

City Council
September 28, 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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September



October 2015

- Monday 28th:** **CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m.,
and Regular Meeting 6:00 p.m.
- Wednesday 30th:** **PUBLIC SAFETY BUILDING PROJECT**
5:30 p.m. – 7:00 p.m.
- Tuesday 6th:** **ELECTION DAY**
Polls open at 7:00 a.m. and close at 8:00 p.m.
- LIBRARY ADVISORY BOARD**
Regular Meeting 5:00 p.m.
- Wednesday 7th:** **PLANNING COMMISSION**
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 8th:** **SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE**
Regular Meeting 5:00 p.m.
- Friday 9th:** **ELECTION CANVASS BOARD**
Meets at 10:00 a.m.
- Monday 12th:** **CITY COUNCIL**
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 with the exception of 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 with the exception of July,
December and January 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-August 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 WYTHE, MAYOR – 16
FRANCIE ROBERTS, COUNCILMEMBER – 15
BRYAN ZAK, COUNCILMEMBER - 16
DAVID LEWIS, COUNCILMEMBER – 17
BEAUREGARD BURGESS, COUNCILMEMBER – 15
GUS VAN DYKE, COUNCILMEMBER – 16
CATRIONA REYNOLDS, COUNCILMEMBER – 17

City Manager, Katie Koester
City Attorney, Thomas F. 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 28, 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.

Mayor Wythe and Councilmember Lewis have requested excusal.

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

3. STRATEGIC DOING

A. Visitor: Larry Persily, AKLNG Project Update *Page 7*

B. Deep Water Dock
Memorandum 15-161 from City Manager *Page 25*

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, October 12 2015 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Pipeline building a choreography of coordinated steps

By Larry Persily lpersily@kpb.us

July 7, 2015

(This update, provided by the Kenai Peninsula Borough mayor's office, is part of an ongoing effort to help keep the public informed about the Alaska LNG project.)

The Alaska LNG project is a planning and coordinating effort of immense proportions. Not surprising when you consider that the pipeline construction alone requires piecing together about 115,000 40-foot-long sections in precise order, in rough terrain, in remote locations — and with 446 waterbody crossings.

That's 447 if you count the almost 30 miles across Cook Inlet to reach the proposed liquefaction plant at Nikiski.

The project teams are mapping out every detail of building 870 miles of pipeline to move natural gas from Point Thomson to Prudhoe Bay (about 63 miles of 32-inch-diameter pipe) and on to Nikiski (about 807 miles of 42-inch pipe). The right amount of pipe has to be at the right place at the right time with the right equipment for welding, digging and pipe laying during two years of construction, and that's after two years of prep work to build construction camp and compressor station pads, storage yards, clear rights of way, develop gravel sources and create access roads.

No easy task when you're moving and frequently relocating 9,000 pieces of equipment that would be used to build the mostly buried pipeline. Still more equipment would be used to build the North Slope gas treatment plant and the liquefied natural gas plant and marine terminal at Nikiski. An estimated 5,000 to 7,000 workers would be on the pipeline crews, with all of them living in work camps. Several thousand more are expected on the job at the gas treatment plant and the LNG plant, with the project estimating 15,000 workers total.

Pipe storage yards would be sited about every 18 miles along the route, with the project requiring about 18 million cubic yards of gravel for access roads, pipeline right of way and compressor station pads. The project would use existing pads wherever practical.

Think of it as a choreography of engineers, geologists, biologists, environmental specialists and logistics planners. Everyone has a role and everything has its place. And it's all synchronized for efficiency, cost savings and to limit environmental impact.

"Pipeline construction is a moving assembly line," an Alaska LNG team member said.

INFORMATION SHARING AT WORKSHOPS

Almost two dozen Alaska LNG team members met with nearly three dozen federal and state regulatory agency personnel June 24-25, 2015, in Anchorage to share preliminary plans for pipeline construction and waterbody crossings and to listen to how and where the plans might be improved.

It's not only construction needs that dictate the planning work. There are operational issues to consider, too. For example, the gas will be cooled for transit through permafrost zones along the proposed route so that it doesn't melt the ground. That will require cooling units at the first six compressor stations whose job is to keep pushing gas through the line.

But the last two compressor stations on the route southward, including the one before the line enters Cook Inlet, will be built with heating units to warm up the gas in an effort to match the ground temperature in Southcentral Alaska and the water temperature in the inlet. Just as thawing frozen ground is bad, so too is freezing soil in the wrong places.

The gas temperature should mimic the terrain it moves through, not change it. As an Alaska LNG team member said, the idea is to work with Mother Nature, not against her.

If the project stays on schedule, if the marketplace cooperates, if the project sponsors and the state of Alaska successfully negotiate fiscal terms, and if investors sign up for the \$45 billion to \$65 billion project, site preparations for the pipeline work could occur in 2020-2021, with actual pipeline construction in 2022-2023 and first LNG production in 2024-2025. There are a lot of unknowns to get to that point, but the project teams are doing their part to get ready.

The teams are from project partners ExxonMobil, BP, ConocoPhillips and TransCanada. The state of Alaska is also an investor in the project.

WATERBODY CROSSINGS

Of the 446 waterbody crossings, Alaska LNG's preliminary plan is to:

- Use open-cut trenching to install the pipe in a little more than half the locations.
- Temporarily restrict or divert the water flow for pipeline installation at fewer than half the crossings — called "flow isolation".
- Drill and pull the pipe under the river or bridge the waterway in a small number of locations, likely single digits.

While still preliminary, the plan is to dig trenches and lay pipe across approximately half the open-cut water crossings during the winter, when the flow is frozen or minimal. The others would be crossed during the summer, when crews would work fast and, in some small crossings, the pipe could be in place in a matter of hours.

Temporary diversions would be used for the flow-isolation crossings, which could include water-filled "aqua dams," sand bags, concrete blocks, steel flumes or pipes — it just depends on the water flow, soil and site conditions, team members explained.

Alaska LNG will decide on the most appropriate water-crossing methods in consultation with the Alaska Department of Fish and Game, U.S. Army Corps of Engineers and other state and federal agencies. Pipe specifications will be under the jurisdiction of the U.S. Pipeline and Hazardous Materials Safety Administration.

The “trenchless” crossings will use horizontal directional drilling to run pipe under the river bottom. The process involves drilling an initial pilot hole beneath the river, about 5¼ inches in diameter, then using successively larger drill heads to ream out the hole, making it bigger until it is maybe a foot larger in diameter than the 42-inch steel pipe, team leaders told federal and state regulators. The full length of the pipeline, all welded together and laid out in a large staging area at the entrance to the hole, is then pulled through to the other side.

An Alaska LNG pipeline team member said the process is so accurate that crews can drill the pilot hole and hit a stake on the other side of a river.

But sometimes the river is too deep, the ground too full of boulders or the geology just not right to go through or under the waterway. In those cases, the Alaska LNG teams are looking at building pipeline bridges, especially in areas of steep terrain.

A particularly steep area along the route is in the Nenana Canyon, just south of the community of Healy and east of Denali National Park, in a tight area of the Parks Highway, Nenana River and Alaska Railroad. Project teams are working to find the best way through that congestion.

The bridge proposals are still preliminary, as are all of the water crossings, team members told state and federal regulators. The teams and their consultants have a lot of work to do this summer to firm up their plans, with more information and a lot of details to come in the next round of environmental reports the project expects to file in February 2016 with the Federal Energy Regulatory Commission.

In addition to consulting with state and federal wildlife, lands and water managers, Alaska LNG will be working with a visual-impact consultant regarding the bridges, which likely would be within eyesight of travelers on the Parks Highway, a National Scenic Byway.

PIPELINE CONSTRUCTION PLANS

Much of this summer’s field work and office analysis is aimed at better identifying soil conditions, terrain, hillsides, vegetation, geology, safety and environmental concerns as Alaska LNG continues to make decisions not only on waterbody crossings but also pipeline specifications to match different ground conditions such as discontinuous permafrost that would put additional stress on sections of pipe.

Highway and road crossings will be underground, generally at least four feet below the road base, the teams reported, with heavier steel pipe for additional protection.

Current plans, subject to change, show about 45 percent of the Prudhoe-to-Nikiski pipeline built in the winter season and 55 percent in the summer, over two years. Depending on the weather — freeze-up, break-up, road restrictions and terrain — some of the pipe laying could be done in shoulder months, the teams said.

All 63 miles of the Point Thomson line would be built above ground and during the winter.

The mainline would likely be divided into four “spreads” of about equal mileage, with four contractors all working at the same time on their spread. Crews would move around, laying pipe in areas best suited for the season. Frost heaves, permafrost, thaw settlement, steep terrain and fish and wildlife would be among the considerations in deciding summer and winter work.

Some areas will be more easily accessible to work crews than others. Reaching the pipeline work on the West Side of Cook Inlet will be challenging, the teams reported. Contractors would move some equipment and pipe by barge from Anchorage, and the current proposal is to move much of the equipment across the frozen Yenta River in the winter, then park it there until construction work resumes with warmer weather for the final southerly push toward tidewater.

For those last miles on the West Side of Cook Inlet, the pipeline route would be in the uplands, away from the wetlands and the ENSTAR gas line and behind the Beluga power plant before turning toward the inlet.

The Cook Inlet crossing would be a separate contract; that work will be covered in an Alaska LNG workshop for state and federal regulators in August.

Pipe laying on the Kenai Peninsula, for the last miles to the LNG plant site, would be scheduled for the second construction summer, 2023, according to preliminary schedules.

Cook Inlet pipeline crossing is about making the best choices

By Larry Persily lpersily@kpb.us

Aug. 26, 2015

(This update, provided by the Kenai Peninsula Borough mayor's office, is part of an ongoing effort to help keep the public informed about the Alaska LNG project.)

Crossing Cook Inlet is about deciding the best route and the best construction methods, while acknowledging that although the shortest distance between two points is a straight line, it's not necessarily the best line.

Beluga whale critical habitat, salmon fisheries, 40-foot boulders, 15-foot-tall sand waves along the ocean bottom, strong currents, shallow water close to shore, ice scouring that could expose or damage a pipeline — each one presenting its own problems best avoided as much as possible as Alaska LNG teams continue refining the preferred route for the natural gas pipeline to cross Cook Inlet on its way to shore in Nikiski, site of the proposed liquefied natural gas plant.

That route, which covers almost 30 miles across Cook Inlet to reach Nikiski, on the Kenai Peninsula, was the subject of a workshop Aug. 19 in Anchorage presented by Alaska LNG project teams and attended by more than 20 federal and state regulatory agency staff.

Other workshops have been held or are planned regarding the project's gas treatment plant that would be built on the North Slope and the 765-mile pipeline route and construction methods from Prudhoe Bay to reach the shore of Cook Inlet.

"Cook Inlet is a very, very unique place in the world," a project team member said. "There is a lot going on here." That includes currents that move at 4 to 6 knots and a tidal range that can vary up to 25 feet between high and low water in the main body of the inlet.

Not that a pipeline can't be safely built in Cook Inlet. The first was built more than 50 years ago, and many oil and gas lines have been added since. But this one would be bigger and heavier and carry more natural gas than any other pipeline sitting on the ocean floor in the extensively developed area.

The 40-foot-long sections of 42-inch-diameter, inch-thick steel pipe for the Alaska LNG project's Cook Inlet crossing would be coated with as much as 6 inches of concrete to protect the pipe and weight it down on the seafloor against the currents. Each section would weigh as much as 33 tons, the equivalent of 15 pickup trucks, a team member told the workshop audience.

FIELD WORK CONTINUES

Summer field work for the project continues, with crews sampling soils, measuring currents and judging the options for where best to enter the water on the west side of Cook Inlet, how to install the pipe across the inlet, and where to come up at Nikiski for the final miles to the plant site.

Alaska LNG currently plans to submit more detailed maps and environmental data to the Federal Energy Regulatory Commission in perhaps February, producing the second draft of the project's "resource reports" — 13 volumes of engineering, construction, environmental and other data that will go into the environmental impact statement. The project teams told regulatory agency personnel Aug. 19 that their comments would be considered and addressed in that second round of draft reports.

The project sponsors currently plan to submit final reports to FERC next fall, along with their full application for federal authority to construct and operate the pipeline and LNG plant — assuming commercial negotiations between the partners and the state of Alaska proceed on schedule, and that the marketplace cooperates for the investment estimated at \$45 billion to \$65 billion.

The FERC-led EIS process could take two years. Construction, if all goes well, could start late 2018 or early 2019, and last five years.

WEST ROUTE PREFERRED

The project teams have looked at multiple options for crossing Cook Inlet and are now focused on what they call the West Route. That comes down the west side of the inlet and enters the water just south of the small community of Beluga, an area of gas wells, a few industry-support jobs, some retirees and beach setnet fisheries, some rudimentary roads, a modest collection of homes surrounded by public lands — and a gas-fired power station serving Southcentral Alaska.

The teams earlier this year dropped active consideration of the East Route, which would have steered the pipeline at the southern end of its trek from Prudhoe Bay on an eastward course toward Point MacKenzie (across Knik Arm from Anchorage) and then into the inlet for its undersea run to the Kenai Peninsula. At the Aug. 19 workshop, project teams repeated many of the same disadvantages with the East Route that Alaska LNG Project Manager Steve Butt described for Alaska state legislators at a hearing in June.

The East Route has significantly more hazards, hurdles and handicaps, including undersea power cables, an onshore military gunnery range, Area 1 critical habitat for endangered beluga whales, additional ice load close to shore, an actively dredged shipping channel, and a much longer run from shore to reach water deep enough for a pipe-laying barge to gain access. "We're trying to stay out of other people's way," a team member said at the workshop.

For example, the teams explained, entering the water near Point MacKenzie would require burying the pipe in shallow water as much as 2 miles out to reach 20 feet of water, more than 3

miles to reach water 35-feet deep and more than 5 miles to get out to 40 feet of water. Distances to deep water with the preferred West Route are half as far.

The shorter the pipeline run to deep water, the sooner a pipe-laying barge can start its work, saving money and environmental impact to the shore and seabed.

SEAFLOOR, CURRENTS and SAND WAVES

The East Route would pass through an area of upper Cook Inlet with a “migrating seabed,” the team reported, noting that the height of some areas of the seafloor have changed 40 feet in a seven-year period. “Those are massive changes ... not a good thing when you’re looking for a stable seafloor to put pipe on.” The West Route crosses a more stable seabed.

The East Route would measure about the same distance beneath Cook Inlet waters as the West Route but would come to shore on the Kenai Peninsula farther away from the proposed LNG plant site, adding 13 more miles to onshore pipeline construction at a significant cost to the project.

The West Route also presents the advantage that the pipe-laying barge would run closer to parallel to Cook Inlet’s strong currents for more of the crossing, while the East Route finds itself more perpendicular to the currents much of the time — not impossible, but increasing the difficulty on the job.

And there are the sand waves in the path of the East Route. “Some of the biggest ones we saw were 15 feet tall trough to peak, with a wave length of 100 to 200 feet,” an LNG project team member said. Undersea sand waves and strong currents could risk exposing or even moving the pipe, despite all the concrete to hold it in place.

BLUFFS and BOULDERS

The West Route is not without its problems, too. The project teams are looking at two possible entry points on the West Side of the inlet: Beluga Landing (just north of Viapan Lake), and Shorty Creek just a little south of there. The shortest distance to deep water is one of the considerations as the teams work to decide the best option. The height of shoreline bluffs is another consideration; the 100-foot bluffs at Shorty Creek are steeper than the shoreline at Beluga Landing.

The teams are looking at two options for landfall on the Kenai Peninsula: Boulder Point, aptly named for its cabin-sized boulders; and a couple of miles northeast near Suneva Lake. In addition to big rocks, Boulder Point has a steep bluff — 200 feet, at some points. The boulders and bluffs are not ideal.

Both sites would require about 12 miles of buried onshore pipeline to reach the LNG plant site.

Alaska LNG will address all of its route options in its second round of draft resource reports early in 2016.

The onshore entrance and exit in Cook Inlet would involve either trenching and covering the pipe, tunneling the line to reach deep water, or a combination, team members said.

Burying the pipe close to shore protects against damage from ice scouring and keeps the line out of harm's way from fishing vessels and other marine traffic in shallow water. That's less of a problem in the deeper waters, where the pipe would sit on the bottom.

Tunneling to reach deeper water could involve one or both of two options:

- "Direct pipe," similar to horizontal directional drilling — but different. A boring machine head is attached to the front end of the pipe and pushed through the earth as it grinds and churns its way to its deep-water destination. The speed and direction of the boring head is controlled by cables running through the pipe. The cuttings are pumped through hoses strung inside the pipeline for proper disposal at the back end. Sections of pipe are added to the string as it is pushed through the soils behind the drill head.
- In horizontal directional drilling, the crew would drill a pilot hole the length of the pipeline route to deep water, then use successively larger drill heads in multiple runs to ream out the tunnel to accommodate the 42-inch pipe. For the Cook Inlet job, a small jack-up rig likely would be positioned at the water end of the pipeline from shore to aid in pulling the heavy pipe through the hole.

The direct-pipe method requires less drilling but is limited in how far it can reach. An LNG team member reported the method has been used as far as 4,000 feet in "benign soils," but probably would not go that far in Cook Inlet's conditions. Directional drilling can reach farther.

Horizontal directional drilling has been used by the industry almost 40 years, while the direct-pipe method is about 5 years old, a team member explained, and both methods would avoid or limit open-cut trenching along the shorelines. Team members told agency officials that Alaska LNG is still reviewing the benefits — and the disadvantages and costs — of all the options, and would provide more information in next year's reports.

HOLD THAT BARGE STEADY

Once the route is into deeper water, a pipe-laying barge would handle the work. Team members explained the 40-foot sections of pipe would be welded together aboard the vessel and then lowered off the stern of the barge in a continuous stream — gently and precisely — for positioning on the seabed.

The size of the barge will be determined by several factors, but it could be 400- to 500-feet long, up to 200-feet wide, with a draft of 20 to 35 feet — perhaps twice the size of any pipe-laying barge that's ever been used in the inlet, a team member said.

The crew onboard could total as many 400 workers.

Anchor-handling tugs, perhaps three, would assist in positioning the pipe-laying barge. Keeping the barge in position will require multiple, massive anchors and chains, each extending as much as a mile from the barge.

Safety and exclusion zones would be established around the barge, with the project coordinating with the U.S. Coast Guard and local authorities.

Alaska LNG is planning on two construction seasons for the Cook Inlet water crossing, working April through September, or thereabouts, to avoid any ice. The West Route runs generally due south cross Cook Inlet to Nikiski, staying east of offshore oil and gas platforms.

LNG plant construction a huge undertaking

By Larry Persily lpersily@kpb.us

Sept. 16, 2015

(This update, provided by the Kenai Peninsula Borough mayor's office, is part of an ongoing effort to help keep the public informed about the Alaska LNG project.)

Alaska LNG project teams played it by the numbers — really big numbers — in a presentation on construction plans to federal, state and municipal officials:

- Site preparations for the proposed liquefied natural gas plant and massive LNG storage tanks in Nikiski would require stripping up to 4 million cubic yards of loose soil, soft peat moss and other vegetation. That's more than enough to cover a rough trail 10 feet wide, a foot deep from New York City to Houston.
- Crews would then need to excavate as much as 6 million cubic yards of frost-susceptible material — up to 6 feet deep in some areas — to prepare the site for construction. Some of the material could be reused as fill, while other material would need to be trucked in to complete the base.
- The two domed LNG storage tanks would each measure 305 feet in diameter, more than large enough for a Boeing 747 to spin around inside without scraping its wings.

All of the numbers are approximate and subject to change as the project teams refine the design, they reminded participants at workshops held Sept. 2 and 3 in Anchorage. More than 20 Alaska LNG project team members were at the workshops to brief government agency officials and answer questions.

Add in the jetty, the twin loading berths for LNG carriers, and other offshore and onshore components of the Nikiski project, and the preliminary numbers continue adding up:

- The project would use 800,000 cubic yards of gravel, 300,000 cubic yards of concrete, 300,000 cubic yards of armor rock, 100,000 tons of structural steel, 6,500 pilings, 7 miles of electrical wiring, almost 200 miles of aboveground piping, and 20 miles of buried pipe.
- The trestle to reach the loading berths could be as much as 3,200 feet long — more than half a mile — to reach water deep enough for the LNG carriers to safely maneuver.
- Though no substantial dredging would be needed for the jetty and loading berths, an estimated 1 million to 2 million cubic yards of dredging would be required at the temporary dock that would be built for offloading materials from barges and heavy-lift vessels during construction.
- The 250-megawatt, gas-fired power plant at the site would generate enough electricity to run a city of several tens of thousands of homes.
- Peak construction workforce at the Nikiski site would be 4,000 to 6,000 workers.

PLANNING WORK CONTINUES

The LNG team reported that ongoing engineering and construction planning includes several goals: Limit truck traffic in the area as much as possible, limit dredging as much as possible, and maintain public access throughout the area as much as possible.

The informational workshops were part of a series provided by Alaska LNG for regulatory agencies. The project partners — ExxonMobil, BP, ConocoPhillips, TransCanada and the state of Alaska — plan to submit their second draft of environmental and engineering reports to the Federal Energy Regulatory Commission in first-quarter 2016. The final reports and complete project application could come third-quarter 2016 as the partners work through regulatory and permit issues for the \$45 billion to \$65 billion project to move Alaska North Slope gas to market.

In addition to the LNG plant at Nikiski, the project includes 806 miles of pipeline to reach the plant site from North Slope gas fields and a gas treatment plant to remove carbon dioxide and other impurities before the gas enters the pipeline.

Alaska LNG has been buying up property around the proposed plant site in Nikiski, accumulating ownership or options on about 600 acres of the 800 to 900 acres needed for the operation. Team members reported that demolition could start later this month on some structures. They also are doubling their security patrols in the area in response to community concerns.

The actual footprint for the LNG plant, storage tanks, power plant and other support buildings would total approximately 200 to 300 acres. The teams explained that the rest of the land is to provide a safety, noise and light buffer for neighboring property owners, plus work space to support the construction effort.

If the partners give the go-ahead to start construction after completing their regulatory work, commercial negotiations and financing, the mobilization, fabrication of modules, site work and construction would take several years, with the first LNG production coming in the seventh year after a final investment decision to proceed, the teams explained. If the project proceeds under the current schedule, the first LNG carriers would load up in 2025.

OFFLOADING FACILITY COMES FIRST

There is a lot of work to get to that first cargo.

Before significant construction could begin, the material offloading facility would need to be built. The current plan, subject to change, has it just north of the LNG carrier jetty. With a 1,500-foot-wide frontage for offloading from heavy-lift vessels (called lift-on, lift-off) and a side facility with a 500-foot face for roll-on, roll-off deliveries, the freight dock could see 250 LNG

plant modules delivered by 60 ships over a three-year period. Riprap — heavy rocks stacked atop each other — would be installed on either side of the facility to protect the shoreline.

Each prebuilt module could weigh as much as 6,000 tons. Self-propelled modular trailers would haul the huge pieces to the plant site.

The freight dock would be dismantled at the end of the project.

Water depth at the proposed site for the offloading facility is only about 15 feet and would need to be dredged to 30 feet, the teams said. Estimates are that would require moving 1 million to 2 million cubic yards from the seabed. “We are continuing to study how we can minimize that,” a team leader said. The dredged area would measure about 3,200 feet by 1,500 feet, depending on the final design and seabed slope.

The project continues to collect data on currents, waves, sediment, sea floor bathymetry and other conditions in the area. There are plans to excavate a sample pit in the seabed in the second quarter 2016 to measure how much and how quickly it fills in.

Disposal sites for any dredging material are still being considered, including upland and at sea. Upland disposal could be used to protect the shoreline from erosion or for fill at the project site. Any decisions on disposal sites will be based on the composition of the dredged spoils and in close consultation with government agencies.

In an effort to limit truck traffic on heavily traveled Kenai Peninsula highways, the teams reported that as much as possible construction materials arriving in Anchorage or Seward would be barged to Nikiski.

CONSTRUCTION SITE SERVICES

Even before the material offloading facility is under full construction, Alaska LNG would build “pioneer camps” at the plant site, the first housing for the first work crews. During construction, until the project builds its own power generating plant, Alaska LNG may buy electricity from a local provider — that’s one of the issues still undecided.

Currently, Alaska LNG plans to drill its own water wells, estimating its maximum needs during peak construction at almost 400,000 gallons a day, or enough for 4,000 to 5,000 people, according to U.S. government water-use estimates.

Current plans indicate no water would be withdrawn from Cook Inlet for plant operations, the teams said. The liquefaction equipment will be air-cooled, not water-cooled.

Alaska LNG plans to build a secondary-level treatment plant on site for domestic sewage, and is still looking at options for proper disposal of industrial waste.

The mission statement for handling construction waste is “reduce, reuse and recycle,” with the teams reporting there could be an estimated 7,500 tons of wood waste in addition to the 4 million cubic yards of vegetation from site clearing. The teams are working to determine “what can be handled locally, what can be handled on site, what has to be hauled away.”

JETTY DESIGN CONTINUES

The jetty stretching out to the loading berths would be built in an area suffering from coastal erosion. The teams gathered geotechnical data this summer and plan to include “positive erosion control” in the project design, such as rock armor. “It needs engineering attention,” they said.

By going out 3,200 feet with the jetty, the project can avoid dredging at the loading berths. The 15 to 20 LNG carriers that would call at Nikiski each month could range up to 1,100 feet long, with a width of 165 feet and a 39-foot draft. Because sea ice moves through the area, Alaska LNG has ice experts looking at building “ice mitigation structures” — large concrete caissons — in the water that would break up the ice as it flows by. The teams are still evaluating the options and running models on ice build-up and currents.

A service vessel facility may be built off to the side of the loading jetty to accommodate the four tugs the project anticipates would be needed for docking the LNG carriers, along with other smaller service vessels.

AIR QUALITY, SAFETY CONSIDERATIONS

On land, the project continues gathering data on air quality levels, noting that the LNG plant will need to stay within emissions limits for the industrial area that already includes a refinery (Tesoro), a fertilizer manufacturing plant (Agrium, which is considering reopening the closed plant), and a small LNG plant (ConocoPhillips) that has operated since 1969.

The LNG plant will require safety flares for pressure release or other emergency use. The teams reported the current plan is to avoid a single tall flare tower, and instead install a ground flare system behind 30-foot-high barriers to help block the noise and light.

The liquefaction process itself “is a giant refrigeration system,” a team leader explained, “not much different from an air conditioner.” In addition to supercooling the methane down to minus 260 degrees Fahrenheit to reduce it to a liquid 1/600th the volume of its gaseous state, the plant will remove any remaining water in the gas stream that made it through the North Slope treatment plant.

The LNG plant will take down the water to 0.1 parts per million. Water in the gas stream turns into ice in the liquefaction equipment — not a good thing.

PRUDOE BAY DOCK EXPANSION

Though Nikiski-area residents are certainly focused on their end of the project, similar dredging, dock and delivery planning is underway at the north end of the project — at Prudhoe Bay.

The current plan is to expand what is called West Dock No. 2 at Prudhoe Bay to accommodate the larger production modules that would be delivered there for the gas treatment plant, along with other construction materials. The heaviest of those modules could weigh 9,000 tons and measure 300 feet by 90 feet.

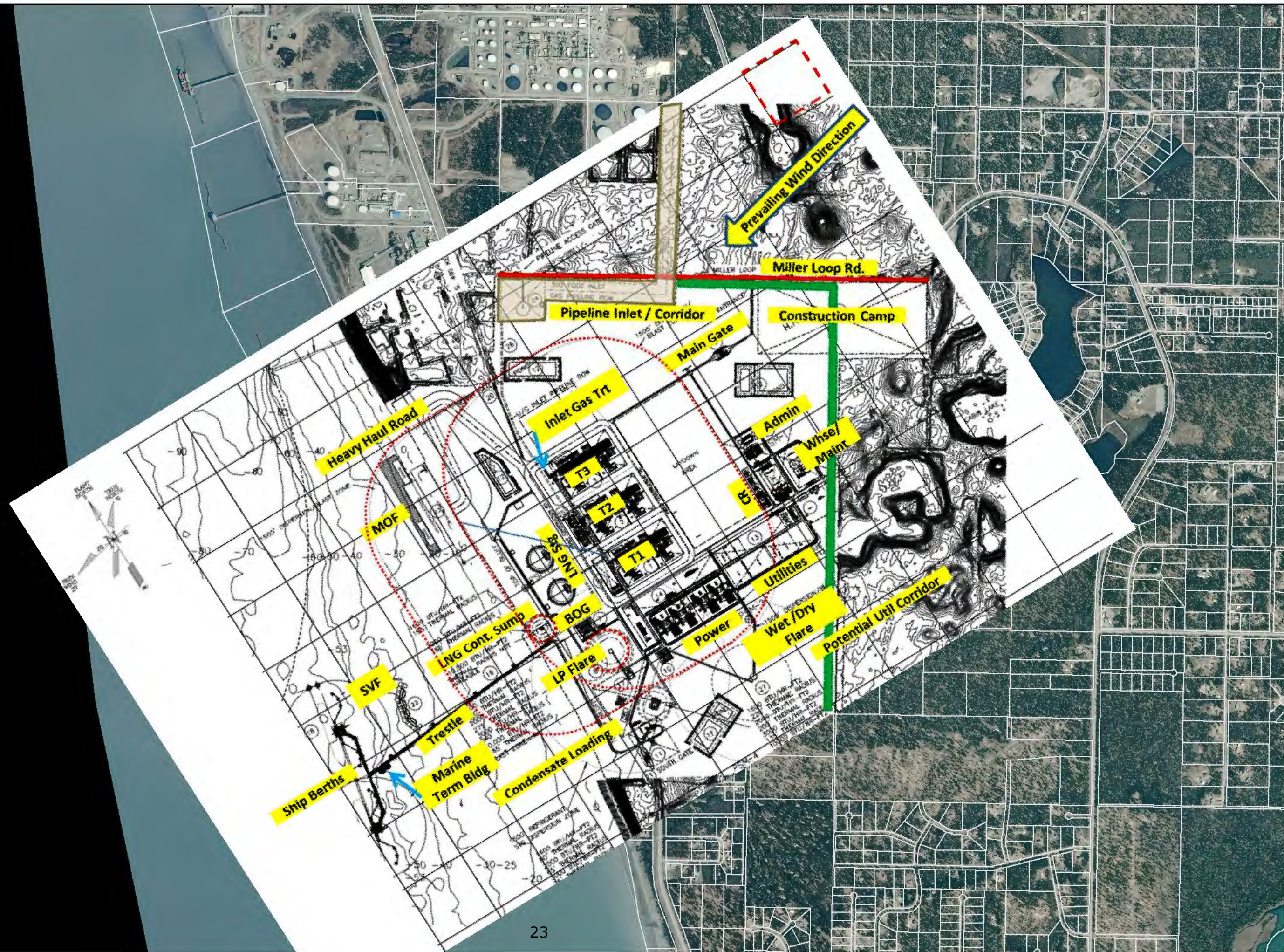
The sealift could take four years, delivering a total of 300,000 tons of modules and equipment.

Dredging would be required to accommodate the delivery barges, looking to clear a 14,000-foot-long channel, 280 feet wide at a 16-foot depth to reach the dock, with an 800-foot by 1,000-foot turning basin at the front of the dock, Alaska LNG teams explained. Dredging volume could total 2 million to 2.5 million cubic yards.

Dredging could be done in the winter by cutting, excavating and removing sea ice and then staging excavators on the ice to reach out and dredge below.

Alaska LNG continues sedimentation and seabed studies in the area.

In addition to dredging, work would include expanding West Dock No. 2 an additional 14 acres, adding three berths to the two already at the dock, and widening the road and causeway between the dockhead and land. Plans also could include an onshore staging area of 20 to 60 acres to move equipment to clear the dock as fast as possible.





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 15-161

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: September 23, 2015
SUBJECT: Strategic Doing: Deep Water Dock

At the last strategic doing work session Council received an update on the status of the Deep Water Dock feasibility study. Preliminary reports indicate that the expansion as originally envisioned may not be the most feasible project in the near term. The consultants found in their interviews with customers and potential customers at the Deep Water Dock the need for improved traffic flow for freight and a secure staging area. Public Works Director Meyer and Port and Harbor Director Hawkins came up with the attached proposal to use the \$1 million legislative appropriation that the City received 6 years ago towards the goal of expanding freight capabilities at the Deep Water Dock. It is important that this project a) lays necessary groundwork for any future expansion project and b) delivers a tangible and useful product with the funds available. The goal is to have these funds encumbered soon after the first of the year. Project description is attached.

R&M Consultants has also worked with the Public Works Director and Port and Harbor Director on preparing the attached brochure to send to customers and potential customers highlighting the assets of the City of Homer Port and Harbor. This brochure will be distributed to everyone on the interview list and available for staff and Council when promoting the Port of Homer.

ENC:

Deep Water Dock Uplands Improvements Scope of Work and Map
Business begins where the land ends brochure

Scope of Work
Homer Deep Water Dock Expansion - Phase 1
Design and Construction - Access, Security & Laydown/Storage Area Improvements

Background: The City is completing a feasibility study that will identify potential Deep Water Dock Expansion alternatives that are economically justified. It is apparent that under any proposed expansion plan access, security & laydown/storage improvements are needed (including the no-build option).

This project will enhance cargo-handling facilities at Homer’s Deep Water Dock. The project supports the dock’s capability to handle freight delivery to the Kenai Peninsula, staging for barge freight service to the Lake and Peninsula Borough, and meet the needs of future resource development projects.

Additionally, these improvements to the Deep Water Dock will support freight and cargo movements across the dock, and improve the efficiency and security for users of the dock, and the safety of other Spit users (including recreational users, tourists, businesses, and the general public).

Proposed Scope of Work: (see attached map for locations of the dock and proposed improvements)

Design: The design of these improvements (see below) will include 10%, 35%, 95% design deliverables (plans, specs and cost estimate). Federal, state and local regulatory and environmental permits will be obtained. The public will be involved through meetings at the Harbor Commission and the City Council. Bid documents will be prepared, competitive bids will be solicited in accordance with grant conditions and City procurement policies.

Construction: The following improvements will be constructed:

Task 1 - Laydown Area Improvements Currently, there is no secure laydown areas (areas dedicated to staging freight/cargo in preparation for loading across the Deep Water Dock onto ships and barges). An existing gravel area immediately adjacent to the Deep Water Dock approach trestle will be fenced, gated and paved. Drainage improvements will be installed. Lighting will be provided, as well as security cameras installed.

Task 2 – Storage Area Improvements Currently, there is no secure storage areas (areas dedicated to storing freight/cargo after it has been unloaded from the Deep Water). An existing concrete pad near the Deep Water Dock approach trestle will be fenced and gated. Drainage outfall piping improvements will be completed. Lighting will be provided, as well as security cameras installed.

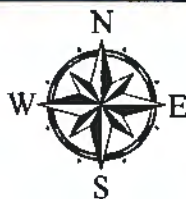
Task 3 – Access Road Improvements The existing gravel access road Outer Dock Road) will be paved, creating a one-way couplet (incoming and outgoing cargo will be separated from each other and the general Freight Dock Road traffic (including recreational small boat harbor users, tourists, businesses, and the general public). This will improve efficiency of the operations associated with the Deep Water Dock and improve safety in this congested area of the Homer Spit.

Schedule:

Begin Design	September 30, 2015
Design Complete	February 15, 2016
Bid Opening.....	March 30, 2016
Construction Complete	September 30, 2016

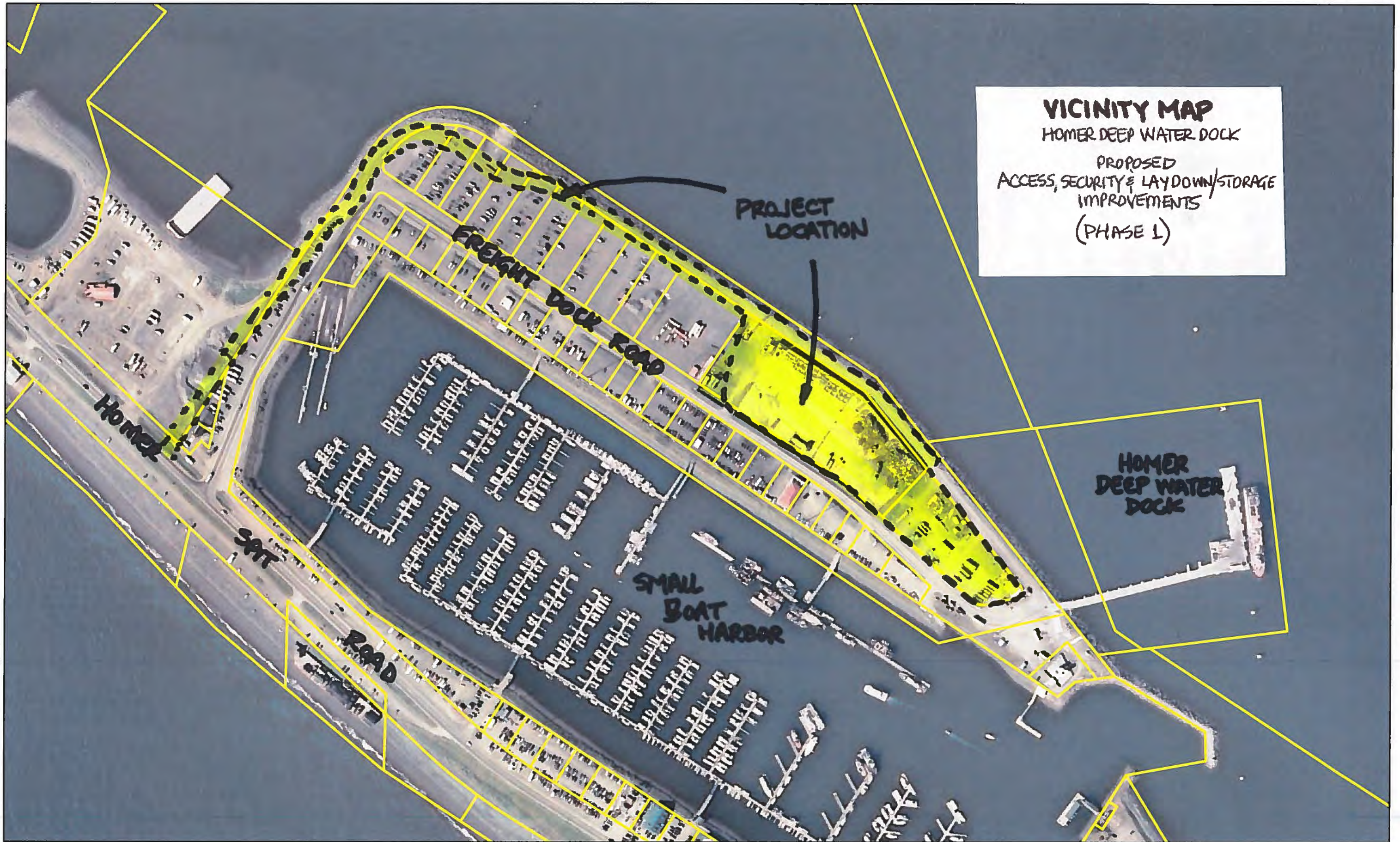


HOMER DEEP WATER DOCK EXPANSION
ACCESS, SECURITY & LAYDOWN/STORAGE IMPROVEMENTS
LEGEND
 TASK 1 - LAYDOWN AREA
 TASK 2 - STORAGE AREA
 TASK 3 - ACCESS ROAD
 (PHASE 1)



CITY OF HOMER
 DEPT. OF PUBLIC WORKS
 3575 HEATH ST.
 HOMER, AK 99603-7833
 (907) 235-3170 Fax: (907) 235-3145

1 inch = 200 feet



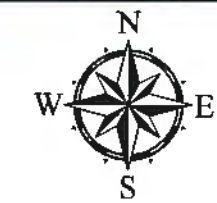
VICINITY MAP
 HOMER DEEP WATER DOCK
 PROPOSED
 ACCESS, SECURITY & LAYDOWN/STORAGE
 IMPROVEMENTS
 (PHASE I)

PROJECT
 LOCATION

FREIGHT DOCK ROAD

HOMER
 DEEP WATER
 DOCK

SMALL
 BOAT
 HARBOR



CITY OF HOMER
 DEPT. OF PUBLIC WORKS
 3575 HEATH ST.
 HOMER, AK 99603-7833
 (907) 235-3170 Fax: (907) 235-3145

1 inch = 300 feet



DEEP WATER &
PIONEER DOCKS
MARINE SUPPORT

BUSINESS BEGINS WHERE LAND ENDS.



Homer Harbormaster
Bryan Hawkins
(907) 235-3160
bhawkins@ci.homer.ak.us

Public Works Department
Carey Meyer
(907) 235-3170
cmeyer@ci.homer.ak.us

**North Star Terminal
& Stevedore Company**
Wayne Barrowcliff
(907) 235-6008
wayneb@northstarak.com

Homer Marine Trades Association
www.homermarinetrades.com



HOMER SHIPPING FACILITIES AND CAPABILITIES

The City of Homer is where the land meets the sea and the marine industry meets marine capabilities, including two docks, water service, fueling, moorage services, large vessel amenities, vessel repair and more. Furthermore, the potential for expansion offers Homer's marine industry the opportunity to increase marine services. With the ability to advance marine commerce, promote industrial growth, offer safe and innovative marine technology and stimulate economic development, the City of Homer is fully prepared to service your shipping needs.

If you are interested in anchoring in the City of Homer, please contact the following:

Homer Harbormaster

Bryon Hawkins
(907) 235-3160
bhawkins@ci.homer.ak.us

Public Works Department

Carey Meyer
(907) 235-3170
cmeyer@ci.homer.ak.us

North Star Terminal & Stevedore Company

Wayne Barrowcliff
(907) 235-6008 wayneb@northstarak.com

Homer Marine Trades Association

www.homermarinetrades.com

HOMER HARBOR

Boosting two docks, Pioneer Dock and the Deep Water Dock, as well as a small boat harbor, Homer has ample capacity to provide harbor services to the companies and industries that drive Alaska's economy.

- Ice-free Operations
- Marine Commerce
- Support Services
- Moorage Services
- Water and Sewer Service
- Fueling
- Laydown/Staging Areas

A map with the locations of these facilities can be found on pages 6 and 7.

DEEP WATER DOCK

To reduce costs and meet estimated growth in marine trade, the City of Homer is in the process of completing a Deep Water Dock expansion feasibility study. The current Deep Water Dock supports the berthing of most of the commercial and industrial vessel landings in Homer Harbor. The dozen or so cruise ships that visit Homer each year berth at this dock. Security is provided with fencing, gate and guard shack (level of security meets 33 CFR 105 requirements for a regulated facility).

Features:

- Front face of the existing Deep Water Dock is 340' long.
- Water depth at the front face is 40' (at MLLW).
- Vessels can also berth on the backside of the dock where the berthing length is 240'.
- 240' of the dock face has a working width of 38'.
- The remaining 100' has a 112' wide working dock width.
- Water can be supplied to vessels berthing at this dock.
- A five-ton crane is available on the dock to service the backside dock face.

Two breasting dolphins and a mooring buoy lay south of the dock and a breasting dolphin and mooring buoy north of the dock will accommodate the berthing of an 800' vessel (65,000 displacement tons). A single 525' long trestle (22' working width) provides access to the dock face.

HOMER DOCK SPECIFICATIONS

	Deep Water Dock	Pioneer Dock
Length	340'	468'
Width	38'	38'
Max vessel length	800'	750'
Live Load	250 psf	500 psf

PIONEER DOCK

Pioneer Dock provides berthing for the Coast Guard vessel "Hickory" and the Alaska State Ferry's "M/V Tustumena" and "M/V Kennicott." The dock is designed to provide roll-on and roll-off capabilities. The use of the dock by the USCG and ADOT/PF limits, to some extent, access to the face of the dock. Berthing of other vessels requires coordination with the primary users of the dock. Fuel barges also use this dock to deliver fuel to the Petro Marine fuel tank farm near the end of Homer Spit.

Features:

- Pioneer Dock face is 468' long.
- The working dock width is 38'.
- Water depth at the face is 40' (at MLLW).
- Dock has a "U" shaped configuration with two trestles.
- The east trestle is 294' long and has a working width of 28'.
- The west trestle is 378' long and has a working width of 26'.
- Dock is designed to support a uniform live load of 500 psf.
- Dock can support an AASHTO HS25-44 truck.
- Dock can support a 45 ton fork lift.
- Dock can support a 140 ton truck crane.
- Allowable fender energy is 233 ft-kips per fender.
- Maximum allowable dolphin line pull is 70 tons.

Capabilities also include two breasting dolphins and a mooring dolphin, which lay south of the dock, and can accommodate the berthing of a 750' vessel (80,000 displacement tons).

ADDITIONAL HARBOR AMENITIES

The City of Homer has ample capacity for the marine industry with support facilities that provide the logistical capabilities necessary for efficient service, including:

- Large vessel services.
- Laydown/staging area.
- Fueling capabilities.
- Water availability.
- Sewage collection.
- Vessel maintenance and repair.
- Small boat harbor.
- Fish dock (with 8 public access cranes).
- Associated ice plant (200-ton storage, 100-ton per day food grade flake production).
- A 5-lane load and launch ramp.
- A wood grid.
- A steel grid.
- Barge loading ramp.

Large Vessel Services

Anchorage for large vessels is available in the protected waters of Kachemak Bay (east of Homer Spit) – the Port of Refuge for the lower Cook Inlet.

