

City Council
November 23, 2015
Monday



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

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

Produced and
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November/December 2015



- Monday 23rd:** **CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Thursday 26th & Friday 27th:** **CITY OFFICES CLOSED IN OBSERVANCE OF THANKSGIVING.**
- Monday 30th:** **CANNABIS ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Tuesday 1st:** **SPECIAL ELECTION**
Polls open at 7:00 a.m. and close at 8:00 p.m.
- LIBRARY ADVISORY BOARD**
Regular Meeting 5:30 p.m.
- Wednesday 2nd:** **PLANNING COMMISSION**
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 3rd:** **SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE**
Meeting 5:15 p.m. (Meet at Animal Shelter)
- LILLIAN WALLI SPECIAL ASSESSMENT DISTRICT NEIGHBORHOOD MEETING**
5:30 p.m.
- Friday 4th:** **CANVASS BOARD**
2:00 p.m.
- Monday 7th:** **CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

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

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BETH WYTHER, MAYOR – 16
BRYAN ZAK, COUNCILMEMBER - 16
DAVID LEWIS, COUNCILMEMBER – 17
GUS VAN DYKE, COUNCILMEMBER – 16

**CATRIONA REYNOLDS, COUNCILMEMBER – 17
DONNA ADERHOLD, COUNCILMEMBER – 18
HEATH SMITH, 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
Clerk's office phone number: direct line 235-3130,
other number 435-3106

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



WORKSESSION
4:00 P.M. MONDAY
NOVEMBER 23, 2015
COWLES COUNCIL CHAMBERS

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

WORKSESSION AGENDA

1. CALL TO ORDER, 4:00 P.M.

Councilmember Zak has requested telephonic participation.

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

3. HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART)

- A. Memorandum 15-192 from City Manager as backup. **Page 7**
- B. Memorandum 15-193 from Public Works Director as backup. **Page 9**
- C. Memorandum 15-194 from Planning Commission as backup. **Page 27**

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, December 7, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

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Office of the City Manager

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Memorandum 15-192

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: November 18, 2015
SUBJECT: Memo on HART Work Session Goals

The purpose of this memo is to provide a frame work for the Homer Accelerated Roads and Trails (HART) work session and help the Council determine how to make HART a functional tool for today's Homer.

A ¾% sales tax dedicated to the reconstruction and upgrade of local roads, Homer Accelerated Roads Program, was approved by the voters of Homer in 1987. In 2007 the program was reauthorized by voters to include construction of new roads and dedicate 10% of the annual amount collected to trails projects. HART would require reauthorization by the voters by 2027. HART funds have been used to construct a variety of City transportation infrastructure projects. Council created the roads local improvement district (now SAD) process as a mechanism by which neighborhoods could improve and construct roads at a subsidized rate (\$30 per front foot for gravel; \$17 per front foot for paving). Interest in the Road Special Assessment District process has not been as robust as originally anticipated. The last project the City worked on was the Crittenden Drive LID (\$600,000). However, the lot owners around Eric Lane (Fairview) in the Lillian Walli subdivision have initiated the SAD process and generated significant interest in moving the project forward. See memo from Public Works Director Meyer and the HART Policy Manual for more background.

Use of the HART fund is ultimately bound by HCC 9.16.010(c) “street reconstruction improvements and related utilities, construction of new local roads, and construction of new local trains.” Other restrictions and guidelines have been adopted by Council (see HART Policy Manual). In tight fiscal times, one of the challenges with HART is that the construction of new roads and trails comes with additional maintenance that squeezes our operating budget. The original intent of HARP as approved by the voters in 1987 was to upgrade roads in order to reduce maintenance costs. With the construction of new roads and trails authorized in 2007, maintenance costs have increased.

Council discussion of the two questions below will give staff direction on ways to make HART a more meaningful tool for Homer:

- 1) Does the City want to ask voters to change HART to cover maintenance? This could be done by dedicating a percentage of the total amount collected to maintenance costs or by

incorporating an anticipated maintenance over a 30-year time frame into the total project cost.

- 2) Should the Council come up with new guidelines and parameters for what is eligible to spend HART funds on within the boundaries of existing voter authorization?
 - a. Should there be a sidewalk SAD process? (see memo from Public Works Director)
 - b. Should there be additional eligible expenses?
 - c. Should the Council start from scratch and get rid of the existing HART policy manual and corresponding enabling legislation to revise HART?

Enc:

Memorandum 15-193 from Public Works Director Meyer
HART Policy Manual
Ordinance 06-42 Reauthorizing HART
HART 3rd Quarter Balance Sheet



City of Homer

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Public Works

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Memorandum 15-193

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: November 18, 2015
SUBJECT: **Homer Accelerated Roads and Trails Program (HART)**

HART - Is Sidewalk Construction Eligible?

Background: The Homer Accelerated Roads Program (HARP) was created by the community in 1987 and formally established by Council per Resolution 87-61(S). The original purpose of the program was to upgrade approximately 39.5 miles of city streets at an estimated cost of \$24.8M; reconstruct local substandard city roads, improve access, reduce maintenance costs, increase property values, and improve the quality of life. A schedule of proposed street improvements was developed by Public Works which consisted of Groups I-IV as shown on charts and maps approved by the City Council.

The following qualifying criteria were established for eligible road upgrade/reconstruction projects:

- a. Life, safety, and traffic flow;
- b. Correct deficiencies of the existing systems;
- c. System wide basis versus local needs;
- d. Complete traffic circulation patterns;
- e. Encourage economic development;
- f. Correct drainage problems;
- g. Reduce maintenance costs;
- h. Built to City standards prior to acceptance;
- i. First come, first serve;
- j. Reconstruction is a higher priority than new construction;
- k. Property owner contribution through LID process (originally \$20 per front foot for gravel and \$11 per front foot for paving of a residential standard street; changed in 1995 to \$30 and \$17), and City pays all costs for additional improvements deemed necessary;
- l. City share can apply to related utilities, sidewalks, street lighting, drainage, paving, and/or reconstruction of roads identified in Groups I-IV;
- m. City share of road money is prorated proportionally between Groups I-IV;
- n. Other factors deemed appropriate by the City Council.

In 2007, the voters approved continuing to provide a funding source for street reconstruction improvements and related utilities (see Resolution 07-33), authorized the program to fund trails projects, and changed the name of the program to Homer Accelerated Roads and Trails program (HART).

What have HART funds been used for? HART funds have generally been used to:

- Upgrade/reconstruction existing streets through an LID process,
- Repave streets originally paved through an LID process,
- Construct trails and improve trailheads.

The HART program allows for sidewalks (and other road improvements such as drainage, street lighting, minor utility extensions, utility relocations, etc.) to be constructed as part of a road improvement project. There has been one situation where HARP funds have been used to pay for a stand-alone sidewalk construction project, approximately 250 LF of sidewalk was constructed from the Sterling Highway to the Homer West Elementary school (along Soundview Avenue).

What have HART funds not been used for? No HART funds have been used to support the maintenance of the existing road system or purchase maintenance equipment.

What are some of the anticipated future demands on the HART fund?

- Continued funding of residential neighborhood SAD road paving projects,
- Continued funding of street repaving projects,
- Funds for storm drainage/water quality improvements associated with roads,
- Matching funds for road improvement projects shown in the Capital Improvement Plan,
- Funding of trail improvements shown in the Non-Motorized Trails Plan,

What is the difference between a sidewalk and trail? The policy has been that a pedestrian improvement that is constructed within street right-of-way and generally runs parallel to a street is a sidewalk; a trail leaves street right-of-way and is generally constructed in easements across private property.

Have sidewalks been constructed using HART funds? All HART street improvement projects must include pedestrian amenities per Council direction. In most cases, these pedestrian improvements have consisted of widened shoulders/pavement. Generally, sidewalks (including curb and gutters) have been constructed using HART funds, but only as part of a street LID/SAD improvement project (where drainage issues and right-of-way constraints existed).

How much would it cost to construct sidewalks along all streets in Homer? Approximately 20 miles of paved roads exist in Homer. Another 25 miles of gravel roads exists. Assuming that a sidewalk requires a curb and gutter, catch basins and storm drains, and water quality mitigation improvements (such as detention basins or oil/water separator vaults); the cost ranges between \$30 and \$60 per linear foot. Therefore, the cost to construct sidewalks along one side of the existing paved roads (using the median cost) would be \$4.8M; both sides \$9.6M. When the gravel roads are paved, the cost to provide sidewalks along one side of these additional roads would be approximately \$6M; both sides \$12M.

How is sidewalk construction funded in other communities? Nationwide, the cost of constructing, maintaining and replacing sidewalks is normally borne by the adjacent property owner. Cities generally provide for sidewalk assessment districts to help property owners finance the costs associated with sidewalk construction.

H.A.R.T. POLICY MANUAL

Homer Accelerated Roads and Trails Program



Adopted September 10, 2007

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

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

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

February 2008

I. PURPOSE and INTENT

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

II. DEFINITIONS

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

¹1.Clerk's Note: Done by Ordinance

III. QUALIFYING CRITERIA

A. Roads

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

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

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

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

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

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

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

B. Trails

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

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

IV. FINANCING and ASSESSMENTS

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

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

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

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

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

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

V. UTILITIES

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

VI. SPECIAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

VII. TRAIL PRIORITIZING CRITERIA AND PLANNING GUIDELINES

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

B. Trail Planning Guidelines

Trail design shall take into account at minimum the following:

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

**CITY OF HOMER
HOMER, ALASKA**

Council/Manager

ORDINANCE 06-42

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

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

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

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

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

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

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

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

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

NOW THEREFORE, The City of Homer Ordains:

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

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

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

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

PROPOSITION 1:

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

YES _____ NO _____

PROPOSITION 2:

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

YES _____ NO _____

PROPOSITION 3:

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

YES _____ NO _____

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

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

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

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

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

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

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



CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

ATTEST:

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

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

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

Reviewed as to form and content:

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

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

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

HART Fund
Roads - Activities Report

	<u>12/31/2010</u>	<u>12/31/2011</u>	<u>12/31/2012</u>	<u>12/31/2013</u>	<u>12/31/2014</u>	<u>9/30/2015</u>
Revenue						
160-0375-4201 Sales Tax	989,932	1,061,183	1,057,215	1,095,521	1,122,738	681,920
160-0375-4801 Interest Income	9,149	34,990	26,215	25,966	18,068	4,422
160-0771-4610 Sale of Plans & Specs	0	60	0	0	0	0
160-0774-4610 Specs & Plans	0	0	0	600	0	0
Total Revenue	<u>999,081</u>	<u>1,096,233</u>	<u>1,083,430</u>	<u>1,122,088</u>	<u>1,140,807</u>	<u>686,343</u>
Expenditures						
160-0375-5241 G/F Admin Fees	144,856	0	161,590	75,737	0	0
160-0766-5241 G/F Admin Fees	0	141,927	0	0	93,476	115,365
160-0766-5105 Overtime	0	0	0	2,138	0	0
160-0766-5212 Engr/Arch/Desin	0	0	27,620	0	0	213,750
160-0774-5212 Engr/Arch/Design	0	0	16,350	12,785	0	0
160-0766-5261 Construction	0	0	2,988	690,080	33,800	0
160-0771-5261 Construction	0	169,588	2,014	0	0	0
160-0774-5261 Construction	0	0	0	630,449	44,845	15,391
160-0771-5227 Advertising	0	300	0	0	0	0
160-0766-5227 Advertising	0	150	861	0	0	0
160-0774-5227 Advertising	0	0	0	414	200	0
160-0774-5103 Part Time Employees	0	0	0	9,608	0	0
160-0766-5102 Fringe Benefits	0	0	0	677	0	0
160-0774-5104 Fringe Benefits - P/T	0	0	0	1,208	0	0
160-0774-5107 P/T Overtime	0	0	0	2,616	0	0
Total Expenses	<u>144,856</u>	<u>311,965</u>	<u>211,424</u>	<u>1,425,712</u>	<u>172,320</u>	<u>344,506</u>
Revenue Over (Under) Exp.	<u>854,225</u>	<u>784,269</u>	<u>872,007</u>	<u>(303,625)</u>	<u>968,486</u>	<u>341,837</u>
Beginning Fund Balance	<u>3,818,917</u>	<u>4,673,142</u>	<u>5,457,410</u>	<u>6,329,417</u>	<u>6,025,792</u>	<u>6,994,279</u>
Ending Fund Balance	<u>4,673,142</u>	<u>5,457,410</u>	<u>6,329,417</u>	<u>6,025,792</u>	<u>6,994,279</u>	<u>7,336,115</u>

**HART Fund
Trails - Activities Report**

	<u>12/31/2010</u>	<u>12/31/2011</u>	<u>12/31/2012</u>	<u>12/31/2013</u>	<u>12/31/2014</u>	<u>9/30/2015</u>
Revenue						
165-0375-4201 Sales Tax	111,631	134,891	100,502	121,725	124,744	75,769
165-0375-4801 Interest Income	522	1,695	1,506	1,448	1,391	340
165-0375-4610 Plans & Specs		300				0
Total Revenue	<u>112,153</u>	<u>136,886</u>	<u>102,007</u>	<u>123,172</u>	<u>126,135</u>	<u>76,109</u>
Expenditures						
165-0375-5102 Fringe Benefits	0	0	0	27	0	0
165-0375-5105 Overtime	0	0	0	81	0	0
165-0375-5212 Engr/Arch/Desin	3,150	0	0	17,500	7,769	4,284
165-0375-5227		100				0
165-0375-5241 G/F Admin Fees	16,095	15,770	17,954	8,415	10,386	28,841
165-0375-5261 Construction	0	7,715	0	18,103	5,810	1,672
165-0375-5990 Transfers To			61,000			0
Total Expenses	<u>19,245</u>	<u>23,585</u>	<u>78,954</u>	<u>44,125</u>	<u>23,965</u>	<u>34,796</u>
Revenue Over (Under) Exp.	<u>92,908</u>	<u>113,300</u>	<u>23,053</u>	<u>79,047</u>	<u>102,170</u>	<u>41,313</u>
Beginning Fund Balance	<u>133,314</u>	<u>226,222</u>	<u>339,522</u>	<u>362,576</u>	<u>441,623</u>	<u>543,793</u>
Ending Fund Balance	<u>226,222</u>	<u>339,522</u>	<u>362,576</u>	<u>441,623</u>	<u>543,793</u>	<u>585,106</u>



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 15-194

TO: Mayor Wythe and Homer City Council
FROM: Homer Advisory Planning Commission
DATE: November 12, 2015
SUBJECT: Homer Advisory Planning Commission Transportation

The Homer Advisory Planning Commission has been tasked with the duties of the former Transportation Advisory Committee. Ms. Adele Person made a presentation to the Commission at the September 16th meeting about some transportation improvements. The Commission discussed the ideas at the September 16th and October 7th meetings, and forwarded the following recommendations to the City Council.

Recommendations:

1. Better or more frequent striping of lanes on City roads. It can be really difficult on dark unlit streets to see the edge of the road or bike lanes.
2. Request the state stripe more frequently, and add additional crosswalks near the Chamber of Commerce.
3. Recommend the school district extend the sidewalk at Homer Middle School from the highway all the way to the main entrance of the building. The sidewalk currently ends and children walk in the parking lot driveway to reach the entrance area. (Also supported by the Homer Non-Motorized Transportation and Trail Plan)
4. Support the Same as Parks and Recreation Advisory Commission budget recommendation: Extend the sidewalk on Soundview Avenue, between Mullikan and the end of the existing sidewalk to the west, Calhoun Trail south end rehabilitation, and pedestrian and cyclist signage and striping improvements.
5. Improve the west side of Svedlund near the Senior Center to construct a sidewalk.
6. Consider painting rolled curbs, such as along the Soundview sidewalk, to increase visibility of where the traffic lane ends and the sidewalk begins. This is a solution used in other cold climate areas.
7. Make road shoulders safer by mowing, fixing potholes, or otherwise leveling the shoulder when possible. In the absence of sidewalks, these are low cost methods that could increase safety.

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
NOVEMBER 23, 2015
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
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.

Councilmember Zak has requested telephonic participation.

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. Memorandum 15-195 from City Manager as backup.

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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, December 7, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
NOVEMBER 23, 2015
COWLES COUNCIL CHAMBERS

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

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Zak has requested telephonic participation.

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 Special meeting minutes of October 20 and November 9, 2015 and Regular meeting minutes of October 26, 2015. City Clerk. Recommend adoption.

Pages 45/47/51

- B. **Memorandum 15-182**, from Mayor, Re: Appointment of Councilmember Catriona Reynolds to the Cannabis Advisory Commission and Reappointment of Robert Archibald and Matt Steffy to the Parks and Recreation Advisory Commission.
Page 71
- C. **Memorandum 15-183**, from Deputy City Clerk, Re: Confirmation of Election Judges for the City of Homer Special Election December 1, 2015. *Page 77*
- D. **Memorandum 15-185**, from Assistant City Manager, Re: Sustainable Animal Control Review Committee - Extension of Committee. *Page 79*
- E. **Ordinance 15-42**, An Ordinance of the Homer City Council, Amending HCC 7.04.010, State Statutes Adopted by Reference, HCC 7.04.030, Violation—Penalty, and HCC 10.04.100, Vehicles and Other Wheeled Conveyances, Repealing HCC Chapter 7.08, Stopping or Parking, and Enacting HCC Chapter 7.10, Stopping, Standing and Parking, to Incorporate in the City Code All Vehicle and Traffic Statutes and Regulations of the State of Alaska Creating Minor Offenses and to Revise and Consolidate City Parking Regulations, and to Prescribe Penalties for Traffic and Parking Violations. City Manager/Police Chief. Recommended Dates: Introduction November 23, 2015, Public Hearing and Second Reading December 7, 2015. *Page 83*
- Memorandum 15-189 from City Attorney as backup. *Page 95*
- F. **Ordinance 15-43**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code Chapter 3.12, Permanent Fund, Placing the Funds in a Self-Managed Brokerage and Disbanding the Permanent Fund Committee. City Clerk/Permanent Fund Committee. Recommended Dates: Introduction November 23, 2015, Public Hearing and Second Reading December 7, 2015. *Page 97*
- Memorandum 15-190 from Permanent Fund Committee as backup. *Page 101*
- G. **Ordinance 15-44**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Making Necessary Adjustments to Certain Revenue and Expenditure Line Items. City Manager/Finance Director. Recommended dates: Introduction November 23, 2015, Public Hearing and Second Reading December 7, 2015. *Page 103*
- H. **Ordinance 15-45**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Appropriating Funds in the Amount of \$2,540.30 to Purchase Refurbished Touch Screen Voting Units for the City’s Two Precincts. City

Manager/City Clerk. Recommended dates: Introduction November 23, 2015, Public Hearing and Second Reading December 7, 2015. **Page 107**

I. **Resolution 15-100**, A Resolution of the Homer City Council Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Recommend adoption. **Page 113**

J. **Resolution 15-101**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for and Accept an Alaska Drinking Water Fund (ADWF) Loan for Phase I of the Homer Water Distribution/Storage Improvement Project in an Amount Not Exceeding \$839,100. City Manager/Public Works Director. Recommend adoption.

Page 115

Memorandum 15-191 from Public Works Director as backup. **Page 117**

K. **Resolution 15-102**, A Resolution of the Homer City Council Amending the City of Homer Personnel Regulations, Chapter Three, Section 3.11 Casual Appointments, Chapter Six, Section 6.16 Short-Term Military Leave With Pay, and Chapter Eight, Section 8.14 City Vehicles. City Manager/Personnel Director. Recommend adoption.

Page 119

Memorandum 15-188 from Personnel Director as backup. **Page 121**

L. **Resolution 15-103**, A Resolution of the City Council of Homer, Alaska, Approving a Memorandum of Understanding Between the City and The Homer Foundation to Allow the Foundation to Begin Fundraising Efforts for a Boathouse Pavilion on Lot 28 of the Homer Spit. City Manager. Recommend adoption. **Page 183**

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Proclamation - Small Business Saturday - November 28, 2015

Page 195

B. Mayor's Proclamation – Light Up Homer for the Holidays

C. Borough Report

D. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission
 - a. Minutes of November 4, 2015 **Page 197**
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. Exclusion requests from the Homer Natural Gas Special Assessment District:

1. Mary Mathes - KPB Parcel 17513222 **Page 207**
2. Larry Cabana – Sunset View Estates – KPB Parcel 17510230 **Page 213**

- B. Ordinance 15-23(S)**, 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 (Planning Commission still reviewing), Postponed to October 26, 2015 for Second Reading, Postponed to November 23, 2015 for Public Hearing and Second Reading. **Page 217**

Memorandums 15-100, 15-148, 15-179, and 15-187 from City Planner as backup.

Pages 223/227/229/247

- C. Ordinance 15-41(S)**, 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.

Page 255

Memorandum 15-176 from Library Director as backup.

Page 261

Memorandum 15-178 from Community Recreation Manager as backup. **Page 265**

Memorandums 15-180 and 15-195 from City Manager as backup. **Pages 269/271**

- D. **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(S). **Page 295**

Resolution 15-097(S), A Resolution of the City Council Amending the City of Homer Fee Schedule Under Administrative, **Animal Control**, City Clerk, Camping, Library, Public Safety, Fire Department, and Public Works Department Fees. City Clerk.

Page 307

Memorandum 15-175 from City Clerk as backup.

Page 319

Memorandum 15-184 from Sustainable Animal Control Review Committee as backup.

Page 321

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

- A. City Manager's Report **Page 327**

- B. Bid Report **Page 353**

11. CITY ATTORNEY REPORT

- A. City Attorney Report – October 2015 **Page 357**

12. COMMITTEE REPORT

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

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 15-099**, A Resolution of the Homer City Council Excluding Certain Properties Not Receiving a Benefit from the Homer Natural Gas Special Assessment District. City Clerk. **Page 367**

Memorandum 15-186 from City Clerk as backup.

Page 369

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, December 7, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 15-31 a Special Meeting of the Homer City Council was called to order on October 20, 2015 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT:	COUNCILMEMBERS:	BURGESS, LEWIS, VAN DYKE, ZAK
	ABSENT:	REYNOLDS (excused)
	STAFF:	CITY MANAGER KOESTER CITY CLERK JOHNSON ASSISTANT CITY MANAGER LAWRENCE IT MANAGER POOLOS

Councilmember Reynolds has requested excusal.

Mayor Wythe ruled Councilmember Reynolds' absence as excused. There was no objection from the Council.

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

Mayor Wythe called for a motion to approve the agenda.

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 15-171** from City Attorney, Re: Council Succession Pending Runoff Election

Mayor Wythe called for a motion that Donna Aderhold shall be the successor to Councilmember Roberts upon taking the oath of office.

LEWIS/VAN DYKE – SO MOVED.

Councilmember Burgess declared a potential conflict of interest since he holds the remaining council seat during the runoff between Heath Smith and himself.

Mayor Wythe decreed it was the rule of necessity that allowed Councilmember Burgess to vote. The current city code will be revised following the elections to clarify how a successor is selected. The Council agreed that Councilmember Burgess be allowed to vote and that he retain his seat until the results of the runoff were known.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Oath of Office administered to Newly Elected Official Donna Aderhold

City Clerk Johnson administered the Oath of Office to Donna Aderhold.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 6:08 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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____

Session 15-33 a Special Meeting of the Homer City Council was called to order on November 9, 2015 at 5:00 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: ADERHOLD, LEWIS, REYNOLDS, SMITH, VAN
DYKE, ZAK

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS

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

Mayor Wythe called for a motion to approve the agenda.

REYNOLDS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. **Resolution 15-098**, A Resolution of the City Council Certifying the Results of the City of Homer Runoff Election Held November 3, 2015 to Elect One Council Member. City Clerk/Canvass Board.

Resolution 15-098(S), A Resolution of the City Council Certifying the Results of the City of Homer Runoff Election Held November 3, 2015 to Elect One Council Member. City Clerk/Canvass Board.

Mayor Wythe called for a motion for the adoption of Resolution 15-098 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe called for a motion to substitute Resolution 15-098(S) for Resolution 15-098.

ZAK/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

B. Oath of Office administered to Newly Elected Councilmember Heath Smith.

City Clerk Johnson administered the Oath of Office to Heath Smith.

C. **Memorandum 15-181**, from City Clerk, Re: Selection/Appointment of Mayor Pro Tempore for 2015/2016.

Councilmembers Van Dyke and Reynolds nominated Councilmember Lewis as Mayor Pro Tempore for 2015/2016 and moved to close nominations.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Council selected their seats in order of seniority.

D. Recognition to Outgoing Councilmember Beauregard Burgess

In the absence of Mr. Burgess, Mayor Wythe read the recognition.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 5:09 p.m. The next Regular Meeting is Monday, November 23, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____

Session 15-32 a Regular Meeting of the Homer City Council was called to order on October 26, 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: ADERHOLD, BURGESS, LEWIS, ZAK

ABSENT: REYNOLDS, VAN DYKE (both excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
ASSISTANT CITY MANAGER LAWRENCE
CITY PLANNER ABBOUD
FINANCE DIRECTOR LI
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

Councilmembers Reynolds and Van Dyke have requested excusal.

Mayor Wythe ruled Councilmember Reynolds' and Van Dyke's absence as excused. There was no objection from the Council.

The Council met as a Committee of the Whole from 5:00 p.m. to 5:45 p.m. to discuss Budget 2016, Public Information on 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, Town Hall Meeting, November 9, 2015, 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: **ORDINANCES - Ordinance 15-41(S)**, 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. Memorandum 15-178 from Community Recreation Manager as backup.

Written public comments. **PENDING BUSINESS - 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. Memorandum 15-179 from City Planner as backup. Supporting documents as backup.

LEWIS/ZAK - MOVED TO AMEND THE AGENDA TO HEAR MAYOR'S RECOGNITION TO GIRLS AND BOYS CROSS COUNTRY TEAMS AFTER AGENDA APPROVAL.

There was no discussion.

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

Motion carried.

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

ZAK/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Mayor's Recognition - Girls Cross Country Team and Boys Cross Country Team

Mayor Wythe read and presented the recognition to the Girls and Boys Cross Country Teams.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Kevin Hogan, city resident, commented on Ordinance 15-41. The Council can cut \$.5 million by eliminating local dispatch and there will still be two dispatch positions remaining. We are currently paying a whole lot of money for a service that the Borough could provide.

Ginny Espenshade, city resident, commented on Ordinance 15-41. She suggested looking at an in-house attorney as there may be more value in someone here. She expressed concern for removing a patrol officer with our huge social issues, homelessness, and heroin problem.

Joanne Lofgren, Homer resident, spoke on Ordinance 15-41. She reflected on Homer's history before the pipeline and the city buildings back in the 1970's. She asked what Homer felt was worthy of financing before the pipeline and offered support for the animal shelter.

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 October 12, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-172**, from City Clerk, Re: Deferred Assessment for Macauly for the Homer Natural Gas Special Assessment District.
- C. **Memorandum 15-173**, from Deputy City Clerk, Re: Confirmation of Election Judges for the City of Homer Runoff Election November 3, 2015.
- 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.

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

ZAK/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Kenai Peninsula Borough Mayor Navarre

Kenai Peninsula Borough Mayor Navarre reported the Borough is considering consolidating emergency dispatch between Homer and the Borough. Although the savings will not be that significant to personnel, consolidation would avoid capital costs for equipment updates mounting to several hundreds of thousands of dollars. There are currently three separate fire delivery systems on the south peninsula. He is aiming for better cooperation and working conditions regardless of what happens in the future. The City of Homer controls its own destiny, so it is the City who gets to decide if they wish to consolidate services. The Borough can't force Homer to do anything.

The State's fiscal situation will trickle down to local communities and governments. We saw the decline in revenue sharing last year and will see more impacts in coming years. The State has difficult decisions to match demands for services that cost \$4.9 billion a year when there is only \$1.9 billion available. The \$3 billion gap can be filled with the State's reserves, but those reserves will run out in three years. Additional revenue sources are needed and the State will use some revenues from the Permanent Fund.

The Borough has formed a health care task force comprised of four members from Homer: Kelly Cooper, Bill Smith, Julie Woodworth, and Bob Letson. Healthcare as delivered and the costs are unsustainable. There are a lot of changes in Medicaid and Medicare, and we will see more changes in Medicaid as the State looks at reducing the budget. It will take some time and transition to get out of the situation, but we can build a shared vision of where we want to be five, ten, or twenty years from now.

Councilmembers asked Mayor Navarre questions pertaining to the Soundview sidewalk project near West Homer Elementary, consolidation of dispatch and hospital services, and the Boys and Girls Club.

Mayor Navarre reported a significant impact to the Borough will be the gas line and AKLNG in Nikiski if the project goes forward. If we have separate service areas we won't be able to use general government revenues for a service already provided in a separate service area.

B. Karen Zak – Homer Chamber of Commerce

Karen Zak, Homer Chamber of Commerce Executive Director, and Tom Stroozas, Chamber Board President, presented on the Chamber's activities. The City and the Chamber entered into a three-year marketing agreement in 2014. The Chamber has a dual operation, both a business advocate and visitor information center.

Services the Chamber offers include:

- Makes sales calls to potential tradeshow, convention, and conference prospects
- Participates in regional advisory committees engaged in business and industry development
- Exhibit at various conference shows and special events
- Conduct Homer familiarization tours and product development activities
- Oversight of special community-wide events
- Business after-hours, member luncheons, Small Business Development Center
- Host prospective meeting planners and clients to promote business and tourism
- Promote Homer for tourism and new businesses
- Operates a Visitor Information Center

The Chamber has 508 members; 17 new members have started businesses. The City funded \$51,000 to the Chamber in 2015 and there has been an increase of \$177,000 in sales tax revenue. The Chamber has been here for 67 years.

Mrs. Zak will provide a spreadsheet showing the breakdown on what the City's contribution has been used for.

C. Megan Murphy - MAPP – Connected Community Update

Megan Murphy, MAPP Coordinator, announced Homer residents will be receiving a mailing soon. The purpose of MAPP is to promote healthy relationships, improve the physical and mental health of caregivers, enhance and increase stability and networks, and increase the number of positive role models in children's lives. Although 60% to 80% of primary care visits are related to stress, only 3% receive help with stress management. Positive relationships and connection are the foundation for helping stress and coping.

A connected community collects and shares real stories. The goal of the mail-out is to stimulate a conversation; no money is requested. We have the power in creating the culture of our community in the behaviors, beliefs, and values that are accepted and passed from one generation to the next.

Pamphlets will be available at the Homer Public Library and the Health Center.

Mayor Wythe called for a recess at 7:06 p.m. and reconvened the meeting at 7:11 p.m.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Proclamation – Extra Mile Day, November 1, 2015

B. Mayor's Recognition - Girls Cross Country Team and Boys Cross Country Team

Mayor Wythe recognized the cross country teams earlier in the meeting.

C. Borough Report

D. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Minutes of October 7, 2015
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Deb Lowney, Parks and Recreation Advisory Commissioner, reported on the recent Alaska Recreation and Parks Conference. The conference received the highest attendance in a small community and the evaluations were overwhelmingly positive. The Governor and his wife attended and awards were presented to Mike Illg and HOWL. The Community Recreation program budget maximizes city resources and expertise. The discussion of the HERC as a self-sustaining building continues as we struggle through tough fiscal times. The options addressed by Mike and the public could be a win-win for all. The commission would like to see the beach policy recommendations addressed. There are concerns of the beaches and sustainability and they would like to propose dog leash regulations and dog free zones on the beaches. New commissioners Louise Ashmun and Dixie Hart are good additions to the commission. A high school member is still needed.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

Councilmember Burgess reported the Council made recommendations to the State at the last meeting. The CAC is looking at the State's final recommendations as well as local taxation and zoning. The State's recommendations are quite restrictive. The CAC discussed cannabis clubs and the Chief and most of the commissioners approve of the City taking a pro cannabis

club regulatory policy position for public safety issues. People can go to places to consume the substance where minors don't have access. It makes more sense than people going to their hotel rooms or parks. The CAC will provide a memorandum at the next council meeting and will look for the Council's help in working with the Borough to figure the taxation issues.

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.

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 15-38 by reading of title only for second and final reading.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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 1st 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. Mayor. Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.

Mayor Wythe opened the public hearing.

Ken Castner, city resident, is not confident the money will be used to resolve the deficit after listening to the Council's discussion. There has been a lot of discussion about cutting things anyway. If the money is to be used as a general revenue enhancement it is mischaracterizing the need for the money. If you are going to try to sell this as restoring cuts do that, if not, be honest about it.

Mayor Wythe closed the public hearing.

Mayor Wythe explained there were two proposals brought forward: suspension of HART funds and seasonal increase of sales tax. Suspension of HART will get us to Budget A; it will not address next year's increased expenses. The Council decided the short-term fix was to move forward with HART suspension since it is not a new tax. Then a bigger conversation on how to create a sustainable source of income must be had. Budget A includes a number of reductions, including reduced staff that has already taken place. HART funds will not bring those things back; they will simply reduce cuts outlined in Budget B. There are core services the City is responsible for providing and the Council has defined them as public safety and road maintenance. Those priorities were confirmed by the community survey as most valuable. Anything beyond that is subject to the availability of funds and the degree to which the community is willing to provide funding. There is no other source of revenue for the additional services. The HART suspension is a bandaid; a real long term revenue increase is needed.

City Manager Koester clarified Budget A funds \$600,000 in reserves; \$97,000 is in the Public Works budget as a mandatory transfer to reserves to pay for the street sweeper and dump truck we have leased. The other \$500,000 is in the Council/Mayor budget. Budget B has no funding of reserves; it pays for the \$97,000 transfer out of reserves for Public Works. We are leading with Budget A and the fiscal policy considerations are all speaking towards it.

Councilmember Burgess called for a point of order to close the public hearing.

Mayor Wythe closed the public hearing.

Councilmember Burgess requested clarification between Budget A and B. HART funds will be used to fill operational deficits that would be created if we didn't use HART funds. That is what should be represented to the voters. He doesn't like to see the balance accumulated in the HART fund. It is the failure of the Council to recognize funds building up in the HART

account and to give the public access to the funds. It is our ability to build out the infrastructure that people rely on the most. Roads and trails and their maintenance spur economic development. He likes the idea of using HART funds as a stop-gap, but wished it was one instead of three years. We need to focus on finding better ways to utilize HART money.

Mayor Wythe called for a motion for the adoption of Ordinance 15-39(S) by reading of title only for second and final reading.

LEWIS/BURGESS – SO MOVED.

LEWIS/ADERHOLD - MOVED TO AMEND TO REMOVE ANY SPOT THAT TALKS ABOUT INCREASING THE RATE OF SALES TAX FROM 4.5% TO 5.5% SINCE WE WILL BE DEALING WITH THAT AFTER THE DECEMBER 1ST ELECTION.

There will only be the HART fund proposition on the December ballot, so the additional language is not needed.

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

Motion carried.

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

Motion carried.

- 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.

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 15-40 by reading of title only for second and final reading.

LEWIS/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

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 15-090 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

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 15-091 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

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 15-092 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Ordinance 15-41(S), 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.

Memorandum 15-176 from Library Director as backup.

Memorandum 15-179 from Community Recreation Manager as backup.

Memorandum 15-180 from City Manager as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 15-41 for introduction and first reading by reading of title only.

LEWIS/ZAK - SO MOVED.

Mayor Wythe called for a motion to substitute Ordinance 15-41(S) for 15-41.

ZAK/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.

Mayor Wythe called for a motion to postpone Ordinance 14-41(S) to November 23rd for Public Hearing.

LEWIS/ADERHOLD – SO MOVED.

The motion was not required since the Ordinance 14-41(S) will follow the Public Hearing and Second Reading schedule as outlined.

VOTE: NO. LEWIS, BURGESS, ADERHOLD, ZAK

Motion failed.

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

Motion carried.

CITY MANAGER’S REPORT

A. 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 12th. The total appraised value and minimum bid for all lots is \$91,000. Written questions are due by October 28th 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 17th. 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.

City Manager Koester requested that the November 23rd Worksession on Strategic Doing be postponed to January 25th. At this time her focus has been on the information campaign for Proposition 1.

DOT has asked the City to take over maintenance of the bike lanes on Lake Street after reconstruction of the street. DOT wants to install signage and striping to indicate the bike lane and wants the City to take over signage and striping. DOT doesn't want ongoing costs, but will still do maintenance. Public Works Director Meyer provided an estimate of replacing signage and striping every 7 to 10 years. Ongoing maintenance costs need to be figured for all City projects. The Council discussed the need for striping bike lanes and signage that will keep vehicles from drifting into the lane. City Manager Koester will follow up with DOT and bring a resolution forward at the next council meeting.

Council expressed distaste for the Buccaneer settlement after their bankruptcy claim.

City Manager Koester announced the Runoff Election on November 3rd with absentee voting starting on October 20th. The Special Election on December 1st will offer absentee voting beginning November 16th.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Public Arts Committee

Adele Person, Public Arts Committee Member, reported the committee will meet in December to review the Pioneer Avenue revitalization project. The project is designed to refresh buildings and dead spaces. The committee is looking forward to completion of last year's funded project, an inventory of the City's public art collection.

B. Permanent Fund Committee

C. Employee Committee Report

D. Public Safety Building Review Committee

Public Safety Building Review Committee Chair Ken Castner reported they had a facilitated meeting last week. All parties were involved and worked towards a solution to address many things. The current police station will not be remodeled; it needs to be replaced. The committee will provide a report to the Council on December 7th. We need to hear from people of what the next 50 years is going to look like here and how to provide for public safety. As a community builder he asked the listeners to please have patience with the process.

E. Vessel Haul-Out Task Force

F. Sustainable Animal Control Review Committee

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.

Ordinance 15-23(S), 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.

Memorandums 15-100, 15-148, and 15-178 from City Planner as backup.

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

LEWIS/ADERHOLD - MOVED TO SUBSTITUTE ORDINANCE 15-23(S) FOR ORDINANCE 15-23.

There was no discussion.

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

Motion carried.

Councilmember Burgess commented the zoning within the district could be amended by either deciding the requirements for developing are too stringent and we can maintain the quality of water by loosening those restrictions, or we are trying to further consolidate and limit development in the district. If we are encouraging increasing development, why are we only extending it to small lot owners? If we are trying to protect our water quality why are we saying the driveways of small lots are only 50% vs. 100% impervious? He questioned the need to reseed disturbed areas by August 31. When we codify things it needs to be reasonable. It is another example of the City over-regulating things. We have defunded the enforcement officer this year and he questioned if it was worth it.

City Planner Abboud answered these are the rules for a conditional use permit and acceptance of a plan. It makes developing in the watershed more predictable and everyone is treated the same. It doesn't change the thought of impervious; it is the same. People know what to expect and they all get treated the same. It is putting in writing what has been in practice for the Bridge Creek Watershed District.

Councilmember Burgess referenced the August 31st requirement for reseeding. This was a three/four vote at the Planning Commission level. He suggested softening the clauses.

Councilmember Aderhold added the Planning Commission just had a public hearing last week and the Council does not yet have a summary of what the individuals said.

LEWIS/BURGESS - MOVED TO POSTPONE TO NOVEMBER 23RD FOR PUBLIC HEARING AND SECOND READING.

There was no discussion.

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

Motion carried.

NEW BUSINESS

RESOLUTIONS

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

Mayor Wythe called for a motion for the adoption of Resolution 15-096 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

Mayor Wythe thanked the task force members for their work.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Memorandum 15-175 from City Clerk as backup.

Mayor Wythe called for a motion for the adoption of Resolution 15-097 by reading of title only.

ZAK/ADERHOLD - SO MOVED.

Mayor Wythe called for a motion to postpone Resolution 15-097 to follow budget Ordinance 15-41(S).

ZAK/ADERHOLD - SO MOVED.

There was no discussion.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Adele Person, city resident, encouraged Council to take lessons from Old Town sidewalk and street improvements and apply it to different zones in town. She volunteered to paint and said others would be empowered to help in the process. She is supportive of upgraded facilities for the police.

Ken Castner, city resident, commented in Kodiak the street striping is incised. The street signage is made with a router and filled with epoxy paint. He urged there be critical thinking, examine everything, and follow by action.

Ginny Espenshade, city resident, asked the Council to look at Community Recreation's statement. She has been a community recreational volunteer for over 20 years, clocking up 6,000 hours. Mike Illg's dollars leverage real money; she urged Council not to throw out all volunteer hours for a few dollars.

Deb Lowney, city resident, urged Council to look at increasing revenue, spending, and adding infrastructure to maintain. She would be more comfortable with the HART suspension if it were just one year. She supports MAPP's efforts in connecting the community. She encouraged Council to stand firm in the proposed consolidation of healthcare on the peninsula that could have significant changes. Parks and Recreation needs to coordinate with the Council to quantify the benefits of recreation.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson welcomed councilmember Aderhold and announced absentee voting is underway for the runoff election on Tuesday, November 3rd.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Wythe welcomed Donna. She is looking forward to the perspective she will bring to the Council. She reiterated the need to increase revenues to fund things we value. We need people to jump on the bandwagon and provide input for alternative ways to increase

revenue. The next Town Hall meeting is November 9th to talk about revenue and the needs and services you would like to have. We can provide services if we have the revenue. Last year cuts should have been made to make revenue available for other things. It is a hard decision since people want services to continue but don't want to pay more taxes. The costs go up for the City just like residents. The road transportation plan from 1988 may need updates since Homer wasn't thinking of a walkable community back then. We make plans, but are not great at carrying them out. Strategic Doing should help us move forward.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold commented her focus will be on roads and trails; she is hearing a lot about HART. She questioned why we are building roads when we don't have money to maintain the ones we have. She requested a Worksession to talk about how HART works since people don't understand HART and know how to use the funds. We have a lot of plans created at many different dates that are not current and contradict each other. We need to say which plan holds sway over the other and see what we want our city to look like in the future.

Councilmember Burgess commented on the two themes - critical thinking and good data. He appreciates the comments of those that are focusing on those things. He is happy to see Megan Murphy's presentation. MAPP is reaching out and gathering data and disseminating it. Other things said in the media will require spending time to reset the record. Mayor Navarre said we could save half a million dollars by moving dispatch to Soldotna although most of the savings would be in capital costs. It wouldn't save much from a personnel standpoint. When you call dispatch you want someone to know where the roads and houses are. Someone in Soldotna would not know those things. Another idea suggested was to eliminate the out-of-house attorney; the attorney does make blunders that can be costly. The current contract is for \$12,000 a month and we pay for litigation out of pocket. They are a large firm with other attorneys that support us. An in-house attorney is worth visiting and we may want to talk about utilizing different attorneys. As to the animal shelter, if we eliminate it tomorrow it will put a tremendous burden on the police, not to mention all the health and safety issues that come from it. The services they provide are fairly essential. On the public safety building there is Ken Castner, who is not always cheerleading things the City does. For someone so vehemently opposed, but supportive to the needs of the police should say a lot to the public. The public safety building is extremely essential. He suggested the community recreation folks and those looking out for public safety get together for an opportunity to find a huge amount of common ground. There could be a facility for public safety that meets the recreational needs for the community.

Councilmember Lewis commented a lot has been covered. We have brought forth a lot of different ways to get lots of funding, but don't get the support needed. When we brought up bed tax not one person came and supported it. The snack tax barely passed and was voted down with the grocery tax. People want a lot of things, but they don't want to pay for them.

We need revenue and the City Council can't increase revenue. It will be tough as the years go on and the State goes broke.

Councilmember Zak commented on the community, painting bike lanes, and putting the budget together. None will work if one leg on the three-legged stool is too long. November 9th is the date to provide input to the Council. Kenai Peninsula Borough Navarre shared his 20 years' experience on the Boys and Girls Club and why Homer lost their club. On November 14th you will have the ability to support the Boys and Girls Club on the peninsula at Carr's Mall. There is no reason Homer should not have one. Councilmember Zak announced the Haunted Hickory on Thursday night. Take cans of food and have a good time in the community. The Health Fair is November 7th; there is opportunity to get prescreening done at South Peninsula Hospital at a reduced rate. He welcomed Donna and asked people to please vote.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:51 p.m. The 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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 15-182

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: NOVEMBER 16, 2015
SUBJECT: APPOINTMENT OF COUNCILMEMBER CATRIONA REYNOLDS TO THE CANNABIS ADVISORY COMMISSION AND REAPPOINTMENT OF ROBERT ARCHIBALD AND MATT STEFFY TO THE PARKS AND RECREATION ADVISORY COMMISSION.

Councilmember Catriona Reynolds is appointed to the Cannabis Advisory Commission to fill the council seat vacated by Beauregard Burgess. Ms. Reynold's term will expire with office.

