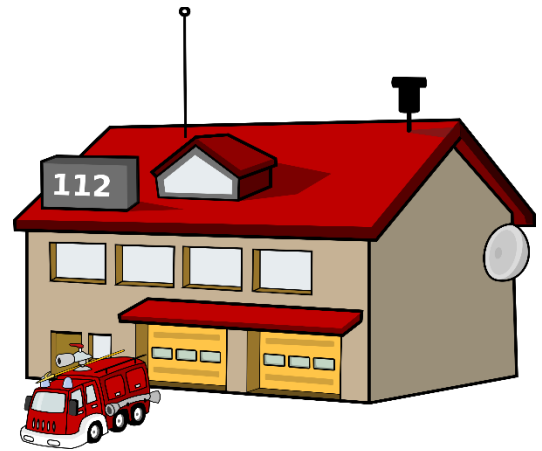


City Council  
March 13, 2017  
Monday

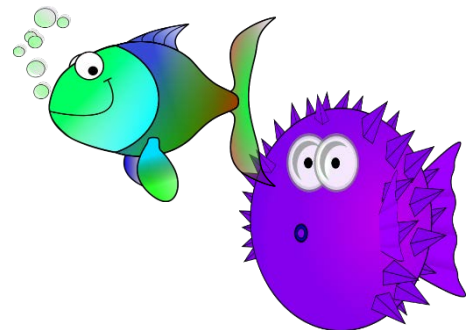


Worksession 4:00 P.M.  
Committee of the Whole 5:00 P.M.  
Regular Meeting 6:00 P.M.



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

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# MARCH 2017

- Monday 13<sup>th</sup>**                    **CITY COUNCIL**  
Worksession 4:30 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Tuesday 14<sup>th</sup>**                    **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 15<sup>th</sup>**                    **PLANNING COMMISSION**  
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 16<sup>th</sup>**                    **PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Tuesday 21<sup>st</sup>**                    **CITY COUNCIL**  
Worksession 4:00 p.m. – 5:00 p.m.
- Wednesday 22<sup>nd</sup>**                    **PORT AND HARBOR ADVISORY COMMISSION**  
Regular Meeting 5:00 p.m.
- Monday 27<sup>th</sup>**                    **CITY OFFICES CLOSED IN OBSERVANCE OF SEWARD’S DAY**
- Tuesday 28<sup>th</sup>**                    **CITY COUNCIL**  
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

## **Regular Meeting Schedule**

- Library Advisory Board 1<sup>st</sup> Tuesday with the exception of January, April, August and November 5:30 p.m.**
- Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6:00 p.m.**
- Parks Art Recreation and Culture Advisory Commission 3<sup>rd</sup> Thursday with the exception of July, December and January 5:30 p.m.**
- Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.**
- Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5:00 p.m. (May-August 6:00 p.m.)**
- Cannabis Advisory Commission 4<sup>th</sup> 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](mailto: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](http://www.cityofhomer-ak.gov)



**WORKSESSION**  
**4:30 P.M. MONDAY**  
**MARCH 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, 4:30 P.M.**

Councilmembers Stroozas and Reynolds have requested telephonic participation.

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

**3. FIRE STATION EXPANSION PROJECT**

Memorandum 17-040 from Public Works Director	Page 7
Memorandum 17-048 from Fire Chief	Page 11
Memorandum 17-047 from City Manager	Page 13

**4. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Tuesday, March 28, 2017 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.





The original intention of the project was to extend the life of the existing fire station 10 years, with the expectation that a new facility at the proposed combined police/fire public safety building site would be the best long term solution to the future needs of the Fire Department. Based on the status of the Public Safety Building project, this may no longer be a valid expectation.

The following options should be considered:

- 1) Authorize Additional Funds - Complete Project As Currently Envisioned Total Cost = **\$1,395,000**

As shown above, an additional \$200,000 would be required.

- 2) Proceed with Building Expansion, But with a Reduced Scope of Work Total Cost = **\$1,195,000**

The expansion project could proceed without additional funding if, for example, the covered vehicle storage, paving and other site work were removed from the project.

- 3) Eliminate Building Expansion – Focus on Extending Life of Existing Total Cost = **\$836,800**

This option includes all work currently contemplated, except expansion of the building square footage, but also includes restroom remodeling, roof replacement, replacing existing furnishings, and installation of audio-visual training equipment (not previously contemplated).

This option would free up approximately \$359,000 currently appropriated for this project and complete needed improvements to the existing structure and facilities.

- 4) Competitively Bid to Seek Cost Efficiencies Total Cost = **\$1,195,000**

In this economic environment, it is possible that competitively bidding the work could reduce the cost of construction.

- 5) Do nothing Total Cost = **\$ 121,090**









## **Memorandum 17-048**

TO: Katie Koester, City Manager  
FROM: Robert Painter, Fire Chief  
DATE: March 2, 2017  
SUBJECT: Fire Station Renovation/Expansion

---

In light of the most recent estimates regarding the renovation and expansion of Homer Station 1, it has become apparent that council will need to make a decision as to the progress of the project as initially presented.

I was originally tasked with making suggestions regarding fire station upgrades and improvements that could potentially extend the functional life of the existing station by another 10 years. With the current economic climate, with both local and state budgets in mind, I believe that initial assumption of a 10 year productive life could realistically be at least 15-20 years, perhaps longer. My original assumption with recommending the second floor expansion was made with the knowledge that the original building was designed with a full second-story in mind for a future expansion project. While that may have been possible in 1980's building code, new code requires substantial reinforcements to be made to strengthen the existing first story in order to accommodate the second floor expansion.

The justification of the second floor expansion is two-fold:

1. To add additional space to re-institute a "live-in" volunteer FF/EMT program, where up to 4 volunteers could live in the facility rent free in turn for their timely and expedited response to emergency calls while they were in-station. Along with the paid Emergency Service Specialist (ESS) on duty, these additional volunteer personnel could institute an immediate response to fires and medical calls. Currently only the ESS is in station after hours and on weekends, requiring addition personnel to respond directly to the scene or to the station, delaying response.
2. The other need for the expansion is to create a reasonable space in which members (both paid and volunteers) could exercise. There are several direct benefits of offering this space to members: exercise equates to healthier members, which can directly impact risk of serious injury or harm from emergency response (nationwide, most firefighters that die in the line of duty, die from cardiovascular issues, mostly heart attacks). Secondly, many members now use existing health clubs in which the department shares in funding through the Volunteer Incentive Program. The volunteer pays 1/3 of the total cost, the city pays 1/3 of the total cost and the HVFD Membership Association pays 1/3 of the total cost. By having an equipped area with which to exercise in, the cost to all three entities could be eliminated.

With the projects outlined previously to renovate and upgrade the station, the City Council generously allocated \$ 1 million, along with some additional planning/design money and money to assist with helping make the station more energy efficient and less costly to heat in the winter time (the existing station is totally electric). Unfortunately these funds are not quite enough to complete all of the projects necessary to meet the initial goals put forth. Therefore it is necessary to reconsider the project scope and necessity. I believe there are three options available to consider:

Option 1: Council approves the additional expenditure of approximately \$200,000 to complete the project as presented and designed. This would include the second floor expansion and other projects previously listed.

Option 2: Use the existing plans to expand the second story and go out to competitive bid with a budget of \$600,000. By going out for a competitive bid process, local contractors may be encouraged to review the plans, and make reasonable accommodation to stay within budget. The other projects on the list would continue as previously outlined.

Option 3: Eliminate the second-story expansion and solely focus on bringing the existing station up to 100% of capacity, i.e. completely remodel both bathrooms (something not listed in the initial projects), remodel and upgrade the kitchen, replace existing furnishings, training audio-visual equipment (projectors, screens, sound system with state-of-the art electronics, repaint/re-finish both the exterior and interior of the building, install the diesel exhaust system, replace all flooring (carpeting and vinyl that is original to the building), constructing covered storage for equipment in the rear parking lot, repair/replace the existing exterior exit stairway, address drainage in the rear parking lot and finish paving the rear parking lot. This is essentially the original list I provided but including the remodel of the bathrooms and replacing the training room AV equipment.



# City of Homer

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

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 17-047

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: March 8, 2017  
SUBJECT: Fire Hall Improvements

---

The purpose of this memo is to seek formal direction from the Mayor and City Council on the Fire Hall Improvement project.

Ordinance 16-16(A) appropriated \$80,000 for design of the project. Ordinance 16-28(A) appropriated \$1,000,000 for improvements and Ordinance 16-52 approved a \$115,000 loan from the revolving energy fund for the converting the station to natural gas for a total budget of \$1,195,000.

The Fire Hall Improvements project contains many overdue and needs improvements to the station such as painting, an air exchange system, replacing original floor coverings, and remodeling the kitchen. However, one item on the list, a 2,000 square foot expansion to accommodate live-in volunteers, is predicted to run approximately \$200,000 over budget. This has given staff the opportunity to pause and re-evaluate the project. The attached memos from the Public Works Director and Fire Chief detail the different options available and the value of expanding the square footage of the station. However, in light of the changing dynamics of the project, I would like to take this opportunity to solicit Council feedback on the different options before proceeding.

Option 3, eliminating the building expansion and focusing on extending the life of the current facility, would provide the most immediate tangible benefits to the staff and volunteers. Under this option, items that were not included in the original scope of work such as restroom remodeling, roof replacement, replacing existing furnishings, and installation of audio-visual training equipment will be added to further the utility of the building. However, at a cost of around \$850,000, eliminating the expansion saves the general fund \$350,000. It is worth noting that if Council decides not to proceed with the expansion, figuring out a way to expand our volunteer capacity with housing options in the future will still need to be addressed.

Recommendation: Approve Option 3 for Fire Hall Improvements, Eliminate Building Expansion – Focus on Extending Life of Existing Facility.



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



COMMITTEE OF THE WHOLE  
5:00 P.M. MONDAY  
MARCH 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.**

Councilmembers Stroozas and Reynolds have requested telephonic participation.

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

**3. Resolution 17-021**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Clarity. City Clerk/Parks Art Recreation and Culture Advisory Commission (PARCAC).

Memorandum 17-039 from Deputy City Planner as backup.

**4. CONSENT AGENDA**

**4. REGULAR MEETING AGENDA**

**5. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Tuesday, March 28, 2017 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL





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



REGULAR MEETING  
6:00 P.M. MONDAY  
MARCH 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 4:30 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

Councilmembers Stroozas and Reynolds have requested telephonic participation.

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

### 2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

### 3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

### 4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

### 5. RECONSIDERATION

- A. **Resolution 17-014(S)**, 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. Reconsideration issued by Councilmember Lewis on February 28, 2017.

Page 33

## 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 February 27, 2017. City Clerk. Recommend adoption. Page 45
  
- B. **Memorandum 17-033** from Mayor Zak, Re: Appointments of Pam Van Hoozer and Joyanna Geisler to the Americans With Disabilities Act Compliance Committee and Reappointment of Karin Marks to the Economic Development Advisory Commission. Page 61
  
- C. **Memorandum 17-034** from Deputy City Clerk, Re: Liquor License Renewal for American Legion Post #16. Page 69
  
- D. **Ordinance 17-13**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Authorizing the Expenditure of \$19,850 From the Fishing Hole Maintenance Reserve Fund for Improvements to the Nick Dudiak Lagoon Fish Cleaning Station. City Manager/Port and Harbor Director. Recommended dates: Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017. Page 81  
  
Memorandum 17-038 from Port and Harbor Director as backup. Page 85
  
- E. **Ordinance 17-14**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$150,000 From Port and Harbor Reserves for the Replacement of the Existing Port and Harbor Management Software. City Manager/Port and Harbor Director. Recommended dates: Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017. Page 87  
  
Memorandum 17-043 from Port and Harbor Director as backup. Page 91
  
- F. **Ordinance 17-15**, An Ordinance of the City Council of Homer, Alaska, Updating and Clarifying the Implementation of a Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Became Delinquent on or After July 1, 2016, and Provided Terms for Reinstatement on or After July 1, 2016 of Assessments That Became Delinquent Before That Date, and the Policies and Procedures for Waiving Penalties on Delinquent Special Assessment

Payments if They Meet Certain Requirements, and Creating an Appeal Process for Waiver Denials to the Board of Adjustment. Aderhold. Recommended dates: Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017.

Page 93

- G. **Resolution 17-020**, A Resolution of the City Council of Homer, Alaska, Encouraging Congress to Create a Reliable, Predictable Stream of Resources to Address Deferred Maintenance Needs in America's National Park System. Mayor. Page 117

- H. **Resolution 17-021**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Clarity. City Clerk/Parks Art Recreation and Culture Advisory Commission (PARCAC). Page 125

Memorandum 17-039 from Deputy City Planner as backup. Page 127

- I. **Resolution 17-023**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Wireless Control System for Harbor High Mast Light Poles to the Firm of Puffin Electric, Inc. of Homer, Alaska, in an Amount to be Determined and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Page 169

Memorandum 17-049 from Port and Harbor Director as backup. Page 171

- J. **Memorandum 17-035**, from Parks Art Recreation and Culture Advisory Commission, Re: Sister City Artwork Display. Page 175

- K. **Memorandum 17-046**, from City Manager, Re: Letter to Governor Walker and Alaska State Legislature Regarding the Effects of Budget Cuts on the City of Homer and Revenue Options for the State of Alaska. Page 179

## 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. Councilmember Aderhold Juneau Trip Report Page 187
- D. City Manager Koester Juneau Trip Report Page 197
- 9. PUBLIC HEARING(S)**
- A. **Ordinance 17-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation and Public Facilities Grant for Soundview Pedestrian Safety Improvements. City Manager/Public Works Director. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017. Page 207
- B. **Ordinance 17-09**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$30,702.00 From Port and Harbor Reserves to Fund a Wireless Control System for the High Mast Light Poles at the Harbor. City Manager/Port and Harbor Director. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017. Page 211
- Memorandum 17-030 from Port and Harbor Director as backup. Page 215
- C. **Ordinance 17-10**, An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1. Mayor. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017. Page 225

**Ordinance 17-10(S)**, An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1. Mayor. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017. Page 231

Memorandum 17-044 from City Manager as backup. Page 235

D. **Ordinance 17-11**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget Authorizing the Expenditure of \$9,000 for the Purchase of a Pathway Sander Unit. Aderhold. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017. Page 241

Memorandum 17-031 from Public Works Director as backup. Page 245

E. **Ordinance 17-12**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$110,000 From the Public Safety Building Fund to the Police Station Project to Fund Assessment and Design. Reynolds. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017. Page 247

## 10. **ORDINANCE(S)**

## 11. **CITY MANAGER'S REPORT**

A. City Manager's Report Page 261

B. Bid Report Page 277

## 12. **CITY ATTORNEY REPORT**

A. Memorandum 17-037 from City Attorney, Re: Recall Application and Petition Process. Page 281

## 13. **COMMITTEE REPORT**

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

#### 14. PENDING BUSINESS

A. **If reconsidered: Resolution 17-014(S)**, 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. Reconsideration issued by Councilmember Lewis on February 28, 2017. Page 33

B. **Ordinance 17-05(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating \$671,053 From the Homer Accelerated Roads/Trails Program (HART) for the Greatland Street Improvements (Option A) Project, and Authorizing the City Manager to Execute All Appropriate Documents. Erickson. Introduced January 23, 2017, Referred to Planning Commission. Recommend Public Hearing March 28, 2017. Page 287

Memorandum 17-019 from Public Works Director as backup. Page 293

Memorandum 17-041 from City Planner as backup. Page 301

C. **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. Introduced January 23, 2017, Referred to Planning Commission. Recommend Public Hearing March 28, 2017. Page 317

Memorandum 17-042 from City Planner as backup. Page 335

D. **Resolution 16-133**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate and Prepare a Purchase Offer for Kenai Peninsula Borough Parcel No. 17901024, Jack Gist Subdivision Lot 3, in an Amount Not to Exceed Fair Market Value for the Purpose of Enhancing Current Jack Gist Park Facilities. Lewis. Referred to Parks Art Recreation and Culture Advisory Commission on December 5, 2016. Page 341

Memorandum 17-036 from Parks Art Recreation and Culture Advisory Commission as backup. Page 343

#### 15. NEW BUSINESS

**16. RESOLUTIONS**

- A. **Resolution 17-022**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Operation of Fish Pump Services on the Homer Port and Harbor Fish Dock to the Firm of Icicle Seafoods, Inc. of Homer, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Page 349

Memorandum 17-045 from Port and Harbor Director as backup. Page 351

**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 Tuesday, March 28, 2017 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.





MAYORAL PROCLAMATIONS  
AND RECOGNITIONS



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA



# RECONSIDERATION



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

3 Stroozas

4 **RESOLUTION 17-014(S)**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AUTHORIZING THE EXTENSION OF CITY OF HOMER WATER  
8 SERVICES TO BENEFITED LOTS IN KACHEMAK CITY AND  
9 NULLIFYING THE STATEMENT IN RESOLUTION 04-42(A) WITH  
10 REGARD TO EXTENDING CITY WATER TO NON-CITY PROPERTIES.  
11

12 WHEREAS, In 2004, in conjunction with an Alaska Department of Transportation East  
13 End Road Improvement Project, the City of Homer recognized an opportunity to install water  
14 and sewer mains to serve City of Homer residents along East End Road to Kachemak Drive; and  
15

16 WHEREAS, Resolution 04-42(A) authorized the City of Homer to proceed with the  
17 petitioning process as outlined in HCC 17.04.030 that eventually established the East End Road  
18 Sewer Local Improvement District (LID) and the East End Road Water LID ; and  
19

20 WHEREAS, When the East End Sewer was extended, Kachemak City was allowed to pay  
21 for a portion of the sewer improvement (based on the area and lots potentially served) with  
22 grant monies and assessments Kachemak City levied on Kachemak City benefited lots; and  
23

24 WHEREAS, This extension of City of Homer sewer service to Kachamak City lots  
25 increases throughput in City of Homer's existing sewer system thereby contributing to City of  
26 Homer revenues beyond the cost of providing the service; and  
27

28 WHEREAS, Resolution 04-42(A) further resolved not to extend City water to non-City  
29 properties; and  
30

31 WHEREAS, This resolve excluded sixteen Kachemak City properties that could  
32 potentially benefit from City of Homer water services; and  
33

34 WHEREAS, The Kachemak City share of East Road Water Extension Improvements was  
35 calculated at \$265,069.88 (.484% of the total based on the area and lots potentially served plus  
36 a standard 5% administrative fee) for creating water assessments to be collected in some  
37 fashion at such time as connections are permitted; and  
38

39 WHEREAS, The Kachemak City share of the East Road Water Extension Improvements  
40 was estimated at \$16,738.43 per parcel in 2009; and  
41

42 WHEREAS, Extending water service to these Kachemak City lots on the north side of East  
43 End Road along the utility corridor is wise and prudent because:

- 44 • the utility infrastructure is already in place; and
- 45 • the benefited lots already receive City of Homer Sewer service; and
- 46 • the additional water service would be at the expense of the new customer(s)making it  
47 low cost/no cost to the City of Homer; and
- 48 • the increase in throughput will increase City of Homer revenues.

49  
50 WHEREAS, At which time a sewer only customer in Kachemak City hooks up to City  
51 water, their water usage will be metered and no longer billed under the sewer only rate  
52 structure; and

53  
54 WHEREAS, A service fee of \$5 will be charged to every water customer outside of City  
55 Limits in lieu of City of Homer sales tax.

56  
57 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes  
58 the extension of City of Homer Water services to benefited lots in Kachemak City under similar  
59 terms and conditions as the City of Homer East End Road Water Local Improvement District.

60  
61 BE IT FURTHER RESOLVED that the adoption of this resolution nullifies the statement in  
62 Resolution 04-42(A) with regard to extending City water to non-City properties.

63  
64 BE IT FURTHER RESOLVED that the City Manager is directed to work with Kachemak City  
65 officials on a proposal for allocating and collecting the Kachemak City share of the East Road  
66 Water Extension Improvements for Council approval.

67  
68 PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of February, 2017.

69  
70 CITY OF HOMER

71  
72  
73 \_\_\_\_\_  
74 BRYAN ZAK, MAYOR

75  
76 ATTEST:

77  
78  
79 \_\_\_\_\_  
80 JO JOHNSON, MMC, CITY CLERK

81  
82 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 -  
Cafe Cups &  
Captn.  
Pattie's  
Kyra Wagner  
LAB Reapp.

I. **Memorandum 04-62**, from City Clerk, Re: Liquor License Renewals for Cafe Cups and Captain Pattie's Fish House Inc. Recommend voicing non objection and approval.

**Memorandum 04-63**, from Mayor, Re: Reappointment of Kyra Wagner to the Library Advisory Board. Recommend confirmation.

**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

**VISITORS**

ANNOUNCE/  
PRESENTATIONS

**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 -  
MC present

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.

&R 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

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

RESOLUTIONS

East End  
Road Water  
and Sewer  
Improvements

are higher and that these East End Road lots are some of the largest the City has run water and sewer to.

East F  
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 GAVE 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**

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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)**

<b>Total Combined Water &amp; Sewer Extension Costs</b>		<b>\$904,301.49</b>
Includes Kachemak & Homer Shares		
<b>Total Combined W&amp;S Extension Original Estimate</b>		<b>\$1,104,386.27</b>
Includes Kachemak & Homer Shares		
<b>City of Homer Water LID Improvements</b>		<b>\$269,213.74</b>
Plus 5% Admin on Property Owner Share	\$ 10,095.52	
<b>City of Homer Sewer LID Improvements</b>		<b>255,061.69</b>
Plus 5% Admin on Property Owner Share	\$ 9564.82	
<b>Kachemak Share Water Extension</b>		<b>\$252,447.50</b>
Plus 5% Admin	\$ 12,622.38	
<b>Kachemak Share Sewer Extension</b>		<b>\$127,240.23</b>
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

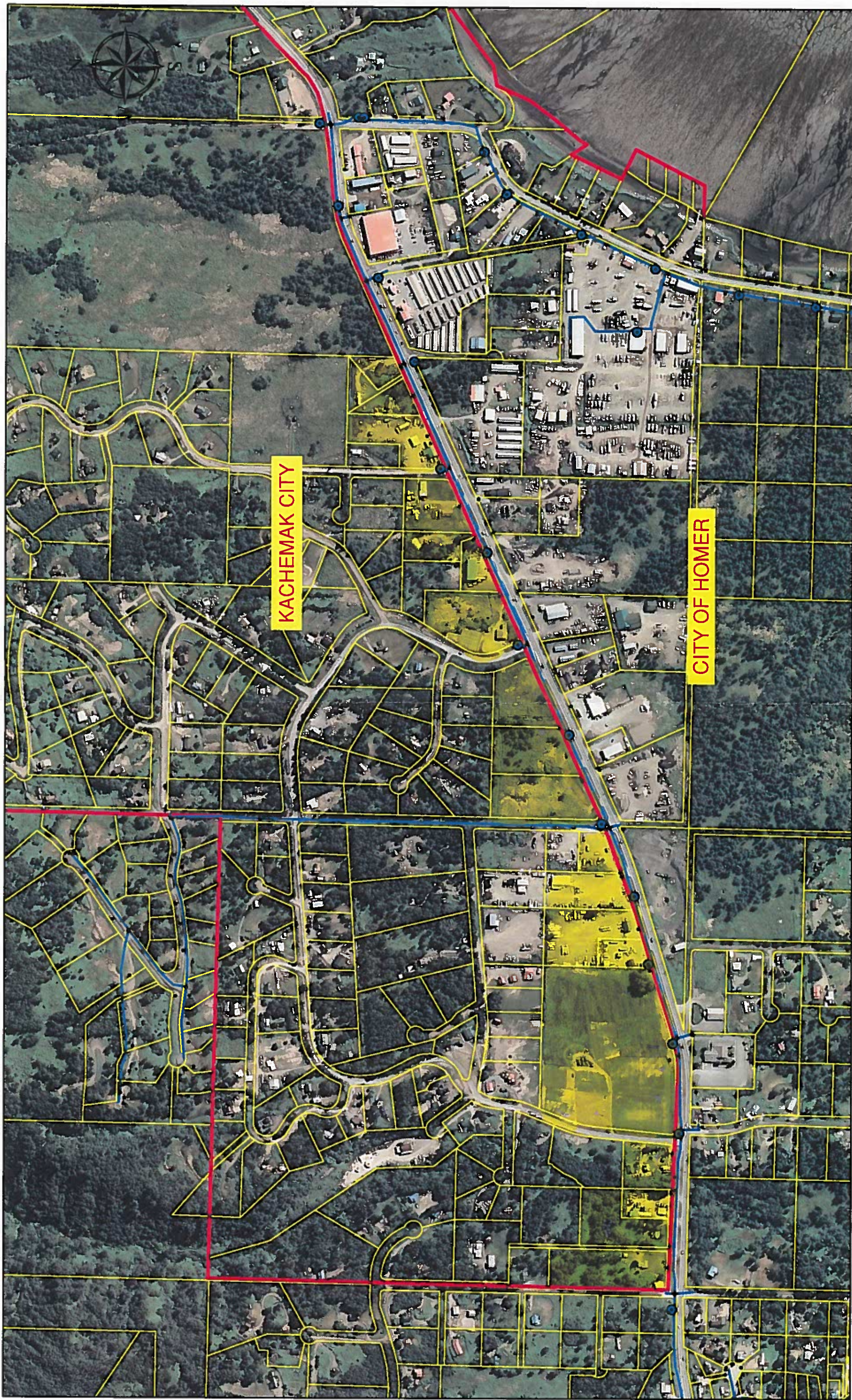
The original estimate for Kachemak City was .484% of the total of water improvements based on the area and lots potentially served. The total amount due is .484% of the total plus the standard 5% admin fee, for a total of \$265,069.88. Assessments will be created for the affected lots to be collected 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

CITY OF HOMER

KACHEMAK CITY PROPERTIES SERVED BY CITY WATER

1 inch = 500 feet



**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.



# CONSENT AGENDA



Session 17-04 a Regular Meeting of the Homer City Council was called to order on February 27, 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, ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS (telephonic)

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
DEPUTY CITY CLERK JACOBSEN  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Stroozas has requested telephonic participation.  
Councilmember Smith has requested excusal. (Excusal not needed.)

Mayor Zak called for a motion to allow Councilmember Stroozas to participate by telephone.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:00 p.m. to 4:54 p.m. to hear from R&M Consultants, Inc. on the Deep Water Dock Feasibility Study Findings. From 5:00 p.m. to 5:53 p.m. Council met as a Committee of the Whole to discuss Ordinance 17-10 and Consent and Regular Meeting Agenda items.

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

### **AGENDA APPROVAL**

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

The following changes were made: **CONSENT AGENDA - Ordinance 17-09**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$30,702.00 From Port and Harbor Reserves to Fund a Wireless Control System

for the High Mast Light Poles at the Harbor. City Manager/Port and Harbor Director. Written public comments. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Notice from Kenai Peninsula Borough of Application for a Retail Marijuana Store license in the Diamond Ridge/Homer Area for Alaskan Cannabis Outfitters. **RESOLUTIONS - Resolution 17-019**, A Resolution of the City Council of Homer, Alaska, Stating That the City of Homer Adheres to the Principle of Inclusion and Herein Committing This City to Resisting Efforts to Divide This Community With Regard to Race, Religion, Ethnicity, Gender, National Origin, Physical Capabilities, or Sexual Orientation Regardless of the Origin of Those Efforts, Including From Local, State or Federal Agencies. Aderhold/Reynolds/Lewis. Written public comments.

Item 16 Resolutions, Resolution 17-019 was moved to follow Item 4 Public Comments on Matters Already on the Agenda. Visitor Recreation Manager Mike Illg, Community Recreation, was removed from the agenda (rescheduled for March 28, 2017).

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 Recognition, Deputy City Clerk Melissa Jacobsen, Master Municipal Clerk Designation

Mayor Zak recognized Deputy City Clerk Melissa Jacobsen for her achievement of the Master Municipal Clerk designation.

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

Speaking in support of Resolution 17-019:

Hal Spence, Homer resident  
Kate Finn, Anchor Point resident  
Lindsay Martin, city resident  
Julia Person, Homer resident  
Andy Haas, city resident  
Catherine Knott

Lynn Spence, Homer resident  
Jacob Onmick, Homer High School freshman  
Ken Landfield, city resident  
Marjorie Ringer, city resident  
Robin McAllister, city resident  
Amos Markin  
Pedro Troll  
Jeremiah Emmerson, city resident

Speaking in opposition of Resolution 17-019:

Dean Ravin, Homer resident  
Frank Bauer, city resident  
David Bitterman, city resident  
John Butcher, city resident  
Krystal Butcher, city resident  
John Haskell  
Christin Fankhauser, city resident  
Kesha Etzwiler, city resident  
Tanise Latham, city resident  
Dan Presley, Alaska resident  
Gus Van Dyke, city resident  
Mark Zeiset, city resident  
Jerry Wood, Homer resident  
Ray Kranich, city resident  
Barnabas Firth, Homer resident  
Joyce Turkington, Homer resident  
Joy Overson, city resident  
Shawn Presley, Homer resident  
Palama Ramirez, Homer High School senior  
Alisha Steiner, Homer High School senior  
Beaver Nelson, city resident  
Garrity Fabich, Homer resident  
Brandy Super, city resident  
Joni Wise, city resident  
Tom Bos, city resident  
Ben Firth, Anchor Point resident  
Paul Hueper, city resident  
Jessie Nelson, city resident  
Pamela Hall, Anchor Point resident  
Jan Goethreager, city resident  
Dave Mastolier, city resident  
Vicki Ogden  
Diane Andress, Homer resident  
Mark Cooper, city resident

Jon Faulkner, city resident  
Ray Steiner, city resident  
Merlin Cordes, city resident  
Annalisa Cox, city resident  
Tracy Ansell, city resident  
Debra Brown, city resident  
Julian Massey, city resident  
Scott Adams, city resident

Mayor Zak called for a recess at 8:04 p.m. and reconvened the meeting at 8:14 p.m.

Speaking in support of Resolution 17-019:

Jim Stearns, city resident  
Joey Lothian, city resident  
Dr. Melissa Gagnon  
John Cowen  
Ginny Espenshade, city resident  
Erin Salzman  
Kimberly Ketter, city resident  
Carrie Harris, Homer resident  
Brian Duffy, Homer resident  
Kim Fine  
Ben Tyer

Speaking in opposition of Resolution 17-019:

Christie Hill, city resident  
Mark Edens, Homer resident  
William Surdyka, city resident  
Kammi Matson, city resident  
Jared Bradshaw, city resident  
Corbin Arno, city resident  
Jerry Morrison  
Ryan Cain, city resident  
Kim Seymour, Homer resident  
Dwayne Nustvold, Homer resident  
Eric Bocky, Homer resident  
Brad Drake  
Brian Eisenberg  
Renee Eidem, Homer resident  
Larry Slone, city resident  
Coletta Walker, city resident  
Len Fabich, city resident  
August Weber, city resident  
David Prince

Pam Horazdovsky, Kachemak City resident  
Cassie Lawver  
Pete Nagle, Homer resident  
Christine Szocinski, city resident  
Melinda Erickson, city resident  
Vernon Atkinson, Homer resident  
Paul Riedal, city resident  
Leon Smith, city resident  
Sarah Vance, city resident  
Libby Fabich, Homer High School junior  
Tammy McKenna, city resident

- A. **Resolution 17-019**, A Resolution of the City Council of Homer, Alaska, Stating That the City of Homer Adheres to the Principle of Inclusion and Herein Committing This City to Resisting Efforts to Divide This Community With Regard to Race, Religion, Ethnicity, Gender, National Origin, Physical Capabilities, or Sexual Orientation Regardless of the Origin of Those Efforts, Including From Local, State or Federal Agencies. Aderhold/Reynolds/Lewis.

Mayor Zak called for a motion for the introduction of Resolution 17-019.

REYNOLDS/LEWIS – SO MOVED.

Councilmember Lewis said he has been known to put his name on a resolution whether he supports it or not. If we had held a meeting at the college to discuss these issues it would have been poorly attended. We can move on. Everyone knows how they feel. This is no different than his family, the 56/44 split, who has great discussions. To the individual that said someone must have been paid, that has not happened. The cruise ship tax paid for the bathrooms. In the future when we have discussion on the drug and homeless problem he hopes we have this kind of turnout instead of empty chairs. While he supports Resolution 17-019, he probably won't vote for it because the majority of the people here are against it. He is not PC (politically correct), and is probably as far from that as an individual can get.

