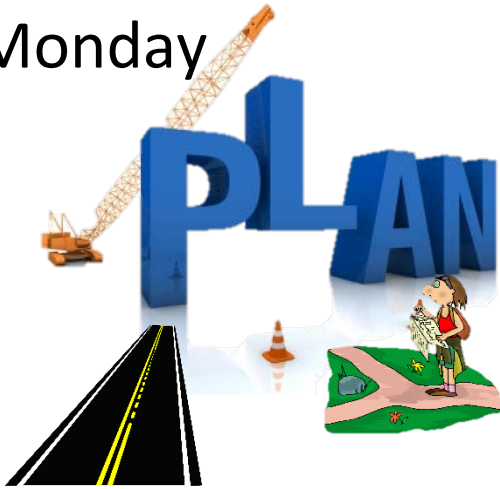


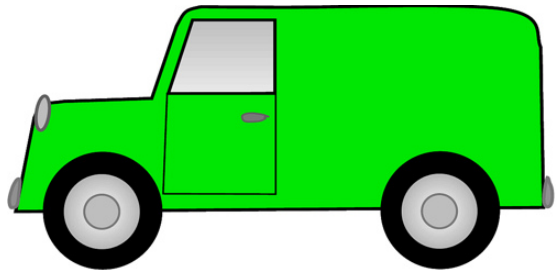
City Council
February 13, 2017
Monday



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
Distributed by the City Clerk's Office -2/8/2017-rk



<i>February 2017</i>						
<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Monday 13th

CITY COUNCIL

Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Tuesday 14th

CITY COUNCIL

Worksession 4:00 p.m. – 5:00 p.m.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION

Worksession 5:00 p.m. and Regular Meeting 6:00 p.m.

Wednesday 15th

LIBRARY ADVISORY BOARD

Worksession 4:30 p.m.

PLANNING COMMISSION

Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.

Thursday 16th

AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE

Worksession 10 a.m. – Noon

CITY COUNCIL may attend

PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION

Regular Meeting 5:30 p.m.

Monday 20th

CITY OFFICES CLOSED IN OBSERVANCE OF PRESIDENTS' DAY

Tuesday 21st

CITY COUNCIL

Worksession 4:00 p.m. – 5:00 p.m.

Wednesday 22nd

PORT AND HARBOR ADVISORY COMMISSION

Regular Meeting 5:00 p.m.

Monday 27th

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

Library Advisory Board 1st Tuesday with the exception of January, April, August and November 5:30 p.m.

Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.

Parks Art Recreation and Culture 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 5:00 p.m. (May-August 6:00 p.m.)

Cannabis Advisory Commission 4th Thursday 5:30 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BRYAN ZAK, MAYOR – 18

DAVID LEWIS, COUNCILMEMBER – 17

CATRIONA REYNOLDS, COUNCILMEMBER – 17

DONNA ADERHOLD, COUNCILMEMBER – 18

HEATH SMITH, COUNCILMEMBER – 18

TOM STROOZAS, COUNCILMEMBER - 19

SHELLY ERICKSON, COUNCILMEMBER – 19

City Manager, Katie Koester

City Attorney, Holly Wells

<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

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



WORKSESSION
4:00 P.M. MONDAY
FEBRUARY 13, 2017
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

WORKSESSION AGENDA

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) FINANCES**

Memorandum 17-027 from City Manager Page 7
Memorandum 17-028 from Deputy City Planner Page 99
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, February 27, 2017 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

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 17-027

TO: Honorable Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: February 8, 2017
SUBJECT: HART Finances

The purpose of this memo is to provide the Council with information on funds from HART that are currently being redirected to General Fund, potential future anticipated need for HART funds, and facilitate a conversation on the possibility of requesting a permanent suspension of a portion of HART from voters.

2017 sales tax value

(HART is .75% with 10% of that value going to HART Trails)

1%	\$1,712,095
.75%	\$1,284,876
.5%	\$856,047
.375%	\$642,035
.25%	\$428,023
.1%	\$17,120

What would the 2017 budget have looked like without the suspension of HART? \$350,000 operating budget deficit

Without the suspension of HART for the 2017 budget, the City would be \$1.1m short for the current General Fund budget, \$350,000 of which represents operating budget needs alone (\$750,000 represents non-mandatory transfers to reserves). This number takes into account the overhead charges that previously went into the General Fund.

What if only a portion (3/4) of HART was redirected to General Fund? \$500,000 transfer to reserves in 2017 budget

For example, during the 2017 budget if the voters had retained .25% sales tax to HART and allowed .5% to be redirected to General Fund (\$850,000), we would have covered our operating budget needs (\$350,000) and been able to allocate \$500,000 to reserves.

How do we know what our future budget needs will be? \$500,000-\$1m

That is a difficult question as there are so many variables at play: for example, continued cost shifting from the State to municipalities and increased costs/inflation. We have already tackled low hanging fruit like

renegotiating our insurance contract, attorney contract, and trimming 6 positions in the 2016 budget cycle. I believe by 2019 we will need between \$500,000 and \$1m in revenue to replace HART to avoid a reduction in City services. This estimate is a snapshot and anticipates continued growth in taxable sales, a lean status quo operating budget, no new major projects that increase maintenance costs, and limited funding of reserves. It will undoubtedly change over time and with more information.

How do we know what the future demands on HART are? \$500,000/yr

Future demands will depend on available budget, and the City may have to say no to large infrastructure projects if the funding is not available. The current unencumbered HART Roads balance is \$5.2m. Staff analyzed historical use of HART over the last 5 years, both by the City and by SADs and came up with an annual average encumbrance of City funds of \$546,228. Based on the historical success of SADs and future anticipated City project needs (slip lining and repaving, for example) the average annual encumbrance of HART City funds is \$504,306. See the attached chart for more information.

Do we still need HART?

The City uses these funds for major road improvement projects such as storm drain rehabilitation and repaving. HART is also used for new construction, such as Waddell Way and Greatland Street.

The SAD Roads program offers an important avenue for citizens to organize and improve their roads. Without this venue, complaints could go directly to Council with no official way of obtaining neighborhood buy in.

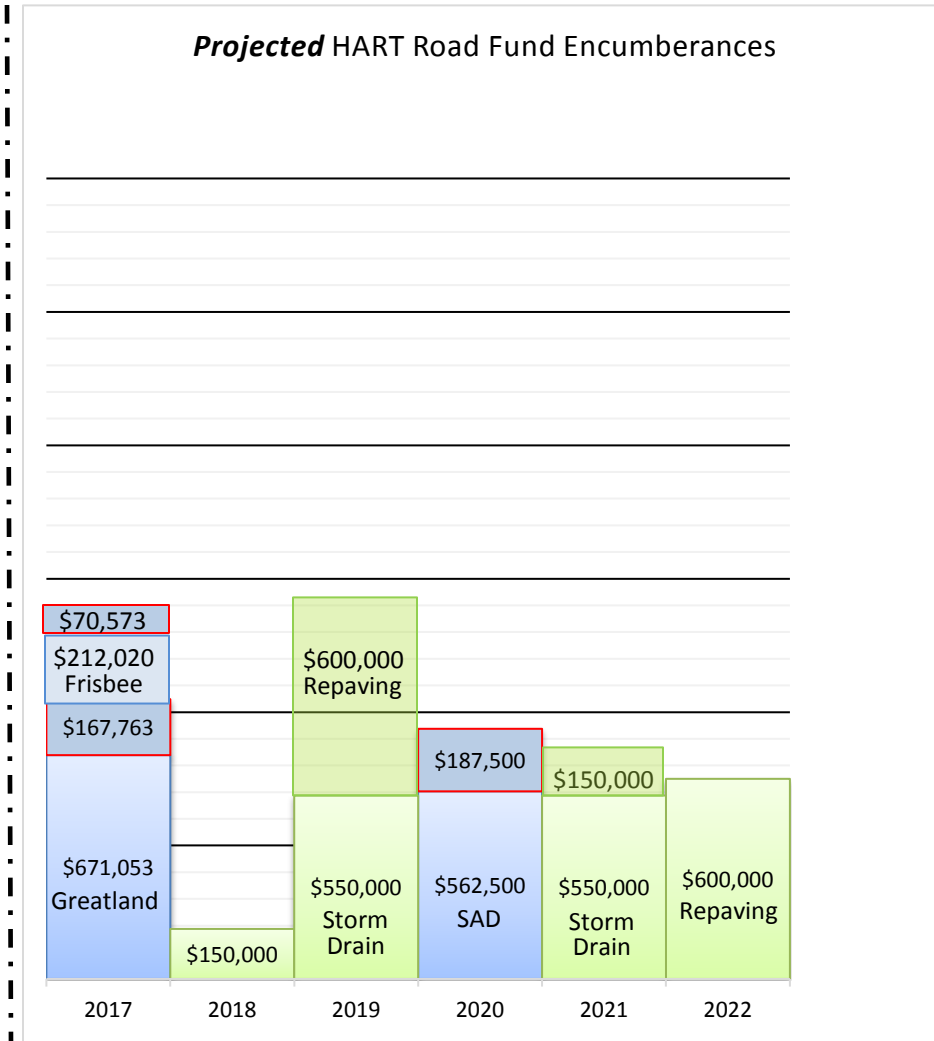
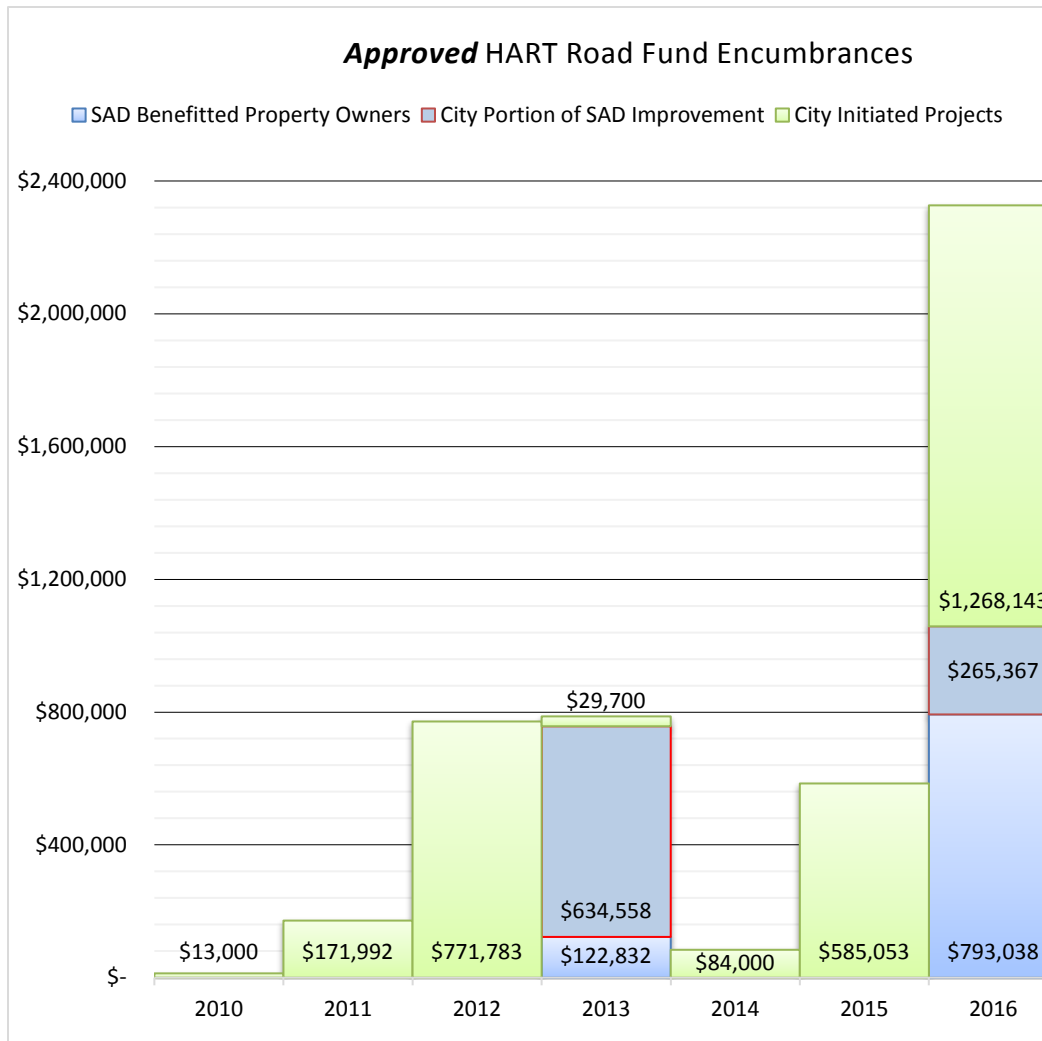
There is pressure for expansion of HART (sidewalks, maintenance, etc.). See Memorandum 17-028 from Deputy City Planner Engebretsen. The policy recommendations contained in the memo need to be taken up at a future date by Council. I recommend scheduling a work session to discuss HART policy questions.

Recommendation?

Discuss asking voters for a permanent redirection of a portion of HART. A starting point is .5% of sales tax to General Fund (\$856,047) and .25% to HART (\$428,023 with \$42,802 going to trails).

Enc:

- Charts: Approved HART Road Fund Encumbrances, Projected HART Road Fund Encumbrances and Special Assessment Districts
- Table: HART Roads, Trails & Pedestrian Improvements and Storm Drainage 2010-Current
- Memorandum 17-028: HART Policy Revisions



HART Road Fund Projection

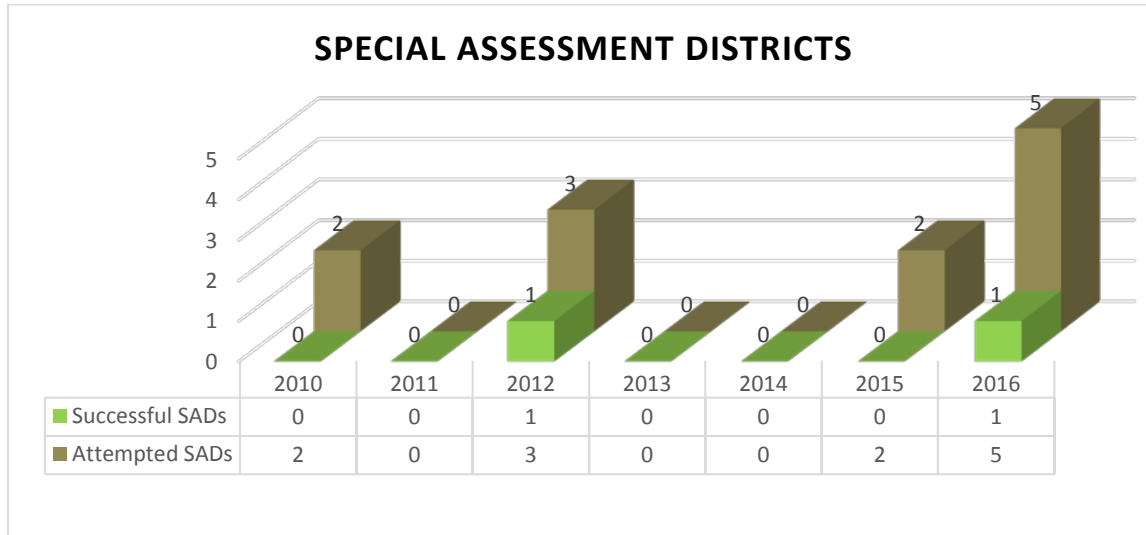
	<u>City Initiated Projects</u>	<u>City Projects + City SAD Portion</u>	<u>City Projects + Entire SAD</u>
Average Annual Encumbrances:	\$417,667	\$546,228	\$677,067

HART Road Fund

	<u>City Initiated Projects</u>	<u>City Projects + City SAD Portion</u>	<u>City Project + Entire SAD</u>
	\$433,333	\$504,306	\$745,235

2010&11: Soundview/Woodard Creek Culvert; 2012: Road Paving & Fish/Outer Dock Rds;
 2013: Webber SAD & Old Town; 2014: Old Town; 2015: Fireweed/Cottonwood & Waddell
 2016: Lillian Walli SAD; Road Paving; Bunnell Storm Drain, Soundview Ave Sidewalks

HART Fund Projection assumptions: \$600,000 Repaving Project (once every 3 years); \$550,000 Slipline Storm Drain Project (2x in next 6 years); \$750,000 SAD (once every 3 years); \$150,000 Missc.



Approved HART (Trails) Fund Expenditures

2013 Old Town Improvements: \$68,800
 2016 Calhoun Trail Improvements: \$12,500

HART
Roads, Trails & Pedestrian Improvements & Storm Drainage
2010 - Current

<i>PROJECT</i>	<i>Ord/Reso #</i>	<i>Ord/Reso Amount</i>	<i>Purpose</i>	<i>Funding Sources</i>	<i>Council Action</i>	<i>Date</i>
Soundview Sewer Repair & Woodard Creek Culvert	Ord. 10-11	\$26,000	To Complete the design of the repair at Woodard Creek culvert crossing & Soundview Avenue Sewer	\$13,000 HART (Roads)160-771 \$13,000 Sewer Reserves 256-381	Approved	02/22/10
Soundview Avenue Woodard Creek Crossing Improvement	Ord. 11-08	\$359,800	Repair the sewer main which has settled and replace a culvert that serves Woodard Creek as it conflict with the sewer repair	\$291,940 HART (roads) 160-771 \$67,860 Water & Sewer Reserves 256-381	Approved	02/28/11
Soundview Avenue Woodard Creek Culvert Replacement Project	Reso 11-050(S)	\$215,699.37	Award contract for Repair and replace culvert and Soundview Ave Sewer	\$179,199 HART (Roads) (Proj.#160-771) \$36,500.37 Water & Sewer Reserves (Proj #256-381)	Approved	5/24/11
Formation of the Crittenden Drive Road Reconstruction Special Assessment District	Reso. 12-030		Formation for a road reconstruction and paving special assessment district primarily on Crittenden Drive	Est. Property owner share \$61230.66 Total front footage 1302.78 All other project cost charged to HART (roads) (Proj.#160-774)	Approved	04/09/12
Completion of 2012 Streets Repaving Project	Ord 12-18	\$900,000	Resurface 7 sections of city streets and pave Fish Dock Road & Ice Dock Road at Harbor request	\$900,000 HART (roads) 160-766	Approved	05/04/12
2012 Streets Paving Project	Reso 12-072(S)	\$559,513	Paving of city streets	\$559,513 HART (roads) Proj. #160-766	Approved	8/13/12

HART
Roads, Trails & Pedestrian Improvements & Storm Drainage
2010 - Current

<i>Project</i>	<i>Ord/ Reso #</i>	<i>Ord/Reso Amount</i>	<i>Purpose</i>	<i>Funding Sources</i>	<i>Council Action</i>	<i>Date</i>
Paving Fish Dock Rd & Repairs to Outer Dock Rd, Reimbursable Economic Devel. Grant to Fund Tidal Power Incubator Project	Ord 12-51(A)	\$312,270	Repaving Fish Dock Rd and upgrade Outer Dock Rd. Provide funding for UAA project tidal power which has been on city CIP list	\$212,270 HART (roads) (Proj# 160-375) \$100,000 General Fund Reserves/Fund Balance (Proj#100-100)	Approved	11/26/12
Webber Subdivision Road Reconstruction & Paving Special Assessment District	Ord 13-44(S)(A)		Formation of a road reconstruction & paving special assessment district primarily benefitting the property fronting Waddell Street & Waddell Road	Property Owner Share \$61,601.16 HART (roads) \$203,398.84 Proj#:160-774	Approved	5/13/13
Crittenden Drive Waddell Street (Webber Subdivision) Road Reconstruction & Paving Project	Reso 13-061(S)	\$598,219	Award Contract for road reconstruction & paving special assessment district primarily benefitting properties along Crittenden Drive & Waddell Street in the Webber Subdivision	Waddell Street (Webber Subdivision) Proj.#: 160-774 Proj Est. \$265,000 HART \$203,398.84 Property Owner\$61,601.16 Crittenden Drive Proj Est. \$492,390 HART \$431,159.34 Property Owner \$61,230.66	Approved	6/10/13
Road, Trail & Pedestrian Imprvmnts Old Town	Ord 13-24	\$98,500	Improve roads, add pedestrian and bike lanes, striping and paving Bishop's Beach parking lot	\$68,800 HART (Trails) 165-375 \$29,700 HART (Roads) 160-375	Approved	7/22/13

HART
Roads, Trails & Pedestrian Improvements & Storm Drainage
2010 - Current

<i>Project</i>	<i>Ordinance or Resolution</i>	<i>Ord/Reso Amount</i>	<i>Purpose</i>	<i>Funding Sources</i>	<i>Council Action</i>	<i>Date</i>
Traffic Calming & Pedestrian Safety in Old Town	Ord 14-31	\$84,000	To Combat speeding and provide additional pedestrian safety	\$84,000 HART Proj.#160-774	Approved	7/28/14
Repair Fireweed Ave & Cottonwood Lane	Ord 15-10(S)	\$37,000	To provide matching funds and funding for repairs and improvements to Fireweed Ave & Cottonwood Lane	\$30,000 HART (roads) Proj#160-0766 \$7,000 matching HART (roads) #160-0766	Approved	4/27/15
25% Match to Waddell Road Improvement Legislative Grant(Ord. 14-42(S)) & Purchase of Waddell Property to Construct the Improvement	Ord 15-30	\$357,500 & \$855,000	Purchase Waddell property Design, utilities, property acquisition and construction for the Waddell Road Improvement project	Purchase of Property - 25% Match required by Grant - \$213,750 HART (roads) 160-0766 75% Legislative Grant - \$641,250 (Ord. 14-42(S)) #151-7002 25% matching HART (roads) for Waddell Way Road Project - \$357,500 #160-0766	Approved	8/24/15
Per Ord. Revenue from Sale of remaining land & cabins to be returned to the project grant account 75% and HART fund 25 %						
Waddell Way Road Improvement Project	Reso 15-085(S)	\$92,789.91	Award sale of cabins from property purchased to complete Waddell Road Improvement; sale proceeds to be reimbursed back to project	\$92,789.91 Acct#151-7002	Approved	9/28/15

HART
Roads, Trails & Pedestrian Improvements & Storm Drainage
2010 - Current

<i>Project</i>	<i>Ordinance or Resolution</i>	<i>Ord/Reso Amount</i>	<i>Purpose</i>	<i>Funding Sources</i>	<i>Council Action</i>	<i>Date</i>
Complete 2016 Street Paving project	Ord 16-10	\$638,000	Resurfacing nine road sections in an amount not to Exceed	\$638,000 HART (roads) #160-0766	Approved	4/25/16
Waddell Way Road & Water Main Improvements	Reo 16-027	\$925,570	Awards contract for the Waddell Way Construction, Paving & Water Main Improvements	Legis. Grant Acct #:151-7002 \$1,430,000 HART (Roads) #160-766 25% Match	Approved	3/14/16
Design storm drain rehabilitation Bunnell Avenue & Main Street in Old Town	Ord 16-12(A)	\$89,000	The storm drainage is 30 years old and collapsing forming "sinkholes" this project is to slip line the system as a cost effective repair	\$89,000 HART (roads) Proj#160-0766	Approved	3/29/16
Complete 2016 Streets Paving project (Amended)	Ord 16-29	\$562,506	Amending Ordinance 16-10 to remove the administrative charge to HART	\$562,506 HART (roads) #160-0766	Approved	6/13/16
Eric Lane Lillian Walli Subdivision Road, Drainage & Sewer SAD	Reso. 16-047	\$1,058,405	Road & Drainage Improvements and Sewer Improvements Special Assessment District. City agreed to cover 1/3 costs of road and drainage improvement using HART and property owners responsible for 100% sewer improvements	Road & Drainage - \$796,100 \$530,733 Property Owners \$265,367 HART (roads) Sewer Improvements \$262,305 \$262,305 Property Owners	Approved	5/9/16

HART
Roads, Trails & Pedestrian Improvements & Storm Drainage
2010 - Current

<i>Project</i>	<i>Ord./Reso. #</i>	<i>Ord./Reso. Amount</i>	<i>Purpose</i>	<i>Funding Source(s)</i>	<i>Council Action</i>	<i>Date</i>
2016 Paving Project	Reso 16-088	\$418,771.30	Awards the paving & resurfacing of city streets for the project	HART (Roads) Proj #: 160-766	Approved	8/22/16
Adding Land to the Land Allocation Plan and engage contract with Real Estate Agent to handle advertising & marketing	Reso. 16-110		This was a portion of a parcel remaining from land purchased to complete Waddell Way Road improvement. Proceeds would reimburse the HART (roads) & project fund in a 75/25% split	\$ dependent on sale price 151-7002 75% Reimbursement 160-0766 25% reimbursement	Failed	10/24/16
Rehabilitation of Bunnell Street Storm Drain	Ord 16-55	\$494,000	Implement the improvements needed to repair and or replace the storm drain system in Old Town.	\$494,000 HART (roads) (160-?)	Approved	11/21/16
East Bunnell Avenue Storm Drain Rehabilitation Project	Reso.17-005	\$405,372	Awards the contract for the Storm Drain Construction Rehabilitation project	\$405,372 HART (roads) Acct#:456-0380	Approved	1/09/17

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 10-11

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING AN EXPENDITURE OF \$26,000 (\$13,000 FROM THE SEWER RESERVE AND \$13,000 FROM THE HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART)) FOR THE PURPOSE OF COMPLETING THE DESIGN OF SOUNDVIEW SEWER REPAIR/WOODARD CREEK CROSSING IMPROVEMENT

WHEREAS, The sewer main on Soundview Avenue at Woodard Creek has settled and needs to be repaired (as described in a memo 10-36 from Public Works); and

WHEREAS, The Woodard Creek culvert at Soundview conflicts with the needed sewer repair and needs to be removed and replaced (as described in the above referenced memo); and

WHEREAS, The cost of the design of the sewer repair/culvert crossing improvement is estimated to be \$26,000.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. That \$26,000 is hereby authorized to be expended for the design of the Soundview Sewer Repair/Woodard Creek Crossing Improvement from the accounts described below:


<u>Expenditures</u>	<u>Description</u>	<u>Amount</u>
256-381	Sewer Reserve	\$13,000
160-771	Hart	\$13,000 HART ROADS

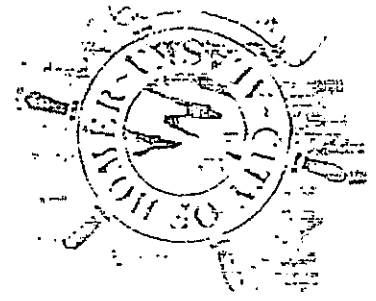
ENACTED BY THE HOMER CITY COUNCIL this 22 day of February, 2010.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR


ATTEST:


JO JOHNSON, CMC, CITY CLERK



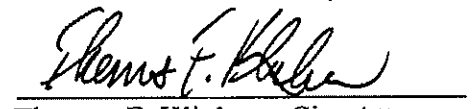
YES: 5
NO: 0
ABSTAIN: 0
ABSENT: 1

First reading: 2/08/10
Public hearing: 2/22/10
Second reading: 2/22/10
Effective date: 2/23/10


Walt Wrede, City Manager

Date: 2/24/10

Fiscal Note: \$26,000


Thomas F. Klinkner, City Attorney

Date: 3-12-10

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 11-08

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING AN EXPENDITURE OF \$359,800 (\$67,860 FROM THE WATER/SEWER RESERVE AND \$291,940 FROM THE HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) FOR THE PURPOSE OF COMPLETING THE DESIGN AND CONSTRUCTION OF SOUNDVIEW AVENUE /WOODARD CREEK CROSSING IMPROVEMENT.

WHEREAS, The sewer main on Soundview Avenue at Woodard Creek has settled and needs to be repaired (described in a Memorandum 10-36 from Public Works); and

WHEREAS, The Woodard Creek culvert at Soundview conflicts with the needed sewer repair and needs to be removed and replaced; and

WHEREAS, Public Works recommends that the existing Woodard Creek culvert be replaced with a bridge type structure (described in Memorandum 11-022 from Public Works); and

WHEREAS, The cost of the design and construction of the recommended new creek crossing improvement (including the repair of the sewer main and replacement of the water main) is estimated to be \$359,800.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes \$359,800 to be expended for the design and construction of the Soundview Avenue/Woodard Creek Crossing Improvement from the accounts described below:

Expenditure:


<u>Account</u>	<u>Description</u>	<u>Amount</u>
256-381	Water/Sewer Reserve	\$ 67,860
160-771	Homer Accelerated Roads & Trails Program (HART)	\$ 291,940

ENACTED BY THE HOMER CITY COUNCIL this 28 day of Feb, 2011.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

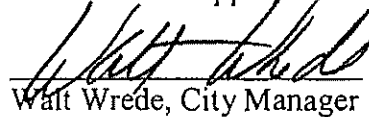
ATTEST:


JO JOHNSON, CMC, CITY CLERK

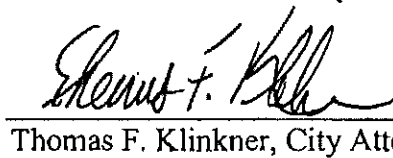
YES: 5
NO: 0
ABSENT: 1
ABSTAIN: 0

First Reading: 2/15/11
Public Hearing: 2/28/11
Second Reading: 2/28/11
Effective Date: 3/01/11

Reviewed and approved as to form:


Walt Wrede, City Manager

Date: 3/2/11


Thomas F. Klinkner, City Attorney

Date: 3-16-11

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 11-050(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDED THE CONTRACT FOR THE SOUNDVIEW AVENUE/WOODARD CREEK CULVERT REPLACEMENT PROJECT TO THE FIRM OF GREEN CONSTRUCTION OF HOMER, ALASKA IN THE AMOUNT OF \$215,699.37 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Invitation to Bid was advertised in the Homer Tribune on April 6 and 13, 2011 and posted on the City's website as required by the City's Procurement Manual; and

WHEREAS, The project will complete the Soundview Avenue/Woodard Creek culvert replacement as authorized by City Council via Ordinance 11-08 on February 28, 2011; and

WHEREAS, Four bids were received and Green Construction was determined to be the low responsive bidder; and

WHEREAS, This award is not final until written notification is received by Green Construction of Homer, Alaska, from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the award of the contract for the Soundview Avenue/Woodard Creek Culvert Replacement to the Firm of Green Construction of Homer, Alaska, in the amount of \$215,699.37 and authorizes the City Manager to execute the appropriate documents to complete construction.

PASSED AND ADOPTED by the Homer City Council this 24th day of May, 2011.