Small Boat Harbor

The 49-acre Small Boat Harbor basin offers:

- 920 reserve slips (accommodating up to 85' boats).
- 6,000' of transient moorage (accommodating up to 150' LOA).
- Water available to most slips and transient moorage.
- Power available to large vessel transient moorage.
- Commercial barge ramp (can serve a 50' x 160' barge).

Barge Basin

English Bay Native Corporation operates a barge basin and offers:

- 280' sheet pile dock.
- Storage yard.
- Heliport and heated storage facilities on the spit.

Additionally, North Star Stevedores operate out of this facility and provide support to marine activities (line handling, material loading/off-loading, etc.) at their site and at the City of Homer Harbor facilities. Equipment that is available at this facility includes a 140-ton truck crane and a 31-ton forklift.

Laydown/Staging Area Capabilities

Lay-down/Staging areas available on Homer Spit are substantial. The city owns 15 acres of property suitable for this purpose. Additionally, the English Bay Native Corporation facility has over 30 acres of land suitable for laydown and staging operations. Additional storage facilities are available off the spit.

Fueling Capabilities

Petra Marine operates a fuel tank farm at the end of the spit with the capacity to store 2 million gallons of number two diesel, gasoline, aviation gas and jet diesel. The Petra Marine facility also stockpiles commercial quantities of marine lubrication products.

Vessels can take on fuel at Pioneer Dock at a rate of 250 gallons gpm (15,000 gph). Currently, vessels at the Deep Water Dock can be fueled by truck. The planned expansion of the Deep Water Dock will provide for fueling capabilities similar to those currently provided at Pioneer Dock.

Water Availability

The City of Homer operates a membrane ultra-filtration water treatment plant that can produce 2 million gallons per day. A 12-18" water transmission main delivers drinking water to the harbor facilities. A 750,000 gallon water storage tank is located at the end of the spit.

Currently, the City of Homer can deliver drinking water to a vessel, at either dock, at a rate of 1,500 gallons per minute (or 1 million-1.5 million gallons per day). With relatively minor additions at the water treatment plant, a long-term customer could be in a position to receive 2.5 million-3 million gallons of water per day.

Sewage Collection Capability

Currently, the City of Homer provides sanitary sewer service to all facilities on Homer Spit. Pioneer Dock is the only location where vessels can discharge wastewater. The planned expansion of the Deep Water Dock will provide for wastewater discharges at this facility. Homer's sewer treatment plant and the wastewater collection system that serves Homer Spit have reserve capacity to accept and treat an additional 500,000 gallons per day.

Vessel Maintenance and Repair

Large shallow draft vessels are hauled out utilizing pneumatic air bags for repair and maintenance on a gravel pad just north of the fishing hale. A strong and vibrant marine trades industry exists in Homer (welders, electricians, communications, etc.) to support vessel repair work and routine maintenance.

In-water repair and inspections can be accommodated at either of the two docks.

Other Marine Support Facilities

Three major trucking companies operate out of Homer- Carlile, Lynden and Air Land. Kachemak Gear Shed provides commercial retail support to the marine industry.

CITY INFRASTRUCTURE

The City of Homer's marine industry is not limited to its sea and docking amenities.

On land, Homer has the necessary services for transportation, medical assistance, safety and staff assistance to ensure all needs, expected or unexpected, are met.

Airport

Homer Airport is operated by the State of Alaska. The terminal is operated by the City of Homer. A 6,700 linear foot paved runway, heliport, tie-down areas, leased hangers and a full range of aviation support facilities are available.

Hospital

Homer is served by the South Peninsula Hospital. South Peninsula Hospital is a full-service hospital that provides a wide range of general and specialty services. The newly constructed and remodeled areas of the hospital provide first-rate services in a state-of-the-art facility. This home-like, healing environment, combined with the best in medical expertise and technology allows patients to receive the comprehensive care they need close to home.

Police/Fire

The City of Homer provides police and fire protection for the community. Homer Public Works operates and maintains water mains, fire hydrants and water storage tanks on the spit to support firefighting activities should they be necessary.

Port/Harbor Staffing

The port and harbor is staffed year round, 24/7 by harbor officers who stand by on VHF Channel 16.

HOMER HARBOR

DEEP WATER DOCK | PIONEER DOCK | MARINE SUPPORT



“The robust list of capabilities, as well as the potential the Deep Water Dock expansion has to offer, will ease movement of goods in the marine industry in the Cook Inlet Region.”

Laydown Areas
Homer Spit North Star Marine Terminal
Sheet Pile Dock

Boat Repair Site

Laydown Area

Deep Water Dock

Kachemack Bay offers anchorage for large vessels

Homer Harbor

Pioneer Dock

Petro Marine Fuel Tank Farm

Small Boat Harbor



HOMER, ALASKA IS LOCATED AT
59°38'35" NORTH, 151°31'33" WEST
(59.643059, -151.525900)

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
SEPTEMBER 28, 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.

Mayor Wythe and Councilmember Lewis have requested excusal.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

3. Ordinance 14-18(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting Homer City Code 21.58.040, Communications Tower Requirements; to Define and Establish Standards for Communications Any Towers. Zak. **Page 37**

Memorandum 15-159 from City Planner as backup.

Page 45

**4. PRELIMINARY BUDGET ASSUMPTIONS
Revenue Solutions: Town Hall Meeting Update**

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, October 12, 2015 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

ORDINANCE REFERENCE SHEET
2014 ORDINANCE
ORDINANCE 14-18

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting Homer City Code 21.58.040, Communications Tower Requirements; to Define and Establish Standards for Communications Towers.

Sponsor: Zak

1. City Council Regular Meeting April 28, 2014 Introduction, Amendment, and Referred to the Planning Commission
2. City Council Committee of the Whole September 28, 2015
 - a. Ordinance 14-18(A) as amended by City Council on April 28, 2014
 - b. Excerpt from City Council Minutes of April 28, 2014

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

Zak

3
4 **ORDINANCE 14-18(A)**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.03.04, DEFINITIONS USED IN
8 ZONING CODE, THE TITLE OF HOMER CITY CODE 21.58 AND
9 HOMER CITY CODE 21.58.010, PURPOSE AND APPLICATION; AND
10 ENACTING HOMER CITY CODE 21.58.040, ~~COMMUNICATIONS~~
11 TOWER REQUIREMENTS; TO DEFINE AND ESTABLISH
12 STANDARDS FOR ~~COMMUNICATIONS~~ **ANY** TOWERS.
13

14 THE CITY OF HOMER ORDAINS:

15
16 Section 1. Homer City Code 21.03.040 is amended by adding a definition of
17 “~~communications~~ **any** tower” to read as follows:

18
19 “~~Communications~~ **Any** tower” means a fixed vertical structure that supports
20 equipment that transmits or receives radio, microwave or other electromagnetic
21 communication signals, including a monopole or lattice tower, plus its accompanying base
22 plates, anchors, guy cables and hardware.
23

24 Section 2. The title of Homer City Code 21.58 is amended to read as follows:

25
26 Chapter 21.58 Small Wind Energy Systems and ~~Communications~~ **any** Towers
27

28 Section 3. Homer City Code 21.58.010 is amended to read as follows:

29
30 21.58.010 Purpose and application. The purpose of this chapter is to establish
31 minimum health and safety standards for small wind energy systems and ~~communications~~
32 **any** towers. It applies to small wind energy systems and **any** ~~communications~~ towers in all
33 districts where they are allowed as permitted or conditional uses.
34

35 Section 4. Homer City Code 21.58.040 is enacted to read as follows:

36
37 21.58.040 ~~Communications~~ **All** tower requirements. a. An application for a
38 ~~communications~~ **any** tower shall include the following information:

- 39 1. A level one site plan that shows the location of the ~~communications~~ tower.
40 2. Specifications for the ~~communications~~ tower including an illustration or picture of
41 the ~~communications~~ tower prepared to scale, total tower height, tower color and, if
42 proposed, the location of ladders and/or climbing pegs.

43 3. Tower foundation blueprints or drawings.
44 4. Evidence of compliance with, or exemption from, Federal Aviation Administration
45 requirements.

46 b. Dimensional Requirements.

47 1. A ~~communications~~ tower may be installed only on a lot having an area not less than
48 one acre.

49 2. The distance from a ~~communications~~ tower to the closest property line may not be
50 less than 1.1 times its total height.

51 3. All guy wires, cables and other accessory support structures for a ~~communications~~
52 tower must be on the same lot as the ~~communications~~ tower, but may be located within
53 required setback areas, and shall be properly jacketed to comply with visibility safety
54 standards.

55 c. Tower standards.

56 1. A ~~communications~~ Any tower shall not interfere with television, microwave,
57 navigational or radio reception.

58 2. The lowest part of a climbing apparatus that provides access to equipment on a
59 ~~communications~~ tower shall be at least 12 feet above the ground, and the tower shall have no
60 handholds or footholds below the climbing apparatus.

61 3. No artificial lighting shall be mounted on a ~~communications~~ any tower, and a
62 ~~communications~~ any tower shall not be illuminated with artificial lighting, except when
63 required by the Federal Aviation Administration.

64 d. Signs. No sign, flag or pennant may be attached to a ~~communications~~ any tower
65 except for the following:

66 1. A sign identifying the owner or operator of the ~~communications~~ tower.

67 2. Signs warning of dangers associated with the ~~communications~~ tower.

68 e. The City may abate as a nuisance under HCC 21.90.070 a ~~communications~~ any tower
69 that is not operational for a period of at least 12 consecutive months.

70
71 Section 5. This Ordinance is of a permanent and general character and shall be
72 included in the City Code.

73
74 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
75 _____, 2015.

76
77 CITY OF HOMER
78
79 _____
80 MARY E. WYTHE, MAYOR
81

82 ATTEST:

83

84

85

86 _____
JO JOHNSON, MMC, CITY CLERK

87

88

89 AYES:

90 NOES:

91 ABSTAIN:

92 ABSENT:

93

94

95 First Reading:

96 Public Reading:

97 Second Reading:

98 Effective Date:

99

100

101 Reviewed and approved as to form:

102

103

104

105 _____
Mary K. Koester, City Manager

106

107 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 14-18**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting Homer City Code 21.58.040, Communications Tower Requirements; to Define and Establish Standards for Communications Towers. Zak. Recommended dates: Introduction April 28, 2014, Refer to Planning Commission.

Mayor Wythe called for a motion for the adoption of Ordinance 14-18 for introduction and first reading by reading of title only.

ZAK/BURGESS - SO MOVED.

Council discussed expanding the definition of towers and sending the ordinance to the Planning Commission for review and recommendations. About 80% of the current towers may be noncompliant if they were held to the proposed standard.

VAN DYKE/ZAK - MOVED TO AMEND TO STRIKE THE WORD "COMMUNICATIONS" AND REPLACE WITH "ANY TOWERS" THROUGHOUT THE DOCUMENT.

Council discussed whether the amendment was needed before sending the ordinance to the Planning Commission.

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

VOTE: NO. ROBERTS, HOWARD

Motion carried.

BURGESS/ROBERTS - MOVED THAT WE REFER THIS TO THE PLANNING COMMISSION.

There was no discussion.

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

Motion carried.

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

Motion carried.

- B. **Ordinance 14-17**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040.m Regarding Compensation for the Mayor and Council, and Amending the FY 2014 Operating Budget by Appropriating \$8,775.00 From the General Fund-Fund Balance for Mayor and Council Member Compensation. Burgess/Lewis/Roberts. Recommended dates: Introduction April 28, 2014, Public Hearing and Second Reading May 12, 2014.

Mayor Wythe called for a motion for the adoption of Ordinance 14-17 for introduction and first reading by reading of title only.

BURGESS/LEWIS - SO MOVED.

Mayor Wythe expressed her opposition to the introduction of Ordinance 14-17 on many levels. It implies a council seat is unobtainable without compensation. Councilmembers are elected by the community to offer their time and services. The stipend is to be a supplement and was lowered several years ago due to the budget. There are no requirements for knowledge and expertise to serve on the council; we hire staff and the attorney for their professional expertise. To have the City acting as a benefactor and accountant is inappropriate use of staff time. She feels it is disingenuous to increase council pay.

BURGESS/ROBERTS – MOVED TO AMEND LINE 58: AMEND THE WORD “SALARY” TO “STIPEND” AND ALL REFERENCES TO SALARY TO STIPEND.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 15-159

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: September 23, 2015
SUBJECT: AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE, HOMER CITY CODE 21.05.030, MEASURING HEIGHTS, AND HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED; REPEALING HOMER CITY CODE CHAPTER 21.58, SMALL WIND ENERGY SYSTEMS; AND ENACTING HOMER CITY CODE CHAPTER 21.58, TOWERS AND RELATED STRUCTURES.

I hope to familiarize the council with the draft ordinance regarding tall structures, so that you may provide input and direction on the subject before it comes to you formally. The goal of the ordinance is to minimize the amount of towers and negative impacts, while creating clear expectations for permitting.

The subject of communication towers can become quite technical and some proposals can get controversial especially in and near residential districts. Most of the ordinance is well received. It has been reviewed by those in the industry, but has had little public input so far. The presentation gives an overview of the ordinance and highlights some areas where council input is requested.

While we have worked long and hard to get to the place we are with the ordinance, I am finding technical hurdles when addressing some of the recommendations (one, not in the ordinance yet, regards the use of utility poles for telecommunication equipment). At this point, I am suggesting that we require a third party review of the applications. The way this works is that we would enter into a contract to give exclusive rights to a contractor to review all tower permits. They would be reimbursed for expenses from the applicant. For this privilege, they will review our ordinance and defend any challenges to their decisions, thus taking the task from Planning.

Additionally, I would like to have council take a look at the height requirements and setback standards for concurrence. The items I wish for the council to provide input are marked with asterisks and have "council input requested" in red at the bottom of the slide.

Att.

1. Draft ordinance
2. Tower presentation
3. Managing Wireless Infrastructure Deployment Smith, R. E., *Practicing Planner*, summer 07

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**CITY OF HOMER
ORDINANCE 15-xx**

Planning Commission

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING HOMER CITY CODE 21.03.040, DEFINITIONS USED IN ZONING CODE, HOMER CITY CODE 21.05.030, MEASURING HEIGHTS, AND HOMER CITY CODE 21.70.010, ZONING PERMIT REQUIRED; REPEALING HOMER CITY CODE CHAPTER 21.58, SMALL WIND ENERGY SYSTEMS; AND ENACTING HOMER CITY CODE CHAPTER 21.58, TOWERS AND RELATED STRUCTURES.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.03.040, Definitions used in zoning code, is amended by adding the following definitions:

“Collocation” means the placement or installation of wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

“Equipment compound” means the area occupied by a wireless communications support structure and within which wireless communications equipment is located.

“Tower, amateur radio” means a fixed vertical structure used exclusively to support an antenna used by an amateur radio operator licensed by the Federal Communications Commission, plus its accompanying base plates, anchors, guy cables and hardware.

“Tower, communications” means a fixed vertical structure built for the primary purpose of supporting wireless communications equipment, plus its accompanying base plates, anchors, guy cables and hardware.

“Wireless communications equipment” means the set of equipment and network components used in the provision of wireless communications services, including without limitation antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless communications support structure.

“Wireless communications services” means transmitting and receiving information by electromagnetic radiation, by an operator (other than an amateur radio operator) licensed by the Federal Communications Commission.

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

45 "Wireless communications support structure" means a structure that is designed to
46 support, or is capable of supporting, wireless communications equipment, including a
47 communications tower, utility pole, or building.
48

49 Section 2. Subsection (b) of HCC 21.05.030 is amended to read as follows:
50

51 b. When measuring height of a building, the following are excluded from the
52 measurement:

53 1. Steeples ~~steeple~~s, spires, belfries, cupolas and domes if not used for human
54 occupancy, chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads,
55 monuments, flagpoles, wind energy systems, television and radio antennas, other
56 similar features, and necessary mechanical appurtenances usually carried above roof
57 level.

58 2. Wireless communications equipment that does not extend more than 10
59 feet above the height of the building.
60

61 Section 3. Subsection (d) of Homer City Code 21.05.030 is amended to read as follows:
62

63 d. When determining the height of a nonbuilding structure, such as a sign, ~~or fence,~~
64 amateur radio tower, communications tower or wireless communications support
65 structure, the height shall be calculated as the distance from the base of the structure at
66 normal grade to the top of the highest part of the structure, excluding lightning rods. For this
67 calculation, normal grade shall be construed to be the lower of (1) existing grade prior to
68 construction or (2) the newly established grade after construction, exclusive of any fill, berm,
69 mound, or excavation made for the purpose of locating or supporting the structure. In cases in
70 which the normal grade cannot reasonably be determined, structure height shall be calculated
71 on the assumption that the elevation of the normal grade at the base of the structure is equal
72 to the elevation of the nearest point of the crown of a public street or the grade of the land at
73 the principal entrance to the main building on the lot, whichever is lower.
74

75 Section 4. Homer City Code Chapter 21.58, Small Wind Energy Systems, is repealed.
76

77 Section 5. Homer City Code Chapter 21.58, Towers and Related Structures, is enacted
78 to read as follows:
79

80 CHAPTER 21.58

81 TOWERS AND RELATED STRUCTURES

82 Article I. Communications Towers and Wireless Communications Equipment

83
84
85
86 21.58.010 Purpose.

[**Underlined added.** Deleted language stricken through.]

87 The purpose of this article is to provide standards and procedures for communications
88 towers and for wireless communications equipment.

89
90 21.58.020 Exemption from regulation.

91 a. Each of the following communications towers is a permitted principal or accessory
92 use or structure in each zoning district and is exempt from the provisions of this article:

93 1. A communications tower that is placed temporarily to support wireless
94 communications equipment that is provided in response to a state of emergency
95 declared by a federal, state, or local government authority and is removed within 12
96 months after the termination of the state of emergency.

97 2. A communications tower that is placed temporarily to support wireless
98 communications equipment that is provided for media coverage of a special event, and
99 that is placed no more than 30 days before the special event and removed no more than
100 15 days after the end of the special event.

101 3. A communications tower with a height not exceeding 35 feet.

102 4. An amateur radio tower, to the extent that it is exempt from regulation under
103 AS 29.35.141.

104 b. The collocation, removal, replacement or installation of wireless communications
105 equipment is a permitted principal or accessory use or structure in each zoning district and is
106 not subject to approval under this title if it meets all of the following requirements:

107 1. The collocation, removal or replacement is in an existing wireless
108 communications support structure or existing equipment compound that is in
109 compliance with the requirements of this title in effect at the time of its construction
110 and with the terms and conditions of any previous final approval under this title.

111 2. The collocation, removal or replacement will not do any of the following:

112 A. Increase the overall height of the wireless communications support
113 structure by more than 20 feet or 10% of its original height, whichever is
114 greater.

115 B. Increase the width of the wireless communications support structure
116 by more than the minimum necessary to permit the collocation, removal or
117 replacement.

118 2,500 square feet.

119 3. The collocation, removal or replacement complies with the terms and
120 conditions of any previous final approval of the wireless communications support
121 structure or equipment compound under this title.

122 4. The installation is on an existing building that is in compliance with the
123 requirements of this title and with the terms and conditions of any previous final
124 approval under this title, and the wireless communications equipment does not extend
125 more than 10 feet above the height of the building.

126
127 21.58.030 Permission for communications towers.

128 a. Except as provided in subsection (b) of this section, a communications tower is
129 permitted as a principal or accessory use or structure in each zoning district.

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

130 b. A communications tower that exceeds the following maximum height for the zoning
131 district in which the communications tower is located is permitted only when authorized by
132 conditional use permit issued in accordance with Chapter 21.71.

133	<u>District</u>	<u>Maximum Height (feet)</u>
134	CBD	60
135	TC	60
136	GBD	60
137	GC1 (Beluga Lake)	120
138	RO	85
139	UR	60
140	RR	85
141	CONS	60
142	GC2	120
143	EEMU	120
144	MI	120
145	MC	120
146	OSR	60
147	BCWPD	120

148
149 21.58.040 Application requirements. An application for a zoning permit or conditional
150 use permit for a communications tower that is subject to regulation under this article shall
151 include the following information, in addition to information required by other provisions of
152 this title:

- 153 a. A level two site plan that shows the location of the communications tower.
- 154 b. A written narrative explaining why placing wireless communications equipment at
155 the proposed location is necessary to the applicant's wireless communications services
156 coverage, including confirmation that there is no available site for collocation of the wireless
157 communications equipment within an appropriate radius ~~of 1,000 feet~~ from the proposed
158 location in consideration of the proposed technology, and an evaluation of at least three
159 alternate communications tower locations that the applicant considered and an explanation
160 why the proposed location is the best alternative.
- 161 c. A demonstration that the height of the communications tower is the minimum
162 required for the effective operation of the wireless communications equipment plus the
163 present and future collocations that it supports.
- 164 d. A map showing the locations of the applicant's existing communications towers that
165 serve customers in the city and of all communications towers that the applicant proposes to
166 construct to serve customers in the city.
- 167 e. A description of the wireless communications equipment that the communications
168 tower will support, and accessory structures such as equipment cabinets and generators.
- 169 f. An analysis of the potential visual impacts of the communications tower at distances
170 of 500 feet and 1,500 feet from the proposed location, through the use of photo simulations of
171 the communications tower and the wireless communications equipment that it will support.
172 The analysis shall include, to the extent practicable, the visual impact along two lines

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

173 extending from the shore of Kachemak Bay through the communications tower site that are
174 separated by an angle of at least 90 degrees, and show the relationship of the communications
175 tower to structures, trees, topography, and other intervening visual barriers. The analysis will
176 include recommendations to mitigate adverse visual impacts of the communications tower on
177 other properties.

178 g. A certificate from an engineer licensed in Alaska that the communications tower, and
179 all antennas and other wireless communications equipment located on it, meet industry
180 standards for their construction, including without limitation the ability to withstand
181 anticipated wind and seismic loads.

182 h. Evidence that all wireless communications equipment supported by the
183 communications tower meets applicable Federal Communications Commission requirements.

184 i. A determination of no hazard to air navigation for the communications tower issued
185 by the Federal Aviation Administration.

186 h. For a conditional use permit, minutes of each public meeting held under Section
187 21.58.060(a), and copies of all public comments received under Section 21.58.060(b)(5).

188

189 21.58.050 Communications tower standards.

190 a. The distance from a communications tower to the closest property line of a lot that
191 contains a dwelling unit, dormitory, hotel, motel, bar, restaurant, school, day care facility,
192 church, retail establishment or place of public assembly may not be less than 1.1 times its total
193 height.

194 b. The height of the communications tower shall not be greater than the minimum
195 height required for the effective operation of the wireless communications equipment and
196 collocations that it will support upon its initial construction, plus 10 feet for each additional
197 unoccupied collocation site on the communications tower.

198 c. The communications tower and any related equipment compound are painted or
199 coated in a color that blends with the surrounding environment, except to the extent that
200 obstruction marking is required by the Federal Aviation Administration, and the fence or wall
201 that surrounds the equipment compound at the base of the communications tower, combined
202 with any landscaping adjacent to its exterior, shall obscure the equipment compound to view
203 from its exterior.

204 d. All guy wires, cables and other accessory support structures for a communications
205 tower shall be on the same lot as the tower, but may be located within required setback areas,
206 and shall be properly jacketed to ensure visibility in accordance with applicable safety
207 standards.

208 e. The equipment compound for a communications tower shall conform to the
209 minimum setback requirements of the zoning district in which it is located.

210 f. Not less than two off-street parking spaces conforming to the requirements of this
211 title shall be provided on the lot where a communications tower is located for use in the
212 operation and maintenance of the communications tower and the wireless communications
213 equipment that it supports.

214 h. The equipment compound at the base of a communications tower shall be
215 surrounded by a fence or wall not less than six feet in height with a secured gate. The lowest

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

216 part of a climbing apparatus that provides access to equipment on a communications tower
217 shall be at least 12 feet above the ground, and the tower shall have no handholds or footholds
218 below the climbing apparatus.

219 h. Except for switch type lighting, no artificial lighting shall be mounted on a
220 communications tower, and a communications tower shall not be illuminated with artificial
221 lighting, except when required by the Federal Aviation Administration.

222 i. Signs. No sign, flag or pennant may be attached to a communications tower except
223 that the following shall be posted in a location that is visible from the ground outside the
224 equipment compound:

225 1. A sign identifying the party responsible for the operation and maintenance of
226 the communications tower, with a 24-hour emergency contact telephone number.

227 2. Any antenna structure registration number required by the Federal
228 Communications Commission.

229 3. Warnings of dangers associated with the communications tower or
230 equipment that is located on the communications tower.

231

232 21.58.060 Public notification of communications tower application.

233 a. The applicant for a conditional use permit for a communications tower shall hold at
234 least one meeting informing the public of the application that conforms to the following
235 requirements.

236 1. The meeting shall be held at city hall, or at a public facility that is nearer to the
237 location of the proposed communications tower and capable of seating a minimum of 20
238 people.

239 2. The meeting shall be held on a day that is not a city holiday at least 15 days
240 before the applicant submits its application to the city.

241 3. The meeting shall be scheduled to last a minimum of two hours and shall not
242 start before 5:00 p.m. or after 7:00 p.m.

243 b. The applicant shall notify each record owner of property within 1200 feet of the
244 parcel that is the site of the proposed communications tower by first class mail at least 15 days
245 before the meeting of the following:

246 1. The legal description, street address and a map of the vicinity, of the parcel
247 that is the site of the proposed communications tower;

248 2. A description of the proposed communications tower, including its height,
249 design, and lighting, the proposed access to the site and the services proposed to be
250 provided by the tower;

251 3. The date, time, and location of the meeting;

252 4. A contact name, telephone number, and address of the applicant; and

253 5. A form on which to submit written comments, with a comment submittal
254 deadline and instructions.

255

256 21.58.070 Action on communications tower application.

257 a. The reviewing authority shall approve a communications tower only if the applicant
258 demonstrates that it meets the following criteria:

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

259 1. The communications tower conforms to the requirements in Section
260 21.58.050, and the other applicable standards in this title.

261 2. The coverage for the applicant's wireless communications services customers
262 that the communications tower will provide cannot be provided by collocation on an
263 existing wireless communications support structure.

264 3. Of the available alternate sites, the selected site provides necessary coverage
265 for the applicant's wireless communications services customers with the least visual
266 impact on other properties.

267 b. No action may be taken on a communications tower application on the basis of the
268 environmental effects of radio frequency emissions to the extent that the wireless
269 communications equipment that will be located on the tower complies with Federal
270 Communications Commission regulations concerning such emissions.

271 c. The reviewing authority shall act on a communications tower application within a
272 reasonable period of time after the application has been filed with the city taking into account
273 the nature and scope of the application, but within no more than 150 days after the application
274 is filed. The 150-day period excludes (i) any time that begins when the reviewing authority
275 gives written notice to the applicant within 30 days of receipt of the application that the
276 application is incomplete, clearly and specifically delineating all missing documents or
277 information, until the applicant makes a supplemental submission in response to the notice of
278 incompleteness; and (ii) any time that begins when the reviewing authority has given written
279 notice to the applicant within 10 days of receipt of such a supplemental submission that the
280 supplemental submission did not provide the information identified in the original notice
281 delineating missing information until the applicant makes another supplemental submission.

282 d. An action denying a communications tower application shall be in writing and
283 supported by substantial evidence contained in a written record.

284
285 21.58.080 Communications tower removal requirements.

286 The owner and the lessee of the property that is the site of a communications tower are
287 jointly and severally responsible for its removal:

288 a. If corrective action is not taken within six months after notice that the City Engineer
289 has found the communications tower, or equipment on the communications tower, to be
290 unsafe or not in compliance with applicable law.

291 b. Within 90 days after all wireless communications equipment on a communications
292 tower has not been operational for a period of at least 12 consecutive months.

293
294 Article II. Small Wind Energy Systems

295
296 21.58.110 Purpose and application. The purpose of this article is to establish minimum
297 health and safety standards for small wind energy systems. It applies to small wind energy
298 systems in all districts where they are allowed as permitted or conditional uses.

299
300 21.58.120 Installation requirements.

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

301 a. The wind turbine of a small wind energy system may be mounted on a building or a
302 wind energy system tower.

303 b. The surfaces of all small wind energy system components that are visible when the
304 small wind energy system is in operation shall be painted a nonreflective, neutral color.

305 c. A zoning permit application for a small wind energy system shall include the
306 following information:

307 1. A level one site plan that shows the location of the small wind energy system.

308 2. Specifications for the small wind energy system including manufacturer make
309 and model, an illustration or picture of the turbine unit, maximum rated power output,
310 blade diameter, total height, tower color and, if proposed, the location of ladders
311 and/or climbing pegs.

312 3. Tower foundation blueprints or drawings.

313 4. Noise decibel data prepared by the wind turbine manufacturer or qualified
314 engineer indicating noise decibel level at the property line nearest to the location of the
315 small wind energy system.

316 5. Evidence of compliance with, or exemption from, Federal Aviation
317 Administration requirements.

318 6. Evidence that the small wind energy system complies with current
319 Underwriters Laboratories standards for local utility connections.

320 d. Dimensional Requirements.

321 1. A small wind energy system may be installed only on a lot having an area not
322 less than one acre.

323 2. The distance from a small wind energy system to the closest property line
324 may not be less than 1.1 times its total height.

325 3. All guy wires, cables and other accessory support structures for a small wind
326 energy system must be on the same lot as the small wind energy system, but may be
327 located within required setback areas, and shall be properly jacketed to ensure visible
328 safety standards.

329

330 21.58.130 Operation standards.

331 a. Electrical Standards.

332 1. A small wind energy system shall comply with the National Electric Code.

333 2. All electric transmission wires connected to a small wind energy system must
334 be underground, or within the building on which the small wind energy system is
335 mounted.

336 3. A small wind energy system shall not interfere with television, microwave,
337 navigational or radio reception.

338 b. Noise and vibration from a small wind energy system shall not exceed the levels
339 permitted in HCC 21.59.010(b) and (c), except during short-term events such as utility outages
340 and severe wind storms.

341 c. Tower Safety.

342 1. The lowest part of a climbing apparatus that provides access to a wind turbine
343 shall be at least 12 feet above the ground, and the wind energy system tower or

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

344 building on which the wind turbine is mounted shall have no handholds or footholds
345 below the climbing apparatus.

346 2. The lowest point through which a wind turbine blade rotates must be at least
347 20 feet above the ground.

348 d. Lighting. Except for switch type lighting, no artificial lighting shall be mounted on a
349 small wind energy system, and a small wind energy system shall not be illuminated with
350 artificial lighting, except when required by the Federal Aviation Administration and approved by
351 conditional use permit.

352 e. Signs. No sign, flag or pennant may be attached to a small wind energy system
353 except for the following:

354 1. A sign identifying the manufacturer or installer of the small wind energy
355 system.

356 2. Signs warning of dangers associated with the small wind energy system.

357 f. Removal. The owner and the lessee of the property that is the site of a small wind
358 energy system are jointly and severally responsible for its removal:

359 1. If corrective action is not taken within six months after notice that the City
360 Engineer has found the small wind energy system to be unsafe or not in compliance
361 with applicable law.

362 2. Within 90 days after the small wind energy system has not been operational
363 for a period of at least 12 consecutive months.

364
365 Section 6. Subsection (c) of Homer City Code 21.70.010 is amended to read as follows:
366

367 c. The following are exempt from the requirement to obtain a zoning permit, but not
368 from compliance with applicable requirements of the Homer Zoning Code, such as, but not
369 limited to, the development activity plan or stormwater protection plan:

370 1. Any change to an existing building that does not increase the height, or
371 exterior dimension of any floor, of the building, and any change to an existing structure
372 that does not increase the height, or footprint area, of the structure.

373 2. Erection or construction of a one-story detached accessory building used as a
374 tool and storage shed, playhouse, or other accessory use, provided the building area
375 does not exceed 200 square feet; and further provided, that there is already a main
376 building on the same lot.

377 **3. Erection or construction of a communications tower with a height not**
378 **exceeding 35 feet, or an amateur radio tower.**

379 ~~43.~~ Fences or walls used as fences, unless otherwise regulated by the Homer
380 City Code.

381 ~~54.~~ Removal of any building or structure.

382 ~~65.~~ Termination of any type of use.

383
384 Section 7. This Ordinance is of a permanent and general character and shall be included
385 in the City Code.
386

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

387 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of
388 _____ 2015.

389

390

CITY OF HOMER

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393

MARY E. WYTHE, MAYOR

394

395 ATTEST:

396

397

398

399 _____
JO JOHNSON, MMC, CITY CLERK

400

401 AYES:

402 NOES:

403 ABSTAIN:

404 ABSENT:

405

406

407 First Reading:

408 Public Hearing:

409 Second Reading:

410 Effective Date:

411

412 Reviewed and approved as to form:

413

414

415

416 _____
Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

417

418 Date: _____

Date: _____

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

Practicing Planner



American Institute of Certified Planners
The Professional Institute of the American Planning Association

Planning Essentials

Managing Wireless Infrastructure Deployment

by Robert E. Smith, AICP

This planning essentials article provides a primer on local land-use management of wireless infrastructure with an emphasis on regulatory issues. Local government planners are the primary audience. The article includes a true story about a local discretionary land-use decision involving a tower, identifies resources that planners can draw upon to ensure their knowledge of telecommunications infrastructure is up to date, and discusses major issues in regulating the wireless industry.

I contend that local land-use regulations should make it easier for local governments to ensure the appropriate and timely provision of essential wireless infrastructure. Being employed in the wireless industry, I offer an industry perspective, but it is cast in the frame of reference of a local planner administering a zoning ordinance and development regulations. Planners will be better prepared to update their wireless ordinances and administer applications for wireless infrastructure after consulting this article.

INTRODUCTION

The Regulatory Environment

Planners have been regulating towers, antennas, and cellular phone infrastructure sites for more than two decades. Local land-use planners administer applications for new towers and antenna additions to existing sites, and they review building and other permits, usually administrative or ministerial, for modifications and colocations to such facilities. In many localities, approval of a cell tower is a discretionary process involving public hearing, planning commission recommendation, or local governing body approval.

The federal Telecommunications Act of 1996 establishes boundaries on local regulatory practices. Nonetheless, federal, state, and local authority have enabled cities and counties to treat wireless telecommunications facilities and equipment with more discretion than other utilities, such as electricity or phone lines. Local land-use regulations can make it easy or difficult to provide essential wireless infrastructure, and extreme examples of both are

found in almost every state.

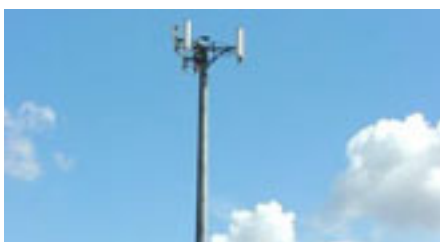
Legal decisions are emerging that enable facial challenges to overly restrictive siting ordinances, offering wireless providers the sanctuary of federal pre-emption in some circumstances. This legal mechanism is rooted in Section 253(a) of the 1996 Telecommunications Act, and between it and the recent Federal Communications Commission (FCC) frequency auction (the largest yet), the wireless industry sector may be ripening for a string of industry-favorable siting decisions in the courts.

Wireless Facilities as Essential Infrastructure

Long-range planners often can view wireless as essential communications infrastructure. Like electricity transmission towers or the power, phone, and water lines running down a street, wireless communication has become an essential service on which we assume we can rely. If local regulations fail to provide for wireless infrastructure deployment in the future, a locality can fall short of its economic development and public safety objectives, which are increasingly reliant on the telecommunications industry.

Rapid Technological Change

Like other technologies, the wireless industry is changing rapidly. It is now offering enhanced communications and data services, and is poised to offer additional innovative services. For instance, a number of new developments in wireless communications may have direct impacts to localities as well as the built environment and quality-of-life issues. These new developments include municipal Wi-Fi/broadband, distributed antenna systems, new camouflaging materials and technology, video on cell phones, smart-phone and PDA development, interoperability, and broadband capable transit. Potential benefits include enhanced public participation in planning, linkages to public safety and emergency medical communication networks, improved intergovernmental collaboration and data sharing, and more support for economic development objectives.



✚ *Figure 1*
 Typical Monopole
 Location,
 Installation and Tower

✚ *Figure 2*
 Typical Lattice Tower

The Need to Expand Wireless Infrastructure

The momentum of steadily increasing subscribership and minutes of use is driving the wireless industry to prepare for increased business — new products and services are in development to take advantage of spectrum acquired in the recent FCC auction, and new systems and facilities are being planned to support them. New equipment (infrastructure) will be required to field some of those new services, and land-use permits will be required for siting some of that equipment. The industry is actively targeting residential markets — the last frontier, if you will — for wireless infrastructure.

Planners regulating the telecommunications industry through zoning and land-use laws owe it to themselves and their communities to understand the land-use and community facility implications of these rapid technological changes. Regulators need to ensure that local ordinances and regulatory environments evolve in step with major substantive advancements in the wireless industry. Planners need to lead efforts to update wireless and tower ordinances to ensure wireless infrastructure is there to serve the current and future needs of the community and meet the public's expectations.

A DISCRETIONARY APPROVAL GONE BAD

We've all seen it, and — like a stock car pileup at Talladega — you just can't look away. A wireless services provider new to town has proposed an installation to provide new wireless services to the community, and the item is before the planning commission because the ordinance requires a conditional-use permit for new installations. A seemingly innocuous hearing for a service everybody wants is about to turn just as ugly as an eight-car pileup on turn three — twisted fenders, flying tires, and all.

The public is out in force, swelling the back of the meeting room to capacity. The applicant's nervous glances at the throng have you getting a little twitchy yourself. Anyone bothering to look can tell he's wondering if there are more of them out in the hall with torches and pitchforks. And despite instructions from the city attorney that radio frequency issues are wholly outside the purview of the planning commission's oversight, this evening's input from the public is going to be a message of fear, suspicion, and NIMBYism at its best. The line is already starting to form at the microphone. Get the popcorn, it's show time.

After 18 months of design reviews and wrangling with local staff, the applicant is informed by the planning commission at the hearing that unless the 150-foot tall monopole design is converted over to a stealth pine tree, the project will be denied. The public isn't happy, but they feel the planning commission listened and is taking action. The fact that the Federal Aviation Administration (FAA) requires the tower to be lighted and that it is located in the middle of a rather large parking area was considered in the staff report, but it was not part of the planning commission's last-minute considerations. With the carrier pressing for permit approval so service can be launched, the applicant's planning consultant accepts the

last-minute alteration. Now the city will have a giant, very expensive, year-round faux Christmas tree with a flashing light on the top in a large paved area. No other service provider would dream of collocating to the tower for fear of the strange and expensive conditions that might emerge from subsequent applications to amend the site.

The public has been heard by a responsive planning commission, industry will spend three times more to construct this site, and the result will be a local icon of ridicule that will not support future collocations and additional services.

The above actually happened, and I was the unlucky industry planner brought in to appeal the approval and try to have the city council amend the planning commission's last-minute stealth requirement. I was successful, but it was an embarrassing situation for everyone involved. Scenarios similar to the above play themselves out thousands of times a year in our country, resulting in a wide range of unreasonable permit conditions, unnecessary denials, and litigation — and to what end, and why? Everyone wants wireless services — more than 70 percent of Americans have wireless phones. More than 250,000 life-saving calls are being placed every day to 911 on cell phones, but people show up to object to and thwart the installations of the systems that make it all work. What's going on here, and how should cities plan and manage this infrastructure so the community has the communications systems it really needs?

THE EDUCATIONAL PROCESS AND RESOURCES

Many would say that that industry has not provided education so the public and community leaders can understand the mix of concerns and come to conclusions appropriately focused on the betterment of the community. Others would say that more than 20 years of health research and growing presence in the built environment are enough of a track record, and this land use should be mainstreamed like all other forms of basic community infrastructure. Most of us in the industry keep hoping for something in the middle; any balance point would be better than what we currently face.

Planners need a healthy range of resources when reviewing wireless applications, informing decision makers, and working with interested members of the public. Planners must be able to work with project design issues to ensure a sound proposal is brought forward while negotiating the requirements of local codes and project review processes. Decision makers need to be informed about the relevant, project-related issues at hand, and they also need to understand the larger context in which the proposed project will operate, as well as the impact its operation will have on the community. The interested public needs access to the same information to understand the process, issues, and policies that will guide the decision makers.

Additional information is needed when contemplating revisions to local wireless ordinance and adopting departmental policies or guidelines. Given the fast pace of change in the

wireless communications sector, staying on top of current trends and their related issues can be challenging. Thankfully, several organizations and agencies are well positioned to assist planners in acquiring information and accessing additional resources.

Wireless 101

"Nuts and bolts" information, as well as industry perspective and context, can be accessed through the Internet. Such background information is helpful to decision makers, who must consider the facts presented by staff as well as other benefits and impacts that are not so easy to quantify, including economic impact, quality of life and safety enhancements, and community demand for services. This information also helps staff members better understand industry motivations and actions. The following web pages are particularly useful:

- Personal Communications Industry Association (PCIA) — The Wireless Infrastructure Association: www.pcia.com
- CTIA — International Association for Wireless Telecommunications: www.ctia.org
- Federal Communications Commission (FCC), Office of Engineering and Technology, Radio Frequency Safety: www.fcc.gov/oet/rfsafety/rf-faqs.html
- Food and Drug Administration. Cell Phone Facts: Consumer Information on Wireless Phones: www.fda.gov/cellphones/



☒ *Figure 3*
Representative Facade
Mounted Antennae



☒ *Figure 4*
Slimline Design

Wireless Industry News

Information and context about market demand, new products, services, applications, and providers is available online. Planning-related information and legal decisions, corporate announcements and regulatory developments all have an impact on local regulations. Staff

members can use such information to better manage the wireless infrastructure in their communities. I suggest the following web pages:

- The Wireless Infrastructure News Service: http://wins-news.com/wins/nm_admin/winsnews/default.aspx
- Bennet & Bennet Rural Spectrum Scanner: www.bennetlaw.com
- MuniWireless: The Voice of Public Broadband: www.muniwireless.com/
- RCRW Wireless News: www.rcrnews.com/apps/pbcs.dll/frontpage
- Government Technology News: www.govtech.net
- Wireless Week: www.wirelessweek.com
- Above Ground Level Magazine www.agl-mag.com
- Wireless and Mobile Technology Yahoo! News: <http://news.yahoo.com/i/1899>

Tower Locators

It helps to know where all the towers are in your community — especially when applicants propose new facilities and the issue of colocation on existing facilities needs to be addressed. Beyond asking the applicant to see if other locations for the proposed facility might be superior to the one being proposed, a quick check online to see where the existing towers are located could yield a potential colocation opportunity the applicant may have overlooked. A good way to develop a complete set of location data on towers and wireless facilities in your community is to require each applicant to provide, with their application, the locations of all of their existing facilities within the community.

- Crown Castle International: www.crowncastle.com
- SBA's Owned Site Locator: <http://map.sbsite.com>
- American Tower Site Locator: www.americantower.com/OasisPublic/Mappoint/default.asp

Mapping Tools

Most tower companies provide latitude and longitude information for their towers, as well as street addresses or tax assessor's numbers. With latitude and longitude numbers, planners can use one of several Internet-based mapping utilities to locate coordinates and generate maps. For the small locality, this function is helpful when evaluating projects, performing current and future planning, and tracking the inventory of towers.

- Tiger Based Reverse Geocoder for the United States: www.usnaviguide.com/revtiger.htm
- United States Geological Survey National Map Viewer: <http://nmviewogc.cr.usgs.gov/DecDegPtLookup.htm>

Specific Searches

Several Internet search engines offer users the ability to specify a search and automatically run it on a regular basis, with "hits" or alerts sent to your e-mail address. Google is one company with this service (www.google.com/alerts?hl=en), which can be handy if you are trying to stay current on wireless infrastructure and planning issues.

KEY REASONS FOR AMENDING THE WIRELESS ORDINANCE

There are several reasons, some already mentioned, that local planners should engage in the process of revising their wireless ordinances. Wireless proposals that seem simple can create undue burdens for the applicant and staff. Review and approval processes may require disproportionate or excessive lengths of time and money to negotiate. Industry objectives, construction techniques and technological advances in site design have created more options and new opportunities that might not be considered or allowed within the existing wireless communications codes.

Wireless Has a Public Purpose

Wireless infrastructure and services are becoming more critical as the public and localities begin to use and depend upon them. The impact of this use and reliance has positive and wide-reaching effects — from public safety to economic development. However, those benefits may be limited by the infrastructure systems supporting the services.

Many communities are embarking upon "broadband initiatives" to plan for and develop robust wireless services for a range of reasons, including economic development, public safety, and quality of life. Some communities are planning to link their municipal wireless networks into "wireless clouds" that might cover entire regions. Advancements in wireless video likely will combine with public safety communications and interoperability to one day empower citizens to send video of an emergency in real time to 911 — giving emergency response personnel invaluable information. Wireless linkage to security cameras inside

schools may become a reality — and a real advantage to on-site emergency responders. Commuter transit is changing, as wireless-capable buses and trains emerge, and the workplace is also morphing as applications take on wireless platforms in the field. Government services also are being improved by wireless devices. From meter reading to highway construction to building inspections, wireless applications are being used to empower front-line personnel to deliver better, more efficient service.

A local ordinance dictating minimum wireless infrastructure that meets only a community's current needs could cripple future enhancement and delivery of new services and products to your citizens. Further, as local government envisions new services and products for the benefit of citizens, private wireless infrastructures should not be overlooked. Rather than taking on the full capital cost of creating entirely new wireless infrastructure systems, localities should reach out to the private wireless infrastructure systems to determine if existing private infrastructures might serve the localities' purposes. Private wireless infrastructures, already in place across most localities, may be the key to local governments being able to offer additional services to the public at affordable cost.

