



# City of Homer

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

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: June 22, 2016  
SUBJECT: City Manager's Report - June 27, 2016

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### **Power Surge at Police and Fire Departments**

On Tuesday evening the Fire Department and Police Station experienced power surges. While back-up systems at the Police Department protected major infrastructure, the Fire Department had damage to several systems. An electrician will assess final damage and facilitate repairs as soon as possible. However, in light of the pending building remodel/upgrade, an analysis of the cost of providing building-wide "surge" protection should be analyzed and included if budget allows. This incident highlights the need for major maintenance to protect our most critical infrastructure.

### **Updates from ADOT**

On Tuesday, June 21<sup>st</sup>, Alaska Department of Transportation was in Homer to meet with City officials and held a public meeting on Lake Street and Pioneer Avenue improvements. I have attached materials from the public meeting but wanted to give Council a brief update on the projects that are important to our region and the City.

### **Pioneer Avenue**

As Council is aware, improvements to Pioneer Avenue have been reduced to what DOT calls a '1R project' - pavement rehabilitation only. This means they will not be dealing with drainage or other issues that plague our main thoroughfare. When the project was being sold as a major rehabilitation, the City committed to taking over maintenance. When it was downgraded to pavement rehabilitation in 2014 Council passed Resolution 14-063(A) declining to take over maintenance of Pioneer without major drainage and right-of-way issues addressed. The project will improve the curb ramps to ADA standard, but not improve the actual sidewalks. This is a federal requirement but may leave some scratching their heads when the sidewalk in between the improved approaches is still in a state of disrepair that makes it difficult for people with mobility challenges. The pavement rehabilitation project is scheduled for construction in 2018.

DOT also brought up our contract with the State for maintaining Pioneer. We have been providing snow removal, sanding, and sweeping on Pioneer Avenue since the 90's under a contract with the State. It costs us more than the \$34,000 we receive from

the State for this contract (which has not increased since 1999), however, because it is our main thoroughfare and the community demands a higher level of service than DOT is willing to provide the City makes up the difference. DOT officials implied that they may not continue the contract with the City as they continue to experience operational cuts. I anticipate a time when we may have to let DOT take back over maintenance of Pioneer which will be problematic for businesses and residents as the level of service would be far inferior to what the City provides (less regular plowing and sanding, no plowing the sidewalks, etc.). I will be keeping a close eye on this and keep you in the loop as it has a great impact on the very heart of our town.

### **Lake Street**

DOT is moving forward with comprehensive improvements to Lake Street. As a '3R' project, this will receive significantly more attention than Pioneer including drainage improvements and pedestrian amenities. The new paths and sidewalks will greatly improve the east side of Homer and tie into the City's Waddell Way improvements. Construction is expected to begin in 2018. See project fact sheet attached for more information.

### **Intersection of Sterling Highway and Main Street**

DOT is currently in right-of-way acquisition for this intersection, which they anticipate taking up to two years. Best case scenario, construction will begin in 2018, however according to DOT 2019 is more likely.

### **SPARC and Parks and Recreation Powers**

Kenai Peninsula Borough has expressed a desire early on to support the SPARC indoor recreational facility by allowing the structure to be constructed on Borough land. However, leasing the land for less than fair market value raised issues of conveying a public asset for a private purpose as well as the borough not having recreational powers within the city of Homer. It was proposed that the Kenai Peninsula Borough lease the land to the City of Homer which has recreational powers and the city in turn could sublet the property to SAH Soccer, Inc. (SAH). I was hesitant to endorse that approach as I was concerned about an additional layer of complication for the project. The Borough determined it would be more efficient and straightforward for the Kenai Peninsula Borough to assume a limited portion of the City's recreation powers for the purpose of leasing the borough land to the Soccer Association of Homer for an indoor facility. This would avoid dual approval processes and another layer of government in administering the lease over the next 20-30 years. The transfer of a power from a city to a second class borough is authorized by AS 29.25.010(7) and AS 29.35.310. The Kenai Peninsula Borough Assembly passed Ordinance 2016-20 on June 21<sup>st</sup> authorizing the lease to SPARC and accepting a transfer of limited recreational powers from the City of Homer for the sole purpose of the SPARC facility. The City of Homer will follow up with introduction of an ordinance at the July meeting transferring limited recreational powers to the Borough.