CITY OF HOMER


MARY E. WYTHE, MAYOR PRO TEMPORE

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: \$179,199 Acct. No. 160-771 & \$36,500.37 Acct. No. 256-381

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 12-030

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE FORMATION OF THE CRITTENDEN DRIVE ROAD RECONSTRUCTION AND PAVING IMPROVEMENT ASSESSMENT DISTRICT AND AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE PREPARATION AND CONSTRUCTION OF THE RECONSTRUCTION AND PAVING PROJECT.

WHEREAS, The Crittenden Drive Reconstruction and Paving Improvement District boundary includes Webber Subdivision Lots 2, 3, 8-A1, 9, 10, 10-A, and Tract 1-A; and

WHEREAS, Resolution 11-108 was adopted on November 28, 2011 declaring Council's intent to create Crittenden Drive Road Reconstruction and Paving Improvement District and to set a public hearing date and objection period; and

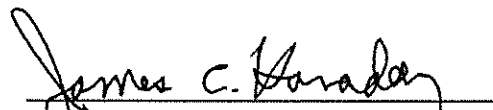
WHEREAS, A Public Hearing was held on Monday, February 13, 2012 and there were no people testifying on this matter; and

WHEREAS, The objection deadline for written protests was March 23, 2012 and no written objections were received.


NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the formation of the Crittenden Drive Road Reconstruction and Paving Improvement District is hereby authorized and that the City Manager is hereby authorized to proceed with the preparation and construction of said project.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9th day of April, 2012.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

47 Fiscal Note: Project No: 160-774: Property owner share of road reconstruction is \$39,083.40 and
48 \$22,147.26 for paving, for a total of \$61,230.66 for property owner share. Total front footage is
49 1,302.78. All other costs of the project are paid by the Homer Accelerated Roads and Trails
50 Program that is funded by sales tax dollars.
51

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 12-18
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
8 ALASKA, AMENDING THE 2012 OPERATING BUDGET TO
9 ALLOW FOR THE COMPLETION OF THE 2012 STREETS
10 REPAVING PROJECT UTILIZING HOMER ACCELERATED
11 ROADS AND TRAILS PROGRAM (HART) FUNDS IN AN
12 AMOUNT NOT TO EXCEED \$900,000.
13

14 WHEREAS, Periodically, Public Works coordinates the repaving of roads where the
15 pavement has reached its useful life (20-30 years old), including grinding of existing pavement
16 and resurfacing; and
17

18 WHEREAS, Public Works has successfully completed similar projects in 2006 and 2009
19 utilizing HART funds; and
20

21 WHEREAS, The Port and Harbor Department has requested that Ice Dock Road be
22 paved and pavement be extended on Fish Dock Road; and
23

24 WHEREAS, Public Works has inspected pavement conditions on all City maintained
25 roads and recommends that seven road sections be resurfaced (see Memorandum 12-065) and
26 estimated the cost of each.
27

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

30 Section 1. The FY 2012 Operating Budget is hereby amended by appropriating not more
31 than \$900,000 from the Homer Accelerated Roads and Trails Program funds for completing the
32 2012 Street Repaving Project.
33

34 Expenditure:

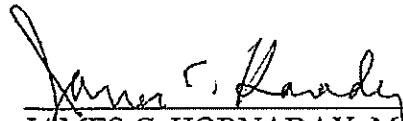
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
160-766	Homer Accelerated Roads & Trails Program (HART)	\$900,000

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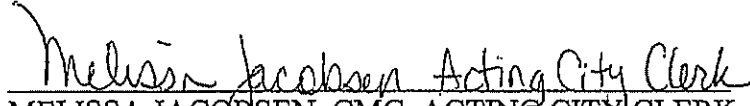
39 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall
40 not be codified.
41

42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14 day of
43 May, 2012.
44
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CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST


MELISSA JACOBSEN, CMC, ACTING CITY CLERK

YES: 6

NO: ~~0~~

ABSTAIN: ~~0~~

ABSENT: ~~0~~

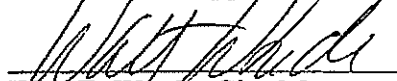
First Reading: 4/23/12

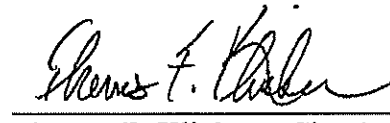
Public Hearing: 5/14/12

Second Reading: 5/14/12

Effective Date: 5/15/12

Reviewed and approved as to form:


Walt E. Wrede, City Manager


Thomas F. Klinkner, City Attorney

Date: 5/29/12

Date: 6-6-12

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Public Works Director

RESOLUTION 12-072(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AWARDING A CONTRACT TO ALASKA ROAD
BUILDERS OF SOLDOTNA, ALASKA, IN THE AMOUNT OF
\$559,513.00 FOR THE 2012 STREETS PAVING PROJECT
AND AUTHORIZING THE CITY MANAGER TO EXECUTE
THE APPROPRIATE DOCUMENTS.

WHEREAS, The City Council authorized the expenditure of Homer Accelerated Roads and Trails (HART) funds on May 14, 2012 (Ordinance 12-065) in the amount of \$900,000 for the 2012 Streets Paving Project; and

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer Tribune on July 11 and 18, 2012, in the Peninsula Clarion on July 15, 2012, posted on the Clerk's home page, and sent to in-state plans rooms; and

WHEREAS, Bids were due on August 9, 2012 and one bid was received; and

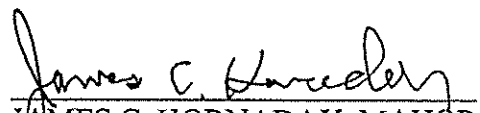
WHEREAS, Bids were opened and the firm of Alaska Road Builders was determined to be the low responsive bidder and found to be qualified to complete the work; and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Homer, Alaska, approves the award of the construction contract for the 2012 Streets Paving Project to the firm of Alaska Road Builders of Soldotna, Alaska, in the amount of \$559,513.00 and authorizes the City Manager to execute the appropriate documents to complete construction.

PASSED AND ADOPTED by the Homer City Council this 13th day of August, 2012.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR



JO JOHNSON, CMC, CITY CLERK

Fiscal Note: \$559,513.00, Project No. 160-766, 2012 Streets Paving Project

**CITY OF HOMER
HOMER, ALASKA**

Mayor

ORDINANCE 12-51(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2012 CAPITAL BUDGET BY APPROPRIATING \$212,270 FROM THE HOMER ACCELERATED ROADS AND TRAILS FUND (HART) TO RE-PAVE FISH DOCK ROAD AND CONSTRUCT IMPROVEMENTS TO OUTER DOCK ROAD AND APPROPRIATING \$100,000 FROM THE GENERAL FUND RESERVES / FUND BALANCE FOR A REIMBURSIBLE ECONOMIC DEVELOPMENT GRANT TO FUND THE HOMER TIDAL POWER INCUBATOR PROJECT.

WHEREAS, Sustaining and promoting economic development are vital to the long-term success of any community; and

WHEREAS, Receiving financial assistance through State and Federal grant funds is becoming increasingly difficult; and

WHEREAS, The City of Homer has identified port and harbor activities as a substantial contributor to the economic viability of our community; and

WHEREAS, The City of Homer has also identified, through the Climate Action Plan, a desire to support the reduction of greenhouse gas emissions in a variety of ways including the use of tidal energy; and

WHEREAS, More research is required in the area of viable tidal energy in order to obtain this objective; and

WHEREAS, There are a variety of low-cost projects recommended for inclusion in the 2013 – 2018 Capital Improvement Plan (CIP) which will meet both the objective of tidal power and support of the port and harbor industry in Homer; and

WHEREAS, The City of Homer has designated income to the Homer Accelerated Roads and Trails (HART) Fund through the collection of sales taxes for the purpose of road improvements; and

WHEREAS, Both the re-pavement of the Fish Dock Road and the upgrade to the Outer Fish Dock Road are proposed for inclusion in the CIP but also qualify for funding through the HART Fund; and

WHEREAS, The collective cost of these two projects is estimated to be \$212,270, which is an amount easily covered through the HART Fund; and

WHEREAS, The Homer City Council recognizes the need to invest in the future economy of the community and that there is potential for the proposed Homer Tidal Incubator Project to generate local jobs in addition to providing for a needed research location; and

WHEREAS, The City of Homer providing funding for the Homer Tidal Incubator Project through a reimbursable economic development grant, increases the probability of the investment actually stimulating our local economy; and

WHEREAS, The success of the project will be dependent on qualified leadership such as a university; and

WHEREAS, The economic benefits will be dependent on local employment, a further requirement will be that the research being conducted provides local employment opportunities.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby amends the FY 2012 Capital Budget by appropriating \$212,270 from the HART Fund for the purpose of funding the re-pavement of Fish Dock Road and upgrades to Outer Dock Road as provided for and described in the CIP documents which are attached and incorporated herein as follows:

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
160-375	Pave Fish Dock Road / Upgrade Outer Dock Road	\$212,270

Section 2. The Homer City Council hereby amends the FY 2012 Capital Budget by appropriating \$100,000 from the General Fund Reserves / Fund Balance for the purpose of providing \$100,000 in the form of a reimbursable economic development grant to fund the Homer Tidal Incubator Project as described in the CIP documents which are attached and incorporated herein as follows:

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-100	Incubator Project	\$100,000

Section 3. The City Manager is authorized to draft the documents and take the steps necessary to initiate the Homer Tidal Incubator Reimbursable Grant Program. The rules governing the Reimbursable Grant Program will be approved by resolution.


Section 4. This ordinance is a budget amendment ordinance only, is not of a permanent nature, and shall not be codified.

ENACTED BY THE HOMER CITY COUNCIL this 26th day of November, 2012.

CITY OF HOMER


MARY E. WYTHE, MAYOR

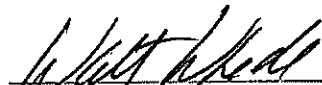
ATTEST:


JO JOHNSON, CMC, CITY CLERK


Introduction: 10/22/12
Public Hearing: 11/26/12
Second Reading: 11/26/12
Effective Date: 11/27/12

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 0

Reviewed and approved as to form:


Walt E. Wrede, City Manager

Date: 11/28/12


Thomas Klinkner, City Attorney

Date: 12-7-12

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 13-044(S)(A)

A RESOLUTION OF THE HOMER CITY COUNCIL
AUTHORIZING THE FORMATION OF THE WEBBER
SUBDIVISION ROAD RECONSTRUCTION AND PAVING
SPECIAL ASSESSMENT DISTRICT AND AUTHORIZING
THE CITY MANAGER TO PROCEED WITH THE
PREPARATION AND CONSTRUCTION OF THE PROJECT.

WHEREAS, A petition was initiated by property owners within the Webber Subdivision to form a Road Reconstruction and Paving Special Assessment District; and

WHEREAS, The Webber Subdivision Road Reconstruction and Paving Special Assessment District boundary includes property fronting, predominately, Waddell Street and Waddell Road, located within Webber, Webber No. 7, Bluff Park No. 4 Harmon Porter Addition, and Bluff Park Harmon Porter 1997 Addition Subdivisions; and

WHEREAS, The estimated cost of the road reconstruction and paving improvements is \$265,000, with property owners paying \$30 per front foot for reconstruction and \$17 per front foot for paving; and

WHEREAS, Resolution 13-023(S) was adopted on March 11, 2013 noting the sufficiency of the petition and setting a public hearing date; and

WHEREAS, A public hearing was held on Monday, May 13, 2013 and there were two people testifying on the matter; and

WHEREAS, The objection deadline for written objections was May 10, 2013 and two written objections were received, totaling three parcels.

WHEREAS, Council finds that the petition is in proper form and bears sufficient signatures; and

WHEREAS, Council finds that the road improvement is necessary and of benefit to the properties within the Webber Subdivision.

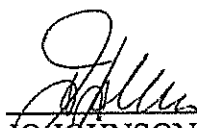
NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that the formation of the Webber Subdivision Road Reconstruction and Paving Special Assessment District is hereby authorized and that the City Manager is hereby authorized to proceed with the preparation and construction of the project.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2013.

CITY OF HOMER


Francie Roberts
FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Project No: 160-774: Property owner share of road reconstruction is \$28,800.00 and \$32,801.16 for paving, for a total of \$61,601.16 for property owner share. Total front footage is 1,929.48. All other costs of the project are paid by the Homer Accelerated Roads and Trails Program that is funded by sales tax dollars.

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 13-061(S)

A RESOLUTION OF THE HOMER CITY COUNCIL
AWARDING THE CONTRACT FOR CRITTENDEN
DRIVE/WADDELL STREET (WEBBER SUBDIVISION)
ROAD RECONSTRUCTION AND PAVING IMPROVEMENTS
TO THE FIRM OF ARNO CONSTRUCTION, INC. OF
HOMER, ALASKA, IN THE AMOUNT OF \$598,219.00 AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised in the Homer Tribune on May 8 and 15, 2013, in the Peninsula Clarion on May 12,
2013, sent to two in-state plans rooms, and posted on the Clerk's home page; and

WHEREAS, Bids were due on June 6, 2013 and four bids were received; and

WHEREAS, Bids were opened and the firm of Arno Construction, Inc. was determined
to be the low responsive bidder and found to be qualified to complete the work; and

WHEREAS, This award is not final until written notification is received by the firm from
the City of Homer; and

WHEREAS, This project includes Crittenden Drive Reconstruction and Paving Local
Improvement District approved via Resolution 12-030 on April 9, 2012; and Webber
Subdivision Road Reconstruction and Paving Special Assessment District approved via
Resolution 13-044(S)(A) on May 13, 2013.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
approves the contract award for Crittenden Drive/Waddell Street (Webber Subdivision) Road
Reconstruction and Paving Improvements to the firm of Arno Construction, Inc. of Homer,
Alaska, in the amount of \$598,219.00 and authorizes the City Manager to execute the
appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 10th day of June, 2013.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

MELISSA JACOBSEN, CMC
ACTING CITY CLERK

Fiscal Note: Acct. No. 160-774 – Waddell Street (Webber Subdivision) Estimated Project:
\$265,000, HART Share \$203,398.84, Property Owner Share \$61,601.16.
Crittenden Drive Estimated Project: \$492,390, HART Share \$431,159.34, Property Owner Share
\$61,230.66.

**CITY OF HOMER
HOMER, ALASKA**

Lewis, Roberts

ORDINANCE 13-24

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE FY 2013 CAPITAL BUDGET BY
APPROPRIATING \$98,500 FROM THE HOMER
ACCELERATED ROADS AND TRAILS PROGRAM FUND
(HART) FOR ROAD IMPROVEMENTS, TRAIL
CONSTRUCTION, AND PEDESTRIAN SAFETY AND
WALKABILITY ENHANCEMENTS IN OLD TOWN.

WHEREAS, Old Town is a growing and vibrant neighborhood which contains residential
units and a variety of thriving businesses; and

WHEREAS, Old Town is a destination in itself and features attractions for visitors and
residents alike including restaurants, shops, art galleries, and access to trails, wildlife viewing
and Bishops Beach; and

WHEREAS, Old Town contains no sidewalks or trails and pedestrian safety and access is
a serious and growing concern; and

WHEREAS, Old Town property and business owners have worked together over the past
few years in a cooperative planning effort to identify goals and priorities for improving
pedestrian safety and access and creating a sense of place; and

WHEREAS, The neighborhood has generated a significant amount of grant funding and
in-kind contributions to further the planning and improvement effort; and

WHEREAS, Neighborhood representatives made a presentation on the planning effort to
the City Council at its regular meeting on June 10, 2013; and

WHEREAS, At the presentation, the neighborhood requested City financial support for
improvements that include a lower speed limit, crosswalks, appropriate signage, a bike trail on
Charles Way, pavement widening, lane shifts and narrowing, and pedestrian and bike lanes on
East Bunnell and Beluga Place, and pavement and striping for the Bishops Beach parking lot;
and

WHEREAS, The City administration has determined that the proposed work can be funded through the HART Program.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council finds that the requested improvements in Old Town are necessary, desirable, and in the public interest and acknowledges the planning effort and local contributions provided by neighborhood residents and businesses.

Section 2. The Homer City Council hereby amends the FY 2013 Capital Budget by appropriating \$98,500 from the HART Program for road, trail, and pedestrian improvements in Old Town as follows:

Expenditure:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
165-375	Trail and Trailhead Access/ HART Trails	\$68,800

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
160-375	Road Paving, Striping/ HART Roads	\$29,700

Section 3. A preliminary project budget is attached and incorporated herein (Attachment A).

Section 4. This is a budget amendment ordinance, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of July 2013.

CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 6/24/13
Public Hearing: 7/22/13
Second Reading: 7/22/13
Effective Date: 7/23/13

Reviewed and approved as to form:


Walt Wrede, City Manager

Date: 7/24/13


Thomas F. Klinkner, City Attorney

Date: 7/31/13

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**CITY OF HOMER
HOMER, ALASKA**

Van Dyke

ORDINANCE 14-31

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY 2014 BUDGET BY APPROPRIATING \$84,000
FROM THE HOMER ACCELERATED ROADS AND TRAILS FUND
(HART) FOR A TRAFFIC CALMING PILOT PROJECT IN OLD
TOWN.

WHEREAS, The Old Town Neighborhood Association has been working collaboratively
on a number of neighborhood improvements including traffic calming and pedestrian safety;
and

WHEREAS, The City Council approved a grant in the amount of \$90,000 in 2013 for trail
improvements, cross walk striping, signage, narrowed driving lanes, a pedestrian/bike lane,
and paving and striping at the Bishop's Beach parking lot; and

WHEREAS, Much of that project has been completed but the neighborhood is still
experiencing problems with speeding and pedestrian safety; and

WHEREAS, The neighborhood has been working closely with City staff members on
additional improvements that would enhance safety and it has proposed a pilot/
demonstration project to evaluate different approaches to traffic calming in Homer that could
be utilized in other neighborhoods; and

WHEREAS, The proposed pilot project would take place in the interim while the
planning staff and Planning Commission are developing a traffic calming program that would
apply city-wide and it is anticipated that this project could provide useful information as that
process moves forward; and

WHEREAS, The Neighbors have proposed a pilot project that includes four speed
humps, two speed bumps in the Bishop's Beach parking lot, rumble strips or flexible wands to
delineate the pedestrian lane, and a solar powered speed awareness sign.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1: The Homer City Council hereby amends the FY 2014 Operating Budget by appropriating \$84,000 from the HART Fund for a traffic calming pilot project in Old Town as follows:

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
160-0774	4 Permanent Speed Humps	\$60,000
	14 Flexible Pedestrian Delineators	\$ 6,000
	2 Temp. Parking Lot Speed Bumps	\$ 8,000
	Solar Speed Awareness Signs	\$10,000

TOTAL PROJECT BUDGET \$84,000

Section 2: This is a budget amendment ordinance, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 28th day of July, 2014.

CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

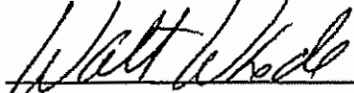
ATTEST:

[Signature]
JO JOHNSON, MMC, CITY CLERK

AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 0

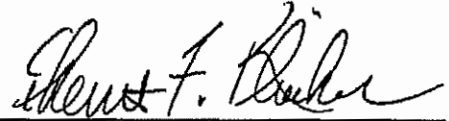
78 First Reading: 6/23/14
79 Public Reading: 7/28/14
80 Second Reading: 7/28/14
81 Effective Date: 7/29/14
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85 Reviewed and approved as to form:

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88 Walt Wrede, City Manager

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90 Date: JULY 31, 2014
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Thomas F. Klinkner, City Attorney

Date: 8-4-14

Cottonwood Lane and a matching amount of \$7,000 that the property owners fund for repairs to the roads as follows:

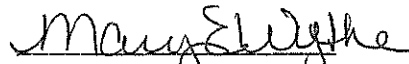
Expenditure:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
160-0766	HART Roads	\$30,000
160-0766	HART Roads as match to property owners contribution	\$ 7,000


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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of April, 2015.

CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

First Reading: 4/13/15

Public Hearing: 4/27/15

Second Reading: 4/27/15

Effective Date: 4/28/15

Reviewed and approved as to form:

Mary K. Koester

Mary K. Koester, City Manager

Date: 5-4-15

Thomas F. Klinkner

Thomas F. Klinkner, City Attorney

Date: 5-6-15



**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 15-30

AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING THE FY 2015 OPERATING BUDGET BY APPROPRIATING A 25% MATCH TO THE WADDELL ROAD IMPROVEMENT LEGISLATIVE GRANT IN THE AMOUNT OF \$357,500 FROM THE HOMER ACCELERATED ROADS AND TRAIL PROGRAM (HART) FUND; AUTHORIZING THE PURCHASE OF THE WADDELL PROPERTY IN SUPPORT OF THE WADDELL ROAD IMPROVEMENT PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS.

WHEREAS, The City Council accepted and appropriated a Legislative Grant (Ordinance 14-42(S)) in the amount of \$1,430,000 for the Waddell Road Improvements; and

WHEREAS, The grant covers design, utilities, property acquisition, and construction costs for the Waddell Road Improvement project; and

WHEREAS, The grant application indicated that a 25% match from the Homer Accelerated Road and Trail Fund would be provided to facilitate the completion of the road project; and

WHEREAS, The project requires the purchase of Tract 2-A Waddell Park Subdivision 1985 Replat, referred to herein as the Waddell property (see Memorandum 15-134); and

WHEREAS, The property was been determined by appraisal to have a value of \$855,000; and

WHEREAS, The aforementioned legislative grant will cover 75% (\$641,250) and the City match will cover 25% (\$213,750) of the cost of the property purchase; and

WHEREAS, The funds generated from the sale of the remaining parcel and the cabins will be distributed back into the grant project account and the HART Fund in generally the same proportions.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council approves the purchase of the Waddell property.

Expenditure:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
160-0766	HART Fund	\$213,750
151-7002	Waddell Way Road Grant	\$641,250

Section 2. The Homer City Council hereby amends the FY 2015 Operating Budget by appropriating \$357,500 from the HART Program as a 25% match to the Waddell Way Road Improvement Legislative grant:

Expenditure:

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
160-0766	HART Fund	\$357,500

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 24 day of August 2015.

CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Melissa Jacobson, Acting City Clerk
JO JOHNSON, MMC, CITY CLERK



YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

77 First Reading: 8/10/15
78 Public Hearing: 8/24/15
79 Second Reading: 8/24/15
80 Effective Date: 8/25/15
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83 Reviewed and approved as to form:
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85

86 Mary K. Koester
87 Mary K. Koester, City Manager
88

89 Date: 8.27.15
90

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 9-1-15

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 15-085(S)

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
SALE OF THE WADDELL WAY CABINS TO GUY ROSSI OF HOMER,
ALASKA, IN THE AMOUNT OF \$92,789.91 AND AUTHORIZING THE
CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised in the Homer Tribune on September 9 and 16, 2015 and posted on the Clerk's
home page; and

WHEREAS, Bids were due by 2:00 p.m. on Thursday, September 24, 2015 and five bids
(one non-compliant) were received by the City Clerk's Office; and

WHEREAS, Guy Rossi was determined to be the high responsive bidder; award of the
bid was determined by the Public Works Director to be in the best interest of the City; and

WHEREAS, This award is not final until written notification is received by Guy Rossi.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
the sale of the Waddell Way Cabins to Guy Rossi, in the amount of \$92,789.91 and authorizes
the City Manager to execute the appropriate documents.

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Acct. No. 151-7002, \$92,789.91 Waddell Way Road Improvement Project

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 16-10

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE 2016 OPERATING BUDGET TO ALLOW FOR THE
COMPLETION OF THE 2016 STREETS REPAVING PROJECT
UTILIZING HOMER ACCELERATED ROADS AND TRAILS (HART)
FUNDS IN AN AMOUNT NOT TO EXCEED \$638,000.

WHEREAS, Periodically, Public Works coordinates the repaving of roads where the
pavement has reached its useful life (20-30 years old), including grinding of existing pavement
and resurfacing; and

WHEREAS, Public Works has successfully completed similar projects in 2006, 2009, and
2012 utilizing HART funds; and

WHEREAS, Public Works has inspected pavement conditions on all City maintained
roads and recommends that nine road sections be resurfaced (see Memorandum 16-043) and
estimated the cost of each.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2016 Operating Budget is hereby amended by appropriating an
amount not to exceed \$638,000 from the Homer Accelerated Roads and Trails (HART) Fund
for completing the 2016 Street Repaving Project.

Expenditure:

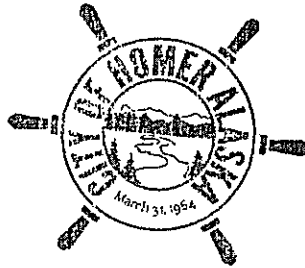
Account No.
160-766

Description
HART

Amount
\$638,000

Section 2. This budget amendment ordinance is not permanent in nature, and shall
not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25th day of April
_____, 2016.



CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Joe Johnson
JO JOHNSON, MMC, CITY CLERK

AYES: 5
NOES: 1
ABSTAIN: 0
ABSENT: 0

First Reading: 3/14/16
Public Hearing: 3/24/16 Reconsidered 3/29/16
Second Reading: 4/25/16
Effective Date: 4/26/16

Reviewed and approved as to form:

Mary K. Koester
Mary K. Koester, City Manager

Date: 4.27.16

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 4-29-16

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Public Works Director

RESOLUTION 16-027

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR WADDELL WAY ROAD AND WATER MAIN IMPROVEMENTS 2016 PROJECT TO THE FIRM OF EAST ROAD SERVICES, INC. OF HOMER, ALASKA, IN THE AMOUNT OF \$925,570.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer Tribune on January 27 and February 3, 2016, the Peninsula Clarion on January 31, 2016, posted on the Clerk's home page, and sent to two in-state plans rooms; and

WHEREAS, Bids were due by 2:00 p.m. on Thursday, March 3, 2016 and seven bids were received by the City Clerk's Office; and

WHEREAS, Bids were publicly opened and read on March 3, 2016 and the firm of East Road Services, Inc. of Homer, Alaska, was determined to be the low responsive bidder in the amount of \$925,570.00; and

WHEREAS, East Road Services, Inc. is qualified to complete the work; and

WHEREAS, The work is funded by a State Legislative grant and the Homer Accelerated Roads and Trails Program (HART), the purpose of which is to make road improvements to Waddell Way (see Ordinances 14-42(S) and 15-30); and

WHEREAS, The low bid is within the project budget approved by the City Council.

WHEREAS, This award is not final until written notification is received by East Road Services, Inc. of Homer, Alaska, from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract award for Waddell Way Road and Water Main Improvements 2016 Project to the firm of East Road Services, Inc. of Homer, Alaska, in the amount of \$925,570.00 and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 14th day of March, 2016.



CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Jo Johnson
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: 151-7002 (Waddell Way Legislative Grant); 160-0766 (HART Fund)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 16-12(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY 2016 OPERATING BUDGET BY APPROPRIATING
FUNDS IN THE AMOUNT OF \$89,000 FROM HOMER ACCELERATED
ROADS AND TRAILS FUND FOR THE DESIGN OF THE STORM DRAIN
REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER
TO EXECUTE ALL APPROPRIATE DOCUMENTS NECESSARY TO
COMPLETE THE WORK.

WHEREAS, This winter, storm drain piping in Bunnell Avenue and Main Street failed
creating "sinkholes" that undermined pavement and threatened the safety of the motoring
public; and

WHEREAS, Upon investigation, it has become clear that much of the City's storm drain
system installed in the 1980's has deteriorated to the point that replacement is necessary (see
Memorandum 16-049); and

WHEREAS, Public Works believes that the most cost effective method of repairing
these storm drains is to slip-line them (similar to what was done on the sanitary sewer system
a few years ago).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by
appropriating \$89,000 from the Homer Accelerated Road and Trails Program (HART) for the
design of the storm drain rehabilitation improvements.

Revenue:

Account
160-0766

Description
Storm Drainage Improvements

Amount
\$89,000

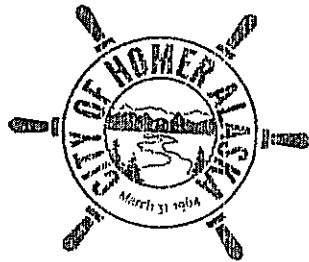
Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
151-0001	Storm Drainage Improvements	\$89,000

Section 2. This is a budget amendment ordinance only, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 29th day of March, 2016.

CITY OF HOMER



Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

[Signature]
JO JOHNSON, MMC, CITY CLERK

AYES: 6
NOES: 6
ABSTAIN: 0
ABSENT: 0

First Reading: 3/14/16
Public Reading: 3/29/16
Second Reading: 3/29/16
Effective Date: 3/30/16

Reviewed and approved as to form:

Mary K. Koester
Mary K. Koester, City Manager

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 4.5.16

Date: 4-11-16

CITY OF HOMER
HOMER, ALASKA

Smith

ORDINANCE 16-29

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING ORDINANCE 16-10, THE COMPLETION OF THE 2016
STREETS REPAVING PROJECT UTILIZING HOMER ACCELERATED
ROADS AND TRAILS (HART) FUNDS FROM \$638,000 TO \$562,506.

WHEREAS, Ordinance 16-10 appropriated \$638,000 for the 2016 Streets Repaving Project; and

WHEREAS, This amount included project management/administrative charges; and

WHEREAS, It is not the practice of the City to charge project management/administrative fees on internal projects; and

WHEREAS, In the past the general administrative charge to HART in the operating budget covered all project management/administrative fees.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Ordinance 16-10 is amended to appropriate \$562,506 for the completion of the 2016 Streets Repaving Project utilizing Homer Accelerated Roads and Trails (HART) Funds.

Expenditure:

Account No.
160-766

Description
HART

Amount
\$562,506

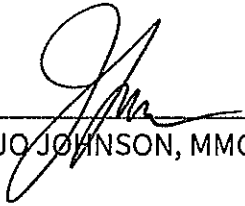
Section 2. This budget amendment ordinance is not permanent in nature, and shall not be codified.

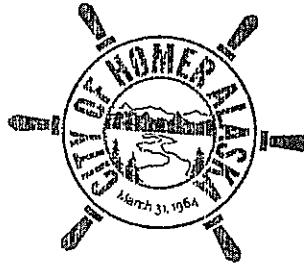
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of June, 2016.

CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

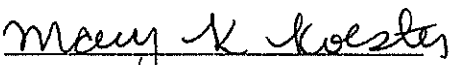

JO JOHNSON, MMC, CITY CLERK



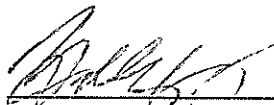
AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 5/23/16
Public Hearing: 6/13/16
Second Reading: 6/13/16
Effective Date: 6/14/16

Reviewed and approved as to form:


Mary K. Koester, City Manager

Date: 6.15.16


Holly C. Wells, City Attorney

Date: 7.1.16

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 16-047

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE FORMATION OF THE ERIC LANE LILLIAN
WALLI SUBDIVISION ROAD, DRAINAGE AND SEWER SPECIAL
ASSESSMENT DISTRICT, AND AUTHORIZING THE CITY MANAGER
TO PROCEED WITH THE PREPARATION AND CONSTRUCTION OF
THE PROJECT.