Robert Archibald and Matt Steffy are reappointed to the Parks and Recreation Advisory Commission for three-year terms, to expire October 31, 2018.

RECOMMENDATION:

Confirm the appointment of Councilmember Catriona Reynolds to the Cannabis Advisory Commission and reappointment of Robert Archibald and Matt Steffy to the Parks and Recreation Advisory Commission.

Fiscal Note: N/A



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

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

NOV 10 2015
[Signature]

Received by the Clerk's Office

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

Name: Catriona Reynolds Date: 11/10/2015

Physical Address: 4658 Tamara Street, Homer

Mailing Address: _____

Phone Number: best=235-3436 Cell #: 299-3410 Work #: 235-3436

Email Address: catrionareynolds@ci.homer.ak.us

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

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

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

I have been a resident of the city for 13 yrs 0.6 mos. I have been a resident of the area for 20 yrs 6 mos.

I am presently employed at Kachemak Bay Family Planning Clinic

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

Current member of Homer City Permanent Fund Committee

Active in MAPP and interested in public health of Homer community

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long: Homer City Permanent Fund Committee 2014-present

State of Alaska Medical Care Advisory Committee 2008-present

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

It is important for cannabis regulation to be done well, in Homer and throughout the State.

I think that there is revenue opportunity through excise tax. Public health and safety is also a priority.

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

City Council

Please answer the following if you are applying for the Advisory Planning Commission: Have you ever developed real property, other than your personal residence, if so briefly describe? no

Please answer the following if you are applying for the Port & Harbor Advisory Commission: Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

Commercial

Recreational

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

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

Jo Johnson

From: Robert Archibald <robert.e.archibald@gmail.com>
Sent: Wednesday, October 28, 2015 11:01 AM
To: Jo Johnson
Subject: Reappointment to Parks and Rec

Good Morning Jo,
Please accept this as a formal request to be reappointed to the Homer Park and Recreation Commission.

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

Jo Johnson

From: Matt Steffy <matt@homerswcd.org>
Sent: Wednesday, October 28, 2015 3:14 PM
To: Jo Johnson
Subject: Reappointment

Jo,

I would like to officially request reappointment to the Parks & Recreation Commission for another term. I understand that, due to Council schedule, I will not yet be officially on the commission during our next meeting. My apologies for this oversight and I look forward to continuing to serve the city.

Matt Steffy

Natural Resource Specialist
Homer Soil & Water Conservation District
4014 Lake Street, Suite 201A
Homer, AK 99603
Office (907) 235-8177 x117
matt@homerswcd.org
www.homerswcd.org
www.kenaiweeds.org



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 15-183

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: NOVEMBER 13, 2015

SUBJECT: CONFIRMATION OF ELECTION JUDGES FOR THE CITY OF HOMER SPECIAL ELECTION
DECEMBER 1, 2015

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

Homer No. 1	Homer No. 2	Canvass Board
Jane Swain, Chair	Theresa Dubber, Chair	Chris Bowden
Margaret Lau	Pauline Benson	Pauline Benson
Chris Bowden	Alice Krivitsky	
Carol Renfrew/Carol Dee	Terry Meyer	

Recommendation: Confirm the appointment of the Canvass Board and approve the appointment of the Election Judges for the December 1, 2015 City of Homer Special Election Election.

Fiscal Note: Polling Place - \$10.50/hr. Chairs, \$10.00/hr. Judges, 12-18 hrs.
\$12.50/hr. Canvass board 1-3 hours or until done.

Account: 100.0102.5101-5107



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 15-185

TO: Mayor Wythe and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Patrick Lawrence, Assistant City Manager
DATE: November 23, 2015
SUBJECT: Sustainable Animal Control Review Committee – Extension of Committee

The purpose of this memo is to request that the SACRC be extended through the month on January. Currently the committee is set to expire December 1st (per Resolution 15-075), however, it has become clear that the committee and the shelter would greatly benefit from an extension. The committee is in the middle of developing an inspection check list, volunteer guide lines, and several other projects that will benefit the sustainability of the shelter.

Recommendation: Allow the Sustainable Animal Control Review Committee to continue meeting through January 31, 2016.

**CITY OF HOMER
HOMER, ALASKA**

Roberts

RESOLUTION 15-075

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ESTABLISHING A SUSTAINABLE ANIMAL CONTROL REVIEW
COMMITTEE TO STRENGTHEN SUSTAINABILITY OF THE
SHELTER.

WHEREAS, The City has contracted out Animal Control services for over 30 years; and

WHEREAS, In 2005 with tremendous support and effort from the community and Homer Animal Friends, the City of Homer built a new Animal Shelter; and

WHEREAS, In these constrained fiscal times, it is prudent to review how the sustainability of providing animal control for the City of Homer can be strengthened; and

WHEREAS, It would be beneficial to establish a Sustainable Animal Control Review Committee (SACRC) to assist the City with increasing revenue and reducing expenses at the shelter.

NOW, THEREFORE, BE IT RESOLVED that the City of Homer hereby establishes the Sustainable Animal Control Review Committee (SACRC).

BE IT FURTHER RESOLVED that the Committee membership shall be the Mayor or one member of the City Council, the Police Chief or their designee, the Finance Director or their designee, a member of Homer Animal Friends, a Veterinarian licensed to practice in the State of Alaska, and a representative of the Homer Animal Shelter Contractor.

BE IT FURTHER RESOLVED that the committee should select within its membership a chairperson to run meetings and provide the clerk's office with agenda content, a vice chair in the chair's absence, and a secretary to take notes at meetings.

BE IT FURTHER RESOLVED that the scope of work shall include:

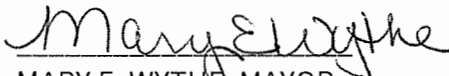
- Review of animal control fine and fee schedule
- Review of animal boarding policy
- Review of energy use at the shelter
- Review of opportunities for collaboration with Homer Animal Friends

42 BE IT FURTHER RESOLVED that the Committee shall establish its own work schedule
43 and shall be disbanded when the initial scope of work is complete or December 1, 2015,
44 whichever comes first.

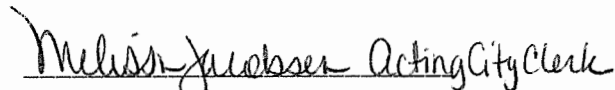
45
46 BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for parties
47 interested in serving as the veterinarian and Homer Animal Friends member.

48
49 PASSED AND ADOPTED by the Homer City Council this 24th day of August, 2015.
50

51
52 CITY OF HOMER

53
54
55 
56 MARY E. WYTHE, MAYOR

57 ATTEST:

58
59 
60 Melissa Jacobsen Acting City Clerk
61 JO JOHNSON, MMC, CITY CLERK

62
63 Fiscal information: N/A, existing budget
64



ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-42

An Ordinance of the Homer City Council, Amending HCC 7.04.010, State Statutes Adopted by Reference, HCC 7.04.030, Violation—Penalty, and HCC 10.04.100, Vehicles and Other Wheeled Conveyances, Repealing HCC Chapter 7.08, Stopping or Parking, and Enacting HCC Chapter 7.10, Stopping, Standing and Parking, to Incorporate in the City Code All Vehicle and Traffic Statutes and Regulations of the State of Alaska Creating Minor Offenses and to Revise and Consolidate City Parking Regulations, and to Prescribe Penalties for Traffic and Parking Violations.

Sponsor: City Manager/Police Chief

1. Council Regular Meeting November 23, 2015 Introduction
 - a. Memorandum 15-189 from City Attorney as backup

43 AS 28.39.010 (snowmobile registration);
44 AS 28.39.040 (display of snowmobile registration);
45 AS 28.90.990 (definitions).
46

47 Section 2. Homer City Code 7.04.030, Traffic fine schedules, is amended to read as
48 follows:

49
50 7.04.030 Traffic fine schedules ~~Violation—penalty.~~

51 a. **State traffic fine schedule adopted by reference.** **The city adopts as its traffic**
52 **fine schedule for state offenses the "Traffic Bail Forfeiture Schedule" and the "Oversize**
53 **Vehicle Bail Forfeiture Schedule" in Administrative Rules 43.1 and 43.6 of the Alaska**
54 **Rules of Court and any other bail forfeiture schedules relating to vehicles adopted by the**
55 **Alaska Supreme Court. In addition, the city adopts all amendments of those schedules**
56 **that become effective after the effective date of this ordinance. Citations for offenses**
57 **listed on these schedules may be disposed of as provided in AS 12.25.195-.230, without a**
58 **court appearance, upon payment of the amounts listed plus the state surcharge**
59 **required by AS 12.55.039 and AS 29.25.074. If a person charged with one of these**
60 **offenses appears in court and is found guilty, the penalty imposed for the offense may**
61 **not exceed the amount listed for that offense on the schedule. Citations charging these**
62 **offenses must meet the requirements of Minor Offense Rule 3 of the Alaska Rules of**
63 **Court. If an offense is not listed on the fine schedule, the defendant must appear in**
64 **court to answer to the charges.** ~~For violations of statutes and regulations listed in HCC~~
65 ~~7.04.010, the city adopts as its traffic fine schedule the schedule of minor traffic offenses and~~
66 ~~bail forfeiture amounts contained in Rule 43.1 of the Alaska Rules of Administration.~~

67 b. **Fine schedule for local traffic offenses:** **In accordance with AS 28.05.151(a),**
68 **citations for offenses listed in this title, not otherwise provided by state law, may be**
69 **disposed of as provided in AS 12.25.195-.230, without a court appearance, upon**
70 **payment of the fine amounts listed below plus the state surcharge required by AS**
71 **12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense**
72 **Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations**
73 **charging these offenses must meet the requirements of Minor Offense Rule 3. If a person**
74 **charged with one of these offenses appears in court and is found guilty, the penalty**
75 **imposed for the offense may not exceed the scheduled fine amount plus any surcharge**
76 **required to be imposed by AS 12.55.039 and AS 29.25.074. The fine amounts listed below**
77 **are doubled for motor vehicle or traffic offenses committed in a highway work zone or**
78 **traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).**
79 **An offense listed in this schedule may not be disposed of without court appearance if the**
80 **offense is in connection with a motor vehicle accident that results in the death of a**
81 **person.**

82 ~~For violations of provisions of this title other than statutes and regulations listed in~~
83 ~~HCC 7.04.010, the city adopts the following traffic fine schedule:~~
84

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

Code Section	Code Section Title	Fine per Day
7.06.010(b)	Muffler not working properly	Corr/\$500
7.06.010(c)	Muffler modified/excessive noise	Corr/\$500
7.06.010(d)	Muffler removed or inoperative	Corr/\$500
7.06.010(e)(1) or (e)(2)	Noise exceeds limits	first violation \$100; second violation within 6 months of first conviction \$200; third violation within 6 months of any prior conviction \$300
7.06.010(e)(3)	Sale of vehicle exceeding noise limits	first violation \$100; second violation within 6 months of first conviction \$200; third violation within 6 months of any prior conviction \$300
7.06.020	Improperly muffled engine brake use prohibited	First violation \$100 Second violation within 6 months of first conviction \$200 plus proof of satisfactory Homer PD commercial vehicle inspection Third violation within 6 months of any prior conviction \$300 plus proof of satisfactory Homer PD commercial vehicle inspection
7.08.020	Stopping or parking Where prohibited	\$25.00
7.08.021	Starting parked vehicles	\$100.00
7.08.030	Stopping or parking Size limitation	\$25.00
7.08.040	Stopping or parking Time limitation	\$25.00
7.08.045	Unauthorized use of parking reserved for persons with disabilities	first violation \$125; second violation \$250
7.08.045	Unauthorized use of parking reserved for persons with disabilities while displaying special license plate or permit	first violation \$250; second violation \$500
7.08.058	Removal of impoundment notice or impounded vehicle prohibited	\$300.00
7.10.020	Limited time parking; parking permits	\$25.00

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

7.10.030	Parking in city parking lots	\$25.00
7.10.040	Vehicle length limitation	\$25.00
7.10.090	Removal of impoundment notice or impounded vehicle prohibited	\$300.00
7.20.030	Use of snow machines	\$300.00
7.20.040	Time restriction	\$300.00
7.20.050	Driver's license requirement	\$300.00
7.20.055	Operation in designated areas	\$300.00
7.20.060	Towing	\$300.00
7.28.020	Motor vehicle parking	\$30.00
7.28.030	Short-term parking area	\$30.00
7.28.040	Limited long-term parking area	\$30.00
7.28.050	Reserved parking	\$30.00
10.04.100(b)	Restricted parking in harbor	\$25.00

85
 86 A citation for an offense listed as "Corr" must be dismissed ~~(or voided)~~ if proof of correction is
 87 presented to a Homer police department vehicle inspector within 30 days. ~~If the required~~
 88 ~~repair is not made and shown to a vehicle inspector within the specified time, the offense~~
 89 ~~may be disposed of without court appearance as provided in (c) of this section.~~

90 ~~c. A person cited for an offense for which a fine is established in subsection (a) or (b) of~~
 91 ~~this section may mail or personally deliver to the Finance Director the amount of the fine~~
 92 ~~indicated on the citation for the offense plus any surcharge required to be imposed by AS~~
 93 ~~12.55.039 and AS 29.25.074, together with a copy of the citation signed by the person~~
 94 ~~indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture~~
 95 ~~of the fine. A citation for a scheduled offense may be mailed or personally delivered within~~
 96 ~~fifteen (15) days after the date of the citation. The payment of a fine under this subsection~~
 97 ~~shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the~~
 98 ~~offense. If a person cited for an offense for which a fine amount is established in subsection~~
 99 ~~(a) or (b) of this section appears in court to contest the citation and is found guilty, the~~
 100 ~~maximum sentence which may be imposed is the scheduled fine amount plus any surcharge~~
 101 ~~required to be imposed by AS 12.55.039 and AS 29.25.074.~~

102
 103 Section 3. Homer City Code Chapter 7.08, Stopping or Parking, is repealed.

104
 105 Section 4. Homer City Code Chapter 7.10, Stopping, Standing and Parking, is enacted
 106 to read as follows:

107
 108 Chapter 7.10
 109 STOPPING, STANDING AND PARKING

110
 111 Sections:
 112 7.10.010 City traffic authority.

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

- 113 7.10.020 Limited time parking; parking permits.
- 114 7.10.030 Parking in city parking lots.
- 115 7.10.040 Vehicle length limitation.
- 116 7.10.050 Separate offense.
- 117 7.10.060 Vehicle impoundment procedure.
- 118 7.10.070 Impoundment hearing.
- 119 7.10.080 Form of demand for hearing – Hearing officer.
- 120 7.10.090 Removal of impoundment notice or impounded vehicle prohibited.
- 121 7.10.010 City traffic authority.

122
123 In this chapter, the term “city traffic authority” means the chief of police, and in the
124 Homer harbor, the harbormaster.

125
126 7.10.020 Limited time parking; parking permits.

127 (a) The city traffic authority may by placing official traffic control devices, designate
128 parking time limits or prohibit stopping, standing or parking, on those parts of a street where
129 the city traffic authority has determined that demand for parking, traffic congestion or public
130 safety warrants the designation or prohibition. No person may stop, stand, or park a vehicle
131 in violation of such an official traffic control device.

132 (b) The city traffic authority may by placing official traffic control devices, establish
133 parking by permit only limits on those parts of a street where the city traffic authority has
134 determined that demand for parking warrants the designation. No person may stop, stand,
135 or park a vehicle in violation of such an official traffic control device.

136 (c) Notwithstanding (a) and (b) of this section, the city traffic authority may issue
137 permits to occupy parking spaces on a street for a duration that the applicant demonstrates
138 is necessary to accommodate a temporary activity such as a special event, construction
139 project, or loading or unloading.

140
141 7.10.030 Parking in city parking lots.

142 (a) The city traffic authority may:

- 143 (1) Establish time limits for parking in city parking lots;
- 144 (2) Designate city parking lots for paid parking, and establish fees for paid
145 parking in city parking lots; and
- 146 (3) Designate city parking lots for permit parking, and the fees and
147 qualifications for obtaining a permit.

148 (b) The city shall notify the public of time limits in city parking lots, fees required to
149 park in city parking lots, and permit requirements for parking in city parking lots by the
150 placement of official traffic control devices. No person may stop, stand, or park a vehicle in
151 violation of such an official traffic control device.

152 (c) No person may park a vehicle, boat or other conveyance in a city parking lot for a
153 period exceeding 24 hours while displaying a sign offering the vehicle, boat or other
154 conveyance for sale.

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

155 (c) Notwithstanding (b) of this section, the city traffic authority may issue permits to
156 occupy parking spaces in a city parking lot for a duration that the applicant demonstrates is
157 necessary to accommodate a temporary activity such as a special event, construction project,
158 or loading or unloading.

159
160 7.10.040 Vehicle length limitation.

161 The city traffic authority may by placing official traffic control devices, establish the
162 maximum length of a vehicle or combination of vehicles that may stop, stand or park at any
163 place on a street or city parking lot. No person may stop, stand, or park a vehicle in violation
164 of such an official traffic control device.

165
166 7.10.050 Separate offense.

167 Each day in which a violation of HCC 7.10.020, 7.10.030 or 7.01.040 continues shall
168 constitute a separate offense.

169
170 7.10.060 Vehicle impoundment procedure.

171 a. The procedure set forth in this section through HCC 7.10.080 shall apply whenever a
172 motor vehicle is subject to impoundment (including booting) and removal pursuant to motor
173 vehicle, traffic or parking codes or laws, including without limitation unlawful stopping,
174 standing, or parking under any provisions of the City code or regulations adopted thereunder.

175 b. An impoundment is effective when a written order of impoundment is placed on a
176 vehicle. An order of impoundment shall identify the vehicle, state the reasons for
177 impoundment, and be dated and signed by a police officer or an authorized peace officer. An
178 impounded vehicle may be immediately towed and removed to a safe place upon the order of
179 a police officer or peace officer.

180 c. Upon impoundment, a notice of procedure options shall be placed on the vehicle,
181 and within six hours a copy shall be personally delivered or placed in the U.S. mail addressed
182 to the owner of the vehicle. The notice shall state substantially as follows:

183 ATTENTION: Your vehicle has been impounded by the City of Homer. As the owner of
184 an impounded vehicle, you have the following options:

185 (A) You may recover possession of the vehicle by paying to the person having
186 custody of the vehicle the towing and storage fees that may have accrued.

187 (B) If you take issue with the impoundment of your vehicle, you may:

188 (i) Recover possession of the vehicle by paying the towing and storage
189 fees that have accrued to such person and claim a refund by filing a demand
190 (on a form provided by the city) for an administrative hearing before a hearing
191 officer as to whether there was a sufficient factual and legal basis for
192 impounding your vehicle; or

193 (ii) Demand (on a form provided by the city) an administrative hearing
194 before a hearing officer as to whether there was a sufficient factual and legal
195 basis for impounding your vehicle.

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

196 To be entitled to such a hearing, your written demand must be filed with the
197 City Clerk (a) within 5 workdays after you learned that your vehicle was impounded or
198 was missing; or (b) within 15 workdays after the city mailed notice to the vehicle's
199 registered owner that the vehicle had been impounded; whichever occurs first. If you
200 fail to make a timely request for a hearing you will lose all right to challenge the
201 sufficiency of the basis for impoundment.

202 If timely requested, the hearing must be held within 48 hours after the filing of
203 your written demand, not including Saturdays, Sundays, and city holidays. A
204 determination that there was an insufficient factual or legal basis for impounding your
205 vehicle will require the release of the vehicle to you without your having to pay the
206 towing and storage fees, or will entitle you to a refund if you have already paid the
207 fees.

208 A hearing may be demanded by filing the appropriate form with the City Clerk
209 at 491 E. Pioneer Avenue, Homer between 8:00 a.m. and 5:00 p.m. on any day other
210 than Saturday, Sunday and city holidays.

211
212 **7.10.070 Impoundment hearing.**

213 a. If demand is timely made, the owner or the person entitled to possession of a
214 vehicle is entitled to an administrative hearing to determine whether there was a sufficient
215 factual and legal basis for impoundment of the vehicle. To be entitled to such a hearing a
216 written demand must be filed with the City Clerk (1) within five workdays after the owner or
217 person entitled to possession learned that the vehicle was impounded or was missing; or (2)
218 within 15 workdays after the City delivered or mailed the notice required by HCC 7.10.060(c)
219 to the vehicle's registered owner; whichever occurs first. If no timely request for a hearing is
220 made, the factual and legal basis for impoundment will be conclusively deemed sufficient for
221 all purposes.

222 b. The hearing will be held within 48 hours after the filing of a timely written demand,
223 not including Saturdays, Sundays, and City holidays.

224 c. The hearing officer shall not be bound by formal rules of evidence. A copy of the
225 fully completed and signed order of impoundment will constitute prima facie proof of
226 sufficient factual and legal basis for impoundment. The burden will be on the vehicle owner
227 to prove by a preponderance of the evidence that there was an insufficient factual or legal
228 basis for impounding the vehicle.

229 d. A determination by the hearing officer that there was an insufficient factual or legal
230 basis for impounding the vehicle will require the release of the vehicle to the owner or other
231 person entitled to possession without payment of the towing and storage fees, or will entitle
232 the person to a refund if the fees have already been paid.

233 e. The City will be responsible for payment or refund of the towing and storage fees for
234 any vehicle impounded under this chapter if the hearing officer determines that there was an
235 insufficient factual or legal basis for such impoundment.

236
237
[Bold and underlined added. Deleted language stricken through.]

238 7.10.080 Form of demand for hearing – Hearing officer.

239 a. The City Clerk shall prepare and make available a form of demand for a hearing
240 pursuant to HCC 7.10.070. Upon receipt of demand for a hearing the City Clerk shall
241 immediately forward the demand to the City Manager or his designee, who shall schedule an
242 administrative hearing and notify all parties.

243 b. The City Manager shall appoint one or more persons who shall serve as hearing
244 officers to conduct hearings pursuant to HCC 7.10.070. No police officer or peace officer with
245 authority to impound an improperly parked vehicle shall be eligible to serve as hearing
246 officer.

247
248 7.10.080 Removal of impoundment notice or impounded vehicle prohibited.

249 a. Unless authorized by a police officer or peace officer with authority to enforce
250 parking laws and regulations, it is unlawful for any person to remove an impoundment order
251 from a vehicle upon which it has been posted.

252 b. Unless authorized by a police officer or peace officer with authority to enforce
253 parking laws and regulations, it is unlawful for any person to move a vehicle after it has been
254 posted with an impoundment order.

255
256 Section 5. Homer City Code 10.04.100, Vehicles and other wheeled conveyances, is
257 amended to read as follows:

258
259 10.04.100 Vehicles and other wheeled conveyances.

260 a. ~~The Harbormaster may designate restricted parking areas in the harbor area. In a~~
261 ~~restricted parking area, the Harbormaster may:~~

262 1. ~~Establish time limits for parking;~~

263 2. ~~Designate areas for paid parking, and establish fees for paid parking there;~~

264 and

265 3. ~~Designate areas for permit parking, and establish the fees and qualifications~~
266 ~~for obtaining a permit.~~

267 ~~“Restricted parking” areas pertain to the parking of any vehicle or trailer, private or~~
268 ~~commercial.~~

269 b. ~~The Harbormaster shall notify the public of time limits in restricted parking areas,~~
270 ~~fees required to park in restricted parking areas, and permit requirements for parking in~~
271 ~~restricted parking areas by the placement of official traffic control devices. No person may~~
272 ~~stop, stand or park a vehicle in violation of such an official traffic control device. Every day in~~
273 ~~which such a violation continues shall constitute a separate offense.~~

274 ae. No person other than an employee of the City or other person acting on City
275 business shall drive a vehicle upon **trails in the harbor area that are designated for**
276 **pedestrian or bicycle use** ~~the inside gravel slope of the small boat harbor~~ except in case of
277 emergency. Parking or leaving boats, trailers and/or other vehicles and equipment related
278 thereto by the public shall be limited to specific areas designated for such use.

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

279 **bd.** Hauling out boats on skids is prohibited unless approved in advance by the
280 Harbormaster.

281
282 Section 6. This Ordinance is of a permanent and general character and shall be
283 included in the City Code.

284
285 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
286 2015.

287
288 CITY OF HOMER

289
290
291 _____
292 MARY E. WYTHE, MAYOR

293 ATTEST:

294
295 _____
296
297 JO JOHNSON, MMC, CITY CLERK

298
299 AYES:

300 NOES:

301 ABSTAIN:

302 ABSENT:

303
304
305 First Reading:

306 Public Hearing:

307 Second Reading:

308 Effective Date:

309
310 Reviewed and approved as to form:

311
312
313 _____
314 Mary K. Koester, City Manager

313 _____
314 Thomas F. Klinkner, City Attorney

315
316 Date: _____

315
316 Date: _____

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



MEMORANDUM 15-189

**TO: MAYOR AND COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: ADOPTION OF STATE TRAFFIC OFFENSES IN HCC TITLE 7

FILE NO.: 506,742.103

DATE: NOVEMBER 17, 2015

The Alaska Court System brought to the City's attention inconsistencies between the City Code provisions on traffic offenses, fines and citation procedure and their counterparts in state statutes, regulations and court rules. In addition, the Police Department has asked that all state traffic laws that are minor offenses be incorporated in the City Code, so that all minor offense traffic violations in Homer will be charged by reference to the applicable state statute or regulation. With these changes, it also was appropriate to update the City's local traffic and parking regulations. Ordinance 15-42 has been drafted to address these issues. An explanation of each section of the ordinance follows:

Section 1. HCC 7.04.010 presently adopts some, but not all, state traffic laws that are minor offenses. Section 1 amends HCC 7.04.010 so that it adopts all state traffic laws that are minor offenses.

Section 2. Section 2 amends HCC 7.04.030(a) to correctly adopt state traffic fine schedules for minor offenses, and correctly state the procedure for disposing of traffic citations for minor offenses without a court appearance. Section 2 also amends HCC 7.04.030(b) to remove from the local traffic fine schedule those traffic offenses that should be charged as violations of state traffic laws, and to update the procedure for disposing of local traffic and parking violations without a court appearance.

Sections 3 and 4. The current HCC Chapter 7.08 includes as local parking violations some offenses that should be charged as violations of state statutes or regulations. Section 3 repeals HCC Chapter 7.08 and Section 4 adopts a new HCC Chapter 7.10 that reorganizes provisions regarding local parking rules and their enforcement, providing for the placement of local traffic control devices to govern parking on City streets and property, local regulations for parking on streets and on City

property, particularly on the Spit and in the Harbor, and a procedure for impounding vehicles that park in violation of state or local parking regulations.

Section 5. With the consolidation of local parking rules and enforcement provisions in HCC Chapter 7.10, Section 5 repeals the parts of HCC 10.04.100 that addressed the regulation of parking in the Harbor area, and adds a new prohibition of vehicles on Harbor area pedestrian and bicycle trails.

TFK/lcj

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-43

An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code Chapter 3.12, Permanent Fund, Placing the Funds in a Self-Managed Brokerage and Disbanding the Permanent Fund Committee.

Sponsor: City Clerk/Permanent Fund Committee

1. Council Regular Meeting November 23, 2015 Introduction
 - a. Memorandum 15-190 from Permanent Fund Committee as backup

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

3 City Clerk/
4 Permanent Fund Committee

5 **ORDINANCE 15-43**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 REPEALING HOMER CITY CODE CHAPTER 3.12, PERMANENT
9 FUND, PLACING THE FUNDS IN A SELF-MANAGED BROKERAGE
10 AND DISBANDING THE PERMANENT FUND COMMITTEE.
11

12 WHEREAS, The Homer Permanent Fund was established by Ordinance 05-14(S) for the
13 purpose of receiving monies from the distribution of the Exxon Valdez Oil Spill settlement and
14 other windfall funds, and serving as an endowment whose income would be used to support
15 City government, and whose principal could be loaned to support City capital projects; and
16

17 WHEREAS, The amount that the City received from the distribution of the Exxon Valdez
18 Oil Spill settlement and other windfall funds was substantially less than anticipated at the
19 time the Homer Permanent Fund was established; and
20

21 WHEREAS, In the current investment environment, an excessive amount of the Homer
22 Permanent Fund income is consumed by the cost of the fund's administration; and
23

24 WHEREAS, The Homer Permanent Fund could be managed with less service fees and
25 match the S&P 500 market returns by placing the Fund in a self-managed brokerage fund; and
26

27 WHEREAS, It is appropriate to repeal the Homer City Code provisions regarding the
28 Homer Permanent Fund and to disband the Permanent Fund Committee.
29

30 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
31

32 Section 1. Homer City Code Chapter 3.12, Permanent Fund is repealed.
33

34 Section 2. The City Council hereby disbands the Permanent Fund Committee that was
35 created by Ordinance 05-14(S).
36

37 Section 3. Section 1 of this Ordinance is of a permanent and general character and
38 shall be included in the City Code. Section 2 of this Ordinance is temporary in nature and
39 shall not be codified.
40

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

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

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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: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 15-190

TO: MAYOR WYTHER AND HOMER CITY COUNCIL

FROM: PERMANENT FUND COMMITTEE

THRU: JO JOHNSON, MMC, CITY CLERK

DATE: NOVEMBER 17, 2015

SUBJECT: PLACING THE PERMANENT FUND IN A SELF-MANAGED BROKERAGE AND DISBANDING THE PERMANENT FUND COMMITTEE.

The Permanent Fund was established in 2006 with the intent of the City receiving a \$10M *Exxon Valdez* settlement. Other “wind-fall” monies that the City might receive were to be deposited in the Permanent Fund. The Fund was to be invested in such a manner as to provide annual appropriation to non-profit organizations from the interest, dividends, or coupon discounts derived from the investments of the fund.

Contrary to expectations, the City instead received a \$1.1M *Exxon Valdez* settlement in 2010. A Request for Proposals was issued to solicit a qualified firm to invest the Permanent Fund in accordance with the investment procedures defined by ordinance. U.S. Bank was selected to actively manage the investment portfolio and has done so since 2010.

Returns on the Permanent Fund have been minimal due to a slow-down in the U.S. economy, an incredibly strong dollar, and a fall in energy prices with little inflation. This has affected corporate earnings, subduing markets in most of North America. Overseas there is an acceleration of growth in Japan and throughout Europe. They are buying their own safe investments making everyone else buy riskier investments. This results in inflated markets and recovering economies since corporate earnings are improving. The biggest concern for long term global growth is a lack of inflation; there is 2% inflation throughout the world.

An overview of the City’s Permanent Fund:

Fixed Income is 92% of the account; 8% is cash. Period ending March 31, 2015 the fund was up .64%. One year at 1.42% gross; three years at 1.67% gross. The fund is currently invested with principal protection first and foremost. There are no risks taken and not a lot being returned.

Growth Income is 88% of the account; 4% is cash; 4% is real estate; 4% is commodities. Period ending March 31, 2015 the total portfolio net of fees is 10.75%; for the last three years the average is 9.60% per year. For the last three years total equity is at 12.10%; domestic equity is 15.49%. The S&P 500 was up 16.11%.

For the period ending March 31, 2015 returns on the Permanent Fund were below the S&P 500.

The Permanent Fund Committee discussed the possibility of issuing another RFP for investment services, but realized bank fees are standard for the services offered. Bank fees in comparison to returns are high and the investment policies are so stringent that no broker could make money on the small quantity of money we have to invest.

The Permanent Fund Committee recommends rescinding the investment language and bringing the money home to manage. The Permanent Fund would be retained by the City and the Finance Department would arrange for management of the money as other like funds are managed. Bank fees would be significantly reduced. Additionally, the committee recommends that the Permanent Fund Committee be disbanded.

Recommendation: Introduce Ordinance 15-43 to repeal HCC 3.12, Permanent Fund, and place the funds in a self-managed brokerage and disband the Permanent Fund Committee.

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-44

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Making Necessary Adjustments to Certain Revenue and Expenditure Line Items.

Sponsor: City Manager/Finance Director

1. Council Regular Meeting November 23, 2015 Introduction

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

3 City Manager/
4 Finance Director

5 **ORDINANCE 15-44**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2015 OPERATING BUDGET BY MAKING
9 NECESSARY ADJUSTMENTS TO CERTAIN REVENUE AND
10 EXPENDITURE LINE ITEMS.

11
12 WHEREAS, Certain adjustments to the City of Homer FY 2015 Operating Budget are
13 necessary to reflect major unanticipated revenue losses in 2015; and
14

15 WHEREAS, A 40% cut to the Community Jail contract from the State of Alaska had a
16 major impact on the FY 2015 budget; and
17

18 WHEREAS, In anticipation of the elimination of Revenue Sharing by the State of Alaska,
19 the Homer City Council removed Revenue Sharing from the FY 2015 Operating Budget; and
20

21 WHEREAS, On the expenditure side, three small line items in the FY 2015 Information
22 Technology Budget were inadvertently omitted from the Operating Budget.
23

24 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
25

26 Section 1. Revenues

<u>G/L Code</u>	<u>Description</u>	<u>Adopted Amount</u>	<u>Amended Amount</u>
100-0030-4501	Alaska Shared Revenue	\$341,037	\$0
100-0030-4503	Prisoner Care Contract	\$753,410	\$424,000

31
32 Section 2: Expenditures

<u>G/L Code</u>	<u>Description</u>	<u>Adopted Amount</u>	<u>Amended Amount</u>
100-0113-5223	(IT) Liability Insurance	\$0	\$1,531
100-0113-5237	(IT) Subsistence	\$0	\$250
100-0113-5614	(IT) Car Allowance	\$0	\$2,250

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

39

40

CITY OF HOMER

41

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43

44

MARY E. WYTHE, MAYOR

45

46 ATTEST:

47

48

49

JO JOHNSON, MMC, CITY CLERK

51

52

53

54 AYES:

55 NOES:

56 ABSTAIN:

57 ABSENT:

58

59

60

61 First Reading:

62 Public Reading:

63 Second Reading:

64 Effective Date:

65

66

67 Reviewed and approved as to form:

68

69

70

Mary K. Koester, City Manager

72

Thomas F. Klinkner, City Attorney

73 Date: _____

Date: _____

ORDINANCE REFERENCE SHEET
2015 ORDINANCE
ORDINANCE 15-45

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Appropriating Funds in the Amount of \$2,540.30 to Purchase Refurbished Touch Screen Voting Units for the City's Two Precincts.

Sponsor: City Manager/City Clerk

1. Council Regular Meeting November 23, 2015 Introduction
 - a. Quote from Dominion Voting for Used Touchscreen Voting Units

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

3 City Manager/
4 City Clerk

5 **ORDINANCE 15-45**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2015 OPERATING BUDGET BY
9 APPROPRIATING FUNDS IN THE AMOUNT OF \$2,540.30 TO
10 PURCHASE REFURBISHED TOUCH SCREEN VOTING UNITS FOR
11 THE CITY'S TWO PRECINCTS.
12

13 WHEREAS, In compliance with the Americans with Disabilities Act of 1990 (ADA) the
14 City of Homer wishes to provide appropriate aids and services so that qualified voters with
15 disabilities can independently participate in the voting process; and
16

17 WHEREAS, The Touch Screen Voting Units are intended for those voters who are blind,
18 disabled or who may not read proficiently; however, any voter may vote on the touch screen
19 voting unit if the voter's name appears on the precinct register; and
20

21 WHEREAS, The City of Homer has the opportunity to purchase two refurbished Touch
22 Screen Voting Units at a reasonable price for the City's two precincts; and
23

24 WHEREAS, It would be beneficial for the City of Homer to own the Touch Screen Voting
25 Units to eliminate the need to depend on the State of Alaska for the units and avoid costly
26 shipping charges.
27

28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
29

30 Section 1. The Homer City Council hereby amends the FY 2015 Operating Budget by
31 appropriating \$2,540.30 for the purchase of two refurbished Touch Screen Voting Units.
32

33 Expenditure:
34

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0102-5208	Touch Screen Voting Units	\$2,540.30

10-30-15City of Homer
Used TSX units

**DOMINION
VOTING™**



Our customers come first.

Product Name	Quantity	Part number	Net Price	Total Price
AccuVote TSX				
Refurbished AVTSX model D	2	73412212U	\$630.00	\$1,260.00
Refurbished AVPM - VVPAT receipt printer	2	75517211U	\$472.50	\$945.00
Paper Rolls	2	76251211	\$3.15	\$6.30
Headphones	2	7144111	\$10.50	\$21.00
Keypad	2	73123121	\$393.75	\$787.50
PCMCIA card	2	76422113	\$262.50	\$525.00
Card Encoder	2	73411122	\$341.25	\$682.50
Voter Access Cards	6	76421123VCG	\$5.25	\$31.50
Admin Card	2	76421123ACG	\$10.50	\$21.00
Supervisor Card	2	76421123SCG	\$5.25	\$10.50
Subtotal				\$4,290.30
Estimated shipping				\$250.00
Discount				-\$2,000.00
Total				\$2,540.30
Annual firmware license	2		\$35.00	\$70.00

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

3 City Manager

4
5 **RESOLUTION 15-100**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL DESIGNATING
8 SIGNATORIES OF CITY ACCOUNTS AND SUPERSEDING ANY
9 PREVIOUS RESOLUTION SO DESIGNATING.

10
11 WHEREAS, Councilmember David Lewis was appointed as Mayor Pro Tempore for
12 2015/2016, effective November 23, 2015.

13
14 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the
15 designated signatories, effective November 23, 2015 are as follows with the number of
16 signatories defined:

17
18 On the regular Wells Fargo Bank Alaska checking account #016030109 that the following are
19 the designated signatories for this account, with dual signatures required for checks over
20 \$5,000; on the investment accounts with Alaska Municipal League, First National Bank,
21 Raymond James Investment, Wells Fargo Bank Alaska, and other institutions, and for
22 Department of Administration Grants and other grants, one of the following authorized
23 signatories or the dual electronic authorization system is required for all transactions:

24
25 **MARY E. WYTHE, MAYOR**
26 **MARY K. KOESTER, CITY MANAGER**
27 **DAVID LEWIS, MAYOR PRO TEMPORE**
28 **JO JOHNSON, ACTING CITY MANAGER/CITY CLERK**
29 **ZHIYONG LI, FINANCE DIRECTOR/TREASURER**

30
31 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 23rd day of
32 November, 2015.

33
34 CITY OF HOMER

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36
37 _____
38 MARY E. WYTHE, MAYOR
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44 ATTEST:
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46
47 _____
48 JO JOHNSON, MMC, CITY CLERK
49
50 Fiscal Note: N/A
51

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 15-101**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
9 AN ALASKA DRINKING WATER FUND (ADWF) LOAN FOR PHASE I
10 OF THE HOMER WATER DISTRIBUTION/STORAGE
11 IMPROVEMENT PROJECT IN AN AMOUNT NOT EXCEEDING
12 \$817,000.
13

14 WHEREAS, Public Works has completed the design of various water distribution
15 system and water storage improvements utilizing Environmental Protection Agency Special
16 Act Appropriations Project (EPA SAAP) funds specifically appropriated for water system
17 improvement design, as authorized by the City Council; and
18

19 WHEREAS, The first phase of this project was the subject of an Alaska Department of
20 Conservation (ADEC) municipal grant application; and
21

22 WHEREAS, The grant application scored second statewide and is currently one of four
23 projects in the State FY16 budget funded through the ADEC Municipal Grants Program; and
24

25 WHEREAS, The grant will provide for 70% of the cost of the construction of these
26 improvements; 30% is a City match; and
27

28 WHEREAS, Public Works proposes to finance this match (as done previously on similar
29 projects) utilizing a low interest (1.5%) ADWF loan; loan payments to be made from the
30 Homer Accelerated Water/Sewer Program (HAWSP) over a 10-20 year period. Assessments
31 levied on benefitted property owners will, over the period of the loan, provide the funds
32 necessary to repay the loan; and
33

34 WHEREAS, Article IX, §11 of the Alaska Constitution provides that the City may incur
35 indebtedness that is payable from either utility revenues or special assessments without
36 voter approval, and the loan will be payable only from such sources or from appropriations of
37 HAWSP funds.
38

39 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the
40 City Manager to apply for and accept an Alaska Drinking Water Fund low interest loan to
41 finance the City's ADEC Municipal Grant Program match for the Homer Water
42 Distribution/Storage Improvement (Phase I) project an amount not exceeding \$817,000 and

43 authorizes the City Manager to execute a loan agreement for the loan and all other
44 appropriate documents.

45
46 PASSED AND ADOPTED by the Homer City Council this 23rd day of November, 2015.

47
48 CITY OF HOMER

49
50
51 _____
52 MARY E. WYTHE, MAYOR

53
54 ATTEST:

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

59
60 Fiscal Note: \$817,000 loan with 1.5% interest 10-20 years.



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 15-191

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: November 17, 2015
SUBJECT: **Alaska Drinking Water Fund Low Interest Loan
ADEC Municipal Grant Program Match**

The Council accepted a legislative grant for the construction of two water mains (Homer Water Distribution/Storage Improvements - Phase I):

- Shellfish Avenue/South Slope Drive – from East Hill Road to Mountain View Drive, and
- Kachemak Drive (Phase II).

The grant will pay for 70% of the cost of construction, with the remaining 30% match being paid by benefitted property owners through either a special assessment district or a deferred assessment.

Public Works proposes to apply for a 1 ½ percent loan (through ADEC/EPA) to finance the matching requirement. The City Council passed Resolution 15-010 authorizing the City Manager to *apply for* a loan in the amount of \$594,076, but the actual required amount is \$839,100.

The loan application cannot be completed until a resolution is passed authorizing the correct amount and authorizing the City Manager to apply for *and accept* the loan.

Recommendation

City Council pass a resolution authorizing the City Manager to apply for and accept an Alaska Drinking Water Fund low interest loan to finance the City's ADEC Municipal Grant Program match for the Homer Water Distribution/Storage Improvement (Phase I) project in the amount of \$839,100 and authorizes the City Manager to execute a loan agreement for the loan and all other appropriate documents.

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

3 City Manager/
4 Personnel Director

5 **RESOLUTION 15-102**
6

7 A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING THE
8 CITY OF HOMER PERSONNEL REGULATIONS, CHAPTER THREE,
9 SECTION 3.11 CASUAL APPOINTMENTS, CHAPTER SIX, SECTION
10 6.16 SHORT-TERM MILITARY LEAVE WITH PAY, AND CHAPTER
11 EIGHT, SECTION 8.14 CITY VEHICLES.
12

13 WHEREAS, Pursuant to Regulation 1.6, Revisions and Amendments, the City Manager
14 may recommend revisions to the Personnel Regulations at any time with the revisions
15 effective upon the approval of the City Council; and
16

17 WHEREAS, The City Manager recommends amending Chapter Three, Section 3.11
18 Casual Appointments to insert the composite classification of “*Casual Jail Officers*” to allow
19 these employees to work more than 30 hours in one week but never more than 60 hours in a
20 two-week period without surpassing the part time hourly restriction; and
21

22 WHEREAS, The City Manager recommends amending Chapter Six, Section 6.16 Short-
23 Term Military Leave With Pay no longer requiring that military pay to be turned over to the
24 City in order to offset military leave payments; and
25

26 WHEREAS, The City Manager recommends amending Chapter Eight, Section 8.14 City
27 Vehicles restricting the use of City vehicles to Emergency Services Personnel, including Police
28 and Fire for conducting City business and for driving to and from work; employees that utilize
29 City-owned vehicles during their workday will only drive the vehicle while on official City
30 business.
31

32 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 23rd day of
33 November, 2015.
34

35 CITY OF HOMER
36
37

38 _____
39 MARY E. WYTHE, MAYOR
40
41
42

43 ATTEST:

44

45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49

50 Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Human Resources

491 East Pioneer Avenue
Homer, Alaska 99603

personnel@cityofhomer-ak.gov

(p) 907-235-8121 x2225

(f) 907-235-3148

Memorandum 15-188

TO: Mayor and City Council
THRU: Katie Koester, City Manager
FROM: Andrea Browning, HR Director
DATE: October 23, 2015
RE: Personnel Regulation Revisions

As you know the Personnel Regulations have not been updated since 2009.

The Regs are long overdue for some revision and clarification, and in the future the City will update the Personnel Regs annually – taking into account employee input and Dept. Head suggestions prior to making recommendations to City Council. A more comprehensive update will take place in 2016, and I will let Dept. Heads know prior to that time.

However, due to a recent PERS audit – there is a need to revise a few sections before the end of the year.

Chapter 3

Current Personnel Regs read:

3.11 Casual Appointments. Casual appointments are made when the need for an employee's services is on an intermittent as needed basis over a longer period of time. Employees who have been casually appointed are at will. These casual appointed employees shall not receive leave accrual, shift differential or other benefits.