### **Financial Disclosure Form**

With the passage of Ordinance 16-26, all elected officials and candidates will be required to fill out the attached form as a supplemental to Schedule B detailing business interests of immediate family members as defined in Homer City Code.

### **Process for Natural Gas HSAD Fine Abatement**

Some Councilmembers have expressed a desire for the natural gas special assessment district fines to be waived for certain individuals under certain conditions. The City has received complaints that property owners did not receive their mail, had a death in the family, or they have been out of state and refuse to pay the penalties. In the rare instance (1) that staff can prove that the property owner did not receive notice, City error is an adequate reason to waive those fines. However, we are statutorily obligated to send mail to the address the Kenai Peninsula Borough has on record. Staff has struggled extensively with a recommendation that would allow a fine abatement process, remain fair, and not present a massive work load for staff – we have found no easy solution. The draft resolution attached is a first attempt to establish a procedure; however it has many deficiencies including:

- opening up the City to liability many years from now of someone claiming to have not received their mail and requesting abatement
- fine abatement has the potential to be perceived as arbitrary
- what about people (approximately 40) who have paid their fines but may have petitioned if they knew the opportunity was available?
- there is no way to prove that someone did not receive mail: It becomes a 'he said she said' debate with Council as arbitrator
- the more procedures and exceptions we add to the assessment, the more difficult it becomes for staff to administer. Right now it takes up at least half a position in Finance, more during billing cycles

I would like to discuss the draft resolution and get input from Council during Committee of the Whole, time permitting.

Enc:

Fact sheets from ADOT on Lake Street Rehabilitation and East End Road Pavement Preservation

KPB Ordinance 2016-20 and accompanying memo

Supplemental to Schedule B form for elected officials

Letter of non-objection for painting peonies on Pioneer

Draft letter objecting to KPB proposition to eliminate a dedicated seat for a City of Homer resident on the KPB Planning Commission

Draft resolution establishing a fine abatement procedure for the Natural Gas Special Assessment District



**ALASKA DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES**



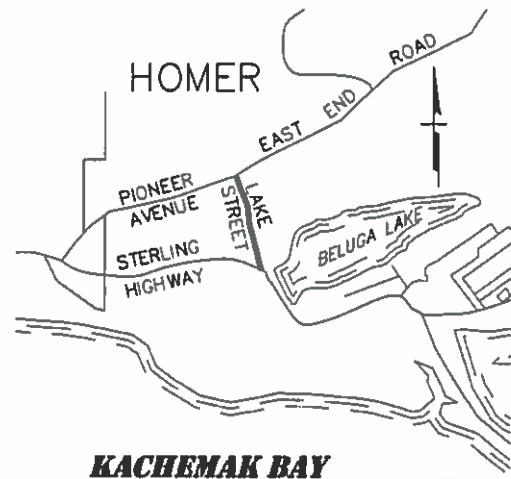
**FACT SHEET**

**Homer Lake Street Rehabilitation  
Project No: Z524610000**

**Project Scope**

The Alaska Department of Transportation and Public Facilities (DOT&PF), in cooperation with the Federal Highway Administration (FHWA), is proposing to rehabilitate Lake Street between the Sterling Highway and Pioneer Avenue/East End Road. The purpose of this project is to extend the service life of the roadway, improve pedestrian and bicycle facilities, and improve general safety and drainage. The proposed work will include:

- Rehabilitate 2,500 feet of pavement
- Widen the road to the west and add designated bike lanes to both sides of the road
- Improve the Sterling Hwy intersection
- Reconstruct curb/gutter and sidewalk on the east side of the road
- Re-establish existing ditches
- Improve drainage by replacing failing culverts
- Acquire Right-of-Way interests as needed
- Relocate utilities as needed



**Current Status**

This fall DOT&PF plans to begin the process of appraising property required for construction. The design process is ongoing and focusing on utility design and relocation.

**Schedule**

Construction is expected to begin in 2018, but is dependent upon completion of Right-of-Way acquisition, funding allocations, and obtaining permits. The next design review is scheduled for late Fall of this year.

