedlund and Sabrina/Mark White are grandfathered in at the \$20/\$11 split per Council action. (Resolution 94-52)

V. UTILITIES

1. Prior to street reconstruction, necessary related non existing water and sewer improvements shall be encouraged whenever possible. (Resolution 88-47 #9)
2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program. (Resolution. 88-47 #10)
3. Water and sewer utility relocations directly caused by reconstruction will be paid for by the Accelerated Roads Program. (Resolution. 88-47 #10)
4. Water and sewer utility upgrades necessary for future capacity that are done concurrently with reconstruction and/or paving will be paid for by the utility (a) fund. (Resolution 88-47 #10)
5. The City shall recover from the property owner the cost of construction of City-provided sewer and water service connections by including the cost of construction of such connections in the service connection fee established under HCC Chapter 14.13. (Resolution. 88-47)
6. Cost of installing stub-outs would be a necessary expense to anyone building on lots requiring sewer and/or water service. Sewer and/or Water funds or other public money was provided to pay the cost of these stub-outs because of the benefit of a quality finished road and the use of stub-outs benefit only those particular lots. Costs will be recouped from benefiting property owners through deferred assessments. The Planning Clerk and Finance Department will maintain a listing of these deferred sewer and/or water service connection fees.
7. Whenever practical street lights shall be included in the construction of new local roads and shall be paid by HART funds. Property owners participating in a road reconstruction and/or paving LID may request street lights. If the project is deemed feasible the property owners shall be assessed for the installation of the street lights on an equal share per parcel methodology. Property owner approval of the street light assessment shall follow the process in HCC 17.04. Once constructed, the City will absorb the utility billing for the street light(s). (Resolution 07-82)

VI. SPECIAL PROVISIONS

1. Additional right-of-way required will be paid by this program, at no additional cost to abutting property owners. (Resolution 88-47 #20)
2. Corner lots are exempt from a double front footage assessment and the total assessed frontage shall not exceed the longest side of the lot. Reconstruction assessments apply to

reconstruction and paving. Corner lot agreement is required after 10/25/94. (Resolution 87-61(S) #15; Resolution. 88-47 #15, Resolution 91-68, Ordinance 94-16(A))

3. Lots having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets, are exempt from a double front footage assessment unless actually accessing the lot from both streets either prior to or after reconstruction and/or paving Deferred Assessment Agreement Required pursuant to HCC 17.04.160. (Resolution 88-47 #16)

4. This program includes paving driveway aprons on contracts funded by H.A.R.P. (Resolution 88-47 #17; Resolution 91-48)

5. When at all practical, the center line of rights-of-way will be the established road center line. Where impractical, the center line may be shifted to mitigate improvement encroachments of high cost hillside excavation. (Resolution 88-77(A))

6. In established neighborhoods, where improvements such as housing, carports, lawns or landscaping have been constructed near the right-of-way line and ditching would seriously impact these improvements, alternates to open ditching may be considered. These alternates may include gently sloping ditches back to the lawn, trench drains, standard or rolled curbs and gutter or any other sound engineering practices. The cost of these alternates will be born by the road program unless the residents elect to participate in the curb, gutter and sidewalk programs. (Resolution 88-77(A))

7. Pedestrian amenities shall be included in all new road projects unless exempted by the City Council. (Resolution. 04-41(A))

8. Exempting Certain Lands that will not be Developed due to Conservation Easements or Owned by Organizations that Conserve Land for Public Purpose and/or Habitat Protection from the Homer Accelerated Roads Program and the Homer Accelerated Water and Sewer Program Assessment District Assessments on a Case by Case Basis and that Each Program Shall be Amended to Include this Exemption under Special Provisions. (Resolution 05-50(A).)

9. New Subdivisions may not participate in HART for the construction of subdivision roads or trails.

a. Exception: To encourage trail connectivity, the Subdivider will be required to pay a prorated share of the project cost not to exceed 75% of the cost of public trail construction. (Resolution 07-82)

10. HART funds may be used in accordance with Title 11.04.05. If a development includes a segment of an arterial or collector street as shown on the Master Plan, the

developer shall construct the streets on the alignment adopted in the Master Roads and Streets Plan, and conforming to the respective classification. The developer shall be required to construct the street to a twenty-eight-foot width in accordance with the minimum requirements of a local residential street; provided, however, that the City may, upon direction of the City Council, elect to require construction to the full standards and pay to the developer the cost difference between the required street and the proposed street. (Resolution 07-82)

VII. TRAIL PRIORITIZING CRITERIA AND PLANNING GUIDELINES

A. Trail Prioritizing. The TAC and Parks and Recreation Advisory Commission will review the trail priority list during the annual review of the HART. The list will be presented in a memorandum from staff, and will contain a mix of large and small projects. Generally it will include up to five trail projects that staff has reviewed and found ready for preliminary work. Trails on this list are planned for construction in the near term (one to three year timeframe). Staff will actively work to prepare those projects for construction. (Resolution 07-82)

B. Trail Planning Guidelines

Trail design shall take into account at minimum the following:

1. Use context sensitive design when locating and planning trails to take advantage of scenic resources.
2. Respect the character of trails based on function, setting, and expectation of accessibility.
3. Evaluate the soils, drainage, wetlands, Tsunami zone, flood plain, stream setbacks, historical resources, visual resources, topography, existing and potential land use, zoning and land ownership.
4. Where estimated costs, operating costs and outside funding availability are considerations and important criteria, care should be used to ensure that important trails are not eliminated solely using cost as a determinant.
5. Multi-use trails are encouraged. Design of the trail should include consideration of compatible uses such as pedestrians and bicycles.
6. All trails should be designed to recognize the requirements of ADA standards and guidelines. (Resolution 07-82)

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

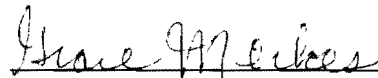
WHEREAS, it is accordingly appropriate to authorize the city councils of general law municipalities to make this decision on behalf of their own constituents;

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.



Grace Merkes, Assembly President

ATTEST:



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

Introduced by:	Cooper
Date:	04/07/15
Hearing:	05/05/15
Action:	Introduced and Set for Public Hearing 05/05/15
Date:	05/05/15
Action:	Postponed as Amended Until 07/07/15
Date:	07/07/15
Action:	Tabled
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2015-09**

**AN ORDINANCE AMENDING KPB 5.18.430, COMPUTATION-MAXIMUM TAX, BY
INCREASING THE MAXIMUM AMOUNT OF A SALE SUBJECT TO THE BOROUGH
SALES TAX TO \$1,000 WITH A TRIENNIAL ADJUSTMENT FOR INFLATION,
SUBJECT TO VOTER APPROVAL**

WHEREAS, KPB 5.18.430(A) currently provides for a ‘maximum tax’ of \$500, meaning that the borough’s sales tax is only to be applied to the first \$500 of each separate sale, rent, or service transaction unless otherwise provided; and

WHEREAS, Ordinance No. 9, enacted by the assembly in 1965, set the maximum taxable amount at \$500 and this sum has never been adjusted for inflation or otherwise; and

WHEREAS, the present value of \$500 in 1965 is \$3,056.73 according to the Anchorage Consumer Price Index inflation calculator and \$3,757.71 according to the national calculator, which is much greater than \$1,000; and

WHEREAS, with the declining statewide revenues the borough will need additional revenues to offset some of the lost state funds; and

WHEREAS, KPB 5.18.430(F) requires that any increase in the amount of the cap be approved by the voters;

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

SECTION 1. That Kenai Peninsula Borough Code of Ordinances Section 5.18.430 is amended as follows:

5.18.430. Computation—Maximum tax.

- A. The sales tax referred to in KPB 5.18.100 shall be applied only to the first \$1,000.00~~[500.00]~~ of each separate sale, rent or service transaction, except as otherwise provided in this section. On January 1 of every third year, beginning with January 1, 2019, this cap may be increased based upon the preceding year's Anchorage Consumer Price Index (CPI-U), rounded to the nearest \$10 subject to assembly approval by ordinance.
- B. Except as provided below for long-term vehicle leases, the payment of rent, whether for real or personal property, in excess of the current cap in KPB 5.18.430(A) ~~[\$500.00]~~ and for more than one month, shall be treated as several separate transactions covering the rental/lease for one month each.
- C. Services provided on account and billed to the customer on a periodic basis are subject to [APPLICATION TO] the tax on a maximum of the current cap in KPB 5.18.430(A) ~~[\$500.00]~~ of each billing, per account. For purposes of this section, any advance payment for services other than to a trust or escrow account is considered to be paid pursuant to a "billing."
- D. Each night's rental of each individual room shall be considered a separate transaction and therefore the maximum tax computation shall be calculated on a per room per night basis.
- E. Long-term vehicles leases shall be treated as one transaction per year, and per fractional year, of the lease term. The tax paid for any fraction of a year shall equal the tax paid for a whole year. The sales tax for the entire long-term vehicle lease shall be due and collected at the time of the first payment. Tax shall be calculated at the sales tax rate in effect on the day the lease is signed. There shall be no refund of such taxes should the lease terminate earlier than on its terms. Any extension of the initial lease term shall be treated as a new long-term vehicle lease.
- F. Any increase to the maximum sales tax described in subsection (a), above, shall not take effect until ratified by a simple majority of voters at a regular borough election.
- G. Recreational sales shall be treated on a per person per day basis and therefore the maximum tax computation shall be calculated on a per person per day basis. For purposes of this subsection, the term "person" means an individual human being.

SECTION 2. That a ballot proposition shall be placed before borough voters at the next regular election to read as follows:

PROPOSITION No. _____

Shall Ordinance 2015-09, increasing the maximum amount of a sale subject to the borough sales tax from \$500 to \$1,000 with a triennial adjustment for inflation, be ratified?

Yes _____ No _____

SECTION 3. That Section 2 shall become effective immediately upon enactment of this ordinance. Section 1 of this ordinance shall become effective January 1, 2016, only if the proposition contained in Section 2 is approved by a majority of voters voting on the question in the regular election of October 6, 2015.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2015.

Dale Bagley, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

05/05/15 Vote on Motion to Postpone as Amended:

Yes: Cooper, Johnson, Ogle, Welles, Wolf

No: Gilman, Haggerty, McClure, Bagley

Absent: None

07/07/15 Vote on Motion to Table:

Yes: Cooper, Haggerty, Gilman, Johnson, McClure, Ogle, Welles, Wolf, Bagley

No: None

Absent: None

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		813 813	<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 2,367	<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 2	1,800	1,800
182	Senior Mandatory	5 5	646,700	646,700
	Total MANDATORY EXEMPTIONS	7 7	<u>648,500</u>	<u>648,500</u>

OPTIONAL EXEMPTIONS		Count	KPB Value	City Value
183	OP Homer Residential Exemption	0 8	0	158,200
190	OP >150k Senior Ex Borough Only	4 4	325,900	0
195	OP Residential Exemption	7 7	334,100	0
	Total OPTIONAL EXEMPTIONS	11 19	<u>660,000</u>	<u>158,200</u>

TAG 21 Exemption Totals: 18 **26** **1,308,500** **806,700**

	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>



MEMORANDUM

TO: KATIE KOESTER
CITY MANAGER
CITY OF HOMER

FROM: THOMAS F. KLINKNER

RE: TAXATION OF INTERNET SALES

FILE NO.: 506,742.221

DATE: AUGUST 28, 2015

1. Introduction and Summary.

You have asked whether the City has authority to tax internet sales.¹ The short answer is that the City may tax some internet sales but not others. The City may tax an internet sale if the sale meets each of the following overlapping criteria: (i) the sale must be “within the City,”² as that term is defined for the purpose of the City’s sales tax ordinance; (ii) the City’s taxation of the sale must be permitted under the Due Process Clauses of the U.S. and Alaska constitutions and the Commerce Clause of the U.S. constitution;³ and (iii) the sale must be subject to taxation by the Kenai Peninsula Borough (“Borough”). Below, I explain the application of each of these rules to the City’s taxation of internet sales. I also discuss federal legislation related to taxation and the internet.

¹ For the purposes of this discussion, an “internet sale” consists of the following: (i) a purchaser in the City directs an online order (ii) to a vendor at a location outside the City, (iii) which the vendor fulfills by a shipment to the purchaser from a location outside the City.

² HCC 9.16.010.

³ The Borough has codified this requirement explicitly as a tax exemption in its sales tax ordinance, which the City’s sales tax ordinance has adopted by reference. HCC 9.16.100. KPBC 5.18.200(A)(7) provides: “The following classes of retail sales, services and rentals are exempt ... Retail sales, rents or services which the borough is prohibited from taxing by the Constitution or laws of the United States or of the State of Alaska.”

As I will explain below, a provision in the Borough's sales tax ordinance misallocates some internet sales that should be treated as sales within the City. However, the last of the criteria above is the most restrictive. This is because the Borough has not extended its sales taxation authority to its constitutional limits, and the City may levy its sales tax only on the sources that are taxed by the Borough.

2. Sales within the City.

The City levies its sales tax on sales made within the City.⁴ The City's sales tax ordinance does not define what constitutes a sale "within the City." However, the City's sales tax ordinance incorporates by reference "those sections of the Kenai Peninsula Borough Code of Ordinances applicable to the levy and collection of the [City's] sales tax ..."⁵ Thus, the rules in the Borough sales tax ordinance regarding where a sale is made determine whether a sale is made within the City. Those rules apply to the location of internet sales as follows:

- When goods are delivered into the Borough from a point outside of the Borough and the seller maintains an "ongoing physical presence" (defined as a sales person making sales calls, a local telephone number, or keeping advertising and ordering materials for customers' use) in the Borough, then the location of the seller's in-Borough presence will determine the place of sale.⁶
- If a seller has no "ongoing physical presence" (defined as a sales person making sales calls, a local telephone number, or keeping advertising and ordering materials for customers' use) in the Borough but has "established a nexus" with the Borough (defined as a connection within the Borough by use of marketing techniques, such as telephone or door-to-door sales, which are significantly associated with the seller's ability to establish or maintain a market for its goods in the Borough), the location of the sale will be where physical possession of the goods is transferred to the customer.⁷

The first of these rules is problematic for the City's taxation of internet sales. Under this rule, if a vendor maintains a "bricks and mortar" store in the Borough, the Borough's sales tax ordinance treats the location of that store as the location of all internet sales by that vendor to purchasers in the Borough. The following example shows how this rule would work to the City's disadvantage in taxing internet sales: If a purchaser in the City orders a product online from Home Depot, the Borough sales tax ordinance would treat the City of Kenai as the place of the sale, because Home Depot has a store in Kenai, but not in the City.

⁴ HCC 9.16.010.

⁵ HCC 9.16.040.

⁶ KPBC 5.18.450(A).

⁷ KPBC 5.18.450(A).

3. Constitutional Limits on Taxation of Internet Sales.

A. Introduction.

Constitutional limitations on the levying of a sales tax on the sale of goods delivered to the taxing jurisdiction by a vendor located outside that jurisdiction developed mostly in the context of sales ordered by mail or telephone. However, courts would apply the same limitations to the taxation of internet sales. These limitations are imposed under either the Due Process Clauses of the U.S. and Alaska constitutions⁸ or the Commerce Clause of the U.S. constitution.⁹

B. Due Process.

The City only may tax only those internet sales that have a sufficient nexus with the City to meet minimal requirements of due process. The seller need not be physically present in the City to meet this standard—it is sufficient to satisfy due process that the seller be “engaged in continuous and widespread solicitation of business” within the City.¹⁰ Thus, the United States Supreme Court held that due process did not forbid a requirement that a mail order company with no place of business in a state, but that solicited orders by mailing catalogs to the state’s residents, collect the state’s use tax on orders from the state’s residents.¹¹

So long as the seller purposefully directs its activities at City residents by such means as advertising on television or radio broadcasts that are generally available to City residents, a newspaper that circulates generally in the City, or the yellow page telephone directory that is used by telephone subscribers in the City, the seller will have satisfied the due process threshold for the City’s taxation of its internet sales of products for delivery in the City.

C. Commerce Clause.

The United States Constitution restricts the City’s power to impose taxes that unduly burden interstate commerce.¹² However, “[t]he commerce clause of the United States Constitution poses no bar to local taxation of purely intrastate transactions which

⁸ U.S. Constitution, amendment 5; Alaska Constitution art. I, §7.

⁹ U.S. Constitution, art. I, §8, cl. 3. While referring explicitly to the power of Congress to regulate interstate commerce, the Commerce Clause also implicitly prohibits certain state actions that interfere with interstate commerce. *Quill Corporation v. North Dakota*, 504 U.S. 298, 309; 112 S.Ct. 1904, 1911 (1992).

¹⁰ *Quill Corporation*, 504 U.S. at 304-308; 112 S.Ct. at 1909-1911.

¹¹ *Quill Corporation*, 504 U.S. at 308; 112 S.Ct. at 1911.

¹² *Douglas v. Glacier State Telephone Co.*, 615 P.2d 580, 583 (Alaska 1980).

are not components of interstate commerce.”¹³ Thus, Commerce Clause considerations can apply only to the City’s taxation of internet sales that have an origin outside the State of Alaska.

The Commerce Clause does not permit taxation of sales by an out-of-state seller that solicits orders in the taxing state through advertising, but that has no physical presence in the taxing state.¹⁴ In contrast, as discussed above, the solicitation of orders within a taxing jurisdiction does supply the nexus between the seller and the taxing jurisdiction that is required for taxation under the less demanding standard of due process.¹⁵ Meeting the latter standard is sufficient to tax sales made to purchasers within the City by a seller with a physical presence in the State of Alaska, even though the seller has no physical presence in the City. Moreover, this is the case even where the sales are not made through one of the seller’s in-state facilities, but instead by direct contact with one of the seller’s out-of-state facilities.¹⁶ Thus, an internet seller’s promotion of sales in the City by such means as advertising, promotional events or solicitation of sales, provides a basis for taxing sales by that seller if, and only if, the seller has a physical presence in the state of Alaska.

While an internet seller’s physical presence in the state of Alaska is sufficient to make its sales to purchasers in the City subject to City sales tax regardless of the origin of those sales, care must be taken to identify the internet seller correctly, because the internet seller, although affiliated with the owner of a “bricks-and-mortar” facility in the state of Alaska, may be a separate corporate entity. In that case, the simple presence of the facility in the state of Alaska may not be sufficient to justify applying the City’s sales tax to sales by the affiliated internet seller. The presence of the in-state facility will justify applying the City’s sales tax to the affiliated internet seller’s transactions only if the entity that owns the in-state facility is shown to be acting as the “agent” of the internet seller. This agency relationship could be established by showing that the in-state facility accepts returns of merchandise ordered over the internet, or provides installation or maintenance services for merchandise ordered over the internet, or otherwise acts as a local presence for the internet seller.

4. Sources Taxed by the Borough.

The City may apply its sales tax only to sources that are subject to Borough sales tax, except where the Borough by ordinance permits the City to tax another source.¹⁷

¹³ *Id.* (upholding borough sales tax on charges for intrastate long distance telephone calls).

¹⁴ *Quill Corporation*, 504 U.S. at 310-313; 112 S.Ct. at 1912-1914.

¹⁵ *Quill Corporation*, 504 U.S. at 313; 112 S.Ct. at 1913-1914.

¹⁶ *State, Dept. of Revenue v. Sears, Roebuck and Company*, 660 P.2d 1188, 1190-1191 (Alaska 1983).

¹⁷ AS 29.45.700(a); *City of Homer v. Gangl*, 650 P.2d 396, 399-400 (Alaska 1982).

Thus, the City may tax an internet sale only if the Borough also taxes that sale. Under the rules that the Borough has adopted to determine what sales are taxable, the Borough does not levy its sales tax on internet sales to the full extent permitted by the U.S. and Alaska constitutions. Because the Borough does not tax certain internet sales that it could tax within constitutional limits, the City may not tax those sales either.

The following explains where the Borough falls short of taxing all constitutionally taxable internet sales:

- The Borough taxes sales by sellers located outside the state of Alaska only if the seller maintains a sales force, a plant or an office in the Borough.¹⁸ Consistently with constitutional limitations, the Borough also could tax sales by sellers located outside the state of Alaska that maintain a sales force, a plant or an office anywhere in the State of Alaska rather than just in the Borough.¹⁹ Only the Commerce Clause of the U.S. constitution imposes this physical presence requirement, and it is concerned only with a physical presence within the state where the tax is levied.
- Sales by sellers in the state of Alaska but outside the Borough are taxable only when the sales are made through a “physical presence” (defined as a sales person making sales calls, a local telephone number, or keeping advertising and ordering materials kept for customers’ use) in the Borough.²⁰ Sales are not taxable if the seller can clearly establish they are neither assisted by nor attributed to physical presence in the Borough.²¹ The taxation of sales by sellers with a physical presence in the state of Alaska is restricted only by the requirements of due process. To satisfy due process, it is sufficient that the seller be engaged in continuous and widespread solicitation of business within the Borough. Taxation of a sale by an in-state seller that is engaged in such solicitation of business within the Borough is constitutionally permissible even if the sale is neither assisted by nor attributed to a physical presence in the Borough. The Borough specifically declines to consider advertising in publications published and distributed by third parties as sufficient to be considered a physical presence,²² which such activity suffices to satisfy the requirements of due process.

If the City wants the authority to tax internet sales to the full extent permitted by the U.S. and Alaska constitutions, it must persuade the Borough either to modify the rules discussed above, or to adopt an ordinance authorizing the City to tax internet

¹⁸ Borough Sales Tax Policy 95-02.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

sales to the extent that is constitutionally permissible even though the Borough elects not to do so.

5. Federal Moratorium on Taxation of Internet Access.

There may be a misconception among some members of the public that federal law exempts all internet sales from state or local taxation. That is not the case. A federal statute, the Internet Tax Freedom Act of 1998,²³ placed a moratorium on the imposition of “taxes on Internet access” services as well as any “multiple or discriminatory taxes on electronic commerce” by state or local governments. This moratorium currently will expire October 1, 2015.²⁴ The moratorium only prohibits state and local taxes on internet access (e.g., a sales tax on the monthly fee charged a customer by an internet service provider), and taxes that apply only to electronic commerce, or make electronic commerce subject to a different tax rate than transactions conducted through other media.²⁵ It does not provide any blanket tax exemption for transactions over the Internet.

Please let me know if I may be of further assistance in this matter.

TFK/

²³ Pub. L. No. 105-277, 112 Stat. 2681-2719, §§1100, *et seq.*

²⁴ Pub. L. No. 105-277, as amended by Pub. L. No. 113-235.

²⁵ Pub. L. No. 105-277.

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	5	0	5
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.

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
SEPTEMBER 14, 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

COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **REVENUES SOURCES FOR GENERAL FUND** **Page 9**
4. **Memorandum 15-153**, from City Manager, Re: Status of Natural Gas HSAD Payments and Proposed Grace Period. **Page 91**
5. **CONSENT AGENDA**
6. **REGULAR MEETING AGENDA**
7. **COMMENTS OF THE AUDIENCE**
8. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, September 28, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
SEPTEMBER 14, 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

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of August 24, 2015. City Clerk. Recommend adoption. **Page 63**

- B. **Memorandum 15-147**, from Mayor, Re: Appointments of Councilmember Francie Roberts, Dr. Dorothy Sherwood, and Casey Moss to the Sustainable Animal Control Review Committee. **Page 79**
- C. **Memorandum 15-150**, from Assistant City Manager, Re: 2016-2021 CIP; FY 2017 Legislative Request Schedule Update. **Page 87**
- D. **Memorandum 15-153**, from City Manager, Re: Status of Natural Gas HSAD Payments and Proposed Grace Period. **Page 91**
- E. **Ordinance 15-32**, An Ordinance of the Homer City Council Amending Homer City Code 7.04.030, Traffic Fine Schedules, and Homer City Code 7.06.020, Use of Jake Brakes Prohibited, to Substitute a Generic Term for the Trademarked Term “Jake Brake,” and to Prohibit the Use of Improperly Muffled Engine Brakes. City Manager. Recommended dates: Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015. **Page 93**
- F. **Ordinance 15-33**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Code Blue Grant From the State of Alaska in the Amount of \$95,500 and Appropriating the Required Local Match in the Amount of \$84,500 for Replacement of Medic 1 and Authorizing the City Manager to Execute the Appropriate Documents. Burgess. Recommended dates: Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015. **Page 103**
- G. **Ordinance 15-34**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a 2015 State Homeland Security Program Grant From the Division of Homeland Security and Emergency Management (DHS&EM) in the Amount of \$114,300 for a Backup Generator at the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015. **Page 109**
- H. **Resolution 15-078**, A Resolution of the Homer City Council Amending the Library Advisory Board Bylaws to Establish 5:30 p.m. as the Regular Meeting Time. City Clerk/Library Advisory Board. Recommend adoption. **Page 115**
- Memorandum 15-154 from Library Advisory Board as backup. **Page 117**
- I. **Resolution 15-079**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Ambulance Billing Services to the Firm of Amerik Medical Billing, LLC of

Lake Forest, California, in the Amount of 4.5% of Collections Deposited Into the Lockbox and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption. **Page 123**

- J. **Resolution 15-080**, A Resolution of the Homer City Council Awarding the Sale of the Camp Fee Collection Cabin to Pam Fleming of Homer, Alaska, in the Amount of \$5,755 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption. **Page 147**

Memorandum 15-152 from Public Works Director as backup. **Page 149**

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

a. Minutes of August 19, 2015 **Page 155**

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

a. Memorandum 15-151 from Cannabis Advisory Commission, Re: Recommendations on State Proposed Regulations Regarding Cannabis

Page 163

b. Memorandum from Attorney Wells, Re: Proposed Comments Regarding State of Alaska Marijuana Regulations **Page 167**

- C. AML Summer Legislative Conference Report by Councilmember Zak **Page 171**

8. PUBLIC HEARING(S)

- A. **2016-2021 CAPITAL IMPROVEMENT PLAN AND FY 2017 LEGISLATIVE REQUESTS**
Page 177

- B. **Homer Natural Gas Special Assessment District – Condominium Assessments**

- C. **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. Introduction August 24, 2015, Public Hearing and Second Reading September 14, 2015.
Page 179

Memorandums 15-125 and 15-135 from Public Works Superintendent as backup.

Pages 183/185

- D. **Resolution 15-074(A)**, A Resolution of the Homer City Council Amending the City of Homer Fee Schedule Under Sewer Rates. Mayor/City Council.
Page 187

Memorandum 15-155 from Finance Director as backup.

Page 191

9. ORDINANCE(S)

10. CITY MANAGER’S REPORT

- A. City Manager’s Report **Page 199**

- B. Bid Report **Page 217**

11. CITY ATTORNEY REPORT

- A. City Attorney Report – August 2015 **Page 221**

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 15-23**, 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. Introduction June 29, 2015, Public Hearing July 27, 2015, Referred to Planning Commission, Second Reading September 14, 2015. **Page 227**

Memorandums 15-100 and 15-148 from City Planner as backup. **Pages 231/235**

14. NEW BUSINESS

- A. **Memorandum 15-149**, from City Clerk, Re: Deferred Assessment for Lowe, Williams, Weeks, Prevost, Kratz, Gordon, and Bushell for the Homer Natural Gas Special Assessment District. **Page 239**

15. RESOLUTIONS

- A. **Resolution 15-081**, A Resolution of the City Council of Homer, Alaska, Confirming the Assessment Roll for Condominium Units in the Homer Natural Gas Distribution Special Assessment District, and Establishing Delinquency, Penalty and Interest Provisions for Those Special Assessments. City Manager. **Page 273**

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, September 28, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 15-27 a Regular Meeting of the Homer City Council is called to order on August 24, 2015 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, LEWIS, REYNOLDS, ROBERTS, VAN DYKE, ZAK

STAFF: CITY MANAGER KOESTER
ACTING CITY CLERK JACOBSEN
ASSISTANT CITY MANAGER LAWRENCE
FINANCE DIRECTOR LI
PORT DIRECTOR/HARBORMASTER HAWKINS
LIBRARY DIRECTOR DIXON

The Council met for a worksession at 4:00 to discuss the 2016-2021 Capital Improvement Plan. They met as Committee of the Whole at 5:00 to discussion Resolution 15-074 amending sewer rates and also consent agenda and regular meeting agenda items.

AGENDA APPROVAL

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

The following changes were made: **Consent Agenda- Memorandum 15-141** from Mayor re: Appointment of Marcia Kuszmaul to the Library Advisory Board, Commissioner Application as back up. **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; 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)); **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. Written Public Comments and KBCHA Plan Excerpt; Committee Reports adding All Hazard Mitigation Plan Committee Report; **New Business Memorandum 14-143** from Acting City Clerk Re: Deferred Assessment for Satterwhite-Smith, Ridgley, and Jackman-Olson for the Homer Natural Gas Special Assessment District

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

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

None

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of August 10, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-140**, from Deputy City Clerk, Re: September Strategic Doing Schedule. Recommend adoption.
- C. **Memorandum 15-141**, from Mayor Re: Appointment of Marcia Kuszmaul to the Library Advisory Board. Recommend adoption.
- D. **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.

Memorandums 15-125 and 15-135 from Public Works Superintendent as backup.
- E. **Resolution 15-075**, A Resolution of the Homer City Council Establishing an Animal Shelter Review Committee to Strengthen Sustainability of the Shelter. Roberts.
- F. **Resolution 15-076**, A Resolution of the City Council of Homer, Alaska, Amending the Economic Development Advisory Commission Bylaws to Include the Pledge of Allegiance on the Commission's Agenda. City Clerk/Economic Development Advisory Commission.
- G. **Resolution 15-077**, A Resolution of the Homer City Council Awarding the Contract for the Ramp 5 Restroom Project to the Firm of Beachy Construction of Homer, Alaska, in the Amount of \$279,600 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director

Memorandum 15-142 from Public Works Director as backup.

Resolution 15-077 was moved to resolutions by Councilmember Lewis.

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

LEWIS/VANDYKE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - a. Minutes of August 5, 2015
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission
 - 5. Port and Harbor Advisory Commission
 - 6. Cannabis Advisory Commission

PUBLIC HEARING(S)

- A. **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. Introduction August 10, 2015, Public Hearing and Second Reading August 24, 2015.

Memorandum 15-130 from Deputy City Planner as backup.

Memorandum 15-131 from Police Chief as backup.

Memorandum 15-142 from Councilmembers Lewis and Reynolds as backup.

Mayor Wythe opened the public hearing.

Rika Mouw city resident, acknowledged the intent to vote down ordinance 15-29. The recommendations passed on by the Parks and Recreation Advisory Commission were well researched, well thought out, and included suggestions from a broad cross section of the public. She encouraged that the forthcoming ordinance will need to improve the current situation and also address the future to be viable for the next 10 to 15 years. She provided her written copy for the record.

Roberta Highland, city resident, concurred with Mrs. Mouw's comments and added emphasis to the need to emphasize public safety. We are at the point where more people are using the beaches than before and when mixing pedestrians and vehicle, she hopes it doesn't take a tragedy to make the point.

Rob Rosenfeld, non-resident, commented he was formerly on the Parks and Recreation Commission and participated on the Beach Policy Task Force member from 2000-2001. He questioned how many times this will be revisited and restudied. Traffic laws apply on beaches and need to be enforced. There is a prescriptive easement to the west going to Anchor Point and its laws predate the constitution and the right to drive on the beach on that easement can't be taken away.

Kim Terpening, city resident, has been a beach user for 39 years. She explained that in those years she has collected coal, bull kelp, kelp and seaweed, and garbage, always walking. The area is dangerous now with all the vehicles and she fears a terrible accident. She also questions where the liability falls if an accident does occur. She hopes they can come up with a solution.

Ginny Espenshade, city resident, said she's impressed with the work done by the Parks and Recreation commission. She thanked the makers of the ordinance and encouraged them to keep working at it and read all the testimony received by the Commission. She also suggested asking their attorney whether a prescriptive easement can be created against public lands.

Carrie Harris, city resident, commented that people need to take personal responsibility and report people who are breaking the law on the beaches and not cut off access to people who want to use it. It's a public beach.

Bumppo Bremmicker, city resident, has also served as a Parks and Recreation Commission chair and worked on one of the beach committees. He recognized the rules are contentious but any regulation has to have support of the community. He doesn't think a gate is the answer but supports a speed limit and prohibiting driving to the left to protect the habitat on that side.

Elizabeth Kandror, non-resident, opposes the ordinance. She and her family collect coal from the beach for heat and need to have vehicle access to get farther down the beach.

Todd Steiner, city resident, encouraged keeping vehicle access on the beach. He likes to drive down and out of the way with his family to have campfires and hang out. He believes it is an enforcement issue.