Change: *Additional composite classification of "Casual Jail Officers" will be inserted. PERS advised the City that the part-time/casual jail officers currently employed do not fit clearly into the Temporary, Casual, or Part-Time classifications. The "Casual Jail Officer" will be a composite position that allows these employees to work more than 30 hours in one week but never more than 60 hours in a two-week period. This allows them to cover the standard Jail Officer shifts, without surpassing the part-time hourly restriction.*

Chapter 6

Current Personnel Regs read:

6.16 Short-Term Military Leave with Pay. A full-time employee who is a member of the National Guard or a reserve component of the armed forces of the United States, is entitled to a leave of absence with pay from their duties for a period not exceeding fifteen calendar days in any calendar year. **Pay received from the military during the leave should be paid to the City.** Military leave with pay may be granted only when an

employee receives bona fide orders to active or training duty for a temporary period and shall not be paid if the employee does not return to their position immediately following the expiration of the period for which they were ordered to duty. Employees on military leave will adjust their work schedule to five eight hour days, 40 hours per week at their hourly rate of pay, excluding shift differential.

Change: *The highlighted section will be removed, and the City will no longer require military pay to be turned over in order to offset military leave payments.*

Chapter 8

Current Personnel Regs read:

8.14 City Vehicles. On-call personnel, Department Directors and Police Officers may be issued the use of City vehicles for conducting City business and for driving to and from work. City vehicles should not be used for personal use. However, it is expected that employees may occasionally transport family members or stop at the store while they are traveling to and from work but this should be kept to a minimum and not become a daily occurrence. When issued a city vehicle the employee shall; use the seat belt device and require any passengers to do the same, monitor fuel, fluids and tire pressure, immediately notify the employee's supervisor of any malfunctions or accidents, keep the interior of the vehicle clean, operate the vehicle in accordance with application State and laws, refrain from smoking in City vehicles and immediately notify supervisor of any change in driver's license status, including suspension, revocation, or restriction.

Change:

PERS has brought to the City's attention that personal use of City vehicles is considered a benefit, and therefore must be included in the employees' gross wages reported on the W2 Form and this benefit is subject to income tax withholding, possibly SSA tax withholding and Medicare tax withholding. This benefit would also be considered remuneration for services to an employer and as such would be included in the gross wages reported to the Public Employment Retirement System under AS39.35.680(9) and AS39.35.990(7).

Amended 8.14 will read:

8.14 City Vehicles. Emergency Services Personnel, including Police and Fire, may be issued the use of City vehicles for conducting City business and for driving to and from work. Employees that utilize City-owned vehicles during their workday will only drive the vehicle while on official City business. City vehicles should not be used for personal use. When employees take their lunch hour or breaks, they will use their personally-owned vehicle. Emergency Services Personnel, including Police and Fire, are excluded from this provision. When issued a city vehicle the employee shall; use the seat belt device and require any passengers to do the same, monitor fuel, fluids and tire pressure, immediately notify the employee's supervisor of any malfunctions or accidents, keep the interior of the vehicle clean, operate the vehicle in accordance with application State and laws, refrain from smoking in City vehicles and immediately notify supervisor of any change in driver's license status, including suspension, revocation, or restriction.

CITY OF HOMER



PERSONNEL REGULATIONS

Revised: November 23, 2015
Resolution 15-

CITY OF HOMER

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CHAPTER ONE

GENERAL PROVISIONS

1.1 Authority. These Personnel Regulations are adopted pursuant to Section 1.38.010 of the Homer City Code and shall be effective upon adoption by the City Council via resolution and administered by the City Manager.

1.2 Purpose. It is the general purpose of these regulations to establish uniform policies and procedures to guide and improve the quality of personnel administration. These Personnel Regulations are subject to change.

1.3 Scope. These regulations shall apply to all non-elected employees of the City except where these regulations contradict specific provisions of a negotiated contract or with state, local or federal law.

1.4 Personnel Office. The personnel office shall be supervised by the City Manager or if appointed, a Personnel Director. Central files pertaining to personnel matters including benefits, forms and records shall be maintained in the personnel office. The City Manager may delegate to a Personnel Director any personnel functions required of the City Manager except those prescribed in Chapter Eleven (Communication, Grievances and Appeal Procedure) of these regulations.

1.5 Personnel Records. For each City employee, a single personnel file shall be maintained in the Personnel Office. The file may include such documents as the employee's application, reports of employment investigations, work performance, progress and disciplinary actions, records of personnel actions, job descriptions and specifications and current and past salary status changes. Personnel files are considered confidential and open only to the City Manager, Personnel Director, the hiring supervisor, the Department Director, and the employee. Records in the personnel file are subject to disclosure to others only pursuant to federal or state law or city code or ordinance. Nothing contained in this section shall prohibit access to and use of the personnel file in any grievance, arbitration or lawsuit involving the employee and the City relating to City employment. Employees may receive copies of all materials to be placed in their personnel file when they are received by the Personnel Director or from payroll when a salary change is made. Employees are encouraged to review their entire personnel file periodically by contacting the Personnel Director. Medical information concerning employees will be maintained in a separate employee medical file.

1.5.1 Department Personnel File. A Department Director may establish and maintain a management file, for individual employees for use in providing direction and supervision to the employee. The file shall be open to the employee at all times for their review. The file may contain such things as copies of time cards, leave requests, training and certification records and memos between the employee and Supervisor/Department Director.

1.5.2 Personnel Records Retention. Personnel files will be maintained for ten years following employee termination. After ten years, terminated employees' names, social security numbers, dates of employment, rates of pay and title as well as any leave without pay time will be listed in an employee data base and the contents of the file destroyed.

1.6 Revision and Amendments. The City Manager may recommend revisions to these regulations at any time. Revisions shall become effective upon their approval by the City Council.

1.7 Variances. Except where prohibited by state, local or federal law the City Manager shall have the power to vary or modify the strict application of these regulations in any specific case when such application would result in undue hardship to the employee(s). Whenever the City Manager shall authorize such a variance, record of such variance and the reasons for it shall be made in writing and retained in an appropriate file.

CHAPTER TWO

ORGANIZATION AND DELEGATION OF AUTHORITY

2.1 Purpose. Proper organization and delegation of authority are essential to effective City government administration and management. The responsibilities and authorities described in this chapter are intended to establish a clear understanding of the role each segment of City government must play in order to create and administer a sound personnel management program.

2.2 Department, Department Director, Divisions and Units.

2.2.1 Department: A principal subdivision of the City government established by Chapter 1.40 of the City Code. These departments currently include: (1) Administration; (2) Finance; (3) Public Safety (Police and Fire); (4) Port and Harbor; (5) Public Works. Each department is headed by a Department Director or the City Manager.

2.2.2 Department Director: The chief administrative, executive officer or employee in each department of the City or the person appointed by the Department Director to act as the Director's designee or representative.

2.2.3 Division: A subdivision of a department whose chief supervisor has a direct reporting relationship to a Department Director. Divisions are found in the Police, Fire, Port, Public Works, Administration and Finance Departments. Divisions include, but are not limited to, the fish dock and harbormaster divisions of the Port and Harbor Department; operation & maintenance, and water & sewer treatment divisions of Public Works Department. Divisions may also be established by the City Manager, when, due to insufficient employees or other reasons department status is unwarranted but division status is warranted due to the responsibilities assigned. The supervisors of such administrative divisions may report directly to the City Manager. Such divisions include, but are not limited to, the Library, Planning and Zoning, City Clerk's, Personnel and Community Schools.

2.2.4 Units: A subdivision of a department division. The supervisor of a unit may report directly to the division supervisor. Current units include, but are not limited to, patrol, dispatch services, and investigations unit of the Police Department, motor pool, parks, building maintenance, streets and maintenance unit of the Public Works Department and maintenance and administrative units of the Port and Harbor Department.

2.3 Management Responsibility and Authority

2.3.1 City Council. The City Council shall have responsibility and authority to among other things:

2.3.1.1 Approve the City's budget including requests for personnel management funds.

2.3.1.2 Approve Personnel Regulations developed by the City Manager.

2.3.1.3 Appoint the City Manager and other officers as specified in the Homer Municipal Code.

2.3.2 City Manager. The City Manager shall have responsibility and authority to among other things:

2.3.2.1 Administer the Personnel Regulations adopted by the City Council.

2.3.2.2 Develop and implement use of such forms, reports and procedures as may be necessary to carry out the City's personnel program.

2.3.2.3 Appoint Directors of Departments.

2.3.3 Department Directors. Department Directors shall have the responsibility and authority to among other things:

2.3.3.1 Enforce personnel policies and administer the merit system of their department.

2.3.3.2 Keep employees in their department informed of current personnel policies and procedures.

2.3.3.3 Participate in the grievance procedures as specified in Chapter Eleven.

2.3.3.4 Appoint and dismiss all employees under the Department Directors jurisdiction as delegated by the City Manager, subject to the provisions of these Personnel Regulations.

2.3.3.5 Inform the City Manager of any problems, complaints, or other irregularities which are felt to be a detriment to the efficient management of the City.

2.3.3.6 Inform the City Manager when any situation arises which is not

covered by the Personnel Regulations or other policies or procedures of the City.

2.3.3.7 Recognize that the City is a service organization and exists due to a public need. As such, providing service to the general public is the foremost concern for each department director.

2.3.3.8 Responsible for creating an atmosphere free of discrimination and harassment within their department.

2.3.4 Supervisory Personnel. Supervisory personnel shall have responsibility and authority to among other things:

2.3.4.1 Enforce personnel policies, rules and regulations in the units under their supervision.

2.3.4.2 Take corrective action concerning employees under their supervision and make recommendations as to hiring, firing, other disciplinary actions, transfers, promotions, and personnel evaluations subject to review and approval of Department Director.

2.3.4.3 Evaluate employee performance.

2.3.4.4 Participate in the grievance procedures as specified in these regulations.

2.3.4.5 Inform their Department Director when any situation arises which is not covered by the Personnel Regulations or other policies or procedures of the City.

2.3.4.6 Recognize that the City is a service organization and exists due to a public need. As such, providing service to the general public is the foremost concern for each supervisor.

2.4 Employee Responsibility. All employees of the City must:

2.4.1 Read and abide by the Personnel Regulations and other relevant City policies and regulations and ask supervisors to explain the regulations if questions arise.

2.4.2 Understand the function of the department to which they are assigned and how that function relates to the total mission of the City and all of its departments.

2.4.3 Discuss with the immediate supervisor any questions relating to the interpretation or application of these rules, either informally or formally through the grievance

procedure.

2.4.4 Be prompt, courteous, efficient and diligent in carrying out assigned duties and responsibilities within the bounds of established rules, regulations, procedures and ordinances.

2.4.5 Be familiar with their job description and perform the job to the best of their ability.

2.4.6 Recognize that the City is a service organization and exists due to a public need. As such, providing service to the general public is the foremost concern for each employee.

2.4.7 Carry out, to the best of their ability, policies adopted by the Homer City Council in a competent and fair manner, irrespective of personal feelings or disagreements.

2.4.8 Inform their supervisors of any problems, complaints, or other irregularities which they feel are a detriment to the efficient management of their department.

2.4.9 Be good citizens, do their job ethically, conscientiously, fairly and honestly, be amenable to supervision, respect the rights of all individuals and cooperate with co-workers and associates.

2.4.10 Inform their supervisors when any situation arises which is not covered by the Personnel Regulations or other policies or procedures of the City.

CHAPTER THREE

RECRUITMENT, APPLICATION, SELECTION, APPOINTMENTS

3.1 Job Announcements and Publicity. The Personnel Director shall post public notice of all vacancies for full and part-time positions online and on bulletin boards within City departments and shall post the notice twice in a newspaper of general circulation in the community. The notice requirement may be waived if the same or a similar position was vacant no more than one year prior to the current vacancy. Announcements for temporary or casual positions may be publicized in whatever manner deemed appropriate by the Personnel Director. Job announcements shall state position title, description of position, list of skills, knowledge and ability required for position, application deadline, place to file application, salary range, whether the position is exempt from overtime pay and the city's status as an equal opportunity employer. The notice shall also identify any testing required for the posted position. Application deadlines will close five working days after the second advertisement date in a newspaper of general circulation in the community. In the interest of personnel management the City Manager has the right to transfer employees to departments with open positions without advertising the position.

3.2 Application for Employment. The Personnel Office will only accept applications for open positions where recruitment is ongoing to fill the position. The City of Homer does not accept unsolicited applications and/or resumes. The application form by which a person applies for a position with the City shall be provided by and filed with the Personnel Office.

3.3 Child Labor. The minimum age and permitted hours for City employment shall be in accordance with federal and state law. Persons under eighteen years old may not be employed in hazardous positions.

3.4 Selection Devices. Various selection devices may be used to obtain qualified candidates for a position, including, but not limited to work samples, performance tests, written tests, oral board reviews, background and reference inquiries, and evaluation of training and experience. Prior to offering employment supervisors are required to obtain references and complete background checks as necessary for the position. All references and background information should be attached to the employee's application and submitted to the Personnel Office.

3.5 Position Appointments. Appointments are made by the Department Director in consultation with the immediate supervisor and subject to final approval by the City Manager.

3.6 Intradepartmental Promotions. Employees may be promoted within their respective department upon recommendation of the Department Director provided the employee possesses the qualifications of the position to which they are being promoted. The external advertising requirements of Section 3.1 may be waived for any open position which is filled by an intradepartmental promotion. The promotional probationary period may be waived on full-time employees and all benefits will continue to accrue at previous rates. Generally, the employee will begin at a minimum of Step B, defined in Chapter 5 of these Regulations, of the new pay range,

but may be compensated at a higher level depending on experience and training. In no case shall an employee be paid less than the amount equivalent to one step above their previous salary step.

3.7 Intradepartmental Transfers. Employees may be transferred within their respective departments upon recommendation of the Department Director provided the employee possesses the qualifications of the position to which they are being transferred. The transfer probationary period may be waived at the discretion of the Department Director and all benefits will continue to accrue.

3.8 Interdepartmental Transfers or Promotions. Employees may be transferred or promoted to a different department within the City by applying for consideration when a position is announced. The transfer shall be considered a new appointment within the pay range assigned to the position and probationary period may be waived at the discretion of the Department Director. No loss of employee benefits based on longevity will occur.

3.9 Emergency Appointments. In an emergency that threatens life or property, the Department Director with City Manager approval may, without complying with the provisions of the Personnel Regulations concerning appointments, employ, for not more than thirty (30) calendar days, such persons as are necessary to meet the emergency.

3.10 Temporary Appointments. In cases of special projects, seasonal activities or other situations necessitating employment for six months or less, the Department Director with Personnel Director approval may make a temporary appointment. Upon Personnel Director approval temporary appointed employees returning to employment after two consecutive seasons with at least 1040 hours in the same or like position with the City may be given a step increase within the particular pay range established for the position. Temporary appointed employees shall not receive leave accrual, shift differential or other benefits. No temporary appointed employee shall remain on temporary status for a period of longer than six consecutive months without approval of the City Manager. Temporary appointed employees are at will employees.

3.11 Casual Appointments. Casual appointments are made when the need for an employee's services is on an intermittent as needed basis over a longer period of time. Employees who have been casually appointed are at will. These casual appointed employees shall not receive leave accrual, shift differential or other benefits.

3.12 Casual Jail Officer Appointments. Casual Jail Officer appointments are made when the need for an employee's services is on a regular basis, but hours are not on a regular and continuing schedule of 20, 24 or 28 hours per work week. A Casual Jail Officer can work more than 30 hours in one week to cover the standard jail schedule shifts, but will not work more than 60 hours in any two-week period.

3.13 Part-Time Appointments. Part-time appointed employees are hired to work on a regular and continuing schedule of 20, 24 or 28 hours per work week. When a part-time employee is

made a full-time employee without a break in service, credit shall be given for the service when computing duration of probation only. For purposes of calculating benefits, the part-time appointed employee's date of hire date will be the day the employee accepted a full-time position.

3.14 Employment of Relatives.

3.14.1 For purposes of this chapter, "family member" means the spouse of the employee; a life partner or person cohabitating with the employee; a child, including a stepchild and/or an adopted child of the employee; a parent, step-parent, sibling, or grandparent of the employee or a parent or sibling of the employees' spouse.

3.14.2 The City will not hire or promote a full or part-time employee into a position where the employee will report to, be supervised by, audited by, or work in the same department with a family member.

3.14.3 If two employees working in the same department or in a supervisory/subordinate capacity become family members the City may permit one of the employees to transfer to another department where neither employee supervises, reports to or audits the other employee and the employees do not report directly to the same supervisor if a position is available. If a transfer cannot be accomplished the City must terminate the employment of one of the employees. The City Manager shall determine which employee to terminate based upon the needs of the City.

3.14.4 Temporary employees may be employed within the same department as a family member so long as neither employee reports to, is supervised or audited by the other and the employees do not report directly to the same supervisor.

CHAPTER FOUR

POSITION CLASSIFICATION

4.1 Definition. All full and part-time positions in the City are evaluated based on the nature of the position, assigned a total points value based on the evaluation, and assigned a salary range based on the points value. This valuation system is the City's Position Classification System. The purpose of classifying positions is to provide an effective tool for personnel management such as:

- 4.1.1** Staffing levels and budgeting
- 4.1.2** Establishing fair and equitable pay
- 4.1.3** Establishing job performance standards

4.2 Position Classification System.

4.2.1 Internal Parity. In order to assure internal parity within the Position Classification System, the following procedure may be completed at a minimum of once a year for each full-time position or every 2080 hours for each part-time position:

4.2.1.1 The employee and their immediate supervisor compare the employee's job description with the actual duties performed by the employee. Differences between assigned duties and description shall be reported to the Department Director.

4.2.1.2 The Department Director evaluates reports and either changes employee assigned duties to conform to the job as described or amends the job description to reflect employee's assigned duties. All amended job descriptions shall be reviewed by the Personnel Director. If the job description has significant changes, the Personnel Director and two Department Directors will review the position and reclassify it, if necessary.

4.2.1.3 An amended job description must be reviewed and approved by the City Manager who may require such backup materials as needed to justify the change.

4.2.2 External Parity. It is the policy of the City to pay salaries and wages competitive with salaries and wages for comparable work and responsibilities in and outside municipal government. External wage parity will only be used as an overall guide for pay purposes and will not be the basis for determining individual salaries or cost of living increases on a yearly basis. The Personnel Director shall review the Position Classification System no less than every five years. A report of findings shall be submitted to the City Manager for review. The City Manager shall provide a report and recommendations to the City Council.

4.3 Job Description/Specifications. Common qualifications such as the responsibilities listed in Section 2.4 of these Regulations shall be required for each position even though such traits may not be specifically mentioned in the specifications. The listing of major job functions or activities will not be considered all inclusive. Employees may be assigned specific duties in addition to or in place of those duties listed on their job description. Each position shall have a job description/specification which includes:

- 4.3.1 An appropriate title
- 4.3.2 A general statement of functions
- 4.3.3 A listing of major job functions/activities
- 4.3.4 Required skills, knowledge, and abilities
- 4.3.5 A statement as to whether the position has supervisory authority
- 4.3.6 External visibility/contact
- 4.3.7 Working conditions
- 4.3.8 A statement as to whether the position is exempt from the payment of overtime pay
- 4.3.9 A statement as to whether the position is full-time. Full-time positions are hired to work a predetermined schedule of 40 hours or more per workweek
- 4.3.10 A statement as to whether the position is part-time. Part-time positions are hired to work a predetermined schedule of 20, 24 or 28 hours per workweek.

4.4 New Positions. Requests for new positions are directed to the City Manager during the budget process with accompanying verification of need, recommended job description and specifications. The City Manager may authorize the filling of a new position subject to budgetary appropriations by the City Council.

4.5 Position Reclassification - Upgrade. A position may be reclassified when additional duties and responsibilities have been assumed by the incumbent or additional duties and responsibilities are assigned to the position. Position reclassification requests are directed to the Personnel Director for review and refactoring. If the additional duties and responsibilities are substantially different from those currently performed, the Department Director may authorize advertising the position. Any reclassification is dependent upon sufficient department budget for approval. In no case shall an employee be paid less than the amount equivalent to one step above their previous salary step.

4.6 Position Reclassification - Downgrade. A position may be reclassified to a lower range if the responsibilities of the job are determined to be less than originally indicated, or if certain responsibilities are removed from the job. The Department Director may fill the reclassified position in a manner deemed appropriate. If an incumbent employee fills the job which has been downgraded they shall not be paid less than their present salary, but their salary will not be increased until the salary at the new level has met or exceeded their present salary. Downgrade reclassification shall not be considered a demotion.

4.7 Position Change. A position may be changed when, in the opinion of the Department Director, the responsibilities of a position change sufficiently to require a new job title, job description, or specifications. The Department Director may fill the new position in a manner deemed appropriate to the situation. If an incumbent in the old position is qualified and capable of performing the new job, the Department Director may allow the incumbent to remain in the changed position. Incumbents in the new position will not lose any benefits accrued but will be paid within the salary range of the new position.

4.8 Reassignment Pay. Pay for an employee who has been reclassified, transferred, promoted or in any other way had their position changed, shall be determined at the time of such reassignment with due consideration being given to the past service of the employee and the needs of the City.

CHAPTER FIVE

SALARY ADMINISTRATION

5.1 Schedule Revisions. Revisions and amendments to the salary schedule are recommended to the City Council by the City Manager and shall become effective by adoption of the budget by Council. The City Manager may:

5.1.1 Compare salary rates, compensation policies and personnel development of the City's positions and those of like positions of employers in the community and other municipal governments as per Section 4.2.2.

5.1.2 As budget allows, at least once a year determine the increase or decrease in the Anchorage Consumer Price Index and base a cost of living adjustment on some percentage of the officially published increase or decrease in that index, exclusive of the medical portion.

5.1.3 Examine the salary schedule, including the salary ranges and salary steps within a range to ascertain if adjustments should be made.

5.1.4 Based upon the above, submit to the City Council recommendations for amendment of the salary schedule.

5.2 Appointee Pay. New employees shall receive the salary assigned a Step A in the range assigned to the position when the new employee possesses the minimum required skills, knowledge and abilities. When in the opinion of the Department Director, the new employee possesses more than the minimum skills, knowledge and abilities required for the position, the employee may be assigned to a pay step above Step A in the range assigned to that position. The starting pay step for any new employee shall not affect the length of the employee's initial probation period.

5.3 Pay Increases. Employees may receive pay increases based on merit. Such merit increases shall be recommended and approved by the Department Director and City Manager based on a written performance evaluation. Pay increases will be made at the beginning of the pay period. An employee is not eligible for a pay increase as the result of any interim evaluation during the probationary period. Evaluations are regularly performed once a year, at the end of the initial, transfer or promotional probationary period, or when deemed appropriate by the Department Director. Usual compensation advancement will apply as follows, assuming continuous service and satisfactory performance:

5.3.1 Step A - Entry level; Employees remain at a Step A or their initial starting Step salary for their probationary period except as otherwise provided in this section.

5.3.2 Step B – Employees advance to a Step B or receive a one step increase based upon

satisfactory completion of their probationary period except as otherwise provided in this section. Employees shall remain at this level one year. Police service employees are placed on a one year probationary period and are eligible for a step increase after the satisfactory completion of the employee's six and twelve month probationary period.

5.3.3 Steps C through O - Further advancement is generally dependent upon continued satisfactory performance for at least one year from the anniversary date in the position at each salary step. An employee may be advanced an additional salary step if the Department Director and City Manager determine the employee's performance has been vastly superior and has exceeded the requirements for the position.

5.4 Anniversary Date. An employee's Anniversary Date is one year following satisfactory completion of the initial, promotional or transfer probationary period for the position currently assigned. A police service employee's Anniversary Date is one year following the satisfactory completion of the employee's six month probationary period.

5.5 Pay Day. Generally, employees shall be paid for a fourteen day work period every other Friday on the Friday following the end of the pay period. Pay checks will be available after 8:00 a.m. in the Finance Office. If the payday falls on a holiday, pay checks will be available in the Finance Office the day preceding the holiday.

5.5.1 Emergency Pay Check. Pay check dispersal by other than the above listed procedure may be permitted for hardship or emergency reasons if approved by the Department Director and the Finance Director.

5.5.2 Final Pay Check. Upon voluntary resignation, the final pay check will be available within three working days following the effective date of resignation. Final pay checks will be available within one working day when employment is involuntarily terminated. Check availability is dependent on prompt submission of time sheets to payroll.

5.5.3 Calendar Year. For payroll and benefit accrual purposes, the calendar year begins the first day of the pay period resulting in the first January dated paycheck and ends the last day of the pay period resulting in the last December-dated paycheck. Calendar year wages for the purposes of PERS reporting is based solely on the pay period ending date in accordance with Alaska Statute 39.35.

5.6 Time sheets. Time sheets are required from all employees. If timesheets are not received in a timely manner prior to the processing of payroll, the employee will be paid at their hourly rate of pay for estimated hours worked in the pay period. Adjustments, if any, will be made on the next pay period. Accuracy on time sheets is the responsibility of each employee and their supervisor. Timesheets are reviewed by payroll and in the event of an error a notation will be made on the timesheet and the employee/and or supervisor will be notified of the change and a copy of the corrected time sheet sent to the employee.

5.7 Workday and Workweek.

5.7.1 Workday. The standard workday commences at 12:00 a.m. and ends at 11:59.59 p.m. on the same day. The Department Director may establish a different work day for any or all employees in the department. An employee's workday schedule is defined at date of hire and may be changed at any time as a result of department need. The general workday schedules are as follows:

5.7.1.1 Standard Workday. The standard work day consists of eight or ten hours per day depending upon department needs.

5.7.1.2 Jail Officer Workday. The Jail Officers work day consists of eight or twelve hours per day depending upon department needs.

5.7.1.3 Emergency Services Workday. The Emergency Services personnel work day consists of 24 1/4 hours per day. Workday begins at 8:00 a.m. and ends at 8:15 a.m. the following day. Work days are 24 ¼ hours with 16 ¼ hours of work time and eight hours of unpaid sleep time. Sleep time is scheduled from 11:00 p.m. until 7:00 a.m. the following day. If an employee does not receive at least five continuous hours of uninterrupted sleep time within a workday all sleep time hours during the shift will be compensated.

5.7.2 Workweek. A workweek consists of seven consecutive 24 hour periods or a fixed and regularly reoccurring period of 168 hours beginning at 12:00 a.m. on Monday and ending at 11:59:59 pm. the following Sunday for all City employees, except authorized Fire and Jail personnel. Authorized Fire and Jail personnel workweek shall consist of two consecutive workweeks. The employee's workweek schedule is defined at date of hire and may be changed at any time as a result of department need. The general workweek schedules for employees are as follows:

5.7.2.1 Standard Workweek. Eight hours per day five days week, or ten hours per day four days per week, 2080 hours per year

5.7.2.2 Jail Officers. Fourteen day work period pursuant to section 207(k) of the Fair Labor Standards Act and 29 CFR Part 553. Schedule of seven days on with one eight hour day followed by six twelve hours days followed by seven days off.

5.7.2.3 Emergency Services. Fourteen day work period pursuant to section 207(k) of the Fair Labor Standards Act and 29 CFR Part 553. Schedule of 81 ¼ hours within a fourteen day work period with five days on and nine days off, 2,112 ½ hours annually.

5.8 Shift Pay. Additional pay is provided to employees that are assigned to work in a swing or graveyard shift. An employee must work at least half of their scheduled work day in a swing or graveyard shift to be entitled to shift pay. Any continuous shift with at least half of the hours in a higher shift rate shall have the entire shift paid at the appropriate higher shift rate. Shift differential shall be calculated as part of an employee's hourly rate of pay for overtime compensation purposes. All shifts should be scheduled so that each employee works 80 hours within each pay period. Shift differential shall not be paid for any non "working" hours. Fire Department Emergency Services personnel on a fourteen day work schedule will not receive shift differential.

5.8.1 Swing Shift. Employees assigned to work between the hours of 4:00 p.m. and midnight will receive two percent additional pay to their hourly rate of pay for hours worked during a swing shift.

5.8.2 Graveyard Shift. Employees assigned to work between the hours of midnight and 8:00 a.m. will receive four percent additional pay to their hourly rate of pay for hours worked during a graveyard shift.

5.9 Overtime Policies. Overtime is paid for hours an employee works over a scheduled workday or a 40 hour workweek with the exception of Jail Officers and Emergency Services personnel. Work hours are hours an employee actually works and also include compensatory hours. Hours that are not worked such as holiday pay or any type of leave hours are not counted as hours worked for overtime calculation purposes. If an employee is scheduled to work on a recognized holiday only the actual hours worked will be counted for the purposes of overtime calculation. The eight hours holiday pay received while working on the holiday will not be included in the overtime calculation. Overtime is approved through the budget process and reported through monthly reports to the City Manager from the Finance Department. Department Directors must inform the City Manager in advance of any projects requiring large amounts of overtime.

5.9.1 Jail Officers. Receive overtime for hours in excess of their scheduled work day or 80 hours in a fourteen day work period.

5.9.2 Emergency Services. Receive overtime for work in excess of 106 hours in a fourteen day work period. Employees may substitute for one another where the substitution is voluntary by both employees and approved by the supervisor. The hours worked by the substituting employee shall be excluded from any overtime calculation in accordance with 29 U.S.C. 207 (p) (3). The supervisor may suggest that an employee substitute for another, but the employee is free to refuse.

5.9.3 Exempt Employees. Exempt employees are not eligible to receive overtime pay unless overtime hours worked are to fill in for an absent non-exempt subordinate and approved in advance by the Department Director or City Manager. Employees should check their job description to determine whether their positions are considered exempt from overtime payment.

5.10 Overtime Pay. Overtime will be paid at 1 ½ times the nonexempt employee's hourly rate of pay. Overtime shall be kept at the minimum amount needed to maintain essential City services.

5.10.1 Regular Overtime. Overtime that occurs between the hours of 8:00 a.m. to 5:00 p.m. any day of the week or is a continuous part of the work day up to two hours. If more than two hours is worked after the end of the work day all overtime worked should be paid at the swing shift (OT2) overtime rate in Subsection 5.10.2 of these Regulations.

5.10.2 Swing Shift Overtime (OT2). Overtime worked during a swing shift 4:00 p.m. to midnight.

5.10.3 Graveyard Shift Overtime (OT3). Overtime worked during a graveyard shift midnight to 8:00 a.m.

5.10.4 Holiday Double Overtime. All unscheduled work performed on a holiday will be compensated at double the hourly rate of pay, including the appropriate shift pay. Unscheduled work is defined as any work that is not scheduled in advance. Employees should note on their timesheet if work is unscheduled. On-call personnel called in for unscheduled work on a holiday will be compensated at double the hourly rate of pay, including the appropriate shift pay.

5.11 Compensatory Time. Compensatory time may be given in lieu of overtime pay for non-exempt employees if an agreement or understanding has been arrived at with the employee prior to the performance of work. Each one hour of overtime is converted to 1½ hours of compensatory time and when used is paid at the employees hourly rate of pay excluding shift differential. Employees can accrue up to a maximum of 40 hours at any one time but cannot accrue more than 80 hours total per calendar year. An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours worked.

An employee shall be permitted to use accrued compensatory time within a reasonable period after it is requested as long as doing so will not unduly disrupt the employee's department. Requests for compensatory time off of more than one day require written advance approval from the employee's supervisor. Department Directors shall approve or deny requests within two working days. An employee who has accrued compensatory time off shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than the average rate received by the employee during the last three years of employee's employment, or the final rate received by the employee, whichever is higher.

5.11.1 Emergency Services Personnel. Compensatory time may also be given in lieu of the hourly rate of pay for Emergency Services Personnel at the rate of one hour for each hour worked on the 207(k) schedule for hours worked up to 106 within a fourteen day work

period. Hours worked over 106 in a fourteen day work period will be at the rate of 1½ for each hour worked if an agreement or understanding has been arrived at with the employee prior to performance of work.

5.12 Work Call Back. Employees that have used leave or have not worked due to a holiday during their scheduled workday or workweek that are called in for unscheduled work will be paid overtime for the call back hours regardless of the amount of hours they have worked during the workday or workweek. Employees should note call back (CB) on their timesheet to be paid overtime. This regulation does not apply to employees that are scheduled to be On-Call as defined in section 5.14 of these Regulations or Fire Department Emergency Services personnel.

5.13 Two Hour Minimum Call Out. Employees called back for unscheduled work shall be paid a minimum of two hours overtime pay. This does not apply to overtime hours worked immediately prior to, or after, normal working hours or for employees scheduled to attend evening or weekend meetings.

5.14 On-Call Pay. All full-time employees that are required to be on call shall be compensated at the rate of \$3.00 per hour for all on-call hours outside of work hours. On-call compensation received shall be calculated as part of the employee's hourly rate of pay for overtime compensation purposes. On-call employees that are called back for unscheduled work after completing their work day shall be paid a minimum of two hours pay at their hourly overtime rate. On-call employees scheduled to work weekend hours outside their normal work week will be paid overtime regardless of the number of hours worked during the workweek. On-call employees should not be on leave or take leave during scheduled on-call periods and should not consume alcohol or drugs while on-call. The on-call duty definition does not pertain to Fire Department personnel when they are not required to be accessible for work assignment.

5.15 Temporary Assignment Pay. Employees temporarily assigned to a position with a higher pay range and where the employee will be assuming all of the job duties for that position, for a period of five consecutive days or more, shall be paid at the first step of the higher pay range or they shall be granted a two step pay increase, whichever is higher for the full period worked in the temporary assignment. It is the responsibility of the Department Director to notify the Personnel Director of the assignment dates. An employee who is assigned to a position with a lower pay range for any period shall not receive a reduction in pay unless the assignment is due to a demotion or in lieu of lay off. Non-exempt employees temporarily assigned to an exempt position shall be eligible for overtime compensation for overtime hours associated with their non-exempt duties.

5.16 Training and Travel Time. The Department Director may, as opportunities and budget allow, approve training programs for employees. Programs may include lecture courses, demonstrations, seminars, workshops and courses sponsored in the employee's field by outside organizations, and whatever is conducive to improved effectiveness and broader knowledge on the part of the employees of the City.

While attending training, work schedules shall be from 8:00 a.m. to 5:00 p.m. Monday through Friday. Exceptions may be made due to different types of training. Department Director's and supervisors should adjust employee work schedules to accommodate training and to reduce the amount of overtime, if any, required for travel and training. Training and travel hours should be noted on the timesheet. Public Safety and other employees attending extended training or the police academy may have their hourly rate adjusted to accommodate longer training hours but in no case shall wages be less than the employee's weekly wage. Employees traveling out of town for training courses shall be paid at least eight hours per day for training time unless they will be traveling on a training day. If traveling on training day actual training hours and travel time should be designated on the timesheet.

5.16.1 Same Day Training. Full and part-time employees required to attend training programs during normal working hours shall be paid their hourly rate of pay for all hours of actual training plus travel expenses based on the City of Homer Procurement Policy and Procedures Manual. Shift differential will not be paid for training wages or travel time. An employee sent out of town for one day is not paid for time spent traveling from employee's residence (home, hotel, etc) to the airport or vice versa. The employee must be paid for all other travel time (except meal breaks ½ hour or longer). Travel and training over eight hours will be paid at the overtime rate. Travel time will be paid according to the following;

1. Compensable time:
 - a. Time spent traveling, as a driver or passenger.
 - b. Flight delay
 - c. If an employee is unable to return on the same day due to circumstances beyond their control (i.e. weather, mechanical problems, etc.) the overnight section is applied.

5.16.2 Multiple Day/Overnight Training. Full and part-time employees required to attend training more than one day or to stay overnight for training shall be paid their hourly rate of pay for all hours of actual training plus travel expenses based on the City of Homer Procurement Policy and Procedures Manual. Shift differential will not be paid for training wages or travel time. When an employee travels overnight on business they must be paid for time spent traveling (except meal breaks ½ hour or longer) during their normal working hours on their non-work days as well as work days. An employee traveling overnight is not paid for time spent traveling from the employee's residence (home, hotel, etc) to the airport or vice versa. Travel time will be paid according to the following:

1. Compensable time:
 - a. Time spent traveling as a passenger, during work hours on any day.
 - b. Time spent picking up or arranging for the shipment or transportation of city equipment.
 - c. Time spent traveling as a driver.
 - d. Flight delay which requires remaining at the airport.
 - e. Time spent traveling overnight **before or after** working hours will

be compensable at employee's hourly rate of pay regardless of how many hours are traveled in a day. (Overnight travel time outside an employees work schedule is not considered work time according to the Fair Labor Standards Act but City policy will pay travel time outside of normal working hours at employee's hourly rate of pay.) Travel time hours must be documented and will not be counted as hours worked towards overtime calculations.

5.16.3 Upon approval of the Department Director, full and part-time employees attending off-duty job-related or technical school courses may be reimbursed for the cost of the course. The city will reimburse the cost of the classes 50% up to \$1,500 maximum annually. Reimbursement will be contingent upon completion and passing of the course, and availability of budget funds. Reimbursements over \$1,500 annually may be considered for special circumstances subject to City Manager approval. Off-duty non-job related courses will not be reimbursed.

CHAPTER SIX

EMPLOYEE BENEFITS

6.1 Recognized Holidays. All full-time employees will receive eight hours of holiday pay for each recognized holiday whether worked or not. The holiday pay will be based on the employee's hourly rate of pay, excluding shift differential. Full-time employees that work on a recognized holiday will be paid overtime for all hours worked in addition to receiving eight hours of holiday pay. The eight hours holiday pay is not considered work time and will not be counted as hours worked for the purposes of overtime calculation.

If the holiday falls on a Sunday, the following Monday shall be the recognized holiday. If the holiday falls on a Saturday, the preceding Friday shall be the recognized holiday. Employees whose work day is more than eight hours and who do not work the recognized holiday can be paid less than their scheduled work day or use leave or compensatory time to accumulate the additional hours to meet their work day. Recognized paid holidays are designated below:

1. New Year's Day, January 1;
2. Washington's Birthday, 3rd Monday in February;
3. Seward's Day, last Monday in March;
4. Memorial Day, last Monday in May;
5. Independence Day, July 4;
6. Labor Day, 1st Monday in September;
7. Alaska Day, October 18;
8. Veterans' Day, November 11;
9. Thanksgiving, 4th Thursday in November;
10. Friday after Thanksgiving; and
11. Christmas, December 25.

6.1.1 Part-Time Employees. After completing five full years of service part-time employees will receive holiday pay pro-rated on their scheduled workweek. Part-time employees that work on a recognized holiday will be paid overtime for all hours worked in addition to receiving prorated holiday pay. Holiday pay is not considered work time and will not be counted as hours worked for the purposes of overtime calculation.

Part-time employees who normally work more hours per day than they receive in holiday pay can be paid less than their scheduled workweek hours or use leave or compensatory time if available to accumulate their scheduled workweek hours.

6.1.1.1 Employees working 20 hours per week, four holiday hours

6.1.1.2 Employees working 24 hours per week, five holiday hours

6.1.1.3 Employees working 28 hours per week, six holiday hours

6.2 Leave With Pay. All full-time employees shall be entitled to leave based upon years of continuous service. After five years of service part-time employees are entitled to pro-rated leave based on their scheduled workweek hours. Advance approval by the Department Director must be obtained in writing before taking leave. Department Directors shall approve or deny leave requests within two working days when less than one week is requested, and within five working days when more than one week is requested. All accrued leave must be used prior to requesting leave without pay. Department Directors may limit the number of department employees taking leave at any one time. Employees that exhaust their leave bank will be allowed an advance of one pay period of their current leave accrual rate. Leave with pay may be used for any purpose the employee desires and is also used for an employee absence from work due to medical reasons after sick leave has been exhausted. Employees are required to use their leave time if they do not work their scheduled hours except during a holiday week (refer to section 6.1). Full-Time employees accrue leave beginning on the date of hire and may begin to use accrued leave at the completion of two full pay periods. If personal circumstances require an employee be absent during the initial two pay periods, leave without pay shall be taken. Employees who do not work a full pay period accrue leave in proportion to the number of hours worked during the partial pay period, excluding any overtime or extra holiday pay.

Full-Time employees will accrue leave at the following rates:

1 st Year	5.54 hrs per payperiod	144.04 hours annually	18 days annually
2 nd Year	6.46 hrs per payperiod	167.96 hours annually	21 days annually
3 rd to 5 th Year	7.38 hrs per payperiod	191.88 hours annually	24 days annually
6 th to 9 th Year	8.31 hrs per payperiod	216.06 hours annually	27 days annually
10 th to 14 th Year	9.23 hrs per payperiod	239.98 hours annually	30 days annually
15 th Year and Over	10.77 hrs per payperiod	280.02 hours annually	35 days annually

After completing five years of service part-time employees will accrue leave at the following rates:

	20 hours per week	24 hours per week	28 hours per week
5 th to 9 th Year	2.77 hrs per payperiod	3.32 hrs per payperiod	3.87 hrs per payperiod
10 th to 14 th Year	3.69 hrs per payperiod	4.42 hrs per payperiod	5.16 hrs per payperiod
15 th Year and Over	4.61 hrs per payperiod	5.53 hrs per payperiod	6.46 hrs per payperiod

6.3 Leave Donation. Leave hours may be donated to another employee for medical or financial reasons. When leave is donated it shall be computed at the current rate of pay of the donating employee and converted into equivalent hours for the receiving employee.

6.4 Leave Cap. Leave with pay may be accrued and carried over from year to year up to a maximum of 720 hours. All hours of leave in excess of 720 hours accrued as of the last pay period of any calendar year, unless committed for use before the following January 31, shall be paid in cash to the employee annually in January.

6.5 Annual Mandatory Leave Requirement. At least 40 hours of leave must be taken annually following completion of one year of full-time continuous service. This regulation does not apply to part-time employees. No more than 35 days of leave, excluding compensatory and sick leave, may be taken annually without prior approval of the City Manager.

6.6 Annual Leave Cash Out. Full and part-time employees may in a calendar year convert up to 80 hours accrued leave or compensatory time to cash. The employee should submit a leave cash out form through the Department Director to the Personnel Director and Finance Director. In addition to this provision if budget allows employees may request additional leave cash out for emergency situations by sending a written request to the City Manager through the Department Director and Personnel Director. Emergency is defined for purposes of this subsection to mean a critical situation over which the employee has no control.

6.7 Final Leave Cash Out. Upon retirement or termination of employment with the City, employees will be paid for all accrued but unused leave and compensatory time. In case of death, compensation for accrued leave shall be paid to the estate of the deceased employee.

6.8 Sick Leave. In addition to the leave bank full-time employees will receive 40 hours in a calendar year to be placed in a sick leave bank during the first pay period in January. Sick leave hours not used by year end cannot be carried over, cashed out during employment or upon termination or donated to other employees. After sick leave is exhausted employees are required to use their annual leave. Advance approval by the Department Director must be obtained in writing before taking sick leave for scheduled appointments or medical procedures of 1 day or more. Sick leave will be prorated monthly for employees starting work after January 1st. Sick leave may be used for any absence due to personal injury, illness or temporary disability, personal medical and dental appointments, or the illness or injury of a spouse or minor son or daughter or the need to accompany a spouse or minor son or daughter to a medical appointment. Sick leave cannot be used for any absences where the employee is entitled to receive compensation benefits under the Alaska Workers Compensation Act.

6.8.1 Part-Time. After completing five years of service part-time employees will receive sick leave pro-rated according to their scheduled work week.

6.8.1.1 Employees working 20 hours per week, 20 hours annually

6.8.1.2 Employees working 24 hours per week, 24 hours annually

6.8.1.3 Employees working 28 hours per week, 28 hours annually

6.8.2 Medical Certification. Medical absences of three or more consecutive days may require certification by a physician, surgeon, psychiatrist, dentist or other licensed professional person submitted to the employee's supervisor prior to returning to work.

6.9 Birthday Leave. All full-time employees will receive their birthday off as paid leave. The employee will be paid at their hourly rate of pay, excluding shift differential. If the employee's birthday falls on a weekend or, during a scheduled day off the supervisor and/or Department Director will determine the next available leave day. Birthday leave must be taken on the employee's birthday or the next available work day within the work period.

6.9.1 Part-Time. After completing five years of service part-time employees will receive birthday leave pro-rated according to their weekly schedule.

6.9.1.1 Employees working 20 hours per week, four hours

6.9.2.2 Employees working 24 hours per week, five hours

6.9.3.3 Employees working 28 hours per week, six hours

6.10 Christmas and New Years Eve Leave. Full-time employees will receive four hours leave for Christmas Eve and four hours leave for New Years Eve to be placed in their leave bank in December.

6.10.1 Part-Time. After completing five years of service part-time employees will receive Christmas and New Years Eve leave pro-rated according to their weekly schedule.