**For more information contact:**

**Carla Smith, P.E.**, Project Manager  
DOT&PF, Highway Design Section  
Tel: 907-269-0544  
E-mail: [carla.smith@alaska.gov](mailto:carla.smith@alaska.gov)

**Breanna Mahoney**, Environmental Impact Analyst  
DOT&PF, Environmental Section  
Tel: 907-269-0536  
E-mail: [breanna.mahoney@alaska.gov](mailto:breanna.mahoney@alaska.gov)

**Visit the project website, provide us your comments, and be added to the mailing list at:**  
<http://dot.alaska.gov/creq/hlsr/index.shtml>

*The DOT&PF operates Federal Programs without regard to race, color, national origin, sex, age, or disability. Full Title VI Nondiscrimination Policy: [dot.alaska.gov/tvi\\_statement.shtml](http://dot.alaska.gov/tvi_statement.shtml). To file a complaint go to: [dot.alaska.gov/cvlrts/titlevi.shtml](http://dot.alaska.gov/cvlrts/titlevi.shtml).*

*The DOT&PF complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this public meeting should contact Jill Reese, 1-907-269-0772 or TDD number 711. Requests should be made at least 5 days before the accommodation is needed to make any necessary arrangements.*

*The Alaska Department of Transportation and Public Facilities oversees 249 airports, 11 ferries serving 35 communities, 5,619 miles of highway and 720 public facilities throughout the state of Alaska. The mission of the department is to "Keep Alaska Moving through service and infrastructure."*



# FACT SHEET

## HOMER: EAST END ROAD MP 5.5-12.6 PAVEMENT PRESERVATION

Project No. Z585140000/0414(014)

The Alaska Department of Transportation and Public Facilities (DOT&PF) is proposing to resurface approximately 7 miles of East End Road from MP 5.5 (Waterman Road) to MP 12.6 (McNeil Canyon Elementary School).

### Project Scope

The purpose of this project is to eliminate ruts, extend the service life of the roadway, and reduce maintenance costs. The traveling public will receive the safety benefits of a rut-free pavement surface, new pavement markings, improved guardrail, and improved signage. This project will include the following:

- New asphalt pavement overlay
- Road structure improvements in select areas
- Road drainage improvements
- Improving or replacing guardrail and guardrail end treatments
- Improving or replacing signs and striping
- Vegetation clearing

### Current Work

The project design is substantially complete and the project will be advertised for competitive construction bids, and constructed in conjunction with the Sterling Highway: Beluga Lake Dam Improvement project.

### Schedule

Construction – anticipated start in spring of 2017.

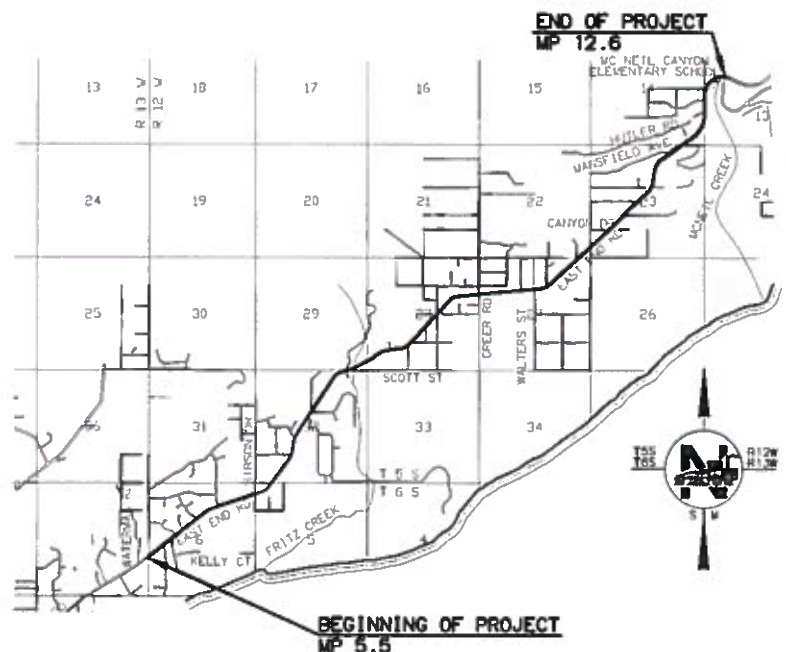
### For more information

Please contact the project team with questions, concerns, comments, or compliments.