WHEREAS, Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special
Assessment District includes real property fronting Eric Lane located within the Lillian Walli
Subdivision within the City of Homer; and

WHEREAS, A petition for water and sewer improvements for property owners within
the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District
was circulated from July 13 to October 28, 2015; and

WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires
signatures of not less than one half in value of the real property in the proposed improvement
district; and

WHEREAS, The City Clerk verified sufficient signatures equal to 58% of the value of real
property within the district; and

WHEREAS, Pursuant to HCC 17.04.040(b)(1) a neighborhood meeting was scheduled
and held on December 3, 2015; and

WHEREAS, An improvement plan was prepared for the district that includes final
boundaries, design, project cost estimate, percentage of the improvement cost to be
assessed against properties in the district, method for allocating the assessed cost of the
improvement among the properties in the district, time period over which assessments will
be financed, and a preliminary assessment roll for the district; and

WHEREAS, Property owners were sent the preliminary assessment roll, notice of right
to object, and notice of public hearing; and

WHEREAS, Pursuant to HCC 17.04.050(b) if owners of real property that would bear 50
percent or more of the assessed cost of the improvement file timely written objections the
Council may not proceed with the improvement; and

WHEREAS, Written objections were received from two property owners, representing three parcels within the district, 14 percent of the assessed cost of the improvement; and

WHEREAS, A public hearing was held on April 25, 2016 and there was no public testimony; and

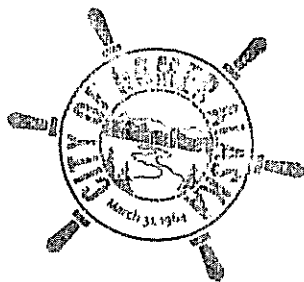
WHEREAS, The estimated cost of road and drainage improvements is \$796,100 with property owners' estimated total assessment of \$530,733; road and drainage improvements within the subdivision are not eligible for HART Program funds, but the City of Homer will pay one third (1/3) the cost of road/drainage improvements \$265,367; and

WHEREAS, The estimated cost of sewer improvements is \$262,305 with property owners' estimated total assessment of 262,305; sewer improvements within the subdivision are not eligible for HAWSP Program funds so the property owners will pay 100% of the cost; and

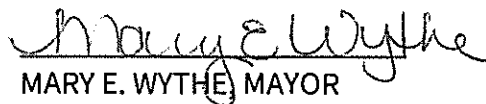
WHEREAS, Council finds that the road, drainage and sewer improvements are necessary and will benefit the properties to be assessed.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council authorizes the formation of the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District, and authorizes the City Manager to proceed with the preparation and construction of the project.

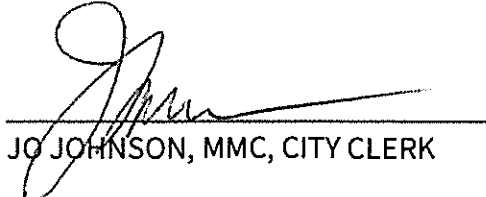
PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9th day of May, 2016.



CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Total estimated project road/drainage: \$796,100. Estimated property owner share of road/drainage improvements is \$530,733 with the City paying one third (1/3) of the

84 cost: \$265,367. Total estimated project sewer: \$262,305 with estimated property owner share
85 of sewer improvements \$262,305 (100%). Road, drainage, and sewer improvements for Eric
86 Lane Lillian Walli Subdivision are not eligible for HART and HAWSP funds.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 16-088

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR THE 2016 PAVING PROJECT TO THE FIRM OF MCKENNA BROTHERS PAVING, INC. OF ANCHORAGE, ALASKA, IN THE AMOUNT OF \$418,771.30 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer News on July 21 and 28, 2016, the Peninsula Clarion and Alaska Dispatch News on July 24, 2016, sent to two in-state plans rooms, and posted on the Clerk's home page; and

WHEREAS, Bids were due on August 11, 2016 and five bids were received; and

WHEREAS, Bids were opened and the firm of McKenna Brothers Paving, Inc. was determined to be the low responsive bidder and found to be qualified to complete the work; and

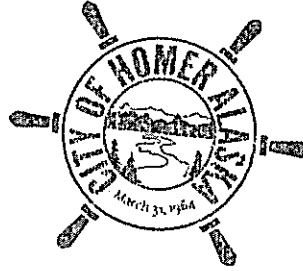
WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract award for the 2016 Paving Project to the firm of McKenna Brothers Paving, Inc. of Anchorage, Alaska, in the amount of \$418,771.30 and authorizes the City Manager to execute the appropriate documents.


PASSED AND ADOPTED by the Homer City Council this 22nd day of August, 2016.

CITY OF HOMER


MARY E. WYTHE, MAYOR



ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: HART Funds per Ordinance 16-29, Acct. No. 160-766, \$418,771.30.

*Failed
10/24/16*

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 16-110

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ADDING TRACT 2-A WADDELL PARK SUBDIVISION 1985 REPLAT
TO THE CITY OF HOMER LAND ALLOCATION PLAN AS A LOT
AVAILABLE FOR SALE AND AUTHORIZING THE CITY MANAGER TO
PROCEED WITH A REQUEST FOR PROPOSAL.

WHEREAS, Ordinance 14-42(S) accepted a State of Alaska Legislative Grant for
\$1,430,000 for Waddell Way Road Improvements; and

WHEREAS, The grant application indicated that a 25% match from the Homer
Accelerated Roads and Trail Program Fund would be provided to facilitate the completion of
the road project; and

WHEREAS, The project required the purchase of Tract 2-A Waddell Park Subdivision
1985 Replat, referred to herein as the Waddell property for \$855,000; and

WHEREAS, Ordinance 15-30 directed the funds generated from the sale of the
remaining parcel that was not used for the road back into the grant project account and the
HART Fund in a 75/25 split.

WHEREAS, Before it is listed for sale, the parcel will be appraised to establish a
competitive market value; and

WHEREAS, It is in the best interest of the City to engage the contract real estate agent
to handle the advertising and sale of the Waddell property in an expeditious manner.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, adds Tract
2-A Waddell Park Subdivision 1985 Replat to the Land Allocation Plan and authorizes the City
Manager to proceed with a Request for Proposal through the City's contract real estate agent.

BE IT FURTHER RESOLVED that proceeds of the sale will be split 75% to the HART fund
and 25% to reimburse the project fund.

PASSED AND ADOPTED by the Homer City Council this 24th day of October, 2016.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Proceeds from sale of parcel unknown at this time.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 16-55

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE 2016 OPERATING BUDGET BY APPROPRIATING
\$494,000 FROM THE HOMER ACCELERATED ROADS AND TRAILS
PROGRAM (HART) FUND TO PROVIDE FOR REHABILITATION OF THE
BUNNELL STREET STORM DRAIN.

WHEREAS, The City Council approved Ordinance 16-12(A) authorizing funding for the
inspection and design of storm drain rehabilitation improvements to the City's storm drain
system; and

WHEREAS, The results of the inspection indicates that older portions of the storm drain
system have significantly deteriorated, especially the Bunnell Street storm drain (see
Memorandum 16-174); and

WHEREAS, A portion of the Bunnell Street storm drain collapsed in 2015, resulting in a
sinkhole in the pavement (creating a public safety concern); and

WHEREAS, Public Works has evaluated alternatives to repairing/replacing the storm
drain; slip-lining the existing pipe is the most cost effective and will have the least impact on the
traveling public and businesses in the area; and

WHEREAS, Rehabilitating the Bunnell Street storm drain (based on the recent Public
Works inspection) is urgently needed to protect Bunnell Street infrastructure, and vehicular and
pedestrian users.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2016 Operating Budget is hereby amended by appropriating \$494,000
from the HART Program Fund for the rehabilitation of the Bunnell Street storm drain as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	Bunnell Street Storm Drain Rehab	\$494,000

Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall
not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 21st day of November, 2016.



CITY OF HOMER

Bryan Zak
BRYAN ZAK, MAYOR

ATTEST:

Jo Johnson
JO JOHNSON, MMC, CITY CLERK

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 10/24/16
Public Hearing: 11/21/16
Second Reading: 11/21/16
Effective Date: 11/22/16

Reviewed and approved as to form:

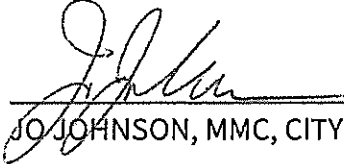
Mary K. Koester
Mary K. Koester, City Manager

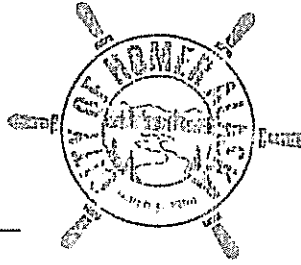
Date: 11.22.16

Holly C. Wells
Holly C. Wells, City Attorney

Date: 12.5.16

ATTEST:


JO JOHNSON, MMC, CITY CLERK



Fiscal Note: \$405,372 HART Fund, Account No. 456-0380.

**HART Roads Special Assessment Districts
Failed for Lack of Support
2010 - Current**

<i>PROJECT</i>	<i>Ord/Reso #</i>	<i>Purpose</i>	<i>% Approved</i>	<i>Date</i>
Eagle Place/Little Fireweed Road Improvements Special Assessment District	Reso#10-027	Road reconstruction & paving	2.9%	3/22/10
Crittenden Road Improvements Special Assessment District	Reso #10-070	Road reconstruction & paving	0%	8/23/10
Ocean Drive Loop Road Reconstruction & Paving Special Assessment District	Reso#12-067	Road reconstruction & paving	24%	7/23/12
Webber Subdivision Road Reconstruction & Paving SAD	Reso #12-071	Road reconstruction & paving	42%	8/13/12
Mattox, Virginia Ln, Fritz Subdivision Road Reconstruction & Paving SAD	Reso#15-056	Road reconstruction & paving	14%	7/27/15
Lambert Lane & Lakeshore Drive Road Reconstruction & Paving SAD	Reso #15-107	Road reconstruction & paving	27.26%	12/7/15
Shelford Street Road Reconstruction & Paving SAD	Reso#16-022	Road reconstruction & paving	11%	2/22/16
Kramer Ln, Linda, Shirley & Heidi Court Road Reconstruction & Paving SAD	Reso#16-030	Road reconstruction & paving	14.74%	3/29/16
Ocean Drive Loop Road Reconstruction & Paving SAD	Reso#16-089	Road reconstruction & paving	29%	8/22/16
Ocean Drive Loop Road Reconstruction & Paving (Reduced) SAD	Reso#16-125	Road reconstruction & paving	19%	12/5/16
Shannon Lane, Shannon Ct & Early Spring Street Road Reconstruction & Paving SAD	Reso#17-012	Road reconstruction & paving	25%	01/23/17

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 10-27

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, NOTING THE INSUFFICIENCY OF THE PETITION FOR EAGLE PLACE/LITTLE FIREWEED ROAD IMPROVEMENTS.

WHEREAS, The petition was circulated from September 2009 to November 2009; and

WHEREAS, Signatures from property owners in favor of the road improvements petition equal 2.7% of the property value; and

WHEREAS, Pursuant to HCC 17.04.030(b) application sufficiency requires signatures on the petition of at least fifty percent or more in value of the property to be benefitted by the improvement; and

WHEREAS, This does not preclude further petitioning by property owners for road improvements or any other type of improvement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the insufficiency of the petition for Eagle Place/Little Fireweed Road Improvements.

BE IT FURTHER RESOLVED that the same local improvement district request and petition may not be submitted for at least six months from the date of the adoption of the resolution; and that the same requesters/property owners may file with the City Clerk a request for the same improvements for a modified area within thirty days from the date of the adoption of the resolution.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 22nd day of March, 2010.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 10-70

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, NOTING THE INSUFFICIENCY OF THE PETITION
FOR CRITTENDEN ROAD IMPROVEMENTS.

WHEREAS, The petition was circulated from May to July 2010; and

WHEREAS, Signatures from property owners in favor of the road improvements petition equal zero percent of the property value; and

WHEREAS, Pursuant to HCC 17.04.030(b) application sufficiency requires signatures on the petition of at least fifty percent or more in value of the property to be benefitted by the improvement; and

WHEREAS, This does not preclude further petitioning by property owners for road improvements or any other type of improvement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the insufficiency of the petition for Crittenden Road Improvements.


BE IT FURTHER RESOLVED that the same local improvement district request and petition may not be submitted for at least six months from the date of the adoption of the resolution; and that the same requesters/property owners may file with the City Clerk a request for the same improvements for a modified area within thirty days from the date of the adoption of the resolution.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 23rd day of August, 2010.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 12-067

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, NOTING THE INSUFFICIENCY OF THE PETITION
FOR OCEAN DRIVE LOOP ROAD RECONSTRUCTION AND
PAVING IMPROVEMENTS.

WHEREAS, The petition was circulated from May 2012 to July 2012; and

WHEREAS, Signatures from property owners in favor of the road improvements petition
equal 24% of the property value; and

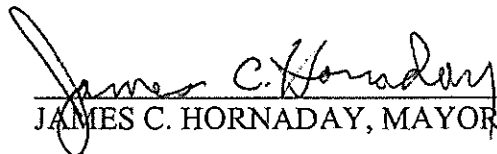
WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires
signatures of the record owners of not less than one half in value of the real property in the
proposed improvement district; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes
the insufficiency of the petition for Ocean Drive Loop Road Reconstruction and Paving
Improvements.


BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvement by
initiating a new petition.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 23rd day of July,
2012.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 12-071

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, NOTING THE INSUFFICIENCY OF THE PETITION
FOR WEBBER SUBDIVISION ROAD RECONSTRUCTION
AND PAVING IMPROVEMENT SPECIAL ASSESSMENT
DISTRICT.

WHEREAS, The petition was circulated from May 2012 to July 2012; and

WHEREAS, Signatures from property owners in favor of the road improvements petition
equal 42% of the property value; and

WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires
signatures of the record owners of not less than one half in value of the real property in the
proposed improvement district; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes
the insufficiency of the petition for Webber Subdivision Road Reconstruction and Paving
Improvements.

BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvement by
initiating a new petition.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of
August, 2012.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 15-056

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
NOTING THE INSUFFICIENCY OF THE PETITION FOR MATTOX,
VIRGINIA LYN, FRITZ SUBDIVISION ROAD RECONSTRUCTION AND
PAVING SPECIAL ASSESSMENT DISTRICT.

WHEREAS, The petition was circulated from May 1 to June 26, 2015; and

WHEREAS, Signatures from property owners in favor of the road improvements petition
equal 14% of the property value; and


WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires
signatures of the record owners of not less than one half in value of the real property in the
proposed improvement district; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the
insufficiency of the petition for Mattox, Virginia Lyn, Fritz Subdivision Road Reconstruction
and Paving Improvements.


BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvement by
initiating a new petition.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 27th day of July, 2015.

CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 15-107

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
NOTING THE INSUFFICIENCY OF THE PETITION FOR LAMBERT
LANE AND LAKESHORE DRIVE ROAD RECONSTRUCTION AND
PAVING SPECIAL ASSESSMENT DISTRICT.

WHEREAS, The petition was circulated from September 18 to November 18, 2015; and

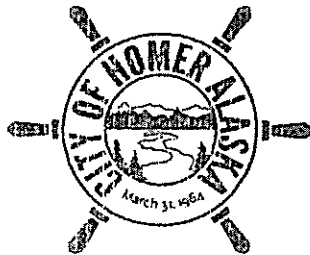
WHEREAS, Signatures from property owners in favor of the road improvements petition
equal 27.26% of the property value; and

WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires
signatures of the record owners of not less than one half in value of the real property in the
proposed improvement district; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the
insufficiency of the petition for Lambert Lane and Lakeshore Drive Road Reconstruction and
Paving Improvements.

BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvement by
initiating a new petition.


PASSED AND ADOPTED by the City Council of Homer, Alaska, this 7th day of December,
2015.



CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 16-022

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
NOTING THE INSUFFICIENCY OF THE PETITION FOR SHELFORD
STREET ROAD RECONSTRUCTION AND PAVING SPECIAL
ASSESSMENT DISTRICT.

WHEREAS, The petition was circulated from December 7, 2015 to February 5, 2016;
and

WHEREAS, Signatures from property owners in favor of the road improvements
petition equals 11% of the property value; and

WHEREAS, pursuant to HCC17.04.040(a)(2) the sufficiency of the petition requires
signatures of the record owners of not less than one half in value of the real property in the
proposed improvement district.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the
insufficiency of the petition for Shelford Street Road Reconstruction and Paving
Improvements.

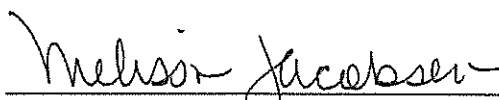
BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvement by
initiating a new petition.

PASSED AND ADOPTED by the Homer City Council this 22nd day of February, 2016.

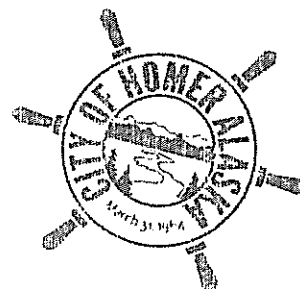
CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Fiscal Note: N/A



**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 16-030

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, NOTING THE INSUFFICIENCY OF THE PETITION FOR KRAMER LANE, LINDA, SHIRLEY AND HEIDI COURT ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT.

WHEREAS, The petition was circulated from January 20, 2016 to March 21, 2016; and

WHEREAS, Signatures from property owners in favor of the road improvements petition equals 14.74% of the property value; and

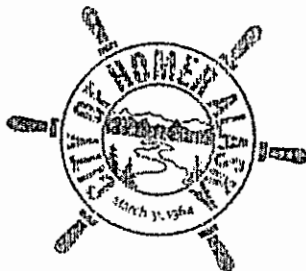
WHEREAS, Pursuant to Homer City Code 17.04.040(a)(2) the sufficiency of the petition requires signatures of the record owners of not less than one half in value of the real property in the proposed improvement district.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the insufficiency of the petition for Kramer Lane, Linda, Shirley and Heidi Court Road Reconstruction and Paving Improvements.

BE IT FURTHER RESOLVED this does not preclude further petitioning by property owners for road improvements for a modified area or any other type of improvement by initiating a new petition.

PASSED AND ADOPTED by the Homer City Council this 29th day of March, 2016.

CITY OF HOMER



Mary E Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Jo Johnson
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 16-089

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, NOTING THE INSUFFICIENCY OF THE PETITION FOR OCEAN DRIVE LOOP ROAD RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT.

WHEREAS, The petition was circulated from June 6, 2016 to August 5, 2016; and

WHEREAS, On April 27, 2016 when the request for the special assessment district was filed, the City was operating under Homer City Code 17.04.040(a)(2)¹ where the sufficiency of the petition required signatures of the record owners of not less than one half in value of the real property in the proposed improvement district.


WHEREAS, Signatures from property owners in favor of the road improvements petition equals 29% of the property value; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, notes the insufficiency of the petition for Ocean Drive Loop Road Reconstruction and Paving Improvements.

BE IT FURTHER RESOLVED this does not preclude further petitioning by property owners for road improvements for a modified area or any other type of improvement by initiating a new petition.


PASSED AND ADOPTED by the Homer City Council this 22nd day of August, 2016.

CITY OF HOMER

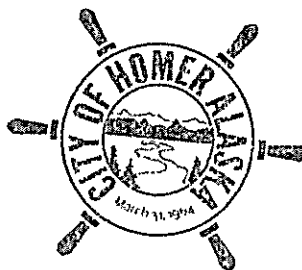

MARY E. WYTHE, MAYOR

¹ HCC 17.04.040(a)(2) was amended by Ordinance 16-20 on May 9, 2016 to change the methodology for determining the sufficiency of a petition to the record owners of real property that would bear not less than 50 percent of the assessed cost of the improvement in the proposed district.

40 ATTEST:

41
42 
43 _____
44 JO JOHNSON, MMC, CITY CLERK
45

46 Fiscal Note: N/A



**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 16-125

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
NOTING THE INSUFFICIENCY OF THE PETITION FOR OCEAN
DRIVE LOOP ROAD RECONSTRUCTION AND PAVING SPECIAL
ASSESSMENT DISTRICT.

WHEREAS, A petition was circulated from September 6, 2016 to November 7, 2016; and

WHEREAS, Signatures from 19% of property owners in favor of the road reconstruction
and paving improvements were received; and

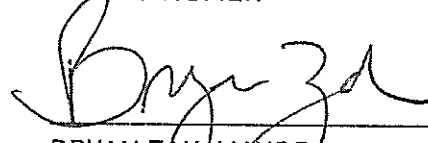
WHEREAS, Pursuant to HCC 17.04.040(2)(c) the sufficiency of the petition requires
receipt of signatures of the record owners of not less than 50% of the total properties
included in the special assessment district.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby notes the
insufficiency of the petition for Ocean Drive Loop Road Reconstruction and Paving Special
Assessment District.


BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvements by
initiating a new petition.

PASSED AND ADOPTED by the Homer City Council this 5th day of December, 2016.

CITY OF HOMER


BRYAN ZAK, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 17-012

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
NOTING THE INSUFFICIENCY OF THE PETITION FOR SHANNON
LANE, SHANNON COURT AND EARLY SPRING STREET ROAD
RECONSTRUCTION AND PAVING SPECIAL ASSESSMENT DISTRICT.

WHEREAS, A petition was circulated from November 3, 2016 to January 3, 2017; and

WHEREAS, Signatures from 25% of property owners in favor of the road reconstruction
and paving improvements were received; and

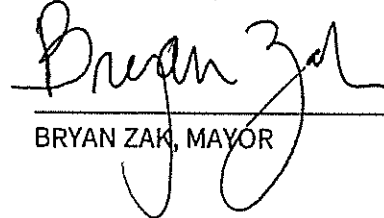
WHEREAS, Pursuant to HCC 17.04.040(2)(c) the sufficiency of the petition requires
receipt of signatures of the record owners of not less than 50% of the total properties included
in the special assessment district.

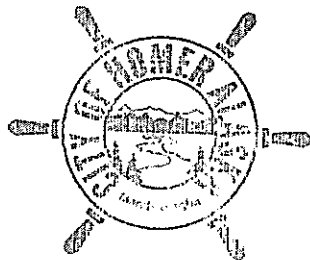
NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby notes the
insufficiency of the petition for Shannon Lane, Shannon Court and Early Spring Street Road
Reconstruction and Paving Improvements.

BE IT FURTHER RESOLVED this does not preclude further petitioning by property
owners for road improvements for a modified area or any other type of improvements by
initiating a new petition.


PASSED AND ADOPTED by the Homer City Council this 23rd day of January, 2017.

CITY OF HOMER


BRYAN ZAK, MAYOR



ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



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 17-028

TO: Mayor Zak and the Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Julie Engebretsen, Deputy City Planner
MEETING: February 13, 2017
SUBJECT: HART Policy Revisions

HART Policy Manual Review Tasks

The City Council requested the Planning Commission review the Homer Accelerated Roads and Trails (HART) policy manual. The assigned tasks from Council were:

1. Update and improve the organization and readability of the HART Policy Manual
2. Make HART policies as consistent as possible with HAWSP policies
3. Review project eligibility
4. Provide for funding of SAD's for sidewalks w HART funds
5. Develop a matching grant program for trails.

Additionally, the City Manager requested that the calculation for the 1.25 debt ratio be described.

Work Completed

Task 1: Readability

Staff has removed duplicate information and things that are spelled out in code. This document was first written circa 1987, and there have been a lot of code amendments since then! Any items that are spelled out in code or other adopted city documents have been removed.

Task 2: Consistency between manuals. Staff has formatted the manuals and revised the wording so they are more consistent.

Task 3: Review Project Eligibility. (See new section, Page 2 Section D)

There appears to be a need for funding major patch jobs that are outside the scope of the operating budget, but are lesser than a total road rebuild that requires a Special Assessment District. To be clear, HART funds cannot be used for routine maintenance, like ditch cleaning or grading. In 2015, the City Council authorized \$30,000, with an additional \$7,000 in matching funds to do patch repairs to annexed roads on the hill – Fireweed Ave and Cottonwood Lane (Ordinance 15-10 (S)). There was not enough land owner support for a full road SAD. The HAPC struggled with this use of HART funds and feels that City funding for road maintenance in general is inadequate. However, the Fireweed-Cottonwood reconstruction project is outside the scope of the operating budget and the HART SAD process has traditionally filled the need for major road reconstruction projects. Staff recommends

revising the manual to include more detail on eligible projects. With increased pressure on HART for major road reconstruction and repair, Council may want to consider requesting more definitive language from the voters.

Task 4: Provide for funding of SAD's for sidewalks with HART funds.

Staff researched other community sidewalk policies and found that some have a required property owner match, but it's capped at \$2,000. City costs are capped at \$15,000 per lot. Our Homer costs are significantly higher. Additionally, a community may have a sidewalk plan, or a prioritization of sidewalk improvements. This focuses where new sidewalks should be constructed. The Homer Non-motorized Transportation and Trails Plan does a nice job of mapping where our community improvements are desired, and also states that special populations are of importance to our community. The HAPC supports using the HNMTTP as a guide for when HART funds will be used on sidewalks. THE HAPC did not support capping the property owner assessment for sidewalk construction.

New Section: *"E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible."*

Task 5: Develop a matching grant program for trails.

Currently, there is about \$600,000 of trail money available. The city has had some success in building trails (Reber Trail), but generally, we don't have the staff to plan and construct trails, despite the community desire for them. The fund has grown by \$100,000 a year as taxes are collected but we're not building trails. Homer citizens have responded by suggesting a small grant program. Citizens apply for funds to build trails – think neighborhood groups, youth groups, scouts etc. These would be projects that don't require heavy equipment and would not require a lot of engineering. The Calhoun Trail is a good example. Trail builders would leverage volunteer labor, fundraising, and city funds to build new trails.

Julie Engebretsen worked with the Parks, Recreation Arts and Culture Advisory Commission (PARCAC) and the local ad-hoc trails group on a grant process. Within the HART Manual, things have been kept very simple. On page 3 of the Manual, it states "C. Citizens may work with the City Administration to use HART funds to construct public trails." Also, the availability of volunteer efforts or matching funds can be considered when the City is selecting trail projects. The details of this program will be worked out administratively, with the City Council approving funds for projects via ordinance. A sample grant application, and scoring sheet are attached.

Task 6: 1.25 Debt Service Ratio. Staff recommends and the HAPC agreed that this provision should be removed. First, the City pays cash for HART projects because there is a fund balance. Second, this program is only authorized through 2027. The city will not be able to collect sales tax to pay any debt payment after this date (unless voters extend the program).

Further comments from HAPC:

- Recommend codifying conservation easement exemptions and project payment mechanism
- Request legal review of 17.04.180(a) – is it still valid and current regulation? (Pertains to lots with double frontage).

Staff Recommendations:

1. Adopt a resolution adopting the revised HART Policy Manual.
2. Request staff draft an ordinance codifying conservation easement exemptions and project payment mechanism
3. Request legal review of 17.04.180(a) – is it still valid and current regulation? (Pertains to lots with double frontage).

H.A.R.T. POLICY MANUAL

(HOMER ACCELERATED ROADS AND TRAILS PROGRAM)

TABLE OF CONTENTS

- I. Purpose**
- II. Definitions**
- III. Road Qualifying and Project Criteria**
- IV. Trails Qualifying and Project Criteria**
- V. Financing and Assessments**
- VI. Utilities**
- VII. Special Provisions**
- VIII. History**

I. PURPOSE

The purpose of the HART program is to pay for reconstructing substandard city roads, upgrading existing roads, and constructing new streets and non-motorized trails. The intent of the program is to reduce maintenance costs, improve access, increase property values and improve the quality of life. State maintained roads are not part of this program. The program is funded by a voter approved dedicated sales tax, and assessments levied on adjacent benefited properties

II. DEFINITIONS

- A. Sidewalk- the term “sidewalk” means a pedestrian facility associated with a road and generally within a street right of way
- B. Trail – a pedestrian facility detached from a road, or not within a street right of way
- C. Fund Balance - is the unreserved fund balance that is not allocated to pay the city portion of a project
- D. HAPC – Homer Advisory Planning Commission
- E. Homer Non-Motorized Transportation and Trail Plan (HNMTTP) – a document that is an adopted part of the City of Homer Comprehensive Plan
- F. 2005 Homer Area Transportation Plan (Transportation Plan) – a document that is an adopted part of the City of Homer Comprehensive Plan

III. ROAD QUALIFYING AND PROJECT CRITERIA

To be eligible for HART funds, roads and projects must meet the qualifying criteria below.

- A. Qualifying Criteria for Existing Roads. HART fund may be used on existing roads that meet one or more of the following criteria:
 - 1. Road has been accepted for city maintenance.

2. Right of way was dedicated prior to March 14, 1987 (Ord. 87-6(s)).
 3. Right of way was dedicated prior to being annexed into the City.
- B. Qualifying Criteria for New Roads. HART funds may be used for new roads when one or both of the following criteria are met:
1. The City owns the property wherein the road is to be constructed.
 2. The construction project benefits the entire City.
- C. Project Criteria. The following criteria may be considered for using HART funds:
1. Project is listed in the 2005 Homer Transportation Plan or furthers a stated goal of that plan.
 2. HART funds may be used in accordance with Title 11.04.05, to pay to the developer the cost difference between the required street and the proposed street.
 3. Improves life, safety and traffic flow
 4. Corrects deficiencies of existing systems
 5. Completes traffic circulation pattern
 6. Encourages economic development
 7. Corrects drainage problems
 8. Reduces maintenance costs
 9. Other factors deemed appropriate by the City Council
- D. Use of HART funding for major repairs. HART funds may be used for major eligible road and drainage repairs that are beyond the scope of routine maintenance. The use of the SAD process and property owner participation is preferred. However there may be situations in which a section of road may be repaired to a reasonable level of service without the expense of a complete rebuild.
- E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.

IV. TRAILS QUALIFYING AND PROJECT SELECTION CRITERIA

To be eligible for funding, trails must be located within trail easements or within the boundaries of municipal lands that will be held in perpetuity for public use. The goal is to avoid building trails across lands that could become privatized and result in the loss of public access. An exception to this is the use of trail funds to construct short term trails within platted rights of way. Trails within rights of way should benefit the community circulation system and be low cost, since trails will likely become part of the road when the right of way is developed.

- A. New local non-motorized trails shall be prioritized according to the following:
 - 1. Project is listed in the HNMTTP or furthers a stated goal of that plan
 - 2. Solves a safety concern
 - 3. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest
 - 4. Protects an established trail
 - 5. Creates or improves a trailhead
 - 6. Has significant scenic or aesthetic value
 - 7. Existence or potential for contributing funds or volunteer efforts
 - 8. Property owner participation
- B. Trail Project Selection Criteria. The Homer Advisory Planning Commission and Parks Art, Recreation and Culture Advisory Commission will review the trail priority list during the bi-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.
- C. Volunteer Projects. Citizens may work with the City Administration to use HART funds to construct public trails.
- D. Developer Cost Sharing. When a developer builds a trail as part of a new subdivision, HART funds may be used to reimburse up to 25% of trail construction costs.

V. FINANCING and ASSESSMENTS

This program is funded by a dedicated sales tax of up to three quarters of one percent ($\frac{3}{4}\%$), and the collection of assessment payments due from completed projects. The tax will be collected for up to twenty years expiring December 31, 2027, as approved by voters. Roads are allocated 90% of the annual revenue, and trails are allocated 10%. Expenditures under the HART program are subject to the availability of funds.

1. Sidewalks shall be paid for out of road funds, and trails shall be paid for out of trail funds.
2. HART funds may be used to leverage outside funds for New Local Roads and Trails.
3. New local trails may be constructed using 100% program funds.
4. When additional right-of-way is required, acquisition costs will be paid by this program, at no additional cost to abutting property owners.
5. Interest, if any, generated from the program will remain with the program funds.
6. This program includes paving driveway aprons on contracts funded by HART.
7. Abutting property owners will share the cost of upgrading a street by paying the cost sharing specified in the fee schedule as adopted in the year the project or special assessment district was initiated.
8. 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 17.04.180.
9. The City will pay all costs for any additional improvements required when deemed necessary by the City.
10. Other improvements requested by the benefited property owners will be paid by those same property owners.
11. City share can apply to related utilities, sidewalks, street lighting, drainage, paving and/or reconstruction of roads identified on the road maintenance map.

VI. UTILITIES

1. Prior to street reconstruction, necessary related non-existing water and sewer improvements shall be encouraged whenever possible.
2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program.
3. Water and sewer utility relocations directly caused by reconstruction will be paid for by HART funds.
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 fund.
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. Costs will be recouped from benefiting property owners through deferred assessments. The Finance Department will maintain a listing of these deferred sewer and/or water service connection fees.
7. Whenever practical streetlights 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 Special Assessment District may request streetlights. If the project is deemed feasible, the property owners shall be

assessed for the installation of the streetlights 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).

VII. SPECIAL PROVISIONS

1. The Homer Advisory Planning Commission shall review the criteria for the H.A.R.T. program bi-annually, with recommendations reported to the Homer City Council.
2. The City Council shall review the HART fund on an annual basis during the third quarter.
3. Pedestrian amenities shall be included in all new road projects unless exempted by the City Council.
4. Funds may be used to finance projects where property owners pay 100% of the costs. Subject to City Council approval.
5. The City Council may exempt lands from assessment if the land will not be developed due to a conservation easement, or if the land is owned by a conservation organization that holds the land for public purpose or for habitat protection.

VIII. HISTORY

Ordinance 85-14 07/01/85, Ordinance 94-16(A), Ordinance 02-08(A), 04/08/03, Ordinance 02-23(A), 06/10/02, Ordinance 06-42(S), Ordinance 12-15

Resolution 87-61(S), Resolution 88-47, Resolution 88-77(A), Resolution 91-48, Resolution 91-68, Resolution 94-50, Resolution 95-97, Resolution 96-73, Resolution 03-116, 08/25/03), Resolution 04-41(A), Resolution 05-50(A), Resolution 05-70, 06/13/05, Resolution 07-82, Resolution 16-041(S-2)(A), May 9, 2016

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
FEBRUARY 13, 2017
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **CONSENT AGENDA**
4. **REGULAR MEETING AGENDA**
5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, February 27, 2017 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
FEBRUARY 13, 2017
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Mayor's Proclamation - Brother Asaiah Bates Day, February 14 Page 121

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

6. 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 January 23, 2017. City Clerk. Recommend adoption. Page 129
- B. **Memorandum 17-020**, from Mayor Zak, Re: Reappointment of Robert Archibald as Homer's Representative to the Prince William Sound Regional Citizens' Advisory Council. Page 153
- C. **Memorandum 17-021**, from Mayor Zak, Re: Reappointment of Mark Massion to the Library Advisory Board. Page 157
- D. **Memorandum 17-022**, from Deputy City Clerk, Re: Liquor License Renewals for Alice's Champagne Palace, Mermaid Café, Two Sisters Bakery, and Happy Face Restaurant. Page 161
- E. **Resolution 17-013**, A Resolution of the Homer City Council Awarding the Contract for the Purchase of a 2016 Chevy Express 4x4 Cargo Van for Public Works to the Firm of Chevy of South Anchorage, of Anchorage, Alaska, in the Amount of \$39,801 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption. Page 193

Memorandum 17-024 from Public Works Superintendent as backup. Page 195

- F. **Resolution 17-015**, A Resolution of the Homer City Council Awarding Wireless Edge Towers, LLC of New Rochelle, New York, a Lease for a Wireless Communication Tower on the Homer Spit, With an Initial Ten-Year Term and Four Ten-Year Renewal Terms on Lot 11 Homer Spit Subdivision No. 5, and Authorizing the City Manager to Move Forward With Cityscape Consultants, Inc. on Lease Negotiations and Execute the Appropriate Documents. City Manager. Recommend adoption. Page 197

Memorandum 17-023 from Port and Harbor Advisory Commission as backup. Page 199

7. VISITORS

8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS (10 minute limit per report)

- A. Borough Report
- B. Commissions/Board Reports:

1. Library Advisory Board
 2. Homer Advisory Planning Commission
 3. Economic Development Advisory Commission
 4. Parks Art Recreation and Culture Advisory Commission
 5. Port and Harbor Advisory Commission
 6. Cannabis Advisory Commission
- C. Thank You From Kachemak Heritage Land Trust and Alaskan Coastal Studies – Grant Awards Through The Homer Foundation Page 213
- D. Thank You From Pratt Museum – City’s Support for 2017 Page 215
- 9. PUBLIC HEARING(S)**
- A. **FRISBEE COURT ROAD SPECIAL ASSESSMENT DISTRICT**
- B. **Ordinance 17-06**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.80 and Homer City Code 1.18.050 to Appoint a Hearing Officer to Hear Ethics Complaints Against City Council Members and the Mayor and to Amend Homer City Code Section 2.08.050 to Permit the Board of Ethics or Hearing Officer to Dismiss Witnesses Prior to the Administrative Hearing and Clarify the Investigative and Hearing Process. Aderhold. Introduction January 23, 2017, Public Hearing and Second Reading February 13, 2017. Page 227
- 10. ORDINANCE(S)**
- 11. CITY MANAGER’S REPORT**
- A. City Manager’s Report Page 247
- B. Bid Report Page 255
- 12. CITY ATTORNEY REPORT**

13. COMMITTEE REPORT

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

- A. **Resolution 16-128**, A Resolution of the City Council of Homer, Alaska, Creating a Police Station Building Task Force and Establishing the Scope of Work and Parameters Under Which the Task Force Will Conduct Its Work. Mayor. Postponed from December 5, 2016.
Page 263
Resolution 16-128(S), A Resolution of the City Council of Homer, Alaska, Creating a Police Station Building Task Force and Establishing the Scope of Work and Parameters Under Which the Task Force Will Conduct Its Work. Mayor.
Page 265
- B. **Memorandum 17-018**, from Interim Finance Director, Re: Waiver of Penalties for Natural Gas Distribution Special Assessment. (Christopher Robinson request only.)
Page 269

15. NEW BUSINESS

- A. **Memorandum 17-026**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310(A-C)(3), Matters Which by Law, Municipal Charter, or Ordinance are Required to be Confidential (Christopher Robinson Request for Waiver of Penalties for Natural Gas Distribution Special Assessment).
Page 273

16. RESOLUTIONS

- A. **Resolution 17-014**, A Resolution of the City Council of Homer, Alaska, Authorizing the Extension of City of Homer Water Services to Benefited Lots in Kachemak City and Nullifying the Statement in Resolution 04-42(A) With Regard to Extending City Water to Non-City Properties. Stroozas.
Page 277
 - B. **Resolution 17-016**, A Resolution of the Homer City Council Awarding the Contract for the Homer Harbor High Mast Light LED Conversion Project to the Firm of Puffin Electric, Inc. of Homer, Alaska, in the Amount of \$168,423 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Port and Harbor Director. Recommend adoption.
Page 289
- Memorandum 17-025 from Port and Harbor Director as backup. Page 291

- 17. COMMENTS OF THE AUDIENCE**
- 18. COMMENTS OF THE CITY ATTORNEY**
- 19. COMMENTS OF THE CITY CLERK**
- 20. COMMENTS OF THE CITY MANAGER**
- 21. COMMENTS OF THE MAYOR**
- 22. COMMENTS OF THE CITY COUNCIL**

23. ADJOURNMENT

Next Regular Meeting is Monday, February 27, 2017 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.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

BROTHER ASAIAH BATES DAY

February 14, 2017

WHEREAS, Asaiah Bates served on the Homer City Council from January 8, 1973 to December 8, 1975; and

WHEREAS, He took up the cause of many who were unable to do so or who lacked the knowledge or were shy of the processes and procedures thereof; and

WHEREAS, He demonstrated time and again his selflessness and concern for others through contributions, volunteerism and monetary donations and moral support to the community and community members; and

WHEREAS, He was dedicated to assisting, developing and supporting children's programs and scholarships; and

WHEREAS, His faithful presence at Council meetings and well received input were a continual refreshment to the Council; and

WHEREAS, Because of his deep love for everyone and everything, Mayor Jack Cushing proclaimed February 14, 2000 as Asaiah Bates Day and encouraged everyone to recognize February 14th not only as Valentine's Day, but as Asaiah Bates Day.

NOW, THEREFORE, I, Bryan Zak, Mayor do hereby proclaim the day of February 14, 2017 as:

BROTHER ASAIAH BATES DAY

in the City of Homer, Alaska and encourage all Citizens to take time to remember this great Icon of Homer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 13th day of February, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 17-02 a Regular Meeting of the Homer City Council was called to order on January 23, 2017 at 6:00 p.m. by Mayor Bryan Zak 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 (telephonic), ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
CITY PLANNER ABBOUD
DEPUTY HARBORMASTER CLARKE
LIBRARY DIRECTOR DIXON
PUBLIC WORKS DIRECTOR MEYER

Councilmember Aderhold has requested telephonic participation.

REYNOLDS/LEWIS – MOVED TO ALLOW COUNCILMEMBER ADERHOLD TO PARTICIPATE BY PHONE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:00 p.m. to 4:46 p.m. to discuss Election Code Changes and New Police Station/Public Safety Building. From 5:00 p.m. to 5:47 p.m. Council met as a Committee of the Whole to review Ordinance 17-01, Ordinance 17-06, Ordinance 17-07 and 17-07(S), Consent Agenda 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: **CONSENT AGENDA - Ordinance 17-07(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Replace the Board of Adjustment With a Hearing Officer to Decide Administrative Appeals Under the Homer City Code, Including But Not Limited to, the

Use of a Hearing Officer to Order Impoundment of Dangerous Animals, Decide Disputes Regarding Itinerant Merchant Licenses, and Decide Disputes Regarding Qualifications of a Candidate for Office. Aderhold.

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

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Mayor's Proclamation – Congenital Heart Defect Awareness Week

Councilmember Reynolds read and presented the proclamation to Dottie Zopp, Chloe's grandmother.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Jan Rumble, Homer resident and Homer Hockey Association President, supports Ordinance 17-04. It will bring economic value to the City, could generate revenue for the ice rink, and provide local options to purchase cars.

Charlie Stewart, city resident, supports Ordinance 17-04. Selling of new cars is not being done anywhere in the city so it won't offend any established business. Last July the ice rink realized \$5,000 to \$6,000 in revenue from the sale of cars on their lot. They would like to be able to have cars sold at both the beginning and the end of the summer.

Salvation Army Captain Christin Fankhauser, city resident, supports Memorandum 17-017 and the drafting of an ordinance to allow zoning for cold weather shelters. She is willing to work with the City and the Planning Commission. It is a good step for something more permanent.

Peggy Kleinleder, city resident, expressed support for Memorandum 17-017 to address terms for long-term shelter and the continuation of care for people to move from homelessness.

Bob Bornt, city resident and SVT Behavioral Health Counselor, supports Memorandum 17-017. Homelessness contributes to mental health issues. He has purchased the old laundromat on Main Street with a goal to create low income housing to serve the population. He has an idea to put tiny houses in the area and create an opportunity village. He would like to see the

homeless become involved in a mental health personal development program, moving forward in phases to get substance abuse recovery. To view the concept go to www.opportunityvillageeugene.org

Mark Hemstreet, Save U More Store Manager, supports the Greatland Street expansion Option A as listed in Memorandum 17-109. The unfinished street is used now for pedestrian traffic and vagrants and homeless occupy the wooded area. He would like to see the ability to make a left turn out of both streets.

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 January 9, 2017. City Clerk. Recommend adoption.
- B. **Memorandum 17-014** from Mayor Zak, Re: Reappointments of Robert Hartley and Catherine Ulmer to the Port and Harbor Advisory Commission.
- C. **Memorandum 17-015** from City Clerk, Re: Liquor License Renewals for Boardwalk Fish & Chips and Don Jose's Mexican Restaurant.
- D. **Memorandum 17-016** from City Clerk, Re: Travel Authorization for Mayor Zak and Councilmembers Aderhold and Smith to Attend the Alaska Municipal League/Conference of Mayors Winter Legislative Conference in Juneau, Alaska, February 21 – 23, 2017.
- E. **Ordinance 17-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.30.020 to Add "Auto Equipment Sales, Rentals, Service, Repair and Storage" to the List of Permitted Uses in the Marine Industrial District. Lewis. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Moved to Ordinances, Item A. Aderhold.

- F. **Ordinance 17-05**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating \$970,870 From the Homer Accelerated

Roads/Trails Program (HART) for the Greatland Street Improvements (Option C) Project, and Authorizing the City Manager to Execute All Appropriate Documents. Erickson. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Memorandum 17-019 from Public Works Director as backup.

Moved to Ordinances, Item B. Aderhold.

G. **Ordinance 17-06**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.80 and Homer City Code 1.18.050 to Appoint a Hearing Officer to Hear Ethics Complaints Against City Council Members and the Mayor and to Amend Homer City Code Section 2.08.050 to Permit the Board of Ethics or Hearing Officer to Dismiss Witnesses Prior to the Administrative Hearing and Clarify the Investigative and Hearing Process. Aderhold. Recommended dates: Introduction January 23, 2017, Public Hearing and Second Reading February 13, 2017.

H. **Ordinance 17-07**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Remove the Board of Adjustment as the Decision Making Body in Appeals of Planning Commission Decisions, Remove the City Manager as the Decision Maker Regarding the Impoundment of Dangerous Animals, Remove the Police Chief as the Decision Maker Regarding Merchant Licenses, and Permit the City Clerk to Designate a Hearing Officer to Determine the Qualifications of a Candidate for Office. Aderhold. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Ordinance 17-07(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Replace the Board of Adjustment With a Hearing Officer to Decide Administrative Appeals Under the Homer City Code, Including But Not Limited to, the Use of a Hearing Officer to Order Impoundment of Dangerous Animals, Decide Disputes Regarding Itinerant Merchant Licenses, and Decide Disputes Regarding Qualifications of a Candidate for Office. Aderhold. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

I. **Resolution 17-012**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Shannon Lane, Shannon Court and Early Spring Street Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption.

Items E and F, Ordinances 17-04 and 17-05 were moved to Ordinances, Items A and B. Aderhold.

LEWIS/REYNOLDS – MOVED THAT WE ACCEPT THE CONSENT AGENDA AS AMENDED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. MAPP Steering Committee, Update on Community Needs Assessment, 10 minutes.

Hannah Gufstason, Mobilizing Action through Partnership and Planning (MAPP) Committee Coordinator, provided the most recent results of the community needs assessment. MAPP's vision is a proactive, resilient, and innovative community. Great strides have been made over the last eight years with the entities involved.

MAPP has utilized a national template comprised of four sets of assessments: community themes and strengths, local public health system, community health status, and forces of change.

Community themes and strengths: People see the top reasons and strengths of the community as natural beauty and people helping each other. Schools and cultural and arts opportunities are often listed. New to the list this time is recreational opportunities. Most negatively affecting people and the community are physical health, economic costs, and mental and emotional health. Substance abuse is the number one item negatively affecting the community.

Local public health: People see schools, churches, city planners, and elected officials attributing to a positive local public health.

Community health status: Demographics, leading causes of death, and family well-being are tracked. It is hoped that the goal to reduce the number of Alaskans experiencing poor mental health will be met.

Forces of change: Allowing us to better anticipate change, increase our agility and to raise awareness factors that are often out of our control are all forces. These things include politics, legislation, technology, the economy, and the environment.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS (10 minute limit per report)

A. Borough Report

Kenai Peninsula Borough Assembly President Kelly Cooper provided a report on the Assembly's business. The MAPP program is so well done that Ms. Cooper has provided the school board members their program to review health improvements.

The Assembly has received a Borough efficiencies report. Administration continues to reduce costs and improve efficiencies. There is an estimated savings of \$999,000 which is a combination of a one-time savings of \$592,000 and an annual savings of \$406,000. This was achieved by refinancing South Peninsula Hospital's current bonds for a savings of \$325,000, a fleet reduction to Central Emergency Services for a savings of \$200,000, consolidation of capital projects and purchasing for a savings of \$351,000 annually, publishing the assembly agenda online, converting the annual auction to an online product, and consolidating cell phone service and other improvements.

The Assembly had three turnovers mid-term. Gary Knopp was elected to the State Legislature and his seat was replaced in January. The Assembly will be replacing Glen Gilman's seat at the February 14th meeting and Brandi Holmdahl's seat in March. They both moved out of their districts. The appointments will be for the remainder of this year and then the three seats will run for election in the fall.

The Assembly has completed their state capital project priorities for 2017. Although there will be no capital funding, it is important to stay on top of the needs in the community. As a member of the Alaska Municipal League Board of Directors, President Cooper receives notice of federal grants when they become available. There is \$252M in grants available to fund broadband and underserved rural areas. The information is available on Senator Murkowski's website.

Lastly, the Assembly has begun their budget process. Departments will begin presenting to them in the upcoming months. This week she and Assemblyman Dunn met with the Chamber's Legislative Committee.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Planning Commissioner Savannah Bradley reported on the January 18th meeting. The commission approved a conditional use permit for 2080 Shannon Lane, the building of seven

small single family cabins. The CUP was approved with conditions and findings and an amendment to move back 50 ft. to the north corner of the property in response to concerns from neighbors. The Planning Commission will be considering other items to include temporary auto sales, removing the Board of Adjustment as the decision making body, and the extension of Greatland Street north to Pioneer Avenue.

3. Economic Development Advisory Commission

Councilmember Smith reported the commission had a great meeting with a full commission. They now have good footing and traction; we will receive good things from them.

4. Parks Art Recreation and Culture Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

Councilmember Lewis announced the next meeting of the commission will be on Thursday, January 26 at 5:30 p.m.

C. Thank You from Cook Inletkeeper for Funding from Homer Foundation

D. Mayor Zak Letter to City of Teshio Mayor Asada

PUBLIC HEARING(S)

A. **Ordinance 17-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040 to Remove Limitations Placed Upon Public Commenting Before City Council. City Manager. Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

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

Mayor Zak called for a motion for the adoption of Ordinance 17-01 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, STROOZAS, ERICKSON

Motion carried.

- B. **Ordinance 17-02**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Grubstake Avenue and Snowbird Street as Urban Road. City Manager/Public Works Director. Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

Memorandum 17-004 from Public Works Superintendent as backup.

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

Mayor Zak called for a motion for the adoption of Ordinance 17-02 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 17-03**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule; and Repealing Subsection (F) of Homer City Code 5.20.020, Open Burning – Permit Requirement, Homer City Code 5.24.060, Violation – Penalty, Homer City Code 8.08.150, Violation – Penalty, Homer City Code 8.11.080, Violation – Penalty, Homer City Code 13.08.170, Violation – Penalty, Homer City Code 14.08.170, Violation – Penalty, Homer City Code 18.20.090, Penalty, Homer City Code 19.04.100, Violation – Penalty, Homer City Code 19.08.120, Violation – Penalty, and Homer City Code 19.12.100 Violation – Penalties, to Provide for the Disposition of Additional Offenses by Bail Forfeiture Without a Court Appearance. City Manager. Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

Memorandum 17-005 from City Clerk as backup.

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

Mayor Zak called for a motion for the adoption of Ordinance 17-03 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 17-009**, A Resolution of the City Council of Homer, Alaska, Approving Port and Harbor Enterprise's Implementation of Newly Revised Crane Use Agreements. City Manager/Port and Harbor Director. Public Hearing January 23, 2017.

Memorandum 17-008 from Port and Harbor Director as backup.

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

Motion on the floor from January 9: MOTION FOR THE ADOPTION OF RESOLUTION 17-009 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 17-010**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule Under Planning and Zoning to Add Fees for Technical Review of Communication Tower Applications. City Clerk/City Planner. Public Hearing January 23, 2017.

Memorandum 17-009 from City Planner as backup.

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

Mayor Zak called for a motion for the adoption of Resolution 17-010 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 17-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.30.020 to Add "Auto Equipment Sales, Rentals, Service, Repair and Storage" to the List of Permitted Uses in the Marine Industrial District. Lewis. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Mayor Zak called for a motion for the introduction of Ordinance 17-04 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Opening up the auto uses in the entire Marine Industrial District will avoid spot zoning. Reference was made to Frank Griswold's comments on spot zoning. In the 1992 court case, Griswold vs. City of Homer, the plaintiff prevailed because a council member did not recuse themselves from voting on a zoning change when he owned land there. Council supports helping the Homer Hockey Association, but wants to avoid spot zoning. The Planning Commission will review the ordinance and then it will go to the Port and Harbor Advisory Commission.

Council expressed consensus on not allowing auto repair work and keeping all other uses temporary. The ordinance also needs to be sensitive to auto rental businesses so it does not undermine the people that have built businesses over the years.

City Planner Abboud expressed appreciation to the Council for providing their input to pass on to the Planning Commission.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 17-05**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating \$970,870 From the Homer Accelerated Roads/Trails Program (HART) for the Greatland Street Improvements (Option C) Project, and Authorizing the City Manager to Execute All Appropriate Documents. Erickson. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Memorandum 17-019 from Public Works Director as backup.

Mayor Zak called for a motion for the introduction of Ordinance 17-05 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

There are three different plans for the extension. Council heard from citizens who support Option A. When the Transportation Committee was active they recommended Option C.

LEWIS/STROOZAS - MOVED TO AMEND TO CHANGE OPTION C TO OPTION A AND JUST DO THE STRAIGHT LINE AND IN THE LONG RUN IT WOULD BE CHEAPER.

Councilmember Aderhold would like to see the Planning Commission evaluate each of the options and come back to us with a recommendation.

Public Works Director Meyer said at first glance Option A that uses the existing right-of-way seems to be the appropriate action. The Transportation Plan approved by Council in 2005 suggests Homer could use another east/west corridor. Part of that was constructed this last summer with the Waddell portion. Many of the intersections are not planned well; there are quite a few that are not at 90 degree angles. Option B is in conformance with the Transportation Plan and Option C is a compromise between the two. The Transportation Plan called for the connection to Bartlett Street. The extension of Greatland Street up to Pioneer Avenue creates a weird alignment on the intersection. Greatland Street on the other side of Pioneer Avenue has already been vacated. Option C is a compromise that will make a connection to Pioneer Avenue and will allow for future construction in compliance with the Transportation Plan.

Council discussed the options and offered the following comments: Option A maximizes the usability of the lots which increases land values and property taxes. At the four-way stop at Main Street there is already consternation with the large rigs that have to stop in the winter and traction up to get through the intersection. A straight line would be more efficient to plow. Both directions of Greatland could be right hand turn only. Option A loses less green space and trees. Option A is also the least expensive at a \$300,000 savings from Option C. Option A is not compliant with the Transportation Plan.

Public Works Director Meyer noted there is a short, relatively steep grade from Greatland Street before reaching Pioneer Avenue. The road will still meet the design criteria manual that has a maximum grade of 6%, but provides up to 15% grade for short sections away from intersections. Water and sewer service already runs along Greatland Street. The plan is to have a sidewalk from the Bypass to Pioneer Avenue with curb and gutter and sidewalks on both sides.

City Manager Koester advised Council Option A has multiple property owners and would require a special assessment district. Council would need to initiate it by resolution. She suggested Council include the three options to allow the Planning Commission to have the conversation. If their recommendation comes back as Option A we will then need to proceed with a special assessment district. Adding a whereas clause to the ordinance for Council's preference to Option A was suggested.

VOTE: (amendment) YES. REYNOLDS, LEWIS, STROOZAS, SMITH, ERICKSON

VOTE: NO. ADERHOLD

Motion carried.

Councilmember Aderhold commented there should be the option for the Planning Commission to review all options. There should also be a chance for the public to weigh in. It is a project that will affect everyone in the city.

Councilmember Stroozas noted when the Transportation Plan was put into force in 2005 the state coffers were full of money. We had no issues with money and could get state funding on projects. Times have changed. Here's an opportunity to meet our objective and build this road and save \$300,000.

VOTE: (main motion as amended) YES. REYNOLDS, ERICKSON, STROOZAS, SMITH, LEWIS

VOTE: NO. ADERHOLD

Motion carried.

Mayor Zak called for a recess at 7:43 p.m. and reconvened the meeting at 7:50 p.m.

CITY MANAGER'S REPORT

A. City Manager's Report

Industry Forum Travel Report

I, along with other City staff, a representative of the EDC and Mayor Zak, attended the 2017 Industry Outlook Forum on the 11th in Kenai. It was an informative update on the industries that make the Peninsula economy tick including oil and gas, tourism, health care and commercial fishing. Presentations can be found at the Kenai Peninsula Economic Development District website <https://kpedd.org/>

Seawall Report

The attached letter was sent to property owners along the Ocean Drive Seawall updating them on the maintenance procedures and finances of the seawall. As you recall, the City Council established a separate mill rate (special service area) for the purpose of funding maintenance to the seawall. The City also contributes \$10,000 a year to a seawall reserve account. It is my intention to update property owners annually with a maintenance and finance report. It is evident when researching the history of the Seawall that the property owners would benefit from a homeowner's association. This would give them more control over maintenance of the wall and how their tax dollars are spent, a unified voice when communicating with government entities and the ability to insure the infrastructure. I have also attached an impactful picture of the Seawall during a storm that highlights the power of the ocean.

Assistant Fire Chief Update

The hiring climate proved difficult the first round in our search for an Assistant Fire Chief. The City of Homer and KESA both had jobs posted (KESA, for a Deputy Chief) during the same recruitment period. The City re-posted the Assistant Chief position after an unsuccessful search for the right candidate, and KESA fell into the same position. Our original posting was from September 29 – November 13, with 13 candidates applying for the position. The top two candidates were invited to attend in-person interviews scheduled for January. However, one candidate decided against leaving his current job, and the other was offered another position. The position was re-advertised, and does not close until February 7. The hiring committee will meet on February 9 to go over applications, following up with essay questions for the most qualified applicants and Skype interviews. Face to face interviews, a meet and greet with the volunteers, and an instructional component will take place in a two-day process scheduled for mid to late March.

Electronic Monitoring at Homer Jail

The Alaska Department of Corrections is working with the City to install electronic monitoring capabilities at the Homer Jail. The main purpose of electronic monitoring is to reduce the number of people in our jails. Studies have shown that non-violent offenders do better in electronic monitoring programs. They are less likely to have employment related problems and are not any more likely to reoffend. Electronic monitoring will initially be offered to 1st time DUI's. The program may be extended in the future to include other pre-trial cases involving non-violent, first time offenders. Electronic monitoring is court ordered home confinement. The State will provide the required equipment and training. HPD will be able to attach ankle devices to the subjects and then monitor their location via GPS signals. The system will alarm if the subject leaves a defined area resulting in an officer responding to investigate and a possible arrest. The City will be helping the State by reducing the amount of utilized bed space, which lowers costs. At this point we do not have a timeline for implementation, but are in contact with the DOC.

Hickerson Cemetery Update

Public Works is incorporating comments on this project received during Planning Commission public meetings. The final plan will be presented to the Planning Commission in February. Below is the schedule for completion of the project:

Homer Advisory Planning Commission Project Approval	February 1, 2017
Preliminary Plat Approval (Homer Advisory Planning Commission)	February 15, 2017
Construction Bid Documents Complete	March 30, 2017
Preliminary Plat Approval (KPB Platting Commission)	April 20, 2017
Construction Begins	April 28, 2017
Construction Complete	May 21, 2017
Final Plat Approval (KPB Planning Commission)	May 22, 2017
New Burial Plots Available	May 23, 2017

Barge Mooring Facility

Good news: the State recently approved the City's request to transfer capital project funds originally allocated to the Sheet Pile Loading Dock to the Barge Mooring Facility. Council authorized this reallocation request as part of the 2017-2022 CIP update. The City will utilize the remaining Sheet Pile Loading Dock design funds to reach final design of the Barge Mooring Facility, a port project that will improve service to the same fleet that would have benefitted from the Sheet Pile Loading Dock had it proved feasible. We look forward to moving ahead with the Barge Mooring Facility which will provide safe moorage in the harbor's tidal zone and a haul out ramp to access an uplands repair facility, an associated project prioritized in the 2017-2022 CIP for a Legislative request. The Barge Mooring Facility and Haul Out Repair Facility will offer improved services to large vessel owners and will attract additional business to the community.

Legislative Worksessions

The 30th Alaska State Legislature gaveled in on January 17th marking the beginning of a fast paced legislative session with many weighty issues facing the State. The Homer City Council

has decided to take a more personal and proactive role in interacting with Juneau. Many members of the Council expressed an interest in closely following Juneau when I asked about it at the November 21, 2016 meeting. The best way I can come up with for all members to participate and provide timely input to the legislature would be to form a weekly standing worksession that can easily be cancelled when things are slow in Juneau. A standing worksession would be open to the public and advertised as “Issues before the Alaska Legislature including:”

- Revenue Sharing
- PERS/TRS and the Unfunded Liability
- Fiscal Policy
- Revenue measures new taxes (sales tax, income tax, etc.)
- State of Alaska Operating Budget
- Transportation
- Public Safety

Items can be added to the list as appropriate. Members would update each other on the issues they have been following, delegate tasks such as testifying before the legislature and decide on which issues need to come before City Council at a regular meeting for a position statement of the City. A worksession would be a transparent way to quickly confer and organize next steps. I propose meeting at 4 pm on Tuesday so items can be added to the next council agenda if needed. Using the conference room and encouraging telephonic participation by members will help keep things moving quickly, allow for the group to reach a quorum, and hopefully not interfere too much with your busy schedules. I propose the first meeting February 7 at 4 pm. This meeting will be used to plan for the trip to Juneau on the 21st.