Robert Townsend, non-resident, collects coal from the beach for heat and has neighbors who do the same. There are few places with access to coal. He cited the Kachemak Bay Critical Habitat Area Management Plan that collecting coal on beaches will continue to be allowed, and also ADF&G will issue a special area permit to the general public for vehicle use for the purpose of gathering coal.

Gordon Terpening, city resident, commented that we don't have to reinvent the wheel, there are cities all over the country are dealing with the same issue and allow driving with restrictions. He noted a time when two children were killed and a number of restrictions were instituted. He noted a comment from a Coast Guard Commander that all regulations are written in blood, and asked what it will take to get regulations here.

Nancy Lord, city resident, talked about her work with the shore birds monitoring program in the Beluga Slough area and the negative impacts to the habitat from vehicles driving to the left on the storm berm over the years. It's unfortunate there hasn't been enforcement of the signage. She has seen low concrete barriers that might be appropriate to help people understand they shouldn't be driving to the left.

Tim Clark, city resident, appreciates the efforts to try to resolve the problem on the beaches, but doesn't think closing it to vehicle access is a solution. This town has a lot of problems in a lot of different places. He collected 406 signatures from people asking Council not to adopt or create an ordinance restricting or prohibiting motorized vehicle access to beaches in Homer and read some of the comments. Mr. Clark provided his signatures for the record.

Lee Burkhardt, non-resident, doesn't like that this ordinance discriminates against a certain user group. People buy property near the beaches, Beluga Lake, or along Baycrest, then complain about people on the beaches, float planes, and trucks. Those things were there before people bought their property. He feels more endangered by loose dogs, but it's public a public area and dogs should be allowed to run. There are risks with freedom. Everything has a risk and an environmental impact. There needs to be balance.

August Weber, city resident, encouraged not discriminating against coal users who need to be able to drive on the beach. He agrees things need to be done, but closing the beach off to motorized vehicles limits too many families who need that heat source. It also closes it off to people who just want to go down to explore and enjoy the different things you can do along the beach.

Rick Vann, non-resident, is a property owner on Bishop's beach and urges that people not be allowed to drive to the left side of the beach. It has gotten worse in that area. To the right, he has used rocks to delineate his property and help manage traffic. He talks to people when they are parked out there about cleaning up after themselves. He agrees that enforcement of the rules already in place is what is needed.

Scott Adams, city resident by annexation, noted the management plan allows driving on the beach and collecting coal. He thinks we can keep the beaches open to vehicles and that they need to find funding for enforcement of the rules in place, including not driving to the left. There are always going to be a few people who cause problems, but we don't have to penalize everyone for the the few.

Louise Ashmun, city resident, addressed vehicle damage to the dune and habitat destruction. Vehicles don't contribute much to beach erosion, which is another issue. Vehicles do damage dune structure and habitat. She supports not driving on beaches, but most importantly not in the area to the left. Keeping that area pedestrian only makes it a safe place to play and protects the slough habitat.

Yan Kandror, non-resident, collects coal for heat in the winter and asked the beach not be closed to people who need to do that. He added a 10 foot ocean rise is forecasted by 2020 so he doesn't know what kind of habitat we are trying to save here.

Ryan Walker, non-resident, supports driving on the beach for many reasons mentioned but also so people can get down and away from the busy areas to have quiet time to help heal their souls. It is a very important reason a lot of people get out to the beach.

Robert Archibald, city resident and member of the Parks and Recreation Advisory Commission, commented they received over 800 pages of information on these subjects. He recognized this is a big issue and we can find consensus on it. There are more issues than the last group dealt with including a bigger population, more dogs, and more cars. The signage needs to be stronger. The land to the east is Fish and Wildlife property, by rights it's private property and to the west down to mean high tide line is also. He hopes they can find compromise; he thinks there are some good ideas on the table to get there. He wishes more councilmembers and audience members had attended their meetings.

Deb Lowney, city resident and member of the Parks and Recreation Advisory Commission, pointed out an issue they talked about in response and reference to the comments about relying on the police. There are statistics in the packet about calls to the police increased tremendously over the last 3 to 4 years. People are calling the police but not getting a response. But the police have responded more times to Bishop's beach. She encouraged reviewing and keeping in mind the Police Chief's comments on his plan for responding out there.

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

Mayor Wythe called for a motion for the adoption of Ordinance 15-29 by reading of title only for second and final reading.

BURGESS/REYNOLDS SO MOVED.

Councilmember Burgess appreciated a lot of the comment tonight and one of the most frustrating parts of the process for him has been time researching what the law says, prescriptive easements in the area, and correcting misinformation on both sides of the issue. We all share the responsibility of having factual dialog. Homer owns its municipal tidelands and multiple sources have shown that the critical habitat in the management plan and jurisdictional bounds of the critical habitat area don't apply to municipal tidelands, unless those plans choose to opt in to the Critical Habitat Area management plan. It can be found in the first paragraph and the paragraph on page 1A both say it doesn't apply to municipal tide lands. He also noted prescriptive easements were developed to safeguard easements on public lands. The attorney's opinion in documentation provided by the task force specifically speaks to it. He thinks there were a lot of pragmatic ideas were brought up tonight. He appreciated the comments about looking towards a long range solution for user groups, finding something that meets the vast majority of user's needs, and factual comments about affecting habitat. He thinks there are ways to move forward with this.

Councilmember Reynolds commented she recommends no vote on the ordinance tonight so they can work on finding solutions that better serve more people than this current ordinance does.

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

Motion failed.

- B. **Ordinance 15-30**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating a 25% Match to the Waddell Road Improvement Legislative Grant in the Amount of \$357,500 From the Homer Accelerated Roads and Trail Program (HART) Fund; Authorizing the Purchase of the Waddell Property in Support of the Waddell Road Improvement Project; and Authorizing the City Manager To Execute All Appropriate Documents. City Manager/Public Works Director. Introduction August 10, 2015, Public Hearing and Second Reading August 24, 2015.

Memorandum 15-134 from Public Works Director as backup.

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

Mayor Wythe called for a motion for the adoption of Ordinance 15-30 by reading of title only for second and final reading.

BURGESS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Resolution 15-072**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 and the City of Homer Fee Schedule Annual Moorage Rates. Lewis/Port and Harbor Advisory Commission. Recommend public hearing on August 24, 2015.

Memorandum 15-137 from Port and Harbor Director as backup.

Mayor Wythe opened the public hearing.

Glenn Carroll, commercial fisherman and member of the Port and Harbor Advisory Commission, commented he had a boat in the first boat harbor when the first set of slips was established. He is against the graduated rate option for harbor moorage rates. He doesn't understand why the stall renter the only target to develop this idea of reserves when the City of Homer takes all the sales tax generated in and around the boat harbor and gives none of it back to the harbor, in addition to the \$600,000 of administration fees paid out of the boat harbor. It seems unfair to him. He also questions if other departments have replacement reserves. He doesn't know anyone else who does that, and doubts that other harbors do.

Beaver Nelson, non-resident and commercial fisherman, has had boats in the harbor since 1968 and things have increased over time. He thinks the rates have gone up equitably where everyone shared equally. He doesn't like the graduated linear foot rate structure being developed by this resolution. It

tells him they are changing the allocation of the way people are paying for the harbor. He sees an effort to reduce commercial boat usage of the harbor and convert it more to sport and recreational use. He thinks it should just be a 3% increase for everyone and warned this graduated structure will put a higher burden on the commercial use of the harbor. He suggested looking at Ninlchik for an example of what it looks like with seasonal recreational sportfish economy.

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

Mayor Wythe called for a motion for the adoption of Resolution 15-072 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

Councilmember Roberts asked about how the graduated linear rate would be applied. Harbormaster Hawkins explained the Port and Harbor Advisory Commission is interested in Northern Economics conducting a study on developing a graduated linear rate model. Currently rates are applied in a per foot model. The idea is that rates could be graduated to have a rate for each category in going up through the fleet. The study doesn't call out anything specifically other than size class of vessel.

Councilmember Burgess expressed his understanding that the larger vessel could potentially pay more per linear foot of vessel compared to a small one and that is a valid argument. The other part is that a larger vessel is usually a wider boat that has a greater beam, so in looking at the actual surface area of the harbor and what area a vessel takes up a longer vessel has a greater footprint or derives a greater benefit. He thinks that's the rationale behind a graduated rate structure. He noted they are voting to pursue the idea of what the model might look like. He added that we want to be aware of how the rates on larger vessels will compare to other facilities during the process because we want to be economically appealing.

Mayor Wythe concurred and would not perceive this in any way to say we don't want our large vessel fleet to be in the harbor. We certainly want them there; this is a matter of looking toward a cost benefactor, cost payer approach. Mayor Wythe replied to Mr. Carroll's statements that in its purest sense the people using the harbor stalls are gaining the only benefit of the stalls. Regarding the sales tax, she recognizes port and harbor as an enterprise fund which means their responsibility is making enough money from the usage of the harbor and associated facilities that they can afford to maintain the facility and the staff to keep it open. 10 to 12 years ago all the properties in the harbor area were returned to the harbor as harbor revenue when they are leased. As an enterprise it would be like Safeway asking for all the sales tax they generate so they can lower their prices. The harbor is a business collecting sales tax to support the rest of the community and infrastructure that supports the port and harbor, like the roads and other things. Sales tax is the basis by which this community runs.

Councilmember Burgess added that one of the few financial ordinances they have not been compliant in since long before he was elected, is the depreciation reserves. They are required to keep 30 or 40% of the value of the assets in any given area in depreciation reserves, specifically for the purpose of replenishing fixed assets. He doesn't know anyone who necessarily keeps 100% value on hand, but for the City of Homer and many businesses, best practices is to keep at least 30 to 40% on hand.

Mayor Wythe noted that the other aspect of funding the harbor that came through when bonding was ensuring we develop a reserve account that would hopefully keep us from having to issue another

bond the next time. We aren't going to stop maintaining the harbor, but we have to quit doing it in a debt format.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a five minute recess at 7:33 p.m. and the meeting resumed at 7:38 p.m.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

Mayor Wythe addressed the Tsunami and Coastal Resilience training information in the City Manager's report. It is a FEMA training course at no cost to participants and is open to members of the community.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Public Arts Committee

B. Permanent Fund Committee

Councilmember Reynolds reported that the Committee is working toward a recommendation to self-manage the fund. The committee believes it would save money because currently with US Bank we are paying high fees and receiving low returns under the current program.

C. Employee Committee Report

D. Public Safety Building Review Committee

Ken Castner reported that of the last budgetary allocation they have committed \$170,000 to get to our design level and \$20,000 for abatement studies on the two buildings. He anticipates that is what they will need to get to the engineering and drawings up to the level the council has wanted. He encouraged people to attend their meeting on Wednesday night.

E. Vessel Haul-Out Task Force

Harbormaster Hawkins reported the Task Force met on the 18th and discussed the draft Best Management Practices and user agreements for the haul out facility that we have been planning for

and working toward. There recommendations will be going before the Port Commission and then to the City Council.

F. All Hazard Mitigation Plan Committee

Councilmember Reynolds reported the All Hazard Mitigation Plan is required by FEMA. The City's current plan expires at the end of June next year and they have been working on revisions and updates. At their last meeting, Scott Nelson a hazard mitigation planner with the State of Alaska participated by phone and it was very helpful. They are improving section four which addresses risk analysis to get it more in line with what FEMA is looking for. They are planning to have a draft plan to the Council after the first of the year.

PENDING BUSINESS

A. **Resolution 15-074**, A Resolution of the Homer City Council Amending the City of Homer Fee Schedule Under Sewer Rates. Mayor/City Council.

Mayor Wythe called for the adoption of Resolution 15-074 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

BURGESS/LEWIS MOVED TO AMENDED TABLE II COLUMN TWO ~~\$0.0218~~ TO **\$0.0232** AND ~~\$.0.0147~~ TO **\$0.0157** COLUMN THREE ~~\$76.30~~ TO **\$81.20** AND ~~\$51.45~~ TO **\$54.95**

Councilmember Burgess noted that this amendment aligns the comparative tables.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ROBERTS/REYNOLDS MOVED TO POSTPONE RESOLUTION 15-074 TO SEPTEMBER 14TH AND INLCUDE PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

A. **Memorandum 15-143**, from Acting City Clerk, Re: Deferred Assessment for Satterwhite-Smith, Ridgley, and Jackman-Olson for the Homer Natural Gas Special Assessment District

Mayor Wythe declared her on going conflict of interested in natural gas line related issues and passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion to approve the memorandum.

LEWIS/ZAK SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

RESOLUTIONS

- A. **Resolution 15-077**, A Resolution of the Homer City Council Awarding the Contract for the Ramp 5 Restroom Project to the Firm of Beachy Construction of Homer, Alaska, in the Amount of \$279,600 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director

Memorandum 15-142(2) from Public Works Director as backup.

Councilmember Burgess declared a conflict of interest as he was on the plan holder's list for this project and has been recused in similar actions, and he left the table.

Mayor Wythe called for a motion for the adoption of Resolution 15-077 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Burgess returned to the table.

COMMENTS OF THE AUDIENCE

Tom Zitzman, city resident commented about the 2007 Bishops Beach task force and the recommendations adopted by council. The council most likely gets an F in policy implementation. He reviewed the meeting count and general process of the Commission relating to their work. He attended several of the meetings but never saw a councilmember in attendance and acknowledged Chair Steffy for his facilitation at the meetings. He commented about a letter forwarded to him written by Councilmember Burgess. He question if the letter represents the Council as a whole or just the Councilmember who wrote it. Mr. Zitzman expressed his distaste of Mr. Burgess's response at the last

council meeting and his reference to Matt Steffy in the letter as well as other other excerpts of Mr. Burgess's letter. Mr. Zitzman commended the City Manager and Mayor on a job well done with the Town Hall meeting. He encouraged they continue to seek public input on solutions to problems.

Ken Castner, city resident, commented Glenn Carroll and Tom Zitzman addressed the council about alternative ways to financing our projects in the future. Having a reserve fund is a fine sort of thing but using it as the sole mechanism for replacement puts an undue burden on today's users in paying today's use and financing tomorrow's use. He agrees with Mr. Zitzman's previous comments that we should bond for those things. He also commented regarding investing relating to the permanent fund.

Ginny Espenshade, city resident, spoke to the Council about the tone in which they receive public comment. She compared the tone of the Parks and Recreation Commission where they received 800 pages of testimony, the hours they spent, and how the public felt listened to by the Commission. The tone tonight is the opposite. Her tips for Council were not to treat members of the public who disagree as adversaries; don't treat local media as adversaries; respect and honor the work of the Commissioners. Over the last few years she has seen more and more dismissal of the importance of the Commission process. Don't schedule public town meetings on one of the busiest commercial fishing days of the summer. She challenged them to work on this if they want public engagement. If the tone is being set by one person, the whole council owns it.

Deb Lowney, city resident, also feels this discussion has been framed in a very negative light and concerned about it. She also believes there has been a great deal of miscommunication, perhaps on both sides, words like oppressive minorities taking away people's rights, discriminating against user groups and more. Regarding legalities of the easement she has read the document and interpreted to mean the opposite, so there is room for discussion there as well. As a Parks and Rec member, she wasn't real excited when they were tasked with the assignment of the beach policy, but she and the group embraced it and were dedicated to it. In hind sight the first mistake, potentially, was in not creating the task force they recommended. The membership they proposed would have represented a majority of user groups and it would have been interesting to see where it had gone.

Scott Adams, city resident, noted the picture of Brother Assiah and wonders what he would think of this turmoil about the beaches. He personally thinks there needs to be a compromise because everyone wants a piece of the pie. He talked about what used to be allowed and is hoping there is an area that can be left open and that problems can be resolved through enforcement. This is like annexation, tearing at the heart of the community. He has been to a number of public safety building meetings and is glad to see they will be able get to 35% at a lower cost; he would like to see the cost of the building quite lower than what they are anticipating. He is hoping the location can be changed because that 4.5 acres could be used to serve the community in a better way. They just allocated \$150,000 for a dump truck and wonders at the next meeting if they'll want money for the ambulance, and police cruiser. He wonders when they are going to start putting money toward the fleet depreciation to pay for these things instead of using the general fund.

Robert Archibald, city resident, is looking forward to seeing what they come up with on the beach policy. He hopes they consider people's right to walk safely just as much as the right to drive. There is room for both. He spoke of two youth who were wiped out on the highway by Girdwood and it took that to get some changes in the area. We don't want to see that here. He has spent time out there looking at things. He thinks things may have improved a bit with this ongoing discussion and also seen

things he wouldn't approve of. He said there are two openings on the Parks and Recreation Commission and encouraged people to apply.

COMMENTS OF THE CITY ATTORNEY

Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

Acting City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe thanked the Parks and Recreation Commissioners for their work. She said it's often disheartening when Commissions or Committees feel that the Council not agreeing with their recommendations or considering it from a different perspective in any way reflects on the Council's appreciation on the work they are doing. She acknowledged the Commissions and Committees do a lot of heavy lifting for the Council, they bring forward a lot of information, and that this Council is very thoughtful in reviewing the information that comes forward so they are in tune with what is going on with the Commissions. With regard to not being at meetings, that is part of the reason we have the Commissions. The Council can't go to every meeting that happens in the course of the month. Mayor Wythe also commented when Councilmembers speak, they aren't necessarily speaking the voice of the entire council, they have the privilege to share their individual opinion with the community. In the process of coming to a consensus to vote, there are a lot of varying opinions addressed. She doesn't want the Commissions to feel like the work they are doing is unappreciated or unrecognized, because it is appreciated and she thanks them very much. She thanked Trish as she is leaving the Parks and Recreation Commission and relocating out of state.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts thanked the Parks and Recreation Commission and said she also appreciates the work they did, they provided a lot of good information. She thinks the issue isn't the same as it was in 2006, things are different now, this needed to be done, and there is still more work to be done. She recognized that it can feel demoralizing when it seems they haven't been heard. Eventually we all will get there. She thanked Trish Lillibridge and Roger MacCampbell for their work on the Parks and Recreation Commission. During testimony on the ordinance that didn't pass she particularly appreciated Ginny Espenshade talking about how we don't have to make it divisive and Rika Mouw's comments that things are changing. Heath Smith has been here since the beginning of the meetings and is a candidate for Council, she thanked him for attending. She noticed that Woodard Creek has appeared recently in Homer on Pioneer Avenue, day lighted in a strange manner. She appreciates the people working on that project. She commented about testimony at the 5:00 pm meeting about sending a message to councilmembers via social media and questioned why they didn't get a response. She explained that because of the Open Meetings Act they are required to use their City

email to talk to the public and Councilmember email addresses are on the city website. She noted that she personally does not check her social media for city council messages.

Councilmember Lewis agreed with all of Francie's comments. He added that he drove by the Woodard Creek project on Sunday when it was being done. He thanked everyone working on that and reminded drivers to slow down when they see cones and people working on the road.

Councilmember Zak commented that he had a great time at the Alaska Municipal League summer conference in Ketchikan. The Governor attended and shared a little bit about the state budget and what they are talking about tax wise, whether it's a sales tax or a PFD cap, for example. We are at a critical time here as a State due to oil prices. Even today the stock market will affect us even more. He appreciate the City Manager's memorandum 15-146, we need to pay attention to the list of dates because there will be another Town Hall meeting on November 2nd. He appreciates her proactive approach at having budget A and budget B out to the people and having the Town Hall meetings. He commended the Mayor for her efforts for the Town Hall meetings as well. He expressed his concern about the comment about the Council owning it if they allow it, related to a councilmembers individual comment. He listens hard to the people who come out and provide testimony and is grateful for all the Commission and people who spend their time here providing the testimony. They do more than often create a kind of a wedge within the community because they do something different. He commented about a Catholic Priest who sat next to him on a recent flight and it was really cool to hear him explain his trials and tribulations he has been through with his life. Mr. Zak said it made him appreciate more, each individual as we are and what we go through. There was a lot of testimony tonight and he knows we want to get to consensus. He appreciates his fellow council members, the Mayor and the Manager, Commissioners and being proactive about the budget. He appreciates the Priest who sat next to him. Life isn't always easy and we are doing our best, but at the same time we beat ourselves up a lot. We together can get this done with all of our strengths. The greatest reward of sitting on Council is getting to know the community members and their strengths.

Mayor Wythe noted that the Governor is doing a series of meetings throughout the state and the meeting in Homer is September 11th at 6:00 p.m. at Islands and Ocean Visitor Center. The first Town Hall meeting to discuss revenue is tentatively scheduled for September 23rd. It will be important to have the community engaged in our budget process because it's been a lot of years since City of Homer has had to look at the potential of cutting services to make ends meet.

Councilmember Burgess reiterated his appreciation most of the tone of the discussion this evening regard Ordinance 15-29. He appreciated Rika Mouw's forward looking comments, Bumpo acknowledging the many users and that there isn't a perfect solution, Todd Stiner's calm and measured comments, Nancy Lord for her scientific and pragmatic facts about habitat and restoration; Lee's thoughtfulness and perspective on what it means to live in Alaska, and from the landowner at the edge of Bishops Beach who delineated his property and told how he deals with it in a straight forward manner. There was a lot of good comment tonight. He recognized there were at least three people who felt strongly about his letter that he should speak to it. A few points of clarification, as a council person he is strongly encouraged to have all correspondence that relates to his position as a councilmember come from his city council email. Simply because he takes a point of view on an issue doesn't mean that he represents the other council members. Every council member can take a point of view on an issue, can advocate for that position, and the appropriate place to do it if it relates to council business is their councilmember email address. Regarding his statement in the letter

regarding Matt Steffy's rabid fervor, Mr. Steffy said specifically that if Council did not follow the recommendation of ordinance 15-29 that it was like a slap in the face to the Commission. Mr. Burgess said his only response was just because we don't follow the recommendations, it doesn't necessarily mean they don't appreciate the body of work that was done. He said in his letter that Mr. Steffy is "usually a very thoughtful and measured voice in the community whom I usually admire and respect". He would be very happy for them to share his response back to a citizen who he felt deserved a response, in its entirety. To reference it out of context, he believes, is disingenuous. He encouraged that people think about what they want in their elected official. He could easily sit and never say why he voted on an issue; never calling another council member or citizen out if they say something that is legally not true or he thinks is factually incorrect. We could certainly have a quiet process, but he doesn't know that would serve the larger interest of the community. He thinks the community deserves to know why someone takes the position they do and that if he takes an incorrect position, and he knows he has, that it is citizen input that is brought to his attention that has helped him come to a better decision. He hopes people can step back and realize that just because someone takes a different position or doesn't agree doesn't mean they aren't doing their job or doing their job effectively. In the future, if people disagree with him, they will come up and say Councilmember Burgess said this, quote the quote in its entirety and accurately, and call him out on it. You don't have to say the entire council is colored by his comments or vice versa. Please be fair and be measured, it's been frustrating to take a middle road on this issue. A lot of comment tonight was from people who felt they hadn't been heard by the task force because why would we ever close the beach to vehicular access. For whatever reason they may not have participated in the earlier meetings, they have a voice and Council has to represent all of the voices. It's important to be cognizant that just because we don't agree, doesn't mean we don't appreciate the tremendous body of work.

Councilmember Van Dyke congratulated Ken Castner and crew on the savings for the public safety building expenditures. That's a lot of money saved that the city can use for other things, like a dump truck or ambulance. In regard to ordinance 15-29 even though we failed that particular ordinance today, it doesn't mean we will stop working toward a workable solution that will answer the public safety and public nuisance aspects that are prevalent. He wished everyone a great evening.

Councilmember Reynolds thanked Heath Smith for being here. When she decided to run for council attending the council meetings was extremely helpful. She encouraged the other candidates to attend the Monday meetings. Today she went to the opening of the Ocean Acidification display in the breezeway down at Coal Point Trading, it's a partnership between Cook Inletkeeper and one of the organizations Hannah Heimbuch is assorted wit, also Lars Bell and Kami Mattson, it's a neat little kiosk. She encouraged people to go down and explore it. She thanked Ginny for calling her out a little bit. She's been thinking about the year she's been on council when she's had one on one interaction with people, everyone has been calm, respectful, and pleasant to work with wherever the interaction took place. There is only one person that testified tonight, who has been threatening and unpleasant in emails and she appreciates that out of the whole year that is the only bad interaction she's had. She thinks a lot about Green Dot and green dotting this whole process, we can have differences of opinion and can express it respectfully, and that also applies at the council table. She did feel that the words used about Matt Steffy at the last meeting were very disrespectful and then she saw them reposted on Facebook in letter form, also disrespectful and thinks the same thought could have been worded more respectfully. She said welcome back to school everyone, congratulations to people going off to college for that decision and that success, and also to everyone in the Kenai Peninsula School district, have a good year. She congratulated the Homer Cross Country team, both boys and

girls varsity participate with 38 schools and both came in first for small schools division. The girls came in 6th out of 38 and the boys came in 7th out of 38.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:38 p.m. The next Regular Meeting is Monday, September 14, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 15-147

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: SEPTEMBER 8, 2015
SUBJECT: APPOINTMENTS OF COUNCILMEMBER FRANCIE ROBERTS, DR. DOROTHY SHERWOOD, AND CASEY MOSS TO THE SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE.

Councilmember Francie Roberts, Dr. Dorothy Sherwood, and Casey Moss are appointed to the newly formed Sustainable Animal Control Review Committee (SACRC).

Councilmember Francie Roberts requests continued service on the SACRC as Council's representative after the expiration of her term as councilmember. Her term as councilmember expires October 12, 2015.

RECOMMENDATION:

Confirm the appointments of Councilmember Francie Roberts, Dr. Dorothy Sherwood, and Casey Moss to the Sustainable Animal Control Review Committee and approve Councilmember Roberts continued service on the SACRC after the expiration of her term as a councilmember.

Fiscal Note: N/A



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

SEP - 8 2015

Received by the Clerk's Office

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: Francie Roberts Date: 9-815

Physical Address: 495 Mountain View Dr. Homer AK 99603

Mailing Address: same

Phone Number: 907 235 1068 Cell #: _____ Work #: 907 235 4680

Email Address: francie.roberts@gmail.com

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

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

<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1 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 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 checked="" type="checkbox"/>	OTHER - PLEASE DESIGNATE	Animal Shelter Committee

I have been a resident of the city for ²⁴~~21~~ yrs ___ mos. I have been a resident of the area for ⁴²~~40~~ yrs ___ mos.

I am presently employed at Kenai Peninsula School District

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

Current Homer City Council member

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

Transportation Advisory Committee, City Manager Selection Committee, Permanent Fund

Committee

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

maintaining the Animal Shelter operations during difficult fiscal times.

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

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

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

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

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

Commercial

Recreational

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

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



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

AUG 31 2015 4:07:08
 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

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: DR. DOROTHY U. STEPHENSON Date: 8/25/2015
 Physical Address: 326 WOODSIDE AVENUE, HOMER, ALASKA 99603
 Mailing Address: _____
 Phone Number: 907 235 8960 Cell #: — Work #: 907 235 8960
 Email Address: dotsver@gmail.com

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

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

ADVISORY PLANNING COMMISSION	1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 ND TUESDAY OF THE MONTH AT 6:00 P.M.
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LIBRARY ADVISORY BOARD	1 ST TUESDAY OF THE MONTH AT 5:00 P.M.
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.
OTHER - PLEASE DESIGNATE <i>Sustainable Annual Control Review Committee</i>	<input checked="" type="checkbox"/>

I have been a resident of the city for yrs mos. I have been a resident of the area for 19 yrs mos.

I am presently employed at Homer Veterinary Clinic PC

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force: VETERINARIAN - animal health / husbandry and welfare.

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

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

The Homer Animal Shelter is currently not getting adequate support and advisory services from the community and wish to be of service.

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

Many veterinary organizations related to animal health / welfare.

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? No.

 Commercial Recreational

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

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



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

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: CASEY MOSS Date: 8/26/2015
 Physical Address: 1285 JEFFERY AVE
 Mailing Address: PO BOX 1115
 Phone Number: _____ Cell #: 299-3048 Work #: _____
 Email Address: casey.moss13@gmail.com

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

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

<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1 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.
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<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 checked="" type="checkbox"/>	OTHER - PLEASE DESIGNATE	SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE

I have been a resident of the city for 12 yrs ___ mos. I have been a resident of the area for 36 yrs 6 mos.

I am presently employed at Alaska State Troopers - Anchor Point

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

I have been a trainer or assistant trainer for Homer Dog Trainers for the past 12 years. I have volunteered at many events for Homer Animal Friends. I have volunteered at the Homer Animal Shelter, as well as, the shelter in Grand Forks, North Dakota. I have visited many different shelters in many different locations so I have seen how different shelters operate.

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long: No.

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

I believe a shelter is an important facility to have in Homer. I would like to do what I can to help keep our shelter running smoothly and effectively.

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

Homer Animal Friends and Homer Dog Trainers

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 was approached by members of Homer Animal Friends and asked to apply for this committee.

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



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 15-150

TO: Mayor Wythe and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Patrick Lawrence, Assistant City Manager
DATE: September 9, 2015
SUBJECT: 2016-2021 CIP; FY 2017 Legislative Request Schedule Update

The purpose of this memo is to inform the council to the updated schedule for the CIP.

The *Introduction of Resolution* was pushed to the September 28th meeting. The *Public Hearing and Adoption of Resolution* were pushed to the October 12th meeting.

The schedule has been attached for your review.

CITY OF HOMER
2016-2021 CAPITAL IMPROVEMENT PLANNING PROCESS
FY 2017 LEGISLATIVE REQUEST DEVELOPMENT SCHEDULE

ACTION	TIME FRAME
City Council approval of schedule	May 11, 2015
Solicit new/revised project information from City departments, local agencies and non-profits	May 11
Input for new draft requested by	June 30
Prepare and distribute draft CIP to City advisory groups for review and input. (Administration compilation of draft CIP June 30-July 8)	(Meeting dates): Planning Commission July 15, August 5
	Parks and Recreation Commission August 20
	Port and Harbor Commission July 22, August 26
	Library Advisory Board August 12, September 1
	Economic Development Commission July 14, August 11
	Public Arts Committee August 13
Administrative review and compilation	August 15 - August 20
City Council worksession to review proposed projects	August 24
Introduction of Resolution on CIP/Legislative Request	September 28
Public Hearing on CIP/Legislative request	October 12
Adoption of resolution by City Council	
Administration forwards requests for Governor's Budget	October 2016
Distribution of CIP and State Legislative Request	October 2015 & January 2016
Compilation/distribution of Federal Request	February 2016



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 15-153

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: September 9, 2015
SUBJECT: Status of Natural Gas HSAD Payments and Proposed Grace Period

The purpose of this memo is to brief the Council on the status of payments to the Natural Gas Homer Special Assessment District (HSAD) and receive guidance on a proposed grace period for the September 1 deadline.

Assessments were due on September 1, 2015. There are 3,776 properties on the assessment roll. Property owners could pay in full at \$3,265.77 or in 10 annual installments at 4% interest of \$405.27. There is no penalty for early pay off. As of September 8, 2015 the payment status is as follows:

- 1,089 parcel owners paid assessments off in full (including City lots)
- 1,946 parcel owners made the first payment on their assessment
- 17 low income deferrals (including on agenda for September 14)
- 110 Condominium units (to be assessed at a later date)
- 607 overdue assessments (16% of assessment roll)

As is common with many lending institutions, staff has considered a minimum grace period appropriate (15 days) before the penalty structure (a \$326.58 fine and 10.5% interest rate) is implemented. As of yet, no penalties have been assessed. Payments have steadily come in after the due date. Some have argued to extend the grace period to allow people to make payments after the Permanent Fund Dividend comes out on October 1. This is over a 30-day grace period; 35 days would land on October 6. The City must strike the balance between honoring those who did pay their bills on time, encouraging payment, and collecting the most payments as possible. The City is still accruing interest. If 607 parcel owners do not pay anything on their assessment, over the life of the loan it represents an approximate cost of \$2.5 million in principal and interest. While it is not reasonable to assume all of these parcel owners will not pay, it does add up quickly.

With Council's approval of the memo, I will implement a **35-day grace period**. This will give staff time to send a final notice to the 600 plus lot owners the City has not received payment from. There will be those who do not pay for one reason or another, so eventually penalties will have to be assessed for those parcels.

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-32

An Ordinance of the Homer City Council Amending Homer City Code 7.04.030, Traffic Fine Schedules, and Homer City Code 7.06.020, Use of Jake Brakes Prohibited, to Substitute a Generic Term for the Trademarked Term “Jake Brake,” and to Prohibit the Use of Improperly Muffled Engine Brakes.

Sponsor: City Manager

1. City Council Regular Meeting September 14, 2015 Introduction
 - a. Correspondence between Jacobs Vehicle Systems and City Manager Koester

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 15-32

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 7.04.030, TRAFFIC FINE SCHEDULES, AND HOMER CITY CODE 7.06.020, USE OF JAKE BRAKES PROHIBITED, TO SUBSTITUTE A GENERIC TERM FOR THE TRADEMARKED TERM “JAKE BRAKE,” AND TO PROHIBIT THE USE OF IMPROPERLY MUFFLED ENGINE BRAKES.

WHEREAS, Jacobs Vehicle Systems, Inc. has asked the City to cease use of its trademarked name “Jake Brake”; and

WHEREAS, it is appropriate to amend the Homer City Code to substitute a generic term for the trademarked name, and to prohibit the use of improperly muffled engine brakes.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The entry for violation of Homer City Code 7.06.020 that appears in Homer City Code 7.04.030, Traffic fine schedules, is amended to read as follows:

7.06.020	Improperly muffled engine Jake-brake use prohibited	First violation \$100.00; Second violation within 6 months of first conviction \$200.00 plus proof of satisfactory Homer PD commercial vehicle inspection; Third violation within 6 months of any prior conviction \$300.00 plus proof of satisfactory Homer PD commercial vehicle inspection
----------	--	---

Section 2. Homer City Code 7.06.020, Use of jake brakes prohibited—Exceptions, is amended to read as follows:

7.06.020 Use of **improperly muffled engine** jake-brakes prohibited – Exceptions.

a. ~~No~~ Except as provided in subsection (b) of this section, no person may use ~~engine~~ jake brakes while operating a motor vehicle within the City, **unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device.** For the purpose of this section, the term “**engine** jake-brake” means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.



August 26, 2015

Katie Koesler
491 East Pioneer Ave
Homer, AK 99603

Dear Ms. Koesler,

I am writing on behalf of Jacobs Vehicle Systems, Inc. ("Jacobs"). Jacobs has been made aware that the City of Homer has posted signs specifically naming JAKE BRAKE[®]. Jacobs has been manufacturing vehicle retarding systems and related components for the truck market for fifty (50) plus years under its JAKE BRAKE[®] trademark. "Jake Brake[®]" is a brand name of vehicle retarders. It is not a generic term referring generally to truck engine brakes. Engine brakes are produced by a number of other companies other than Jacobs; including PacBrake[®] of Canada and TecBrake[®] of Mexico among others. The "Jake Brake[®]" engine brake is simply the most widely recognized brand in the industry.

The JAKE BRAKE[®] mark is well known in the industry and is federally registered for the goods and services listed in federal trademark Registration Nos. 2,864,614, 1,672,541 and 1,448,368, copies of which we can provide. Any use of the name JAKE BRAKE[®] "in either the language of the ordinance or on any signs to be posted is strictly prohibited. This improper use of the "Jake Brake[®]" brand, threatens to seriously damage Jacobs and infringes Jacobs' sole rights to this valuable mark. Moreover, this usage may significantly weaken the mark, which could result in the diminution or "dilution" of its value and possibly loss of all Jacobs' rights in the mark.

In the past, Jacobs has moved swiftly to enjoin infringement and other misuse of the "Jake Brake[®]" and related marks. Should the "Jake Brake[®]" mark become generic through such misuse, it would lead to substantial liability. In addition, should your locality continue to post signs with our trademark; it could potentially violate other U.S. Federal laws and regulations, including transportation regulations and federal trademark laws.

While we understand many of the members of the public find loud engine brake noise to be undesirable we note that *properly muffled engines* should not produce an overly loud or undesirable sound. Jacobs requests that you not use our trademark in your noise reduction initiative, as this would represent an unfair use of our trade name. We request instead that your posted signs read "***No Improperly Muffled Engine Brakes***" or "***No Unmuffled use of Engine Brakes***". I have included additional materials regarding vehicle retarders in general and the federal emissions regulations and state laws that govern their proper use.

We are certain that having been apprised of this information the City of Homer will respect Jacobs' rights in the JAKE BRAKE[®] mark and will use the mark properly in the future. We do not want our JAKE BRAKE[®] mark confused or diluted. If you or your staff have any questions regarding this letter or the additional materials, please do not hesitate to contact us. The Jacobs Vehicle Systems website, www.jacobsvehiclesystems.com also has information concerning these topics that you can refer to.

We appreciate your understanding in this matter.

Sincerely,

Jim Eder
Vice President – Legal Counsel
Danaher Motion/Jacobs Vehicle Systems
125 Powder Forest Drive
Simsbury, CT 06070
Office: 860-431-9009
Mobile:860-796-4272
Jim.eder@danahermotion.com

Muffling & Engine Brakes

Focus on Muffler Equipped Vehicles

- Drivers depend on engine brakes for safe operation of their vehicles
- Driving public depend on engine brakes for safer travel with trucks
- Can't be disabled on some vehicles
 - Eaton auto-shift

Properly Muffled Vehicles

- Controls noise during acceleration as well as engine braking
- Manufacturer's original or after market replacement mufflers are within federal regulations
- Higher performance mufflers are available if greater noise suppression is required
- Proper maintenance reduces noise as well

Send the Right Message

If you must have a sign, allow the sign to create safer vehicle operation and improve safety on the roads for your community with the following:

- Allow the engine brake for public safety by requiring a proper muffling device
- Allow the truckers to utilize the safety benefits and cost effective engine retarding equipment they have come to depend upon
- Avoid Trademark infringement, use "engine brake" vs. Trademarked "Jake Brake®"

Incorrect Usage



Correct Usage



Next Steps

What is Jacobs Doing?

- Working with states and municipalities that have posted "no engine brake" signs to assist in implementing reasonable and effective noise control regulations and signs
- Regulate the causes, not the symptoms
- Support enforcement of existing noise laws
- Encourage use of proper mufflers and muffler maintenance procedures
- Recommend muffler inspection as part of current roadside commercial vehicle inspections
- Muffler identification procedures are available to inspect exhaust systems for proper configuration and condition

What Can You Do?

- Citizens can encourage local police to stop noisy vehicles and check them for muffler integrity
- If you know someone who is operating a vehicle with an excessively loud exhaust system, encourage him or her to fix it
- For examples of how municipalities have updated ordinances to reflect proper muffling requirements, visit us at www.jacobsvehiclesystems.com/about-us/environmental-health-safety/noise-concerns/
- If your community is considering an ordinance that prohibits Jake Brake or engine brake use, or you see a see an incorrect sign posted, please let us know by using our feedback form at www.jacobsvehiclesystems.com/contact-us/



22 East Dudley Town Road
Bloomfield, CT USA 06002

www.jacobsvehiclesystems.com



ENGINE BRAKE NOISE

Who Is Jacobs Vehicle Systems?

With over 50 years of experience, Jacobs Vehicle Systems leads the trucking industry in worldwide engine brake solutions for heavy duty vehicles. Originally developed and patented by Clessie L. Cummins in 1957, today the Jacobs' Engine Brake is sold worldwide, and in 2013, Jacobs Vehicle Systems manufactured its 5,000,000th engine brake.

What's Inside?

- Engine Brake 101
- Noise Concerns
- Noise Regulation
- Muffling & Engine Brakes
- Next Steps

What Is an Engine Brake?

- Vehicle retarding device used on diesel-powered vehicles
- Converts a power producing engine into a power absorbing air compressor

Why Use an Engine Brake?

- Reduces the load on foundation brakes which helps prevent dangerous brake overheating and fade, keeping brakes available for emergencies
- Controls vehicle speed on downhill grades, flatlands, and in traffic
- Minimizes speed differential between cars and trucks
- Reduces wheel brake maintenance frequency, cost, and increases tire casing life
- Aids specialized vehicle control systems
 - Cruise control
 - Collision warning systems
 - Auto-shift transmission controls

What Are the Benefits of an Engine Brake?

- **Reduces Social Costs:** "The savings in social costs of a reduction in runaway accident damage and injury would save the U.S. between \$19,273,000 and \$37,322,500."
- **Increased Productivity:** "An ordinary truck operator could gain as much as \$2,400 in a year from just the increased benefit gained from a retarder."
- **Reduced Brake Maintenance Cost:** "If only 25% of all brake truck axles were on retarder equipped vehicles, brake savings along would amount to \$185-274 million every year."

Source: National Highway Traffic Safety Administration

Sources of Vehicle Noise

Engine Noise

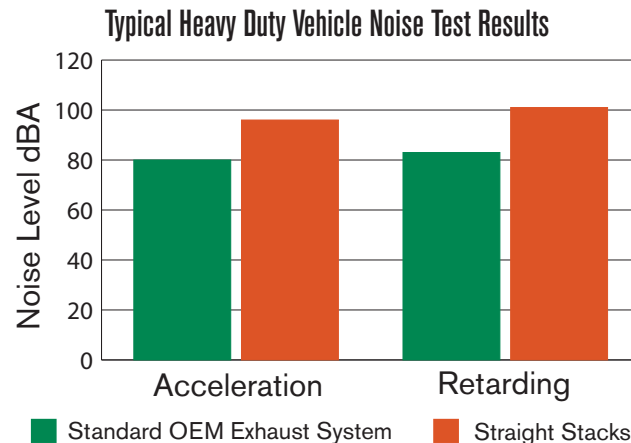
- Exhaust
- Engine Combustion
- Engine Brake
- Intake and Turbo
- Fan

Truck Noise

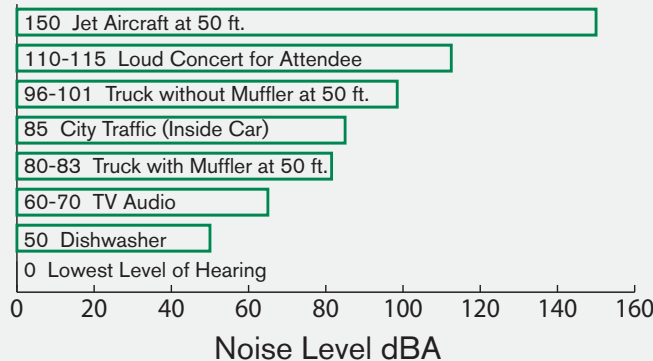
- Tire and Road
- Mechanical
- Drive Train
- Chassis
- Wind

Characteristic Engine Brake Sound

Engine brake noise is a component of exhaust noise and is controlled by a functioning muffler. While there is not a large difference between engine brake and acceleration sound levels, there is a very noticeable difference when the engine brake is not muffled.



Sound Pressure Levels - Human Perception



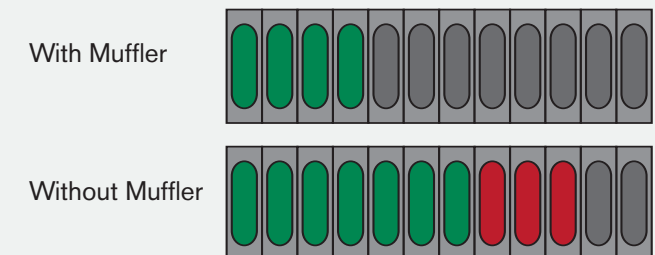
Federal Truck Noise Emission Control Regulation

EPA Regulation Title 40 CFR Part 205:

- Trucks built after January 1, 1988 must not produce sound emissions in excess of 80 dBA
- Manufacturers must communicate to the end user what constitutes as "tampering" with the vehicle noise control system
- Tampering by dealers, repair personnel, end purchasers, and operators is prohibited
- Removal of any noise control components voids certification and is unlawful
- 2007 emissions regulations requires the addition of exhaust after-treatment which has two positive effects:
 - Added components tend to reduce noise emissions in addition to exhaust emissions
 - All exhaust components are now part of emissions certification
 - Illegal to tamper, modify, or remove exhaust components
- Continual emissions regulations will further enhance exhaust after-treatments and reduce overall emissions

Engine Brake Noise Test

40 mph Drive-by Test at 50 ft. with an Engine Brake



Hear for yourself! Visit www.jacobsvehiclesystems.com/about-us/environmental-health-safety/noise-concerns/



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

Mr. Jim Eder
Vice President – Legal Counsel
Danaher Motion/Jacobs Vehicle Systems
125 Powder Forest Drive
Simsbury, CT 06070

Re: Posting of "No Jake Brake" Sign in Homer, Alaska

Dear Mr. Eder:

This responds to your letter of August 26, 2015, and the email message from Heather Merrill of the same date, both complaining of the posting of a "No Jake Brake" sign in the City of Homer.

The City of Homer has not posted any signs using the name "Jake Brake." The sign that Ms. Merrill refers to in her email as located on the Sterling Highway is located on private property, and was not placed there by the City of Homer. Local property records identify the owner of the property where the sign is posted as John Bouman of 3651 Sterling Hwy Homer, Alaska 99603. Please contact the property owner to resolve the issue of this sign.

Our City Code includes a provision regarding the use of "jake brakes" and we will replace that reference with the alternate language that you have suggested.

Thank you for bringing this matter to our attention.

Yours truly,

Katie Koester
City Manager

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-33

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Code Blue Grant From the State of Alaska in the Amount of \$95,500 and Appropriating the Required Local Match in the Amount of \$84,500 for Replacement of Medic 1 and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: Burgess

1. City Council Regular Meeting September 14, 2015 Introduction

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

40 Section 1. The City of Homer hereby accepts and appropriates a Code Blue Grant for
41 replacement of Medic 1 as follows and authorizes the City Manager to execute the
42 appropriate documents:
43

44 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Code Blue Grant	\$95,500

47

48 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Code Blue Grant	\$95,500

51

52 Section 2. The City Council hereby appropriates the required matching funds from the
53 Fire Department Fleet Reserves as follows:
54

54

55 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
0381	Fire Department Fleet Reserves	\$84,500

58

59 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall
60 not be codified.
61

61

62 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ___day of _____, 2015.
63

63

64 CITY OF HOMER
65

65

66 _____
67 MARY E. WYTHE, MAYOR
68

68

69 ATTEST:
70

70

71 _____
72 JO JOHNSON, MMC, CITY CLERK
73

73

74

75 YES:

76 NO:

77 ABSTAIN:

78 ABSENT:

79

80

81 First Reading:

82 Public Hearing:

83 Second Reading:

84 Effective Date:

85

86

87 Review and approved as to form:

88

89 _____

90 Mary K. Koester, City Manager

91

92 Date: _____

93

Thomas F. Klinkner, City Attorney

Date: _____

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

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-34

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a 2015 State Homeland Security Program Grant From the Division of Homeland Security and Emergency Management (DHS&EM) in the Amount of \$114,300 for a Backup Generator at the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting September 14, 2015 Introduction
 - a. Grant Award Notification from DHS&EM
 - b. Obligating Award Document

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 15-34

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A 2015 STATE HOMELAND SECURITY PROGRAM GRANT FROM THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (DHS&EM) IN THE AMOUNT OF \$114,300 FOR A BACKUP GENERATOR AT THE HOMER PUBLIC LIBRARY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City has applied for a backup generator for the last three DHS&EM State Homeland Security Program funding cycles; and

WHEREAS, The City is pleased to have been awarded full funding for the project in the amount of \$114,300 in the 2015 grant cycle; and

WHEREAS, A back-up generator at the Homer Public Library was included on the 2015-2020 City of Homer Capital Improvement Plan; and

WHEREAS, The Library has conference rooms, a large open space, and state of the art communications system; and

WHEREAS, A power outage lasting more than 15 minutes at the Library results in a minimum of 20 staff hours for shut down and recovery of over 30 computers, servers, printers, database connections, and software systems; and

WHEREAS, With back-up power the Library can play a critical role in an emergency as an alternate emergency operations center, joint information center, or public information center.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a 2015 State Homeland Security Program Grant to the City of Homer from the DHS&EM in the amount of \$114,300 for the purchase and installation of a backup generator as follows:

43 Revenue:

44

45 <u>Account</u>	45 <u>Description</u>	45 <u>Amount</u>
46	46 State Homeland Security Program Grant	46 \$114,300

47

48 Expenditure:

49

50 <u>Account</u>	50 <u>Description</u>	50 <u>Amount</u>
51	51 Backup Generator	51 \$114,300

52

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

54

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

57

58 ENACTED BY THE HOMER CITY COUNCIL this _____ day of September, 2015.

59

60 CITY OF HOMER

61

62

63 _____

64 MARY E. WYTHE, MAYOR

65 ATTEST:

66

67

68 _____

69 JO JOHNSON, MMC, CITY CLERK

70

71 AYES:

72 NOES:

73 ABSTAIN:

74 ABSENT:

75

76

77 First Reading:

78 Public Hearing:

79 Second Reading:

80 Effective Date:

81

82 Reviewed and approved as to form:

83

84 _____

85 Mary K. Koester, City Manager

86

87 Date: _____

88

89 Fiscal information: N/A, existing budget.

Thomas F. Klinkner, City Attorney

Date: _____

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

3 City Clerk/Library
4 Advisory Board

5 **RESOLUTION 15-078**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE LIBRARY ADVISORY BOARD BYLAWS TO
9 ESTABLISH 5:30 P.M. AS THE REGULAR MEETING TIME.

10
11 WHEREAS, The Library Advisory Board determined it would facilitate the recruitment
12 of new members to delay the start time of meetings; and

13
14 WHEREAS, The Library Advisory Board introduced the amendment at their July 7, 2015
15 regular meeting and approved the amendment at a second meeting on September 1, 2015 in
16 accordance with their bylaws.

17
18 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the
19 Library Advisory Board Bylaws to establish 5:30 p.m. as the regular meeting time.

20
21 PASSED AND ADOPTED by the Homer City Council this 12th day of September, 2015.

22
23 CITY OF HOMER

24
25
26 _____
27 MARY E. WYTHE, MAYOR

28
29 ATTEST:

30
31
32 _____
33 JO JOHNSON, MMC, CITY CLERK

34
35 Fiscal Note: N/A



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 15-154

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: LIBRARY ADVISORY BOARD
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: SEPTEMBER 4, 2015
SUBJECT: AMENDING THE BYLAWS TO CHANGE THE REGULAR MEETING TIME

Background

The Library Advisory Board has again realized difficulties in replacing members on the Board.

Many interested parties have declined when they were told that meetings started at 5:00 p.m. citing they could not leave their jobs early. The issue was expanded upon when a new Boardmember recently took employment and was unable to leave their job early.

Since the Board is already short members and the policy to call a meeting due to the lack of a quorum is no more than 10 minutes the Board has decided to amend their meeting time to 5:30 p.m.

Following are excerpts from minutes for those meetings on July 7 and September 1, 2015.

Recommendation:

Informational in Nature. No Action Required.

July 7, 2015

NEW BUSINESS

E. Amending the Regular Meeting Time

Chair Brown introduced the item for discussion and requested a motion.

The Board discussed the options of establishing a later meeting time with all members and staff present commenting on what time they personally preferred.

ALDERFER/BROWN – MOVED TO CHANGE THE REGULAR MEETING TIME TO 5:30 P.M.

There was a brief discussion on setting a time limit of 90 minutes to meetings and being respectful of everyone's time.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Brown requested assistance and direction from the Clerk on the next steps in the process.

September 1, 2015:

PENDING BUSINESS

B. Amending the Bylaws to Change the Regular Meeting Time

Chair Brown introduced the item and provided a brief history of the actions of the Board. He confirmed the next actions with the Clerk.

STROBEL/SMITH – MOVE TO APPROVE THE AMENDMENT TO THE LIBRARY ADVISORY BOARD BYLAWS TO CHANGE THE MEETING START TIME TO 5:30 P.M.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**HOMER PUBLIC LIBRARY ADVISORY BOARD
BYLAWS**

ARTICLE I - NAME AND AUTHORIZATION

This organization shall be called the Library Advisory Board, existing by virtue of the provisions of Chapter 1.48 of the Homer Municipal Code, and exercising the powers and authority, and assuming the responsibilities delegated under said Code.

ARTICLE II – PURPOSE

Section 1 Establish operational policies for the library program, and submit same to the City Council for approval.

Section 2 Assist the Library Director in preparation and presentation of the annual budget request to the City Council.

Section 3 Make recommendation through the City Manager to the Mayor and City Council concerning the Library and its programs.

Section 4 Solicit donations of money and/or property for the benefit of the Library.

Section 5 Represent the Library to the community.

ARTICLE III - OFFICERS AND BOARD MEMBERS

Section 1 A Chairperson, Vice-Chairperson shall be elected from among the appointed board members at the regular April meeting of the Board.

Section 2 Officers shall serve a term of one year from the April meeting at which they are elected, and until their successors are duly elected. Officers may be re-elected in subsequent years.

Section 3 The Chairperson shall preside at all meetings of the Board; authorize calls for any special meetings; appoint all committees; execute all documents authorized by the Board; serve as ex officio, voting member of all committees, and generally perform all duties associated with that office.

Section 4 In the event of the absence, or disability of the Chairperson, the Vice-Chairperson shall assume and perform the duties of the Chair. If both the Chairperson and Vice-Chairperson are absent, and a quorum of four members are present, the senior member shall assume and perform the duties and functions of the Chair.

Section 5 One member shall attend the monthly meeting of the Friends of the Homer Public Library on an open volunteer basis.

Section 6 Honorary members of the Board may from time to time be appointed by the Mayor, subject to confirmation by the City Council. Honorary members may participate in the deliberations of the Board, but may not vote nor shall they be counted in determining the quorum of Board members

51 **ARTICLE IV – MEETINGS**

52
53 Section 1 The annual meeting for review of policies, rules and regulation shall be held at a regular
54 meeting each year.

55
56 Section 2 Regular meetings shall be held on the first Tuesday of the following months: February, March,
57 May, June, July, September, October and December at ~~5:00~~ **5:30** p.m. in the designated location and
58 shall be posted for public information as required by Homer City Code and Alaska State Statutes.

59
60 Section 3 All regular meetings shall be open to the public.

61
62 Section 4 The regular meetings in July and September of each year shall be known as budget meetings.
63 Budget proposals, position classification and compensation schedules, shall be reviewed at these
64 meetings.

65
66 Section 5 The order of business for the regular meetings shall include, but not be limited to, the following
67 items, which shall be covered in the sequence shown, as far as circumstances permit. Agenda shall be
68 posted for public information as required by Homer City Code and Alaska State Statutes.

69
70 NAME OF BODY DATE OF MEETING
71 PHYSICAL LOCATION OF MEETING DAY OF WEEK AND TIME OF MEETING
72 HOMER, ALASKA MEETING ROOM

73 NOTICE OF MEETING
74 REGULAR MEETING AGENDA

- 75 1. CALL TO ORDER
- 76 2. APPROVAL OF AGENDA
- 77 3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
- 78 4. RECONSIDERATION
- 79 5. APPROVAL OF MINUTES or CONSENT AGENDA.
- 80 6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or
- 81 the visitor's topic until audience comments.) No action may be taken at this time.
- 82 7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to
- 83 exceed 5 minutes.)
- 84 8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
- 85 9. PLAT CONSIDERATION (Planning Commission only)
- 86 10. PENDING BUSINESS or OLD BUSINESS
- 87 11. NEW BUSINESS or COMMISSION BUSINESS
- 88 12. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE
- 89 DISCUSSED ONLY).
- 90 13. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
- 91 14. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
- 92 15. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
- 93 16. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since
- 94 the Chair is a member of the Commission/Board.)
- 95 17. COMMENTS OF THE COMMISSION
- 96 18. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions,
- 97 special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall
- 98 Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is
- 99 scheduled for the Conference Room)

100
101 Contact info for the department constructing the agenda. Example: City Clerk's Office,
102 clerk@ci.homer.ak.us, 235-3130.

104 Section 6 Per Resolution of the City Council (Resolution 06-115(A)), Public Testimony shall normally be
105 limited to three minutes per person. Exceptions may be provided for at the Chair's discretion or by a
106 majority vote of the board members in attendance.

107
108 Section 7 Special meetings may be called by the Library Director at the direction of the Chairperson, or at
109 the request of three members, for the transaction of business as stated in the call for the meeting. Notice
110 of such meetings shall be posted in the same manner as that for regular meetings.

111
112 Section 8 A quorum for the transaction of business at any meeting shall consist of four members of the
113 Board present. For purposes of determining the existence of a quorum, Honorary Board members shall
114 not be counted.

115
116 Section 9 Recorded minutes shall be made available by the City Clerk's Office to the Board prior to the
117 next meeting. Minutes shall be available to the public as required by Homer City Code and Alaska State
118 Statutes.

119
120 Section 10 Robert's Rules of Order, latest edition shall govern the parliamentary procedures of meetings.

121
122 **ARTICLE V - COMMITTEES**

123
124 Section 1 A committee of one or more members for such specific purposes as the business of the Board
125 will only be appointed and become active upon approval of Council. A memorandum and resolution will
126 go before Council outlining the reason for the formation of a committee, tasks assigned and termination
127 date or length of time expected to complete assigned tasks. Committees shall be considered to be
128 discharged upon completion of the purpose for which it was appointed, and after its final report is made
129 to and approved by the Board.

130
131 Section 2 All committees shall make a progress report to the Board at each of its meetings.

132
133 Section 3 No committee shall have other than advisory powers unless, by suitable action to the Board, it
134 is granted specific powers to act.

135
136 **ARTICLE VI - VOTING AND BYLAW AMENDMENTS**

137
138 Section 1 An affirmative vote of the majority of all members of the Board present at one time shall be
139 necessary to approve any action before the Board. The Chairperson may vote upon, and may move or
140 second a proposal before the Board.

141
142 Section 2 A record of all voting must be included in the minutes of each meeting.

143
144 Section 3 The By-laws may be amended by a simple majority of all members of the Board present at one
145 time, provided written notice of the proposed amendment shall have been sent to all members at least
146 five (5) days prior to the meeting at which such action is proposed to be taken.

147
148 Section 4 Any rule or resolution of the Board, whether contained in these By-laws or otherwise, may be
149 suspended temporarily in connection with business at hand; and such suspension to be valid; may be
150 taken only at a meeting at which at least four of the members of the Board shall be present, and two
151 thirds of those present shall so approve.

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153

154 **ARTICLE VII – ATTENDANCE**

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Teleconference meetings.

1. The preferred procedure for a Board meeting is that all members be physically present at the designated time and location for the meeting. However, physical presence may be waived and a member may participate in a meeting by Teleconference. This is limited to two (2) meetings per year.

2. There must be an initial quorum present.

3. A Board member participating by teleconference shall be deemed to be present at the meeting for all purposes. In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

2. Teleconference procedures.

A. A Board member who cannot be physically present for a regularly scheduled meeting shall notify the clerk at least five days prior to the scheduled time for the meeting of his/her intent to appear by telephonic means of communication.

B. The clerk shall notify the Board members three days prior to the scheduled time for the Board meeting of Board members intending to appear by teleconference.

C. The means used to facilitate a teleconference meeting the Board must enable each Board member appearing telephonically to clearly hear all other Board members and members of the public attending the meeting as well as be clearly heard by all other Board members and members of the public.

D. The clerk shall note in the attendance record all Board members appearing telephonically.

Updated and Revised 06/14 - rk

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 15-079

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDING THE CONTRACT FOR AMBULANCE BILLING SERVICES TO THE FIRM OF AMERIK MEDICAL BILLING, LLC OF LAKE FOREST, CALIFORNIA, IN THE AMOUNT OF 4.5% OF COLLECTIONS DEPOSITED INTO THE LOCKBOX AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy, Request for Proposals were advertised in the Homer News July 23 and 30, 2015, the Alaska Dispatch News on July 26, 2015, in the Seattle Times on August 12, 2015, posted on the NW Classifieds from August 12 to 18, 2015, posted on the City of Homer website, and also posted on the Journal of Emergency Medical Services website; and

WHEREAS, Proposals were due on August 25, 2015 and four proposals were received; and

WHEREAS, An RFP Committee met on Wednesday, September 2, 2015 to review proposals and the firm of Amerik Medical Billing, LLC of Lake Forest, California, was determined to be the lowest responsive bidder and found qualified to complete the work; and

WHEREAS, This award is not final until written notification is received by Amerik Medical Billing, LLC from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract for the ambulance billing services to the firm of Amerik Medical Billing, LLC of Lake Forest, California, in the amount of 4.5% of collections deposited into the lockbox.

PASSED AND ADOPTED by the Homer City Council this 14th day of September, 2015.

CITY OF HOMER

MARY E. WYTHE, MAYOR

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46
47
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51

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Account No. 100-0120-5210, Professional Services Estimated Costs \$8,000.



Date Issued: July 15, 2015

**Ambulance Billing and Collection
Services**

**Submittal Date and Time: Tuesday, August 25, 2015
at 3:00 p.m.**

**Pre-Proposal Conference Date and Time: Thursday, August
13, 2015 at 2:30 p.m.**

Location: City of Homer, Cowles Council Chambers,
491 E. Pioneer Avenue, Homer, Alaska

Submit Responses To:

City of Homer
City Clerk's Office
491 East Pioneer Ave
Homer, AK 99603

JUL 15 2015

REQUEST FOR PROPOSALS

By the City of Homer, Alaska, for

AMBULANCE BILLING AND COLLECTION SERVICES

Sealed proposals for Ambulance Billing and Collection Services will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 3:00 p.m., Tuesday, August 25, 2015, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the proposals shall not be considered. All proposers must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan Holder Registration forms and Request for Proposal Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

A pre-proposal conference is planned on Thursday, August 13, 2015. The conference will be held at City of Homer, City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska. You may also attend by calling our conference line at 907-235-8121 x2299.

Proposals must be submitted by 3:00 p.m., Tuesday, August 25, 2015, and must contain one (1) original and five (5) printed copies with supporting materials. Electronic and faxed proposals are not accepted. The proposal must be sent to:

City of Homer – City Clerk's Office
ATTN: Ambulance Billing Services RFP
491 East Pioneer Avenue
Homer, Alaska 99603
Telephone: 907-235-3130

An electronic copy of the Request for Proposals is available on the City's website <http://www.cityofhomer-ak.gov/rfps>. The City of Homer reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award the contract to the lowest responsive proposer.

DATED this 15th day of July, 2015.

CITY OF HOMER


Katie Koester, City Manager

Publish: Homer News July 23 & 30, 2015
Anchorage Daily News July 26, 2015

Fiscal Note: 100-0120-5227

TABLE OF CONTENTS

Section I	Schedule
Section II	Background Information
Section III	Scope of Work
Section IV	Proposal Term and Conditions
Section V	Proposal Content and Format
Section VI	Evaluation Criteria and Award
Section VII	Attachments

SECTION I – SCHEDULE

The schedule represents the City’s best estimate that will be followed:

- 1.01 Issue RFP on July 15, 2015
- 1.02 Contractors submit questions by 5:00 p.m. Alaska Prevailing Time, on August 6, 2015
- 1.03 Pre-proposal Conference held at 2:30 p.m. Alaska Prevailing Time, on August 13, 2015
- 1.04 Proposals due on August 25, 2015 at 3:00 p.m. Alaska Prevailing Time
- 1.05 Evaluation Committee completes evaluation by September 10, 2015
- 1.06 City issues Notice of Intent to Award the Contract by September 30, 2015
- 1.07 Finalize Contract Terms and Conditions by October 8, 2015
- 1.08 City Manager approves contract by October 15, 2015
- 1.09 Implementation begins by November 1, 2015
- 1.10 Implementation complete and contract begins on November 1, 2015.

A pre-proposal conference is planned on Thursday, August 13, 2015 Alaska Prevailing Time. The conference will be held at City of Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

All questions regarding the RFP should be directed by submitting a Pre-Proposal Conference Questionnaire (**Attachment A**) no later than 5:00 p.m., Alaska Prevailing Time, on Thursday, August 6, 2015. Questions received after this date and time will not be accepted. Send questions to:

City of Homer – City Clerk’s Office
ATTN: Ambulance Billing Services RFP
491 East Pioneer Avenue
Homer, AK 99603
Email: JJohnson@ci.homer.ak.us
Telephone: 907-235-3130

Responses to submitted questions will be provided at the Pre-Proposal Conference. Verbal requests for information will not be accepted. Questions or requests for clarification directed to any employee or elected official of the City other than the City Clerk may be grounds for disqualification from the process.

SECTION II – BACKGROUND INFORMATION

2.01 General Information

2.01.01 The City of Homer (City) was incorporated in 1964 and is located in Kenai Peninsula in the southern coast of Alaska. The City, as a First Class municipality, is a City Manager/City Council form of government. Elected officials consist of six City Council members and the Mayor. Homer is part of the Kenai Peninsula Borough. The

City serves an area of approximately 25 square miles (including tidelands), having a population of approximately 5,000, with a service area population of approximately 15,000.