### Project Team

**Cynthia Ferguson, P.E.**  
Project Manager  
DOT&PF  
(907) 269-0589  
cynthia.ferguson@alaska.gov

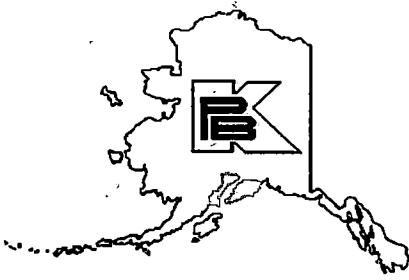
**Lou Bassler, P.E.**  
Consultant Team Project Manager  
WHPacific, Inc.  
(907) 339-6518  
lbassler@whpacific.com



*The DOT&PF operates Federal Programs without regard to race, color, national origin, sex, age, or disability. Full Title VI Nondiscrimination Policy: [dot.alaska.gov/tvi\\_statement.shtml](http://dot.alaska.gov/tvi_statement.shtml). To file a complaint go to: [dot.alaska.gov/cvirts/titlevi.shtml](http://dot.alaska.gov/cvirts/titlevi.shtml).*

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## KENAI PENINSULA BOROUGH

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1-800-478-4441 • 907-714-2205 • Fax 907-714-2378  
www.kpb.us/land • lmweb@kpb.us

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

### MEMORANDUM

**TO:** Blaine Gilman, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Mike Navarre, Mayor *MN*  
Craig C. Chapman, Finance Director *CC*  
Max Best, Planning Director *MB*

**FROM:** Marcus A. Mueller, Land Management Officer *MA*

**CC:** Sean Dusek, KPBSD Superintendent

**DATE:** May 26, 2016

**SUBJECT:** Ordinance 2016-20 An Ordinance Authorizing a Negotiated Lease at Less Than Fair Market Value to SAH Soccer, Inc., dba Soccer Association of Homer of Approximately 3.5 Acres of Borough Land Adjacent to the Homer Middle School for the Development, Management and Maintenance of a Year-Round Indoor Field aka "South Peninsula Athletic and Recreation Center"

The Kenai Peninsula Borough and Kenai Peninsula Borough School District were approached by the Soccer Association of Homer with an inquiry regarding allowing for the development of a year-round indoor field on land owned by the borough and partially integrated in the Homer Middle School campus. The resulting stakeholder process led to the proposal contained in the attached ordinance. This proposal involves platting a self-contained tract of land embracing an old softball field and leasing that parcel to the Soccer Association of Homer to implement their plan. The lease additionally provides permission for common use of the ingress, egress and parking area which serves the school and school grounds. The proposed term is 20 years with a 10-year renewal option at rate of \$1.00 per year.

The borough's leasing format approves specified use through approval of a development plan, therefore the plan documents referenced in the lease compose the scope of the uses that would be authorized by the lease, along with a provision that allows for development plans to be modified over time consistent with the nature of the original lease.

This lease will benefit the school district by making available an indoor recreational facility to the school district for school purposes during designated hours for a negotiated fee. Promoting wellness in the community is consistent with the Kenai Peninsula Hospital service area purposes. Upon termination of the lease valuable site improvements will remain on the parcel.

Your consideration of this ordinance is appreciated.

Introduced by: Mayor  
Date: 06/07/16  
Hearing: 06/21/16  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2016-20**

**AN ORDINANCE AUTHORIZING A NEGOTIATED LEASE AT LESS THAN FAIR MARKET VALUE WITH SAH SOCCER, INC. DBA SOCCER ASSOCIATION OF HOMER OF APPROXIMATELY 3.5 ACRES OF BOROUGH LAND ADJACENT TO THE HOMER MIDDLE SCHOOL FOR THE DEVELOPMENT, MANAGEMENT AND MAINTENANCE OF A YEAR-ROUND INDOOR FIELD AKA “SOUTH PENINSULA ATHLETIC AND RECREATION CENTER”**

**WHEREAS,** SAH Soccer, Inc. dba Soccer Association of Homer has developed a plan to establish an indoor athletic field termed the South Peninsula Athletic and Recreation Center (SPARC) within the City of Homer; and

**WHEREAS,** the City of Homer commissioned the 2015 Parks, Art, Recreation and Culture (PARC) Needs Assessment which identified space needs for year-round indoor activities, including those within the scope of the SPARC indoor field; and

**WHEREAS,** the Soccer Association of Homer has proposed to locate the SPARC indoor field adjacent to the Homer Middle School, repurposing a softball field area; and

**WHEREAS,** a proposal review process employed by borough and school district staff identified that a privately sponsored indoor field could be compatible and partially integrated with the school campus, while separate in its ownership, operation, and maintenance under a lease; and