6.10.1.1 Employees working 20 hours per week, four hours annually

6.10.2.2 Employees working 24 hours per week, five hours annually

6.10.3.3 Employees working 28 hours per week, six hours annually

6.11 Bereavement Leave. Full-Time employees will receive 40 hours annually for bereavement leave for the death of a family member. (Family member defined in section 3.13.1). Bereavement leave will be paid at employee's hourly rate of pay excluding shift differential.

6.11.1 Part-Time. After completing five years of service part-time employees will receive bereavement leave pro-rated according to their weekly schedule.

6.11.1.1 Employees working 20 hours per week, 20 hours annually

6.11.2.2 Employees working 24 hours per week, 24 hours annually

6.11.3.3 Employees working 28 hours per week, 28 hours annually

6.12 Witness Leave. Paid leave shall be granted for an employee's appearance in court or an administrative proceeding if the employee's appearance is legally required and relates to City functions or where the employee's appearance is required by the City. Appearances in court and administrative proceedings that are unrelated to City employment shall be charged to the employee's annual leave.

6.13 Jury Duty Leave. If an employee is summoned and serving as a juror during their scheduled work hours they will be paid their hourly rate of pay excluding shift differential. The employee will be entitled to keep any jury pay received for the first ten working days while serving. Any jury pay received after the ten day period shall be paid to the City, less expenses to the employee.

6.14 Voting Leave. An employee who is a qualified voter and does not have sufficient time outside working hours to vote at a state or local election may, without loss of pay, take off as much working time as will enable voting. If any employee has two consecutive hours in which to vote, either between the opening of the polls and the beginning of the employees' working shift, or between the end of the working shift and the closing of the polls, the employee shall be considered to have sufficient time outside working hours to vote.

6.15 20 and 30 Year Anniversary Leave. Full-Time employees will receive a day off on their 20 and 30 year anniversaries with the city in recognition of their service. Anniversary leave will be paid at employee's hourly rate of pay, excluding shift differential, and should be taken on the day of anniversary or within the same pay period.

6.16 Short-Term Military Leave with Pay. A full-time employee, who is a member of the National Guard or a reserve component of the armed forces of the United States, is entitled to a leave of absence with pay from their duties for a period not exceeding fifteen calendar days in any calendar year. Military leave with pay may be granted only when an employee receives bona fide orders to active or training duty for a temporary period and shall not be paid if the employee does not return to their position immediately following the expiration of the period for which they were ordered to duty. Employees on military leave will adjust their work schedule to five eight hour days, 40 hours per week at their hourly rate of pay, excluding shift differential.

6.17 Extended Military Leave Without Pay. An employee who enters the state or United States armed services for an extended tour of duty is eligible for an extended military leave of absence, which may continue up to five years. Upon honorable discharge from service, the employee shall be returned to a position in the same range as their last position at the salary step prevailing for the position without loss of seniority or employment rights. If it is established that they are not physically qualified to perform the duties of their former position by reason of such service, the employee shall be reinstated in other work that they are able to perform at the nearest appropriate level of the pay of their former position. The employee shall make application for reinstatement within 90 days of discharge and shall report for work within six months following separation from active duty. Failure to comply will terminate the extended military leave. When an employee voluntarily reenlists or extends their period of military service, this military leave shall be deemed canceled. This rule shall apply so long as it does not violate 38 U.S.C. SS 2021-2026 pertaining to reinstatement of City employees returning from active duty. Employees on extended military leave without pay are not required to exhaust their leave banks prior to going on leave without pay.

6.18 Military Family Leave (MFL). Military Family Leave will be granted according to federal and/or state requirements. Employees should contact the Personnel Director for assistance as soon as the need for MFL is known. When a request has been made the Personnel Director will provide the employee with a written confirmation of whether the request is approved or denied and any necessary requirements.

6.19 Family and Medical Leave of Absence (FMLA). An employee may receive leave to attend to specified family and medical needs under the federal Family Medical Leave Act and State of Alaska family medical leave laws (the state and federal laws are collectively referred to as “FMLA” in these Regulations).

6.19.1 Eligibility for FMLA. An employee is eligible for FMLA leave if the employee has been employed for at least one year immediately preceding the leave and worked at least 1,250 hours during that year, or if the employee worked 35 hours a week for at least six consecutive months or for at least 17 ½ hour per week for at least twelve consecutive months.

6.19.2 Duration of FMLA. The City shall permit an employee to take FMLA leave for a total of twelve work weeks within a twelve month period or eighteen workweeks within a 24 month period, whichever is greater. Where medically necessary, an employee may take leave on an intermittent or reduced schedule basis. In such cases, the City may transfer the employee for the duration of such leave to an available alternative position which better accommodates the employee’s need for recurring periods of leave. Employees must contact the Personnel Director for assistance as soon as the need for FMLA leave is known. The Personnel Director shall provide an employee with written confirmation as to whether the request for leave is approved and any necessary requirements of such leave.

6.19.3 Reasons for Taking FMLA. FMLA leave is available to an eligible employee for the following reasons;

6.19.3.1 Birth or Placement of a Child. For pregnancy and the birth of a child of the employee or the placement of a child, other than employee’s stepchild, with the employee for adoption or foster care. The right to take FMLA for pregnancy and childbirth, adoption or foster placement of a child expires one year after the birth or placement of the child. If a parent or child of two employees employed by the City has a serious health condition the maximum leave for both parents would be 18 work weeks. The City is not required to grant FMLA to both employees simultaneously.

6.19.3.2 Illness of a Family Member. In order to care for the employee's child, spouse, or parent who has a serious health condition; in this subsection, "child" includes the employee's biological, adopted or foster child, stepchild, or legal ward.

6.19.3.3 Illness of an Employee. Because of the employee's own serious health

condition.

6.19.4 Use of Other Leave. The employee must exhaust all accrued leave and compensatory time before FMLA leave without pay is allowed. The accrued paid leave and compensatory time the employee is required to take will be counted toward the employee's FMLA entitlements. If an employee is entitled to FMLA leave that extends beyond the time the employee has exhausted their accrued paid leave, the employee will continue on unpaid FMLA leave for the remainder of the approved FMLA leave. Paid leave shall not accrue during the period of unpaid FMLA leave. Where appropriate, the City shall coordinate an employee's workers' compensation leave with FMLA leave so that the two run concurrently. FMLA leave shall run concurrently with any other qualifying leave.

6.19.5 Job Restoration. Upon returning from FMLA leave, an employee shall be restored to the employee's original job or an equivalent job with equivalent pay, benefits and other employment terms and conditions. After an employee returns from FMLA leave the employee's use of FMLA leave will not result in the loss of any employment benefits to which the employee would have been entitled if the employee had not taken leave. An employee on FMLA leave must notify the City at least two weeks before the end of the leave of the employee's availability and capacity to return to work. Before returning to work from FMLA leave taken due to an employee's own serious health condition, the employee must provide the City with a fitness for duty certification from the employee's health care provider stating that the employee is able to perform the essential functions of the employee's position. An employee's failure to return from leave or failure to contact the City on the scheduled date of return will be considered a voluntary resignation.

6.19.6 American with Disabilities Act (ADA). The City will comply with all federal and/or state ADA requirements. Employees should contact the Personnel Director for information and/or assistance.

6.19.7 Benefits. During the approved FMLA leave the City will pay its portion of the employee's group insurance premiums. If an employee does not return from FMLA leave they may be required to reimburse the City the cost of group insurance premiums.

6.19.8 FMLA or MFL Extension. FMLA or MFL may be extended, upon written request, when accompanied by an explanation from the employee's healthcare provider of the need for an extension period. Even with an extension, however, a FMLA leave or MFL cannot exceed a total of six months. The City does not pay its share of any employee group insurance premiums during any extension of the FMLA leave or MFL. The employee is responsible for converting any group insurance coverage to individual coverage and prepaying each month of the premium during any extension period. Employees must arrange for a continuation of such coverage with the City prior to the commencement of the FMLA leave or MFL extension period.

6.20 Personal Leave of Absence without Pay. Under certain conditions the City Manager may grant an employee a personal leave of absence without pay for a specified period of time, not to exceed three months, except as provided in Section 6.21. A leave of absence must be requested in writing and submitted to the employee's immediate supervisor as soon as the need for leave is known. The City will exercise its discretion in deciding whether to grant any leave requested. The employee requesting personal leave must have a satisfactory work record, approval of their supervisor and a valid reason for requesting the leave. Circumstances determine the length of leave permitted. Group insurance coverage terminates at the end of the month in which the personal leave of absence begins. All accrued leave and compensatory time must be used prior to taking leave without pay. Accrual of leave benefits terminates when the personal leave of absence without pay begins. The employee who desires to convert their group coverage to individual coverage during the period of a personal leave of absence must make arrangements for prepaying their individual premium each month. Such arrangement should be taken care of before commencement of the personal leave of absence, but in no case later than 30 days after the end of the month in which the leave commenced. Employees returning from personal leave of absence are entitled to reemployment in their position. Employees on leave may return early if they notify their supervisor at least five working days in advance. Failure to return from leave on or before the agreed upon date, however, will be considered a voluntary resignation

6.21 Sabbatical. Under certain conditions the City Manager may grant an employee a sabbatical leave of absence without pay for any period up to one year. A sabbatical leave is expressly intended to extend or enhance the education/training of the employee for the benefit of the City. The employee requesting a sabbatical must have been employed by the City for at least five continuous years and have a satisfactory work record. The City Manager shall have the discretion whether to grant sabbatical requests on a case-by-case basis. Provisions of the sabbatical shall be outlined in a written Sabbatical Leave Agreement which shall include, but not necessarily be limited to health insurance, duration of sabbatical, purpose, and reinstatement to position. All accrued leave and compensatory time must be used prior to taking leave without pay.

6.22 Change of Anniversary Date Because of Unpaid Leave of Absence. If an employee takes a leave of absence without pay or sabbatical for more than 30 days during a calendar year, the employee's Anniversary Date shall be advanced by the number of days the leave without pay or sabbatical exceeds 30. For purposes of the Public Employees' Retirement System (PERS), a leave of absence without pay exceeding ten accumulated working days in any calendar year or layoff status authorized by the employer is considered an interruption of employment and no credited service will be granted by PERS for those periods of time unless the interruption was the result of work related injury or military leave.

6.23 Retirement, Deferred Compensation, Life Insurance, and Medical Benefits. The City offers retirement, deferred compensation, group life insurance, and group medical insurance plans for full-time employees which are administered by the Personnel Director and approved by the City Council. Part-time employees are eligible to participate in the deferred compensation

plans and medical insurance plan upon employment. Medical benefits for the employee only are available for all part-time 20, 24 and 28 hour employees based on a prorated cost. The Personnel Director will provide all eligible employees information concerning the programs. Participation in benefits is determined by the provisions of each specific benefit plan and regulations pertaining to the same. The City reserves its right to change or discontinue these benefits at any time.

CHAPTER SEVEN

PERFORMANCE EVALUATIONS

7.1 Purpose. The purposes of the performance evaluation are as follows;

7.1.1 To improve the overall performance quality of the department in the delivery of public services;

7.1.2 To improve the skills, knowledge and ability of the individual employee;

7.1.3 To identify and resolve problems within the department; and

7.1.4 To provide a record of pertinent information on which to make employment related decisions relevant to individual employees.

7.2 Periods of Evaluation. All full and part-time employees shall have their performance evaluated at the following times:

7.2.1 Probationary Period. The probationary period is the first six months of continual employment for all full-time employees except division of police services employees which shall be the first twelve months of continual employment. The probationary period for part-time employees shall be the first 1040 hours worked (the equivalent of six months) or 2080 hours worked for part-time division of police services employees. Casual and temporary employees are employed at will and do not receive a probationary period. In the Department Director's discretion, periods of casual or temporary employment in the same position as the position into which an employee is hired on a probationary basis may be considered part of an employee's probationary period. The initial probationary period may be extended as provided in Section 7.2.1.1.

7.2.1.1 Extension. If an employee's performance is less than satisfactory after the completion of at least two written evaluations the Department Director may upon consultation with the Personnel Director extend the probationary period up to an additional six months. The evaluation form should state the reason for the extension, further training required or goals to be met. Merit increases will not be approved until the successful completion of a probationary extension period.

7.2.1.2 End of Probationary Period. Each employee shall be evaluated within ten days prior to completion of their probationary period or any extension thereof under Section 7.2.1.1 of these regulations. The employee must have an overall evaluation of at least "satisfactory" at the end of the probationary period in order to be removed from probation or to continue in their position.

7.2.1.3 Probationary Dismissal. Probationary employees may be dismissed for any reason prior to completion of the probationary period, or any extension thereof on a recommendation of the supervisor or Department Director with concurrence of the Personnel Director. The reason for dismissal must be stated in writing and given to the employee. The dismissal of a probationary employee is final and not subject to the grievance or appeal procedure.

7.2.2 Annual. Each employee shall receive an annual or 2080 hour performance evaluation within one month of their Anniversary Date.

7.2.3 Special. A special performance evaluation may be completed whenever there is a significant change upward or downward in the employee's performance or:

7.2.3.1 When a supervisor leaves for another position they shall complete a performance evaluation on each employee under their supervision who has not been evaluated within the six months prior to the date the supervisor is to leave their position.

7.3 Evaluation Form. The evaluation shall be completed on a performance evaluation form supplied by the Personnel Office.

7.4 Review of the Performance Evaluation. The supervisor or Department Director completing the evaluation shall review the completed evaluation with the employee prior to its submittal to the Personnel Director and the City Manager.

7.5 Unsatisfactory Evaluation. An unsatisfactory evaluation may result in a disciplinary work plan, salary reduction, suspension without pay, a demotion, dismissal or other disciplinary measures depending upon the extent of the unsatisfactory performance and the number of unsatisfactory evaluations the employee has previously received. An employee with an unsatisfactory evaluation or on a disciplinary work plan is not entitled to a merit increase.

7.6 Appeal Procedure. If an employee believes an evaluation to be unfair or unrepresentative, the City will permit the employee to file a written reply to be attached to the evaluation form within five days of receiving the evaluation. Within five days of the employees reply the City will permit the supervisor to attach a rebuttal to the employees reply. No additional replies from the employee or supervisor will be attached. If an evaluation results in a salary reduction which the employee deems to be unfair, the employee may grieve such action as provided in Chapter 11 of these Regulations. The contents of the performance evaluation, however, are not subject to the grievance procedure. If an evaluation results in a contemplated demotion, dismissal or suspension without pay, prior notice shall be given and the employee shall have the right to a pre-deprivation meeting according to the procedures set forth in Chapter 10 of these Regulations.

CHAPTER EIGHT

GENERAL CONDUCT

8.1 Attendance. Employees are expected to work all assigned days. If an employee, for some unavoidable reason, cannot report for work, the employee is expected to notify his or her supervisor or Department Director as soon as possible. Absence from work without permission or without notice is considered a violation of these Regulations and could result in disciplinary action.

8.2 Breaks. Each employee is entitled to one, fifteen minute break for each four hour period worked. Breaks shall be taken at the job site or other approved site, but travel time to locations other than the job site shall be included in the break time.

8.3 Appearance. All employees shall be well groomed, neat and dress appropriately for their job duties. Each department may impose reasonable specific standards of dress and appearance.

8.4 Uniforms and Uniform Maintenance. Protective coverings and uniforms must be maintained by the employee. Those employees required to wear uniforms may be given a uniform allowance for maintenance and cleaning. In all cases, clothing and/or gear issued by the City remains the property of the City and must be returned upon termination. Lost articles must be replaced by the employee.

8.5 Outside Employment. The City Manager must approve any and all outside employment, including self employment, by any City employee. In order to be approved, the outside employment must conform to the following minimum conditions. Additional conditions may be imposed at the discretion of the City Manager.

8.5.1 Outside employment must not interfere with the employees City work performance.

8.5.2 Outside employment must not be conducted during employees scheduled City work hours.

8.5.3 Outside employment must not reflect poorly on the City.

8.5.4 City employment cannot be used to gain an unfair advantage for employees outside employment.

8.5.5 City time, equipment and supplies cannot be used to benefit outside employment.

8.5.6 Outside employment must always be secondary to City employment.

8.5.7 Outside employment must not create a conflict of interest or the appearance of a conflict of interest with the City.

8.5.8 Employee cannot use data or information obtained from City employment for the benefit of outside employment unless the information is available to the general public.

8.6 Residency Requirements. Employees shall be allowed to live outside the City if the employee lives in an area in which commuting to the City by normal means of transportation will enable the performance of job duties and, if the employee is likely to be called in for emergency situations involving job functions that employee lives within an area serviced by the local telephone company.

8.7 Ethics and Conflict of Interest. Employees should make every effort to assist the public and the City by providing their best effort in carrying out their responsibilities. It is the responsibility of every city employee to honestly, faithfully and impartially discharge their assigned duties. It shall be the responsibility of each City employee to remain free from indebtedness or favors which would tend to create a conflict of interest between personal and official interest or might reasonably be interpreted as affecting the impartiality of the individual employee. If an employee is tendered or offered a gift or gratuity which would, in the eyes of the public or in the eyes of public officials, be construed as an attempt to bribe, influence, or to encourage special consideration with respect to municipal operations, such offer shall be immediately reported to the employee's supervisor who in turn will inform the Department Director and the City Manager. Employees should also abide by the following regulations:

8.7.1 Employee should notify the Department Director prior to participating in any City action in which the employee has a financial interest and the Department Director will make a determination of the appropriate action to be taken

8.7.2 No employee shall attempt to influence the City's selection of any bid or proposal or the City's conduct of business, in which the employee has a financial interest

8.7.3 No employee shall use the implied authority of their position to unduly influence the decision of others or promote a personal interest in the community

8.7.4 No employee shall disclose information they know to be confidential concerning the operations of the City unless authorized or required by law to do so

8.7.5 No employee shall accept a gratuity from any person engaging in business with the City or having a financial interest in a decision pending with the City. This does not prohibit accepting the following items unless departmental policy prohibits such acceptance; a meal, discounts or prizes that are generally available to the public, gifts presented by employer in recognition of meritorious service or other civic or public awards, an occasional gift of less than \$50.00 in value.

The City takes complaints of ethics violations very seriously. Every effort should be made to follow the chain of command when reporting a violation of this section. Employees may also file a

complaint or discuss or express any issue of concern with the Personnel Director. Any complaints from the public regarding violations of this section should be referred to the Personnel Director. The City prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. However, if after investigating any complaint of ethics violations, the City determines the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information.

8.8 Ethics Complaint Procedure. An ethics complaint will be handled in the following manner:

8.8.1 Step 1. The employee or member of the public filing an ethics violation should provide a written complaint to their immediate supervisor, Department Director or the Personnel Director.

8.8.2 Step 2. The supervisor or Department Director will forward the complaint to the Personnel Director within five working days after receiving the complaint.

8.8.3 Step 3. Within five working days of receiving the complaint the Personnel Director will file the complaint with an Ethics Committee formed to address the complaint. The Ethics Committee shall be composed of the Personnel Director and three Department Directors not involved with the allegations in the complaint. The Committee shall select a chair from its members. The Committee shall meet within fifteen working days of notification by the Personnel Director to review the complaint and all relevant evidence presented in support of the complaint. The Committee may call witnesses. The employee charged with the ethics violation shall have the opportunity to present their position and any supporting facts and/or evidence. The meeting will be closed to the public.

8.8.4 Step 4. The Committee will provide a written finding to the City Manager within five working days of the close of the committee hearing. If disciplinary action is recommended the City Manager shall follow the procedure set forth in Chapter 10 of these Regulations. The findings of the committee are confidential and will not be disclosed to the public. The City Manager may issue a brief written statement to the public or the parties involved which will state only whether the allegations were unfounded or if founded that appropriate disciplinary action was taken.

8.9 Political Activity. An employee may not:

8.9.1 Be required to contribute to any political fund as a condition of employment

8.9.2 Be a candidate for elective City municipal office

8.9.3 Contribute financially to or take part in a campaign for any City elective municipal office other than by voting

8.9.4 Be a member of any policy making board, council, commission or other governing body that may be interpreted as representing the City and/or receiving appropriations from the City unless such membership is approved by the City Manager

8.10 Oath of Office. Under the requirements of Resolution 07-54 all Department Directors and specific key City employees must sign an oath of office to honestly, faithfully and impartially discharge their duties.

8.11 Legal Liability. Employees shall abide by all laws and regulations which govern the performance of their duties and shall perform their duties as reasonable, prudent persons. Defense and indemnity of employees for legal claims relating to their employment shall be governed by Chapter 1.10 of the City Code.

8.12 Use of City-Owned Equipment. Personal use of City equipment or vehicles is not permitted without written approval from the City Manager or unless otherwise provided by contract. All City equipment including but not limited to computers, e-mail, voice mail, vehicles, desks, lockers and cabinets are the property of the City and as such the City has the right to monitor or search at any time for any reason.

8.13 Office Technology Policy. Employees are required to use City technology including, but not limited to, Internet, email and cell phones in an appropriate, legal, ethical and professional manner. Employees should exercise the same restraint and caution in drafting and transmitting messages over the Internet as they would when writing a memorandum and should assume that their message will be saved and viewed by someone other than the intended recipients. City business conducted on personal technology equipment is subject to the office technology policy. The following policies have been established for use of City technology.

8.13.1 Right to Monitor. City technology including, but not limited to, Internet, E-mail or cell phone use is not guaranteed to be private or confidential. All electronic communications are City property. Therefore, the City reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet and cell phone usage without permission of the employee. Employees are prohibited from using passwords or security measures that restrict the City's access to its property.

8.13.2 Discrimination or Harassment. City technology including, but not limited to, Internet, e-mail and cell phones may not be used for transmitting, retrieving or storing of any communications of a defamatory, disparaging, abusive, profane, offensive, discriminatory or harassing nature or materials that are obscene or X-rated. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted.

8.13.3 City's Best Interest. Publication or distribution of information that would adversely or negatively reflect upon the City or be contrary to the City's best interest or which is identified as confidential by the City is prohibited.

8.13.4 Illegal Activities. Illegal activities including, but not limited to, piracy, cracking, extortion, blackmail, copyright infringement on city technology is forbidden.

8.13.5 Copyright. Copyrighted materials belonging to entities other than the City may not be transmitted by employees on the City's network. All employees obtaining access to other companies' or individual's materials through their employment with the City must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.

8.13.6 Disruption. No use of the system in a way that disrupts its use by others. This includes excessive dial-in usage, sending or receiving large files and "spamming" (sending e-mail messages to thousands of users).

8.13.7 Employee Responsibility. Each employee is responsible for the content of all text, audio or images they place or send over the City's Internet, e-mail or cell phone system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. Also, be aware that the City's name is attached to all messages so use discretion in formulating messages.

8.13.8 Public Records. Internal and external e-mail messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the City.

8.13.9 Personal Use. Employees are prohibited from using City technology for fundraising, union, political campaign, religious or for business or profit-making activities. City property cannot be used for any purpose that would violate any federal, state or local law.

8.13.10 Downloading Software. Employees are prohibited from downloading software and games on City technology without prior approval of the Systems Manager. If the employee finds that any damage occurred as a result of downloading software or files, the incident should be reported immediately to the Systems Manager.

8.13.11 Remote Access for Workers. The City may allow with supervisor approval, remote access to desktop computers and servers within the City. If the employee's personal computer is accessible by family members make sure the remote connection is password protected. Though the remote connection is secured, the same rules apply when working at home on City related work as they do when in the office.

8.13.12 Discipline. City policies are in effect at all times while using City technology. Any employee who abuses the privilege of City facilitated access to e-mail, cell phones or the Internet, may be denied access and, if appropriate, be subject to disciplinary action up to and including termination.

8.14 City Vehicles. Emergency Services Personnel, including Police and Fire, may be issued the use of City vehicles for conducting City business and for driving to and from work. Employees that utilize City-owned vehicles during their workday will only drive the vehicle while on official City business. City vehicles should not be used for personal use. When employees take their lunch hour or breaks, they will use their personally-owned vehicle. Emergency Services Personnel, including Police and Fire, are excluded from this provision. When issued a city vehicle the employee shall; use the seat belt device and require any passengers to do the same, monitor fuel, fluids and tire pressure, immediately notify the employee's supervisor of any malfunctions or accidents, keep the interior of the vehicle clean, operate the vehicle in accordance with application State and laws, refrain from smoking in City vehicles and immediately notify supervisor of any change in driver's license status, including suspension, revocation, or restriction.

8.15 Cost Consciousness. City employees shall practice every economy practical in the discharge of their duties. Employees are encouraged to recommend to their supervisors work procedures which will result in a cost savings or improved service to the public.

8.16 Safety. Department Directors shall be responsible for the development and maintenance of a safety program for their department as necessary. The program shall include safety regulations and discipline controls. Department Directors, supervisors and employees shall guard the safety of themselves, fellow employees and the public. No employee shall bring to the worksite on their person or in their belongings any non-job related weapons of any type, for example; firearms or knives with blades over four inches.

8.17 Work Accidents/Injuries. When accidents occur on City property or while conducting City business, the employee shall contact their supervisor immediately.

8.17.1 Employee Injury/Accident. The employee and their supervisor shall complete an accident report form and file a worker's compensation form with the Personnel Office within 24 hours of notification of the accident/injury. In the case of a motor vehicle accident, the Police Department shall be notified immediately. Employees unable to work must provide a written notification from their health care provider with the type of restrictions and length of off-duty status. If an employee is unable to work due to an on the job injury the employee will be paid by the City for the first three days off work. The City's workers compensation carrier will provide statutory benefits for any days over three that an employee is unable to work. Prior to returning to work the employee must provide written notification from their health care provider stating the employee is able to perform the essential functions of the employees' position. If the employee is able to return to limited duty with approval from their health care provider the Department Director will determine if limited duties are available.

8.17.2 Equipment. The employee and their supervisor shall complete an accident report form within 24 hours of notification of the accident and forward the report to the Finance

Department for reporting to the City's insurance carrier. In the case of a motor vehicle accident, the Police Department shall also be immediately notified.

8.18 Solicitations. In order to maintain an orderly work environment, protect employee privacy and preserve security throughout City's offices and departments individuals not employed by the City may not at any time solicit, petition, or distribute literature in non-public access work areas, except for bona fide City purposes and with the prior authorization of the City Manager.

8.18.1 Employees may not solicit for any purpose other than City related business during working time. Reasonable forms of solicitation between employees will be permitted during nonworking time, such as before or after work or during authorized meal or break periods.

8.18.2 Employees may not distribute literature for any purpose other than City related business during working time, or at any time in work areas.

8.19 Personal Business. Employees are expected to conduct their personal business during nonworking hours. Personal calls, personal cell phone use and electronic texting is discouraged during work hours. Cell phone ring tones should be minimized to avoid disrupting the work environment. Breaks, lunch and leave time are available to employees for personal business.

8.20 Personal Items/Equipment. The City does not insure employee's personal items or equipment including personal vehicles used for City business. Employees should consider this prior to bringing personal items or equipment to the workplace or using personal vehicles for City business. Exceptions are the public works mechanics' and port maintenance technicians' tools. Inventory lists shall be provided on a regular basis to the Finance Department after approval by supervisor.

8.21 Drug Free Workplace. In accordance with the Drug-Free Workplace Act of 1988, the City will maintain a Drug-Free Workplace. The Homer City Council adopted the following statement (directive in nature) to all employees:

The unlawful manufacturing, distributing, dispensing, possessing, or using of a controlled substance is prohibited and will not be tolerated in any City workplace.

The City's policy is designed to maintain a safe, healthful, and productive work environment, and any employee affected by an addiction or dependency on controlled substances are strongly urged to seek assistance through the appropriate community health services. Any employee convicted of a drug violation for an action occurring in a City workplace shall notify their supervisor within five days after such conviction. The City will take appropriate personnel action in accordance with personnel regulations against employees so convicted within 30 days after receiving the notification. Compliance with this directive is a condition of employment. Disciplinary action up to and including discharge for cause will be used as necessary in implementing this directive. All City Department

Directors and supervisors shall be responsible for ensuring that their employees are made aware of this directive, and copies should be posted on departmental bulletin boards.

8.22 Commercial Driver License (CDL) Drug and Alcohol Testing Policy. Employees that are required to have a CDL for their position or maintain CDL equipment are subject to the City's CDL Drug and Alcohol Testing Policy under the U.S. Department of Transportation, Federal Highway Administration, regulations detailed in 49 CFR 40. CDL employees will be required to sign a CDL Drug and Alcohol Testing Policy upon employment and are subject to pre-employment, return to duty, random, reasonable suspicion and post accident drug testing. Employees that test positive for drug or alcohol will be immediately removed from their safety sensitive positions per federal requirements pending an investigation and subject to disciplinary action.

8.23 Smoking Prohibited. Smoking is prohibited in city owned buildings, vehicles and watercraft under City code Section 5.05.

CHAPTER NINE

DISCRIMINATION AND HARASSMENT COMPLAINTS

9.1 Equal Opportunity Policy. The City is an equal opportunity employer as required under section 1.38.020 of the City Code. Recruitment and selection of applicants, promotion and training of employees is based upon ability, knowledge, skills and merit as required by the job description. A person may not be favored or discriminated against with respect to City employment because of the person's race, color, creed, religion, gender, national origin, veteran or marital status, physical handicap or any other status protected by federal, state or local law.

9.2 Anti-discrimination and Anti-harassment Policy. The City maintains a work environment free from unlawful discrimination and harassment for all employees. All employees have the right to work in an environment free from discrimination, intimidation or harassment that is based upon a protected status.

9.3 Definitions. For purposes of this chapter, the following words or phrases shall have the following meaning:

9.3.1 City Official. For purposes of this chapter, a city employee at the supervisory or managerial level.

9.3.2 Complainant. The individual or group who is alleged to be a victim of illegal discrimination.

9.3.3 Compliance Agency. A local, state or federal agency authorized by law to investigate formal complaints of discrimination. The following are examples of compliance agencies: Alaska State Commission for Human Rights (ASCHR); Federal Equal Employment Opportunity Commission (FEEOC); and the Office of Federal Contract Compliance Programs (OFCC). Other federal agencies have certain investigative responsibilities on matters relating to grants or programs that they administer.

9.3.4 Formal Complaint. A complaint relating to City employment or application for City employment filed with a compliance agency alleging illegal discrimination on the basis of a protected status.

9.3.5 Illegal Discrimination. An act or acts which are prohibited by federal, state or local anti-discrimination laws. Prohibited acts include those where individuals or groups are treated differently because of their race, religion, color, gender, national origin, age, handicap, marital status, changes in marital status, pregnancy, or parenthood or any other status protected by federal, state or local law.

9.3.6 Informal Complaint. A complaint relating to City employment or application for city employment alleging illegal discrimination on the basis of a protected status that has not

been filed with a compliance agency.

9.3.7 Respondent. The City or any of its departments identified in a formal complaint. Specific individuals may also be listed as respondent.

9.4 Harassment Definition. Prohibited harassment consists of unwelcome verbal or physical conduct or communication based upon an employee's race, color, creed, religion, national origin, gender, physical or mental disability, age marital status, pregnancy or parenthood, veteran's status, status with regard to public assistance, or any other status protected by federal, state or local law. Examples of conduct prohibited by this policy include using racial and ethnic slurs, offensive stereotypes or making jokes about such characteristics.

9.5 Sexual Harassment Definition. Sexual harassment is a form of harassment that is prohibited under these regulations. Sexual harassment encompasses unwelcome sexual advances, request for sexual favors, and other verbal, visual, written or physical conduct of a sexual nature where:

9.5.1 Such conduct is unwelcome; and

9.5.2 Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

9.5.3 Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or

9.5.4 Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment. A hostile work environment occurs when the conduct is sufficiently severe or pervasive enough to alter the condition of the employee's employment and create an abusive work environment.

9.6 Sexual Harassment Examples. Examples of the type of conduct prohibited by this policy may include, but are not limited to, the following:

- Sexually suggestive touching
- Offensive whistling
- Lewd, off-color, sexually-oriented comments, jokes, or cartoons
- Excessive use of foul or obscene language
- Leering, staring, stalking
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons
- Unwanted or offensive letters or poems
- Sitting or gesturing sexually
- Sexually explicit or suggestive email or voicemail messages
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess

- Repeated requests for dates
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided
- Sexual assault or rape

9.7 Responsibilities.

9.7.1 All City employees at all levels shall report allegations and acts of discrimination. An employee who feels he or she is being harassed or discriminated against or is aware of activities in the workplace that may constitute harassment or discrimination shall report the perceived discrimination or harassment immediately to their supervisor, Department Director, Personnel Director, City Manager or any City Official (as defined by this chapter) that the employee feels comfortable reporting to.

9.7.2 All City Officials shall take immediate action when they become aware of a situation involving allegations and/or acts of discrimination.

9.7.3 The Personnel Director shall provide technical assistance and support to City Officials, employees, and complainants in their efforts to resolve complaints of discrimination, and cooperate with compliance agencies in processing and investigating formal complaints of discrimination.

9.7.4 The City Attorney shall provide legal advice and assistance as requested by the Personnel Director or as the City Attorney's Office deems necessary.

9.8 Procedure for Informal Complaints. City employees may make appointments with any City Official during the workweek to report harassment or discrimination in the workplace. If, for any reason, the City Official to whom the employee wishes to report the discrimination or harassment is unable to meet at the initial time requested, the City Official shall reschedule an alternate meeting time with the employee that is no more than five working days after the initial request.

9.8.1 Processing Informal Complaints of Discrimination.

9.8.1.1 When a City Official becomes aware of an allegation of discrimination, immediate action shall be taken to notify the Personnel Director, or in the event the Personnel Director is involved in the allegations in the complaint, the City Manager, to review and attempt to resolve the allegation. The reviewing City Official shall advise complainant and respondent in the writing of the results of the review.

9.8.1.2 A complaint must be filed within 180 days of the date the incident occurred to be considered for informal review.

9.8.1.3 Upon receipt of an informal complaint of discrimination from a complainant or at the request of a City Official, the Personnel Director or other appropriate City Official shall assist the parties in an attempt to resolve the issues raised by the complainant.

9.8.1.4 The Personnel Director shall make every effort to resolve an informal complaint within 30 calendar days from the date the complainant files the complaint. The Personnel Director or other appropriate City Official will inform the employee of their right to file a formal complaint with a compliance agency.

9.9 Procedure for Formal Complaints. City employees must make arrangements with their supervisors when they wish to schedule official duty time to consult with a compliance agency on matters relating to a formal complaint for harassment or discrimination. When an employee cannot be released at the requested time, an alternate time should be scheduled within five working days of the time originally requested.

9.9.1 The Personnel Office will be the central point for receiving complaints, interrogatories and requests for information or documents from compliance agencies. City departments will forward all information pertaining to a complaint to the Personnel Director who will coordinate and forward the materials prepared in response to the compliance agency request within the time frame required.

9.9.2 Any City employee named as a respondent in a complaint will be expected to assist the department in its effort to expeditiously review and, if possible, resolve the issues listed in the complaint. However, no employee shall be expected to waive any of their personal rights.

9.9.3 The City Attorney's Office will retain a file of each formal complaint received in which a City department or employee is listed as respondent. Legal advice and assistance will be provided to the City Manager, Personnel Director or any department as requested, or as the City Attorney's Office deems necessary. In all cases where a compliance agency takes a complaint to public hearing when the City is a respondent, the City Attorney's office will represent the City and the respondent department.

9.10 Retaliation. The City prohibits any form of retaliation against any employee for reporting or participating in a proceeding connected with a matter of public concern pursuant to Section 1.15 of the City Code. However, if the City determines that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the complainant or the individual(s) who gave the false information. Any decision which constitutes an adverse action against an employee who has a current informal or formal complaint of discrimination pending must be approved by the City Attorney's office. All City Officials should avoid actions that might be construed as retaliatory against the complainant.

CHAPTER TEN

DISCIPLINE - CAUSES AND ACTIONS

10.1 Discipline Policy. When an employee's performance or conduct falls below desirable standards, the employee may be subject to disciplinary action. The nature or severity of the disciplinary action depends upon the severity of the offense as well as the number and frequency of previous acts of misconduct.

10.2 Oral Warning. An employee may be informed orally by their supervisor of the unacceptable behavior or performance and what must be done to correct the situation. This initial counseling session shall be considered an oral warning and the supervisor shall make a written note of the warning and place it in the employee's personnel file.

10.3 Written Warning or Disciplinary Work Plan. An employee who has either ignored an oral warning or whose conduct is severe enough to warrant more serious action than an oral warning may receive a written warning or a disciplinary work plan. The written warning or the documentation regarding the disciplinary work plan shall explain how the full or part-time employee's behavior has been unacceptable and what must be done to correct the situation. A disciplinary work plan must be for a specific period of time, may not exceed one year and should provide the dates for performance reviews while on the work plan. The employee must have an overall performance review of at least "satisfactory" at the end of the disciplinary work plan in order to continue their employment. A copy of the written warning or disciplinary work plan shall be given to the employee and a copy placed in the employee's personnel file.

10.4 Employee Response to Warning or Disciplinary Work Plan. Oral and written warnings and disciplinary work plans are not subject to the grievance procedure. An employee may file a written reply within five working days of receiving the warning or disciplinary work plan. The employee's written reply will be attached to the warning or disciplinary work plan and placed in the employee's personnel file.

10.5 Suspension Without Pay, Demotion, Dismissal. An employee may be suspended without pay, demoted or dismissed for cause by the Department Director with approval by the Personnel Director if previous counseling or discipline has not resulted in the expected improvement or if the seriousness of the specific incident or the whole pattern of such employee's past performance and conduct justifies the imposition of more severe disciplinary actions in the first instance. When an employee is suspended without pay, demoted or dismissed for cause, the Department Director shall follow the procedure set forth in Section 10.6 of these Regulations. If suspended without pay the employee may not use leave time, receive holiday pay or accrue leave while on suspension. Reasons for suspension without pay, demotion or dismissal may include but are not limited to:

10.5.1 Drinking intoxicating beverages or use of nonprescription depressant, or misuse of prescription stimulant, hallucinogenic or narcotic drugs on the job or arriving on the job under the influence of intoxicating beverages or such drugs .

10.5.2 Discrimination or harassment on the basis of a protected status (Refer to Chapter 9 of these Regulations).

10.5.3 Insubordination, willfully disobeying the directive of a supervisor by a verbal or nonverbal refusal or unreasonable delay in completing work. An employee's refusal to follow a directive that is illegal or a violation of City Code or written policy shall not be considered insubordination.

10.5.4 Excessive absences or tardiness.

10.5.5 Inability to perform the assigned job.

10.5.6 Being wasteful of material, property or working time.

10.5.7 Falsification of information on employment application or resume.

10.5.8 Conviction of a felony or a misdemeanor involving moral turpitude.

10.5.9 Being absent from work without permission or failing to report to supervisor or Department Director.

10.5.10 Inability to get along with fellow employees or the public so that work being performed is hindered or below required standards.

10.5.11 Exhibiting behavioral problems to employee's supervisor, co-workers or the public which hinder the employee's or the City's performance.

10.5.12 Violation of the Personnel Regulations, written departmental rules or any other applicable federal, state or local laws.

10.5.13 Falsification of time sheets.

10.5.14 Sexual discrimination or racial harassment of co-workers or the members of the public (Refer to Chapter 9 of these Regulations)

10.5.15 Violations of written departmental safety procedures that endanger the employee, co-workers or the public.

10.5.16 A violation of any section of the General Conduct requirements in Chapter 8 of these Regulations.

10.5.17 A violation of the Commercial Drivers License (CDL) drug and alcohol testing policy.

10.6 Pre-Deprivation Hearing. Before a full or part-time employee is suspended without pay, demoted or dismissed for cause, the employee shall be given written notice of the contemplated personnel action by the Department Director. The written notice shall state what personnel action is contemplated, describe the reasons for such action, and advise that the employee is entitled to a hearing with the City Manager upon written request. The written notice shall also inform the employee that if no hearing is requested within five working days after receipt of the written notice, the personnel action will become final. The written notice of the contemplated personnel action shall be personally delivered to the employee or, if unavailable at work, sent by certified mail return receipt requested to employee's last known home address. Notices mailed to the employee's home address will be considered received on the acceptance date of the certified mail receipt. A copy of the written notice and the means of delivery or attempted delivery shall be placed in the employee's personnel file. The hearing shall be scheduled by the City Manager and held not more than ten working days after the City Manager's receipt of the written request for a hearing, except by mutual agreement.

10.6.1 If the full or part-time employee files a timely request for a hearing with the City Manager, the contemplated personnel action shall not become effective until the City Manager has completed a review and issued a written decision. If the employee does not file, or files an untimely request for pre-deprivation hearing the contemplated personnel action shall become effective and final upon the expiration of the five working day period and the employee shall be deemed to have waived the right to a pre-deprivation hearing and the right to appeal.

10.6.2 At the pre-deprivation hearing the Department Director shall state the reasons for the contemplated personnel action and recite the facts in support. The employee shall have an opportunity to present their position and any supporting facts. Witnesses may be called to testify by either party, however witnesses cannot be compelled to testify or appear. The hearing shall be closed to the public. The City Manager will issue a written decision within five working days after the pre-deprivation hearing.

10.7 Administrative Leave With Pay. In a situation where, in the Department Director's opinion and with City Manager approval, the employee's continued presence on the job during an administrative investigation or prior to the effective date of the contemplated personnel action poses a significant and immediate threat to public health or safety, a co-worker, city property, or to the efficient and harmonious conduct of City business, the employee may be placed on administrative leave with pay at their hourly rate of pay, excluding shift differential, prior to the effective date of the contemplated personnel action. If an employee is terminated after being placed on administrative leave with pay all leave accrued from the date the administrative leave with pay began until the termination date shall be forfeited. Only leave that has accrued prior to the administrative leave with pay date shall be paid to employee upon termination.

10.8 Appeal of Disciplinary Action. Any appeals of personnel actions taken under Section 10.6 of these Regulations involving suspensions without pay, demotions, or dismissals shall be submitted to arbitration under Section 11.5 of these Regulations. The appeal shall be initiated by filing a written request for arbitration with the Personnel Director within five working days of the City Manager's decision. The request for arbitration shall contain the information required by Section 11.5.1 of these Regulations. Filing a request for arbitration shall not suspend the effect of the City Manager's decision.

CHAPTER ELEVEN

COMMUNICATION, GRIEVANCE AND APPEAL PROCEDURE

11.1 Purpose and Policy. It is recognized that communication of constructive suggestions and problems contributes significantly to improving the overall quality of work performed and conditions of employment. It is the policy of the City to provide appropriate avenues of communication to meet a variety of needs. It is the desire of the City to resolve problems and pursue suggestions through an informal process where such a process is in the best interest of the City and its employees. Formal procedures are provided for those situations when the informal process is not appropriate. Employee(s) may file a grievance or a civil rights complaint. Civil rights discrimination complaints may be made under Chapter Nine. Employees should refer to section 1.15 of the Homer City Code for information regarding Protection for Whistleblowers.

11.2 Employee Communications. All employees are encouraged to communicate any problems or complaints they may have to the City, utilizing the procedures outlined in these Regulations. All employee suggestions or complaints will be given full consideration by City management. Any time an employee has a question, problem or complaint, the employee should do the following:

11.2.1 Consult with employee's immediate supervisor. Generally the employee and supervisor will be able to resolve the problem. If the problem is not solved at this level;

11.2.2 The employee may request a meeting with their Department Director to resolve the problem. If the employee receives no satisfaction at this level;

11.2.3 The employee may request a meeting with the City Manager and/or Personnel Director to resolve the problem. The final determination will be made by the City Manager.

11.3 Definition of Grievance. A grievance is a complaint by a full or part-time employee or group of employees alleging a violation of federal, state, local laws or these Regulations which pertain to the terms and conditions of employment with the City. Temporary, casual, seasonal and probationary employees are employed at will and are not entitled to the grievance procedure. The following matters are exempt from the grievance procedure:

1. Disputes relating to the contents of a performance evaluation (Refer to Chapter 7)
2. Oral or written warnings or an employee being placed on a disciplinary work plan (Refer to Chapter 10)
3. Disputes relating to suspension without pay, demotion or dismissal for cause which are processed under the pre-deprivation hearing procedure, in Chapter 10.
4. Disputes which relate to the City's right to establish or change personnel or business policies, practices, rules or regulations.
5. Any other matter which, according to these Regulations, is not subject to the grievance procedures.

11.4 Grievance Procedure Steps. A grievance shall be handled in the following manner:

11.4.1 Step 1. The aggrieved employee(s) shall present the grievance orally to their immediate supervisor within five working days of its occurrence, not including the day of the occurrence. The supervisor shall give an oral reply within five working days of the date of presentation of the grievance, not including the date of the presentation. If the grievance is resolved at Step 1, the supervisor shall prepare a memorandum to the grievant(s) setting forth the terms of the resolution. A copy of this memorandum should be sent to the Department Director and Personnel Director at the time it is sent to the grievant.

11.4.2 Step 2. If the grievance is not settled in Step 1, the employee(s) must submit the grievance in writing, dated and signed by the aggrieved employee(s). The written grievance shall be presented to the Department Director within five working days after the supervisor's oral reply is given not including the day the answer is given. The Department Director shall reply in writing to the grievance within five working days of the date of the presentation of the written grievance, not including the day of the presentation. If the grievance is resolved at Step 2, the Department Director shall prepare a memorandum to the grievant(s), setting forth the terms of the resolution. The Personnel Director should be provided a copy of this memorandum at the time it is sent to the grievant(s).

11.4.3 Step 3. If the grievance is not settled in Step 2, the grievance may be presented in writing to a committee. The grievance should be presented to the Personnel Director who will form a committee composed of a City employee not affected by the grievance selected by the aggrieved employee(s), the Personnel Director and a Department Director not associated with the department involved within seven days of receiving the grievance. This committee shall select a chair from its members. The committee shall meet within five working days of receiving the grievance to review all pertinent correspondence, records and information. The committee shall present its recommendations along with all pertinent correspondence, records, information and an audio recording of the committee's meeting to the City Manager within five working days of the hearing. The City Manager shall reply to the grievant(s) in writing within ten working days of the presentation of the written recommendation from the Committee. A copy of City Manager's reply shall be sent to the Personnel Director at the time it is sent to the grievant(s). The employee may choose to skip the committee process. In that event, the employee shall go directly to the City Manager with the grievance.

11.4.4 Step 4. If the grievance is not settled in Step 2 and the aggrieved employee(s) elects not to utilize the grievance committee process of Step 3, the matter may be appealed in writing to the City Manager within five working days of the date the employee receives the Department Director's written decision. The aggrieved employee(s) should submit a written request for a hearing with the City Manager to the Personnel Director. The aggrieved employee(s) should attach copies of all information pertaining to the grievance to the request. The City Manager will schedule a hearing within ten working days of receiving the

request. At the hearing the employee(s) will state the reasons for the grievance. The Department Director shall have an opportunity to present their position. Witnesses may be called to testify by either party, however witnesses cannot be compelled to testify or appear. The hearing shall be closed to the public. The City Manager shall reply to the grievance in writing within seven working days of meeting with the grievant(s). Copies of the written decision shall be given to the grievant(s), the Department Director and the Personnel Director.

11.4.5 Step 5. If not satisfied with the City Manager's decision the aggrieved employee(s) may request arbitration pursuant to the procedures outlined in Section 11.5.

11.5 Arbitration Procedures. An employee may request arbitration of any unresolved grievances after completion of Step 3 or Step 4. The procedures for arbitration are as follows:

11.5.1 The employee(s) shall send a written request for arbitration to the Personnel Director explaining the specific unresolved grievance and referring to any provisions of the Personnel Regulations or any other law applicable to the grievance. The request shall be submitted to the Personnel Director within five working days of the City Manager's decision.

11.5.2 Within five working days of receipt of a request for arbitration, the Personnel Director shall forward the request, together with the appropriate administrative fee, to the American Arbitration Association (AAA) for the initiation of arbitration proceedings. AAA proceedings shall be conducted by an arbitrator located in the State of Alaska unless, despite reasonable efforts by both parties, a qualified arbitrator located in the State of Alaska cannot be found. In lieu of submission to AAA, the grievant and the City Manager may agree to submit the matter to an arbitrator(s) to be selected by mutual agreement.

11.5.3 The arbitration shall be held at City Hall unless space is unavailable in which case the arbitrator shall select another location in the City. The aggrieved employee(s), the affected Department Director, City Manager and Personnel Director shall be entitled to be present at the arbitration. The aggrieved employee(s) and the City Manager may each have, as an assistant, one person to be in attendance at the arbitration. Either or both parties may be represented by an attorney in lieu of the assistant. The arbitration shall be closed to the public unless the aggrieved employee(s) requests the arbitration to be open to the public.

11.5.4 The arbitration shall be conducted by the arbitrator in whatever manner will most expeditiously permit full presentation of the evidence and argument of the parties. Witnesses may be called to testify by any party; however, witnesses cannot be compelled to testify or appear.

11.5.5 The arbitration shall be conducted under the AAA Employment Arbitration Procedures unless a different rule or procedure is set forth in the City Code or the Personnel Regulations. In the case of any inconsistency, the City Code and the Personnel Regulations, in that order of priority, shall prevail over the AAA Employment Arbitration Procedures. The

Personnel Director shall make copies of the Employment Arbitration Procedures available to any City employee upon request.

11.5.6 Post hearing briefs shall be submitted by the parties only if ordered by the arbitrator.

11.5.7 The arbitrator shall have no authority to amend, modify, nullify, or ignore provisions of law, ordinances, or Personnel Regulations. The arbitrator shall consider and decide only the specific issue(s) submitted and has no authority to decide issues not submitted.

11.5.8 The arbitrator's award shall include a summary of the arbitrators' findings and conclusions. All expenses of the arbitration, not including attorney's fees and expenses for witnesses, shall be paid by the City. If the City is the prevailing party, then each employee who is a party to the grievance shall reimburse the City \$600.00 of expenses of the arbitration, which include AAA administrative and arbitrators' fees, travel and other expenses but no more than the total actual cost of the arbitration fees. Payment is due from the employee within 30 days of the grievance decision from the arbitrator. Each party shall bear its own attorney's fees and the expenses of producing witnesses called on its behalf.

11.5.9 Copies of the arbitration decision shall be personally delivered or mailed to the parties directly affected by the arbitration, the Personnel Director and the City Manager. The Personnel Director shall provide informational copies to the City Council. The arbitration decision shall be a public record.

11.6 Enforcement of Arbitrator's Decision. The arbitrator's decision is final and binding on all parties. The award may be enforced under AS 09.43.110.170.

11.7 Standard of Review. The arbitrator may exercise independent judgment in the finding of facts. In all other aspects of the decision, the standard of review to be applied by the arbitrator shall be whether the decision, action or inaction of the City was arbitrary or capricious or in violation of these Personnel Regulations, or applicable constitutional guarantees, statutory law, City Code or the common law.

CHAPTER TWELVE

SEPARATION FROM EMPLOYMENT

12.1 Resignations. To resign in good standing, an employee must present a written resignation to the employee's Department Director at least fourteen calendar days in advance of the resignation date, exclusive of accrued leave which the employee intends to take. This requirement may be waived in writing by the Department Director where adequate provisions can be made for a successor in that period of time (if one is needed right away) as well as under extenuating circumstances, (i.e., sudden need to leave for medical reasons, need to leave by unexpected military orders for employee or spouse, etc.). A copy of any employee's resignation shall be kept in the employee's personnel file. A resignation without the notice required by these rules may be grounds for denying reemployment with the City. Upon approval of the Department Director and concurrence of the City Manager, an employee may withdraw a resignation at any time prior to the effective date of resignation providing the position has not already been filled. An employee shall be regarded as having resigned without good standing if, while able to notify the employee's supervisor of the reason for his or her absence:

12.1.1 The employee fails to report for duty for two working days without notifying his supervisor; or

12.1.2 The employee fails to report for duty upon the expiration of a leave of absence/annual leave.

12.2 Exit Interview. The Personnel Director will conduct an exit interview for any terminating full-time or part-time employee. Employees will be notified of the option to meet with the City Manager during the exit interview. Preceding or during the exit interview, employees are expected to return all City property, including but not limited to, keys, IDs, and uniforms owned by the City.

12.3 Lay Offs. The City Manager may lay off employees whenever the abolishment of a position or other financial changes in the City's organization necessitates a reduction in the number of employees. Casual, temporary, probationary or part-time employees within the department in which the work force reduction is occurring shall be laid off before full-time employees. If the City Manager deems it to be in the best interests of the City, full-time employees may be assigned to vacant part-time, temporary or casual positions in lieu of layoff, and at a pay rate determined to be appropriate by the City Manager, provided such employee possesses the qualifications for the vacant position. Layoffs by position shall be made in reverse order of employee seniority by job classification within each Department, unless an employee has had a less than satisfactory work performance evaluation and/or is on a disciplinary work plan. Employees scheduled for layoff may replace less senior employees within a Department in equal or lower classifications provided they are qualified to perform the work. Laid-off employees shall have first option for another open position within the City for which they are qualified. For the purposes of this section, first option shall mean that qualified laid off city employees will be hired for the position before the vacancy is advertised to the public. If there are several laid off employees, all of whom are qualified for the

opening recall of the employees shall be in order of seniority. Two weeks before the effective date of a lay off, the City Manager shall notify the employee being laid off, in writing, of the reasons for the layoff. The City Manager may place such an employee in another department where a vacancy exists provided the employee is qualified to assume the duties of the new assignment.

12.4 Dismissal. A dismissal is an involuntary termination by the City of an employee from the City's employment. A layoff is not a dismissal.

12.4.1 Dismissal, Employee: A dismissal for disciplinary reasons or cause (Refer to Chapter 10).

12.4.2 Dismissal, Probationary Employee: A dismissal of a probationary employee for any reason. Probationary employees are at will.

12.4.3 Dismissal, At Will Employee: A dismissal of an at will employee for any or no reason. At will employees are temporary, seasonal or casual employees.

12.5 Severance Pay. In the case where an employee is laid off by the City Manager, the City may give the employee two weeks' severance pay. Final paychecks will be paid per Chapter 5.

Fundraising Memorandum of Understanding
Homer Harbor Boathouse Pavilion
November 4, 2015

Purpose

The purpose of this memorandum of understanding is to establish an agreement between Homer Foundation and the City of Homer allowing the Foundation to begin fundraising efforts dedicated to building the proposed boathouse pavilion on lot 28 of the Homer Spit. Once both parties sign, this MOU agreement will stand as a guarantee to the foundation that the City of Homer is committed to obligating a portion of lot 28 for the purpose of constructing a public pavilion gathering space. A separate MOU will be signed for the construction phase of this project.

A) Project Description

Homer Harbor Boathouse is a pavilion-type building to be constructed at the site of the old Homer harbor masters office. The use of the building is for general public enjoyment. It will provide shelter from the weather, serve as a gathering spot for ocean related and across the bay activities, and as a place of respite amongst the hustle and bustle of the Homer harbor. The project will be privately funded. To be clear this improvement will be the property of the City of Homer and as such the city must approve all aspects of this project from design, planning and construction to completion.

B) Parties to This Agreement

The Homer Spit property is owned and managed by the City of Homer. The City's Port and Harbor department has oversight responsibilities of all Spit properties. (both inclusively referred hereinafter as "City"). A voluntary association, acting as an organizing committee, has formed (hereinafter referred to as "Committee"). The Homer Foundation (hereinafter referred to as "Foundation") is a 501(c)(3) charitable organization.

C) Duration of the Agreement

1) Duration for Fundraising and Design

Fundraising efforts will commence on the date of execution of this Agreement. Funds necessary to complete the structure, but not necessarily the appurtenant winter shutters and/or doors, picnic benches and other equipment and furnishings, shall be in hand by July 31, 2016. When 50% of the base budget is under commitment, design and design approvals shall be undertaken. In the event fundraising goals fall short, the City shall have the right to renegotiate this Agreement or cancel the project.

2) Duration For Life of Project

The implied commitment to the funders of this project is a “life of building” commitment, which shall commence on the date of final completion, and extend for 30 years.

D) Description of Project

The boat house is a turnkey project built for the benefit of the community. The structure is projected to be a 32 foot by 26 foot post and beam, glass or clear non-breakable type-enclosed building. Structural concrete pilasters will support the main timber columns. The floor will be gravel or wooden decking. Roofing will be of durable material. Site location and design, will be at the direction of the City. The final project will include a high quality sculpture designed to collect donations that have widespread benefit to the community. The Homer Foundation will be responsible for operating and maintaining the sculpture. No civil improvements, other than drainage, are anticipated.

E) Duties of Parties

1) The Committee

The committee will prepare the budget and provide quarterly accounting of fundraising success.

The committee will work on the project design, obtain all permits and permissions of agencies other than the city, create promotional materials to provide potential funders, and lead the fundraising effort.

2) The City, as owners of the property, shall coordinate the site development and provide any necessary city permits. As owners, the City will approve all aspects of this project from design and planning to completion. An inspection timeline will be agreed to in the construction MOU. The City will also be responsible for any required engineering necessary for drainage issues. While the committee is responsible for the boathouse building, the City shall retain responsibility for other site improvements.

3) The Foundation shall administer the funds and act as the project manager. The Foundation will obtain the services of a person or firm that will provide quality assurance and inspections by both project managers and City, construction oversight, and handle any modifications or changes to the contract documents. The Foundation will also handle all disbursements and pay requests. Foundation will also prepare documents and agreements to be given to the funders, that specify and agree to, the donor’s intent.

H) Fees and Expenses

Except for the consideration found in paragraph G, above, the parties agree to waive any fees for administration or management. Ancillary out-of-pocket costs, will be included in the project budget as reimbursable expenses.

I) Final Inspection

Will be determined in the construction MOU

J) Subsequent Improvements

The parties do not, by and through this agreement, extend any commitment beyond the contract period, a subsequent agreement for future improvements will need to be validated through a new memorandum of understanding.

K) Modifications and/or Extensions

This agreement may only be modified or extended with the common agreement of all parties.

J) Complete Agreement

This agreement is the only agreement between the parties. No other agreement, whether written or oral, exists, or shall be construed to exist.

Dated this _____ day of December, 2015.

City Homer

Organizing Committee

Homer Foundation

Exhibit “A”

Homer Community Chest Fund

The Homer Foundation’s Homer Community Chest Fund was established to support individuals and families that are in need. The Community Chest is a restricted, pass-through fund. This means 100% of the donations that come into the fund are distributed for the intended purpose. Since December of 2011, the Foundation has distributed over \$54,000 through the Community Chest Fund.

As a funder, the Homer Foundation does not provide direct services, so to distribute Community Chest Funds they needed to look for a reliable partner that could provide emergency assistance quickly while still providing competent oversight.

Many fine agencies in Homer provide emergency aid, but those that are government funded often have lengthy review periods that can take days or even weeks. It was important to the Homer Foundation and their Community Chest donors that this type of aid be easily accessible to those in need, when they need it.

Homer Foundation Executive Director, Joy Steward, worked with Connecting Community Resources, a subcommittee of MAPP (Mobilizing for Action through Planning and Partnerships), to compile a list of emergency assistance providers. Emergency assistance was defined as assistance available within 1-3 days. The information was compiled into a small handbook for service providers. The CCR committee convenes the groups represented in the booklet annually to network and get updates for the booklet, which is now in its third printing. One of the outcomes has been increased communication and networking amongst these groups. As a result the Homer Community Food Pantry has become the referral agency for many of the other providers and the Foundation’s primary partner for the distribution of Community Chest funds for non-food emergencies. Clients can access the funds through the Food Pantry during their weekly food distribution hours at the Methodist Church on Mondays, or by leaving a message on the Food Pantry phone which is checked routinely. A caring and compassionate volunteer completes an intake interview and qualifying clients receive a check made out to the landlord, utility company, pharmacy, etc., depending on the need. The Food Pantry volunteer staff provides a written report to the Foundation detailing the number of clients served, the services, and the amounts awarded.

The Homer Foundation’s Giving Salmon

The Homer Foundation would like to place a piggy bank, or in our case a beautiful cast bronze salmon, on the Homer Spit. The “Giving Salmon” will become a valued addition to the Spit experience, providing a beautiful cast bronze sculpture for all to enjoy, a photo opportunity for that iconic Homer snapshot, and a way of capturing visitor dollars to help support our community through the Homer Foundation’s Community Chest Fund.

The inspiration came from “Rachel the Pig” a large brass piggy bank placed at the entrance to Pike Place Market in Seattle:

“Rachel the Piggy Bank is the mascot of Pike Place Market and one of our best public fundraisers. She has been “bringing home the bacon” for The Pike Place Market Foundation since 1986, (raising more than \$200,000 and counting!) to support our low-income neighbors who live in and around the Market. Legend has it that if you rub Rachel’s snout and make a donation, you’ll have good luck.”



VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**Small Business Saturday
November 28, 2015**

WHEREAS, The City of Homer celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 27.9 million small businesses in the United States, they represent 99.7 percent of American employer firms, create more than two-thirds of the net new jobs, and generate 46 percent of private gross domestic product, as well as 54 percent of all US sales; and

WHEREAS, Small businesses employ over 55 percent of the working population in the United States; and

WHEREAS, Eighty-nine percent (89%) of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue; and

WHEREAS, Eighty-seven percent (87%) of consumers in the United States agree that small businesses are critical to the overall economic health of the United States; and

WHEREAS, Ninety-three percent (93%) of consumers in the United States agree that it is important for people to support the small businesses that they value in their community; and

WHEREAS, The City of Homer supports our local businesses that create jobs, boost our local economy, and preserve our neighborhoods; and

WHEREAS, Advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of Homer, Alaska, do hereby proclaim November 28, 2015 as:

SMALL BUSINESS SATURDAY

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 23rd day of November, 2015.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Session 15-17, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on November 4, 2015 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: BOS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/STROOZAS 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).

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 October 21, 2015
- B. Decision and Findings CUP 15-05 KHLT

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

Reports

A. Staff Report PL 15-74, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 15-75 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Jackie Dentz, city resident, commented in opposition to allowing retail sales on the spit because it's a recreational area. She owns Frosty Bear Ice Cream parlor which draws kids, families, and elderly visitors. She also noted visitors from cruise ships are not allowed to bring marijuana on the ship. She doesn't think a retail establishment for marijuana belongs on the spit. She is fine if locals want to buy it and if it's done safely, but encouraged the Commission to think about where they recommend putting retail.

Crisi Mathews, city resident, owns a boardwalk on the spit and real estate in town with her husband Chad. She commented that a CUP is warranted for any grow or retail facility in a residential area, she thinks they will hurt residential property values. She also expressed opposition to allowing retail for marijuana on the spit. She noted several recreational venues that draw youth and families throughout the summer including Islands and Ocean, Alaska Coastal Studies, and HOWL which conduct many of their outings on the beaches, trails, docks, and campgrounds, as well as the Kevin Bell arena in the winter. She added that if retail is allowed and is available year round, there will be minimal oversight as a majority of the area shuts down off season. With a business in Homer and rental cabins in Anchor Point, as well as raising four children here, they have a lot of vested interest in seeing this continue to be a family community.

Chad Mathews, city resident, added that there are buildings on their boardwalk. The way it is worded now, the people who own those buildings, don't have to their permission as the boardwalk owner, to open a dispensary. He encouraged that be readdressed. He thinks with the amount of accidents and almost accidents they see on the spit and impaired drivers could be an issue, as well as the potation for increased break in attempts.

Garth Bradshaw had a business on the spit for many years and his preference is no sales at all within the community, as other communities in Alaska have done. He encourages them to follow suit. That being said, if they allow one person to sell it, how will they restrict others? He suspects there will need

to be limits on licenses, like with alcohol. He supports not selling it in Homer at all, his adult kids and his grandchildren are here and he doesn't like the exposure, and doesn't think it's the thing to do to our community.

Megan Murphy attempted to comment regarding the Waddell Park 2016 Replat Preliminary Plat. It was explained that topic would be addressed under Plat Consideration and if she was unable to stay, she could contact the planning staff for more information regarding the preliminary plat.

Shlomo Gherman commented that if the recreational sale of marijuana in town is done right it could be really effective, specifically bringing in more taxable revenue to the city. We could have a PFD type situation for many of the people living here. Colorado school district received \$6 million in additional funding from sales. No matter where you place a dispensary, once it's known the town has one, there is no stopping purchasing it. Whether it's on the spit or in town, it won't really make a difference, the real concern is managing how it's sold and who is able to purchase. It's very accessible now. If the issue is stoned people on the spit, they are already there.

There were no further public comments.

City Planner Abboud said limiting the number of establishments will be in the code under licensing and not zoning. He will have something on the next agenda for the Commission to make a recommendation.

VENUTI/STROOZAS MOVED THAT EAST END MIXED USE AREA BE ALLOWED TO HAVE SMALL VOLUME CULTIVATION.

There was brief discussion to clarify small grow operations would be allowed anywhere in the district with this motion. Other comments were that this should be more restrictive to begin with.

VOTE: YES: STEAD, VENUTI, STROOZAS, BRADLEY
NO: HIGHLAND, ERICKSON

Motion carried.

HIGHLAND/VENUTI MOVED TO ADD A CUP FOR ALL SMALL CULTIVATION IN RURAL RESIDENTIAL.

Commissioner Highland commented that rural residential is the largest district, it is family oriented, and there are a lot of lots over 40,000 square feet. Allowing it outright doesn't give the residents the opportunity to speak about small grow operations in their neighborhood. Lighting is also an issue, as well as security, in rural residential.

It was noted that currently no small cultivation is allowed on lots under 20,000, and this motion allows it in all of rural residential with a CUP. It would include the smaller lots if approved as presented.

ERICKSON/HIGHLAND MOVED TO AMEND THAT A CUP BE REQUIRED ON LOTS OVER 20,000 SQUARE FEET.

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

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

Motion carried.

There was discussion about buffers that are outlined by the state. City Planner Abboud said he would bring that back with information along with the license restrictions.

Discussion ensued regarding allowing retail on the spit and the comments from the public tonight.

HIGHLAND/ERICKSON MOVED TO DISALLOW RETAIL FOR MARIJUANA IN MARINE COMMERCIAL.

Commissioner Highland said tonight's public comments included good reasons to be concerned about retail sales out there.

Commissioner Venuti noted there are bars and liquor stores on the spit now that sell cheap liquor which he thinks is more dangerous.

Commissioner Erickson agrees with the public comments about not allowing retail in marine commercial.

Commissioner Bradley commented that a CUP is required for retail in marine commercial which is fairly restrictive.

Commissioner Stroozas expressed his thought that the fishing hole is a recreational facility for families with kids and youth based fishing events that are held there. Based on state buffers, that could justify disallowing retail on the spit. If the CUP remains in place, then an applicant complies with all the regulations, the Commission would have to allow it.

VOTE: YES: ERICKSON, STROOZAS, HIGHLAND
NO: STEAD, BRADLEY, VENUTI

Motion failed for lack of a majority.

No further amendments were proposed and another public hearing is scheduled for December 2nd.

Plat Consideration

A. Staff Report PL 15-76 Waddell Park 2016 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

Public Works Director Meyer had no presentation and was available for questions.

There were no public comments.

Chair Stead asked if the connections and other improvements associated with Lake Street are okay with the state. Public Works Director Meyer said the state is aware of the proposed improvements and will be issuing a formal permit soon.

HIGHLAND/BRADLEY MOVED TO APPROVE STAFF REPORT PL 15-76 AND WADDELL PARK 2016 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

New Business

A. 2016 Planning Commission Meeting Schedule

ERICKSON/BRADLEY MOVED TO APPROVE THE 2016 MEETING SCHEDULE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

A. City Manager's Report October 26, 2015

B. 2015 Commissioner Attendance at City Council Meetings

Comments of the Audience

Comments of Staff

City Planner Abboud commented that there is one more meeting this year. Marijuana zoning is a priority to move forward so the city will be ready when the permit filing period opens on February 24th

and applicants have 90 days to act up on the license. He noted retail places won't likely have product to sell right away because cultivators would have to have a license before they could grow. He predicts the scenario would likely be the end of summer at best before product would be available.

He is working on a manageable schedule for the Comp Plan review.

Comments of the Commission

Commissioner Highland and Erickson had no comment.

Commissioner Bradley commented she is looking forward to speaking at the city council meeting on the 23rd and will be getting ahold of the City Planner for assistance with talking points. She thought the comments tonight were interesting.

Commissioner Stroozas said he expected standing room only tonight for the public hearing. It's nice to get done early. It was a well conducted meeting and thanked Chair Stead for moving things along.

Commissioner Venuti agreed it was interesting discussion tonight. He thinks that for what it will cost to get licensed and into operation on the spit for a three month season, doesn't make economic sense. He doesn't think there will be a lot of people jumping at that opportunity. Regarding commissioner comments at council meetings he encouraged that speakers work with staff to get a script or talking points to ensure they aren't giving personal feedback.

Chair Stead said he thinks they did good tonight.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:01 p.m. The next regular meeting is scheduled for December 2, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

PUBLIC HEARING(S)

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

**Ordinances 15-23(S) and 15-41(S)
Resolution 15-097
Homer Natural Gas Special Assessment District Exclusions**

A **public hearing** is scheduled for **Monday, November 23, 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.

Exclusion requests from the Homer Natural Gas Special Assessment District:

1. Mathes - KPB Parcel 17513222
2. Larry Cabana – Sunset View Estates – KPB Parcel 17510230

Ordinances 15-23(S) and 15-41(S) internet address:

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

Ordinance 15-23(S), 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.

Ordinance 15-41(S), 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.

Resolution 15-097 internet address:

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

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.



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

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

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 **Exclusion Requests from the Homer Natural Gas Special Assessment District; Ordinance 15-23(5)**, Amending Homer City Code 21.40.070, Requirements, regarding Standards for Impervious Coverage in the Bridge Creek Watershed Protection District; **Ordinance 15-41(S)**, Appropriating Funds for the Calendar Year 2016 for the General Fund, Water Fund, Sewer Fund, Port/Harbor Fund, Capital Projects, and Internal Service Funds; **and Resolution 15-097**, Amending the City of Homer Fee Schedule Under Administrative, City Clerk, Camping, Library, Public Safety, Fire Department and Public Works Department Fees was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, November 5, 2015 and posted the same on City of Homer Website on Friday, November 5, 2015.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 5th day of November, 2015.

Renee Krause

Renee Krause, CMC, Deputy City Clerk





City of Homer

www.cityofhomer-ak.gov

OCT 15 2015

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Gas Assessment Exclusion Application

Property Owner

Name: MARY MATTHEES Telephone No.: 907-841-9485

Address: P.O. Box 870666 WASILLA, ALASKA 99687

Email: _____

Property Information:

Address: BUNNEL'S SUBDIVISION, LOT 45, WEST PORTION

KPB Tax ID # 196554 17513222 Assessed Value: \$ 22,700 —

Legal Description of Property: T6S R 13W SEC 19 SEWARD MERIDIAN
HM 0000049 BUNNELS SUB LOT 45 THE WEST PORTION THEREOF

Grounds for exclusion that the Council will not consider include without limitation that the assessment imposes economic hardship on the property owner, that the property owner has no present plan to develop the property, and that the property owner has no present plan to obtain natural gas service to the property. Low income deferrals can be requested through the Clerk's Office.

I am applying for an exemption from the natural gas assessment because:

My parcel is not served by natural gas. Attach documentation from Enstar that under the terms of the ENSTAR Tariff a main extension will be required to provide natural gas service to the property.

OR

My parcel is not benefited by gas because:

- Property is tidal and not developable
- Property is too steep to build on
- Property has no developed road access, no homes or businesses, and no city utilities.
- Property does not border a publicly dedicated right of way
- Property has a legal restriction on development, such as conservation easements or designated park lands.
- Property is not buildable for another reason. Attach specific facts of why the land cannot be developed, and why it does not benefit from natural gas.

Staff Review

The City Clerk will not accept an application, and the Council will not consider or act on an application, unless the property that is the subject of the application is, and remains, current in the payments on its assessment in the District. If the Council adopts a resolution excluding a property from the District, the City shall refund all payments made for the property on its assessment in the District [without interest] to the record owner of the property as of the effective date of the resolution.

Finance Dept: Payments are current for existing gas assessments as of (date) 10/15/15 *pd \$405.27 10/02/15*
Payment is delinquent by \$ _____ as of (date) _____

Planning Dept:
___ Property is reasonably not developable, see attached
___ Property can be developed, see attached
___ Property can be developed although there are constraints, see attached

Council Review: *Property Does not have access to gas*

- At the hearing, the applicant will have the burden of proving that the property satisfies either of the grounds for exclusion from the District.
- At the conclusion of the hearing, the Council will take one of the following actions, in its sole discretion:

1. Adopt or reject a resolution excluding the property from the District; or
2. Continue the hearing to allow the applicant time to provide additional information in support of the application.

- The decision of the Council on an application is final and non-appealable.
- Approval of an exclusion of property from the District is subject to the Council’s determination that after the exclusion there will be sufficient funds available from the assessment of properties in the District and other sources to satisfy the City’s obligations to the Kenai Peninsula Borough under the Loan Agreement between the City and the Borough for the financing of the cost of the improvement in the District.

Land Owner signature *[Signature]* Date: 10/13/15

OR Council member signature _____ Date: _____

Date of Clerk’s Office Receipt: _____ Date application accepted as complete _____

All applications must be submitted by February 11, 2017, Ordinance 15-27.

Date application denied as incomplete. Attach list of deficiencies. _____

Date of scheduled City Council City Council Hearing: 11/23/15

Council approval date: _____ Resolution # _____

Council denial date: _____ Resolution # _____

Bunnells Sub Lot 45 West Portion Thereof



Planning Staff Comments:
Gas does not extend down Swatzell Street.
This lot does not have access to gas.



Legend
Parcels

2013 Photo; property lines are approximate.
Map produced 10/16/15.



NOV - 2 2015



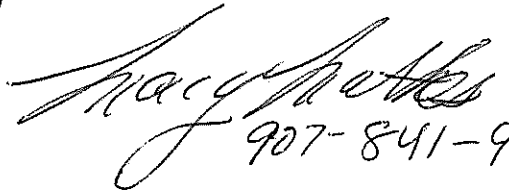
10/30/15

FROM : MARY MATHESS
TO : HOMER CITY COUNCIL
RE : REQUEST FOR EXEMPTION / NAT. GAS ASSESSMENT

SINCE I AM UNABLE TO ATTEND THE PUBLIC HEARING ON THIS MATTER, I AM WRITING TO CONFIRM THE FOLLOWING:

- I AM THE OWNER OF PARCEL # 17513222
- I DO NOT HAVE ROAD ACCESS TO THIS PROPERTY, SWATZELL ST IS PLATTED, BUT TO DATE, THERE ARE NO PLANS TO DEVELOPE IT & THEREFORE IT'S NOT SERVICEABLE BY ENSTAR

THANKYOU FOR YOUR CONSIDERATION TO EXEMPT MY PROPERTY FROM THIS ASSESSMENT.


907-841-9485



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

October 21, 2015

Mary Mathes
P.O. Box 870666
Wasilla, Alaska 99687

Dear Ms. Mathes,

Your application to exempt Kenai Peninsula Borough Parcel No. 17513222 from the natural gas special assessment district will be heard by the Homer City Council on November 23, 2015. A public hearing has been scheduled at the regular city council meeting that begins at 6:00 p.m.

The Finance and Planning Departments reviewed the status of your assessment payment and prospective development of your property. I have enclosed your application and supporting documents for your review.

At the public hearing you will have the burden of proving that the property satisfies grounds for exemption from the special assessment district. The Council will then take action to either adopt or reject a resolution excluding the property from the district or continue the hearing.

If you should have any questions regarding this process, please feel free to call me.

Sincerely,

Jo Johnson
City Clerk

Enc. Gas Assessment Exclusion Application
& supporting documents



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov
(p) 907-235-3130
(f) 907-235-3143

Gas Assessment Exclusion Application

Property Owner Leroy Cabana

Name: Sun Set View Estates Telephone No.: 907 202 1029

Address: Box 49 Homer Alaska 99603

Email: llcabana@yahoo.com

Property Information:

Address: Sound View Drive

KPB Tax ID # 175-102-30 Assessed Value: \$ 100,00

Legal Description of Property: Lot 2 Block 2 Foothills Sub
Sun set View Estates Add # 2 Phase 1

Grounds for exclusion that the Council will not consider include without limitation that the assessment imposes economic hardship on the property owner, that the property owner has no present plan to develop the property, and that the property owner has no present plan to obtain natural gas service to the property. Low income deferrals can be requested through the Clerk's Office.

I am applying for an exemption from the natural gas assessment because:

My parcel is not served by natural gas. Attach documentation from Enstar that under the terms of the ENSTAR Tariff a main extension will be required to provide natural gas service to the property.

OR

My parcel is not benefited by gas because:

Property is tidal and not developable

Property is too steep to build on

Property has no developed road access, no homes or businesses, and no city utilities.

Property does not border a publicly dedicated right of way

Property has a legal restriction on development, such as conservation easements or designated park lands.

Property is not buildable for another reason. Attach specific facts of why the land cannot be developed, and why it does not benefit from natural gas.

Staff Review

The City Clerk will not accept an application, and the Council will not consider or act on an application, unless the property that is the subject of the application is, and remains, current in the payments on its assessment in the District. If the Council adopts a resolution excluding a property from the District, the City shall refund all payments made for the property on its assessment in the District [without interest] to the record owner of the property as of the effective date of the resolution.

Finance Dept: Payments are current for existing gas assessments as of (date) 10/26/15 ^{#405.27 received 9/10/15}
Payment is delinquent by \$ _____ as of (date) ∞

Planning Dept:

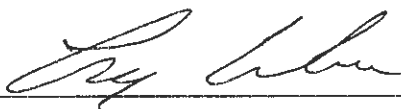
- Property is reasonably not developable, ~~see attached~~ Designated storm water retention per ACOE permit
- Property can be developed, see attached
- Property can be developed although there are constraints, see attached POA 2006-153-4, NO residential development allowed.

Council Review:

- At the hearing, the applicant will have the burden of proving that the property satisfies either of the grounds for exclusion from the District.
- At the conclusion of the hearing, the Council will take one of the following actions, in its sole discretion:

1. Adopt or reject a resolution excluding the property from the District; or
2. Continue the hearing to allow the applicant time to provide additional information in support of the application.

- The decision of the Council on an application is final and non-appealable.
- Approval of an exclusion of property from the District is subject to the Council's determination that after the exclusion there will be sufficient funds available from the assessment of properties in the District and other sources to satisfy the City's obligations to the Kenai Peninsula Borough under the Loan Agreement between the City and the Borough for the financing of the cost of the improvement in the District.

Land Owner signature  Date: 10/23/15

OR Council member signature _____ Date: _____

Date of Clerk's Office Receipt: _____ Date application accepted as complete _____

All applications must be submitted by February 11, 2017, Ordinance 15-27.

Date application denied as incomplete. Attach list of deficiencies. _____

Date of scheduled City Council City Council Hearing: _____

Council approval date: _____ Resolution # _____

Council denial date: _____ Resolution # _____



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(p) 907-235-3130

(f) 907-235-3143

October 29, 2015

Sunset View Estates, LLC
Leroy Cabana
P.O. Box 49
Homer, Alaska 99603

Dear Mr. Cabana,

Your application to exempt Kenai Peninsula Borough Parcel No. 17510230 from the natural gas special assessment district will be heard by the Homer City Council on November 23, 2015. A public hearing has been scheduled at the regular city council meeting that begins at 6:00 p.m.

The Finance and Planning Departments reviewed the status of your assessment payment and prospective development of your property. I have enclosed your application and supporting documents for your review.

At the public hearing you will have the burden of proving that the property satisfies grounds for exemption from the special assessment district. The Council will then take action to either adopt or reject a resolution excluding the property from the district or continue the hearing.

If you should have any questions regarding this process, please feel free to call me.

Sincerely,

Jo Johnson
City Clerk

Enc. Gas Assessment Exclusion Application
& supporting documents

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
4. City Council Regular Meeting November 23, 2015 Public Hearing and 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
 - c. Memorandum 15-187 from City Planner as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 15-23(S)

5 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING
6 HOMER CITY CODE 21.40.070, REQUIREMENTS, REGARDING
7 STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK
8 WATERSHED PROTECTION DISTRICT.
9

10 THE CITY OF HOMER ORDAINS:
11

12 Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:
13

14 21.40.070 Requirements. The requirements of this section shall apply to all structures
15 and uses in the BCWP district unless more stringent requirements are required pursuant to
16 Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.
17

18 a. Impervious Coverage.

19 1. Lots two and one-half acres and larger shall have a maximum total
20 impervious coverage of 4.2 percent.

21 2. Lots smaller than two and one-half acres shall have a maximum total
22 impervious coverage of 4.2 percent, except as provided in subsection (a)(3) of this
23 section.

24 3. Lots smaller than two and one-half acres may be allowed impervious
25 coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan
26 for ~~the City Planner's~~ ~~Planning Commission's~~ approval, and (b) if approved,
27 thereafter implements and continuously complies with the approved plan. The
28 mitigation plan must be designed to mitigate the effect of impervious coverage on
29 water flow and the effect of loss of vegetation created by the impervious coverage and
30 **shall comply with the following performance standards:**

31 **a. Disturbed areas shall be reseeded by August 31st**

32 **b. Storm water retention for the proposed new impervious surface**
33 **must be provided on site.**

34 **1. The post-development stormwater discharge rate shall**
35 **not exceed the pre-development peak discharge rate (PDR) for the**
36 **10-year frequency storm event, consisting of rainfall for a period of**
37 **three consecutive hours at a rate of one-half inch per hour.**

38 **2. Retention may be provided in the form of one or a**
39 **combination of dry wells, rain barrels, rain gardens, foot drain**
40 **retention or other method approved by the City Planner.**

41 b. Impervious Coverage Calculations.

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

42 1. For the purpose of calculating impervious coverage on lots smaller than two
43 and one-half acres, **50% of** driveways and walkways may be ~~partially or fully~~ excluded
44 from the calculation, if constructed and maintained in accordance with a mitigation
45 plan **that addresses the entire impervious coverage proposed for the lot,**
46 submitted and approved in accordance with subsection (a)(3) of this
47 section. **Exclusion of more than 50% of driveways and walkways from the**
48 **calculation shall require approval of the Planning Commission.**

49 2. Except as otherwise provided in this section, parcels of land subdivided after
50 February 25, 2003, shall be allowed a total impervious coverage of 4.2 percent
51 including right-of-way (ROW) dedication. ROW coverage area shall be calculated as 50
52 percent of the total area of the dedicated ROW. The impervious coverage allowed for
53 the subdivided parcels shall be calculated after deducting the ROW coverage from the
54 total parcel allowance according to the following formula:

55 Formula:

56 (Area of parcel being subdivided) x 0.042 = Total allowed impervious coverage
57 (TAC)

58 (Area of ROW dedication) x 0.5 = ROW coverage (ROW C)

59 (TAC) – (ROW C) = Allowed impervious coverage for remainder of parcel being
60 subdivided

61 (Area of parcel being subdivided) – (Area of ROW dedication) = New parcel area
62 (Allowed impervious coverage for remainder) ÷ (New parcel area) x 100 =
63 Percent impervious coverage allowed on subdivided lots.

64 c. Additional Requirements for Subdivisions and Lots.

65 1. Lots created by subdivision after February 25, 2003, shall be a minimum of
66 four and one-half acres.

67 2. Applications for subdivisions, dedications, and vacations of easements and
68 rights-of-way in the BCWP district must be approved by the Planning Commission
69 prior to submission to the Kenai Peninsula Borough.

70 d. Building Setbacks. Buildings must be set back from the Bridge Creek Reservoir and
71 from streams as provided in HCC 21.40.110 and 21.40.120.

72 e. Sewer Systems. Appropriate to the use of the lot, each lot shall be served by a septic
73 or sewer system approved by the Alaska State Department of Environmental Conservation
74 (ADEC). Stream setbacks equal to 100 feet for drain fields and subsurface discharge and 250
75 feet for raised septic systems are required.

76 f. Ongoing Construction and Timber Harvesting. All activities including, but not limited
77 to, timber harvesting, road building, subdivision and building activities involving loss of
78 vegetation ground cover or soil disturbance and that are in process on February 25, 2003,
79 shall be required to obtain permits under this chapter and shall fully conform to the terms of
80 this chapter. Activities leaving disturbed or lost vegetative ground cover, disturbed soils
81 without revegetation or leaving slash piles will be considered in process for the purposes of
82 this subsection, regardless of when the activity occurred.

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

83 g. Pending Subdivisions. Subdivisions that have not received final plat approval by
84 February 25, 2003, shall obtain approval from the Planning Commission and shall be required
85 to conform to the requirements of this chapter.
86

87 Section 2. This Ordinance is of a permanent and general character and shall be
88 included in the City Code.

89
90 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
91 2015.

92 CITY OF HOMER

93
94
95 _____
96 MARY E. WYTHE, MAYOR

97 ATTEST:

98
99
100 _____
101 JO JOHNSON, MMC, CITY CLERK

102
103
104
105 AYES:

106 NOES:

107 ABSTAIN:

108 ABSENT:

109
110
111
112 First Reading:

113 Public Hearing:

114 Second Reading:

115 Effective Date:

116
117
118
119 Reviewed and approved as to form:

120
121 _____
122 Mary K. Koester, City Manager

121 _____
122 Thomas F. Klinkner, City Attorney

123
124 Date: _____

Date: _____

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



City of Homer

www.cityofhomer-ak.gov

Planning

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Memorandum 15-100

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

THROUGH KATIE KOESTER, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: JUNE 18, 2015

SUBJECT: RECOMMENDATION FROM HOMER ADVISORY PLANNING COMMISSION REGARDING THE PROPOSED AMENDMENT TO HCC 21.40.070, REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

For approximately one year the Planning Commission has discussed the Bridge Creek Watershed Protection District (BCWPD). The commission considered increasing the amount of impervious coverage from the current allowance. After the testimony received from two public hearings, where every property owner in the watershed was sent direct notification, the Commission decided against an increase. The Planning Commission's draft ordinance does allow development proposals in the district (those eligible to exceed 4.2% impervious coverage) to be completed with less delay and clarifies a more uniform procedure for impervious surface mitigation.

Non-ordinance recommendation for the BCWPD

1. Platting fees be waived when vacating lines to increase lot sizes.
2. Increase City efforts to purchase one property a year.
3. Examine ditch cleaning policies and work with DOT on Skyline Drive maintenance including minimizing road ditch clearing to minimize possible negative effects to the watershed.
4. Ask Public Works not to use calcium chloride for dust control.

Current Procedure

All lots in the BCWPD are allowed up to 4.2% of impervious coverage, lots smaller than 2.5 acres are allowed to provide mitigation for review at the Planning Commission for up to 6.4% of impervious coverage. The standards for mitigation are not defined in code. Taking the plan to the Commission incurs additional time compared to standard permits that may be issued by the Planning Department. Not having defined standards for the calculation of mitigation leads to staff suggesting the measures which then need to be 'sold' to the Commission. There is little consistency between mitigation plans or outcomes and this creates a lot of uncertainty for developers.

Proposed Amendments

- 1.) The Commission recommends that the City Planner review and approve mitigation plans without having to go before the Commission.

- 2.) Reseeding is prescribed by a date specific so that vegetation has an opportunity to be established before the winter and the opportunity for runoff is decreased.
- 3.) Standards are proposed for design of the mitigation plan. The storm water event that is defined as the same that is required elsewhere in code, rainfall at a rate of 1.5 inches per hour for 3 hours. While common methods of approved retention forms are listed, others may be approved.
- 4.) The calculation of impervious surface for the purpose of mitigation is based on professional engineering standards. Prescribed calculations for typical driveways, walkways, and structures are those an engineer uses to create an appropriate mitigation plan. Other methods still have an option for other calculations in case someone wanted to install a 'green roof' or other non-typical measure.

Eliminated is the subjective nature of partially excluding driveways without having any specific expectations. Currently, the commission may decide to grant someone some sort of exclusion, but they have no standards in code for this provision. This leads to inconsistency among applicants and can alter the carefully thought out provisions for impervious throughout the district.

The proposed amendment was a subject on 12 Planning Commission meetings. The meetings of the October 15th, November 5th and April 15th were public hearings where the entire Bridge Creek Watershed Protection District was sent a notice. While testimony was varied, a great deal was against creating the opportunity for additional impervious coverage. Allowing the Planner to process permits was universally accepted.

Planning staff review of the zoning code amendment as required by HCC 21.95.040.

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

- a.** Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Discussion: Comprehensive Plan Chapter 4, Goal 2: "Maintain the quality of Homer's natural environment and scenic beauty." A strategy stated to accomplish this goal includes "recommend that appropriate standards be adopted so that where development does occur it is designed to respect environmental functions and characteristics." Examples giving include "site development policies for drainage, vegetation, and grading." This amendment is directly correlated toward accomplishing this goal.

Staff response: This amendment is consistent with the Comprehensive Plan.

- b.** Will be reasonable to implement and enforce.

Staff response: This code amendment will be reasonable to implement and enforce. Standards for mitigation calculation are more certain than current policy.

- c.** Will promote the present and future public health, safety and welfare.

Staff response: The public health, safety and welfare is promoted in the creation of targeted standards to help mitigate potential negative impacts on the Bridge Creek Reservoir.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment is consistent with the intent and wording of other provisions of this title. The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provision of this title.

21.95.010 Initiating a code amendment.

Staff response: The Planning Commission initiated the code amendment, per 21.95.010(b).

21.95.030 Restriction on repeating failed amendment proposals.

Staff response: This section of code is found to be not applicable.

Att.

1. Proposed draft ordinance
2. Staff Reports with attachments
3. Excerpts of Planning Commission minutes



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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.



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Memorandum 15-179

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH KATIE KOESTER, CITY MANAGER
FROM: RICK ABOUD, CITY PLANNER
DATE: October 22, 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.

The Planning Commission recommended an amendment to the previously proposed ordinance.

The amendment addresses the concerns found at the City Council. Technically, two different concepts are addressed. Reminder: These concepts only apply to lots that are less than 2.5 acres. No new lots may be subdivided under 4.5 acres in size.

1. What constitutes impervious on site? All structures, walkways, and driveways are impervious for calculating the mitigation measures.
2. What exception may be granted for the calculation of impervious cover? 50% of the area used as walkways and driveways may be excluded for determination of the total amount of impervious allowed.

In a nutshell, if one wishes to exceed impervious cover greater than 4.2% on their, they will be expected to create a mitigation plan that considers the entire proposed development. They may develop 6.4% of the lot in addition to a maximum of an additional 50% of the proposed walkway and driveway area. This is all permitted within the Planning Office. If an exception greater than 50% of the walkway and driveway is proposed, they will need approval of the Planning Commission.

I believe this is a good compromise that really does not deviate much from the current allowance for impervious coverage, but makes it much friendlier to those wanting to develop. It provides a reasonable amount of exception for the development of small lots.

CITY OF HOMER
ORDINANCE 15-xx

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.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:

21.40.070 Requirements. The requirements of this section shall apply to all structures and uses in the BCWP district unless more stringent requirements are required pursuant to Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.

a. Impervious Coverage.

1. Lots two and one-half acres and larger shall have a maximum total impervious coverage of 4.2 percent.

2. Lots smaller than two and one-half acres shall have a maximum total impervious coverage of 4.2 percent, except as provided in subsection (a)(3) of this section.

3. Lots smaller than two and one-half acres may be allowed impervious coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan for the City Planner's ~~Planning Commission's~~ approval, and (b) if approved, thereafter implements and continuously complies with the approved plan. The mitigation plan must be designed to mitigate the effect of impervious coverage on water flow and the effect of loss of vegetation created by the impervious coverage and shall comply with the following performance standards:

a. Disturbed areas shall be reseeded by August 31st

b. Storm water retention for the proposed new impervious surface must be provided on site.

1. The post-development stormwater discharge rate shall not exceed the pre-development peak discharge rate (PDR) for the 10-year frequency storm event, consisting of rainfall for a period of three consecutive hours at a rate of one-half inch per hour.

2. Retention may be provided in the form of one or a combination of dry wells, rain barrels, rain gardens, foot drain retention or other method approved by the City Planner.

b. Impervious Coverage Calculations.

1. For the purpose of calculating impervious coverage on lots smaller than two and one-half acres, 50% of driveways and walkways may be ~~partially or fully~~ excluded from the calculation, if constructed and maintained in accordance with a mitigation

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

44 plan that addresses the entire impervious coverage proposed for the lot, submitted
45 and approved in accordance with subsection (a)(3) of this section. Exclusion of more
46 than 50% of driveways and walkways from the calculation shall require approval of
47 the Planning Commission.

48 2. Except as otherwise provided in this section, parcels of land subdivided after
49 February 25, 2003, shall be allowed a total impervious coverage of 4.2 percent including
50 right-of-way (ROW) dedication. ROW coverage area shall be calculated as 50 percent of
51 the total area of the dedicated ROW. The impervious coverage allowed for the
52 subdivided parcels shall be calculated after deducting the ROW coverage from the total
53 parcel allowance according to the following formula:

54 Formula:
55 (Area of parcel being subdivided) x 0.042 = Total allowed impervious coverage
56 (TAC)
57 (Area of ROW dedication) x 0.5 = ROW coverage (ROW C)
58 (TAC) – (ROW C) = Allowed impervious coverage for remainder of parcel being
59 subdivided
60 (Area of parcel being subdivided) – (Area of ROW dedication) = New parcel area
61 (Allowed impervious coverage for remainder) ÷ (New parcel area) x 100 =
62 Percent impervious coverage allowed on subdivided lots.

63 c. Additional Requirements for Subdivisions and Lots.

64 1. Lots created by subdivision after February 25, 2003, shall be a minimum of
65 four and one-half acres.

66 2. Applications for subdivisions, dedications, and vacations of easements and
67 rights-of-way in the BCWP district must be approved by the Planning Commission prior
68 to submission to the Kenai Peninsula Borough.

69 d. Building Setbacks. Buildings must be set back from the Bridge Creek Reservoir and
70 from streams as provided in HCC 21.40.110 and 21.40.120.

71 e. Sewer Systems. Appropriate to the use of the lot, each lot shall be served by a septic
72 or sewer system approved by the Alaska State Department of Environmental Conservation
73 (ADEC). Stream setbacks equal to 100 feet for drain fields and subsurface discharge and 250
74 feet for raised septic systems are required.

75 f. Ongoing Construction and Timber Harvesting. All activities including, but not limited
76 to, timber harvesting, road building, subdivision and building activities involving loss of
77 vegetation ground cover or soil disturbance and that are in process on February 25, 2003, shall
78 be required to obtain permits under this chapter and shall fully conform to the terms of this
79 chapter. Activities leaving disturbed or lost vegetative ground cover, disturbed soils without
80 revegetation or leaving slash piles will be considered in process for the purposes of this
81 subsection, regardless of when the activity occurred.

82 g. Pending Subdivisions. Subdivisions that have not received final plat approval by
83 February 25, 2003, shall obtain approval from the Planning Commission and shall be required
84 to conform to the requirements of this chapter.

85

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



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Staff Report PL 15-73

TO: Homer Advisory Planning Commission
FROM : Rick Abboud, City Planner
DATE: October 21, 2015
SUBJECT: Draft ordinance for the Bridge Creek Watershed Protection District.

This draft ordinance accomplishes several things for those developing in the Bridge Creek Watershed Protection District (BCWPD) on lots smaller than 2.5 acres. This ordinance will save applicants time and provide clear and consistent expectations when developing in the Homer's watershed. This ordinance:

1. Allows the City Planner to approve mitigation plans for lots smaller than 2.5 acres that choose to develop an impervious coverage up to 6.4% of the lot area (lines 23-25).

Currently, all lots in the BCWPD are allowed up to 4.2% of impervious coverage. Lots less than 2.5 acres may develop up to 6.4%, if the Planning Commission approves the mitigation plan. The Planning staff is familiar with these mitigation methods and can provide assistance to applicants. This will avoid delays when scheduling before the Commission, while letting the applicant work with one staff person instead of seven Commissioners.

2. Describes standards for calculating the amount of mitigation needed (lines 28-39).

Currently, how to mitigate for the impervious coverage is not defined. This leads applicants to design for what feels like to them, a moving target. The ordinance eliminates the moving target by outlining standards for storm water mitigation. The ordinance describes the rain event (a 10 year event for 3 hours, equal to 0.5" per hour) for which the developer is to mitigate, so applicants will have clear expectations on what their mitigation plan needs to accomplish. The ordinance outlines acceptable mitigation measures and provides the ability to consider mitigation methods not listed.

3. 50% of the driveways and walkways may be excluded (lines 46-52).

This clarifies that up to 50% of the driveways and walkways may be excluded from the impervious calculations when a mitigation plan considers the entire impervious coverage proposed. Consideration for a proposal of greater than 50% will require approval of the Planning

Commission. Currently, driveways may be fully excluded with approval of the Commission. A 50% exclusion would have accommodated all previous application with the exception of one.

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: The Comprehensive Plan, Ch. 4, Goal 2: "Maintain the quality of Homer's natural environment and scenic beauty." A strategy 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 include "site development policies for drainage, vegetation, and grading." This amendment directly correlates to 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: Public health, safety and welfare are promoted in the creation of 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.

Staff Recommendation: Hold public hearing. Move to recommend adoption by the City Council.

Att: Draft Ordinance public hearing version



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Staff Report PL 15-69

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 7, 2015
SUBJECT: BCWPD

Introduction: After working with the last recommendations for the ordinance, I found some difficulty with interpretation and intent within the language.

Analysis: The ordinance forwards two separate concepts that should be clearly noted. The first is that in order to exceed the 4.2% impervious coverage on lots smaller than 2.5 acres, one is required to produce a mitigation plan in accordance with the standards set forth in the amended ordinance. Second, one may get some exclusion from impervious calculation for driveways and walkways.

The version of the ordinance sent to the City Council used the method of calculating a mitigation measure as the amount of exclusion for impervious cover that was acceptable, all without specifically spelling it out. The implied amount of exclusion was 10% of the structure and 30% of the driveway ("walkways may be calculated as 70% impervious and structures as 90% impervious"), as it represents the numbers an engineer would use in calculating the amount of retention necessary for the specified event.

One of the goals of the amendment was to clarify just how much of a driveway or walkway may be excluded without presenting a mitigation plan before the Planning Commission. Currently, one may partially or fully exclude driveways or walkways from the amount of impervious (even without any specific guidelines). My proposed amendment would specify allowance at 50% that could be approved in the Planning Office. Only one proposal since inception of the district, in 2003, has proposed a greater number. Additionally, the last proposal that requested relief worked with the 90% and 70%, which equated to consideration of 60% impervious for the driveway.

I am comfortable with providing 50% relief for walkways and driveways with the installation of retention measures that consider the entire development for a lot. The proposed language spells this out and does not mix the mitigation measures with the formula for impervious mitigation. This way code is consistent in what is considered impervious in other sections of

title 21. If one does find it necessary to request relief beyond the 50% for walkways and driveways, they may make their case before the Commission.

Staff Recommendation: Review proposed amendment and make recommendation. This may then be scheduled for a public hearing.

Attachments:

1. Ordinance



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Staff Report PL 15-64

TO: Homer Advisory Planning Commission
FROM : Rick Abboud, City Planner
DATE: August 19, 2015
SUBJECT: Draft ordinance for the Bridge Creek Watershed Protection District

Introduction

On July 27th, the Council held a public hearing and second reading of Ordinance 15-23 (Amending HCC 21.40.070, Standards for Impervious Coverage in the Bridge Creek Watershed Protection District). Council made amendments to the Ordinance to remove the language about using the figures of 70% and 90% for driveway and structure impervious calculations. They then added back in that driveways could be mitigated and partially or fully excluded from the impervious calculation. The City Council remanded back to the Commission to re-present the ordinance with more definition around the impervious standards. Please see the minutes.

Staff has provided information below on impervious surface calculations, and also see attachments. The Commission has two possible ways to respond to Council: stick with the impervious calculations that have been discussed thus far and why, or, agree with Council on the amendments. Please discuss so the minutes can reflect the Commission's comments back to the Council.

Discussion

Option A, HAPC recommendations: By having code that defines the imperviousness as 70% for driveways and 90% for buildings, it takes the guesswork out for staff and the applicant. If an applicant has other information, or a better way to build a permeable driveway, they can provide that. Staff can consider it before making a decision. But both driveways and structures have a reduction from the usual 100% impervious calculation.

Option B, Council's Amendment: Buildings would continue to be calculated as 100% impervious. Driveways could be calculated based on best available information as provided by the applicant, their engineer, or staff could use the figures provided in the Homer Stormwater and Meltwater Management Handbook. Code would not provide any guidance.

Impervious Runoff Coefficients

The most common method to determine the volume of stormwater runoff after a storm event is the called the Rational Method. The Rational Method uses “runoff coefficients” which is a percentage of runoff created by the impervious surface. Engineers use well documented and scientifically based “runoff coefficients” when estimate the amount of stormwater runoff that is created on a certain storm event.

Attached are two documents with more information. The Homer Storm Water Meltwater Management Handbook discusses this method and provides localized coefficients. The Knox County information offers a technical description is frequently used as reference for describing the rational method.

Staff recommendation Our collective goal is clear, easy to understand code language. Planning Commission:

1. Discuss Options A and B. Which is easier to understand, administer, and defend on appeal?
2. Planning Commission respond to the Council’s request for Commission to re-present the ordinance with more definition around the impervious standards.

Attachments:

1. Ordinance 15-23
2. Minutes from July 27, 2015 Council meeting
3. Pages 32-36 of the Homer Stormwater and
4. Knox County Tennessee Storm Water Management Manual
5. Memorandum 15-100

CITY OF HOMER
HOMER, ALASKA

Planning

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.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.40.070, Requirements, is amended to read as follows:

21.40.070 Requirements. The requirements of this section shall apply to all structures and uses in the BCWP district unless more stringent requirements are required pursuant to Chapter 21.71 HCC. The City of Homer water utility is exempt from this section.

a. Impervious Coverage.

1. Lots two and one-half acres and larger shall have a maximum total impervious coverage of 4.2 percent.

2. Lots smaller than two and one-half acres shall have a maximum total impervious coverage of 4.2 percent, except as provided in subsection (a)(3) of this section.

3. Lots smaller than two and one-half-acres may be allowed impervious coverage up to 6.4 percent if (a) the owner submits a lot-specific mitigation plan for **the City Planner's** ~~Planning Commission's~~ approval, and (b) if approved, thereafter implements and continuously complies with the approved plan. The mitigation plan must be designed to mitigate the effect of impervious coverage on water flow and the effect of loss of vegetation created by the impervious coverage and **shall comply with the following performance standards:**

a. Disturbed areas shall be reseeded by August 31st

b. Storm water retention for the proposed new impervious surface must be provided on site.

1. The post-development stormwater discharge rate shall not exceed the pre-development peak discharge rate (PDR) for the 10-year frequency storm event, consisting of rainfall for a period of three consecutive hours at a rate of one-half inch per hour.

2. Retention may be provided in the form of one or a combination of dry wells, rain barrels, rain gardens, foot drain retention or other method approved by the City Planner.

c. For the purpose of calculating impervious coverage for mitigation plans on lots smaller than two and one-half acres, driveways and

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

~~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. WYTHER, 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

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

Requirement From the Homer Accelerated Water And Sewer Fund (HAWSP) in the Amount of \$576,773.10 for the Purpose of Completing the Water Distribution/Storage Improvement Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015.

Councilmember Burgess previously declared a conflict of interest and was recused from participation.

Mayor Wythe opened the public hearing.

Scott Adams, city resident, commented most developments for water and sewer are LIDs. If the Shellfish, South Slope, and Kachemak Drive projects are not, they should not be included in this program.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 15-20 by reading of title only for second and final reading.

ZAK/LEWIS - SO MOVED.

The intention of Public Works was to complete the water system to remove dead ends and make it more connected. The improvement will benefit the whole water system, not just those that will be upgraded.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess returned to his seat.

- C. **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 and Second Reading July 27, 2015.

Memorandum 15-100 from City Planner as backup.

Mayor Wythe opened the public hearing.

Bill Smith, Homer resident, served on the Planning Commission when Bridge Creek Watershed Protection District (BCWPD) was developed. The commission put a lot of thought in how to apply scientific standards about impervious coverage and the impact on water quality. He submitted a letter to the Council stating he is in favor of a number of parts, but it is troubling to count structures as 90% impervious; that is an amount used by engineers to calculate the run-off in culverts and ditches. The ordinance misses the point in the BCWPD; we are estimating impact of water quality, not storm water run-off.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 15-23 by reading of title only for second and final reading.

ROBERTS/REYNOLDS - SO MOVED.

BURGESS/LEWIS – MOVED TO AMEND TO REMOVE LINES 41, 42, 43, AND 44.

There will be no replacement; the ordinance will stick with the current standards.

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

Motion carried.

ROBERTS/LEWIS - MOVED TO AMEND TO REINSTATE LINES 46 TO 49.

Lines 46 to 49 will become item C.

City Planner Abboud advised the Council the purpose is for lots eligible for 6.2% coverage. Currently you have to go to the Planning Commission to have your whole driveway excluded or not. There are no standards to determine who deserves 100% other than going to the Planning Commission for their vote. The ordinance gives him a defined measure he can do in his office. If someone wants to have driveway over their whole lot who is he to say no, he would tell the person you just have to have a good mitigation plan. It doesn't matter what the impervious is.

Councilmember Burgess didn't want to reinstate the stricken items as they were specific to walkways and structures. There is no reason to allow structure to be considered partially impervious. A driveway can be considered up to 50% impervious at the discretion of the Planning Commission.

Mayor Wythe asked Councilmember Burgess if he was an owner of property in the BCWPD. Councilmember Burgess answered he owns property through a company and it has been previously ruled he had no conflict.

City Planner Abboud told the Council it will be easier to define the percentages of impervious coverage for structures and driveways. Seventy percent (70%) is the usual impervious coverage for a driveway.

The letter from Bill Smith was read regarding impervious coverage on walkways and driveways.

City Planner Abboud told the Council if someone asked for 100% for a driveway he is unsure what standard to ask the applicant to prove to the Planning Commission if it is not in code.

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

VOTE: NO. REYNOLDS, LEWIS

Motion carried.

LEWIS/ZAK - MOVED TO AMEND TO ADD LINES 41 - 44 WITH 100% IMPERVIOUS IN STRUCTURES.

Councilmember Burgess commented the Council voted to reduce runoff issues, but in the watershed which is the most critical erosion and we are trying to meet a standard of water quality, not just storm water attention. We agree structures are 100% impervious, but an arbitrary percentage figure is being selected for driveways and walkways. Currently the burden of proof is on the developer and mitigation plan, which is subjective. It should be reviewed by the Planning Commission.

City Planner Abboud advised 70% impervious is used in the standard gravel pathway which is in the engineering standard book.

Councilmember Roberts pointed out reinstating lines 41 - 44 will make it more difficult since we are putting a 70% impervious limit on driveways and pathways. In the old language that standard was not applied for calculating impervious coverage on lots smaller than 2.5 acres driveways and pathways may be partially or fully excluded. Adding the 70% impervious coverage will limit development on the lots.

Councilmember Lewis recommended his motion be voted down and we postpone the ordinance for further discussion. We should not be making amendments without the experts here to discuss this.

VOTE: (amendment) YES.

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

Motion failed.

LEWIS/ROBERTS - MOVED TO POSTPONE TO A WORKSESSION SO WE ARE NOT AMENDING IT ON THE FLY.

Planner Abboud can review the ordinance with the Planning Commission to see if they wish to make a change based on the Council's discussions.

Councilmember Burgess expressed opposition to the postponement. If we pass the ordinance as written it can be amended later. We don't waste the Planning Commission's work.

City Clerk Johnson advised a date certain of September 14 instead of leaving the postponement open ended.

VOTE: (postponement) YES. LEWIS, ZAK

VOTE: NO. VAN DYKE, REYNOLDS, ROBERTS, BURGESS

Motion failed.

REYNOLDS/ZAK - MOVED TO REFER TO THE PLANNING COMMISSION TO RE-PRESENT THE ORDINANCE WITH MORE DEFINITION AROUND THE IMPERVIOUS STANDARDS AND ASK THEM TO BRING IT BACK TO US AT THE SEPTEMBER 14TH MEETING.

VOTE: (refer) YES. ZAK, VAN DYKE, REYNOLDS

VOTE: NO. BURGESS, LEWIS, ROBERTS

Mayor Wythe broke the tie vote with a YES vote.

Motion carried.

- D. **Ordinance 15-24**, An Ordinance of the Homer City Council Enacting HCC 2.52.080, Correctional Officer Qualifications, Regarding the Qualification and Certification of City Correctional Officers. City Manager. Introduction June 29, 2015, Public Hearing and Second Reading July 27, 2015.

Memorandum 15-090 from Police Chief as backup.

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

Mayor Wythe called for a motion for the adoption of Ordinance 15-24 by reading of title only for second and final reading.

BURGESS/LEWIS - SO MOVED.

There was no discussion.



City of Homer

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Planning

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Memorandum 15-187

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

THROUGH KATIE KOESTER, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: NOVEMBER 10, 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.

In the summer of 2014, the Kachemak Board of Realtors came to the Planning Office and presented to the Planning Commission to request some additional allowance for developmental area in the Bridge Creek Watershed Protection District (BCWPD). After proposing a draft ordinance for some additional allowances (based on the Realtors proposal) for lots less than 2.5 acres, a public hearing was held. As a result of the testimony and letters at public hearing, the Planning Commission decided against additional allowances. They did however make several non-ordinance recommendations to the City Council.

In addition to the non-ordinance recommendation the Planning Commission thought that they might be able to improve the permitting process for lots of less than 2.5 acres. These lots have an option to exceed 4.2% of impervious coverage when a mitigation plan is approved by the Planning Commission. Currently, there is no particular standard for a mitigation plan in code. The plans that went before the Planning Commission were generally based on previous successful plans. Using standards of the successful plans, the Commission proposed that these plans now be approved in the Planning Office. This will provide clear expectations and an expedited process for those wishing to develop the small Bridge Creek lots that became part of the protection district.

Below are a few items of Council interest since the adoption of the substitute ordinance

Council Member Zak asked for information regarding the number of lots less than 2.5 acres.

- The Bridge Creek Watershed Protection District (BCWPD) totals 2183 acres. There are 89 lots less than 2.5 acres that account for 137.5 acres or 6.3% of the watershed. We have identified 43 of these lots as developable. Attached is a map of the lots. The map shows all lots less than 3 acres of which there are 4 lots between 2.5 and 3 acres. We used this map in an earlier discussion. The current proposal does not change the current opportunity to exceed 4.2% coverage on any lots other than those less than 2.5 acres.

- Testimony was received at the planning commission. The approved minutes are now included. At the hearing, Mr. Shavelson asked for an explanation of why we chose to mitigate for a 10 year rain event of 3 hours. The response below expands on the response provided at the meeting.

- The quick answer is that it provides mitigation for nearly 90% of precipitation events. While it conforms with the storm water mitigation standards found in other parts of the code, the rationale for the use of this event here and elsewhere, like Anchorage, is that it accounts for nearly 90% of the Point Precipitation Frequency Estimates (.889, according to NOAA, http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_ak.html). To move to the next larger recognized events provides diminishing benefits in relationship to the amount of additional costs in money and space needed for mitigation.

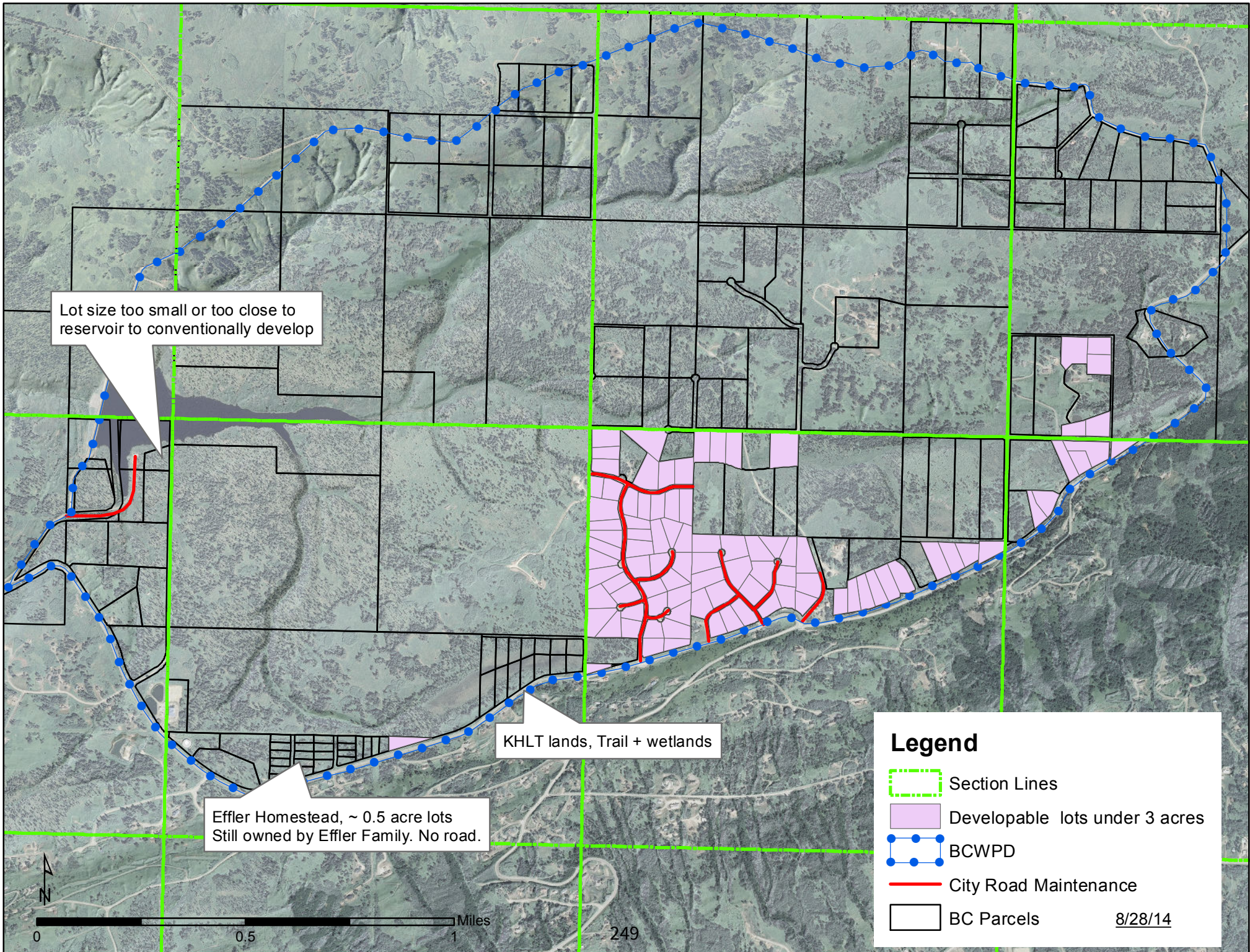
While the Planning Commission thought that it was not in the best interest of the watershed to loosen the regulations to allow more development, they wish to improve the process for developers of the small lots.

The history of Ordinance 15-23(S) can be found in the June 29, 2015 council packet.

The Planning Commission recommends adoption of 15-23(S).

Att.

1. Bridge Creek Watershed lot 9.3.14 meeting map
2. PC minutes 10.21.15








Lot size too small or too close to reservoir to conventionally develop

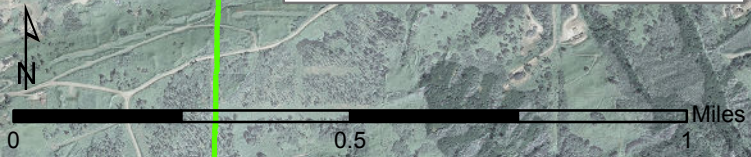
KHLT lands, Trail + wetlands

Effler Homestead, ~ 0.5 acre lots
Still owned by Effler Family. No road.

Legend

-  Section Lines
-  Developable lots under 3 acres
-  BCWPD
-  City Road Maintenance
-  BC Parcels

8/28/14



Excerpt of approved minutes from Homer Advisory Planning Commission meeting, October 21, 2015

- A. Staff Report PL 15-73 Amending the Bridge Creek Watershed Protection District standards for impervious coverage

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Bob Shavelson appreciates the additional consideration of this issue. He commented about the importance of maintaining the most valuable resource of the city's drinking water, particularly as we grow. He commends the planning staff for trying to add some specificity on what mitigation components look like. He still has questions about why there was a selection of a 10 year rain event for three hours and would like to understand the rationale for it. He thinks there is uncertainty about topography and sheet fall, he doesn't know what that means in the context of individual parcels or in the context of the larger watershed. When looking at the watershed he would erase the property lines because nature doesn't recognize them. He recommends making sure the mitigation plans are engineered and we understand if there is going to be retention basins, catchment walls, or whatever is going to be used to ensure they will meet the capacity that is needed. He also recommends including a provision for a periodic review by the Planning Commission of the development in that area and make findings on the percent of impervious cover in the watershed so we can have this discussion regularly. He also asked that commissioners who own property in the watershed announce it and talk about possible recusal because he thinks there is a self-interest component there.

Joel Cooper, resident in the Bridge Creek Watershed Protection District, echoes Mr. Shavelson's comments and reiterated the need for engineering of the means for mitigating storm water runoff. He expressed his continued concern for the concentrated area of the Kelly Ranch Estates and the large area of imperviousness, even if the rest of the watershed isn't developed, it becomes the conduit for all the pollutants that could run into the drinking water system. He agrees they need to be diligent in checking to see what's going on in the area. He also questioned if someone from the Planning staff actually goes out and reviews the work during the process. He appreciates the efforts that are being put forward here. The watershed ordinance is a living document and we want to keep revisiting it and keep doing what we can to protect our drinking water source.

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

City Planner Abboud said he doesn't think it's reasonable to expect property owners to build catchment basins the size needed for a 100 year storm. He explained that the 10 year three hour event is the same one used throughout the city where the requirement is necessary. One of the reasons is that there is data on that event. It is measurable and will slow things down and allow runoff to percolate through the soil, and formulas can be created to plan for mitigating runoff. Mr. Abboud added that planning staff spends a lot more time inspecting mitigation plans throughout the development process in Bridge Creek than anywhere else. He thinks the Commission, and others, are trying to get a plan that will enhance the ability to retain runoff on a property without necessarily

having to go to an engineer for it. The idea was to get a developer responsible for it. City Planner Abboud said if he has questions on a mitigation plan he will run it by the City Engineer for input on whether the plan will work and for help in inspecting them.

Question was raised whether the ordinance should specify that the City Engineer be involved in the plans. City Planner Abboud doesn't recommend doing that. He will consult with the City Engineer, but it isn't the City Engineers job to make the mitigation plan for a property. He referenced the last plan the Commission reviewed where the Commission acknowledged the driveway was impeding the flow and came up with the idea that the property owner needed to work to have catchment on both sides of the driveway.

Commissioner Erickson reiterated her suggestion from previous discussions that the City needs to buy pieces of property that are coming available to help alleviate the development of property up there. She questioned if the City is actively pursuing it. She also noted in doing this ordinance it will allow the Planning Department to deal with most of the property owners before it makes it to the Commission and anything more than what's in code will have to come before the Commission for further consideration. She questioned how many 2.5 acre lots in the Kelly Ranch Estates.

City Planner Abboud said the City has purchased foreclosure property in the watershed that was affordable. There has been other market rate property that there isn't a budget to purchase. With the current budget constraints he doesn't see the City being in a place to purchase property right now. He thinks there is up to 90 lots in the subdivision, but they aren't all developable. There is quite a large area they wouldn't expect to develop.

Commissioner Stroozas commented that after approximately 18 months of discussion, he thinks they have struck a reasonable balance on this. The whole idea was to enable small lot owners the ability to utilize more of their property without negative effect to the watershed. He thinks this document does that. In response to Mr. Shavelson's comment about property owners in the district, Mr. Stroozas clarified that he has made it known that he lives in the area. He noted that if he got an engineered study, as his neighbor did, his lot would very likely be excluded from the district because of where it sits on the corner of Skyline and Don's Drive. His neighbor to the west of Skyline and Don's Drive was excluded by an engineer's study. He was the first to file a mitigation plan in 2007 and at that time driveways were considered 100% impervious. He thinks they have made great strides here. He is built out anyway, but if the Commission feels he should recuse himself from further conversation, they will need to make that determination.

Commissioner Highland noted she has always been uncomfortable with the fact there are at least 80 lots of 2.5 acres. She has been uncomfortable where we are going because we are guessing. She agrees with something in the ordinance about public works personnel or someway that we check on these properties and mitigation plans because it is our water source. When talking about staffing issues it worries her more because it almost seems it would be worth looking at having engineered reports if staff doesn't have the time.

City Planner Abboud commented about the liability and cost to having the City Engineer develop plans for property owners. He explained they do go up there several times throughout development in that area to monitor what is going on. The weak link is the long range of the development as these

may require maintenance that property owners are responsible for. He thinks it will be important to keep reviewing this every five years is important. He doesn't think this is anymore detrimental that what we have in place now. He thinks the best thing is to leave this for now, and have greater protection the closer you get to the water and creek itself and have a community thought system. He thinks some of the biggest runoff in that area is from the roads, and who is mitigating that? We can put these additional things like monitoring and future review of the area and ordinance on their worklist to talk about.

Commissioner Highland raised the question about whether they need to address Mr. Stroozas participating in the discussions.

Deputy City Clerk Jacobsen reminded the Commission that they addressed Mr. Stroozas interest months ago when they began discussion. City Planner Abboud added that Mr. Stroozas is one of many in the area and this is not exclusive to his benefit.

Commissioner Erickson recalled they addressed it in the beginning and she felt the input of someone who has lived within the confines of the law would be an important part of their discussion. She personally has appreciated it. She also suggested on line 51 of the draft ordinance adding or an engineer's plan whichever is appropriate to the situation. It would give planning staff the flexibility to do what needs to be done.

City Planner Abboud responded that someone coming up with more than 50% either has a very unique piece of property or may be asking for a huge driveway. He doesn't want to say that someone can engineer their way out of something that might be considered excess. He thinks it should be something the Commission should consider.

Commissioner Bos said we've talked about this for a long time. He thinks they have addressed how minimally this is changing what was originally in the ordinance. He shares the concern with protecting the water and we have discussed things the City could have done to have made things better out there. For the amount of impact in the area and that the planning staff can give a person a number to target, we need to leave it to them to work with.

Commissioner Stroozas noted the objective was to save the applicant's time and provide clear and consistent expectations when developing in the watershed. We have to ask ourselves if the change in the ordinance achieves those objectives.

Chair Stead commented that was the reason the Commission reviewed this, but it is always their goal to keep the water clean.

Commissioner Erickson said ultimately for her, it needs to go back to where its one big piece of land. There has to be a way for people to work together to buy pieces of property, through the land trust or some way. It takes a lot of the risk out.

BRADLEY/BOS MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING HCC 21.40.070 REQUIREMENTS, REGARDING STANDARDS FOR IMPERVIOUS COVERAGE IN THE BRIDGE CREEK

WATERSHED PROTECTION DISTRICT AND FORWARD IT TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

Commissioner Bradley commented about something brought up last meeting that could relate to zoning for marijuana. They had talked about chemicals and output related to cultivating in the district and how it could impact the runoff to the water source.

Commissioner Venuti commented that he still doesn't see the science to justify this change.

Commissioner Highland commented this started because a realtor came in and wanted them to lessen the requirements for development. On one side she feels they need stronger regulations to protect the water source, but they sent it to council, who sent it back. She questioned what happens if they decide they don't want to make any changes.

City Planner Abboud explained the Commission can make a recommendation, but regardless it will go back to City Council at their next meeting. He can't predict what will happen there. He thinks this is clearer and changes anything other than making it easier for someone to get a permit. After being asked how many permits have been issued in the last three years, Mr. Abboud said there have only been a dozen since the district was initiated, so one or two a year.

Discussion ensued regarding cultivation and it was noted that this action relates to the draft ordinance on impervious coverage standards and cultivation can come up as another agenda item.

VOTE: YES: BOS, ERICKSON, STROOZAS, BRADLEY
NO: STEAD, HIGHLAND, VENUTI

Motion carried.

Chair Stead called for a recess at 7:56 p.m. and the meeting re-convened at 7:59 p.m.

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

2. Council Regular Meeting November 23, 2015 Public Hearing
 - a. 2016 Proposed Budget Amendment – Budget B
 - b. Memorandum 15-176 from Library Director as backup
 - c. Memorandum 15-178 from Community Recreation Manager as backup
 - d. Memorandum 15-180 from City Manager as backup
 - e. Memorandum 15-195 from City Manager as backup
 1. PW - submersible pump for Clear well to reduce disinfection by products
 2. Pedestrian and bicycle improvements
 3. Calhoun Trail work
 4. Soundview Sidewalk Extension

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

3 City Manager

4 **ORDINANCE 15-41(S)**

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL APPROPRIATING
7 FUNDS FOR THE CALENDAR YEAR 2016 FOR THE GENERAL FUND,
8 THE WATER FUND, THE-SEWER FUND, THE PORT/HARBOR FUND,
9 CAPITAL PROJECTS, AND INTERNAL SERVICE FUNDS.

10
11 THE CITY OF HOMER ORDAINS:

12
13 Section 1. Pursuant to the authority of Alaska Statutes Title 29, the following
14 appropriations are made for the calendar year ending December 2016:

15
16 General Fund \$11,658,093
17 Water Fund \$ 2,105,246
18 Sewer Fund \$ 1,626,500
19 Port/Harbor Fund \$ 4,688,729
20 Capital Projects \$ 1,355,275
21
22 Total Expenditures \$21,433,843
23
24 Internal Service Funds \$ 1,990,459

25
26 Section 2. Pursuant to the authority of Alaska Statutes Title 29, the following
27 appropriations are made for the calendar year ending December 2016:

28
29 General Fund \$10,609,676
30 Water Fund \$ 2,105,246
31 Sewer Fund \$ 1,626,500
32 Port/Harbor Fund \$ 4,688,729
33 Capital Projects \$ 1,355,275
34
35 Total Expenditures \$20,385,426
36
37 Internal Service Funds \$ 1,947,259

38
39 Section 3. The amounts appropriated by this ordinance are appropriated to the
40 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
98
99 Reviewed and approved as to form:

100 _____
101 _____

102 Mary K. Koester, City Manager

103
104 Date: _____

105

Thomas F. Klinkner, City Attorney

Date: _____



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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 21st 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.library.arkansas.gov/PublicLibraryServices/Documents/recession.pdf>



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Memorandum 15-178

TO: Mayor & City Council Members
THROUGH: Katie Koester, City Manager
FROM: Mike Illg, Community Recreation Manager
DATE: 10/22/15
SUBJECT: Community Recreation Information

The City of Homer Community Recreation program continues to be very popular service for our community members. Our activities through a partnership with the Kenai Peninsula Borough School District are located at Homer High School, Homer Middle School, West Homer Elementary and the city owned HERC building. Our mission statement is:

“The City of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. Our program shall be designed to recognize cultural diversity and to address social and community concerns.”

The City of Homer Community Recreation program is a high interactive and multi-dimensional program that has many players and entities involved. There are many tangible and intangible benefits that the Community Recreation program provides. As identified in the City of Homer’s 2015 Parks, Arts, Recreation & Culture Needs Assessment, community members identified these **intangible benefits** of recreation.

- **Health benefits:** Community safety; mental and physical health
- **Family and social wellbeing:** Networking, role modeling, having places for people to interact, as an extended family, especially when many people have family far away.
- **Education:** Opportunities for young people to spend free time and/or to develop their vocation; contributes to a great school system.
- **Economic wellbeing:** Generates business opportunities and is a visitor destination.

There are many proven studies that show how municipal recreational services directly provide many important and beneficial results including; increasing property values, attracting businesses to a community, reducing crime, extend life expectancy, improve quality of life, reduce childhood obesity, strengthen neighborhoods and sense of community and attracting new residents to a community.

I will also provide you Community Recreation's **tangible benefits and value** from FY2014.

2014 BUDGET

2014 Budget	\$138,580 (The city's smallest division budget)
2014 <i>Actual</i> Budget	\$125,542 (9.4% unexpended)
2014 Revenue Collected	\$ 40,280
2014 Total Cost to provide CR	\$ 85,262

2016 BUDGET (projected)

2016 Budget	\$132,291
2016 <i>Actual</i> Budget	unknown
2016 Revenue Collected	\$ 35,000 (estimated)
2016 Estimated Total Cost to provide CR	\$ 97,291

PEOPLE

There were **50** individual volunteers who have donated **4,576** volunteer hours and this equates to a monetary value of **\$119,765 (\$26.59/hour)**.

There were **30** individual contracted instructors that generated approximately **\$23,000** in revenue that are essentially **part time jobs** contributing to our local economy.

There is **1** full time employee (Recreation Manager) and **3** (.03 FTE each), on-call, part time employees to fill in or assist with the many programs and events.

PROGRAMS

There have been many **increases** in 2014:

- Provided **97** Programs and **6** Special Events
- Total participants increased by **25% (4,138)**
- Total **youth** participants: **1,795**; Total **adult** participants: **2,343**
- Total estimated visits increased by **98%** (26,273, repeat visitors)
- Total revenue collected increased by **32%** (**\$40,280**)
- Total increase of volunteer hours by **56%** (4,576)
- Total increase in donated volunteer value increased by **86%** (**\$119,765**)
- **Offers programs 7 days a week!**

Community Recreation spearheaded the collaborative community efforts to create, design and help fund the popular "**HOMER TRAILS Map**".

PARTNERSHIPS/PLACES

The ability to utilize existing public infrastructure through a significant partnership with the Kenai Peninsula Borough School District allows the Community Recreation program to operate very frugally. The City of Homer Community Recreation pays **\$6,000** annually to the Kenai Peninsula Borough School District to use Homer High School and Homer Middle School for educational and recreational programs and events. This fee also includes office space, use of copy machines, office supplies and custodial fees.

The current rate to rent a classroom is **\$20/hour** and **\$30/hour** to rent the gymnasium. There is also a **\$30/hour** custodial fee in addition to the rental fees. If CR were to be charged the standard rental and custodial fees the estimated annual cost for existing programs would be in the range of **\$130,000-\$140,000**. The estimated annual custodial cost would be **\$30,000**. The estimated annual office supply value is **\$500**.

For the **\$6,000** annual fee, the CR program receives an estimated **value of \$165,500** in services in return.

FISCAL SUMMARY

In 2014:

The total cost of providing the CR program: **\$ 85,262**

For this investment CR received:

From KPBSD:	\$165,500
Volunteer Value:	\$119,765

For this investment CR created part time jobs (contracted instructors) valued at: **\$ 23,000**

Total In Kind & Monetary Value: \$308,265

For every \$1.00 invested in Community Recreation, there is an estimated Return Value of \$3.61.



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Memorandum 15-180

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 26, 2015
SUBJECT: HART Projects Proposed by Parks and Recreation Commission

Three proposed HART projects did not make it onto the proposed FY16 list of capital project requests in the draft budget presented on October 12. The three Parks and Recreation recommended projects were included in your October 26 packet. Staff has since reviewed the initial requests and made corresponding scope and cost adjustments. In order to be funded in 2016, these projects will need to be added to the 2016 budget by amendment.

Calhoun Trail Improvements \$12,500

This trail needs improvement to reduce grades and improve gravel surfaces. This work will make the trail safer and more accessible. Funding: HART Trails.

West Homer Elementary School/Soundview Avenue Safety Improvements \$35,000

This project will take the experience learned from the Old Town Pedestrian Improvements project to improve pedestrian/bike safety along Soundview Avenue. The proposed improvements being considered include road re-striping to narrow lanes, installation of speed humps, signage, pedestrian/road delineators, crosswalks and electronic speed sensing devices. These improvements will improve pedestrian/bike access safety to the elementary school along the Soundview Avenue corridor. Funding: HART Roads.

Soundview Sidewalk Improvements \$315,000

The Parks and Recreation Commission recommended extending the sidewalk on Soundview Avenue. Traditionally sidewalks are funded by the area residents. For example, in the neighboring subdivision the City of Homer required the developer to install the sidewalk. A strong safety argument can be made for completing this section of sidewalk near West Homer Elementary. However, striping and pedestrian improvements proposed above will greatly increase safety in the area. My recommendation would be that instead of funding a sidewalk with 100% HART funds in the 2016 budget, the Council work on a process and criteria on how sidewalks can be constructed in any Homer neighborhood and how the costs might be shared by adjacent property owners.



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Memorandum 15-195

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: November 18, 2015
SUBJECT: City Manager Amendments to FY2016 Budget

The purpose of this memo is to recommend 3 capital projects as amendments to the 2016 Budget. These projects have come to the administration's attention since the submission of the draft budget on October 12. All recommendations are for expenditures from non-general fund accounts. Council has asked that the annual estimate maintenance costs be added to all capital requests. Look for this number on the left-hand side of the form under estimated project cost.