Customer Feedback Postcard

At the direction of Mayor Zak, staff has come up with the attached customer feedback postcard that will be available at the front desk of city facilities. The purpose of the postcard is to encourage suggestions and ideas on how we can improve customer service – and hopefully positive feedback when we get things right! A similar online form will be available. Comments provided will be summarized and provided in the Manager’s report on a periodic basis.

Employee Anniversaries (January)

I would like to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer.

Richard Gibson	Public Works	17	Years
Jo Johnson	Clerks	13	Years
Teresa Sundmark	Library	10	Years
Amy Gordon	Library	10	Years
Tomasz Sulczynski	IT	9	Years
Larry Baxter	Police	8	Years
Andrea Browning	Admin	5	Years

Paul McBride

Public Works

5 Years

Council discussed the plan for the council Worksessions to track the legislative session. The Worksessions will be held each Tuesday at 4:00 p.m. Council will be allowed to participate by phone, creating less impact for all. With full council participation, topics can be divvied up and reports made at the meetings.

Upon the suggestion of Mayor Zak, there is now a customer feedback postcard available at city offices wherever the public interacts. Council would like to review the plans for the expansion of Hickerson Memorial Cemetery to try to make it more affordable for people purchasing plots. Council asked that the Police Chief look at costs of implementing electronic monitoring. Then councilmembers that travel to Juneau can talk to relevant people about increasing the public safety appropriation or restructuring services. Council commended City Manager Koester for her report to Ocean Drive Loop Special Service District (seawall) owners. City Manager shared the kudos with city staff who were instrumental in putting the report together.

B. Bid Report

CITY ATTORNEY REPORT

Holly Wells reported on Griswold vs. City of Homer, one of the three appeals brought to the Superior Court in 2015 and 2016. The City prevailed and final judgment has been issued. To date it has not been appealed to the Alaska Supreme Court. The other two Griswold vs. City of Homer cases where the City prevailed are before the Supreme Court on appeal.

COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee met last week to recap their mission: self-evaluating the City's practices and policies for compliance with ADA, establishing a transition plan for city facilities, and development of a grievance procedure. They reviewed correspondence from David Barton of Northwest ADA on developing a transition plan. David has an interest in providing training for the committee and volunteers. The committee will recommend a contract with Northwest ADA to prepare a transition plan. Council will see that soon. Additionally, the committee reviewed the provisions to the City's special event application to be compliant with ADA.

PENDING BUSINESS

- A. **Resolution 17-006**, A Resolution of the City Council of Homer, Alaska, Amending the City Council Operating Manual to Remove Limitations Placed Upon Public Commenting Before City Council. City Manager. Postponed from January 9, 2017 to follow Ordinance 17-01.

Mayor Zak called for a motion for the adoption of Resolution 17-006 by reading of title only.
LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 17-017** from Councilmember Erickson, Re: Temporary Shelter for People from the Cold Weather. Refer to Planning Commission.

Mayor Zak called for a motion for the approval of the recommendations of Memorandum 17-017 to refer to the Planning Commission.

LEWIS/REYNOLDS - SO MOVED.

Council concurred of the need for temporary shelter for people from the inclement weather. Additionally, agencies could help by setting parameters and helping people move towards a resolution to their homeless situation. The intent is to open zoning for temporary shelters, at the same time refraining from becoming a destination for homeless people. People will need to be working towards helping themselves.

City Planner Abboud said the first step is a shelter from immediate harm. There are ten-year plans sponsored by federal agencies to help eliminate homeless. Some of the bigger issues are the transitional housing. He is committed to working with the agencies and will gather more information as to who is willing to participate.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Memorandum 17-018** from Acting Finance Director, Re: Waiver of Penalties for Natural Gas Distribution Special Assessment.

LEWIS/REYNOLDS - MOVED TO MOVE CHRISTOPHER ROBINSON 17405119 UP TO SECTION ONE
– APPROVED.

Council has not reviewed the requests for waivers, the recommendations before them are from staff. Resolution 16-079(S)(A) recommends penalties be waived for exceptional circumstances.

City Attorney Wells advised Council there is a process in place for waivers. Council has testimony from one individual through public comment, but doesn't have it from others. It is best to have the Acting Finance Director look at the evidence and make recommendations. Otherwise it is difficult to draw the legislative versus quasi-judicial line. Council should follow the process in place for waivers.

City Manager Koester told Council Mr. Robinson provided detailed and thorough information to the finance department and contacted her personally. His request for abatement does not meet the set of requirements in Resolution 16-079(S)(A). It has been difficult for staff as there are a strict set of requirements for waivers of penalties. She doesn't believe we can come back with a different recommendation, but Council may review the applications at the City Clerk's office. Applications for waivers are not included in the council packet as to keep the applicants' information private. City Manager Koester suggested Council take a moment to review all applications so that it is done in a fair and consistent manner.

Councilmember Lewis commented if the other individuals felt their application was turned down unjustly they would have been here. Mr. Robinson has come to us. Since most people go through realtors and the title companies for purchasing properties they should know whether the assessment has been paid so everyone is on the same page.

Councilmember Stroozas was under the impression that property that when property that had an assessment transferred ownership the assessment had to be paid in full at the time of closure. There are provisions within the sale documents that can transfer the assessment responsibility to the purchaser.

Councilmember Smith believes Mr. Robinson has merit in his request and Council needs to act in good faith. He is not willing to act tonight on Mr. Robinson's testimony that conflicts with the Acting Finance Director's findings without reviewing the documents provided.

City Attorney Wells advised Council it is okay for Council to make a decision with Mr. Robinson's testimony. This decision is a quasi-judicial one circulating documents that are subject to

confidentiality. We have to be careful that some of the more general public documents are still available to the public through a public records request.

Councilmember Aderhold commented there are a lot of people that don't get bills in the mail and there is confusion with the title companies. She believes we need to reassess our process to make sure it is flowing properly and people are getting notified properly.

Councilmember Reynolds agreed with Councilmembers Smith and Aderhold, but if we are going to review one request we should review them all.

VOTE: YES. ERICKSON, LEWIS

VOTE: NO. REYNOLDS, STROOZAS, ADERHOLD, SMITH

Motion failed.

SMITH/ERICKSON - MOVED TO AMEND TO REMOVE #3 FOR FURTHER REVIEW AND ADDRESS THOSE AT THE NEXT COUNCIL MEETING.

Council discussed having a special meeting dedicated to review of penalty waivers.

LEWIS/REYNOLDS – MOVED TO AMEND TO DISCUSS THESE AT A SPECIAL MEETING.

Councilmember Smith had hoped Council could review the applications now.

Asked if Council could discuss the request for waivers in executive session, City Attorney Wells advised they could since Council would be acting as judges. It is appropriate to meet and deliberate outside. When Council has a quasi-judicial role they usually have a public hearing process. Then Council will go into deliberations without an executive session. Council can review the documents and can hold a special meeting solely to have an executive session in which they go into deliberations. It is combining the processes of legislative and quasi-judicial. Council does not have to take testimony. There is a process outlined in Resolution 16-079(S)(A). Council would like to change the process to review the waiver applications to make their decision and that is valid. The process can be changed next year for Council to take a closer view at waiver applications.

City Clerk Johnson told Council there is not an available time slot for a special meeting at the next council meeting.

VOTE: YES. (secondary amendment) STROOZAS, ERICKSON, REYNOLDS, LEWIS, ADERHOLD
VOTE: NO. SMITH

Motion carried.

LEWIS/REYNOLDS – MOVED TO AMEND TO HAVE THE SPECIAL MEETING AN EXECUTIVE SESSION.

The motion was approved by consensus of the Council.

City Attorney Wells advised Council they can chose to go into executive session or chose not to.

Council discussed options for hearing from individuals who have been denied the waiver of penalties. Only Mr. Robinson appeared to protest or challenge the finding. City Attorney Wells advised Council they could take the denials of penalty waivers one by one or as a group with the exception of Mr. Robinson.

VOTE: (main motion as amended) NO. SMITH, REYNOLDS, LEWIS, STROOZAS, ADERHOLD, ERICKSON

Motion failed.

LEWIS - MOVED TO AMEND TO REMOVE MR. ROBINSON FROM THE LIST AND WE REVIEW IT FOR OUR NEXT MEETING AND THEN MAKE A DECISION IN EXECUTIVE SESSION.

This motion was not seconded nor voted on based on recommendations from City Attorney Wells.

City Attorney Wells offered Option 1 and Option 2. Option 1: MOVE TO ACCEPT STAFF RECOMMENDATIONS EXCEPT FOR MR. ROBINSON'S AND WAIVE THE PENALTIES ASSOCIATED WITH MR. ROBINSON'S PARCEL. Option 2: MOVE TO ACCEPT THE RECOMMENDATIONS OF STAFF AND MEMORANDUM 17-018 WITH THE EXCEPTION OF MR. ROBINSON'S PARCEL WHICH WE WILL REVIEW AT OUR NEXT MEETING.

LEWIS/REYNOLDS - MOVED TO ACCEPT OPTION 2.

There was no additional discussion.

VOTE: (main motion) YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, STROOZAS, ERICKSON

Motion carried.

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Christopher Robinson, city resident, thanked Council for their diligent and honorable discussion on Memorandum 17-018. He told Council the City has declared they erred in failing to send a bill to him for the gas assessment. The prior owners did not receive any mailings either.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Zak thanked Council for the wonderful discussions on the homeless and their hard work. He recognized the congenital heart proclamation and Chloe, now 3 years old. He is looking forward to working on legislative matters before the Juneau trip.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold is attending the Alaska Marine Science Symposium. Two youths, one from Kotzebue and one from Unalaska, spoke and they were amazing. Nick Bond who quoted the phrase “The Blob” has said his prediction for the warm water anomaly is that things will return to normal this summer. About 1,000 people in Homer participated in the March on Washington. She gave a shout out to the City of Homer for their support of the march. Public Works got out bright and early and plowed streets and sanded sidewalks to make it a safe walking environment. The Police Department also provided safety. Kachemak Bay Campus provided a place to meet. Many local businesses donated coffee and snacks. We have a wonderful community.

Councilmember Reynolds thanked Council for the excusal from the last meeting. She had a nice vacation, but missed the Women's March. It is exciting that we had over 900 people participate; it is incredible for the size of our community. We may have had one of the best per capita turnouts in the nation. She seconded the kudos to the City and community that Councilmember Aderhold gave. During the walk people experienced the diesel fumes. One of the best green dots with that situation is to get the license plate of the person who did it if you are in a vehicle. We don't want it happening in our community; it is a form of bullying. She thanked everyone that showed up and participated.

Councilmember Stroozas announced tomorrow at noon the Chamber of Commerce will meet at the Bidarka Inn to host their annual membership meeting. At 2:00 p.m. they will converge on the Baycrest Overlook to have the ribbon cutting ceremony and the unveiling of the Homer Chamber of Commerce kiosk. The mayor will be there with the big scissors to cut the ribbon. Everyone is invited.

Councilmember Erickson reflected on the long-time residents that passed on, Sunny Smith and JJ Carroll. She has many years and fond memories of running into them in town. She appreciates their contributions to the community. She recognized the proclamation on congenital heart defects, something close to her heart as she has known the joy, the pain, and the sorrow of that. Many people have had successful operations, but for others it hasn't worked out quite as well. She encouraged everyone to enjoy their loved ones. Life is fragile and a gift.

Councilmember Smith echoed Councilmember Erickson's comments about Sonny and JJ. They were both here before him and their families continue to be here as active participants in the community. They both added a flavor to what makes up this little community. He has known the Carroll family for over 30 years and conducted JJ's funeral on Saturday. It was beautiful to see the people show up and share stories. Atz Kilcher wrote a special song for JJ that was amazing. Councilmember Smith chatted a lot with Sonny at the Glacier. He has a lot of good memories of both men. They were good people and he's grateful to have known them.

Councilmember Lewis attended the Telluride Film Festival put on by City Recreation under Mike Illg. There were wonderful films for both nights. Mike did a great job at the presentation and reminded people it was the City of Homer bringing it forward for the 15th year. He hopes we have many more.

ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 9:14 p.m. The next Regular Meeting is Monday, February 13, 2017 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.

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 17-020

TO: HOMER CITY COUNCIL
FROM: BRYAN ZAK, MAYOR
DATE: FEBRUARY 6, 2017
SUBJECT: REAPPOINTMENT OF ROBERT ARCHIBALD TO THE PRINCE WILLIAM SOUND
REGIONAL CITIZENS' ADVISORY COUNCIL.

Robert Archibald is reappointed to the Prince William Sound Regional Citizens' Advisory Council to represent Homer. This is for a two-year term to expire May 2019.

RECOMMENDATION:

Confirm the reappointment of Robert Archibald to the Prince William Sound Regional Citizens' Advisory Council.

Fiscal Note: N/A

FEB - 1 2017



Date February 1, 2017

To Brian Zak
Mayor of the City of Homer
491 E. Pioneer Avenue
Homer, AK. 99603

**Reappointment Request
to The Prince William Sound Regional Citizens Advisory Council**

Dear Mayor Zak,

In May 2017 my appointment to the Board of Directors of the Prince William Sound Regional

Citizens Advisory Council representing the City of Homer will expire. I have enjoyed representing the City of Homer and feel that my past professional career has been an asset to organization.

Please consider this letter as my official request to be reappointed to The Prince William Sound

Regional Citizens Advisory Council, representing the City of Homer on the Board of Directors.

Respectfully,
Robert Archibald



PO Box 2460
Homer, AK. 99603
907 235-8214
robert.e.archibald@gmail.com



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 17-021

TO: HOMER CITY COUNCIL
FROM: BRYAN ZAK, MAYOR
DATE: FEBRUARY 7, 2017
SUBJECT: REAPPOINTMENT OF MARK MASSION TO THE LIBRARY ADVISORY BOARD.

Mark Massion is reappointed to the Library Advisory Board for a three-year term to expire April 1, 2020.

RECOMMENDATION:

Confirm the reappointment of Mark Massion to the Library Advisory Board.

Fiscal Note: N/A

From: [Renee Krause](#)
To: [Jo Johnson](#)
Subject: FW: Library Advisory Board
Date: Tuesday, February 07, 2017 1:41:46 PM

[Here is a request for reappointment from Mark for LAB](#)

From: Mark or Michelle Massion [mailto:markmassion@yahoo.com]
Sent: Tuesday, February 07, 2017 12:36 PM
To: Renee Krause <RKrause@ci.homer.ak.us>
Subject: Library Advisory Board

Dear Renee,

My seat on the Library Advisory Board terminates in April of 2017. Therefore, I would like to take this opportunity to reapply for a two or three year term on the Board.

Would you please send me an email/receipt of the safe arrival of this request.

Thank you for your time and attention to detail, and all that you do for the LAB.

Regards,

Mark Massion



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 17-022

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, DEPUTY CITY CLERK

DATE: JANUARY 30, 2017

SUBJECT: LIQUOR LICENSE RENEWALS FOR ALICE'S CHAMPAGNE PALACE, MERMAID CAFÉ, TWO SISTERS BAKERY, AND HAPPY FACE RESTAURANT

We have been notified by the Alcohol Marijuana Control Office of an application for liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
253	Alice's Champagne Palace	Beverage Dispensary	Pioneer Beverages, Inc.	195 E. Pioneer Ave.
4728	Mermaid Café	Restaurant/Eating Place-Public Convenience	Andrew & Sally Wills	3487 Main St.
5049	Two Sisters Bakery	Restaurant/Eating Place-Public Convenience	Soul Sisters, Inc.	233 E. Bunnell Ave.
5342	Happy Face Restaurant	Restaurant/Eating Place-Public Convenience	Lee & Kim, LLC	4400 Homer Spit Rd.

RECOMMENDATION: Voice non objection and approval for the liquor license renewals.

Fiscal Note: Revenues.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

January 19, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	253
Licensee:	Pioneer Beverages, Inc.		
Doing Business As:	Alice's Champagne Palace		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Jedediah Smith, Local Government Specialist
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application**What is this form?**

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that will expire on December 31, 2016. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only needs to be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed.

Licensee:	Pioneer Beverages, Inc.	License #:	253
License Type:	Beverage Dispensary	Statute:	AS 04.11.090
Doing Business As:	Alice's Champagne Palace		
Premises Address:	195 E Pioneer Ave		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	203 W. Pioneer Ave. Ste 2B		
City:	Homer	State:	AK
		ZIP:	99603

Enter information for the licensee who will be designated as the primary point of contact regarding this application and the license.

Designated Licensee:	Michael Todd Boling		
Contact Phone:	907-235-9700	Business Phone:	907-235-3225
Contact Email:	Alices@homerbiz.com		

Seasonal License? ☐ Yes ☒ No ☒ If "Yes", write your six-month operating period: _____



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application**Section 2 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 3.

If more space is needed, please attach a separate sheet with the required information.

The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

Section 3 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC). Partnerships may skip to Page 3. Sole proprietors should skip to Section 4.

Alaska DOC Entity #:	10022395
----------------------	----------

Alaska Division of Corporations:

Yes No

Is your entity in good standing with the Alaska Division of Corporations?

☒ ☐



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Entity Official:	Michael Todd Boling				
Title(s):	Dir., Pres., Sec., Treas.	Phone:	907-235-3225	% Owned:	100%
Address:	203 W. Pioneer Ave. Ste. 2B				
City:	Homer	State:	AK	ZIP:	99603

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

Section 4 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒ ☐

If "Yes", disclose the name of the individual and the reason for this authorization:

John Kelly · Reporting Agent / Accountant

Section 5 – License Operation

Check the box that best describes your liquor license operations in calendar years 2015 and 2016:

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☒

The license was regularly operated during a specific season each year, for 8 or more hours each day.

☐

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.

☐

If this box is checked, an AMCO employee will contact you after reviewing your application.

Section 6 – Convictions

Applicant convictions in calendar years 2015 and 2016:

Yes No

Has any person named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2015 or 2016?

☐ ☒

If "Yes", list all convictions:



Alaska Alcoholic Beverage Control Board

Form AB-17: Renewal License Application

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and if the licensee is an organized entity, that all current entity officials and stakeholders are listed with the Alaska Division of Corporations.



I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.



I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.



I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.



I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Alcoholic Beverage Control Board.



As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Michael Todd Boling
Signature of licensee

Michael Todd Boling
Printed name of licensee

Pamela J. Williams
Signature of Notary Public

Notary Public
PAMELA J. WILLIAMS
Notary Public in and for the State of Alaska
My Commission Expires Nov 14, 2018

My commission expires: November 14, 2018

Subscribed and sworn to before me this 30 day of December, 2016.

License Fee:	\$ 2500.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 2700.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$ 2,700.00



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 13, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Restaurant/Eating Place-Public Convenience	License Number:	4728
Licensee:	Andrew & Sally Wills		
Doing Business As:	Mermaid Cafe		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Jedediah Smith, Local Government Specialist

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17a: Restaurant / Eating Place

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant / eating place license that will expire on December 31, 2016. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only needs to be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed.

Licensee:	Andrew & Sally Wills	License #:	4728
License Type:	Restaurant/Eating Place-Public Convenience	Statute:	AS 04.11.400(g)
Doing Business As:	Mermaid Café		
Premises Address:	3487 Main St		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	P.O. Box 382		
City:	HOMER	State:	ALASKA
		ZIP:	99603

Enter information for the licensee who will be designated as the primary point of contact regarding this application and the license.

Designated Licensee:	Andrew M. Wills		
Contact Phone:	907-399-4338	Business Phone:	907-235-7984
Contact Email:	books@ak.net		

Seasonal License? ☐ Yes ☒ No
If "Yes", write your six-month operating period: _____





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17a: Restaurant / Eating Place

Section 2 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 3.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☒ applicant ☐ affiliate

Name:	Andrew M. Wills				
Address:	P.O. Box 382				
City:	Homer	State:	Alaska	ZIP:	99603
Email:	books @ ak.net				
Contact Phone:	907-235-7984				

This individual is an: ☒ applicant ☐ affiliate

Name:	Sally A. Wills				
Address:	P.O. Box 382				
City:	Homer	State:	Alaska	ZIP:	99603
Email:	books @ ak.net				
Contact Phone:	907-235-7984				

Section 3 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC). Partnerships may skip to Page 3. Sole proprietors should skip to Section 4.

Alaska DOC Entity #:	
----------------------	--

Alaska Division of Corporations:

Yes No

Is your entity in good standing with the Alaska Division of Corporations?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------





Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Entity Official:	Andrew Wills				
Title(s):	owner	Phone:	907-235-7984	% Owned:	50%
Address:	P.O. Box 382				
City:	Hammer	State:	Alaska	ZIP:	99603

Entity Official:	Sally Wills				
Title(s):	Sally Wills owner	Phone:	907-235-7984	% Owned:	50%
Address:	PO Box				
City:	Hammer	State:	Alaska	ZIP:	99603

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Section 4 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☐☒

If "Yes", disclose the name of the individual and the reason for this authorization:

Section 5 – License Operation

Check the box that best describes your liquor license operations in calendar years 2015 and 2016:

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☒

The license was regularly operated during a specific season each year, for 8 or more hours each day.

☐

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

Section 6 – Convictions

Applicant convictions in calendar years 2015 and 2016:

Yes No

Has any person named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2015 or 2016?

☐☒

If "Yes", list all convictions:





Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

<https://www.commerce.alaska.gov/web/amco>

Phone: 907.269.0350

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and if the licensee is an organized entity, that all current entity officials and stakeholders are listed with the Alaska Division of Corporations.

AW

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

AW

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

AW

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

AW

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Alcoholic Beverage Control Board.

AW

I certify that the gross receipts for the sale of food at the restaurant equal at least 50% of the total gross receipts for calendar years 2015 and 2016.

AW

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Printed name of licensee

Notary Public
CATHERINE HANENBERGER
State of Alaska
My Commission Expires July 12, 2020

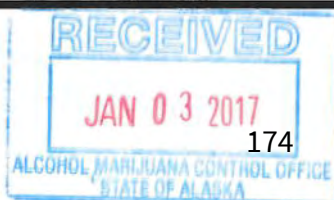
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: July 12, 2020

Subscribed and sworn to before me this 29th day of December, 2016.

License Fee:	\$ 600.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 800.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 13, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Restaurant or Eating Place – Public Convenience	License Number:	5049
Licensee:	Soul Sisters, Inc.		
Doing Business As:	Two Sisters Bakery		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Jedediah Smith, Local Government Specialist

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17a: Restaurant / Eating Place

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant / eating place license that will expire on December 31, 2016. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only needs to be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed.

Licensee:	Soul Sisters Inc	License #:	5049
License Type:	Restaurant/Eating Place-Public Convenience	Statute:	AS 04.11.400(g)
Doing Business As:	Two Sisters Bakery		
Premises Address:	233 E Bunnell Ave		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	233 E. BUNNELL AVE		
City:	HOMER	State:	AK
ZIP:	99603		

Enter information for the licensee who will be designated as the primary point of contact regarding this application and the license.

Designated Licensee:	CARRI A. THURMAN		
Contact Phone:	907-255-2280	Business Phone:	SAME
Contact Email:	bakedcxyz.net		

Seasonal License? ☐ Yes ☒ No If "Yes", write your six-month operating period: _____





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17a: Restaurant / Eating Place

Section 2 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 3.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

Section 3 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC). Partnerships may skip to Page 3. Sole proprietors should skip to Section 4.

Alaska DOC Entity #:	63431D
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Alaska Division of Corporations: Yes No

Is your entity in good standing with the Alaska Division of Corporations?

☒ ☐





Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each stockholder who owns 10% or more of the stock in the corporation, and for each president, vice-president, secretary, and managing officer.
- If the applicant is a limited liability organization, the following information must be completed for each member with an ownership interest of 10% or more, and for each manager.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each partner with an interest of 10% or more, and for each general partner.

Entity Official:	CARRI THURMAN				
Title(s):	PRESIDENT	Phone:	907-399-3930	% Owned:	50
Address:	41905 LOOKOUT DR.				
City:	HOMEAC	State:	AK	ZIP:	99603

Entity Official:	SHAZON ROOSA				
Title(s):	V. PRESIDENT	Phone:	907-299-6626	% Owned:	50
Address:	105 WYOH WAY				
City:	HOMEAC	State:	AK	ZIP:	99603

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

Section 4 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☐☒

If "Yes", disclose the name of the individual and the reason for this authorization:

Section 5 – License Operation

Check the box that best describes your liquor license operations in calendar years 2015 and 2016:

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☒

The license was regularly operated during a specific season each year, for 8 or more hours each day.

☐

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.

☐

If this box is checked, an AMCO employee will contact you after reviewing your application.

Section 6 – Convictions

Applicant convictions in calendar years 2015 and 2016:

Yes No

Has any person named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2015 or 2016?

☐☒

If "Yes", list all convictions:





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17a: Restaurant / Eating Place

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and if the licensee is an organized entity, that all current entity officials and stakeholders are listed with the Alaska Division of Corporations.

[Handwritten initials]

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

[Handwritten initials]

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

[Handwritten initials]

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

[Handwritten initials]

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Alcoholic Beverage Control Board.

[Handwritten initials]

I certify that the gross receipts for the sale of food at the restaurant equal at least 50% of the total gross receipts for calendar years 2015 and 2016.

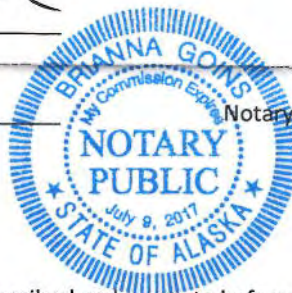
[Handwritten initials]

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

[Handwritten signature of licensee]
Signature of licensee

[Handwritten signature of notary public]
Signature of Notary Public

[Handwritten printed name of licensee]
Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: July 9, 2017

Subscribed and sworn to before me this 30th day of December, 2016.

License Fee:	\$ 600.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 800.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					800.00





THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Main: 907.269.0350

January 25, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2017/2018 Liquor License Renewal Application

License Type:	Restaurant or Eating Place – Public Convenience	License Number:	5342
Licensee:	Lee & Kim, LLC		
Doing Business As:	Happy Face Restaurant		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Jedediah Smith, Local Government Specialist

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17a: Restaurant / Eating Place

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant / eating place license that will expire on December 31, 2016. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only needs to be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed correctly and submitted to the Alcohol & Marijuana Control Office (AMCO)'s main office, along with all other required documents and fees, before any renewal license application will be considered complete.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed.

Licensee:	Lee & Kim, LLC	License #:	5342
License Type:	Restaurant/Eating Place-Public Convenience	Statute:	AS 04.11.400(g)
Doing Business As:	Happy Face Restaurant		
Premises Address:	4400 Homer Spit Road		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	4400 Homer Spit Road		
City:	Homer	State:	AK
		ZIP:	99603

Enter information for the licensee who will be designated as the primary point of contact regarding this application and the license.

Designated Licensee:	Yong Kim		
Contact Phone:	817-600-1115	Business Phone:	907-235-0148
Contact Email:	joseph4400 AK@yahoo.com		

Seasonal License? ☐ Yes ☒ No If "Yes", write your six-month operating period: _____





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17a: Restaurant / Eating Place

Section 2 – Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 3.
If more space is needed, please attach a separate sheet with the required information.
The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

This individual is an: ☐ applicant ☐ affiliate

Name:					
Address:					
City:		State:		ZIP:	
Email:					
Contact Phone:					

Section 3 – Entity Ownership Information

This subsection must be completed by any licensee that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC). Partnerships may skip to Page 3. Sole proprietors should skip to Section 4.

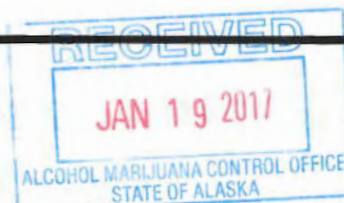
Alaska DOC Entity #:	100 18252
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Alaska Division of Corporations:

Yes No

Is your entity in good standing with the Alaska Division of Corporations?

☒ ☐





Alaska Alcoholic Beverage Control Board

Renewal License Application

Form AB-17a: Restaurant / Eating Place

This subsection must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more* of the stock in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	Yong Kim				
Title(s):	Owner	Phone:	817-600-1115	% Owned:	100
Address:	4400 Homer Sp: + RD				
City:	Homer	State:	AK	ZIP:	99603

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	





Alaska Alcoholic Beverage Control Board
Renewal License Application
Form AB-17a: Restaurant / Eating Place

Section 4 – Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

☒ ☐

If "Yes", disclose the name of the individual and the reason for this authorization:

Joseph Shim, Translation

Section 5 – License Operation

Check the box that best describes your liquor license operations in calendar years 2015 and 2016:

The license was regularly operated continuously throughout each year, for 8 or more hours each day.

☒

The license was regularly operated during a specific season each year, for 8 or more hours each day.

☐

The license was only operated to meet the minimum requirement of 30 days each year, 8 hours each day.
If this box is checked, an AMCO employee will contact you after reviewing your application.

☐

The license was not operated at all or was not operated for at least the minimum requirement of 30 days each year, 8 hours each day, during one or both of the calendar years.

☐

If this box is checked, an AMCO employee will contact you after reviewing your application.

Section 6 – Convictions

Applicant convictions in calendar years 2015 and 2016:

Yes No

Has any person named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2015 or 2016?

☐ ☒

If "Yes", list all convictions:





Alaska Alcoholic Beverage Control Board Renewal License Application Form AB-17a: Restaurant / Eating Place

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and if the licensee is an organized entity, that all current entity officials and stakeholders are listed with the Alaska Division of Corporations.

YK

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

YK

I certify that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

YK

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers or stakeholders) from what is currently on file with the Alcoholic Beverage Control Board.

YK

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Alcoholic Beverage Control Board.

YK

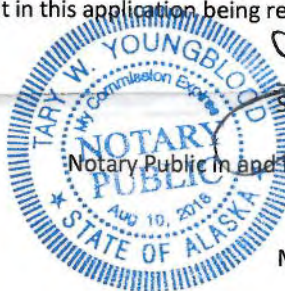
I certify that the gross receipts for the sale of food at the restaurant equal at least 50% of the total gross receipts for calendar years 2015 and 2016.

YK

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Signature of licensee

Yong Kim
Printed name of licensee



Signature of Notary Public

Notary Public in and for the State of

Alaska

My commission expires:

8/10/18

Subscribed and sworn to before me this 5 day of December, 2016.