**WHEREAS,** the Soccer Association of Homer has applied for a negotiated lease at less than fair market value and has commissioned a survey plat of an approximately 3.5 acre area proposed for lease for the purpose of the development, management and maintenance of an indoor field facility that would be open to the public through a standard operating program, available for school district use at agreed-upon times, with a priority to league soccer activities; and

**WHEREAS,** the City of Homer’s comprehensive plan Goal 5, Objective B, Implementation Item 3, supports establishment of a community recreation center; and

**WHEREAS,** the Kenai Peninsula Borough’s comprehensive plan Goal 4.10 Objective 2 Implementation Action B, provides support in planning for recreational use of borough land including by lease to private operators with provisions for public use; and

**WHEREAS,** the Kenai Peninsula Borough Board of Education at its regularly scheduled meeting of June 6, 2016 recommended \_\_\_\_\_; and

**WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of June 13, 2016 recommended \_\_\_\_\_;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULABOROUGH:**

**SECTION 1.** Pursuant to KPB 17.10.100 (I) and 17.10.120 (D), the Assembly finds that leasing approximately 3.5 acres of borough land more particularly described in Section 2 below at less than fair market value to the Soccer Association of Homer for the development, management, and maintenance of an indoor field is in the best interest of the borough based on the following findings of fact:

The Soccer Association of Homer’s plan to construct, operate and maintain an indoor field would provide year-round recreation, health, and wellness opportunities to groups, including the general public, external to borough and school district operations and expense.

The Soccer Association of Homer’s plan is consistent with public interests expressed in the KPB Comprehensive Plan, City of Homer Comprehensive Plan and the 2015 Parks, Art, Recreation, and Culture Needs Assessment.

The Soccer Association of Homer’s plan at the subject location is compatible with other adjacent borough and school district uses.

The Soccer Association of Homer’s plan will benefit the school district by providing access at a negotiated rate to an indoor recreation facility for students throughout the school year; and

Repurposing of the infrequently-used/former softball field area to active year-round uses creates new opportunities for health and wellness in the community at large; and

Upon termination of the lease, the borough property will retain valuable site improvements provided by the Soccer Association of Homer.



**SECTION 2.** Subject land is described as follows:

An approximately 3.5 acre portion of Tract 1 Homer School 1999 City Addition, substantially as portrayed by the preliminary plat a copy of which is attached to this ordinance, subject to recording of final plat.

**SECTION 3.** That the Assembly makes an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
  - A. KPB 17.10.080(A) states classification of property is for review, plan implementation and management purposes. The classification system designates the most appropriate uses for land and thereby guides borough management of such lands and implementation actions to provide for the identified uses. Classification immediately prior to disposal of borough land that has been specified for a certain use does not accomplish these purposes.
  - B. The land use will be restricted by the terms of the lease.
  - C. The proposed lease will facilitate a land use consistent with the prior field uses.
  - D. The property is zoned by the City of Homer such that uses must conform to that zoning and applicable conditional use permitting processes.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
  - A. This ordinance authorizes subject land to be leased to the Soccer Association of Homer on a non-competitive basis, at other than market value, pursuant to KPB 17.10.100(I) and 17.10.120(D). Classification will be redundant and not serve a useful purpose based on the findings of No. 1 above.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
  - A. The use of the subject land for indoor field purposes will benefit the public welfare and is consistent with prior field uses.
  - B. The land is suitable for the proposed use and is compatible with adjacent

land uses, subject also to city of Homer Zoning Codes.

**SECTION 4.** That the Assembly additionally makes an exception to KPB 17.10.110 requiring notice of a disposition of land. This exception is based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
  - A. The purpose of advertising, pursuant to KPB 17.10.110, is to notify the public of an opportunity to purchase or lease KPB land. However, because the authorization of this ordinance is for a sole source lease, advertising will not serve a useful purpose.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
  - A. Making an exception to advertising, pursuant to KPB 17.10.110, will not affect any substantial property right as this is public land with previous seasonal field uses.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
  - A. Making an exception to advertising, pursuant to KPB 17.10.110, will not be detrimental or injurious to any public or private parties as leasing the subject land is suited for the development of a year-round field and is compatible with the surrounding land use and supported by other city of Homer planning and zoning processes.

**SECTION 5.** Based on the foregoing, after the final plat of the subject property is recorded, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) and 17.10.120 (D) to lease the land described in Section 2 above to SAH Soccer, Inc. dba Soccer Association of Homer for a term of 20 years with a 10-year renewal option at \$1/year. The Soccer Association of Homer shall be responsible for all surveying and platting costs. The authorization is for lease solely to the Soccer Association of Homer and it may not assign any rights to negotiate or enter an agreement for lease with any other person or entity without obtaining prior approval in accordance with the lease.