2.01.02 The City provides a variety of local government services, including Public Safety (police, fire suppression and prevention, emergency dispatch and emergency medical services), Public Works (street construction and maintenance and other public improvements), Utility (Water & Sewer), Port & Harbor, Public Library, and general administrative services. The City of Homer operates with a total budget (fiscal year 2015) of \$22,950,427 and employs about 110 full time equivalent employees and 10-15 seasonal employees during busier months. The City receives revenue from many different sources. The principal sources of revenue for General Fund are property taxes and sales taxes. Utility and Port & Harbor are primarily supported by user fees.

2.02 Purpose of this Request for Proposal

2.02.01 The City of Homer (City) is seeking proposals from qualified contractors, hereinafter referred to as the “Contractor,” to provide Ambulance Billing and Collection Services in accordance with the terms, conditions, and specifications contained in this document.

2.02.02 Activity history of billed Advanced Life Support (ALS) and Basic Life Support (BLS) EMS calls for the years 2010 through 2014. The City charges \$550 per ALS run and \$440 for BLS run. \$7.50 per mile is also charged.

Year	ALS runs	BLS runs	Total
2010	138	295	433
2011	139	238	377
2012	168	299	467
2013	187	260	447
2014	144	238	382

SECTION III – SCOPE OF WORK

3.01 Scope

This section of the proposal should explain the Scope of Work as understood by the Contractor and detail the approach, activities, and work products. The Contractor shall provide all services necessary to bill for emergency medical services provided by the City. The Contractor shall be able to prepare invoices according to the rates established by the City, guidelines and procedures established by the Contractor and the City, and all applicable laws and regulations including those for Medicare and Medicaid Services (CMS). All invoices shall be billed in compliance with the Fair Debt Collection Practices Act.

The proposal shall include:

- 3.01.01 List all services provided by the Contractor
- 3.01.02 List the availability and description of reports that can be generated
- 3.01.03 List any assistance the City may be requested to provide to the Contractor
- 3.01.04 Detailed project plan for the implementation.
- 3.01.05 Detailed information on how current accounts and pending invoices are addressed during the transition.

3.02 Transfer of Patient Data and Technology Requirements

The Contractor shall receive patient data from the City through an electronic format generated by (the City's ePCR software provider). The City will generate an electronic file for each Patient Care Report to be billed. The Contractor shall receive files via a secured internet connection approved by the City.

- 3.02.01 The Contractor will provide all software associated with the billing process.
- 3.02.02 Provide software that can be used for billing and interface with the City's electronic patient care reporting software. Provide a file description detailing the billing extract information needed from the City.
- 3.02.03 Provide a system that will ensure complete and uninterrupted flow of service via backup systems and a Data Recovery Project Plan/System should a disaster occur.
- 3.02.04 Provide an agreed upon Service Level Agreement (SLA) for the plan/system in 3.02.03
- 3.02.05 Retain records according to an agreed record retention plan.
- 3.02.06 The Contractor should have the ability to utilize a secure FTP platform via VPN and/or FTP for billing extract file transfer. If the Contractor recommends an alternative method for file transfer, please provide a detailed description of the recommended process and confirm that the recommended transfer process is HIPAA compliant.
- 3.02.07 The Contractor must provide sufficient HIPAA compliance training to all employees dealing with applicable information. Yearly report to the City is required.

3.03 Modifications

It is the responsibility of the Contractor to modify its billing system, if necessary, to capture the necessary data generated from ePCR product designed by *ImageTrend*, Inc. The City will not under any circumstances modify its system nor will it authorize the Contractor to contract directly with *ImageTrend*, Inc. to make any modifications to the City's system in order to satisfy the Contractor's requirements to provide the services outlined herein.

3.04 Required Services

The Contractor should provide the following services.

- 3.04.1 Receive electronic patient care reports from the City.
- 3.04.2 Verify, gather, and/or correct missing or incorrect patient and/or insurance information as required to complete the billing process, and use the City transport number on all reports.

- 3.04.3 Prepare and submit accurate and complete invoices.
- 3.04.4 Prepare and mail invoices to patients or other third party payer who is responsible for co-pays and/or deductibles.
- 3.04.5 Direct lock box procedures and functions through a City-specified bank. Accept credit card payments that are transferred to a City specified bank. Post payments to the appropriate accounts and provide payment posting and revenue reports to the City.
- 3.04.6 Document and process requests for refund of overpayments.
- 3.04.7 Perform pre-collection services on unpaid accounts.
- 3.04.8 Perform professional consultation at no additional cost, help with cost analysis, fee schedule, procedures that need to be adopted or changed by the City in order to be properly compliant with Medicare/ Medicaid, necessary forms needed for certain procedures as well as possible contracts for other needed information, i.e; Skilled Nursing Facilities, HIPAA regulations, and relations between the community and the City.
- 3.04.9 Perform diagnosis and procedure coding as may be required for such medical claims and to make necessary inquiries of various health care providers as may be required for such coding.
- 3.04.10 Prepare and send statements to customers for the amounts due to the City's ambulance services. The statements shall be aged and generate special messages for additional invoices as necessary.
- 3.04.11 Provide the Contractor's toll free telephone number and address on all correspondences to patients and insurance carriers.
- 3.04.12 Work with attorneys on personal injury and worker's compensation cases; recognize that such claims are normally dependent upon the settlement of the case for payment.
- 3.04.13 Provide City personnel with appropriate training concerning documentation, charges and requirements of applicable health care laws and regulations with no additional cost to the City.
- 3.04.14 On a bi-annual basis, the Contractor will perform onsite documentation training to the City staff to maximize revenue and maintain compliance with all applicable laws and regulations. This training will be done at no additional cost to the City.

3.05 Eligibility Requirements

Contractors must meet the following minimum requirements:

- 3.05.1 Respondents to this RFP shall be licensed to provide services in the State of Alaska (if applicable) and provide copy of such license(s)
- 3.05.2 Contractor's Billing system must be able to receive data files electronically from *ImageTrend* Inc. and maintain NEMESIS compliance (if applicable); and enable the City to pull report directly from the system as needed.
- 3.05.3 Contractor must provide current copies of insurance coverage, including workers compensation, general liability, professional liability and auto coverage (if applicable).
- 3.05.4 Contractor must provide a letter of intent to sign the ***Business Associate Agreement-HIPPA(Attachment D)***
- 3.05.5 Contractor must provide a listing of current Ambulance/EMS and medical billing customers with contact information (names and phone numbers)

- 3.05.6 Contractor must assign sufficient experienced qualified personnel to conduct the services in an efficient and professional manner
- 3.05.7 Contractor must have experience filing claims with governmental programs such as Medicare and Medicaid as well as health insurance programs (HMOs and PPOs)
- 3.05.8 Contractor must submit a proposed Scope of Service statement.
- 3.05.9 Contractor must submit a description of their billing software system.
- 3.05.10 Contractor must submit a system disaster recovery plan.

A Contractor's failure to meet these minimum requirements shall cause their proposal to be considered non-responsive and their proposal will be eliminated from further consideration.

3.06 Payment to the Contractor for Services Rendered

The City desires an all-inclusive rate for performing the billing and collection services. The Contractor shall invoice the City for services rendered based on a percentage of monies collected, a flat rate in which it covers all costs including but not limited to telephone and postage expenses, office supplies, and any other overhead expenses or administrative support.

The Fee for Services should be submitted using **Attachment C**.

SECTION IV – PROPOSAL TERMS AND CONDITIONS

4.01 Terms of Contract

The initial contract term shall be for an initial five (5) year term. Fees quoted shall remain fixed for the initial five (5) year term

4.02 Liabilities and Insurance

- 4.02.1 The Contractor shall hold the City free and harmless for all claims, liability and losses caused by the actions or failures to act on the part of the billing service, and the Contractor shall fully indemnify the City for all such claims, liability and losses should they occur. The City shall be named as an additional insured on a certificate of insurance issued and maintained during the term of the contract between the City and the ambulance billing provider. Contractor shall maintain Commercial General Liability Insurance with per occurrence limits of at least \$2,000,000 and general aggregate limits of at least \$3,000,000.
- 4.02.2 Contractor shall also maintain, if applicable to Contractor's operations or performance of this contract, Professional Liability (errors and omissions) Insurance with liability limits of at least \$2,000,000 per occurrence. Such insurance policies shall be endorsed to be primary and not contributing to any other insurance maintained by the City. If the coverage described above are not in place at the time a proposal is submitted the Contractor should describe in detail what types and levels of coverage are in place currently, and clearly indicate the Contractor's ability and willingness to obtain the

above listed coverage required by the City. The City reserves the right to require additional coverage from the presented, at the Contractor's expense.

- 4.02.3 The Contractor shall maintain all employment related insurance, in the statutory amounts, such as unemployment compensation, worker's compensation, and employer's liability, for its employees or volunteers involved in performing services pursuant to this contract. Contractor shall also maintain "all risk" property insurance at replacement cost applicable to Contractor's property or its equipment.
- 4.02.4 The Contractor's insurance carriers and policy provisions must be acceptable to the City and remain in effect for the duration of the contract. The City shall be named as an additional insured on the Commercial General Liability Insurance policy if possible. Contractor will cause any of its subcontractors, who provide materials or perform services relative to this contract, to also maintain the insurance coverage and provisions listed above.
- 4.02.5 The Contractor shall submit certificates of insurance as evidence of the above required coverage to the City prior to the commencement of this contract. Such certificates shall provide the City with thirty (30) calendar-days' written notice prior to the cancellation or material change of the applicable coverage.
- 4.02.6 **Workers' Compensation Insurance:** The Contractor shall have Workers' Compensation Insurance in accordance with the state law. The Contractor shall furnish the City with evidence of this coverage before the execution of the contract.

4.03 Local Bidder Preference: Homer City Code 3.16.080 a.

- i. It is the policy of the City of Homer to give preference to City of Homer residents, workers, businesses, contractors, producers and dealers to the extent consistent with law.
- ii. A contract or purchase shall be awarded to a local bidder where the bid by such local bidder is, in all material respects, comparable to the lowest responsible nonlocal bid if the amount bid by such local bidder does not exceed the lowest nonlocal bid by more than the following percentages, unless such an award is contrary to State or Federal law or regulation or unless the Council, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section shall not apply to the contract or purchases:

Portion of the total cost	\$0 < Cost <= \$500,000	\$500,000 < Cost <= \$1,000,000	Cost > \$1,000,000
Local Bidders	<= 5% higher than nonlocal	<= 2.5% higher than nonlocal	100%
Nonlocal Bidders	100%	100%	100%

- iii. "Local bidder," for purposes of this section, means a person or firm who:
 - Holds a current Alaska business license to provide such goods or services, and such other Alaska regulatory licenses as are required to provide such goods or services; and

- Submits a bid for goods or services under the name appearing on the person's or firm's current Alaska business license; and
 - Has maintained and staffed a place of business within the boundaries of the City of Homer for a period of at least six months immediately preceding the date of the bid and intends to permanently maintain such place of business in the future; and
 - Is registered in the Kenai Peninsula Borough to collect sales tax and locally provides the products and services sought; and
 - Is not delinquent in the payment of any taxes, charges, or assessments owing to the City of Homer on account of that business.
- iv. The City Manager may require such documentation or verification by the person or firm claiming to be a local bidder as is deemed necessary to establish the requirements of this section.
- v. Local bidder's preference does not apply to sale or other disposal of personal property in Chapter 18.30 HCC. [Ord. 01-13(S) (A), 2001].

4.04 Termination

Either party may terminate the Contract for any reason prior to the expiration date by delivering written notice thereof to the other party at least 90 days in advance.

4.05 Remedies

The laws of the State of Alaska shall apply in all disputes arising out of this RFP, without application of any principals of choice law.

4.06 Compliance

The Contractor hereby agrees to abide with all applicable federal and state laws and regulations. Contractor shall conduct an annual compliance audit of Medicare claims by a reputable independent auditor. Audit results shall be provided to the City no later than ten (10) business days from the date of audit. The Contractor shall appropriately respond to any findings contained in the audit.

4.07 Right to Reject

The City may accept or reject any and all proposals or waive irregularities, and reserves the right not to award the contract when it is in the best interest of the City.

4.08 Requests for Proposal Format

In order for the City to evaluate proposals efficiently, fairly and completely, Contractors must follow the format set out herein and provide all of the information requested.

4.09 Award of the Contract

Upon completion of the evaluation process, the City may award the contract to the Contractor whose proposal is determined to be the most advantageous to the City irrespective of cost or other individual portion of any submitted proposal.

4.10 Record Keeping and Audit Rights

The Contractor shall be responsible to maintain accurate accounting records for all services provided herein, and shall retain all such records for a period of time as required by law or three (3) years following the termination of the contract, whichever is longer.

Upon reasonable notice and during normal business hours, the City, or any of its duly authorized representatives, shall have access to any records or other documents pertaining to the contract. The City's audit rights shall extend throughout the term of the contract and for a period of at least three (3) years thereafter.

4.11 Management Reports

Upon request the Contractor will furnish pertinent reports to the City in a timely manner, throughout the duration of any contract resulting from this RFP.

4.12 Ownership of Work

The City shall have full ownership of all the work or product produced under this contract without any fees to the contractor.

4.13 Further Agreements

In addition to a proposal, the City may require the contractor to execute additional documents or agreements for the purpose of clarifying the intention of the parties with respect to providing the services hereunder.

4.14 Relationship of the Parties

In assuming and performing the obligations of any contract, the City and the Contractor shall each be acting as independent parties and neither shall be considered an employee of the other. Additionally, neither shall represent itself as a joint venture or partners other than as authorized by a written agreement or contract.

4.15 Equal Opportunity

No Contractor of services under this RFP shall discriminate against any employee, applicant for employment, or recipient of services on the basis of veteran status, race, religion, color, sex, sexual orientation, age, disability, or national origin.

4.16 Taxes: Vendor Responsibility

Contractor shall be responsible for and pay all taxes which may be levied or incurred against the Contractor in connection with the performance of any services under a contract, including taxes levied or incurred against Contractor's income, property, sales, or other taxes.

4.17 City's Responsibilities:

- 4.17.1 The City will generate all billable and non-billable claims on electronic software. The claims will go through an "in-house" Quality Management review to make sure all pertinent information is contained in the reports before they are released to the billing agency. In addition, the EMS staff will make a reasonable effort to gather any additional information, such as the responsible insurance company information, general demographics of the patient and any other information which may assist in the billing process.
- 4.17.2 The City will pay the contractor within thirty (30) days of receiving its monthly invoice for EMS billing services for the prior month at the agreed upon rates listed in the contract.
- 4.17.3 The City will provide at least one primary contact from EMS for the purpose of day to day billing operations to be able to answer questions and obtain

requested information that may be required from the contractor and another contact from Finance Department for administrative and accounting related requests. The City normal business hours will be Monday-Friday 8 am-5 pm, excluding holidays.

- 4.17.4 The City shall maintain a Lockbox to facilitate receipt and deposit of all payments on customers' accounts. The contractor shall have inquiry access to the account and will receive copies of all payment documents necessary to post collections to customers' accounts. The City will pay all cost associated with the Lockbox Account.

4.18 Contractor's Responsibilities:

- 4.18.1 Facilitate billing from reports generated by emergency services personnel, which includes electronic run reports, ancillary documents, and hospital face sheet from the receiving hospitals.
- 4.18.2 Receive, process, and store all documents on a secure server.
- 4.18.3 Demonstrate a minimum track record of five (5) years of billing insurance companies, including Medicare, Medicaid, third Party Insurances, and any other payers.
- 4.18.4 Transmit/receive Medicare claims via the required national format, or any future standard Medicare or Medicaid may require.
- 4.18.5 Filing electronic claims with all Commercial Insurance Carriers that accept electronic claims.
- 4.18.6 Interact with the receiving medical facility to obtain additional data to complete the billing process.
- 4.18.7 Promptly address issues that may arise in connection with this agreement and/or day to day billing questions from City staff.

SECTION V – PROPOSAL CONTENT AND FORMAT

In order for the City to evaluate proposals efficiently, fairly and completely, Contractors must follow the format set out herein and provide all of the information requested.

Proposals must include the complete name, addresses (physical and mailing), telephone number, and contact persons' names of the entity.

Contractors are required to submit their proposals in accordance with the maximum number of pages and content requirements indicated in the following table. Proposals shall not be written in a font size smaller than 12 point in any portion of the document.

Each section of the proposal shall be identified and assembled in the order listed in the Proposal Content Requirements below. Failure to provide a proposal in conformance with these requirements may cause a proposal to be declared non-responsive and eliminated from further consideration.

Maximum
Number of
Pages

Proposal Content Requirements

1	Item 1: Proposal Transmittal Form-with original signatures (Attachment B)
1	Item 2: Fee Schedule (Attachment C)
15	Item 3: Eligibility Requirements (include attachments)
1	Letter of Intent to sign <i>Business Associate Agreement -HIPPA</i> (Attachment D)
5	Current copies of insurance and bonding certifications
2	Item 4: Responsibilities
25	MAXIMUM TOTAL PAGES FOR RFP SUBMITTAL

Proposal Transmittal Form

The Contractors must include a fully completed and signed Proposal Transmittal Form as the cover sheet to the RFP (**Attachment B**). Failure to include this form fully completed and including an original signature shall cause the proposal to be declared non-responsive and eliminated from further consideration.

Minimum Requirements

Contractors must indicate how they meet each of the minimum requirements, if any, listed in Section III (3.05) of this RFP.

SECTION VI – EVALUATION CRITERIA AND AWARD

Initial Evaluation

All proposals will be initially reviewed by the City Manager designated evaluation/selection committee to determine if they are administratively responsive to the RFP. Those proposals that are administratively responsive will be further evaluated by the committee. The committee will determine if the proposal meets all of the minimum requirements. This is a pass/fail evaluation. The proposals that pass the minimum requirements evaluation will be assessed based on the evaluation criteria described below.

Evaluation Criteria

Proposal Complies with the RFP Requirements. YES ___ NO ___

If No, indicate the manner in which the proposal is non-conforming. Non-conforming proposals will not be considered: _____

Responsive proposals will be evaluated under the criteria set forth below. For each criterion, the proposal will receive a number of points within the available range for that criterion.

1. Cost	25 Points
2. Minimum Requirements	15 Points
3. Responsibilities	35 Points
4. References	<u>25 Points</u>
Total Points Possible	100 Points

Each evaluation/selection committee member shall determine which of the following descriptions applies to each of the foregoing proposal evaluation criteria:

EXCELLENT (1.0): *Of the highest or finest quality; exceptional; superior; superb; exquisite.*

Contractor provided information for a given criteria that satisfied the requirements and described specifically how and what will be accomplished with an exceptional degree of understanding, skill and competency, both qualitatively and quantitatively. Demonstrated the Contractor's ability to perform and deliver beyond the expected level.

VERY GOOD (0.8): *To a high degree; better than or above competent.*

Contractor provided information for a given criteria that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited a very high degree of understanding, skill and competency, both qualitatively and quantitatively. Demonstrated the Contractor's ability to perform and deliver at higher than the expected level.

GOOD (0.6): *Having positive or desirable qualities; competent; skilled; above average.*

Contractor provided information for a given criteria that satisfied the requirements and described specifically how and what will be accomplished in such a manner that exhibited a reasonable degree of understanding, skill and competency, both qualitatively and quantitatively. Demonstrated the Contractor's ability to perform and deliver at the reasonably expected level.

FAIR (0.4): *Average; moderate; mediocre; adequate; sufficient; satisfactory; standard.*

Contractor provided information for a given criteria that satisfied the requirements and described sufficiently how and what will be accomplished in a manner that exhibited adequate and average degree of understanding, skill and competency, both qualitatively and quantitatively. Demonstrated the Contractor's ability to perform and deliver at a level slightly below expectation.

POOR (0.2): *Inadequate; lacking; inferior quality; of little or less merit; substandard; marginal.*

Contractor provided information for a given criteria that did not satisfy the requirements and described in an inadequate manner how and what will be accomplished. Demonstrated the Contractor's ability to perform and deliver at a substandard or inferior level.

After the evaluation/selection committee member has determined the description applicable to the Proposal evaluation criteria, the number of points available for each criterion shall be multiplied by the factor associated with the applicable description (e.g. member classifies the Cost criterion as Very Good, 25 available points multiply the applicable description multiplier 0.8 = 20).

In the event of multiple agencies with high scores the City may form a Competitive Range and establish a short list of Contractors. Those Contractors will have the opportunity to elaborate on their proposal and answer specific questions regarding their proposal. The interview process will be scored separately and utilize the same criteria as outlined above.

Award

Award shall be made to the responsive Contractor whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the City taking into consideration of all evaluation factors set forth in the Request for Proposals.

SECTION VII – ATTACHMENTS

- A - PRE-PROPOSAL CONFERENCE QUESTIONNAIRE
- B - PROPOSAL TRANSMITTAL FORM
- C - FEE SCHEDULE
- D - BUSINESS ASSOCIATE AGREEMENT-HIPPA

ATTACHMENT A

PRE-PROPOSAL CONFERENCE QUESTIONNAIRE

This page must be returned via fax (907-235-3143) or email (JJohnson@ci.homer.ak.us) by **5:00 p.m. on August 6, 2015**

The pre-proposal conference will be held in the City Hall, Cowles Council Chambers, in Homer, Alaska. It will begin at 2:30 pm on August 13, 2015 and continue until all questions have been addressed. If your entity cannot be there in person you may call (907) 235-8121 x2299 to participate.

Entity: _____

_____ Yes, a representative will be attending the pre-proposal conference. Our questions regarding the RFP are listed below (or attached).

_____ No, a representative will not be attending the pre-proposal conference; our questions regarding the RFP are listed below.

Please list any questions you would like addressed below:

ATTACHMENT B

PROPOSAL TRANSMITTAL FORM

*This form is to be completed in full, signed and submitted as the
Cover Sheet of the Proposal.*

I certify that I am a duly authorized representative of the Entity listed below and that information and materials enclosed with this proposal accurately represent the capabilities of the office listed below for providing the services indicated and comply with all provisions in this RFP. In addition, I certify that I am a company officer empowered to bind the company to the requirements of this RFP and to our proposal. The City is hereby authorized to request anyone identified in this proposal to furnish any pertinent information deemed necessary to verify information provided or regarding reputation and capabilities of the Entity.

Amendments

The Contractor represents to the City that it has relied upon no oral representations from the City in the preparation of this proposal. If any amendments are issued to this RFP, Contractor must acknowledge the receipt of such amendments in the space provided on the line below or by signing the amendment and submitting it before the submittal deadline, unless the amendment states otherwise. Proposals that fail to acknowledge receipt of amendments may be considered non-responsive and be eliminated from further consideration.

The Contractor acknowledges receipt of the following Amendments: _____

Original Signature

This Transmittal Form must include an original signature. A proposal shall be considered non-responsive and eliminated from further consideration if an original signature is not included.

Signature of Representative

Office Address for which this submittal is made:

Date: _____

Street: _____

Name: _____

PO Box: _____

Title: _____

City State Zip: _____

City: _____

Phone: _____

Email address: _____

Fax: _____

Alaska Business License No.: _____

City Business License No: _____

ATTACHMENT C

FEE SCHEDULE

AMBULANCE BILLING AND COLLECTION SERVICES

Price Proposal Sheet

RFP responses must be completed as described in the RFP, indicate an understanding of the scope of services to be provided, and include sufficient documentation to verify contactor history and competency in providing like services as well as the intent to continue doing the same in the foreseeable future.

Compensation proposal to be a flat rate (%) of collections deposited into the lockbox:

_____ Percent fee

Date _____

Signed _____

Title _____

Name of City _____

City Address _____

City, State, Zip _____

Phone Number _____

Fax Number _____

Web Site _____

Attachment D

**Business Associate Agreement-HIPPA
Between The City of Homer Fire Department and**

This Business Associate Agreement (“Agreement”) between The City of Homer and _____ is executed to ensure that _____ will appropriately safeguard protected health information (“PHI”) that is created, received, maintained, or transmitted on behalf of The City of Homer in compliance with the applicable provisions of Public Law 104-191 of August 21, 1996, known as the Health Insurance Portability and Accountability Act of 1996, Subtitle F – Administrative Simplification, Sections 261, *et seq.*, as amended (“HIPAA”), and with Public Law 111-5 of February 17, 2009, known as the American Recovery and Reinvestment Act of 2009, Title XII, Subtitle D – Privacy, Sections 13400, *et seq.*, the Health Information Technology and Clinical Health Act, as amended (the “HITECH Act”).

I. General Provisions

1. **Meaning of Terms.** The terms used in this Agreement shall have the same meaning as those terms defined in HIPAA.
2. **Regulatory References.** Any reference in this Agreement to a regulatory section means the section currently in effect or as amended.
3. **Interpretation.** Any ambiguity in this Agreement shall be interpreted to permit compliance with HIPAA.

II. Obligations of Business Associate

_____ agrees that it will:

1. Not use or further disclose PHI other than as permitted or required by this Agreement or as required by law;
2. Use appropriate safeguards and comply, where applicable, with the HIPAA Security Rule with respect to electronic protected health information (“e-PHI”) and implement appropriate physical, technical and administrative safeguards to prevent use or disclosure of PHI other than as provided for by this Agreement;
3. Report to the City of Homer Fire Department any use or disclosure of PHI not provided for by this Agreement of which it becomes aware, including any security incident (as defined in the HIPAA Security Rule) and any breaches of unsecured PHI as required by 45 CFR §164.410. Breaches of unsecured PHI shall be reported to The City of Homer Fire Department without unreasonable delay but in no case later than 60 days after discovery of the breach;
4. In accordance with 45 CFR §164.502(e)(1)(ii) and 45 CFR §164.308(b)(2), ensure that any subcontractors that create, receive, maintain, or transmit PHI on behalf of _____ agree to the same restrictions, conditions, and requirements that apply to _____ with respect to such information;

5. Make PHI in a designated record set available to The City of Homer Fire Department and to an individual who has a right of access in a manner that satisfies The City of Homer Fire Department's obligations to provide access to PHI in accordance with 45 CFR §164.524 within 30 days of a request;
6. Make any amendment(s) to PHI in a designated record set as directed by The City of Homer Fire Department, or take other measures necessary to satisfy The City of Homer Fire Department's obligations under 45 CFR §164.526;
7. Maintain and make available information required to provide an accounting of disclosures to The City of Homer Fire Department or an individual who has a right to an accounting within 60 days and as necessary to satisfy The City of Homer Fire Department's obligations under 45 CFR §164.528;
8. To the extent that _____ is to carry out any of The City of Homer Fire Department's obligations under the HIPAA Privacy Rule, _____ shall comply with the requirements of the Privacy Rule that apply to The City of Homer Fire Department when it carries out that obligation;
9. Make its internal practices, books, and records relating to the use and disclosure of PHI received from, or created or received by _____ on behalf of The City of Homer Fire Department, available to the Secretary of the Department of Health and Human Services for purposes of determining _____ and The City of Homer Fire Department's compliance with HIPAA and the HITECH Act;
10. Restrict the use or disclosure of PHI if The City of Homer Fire Department notifies _____ of any restriction on the use or disclosure of PHI that The City of Homer Fire Department has agreed to or is required to abide by under 45 CFR §164.522; and

If The City of Homer Fire Department is subject to the Red Flags Rule (found at 16 CFR §681.1 *et seq.*), _____ agrees to assist The City of Homer Fire Department in complying with its Red Flags Rule obligations by: (a) implementing policies and procedures to detect relevant Red Flags (as defined under 16 CFR §681.2); (b) ensuring that any agent or third party who performs services on its behalf in connection with covered accounts of The City of Homer Fire Department agrees to implement reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft; and (c) alerting The City of Homer Fire Department of any Red Flag incident (as defined by the Red Flag Rules) of which it becomes aware, the steps it has taken to mitigate any potential harm that may have occurred, and provide a report to The City of Homer Fire Department of any threat of identity theft as a result of the incident.

III. Permitted Uses and Disclosures by Business Associate

The specific uses and disclosures of PHI that may be made by _____ on behalf of The City of Homer Fire Department include:

1. The preparation of invoices to patients, carriers, insurers and others responsible for payment or reimbursement of the services provided by The City of Homer Fire Department to its patients;

2. Preparation of reminder notices and documents pertaining to collections of overdue accounts;
3. The submission of supporting documentation to carriers, insurers and other payers to substantiate the healthcare services provided by The City of Homer Fire Department to its patients or to appeal denials of payment for the same; and
4. Other uses or disclosures of PHI as permitted by HIPAA necessary to perform the services that _____ have been engaged to perform on behalf of The City of Homer Fire Department.

D. Termination

1. The City of Homer may terminate this Agreement if The City of Homer determines that _____ has violated a material term of the Agreement.
2. If either party knows of a pattern of activity or practice of the other party that constitutes a material breach or violation of the other party's obligations under this Agreement, that party shall take reasonable steps to cure the breach or end the violation, as applicable, and, if such steps are unsuccessful, terminate the Agreement if feasible.
3. Upon termination of this Agreement for any reason, _____ shall return to The City of Homer Fire Department or destroy all PHI received from The City of Homer Fire Department, or created, maintained, or received by _____ on behalf of The City of Homer Fire Department that _____ still maintains in any form. _____ shall retain no copies of the PHI. If return or destruction is infeasible, the protections of this Agreement will extend to such PHI.

Agreed to this ____ day of _____, 2015

The City of Homer

Signature: _____

Signature: _____

Title: City Manager

Title: _____

Date: _____

Date: _____

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 15-080**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE SALE
8 OF THE CAMP FEE COLLECTION CABIN TO PAM FLEMING OF
9 HOMER, ALASKA, IN THE AMOUNT OF \$5,755 AND AUTHORIZING
10 THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

11
12 WHEREAS, The City Council agreed that due to continuous erosion under the Spit
13 Camp Fee Collection building and the annual cost of maintenance, the cabin should be
14 surplused; and

15
16 WHEREAS, Public Works prepared bid documents and solicited bids for the sale of this
17 cabin in accordance with the City's procurement regulations with the bid advertised in the
18 Homer News on August 13 and 20, 2015; and

19
20 WHEREAS, Four bids were received and publicly opened on September 3, 2015 (see
21 Memorandum 15-152); and

22
23 WHEREAS, Pam Fleming of Homer, Alaska was determined to be the low responsive
24 bidder with a bid of \$5,755; and

25
26 WHEREAS, This award is not final until written notice is received by Pam Fleming of
27 Homer, Alaska, from the City of Homer.

28
29 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
30 awarding the sale of the Spit Camp Fee Collection Cabin to Pam Fleming of Homer, Alaska, in
31 the amount of \$5,755 and authorizes the City Manager to execute the appropriate documents.

32
33 PASSED AND ADOPTED by the Homer City Council this 14th day of September, 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 Fiscal Note: Revenue \$5,755 to Account No. 100-0175-5209

50



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 15-152

TO: Mary K. Koester, City Manager
FROM: Carey Meyer, Public Works Director
DATE: September 9, 2015
SUBJECT: **Award of Surplus Sale
Camp Fee Collection Cabin**

The City Council agreed that due to continuous erosion under the Spit Camp Fee Collection building and the annual cost of maintenance, the cabin should be surplused. Public Works prepared bid documents and solicited bids for the sale of this cabin in accordance with the City's procurement regulations (bids were advertised in the Homer News on August 13 and 20); four bids were publicly opened and read on September 3:

Richard Ferdinand	Fritz Creek	\$ 4,778.00
Lloyd Moore	Homer	\$ 1,623.54
Mike Kennedy	Homer	\$ 777.78
Pam Fleming	Homer	\$ 5,755.00

Pam Fleming of Homer, Alaska, was determined to be the low responsive bidder.

As discussed with the Council, Public Works will be evaluating options for providing a small building on wheels at Mariner Park to replace this cabin.

Recommendation: The City Council adopt Resolution 15-080 awarding the sale of the Spit Camp Fee Collection Cabin to Pam Fleming of Homer, Alaska, in the amount of \$5,755 and authorize the City Manager to execute the appropriate documents.

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

Session 15-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on August 19, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BRADLEY

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

Reconsideration

Adoption of Consent Agenda

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

A. Approval of Minutes of August 5, 2015

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

HIGHLAND/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 15-61, City Planner's Report

City Planner Abboud reviewed his 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.

Plat Consideration

- A. Staff Report PL 15-62 Webber Subdivision No. 9 Preliminary Plat

Commissioner Venuti stated he may have a conflict of interest. He works regularly with the contractors involved in this project.