Councilmember Reynolds appreciates the comments made by Jenny Espenshade. We are in a lose, lose situation. She wholeheartedly supports everything in the Resolution 17-019 and will vote for it. It is easy for most people in this room to come and speak. There are a lot of people in the community that it is not that safe or that easy. She applauds the bravery of the people that came earlier. She believes in civil discussion and is seeing a lot of exhibit of non-civil discussion. People have been identified as targets in the community. She regrets how this came to be, but is glad to see people here participating.

Councilmember Aderhold appreciates everyone that has come out. This is our local government and everyone should participate. People had some really good things to say and she appreciates the constructive things people had to say. Based on the comments received

by email and heard this evening she summarized the main thoughts: the resolution is offensive, divisive and hateful, divides the community, takes away the free will of the people, demands that people love each other, it is important because it reaffirms the American value stated in our U.S. Constitution, Bill of Rights, and the Alaska Constitution, it is too political, steps on first amendment rights, civil rights are for all and asks the City to follow the law and uphold these rights, establishes Homer as a sanctuary city, we need to take care of our own vulnerable populations before inviting new people to Homer, it is illegal, it is unnecessary as we are already an inclusive and tolerant community, it is unnecessary because laws are already in place to stop hate crimes, it stands up to intolerance, it will ruin our economy, it is intolerant. Citizens ask us to bring forth resolutions and that is what happened here. It is very much a part of our local government. Anyone can come to us with a proposed resolution; that is what we do. This resolution is like a Rorschach test, everyone looked at it and saw something different. That is a problem. When putting something out to our government everything needs to be clear. She supports the resolution for the basic things. She cannot support the resolution since it means too many different things to too many different people.

Councilmember Erickson said it has been an interesting few weeks. The Homer News is fun to read in January and February, but after the time change we are all real busy. This went viral, it is not just in the Homer News. It broke her heart. People saw a different place of Homer and who we are. She has been watching people that spew hate at each other on KTUU, Facebook, and all the different social media. It has turned friends to hating each other. Wonderful people are afraid to speak up to say what we believe. She thanked everyone for coming out and for all the letters. It is an important issue. Some resolutions come that are well meaning but controversial with consequences. The resolution that showed up on Facebook was filled with anger and disregard and contempt for our political process. We already include people that think differently than us. Most of us are peace-loving people. This resolution has taken the people and torn away from the issues we need to address. In the end we all want peace, joy, and to be loved and accepted. It has already had an economic impact as we have been negatively labeled. It has unleashed anger. She cannot vote for it in any form.

Councilmember Reynolds read the first two whereas clauses. People in the community have had to endure increased hate and bullying. When you aren't on the receiving end of profiling you don't see it. She sees the resolution as a recommitment ceremony. We are saying we are not going to accept bomb scares in synagogues.

Councilmember Stroozas commented over 100 people spoke making statements on both sides of the aisle. Anything he could say has already been said. He is not supporting the resolution and it won't get enough support to pass. In addressing the question this evening about federal funds, in 2016 the City of Homer received slightly over \$1M in federal funds. Those funds helped build the load and launch ramp, water and sewer improvements, and Homeland Security to help fund the standby generator at the library. Think of where we would be without those funds. We could not have come up with those funds on our own. He is glad we had an outpouring of citizens who expressed opinion and very thankful we have had civility during this lengthy conversation.



Councilmember Smith has known Hal Spence for a very long time. He is a good man. He doesn't think any less of him today. He hopes that Hal can say the same about him even those he opposes the resolution. Councilmember Smith is all for inclusivity, diversity, and acceptance of different walks of life. You cannot fight fear with fear and you cannot fight hate with hate. If you want reaffirmation look in the mirror each morning and promise yourself you are going to do right. He doesn't need a government to tell him that is the case. His expectation of his neighbor and community members will not change due to who sits in the oval office or at the council table, no matter what resolution is passed. Love is really the only answer. Let's be good neighbors and love each other. That's all we have to do.

Mayor Zak passed the gavel to Mayor Pro Tempore Reynolds.

Mayor Zak said he loves everyone in the community that came out to speak. Although there has been some good done, there has been a lot of damage done. His recommendation to the Council in going forward is to apply the Rotary's 4-way test before bringing anything before us: Is it the truth? Is it fair to all concerned? Will it build good will and better friendships? Will it be beneficial to all? Mayor Zak said in moving forward we should get onto the business we need to do. He would like to think the citizens will support us in funding the city and to work on the major project before us, the public safety building, and to support that committee. Be there when we ask you for your votes for that. Be with the State of Alaska when we focus on fixing our fiscal issue. He thanked everyone for coming out tonight.

Mayor Pro Tempore Reynolds returned the gavel to Mayor Zak.

VOTE: YES. REYNOLDS

VOTE: NO. LEWIS, SMITH, ADERHOLD, STROOZAS, ERICKSON

Motion failed.

Mayor Zak called for a recess at 10:04 p.m. and reconvened the meeting at 10:14 p.m.

## **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 February 13, 2017. City Clerk. Recommend adoption.

- B. **Ordinance 17-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation and Public Facilities Grant for Soundview Pedestrian Safety Improvements. City Manager/Public Works Director. Recommended dates: Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.
  
- C. **Ordinance 17-09**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$30,702.00 From Port and Harbor Reserves to Fund a Wireless Control System for the High Mast Light Poles at the Harbor. City Manager/Port and Harbor Director. Recommended dates: Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

Memorandum 17-030 from Port and Harbor Director as backup.

- D. **Ordinance 17-10**, An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1. Mayor. Recommended dates: Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

Moved to Ordinances, Item A. Erickson.

- E. **Ordinance 17-11**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget Authorizing the Expenditure of \$9,000 for the Purchase of a Pathway Sander Unit. Aderhold. Recommended dates: Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

Memorandum 17-031 from Public Works Director as backup.

- F. **Ordinance 17-12**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$110,000 From the Public Safety Building Fund to the Police Station Project to Fund Assessment and Design. Reynolds. Recommended dates: Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.
  
- G. **Resolution 17-017**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Frisbee Court Road Reconstruction and Paving Special Assessment

District and Authorizing the City Manager to Proceed With the Preparation and Construction of the Reconstruction and Paving Project. City Clerk.

- H. **Resolution 17-018**, A Resolution of the City Council of Homer, Alaska, Certifying That the Municipality Did Suffer Significant Effects During the Program Base Year From Fisheries Business Activities That Occurred Within the FMA 14: Cook Inlet Fisheries Management Area. City Manager.

Memorandum 17-032 from Port and Harbor Director as backup.

Item D was moved to Ordinances, Item A. Erickson.

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

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

- A. R&M Consultants, Inc., DWD Feasibility Study Findings, 10 minutes

The presenters requested cancellation due to the late hour and their travel schedule.

- B. Recreation Manager Mike Illg, Community Recreation, 10 minutes

Removed from the agenda. Rescheduled to March 28, 2017.

## **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

Parks Art Recreation and Culture Advisory Commissioner John Sharp reported the commission met on February 16<sup>th</sup>. They had two visitors, Laurie Morrow, new Pratt Museum Director, on the Sister City Art Collection and Adele Person, Woodard Creek Coalition, presenting on the Woodard Creek Watershed. The commission discussed Mariner Park signage and the gates. They have a potential student member for the commission.

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

- C. Letter from Mayor Zak to University of Alaska Board of Regents, Re: Support for Option 6 of Strategic Pathways

Councilmember Aderhold asked that the letter be amended. She has heard from one of the regents that the Kenai Peninsula Campus has the third highest enrollment of the UA system. She asked for that to be included in the letter.

- D. Notice from Kenai Peninsula Borough of Application for a Retail Marijuana Store license in the Diamond Ridge/Homer Area for Alaskan Cannabis Outfitters

### **PUBLIC HEARING(S)**

- A. New Liquor License for Kannery Grill

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

### **ORDINANCE(S)**

- D. **Ordinance 17-10**, An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to

Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1. Mayor. Recommended dates: Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

LEWIS/REYNOLDS – MOVED FOR THE INTRODUCTION.

Council requested an expanded definition of maintenance. City Manager Koester will provide more information as to allowable HART expenses for the next meeting.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **CITY MANAGER'S REPORT**

### A. City Manager's Report

#### Hickerson Cemetery

Council requested additional information on the budget for Hickerson Cemetery expansion as it related to the \$1,000 per plot increase implemented in 2016. The City Council approved \$200,000 in the FY2016 budget for a phased expansion of Hickerson Cemetery (full expansion budget is \$328,000). At the same time, Council approved an increase from \$200 per plot to \$1,000 per plot to cover the capital cost of the development of the Cemetery. Since then, there has been substantial public input regarding the design of the cemetery resulting in additional landscaping, urn burial plots and consideration of future needs such as a walking path, equipment storage shed, and snow storage. While this has increased the visual appeal of the Cemetery, it results in less plots (106 2x5 burial plots and 60 2x2 urn plots) available for sale. At \$1,000 a plot the maximum amount the City will recoup on the project is \$166,000. Nevertheless, this is the first time the City has offered plots specifically for the interment of urns and Council could consider a separate and reduced fee for those plots. The City does allow burials 2 deep in one plot. As a point of comparison, burial plots at the Soldotna cemetery are anywhere from \$750-\$1,000 and urns are \$400. Wasilla charges \$1,000.

If Council would like to amend the cost of burial plots and add a separate price for urn interment, you would do so by Resolution amending the fee schedule. As a matter of course, the fee schedule is amended annually with the budget cycle. The Clerk's office is working on additional rules for managing the Cemetery. For example, when someone purchases a plot we currently deed it to the individual in perpetuity. This means there could be families who have

made other burial plans with reserved plots. These, and other recommendations, will be made by the Clerk's office which would be a good time to re-assess the cost of burial plots.

#### Boat House Pavilion Grant

I am pleased to announce that the Rasmuson Foundation recently awarded the City a Tier 1 grant to support construction of the Boat House Pavilion. The \$20,000 award for purchasing construction materials brings the project's fundraising to within \$5,000 of the project's overall \$230,000 goal.

#### Public Safety Communication Grant Applications

Homer Police Department recently submitted grant applications to the FY2017 Alaska State Homeland Security Program for three projects related to upgrading the City's radio communication system. These requests (to replace four repeaters, the emergency dispatch radio and HPD's mobile radio system) are part of the on-going process of completing communication system upgrades required because the system is aging out of manufacturer's support and will soon be out of compliance with new FCC regulations. Last year this grant program funded upgrades to two system components.

#### Finance Director Hired

I am pleased to announce the City has hired Elizabeth Walton as the next City of Homer Finance Director. Elizabeth is coming from Fairbanks where she works for the Department of Transportation & Public Facilities for the State of Alaska as an Accountant II. Elizabeth has also worked for the State's Department of Health & Social Services and the Department of Revenue. Elizabeth has a B.B.A in Finance, a B.B.A. in Accounting, as well as an M.B.A in Capital Markets. Elizabeth's first day is March 20<sup>th</sup>. Please welcome her to the City of Homer team when you see her at Council meetings.

#### Barge Mooring/Haul-Out Repair Facility

Last week, the City responded to a request from the Kenai Peninsula Economic Development District for shovel-ready projects that benefit the operation and performance of the transportation network and the regional and national economy for submission to the Trump Administration. Staff submitted a combined Barge Mooring/Haul-Out Repair Facility project description, which ranked first out of the four priority projects for the Kenai Peninsula. Shirley Kelly, Alaska EDR for the Economic Development Administration then forwarded a list of these Alaska projects to the Trump Administration, providing background on Alaska's infrastructure funding needs.

Bryan Hawkins has communicated the combined scope of the project to the State of Alaska, which was approved, and I will share the project with Lisa Murkowski's office when we submit information on the City of Homer's Federal Priority projects.

City Manager Koester circulated the sign-up sheet for "Lunch With a Councilmember" held at the library each month.

- B. Bid Report

## **CITY ATTORNEY REPORT**

## **COMMITTEE REPORT**

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

Councilmember Aderhold announced the upcoming meeting on Thursday. The webinar was not heard due to technical difficulties.

## **PENDING BUSINESS**

- 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. Postponed from February 13, 2017.

**Resolution 17-014(S)**, 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.

Motion on the floor from February 13<sup>th</sup>: MOTION FOR THE ADOPTION OF RESOLUTION 17-014 BY READING OF TITLE ONLY.

LEWIS/REYNOLDS – MOVED TO SUBSTITUTE RESOLUTION 17-014(S) FOR RESOLUTION 17-014.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Lewis explained we are not bringing water to the lots. There is already a water line running by the lots. If people want to hook up they will pay the \$16,000 assessment and then will be metered for both water and sewer.

VOTE: YES. LEWIS, STROOZAS, SMITH, ERICKSON

VOTE: NO. ADERHOLD, REYNOLDS

Motion carried.

## **NEW BUSINESS**

A. **Memorandum 17-029** from Deputy City Clerk, Re: New Liquor License Kannery Grill.

Mayor Zak called for a motion for the approval of the recommendations of Memorandum 17-029 to approve a new liquor license for Kannery Grill.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

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

Motion carried.

## **RESOLUTIONS**

A. **Resolution 17-019**, A Resolution of the City Council of Homer, Alaska, Stating That the City of Homer Adheres to the Principle of Inclusion and Herein Committing This City to Resisting Efforts to Divide This Community With Regard to Race, Religion, Ethnicity, Gender, National Origin, Physical Capabilities, or Sexual Orientation Regardless of the Origin of Those Efforts, Including From Local, State or Federal Agencies. Aderhold/Reynolds/Lewis.

Heard following Public Comments Upon Matters Already on the Agenda.

## **COMMENTS OF THE AUDIENCE**

Ginny Espenshade, city resident, announced the \$10,000 grant to continue the needle exchange program and asked Council to schedule a Worksession on the opioid epidemic.

Larry Slone, city resident, commented on Resolution 17-019. It was beneficial for him to see that Councilmember Smith has a side he never suspected and that Councilmember Reynolds stands by her convictions.



Tanise Latham commented on Resolution 17-019. There were all different opinions put forward and she would like to start to bridge the gap to come to a place of healing.

Christine Szocinski, city resident, thanked Councilmembers Lewis, Aderhold, and Reynolds for putting Resolution 17-019 forward as she would want them to sponsor something for her too.

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

City Attorney Wells was not present.

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

City Clerk Johnson congratulated Melissa. She has been a great help in our office and I very much enjoy working with her.

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

City Manager Koester echoed Jo's congratulations to Melissa. We are privileged to have a dedicated and hardworking staff who is always committed to continuing education and self-improvement.

### **COMMENTS OF THE MAYOR**

Mayor Zak said he loves this town and loves everyone. People in this community work hard in so many ways. We heard a lot about jobs in the community and people reaching out and doing good things for others. We are great people and got through this. He is ready to move on to get to the work of the City. We are going to be asking the voters for use of the HART funds to balance the budget and support of the public safety building. We are going to work hard to bring the voters something reasonable.

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

Councilmember Stroozas commented it was now 2:45 a.m. at his location. The Homer City Council comes through; we always do the right thing. He congratulated Melissa on her MMC certification. To our City Clerk Jo Johnson, this was a lot of work for you and you kept stuff coming. We had it in plenty of time to review the different opinions people wrote in about, in addition to listening to the 100+ people tonight. He is sorry he couldn't be here in person. He has tee time tomorrow afternoon.

Councilmember Reynolds thanked everyone for sending emails, coming, and spending time. A lot of people don't know how things move through the system. It is all set up for open meetings and public participation to make sure everyone has a voice. She has been here for 2 ½ years. The Council always has civil discussion. She thanked everyone that was vulnerable that came

and spoke. Councilmember Reynolds announced lunch at the library to chat and find out more. Your voice is meaningful and relevant. She kept her composure pretty well, but when her son sent her a supportive text that pushed her over the edge.

Councilmember Erickson said it has been a long, but good meeting. It is important moving forward that we undo any of the damage on social media to get people to realize we are a wonderful community. She encouraged us to be proactive in fixing this. Be honest and loving. We will get there and we'll all have a great summer.

Councilmember Aderhold congratulated Melissa. She works with Melissa on the ADA committee. Melissa's dedication to that committee and the community for ADA issues shows how dedicated she is. She thanked Jo and the Clerk's staff for all of their help over the last week on this resolution. She thanked the public and the people that stayed and listened to the rest of the meeting. One person talked about increased participation in city government. She applauds that and looks forward to people paying attention. We are here to represent you. We represent you best when we know how you feel about things. The more you are part of it, the better your government is.

Councilmember Smith said it is important we do move forward instead of being stuck in whatever may have been generated. We are still neighbors and community members. He hopes we can be accepting of differences no matter how we stand on issues. We have the power to dictate and do that positively by accepting the fact that we're different. He is confused with Mr. Sloan's comment since he doesn't know what he actually thought of him prior to tonight. He gave a shout out to the boys and the Best Western Riptide Team that won the championship.

Councilmember Lewis echoed what everyone else said about Melissa. For the past eight years he has missed every championship game. For those with a recall, do it quickly.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 10:54 p.m. The next Regular Meeting is Monday, March 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.

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JO JOHNSON, MMC, CITY CLERK

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



# City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

[mayor@ci.homer.ak.us](mailto:mayor@ci.homer.ak.us)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 17-033

TO: HOMER CITY COUNCIL

FROM: BRYAN ZAK, MAYOR

DATE: MARCH 6, 2017

SUBJECT: APPOINTMENTS OF PAM VAN HOOZER AND JOYANNA GEISLER TO THE AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE AND REAPPOINTMENT OF KARIN MARKS TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION.

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Pam Van Hoozer is appointed to the Americans With Disabilities Act Compliance Committee to fill the seat vacated by Patrick Brown. Joyanna Geisler is appointed to the ADA Compliance Committee to fill the seat vacated by Rick Malley.

Karin Marks is reappointed to the Economic Development Advisory Commission for a three-year term to expire April 1, 2020.

### RECOMMENDATION:

Confirm the appointments of Pam Van Hoozer and Joyanna Geisler to the ADA Compliance Committee and the reappointment of Karin Marks to the Economic Development Advisory Commission.

Fiscal Note: N/A





**CITY OF HOMER  
APPLICATION TO SERVE ON ADVISORY BODY  
COMMISSION, BOARD, COMMITTEE, TASK FORCE**

**CITY CLERK'S OFFICE  
CITY OF HOMER  
491 E. PIONEER AVE  
HOMER, AK 99603  
PH. 907-235-3130  
FAX 907-235-3143  
clerk@cityofhomer-ak.gov**

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

Name: Pam VanHoozer Date: 3/1/17  
 Physical Address: 31609 Sarysue Str Anc Pt 99556  
 Mailing Address: PO Box 5034 Nikolaevski, AK 99556  
 Phone #: 907-756-3911 Cell #: Same Work #: Same  
 Email Address: PVHoozer@icloud.com

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

Please indicate the advisory body that you are interested in serving on by marking with an X.  
You may select more than one.

<input type="checkbox"/> <b>ADVISORY PLANNING COMMISSION</b> 1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM	<input type="checkbox"/> <b>ECONOMIC DEVELOPMENT ADVISORY COMMISSION</b> 2ND TUESDAY OF THE MONTH AT 6:00 PM
<input type="checkbox"/> <b>PARKS ART RECREATION &amp; CULTURE ADVISORY COMMISSION</b> 3RD THURSDAY OF THE MONTH AT 5:30 PM NO MEETINGS IN JANUARY, JULY & DECEMBER	<input type="checkbox"/> <b>CANNABIS ADVISORY COMMISSION</b> 4TH THURSDAY OF THE MONTH AT 5:30 PM
<input type="checkbox"/> <b>PORT &amp; HARBOR ADVISORY COMMISSION</b> 4th WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 PM MAY - SEPT AT 6:00 PM	<input type="checkbox"/> <b>LIBRARY ADVISORY BOARD</b> 1ST TUESDAY OF THE MONTH AT 5:30 PM NO MEETINGS IN JANUARY, JUNE AND JULY
<input type="checkbox"/>	<input checked="" type="checkbox"/> <b>OTHER - PLEASE INDICATE</b> <u>ADA <del>State</del> Committee</u>
<input type="checkbox"/> <b>CITY COUNCIL</b> 2ND & 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM COMMITTEE OF THE WHOLE AT 5:00 PM REGULAR MEETING AT 6:00 PM	

I have been a resident of the city for 9 years. I have been a resident of the area for 7 years.

I am presently employed at KPBSP

Please list any special training, education or background you may have which is related to your choice of advisory body.

- Special Needs background  
- Recently have become totally blind

Have you ever served on a similar advisory body? If so please list when, where and how long:

No

Why are you interested in serving on the selected advisory body?

To advocate for people disabilities & elderly.

Please list any current memberships or organizations you belong to related to your selection(s):

/

Please answer the following only if you are applying for the Advisory Planning Commission:  
Have you ever developed real property other than a personal residence, if so briefly explain:

/

Please answer if your are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis?

Yes  No  What is your primary use? Commercial  Recreational

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

/

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

## Jo Johnson

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**From:** Application for Appointment to an Advisory Body via City of Homer Alaska Official Website  
<info@cityofhomer-ak.gov>  
**Sent:** Monday, March 06, 2017 1:40 PM  
**To:** Department Clerk  
**Subject:** \*\* Application for Appointment \*\*

Submitted on Monday, March 6, 2017 - 1:39pm Submitted by anonymous user: 69.161.30.28  
Submitted values are:

==Applicant Information==

Name: Joyanna Geisler  
Physical Address: 2315 Mt. Augustine Dr.  
Mailing Address: Box 1649  
Email: ilc@xyz.net  
Phone: 907235-7911 (work) 235-5401 (home)

==Advisory Bodies==

Advisory Bodies: Other: Please indicate  
Other - Please Describe: ADA Compliance Committee

==Residency & Experience==

I have been a resident of the city for: 27 years  
I have been a resident of the area for : 30 1/2 years

Special Training & Education: Disability Rights & Education Defense Fund training on the Americans with Disabilities Act in mid 1990's. Disability Rights advocate through my work at ILC since 1991.

Prior Service : I have served or serve on various state advisory boards, Why are you interested? I am interested in Homer being as compliant with the Americans with Disabilities Act as possible by being accessible and open to as many individuals who are aging and/or disabled as possible. Physical accessibility and alterations to policy that effect people/families with disabilities, generally helps the entire community. For example curb cuts in side walks are useful to wheel chair users, parents pushing strollers, bike riders and skate boarders.

Other memberships: I am Executive Director of the Independent Living Center, here in Homer. Additional related information: Please include any additional information that may assist the Mayor in his/her decision making:

Finish: When you have completed this application please review all the information and hit the submit button. Thank you for applying!

The results of this submission may be viewed at:

[https://linkprotect.cudasvc.com/url?a=http://www.cityofhomer-ak.gov/node/9051/submission/5921&c=E,1,0FkCaDIZCBEv0qI2DNJo-5UV7LIXNARA1KcPvdBhu3mue0stJCHMP1VMA\\_Uj8a9Ee5qNWYSUbNHdvIC7sGJzsVipEgscjzMMN3YRbkBs3bmjLV0yIQ,,&typo=1](https://linkprotect.cudasvc.com/url?a=http://www.cityofhomer-ak.gov/node/9051/submission/5921&c=E,1,0FkCaDIZCBEv0qI2DNJo-5UV7LIXNARA1KcPvdBhu3mue0stJCHMP1VMA_Uj8a9Ee5qNWYSUbNHdvIC7sGJzsVipEgscjzMMN3YRbkBs3bmjLV0yIQ,,&typo=1)





## Jo Johnson

---

**From:** Melissa Jacobsen  
**Sent:** Wednesday, March 01, 2017 10:25 AM  
**To:** Jo Johnson  
**Subject:** FW: EDC Term Expiration

Jo,

Karin Marks would like to be reappointed to the EDC. Her term expires April 1.

Thanks!

**From:** Karin Marks [mailto:weskar70@gmail.com]  
**Sent:** Wednesday, March 01, 2017 10:19 AM  
**To:** Melissa Jacobsen <MJacobsen@ci.homer.ak.us>  
**Subject:** Re: EDC Term Expiration

Yes I would like to be reappointed, do I need to say anything else than that

On Mar 1, 2017 9:52 AM, "Melissa Jacobsen" <MJacobsen@ci.homer.ak.us> wrote:

Hi Karin,

Your term on the EDC expires on April 1. If you would like to request re-appointment please let me know via email or provide something in writing stating as such that can be delivered to Mayor Zak.

Thanks! Melissa

*Melissa Jacobsen, MMC*

*Deputy City Clerk*

*ADA Coordinator*

*City of Homer, Alaska*

907-435-3107

City of Homer City Clerk's Office

*PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to this address will be available for public inspection under Alaska public records law.*





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 17-034

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, MMC, DEPUTY CITY CLERK  
DATE: MARCH 6, 2017  
SUBJECT: LIQUOR LICENSE RENEWAL FOR AMERICAN LEGION POST 16

---

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

Type: Club  
Lic #: 2466  
DBA Name: American Legion, Post 16  
Service Location: 2410 East End Road, Homer, Alaska  
Licensee: American Legion Post #16, General Buckner Post  
Mailing Address: PO Box 858, Homer, AK 99603

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

Fiscal Note: Revenues.





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:	American Legion Post #16, General Buckner Post	License #:	2466
License Type:	Club	Statute:	AS 04.11.110
Doing Business As:	American Legion Post #16		
Premises Address:	2410 East Road		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	P.O. Box 858		
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:	Warren Huff		
Contact Phone:	907-235-8864	Business Phone:	907-235-8864
Contact Email:	post.sixteen@yahoo.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 #:	4570D
----------------------	-------

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:	Don Riddl			
Title(s):	President	Phone:	907 399-4859	% Owned: <input type="checkbox"/>
Address:	P.O. Box 74			
City:	Homer	State:	AK	ZIP: 99603

Entity Official:	John Chapple III			
Title(s):	Vice President	Phone:	907 399-1028	% Owned: <input type="checkbox"/>
Address:	P.O. Box 1301			
City:	Homer	State:	AK	ZIP: 99603

Entity Official:	Warren Huff			
Title(s):	Secretary	Phone:	907 235-7429	% Owned: <input type="checkbox"/>
Address:	P.O. Box 15247			
City:	Homer	State:	AK	ZIP: 99603

Entity Official:				
Title(s):		Phone:		% Owned: <input type="checkbox"/>
Address:				
City:		State:		ZIP:

Entity Official:				
Title(s):		Phone:		% Owned: <input type="checkbox"/>
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:

Glenda Vanderveering - Bookkeeper

### 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.*

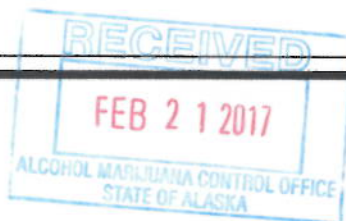
### Section 6 – Convictions

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.

*WPH*

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.

*WPH*

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.

*WPH*

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.

*WPH*

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.

*WPH*

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.

*Warren Huff*  
 Signature of licensee

*[Signature]*  
 Signature of Notary Public

*Warren Huff*  
 Printed name of licensee

Notary Public in and for the State of *Alaska*



My commission expires: *02/14/2019*

Subscribed and sworn to before me this *15<sup>th</sup>* day of *February*, 20*17*.

License Fee:	\$ 1200.00	Filing Fee:	\$ 200.00	TOTAL:	\$ 1400.00
Late Fee of <b>\$500.00</b> – if received or postmarked after 01/03/2017:					
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



February 27, 2017

City of Homer  
Attn: City Clerk

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

Cc: [joanne@borough.kenai.ak.us](mailto:joanne@borough.kenai.ak.us)  
[jblankenship@borough.kenai.ak.us](mailto:jblankenship@borough.kenai.ak.us)  
[kring@borough.kenai.ak.us](mailto:kring@borough.kenai.ak.us)

**Re: Notice of 2017/2018 Liquor License Renewal Application**

<b>License Type:</b>	Club	<b>License Number:</b>	2466
<b>Licensee:</b>	American Legion Post #16, General Buckner Post		
<b>Doing Business As:</b>	American Legion Post #16		

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](mailto:amco.localgovernmentonly@alaska.gov)



# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: Mark Robl, Police Chief  
FROM: Melissa Jacobsen, Deputy City Clerk  
DATE: March 3, 2017  
SUBJECT: Liquor License Renewal for American Legion Post 16

---

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

Type: Club  
Lic #: 2466  
DBA Name: American Legion, Post 16  
Service Location: 2410 East End Road, Homer, Alaska  
Licensee: American Legion Post #16, General Buckner Post  
Mailing Address: PO Box 858, Homer, AK 99603

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

Thank you for your assistance.



# City of Homer

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

Police Department

4060 Heath Street  
Homer, Alaska 99603

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

(p) 907-235-3150

(f) 907-235-3151

## Memorandum

MAR - 6 2017  
*Jr*

TO: MELISSA JACOBSEN, DEPUTY CITY CLERK  
FROM: MARK ROBL, CHIEF OF POLICE  
DATE: MARCH 6, 2017  
SUBJECT: Liquor License Renewal for American Legion Post 16

We have no objections to the renewal application for a liquor license in the City of Homer for the following:

Type: Club  
Lic #: 2466  
DBA Name: American Legion, Post 16  
Service Location: 2410 East End Road, Homer, Alaska  
Licensee: American Legion Post #16, General Buckner Post  
Mailing Address: PO Box 858, Homer, AK 99603



## **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](mailto:assemblyclerk@kpb.us)

**JOHNI BLANKENSHIP, MMC  
BOROUGH CLERK**

March 1, 2017

Ms. Sarah Daulton Oates  
Records & Licensing Supervisor  
Alcohol & Marijuana Control Office  
550 West 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

RE: Non-Objection of License Renewal

Business Name	:	American Legion Post #16
License Type	:	Club
License Location	:	2410 East End Rd
License No.	:	2466

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,

cc: Applicant  
City of Homer  
KPB Finance Department  
File



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-13**

An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Authorizing the Expenditure of \$19,850 From the Fishing Hole Maintenance Reserve Fund for Improvements to the Nick Dudiak Lagoon Fish Cleaning Station.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting March 13, 2017 Introduction
  - a. Memorandum 17-038 from Port and Harbor Director





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

3 City Manager/  
4 Port and Harbor Director

5 **ORDINANCE 17-13**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE 2017 OPERATING BUDGET BY AUTHORIZING THE  
9 EXPENDITURE OF \$19,850 FROM THE FISHING HOLE MAINTENANCE  
10 RESERVE FUND FOR IMPROVEMENTS TO THE NICK DUDIAK LAGOON  
11 FISH CLEANING STATION.  
12

13 WHEREAS, The City executed a Cooperative Agreement with the Alaska Department of Fish  
14 and Game granting \$60,000 for the purpose of making improvements to the fish cleaning facility  
15 near the Nick Dudiak Lagoon on the Spit. Improvements were completed and grant funds fully  
16 expended in the late fall of 2016; and  
17

18 WHEREAS, Work consisted of the replacement and expansion of the concrete  
19 slab/foundation and the erection of a roof over the facility; and  
20

21 WHEREAS, Grant funding did not cover some of the miscellaneous work required to finish  
22 the station, including providing additional fish cleaning tables, installing new water piping for  
23 table wash down, bird deterrent netting, lighting and perimeter grading.  
24

25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
26

27 Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$19,850  
28 from the Fishing Hole Maintenance Reserve for improvements to the Nick Dudiak Lagoon Fish  
29 Cleaning Station.  
30

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-0397	Nick Dudiak Lagoon Fish Cleaning Station	\$19,850

31  
32  
33  
34

35 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall  
36 not be codified.  
37

38 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of March, 2017.  
39  
40  
41  
42

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

43  
44  
45  
46  
47  
48  
49 ATTEST:

50  
51  
52 \_\_\_\_\_  
53 JO JOHNSON, MMC, CITY CLERK

54  
55  
56 YES:

57 NO:

58 ABSTAIN:

59 ABSENT:

60  
61  
62  
63 First Reading:

64 Public Hearing:

65 Second Reading:

66 Effective Date:

67  
68  
69  
70 Reviewed and approved as to form:

71  
72 \_\_\_\_\_  
73 Mary K. Koester, City Manager

\_\_\_\_\_  
Holly C. Wells, City Attorney

74  
75 Date: \_\_\_\_\_

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

76



# City of Homer

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

Port and Harbor

4350 Homer Spit Road

Homer, AK 99603

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

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 17-038

TO: Katie Koester – City Manager  
FROM: Bryan Hawkins – Port and Harbor Director  
DATE: March 6, 2017  
SUBJECT: Completion of New Nick Dudiak Lagoon Fish Cleaning Station

The City executed a Cooperative Agreement with the Alaska Department of Fish and Game granting \$60,000 for the purpose of making improvements to the fish cleaning facility near the Nick Dudiak Lagoon on the Spit. Improvements were completed and grant fully expended in the late fall of 2016. Work consisted of the replacement and expansion of the concrete slab/foundation and the erection of a roof over the facility.