**SECTION 6.** That the mayor is authorized to execute a lease substantially similar to the one attached to this ordinance after the final plat to the subject property is recorded, and to sign any other documents necessary to effectuate this ordinance.

**SECTION 7.** That the Soccer Association of Homer shall have 365 days to execute the lease document from the effective date of this ordinance.

**SECTION 8.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY  
OF \* 2016.**

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Blaine Gilman, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**CITY OF HOMER**  
**2015 PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT**  
**ELECTED OFFICIAL SCHEDULE B SUPPLEMENTAL**

**SCHEDULE B**  
**BUSINESS INTERESTS**

Pursuant to Homer City Code 1.18.043(a)(2) Elected Officials are required to file business interests of immediate family members. The definition of immediate family members is expanded in Schedule B Supplemental to include a wider range of family members.

**Business Interests**

If NONE reportable, check box ►

Report business interests even if they were **NOT** a source of income to family members to include a stepchild, a parent, step-parent, sibling, or grandparent of the elected official or a parent or sibling of the elected official's spouse during the reporting period. Include non-profit corporations, businesses, associations, professional trade groups and other non-profit organizations.

- List each business in which a stepchild of the elected official, a parent, step-parent, sibling, or grandparent of the elected official or a parent or sibling of the elected official's spouse was a partner, proprietor or employee during the reporting period.

► **Name of filer, to include a stepchild, a parent, step-parent, sibling, or grandparent of the elected official or a parent or sibling of the elected official's spouse:**

\_\_\_\_\_

Business name: \_\_\_\_\_

Business address: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

Description of business activity: \_\_\_\_\_

► **Name of filer, to include a stepchild, a parent, step-parent, sibling, or grandparent of the elected official or a parent or sibling of the elected official's spouse:**

\_\_\_\_\_

Business name: \_\_\_\_\_

Business address: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

Description of business activity: \_\_\_\_\_

**CITY OF HOMER**  
2015 PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT  
**ELECTED OFFICIAL SCHEDULE B SUPPLEMENTAL**

**SCHEDULE B**  
**BUSINESS INTERESTS**

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**CITY OF HOMER**  
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**CITY OF HOMER**  
2015 PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT  
**ELECTED OFFICIAL SCHEDULE B SUPPLEMENTAL**

**SCHEDULE B**  
**BUSINESS INTERESTS**

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**BUSINESS INTERESTS**

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## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

June 16, 2016

Pioneer Avenue Revitalization Task Force  
C/O Karin Marks and Asia Freeman  
*Delivered electronically*

RE: City of Homer letter of non-objection to Pioneer Avenue demonstration pavement painting project

Dear Pioneer Avenue Revitalization Task Force members,

I am writing to provide the City of Homer's non-objection to your proposal for Kady Perry to paint a demonstration section of Pioneer Avenue sidewalk in front of Bay Realty as part of your Peonies on Pioneer effort.

The project has been described as enhancing pedestrian safety and making for a more robust and friendly experience for businesses along Pioneer Avenue. Kady cites that the painting will address a problem of a lack of marking on Pioneer Avenue's sidewalks indicating where to enter a business parking lot. We understand that the design will be a peony stencil which will be applied to the sidewalk, but will be blank where driveways cross the sidewalk to enter business parking lots.

When presented to City Council, concern was raised that eliminating the sidewalk paint where driveways cross the sidewalk is not a pedestrian safety measure. If the sidewalk design were to continue across driveways, then motorists would be cautioned to slow their speed when turning in, benefitting both pedestrian and motorist safety.

Thank you for your efforts to make Pioneer a more inviting and unique place. The City is supportive and excited about the community art element of this project. However, as conceived now, the City considers this a sidewalk art project, and should not be portrayed as a pedestrian safety measure. If the project progresses beyond the pilot phase, it would be great to make sure it achieves both goals: making Pioneer more attractive and safe for pedestrians.