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

There was discussion to clarify that he does not have a relationship with the applicant but with the contractor.

VOTE: NO: BOS, STEAD, HIGHLAND, ERICKSON, STROOZAS

Motion failed.

Commissioner Erickson stated she has a potential conflict of interest in that she has financial dealings with the applicant. She said it doesn't exceed the "per transaction" limit but is just under the \$5000 limit.

BOS/VENUTI MOVED THAT COMMISSIONER ERICKSON HAS A CONFLICT INTEREST

Deputy City Clerk Jacobsen read the code section which defines substantial financial interest as follows:

"Substantial financial interest" means a financial interest that would result in a pecuniary gain or loss exceeding \$1,000 in a single transaction or more than \$5,000 in the aggregate in 12 consecutive months.

When asked if the transaction amount would exceed \$5000, Commissioner Erickson responded not in this calendar year, in looking at consecutive months, she said it could go either way.

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

Motion failed.

City Planner Abboud reviewed the staff report, explaining an error that was discovered when the plat came before the City Manager to sign. As a result the applicant is looking for an exception to the 15 utility easement on Hidden Way.

George Long, applicant, is planning to build a house on the subject property. He suggested a lot line vacation isn't the same as a subdivision because he isn't dividing up the land to sell. He bought the two lots with the intent to build a house in the middle of them. The Borough approved the five foot utility easement and he questions why he has to provide a 15 foot utility easement when the utilities are already in and would only be across his lot. The city would still have to use eminent domain if they wanted to develop the road. The area is too steep to allow for utilities and road development. He gave a brief overview of his plans and referenced the aerial photo to show his building site. None of the other neighbors would have to give utility easements to build on their lots.

Chair Stead opened the floor to public comments.

John Bushell, city resident, has three lots in the area and believes there are 18 lots along the road. He commented when the letter came to the neighborhood it looked like he was asking to build five feet from the road and the neighbors thought the same thing. He thinks George should be able to build where he wants, just not five feet from the road.

There were no further public comments.

Mr. Long clarified he isn't talking about reducing the 20 foot setback, only the utility easement to 5 feet along Hidden Way. He reiterated his reasoning supporting the reduction.

In response to questions Mr. Long explained that he designed the house to fit the lot. He can't move it down the lot any further; his only option would be to build a smaller house. He has a site plan and the house is staked out with the 20 foot setback. He doesn't intend to build on pilings, he is moving forward with the engineer's recommendation for the foundation work. If he worked on one lot he would have to use pilings.

There was general discussion regarding the 15 foot utility easement called out in city code, clarifying the circumstances that brought this back to the commission, and explaining conditions the Commission should address relating to granting a variance.

Matt Early and Sheldon Beachy were asked to speak to the utilities for this project. Mr. Early said they will need to install a lift station that would likely fall within the utility easement. Mr. Long has talked about having rain water storage collection tanks and cisterns. Mr. Long plans to do landscaping, that Beachy Construction wouldn't be involved with, but the concern with the landscaping is if they landscape or put a fence in the utility easement and the City has to come in and use the easement they would only replace grass, gravel, or pavement. He noted the other utilities like ACS, HEA, and Enstar have approved the five foot easement.

In response to questions from the Commission, City Planner Abboud explained the subdivision predates the city and lots are subject to the setback. He also clarified the slope of this lot doesn't fall under the conditions for the 40 foot setback from the bluff.

Question was raised about locating the lift station in the house. Mr. Early explained they can be done inside, but it isn't recommended.

STROOZAS/BOS MOVED TO APPROVE WEBER SUBDIVISION NO. 9 PRELIMINARY PLAT AND AMEND FINDINGS TWO AND THREE AS FOLLOWS TO GRANT THE FIVE FOOT EASEMENT VERSUS THE 15 FOOT UTILITY EASEMENT ALONG HIDDEN WAY DUE TO THE SPECIAL CIRCUMSTANCES OF THIS LOT AND TO SEND OUT A PUBLIC NOTICE IN ACCORDANCE WITH REQUIREMENTS AND HAVE A PUBLIC HEARING NEXT MONTH.

Commissioner Highland commented this doesn't follow Public Works or Planning Department recommendations. She questions where this puts them in the future regarding exceptions and if there is legal liability.

City Planner Abboud responded that according to code it doesn't bind them. He also said it isn't necessary to hold another public hearing to approve this exception.

Commissioner Bos commented that the staff recommendation is to recommend denial or amend findings to approve, and that Borough accepted it with a five foot easement already, so he doesn't feel they are going against anyone's intentions.

Commissioner Highland noted their recommendation when approving the plat in April was to include the 15 foot utility easement. Somehow at the Borough it was changed to 5 foot and is what has put them in this position.

ERICKSON/BOS MOVED TO AMEND TO REMOVE THE PUBLIC HEARING REQUIREMENT.

There was no discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Discussion ensued regarding finding three. Commissioner Stroozas suggested finding three is moot in that the applicant stated there is no financial hardship. Chair Stead commented that if the applicant were to build within the 15 foot utility easement he wouldn't want his property at risk, which to him, sounds like an inconvenience.

City Planner Abboud noted that they need to address finding three and state their intention in approving the variance. If financial hardship or inconveniences are not the grounds for disapproving, they should come up with another condition to grant the exception.

The Commission took a 5 minute recess at 8:15 to phrase a motion to address finding three. The meeting resumed at 8:19.

HIGHLAND/BOS MOVED TO AMEND THE MOTION TO ADD FINDING THREE THAT THE SPECIAL CONDITION FOR AN EXCEPTION FOR THIS LOT IS THAT THERE IS A LIMITED BUILDING AREA.

There was no discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was brief discussion to review the findings.

VOTE: (Main motion as amended): YES: ERICKSON, STROOZAS, BOS, HIGHLAND, VENUTI
NO: STEAD

Motion carried.

Pending Business

A. Staff Report PL 15-64 Bridge Creek Watershed Protection District impervious runoff calculations

City Planner Abboud reviewed the staff report.

Commissioner Bos questioned if option B in the staff report is clear and understandable. He thinks it's important that staff and applicants need to have numbers to work with because in a lot of cases it's a surveyor or engineer who works with these numbers. Asking the applicant to develop a rational runoff coefficient with the application is a moving target, in his opinion. He thinks option A works really well.

Commissioner Erickson questioned if they went back to the 6.4% and everything had to fit within that percentage there would only be one percentage they have to deal with. It seems it would be easier to work with.

City Planner Abboud commented that there was agreement that it would be too restrictive. He suggested an option that driveways may be calculated at a rate determined in the storm water manual or with other credible evidence. He thinks the problem was the "may be calculated at 70% impervious is too oblique and doesn't point to the fact that there is a gravel driveway.

Commissioner Venuti commented that he hasn't seen any pure science since they have started discussing this and all along it seems that guess-timates have been used. He asked if going with option B would be unwieldy for staff. City Planner Abboud commented it seems to go against the grain of the whole protection district.

There was discussion that option B is very open ended. It was suggested to take out the words "or fully" and they could use the coefficient method for a gravel driveway, or another standard. The runoff

coefficient table on packet page 54 could be used and they could take out what they don't need. If everyone is working with the same numbers and equations, everyone should be coming up with the same results.

Chair Stead said he has a problem with option B. Then applicant already had to determine if they are using a gravel driveway at 70% or asphalt at 90%. They have to know what type of soils, slopes, infrastructure being placed, and make those two calculations already. To him, they are doing it in one place but now we're telling them they don't have to do it. He prefers option A.

Commissioner Highland asked if they should have a conversation with Council. She noted the Commission has spent a lot of time on the topic and have a fair amount of understanding, and Council went at it one evening. She questions if they need a better explanation.

City Planner Abboud said he still likes the first part of the wording in section C, until it gets to the "may be calculated" because it defines what they are looking for, driveways and walk ways.

Discussion ensued on best working to clarify the percentages. The table has the asphalt rating, and makes it clear that the door is open if someone comes in with better evidence. It was suggested an applicant can come in and under B.1., list their runoff coefficients and have it end at B.2. If the coefficients are listed under B.1., staff knows what they are doing and if they used something other than a gravel driveway and reduce the percentage from 70% to 50%, they can show how they got there. They could get rid of item C and get rid of a lot of the ambiguity. A worksheet could be provided to applicants to help with figures.

BOS/ERICKSON MOVED TO STRIKE AT LINE 41 FOR THE PURPOSE OF CALCULATING IMPERVIOUS COVERAGE AND AMEND NUMBER 1 LINE 37, AFTER THE PERIOD ADD PEAK DISCHARGE RATES AND STORM WATER EVENTS SHALL BE DETERMINED BY THE HOMER STORM WATER MELT WATER MANAGEMENT HANDBOOK.

City Planner Abboud suggested it may not need another public hearing because they didn't really change anything, but will need to defend it to Council.

There was discussion to clarify item 2 on line 38 will stay and the motion strikes section C beginning on line 41 through 45. They will also lines 46 through 50.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VENUTI/BOS MOVED TO STRIKE LINES 46-50 OF ORDINANCE 15-23.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Erickson suggested a worksheet could be prepared and attached for Council to see and understand that they are trying to give an applicant the most opportunity to use their land and everyone is subject to the same thing.

New Business

Informational Materials

A. City Manager's Report August 10, 2015

Comments of the Audience

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

Comments of Staff

Comments of the Commission

Commissioner Venuti said it was a good meeting. He is a little uncomfortable with the Webber Subdivision decision; it felt a little like spot zoning. It seemed to be a reasonable solution for the applicant. He added that the FEMA training in October is a good opportunity for all of them to learn about community resource and tsunami issues.

Commissioner Stroozas commented that in all considerations with the Webber Subdivision, they did the right thing for this particular case.

Commissioner Bos commented that tonight's action was unique and that they did the right thing. He felt it was a business friendly move. He congratulated Mr. Stroozas for throwing his hat in the ring for the City Council seat.

Commissioner Erickson had no comment.

Commissioner Highland said the Webber action was interesting. She likes to try to make it better for the person, but she gets stuck in city code. Hopefully it will be fine.

Chair Stead reminded everyone school has started so watch out for the kids out there. He will work with the Planner on towers.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for September 2, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
AUGUST 19, 2015

Approved: _____



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 15-151

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: CANNABIS ADVISORY COMMISSION

DATE: SEPTEMBER 9, 2015

SUBJECT: RECOMMENDATIONS ON STATE PROPOSED REGULATIONS REGARDING CANNABIS

The Cannabis Advisory Commission (CAC) has been reviewing the proposed regulations submitted for comment by the State of Alaska Marijuana Control Board. Following are recommendations from the regular meetings on July 23, 2015 and August 27, 2015 that the Commission would like the Council to approve for submittal to the Marijuana Control Board. Excerpts from the corresponding minutes have been attached for reference.

Recommendations:

- STRIKE 3 AAC 306.200 a (3) AND 3 AAC 306.260 IN ITS ENTIRETY
- DEFINE BROKERAGE FACILITY
- IN 3 AAC 306.300 EXPLICITLY EXCLUDE GIFTING, WITHOUT MONETARY COMPENSATION, BY AN INDIVIDUAL TO AN INDIVIDUAL, PER THE ORIGINAL STATUTE 17.38.20.
- OBJECT TO STATE REGULATIONS REGARDING ZONING LEAVETO THE MUNICIPALITY AS IS CUSTOMARY AND FOLLOWED IN REGULAR PRACTICE
- STRIKE PROPOSED REGULATION 3 AAC 306.310 SUBSECTION 3, ITEM C

Policy Related Recommendations

- RECOMMENDATION THAT THE STATE HAVE AND PROVIDE THE TRAINING FOR THE MARIJUANA HANDLER PERMIT, 3 AAC 306.325, OR DO NOT REQUIRE THE PERMIT UNTIL IT IS IN PLACE AND TRAINING TO BE AVAILABLE ONLINE.

Excerpt from the Minutes of the Regular Meetings on August 27th and July 23, 2015:

August 27, 2015:

BURGESS/HARRIS - MOVED TO INCLUDE ALL RECOMMENDATIONS PREVIOUSLY AGREED UPON WITH THE CITY ATTORNEY INCLUDING THOSE RECOMMENDATIONS REGARDING TITLE 21 MUNICIPALITY RIGHTS OVER ZONING ISSUES BE FORWARDED TO COUNCIL FOR APPROVAL AND THEN FORWARDED TO THE MARIJUANA CONTROL BOARD.

There was a brief discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

July 23, 2015:

NEW BUSINESS

A. Memorandum from City Attorney Wells re: Commission Reviews Process Schedule Recommendations

City Planner Abboud reviewed the recommendations from the City Attorney that comment should be forwarded to the Marijuana Control Board and requested any additional recommendations.

BURGESS/LEWIS - MOVED TO STRIKE 3 AAC 306.200 a (3) AND 3 AAC 306.260 IN ITS ENTIRETY. DEFINE BROKERAGE FACILITY IN THIS SECTION AND OBJECT TO STATE REGULATIONS REGARDING ZONING TO THE MUNICIPALITY AS IS CUSTOMARY AND FOLLOWED IN REGULAR PRACTICE.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/LEWIS - MOVED TO RECOMMEND 3 AAC 306.300 NEEDS TO EXPLICITLY EXCLUDE GIFTING, WITHOUT MONETARY COMPENSATION, BY AN INDIVIDUAL TO AN INDIVIDUAL, PER THE ORIGINAL STATUTE 17.38.20.

Discussion on giving product and as written is conflict in what is proposed versus what is already law and belief that it needs to be clear, that the intent is to prohibit retail operations from giving away product not private and it aligns with the regulations against alcohol. Further discussion, referencing additional sections in the proposed regulations which showed the relation to business, this being a drafting error, but written broadly enough its intent is business related ensued. Commissioner Burgess called for the vote.

VOTE. NO. ROBL.

VOTE. YES. HARRIS, STEAD, YOUNG, MONROE, JONES, BURGESS, LEWIS

8Motion carried.

C. Memorandum from Deputy City Clerk re: Comments on Marijuana Regulations Set #1, Round 2

1. Marijuana Regulations Set #1, Round 2

MONROE/BURGESS - MOVED TO SUBMIT THE RECOMMENDATION TO STRIKE PROPOSED REGULATION 3 AAC 306.310 SUBSECTION 3, ITEM C IN THE MEMORANDUM TO COUNCIL TO FORWARD TO THE STATE.

Discussion and comments on limiting retail businesses, the financial legalities since this is still a controlled substance followed, how it is handled in Colorado and Washington.

VOTE. YES. BURGESS, JONES, MONROE, YOUNG, HARRIS

VOTE. NO. LEWIS, STEAD, ROBL.

Motion carried.

BURGESS/MONROE - MOVED TO SUBMIT A RECOMMENDATION THAT PROPOSED REGULATION 3 AAC 306.310 SUBSECTION 3, ITEM B, BE STRICKEN FROM THE DRAFT.

There was a brief discussion and clarification on the proposed regulation limiting or prohibiting a business from reducing the cost of the product to the cost of purchase and not below which basically forces the business to take a loss instead of trying to recoup any percentage of their costs.

VOTE. NO. ROBL, STEAD.

VOTE. YES. HARRIS, YOUNG, MONROE, JONES, BURGESS, LEWIS.

Motion carried.

Commissioner Harris requested assistance in making a motion to address her concern with regard to the mandatory requirement to have a marijuana handler permit prior to opening up a business.

LEWIS/HARRIS – MOVED TO SUBMIT A RECOMMENDATION THAT THE STATE HAVE AND PROVIDE THE TRAINING FOR THE MARIJUANA HANDLER PERMIT, 3 AAC 306.325, OR DO NOT REQUIRE THE PERMIT UNTIL IT IS IN PLACE AND TRAINING TO BE AVAILABLE ONLINE.

There was no further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMAL MEMORANDUM
ATTORNEY-CLIENT PRIVILEGE

**TO: HOMER CITY COUNCIL
CANNABIS ADVISORY COMMISSION
CITY MANAGER KATIE KOESTER**

FROM: HOLLY C. WELLS

**RE: PROPOSED COMMENTS REGARDING STATE OF ALASKA
MARIJUANA REGULATIONS**

CLIENT: CITY OF HOMER

FILE NO.: 506,742.222

DATE: AUGUST 10, 2015

At the July 23, 2015 meeting held by the Cannabis Advisory Commission ("CAC"), the CAC discussed potential comments to the proposed regulations regarding marijuana. During that meeting, I presented several comments that provided legal clarity. In addition to these comments, the CAC members proposed other comments that impacted marijuana facility operations within the City of Homer, Alaska ("City"). This memorandum provides a summary of those comments.

Although the CAC originally discussed submitting these comments in response to the pending draft of the regulations, a discussion with the Marijuana Control Board confirmed that a third commentary period would be provided to the public after additional revisions to the proposed regulations. Additionally, it is expected that many of the concerns expressed by the CAC will be addressed before the third draft of regulations is circulated. Thus, in order to avoid unnecessary comments and to ensure that the City's proposed comments may be reviewed by both the CAC and the City Council before submittal, our firm intends to draft a resolution proposing comments once the CAC has had an opportunity to finalize the comments and a review of the third draft of regulations is complete.

LEGALLY NECESSARY BUT POLICY-NEUTRAL COMMENTS

3 AAC 306.200- 3 AAC 306.270 entitled “Local Options”

- Has the Marijuana Control Board received legal advice regarding the Board’s authority to adopt local options via regulation? The City of Homer, Alaska has some concern that adoption of a local option such as a distribution center requires an act of the legislature.
- Are the local option regulations intended to permit municipalities to open municipality owned and operated retail facilities? See 3 AAC 306.200(a)(3); 3 AAC 306.260.

3 AAC 306.095; 3 AAC 306.200(a)(2)

- Although the Marijuana Control Board has yet to propose 3 AAC 306.400, *et seq.*, which will, according to the table of contents, address brokerage licenses, this term is used in the above articles of the regulation. Thus, a definition for that term should be included in the applicable definition sections.

3 AAC 306.010

- Given the unique nature of each Alaskan community and its topography and land use approach, the City of Homer, Alaska recommends that the regulations defer to the municipalities for restrictions on location via the zoning and planning authority granted to such municipalities. This approach will avoid unintentional contradictions between local zoning laws and the regulations. It will also permit municipalities to adopt more or less restrictive location prohibitions depending upon the needs of the municipality in question.

POLICY-BASED COMMENTS

The policy based comments reflects the CAC’s general support for the legalization of marijuana and the desire to foster the new Marijuana industry in the City of Homer, Alaska. While I have no professional opinion regarding these comments, it is important that these comments be considered by both the City Council and the CAC to ensure that the City’s official position is reflected in the comments. Generally, given the federally unlawful nature of marijuana use, cultivation, and sales, I recommend remaining as neutral as possible when regulating marijuana.

3 AAC 306.300

- Is it necessary to have a retail store license for an individual to give marijuana to another individual? If so, the City does not support such a restriction on personal use.

3 AAC 306.310

- The City recommends deletion of 3 AAC 306.310(c)(3)(B)(C)
- The CAC does not support these restrictions on the marijuana retail industry as the CAC believes these restrictions are unduly burdensome and may result in lost revenue.

MISCELLANEOUS COMMENTS

During the CAC meeting, there were discussions surrounding “handler licenses, fees, and training.” I am unclear as to the nature of these comments and where they should be inserted in the proposed draft regulations. After discussing this matter with the CAC, I will revise the proposed comments accordingly.

Trip Report AML Summer Legislative Conference for Bryan Zak

August 18th

Flew to Ketchikan from Homer

August 19th

Attended AML meeting and received update on updates on State Fiscal Planning... Now and Then! Similarities and differences between the economic challenges of the 80s and today by Gregg Erickson, Erickson & Associates

The presentation offered covered where we have been as a State with supported enterprises such as the “Alaska Film Industry”, and shared the State would be further ahead if they had invested the money. The ratio of return helps some people but not all Alaskans.

Gregg explained why the State is getting further behind and suggested measures municipalities need to take to survive the current fiscal crisis. (There will be a link to the slides on the AML site).

After Gregg's presentation we received a visit from Governor Walker and the Governor shared how he and his staff is reaching out to communicate to all Alaskans the extreme budget crisis we are facing that will require both revenue generating as well as budget cutting measures.

We then received legislative updates on State & Federal Issues – Kathie Wasserman, AML Executive Director.

PERs/TRS – The good news is that last year the State put money into a fund which has performed well lowering by 200M this year's liability.

Senior Exemption – is an unfunded mandate that is costing municipalities more than what is provided through revenue sharing.

We are going to have to pull together as communities as next year is going to be a really tough year. When the state cuts the municipalities bleed.

Participated on AML Position Statements Committee Meeting and finalized position statements on:

1. Local Control
2. Revenue Sharing
3. PERs/TRS Unfunded Liability
4. Fiscal Policy
5. Education
6. Energy
7. Transportation
8. Fishing
9. Public Safety
10. Economic Development
11. Minerals

August 20th

Started the morning with an update from the Alcoholic Beverage & Marijuana control boards. The Marijuana enforcement statutes are following the Alcoholic Beverage Control statutes and they are looking at a phased approach. The State will have these done by May of 2016 and they are looking at a phased approach, so that growing can take place prior to sales.

Commissioner Chris Hladick, DCCED shared additional information about the state of the budget sharing that many cuts have already been implemented but that we are not going to be able to cut our way out of the fiscal crisis. The price of oil today was near \$40 per barrel.

Gordon Cruikshank the President of the Western Interstate Region shared additional information about the importance of working and supporting each other as communities as we communicate to our legislatures that budget cuts alone will not get us where we need to be. Gordon shared a community handbook at www.naco.org that is useful to sharing and understanding the issues with our communities.

We next received an update on the Rasmussen Survey by Jordan Marshall for which the results can be found at <http://www.rasmuson.org/>

Alaskans support new revenue to help address the state's budget shortfall - See more at: http://www.rasmuson.org/PressRelease/index.php?switch=view_pressrelease&iReleaseID=355&highlight=survey#sthash.LQObFQzH.dpuf

The poll was conducted by Strategies 360 and interviewed 1,206 registered voters in Alaska and carries a margin of error of +/-2.8%. Interviews were conducted July 13 – 21, 2015. It found:

- Nearly 90 percent of voters know about the budget shortfall facing the state with a majority of those polled ‘extremely’ to ‘fairly’ concerned about the shortfall.
- A majority of voters would prefer to see new revenue included as part of any solution to address the budget shortfall.
- Just 25 percent of residents believe that the state’s budget shortfall should be solved ‘only’ or ‘mostly’ through spending cuts.
- 61 percent of voters believe that the state’s economy would be negatively impacted if the state only relied on savings and spending cuts and did not raise new revenue to address the shortfall.

In order to help close the budget shortfall, voters said they would be willing to support a number of revenue proposals, including:

- Introducing a statewide sales tax.
- Putting a cap on the yearly amount of Permanent Fund dividends
- Using a portion of excess earnings from the Permanent Fund to fund public services and programs
- Reducing oil development tax credits offered by the state

PUBLIC HEARING(S)

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

**2016-2021 Capital Improvement Legislative Requests
Homer Natural Gas Special Assessment District – Condominium Assessments
Ordinance 15-31 and Resolution 15-074(A)**

A public hearing is scheduled for Monday, September 14, 2015 during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

2016-2021 CAPITAL IMPROVEMENT PLAN AND FY 2017 LEGISLATIVE REQUESTS

Homer Natural Gas Special Assessment District – Condominium Assessments

Ordinance 15-31 internet address:

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

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.

Resolution 15-074(A) internet address:

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

Resolution 15-074(A), A Resolution of the Homer City Council Amending the City of Homer Fee Schedule Under Sewer Rates. Mayor/City Council.



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 Ordinance and Resolution, 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.

Melissa Jacobsen, CMC, Deputy City Clerk
Publish: Homer Tribune, September 2, 2015

CAPITAL IMPROVEMENT PLAN 2016-2021
LEGISLATIVE REQUESTS FY 2017

Please reference City Council packet of August 24, 2015

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
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.

Sponsor: Burgess

1. City Council Regular Meeting August 24, 2015 Introduction
 - a. Memorandum 15-125 from Public Works Superintendent
 - b. Memorandum 15-135 from Public Works Superintendent

2. City Council Regular Meeting September 14, 2015 Public Hearing and Second Reading
 - a. Memorandum 15-125 from Public Works Superintendent
 - b. Memorandum 15-135 from Public Works Superintendent

**CITY OF HOMER
HOMER, ALASKA**

Burgess

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 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.

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

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

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

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

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

Expenditure:

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

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



CITY OF HOMER PUBLIC WORKS DEPARTMENT

Dan Gardner, PW Superintendent
3575 Heath St.
Homer, Alaska 99603

Telephone: (907)235-3170
Fax: (907)235-3145

EMAIL : dgardner@ci.homer.ak.us

Memorandum 15-125

To: Carey Meyer, PW Director
From: Dan Gardner, PW Superintendent D G
Date: July 14, 2015
Subject: Dump Truck Replacement

As you are aware, last week, while starting some planned work on our 1981 10-yard dump truck, it was discovered that the frame and assembly were rusted and coming apart to a degree that required us to remove the vehicle from service. At this time, there are no plans to bring it back into service. This vehicle is thirty-four years old. The frame has been repaired in the past to extend its life, but it is to the point that repair costs would outweigh the vehicle's value.

Attempts were made to obtain repair costs from shops in Anchorage, and none of them were interested. Most scoffed at the idea. One of them said that they wouldn't do the work, but if they were to, the labor alone would be almost \$50,000 for the frame rail replacement. And, there was doubt that the necessary frame rails would be available.

I view this vehicle as a must for our fleet. Without it, we have only the one dump truck. Although we don't use both vehicles every day, we use them both simultaneously quite often, and one backs up the other when one of the vehicles is down for repair or maintenance. In the winter, one has a sander unit on it, which leaves the other one for hauling snow, hauling waste excavation from repair work and hauling gravel. In the summer and fall, multiple operations of ditching, culvert replacements, water/sewer repairs, fire hydrant repairs, etc. requires the use of two trucks.

These types of trucks are not readily available for rent or lease, and when one can be found, they rent for about \$5400 per month. Over the past week, I have checked with several heavy equipment rental companies and none are available. Renting is not a realistic option due to cost and the fact that when the vehicle is needed, it is most likely not available. And, the cost to rent one for six months could at least purchase an older truck. Although an older truck of this value is not preferred, it would at least be something in the fleet.

Following are options that are being considered:

1. Repair the Truck –Not an option
2. Rent a truck as needed –Not a workable option

3. Purchase a used truck – \$35,000 to \$90,000. A reasonable truck can be obtained in this price range. To spend more than that begins to rival the cost of a new truck purchase with warranty, etc. Obviously, the low end of this estimate would purchase an older vehicle of the mid 1990s vintage. A vehicle in this price range may or may not include a dump body and/or the necessary hydraulic kits and electrical connections required to get the truck in service with oursander/trailer/dump body. With any used vehicle, there is a risk that expensive repairs could show up, and because of the age, the vehicle will need to be replaced sooner than a new truck.

Most used trucks need to be purchased in the lower 48. The downside to this is that the vehicle cannot be physically evaluated without the cost and time required to send personnel to the vehicle's location. Then, there is the cost to ship or pay a driver to bring the vehicle to Homer.

4. Purchase a new truck – \$124,000 to \$149,000
\$124,000 to \$129,000 new truck with hydraulics. We install our old dump body.
\$145,000 to \$149,000 new truck with new dump body and ready for use.

A new truck could be purchased through the State's purchase contract. Going through the State's contract saves us approximately \$27,000 when compared to normal retail for the same truck. If purchasing a new truck, it would be ideal to have a new dump body with high-lift gate installed, but we could install our old dump body on the new truck in order to save around \$20,000, if necessary. A new truck would take six months from the date of order to arrive in Anchorage. If funds could be approved right away, there is currently a truck available that is assembled and ready to ship. By the time this purchase possibly gets approved, it may no longer be available. It is safest to assume that a new truck would take six months to obtain. But, once the purchase is approved by council, negotiations could possibly produce a truck sooner than six months.

Purchasing used would require the full purchase price immediately. Purchasing new would allow making payments over five years. After a cash deposit of around \$13,000 to \$15,000 monthly payments would be \$2100 to \$2500 - half of what it costs to rent a truck for a month, were one even available. Although the initial cost of a used truck is less, monies will have to be laid out sooner for repairs, tires, etc., and there is no warranty. Purchasing new allows the city to take advantage of the \$27,000 savings to be had by purchasing through the State's contract. Many used trucks that we have been seeing cost the same or more than the amount the city would have to pay for a new truck.

Recommendation

Obtain approval to negotiate the purchase of a new dump truck with dump body with a maximum purchase amount of \$150,000. A lesser amount of \$129,000 could be approved if we opt to use our old dump body. If a new truck purchase cannot be approved, obtain approval to negotiate the purchase of a used truck with a stated maximum amount allowed.



**CITY OF HOMER
PUBLIC WORKS DEPARTMENT**

Dan Gardner, PW Superintendent
3575 Heath St.
Homer, Alaska 99603

Telephone: (907)235-3170

Fax: (907)235-3145

EMAIL : dgardner@ci.homer.ak.us

Memorandum 15-135

To: Katie Koester, City Manager
From: Dan Gardner, Public Works Superintendent
Date: August 4, 2015
Subject: Purchase of New 10-Yard Dump Truck

As you know, our thirty-four year old dump truck has been taken out of service as of four weeks ago. This is due to extensive frame damage that is cost prohibitive to repair. Feelers were put out to multiple companies in an attempt to obtain repair estimates. No one was willing to take on the work, but one did estimate that the cost would be \$50,000 were they to take on the project. This would not make sense to do on a vehicle this old.

This vehicle is considered a necessity to our work fleet. Without it, we are left with only one truck. We often use both truck simultaneously, and one backs up the other when it is down for repairs or maintenance. In the winter, one has the large sander unit installed, which leaves the other truck for hauling snow, hauling waste excavation and fill material for repairs, and other hauling needs that arise. In the summer and fall, simultaneous operations of ditching, culvert replacements, water/sewer repairs, fire hydrant repairs, etc. require the use of two trucks.

To purchase a new truck and dump body, we can take advantage of the State's purchase contract which gives us about a \$27,000 savings when compared to normal retail for the same truck. This makes buying new rather than used attractive because the city isn't paying that depreciation to a used truck owner. We have looked hard at some used trucks, and even sent our road foreman and head mechanic to look at one on the peninsula, but it would not be a wise decision due to the age of the vehicle and the costs to get it set up properly for us. Most available used vehicles that would be reasonable choices are located in the lower 48, and would require sending personnel to survey the truck and costly shipping expenses. Many of these used vehicles rival or meet the cost of a new vehicle under the State's purchase contract.

We currently have a quote for \$149,989 for a new Mack truck through the State's purchase contract complete with new dump body from Construction Machinery Industrial, in Anchorage. I am requesting approval to make this purchase as soon as possible.

The City could pay for the truck outright through reserve funds, or obtain a lease/loan. Through Construction Machinery, we can obtain a lease purchase with approximately \$18,000 down payment, and 60 monthly payments of around \$2,300 with an interest rate of 2.833%.

This request is not for an upgrade, but for maintaining the existing fleet and maintenance needs.

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

3 Mayor/City Council

4 **RESOLUTION 15-074(A)**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE CITY OF HOMER FEE SCHEDULE UNDER SEWER
8 RATES.

9
10 WHEREAS, Water and sewer utility services shall be reviewed annually and if amended,
11 shall take effect as of January 1, 2016; and

12
13 WHEREAS, Based on a review of 2014 actual sewer expenses to actual sewer revenue
14 the Homer City Council recommends a 6.5% increase in sewer rates; and

15
16 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the City
17 of Homer Fee Schedule, Sewer Fees are amended as follows:

18
19 **SEWER FEES:**

20 Sewer Connection and Extension Permit Fee

21
22 Single Family \$255

23 Multi-Family/Commercial \$330

24
25 Customer classification definitions for determining sewer connection and extension permit fees:

26
27 Single Family Residential – A unit providing housing for one household; with less than 25% of the
28 building area used for business or commercial purposes.

29
30 Multi-Family Residential- A building or lot occupied by more than one household: contained within
31 one building or several building within one complex. Examples of multi-family units includes
32 duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple
33 structures on one lot (where units are normally rented or occupied for longer than one month at a
34 time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal
35 rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

36
37 Commercial – Any user not defined as Residential.

38
39 Sewer Rate Schedule.

40
41 All sewer utility services shall be billed according to the following schedule (Table I, II). This schedule
42 is for monthly sewer services and is in addition to any charges for connecting or disconnecting the
43 service, installation of the service or any assessment of the improvements.

Rates

Table I

Customer Classification	Sewer	
	Monthly Service	Usage Charge/Gallon
Lift-Station Customer	\$ -	\$0.0218 <u>\$0.0232</u>
Non-Lift-Station Customer		\$0.0147 <u>\$0.0157</u>
Multi-units (additional per unit)	\$ 5.00	N/A

44
 45
 46
 47
 48
 49

Rates

Table II

Sewer ONLY Customers	Sewer	
	Fees/Rate/Usage	Per Customer Per Month
Lift-Station Customer	\$0.0218 <u>\$0.0232</u> /Gal	\$76.30 <u>\$81.20</u>
Non-Lift-Station Customer	\$0.0147 <u>\$0.0157</u> /Gal	\$51.45 <u>\$54.95</u>
Monthly Service	\$5.00/customer/mo.	\$5.00
Pumping Fee (If Applicable)	\$7.75/customer/mo.	\$ 7.75
Assumption: Avg. Sewer Usage	3500 Gal/Mo.	

50 Customer classification definitions for determining sewer rates:

51

52 Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for pumping
 53 wastewater or sewage from areas with lower elevation than the treatment plant. Customers who are
 54 located in these areas shall be charged additional fees for the cost added to the services (see Table I &
 55 II).

56

57 Non-Lift Station Zone Customer: Customers who are located in the zone that do not need lift/pump
 58 station services.

59

60 Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only shall be
 61 charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,500 gallons per

62 month multiplied by the applicable sewage rate (see Table II). Kachemak City Local Improvement
63 District (LID) members have contributed to the initial cost of the sewer treatment plant and the
64 collection system. For Kachemak City LID dischargers connected within the LID, the City of Homer
65 shall bill Kachemak City in one single bill at the Lift-Station Zone Rate of \$89.05 (\$76.30 +\$5 +\$7.75)
66 per month per customer. Kachemak City shall be responsible for payment to the City of Homer.

67
68 Domestic sewer service customers who use large quantities of City water in addition to their domestic
69 use shall be allowed, with the Public Works Director's approval, to install an additional water meter on
70 the domestic water use line for the purpose of metering and charging for domestic sewer system use.
71 Sewer system use will be billed monthly.

72
73 The City will allow, upon approval by Public Works and a permit from the Public Works Department, a
74 second water usage meter – called a seasonal sewer meter – for each customer that desires to
75 measure the flow of City water that is not discharged to the sewer system during the summer growing
76 season, June 15 through September 15. Rates noted above do not apply.

77
78 Seasonal Sewer Meter Fee is \$251.75.

79
80 PASSED AND ADOPTED by the Homer City Council this ___ day of August, 2015.

81
82

83 CITY OF HOMER

84
85

86 _____
87 MARY E. WYTHE, MAYOR

88 ATTEST:
89

90
91 _____

92 JO JOHNSON, MMC, CITY CLERK

93
94 Fiscal information: N/A, existing budget
95



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 15-155

TO: Katie Koester, City Manager
FROM: Zhiyong Li, Finance Director
DATE: September 9, 2015
SUBJECT: Review on Water & Sewer Funds' Revenues and Expenditures

Three reports (charts and the supporting tables) are included in this memo.

Water & Sewer Funds: Revenues vs. Expenditures

Report I: This is the yearly comparison report for the past four years from 2011 through 2014. The Sewer Funds had an approximate \$90,000 deficit in 2014.

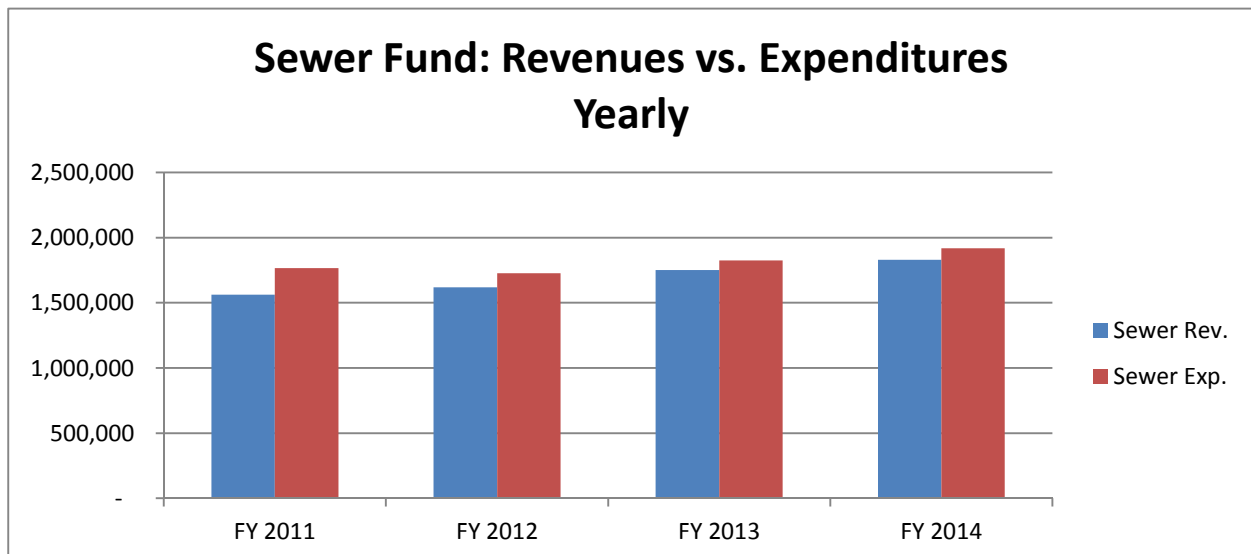
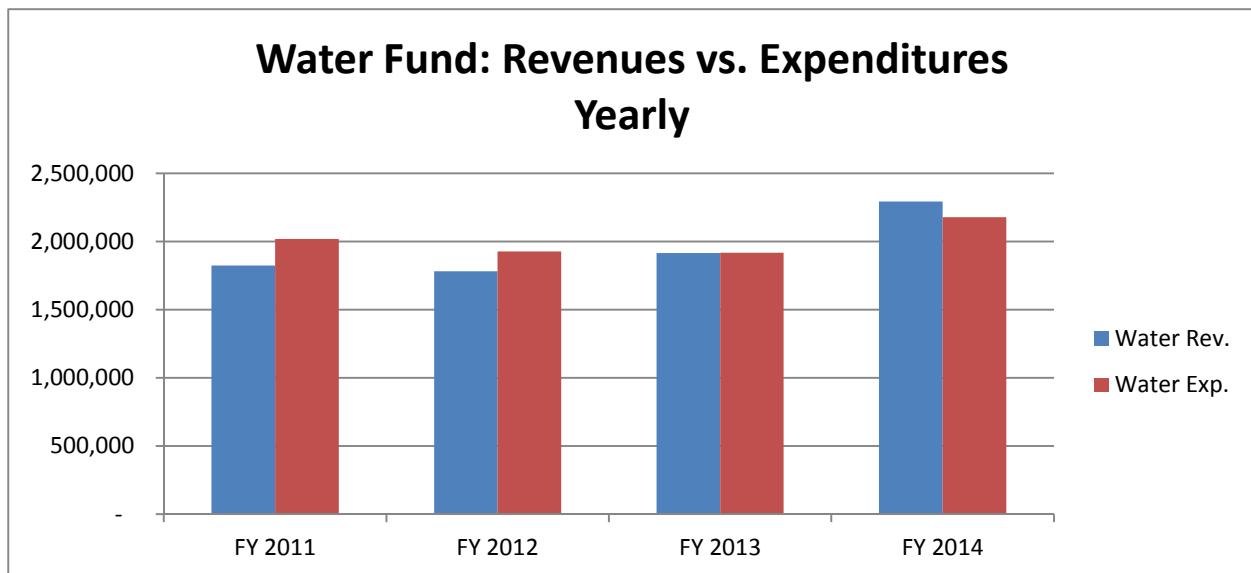
Report II: This is the first half –yearly (January through June) comparison report for the past five years from 2011 through 2015.

Report III: This is the second half-yearly (July through December) comparison report for the past four years from 2011 through 2014.

You will notice that although the first half of 2015 sewer chart shows a significant deficit (\$185,836) the trend is for revenue to outpace expenses for the second half of the year. I expect this trend to continue for 2015.

Yearly Comparison: Revenues vs. Expenditures

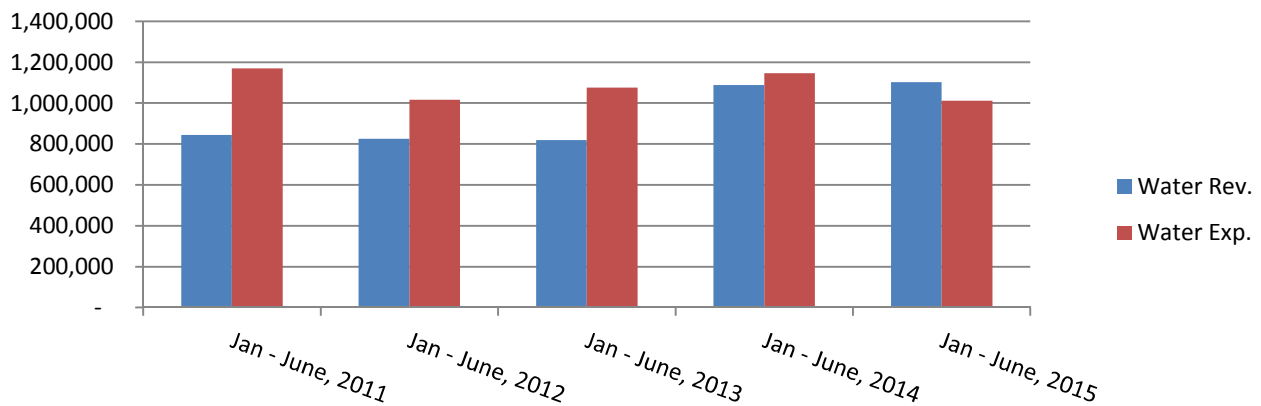
	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>FY 2014</u>
Water Fund Revenues	1,822,625	1,782,261	1,913,964	2,293,431
Water Fund Expenditures	(2,018,492)	(1,926,924)	(1,918,412)	(2,177,545)
Water: Revenues Over (Under) Expenditures	(195,867)	(144,663)	(4,448)	115,886
Sewer Fund Revenue	1,561,776	1,617,818	1,750,685	1,829,381
Sewer Fund Expenditure	(1,766,994)	(1,727,779)	(1,824,616)	(1,918,846)
Sewer: Revenues Over (Under) Expenditures	(205,218)	(109,962)	(73,931)	(89,465)
Water & Sewer: Total Revenues Over (Under) Expenditures	(401,085)	(254,625)	(78,378)	26,420



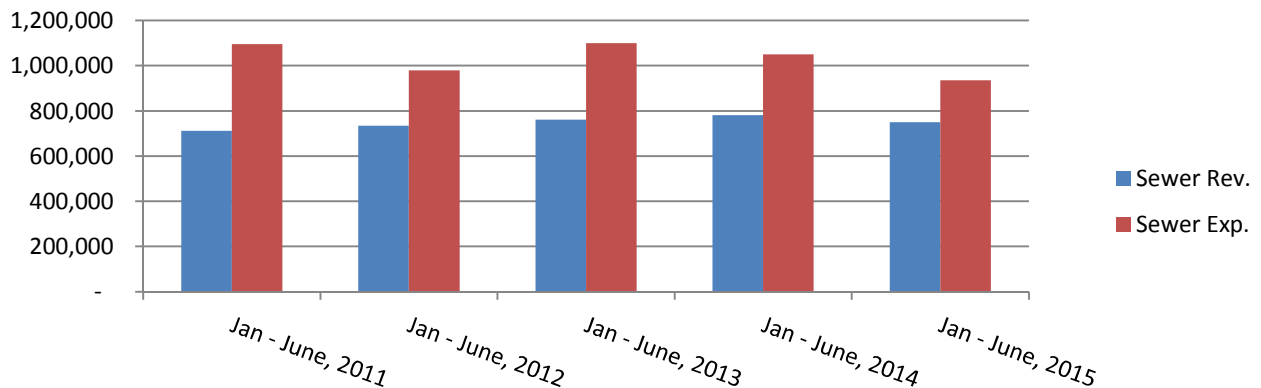
First Half of the Year: Revenues vs. Expenditures

	<u>Jan - June, 2011</u>	<u>Jan - June, 2012</u>	<u>Jan - June, 2013</u>	<u>Jan - June, 2014</u>	<u>Jan - June, 2015</u>
Water Fund Revenues	843,624	825,568	818,775	1,087,583	1,101,536
Water Fund Expenditures	(1,169,128)	(1,016,870)	(1,075,106)	(1,146,614)	(1,011,237)
Water: Revenues Over (Under) Expenditures	(325,504)	(191,302)	(256,331)	(59,030)	90,299
Sewer Fund Revenue	712,142	734,871	761,764	781,596	749,761
Sewer Fund Expenditure	(1,096,011)	(979,624)	(1,099,732)	(1,050,661)	(935,597)
Sewer: Revenues Over (Under) Expenditures	(383,869)	(244,753)	(337,968)	(269,065)	(185,836)
Water & Sewer: Total Revenues Over (Under) Expenditures	(709,373)	(436,055)	(594,299)	(328,095)	(95,537)

Water Fund: Revenues vs. Expenditures January through June

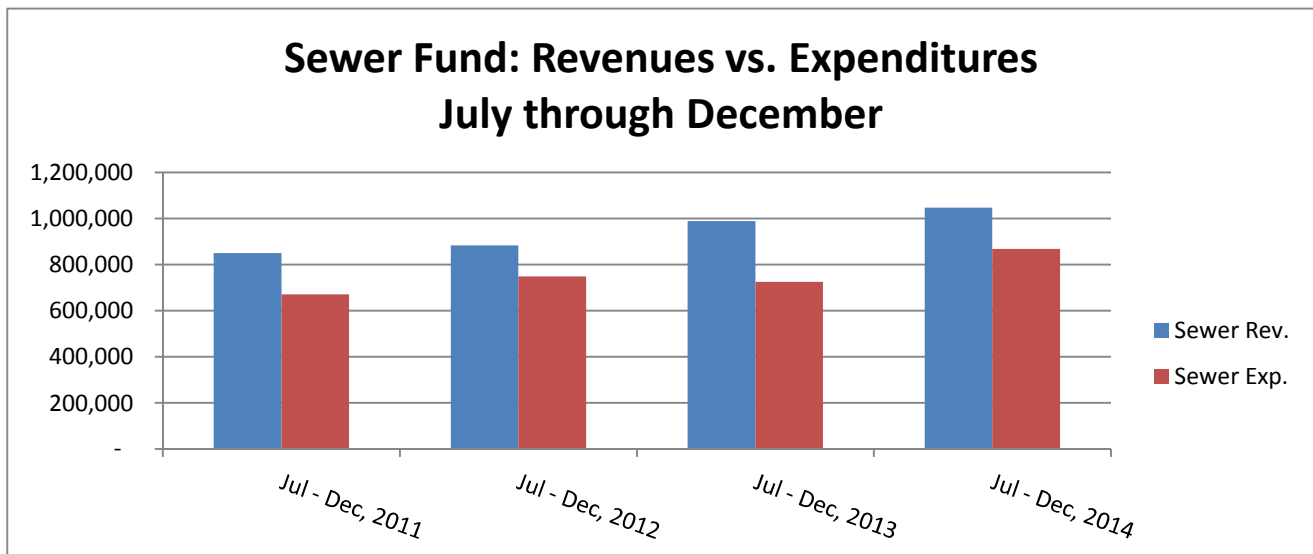
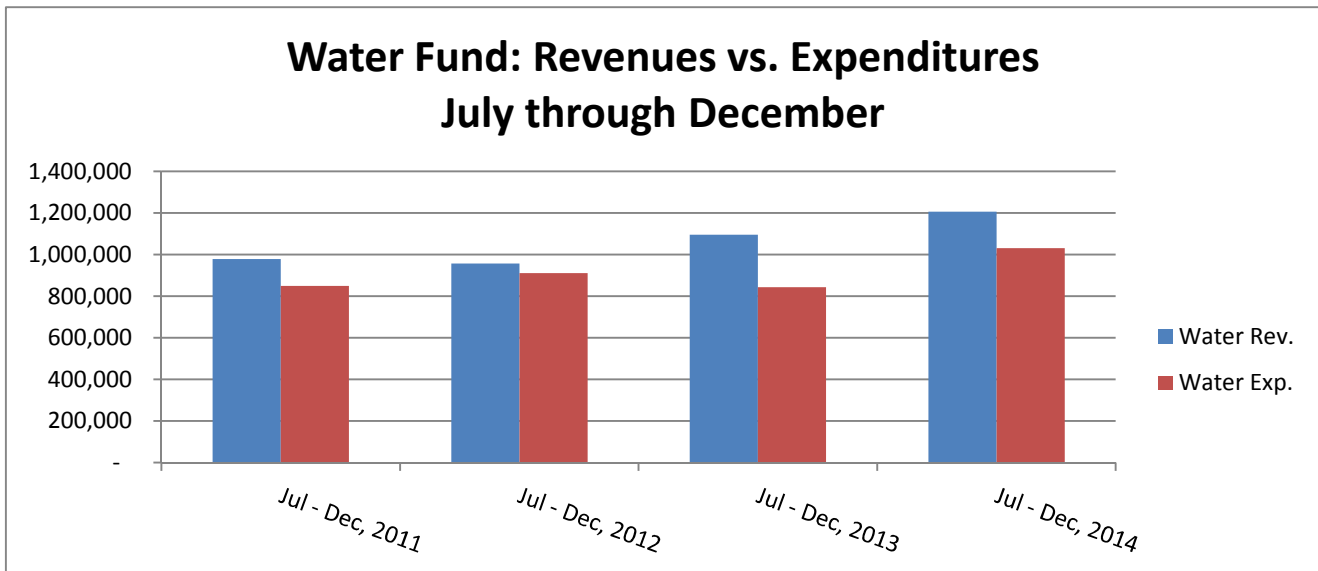


Sewer Fund: Revenues vs. Expenditures January through June



Second Half of the Year: Revenues vs. Expenditures

	Jul - Dec, 2011	Jul - Dec, 2012	Jul - Dec, 2013	Jul - Dec, 2014
Water Fund Revenues	979,001	956,693	1,095,189	1,205,848
Water Fund Expenditures	(849,364)	(910,055)	(843,305)	(1,030,931)
Water: Revenues Over (Under) Expenditures	129,637	46,639	251,883	174,916
Sewer Fund Revenue	849,634	882,947	988,921	1,047,784
Sewer Fund Expenditure	(670,983)	(748,155)	(724,884)	(868,185)
Sewer: Revenues Over (Under) Expenditures	178,651	134,792	264,037	179,599
Water & Sewer: Total Revenues Over (Under) Expenditures	<u>308,288</u>	<u>181,430</u>	<u>515,921</u>	<u>354,516</u>



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

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: September 9, 2015
SUBJECT: City Manager's Report

Letters of Support for Kachemak Bay State Park Trail Projects

Last year City Manager Wrede wrote a letter of support for Kachemak Bay State Parks to apply for a trail restoration project on the Saddle Trail through the Recreation Trail Grant (RTG) Program within AK State Parks. Phase 1 of the project is complete and the Park is requesting City support for another RTP grant to continue with Phase 2.

They are also requesting City support for a RTP Grant for the south end of the Moose Valley and Poot Peak Trails. I have included draft letters of support in the City Manager's report and will forward them on to the local State Park office with your approval.

Update on the Natural Gas Special Assessment District (SAD)

Memo 15-153 includes updates relating to the status of payments on individual parcels and the proposed grace period for the assessment deadline. However, there are other items related to the Natural Gas HSAD I would like to update the Council on.

First Loan Payment to Borough

The City of Homer made a payment to the Borough on August 31 (\$205,836 in interest and \$4,094,163 in principal). This represented almost a third of the total amount due (\$12.3M) and probably our single largest payment as we were able to combine the assessments that had been paid to date, including many in full, the free main allowance and the payments on City lots. The City will likely make another payment towards principal once the first payments are collected in an effort to minimize the amount of interest the City accrues. The City of Homer has paid \$586,977 in interest so far for 2015. Outstanding balance as of August 31, 2015 is \$8,265,224.

Change in Due date of Loan Payments

I will be asking the Council to request the Borough to change the date our loan payments are due from April 1 every year to September 1. The City collects payment on July 1, it does not make sense for us to hold on to the payments for 10 months and pay interest on them. The Borough has been very agreeable to this change and I expect to have an Ordinance before you at the next meeting.

Low Income Deferrals that Come in After September 1

Ordinance 13-07(A)(S) outlining the procedure for low income deferrals states that applications for a low income deferral are due on the first due date of the assessment for the first year and by April 15 every subsequent year. September 14 is the last date for the Council to consider low income deferrals that were filed in a timely manner for 2015. Subsequent years low income deferrals are due by April 15th. However, Ordinance 13-07(A)(S), does allow the City to waive the requirement to file a timely application for good cause. There is no provision that says the applicant must be in good standing. Therefore, the Clerk's Office will continue to forward low income deferral requests to Council.

CERT Class

Chief Painter will be conducting a Community Emergency Response Team (CERT) class starting at the end of September. The CERT Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. See the attached flyer for more information.

Homer Public Library Staff Increasing Skills

Homer Public Library employee Holly Brennan passed her Comp TIA+ test in Anchorage and now is certified in many aspects of IT services at the library. This means that the library has someone on staff to troubleshoot and help with IT issues. Congrats Holly!

Janitor Request for Proposal (RFP)

In an attempt to see if privatizing janitorial services could save the City money, the City Council authorized an RFP for janitorial services. Superintendent Dan Gardner details results of the RFP in the attached memo. Combined with the cost the City would incur in penalties from the state (PERS) for terminating a class of employees, it would not be economical to privatize janitorial services. Public Works will fill the vacant janitor position permanently, that has been filled with a temporary hire all summer. Janitorial staff has not increased at the City in years, meanwhile we have acquired hundreds of square feet of space: new Library, City Hall, Port and Harbor building, etc. Public Works is committed to finding ways to help the current staff keep up, including considering reducing the level of service at facilities with less traffic, such as City Hall.

Homer Best Place to Retire in Alaska According to SmartAsset

According to a study funded by SmartAsset, a financial technology company, Homer is the number one place to retire in Alaska. SmartAsset ranked the cities with the most recreational and social opportunities for retirees. Their index factors in the number of recreation centers and retirement centers available to seniors as well as what percentage of the city's population they represent.

Beach Policy Memo

As a follow up to the conversation surrounding City of Homer Beach Policy and the Kachemak Bay Critical Habitat Area, City Attorney Klinkner has drafted the attached memo, regulation of motorized vehicles on beaches.

ENC:

Letters of support for Kachemak Bay State Park trail grants

CERT flyer

Memo from Public Work's Superintendent Dan Gardner on Janitor RFP

SmartAsset email on Homer best place to retiree rank

Memo from City Attorney Klinkner: Regulation of Motorized Vehicles on Beaches



City of Homer

www.cityofhomer-ak.gov

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(p) 907-235-8121

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Alaska State Trails Program
RTP Grant Administrators
550 W. 7th Ave, Suite 1380
Anchorage AK 99501-3561

September 15, 2015

To Whom It May Concern,

I am writing to express the City of Homer's support for the Recreational Trail Grant proposal/application submitted by The Homer Office, Kenai Area of Alaska State Parks for Kachemak Bay State Park.

The Trails in Kachemak Bay State Park are highly valued by the people of Homer. This specific project, phase 2 of Saddle Trail re-route, includes re-routing a major section of the Saddle Trail. These improvements will reduce steep grades, implement erosion control measures and open up views to hikers. Improving this steep section of trail will increase access to our local State Park to user groups of all ages and abilities. The City of Homer supported Phase 1 of the Saddle Trail Re-route, which has been successfully completed.

I encourage the approval of this application to improve the Saddle Trail and increase access to Kachemak Bay State Park. Thank you for taking the time to consider this important project.

Sincerely,

Katie Koester

City Manager



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

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(f) 907-235-3140

Alaska State Trails Program
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September 15, 2015

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I am writing to express the City of Homer's support for the Recreational Trail Grant proposal/application submitted by The Homer Office, Kenai Area of Alaska State Parks for Kachemak Bay State Park.

The Trails in Kachemak Bay State Park are highly valued by the people of Homer. This project will rehabilitate the south end of the Moose Valley and Poot Peak trails. Vegetation has overtaken both trails, the hiking surface is currently sloughing away, and lack of trail markers in sub-alpine are making these trails difficult for the public to navigate. Clearing brush from the trail corridor, reconstructing tread in areas that are needed, realigning trail corridors out of wet areas onto nearby slopes, and installing trail markers will allow these important trails to be "re-opened" to the public. This would enable visitors to make a loop hike up Moose Valley, around Poot Peak, and back to their starting point in either Halibut Cove Lagoon or China Poot Lake.

I encourage the approval of this application to improve the south end of the Moose Valley and Poot Peak trails and increase access to Kachemak Bay State Park. Thank you for taking the time to consider this important project.

Sincerely,

Katie Koester

City Manager

Community Emergency Response Team Training

Description: The **Community Emergency Response Team (CERT)** Program educates people about disaster preparedness for hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. Using the training learned in the classroom and during exercises, CERT members can assist others in their neighborhood or workplace following an event when professional responders are not immediately available to help. CERT members also are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community.

Purpose: Educate community about disaster preparedness

Instructor: Robert L. Painter, BBA, MS, EFO, CEM®
Fire Chief/Director of Emergency Services

Target Audience: Open to All

Cost: FREE

Location: South Peninsula Hospital Training Center
203 West Pioneer Ave., Homer, AK 99603

Attendance Required at all Sessions

Monday, September 28: 6 – 10 pm

Unit 1: Disaster Preparedness
Unit 2: Fire Safety and Utility Control

Tuesday, September 29: 6 – 10 pm

Unit 2: Fire Safety and Utility Control, cont.
Unit 3: Disaster Medical Operations – Part 1

Wednesday, September 30: 6 – 10 pm

Unit 3: Disaster Medical Operations – Part 1 cont.
Unit 4: Disaster Medical Operations – Part 2

Thursday, October 1: 6-10 pm

Unit 5: Light Search & Rescue

Friday, October 2: 6-10 pm

Unit 6: CERT Organization
Unit 7: Disaster Psychology

Saturday, October 3: 9 am-4 pm

Unit 8: Terrorism & CERT
Unit 9: Course Review, Final Exam, & Disaster Exercise

For Registration:

Call: Homer Volunteer Fire Department
Non-Emergency Phone: 235-3155





CITY OF HOMER PUBLIC WORKS DEPARTMENT

Dan Gardner, PW Superintendent
3575 Heath St.
Homer, Alaska 99603

Telephone: (907)235-3170

Fax: (907)235-3145

EMAIL : dgardner@ci.homer.ak.us

Memorandum

To: Katie Koester, City Manager
From: Dan Gardner, PW Superintendent
Date: September 8, 2015
Subject: Janitorial Invitation to Bid Results

As you are aware, the City received bids for performing janitorial services on 9/3/15. On August 20, 2015, a mandatory walk-through of the buildings was performed with the three planholders that were planning to bid on the work. Bidders had the option to bid a lump sum to perform the janitorial services on all the city buildings, or they could bid cafeteria style on one or more buildings. The eight buildings included in the Invitation to Bid were – Airport Terminal, City Hall, Harbormaster Office, Library, Police Department, Port Maintenance, Public Works, Sewer Treatment Plant Operations.

Ultimately, only two bids were received. One bidder provided a lump sum bid for all buildings and the other bidder provided only individual bids for the Harbormaster Office and the Harbor Maintenance building. Bids were as follows:

- Alaska Bay Services – Lump Sum All Buildings \$193,000
- Protocol Alaska
 - Harbormaster Building \$14,630
 - Port Maintenance Building \$2,080

The bids received do not give the City a very useful tool in evaluating the privatization idea, but it does appear that there is no savings to go with the lump sum bid, and in reality, it looks as though it would cost more (FY2015 Janitorial budget is 168,018). I did speak with the third potential bidder and asked him why he didn't bid. This man has a cleaning company that currently cleans the local banks and various borough and other professional offices. He indicated that he didn't believe that he could do it for less than the city is currently paying and knew that he would have to gear up with additional personnel. He was figuring on acquiring three employees were he to do the work.

The other factor to consider is the penalties the City would incur from the State (PERS) by eliminating a class of employees. If the City eliminated both janitor positions, it would trigger a termination study. The City would incur an estimated onetime penalty of \$15,000 to \$25,000 and an estimated annual penalty of \$20,000. Based on the bids received and the termination study fines, it is my recommendation that we retain the two existing janitor positions.

From: Kara Gibson [<mailto:kgibson@smartasset.com>]
Sent: Tuesday, September 01, 2015 8:04 AM
To: Katie Koester
Subject: Study: Homer Has One of the Best Senior Social Scenes in Alaska

Hi Katie,

Retirement presents a chance for many Americans to meet new people and create new experiences and according to a new study Homer is among the best places to do it in Alaska. The study, by [SmartAsset](#), a financial technology company, ranked the [cities with the most recreational and social opportunities for retirees](#). SmartAsset’s index factors in the number of recreation centers and retirement centers available to seniors as well as what percentage of the city’s population they represent.

See where Homer ranks in Alaska on SmartAsset’s index below:

Rank	City	Tax	Doctors' Offices per 1,000 People	Recreation Centers per 1,000 People	Retirement Centers per 1,000 people	% of Seniors	Recreation & Social Index
1	Homer, AK	10.8%	3.8	1.2	3.4	13.3%	79.91
2	Wasilla, AK	5.1%	9.1	1.6	3.7	10.7%	71.89
3	Palmer, AK	3.6%	7.0	1.0	3.0	7.7%	64.52
4	Kenai, AK	9.4%	2.5	0.6	1.4	9.2%	63.81
5	Fairbanks, AK	4.0%	3.6	0.3	2.2	8.3%	59.17
6	Kodiak, AK	10.4%	2.1	0.2	2.9	8.4%	54.98
7	Ketchikan, AK	9.9%	1.2	0.1	3.0	8.5%	51.59
8	Juneau, AK	8.4%	1.5	0.1	1.1	8.3%	42.94
9	Anchorage, AK	3.6%	1.5	0.4	0.4	7.5%	40.07
10	Bethel, AK	9.4%	0.7	0.2	0.3	3.8%	24.32

These rankings functioned as part of SmartAsset’s greater study on the Best Cities to Retire in the US, released earlier this year. For a full look at the methodology and interactive map, you can visit the website:

<https://smartasset.com/retirement/retirement-calculator#US>

Please let me know if you would like any more information regarding the study, I would be happy to help. Thanks!

Cheers,
 Kara Gibson



Birch Horton Bittner & Cherot

a professional corporation

MEMORANDUM

**TO: KATIE KOESTER
CITY MANAGER, CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: REGULATION OF MOTORIZED VEHICLES ON BEACHES

FILE NO.: 506,742.1003

DATE: AUGUST 26, 2015

This memorandum supplements and replaces my memorandum of August 18, 2015, on this subject, providing supporting citations and a more detailed analysis of the relationship between City regulation of motorized vehicle use in beach areas and state regulation of activities in beach areas within the Kachemak Bay Critical Habitat Area ("KBCHA"). I begin by discussing what constitutes the "beach area" under the current Homer City Code and proposed Ordinance 15-29, the geographic terms conventionally used to categorize the components of the "beach area," and how those terms are related to property boundaries in the "beach area." I then describe state regulation of motorized vehicle use in the KBCHA, and compare it to the regulation of motorized vehicle use under proposed Ordinance 15-29.

What is the "Beach Area"? Both current HCC 19.16.020 and proposed Ordinance 15-29 define the term "beach area" to include "the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form." This definition differs from the usual categorization of areas along a shoreline: (i) the area below the elevation of mean low water, referred to as "submerged lands"; (ii) the area between the elevations of mean low water and mean high water, referred to as "tidelands"; and (iii) the area above the elevation of mean high water, referred to as "uplands".¹ The "beach area" as defined in HCC 19.16.020 and proposed Ordinance 15-29 begins at the elevation of mean low water—the boundary between submerged lands and tidelands—and extends landward to a "place where this is a marked change in material or physiographic form"—the bottom of road and other embankments on the Spit, and the toe of the bluff at most other locations—which includes uplands above the elevation of mean high water as well as tidelands.

¹ *City of Saint Paul v. State, Dept. of Natural Resources*, 137 P.3d 261, 262 (Alaska 2006).

Property Ownership in the “Beach Area.” Subject to the exception discussed below, the City owns the tidelands within the beach area,² while most of the uplands within the beach area are privately owned.³ In most cases, the boundary between tideland and upland property is “ambulatory,” moving seaward or landward with the erosion or accretion of material on the beach that determines the current mean high water line.⁴ The exception to this general rule occurs when the mean high water line changes as the result of a sudden subsidence or uplifting of the beach area caused by an event such as an earthquake. In such a case, the boundary of property ownership continues to be located at the mean high water line that existed before the sudden subsidence or uplifting event.⁵ This exception may affect property boundaries in beach areas in the City that experienced sudden subsidence during the 1964 earthquake. Where such subsidence occurred, the boundary of an upland parcel may extend seaward of the current mean high water line, resulting in private ownership of some beach areas that presently are tidelands. Determining the precise boundary of property ownership in such cases would require a detailed investigation of changes in the beach area topography at and after events such as the 1964 earthquake.

Regulation of Motorized Vehicle Use in the KBCHA. The KBCHA initially included all beach areas within the City that are below mean high water.⁶ In 2014, the legislature excluded certain areas on the north side of the Spit in and around the Homer Harbor from the KBCHA.⁷ This was done to accommodate the long-term docking of a jack-up rig at the Deep Water Dock, which it was believed otherwise would conflict with the regulations governing the KBCHA.⁸

Two regulations govern activities in the KBCHA. One regulation, 5 AAC 95.610, adopts by reference the goals and policies of the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (the “Plan”). Although the Plan provides that off-road use of motorized vehicles generally is not permitted in the KBCHA, the Plan states that it does not apply to City of Homer lands.⁹ Thus, the Plan’s provisions regarding off-road use of motorized vehicles do not apply to beach areas in the City.

² Before Alaska statehood, the federal government owned all of the tide and submerged lands in Alaska. Upon Alaska’s admission as a state, the Alaska Statehood Act transferred tide and submerged lands to the State of Alaska. *City of St. Paul*, 137 P.3d at 262 n. 1. The state later transferred to the City the tide and submerged lands located within the City limits.

³ Upland parcels owned by the City are identified in the City’s Land Allocation Plan.

⁴ *DeBoer v. United States*, 653 F.2d 1313, 1314-1315 (9th Cir. 1981).

⁵ *Honsinger v. State*, 642 P.2d 1352, 1354 (Alaska 1982).

⁶ AS 16.20.590(a).

⁷ Ch. 3 SLA 2014, enacting AS 16.20.590(b).

⁸ 5 AAC 95.420(a)(5) requires a special area permit for “natural resource or energy exploration, development, production or associated activities” in the KBCHA.

⁹ “The plan does not apply to federal or municipal lands within the critical habitat areas.” Plan, p. 1. “Both state land and private land are included in the critical habitat areas but

The other regulation, 5 AAC 95.420, requires a special permit from the Commissioner of Fish and Game to engage in certain activities in the KBCHA. Among those restricted activities is "off-road use of wheeled or tracked equipment unless the commissioner has issued a general permit under 5 AAC 95.770."¹⁰ The restrictions in 5 AAC 95.420 are not subject to an exception for City of Homer lands, and therefore apply within the beach areas in the City that lie within the KBCHA. However, the Commissioner of Fish and Game has invoked the exception in 5 AAC 95.420(a)(7) by issuing a general permit under 5 AAC 95.770 that permits the off-road use in the KBCHA of vehicles of 10,000 pounds or less gross vehicle weight on unvegetated tidelands below mean high tide in motorized vehicle corridors that extend westward from Bidarki Creek and eastward from Miller's Landing, to provide "normal personal and recreational transit."¹¹

Comparing Proposed Ordinance 15-29 to the KBCHA Regulations. Proposed Ordinance 15-29 would permit motorized vehicle use in beach areas (i) on the southern side of the Spit from October 1 through March 31, and (ii) by owners of property immediately adjacent to a beach area as reasonably necessary to maintain the owner's property, in accordance with the terms of a permit issued for that purpose by the chief of police. There are three distinct parts to the relationship between the permission of motorized vehicle use under proposed Ordinance 15-29 and the state's regulation of motorized vehicle use in the KBCHA:

- To the extent that Ordinance 15-29 permits motorized vehicle use in beach areas above the mean high water line, it does not conflict with the state's regulation of motorized vehicle use in the KBCHA, as beach areas above the mean high water line lie outside the KBCHA.
- To the extent that proposed Ordinance 15-29 permits motorized vehicle use in beach areas below the mean water line, it does not conflict with the Plan as incorporated in 5 AAC 95.610, because the Plan does not apply to City of Homer lands.
- The permission of motorized vehicle use in beach areas below the mean water line in proposed Ordinance 15-29 does conflict with 5 AAC 95.420(a)(7), which prohibits such use except under the general permit for motorized vehicle use in the areas west of Bidarki Creek and east of Miller's Landing.

TFK/lcj

municipal (City of Homer and City of Seldovia tidelands) and federal lands are not under critical habitat area authority." Plan, p. A-1.

¹⁰ 5 AAC 95.420(a)(7).

¹¹ Special Area Permit 15-V-0005-GP-SA, issued December 16, 2014.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: SEPTEMBER 9, 2015
SUBJECT: BID REPORT

ITB Nine Waddell Way Cabins Surplus Sale - Sealed bids for the purchase of one or more ***Waddell Way Cabins*** will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **2:00 PM, Thursday, September 24, 2015**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Plan holder registration forms and Surplus Sale Conditions and Bid Documents are available online at <http://www.cityofhomer-ak.gov/rfps>

CITY ATTORNEY REPORT



Birch Horton Bittner & Cherot
a professional corporation

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR AUGUST 2015

FILE NO.: 506,742.23

DATE: SEPTEMBER 9, 2015

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

City Council. Holly Wells and Katie Davies continued to research issues related to regulation of marijuana by the City, and delivered a presentation on this subject at the August 10 Council meeting.

City Manager. We researched and prepared a memorandum responding to questions regarding City taxation, and a memorandum regarding the taxation of internet sales. We drafted a response to correspondence regarding alleged trademark infringement. We advised the City Manager regarding the terms of a lease for a communications tower in the harbor area.

Natural Gas Assessments. We developed documents to be used to secure the payment of a deferred assessment. We drafted a resolution confirming the assessment roll for condominium units, and advised the City Manager and City Clerk regarding the procedure for confirming the assessment roll. We drafted amendments to the documents for the loan from the Kenai Peninsula Borough to change the schedule for loan payments.

Library. Katie Davies completed a memorandum regarding the regulation of First Amendment activities in and around the Library.

Parks & Recreation Department. We researched and drafted a memorandum on additional issues related to regulating the operation of motor vehicles on beach areas.

Griswold v. City of Homer (Appeal of CUP 14-05). Katie Davies briefed the City's opposition to Mr. Griswold's appeal from the Board of Adjustment decision that he did not have standing to appeal the approval of Conditional Use Permit 14-05.

I will be available to answer questions regarding these matters at the September 14, 2015, Council meeting.

cc: Katie Koester
Jo Johnson

TFK/

COMMITTEE REPORTS

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
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.

Sponsor: Planning

1. City Council Special Meeting June 29, 2015 Introduction
 - a. Memorandum 15-100 from City Planner as backup w/attachments: Ordinance 15-23, staff reports, excerpts of Planning Commission meetings of 4/16/14, 8/06/14, 8/20/14, 9/03/14, 9/17/14, 10/15/14, 11/05/14, 1/21/15, 2/18/15, 3/18/15, and 4/15/15
2. City Council Regular Meeting July 27, 2015 Public Hearing and Second Reading
 - a. Memorandum 15-100 from City Planner as backup (Backup is in June 29 council packet)
3. City Council Regular Meeting September 14, 2015 Second Reading
 - a. Memorandum 15-100 from City Planner as backup (Backup is in June 29 council packet)
 - b. Memorandum 15-148 from City Planner as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 15-23

5 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
6 HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING
7 STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK
8 WATERSHED PROTECTION DISTRICT.
9

10 THE CITY OF HOMER ORDAINS:
11

12 Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:
13

14 21.40.070 Requirements. The requirements of this section shall apply to all structures
15 and uses in the BCWP district unless more stringent requirements are required pursuant to
16 Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.
17

18 a. Impervious Coverage.

19 1. Lots two and one-half acres and larger shall have a maximum total
20 impervious coverage of 4.2 percent.

21 2. Lots smaller than two and one-half acres shall have a maximum total
22 impervious coverage of 4.2 percent, except as provided in subsection (a)(3) of this
23 section.

24 3. Lots smaller than two and one-half-acres may be allowed impervious
25 coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan
26 for ~~the City Planner's~~ ~~Planning Commission's~~ approval, and (b) if approved,
27 thereafter implements and continuously complies with the approved plan. The
28 mitigation plan must be designed to mitigate the effect of impervious coverage on
29 water flow and the effect of loss of vegetation created by the impervious coverage and
30 **shall comply with the following performance standards:**

31 **a. Disturbed areas shall be reseeded by August 31st**

32 **b. Storm water retention for the proposed new impervious surface**
33 **must be provided on site.**

34 **1. The post-development stormwater discharge rate shall**
35 **not exceed the pre-development peak discharge rate (PDR) for the**
36 **10-year frequency storm event, consisting of rainfall for a period of**
37 **three consecutive hours at a rate of one-half inch per hour.**

38 **2. Retention may be provided in the form of one or a**
39 **combination of dry wells, rain barrels, rain gardens, foot drain**
40 **retention or other method approved by the City Planner.**

41 **c. For the purpose of calculating impervious coverage for mitigation**
42 **plans on lots smaller than two-and one-half-acres, driveways and**

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

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walkways may be calculated as 70% impervious and structures as 90% impervious.

~~b. Impervious Coverage Calculations.~~

~~1. For the purpose of calculating impervious coverage on lots smaller than two and one half acres, driveways and walkways may be partially or fully excluded from the calculation, if constructed and maintained in accordance with a mitigation plan, submitted and approved in accordance with subsection (a)(3) of this section.~~

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____

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



City of Homer

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Planning

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Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 15-100

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 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

For approximately one year the Planning Commission has discussed the Bridge Creek Watershed Protection District (BCWPD). The commission considered increasing the amount of impervious coverage from the current allowance. After the testimony received from two public hearings, where every property owner in the watershed was sent direct notification, the Commission decided against an increase. The Planning Commission's draft ordinance does allow development proposals in the district (those eligible to exceed 4.2% impervious coverage) to be completed with less delay and clarifies a more uniform procedure for impervious surface mitigation.

Non-ordinance recommendation for the BCWPD

1. Platting fees be waived when vacating lines to increase lot sizes.
2. Increase City efforts to purchase one property a year.
3. Examine ditch cleaning policies and work with DOT on Skyline Drive maintenance including minimizing road ditch clearing to minimize possible negative effects to the watershed.
4. Ask Public Works not to use calcium chloride for dust control.

Current Procedure

All lots in the BCWPD are allowed up to 4.2% of impervious coverage, lots smaller than 2.5 acres are allowed to provide mitigation for review at the Planning Commission for up to 6.4% of impervious coverage. The standards for mitigation are not defined in code. Taking the plan to the Commission incurs additional time compared to standard permits that may be issued by the Planning Department. Not having defined standards for the calculation of mitigation leads to staff suggesting the measures which then need to be 'sold' to the Commission. There is little consistency between mitigation plans or outcomes and this creates a lot of uncertainty for developers.

Proposed Amendments

- 1.) The Commission recommends that the City Planner review and approve mitigation plans without having to go before the Commission.

- 2.) Reseeding is prescribed by a date specific so that vegetation has an opportunity to be established before the winter and the opportunity for runoff is decreased.
- 3.) Standards are proposed for design of the mitigation plan. The storm water event that is defined as the same that is required elsewhere in code, rainfall at a rate of 1.5 inches per hour for 3 hours. While common methods of approved retention forms are listed, others may be approved.
- 4.) The calculation of impervious surface for the purpose of mitigation is based on professional engineering standards. Prescribed calculations for typical driveways, walkways, and structures are those an engineer uses to create an appropriate mitigation plan. Other methods still have an option for other calculations in case someone wanted to install a 'green roof' or other non-typical measure.

Eliminated is the subjective nature of partially excluding driveways without having any specific expectations. Currently, the commission may decide to grant someone some sort of exclusion, but they have no standards in code for this provision. This leads to inconsistency among applicants and can alter the carefully thought out provisions for impervious throughout the district.

The proposed amendment was a subject on 12 Planning Commission meetings. The meetings of the October 15th, November 5th and April 15th were public hearings where the entire Bridge Creek Watershed Protection District was sent a notice. While testimony was varied, a great deal was against creating the opportunity for additional impervious coverage. Allowing the Planner to process permits was universally accepted.

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. Standards for mitigation calculation are more certain than current policy.

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

Staff response: The public health, safety and welfare is promoted in the creation of targeted standards to help mitigate potential negative impacts on the Bridge Creek Reservoir.

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, 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.

Att.

1. Proposed draft ordinance
2. Staff Reports with attachments
3. Excerpts of Planning Commission minutes



City of Homer

www.cityofhomer-ak.gov

Planning

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(f) 907-235-3118

Memorandum 15-148

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH KATIE KOESTER, CITY MANAGER
FROM: RICK ABOUD, CITY PLANNER
DATE: AUGUST 26, 2015
SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

After reviewing an amendment made by the Planning Commission, I have found a technical difficulty that needs to be addressed prior to presenting the ordinance to the City Council. Changes in the ordinance would require another public hearing at the Commission level. I respectfully request that the City Council postpone this agenda item until all due process is completed by the Planning Commission. I do not expect to have any more development proposals in the district this season.

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

clerk@cityofhomer-ak.gov

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Memorandum 15-149

TO: MAYOR AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: SEPTEMBER 8, 2015
SUBJECT: DEFERRED ASSESSMENT FOR LOWE, WILLIAMS, WEEKS, PREVOST, KRATZ, GORDON, AND BUSHELL FOR THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Bryan and Lynette Lowe have applied for an assessment deferment for Kenai Peninsula Borough (KPB) Parcel Number 17931044.

Stephanie Williams has applied for an assessment deferment for KPB Parcel Number 17510214.

Linda Weeks has applied for an assessment deferment for KPB Parcel Number 17710415.

Marilyn Prevost has applied for an assessment deferment for KPB Parcel Number 17902084.

Nancy Kratz has applied for an assessment deferment for KPB Parcel Number 17931008.

Victoria Gordon has applied for an assessment deferment for KPB Parcel Number 17511120.

John and Sharon Bushell have applied for an assessment deferment for KPB Parcel Number 17518213.

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 Lowe, Williams, Weeks, Prevost, Kratz, Gordon, and Bushell applications for natural gas assessment deferment. Take action to approve or disapprove the application.

Fiscal Impact: \$22,839.39 unpaid balance.



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

Natural Gas Special Assessment District Deferment Request

Date Application Received by Finance
Department/Department Personnel Initials

 8/24/2015

PARCEL #: 179-310-44

APPLICANT NAME(S) Bryan Lowe (disabled), Lynette Lowe (spouse)

Note: Robert Litfin is a co-signer on mortgage, + his name is on the parcel as a result; but he has no further obligation than that. ~~The~~ All responsibility for mortgage, taxes, etc. falls to owners + occupants Bryan + Lynette Lowe

MAILING ADDRESS: 4604 Rochelle Rd

CITY, STATE, ZIP Homer, AK 99603

PLEASE CHECK ALL THAT APPLY

- SINGLE FAMILY DUPLEX MOBILE HOME CONDOMINIUM APARTMENT
 - OWNER/PURCHASER OF RECORD LIFE ESTATE PART OWNER OF RECORD
 - % OWNERSHIP
- 4 members in household*

PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

- UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT MOST RECENT TAX RETURN
- THREE MOST RECENT PAY STUBS OTHER

IDENTIFICATION SUBMITTED -
MUST BE GOVERNMENT ISSUED
WITH PHOTOGRAPH

- DRIVERS LICENSE MILITARY
- STATE ID CARD PASSPORT

I (We) hereby apply for deferment for the special assessment on my property as provided in HCC 17.04.190 and understand that the deferment establishes a lien on the property in favor of the City of Homer and further understand that I must apply for this deferment by April 15th of each following year.



SIGN THIS FORM BEFORE A NOTARY PUBLIC

I, (We) the undersigned, certify that I, (We) have read this application and the answers given are true and correct to the best of my knowledge. I, (We) understand that willful misstatement is subject to punishment by fine under HCC 1.16.010

Bryan O. Lowe
SIGNATURE Applicant

DATE 8/24/15

Lynette Lowe 8/24/15
SIGNATURE Co-Applicant/Spouse/Owner

DATE 8/24/15

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 24 day of August, 20 15, before me the undersigned Notary Public, and sworn as such, personally appeared

Bryan Lowe and

Lynette Lowe, who is known to be the

individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL)



Amanda Fraley
NOTARY PUBLIC
MY COMMISSION EXPIRES 12-7-2017



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

August 27, 2015

Bryan & Lynette Lowe
4604 Rochelle Road
Homer, AK 99603

Dear Mr. & Mrs. Lowe,

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

On September 14, 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



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

Natural Gas Special Assessment District Deferment Request

126 2015 PH03:28 *pk*

Date Application Received by Finance
Department/Department Personnel Initials

[Signature] 8/27/15

PARCEL #: 175-102-14

APPLICANT NAME(S) Stephanie Williams

MAILING ADDRESS: 960 Southview

CITY, STATE, ZIP Homer, AK. 99603

PLEASE CHECK ALL THAT APPLY

SINGLE FAMILY DUPLEX MOBILE HOME CONDOMINIUM APARTMENT

OWNER/PURCHASER OF RECORD LIFE ESTATE PART OWNER OF RECORD

% OWNERSHIP

PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT

MOST RECENT TAX RETURN

THREE MOST RECENT PAY STUBS / *None*

OTHER *Self employed - cleaning p/t*

IDENTIFICATION SUBMITTED -
MUST BE GOVERNMENT ISSUED
WITH PHOTOGRAPH

AK 1006702
DRIVERS LICENSE
 STATE ID CARD

MILITARY
 PASSPORT

I (We) hereby apply for deferment for the special assessment on my property as provided in HCC 17.04.190 and understand that the deferment establishes a lien on the property in favor of the City of Homer and further understand that I must apply for this deferment by April 15th of each following year.



SIGN THIS FORM BEFORE A NOTARY PUBLIC

I, (We) the undersigned, certify that I, (We) have read this application and the answers given are true and correct to the best of my knowledge. I, (We) understand that willful misstatement is subject to punishment by fine under HCC 1.16.010

Stephanie Williams
SIGNATURE Applicant

SIGNATURE Co-Applicant/Spouse/Owner

DATE 8/26/15

DATE _____

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 26th day of August, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared Stephanie Williams and

_____, who is known to be the individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL)

NOTARY PUBLIC
BOBBIE R KRAUSE
STATE OF ALASKA
My Commission Expires August 6, 2019

Bobbie R Krause
NOTARY PUBLIC
MY COMMISSION EXPIRES 08/06/19



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

August 27, 2015

Stephanie Williams
960 Soundview
Homer, AK 99603

Dear Ms. Williams,

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

On September 14, 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



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

Natural Gas Special Assessment District Deferment Request

AUG 25 2015 PM 04:42 *Re.*

Date Application Received by Finance
Department/Department Personnel Initials

[Signature] 8/25/15

PARCEL #: 17710415

APPLICANT NAME(S) LINDA L WEEKS

MAILING ADDRESS: 542 Grubstake Ave

CITY, STATE, ZIP Homer AK 99603

PLEASE CHECK ALL THAT APPLY

- SINGLE FAMILY DUPLEX MOBILE HOME CONDOMINIUM APARTMENT
- OWNER/PURCHASER OF RECORD LIFE ESTATE PART OWNER OF RECORD
- % OWNERSHIP

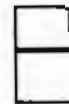
PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

- UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT MOST RECENT TAX RETURN
- THREE MOST RECENT PAY STUBS OTHER

IDENTIFICATION SUBMITTED -
MUST BE GOVERNMENT ISSUED
WITH PHOTOGRAPH



DRIVERS LICENSE
STATE ID CARD



MILITARY
PASSPORT

I (We) hereby apply for deferment for the special assessment on my property as provided in HCC 17.04.190 and understand that the deferment establishes a lien on the property in favor of the City of Homer and further understand that I must apply for this deferment by April 15th of each following year.



SIGN THIS FORM BEFORE A NOTARY PUBLIC

I, (We) the undersigned, certify that I, (We) have read this application and the answers given are true and correct to the best of my knowledge. I, (We) understand that willful misstatement is subject to punishment by fine under HCC 1.16.010

Linda L Weeks
Linda L Weeks

SIGNATURE

Applicant

SIGNATURE

Co-Applicant/Spouse/Owner

DATE

7/19/2015 8/25/15

DATE

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

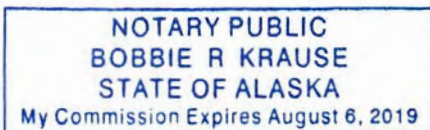
THIS IS TO CERTIFY, that on the 25th day of August, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared

Linda L Weeks and

_____, who is known to be the individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL)



Bobbie R Krause
NOTARY PUBLIC
MY COMMISSION EXPIRES 08/06/19



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

August 27, 2015

Linda L Weeks
542 Grubstake Avenue
Homer, AK 99603

Dear Ms. Weeks,

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

On September 14, 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



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

Natural Gas Special Assessment District Deferment Request

Date Application Received by Finance
Department/Department Personnel Initials

[Signature] 8/28/15

PARCEL #: 179-020-84

AUG 28 2015 10:34

APPLICANT NAME(S) Marilyn V. Prevost

MAILING ADDRESS: P.O. Box 121

CITY, STATE, ZIP Homer, AK 99603

PLEASE CHECK ALL THAT APPLY

- SINGLE FAMILY DUPLEX MOBILE HOME CONDOMINIUM APARTMENT
- OWNER/PURCHASER OF RECORD LIFE ESTATE PART OWNER OF RECORD
- % OWNERSHIP

PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

- UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT MOST RECENT TAX RETURN
- THREE MOST RECENT PAY STUBS OTHER

IDENTIFICATION SUBMITTED -
MUST BE GOVERNMENT ISSUED
WITH PHOTOGRAPH

- DRIVERS LICENSE MILITARY
- STATE ID CARD PASSPORT

I (We) hereby apply for deferment for the special assessment on my property as provided in HCC 17.04.190 and understand that the deferment establishes a lien on the property in favor of the City of Homer and further understand that I must apply for this deferment by April 15th of each following year.



SIGN THIS FORM BEFORE A NOTARY PUBLIC

I, (We) the undersigned, certify that I, (We) have read this application and the answers given are true and correct to the best of my knowledge. I, (We) understand that willful misstatement is subject to punishment by fine under HCC 1.16.010

Marilyn V. Prevost
SIGNATURE Applicant

SIGNATURE Co-Applicant/Spouse/Owner

DATE Aug. 28, 2015

DATE _____

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

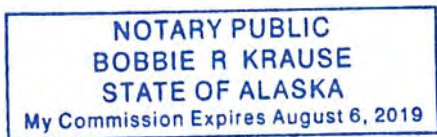
THIS IS TO CERTIFY, that on the 28th day of August, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared

Marilyn V. Prevost and

_____, who is known to be the individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL)



Bobbie R Krause
NOTARY PUBLIC
MY COMMISSION EXPIRES 08/06/19



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

August 28, 2015

Marilyn V Prevost
P.O. Box 121
Homer, AK 99603

Dear Ms. Prevost,

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 September 14, 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



City of Homer

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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

Natural Gas Special Assessment District Deferment Request

Date Application Received by Finance
Department/Department Personnel Initials

[Signature] 08/31/2015
Monday August 31st 2015

179-310-08

PARCEL #: Lot 14 Block 1 meadowood place Subdivision

APPLICANT NAME(S) Nancy Rae Kratz

MAILING ADDRESS: 4631 Sabrina Road

CITY, STATE, ZIP Homer, Alaska 99603

PLEASE CHECK ALL THAT APPLY

- SINGLE FAMILY DUPLEX MOBILE HOME CONDOMINIUM APARTMENT
- OWNER/PURCHASER OF RECORD LIFE ESTATE PART OWNER OF RECORD
- % OWNERSHIP

PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

- UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT MOST RECENT TAX RETURN
- THREE MOST RECENT PAY STUBS OTHER

IDENTIFICATION SUBMITTED -
MUST BE GOVERNMENT ISSUED
WITH PHOTOGRAPH

- DRIVERS LICENSE MILITARY
- STATE ID CARD PASSPORT

I (We) hereby apply for deferment for the special assessment on my property as provided in HCC 17.04.190 and understand that the deferment establishes a lien on the property in favor of the City of Homer and further understand that I must apply for this deferment by April 15th of each following year.



SIGN THIS FORM BEFORE A NOTARY PUBLIC

I, (We) the undersigned, certify that I, (We) have read this application and the answers given are true and correct to the best of my knowledge. I, (We) understand that willful misstatement is subject to punishment by fine under HCC 1.16.010

Nancy R Kratz
SIGNATURE Applicant

Kalyn Kratz
SIGNATURE Co-Applicant/Spouse/Owner
witness for notary

DATE Aug 31st 2015

DATE 8-31-15



STATE OF ALASKA
THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 31st day of August, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared

Nancy R Kratz and

Kalyn Kratz as witness, who is known to be the

individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL)



Melissa Jacobsen
NOTARY PUBLIC
MY COMMISSION EXPIRES 9/8/16



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

August 31, 2015

Nancy Kratz
4631 Sabrina Road
Homer, AK 99603

Dear Ms. Kratz,

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 September 14, 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



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
AUG (f) 907-235-3143

Natural Gas Special Assessment District Deferment Request

AUG 25 2015 10:02 AM *pk*

Date Application Received by Finance
Department/Department Personnel Initials

[Signature] 8/21/2015

PARCEL #: 175-111-20

APPLICANT NAME(S) Victoria P. Gordon

MAILING ADDRESS: 4046 Mullikin St

CITY, STATE, ZIP Homer, Ak 99603

PLEASE CHECK ALL THAT APPLY

- SINGLE FAMILY DUPLEX MOBILE HOME CONDOMINIUM APARTMENT
- OWNER/PURCHASER OF RECORD LIFE ESTATE PART OWNER OF RECORD
- % OWNERSHIP

PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

- UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT MOST RECENT TAX RETURN
- THREE MOST RECENT PAY STUBS OTHER

IDENTIFICATION SUBMITTED -
MUST BE GOVERNMENT ISSUED
WITH PHOTOGRAPH

- DRIVERS LICENSE MILITARY
- STATE ID CARD PASSPORT

I (We) hereby apply for deferment for the special assessment on my property as provided in HCC 17.04.190 and understand that the deferment establishes a lien on the property in favor of the City of Homer and further understand that I must apply for this deferment by April 15th of each following year.



SIGN THIS FORM BEFORE A NOTARY PUBLIC

I, (We) the undersigned, certify that I, (We) have read this application and the answers given are true and correct to the best of my knowledge. I, (We) understand that willful misstatement is subject to punishment by fine under HCC 1.16.010

Victoria P Gordon
SIGNATURE Applicant

SIGNATURE Co-Applicant/Spouse/Owner

DATE 8/23/15

DATE _____

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 25th day of August, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared Victoria P. Gordon and _____, who is known to be the individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL)

NOTARY PUBLIC
BOBBIE R KRAUSE
STATE OF ALASKA
My Commission Expires August 6, 2019

Bobbie R Krause
NOTARY PUBLIC
MY COMMISSION EXPIRES 08/06/19



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

August 31, 2015

Victoria Gordon
4046 Mullikin St.
Homer, AK 99603

Dear Ms. Gordon,

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 September 14, 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



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

Natural Gas Special Assessment District Deferment Request

Date Application Received by Finance
Department/Department Personnel Initials

[Signature] 9/8/2015
Originally Approved
on 8/28/15
[Signature]

PARCEL #: 175-182-13

APPLICANT NAME(S) John Bushell
Sharon Bushell

MAILING ADDRESS: 534 Hidden Way

CITY, STATE, ZIP Homer, AK 99603

PLEASE CHECK ALL THAT APPLY

- SINGLE FAMILY DUPLEX MOBILE HOME CONDOMINIUM APARTMENT
- OWNER/PURCHASER OF RECORD LIFE ESTATE PART OWNER OF RECORD
- % OWNERSHIP

PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

- UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT MOST RECENT TAX RETURN
- THREE MOST RECENT PAY STUBS OTHER

IDENTIFICATION SUBMITTED -
MUST BE GOVERNMENT ISSUED
WITH PHOTOGRAPH

- DRIVERS LICENSE MILITARY
- STATE ID CARD PASSPORT

I (We) hereby apply for deferment for the special assessment on my property as provided in HCC 17.04.190 and understand that the deferment establishes a lien on the property in favor of the City of Homer and further understand that I must apply for this deferment by April 15th of each following year.



SIGN THIS FORM BEFORE A NOTARY PUBLIC

I, (We) the undersigned, certify that I, (We) have read this application and the answers given are true and correct to the best of my knowledge. I, (We) understand that willful misstatement is subject to punishment by fine under HCC 1.16.010

John Bushell
John Bushell
SIGNATURE Applicant

Sharon L. Bushell
Sharon L. Bushell
SIGNATURE Co-Applicant/Spouse/Owner

DATE 08/28/2015

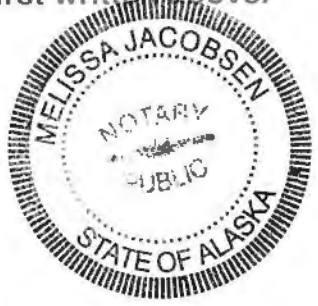
DATE 8/28/2015

STATE OF Alaska
Third JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 28 day of August, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared John Bushell and Sharon Bushell, who is known to be the individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL)



Melissa Jacobsen
NOTARY PUBLIC
MY COMMISSION EXPIRES 9/18/16

To the City of Homer
Regarding Natural Gas Distribution Special Assessment
Ordinance 13-02

From: John and Sharon Bushell (534 Hidden Way since 1984)


We are asking for a deferment for both lots 175-182-12 and 175-182-13

- 1- We can't afford this assessment, as is obvious by viewing the attached financial documents.
- 2- We will never tie-in to the gas line and switch over from our current use of oil.
- 3- They are two separate lots but we purchased and have always maintained them as one. They have been our home and yard for over thirty years. We have never combined the two lots into one because we have never been able to afford it and have never found it necessary.
- 4- We started our mortgage in 1984 for the house. It is not paid off yet.
- 5- We took out a home-equity loan to pay off the lot and other debts. It is not paid off yet.
- 6- Our house and appliances are too old for converting to gas.
- 7- Our yard (the other lot requesting deferment) will always remain our yard with no structure except for the little shed that Ralph Cowles built in 1958.

We humbly beg the city to allow us the deferment for both lots for the above reasons. We will be happy to discuss our situation with members of the council. When Sharon and I moved to Homer in 1984, we made the decision to make our first home purchase a home that we would retire in.

Please make our retirement years financially less stressful.

Sincerely,


John W. Bushell
(907) 399-0716


Sharon L. Bushell

08/28/2015



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

August 28, 2015

John and Sharon Bushell
534 Hidden Way
Homer, AK 99603

Dear Mr. and Mrs. Bushell,

I have reviewed your application to defer the assessments on both of your parcels for the natural gas special assessment district. At this time your income meets the amount allowed for a deferral on parcel 17518213, where you currently reside.

The rules for allowing a deferment of assessment payments are very strict. You must permanently reside in a single-family dwelling on the property. There is no allowance for a deferment on parcel 17518212 since it does not include your single-family dwelling. Because you do not qualify for the deferral on this parcel the \$3,265.77 assessment is due on or before September 1, or a payment of \$405.27 is due by September 1, 2015.