- 1) **Submersible pump for clear well to reduce disinfection by products.** \$8,500. Water Reserve Fund. Recommend adoption.
- 2) **West Homer Elementary School – Soundview Safety Improvements.** \$40,000. HART Roads. This project was originally recommended by the Parks and Recreation Commission. The Public Works Director revised cost estimates and project scope to accomplish the Commissions goals of making the corridor more pedestrian friendly, especially for children. Recommend adoption.
- 3) **Calhoun Trail Work.** \$12,5000. HART Trails. This project was originally recommended by the Parks and Recreation Commission. The Public Works Director has modified the request to provide a realistic cost for the improvements. Recommend adoption.
- 4) **Soundview Sidewalk Extension.** \$315,000. HART Roads. This project was recommended by the Parks and Recreation Commission. Staff believes the project above, Soundview Safety Improvements, could in the short term accomplish many of the goals of improving pedestrian safety in the area. In the meantime, Council could discuss how they would like to pay for sidewalk construction in the future and possible amend the HART Policy Manual to establish a mechanism and guidelines for funding sidewalk improvements across Homer. Recommend denial.

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Public Works Date 11/2/2015

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 Submersible pump for Clear well to reduce disinfection by products
 Fund Name: Water Reserve Fund

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Account Name: WTR Reserve
 Account #: 256-378
 Estimated Cost: \$8,500
 Annual Maint.: \$850

Justification:

When chlorine is used for disinfection in water with high organic material it causes by products that are potentially carcinogenic. City of Homer has high organics in the source water and is very close to, and on occasion exceeds for short periods, the allowable limit for DBP's (disinfection by-products) set by EPA for drinking water. One contributing factor to the formation of DBP's is detention time, the time chlorine and organics are in contact with each other. In a round storage tank "dead zones" can occur which increase detention time. Total Trihalomemthanes (TTHM), one of the DBP's is very volutile but they are heavy and tend to sit on the bottom of the tank where the outlet is. Public Works would like to install a mixer made to eliminate the dead zones in the tank and circulate the Trihalomemthanes so they have an oppotunity to "gas off" out of the drinking water before entering the distribution system. Public Works expects to see a 10% or more reduction in TTHM's in the drinking water with the addition of this mixer. This will help to keep the City in compliance with EPA Drinking Water Regulations.

Requestor's Name: Todd Cook

Department Head Approval: *[Signature]*

City Manager Recommendation: *[Signature]*
 Approved _____
 Denied _____
 Comments _____

Date 11-16-15

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date 8/20/2015
(modified by PW Director)

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:
Position Title _____

Request Other Than Personnel:
Description W Homer Elementary School -
Soundview Safety Improvements

Full-time
Part-time Hours Per Year _____

Fund Name: HART Roads

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Account Name: 160.766

Account # 160.766

Estimated Cost: \$40,000

Annual Maint.: \$1,900

Justification:

Based on the success and lessons learned from the Old Town pedestrian improvement project, provide striping, signage, speed hump, speed control improvement and cross walks on Soundview Ave from the elementary school.

Requestor's Name: P&R Advisory Commission, modified by PW Director

Department Head Approval: *George Meyer*

City Manager Recommendation: _____ Date 11-16-15

Approved *Katie Koester*

Denied _____

Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date 11/12/2015
(modified by PW Director)

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

Account Name: HART Trails

Account # 165.375

Estimated Cost: \$12,500

Annual Maint.: \$350

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

The lower portion of Calhoun Trail, north of Fairview and adjacent to the Coast Guard Housing, is steep and needs some reworking. The trail would be safer and more accessible with grade modifications and additional gravel.



Requestor's Name: P&R Advisory Commission, modified by PW Director

Department Head Approval: *Cary Meyer*

City Manager Recommendation: _____ Date 11.14.15

Approved *Katie Koesters*

Denied _____

Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Parks and Recreation Advisory Commission Date 8/20/2015
(modified by PW Director)

Level of Need: Urgent Essential Necessary Desirable

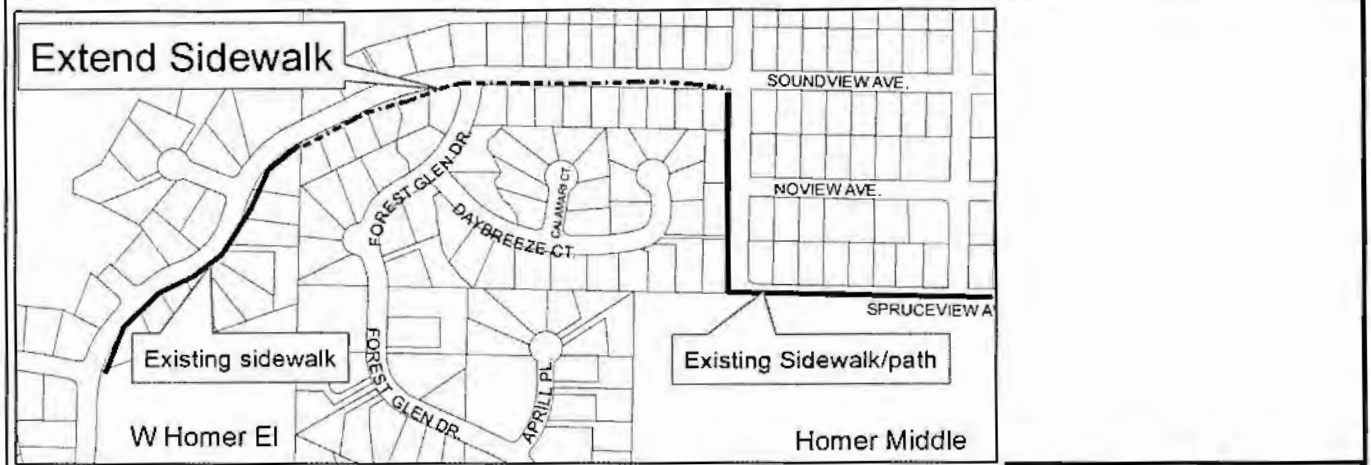
Request for Additional Personnel:
Position Title _____
Salary Range & Step _____
Full-time
Part-time Hours Per Year _____

Request Other Than Personnel:
Description Soundview Sidewalk Extension
Fund Name: HART Roads

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Account Name: HART Roads
Account # 160.766
Estimated Cost: \$315,000
Annual Maint.: \$6,300

Justification: Extend existing sidewalk on Soundview Ave east, to Mullikin St. Provides pedestrain connection from just short of West Homer El, east to Bartlett.



Requestor's Name: P&R Advisory Commission, modified by PW Director

Department Head Approval: *Carey Meyer*

City Manager Recommendation: _____ Date 11.14.15

Approved _____
Denied *Katli Kwest*

Comments *wait for policy recommendations from Council on sidewalk improvements - HART.*

**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: _____

From: [Mary Griswold](#)
To: [Jo Johnson](#)
Subject: Budget considerations
Date: Wednesday, October 21, 2015 1:09:28 PM

(Please distribute to council members and include as public comment in the council packet)

Budget considerations

I encourage you to cut the lobbyist from Budget A and apply the savings to library books. Technology and communications are very good these days. It is easy to track legislation and get in touch with our legislators, either in Juneau or here in Homer on their frequent visits. I followed the lobbyist reports at council meetings last spring and was not impressed. They did not have information not available to me. In fact, at one meeting, Linda said she'd have to get back to the council on the matter of re-appropriating Wadell Way funding to the Public Safety Building when Representative Seaton had already announced that there would be no re-appropriating of funds.

I urge you to cut \$46,600 in funding to the Pratt from Budget A and apply some of that to the Homer Foundation. The Pratt is one of many fine nonprofits in this community. It should not be singled out for special funding. The Homer Foundation provides equal opportunity access by all our nonprofits to city funding.

Mayor & C
CM
11/06/15

Jo Johnson

From: Kathy Hill <kathhill@alaska.net>
Sent: Wednesday, November 04, 2015 3:31 PM
To: Department Clerk
Subject: Please distribute

Dear City Council Members, Mayor and City Manager:

You have asked for some input on the proposed budget. The following below is my contribution.

It seems that the desire of the city is to have or find large revenue streams. This makes sense, as it can solve many budget items at one time.

However, I am looking at small revenue streams that can pay for materials/supplies, a facilitator, an employee's hourly wage, the cleaning of a space, etc. I propose that you take a good look at the use of user fees. Almost all of the city departments have fees for this and that. We, as residents and non-residents, should have to pay our way. The paying of a user fee is by choice, no one is forcing the payment.

I suggest that a user fee be set for the use of the Bishop's Beach and the Karen Hornaday Pavilions when a reservation request has been turned in. Why doesn't the library have user fees for room use, library cards, workshops, activities, story hour, etc.? I do understand why a user of a computer does not pay. I am not asking for huge fees, but some fee. We need to stop the expectation of entitlement. There are many things that people would pay a fee for, if they found out that the entity would disappear.

The Safety Building is not going to be built and up and running for the next few years. So, let's use the HERC to its maximum, while we can. We can easily make this facility self sustainable. I would recommend that the gym and the adjoining two spaces be opened up to more users. There is a need for activity space in our community and there have been requests for these spaces. Up until now the user group number has been frozen. Allow more community recreation in there. Allow groups, non-profit organizations, other schools and individuals to use the facility. All would pay a fee. With this city facility being used to its maximum, it would pay for itself. It would be its own revenue stream!

I can see birthday parties, dances, meetings, classes, trainings, etc. happening. The city allows other city spaces to be used by outside groups/individuals. Opening up the HERC will require that it be marketed. The public will need to hear that it is truly available for their use for a fee.

A fee schedule, perhaps including a deposit and cleaning fee, would have to be drawn up. For the current activities in the Homer Recreation Program, I would also recommend a hike in fees.

With the goal of self sustainability, I would recommend that the Fire Marshall come again and fairly evaluate all three spaces in the HERC. The gym has been set at 50, I believe. I question the why this capacity has been set when probably a couple of hundred people would be present for a high school game or community performance when it was being used for the high school years ago. Nothing has changed in the gym other than the removal of the bleachers. The capacity of the gym needs to be significantly expanded. The other two spaces do not have a current rating. They are good-sized rooms that could be used well.

Why have this facility be an albatross around the city's neck when it could be part of its revenue stream? Let's be proactive and give sustainability a try. Homer does not need another empty building, let alone one that will still have to have the heat left on. This is our chance to revitalize an underused building while contributing to the revenue stream, let alone the health of the community. Talk about a win-win situation.

I thank you for your attention to the above recommendations. I am more than willing to help make any of the above happen.

Sincerely,
Kathy Hill
City resident

Sent from my iPad

Jo Johnson

From: dholleman <ddholleman@ak.net>
Sent: Sunday, November 15, 2015 2:26 PM
To: Department Clerk
Subject: Concern of Closure of Gym

City of Homer:

Please consider my support to keep the gym open for general activities including pickleball. Pickleball in Homer is a sport that all ages can participate in. I am a summer visitor to Homer and play pickleball three times a week at the gym. Please keep the gym open.

Donna Holleman

Jo Johnson

From: John Cowan <seahawkjohn@gmail.com>
Sent: Sunday, November 15, 2015 10:42 PM
To: Department Clerk
Subject: The HERC Building

Dear Homer City Council Members,

Please consider NOT closing the HERC facility gym, as it is a sole recreational outlet for myself, as a 64 year old man, and MANY

other community members of all ages from teen to whatever, as a means to have a continued year round, multi day per week facility

for cardio and coordination and overall muscular exercise, necessary for well being, that no other facility in town can provide. We

pickleball players, seriously, depend on this place and will not be able to find this anywhere else in town. The comradery is also very is

very important to us all.

Thank you for your time and consideration, as we do pay \$3 per session up to 3-4 times per week each.

John T. Cowan, Avid Pickleball and Tennis player and live in the city limits.

Jo Johnson

From: Holly Van Pelt <hvpmak@gmail.com>
Sent: Friday, November 06, 2015 1:49 PM
Subject: Testimony letter from Homer citizen
Attachments: Requests for HERC building 10-19.docx; RESO 13-095.docx; HERC buidling stats 2014.xlsx; 2015 Community REC value.docx

Greetings city Clerk, Please send this on to the newly elected city council member Heath Smith. I do not have an email address for him and I would like him to get a copy. As you can see below, this has been sent via email to the other council members.

I thank you in advance.

Holly Van Pelt

Begin forwarded message:

From: Holly Van Pelt <hvpmak@gmail.com>
Date: November 6, 2015 1:45:56 PM AKST
Bcc: Holly Van Pelt <hvpmak@gmail.com>, donnaaderhold@ci.homer.ak.us, bryanzak@ci.homer.ak.us, davidlewis@ci.homer.ak.us, catrionareynolds@ci.homer.ak.us, gusvandyke@ci.homer.ak.us, mayor@ci.homer.ak.us
Subject: Testimony letter from Homer citizen

Greetings City Council Member,

Thank you for your service to the community. Your time in serving as a city council person is greatly appreciated.

I am a user of the HERC gym. I became a regular user when I took up the sport of pickle ball one and a half years ago. I personally derive significant health benefits from participating in this activity. When I first came to the HERC, there were always other events going on before and during our scheduled pickle ball play. My involvement there has shown me that the HERC gym has many current users and the potential for many more. I would like to bring to your attention some of my concerns regarding the HERC complex.

The first thing that I am aware of is the [city ordinance](#) that has placed some limitations on the use of this gym relating to activities that can take place there with minimal heat.

The second impediment to full use of the HERC complex is the limitations placed upon it by the inadequate inspection done by the fire marshal restricting usage.

The third blocking thing I am aware of is what I have come to perceive as an unwritten policy to suppress the public's interest in the use of this space.

I would like to bring to your attention an excerpt from the Mission Statement of the City of Homer Community Recreation program:

The city of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise.

I believe that the City of Homer has failed in living up to this mission statement.

There are many more activities that can take place right now in this facility. I have included a list of interested parties, associations and individuals who are willing to pay a fee to use this space but are not allowed to. These user fees could potentially pay for the increased costs of heating the building fully. A fully heated building would expand the utility of the building and bring in even more fees. I know that the Pickle ball group alone has collected over \$5,000 in one year alone that could go toward heating costs. Because the use of this complex has been discouraged, it is really unknown how many others have given up on the possibility of using the HERC complex and never inquired into its availability.

For some reason the Fire Marshall was directed to examine only the gym and not the many other rooms in use at that time. The users of these rooms lacking a current fire inspection were evicted and now stand empty, while the heating, lights, and maintenance expenses of these spaces continue to add up. This facility was safe enough recently to house employees of the City and the University and in earlier days all of the students and employees of the local area schools. Why now, is there a reason that the HERC complex cannot be safely used? Why was the inspection of the gym limited to occupancy of 45 when large school events were safely held there in days past? A new fire inspection of the entire complex asking for the largest and SAFEST occupancy number would greatly increase the utility of our HERC and go a long ways to fulfilling our mission statement.

While the usage of the HERC complex has been discouraged, I would like to include a list of interested groups that have wanted to use these spaces but were not allowed to by many of the points that I have noted earlier. Please take a moment to look the attached information over that was provided at my request so that you can get a clear picture of the utility that this facility is capable of.

Thank you for your time,

Sincerely,

Holly Van Pelt

City of Homer resident

907-299-0695

Requests for HERC building use over the last 2 years

GYM USE (limited to CR activities only per Resolution 13-095)

School Related

- Space for sports practices 6 requests
- Visiting teams to “hang out” while waiting for ferry or games 8
- Sleepovers 5

Private functions:

- Weddings 3
- Birthday parties 15
- Veteran’s Roll out Event 2
- Nomad Shelter (work space) 2
- Fairs/assemblies 7
- Private exercise classes 4

Community Recreation had to cancel contra dancing at the HERC because of the new code limitation of 50 person maximum in the gymnasium. This will also limit any another potential large event in the gym.

SIDE ROOM (downstairs to the left in HERC)

Was originally being used for CR classes but was not inspected for use by State Fire Marshall and CR is limited to only using the gym per Resolution 13-095. This room/space is vacant but is being heated and could generate revenue to assist with the energy cost of the HERC.

The following CR activities have been removed from this space:

- ZUMBA (3 nights per week)
- Pilates 1-2 times per week.
- We cancelled karate as we no longer have space for this activity at the local schools and we were hoping to use the side room for this.

Other CR activities that could potentially take place in this space: belly dance, karate, Tai Chi, line dancing, partner dancing, exercise classes, meditation, children’s play space/classes, table tennis.

<http://www.cityofhomer-ak.gov/resolution/resolution-13-095-authorizing-use-herc-gymnasium-until-building-demolished>

**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 13-095

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION
AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR
PICKLEBALL, BASKETBALL, AND OTHER COMMUNITY RECREATION
PROGRAMS THAT REQUIRE ONLY MINIMAL HEAT AND UTILITIES UNTIL
SUCH TIME AS THE BUILDING IS DEMOLISHED.

WHEREAS, The City of Homer does not have the funds to refurbish the HERC Building or to operate and maintain it and it has been unsuccessful in identifying a suitable use for it going forward; and

WHEREAS, At a recent CIP Planning workshop, the City Council decided that it was in the best interest of the community to demolish the building and use the land as the site of a proposed new public safety building; and

WHEREAS, There are a number of steps which must be taken before the building can be demolished including identifying the funding for demolition and selecting a contractor through the City's procurement procedures; and

WHEREAS, Minimal heat must be maintained in the building whether it is in use or not in order to prevent pipes from freezing and snow from accumulating on the flat roof; and

WHEREAS, Pickleball, adult basketball, and other City of Homer Community Recreation Programs are very popular and make a large contribution to community health and the quality of life; and

WHEREAS, These programs involve vigorous physical activity and do not require heat above the minimal setting already used to keep the building in "warm status"; and

WHEREAS, Advocates for these programs have requested that the gymnasium remain open with minimal heat and utilities until such time as the building is demolished.

NOW THEREFORE BE IT RESOLVED that the Council finds that the gymnasium remains an asset for as long as the HERC building remains standing and that it would be in the best interest of the community to use it provided that maintenance and utility costs are minimal; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to keep the HERC gymnasium open for pickleball, basketball, and other City of Homer Community Recreation Programs that require only minimal heat and utilities until such time as the building is demolished.

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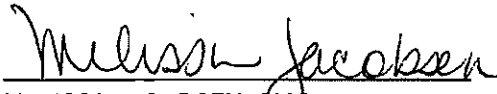
PASSED AND ADOPTED by the Homer City Council this 23rd day of September, 2013

CITY OF HOMER



MARY E. WYTHE, MAYOR

ATTEST:



MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: Estimated additional \$15,000 for electric and maintenance; \$7,500 in 2013 and \$7,500 in \$2014.



HERC Building Stats 2014

Activity	Revenue
Contra Dance Class	\$60
Gymnastics	\$2,125
Playgroup	\$618
Pickle Ball	\$5,018
Women's Basketball	\$1,060
Youth Basketball	\$1,380
Youth Wrestling	\$413
Youth Soccer	\$345
Zumba	\$286
Total:	\$11,305

The City of Homer Community Recreation program continues to be very popular service for our community members. Our activities through a partnership with the Kenai Peninsula Borough School District are located at Homer High School, Homer Middle School, West Homer Elementary and the city owned HERC building. Our mission statement is:

“The City of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. Our program shall be designed to recognize cultural diversity and to address social and community concerns.”

The City of Homer Community Recreation program is a high interactive and multi-dimensional program that has many players and entities involved. There are many tangible and intangible benefits that the Community Recreation program provides. As identified in the City of Homer’s 2015 Parks, Arts, Recreation & Culture Needs Assessment, community members identified these **intangible benefits** of recreation.

- **Health benefits:** Community safety; mental and physical health
- **Family and social wellbeing:** Networking, role modeling, having places for people to interact, as an extended family, especially when many people have family far away.
- **Education:** Opportunities for young people to spend free time and/or to develop their vocation; contributes to a great school system.
- **Economic wellbeing:** Generates business opportunities and is a visitor destination.

There are many proven studies that show how municipal recreational services directly provide many important and beneficial results including; increasing property values, attracting businesses to a community, reducing crime, extend life expectancy, improve quality of life, reduce childhood obesity, strengthen neighborhoods and sense of community and attracting new residents to a community.

I will also provide you Community Recreation’s **tangible benefits and value** from FY2014.

2014 BUDGET

2014 Budget	\$138,580 (The city’s smallest division budget)
2014 <i>Actual</i> Budget	\$125,542 (9.4% unexpended)
2014 Revenue Collected	\$ 40,280
2014 Total Cost to provide CR	\$ 85,262

2016 BUDGET (projected)

2016 Budget	\$132,291
2016 <i>Actual</i> Budget	unknown
2016 Revenue Collected	\$ 35,000 (estimated)
2016 Estimated Total Cost to provide CR	\$ 97,291

PEOPLE

There were **50** individual volunteers who have donated **4,576** volunteer hours and this equates to a monetary value of **\$119,765** (\$26.59/hour).

There were **30** individual contracted instructors that generated approximately **\$23,000** in revenue that are essentially **part time jobs** contributing to our local economy.

There is **1** full time employee (Recreation Manager) and **3** (.03 FTE each), on-call, part time employees to fill in or assist with the many programs and events.

PROGRAMS

There have been many **increases** in 2014:

- Provided **97** Programs and **6** Special Events
- Total participants increased by **25%** (**4,138**)
- Total **youth** participants: **1,795**; Total **adult** participants: **2,343**
- Total estimated visits increased by **98%** (26,273, repeat visitors)
- Total revenue collected increased by **32%** (**\$40,280**)
- Total increase of volunteer hours by **56%** (4,576)
- Total increase in donated volunteer value increased by **86%** (**\$119,765**)
- **Offers programs 7 days a week!**

Community Recreation spearheaded the collaborative community efforts to create, design and help fund the popular "**HOMER TRAILS Map**".

PARTNERSHIPS/PLACES

The ability to utilize existing public infrastructure through a significant partnership with the Kenai Peninsula Borough School District allows the Community Recreation program to operate very frugally. The City of Homer Community Recreation pays **\$6,000** annually to the Kenai Peninsula Borough School District to use Homer High School and Homer Middle School for educational and recreational programs and events. This fee also includes office space, use of copy machines, office supplies and custodial fees.

The current rate to rent a classroom is **\$20/hour** and **\$30/hour** to rent the gymnasium. There is also a **\$30/hour** custodial fee in addition to the rental fees. If CR were to be charged the standard rental and custodial fees the estimated annual cost for existing programs would be in the range of **\$130,000-\$140,000**. The estimated annual custodial cost would be **\$30,000**. The estimated annual office supply value is **\$500**.

For the **\$6,000** annual fee, the CR program receives an estimated **value of \$165,500** in services in return.

FISCAL SUMMARY

In 2014:

The total cost of providing the CR program: **\$ 85,262**

For this investment CR received:

From KPBSD:	\$165,500
Volunteer Value:	\$119,765

For this investment CR created part time jobs (contracted instructors) valued at: **\$ 23,000**

Total In Kind & Monetary Value: \$308,265

For every \$1.00 invested in Community Recreation, there is an estimated Return Value of \$3.61.

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

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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 \$2/1st page, Subsequent pages \$1/page. Other
 68 destination \$5/1st 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
 75

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

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.

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	Jake Engine 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 \$75 \$150 Fiscal Year, expires June 30 th	
305	Permit \$37.50 \$75.00 after January 1 st , expires June 30 th	
306	\$5 Replacement Permit	
307	Chauffeurs License \$75 \$100 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.

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

City Clerk

3
4 **RESOLUTION 15-097(S)**

5
6 A RESOLUTION OF THE CITY COUNCIL AMENDING THE CITY OF
7 HOMER FEE SCHEDULE UNDER ADMINISTRATIVE, **ANIMAL**
8 **CONTROL**, CITY CLERK, CAMPING, LIBRARY, PUBLIC SAFETY,
9 FIRE DEPARTMENT, AND 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, Animal Control fees are increased to be comparable to other shelter**
15 **fees throughout Alaska; and**

16
17 WHEREAS, City Clerk fees are amended to increase the fee for cemetery plots
18 consistent with the newly expanded cemetery; and

19
20 WHEREAS, Camping fees for tent camping are increased to be comparable to other
21 communities on the Peninsula; and

22
23 WHEREAS, Library fees are amended for replacement cards, bill notice, overdue
24 charges, color copies, and interlibrary loan fees; and

25
26 WHEREAS, Public Safety fees are amended to increase cost of vehicle permits and
27 Chauffeurs license application fee; and

28
29 WHEREAS, Fire Department fees are amended to increase Basic Life Support,
30 Advanced Life Support, Non-Emergency Transport, and transport mileage fees; and

31
32 WHEREAS, Public Works Department fees are amended to increase the R.V. station
33 dumping fee.

34
35 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of
36 Homer Fee Schedule, Administrative, City Clerk, Camping, Library, Public Safety, Fire
37 Department, and Public Works Department Fees as follows:

38
39 **ADMINISTRATIVE FEES FOR THE CITY OF HOMER**

40
41 (The following fees have been set by legislative enactments, Ordinances 05-43(A),04-53(S)(A),
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50 waiving the costs of fees. The City Manager may allow an applicant, who qualifies as an
51 indigent, a reduced fee, a payment plan or a waiver of the fee where the Manager is able to
52 make a written finding, based on information provided by the applicant, that payment of the
53 fee would be a financial hardship. Based upon the information provided, the fee may be
54 reduced or waived in accordance with the following scale:

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150-174%	50% Waiver
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200% plus	No Waiver

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 71 destination \$5/1st page. Subsequent pages \$2/page.
 72 Electronic Transmission: \$0.25/page (Scanned PDF document)
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 74 Lease fee \$300
 75 Lease Assignment Fee \$250
 76
 77 Local Bidder's Preference
 78

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

79 No additional adjustment for bids above \$1,000,000.00
 80
 81 Photograph Copying: \$10/order (includes shipping and; handling)
 82 If done commercially – Actual Costs plus 5%
 83
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 85 Per requestor in a calendar month exceeds five-person hours the fee is the City
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 89 the actual costs are less the requestor will receive a refund of the difference.
 90 No fee for simple inspection, except when the production of records by one requestor
 91 exceeds five person hours in a calendar month.
 92

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 97 \$17 per front foot for Paving
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 100 participating parcel
 101 OTHER SAD's if approved by the Council are at 100% property owner participation.
 102 Application Fee \$100
 103 Bill Fee ~~\$3.00~~ **\$12.00** per bill
 104 Administrative Fee
 105 0-500,000 5%

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

106 over 500,000 \$25,000 plus 2.5%

107

108 Notary \$5.00

109 Smoking prohibited in City Facilities, Vehicles and Watercraft - \$25 fine

110 Tapes: Audio-Cassette ~~CD~~ (Police Department) \$25 tape

111 Subsequent, \$15/tape ~~CD~~ Includes 1st class postage

112 Video-Cassette ~~DVD~~ (Police Department) \$30/tape

113 Vehicle Impound/Storage Fees (actual costs + towing) Storage, ~~\$7.50~~ **\$40.00**/per day

114 (The following fees have been set by legislative enactments, Resolutions 14-114, 03-159, 05-

115 125(S), 06-16 and 06-40(A).)

116

117 **ANIMAL CONTROL FEES**

118

119 235-3141 Hours are noon to 5 p.m. Tuesday through Saturday.

120

121 (The following fees have been set by legislative enactments to HCC 20.32, Resolution 14-114, 01-85)

122 Dog License

123 Neutered/spayed ~~\$15.00~~ **\$25.00**/2 years

124 Nonneutered/nonspayed ~~\$75.00~~ **\$100.00**/2 years

125 Kennel license \$150.00/2 years

126 Replacement fee, lost license \$ 6.00

127 Rabies Voucher ~~\$ 12.00~~ **\$16.00**

128 Quarantine at Home ~~\$ 40.00~~ **\$50.00**

129 Quarantine at Shelter ~~\$ 40.00~~ **\$50.00** plus daily boarding fee

130 Boarding fee (when available) ~~\$ 20.00~~ **\$25.00** daily

131 Pickup at residence for owner release ~~\$ 25.00~~ **\$35.00**

132 Turn In ~~\$ 5.00~~ **\$25.00**

133 Turn In for Euthanasia ~~\$ 15.00~~ **\$30.00**

134 Impound fees:

	Nonspayed/Nonneutered	Spayed or Neutered
136 1st offense	\$35.00 <u>\$50.00</u>	1st offense \$25.00 <u>\$40.00</u>
137 2nd offense	\$50.00 <u>\$70.00</u>	2nd offense \$40.00 <u>\$50.00</u>
138 3rd offense	\$85.00 <u>\$100.00</u>	3rd offense \$75.00 <u>\$70.00</u>
139 4th offense or greater	\$100.00 <u>\$140.00</u>	<u>4th offense or greater \$100.00</u>

140 Live Trap:

141 Small trap \$ 70.00 deposit, \$1.00 per day. Seven (7) day rental maximum.

142 Large trap \$150.00 deposit, \$1.00 per day. Seven (7) day rental maximum.

143 Deposit is forfeited if the trap is not returned in seven days. A portion of the deposit,
144 up to the entire amount of the deposit, will be forfeited if the trap is damaged.

145

146 Adoption Fee ~~\$ 15.00~~ **\$75.00**

147

148 All impounded animals must be properly licensed and have current rabies vaccinations prior to being
149 released. Owners of impounded animals will be charged a daily boarding fee for every full day that the
150 animal stays in the shelter. Vaccination and license fees shall be the owner's responsibility.

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

151 Animals being adopted shall be spayed or neutered, properly licensed and vaccinated. Associated fees
152 shall be the responsibility of the adopting party.

153
154 The City shall charge for any additional expense incurred by the City in the actual impoundment,
155 transportation, medical care, housing or feeding of any animal; which expenses shall be paid in full
156 prior to the animal's release.

157
158 **CAMPING FEES**

159
160 (The following fees have been set by legislative enactments, Resolutions 05-05, 04-98(S)(A),
161 99-94, 93-35, 91-34 and; 91-20(S)).

162
163 “Campground” means an area owned, controlled, developed and/or maintained by the City,
164 which contains one or more improved campsites or contains adequate area for one or more
165 unimproved campsites.

166
167 “Camping” means:

- 168 1. The erection of, or occupancy of any tent.
- 169 2. The placing or leaving of any items normally found at a campsite within
170 campsite
171 such as cook stoves, lanterns, sleeping bags or bedding.
- 172 3. Parking of any camper unit in any area owned or controlled by the City that has
173
174 been designated a camping area by official signs, in excess of twenty-four
175 hours.

176 “Camping Season” means that period of time from April 1 through October 30.

177		
178	RV	\$ 15/day
179	14 calendar days	\$189
180		
181	All other camping	\$8 \$10 /day
182	14 calendar days	\$100 \$125
183		

184 All fees inclusive of sales tax.

185
186 **CITY CLERK**

187
188 Administrative - 235-3130
189 Cemetery fees amended Resolution 98-28.

190	Cemetery - plot	\$200 \$1,000
191	Excavation	
192	adult	- \$500; \$400 opening, \$100 closing
193	infant	\$375; \$300 opening, \$75 closing

Added. Deleted language stricken through.]

194 Extraordinary conditions such as weather, heavy snow coverage, ice, frozen ground
195 and etcetera may result in fees charged up to \$200 additional at Public Works
196 discretion.

197

198 City Council and Commission Meeting packet fee

199

200 Per Packet:

201 0 – 25 pages - \$5.00

202 26 – 50 pages - \$10.00

203

204 51 – 100 pages - \$20.00

205 100 – 200 pages - \$25.00

206 200 – 500 pages - \$30.00

207 500+ pages - \$35.00

208

209 Per Month, Per Council or Advisory Body:

210 1 packet same fees as above.

211 2 packets above fee with 10% reduction.

212 3 packets above fee with 12% reduction.

213 4 or more packets above fee with 15% reduction.

214

215 City Hall Facility Use Fee (Resolution 03-159)

216 Government Agencies, generally, are exempt from fees.

217 Cowles Council Chambers -Use by non-governmental agency or entity fee is \$30.00 per
218 hour, with a minimum of two hours; maximum fee is \$150.00 per day. Use of electronic
219 equipment is an additional \$30 per day (IT Personnel set-up)

220 Conference Room – Use by non-governmental agency or entity fee is \$15.00 per hour,
221 with a minimum of two hours; maximum fee is \$75.00 per day.

222 Cleaning Fee – if the facility is not left as found an additional fee of up to \$60.00 may
223 be applied.

224

225 City Pins and Mugs (Resolution 98-28)

226 Logo Pins \$1.00

227 Logo Mugs \$4.00

228 Scene Mugs \$8.00

229

230 Digital audio CD of meetings \$20.00/each

231

232 The following fees have been set by legislative enactments to HCC 19, 5.

233

234 Gravel Permit, application fee \$5 (Areas B and; C require no approval of the COE or Div.
235 of Lands, HCC 19.12.040(c).)

Added Deleted language stricken through.]

236 Fire Works Permit, HCC 5.24 \$25 (apply 30 days in advance) per exhibit plus bond for
237 \$500 or liability insurance, must have.

238

239 **LIBRARY FEES**

240

241 235-3180

242

243 (Amended: Resolution 14-114, 13-076; Ordinance 05-08; Resolution 12-006, 04-98(S)(A); 03-87;
244 99-19(A); 98-86; 97-87)

245

246 Closed - Sundays. Open - Mon, Wed, Fri and Sat from 10 a.m. to 6 p.m. Tues and Thurs from 10
247 a.m. - 8 p.m.

248

249 Facility Use Fees for after-hours private use (including building supervision):

250 Conference Room \$50/hour

251 Reading Lounge \$50/hour

252 Children's Room \$50/hour

253 Entire facility, excluding staff work space -- \$300 Facility Use Fee

254 plus \$50/hour staff supervisor. \$300 damage/cleaning deposit.

255

256 Library Cards Replacement cards \$5/issue

257 Limited (temporary) card \$10 non refundable

258 Full (temporary) card \$50, ~~\$40~~ **\$25** refundable. Refunds are issued the
259 second check run of each month via check from the City of Homer.

260 Apply for refund through Library staff and provide forwarding address.

261 If the refund is not claimed within six months the refund becomes a
262 donation to the Library.

263

264 Overdue Items - 14 day circulation (except digital devices) \$0.15/day

265 7 day and 1 day circulation - \$1.00/day

266 Digital Devices \$5.00/day

267 Interlibrary Loans- \$1.00/day

268 2nd overdue notice - \$1.00/notice

269

270 Bill notice - ~~\$1.00~~ **\$2.00**/notice

271 Admin. Fee for Bills Sent to Collection Agency \$25.00

272 Maximum overdue charge per item (except digital devices) charge ~~\$6.00~~ **\$10.00**

273

274 Photo copy \$.15/ea (letter size) and (legal size) per side

275 \$.25/ea (11"x17") per side

276 ~~\$1.00~~ **\$.50**/ea color copies (letter size) and (legal size) per side

277 \$2.00/ea color copies (11"x17") per side

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

278 Interlibrary loan fee ~~\$2~~ **\$3** standard size books
279 \$.15 per page for photo copy
280 \$4.00 for microfilm/videos/CDS/Audios
281 Additional charges may be assessed.
282
283 Replacement/Repair of items
284 Lost or damaged items: Replacement cost plus \$7.00 processing
285 fee per item
286 Lost or damaged cases, hang-up bags, etc.: Replacement cost or
287 \$2.00, whichever is greater
288
289 Lost map or inserts - \$10/item
290 Lost out-of print items - \$50/Alaskana
291 \$40/nonfiction
292 \$35/fiction
293
294 Please Note: To receive a refund on a lost item, patrons must return the item within sixty
295 days of lost status. Refunds of payment for items deemed valuable to the
296 collection and returned after the 60- day period may be made at the discretion
297 of the Director. No refunds will be given for digital devices.
298
299 Damaged Item - \$2.00/page
300 \$3.00/book jacket or cover damaged beyond repair - Full
301 bindery cost or full replacement cost plus \$7.00 processing
302 charge.
303
304 Improper Return of Digital Devices- \$25 fee if not returned to Front Desk staff
305
306 **PUBLIC SAFETY**
307
308 Emergency 911
309 Administrative Office 235-3150
310 HPD = Homer Police Department
311 (The following fees have been set by legislative enactments to HCC 7): Resolution 10-90(A);
312 06-45
313 Handicap Parking Violation \$100
314
315 Noisy Vehicles - enforcement begins April 28, 2004.
316 Noise greater than 85 decibels (dBA) at a distance of fifty (50) feet is prohibited. Between the
317 hours of 8 p.m. and 8 a.m. not greater than 75 dBA at a distance of fifty (50) feet.
318 Offense Penalty/Fine
319 Muffler not working properly CORR/\$500

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

320	Muffler modified/excessive noise	CORR/\$500
321	Muffler removed or inoperative	CORR/\$500
322		
323	Noise exceeds limits:	
324	First conviction	\$100
325	Second conviction within 6 months	\$200
326	of first conviction	
327	Third conviction within 6 months	\$300
328	of any prior conviction	
329		
330	Sale of vehicle exceeding noise limits:	
331	First conviction	\$100
332	Second conviction within six (6) months	\$200
333	of first conviction	
334		
335	Third conviction within six (6) months	\$300
336	of any prior conviction	
337	Jake Engine brake use prohibited:	
338	First conviction	\$100
339	Second conviction within six (6) months	\$200 plus proof of satisfactory HPD commercial
340	of first conviction	vehicle inspection
341	Third conviction within six (6) months	\$300 plus proof of satisfactory HPD commercial
342	of any prior conviction	vehicle inspection
343	CORR: "CORR" means a correctable/dismissible offense. A citation for one of these offenses	
344	may be dismissed (or voided) if proof of correction is presented to a HPD vehicle inspector	
345	within thirty (30) days. If the required repair is not made and shown to a vehicle inspector	
346	within the specified time, the defendant must pay the fine.	
347	Public Transportation (HCC 8.12.150 and 8.12.200):	
348	Vehicle Permit \$75 \$150	Fiscal Year, expires June 30 th
349	Permit \$37.50 \$75.00	after January 1 st , expires June 30 th
350	\$5 Replacement Permit	
351	Chauffeurs License \$75 \$100 application fee plus the fees in the amount of \$35.00 (for	
352	Fingerprinting to the State of Alaska)(none of these fees are refundable)	
353	Annual Safety Inspection commercial vehicles \$100	
354		
355	(The following fees have been set by legislative enactments AAC 13 (Paid at City Hall).	
356		
357	Parking Tickets -\$25	
358		
359	(The following fees have been set by legislative enactments to HCC 8, Ord. 01-20).	
360	Itinerant Merchant -	\$330/for 60 days
361	Mobile Food Unit -	\$390/per yr.

Added. Deleted language stricken through.]

362 **FIRE DEPARTMENT FEES**

363
364 Emergency 911 Administrative Office - 235-3155
365

366 (The following fees have been set by legislative enactments Resolutions 91-97, 92-06, 92-
367 43(S), 03-145, 04-98(S)(A) and 06-64(S)A).

368 **AMBULANCE:**

369 Basic Life Support (BLS)	\$440 <u>\$500</u>	
370 Advanced Life Support (ALS)	\$550 <u>\$800</u>	
371 Non-Emergency Transport	\$440 <u>\$500</u>	
372 Standby each half hour	\$ 25	
373 Mileage, <u>one-way load miles</u>	\$7.50 <u>\$12.00</u> mile	
374 Medevac	Determined by level of call, see BLS, ALS rate	

375

376 **FIRE:**

377 Type 1 Engines (>1,000 gals or 1,500 GPM)	\$240/hr.	\$2,040 day
378 Type 1 Tenders (<3,000 gals or 1,000 GPM)	\$144/hr.	\$1,224/day
379 Ladder Truck	\$360/hr.	\$3,060/day
380 Medic Unit/Ambulance	\$ 60/hr.	\$ 510/day
381 Brush Patrol	\$100/hr.	
382 Command Vehicle	\$ 50/hr.	
383 Rescue/Extrication Truck	\$144/hr.	\$1,224/day
384 Command/Utility Vehicle	\$ 60/hr.	\$ 510/day
385 6 x 6 ATV	\$ 25/hr.	\$ 200/day

386 **VOLUNTEER PERSONNEL:**

387 Fire Department IC (1)	\$ 36/hr.
388 (IC - Incident Command)	
389 Safety Officer/Officer	\$ 36/hr.
390 Driver/Engineer (1 per vehicle)	\$ 24/hr.
391 Firefighters (Minimum 1 per tender, 2 per Engine)	\$ 18/hr.
392 EMT (Minimum 2 per Rescue Medical Unit)	\$ 18/hr.

393

394 **PUBLIC WORKS DEPARTMENT**

395

396 Administrative - 235-3170

397 (The following fees have been set by legislative enactment Resolution 04-98(S)(A) and 95-1).

398

399 R.V. Station dumping	\$2 <u>\$5</u> per dumping
400 Bluelines, copies minimum	\$10 + \$2/pg.
401 Standard Construction Specs	\$50
402 Job Specific Specifications and plans vary in price.	

403

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

404 SUBDIVISION AGREEMENT FEE SCHEDULE:

405 Agreement Application, Plan Review, Inspection, and Warranty Period Deposits

406 A developer shall pay the City's actual cost associated with the reviewing, approving,
407 coordinating and inspecting improvements required to be completed under a subdivision
408 agreement. The City's cost shall include, but is not limited to, administering the agreement,
409 plan checking, surveillance, and administrative overhead. Prior to initiating each phase of
410 the subdivision approval process, a deposit shall be paid. Deposits shall not bear interest. The
411 deposits shall be held in a separate account and disbursed only as authorized by this fee
412 schedule. The deposits are described below:

413

414 1) Subdivision Agreement Application: Upon submitting an application agreement,
415 the

416 Developer will provide a \$300 deposit.

417 2) Subdivision Improvement Plan Review: Upon submission of plans for review and
418 approval, the Developer will provide a plan review deposit of .5% of the estimated
419 cost of

420 improvements or \$300, whichever is greater.

421 3) Construction Inspection: Prior to the issuance of a notice to proceed with
422 construction to the Developer, the Developer shall pay a deposit toward the City's
423 costs based upon the estimated cost of the improvements to be constructed
424 under the subdivision agreement as follows:

425

<u>Estimated Construction Cost</u>	<u>Deposit</u>
426 \$10,000 or less	\$300
427 Over \$10,000 up to \$50,000	4% of the estimated costs
428 Over \$50,000 up to \$150,000	3% of the estimated costs
429 Over \$150,000 up to \$500,000	2.5% of the estimated costs
430 Over \$500,000	\$13,000

431

432
433 After the City finds the subdivision improvements meet City specifications, it shall
434 determine its costs to date. If costs (plus any deposit required under subsection 4
435 below) exceed the total deposits received, the Developer shall pay the balance to the
436 City prior to final acceptance of the improvements. If the total deposits exceed the
437 costs, the City shall refund the balance (less any deposit required under subsection 4
438 below) to the Developer.

439 4) Initiation of Warranty Period: Prior to acceptance of completion by the City of the
440 undertaking by the developer, the Developer shall also pay a deposit toward the City's
441 cost incurred during the warranty period under the subdivision agreement in the
442 amount determined by the Public Works Director, but not to exceed \$2,000.

443

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

444 If at any time the City finds its costs exceed the total deposit received, the City may
445 periodically bill and receive payment from the Developer for those actual incurred costs in
446 excess of the amount of deposit.

447
448 (Contact Planning Department - at City Hall, 235-3106. Planning issues the permits.)

449
450 PASSED AND ADOPTED by the City Council of Homer, Alaska, this ____ day of
451 December, 2015.

452 CITY OF HOMER

453
454
455 _____
456 MARY E. WYTHE, MAYOR

457 ATTEST:

458
459
460 _____
461 JO JOHNSON, MMC, CITY CLERK

462
463 Fiscal Note: Revenue amounts not defined in CY2016 budget.



City of Homer

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Office of the City Clerk

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(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.



City of Homer

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Administration

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Memorandum 15-184

TO: Mayor Wythe and Homer City Council
 THROUGH: Katie Koester, City Manager
 FROM: Patrick Lawrence, Assistant City Manager
 DATE: November 16, 2015
 SUBJECT: Sustainable Animal Control Review Committee - New Shelter Fees

Over the past few meetings the SACRC has come up with a fee schedule they feel is more appropriate for the animal shelter. The committee reviewed other shelter fees throughout Alaska as well as considered the specific cost of doing business in Homer when creating this new schedule. Some of the suggestions raise the existing fees and others lower the fees.

<u>Type</u>	<u>Current</u>	<u>Proposed</u>
Dog License - Altered (2 yrs)	\$15	\$25
Dog License – Unaltered (2 yrs)	\$75	\$100
Adoption	\$15	\$75
Kennel License (2 yrs)	\$150	\$150
Replacement fee, lost license	\$6	\$6
Rabies Voucher	\$13	\$16
Quarantine at Home	\$40	\$50
Quarantine at Shelter	\$40 + Boarding	\$50 + Boarding
Boarding Fee per Day	\$20	\$25
Pick up at Residence for Owner Release	\$25	\$35
Owner Turn In	\$5	\$25
Turn in for Euthanasia	\$15	\$30

<u>Impound Fees</u>	<u>Unaltered</u>	<u>Altered</u>	<u>Unaltered</u>	<u>Altered</u>
1st Offense	\$35	\$25	\$50	\$40
2nd Offense	\$50	\$40	\$70	\$50
3rd Offense	\$85	\$75	\$100	\$70
4th Offense or more	\$100	\$100	\$140	\$100

Recommendation: Adopt the proposed fee schedule as written.

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

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Office of the City Manager

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City Manager's Report

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

Get out the Vote for HART

HART education is in full swing in preparation for the December 1st election. This includes the attached mailing that was sent to all registered voters in City limits, spots on local radio stations, and pieces in the paper. Thank you to councilmembers who volunteered to be on the radio and write opinion pieces for the paper.

Strategic Doing on ADA

When Council initiated the strategic doing process, they chose ADA accessibility as one of the items they would like to tackle first. I have been working with Rick Malley of the Independent Living Center on suggestions on how to make the City of Homer more ADA friendly. He has met with public works staff to go over some of the accessibility issues and put me in contact with a specialist in training municipal employees on ADA sensitivity. In light of the Council's commitment and the Independent Living Center's willingness to help the City of Homer become more ADA friendly, I have dedicated the January Strategic Doing to ADA accessibility. At that session the Council will work on laying the ground work for a transition plan detailing the ways Homer can be more accessible. One thing that I have learned through this process is that ADA accessibility is often not about infrastructure but about employees finding creative solutions to help all residents access municipal programs, information and activities. In that vein, I am hoping to bring in a specialist and offer training to frontline City of Homer employees on ADA sensitivity in the near future.

Website Upgrades

We have been talking for quite some time about making the City of Homer website more mobile friendly and updating its form and functions. The contractor that designs our website (aHa Consulting) will be here in December to train employees on the new interface. We are hoping to keep many of the features that the community loves the same, but upgrade the look and functionality of the website. Stay tuned for a fresh and functional City of Homer web experience for the new year.

Welcome New Faces to the City of Homer Staff

The City would like to extend a warm welcome to Kim Gilbert in the Finance Department and Jason Hoffman at Public Works. Please say hi to the newest members of the City of Homer team if you get a chance.

Town Hall

Despite the blustery and slushy winter weather, we had a great Town Hall on Monday the 9th. I really appreciate the full Council attending. It provided a great opportunity for those in attendance to ask direct questions of the decision makers and exchange ideas and opinions.

At the Town Hall we unveiled an excel spreadsheet tool that lets the public chose elements of Budget A (assumes revenue) and Budget B (bare bones) coupled with the suspension of the HART fund to try their hand at balancing the budget. A survey is also included with questions on HART and the outreach process (<https://www.surveymonkey.com/r/N639HFG>). Preliminary survey results are attached. We also introduced an online budget tool called Open Budget that provides a graphic representation of the City of Homer budget over the last 5 years. This is neat tool for the public, Council and staff to more easily understand both historical budgets and current spending. So far, lots of great questions internally have come from being able to see the numbers in a bar chart form and I am looking forward to questions from the public. Check out both tools on the City of Homer website: <http://www.cityofhomer-ak.gov/>.

Land Sales – Do we Need a Professional?

This fall Council directed me to make City of Homer Land sales simpler. In response, Council passed Ordinance 15-28(A) streamlining the land sale process. Staff proceeded through the process of RFPing lots Council had identified an interest in selling. For example, we RFP'd the Lillian Walli lots in October. Even though we have had developers express an interest in the lots, no one has signed up on the planholders list and I extended the time frame until December 14th. During this time we also began advertising the lots on Zillow and Craigslist. As of Monday the 16th, we had almost 500 views - but no bites yet. I perceive a disconnect between the City of Homer RFP process and how people look for property. To maintain integrity and transparency of the RFP process, staff cannot let individuals know when City of Homer has issued an RFP. However the RFP process is problematic for land sales. For the most part, people use a real estate agent, or at least browse online through sites like MLS, when looking for property. If the City wants to make an active push to get rid of land, I think the City should consider hiring a municipal real estate agent.

Using an agent is necessary to get property onto MLS and other information sources commonly used by prospective purchasers to search for properties that are for sale. A good agent also can provide helpful advice regarding pricing and market conditions. The best way to hire an agent consistently with the code would be to solicit proposals to provide this service. The RFP might be for particular properties and/or for a particular limited time period (agents are accustomed to an agreement for an exclusive listing for a specified period). This

would allow the City to evaluate the effectiveness of this approach (and the selected agent) without making a more general commitment.

Out of Room at Hickerson Cemetery

Hickerson Cemetery has only a handful of lots left that are spread out around the cemetery. Parks has proposed a \$350,000 capital request to purchase land for a new cemetery. Fully developing the cemetery would cost an additional \$230,000. Public Works has proposed a fee increase as part of the FY2016 budget process to help recoup these costs (\$250,000 to \$1,000). However, there is a substantial upfront capital investment that is needed. The current City Manager's proposed budget does not include expansion of the cemetery. Without this project, the City will likely have to turn families away in the near future.

Enc:

HART mailer

Budget Breakdown Survey Results

Letter of support for Coastal Studies grant application

VOTE YES ON PROP 1

Keep Vital Services, Suspend HART

Vote YES on Prop 1

Keep Vital Services, Suspend HART

What is HART?

¾% of sales tax in the City of Homer is dedicated to the Homer Accelerated Roads and Trails fund, used for road and trail improvements.

What is Proposition 1?

Suspension of new tax dollars to HART for 3 years. These funds will be redirected to pay for vital services such as: plowing, emergency services, community recreation, parks & the library, as well as other valued services.

Why Suspend HART?

This is not a new tax. With the passage of Prop 1 alongside City belt tightening we can close the budget gap and keep these valued services.

Find out more?

www.cityofhomer-ak.gov or 907-235-8121

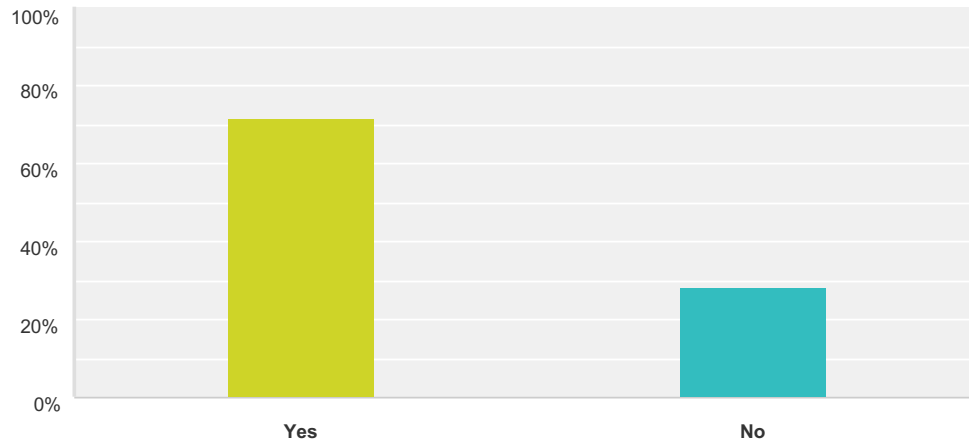
Vote December 1st

absentee voting begins November 16th

This communication was paid for by the City of Homer, Homer, Alaska

Q1 Are you a City of Homer resident?

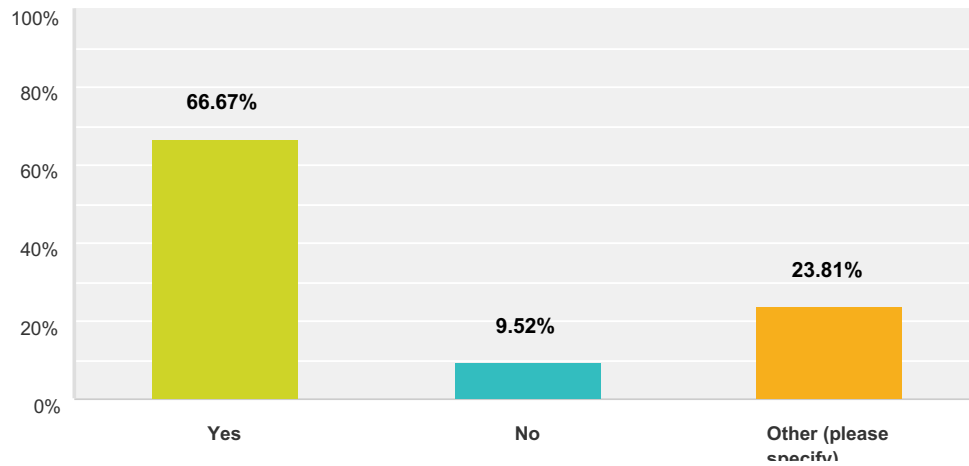
Answered: 21 Skipped: 0



Answer Choices	Responses	
Yes	71.43%	15
No	28.57%	6
Total		21

Q2 Currently 3/4% of city sales tax is dedicated to the Homer Accelerated Roads and Trails (HART) program. Do you support the redirection of these dedicated tax dollars for 3 years to the general fund in order to fund vital city services?

Answered: 21 Skipped: 0



Answer Choices	Responses	
Yes	66.67%	14
No	9.52%	2
Other (please specify)	23.81%	5
Total		21

#	Other (please specify)	Date
1	A year by year approach to reallocating funds, decided by the City Council, is a effective mechanism with a 3-year limit. The City should use the HART funds for roads & trails that would stimulate the local economy. Note: the projects should be RFP set-asides for local small businesses and the City could allocate a portion of the contract amount to support an owner rep and a City administrator.	11/14/2015 2:09 PM
2	I suggest that a 5 year hiatus would better serve our needs today and over the next 5 years to give us more "wiggle room" and time to maximize our city enterprisers for fund generation.	11/13/2015 7:28 PM
3	While it is a temporary solution, I think the City needs a long term solution. Less spending. Put projects on hold until the budget bounces back some.	11/9/2015 9:38 AM
4	Only as a very short term stop gap. I hope Council makes the budget the priority until June when the mill rate and sales tax rates are set.	11/9/2015 8:43 AM
5	Don't know what it is. Should have had a brief summary i. This survey question.	11/6/2015 8:56 PM

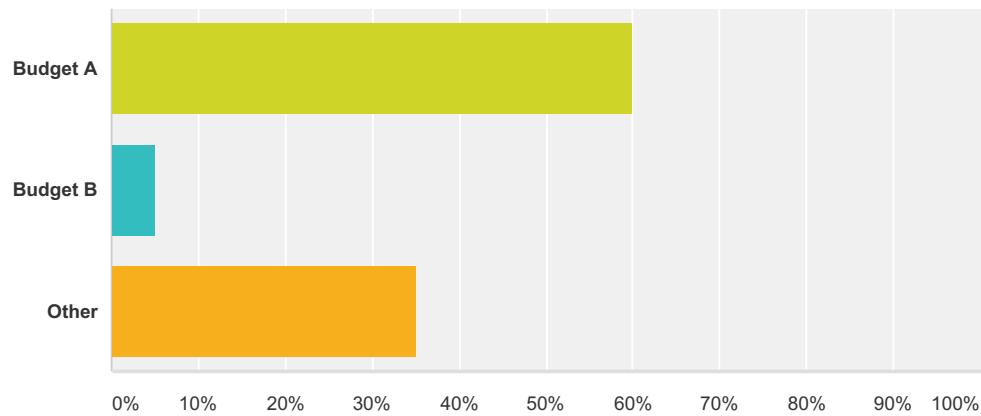
Q3 Suspension of the HART is a short term fix; the need for a long term solution is not far off. What long term revenue generating solutions would you support?

Answered: 13 Skipped: 8

#	Responses	Date
1	#1 -- a hotel tax--please! Most urgent one! Secondly, year-round sales tax	11/16/2015 12:03 PM
2	All tax sources should be examined.	11/16/2015 9:54 AM
3	-increased user fees (including for those outside city limits, if KPB will play along - I would support increased property tax but not until exemptions are either ended or made rational & fair (ie, Senior Exemption) -Bed tax & "head tax" for harbor & airport usage -any revenue enhancements that are truly fair (ie "one suffer; all suffer"	11/14/2015 5:27 PM
4	1) Sell City property and put the revenue into an endowment to support City operations. 2) Use the HART \$\$ to fix the City sidewalks etc to promote tourist, retiree, etc. safe accesses to businesses. Stop the "uglization" of Homer with businesses along tourist specific areas. What happened to the 30+year City Plan for a City Center. The City Center is for practical purposes the New Old Town. This would attract small business to Pioneer Ave. Revenue would be generated through a touristy town that is appealing to the visitor. It is not that now. This includes the Spit. 3) A large boat haul-out would be a source of revenue for the City and local businesses. It should be a low cost project using a rail system and could relocate one of the Fish Dock cranes to support the haul-out.	11/14/2015 2:09 PM
5	Recreation tax area to allow more contribution to City services by those of us living outside the City. Increase in sales tax or removal of the grocery tax holiday.	11/14/2015 5:46 AM
6	Maximizing our harbor and airport ops for increased revenues. We should also consider raising the parking fees on the spit to the point of installing meters that accept credit cards. Anchorage is a good example of how this process works.	11/13/2015 7:28 PM
7	a balance of raising taxes & trimming services.	11/13/2015 6:49 PM
8	severe budget cuts	11/13/2015 8:38 AM
9	Follow up with Mayor Navarre about the borough taking over Fire and EMS. Ask if current employees could be hired on by the borough.	11/12/2015 9:49 AM
10	excise taxes on alcohol, tobacco and eventually cannabis. motor vehicle fuel tax. 1% additional sales tax in six summer months. Reduction of senior property tax exemption	11/11/2015 4:20 PM
11	Borough support of city services used by Borough residents, change in senior property exemption, increased taxes if needed	11/11/2015 2:23 PM
12	Raise sales tax cap Increase summer sales tax Bed tax dedicated to promoting tourism Work with state to eliminate at least some portions of the senior tax exemptions, especially the hospital mill rate exemption. Poor seniors should be protected but many of our seniors can afford to pay their share. (I will be one of those seniors soon.)	11/11/2015 1:20 PM
13	Petition the state to get rid of the senior citizen tax exemption. Charge non city residents for library and recreational services to encourage the formation of a service area to fund these quality of life services. It blows my mind that the city of Homer just gives a million dollars worth of library services away. Increase the seasonal sales tax. Tax church property, with the exception of the Methodists, as they actually contribute to the community as a whole through the food pantry.	11/9/2015 8:47 PM

Q4 Do you support either of the proposed budgets?

Answered: 20 Skipped: 1

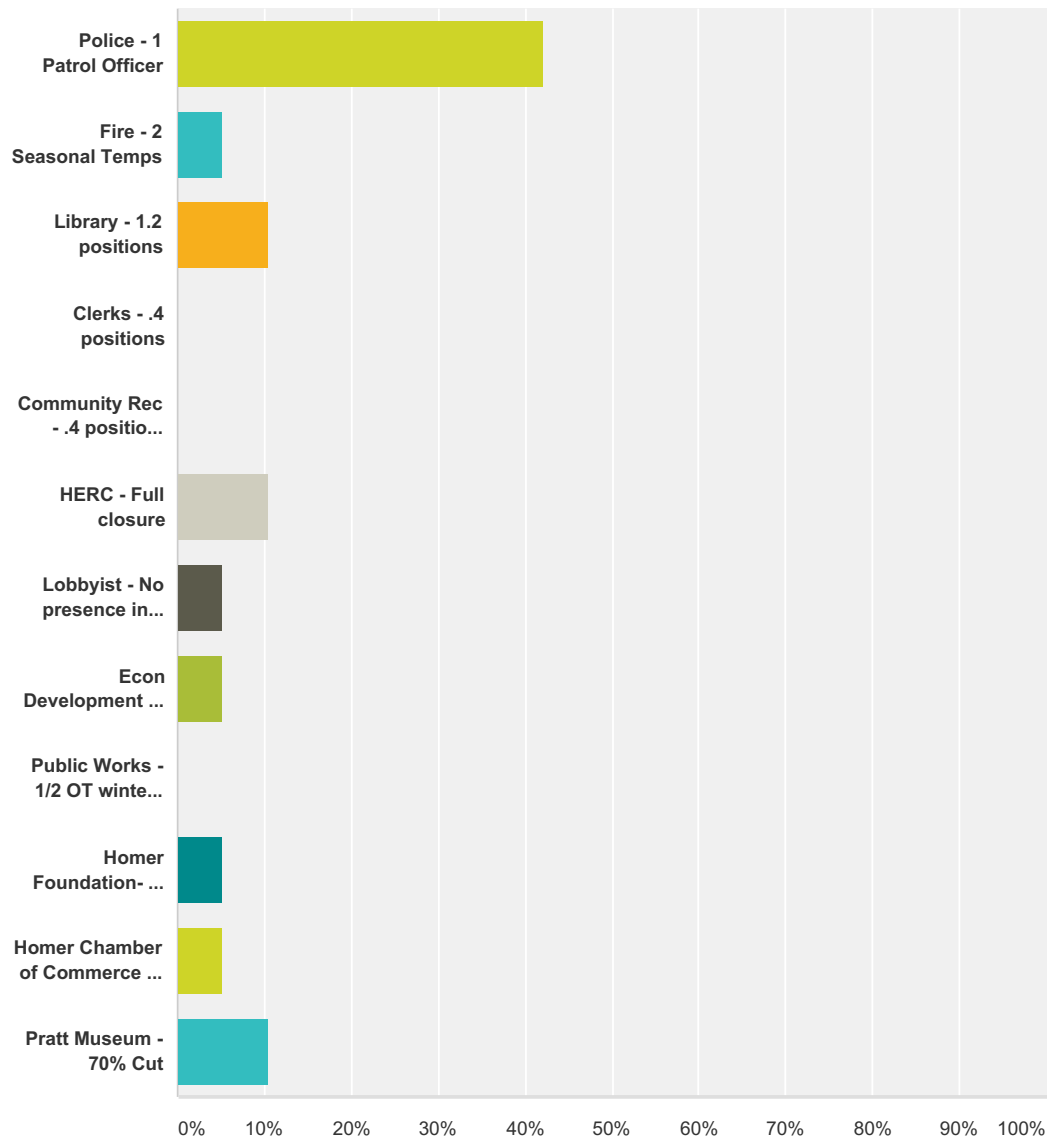


Answer Choices	Responses
Budget A	60.00% 12
Budget B	5.00% 1
Other	35.00% 7
Total	20

#	Other	Date
1	Budget A with some of B. Re below: 1) HERC should be closed and demolished, property could be sold. The City applies the funds to expand the Bell Arena to support HERC activities. 2) Reduce clerks by two 3) Reduce Community Rec by two 4) Cut lobbyist in Juneau, Reallocate some of the funds for City travel to Juneau 5) Why is the City giving money to the Homer Foundation. This is a pass trough funding that goes back to the City. The Foundation should find its own \$\$\$. Also, the City could be viewed as in "conflict of interest" with the Foundation and its CEO. 6) Same for Chamber of Commerce.	11/14/2015 2:09 PM
2	I support BOTH with certain implementations.	11/13/2015 7:28 PM
3	Both	11/13/2015 8:38 AM
4	In general I would rather rob the HART revenues than have the stripped down budget, but to cut positions that affect public safety, like a police dispatcher and not cut ANY library personal seems crazy. Story time at the library used to be a once a week volunteer position. Now we have a full time employee dedicated to children's services. How has it become the city of Homer's task to provide early childhood education for the entire south peninsula? It would be one thing if the borough was involved and it was administered through the school district, but it's unfair to city residents that they should be tasked with this.	11/9/2015 8:47 PM
5	Cut funding from Homer Foundation, Pratt, and Homer Chamber of Commerce, Library Cuts. While people like the library, library hours could be cut and FTEs could be reduced.	11/9/2015 9:38 AM
6	Budget B would be a small step in the right direction. All spending on non-essential services (libraries, museums, parks & rec, et. al.) should be terminated. Exceptions could be made only in the case of a non-essential service that returns (annually) more revenue than expense incurred. That is, only fund non-essential services that turn a fiscal profit (with no phony accounting procedures).	11/7/2015 8:31 AM
7	Not sure. Did not study them. Thank you for posting though, for those who want to study in depth. Most people probably do not.	11/6/2015 8:56 PM

Q5 What proposed cut from Budget B would you least like to see implemented?

Answered: 19 Skipped: 2



Answer Choices	Responses
Police - 1 Patrol Officer	42.11% 8
Fire - 2 Seasonal Temps	5.26% 1
Library - 1.2 positions	10.53% 2
Clerks - .4 positions	0.00% 0
Community Rec - .4 positions and less temp hours	0.00% 0
HERC - Full closure	10.53% 2
Lobbyist - No presence in Juneau	5.26% 1

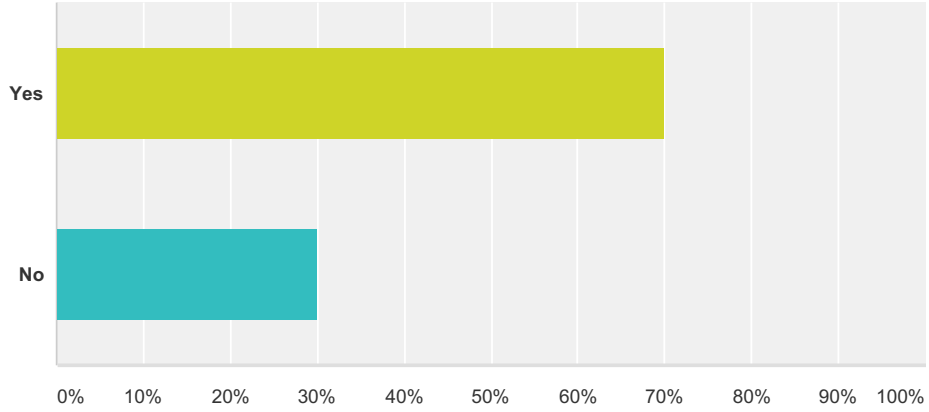
City of Homer Budget Process

SurveyMonkey

Econ Development - non-visitor advertising	5.26%	1
Public Works - 1/2 OT winter equip oper hours and temp park maintenance	0.00%	0
Homer Foundation- 70% cut	5.26%	1
Homer Chamber of Commerce - 70% Cut	5.26%	1
Pratt Museum - 70% Cut	10.53%	2
Total		19

Q6 Did you use the excel budget tool found on The City's website to help you understand the budget gap?

Answered: 20 Skipped: 1



Answer Choices	Responses	
Yes	70.00%	14
No	30.00%	6
Total		20

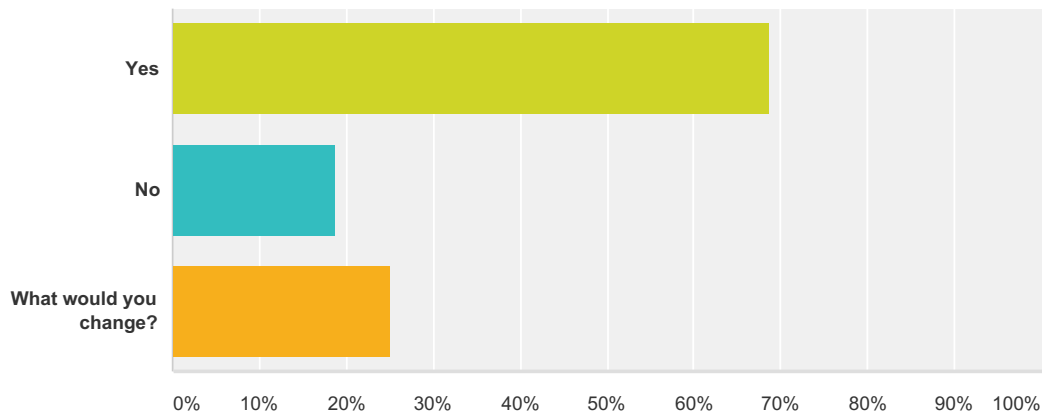
Q7 After using the excel budget tool, do you have any specific recommendations to Council on an amendment to either budget A or B?

Answered: 8 Skipped: 13

#	Responses	Date
1	I tried but couldn't get it to be interactive on my Mac	11/16/2015 12:03 PM
2	Refer to above #4	11/14/2015 2:09 PM
3	My computer does not have Microsoft Office so I cannot open the tool.	11/14/2015 5:46 AM
4	I am still studying the process.	11/13/2015 7:28 PM
5	Both for 3 years	11/13/2015 8:38 AM
6	Cut the two Fire seasonal temps. Ask Fire department why volunteers are not adequate for staffing. If retention is an issue, why? Cut funding to the Chamber. They have members that pay dues to fund their budget.	11/12/2015 9:49 AM
7	All of the Budget B cuts are extreme and not an option for me. These cuts are being layered on years of cuts and belt tightening. Alternative revenue sources are essential.	11/11/2015 2:23 PM
8	Bite the bullet and raise revenue. Budget A cuts are barely acceptable.	11/11/2015 1:20 PM

Q8 Did you find the Town Hall meeting structure useful?

Answered: 16 Skipped: 5

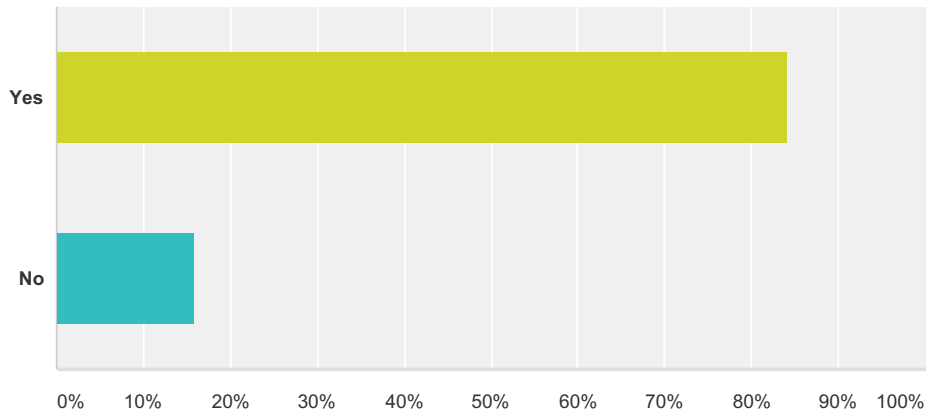


Answer Choices	Responses
Yes	68.75% 11
No	18.75% 3
What would you change?	25.00% 4
Total Respondents: 16	

#	What would you change?	Date
1	City needs to come up with Plans and present to the citizens	11/14/2015 2:09 PM
2	Larger turn out.	11/13/2015 7:28 PM
3	more participation of general public.	11/11/2015 4:20 PM
4	More internet based outreach. People are busy.	11/6/2015 8:56 PM

Q9 Would you like to see more Town Hall meetings in the future?

Answered: 19 Skipped: 2



Answer Choices	Responses	
Yes	84.21%	16
No	15.79%	3
Total		19

Q10 How could The City improve its outreach in the future?

Answered: 14 Skipped: 7

#	Responses	Date
1	ask this question at local service agencies, have their staff arrange focus groups of clients, where people with few could express the perceived priorities of our most vulnerable populations who don't have resources to attend meetings (or feel that their voices count).	11/16/2015 12:03 PM
2	figure out how to shame citizens into participating in THEIR government (ie, the problem is us)	11/14/2015 5:27 PM
3	Residents outside the City would like more of a voice in City decisions and to support the City more.	11/14/2015 5:46 AM
4	Just continue to promote that "We are in this TOGETHER" and it takes a "village" to make things work best.	11/13/2015 7:28 PM
5	Maybe post the Town Hall notes or send them to those interested in case they couldn't make the meeting. Social media to engage younger residents...	11/13/2015 6:49 PM
6	Bed Tax	11/13/2015 8:38 AM
7	Facebook	11/11/2015 4:20 PM
8	I think you're making a good effort.	11/11/2015 1:20 PM
9	I think you're doing a great job with outreach to those who are interested.	11/9/2015 8:47 PM
10	Install sign similar to Paul Banks School (small) to post meetings and events at City Hall.	11/9/2015 12:25 PM
11	I think outreach has improved, keep it up.	11/9/2015 9:38 AM
12	Put meeting info on-line at LEAST one week if not two weeks before the meeting. And email the link to employees.	11/9/2015 8:43 AM
13	Embrace the interweb. Virtual meetings/surveys/feedback is far more efficient/inclusive/timely than non-virtual.	11/7/2015 8:31 AM
14	Online surveys. We will not attend meetings. Too long and not convenient to many. Also, more accessibility to officials. They seem essentially unapproachable in general and not open to input from community members."This is the way it is.""You're not special." "We don't care what you think."	11/6/2015 8:56 PM



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

November 17, 2015

Elizabeth Trowbridge
Executive Director
Center for Alaskan Coastal Studies
P.O. Box 2225
Homer, AK 99603

Delivered Electronically

Dear Ms. Trowbridge,

This letter is in support of the Center for Alaskan Coastal Studies (CACS) Recreational Trails Program grant application to repair a bridge in the Bridge Creek Watershed. CACS has been a valuable part of the greater Homer community since 1982 and offers many opportunities for people of all ages to connect with the outdoors through guided walks, tours, educational programs, overnights, school programs and more. Local trail networks that attract visitors to our community and the educational programs offered by CACS are beneficial to the community of Homer.

The Wynn Nature Center contains over 5 miles of interpretive nature trails. CACS delivers educational programs and guided tours to over 12,000 students and visitors every year. The Recreational Trails Program grant CACS is applying for would repair a deteriorating bridge that crosses a stream towards the bottom of the Moose Meander Trail. This stream is part of the Bridge Creek Watershed and the Wynn Nature Center and provides valuable protection of the watershed. CACS has a strong history of educating the public about the importance of the Bridge Creek Watershed to residents of Homer and visitors through interpretive signage and educational programing. Thank you for your consideration of this important project.

Sincerely,

Katie Koester
City Manager



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

November 5, 2015

Emily Angel
Interpretation and Education Program Manager
Div. of Parks and Outdoor Recreation
550 W. 7th Avenue, Ste. 1340
Anchorage, AK 99501

Re: Letter of Support for Kachemak Bay State Park Orientation Panel

To Whom It May Concern:

My name is Bryan Hawkins and I am the Port Director/Harbormaster for the City of Homer's Port and Harbor. My duties and responsibilities include managing the City-owned property on the Homer Spit.

Recently, Homer completed an extensive public access trail system around the harbor basin; one of our goals in this project was to create opportunities for public, educational signage on and around the trails. Our guideline for the signage is that it cannot obstruct the view, is pleasant to look at, is informative to both visitors and locals, and is relevant to its location on the harbor rim.

Ramp 2 in the harbor is a gathering/launching location for visitors and locals accessing Kachemak Bay State Park. Thousands of people use this space for adventure day-trip excursions every year, making it a perfect location for informational signage about our park. I believe that the project proposed by the Division of Parks and Outdoor Recreation will be a great upgrade to the existing signage, which is old and weathered and in need of freshening up. It will be a great improvement to the Ramp 2 area while also providing valuable information to those individuals interested in adventuring in our beautiful park.

Thank you for your work on this project.

Sincerely,

Bryan Hawkins
Port Director/Harbormaster



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street

Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

November 2, 2015

Tom Stroozas - President
Homer Chamber of Commerce
201 Sterling Highway
Homer, Alaska 99603

**RE: Letter of Non-Objection
Placement of Kiosk at Baycrest Hill PullOut**

Mr. Stroozas;

Please consider this a letter of non-objection to the construction of a traveler information kiosk at the Baycrest Hill Pullout as shown on the information provided to Public Works on November 2, 2015.

The kiosk shall be located as shown on the State of Alaska, ADOT/PF permit #25890 (south of the upper planting bed, in front of the wind rose located near the bed). As discussed, the Chamber will be responsible for maintaining the facility.

Yours Very Truly;

CITY OF HOMER

Carey S. Meyer, P.E., MPA
Public Works Director



Structure Details

12 feet high to top of Cupola
6/12 roof pitch asphalt shingles
16 foot diameter octagonal – 256 sq. ft.
Dura-temp smart plank exterior

State of Alaska
Department of Transportation and Public Facilities

Traveler Information Kiosk (TIK)
Permit #25890

This permit allows a government entity, chamber of commerce, convention bureau, visitors bureau, business association, or similar organization to provide centralized information on businesses, services, or activities located in the vicinity of a traveler information kiosk within a State owned highway Right of Way.

Applicant:	Homer Chamber of Commerce
Mailing Address:	201 Sterling Highway Homer, AK 99603
Contact Name:	Tom Stroozas
Phone:	(907) 235-7740
Business License Number:	103802
Permit Expiration Date:	12/31/2020
Location of the Proposed TIK installation (includes highway name, milepost and other pertinent information): Sterling Hwy/Baycrest-Homer Hill Pullout - MP 169.8 - Sec 14 T6S R14W Seward Meridian Highway Speed Limit: 45 MPH	
Tourist-Oriented Activities, Recreational and cultural Interest Areas, and General Services to be included in the TIK: Area Attractions, Fishing, Trail Maps/Hiking, Scenic Drive Maps, Lodging, Museums, Arts, Transportation Info, RV Park/Camp site listings, Shopping, Restaurant/Dining, Natural History, Festivals, Relocation Info & State Park Info	



City of Homer

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Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: NOVEMBER 16, 2015
SUBJECT: BID REPORT

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 December 14, 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



Birch Horton Bittner & Cherot

a professional corporation

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR OCTOBER 2015

FILE NO.: 506,742.23

DATE: NOVEMBER 6, 2015

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

City Council. We attended the October 12 Council meeting. We advised the Council regarding succession in office while a runoff election was pending, and the appropriation of City funds to influence the outcome of a ballot proposition election.

City Manager. We prepared a budget ordinance that provided for the adoption of alternative budgets, and incorporated language for the automatic adjustment of appropriations of grant funds. We advised the City Manager regarding religious groups holding meetings in City buildings.

Marijuana Regulation. We continued to advise and work with the Cannabis Committee and other City officials on issues related to the regulation of marijuana in the City.

City Clerk. We advised the City Clerk regarding the circumstances that require a runoff election, and on runoff election procedure. We advised the City Clerk regarding the ballot measure to suspend the HART sales tax dedication.

Planning Department. We continued research on the authority of the City to apply its zoning regulations to property in the Homer Airport. We drafted amendments to the zoning ordinance to regulate marijuana facilities.

Police Department. We advised the Police Department regarding City liability for hospital charges for persons taken into protective custody. We drafted an ordinance adopting all minor offense state traffic laws, and fine schedules for traffic offenses.

Port and Harbor. We negotiated the settlement of a claim in the Buccaneer Energy bankruptcy for a refund of amounts Buccaneer Energy paid for harbor services. We responded to a letter from an attorney representing The Auction Block Company demanding permission to use a fish pump and the Fish Dock and for reductions in Port and Harbor charges.

Griswold v. City of Homer (Appeal of CUP 14-05). Katie Davies continued briefing the City's opposition to Mr. Griswold's appeal from the Board of Adjustment decision that he did not have standing to appeal the approval of Conditional Use Permit 14-05.

Holly Wells will be available to answer questions regarding these matters at the November 23, 2015, Council meeting.

cc: Katie Koester
Jo Johnson

TFK/

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 15-099

A RESOLUTION OF THE HOMER CITY COUNCIL EXCLUDING CERTAIN PROPERTIES FROM THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT.

WHEREAS, Council adopted Ordinance 15-27 on August 10, 2015 establishing a procedure for certain properties to be excluded from the Homer Natural Gas Special Assessment District; and

WHEREAS, The criteria for exclusion is specific to a property owner or a council member who may apply to have the property excluded from the District under either of the following grounds:

1. The property does not benefit from the improvement under the criteria in Resolution 12-076; or
2. ENSTAR has informed the owner of the property that under the terms of the ENSTAR Tariff a main extension will be required to provide natural gas service to the property.

WHEREAS, Upon review of the Gas Assessment Exclusion Applications filed through November 5, 2015, the following parcels are excluded from the Homer Natural Gas Special Assessment District:

- KPB Parcel
- KPB Parcel

WHEREAS, The City shall refund all payments made for the property on its assessment in the District [without interest] to the record owner of the property as of the effective date of this resolution; and

WHEREAS, The City Clerk shall record this resolution with the District Recorder.

37 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby excludes
38 certain properties from the Homer Natural Gas Special Assessment District.

39
40 PASSED AND ADOPTED by the Homer City Council this 23rd day of November, 2015.

41
42 CITY OF HOMER

43
44
45 _____
46 MARY E. WYTHE, MAYOR

47
48 ATTEST:
49
50
51 _____
52 JO JOHNSON, MMC, CITY CLERK

53
54
55 Fiscal Note: \$_____ reduction from Homer Natural Gas Special Assessment District
56 Account No. 175-0375.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 15-186

TO: HOMER CITY COUNCIL
FROM: JO JOHNSON, CITY CLERK
DATE: NOVEMBER 16, 2015
SUBJECT: EXCLUDING CERTAIN PROPERTIES FROM THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT.

The Council will hear two requests for exclusion from the Homer Natural Gas Special Assessment District:

1. Mary Mathes - KPB Parcel 17513222
2. Larry Cabana – Sunset View Estates – KPB Parcel 17510230

Resolution 15-099 requires you to include the parcel numbers that are excluded and the fiscal note (\$3,262.77 per parcel).

RECOMMENDATION:

Amend Resolution 15-099 to add the parcels for exclusion from the Homer Natural Gas Special Assessment District and the fiscal note.

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**CITY OF HOMER
HOMER, ALASKA**

Burgess

ORDINANCE 15-27

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, PROVIDING A PROCEDURE FOR THE COUNCIL TO CONSIDER WHETHER TO EXCLUDE CERTAIN PROPERTIES FROM THE HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT DISTRICT.

WHEREAS, By Ordinance 13-02, adopted February 11, 2013, the City created the Homer Natural Gas Distribution Special Assessment District ("District"); and

WHEREAS, By Resolution 12-076, adopted August 27, 2012, the City previously had adopted criteria for excluding from the District properties that would not receive any benefit from the improvement in the District; and

WHEREAS, By Resolution 13-090, adopted September 9, 2013, Resolution 14-092(A), adopted September 8, 2014, Resolution 15-005, adopted January 12, 2015, Resolution 15-012, adopted March 9, 2015, and Resolution 15-016, adopted March 16, 2015, the City amended the preliminary assessment roll for the District to exclude certain properties from the District under the criteria in Resolution 12-076; and

WHEREAS, By Resolution 15-017, adopted March 23, 2015, the City confirmed the assessment roll for the District, and from the date of the adoption of Resolution 15-017, a property owner that objected to an assessment had 30 days to appeal the assessment to the Superior Court under HCC 17.04.130; and

WHEREAS, Notwithstanding the expiration of the appeal period under HCC 17.04.130, the Council finds that it would be equitable to allow an additional time period in which properties may be excluded from the District under the criteria and the procedure in this ordinance.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Procedure for exclusion from District.

A. Either a person who owns property in the District or a Council member may apply to the City to have the property excluded from the District under either of the following grounds:

1. The property does not benefit from the improvement under the criteria in Resolution 12-076; or

43 2. ENSTAR has informed the owner of the property owner that under the terms
44 of the ENSTAR Tariff a main extension will be required to provide natural gas service to
45 the property.

46 The Council will not consider applications to exclude property from the District on any
47 grounds other than those stated above. Grounds for exclusion that the Council will not
48 consider include without limitation that the assessment imposes economic hardship on the
49 property owner, that the property owner has no present plan to develop the property, and
50 that the property owner has no present plan to obtain natural gas service to the property.

51 B. To obtain an exclusion of property from the District, the property owner or Council
52 member must submit a written application for the exclusion of the property to the City Clerk
53 no later than the date specified in Section 3 of this ordinance. The application must state the
54 name, address and telephone number of the property owner, identify the property by legal
55 description, street address and Kenai Peninsula Borough tax parcel number, and include a
56 statement of the specific facts that the applicant believes would support exclusion of the
57 property from the District under either of the grounds for exclusion in subsection A of this
58 section.

59 C. The City Clerk will return an incomplete application under subsection B of this
60 section to the applicant, with a description of the missing information. If the City Clerk finds
61 that an application has all of the information required by that subsection, the City Clerk will
62 schedule a public hearing on the application before the Council on a first come, first served
63 basis. The hearing shall be at a regular Council meeting on a date that will allow the City
64 Clerk to give at least 15 days' written notice of the hearing by mail to the applicant, and the
65 property owner if the property owner is not the applicant. At the hearing, the applicant will
66 have the burden of proving that the property satisfies either of the grounds for exclusion from
67 the District in subsection A of this section.

68 D. In addition to the property satisfying one of the grounds for exclusion in subsection
69 A of this section, approval of an exclusion of property from the District is subject to the
70 Council's determination that after the exclusion there will be sufficient funds available from
71 the assessment of properties in the District and other sources to satisfy the City's obligations
72 to the Kenai Peninsula Borough ("Borough") under the Loan Agreement between the City and
73 the Borough for the financing of the cost of the improvement in the District.

74 E. At the conclusion of the hearing, the Council will take one of the following actions,
75 in its sole discretion:

- 76 1. Adopt or reject a resolution excluding the property from the District; or
77 2. Continue the hearing to allow the applicant time to provide additional
78 information in support of the application.

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

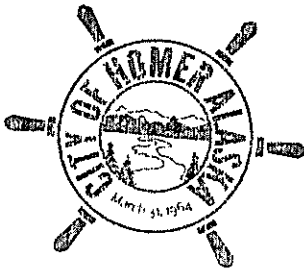
80
81 Section 2. Assessment payments must be current; refund. The City Clerk will not
82 accept an application, and the Council will not consider or act on an application, unless the
83 property that is the subject of the application is, and remains, current in the payments on its
84 assessment in the District. If the Council adopts a resolution excluding a property from the

85 District, the City shall refund all payments made for the property on its assessment in the
86 District [without interest] to the record owner of the property as of the effective date of the
87 resolution.
88

89 Section 3. Limitation on time to apply for exclusion. The City Clerk will not accept an
90 application, and the Council will not consider or act on an application, to exclude property
91 from the District unless the application is complete and submitted to the City Clerk on or
92 before the date that is 18 months after the effective date of this ordinance.

93 Section 4. This ordinance is not permanent in nature, and shall not be codified.
94

95 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10th day of August, 2015.
96



CITY OF HOMER

Francie Roberts

FRANCIE ROBERTS,
MAYOR PRO TEMPORE

97
98
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101
102
103
104
105 ATTEST:

106 *[Signature]*
107 _____
108 JO JOHNSON, MMC, CITY CLERK
109
110

111
112
113 YES: *6*
114 NO: *0*
115 ABSTAIN: *0*
116 ABSENT: *0*
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121 First Reading: *7/27/15*
122 Public Hearing: *8/10/15*
123 Second Reading: *8/10/15*
124 Effective Date: *8/11/15*
125
126

127 Reviewed and approved as to form.

128

129 Mary K. Koester

130 Mary K. Koester, City Manager

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132 Date: 8-12-15

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134 Fiscal Note: Unknown at this time.

Thomas F. Klinkner

Thomas Klinkner, City Attorney

Date: 8-14-15

37 which parcels within the City limits will not be directly served by gas distribution mains
38 constructed under the special assessment improvement plan.

39 BE IT FURTHER RESOLVED that the Council hereby adopts the following set of
40 exclusion criteria:

- 41 • Undeveloped rural areas, parcels, or subdivisions which have no developed road access,
42 no homes or businesses, and no city utilities.
- 43 • Parcels where a run of more than ½ mile is necessary in order to serve one or just a few
44 customers. (With the possible exception of the Spit)
- 45 • Lots that have severe constraints for development such as steep slope, tideland, or other
46 physical reasons.
- 47 • Lots that do not border a dedicated public right of way.
- 48 • Lots with legal restrictions on their development, such as conservation easements or
49 designated park lands.

50 BE IT FURTHER RESOLVED that a preliminary map showing the proposed location of
51 parcels which would be excluded from direct service and gas main extension under these criteria
52 and the assessment district improvement plan was presented with this resolution and is
53 incorporated herein.

54 PASSED AND ADOPTED by the Homer City Council this 27th day of August, 2012.

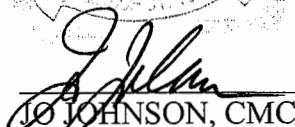
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CITY OF HOMER



JAMES C. HORNADAY, MAYOR

ATTEST:



JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

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