Colocation

Once a wireless infrastructure facility is in place, usually only minor physical alterations are required to augment the utility of the facility to double or triple its service capability. Such intensification of use is termed "colocation" and, in general, it means that additional service providers can locate on the same tower and at the same facility installation.

Colocation on existing structures has become a standard practice — and often top choice — for most wireless service providers, but the bulk of ordinances in existence were created during a time when that may not have been the case. Changes in siting preferences and the shift from coverage to capacity and quality infill project proposals reflect shifts in the industry's objectives that should be considered in local codes.



✚ *Figure 5*
Tower Disguised as
Chimney



✚ *Figure 6*
Tower Disguised as
Flag Pole

Residential as the New Wireless Frontier

Some siting issues have become more prominent recently because wireless service providers are seeking to respond to people who expect to be able to use their wireless devices at home. The number of work-at-home employees is increasing. There has been a continued rise in numbers of small businesses within residential settings, and the number of multiple wireless users within the household has increased. The number of households eliminating wire-line communication services also is increasing, as demands for wireless residential services and capacity are rising.

As a result, the industry is now actively targeting residential markets more than transportation corridors and employment centers, which generally already have services. Siting proposals are being submitted to local governments from a diverse and growing range of applicants and products. Infill capacity/quality projects to ensure reliable data and video services are becoming common, and they often present different design requirements than the initial coverage sites created during the last decade.

These recent developments have brought a change in the types of permit applications typically being submitted, and new developments in materials and design have opened up more alternatives. Codes based on the standard construction and siting experiences of a decade ago are in need of review.

The Need to Avoid Sameness, or a Lack of Design Variety

Local governments may run the risk of having almost all approved wireless facilities taking on a similar built design, creating a widespread cookie cutter appearance. Codes may tend to homogenize the physical design and siting of proposed wireless facilities, resulting in sites that tend to look the same across a community or area. Is there too much of an emphasis on roof-top facilities, for example, causing rapid rooftop proliferation and wide-scale alteration of the local built aesthetic? Should there be colocation incentives and flexible height requirements offered to existing tower and stealth facilities to better balance the end result in the built environment? Is residential development growing, while wireless coverage to serve these developments is hamstrung by exclusionary language or excessive setbacks in the ordinance?

Given the wider range of design alternatives and construction techniques available today, it might be time to take advantage of these changes and introduce some flexibility and discretion in the approval process. Case-by-case sensitivity is recommended, for it would offer needed flexibility to the applicant. Staff should have discretion to allow a range of solutions, and variety of design in the built environment can result. If flexibility does not exist or is removed from the ordinance, and too much control is exerted over facility design, the wireless industry is not free to solve creatively various siting and design issues, and less-than-optimal results are likely.

A COLLABORATIVE APPROACH TO ORDINANCE REVISION

In revising wireless ordinances, planners should pursue a collaborative, inclusionary public process. By having all the stakeholders involved in the ordinance revision process, planners can ensure that the best combination of controls, incentives, and design guidance is included in the ordinance. Planners need to understand the roles and motivations of the stakeholders present and encourage all participants (including the locality itself) to be transparent about objectives and concerns.

It is not enough to selectively include representatives from the different types of wireless service providers within the industry sector. All legitimate stakeholders (including wireless infrastructure providers) should be invited to participate in the ordinance revision process. An inclusionary approach will ensure that those who have a stake in the issue and a desire to participate will be heard. Such an approach also will increase the potential for new perspectives and approaches to emerge. Set aside ample time for several workshops or meetings to review and consider the draft and to consider all revisions suggested by participants. Concrete suggestions for creating ordinance revision workshops that will produce results include the following:

- Ensure legitimate stakeholders are included: Contact local stakeholders as well as the PCIA and state wireless associations to develop a comprehensive approach to regulatory development.
- Provide ample notice for meetings to ensure good attendance.
- Provide web and e-mail resources, such as those provided in this article, to encourage maximum participation and dissemination of information.
- Provide teleconferencing services for meetings so physical attendance is not necessary.
- Provide ample time to review and comment on draft language so quality feedback is gathered.
- Don't get bogged down in the beginning. Agree to disagree where necessary, and keep things moving.
- Provide multiple opportunities to discuss suggested revisions and resulting drafts. Iterations likely will generate positive developments in regulatory approach and language.

Consider holding an educational workshop for decision makers, and request industry

participation.

HALLMARKS OF A GOOD ORDINANCE

Flexibility

Planners face two potentially competing objectives: (1) wanting reliable, pragmatic, and tangible results, and (2) needing to facilitate local infrastructure development and enhancement. Zoning regulations, by their very nature, have had a restrictive effect on siting of towers and wireless infrastructure. Design controls also limit the physical aspects of the proposal. Euclidean zoning tends to push siting and design into certain geographical areas and typical configurations. Planners should recognize that some flexibility and creativity in the regulation will result in potentially superior project proposals and, at the least, a healthy variance from the typical norm in terms of cell tower and cell site installations. Building flexibility into the ordinance can sometimes offer an opportunity to the industry to create new solutions to old problems. A deft hand here is far better than a sledgehammer approach when regulating wireless infrastructure.

For example, it might be more in keeping with a community's character to allow an existing tower that currently stands at the height limit to extend above the height limit in order to facilitate a colocation rather than forcing the development of another site at a new facility. As another example, it might be more beneficial to allow a camouflaged facility to be constructed in a location that doesn't meet setbacks, rather than have a non-camouflaged facility installed elsewhere. Planners and decision makers should emphasize that each proposal is unique, and that each siting decision involves opportunities and alternatives to optimize the facility's "fit" in both the community and the site itself.

Flexibility in regulations can maximize the utility of the community's existing wireless infrastructure while minimizing the creation of new sites. When colocation proposals to existing facilities are considered, allowing some flexibility in the site design can result in a successful colocation rather than the creation of new facilities. For example:

An existing tower has two carriers present and is at the 120-foot height limit for the zone. Another service provider would like to collocate to the facility, but locating below the current carriers would place the equipment too low to serve the carrier's intended RF objective, and multiple new sites would then be necessary. An application is presented to the locality, proposing a 10-foot increase in the height of the tower to accommodate the carrier's equipment and RF objective. This extension represents less than a 10 percent increase in the height of the tower, but the application is denied because of the height limit. The carrier now must seek to create multiple new tower facilities to attain the RF objective.

The community could have had one tower supporting three service providers, but now it will have several towers performing that function. Rather than make an existing 120-foot tower 10 feet taller, the community is encouraging the creation of additional towers and compounds. From a visual impact perspective, this result would seemingly be in conflict with the objectives of the local code.

Avoid Overregulation

Overregulation can stymie the delivery of wireless service. Planners and decision makers should realize that the industry's ability to respond to demand already is handicapped by certain factors. Growing numbers of subscribers already strain existing infrastructure in many places. New services are being offered that require additional bandwidth, further stressing existing systems.

On top of these challenges, regulatory processes can create bottlenecks in the siting of facilities, generate limiting effects on network operations, or otherwise restrict infrastructure deployment. Planners must consider that the future enhancement of wireless infrastructure will have a positive impact that affects the community's quality of life, business development, public safety, and other services.



✚ *Figure 7*
Antennae on Parking
Light Stand



✚ *Figure 8*
Monopinees

Recognize the Limits of Colocation

Colocation has become a widely recognized best practice for siting wireless infrastructure, but it works only when the existing facility has the capacity and location to serve the applicant's radio frequency objective and when the local regulations allow the flexibility necessary to create a viable project. Incentives to encourage colocation, however, can be simple and pragmatic. By-right approval with planning staff comment on the building permit can be offered for applications meeting certain requirements, and streamlined ministerial review and approval processes can be established and implemented for colocation applications that meet certain design standards. These reforms would provide the applicant with swifter reviews and more certainty in the permitting process.

Some states have passed legislation to encourage streamlining the wireless collocation process, while also safeguarding the locality's interests in managing the land use. This movement is a direct result of the difficulties service providers have faced in deploying critical infrastructure to ensure the rapid development of ubiquitous wireless service across the country. As legislation is enacted, localities should evaluate their codes to ensure conformance with state law. State wireless associations also are being formed. Made up of wireless industry representatives and businesses, these associations can assist local governments facing such challenges by providing resources, information, and feedback.



▣ *Figure 9*
Tower Camouflaged as
Palm Tree



▣ *Figure 10*
Tower Camouflaged as
Cactus

Ease Up on Nonconformities by Allowing Collocation

Some communities, upon passage of updated wireless siting ordinances, have towers that are legally nonconforming with the new code. Most communities also have typical language in their codes that constrains the approval of additional permits on nonconforming uses or structures. Typically, applicants attempting to collocate on nonconforming wireless infrastructure sites are informed that they must make the site conforming if they wish to collocate to it. In some circumstances this is physically impossible, because the nonconforming conditions cannot be cured (e.g., increased setbacks have been introduced in the new code). In such circumstances, the applicant would have to abandon collocating to an underutilized site and erect another single-use tower. In other circumstances, it is economically impractical to make a site conforming. The resulting outcome may be that an underutilized, nonconforming facility is passed over in order to create another potentially underutilized facility.

Planners should consider that if applicants no longer submit proposals to collocate to a nonconforming site because of these sorts of circumstances, there is no real opportunity to improve the site. It likely will remain static for its useful life: nonconforming, underutilized, and unimproved. This is not an optimal condition.

Ordinances should allow collocations on nonconforming towers and sites. Doing so will ensure that the maximum utility of existing wireless infrastructure is realized and avoid the

unnecessary proliferation of additional towers and sites. Further, in the process of granting that flexibility on nonconforming sites, the locality has the opportunity to address some design issues to improve elements of the appearance or conformity status of the site.

In operational terms, colocation may mean an additional trip or two each month to the site by a maintenance or support person. From a visual perspective, it would mean the addition of antennas to the existing pole or tower, and the placement of ground cabinets containing computerized radio equipment within the facility compound. These are negligible impacts associated with the continued and expected use of the facility that do not require another discretionary review by the local government.

Planners are urged to remind decision makers that colocation works only when the existing wireless facility will provide a platform that serves the new wireless provider's objectives and when the locality has land-use controls that allow outright the addition of users to existing wireless infrastructure facilities.

Respond to Residential Location Needs

In order to provide service to users, wireless communications providers are seeking to site facilities in proximity to residential developments. Many local ordinances exclude wireless infrastructure from residential areas. Some go so far as to define wireless infrastructure facilities as commercial uses and exclude them from residential zoning districts.

Given the increased level of demand for wireless services in residential areas, the wireless infrastructure facility should be treated as essential infrastructure. Codes might define such installations as an accessory use to residential development, similar to the way electrical, water, cable, and landline telephone infrastructure is treated in zoning ordinances. The presence of wireless facilities is warranted — and indeed demanded — anywhere there are legitimate users of the service. That increasingly includes residential areas.

There are negligible if any impacts related to the operation of wireless facilities in residential neighborhoods. Operation of a wireless facility usually includes limited maintenance visits, but such traffic comes nowhere close to the number of trips per day that the average residence generates. Operational impacts, such as noise from emergency generators, can be mitigated by requiring compliance with local nuisance and performance codes. Visual and physical impacts can be mitigated through a variety of means, from design controls to staff or neighborhood design committee reviews. Many and newly developed construction materials, techniques, and designs can be accessed to meet a wide variety of design and performance considerations. In sum, if sited and designed appropriately, and conditioned to mitigate visual impacts, wireless facilities will not necessarily conflict with residential uses.

As the demand for residential wireless services increases, and as the wireless industry moves to meet that demand, one might expect longstanding attitudes about compatibility of

wireless infrastructure in residential areas to shift. How fast and how smoothly such change will occur depends largely on individual localities and the contents of the ordinances they adopt.

Provide Incentives

Ordinances should reward certain types of proposals with shorter approval schedules, less rigorous use-permitting requirements, and more certainty in the approval process. An example for a streamlined process incentive would be for a community to allow colocations or minor modifications to existing wireless facilities by building permit, with planning staff commenting on the building permit during the routine plan-check process. By allowing colocations to move forward through the building permit process, process time is shortened and certainty is enhanced, while staff still holds sway over design review and compliance issues related to the use.

Planners should consider other possible incentives. One incentive is to provide "by right" status to certain types of wireless proposals meeting specified location and design criteria. Another incentive or permit streamlining measure is the "pre-authorization" of future colocations indicated on design proposals so that only a building permit is required for subsequent, future colocations. A third possible incentive is to develop an acceptable design template for wireless facilities that would prescribe the physical, aesthetic, and dimensional design aspects of a facility, and then allow facilities and colocations that meet those specifications to be approved and installed by building permit only. In sum, incentives can be used to encourage and expedite certain types of development, and such incentives help ensure that the community's wireless infrastructure and services remain robust, flexible, and positioned for new service deployment.

Include Design Guidelines and Directive Policies

Any ordinance, no matter how well written, will at some point generate questions that cannot be answered by the ordinance language itself. Unforeseen circumstances often will present themselves in a wireless facility proposal. Development and adoption of design guidelines and directive policies can create more consistency of reviews and can help provide direction when questions or uncertainty arise.

Design guidelines and directive policy can offer an opportunity for further refinement of the locality's perspective on wireless infrastructure facilities, design, and siting. Such guidelines and policies help manage expectations on both sides of the project proposal by helping staff provide more consistent project reviews that reflect the community's objectives and the decision maker's intentions. They also can facilitate applicants in filing applications that are more consistent with the expectations of staff and local decision makers.

In general, design guidelines and directive policies should:

- Clearly convey the design and aesthetic expectations of the community.
- Provide existing and desired examples through pictures and photosimulations.
- Provide instruction to staff so administration of the local regulations is consistent.
- Require scrutiny where needed, but not exceed other existing design regulations applicable to other structures and facilities in the community.
- Allow placement of wireless infrastructure in all zones, with appropriate design controls.
- Allow colocation to existing facilities with minimal regulatory requirements.

The author has compiled numerous photos of typical cell tower installations and approaches to camouflaging towers. See the figures below for examples, some of which may be considered better than others. Planners can judge for themselves the aesthetics of typical installations and the relative effectiveness of the various camouflaging techniques.



▣ *Figure 11*
Tower Camouflaged as
Windmill

CONCLUSION

There's no doubt that wireless infrastructure will continue to change and grow. The industry will continue to introduce new designs and services during the next decade, and we will begin to see an increase in the same from local governments. Wireless communications have become tools necessary for public safety and community well-being, and they have integrated themselves solidly within our culture. In such a dynamic environment of technological change, communities are best served by developing local use regulations that provide flexibility and balance, while generating pragmatic and reliable outcomes that meet clearly articulated community objectives.

Ultimately the introduction of incentives and flexibility in a wireless ordinance requires an exercise in balance. That balance is best struck when all the stakeholders have the opportunity to share their perspectives. Colocation is usually the best way for a community to effect the deployment of additional wireless infrastructure and services, as it presents minimal visual and operational impacts. When compared to the creation of a new wireless

facility, colocation on an existing facility involves less physical intrusion into the built environment, minimizes the proliferation of wireless infrastructure sites and aggregates the operational impacts of wireless infrastructure to a minimum number of locations.

This article has suggested ways that decisions can be expedited, more certainty can be ensured, and incentives can be created so that the wireless industry can propose projects that are consistent with community objectives. A forward-looking approach to wireless infrastructure is critical, and revised regulations must be adopted if a community wants to position itself in the future for the best possible wireless infrastructure and services.

Robert E. Smith, AICP, is National Zoning Compliance Manager for Crown Castle USA, Inc. He has been employed by Crown Castle since 2001 and serves in the regulatory department as the company's manager for zoning issues. Prior to his assignment as national manager, Smith worked for Crown Castle in California as a zoning specialist to develop, evaluate, present, and secure land-use permits for a wide variety of projects for wireless customers. His experience prior to Crown Castle includes city manager, director of community and economic development, and grants writer/administrator positions at several cities and councils of government. He holds a BA in Fine Arts from the College of Charleston, and master's degrees in urban and regional planning and public administration from Virginia Tech. Smith is a member of APA's Technology Division and is working to create a forum for this issue and others like it.

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Tall Structures

Towers and Wind energy systems



What we do now.

- a. CUP for large towers and sites solely dedicated to towers under the definition of “public utility facility of structure”, specifically “telecommunications tower or structure”
- b. Many facilities mounted on structures and/or accessory to another use may not have permits.



Current issues with permitting

- a. No definition for “telecommunications tower or structure”
- b. No expectations for site design exists for Planning Commission review
- c. While I have few complaints about new towers in industrial or commercial areas of town, many protest residential proposals

***The general concept of
the proposed ordinance***

- a. Define tower and associated structures and activities**
- b. Carve out where towers are encouraged and not so encouraged**
 - i. Make permitting predictable where encouraged**
 - 1. Commercial and industrial districts**
 - 2. Under specified heights, Table HCC 21.58.030**

<u>District (feet)</u>	<u>Maximum Height</u>
CBD	60
TC	60
GBD	60
GC1	120
RO	85
UR	60
RR	85
CONS	60
GC2	120
EMU	120
MI	120
MC	120
OSR	60
BCWPD	120

General ordinance concepts

1. Create comprehensive public process in less ideal locations such as

- Residential districts**
- Over specified heights**

2. Excluded from new ordinance

- Tower less than 35ft.**
- Amateur radio**
- When in compliance with federal guidelines**
- Towers extending less than 10ft. from rooftop or 35 ft. total height**



275 ft. “guyed” tower Kachemak City

Items we wish to consider when permitting

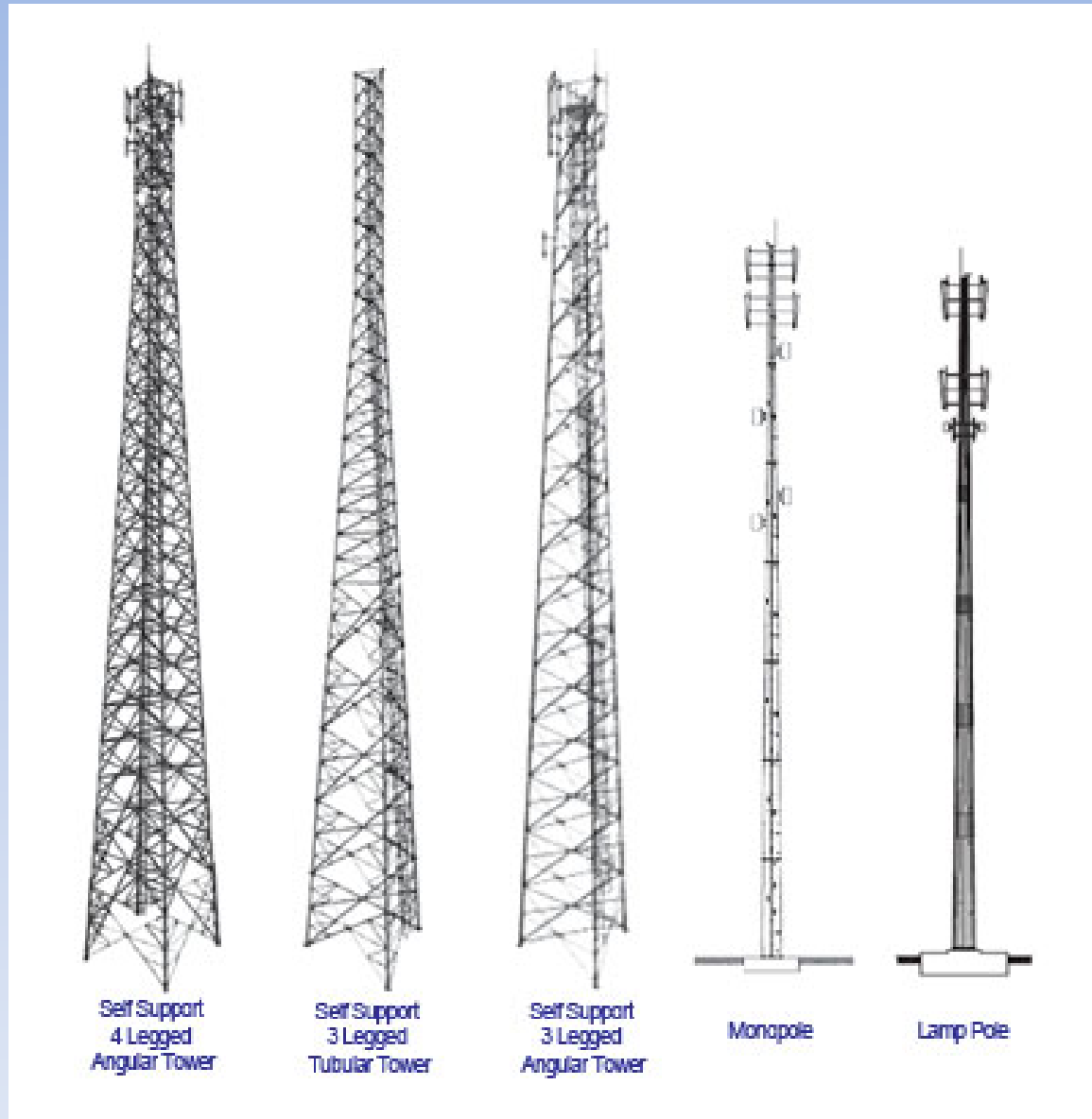
Necessity for a new tower

- Why can it not be collocated? **
- What other locations have been investigated
- Appropriate radius for consideration of alternates **

Demonstrate that it is not excessive **

Analyze visual impact and minimize **

Certify safety



Standards

-1.1 times total height setback from property line supporting dwellings or public assembly***

-Provide colocation opportunities

-Blend in with environment



These things are all over town

Police station 26 ft.

Near tank farm 65 – 75 ft.



These things are all over town

KBBI 83ft.

HEA 100 ft.



Shall we disguise

Mono pine



Mono pine



What kind of ordinance shall we forward

- Several items in the presentation were marked with asterisks
 - These are items may need expertise above that of the Planning Office
 - Colocation conditions and other sites considered
 - Consideration for when a tower or towers are excessive
 - Visual impact and application of alternatives

Options: Third party technical assistance

- Advantages include
 - Ordinance crafting
 - Industry experts
 - Timely review
 - No cost to city
 - Will defend legal challenges
 - Leaves planners to work on other tasks
- Disadvantages include
 - cost to applicants, all costs are to be provided in security by an applicant with application
 - Reviews may be completed from afar (although may be negated by technology)

Council input requested

Setback Standards

- The distance from a communications tower to the closest property line of a lot that contains a dwelling unit, dormitory, hotel, motel, bar, restaurant, school, day care facility, church, retail establishment or place of public assembly may not be less than 1.1 times its total height.

Setback concerns of 1.1

issues

- Adequate degree of safety
- Few if any current towers meet the standard
- Greatly restricts where a tower may be located
 - Not a lot of large lots in some parts of town
 - Tower would be located in center of lots and may restrict other opportunities

options

- Reduce setback to 50%
- Exceptions in commercial districts
- Reduce setback to that of actual structures not property line
 - Negatives include
 - Encroachment on undeveloped land
 - reduced safety

Council input requested

Please provide feedback so that it may be responded to prior to City Council hearing



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 28, 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

Mayor Wythe and Councilmember Lewis have requested excusal.

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 September 14, 2015. City Clerk. Recommend adoption. **Page 105**

- B. **Ordinance 15-35**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.08.020, Enactment Procedures, to Authorize the Introduction of Ordinances by the City Clerk. City Manager. Recommended dates: Introduction September 28, 2015, Public Hearing and Second Reading October 12, 2015. **Page 123**
- C. **Resolution 15-082**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Grant Request in the Amount of \$1.65 Million for its New Facility. Reynolds/Roberts. Recommend adoption. **Page 127**
- D. **Resolution 15-083**, A Resolution of the Homer City Council Amending the 2015 Meeting Schedule for the December City Council Meeting to Be Held on December 7, 2015. Mayor. Recommend adoption. **Page 129**
- E. **Memorandum 15-156**, from Deputy City Clerk, Re: Confirmation of Election Judges for the Regular City of Homer Election October 6, 2015. Recommend adoption. **Page 131**
- F. **Memorandum 15-157**, from City Clerk, Re: Deferred Assessments for the Homer Natural Gas Special Assessment District. Recommend adoption. **Page 133**

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. **Mayor's Recognition** - Alaska Recreation & Parks Association Day and ARPA's 40th Anniversary **Page 151**
- C. **Mayor's Proclamation** – 2015 Breast Cancer Awareness Month **Page 153**
- D. **Executive Proclamation by Governor Bill Walker** – First Responder Appreciation Day, September 27 **Page 155**
- E. **Prince William Sound Regional Citizens' Advisory Council** – Report by Robert Archibald **Page 157**
- F. Commissions/Board Reports:
1. Library Advisory Board

2. Homer Advisory Planning Commission
 - a. Minutes of August 19, 2015 **Page 163**
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

8. PUBLIC HEARING(S)

- A. **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. Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015.

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- B. **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. Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015.

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- C. **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. Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015.

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9. ORDINANCE(S)

- A. **Ordinance 15-36**, An Ordinance Amending HCC 9.16.010 to Suspend the Dedication of 0.75% of the City Sales Tax to the Homer Accelerated Roads And Trails (H.A.R.T.)

Program for a Period of Five Years, and Authorizing the City to Submit the Question of Suspending Such Sales Tax Dedication to the Qualified Voters of the City at a Special Election to Be Held in the City on _____. Mayor. Recommended dates: Introduction September 28, 2015, Public Hearing and Second Reading October 12, 2015. **Page 215**

10. CITY MANAGER’S REPORT

- A. City Manager’s Report **Page 239**
 - 1. Memorandum 15-162 from City Attorney, Re: Election Issues **Page 247**

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

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

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 15-084**, A Resolution of the Homer City Council Adopting the 2016-2021 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for State Fiscal Year 2017. Mayor/City Council. **Page 259**

Memorandum 15-158 from Assistant City Manager as backup. **Page 261**

- B. **Resolution 15-085**, A Resolution of the Homer City Council Awarding the Sale of the Waddell Way Cabins to the Highest Bidder of Homer, Alaska, in the Amount of the Highest Bid and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. **Page 337**

Memorandum 15-160 from Public Works Director as backup. **Page 339**

- C. **Resolution 15-086**, A Resolution of the City Council of the City of Homer, Alaska, Calling for a Special Election to Be Held in the City on _____, for the Purpose of Submitting to the Qualified Voters of the City a Proposition to Suspend the Dedication of 0.75% of the City Sales Tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program for a Period of Five Years. Mayor. **Page 365**

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, October 12, 2015 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 15-28 a Regular Meeting of the Homer City Council was called to order on September 14, 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
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY ATTORNEY WELLS (telephonic)
FINANCE DIRECTOR LI
LIBRARY DIRECTOR DIXON

The Council met for a Worksession from 4:00 p.m. to 4:49 p.m. to discuss Revenue Sources for General Fund. From 5:00 p.m. to 5:35 p.m. the Council met as a Committee of the Whole to discuss Revenues Sources for General Fund, Memorandum 15-153, from City Manager, Re: Status of Natural Gas HSAD Payments and Proposed Grace Period, and Consent and Regular Agenda Meeting items.

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

AGENDA APPROVAL

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

The following changes were made: **CONSENT AGENDA - 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. Written documentation on grant award for Medic 1. **Resolution 15-080(S)**, 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. **CITY MANAGER'S REPORT** - Written public comments. **COMMITTEE REPORT** - Report from Vessel Haul-Out Task Force. **RESOLUTIONS - 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. Written public comments.

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

ZAK/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no comments of the public.

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 24, 2015. City Clerk. Recommend adoption.
- 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.
- C. **Memorandum 15-150**, from Assistant City Manager, Re: 2016-2021 CIP; FY 2017 Legislative Request Schedule Update.
- D. **Memorandum 15-153**, from City Manager, Re: Status of Natural Gas HSAD Payments and Proposed Grace Period.
- 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.

- 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.
- 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.
- 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.

Memorandum 15-154 from Library Advisory Board as backup.

- 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.

Moved to Resolutions.

- 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.

Resolution 15-080(S), 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.

Memorandum 15-152 from Public Works Director as backup.

Item I, Resolution 15-079 was moved to Resolutions, Item B. Lewis.

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

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

Mayor Wythe welcomed the Homer High School students in attendance.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board

Pat Brown, LAB Chair, expressed appreciation for the Homeland Security grant of \$114,300 for a generator for the library. It will save time and energy as the backup will prevent the system from shutting down and requiring several hours of personnel to fix it. Holly Brennan passed the IT certification which will relieve stress on IT allowing them to respond to urgent and timely matters. The Friends of the Homer Library purchased and donated picnic tables. Police and citizens' reports tell us that clearing the area allows people to enjoy the park, and provides a greater sense of comfort and ease. Police are now able to patrol the area and

people are taking walks and kids are riding bicycles. In the next weeks the Council will be barraged with money saving tips. The library is a key resource; it is not just a bunch of books in a building. The computer resources allow customers to move businesses forward by researching grants. Chair Brown will be meeting with Margaret Cisco of Assisted Technology of Alaska (ATLA) for people with disabilities. ATLA is looking at using the library as a test site for accessibility for impaired folks. Library Director Ann Dixon and the entire library staff have been patient and helpful to assist those needing resources.

2. Homer Advisory Planning Commission
 - a. Minutes of August 19, 2015

3. Economic Development Advisory Commission

Karin Marks, EDC Commissioner, reported the commission has focused their attention to the city budget and is looking at increasing the economy through development. They are reviewing Pioneer Avenue revitalization to include Adele Person who was instrumental in the revitalizing of Old Town. The commission is looking at new inventions and gathering information to create a comprehensive plan to market Homer and be ready for inquiries. The EDC welcomes suggestions the Council may have in formulating a marketing plan.

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

Bob Hartley, Port and Harbor Advisory Commissioner, reported a tremendous summer on the Spit with the most people ever seen there. At times there were 3,000 cars parked on a weekend. The commission heard public testimony supporting the construction of a pavilion in the old harbormaster building area. The general consensus is to look into providing the facility. It would be of great benefit to the visitors at the harbor. A report from the Vessel Haul-Out Task Force will follow. The commission has been discussing harbor rate increases for many months and is waiting for a report from Northern Economics that will provide guidelines on structuring rate increases to be fair and good public policy. On the Capital Improvement Plan wish list, the commission wants to continue work done to promote the East Boat Harbor and provide for a barge and moorage facility and haul-out on list. Those projects will add to the general economy. Spit parking is very crowded and sometimes

chaotic. The commission has asked the harbormaster to begin formulating a program to control the situation and develop revenue from parking. The first phase to be implemented next year will charge for parking trailers. We need to get a handle on it to make people more responsible. Last year there were 30 to 40 trailers impounded. The harbor has nine temporary employees and we could have used more.

The load and launch ramp will be closed September 15 to the end of December. The harbormaster will provide other provisions to move boats.

6. Cannabis Advisory Commission
 - a. Memorandum 15-151 from Cannabis Advisory Commission, Re: Recommendations on State Proposed Regulations Regarding Cannabis
 - b. Memorandum from Attorney Wells, Re: Proposed Comments Regarding State of Alaska Marijuana Regulations

Councilmember Burgess reported the CAC has been reviewing the draft State regulations for cannabis. The ABC Board has come out with proposed regulations with the last revision due in November. The CAC has offered the Council recommendations on their behalf. Many of the recommendations have been addressed by the ABC Board in previous rounds and updates. The CAC wishes to pass on elements still relevant to the ABC Board at the State level. Keeping municipal and borough control over Title 21 zoning enforcement codes is important. One of the big tenants of the federal government not intervening in states where cannabis is legal for recreational use is that we restrict access to minors and keep criminal elements out of the industry. The City Planner has recommended we follow drug free zone school setbacks, but the ABC Board is recommending less restrictive setbacks. Recommendations to pass on to the ABC Board include: defining brokerage facility, gifting, and objecting to regulations for zoning. At the September 28th or October 12th council meeting a resolution can be brought forward; the last opportunity for the Council to comment will be October 26th. The Council

authorized the City Manager to proceed with the recommendations from the CAC to the ABC Board.

C. AML Summer Legislative Conference Report by Councilmember Zak

Councilmember Zak reported the State is looking at their revenue needs and we are looking at our own. Citizens in the community are affected by both. The City will be having a public budget meeting on September 23rd and community participation will be helpful for the Council.

Representative Seaton will be holding another meeting in October to provide the State's budget information.

PUBLIC HEARING(S)

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

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

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

Mayor Wythe recused herself from discussion due to her standing conflict of interest with gas line related subjects. She passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts opened the public hearing. In the absence of public testimony, Mayor Pro Tempore Roberts closed the public hearing and returned the gavel to Mayor Wythe.

Councilmember Lewis questioned Mayor Wythe's continued conflict of interest in the gas line since the gas line is completed.

City Attorney Klinkner advised the Council out of caution the Mayor was advised to recuse herself from gas line related matters. The premise for her recusal was her employment with Homer Electric Association who is a competitor for energy costs. The Mayor's recusal was when the Council was deciding if the city should have natural gas or not. Now we are dealing

with financing and the premise of conflict no longer applies. Attorney Klinkner advised that the Mayor should participate in future conversations.

Mayor Wythe expressed her disagreement with the attorney's opinion.

- 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.

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

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

Mayor Wythe called for a motion for the adoption of Ordinance 15-31 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Memorandum 15-155 from Finance Director as backup.

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

Mayor Wythe called for a motion for the adoption of Resolution 15-074(A) by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

BURGESS/ROBERTS – MOVED TO AMEND LINE 65 TO AMEND \$76.30 TO BE \$81.20 AND AMEND \$89.05 TO \$93.95.

The amendment will keep things in line with the rate structure and correct any errors.

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

Motion carried.

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

Motion carried.

ORDINANCE(S)

CITY MANAGER’S REPORT

A. 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.

City Manager Koester reported the City made a \$4M payment to the Borough for the loan on the natural gas special assessment district. There is over \$12M that property owners will be paying back.

A Request for Proposals was issued for janitorial services and the proposals were not favorable. It would have cost more to privatize the services.

Premera Blue Cross is proposing a 10% increase for employee health insurance premiums.

B. Bid Report

CITY ATTORNEY REPORT

A. City Attorney Report – August 2015

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

A written report was provided in the supplemental packet.

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.

Memorandums 15-100 and 15-148 from City Planner as backup.

Motion on the floor from July 27th for the adoption of Ordinance 15-23 by reading of title only for second and final reading.

Mayor Wythe called for a motion to postpone Second Reading to October 26th.

BURGESS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Councilmember Burgess requested a vote on the Mayor's conflict of interest on natural gas related issues.

Mayor Wythe passed the gavel to Mayor Pro Tempore Roberts.

BURGESS/LEWIS - MOVED THAT MAYOR WYTHER DOES NOT HAVE A CONTINUING CONFLICT OF INTEREST IN DELIBERATIONS REGARDING HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT ASSESSMENTS OR ADMINISTRATION THEREOF.

There was no discussion.

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

Motion carried.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 15-149.

BURGESS/ROBERTS - SO MOVED.

There was discussion on Johnny Bushell requesting two deferrals. The Clerk's letter to the Bushell's indicated only one lot was allowed for deferral.

City Clerk Johnson clarified that a person is only eligible for deferral on the lot they reside on in a single-family dwelling. Blank lots are not eligible for deferral.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Resolution 15-081(S), 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.

Mayor Wythe called for a motion for the adoption of Resolution 15-081.

ROBERTS/REYNOLDS - SO MOVED.

Mayor Wythe called for a motion for the substitute of Resolution 15-081(S).

LEWIS/REYNOLDS – SO MOVED.

Resolution 15-081 had a date specific for assessment payments. Resolution 15-081(S) removes the date specific when payments will be due. It is amended to allow City Manager Koester to set the assessment due date since we are waiting for information from the condominium owners' attorney.

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

Motion carried.

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

Motion carried.

- B. **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.

Councilmember Burgess declared a conflict of interest since he was on the plan holders list for the RFP. There was no objection from the Council.

Mayor Wythe called for a motion for the adoption of Resolution 15-079.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Reynolds requested information on the bidders since the council packet did not include a bidder's list.

Finance Director Li reported a four-person committee comprised of the Deputy Clerk, and representatives from the Fire, IT, and Finance Departments reviewed the four proposals. All bids were similar. The fee structure and compliance were reviewed, along with customer service. Customer service and the fee structure were favorable for Amerik. Bidders fee structures ranged from 4.5% to 7% and Amerik was 4.5%. Although Amerik has not done business in Alaska, they have done business on the east and west coast.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Nancy Hillstrand, city resident, told Council they should be fearless and cut the budget. Cuts are going on in businesses and at the State. We need to live within our means and get back to where we were as a city. She asked that the Bridge Creek Watershed District be protected since water is the most precious thing we have here.

Guy Douglas, city resident, commented on the heavy truck traffic on Meadow Drive. His grandchildren visit him and their parents are afraid for their well-being. The Arno

Construction truck drivers are using their compression brakes and are very noisy. He requested a reduced speed limit for Meadow Drive.

Bill Oswald, city resident, commented on the beach policy. There was over 600 pages of testimony and opinions. The HPD says it can't enforce speeding traffic and loose dogs. He questioned the liability the City going to assume by providing access for public use for areas of private property.

Tom Zitzmann, city resident, commented on the delay on the beach policy. He supports the delay if the Council needs more time. He thanked Francie Roberts for her endless volunteer hours to the community. She has been on the council, worked as a meteorologist, is a teacher, and a legislator. He wished her good luck. He wished Councilmember Burgess good luck on his reelection and knows he too commits hours of volunteer service.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson announced absentee voting opens on September 21st and is available during regular office hours until the October 6th election.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe requested that City Clerk Johnson provide a tentative schedule regarding an election runoff and confirm the protocol for current seated candidates up for re-election. She requested a resolution at the next meeting to change the December meeting to Monday, December 7th instead of the 14th due to a conflict with her upcoming graduation for her master's degree. As to the discussion on sales tax driving sales out of town, she believes driving to Anchorage or Soldotna is more of a cultural behavior than to do with the sales tax structure in the City of Homer. If you drove to Soldotna to buy groceries the last four year you have paid sales tax since they never stopped collecting sales tax on food. People shop on Amazon to get items you cannot get here. There are more varieties to shop in Soldotna and Kenai. People drive to Anchorage to get away for the weekend. Mayor Wythe recognized city council candidates Donna Aderhold, Heath Smith, and Joni Wise in the audience.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts welcomed the high school students from the government class. She thanked Councilmember Zak for his report and for representing the City at AML.

Councilmember Zak commented it was a pleasure to attend the AML conference and is so important for the City of Homer to be represented at AML. He thanked the commissioners for their reports. The commissions are gaining a tremendous amount of momentum and the Council appreciates and values their input. The EDC is looking proactively at long-term suggestions; the system is working well.

Councilmember Van Dyke thanked everyone that showed up including the candidates and the commissioners. Without the commissioners' tireless work the Council's job would be a pain.

Councilmember Reynolds thanked the commissioners for their volunteer time. The Homer Volunteer Fire Department will have a 12K rescue run on Saturday from the fire hall to the new Skyline Fire Station. Since the last meeting she has realized that she is proud to be in Homer and to see what a great place it is. The Council works hard to support the infrastructure so the Homeric Market Traders were able to garner a \$50,000 grant as a small business incubator. They have put a lot of work in the business and are on good track. Many local businesses are trying to flourish. She attended the MAPP meeting where the All Alaska Pediatric Partnership brought three people from Anchorage to see how we are collaborating with nonprofits to share resources and strengthen the community. They are looking to us as leading the way. When working on minutes at work today, it boggles her mind the job that Jo and Melissa do in capturing everything so succinctly and managing to get everything right.

Councilmember Burgess commented it was a great and good meeting. We heard from people on why we are delaying the beach policy. Council will definitely get to the issue and will have something forthcoming; we don't intend to disregard the work the task force did on it. On the budget people are debating things and say the choices are between big corporate government and raising taxes. But the choice is really between core city services and raising revenues. If you want police, fire, EMS, port and harbor, and roads maintained at current levels he doesn't see a way without raising revenues. It is not a popular viewpoint but we need to be genuine with the facts. He heard there was vandalism at the burning basket over the weekend. This is an important cathartic event and people put a lot of hard work and effort into it. He asked those people involved in the vandalism to come forward and apologize. It is sad to think of this taking place in Homer.

Councilmember Lewis referenced Resolution 15-081 so people can look up what each condominium will be assessed for natural gas as compared to the private homeowner. Since 2008 he has been on the Council and we have been cutting the budget. We are now at the

point where you can't cut any more without cutting muscle and bone. When you vote think about Proposition 1 and what it means across the whole peninsula. Think about what you are allowing people that live outside a municipality to tell the people that are living inside the municipality. We now have seven boys playing on the hockey comp phantom team out of Kenai. They have beaten out Kenai players to be on the team. Five girls are playing on the U-6 team out of Kenai and last year they made it to nationals.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:18 p.m. The 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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-35

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.08.020, Enactment Procedures, to Authorize the Introduction of Ordinances by the City Clerk.

Sponsor: City Manager

1. City Council Regular Meeting September 28, 2015 Introduction

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

City Manager

3
4 **ORDINANCE 15-35**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 1.08.020, ENACTMENT
7 PROCEDURES, TO AUTHORIZE THE INTRODUCTION OF
8 ORDINANCES BY THE CITY CLERK.
9

10
11 THE CITY OF HOMER ORDAINS:

12
13 Section 1. Homer City Code 1.08.020, Enactment procedures, is amended to read as
14 follows:

15
16 1.08.020 Enactment procedures.

17 The following procedure governs the enactment of all ordinances except emergency
18 ordinances:

19 a. Introduction and First Reading. An ordinance may be introduced by a member or
20 committee of the Council, ~~or~~ by the Mayor, or **by** the City Manager **or City Clerk**. An
21 introduction of an ordinance shall be considered the first reading of that ordinance, and that
22 ordinance shall be set for hearing by the affirmative vote of the majority of the votes
23 authorized on the question.

24 b. Publication and Posting. After hearing date is set a summary of the ordinance and
25 its amendments is published together with a notice of time and place for the public hearing.
26 The hearing follows publication by at least five days. Copies of the ordinance shall be posted
27 in at least two public places, one of which is the office of the City Clerk.

28 c. Public Hearing and Final Reading. The Council shall hear all interested persons
29 wishing to be heard on an ordinance. After the hearing or hearings the Council shall consider
30 the ordinance on second reading and may adopt it with or without amendment. Second
31 reading may occur at the same meeting as the public hearing immediately following public
32 testimony. Final reading may occur at the public hearing or at a subsequent Council meeting.
33 Council may postpone action on the ordinance to the next regular or special meeting. An
34 additional public hearing or additional public hearings may be scheduled as the City Council
35 deems necessary and shall be noticed according to subsection (b) of this section. Copies of
36 the ordinance must be available to all persons present or the ordinance must be read in full.

37
38 Section 2. This Ordinance is of a permanent and general character and shall be
39 included in the City Code.
40

41 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
42 _____, 2015.

43
44 CITY OF HOMER

45
46
47 _____
48 MARY E. WYTHE, MAYOR

49
50 ATTEST:
51
52
53 _____
54 JO JOHNSON, MMC, CITY CLERK

55
56
57 AYES:
58 NOES:
59 ABSTAIN:
60 ABSENT:

61
62
63 First Reading:
64 Public Reading:
65 Second Reading:
66 Effective Date:

67
68
69 Reviewed and approved as to form:

70
71
72 _____
73 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

74
75 Date: _____

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Reynolds/Roberts

RESOLUTION 15-082

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
EXPRESSING SUPPORT FOR THE PRATT MUSEUM'S GRANT
REQUEST IN THE AMOUNT OF \$1.65 MILLION FOR ITS NEW
FACILITY.

WHEREAS, The Pratt Museum is a national award-winning museum that serves more than 30,000 visitors and engages more than 4,000 education program participants annually; and

WHEREAS, The Pratt is consistently recognized as one of Alaska's leading cultural institutions and a model among community museums across the nation; and

WHEREAS, The Pratt is the recipient of the Governor's Award for the Humanities, and the National Award for Museum Service, the country's highest honor for museums; and

WHEREAS, The Pratt is a regional economic engine, generating about \$1 million in annual economic activity and drawing visitors to our community from across the state, nation, and world; and

WHEREAS, The Pratt is embarking on a construction project to better serve its visitors and the community long into the future by providing new exhibits; full handicap accessibility; expanded research capacity to serve students and scholars; and improved ability to expand and preserve the largest collections in the sciences, arts, and humanities on the Kenai Peninsula; and

WHEREAS, The Pratt was awarded a Challenge Grant of \$750,000 from the National Endowment for the Humanities, which must be matched three to one with non-federal dollars to leverage these funds; and

WHEREAS, A capital grant of \$1.65 million from the State of Alaska will provide necessary funding for construction of the Pratt Museum's \$9.5 million new facility and site redesign project, enabling the Museum to maintain project momentum at this crucial stage; and

WHEREAS, The Pratt Museum's construction project is the City's No. 1 priority for nonprofit funding, is included in the City of Homer Capital Improvement Program; and the City supports the Pratt Museum with operational and capital project funding.

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 15-083

A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING THE
2015 MEETING SCHEDULE FOR THE DECEMBER CITY COUNCIL
MEETING TO BE HELD ON DECEMBER 7, 2015.

WHEREAS, Each year the City Council annually sets the schedule for regular and some special meetings, noting the dates, times and places of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and

WHEREAS, Mayor Wythe has requested that the December city council meeting scheduled for December 14 be moved to December 7; and

WHEREAS, Adjusting the meeting schedule will allow sufficient time in between the November 23rd regular city council meeting to advertise the public hearings and agendas.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the 2015 meeting schedule for the December city council meeting to be held on December 7, 2015.

PASSED AND ADOPTED by the Homer City Council this 28th day of September, 2015.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

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 15-156

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 18, 2015

SUBJECT: CONFIRMATION OF ELECTION JUDGES FOR THE REGULAR CITY OF HOMER ELECTION
OCTOBER 6, 2015

Pursuant to Homer City Code Sections 4.20.010 and 4.35.010 the Election Judges are approved by City Council and the Canvass Board is confirmed by the City Council. Election Central Judges and Absentee Voting Officials are appointed by the City Clerk and require no approval or confirmation of the City Council.

Homer No. 1	Homer No. 2	Canvass Board
Jane Swain, Chair	Theresa Dubber, Chair	Maryann Lyda
Maryann Lyda	Pauline Benson	Sharon Minsch
Chris Bowden	Kristi Wickstrom	
Caroline Venuti (4pm until closing)	Sharon Minsch (3pm until closing)	

Recommendation: Confirm the appointment of the Canvass Board and approve the appointment of the Election Judges for the City of Homer 2015 Regular Election.

Fiscal Note: Polling Place - \$10.00/hr. Chairs, \$9.50/hr. Judges, 12-18 hrs.
\$12.00/hr. Canvass board 2-4 hours or until done.

Account: 100.0102.5101-5107



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Homer, Alaska 99603

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(f) 907-235-3143

Memorandum 15-157

TO: MAYOR AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: SEPTEMBER 22, 2015
SUBJECT: DEFERRED ASSESSMENT FOR GOODFELLOW, KRASZESKI, AND SOMERS FOR
THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Clinton Goodfellow has applied for an assessment deferment for Kenai Peninsula Borough (KPB) Parcel Number 17929006.

Joey Kraszeski has applied for an assessment deferment for KPB Parcel Number 17914029.

Brad Somers has applied for an assessment deferment for KPB Parcel Number 17372005.

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 Goodfellow, Kraszeski, and Somers applications for natural gas assessment deferment. Take action to approve or disapprove the application.

Fiscal Impact: \$9,788.31 unpaid balance.



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

September 11, 2015

Clinton W Goodfellow
P.O. Box 2564
Homer, AK 99603

Dear Mr. Goodfellow,

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 28, 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,

Jo Johnson
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

SEP 10 2015 4:07 PM RE PK

Date Application Received by Finance
Department/Department Personnel Initials

[Signature] 9/10/2015

PARCEL #: 179-290-06

APPLICANT NAME(S) CLINTON W Goodfellow

MAILING ADDRESS: P.O. Box 2564

CITY, STATE, ZIP HOMER, AK 99603-2564

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

[Handwritten Signature]

SIGNATURE Applicant

SIGNATURE Co-Applicant/Spouse/Owner

DATE

9/10/15

DATE

STATE OF ALASKA

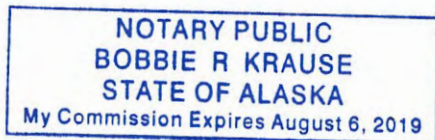
THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 10th day of September, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared Clinton Goodfellow 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)



[Handwritten Signature]

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

September 17, 2015

Joey Kraszeski
1281 Iris Court
Homer, AK 99603

Dear Ms. Kraszeski,

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 28, 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,

Jo Johnson
City Clerk



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Natural Gas Special Assessment District Deferment Request

SEP 15 2015 AM 11:00

Date Application Received by Finance
Department/Department Personnel Initials _____

PARCEL #: 1281 Iris Court 179-40-29

APPLICANT NAME(S) Joy Kraszeski

MAILING ADDRESS: 1281 Iris Court

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

[Signature]
SIGNATURE Applicant

SIGNATURE Co-Applicant/Spouse/Owner

DATE 9/15/15

DATE _____

STATE OF Alaska
Third JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 15 day of September, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared Joey Kraszeski 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)



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

September 17, 2015

Brad Somers
4720 Pine View Road
Homer, AK 99603

Dear Mr. Somers,

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 28, 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,

Jo Johnson
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

SEP 15 2015 AM 09:16

W

Date Application Received by Finance
Department/Department Personnel Initials _____

PARCEL #: 173-720-05

APPLICANT NAME(S) BRAD J. SOMERS 299-0925

MAILING ADDRESS: 4720 PINE VIEW 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

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

Brad Somers
SIGNATURE Applicant

SIGNATURE Co-Applicant/Spouse/Owner

DATE 9-15-15

DATE _____

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

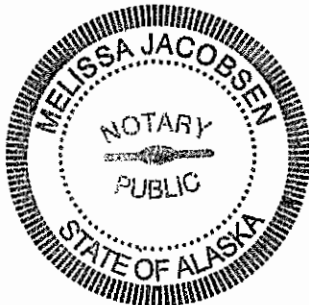
THIS IS TO CERTIFY, that on the 15th day of September, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared

Brad Somers 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)



Melissa Jacobsen
NOTARY PUBLIC
MY COMMISSION EXPIRES 9/8/16

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

MAYOR'S RECOGNITION

**"Alaska Recreation & Parks Association Day"
and ARPA 's 40th Anniversary**

WHEREAS, On October 29, 1975, the Alaska Recreation and Parks Association was officially formed in Anchorage, Alaska, at the Woodshed Restaurant; and

WHEREAS, ARPA has hosted State, Regional, National and International Conferences and Trainings for Park and Recreational professionals over the last 40 years; and

WHEREAS, ARPA is recognized as the state affiliate of the National Recreation and Parks Association (NRPA) and currently has over 150 members throughout the state; and

WHEREAS, ARPA's mission is to support agencies, institutions, businesses, organizations and individuals who provide or advocate for parks, recreation, wildland, therapeutic and adaptive programs and facilities; and

WHEREAS, This mission is pursued by providing a forum for interchange of ideas and information among parks, recreation, wildland and therapeutic and adaptive professionals and supporters; promoting the personal, environmental, social and economic benefits of parks, recreation, wildlands, therapeutic and adaptive programs; coordinating, organizing and promoting quality educational opportunities; and prepares and provides educational information relating to parks, recreation, wildlands and therapeutic and adaptive programs; and

WHEREAS, ARPA has worked with State and Regional Colleges and Universities to enhance educational opportunities for Alaska students and professionals; and

WHEREAS, Our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring health of all citizens, and contributing to the economic and environmental well-being of our community and state; and

WHEREAS, Parks and recreation programs increase a community's economic prosperity through increased property values, expansion of local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, October 9, 2015 marks the 40th Anniversary of the Alaska Recreation and Parks Association.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby recognize Friday, October 9, 2015 as

**"ALASKA RECREATION & PARKS ASSOCIATION DAY"
AND ARPA'S 40TH ANNIVERSARY**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 28th day of September, 2015.

CITY OF HOMER

MARY E. WYTHER, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

MAYOR'S PROCLAMATION

2015 BREAST CANCER AWARENESS MONTH

WHEREAS, October is National Breast Cancer Awareness Month and October 16, 2015 is National Mammography Day; and

WHEREAS, Breast cancer is the most common cancer among women, except for skin cancer; and

WHEREAS, Breast cancer is the second leading cause of cancer death in women, after lung cancer; and

WHEREAS, The chance of developing invasive breast cancer at some time in a woman's life is about 1 in 8; and

WHEREAS, Almost 231,840 new cases of female breast cancer will be diagnosed in 2015 and about 40,290 will die from the disease; and

WHEREAS, An estimated 2,350 cases of male breast cancer will be diagnosed in 2015 and about 440 men will die of the disease; and

WHEREAS, Death rates from breast cancer have been declining, and this change is believed to be the result of earlier detection and improved treatment; and

WHEREAS, Mammography--an "x-ray" of the breast--is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; and

WHEREAS, Preventative screening services such as mammograms are covered 100% by most insurance companies since 2012; and

WHEREAS, Most uninsured and under-insured individuals qualify for screening and diagnostic mammograms through the Alaska Breast and Cervical Health Check program.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim the month of October 2015 as BREAST CANCER AWARENESS MONTH and October 16th as MAMMOGRAPHY DAY in the City of Homer, Alaska.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 28th day of September, 2015.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

STATE OF ALASKA



Executive Proclamation by *Governor Bill Walker*

WHEREAS, first responders are trained volunteers and professionals that are designated to provide immediate expert response in emergency situations; and

WHEREAS, Alaskans benefit from the knowledge, skills, and dedication of first responders, as they work together to ensure prompt response to a wide variety of natural disasters and domestic emergencies in both urban and rural settings, often in extreme weather conditions, dangerous terrain, or other harrowing circumstances; and

WHEREAS, Alaska's first responders are a vital part of our communities as they risk their own lives and safety to provide crucial service in times of desperate need; and

WHEREAS, individuals, both career and volunteer, including police, firefighters, emergency medical responders, search and rescue professionals, military personnel, as well as entire organizations come together in emergencies to provide services that often make the difference between life and death; and

WHEREAS, we specifically commend all Alaskan first responders and wildland firefighters, as well as those who travelled from all over the United States and Canada this summer to answer the call when wildfires ravaged millions of acres Alaska, and engulfed dozens of Alaskans' homes; and

WHEREAS, we greatly appreciate the sacrifice of first responders and their selfless dedication to serve and protect Alaskans every day.

NOW THEREFORE, I, Bill Walker, GOVERNOR OF THE STATE OF ALASKA, do hereby proclaim September 27, 2015 as:

First Responder Appreciation Day

in Alaska, and encourage all Alaskans to recognize the vital role first responders play in our state, and express appreciation for the selfless service of the first responders in our local communities.

Dated: September 11, 2015



Bill Walker

*Bill Walker, Governor
who has also authorized the
seal of the State of Alaska to
be affixed to this proclamation.*

September 23, 2015

City of Homer
491 E. Pioneer Ave.
Homer, Alaska, 99603
Att.
Mayor Wythe
City Manager Koester
Homer City Council

Hello All,

As the City of Homer Representative to the Prince William Sound Regional Citizens Council (PWSRCAC), I would like to inform you of the following action taken by the Board of Director at it's recent meeting in Kodiak.

The Board unanimously voted to pass Resolution 15 – 07.

This Resolution request all parties involved in the Exxon Valdez Settlement Agreement in 2006, convene to implement the reopener clause allowing the federal or state government to request additional funds from Exxon-Mobil Corp. due to unanticipated remaining oil in the environment and subsequent failure of species to recover within Prince William Sound.

This clause will sunset in June 2016 so it is imperative this dialog begin.

The official letter from PWSRCAC is attached.

Please feel free to contact me with any further questions.

Sincerely

Robert E. Archibald

P.O. Box 2460
Homer, Alaska 99603
907 299-0852



Regional Citizens' Advisory Council / "Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

MEMBERS

September 22, 2015

Alaska State
Chamber of Commerce

Ms. Loretta Lynch, Esq.
Attorney General of the U.S.
U.S. Department of Justice

Mr. Craig Richards, Esq.
Attorney General of Alaska
P.O. Box 110300

Chugach Alaska
Corporation

950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Juneau, AK 99811-0300

City of Cordova

SUBJECT: Call for Agreement on Exxon Valdez Oil Spill Restoration under Reopener for Unknown Injury

City of Homer

City of Kodiak

Dear Ms. Lynch and Mr. Richards:

City of Seldovia

Attached please find a resolution recently passed by the Board of Directors of the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) urging the United States, the State of Alaska, Exxon Corporation and the Exxon Valdez Oil Spill Trustees to reach agreement on implementation of the 2006 restoration plan under the Exxon Valdez oil spill "Reopener for Unknown Injury".

City of Seward

City of Valdez

City of Whittier

PWSRCAC is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990 and our contract with Alyeska Pipeline Service Company. PWSRCAC's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Native, recreation, tourism and environmental groups.

Community of
Chenega Bay

Community of
Tatitlek

Cordova District
Fishermen United

PWSRCAC is aware of areas within Prince William Sound where residual oil is easily located, and there are species that have yet to fully recover since the Exxon Valdez oil spill as researched and defined by the Exxon Valdez Oil Spill Trustee Council. In 2006, the U.S. Department of Justice and the Alaska Department of Law submitted a proposed restoration plan believed to address certain remaining injuries from the oil spill. A September 8, 2015 news release from the Fisheries Division of the National Oceanic and Atmospheric Administration suggests that delayed effects of the Exxon Valdez oil spill may have contributed to the decline of Prince William Sound herring and pink salmon populations immediately following the 1989 spill. We believe that impacts such as the delayed or altered growth of fish embryos due to exposure to hydrocarbons are exactly the types of unknown injury envisioned at the time the "Reopener for Unknown Injury" provision was included in the 1991 agreement and civic settlement. From PWSRCAC's perspective, it is important to ensure commitments made by industry are followed through to completion and spill-damaged resources are truly restored.

Kenai Peninsula
Borough

Kodiak Island
Borough

Kodiak Village Mayors
Association

Oil Spill Region
Environmental
Coalition

Port Graham
Corporation

Prince William Sound
Aquaculture
Corporation

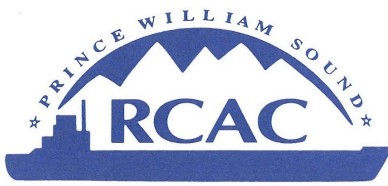
On behalf of the Board of Directors of the PWSRCAC, with members throughout the Exxon Valdez oil spill affected region, we request that the United States, the State of Alaska, Exxon Corporation, and the Exxon Valdez Oil Spill Trustees Council should meet and confer on implementation of the 2006 plan, with assistance of mediators if needed, and that the agreed-to plan then be implemented with all deliberate speed.

Sincerely,



Mark A. Swanson
Executive Director

Cc: Mike Chenault, House Speaker for the Alaska State House of Representatives
John Coghill, Majority Leader for the Alaska State Senate
Sam Cotten, Commissioner for State of Alaska Fish & Game
Berta Gardener, Majority Leader for the Alaska State Senate
Larry Hartig, Commissioner for State of Alaska Department of Environmental Conservation
John Holdren, Assistant to the President for Science and Technology
Elise Hsieh, Executive Director of the Exxon Valdez Oil Spill Trustees Council
Sally Jewell, United States Secretary of the Department of Interior
Beth Kerttula, Director of the National Oceans Council
Kevin Meyer, Senate President for the Alaska State Senate
Charisse Millet, Majority Leader for the Alaska State House of Representatives
Penny Pritzker, United States Secretary of Commerce
PWSRCAC Board of Directors
S. Jack Balagia, Vice President and General Council for Exxon Mobil Corporation
Chris Tuck, Minority Leader for the Alaska State House of Representatives
Tom Vilsack, United States Secretary of Agriculture
Bill Walker, Governor for the State of Alaska



Regional Citizens' Advisory Council / "Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers."

In Anchorage: 3709 Spenard Road / Suite 100 / Anchorage, Alaska 99503 / (907) 277-7222 / FAX (907) 277-4523
In Valdez: P.O. Box 3089 / 130 South Meals / Suite 202 / Valdez, Alaska 99686 / (907) 834-5000 / FAX (907) 835-5926

MEMBERS

Resolution 15-07
Supporting Habitat Restoration Pursuant to Damages
Caused by the 1989 Exxon Valdez Oil Spill

Alaska State
Chamber of Commerce

Chugach Alaska
Corporation

City of Cordova

City of Homer

City of Kodiak

City of Seldovia

City of Seward

City of Valdez

City of Whittier

Community of
Chenega Bay

Community of
Tatitlek

Cordova District
Fishermen United

Kenai Peninsula
Borough

Kodiak Island
Borough

Kodiak Village Mayors
Association

Oil Spill Region
Environmental
Coalition

Port Graham
Corporation

Prince William Sound
Aquaculture
Corporation

WHEREAS, the Exxon Valdez Settlement Agreement contains a reopener clause allowing the federal or state government to request additional funds from Exxon due to unanticipated remaining oil in the environment and subsequent failure of species to recover within Prince William Sound;

WHEREAS, in 2006, the United States and the State of Alaska presented to Exxon a comprehensive project plan for the cleanup of lingering oil at an estimated cost of \$92 million;

WHEREAS, Exxon has not yet agreed to that project plan;

WHEREAS, there is evidence of substantial oil remaining within Prince William Sound and that some species and habitat within the area have suffered substantial and unanticipated injuries that are attributable to the *Exxon Valdez* oil spill;

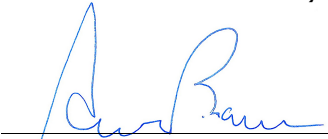
WHEREAS the ongoing delay in implementing the "Reopener for Unknown Injury" restoration plan continues to allow remaining unrecovered oil to damage the Alaska coastal ecosystem;

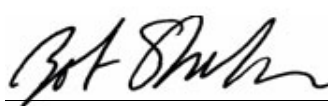
WHEREAS, both Alaska residents and nonresidents use this area extensively for subsistence, recreation, sport hunting and fishing activities; and

WHEREAS, the Prince William Sound Regional Citizens' Advisory Council believes that a collaborative approach whereby all parties are at the table working together oftentimes leads to successful and sustainable resolution of complex matters such as the science and plans for restoration of habitat or species that have suffered substantial loss or decline in an oil spill area.

NOW, THEREFORE BE IT RESOLVED, that the Prince William Sound Regional Citizens' Advisory Council requests that the United States, the State of Alaska, Exxon, Inc., and the Exxon Valdez Oil Spill Trustees Council should meet and confer on implementation of the 2006 plan, with assistance of mediators if needed, and that the plan as agreed to then be implemented with all deliberate speed.

PASSED AND APPROVED by the Prince William Sound Regional Citizens' Advisory Council on this 18th day of September, 2015.


Amanda Bauer
President


Bob Shavelson
Secretary

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: _____

PUBLIC HEARING(S)

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

Ordinances 15-32, 15-33 and 15-34

A **public hearing** is scheduled for **Monday, September 28, 2015** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 15-32, 15-33, and 15-34 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

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.

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.

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.



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

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

A handwritten signature in black ink, appearing to read "Jo Johnson".

Jo Johnson, MMC, City Clerk

Publish: Homer News: September 24, 2015

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 15-32**, 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; **Ordinance 15-33**, 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 **Ordinance 15-34**, 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 was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, September 18, 2015 and posted the same on City of Homer Website on Thursday, September 17, 2015.

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



Renee Krause, CMC, Deputy City Clerk

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
2. City Council Regular Meeting September 28, 2015 Public Hearing and Second Reading
 - 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
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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

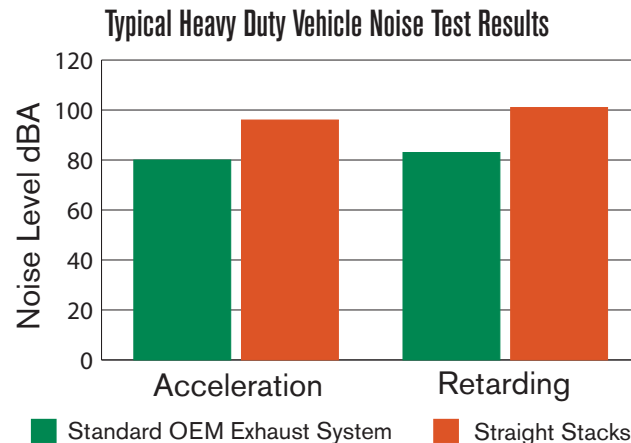
- Exhaust
- Engine Combustion
- Engine Brake
- Intake and Turbo
- Fan

Truck Noise

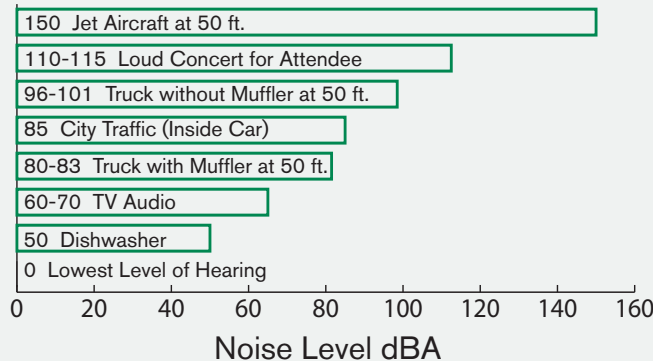
- Tire and Road
- Mechanical
- Drive Train
- Chassis
- Wind

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



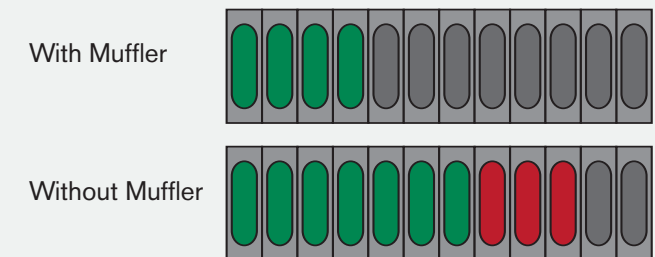
Federal Truck Noise Emission Control Regulation

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
 - a. Letters from United States Department of Agriculture Rural Development and Southern Region EMS Council

2. City Council Regular Meeting September 28, 2015 Public Hearing and Second Reading
 - a. Letters from United States Department of Agriculture Rural Development and Southern Region EMS Council

**CITY OF HOMER
HOMER, ALASKA**

Burgess

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.

WHEREAS, Resolution 12-097, adopted by City Council on November 26, 2012 authorized the City Manager to apply for a Code Blue grant to replace Medic 1 pledging a 10% local match; and

WHEREAS, The replacement of Medic 1 scored highly in the Code Blue application process; and

WHEREAS, Because of declining revenue the Code Blue program is only able to provide a roughly 50% match for the replacement of Medic 1; and

WHEREAS, If the City of Homer is not able to come up with the local match by the first quarter of 2016 the funds run the risk of expiring; and

WHEREAS, Medic 1 has had a long and useful life responding to the majority of HVFD calls over its 18 years; and

WHEREAS, Medic 1 is spending more and more time in the shop for repairs and its on-board equipment is becoming outdated and obsolete as new NFPA and OSHA requirements become effective; and

WHEREAS, a replacement Medic costs 180,000.

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

Revenue:

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

Expenditure:

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

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

Expenditure:

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

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

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

75 YES:

76 NO:

77 ABSTAIN:

78 ABSENT:

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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.



Rural Development

September 9, 2015

Alaska State Office
800 W. Evergreen Ave.
Suite 201
Palmer, AK
99645

Voice 907.761.7705
Fax 907.761.7783

Susan Hecks, Executive Director
Southern Region EMS Council, Inc.
6130 Tuttle Place
Anchorage, AK 99645

Dear Sue,

Rural Development is in receipt of a request from Southern Region EMS, Council Inc. to reallocate remaining balances in phases 9, 10 and 12.

The request as outlined in the letter dated August 27, 2015 is hereby approved.

Please feel free to contact the undersigned at (907) 761-7733 should there be any questions.

Sincerely,

MISTY D. HULL
Community Programs Specialist
USDA Rural Development

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-6892 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 895-7442 or email at program.intake@usda.gov.



Southern Region EMS Council Anchorage, Alaska

6130 Tuttle Place, Suite B, Anchorage, AK 99507
(907) 562-6449 FAX: (907) 562-9893 www.sremsc.org

August 27, 2015

Misty Hull
Community Programs Specialist, Rural Development
United States Department of Agriculture
800 W Evergreen Ave, Suite 201
Palmer, AK 99645

Dear Misty,

We have several outstanding balances from older grant phases that we would like to close out:
Phase 9 – \$11,094.26, Phase 10 - \$30,989.51 and Phase 12 - \$2,449.70.

We are asking to reallocate \$25,500 from Phase 10 to apply to the Homer Ambulance which is a Phase 13 project.

Current Budget	Total	USDA - 15%	State	Community Match	Unfunded portion
Ambulance - Homer Phase 13	\$170,000	0	\$70,000	\$17,000	\$83,000

Proposed changes to budget	Total	USDA - 15%	State	Community Match	Unfunded portion
Ambulance - Homer Phase 13	\$170,000	\$25,500	\$70,000	74,500	0

The City of Homer will fund the balance of the project not covered by State and USDA funding. They are ready to move forward with the project.

We are also asking to reallocate:
 \$ 11,094.26 from Phase 9
 \$ 5,489.51 from Phase 10 (after \$25,500 reallocated for the Homer Ambulance)
 \$ 2,449.70 from Phase 12
 \$ 19,033.47 total to the following Phase 15 approved projects. See attached spreadsheet.

Mission:
Improve the quality, availability and sustainability of emergency patient care

Note: We did not apply to the USDA for Phase 15 funding because we had hoped to be able to utilize unspent funding from previous phases to close them out.

Phase 15 - Current Budget	Total	USDA	State	Community Match	Unfunded portion
Lucas Chest Compression- Cordova 15%	\$15,656	0	\$8,610	\$1,566	\$5,480
Snowbulance – Pedro Bay 75%	\$9,530	0	\$1,906	\$477	\$7,147
AED-Pro – Seldovia 75%	\$4,165	0	\$624	\$417	\$3,124
Portable Suction – Tyonek 75%	\$1,349	0	\$202	\$135	\$1,012
AED – Tyonek 75%	\$2,146	0	\$322	\$214	\$1,610
Totals	\$32,846	0	\$11,664	\$2,809	\$18,373

Phase 15 - Proposed changes to budget	Total	USDA	State	Community Match	Unfunded portion
Lucas Chest Compression- Cordova-15%	\$15,656	\$6,140	\$8,610	\$906	0
Snowbulance – Pedro Bay 75%	\$9,530	\$7,147	\$1,906	\$477	0
AED-Pro – Seldovia 75%	\$4,165	\$3,124	\$624	\$417	0
Portable Suction – Tyonek 75%	\$1,349	\$1,012	\$202	\$135	0
AED – Tyonek 75%	\$2,146	\$1,610	\$322	\$214	0
Totals	\$32,846	\$19,033	\$11,664	\$2,149	0

If you need additional information, please let me know.

Thank you!



Sue Hecks
Executive Director

Cc: Julie Pannone, Accounting Specialist
Grant files

Mission:
Improve the quality, availability and sustainability of emergency patient care

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

1. City Council Regular Meeting September 28, 2015 Public Hearing and Second Reading
 - 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

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63 _____

64 MARY E. WYTHE, MAYOR

65 ATTEST:

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68 _____

69 JO JOHNSON, MMC, CITY CLERK

70

71 AYES:

72 NOES:

73 ABSTAIN:

74 ABSENT:

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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: _____



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Military and
Veterans Affairs

Division of Homeland Security and
Emergency Management

P.O. Box 5750
JBER, AK 99505-0750
Main: 907.428.7000
Fax: 907.428.7009
www.ready.alaska.gov

August 31, 2015

Ms. Katie Koester, City Manager
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603

RE: 2015 State Homeland Security Program, EMW-2015-SS-00026-S01
State Program No.: 20SHSP-GY15

Certified Mail #: 9171 9690 0935 0076 7846 72

Dear Ms. Koester:

The Division of Homeland Security and Emergency Management (DHS&EM) received funds from the U.S. Department of Homeland Security under the 2015 State Homeland Security Program (SHSP). We are pleased to award the City of Homer the amount of \$114,300.00 under this grant. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazards events.

Please review the Grant Requirements and Program Terms and Conditions as articles have changed to incorporate the provisions of 2 CFR Part 200. All changes to these items will be discussed at the 2015 Grant Kick-Off Meetings. Participation at a Kick-Off Meeting is required.

Please review project budget details (PBDs) for Environmental and Historical Preservation (EHP) requirements and approved project specifics. As a reminder, all procurement transactions must be conducted in a manner providing full and open competition. To ensure this, DHS&EM requires a Procurement Method Report with every expense (with the exception of local advertising, legal notices, and travel arrangements) submitted for reimbursement under this grant. In addition, all service contracts, purchases over \$25,000.00, and non-competitive/sole source purchases must be pre-approved by DHS&EM. Please see the Procurement Method Report for additional details.

Attached are two pre-signed Obligating Award Documents. Please review the information for accuracy and review any Special Conditions. Sign both obligating documents, keep one original for your records, and return the other original within 30 days of jurisdiction receipt to:

State Administrative Agency (SAA) Point of Contact
PO Box 5750
JBER, AK 99505


Ms. Koester
August 31, 2015
Page 2 of 2

If the Obligating Award Documents cannot be returned within 30 days due to local jurisdiction policies, a Notice of Intent to Accept Grant Award form and instructions are available for download on DHS&EM's Grants website, <http://ready.alaska.gov/grants.htm>.

If signatory points of contacts have changed since submittal of the application, please complete and return a Signatory Authority Form with the signed Obligating Award Document. The Signatory Authority Form is available for download on DHS&EM's Grants website. If needed, Electronic Payment (EDI) enrollment forms are also available upon request.

If you have questions or need further assistance, please contact the Division Project Manager for this grant, Adrian Avey, at 907-428-7027, 800-478-2337, or by email at mva.grants@alaska.gov.

Sincerely,




Michael J. Sutton
Deputy Director

mjs:ama:tdp

Enclosures: Obligating Award Document (2 originals)
Project Budget Details Report
Quarterly Activities Plan
EHP Screening Memo

CC: Carey Meyer, Jurisdiction Project Manager
John Li, Jurisdiction Chief Financial Officer

90011

State of Alaska Division of Homeland Security and Emergency Management Under US Department of Homeland Security Federal Emergency Management Agency Grant Programs Directorate				Page 1 of 7	
				FEDERAL AWARD DATE	
				August 10, 2015	
				FEDERAL GRANT PROGRAM	
				2015 State Homeland Security Program	
OBLIGATING AWARD DOCUMENT				FEDERAL GRANT NUMBER	
				EMW-2015-SS-00026-S01	
RECIPIENT NAME AND ADDRESS		PERFORMANCE PERIOD		AMENDMENT	
City of Homer 491 E. Pioneer Ave. Homer, AK 99603		FROM:	September 01, 2015	AMENDMENT #:	
		TO:	September 30, 2017	EFFECTIVE DATE:	
		STATE PROGRAM NUMBER		20SHSP-GY15	
DUNS NUMBER		040171563		FUNDING ALLOCATION	
EIN		92-0030963		PLANNING	EXERCISE
METHOD OF PAYMENT		Electronic		TRAINING	EQUIPMENT
					\$114,300.00
PURPOSE OF AWARD					
The attached Project Budget Details is the funding allocation. Grant program guidelines and federal, state, and local contracting and procurement compliance requirements apply.					
GRANT REQUIREMENTS AND PROGRAM TERMS AND CONDITIONS					
The acceptance of a grant from the United States government creates a legal duty on the part of the recipient to use the funds or property made available in accordance with the conditions of the grant. [GAO Accounting Principles and Standards for Federal Agencies, Chapter 2, Section 16.8(c)] See attached for continued Grant Requirements and Program Terms and Conditions					
SPECIAL CONDITIONS (Grant funds cannot be expended until these conditions have been met. See Obligating Award for details)					
See Attached					
AGENCY INFORMATION					
ADDRESS Division of Homeland Security and Emergency Management PO Box 5750 JBER, AK 99505-5750		WEBSITE		http://ready.alaska.gov	
		EMAIL		mva.grants@alaska.gov	
		PHONE		907-428-7000	
		FAX		907-428-7009	
STATE PROJECT MANAGER		PHONE		FAX	
Adrian Avey		907-428-7027		907-428-7009	
				EMAIL	
				adrian.avey@alaska.gov	
AGENCY APPROVAL			RECIPIENT ACCEPTANCE		
NAME AND TITLE OF APPROVING AGENCY OFFICIAL			NAME AND TITLE OF AUTHORIZED RECIPIENT OFFICIAL		
Michael J. Sutton, Deputy Director			Katie Koester, City Manager		
SIGNATURE OF APPROVING AGENCY OFFICIAL			SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL		
		DATE		DATE	
		29 Aug 15			
FOR STATE USE ONLY					
AR UNIT		LOC CODE		DIVISION FILE NUMBER	
99160010		2119		1.6.2.07	
				DATE RETURNED	

Grant Requirements

- (A) Monies may not be obligated outside of the time period as stated on the grant document. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period (unless otherwise specified in the Program Terms and Conditions) when the *Final Performance Progress Reports* are due.
- (B) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The jurisdiction shall follow the financial management requirements imposed on them by the Division of Homeland Security and Emergency Management (DHS&EM).
- (C) The signature of the signatory officials on this award attests to the jurisdiction's understanding, acceptance, and compliance with Acknowledgement of Federal Funding; Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant state or local funds. Federal funds may be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit. Any cost allocable to a particular Federal award or cost objectives under the principles provided for in 2 CFR Part 200, subpart E, may not be charged to other Federal awards to overcome fund deficiencies.
- (D) The jurisdiction shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.
- (E) The jurisdiction shall comply with the requirements under 2 CFR Part 25.110, to maintain and keep jurisdiction information current within the System of Award Management (SAM). Also the jurisdiction is requirement to be non-delinquent to the Federal government as required in OMB Circular A-129.
- (F) The jurisdiction shall comply with Federal Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1990. Per Executive Order 13166.* The jurisdiction will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. *Executive Order 13224* prohibits transactions with and support to organizations associated with terrorism. Energy Policy and Conservation Act, National Environmental Policy Act (NEPA) of 1969 and the Coastal Wetlands Planning, Protection, and Restoration Act of 1990 (as applicable.) The USA PATRIOT Act of 2001, Trafficking Victims Protection Act of 2000, Hotel and Motel Fire Safety Act of 1990, Fly America Act of 1974, subrecipients who collect Personally Identifiable Information (PII) are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.
- (G) The jurisdiction certifies that it has an *Affirmative Action Plan/Equal Employment Opportunity Plan*. An EEO² is not required for subrecipients of less than \$25,000.00 or fewer than 50 employees.
- (H) The jurisdiction certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.
- (I) It is the responsibility of the jurisdiction as the subrecipient of these federal funds to fully understand and comply with the requirements of:
- a. Administrative requirements
2 CFR Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl
 - b. Cost Principles
2 CFR Part 200 Subpart E *Cost Principles*
<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=a470d16f3403a225479f2a8a6c7c4058&n=pt2.1.200&r=PART&ty=H^ML#sp2.1.200.e>
 - c. Audit Requirements
2 CFR Part 200 Subpart F *Audit Requirements*
<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=a470d16f3403a225479f2a8a6c7c4058&n=pt2.1.200&r=PART&ty=H^ML#sp2.1.200.f>
 - i. **Federal:** The applicant agrees that, as a condition of receiving any federal financial assistance, a Single audit of those federal funds will be performed, if required by law, and further agrees it will comply with all applicable audit requirements.
 - ii. **State:** If the applicant is an entity that received state financial assistance the applicant shall submit to the State coordinating agency, within one year after the end of the audit period, an annual audit report covering the audit period as required by 2 AAC 45.010.
 - iii. Subrecipients identified as "non-compliant" by the Alaska Dept. of Administration, Division of Finance, Single Audit

Coordinator shall be subject to the following grant payment restrictions:

1. DHS&EM will not process grant payments of any nature directly to the subrecipient.
 2. Subrecipients will be required to fully comply with the Single Audit requirements as specified by the Alaska Dept. of Administration, Division of Finance, and Single Audit Coordinator.
 3. Subrecipients will provide compliance evidence to DHS&EM from the state audit coordinator before any payment will be processed.
 4. DHS&EM may process On-Behalf-Of (OBO) payments to vendors for costs directly associated to the scope of work on approved awards.
 5. Performance periods will not be extended due to a subrecipient's failure to comply with Single Audit requirement.
 6. Payments made in error to subrecipients that are "non-compliant" must be repaid to the State of Alaska within 90 days of receipt of notice from DHS&EM.
- d. **Procurement and Contracts.** Contracts must be of a reasonable cost, generally be competitively bid, and must comply with Federal, State, and local procurement standards. Detailed requirements for eligible procurement methods and contract types can be found in 2 CFR Part 200 Subpart D. The applicant agrees to review and follow procurement and contract requirements necessary for compliance with the grant program. Further, the applicant understands that failure to comply with these requirements may result of loss of funding for the entire project.
- i. **Debarred/Suspended Vendors.** As required by Executive Orders 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, the applicant certifies that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this award been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
 4. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default. Where the applicant is unable to certify any of the statements in this certification, he or she shall attach an explanation to this application.
- e. **Conflict of Interest**
2 CFR Part 200.112 – the jurisdiction must disclose in writing to DHS&EM any potential conflict of interest per the applicable Federal awarding agency policy in the award's performance period.
- f. **False Claims Act, Program Fraud Civil Remedies, and Mandatory Disclosures**
- i. 31 U.S.C. §3729, no recipient of federal payments shall submit a false claim for payment.
 - ii. 38 U.S.C. §3801-3812, details the administrative remedies for false claims and statements made.
 - iii. 2 CFR Part 200.113 – the jurisdiction must disclose, in a timely manner and in writing to DHS&EM, all violations of Federal criminal law involving fraud, bribery, or gratuity potentially affecting the award.
- g. **Technology Requirements**
28 CFR Part 23, Criminal Intelligence System Operating Policies
- h. **Duplication of Benefits**
2 CFR Part 200, Subpart E, Cost Principles
- i. **Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. §5121-5206, and Related Authorities, where applicable.**
- j. **State Requirements**
Alaska State Procurement Code AS 36.30, AS36.30.005–.030 www.state.ak.us/local/akpages/ADMIN/dqs/docs/as3630.doc
Alaska Administrative Code Title 2 Chapter 12, 2 AAC 12.74. <http://www.legis.state.ak.us/cgi-bin/folloisa.dll/aac>
Alaska Administrative Manual <http://doa.alaska.gov/dof/manuals/aam/index.htm>

SHSP Program Terms and Conditions

COPY

The total allocation of the 2015 State Homeland Security Program awarded to the Division of Homeland Security and Emergency Management (DHS&EM) is \$3,734,500.00 under *Federal Grant EMW-2015-SS-00026-S01, CFDA# 97.067*. The City of Homer has been awarded \$114,300.00, which shall be used to support activities essential to the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazards events. The performance period of this grant award is September 1, 2015 through September 30, 2017. Project conditions must be completed by this date. The City of Homer cannot sub-grant all or any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that activities toward projects will be made, or DHS&EM may execute de-obligation of the funds.

(A) Changes to Award: All change requests must be submitted in writing, or electronically to the DHS&EM project manager accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time the request. Changes in the programmatic activities, or purpose of the project, changes in key persons specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions may result in an amendment to this award. No transfers of funds between budget categories will be authorized, only de-obligation of funds, except on a case-by-case basis

(B) Reporting Requirements: The City of Homer shall submit timely quarterly *Performance Progress Reports* and *Financial Progress Reports* to the project manager at DHS&EM. Instructions and blank forms are located electronically at <http://ready.alaska.gov/grants>, and may be reproduced. Jurisdictions must check the web site quarterly for most current forms. Use of outdated forms will not be accepted. Quarterly reports are due:

Number of Scheduled Report Due	Jurisdiction Performance Period	Performance Progress and Financial Progress Report Due Dates
1	09/01/2015-09/30/2015	Waived
2	10/01/2015-12/31/2015	01/20/2016
3	01/01/2016-03/31/2016	04/20/2016
4	04/01/2016-06/30/2016	07/20/2016
5	07/01/2016-09/30/2016	10/20/2016
6	10/01/2016-12/31/2016	01/20/2017
7	01/01/2017-03/31/2017	04/20/2017
8	04/01/2017-06/30/2017	07/20/2017
9	07/01/2017-09/30/2017	10/20/2017
10	Final Report	11/15/2017

Invoices with progress reports will be submitted to DHS&EM by the due date as specified in the above schedule. Should the grant period be extended for any reason, a modified report schedule will accompany the award amendment.

The *Performance Progress Report* (PPR) contains an AK-PPR-A cover page form and an AK-PPR-B Program Indicators form. Both forms must be completed and submitted by the report due date. Requests for grant extensions, budget adjustments, project realignments, and significant problems or delays are reported on the AK-PPR-A. An AK-PPR-A must be submitted even if no additional information is required. The AK-PPR-B shall describe the progress and percent completed of projects and detail any related expenditures submitted on the *Financial Progress Report*. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. A final PPR is a summary report, showing project completion, evaluating project activities and measuring performance against project goals for the entire performance period, and is required in addition to the last quarterly PPR. An *After-Action Report/Improvement Plan (AAR/IP)* is required within 30 days of the conduct of an exercise.

(C) Signatory Requirements: The primary signatory official, project manager and financial officer as listed on the *Signatory Authority Form* must sign the original obligating award document and any amendments. Delegates may sign quarterly and final reports, however, the signatories of the project manager, signatory official and the financial officer must be three different signatures.

(D) Reimbursements: Submit on the *Financial Progress Report* form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and budget detail and grant guidelines, and submission of timely quarterly *Performance Progress* and *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies or for use of outdated forms. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.), method of solicitation must be documented with a *Procurement Method Report* and documentation of payment must be included.

- **Personnel Costs:** Payroll reports signed and certified by the Chief Financial Officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. The City of Homer shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements in Section N. Limited to 50 percent for employees assigned to program management functions, not operational duties. The limit does not apply to contractors.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, service contracts of any value, and contracts over \$25,000 require DHS&EM pre-approval prior to implementation. Final signed copies of all contracts are required for submission to DHS&EM with the request for reimbursement.

- **Program Income and Local Match:** Program income may be used to supplement project costs, reduce project costs, or may be refunded to the federal government, and must be used for allowable program costs and be expended prior to requests for reimbursement. Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
 - **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB). Documentation required per instructions attached to DHS&EM quarterly reports.
- **Travel:** Travel must be listed in the approved budget.
- **Training:** Requires DHS&EM pre-approval prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an AAR/IP within 30 days after conduct of the exercise.
- **Food and Beverages:** All food and/or beverage expenses require pre-approval by DHS&EM and are only allowable costs if related to a grant funded sheltering exercise, such as a Mass Care Shelter Exercise where food is prepared as part of the exercise objectives in evaluating food preparation capabilities.

(E) **Non-reimbursable Expenses:**

- Contracts, service contracts of any value, single vendor response to a competitive bid, and/or procurements over \$25,000 not pre-approved by DHS&EM
- Sole source contracts and procurements not pre-approved by DHS&EM
- Reimbursable training and related travel costs not pre-approved by DHS&EM
- Construction and renovation
- Indirect costs
- Management and Administration (M&A) costs to manage sub-contracts
- Supplanting
- Maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles), medical supplies, and emergency response apparatus (e.g., fire trucks, ambulances) Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus during exercises.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of the conclusion of the exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons, weapons accessories, ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel
- Travel insurance, visa, and passport charges
- Lodging costs in excess of federal per diem, as appropriate
- Lodging fees associated with violation of the lodging facility's policies, such as smoking in a non-smoking room
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Tips
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition
- Organizational Costs
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(F) **Property and Equipment Management:** The City of Homer shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* is available at <http://ready.alaska.gov/grants> shall be submitted to DHS&EM annually each June 20 with the *Financial Progress Report*, and continued submission is required annually until final disposition of the equipment. No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHS&EM, prior to the jurisdiction's encumbrance or expenditure for that equipment. Management of property and equipment shall be in accordance with state laws and procedures as outlined, and 44 CFR Part 13, sections 13.31 and 13.32. For items over \$5,000.00, a Single Equipment Reporting Form must be submitted at the time of reimbursement at the time of reimbursement request

(G) **Procurement:** Each purchase in excess of \$25,000.00, service contracts of any value, sole-source procurement, and single vendor response to a competitive bid require pre-approval of DHS&EM. A *Procurement Method Report* documenting method of solicitation is required for reimbursement for every procurement (with the exception of local advertising, legal notices and travel arrangements). Contractors that develop or draft specifications, requirements, *Statements of Work (SOW)*, and/or *Requests for Proposals (RFP)* for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition.

(H) **Contracts:** Any contract entered into during this grant period shall comply with local, state and federal government contracting regulations. To the extent that subrecipients of a grant use contractors, subrecipients shall use small, minority, women-owned or disadvantaged business concerns and contractors to the extent practicable. Contracts for professional and consultant services must include local, state and federal government required contract language, a project budget, and require pre-approval by DHS&EM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices and time and effort reports are required for consultants. A *Procurement Method Report* documenting method of solicitation is required for reimbursement for every procurement.

(I) **Use of DHS Seal, Logo and Flags:** All subrecipients must obtain DHS&EM approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

(J) **Publications and Copyright:** All recipients must affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations) Publications created with funding under this grant should prominently contain the following statement: *This document was prepared under a grant from the Federal Emergency Management Agency (FEMA)'s Grant Programs Directorate, U.S. Department of Homeland Security and the Alaska Division of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the*

authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate, the U.S. Department of Homeland Security or the State of Alaska.

(K) **Acknowledgement of Federal Funding:** All subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

(L) **Federal Debt Status:** All subrecipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424, item number 17 for additional information and guidance.

(M) **False Claims Act and Program Fraud Civil Remedies:** All subrecipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no subrecipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

(N) **Recordkeeping Requirements:** Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

(O) **Performance Measures:** Quarterly Progress Reports shall demonstrate performance and progress relative to:

1. Acceptable performance on applicable critical tasks in Exercises using approved scenarios
2. Progress in achieving project timelines and milestones identified on the Grant Activities Plan
3. Percent measurable progress toward completion of project
4. How funds have been expended during reporting period, and explains expenditures related to the project

(P) **Subrecipient Monitoring Policy:** Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHS&EM reserves the right to periodically monitor, review and conduct analysis of the City of Homer's financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHS&EM staff. The Monitoring Policy is available in the Grants Management Handbook at <http://ready.alaska.gov/grants>.

(Q) **Penalty for Non-Compliance:** For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHS&EM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHS&EM shall notify the City of Homer of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The City of Homer must respond within five (5) days of receipt of notification.

1. Unwillingness or inability to attain project goals
2. Unwillingness or inability to adhere to Grant Requirements and Program Terms and Conditions
3. Failure or inability to adhere to grant guidelines and federal compliance requirements
4. Improper procedures regarding contracts and procurements
5. Inability to submit reliable and/or timely reports
6. Management systems which do not meet federal required management standards

(R) **Termination for Cause:** If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHS&EM will provide five (5) days notice to City of Homer stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHS&EM will reimburse City of Homer only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHS&EM until completion of a final DHS&EM review. Any equipment purchased under a terminated grant may revert to DHS&EM at the option of DHS&EM.

(S) **Termination for Convenience:** Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Homeland Security and the DHS&EM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHS&EM at the option of DHS&EM.

(T) **Project Implementation:** Due to the competitiveness of the 2015 State Homeland Security Grant, approved projects must be ready-to-go. Project implementation shall begin within the first reporting quarter.

1. If a project cannot be operational within the first reporting quarter of the approved award date, the subrecipient should provide notice to DHS&EM, stating the implementation delay and expected starting date. At the discretion of DHS&EM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects if project implementation is unjustifiably delayed.

(U) The City of Homer shall comply with the requirements and restrictions of the Federal Fiscal Year (FFY) 2015 Homeland Security Grant Program (HSGP) Program Guidance, State Overview and Guidelines, State Preparedness Report, and the State Homeland Security Strategy. By signing this obligating award document, the City of Homer certifies it has read, understood and accepted these documents as binding.

(V) No funds will be reimbursed until City of Homer fiscal and programmatic representatives attend a 2015 Grant Kick-Off Meeting to be held throughout the state in September and October, 2015. Activity towards grant acceptance and projects may take place prior to Kick-Off meeting attendance.

(W) The City of Homer must complete a Quarterly Activities Plan by January 20, 2016. Information on this requirement will be provided at 2015 Grant Kick-off meetings.

(X) The City of Homer must complete/update the Alaska Assessment annually by December 31.

(Y) The City of Homer must have programmatic jurisdictional representatives at the annual DHS&EM Multiyear Training and Exercise Plan Workshop (TEPW).

(Z) The signature of the signatory officials on this award attests to the City of Homer's understanding and acceptance of the National Incident Management System (NIMS) compliance requirements. For FFY 2015, the Alaska Assessment will be the required means to report NIMS compliance for future preparedness award eligibility.

Special Conditions

(A) The City of Homer shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures and objects that are 50 years old or greater. The City of Homer must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the City of Homer must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the City of Homer will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding. The City of Homer must submit an Environmental Historic Preservation (EHP) Statement of Work Request for the following project(s):

1. Backup Generator for Public Library

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, and Special Conditions in accordance with this Award.

Project Manager's Signature

Chief Financial Officer's Signature

Signatory Official's Signature

Project Budget Details Report

COPY¹

2015 State Homeland Security Grant Program (SHSP) / SHSP

Homer, City of

Reported Category = ALL. Reported Revision = 0 of 0.

PBD#	Expense Category	Solution Area	Discipline	Qty	Budgeted Cost	PBD# Amt Spent	PBD# Balance	
1	Equipment	Other	EMA					
	EHP	Item:						
	<input checked="" type="checkbox"/> EHP	Backup Generator						
	Description	Backup generator and power transfer switch for the alternate EOC and emergency s/elter at the Public Library; includes engineering, installation and inspection						
					Federal \$114,300.00		\$114,300.00	

Adjusted Grant Award

State	
Federal	\$114,300.00

Total Budgeted Allocated (Fed & State)	\$114,300.00
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PBD Total Allocations:

State	
Federal	\$114,300.00

Total Expenses: State	
Federal	

Summary Balance: State	
Federal	\$114,300.00

PBD Non-Budgeted Funds: \$0.00

2015 SHSP Quarterly Activities Plan

Provide milestones (bullets) for each Project Budget Details # (PBD#) in each quarter to implement the approved project.
Reminder: Project implementation must begin within 90 days of award date.

PBD#1—Backup Generator for Public Library	
FFY	Milestone Bullets
16-Q1	
16-Q2	
16-Q3	
16-Q4	
17-Q1	
17-Q2	
17-Q3	
17-Q4	

<u>Quarters</u>	<u>Dates</u>
FFY16-Q1	10/01/15 – 12/31/15
FFY16-Q2	01/01/16 – 03/31/16
FFY16-Q3	04/01/16 – 06/30/16
FFY16-Q4	07/01/16 – 09/30/16

<u>Quarters</u>	<u>Dates</u>
FFY17-Q1	10/01/16 – 12/31/16
FFY17-Q2	01/01/17 – 03/31/17
FFY17-Q3	04/01/17 – 06/30/17
FFY17-Q4	07/01/17 – 09/30/17

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-36

An Ordinance Amending HCC 9.16.010 to Suspend the Dedication of 0.75% of the City Sales Tax to the Homer Accelerated Roads And Trails (H.A.R.T.) Program for a Period of Five Years, and Authorizing the City to Submit the Question of Suspending Such Sales Tax Dedication to the Qualified Voters of the City at a Special Election to Be Held in the City on _____.

Sponsor: Mayor

1. City Council Regular Meeting September 28, 2015 Introduction
 - a. HART Fund Road and Trails Activities Reports
 - b. HART Manual
 - c. Ordinance 06-42

1 CITY OF HOMER
2 HOMER, ALASKA

Mayor

3
4 ORDINANCE 15-36

5 AN ORDINANCE AMENDING HCC 9.16.010 TO SUSPEND THE
6 DEDICATION OF 0.75% OF THE CITY SALES TAX TO THE HOMER
7 ACCELERATED ROADS AND TRAILS (H.A.R.T.) PROGRAM FOR A
8 PERIOD OF FIVE YEARS, AND AUTHORIZING THE CITY TO SUBMIT
9 THE QUESTION OF SUSPENDING SUCH SALES TAX DEDICATION
10 TO THE QUALIFIED VOTERS OF THE CITY AT A SPECIAL ELECTION
11 TO BE HELD IN THE CITY ON _____.

12
13 THE CITY OF HOMER ORDAINS:

14
15 Section 1. Homer City Code 9.16.010 is amended to read as follows:

16
17 9.16.010 Levied.

18 a. A consumer's sales tax in the amount of three **and three-quarters** percent is levied
19 by the City on all sales, rents and services within the City except as the same may be
20 otherwise exempted by law.

21 b. An additional consumer's sales tax in the amount of three-quarters percent is
22 hereby levied by the City of Homer on all sales, rents and services within the City except as
23 the same may be otherwise exempted by law, for the purpose of funding debt retirement of
24 the sewer treatment plant improvements, and to the extent revenues from such tax exceed
25 such debt retirement obligations, for the purpose of funding water and sewer systems.

26 ~~c. An additional consumer's sales tax in the amount of three quarters percent is~~
27 ~~hereby levied by the City of Homer on all sales, rents and services within the City except as~~
28 ~~the same may be otherwise exempted by law, for the purpose of funding of street~~
29 ~~reconstruction improvements and related utilities, construction of new local roads, and~~
30 ~~construction of new local trails.~~

31
32
33 Section 2. Homer City Code 9.16.010 is amended to read as follows:

34
35 9.16.010 Levied.

36 a. A consumer's sales tax in the amount of three ~~and three-quarters~~ percent is levied
37 by the City on all sales, rents and services within the City except as the same may be
38 otherwise exempted by law.

39 b. An additional consumer's sales tax in the amount of three-quarters percent is
40 hereby levied by the City of Homer on all sales, rents and services within the City except as
41 the same may be otherwise exempted by law, for the purpose of funding debt retirement of

42 the sewer treatment plant improvements, and to the extent revenues from such tax exceed
43 such debt retirement obligations, for the purpose of funding water and sewer systems.

44 **c. An additional consumer's sales tax in the amount of three-quarters percent is**
45 **hereby levied by the City of Homer on all sales, rents and services within the City except**
46 **as the same may be otherwise exempted by law, for the purpose of funding of street**
47 **reconstruction improvements and related utilities, construction of new local roads, and**
48 **construction of new local trails.**

49
50 Section 3. A special election in and for the City is called for _____, at
51 which the City shall submit the following proposition to the qualified voters of the City. The
52 proposition must receive an affirmative vote from a majority of the qualified voters voting on
53 the question to be approved.

54 **PROPOSITION NO. 1**
55 **SUSPEND THE DEDICATION OF 0.75% OF THE CITY SALES TAX TO THE**
56 **HOMER ACCELERATED ROADS AND TRAILS (H.A.R.T.) PROGRAM FOR A**
57 **PERIOD OF FIVE YEARS, TO MAKE SUCH 0.75% OF CITY SALES TAX**
58 **AVAILABLE FOR GENERAL GOVERNMENT PURPOSES**

59
60 Shall the dedication of 0.75% of the City sales tax to the Homer Accelerated
61 Roads and Trails (H.A.R.T.) Program be suspended for a period of five years, to
62 make such 0.75% of City sales tax available for general government purposes?

63
64 Section 4. The proposition shall be printed on paper ballots and machine ballots, and
65 the following words shall be added as appropriate next to an oval provided for marking the
66 ballot for voting by hand or machine:

67
68 **PROPOSITION NO. 1**
69
70 Yes
71 No
72

73 Section 5. Section 1 of this ordinance shall become effective on January 1, 2016, but
74 only if the proposition described in Section 3 is approved by a majority of the qualified voters
75 voting on the proposition at the special election to be held in the City on
76 _____. Section 2 of this ordinance shall become effective on January 1, 2021,
77 but only if the proposition described in Section 3 is approved by a majority of the qualified
78 voters voting on the proposition at the special election to be held in the City on
79 _____. The remaining sections of this ordinance shall become effective upon
80 adoption.

81
82 Section 6. Sections 1 and 2 of this ordinance are of a permanent and general character

83 and shall be included in the city code upon their respective effective dates. The remaining
84 sections of this ordinance are not permanent in nature, and shall not be codified.

85
86 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
87 _____ 2015.

88
89 CITY OF HOMER

90
91
92 _____
93 MARY E. WYTHE, MAYOR

94 ATTEST:
95
96
97
98 _____
99 JO JOHNSON, MMC, CITY CLERK

100
101
102 AYES:
103 NOES:
104 ABSTAIN:
105 ABSENT:
106
107
108 First Reading:
109 Public Reading:
110 Second Reading:
111 Effective Date:

112
113
114 Reviewed and approved as to form:

115
116
117 _____
118 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

119
120 Date: _____

Date: _____

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>

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)

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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)

**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.



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

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

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

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

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

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City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: September 23, 2015
SUBJECT: City Manager's Report

Changes to Council Packets

After attending the Borough Assembly meeting that was held in Homer, Councilmember Reynolds recommended instituting a cover sheet similar to the one the Borough uses for to help the public better understand the meeting process and when to comment. Mayor Wythe and I talked about developing some short titles for Resolutions and Ordinances that could help the public follow what item the Council is referring to beyond the resolution and ordinance number. City Clerk Johnson and I are working on these updates to improve the public's ability to follow and contribute to Council proceedings and plan to implement in October. Please let us know if there are other recommendations you feel would be helpful.

Winter Road Maintenance Privatization Considerations

At the request of Councilmember Lewis, Superintendent Gardner drafted the attached memo outlining the consequences of privatizing winter road maintenance. In summary, city of Homer equipment operators do much more than plow and sand streets. When not plowing roads and sanding streets there is a long list of necessary maintenance activities the equipment operators perform that range from utility locates to ditch clearing. If winter road maintenance were privatized, these activities would still have to occur. Having the flexibility to respond to winter road conditions with the same employees that perform many other maintenance helps ensure that the City gets the most out of these talented employees.

ENC:

Front page of Kenai Peninsula Borough Assembly Packet September 15, 2015

Memo from Public Works Superintendent Gardener, Re: Winter Road Maintenance Privatization Considerations

Memorandum 15-162 from City Attorney, Re: Runoff Election and Expiration of Council Member Terms

Kenai Peninsula Borough Assembly Packet September 15, 2015

This mini-packet contains the agenda and the resolutions and ordinances to be considered by the Assembly at tonight's meeting. The information following has been provided to assist you if you wish to address the Assembly this evening.

To conduct business in an orderly manner, the Assembly has adopted portions of Mason's Manual of Legislative Procedure and other procedures codified in the Borough Code of Ordinances.

The Assembly encourages public comment and involvement and provides three minutes per speaker on pending legislation as well as a general comment period at the beginning and the end of the agenda. Sign-up sheets are provided at the entry-way table. Please indicate your name, address and the agenda item you wish to address on the sheet provided.

Comments on agenda items should relate to the pending item at the time it is before the Assembly. Please refrain from using disorderly words or making negative personal remarks about individuals; these are not productive and will be ruled out of order.

Thank you for attending this meeting and participating in the public process.

*Office of the Borough Clerk
Kenai Peninsula Borough*



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 *DMG*

Date: September 9, 2015

Subject: Winter Road Maintenance Privatization Considerations

The concept of privatization of the winter road maintenance has been discussed off and on over many years. To present a cost estimate to perform what the city accomplishes over the winter would be extremely difficult and inaccurate at best. Some considerations/impacts to attempting to privatize are as follows:

1. When one attempts to rationalize that the city would save money during winters that are mild from a snow removal standpoint because at a home or business they save money during those years, the comparison is not legitimate. An individual pays a contractor for the snow removal service per occurrence and does not pay the contractor for anything else. But, city operators continue to provide all kinds of services when snow removal is not occurring. The city can't send the operators home after a snow removal operation like a homeowner can send a contractor home because many other tasks are occurring between snow falls and sanding to maintain infrastructure and be at a state of readiness with equipment and inventory. Some of those items are:
 - Performing daily utility locate requests
 - Maintenance of heavy equipment, sanders, pumps, generators, etc. This can include catching up on upgrades, fixes to equipment, changing and assembling/repairing tire chains, greasing, blade replacements, and more.
 - Water/Sewer repair assistance (excavation, material transport, restoration)
 - Steaming of Fire Hydrants (all winter long)
 - Steaming of drainage ditches and culverts
 - Misc. building related projects
 - Roadway ditching
 - Snow and fill sites maintenance
 - Counting inventory
 - Many housekeeping items around Public Works that can only take place on slower times
 - Provide support to other departments
2. During winter snow removal operations and some sanding operations, all operators are working (5 operators and one foreman). If winter plowing/sanding were to be privatized, then it would be expected that PW personnel would decrease significantly. Unfortunately, that would dramatically

impact the rest of maintenance that is required and expected, both during the winter months, and during the spring/summer/fall seasons. By "eliminating" personnel in the winter, thus eliminating personnel in the spring/summer/fall, the city loses personnel for trying to keep up with all the other maintenance items such as:

- Daily utility locate requests – often requires one to two persons for a full day in spring/summer/fall
 - Road ditching and road shouldering
 - Vacuuming storm drains and catch basins
 - Culvert replacements
 - Assist with water/sewer repairs
 - Manhole and Gate Valve adjustments in roadways
 - Receiving and stockpiling gravel and sand
 - Grading roads
 - Dust/Erosion control prep and application
 - Street sweeping
 - Pavement patching
 - Pavement crack sealing
 - Paint striping on roads and parking lots
 - Crosswalk & Stop Bar Maintenance
 - Gravel road repairs and topping application
 - Brush cutting
 - Equipment maintenance
 - Inventory control
 - Many miscellaneous projects within and without the department
3. Even if privatization were not to occur, some think that there is a significant savings to the city if there is not a lot of snowfall in a particular winter. Although there would be a savings due to less fuel spent in heavy equipment, less maintenance on equipment due to less hours used, and overtime that might otherwise be paid, there are still other items of work that take place, and there is the need to maintain readiness for plowing and sanding. This readiness requires personnel and equipment. As previously stated, operators can't be sent home to save the city money. No one has a crystal ball to know what the snow and sanding needs will be in a given winter until the winter is over. In some winters, we find ourselves using all of our available equipment and personnel resources, including water/sewer personnel to keep up with the snow removal needs.
4. There is a value in using city personnel for winter road maintenance. Operators that maintain roads year after year including during spring/summer/fall months obtain valuable information regarding locations of manholes, gate valves, hydrants that can prove to be issues while plowing snow. There is a vested interest and working knowledge and working relationship with other personnel and departments at Public Works that is invaluable in having PW operators perform the winter road maintenance. PW operators see many things as they travel every mile of the road system that are reported that a private contractor would/may not be aware of or obligated to report. The city operator's intimate knowledge and internal working relationships helps to avoid conflicts with those utilities, and helps to address other issues such as drainage and property owner issues. There is daily coordination with city equipment operators throughout the winter that would be difficult to maintain between the PW Superintendent and a private contractor and his personnel. That efficiency and coordination would be eliminated with privatization.

5. Existing equipment operators share an on-call schedule where the on-call person is available twenty-four hours a day for a week at a time. Privatizing would require fewer people to maintain that on-call schedule. And, the schedule would still need to be maintained year round due to the fact that call-outs can occur for things other than snow removal.
6. Some issues/questions that would have to be addressed were to privatization to occur are:
 - Who purchases sand and chemicals for use in the winter sanding operations?
 - Who maintains and stores the winter sand?
 - If the city maintains, purchases, stores the sand/chemicals at Public Works, does the contractor use city equipment and facilities for loading the material into the contractor's equipment?
 - Will the police department call out contractor personnel as they currently do with city personnel for regular winter road hazards or to respond to needs generated due to auto accidents or fire emergency needs?
 - Who is liable for claims due to winter road/sidewalk maintenance?
7. When searching for studies of where privatization has occurred, reports vary as to the pros and cons, but a general consensus is that service goes down, it requires a significant effort at administering/inspecting of the contract, and that it is extremely difficult to come back to public maintenance once going the direction of privatization. Liability is an issue that comes up in many of the reports. And, many of the reports show that there is no financial benefit, and some places ended up costing more. It's a very difficult thing to experiment with. Most reports deal with states and sections of highway maintenance as opposed to municipal streets.

It is not this department's recommendation that privatization would be an efficient approach to winter road maintenance. If it were truly a beneficial approach to maintenance, there would likely be more cities going with privatization. One of the biggest considerations in retaining the maintenance is that were privatization to occur, many other operations and maintenance requirements throughout the city would suffer due to that fact that staffing would be reduced.



MEMORANDUM 15 - 162

**TO: JO JOHNSON
CITY CLERK
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: ELECTION ISSUES

FILE NO.: 506,742.103

DATE: SEPTEMBER 15, 2015

Two seats on the Council are to be filled at the October 6, 2015, regular City election, each for a three-year term. Seven candidates have filed for these two Council seats. The following responds to questions regarding this election of Council members that I was asked at last night's Council meeting.

1. *Election of Council Members; Runoff Election.*

AS 29.20.130 provides that each first class city has a council of six members elected by the voters at large; provided that the council may by ordinance provide for election of members other than on an at-large basis for all members. In accordance with AS 29.20.130, HCC 2.08.030(a) provides that only two Council members are elected each year on an at-large basis for three-year terms.

AS 29.26.060(b) provides that a runoff election for an office for which candidates run at large shall be held if no candidate receives a number of votes greater than 40% of the total number of votes cast for all candidates divided by the number of seats to be filled, but allows this rule to be varied by ordinance. HCC 4.40.010(a) conforms to the general rule in AS 29.26.060(b), providing that if no Council candidate receives more than 40% of the votes cast for a respective seat, a runoff election shall be held. For this purpose, when more than one Council seat for the same term is to be filled, the total votes cast for a respective seat is determined by dividing the total number of votes cast for all candidates by the number of seats to be filled.

Under AS 29.26.060(b) and HCC 4.40.010(a), a runoff election for Council will be held after the October 6, 2015, general election only if no candidate for Council receives more votes than 40% of one-half of the total number of votes cast for all candidates—or with the calculation simplified, 20% of the total number of votes cast for all candidates.

Thus, if one or more candidates for Council at the October 6, 2015, regular City election receive a number of votes greater than 20% of the total votes cast for all candidates for the two Council seats, there is no runoff election and the two candidates who receive the greatest number of votes are elected.

If no candidate for Council at the October 6, 2015, regular City election receives a number of votes greater than 20% of the total votes cast for all candidates for the two Council seats, there is a runoff election. AS 29.26.060(c) provides that the runoff election shall be between the two candidates receiving the greatest number of votes for the seat. However, this statute does not indicate how it is to be applied to a runoff election for multiple seats that are to be filled at-large. In my opinion, HCC 4.40.010(b) provides a reasonable application of the statute to such a situation: the number of candidates receiving the highest votes to provide two candidates for each vacancy shall be the candidates in the runoff election. Thus, if the outcome of the October 6, 2015, regular City election for Council requires a runoff election, the four candidates for Council that receive the largest number of votes in the regular election shall be the candidates in the runoff election.

2. Commencement and Expiration of Terms of Office.

If a runoff election for Council is required after the October 6, 2015, regular City election, HCC 4.40.020 requires that it be held on the Tuesday after the first Monday in November, which is November 3, 2015. Under AS 29.26.150(c) and HCC 2.08.030(c), the term of office for Council members who are elected at the runoff election will begin on the Monday following the certification of the election.

Under AS 29.20.150(a) and HCC 2.08.030(a), a Council member is elected for a three-year term and until a successor qualifies. If a runoff election for Council is required after the October 6, 2015, regular City election, an incumbent Council member whose term is scheduled to expire in 2015 remains in office until a successor qualifies. One qualifies for the office of Council member by taking the oath of office.¹ HCC 2.08.030(c) provides that there will be a special meeting on the first Monday following certification of the election for the purpose of administering the oath of office to the elected candidates. The term of the predecessor of a candidate who is elected to the Council in the runoff election expires upon the administering of the oath of office to the newly elected Council candidate.

TFK/lcj

¹ *Reale v. Board of Real Estate Appraisers*, 880 P.2d 1205, 1211 (Colo. 1994).

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

RESOLUTION 15-084

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE
2016-2021 CAPITAL IMPROVEMENT PLAN AND ESTABLISHING
CAPITAL PROJECT LEGISLATIVE PRIORITIES FOR FISCAL YEAR
2017.

WHEREAS, Duly published hearings were held on September 14 and October 12, 2015 in order to obtain public comments on capital improvement projects and legislative priorities; and

WHEREAS, The Council received comments from all of the Commissions and held a Worksession on August 24, 2015; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the "City of Homer Capital Improvement Plan 2016-2021" is hereby adopted as the official 6-year capital improvement plan for the City of Homer.

BE IT FURTHER RESOLVED that the following capital improvement projects are identified as priorities for the FY 2017 State Legislative Request:

1. Public Safety Building
2. East Boat Harbor
3. Harbor Sheet Pile Loading Dock
4. Fire Department Fleet Management
5. Storm Water Master Plan

BE IT FINALLY RESOLVED that the City Manager is hereby instructed to advise the appropriate State and Federal representatives and personnel of the City's FY 2017 capital project priorities and take appropriate steps to provide necessary background information.

PASSED AND ADOPTED by a duly constituted quorum of the City Council for the City of Homer on this 12th day of October, 2015.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



City of Homer

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Memorandum 15-158

TO: Mayor Wythe and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Patrick Lawrence, Assistant City Manager
DATE: September 23, 2015
SUBJECT: 2016-2021 CIP; FY 2017 Legislative Request

The City of Homer Capital Improvement Plan for 2016-2021 is currently in draft form and requires Council approval for certain changes.

- Three new projects have been proposed for inclusion in the CIP.
- Two new City of Homer projects have been proposed:
 - Boat House Pavilion and Plaza on the Homer Spit
 - Multi-Use Community Center
- One new project has been requested by a non-city organization:
 - Homer Senior Citizens, Inc. Alzheimer's Unit, brought by the Senior Center

By Motion: Council should move to include each proposed new project.

- One project is being recommended for removal from various department heads
 - Marine Ways Large Vessel Haul Out Facility

By Motion: Council should move to remove above mentioned project.

- One project is being recommended to move to a Long-Range Project from various department heads
 - Alaska Maritime Academy

By Motion: Council should move to relocate the above mentioned project to Long-Range Projects.

- Federal Priorities: In the past the Council has designated the large scale infrastructure projects; East Boat Harbor Expansion and Deep Water Dock Expansion as the top Federal priorities within the CIP Resolution.

This designation directs City staff to advocate for those projects when meeting with representatives of the federal government and our congressional delegation (understanding the limitations on earmarks in the current fiscal climate).

By Motion: Council should select 2 projects to include in the Federal Legislative Request.

DRAFT

City of Homer Capital Improvement Plan 2016-2021



The Sesok and Surfbird in the Uplands. Infrastructure for a haulout to facilitate boat work on large vessels is on the 2016-2021 City of Homer CIP.



City of Homer
491 E. Pioneer Avenue
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September 14, 2014

To The Honorable Mayor and Homer City Council:

This document presents the City of Homer 2016 through 2021 Capital Improvement Plan. The CIP provides information on capital projects identified as priorities for the Homer community. Descriptions of City projects include cost and schedule information and a designation of Priority Level 1 (highest), 2, or 3. Projects to be undertaken by the State of Alaska and other non-City organizations are included in the CIP in separate sections. An overview of the financial assumptions can be found in the Appendix.

The projects included in the City of Homer's 2016-2021 CIP were compiled with input from the public, area-wide agencies, and City staff, as well as various advisory commissions serving the City of Homer.

It is the City of Homer's intent to update the CIP annually to ensure the long-range capital improvement planning stays current, as well as to determine annual legislative priorities and assist with budget development. Your assistance in the effort is much appreciated.

Sincerely,

Katie Koester
City Manager



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Funded Projects from 2015-2020 CIP List

The City of Homer is pleased to note that full funding for the following project has been identified or procured:

- Homer Harbor -Ramp 5 Restroom construction is complete
- Water Storage/Distribution Improvements - Phase 1
- Rodgers Loop Trailhead Land Acquisition
- East to West Transportation Corridor- Phase 1 - Waddell Way
- Backup Generator for the Homer Public Library



Introduction: The Capital Improvement Program

A capital improvement plan (CIP) is a long-term guide for capital project expenditures. The CIP includes a list of capital projects a community envisions for the future, and a plan that integrates timing of expenditures with the City's annual budget. The program identifies ways a project will benefit the community, indicates the priorities assigned to different projects, and presents a target construction schedule.

A carefully prepared capital improvement plan has many uses. It can assist a community to:

- Anticipate community needs in advance, before needs become critical.
- Rank capital improvement needs in order to ensure the most important projects are given consideration for funding before less critical projects.
- Plan for maintenance and operating costs so expenses are budgeted in advance, and projects communities cannot afford are avoided.
- Provide a written description and justification for projects submitted for state funding so the legislature, governor, and appropriate agencies have the information necessary to make decisions about funding capital projects.
- Provide the basis for capital projects as part of the annual budget.

A capital improvement project is one that warrants special attention in the municipal budget. Normally, public funds are not expended if the project is not listed in the CIP. A capital expenditure should be a major, nonrecurring budget item that results in a fixed asset with an anticipated life of at least two years. Projects eligible for inclusion in the City of Homer CIP have a lower cost limit of \$50,000 for City projects and \$25,000 for those proposed by non-profit organizations. Projects proposed by non-profit organizations and other non-City groups may be included in the CIP with City Council approval, but such inclusion does not indicate that the City intends to provide funding for the project.

The municipality's capital improvement plan is prepared in accordance with a planning schedule, usually adopted by City Council at the onset of the CIP process. A copy of the City of Homer CIP schedule appears in the appendix of this document.

The number of years over which capital projects are scheduled is called the capital programming period. The City of Homer's capital programming period coincides with the State's, which is a six year period. The CIP is updated annually, due to some of the projects being funded and completed within the year.

A capital improvement plan is not complete without public input. The public should be involved throughout the CIP process, including the nomination and adoption stages of the process. The City of Homer solicits input from City advisory bodies, advertises for public input during the CIP public hearing, and invites the public to participate throughout the entire process.

The City's capital improvement program integrates the City's annual budget with planning for larger projects that meet community goals. Though the CIP is a product of the City Council, the administration provides important technical support and ideas with suggestions from the public incorporated through the entire process.

Determining project priorities: City of Homer CIP projects are assigned a priority level of 1, 2, or 3, with 1 being the highest priority. To determine priority, the Council considers such questions as:

- Will the project correct a problem that poses a clear danger to human health and safety?
- Will the project significantly enhance City revenues or prevent significant financial loss?
- Is the project widely supported within the community?
- Has the project already been partially funded?
- Is it likely that the project will be funded only if it is identified as being of highest priority?
- Has the project been in the CIP for a long time?
- Is the project specifically recommended in other City of Homer long-range plans?
- Is the project strongly supported by one or more City advisory bodies?

Once the overall CIP list is finalized, the City Council names a subset of projects that will be the focus of efforts to obtain state and/or federal funding in the coming year. The overall CIP and the legislative priority list are approved by resolution.

Integration of the CIP with Comprehensive Plan Goals

Each project listed in the CIP document has been evaluated for consistency with the City's goals as outlined in the Comprehensive Plan. The following goals were taken into account in project evaluation:

Land Use: Guide the amount and location of Homer's growth to increase the supply and diversity of housing, protect important environmental resources and community character, reduce sprawl by encouraging infill, make efficient use of infrastructure, support a healthy local economy, and help reduce global impacts including limiting greenhouse gas emissions.

Transportation: Address future transportation needs while considering land use, economics, and aesthetics, and increase community connectivity for vehicles, pedestrians, and cyclists.

Public Service & Facilities: Provide public services and facilities that meet current needs while planning for the future. Develop strategies to work with community partners that provide beneficial community services outside of the scope of City government.

Parks, Recreation & Culture: Encourage a wide range of health-promoting recreation services and facilities, provide ready access to open space, parks, and recreation, and take pride in supporting the arts.

Economic Vitality: Promote strength and continued growth of Homer's economic industries including marine trades, commercial fishing, tourism, education, arts, and culture. Preserve quality of life while supporting the creation of more year-round living wage jobs.

Energy: Promote energy conservation, wise use of environmental resources, and development of renewable energy through the actions of local government as well as the private sector.

Homer Spit: Manage the land and other resources of the Spit to accommodate its natural processes, while allowing fishing, tourism, other marine-related development, and open space/recreational uses.

Town Center: Create a community focal point to provide for business development, instill a greater sense of pride in the downtown area, enhance mobility for all forms of transportation, and contribute to a higher quality of life.

City of Homer State Legislative Request FY2017 Capital Budget



The Homer Harbor is a major economic power for the City of Homer. The addition of the Harbor Sheet Pile Loading Dock will grow our capacity to service barges, landing craft and fishing vessels in various capacities, stimulating economies and creating additional jobs.

**City of Homer
491 E. Pioneer Avenue
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907-235-8121**



Legislative Request FY2017

**City of Homer FY2017 State Legislative Priorities list
approved by the Homer City Council
via Resolution 14-093**

- 1. Public Safety Building - \$1,267,000**
- 2. East Boat Harbor - \$9,232,200**
- 3. Harbor Sheet Pile Loading Dock- \$955,000**
- 4. Fire Department Equipment Upgrades -\$1,012,500**
- 5. Storm Water Master Plan - \$306,000**



1. Public Safety Building

Project Description & Benefit: New Fire and Police Stations have been on the City of Homer Capital Improvement Plan for over 10 years. Both buildings are from the early 80s and suffer from a series of inadequacies such as lack of office, storage, training space and health and safety violations from inadequate ventilation.

The current fire hall does not have adequate equipment storage bays. Expensive equipment has to be stored outside and exposed to the elements. In the winter, equipment is winterized and decommissioned due to lack of heated garage space. The fire hall does not meet fire station design criteria with separated biohazard decontamination/ cleaning areas or separated storage areas for cleaning medical supplies. It lacks adequate space to accommodate more than four overnight crew members.

The current police station has no area for evidence processing of large items, a crisis cell for special needs prisoners, or a proper juvenile holding area. Existing dispatch facilities are cramped. The jail entry area, booking room, and jail offices are poorly designed; prisoners have to pass by dispatch staff coming and going. The building floods during heavy rain. Both facilities are inefficient and heat with electric. A new building will take advantage of efficient building practices and natural gas.

A joint public safety building will create a central location for emergency response and benefit the entire Homer area. The Homer Police Department provides 9-1-1 services for many of the communities on the southern Kenai Peninsula and area-wide dispatching and support services to a host of agencies. Agencies such as the Coast Guard and State Parks could benefit from the expanded training spaces. A new building will allow the departments to work better together for the safety of the Homer residents and take advantage of shared spaces.

Plans & Progress: The Public Safety Building Review Committee, comprised of members of the public and Council, was formed in 2013 to oversee design and construction. The City Council hired a general contractor/construction manager team to see the project through construction including Stantec, Loren Berry Architect, and Cornerstone General Contractors. Over the last year, the committee and consultants have worked on conceptual design including siting criteria, concept design, cost projections, and a space needs analysis that accommodates Homer’s public safety needs for the next 30 years.

Total Project Cost: \$32,148,000

- 2014-2016 Design: \$1,874,000
 - 2014 (to 16% Design, funding secured): \$300,000
 - 2015 (to 35% Design): \$355,000
 - 2016 (to 100% Design): \$1,219,000
- 2016 (Site Preparation): \$2,251,000
- 2016-2017 (Construction): \$23,431,000
- 2017 (Contingency/Inspection/Admin): \$4,592,00

FY2017 State Request for Design: \$1,267,000

(City of Homer 35% Match: \$655,000)



Homer Fire Hall in winter



Homer Police Department in winter



2. East Boat Harbor

Project Description & Benefit: This project will construct a new harbor ranging in size from 11 to 15 acres. It would enhance harbor capabilities by:

- Accommodating the large commercial vessels (fishing vessels, workboats, landing craft, tugs, barges, etc.) that are currently congesting the harbor at System 4 and System 5 transient floats, rafting two and three abreast due to shortage of moorage space at the floats, thus overstressing the floats;
- Enabling Homer to accommodate and moor the additional 40 to 60 large commercial vessels that potentially would use Homer Harbor as a home port but which have in the past been turned away due to lack of space;
- Providing a long-term solution to mooring problems the USCGC Hickory experiences on Pioneer Dock during the northeasterly storm surges and to the security problem faced by both the USCG cutters home-ported at Homer. These vessels are unable to maintain an adequate security zone around their current moorings in the existing small boat harbor (USCGC Roanoke Island) and on the Pioneer Dock west trestle (USCGC Hickory).

The Port of Homer and Homer Small Boat Harbor are regional facilities serving and supporting the northern Gulf of Alaska, Prince William Sound, Cook Inlet, and Kachemak Bay and are also a “place of refuge” for Gulf of Alaska, Cook Inlet, and Kennedy Entrance marine traffic in event of severe weather or machinery malfunctions.



Several conceptual designs have been proposed for a new Homer boat harbor. This one would add a new basin with its own entrance adjacent to the existing Small Boat Harbor.

The proposed new harbor basin will be dredged to minus 20 feet Mean Lower Low Water (MLLW) to accommodate large commercial vessels so they will not touch bottom on the lowest tides of the year (minus 5.6 feet). It will need to be dredged to minus 22 feet MLLW in the entrance channel, fairway, and one side of the basin to accommodate the USCGC *Hickory* at the proposed Coast Guard float. The new basin will provide the security zone and private moorings for the U.S. Coast Guard vessels at one side and will accommodate the large, deep draft commercial vessels at the other side.

Plans & Progress: The Army Corps of Engineers completed a reconnaissance study in 2004 that indicated a federal interest in having a new harbor in Homer; however, subsequent analysis found that the cost/benefit ratio was too low for the Corps to recommend the project. The City of Homer has requested a technical report from the Corps and is seeking funding from other sources.

Total Project Cost: \$115,725,000

Design and Permitting: \$10,258,000

Breakwater Construction and Dredging: \$90,275,000

Inner Harbor Improvements: \$23,700,000

FY2017 State Request: \$9,232,200

(City of Homer 10% Match: \$1,025,800)



3. Harbor Sheet Pile Loading Dock

Project Description & Benefit: This project will construct a sheet pile loading pier between the existing barge ramp and the fuel dock on the east side of the Small Boat Harbor. It is estimated that the dock will be 225 feet long and dredged to -17 feet. This dock would be used to transfer heavy loads by crane onto barges and landing crafts. During peak fishing time it can be used for delivering fish when the Fish Dock is at capacity. It would also serve as mooring for large shallow-draft vessels that are now mooring on the System 5 float. The project will stimulate the shipping and freight sectors of the local economy, creating jobs and providing revenues for Port & Harbor operations. A sheet pile loading dock is a cost effective way to increase docking facilities available at the Homer Port and Harbor.

Plans and Progress: This project was first identified as a need when the State of Alaska transferred ownership of the harbor to the City of Homer in 1999. Material from dredging of the harbor will be used to back fill the dock, saving the project the cost of fill. The Alaska State Legislature awarded \$350,000 in FY2015 which funds 100% of design and just shy of 20% of construction. Design for the sheet pile loading dock is currently underway.

Total Project Cost: \$1,450,000

2015 (Design Funding Secured): \$145,000

2016 (Construction): \$1,100,000

Funding Secured: \$205,000

FY2017 State Request: \$955,000

(City of Homer 15% Match: \$145,000)





4. Fire Department Fleet Management

Project Description & Benefit: The Homer Volunteer Fire Department is in need of a number of vehicle upgrades to be able to safely and efficiently protect the lives and property of Homer residents.

Quint (Ladder Truck): An Aerial truck will greatly enhance the City of Homer’s firefighting capability. As Homer continues to grow and the size and complexity of buildings increases it is no longer safe or practical to fight fire from the ground or off of ground ladders (the Homer Volunteer Fire Department’s tallest ground ladder is only 35 feet.) Large footprint and tall buildings (two stories or more) often require the use of elevated hose streams to fight fire effectively. HVFD has no ability to provide for elevated hose streams except off of ground ladders, which severely limits the application of water and endangers the lives of firefighters. Aerial apparatus allow for the application of water to the interior of a building without placing firefighters in immediate danger. They also allow for the rescue of persons that become trapped in upper stories or on rooftops by fire or other incidents that impede the use of interior stairways. An aerial truck will increase fire fighting capability for large public buildings recently built (West Homer Elementary School, the Islands and Ocean Visitor Center, the Homer Ice Rink, and the South Peninsula Hospital Expansion), potentially lowering insurance rates for the community. Cost: \$1,000,000

Brush/Wildland Firefighting Truck: The Department’s existing brush truck is a Ford F-350 that was converted to a brush unit in-house in 1990 by adding a manufactured tank, portable pump and a home-built tool storage compartment. The existing truck is severely deficient due to age-related wear and lack of capacity to handle the weight of firefighting equipment. A new Ford F-450/550 4x4 with wildland pump unit, tank, and tool compartments will provide critical and reliable service. In addition to fighting wildfires, the truck provides fire protection to areas inaccessible with traditional large fire apparatus due to poor road conditions during winter and break-up. Cost: \$150,000

Harbor Fire Cart Replacement: The Homer Harbor is outfitted with nine custom motorized fire carts that on multiple occasions have saved vessels and prevented the spreading of fire in the small boat harbor. These full response fire carts act as mini mobile fire engines and are capable of delivering AFFF foam to two attack lines at the same time. Unfortunately, the carts are over 20 years old and even though they are maintained with monthly and annual check-ups, many are failing due to the harsh marine environment. This project would purchase the pieces necessary to assemble eight new fire carts. Because of the special conditions in Alaska - harsh weather, extreme tides and the size of vessels - there is no pre-made fire cart that meet needs of the Homer Harbor. The City will assemble the fire carts using pieces that can be salvaged from the existing fire carts. A prototype has been constructed and tested by Harbor staff and is currently in operation. Cost: \$205,000

Total Project Cost: \$1,355,000

State Request FY2017: \$1,219,500

(City of Homer 10% Match: \$135,500)



A ladder truck like the one shown here will increase firefighting capability, firefighter safety, and potentially reduce insurance rates for homeowners.



5. Storm Water Master Plan

Project Description & Benefit: The City of Homer has an outdated storm water master plan. The current plan was prepared in the 80's, projecting only basin runoff flows. The existing storm drainage system is expanding and a comprehensive storm water plan is needed to more effectively plan and construct storm water infrastructure, including sedimentation/detention facilities, snow storage and water quality improvements.

A new master plan will outline how the City can:

- Identify current and future storm runoff flows from individual drainage basins within the community.
- Identify infrastructure needed to effectively collect, transmit, treat, and discharge surface water runoff to Kachemak Bay.
- Provide a staged approach to constructing needed infrastructure to serve an expanding/developing community
- Establish pipe sizing, detention basin volumes, and cost estimates.
- Mitigate storm water runoff through the use of a wide variety of gray and green infrastructure practices and technologies that improve the quality and reduce the quantity of runoff discharging directly to receiving waters.
- Develop public education programs targeting specific stream degradation from storm water runoff.
- Provide storm water management systems and practices including collection, storage, conveyance and treatment structures that are components of a comprehensive plan to preserve or restore natural/stable in-stream hydrology.
- Identify projects that incorporate green infrastructure to manage, treat or reduce storm water discharges and urban non-point source runoff to the critical wildlife habitat of Kachemak Bay.

Total Project Cost: \$340,000

State Request FY2017: \$306,000

(City of Homer 10% Match: \$34,000)



A master plan is needed to address storm water management issues.



Mid-Range Projects

Part 2: Mid-Range Projects

- **Local Roads**
- **Parks and Recreation**
- **Port and Harbor**
- **Public Safety**



Local Roads

- **East to West Transportation Corridor**
- **Heath Street - Pioneer to Anderson**
- **Land Acquisition for New Roads**



East to West Transportation Corridor

Project Description & Benefit: Currently the only way for drivers to get through town is via Pioneer Avenue or the Sterling Highway. Extending Bartlett Street, acquiring and upgrading Waddell Way and putting in a road through Town Center providing an alternate east - west route for traffic will ease congestion and allowing drivers to more quickly and efficiently get to their desired destination. This project fulfills a major objective of the City's 2005 Transportation Plan.

Building a road through Town Center, 30 acres of undeveloped land in the heart of Homer, is the first step in opening up this prime real estate. The Homer Comprehensive Plan, Town Center Development Plan and Comprehensive Economic Development Strategy all call for careful development of Town Center. The roads will be built to urban road standards and include such amenities as sidewalks, storm drains, and street lighting. Development on newly opened lots will help grow Homer's downtown business sector.

Plans & Progress: The City has purchased a lot for the Bartlett Street extension. The City dedicates a percentage of sales tax to the Homer Area Roads and Trails (HART) fund for road improvement projects and has pledged over 2.1 million dollars from the fund as a match for this project. The Alaska State Legislature funded \$1.4 million in the FY2015 Capital Budget to initiate the first leg of the east to west transportation corridor, Waddell Way.

- Total Project Cost: \$8,459,000
- 2015 (Land Acquisition): \$1,400,000
- 2015 (Design): \$543,000
- 2016 (Construction): \$5,430,000
- 2017 (Inspection & Contingency): \$1,086,000

State Request FY2016: \$4,939,250
 (City of Homer 25% Match: \$2,114,750)
 (Waddell Way FY15 State Grant: \$1,405,000 approved)

Priority Level: 1





Heath Street - Pioneer to Anderson

Project Description & Benefit: This project provides for the design and construction of a connection from East End Road to Anderson Street. The project will address concerns raised by Alaska Department of Transportation and Public Facilities (ADOT&PF) regarding the Heath Street/Pioneer and Lake Street/Pioneer intersections and will provide access from East End Road past Homer High School to a developing residential area north of the high school. The City of Homer will work with ADOT&PF engineers to determine the best route (extension of Heath Street vs. extension of Lake Street) to provide safer and more effective circulation, improve emergency access to and from the high school, provide for pedestrian access from the high school to a hillside trail system, and reduce congestion at existing intersections.

Plans & Progress: The improvement is recommended in the 2005 Homer Area Transportation Plan and would implement recommendations of the 2005 Homer Intersections Planning Study (ADOT&PF). The City of Homer has committed to funding 50% of the project with Homer Area Roads and Trails (HART) funds.

Total Project Cost: \$4,500,000

Schedule:

2018 (Design): \$500,000

2020 (Construction): \$4,000,000

Priority Level: 3





Land Acquisition for New Roads

Project Description & Benefit: This project will help meet current and future transportation needs by acquiring specific land parcels and rights of way to extend five local roads: It will improve traffic flow in Homer by providing alternate connections between different sectors of town.

Lake/Heath Street to Anderson Avenue

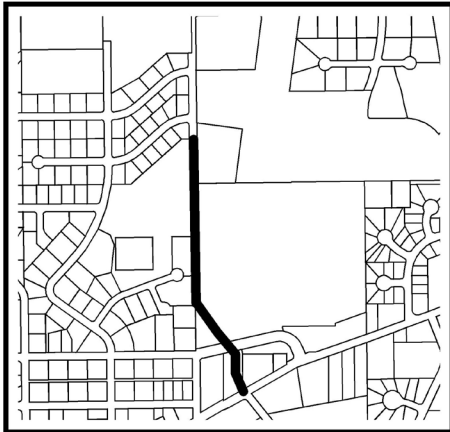
- **Poopdeck Street extension north to Pioneer Avenue**
- **Early Spring Street extension north to East End Road**

Plans & Progress: All three road projects are recommended in the 2005 Homer Area Transportation Plan.

Total Project Cost: \$1,000,000

Schedule: 2015-2017

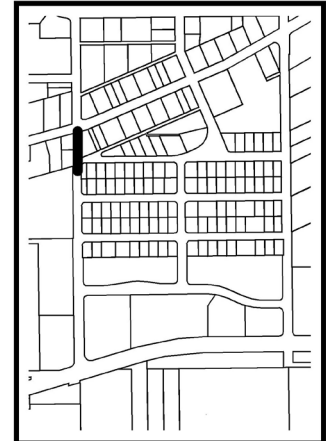
Priority Level: 1



Lake/Heath Street to Anderson Avenue.



Early Spring Street to East End Road.



Poopdeck Street to Pioneer Avenue.



Parks and Recreation

- **Ben Walters Park Improvements, Phase 2**
- **Jack Gist Park Improvements, Phase 2**
- **Karen Hornaday Park Improvements, Phase 2**
- **Mariner Park Restroom**
- **Baycrest Overlook Gateway Project**
- **Bayview Park Restoration Project**
- **Rogers Loop Trailhead Land Acquisition**
- **Homer Spit Trailhead Restroom**



Ben Walters Park Improvements, Phase 2

Project Description & Benefit: Ben Walters Park comprises 2.5 acres on the shore of Beluga Lake, near the intersection of Lake Street and the Sterling Highway. With its central location, proximity to McDonalds restaurant, and access to the lake for winter and summer recreation, it is one of Homer’s most frequently visited parks. Phase 2 will enlarge the parking area and renovate the picnic shelter that has become worn with heavy use over the years.

Plans & Progress: Phase 1 of the park improvement project, to replace the dock, was completed in 2009. Since then the Kachemak Bay Rotary Club has adopted the park under the City of Homer’s Adopt-a-Park Program. They have made improvements such as painting the restrooms, installing a bench, resetting the posts and tending flower beds in the summer months.

Total Project Cost: \$250,000

Schedule: 2015

Priority Level: 2



Improvements are needed at Ben Walters Park including enlarging the parking lot and renovating the shelter.



Jack Gist Park Improvements, Phase 2

Project Description & Benefit: Jack Gist Park has been in development since 1998 on 12.4 acres of land donated to the City of Homer by a private landowner. As originally envisioned by the Jack Gist Recreational Park Association, this parcel has been developed primarily for softball fields. The proposed project will complete Phase 2 by improving drainage, constructing a concession stand/equipment storage building adjacent to the softball fields, and developing an irrigation system utilizing a stream on the property in conjunction with a cistern. Phase 3 will provide potable water (water main extension), construct a plumbed restroom, and acquire land for soccer fields.

Plans & Progress: Phase 1 of this project was completed in 2011. In 2005-2006, a road was constructed to Jack Gist Park from East End Road, a 70-space gravel parking area was created, and three softball fields were constructed including fencing, dugouts, and backstops. In 2008, bleachers were installed at all three softball fields. In 2009, three infields were resurfaced. In 2010, with volunteer help, topsoil was spread and seeded on two fields and the parking area was improved and expanded. In 2011, drainage work was completed on the outside perimeter (right and left field lines) of the third ball field, material was imported to improve the infield, and the outfield was improved with topsoil and seeding.

Total Project Cost: \$160,000

Drainage: \$50,000

Concession Stand and Equipment Storage: \$75,000

Irrigation System: \$35,000

Schedule: 2015

Priority Level: 2





Karen Hornaday Park Improvements, Phase 2

Project Description & Benefit: Homer’s popular Karen Hornaday Park encompasses baseball fields, a day use/ picnic area, a playground, a campground, and a creek on almost 40 acres. It is also used to host community events such as the Highland Games and KBBI’s Concert on the Lawn. The Karen Hornaday Park Master Plan, updated and approved in 2009, sets forth goals and objectives to be accomplished over a 10-year period.

Phase 2 consists of parking lot improvements, moving the road, a trail along Woodard Creek, and a restroom. The road to access the park runs between the park and the parking lot, causing kids to have to cross in front of traffic to get to the park’s attractions. The master plan proposes moving the road to the east and placing the improved gravel parking lots in between the road and the park. Woodard creek is one of the jewels of Karen Hornaday Park but gets little attention because there is no convenient way to access it. A trail along the creek would allow people to enjoy the city’s only creek. One of the most common complaints of the park is the old restroom with crumbling cement and a leaking roof. A new restroom is in great demand from the parents, children and picnickers that frequent the park.

Plans & Progress: The Alaska Legislature appropriated \$250,000 for park improvements in FY 2011. This money together with City funds and fundraising by an independent group organized to make playground improvements (HoPP), helped complete Phase 1 (drainage improvements, ballfield improvements, new playground, new day use area and northern parking lot improvements). The City received a Land and Water Conservation Fund (LWCF) grant for campground improvements and the development of a new day use area between the two ball fields which was completed in 2014. The City spent \$25,000 on preliminary engineering for moving the road, one of the goals of Phase 2.

Total Project Cost: \$1,978,750

Schedule: 2015 - 2017

Priority Level: 2



Karen Hornaday Park was a construction site for one week during the Summer of 2012 when the community came together to build a state of the art playground.



Mariner Park Restroom

Project Description & Benefit: As one of Homer's most popular recreation areas, Mariner Park attracts campers, beach walkers, kiteflyers, Spit Trail users, birders, people with dogs, and others who come to enjoy the views and open-air recreation opportunities. This project will accomplish the most pressing need at Mariner Park: the construction of a plumbed restroom to better meet the needs of campers and beach walkers during the busy summer months.

Plans & Progress: Mariner Park is in a flood plain and any structure built there will require unique design to address flooding issues.

Total Project Cost: \$330,000

Schedule: 2016

Priority Level: 2



The portable restrooms at Mariner Park campground get heavy use during the summer season.



Baycrest Overlook Gateway Project

Project Description & Benefit: The Homer Public Arts Committee has designated the Baycrest Hill Overlook as one of the major elements of the Gateway Project, which entails enhancing visitor and resident experiences at the entrances to Homer. The other Gateways are the Homer Airport and the Homer Port.

Everyone who has driven to Homer remembers the first time they came around the corner on the Sterling Highway and saw the breathtaking panorama of Kachemak Bay. For many that was the same moment they made the decision to become part of this diverse, eclectic, and energetic community. In the 1990s visionaries at Alaska Department of Transportation and Public Facilities constructed the current pullout during the Sterling Highway reconstruction effort. However, the current site does not adequately meet the goals of the Gateway Program.

Improving the landscaping and comfort of Baycrest Overlook will inspire locals and visitors and enhance this phenomenal setting. Interpretive signage will tell the story of Homer and the surrounding communities and highlight the phenomenal natural resources of Kachemak Bay. Improvements to the overlook will spur economic development, welcoming everyone and encouraging commerce and trade in a community dedicated to unique and natural quality of life experiences.

Plans & Progress: The first Gateway Project was undertaken in 2009. A collaborative effort with the City of Homer Public Arts Committee, City of Homer Airport Manager, City of Homer Public Works Director, Alaska State Parks, National Park Service, Kachemak Research Reserve and U.S. Fish and Wildlife created a beautiful diorama highlighting the wealth of public and private resources available to everyone who comes to Kachemak Bay.

This group plus representatives from Alaska Department of Fish and Game, Alaska Department of Transportation, Pratt Museum, Homer Chamber of Commerce, Kachemak Bay Conservation Society and Homer Garden Club have come together to work on the Baycrest Overlook Gateway Project.

The State and the City of Homer spent \$6,000 in 2013 to produce the Baycrest Overlook Interpretive Plan. The Plan included design, development, and locations for welcome and interpretive signage and was officially adopted by Homer City Council in 2013. Public Arts Committee meetings on the project are ongoing and a public comment meeting was held on September 18, 2012.

The project will consist of three phases:

1. Interpretive signage, benches and picnic areas
2. Enhanced landscaping
3. New restrooms and paving upgrades.

Total Project Cost: \$262,000

2013 (Preliminary Design): \$6,000

2015 (Construction): \$256,000

Signage/Benches: \$50,000

Landscaping: \$25,000;

Restrooms and Paving: \$181,000

Priority Level: 3





Bayview Park Restoration

Project Description & Benefit:

The goal of this project is to improve the accessibility and safety of Bayview Park and its playground elements with a focus on making the park more user-friendly to young children (infant-toddler-preschool age) and for children and parents/caregivers with disabilities or mobility issues.

- **Summer 2015:** Replace existing white picket fence with a wood frame-chain link fence to improve the stability and durability of the fence (current fence is in constant need of repair). Parents/caregivers appreciate having a fence as it provides a level of safety for young children around the busy roads and ditches surrounding the park.
- **Summer 2016-17:** Upgrade ground cover to playground standards, replace jungle gym, add additional swing port, and extend ADA trail to new elements as needed. The goal is to provide new playground elements that are designed for younger/toddler age and to have some accessible for children with disabilities.

Plans & Progress: In 2011 Homer Early Childhood Coalition raised money and funded a new slide and boulders that were installed by the City. Several parents built and installed stepping logs and 2 small “bridges”. In 2013 Homer Early Childhood Coalition coordinated with Corvus Design to meet with local families and children for project ideas and create a master plan with cost estimates. \$5,347.76 was raised to purchase and install elements and pay for design costs.

During the summer of 2014 \$5,118 and additional in-kind donations (equipment and labor) were spent to complete the ADA parking/trail improvements.

Homer Early Childhood Coalition Playspaces Work Group (Kate Crowley, Cheryl Illg, Angie Otteson-City of Homer, Jenny Martin, and Rick Malley- ADA specialist from ILP.) have developed a fundraising plan to raise additional funds through grant writing, community donations and in-kind donations of supplies, equipment, and labor. The group meets regularly to discuss design plans and fundraising.

Total Project Cost: \$189,974

Priority Level: 2



Though charming, the white picket fence that surrounds Bayview Park is in need of constant repair. A more practical chain length fence is needed to keep young children out of roads and ditches.



Homer Spit Trailhead Restroom

Project Description & Benefit: The parking lot at the intersection of the Ocean Drive bike path and Homer Spit Trail gets heavy use year round. The Spit trail is a popular spot for biking, running, walking, and roller blading. Parents bring their young children to ride bikes because the trail is relatively flat and has few dangerous intersections. A restroom would be heavily used by recreators and commuters using both trails.

Total Project Cost: \$295,000

Priority Level: 3



The parking lot at the Spit trail head full of cars on a sunny day.



Port and Harbor

- **Deep Water/Cruise Ship Dock Expansion, Phase 1**
- **Barge Mooring Facility**
- **Marine Ways Large Vessel Haulout Facility**
- **Homer Spit Dredged Material Beneficial Use Project**
- **Ice Plant Upgrade**
- **System 4 Vessel Mooring Float System**
- **Truck Loading Facility Upgrades at Fish Dock**
- **Ramp 8 Restroom**
- **Seafarers Memorial Parking Expansion**



Deep Water/Cruise Ship Dock Expansion, Phase 1

Project Description & Benefit: To provide a facility that can accommodate multiple industry groups and provide the greatest economic benefit to the area, upgrades to the Deep Water/Cruise Ship Dock are necessary. Phase 1 of the project will widen the existing dock to 88 feet, increase overall length to 744 feet, and widen and strengthen the existing trestle. Later phases will expand the dock further, add a terminal building with other upland improvements, and add a rail for a 100-foot gauge gantry crane.

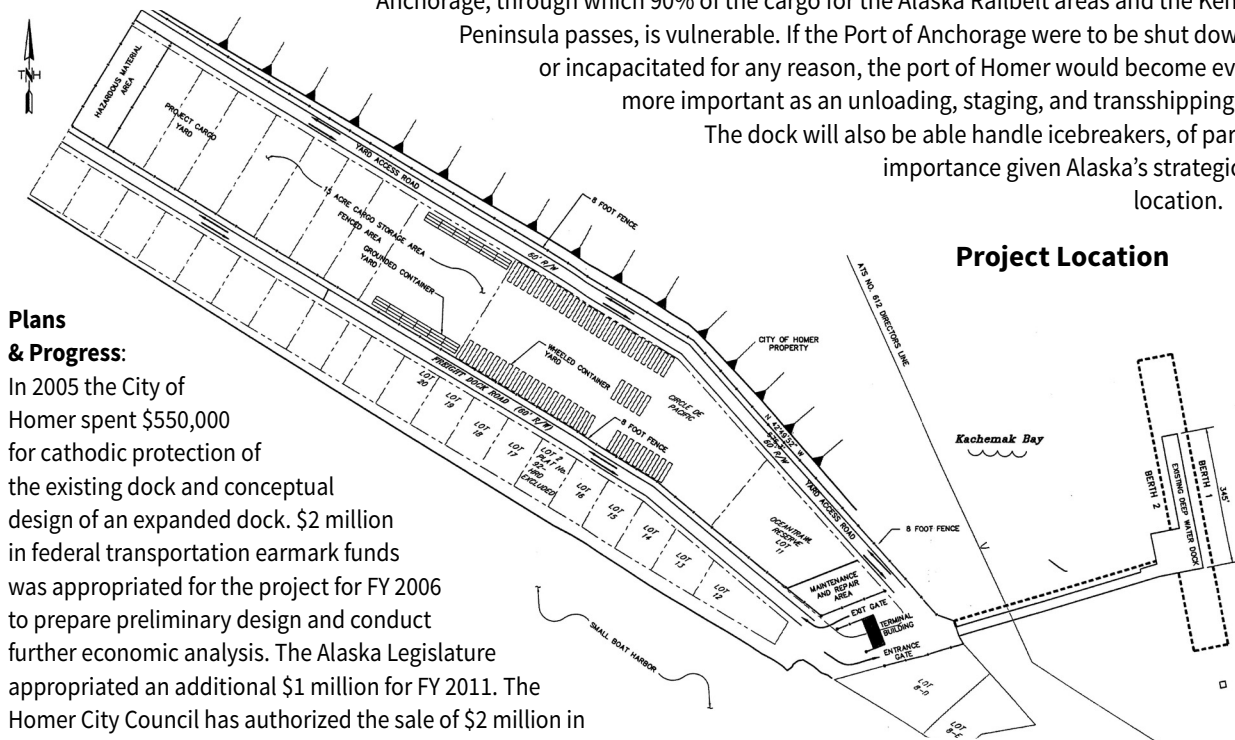
Resource Development Capabilities: The facility will provide staging for barged freight service to the Lake and Peninsula Borough via the Williamsport-Pile Bay Road or other facilities built to meet the need of future resource development. There is demand in the near term for modifications of the existing dock to accommodate long term mooring of large resource development vessels such as timber, mining and oil and gas barges.

Cargo Capabilities: The facility will be capable of handling containerized freight delivery to the Kenai Peninsula, thus reducing the cost of delivering materials and supplies to much of the Peninsula. The City has a 30-acre industrial site at the base of the dock which can support freight transfer operations and serve as a staging area for shipping to and from the Alaska Peninsula, Aleutians, and Bristol Bay.

Visitor Industry Capabilities: The dock expansion will also enhance cruise ship-based tourism in Homer by providing moorage at the dock for two ships (a cruise ship and a smaller ship) at the same time, reducing scheduling conflicts.

Improvements to the dock will fulfill a contingency planning requirement under Homeland Security provisions. The Port of Anchorage, through which 90% of the cargo for the Alaska Railbelt areas and the Kenai Peninsula passes, is vulnerable. If the Port of Anchorage were to be shut down and/or incapacitated for any reason, the port of Homer would become even more important as an unloading, staging, and transshipping port.

The dock will also be able handle icebreakers, of particular importance given Alaska's strategic arctic location.



Plans & Progress:

In 2005 the City of Homer spent \$550,000 for cathodic protection of the existing dock and conceptual design of an expanded dock. \$2 million in federal transportation earmark funds was appropriated for the project for FY 2006 to prepare preliminary design and conduct further economic analysis. The Alaska Legislature appropriated an additional \$1 million for FY 2011. The Homer City Council has authorized the sale of \$2 million in bonds to help fund the construction of this project. The City has initiated the feasibility study for this project.

Total Project Cost: \$35,000,000

Feasibility: \$1,250,000 (Completion Spring 2016, currently underway)

Design: \$1,750,000

Construction: \$32,000,000

Priority: 1



Barge Mooring Facility

Project Description & Benefit: Constructing a barge mooring facility at Lot TR 1A (east of the Nick Dudiak Fishing Lagoon) will meet the growing freight needs of existing Homer businesses and attract additional large vessel business. Phase 1 of the mooring facility will consist of a row of piles driven perpendicular to the beach that extend down through the tidal area in conjunction with a stern anchoring system and bollards above the high water line. This proposed improvement will provide secure moorings for vessels that cannot currently be accommodated within the harbor's basin due to lack of space. Phase 2 includes uplands support facilities such as a wash down pad and stormwater pollution prevention plan (SWPPP). The project is a response to requests from vessel owners/managers seeking safe moorage and uplands haulout area for large shallow draft vessels.

Plans & Progress: The large vessel Haulout Task Force has worked to develop Best Management Practices, Vessel owner user agreements, and vender user agreements for the city of Homers Larger Vessel Repair facility. Staff have also completed a SWPPP with ADEC for a portion of lot TR-1-A. Staff is also working with Nelson Engineering to complete phase 1 design for barge moorings, haulout ramp and uplands improvements such as a large vessel wash down pad, lighting, electrical pedestals, and drainage/water management. The task force also discovered that focusing their efforts on developing and facilitating moorings, haulout, and repair at lot TR-1-A is more feasible than developing a haulout and repair facility on the old Chip pad and after much discussion decided to focus on something we could do rather than something we wished we could do.

Total Project Cost (2014): \$1,850,000

Phase 1 - Pilings and Bollards

Design/Engineering/Permitting/Geotechnical (2015): \$125,000

Construction - (2016): \$1,125,000

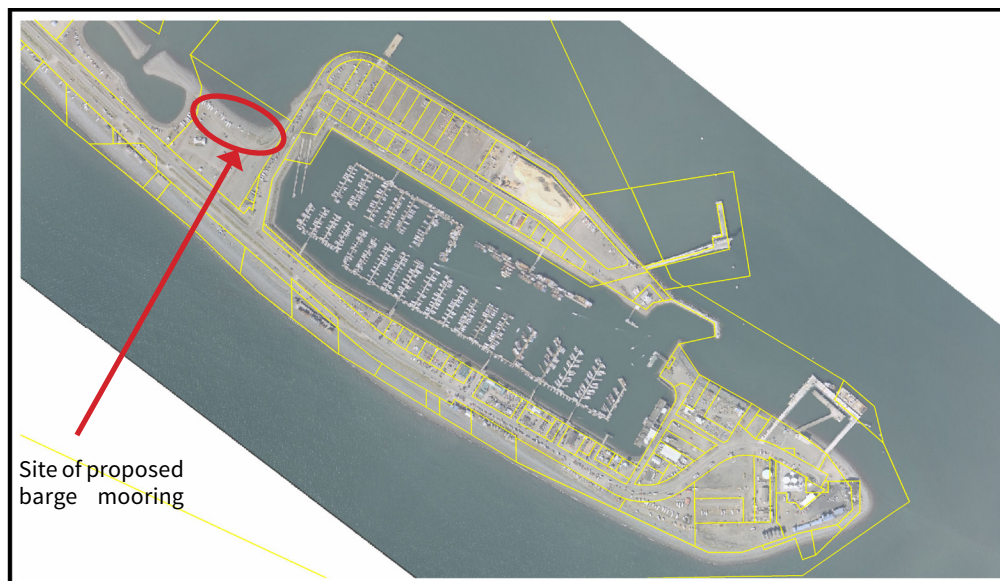
Schedule: Fall 2015

Phase 2 - Uplands Improvements

Design/Engineering/Permitting (2018): \$105,000

Construction -(2019): \$495,000

Priority Level: 2





Marine Ways Large Vessel Haulout Facility

Project Description & Benefit: This project will construct a “marine ways” facility for hauling out large vessels (over 70 tons) for dry-dock, maintenance, inspection, and repairs utilizing the existing 5-acre concrete pad at Lot 12. Currently there are no private facilities in Homer capable of hauling out vessels of this size. With construction of the marine ways facility, the Port of Homer would also be able to serve large freight barges that require inspections in order to be Coast Guard certified for their trade.

Since the wood chip business that formerly used Lot 12 left Homer, the lot and its concrete pad have been under utilized. Construction of the Marine Ways facility will accomplish a project that has been discussed for years and capitalize on the marine trades skill set that already exists in Homer. It is estimated that the facility would eventually support at least 50 full-time, long-term jobs.

Plans & Progress: A Large Vessel Haulout Task Force has been established to discuss how best to meet the needs of a wide class of vessels. Different haulout options are being considered to serve our large vessel fleet, such as a travel lift, a barge, a large vessel boat trailer, or creating long ramp and marine ways to the East of the Chip pad that would allow us to pull these vessels on rails up onto the chip pad for repair.

Total Project Cost: \$6,000,000 - \$10,000,000
(Project cost is dependent on method of haulout chosen)

Schedule: 2016

Priority Level: 2





Homer Spit Dredged Material Beneficial Use Project

Project Description & Benefit: The purpose of this project is to dispose of dredged material from the entrance of the Small Boat Harbor and the Pioneer Dock berth in a beneficial manner. The material will be used to replenish eroded material along the beaches and create additional parking on the Spit. The beach replenishment points would be at Mariner Park (replenishing beaches on the west side of the Spit) and just north of the Fishing Lagoon (replenishing beaches on the east side of the Spit). A new parking pad would be created between the boardwalks across from Ramp 3 and Mariner Park parking lot would be improved. Armor rock will be installed across from Ramp 3 to protect against erosion.

Dredged material will be placed on the beaches as part of the Army Corps of Engineers' dredging/disposal operations. Hauling costs will be supplemented by Harbor Funds when hauling to Mariner Park and the City will spread, cap and place riprap along the beach where fill is placed near or in the tidal zone. A Corps permit will be needed to accomplish this work.

Total Project Cost: \$688,000

Schedule:

2015 (Design and Inspection): \$50,000

2015: \$10,000 (Spread available material in upland parking pad areas)

2016-17: \$628,000

(Compact material: 20,000; Instal riprap: \$350,000; Gravel cap: \$95,000; Paving: \$100,000 Contingency \$63,000)

Priority Level: 2



The Homer Spit has been shaped over the years by nature as well as human intervention. (2008 NOAA photo)



Ice Plant Upgrade

Project Description & Benefit: The ice plant at the Fish Dock is a critical component of the overall Port and Harbor enterprise, providing more than 3,500 tons of flake ice each year to preserve the quality of more than 20 million pounds of salmon, halibut, sablefish, and pacific cod landed at the Port of Homer. Built in 1983, the ice plant is in serious need of an upgrade to increase efficiency and reduce operating costs. This project will replace six of the seven old compressors within the ice plant with two new state-of-the-art high efficiency refrigeration compressors.

Total Project Cost: \$500,000

Schedule: 2015

Priority: 1



Four of the Ice Plant's aging compressors are shown here.



System 4 Vessel Mooring Float System

Project Description & Benefit: System 4 is made up mostly of floats that were relocated from the original harbor construction in 1964. In the 2002 Transfer of Responsibility Agreement (TORA) project, System 4 was completed by moving the old floats into place. Within two years it was filled to maximum capacity. System 4 floats are over 20 years beyond their engineered life expectancy and are showing their age. This project can be done in phases.

Plans & Progress: Phase 1 floats HH, JJ, and headwalk float AA between those floats were replaced in fall of 2014. Power and water was extended from ramp 6 to JJ as part of the same project. A new landing float was installed for Ramp 7 Spring of 2014. Phase 2 floats CC, DD, EE, GG will be replaced next.

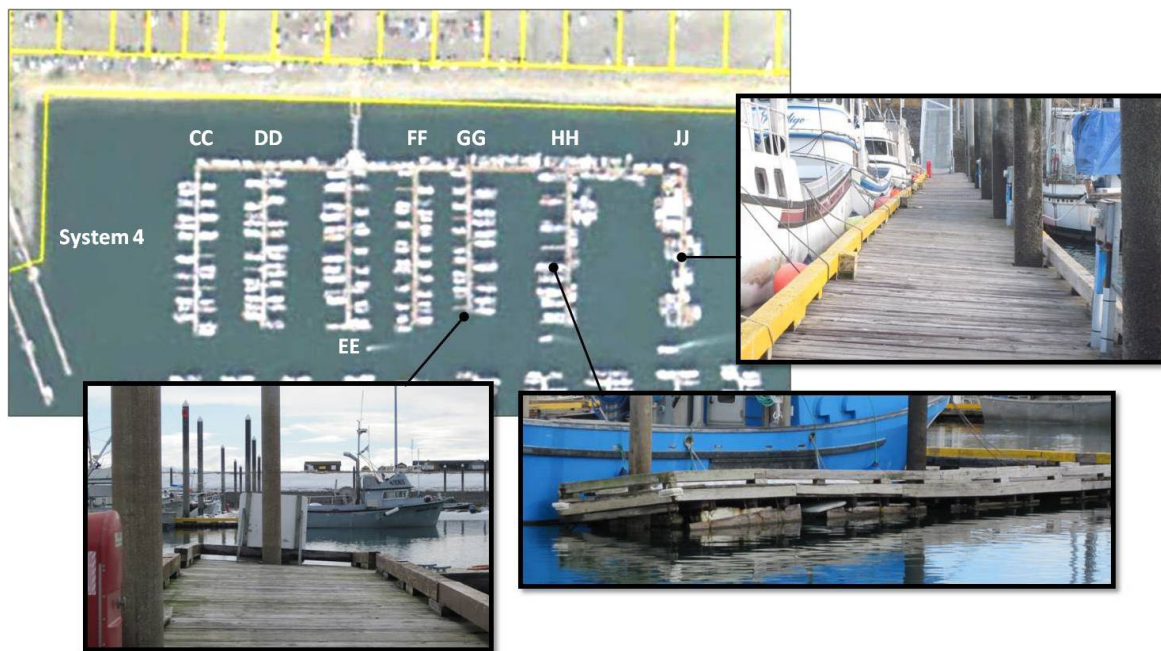
Total Project Cost: \$5,600,000

Schedule:

2015 (Design): \$600,000

2016-2019 (Construction): \$5,000,000

Priority Level: 2





Truck Loading Facility Upgrades at Fish Dock

Project Description & Benefit: Approximately 22 million pounds of fish are landed at the Homer Fish Dock each year and loaded onto trucks. The resulting truck, fork lift, and human traffic creates considerable congestion as fish buyers jockey for space to set up portable loading ramps. Lack of adequate drainage in the area creates further problems as the vehicles must maneuver in soft and often muddy conditions.

This project will construct a loading dock to facilitate the loading of fish onto trucks. In addition, it will provide for paving of Lot 12-B and other improvements to address the drainage problems that impact the area.

Total Project Cost: \$300,000

Schedule: 2017

Priority: 1



Currently at the Fish Dock, fish buyers have to contend with a muddy lot and lack of a loading dock to facilitate the transfer of fish to trucks.



Ramp 8 Restroom

Project Description & Benefit: Ramp 8 serves System 5, the large vessel mooring system. Presently Ramp 8 restroom is an outhouse facility capable of occupying only two people at a time. Vessel crews have come to the Harbormaster's office with complaints of this lack of basic service. Potable water, adequate shore power, and even basic restroom facilities are expected in a modern competitive harbor such as the Homer Small Boat Harbor.

Plans & Progress: Design costs for this project would be minimal as the City has standard public restroom plans engineered that can be easily modified for this location.

Total Project Cost: \$295,000

Schedule: 2015

Priority Level: 3



This outhouse sees heavy use from crews of large vessels moored at Ramp 8.



Seafarers Memorial Parking Expansion

Project Description & Benefit: This project would use materials from dredging the harbor to build up a parking lot between Seafarers Memorial and the east end of the nearby boardwalk complex. The additional parking will be a welcome improvement as it is often hard to find parking during peak summer months on this section of the Spit. The project has the added benefit of replenishing the beaches on the east side of the Spit and protecting infrastructure from erosion. The material will be placed on the beaches as part of the Army Corps of Engineers' dredging/disposal operations. Funding is needed to supplement hauling costs, compact material, cap with gravel and pave the lot. A Corps permit will be needed to accomplish this work.

Plans & Progress: The City has appropriated \$15,000 for the Homer Area Roads and Trails (HART) fund for preliminary engineering and permitting of this project completed in 2015. The dredged materials are scheduled to be placed in the lot by fall of 2016.

Total Project Cost: \$635,000

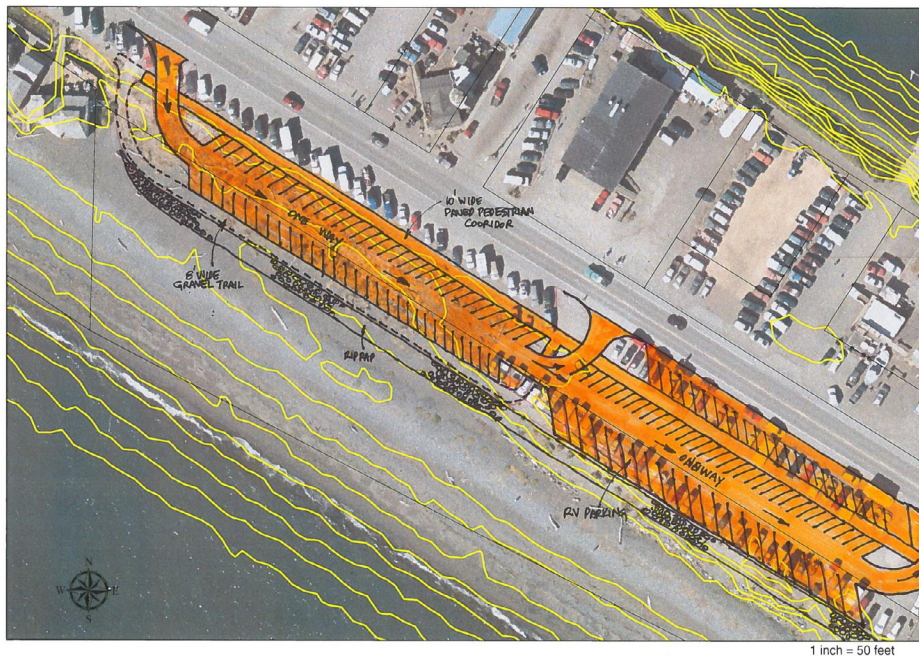
Schedule:

2015 (Design and Permitting): \$8,000

2016 (Dredged Material Placement by Corps): In kind

2017 (Construction): \$627,000

Priority Level: 1



This project would fill in, level and pave the grassy area pictured above between the Seafarer's Memorial and the nearby boardwalk.



Public Safety

- **South Peninsula Fire Arms Training Facility**
- **Replacement Ambulance**



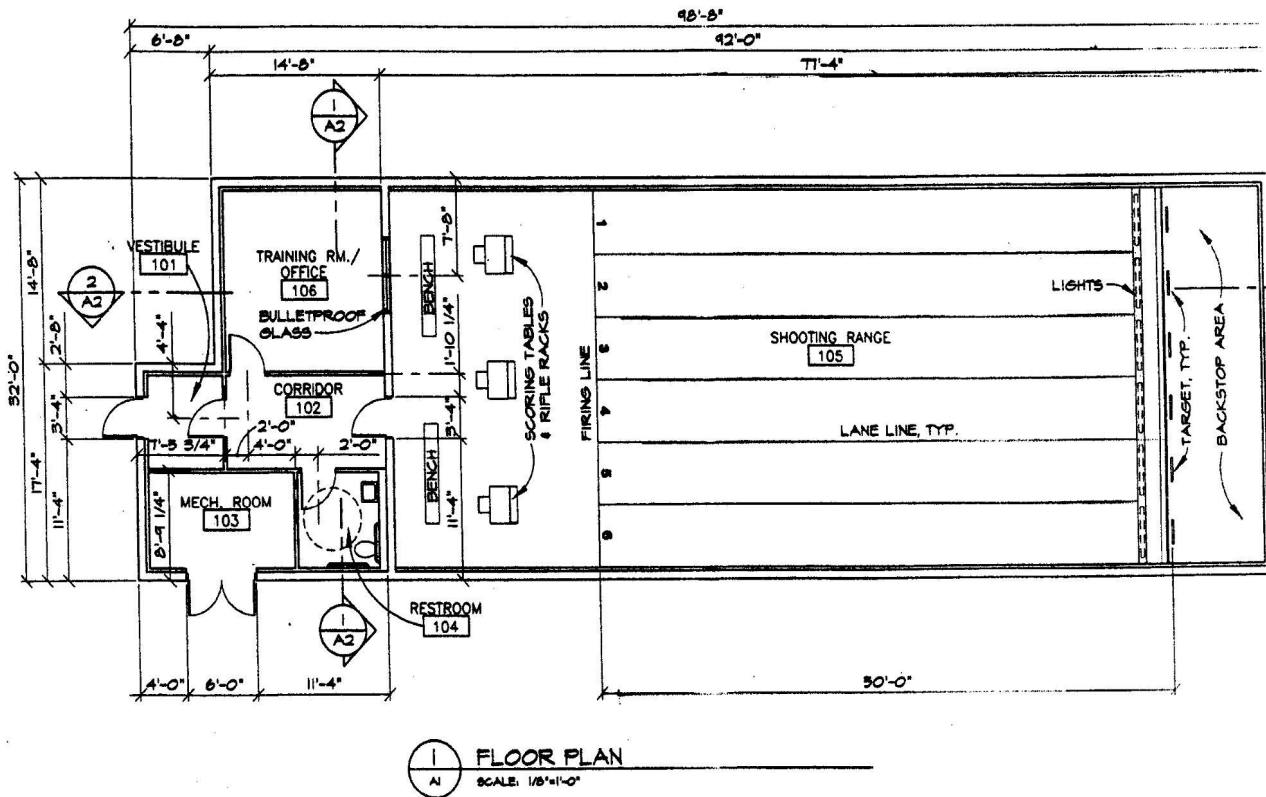
South Peninsula Fire Arms Training Facility

Project Description & Benefit: This project will construct a multi-agency training facility for law enforcement on the lower Kenai Peninsula. Beneficiaries will include the Homer Police Department, local units of the Alaska State Troopers, Alaska State Parks, and various federal law enforcement agencies. Properly managed, the facility could also be used by local gun clubs and sporting groups. The facility, which will include a modern indoor shooting range, will provide a proper and safe environment for firearms training. It will enable local law enforcement personnel to conduct training at any time of day, year-round, regardless of weather.

Total Project Cost: \$1,500,000

Schedule: 2017

Priority Level: 2





Replacement Ambulance

Project Description & Benefit: The Homer Volunteer Fire Department needs a new ambulance to replace the 1997 Ford Type 1 ambulance that is well beyond its standard life span. Due to its age and condition, the ambulance is primarily used for transports and as a second-out ambulance. A new ambulance would increase the fleet to 3 and allow the department to store an ambulance at the Skyline satellite fire station for quick response times on the ridge above town.

Plans & Progress: A replacement ambulance for the Homer Volunteer Fire Department has been approved by Alaska Code Blue for funding. The review process for Code Blue is rigorous and includes multiple steps including Southern Region staff, Board of Directors Equipment Review Committee, the Southern Region Board of Directors, and the Statewide Code Blue Steering Committee. During these steps, the ambulance was considered based on many established criteria, including its status as essential EMS equipment, reasonableness of request, application to the community setting, documentation of need, cost and how it fits into regional and statewide priorities. Because of funding shortfalls, Code Blue can only partially fund the City of Homer replacement ambulance at \$70,000. If the City cannot come up with funding for the remaining \$83,000 in the near future, it may lose the Code Blue grant opportunity.

Total Project Cost: \$170,000

Funding Secured:

City of Homer 10% Match: \$17,000

State of Alaska Code Blue: \$70,000

Priority Level: 1

Schedule: 2015



The 1997 ambulance has been well used by the HVFD. A more modern and reliable vehicle will better be able to serve the growing emergency management demands of Homer.



Public Projects

- **Water Storage/Distribution Improvements**



Water Storage/Distribution Improvements

Project Description & Benefit: This project will design and construct improvements that will increase water storage capabilities, improve water system distribution, drinking water quality/public health, and treatment plant and water transmission effectiveness.

The overall multi-phased project includes:

- **Phase 1:** Installation of 4,500 linear feet of water main extension on Kachemak Drive, 2,600 linear feet of distribution main connecting isolated sections of town, and a new pressure reducing valve (PRV). (Funded)
- **Phase 2:** Installation of an underground water storage tank and 2,000 linear feet of water main between the new tank and the water system.
- **Phase 3:** Replacement of 3 PRVs on the East Trunk and installation of micro turbines generating power to the grid, abandonment of an existing functionally obsolete steel water tank and replacement of adjacent PRV station, and slip-lining of old cast iron water main on the Homer Spit.

Plans & Progress: The need for this project has been documented in the Homer Water & Sewer Master Plan (2006). The design has been completed through a \$884,000 Special Appropriation Project grant the City received from the Environmental Protection Agency. The Department of Environmental Conservation recommended funding phase 1 through the Municipal Matching Grant program which is reflected in The States FY16 capital budget approved by the Governor.

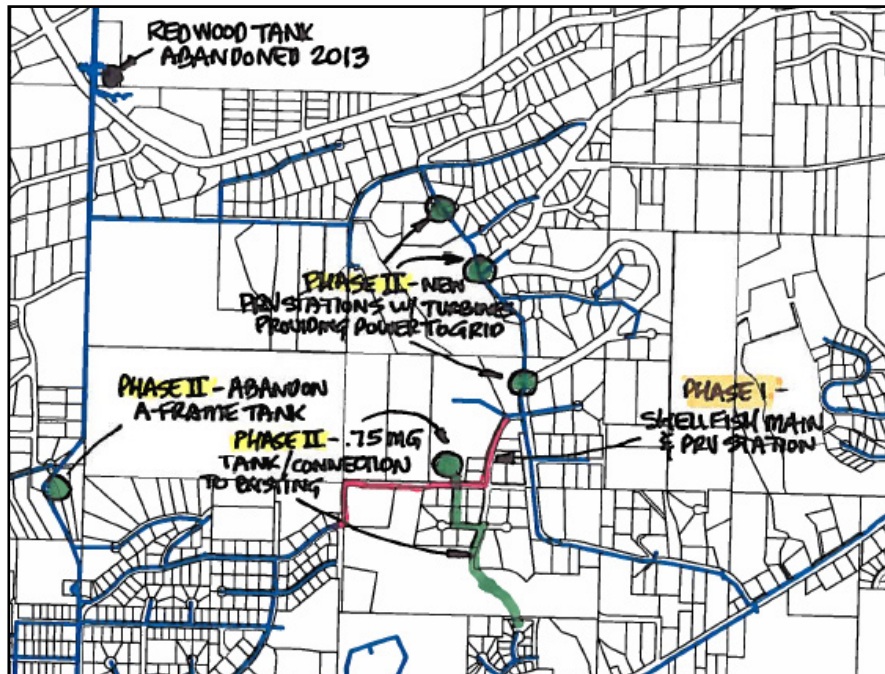
Total Project Cost: \$9,828,934

- 2014 (Design, Completed): \$900,000
- 2016 Phase 1 Construction(Funded):\$2,828,934
- 2017 Phase 2 Construction: \$3,900,000
- 2018 Phase 3 Construction: \$2,200,000

FY2016 State Request for Phase 1: \$1,980,254

(City of Homer 30% Match: \$848,680)

Priority Level: 1





State Projects

The City of Homer supports the following state projects which, if completed, will bring significant benefits to Homer residents

Transportation projects within City limits:

- **Homer Intersection Improvements**
- **Main Street Reconstruction/Intersection**
- **Kachemak Drive Rehabilitation/Pathway**

Transportation projects outside City limits:

- **Sterling Highway Realignment MP 150-157**
- **Sterling Highway Reconstruction, Anchor Point to Baycrest Hill**

Non-transportation projects:

- **Alaska Maritime Academy**



Homer Intersection Improvements

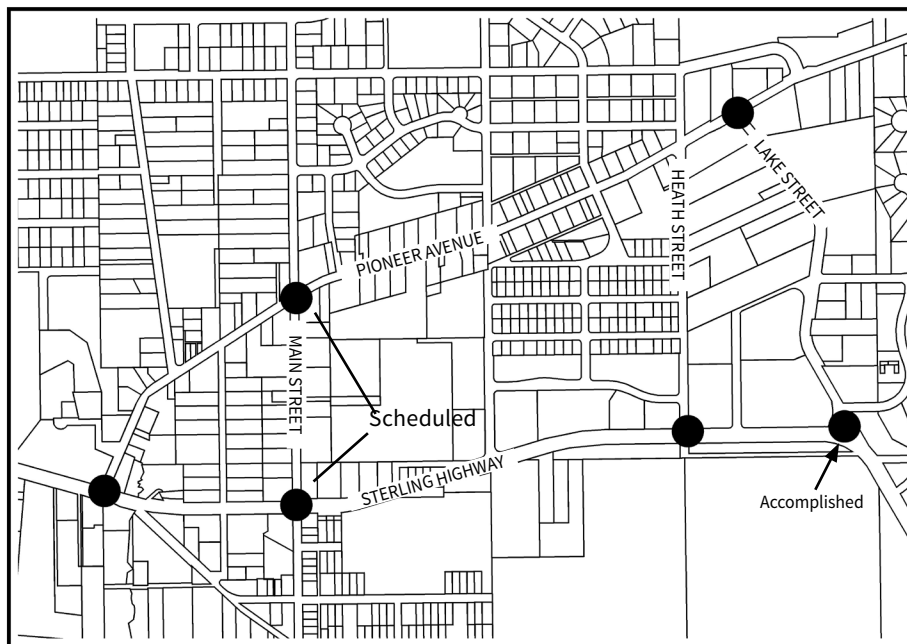
Project Description & Benefit: This project will implement recommendations of the 2005 Homer Intersections Planning Study commissioned by the Alaska Department of Transportation and Public Facilities. The study, which focused on 12 intersections, involved traffic forecasts and analysis of intersection safety, intersection options, and pedestrian needs. The benefit of the project will be to enhance traffic safety and quality of driving and pedestrian experiences for residents and visitors, particularly as the community continues to grow.

The study notes that for the intersections that need roundabouts or traffic signals, either option will function well; however, “the Alaska Department of Transportation and Public Facilities supports the development of modern roundabouts at these locations because of the good operational performance of roundabouts, superior safety performance, and reduced maintenance.”

Problem intersections and recommended improvements noted in the study but are as follows:

- Sterling Highway and Heath Street - Roundabout or traffic signal
- Sterling Highway and Main Street - Roundabout or traffic signal (This project has been funded.)
- Pioneer Ave. and Lake Street/East End Road - Roundabout or traffic signal
- Sterling Highway and Pioneer Ave. - Roundabout or traffic signal
- Pioneer Avenue and Main Street - Roundabout or traffic signal

Plans & Progress: State of Alaska DOT/PF has obtained \$2.8 million to make safety improvements to Main Street Intersection and is moving forward with a preferred alternative that installs a flashing overhead beacon at the Pioneer and Main Street intersection (2014) and a traffic signal at the Sterling Highway and Main Street intersection (2017.)



Alaska DOT/PF has recommended roundabouts or traffic signals at six central Homer intersections, to be accomplished as soon as possible. A traffic signal was installed at the Lake Street/Sterling intersection in 2005 and improvements to the intersections on either side of Main Street are scheduled over the next few years.



Main Street Reconstruction

Project Description & Benefit: This project will provide curb and gutter, sidewalks, storm drainage, and paving for Main Street from Pioneer Avenue to Bunnell Street.

Homer's Main Street is a primary north-south corridor running from Bayview Avenue (near the hospital) to Ohlson Lane (near Bishop's Beach). In the process, it connects Homer's primary downtown street, Pioneer Avenue, with the Sterling Highway and provides the most direct access to the Old Town district. It also provides the western border to Homer's undeveloped Town Center district.

Despite its proximity to the hospital, businesses, and residential neighborhoods, Main Street has no sidewalks, making pedestrian travel unpleasant and hazardous. Sidewalks on this busy street will enhance the quality of life for residents and visitors alike and provide economic benefits to local businesses and the community as a whole.

Plans & Progress: Main Street is a City street from Pioneer Avenue northward, and a State street from Pioneer Avenue south. The Homer Non-Motorized Transportation and Trail Plan, adopted by the City Council in 2004, calls for construction of sidewalks on both sides of Main Street to provide a safe means for pedestrians to travel between Old Town and Pioneer Avenue, and stresses that this should be regarded as a "near term improvement" to be accomplished in the next two years. The Homer City Council passed Resolution 06-70 in June 2006 requesting that Alaska Department of Transportation and Public Facilities (DOT/PF) "rebuild and upgrade Main Street from Pioneer Avenue to Bunnell Avenue as soon as possible in exchange for the City assuming ultimate ownership, maintenance, and operations responsibility."

State of Alaska DOT/PF has obtained \$2.8 million to make safety improvements to Main Street Intersection and is moving forward with a preferred alternative that installs a flashing overhead beacon at the Pioneer and Main Street intersection (2014) and a traffic signal at the Sterling Highway and Main Street intersection (2017.) However, there remains much work to be done to improve and reconstruct of the entire section of Main Street from Pioneer Avenue to Bunnell Street.



A mother pushes a stroller along Main Street between the Sterling Highway and Bunnell Street, while another pedestrian walks on the other side of the road.

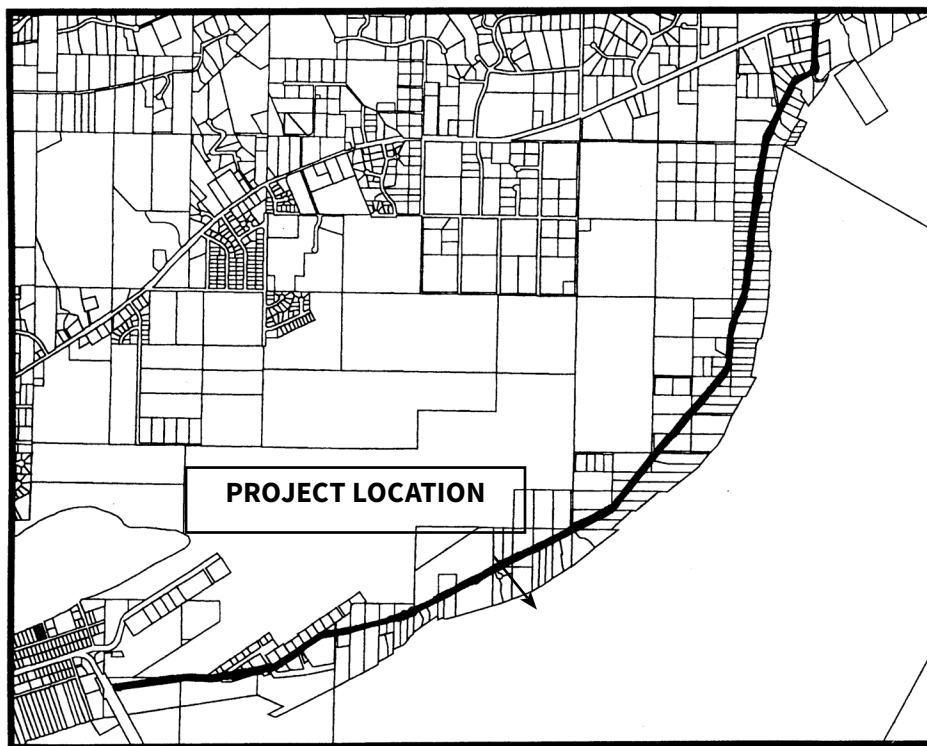


Kachemak Drive Rehabilitation/Pathway

Project Description & Benefit: Kachemak Drive connects Homer Harbor with Homer’s industrial boat yards, serves drivers as a connector from the Homer Spit to East End Road, has a residential community, and serves as an alternate route to the airport. Truck, boat trailer, residential and commuter traffic are often heavy, with an approximate daily traffic of 1,500 vehicles. The road needs rehabilitation including raising the embankment, resurfacing, widening the road, and drainage improvements.

Bicyclists, pedestrians and occasional moms with strollers use Kachemak Drive to connect to the Spit, Ocean Drive, and East End Road bike paths. Kachemak Drive has narrow to non-existent shoulders, forcing cyclists to the left of the fog line. Motorists typically slow down behind bicyclists, wait until there is no oncoming traffic, then pass by crossing the center line. This procedure is dangerous to motorists and cyclists, especially on the hill leading up from the base of the Spit to the airport, where visibility is low. Bicycle traffic has increased in the past couple of years due to the advent of wide-tire winter bicycles and Homer’s increasing popularity as a bicycle friendly town. Construction of a separated pathway along East End Road will increase recreational and commuter bicycle and pedestrian traffic on Kachemak Drive and will improve driver, bicycle, and pedestrian safety. Because of the significant right-of-way acquisition involved, this project will likely take several years to complete.

Plans & Progress: The Kachemak Drive Path Committee has worked with the City of Homer Advisory Parks and Recreation Commission and Transportation Advisory Committee to explore potential alternatives. The City performed preliminary engineering in 2012 on a portion of the trail and found significant grade and easement challenges to the project.





Sterling Highway Realignment MP 150-157

Project Description & Benefit: The Sterling Highway is a vital transportation corridor serving most of the communities on the Kenai Peninsula, including Homer at the southern terminus, and is the only road connecting these communities to the larger North American road system. The vast majority of people and goods routed in and out of Homer utilize the Sterling Highway as compared to air or water transportation.

This project will protect the Sterling Highway from erosion that is threatening the highway north of Anchor Point. Completion of the project will involve re-routing the highway away from areas that are eroding, utilizing existing road right-of-way as much as possible. The Alaska Department of Transportation has noted that the first effort needed is for reconnaissance study to evaluate alternatives and quantify costs.

Plans & Progress: The project “Sterling Highway Erosion Response MP 150-157” is included in the 2012-2015 Statewide Transportation Improvement Program (STIP).



As seen in this aerial image, the eroding edge of the bluff is only 30 feet away from the Sterling Highway at a section just north of Anchor Point.



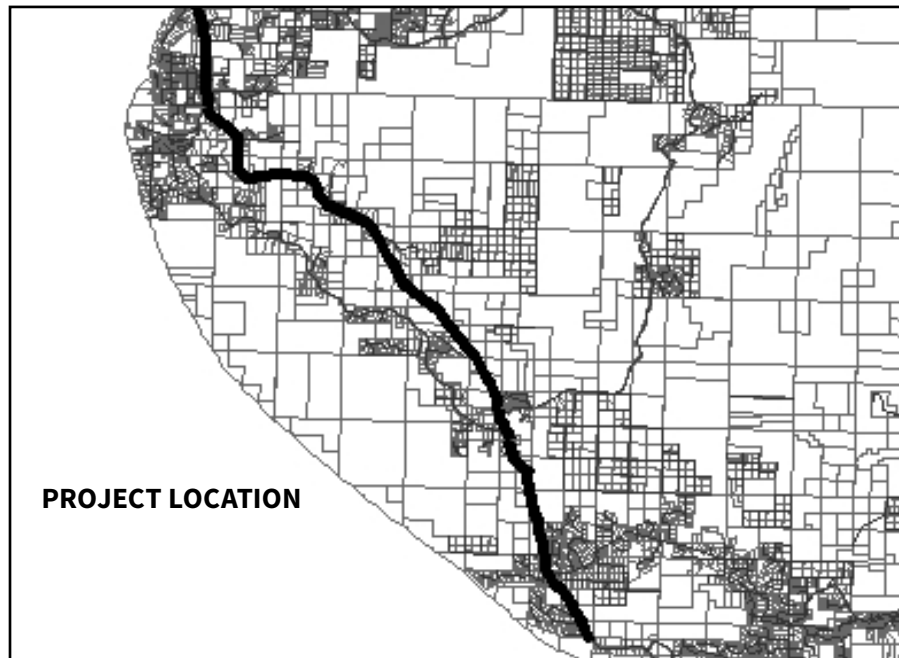
Sterling Highway Reconstruction Anchor Point to Baycrest Hill

Project Description & Benefit: This project will reconstruct 12 miles of the Sterling Highway between Anchor Point (MP 157) and the top of Baycrest Hill in Homer (MP 169) to address severe safety issues resulting from curves, hills, and blind spots on the existing road. The project has been identified as a high priority of the Kenai Peninsula Borough.

Many major side road intersections, gravel hauling operations, and school bus stops contribute to dangerous conditions on the 12-mile section of highway, which has been the scene of several serious accidents, many with fatalities, over the past several years. Continued population growth has led to more subdivisions with intersecting roads and more traffic on the highway, exacerbating the problem. School buses must stop in some locations with blind corners and hills.

The project calls for construction of an improved two-lane highway paralleling the alignment of the existing highway. The reconstructed highway will be designed to allow two additional lanes to be added at a future date.

Plans & Progress: This project (“Sterling Highway: MP 157-169 Rehabilitation - Anchor Point to Baycrest Hill”) is included in the 2012-2015 Alaska Statewide Transportation Improvement Program (STIP). Two and a half million dollars was included in the FY2013 capital budget for design and right of way phases of this project. Total costs are expected to exceed \$36 million; consequently, the project may be constructed in phases.



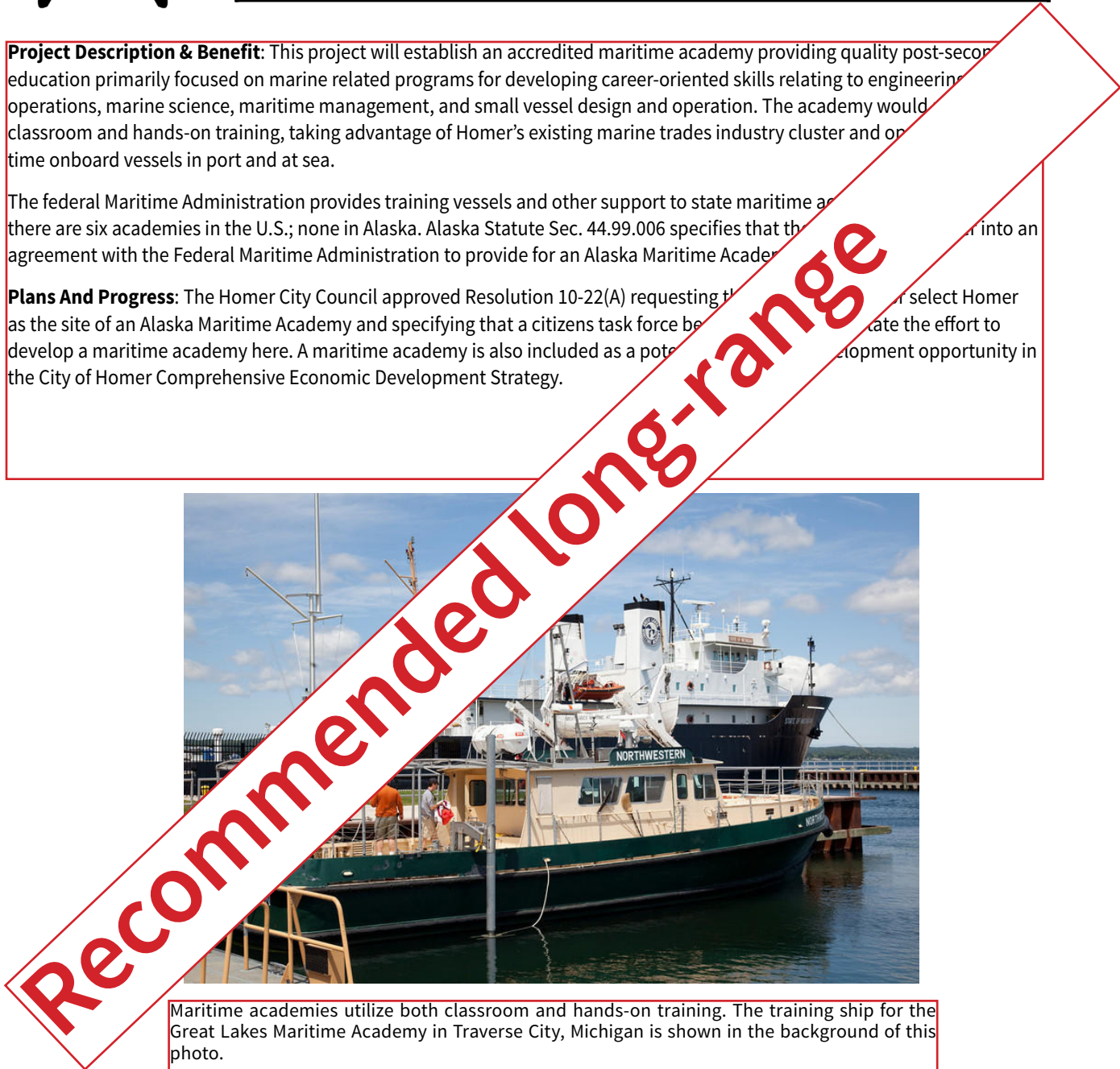


Alaska Maritime Academy

Project Description & Benefit: This project will establish an accredited maritime academy providing quality post-secondary education primarily focused on marine related programs for developing career-oriented skills relating to engineering, operations, marine science, maritime management, and small vessel design and operation. The academy would provide classroom and hands-on training, taking advantage of Homer’s existing marine trades industry cluster and opportunities for training time onboard vessels in port and at sea.

The federal Maritime Administration provides training vessels and other support to state maritime academies. There are six academies in the U.S.; none in Alaska. Alaska Statute Sec. 44.99.006 specifies that the City of Homer enter into an agreement with the Federal Maritime Administration to provide for an Alaska Maritime Academy.

Plans And Progress: The Homer City Council approved Resolution 10-22(A) requesting the City of Homer select Homer as the site of an Alaska Maritime Academy and specifying that a citizens task force be formed to coordinate the effort to develop a maritime academy here. A maritime academy is also included as a potential economic development opportunity in the City of Homer Comprehensive Economic Development Strategy.



Maritime academies utilize both classroom and hands-on training. The training ship for the Great Lakes Maritime Academy in Traverse City, Michigan is shown in the background of this photo.



Projects Submitted by Other Organizations

The City of Homer supports the following projects for which local non-profit organizations are seeking funding and recognizes them as being of significant value to the Homer community:

- **Pratt Museum: New Facility and Site Redesign**
- **Homer Senior Citizens: Natural Gas Conversion**
- **South Peninsula Hospital: Site Evaluation and Planning for Hillside Reinforcement**
- **Kachemak Shellfish Growers Association: Kachemak Shellfish Hatchery**
- **Homer Council on the Arts: Re-configuration and Facility Upgrade**
- **Haven House: Safety/Security Improvements**
- **Homer Hockey Association: Kevin Bell Ice Arena Acquisition**



Pratt Museum New Facility and Site Redesign

Project Description & Benefit: The national award-winning Pratt Museum preserves the stories of the Kachemak Bay region and provides a gathering place for people to learn and to be inspired by this region and its place in the world. The Pratt's exhibits, education programs, and collections seek to foster self-reflection and dialogue among the Museum's community and visitors. Each year, the Pratt serves up to 30,000 visitors, with more than 4,000 young and adult learners participating in its programs. One of only eight accredited museums in Alaska, the Pratt is consistently viewed as one of Alaska's most important cultural institutions and as a leader among small museums across the country. Today the Pratt Museum exists in a structure that does not meet the Museum or the community's needs. The existing 10,500 square foot building is more than 47 years old, and the building's galleries, public meeting, and education spaces do not support the Pratt's goals or embrace current opportunities. The building is not ADA accessible. Urgently needed are expanded collections storage and the ability to meet current collections care requirements for managing temperature and humidity. The Pratt is now working on a project to better serve this community and visitors long into the future, through the construction of a new facility and redesign of the Pratt's 9.8 acres. Benefits of this project will include: 1) improved education programs and exhibits; 2) creation of a community learning space to promote education and community dialogue; 3) an expanded trail system; 4) the ability to serve larger visitor and school groups; 5) greater representation at the Museum of the region's diverse cultural groups; 6) the ability to care for growing collections, including community archives and stories; and 7) full disability accessibility. The Planning Phase spanned the Fall of 2007 to December 2010. The Design Phase started in January 2011 and will be complete in 2015 at which time the project will be shovel-ready. Construction will begin as early as the Fall of 2016, or when the balance of the construction funds are raised, with the building opening a year later. The total budget is \$9.5 million.

Plans & Progress: Nearly a decade of thorough organizational evaluation, professional assessment, and community dialogue led the Pratt Museum Board of Directors and staff to the decision to embark on an ambitious capital project and carry out a comprehensive redesign of the Pratt's property. A fundraising feasibility study was conducted in 2009 in tandem with the development of draft architectural and site concepts. Additionally, the McDowell Group conducted an analysis of the economic impact of the Pratt's operations and construction project on the local community, finding that the Museum generates substantial economic activity in the region. Now in the Design Phase, the Pratt has secured cash and pledges that represent 36% of the project budget and has laid the groundwork for the successful completion of this project through the following critical steps:

- The Pratt has gathered diverse community and stakeholder input through public meetings, surveys, and other means to guide the Planning Phase and will continue to gather input throughout the Design Phase;
- With leadership from the Patrons of the Pratt Society, 9.8 acres of urban green space have been acquired in the heart of Homer, which the Museum now owns debt-free;
- The Pratt participated in the Rasmuson Foundation's prestigious "Pre-Development Program," which provided more than \$70,000 in in-kind planning services, resulting in substantial Planning Phase cost savings;
- The Museum has recruited community leaders for the capital campaign who represent the Pratt's multiple disciplines in the arts, sciences, and humanities;
- The Pratt is working on Phase II community input planning and research for Master Exhibit Plan permanent exhibit renovations to be installed in the new building;
- The Museum has secured \$3.3 million (36% of the project total) in cash, grants, and pledges;
- An additional third of the project budget has been identified from major funders who will contribute when later funding benchmarks have been reached
- An upgrade and expansion of the trail system, the first part of the project, was completed in 2012, and
- Schematic designs are complete, and the balance of the Design Phase will be completed in 2015.

Total Project Cost: \$9,500,000
(FY16 State Request: \$1,650,000)
Preconstruction: \$1,000,000
Construction: \$8,500,000

Schedule:

Planning: 2010
Design/Preconstruction: 2015
Construction: 2017





Homer Senior Citizens Natural Gas Conversion

Project Description & Benefit: This project would convert the Homer Senior Center (HSC) facilities to natural gas. The project budget includes City of Homer Special Assessment costs, service line and meter costs from Enstar, converting boilers on six structures, as well as gas ranges and dryers in senior housing units.

HSC has been the sole non-profit senior services provider for Homer for the past 39 years. HSC relies upon grants, private donations and fees for service for funding. With budgets tight and the economy still in recovery, private donations are not at the same level. Expenditures increase annually, while revenue continues to remain at the same level, and in some cases declines.

Converting to natural gas as a supplemental energy source will reduce our cost for heating oil. This will save the Center as well as the 85 seniors who pay for electric heat at this time. Currently HSC expends over \$100,000 in fuel oil. With natural gas HSC will save \$37,000 annually, according to projections. HSC will save approximately \$10,000 annually due to the replaced appliances. The combined savings represents approximately \$35,000 annually, equating to one full-time employee.

Plans & Progress: The Alaska State Legislature awarded Homer Senior Citizens Inc. \$100,000 in FY2015 towards this project. Conversion is in progress and expected to be completed by September, 2015 for the Assisted Living, Senior Center and Adult Day Services. The total amount spent towards this project as of July, 2015 is \$153,461. The conversion of the independent housing continues to be a priority; however, additional fundraising is required to complete this phase of the project.

Total Project Cost: \$504,898

Funding Secured: \$100,000

Schedule:

Preconstruction: 2014

Construction: 2015



Homer Senior Citizen's main building.



South Peninsula Hospital Site Evaluation & Planning for Hillside Reinforcement

Plans and Progress: South Peninsula Hospital sits on a very steep hillside, with all parking lots and outbuildings being terraced down from the main hospital building. Both the lot the hospital sits on and the lot behind it continue with a very steep elevation incline. The buffer is only 12 feet behind the building cut into the hillside before the terrain continues with the steep incline for as far as 300 yards. The remaining hillside has thick vegetation and is not utilized or developed in any way at this time.

The facility has had numerous additions and structural work completed in the last 10 years which may have impacted and affected the stability of the hillside. The hillside runs continuous from the entrance of parking the entire length of the building and beyond. No part of the main hospital building is out of the risk zone for damages from hillside erosion and sloughing.

A site evaluation is necessary to establish the current condition of the hillside, and make any recommendations to secure it from further erosion and sloughing. Such evaluation would include a survey, soils testing, geologic hazard assessment and mitigation report, landslide evaluation, earthquake assessment, and recommendations for options to minimize risk to the facility. The recommended options would include cost estimates.

Plans and Progress: The estimated cost of such a study, evaluation, and report is \$100,000. This could include work by the Army Corps of Engineers, and/or a private engineering firm.

Total Project Cost: \$100,000

Schedule: 2014





Kachemak Shellfish Growers Association Kachemak Shellfish Hatchery

Project Description and Benefit: For over twenty years Kachemak Shellfish Mariculture Association (KSMA), a 501-c5 organization, has worked to fulfill its primary mission of assisting shellfish growers in Kachemak Bay to establish an economically sustainable oyster industry. Today through its partnership with the Kachemak Shellfish Growers Cooperative (KSGC), a co-op formed to market and distribute mussels and oysters, there are 14 farms in the Bay and a sorting, marketing and shipping facility on the Homer Spit supplying shellfish and mariculture related goods to local restaurants, residents and tourists while shipping oysters all over Alaska and the nation.

Five years ago the industry identified an oyster seed shortage affecting the shellfish industry on the entire Pacific Coast. Local leaders developed a small proof of concept experiential oyster hatchery/setting facility at the KSGC building to address this issue. Over the past three years, on a thin budget, with the assistance of industry professionals, and with the support of the State of Alaska, the co-op raised over 7.5 million oyster seed. KSMA supports this highly technical hatchery and laboratory with two employees who oversee the 24-hour a day, five-month process culturing oysters and propagating algae (oyster food) in conjunction with their other duties. Please note that this should not be understated; others have invested more with lesser success. Some experts gave this experimental nursery only a 10% chance of success. However, thanks to the nutrient rich waters of Kachemak Bay and the dedication and expertise of staff the oysters thrived at the Homer Spit facility and into the upweller (a nursery for the young oysters) in Halibut Cove. With the commitment of KSMA's employees and the Bays farmers this proof of concept is ready to mature to the next step—a fourth year of production and expanding the hatchery to a financially sustainable operation through the scale of production. By supplying oyster seed to shellfish farmers throughout the state of Alaska, it will reduce cost to farms and the impact of seed shortage.

Over the past three years KSMA produced 7.5 million seed and has purchased or developed much of the expertise and equipment necessary for the hatchery expansion including technician training, the expensive salt water well, and algae production. However a larger lab, and storm damage prevention are needed to mature the proof of concept to a production facility supporting the greater Bay and its residents. The Kachemak Mariculture building on the Spit needs professional engineering, design, and planning to transition its available space from an experimental, small hatchery to the next phase of a permanent hatchery enabling KSMA to commercially produce oyster seed.

The benefit of a thriving oyster farming industry in Homer is huge. Oyster production in Kachemak Bay is currently in its 22nd year. Oysters have become a sparkling year-round addition to the seafood options available to residents and tourists in Homer. Every cooler of oysters delivered to the dock represents approximately \$150 to the grower. By the time the end user receives those oysters, the economic ripple effect becomes approximately \$725. Oysters clearly benefit the community and economy.

A local hatchery and nursery can also provide a great learning lab for high school and university students, who currently have to travel to the hatchery in Seward for their studies. (The Seward hatchery hatches opilio crab; however the waters of Resurrection Bay are less conducive to oyster seed.) A course in mariculture could easily be developed in conjunction with aspects of oyster seed development, culturing and marketing.

Plans and Progress: The design and expansion of the shellfish hatchery is in process. Successful seed will be sold first to growers in Kachemak Bay. Excess seed will be sold to other farmers in the state who are eager for a reliable supplier.

KSMA's Hatchery consultant has many designs from hatcheries where he has assisted. Final design for the Homer Spit Facility would occur in conjunction with permitting.

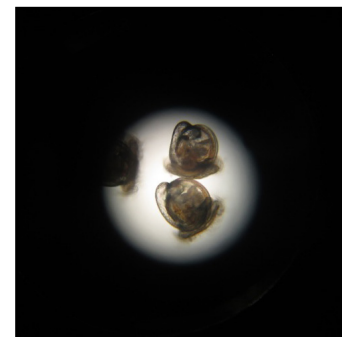
Total Project Cost: \$400,000

Preconstruction: \$75,000

Funding Secured: \$50,000

Construction: \$325,000

Schedule: 2016



Microscopic view of two tiny oysters.



Homer Council on the Arts Re-configuration & Facility Upgrade

Project Description & Benefit: Reconfiguring the building that Homer Council on the Arts presently owns and resides, will provide an ADA accessible, energy efficient venue for HCOA programming. Re-configuration will also provide the public with 1) a larger and more accessible space to use for classes, events, meetings, exhibits and performances 2) a conference room for smaller exhibits, meetings and classes, 3) a larger art room for classes and workshops which will also function as a backstage for the performance space 4) two ADA accessible bathrooms, 5) one business rental space for additional revenue.

HCOA is currently participating in the Foraker Group Pre-Development Program, sponsored by Rasmuson Foundation. The project manager and architect have met with the HCOA Board several times to discuss programmatic needs and how to accommodate these needs with building improvements. They are guiding our process to ensure our project is right-sized and feasible. Specifically, the building remodel will include 1) the replacement of the heating and ventilation systems with natural gas, 2) energy efficient windows and doors, and new rear entry 3) repair of water issues in the basement, 4) ADA approved handicapped accessible bathrooms, 5) re-configuration of the current floor plan to accommodate programming and public use of space.

Plans & Progress: HCOA is moving ahead to convert to natural gas, the first priority in phase one of the renovation plan. We are proceeding with this project by refinancing our existing mortgage. Expected completion date is Fall, 2015. We are currently looking at the energy audit (completed August of 2012), and will be using additional funds from the refinance to make changes/ upgrades that will align us with the audit. HCOA and the Pratt Museum have just announced that we are in conversation about the possibilities of collaborating to make use of the existing Pratt museum building as a performance art and activity space. Both organizations will be working diligently over the next several months to further develop this vision of an arts and culture complex. We invite the community's ideas and commitment to join us in creating this important and vital center for our community. Thank you very much for City support with these projects. HCOA looks forward to working with the City of Homer as we all move forward with innovative ideas to better meet the needs of our greater community.

Phase 1: Replace heating and ventilation systems and address water issues in basement.

Phase 2: Reconfigure floor plan including back entrance, and new windows.

Total Project Cost: \$500,000

Schedule:

Preconstruction: 2014

Construction: 2019





Haven House Safety/Security Improvements

Project Description & Benefit: Haven House provides protection through emergency shelter and program services to adults and children who are victims of domestic violence, sexual assault and child abuse. Domestic violence and sexual assault offenders are among the most dangerous type of violent offender and such shelters warrant a high degree of security systems, equipment, and technology. Haven House is requesting \$25,000 to improve the security of the facility through upgrading existing surveillance equipment, adding additional, much-needed surveillance equipment, upgrading existing security system, improving communications between all offices in the building, as well as instant communication to law enforcement, and improving equipment that contributes to security, such as doors, windows, locking systems, and fence. According to feedback collected on surveys from Haven House shelter employees and clients, as well as security challenges we have faced in the past, there is a need to provide improvements to our security systems currently in place. This will protect Haven House clients, staff, and community members and provide a much-needed public safety function for the entire southern Kenai Peninsula communities.

Plans & Progress: In July of 2014 Haven House completed phase 1 of improving the security of the building. Phase 1 consisted of building in an arctic entry with a locked interior door that provides an additional entrance and layer of security to the building. Prior to this addition, there was free access into the Haven House administrative floor without authorization. This is not best practice for domestic violence shelters and was addressed to keep staff, clients, and community members safe. \$25,000 was secured for phase 1, from the Rasmuson Foundation. Phase 2 will be completed with additional funds from the Rasmuson Foundation and the State of Alaska by spring of 2016. Phase 2 consists of installing a new buzz-in system for the 2 entry doors.

Haven House is seeking funding support to move into the next phase of security improvements. Phase 2 entails the addition and updating of security cameras, improving monitoring surveillance systems, replacing a number of existing doors and windows with more secure models, improving communications systems within the building that improve security, and making improvements to the Haven House fence.

Total Project Cost: \$70,000

Funding Already Secured: \$45,000

Schedule: 2014-2015





Homer Hockey Association Kevin Bell Ice Arena Acquisition

Project Description & Benefit: The Kevin Bell Arena was constructed in 2005, with initial funding from grants associated with the Kenai Peninsula hosting the 2006 Arctic Winter Games combined with a loan from English Bay Corporation/Homer Spit Properties. Since opening its doors, the Homer Hockey Association (HHA) has operated the rink within its yearly \$300,000 budget. In September 2015, HHA will have to begin paying the principal on its loan which will double monthly payments and make programs too expensive for people to participate. In order to purchase the building and the land, HHA needs to obtain \$2.74 million dollars.

The Homer Hockey Association (HHA) is a volunteer run, non-profit organization, one of a few in the USA. In 2012, HHA won the Alaska Recreation & Parks Association Outstanding Organization award. Volunteers contributed an estimated 14,000 volunteer hours in the 2013-14 season, representing a huge commitment of time and effort by our community. The Kevin Bell Arena hosts up to 800 users a week during the winter.

The Homer Ice Rink hosts many tournaments and events that bring commerce to the City of Homer, especially important during the winter when tourism is low. In the 2013-14 season, HHA hosted 12 separate events with a combined total of 194 games. These tournaments and jamborees brought over 1377 out of town players to Homer who often brought family and fans and spent money in the form of lodging, dining, food and merchandise purchases.

Plans & Progress: The mission of the Homer Hockey Association/Kevin Bell Arena is to cultivate on-ice recreation of all kinds, for all ages, on the Lower Kenai Peninsula. Homer Hockey Association is accomplishing this mission. Programs have been expanded over the years to include activities for all including: figure skating, hockey for adults and children, broomball, and a new curling program.

Revenue from fundraising, grants, and sponsorships is significant for the organization. Last year, HHA sponsored a seafood dinner, golf tournament, garage sale, and pie auction earning a total of \$13,883. Grants and sponsorships totaled \$68,289 and a raffle, which is mandatory for all of our members, earned \$23,834 for the 2013-14 season. This season, HHA is conducting some of the same fundraisers and pursuing a crowdfunding project to obtain contributions from a wider group, not just Homer residents. Every year since the Kevin Bell Arena opened in 2005, the HHA has operated within its budget.

Because of the dire financial situation and the extensive time commitment of the volunteer board, a financial task force was created to explore avenues to secure the rink's financial future. The grass roots campaign secured resolutions from the City of Homer and the Kenai Peninsula Borough and is presently circulating a petition to solicit support and inform Kenai Peninsula residents as well as ice sports supporters everywhere of our situation. Homer Hockey Association has been in contact with state and federal legislators about the rink's financial situation and are requested help in identifying possible funding sources.

Total Project Cost: \$2,740,000

Schedule: 2014-2015





Capital Improvement Long-Range Projects

The following projects have been identified as long-range capital needs but have not been included in the Capital Improvement Plan because it is not anticipated that they will be undertaken within the six-year period covered by the CIP. As existing CIP projects are funded or as other circumstances change, projects in the long-range list may be moved to the six-year CIP.

Local Roads

Fairview Avenue – Main Street to East End Road: This project provides for the design and construction of Fairview Avenue from Main Street to East End Road. The road is approximately 3,000 linear feet and the project will include paving, water and sewer mains, stub-outs, storm drains, and a sidewalk or trail. The project extends from the intersection of Main Street to the Homer High School, and finally to East End Road, and will provide an alternative to Pioneer Avenue for collector street access east/west across town. This roadway would benefit the entire community by reducing congestion on Pioneer Avenue, the major through-town road, and would provide a second means of access to the high school. It would also allow for development of areas not currently serviced by municipal water and sewer.

This improvement is recommended by the 2005 Homer Area Transportation Plan. Necessary right of way has already been dedicated by the Kenai Peninsula Borough across the High School property.

Cost: \$1.75 million Priority Level 3

Fairview Avenue – Main Street to West Hill Road: This project provides for the design and construction of Fairview Avenue from Main Street to West Hill Road. The road is approximately 4,200 linear feet and the project will include paving, water and sewer mains, stub-outs, storm drains, and a sidewalk or trail. In conjunction with the Fairview to East End Road project, this project will benefit the entire community by providing an alternative to Pioneer Avenue for collector street access east/west across town, thereby reducing congestion on Pioneer Avenue and developing alternative access for emergency vehicle response. The need for the road extension has increased markedly with the development of three major residential subdivisions in the area.

This improvement is recommended in the 2005 Homer Area Transportation Plan.

Cost: \$3 million Priority Level 3

Parks And Recreation

Beach Access from Main: This project will provide residents and visitors with coastal viewing stations and access to the beach at the southern end of Main Street, utilizing City-owned land. The project will enhance connectivity in Homer's developing trails and park system, providing additional access so that beachgoers can walk onto the beach at one point and off at another, on a loop through Old Town, Town Center, etc. For those not physically able to walk all the way to the beach, platforms near the roads will provide nice views and benches on which to relax. Interpretive signage could provide information on Homer history, beach formation, and other topics.

The Main Street beach access point is envisioned to have a small parking area, a viewing platform with a bench, and stairs with landings.

Cost: \$250,000 Priority Level 3



Capital Improvement Long-Range Projects

East Trunk/Beluga Lake Trail System: This project will create two connecting trails:

- The Beluga Lake Trail will partially encircle Beluga Lake with a raised platform trail that includes a wildlife observation site. The trail will connect neighborhoods and business districts on the north and south sides of the lake.
- The East Trunk Trail will provide a wide gravel pathway from Ben Walters Park east along the City sewer easement, along the north side of Beluga Lake (connecting with the Beluga Lake Trail), and eventually reaching East End Road near Kachemak City.

The completed trail system will connect Paul Banks Elementary School, the Meadowood Subdivision, and other subdivisions and residential areas to Ben Walters Park. It will additionally provide hiking, biking, and wildlife viewing opportunities around Beluga Lake. In addition, it will provide an important non-motorized transportation route.

The Beluga Lake Trail, a trail connection to Paul Banks Elementary School and East End Road are included in the 2004 City of Homer Non-Motorized Transportation and Trail Plan.

Cost: Beluga Lake Trail—\$1.5 M East Trunk Trail—\$2 M Priority Level 3

Horizon Loop Trail, Phase 1: The Homer Horizon Loop Trail is proposed as a four to five mile route that would run clockwise from Karen Hornaday Park up around the top of Woodard Creek Canyon, traverse the bluff eastward, and then drop down to Homer High School. The parking lots of Karen Hornaday Park and Homer High School would provide trailhead parking. Those wishing to complete the loop will easily be able to walk from the high school to Karen Hornaday Park or vice versa via Fairview Avenue. A later stage of trail development will connect the Horizon Loop Trail with the Homestead Trail at Bridge Creek Reservoir.

Cost: Staff Time Priority Level 3

Jack Gist Park Improvements, Phases 3: Jack Gist Park has been in development since 1998 on 12.4 acres of land donated to the City of Homer by a private landowner. As originally envisioned by the Jack Gist Recreational Park Association, this parcel was developed primarily for softball fields. The long-term goal is to acquire adjacent properties that will provide space for soccer fields. Phase 3 development will construct a plumbed restroom at the park and develop soccer fields.

Cost: \$400,000 Priority Level 3

Karen Hornaday Park Improvements, Phase 3: Phase 3 park improvements will include building a concession stand, shed, landscaping, signage, and revegetating Woodard Creek.

Cost: \$860,000 Priority Level 2

Mariner Park Improvements: This project will provide significant improvements to Mariner Park as called for in the park's master plan: Construct a bike trail from the "Lighthouse Village" to Mariner Park (\$325,000); Construct a pavilion, additional campsites, and interpretive kiosk (\$150,000); and improve the appearance of the park with landscaping (\$75,000).

Total: \$500,000 Priority Level 3



Capital Improvement Long-Range Projects

Public Restrooms – Homer Spit: With increased activity on the Homer Spit, the need for restroom facilities has also increased. The restroom at Ramp 2 is in poor condition and needs to be replaced.

Cost: \$295,000

Priority Level: 2

PUBLIC PROJECTS

Homer Conference Center: Homer is a popular visitor destination and the visitor industry is a critical component of the local economy. However, millions more dollars might be spent in Homer if a meeting facility large enough to attract conferences with several hundred participants was available. Currently, Homer has no facility capable of providing meeting space for groups of more than 180 people.

Homer's reputation as an arts community will help attract meetings and audiences if a facility exists to accommodate and showcase these events. The conference center, featuring banquet/ballroom space and flexible meeting space, will fill this need. If the facility is located in Homer's developing Town Center, other area businesses would also benefit from the increased number of visitors attending meetings at the conference center.

A conference center will increase Homer's ability to compete with other communities in that important niche of the visitor industry, and will also provide a venue for meetings and cultural events hosted by local organizations, such as the Kachemak Bay Writers Conference and Shorebird Festival events.

In partnership with the Homer Chamber of Commerce, the City of Homer commissioned a conference center feasibility study completed in summer 2005. The study predicts moderate demand from outside groups for a conference center in Homer. The Conference Center Feasibility Study Steering Committee made a formal recommendation that the City support efforts to encourage the construction of a conference center in Homer's Town Center. In August 2005, the Homer City Council passed Resolution 05-86(A) which recommends further consideration and authorizes the City Manager to pursue ideas and discussions that will increase the likelihood of a conference center being built in Homer.

Cost: \$5 million

Priority Level 3

Public Works Complex: The City of Homer Public Works complex on the Sterling Highway was constructed in phases from 1974-1986 (except for the recently completed large equipment storage shed). In 1980, Homer's population was 2,209. Since that time, the population has grown more than 150%, with a corresponding increase in roads, water/sewer lines, and other construction activity that requires employee and equipment time. The existing facility is no longer adequate to meet these needs and the problem will become more acute with continued growth.

A new Public Works complex will include the following:

- Increased office space to provide adequate room for employee work areas, files, supplies, and equipment storage
- Adequate space for Parks Division and Engineering staff and equipment
- A waiting area for the public, contractors, etc.
- A conference room that doesn't double as the employee break room
- A break room with adequate seating, storage, and locker space
- A laundry room
- A garage for the motor pool large enough to accommodate more than one or two projects at a time
- Improvements in ventilation throughout the facility and wiring for computer technology

Cost: Design—\$500,000

Construction—\$4,500,000

Priority Level 2



Capital Improvement Long-Range Projects

Homer Greenhouse: Homer’s growth in population and area, the importance of tourism to the local economy, and increased community requests for beautification illustrate the need for a new greenhouse capable of producing 100,000 plants annually. In addition to spring planting, the greenhouse can be used to grow hanging baskets for the Central Business District; poinsettias, etc. for the winter holiday season; and shrubs and trees for revegetation and park improvements. The greenhouse could also serve as a community resource for meetings, weddings, winter visits, etc.

Cost: \$400,000 Priority Level 3

Public Market Design and Financing Plan: This project will facilitate implementation of a recommendation in the City’s Comprehensive Economic Development Strategy discussed in both the “Agriculture” and “Downtown Vitalization” sections. It is also consistent with the goals of the Homer Town Center Development Plan and the Climate Action Plan. Specifically, the project will provide a permanent, weather-protected venue for the Homer Farmers Market in Town Center. The project will kick off development in the Town Center district, providing immediate benefits to downtown Homer and serving as a catalyst for further development.

Cost: \$60,000 Priority Level 3

UTILITIES

Spit Water Line – Phase 4: The existing Homer Spit water line is 40 years old and is constructed of 10-inch cast iron. In recent years it has experienced an increasing number of leaks due to corrosion. The condition has been aggravated by development on the Spit resulting in increased load from fill material on an already strained system. Phase 4 of this project consists of slip lining approximately 1,500 linear feet of water main to the end of the Spit. Slip lining the Homer Spit waterline, versus replacing, will reduce cost while ensuring an uninterrupted water supply for public health, fire/life safety needs, and expanding economic activities on the Spit. The City received a grant for the EPA for design of the project which was completed in fall of 2014.

Cost: \$400,000 Priority Level 3

Bridge Creek Watershed Acquisition: Currently, the Bridge Creek watershed is the sole source of water for Homer. To protect the watershed from development that could threaten the water supply and to ensure the availability of land for possible future expansion of water treatment operations within the watershed, the City seeks to acquire additional acreage and/or utilize conservation easements to restrict development that is incompatible with clean water.

Cost: \$1,000,000 Priority Level 3

Alternative Water Source: Currently Homer’s sole water source is the Bridge Creek Reservoir. Population growth within the city, increased demands for city water from residents outside city limits, increasing numbers of tourists and summer residents, and climate change that has reduced surface water availability are all factors in the need for a new water source to augment the existing reservoir.

Cost: \$16,750,000 Priority Level 3



Capital Improvement Long-Range Projects

West Hill Water Transmission Main and Water Storage Tank: Currently, water from the Skyline treatment plant is delivered to Homer via two transmission mains. One main (12-inch) is located along East Hill Road and delivers water to the east side of town. The other (8-inch) runs directly down to the center of town. A third transmission main is needed to deliver water to the west side of town, provide water to the upper West Hill area, and provide backup support to the two existing transmission mains. A new water storage facility is also needed to meet the demands of a rapidly growing community.

The addition of a third water transmission main has been identified in comprehensive water planning documents for over 20 years.

Cost: Design—\$500,000 Construction—\$4.5 M Priority Level 2

STATE PROJECTS

Ocean Drive Reconstruction with Turn Lane: Ocean Drive, which is a segment of the Sterling Highway (a state road) connecting Lake Street with the Homer Spit Road, sees a great deal of traffic, particularly in the summer, and has become a source of concern for drivers, bicyclists, pedestrians, and tour bus operators. This project will improve traffic flow on Ocean Drive and reduce risks to drivers, bicyclists, and pedestrians by creating a center turn lane, providing well-marked crosswalks, and constructing a separated bike path. The project will also enhance the appearance of the Ocean Drive corridor by moving utilities underground and providing some landscaping and other amenities.

Currently, a bicycle lane runs on the south side of Ocean Drive. However, it is common for cars and trucks to use the bicycle lane to get around vehicles which have stopped in the east-bound traffic lane in order to make a left turn. Some frustrated drivers swing around at fairly high speeds, presenting a significant risk to bicyclists and pedestrians who may be using the bike lane. In recent years, the Homer Farmers Market has become a popular attraction on the south side of Ocean Drive during the summer season, contributing to traffic congestion in the area. In addition, Homer is seeing more cruise ship activity which also translates into more traffic on Ocean Drive. All of these factors have led to increased risk of accidents.



Capital Improvement Appendices

- **CIP Development Schedule**
- **Resolution 14-093**
- **City of Homer Financing Assumptions**



Capital Improvement Appendices

**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



Capital Improvement Appendices

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**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

RESOLUTION 14-093

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

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

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

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

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

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

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

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

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

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



Capital Improvement Appendices

Page 2 of 2
RESOLUTION 14-093
CITY OF HOMER

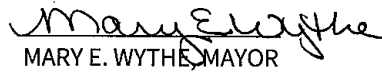
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ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER


MARY E. WYTHE, MAYOR



Capital Improvement Appendices

City of Homer Financing Assumptions: Capital Improvement Program

Implementation of the City of Homer Capital Improvement Plan requires utilization of various financing mechanisms. Financing mechanisms available to the City of Homer include:

- Federal grants or loans
- State grants or loans
- General obligation bonds
- Limited obligation bonds
- Revenue bonds
- Special assessment bonds
- Bank loans
- Pay as you go
- Private sector development agreements
- Property owner contributions
- Lease or lease–purchase agreements

The use of any of the financing mechanisms listed above must be based upon the financial capability of the City as well as the specific capital improvement project. In this regard, financing the CIP should take into consideration the following assumptions:

1. The six-mill property tax limitation precludes utilizing General Fund operating revenue to fund major capital improvements. Available revenue should be utilized to fund operation and maintenance activities.
2. The operating revenue of enterprise funds (Port & Harbor, Water & Sewer) will be limited and as such, currently only fund operation and maintenance activities.
3. The utilization of Federal and State grants will continue to be significant funding mechanisms. Grants will be pursued whenever possible.
4. The 1½ percent sales tax approved by voters of Homer for debt service and CIP projects is dedicated at ¾ percent to sewer treatment plant debt retirement, with the remaining balance to be used in water and sewer system improvement projects, and ¾ percent to the Homer Accelerated Roads and Trails (HART) Program.
5. The HART Program will require property owner contributions of \$30 per front foot for road reconstruction, with an additional \$17 per front foot for paving.
6. The Accelerated Water and Sewer Program will require substantial property owner contributions through improvement districts/assessment funding, set currently at 75 percent.
7. The private sector will be encouraged to finance, construct, and operate certain nonessential capital improvements (e.g., overslope development).
8. The utilization of bonds will be determined on a project-by-project basis.
9. The lease and/or lease–purchase of capital improvements will be determined on a project-by-project basis.



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2. Multi-Use Community Center.....3

Projects Submitted by Other Organizations

3. Homer Senior Citizens, Inc. Alzheimer’s Unit.....4

PROPOSED NEW PROJECT - DRAFT



Boat House Pavilion and Plaza on the Homer Spit

Project Description & Benefit: The Homer Spit is one of our community's greatest treasures. It serves as an economic hub for maritime and retail activities, provides unsurpassed recreational opportunities, contains important habitat for fish and wildlife, and serves as a gateway to countless visitors. Recent improvements to the Spit, including the expanded trail, new docks, public art, and new restrooms, have added tangibly to the quality of life and of the visitor experience in Homer. Now, the impending removal of the old Harbormaster's Office provides an important opportunity to build off the excitement and momentum of those improvements by redeveloping the old Harbormasters Office site and the surrounding land.

The old Harbormaster's office lies near the tops of Harbor Ramps 1-3, an area of the Spit that teems with pedestrians, vehicles, retail shops, restaurants, commercial fishing activities, charter boat and tour operations, and constant visitors to the public restrooms. This project will redevelop this area to increase pedestrian safety, calm traffic, improve dilapidated restrooms and other facilities (e.g. waste and recycling), and add a new resource to the Spit: a public pavilion—called the "Boat House." The Boat House, a maritime pavilion, would be a community gathering space, destination for visitors, and attractive reference point on the Spit. It would be a resource for boat owners, harbor users, charter boat operations, cruise ship passengers, Spit trail users, and anyone else on the Spit. The Boat House would provide a needed public space to get out of the weather, be a staging area for people and gear, offer a scenic view of the Harbor, and be a striking monument to Homer's rich maritime traditions and ways of life.

This project meets important goals laid out in the 2011 Spit Comprehensive Plan, which addresses the need for a gathering space, "attractive shelter," and "central plaza." In addition, this project addresses the long term goal of over slope development around the Harbor. An attractive pavilion and plaza would help catalyze development of additional retail facilities on the Spit, particularly through over slope development around the busiest area of the Harbor. And by keeping people longer on the Spit, it would boost economic activity. Ongoing costs would be kept at a minimum through careful design, low maintenance landscaping, etc. This project will be carried out in phases:

Phase I: Boat House Pavilion Phase II: Pedestrian Plaza, Landscaping, and Remodel of Existing Restrooms Phase II: Over slope Development

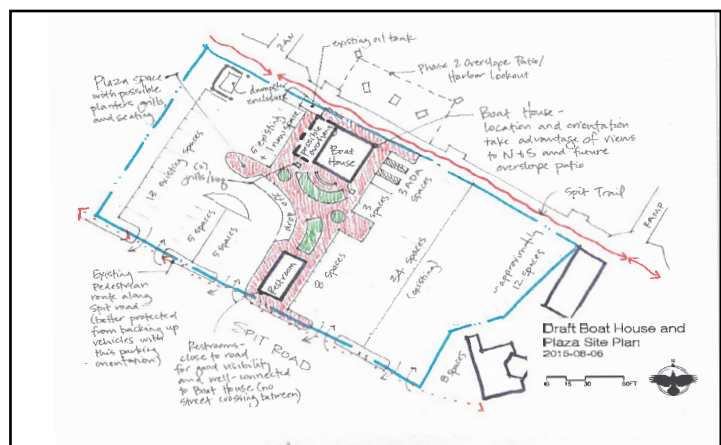
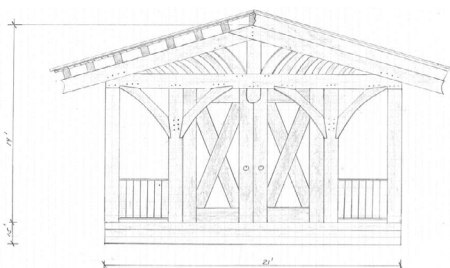
Plans & Progress: The Boat House Committee (BHC), a volunteer group comprised of a maritime business owner, former co-coordinators of the Homer Playground Project, and others, has come together to spearhead design, fundraising, and construction efforts for the Boat House. They have formed the Boat House Crew—preliminary supporters of the idea (see attached flyer for Crew list). The BCH is in conversation with the Homer Foundation to serve as fiscal agent to Phase I of this project, should the City of Homer give the go-ahead.

The BHC recruited Corvus Design to prepare a preliminary Draft Site Plan of the area (see attached). In addition to meeting with City Manager Katie Koester and Assistant City Manager Patrick Lawrence, the BHC has presented the idea to Bryan Hawkins, Homer Harbormaster; Carey Meyer, Director of Public Works; and the Port and Harbor Advisory Commission. The group has encountered general support for the idea.

Phase I Project Cost: \$210,000

Priority Level:

Schedule: 2016



PROPOSED NEW PROJECT - DRAFT



Multi- Use Community Center

Project Description & Benefit: This project would be the first step in designing and constructing a Multi-Use Community Center to provide adequate space for many different functions. There are continuous demands and requests for indoor space for educational and recreational programs activities, a large gathering space for hosting conferences, weddings, community meetings, and private rentals. The City of Homer’s 2015 Parks, Art Recreation and Culture (PARC) Needs Assessment has identified this project and need for indoor space as a significant future investment for the community. The identified needs include a general-purpose gymnasium and a multi-purpose space for safe walking/running, dance, martial arts, performing arts, community events and dedicated space for youth.

The needs assessment included a statistically valid survey question asking the community’s interest for constructing and funding an \$18 million facility. The response showed that 30% of respondents agreed with the statement that this facility is a priority in the next 5 years, and an additional 27% responded its a priority in the next 5-10 years. This facility would draw additional year round programs and events to Homer, contribute to the local economy by attracting additional visitors and businesses, and would be an incentive for families to relocate to Homer. The success of this project requires sound capital and ongoing operations funding.

Plans & Progress: The first step is to complete a reconnaissance or a preliminary research of the size and type of facility, estimated total cost, and ongoing funding mechanisms.

Total Project Cost: \$500,000

Priority Level: 2

Schedule: 2017



City of Unalaska Community Center is the hub of community activities. Located in the center of town, the Community Center is widely used by residents of and visitors to the island. The Community Center has everything from a cardio and weight room to music and art areas.

PROPOSED NEW PROJECT - DRAFT



Homer Senior Citizens Inc. Alzheimer's Unit

PROPOSED NEW PROJECT - DRAFT

Project Description & Benefit: Seniors are the fastest growing population for the State of Alaska. Homer is projected as the second city in the state which will see the most significant growth in this demographic. Homer Senior Citizens operates a 40 bed assisted living facility. We have sent four seniors from our community due to Alzheimer's disease in the past four years. Losing one senior a year is unacceptable as it tears away the fabric of our community. All of the seniors have families remaining in the Homer community.

In order to maintain the health of a senior, a full continuum of care is required. Maintaining physical, mental and social capacity supports the dignity of our most vulnerable adults. HSC Alzheimer's Unit has been a strategic priority for the Board of Directors to keep our seniors home in the community. Work on the Certificate of Need is in progress.

The Alzheimer's Unit will include fifteen beds and 24/7 nursing care. Additionally we will include a memory care unit to maintain the existing cognitive capacity. Specific features for therapy pool and activities room which will be open to all seniors 55 and older. The activities room will be stage 2 of the project and will incorporate low-impact exercise equipment to maintain senior's physical capacity. This also opens up the possibility to contract with South Peninsula Hospital for use of the therapy pool for other age groups benefiting the entire population of Homer.

We will be holding many fundraising events to secure the match for foundation grants. We have identified three foundations which funds for this type of project are acceptable. One of the priorities for scoring of the grants is Capital Improvement Plan designation.

Operating funds will be secured from "fees for service," room and board; billing for Physical Therapy in both the therapy pool and the exercise program in the activities room (once stage 2 has been completed); and, fees for contracted space for equipment and pool.

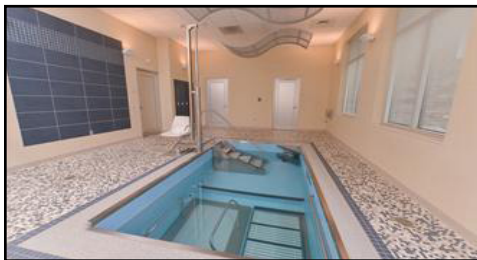
Plans & Progress: HSC has met with Hydro Worx to incorporate the Therapy Pool with the Alzheimer's Unit. Projected 5 year profit will be approximately 1,508,600. This does not include contractual arrangements with third party vendors.

We are in the initial stages of fundraising for the Unit. Fundraising activities include hosting "Backing out of Time" Alzheimer's documentary at the Homer Theatre and will be hosting a Wine/Beer Tasting event at the Beluga Lake Lodge in August, 2015. Staff is completing the State of Alaska Certificate of need at this time

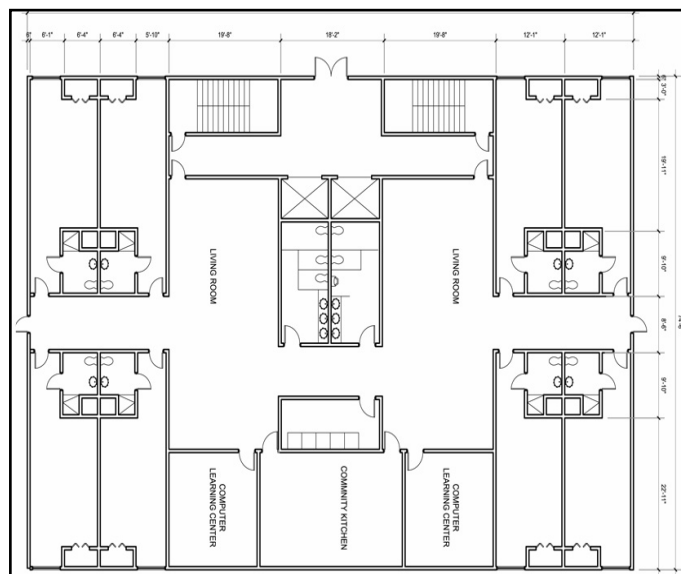
Total Project Cost: \$3,000,000

Priority Level:

Schedule: 2016



HydroWorx Pool Room .



1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 RESOLUTION 15-085
6

7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
8 SALE OF THE WADDELL WAY CABINS TO THE HIGHEST BIDDER
9 OF HOMER, ALASKA, IN THE AMOUNT OF THE HIGHEST BID AND
10 AUTHORIZING THE CITY MANAGER TO EXECUTE THE
11 APPROPRIATE DOCUMENTS.
12

13 WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
14 advertised in the Homer Tribune on September 9 and 16, 2015 and posted on the Clerk's
15 home page; and
16

17 WHEREAS, Bids were due by 2:00 p.m. on Thursday, September 24, 2015 and _____
18 bids were received by the City Clerk's Office; and
19

20 WHEREAS, the highest responsive bid received was from the highest bidder in the
21 amount of the highest bid (see Memorandum 15-xxx); and
22

23 WHEREAS, The highest bidder was determined to be the high responsive bidder:
24 award of the bid was determined by the Public Works Director to be in the best interest of the
25 City ; and
26

27 WHEREAS, This award is not final until written notification is received by the highest
28 bidder.
29

30 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
31 the sale of the Waddell Way Cabins to the highest bidder, in the amount of the highest bid and
32 authorizes the City Manager to execute the appropriate documents.
33

34 PASSED AND ADOPTED by the Homer City Council this 28th day of September, 2015.
35

36 CITY OF HOMER
37

38
39 _____
40 MARY E. WYTHER, MAYOR
41
42

43 ATTEST:

44

45

46 _____

47 JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: 151-7002 (\$_____) Waddell Way Road Improvement Project



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 15-160

TO: Mary K. Koester, City Manager

FROM: Carey Meyer, Public Works Director

DATE: September 25, 2015

SUBJECT: **Award of Waddell Way Cabins Sale**

The City Council passed Ordinance 15-30 on August 24 which authorized the purchase of the Waddell property to acquire necessary right-of-way for the proposed Waddell Way Road Improvement project. On September 8, the City closed on the sale of the property and obtained possession of the land and the cabins that exist on the property.

Public Works (in accordance with the Procurement Policy) prepared a surplus sale bid package and advertised in the Homer Tribune, September 9 and 16 for the sale of the cabins. A pre-bid site visit for potential bidders was held on September 17.

Bids were received on September 24. ___ bids were received as shown below:

	Bid for All 9 Cabins	Bid for single cabin
Individual #1	_____	_____
Individual #2	_____	_____
Individual #3	_____	_____
Individual #4	_____	_____
Individual #5	_____	_____

Public Works has reviewed the bids and makes the following sale award recommendation (based on the City's best interest):

Recommendation: The City Council pass a resolution awarding the sale of the Waddell Way Cabins to Individual # of Homer, Alaska, in the amount of \$_____ and authorizes the City Manager to execute the appropriate documents.

Fiscal Note: 151-7002 (\$_____) Waddell Way Road Improvement Project

INVITATION TO BID
By the City of Homer, Alaska, on the
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>

The City's local bidder's 5% preference requirements apply. The work includes, but is not limited to the following:

Purchase, remove, and take ownership of one or more cabins located at 3755 Waddell Way (near the intersection of Heath Street and Grubstake Avenue).

A pre-bid site visit will be held on Thursday, September 17, 2015 at 10:00 am at the cabin site to allow potential bidders to access the cabins and have questions regarding the surplus sale answered.

Please direct all technical questions regarding this project to: Carey Meyer, City of Homer, Public Works Department, 3575 Heath Street, Homer, Alaska 99603 (907) 235-3170

An electronic copy of Plans and Specifications is available on the City's website <http://www.cityofhomer-ak.gov/rfps> or you may purchase hard copies at the Office of the City Clerk upon payment of \$85 per set (\$140 for overnight delivery). All fees are non-refundable. The City of Homer reserves the right to accept or reject any or all bids, to waive irregularities or informalities in the bids, and to award the contract to the lowest responsive bidder.

DATED this 3rd day of September, 2015.

CITY OF HOMER


Katie Koester, City Manager

Publish: Homer Tribune September 9 and 16, 2015

Fiscal Note: 151-7002

Surplus Sale Conditions and Bid Documents

Nine Waddell Way Cabins and Storage Shed

The City of Homer owns nine cabins and a storage building located at 3755 Waddell Way, has no use for the cabins/storage building, and wishes to sell the cabins and storage building, and have them removed. Attached is a site plan showing cabin and storage building locations and photos of the cabins/storage building.

The contents of the cabins will not be part of the sale. Content is defined as furniture, appliances, bedding, towels, and wall hangings. Persons interested in purchasing these items should contact Al and Jan Waddell at (602) 621-1384.

Persons interested in purchasing, removing and taking ownership of one or more cabins or the storage building can submit bids to the City using the attached bid form. Bids are due and will be publicly opened and read on Thursday, September 24 at 2:00 pm in the City Council Chambers. See the Bid Advertisement for bidding requirements. A 5% bid bond will be required. No performance or payment bond will be required.

Basis of Bid Award:

The City will award this project in a manner that is in the best interest of the City. The City has two interests 1) to expeditiously and effectively have all structures removed from the site, and 2) maximize revenue. Interest 1 above is the first priority.

If there is sufficient interest from multiple bidders to purchase individual structures, the City may award to multiple bidders based on the highest bid for each structure. If there is not sufficient interest (for example - individual bids are received for only some of the structures); the award may be made based on the highest bid submitted by one individual for all the structures.

The City of Homer reserves the right to accept or reject any or all bids, to waive irregularities or informalities in the bids, and award based on what is in the City's best interest.

Schedule:

Bids Due	September 24
Council Approval	September 28
Notice to Proceed	September 29
All Structures Removed	October 30

City/Purchaser Responsibilities:

The City will be responsible for:

- 1) Shutting off power, water and sewer service to the site.
- 2) Providing access to the site.
- 3) Provide temporary laydown/storage area if required.
- 4) Removal of on-site propane tank.
- 5) Final clean-up of the site.

The Purchaser will be responsible for:

- 1) Removing and taking ownership of the on-site building structures as outlined below:

Cabin 1 (16' x 24') – Ownership and removal responsibility includes cabin, front stairs, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, south half of fence between adjacent cabin, foundation including pre-cast concrete foundation slabs (2).

Cabin 2 (16' x 24') – Ownership and removal responsibility includes cabin, front access ramp, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, south half of fence between adjacent cabin, foundation including pre-cast concrete foundation slabs (2).

Cabin 3 (16' x 24') – Ownership and removal responsibility includes cabin, front stairs, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, south half of fence between adjacent cabin, foundation including pre-cast concrete foundation slabs (2).

Cabin 4 (16' x 24') – Ownership and removal responsibility includes cabin, front stairs, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, south half of fence between adjacent cabin, foundation including pre-cast concrete foundation slabs (2).

Cabin 5 (16' x 24') and Storage Building (16' x 20') – Ownership and removal responsibility includes cabin and storage building, front stairs, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, foundation including pre-cast concrete foundation slabs (2). (Note: the storage building and the cabin share a common wall).

Cabin 6 (16' x 24') – Ownership and removal responsibility includes cabin, front access ramp, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, foundation including pre-cast concrete foundation slabs (2).

Cabin 7 (16' x 24') – Ownership and removal responsibility includes cabin, front stairs, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, foundation including pre-cast concrete foundation slabs (2).

Cabin 8 (16' x 24') – Ownership and removal responsibility includes cabin, front stairs, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, foundation including pre-cast concrete foundation slabs (2).

Cabin 9 (16' x 24') – Ownership and removal responsibility includes cabin, front stairs, the deck and deck roof (including half of the deck between the adjacent cabin, roof drain discharge piping, foundation including pre-cast concrete foundation slabs (2).

- 2) Disconnecting the structure from the on-site power, water and sewer system. Cap (water tight) exposed electrical conduit, and water and sewer services.
- 3) Show proof of insurance by the person who will move the structure(s) as shown below:

The successful bidder(s) shall provide the following types of insurance prior to starting structure removal work. All Insurance Certificates shall name “City of Homer, Alaska” as an additionally insured party. Contractor will also include a provision that the City of Homer will not be liable for damages or claims from damages arising from the bidder’s performance or activities in connection with work.

<u>Comprehensive General Liability</u>	<u>Minimum Limits</u>
Single Limit	\$1,000,000
Aggregate	\$2,000,000
<ul style="list-style-type: none"> • Bodily Injury & Property Damage Liability • Premises Operations • Broad Form Property Damage • Personal Injury 	

<u>Comprehensive Automobile Liability</u>	<u>Minimum Limits</u>
Bodily Injury and Property Damage, including All owned, hired and non-owned vehicles	\$1,000,000

Bid Schedule
Surplus Sale - Waddell Way Cabins and Storage Shed

Bid for Cabin 1 (16' x 24'): \$ _____
In Numbers (Lump Sum)

Bid for Cabin 2 (16' x 24'): \$ _____
In Numbers (Lump Sum)

Bid for Cabin 3 (16' x 24'): \$ _____
In Numbers (Lump Sum)

Bid for Cabin 4 (16' x 24'): \$ _____
In Numbers (Lump Sum)

Bid for Cabin 5 (16' x 24') and Storage Building (16' x 20') \$ _____
In Numbers (Lump Sum)

Bid for Cabin 6 (16' x 24'): \$ _____
In Numbers (Lump Sum)

Bid for Cabin 7 (16' x 24'): \$ _____
In Numbers (Lump Sum)

Bid for Cabin 8 (16' x 24'): \$ _____
In Numbers (Lump Sum)

Bid for Cabin 9 (16' x 24'): \$ _____
In Numbers (Lump Sum)

TOTAL: \$ _____
In Numbers (Lump Sum)

Name of Firm or Individual: _____
Typed or Printed Name

Address of Firm or Individual: _____

Authorized Signature: _____

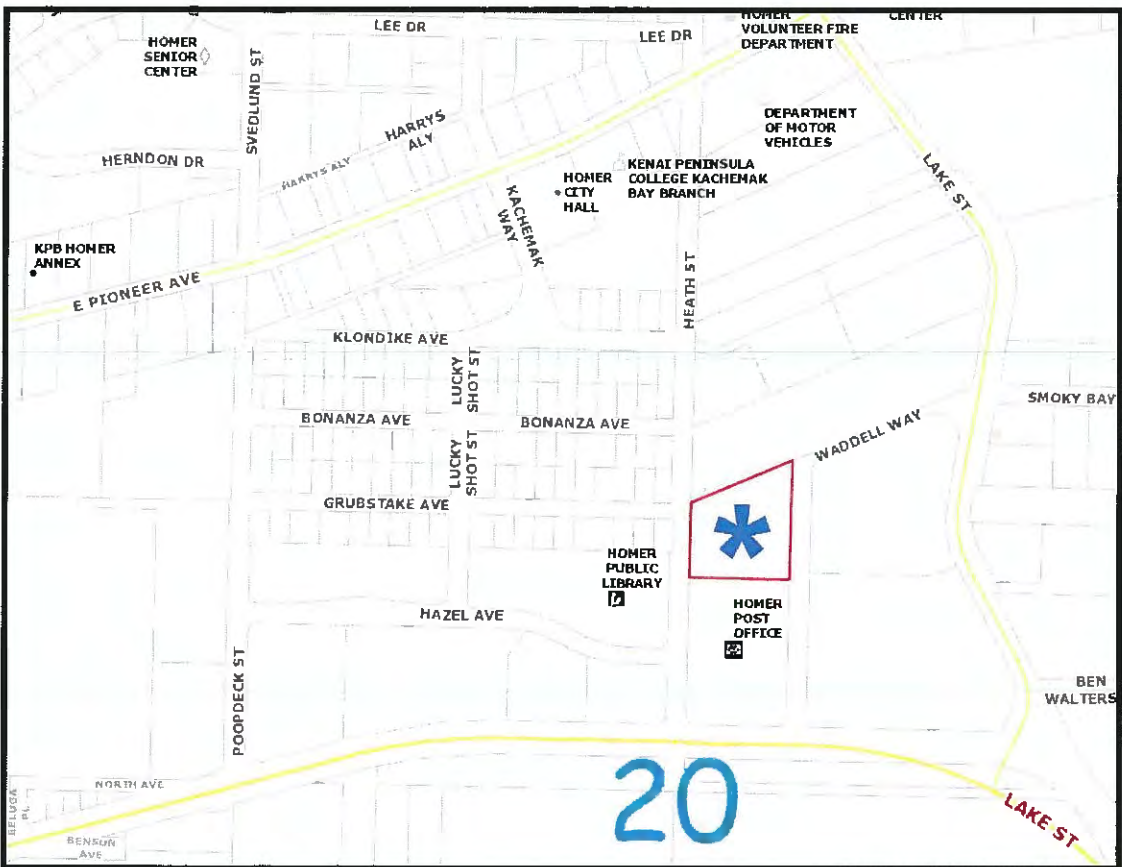
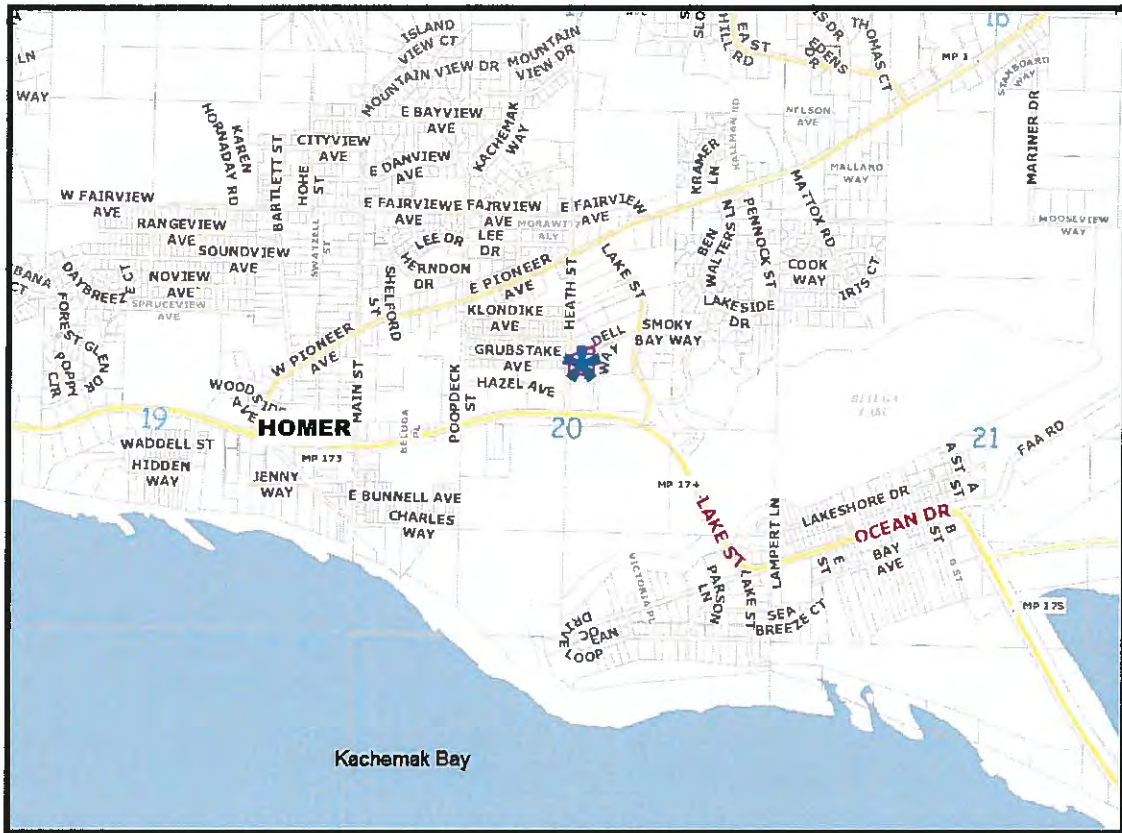
Name of Signatory: _____
Typed or Printed

Title of Signatory: _____

Date of Bid: _____

SUBJECT LOCATION MAPS

Borrower: N/A File No.: 13668
Property Address: 3755 Waddell Way Case No.:
City: Homer State: AK Zip: 99603
Lender: Client: City of Homer Public Works



SUBJECT AERIAL PHOTOS

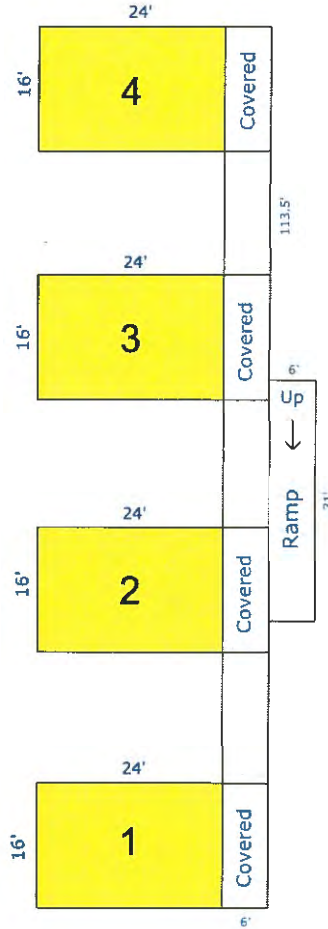
Borrower: N/A File No.: 13668
Property Address: 3755 Waddell Way Case No.:
City: Homer State: AK Zip: 99603
Lender: Client: City of Homer Public Works



FLOORPLAN SKETCH

Borrower: N/A File No.: 13668
 Property Address: 3755 Waddell Way Case No.:
 City: Homer State: AK Zip: 99603
 Lender: Client: City of Homer Public Works

West cabins



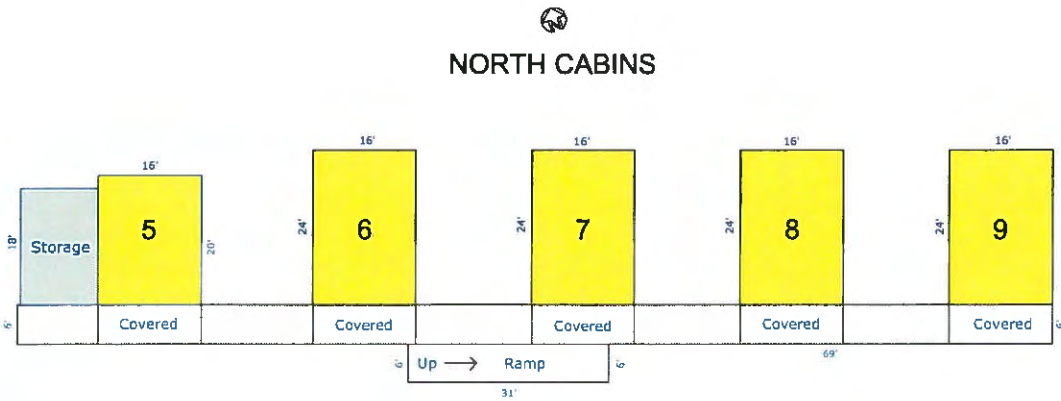
Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY				BUILDING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GBA1	Cabin 1	384.00	1536.00	Cabin 1		384.00
	Cabin 2	384.00		16.0 x 24.0		
	Cabin 3	384.00		16.0 x 24.0		
	Cabin 4	384.00		16.0 x 24.0		
P/P	West boardwalk	867.00	867.00	Cabin 1	16.0 x 24.0	384.00
				Cabin 2	16.0 x 24.0	384.00
				Cabin 3	16.0 x 24.0	384.00
				Cabin 4	16.0 x 24.0	384.00
	Net BUILDING Area	(rounded)	1536	4 Items	(rounded)	1536

FLOORPLAN SKETCH

Borrower: N/A File No.: 13668
 Property Address: 3755 Waddell Way Case No.:
 City: Homer State: AK Zip: 99603
 Lender: Client: City of Homer Public Works



Sketch by Apex Sketch v5 Standard™

Comments:

AREA CALCULATIONS SUMMARY				BUILDING AREA BREAKDOWN		
Code	Description	Net Size	Net Totals	Breakdown		Subtotals
GBA1	Cabin 6	384.00	1856.00	Cabin 6		384.00
	Cabin 7	384.00		16.0 x 24.0		
	Cabin 8	384.00		16.0 x 24.0		
	Cabin 9	384.00		16.0 x 24.0		
	Cabin 5	320.00		16.0 x 24.0		
P/P	North boardwalk	1152.00	1152.00	Cabin 9	16.0 x 24.0	384.00
OTR	Storage	216.00	216.00	Cabin 5	20.0 x 16.0	320.00
Net BUILDING Area		(rounded)	1856	5 Items	(rounded)	1856

SUBJECT PHOTOS - Page 2

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Looking south at the rear of the west cabins. The rear and sides of the cabins could use surface preparation and new oil or stain.



Looking east at rear of the north cabins



Looking northeast from the parking area toward the north cabins



Looking west from the parking area. The north cabins are on the right, the west cabins on the left.

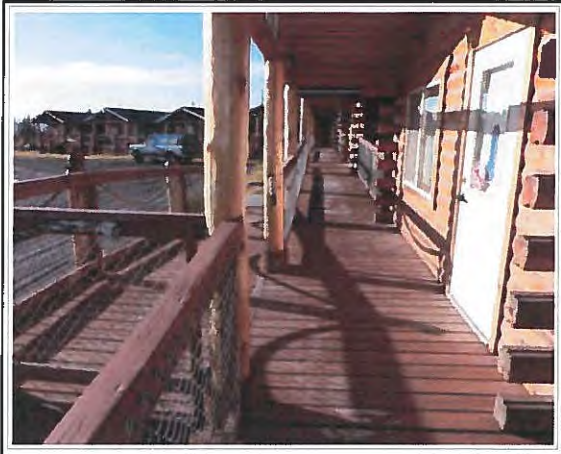


Looking west from the parking area toward the west cabins

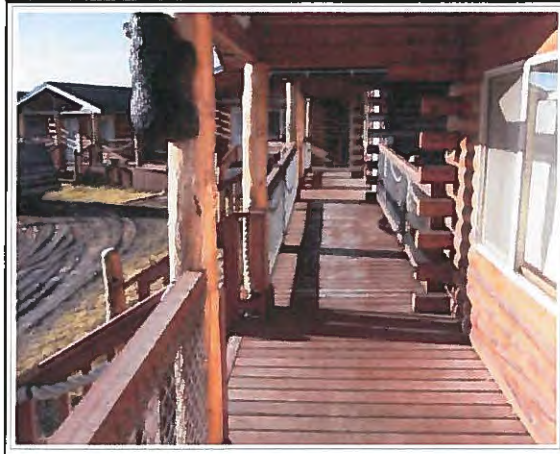


351 The north cabins

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Looking west from the north boardwalk



Looking west from the north boardwalk



Cabin 1



Cabin 1



Cabin 1



352 Cabin 1

SUBJECT PHOTOS - Page 4

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Cabin 1



Cabin 1 LP-gas unit heater



Cabin 1



Cabin 1



Cabin 2



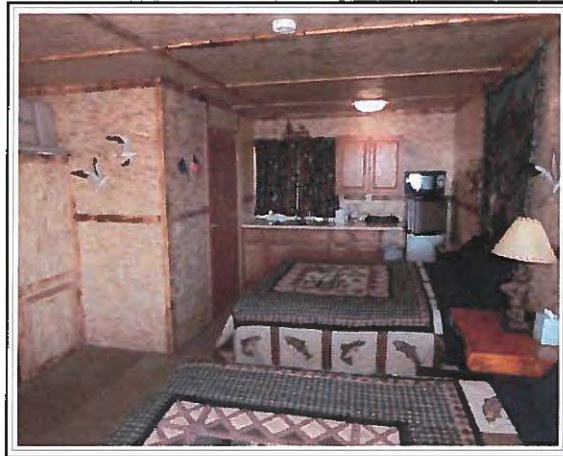
353 Cabin 2

SUBJECT PHOTOS - Page 5

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Cabin 2



Cabin 2



Cabin 2



Cabin 2



Cabin 2



Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



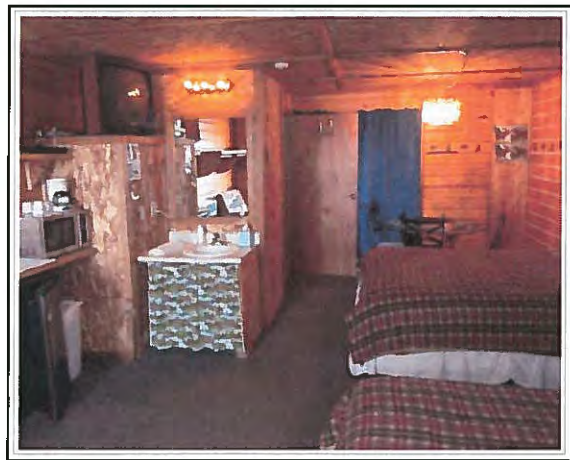
Cabin 3



Cabin 3



Cabin 3



Cabin 3



Cabin 3



355
Cabin 3

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Cabin 4



Cabin 4



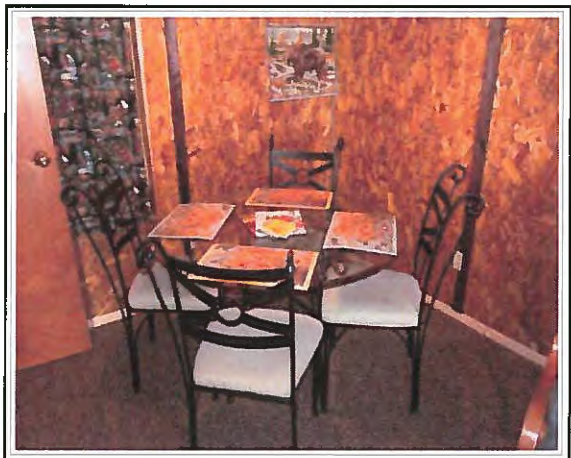
Cabin 4



Cabin 4



Cabin 4 LP-gas unit heater



356
Cabin 4

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Cabin 4



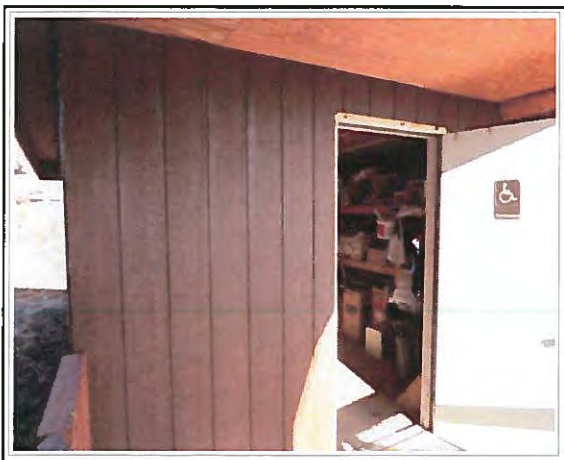
The 12' x 18' storage shed between Cabins 4 and 5. This was added since March, 2013.



Storage shed (northwest side)



Storage shed (north side)



Storage shed (south side)



357 Storage shed interior

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Cabin 5



Cabin 5



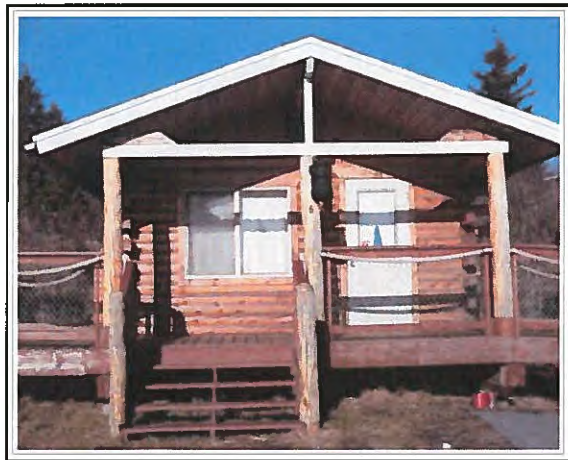
Cabin 5



Cabin 5



Cabin 5



358 Cabin 6

SUBJECT PHOTOS - Page 10

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Cabin 6



Cabin 6



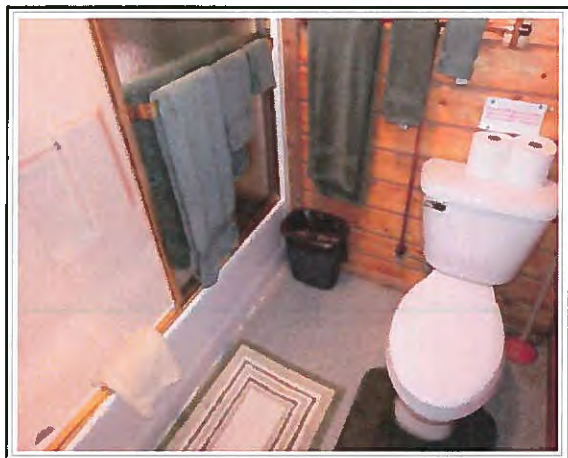
Cabin 6



Cabin 6

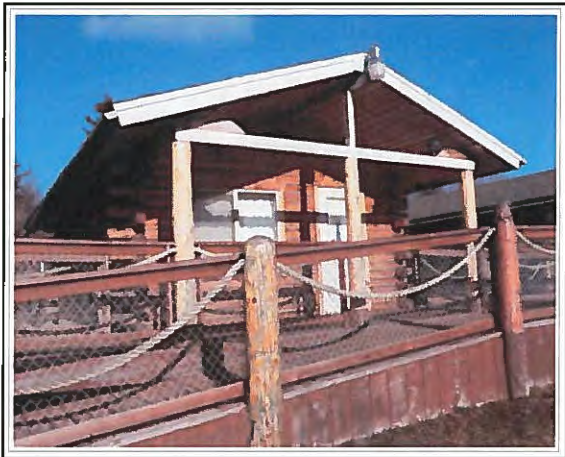


Cabin 6



359
Cabin 6

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



Cabin 7



Cabin 7



Cabin 7



Cabin 7



Cabin 7



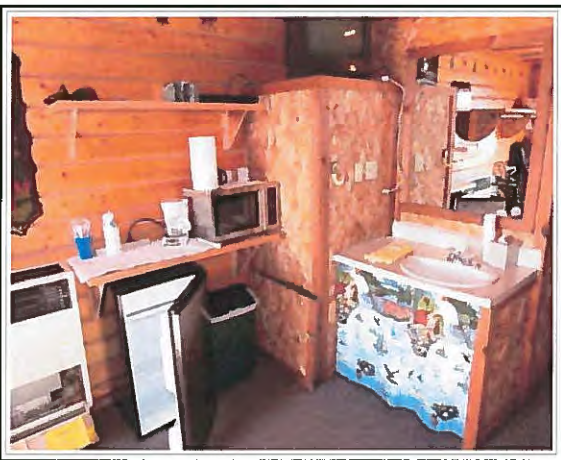
Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



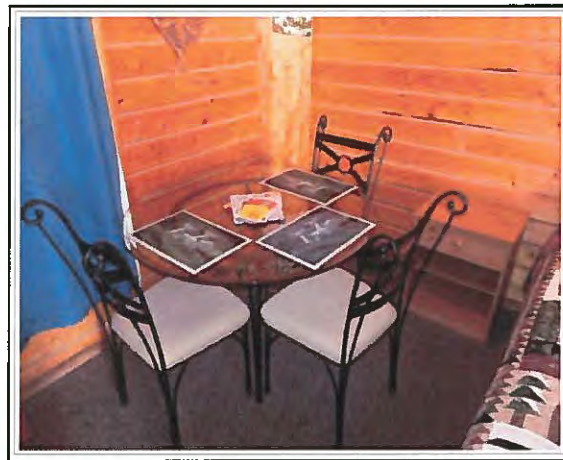
Cabin 8



Cabin 8



Cabin 8



Cabin 8



Cabin 8



361 Cabin 9

SUBJECT PHOTOS - Page 13

Borrower: N/A	File No.: 13668	
Property Address: 3755 Waddell Way	Case No.:	
City: Homer	State: AK	Zip: 99603
Lender: Client: City of Homer Public Works		



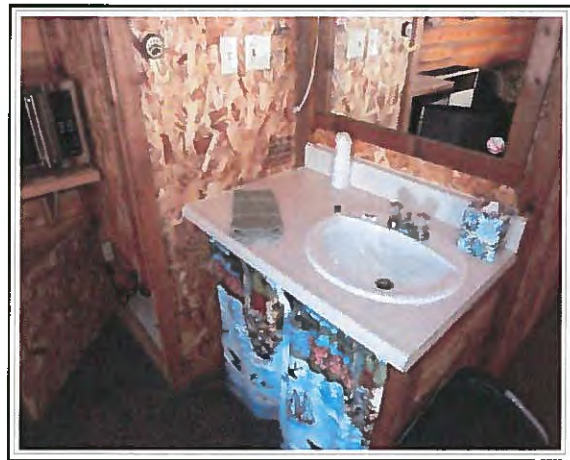
Cabin 9



Cabin 9



Cabin 9



Cabin 9



Cabin 9



362 The foundations consist of concrete pads that support the steel frames under the cabins

Borrower: N/A	File No.: 13668
Property Address: 3755 Waddell Way	Case No.:
City: Homer	State: AK
Lender: Client: City of Homer Public Works	Zip: 99603



The underside of the floors have sprayed-in urethane foam insulation.



Each cabin has an individual curb stop for the city water line



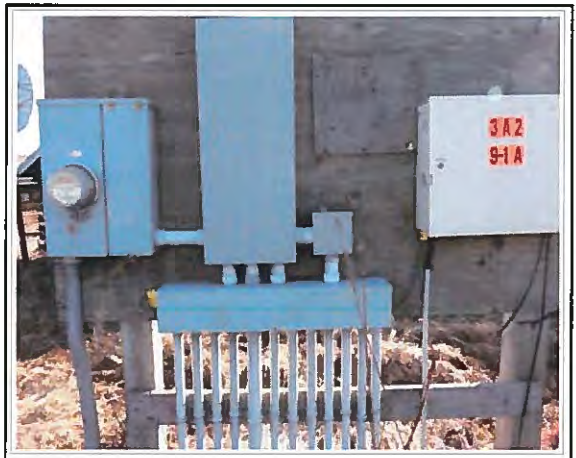
Sewer lines are stubbed in for two additional cabins



Sewer lines for additional cabins



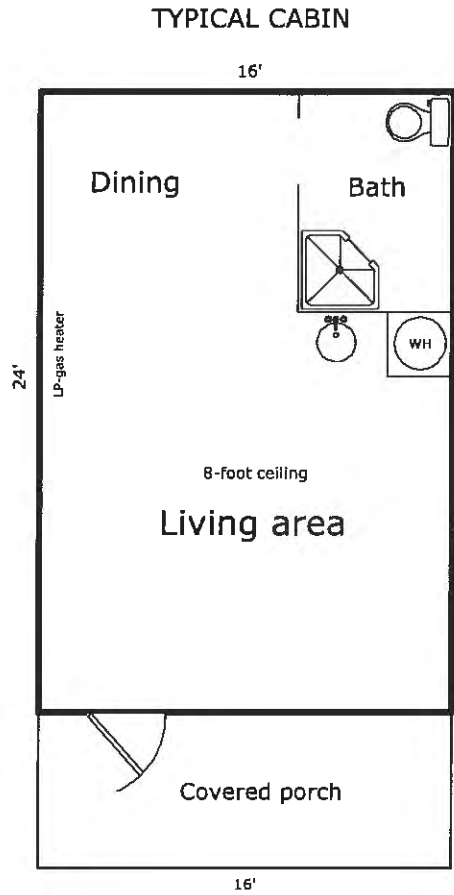
Water line for additional cabins



363 Electric meter and distribution panel. Each cabin has separate electric service that is home-run from this panel.

FLOORPLAN SKETCH

Borrower: N/A File No.: 13668
 Property Address: 3755 Waddell Way Case No.:
 City: Homer State: AK Zip: 99603
 Lender: Client: City of Homer Public Works



Sketch by Apex Sketch v6 Standard™

Comments:

AREA CALCULATIONS SUMMARY

Code	Description	Net Size	Net Totals
GL/L	Typical cabin	384.00	384.00
P/P	Cov porch	96.00	96.00

LIVING AREA BREAKDOWN

Breakdown	Subtotals
Typical cabin 16.0 x 24.0	384.00

Net LIVABLE Area (rounded) 384 1 Item (rounded) 384

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 15-086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY ON _____, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION TO SUSPEND THE DEDICATION OF 0.75% OF THE CITY SALES TAX TO THE HOMER ACCELERATED ROADS AND TRAILS (H.A.R.T.) PROGRAM FOR A PERIOD OF FIVE YEARS.

WHEREAS, Due to a decline in revenues, particularly from the State of Alaska, the City faces a budget deficit in the present and future fiscal years; and

WHEREAS, Suspending the dedication of 0.75% of the City sales tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program for a period of five years would increase revenues for general government purposes and resolve the budget deficit during that period, without increasing the overall level of City taxation; and

WHEREAS, The dedication of 0.75% of the City sales tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program was authorized by the voters, and should not be suspended until ratified by a majority of the voters at an election; and

WHEREAS, It is necessary to call a special election to seek voter approval of the suspension of the dedication of 0.75% of the City sales tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program in time to implement the suspension, if approved, no later than the beginning of the first quarter of 2016.

NOW, THEREFORE, BE IT RESOLVED that a special election in and for the City is called for _____, at which there shall be submitted to the qualified voters of the City a proposition for suspension of the dedication of 0.75% of the City sales tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program for a period of five years.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to prepare for and conduct the special election in accordance with the City Code.

PASSED AND ADOPTED by the Homer City Council on this ____ day of October, 2015.

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ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Revenues to be determined.

CITY OF HOMER

MARY E. WYTHE, MAYOR

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