On September 14, 2015 the Homer City Council will be reviewing your request for deferral of assessment. Although your income does qualify for parcel 17518213, 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 your letter you provided. It will not include the supporting financial and identification 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

RESOLUTIONS

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

3 City Manager

4 **RESOLUTION 15-081**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 CONFIRMING THE ASSESSMENT ROLL FOR CONDOMINIUM
8 UNITS IN THE HOMER NATURAL GAS DISTRIBUTION SPECIAL
9 ASSESSMENT DISTRICT, AND ESTABLISHING DELINQUENCY,
10 PENALTY AND INTEREST PROVISIONS FOR THOSE SPECIAL
11 ASSESSMENTS.
12

13 WHEREAS, Council adopted Ordinance 13-02 on February 11, 2013 creating the City of
14 Homer Natural Gas Distribution Special Assessment District (“District”); and
15

16 WHEREAS, The actual costs of the improvement, including construction cost and the
17 amounts required for administrative costs, bond counsel fees, reserves and related costs are
18 \$3,237.14 per parcel; and
19

20 WHEREAS, By Resolution 15-017, adopted March 23, 2015, the City confirmed the
21 assessment roll for the District; and
22

23 WHEREAS, On April 3, 2015, the Superior Court in *Castner v. City of Homer, et al.*, Case
24 No. 3HO-13-00038CI, ruled that the City’s method of assessing condominium units in the
25 District was unlawful, and the Alaska Supreme Court denied a Petition for Review of this
26 ruling; and
27

28 WHEREAS, The City has prepared a new assessment roll for condominium units in the
29 District, with assessments that comply with the Superior Court’s decision; and
30

31 WHEREAS, All record owners of condominium units in the District were mailed notice
32 of their assessments, of the right to object to the assessments, and notice of a public hearing
33 on the assessment roll to be held on September 14, 2015, not less than 15 days before the
34 hearing; and
35

36 WHEREAS, The Council held a public hearing on the assessment roll on September 14,
37 2015, at which time all the written objections to the assessment roll were considered and all
38 persons present who objected in writing were given the opportunity to be heard; and
39

40 WHEREAS, The Council has corrected all errors and inequalities in the assessment roll,
41 and finds that the assessment roll should be confirmed.
42

43 NOW, THEREFORE, BE IT RESOLVED that the final assessment roll for condominium
44 units in the District as presented by the City Clerk and reviewed and corrected where
45 necessary, which is attached hereto as Attachment A, is hereby confirmed as the official
46 assessment roll for condominium units in the Homer Natural Gas Distribution Special
47 Assessment District and the Mayor and Clerk are authorized and directed to sign the same.
48

49 BE IT FURTHER RESOLVED that in accordance with HCC 19.04.090, the City shall
50 prepare assessment statements for all assessed condominium units in the District, which
51 shall be submitted to the Superior Court for approval as provided in the Stipulated Motion for
52 Stay in *Castner v. City of Homer, et al.* Upon the Superior Court's approval of the assessment
53 statements, the Finance Director shall mail the assessment statements to property owners
54 and publish notice of mailing the statements as required by HCC 17.04.090(b).
55

56 BE IT FURTHER RESOLVED, that on or before 5:00 p.m. on December 15, 2015, all
57 assessments of condominium units in the Homer Natural Gas Distribution Special Assessment
58 District shall become due and payable in full. An optional installment payment plan is offered
59 whereby any assessment of a condominium unit in an amount exceeding \$405.27 may be
60 paid in yearly installments of principal plus interest of four percent (4%) per annum on the
61 unpaid balance of the assessment, with each installment of principal plus interest being
62 equal to the lesser of \$405.27 and the amount of the outstanding principal of the assessment
63 plus accrued interest. The first such installment shall be due and payable on or before 5:00
64 p.m. on December 15, 2015, with interest accrued from July 1, 2015 to the due date, and each
65 installment thereafter shall be due on or before July 1 of each year. The outstanding balance
66 of an assessment, plus accrued interest, may be prepaid at any time. If payment in full of any
67 annual installment payment is not received when due, the entire outstanding principal
68 amount of the assessment shall be in default and shall be immediately due and payable. The
69 entire outstanding assessment principal (including the annual installment) shall have added
70 a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall
71 draw interest at the rate of ten and one half percent (10.5%) per annum until paid. Should
72 default occur, the City of Homer will institute a civil action for a foreclosure of the assessment
73 lien. Foreclosure shall be against all property on which assessments are in default. All costs,
74 including collection and legal fees resulting from such action, shall be added and
75 incorporated into the assessed amount due plus interest and penalties and shall be
76 reimbursed from the proceeds of foreclosure sale of the assessed real property.
77

78 PASSED AND ADOPTED by the Homer City Council on this 14th day of September, 2015.
79

80 CITY OF HOMER
81

82
83 _____
84 MARY E. WYTHE, MAYOR

85 ATTEST:

86

87

88

89 _____
JO JOHNSON, MMC, CITY CLERK

90

91 Fiscal Note: N/A

Homer Natural Gas Special Assessment District
Final Assessment Roll Condominiums

Tax Parcel ID	OWNER	ADDRESS	CITY	STATE	ZIPCODE	COUNTRY	LEGAL	Assessed Value	Percent Ownership	Assessment
18103449CO01	MICKS JOHN E & KLIMOW SUSAN S	1441 GWENN DR	ANCHORAGE	AK	99515		T 7S R 13W SEC 1 Seward Meridian HM 2001017 LANDS END LODGES CONDOMINIUMS UN IT 1	\$458,700.00	3.8106	\$124.33
18103449CO02	COGNICOM PROPERTIES LLC	3135 KACHEMAK DR	HOMER	AK	99603		T 7S R 13W SEC 1 Seward Meridian HM 2001017 LANDS END LODGES CONDOMINIUMS UN IT 2	\$407,800.00	5.1303	\$167.39
18103449CO03	DE MIKI DINA CHUNG TRUST & MIKI ROBERTO ALEJANDRO TRUST	6930 TULIPAN CT	CORAL GABLES	FL	33143		T 7S R 13W SEC 1 Seward Meridian HM 2001017 LANDS END LODGES CONDOMINIUMS UN IT 3	\$458,700.00	3.8106	\$124.33
18103449CO04	THE GORDONS LLC	1068 W FIREWEED LN STE A	ANCHORAGE	AK	99503		T 7S R 13W SEC 1 Seward Meridian HM 2003007 LANDS END LODGES CONDOMINIUMS PHA SE 2 UNIT 4	\$385,500.00	2.7219	\$88.81
18103449CO05	KACHEMAK BAY RETREAT LLC	1430 K ST	ANCHORAGE	AK	99501		T 7S R 13W SEC 1 Seward Meridian HM 2003007 LANDS END LODGES CONDOMINIUMS PHA SE 2 UNIT 5	\$612,700.00	5.4287	\$177.13
18103449CO06	HALL JARED A & HANNA VIRGENE	4747 POTTER CREST CIR	ANCHORAGE	AK	99516		T 7S R 13W SEC 1 Seward Meridian HM 2003007 LANDS END LODGES CONDOMINIUMS PHA SE 2 UNIT 6	\$478,600.00	3.5816	\$116.86
18103449CO07	MINK PHILIP & ANNA LIVING TRUST	18310 POTTER BLUFF CIR	ANCHORAGE	AK	99516		T 7S R 13W SEC 1 Seward Meridian HM 2005009 LANDS END LODGES CONDOMINIUMS PHA SE 3 UNIT 7	\$388,800.00	3.041	\$99.22
18103449CO08	COX GERALD F & LEMERE CYNTHIA A	48 AVON CIR	NEEDHAM	MA	2494		T 7S R 13W SEC 1 Seward Meridian HM 2005009 LANDS END LODGES CONDOMINIUMS PHA SE 3 UNIT 8	\$618,500.00	5.5958	\$182.58
18103449CO09	DESANNOY MICHAEL WILLIAM	BOX 547	NESTOR FALLS	ON CANADA	POX1K	CANADA	T 7S R 13W SEC 1 Seward Meridian HM 2005009 LANDS END LODGES CONDOMINIUMS PHA SE 3 UNIT 9	\$478,600.00	3.9364	\$128.44
18103449CO10	LE NHU-Y T	PO BOX 1283	BARROW	AK	99723		T 7S R 13W SEC 1 Seward Meridian HM 2006002 LANDS END LODGES CONDOMINIUMS PHA SE 4 UNIT 10	\$397,100.00	3.041	\$99.22
18103449CO11	FREEMAN HOLDINGS OF ARKANSAS LLC	16221 FORSTER ST	OVERLAND PARK	KS	66085		T 7S R 13W SEC 1 Seward Meridian HM 2006002 LANDS END LODGES CONDOMINIUMS PHA SE 4 UNIT 11	\$612,900.00	5.9619	\$194.52
18103449CO12	HUFFMAN, JAMES & LESLIE	271 E BIRCH HILL RD	FAIRBANKS	AK	99742		T 7S R 13W SEC 1 Seward Meridian HM 2006002 LANDS END LODGES CONDOMINIUMS PHA SE 4 UNIT 12	\$474,700.00	3.9364	\$128.44
18103449CO13	THURSTON JAMES & JANET JOINT REVOCABLE TRUST	PO BOX 6469	HALIBUT COVE	AK	99603		T 7S R 13W SEC 1 Seward Meridian HM 2006012 LANDS END LODGES CONDOMINIUMS PHA SE 5 UNIT 13	\$429,200.00	3.0297	\$98.85
18103449CO14	CSV ALASKA LLC	400 MACHELLE DR	CARY	IL	60013		T 7S R 13W SEC 1 Seward Meridian HM 2006012 LANDS END LODGES CONDOMINIUMS PHA SE 5 UNIT 14	\$547,600.00	5.5883	\$182.33
18103449CO15	THE GORDONS LLC	1068 W FIREWEED LN STE A	ANCHORAGE	AK	99503		T 7S R 13W SEC 1 Seward Meridian HM 2006012 LANDS END LODGES CONDOMINIUMS PHA SE 5 UNIT 15	\$415,600.00	3.9233	\$128.01
18103449CO16	GORDON MICHELLE M & MICHAEL	PO BOX 2939	HOMER	AK	99603		T 7S R 13W SEC 1 Seward Meridian HM 2007069 LANDS END LODGES CONDOMINIUMS PHA SE 7 UNIT 16	\$805,900.00	7.8315	\$255.52

Homer Natural Gas Special Assessment District
Final Assessment Roll Condominiums

Tax Parcel ID	OWNER	ADDRESS	CITY	STATE	ZIPCODE	COUNTRY	LEGAL	Assessed Value	Percent Ownership	Assessment
18103449CO17	STASER KAREN K & JEFFERY	2203 SORBUS WAY	ANCHORAGE	AK	99508		T 7S R 13W SEC 1 Seward Meridian HM 2007012 LANDS END LODGES CONDOMINIUMS PHA SE 6 UNIT 17	\$354,400.00	3.8012	\$124.02
18103449CO18	LAWSON LARRY	2490 S WOODWORTH LOOP STE 449	PALMER	AK	99645		T 7S R 13W SEC 1 Seward Meridian HM 2007012 LANDS END LODGES CONDOMINIUMS PHA SE 6 UNIT 18	\$529,100.00	6.6358	\$216.51
18103449CO19	BARTLEY JEFFREY J AMENDED REVOCABLE TRUST	PO Box 147	EUREKA	NV	89316		T 7S R 13W SEC 1 Seward Meridian HM 2007012 LANDS END LODGES CONDOMINIUMS PHA SE 6 UNIT 19	\$420,700.00	4.4977	\$146.75
18103449CO20	ROBAIR LLC	3541 W 100TH AVE	ANCHORAGE	AK	99515		T 7S R 13W SEC 1 Seward Meridian HM 2008073 LANDS END LODGES CONDOMINIUMS PHA SE 8 UNIT 20	\$383,300.00	3.6436	\$118.88
18103449CO21	SLEZEWSKI MICHELLE L & HOLLOWAY RAY	3001 WIDGEON LN APT 3	ANCHORAGE	AK	99508		T 7S R 13W SEC 1 Seward Meridian HM 2008073 LANDS END LODGES CONDOMINIUMS PHA SE 8 UNIT 21	\$573,400.00	6.6883	\$218.22
18103449CO22	FREEMAN HOLDINGS OF ARKANSAS LLC	16221 FORSTER ST	OVERLAND PARK	KS	66085		T 7S R 13W SEC 1 Seward Meridian HM 2008073 LANDS END LODGES CONDOMINIUMS PHA SE 8 UNIT 22	\$432,200.00	4.3644	\$142.40
17920218CO01	DOTSON NANCY & MICHAEL	1468 BAY AVE #1	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 2007020 BAY AVENUE CONDOMINIUMS UNIT 1	\$101,800.00	50	\$1,631.39
17920218CO02	NIEMAN RONALD JACK	PO BOX 1845	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 2007020 BAY AVENUE CONDOMINIUMS UNIT 2	\$101,000.00	50	\$1,631.39
17918113CO01	ARNOLD PATRICIA ANN	3479 LANDINGS ST APT 1	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 01	\$93,100.00	5.41338	\$176.63
17918113CO02	MERSHON CHRISTY L	PO BOX 1677	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 02	\$95,600.00	5.51183	\$179.84
17918113CO03	BUZUNIS GARY R & LOUELLA FAMILY 2002 TRUST	PO BOX 39376	NINILCHIK	AK	99639		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 03	\$113,400.00	5.51183	\$179.84
17918113CO04	NEEDHAM INVESTMENTS LLC	PO BOX 2389	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 04	\$108,300.00	5.41338	\$176.63
17918113CO05	MARTIN JEROMY & BRITNEY	4511 FOLKER ST, APT 21-B	ANCHORAGE	AK	99507		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 05	\$98,300.00	5.41338	\$176.63
17918113CO06	BUZUNIS GARY R & LOUELLA FAMILY 2002 TRUST	PO BOX 39376	NINILCHIK	AK	99639		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 06	\$94,200.00	5.41338	\$176.63
17918113CO07	MARITIME HELICOPTERS INC	3520 FAA RD	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 07	\$91,900.00	5.41338	\$176.63
17918113CO08	MDIC LLC	PO BOX 615	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 08	\$101,500.00	5.75789	\$187.87
17918113CO09	WALTON INDY & STEPHANIE	38725 GAVIN CIR	SOLDOTNA	AK	99669		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 21	\$94,900.00	5.61023	\$183.05
17918113CO10	CLARK TRAVIS P CLARK LIEU THI VO	226 DELTA DR	MANDEVILLE	LA	70448		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 22	\$97,300.00	5.70866	\$186.26
17918113CO11	BUZUNIS GARY R & LOUELLA FAMILY 2002 TRUST	PO BOX 39376	NINILCHIK	AK	99639		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 23	\$113,900.00	5.70866	\$186.26

Homer Natural Gas Special Assessment District
Final Assessment Roll Condominiums

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17918113CO12	DEVANEY MICHAEL L & KAREN	484 KLONDIKE AVE	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 24	\$110,000.00	5.61023	\$183.05
17918113CO13	SCHIPPER LUKE M	1588 DRAKE RD	LANSING	IA	52151		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 25	\$100,000.00	5.61023	\$183.05
17918113CO14	ALASKA SNOW TRUST	PO BOX 4103	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 26	\$95,900.00	5.61023	\$183.05
17918113CO15	STROUS WILLIAM	3479 LANDINGS ST APT 27	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 27	\$93,600.00	5.61023	\$183.05
17918113CO16	SMITH B RUSSELL	14201 SE PETROVITSKY RD STE A3	RENTON	WA	98058		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 28	\$103,200.00	5.95472	\$194.29
17918113CO17	MERSHON JOSHUA K & MESILLE C	PO BOX 2637	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0800088 THE LANDINGS CONDOMINIUMS UNIT 30	\$249,600.00	10.72836	\$350.04
17915047CO1	FOLEY JACK A JR	3251 MONTPELIER CT (temp address House No. 4, SPG 140-22, JLN Tungku)	ANCHORAGE (Temp Address BANDARSERI BEGAWAN)	AK (temp Address BRUNEI DARUSS ALAM BE2719)	99503		T 6S R 13W SEC 22 Seward Meridian HM 2008015 KACHEMAK BAY CONDOMINIUMS UNIT 13A-1	\$198,500.00	50	\$1,631.39
17915047CO2	IRELAND COLETTE P	PO BOX 3464	HOMER	AK	99603		T 6S R 13W SEC 22 Seward Meridian HM 2008015 KACHEMAK BAY CONDOMINIUMS UNIT 13A-2	\$223,200.00	50	\$1,631.39
17730124CO01	PIETSCH TIA & JOEL	PO BOX 392	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 0790140 BELUGA PROFESSIONAL CENTER CONDO MINIUMS UNIT 1	\$148,900.00	25	\$815.69
17730124CO02	PIETSCH JOEL DAVID & TIA SYLANCE	PO BOX 392	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 0790140 BELUGA PROFESSIONAL CENTER CONDO MINIUMS UNIT 2	\$146,300.00	25	\$815.69
17730124CO03	ANVIL CREEK INVESTMENT COMPANY LLC	PO BOX 2882	KENAI	AK	99611		T 6S R 13W SEC 20 Seward Meridian HM 0790140 BELUGA PROFESSIONAL CENTER CONDO MINIUMS UNIT 3	\$162,900.00	25	\$815.69
17730124CO04	SPROUT FAMILY SERVICES INC	3691 BEN WALTERS LN STE 4	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 0790140 BELUGA PROFESSIONAL CENTER CONDO MINIUMS UNIT 4	\$133,500.00	25	\$815.69
17727066CO01	WILD REGULA	152 MOUNTAIN VIEW DRIVE APT 1	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2007036 HIGH TIDE CONDOMINIUMS UNIT 1	\$135,000.00	25	\$815.69
17727066CO02	NOLAN JULIE	705 N STREET APT 1	ANCHORAGE	AK	99501		T 6S R 13W SEC 17 Seward Meridian HM 2007036 HIGH TIDE CONDOMINIUMS UNIT 2	\$146,800.00	25	\$815.69
17727066CO03	LAVRAKAS JAMES EDWARD LAVRAKAS RUTH ANN	PO BOX 1459	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2007036 HIGH TIDE CONDOMINIUMS UNIT 3	\$172,000.00	25	\$815.69
17727066CO04	KONDAK DOUGLAS J & MARGARIDA V	PO BOX 113	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2007036 HIGH TIDE CONDOMINIUMS UNIT 4	\$172,000.00	25	\$815.69
17727051CO01	WATSON BRIAN & JENNIFER	360 E INTERNATIONAL AIRPORT RD APT 1	ANCHORAGE	AK	99518		T 6S R 13W SEC 17 Seward SW HM 2006047 MOUNTAIN VIEW CONDOMINIUMS WEST PHASE 2 UNIT 1	\$266,000.00	25	\$1,631.39

Homer Natural Gas Special Assessment District
Final Assessment Roll Condominiums

Tax Parcel ID	OWNER	ADDRESS	CITY	STATE	ZIPCODE	COUNTRY	LEGAL	Assessed Value	Percent Ownership	Assessment
17727051CO02	WALDVOGEL ETHAN R	159 MOUNTAIN VIEW DR UNIT B	HOMER	AK	99603		T 6S R 13W SEC 17 Seward SW HM 2006047 MOUNTAIN VIEW CONDOMINIUMS WEST PHASE 2 UNIT 2	\$266,200.00	25	\$1,631.39
17727052CO01	LAFOND PAUL P REVOCABLE TRUST #2	171A MOUNTAIN VIEW DR	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2005024 MOUNTAIN VIEW CONDOMINIUMS WEST PHASE 1 UNIT 1	\$265,900.00	25	\$1,631.39
17727052CO02	ANDERSON CYNTHIA LYNN & ANDERSON DAVID NELS	171 MOUNTAIN VIEW DR # B	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2005024 MOUNTAIN VIEW CONDOMINIUMS WEST PHASE 1 UNIT 2	\$269,700.00	25	\$1,631.39
17716108CO01	CABANA JEREMY & HILARY	105 SKYLINE DR	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2002010 OLD TOWN PROFESSIONAL CENTER UNI T 1	\$131,600.00	20.6	\$672.13
17716108CO02	NORTH GULF OCEANIC SOCIETY	3430 MAIN ST STE B1	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2002010 OLD TOWN PROFESSIONAL CENTER UNI T 2	\$131,300.00	15.6	\$508.99
17716108CO03	SEA GLO LLC	212 LEE DR	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2002010 OLD TOWN PROFESSIONAL CENTER UNI T 3	\$161,800.00	19.4	\$632.98
17716108CO04	POSO ANNE M	PO BOX 1133	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2002010 OLD TOWN PROFESSIONAL CENTER UNI T 4	\$158,400.00	22	\$717.81
17716108CO05	MARQUARDT ORMAN & MARY ANN REVOCABLE TRUST	3430 MAIN ST APT E	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2002010 OLD TOWN PROFESSIONAL CENTER UNI T 5	\$178,100.00	22.4	\$730.86
17701082CO01	GOWER DAVID & SHERI	702 QUIET CREEK DRIVE	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2005045 QUIET CREEK COMMUNITY PHASE 1 UN IT 702	\$467,800.00	6.666	\$217.50
17701082CO02	LOCKWOOD HARLOW TRUST	602 PALLADIUM DR E	JOLIET	IL	60435		T 6S R 13W SEC 17 Seward Meridian HM 2005045 QUIET CREEK COMMUNITY PHASE 1 UN IT 704	\$450,600.00	6.666	\$217.50
17701082CO03	GRIFFITH MARY ANN	706 QUIET CREEK DR # 706	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2005045 QUIET CREEK COMMUNITY PHASE 1 UN IT 706	\$457,100.00	6.666	\$217.50
17701082CO04	FRANK WILLIAM E & GAIL S	PO BOX 1749	ROCKPORT	TX	78381		T 6S R 13W SEC 17 Seward Meridian HM 2005045 QUIET CREEK COMMUNITY PHASE 1 UN IT 708	\$455,100.00	6.666	\$217.50
17701082CO05	FORRESTER FAMILY TRUST	PO BOX 371	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2005045 QUIET CREEK COMMUNITY PHASE 1 UN IT 710	\$461,200.00	6.666	\$217.50
17701082CO06	AMMERMAN ROBERT L & GAIL	924 QUIET CREEK DR	HOMER	AK	99603		T 6S R 13W SEC 17 Seward Meridian HM 2006075 QUIET CREEK COMMUNITY LLC PHASE 2 UNIT 924	\$488,900.00	6.666	\$217.50
17701082CO07	NIKORA LEO & BEVERLEY TRUST	119 MISSION HILLS DR	RANCHO MIRAGE	CA	92270		T 6S R 13W SEC 17 Seward Meridian HM 2006075 QUIET CREEK COMMUNITY LLC PHASE 2 UNIT 926	\$489,200.00	6.666	\$217.50
17701082CO08	FEDERAL NATIONAL MORTGAGE ASSOCIAT	PO BOX 650043	DALLAS	TX	75265		T 6S R 13W SEC 17 Seward Meridian HM 2006075 QUIET CREEK COMMUNITY LLC PHASE 2 UNIT 928	\$493,600.00	6.666	\$217.50
17701082CO09	NEAL FAMILY LIMITED PARTNERSHIP	5800 LAKEWOOD RANCH BLVD N	LAKWOOD RANCH	FL	34240		T 6S R 13W SEC 17 Seward Meridian HM 2006075 QUIET CREEK COMMUNITY LLC PHASE 2 UNIT 930	\$475,800.00	6.666	\$217.50
17701082CO10	DAVIDHIZAR FAMILY TRUST	1240 CHINOOK DRIVE	KENAI	AK	99611		T 6S R 13W SEC 17 Seward Meridian HM 2006075 QUIET CREEK COMMUNITY LLC PHASE 2 UNIT 932	\$492,900.00	6.666	\$217.50
17701082CO11	FULLER DAVID L & JOAN	PO BOX 837	GOODLAND	FL	34140		T 6S R 13W SEC 17 Seward Meridian HM 2007088 QUIET CREEK COMMUNITY LLC PHASE 3 UNIT 812	\$474,300.00	6.666	\$217.50
17701082CO12	GOOD SHEPHERD LEASING CORP	10065 CORTEZ BLVD	WEEKI WACHEE	FL	34613		T 6S R 13W SEC 17 Seward Meridian HM 2007088 QUIET CREEK COMMUNITY LLC PHASE 3 UNIT 814	\$500,200.00	6.666	\$217.50

Homer Natural Gas Special Assessment District
Final Assessment Roll Condominiums

Tax Parcel ID	OWNER	ADDRESS	CITY	STATE	ZIPCODE	COUNTRY	LEGAL	Assessed Value	Percent Ownership	Assessment
17701082CO13	BEERY TRUST	PO BOX 195	EXETER	CA	93221		T 6S R 13W SEC 17 Seward Meridian HM 2009011 QUIET CREEK COMMUNITY LLC PHASE 4 AMENDED UNIT 816	\$497,800.00	6.666	\$217.50
17701082CO14	ALASKA USA FEDERAL CREDIT UNION	4000 CREDIT UNION DR	ANCHORAGE	AK	99503		T 6S R 13W SEC 17 Seward Meridian HM 2009011 QUIET CREEK COMMUNITY LLC PHASE 4 AMENDED UNIT 818	\$479,000.00	6.666	\$217.50
17701082CO15	ALASKA USA FEDERAL CREDIT UNION	4000 CREDIT UNION DR	ANCHORAGE	AK	99503		T 6S R 13W SEC 17 Seward Meridian HM 2009011 QUIET CREEK COMMUNITY LLC PHASE 4 AMENDED UNIT 820	\$492,900.00	6.666	\$217.50
17516056CO01	MARQUARDT KAREN A	3430 MAIN ST APT E	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 1	\$121,400.00	12.5	\$407.85
17516056CO02	DONALD MEARES	3459 MAIN STREET, APT 2	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 2	\$202,300.00	12.5	\$407.85
17516056CO03	SWEENEY ALEXANDER J Jr & SWEENEY ADRIENNE W	135 W BUNNELL AVE	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 3	\$202,300.00	12.5	\$407.85
17516056CO04	CLAPP JAIME LYNN & KELLY	PO BOX 4034	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 4	\$197,300.00	12.5	\$407.85
17516056CO05	BROCK ANGELA	480 GRUBSTAKE AVE	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 5	\$141,900.00	12.5	\$407.85
17516056CO06	YOUNG TODD PLATT & NOLLEY LORRAINE JUNE	PO Box 226	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 6	\$199,800.00	12.5	\$407.85
17516056CO07	BOLING BETH & BOLING MICHAEL TODD	203 W PIONEER AVE STE 2	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 7	\$204,200.00	12.5	\$407.85
17516056CO08	MILLER GARY & SUSAN	5201 E NORTHERN LIGHTS BLVD UNIT 4N	ANCHORAGE	AK	99508		T 6S R 13W SEC 19 Seward Meridian HM 2008081 CHAMBERLAIN & WATSON OLD TOWN CO TTAGES ADD AMD UNIT 8	\$144,600.00	12.5	\$407.85
17516052CO01	INLET TRADING POST LLC	106 W BUNNELL AVE STE A	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2011002 INLET TRADING POST CONDOMINIUMS UNIT 1	\$244,000.00	84	\$2,740.73
17516052CO02	SAVORY LOVE LLC	PO BOX 2311	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 2011002 INLET TRADING POST CONDOMINIUMS UNIT 2	\$51,800.00	16	\$522.04
17516033CO01	RANDLE NORMAN L	166 W BUNNELL AVE APT 1	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 101	\$103,300.00	8.71	\$284.19
17516033CO02	HURLEY LAWRENCE RICHARD	410 TOVEY DR	FAIRBANKS	AK	99709		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 102	\$87,900.00	8.21	\$267.87
17516033CO03	SPRAGUE FAMILY TRUST	1525 CHELTEN WAY	SOUTH PASADENA	CA	91030		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 103	\$89,700.00	8.21	\$267.87
17516033CO04	RYCKMAN ARLINE	1325 BELUGA CT	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 104	\$87,900.00	8.21	\$267.87

Homer Natural Gas Special Assessment District
Final Assessment Roll Condominiums

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17516033CO05	JONES JAMES T & DUKE DAVID L	166 W BUNNELL AVE APT 9	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 105	\$87,900.00	8.21	\$267.87
17516033CO06	MORETH PATRICIA S	PO BOX 305	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 106	\$90,900.00	8.21	\$267.87
17516033CO07	SPELL BENJAMIN DAVID	166 W BUNNELL AVE APT 2	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 201	\$112,800.00	8.84	\$288.43
17516033CO08	BILBO RACHEL M DECLARATION OF TRUST	166 W BUNNELL AVE APT 4	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 202	\$97,600.00	8.28	\$270.16
17516033CO09	GUTIERREZ R SCOTT	166 W BUNNELL AVE, UNIT #203	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 203	\$97,600.00	8.28	\$270.16
17516033CO10	(BARTILSON JAMES) NEW OWNER SCHNIPKE, EUGENE J	(166 W BUNNELL AVE # 204) NEW MAILING P.O. BOX 2575	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 204	\$97,600.00	8.28	\$270.16
17516033CO11	SWEENEY ADRIENNE W & SWEENEY ALEXANDER J Jr	135 W BUNNELL AVE	HOMER	AK	99603		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 205	\$97,600.00	8.28	\$270.16
17516033CO12	SULLIVAN FAMILY TRUST	70 CEDAR AVE APT 1	COCOA BEACH	FL	32931		T 6S R 13W SEC 19 Seward Meridian HM 0810021 BAY WATCH CONDOMINIUMS UNIT 206	\$101,100.00	8.28	\$270.16
17902090CO1	GARDNER DANIEL M JR & BROOK	1876 TRITON CT UNIT B	HOMER	AK	99603		T 6S R 13W SEC 16 Seward Meridian HM 2007095 TRITON COURT CONDOMINIUMS UNIT 1	\$147,500.00	50	\$1,631.39
17902090CO2	TYLER JEFFREY J & CHRISTY	PO BOX 3668	HOMER	AK	99603		T 6S R 13W SEC 16 Seward Meridian HM 2007095 TRITON COURT CONDOMINIUMS UNIT 2	\$150,400.00	50	\$1,631.39
17921006CO01	OATES ROBERT	PO BOX 520	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0850131 INTERLUDE CONDOMINIUM PHASE 1 UN IT A1	\$166,300.00	16.191155	\$528.28
17921006CO02	NIEMAN RONALD JACK	PO BOX 1845	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0850131 INTERLUDE CONDOMINIUM PHASE 1 UN IT A2	\$192,200.00	16.904422	\$551.55
17921006CO03	WICK DONALD D & DIANE F	1363 BAY AVE APT 3	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0850131 INTERLUDE CONDOMINIUM PHASE 1 UN IT A3	\$192,200.00	16.904422	\$551.55
17921006CO04	HARDING MARY ANN LIVING TRUST	PO BOX 69	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0850131 INTERLUDE CONDOMINIUM PHASE 1 UN IT A4	\$166,300.00	16.191155	\$528.28
17921006CO05	SHOLTON RITA N	1665 BOB ATWOOD CIR	ANCHORAGE	AK	99517		T 6S R 13W SEC 21 Seward Meridian HM 0850131 INTERLUDE CONDOMINIUM PHASE 1 UN IT A5	\$200,800.00	16.904422	\$551.55
17921006CO06	SPRINGER AMY A	PO BOX 855	HOMER	AK	99603		T 6S R 13W SEC 21 Seward Meridian HM 0850131 INTERLUDE CONDOMINIUM PHASE 1 UN IT A6	\$200,800.00	16.904422	\$551.55
17930037CO01	BROWNING RYAN E	PO BOX 2765	HOMER	AK	99603		T 6S R 13W SEC 15 Seward Meridian HM 2007054 CLOVER CONDOMINIUMS UNIT 1	\$198,300.00	50	\$1,631.39
17930037CO02	HODGDON MARLENA R	PO BOX 3626	HOMER	AK	99603		T 6S R 13W SEC 15 Seward Meridian HM 2007054 CLOVER CONDOMINIUMS UNIT 2	\$199,400.00	50	\$1,631.39
17730125CO01	HOUGH CHARLES MICHAEL & HOUGH SHIL	3733 BEN WALTERS LN STE 2	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2007003 KACHEMAK BAY TITLE BUILDING UNI T A	\$528,700.00	53	\$1,729.27
17730125CO02	HOUGH CHARLES MICHAEL & HOUGH SHIL	3733 BEN WALTERS LN STE 2	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2007003 KACHEMAK BAY TITLE BUILDING UNI T B	\$146,400.00	17	\$554.67
17730125CO03	CASTNER KENNETH W III	PO BOX 558	HOMER	AK	99603		T 6S R 13W SEC 20 Seward Meridian HM 2007003 KACHEMAK BAY TITLE BUILDING UNI T C	\$280,500.00	30	\$978.83

Homer Natural Gas Special Assessment District
Final Assessment Roll Condominiums

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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