License Fee:	\$ 600.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 800.00
Late Fee of \$500.00 – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$ 800.00





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

TO: MARK ROBL, POLICE CHIEF

FROM: MELISSA JACOBSEN, DEPUTY CITY CLERK

DATE: JANUARY 30, 2017

SUBJECT: LIQUOR LICENSE RENEWALS FOR ALICE'S CHAMPAGNE PALACE, MERMAID CAFÉ, TWO SISTERS BAKERY, HAPPY FACE RESTAURANT

We have been notified by the Alcohol Marijuana Control Office of applications for liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
253	Alice's Champagne Palace	Beverage Dispensary	Pioneer Beverages, Inc.	195 E. Pioneer Ave.
4728	Mermaid Café	Restaurant/Eating Place-Public Convenience	Andrew & Sally Wills	3487 Main St.
5049	Two Sisters Bakery	Restaurant/Eating Place-Public Convenience	Soul Sisters, Inc.	233 E. Bunnell Ave.
5342	Happy Face Restaurant	Restaurant/Eating Place-Public Convenience	Lee & Kim, LLC	4400 Homer Spit Rd.

This matter is scheduled for the February 13, 2017 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **Wednesday, February 8, 2017**.

Thank you for your assistance.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151

Memorandum

TO: MELISSA JACOBSEN, DEPUTY CITY CLERK

FROM: MARK ROBL, CHIEF OF POLICE *MR*

DATE: JANUARY 30, 2017

SUBJECT: LIQUOR LICENSE RENEWALS FOR ALICE'S CHAMPAGNE PALACE, MERMAID CAFE, TWO SISTERS BAKERY, HAPPY FACE RESTAURANT

We have no objections to the applications for liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
253	Alice's Champagne Palace	Beverage Dispensary	Pioneer Beverages, Inc.	195 E. Pioneer Ave.
4728	Mermaid Cafe	Restaurant/Eating Place- Public Convenience	Andrew & Sally Wills	3487 Main St.
5049	Two Sisters Bakery	Restaurant/Eating Place- Public Convenience	Soul Sisters, Inc.	233 E. Bunnell Ave.
5342	Happy Face Restaurant	Restaurant/Eating Place- Public Convenience	Lee & Kim, LLC	4400 Homer Split Rd.



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@kpb.us

JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 19, 2017

Ms. Sarah Daulton Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, AK 99501

RE: Non-Objection of License Renewal

Business Name	:	Mermaid Cafe
License Type	:	Restaurant/Eating Place – Public Convenience
License Location	:	City of Homer
License No.	:	4728

Dear Sarah,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • FAX: (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

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JOHNI BLANKENSHIP, MMC
BOROUGH CLERK

January 19, 2017

Ms. Sarah Daulton Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, AK 99501

RE: Non-Objection of License Renewal

Business Name	:	Two Sisters Bakery
License Type	:	Restaurant or Eating Place – Public Convenience
License Location	:	City of Homer
License No.	:	5049

Dear Sarah,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

JB/klr

cc: Applicant
City of Homer
KPB Finance Department
File



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

January 27, 2017

Ms. Sarah Daulton Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, AK 99501

RE: Non-Objection of License Renewal

Business Name	:	Happy Face Restaurant
License Type	:	Beverage Dispensary
License Location	:	City of Homer
License No.	:	5342

Dear Sarah,

This serves to advise that the Finance Department has reviewed the above referenced application and has no objection to the renewal of this license.

Should you have any questions, or need additional information, please do not hesitate to contact our office.

Sincerely,

JB

cc: Applicant
City of Homer
KPB Finance Department
File

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 17-013

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR THE PURCHASE OF A 2016 CHEVY EXPRESS 4X4 CARGO VAN FOR PUBLIC WORKS TO THE FIRM OF CHEVY OF SOUTH ANCHORAGE, OF ANCHORAGE, ALASKA, IN THE AMOUNT OF \$39,801 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy, quotes were solicited from various dealerships throughout Alaska; and

WHEREAS, Quotes were received from five dealerships; and

WHEREAS, Quotes were compared and the firm of Chevy of South Anchorage was determined to have provided the lowest and best quote, and was found to be qualified to supply the vehicle; and

WHEREAS, The quote is within the capital request approved by the City Council; and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby awards the contract for the purchase of a 2016 Chevy Express 4x4 Cargo Van for Public Works to the firm of Chevy of South Anchorage, of Anchorage, Alaska, in the amount of \$39,801, plus standard document fees, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

43 ATTEST:

44

45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: Public Works Fleet Fund \$39,801 (152-0383-5902)



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 17-024

To: Katie Koester, City Manager

Through: Carey S. Meyer, PW Director
From: Dan Gardner, PW Superintendent

Date: January 24, 2017

Subject: Award Purchase of 2016 Building Maintenance Van

The 2017 Public Works Capital Budget contains \$50,000 for the purchase of a new 4x4 Building Maintenance Van to replace the 1995 Chevy Astro van. Quotes were requested from several dealers in Anchorage, Fairbanks, and Kenai. Dodge was contacted, but could not provide a quote since a 4x4 option was not available.

The quotes were for a 4x4 cargo van capable of handling 8-foot long boards/tables behind the seat bulkheads. Both Stanley Ford and Worthington Ford are now owned by Kendall Ford, though separate quotes from Kendall dealers were obtained. Price does not include standard documentation fees. Quotes were as follows:

Dealer Name	Location	Van	Price
Kendall Ford	Anchorage	2016 Transit 148" WB	\$44,230
Kendall Ford	Anchorage	2017 Transit 136" WB	\$43,480
Kendall Ford	Kenai	2016 Transit 148" WB	\$52,191
Seekins Ford	Fairbanks	2017 Transit 148" WB	\$42,950
Alaska Sales & Service	Anchorage	2017 Express 135" WB	\$40,634
Chevy of S. Anchorage	Anchorage	2016 Express 135" WB	\$39,801

Recommendation

Due to the lowest price, and the fact that the van is available now, Public Works is recommending the purchase of the 2016 Chevy Express from Chevy of South Anchorage in the amount \$39,801, per quote dated January 17, 2017.

Fiscal Note

This purchase is budgeted in the Public Works Fleet Fund Account 152-0383-5902. A portion of the remaining budget will be used for outfitting the van with necessary lighting, VHF radio, racks, etc.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 17-015

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING WIRELESS EDGE TOWERS, LLC OF NEW ROCHELLE, NEW YORK, A LEASE FOR A WIRELESS COMMUNICATION TOWER ON THE HOMER SPIT, WITH AN INITIAL TEN-YEAR TERM AND FOUR TEN-YEAR RENEWAL TERMS ON LOT 11 HOMER SPIT SUBDIVISION NO. 5, AND AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH CITYSCAPE CONSULTANTS, INC. ON LEASE NEGOTIATIONS AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Ordinance 16-53 authorized the City Manager and CityScape Consultants, Inc. to facilitate lease negotiations for a long-term communication tower lease and contract on Lot 11, Homer Spit Subdivision No. 5, including the request for proposal, selection process and siting of the tower and equipment; and

WHEREAS, A Request for Proposals for a Wireless Communication Tower for Homer Spit Property was issued on December 9, 2016; and

WHEREAS, The advertisement for sealed proposals for a Wireless Communication Tower for Homer Spit Property was advertised in the Homer Tribune on December 15 and 22, 2016, the Anchorage Daily News on December 18 and 24, 2016, and posted on the Alaska Bid Network; and

WHEREAS, Sealed proposals were due at the Office of the City Clerk by 4:00 p.m. on January 17, 2017; and

WHEREAS, Three proposals were submitted and reviewed by CityScape Consultants, Inc. who determined Wireless Edge Towers, LLC as the highest ranked candidate and recommends going into negotiations for 30 days regarding the terms of the lease; and

WHEREAS, CityScape Consultants, Inc. further recommends if terms cannot be reached in the 30-day negotiation period they will work with the next ranked candidate, Atlas Tower Holdings, LLC.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves a new ten-year lease with four ten-year renewal terms with Wireless Edge Towers, LLC of New Rochelle, New York, and authorizes the City Manager and CityScape Consultants, Inc. to negotiate and execute the appropriate documents.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of February,
2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Minimum base rent of \$15,000 plus revenue from co-locations and signing bonuses
for a new ten-year lease with four ten-year renewal terms.



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 17-023

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: PORT & HARBOR ADVISORY COMMISSION

DATE: FEBRUARY 7, 2017

SUBJECT: RECOMMENDATION FOR A WIRELESS COMMUNICATION TOWER ON THE HOMER SPIT

On February 6, 2017 the Port & Harbor Advisory Commission held a special meeting and convened into executive session to review and discuss proposals submitted and CityScape Consultants, Inc. recommendation on the RFP for a Wireless Communication Tower on the Homer Spit.

The Commission adjourned the executive session and resumed the special meeting where they voted unanimously to support the recommendation from CityScape Consultants, Inc. to award the contract to Wireless Edge Towers, LLC.

The Commission also voted unanimously to support a 50-year term with an initial 10-year term followed by four 10-year renewal terms.

RECOMMENDATION: Award the contract the for a wireless communication tower to Wireless Edge Towers, LLC with an initial 10-year term followed by four 10-year renewal terms.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 16-53

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSAL FOR LOT 11, HOMER SPIT SUBDIVISION NO. 5, FOR A LONG-TERM COMMUNICATIONS TOWER LEASE AND AMENDING THE FY 2016 OPERATING BUDGET BY APPROPRIATING FUNDS IN THE AMOUNT OF \$12,500.00 FROM PORT AND HARBOR DEPRECIATION RESERVES TO FUND TOWER CONSULTANT SERVICES WITH CITYSCAPE CONSULTANTS, INC.

WHEREAS, Resolution 15-030(A) authorized the City Manager to issue a request for proposal (RFP) for Homer Spit No. 5 Lot 11 for a long term cell tower lease; and

WHEREAS, On June 29, 2015, Resolution 15-049 awarded a twenty year lease with two five-year options on a portion of Lot 11, Homer Spit Subdivision, No. 5 to SpitwSpots Inc. of Homer, Alaska, and authorized the City Manager to execute the appropriate documents; and

WHEREAS, On August 3, 2016 negotiations with SpitwSpots were terminated after failure to come to an agreement that both parties found mutually beneficial; and

WHEREAS, Since August 2016, the City has received letters of interest from four different companies interested in constructing a tower on Homer Spit No. 5 Lot 11; and

WHEREAS, It is the policy of the City of Homer for a letter of interest to trigger Council to consider authorizing a request for proposal; and

WHEREAS, Moving forward without additional delay on this project is important so that a tower can be up by the next construction season to serve the great demand for increased communications capacity in Homer; and

WHEREAS, Due to the complexity of tower regulations and requirements, staff recommends hiring a professional wireless communications firm to facilitate the request for proposal process and subsequent negotiations; and

WHEREAS, Hiring a third party will allow for an expert and objective analysis of all RFPs which will be both beneficial to the City of Homer and the businesses submitting proposals; and

WHEREAS, CityScape Consultants, Inc. has extensive experience in Alaska handling tower negotiations with municipalities such as Juneau and the MatSu Borough and is qualified to facilitate the process for the City of Homer.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City Council of Homer, Alaska, authorizes the City Manager to issue a request for proposal for a long-term tower lease on a portion of Lot 11, Homer Spit Subdivision No. 5.

Section 2. The Homer City Council hereby amends the FY 2016 Operating Budget by appropriating \$12,500.00 from Port and Harbor Depreciation Reserves to hire CityScape Consultants, Inc. to facilitate the lease negotiations, including request for proposal, selection process, and siting of the tower and equipment.

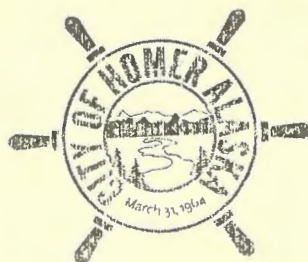
Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
456-380	Consultant services for communications tower	\$12,500.00

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24th day of October, 2016.

CITY OF HOMER



BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

82 YES: 6
83 NO: 0
84 ABSTAIN: 0
85 ABSENT: 0

86
87 First Reading: 10/10/16
88 Public Hearing: 10/24/16
89 Second Reading: 10/24/16
90 Effective Date: 10/25/16

91
92 Reviewed and approved as to form:

93
94 Mary K Koester
95 Mary K. Koester, City Manager

Holly C. Wells
Holly C. Wells, City Attorney

96
97 Date: 10-26-16

Date: 11-7-16

98
99 Fiscal Note: \$12,500.00 from Port and Harbor Depreciation Reserves (456-380).

Session 17-03, a Special Meeting of the Port and Harbor Advisory Commission was called to order by Vice Chair Zimmerman at 5:30 p.m. on February 6, 2017 at the City Hall Conference Room located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER CARROLL, HARTLEY, ZEISET, ZIMMERMAN

ABSENT: DONICH, ULMER

STAFF: HARBORMASTER HAWKINS
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF THE AGENDA

Vice Chair Zimmerman asked for a motion to amend the agenda to move New Business after Public Comments.

CARROLL/HARTLEY SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

The agenda as amended was approved by consensus of the Commission.

PUBLIC COMMENTS

The public may comment regarding items on the agenda (3 minute time limit)

NEW BUSINESS

- A. Request For Executive Session Pursuant to AS 44.62.310(c)(3), Matters which by law, municipal charter, or ordinance are required to be confidential (Review of Proposals for RFP for a Wireless Communication Tower for Homer Spit Property)

HARTLEY/CARROLL MOVED THAT THE COMMISSION CONVENE TO EXECUTIVE SESSION TO DISCUSS CITYSCAPES RECOMMENDATION FOR A WIRELESS COMMUNICATION TOWER ON HOMER SPIT PROPERTY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

The Commission went off the record at 5:35 p.m. and Vice Chair Zimmerman reconvened the special meeting at 6:06 p.m.

CARROLL/HARTLEY MOVED TO RECOMMEND ACCEPTING THE PROPOSAL FROM WIRELESS EDGE TO THE CITY COUNCIL.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HARTLEY/ZEISET MOVED TO RECOMMEND THE FIFTY-YEAR LEASE IN TEN-YEAR INCREMENTS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PENDING BUSINESS

A. Draft Fish Pump RFP Final Review

The Commission and the Harbormaster discussed the fish pump RFP. They talked about locating the second fish pump on south trestle with dewatering in an area just off the dock, using the aerial photo of the harbor for reference.

The Commission also discussed and agreed with

- The short term leases in the draft RFP
- Requiring the equipment be removed before winter
- Requiring a detailed drawing be submitted with the proposal
- Wording contract to encourage fish pumping for hire
- Finalizing the draft RFP and getting it advertised

COMMENTS OF THE AUDIENCE

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

COMMENTS OF THE CITY STAFF

Harbormaster Hawkins thanked them for their extra effort tonight.

COMMENTS OF THE COMMISSION

There were no Commission comments.

ADJOURN

PORT AND HARBOR ADVISORY COMMISSION
SPECIAL MEETING
FEBRUARY 6, 2017

There being no further business to come before the Commission the meeting adjourned at 6:35 p.m. The next regular meeting is scheduled for Wednesday, February 22, 2017 at 5:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, MMC, DEPUTY CITY CLERK

Approved: _____

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS



Kachemak Heritage Land Trust

JAN 26 2017



January 23, 2017

Mayor Bryan Zak
Homer City Council
491 East Pioneer Ave.
Homer, AK 99603

Dear Homer City Council,

Kachemak Heritage Land Trust would like to thank you for the grant award of \$2,465.00 for general operating support through the City of Homer Grants Program, administered by The Homer Foundation. The City of Homer's willingness to help fund local non-profits is greatly appreciated. These funds enable us to continue to move forward with our important work preserving critical fish, bird, and wildlife habitat as well as recreational lands — forever.

Highlights of grant funds spent include; working with HoWL (Homer Wilderness Leaders) youth maintaining our Calvin and Coyle Trail, assisting us with our Poopdeck Platt property's garden area, and, with significant assistance from the National Park Service's Rivers, Trails and Conservation Assistance Program, KHLT staff created a conceptual site plan for our Poopdeck property. KHLT intends for our 3.47 center of town property to become a place of community pride that is recognized as an example of how conservation connects people to land.

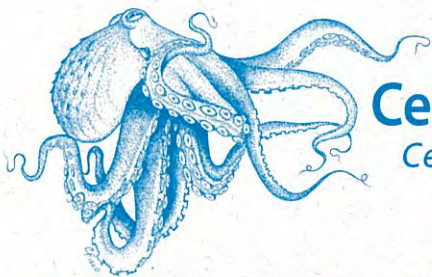
We look forward to the coming year and the opportunities that await us to further collaborate with other local businesses, organizations, and community members that help make the City of Homer such a special place.

Thank you again for supporting the important mission of KHLT — conserving the natural heritage of the Kenai Peninsula for future generations.

Sincerely,

Marie McCarty
Executive Director

Thank you!



Center for Alaskan Coastal Studies

Celebrating Over 30 Years of Outdoor Education



708 Smokey Bay Way, Homer, Alaska 99603 • www.akcoastalstudies.org • Ph. 907-235-6667 • Fax: 907-235-6662 • Email: info@akcoastalstudies.org

FEB - 6 2017

2

January 31, 2016

Homer City Council
491 East Pioneer
Homer, AK 99603

Dear Council Members,

The Center for Alaskan Coastal Studies (CACS) would like to thank the City of Homer for continuing to support local non-profits in the community through the City of Homer Grants Program administered through the Homer Foundation. We are especially thankful for the operational grants we have received through this program.

Operational funds are difficult to raise, yet extremely important to the functions of an organization. These local government dollars support our outdoor education programs that reached over 6,000 youth and families in the Homer area in 2016, and will complement the donations of hundreds of hours of volunteer time and contributions of goods and services from businesses in the generous community of Homer.

As one of many non-profits offering important services to Homer residents, CACS is able to leverage these funds to help attract federal funding for our community-based marine debris clean-up and prevention activities conducted under the Kachemak Bay Coast Walk program. The Kachemak Bay Coast Walk directly impacts local beaches and provides a model for stewardship of beaches in other Alaskan coastal communities.

Operational funds help keep the doors open and facilities staffed, especially at our Headquarters location. Thanks to your continuing support and the support of others, we reached over 15,000 people in 2016 through our environmental education and stewardship programs in the Homer area and we hope to increase our local outreach even more in 2017!

Sincerely,

Elizabeth Trowbridge
Executive Director



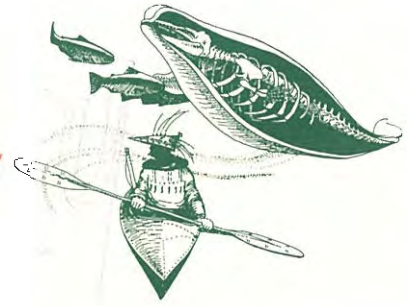
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Pratt Museum

Homer Society of Natural History, Inc.

FEB - 6 2017

Jr



February 2, 2017

Bryan Zak, Mayor
Homer City Council Members
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

Dear Mr. Mayor and City Council Members,

On behalf of the staff, Board of Directors, and volunteers of the Pratt Museum, thank you for your contribution of \$69,000, the City's support for fiscal year 2017.

Currently on display in the Special Exhibits Gallery through April 1 is *Bikes By the Bay, Sculpture and Drawings by Don Henry* featuring five full-size art bikes exhibited together for the first time. The Pratt Museum's annual meeting will take place on Tuesday, February 7, at 5:30pm with a business meeting followed by special speaker Margaret Willson presenting *What Defines Survival: The Seawomen of Iceland*.

Support from the City of Homer helps the Museum serve the community of Homer as a repository of stories, artifacts, and art. This support ensures that the Pratt is a source of hands-on educational opportunities for more than 25,000 people each year. City funding supports a center of wonder where individuals of all ages can learn more about their community, environment, and themselves. This annual support of the Pratt is part of a diverse financial plan, building self-sufficiency and a sustainable future.

The Pratt Museum generates at least one million dollars of economic activity in the region each year. In addition to collections care, ensuring that future historians and researchers and visitors may examine Homer's history, the Museum is intrinsic to the quality of life in our community and helps put Homer on the map as a place where people love to live, work, and play.

Again, thank you very much for your investment in our community Museum. We hope to see you at the Pratt soon!

Sincerely,

Laurie K. Morrow
Executive Director



3779 Bartlett Street, Homer, Alaska 99603

Email: info@prattmuseum.org

215

Web: www.prattmuseum.org

(907) 235-8635

Fax: 235-2764



Printed on Recycled Paper

PUBLIC HEARING(S)

**Frisbee Court Road Special Assessment District
Ordinance 17-06**

FRISBEE COURT ROAD SPECIAL ASSESSMENT DISTRICT

Ordinance 17-06 address: <http://www.cityofhomer-ak.gov/ordinances>



**** 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.**

J. H. M.

Publish: Homer Tribune February 9, 2017

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 **Frisbee Court Road Reconstruction and Paving Special Assessment District** and **Ordinance 17-06**, Amending Homer City Code 2.80 and Homer City Code 1.18.050 to Appoint a Hearing Officer to Hear Ethics Complaints Against City Council Members and the Mayor and to Amend Homer City Code Section 2.08.050 to Permit Board of Ethics or Hearing Officer to Dismiss Witnesses Prior to the Administrative Hearing and Clarify the Investigative and Hearing Process was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Thursday, January 26, 2017 and posted the same on City of Homer Website on Wednesday, January 25, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 26th day of January, 2017.



Renee Krause, CMC, Deputy City Clerk



CITY OF HOMER

NOTICE OF PUBLIC HEARING

**FRISBEE COURT ROAD RECONSTRUCTION & PAVING
SPECIAL ASSESSMENT DISTRICT**

A Public Hearing is scheduled for Monday, February 13, 2017 during a Regular City Council meeting beginning at 6:00 p.m. The meeting will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

The City Clerk has determined that a petition to initiate a district bears sufficient signatures to create the Frisbee Court Road Reconstruction & Paving Special Assessment District.

OBJECTIONS

Objections to the formation of this district must be in written form and filed at the Office of the City Clerk by 5:00 p.m. on Monday, February 6, 2017. Non responses during the objection period shall be deemed to be non-objections.

Dated this 5th day of December, 2016

Renee Krause, CMC, Deputy City Clerk

Publish: February 2, 2017 & February 9, 2017



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

January 3, 2017

Dear Property Owner:

Previously in a Notice dated December 2, 2016 you were mailed the Notice of Right to Object for the following described Special Assessment District.

FRISBEE COURT ROAD RECONSTRUCTION & PAVING SPECIAL ASSESSMENT DISTRICT

In a recent review of the file it came to our attention that there was an error in the submittal deadline on the Objection Form. Please note that the correct deadline date to submit your **Notice of Objection is February 6, 2017 at 5:00 p.m.** as stated within the Notice you received.

A corrected form has been enclosed for your convenience if you plan to object.

PUBLIC HEARINGS:

A Public Hearing on the assessment, necessity of the improvements, and on the proposed improvement plan are scheduled before the Homer City Council at **6:00 p.m. on February 13, 2017** in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Any person may testify at the public hearing.

NOTICE OF RIGHT TO OBJECT:

The owner of property to be assessed may file a written objection to the improvement plan no later than **February 6, 2017 at 5:00 p.m.** Non responses during the objection period shall be deemed to be non-objections.

**OBJECTIONS MUST BE IN WRITTEN FORM AND FILED AT THE OFFICE OF THE
CITY CLERK NO LATER THAN FEBRUARY 6, 2017 AT 5:00 P.M.
FAX AND EMAIL COPIES WILL NOT BE ACCEPTED**

City of Homer
Office of the City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603
Phone: 907-235-3130

Renée Krause

Renée Krause, CMC, Deputy City Clerk

Enclosures: Statement of Objection

PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: **Frisbee Court Road Reconstruction & Paving Special Assessment District** DATE: **December 2, 2016**

TOTAL ESTIMATED PROJECT: **\$282,693.00**

Districts shall be assessed 25% property owner share of the project. TOTAL ESTIMATED SHARE: **\$70,673.25**

The City will pay for 75% of the cost for road reconstruction and paving costs.

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: **\$212,019.75**

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
1	FONTAINE CHRISTINE T 4556 EARLY SPRING ST HOMER AK 99603-7323	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 3 #17937019	\$133,400	\$6,424.84
2	MORAN DONALD R 2130 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 4 #17937018	\$150,700	\$6,424.84
3	KELLER DAVID E 9144 PARKWOOD DR JUNEAU AK 99801-9650	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 5 #17937017	\$119,300	\$6,424.84
4	KRUEGER DON D PO BOX 1912 HOMER AK 99603-1912	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 6 #17937016	\$112,000	\$6,424.84
5	RAYMOND JOHN PAUL & LEANNA R 2163 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 7 #17937015	\$148,200	\$6,424.84
6	DAY JIMMY LYNN 2159 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 8 #17937014	\$139,200	\$6,424.84
7	LANCASTER JOHN 2151 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 9 #17937013	\$141,000	\$6,424.84
8	HIGGS LORNA DELL 636 E AUKLET AVE PALMER AK 99645-6127	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 10 #17937012	\$96,300	\$6,424.84
9	BULLOCK CLAUDE M PO BOX 39605 NINILCHIK AK 99639-0605	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 11 #17937011	\$189,900	\$6,424.84

PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: **Frisbee Court Road Reconstruction & Paving Special Assessment District** DATE: **December 2, 2016**

TOTAL ESTIMATED PROJECT: **\$282,693.00**

Districts shall be assessed 25% property owner share of the project. TOTAL ESTIMATED SHARE: **\$70,673.25**

The City will pay for 75% of the cost for road reconstruction and paving costs.

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: **\$212,019.75**

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
10	SCOTT TIMOTHY J & STELLA H 4510 EARLY SPRING ST HOMER AK 99603-7321	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 12 #1797010	\$25,300	\$6,424.84
11	SCOTT TIMOTHY J 4510 EARLY SPRING ST HOMER AK 99603-7321	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 13 #17937009	\$214,000	\$6,424.84

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-06

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.80 and Homer City Code 1.18.050 to Appoint a Hearing Officer to Hear Ethics Complaints Against City Council Members and the Mayor and to Amend Homer City Code Section 2.08.050 to Permit the Board of Ethics or Hearing Officer to Dismiss Witnesses Prior to the Administrative Hearing and Clarify the Investigative and Hearing Process.

Sponsor: Aderhold

1. Council Regular Meeting January 23, 2017 Introduction
2. Council Regular Meeting February 13, 2017 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 17-06

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 2.80 AND HOMER CITY CODE
1.18.050 TO APPOINT A HEARING OFFICER TO HEAR ETHICS
COMPLAINTS AGAINST CITY COUNCIL MEMBERS AND THE MAYOR
AND TO AMEND HOMER CITY CODE SECTION 2.08.050 TO PERMIT
THE BOARD OF ETHICS OR HEARING OFFICER TO DISMISS
WITNESSES PRIOR TO THE ADMINISTRATIVE HEARING AND
CLARIFY THE INVESTIGATIVE AND HEARING PROCESS.

WHEREAS, The City Council highly values the public's confidence in the propriety and
fairness of City of Homer ("City") administrative hearings and appeals; and

WHEREAS, It is in the City's best interest to designate a hearing officer to decide ethics
complaints filed against City Council members or the Mayor, preserving the ability of Council
members to work collaboratively and respectfully with one another while maintaining the
accountability and responsible governance of each member; and

WHEREAS, Permitting the Board of Ethics or a hearing officer to utilize witness
testimony in a manner that preserves the confidentiality of the Board's or the officer's
investigation and review.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 1.18.050 entitled "Procedures for violation reporting" is amended to
read as follows:

a. Any person who believes that a violation of any portion of this chapter has
occurred may file a written complaint of potential violation with the City Clerk's
office.

b. All written complaints of potential violation submitted under this chapter
shall be signed by the person submitting the complaint. A written complaint of
potential violation shall state the address and telephone number of the person
filing the complaint, identify the respondent, and affirm to the best of the
person's knowledge and belief the facts alleged in the complaint of potential
violation signed by the person are true. The person filing the complaint of

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

potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the complaint of potential violation believes the facts alleged constitute a violation of that section, and identify any documentary or testimonial evidence the person filing the complaint believes is in support of the notification of potential violation.

c. Written complaints of potential violations filed with the City Clerk's office shall be forwarded to the Board of Ethics under Chapter 2.80HCC. **Except as otherwise provided in this section,** ~~the~~ the Board of Ethics has sole jurisdiction to decide the merits of the complaint filed under this chapter.

d. The City Clerk shall appoint a hearing officer to decide and investigate properly filed written complaints against City Council members or the Mayor and shall have sole jurisdiction to decide the merits of the complaint filed under this section.

Section 2. Section 2.80.010 is repealed and replaced as follows:

a. There is hereby established a Board of Ethics.

b. The Board shall be comprised of all members of the City Council and the Mayor. The Mayor, or the Mayor Pro Tem in the Mayor's absence, will serve as presiding officer of the Board. In the absence of both, the members of the Board shall elect a presiding officer from among its members.

c. The City Attorney or other legal counsel for the Board may assist the Board at every stage of the proceedings, but shall have no vote.

d. A quorum of the Board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other cause for recusal. However, in no event may a quorum be less than three.

e. Decisions of the Board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.

f. Unless the Board delegates such authority to another member or decides that no one shall have such authority, **and except as provided for hearing officers in subsection (h) of this section,** the presiding officer shall have authority to make procedural decisions between Board meetings on behalf of the Board.

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

Examples of matters that may be decided by such delegate include scheduling hearings and other matters, establishing pre-hearing requirements and filing deadlines for motions, exhibits, witness lists, hearing briefs, and deciding other procedural matters.

g. The presiding officer shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the Board.

h. A hearing officer designated by the City Clerk under HCC 1.18.050 shall have sole authority to investigate the complaint they have been retained to hear and to make procedural decisions regarding the investigation and hearing of that complaint. The designated hearing officer shall be the sole decision-maker and shall comply with the procedures and requirements of this chapter provided for the Board and its members.

Section 3. Section 2.80.020 is amended to read as follows:

2.80.020 Function and authority.

The Board of Ethics or a **hearing officer appointed under this chapter** has authority to perform the following functions:

a. Investigate reported violations of Chapter 1.18 HCC.

b. Hear and decide written complaints of violations of Chapter 1.18 HCC.

c. Hear and decide on requests for exceptions as specified in Chapter 1.18 HCC.

d. Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in the code.

e. Adopt recommended policies and procedures governing the Board's conduct of business.

f. Upon application of the complainant, respondent, or at the Board's **or hearing officer's** discretion, compel by subpoena the appearance and sworn testimony, at a specified time and place, of a person the Board **or hearing officer** reasonably believes may be able to provide information relating to a matter under investigation by the Board **or hearing officer** or the production of documents, records or other items the Board **or hearing officer** reasonably believes may relate to the matter under consideration.

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

g. Administer oaths and receive testimony from witnesses appearing before the Board **or hearing officer**.

h. Request City agencies to cooperate with the Board **or hearing officer** in the exercise of the Board's **or hearing officer's** jurisdiction.

i. Request the advising attorney to seek assistance of the Superior Court to enforce the Board's **or hearing officer's** subpoena.

j. Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the Board **or hearing officer**.

Section 4. Section 2.80.030 is amended to read as follows:

2.80.030 Confidentiality – Initial review.

a. Each written complaint of a violation of Chapter 1.18 HCC received by the City Clerk's office shall be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The City Clerk and the Board **or hearing officer** shall keep all written complaints of potential violation confidential during investigation and the Board's **or hearing officer's** deliberative process. Complaints of potential violation may be disclosed only to the staff member of the City Clerk's office providing administrative support to the Board **or hearing officer**, members of the Board **except when a hearing officer has been appointed**, and legal counsel. Upon receipt of a notification of potential violation, the Board **or hearing officer** shall, at its next scheduled meeting or earlier, as determined by the Board Chair **or hearing officer**, review the complaint of potential violation ~~in executive session~~ and determine if further action on the notification of potential violation is warranted. **The Board shall review the complaint of potential violation in executive session. A hearing officer appointed under this chapter shall review the complaint in a confidential manner.**

b. If the Board **or hearing officer** determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the Board **or hearing officer** lacks jurisdiction to address the complaint of potential violation, the Board **or hearing officer** shall return the complaint of potential violation to the complaining party or it may recommend to the person filing the complaint that it be amended and re-filed. Notifications of potential violation returned without further action shall remain confidential.

c. If the Board **or hearing officer** determines the allegation in a complaint of potential violation, if proven, may constitute a violation of a matter within the Board's **or hearing officer's** jurisdiction, the Board **or hearing officer** shall:

~~1. Request and receive assistance from legal counsel to assist the Board in all further deliberative processes, investigations and reports;~~

21. Give the respondent a copy of the complaint of potential violation, along with a copy of the outline of the Board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and may be represented by legal counsel of respondent's choosing and at respondent's own expense; and

32. Notify both the person submitting the complaint of potential violation and respondent of the date(s) on which each may be requested to meet with the Board **or hearing officer**, present documentary or testimonial evidence, and assist the Board **or hearing officer** in resolving the potential violation.

Section 5. Section 2.80.040 is amended to read as follows:

2.80.040 Disclosure of complaint of potential violation prohibited.

a. A complaint of potential violation of Chapter 1.18 HCC is confidential until the Board **or hearing officer** completes a written report for distribution as a public record.

1. No person, including the complainant, shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a complaint of potential violation filed with the Board **or hearing officer**, unless:

ia. The respondent elects to proceed in public; or

iiib. The written report of the Board **or hearing officer** is electronically published by the City Clerk.

2. Breach of confidentiality required by any provision of this chapter is a violation of this chapter subject to punishment.

3. A person filing a complaint of potential violation shall keep confidential the fact that the person has filed the complaint with the City, as well

as the contents of the complaint of potential violation. If the Board **or hearing officer** finds probable cause to believe that the person filing the notice of complaint violation has violated confidentiality under this chapter, the Board **or hearing officer** shall immediately dismiss the complaint of violation. Dismissal under this subsection does not affect the right of the Board **or hearing officer** or another person to initiate a proceeding on the same factual allegations by filing a complaint of potential violation.

4. Public disclosure resulting from corrective action under this chapter is not a violation of this section.

Section 6. Section 2.80.050 is amended to read as follows:

2.80.050 Conduct of investigation and standard of proof.

a. The Board's investigation shall be conducted in executive session, unless the respondent requests to hold the Board's investigation on the notification of potential violation in public. The hearing officer's investigation shall be conducted in a manner to maintain confidentiality unless the respondent requests to hold the hearing officer's investigation on the notification of potential violation in public.

1. The respondent and the person who filed the notification of potential violation may identify other individuals and documents that each would like the Board or hearing officer to interview and review.

2. If an individual with information bearing on the notification of potential violation is unwilling to come forward with information, the respondent and the person who filed the notification of potential violation may each request the Board or hearing officer to subpoena the person and any documentary evidence.

3. Persons appearing before the Board or hearing officer may be represented by counsel or other person serving in a representative capacity.

4. The Board or hearing officer may question the respondent, the person who filed the notification of potential violation, and other persons appearing before the Board or hearing officer.

5. The Board or hearing officer may solicit questions and testimony from the person filing the notification of potential violation,

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

the respondent and other persons appearing for the purpose of providing information to the Board or hearing officer. The Board or hearing officer may solicit questions from counsel present to represent persons appearing before the Board or hearing officer, but all questions during the Board's or hearing officer's investigation shall be posed through and by a member of the Board or the hearing officer. Consistent with due process, the Board or hearing officer may limit or prohibit questions suggested to the Board or hearing officer by or on behalf of persons appearing before the Board or hearing officer.

6. The standard of proof to be applied by the Board or hearing officer in determining a violation under this chapter is proof by a preponderance of the evidence.

7. Technical rules of evidence do not apply, but the findings of the Board shall be based upon reliable and relevant information presented to the Board.

8. The Board's or hearing officer's finding of a violation of this chapter must be supported by substantial evidence.

9. The Board's or hearing officer's findings shall not be binding in a subsequent sanctions proceeding.

10. When the Board's or hearing officer's investigation is conducted in executive session or confidentially, the public shall be excluded but an executive session of the Board shall be electronically recorded. The recording shall be available for access as a public record after publication by the municipal clerk of the proposed resolution and settlement.

~~a. The Board's investigation shall be conducted in executive session, unless the respondent requests to hold the Board's investigation of written complaint of potential violation in public. The respondent and the person who filed the complaint, and their counsel, if any, may be present in executive session while the investigation is being conducted.~~

~~1. The respondent and the person who filed the complaint of potential violation may identify other individuals and documents that each would like the Board hearing officer to interview and review.~~

269 2. If an individual with information bearing on the complaint of potential
270 violation is unwilling to come forward with information, the respondent and the
271 person who filed the complaint of potential violation may each request the
272 Board to subpoena the person and any documentary evidence.
273

274 3. Persons appearing before the may be represented by counsel or other
275 person serving in a representative capacity.
276

277 4. The Board may question the respondent, the person who filed the
278 complaint of potential violation, and other persons appearing before the Board.
279

280 5. The Board may solicit questions and testimony from the person filing
281 the complaint of potential violation, the respondent and other persons
282 appearing for the purpose of providing information to the Board. The may solicit
283 questions from counsel present to represent persons appearing before the
284 Board but all questions during the Board's investigation shall be posed through
285 and by a member of the Board. Consistent with due process, the Board may limit
286 or prohibit questions suggested to the Board by or on behalf of persons
287 appearing before the Board
288

289 6. The standard of proof to be applied by the Board in determining a
290 violation under Chapter 1.18 HCC is proof by a preponderance of the evidence.
291

292 7. Technical rules of evidence do not apply, but the findings of the Board
293 shall be based upon substantial evidence, which means reliable and relevant
294 information presented to the Board.
295

296 8. The Board's finding of a violation of Chapter 1.18 HCC must be
297 supported by substantial evidence.
298

299 9. The Board's findings shall not be binding in a subsequent sanctions
300 proceeding.
301

302 10. When the Board's investigation is conducted in executive session, the
303 public shall be excluded and the session shall be electronically recorded. The
304 recording shall be available for access as a public record after publication by the
305 City Clerk of the proposed resolution and settlement under HCC 2.80.090.
306

307 Section 8. Section 2.80.060 is amended to read as follows:

308 2.80.60 Board member **and hearing officer** disclosures.
309
310

311 **a.** When an investigation is convened in executive session to determine whether the
312 respondent has violated Chapter 1.18 HCC, the Board members will be requested to
313 disclose any conflict of interest, ex parte communications, or other facts that may
314 affect their qualification to hear the matter. After such a disclosure, the other
315 members of the Board shall determine whether a member shall be excused for
316 cause.

317
318 **b. A hearing officer shall disclose any conflict of interest or ex parte**
319 **communications with the complainant or respondent before conducting an**
320 **investigation or holding a hearing under this chapter. The complainant and the**
321 **respondent have ten days from the date the written disclosure is sent to the**
322 **parties to file an objection to the hearing officer with the City Clerk. Upon**
323 **receiving an objection, the City Clerk shall appoint a new hearing officer.**
324

325 Section 9. Section 2.80.061 is amended to read as follows:

326
327 2.80.061 Duty of cooperation.

328
329 A City official or the City Manager subject to a complaint of a violation shall work
330 cooperatively with the City Clerk to establish a hearing date and shall appear at
331 the place and time set for the hearing, regardless of the respondent's intentions
332 concerning defense or exercise of other rights. Failure to appear, except when
333 failure results from a serious condition or event that prevented the respondent's
334 appearance, is a breach of respondent's duties under this chapter and in itself
335 may result in a summary finding of violation by the Board **or hearing officer** and
336 imposition of remedies, penalties and disciplinary action under HCC 2.80.070.
337 For the purposes of this section, a "serious condition or event" may include a
338 serious medical condition, a serious family emergency requiring the presence of
339 the party, a death in the family, or other similar cause that prevents the
340 respondent's attendance at the hearing. Nothing in this section shall prevent the
341 rescheduling of a hearing for cause upon request of the respondent or the
342 complainant.

343
344 Section 10. Section 2.80.065 is amended to read as follows:

345
346 2.80.065 Decisions on the record.

347
348 Using the identification number of the complaint of potential violation to
349 protect confidentiality, the Board **shall vote** or **hearing officer** shall ~~vote~~
350 **determine** in open session on these questions:
351

a. Whether the Board **or hearing officer** finds by a preponderance of the evidence one or more violations within the jurisdiction of the Board **or hearing officer**; and

b. Whether the Board **or hearing officer** recommends further administrative or remedial actions; and

c. What specific sanctions, corrective actions or referrals, if any, the Board **or hearing officer** recommends pursuant to 2.80.070.

d. If the Board **or hearing officer** does not find a violation under Chapter 1.18 HCC, the Board **or hearing officer** shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the Board **or hearing officer** in whole or in part, and the date of Board **or hearing officer** closure. At the sole discretion of the respondent, the Board **or hearing officer** may release the statement of closure as a public document.

Section 11. Section 2.80.067 is amended to read as follows:

2.80.067 Timely completion.

The Board **or hearing officer** shall complete action on a complaint of potential violation and investigations within 90 days of the filing of the complaint of potential violation. By a majority vote, the Board **or hearing officer** may extend the completion date for up to an additional 90 days, or longer for good cause shown.

Section 12. Section 2.80.070 shall be amended to read as follows:

2.80.070 Sanctions, civil penalties and remedies.

a. Upon conviction for any violation of Chapter 1.18 HCC under criminal procedures or upon a determination of any violation of Chapter 1.18 HCC after an investigation conducted by the Board **or hearing officer** under this chapter, the Board **or hearing officer** may impose (or recommend in the case of subsection (a)(1) of this section) as a sanction, penalty, or remedy any or all of the following, as appropriate to the seriousness of the violation:

1. A recommendation to the City Council that the office of a City Council member or the position of City Manager be declared vacant for a serious

violation that is (a) flagrant or (b) willful and knowing. A recommendation that the office of the Mayor be declared vacant may be made only if the violation justifies a declaration of vacancy under AS 29.20.280. Only the City Council may actually declare any of these positions vacant.

2. A member of a board or commission may be removed from the board or commission.

3. A public or private reprimand may be given to the official.

4. The official may be ordered to refrain from voting, deliberating, or participating in any matter in violation of Chapter 1.18 HCC.

5. The committee assignments of an official may be revoked.

6. An official's privilege to travel at City expense on City business may be revoked or restricted.

7. A contract, transaction or appointment, which was the subject of an official act or action of the City that involved the violation of a provision of Chapter 1.18 HCC, may be voided.

8. The official must forfeit or make restitution of any financial benefit received as a consequence of a violation of Chapter 1.18 HCC.

9. A civil fine of not more than \$1,000 per violation may be imposed.

Section 13. Section 2.80.080 shall be amended to read as follows:

2.80.080 Record of proceedings and public record.

Permanent records and minutes shall be kept of Board's **or hearing officer's** proceedings. Such minutes shall record the vote of each member upon every question decided in public. Every decision or finding shall immediately be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every finding and recommendation shall be directed to the City Council at the earliest possible date.

Section 14. Section 2.80.090 is amended to read as follows:

2.80.090 Settlement of complaints.

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

a. The respondent in any case accepted for investigation may propose a resolution and settlement of the complaint. A proposed resolution and settlement will include the admitted violation of Chapter 1.18 HCC; the remedial actions agreed to by the respondent subject to the City Council's concurrence; any proposed preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other matters required by the Board **or hearing officer**.

b. A proposed resolution and settlement is subject to approval by the Board **or hearing officer** and has no effect unless approved by the Board **or hearing officer**. The Board **or hearing officer** will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the Board **or hearing officer**, a proposed resolution and settlement must be kept confidential.

c. The proposed resolution and settlement becomes public record upon final approval by the Board **or hearing officer**.

Section 15. Section 2.80.100 is amended to read as follows:

2.80.100 Limitation period.

a. Notwithstanding any other section of this chapter or Chapter 1.18 HCC, and subject to subsection (b) of this section, the Board **or hearing officer** only may investigate or otherwise act upon a complaint of a potential violation of Chapter 1.18 HCC that is received by the City Clerk's office within five years after the date of the alleged violation.

b. After the time limitation in subsection (a) of this section has expired, the Board **or hearing officer** may investigate or otherwise act upon a complaint of a potential violation of Chapter 1.18 HCC that is received by the City Clerk's office within one year after the date of discovery of the alleged violation, but in no case shall this subsection extend the period of limitation in subsection (a) of this section by more than three years.

Section 16. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 17. 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 _____, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Mary K. Koester, City Manager

Holly C. Wells, City Attorney

Date: _____

Date: _____

Fiscal Note: NA

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: February 8, 2017
SUBJECT: City Manager's Report – February 13, 2017

Additional Information on Hickerson Cemetery Expansion, Phase 1

In the last City Manager's report, I provided an updated timeline for the phase 1 of the expansion of Hickerson Cemetery (completion date end of May 2017). Since then the Planning Commission has held public comment on the project and recommendations from the Commission and the Department have been incorporated into the design including:

- Reduced the number of platted burial plots for Phase 1
- Changed some 10x5 grave burial plots to 2x2 urn burial plots
- Grave plots sections are configured in a 2 plot by 5 plot configuration
- As currently designed, there are 106 10x5 grave plots and 60 2x2 urn plots
- Burial plots section configured to allow for tree plantings
- Plan provides for future columbarium with ADA accessible walking path
- Plan provides for future memorial plaque wall with ADA accessible walking path
- Plan provides for future maintenance equipment storage shed
- Plan provides for snow storage areas

The attached map provides more information on the revised plans. I commend the Planning Commission, Planning staff, and Public Works Department for taking the time and effort to incorporate neighborhood feedback and public comment in the planning process. Public Works is proceeding full steam ahead on this project to meet the goal of having plots available for sale in the spring.

Purchase of Two Used Trucks for Public Works

Public Works was able to purchase two small used trucks under \$40,000 per the direction of City Council in the 2017 budget. Because a small truck with a short bed suits the needs for PW administration vehicles, staff was able to find a good deal and come in just under the budgeted allocation at \$39,718. It is unlikely that the savings would be as great with the purchase of a full sized truck due to the fleet pricing we can obtain through the State contract. On average, the City saves \$7,000 to \$9,000 on a new vehicle with government pricing and can get a utilitarian vehicle without the 'extras' that are common in the used market. A memo from Superintendent Gardner with further detail and price comparisons is attached. Staff is working on a fleet

replacement plan to present to Council to demonstrate a holistic picture of the future vehicle needs of the department.

Employee Anniversaries: February 8, 2017

I would like to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Dan Miotke	Fire	15	Years
Tim Yarbrough	Fire	15	Years
Debra Waldorf	Library	9	Years
Jim Knott	Police	7	Years
Mike Parish	Public Works	5	Years
Nate Hull	Police	4	Years
Jenny Carroll	Admin	1	Year
Austin McAvoy	Police	1	Year

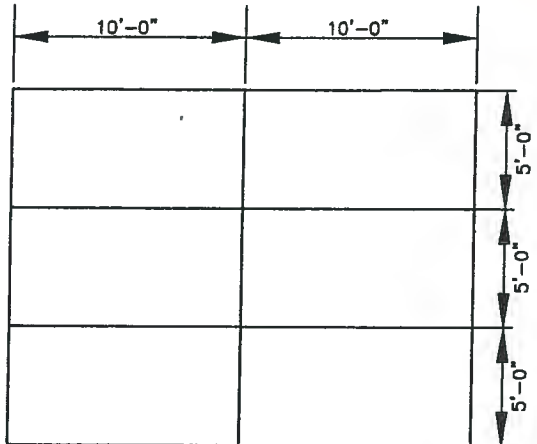
Enc:

Final design maps for Hickerson Cemetery Expansion, Phase 1

Memo on used vehicle purchases

Memo on highlights of O&M work accomplished by the W/S Department in 2016

PROPOSED
PHASE I



TYP. GRAVE DIMENSIONS
SCALE: 1" = 1' (22x34) / 1" = 2' (11x17)

NO.	REVISION	DATE

HICKERSON MEMORIAL CEMETERY
CITY OF HOMER
HOMER, ALASKA
GRAVE SITE PLAN

PROJECT NO.
1275
DRAWN BY:
MZD/CAM
CHECKED BY:
WJN
DATE: 03/19/13
SCALES: NOTED
HORIZ. NOTED
VERT. NOTED
SHEET: C4

Existing Cemetery

Urn burial
plots (2' x 2')

Gravel burial
plots (10' x 5')

Tree planting
(Typ.)

Gravel
access
drive

Gravel
parking
area

DIAMOND RIDGE ROAD

PHASE
2

PHASE
3

Future
grave
sites

Bench

20.0' R.O.W.

Proposed 4'
chain link fence

Future access
improvements

Future access
improvements

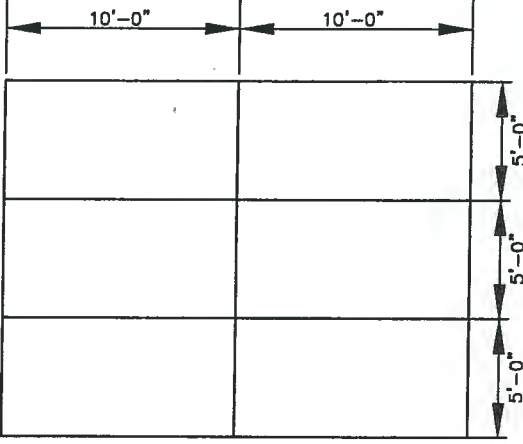
20.0' R.O.W.

20.0' R.O.W.

STACEY ST. R.O.W.

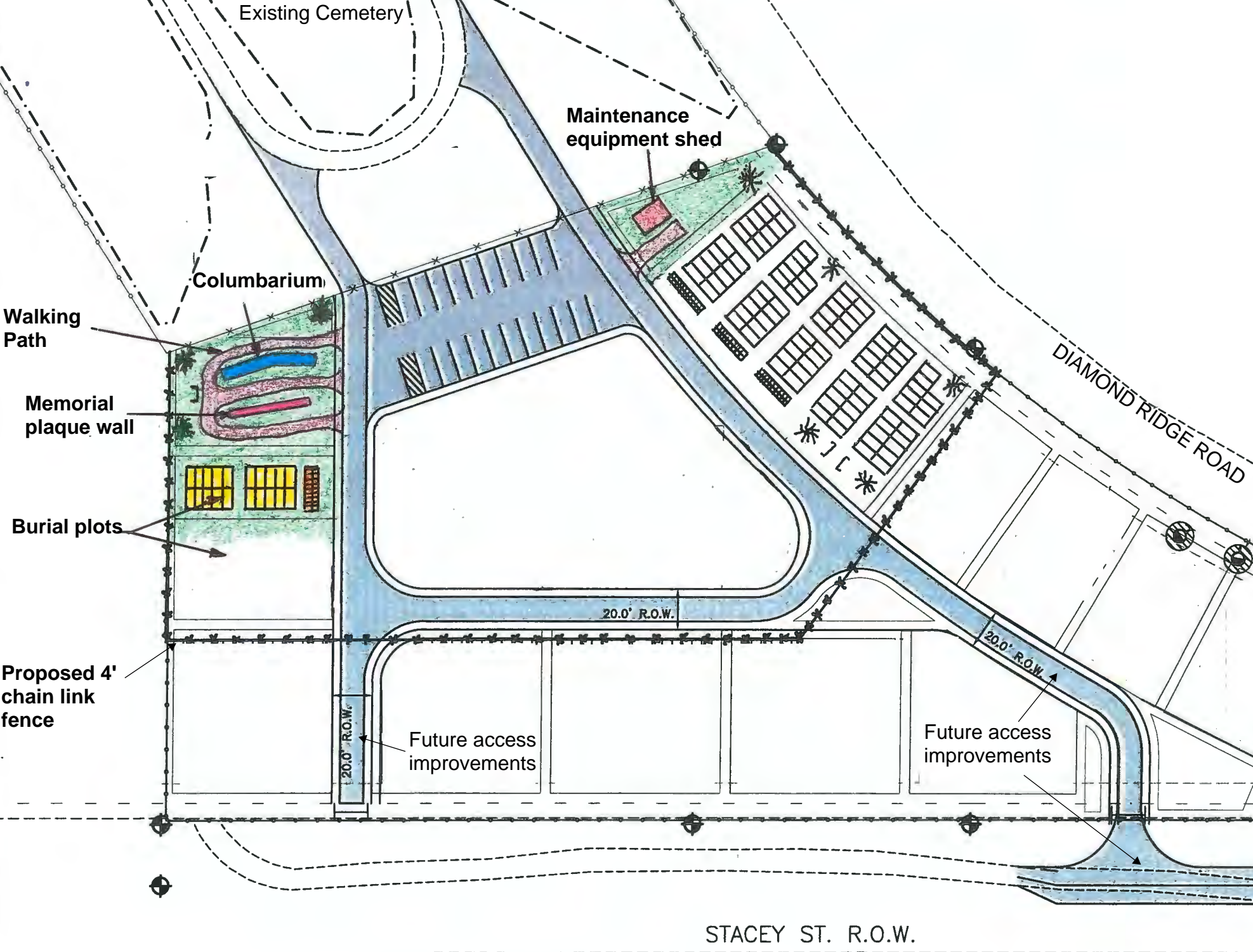
GRAVE SITE PLAN 249
SCALE: 1" = 30' (22x34) / 1" = 60' (11x17)

POSSIBLE
FUTURE PHASE



TYP. GRAVE DIMENSIONS
SCALE: 1" = 1' (22x34) / 1" = 2' (11x17)

NO.	REVISION	DATE



GRAVE SITE PLAN 250
SCALE: 1" = 30' (22x34) / 1" = 60' (11x17)

HICKERSON MEMORIAL CEMETERY
CITY OF HOMER
HOMER, ALASKA
GRAVE SITE PLAN

PROJECT NO.	1275
DRAWN BY:	MZD/CAM
CHECKED BY:	WJN
DATE:	03/19/13
SCALES:	NOTED
HORIZ.	NOTED
VERT.	NOTED
SHEET:	C4
4	OF 9



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

To: Katie Koester, City Manager

Through: Carey Meyer, PW Director

From: Dan Gardner, PW Superintendent

Date: January 30, 2017

Subject: Used Vehicle Purchases

During the 2017 budget cycle, a capitol request was made for a new light duty truck to replace one of the very old vehicles at Public Works. Council ultimately approved funding for two used vehicles, and I have pursued that action since the end of December.

As you know, we were able to find two small 2012 trucks that kept us just under the \$40,000 approved for the purchases (Total combined cost for two purchases came to \$39,718). But, this was only because we were able to use these smaller vehicles for PW Admin trucks (Superintendent truck and Inspector truck). Based on my research, I would not recommend buying used trucks if a full size truck is required (Ford F150 or larger) due to the fleet pricing that we, as a government, can obtain. We are able to get \$7000 to \$9000 off of the regular price of a new Ford F150 or Chevy 1500. So, the used vehicles that are available four years old or newer rival the same price as a new one, or don't produce a significant savings. Additionally, used vehicles do not come with a warranty, colors can range from red to black and often come with more expensive features that we don't normally obtain. Following are dealer prices that were quoted for a new 4x4 half ton truck with extended cab and sample pricing for used vehicles for comparison:

• New Ford F150 Extended Cab	\$27,700	Warranty / No Miles
• New Ford F150 Extended Cab	\$28,897	Warranty / No Miles
• New Chevy 1500 Extended Cab	\$30,586	Warranty / No Miles
• New GMC 1500 Extended Cab	\$30,162	Warranty / No Miles

Used Listings Dealers/Private

• 2014 Ford F150 Extended Cab Black	\$28,000	2 ½ yrs old
• 2013 Ford F150 Extended Cab Red	\$24,000	43K Miles, 3 ½ yrs old
• 2013 Chevy 1500 Ext Cab Black	\$29,788	40K Miles, 3 ½ yrs old
• 2013 Chevy 1500 Ext Cab Red	\$29,500	35K Miles, 3 ½ yrs old
• 2013 Dodge 1500 Super Cab White	\$22,955	63K Miles, 3 ½ yrs old
• 2013 GMC 1500 Super Cab White	\$29,788	75K Miles, 3 ½ yrs old

• 2012 Dodge 1500 Super Cab Silver	\$20,900	36K Miles, 4 ½ yrs old
• 2012 Dodge 1500 Ext Cab Silver	\$19,995	78K Miles, 4 ½ yrs old
• 2011 Ford F150 Crew Cab Red	\$21,900	87K Miles, 5 ½ yrs old
• 2011 Chevy 1500 Ext Cab White	\$26,900	35K Miles, 5 ½ yrs old
• 2011 Chevy 1500 Crew Cab White	\$28,995	76K Miles, 5 ½ yrs old
• 2010 Ford F150 Crew Cab Red	\$17,995	143K Miles, 6 ½ yrs old
• 2010 Ford F150 Crew Cab White	\$21,990	102K Miles, 6 ½ yrs old
• 2010 Ford F150 Crew Cab White	\$23,995	65K Miles, 6 ½ yrs old
• 2010 Chevy 1500 Ext Cab Black	\$16,750	71K Miles, 6 ½ yrs old
• 2009 Ford F150 Crew Cab Red/Tan	\$17,900	81K Miles, 7 ½ yrs old
• 2009 Chevy 1500 Crew Cab Black	\$22,995	98K Miles, 7 ½ yrs old
• 2009 Chevy 1500 Ext Cab Silver	\$25,991	19K Miles, 7 ½ yrs old
• 2009 Dodge 1500 Crew Cab Red	\$20,595	68K Miles, 7 ½ yrs old
• 2009 Dodge 1500 Crew Cab Tan	\$22,995	92K Miles, 7 ½ yrs old
• 2009 Ford F150 Crew Cab Silver	\$19,300	43K Miles, 7 ½ yrs old

Considerations

- Significant time is required to shop for, wait around for a deal, and travel to inspect/select
- Buying new saves the depreciation that a used vehicle absorbs (Govt Fleet Rebates \$7K to \$9K)
- Buying new provides a warranty & the vehicle doesn't need to be replaced as soon as a used
- To obtain a significant savings, the used vehicle has to be pretty old with high mileage
- Although a used purchase price may be less, tires, U-Joints, transmissions, exhaust, etc. will need repair/replacement sooner

Conclusion

Due to the fleet savings available to the City of Homer, I believe we are better served purchasing new vehicles.



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Public Works

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(p) 907- 235-3170

(f) 907-235-3145

Memorandum

TO: Katie Koester – City Manager
FROM: Carey Meyer – Public Works Director
DATE: February 6, 2017
SUBJECT: **Highlights of O&M Work Accomplished - 2016
Water and Sewer Department**

The purpose of this memo is to remind us of the types of operations and maintenance activities that City water and sewer personnel routinely complete so that the community can continue to enjoy clean, safe drinking water; dependable fire protection; and protect Kachemak Bay from potential wastewater contamination.

Here are a few highlights from 2016 regarding major operation/ maintenance activities completed by the Homer Water/Sewer Division:

Water System:

- 1) Replaced failed flow meter under the foot of the Bridge Creek Reservoir dam. This meter controls the valve that is important to maintaining a safe water level in the Reservoir.
- 2) Completed tri-annual dam Safety Inspection.
- 3) Replaced the second of three 26 foot deep raw water feed pumps (capital project).
- 4) Annual system wide flush of the distribution system to maintain drinking water quality.
- 5) Initiated system wide leak detection of the distribution system with equipment borrowed from Alaska Rural Water Association.
- 6) Prepared and painted fire hydrants on Pioneer Ave (more City-wide next year).

Wastewater System:

- 1) Completed annual sewer line cleaning (including cleaning 8 lift stations).
- 2) Smoke test sewer lines in Old Town (to identify potential inflow/infiltration problems).
- 3) Flushed both sewer force mains coming off the Spit.
- 4) Removed, the last underground fuel tank serving City building. Proactive hazard mitigation.
- 5) Removed, refurbished and reinstalled 68 clarifier skimmers (extended life of treatment plant equipment).
- 6) Dewatering and disposed of 90 cubic yards of bio-solids at the Homer Landfill.
- 7) Receive a new APDES sewer treatment plant discharge permit from ADEC.
- 8) Replaced impeller in pump in the Kachemak City sewer lift station.
- 9) Replaced guide rails and impellor in Bay Ave sewer lift station.



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

TO: MAYOR ZAK AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 7, 2017
SUBJECT: BID REPORT

Request for Proposal Engineering Services Term Contracts for Water and Sewer – Roads, Drainage and Trails - Harbor and Marine Projects

Separate proposals to provide professional engineering services through a term contract for water and sewer projects; road, drainage, and trail projects; and harbor/marine projects will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:30 PM on March 13, 2017**. Bids received after the time fixed for the receipt of the bids shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.**

Plan holder registration forms and the Request for Proposal (RFP) are available online at <http://www.cityofhomer-ak.gov/rfps>

Successful proposers will be invited to enter into an engineering term contract with the City of Homer (3 year duration, with an option for an additional 2 years).

Please direct all technical questions regarding the RFP to: Carey Meyer, City of Homer, Public Works Department, 3575 Heath Street, Homer, Alaska 99603, (907) 235-3170

The City of Homer reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award contracts to the most qualified proposer(s).

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 16-128

A RESOLUTION OF THE HOMER CITY COUNCIL CREATING A
POLICE STATION BUILDING TASK FORCE AND ESTABLISHING
THE SCOPE OF WORK AND PARAMETERS UNDER WHICH THE
TASK FORCE WILL CONDUCT ITS WORK.