Sincerely,

Katie Koester

City Manager

Cc: Danika Simpson, Right of Way Agent II  
AK DOT&PF  
P.O. Box 196900  
Anchorage AK 99519-6900



## City of Homer

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

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Date: June 22, 2016

Blaine Gilman, Assembly President  
Kenai Peninsula Borough Assembly Members  
144 North Binkley Street  
Soldotna, Alaska 99669

Re: Opposition to Ord. 16-25 to Reduce the Planning Commission Membership

The City of Homer opposes Ordinance 16-25 which if passed would reduce the size of the Kenai Peninsula Borough Planning Commission to nine members. We recognize the need to reduce the size of the commission, but combining communities that are geographically separated by water leaves some communities without proper representation.

The City of Homer and the City of Seldovia have vastly different economies, soils, topography and access. Combining Homer and Seldovia reduces oversight and does not provide adequate representation.

Thank you for your consideration.

Respectfully submitted,

Mary Beth Wythe, Mayor  
City of Homer  
491 E. Pioneer Avenue  
Homer, AK 99603

Cc: Mayor Navarre and Kenai Peninsula Borough Assembly

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**CITY OF HOMER  
HOMER, ALASKA**

**RESOLUTION 16-xx**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AUTHORIZING THE COUNCIL TO WAIVE FOR GOOD CAUSE THE PENALTY DUE ON SPECIAL ASSESSMENTS IN THE HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT DISTRICT THAT BECOME DELINQUENT ON OR BEFORE JULY 1, 2016, AND THAT ARE BROUGHT CURRENT ON OR BEFORE JULY 15, 2016 UNDER THE TERMS OF RESOLUTION 16-052.

WHEREAS, On May 9, 2016, the Council adopted Resolution 16-052, which permitted the reinstatement of delinquent assessments in the Homer Natural Gas Distribution Special Assessment District (“District”) that are brought current on or before July 1, 2016; and

WHEREAS, To bring a delinquent assessment current on or before July 1, 2016 under the terms of Resolution 16-052, a property owner must pay (i) the delinquent assessment installment plus a penalty of ten percent (10%) of the total assessment amount and interest on the total assessment amount at a rate of ten and one-half percent (10.5%) per annum, and (ii) the assessment installment that is due on July 1, 2016; and

WHEREAS, It has come to the attention of the Council that there may be circumstances constituting good cause for waiving the penalty that must be paid to bring a delinquent assessment current under the terms of Resolution 16-052; and

WHEREAS, The purpose of this resolution is to provide a procedure for the Council, upon application of the owner of property that is subject to a delinquent assessment in the District to waive the penalty that must be paid to bring a delinquent assessment current under the terms of Resolution 16-052.

NOW, THEREFORE, BE IT RESOLVED that the Council, upon application of the owner of property that is subject to a delinquent assessment in the District to waive the penalty that must be paid to bring a delinquent assessment current under the terms of Resolution 16-052, may waive the penalty for good cause under the following procedure.

1. On or before July 15, 2016, the owner of property that is subject to a delinquent assessment in the district must submit an application for penalty waiver to the Finance Director, stating the following:
  - a. The name and address of the property owner;
  - b. The Kenai Peninsula Borough tax parcel number for the property that is the subject of the delinquent assessment; and

46 c. A statement under oath of the facts and circumstances that constitute good  
47 cause for the Council to waive the penalty.

48 2. The application shall be accompanied by a payment of the amount that is required  
49 to bring the assessment current under the terms of Resolution 16-052, including the penalty that  
50 Resolution 16-052 prescribes for that purpose.

51 3. For the purpose of this resolution, good cause for waiving the penalty includes,  
52 without limitation, the following:

53 a. Proof that the property owner did not receive an assessment statement. It  
54 shall be presumed that the property owner did not receive an assessment statement if the  
55 City's records show that the assessment statement was mailed to an address that is not the  
56 property owner's correct mailing address.

57 b. Proof that the property owner would qualify for an assessment deferment  
58 under HCC 17.04.190, but did not apply for such a deferment.

59 c. Proof that the property owner died, or suffered a physical or mental  
60 disability that substantially impaired the management of the property owner's affairs.

61 4. The Council will act on all waiver applications at its July 25, 2016 regular  
62 meeting. If the Council grants a waiver application, the City will refund the waived penalty to  
63 the property owner.

64 5. The granting of a waiver application does not waive any other penalty or payment  
65 requirement with regard to a special assessment in the District.

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67 PASSED AND ADOPTED by the Homer City Council on this \_\_\_ day of June 2016.

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69 CITY OF HOMER

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74 MARY E. WYTHER, MAYOR

75 ATTEST:

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79 JO JOHNSON, MMC, CITY CLERK

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81 Fiscal Note: