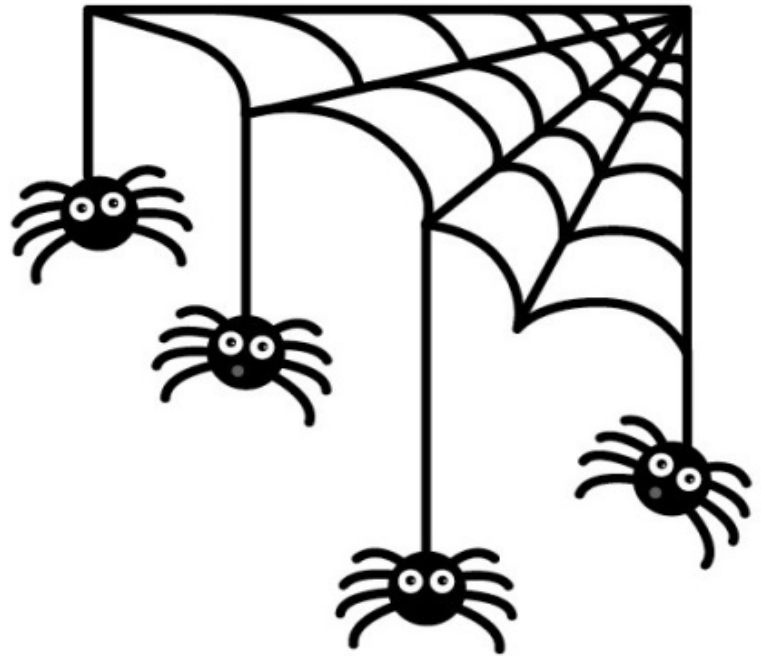


City Council  
October 26, 2015  
Monday



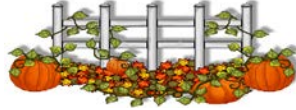
Committee of the Whole 5:00 P.M.  
Regular Meeting 6:00 P.M.

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

Produced and  
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## October/November 2015

- Monday 26<sup>th</sup>:**                    **CITY COUNCIL**  
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Wednesday 28<sup>th</sup>:**            **PORT AND HARBOR ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Tuesday 3<sup>rd</sup>:**                    **RUNOFF ELECTION**  
Polls open at 7:00 a.m. and close at 8:00 p.m.
- Wednesday 4<sup>th</sup>:**                **PLANNING COMMISSION**  
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- PUBLIC SAFETY BUILDING REVIEW COMMITTEE**  
Meeting 5:30 p.m.
- Friday 6<sup>th</sup>:**                        **CANVASS BOARD**  
2:00 p.m.
- Monday 9<sup>th</sup>:**                       **CITY COUNCIL**  
Special Meeting 5:00 p.m. (Oath of Office)
- TOWN HALL**  
5:30 p.m.
- Tuesday 10<sup>th</sup>:**                   **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Wednesday 11<sup>th</sup>:**               **CITY OFFICES CLOSED IN OBSERVANCE OF VETERANS DAY**
- Thursday 12<sup>th</sup>:**                 **PUBLIC ARTS COMMITTEE**  
Worksession 4:00 p.m. and Regular Meeting 5:00 p.m.
- PERMANENT FUND COMMITTEE**  
Regular Meeting 5:15 p.m.
- Monday 16<sup>th</sup>:**                     **ABSENTEE VOTING OPENS**  
For the Special Election on December 1<sup>st</sup>

**Thursday 19<sup>th</sup>:                    PARKS AND RECREATION ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.

**Monday 23<sup>rd</sup>:                    CITY COUNCIL**  
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m.,  
and Regular Meeting 6:00 p.m.

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

**MAYOR AND CITY COUNCILMEMBERS AND TERMS**

**BETH WYTHER, MAYOR – 16**  
**BRYAN ZAK, COUNCILMEMBER - 16**  
**DAVID LEWIS, COUNCILMEMBER – 17**  
**BEAUREGARD BURGESS, COUNCILMEMBER – 15**  
**GUS VAN DYKE, COUNCILMEMBER – 16**  
**CATRIONA REYNOLDS, COUNCILMEMBER – 17**  
**DONNA ADERHOLD, COUNCILMEMBER – 18**

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



COMMITTEE OF THE WHOLE  
5:00 P.M. MONDAY  
OCTOBER 26, 2015  
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
COUNCIL MEMBER CATRIONA REYNOLDS  
COUNCIL MEMBER DONNA ADERHOLD  
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.**

Councilmembers Reynolds and Van Dyke 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. BUDGET 2016**

**A. Public Information:**

PROPOSITION NO. 1

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 THREE YEARS, TO MAKE SUCH 0.75% OF CITY SALES TAX AVAILABLE FOR GENERAL GOVERNMENT PURPOSES

**B. Town Hall Meeting, November 9, 2015**

Memorandum 15-177 from City Manager as backup.

*Page 7*

**4. CONSENT AGENDA**

**5. REGULAR MEETING AGENDA**

**6. COMMENTS OF THE AUDIENCE**

**7. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Next Regular Meeting is Monday, November 23, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Special Meeting is scheduled for

Monday, November 9, 2015 at 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.



# City of Homer

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

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 15-177

TO: Honorable Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: October 21, 2015  
SUBJECT: HART Ballot Initiative Public Information Plan

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The purpose of this memo is to present a detailed public information plan to Council, solicit suggestions on the plan and, most importantly, Councilmember participation in communicating with the public. I bolded areas where your participation and/or input is requested.

### 1) Town Hall

The third town hall on the budget is scheduled for November 9. This will happen right after the swearing in of the councilmember that is elected at the November 3 runoff election (5:30pm). This town hall will be an opportunity for the public to comment on the proposed budgets A and B and to provide additional concrete suggestions. It will begin the conversation on longer term solutions to the revenue shortfall the City is facing that will require longer lead time and additional leg work. Staff is working on an interactive spreadsheet that will allow public to try their hand at substituting in elements of both budget A and B to achieve a balanced budget. **Please provide me with suggestions of things you would like highlighted or goals you have for this town hall.**

### 2) Direct Mail

Monday October 26: present draft to Council  
Tuesday October 27: send final copy to printer  
Monday November 16: mail hits mailboxes

### 3) Newspaper

- a. Point of View (**Councilmember author**)
- b. Insert in both papers  
November 9: final proof approved  
November 19 and November 26 hit papers  
OR
- c. Advertisement (1/2 page or greater) in both papers  
November 19 and 26

4) Radio Spots (commercial)

Air November 14-December 1. **Record different Councilmembers talking about the HART ballot initiative.**

5) Radio (public)

Coffee table? And Wednesday before election. Look into paid spots. **Council members on Coffee Table.**

6) Direct outreach:

- a. Public speaking events: as short time frame allows. **Council ideas and volunteers.**
- b. **One on One: provide councilmember with materials to pass out, educate people about the ballot initiative.**



CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



HOMER CITY COUNCIL  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



**REGULAR MEETING  
6:00 P.M. MONDAY  
OCTOBER 26, 2015  
COWLES COUNCIL CHAMBERS**

MAYOR BETH WYTHE  
COUNCIL MEMBER DAVID LEWIS  
COUNCIL MEMBER BRYAN ZAK  
COUNCIL MEMBER BEAUREGARD BURGESS  
COUNCIL MEMBER GUS VAN DYKE  
COUNCIL MEMBER CATRIONA REYNOLDS  
COUNCIL MEMBER DONNA ADERHOLD  
CITY ATTORNEY THOMAS KLINKNER  
CITY MANAGER KATIE KOESTER  
CITY CLERK JO JOHNSON

## **REGULAR MEETING AGENDA**

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

### **1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Councilmembers Reynolds and Van Dyke 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 October 12, 2015. City Clerk. Recommend adoption.

**Page 23**

- B. **Memorandum 15-172**, from City Clerk, Re: Deferred Assessment for Macaully for the Homer Natural Gas Special Assessment District. **Page 45**
- C. **Memorandum 15-173**, from Deputy City Clerk, Re: Confirmation of Election Judges for the City of Homer Runoff Election November 3, 2015. **Page 51**
- D. **Memorandum 15-174**, from City Clerk, Re: Vacation of a Portion of the 20-Foot Alley Easement as Granted on Plat HM-839. Vacate the 10-Foot Alley Easement Along the Southern Boundary of Lot 132 and Lot 133; and the 10-Foot Alley Easement Along the Northern Boundary of Lot 134. All Portions of Said Easement are Located Within Section 21. Township 06 South, Range 13 West, Seward Meridian, Within the City of Homer, Alaska and Within the Kenai Peninsula Borough; KPBPC Resolution 2015-31; KPB File 2015-1111. **Page 53**

**6. VISITORS**

- A. Kenai Peninsula Borough Mayor Navarre, 10 minutes.
- B. Karen Zak – Homer Chamber of Commerce, 10 minutes.
- C. Megan Murphy - MAPP – Connected Community Update, 10 minutes. **Page 77**

**7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. Mayor’s Proclamation – Extra Mile Day, November 1, 2015 **Page 91**
- B. Mayor’s Recognition - Girls Cross Country Team and Boys Cross Country Team **Page 93**
- C. Borough Report
- D. Commissions/Board Reports:
  - 1. Library Advisory Board
  - 2. Homer Advisory Planning Commission
    - a. Minutes of October 7, 2015 **Page 95**
  - 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 15-38**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating \$42,500 From the Homer Natural Gas Special Assessment District Account for Settlement Costs in the Castner vs. City of Homer Court Case Challenging Assessments for Condominiums Within the District. City Manager. Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015. **Page 107**
- B. **Ordinance 15-39(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, Including Without Limitation Information That May Influence the Outcome of the Election on the Propositions, and Appropriating Funds in the Amount of \$6,000 From the General Fund Balance for the Costs of a Special Election on Either or Both Propositions. Mayor. Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015. **Page 111**
- C. **Ordinance 15-40**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Curiosity Creates Grant From the Association of Library Service to Children in the Amount of \$7,500 for the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015. **Page 117**
- D. **Resolution 15-090**, A Resolution of the City Council of Homer, Alaska, Approving the Homer Marine Repair Facility and Its Policies and Best Management Practices. Mayor/Lewis/Reynolds/Zak/Burgess. **Page 121**
- E. **Resolution 15-091**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess. **Page 157**

- F. **Resolution 15-092**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess. **Page 159**

**9. ORDINANCE(S)**

- A. **Ordinance 15-41**, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Year 2016 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Recommended dates: Introduction October 26, 2015, Public Hearings November 23, 2015 and December 7, 2015, Second Reading December 7, 2015. **Page 163**

Memorandum 15-176 from Library Director as backup. **Page 175**

**10. CITY MANAGER'S REPORT**

- A. City Manager's Report **Page 181**

- B. Bid Report **Page 191**

**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**

- 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, Postponed to October 26, 2015 for Second Reading. **Page 199**

Memorandums 15-100 and 15-148 from City Planner as backup. **Pages 203/207**

**14. NEW BUSINESS**

**15. RESOLUTIONS**

A. **Resolution 15-096**, A Resolution of the City Council of Homer, Alaska, Disbanding the Vessel Haul-Out Task Force. City Clerk. **Page 213**

B. **Resolution 15-097**, A Resolution of the City Council Amending the City of Homer Fee Schedule Under Administrative, City Clerk, Camping, Library, Public Safety, Fire Department, and Public Works Department Fees. City Clerk. To follow Budget Ordinance 15-41. **Page 215**

Memorandum 15-175 from City Clerk as backup. **Page 227**

**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, November 23, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Special Meeting is scheduled for Monday, November 9, 2015 at 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 15-30 a Regular Meeting of the Homer City Council was called to order on October 12, 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: LEWIS, ROBERTS, VAN DYKE, ZAK

ABSENT: BURGESS, REYNOLDS (both excused)

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEYS KLINKNER AND DAVIES  
ASSISTANT CITY MANAGER LAWRENCE  
FINANCE DIRECTOR LI  
IT MANAGER POOLOS

Councilmembers Burgess and Reynolds have requested excusal.

Mayor Wythe declared both Councilmembers Burgess and Reynolds absence as excused. There was no objection from the Council.

The Council met for a Worksession from 4:03 p.m. to 4:49 p.m. to discuss 2016 Budget, Ordinances 15-36(A), 15-37, and 15-39, and Resolution 15-086(A). From 5:00 p.m. to 5:44 p.m. the Council met as a Committee of the Whole to discuss same topics as the Worksession and Consent and Regular Meeting Agenda 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: **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Recognizing Councilmembers' Service, Written public comment; International Economic Development Conference, Report by Councilmember Zak. **PUBLIC HEARINGS** - **Ordinance 15-36(A)(S)**, 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 Up to Three Years, **Subject to Earlier Termination by Ordinance**, 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. **RESOLUTIONS** - **Resolution 15-087(S)**, A Resolution of the

City Council Certifying the Results of the City of Homer Regular City Election Held October 6, 2015 to Elect Two Council Members. City Clerk/Canvass Board. Written public comment.

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

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

Mary Griswold, city resident, commented on Resolution 15-087. She offered a correction to Exhibit A to include total votes. Percent of votes should say percent of half the votes or the percentages should be cut in half to reflect 100%. She is glad the attorney changed his interpretation of the Homer code and that there is a runoff election.

### **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 September 28, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-165** from Mayor, Re: Appointment of Ken Sprague to the Economic Development Advisory Commission and Appointments of Dixie Hart and Louise Ashmun to the Parks and Recreation Advisory Commission.
- C. **Ordinance 15-38**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating \$42,500 From the Homer Natural Gas Special Assessment District Account for Settlement Costs in the Castner vs. City of Homer Court Case Challenging Assessments for Condominiums Within the District. City Manager. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.



- D. **Ordinance 15-40**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Curiosity Creates Grant From the Association of Library Service to Children in the Amount of \$7,500 for the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.
- E. **Resolution 15-088**, A Resolution of the City Council Of Homer, Alaska, Expressing Support for a Homer Yacht Club Application to the Recreational Trail Grant Program of the State of Alaska Division of Parks and Outdoor Recreation for Mooring Buoys In Kachemak Bay. Burgess. Recommend adoption.
- F. **Resolution 15-089**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Alaska Department of Transportation and Public Facilities (ADOT/PF) Homer Airport Improvements. Mayor. Recommend adoption.
- G. **Resolution 15-094**, A Resolution of the City Council of Homer, Alaska, Approving Recommended Comments and Questions to the State of Alaska Marijuana Control Board on the Proposed State Marijuana Regulations. City Manager. Recommend adoption.

Memorandum 15-170 from Cannabis Advisory Commission as backup.

Moved to resolutions.

- H. **Resolution 15-095**, A Resolution of the Homer City Council Awarding a Sole Source Contract for the Beluga Slough Trail Reconstruction (Phase II) Helical Pier Foundation Installation to the Firm of Techno Metal Post of Alaska of Homer, Alaska, in the Amount of \$18,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Item G, Resolution 15-094 was moved to Resolutions, Item F. Lewis.

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

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

### A. Homer Marine Trades and Port and Harbor Promotional Video

Mike Stockburger presented the Homer Marine Trades and Port and Harbor promotional video. The video will be taken to the Pacific Marine Expo in November and the Anchorage Boat Show in March.

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

### A. Borough Report

### B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
  - a. Minutes of September 16, 2015

Planning Commissioner Tom Bos reported on the commission's activities that include transportation recommendations for sidewalks on portions of trails and a presentation from Public Works Director Carey Meyer on the status of the Waddell Way project. The last couple weeks the commission has had discussions on the marijuana industry regulation in regard to retail, cultivation, testing and manufacturing as it relates to zoning. Options will follow along with public hearings in November and December.

3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Dave Brann, Parks and Recreation Advisory Commissioner, reported there was no meeting last month, but now they have two new members. Alaska Recreation and Parks Association had their conference in Homer last weekend along with their 40<sup>th</sup> anniversary. The conference attracted people from all over the state and across the country. A number of council members and staff attended the award banquet. Governor Walker and First Lady Donna were also in attendance. The highlight was that Mike Illg received the highest award the association hands out, as the most outstanding professional. Matt Steffy read a moving recommendation and summary of Mike's efforts for parks and recreation.

5. Port and Harbor Advisory Commission

Mike Stockburger, Port and Harbor Advisory Commissioner, reported the commission has been working on the video. The load and launch ramp is under full bore construction and is looking good. It may be done earlier than the anticipated December date. The commission has been looking at rates, specifically graduated lineal rates.

6. Cannabis Advisory Commission

C. Recognizing Councilmembers' Service

Mayor Wythe recognized Councilmember Roberts' nine years of service, including Mayor Pro Tempore for three years.

Councilmember Roberts thanked everyone for their kind words. She expressed appreciation for the councilmembers that have done wonderful things for Homer. She thanked the City of Homer employees for their work and assistance to her. Many citizens care about Homer; they are all wonderful people. She has tried to do the best she could, to vote for things that will benefit the most citizens of Homer. She wished the Council good luck.

D. International Economic Development Conference, Report by Councilmember Zak

Mayor Wythe called for a recess at 6:30 p.m. to recognize outgoing Mayor Pro Tempore Roberts. Cake was served to all in attendance. Mayor Wythe reconvened the meeting at 6:43 p.m.

The rules were suspended to allow the Library Advisory Board report.

Susan Braund, Library Advisory Board Member, issued kudos to Claudia, the Children's Librarian, who has been invited to speak at Stanford University. Her contributions go far beyond Homer. She has been asked to co-author a book on media mentorship that will

publish in February 2016. The library received a Curiosity Creates Grant in the amount of \$7,500 that will be used for weekly after school programs. Holly Brennan passed her Comp TIA+ test and is now certified in many aspects of IT services at the library. The LAB voted on the following proposed changes: fines and fees being collected, decreasing the color copy fee, temporary cards, and interlibrary loans. Lastly, the Board has been reviewing the Cannabis Advisory Commission recommendations and is working on designating the library as a restricted zone to mirror schools. If Council has a vision of the library being static, she asked them to replace their vision that the library is organic, vital, and fluid. There are people of all ages in and out, kids that need help, and babies that attend story time.

## **PUBLIC HEARING(S)**

### **A. BUDGET 2016**

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

### **B. Exclusion requests from the Homer Natural Gas Special Assessment District:**

#### **1. HomePlate LLC - KPB Parcel 17316009**

Shelly Erickson, property owner, was in the processing of purchasing the subject property when the assessment exception period closed. The parcel is a huge ravine that drops 200 ft. from the road all the way down and is not buildable. The only use for the property would be a zip-line requiring a helicopter to pull people up. There is nothing they can do with it except to enjoy the alders; the area is also susceptible to erosion.

LEWIS/ROBERTS - MOVED TO EXCLUDE PARCEL FOR HOMEPLATE LLC 17316009.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **2. Daniel and Brenda Farren – KPB Parcel 17324145**

Daniel Farren, property owner, referenced his one-acre parcel on the Corps of Engineers map. The property is on the upland of his other parcels, is 70% wetlands and is unbuildable. Enstar said if they run gas back there the three lots would be at their own expense. He wouldn't be able to recapture the investment over his lifetime.

LEWIS - MOVED TO EXEMPT 17324145 WESTWOOD ESTATES.

Failed for lack of a second.

3. Phoebe Estill – KPB Parcel 17928022

Property owner did not appear.

Council discussed the property and planning staff's recommendation that although the property is wetlands, developing is more complicated but is not impossible. The property can front a road that can be built. There are a number of lots the gas line does not extend to, but Enstar is under legal contract to extend gas to them.

Failed for lack of a motion.

The decision of the Council on an application is final and non-appealable.

C. **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. Introduction September 28, 2015, Public Hearing and Second Reading October 12, 2015.

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 15-35 by reading of title only for second and final reading.

LEWIS/ROBERTS- SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Ordinance 15-36(A)**, 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 Up to Three 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. Introduction September 28, 2015, Public Hearing and Second Reading October 12, 2015.

**Ordinance 15-36(A)(S)**, 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 Up to Three Years, **Subject to Earlier Termination by Ordinance**, 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.

Mayor Wythe opened the public hearing.

Adele Person, city resident, commented on the tremendous need for road and trail improvements. There are proposed sidewalk extensions to provide for safe crossings at Homer Elementary and Homer Middle School that will be asking for HART funds.

Ken Castner, city resident, commented \$7M has been accumulated over the last 8 - 9 years in the HART Fund. A little bit of money has dribbled out of HART with some funds going into parking lots. The HART Fund is the easiest money to go after, but if someone floats a \$7M proposal for a new road we need to go to bond.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion to substitute Ordinance 15-36(A)(S) for Ordinance 15-36(A).

LEWIS/ZAK – SO MOVED.

Mayor Wythe called for a recess at 7:10 p.m. and reconvened the meeting at 7:13 p.m.

The additional language in the ballot proposed in the substitute ordinance may cause confusion. The ballot should be clear and succinct language.

City Attorney Klinkner clarified the money under the suspension is placed in the general fund without restriction. The Council can appropriate it as it sees fit, including back to the HART Fund.

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

Motion failed.

ROBERTS/ZAK – MOVED TO STRIKE THE WORDS “UP TO” IN LINE 9 OF THE TITLE AND ANY OTHER PLACE THERE IS AN “UP TO” AND ALSO IN LINE 79 TO DELETE THE WORDS “OR EARLIER.”

There was no discussion.

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

Motion carried.

The \$7M in the HART Fund would not be touched; those funds have been collected for roads and trails. This amendment creates no additional sales tax or financial impact for residents. It reallocates money already being collected through sales tax to the general fund instead of for roads for three years.

ZAK/LEWIS - MOVED THAT THE ELECTION BE HELD ON DECEMBER 1, 2015.

The vote on December 1<sup>st</sup> will provide the Council with direction from the community in balancing the budget. The allocation will allow the Council to review and approve a budget and provides more latitude for maintaining programs and employees.

VOTE: (amendment) YES. ROBERTS, LEWIS, ZAK, VAN DYKE

Motion carried.

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

Motion carried.

E. **Resolution 15-084(A)**, 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.

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 15-084(A) by reading of title only.

VAN DYKE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**ORDINANCE(S)**

- A. **Ordinance 15-37**, An Ordinance of the Homer City Council Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, With the Increase to be Used for General Government Purposes, and Authorizing the City To Submit the Question of Such Sales Tax Increase to the Qualified Voters of The City at a Special Election to Be Held in the City on \_\_\_\_\_. Lewis. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.

Mayor Wythe called for a motion for the adoption of Ordinance 15-37 for introduction and first reading by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Council discussed moving the ordinance forward in case HART funds are not approved. By postponing second reading to December 7<sup>th</sup> the outcome of the special election will be known. Council could then consider the proposition for the October 2016 ballot.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ZAK - MOVED TO POSTPONE ORDINANCE 15-27 TO THE DECEMBER 7<sup>TH</sup> MEETING FOR SECOND READING AND PUBLIC HEARING.

There was no additional discussion.

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

Motion carried.

- B. **Ordinance 15-39**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$\_\_\_\_\_ From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to



5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, Including Without Limitation Information That May Influence the Outcome of the Election on the Proposition. Mayor. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.

**Ordinance 15-39(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, Including Without Limitation Information That May Influence the Outcome of the Election on the Propositions, and Appropriating Funds in the Amount of \$6,000 From the General Fund Balance for the Costs of a Special Election on Either or Both Propositions. Mayor.

Mayor Wythe called for a motion for the adoption of Ordinance 15-39 for introduction and first reading by reading of title only.

LEWIS/ZAK - SO MOVED.

Mayor Wythe called for a motion to substitute Ordinance 15-39(S) for Ordinance 15-39.

LEWIS/ZAK – SO MOVED.

The ordinance appropriates funds for either or both ballot propositions and needs no amendment.

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

Motion carried.

## **CITY MANAGER’S REPORT**

### A. City Manager’s Report

A short City Manager’s report this meeting reflects the amount of time and effort budget preparations have consumed. Staff has been swamped with preparing budget, leaving little time for other pursuits and City business.

### **Accolades for Homer Public Library Staff**

Children’s Librarian Claudia Haines has been asked to co-author a book about media mentorship. It will follow up the recent publication of the Association of Library Service to Children white paper “Media Mentorship in Libraries Serving Youth” (which she co-authored) and give librarians solid examples of what media mentorship can look like and ideas for ways

to take on the role of media mentor in their communities. The book will be published by ALA Editions (American Library Association) in 2016.

Claudia has also has been invited to speak at an event, “Supporting Diverse Families With Media,” at Stanford University on October 30. Though she is using personal time to participate, the City is proud that Claudia’s contributions to childhood literacy extend far beyond Homer.

### **Natural Gas Payments**

At the last Council meeting we discussed extending the grace period for payment of the Natural Gas HSAD to October 6. This over 30-day grace period would allow people to pay after they received their Permanent Fund Dividend. The Finance Department sent out delinquency notices to almost 600 lot owners who had not made a payment. About half of those lot owners made a payment: we are left with 308 lots that have not paid, received a deferral or exemption. Without interest, this represents over \$1 million dollars (total value of assessments). Per Resolution 15-081(S) and 15-017, a 10% fine (\$326.58) will be added to their amount due and the interest rate will increase from 4% to 10.5%. There are a few parcels that we are still working though issues with. For example, AKDOT&PF has refused to pay on 8 of their lots and I am asking them for either payment for benefited parcels or to bring an official request for exemption to the Council.

City Manager Koester reported her focus has been on the budget. She referenced the LAB report and echoed kudos to Children’s Librarian Claudia Haines. She recognized Mike Illg for receiving Professional of the Year at the Alaska Recreation and Parks Association conference. It is a lifetime achievement award.

### **CITY ATTORNEY REPORT**

#### A. City Attorney Report – September 2015

Attorney Klinkner referenced his written report. In the last few days he has been devoting time to the issue of certification of the election.

### **COMMITTEE REPORT**

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Employee Committee Report
- D. Public Safety Building Review Committee

Ken Castner, Chairman of the Public Safety Building Review Committee, announced the October 14<sup>th</sup> meeting at 5:30 p.m. The committee is having monthly meetings for public participation and information. Everyone realizes this is a project people will need to get

behind to understand the need and cost of designing replacements for aging buildings. A public meeting a couple weeks ago was sparsely attended, but there was a spirited discussion.

E. Vessel Haul-Out Task Force

1. Presentation from Vessel Haul-Out Task Force

Barbara Howard and Mike Stockburger provided a report on the task force's work. Task force members include: Barbara Howard, Mike Stockburger, Mike Pate, Ian Pitzman, Glen Carroll, David Lewis, and Bryan Hawkins. Members came to every meeting well prepared and ready to work. They received unprecedented staff support from the clerk and harbormaster offices. They held 17 meetings that were well attended by marine industry users. There is a need for a marine repair and maintenance facility of vessels too large to be hauled out by the private sector and the niche can be filled with minimal investment and funds. When designing the business model their top priority was the integrity of the beach area and pristine waterways. They have met those objections to the satisfaction of all regulatory agencies. Before Council tonight is the City of Homer Marine Repair and Maintenance Facility. It is located in the marine industrial zone between the Fishing Hole and Freight Dock Road. They ask for support and approval of Resolutions 15-090, 15-091, and 15-092. Resolution 15-090 approves best management practices and includes forms that are approved by the legal department and similar to forms used around the state. They are confident the new service center will generate sufficient funds to support staffing necessary for a successful business model. If Council finds the task force's work sufficient, a resolution dismissing the task force will be forthcoming.

F. Sustainable Animal Control Review Committee

Councilmember Roberts reported the committee has its first meeting last week and tasked Patrick with finding many answers to their questions. The next meeting is October 22<sup>nd</sup> at 5:15 p.m.

**PENDING BUSINESS**

- A. **Resolution 15-086(A)**, 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 Up to Three Years. Mayor.

Memorandum 15-163 from City Clerk and City Manager as backup.

Motion on the floor from September 28: MOTION FOR THE ADOPTION OF RESOLUTION 15-086(A) BY READING OF TITLE ONLY.

LEWIS/VAN DYKE - MOVED TO AMEND THAT THE ELECTION WILL BE HELD ON TUESDAY, DECEMBER 1<sup>ST</sup>.

There was no discussion.

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

Motion carried.

LEWIS/ROBERTS - MOVED TO REMOVE "UP TO" IN ALL PARTS THAT IS SHOWS AND JUST HAVE 3 YEARS; LINE 18 WE HAVE 3 YEARS INSTEAD OF 5 YEARS AND "UP TO" REMOVED.

There was no discussion.

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

Motion carried.

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

Motion carried.

## **NEW BUSINESS**

- A. **Memorandum 15-166**, from City Clerk, Re: Travel Authorization for Mayor Wythe and Councilmembers, and Newly Elected Councilmember(s) to Attend the Alaska Municipal League 65<sup>th</sup> Annual Local Government Conference in Anchorage, Alaska, November 16 – 20, 2015.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 15-166 to authorize travel for Mayor Wythe, Councilmembers, and newly elected Councilmembers to attend AML.

ZAK/LEWIS – SO MOVED.

The authorization includes present councilmembers and newly elected councilmembers to attend training. Mayor Wythe will attend the Conference of Mayors.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## RESOLUTIONS

A. **Resolution 15-087**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 6, 2015 to Elect Two Councilmembers. City Clerk/Canvass Board.

**Resolution 15-087(S)**, A Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 6, 2015 to Elect Two Council Members. City Clerk/Canvass Board.

Mayor Wythe called for a motion for the adoption of Resolution 15-087 by reading of title only.

LEWIS/ZAK - SO MOVED.

ROBERTS/LEWIS – MOVED TO AMEND RESOLUTION 15-087(S) LINE 33 - CHANGE THE WORDS “CANDIDATES ARE” TO “CANDIDATE IS”; LINE 34 – DELETE THE WORD “ONE”; LINE 38 – CHANGING THE WORD “TWO” TO “ONE YEAR TERM” WITH SINGULAR ON TERM; LINE 41 – REMOVE THE NAME HEATH SMITH; LINE 38 – CHANGE COUNCILMEMBERS TO COUNCILMEMBER; LINE 37: INSERT THESE WORDS: BE IT FURTHER RESOLVED THAT THE REMAINING COUNCIL SEAT SHALL BE FILLED BY A RUNOFF ELECTION BY THE TWO CANDIDATES THAT HAVE RECEIVED THE NEXT HIGHEST NUMBER OF VOTES.

Mayor Wythe called for a recess at 7:48 p.m. and reconvened the meeting at 7:51 p.m.

Amendments should be to Resolution 15-087 instead of Resolution 15-087(S).

VOTE: (amendment) NO. ROBERTS, VAN DYKE, ZAK, LEWIS

Motion failed.

ROBERTS/LEWIS - MOVED TO AMEND RESOLUTION 15-087 LINE 17 PLACE 1,233 IN THE BLANK; LINE 33 CHANGE THE WORD “CANDIDATES ARE” TO “CANDIDATE IS”; LINE 34 AFTER THE COMMA DELETE THE WORD “ONE”; LINE 38 CHANGE TO “COUNCILMEMBER” INSTEAD OF “COUNCILMEMBERS” AND INSTEAD OF “TWO” IT IS “ONE THREE-YEAR TERM” WITH NO “S” AT

THE END OF TERM; LINE 40 PLACE “DONNA ADERHOLD”; AFTER LINE 37 INSERT: BE IT FURTHER RESOLVED THAT THE REMAINING COUNCIL SEAT SHALL BE FILLED BY A RUNOFF ELECTION BETWEEN THE TWO CANDIDATES THAT RECEIVED THE NEXT HIGHEST NUMBER OF VOTES.

A change in the interpretation of the required percentage of votes per candidate resulted in the need for a runoff for the next two candidates receiving the next highest number of votes: Heath Smith and Beauregard Burgess. The runoff election is scheduled for November 3<sup>rd</sup>.

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

Motion carried.

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

Motion carried.

B. **Resolution 15-090**, A Resolution of the City Council of Homer, Alaska, Approving the Homer Marine Repair Facility and Its Policies and Best Management Practices. Mayor/Lewis/Reynolds/Zak/Burgess. Recommend Public Hearing October 26, 2015.

Mayor Wythe called for a motion for the adoption of Resolution 15-090 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Mayor Wythe called for a motion to postpone Resolution 15-090 to October 26<sup>th</sup> for a public hearing.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.

- C. **Resolution 15-091**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess. Recommend Public Hearing October 26, 2015.

Mayor Wythe called for a motion for the adoption of Resolution 15-091 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Mayor Wythe called for a motion to postpone Resolution 15-091 to October 26<sup>th</sup> for a public hearing.

ZAK/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.

- D. **Resolution 15-092**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess. Recommend Public Hearing October 26, 2015.

Mayor Wythe called for a motion for the adoption of Resolution 15-092 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Mayor Wythe called for a motion to postpone Resolution 15-092 to October 26<sup>th</sup> for a public hearing.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

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

Motion carried.

- E. **Resolution 15-093**, A Resolution of the Homer City Council Excluding Certain Properties From the Homer Natural Gas Special Assessment District. City Clerk.

Memorandum 15-167 from City Clerk as backup.

Mayor Wythe called for a motion for the adoption of Resolution 15-093 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

ROBERTS/LEWIS - MOVED TO ADD ON LINE 28 AFTER THE WORDS “KPB PARCEL” 17316009 HOMEPLATE, LLC.

There was no discussion.

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

Motion carried.

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

Motion carried.

- F. **Resolution 15-094**, A Resolution of the City Council of Homer, Alaska, Approving Recommended Comments and Questions to the State of Alaska Marijuana Control Board on the Proposed State Marijuana Regulations. City Manager. Recommend adoption.

Memorandum 15-170 from Cannabis Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 15-094 by reading of title only.

LEWIS/VAN DYKE – SO MOVED.

LEWIS/ROBERTS - MOVED TO AMEND LINE 32 AFTER MUNICIPALITIES TO ADD NEW SENTENCE: THIS INCLUDES PROVIDING MUNICIPALITIES THE ABILITY TO PERMIT OR PROHIBIT THE OPERATION OF PRIVATE MARIJUANA CLUBS OR ESTABLISHMENTS WITHIN THEIR BOUNDARIES.



Councilmember Lewis explained the Alaska Marijuana Control Board has said they do not want any form of marijuana clubs or anything else. Denver, Colorado had banned any form of cannabis clubs. Since then there have been over 1,000 citations written for people smoking in public. We will have people in town purchasing cannabis products. Presently you cannot smoke in public, most hotels will ban smoking in rooms, and there will be no place for them to legally use their product. People will be smoking the product out in the open and breaking the law. The added language will allow a person who can legally purchase cannabis to go inside a facility like a bar and then leave without breaking the law. It keeps it out of the public view.

Councilmember Roberts noted by passing the amendment Homer is given more of a decision-making ability. The resolution is what we are recommending to the Alaska Marijuana Control Board that they should allow municipalities to do. The CAC recommends it will be an additional ability of a local municipality.

Councilmember Zak is not in favor of having marijuana clubs in Homer.

Councilmember Lewis defended the amendment pointing out that the Homer voters overwhelmingly supported marijuana. There is a window of time to comment to the Alaska Marijuana Control Board.

Councilmember Zak said there is real controversy over the subject. The Alaska Marijuana Control Board may want to bring this forward later.

VOTE: (amendment) YES. VAN DYKE, LEWIS, ROBERTS

VOTE: NO. ZAK

Motion failed.

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

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Ken Castner, city resident, thanked Francie for her service on the Council, commissions, and task forces. He thanked Jo and Tom for considering the additional information and the need for a runoff election. He questioned the budget.

City Manager Koester clarified we are moving forward with Budget A; Budget B cuts are conditional without a revenue source.

Mr. Castner will have a difficult time supporting a revenue source when the Council is determined to hold onto all the money it has and ask for new revenues. He doesn't want to live in a town so fixed on a finite list of things. It is going after the money everyone else wants for their quality of life things. He is interested in the information that will be provided to the public of the benefits.

### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner had no comments.

### **COMMENTS OF THE CITY CLERK**

City Clerk Johnson clarified there will be a runoff election on November 3<sup>rd</sup> and absentee voting will open on October 20<sup>th</sup>. She wished Councilmember Roberts well.

### **COMMENTS OF THE CITY MANAGER**

City Manager Koester thanked Council for navigating a complicated agenda. She congratulated Councilmember Roberts on her service. She first met her as her geometry teacher who had a lot of patience. She hopes Councilmember Roberts continues to be a source of help for her.

### **COMMENTS OF THE MAYOR**

Mayor Wythe commented on the Alaska Recreation and Parks Association conference and congratulated Mike Illg and HOWL. She requested a special meeting on November 9<sup>th</sup> to swear in the councilmember as a result of the runoff election. She responded to Ken Castner on the City bonding: the Council and herself do not believe in debt economics, of pushing the expense to future users. We have to support core services and pay the mortgage before we take a vacation. The Council is trying to make the best choice for a middle ground. City Manager Koester did an excellent job bringing forward two budgets. They can be shuffled and melded to arrive at an appropriate level. She congratulated the Vessel Haul-Out Task Force that has produced a great and viable product. She asked City Manager Koester to look at the city ordinance regarding elections to make a change next year.

### **COMMENTS OF THE CITY COUNCIL**

Councilmember Roberts praised the Homer High School cross country running teams for their victory in the state competitions. The girls took first place and the boys took second place in state. She is glad to see the code was reviewed and there will be a runoff election. She thanked everyone for their kind words. Katie revealed her age when she revealed she was her geometry teacher. She wished everyone good luck and said it was a pleasure serving Homer.

Councilmember Van Dyke commented Francie does deserve everything nice everybody says about her. There are 4,510 registered voters and just 1,233 good mindful people who care about the City of Homer turned out to vote. He is ashamed that few of people came out and voted. We have a couple more elections and he would like to see the amount of voters double.

Councilmember Lewis commented his pet peeve is when it is 18% of registered voters passing something. He thanked Francie for her service. He has learned a lot from her over the last seven years. He wished her the best of luck and hopes she enjoys the rest of the school year and Monday nights.

Councilmember Zak thanked Francie for being his kindergarten teacher and for serving on the Council. We have had fun together and have always sat next to each other. He sees how committed she is and all the notes she takes. He thanked the candidates that ran and he recognized Heath Smith in the audience. He congratulated Donna Aderhold (also in the audience). He thanked Katie for preparing the budget documents that make his job much easier. Bringing the ballot proposition to the voters will allow us to get through the budget. He announced the Rotary Health Fair on November 7<sup>th</sup>. People can get their blood work done now. The reduced costs can make a difference for families. He commented on the conferences in Homer and the positive economic impact to local businesses. Governor Walker attended the Senior Summit and there is support for adding an Alzheimer's wing to the Senior Center. The fundraising has begun with a lot of support. Keren Kelly and staff did a super wonderful job arranging the summit. He commented on the low voter turnout and setting a goal to increase voter participation.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:27 p.m. The next Regular Meeting is Monday, October 26, 2015 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, November 9, 2015 at 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.

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JO JOHNSON, MMC, CITY CLERK

Approved: \_\_\_\_\_





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

## Memorandum 15-172

TO: MAYOR AND CITY COUNCIL  
FROM: JO JOHNSON, MMC, CITY CLERK  
DATE: OCTOBER 20, 2015  
SUBJECT: DEFERRED ASSESSMENT FOR MACAULY FOR THE HOMER NATURAL GAS  
SPECIAL ASSESSMENT DISTRICT

---

Harry and Andrea Macauly have applied for an assessment deferment for Kenai Peninsula Borough (KPB) Parcel Number 17710606.

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 Macauly application for natural gas assessment deferment. Take action to approve or disapprove the application.

Fiscal Impact: \$3,262.77 unpaid balance.





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## Office of the City Clerk

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Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

October 7, 2015

Harry and Andrea Macauly  
576 Klondike Avenue  
Homer, AK 99603

Dear Mr. & Mrs. Macauly,

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 October 26, 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

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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

037 08 2015 4401109 RK

Date Application Received by Finance  
Department/Department Personnel Initials \_\_\_\_\_

PARCEL #: 177-106-06

APPLICANT NAME(S) Harry & Andrea Macaully

MAILING ADDRESS: 576 Klondike Ave

CITY, STATE, ZIP Homer, AK 99603

PLEASE CHECK ALL THAT APPLY

- SINGLE FAMILY   
  DUPLEX   
  MOBILE HOME   
  CONDOMINIUM   
  APARTMENT  
 OWNER/PURCHASER OF RECORD   
 LIFE ESTATE   
 PART OWNER OF RECORD  
 % OWNERSHIP

PLEASE PROVIDE THE FOLLOWING AS PROOF OF INCOME. CHECK ALL THAT APPLY:

- UNEARNED INCOME - SSI, PENSIONS, SOCIAL SECURITY, WELFARE, CHILD SUPPORT   
 MOST RECENT TAX RETURN  
 THREE MOST RECENT PAY STUBS   
 OTHER

IDENTIFICATION SUBMITTED -  
MUST BE GOVERNMENT ISSUED  
WITH PHOTOGRAPH

- DRIVERS LICENSE   
 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

[Signature]  
SIGNATURE Applicant

[Signature]  
SIGNATURE Co-Applicant/Spouse/Owner

DATE 10-6-15

DATE 10-6-15

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY, that on the 6<sup>th</sup> day of October, 2015, before me the undersigned Notary Public, and sworn as such, personally appeared HARRY MACAULY and ANDREAL MACAULY, who is known to be the individual(s) named in and who executed the above application, and acknowledged to me the execution thereof as his/her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first written above.

(SEAL) NOTARY PUBLIC  
BOBBIE R KRAUSE  
STATE OF ALASKA  
My Commission Expires August 6, 2019

[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 08/06/19





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 15-173

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: OCTOBER 20, 2015

SUBJECT: CONFIRMATION OF ELECTION JUDGES FOR THE CITY OF HOMER RUNOFF ELECTION  
NOVEMBER 3, 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.

<b>Homer No. 1</b>	<b>Homer No. 2</b>	<b>Canvass Board</b>
Jane Swain, Chair	Theresa Dubber, Chair	Maryann Lyda
Margaret Lau	Pauline Benson	Alice Krivitsky
Maryann Lyda	Alice Krivitsky	
Chris Bowden	Kristi Wickstrom/Carol Dee	

**Recommendation:** Confirm the appointment of the Canvass Board and approve the appointment of the Election Judges for the November 3, 2015 City of Homer Runoff Election Election.

Fiscal Note: Polling Place - \$10.50/hr. Chairs, \$10.00/hr. Judges, 12-18 hrs.  
\$12.50/hr. Canvass board 2-4 hours or until done.

Account: 100.0102.5101-5107





# City of Homer

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(p) 907-235-3130

(f) 907-235-3143

## Memorandum 15-174

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: OCTOBER 14, 2015

SUBJECT: VACATE A PORTION OF THE 20-FOOT ALLEY EASEMENT AS GRANTED ON PLAT HM-839. VACATE THE 10-FOOT ALLEY EASEMENT ALONG THE SOUTHERN BOUNDARY OF LOT 132 AND LOT 133; AND THE 10-FOOT ALLEY EASEMENT ALONG THE NORTHERN BOUNDARY OF LOT 134. ALL PORTIONS OF SAID EASEMENT ARE LOCATED WITHIN SECTION 21. TOWNSHIP 06 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, WITHIN THE CITY OF HOMER, ALASKA AND WITHIN THE KENAI PENINSULA BOROUGH; KPBPC RESOLUTION 2015-31; KPB FILE 2015-1111.

At their October 12, 2015 meeting the Kenai Peninsula Borough Planning Commission approved to vacate a portion of the 20-foot alley easement as granted on Plat HM-839. Vacate the 10-foot alley easement along the southern boundary of Lot 132 and Lot 133; and the 10-foot alley easement along the northern boundary of Lot 134. All portions of said easement are located within Section 21. Township 06 South, Range 13 West, Seward Meridian, within the City of Homer, Alaska and within the Kenai Peninsula Borough; KPBPC Resolution 2015-31; KPB File 2015-1111.

Notice of vacation was received on October 14, 2015 by email. Per AS 29.40.140 no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from October 12, 2015 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as is reflected in the minutes of August 5, 2015, Staff Report PL 15-58, Vacation of a 20 ft. alley easement at 3361 B Street and 1473 Ocean Drive.

**RECOMMENDATION:**

Voice non objection and consent to the vacation of a portion of the 20-foot alley easement as granted on Plat HM-839. Vacate the 10-foot alley easement along the southern boundary of Lot 132 and Lot 133; and the 10-foot alley easement along the northern boundary of Lot 134. All portions of said easement are located within Section 21, Township 06 South, Range 13 West, Seward Meridian, within the City of Homer, Alaska and within the Kenai Peninsula Borough; KPBPC Resolution 2015-31; KPB File 2015-1111.

Fiscal Note: N/A



## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

**PHONE:** (907) 714-2215 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

[www.kpb.us](http://www.kpb.us)

OCT 16 2015

**MIKE NAVARRE  
BOROUGH MAYOR**

October 14, 2015

Homer City Council  
491 East Pioneer Avenue  
Homer, AK 99603-7645

RE: Vacate a portion of the 20-foot alley easement as granted on Plat HM-839. Vacate the 10-foot alley easement along the southern boundary of Lot 132 and Lot 133; and the 10-foot alley easement along the northern boundary of Lot 134. All portions of said easement are located within Section 21, Township 06 South, Range 13 West, Seward Meridian, within the City of Homer, Alaska and within the Kenai Peninsula Borough; KPBC Resolution 2015-31; KPB File 2015-111.

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced vacation during their regularly scheduled meeting of October 12, 2015. This petition is being sent to you for your consideration and action.

The City Council has 30 days from October 12, 2015 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Max J. Best  
Planning Director

MJB:pdh

Attachments

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a portion of the 20-foot alley easement as granted on Plat HM-839. Vacate the 10-foot alley easement along the southern boundary of Lot 132 and Lot 133; and the 10-foot alley easement along the northern boundary of Lot 134. All portions of said easement are located within Section 21, Township 06 South, Range 13 West, Seward Meridian, within the City of Homer, Alaska and within the Kenai Peninsula Borough; KPBPC Resolution 2015-31; KPB File 2015-111.

Staff Report given by Max Best

PC Meeting: 10/12/15

Purpose as stated in petition: Neighboring individuals have access to the property by way of City maintained road. The alley is not useful to the general public. Two portions of the alley have already been vacated.

Petitioners: Beverly Bowman and Andrew Amso of Homer, AK.

Notification:

Public notice appeared in the October 1 and October 8, 2015 issues of the Homer News.

Twenty-three certified mailings were sent to owners of property within 300 feet of the parcels. Seventeen receipts have been returned. Forty-four notices were sent by regular mail to owners within 600 feet of the proposed vacation.

Fifteen notices were sent emailed to agencies and interested parties. Three notices were sent by regular mail to agencies. Ten notices were emailed to KPB Departments. Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Homer Advisory Planning Commission: Approved the vacation as requested on August 5, 2015.

Homer Fire Department: There are no fire department issues.

Homer Public Works: No comments.

KPB Addressing Officer: No objection

River Center Habitat Protection: No comments.

Staff Discussion: One of the petitioners told staff that ENSTAR has existing facilities in the alley. Comments from ACS, GCI, ENSTAR, and Homer Electric Association were not available when the staff report was prepared.

The previous alley vacation(s) were within the block(s) north of Ocean Drive.

Per the Homer City staff report, the alley is not needed to increase pedestrian or bicycle access to the area.

**Findings:**

1. Lots 132 and 133 front paved State maintained Ocean Drive and paved B Street.
2. Lot 134 fronts paved B Street and paved, city maintained Bay Avenue.
3. To date, no comments from the affected utility providers have been received.
4. Notice of the proposed vacation was emailed to utility companies for review and easement requirements.
5. One petitioner told KPB staff ENSTAR has existing facilities in the alley.
6. No surrounding properties will be denied access.
7. Sufficient rights-of-way exist to serve the surrounding properties.



8. The proposed vacation is within the City of Homer.
9. Development must comply with the requirements of the zoning district.
10. Homer Fire Department stated there were no fire department issues.
11. Homer Public Works had no comment.
12. Homer Advisory Planning Commission approved the vacation as petitioned on August 5, 2015.
13. Per the submittal, the right-of-way proposed for vacation is in use for access.
14. Per the submittal, the right-of-way proposed for vacation has been constructed.

**STAFF RECOMMENDATION:** Based on Findings 1-12, staff recommends approval of the vacation as petitioned, subject to:

1. Grant utility easement(s) requested by the affected utility companies
2. Submittal of a sketch or as-built clearly showing the portion of the alley proposed to be vacated including adjacent status labels so the area is easily identifiable to be included with KPBPC Resolution 2015-31 becoming Page 2 of 2.
3. If the vacation is approved, the Planning Department is responsible for recording KPBPC Resolution 2015-31.
4. The applicant will provide the recording fee for the resolution and its attachment to the Planning Department.

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council. The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

**END OF STAFF REPORT**

Vice Chairman Ruffner opened the meeting for public comment. Seeing and hearing no one wishing to speak Vice Chairman Ruffner closed the public comment period and opened discussion among the Commission.

Commissioner Venuti recused himself from voting and discussion due to voting on this at the Homer Advisory Planning Commission

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Glendening to approve KPB Planning Commission Resolution 2015-31 thereby granting the vacation citing the 14 findings of fact and approving the vacation based on the following findings of fact.

*Findings*

1. Lots 132 and 133 front paved State maintained Ocean Drive and paved B Street.
2. Lot 134 fronts paved B Street and paved, city maintained Bay Avenue.
3. To date, no comments from the affected utility providers have been received.
4. Notice of the proposed vacation was emailed to utility companies for review and easement requirements.
5. One petitioner told KPB staff ENSTAR has existing facilities in the alley.
6. No surrounding properties will be denied access.
7. Sufficient rights-of-way exist to serve the surrounding properties.

8. The proposed vacation is within the City of Homer.
9. Development must comply with the requirements of the zoning district.
10. Homer Fire Department stated there were no fire department issues.
11. Homer Public Works had no comment.
12. Homer Advisory Planning Commission approved the vacation as petitioned on August 5, 2015.

Commissioner Foster stated he was on the Homer Advisory Planning Commission when the other two portions of the alley were vacated. At that time, there was no opposition to the vacations.

**VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	COLLINS YES	ECKLUND ABSENT	ERNST YES	FOSTER YES	GLENDENING YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD ABSENT	MARTIN ABSENT	RUFFNER YES	VENUTI RECUSED	WHITNEY ABSENT	7 YES 5 ABSENT 1 RECUSED

**AGENDA ITEM F. PUBLIC HEARINGS**

2. Vacate the southeasterly portion (approximately 950 feet) of the 100-foot right-of-way Dimond Boulevard as dedicated by Right-of-Way Acquisition Dimond Boulevard (Plat SW 93-20). All portions of the requested vacation are located within the SW ¼ of Section 27, Township 01 North, Range 01 West, Seward Meridian, City of Seward, Alaska and within the Kenai Peninsula Borough; KPB File 2015-112.

Staff Report given by Max Best

PC Meeting: 10/12/15

Purpose as stated in petition: The portion of Dimond Blvd. that is being vacated was relocated in 2011 as part of a flood control project. The revised alignment was acquired as a public use easement from the University of Alaska at that time and is being dedicated as public right-of-way by the same plat that will vacate the old alignment. The old alignment has been physically blocked off by the City of Seward. Utility easements are also being created by this plat for the existing utilities that are within the right-of-way being vacated. All the property adjoining the vacated area is owned by the University.

Petitioner: University of Alaska of Anchorage, AK.

Notification: Public notice appeared in the September 30 and October 7, 2015 issues of the Seward Journal.

Nine certified mailings were sent to owners of property within 300 feet of the proposed vacation. Five receipts have been returned. Eleven notices were sent by regular mail to owners within 600 feet of the proposed vacation.

Eighteen notices were emailed to agencies and interested parties. Nine notices were emailed to KPB Departments. One notice was mailed to an agency, and one notice was mailed to the KPB office in Seward. Notices were mailed to the Seward Post Office and Seward Community Library with a request to be posted in public locations. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

GCI: Approved with the requested revision to change the 20-foot utility easement to a public utility easement or add wording for TELECOM or TELE communications.

KPB Addressing Officer: My only concern is that the new dedication of Dimond Boulevard will continue directly into Dieckgraeff Road. It would make more sense for the entire thing to be called Dieckgraeff Road and leave the portion of Dimond Boulevard that travels south into Forest Acres Subdivision as the only portion called Dimond Boulevard. Therefore, I would recommend to the City of Seward that they rename the portion of Dimond Boulevard north of the original Forest Acres Subdivision to Dieckgraeff Road.



## **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

**PHONE:** (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

**MIKE NAVARRE**  
**BOROUGH MAYOR**

October 14, 2015

### **KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION**

#### **MEETING OF OCTOBER 12, 2015**

**RE:** Vacate a portion of the 20-foot alley easement as granted on Plat HM-839. Vacate the 10-foot alley easement along the southern boundary of Lot 132 and Lot 133; and the 10-foot alley easement along the northern boundary of Lot 134. All portions of said easement are located within Section 21, Township 06 South, Range 13 West, Seward Meridian, within the City of Homer, Alaska and within the Kenai Peninsula Borough; KPBP Resolution 2015-31; KPB File 2015-111.

During their regularly scheduled meeting of October 12, 2015 the Kenai Peninsula Borough Planning Commission granted approval of the proposed ally easement vacation based on the following findings of fact.

#### *Findings*

1. Lots 132 and 133 front paved State maintained Ocean Drive and paved B Street.
2. Lot 134 fronts paved B Street and paved, city maintained Bay Avenue.
3. To date, no comments from the affected utility providers have been received.
4. Notice of the proposed vacation was emailed to utility companies for review and easement requirements.
5. One petitioner told KPB staff ENSTAR has existing facilities in the alley.
6. No surrounding properties will be denied access.
7. Sufficient rights-of-way exist to serve the surrounding properties.
8. The proposed vacation is within the City of Homer.
9. Development must comply with the requirements of the zoning district.
10. Homer Fire Department stated there were no fire department issues.
11. Homer Public Works had no comment.
12. Homer Advisory Planning Commission approved the vacation as petitioned on August 5, 2015.

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The proposed vacation has been forwarded to the Homer City Council. The City Council has 30 days from October 12, 2015 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Commission will stand.

Please contact the Homer City Office to verify the date the subject vacation will be reviewed by the Council.

This notice and unapproved minutes of the subject portion of the meeting were sent October 14, 2015 to:

Andrew Amso  
1473 Ocean Dr.  
Homer, AK 99603-7910

US Small Business Administration  
420 L St #300  
Anchorage, AK 99501-1971

Harvey Edward Pullen  
PO Box 770961  
Eagle River, AK 99577-0961

Julieann Small  
311 NE 52<sup>nd</sup> St  
Seattle, WA 98105-3724

Beverly Bowman  
3361 B Street  
Homer, AK 99603

Homer Advisory Planning Commission  
491 East Pioneer Avenue  
Homer, AK 99603

Homer City Council  
491 East Pioneer Avenue  
Homer, AK 99603

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a portion of the 20-foot alley easement as granted on Plat HM-839. Vacate the 10-foot alley easement along the southern boundary of Lot 132 and Lot 133; and the 10-foot alley easement along the northern boundary of Lot 134. All portions of said easement are located within Section 21, Township 06 South, Range 13 West, Seward Meridian, within the City of Homer, Alaska and within the Kenai Peninsula Borough; KPBPC Resolution 2015-31; KPB File 2015-111.

STAFF REPORT

PC Meeting: 10/12/15

Purpose as stated in petition: Neighboring individuals have access to the property by way of City maintained road. The alley is not useful to the general public. Two portions of the alley have already been vacated.

Petitioners: Beverly Bowman and Andrew Amso of Homer, AK.

Notification:

Public notice appeared in the October 1 and October 8, 2015 issues of the Homer News.

Twenty-three certified mailings were sent to owners of property within 300 feet of the parcels. Seventeen receipts have been returned. Forty-four notices were sent by regular mail to owners within 600 feet of the proposed vacation.

Fifteen notices were sent emailed to agencies and interested parties. Three notices were sent by regular mail to agencies. Ten notices were emailed to KPB Departments. Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Homer Advisory Planning Commission: Approved the vacation as requested on August 5, 2015.

Homer Fire Department: There are no fire department issues.

Homer Public Works: No comments.

KPB Addressing Officer: No objection

River Center Habitat Protection: No comments.

Staff Discussion: One of the petitioners told staff that ENSTAR has existing facilities in the alley. Comments from ACS, GCI, ENSTAR, and Homer Electric Association were not available when the staff report was prepared.

The previous alley vacation(s) were within the block(s) north of Ocean Drive.

Per the Homer City staff report, the alley is not needed to increase pedestrian or bicycle access to the area.

**Findings:**

1. Lots 132 and 133 front paved State maintained Ocean Drive and paved B Street.
2. Lot 134 fronts paved B Street and paved, city maintained Bay Avenue.
3. To date, no comments from the affected utility providers have been received.
4. Notice of the proposed vacation was emailed to utility companies for review and easement requirements.
5. One petitioner told KPB staff ENSTAR has existing facilities in the alley.
6. No surrounding properties will be denied access.

7. Sufficient rights-of-way exist to serve the surrounding properties.
8. The proposed vacation is within the City of Homer.
9. Development must comply with the requirements of the zoning district.
10. Homer Fire Department stated there were no fire department issues.
11. Homer Public Works had no comment.
12. Homer Advisory Planning Commission approved the vacation as petitioned on August 5, 2015.
13. Per the submittal, the right-of-way proposed for vacation is in use for access.
14. Per the submittal, the right-of-way proposed for vacation has been constructed.

**STAFF RECOMMENDATION:** Based on Findings 1-12, staff recommends approval of the vacation as petitioned, subject to:

1. Grant utility easement(s) requested by the affected utility companies
2. Submittal of a sketch or as-built clearly showing the portion of the alley proposed to be vacated including adjacent status labels so the area is easily identifiable to be included with KPBPC Resolution 2015-31 becoming Page 2 of 2.
3. If the vacation is approved, the Planning Department is responsible for recording KPBPC Resolution 2015-31.
4. The applicant will provide the recording fee for the resolution and its attachment to the Planning Department.

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council. The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2015-31  
HOMER RECORDING DISTRICT**

Vacate a portion of the 20-foot alley easement as granted by Plat HM-839. Vacate the 10-foot alley easement along the southern boundary of Lot 132 and Lot 133; and the 10-foot alley easement along the northern boundary of Lot 134. All portions of said easement are located within Section 21, Township 6 South, Range 13 West, Seward Meridian, within the City of Homer, Alaska and within the Kenai Peninsula Borough; KPB File 2015-111

WHEREAS, Beverly Bowman and Andrew Amso of Homer, Alaska have petitioned for vacation of a portion of a 20-foot alley granted by Bay View Subdivision (HM 839); and

WHEREAS, KPB 20.70 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, Homer Advisory Planning Commission approved the requested vacation on August 5, 2015; and

WHEREAS, it has been determined by the Planning Commission on October 12, 2015 that all requirements have been met; and

WHEREAS, Bay View Subdivision (HM 839) specifically granted the 20-foot alley as an easement; and

WHEREAS, the vacation does not require replatting of any vacated area, and may be accomplished by a resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1: That the portion of the 20-foot alley described above is hereby vacated.

Section 2: That a sketch clearly showing the proposed vacation along with status labels so the vacation is easily discernible shall be recorded with this resolution, becoming Page 2 of 2.

Section 3: That this resolution is eligible for recording after approval of the vacation by the Homer City Council and will be deemed void if not recorded within 90 days of adoption; and

Section 4: That this resolution is void if the vacation approval is vetoed by the Homer City Council within 30 calendar days of adoption by the Kenai Peninsula Borough Planning Commission; and

Section 5: That this resolution becomes effective upon being properly recorded.

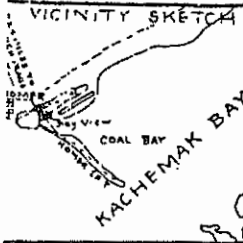
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Patti Hartley  
Administrative Assistant

Please return to:  
Planning Department  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, Alaska 99669-7520



# BAY VIEW SUBDIVISION

DEVELOPED BY GOTTFRIED KOHLER IN SW 1/4 SEC 21  
T-6S-R-13 S.M ALASKA

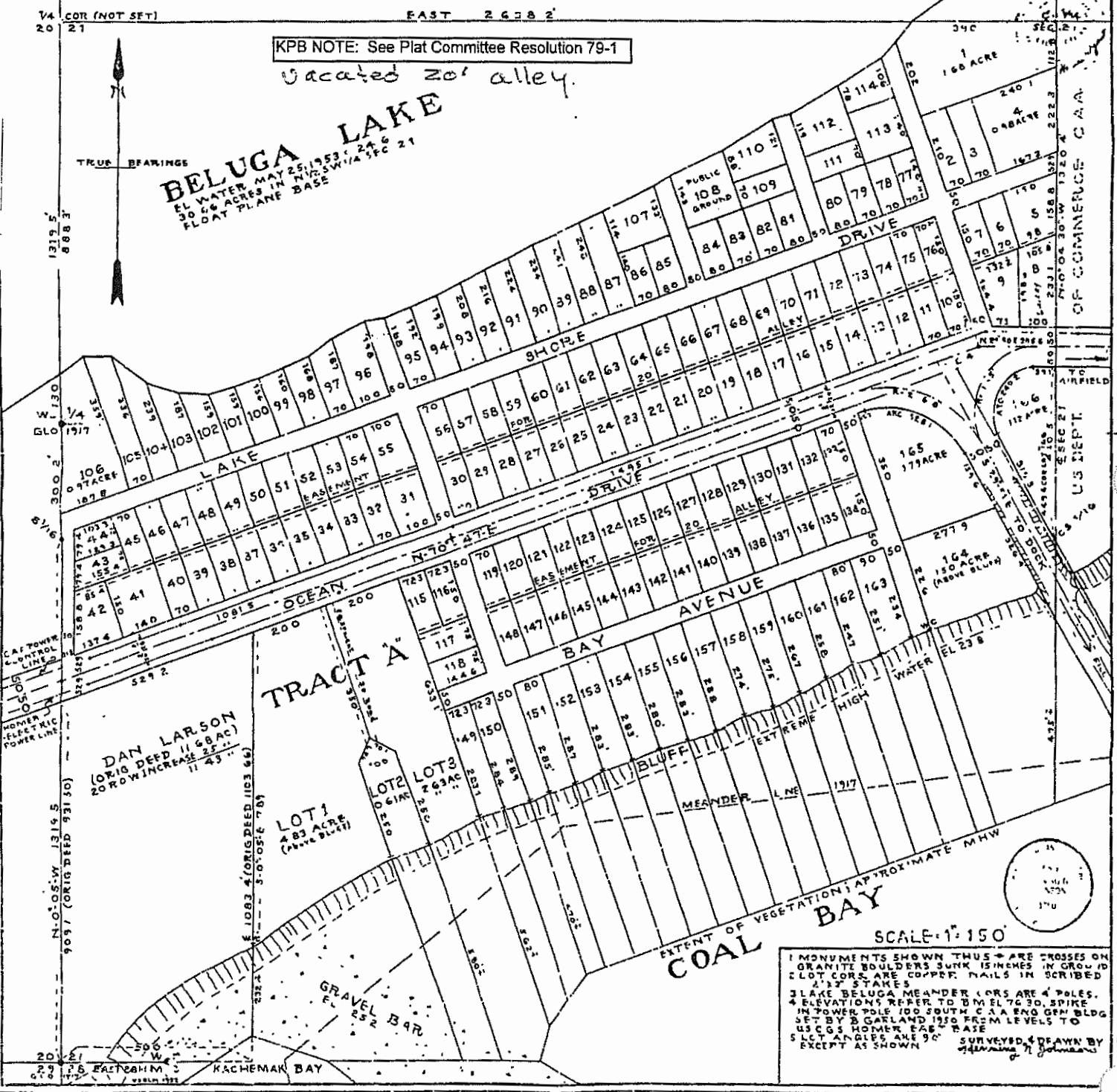
UNITED STATES OF AMERICA  
TERRITORY OF ALASKA

WITNESSETH: I, GOTTFRIED KOHLER, DO HEREBY DEDICATE THE STREETS, ALLEYS PUBLIC GROUND, AND THAT PORTION OF THE N 1/2 SW 1/4 SEC 21 COVERED BY BELUGA LAKE, AS SHOWN ON THIS PLAT, TO USE OF THE GENERAL PUBLIC FOREVER, FOR FOREST ROADERS AND UTILITIES.

ON THE 27th OF JUNE 1953, BEFORE ME A NOTARY, IN AND FOR THE TERRITORY OF ALASKA, GOTTFRIED KOHLER KNOWN TO ME TO BE THE PERSON WHO SIGNED THIS DEDICATION, THAT HE ACKNOWLEDGED HE SIGNED SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES STATED HEREIN.

KPB NOTE: See Plat Committee Resolution 79-1  
Vacated 20' alley.

**BELUGA LAKE**  
EL WATER MAY 25, 1953, 24.6  
30.2 ACRES IN N 1/2 SW 1/4 SEC 21  
FLOAT PLANE BASE



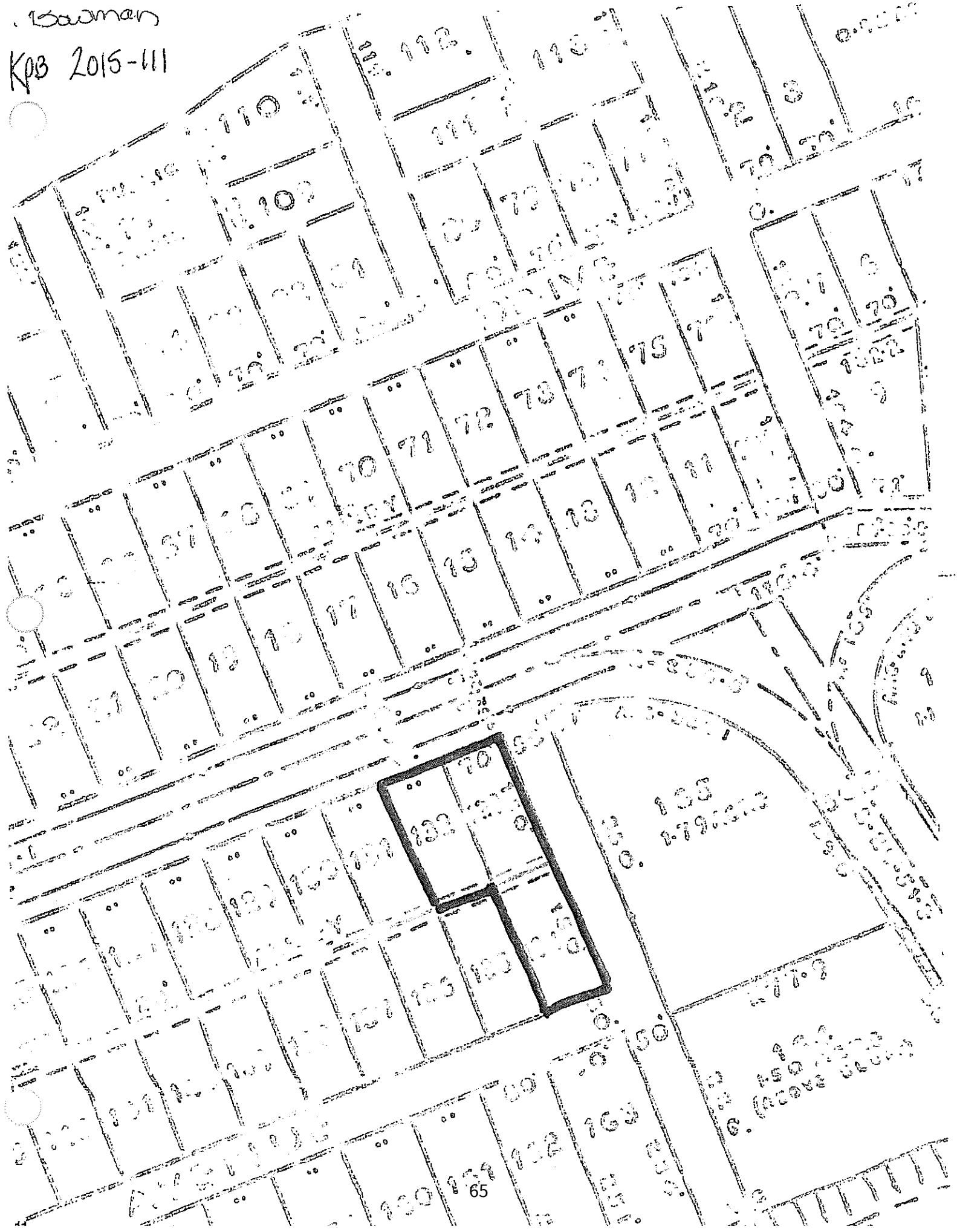
SCALE: 1" = 150'

MONUMENTS SHOWN THUS - ARE CROSSES ON GRANITE Boulders 3 INCHES IN DIAMETER  
CLOT CORNERS ARE COPPER NAILS IN SCRIBED 4" X 4" STAKES  
3 LAKE BELUGA MEANDER CORNERS ARE 4 POLES  
4 ELEVATIONS REFER TO B.M. EL 74.30 SPIKE IN POWER POLE 100 SOUTH C.A.A. ENG GEN BLDG. SET BY B. GARLAND 1950 FROM LEVELS TO U.S.C.G.S. HOMER EAST BASE  
5 LOT ANGLES ARE 90° EXCEPT AS SHOWN

SURVEYED & DRAWN BY  
[Signature]

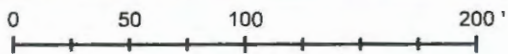


Bauman  
KPB 2015-111





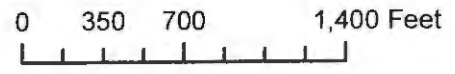
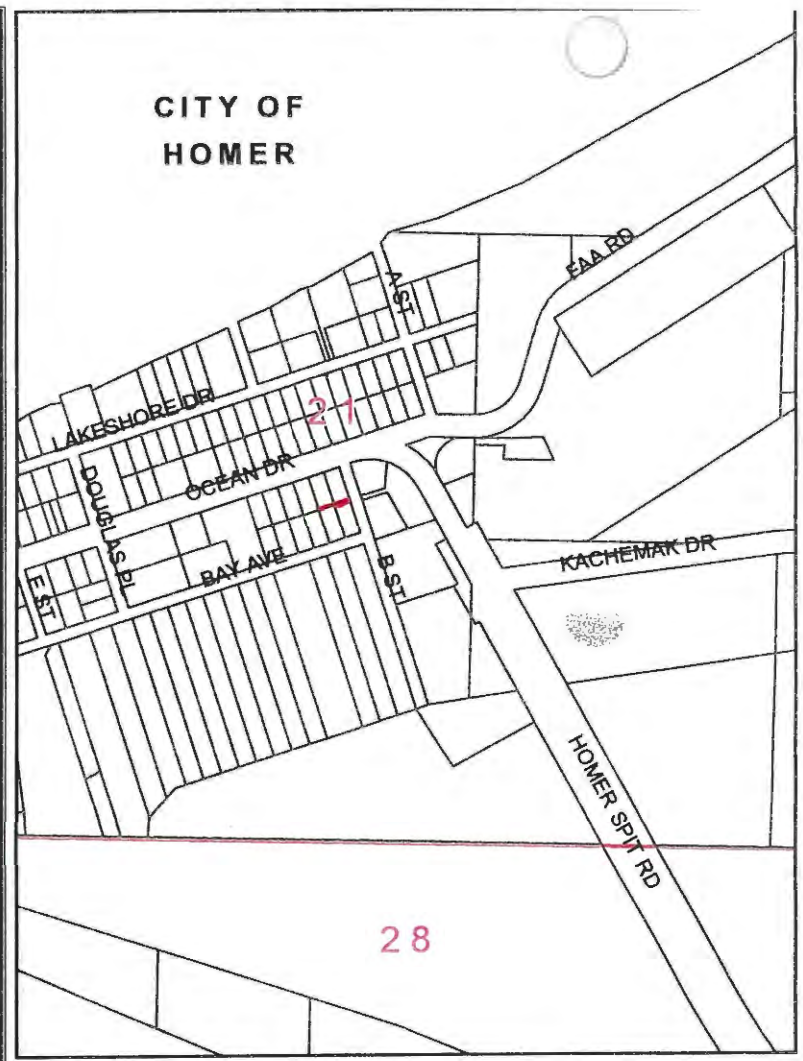
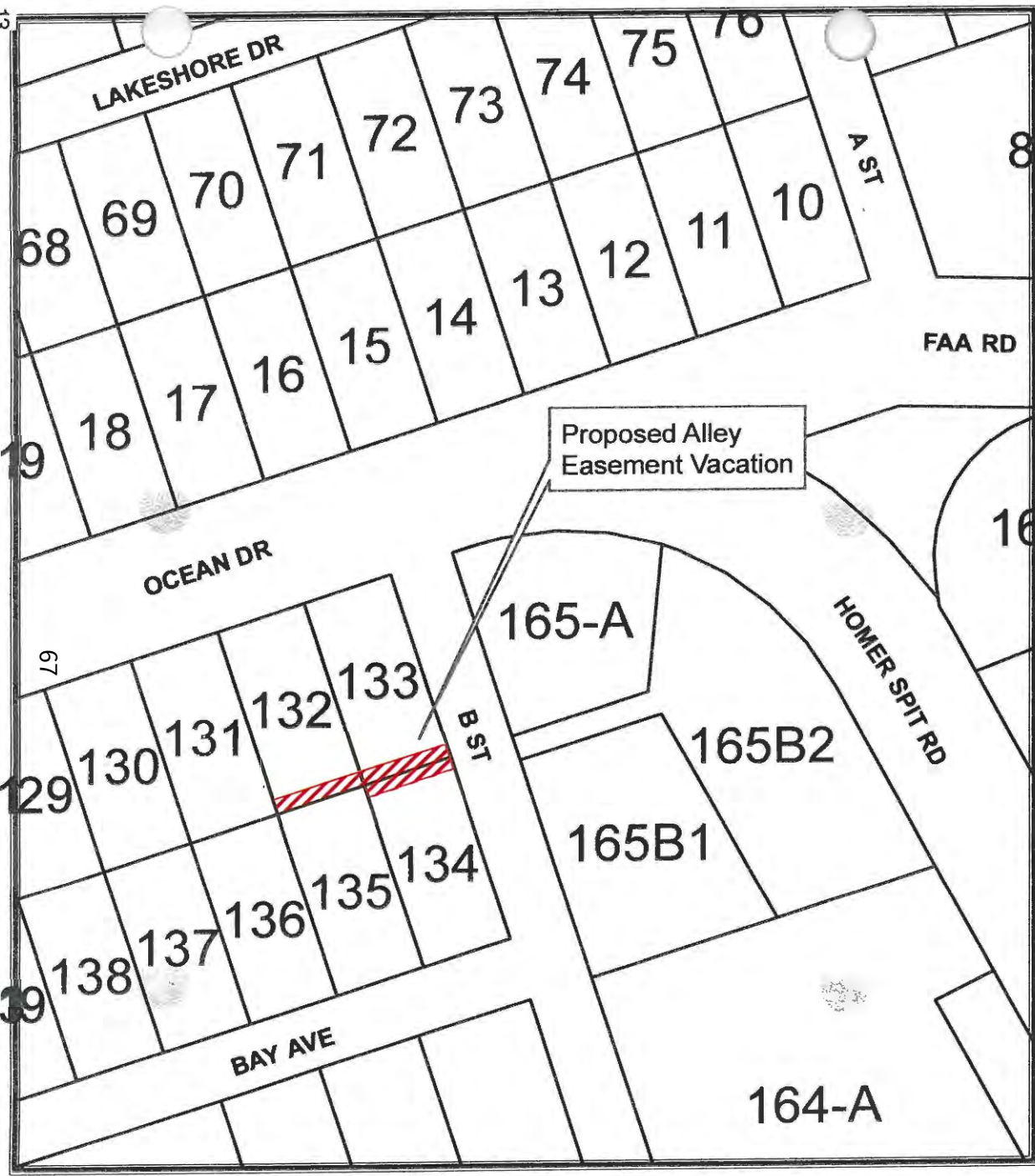
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for errors on this map.



Aerial



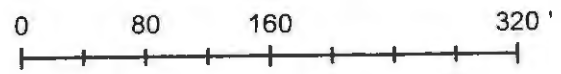
Date: 9/2/2015



Vicinity Map



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



ESolomon



Date: 9/17/2015



© 2015 Google  
© 2015 Google

Google earth

Session 15-12, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on August 5, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, STEAD, STROOZAS, VENUTI  
ABSENT: ERICKSON, HIGHLAND  
STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### Public Hearings

A. Staff Report PL 15-58 CUP 15-02 Vacation of a 20 ft alley easement at 3361 B Street and 1473 Ocean Drive

Commissioner Venuti said he may have a conflict of interest as he has a contract with the applicant.

Chair Stead asked for a motion.

STROOZAS/BRADLEY MOVED COMMISSIONER VENUTI HAS A CONFLICT

Chair Stead asked if the amount exceeds parameters outlined in city code. Commissioner Venuti responded it does.

VOTE: YES: BOS, STEAD, STROOZAS, BRADLEY

Motion carried.

Commissioner Venuti left the table.

City Planner Abboud reviewed the staff report.

Andy Amso, applicant, commented he agrees the alley needs to be eliminated. The neighborhood is cleaned up and no one uses the alley for access.

Chair Stead opened the public hearing. There were no comments and the hearing was closed.

BOS/BRADLEY MOVED TO ADOPT STAFF REPORT PL 15-58 AND THE VACATION OF A 20 FOOT ALLEY EASEMENT ALONG THE COMMON LOT LINE AT 3361 B STREET AND 1473 OCEAN DRIVE, LOTS 132, 133 AND 134 BAYVIEW SUBDIVISION WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Venuti returned to the table.



# 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

### Staff Report 15-58

TO: Homer Advisory Planning Commission  
 THROUGH: Rick Abboud, City Planner  
 FROM: Julie Engebretsen, Deputy City Planner  
 DATE: August 5, 2015  
 SUBJECT: Vacation of a 20 foot alley easement in the Bayview Subdivision

### Requested Action: Recommend approval of the alley easement

#### General Information:

Applicants:	Beverly Bowman 3361 B Street Homer, AK 99603	Andrew Amso 1473 Ocean Drive Homer, AK 99603
Location:	B Street, between Ocean Drive and Bay Avenue	
Parcel ID:	17920214, 17920215, 17920216	
Size of Existing Lot(s):	10,500 square feet each	
Zoning Designation:	General Commercial 1 District	
Existing Land Use:	Retail (Amso's carpet), Rooming house to be constructed	
Surrounding Land Use:	North: Ocean Drive, Commercial/retail South: Residential East: Commercial/vacant, Peninsula Sanitation West: Used car sales, residential	
Comprehensive Plan:	Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encourage infilling, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Objective A: Continue to accommodate and support commercial, residential and other land uses, consistent with the policies of this plan.	
Public Notice:	Notice was sent to 30 property owners of 41 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This action does not require a plat process. This action vacates an alley easement. The alley is not a 'traditional' publicly owned right of way; its an easement, meaning the private land owner owns the underlying real estate.

The applicant reported to staff that the actual constructed driveway lies only on lot 134. Although the easement is 10 feet on each side of the common lot line, all of the 20 ft travel way is on her property.

**Relevant KPB Code reference**

"20.70.170. Vehicular access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use."

*Planning Staff comment:* Access to other adjacent lots is provided by Bay Avenue, which is a paved, city maintained road, or by Ocean Drive, which paved and state maintained. Two access points are not necessary for the adjacent lots.

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Planning Staff comment:* The alley is not more suited to other uses than B Street and Bay Avenue. Both streets are quiet residential/commercial streets with low traffic. The alley easement is not needed to increase pedestrian or bicycle access to the area. The constructed alley ends on private property.

**Public Works Comments:** No comments.

**Fire Department Comments:** There are no fire department issues.

**Staff Recommendation:**

Planning Commission listen to public testimony. If there are no compelling arguments for keeping the alley, recommend vacation of the alley easement.

**Attachments:**

1. Petition
2. Public Notice
3. Aerial Map

KENAI PENINSULA BOROUGH  
PLAT COMMITTEE

RESOLUTION 79-1

A RESOLUTION VACATING THE 20 FOOT ALLEY EASEMENT LOCATED AT THE BACK OF LOTS 5 THROUGH 43 AND 45 THROUGH 76 IN THE BAYVIEW SUBDIVISION FILED AS PLAT NUMBER 839 ON JUNE 9, 1953 WITH THE OFFICE OF U. S. COMMISSIONER IN HOMER, ALASKA.

WHEREAS, the Homer City Council adopted Resolution 79-24 on June 12, 1979 requesting the vacation of the alley easement from Lambert Lane to the east boundary of the Bayview Subdivision, located between Ocean Drive and Lakeshore Drive; and

WHEREAS, the above alley easement is not necessary nor used for vehicular access; and

WHEREAS, it would be in the best interest of the property owners to have said alley vacated; and

WHEREAS, certain utilities presently exist within a portion of the alley and it is necessary that they be protected; and

WHEREAS, adjacent property owners were notified by certified mail and no objections to the vacation of the alley easement were expressed in writing or at the public hearing before the Plat Committee; and

WHEREAS, the Plat Committee of the Kenai Peninsula Borough Planning Commission is the platting board; and

WHEREAS, the Plat Committee approved the vacation and requested the preparation of this resolution at the August 6, 1979 Plat Committee meeting.

NOW THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH PLAT COMMITTEE:

Section 1. That the 20 foot alley easement is hereby vacated at the back of lots 5 through 43 and 45 through 76 in the Bayview Subdivision filed as plat #839 on June 9, 1953 with the Office of U. S. Commissioner in Homer, Alaska.

Section 2. That an easement shall remain for any utilities located within the alley easement at the time of this vacation becomes effective.



Section 3. That this vacation shall become effective thirty days from August 6, 1979 if such vacation is not vetoed by the Homer City Council during this time period pursuant to Alaska Statutes Section 29.33.220.

ADOPTED BY THE PLAT COMMITTEE OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF AUGUST, 1979.

Jim Jacobs  
Jim Jacobs  
Plat Committee Chairman

ATTEST:

Glenda Pritchard  
Glenda Pritchard  
Plat Committee Secretary

NOTARY'S ACKNOWLEDGEMENT

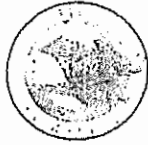
This is to certify that on this 7th day of August, 1979, before me the undersigned, a Notary Public in and for the State of Alaska, Duly commissioned and sworn, personally appeared Jim Jacobs Glenda Pritchard to me known to be the persons described in and who executed the above and foregoing instrument, freely and voluntarily for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first written above.

Shirley A. [Signature]  
Notary Public for Alaska  
My Commission Expires July 7, 1980

79-063088  
7-

AUG 10 19 45 AM '79  
Ability Services  
Box 1263  
Homer, Ak



Kenai Peninsula Borough Planning Department  
 144 North Binkley  
 Soldotna, Alaska 99669-7599  
 Toll free within the Borough 1-800-478-4441, extension 2200  
 (907) 714-2200

**Petition to Vacate Public Right-of-Way/Easement/Platted Public Area  
 Public Hearing Required**

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

E.S.

- \$500 non-refundable fee to help defray costs of advertising public hearing.
  - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
  - Name of public right-of-way proposed to be vacated is dedicated by the plat of Bayview Subdivision, filed as Plat No. 000089 in Hoonah Recording District.
  - Are there associated utility easements to be vacated?  Yes  No
  - Are easements in use by any utility company? If so, which company \_\_\_\_\_
  - Easement for public road or right-of-way as set out in (specify type of document) Transfer to Adverse Plat as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the Hoonah Recording District. (Copy of recorded document must be submitted with petition.)
  - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed?  Yes  No  
 Is right-of-way used by vehicles / pedestrians / other?  Yes  No  
 Is alternative right-of-way being provided?  Yes  No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:  
The individuals residing at 1243 Bay Avenue have access to their homes by way of Bay Avenue, a city maintained road. The alley is not used to the general public. The remaining portion of the alley has been vacated beyond 1847 Bay Avenue. Additionally, the other two adjacent property owners also wish to vacate it.  
 The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: Beverly Brunner Signature as:  Petitioner  Representative  
 Address: 3361 B St.  
Hoonah AK 99663  
 Phone: 767-366-7366

Petitioners:  
 Signature: Beverly Brunner  
 Name: Beverly Brunner  
 Address: 3361 B St.  
Hoonah, AK 99663  
 Owner of TIN # 17920214 (Lot 134)  
(3361 B St.)

Signature: Andrew R. Ariso  
 Name: ANDREW R. ARISO  
 Address: 1473 OCEAN DR.  
HOONAH, AK  
(Lot 133) (Lot 132)  
 Owner of TIN # 17920215 and 17920214  
1473 Ocean

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Owner of \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Owner of \_\_\_\_\_

# VISITORS





Greetings,

My name is Megan Murphy and I've been a year-round resident of Homer since 2004. I came up here with one backpack for what was supposed to be a three-month internship. However, within the first week of being here, I had never before felt so at ease in a place and wanted to stay longer. Turns out wherever you are, life can be difficult. I suppose this is why I eagerly listen to other people's stories and reasons for being here so to continually remind myself of my choice and gratitude for living here.

Homer is a web of relationships. The diversity of this web can be seen sitting at the Sav U More deli, the Gear Shed, visiting in the Post Office line, running around Karen Hornaday park, working in the Harbor, the boatyard, church, hanging out at Bishop's Beach, the fishing hole, KBay Caffé, Fritz Creek general store, and more. By exploring the connections of this web we strengthen them.

For the past 3 years, I have been the coordinator for MAPP – a grassroots, local coalition of 40+ organizations and community members that started in 2008 with the goal of improving community health (see MAPP brochure within for more info). Recently, a group of community members developed this packet to explore the questions: **“What connects us to this community? What connects us to others? What connects us to our selves?”**

We invite you to check out this packet in hopes to stimulate a conversation – be it in your own head, with a friend, or in a community forum. Through this discussion, we hope to be able to learn from and support one another.

Best,

Megan Murphy

MAPP Coordinator



This packet was made possible with in-kind contributions from multiple organizations and financial support of the Homer Prevention Project.

# OPPORTUNITIES FOR CONNECTION

Well-being has many different parts. The broad and interrelated categories below offer different ways to find connection and support in Homer. Many of the resources listed provide

volunteer opportunities as well which is a great way to learn about and contribute to the community. This list is just a start - check out the websites below for additional opportunities.

## CIVIC

Alaska State Troopers.....	235-8239
American Legion.....	235-8864
City of Homer/City Hall.....	235-8121
Elks Club.....	235-2127
Homer Police Department.....	235-3150
Homer Volunteer Fire Department.....	235-3155
Kachemak Bay Lions Club.....	235-1999
Legislative Information Office.....	235-7878
Rotary Clubs of Homer.....	Visit Pop411.org

## COLLABORATIVES

Connecting Community Resources.....	235-0397
Green Dot.....	399-1848
Homer Climate Adaptation.....	226-4657
Homer Early Childhood Coalition.....	399-1567
Homer Safe Routes.....	235-2662
Kachemak Advocates for Recycling.....	399-9477
Mobilizing for Action through Planning & Partnerships (MAPP).....	235-0570
Resiliency Coalition.....	235-7712
Woodard Creek Coalition.....	435-3333

## CULTURAL

Bunnell Street Arts Center.....	235-2662
Homer Council on the Arts.....	235-4288
Kenai Peninsula Orchestra.....	235-4899
Pier One Theatre.....	235-7333
Pratt Museum.....	235-8635

## EDUCATIONAL

Big Brothers Big Sisters.....	235-8391
City of Homer Community Recreation.....	235-6090
Head Start.....	235-4322
Homer Public Library.....	235-3180
Kachemak Bay Campus (KBC).....	235-7743
KBC/GED/Adult Basic Education.....	235-1602
MASST/Senior Employment Program.....	907-776-7583
R.E.C. ROOM.....	235-3436
School Youth Homelessness Liaison.....	226-1890
Sprout Family Services.....	235-6044

## EMOTIONAL

Alcoholics Anonymous.....	235-6822
Cook Inlet Council on Drug and Alcohol Abuse (CICADA).....	235-8001
South Peninsula Behavioral Health Center (The Center).....	235-7701
South Peninsula Haven House.....	235-7712

## ENVIRONMENTAL

Alaska Maritime National Wildlife Refuge.....	235-6546
Center for Alaskan Coastal Studies.....	235-6667
Cook Inlet Keeper.....	235-4068 x27
HoWL (Homer Outdoor Wilderness Leaders).....	399-4695
Kachemak Bay Research Reserve.....	235-4799
Kachemak Heritage Land Trust.....	235-5263
Sustainable Homer.....	299-4920

## FINANCIAL

Homer Chamber of Commerce.....	235-7740
Homer Community Food Pantry.....	235-1968
Homer Foundation.....	235-0541
Homer Thrift.....	235-7712
Salvation Army Thrift Store.....	235-8923
WIC.....	235-5495

## PHYSICAL

Homer Medical Clinic.....	235-8586
Homer Public Health Center.....	235-8857
Homer Senior Citizens Center.....	235-7655
Hospice of Homer.....	235-6899
Independent Living Center.....	235-7911
Kachemak Bay Family Planning Clinic.....	235-3436
Kachemak Bay Medical Clinic.....	235-7000
South Peninsula Hospital.....	235-8101
SVT Health and Wellness Center.....	226-2228

## SPIRITUAL

Churches.....	Visit Pop411.org
Junior Youth Spiritual Empowerment Program.....	299-4142
Many Rivers.....	435-7538

## TRANSPORTATION

Discounted Taxi Fares (Through Independent Living Center).....	235-7911
Kachekab.....	235-1950
Kostas.....	399-8008
Ryder Transport- Accessible (Van Available).....	399-8888

## WEBSITES

### Local News & Events

Homer News.....	homernews.com
Homer Tribune.....	homertribune.com
KBBI.....	kbbi.org

### Resources

Youth Resource Guide.....	homeryrg.org
Community Resource Guide.....	pop411.org

# Creating Community



**“I feel most connected to the community when I’m helping others, donating goods to local charities and attending sporting events.”**

Michelle, 46

**“New friendships through our wonderful neighbors has helped me feel connected to Homer.”**

Kathy, 57

**“I am looking forward to college but I’m not looking forward to leaving Homer.”**

Jonas, 18

**“At the Homer Public Library, you can read stories to big groups of people.”**

Frida, 8



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# Community

## WHY CONNECT?

*“Our own survival is so dependent on the help of others that a need for love lies at the very core of our existence. That is why we need to cultivate a genuine sense of responsibility and a sincere concern for the welfare of others.”*

*Dalai Lama*

We’re experimenting with how to create a more connected and resilient community — one that is full of thriving individuals and families and has structures in place that offer support to all of us. This kind of community not only

helps lift people up who might be struggling, but helps prevent struggles from occurring in the first place. This kind of community enables all of us to live fuller lives.

## QUESTIONS TO ASK YOURSELF

? How does my community support people going through tough times?

? What would make it easier for people in my community to feel more connected?

? In what ways could I be involved in creating a more connected community?

## THINGS YOU CAN DO

*“I go to fundraisers, even if I don’t know the people.” Sam, 72*

There is a lot of neat stuff to do in this community, though it takes a little effort to step out of our usual habits and try something new. Connecting to people and place can be as simple as a trip to the farmer’s market or taking time with friends at the post office or grocery store.

Here are a few ideas that people we talked with suggest:

♥ Volunteer, everyone has something to offer.

♥ Take a class at the college or a less formal community class.

♥ Attend performances.

♥ Keep your eye out for community events such as fundraisers, community runs or benefits, art openings, senior center and church events.

If you want to know what is happening in town, keep your eyes and ears out, read the local papers, and listen to the local radio stations. Bulletin boards around town are a good source for classes, events and performances.

What do you do that makes you feel that you are part of the community of Homer?



© Homer News





# Developing Relationships



**"I feel connected to others when I can give them a helping hand."**

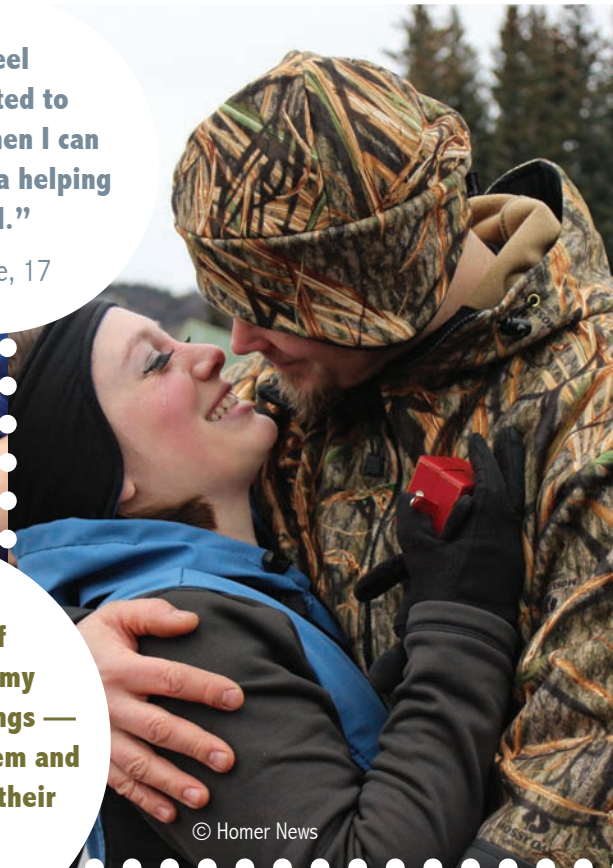
Izabelle, 17

**"When I'm with my friends outside, camping, fishing, sitting around a fire."**

Josh, 43

**"...when I walk outside of my door and see my neighbors doing things — I love that I know them and have a context for their lives."**

Shay, 46



© Homer News



© Homer News

**"Family dinner: eating and talking, sharing a meal."**

Selina, 22



# Relationships

## WHY CONNECT?

*“I define connection as the energy that exists between people when they feel seen, heard, and valued; when they can give and receive without judgment; and when they derive sustenance and strength from the relationship.”*

*Dr. Brene Brown*

Positive, supportive relationships with healthy adults are one of the biggest buffers against tough times for both children and adults. This means the simple act of building relationships with others can make us more resilient in times of stress, and less likely to experience some of that stress in the first place.



## QUESTIONS TO ASK YOURSELF

? *What relationships in my life encourage and support me?*

? *How do I care for the people close to me?*

? *How do I like to be shown respect or care?*

## THINGS YOU CAN DO

*“I tend to not stop and see people. I need to work on taking the time to stop and visit people.” Anne, 57*

A community is made up of many relationships, some close and some not, from family to acquaintances. Some people have many connections and some people maintain just a few. Relationships don't just happen. It takes an effort to meet with people and spend time together. It may be that you just find out what they are doing. Everyone appreciates a good listener. For some people this can be easy, for some people it is more difficult.

Here are a few ways to encourage relationships:

👤 Go where you know you will bump into people, the Post Office, the store, Bishop's Beach, the library, etc.

👤 Offer to help someone.

👤 Ask people about themselves. “Tell me about . . .” is a good beginning.

👤 Visit the senior center.

👤 Call up a friend.

How do you stay close to the people in your life? Who would you like to know better?



# Caring for Self



“When I’m cooking and cleaning,  
it’s part of my culture,  
getting things in order.”

*Hionia, 36*



“It’s hard  
to do anything  
when I’m depressed,  
but it can help when  
I’m around the people  
I love and trust.”

*Sara, 64*



© Homer News



© Homer News

“I feel grounded  
when I am practicing  
martial arts.”

*Rowyn, 16*



## WHY CONNECT?

*“You can’t create anything on the outside that you haven’t created on the inside first. If I’m disconnected on the inside, I’m disconnected on the outside.”*

*Larry Mercurieff*

We’re experimenting with how to create a more connected and resilient community which also involves creating more connected and resilient individuals and relationships. All of

these are related and influence each other. Taking the time to take care of ourselves can allow us to take better control over our emotions, our health and our lives. If we’ve faced major life

challenges, it may be harder for us to connect to ourselves. Supportive relationships and a supportive community can help us begin to connect.

## QUESTIONS TO ASK YOURSELF

? *What helps me get through tough times?*

? *When do I feel connected to myself?*

? *What ways do I calm myself or cope with stress?*

## THINGS YOU CAN DO

*“I’m grounded when I take a walk on the beach, or work on an old truck.”* *Jeff, 67*

*“At the end of the day, I pray. It makes me feel better about everything.”* *Alexandra, 29*

A doctor once prescribed “an hour of beauty a day” for a friend who had lost her husband. The medicine of self-kindness can be as simple as taking time in a day to do what you love and as difficult as setting time aside for yourself.

Some people told us they knit, work in their garden, go fishing, do yoga, ride a bike, take a walk, pray. There are as many suggestions as there are individuals in Homer.

What are you doing when you’re at peace with yourself and the world, when time slips by unnoticed?



# IMAGINE

A COMMUNITY taking charge of health issues together.

A COMMUNITY that defines health so broadly that it includes not only physical and mental health, but cultural, economic, educational, environmental, and spiritual health.

ALL ORGANIZATIONS, community members and different disciplines truly collaborating to focus on the same issue.

Help Us Build A Healthy Community

## GET INVOLVED

**CONTRIBUTE** time, data, or stories for MAPP priority issue areas

**PARTICIPATE** in workgroups or collaborative projects

**VISIT** our website

>>Stay informed of our progress

>>Sign up for our email newsletter

# Can We Be Better?

Working Together Expands Our Results



**YES!** MAPP brings us together to connect the community and build individual, family, and community resilience.

**OUR VISION** is a

**Proactive,  
Resilient &  
Innovative  
Community**



Spearheaded by South Peninsula Hospital in 2008, MAPP of the Southern Kenai Peninsula is a coalition of local agencies, organizations and individuals working together to improve community health. MAPP is led by a community-wide steering committee which defines health broadly to include not only physical and mental health, but also cultural, economic, educational, environmental, and spiritual health. The goal of MAPP is to help identify opportunities for community health improvement and serve as a catalyst for community action.

The coalition provides backbone support for collective community action through the following activities:

**CONDUCT** ongoing Community Health Needs Assessments (CHNAs) to provide information about emerging health issues and opportunities

**CONVENE** community conversations to discuss the findings of the CHNAs

**FACILITATE** community consensus around a shared vision for community well-being

**FOSTER** connection between related organizations and events

**ENGAGE** multiple sectors of the community to identify opportunities for collective action on prioritized well-being issues

**MOBILIZE** community to take action on prioritized issues and develop Community Health Improvement Plans (CHIP)

**MONITOR** and outreach progress on shared community measures

**ORGANIZE** and promote educational opportunities that build community capacity

**CELEBRATE** collaborative work already underway that is improving community health














# MAPP's CURRENT FOCUS

Whether we live alone or with a full household, we all have family in those we love, care for, or connect with. Presently, MAPP's focus is on increasing family well-being and resiliency. MAPP aligns the numerous community partnerships around this shared focus, specifically the **FIVE FAMILY RESILIENCY FACTORS** below.

A Healthy Community Begins With **YOU**

What Role Could YOU Play In Improving Family Well-Being?

## Factors that Promote Resiliency

INDIVIDUAL	FAMILY	COMMUNITY
 <p><b>Temperament</b> Individual temperament or sense of humor</p>	 <p><b>Mastery</b> Opportunities to experience mastery</p>	 <p><b>Access to Services</b> Basic needs, advocacy, health</p>
 <p><b>Expressions</b> Opportunities to express feelings through words, music, etc.</p>	 <p><b>Culture</b> Strong cultural identity</p>	 <p><b>School</b> Positive school climate &amp; supports</p>
 <p><b>Conflict Resolution</b> Development of conflict resolution and relaxation techniques</p>	 <p><b>Relationships</b> Ability to form relationships with peers</p>	 <p><b>Mentors</b> Role models and mentors, i.e. coach faith leaders</p>
 <p><b>Understanding</b> Ability to make sense of their experiences</p>	 <p><b>Supportive Relationships</b> Positive child-caregiver relationships</p>	 <p><b>Neighborhood Cohesion</b> Safe and connected communities.</p>
	 <p><b>Stability</b> Stable living environments.</p>	

Adapted with permission from Futures Without Violence.

## Creating a Connected Community



ADVERSE CHILDHOOD EXPERIENCES

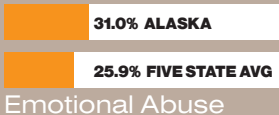
# ACEs in Alaska

In a 2013 phone survey, most Alaskans reported experiencing one or more Adverse Childhood Experiences, or ACE, before age 18.

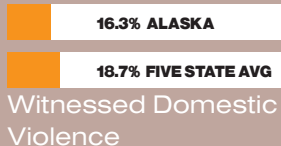
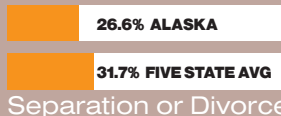
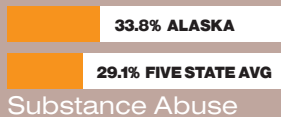
This survey showed that, overall, Alaskans have higher rates of Adverse Childhood Experiences, or ACEs, than most other states.



## ABUSE



## HOUSEHOLD DYSFUNCTION



## WHY DOES THIS MATTER?

### Individuals and Families

When we experience trauma as young people, it can impact the way our brain develops which can lead to more challenges over our lifespan. Additionally, the effects of childhood trauma can be passed down through generations.

### Communities

The lifetime cost per victim of childhood trauma is about \$200,000. This includes losses in job productivity, child and adult medical and social services costs, and costs to the criminal justice system.

## WHAT'S YOUR STORY?

Do you experience any of these behaviors or coping skills?

- ✓Anxiety or depression
- ✓Trouble in relationships
- ✓Difficulty learning
- ✓Addictions
- ✓Oversensitivity to stressful situations
- ✓Any of the health and behavioral challenges listed inside?
- ✓Emotional outbursts

Consider your own life history and what kind of tough experiences you've had. If trauma is a part of your past, acknowledging it and addressing it can help improve your health and well-being.

Fortunately, the brain is adaptable and can heal, at any age, from the effects of Adverse Childhood Experiences. What strengths do you have that have helped you get through tough times? What things can you do to help retrain your brain?

### SUPPORT IS AVAILABLE



**Haven House**  
24/7 Crisis Line  
(907) 235-8943



**The Center**  
South Peninsula  
Behavioral Health  
Services  
(907) 235-7701



**Kachemak Bay**  
Family Planning  
(907) 235-3436



**Homer R.E.C. Room**  
(907) 235-3436



**Sprout Family Services**  
(907) 235-6044



**Alcoholics Anonymous**  
(907) 235-6822



**Food Pantry**  
(907) 235-1968

See [POP411.ORG](http://POP411.ORG) for a list of local churches and other community resources



**Religious Communities**

### CITATIONS

National ACEs: [www.cdc.gov/violenceprevention/acestudy/](http://www.cdc.gov/violenceprevention/acestudy/)  
Alaska ACEs: [dhss.alaska.gov/abada//ace-ak/Pages/default.aspx](http://dhss.alaska.gov/abada//ace-ak/Pages/default.aspx)  
ACEs Connection: [acesconnection.com](http://acesconnection.com)  
National Child Traumatic Stress Network: [nctsn.org](http://nctsn.org)

### FIND MORE CITATIONS AND RESOURCES



# WHAT'S YOUR STORY?

Our life experiences can impact our health



Learn More About

ADVERSE CHILDHOOD EXPERIENCES

also known as


# ACEs

## WHAT ARE ACEs?

ACEs are Adverse Childhood Experiences, or tough times that happen to us when we are kids. If we experience severe tough times, or trauma, as kids, it can impact our lives as adults in many different ways. Trauma happens when stress becomes overwhelming and toxic to a child's growing brain, either from one serious event, or if stress is constant over time.

In 1998 the Center for Disease Control (CDC) concluded the biggest study ever conducted to look at the connections between this childhood trauma and adult health problems. This is the Adverse Childhood Experiences, or ACEs study. This scientific investigation looked at 10 different types of childhood trauma:

### Types of Adverse Childhood Experiences

<b>ABUSE</b> 	Physical Sexual Emotional	<b>NEGLECT</b> 	Emotional Physical
<b>HOUSEHOLD DYSFUNCTION</b> 	Household Substance Abuse Parental Divorce Household Mental Illness	Witnessed Domestic Violence Incarcerated Household Member	

The ACEs study linked these 10 types of childhood trauma to adult health and behavioral problems, including:

### Types of Adult Health & Behavioral Problems

<b>BEHAVIORAL</b> 	Lack of Physical Activity Smoking	Alcoholism Drug Use Missed Work
<b>PHYSICAL &amp; MENTAL HEALTH</b> 	Morbid Obesity Diabetes Depression Suicide Attempts	Heart Disease Cancer Stroke <i>and many more</i>

# PATHWAYS TO RESILIENCE

Resilience is the ability to bounce back from setbacks in our lives. More importantly it is the way we can prevent stress from causing serious physical, mental and emotional issues if left unattended. Practicing positive and often simple activities can actually retrain our brain, at any age, to handle emotional and stressful situations in a new way, potentially avoiding long term effects on the body whether or not we experienced severe trauma in our childhood.












## RETRAIN YOUR BRAIN






### FOR CHILDREN

-  Positive Role Models
-  Supportive Adults
-  Parental Involvement
-  Caring Community
-  Increased Parent-Infant Contact
-  Increased Knowledge of <sup>88</sup> Child Development

### FOR EVERYONE

-  Supportive Relationships
-  Walk in the Woods
-  Healthy Food
-  Gratitude
-  Exercise
-  Smile
-  Talk About Feelings
-  Music
-  Art

### FOR ADULTS

-  Acknowledge Trauma
-  Seek Support
-  Identify Emotional Triggers
-  Mental Health and Substance Abuse Treatment
-  Create Safe and Stable Nurturing Relationships



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**EXTRA MILE DAY  
November 1, 2015**

WHEREAS, Homer, Alaska is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Homer, Alaska is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Homer, Alaska is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Homer, Alaska, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2015.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of Homer, Alaska, do hereby proclaim November 1, 2015 to be **Extra Mile Day**. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 26<sup>th</sup> day of October, 2015.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK



CITY OF HOMER  
HOMER, ALASKA

**MAYOR'S RECOGNITION**

**HOMER HIGH GIRLS AND BOYS CROSS COUNTRY TEAMS**

WHEREAS, On October 2, 2015, the Homer High School Girls Cross Country team earned first place at the Alaska State competition; and

WHEREAS, On October 2, 2015, the Homer High School Boys Cross Country team earned second place at the Alaska State competition; and

WHEREAS, Homer High School replaced the track surface with community support during the summer of 2012; and

WHEREAS, The Homer High School Girls Cross Country team earned first place in State last season; and

WHEREAS, It had be eight years since any Homer High School team had earned a state championship; and

WHEREAS, Homer High School has only earned one state championship in the previous 23 years; and

WHEREAS, Each team member has devoted countless hours and miles to practicing over the summer months; and

WHEREAS, Coach Bill Stier has been selected to be Region III Cross Country Coach of Year for the past three years and in 2014 he was selected as Alaska Cross Country Coach of the Year; and

WHEREAS, The Homer High Boys Cross Country Team earned the Academic Award for best grade point average for a cross-country team.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby recognize the

**HOMER HIGH GIRLS CROSS COUNTRY TEAM FOR EARNING FIRST PLACE AT THE ALASKA STATE COMPETITION AND THE HOMER HIGH BOYS CROSS COUNTRY TEAM FOR EARNING SECOND PLACE AT THE ALASKA STATE COMPETITION.**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 26<sup>th</sup> day of October, 2015.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK



Session 15-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on October 7, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: ERICKSON

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN  
DEPUTY CITY CLERK JACOBSEN  
PUBLIC WORKS DIRECTOR MEYER

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/VENUTI 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).

There was no public comment.

### **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 September 16, 2015
- B. Decision and Findings for CUP 15-04 at 5185 Slavin Dr.
- C. Marley Subdivision Time Extension

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

HIGHLAND/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

A. Carey Meyer, Public Works Director, Waddell Way Improvements

Public Works Director Meyer reviewed the 35% design for the Waddell Way road improvements and project status. He reviewed the properties affected, rights of way in place and what will be created through platting. Mr. Meyer explained that this project will have the city's first street lights which will be LED lights that are 24 feet tall. This is an effort to minimize light pollution that can be created by taller poles, but will require closer placement of poles to have appropriate lighting along the street. He anticipates up to 10 street lights and that some of the cost will be recouped having lower energy usage with the LED lights. Relating to street naming, Mr. Meyer explained they are proposing that the road east to west be named Grubstake as it is an extension of that road. The north south connection hasn't been named yet. He reviewed the platting requirements that will be forthcoming to the Commission, HEA is participating with the platting, and they are working on a solution for the driveway design for the HEA construction yard.

### **Reports**

A. Staff Report PL 15-67, City Planner's Report

Deputy City Planner Engebretsen reviewed the staff report included in the packet.

### **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**

### **Pending Business**

A. 2015 Commissioner Attendance at City Council Meetings

Commissioner Stroozas agreed to attend on December 7<sup>th</sup> and Commissioner Bradley said she could attend on November 9<sup>th</sup>.

B. Staff Report PL 15-69, Bridge Creek Watershed Protection District

Deputy City Planner Engebretsen reviewed the staff report.



There was brief discussion in support of providing 50% relief for walk ways and driveways provided appropriate retention measures are in place.

It was confirmed the Commission will hold a public hearing at their next meeting and then it should be ready to go back to City Council.

### **New Business**

#### **A. Staff Report PL 15-70, Zoning for the Marijuana Industry**

Deputy City Planner Engebretsen reviewed the staff report, including activities and buffers for particular land uses like schools and churches. The goal is to have a zoning ordinance to City Council by the end of the year so our regulations will be in place before the state's February deadline to start receiving applications for marijuana businesses.

The commission reviewed the activities including retail, cultivation, manufacturing/processing, and testing.

Deputy City Planner Engebretsen explained the Cannabis Advisory Commission (CAC) has addressed allowing small scale cultivation, less than 500 square feet, allowable in the rural residential neighborhood. Things they might think about include a minimum lot size or separation distance from the property line. She also noted the laydown from the Library Advisory Board recommending the library have the same setback as schools and she offered to provide a map of different scenarios.

Chair Stead's opinion is a 200 foot setback for the library, he recognized that youth do frequent the library, but it doesn't have the same concentration of youth as a school.

Commissioner Highland questioned if marijuana licenses would be limited by population like liquor licenses are. Chair Stead said he wasn't aware of a restriction yet and we don't know what the marijuana control board will do. Deputy City Planner Engebretsen was unsure if they could limit based on population locally, but noted there are a lot of hurdles to get into the business.

They reviewed the table proposing allowances for marijuana related activities.

Allowing cultivation in the Bridge Creek Watershed Protection district is recommended as allowable through a conditional use permit. A grow operation would likely trigger other conditional uses depending on impervious surface and other things. Relating to a small operation less than 550 feet, the concern is fertilizers, pesticides, and the potential of chemicals not being processed properly, going into septic systems and draining out into the watershed.

Commissioner Bos suggested small scale cultivation not be allowed in rural residential. Chair Stead noted that the CAC's perspective is that 75% of Homer is rural residential and that is why they support small operations. Mr. Bos said he understands there are people who want to grow it but also that there are their neighbors who won't want it next door. He thinks it's a good place to start. Deputy City Planner Engebretsen suggested looking at two options like A- not at all or B- under some specific conditions, so people have some options to consider and testify about.

Commissioner Highland commented that residential is mixed in most of the districts and there are ramifications of marijuana related activities that warrant something keeping it more restrictive in the beginning. If it is less restrictive and down the road we want to change regulation, we are left dealing with nonconforming uses.

Deputy City Planner Engebretsen confirmed for the next meeting staff will bring back two options to consider for rural residential, one not at all and two by CUP with rigorous standards like minimum lot size and separation distances to establish grounds to allow or deny.

There was general discussion about the lengthy process of getting licensed for an operation, and the stringent regulations for the marijuana related activities once they are licensed.

Under the manufacturing table it was suggested to eliminate CBD and include GC1 and GC2 as a CUP. Lot sizes in the CBD are too small and flammable materials are used at times in the process. Exclude Town Center and Gateway Business and Marine districts as well.

No changes were suggested for the table under testing.

Regarding retail, there was discussion of the notion of limiting the number of retail operations. Deputy City Planner Engebretsen explained that in staff's discussion, these stores can't sell other things. It raises the question how many can the community really support? The spit has a short retail season and there are a lot of hurdles to get a license from the state. It's questionable if it will be worth doing it out there. No changes were suggested.

Deputy City Planner Engebretsen said they will bring back a draft ordinance for the Commission to review.

B. Staff Report PL 15-71 Transportation Recommendations

Deputy City Planner Engebretsen reviewed the staff report.

BOS/HIGHLAND MOVED TO FORWARD THE TRANSPORTATION RECOMMENDATIONS TO COUNCIL.

There was brief discussion in support of the recommendations.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**Informational Materials**

- A. City Manager's Report September 28, 2015
- B. Town Hall Potential Revenue Solutions Pros/Cons

**Comments of the Audience**

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

**Comments of Staff**

Deputy City Planner Engebretsen thanked the Commission for their input tonight. She thinks the marijuana discussion will move fairly quickly and hopes we can communicate in a clear fashion so people can join the conversation and not get too bogged down.

**Comments of the Commission**

Commissioner Highland commented in thinking about the budget and things that could get cut she questions if there is talk about volunteerism in the city. She thinks that's where we'll have to go with a lot of things. Regarding cannabis, she thinks unless things are in the newspaper people won't see it. Outreach is difficult and she thinks if there can be an article in the paper it would help the public know what is being discussed.

Deputy City Planner Engebretsen noted there is information in the papers regarding the marijuana regulation process and for people who are interested, it's readily available. As far volunteerism, it's huge in our community but it's a question of services.

Commissioner Bradley thanked everyone for the meeting. She is interested in seeing how the new intersection at Pioneer and Main will turn out. It's a little tricky right now. She invited everyone to attend the Pratt Museum's 30<sup>th</sup> annual Ritz on Friday.

Commissioner Bos said it was a good meeting.

Commissioner Venuti commented the Governor will be in town on Friday speaking at the Senior Center. In regard to whether the public gets notified or not, he thinks the same people who don't vote, don't pay attention. You're either interested in this stuff or you aren't. He said it was an interesting meeting.

Commissioner Stroozas said it was a good meeting; he apologized for missing the last one. It's been a busy month for him and now he can wind down and strategize for next time. He thanked everyone who supported him and wished everyone a good night.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:33 p.m. The next regular meeting is scheduled for October 21, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_



# PUBLIC HEARING(S)



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

**Ordinances 15-38, 15-39(S), and 15-40  
Resolutions 15-090, 15-091, and 15-092**

A **public hearing** is scheduled for **Monday, October 26, 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 15-38, 15-39(S), and 15-40 internet address:**  
<http://www.cityofhomer-ak.gov/ordinances>

**Ordinance 15-38**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating \$42,500 From the Homer Natural Gas Special Assessment District Account for Settlement Costs in the Castner vs. City of Homer Court Case Challenging Assessments for Condominiums Within the District. City Manager.

**Ordinance 15-39(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, Including Without Limitation Information That May Influence the Outcome of the Election on the Propositions, and Appropriating Funds in the Amount of \$6,000 From the General Fund Balance for the Costs of a Special Election on Either or Both Propositions. Mayor.

**Ordinance 15-40**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Curiosity Creates Grant From the Association of Library Service to Children in the Amount of \$7,500 for the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director.

**Resolution 15-090, 15-091, and 15-092 internet address:**  
<http://www.cityofhomer-ak.gov/resolutions>

**Resolution 15-090**, A Resolution of the City Council of Homer, Alaska, Approving the Homer Marine Repair Facility and Its Policies and Best Management Practices. Mayor/Lewis/Reynolds/Zak/Burgess.

**Resolution 15-091**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess.

**Resolution 15-092**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess.



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](mailto:clerk@ci.homer.ak.us) or fax 235-3143.

Jo Johnson, MMC, City Clerk

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

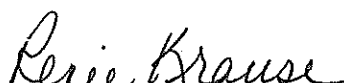
Publish: Homer News: October 22, 2015

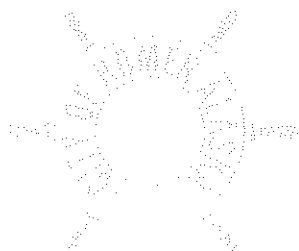


## CLERK'S AFFIDAVIT OF POSTING

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 15-38**, Amending the FY 2015 Operating Budget by Appropriating \$42,500 From the Homer Natural Gas Special Assessment District Account for Settlement Costs in the Castner vs. City of Homer Court Case Challenging Assessments for Condominiums Within the District; **Ordinance 15-39(S)**, Appropriating Funds in the Amount of \$5,000 From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30th, Including Without Limitation Information That May Influence the Outcome of the Election on the Propositions, and Appropriating Funds in the Amount of \$6,000 From the General Fund Balance for the Costs of a Special Election on Either or Both Propositions; **Ordinance 15-40**, Accepting and Appropriating a Curiosity Creates Grant From the Association of Library Service to Children in the Amount of \$7,500 for the Homer Public Library; **Resolution 15-090**, Approving the Homer Marine Repair Facility and Its Policies and Best Management Practices; **Resolution 15-091**, Amending the City of Homer Fee Schedule to Include the Homer Marine Repair Facility Fees; **Resolution 15-092**, Amending the Port of Homer Terminal Tariff No. 600 to Include Homer Marine Repair Facility Fees was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Thursday, October 15, 2015 and posted the same on City of Homer Website on Wednesday, October 14, 2015.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 14th day of October, 2015.

  
\_\_\_\_\_  
Renee Krause, CMC, Deputy City Clerk





**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-38**

An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating \$42,500 From the Homer Natural Gas Special Assessment District Account for Settlement Costs in the Castner vs. City of Homer Court Case Challenging Assessments for Condominiums Within the District.

Sponsor: City Manager

1. Council Regular Meeting October 12, 2015 Introduction
  - a. Stipulation and Proposed Order Concerning the City's Compliance With the Court's Orders and the Imposition of a Compensatory Civil Sanction
  - b. Order Concerning the City's Compliance and the Imposition of a Compensatory Civil Sanction
  
2. Council Regular Meeting October 26, 2015 Public Hearing and Second Reading
  - a. Stipulation and Proposed Order Concerning the City's Compliance With the Court's Orders and the Imposition of a Compensatory Civil Sanction
  - b. Order Concerning the City's Compliance and the Imposition of a Compensatory Civil Sanction



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

3 City Manager

4 **ORDINANCE 15-38**

5  
6 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING THE  
7 FY 2015 OPERATING BUDGET BY APPROPRIATING \$42,500 FROM  
8 THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT  
9 ACCOUNT FOR SETTLEMENT COSTS IN THE CASTNER VS. CITY OF  
10 HOMER COURT CASE CHALLENGING ASSESSMENTS FOR  
11 CONDOMINIUMS WITHIN THE DISTRICT.

12  
13 WHEREAS, The City and Kenneth Castner have reached an agreement in the Court  
14 Case 3HO-13-0038CI; and

15  
16 WHEREAS, The City has agreed to pay \$42,500 to Kenneth Castner as a civil sanction  
17 intended to compensate Castner for the attorney services provided and the costs incurred  
18 with respect to his efforts to compel the City to comply with the Court's orders requiring the  
19 City to lawfully assess condominium units.

20  
21 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

22  
23 Section 1. The Homer City Council hereby amends the FY 2015 operating budget by  
24 appropriating \$42,500 from the Homer Natural Gas Special Assessment District account for  
25 settlement costs in the Castner vs. City of Homer court case challenging assessments for  
26 condominiums within the district as follows:

27  
28 Expense:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
175-0375-5210	Settlement Castner v. City of Homer 3HO-13-0038CI	\$42,500

29  
30  
31  
32  
33  
34 Section 2. The City Manager is authorized to execute the appropriate documents.

35  
36 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall  
37 not be codified.

38  
39 ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_\_ day of October, 2015.  
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CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Mary K. Koester, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Fiscal information: Included in ordinance.

**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-39**

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$\_\_\_\_\_ From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, Including Without Limitation Information That May Influence the Outcome of the Election on the Proposition.

Sponsor: Mayor

1. City Council Regular Meeting October 12, 2015 Introduction
2. City Council Regular Meeting October 26, 2015 Public Hearing and Second Reading
  - a. Substitute Resolution 15-39(S) as adopted by Council on October 12, 2015





**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**ORDINANCE 15-39(S)**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, APPROPRIATING FUNDS IN THE AMOUNT OF \$5,000 FROM THE GENERAL FUND BALANCE FOR PUBLIC INFORMATION ON THE BALLOT PROPOSITIONS TO SUSPEND THE DEDICATION OF CITY SALES TAX TO THE H.A.R.T. PROGRAM, AND/OR TO INCREASE THE RATE OF THE CITY SALES TAX FROM 4.5% TO 5.5% FROM APRIL 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>, INCLUDING WITHOUT LIMITATION INFORMATION THAT MAY INFLUENCE THE OUTCOME OF THE ELECTION ON THE PROPOSITIONS, AND APPROPRIATING FUNDS IN THE AMOUNT OF \$6,000 FROM THE GENERAL FUND BALANCE FOR THE COSTS OF A SPECIAL ELECTION ON EITHER OR BOTH PROPOSITIONS.

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 would increase revenues for general government purposes and resolve the budget deficit during the period of the suspension, without increasing the overall level of City taxation; and

WHEREAS, Increasing the rate of the City sales tax from 4.5% to 5.5% from April 1<sup>st</sup> through September 30<sup>th</sup> would increase revenues for general government purposes and resolve the budget deficit; and

WHEREAS, The dedication of 0.75% of the City sales tax to the 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 the Council has authorized the submission of a ballot proposition to the voters for this purpose; and

WHEREAS, AS 29.45.700 and 29.45.670 provide that an increase in the rate of levy of the City sales tax does not take effect until ratified by a majority of the voters at an election, and the Council has authorized the submission of a ballot proposition to the voters for this purpose; and

WHEREAS, It is the Council's duty and desire to ensure that all City voters are aware of the impact that suspending the dedication of City sales tax to the H.A.R.T. Program and/or

43 increasing the rate of the City sales tax from 4.5% to 5.5% from April 1<sup>st</sup> through September  
44 30<sup>th</sup> would have on revenues for general government purposes and resolving the budget  
45 deficit; and

46  
47 WHEREAS, AS 15.13.145(c)(2) permits the City to provide the public with nonpartisan  
48 information about a ballot proposition, but AS 15.13.145(b) prohibits the City from using  
49 funds to influence the outcome of an election concerning a ballot proposition unless the City  
50 specifically appropriates the funds for that purpose by ordinance; and

51  
52 WHEREAS, the Alaska Public Offices Commission (“APOC”), which enforces AS  
53 15.13.145, has interpreted nonpartisan information permitted under AS 15.13.145(c)(2) very  
54 narrowly, so that the City cannot inform the public fully about the effects of the ballot  
55 propositions to suspend the dedication of City sales tax to the H.A.R.T. Program and/or  
56 increase the rate of the City sales tax from 4.5% to 5.5% from April 1<sup>st</sup> through September 30<sup>th</sup>  
57 without including information that APOC likely would categorize as influencing the outcome  
58 of the election on the ballot propositions; and

59  
60 WHEREAS, additional funds are required to pay the cost of a special election on either  
61 or both propositions.

62  
63 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

64  
65 Section 1. The City Council hereby appropriates funds from the General Fund Balance  
66 to provide public information on the ballot propositions to suspend the dedication of City  
67 sales tax to the H.A.R.T. Program and/or increase the rate of the City sales tax from 4.5% to  
68 5.5% from April 1<sup>st</sup> through September 30<sup>th</sup>, including without limitation information that may  
69 influence the outcome of the election on the propositions, as follows:

70  
71 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
_____	Public Information on Ballot Proposition	\$5,000

75  
76 Section 2. The City Council hereby appropriates funds from the General Fund Balance  
77 to pay the cost of a special election on either or both of the propositions, as follows:

78  
79 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
_____	Special Election	\$6,000

82  
83 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall  
84 not be codified.

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

87  
88 CITY OF HOMER

89  
90  
91 \_\_\_\_\_  
92 MARY E. WYTHE, MAYOR

93 ATTEST:  
94  
95  
96 \_\_\_\_\_  
97 JO JOHNSON, MMC, CITY CLERK

98  
99  
100 AYES:  
101 NOES:  
102 ABSTAIN:  
103 ABSENT:  
104  
105  
106 First Reading:  
107 Public Reading:  
108 Second Reading:  
109 Effective Date:

110  
111  
112 Reviewed and approved as to form:

113  
114  
115 \_\_\_\_\_  
116 Mary K. Koester, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

117  
118 Date: \_\_\_\_\_

Date: \_\_\_\_\_



**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-40**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Curiosity Creates Grant From the Association of Library Service to Children in the Amount of \$7,500 for the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Library Director

1. Council Regular Meeting October 12, 2015 Introduction
  - a. Notice of grant award from Association of Library Service to Children
  - b. Memorandum of Understanding
  
2. Council Regular Meeting October 26, 2015 Public Hearing and Second Reading
  - a. Notice of grant award from Association of Library Service to Children
  - b. Memorandum of Understanding



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

3 City Manager/  
4 Library Director

5 **ORDINANCE 15-40**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 ACCEPTING AND APPROPRIATING A CURIOSITY CREATES GRANT  
9 FROM THE ASSOCIATION OF LIBRARY SERVICE TO CHILDREN IN  
10 THE AMOUNT OF \$7,500 FOR THE HOMER PUBLIC LIBRARY AND  
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
12 APPROPRIATE DOCUMENTS.

13  
14 WHEREAS, The City has applied for a Curiosity Creates Grant from the Association of  
15 Library Service to Children; and

16  
17 WHEREAS, The City is pleased to have been awarded a Curiosity Creates Grant in the  
18 amount of \$7,500 to be used to serve children 6 – 14 years old and focus on critical  
19 components of creativity to include: Imagination & Originality, Flexibility, Decision-Making,  
20 Communication & Self-Expression, Collaboration, Motivation, and Action & Movement.

21  
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

23  
24 Section 1. The Homer City Council hereby accepts and appropriates a Curiosity  
25 Creates Grant from the Association of Library Service to Children in the amount of \$7,500 as  
26 follows:

27  
28 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Curiosity Creates Grant	\$7,500

32  
33 Section 2. The City Manager is authorized to execute the appropriate documents.

34  
35 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall  
36 not be codified.

37  
38 ENACTED BY THE HOMER CITY COUNCIL this \_\_\_\_\_ day of October, 2015.  
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42

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CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Mary K. Koester, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Fiscal information: Included in ordinance.



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

3 Mayor/Lewis/Reynolds/  
4 Zak/Burgess

5 **RESOLUTION 15-090**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 APPROVING THE HOMER MARINE REPAIR FACILITY AND ITS  
9 POLICIES AND BEST MANAGEMENT PRACTICES.

10  
11 WHEREAS, The Vessel Haul-Out Task Force was established to review and make  
12 recommendations on a large vessel haul-out and repair facility at the port; and

13  
14 WHEREAS, A large vessel haul-out questionnaire was sent out to 209 harbor users who  
15 would potentially benefit from a facility due to vessel length, beam, weight, and/or the need  
16 for a local facility and 45 responded; and

17  
18 WHEREAS, A majority of the responders expressed support of the facility being  
19 managed by the Port and Harbor; and

20  
21 WHEREAS, The Vessel Haul-Out Task Force and the Port and Harbor Advisory  
22 Commission reviewed and recommend approval of the City of Homer Marine Repair Facility  
23 Policies and Best Management Practices document; and

24  
25 WHEREAS, The Vessel Haul-Out Task Force established a Homer Marine Repair Facility  
26 fee schedule to be included in the Port of Homer Terminal Tariff No. 600 that was approved  
27 unanimously by the Port and Harbor Advisory Commission.

28  
29 NOW, THEREFORE, BE IT RESOLVED, that the City Council of Homer, Alaska, approves  
30 the Homer Marine Repair Facility and its Policies and Best Management Practices.

31  
32 PASSED AND ADOPTED by the Homer City Council this \_\_ day of \_\_\_\_\_, 2015.

33  
34 CITY OF HOMER

35  
36  
37 \_\_\_\_\_  
38 MARY E. WYTHE, MAYOR  
39  
40  
41  
42

43 ATTEST:

44

45

46 \_\_\_\_\_

47 JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Impact: Revenues to be determined.



City of Homer  
Marine Repair Facility

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# Policies & Best Management Practices

*Revised*  
October 7, 2015

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## FACILITY INTRODUCTION

The mission of the Port and Harbor Department is to provide safe port and harbor facilities for our commercial clients, recreational users, and the general public, to manage and maintain these facilities cost effectively, and to administer our Tariff and procedures fairly and equitably for all users.

The policies and best management practices detailed in this document are the backbone of Homer's Marine Repair Facility, and apply to vessel owners, service providers, and vendors. We understand the value in being able to haul-out a vessel, and want to ensure it is done as efficient and productive as possible, while preventing/eliminating air, water and soil contamination. Please read this document carefully, since you will sign a document that states you will comply.

**Operational Structure:** The Homer Marine Repair Facility is being managed as an "Open Yard" facility, meaning that the vessel owner is responsible for the actual work being performed on their vessel. The City is simply facilitating the opportunity for haul-out and uplands use, and are not responsible for the finished product. This management structure gives the vessel owner the opportunity to manage their project from start-to-finish, contracting with vendors from the Approved Vendor List (provided by the City), or by using their own crew to make the repairs necessary for vessel maintenance.

### **Vessel owners are responsible for:**

- **All work** on their vessels, including haul-out, block, and launch activities
- **Hiring** only vendors that are on the City's list of "approved vendors"
- **Cleanliness** and safety of the immediate area surrounding their vessel
- **Security** of their vessel
- **Safety** of crew and vendors at their vessel's work site
- **Complying** with City policy contained herein including compliance of their vendors and crew

**Hours of Operation:** Vessel haul-outs shall be scheduled with the Harbor Office during normal business hours, Monday through Friday 7:00am – 5:00pm, unless extenuating circumstances dictate otherwise. During normal business hours, City staff can be reached at the Homer Harbor Office and make regular inspections of the facility. During non-business hours, City staff will not be present except for random patrols of the boatyard.

As an "open yard", the Marine Repair Facility does not close; vessel owners are responsible for setting the working hours for their crews and contracted vendors. For safety purposes, the Harbormaster advises users of the facility to consider: A) the lack of daylight during winter months, B) providing adequate lighting, and C) that vendors are in agreement with the vessel owner on what hours are suitable. Timing of haul-out activities will be determined by the vessel owner, the haul-out service provider they choose, and tidal restrictions.

**Security:** Because the yard is an "open facility", vessel owners and vendors are responsible for their own security. When not actively working on a vessel, all tools, paints, and other materials must be secured to prevent theft, vandalism, and accidents. Harbor Officers will periodically patrol the yard during non-business hours and report obvious conditions that require owner attention.

**Concerns/Issues:** Homer Port and Harbor Staff encourage all questions, comments, and concerns pertaining to the Marine Repair Facility. Please contact the Harbormaster with these issues and we shall work with you.

## LEGAL NOTICES

**The City Agrees:** to provide dry dockage space to vessel owners under a User Agreement for the purpose of vessel repairs, maintenance, and inspections per a Harbormaster-approved work plan. Further, the City agrees to provide contractors, service providers, and vendors the opportunity to work in the Marine Repair Facility under a Vendor Agreement, of which will place vendors on the Approved Vendor List. The list shall be available on the City of Homer's website and given to all vessel owners utilizing the facility.

**Responsibility:** The City does not accept the vessel, its tackle, fixtures, equipment, gear, or furnishings for storage or safekeeping belonging to either the owner or vendor. Nor does the City accept any responsibility for vendor supplies, their laborers/employees, equipment, and personnel that the vessel owner may organize or contract. The City shall not be responsible for lost fishing time, or any other lost time to the vessel, while it is hauled out or on the City-owned tidelands/beaches.

**Liability:** The City shall not be liable for death or injury to persons, or damage to property, upon the vessel, yard facilities or premises adjacent thereto arising from any cause other than the willful misconduct of the City. Vessel owners and vendors shall indemnify and hold the City and its officers and employees harmless from all claims for death or injury to persons, or damage to property, arising from their acts or omissions, their agents, service providers/vendors, crew, employees, or invitees.

**Policy Compliance:** Vessel owners, their agents, crew, service providers, and vendors agree to comply with the City's Marine Repair Facility Policies and Best Management Practices, detailed in this document.

Every user's full cooperation will help the City maintain the facility with a minimal impact to the environment. The goal is to meet all regulatory requirements, prevent pollution, and provide a safe work environment for owner, crew, vendors, and City staff. Any user who observes another individual in violation is encouraged to report it to the Harbor Office as soon as possible. The identity of anyone reporting a violation will be kept confidential.

Owners, crewmen, and contractors performing work on boats shall comply with all applicable OSHA, Federal, State, and City regulations, policies, and procedures.

**Default in Compliance; City's Remedies:** Failure to adhere to the City's policies and best management practices can result in unsafe actions and environmentally harmful activities. When violations are observed by City staff, intentional or otherwise, work will be stopped until corrective measures are taken. If vessel owners or vendors fail to properly follow and adhere to these practices/policies and/or their agreement with the City, or fail to pay fees or charges for more than thirty (30) days after the due date, the City may exercise any available remedy, including without limitation one or more of the following:

- a) Terminate the User/Vendor Agreement.
- b) Begin impoundment procedures per HCC 10.04.120 to have the vessel removed until the violation has been cured, or disposed of.
- c) Place a lien on the vessel per HCC 10.04.139 for towing, storage, costs of sale, attorney fees, any other charges incurred in connection with the impoundment, and charges for harbor services.

**Refusal of Service:** The City reserves the right to refuse service to vessels that: 1) do not have a current (within 3 years) marine survey, 2) have an inadequate work plan, 3) lack sufficient property and liability insurance, 4) fail to comply with the City's Marine Repair Facility Policies and Best Management Practices, 5) are in poor condition, 6) are unsafe to haul-out, or 7) may be damaged by being hauled out. Such vessels may

be hauled out if the vessel owner signs a waiver and provides a performance bond in an amount equal to the dry docking fees plus the estimated cost to dispose of the vessel should removal become necessary.

**Refusal of Vendor Access:** The City reserves the right to refuse access to Vendors that: (a) do not have a current Alaska Business License, (b) fail to register for, collect, and remit sales tax, (c) lack sufficient insurance, (d) fail to comply with the City's Marine Repair Facility Policies and Best Management Practices, or (e) fail to comply with safety practices.

**Disputes:** Disputes will be referred to a certified marine surveyor for a professional opinion of the vessel's fitness for hauling out. The vessel owner shall pay the cost of the surveyor. For all other disputes such as billing charges, stopping work orders, or missing work plan information, the Harbormaster reserves the right to make the final decision.

**Notices:** Billings and notices will be mailed to the address given under the User or Vendor Agreement. Vessel owners and vendors shall notify the City in writing of an address change.

**Insurance:** Vessel owners must have a current marine insurance policy of a "named perils" or "all risks" type that fully insures the value of the vessel, plus accident and environmental liability. Vendors and service providers must have current insurance to cover all of the services to be provided, including proof of long-shore and harbor workers compensation insurance, or proof that such coverage is waived.

A Certificate of Insurance must be provided to the Homer Harbor Office before any work may begin. The City of Homer must be included as additional insured and show coverage not less than the minimum required outlined below:

<b>Minimum coverage</b>	<b>Vendors</b>	<b>Vessels</b>
General Liability, Marine Artisan Liability, P & I	\$1,000,000	n/a
General Aggregate Limit	\$ 2,000,000	\$1,000,000
Products Hazard or Operations Hazard Aggregate Limit	\$ 1,000,000	n/a
Personal Injury	\$ 1,000,000	\$1,000,000
Damage to Premises	\$250,000	\$250,000
Medical Expense Limit	\$5,000	n/a
Pollution Liability	n/a	\$1,000,000
Hull and Machinery	n/a	*

\* Hull and machinery coverage shall be sufficient to dispose of the vessel if abandoned, burned, or otherwise left to the City.

## APPROVED VENDOR LIST REQUIREMENTS

### 1. GENERAL

Persons available for hire or contract labor is considered a “vendor”, and must be on the City’s Approved Vendor List before being allowed to work on any vessel in the Homer Marine Repair Facility. This list is then given to vessel owners who wish to hire contractors/vendors to complete their vessel work.

Contracting for all services to the vessel while it is in the boatyard, and payment for those services, is the sole responsibility of the vessel owner.

### 2. REQUIRED DOCUMENTS

To become an approved vendor, the service provider is required to complete a Homer Marine Repair Facility Vendor Agreement, include all necessary documents, and submit them to the Homer Harbor Office along with the appropriate fee. The following documents are required before any work may proceed:

- Vendor Agreement
- Alaska Business License
- Borough Sales Tax Registration
- Proof of Insurance – Includes City as Additional Insured and Worker’s Comp
- Certification, if applicable

### 3. ANNUAL FEE

To remain on the list, every year vendors must complete the Vendor Agreement with the City and pay an annual fee before providing services. Rates are published in the City’s Terminal Tariff. See “Appendix C” for a Fee Schedule.

### 4. ONE-TIME VENDOR FEE

In the circumstance that a vendor is being hired to provide services during a one-time job, but is not on the Approved Vendor List (such as an out-of-town business traveling to Homer for a specific vessel project), the vendor is still required to complete the Vendor Agreement, provide the required documents, and pay the vendor fee. Rates are published in the City’s Terminal Tariff. See “Appendix C” for a Fee Schedule.



## PLANNING A HAUL-OUT

### 1. SCHEDULING

**Initial Planning Meeting:** A vessel haul-out begins with a meeting between the vessel owner, the selected haul-out service provider, and the Harbormaster. This meeting allows the vessel owner to provide the Harbormaster the primary logistics in regards to hauling out, work to be performed, service providers/vendors involved, and the timeframe/schedule. An estimation of all City boatyard and beach landing fees will be calculated (see “Appendix E” for a Haul-Out & Launch Estimate Worksheet).

**Timeline:** Vessel owners must plan to be in and out of the boatyard as scheduled, and vendors must plan to work within the vessel-owner’s scheduled boatyard time. The City will not be responsible for lost time to the vessel, for any reason while it is in the boatyard. Every work plan should include a timeline of the work to be performed. This written plan will enable staff to understand your needs and schedule boatyard time appropriately. Advance planning is necessary to ensure sufficient time for your needed projects.

**Required Documents:** The vessel owner is required to complete a Homer Marine Repair Facility User Agreement, include all necessary documents, and submit them to the Homer Harbor Office. The following documents are required before hauling out may proceed:

- User Agreement
- Vessel Owner Registration – i.e. USCG documentation
- Proof of Insurance – Includes City as Additional Insured
- Work Plan – See #2 below for details of Work Plan
- Current Vessel Survey
- Bond and Waivers, if applicable

**Security Deposit & Cancellation:** A deposit of 50% of the estimated costs shall be made when the vessel owner makes arrangements with the Harbormaster to use boatyard facilities. The City may require the estimated payment in full at time of scheduling (dependent on account history). After the vessel has been launched, the deposit will be credited toward beach landing and dry dock fees. The deposit will be forfeited if: a) the vessel fails to adhere to the scheduled haul-out time, or b) the vessel owner fails to leave the facility clean after launching (see below #4 “Final Clean-up of Work Area”). A cancellation or schedule change must be communicated to the Harbormaster at least 24 hours in advance to avoid deposit forfeiture. Vessels missing their scheduled haul-out date will be accommodated on a “space available” basis.

### 2. WORK PLAN

Every haul-out must have a work plan, which includes a description of the work to be performed, materials required, timeline, etc. Once the City approves the work plan, along with the agreement and other required documents, a deposit will be accepted and the vessel placed on the schedule. Vendors contracted to do any of the proposed work must be from the Approved Vendor List, which is provided by the City. Content of the plan must include:

- A description of work to be performed: Be detailed in what you intend to do as it allows staff to schedule enough time for your haul-out; for instance:

- Hull Maintenance – sandblasting, painting, zincs, etc.
  - Mechanical – props, shafts, engines, etc.
  - Fabrication – fiberglass, welding, etc.
  - Inspection Purposes – USCG, insurance, etc.
- A list of who will be completing the work: Specify the persons that will be working on the vessel, including the vessel owner, crewmembers, or contracted vendors/service providers. Any crewmembers that are proposed to complete work on the vessel must have a crewman contract with the vessel; contracts should be available as proof for inspection by the Harbormaster. Vendors selected must be from the Approved Vendor List. Major structural modifications should be designed by a certified marine architect.
  - Information regarding the haul-out and launch: Commonly a vendor will be contracted to perform the haul-out and launch, but the owner may be able to provide their own haul-out equipment; details on who will be moving the vessel and the method/equipment used is required. Drawings/photos of the vessel’s hull and the blocking plan should be included.
  - Plans for containment and disposal of waste: Unless a routine inspection is the only purpose for hauling out, vessel owners must be able to contain anything that may cause air, water or soil contamination. Include plans for:
    - Hazardous waste disposal
    - Containment structures and/or dustless systems for sanding, grinding, spray painting and scraping.
    - Ground cover tarps, which will be placed under the vessel prior to blocking and cover the ground under the entire vessel plus a 10 foot parameter; and welding mats to protect the ground cover tarps if any welding will be conducted.
    - Dumpsters provided by the vessel owner; use of City dumpsters is not permitted.
  - A timeline and proposed launching date: Breaking down the project into time increments allows staff to plan and coordinate your vessel haul-out into the schedule. It is imperative to the efficiency of the facility that all users adhere to the schedule; accurate timelines of projects/repairs are necessary as well as being finished when it is time to launch the vessel.
  - Additional information pertaining to the haul-out: Other details, such as Porta-Potties for workers, needed equipment, lighting, temporary structures, or storage requests should be included before the Harbormaster is able to approve a work plan. If it is applicable to your haul-out, include it.

A work plan example is provided in “Appendix D”.

**Changes to the Work Plan:** Significant changes that alter the amount of time the vessel is hauled out, due to an emergency or vessel owner’s preference, can potentially disrupt other scheduled haul-outs. Requests to change the work plan after the vessel has been hauled out must be approved by the Harbormaster before the work is conducted, and should be submitted to the Harbor Office with a revised work plan. Each request will be reviewed upon a case-by-case scenario by the Harbormaster, who reserves the right to make the final decision.

If upon inspection City staff finds that vessel work is being done outside the parameters of the approved work plan, the Harbormaster may take action as outlined under “Default in Compliance” (See Legal Notices).

### 3. MATERIALS, STRUCTURES & EQUIPMENT

Necessary materials should be on hand before each haul-out. For example: ground tarps, scaffolding and plastic for enclosures, welding mats, blasting medium, lights, coatings, zincs, etc. Arrangements for storage of materials must be coordinated with the Harbormaster.

Vessel owners and vendors may bring in vehicles, trailers, or set up temporary structures that fit within the dry storage site of their vessel. Unless otherwise approved, the structures must be removed after the vessel is launched. Mobile homes, travel trailers, or RVs will not be allowed without approval.

If the project requires more space for project lay-down, space will be provided as available and charges will reflect actual square foot usage.

#### 4. HAULING OUT & LAUNCHING

**Schedule:** The projected dates of hauling out and launching shall be scheduled at the time of the initial haul-out meeting, and is determined by the vessel owner's timeline, work plan, and the facility's schedule. Vessel haul-out/launch activities will be determined on the vessel owner, the haul-out service provider they choose, and tidal restrictions. Weather conditions must be considered as well since high winds, ice, or swell at the haul-out site pose hazards.

**Launching Walk-Thru Meeting:** Before the proposed launching date, a meeting between the vessel owner, their primary haul-out service provider, and the Harbormaster shall take place. This meeting will allow the Harbormaster to confirm that the vessel's dry dock location is clean of all debris (i.e. paint chips, metal, discarded equipment, engine blocks/part, refrigerators, stoves, lines, scaffolding, etc.), and that launching logistics are in order before the vessel is authorized to move.

**Responsibility:** The vessel owner and their primary haul-out service provider are responsible, and in charge, during the haul-out and launch; all haul-out/launching logistics must comply with the Marine Repair Facility Policies and Best Management Practices. The City accepts no responsibility for the vessel, crew, contractor or the contracted labor during these operations. However, the city does reserve the right to stop all work if the harbormaster of their designee determines that there are unsafe conditions occurring at any time while the vessel is on city property. Work will cease until the safety issue is resolved to the harbormasters satisfaction.

**Final Clean-up of Work Area:** After the vessel has been launched, the vessel owner is required to clear all materials, structures, and equipment from the area. Any remaining items that require Harbor Staff time to clean up will be subject to fees and/or deposit forfeiture. When cleaning up, be sure everything has been removed from the premises, including:

- Blocking
- Tarps
- Scaffolding
- Temporary Structures
- Dumpsters
- Equipment/Vehicles
- Vendor's Materials/Equipment
- Debris Not Cleared Before Launch

#### 5. COSTS, FEES, & BILLING

**Dry Dockage:** Due to limited space, the Homer Marine Repair Facility will not be used as a long-term vessel storage site. Charges for dry dockage are payable from the time the vessel is hauled out until the vessel is removed from the boatyard. Payment of charges for dry dockage grants the vessel owner a

revocable license to use the dry dockage area that is designated for the vessel. Vendors are to work within the vessel's designated dry moorage area. Additional space may be rented from the City if available.

**Security Deposit:** A deposit of 50% of the estimated costs shall be made when the vessel owner makes arrangements with the Harbormaster to use boatyard facilities. The City may require the estimated payment in full at time of scheduling (dependent on account history). After the vessel has been launched, and the final work-area inspection by the Harbormaster has been completed and approved, the deposit will be credited toward beach landing and dry dock fees. The deposit will be forfeited if: a) the vessel fails to adhere to the scheduled haul-out time, or b) the vessel owner fails to leave the facility clean after launching.

**Charges:** Rates are published in the City's Terminal Tariff (see "Appendix C" for the fee schedule). All charges are billed out on a monthly basis and payable to the Homer Harbor Office. See the Harbor Office for questions regarding bill payment options. See "Appendix E" for a Haul-Out & Launch Estimate Worksheet.

- **Dry Dockage.** Charges are calculated as square feet, and are based on the overall length and beam of the vessel, plus a ten foot (10') perimeter on all sides, including all appendages and additional space requested.
- **Beach Landing.** Prices for the use of the City's beach for landing are based on the overall length of the vessel. Time spent on the beach prior to and after a haul-out is charged per day and will be included in the overall cost of the haul-out.

## **HULL CLEANING, BLOCKING, & VERTICAL ACCESS**

### **1. HULL CLEANING**

The Homer Marine Repair Facility's Stormwater Pollution Prevention Plan (SWPPP) does not allow pressure washing.

Vessel owners who wish to remove marine growth from their vessel's hull must utilize alternative methods, such as manual removal by scraping. Ground covers must be used to collect debris and then shoveled into dumpsters, which the vessel owner provides.

### **2. GROUND COVERS/TARPS**

Ground cover tarps must be placed under every vessel prior to blocking, and cover the ground under the entire vessel plus a 10 foot parameter. They must remain in place and shall be kept clean (daily) of all hazmat, paint chips, etc. Ground cover tarps will be protected during welding by placing protective welding mats in the affected areas. Good housekeeping practices will be implemented at all times while working in the City's facility.

### **3. BLOCKING**

Vessel blocking is the responsibility of the vessel owner and their primary haul-out service provider. The City has the right to inspect vessel blocking and will, if, necessary, require additional blocking if it is determined to be inadequate for the job. The City will not supply, store, or furnish ships blocking, nor supply the labor needed for blocking installation/removal.

### **4. SCAFFOLDING & LADDERS**

Vessel owners and/or contracted Vendors will provide their own ladders and scaffolding. The vessel owner assumes all risk, including for their agents/crew members working on the vessel, when utilizing ladders and scaffolding. The City assumes no risk for persons utilizing such equipment in or on City facilities.

## **SANDBLASTING, GRINDING, SPRAY PAINTING & SANDING**

### **1. GENERAL**

Open air sanding, grinding and scraping are prohibited unless dustless systems are employed or the vessel is tented and properly vented/filtered. These precautions are to prevent escapement of airborne particulates from the vessel and soil contamination.

City staff will inspect enclosures, spray painting, and sanding practices. When violations occur, intentional or otherwise, work will be stopped until corrective measures are taken.

Owners, crewmen and contractors performing work on boats shall comply with all applicable OSHA, Federal, State, and City regulations, policies, and procedures. Personal protective clothing and respirators shall be used as appropriate.

### **2. SANDING & GRINDING**

When practical, vessel owners are required to utilize vacuum grinding and vacuum sanding (dustless systems). When not practical, a temporary structure must be constructed to fully enclose the area being worked on, including proper ventilation and filters.

### **3. SPRAY PAINTING**

Spray painting is permitted only when the vessel, or portion to be painted, is fully enclosed with proper ventilation and filters. Every possible effort must be made to prevent overspray from leaving the enclosure.

## HOUSEKEEPING & CLEANLINESS

### 1. AREA AROUND EACH VESSEL

The immediate area surrounding each vessel must be kept neat and clean at all times. No open containers of paint, oil, hazardous or other pollution-creating material shall be stored exposed. All containers must be closed and stored under covers.

### 2. INSPECTIONS

During normal business hours, the Harbormaster will make regular inspections of the facility. Harbor Officers will periodically patrol the yard during non-business hours and report obvious conditions that require owner attention.

Violations must be immediately cured to the satisfaction of the Harbormaster. The pre-launching walk-thru meeting will allow the Harbormaster to confirm that the vessel's dry storage location is clean of all debris before the vessel is authorized to move. Storage of any materials on site must be approved in advance by the Harbormaster.

### 3. DRUM STORAGE

All drums will be labeled with vessel name, date, and contents. Drums will be stored palletized and covered. Storage of any materials on site must be approved in advance by the Harbormaster. Space will be provided as available and charges will reflect actual square foot usage.

### 4. MACHINERY

Before removing machinery (i.e. engines, hydraulic motors and other equipment), all open fittings shall be sealed to prevent leakage of lubricating and cooling fluids. Through-hull fittings shall similarly be sealed to prevent leakage of contaminated bilge water.

### 5. DISPOSAL METHODS & RESTRICTIONS

**General:** Everything must be properly and promptly disposed of at the time materials/waste is generated. Nothing should be left lying about. Ask if you need guidance or assistance. Abandoned waste will be disposed of and billed to the vessel owner with applicable service fees. Empty cans, scraps of lumber, paper, or other debris must be placed in waste containers and the area cleaned on a daily basis and prior to departure.

**For LARGE amounts of waste oil, oily rags, used oil filters, antifreeze, and batteries:** Contact National Response Corporation (NRC) Kenai Office for disposal logistics at 907-258-1558 or [infoalaska@nrcc.com](mailto:infoalaska@nrcc.com).

**Liquid & Petroleum Waste:** Hazardous and non-hazardous wastes must be properly separated and properly stored and/or disposed. No liquid wastes may be drained onto the ground or into the harbor. Violations could result in substantial fines and the removal of such violators from working in the boatyard. No open containers of any liquids are to be left in the open where they could be filled with rain or tipped

over causing potential runoff into the ground and water. Common sense should dictate proper activities. Abandoning wastes without proper disposal is prohibited.

Flammable materials like paint thinners and gasoline must be segregated and properly disposed of at the Homer Landfill Bailing Facility. Please contact the Kenai Peninsula Borough regarding their Hazardous Waste Disposal Program. The use of liquid dispersants, like Joy soap, or mechanical means to dissipate slicks caused by fuel spills, is prohibited. Spills must be reported to staff.

**Solid Waste:** Dumpsters are to be provided by the vessel owner; use of City dumpsters is not permitted. Dumping of solid waste materials must be free of all liquids and the products must be inert. Heavy metal (engines, refers, etc. and/or large volumes of insulation, cardboard, etc.) trash and recyclable products should be hauled directly to the Homer Landfill Bailing Facility. Covers on dumpsters shall remain closed except during the process of actual trash disposal in order to minimize rainwater entry. No solid wastes may be disposed onto the ground. Any such violations will result in substantial fines and the removal of such violators from working in the boatyard. Abandoning wastes without proper disposal is prohibited.

**Contaminated Bilge Water:** Bilge water, contaminated with oil, antifreeze, solvents or similar materials shall not be pumped or emptied onto the ground of the boatyard or in harbor waters. Contact National Response Corporation (NRC) Kenai Office for disposal logistics at 907-258-1558 or infoalaska@nrcc.com.

**Sewage:** Direct discharge of sewage from vessel toilet facilities is prohibited. All applicable systems shall be tagged and locked out to prevent accidental discharge while in the yard. Overboard through hull ports may be plugged to prevent discharge. Vessel owners are responsible to make arrangements for Porta-Potties for their workers/vendors.

**Paint:** Paint waste, including anti-foulant, must be disposed of at the Homer Landfill Bailing Facility. Please contact the Kenai Peninsula Borough regarding their Hazardous Waste Disposal Program. Hazardous waste includes liquid paint, thinners, solvents and similar materials. All containers must have lids that are capable of being sealed to prevent spillage during transport, and must be properly labeled with vessel's name, its contents, and date. Accidental spillage should be reported to staff for assistance and guidance for clean-up. Paints and solvents shall be stored in properly sealed containers. Drip pans, tarps or other devices shall be used during the transferring of solvents or paints and during paint mixing.

**Hazmat Storage:** Storage of oily rags, open paints, open solvents, open thinners, gasoline, or other flammable or explosive material is prohibited on or within the boatyard facility, except for gasoline stored aboard a vessel in U.L. or Coast Guard approved containers.



## SAFETY

1. **Vessel Owner Responsibility:** Owners are responsible for the safety of their crew and workers.
2. **Vendor Responsibility:** Vendors are responsible for the safety of their employees and shall follow OSHA approved standards.
3. **Welding/Hotworks:** Vendors contracted to weld must be certified, licensed, and insured. All persons, including vessel owners, crewmembers, and vendors must follow all standard welding practices per OSHA regulations. Fire guards and protective measures must be in place during all welding and cutting activities. There will be no open flames (other than welding or cutting torches) and no open burning. For every welder working, each must have a person on fire watch with fire extinguisher near them. Atmospheric testing for enclosed areas shall be done when appropriate. Arc shields shall be used as appropriate and required.
4. **PPE:** Owner and vendors shall insure that personal protective equipment and clothing will be provided and worn as appropriate to each task.
5. **Ladders/Scaffolding:** Vessel owners and vendors assume all risk when utilizing ladders and scaffolding.
6. **Storm Events:** Vessel owners and vendors are solely responsible to take emergency measures to secure the vessel, or anything that may become airborne during a windstorm event to prevent damage/injuries caused by airborne debris from their vessel and/or dry storage location.
7. **Alcohol/Drug-Use in Facility:** No alcohol or drugs shall be consumed/allowed in the boatyard or aboard vessels in the boatyard.
8. **Fires:** No open fires are permitted aboard vessels or in the boatyard.
9. **Children:** Children, under the age of 12, must be accompanied by an adult at all times.
10. **Pets:** All animals must be leashed and cleaned up after per Homer City Code.
11. **Live-a-boards:** No one will live aboard a vessel in dry moorage without consent of the Harbormaster.

## **SPILL PREVENTION**

### **1. OIL OR HAZARDOUS MATERIAL SPILLS**

Owners, crewmen and contractors performing work on boats must immediately report any spills to the Harbor Office, NRC, DEC, and USCG MSD. Failure to report can result in fines. The vessel owner and vendor are responsible for the cleanliness of their dry moorage area. Fees will be assessed if City staff labor is utilized to clean a vessel's area.

- Harbor Office: 907-235-3160
- Harbor Officer On-Duty Cellphone: 907-399-1649
- EPA's National Response Center: 800-424-8802
- Alaska Dept. of Environmental Conservation: 800-478-9300
- U.S. Coast Guard Marine Safety Detachment: 907-690-2098

### **2. IN CASE OF A SPILL USERS SHALL:**

1. Immediately stop the source of the spill.
2. Shut of all ignition sources in the area.
3. Immediately cease all smoking or welding in the area.
4. Contain the spill by using absorbent pads and booms.
5. Recover the spill as quickly as possible.
6. Notify the Harbor Office, NRC, DEC, and U.S. Coast Guard MSD.

## **APPENDIX A**

### User Agreement



# City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road

Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

## HOMER MARINE REPAIR FACILITY USER AGREEMENT

Acct # \_\_\_\_\_

Owner Info

Owner: \_\_\_\_\_ Phone: Home: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Billing Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Haul-out Manager (if other than owner): \_\_\_\_\_ Phone: \_\_\_\_\_

Vessel Info

Vessel Name: \_\_\_\_\_ Registration Number: \_\_\_\_\_

Length Overall: \_\_\_\_\_ Beam: \_\_\_\_\_ Draft: \_\_\_\_\_ Displacement Tonnage: \_\_\_\_\_

House is:  Forward  Aft Height from Keel to Uppermost: Forward (ft): \_\_\_\_\_ Aft (ft) \_\_\_\_\_

Hull Type: \_\_\_\_\_ Hull Material: \_\_\_\_\_

Haul-out Info

First-time Haul-out User?  Yes  No Haul-out Date: \_\_\_\_\_ Launch Date: \_\_\_\_\_

Damage below Waterline?  Yes  No If yes, explain: \_\_\_\_\_

Nature of Work:  Inspection Only  Paint  Zincs  Propeller  Shaft  Rudder

Other: \_\_\_\_\_

Vendors & Service Providers Contracted to Perform Work: \_\_\_\_\_

Documents

Documents (*Required)	Date	Staff Initials	Comments
<input type="checkbox"/> Owner Registration*	_____	_____	_____
<input type="checkbox"/> Proof of Insurance*	_____	_____	_____
<input type="checkbox"/> City as Additional Insured*	_____	_____	_____
<input type="checkbox"/> BMP Provided to User*	_____	_____	_____
<input type="checkbox"/> Vendor Compliance*	_____	_____	_____
<input type="checkbox"/> Bond Discussed*	_____	_____	_____
<input type="checkbox"/> Waivers, when Required	_____	_____	_____
<input type="checkbox"/> Harbormaster's Approval*	_____	_____	_____

## HOMER MARINE REPAIR FACILITY USER TERMS & CONDITIONS

1. **The City agrees** to provide dry dockage space to vessel owners under a User Agreement for the purpose of vessel repairs, maintenance, and inspections per a Harbormaster-approved work plan during the dates specified in this agreement.
2. **Responsibility.** The City does not accept the vessel, its tackle, fixtures, equipment, gear, or furnishings for storage or safekeeping belonging to either the owner or vendor. Nor does the City accept any responsibility for vendor supplies, their laborers/employees, equipment, and personnel that the vessel owner may organize or contract. The City shall not be responsible for lost fishing time, or any other lost time to the vessel, while it is hauled out or on the City-owned tidelands/beaches.
3. **Policy Compliance.** Vessel owners, their agents, crew, service providers/vendors (all referred herein as Users) agree to comply with the City of Homer's (referred herein as City) Marine Repair Facility policies and Best Management Practices (BMPs). A copy shall be provided when services are scheduled.
4. **Operational Structure.** The Homer Marine Repair Facility is being managed as an "Open Yard" facility, meaning that the User is responsible for the actual work being performed on their vessel. The City is simply facilitating the opportunity for haul-out and uplands use, and are not responsible for the finished product. This management structure gives the User the opportunity to manage their project from start-to-finish, contracting with vendors from the Approved Vendor List (provided by the City), or by using their own crew to make the repairs necessary for vessel maintenance.
5. **Vendors & Service Providers.** Contracting for all services to the vessel while it is in the boatyard, and payment for those services, is the sole responsibility of the User. Persons providing services to a vessel in the boatyard ("Vendors") must be on the City's approved vendor list. To qualify for the list, the following documents must be on file along with payment of fees: Certificate of Insurance, Alaska business license, registration for city sales tax, and professional certifications for the named trades. Vendors must abide by OSHA safety rules and regulations pertaining to their trade.
6. **Security.** Users are responsible for the security of their vessel, tools, and equipment. Other than random patrols of the boatyard, City staff will not be present during non-business hours.
7. **Insurance.** Users other than Vendors agree to have a current marine insurance policy of a "named perils" or "all risks" type that fully insures the value of the vessel, plus accident and environmental liability. A Certificate of Insurance shall be provided to the City showing coverage not less than the minimum required in the boatyard policy document. Hull and machinery coverage shall be sufficient to dispose of the vessel if abandoned, burned or otherwise left to the City.
8. **Dry Dockage.** The Harbormaster shall designate a dry storage area within the boatyard for the vessel. Charges for dry dockage are payable from the time the vessel is hauled out until the vessel is removed from the boatyard. Payment of charges for dry dockage grants a User a revocable license to use the dry dockage area that is designated for the vessel.
9. **Scheduling, Deposits, & Cancellations.** Users must plan to be in and out of the boatyard as scheduled. A deposit of 50% of the estimated costs shall be made when the User makes arrangements with the Harbormaster to use boatyard facilities. The City may require the estimated payment in full at time of scheduling. After the vessel has been launched, the deposit will be credited toward beach landing and dry dock fees. The deposit will be forfeited if: a) the vessel fails to adhere to the scheduled haul-out time, or b) the vessel owner fails to leave the facility clean after launching. A cancellation or schedule change must be communicated to the Harbormaster at least 24 hours in advance to avoid deposit forfeiture. Vessels missing their scheduled haul-out date will be accommodated on a "space available" basis.
10. **Charges:** Rates are published in the City's Terminal Tariff. All charges are billed out on a monthly basis and payable to the Homer Harbor Office. Boatyard Moorage: Charges are calculated as square feet, and are based on the overall length and beam of the vessel, plus a ten foot (10') perimeter on all sides, including all appendages. Beach Landing: Prices for the use of the City's beach for landing are based on the overall length of the vessel. Time spent on the beach prior to and after a haul-out is charged per day and will be included in the overall cost of the haul-out.
11. **Blocking.** Vessel blocking is the responsibility of the User and/or their contractors. The City has the right to inspect vessel blocking and will, if necessary, require additional blocking if it is determined to be inadequate for the job. The City will not supply, store, or furnish ships blocking, nor supply the labor needed for blocking installation/removal.
12. **Tarps.** Ground cover tarps must be placed under every vessel prior to blocking, and cover the ground under the entire vessel plus a 10 foot parameter. They must remain in place and shall be kept clean (daily) of all hazmat, paint chips, etc. Ground cover tarps will be protected during welding by placing protective welding mats in the affected areas.
13. **Ladders/Scaffolding.** User and/or Vendors will provide their own ladders and scaffolding. User assumes all risk when utilizing ladders and scaffolding.
14. **PPE:** User shall insure that personal protective equipment and clothing will be provided and worn as appropriate to each task.
15. **Sanding, Grinding, & Scraping.** Open air sanding, grinding and scraping are prohibited unless dustless systems are employed or the vessel is tented and properly vented/filtered. These precautions are to prevent escapement of airborne particulates from the vessel and soil contamination.
16. **Pressure Washing:** The Homer Marine Repair Facility does not allow pressure washing. Users who wish to remove marine growth from their vessel's hull must utilize alternative methods, such as manual removal by scraping. Ground covers must be used to collect debris and then shoveled into dumpsters, which the vessel owner provides.



**APPENDIX B**

Vendor Agreement





**HOMER MARINE REPAIR FACILITY  
VENDOR TERMS & CONDITIONS**

1. **The City agrees** to provide contractors, service providers, and vendors the opportunity to work in the Marine Repair Facility under a Vendor Agreement, of which will place vendors on the Approved Vendor List. The list shall be available on the City of Homer's website and given to all vessel owners utilizing the facility.
2. **Responsibility.** The City does not accept the vessel, its tackle, fixtures, equipment, gear, or furnishings for storage or safekeeping belonging to either the owner or vendor. Nor does the City accept any responsibility for vendor supplies, their laborers/employees, equipment, and personnel that the vessel owner may organize or contract. The City shall not be responsible for lost fishing time, or any other lost time to the vessel, while it is hauled out or on the City-owned tidelands/beaches.
3. **Policy Compliance:** Vendors agree to comply with the City of Homer's (referred herein as City) Marine Repair Facility policies and Best Management Practices (BMPs). A copy shall be provided when services are scheduled.
4. **Operational Structure.** The Homer Marine Repair Facility is being managed as an "Open Yard" facility, meaning that the vessel owner is responsible for the actual work being performed on their vessel. The City is simply facilitating the opportunity for haul-out and uplands use, and are not responsible for the finished product. This management structure gives the vessel owner the opportunity to manage their project from start-to-finish, contracting with vendors from the Approved Vendor List (provided by the City), or by using their own crew to make the repairs necessary for vessel maintenance.
5. **Vendors & Service Providers.** Contracting for all services to the vessel while it is in the boatyard, and payment for those services, is the sole responsibility of the vessel owner. Persons providing services to a vessel in the boatyard ("Vendors") must be on the City's approved vendor list. To qualify for the list, the following documents must be on file along with payment of fees: Certificate of Insurance, Alaska business license, registration for city sales tax, and professional certifications for the named trades. Vendors must abide by OSHA safety rules and regulations pertaining to their trade.
6. **Security:** Vendors and vessel owners are responsible for the security of their property. Other than random patrols of the boatyard, harbor staff will not be present during non-business hours.
7. **Insurance:** Vendors must have on-file with the City a current certificate of insurance to cover all of the services to be provided. All vendors must carry a minimum of \$1,000,000 per incident and \$2,000,000 in aggregate liability insurance and the City must be included as additional insured. Copies of the insurance policy must be on file with the Harbor Office before work may begin. Vendors must provide proof of longshore and harbor worker, workman's compensation insurance, or proof that such coverage is waived.
8. **Scheduling:** Vendors must plan to work within the vessel-owner's scheduled boatyard time.
9. **Dry Dockage:** The City shall designate a dry moorage area within the boatyard for each vessel. Vendors may work within the vessel's designated dry moorage area. Additional space may be rented from the City if available. Rates are published in the City's Terminal Tariff.
10. **Charges:** To remain on the list, every year vendors must complete the Vendor Agreement with the City and pay an annual fee before providing services. In the circumstance that a vendor is being hired to provide services during a one-time job, but is not on the Approved Vendor List, the vendor must complete the Vendor Agreement, provide the required documents, and opt to pay the "one-time" vendor fee instead of the annual fee. Rates are published in the City's Terminal Tariff. All charges are payable to the Homer Harbor Office.
11. **Tarps.** Ground cover tarps must be placed under every vessel prior to blocking, and cover the ground under the entire vessel plus a 10 foot parameter. They must remain in place and shall be kept clean (daily) of all hazmat, paint chips, etc. Ground cover tarps will be protected during welding by placing protective welding mats in the affected areas.
12. **Ladders/Scaffolding.** Vendors will provide their own ladders and scaffolding. Vendor and/or vessel owner assumes all risk when utilizing ladders and scaffolding.
13. **PPE:** Vendor and/or vessel owner shall insure that personal protective equipment and clothing will be provided and worn as appropriate to each task.
14. **Sanding, Grinding, & Scraping.** Open air sanding, grinding and scraping are prohibited unless dustless systems are employed or the vessel is tented and properly vented/filtered. These precautions are to prevent escapement of airborne particulates from the vessel and soil contamination.
15. **Pressure Washing:** The Homer Marine Repair Facility does not allow pressure washing.
16. **Disposal of Waste & Hazmat.** See the City's Marine Repair Facility policies and Best Management Practices (BMPs), and/or ask staff for details for proper disposal methods and locations.
17. **Spills & Cleanup.** The Vendor/vessel owner must immediately report any spills to the Harbor Office, NRC, DEC, and U.S. Coast Guard MSD. Failure to report can result in fines.
18. **Welding/Hotworks:** Vendors contracted to weld must be certified, licensed, and insured. All persons, including the vessel owner, crewmembers, and vendors must follow all standard welding practices per OSHA regulations. Fire guards and protective measures must be in place during all welding and cutting activities. There will be no open flames (other than welding or cutting torches) and no open burning. For every welder working, each must have a person on fire watch with fire extinguisher near them. Atmospheric testing for enclosed areas shall be done when appropriate. Arc shields shall be used as appropriate and required.

19. **Storm Events:** The Vendor/vessel owner are solely responsible to take emergency measures to secure the vessel, or anything that may become airborne during a windstorm event to prevent damage/injuries caused by airborne debris from their vessel and/or dry storage location.
20. **Materials, Structures & Equipment.** Necessary materials should be on hand before each haul-out. Arrangements for storage of materials must be coordinated with the Harbormaster. Users and vendors may bring in vehicles, trailers, or set up temporary structures that fit within the dry storage site of their vessel. Unless otherwise approved, the structures must be removed after the vessel is launched. Mobile homes, travel trailers, or RVs will not be allowed without approval. If the project requires more space for project lay-down, space will be provided as available and charges will reflect actual square foot usage.
21. **Alcohol/Drug-Use in Facility:** No alcohol or drugs shall be consumed/allowed in the boatyard or aboard vessels in the boatyard.
22. **Fires:** No open fires are permitted aboard vessels or in the boatyard.
23. **Children:** Children, under the age of 12, must be accompanied by an adult at all times.
24. **Pets:** All animals must be leashed and cleaned up after per Homer City Code.
25. **Live-a-boards:** No one will live aboard a vessel in dry moorage without consent of the Harbormaster.
26. **Liability:** The City shall not be liable for death or injury to persons, or damage to property, upon the vessel, yard facilities or premises adjacent thereto arising from any cause other than the willful misconduct of the City. Vendors shall indemnify and hold the City and its officers and employees harmless from all claims for death or injury to persons, or damage to property, arising from their acts or omissions, their agents, service providers/vendors, crew, employees, or invitees.
27. **Refusal of Service/Access:** The City reserves the right to refuse access to Vendors that: (a) do not have a current Alaska Business License, (b) fail to register for, collect, and remit sales tax, (c) lack sufficient insurance, (d) fail to comply with the City's Marine Repair Facility policies and Best Management Practices (BMPs), or (e) fail to comply with safety practices.
28. **Default in Compliance; City's Remedies:** Failure to adhere to the City's policies and best management practices can result in unsafe actions and environmentally harmful activities. When violations are observed by City staff, intentional or otherwise, work will be stopped until corrective measures are taken. If Vendor fails to properly follow and adhere to these practices/policies and/or their agreement with the City, or fail to pay fees or charges for more than thirty (30) days after the due date, the City may exercise any available remedy, including without limitation to terminate their Vendor Agreement.
29. **No Waiver:** The failure of the City to insist upon strict performance of any provision of this agreement, or to exercise any right or remedy available on a breach thereof, or the acceptance by the City of full or partial payments during the continuance of any breach, shall not constitute a waiver of any provision of this agreement, and all provisions hereof shall continue in full force and effect. Nothing in this agreement shall constitute a waiver by the City of its right to arrest any vessel to enforce a maritime lien, or any other right or remedy.
30. **Notices.** Billings and notices will be mailed to User's address as set forth herein. User shall notify the City in writing of an address change.
31. **Interpretations; Amendment:** Alaska Law shall govern this agreement. The invalidity of any provision of this agreement shall not affect the validity of any other provision. This document, in concert with the Homer Marine Repair and Facility Best Management Practices and Policies constitutes the entire agreement of the parties. No amendment of this Agreement shall be valid unless in writing and signed by both parties.

---

I accept and acknowledge that I have read and agree to the terms on page 2 and 3 and will abide by the Homer Marine Repair Facility Policies and Best Management Practices (BMP). I shall take precautions to prevent pollution to the air, ground and water. Should there be fees, fines, or cleanup required, I agree to pay such costs.

- I will abide by OSHA safety rules and regulations pertaining to my trade(s).
- I accept full responsibility for my activities in the boatyard and for the actions of my workers.
- I agree to have insurance covering my workmanship employees, as may be required by the terms and by the law.
- I understand that the name of my business will be available to boatyard users.

Vendor Initials: \_\_\_\_\_ Date: \_\_\_\_\_

**APPENDIX C**

Fee Schedule



## HOMER MARINE REPAIR FACILITY FEE SCHEDULE

Please add 7.5% sales tax to fees *unless* otherwise noted  
*Fees Effective 10/26/2015*

- Upland Dry Dockage: \$0.17/square foot per month for vessels paying annual harbor moorage  
\$0.20/square foot per month for vessels paying transient daily, monthly, semi-annual harbor moorage
- Beach Landing: \$1.50 per linear foot per calendar day
- Vendor Fee: \$150.00 per calendar year
- Harbor Labor: \$102.00 per hour/\$51.00 minimum
- Administration Fee: \$50.00 per month of Dry Dockage Use

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A full list of fees can be found in the Port and Harbor Homer Terminal Tariff No. 600. Hard copies are available upon request or at <http://www.cityofhomer-ak.gov/port/port-harbor-terminal-tariff-no-600>

**APPENDIX D**

Work Plan Sample

Lucky Louie  
F/V Sleepless Nights  
1234 Main Street  
Homer, AK 99603

Haul-out plan for the F/V Sleepless Nights:

Overview:

We plan to use the 19.3' at 4:21pm tide on October 15, 2015 to put the boat on the beach. Rawhide Boat Rollers will have their airbags on the beach and we will let the boat go dry on the bags. Rawhide will begin inflating the bags as soon as the tide recedes and begin moving the Sleepless Nights up the beach into the boat yard. We estimate that it may take two tides to roll the boat off the beach into the yard.

Once in the uplands, we will proceed to the location indicated by the Harbormaster and position the boat overtop of the ground cover that extends out from all sides of the vessel by 10'. Once in place, our crews will block the vessel and then the airbags will be deflated and removed.

Description of work to be performed:

At this time, we plan to repair the damage caused by grounding, pull the rudders, props and shafts, sandblast and paint, and then put it all back together with the last step being welding on Zincs. However, once we get the boat on blocks and are able to perform a thorough inspection, we may find other unanticipated damage. If more damage is found we may need to adjust our estimated timeline, but as it stands now we believe that our crew and contractors will be able to do this work within the two months that we have scheduled.

Haul maintenance:

Besides repairing the hull damage from the grounding, we plan to sandblast and paint the hull.

Mechanical:

We will be pulling the rudders, props, and shafts in this project. We will have the shafts turned at Strait Shooters Machine Shop and the propellers will be trued up by fairly honest Harry's Prop Shop.

Fabrication:

We intend to have the steel fabrication work done by Sparks A Lot Welding fabricators for hire.

Inspection:

Coast Guard MSD will inspect the fabrication work at various stages of completion and I, the vessel owner, will inspect the sandblasting and paint applications.

Work crew:

The work crew will be made up of a combination of my boat crew for the (unskilled labor) and the contractors that are hired from the city of Homer marine repair yard approved vender list to help with the skilled labor portions of the project.

At this time the contractors that I have made agreements with are welding Sparks A Lot Welding machining Strait Shooters Sandblasting/painting will be performed by Looking Good painters

Haul-out contractor and equipment:

We intend to hire Rawhides Boat Rollers to move the Sleepless Nights from the beach into the repair yard and then put us back into the water once the work is completed.

Containment plans and waste disposal:

- Welding mats will be laid down over the ground covering to protect it from welding and cutting damage.

- Work areas will be cleaned up daily by my boat crew to ensure that the work site is clean and that debris doesn't blow out onto the unprotected ground.
- After the fabrication work is complete, we intend to build a temporary shelter around the Sleepless Nights that will contain the dust caused by sandblasting. This area will be kept clean during the whole process. Exhaust air from the enclosure will be filtered to keep so that blasting dust does not escape into the environment.
- We plan to spray on the paint coatings with an airless spray rig once the hull is prepared. This will be done undercover as well so as to ensure there are no overspray issues and for coatings quality. We will rent a job site furnace to control the temp inside the covered work area.
- We will contract with Dumpys's Refuse Disposal for a dumpster to be located on site.
- We have contacted KPB landfill to discuss the proper disposal of the hazardous waste that will be generated from the project (paint slops and thinner).
- All waste generated from this project will be disposed of properly in dumpsters provided by me for the project. None of our project waste will be disposed of in the harbor dumpsters or waste disposal locations at the harbor.
- We will also have a Port-A-Potty on site for the work crews to use during this project.

Launch date:

At this time it is our intention to complete our work and launch the Sleepless Nights on December 13, 2015 at 3:16pm on the 20.0' tide.

Additional information:

- As the owner of the Sleepless Nights, I will be the project manager for this project. I intend to be on site every day for the duration of this project to ensure quality and cost control. However, if I am called away for some unforeseen reason, my relief Captain, Wrong Side Sam (new nickname since the grounding) will take over the project in my place.
- I will post contact information on the project site and will follow the rules listed in and agreed to in the Homer Marine Repair Facility user agreement.
- I also plan to stage a 20' conex van next to the project for secure equipment storage, and we may need to have a small travel trailer on site to use as a warm-up shack depending on the weather.
- Materials and supplies we'll be purchased from local merchants.
- I have rented a vacation rental for crew housing for the duration of the project. No one will be living on board the Sleepless Nights while it's in the repair yard.

## **APPENDIX E**

### Haul-Out & Launch Estimate Worksheet





**HOMER MARINE REPAIR FACILITY  
HAUL-OUT & LAUNCH ESTIMATE WORKSHEET**

To better aid users of the haul-out facility, this estimate worksheet will help determine how a general cost of hauling a vessel out in the Homer uplands. The required 50% Security Deposit is based on the estimated costs, which is determined by the user's haul-out work plan and the Marine Repair Facility's fee schedule.

**All charges are billed out on a monthly basis and payable to the Homer Harbor Office.** Upland Dry Dock charges are calculated as square feet, and are based on the overall length and beam of the vessel, plus a ten foot (10') perimeter on all sides, including all appendages and additional space requested. Prices for the use of the City's beach for landing are based on the overall length of the vessel. Time spent on the beach prior to and after a haul-out is charged per day and will be included in the overall cost of the haul-out.

**Example of Estimating Costs**

The F/V Sleepless Nights is a 120' landing craft with a 40' beam, which pays Transient Annual moorage in the Homer Harbor. They plan on being hauled out for two months with the possibility of staying longer, and also need additional space for a 20' Conex.

It lands on the City's beach the day before their scheduled haul-out and spend a total of two calendar days on the beach. Beach Landing charges will be:

**Beach Landing:**  $\$1.50 \times 120' = \$180 \times 2 \text{ days} = \$360.00 + \text{tax } (\$27.00) = \$387.00$

After being hauled out, the Sleepless Nights is charged per square foot, plus a ten foot perimeter on all sides. They also require additional space for a 20' Conex. Dry Dockage charges are billed out on a per month basis and will be:

$120' + 20' \text{ (10' on each side)} = 160' \text{ overall length}$   
 $40' + 20' \text{ (10' on each side)} = 60' \text{ overall width}$   
 $160' \times 60' = 9,600 \text{ sq ft} + 20' \times 10' = 200 \text{ sq ft} = 9,800 \text{ overall square feet}$

**First Month:**  $9,800 \times \$0.17 = \$1,666 + \$50 \text{ Admin Fee} = \$1,716 + \text{tax } (\$128.70) = \$1,844.70$

**Second Month:**  $9,800 \times \$0.17 = \$1,666 + \$50 \text{ Admin Fee} = \$1,716 + \text{tax } (\$128.70) = \$1,844.70$

Halfway through the scheduled haul-out, unforeseen circumstances require an additional two weeks of work. The owner of the Sleepless Nights contacts the Harbormaster to confirm the delay will work with the haul-out schedule and to get the work plan changes approved. Further Dry Dockage charges will be:

**Third Month:**  $9,800 \times \$0.17 = \$1,666 + \$50 \text{ Admin Fee} = \$1,716 + \text{tax } (\$128.70) = \$1,844.70$

The launching date arrives and the Sleepless Nights is rolled out of the uplands onto the beach. The boat stays there for one calendar day as it waits for the next tide. An inspection by the Harbormaster of the uplands shows that the area was cleared properly by the vessel owner; no additional fees for cleanup will be charged. The second Beach Landing charges will be:

**Beach Landing:**  $\$1.50 \times 120' = \$180 \times 1 \text{ day} = \$180.00 + \text{tax } (\$13.50) = \$193.50$

Total estimated costs for the Sleepless Nights hauling out are \$6,114.60. The 50% Security Deposit, paid at the time of scheduling, will be \$3,057.30. There being no defaults, this security deposit will be applied to the vessel's account.

## **APPENDIX F**

### Facility Overview





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

3 Mayor/Lewis/Reynolds/  
4 Zak/Burgess

5 **RESOLUTION 15-091**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE CITY OF HOMER FEE SCHEDULE TO INCLUDE  
9 HOMER REPAIR FACILITY FEES.

10  
11 WHEREAS, The Vessel Haul-Out Task Force established fees for the Homer Marine  
12 Repair facility; and

13  
14 WHEREAS, The Port and Harbor Advisory Commission discussed and unanimously  
15 supported the fees recommended by the Vessel Haul-Out Task Force.

16  
17 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of  
18 Homer Fee Schedule to include Homer Repair Facility Fees as follows:

19  
20 RULE: 34.33 – Homer Marine Facility Fees

21 EFF:

22  
23 User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as  
24 follows:

25  
26 (a) Homer Marine Repair Facility Fees

27  
28 RULE: 34.33 – Homer Marine Facility Fees

29 EFF:

30  
31 User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as  
32 follows:

33  
34 (a) Homer Marine Repair Facility Fees

- 35  
36 (1) Upland Dry Dockage use Fee per Month: \$ 0.17 per square foot/ for vessels paying  
37 annual moorage in Homer harbor 0.20 per square foot for transient daily,  
38 monthly, semiannual moorage vessels  
39 (2) Administration Fee per month of Dry Dockage uplands usage: \$50.00  
40 (3) Beach Landing Fee per calendar day: \$1.50 per foot  
41 (4) Vendor Fee per calendar year: \$150.00  
42 (5) Harbor Labor Fee: \$102.00 per hour/\$51.00 minimum  
43

44 PASSED AND ADOPTED by the Homer City Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

45  
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54  
55  
56  
57

CITY OF HOMER

---

MARY E. WYTHE, MAYOR

ATTEST:

---

JO JOHNSON, MMC, CITY CLERK

Fiscal Impact: To be determined.

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

3 Mayor/Lewis/Reynolds/  
4 Zak/Burgess

5 **RESOLUTION 15-092**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE PORT OF HOMER TERMINAL TARIFF NO. 600 TO  
9 INCLUDE HOMER REPAIR FACILITY FEES.

10  
11 WHEREAS, The Vessel Haul-Out Task Force established fees for the Homer Marine  
12 Repair facility to be included in the Port of Homer Terminal Tariff No. 600; and

13  
14 WHEREAS, The Port and Harbor Advisory Commission discussed and unanimously  
15 supported the fees recommended by the Vessel Haul-Out Task Force.

16  
17 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Port of  
18 Homer Terminal Tariff No. 600 to include Homer Repair Facility Fees as follows:

19  
20 RULE: 34.33 – Homer Marine Facility Fees

21 EFF:

22  
23 User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as  
24 follows:

25  
26 (a) Homer Marine Repair Facility Fees

- 27  
28 (1) Upland Dry Dockage use Fee per Month: \$ 0.17 per square foot/ for vessels paying  
29 annual moorage in Homer harbor 0.20 per square foot for transient daily,  
30 monthly, semiannual moorage vessels  
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32 (3) Beach Landing Fee per calendar day: \$1.50 per foot  
33 (4) Vendor Fee per calendar year: \$150.00  
34 (5) Harbor Labor Fee: \$102.00 per hour/\$51.00 minimum

35  
36 PASSED AND ADOPTED by the Homer City Council this \_\_\_\_ day of \_\_\_\_\_, 2015.

37  
38 CITY OF HOMER

39  
40  
41 \_\_\_\_\_  
42 MARY E. WYTHE, MAYOR  
43  
44

45 ATTEST:

46

47

48

49 \_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

50

51 Fiscal Impact: To be determined.

52



# ORDINANCE(S)



**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-41**

An Ordinance of the Homer City Council Appropriating Funds for the Calendar Year 2016 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds.

Sponsor: City Manager

1. Council Regular Meeting October 26, 2015 Introduction
  - a. 2016 Proposed Budget Amendment – Budget B
  - b. Memorandum 15-176 from Library Director as backup.
  - c. Department Budget Requests Parks and Recreation Advisory Commission
    1. Calhoun Trail work
    2. Pedestrian and bicycle improvements
    3. Soundview Sidewalk Extension



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 15-41**

AN ORDINANCE OF THE HOMER CITY COUNCIL APPROPRIATING FUNDS FOR THE CALENDAR YEAR 2016 FOR THE GENERAL FUND, THE WATER FUND, THE SEWER FUND, THE PORT/HARBOR FUND, CAPITAL PROJECTS, AND INTERNAL SERVICE FUNDS.

THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to the authority of Alaska Statutes Title 29, the following appropriations are made for the calendar year ending December 2016:

General Fund	\$11,658,093
Water Fund	\$ 2,105,246
Sewer Fund	\$ 1,626,500
Port/Harbor Fund	\$ 4,688,729
Capital Projects	<u>\$ 1,355,275</u>
Total Expenditures	\$21,433,843
Internal Service Funds	\$ 1,990,459

Section 2. Pursuant to the authority of Alaska Statutes Title 29, the following appropriations are made for the calendar year ending December 2016:

General Fund	\$10,609,676
Water Fund	\$ 2,105,246
Sewer Fund	\$ 1,626,500
Port/Harbor Fund	\$ 4,688,729
Capital Projects	<u>\$ 1,355,275</u>
Total Expenditures	\$20,385,426
Internal Service Funds	\$ 1,947,259

Section 3. The amounts appropriated by this ordinance are appropriated to the objects and purposes stated in the adopted budget.



84 AYES:  
85 NOES:  
86 ABSTAIN:  
87 ABSENT:

88  
89  
90

91 First Reading:  
92 Public Hearing:  
93 Second Reading:  
94 Effective Date:

95  
96

97 Reviewed and approved as to form:

98

99 \_\_\_\_\_  
100 Mary K. Koester, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

101  
102 Date: \_\_\_\_\_

Date: \_\_\_\_\_

103





City of Homer  
2016 Operating Budget

**2016 Proposed Budget Amendment - Budget B**

**Fund Name: General Fund**

Department/Division or Services	Account #	Page #	"A" Balance	"B" Balance	Decrease By
Mayor/Council - Depreciation Reserves	100-0100-5990	47	684,674	180,246	504,428
Lobbyist	100-0100-5248	47	22,000	-	22,000
Clerks	100-0101-51xx	49	329,713	295,077	34,636
Economic Development	100-0112-5227	56	8,000	-	8,000
Homer Chamber of Commerce	100-0112-5210	56	51,000	15,300	35,700
Community Recreation	100-0115-51xx	62	110,615	61,463	49,152
Library	100-0145-51xx	69	627,986	545,185	82,801
HERC	100-0114-52xx	71	59,762	28,681	31,081
Homer Foundation	100-0350-5830	74	19,000	5,700	13,300
Pratt Museum	100-0350-5801	74	66,500	19,950	46,550
Fire - Combined	100-015x-51xx	78	670,683	636,784	33,899
Police - Patrol	100-0160-51xx	84	1,157,633	1,080,977	76,656
Public Works-Combined	100-017x-5100	94	1,393,640	1,376,427	17,213
Total					

**Rationale:**

The City Manager's Proposed Budget "A" assumed \$1,000,000 additional revenue source(s). Without the assumed revenue, additional budget reductions would have to take place as illustrated above in order to present to the Council a balanced budget, which would be Budget "B".

**Notes:**

- 51xx: Personnel Costs
- 52xx: None Personnel Costs

Requested By: \_\_\_\_\_

Prepared By: \_\_\_\_\_



**CITY OF HOMER  
DEPARTMENT BUDGET REQUEST  
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date \_\_\_\_\_

Level of Need: Urgent  Essential  Necessary  Desirable

**Request for Additional Personnel:**  
 Position Title \_\_\_\_\_  
 Salary Range & Step \_\_\_\_\_  
 Full-time   
 Part-time  Hours Per Year \_\_\_\_\_

**Request Other Than Personnel:**  
 Description Calhoun Trail work  
 Fund Name: HART Trails

<b>(FINANCE DEPT WILL COMPLETE)</b>	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
<b>Total Personnel Cost</b>	_____

Account Name: HART Trails  
 Account # 165.375  
 Estimated Cost: \$5,000

**Justification:**

The lower portion of Calhoun Trail, north of Fairview and adjacent to the Coast Guard Housing, is steep and needs some reworking.



Requestor's Name: P&R Advisory Commission

Department Head Approval: \_\_\_\_\_

City Manager Recommendation: \_\_\_\_\_ Date \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Comments \_\_\_\_\_

**CITY OF HOMER  
DEPARTMENT BUDGET REQUEST  
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date 8/20/2015

Level of Need: Urgent  Essential  Necessary  Desirable

**Request for Additional Personnel:**  
 Position Title \_\_\_\_\_  
 Salary Range & Step \_\_\_\_\_  
 Full-time   
 Part-time  Hours Per Year \_\_\_\_\_

**Request Other Than Personnel:**  
 Description Pedestrian and Bicycle Improvement  
 Fund Name: HART Roads

<b>(FINANCE DEPT WILL COMPLETE)</b>	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
<b>Total Personnel Cost</b>	_____

Account Name: 160.766  
 Account #: 160.766  
 Estimated Cost: \$5,000

**Justification:**  
 Funding for narrow lane striping on Heath Street, improved striping and signage on Soundview near West Homer Elementary School, crosswalk at Soundview and Mullikin. Other signage and striping as budget allows.

Requestor's Name: P&R Advisory Commission

Department Head Approval: \_\_\_\_\_

City Manager Recommendation: \_\_\_\_\_ Date \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Comments \_\_\_\_\_

**CITY OF HOMER  
DEPARTMENT BUDGET REQUEST  
YEAR 2016**

**Requesting Department** Parks and Recreation Advisory Commission **Date** 8/20/2015

**Level of Need:** Urgent  Essential  Necessary  Desirable

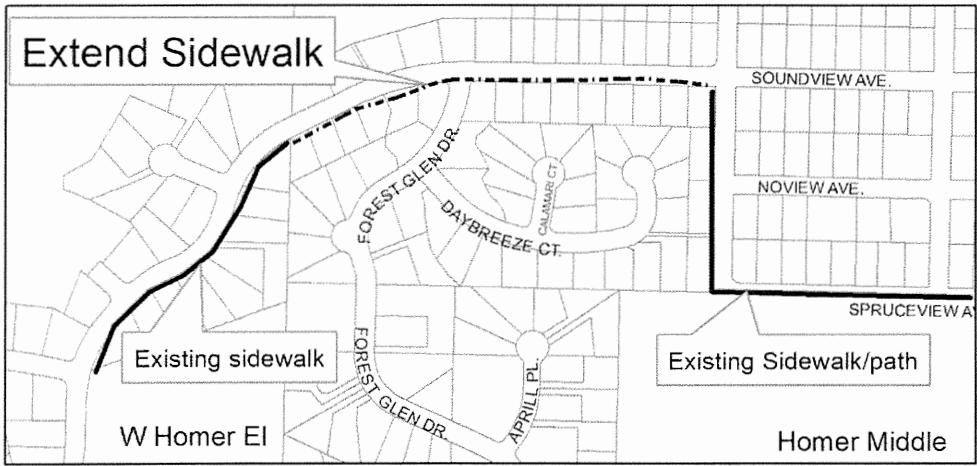
**Request for Additional Personnel:**  
**Position Title** \_\_\_\_\_  
**Salary Range & Step** \_\_\_\_\_  
**Full-time**   
**Part-time**  **Hours Per Year** \_\_\_\_\_

**Request Other Than Personnel:**  
**Description** Soundview Sidewalk Extension  
**Fund Name:** HART Roads

<b>(FINANCE DEPT WILL COMPLETE)</b>	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
<b>Total Personnel Cost</b>	_____

**Account Name:** HART Roads  
**Account #** 160.766  
**Estimated Cost:** \$75,000

**Justification: Extend existing sidewalk on Soundview Ave east, to Mullikin St. Provides pedestrian connection from just short of West Homer El, east to Bartlett.**



**Requestor's Name:** P&R Advisory Commission

**Department Head Approval:** \_\_\_\_\_

**City Manager Recommendation:** \_\_\_\_\_ **Date** \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Comments \_\_\_\_\_

\_\_\_\_\_





## City of Homer

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

Homer Public Library

500 Hazel Avenue  
Homer, AK 99603

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

(p) (907)-235-3180

(f) (907)-235-3136

### Memorandum 15-176

TO: Library Advisory Board

THROUGH: Renee Krause, City Clerk

FROM: Ann Dixon, Library Director

DATE: October 5, 2015

**SUBJECT: Impact of "Bare Bones Budget" Cuts to Library Services – Budget B**

Library staff understands the seriousness of the fiscal gap crisis. Every department must do its part to cut costs while maintaining services as best we can.

That said, it must be understood that budget cuts will have serious consequences for library services. The budget has been pared to the point that only core resources and services remain. Staff is already working at capacity, having streamlined numerous workflows over the past several years.

#### **The Collection**

Cutting the budget for books and other media at these levels will:

- Severely decrease the number of new books, DVDs, and audiobooks we can purchase.
- Result in longer waits for new books and media.
- Result in less variety of materials for all ages.
- Reduce our ability to replace out-of-date and worn-out materials.
- Increase our reliance on interlibrary loan to obtain materials from other libraries, which takes longer for the patron, is costly in postage and is time-consuming for staff.
- Reduce and in some cases eliminate funding for periodicals, electronic media and databases currently used by many patrons for research, recreational reading, business and current affairs.

Cutting the budget for books, in particular, will halt our on-going project to improve the Library's collection.

- The library collection is still recovering from several decades of underfunding for new materials, as documented by the Library Advisory Board in 2012.
- In 2011 the average publication date of HPL's nonfiction books was 1989. Thanks to two Rasmuson grants and improved funding for materials from the City of Homer, that average pub

date has risen to 1996 in 2015. Our goal is to bring the collection into the 21<sup>st</sup> century by replacing out-of-date, unused, and worn-out books. Decreased budgets for materials will take us backwards in that effort.

### **Staffing**

Eliminating positions will reduce hours the library is open. These reduced open hours will negatively impact most library users.

**We are currently open 52 hours (six days) per week. 40 open hours per week is the bare minimum to qualify for the annual Public Library Assistance Grant. It may curtail our eligibility to receive other grants, as well.**

Reduction in hours the Library is open will:

- Especially impact children, adults who work during the week, tutors and their students, and availability of rooms for community meetings.
- Result in less access for patrons to computers to conduct business, personal communications, research, legal, medical and other affairs online.
- Result in longer wait periods for new materials by patrons.
- Reduce our availability to visitors during the tourist season.

Reducing staffing will impair staff's ability to handle day-to-day workloads at a time when library use is increasing (from 2011-2014, an increase of 25% in the number of items checked out; a 5% increase in overall attendance; and a 41% increase in participation at early literacy programs).

- Fewer hours per week shelving materials.
- Fewer hours per week processing new materials.
- Less mending of damaged materials.
- Fewer hours per week of front-line staffing at the circulation desk.
- Fewer hours of core library tasks by staff who will need to assist patrons at the circulation desk those additional hours (cataloging, ordering and processing new materials, mending materials, maintaining and updating the website, maintaining and updating library software, tracking periodicals, interlibrary loans, database maintenance, processing overdue notices, scheduling, receiving and sending mail, and supervising volunteers).
- Move experienced, highly trained, and higher-paid technical staff from their work in specialized tasks to more generalized work on the front desk that could be handled by lower-grade employees.
- Increase workload for staff during remaining open hours, including the busy summer season.
- Increase staff burnout.



- Loss of investment in training the staff member who is laid off.

### **Programming**

Reducing staff will curtail our ability to plan and implement literacy, educational, and cultural programs for youth and adults.

- Reduce story times offered (resulting in crowds of 50 or more at story times).
- Fewer after-school and Saturday children's programs during the school year.
- Fewer summer story times and summer reading program activities.
- Less outreach to schools, childcare facilities, and the homebound.
- May reduce frequency of homebound/senior service (currently weekly).

### **Other**

- Impair and/or halt staff's ability to continue collection management projects currently underway (database clean-up, fiction section re-labeling, reorganization of children's books).
- Reduce staff's ability to collaborate with other community groups (recent examples: Homer Early Childhood Coalition, MAPP, Hospice of Homer, Pratt Museum).
- Reduce staff's ability to assist with City projects as they arise (recent examples: social media policies, website, wellness committee).
- Reduce staff's ability to find time for grant writing.

**It is well documented that when economies contract, people utilize public libraries more than ever.**

<http://chicago.cbslocal.com/top-lists/celebrate-womens-history-month/public-library-use-goes-up-as-economic-crisis-intensifies/>

<http://www.toledoblade.com/frontpage/2008/09/01/In-economic-downturn-patrons-discover-library-services-pay-off.html>

[http://www.irs.org/documents/closer\\_look/Recession\\_2011\\_Closer\\_Look\\_Report.pdf](http://www.irs.org/documents/closer_look/Recession_2011_Closer_Look_Report.pdf)

<http://www.library.arkansas.gov/PublicLibraryServices/Documents/recession.pdf>



# CITY MANAGER'S REPORT





# City of Homer

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

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: October 26, 2015  
SUBJECT: City Manager's Report

---

### **Request to Postpone Strategic doing until second meeting in January**

A Strategic Doing work session is currently scheduled for November 23. I would like to request the Strategic Doing work session be rescheduled to the second meeting in January. November will be the height of the educational campaign on HART and the December 1 special election and will be my focus. We will also be short staffed in my office for the month of November.

### **Should City Assume Maintenance of Lake Street Bike Paths?**

The City has been informed by ADOT/PF that their Lake Street Improvements will incorporate a bike lane on each side of the road. However, they are requesting that maintenance of the signage and pavement markings for the bike lane on the west side be maintained by the City. If the City does not agree to take on maintenance responsibilities, the State will still build the dedicated space for bike traffic, however it will be considered a 'bike route' with minimal signage and no pavement markings (bike stencils in path). Any agreement for the City to take over maintenance of the bike path would have to include the State plowing and sanding the path and associated liability or we would be looking at a considerable expense. The maintenance expense (replacement cost of signage and stenciling) is estimated at \$2,400 a year.

The City is currently designing similar bike lanes on Waddell Way. Ideally signing and pavement markings should be consistent on Lake Street and Waddell Way.

Lake Street bike lane signage/markings cost \$9,000 to install. \$2,400/ year to maintain.

Waddell Way bike lane signage/markings cost \$6,000 to install. \$1,800/ year to maintain.

\$4,200 annual total

Should the City take on the additional maintenance cost for bike lane signage and markings (on both streets) or should the lanes be constructed as 'bike routes' with minimal signage/markings (on both streets)?

### **Buccaneer Creditors' Liquidating Trust Settlement**

You may recall that in June of this year the City of Homer received letter from the Trustee of the Buccaneer Creditors' Liquidating Trust demanding the City return \$17,460 in payment that had been received in the 90 days preceding Buccaneer's bankruptcy. The City Attorney countered with a letter stating that the payment was made during the course of regular business. Nevertheless, the City Attorney has negotiated a 50% reduction in the original demand (\$8730) which I have agreed to. While it gives me heartburn to acquiesce to the claim, it is a modest amount that could quickly be surpassed in legal fees if we were to engage in a lengthy battle. The funds received were for services delivered at the Port and Harbor and will be assigned a legal settlement code in the enterprise budget so we can track these types of expenses.

### **Update on Sale of Lillian Walli Lots**

Council directed staff to sell all 8 City-owned parcels in the Lillian Walli subdivision. I wanted to provide you an update on that process. A request for proposals was posted on the City website on October 12<sup>th</sup>. The total appraised value and minimum bid for all lots is \$91,000. Written questions are due by October 28<sup>th</sup> to the City Clerk's Office. Bids are due by noon November 12, 2015 and will be opened by the City Manager. <http://www.cityofhomer-ak.gov/rfps>.

### **Woodard Creek Coalition**

City Planner Abboud attended the Woodard Creek Coalition Workshop Saturday, October 17<sup>th</sup>. The meeting was held to prioritize several problem statements and set goals and objectives for the coalition. Channelization, erosion, and flooding have been identified as public safety concerns. Development in and around the drainage area has contributed to these problems. The coalition prioritized raising public awareness of the condition of the creek and the value it has to the community. See the attached press release for more information.

### **Upcoming Elections**

We have two more elections before the end of the year. I wanted to remind everyone when absentee voting starts so they can make sure and fit it in – it is coming right up.

November 3 Runoff: Absentee voting started Tuesday, October 20.

December 1 Special Election: Absentee voting starts Monday, November 16.

Enc:

Settlement agreement with Buccaneer Creditors' Liquidating Trust

Woodard Creek Coalition Press Release

Thank you to SPH for Hosting Dinner on September 15

## SETTLEMENT AGREEMENT

**THIS SETTLEMENT AGREEMENT** (the "Settlement Agreement") by and between Jeff Compton, Trustee of the Buccaneer Creditors' Liquidating Trust, (the "Trustee") and City of Homer Port & Harbor ("City of Homer") (the Trustee and City of Homer will be collectively referred to as the "Parties") is made and entered into as of October 14, 2015.

**WHEREAS**, on May 31, 2014, Buccaneer Resources, LLC, *et al.* (the "Debtors") filed voluntary petitions for relief under Chapter 11, Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of Texas, Victoria Division (the "Court"), in Case No. 14-60041-drj;

**WHEREAS**, the Trustee has asserted that the Debtor made transfers totaling \$17,457.15 (the "Transfers") to City of Homer that are avoidable under the provisions of 11 U.S.C. §§ 547 & 550;

**WHEREAS**, the Trustee sent a demand letter to City of Homer on June 4, 2015 demanding City of Homer return the Transfers;

**WHEREAS**, City of Homer has denied liability for any alleged preferential transfer and has asserted the ordinary course of business defense under 11 U.S.C. §547(c) to the Transfers amounts, if any, credited by the Trustee;

**WHEREAS**, following good faith negotiations, the Trustee and City of Homer desire to settle and compromise this matter on the terms set forth herein; and

**WHEREAS**, City of Homer has agreed to pay the sum of **EIGHT THOUSAND SEVEN HUNDRED THIRTY AND 00/100 (\$8,730.00)** in U.S. Dollars (the "Settlement Payment") in full and final settlement of its alleged liability for the avoidance and recovery of the Transfers,

**NOW THEREFORE**, in consideration of the mutual promises and covenants contained herein, the Parties hereby stipulate and agree as follows:

1. Settlement Payment. On or before October 21, 2015, City of Homer shall pay the Settlement Payment to the Trustee. "Pay" shall mean good funds have actually been received by counsel for the Trustee, such as a cleared wire transfer or a check that has cleared the bank and enough time has elapsed that payment on it cannot be stopped. Checks should be made payable to "Snow Spence Green LLP, IOLTA Account." Wire transfers should be made to:

Amegy Bank, N.A.  
4400 Post Oak Parkway  
Houston, TX 77027  
Swift code SWBKUS44  
ABA# 113011258  
Account Name: Snow Spence Green LLP IOLTA ACCOUNT

Account Number: 0030341878

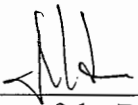
2. Section 9.4 of Confirmed Plan. Upon receipt of this Settlement Agreement executed by City of Homer and receipt of the Settlement Payment, Trustee shall seek approval of this Settlement Agreement in accordance with Section 9.4 of the First Amended Joint Chapter 11 Plan of Reorganization for the Debtors and Debtors-In-Possession (as modified through November 5, 2014 [Doc. No. 506] (the “Confirmed Plan”) and, if necessary, from the Court in Case No. 14-60041-drj. The Parties understand and acknowledge that this Settlement Agreement is conditioned upon approval of the Settlement Agreement in accordance with Section 9.4 of the Confirmed Plan or the Court.
3. Compromise of Disputed Claim. It is understood that this Settlement Agreement is a compromise of a disputed claim and that the Settlement Payment made hereunder is not to be construed as an admission of any liability for preferential transfers. This Settlement Agreement is intended to fully resolve and settle all claims for the avoidance and recovery of the Transfers.
4. Release by Trustee. Upon Trustee’s receipt of the full Settlement Payment, Trustee waives and releases any and all claims and causes of action against City of Homer for the avoidance and recovery of the Transfers.
5. Release by City of Homer. Upon City of Homer’s execution of this Settlement Agreement, City of Homer waives and releases the Trustee, Buccaneer Creditors’ Liquidating Trust (the “Trust”), the Debtors and the Trustee’s professionals from and all claims and causes of action, whether known or unknown, anticipated or unanticipated, suspected or unsuspected, absolute, fixed, conditional or contingent, matured or unmatured, liquidated or unliquidated amounts, due or to become due, and whether arising from contract, tort or otherwise, including, but not limited to, any right it may have to file a claim for the Settlement Payment under 11 U.S.C. § 502(h) or any other applicable statute of right.
6. Authority and Requisite Approval. The Parties represent and warrant with respect only to themselves and none of the other Parties that it is duly authorized to fully and completely resolve all disputes between the Parties that are the subject of this Settlement Agreement and is fully authorized to make this Settlement Agreement.
7. Representations. The Parties hereby declare that the terms of this Settlement Agreement have been completely read and are fully understood and voluntarily accepted for the purposes of making a full and final compromise, settlement and release as set forth herein. The Parties each represent and warrant that they have made no assignment and hereafter will make no assignment of any claim, action, right of action, or any other right released pursuant to this Settlement Agreement. The Parties represent that this Settlement Agreement has been explained to them by their respective legal counsel, and that each understands all of the provisions



- hereto. The Parties each hereby stipulate, declare and acknowledge that he is relying on his own judgment and the advice of his own attorneys in executing this Settlement Agreement. Each of the Parties expressly warrants and represents and does hereby state and represent unto each other that no promise of agreement which is not herein expressed has been made to him in executing this Settlement Agreement, and that none of the Parties is relying upon any statement or representation of the other Party or their agents and attorneys.
8. Modifications. This Settlement Agreement may not be modified, amended or terminated orally. No modification, amendment or termination, or any waiver of any of the provisions of this Settlement Agreement, shall be binding unless same is in writing and signed by the person against whom such modification, amendment or waiver is sought to be enforced.
  9. No Waiver. The failure of any of the Parties to enforce at any time any provision of this Agreement shall not be construed to be a waiver of such provision, nor in any way affect the validity of this Agreement or any part thereof or any right of any person thereafter to enforce each and every provision. No waiver of any breach of this Agreement shall be held to constitute a waiver of any other breach.
  10. Severability. If any provision of this Agreement is or may be held by a court of competent jurisdiction (or by any arbitrator or arbitration panel) to be invalid, void or unenforceable, the remaining provisions shall nonetheless survive and continue in full force and effect without being impaired or invalidated in any way.
  11. Attorneys' Fees. The Parties shall each bear their respective attorneys' fees and costs relating to the costs associated with the settlement negotiations and implementation of this Settlement Agreement. However, if any action is commenced by any party hereto to enforce the provisions of this Settlement Agreement, the prevailing party shall be entitled to an award, in addition to any other claims or damages, of its costs and expenses including attorneys' fees, in connection with said action.
  12. Counterparts. The Parties agree that the facsimile and electronic signatures shall have the same force and effect as original signatures. This Settlement Agreement may be executed in counterparts and all counterparts so executed shall constitute one agreement which shall be binding on the Parties hereto.
  13. Headings and Construction. Headings in this Settlement Agreement are for the convenience of the Parties and are not to be used in construing this Settlement Agreement. This Settlement Agreement shall not be construed or interpreted against either Party, either by having drafted this Agreement or otherwise.

**IN WITNESS WHEREOF**, the Parties have caused this Settlement Agreement to be executed by themselves or on their behalf by their respective attorneys as of the date first above written.

**J.A. COMPTON, TRUSTEE OF THE BUCCANEER CREDITORS' LIQUIDATING TRUST**

By:  \_\_\_\_\_  
J.A. Compton, Trustee of the Buccaneer Creditors' Liquidating Trust

**CITY OF HOMER PORT & HARBOR**

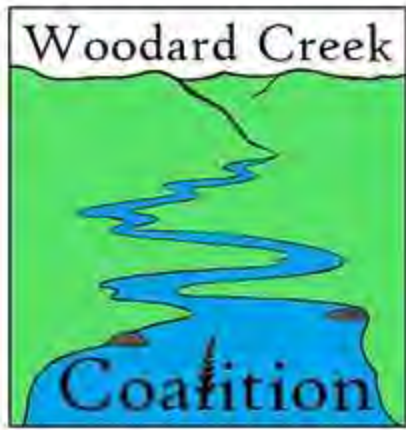
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Either Return with Check for **\$8,730.00** U.S.  
Dollars payable to Snow Spence Green LLP,  
IOLTA Account.

c/o Ross Spence  
Snow Spence Green, LLP  
2929 Allen Parkway, Suite 2800  
Houston, Texas 77019

OR Wire **\$8,730.00** to Snow Spence Green LLP,  
IOLTA Account.  
Wiring Instructions:

Amegy Bank, N.A.  
4400 Post Oak Parkway  
Houston, TX 77027  
Swift code SWBKUS44  
ABA# 113011258  
Account Name: Snow Spence Green LLP IOLTA  
ACCOUNT  
Account Number: 0030341878



## FOR IMMEDIATE RELEASE

October 19, 2015

# PRESS RELEASE

**More Info:**

Marv Hanson: 907.240.8295

Jim Preston: 907.235.8906

## Woodard Creek Coalition Presses Forward on Vital Community Asset

HOMER, AK – Local citizens, property owners and groups comprising the Woodard Creek Coalition came together this past Saturday, October 17, at the Pratt Museum to continue efforts aimed at promoting the community values surrounding Woodard Creek. A representative from the National Park Service facilitated the session under a generous grant from the River & Trails Conservation Assistance Program.

“We made some great progress today,” said Jim Preston, a property owner along Woodard Creek. “Our goal to open-up the creek, and make it more accessible, will go a long way toward improving the quality of life in Homer.”

Woodard Creek is a perennial creek which flows from its headwaters on the bluff above the South Peninsula Hospital, runs down through Hornaday Park and parallel to Bartlett Street before discharging into Kachemak Bay at Bishops Beach. The creek has been neglected over the years, with multiple culverts and obstructions making it invisible and inaccessible to most Homer residents. The Woodard Creek Coalition formed in 2013 to transform Woodard Creek into a vibrant, healthy and safe community asset.

“Woodard Creek is an unpolished gem sitting right in the middle of town,” said property owner Marv Hanson. “Our goal is to dust off that gem and make Woodard Creek a gathering place where local residents and tourists alike can enjoy a natural stream setting in downtown Homer.”

The Woodard Creek Coalition will continue to meet and work toward enhancing Woodard Creek, and all interested businesses and residents are encouraged to join-in.



## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

October 12, 2015

South Kenai Peninsula Hospital Service Area Board  
4300 Bartlett St.  
Homer, AK 99603

Dear South Kenai Peninsula Hospital Service Area Board of Directors,

On behalf of Mayor Wythe and Homer City Council I would like to thank you for the tasty and informative dinner you hosted on September 15th for the Kenai Peninsula Borough Assembly, Homer City Council and staff. In addition to being a chance to get together with Borough leaders, it was a great opportunity to showcase our first class hospital. The progressive dinner made the most of everyone's time (and was delicious).

Thank you for a productive and enjoyable evening.

Sincerely,

Katie Koester  
City Manager





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MAYOR AND CITY COUNCIL  
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK  
DATE: OCTOBER 20, 2015  
SUBJECT: BID REPORT

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**Request for Proposals Eight Lots in the Lillian Walli Estates Subdivision** - The City of Homer, Alaska is hereby advertising for sealed proposals to purchase the following real properties:

- **Lots 57, 58, 59, 60, 65, 66, 67, 70, LILLIAN WALLI ESTATE**, according to Plat No. 88-16, in the Homer Recording District, Third Judicial District, State of Alaska.

**Total Appraised Value & Minimum Bid for all lots is \$91,900.**

Responses to the City's request for sealed proposals will be received at the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, until 12:00 noon on November 12, 2015. Proposals shall be opened and received by the City Manager. **Proposals received after the time specified or proposals received from proposers not listed on the plan holders list will be considered non-responsive and shall not be considered. All proposers must submit a City of Homer Plan Holders Registration Form to be on the PHL and to be considered responsive.** Plan Holder Registration form and Bid Documents are available online at <http://www.cityofhomer-ak.gov/rfps>.





# CITY ATTORNEY REPORT



# COMMITTEE REPORTS



# PENDING BUSINESS



**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-23**

An Ordinance of the Homer City Council Amending Homer City Code 21.40.070, Requirements, Regarding Standards for Impervious Coverage in the Bridge Creek Watershed Protection District.

Sponsor: Planning

1. City Council Special Meeting June 29, 2015 Introduction
  - a. Memorandum 15-100 from City Planner as backup w/attachments: Ordinance 15-23, staff reports, excerpts of Planning Commission meetings of 4/16/14, 8/06/14, 8/20/14, 9/03/14, 9/17/14, 10/15/14, 11/05/14, 1/21/15, 2/18/15, 3/18/15, and 4/15/15
2. City Council Regular Meeting July 27, 2015 Public Hearing and Second Reading
  - a. Memorandum 15-100 from City Planner as backup (Backup is in June 29 council packet)
3. City Council Regular Meeting September 14, 2015 Second Reading
  - a. Memorandum 15-100 from City Planner as backup (Backup is in June 29 council packet)
  - b. Memorandum 15-148 from City Planner as backup
4. City Council Regular Meeting October 26, 2015 Second Reading
  - a. Memorandum 15-100 from City Planner as backup (Backup is in June 29 council packet)
  - b. Memorandum 15-148 from City Planner as backup





1 CITY OF HOMER  
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 15-23

5 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING  
6 HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING  
7 STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK  
8 WATERSHED PROTECTION DISTRICT.  
9

10 THE CITY OF HOMER ORDAINS:  
11

12 Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:  
13

14 21.40.070 Requirements. The requirements of this section shall apply to all structures  
15 and uses in the BCWP district unless more stringent requirements are required pursuant to  
16 Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.  
17

18 a. Impervious Coverage.

19 1. Lots two and one-half acres and larger shall have a maximum total  
20 impervious coverage of 4.2 percent.

21 2. Lots smaller than two and one-half acres shall have a maximum total  
22 impervious coverage of 4.2 percent, except as provided in subsection (a)(3) of this  
23 section.

24 3. Lots smaller than two and one-half-acres may be allowed impervious  
25 coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan  
26 for ~~the City Planner's~~ ~~Planning Commission's~~ approval, and (b) if approved,  
27 thereafter implements and continuously complies with the approved plan. The  
28 mitigation plan must be designed to mitigate the effect of impervious coverage on  
29 water flow and the effect of loss of vegetation created by the impervious coverage and  
30 **shall comply with the following performance standards:**

31 **a. Disturbed areas shall be reseeded by August 31<sup>st</sup>**

32 **b. Storm water retention for the proposed new impervious surface**  
33 **must be provided on site.**

34 **1. The post-development stormwater discharge rate shall**  
35 **not exceed the pre-development peak discharge rate (PDR) for the**  
36 **10-year frequency storm event, consisting of rainfall for a period of**  
37 **three consecutive hours at a rate of one-half inch per hour.**

38 **2. Retention may be provided in the form of one or a**  
39 **combination of dry wells, rain barrels, rain gardens, foot drain**  
40 **retention or other method approved by the City Planner.**

41 **c. For the purpose of calculating impervious coverage for mitigation**  
42 **plans on lots smaller than two-and one-half-acres, driveways and**

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

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**walkways may be calculated as 70% impervious and structures as 90% impervious.**

~~b. Impervious Coverage Calculations.~~

~~1. For the purpose of calculating impervious coverage on lots smaller than two and one half acres, driveways and walkways may be partially or fully excluded from the calculation, if constructed and maintained in accordance with a mitigation plan, submitted and approved in accordance with subsection (a)(3) of this section.~~

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_ 2015.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

\_\_\_\_\_  
Mary K. Koester, City Manager

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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



## City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Memorandum 15-100

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

THROUGH KATIE KOESTER, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: JUNE 18, 2015

SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

For approximately one year the Planning Commission has discussed the Bridge Creek Watershed Protection District (BCWPD). The commission considered increasing the amount of impervious coverage from the current allowance. After the testimony received from two public hearings, where every property owner in the watershed was sent direct notification, the Commission decided against an increase. The Planning Commission's draft ordinance does allow development proposals in the district (those eligible to exceed 4.2% impervious coverage) to be completed with less delay and clarifies a more uniform procedure for impervious surface mitigation.

#### Non-ordinance recommendation for the BCWPD

1. Platting fees be waived when vacating lines to increase lot sizes.
2. Increase City efforts to purchase one property a year.
3. Examine ditch cleaning policies and work with DOT on Skyline Drive maintenance including minimizing road ditch clearing to minimize possible negative effects to the watershed.
4. Ask Public Works not to use calcium chloride for dust control.

#### Current Procedure

All lots in the BCWPD are allowed up to 4.2% of impervious coverage, lots smaller than 2.5 acres are allowed to provide mitigation for review at the Planning Commission for up to 6.4% of impervious coverage. The standards for mitigation are not defined in code. Taking the plan to the Commission incurs additional time compared to standard permits that may be issued by the Planning Department. Not having defined standards for the calculation of mitigation leads to staff suggesting the measures which then need to be 'sold' to the Commission. There is little consistency between mitigation plans or outcomes and this creates a lot of uncertainty for developers.

#### Proposed Amendments

- 1.) The Commission recommends that the City Planner review and approve mitigation plans without having to go before the Commission.

- 2.) Reseeding is prescribed by a date specific so that vegetation has an opportunity to be established before the winter and the opportunity for runoff is decreased.
- 3.) Standards are proposed for design of the mitigation plan. The storm water event that is defined as the same that is required elsewhere in code, rainfall at a rate of 1.5 inches per hour for 3 hours. While common methods of approved retention forms are listed, others may be approved.
- 4.) The calculation of impervious surface for the purpose of mitigation is based on professional engineering standards. Prescribed calculations for typical driveways, walkways, and structures are those an engineer uses to create an appropriate mitigation plan. Other methods still have an option for other calculations in case someone wanted to install a 'green roof' or other non-typical measure.

Eliminated is the subjective nature of partially excluding driveways without having any specific expectations. Currently, the commission may decide to grant someone some sort of exclusion, but they have no standards in code for this provision. This leads to inconsistency among applicants and can alter the carefully thought out provisions for impervious throughout the district.

The proposed amendment was a subject on 12 Planning Commission meetings. The meetings of the October 15<sup>th</sup>, November 5<sup>th</sup> and April 15<sup>th</sup> were public hearings where the entire Bridge Creek Watershed Protection District was sent a notice. While testimony was varied, a great deal was against creating the opportunity for additional impervious coverage. Allowing the Planner to process permits was universally accepted.

**Planning staff review of the zoning code amendment as required by HCC 21.95.040.**

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

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

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

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

- b.** Will be reasonable to implement and enforce.

*Staff response:* This code amendment will be reasonable to implement and enforce. Standards for mitigation calculation are more certain than current policy.

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

*Staff response:* The public health, safety and welfare is promoted in the creation of targeted standards to help mitigate potential negative impacts on the Bridge Creek Reservoir.

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

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

**21.95.010 Initiating a code amendment.**

*Staff response:* The Planning Commission initiated the code amendment, per 21.95.010(b).

**21.95.030 Restriction on repeating failed amendment proposals.**

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

Att.

1. Proposed draft ordinance
2. Staff Reports with attachments
3. Excerpts of Planning Commission minutes





## City of Homer

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

### Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Memorandum 15-148

TO: MAYOR WYTHE AND HOMER CITY COUNCIL  
THROUGH KATIE KOESTER, CITY MANAGER  
FROM: RICK ABOUD, CITY PLANNER  
DATE: AUGUST 26, 2015  
SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

After reviewing an amendment made by the Planning Commission, I have found a technical difficulty that needs to be addressed prior to presenting the ordinance to the City Council. Changes in the ordinance would require another public hearing at the Commission level. I respectfully request that the City Council postpone this agenda item until all due process is completed by the Planning Commission. I do not expect to have any more development proposals in the district this season.





# NEW BUSINESS



# RESOLUTIONS



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 15-096**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
DISBANDING THE VESSEL HAUL-OUT TASK FORCE.

WHEREAS, The Vessel Haul-Out Task Force was formed on January 13, 2014 via Resolution 14-015; and

WHEREAS, The purpose of the Task Force was to consider options of building a vessel haul-out and repair facility that is either privately or enterprise-owned, the benefits and challenges of building such a facility, and other facets of a vessel haul-out and repair facility to provide recommendations to Council; and

WHEREAS, The Vessel Haul-Out task force completed the work it was tasked with.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, disbands the Vessel Haul-Out Task Force.

PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of October, 2015.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHER, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



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

City Clerk

3  
4 **RESOLUTION 15-097**

5  
6 A RESOLUTION OF THE CITY COUNCIL AMENDING THE CITY OF  
7 HOMER FEE SCHEDULE UNDER ADMINISTRATIVE, CITY CLERK,  
8 CAMPING, LIBRARY, PUBLIC SAFETY, FIRE DEPARTMENT, AND  
9 PUBLIC WORKS DEPARTMENT FEES.

10  
11 WHEREAS, Administrative fees are amended to update language for digital records,  
12 and increase vehicle storage fees; and

13  
14 WHEREAS, City Clerk fees are amended to increase the fee for cemetery plots  
15 consistent with the newly expanded cemetery; and

16  
17 WHEREAS, Camping fees for tent camping are increased to be comparable to other  
18 communities on the Peninsula; and

19  
20 WHEREAS, Library fees are amended for replacement cards, bill notice, overdue  
21 charges, color copies, and interlibrary loan fees; and

22  
23 WHEREAS, Public Safety fees are amended to increase cost of vehicle permits and  
24 Chauffeurs license application fee; and

25  
26 WHEREAS, Fire Department fees are amended to increase Basic Life Support,  
27 Advanced Life Support, Non-Emergency Transport, and transport mileage fees; and

28  
29 WHEREAS, Public Works Department fees are amended to increase the R.V. station  
30 dumping fee.

31  
32 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of  
33 Homer Fee Schedule, Administrative, City Clerk, Camping, Library, Public Safety, Fire  
34 Department, and Public Works Department Fees as follows:

35  
36 **ADMINISTRATIVE FEES FOR THE CITY OF HOMER**

37  
38 (The following fees have been set by legislative enactments, Ordinances 05-43(A),04-53(S)(A),  
39 03-36(A), 01-13(S)(A); Resolutions 14-114, 11-074(A), 11-036(A)(S),10-90(A), 06-24(S), 05-125(S),  
40 05-49, 05-22, 04-98(S)(A), 04-96, 04-95, 04-94(S)(A), 03-159, 00-14, 99-116, 99-50, 95-1 and 92-  
41 10(A), Regulations Concerning Public Record Inspections dated March 2003.)

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

42 These fees are administrative fees for all departments of the City of Homer unless otherwise  
 43 specified under that department. All fees are inclusive of sales tax. Unless otherwise  
 44 specified: Any item mailed may have an additional fee added for actual postage. Handling  
 45 fees may be added up to the actual staff time spent preparing the item for shipping.

46 An application for indigency may be filed with the City Manager for waiving or partially  
 47 waiving the costs of fees. The City Manager may allow an applicant, who qualifies as an  
 48 indigent, a reduced fee, a payment plan or a waiver of the fee where the Manager is able to  
 49 make a written finding, based on information provided by the applicant, that payment of the  
 50 fee would be a financial hardship. Based upon the information provided, the fee may be  
 51 reduced or waived in accordance with the following scale:

Annual Income as a Percent of current Health and Human Services (HHS) Poverty Guidelines for Alaska	Percent of fee reduced
1-100%	100% Waiver
101-149%	75% Waiver
150-174%	50% Waiver
175-199%	25% Waiver
200% plus	No Waiver

- 52
- 53 Airport Pickup/delivery \$25
- 54 Annual Safety Inspection commercial vehicles \$100
- 55 Annual Taxi Permit \$75
- 56 Appeal Fees
  - 57 Water and Sewer Appeals, under HCC 14.04 and 14.08 – shall be set by Resolution; in
  - 58 the event the appellant is the prevailing party the fee shall be refundable.
  - 59 Zoning Appeals – fee \$250.00 subject to refund if the appellant is successful on any
  - 60 aspect of appeal.
- 61 Credit Cards are accepted for other than real property lease payments with a minimum of
- 62 \$10.
- 63 CD Reproductions: \$20.00
- 64 Document copying fees: \$ 0.25/page
- 65 Certification Fee: \$10/report
- 66 Driver License Records \$10
- 67 Fax: w/in Alaska \$1/page, Continental US \$2/1<sup>st</sup> page, Subsequent pages \$1/page. Other
- 68 destination \$5/1<sup>st</sup> page. Subsequent pages \$2/page.
- 69 Electronic Transmission: \$0.25/page (Scanned PDF document)

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



70 Lease application fee \$30  
 71 Lease fee \$300  
 72 Lease Assignment Fee \$250

73  
 74 Local Bidder's Preference

Non-local bid is	Local bid is not more than
\$0 - \$500,000.00	5 percent higher than non-local bid
\$0 - \$1,000,000.00	5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00

76 No additional adjustment for bids above \$1,000,000.00

77  
 78 Photograph Copying: \$10/order (includes shipping and; handling)  
 79 If done commercially – Actual Costs plus 5%

80  
 81 Production Fees -

82 Per requestor in a calendar month exceeds five-person hours the fee is the City  
 83 employee's actual salary plus benefit costs. An estimate will be prepared and the requestor  
 84 must deposit the estimated production and copying fees in advance. If the actual costs are  
 85 greater than the estimate the records will not be released until the difference is paid and if  
 86 the actual costs are less the requestor will receive a refund of the difference.

87 No fee for simple inspection, except when the production of records by one requestor  
 88 exceeds five person hours in a calendar month.

89  
 90 Special Assessment Districts (SAD's):

91  
 92 HARP (Homer Accelerated Roads Program) SAD's  
 93 Assessments are: \$30 per front foot for Road Reconstruction  
 94 \$17 per front foot for Paving  
 95 HAWSP (Homer Accelerated Water and Sewer Program) SAD's  
 96 Assessments are: 75% of the total project cost allocated in equal shares to each  
 97 participating parcel

98 OTHER SAD's if approved by the Council are at 100% property owner participation.

99 Application Fee	\$100
100 Bill Fee	\$3.00 per bill
101 Administrative Fee	
102 0-500,000	5%
103 over 500,000	\$25,000 plus 2.5%

104  
 105 Notary \$5.00

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

106 Smoking prohibited in City Facilities, Vehicles and Watercraft - \$25 fine  
107 ~~Tapes: Audio-Cassette~~ **CD** (Police Department) \$25 tape  
108 Subsequent, \$15/~~tape~~ **CD** Includes 1st class postage  
109 ~~Video-Cassette~~ **DVD** (Police Department) \$30/~~tape~~  
110 Vehicle Impound/Storage Fees (actual costs + towing) Storage, ~~\$7.50~~ **\$40.00**/per day  
111 (The following fees have been set by legislative enactments, Resolutions 14-114, 03-159, 05-  
112 125(S), 06-16 and 06-40(A).)

## 114 **CAMPING FEES**

115  
116 (The following fees have been set by legislative enactments, Resolutions 05-05, 04-98(S)(A),  
117 99-94, 93-35, 91-34 and; 91-20(S)).

118  
119 “Campground” means an area owned, controlled, developed and/or maintained by the City,  
120 which contains one or more improved campsites or contains adequate area for one or more  
121 unimproved campsites.

122  
123 “Camping” means:

- 124 1. The erection of, or occupancy of any tent.
- 125 2. The placing or leaving of any items normally found at a campsite within  
126 campsite  
127 such as cook stoves, lanterns, sleeping bags or bedding.
- 128 3. Parking of any camper unit in any area owned or controlled by the City that has  
129  
130 been designated a camping area by official signs, in excess of twenty-four  
131 hours.

132 “Camping Season” means that period of time from April 1 through October 30.

133  
134 RV \$ 15/day  
135 14 calendar days \$189  
136  
137 All other camping ~~\$ 8~~ **\$10**/day  
138 14 calendar days ~~\$100~~ **\$125**

139  
140 All fees inclusive of sales tax.

## 141 **CITY CLERK**

142  
143  
144 Administrative - 235-3130  
145 Cemetery fees amended Resolution 98-28.  
146 Cemetery - plot ~~\$200~~ **\$1,000**  
147 Excavation

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

148 adult - \$500; \$400 opening, \$100 closing  
149 infant \$375; \$300 opening, \$75 closing  
150 Extraordinary conditions such as weather, heavy snow coverage, ice, frozen ground  
151 and etcetera may result in fees charged up to \$200 additional at Public Works  
152 discretion.

153  
154 City Council and Commission Meeting packet fee

155  
156 Per Packet:  
157 0 – 25 pages - \$5.00  
158 26 – 50 pages - \$10.00  
159  
160 51 – 100 pages - \$20.00  
161 100 – 200 pages - \$25.00  
162 200 – 500 pages - \$30.00  
163 500+ pages - \$35.00

164  
165 Per Month, Per Council or Advisory Body:  
166 1 packet same fees as above.  
167 2 packets above fee with 10% reduction.  
168 3 packets above fee with 12% reduction.  
169 4 or more packets above fee with 15% reduction.

170  
171 City Hall Facility Use Fee (Resolution 03-159)  
172 Government Agencies, generally, are exempt from fees.  
173 Cowles Council Chambers -Use by non-governmental agency or entity fee is \$30.00 per  
174 hour, with a minimum of two hours; maximum fee is \$150.00 per day. Use of electronic  
175 equipment is an additional \$30 per day (IT Personnel set-up)  
176 Conference Room – Use by non-governmental agency or entity fee is \$15.00 per hour,  
177 with a minimum of two hours; maximum fee is \$75.00 per day.  
178 Cleaning Fee – if the facility is not left as found an additional fee of up to \$60.00 may  
179 be applied.

180  
181 City Pins and Mugs (Resolution 98-28)  
182 Logo Pins \$1.00  
183 Logo Mugs \$4.00  
184 Scene Mugs \$8.00

185  
186 Digital audio CD of meetings \$20.00/each

187  
188 The following fees have been set by legislative enactments to HCC 19, 5.

189

**Added** Deleted language stricken through.]

190 Gravel Permit, application fee \$5 (Areas B and; C require no approval of the COE or Div.  
191 of Lands, HCC 19.12.040(c).)

192 Fire Works Permit, HCC 5.24 \$25 (apply 30 days in advance) per exhibit plus bond for  
193 \$500 or liability insurance, must have.

194

195 **LIBRARY FEES**

196

197 235-3180

198

199 (Amended: Resolution 14-114, 13-076; Ordinance 05-08; Resolution 12-006, 04-98(S)(A); 03-87;  
200 99-19(A); 98-86; 97-87)

201

202 Closed - Sundays. Open - Mon, Wed, Fri and Sat from 10 a.m. to 6 p.m. Tues and Thurs from 10  
203 a.m. - 8 p.m.

204

205 Facility Use Fees for after-hours private use (including building supervision):  
206 Conference Room \$50/hour  
207 Reading Lounge \$50/hour  
208 Children's Room \$50/hour  
209 Entire facility, excluding staff work space -- \$300 Facility Use Fee  
210 plus \$50/hour staff supervisor. \$300 damage/cleaning deposit.

211

212 Library Cards Replacement cards \$5/issue

213 Limited (temporary) card \$10 non refundable

214 Full (temporary) card \$50, ~~\$40~~ **\$25** refundable. Refunds are issued the  
215 second check run of each month via check from the City of Homer.

216 Apply for refund through Library staff and provide forwarding address.

217 If the refund is not claimed within six months the refund becomes a  
218 donation to the Library.

219

220 Overdue Items - 14 day circulation (except digital devices) \$0.15/day

221 7 day and 1 day circulation - \$1.00/day

222 Digital Devices \$5.00/day

223 Interlibrary Loans- \$1.00/day

224 2nd overdue notice - \$1.00/notice

225

226 Bill notice - ~~\$1.00~~ **\$2.00**/notice

227 Admin. Fee for Bills Sent to Collection Agency \$25.00

228 Maximum overdue charge per item (except digital devices) charge ~~\$6.00~~ **\$10.00**

229

230 Photo copy \$.15/ea (letter size) and (legal size) per side

231 \$.25/ea (11"x17") per side

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

232 ~~\$1.00~~\$1.50/ea color copies (letter size) and (legal size) per side  
233 \$2.00/ea color copies (11"x17") per side  
234 Interlibrary loan fee ~~\$2~~ \$3 standard size books  
235 \$.15 per page for photo copy  
236 \$4.00 for microfilm/videos/CDS/Audios  
237 Additional charges may be assessed.  
238  
239 Replacement/Repair of items  
240 Lost or damaged items: Replacement cost plus \$7.00 processing  
241 fee per item  
242 Lost or damaged cases, hang-up bags, etc.: Replacement cost or  
243 \$2.00, whichever is greater  
244  
245 Lost map or inserts - \$10/item  
246 Lost out-of print items - \$50/Alaskana  
247 \$40/nonfiction  
248 \$35/fiction  
249  
250 Please Note: To receive a refund on a lost item, patrons must return the item within sixty  
251 days of lost status. Refunds of payment for items deemed valuable to the  
252 collection and returned after the 60- day period may be made at the discretion  
253 of the Director. No refunds will be given for digital devices.  
254  
255 Damaged Item - \$2.00/page  
256 \$3.00/book jacket or cover damaged beyond repair - Full  
257 bindery cost or full replacement cost plus \$7.00 processing  
258 charge.  
259  
260 Improper Return of Digital Devices- \$25 fee if not returned to Front Desk staff  
261  
262 **PUBLIC SAFETY**  
263  
264 Emergency 911  
265 Administrative Office 235-3150  
266 HPD = Homer Police Department  
267 (The following fees have been set by legislative enactments to HCC 7): Resolution 10-90(A);  
268 06-45  
269 Handicap Parking Violation \$100  
270  
271 Noisy Vehicles - enforcement begins April 28, 2004.  
272 Noise greater than 85 decibels (dBA) at a distance of fifty (50) feet is prohibited. Between the  
273 hours of 8 p.m. and 8 a.m. not greater than 75 dBA at a distance of fifty (50) feet.

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

274	<u>Offense</u>	<u>Penalty/Fine</u>
275	Muffler not working properly	CORR/\$500
276	Muffler modified/excessive noise	CORR/\$500
277	Muffler removed or inoperative	CORR/\$500
278		
279	Noise exceeds limits:	
280	First conviction	\$100
281	Second conviction within 6 months	\$200
282	of first conviction	
283	Third conviction within 6 months	\$300
284	of any prior conviction	
285		
286	Sale of vehicle exceeding noise limits:	
287	First conviction	\$100
288	Second conviction within six (6) months	\$200
289	of first conviction	
290		
291	Third conviction within six (6) months	\$300
292	of any prior conviction	
293	<b>Jake Engine</b> brake use prohibited:	
294	First conviction	\$100
295	Second conviction within six (6) months	\$200 plus proof of satisfactory HPD commercial
296	of first conviction	vehicle inspection
297	Third conviction within six (6) months	\$300 plus proof of satisfactory HPD commercial
298	of any prior conviction	vehicle inspection
299	CORR: "CORR" means a correctable/dismissible offense. A citation for one of these offenses	
300	may be dismissed (or voided) if proof of correction is presented to a HPD vehicle inspector	
301	within thirty (30) days. If the required repair is not made and shown to a vehicle inspector	
302	within the specified time, the defendant must pay the fine.	
303	Public Transportation (HCC 8.12.150 and 8.12.200):	
304	Vehicle Permit <del>\$75</del> <b>\$150</b> Fiscal Year, expires June 30 <sup>th</sup>	
305	Permit <del>\$37.50</del> <b>\$75.00</b> after January 1 <sup>st</sup> , expires June 30 <sup>th</sup>	
306	\$5 Replacement Permit	
307	Chauffeurs License <del>\$75</del> <b>\$100</b> application fee plus the fees in the amount of \$35.00 (for	
308	Fingerprinting to the State of Alaska)(none of these fees are refundable)	
309	Annual Safety Inspection commercial vehicles \$100	
310		
311	(The following fees have been set by legislative enactments AAC 13 (Paid at City Hall).	
312		
313	Parking Tickets -\$25	
314		
315	(The following fees have been set by legislative enactments to HCC 8, Ord. 01-20).	

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

316 Itinerant Merchant - \$330/for 60 days  
317 Mobile Food Unit - \$390/per yr.

318

319 **FIRE DEPARTMENT FEES**

320

321 Emergency 911 Administrative Office - 235-3155

322

323 (The following fees have been set by legislative enactments Resolutions 91-97, 92-06, 92-  
324 43(S), 03-145, 04-98(S)(A) and 06-64(S)(A).

325 **AMBULANCE:**

326 Basic Life Support (BLS) ~~\$440~~**\$500**

327 Advanced Life Support (ALS) ~~\$550~~**\$800**

328 Non-Emergency Transport ~~\$440~~**\$500**

329 Standby each half hour \$ 25

330 Mileage, **one-way load miles** ~~\$7.50~~ **\$12.00** mile

331 Medevac Determined by level of call, see BLS, ALS rate

332

333 **FIRE:**

334 Type 1 Engines (>1,000 gals or 1,500 GPM) \$240/hr. \$2,040 day

335 Type 1 Tenders (<3,000 gals or 1,000 GPM) \$144/hr. \$1,224/day

336 Ladder Truck \$360/hr. \$3,060/day

337 Medic Unit/Ambulance \$ 60/hr. \$ 510/day

338 Brush Patrol \$100/hr.

339 Command Vehicle \$ 50/hr.

340 Rescue/Extrication Truck \$144/hr. \$1,224/day

341 Command/Utility Vehicle \$ 60/hr. \$ 510/day

342 6 x 6 ATV \$ 25/hr. \$ 200/day

343 **VOLUNTEER PERSONNEL:**

344 Fire Department IC (1) \$ 36/hr.

345 (IC - Incident Command)

346 Safety Officer/Officer \$ 36/hr.

347 Driver/Engineer (1 per vehicle) \$ 24/hr.

348 Firefighters (Minimum 1 per tender, 2 per Engine) \$ 18/hr.

349 EMT (Minimum 2 per Rescue Medical Unit) \$ 18/hr.

350

351 **PUBLIC WORKS DEPARTMENT**

352

353 Administrative - 235-3170

354 (The following fees have been set by legislative enactment Resolution 04-98(S)(A) and 95-1).

355

356 R.V. Station dumping ~~\$2~~ **\$5** per dumping

357 Bluelines, copies minimum \$10 + \$2/pg.

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

358 Standard Construction Specs \$50  
359 Job Specific Specifications and plans vary in price.

360

361 SUBDIVISION AGREEMENT FEE SCHEDULE:

362 Agreement Application, Plan Review, Inspection, and Warranty Period Deposits

363 A developer shall pay the City's actual cost associated with the reviewing, approving,  
364 coordinating and inspecting improvements required to be completed under a subdivision  
365 agreement. The City's cost shall include, but is not limited to, administering the agreement,  
366 plan checking, surveillance, and administrative overhead. Prior to initiating each phase of  
367 the subdivision approval process, a deposit shall be paid. Deposits shall not bear interest. The  
368 deposits shall be held in a separate account and disbursed only as authorized by this fee  
369 schedule. The deposits are described below:

370

371 1) Subdivision Agreement Application: Upon submitting an application agreement,  
372 the

373 Developer will provide a \$300 deposit.

374 2) Subdivision Improvement Plan Review: Upon submission of plans for review and  
375 approval, the Developer will provide a plan review deposit of .5% of the estimated

376 cost of

377 improvements or \$300, whichever is greater.

378 3) Construction Inspection: Prior to the issuance of a notice to proceed with  
379 construction to the Developer, the Developer shall pay a deposit toward the City's  
380 costs based upon the estimated cost of the improvements to be constructed  
381 under the subdivision agreement as follows:

382

<u>Estimated Construction Cost</u>	<u>Deposit</u>
\$10,000 or less	\$300
Over \$10,000 up to \$50,000	4% of the estimated costs
Over \$50,000 up to \$150,000	3% of the estimated costs
Over \$150,000 up to \$500,000	2.5% of the estimated costs
Over \$500,000	\$13,000

389

390 After the City finds the subdivision improvements meet City specifications, it shall  
391 determine its costs to date. If costs (plus any deposit required under subsection 4  
392 below) exceed the total deposits received, the Developer shall pay the balance to the  
393 City prior to final acceptance of the improvements. If the total deposits exceed the  
394 costs, the City shall refund the balance (less any deposit required under subsection 4  
395 below) to the Developer.

396 4) Initiation of Warranty Period: Prior to acceptance of completion by the City of the  
397 undertaking by the developer, the Developer shall also pay a deposit toward the City's  
398 cost incurred during the warranty period under the subdivision agreement in the  
399 amount determined by the Public Works Director, but not to exceed \$2,000.

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



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420

If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Developer for those actual incurred costs in excess of the amount of deposit.

(Contact Planning Department - at City Hall, 235-3106. Planning issues the permits.)

PASSED AND ADOPTED by the City Council of Homer, Alaska, this \_\_\_\_ day of December, 2015.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2016 budget.





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 15-175

TO: MAYOR WYTHE AND HOMER CITY COUNCIL  
FROM: JO JOHNSON, MMC, CITY CLERK  
DATE: OCTOBER 20, 2015  
SUBJECT: AMENDMENTS TO THE FEE SCHEDULE

---

Each year the City's Departments review the Fee Schedule and submit requested changes. This annual review is done in an effort to recover costs for City services. Many of the increases are due to increased costs of supplies and services. Other increases are to bring our rates comparable to other communities on the Peninsula.

Library increases for temporary cards more accurately compensates Library and City staff for the paperwork involved in refunding a portion of the fee, as well as a mechanism to help support library service to non-residents. Keeping the limited card fee low allows access to library materials to those non-residents in need of library materials but on limited incomes.

The increase in interlibrary loans more closely reflects the actual cost of postage for mailing books. The Library cannot and does not charge for interlibrary loan service, just the postage. The final bill notice increase helps cover the costs of paper, ink, postage, and staff time for mailing notices on delinquent accounts. This applies to a third and final notice. The increase in the overdue charge per item is to discourage patrons from keeping items beyond their maximum renewal period, which then prevents other patrons from using the items. This is a problem, particularly in the summer.

The Library's reduced price on color copies is a result of significantly lower operating costs of the new copy machine. That savings should be passed on to patrons and make the service more affordable.

Camping fees for tents are increased from \$8 to \$10 per night to more closely mirror other communities' rates around the Peninsula. Alaska State Park sites are \$12 - \$15 per site and some campgrounds charge \$20 per site.

R.V. dump fees are increased from \$2 to \$5 to more accurately reflect the rates of similar communities on the Peninsula. Other cities charge up to \$15 per dump.

Cemetery plots are increased significantly due to the cost of purchasing land to expand Hickerson Memorial Cemetery and to provide access and plating for 700 plots on the newly acquired land.

Fire Department fees for basic life and advanced life support fees are increased, along with non-emergency transport and mileage fees. These increases are due to the escalating costs of supplies and services. These increases are based on the latest Ambulance Service Fee Schedules collected by the Alaska Fire Chiefs Association.

**Recommendation:** Approve the amendments to the Fee Schedule upon adoption of Resolution 15-097 at the December 7, 2015 council meeting.

Fiscal Note: Revenue amounts not defined in CY2016 budget.

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