WHEREAS, Council created a Public Safety Building Review Committee (PSBRC) in January 2014 to review and rate GC/CM proposals for a new public safety building, review the proposed contract and provide input on the scope of work and deliverables, and make recommendations to Council as to how to proceed with the project; and

WHEREAS, The proposed new fire department was separated from the public safety building project when it became apparent the cost was too steep to simultaneously build a new police and fire station; funds were appropriated to the Fire Department for updates and improvements to extend the life of the facility; and

WHEREAS, Council supported a bonding request to construct a reduced size public safety campus with police station only to the voters at the general election in October 2016 in an amount not to exceed twelve million dollars; and

WHEREAS, Proposition #1 that would allow the City of Homer to incur debt and issue general obligation bonds in an amount not to exceed twelve million dollars (\$12,000,000) to finance the planning, design and construction of a police station and related capital improvements was defeated by the voters at the October 4, 2016 regular election; and

WHEREAS, The Public Safety Building Review Committee was disbanded via Resolution 16-127; and

WHEREAS, It would be beneficial to establish a Police Station Building Task Force (PSBTF) to assist the City in refining the plans the PSBRC worked on and achieve the \$10M budget objective.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes the Police Station Building Task Force (PSBTF).

BE IT FURTHER RESOLVED that the Task Force will use the work products from the previous project and work with the Architect and Contractor, Stantec and Cornerstone, to produce a project to fit the budgetary constraints.

BE IT FURTHER RESOLVED that the Task Force membership shall be five city residents.

BE IT FURTHER RESOLVED that primary staff support shall be provided by Public Works Director Carey Meyer, Police Chief Mark Robl, and Deputy City Clerk Renee Krause and secondary support shall be provided as needed and requested by the City Manager, the Finance Director, and the City Planner.

BE IT FURTHER RESOLVED that every attempt will be made to schedule meetings in the Council Chambers.

BE IT FURTHER RESOLVED that the Task Force shall establish its own work schedule, presenting the Council a project by May 30, 2017.

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for members of the community to serve on the task force.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 5th day of December, 2016.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Staff time and advertising costs.

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 16-128(S)

A RESOLUTION OF THE HOMER CITY COUNCIL CREATING A
POLICE STATION BUILDING TASK FORCE AND ESTABLISHING THE
SCOPE OF WORK AND PARAMETERS UNDER WHICH THE TASK
FORCE WILL CONDUCT ITS WORK.

WHEREAS, Council created a Public Safety Building Review Committee (PSBRC) in January 2014 to review and rate GC/CM proposals for a new public safety building, review the proposed contract and provide input on the scope of work and deliverables, and make recommendations to Council as to how to proceed with the project; and

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WHEREAS, The Public Safety Building Review Committee was disbanded via Resolution 16-127; and

WHEREAS, It would be beneficial to establish a Police Station Building Task Force (PSBTF) to build on the extensive work done by the Public Safety Building Review Committee and assist the City in moving forward with a new police station project.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes the Police Station Building Task Force (PSBTF).

BE IT FURTHER RESOLVED that the task force is directed to analyze and report back to City Council on the following items by May 30, 2017:

- proposed budget for the project not to exceed \$9 million dollars
- site selection
- possibility of public private partnerships (such as lease purchase)
- constructing in phases
- feasibility of remodeling the HERC to a police station
- impact to the operating budget of ongoing maintenance costs
- a funding mechanism and repayment method that takes into account capital and maintenance expenses

BE IT FURTHER RESOLVED that the Task Force membership shall be four city residents and one non-city resident.

BE IT FURTHER RESOLVED that primary staff support shall be provided by Public Works Director Carey Meyer, Police Chief Mark Robl, and Deputy City Clerk Renee Krause and secondary support shall be provided as needed and requested by the City Manager, the Finance Director, and the City Planner.

BE IT FURTHER RESOLVED that every attempt will be made to schedule meetings in the Council Chambers.

BE IT FURTHER RESOLVED that the Task Force shall establish its own work schedule.

BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for members of the community to serve on the task force.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of February, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

74 ATTEST:

75

76 _____

77 JO JOHNSON, MMC, CITY CLERK

78

79 Fiscal Note: Staff time and advertising costs.



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 17-018

TO: Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Jenna deLumeau, Acting Finance Director
DATE: January 18, 2017
SUBJECT: Waiver of Penalties for Natural Gas Distribution Special Assessment

Resolution 16-079(S)(A) outlines procedures for waiving penalties on delinquent special assessment payments. The resolution provides a fair and consistent policy to review waivers by recognizing exceptional circumstances. Examples of exceptional circumstances are clerical errors, U.S. Postal Service errors, or extreme personal hardship such as a serious illness or the death of the property owner or an immediate family member.

The finance dept. is requesting that prepayment of penalties be waived as I have encouraged folks to at least make the scheduled payment if they could not afford the penalties. It also seems silly to ask for the penalties to have to refund them back.

I have the following requests which fall into three categories. Due to confidentiality, the requests are not attached, but can be viewed by contacting the City Clerk. Below are my recommendations.

1. Approve. Legitimate requests that meets all the requirements of Resolution 16-079(S)(A).
 - Rosemarie Johnson 175-063-16
 - Scott Glosser 173-070-85
 - Jane Pascall 175-100-71 and 177-040-09
 - Barry and Jody Levit 177-040-28, 29, and 30
2. Conditional Approval. Meets all the requirements of Resolution 16-079(S)(A) pending one item.
 - Gloria Corey 179-030-65; payments not made. \$819.54 due
 - Elaine Chalup 175-081-47; payments not made. \$214.27 due
 - Everett Anderson 177-175-05; documentation needed.
 - Shirley and Stanley Houghton 175-114-11; documentation needed.
3. Deny. Not eligible pursuant to Resolution 16-079(S)(A),
 - Brad Somers 173-720-05 – thought payment was due Sept 1; was out commercial fishing

William Stovall 179-320-03 and 179-320-04 – was out working in Attu
Clark and Victoria Winne 177-191-10 and 174-010-01 – thought payment was on
auto-pay; was out of town at sea
Guy and June Morgan 175-082-11 – was out working in False Pass; wife working
in Fairbanks
Steven J Rich 173-690-08 – did not get bill; however we did mail to owner and
address on record with KPB
Christopher Robinson 174-051-19 – did not get bill due to purchase timing of
property; however was notified by Title Co.
Clayton Nelson 175-113-14 – did not get bill; however we did mail to owner and
address on record with KPB
Dan and Debbie Gardner 179-030-73 - did not get bill; however we did mail to
owner and address on record with KPB (this was KPB error)

RECOMMENDATION:

Review staff recommendations on each request for waiver of penalties and either waive
penalties or deny waiver by motion.

Att: Resolution 16-079(S)(A)

NEW BUSINESS



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 17-026

TO: MAYOR ZAK AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: FEBRUARY 8, 2017

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(3), MATTERS WHICH BY LAW, MUNICIPAL CHARTER, OR ORDINANCE ARE REQUIRED TO BE CONFIDENTIAL (CHRISTOPHER ROBINSON REQUEST FOR WAIVER OF PENALTIES FOR NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT).

Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

At the January 23, 2017 council meeting the City Council approved a motion to postpone the decision of Christopher Robinson's request for waiver of penalties for natural gas distribution special assessment. The Council moved to hold an Executive Session regarding "Christopher Robinson Request for Waiver of Penalties for Natural Gas Distribution Special Assessment" for the Regular Meeting of February 13, 2017. This has been publicly and internally noticed since that time.

City Attorney Wells will be present.

RECOMMENDATION:

Discuss the request for Executive Session and determine if an Executive Session is needed. If approved, conduct the Executive Session in the Conference Room.

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

Stroozas

RESOLUTION 17-014

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE EXTENSION OF CITY OF HOMER WATER
SERVICES TO BENEFITED LOTS IN KACHEMAK CITY AND
NULLIFYING THE STATEMENT IN RESOLUTION 04-42(A) WITH
REGARD TO EXTENDING CITY WATER TO NON-CITY PROPERTIES.

WHEREAS, In 2004, in conjunction with an Alaska Department of Transportation East End Road Improvement Project, the City of Homer recognized an opportunity to install water and sewer mains to serve City of Homer residents along East End Road to Kachemak Drive; and

WHEREAS, Resolution 04-42(A) authorized the City of Homer to proceed with the petitioning process as outlined in HCC 17.04.030 that eventually established the East End Road Sewer Local Improvement District (LID) and the East End Road Water LID; and

WHEREAS, When the East End Sewer was extended, Kachemak City was allowed to pay for a portion of the sewer improvement (based on the area and lots potentially served) with grant monies and assessments Kachemak City levied on Kachemak City benefited lots; and

WHEREAS, This extension of City of Homer sewer service to Kachemak City lots increases throughput in City of Homer's existing sewer system thereby contributing to City of Homer revenues beyond the cost of providing the service; and

WHEREAS, Resolution 04-42(A) further resolved not to extend City water to non-City properties; and

WHEREAS, This resolve excluded sixteen Kachemak City properties that could potentially benefit from City of Homer water services; and

WHEREAS, The Kachemak City Share of East Road Water Extension Improvements was calculated at \$265,069.88 (.484% of the total based on the area and lots potentially served plus a standard 5% administrative fee) for creating water assessments to be collected in some fashion at such time as connections are permitted; and

WHEREAS, The Kachemak City share of the East Road Water Extension Improvements was estimated at \$16,738.43 per parcel in 2009; and

WHEREAS, Extending water service to these Kachemak City lots on the north side of East End Road along the utility corridor is wise and prudent because:

- the utility infrastructure is already in place;
- the benefited lots already receive City of Homer Sewer service;
- the additional water service would be at the expense of the new customer(s) making it low cost/no cost to the City of Homer; and
- the increase in throughput will increase City of Homer revenues.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the extension of City of Homer Water services to benefited lots in Kachemak City under similar terms and conditions as the City of Homer East End Road Water Local Improvement District.

BE IT FURTHER RESOLVED that the adoption of this resolution nullifies the statement in Resolution 04-42(A) with regard to extending City water to non-City properties.

BE IT FURTHER RESOLVED that the City Manager is directed to work with Kachemak City officials on a proposal for allocating and collecting the Kachemak City share of the East Road Water Extension Improvements for Council approval.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER
HOMER, ALASKA

PWD/City Clerk

RESOLUTION 04-42(A)

A RESOLUTION OF THE CITY COUNCIL DETERMINING, PURSUANT TO HOMER CITY CODE 17.04.030(D), THAT THE EAST END ROAD WATER AND SEWER IMPROVEMENTS ARE NEEDED AND AUTHORIZING THE CITY CLERK TO PROCEED WITH THE PETITIONING PROCESS FOR SAID IMPROVEMENTS.

WHEREAS, The City Council discussed Memorandum 04-09(S) during their Regular Meeting of January 12, 2004 and gave direction to the City Manager; and

WHEREAS, After review by the City Manager and Public Works Director they recommend that the Council proceed with the petitioning process; and

WHEREAS, The petition process will be conducted pursuant to Homer City Code (HCC) 17.04.030.

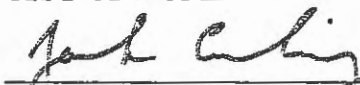
NOW, THEREFORE, BE IT RESOLVED by the City Council hereby determines, pursuant to HCC 17.04.030(d), that the East End Road Water and Sewer Improvements are needed and that the City Clerk is hereby authorized to proceed with the petitioning process for an East End Road Sewer Local Improvement District (LID) and an East End Road Water LID; and

BE IT FURTHER RESOLVED that the City Clerk shall follow the petitioning process as outlined in HCC 17.04.030 and

BE IT FURTHER RESOLVED that the City of Homer affirms its position not to extend City water to non City properties.

PASSED AND ADOPTED by the City Council of Homer, Alaska this 10th day of May, 2004.

CITY OF HOMER


JACK CUSHING, MAYOR

ATTEST:


MARY L. CALHOUN, CMC, CITY CLERK

Proposed Fiscal Note: Sewer - Total cost estimated is \$303,911.79; 75% = \$227,933.84; would be assessed against each of 11 parcels = \$20,721.26, twenty year payment plan at 2.5% interest. Water- Total cost estimated is \$334,719.27; 75% = \$251,039.45 would be assessed against each of 16 parcels = \$15,689.97, twenty year payment plan at 2.5% interest.

East End Road Water & Sewer Improvements H. **Resolution 04-42**, Of the City Council Determining, Pursuant to Homer City Code 17.04.030(d), that the East End Road Water and Sewer Improvements are Needed and Authorizing the City Clerk to Proceed with the Petitioning Process for said Improvements. PWD/City Clerk. Proposed Fiscal Note: Sewer - Total cost estimated is \$303,911.79; 75% = \$227,933.84; would be assessed against each of 11 parcels = \$20,721.26, twenty year payment plan at 2.5% interest. Water - Total cost estimated is \$334,719.27; 75% = \$251,039.45 would be assessed against each of 16 parcels = \$15,689.97, twenty year payment plan at 2.5% interest. Recommend Adoption.

Memorandum 04-66, from Public Works as backup.

Liquor License Renewals - I. **Memorandum 04-62**, from City Clerk, Re: Liquor License Renewals for Café Cups and Captain Pattie's Fish House Inc. Recommend voicing non objection and approval.

Cafe Cups & Capt'n. **Memorandum 04-63**, from Mayor, Re: Reappointment of Kyra Wagner to the Library Advisory Board. Recommend confirmation.

Pattie's Kyra Wagner LADD/BECK - MOVED FOR THE APPROVAL AND/OR ADOPTION OF THE RECOMMENDATIONS OF THE CONSENT AGENDA.

VOTE: YES: NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Memorandum 04-67, from Councilmember Stark, Re: Trip Report - Alaska Municipal League - Juneau 14-15 April.

Stark-AML report Councilmember Stark elucidated the success of his trip to Juneau, that there was a lot accomplished. He emphasized how this showed him again the advantage to the City of belonging to the Alaska Municipal League (AML) and the amount of good the league can accomplish, while working with all of the cities in the state. He reported that he mentioned to the legislators that the City's main position was in relation to getting a fiscal plan adopted and other items in the Resolution. He apprized all of the work being done on Municipal Revenue Sharing and the PERS costs.

B. Special Presentation to Deena Benson, Deputy City Clerk 2.

Deena Benson - Mayor Cushing presented Deena Benson with the International Municipal Clerk plaque and lapel pin denoting her recent designation as Certified Municipal Clerk and a Mayoral Exhortation regarding the Municipal Clerk's Code of Ethics.

City Clerk's Week C. Mayoral Proclamation, City Clerk's Week May 2-8, 2004.

PR Comm. progress report Carole Hamik, Parks and Recreation Commissioner, gave a progress report. She thanked the Mayor and Council, on behalf of the Commission, relaying the Commission's pleasure with the Mayor and Council for giving positive direction to DOT and for implementing improved roads, sidewalks and crosswalks on most of the heavily used connecting roads. She advised that they allocated \$1,000.00

4 HOMER CITY COUNCIL
REGULAR MEETING MINUTES
MAY 10, 2004

VOTE: (primary amendment 3.) YES: NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

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

Motion carried.

RESOLUTIONS

A. **Resolution 04-42,** Of the City Council Determining, Pursuant to Homer City Code 17.04.030(d), that the East End Road Water and Sewer Improvements are Needed and Authorizing the City Clerk to Proceed with the Petitioning Process for said Improvements. PWD/City Clerk. Proposed Fiscal Note: Sewer - Total cost estimated is \$303,911.79; 75% = \$227,933.84; would be assessed against each of 11 parcels = \$20,721.26, twenty year payment plan at 2.5% interest. Water- Total cost estimated is \$334,719.27; 75% = \$251,039.45 would be assessed against each of 16 parcels = \$15,689.97, twenty year payment plan at 2.5% interest. Revote if Reconsideration is passed.

Memorandum 04-09(S), as previously submitted with other previously submitted backup information.

Reconsideration passed.

LADD/STARK - MOVED TO AMEND TO ADD AN BE IT FURTHER RESOLVED CLAUSE: THAT THE CITY OF HOMER AFFIRMS ITS POSITION NOT TO EXTEND ITS CITY WATER TO NON CITY PROPERTIES.

Concern was expressed regarding the importance of City residents receiving water and that there are a lot of City residents who are not currently connected to the City system. It was stated that Council does not want the implication that the Council is in the business of sending City water outside of City limits to properties, which are not City of Homer tax paying properties. Council expressed opinion that the costs seem a little high and questioned the reasonableness of the property owners being assessed for, what appears, as the entire cost of the trunk line. Trunk line size was discussed and is noted as being twelve inches.

VOTE: (primary amendment 1.) YES: NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Public Works Director Meyer responded to Council question that a twelve inch trunk line does not double the cost and that there is some justification for, in the end when the project is done, the City to pick up oversizing costs. Oversizing costs are the cost of the pipe going from an eight inch to a twelve inch which could be \$10.00 per linear foot. The majority of the cost of installing the pipe is the trenching, pretty much the same cost under either scenario. He pointed out that these assessments are in the ball park of the assessments from other areas, adding that the Hillside Acres assessments

are higher and that these East End Road lots are some of the largest the City has run water and sewer to.

East E
Rd. Wa
& Sewe

Discussion ensued along those lines.

Council discussed allowing people to connect on at a later date at the 75% property owner share amount. There may be additional individuals who want to connect that are adjacent to the benefitting property owners.

Discussion ensued specifically regarding deferral and grace periods.

NOVAK - MOVED TO AMEND TO STATE THAT WE WILL GIVE THEM SIX MONTHS TO FORM AN LID TO ACHIEVE THE TWENTY FIVE PERCENT CREDIT PLUS THE GOOD DISCOUNT RATE ON THE INTEREST AND AFTER THAT THEY WOULD JUST BE ASSESSED THE FULL RATE WHEN THEY DO DECIDE TO HOOK UP. SO THE INCENTIVE IS TO DO IT NOW.

This amendment was not recognized.

Mayor Cushing called for a recess at 10:14 p.m. at the City Clerk's request regarding the Code requirements on LID deadlines. He reconvened the meeting at 10:19 p.m.

Mayor Cushing clarified that the deadlines for the LIDs are set by Ordinance, however, Council sets the deadline on the final assessments and at that time the Council could extend this offer.

NOVAK/ - MOVED TO AMEND IF ASSESSMENT PASSES PROPERTY OWNERS WHO HAVE NOT JOINED CAN GIVE SIX MONTHS TO JOIN IN SAME FINANCING PROGRAM, AFTER THAT THEY WOULD HAVE TO PAY WHOLE THING.

This motion died for lack of a second and, simultaneously, was withdrawn.

Discussion ensued regarding the LID process and a deferred payment plan. Throughout the discussion it was noted, more than once, that the bubble area property owners, the newly annexed area along East End Road to the east of Kachemak Drive, have expressed desire for City utilities.

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

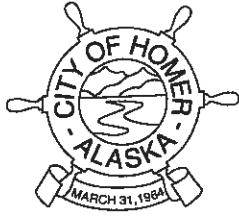
Motion carried.

B. Resolution 04-45(A), Of the City Council Accepting the Final Draft Long Range Fiscal Plan and Forwarding this to the Public for Input and to Public Hearing on May 25, 2004. City Manager.

Long
Range
Fiscal
Plan

STARK/BECK - MOVED FOR THE ADOPTION OF RESOLUTION 04-45 BY READING OF TITLE.

Council noted that there will be a lot of changes and this plan presents a lot of options. There are a lot of unknowns. This is a planning document and not cast in stone. These are fiscally challenging



CITY OF HOMER

PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

MEMORANDUM

To: Walt Wrede, City Manager

From: Carey Meyer, Public Works Director

Date: May 17, 2006

Subject: **East End Road Water & Sewer Extension LID
Final Acceptance and Cost Determination**

The East End Road Water and Sewer Extension LID is complete and Public Works has accepted the project. Below is an overview of the costs of the project: **(Final Assessments will be verified by the Homer City Clerk and Finance Department)**

Total Combined Water & Sewer Extension Costs	\$904,301.49
Includes Kachemak & Homer Shares	
Total Combined W&S Extension Original Estimate	\$1,104,386.27
Includes Kachemak & Homer Shares	
City of Homer Water LID Improvements	\$269,213.74
Plus 5% Admin on Property Owner Share	\$ 10,095.52
City of Homer Sewer LID Improvements	255,061.69
Plus 5% Admin on Property Owner Share	\$ 9564.82
Kachemak Share Water Extension	\$252,447.50
Plus 5% Admin	\$ 12,622.38
Kachemak Share Sewer Extension	\$127,240.23
Plus 5% Admin	\$ 6362.02

Determination of Assessments

City of Homer Water LID Assessments

The total cost of water improvements associated with the City of Homer LID is \$269,213.74. The City (HAWSP) is responsible for 25% of the cost of the improvements. The cost to the property owners is \$212,005.83 (75% plus 5% admin) . There are 17 lots in the water LID (see attached water LID map). The estimated per lot assessment is \$12,470.94. The original estimated assessment was \$15,689.97.

City of Homer Sewer LID Assessments

The total cost of sewer improvements associated with the LID is \$255,061.69 The City (HAWSP) is responsible for 25% of the cost of the improvements. The cost to the property owners is \$200,861.09 There are 12 lots in the sewer LID (see attached sewer LID map). The estimated per lot assessment is \$16,738.43. The original estimated assessment was \$20,721.26.

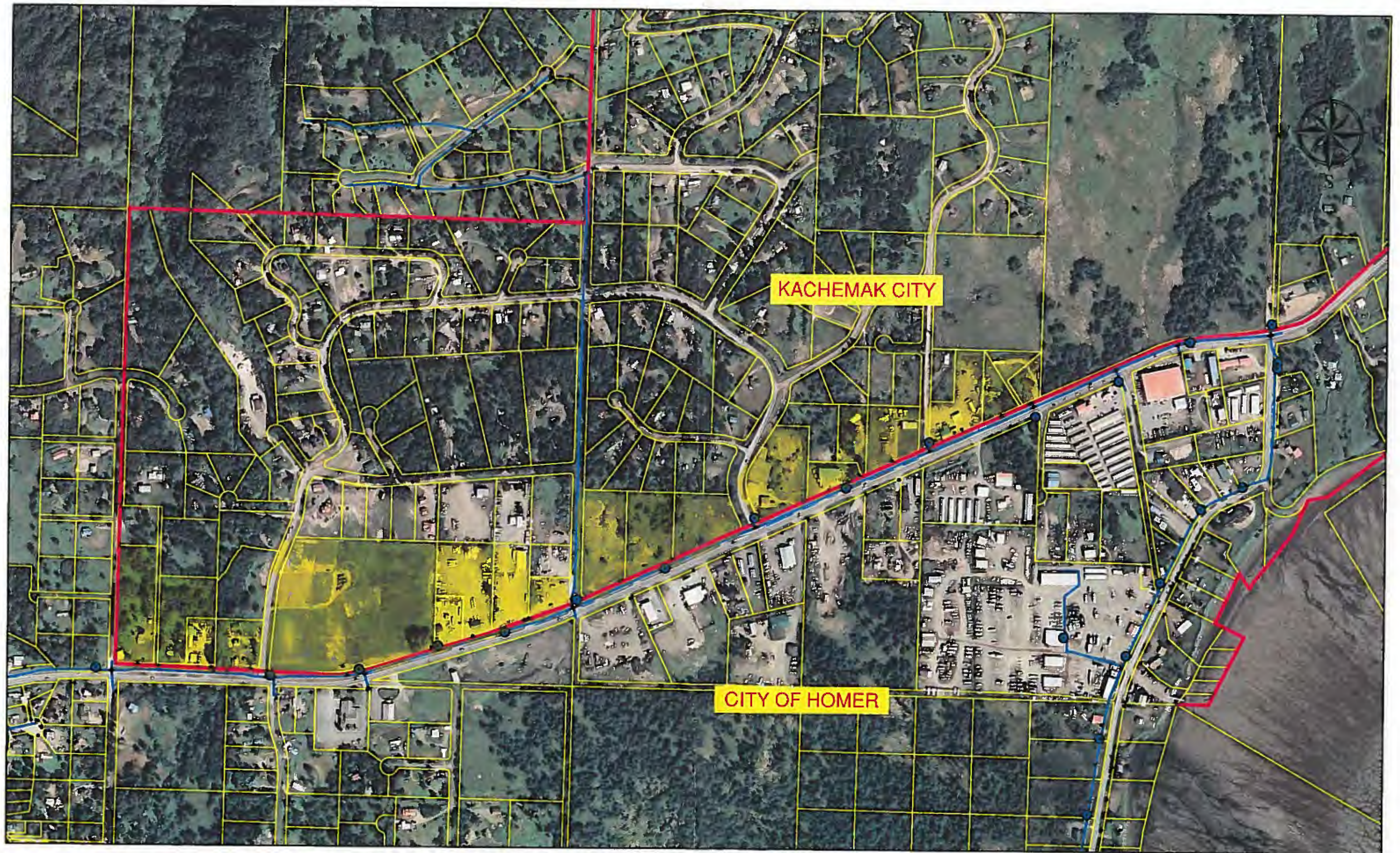
Kachemak City Share of East Road Water Extension Improvements

The original estimate for Kachemak City was .484% of the total of water improvements based on the area and lots potentially served. The total amount due is .484% of the total plus the standard 5% admin fee, for a total of \$265,069.88. Assessments will be created for the affected lots to be collected in some fashion at such time as connections are permitted. Estimated property owner assessments are \$16,566.87, based on 16 existing lots.

Kachemak City Share of East Road Sewer Extension Improvements

The original estimate for Kachemak City was .333% of the total of sewer improvements based on the area and lots potentially served. The total amount due is .333% of the total plus the standard 5% admin fee, for a total of \$133,602.25. Kachemak City will assess their own residents and pay Homer the entire amount.

Recommendation: The Council schedule public hearings and create the assessments for this project.



KACHEMAK CITY PROPERTIES SERVED BY CITY WATER

1 inch = 500 feet
287

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RESOLUTION 17-016

43 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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49 Fiscal Note: \$168,423, Account No. 456-0380.



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

Memorandum 17-025

TO: MAYOR BRYAN ZAK & HOMER CITY COUNCIL
CC: KATIE KOESTER, CITY MANAGER
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER
DATE: FEBRUARY 7, 2017
SUBJECT: AWARDING CONTRACT TO PUFFIN ELECTRIC FOR HIGH MAST LIGHT RFP

City Staff advertised a Request for Proposals on December 15, 2016 per Resolution 16-49 with a total budget amount of \$180,000. The purpose of this RFP was to upgrade the Port and Harbor's high mast light system from high-pressure, sodium lighting to LED.

While writing the RFP, staff became aware that additional energy savings can be found through lighting control systems. Our current lights are either full-on or full-off; new control systems give facilities options to gradually bring the lights to full power at sundown and reverse order at sunrise, which reduces electricity use and helps further lower the harbor's monthly bill. It was for this reason that staff included an additive alternative in the RFP for wireless lighting controls.

The project detailed in the RFP consists of two phases. In Phase One, the contractor will replace all lights on High Mast Pole #7 with their all new LED fixtures and then a light meter test will be conducted to compare the new lights to readings to the original lights. This requirement will be done to confirm that the new lights will actually meet or exceed the current lighting levels. If the new luminaires live up to the claims made in the contractors proposal, we will then move to Phase Two of the contract, which is to install the new lighting on the other six high mast light poles around the harbor.

On January 30, 2017, five bids from qualified firms were received at the City Clerk's Office; results for Phase One and Two are as follows:

- | | |
|---------------------------------------|-----------|
| • Kencare Inc. | \$320,945 |
| • NoDak Electric & Construction, Inc. | \$190,966 |
| • Cook Inlet Lighting | \$171,790 |
| • Puffin Electric Inc. | \$168,423 |
| • Woodworth Electric | \$146,900 |


The review team scored the proposals individually using the scoring criteria published in the RFP, and met in-person to thoroughly discuss the merits of the proposals based on the RFP guidelines as well as keeping with the goals of the Council's supporting Resolution.

Recommendation:

Staff recommends that City Council approve Resolution 17-016, awarding a contract to Puffin Electric of Homer, Alaska for the purpose of replacing the existing 1,000-watt high-pressure sodium lights on the Port and Harbor's high mast poles 1 through 7 with all new, energy efficient 640 watt Ap-Pack LED lights in the amount of \$168,423.

Further, staff requests City Council's support in approving an ordinance for funding the additional lighting control system work detailed in the Puffin Electric proposal for \$30,702.00.

REQUEST FOR PROPOSALS
By the City of Homer, Alaska
For the Homer Harbor High-Mast Light LED Conversion Project

DEC - 9 2016


The City of Homer, Alaska is requesting proposals from qualified firms to upgrade the 1000 watt High Pressure Sodium (HPS) high-mast light luminaires of the Homer Harbor, with new LED luminaires. There are currently 69 luminaires spread out over seven poles around the Homer Harbor. Successful proposer will be contracted to remove existing HPS luminaires and install new LED luminaires, and to furnish the necessary labor, materials, equipment, tools, supervision, and other facilities to perform under such contract.

Plan holder registration forms, and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>. All proposers must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Sealed proposals shall be received at the Office of the City Clerk no later than **4:30 p.m., Monday, January 30, 2017**. Please direct proposal submission questions to Jo Johnson, City Clerk, at (907) 235-3130. Please direct technical questions regarding this proposal to the Port Maintenance Supervisor in writing at aglidden@ci.homer.ak.us, or to 4667 Homer Spit Rd. Ste. 3, Homer, Alaska 99603.

Proposal shall be submitted with a 5% Bid Bond. The successful proposer will be required to provide a 100% Performance and Payment Bond.

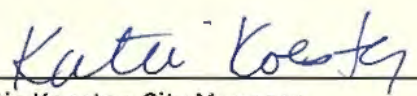
The City of Homer's Local Bidder Preference requirements will apply as per section 3.16.80 of the City's Procurement Policy.

There will be a mandatory meeting/teleconference held prior to the closure of the RFP. This will give all proposers involved the opportunity for questions and answers with City Staff to ensure all information is open and concise. The Mandatory Pre-Proposal RFP meeting/teleconference will be held **Monday, January 9, 2017 at 2:00 p.m.** at the Homer Harbormasters Office Conference Room.

You may purchase hard copies of the Proposal Documents at the Office of the City Clerk upon payment of \$10 per set (\$20 for overnight delivery). All fees are non-refundable. The City reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award a contract to the respondent that best meets the selection criteria and the City's needs.

Dated this 9th day of December, 2016.

CITY OF HOMER


Katie Koester, City Manager

Account #: 456-0380-5227
Publish: Homer News – December 15 & 22, 2016
Peninsula Clarion – December 18, 2016
Alaska Dispatch News – December 18, 2016

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