Grant funding did not cover some of the miscellaneous work required to finish the station. Additional funds are needed to complete the facility are described below:

Fabricate and install additional fish cleaning tables	\$ 4,450
Install ceiling	\$ 2,150
Furnish and install overhead water piping for cleaning wash down	\$ 4,850
Furnish and install netting	\$ 1,500
Extend power and install LED lighting	\$ 2,350
Complete perimeter grading	<u>\$ 4,550</u>

Total Cost to Complete \$19,850

Completion of this project will provide a low maintenance, high quality fish cleaning station that will serve this important economic driver on the Spit.

This facility (the Lagoon, and associated restroom and fish cleaning station) is not a Harbor facility that we can justify using Harbor funds to improve. The City Council established a “Fishing Lagoon Maintenance Fund” in 2012 from the sale of dredged material to help fund improvements at the lagoon. The current Fund balance is \$113,546.

**Recommendation:** The City Council adopt Ordinance 17-13 appropriating \$19,850 from the Fishing Lagoon Maintenance Fund for the completion of the Nick Dudiak Lagoon Fish Cleaning facility as described above.



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-14**

An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$150,000 From Port and Harbor Reserves for the Replacement of the Existing Port and Harbor Management Software.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting March 13, 2017 Introduction
  - a. Memorandum 17-043 from Port and Harbor Director as backup



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

3 City Manager/  
4 Port and Harbor Director

5 **ORDINANCE 17-14**  
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE 2017 OPERATING BUDGET BY APPROPRIATING  
9 FUNDS IN THE AMOUNT OF \$150,000 FROM PORT AND HARBOR  
10 RESERVES FOR THE REPLACEMENT OF THE EXISTING PORT AND  
11 HARBOR MANAGEMENT SOFTWARE.  
12

13 WHEREAS, The current harbor software was put in place 20 years ago and has now proven  
14 to be antiquated, unsupported, and unable to be updated to implement the approved graduated  
15 moorage rate structure; and  
16

17 WHEREAS, The Port and Harbor participated in an onsite demo of the most used harbor  
18 software in Alaska and it was verified that it could not be customized and certain automation was  
19 not possible; and  
20

21 WHEREAS, The Port and Harbor began exploring the possibility of extending some already  
22 established general purpose customer relationship management (CRM) software; demos were  
23 developed from two firms with CRM experience and both proved unworkable due to the  
24 complexity of the accounting necessary in Port and Harbor work flows; and  
25

26 WHEREAS, The Port and Harbor determined the next step was to define our  
27 "requirements" for a replacement application through a Request for Proposal and Business  
28 Requirements that are now ready for solicitation.  
29

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

32 Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$150,000  
33 from the Port and Harbor Reserves for the replacement of the existing Port and Harbor  
34 management software.  
35

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
456-0380	Replacement of harbor management software	\$150,000

36  
37  
38  
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 \_\_\_day of \_\_\_\_\_, 2017.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

43  
44  
45  
46  
47  
48  
49 ATTEST:

50  
51  
52 \_\_\_\_\_  
53 JO JOHNSON, MMC, CITY CLERK  
54  
55  
56  
57

58  
59 YES:

60 NO:

61 ABSTAIN:

62 ABSENT:  
63  
64  
65

66  
67 First Reading:

68 Public Hearing:

69 Second Reading:

70 Effective Date:  
71  
72

73 Reviewed and approved as to form:  
74

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

\_\_\_\_\_  
Holly C. Wells, City Attorney

77  
78 Date: \_\_\_\_\_  
79

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





# City of Homer

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

Port and Harbor

4311 Freight Dock Road  
Homer, AK 99603

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

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 17-043

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: BRYAN HAWKINS, PORT AND HARBOR DIRECTOR  
DATE: MARCH 8, 2017  
SUBJECT: REPLACEMENT OF THE EXISTING PORT AND HARBOR MANAGEMENT SOFTWARE

**BACKGROUND:** The current Marina software in use at the Port and Harbor was put into place in approximately 1997. It was developed by a single programmer who has since passed away. The program was used by many harbors in Alaska and ours was customized for our moorage billing. The system has been bought and sold many times since her death. Through these changes of ownership, the records of the exact customizations have been lost. The current owners are phasing it out and are no longer supporting it or making updates. The Port and Harbor has tried to solve issues with our Marina software in house and with the current owners of the software to no avail. For Example: statement size, billing processing and printing time, moorage rate calculation change, inability to scale up to the current number of accounts serviced, limited report parameters, limited account management, limited characters for charges, payments and notes, and utility integration.

In 2011 Port and Harbor began researching new software. We interviewed other harbors and asked around at conferences. In 2011, a software vendor made an onsite visit to Homer harbor's office to demo his program and look at our current program. It was determined this "off the shelf" software could not be customized and thus certain automation would not be possible. The single programmer issue for this vendor was also of concern.

In 2014 Port and Harbor began exploring the possibility of customizing and extending some general purpose customer relationship management (CRM) software. Demos were developed from two firms with extensive CRM experience. Both proved unworkable due to the complexity of the accounting necessary in our work flows.

In 2016 Port and Harbor determined they needed professional help in defining our "requirements" for a replacement application and to streamline the bidding process. Two firms were contacted. An Anchorage firm was awarded the task. The Request for Proposals document and Business Requirements are now ready for solicitation.

Port and Harbor manages revenue streams in 32 separate categories that generated more than \$4.3M in revenue last year. Accurate and readable billing software is absolutely necessary.

**RECOMMENDATION:** Approve Ordinance 17-14 to appropriate \$150,000 from Port and Harbor Reserves to provide a replacement of the existing Port and Harbor management software.



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-15**

An Ordinance of the City Council of Homer, Alaska, Updating and Clarifying the Implementation of a Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Became Delinquent on or After July 1, 2016, and Provided Terms for Reinstatement on or After July 1, 2016 of Assessments That Became Delinquent Before That Date, and the Policies and Procedures for Waiving Penalties on Delinquent Special Assessment Payments if They Meet Certain Requirements, and Creating an Appeal Process for Waiver Denials to the Board of Adjustment.

Sponsor: Aderhold

1. Council Regular Meeting March 13, 2017 Introduction
  - a. Resolution 16-052
  - b. Resolution 16-079(S)(A)
  - c. Resolution 15-017
  - d. Resolution 15-047(S)(A)
  - e. Resolution 15-081(S)



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

3 Aderhold

4 **ORDINANCE 17-15**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, UPDATNG  
7 AND CLARIFYING THE IMLEMNTATION OF A PENALTY AND INTEREST  
8 STRUCTURE FOR SPECIAL ASSESSMENTS IN THE HOMER NATURAL GAS  
9 DISTRIBUTION SPECIAL ASSESSMENT DISTRICT THAT BECAME  
10 DELINQUENT ON OR AFTER JULY 1, 2016, AND PROVIDED TERMS FOR  
11 REINSTATEMENT ON OR AFTER JULY 1, 2016 OF ASSESSMENTS THAT  
12 BECAME DELINQUENT BEFORE THAT DATE, AND THE POLICIES AND  
13 PROCEDURES FOR WAIVING PENALTIES ON DELINQUENT SPECIAL  
14 ASSESSMENT PAYMENTS IF THEY MEET CERTAIN REQUIREMENTS, AND  
15 CREATING AN APPEAL PROCESS FOR WAIVER DENIALS TO THE BOARD OF  
16 ADJUSTMENT.

17  
18 WHEREAS, The Council adopted Resolution 16-052 that implemented a penalty and  
19 interest structure for special assessments in the Homer Natural Gas Distribution Special  
20 Assessment District that became delinquent on or after July 1, 2016, and provided terms for  
21 reinstatement on or after July 1, 2016 of assessments that became delinquent before that date;  
22 and

23  
24 WHEREAS, The Council adopted Resolution 16-079(S)(A) which provides policies and  
25 procedures for waiving penalties on delinquent special assessment payments (“waivers”) if  
26 they meet certain requirements; and

27  
28 WHEREAS, It is in the City of Homer’s (“City’s”) best interest to update the penalty and  
29 interest structure for special assessments in the Homer Natural Gas Distribution Special  
30 Assessment District found in Resolution 16-052 and the policies and procedures for waiving  
31 penalties on delinquent payments in Resolution 16-079(S)(A) to clarify the process, and to  
32 establish an appeal process to the Board of Adjustment (“Board”) for denials of applications  
33 for waivers.

34  
35 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

36  
37 Section 1: The City hereby determines:

38  
39 I. PAYMENT

- 40  
41 1. If an assessment in the District has not been delinquent before July 1, 2016, a  
42 delinquent annual installment of principal and interest on the assessment that is

43 due on or after July 1, 2016 shall be subject to a late payment penalty equal to fifty  
44 dollars (\$50.00) multiplied by the number of calendar months (or portions thereof)  
45 that elapse until the delinquent installment, plus interest and penalty are paid in  
46 full, or are being paid in installments in accordance with a payment plan approved  
47 by the Finance Director; provided, that the amount of this penalty shall not exceed  
48 two hundred dollars (\$200.00). If the delinquent installment, plus interest and  
49 penalty, are not paid in full within four calendar months after the installment due  
50 date, the entire outstanding principal amount of the assessment shall be in default  
51 and shall be immediately due and payable, and thereafter the entire outstanding  
52 assessment principal shall bear interest at the rate of ten and one-half percent  
53 (10.5%) per annum until paid. The penalty imposed under this paragraph does not  
54 bear interest.

- 55
- 56 2. Notwithstanding Resolutions 15-017, 15-047(S)(A) and 15-081(S), an assessment in  
57 the District that became delinquent before July 1, 2016 shall not be immediately  
58 due and payable in full because of that delinquency, but may continue to be payable  
59 in installments of principal plus interest at a rate of four percent (4%) per annum  
60 and thereafter shall be subject to the penalty and interest structure provided in the  
61 preceding paragraph, if on or before July 1, 2016, the City receives payment of (i) the  
62 delinquent assessment installment plus a penalty of ten percent (10%) of the total  
63 assessment amount and interest on the total assessment amount at a rate of ten  
64 and one-half percent (10.5%) per annum, and (ii) the assessment installment that is  
65 due on July 1, 2016.

66

67 II. POLICY

68

69 It is the policy of the City of Homer to provide fair and consistent administration of Alaska  
70 statutes and City ordinances with respect to waiving the assessment of penalties on delinquent  
71 assessment payments in special assessment districts, and to recognize that exceptional  
72 circumstances may occur in which, in the interest of fairness, a penalty on a delinquent  
73 assessment should be waived.

74

75 III. PROCEDURE

76

- 77 A. An owner of property in a special assessment district who is delinquent in making an  
78 assessment payment may apply to the Finance Director for a waiver of the penalty on  
79 the delinquent assessment payment on a form provided by the Finance Director.
- 80
- 81 B. The application to waive the penalty shall be accompanied by payment of all  
82 delinquent assessment payments that the property owner owes to the City.
- 83

84 C. The Finance Director will review and either approve or disapprove the application. The  
85 Finance Director will approve an application to waive a penalty on a delinquent  
86 assessment payment if one of the following criteria is met:

87  
88 1. A clerical error by the City Clerk or Finance Department contributed  
89 substantially to the late payment.

90  
91 i. For the purpose of this procedure, a clerical error is a mistake made by City  
92 personnel that resulted in the failure of the City to correctly and timely  
93 notify the property owner of the due date for the delinquent assessment  
94 payment, or to correctly credit a timely assessment payment to the  
95 property owner's account. Examples of a clerical error include, but are not  
96 limited to:

- 97 • Application of a timely payment to the wrong account.
- 98 • Failing to send the property owner timely notice of the payment  
99 due date.
- 100 • Sending the property owner notice of the payment due date using  
101 a name or address other than the name and addresses of the  
102 property owner that currently appear on the Kenai Peninsula  
103 Borough property tax roll.

104  
105 ii. The property owner is responsible for notifying the Kenai Peninsula  
106 Borough Assessor of any change in property owner name or address. The  
107 City is not responsible for updating the property owner name and address  
108 on the Kenai Peninsula Borough property tax roll, or for investigating the  
109 accuracy of the property owner name or address that currently appears on  
110 the Kenai Peninsula Borough property tax roll.

111  
112 2. A U.S. Postal Service error contributed substantially to the late payment. A  
113 waiver on this ground requires proof of one of the following:

114 i. The Postal Service failed to deliver either the payment or the notice of the  
115 payment due date to the address that appeared on the envelope.

116  
117 ii. The Postal Service delayed delivery of either the payment or notice of the  
118 payment due date to a degree that contributed substantially to the  
119 lateness of the payment.

120  
121 iii. The postmark on the payment did not accurately reflect when the property  
122 owner delivered the payment to the Postal Service.

123  
124 3. Proof that the property owner was unable to make the payment on time because  
125 of an extreme non-financial personal hardship. This could include a serious

126 illness or death of the property owner or an immediate family member that  
127 reasonably prevented making the payment on time.

- 128  
129 4. Other circumstances deemed relevant by the Finance Director that substantially  
130 interfered with the property owner’s ability to make the payment on time.

131  
132 The property owner bears the burden by substantial evidence of proving that one of the  
133 grounds for waiving the penalty exists, based on relevant documentation and sworn  
134 testimony.

- 135  
136 D. The Finance Director will decide whether to approve or disapprove an application to  
137 waive a penalty on a delinquent assessment payment. Within thirty days of receiving  
138 the application the City Clerk shall give the property owner a written notice of the  
139 Finance Director’s decision, stating the Finance Director’s reasons for the decision. An  
140 appeal from the Finance Director’s final decision may be taken to the Board of  
141 Adjustment by the applicant, and shall be filed within 30 days of the date of distribution  
142 of the Finance Director’s final decision.

- 143  
144 E. All appeals must be heard within 90 days of the applicant filing a notice of appeal. The  
145 Board may for good cause shown extend the time for hearing. The decision on appeal  
146 must be rendered within 60 days after the appeal hearing.

- 147  
148 1. The appeal hearing shall be in compliance with the requirements contained in  
149 Homer City Code (“HCC”) 21.93.540 and HCC 21.93.550.

- 150  
151 2. The applicant may present oral argument at the appeal hearing, subject to the  
152 order of presentation and time limitations that the chair adopts at the  
153 commencement of the hearing. The rules of evidence are relaxed during the  
154 Board’s appeal hearing.

- 155  
156 3. The Board shall defer to the findings of the Finance Director regarding disputed  
157 issues of fact. Findings of fact adopted expressly or by necessary implication by  
158 the Finance Director shall be considered as true if they are supported by  
159 substantial evidence. If the Finance Director fails to make a necessary finding of  
160 fact and substantial evidence exists in the record to enable the Board to make  
161 the finding of fact, the Board may do so in the exercise of its independent  
162 judgment. “Substantial evidence,” as used in this section, means such relevant  
163 evidence as a reasonable mind might accept as adequate to support a  
164 conclusion.

- 165  
166 4. The decision of the Board of Adjustment on the application is final and not  
167 subject to appeal.



168 Section 2: All applications for waiver of penalty subject to approval at the February 13,  
169 2017 Council meeting may apply for reconsideration under the above procedure so long as an  
170 application for reconsideration is filed within 30 days of the adoption of this ordinance.  
171

172 Section 3: This Ordinance is general and permanent in nature, but shall not be codified.  
173

174 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
175 \_\_\_\_\_, 2017.

176  
177 CITY OF HOMER  
178

179 \_\_\_\_\_  
180  
181 BRYAN ZAK, MAYOR

182 ATTEST:

183  
184  
185 \_\_\_\_\_  
186 JO JOHNSON, MMC, CITY CLERK  
187

188  
189  
190 YES:  
191 NO:  
192 ABSTAIN:  
193 ABSENT:  
194

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196  
197 First Reading:  
198 Public Hearing:  
199 Second Reading:  
200 Effective Date:  
201

202 Reviewed and approved as to form.  
203

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

\_\_\_\_\_

206  
207 Date: \_\_\_\_\_

\_\_\_\_\_

208  
209 Fiscal Note: NA



**CITY OF HOMER  
HOMER, ALASKA**

Smith

**RESOLUTION 16-052**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, PROVIDING FOR A NEW PENALTY AND INTEREST STRUCTURE FOR SPECIAL ASSESSMENTS IN THE HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT DISTRICT THAT BECAME DELINQUENT ON OR AFTER JULY 1, 2016, AND PROVIDING TERMS FOR THE REINSTATEMENT ON OR BEFORE JULY 1, 2016 OF ASSESSMENTS THAT BECAME DELINQUENT BEFORE THAT DATE.

WHEREAS, On March 23, 2015, the Council adopted Resolution 15-17, confirming the assessment roll, establishing payment due dates and establishing delinquency, penalty and interest provisions for the Homer Natural Gas Distribution Special Assessment District ("District"); and

WHEREAS, On June 15, 2015, the Council adopted Resolution 15-047(S)(A), changing the due dates for assessments in the District on properties other than condominium units; and

WHEREAS, On September 14, 2015, the Council adopted Resolution 15-081(S), confirming the assessment roll for condominium units in the District, and establishing delinquency, penalty and interest provisions for those assessments; and

WHEREAS, Under the resolutions cited above, commencing July 1, 2016 the due date for installment payments of principal and interest on assessments in the District is July 1 of each year; and

WHEREAS, Under the resolutions cited above, upon the delinquency of an annual installment payment on an assessment in the District, the remaining principal balance of the assessment becomes immediately due and payable, with the amount that is due being subject to a penalty of 10%, and interest at a rate of 10.5% per annum; and

WHEREAS, It is appropriate to establish a more lenient penalty and interest structure for installments on assessments in the District that first become delinquent on or after July 1, 2016; and

WHEREAS, To provide an incentive to bring current assessments in the District that became delinquent before July 1, 2016, it is appropriate to apply the more lenient penalty

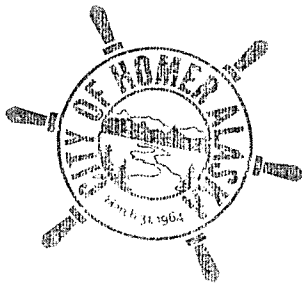
43 and interest structure for assessment installments that are not delinquent before July 1, 2016  
44 to previously delinquent assessments that are brought current not later than that date.

45  
46 NOW, THEREFORE, BE IT RESOLVED that if an assessment in the District has not been  
47 delinquent before July 1, 2016, a delinquent annual installment of principal and interest on  
48 the assessment that is due on or after July 1, 2016 shall be subject to a late payment penalty  
49 equal to fifty dollars (\$50.00) multiplied by the number of calendar months (or portions  
50 thereof) that elapse until the delinquent installment, plus interest and penalty are paid in full;  
51 provided, that the amount of this penalty shall not exceed two hundred dollars (\$200.00). If  
52 the delinquent installment, plus interest and penalty, are not paid in full within four calendar  
53 months after the installment due date, the entire outstanding principal amount of the  
54 assessment shall be in default and shall be immediately due and payable, and thereafter the  
55 entire outstanding assessment principal shall bear interest at the rate of ten and one-half  
56 percent (10.5%) per annum until paid. The penalty imposed under this paragraph does not  
57 bear interest.

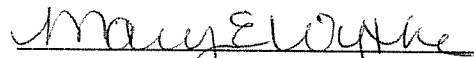
58  
59 BE IT FURTHER RESOLVED that, notwithstanding Resolutions 15-17, 15-047(S)(A) and  
60 15-081(S), an assessment in the District that became delinquent before July 1, 2016 shall not  
61 be immediately due and payable in full because of that delinquency, but may continue to be  
62 payable in installments of principal plus interest at a rate of four percent (4%) per annum and  
63 thereafter shall be subject to the penalty and interest structure provided in the preceding  
64 paragraph, if on or before July 1, 2016, the City receives payment of (i) the delinquent  
65 assessment installment plus a penalty of ten percent (10%) of the total assessment amount  
66 and interest on the total assessment amount at a rate of ten and one-half percent (10.5%) per  
67 annum, and (ii) the assessment installment that is due on July 1, 2016.

68  
69 PASSED AND ADOPTED by the Homer City Council on this 9<sup>th</sup> day of May, 2016.

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CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

  
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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



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**CITY OF HOMER  
HOMER, ALASKA**

Mayor/Lewis

**RESOLUTION 16-079(S)(A)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMER,  
ALASKA, APPROVING A POLICY AND PROCEDURE FOR THE  
WAIVER OF PENALTIES ON DELINQUENT SPECIAL ASSESSMENT  
PAYMENTS.

WHEREAS, On March 23, 2015, the Council adopted Resolution 15-17, confirming the assessment roll, establishing payment due dates and establishing delinquency, penalty and interest provisions for the Homer Natural Gas Distribution Special Assessment District (“District”); and

WHEREAS, On September 14, 2015, the Council adopted Resolution 15-081(S), confirming the assessment roll for condominium units in the District, and establishing delinquency, penalty and interest provisions for those assessments; and

WHEREAS, On May 9, 2016, the Council adopted Resolution 16-052, establishing a more lenient penalty and interest structure for installments on assessments in the District that first become delinquent on or after July 1, 2016; and

WHEREAS, With thousands of properties being assessed in the District, exceptional circumstances may occur in which, in the interest of fairness, a penalty on a delinquent assessment payment should be waived; and

WHEREAS, The proposed Policy and Procedure for administrative waiver of penalties on delinquent assessment payments in a special assessment district is based on the Kenai Peninsula Borough procedure for fine abatement on late property taxes, is in the best interest of the City, and should be adopted.

NOW, THERFORE, BE IT RESOLVED the Policy and Procedure for waiver of penalties on delinquent assessment payments in a special assessment district is adopted to read as follows:

1. POLICY

It is the policy of the City of Homer to provide fair and consistent administration of Alaska statutes and City ordinances with respect to waiving the assessment of penalties on delinquent assessment payments in special assessment districts, and to recognize that



42 exceptional circumstances may occur in which, in the interest of fairness, a penalty on a  
43 delinquent assessment should be waived.

44

45 2. RESPONSIBILITY

46

47 A. The Finance Director will review a request that the City waive a penalty on a  
48 delinquent assessment payment, determine the facts that are relevant to the waiver  
49 request, and recommend that the Council grant or deny the request in accordance  
50 with the procedure below.

51 B. The Council will determine whether to grant or deny a request that the City waive a  
52 penalty on a delinquent assessment payment, taking into consideration the  
53 recommendation of the Finance Director.

54

55 3. PROCEDURE

56

57 A. An owner of property in a special assessment district who is delinquent in making an  
58 assessment payment may apply to the Finance Director for a waiver of the penalty on  
59 the delinquent assessment payment on a form provided by the Finance Director.

60 B. The application to waive the penalty shall be accompanied by payment of all  
61 delinquent assessment payments that the property owner owes to the City.

62 C. The Finance Director will review and recommend that the Council approve or  
63 disapprove the application. The Finance Director will recommend approval of an  
64 application to waive a penalty on a delinquent assessment payment if the Finance  
65 Director finds one of the following:

66 1. A clerical error by the City Clerk or Finance Department contributed  
67 substantially to the late payment.

68 i. For the purpose of this procedure, a clerical error is a mistake made by  
69 City personnel that results in the failure of the City to correctly and timely  
70 notify the property owner of the due date for the delinquent assessment  
71 payment, or to correctly credit a timely assessment payment to the  
72 property owner's account. Examples of a clerical error include:

73 • Application of a timely payment to the wrong account.  
74 • Failing to send the property owner timely notice of the payment due  
75 date.

76 • Sending the property owner notice of the payment due date using a  
77 name or address other than the name and addresses of the property  
78 owner that currently appear on the Kenai Peninsula Borough property  
79 tax roll.

80 ii. The property owner is responsible for notifying the Kenai Peninsula  
81 Borough Assessor of any change in property owner name or address. The  
82 City is not responsible for updating the property owner name and address  
83 on the Kenai Peninsula Borough property tax roll, or for investigating the



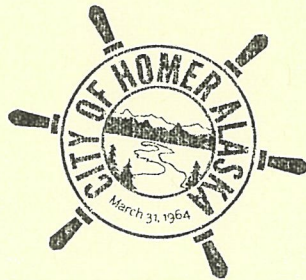
- 84 accuracy of the property owner name or address that currently appears  
85 on the Kenai Peninsula Borough property tax roll.
- 86 2. A U.S. Postal Service error contributed substantially to the late payment. A  
87 waiver on this ground requires proof of one of the following:
- 88 i. The Postal Service failed to deliver either the payment or the notice of the  
89 payment due date to the address that appeared on the envelope.
- 90 ii. The Postal Service delayed delivery of either the payment or notice of  
91 the payment due date to a degree that contributed substantially to the  
92 lateness of the payment.
- 93 iii. The postmark on the payment did not accurately reflect when the  
94 property owner delivered the payment to the Postal Service.
- 95 3. Proof that the property owner was unable to make the payment on time  
96 because of an extreme non-financial personal hardship. This could include a  
97 serious illness or death of the property owner or an immediate family member  
98 that reasonably prevented making the payment on time.

99 The property owner bears the burden of proving that one of the grounds for waiving  
100 the penalty exists, based on relevant documentation and sworn testimony.

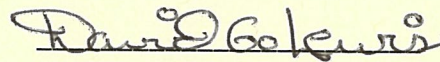
- 101 D. The Council will decide whether to approve or disapprove an application to waive a  
102 penalty on a delinquent assessment payment, taking the Finance Director's  
103 recommendation into consideration in the decision. The City Clerk shall give the  
104 property owner a written notice of the Council's decision on the application, stating  
105 the Council's reasons for the decision. The decision of the Council on the application  
106 is final and not subject to appeal.

107  
108 PASSED AND ADOPTED by the Homer City Council on this 25<sup>th</sup> day of July, 2016.

109  
110 CITY OF HOMER



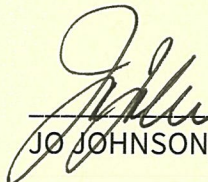
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121 DAVID G. LEWIS,  
122 MAYOR PRO TEMPORE

117 ATTEST:

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JO JOHNSON, MMC, CITY CLERK





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**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 15-017**

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY, AND INTEREST PROVISIONS FOR THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT.

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council initiated a Homer Natural Gas Special Assessment District on July 23, 2012 via Resolution 12-069 assessing all parcels equally that benefited from the natural gas distribution system; and

WHEREAS, Public hearings were held on January 14 and 28, 2013 to hear objections to the formation of such district; and

WHEREAS, The objection deadline for written protests was January 25, 2013 and Owners of real property that would bear 50 percent or more of the assessed cost of the improvement did not file timely written objections to the improvement plan with the City Clerk; and

WHEREAS, Ordinance 13-02 was adopted by the Council on February 11, 2013 creating the Homer Natural Gas Special Assessment District; and

WHEREAS, The Homer Natural Gas Special Assessment District was completed by Enstar; and

WHEREAS, All assessment per parcel corrections deemed necessary have been made and a final assessment roll was prepared and public hearings were scheduled for March 9 and 16, 2015; and

WHEREAS, All record property owners within the district were mailed notice of their right to object, the website link to the final assessment roll, and notice of the March 9<sup>th</sup> and 16<sup>th</sup> public hearings; and

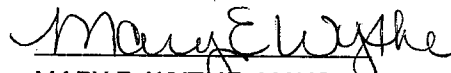
WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Homer Natural Gas Special Assessment District and the Mayor and Clerk shall be directed to sign same.

43 NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on July 1, 2015, all  
44 assessments in the Homer Natural Gas Special Assessment District shall become due and  
45 payable in full. All assessments not paid in full by this date shall be considered delinquent  
46 and in default and shall have added a penalty of ten percent (10%) which penalty and  
47 principal amount of the assessment shall both draw interest at a rate of three percent (3%)  
48 per annum until paid. Should default occur, the City of Homer will institute a civil action for a  
49 foreclosure of the assessment lien. Foreclosure shall be against all property on which  
50 assessments are in default. All costs including collection and legal fees resulting from such  
51 action, shall be added and incorporated into the assessed amount due plus interest and  
52 penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real  
53 property; and

54  
55 BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered  
56 whereby the assessment may be paid in ten (10) equal yearly installments plus interest of  
57 four percent (4%) on the unpaid balance of the assessment. The first such installment shall be  
58 due and payable without interest on or before 5:00 p.m. July 1, 2015 and each installment  
59 thereafter shall be due on or before July 1<sup>st</sup> of each year, plus interest on the unpaid balance  
60 of the assessment. If any annual installment payment is not received when due, the entire  
61 outstanding principal amount of the assessment shall be in default and shall be immediately  
62 due and payable. The entire outstanding assessment principal (including the annual  
63 installment) shall have added a penalty of ten percent (10%) on the outstanding principal.  
64 The principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum  
65 until paid. Should default occur, the City will institute civil action for foreclosure of the  
66 assessment lien. Foreclosure shall be against all property on which assessments are in  
67 default. All costs including collection and legal fees resulting from such action shall be added  
68 and incorporated into the assessed amount due plus interest and penalties, and shall be  
69 reimbursed from the proceeds of foreclosure sale of the assessed real property.

70  
71 PASSED AND ADOPTED by the Homer City Council on this 23<sup>rd</sup> day of March, 2015.

72  
73 CITY OF HOMER

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77 MARY E. WYTHE, MAYOR

78  
79 ATTEST:

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82 \_\_\_\_\_  
83 JO JOHNSON, MMC, CITY CLERK  
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85 Fiscal Note: Total project costs are \$12,359,388; 3,788 assessments = \$3,262.77 per parcel.

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**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 15-047(S)(A)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
CHANGING DATES FOR PAYMENT OF ASSESSMENTS FOR THE  
HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT  
DISTRICT.

WHEREAS, Due to start-up issues the issuance of bills for assessments in the Homer Natural Gas Distribution Special Assessment District has been delayed; and

WHEREAS, Because of this delay, the due date for assessment payments must be changed to comply with Title 17 of the Homer City Code; and

WHEREAS, Due to litigation regarding the assessment of condominium units in the Homer Natural Gas Distribution Special Assessment District, the due date for assessment payments for condominium units must be deferred.

NOW, THEREFORE, BE IT RESOLVED that on or before 5:00 p.m. on September 1, 2015, all assessments in the Homer Natural Gas Distribution Special Assessment District, except for assessments of condominium units, shall become due and payable in full. An optional ten (10) year payment plan is offered whereby the assessment, except for assessments of condominium units, may be paid in ten (10) equal yearly installments of principal, plus interest of four percent (4%) per annum on the unpaid balance of the assessment. The first such installment shall be due and payable on or before 5:00 p.m. September 1, 2015, with interest accrued from July 1, 2015 to the due date, and each installment thereafter shall be due on or before July 1st of each year. The outstanding balance of an assessment, plus accrued interest, may be prepaid at any time. If payment in full of any annual installment payment is not received when due, the entire outstanding principal amount of the assessment shall be in default and shall be immediately due and payable. The entire outstanding assessment principal (including the annual installment) shall have added a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall draw interest at the rate of ten and one half percent (10.5%) per annum until paid. Should default occur, the City of Homer will institute a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs, including collection and legal fees resulting from such action, shall be added and incorporated into the assessed amount due plus interest and penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property; and



42 BE IT FURTHER RESOLVED that the due date for assessment payments for  
43 condominium units shall be deferred to a later date to be determined by subsequent Council  
44 resolution.

45  
46 PASSED AND ADOPTED by the Homer City Council on this 15<sup>th</sup> day of June, 2015.



CITY OF HOMER

51 Francie Roberts  
52 FRANCIE ROBERTS, MAYOR PRO TEMPORE

53 ATTEST:  
54 Jo Johnson  
55  
56 JO JOHNSON, MMC, CITY CLERK

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59 Fiscal Note: N/A

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**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 15-081(S)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, CONFIRMING THE ASSESSMENT ROLL FOR CONDOMINIUM UNITS IN THE HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT DISTRICT, AND ESTABLISHING DELINQUENCY, PENALTY AND INTEREST PROVISIONS FOR THOSE SPECIAL ASSESSMENTS.

WHEREAS, Council adopted Ordinance 13-02 on February 11, 2013 creating the City of Homer Natural Gas Distribution Special Assessment District ("District"); and

WHEREAS, The actual costs of the improvement, including construction cost and the amounts required for administrative costs, bond counsel fees, reserves and related costs are \$3,237.14 per parcel; and

WHEREAS, By Resolution 15-017, adopted March 23, 2015, the City confirmed the assessment roll for the District; and

WHEREAS, On April 3, 2015, the Superior Court in *Castner v. City of Homer, et al.*, Case No. 3HO-13-00038CI, ruled that the City's method of assessing condominium units in the District was unlawful, and the Alaska Supreme Court denied a Petition for Review of this ruling; and

WHEREAS, The City has prepared a new assessment roll for condominium units in the District, with assessments that comply with the Superior Court's decision; and

WHEREAS, All record owners of condominium units in the District were mailed notice of their assessments, of the right to object to the assessments, and of notice of a public hearing on the assessment roll to be held on September 14, 2015, not less than 15 days before the hearing; and

WHEREAS, The Council held a public hearing on the assessment roll on September 14, 2015, at which time all the written objections to the assessment roll were considered and all persons present who objected in writing were given the opportunity to be heard; and

WHEREAS, The Council has corrected all errors and inequalities in the assessment roll, and finds that the assessment roll should be confirmed.

43 NOW, THEREFORE, BE IT RESOLVED, that the final assessment roll for condominium  
44 units in the District as presented by the City Clerk and reviewed and corrected where  
45 necessary, which is attached hereto as Attachment A, is hereby confirmed as the official  
46 assessment roll for condominium units in the Homer Natural Gas Distribution Special  
47 Assessment District and the Mayor and Clerk are authorized and directed to sign the same.  
48

49 BE IT FURTHER RESOLVED that in accordance with HCC 19.04.090, the City shall  
50 prepare assessment statements for all assessed condominium units in the District, which  
51 shall be submitted to the Superior Court for approval as provided in the Stipulated Motion for  
52 Stay in *Castner v. City of Homer, et al.* Upon the Superior Court's approval of the assessment  
53 statements, the City Manager shall fix the due date for assessment payments, which shall not  
54 be earlier than the time specified in HCC 19.04.090 nor later than 90 days after the Superior  
55 Court's approval.  
56

57 BE IT FURTHER RESOLVED that on or before 5:00 p.m. on the due date fixed by the City  
58 Manager for assessment payments, all assessments of condominium units in the Homer  
59 Natural Gas Distribution Special Assessment District shall become due and payable in full. An  
60 optional installment payment plan is offered whereby any assessment of a condominium unit  
61 in an amount exceeding \$405.27 may be paid in yearly installments of principal plus interest  
62 of four percent (4%) per annum on the unpaid balance of the assessment, with each  
63 installment of principal plus interest being equal to the lesser of \$405.27 and the amount of  
64 the outstanding principal of the assessment plus accrued interest. The first such installment  
65 shall be due and payable on or before 5:00 p.m. on the due date fixed by the City Manager for  
66 assessment payments, with interest accrued from July 1, 2015 to the due date, and each  
67 installment thereafter shall be due on or before July 1 of each year. The outstanding balance  
68 of an assessment, plus accrued interest, may be prepaid at any time. If payment in full of any  
69 annual installment payment is not received when due, the entire outstanding principal  
70 amount of the assessment shall be in default and shall be immediately due and payable. The  
71 entire outstanding assessment principal (including the annual installment) shall have added  
72 a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall  
73 draw interest at the rate of ten and one half percent (10.5%) per annum until paid. Should  
74 default occur, the City of Homer will institute a civil action for a foreclosure of the assessment  
75 lien. Foreclosure shall be against all property on which assessments are in default. All costs,  
76 including collection and legal fees resulting from such action, shall be added and  
77 incorporated into the assessed amount due plus interest and penalties and shall be  
78 reimbursed from the proceeds of foreclosure sale of the assessed real property.  
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80 PASSED AND ADOPTED by the Homer City Council on this 14<sup>th</sup> day of September 2015.  
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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**

Mayor

**RESOLUTION 17-020**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
ENCOURAGING CONGRESS TO CREATE A RELIABLE, PREDICTABLE  
STREAM OF RESOURCES TO ADDRESS DEFERRED MAINTENANCE  
NEEDS IN AMERICA’S NATIONAL PARK SYSTEM.

WHEREAS, America’s National Park System is a living testament to our citizens’ valor, our nation’s hardships, our victories, and our traditions as Americans, and has been called “America’s Best Idea;” and

WHEREAS, The National Park System preserves the diversity, culture, and heritage of all Americans, and serves as a living classroom for future generations; and

WHEREAS, In 2016 the National Park Service celebrated its centennial; the National Park Service currently manages more than 400 nationally significant sites and an invaluable collection of more than 75,000 natural and cultural assets that span 84 million acres across all 50 states, the District of Columbia, and several U.S. territories and insular areas; and

WHEREAS, Alaska is home to 24 national park units, including Klondike Gold Rush National Historical Park, Wrangell-St. Elias National Park and Preserve, Denali National Park and Preserve, Kenai Fjords National Park, and Katmai National Park and Preserve; and

WHEREAS, Homer is an anchor community to Katmai National Park and Preserve, and benefits greatly from the tourism associated with visitors to the park; and

WHEREAS, The National Park Service’s mission is “to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;” and

WHEREAS, In 2015 the National Park System had more than 307 million visits, with 2.6 million in national parks in Alaska, and almost 40,000 visitors to Katmai National Park and Preserve; and

WHEREAS, In 2015 National Park Service estimates indicate that park visitors spent almost \$1.2 billion in the local communities adjacent to national parks in Alaska, including over \$58 million in the communities neighboring Katmai National Park and Preserve; and

42 WHEREAS, The National Park Service has the obligation to preserve our nation’s history;  
43 promote access to national parks for all citizens; stimulate revenue to sustain itself and nearby  
44 communities; educate the public about America’s natural, cultural and historical resources,  
45 and provide safe facilities and environs to enjoy these resources; and

46  
47 WHEREAS, In 2016 the National Park Service estimated a deferred maintenance backlog  
48 of nearly \$12 billion, over \$117 million in Alaska, and \$13.8 million at Katmai National Park and  
49 Preserve, which includes repairs to aging historical structures, trails, sewers, thousands of  
50 miles of roads, bridges, tunnels, and other vital infrastructure; and

51  
52 WHEREAS, It is the responsibility of Congress to maintain America’s national parks to  
53 ensure our natural places and our history is preserved and documented for future generations,  
54 and for the adjacent communities that rely on the direct and indirect economic benefits  
55 generated by visits to national park sites.

56  
57 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, urges  
58 Congress to create a reliable, predictable stream of resources to address deferred maintenance  
59 needs in America’s National Park System.

60  
61 BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this  
62 resolution to the Alaska congressional delegation.

63  
64 PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of March, 2017.

65  
66 CITY OF HOMER

67  
68  
69 \_\_\_\_\_  
70 BRYAN ZAK, MAYOR

71  
72 ATTEST:

73  
74  
75 \_\_\_\_\_  
76 JO JOHNSON, MMC, CITY CLERK

77  
78 Fiscal Note: N/A

# Restore America's Parks

## DATE

The Honorable Lisa Murkowski  
Chair  
Interior Subcommittee  
Committee on Appropriations  
Washington, DC 20510

The Honorable Ken Calvert  
Chair  
House Subcommittee on  
Interior, Environment, and Related Agencies  
Washington, DC 20515

The Honorable Tom Udall  
Ranking Minority Member  
Interior Subcommittee  
Committee on Appropriations  
Washington, DC 20510

The Honorable Betty McCollum  
Ranking Minority Member  
House Subcommittee on  
Interior, Environment, and Related Agencies  
Washington, DC 20515

Dear Chair Murkowski, Chairman Calvert, and Ranking Members Udall and McCollum:

This year marks the 100<sup>th</sup> birthday of the National Park Service (NPS), which oversees 410 natural and cultural areas in all 50 states and most U.S. territories. NPS faces a growing challenge in adequately maintaining its sites to ensure that visitors can experience the parks' natural beauty and learn about our nation's history. After decades of underfunding, NPS has an infrastructure repair backlog estimated at \$11.9 billion (FY 2015). This includes crucial repairs to aging historical structures and thousands of miles of roads and trails, bridges, tunnels, sewers, drainage, and other vital infrastructure.

Writer and historian Wallace Stegner said that national parks are "the best idea we ever had. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst." As companies, organizations, and associations, we support addressing the infrastructure repair backlog throughout these parks.

To address the backlog and put our national parks on sound financial footing for the future, we must do the following:

- Create a guaranteed federal fund that will chip away at the estimated \$11.9 billion backlog over time.
- Implement policy reforms, such as entry and vendor fees, that will help to prevent repair backlog from accruing to begin with.

- Direct more Highway Trust Fund dollars to NPS, as half of the estimated \$11.9 billion backlog is attributed to the 10,000 miles of roads and hundreds of bridges and tunnels that NPS must maintain and repair.
- Provide additional opportunities for public-private opportunities to address infrastructure repair.

From the Grand Canyon and the Great Smoky Mountains, to the Statue of Liberty to battlefields like Gettysburg, the National Park System serves as a living testament to our citizens' valor, our hardships, our victories, and our traditions as Americans. We need to ensure that our children and grandchildren are able to see and appreciate our rich history in these places, and to learn more about the people and lands that have shaped us as a nation.

We urge you to work with us to protect our national parks well into the future and, in particular, to support guaranteed funding for infrastructure repair needs.

Sincerely,

Cooper Landing Chamber of Commerce  
Cordova Chamber of Commerce  
Discover Kodiak  
Explore Fairbanks  
Greater Whittier Chamber of Commerce  
Kenai Peninsula Tourism Marketing Council  
Kodiak Chamber of Commerce  
Mat-Su Convention and Visitors Bureau  
Seward Chamber of Commerce  
Skagway Chamber of Commerce  
Skagway Convention and Visitors Bureau  
Soldotna Chamber of Commerce  
Talkeetna Chamber of Commerce  
Valdez Convention and Visitors Bureau

# NPS DEFERRED MAINTENANCE

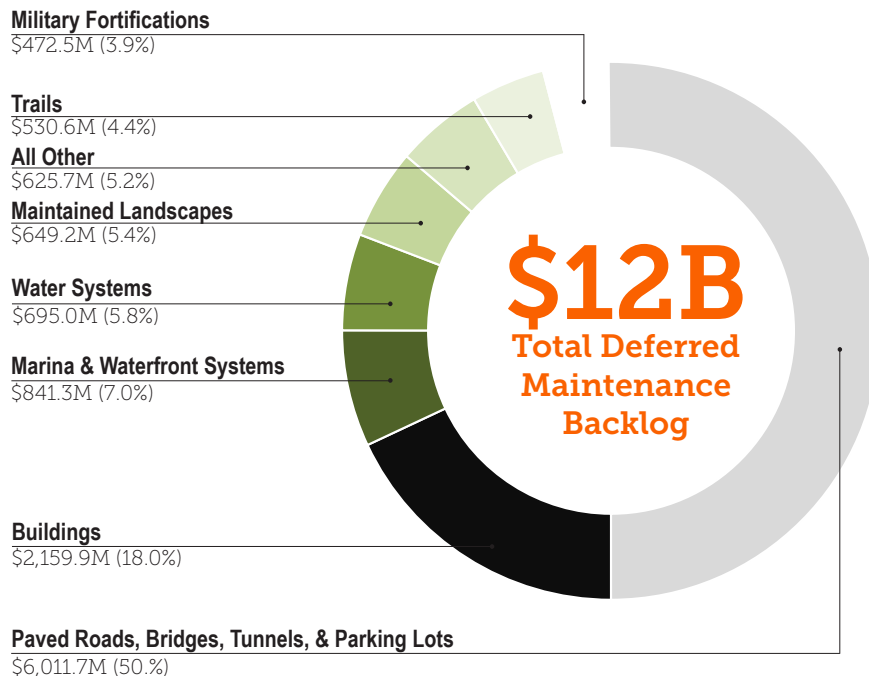
## By the Numbers



**84,000**  
PROJECTS

Deferred maintenance is defined as any repair need that has not been addressed for more than one year. There are over **84,000 repair projects**. They include crumbling roads, rotting historic buildings, eroding trails, outdated visitor amenities, and deteriorating memorials.

## Deferred Maintenance by Asset Type



**\$6.0B**

### Transportation Projects

Over 10,000 miles of roads provide critical access to national parks for millions of visitors every year. NPS transportation assets include paved roads, bridges, tunnels, and parking lots, as well as major commuter thoroughfares, such as the George Washington Memorial Parkway. Collectively, these transportation assets account for roughly half (**\$6B**) of the NPS maintenance backlog.

**\$6.0B**

### Non-Transportation Projects

Non-transportation maintenance needs include eroding trails, unsafe water and electrical systems, waterfronts, and thousands of buildings in disrepair - including visitor facilities, historic buildings, employee housing, and military structures. Collectively, non-transportation assets account for roughly half (**\$6B**) of the NPS maintenance backlog.

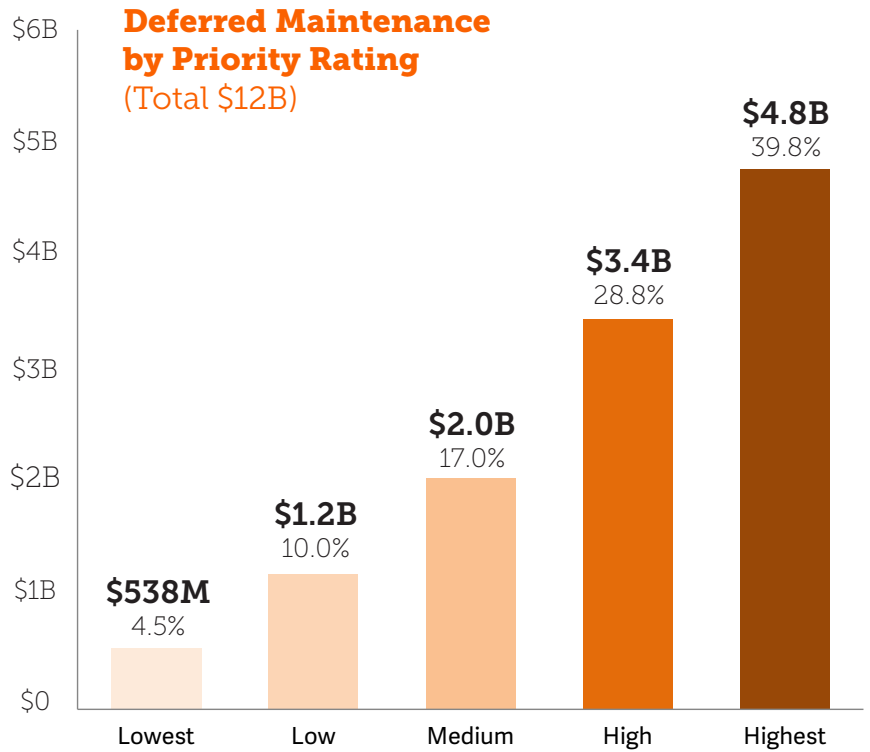
**47%**

### Historic Assets

NPS is responsible for the preservation of some of our nation's most historically significant places. These assets include thousands of archeological sites, nearly 27,000 historic and pre-historic structures, and more than 167 million museum items that document our country's heritage. Historic assets account for **47%** of the NPS maintenance backlog.

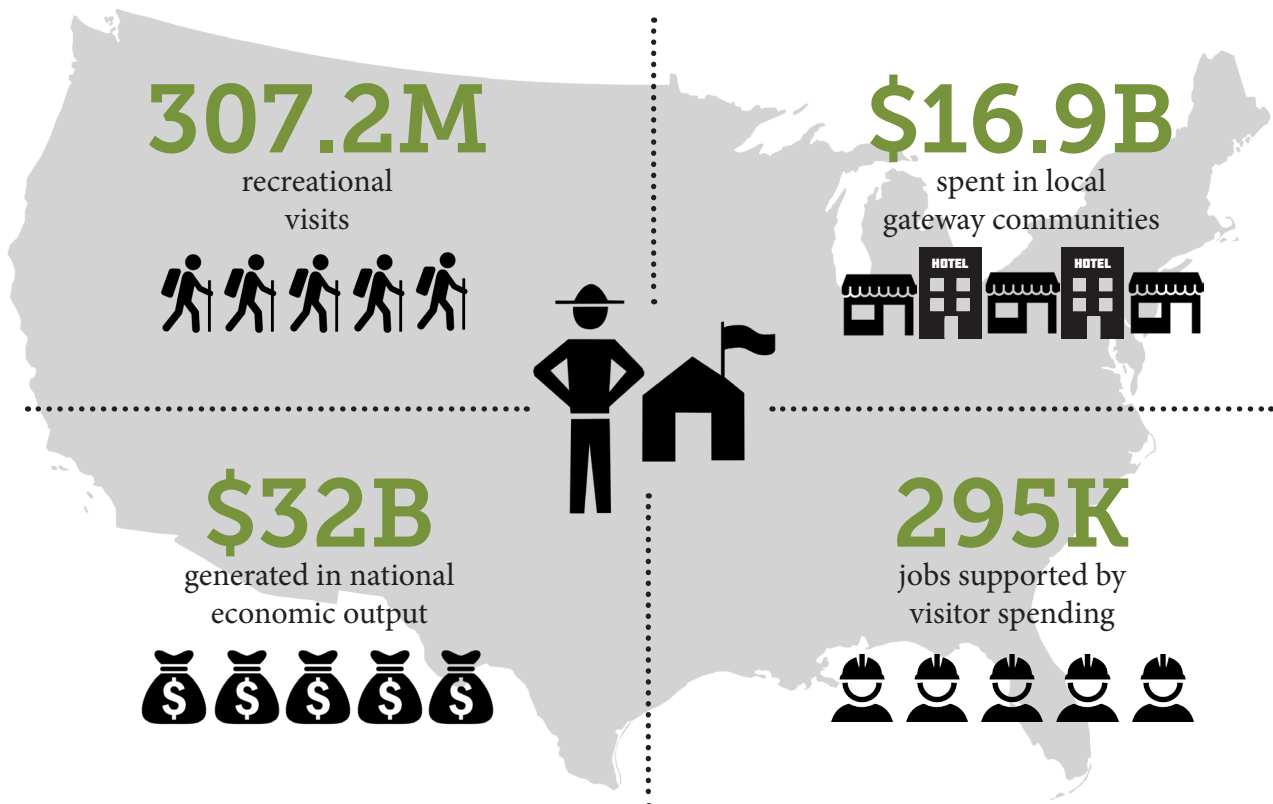
## NPS Priorities

The NPS is mandated by Congress to preserve historic and natural objects for future generations. With tens of thousands of objects to maintain, the agency has developed a rating system to help direct limited funding to high priority maintenance projects. Based on 2015 NPS data, the estimated cost of overdue repairs to highest priority assets—those assets that are critical to the overall mission of the agency—is **\$4.8 billion** (\$2.4 billion in transportation needs and \$2.4 billion in non-transportation needs). Examples of high priority assets include historic buildings, memorials, military fortifications, visitor centers, and key infrastructure systems.



Source: FY15 National Park Service data

## Park Economics



Source: 2015 National Park Visitor Spending Effects: Economic Contributions to Local Communities, States, and the Nation. Natural Resource Report NPS/NRSS/EQD/NRR-2016/1200

Contact: Marcia Argust, Director  
Restore America's Parks  
Email: [margust@pewtrusts.org](mailto:margust@pewtrusts.org)  
Website: [pewtrusts.org/NationalParks](http://pewtrusts.org/NationalParks)

Contact: Geoffrey Brown, Director  
Government Relations  
Email: [gbrown@pewtrusts.org](mailto:gbrown@pewtrusts.org)  
Website: [pewtrusts.org/NationalParks](http://pewtrusts.org/NationalParks)

The Pew Charitable Trusts is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life.

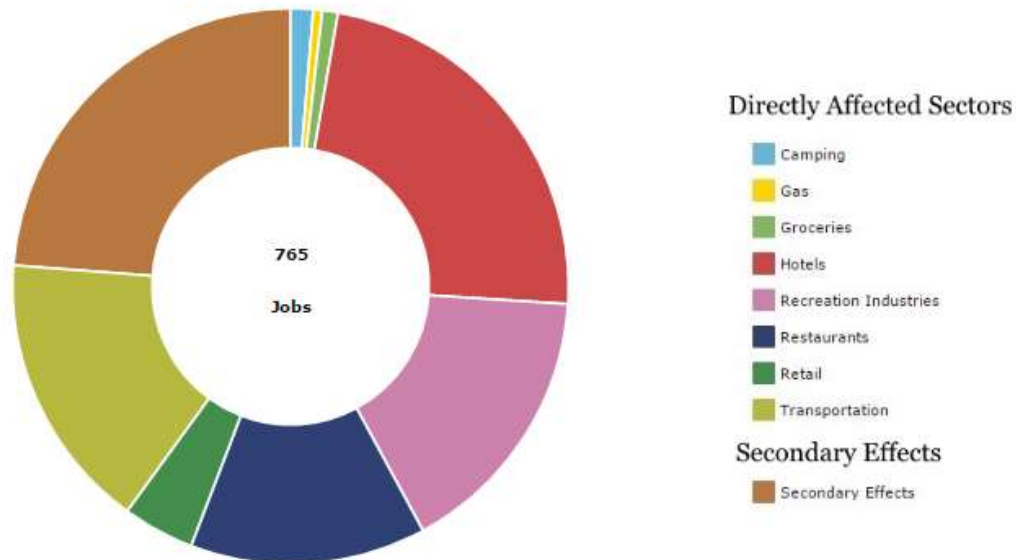


# Katmai National Park & Preserve

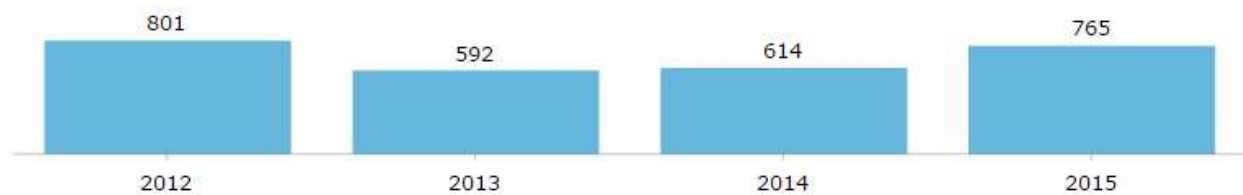
In 2015, park visitors spent an estimated \$58.3 Million in local gateway regions while visiting Katmai National Park & Preserve. These expenditures supported a total of 765 jobs, \$27.7 Million in labor income, \$50.9 Million in value added, and \$83.1 Million in economic output in local gateway economies surrounding Katmai National Park & Preserve.

- Visitor Spending
- Jobs
- Labor Income
- Value Added
- Economic Output

Click on a Park for more information or select a Park:



Total Jobs Contributed to Katmai National Park & Preserve Gateway Economies



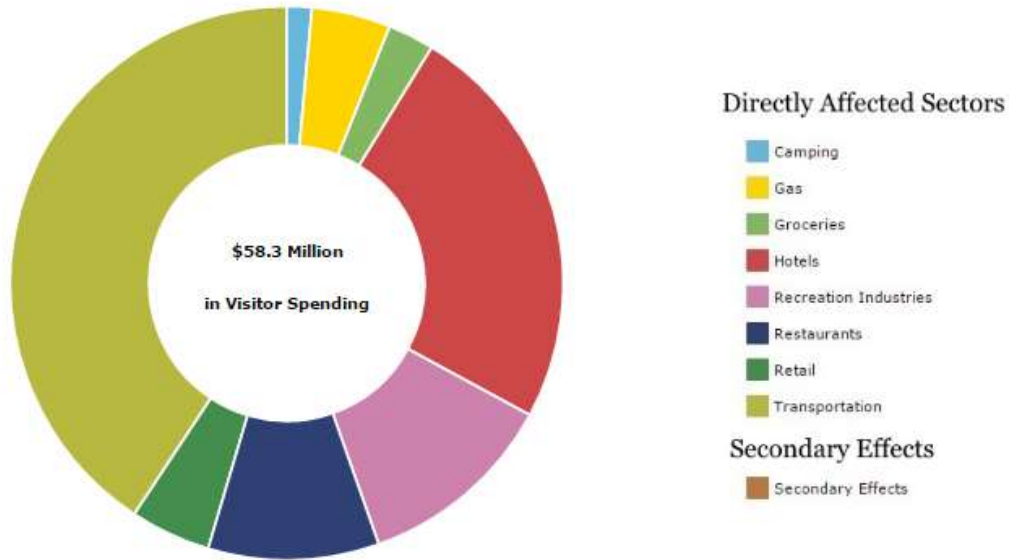
<b>Jobs</b>	<b>765</b>
Hotels	178
Restaurants	105
Recreation Industries	123
Secondary Affects	182
Retail	32
Transportation	124

# Katmai National Park & Preserve

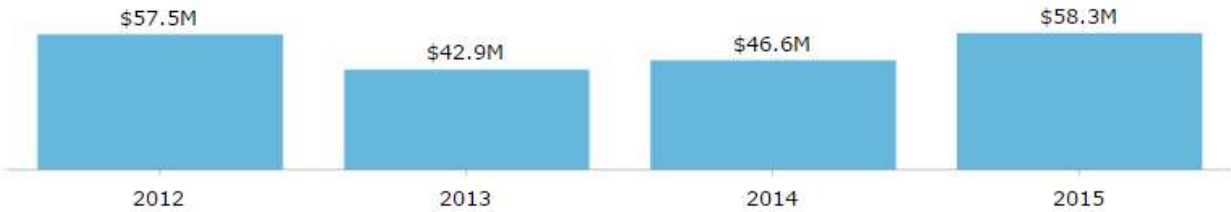
In 2015, park visitors spent an estimated \$58.3 Million in local gateway regions while visiting Katmai National Park & Preserve. These expenditures supported a total of 765 jobs, \$27.7 Million in labor income, \$50.9 Million in value added, and \$83.1 Million in economic output in local gateway economies surrounding Katmai National Park & Preserve.

- Visitor Spending
- Jobs
- Labor Income
- Value Added
- Economic Output

Click on a Park for more information or select a Park



Total Visitor Spending (Katmai National Park & Preserve)



<b>Spending</b>	<b>\$58 million</b>
Groceries	\$1.6 million
Hotels	\$14 million
Recreation Industries	\$7 million
Restaurants	\$6 million
Retail	\$2.7 million
Transportation	\$24 million
Gas	\$2.7 million

Source: <https://www.nps.gov/subjects/socialscience/vse.htm>

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

3 City Clerk/  
4 Parks Art Recreation and  
5 Culture Advisory Commission

6 **RESOLUTION 17-021**

7  
8 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
9 AMENDING THE BEACH POLICY FOR CLARITY.

10  
11 WHEREAS, In the fall of 2014 the Homer City Council directed the Parks, Art, Recreation  
12 and Culture Advisory Commission (PARCAC) to review the Beach Policy; and

13  
14 WHEREAS, The Homer City Council adopted Ordinance 16-05(S-2)(A-2) at the February  
15 22, 2016 regular council meeting; and

16  
17 WHEREAS, Ordinance 16-13 amended the exceptions to operating, stopping or parking  
18 of motor vehicles in beach areas to allow motor vehicles from the southern end of Mariner Park  
19 to the east end of the seawall from October 1 through March 31 solely for the purpose of  
20 gathering sand and coal; and

21  
22 WHEREAS, Resolution 16-029(S-2) Amended the Beach Policy to incorporate the  
23 changes enacted by Ordinances 16-05(S-2)(A-2) and 16-13; and

24  
25 WHEREAS, The PARCAC then further reviewed the Beach Policy for clarity and  
26 consistency, and recommends the City Council adopt the draft Beach Policy.

27  
28 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
29 amends the Beach Policy for clarity.

30  
31 PASSED AND ADOPTED by the Homer City Council on this 13<sup>th</sup> day of March, 2017.

32  
33 CITY OF HOMER

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36 \_\_\_\_\_  
37 BRYAN ZAK, MAYOR  
38  
39

40 ATTEST:

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42

43

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

45

46 Fiscal Note: N/A

47

## Memorandum 17-039

TO: Mayor Zak and Homer City Council  
THROUGH: Parks Art Recreation and Culture Advisory Commission  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 7, 2017  
SUBJECT: Beach Policy updates

---

In fall of 2014, the Parks and Recreation Advisory Commission was directed by Council to review and recommend revisions to the Beach Policy. The Commission worked on the policy the first six months of 2015 and made recommendations via Memorandum 15-102. Council adopted Ordinance 16-05 (S-2)(A-2) on February 23, 2016. Ordinance 16-13 then made minor amendments. The Beach Policy was amended to reflect these revisions through Resolution 16-029(S-2).

The draft Beach Policy now before Council incorporates all these changes. Further, the reason a resolution is before Council, is the Commission spent several months clarifying language within the document. This draft document does not contain substantive policy changes.

**Recommendation:** Council adopt the changes to the Beach Policy.

**Attachment:**

PARCAC Minutes of 2/16/2017



1  
2  
3

# City of Homer Beach Policy

## March DRAFT 2017



4  
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6

	<b>Table of contents</b>	<b>Page</b>
7		
8	Purpose and Intent	2
9	Definitions	2
10	General Policy Recommendations	3
11	Specific Area Recommendations	5
12	Beach Policy History	8
13	Beach Area Map	9
14	Easement Diagram	10
15	Appendix A: Beach Access Notes	11
16	Appendix B: Mainland public access points to Kachemak Bay	12
17		

18 **1. Purpose and Intent**

19 This document is an update to the Beach Policy Task Force Final Recommendations, adopted  
20 June 25<sup>th</sup> 2001 and the Parks, Art, Recreation and Culture Commission recommendations in  
21 2007 and 2016. Since 2001, the City of Homer has annexed more land and beaches, and  
22 implemented parts of the original plan. The purpose of this document is to update the Beach  
23 Policy and make recommendations for future actions. The intent of the Beach Policy is to  
24 keep Homer’s beaches safe and enjoyable for all users, and preserve natural environment.

25 **Goals**

26 **Education**

27 Educate beach users by providing signage and beach information at convenient locations.

28 **Prevention**

29 Limit conflicts between motorized users and pedestrians by encouraging courtesy and  
30 common sense.

31 Protect sensitive beach habitat and wildlife from inappropriate use of beaches – e.g., keep  
32 motorized vehicles out of lagoon areas.

33 **Enforcement**

34 Ensure adequate staffing on holiday weekends. Ensure regulatory signage is installed where  
35 needed so laws can be enforced.

36 **2. Definitions**

37 a. “Berm” means a natural, linear mound or series of mounds in a beach area composed of  
38 sand, gravel, or both, generally paralleling the water at or landward of the elevation of  
39 mean high water.

40 b. “Storm berm” – means a berm formed by the upper reach of storm wave surges or the  
41 highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and  
42 other water-borne materials. A beach area may have more than one storm berm.

43 **Example:** Grassy areas of Mariner Lagoon and Beluga Slough where highest  
44 tides and storm deposit logs and driftwood. Tall grasses and other plants grow there most  
45 of the time, and only at the highest tides and largest storms are logs thrown up on this area  
46 of the beach.

47 c. “Submerged land” means land covered by tidal water from the elevation of mean low  
48 water seaward to the corporate boundary of the city.

49 d. “Tideland” means land that is periodically covered by tidal water between the elevation  
50 of mean high water and mean low water.



51 e. “Beach area” means all of the following, whether publicly or privately owned:  
52 submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials  
53 that extends landward from the elevation of mean high water to the place where there is a  
54 marked change in material or physiographic form.

55 f. “Motor vehicle” means a device in, upon, or by which a person or property may be  
56 transported or drawn upon or immediately over land, that is self-propelled except by human  
57 or animal power.



58

59

### 60 3. General Recommendations for all Homer Beaches

61 **A. Identify and improve beach access points.** Heavy impacts are created by a large number  
62 of people accessing the beach at a small number of places. By finding, improving and publishing  
63 all public beach access points, we will diffuse the impacts and provide a more enjoyable experience  
64 to all.

65 1. Improve Access via: Main Street, Ocean Dr., Spit, Kachemak Dr.2. Provide signage  
66 at all public access points.

67 a. Specifically, signage shall be maintained at Bishop’s beach park, Ocean Drive  
68 Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach  
69 Access Road, and Kachemak Drive.

70 b. Appendix A documents other public access points and the pros and cons of their  
71 development. The appendix should be expanded to include Homer Spit public  
72 access points, particularly on the east side of the spit.

73 **B. Install and maintain signage as needed.** Signage should be positive and informative to  
74 encourage courtesy to pedestrians, appropriate pet control and clean up, and indicate where  
75 vehicles are permitted. Interpretive signage about the berm building process, shore zone wildlife

76 habitat, etc. should be developed and installed. Ensure signs are installed to meet the needs of law  
77 enforcement.

78 1. Work with USFW on a uniform interpretative signage plan that can be used in all City  
79 beach parks. Adjust signage language over time to meet changing needs. Include the project  
80 in the annual budget.

81 2. Budget at least \$500 a year for sign repair, updating, and replacement.

82 **C. Be aware of seaward property boundaries when making municipal decisions.** Although  
83 many people believe property lines stop at a water boundary, it has become apparent this is not  
84 always the case in Kachemak Bay. Normal property lines next to the ocean are established at mean  
85 high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of  
86 the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called  
87 avulsion and legally does not change land boundaries. However, avulsion does have to be proven  
88 which can be difficult without adequate historical records. Usually in Alaska, the area below mean  
89 high tide is owned by the State of Alaska, and this is true in a few spots in Homer. But generally  
90 speaking, the City owns the tidelands below mean high tide.

91 **D. Encourage better enforcement of applicable existing state and local laws.** Examples of  
92 applicable laws include: HCC 19.08 Campgrounds, HCC 7.16 Vehicles in Beach Areas; HCC  
93 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless  
94 Driving, Negligent Driving, Basic Speed, and Littering.

95 1. Encourage more evening enforcement in City campgrounds and encourage/post quiet  
96 hours.

97 2. Encourage more enforcement of city driving laws in city beach parking areas and on  
98 west Bishop's Beach where driving is permitted.

99 3. Ensure adequate City signage is installed so that violators of city laws on City beaches  
100 may be ticketed

101 **E. Develop and distribute brochures with a coordinated public relations campaign.** It is  
102 important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the  
103 human damage to fragile areas and to minimize friction between user groups. We need everyone's  
104 help.

105 1. Prior to major holiday weekends, advertise beach rules and etiquette in the local  
106 newspapers. Consider a public services announcement on local radio stations. Budget  
107 at least \$500 annually for this advertising.

108 2. Provide beach maps and brochures on beach etiquette at city campground facilities.

109

110

111 **F. Perform an annual assessment of beach health and developing impacts.**

- 112 1. Provide City Council with copies of the annual Coastwalk Report, from the Center for  
113 Alaskan Coastal Studies. Host on City Website.  
114 2. On a biannual basis, take photographs of sensitive areas or places and keep a photo  
115 record of changes. This could be hosted on the City website.

116 **G. Driftwood from berm areas should not be removed.** Testimony by scientists emphasized  
117 the importance of the natural berm building process to protect the spit, lagoon and slough. The  
118 berms also provide important wildlife habitat. It was found that driftwood plays an important role  
119 in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire  
120 wood for campers serves the important function of protecting the berms. Driftwood was also  
121 described as an important esthetic enhancement to the beach and a material resource.

- 122 1. Prohibit the burning of driftwood from berm areas and direct City Administration to  
123 investigate providing firewood to beach users or allowing firewood concessions in city  
124 campgrounds.

125 **H. Find ways of supporting beach cleanup.**

- 126 1. Support the efforts of spring clean up day to include Homer beaches. The City should  
127 actively continue to support the efforts of volunteers by providing trash bags for the event  
128 and dumpsters or trash removal at locations such as Bishop's Beach.  
129 2. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk  
130 and beach trash removal. Support may be in the form of providing trash bags, dumpster  
131 service at beach parks, and city funding for newspaper advertising for CoastWalk  
132 educational and beach cleanup activities.

133 **I. Keep cars from encroaching onto beach berms and beaches in city campgrounds,  
134 parks, and along the Homer Spit Road.** Define parking lots so they do not spread onto the  
135 beach.

136

137 **4. Recommendations by Area** (Following the beach line, East to West)

138 **Area 1 - Miller's Landing to just east of the Airport Access Road.**

139 A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way  
140 off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as  
141 use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent  
142 properties.

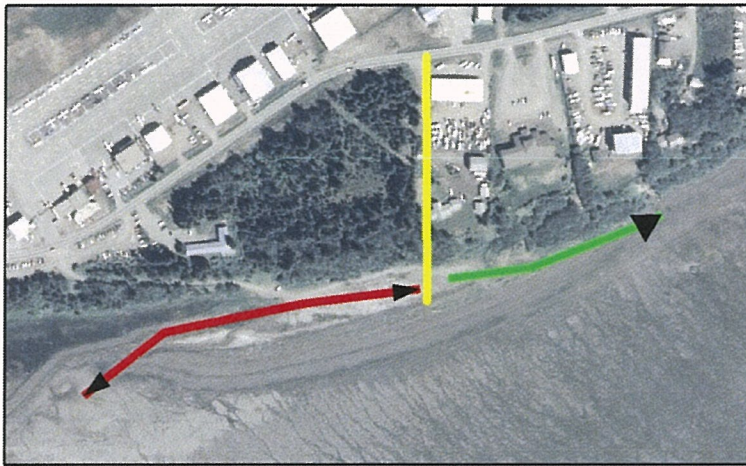
143 B. Airport Access Road. Support state efforts to place signage or interpretive displays.

144 C. Vehicle use at the bottom of airport beach access road on the beach is not allowed.  
145 Referred to HCC 7.16.020 for exceptions.



146  
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D. Vehicles are allowed on the beach east of the vacated easement formerly known as Shirlene Circle (refer to map), under the terms of HCC 7.16



160

Vehicles are not allowed on the beach at the bottom of the airport beach access road. Vehicles are allowed east of that area, but there is no public vehicle access point to get to that part of the beach. Land owners or those with land owner permission may access the beach from private vehicle access points. Once on the beach, nothing in City laws or policy condones trespassing on adjacent private lands.

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**Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon.**

- A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.
- B. Vehicles are prohibited in this entire area - outside of access driveways and parking.
- C. Maintain signage identifying public pedestrian access points and vehicle parking areas.
- D. Complete Conservation zoning for all public lands in this area. Much of Area 2 has a conservation easement and zoning.
- E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.
- F. Long term goal: Acquire a pedestrian easement as shown on the map, for access to the outer beach without going through the mudflats. The current section line easement goes across the mud flat in the bird sanctuary. A new easement would provide better access to the beach and protection for the sanctuary. See attached map.
- G. Preserve subsistence fishing access through the northern portion of the English Bay property, which traditionally has included pedestrian and vehicle access.

**Area 3 - From Louie's Lagoon - South to end of Homer Spit and then North to the South end of Mariner Park.**

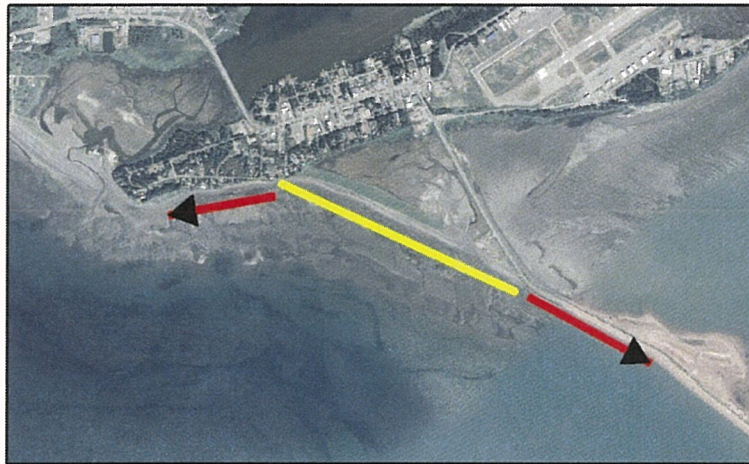
- A. Encourage the elimination of unsightly waste on properties near the beach by working with landowners.



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185 **Area 4 - From the south end of Mariner Park to the East End of the Seawall**

186 A. Vehicles are allowed between the south end of Mariner Park beach and the east end of  
187 the seawall from October 1 through March 31<sup>st</sup> solely for the purpose of gathering sand  
188 and coal. The beach is closed to vehicles at all times for any other purpose. The area in  
189 front of the sea wall west to the Beluga Slough outfall is closed to vehicles.



Red = No vehicles  
Yellow = Vehicles only  
under the terms of HCC  
7.16, paraphrased in C,  
above.

190

191 B. Define limits to Mariner Park campground by utilizing logs, rocks or other means to  
192 restrain vehicles from entering the lagoon while creating a beach access point that can be gated  
193 seasonally to control vehicle access to the beach. This would also help protect the berm in the park,  
194 which sees heavy seasonal use from campers. Create a phased cost estimate and include the project  
195 in the annual budget in the near future.

196 **Area 5 - Mariner Park Lagoon including the storm berm**

197 A. Vehicles are not allowed in this area.

198

199 **Area 6 East End of Seawall to Bishop’s Beach Park**

200 A. Vehicles are not allowed in this area.

201

202 B. Maintain the gate and rocks at Bishop’s Beach Park to physically block access to  
203 vehicles

204 C. Support USFS efforts to protect berm and promote rye grass and driftwood buildup.

205 D. Support USFS work to develop a plan to maintain the ecological integrity of their  
206 educational reserve, including possible conservation zoning.

207 E. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough  
208 access.

209



210 **Area 7 - Bishops Beach Park access, west to Homer city limits.** This is a heavily used area, and  
211 has the greatest potential for conflicts between user groups.

212 A. Increase parking at Bishop's Beach Park and in the area. Increase wayfinding signage  
213 directing people to nearby public parking (e.g., Chamber of Commerce, Island and Ocean  
214 Visitor Center) may be needed.

215 B. This area is open to vehicles, following the laws under HCC 7.16.



Vehicles are allowed west from Bishop's Beach Park access, and prohibited to the east.

222 C. Improve erosion control and access at Crittenden Drive and at Main Street. Use seeding,  
223 of native grasses and other low impact techniques to control erosion in the right of way at the end  
224 of Main Street. Install a stairway so pedestrians may access the beach safely and without treading  
225 on the eroding bluff face.

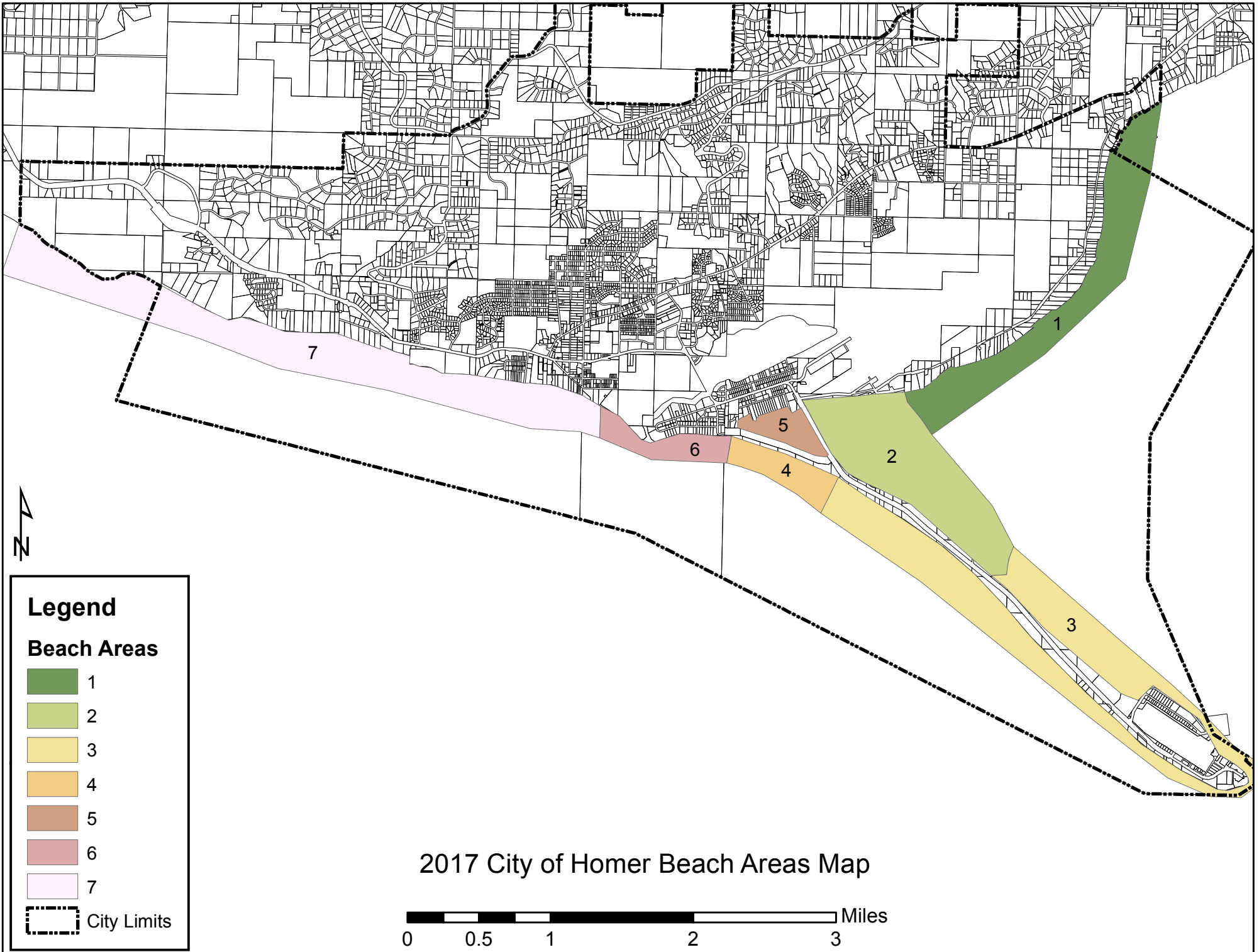
226 D. Work with property owners and interested volunteers to remove the remaining junk cars  
227 from the beach near the bottom of West Hill.

### 228 **5. History**

229 The original Beach Policy Task Force was established in 2000 and completed the beach policy in  
230 2001. The City adopted it on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a  
231 \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements,  
232 regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds  
233 for the 2004 United States Geological Survey sediment transport study camera operation.

234 The Task Force made further recommendations in 2005, in Memorandum 2005-78, and concluded  
235 their work. In 2007, the City Council added advising on public beaches to the duties of Parks and  
236 Recreation Advisory Commission (Ordinance 2007-01(A)). The Commission formed a Beach  
237 Committee to update the Beach Policy, which resulted in this document.

238 In fall of 2014 the Parks and Recreation Advisory Commission was directed by Council to review  
239 and recommend revisions to the Beach Policy. The Commission worked on the policy the first six  
240 months of 2015 and made recommendations via Memorandum 15-102. Council adopted  
241 Ordinance 16-05 (S-2)(A-2) on February 23, 2016. Ordinance 16-13 then made minor  
242 amendments. The Beach Policy was amended to reflect these revisions through Resolution 16-  
243 029(S-2).



**Legend**

**Beach Areas**

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- 6
- 7

City Limits

2017 City of Homer Beach Areas Map

0 0.5 1 2 3 Miles



# Proposed Easement and Pedestrian Access to Outer Beach Area

Outer Beach


TIDE ST.

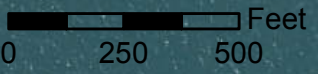
Proposed easement

Kevin Bell  
Arena



**Legend**

 City Lands





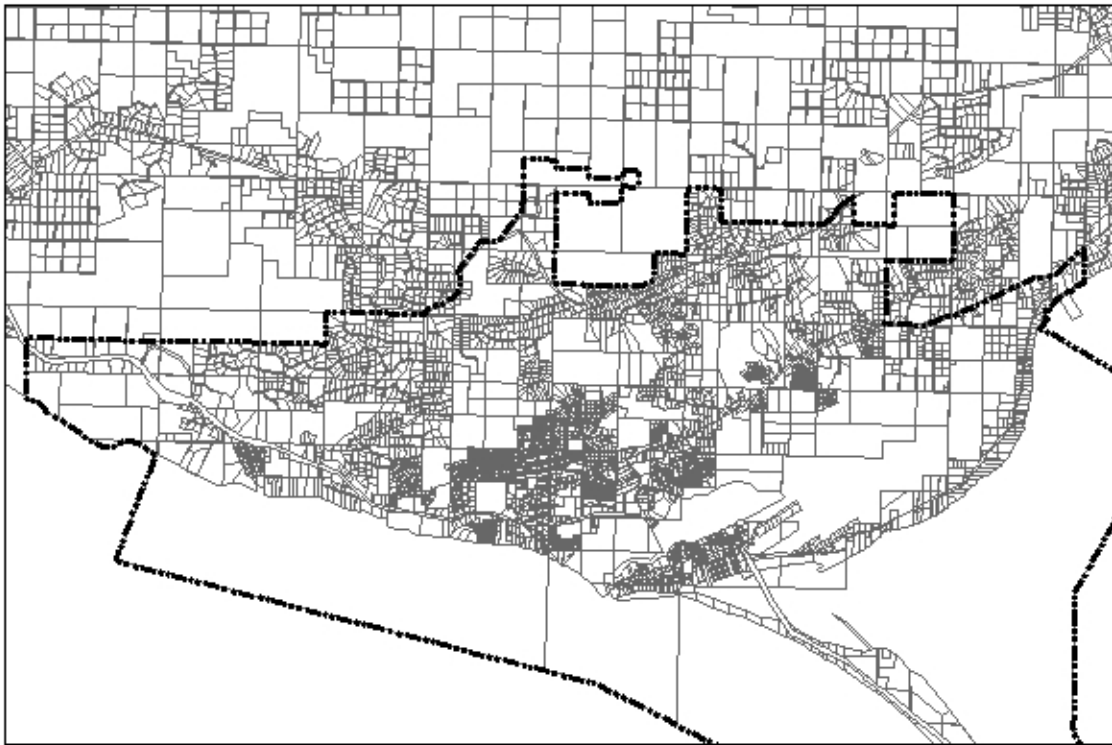
## Appendix A: Beach Access Notes

Public access points

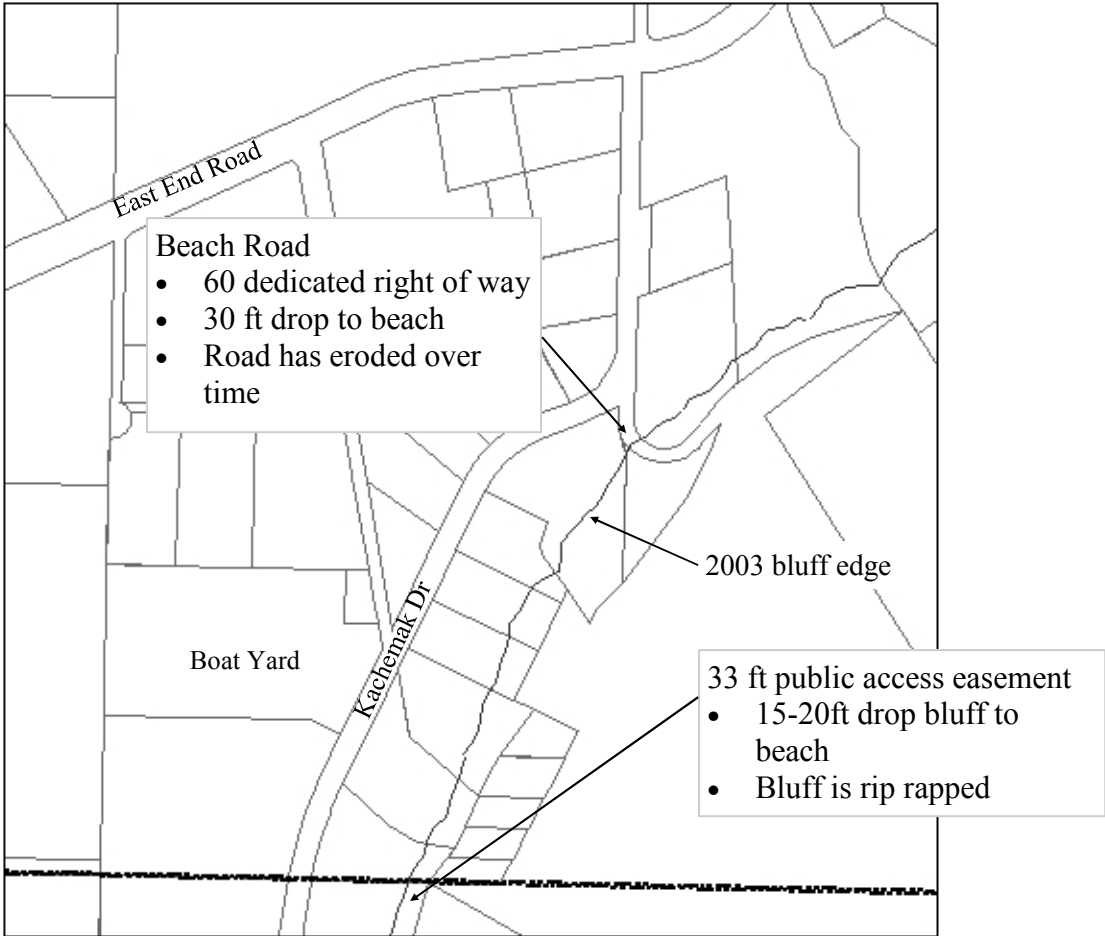
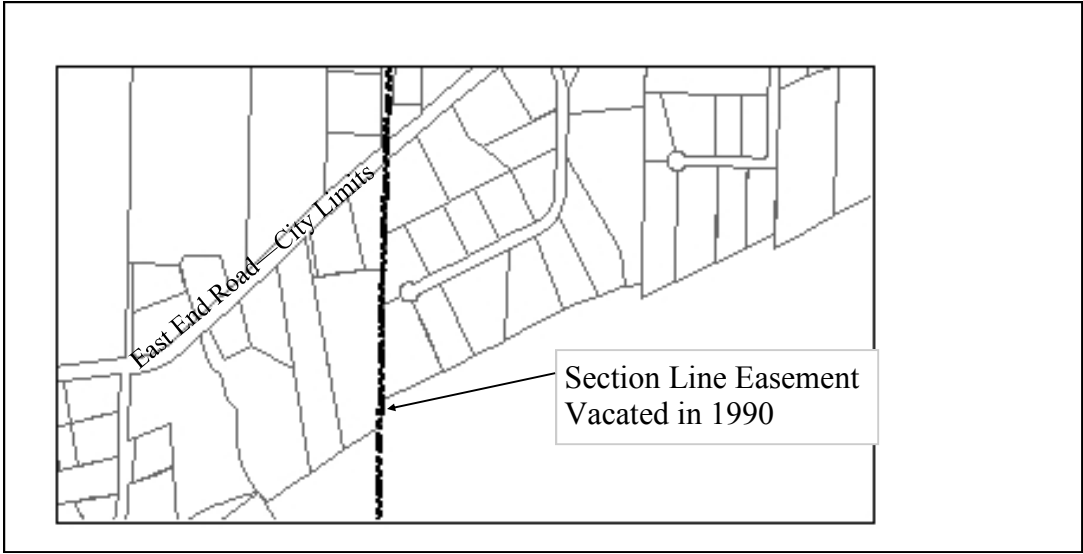
	Pros	Cons	Comments
Miller's Landing Beach Road	Nice picnic spot Difficult trek down to the beach	No defined parking area	
Airport Access Road			State owned land. Gate and key system installed in 2016.
Spit			
Mariner Park	Large parking area for campers and day users	Occasionally motor vehicles drive around in the lagoon.	Need more enforcement here Need more education here/kiosk
Lake Street		Constructed road ends at the Seawall. It will be expensive and difficult to create beach access that will withstand the wave energy at this point. Most of the land below is private property.	There may be other better pedestrian access points that are currently not public, along Ocean Drive Loop
Oscar Munson/Bell		Some public access points must cross the seawall, and most of the beach area is private property.	Neighborhood Access Point
Bishop's Beach	Flat beach access, public parking	High user conflicts	
Main Street	Section line easement access	Highly erosive, very steep trail	
Crittenden	Right of way access	No parking. Tends to be a party spot.	City constructed trail in conjunction with Crittenden/Waddell Road Improvements. There is also an adjacent private access from Ocean Shores Motel. Landowner allows neighborhood use of his trail to the beach.

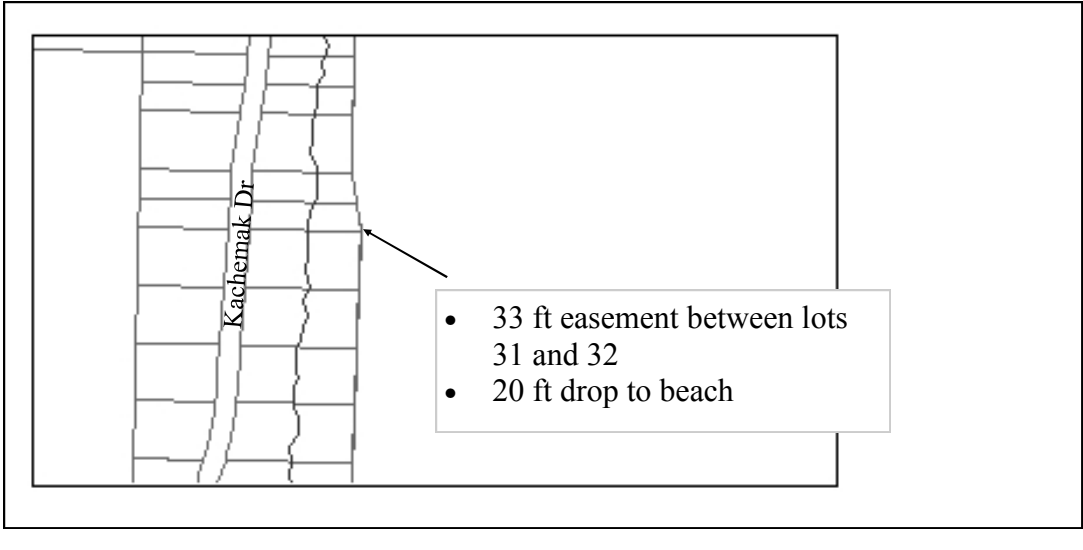
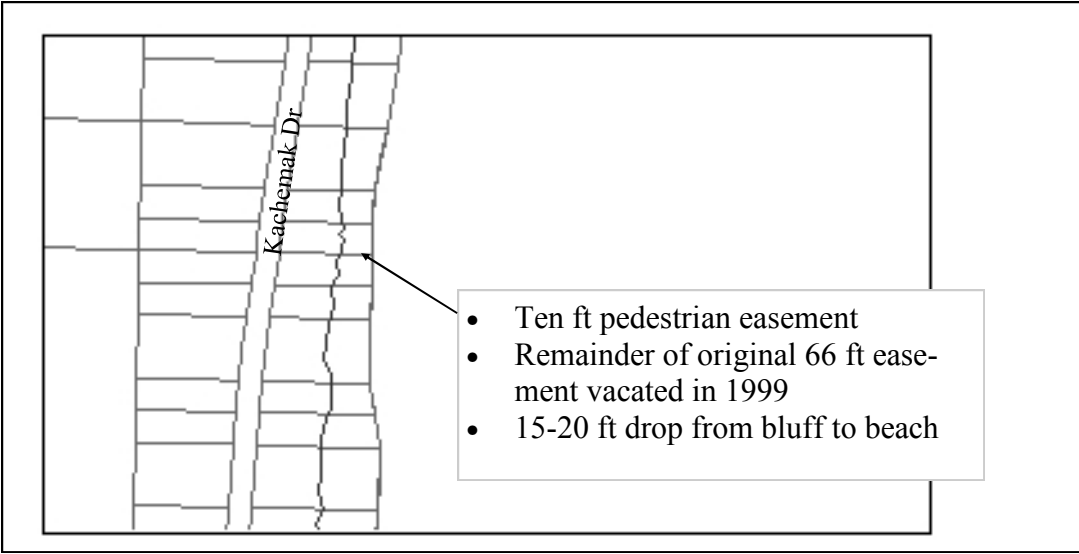
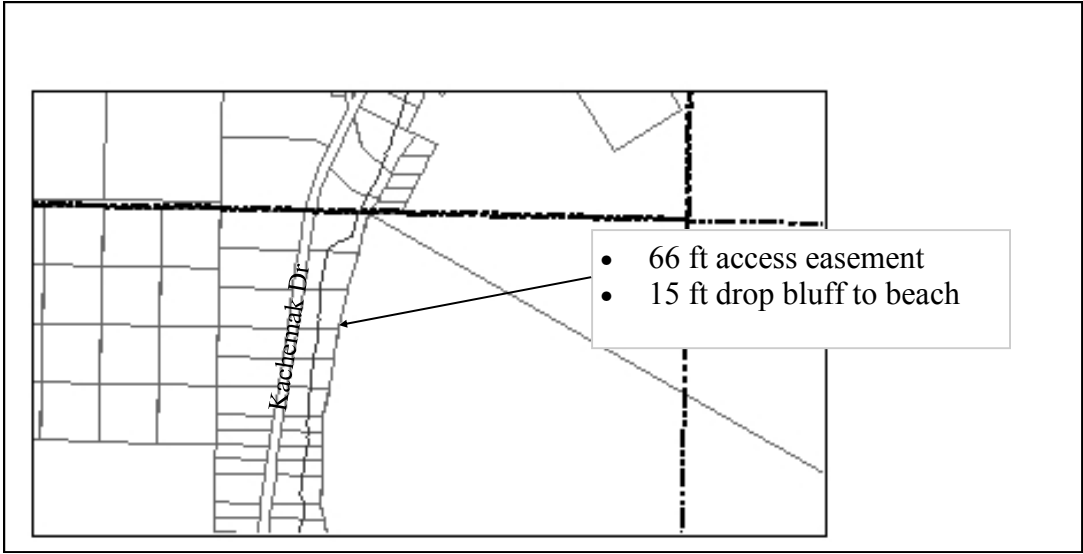
Updated 6/2016

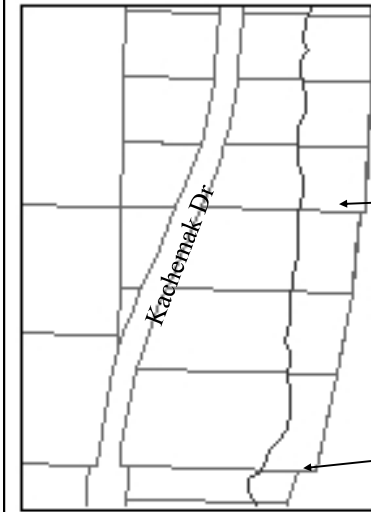
Beach Policy Appendix: B  
Mainland Public Access Points to Kachemak Bay  
2017



Prepared by the City of Homer Planning and Zoning Office.  
Erosion data from KBRR 2004 coastal erosion study. Easement  
data from plat research, and from 1982 Homer and Vicinity  
orthotopographic map by Walker and Associates.







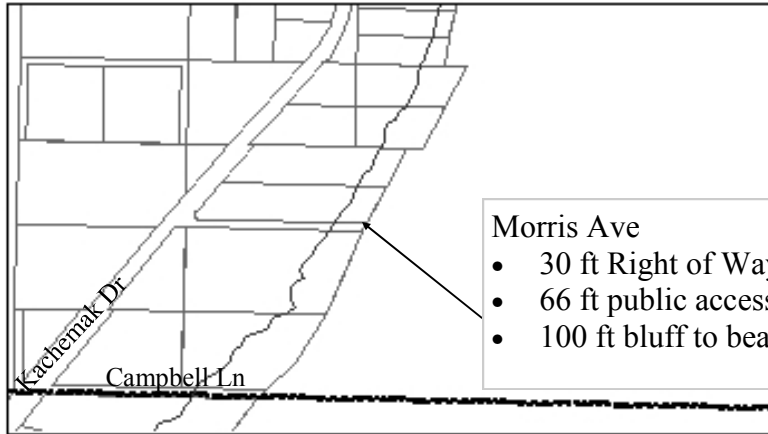
- Ten foot pedestrian easement on northern property, 33ft easement on southern property.
- Remainder of northern 33 ft easement vacated
- 30 foot drop from bluff to beach

- 33 ft easement
- Remainder of 66 ft easement vacated in 1976
- 35 foot drop from bluff to beach

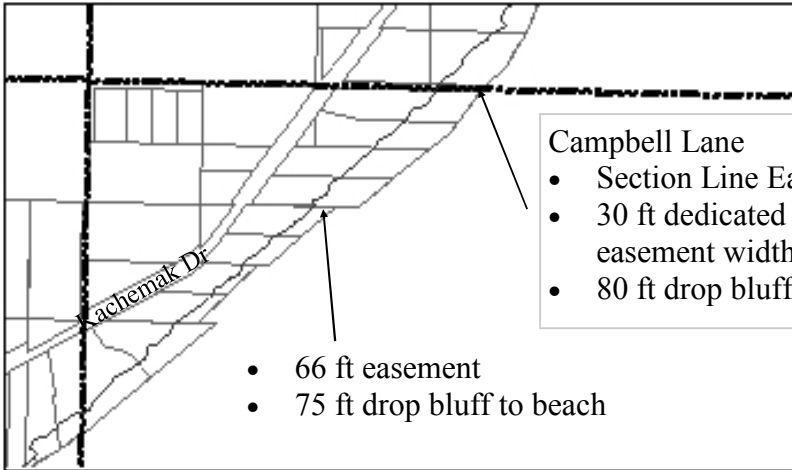


- 33 ft access easement
- 65 foot drop from bluff to beach

- 33ft access easement
- 75 foot drop from bluff to beach

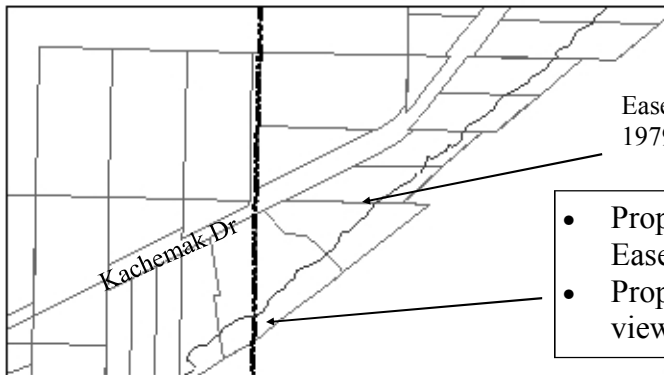


- Morris Ave**
- 30 ft Right of Way
  - 66 ft public access
  - 100 ft bluff to beach drop

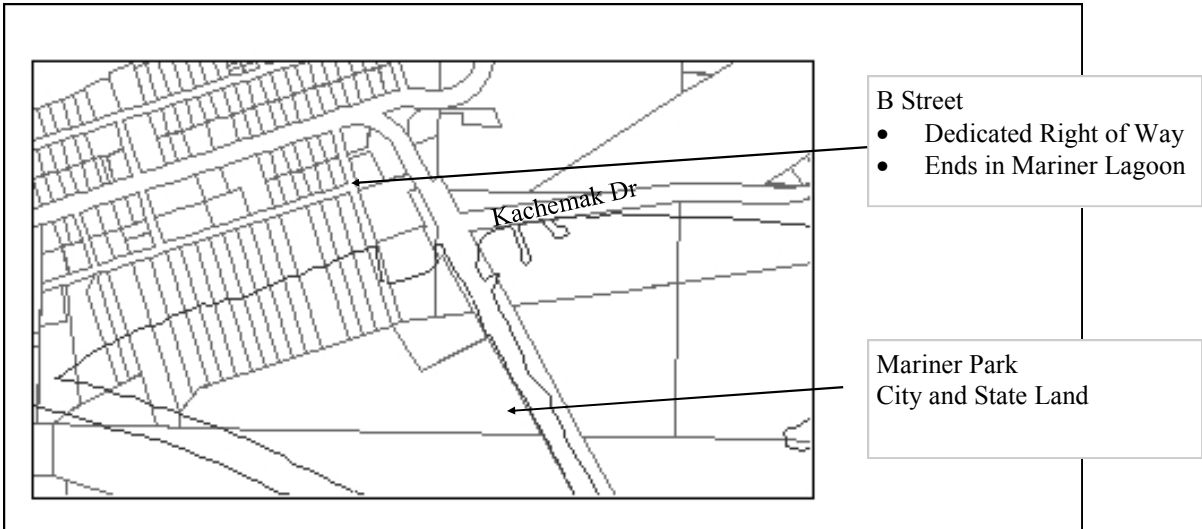
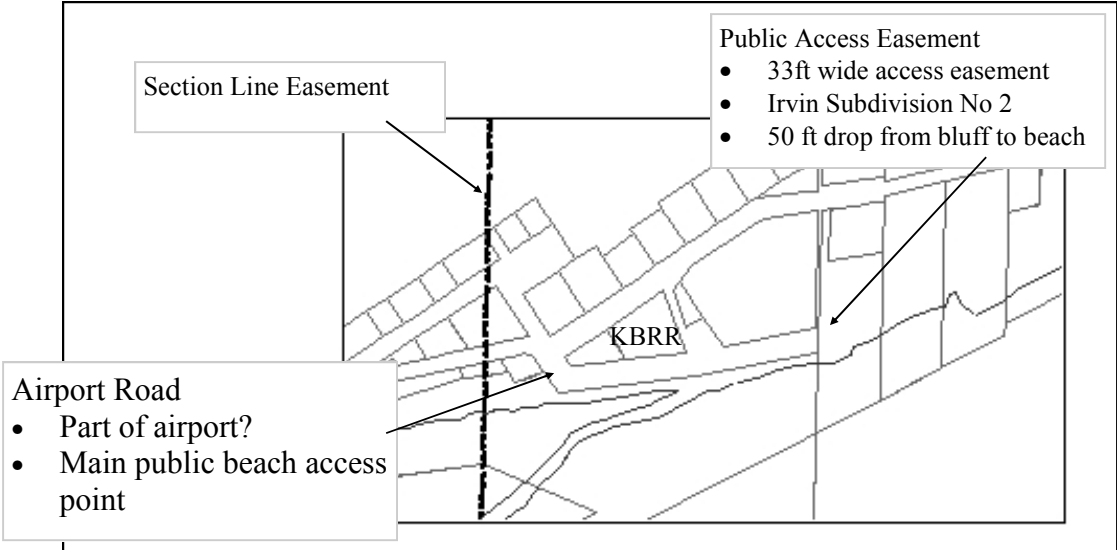
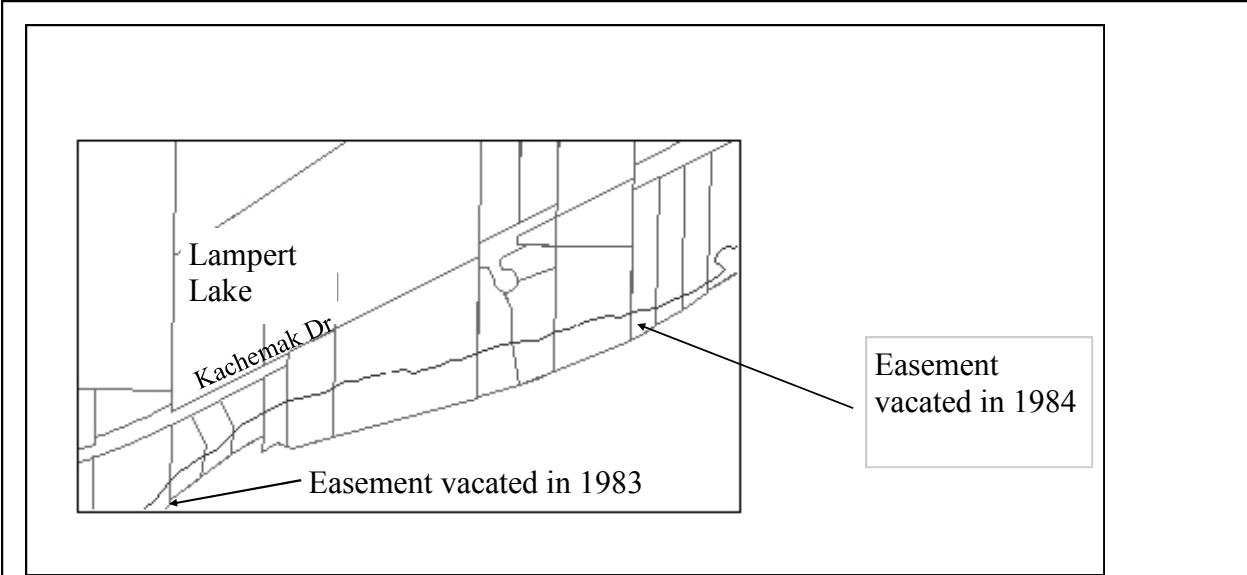


- Campbell Lane**
- Section Line Easement
  - 30 ft dedicated Right of Way, 66 ft total easement width
  - 80 ft drop bluff to beach

- 66 ft easement
- 75 ft drop bluff to beach



- Easement vacated in 1979
- Proposed Section Line Easement Vacation 2007.
  - Proposed public access viewpoint.







Lake Street

- Dedicated 60 ft Right of Way
- Sea wall crosses the Right of Way

Section Line Easement

- 66 ft wide
- 30 ft drop from bluff to beach

## Oscar Munson Subdivision

### Victoria Place

- 50 foot Right of Way
- Not constructed

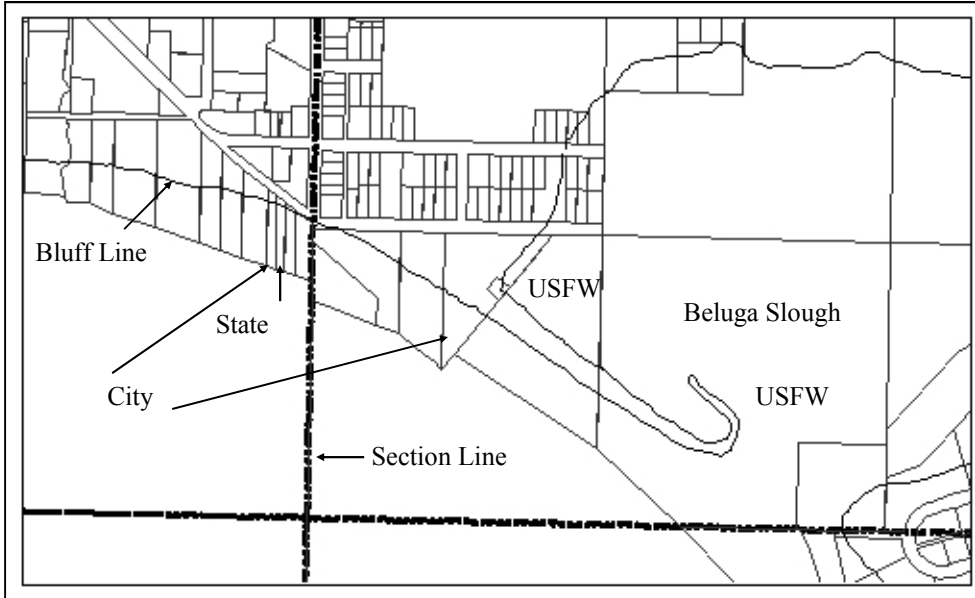
### Section Line Easement/Right of Way

- 30 ft Right of Way, 33 ft section line
- Exact width of possible public access not know, but probably about 60 ft



### Parson Lane

- 30 ft Right of Way
- About a 30 ft drop from street level to the beach
- Seawall runs along the bluff



#### Ohlson Lane Property

- 15-20 ft drop from street level to the beach
- City of Homer owns one lot; the state owns another

#### Section Line Easement

- Main Street is on a section line easement
- 15-20 ft drop from street level to the beach

#### Bishops Beach

- One of the few easy access point to the beach

This is an area of moderate long term erosion, averaging about 2 and a half feet per year.

Crittenden Dr

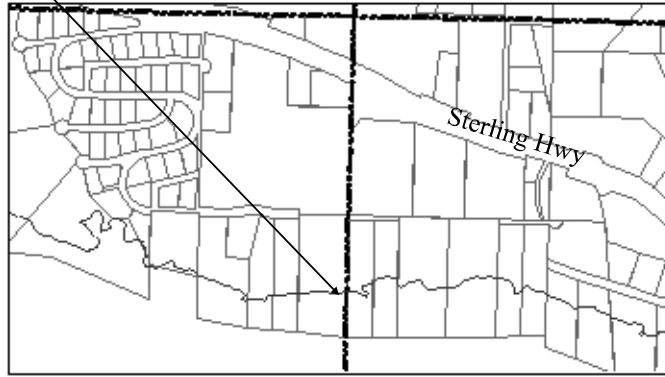
- 60 ft Right of Way
- New trail is steep and is eroding.
- 60 ft drop from Hidden Way to the beach



- Section Line Easement
- 120 ft drop from bluff to beach



- Section Line Easement
- 230 ft+ drop from bluff to beach

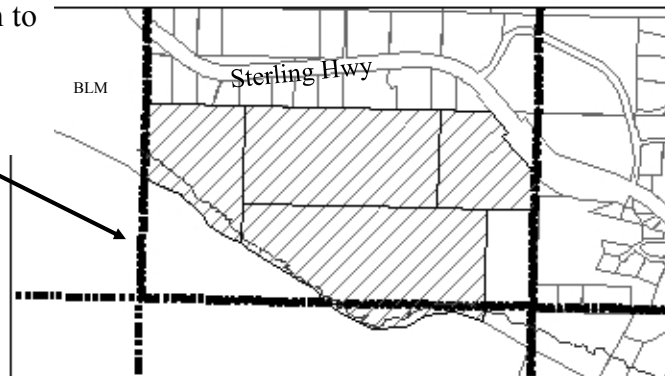


### Leber Street

- 30 Right of Way Leber St
- Section Line Easement
- 25 foot drop from upland to beach.



- Section Line Easement, north-south along city limit boundary
- 60 foot bluff from beach to upland plateau
- EVOS and other public lands shown



Amendments  
made to Sections 1 & 2  
upon codification 3/11/16  
*J. Johnson*

**CITY OF HOMER  
HOMER, ALASKA**

Lewis

**ORDINANCE 16-05(S-2)(A-2)**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF SCHEDULED OFFENSES—FINE SCHEDULE, ENACTING HOMER CITY CODE CHAPTER 7.16, VEHICLES IN BEACH AREAS, AND REPEALING HOMER CITY CODE CHAPTER 19.16, VEHICLES ON HOMER SPIT BEACH, TO RESTRICT THE OPERATION, STOPPING AND PARKING OF MOTOR VEHICLES IN BEACH AREAS.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of scheduled offenses—fine schedule, is amended by adding new lines to read as follows:

Code Section	Description of Offense	Fine		
		1st offense	2nd offense	3rd & subsequent offenses
7.16.020	Motor vehicle in beach area	\$25	\$250	\$500
<del>7.04.030</del> 7.16.030	Motor vehicle on storm berm	\$25	\$250	\$500

Section 2. Homer City Code Chapter 7.16, Vehicles in Beach Areas, is enacted to read as follows:

7.16.010 Definitions.

In this chapter:

“Beach area” means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.

“Motor vehicle” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self-propelled except by human or animal power.

35 "Storm berm" means a berm formed by the upper reach of storm wave surges or the  
36 highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and  
37 other waterborne materials. A beach area may have more than one storm berm.

38 "Submerged land" means land covered by tidal water from the elevation of mean low  
39 water seaward to the corporate boundary of the city.

40 "Tideland" means land that is periodically covered by tidal water between the  
41 elevation of mean high water and mean low water.

42  
43 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;  
44 Exceptions.

45 a. Except as provided in subsections b through d of this section, no person may  
46 operate, stop or park a motor vehicle within or upon any beach area.

47 b. A person may operate, stop or park a motor vehicle within and upon the beach area  
48 east of a line extending south from the southern end of a line extending south from the  
49 southern end of the vacated easement formally known as Shirlene Circle, and within and  
50 upon the beach area west of Bishops Beach Park Access.

51 c. A person may operate, stop or park a motor vehicle within and upon the beach area  
52 between the south end of Mariner Park beach to the east end of the seawall from October 31  
53 through March 1 solely for the purpose of gathering sand and coal.

54 d. An owner of property immediately adjacent to a beach area may operate, stop and  
55 park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the  
56 owner's property, in accordance with the terms of a permit issued for that purpose by the  
57 chief of police.

58 e. Nothing in this section permits a person to operate, stop or park a motor vehicle  
59 within or upon privately owned property in a beach area without the permission of the  
60 property owner.

61  
62 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.  
63 No person may operate, stop or park a motor vehicle upon a storm berm.

64  
65 7.16.040 Impoundment authorized.

66 A vehicle that is stopped or parked in violation of this chapter may be impounded as  
67 provided in HCC Chapter ~~7.08~~ 7.10

68  
69 Section 3. Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, is repealed.

70  
71 Section 4. This Ordinance is of a permanent and general character and shall be  
72 included in the City Code.

73  
74 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 22 day of  
75 February 2016.



CITY OF HOMER

Mary E. Wythe  
MARY E. WYTHE, MAYOR

ATTEST:

Melissa Jacobsen  
MELISSA JACOBSEN, CMC, ACTING CITY CLERK



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

First Reading: 01/25/16  
Public Reading: 02/08/16  
Second Reading: 02/22/16  
Effective Date: 02/23/16

Reviewed and approved as to form:

Mary K. Koester  
Mary K. Koester, City Manager

Thomas F. Klinkner  
Thomas F. Klinkner, City Attorney

Date: 2.24.16

Date: 2-26-16



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**CITY OF HOMER  
HOMER, ALASKA**

Lewis

**ORDINANCE 16-13**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 7.16.020 OPERATING, STOPPING OR PARKING OF MOTOR VEHICLES IN BEACH AREAS PROHIBITED; EXCEPTIONS, TO EXTEND FROM OCTOBER 1 TO MARCH 31 THE PERIOD DURING WHICH A PERSON MAY OPERATE, STOP AND PARK A MOTOR VEHICLE BETWEEN THE SOUTH END OF MARINER PARK BEACH AND THE EAST END OF THE SEAWALL SOLELY FOR THE PURPOSE OF GATHERING SAND AND COAL.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 7.16.020, Operating, stopping or parking of motor vehicles in beach areas prohibited; Exceptions, is amended to read as follows:

7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited; Exceptions.

a. Except as provided in subsections b through d of this section, no person may operate, stop or park a motor vehicle within or upon any beach area.

b. A person may operate, stop or park a motor vehicle within and upon the beach area east of a line extending south from the southern end of a line extending south from the southern end of the vacated easement formally known as Shirlene Circle, and within and upon the beach area west of Bishops Beach Park Access.

c. A person may operate, stop or park a motor vehicle within and upon the beach area between the south end of Mariner Park beach to the east end of the seawall from October 1 through March 31 solely for the purpose of gathering sand and coal.

d. An owner of property immediately adjacent to a beach area may operate, stop and park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the owner's property, in accordance with the terms of a permit issued for that purpose by the chief of police.

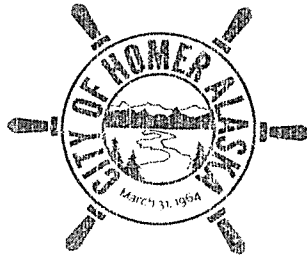
e. Nothing in this section permits a person to operate, stop or park a motor vehicle within or upon privately owned property in a beach area without the permission of the property owner.

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

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 11<sup>th</sup> day of April, 2016.

CITY OF HOMER



*Mary E. Wythe*  
MARY E. WYTHE, MAYOR

ATTEST:

*Jo Johnson*  
JO JOHNSON, MMC, CITY CLERK

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

First Reading: 3/29/16  
Public Hearing: 4/11/16  
Second Reading: 4/11/16  
Effective Date: 4/12/16

Reviewed and approved as to form:

*Mary K. Koester*  
Mary K. Koester, City Manager

Date: 4-14-16

*Thomas F. Klinkner*  
Thomas F. Klinkner, City Attorney

Date: 4-15-16



1 CITY OF HOMER  
2 HOMER, ALASKA

Reynolds

3  
4 RESOLUTION 16-029(S-2)  
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING THE BEACH POLICY FOR OPERATING, STOPPING OR  
8 PARKING OF MOTOR VEHICLES IN BEACH AREAS PROHIBITED, TO  
9 PROHIBIT VEHICLES ON THE BEACH AT THE BOTTOM OF  
10 AIRPORT ACCESS ROAD, TO ALLOW VEHICLES FROM THE  
11 SOUTHERN END OF THE VACATED EASEMENT FORMALLY  
12 KNOWN AS SHIRLENE CIRCLE TO THE EAST, TO PROHIBIT  
13 MOTOR VEHICLES TO THE EAST OF BISHOP'S BEACH PARK  
14 ACCESS, TO PROHIBIT MOTOR VEHICLES SOUTH OF MARINER  
15 PARK, AND TO ALLOW MOTOR VEHICLES BETWEEN THE SOUTH  
16 END OF MARINER PARK BEACH TO THE EAST END OF THE  
17 SEAWALL FROM OCTOBER 1 THROUGH MARCH 31 SOLELY FOR  
18 THE PURPOSE OF GATHERING SAND AND COAL.  
19

20 WHEREAS, The Homer City Council adopted Ordinance 16-05(S-2)(A-2) at the February  
21 22, 2016 regular council meeting; and  
22

23 WHEREAS, Ordinance 16-05(S-2)(A-2) amended the definitions of Berm, Storm berm,  
24 Submerged Land, Tideland, Beach Area and Motor Vehicle; and  
25

26 WHEREAS, Ordinance 16-05(S-2)(A-2) amended the exceptions to operating, stopping  
27 or parking of motor vehicles in beach areas to allow motor vehicles from the southern end of  
28 the vacated easement formally known as Shirlene Circle and to the east; and  
29

30 WHEREAS, Ordinance 16-05(S-2)(A-2) amended the exceptions to operating, stopping  
31 or parking of motor vehicles in beach areas to allow motor vehicles from the southern end of  
32 Mariner Park to the east end of the seawall from October 31 through March 1 solely for the  
33 purpose of gathering sand and coal; and  
34

35 WHEREAS, Ordinance 16-13 amended the exceptions to operating, stopping or parking  
36 of motor vehicles in beach areas to allow motor vehicles from the southern end of Mariner  
37 Park to the east end of the seawall from October 1 through March 31 solely for the purpose of  
38 gathering sand and coal; and



39 WHEREAS, Ordinance 16-05(S-2)(A-2) amended the exceptions to operating, stopping  
40 or parking of motor vehicles in beach areas to prohibit motor vehicles to the east of Bishop's  
41 Beach Park, to the south of Mariner Park, and at the bottom of the Airport Access Road; and  
42

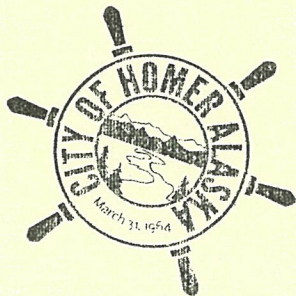
43 WHEREAS, Ordinance 16-05(S-2)(A-2) also prohibits a person to operate, stop or park a  
44 motor vehicle within or upon privately owned property in a beach area without the  
45 permission of the property owner.  
46

47 WHEREAS, It is necessary to amend the Beach Policy to incorporate these  
48 amendments.  
49

50 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
51 amends the Beach Policy for operating, stopping or parking of motor vehicles in beach areas  
52 prohibited, to prohibit vehicles on the beach at the bottom of Airport Access Road, to allow  
53 vehicles from ~~to~~ the southern end of the vacated easement formally known as Shirlene Circle  
54 to the east, to prohibit motor vehicles to the east of Bishop's Beach Park access, to prohibit  
55 motor vehicles south of Mariner Park, and to allow motor vehicles between the south end of  
56 Mariner Park beach to the east end of the seawall from October 1 through March 31 solely for  
57 the purpose of gathering sand and coal.  
58

59 PASSED AND ADOPTED by the Homer City Council on this 25<sup>th</sup> day of April, 2016.  
60

61 CITY OF HOMER



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75

*Mary E. Wythe*  
MARY E. WYTHE, MAYOR

76 ATTEST:

77  
*Jo Johnson*  
\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A





# City of Homer

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

Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## Memorandum 15-102

TO: Mayor Wythe and Homer City Council  
THROUGH: Katie Koester, City Manager  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: June 22, 2015  
SUBJECT: Recommendation from the Parks and Recreation Advisory Commission on changes to the Beach Policy

---

### **Introduction and public process**

In the fall of 2014, the Commission began hearing from property owners and residents in Old Town that there were increased problems between vehicles and pedestrians on the beach, and more 'bad behavior.' (drinking, drugs, partying on private property, trespass, etc). The Commission began holding meetings to explore these issues, and also became more aware of inappropriate activity in the bird habitat along the grassy berm near Beluga Slough. Speakers were invited to present information to the Commission on topics from dogs, birds, from user groups of all ages. An often repeated theme was the need for enforcement, signage, and education.

The Commission met eleven times in 2015 to discuss the beach policy. Numerous letters were submitted, and many people commented at the meetings. There were several front page articles in local newspapers, a Coffee Table radio show on KBBI, and the City website was updated throughout the process. Beach front property owners were notified by mail of the public hearing in May.

### **What happens next?**

Council will evaluate the proposals, and may adopt them as a whole, in part, or not at all. A resolution will be brought forward at the next Council meeting, to support all the recommendations. Council may choose to hold a public hearing, or amend the resolution. Staff will then work on the various ordinances and other changes to actually enact the changes, and also update the Beach Policy document accordingly.

**Proposed changes:** The proposed changes are listed two ways: in a list below, and in a table by type of action (budget ordinance, resolution, etc).

- Install fire pits at Bishop's Beach Park, and at the City parcel near the end of Main Street/Ohlson Lane, and make trash cans available.
- Hire two seasonal beach patrol employees
- Draft an ordinance to define and ban reckless driving as it would be applied to all of City of Homer beaches
- Improve signage at Bishop's Beach.



- Close all beaches to vehicles in summer, and allow winter use along a portion of the west part of the Spit. (Land owners of beach front property and their guests are exempt for the purpose of accessing their property. One way to administer this would be a gate and permit system).
- Install security cameras at Bishop's beach Park
- Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)
- Create areas where dogs must be on leashes. See Attachments.
- Increase dog waste education
- Install dog waste bag dispenses at public buildings, trails and parks and encourage other agencies and businesses to do the same.
- Purchase 500 dog waste dispensers to give away; encourage local businesses to stock baggies supplies and dispensers.
- Educate locals on beach rules. Community outreach: land owners, primary user groups, schools
- Education on beach resources (why we have the rules and how they protect what we have)
- Delineate private property at Bishop's Beach Access
- Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach
- Consider a park host. (Would need to be willing to testify in Court)
- Ban the burning of pallets on the beach
- Ban glass bottles (containers) on the beach

**Attachments:**

1. Implementation Table
2. Leash Areas Map
3. Beach Areas Map: Where Vehicles are allowed on the Beach
4. Memo from Attorney Klinkner
5. 2007 Beach Policy
6. Backup Materials

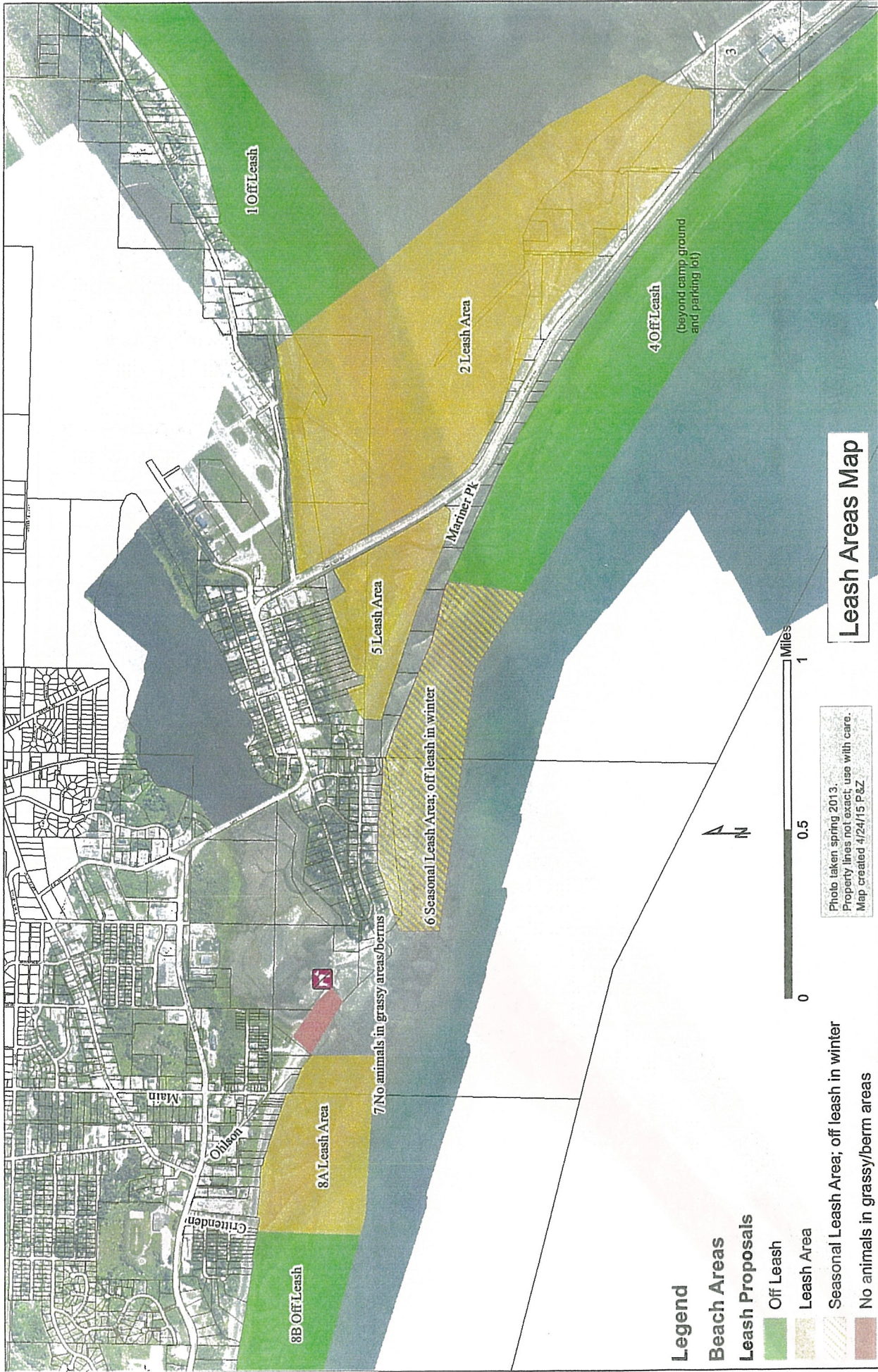
Budget Code Resolution Administrative  
Ordinance Ordinance Policy Decision

Beach Policy Changes and Implementation

Notes	Timeframe
Close all beaches to vehicles in summer, and allow winter use along a portion of the west part of the Spit from the Sea Wall south east past Mariner Park and down the Spit. (Land owners of beach front property and their guests are exempt for the purpose of accessing their property, possibly using a gate and permit system).	Pass ordinance and advertise closure in 2015, implement in spring of 2016
Hire two seasonal beach patrol employees	2016 budget
Purchase 500 dog waste dispensers to give away; encourage local businesses to stock baggies supplies and dispensers.	2015 P&R budget?
Delineate private property at Bishop's Beach Access	2016 budget
Place rocks to prevent or mark where vehicles shouldn't go, east at Bishop's Beach	2016 budget
Install security cameras at Bishop's Beach Park	
Draft an ordinance to define and ban reckless driving as it would be applied to all of City of Homer beaches	2015/2016
Create areas where dogs must be on leashes.	Begin by working with Homer Animal Friends and other on education. Install appropriate signage.
Ban the burning of pallets on the beach	Implement in 2016 beginning with signage at City Parks
Ban glass bottles (containers) on the beach	Implement in 2016 beginning with signage at City Parks
Install dog waste bag dispensers at public buildings, trails and parks and encourage other agencies and businesses to do the same.	2015/2016
Add Bishop's Beach and Beluga Slough to the existing Western Hemisphere Shorebird Reserve Network. (WHSRN)	
Increase dog waste education	2015/16
Educate locals on beach rules. Community outreach: land owners, primary user groups, schools	2016
Education on beach resources (why we have the rules and how they protect what we have)	2016
Consider a park host. (Would need to be willing to testify in Court)	2016

Beach Policy Changes and Implementation	Budget Ordinance	Code Resolution	Administrative Policy Decision	Notes	Timeframe
Increase ticketing efforts	X		X	Schedule officers to have more presence on the beach for a short period of time. A few tickets may have a big impact on behavior.	Immediate
Install fire pits at Bishop's Beach Park, and at the City parcel near the end of Main Street/Ohlson Lane, and make trash cans available.			X		Immediate
Improve signage at Bishop's Beach.			X	Funding required	2016
Investigate firewood consessions in campgrounds and Bishop's Beach			X		2016 summer season



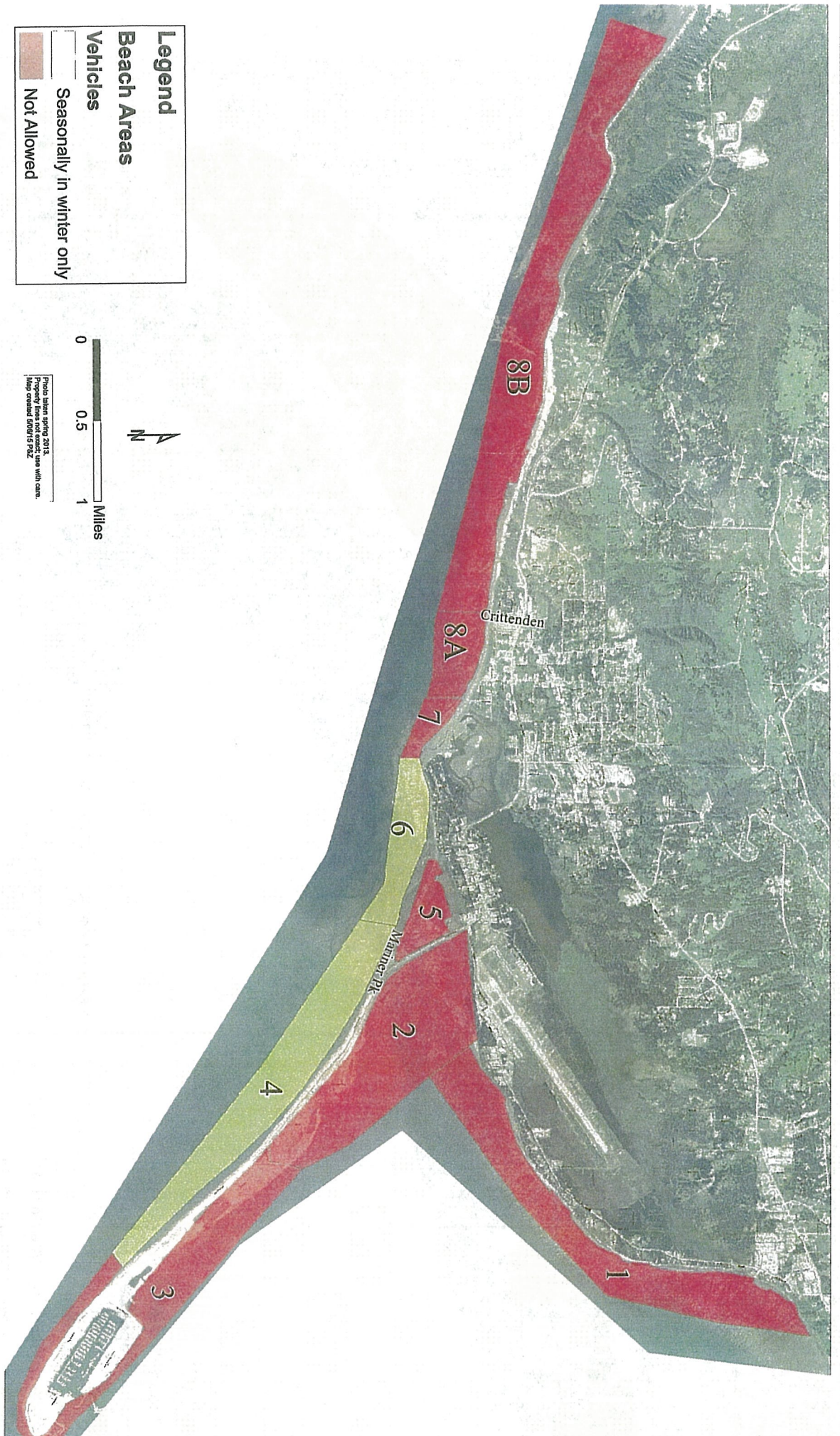


### Leash Areas Map

Photo taken spring 2013.  
 Property lines not exact; use with care.  
 Map created 4/24/15 P&Z

- Legend**
- Beach Areas**
- Off Leash
  - Leash Area
  - Seasonal Leash Area; off leash in winter
  - No animals in grassy/berm areas





# City of Homer Beach Areas

## Where vehicles are allowed on the beach

**MEMORANDUM**

**TO: JULIE ENGBRETSSEN  
DEPUTY CITY PLANNER  
CITY OF HOMER**

**FROM: THOMAS F. KLINKNER**

**RE: BEACH POLICY REVISIONS**

**FILE NO.: 506,742.1003**

**DATE: JUNE 1, 2015**

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You have asked that I review and comment on proposed changes to the City's Beach Policy. I had intended a more formal treatment of the subject, but time has not been my friend lately. Instead, I will give you the substance of my comments from a legal perspective in a more summary form.

Enforceability. Because the proposed changes focus on regulating conduct by the public, they raise issues regarding their enforceability that I will discuss below. These issues fall into two categories: (i) clear identification of the proscribed conduct; and (ii) the effect of overriding state or federal law principles.

Delineation of Affected Areas. Neither the original Beach Policy nor the proposed changes clearly delineates the areas in which the policies apply. While the policy documents incorporate maps, they are ambiguous, because the area commonly regarded as the "beach" may not be bounded by the property lines that are shown on those maps.

The Beach Policy and the proposed changes do not describe what constitutes the beach area with which they are concerned. In contrast, HCC 19.12.020 and 19.16.020 define the term "beach area" as "the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form." In addition, the definitions of the terms "berm" and "storm berm" in these sections imply that those features are included in the beach area. For the purposes of this discussion, I assume that the Beach Policy and the proposed changes are concerned with the area that these Code sections describe.

The beach area described in HCC 19.12.020 and 19.16.020 consists of three distinct regions: (i) an area below the elevation of mean low water ("submerged lands"); (ii) the area between the elevations of mean low water and mean high water ("tidelands"); and (iii) an area above the elevation of mean high water ("uplands"). The

City owns the submerged lands and tidelands areas. Much, if not most, of the uplands are privately owned. I assume that the City-owned upland parcels are only those identified as such in the City's Land Allocation Policy.

Typically, the boundary between tideland and upland property (regardless of City or private ownership of either) is the current mean high water line. In most cases, this boundary is "ambulatory," moving seaward or landward with the erosion or accretion of material on the beach. There is an exception to this general rule for changes in the mean high water line that are caused by a sudden subsidence or uplifting of the beach area caused by an event such as an earthquake. In such a case, the boundary between tidelands and uplands continues to be located at the mean high water line that existed before the event. This is important for beach areas in Homer that experienced sudden subsidence during the 1964 earthquake. Where such subsidence occurred, the boundary of an upland parcel may extend seaward of the current elevation of mean high water. Thus, if such an upland parcel is privately owned, that private ownership may extend into the beach area. Determining whether a particular upland parcel extends into the beach area would require research of records regarding the effects of the 1964 earthquake at that location, of aerial photographs and other historic records. I am not aware that any such research has been conducted comprehensively for the beach area within the City of Homer.

Application to City-Owned and Privately Owned Beach Areas. The discussion in the preceding paragraphs indicates that any regulation of conduct in the beach area must be drafted to apply on both publicly owned and privately owned property. The City's leash law provides an example of how this may present an issue. HCC 20.08.010(a) provides that it is unlawful to allow any dog to run at large in the City. For this purpose, HCC 20.04.020 provides:

"At large" means an animal is at large when it is ***off the premises of the owner or keeper*** and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained. (Emphasis added.)

Thus, whether a dog on the beach is "at large" may depend on whether the beach area in question is part of an upland parcel owned by the dog's owner.

Generally, the City may regulate conduct on private property to the same extent that it regulates conduct on City-owned property. However, as the discussion above illustrates, care must be taken to draft regulations of conduct in beach areas, so that they apply uniformly to activity on both City-owned and private property.

Public Trust Doctrine. Tide and submerged lands (including those later transferred to the City) that the state received from the federal government at statehood,



are subject to a trust for the people of the state for the purposes of navigation, commerce, and fishing. The City acquired tidelands and submerged lands from the state subject to this trust. At a minimum, this public trust doctrine requires the City to provide the public access across beach areas to the water for navigation, commerce, and fishing purposes.

The entire scope of the public trust doctrine has not been established in Alaska. Courts in other states, though not yet in Alaska, have held that the public trust doctrine extends to use of tidelands for recreation and wildlife habitat protection, as well as the traditional uses of navigation, commerce, and fishing. However, in Alaska it clearly does not permit private persons to conduct purely private activities, such as developing a mining claim, on City-owned tidelands. Moreover, use under the public trust doctrine remains subject to reasonable government regulation. There is no Alaska case addressing whether a particular mode of transportation, such as motor vehicles, may be excluded from a beach area consistently with the public trust doctrine. However, I believe that such an exclusion could be imposed, provided that it preserved reasonable access by vehicle at locations where required for the public to engage in navigation, commerce, and fishing.

Rights-of-Way under Federal Public Land Law. Cortney Kitchen previously provided you with a detailed memorandum on the potential for beach areas to be subject to public rights-of-way under a former federal public land law, RS 2477. I refer you to her discussion of that topic, with the following revisions.

RS 2477 provided for the creation of rights-of-way on federal public land until its repeal in 1976. However, it also would have ceased to apply to particular federal public lands when they were withdrawn from the federal public domain. In the case of tidelands and submerged lands in Homer, that withdrawal would have occurred when those lands were transferred to the state upon Alaska's admission to the Union in January 1959. A right-of-way could be established under RS 2477 only through usage before that date.

While no formal procedure is required to establish an RS 2477 right-of-way, a person who claims that a regulation of conduct in a beach area conflicts with such a right-of-way may challenge the regulation only after proving the existence of the right-of-way either in a court or in a state administrative proceeding.

A recognized RS 2477 right-of-way may be vacated in a state administrative proceeding, if an alternative road access is available. Road access is well developed along all of the City's shoreline, making it likely that the City could obtain a vacation of any RS 2477 right-of-way located in a beach area.

In conclusion, I do not believe that the potential existence of an RS 2477 right-of-way in a beach area should deter the City from adopting regulations that it considers reasonable for the control of vehicle use in beach areas.

TFK:lcj



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

3 City Manager/  
4 Port and Harbor Director

5 **RESOLUTION 17-023**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AWARDING THE CONTRACT FOR THE WIRELESS CONTROL SYSTEM  
9 FOR HARBOR HIGH MAST LIGHT POLES TO THE FIRM OF PUFFIN  
10 ELECTRIC, INC. OF HOMER, ALASKA, IN THE AMOUNT OF \$30,702  
11 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
12 APPROPRIATE DOCUMENTS.

13  
14 WHEREAS, In accordance with the Procurement Policy the Request for Proposals was  
15 advertised in the Homer News December 15 and 22, 2016, the Peninsula Clarion on December  
16 18, 2016, the Alaska Dispatch News December 18, 2016, and posted on the City's webpage; and  
17

18 WHEREAS, The Request for Proposals included an option for wireless lighting controls  
19 that would enable fine tuning the area lighting system, taking advantage of the long Alaskan  
20 twilight with an increase in energy savings; and  
21

22 WHEREAS, Proposals were due on January 30, 2017 and five proposals were received;  
23 and  
24

25 WHEREAS, Puffin Electric, Inc. of Homer, Alaska, was found to be most responsive; and  
26

27 WHEREAS, The proposal is within the project budget approved by the City Council; and  
28

29 WHEREAS, This award is not final until written notification is received by the firm from  
30 the City of Homer.  
31

32 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the  
33 contract for the Wireless Control System for Harbor High Mast Light Poles to the firm of Puffin  
34 Electric, Inc. of Homer, Alaska, in the amount of \$30,702 and authorizes the City Manager to  
35 execute the appropriate documents necessary to complete this project.  
36

37 PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of March, 2017.  
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CITY OF HOMER

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BRYAN ZAK, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: \$30,702, Account No. 456-0380.

## Memorandum 17-049

TO: MAYOR ZAK & HOMER CITY COUNCIL  
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER  
DATE: MARCH 8, 2017  
SUBJECT: LED LIGHTING CONTROL CONTRACT

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In our highmast LED lighting request for proposals, staff included an option for wireless lighting controls that would enable us to fine tune the area lighting system and to take advantage of the long Alaskan twilight. LED lights are dimmable but only if we install a control system designed for that purpose.

Staff believes this new level of lighting control will enable us to better address the concerns that Council has heard in public testimony regarding the lighting project for the Harbor and will increase our energy savings as well.

**RECOMMENDATION:** Amend the contract with Puffin Electric for refurbishing the Homer highmast lighting system with LED lighting to fund their proposed additive alternative #1 for the installation of a wireless lighting control system.

Fiscal note: funding source 456-0380 P/Harbor reserves, total amount \$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](mailto: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 9<sup>th</sup> 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



## Memorandum 17-035

TO: Mayor Zak and Homer City Council  
THROUGH: Parks Art Recreation and Culture Advisory Commission  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 3, 2017  
SUBJECT: Display of Sister City Artwork – Teshio

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Resolution 16-129 requested the Parks Art Recreation and Culture Advisory Commission (PARCAC) to explore a suitable venue to display the Sister City art collection. Ms. Morrow, Executive Director of the Pratt Museum, spoke to the Commission at their February 16<sup>th</sup> meeting. She relayed it may be possible to display the materials at the Pratt, or alternately, the Pratt could curate an exhibit in another location, such as City Hall. The Commission felt the exhibit should be in an area that was free for the public.

The Commission supports the idea of the Pratt curating a display, and working with the City Clerk's Office toward that goal. Additionally, if Council approves funding, the Commission supports the creation of Sister City Day and cultural exchange with school students through Skype.

If the City Council supports the idea of the Pratt curating a Sister city exhibit, Ms. Morrow will bring the idea to the Pratt Board of Directors.

**Recommendation:** Council support the Pratt Museum curating a Sister City exhibit.

**Attachment:**

PARCAC Minutes of 2/16/2017



Session 17-01 Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order on February 16, 2017 at 5:36 pm by Chair Matt Steffy at the Cowles Council Chambers City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

**PRESENT:** COMMISSIONERS FAIR, SHARPE, ARCHIBALD, ROEDL, HART,  
ASHMUN AND STEFFY

**ABSENT:** COMMISSIONERS LOWNEY, ASHMUN, HARRALD (EXCUSED)

**STAFF:** DEPUTY CITY PLANNER ENGEBRETSEN  
DEPUTY CITY CLERK KRAUSE

Due to Technical difficulties with the phone Commissioner Lowney was unable to attend the meeting telephonically as requested & scheduled.

### **APPROVAL OF THE AGENDA**

HART/ARCHIBALD - MOVED TO APPROVE THE AGENDA.

There was a no discussion.

VOTE. YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA**

#### **VISITORS**

A. Laurie Morrow, Executive Director, Pratt Museum – Display of the Sister City Teshio Art Collection

Ms. Morrow spoke to the Commission regarding the willingness of the Pratt Museum curating the Art Collection from Teshio, Japan. She requested some input from Commission regarding the goals for the collection were.

Chair Steffy provided the following information:

- Councilmember Lewis presented the idea at the November 17, 2016 meeting as a result of his recent visit to Teshio, Japan
- The Pratt Museum was one location that was considered as an appropriate venue for the displaying the collection, the main lobby and the Library.
- The Commission did not think it appropriate to charge a fee since they received the items as gifts within the Sister City relationship.
- City Clerk's Office, Deputy City Clerk Krause would be the best contact at this point regarding additional information

Ms. Morrow responded that currently the location would be located in a fee area. That may change in the future. She inquired if there was a story that tells the initiation of the sister city relationship. She did note the plaque that was upstairs and was more interested in if there was a liaison currently or if the relationship

was sort of static.

Councilmember Reynolds offered the information that the items from Homer that were given to Teshio as gifts were placed in high regard according to Councilmember Lewis and he was hosted, lauded, showered with gifts and several presentation and community gatherings, she agreed that this would be a great way to reignite the relationship.

A brief discussion on creating and having a Sister City Day and changing a static relationship into a more fluid one with designated representative(s) from both cities; Council approving a resolution to support the concept of the Sister City Day; the funding necessary to conduct and grow that idea; to visually see how Teshio has displayed the gifts from Homer; arranging Skype calls and having classrooms exchange talks & culture related concepts; this idea fits the mission of the Pratt and if this is a priority of the city then Ms. Morrow will bring the idea back to her Board.

#### B. Adele Person, Woodard Creek Coalition, Woodard Creek Watershed Plan

Ms. Person provided a presentation on the work done to highlight the issues, benefits and future of the Woodard Creek Watershed and that they were seeking the support and recommendation of the Commission for Council to approve and adopt the plan.

She went on to explain the information and steps that were taken to develop the plan and working with broad base of partners that included arts organizations, private property owners, businesses, City, state and Borough plus other environmental organizations working together to develop the best plan and future for the Woodard Creek watershed.

Ms. Person explained that there was also some issues regarding the Steep Slope that they would like to change in Title 21 and are seeking support and recommendation to council to approve the changes to City Code. This plan was presented to the Planning Commission on Wednesday, February 15, 2017.

Some points of the plan were as follows:

- Improve Public Awareness, Access and Engagement in the Process
- Increase Outreach, Education and Stewardship opportunities
- Integrate Woodard Creek into Local Planning Effort
- Restore and Protect the Natural Flow of Woodard Creek
- Address Stream Bank Fill in Karen Hornaday Park
- Address Stream Bank Channelization and Culverting on the Lower levels of the Watershed
- Protect Natural Systems

A few comments were made by Chair Steffy and Commissioner Archibald regarding the work done on the Watershed Plan as they were members of the group.

The commissioners thanked Ms. Person for presenting the Watershed Plan to them. It was noted that to make a recommendation they would have to have the item on a future agenda.

## **RECONSIDERATION**

## **ADOPTION OF THE CONSENT AGENDA**



## City of Homer

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

Homer City Council

491 East Pioneer Avenue

Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 17-046

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: CITY MANAGER KOESTER

DATE: MARCH 8, 2017

SUBJECT: LETTER TO GOVERNOR WALKER AND ALASKA STATE LEGISLATURE REGARDING THE EFFECTS OF BUDGET CUTS ON THE CITY OF HOMER AND REVENUE OPTIONS FOR THE STATE OF ALASKA.

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The purpose of this memo is to approve the attached letter to Governor Walker and the Alaska State Legislature and authorize the Mayor and members of Homer City Council to testify in writing, telephonically or in person before the Alaska State Legislature on behalf of the City of Homer regarding topics detailed in this letter. Comments should be restricted to the sentiment and direction expressed in the attached letter, dated March 13, 2017.

Furthermore, per Homer City Council Operating Manual p. 5 "Lobbying Activities," each councilmember, the Mayor and City Manger are expected to share his/her lobbying activities with the public in oral and written form under the agenda section marked Announcements/Presentations/Borough and Commission Reports.

Enc: March 13, 2017 Letter to Governor Walker and Alaska State Legislature

#### **Recommendation:**

Approve the letter to Governor Walker and the Alaska State Legislature on the Mayor and Council's position on the effects of budget cuts on the City of Homer and revenue options for the State of Alaska.







# City of Homer

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

## Homer City Council

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

March 13, 2017

Governor Walker  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

Governor Walker and Legislators of the great State of Alaska,

The Homer City Council continues to recognize our ongoing state fiscal crisis. During our recent visit to the state capitol we were encouraged by the attention being given to this serious matter by legislators. However, we found it disconcerting to find the House and Senate so far apart on the solution to the crisis. We reaffirm Homer City Council's position submitted to you during the last legislative session via Resolution 16-017 (see attached). Producing an ongoing balanced, sustainable, and predictable budget brings confidence to Alaskan residents, investors, and the economy as a whole. We support new measures that will create a balanced and fair revenue stream to offset oil revenue losses.

The Homer City Council evaluated proposals being discussed by the legislature for balancing the state budget and has developed positions as follows:

### REVENUE

- Homer City Council recognizes the need to use our largest asset – the Permanent Fund – as part of the solution and supports a percent of market value (POMV) approach that funds government while protecting the principal of the fund.
- Potential mechanisms to fill the remaining gap include an income tax, a statewide sales tax, and a variety of taxes on specific goods (such as studded tires and motor fuels). Sales taxes and taxes on specific goods may have direct impacts on municipalities such as the City of Homer.
  - Sales Tax: Over 50% of general fund revenue for the City of Homer comes from sales tax, making it an important part of how government is funded in a small town that serves as a hub community for a much greater area. Combined with the Kenai Peninsula Borough sales tax, Homer shoppers pay 7.5% sales tax. Any state-wide sales tax **MUST** consider the impact to local municipalities and not simply add a new sales tax on top of what local municipalities charge.
  - Taxes on Specific Goods: Specific taxes on goods (such as studded tires or motor fuels) hit rural areas harder than urban areas because the cost of these items is already higher. Multiple taxes on specific goods results in “death by a thousand taxes” to municipalities and local residents.

### BUDGET CUTS

- The Homer City Council understands that budget cuts will continue to be considered as the state struggles to make ends meet. The community of Homer has suffered from cuts to state government during the past several years. As cuts are made, problems in our municipality, ranging from drug violence to heavy snow loads, do not go away. Below are examples of past and proposed state budget cuts that have direct or indirect impacts on the City of Homer.
  - Community Jails—the City of Homer contracts with the Department of Corrections to help fund our jail. Alaska State Troopers house prisoners at the Homer Community jail from well outside City limits. Past

cuts to our contract have affected our ability to staff the jail and future cuts would be highly detrimental.

- State Troopers—the Homer police department partners with the Alaska State Troopers on law enforcement. Reductions in coverage on the lower Kenai Peninsula affects the ability of the Homer police to do their jobs and compromises the safety of the greater Homer area.
- Transportation—Homer is criss-crossed with state maintained roads and our community has one highway linking us to the central peninsula and Anchorage. We depend on the Alaska Department of Transportation and Public Facilities (ADOT&PF) to perform year-round maintenance on the state highway and state roads within Homer. We also have agreements with ADOT&PF for winter maintenance that would be jeopardized with further cuts the agency.
- K-12 Education—While K-12 education is a function of the Kenai Peninsula Borough, cuts to the school district’s budget result in changes that directly affect our community’s economy.
- University—Homer is home to the Kachemak Bay Campus (KBC) of the Kenai Peninsula College. KBC is at the heart of Homer, providing classes our community members depend on to seek undergraduate and graduate degrees, learn trades, and continue their educations. KBC is a direct positive for our economy and its loss or diminishment would leave a deep hole.
- Community Assistance- The City of Homer no longer includes Community Assistance (formerly known as Revenue Sharing) in our annual operating budget due to its uncertain nature. However, we use the funds for capital projects in the community and appreciate that it offsets the unfunded mandate of the senior property tax exemption.

We applaud your diligence in working to resolving this crisis. As you work to balance the state budget for a sustainable future for our state, we encourage you to fully weigh the ramifications cuts and taxes have on municipalities.

Thank you again for your willingness to serve the residents of this state and your work to secure a stable future for generations to come.

Sincerely,

Homer City Council

Mayor Bryan Zak

Donna Aderhold

Heath Smith

Tom Stroozas

Shelly Erickson

David Lewis

Catriona Reynolds

# VISITORS



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS







### City Council Trip Report Donna Aderhold

Juneau, AK

February 21-23, 2017

I traveled to Juneau with City Manager Katie Koester and Councilmember Heath Smith to meet with federal and state agencies and our state legislative representatives, and to attend the winter Alaska Municipal League conference. Following are my notes from each meeting.

#### **February 21**

##### **2:00pm Meeting with U.S. Coast Guard Federal Building Room 651**

Attendees: Laura Dickey, USCG Chief of Staff; Phillip Thorne, USCG Chief Response Division; Bryan Hawkins, Homer Port Director/Harbormaster; Katie Koester, Homer City Manager; Bryan Zak, Homer Mayor; Heath Smith and Donna Aderhold, Homer City Council

Focus of conversation was Homer's interest in constructing a large vessel harbor. Mr. Hawkins provided a laydown of the existing Homer Harbor with a schematic of the future large vessel harbor shown to scale in plan view. The group discussed the USCG's plans for new vessels, termed fast response cutters (FRCs) and where they will be based in Alaska.

USCG will replace 7 110 cutters (the current cutter) with 6 FRCs. The FRCs are faster, have a longer range, and are more deployable than the current 110s. Headquarters makes the final decision on where the FRCs will be based in Alaska based on a long list of criteria. Multiple ports in Alaska were studied last summer and Homer was among the study sites. The support arm of the USCG would co-locate all FRCs because it's easier, but operationally the vessels need to be spread out. These factors, among others will be weighed in decision-making.

The first two FRCs will be sent to Ketchikan this spring/summer. Additional FRCs will come to Alaska in a few years because other west coast sites are next in line for new vessels. Alaska will be the last US location to have 110s. The "logistical tail," the land based support needed for each vessel, is much greater for the FRCs than the 110s.

While there are numerous potential home ports for the FRCs, the group focused discussion on Kodiak and Alaska. Kodiak is a favorable location because of the existing USCG base. However, the port is getting full and there are potentially other vessels slated to go there.

In addition, housing is tight. The USCG appreciates the location of Homer. It's on the road system, there's access to medical care, it's family-friendly, etc. The USCG likes to rent/lease housing to contribute to the economy rather than building housing.

Haulout capabilities are important. Currently Petersburg and Wrangell have haulouts.

USCG operations funding is a year at a time and operational staff cannot make promises. Homer cannot rely on the USCG to build the harbor.

**3:45pm      Meeting with Rep. Paul Seaton      State Capitol, Room 505**

Attendees: Paul Seaton, District 31 Representative; Katie Koester, Bryan Zak, Heath Smith, Donna Aderhold

The focus of conversation was Rep. Seaton's role as co-chair of the House Finance Committee and HB 115. Rep. Seaton noted the reticence of businesses to invest in Alaska without a comprehensive plan to balance the state's budget. The legislature needs to raise \$650 million. Possibilities include some combination of a sales and use tax and income tax.

There is no sales and use tax on the table yet. Paul's thoughts on it include a 3.5 or 4% statewide tax with no exclusions and no cap, with 0.5% going back to the municipalities to help fund local government.

The currently proposed income tax would be 15% of what is paid in federal taxes. But even such a simple income tax requires a complex bill to work out the details. For instance: a married couple filing federal taxes jointly but only one member of the couple earned money in Alaska.

The group also discussed the potential for the state to push PERS/TRS down to municipalities, termination study issues, possible fish tax changes (restructuring to benefit ADF&G for improved commercial fisheries management), Percent of market value (POMV), and oil and gas tax credits.

**4:30pm      Meeting with Sen. Gary Stevens      State Capitol, Room 429**

Attendees: Gary Stevens, District P Senator; Katie Koester, Bryan Zak, Heath Smith, Donna Aderhold

Sen. Stevens opened the discussion by stating that HB 115 will probably never come to the senate floor. The senate is studying a spending cap, permanent fund earnings reserves, and savings. Budget cuts are likely for education, the university, health and social services.

Education cuts will be hard on districts. The state may be moving towards distance learning.

The group discussed revenue sharing with municipalities and PERS/TRS contribution rates. Sen. Stevens acknowledged that loss of revenue sharing is difficult on municipalities, that cuts tend to get passed down. He does not see an increase in PERS/TRS contribution rates for municipalities.

He is hopeful for increased oil and gas development, opening the Arctic National Wildlife Refuge for oil and gas development, and the potential for the state to receive some income from offshore (federal waters) oil and gas in the future.

The senate believes using POMV from the PFD earnings reserve looks good, that the state may be able to use it instead of an income tax. A fuel tax is a possibility.

The senate is interested in reevaluating the university scholarship program because of the high dropout rate; maybe put the money into early childhood learning instead.

He does not see further cuts to public safety and prisons.

## **February 22**

**9:00am      Corrections Department Commissioner      Douglas Island**

Attendees: Commissioner Dean Williams, Katie Koester, Heath Smith, Donna Aderhold, Deputy Commissioners Clare Sullivan and ? on phone

\$3 million cut to community jails in Alaska 2 years ago; belies the value of community jails.

Commissioner Williams working to modernize the community jail program. Electronic monitoring is part of the modernization. Shorter sentences based on violations could increase use/time in community jails so minor offenders can remain closer to home, closer to support networks.

Mr. Smith asked a question about the cost of building new cells in community jails. Commissioner Williams responded that costs could be controlled through a continuum of cell types based on the needs of the jail. Maybe not all cells need to be "hard" cells.

The group discussed Commissioner Williams' ideas for modernizing the prison system, including increased use of community jails to keep people closer to home. Allow self-correction of first time, low level offenders instead of institutionalizing them. Vocational work programs such as the one started at Wildwood. Halfway houses (\$50 per night for housing; "inmates" do maintenance and upkeep so it's not hired out). Risk assessments of

arrestees to determine the level of incarceration needed (e.g., ankle monitoring, soft cell, hard cell). 3, 5, and 10 day stays in community jails. Individuals wind down prison term at community jail so they are closer to home to prepare for reentry. Cells more like dorm rooms. Prisoners work during the day and stay in jail at night. Increase capacity to house local people locally. Reintegration.

The group wrapped up by discussing a ½ to full day workshop in Homer with key players for vision setting of what a future Homer community jail could look like.

**11:00am      Senator Lisa Murkowski address to joint session      2<sup>nd</sup> floor capitol**

Katie Koester, Heath Smith, and Donna Aderhold listened to Senator Murkowski's address to the joint session.

**1:30pm      AML Heroin Summit      Baranof Hotel, Treadwell Room**

AML held a summit on the heroin epidemic in Alaska with a panel consisting of: FBI agent Murphy, DEA agent Olsen, Jay Butler (Chief Medical Officer for the state), Anne Zink (emergency medicine physician in Mat-Su), Michelle Overstreet (My House treatment center in Wasilla), and Shane Coleman (Southcentral Foundation psychologist)

DEA has established a new Tactical Diversion Squad; statewide focus headquartered in Anchorage. One tactic is looking into medical field at who is breaking the law in prescribing opioids outside of scope of practice. Limit use of prescribed opioids.

122 overdose deaths in Alaska between January 2014 and September 2015; one reason for the increase is fentanyl laced with black-tar heroin.

5 years ago there was a shift to "opioid hunger" as people became addicted to heroin and more recently to fentanyl.

"Statistics are people with the tears washed away."

The state medical office has not seen an epidemic like this since AIDS.

3 levels of intervention:

- Help those currently addicted through Naloxone kit access—Project Hope is making kits available
- Help people get treated through treatment facilities—currently working on establishing 3 new locations, including one in Soldotna
- Address influx of opioids into communities and drivers of why people need to self-medicate (self-medication means all types—alcohol, drugs, etc.)

There's a balance between the real need for pain medication and too much

SB74 would link emergency departments and allow them to talk to each other. There could be care plans for patients that extend across systems—from primary care physicians to emergency centers so everyone knows medications for the patient and sensitivities, etc. Could help with opioid issues.

Embrace that addiction is a disease; it is a chronic condition involving the brain. There is a wide spectrum just like other diseases. Susceptibility to addiction based on genetics, environment, underlying health issues, brain injury, etc.

Emergency department reimbursement is currently based on how well pain is controlled for the patient; this needs to change because addicts know this and take advantage

Community task forces help siloed resources come together to talk

Project Lazarus—ambulatory detox—once a person has initially recovered from an overdose can attach a device behind the ear that helps the patient detox; lasts for 5 days; after 7 days the patient receives Vivitrol shots once a month

Opioids are available over the internet.

Drug disposal bags are available at state public health centers. The bags contain activated charcoal which neutralizes the drugs. Good way to get rid of old pain meds in the cabinet.

Medical community needs to know that a patient is in recovery to treat appropriately (addicts know how to work the system).

April 29 is drug take-back day; DEA is working on how to allow drug take-back continuously in remote locations.

Can't arrest your way out of the problem and can't treat your way out of the problem.

Local communities can stop or reduce the influx of drugs by coordinating with DEA on the means that drugs are entering.

The governor's disaster declaration helped purchase lots of naloxone kits and will increase communication between departments, improve ways to make decisions.

### **Resources:**

Dreamland—a good book to read

Paper Tigers—movie

Friend2Clean FaceBook page provides resources on how to help addicts, videos, you people leading young people

Adverse Childhood Experiences (ACES) program

**3:00pm      Governor Walker Address to AML      Baranof Hotel, Treadwell Room**

Highlights from Governor Walker's address:

- Excited about incoming Secretary of the Interior
- State legislators are talking to each other instead of about each other
- All deficits roll downhill to municipalities
- Have tools to fix it, just need to use them
- Many new legislators came from local government which is a good thing
- Wants session in 90 days, doesn't want a special session (they're not that special)
- Disaster declaration on opioid epidemic with Dr. Jay Butler in the lead; have enough data, don't need to study, need to take action
- Trip to Korea to discuss market for Alaska natural gas; there will be customers
- North Slope roads to resources—pave roads currently built annually as ice roads and collect tolls to pay for them
- Fisheries trade between Alaska and Asia
- Increased resource development with new Interior Secretary
- Meeting with President Trump on Sunday—concerned because trade embargos work both ways; infrastructure opportunities with gas pipeline

**February 23**

**Senator Lisa Murkowski Address to AML      Baranof Hotel, Treadwell Room**

Highlights from Senator Murkowski's address:

- Excited about potential for King Cove Road
- Federal agencies now partnering with Alaska for opportunities
- Will be teaching "Alaska 101" to incoming cabinet members; overlay Alaska onto Europe, more meaningful than overlapping lower 48
- Jobs in Alaska communities—small scale
- Health care—
  - individual market down to 1 provider, costs too high;
  - joined group moving slower with repeal and replace;

- want to do it right so it works in Alaska and elsewhere;
- every Republican had their own plan;
- stabilize the individual market;
- “Cadillac” tax
- Not touching medicare right now
- Looking for health care that works for most people
- Icebreaker, deep water ports up north, meeting with Coast Guard
- Working on an arctic framework for the president, wants to be recognized as the arctic expert to the president
- Opportunity for commerce—keep up with Russia in infrastructure
- Will work with appropriations to make sure agencies have budgets needed to collect data for management decision-making through sound science

### **Pat Pitney, Director of Management and Budget**

4 active discussions on revenue in Juneau: governor, Seaton, Stedman, and Dunleavy

Rule-based, preserve permanent fund value, minimize volatility

Moving parts include: spending level, oil and gas tax credits, motor fuels tax, sales tax, session length

Even Seaton’s plan includes a gap; there is no cushion

AFN passed a resolution supporting a state sales tax

All 60 legislators understand we are facing a fiscal cliff, differences are in how to resolve it

This is a critical year for the legislature to act

### **Cady Lister and Katie Conway, Alaska Energy Authority Alaska Affordable Energy Strategy**

\$30 million annually to upgrade/replace aging rural electrical systems

Public funding decreasing while need remains constant

Strategic plan methods for state to work with non-railbelt communities on utilities



## **Ray Gillespie, AML Lobbyist**

\$3.2 billion deficit

New revenue: SB21 (Stedman), SB26/HB61 (Gov), HB115 (Seaton), SB25/HB60 (motor fuels tax)

Potential cuts: university, health and human services, transportation, PERS/TRS, education, community assistance

Savings—constitutional budget reserve \$4.4 billion

No money in governor's budget for community sharing

Constitutionally education is the responsibility of the state and should be funded by the state

Revenue sharing at \$30 million this year, if nothing changes will go down to \$20 million next year

Conceptual funding source: community/municipal dividend from HB20 2002 from PFD earnings reserve

AML priority to make senior exemption optional; last year was a meat grinder and somehow affects school funding

PERS/TRS contributions still an issue that AML is tracking; we need to remain diligent; at end of session in 2014 the legislature extended amortization 9 more years which increases the municipal contribution for those 9 years in millions of dollars of cost

Threat to change "shall" to "may" in Article 5 Sec. 39.35.280 contributions by employers; Sec. 39.355.255 sets rate at 22%

"orphan liability"

## **Fritz Krusen, Alaska Gasline Development Corporation**

Commercial and project financial overview:

- In service 1<sup>st</sup> cargo 2023-2025: very optimistic
- AGDC is not sole applicant with FERC, but not going alone; agreements in place with BP and Conoco Phillips for support
- 20 million metric tons per year production possible
- Currently marketing project

- Backup plan is ASAP (Alaska Stand Alone Pipeline) with smaller diameter pipeline
- Potential for project to be tax free at federal level, would pay PILT
- “Toll road” structure
- Tokyo and Houston offices opened this year
- Alaska LNG summit March 1-6; 14 entities coming from Asian markets

### **Randy Hoffbeck, Department of Revenue**

So far cuts have not affected municipalities

No good business decisions to further state cuts

2,500 state employee cuts since October 2014, 500 more coming

Capital spending unsustainably low

Agency operations down 28% and cannot go much lower

Indirect expenditures—oil and gas tax credit, etc., can they be cut?

Direct payments—46% of budget is “cash out the door” to support programs and services statewide (municipalities and program participants)

Continual upward pressure on budget

Direct payment to communities—education formula, school debt assistance, retirement assistance (PERS/TRS), community assistance

Reducing or eliminating direct payment programs means losing federal match funding and shifting burden to municipalities and individuals

Alaska lost 90% of revenue with oil crash

North Dakota lost 30% of revenue

Texas lost 1% of revenue—broad based tax and broad based economy

Legislators are hearing from bloggers and those listening to radio talk shows

Deficit reduction measures do not balance the budget

Reducing state personnel reduces number of people paying into PERS with increases the unfunded liability

Permanent fund is the biggest lever, need to use to fullest extent possible

Continue liability of past oil and gas tax credits and we will owe \$1 billion in a couple of years

**Lyman Hoffman, Senator District S**

Things the senate is working on:

Restructuring the permanent fund dividend, cap at \$1,000

\$300 million in cuts

“Structural changes” in state programs

\$874 million deficit next year without cuts

5% cuts to transportation, health and human services, university, and education; \$145 million

Income tax an option but capping the permanent fund is like a tax and senate doesn't want to go further



# City of Homer

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

Office of the City Manager

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[citymanager@cityofhomer-ak.gov](mailto: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: March 8, 2017  
SUBJECT: Juneau Travel Report

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The purpose of this memo is to provide a travel update to the Mayor, Council and public on a recent trip to Juneau on behalf of the City of Homer.

I had the pleasure of traveling with Councilmember Smith and Councilmember Aderhold to Juneau February 21-24. Port and Harbor Director Hawkins was able to join us for some of the meetings, as was Mayor Zak. It was a fast paced and productive trip.

### **Tuesday, February 21**

Travel to Juneau

Meeting with USCG Captain Laura Dickey, Chief of Staff. Discussed the Large Vessel Harbor project, recommendations on to proceed to secure Coast Guard support and advocated for the stationing of 2 fast response cutters in the expanded harbor. Shared with USCG the community of Homer's support of the Coast Guard, appreciation for their members contributions to our community, and our willingness to work with them to accommodate or expand the Coast Guard presence. Shared information on the quality of life indicators in Homer and why their people love to be stationed in Homer.

Meeting with Representative Paul Seaton. Discussed HB115 and the current state fiscal crisis. Shared with Representative Seaton the City of Homer's concerns that if a sales tax is before the Legislature that consider the impact on local municipalities. Rep. Seaton shared his vision of a sales and use tax with no exemptions where revenue would be shared with municipalities but indicated that it was unlikely the Legislature would be considering a statewide sales tax this session. Discussed PERS/TRS.

Meeting with Senator Gary Stevens. Continued conversation on importance of solving the fiscal crisis. Discussed the percent of market value (POMV) approach to solving the fiscal crisis.

### **Wednesday, February 2**

Morning meeting with Department of Corrections Commissioner. Spent over 1 hour discussing Community Jails and potential partnerships between the state and communities

to keep costs down. Homer emphasized that we both need each other. Discussed planning for a new police station and what the jail facilities would/could look like. Commissioner gave a number of 'out of the box' suggestions on how to move forward with facilities and prisoner care. Discussed Senate Bill 91 and proposed changes in SB 54. Commissioner committed to spending time (perhaps an all-day session) in Homer planning on what the Community Jail could look like in a new facility after session is over.

House Floor Session – watched Senator Lisa Murkowski give a Joint Address to the Legislature.

Afternoon – Alaska Municipal League round table on Heroin issues in Alaska. Discussed how local municipalities could support drug rehabilitation clinics. Address by Governor Walker.

Alaska Municipal League Reception at Governor's mansion hosted by Governor and First Lady Walker

Dinner – Hosted by Seaton's with staff and Rep. Seaton

### **Thursday February 23**

All day Alaska Municipal League Conference. Speakers included Senator Murkowski, Director of OMB Pat Pitney, Speaker Bryce Edgemon, and Senator Lyman Hoffman. All the speakers' comments focused on the severity of the fiscal crisis and the need for a complete fiscal solution in the form of new revenue.

Additional presentations included Alaska Affordable Energy and Alaska Gasline Development Corporation updates. The day concluded with a round table discussion on legislative issues facing AML members.

Reception hosted by AML

### **Friday February 24 – return home. Whew!**

8:30am	Meet in hotel lobby	Cab to Douglas
9:00am	Dept. of Corrections 907-465-3480	802 3 <sup>rd</sup> Street Douglas Island
10:30am	House Floor Session Introductions	2 <sup>nd</sup> Floor Capitol
11:00am	Joint Session – L. Murkowski	2 <sup>nd</sup> Floor Capitol
Noon -	Lunch on your own	

1:30 – 4:30pm  
6pm

AML- Heroin Issues  
Dinner at Seaton  
Residence

Treadwell Room  
700 Gold St #5  
(upstairs)

**Thursday, Feb.  
23rd**

8:00am

AML - Breakfast  
(included)

Treadwell  
Room

8:30 – 11:45am

AML - Legislative Meeting

Treadwell  
Room

Noon – 1:15pm

AML - Lunch (included)

Treadwell  
Room

1:30 – 4:00pm

AML - Legislative Meeting  
Continued

Treadwell  
Room

5:30 – 7:00pm

AML - Legislative  
Reception

Treadwell  
Room





# PUBLIC HEARING(S)



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

**Ordinances 17-08, 17-09, 17-10, 17-11, and 17-12**

A **public hearing** is scheduled for **Monday, March 13, 2017** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**Ordinance 17-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation and Public Facilities Grant for Soundview Pedestrian Safety Improvements. City Manager/Public Works Director.

**Ordinance 17-09**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$30,702.00 From Port and Harbor Reserves to Fund a Wireless Control System for the High Mast Light Poles at the Harbor. City Manager/Port and Harbor Director.

**Ordinance 17-10**, An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1. Mayor.

**Ordinance 17-11**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget Authorizing the Expenditure of \$9,000 for the Purchase of a Pathway Sander Unit. Aderhold.

**Ordinance 17-12**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$110,000 From the Public Safety Building Fund to the Police Station Project to Fund Assessment and Design. Reynolds.

**Ordinance 17-08, 17-09, 17-10, 17-11 and 17-12 address:** <http://www.cityofhomer-ak.gov/ordinances>



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

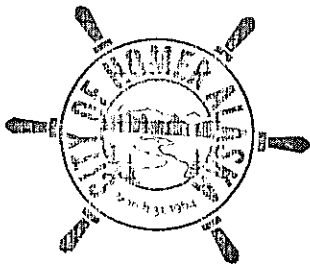
\*\* Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if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

Jo Johnson, MMC, City Clerk  
Publish: Homer News March 9, 2017

## CLERK'S AFFIDAVIT OF POSTING

I, Jo Johnson, qualified City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for Ordinance 17-08, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation and Public Facilities Grant for Soundview Pedestrian Safety Improvements; Ordinance 17-09, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$30,702.00 From Port and Harbor Reserves to Fund a Wireless Control System for the High Mast Light Poles at the Harbor; Ordinance 17-10, An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1; Ordinance 17-11, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget Authorizing the Expenditure of \$9,000 for the Purchase of a Pathway Sander Unit; Ordinance 17-12, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$110,000 From the Public Safety Building Fund to the Police Station Project to Fund Assessment and Design was posted at Homer City Hall and at the Homer Public Library on February 28, 2017 and that the City Clerk posted same on City of Homer Homepage on February 28, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 28<sup>st</sup> day of February, 2017.



A handwritten signature in cursive script that reads "Jo Johnson".

Jo Johnson, City Clerk



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-08**

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation and Public Facilities Grant for Soundview Pedestrian Safety Improvements.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting February 27, 2017 Introduction
2. Council Regular Meeting March 13, 2017 Public Hearing and Second Reading





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

3 City Manager/  
4 Public Works Director

5 **ORDINANCE 17-08**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 ACCEPTING AND APPROPRIATING AN ALASKA DEPARTMENT OF  
9 TRANSPORTATION AND PUBLIC FACILITIES GRANT FOR  
10 SOUNDVIEW PEDESTRIAN SAFETY IMPROVEMENTS.  
11

12 WHEREAS, The City submitted an application for an Alaska Department of  
13 Transportation and Public Facilities 2016 Alaska Transportation Alternatives Program (ATAP)  
14 Matching Grant for the purpose of completing sidewalks and other pedestrian improvements  
15 on Soundview Avenue for the safe passage of children to West Homer Elementary School; and  
16

17 WHEREAS, The ATAP Matching Grant was awarded to the City in the amount of  
18 \$520,125.30, requiring a match of \$208,049.70; and  
19

20 WHEREAS, City Council appropriated Homer Accelerated Roads and Trails (HART) funds  
21 in the FY 2016 Operating Budget for Soundview Avenue sidewalk improvements that are  
22 available for the City's matching funds for this ATAP grant.  
23

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

26 Section 1. The Homer City Council hereby accepts and appropriates an Alaska  
27 Department of Transportation and Public Facilities ATAP Grant in the amount of \$520,125.30  
28 with a required match of \$208,049.70 from the HART Fund for the purpose of completing the  
29 Safe Route To School improvements on Soundview Avenue.  
30

31 Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
HART 160 0766	Soundview Safe Route To School	\$520,125.30

36 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
HART 160 0766	HART Fund Match	\$208,049.70

41



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-09**

An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$30,702.00 From Port and Harbor Reserves to Fund a Wireless Control System for the High Mast Light Poles at the Harbor. City Manager/Port and Harbor Director.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting February 27, 2017 Introduction
  - a. Memorandum 17-030 from Port and Harbor Director
  
2. Council Regular Meeting March 13, 2017 Public Hearing and Second Reading
  - a. Memorandum 17-030 from Port and Harbor Director
  - b. Ordinance 16-49
  - c. Puffin Electric, Inc. Part G Proposal
  - d. Resolution 17-016



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

3 City Manager/  
4 Port & Harbor Director

5 **ORDINANCE 17-09**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING  
8 THE 2017 OPERATING BUDGET BY APPROPRIATING FUNDS IN THE  
9 AMOUNT OF \$30,702.00 FROM PORT AND HARBOR RESERVES TO FUND A  
10 WIRELESS CONTROL SYSTEM FOR THE HIGH MAST LIGHT POLES AT THE  
11 HARBOR.  
12

13 WHEREAS, A Request for Proposals was advertised for the Homer High Mast Light LED  
14 Conversion Project with a total budget amount of \$180,000 per Ordinance 16-49 and upon  
15 completion of the process the contract was awarded to Puffin Electric, Inc. by Resolution 17-  
16 016; and  
17

18 WHEREAS, While preparing the RFP staff became aware of additional energy savings of  
19 up to 20% through a wireless control system that gives options to gradually bring the lights to  
20 full power at sundown and reverse order at sunrise, rather than being full off and full on as the  
21 current lights are; and  
22

23 WHEREAS, Staff included an additive alternative in the RFP for the wireless lighting  
24 controls and Puffin Electric, Inc. included in their proposal an additional lighting control  
25 system and product that has received positive reviews; and  
26

27 WHEREAS, This investment into lighting controls gives the harbor the ability to  
28 capitalize on all the potential savings opportunities for the life of this project.  
29

30 NOW THEREFORE, The City of Homer Ordains:  
31

32 Section 1: The FY 2017 Operating budget is hereby amended by appropriating funds in  
33 the amount of \$30,702.00 from Port and Harbor Reserves to fund a Wireless Control System for  
34 the High Mast Light Poles at the Harbor, as follows:  
35

Account No.	Description:	Amount:
456-0380	Wireless Control System for High Mast Light Poles	\$30,702.00

36  
37  
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40

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

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CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

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

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:

Reviewed and approved as to form:

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

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

\_\_\_\_\_  
Holly Wells, City Attorney

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





# City of Homer

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

Port and Harbor

4311 Freight Dock Road  
Homer, AK 99603

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

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 17-030

TO: MAYOR BRYAN ZAK & HOMER CITY COUNCIL  
CC: KATIE KOESTER, CITY MANAGER  
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER  
DATE: FEBRUARY 17, 2017  
SUBJECT: LIGHTING CONTROLS SYSTEM APPROPRIATION FOR NEW LED HIGH MAST LIGHTS

---

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, as much as 20% in additional savings. It was for this reason that staff included an additive alternative in the RFP for wireless lighting controls.

The High Mast Light LED contract was awarded to Puffin Electric of Homer, Alaska per Resolution 17-016 for the primary replacement project. In their bid, they proposed an additional lighting control system and product that has received great reviews; Harbor Staff has spoken with operation managers who are in charge of large facility lighting systems to learn more about the product being recommended by Puffin Electric.

The new LED lights are projected to give us service for at least 20 years. This investment into lighting controls simply gives us the ability to capitalize on all the potential saving opportunities for the life of the project.

### **Recommendation:**

Staff recommends that City Council approve Ordinance 17-09, Amending the 2017 Operating Budget by appropriating funds in the amount of \$30,702.00 from Port and Harbor Reserves to fund a Wireless Control System for the High Mast Light Poles at the Harbor.

Attached: Bid & Product Information on Puffin Electric's Lighting Controls System





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

3  
4 City Manager/  
Port and Harbor Director

5 **ORDINANCE 16-49**  
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE FY 2016 OPERATING BUDGET BY APPROPRIATING  
9 FUNDS IN THE AMOUNT OF \$180,000.00 FROM PORT AND HARBOR  
10 DEPRECIATION RESERVES TO PURCHASE NEW LED LIGHTS FOR  
11 SEVEN HIGH MAST LIGHT POLES AT THE HARBOR AND AUTHORIZING  
12 THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS.  
13

14 WHEREAS, The Homer Harbor facility is primarily illuminated using 150' high mast  
15 light poles with 1000w high-pressure sodium lights; and  
16

17 WHEREAS, The light fixtures in the high mast lights are nearly 30 years old, are  
18 showing wear and tear, and energy costs are expensive; and  
19

20 WHEREAS, Port and Harbor staff has researched and tested new LED lights, and has  
21 determined the new LED lights will provide glare reduction, may be directed, and will result in  
22 lower operation and maintenance costs; and  
23

24 WHEREAS, Goals for this project include:  
25

- 26 1) Lower operating costs.
- 27 2) Lower maintenance costs.
- 28 3) Lower the City's carbon footprint.
- 29 4) Improve the level of lighting at the Harbor for customers.
- 30 5) Follow the guidelines laid out by the American Medical Association for outdoor  
31 lighting.
- 32 6) Lower glare caused by undirected light.  
33

34 WHEREAS, Pole Number 7 will be converted and tested to ensure success of the stated  
35 goals before continuing with the entire project; and  
36

37 WHEREAS, Port and Harbor is requesting \$180,000.00 to purchase and install new LED  
38 lights for seven high mast light poles at Homer Harbor; and  
39

40 WHEREAS, Pursuant to the City's Procurement Policy, the City Manager will issue a  
41 Request for Proposals to obtain competitive bids for the project.



42 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

43

44 Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by  
45 appropriating \$180,000.00 from Port and Harbor Depreciation Reserves to purchase and  
46 install new LED lights for seven high mast light poles and authorizes the City Manager to issue  
47 a Request for Proposals.

48

49 Expenditure:

50 <u>Account</u>	<u>Description</u>	<u>Amount</u>
51 456-380	Refurbish 7 high mast poles with 52 LED lighting	\$180,000.00

53

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

56

57 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10<sup>th</sup> day of October, 2016.

58

59 CITY OF HOMER

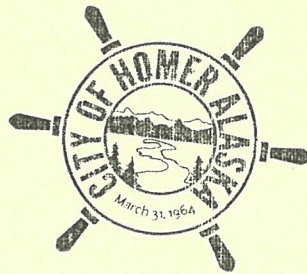
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64



*Mary E. Wythe*  
MARY E. WYTHE, MAYOR

65 ATTEST:

66

67

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69

*Jo Johnson*  
JO JOHNSON, MMC, CITY CLERK

70

71

YES: 6

72

NO: 6

73

ABSTAIN: 0

74

ABSENT: 0

75

76

77

First Reading: 9/26/16

78

Public Hearing: 10/10/16

79

Second Reading: 10/10/16

80

Effective Date: 10/11/16



81 Reviewed and approved as to form:

82

83 Mary K Koester

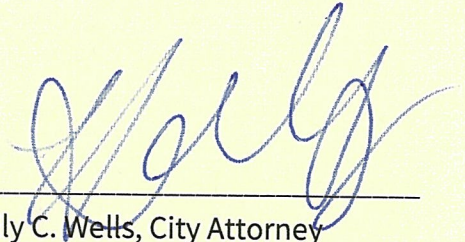
84 Mary K. Koester, City Manager

85

86 Date: 10-12-16

87

88 Fiscal Note: \$180,000.000 from Harbor Depreciation Reserves, Acct. No. 456-380.



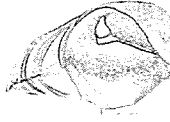
\_\_\_\_\_

Holly C. Wells, City Attorney

Date: 10-18-16



# PUFFIN ELECTRIC, INC



3808 Ben Walters Lane  
Homer, Alaska 99603  
(907) 269-4330  
www.puffinelectric.com

## **PART G: Additive Alternate #1** **ITEM 1: Cost Proposal & Fee Schedule for Wireless Control Systems**

This lighting control system proposal utilizes Echelon Lumewave Wireless Control Modules and the Luminsight Desktop CMS control program. Echelon lighting controls are in use around the world in more than 600 cities.

In addition to a typical time schedule, the system uses astronomic time to optimize efficiency. The typical savings is calculated at 20% better than simple photocell control.

There are three components in the system: 1. The control program hosted on a local computer. 2. An Ethernet to Radio gateway mounted on the outside of the building. 3. A control module with photocell mounted on each light fixture.

The local computer host requirements are minimal in today's computing environment.

The software is simple but versatile and easy to configure. Programming is transmitted to each controller and retained in the control module, so continuous communication with the head end is not required for keeping the controller on schedule, including calculations of astronomic time. We have found that that a 2-hour training session is adequate for operator training. As many initial training sessions as needed are included in our proposal.

Only a one-time purchase of the Luminsight Desktop CMS software is required and it will control over 1,000 modules in a mesh network, so the system can be expanded to control the entire port and harbor by simply adding control modules to existing fixtures without adding head end cost. Luminsight Cloud CMS software is available if control and monitoring via internet or smartphone is desired. Luminsight will also configure to accept input via powerline carrier control modules.

The 902-928 MHz spread spectrum mesh network is robust and resistant to interference from other users of the radio frequencies. The mesh network will communicate from module to module, allowing communication beyond line of sight from the Ethernet gateway at the head end.

### Cost Proposal:

#### Head End

Luminsight Desktop CMS (Local computer host not included)	\$ 625
Modflex Ethernet to Radio Gateway	\$ 1,060
System Installation Commissioning & Training, Modflex Gateway Installation	<u>\$ 1,900</u>
Total Cost for Head End:	<b>\$ 3,585</b>

#### Per Fixture Cost

Cost per Lumewave TOP 900 TN Module	\$ 218
Cost to install each Module	<u>\$ 175</u>
Total Cost per fixture	<b>\$ 393</b>

#### Summing up cost:

Head End	\$ 3,585
Pole 7: 12 Fixtures	\$ 4,716
Poles 1 through 6: 57 Fixtures	<u>\$ 22,401</u>
Total Cost Whole Harbor control system:	<b>\$ 30,702</b>

**Puffin Electric, Inc. is headquartered in Homer Alaska and qualifies as a City of Homer local bidder.**





**CITY OF HOMER  
HOMER, ALASKA**

City Clerk/  
Port and Harbor Director

**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.

WHEREAS, In accordance with the Procurement Policy the Request for Proposals was advertised in the Homer News December 15 and 22, 2016, the Peninsula Clarion on December 18, 2016, and the Alaska Dispatch News December 18, 2016; and

WHEREAS, Bids were due on January 30, 2017 and five bids were received; and

WHEREAS, Puffin Electric, Inc. of Homer, Alaska, was found to be most responsive; and

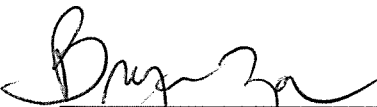
WHEREAS, The bid is within the project budget approved by the City Council.

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

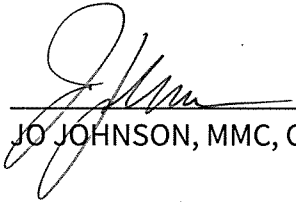
NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for the Homer Harbor High Mast Light LED Conversion Project to the firm of Puffin Electric, Inc. of Homer, Alaska, in the amount of \$168,423 and authorizes the City Manager to execute the appropriate documents necessary to complete this project.

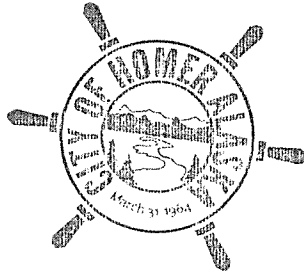
PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of February 2017.

CITY OF HOMER

  
\_\_\_\_\_  
BRYAN ZAK, MAYOR

43 ATTEST:

44  
45  
46   
47 \_\_\_\_\_  
48 JO JOHNSON, MMC, CITY CLERK



49 Fiscal Note: \$168,423, Account No. 456-0380.

**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-10**

An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1.

Sponsor: Mayor

1. Council Regular Meeting February 27, 2017 Introduction
2. Council Regular meeting March 13, 2017 Public Hearing and Second Reading
  - a. Substitute Ordinance 17-10(S)
  - b. Memorandum 17-044 from City Manager



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

3 Mayor

4 **ORDINANCE 17-10**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 SUBMITTING A BALLOT QUESTION TO THE VOTERS AT THE  
8 OCTOBER 3, 2017 REGULAR MUNICIPAL ELECTION INQUIRING  
9 WHETHER TO AMEND THE HOMER ACCELERATED ROADS AND  
10 TRAILS (HART) PROGRAM TO AUTHORIZE THE USE OF REVENUES  
11 FROM THE THREE FOURTHS PERCENT (3/4%) SALES TAX LEVIED  
12 TO SUPPORT THE HART PROGRAM FOR THE USE OF ROAD AND  
13 TRAIL MAINTENANCE AND AMENDING HOMER CITY CODE  
14 9.16.010(C) ACCORDINGLY UPON APPROVAL BY THE VOTERS OF  
15 PROPOSITION NO.1.

16  
17 WHEREAS, The HART Program (the “Program” or the “HART Program”) and the three  
18 fourths percent (3/4%) sales tax levy in support of the Program was first approved by the voters  
19 in October 1987; and

20  
21 WHEREAS, The general intent of the Program, as approved by the voters of the City of  
22 Homer, Alaska (the “City”) in 1987, was to provide for the reconstruction of local substandard  
23 roads and/or upgrade existing City roads, thereby reducing maintenance costs, improving  
24 access, increasing property values, and improving the quality of life within the City; and

25  
26 WHEREAS, In October 2006 the City voters reauthorized the Program for an additional  
27 10 years and amended it to include the construction of new road and trails; and

28  
29 WHEREAS, Ten years later there is again a need to amend the Program to include  
30 maintenance of City roads and trails; and

31  
32 WHEREAS, A dedicated funding source for road and trail construction, improvement  
33 and maintenance will establish these activities as essential and ensure there is adequate  
34 funding to continue to maintain and improve the City transportation infrastructure; and

35  
36 WHEREAS, Funding road and trail maintenance, construction and improvement  
37 through the Program will free up general funds for other essential City services; and

38  
39 WHEREAS, The City Council will still be able to annually dedicate a large percentage of  
40 HART funds to capital projects to keep up with demand for road and trail improvements and  
41 new construction; and

42

43 WHEREAS, The City will continue to offer a special assessment district process as a  
44 mechanism for the improvement of local roads.

45  
46 NOW THEREFORE, THE CITY OF HOMER ORDAINS:  
47

48 Section 1: The Homer City Council finds that it is in the best interest of the community  
49 to ask the voters to authorize amendments to the Program to expressly permit the use of  
50 revenue generated by the HART Program dedicated sales tax levy for maintenance of local  
51 roads and trails.  
52

53 Section 2. The City shall submit the following proposition to the qualified voters of the  
54 City at the October 3, 2017 regular election. The proposition must receive an affirmative vote  
55 from a majority of the qualified voters voting on the question to be approved.  
56

57 **PROPOSITION NO. 1**

58 **AUTHORIZE THE USE OF REVENUE FROM THE 0.75% OF THE CITY SALES TAX**  
59 **DEDICATED TO THE HOMER ACCELERATED ROADS AND TRAILS (H.A.R.T.)**  
60 **PROGRAM TO INCLUDE MAINTENANCE OF LOCAL ROADS AND TRAILS**  
61

62 Shall the City of Homer, Alaska, be authorized to use the revenue from the three  
63 fourths percent (3/4%) Homer Accelerated Roads and Trails dedicated sales tax  
64 for the maintenance of local roads and trails?  
65

66 Section 3. The proposition shall be printed on paper ballots and machine ballots, and  
67 the following words shall be added as appropriate next to an oval provided for marking the  
68 ballot for voting by hand or machine:  
69

70 PROPOSITION NO. 1

71  Yes

72  No  
73

74 Section 4. Homer City Code 9.16.010 is amended to read as follows:  
75

76 a. A consumer's sales tax in the amount of three and three-quarters percent is levied by  
77 the City on all sales, rents and services within the City except as the same may be  
78 otherwise exempted by law.  
79

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

84 exceed such debt retirement obligations, for the purpose of funding water and sewer  
85 systems.

86  
87 c. An additional consumer's sales tax in the amount of three-quarters percent is hereby  
88 levied by the City of Homer on all sales, rents and services within the City except as the  
89 same may be otherwise exempted by law, for the purpose of funding street  
90 reconstruction improvements and related utilities, construction of new local roads, and  
91 **construction of new local trails, and maintenance of local roads and trails.**

92  
93 Section 5. Section 4 of this ordinance shall become effective immediately upon  
94 approval of Proposition No. 1 by a majority of the qualified voters voting on the proposition at  
95 the regular election to be held in the City on October 3, 2017. The remaining sections of this  
96 ordinance shall become effective upon adoption.

97  
98 Section 6. Section 4 of this ordinance is of a permanent and general character and shall  
99 be included in the Homer City Code upon its effective date. The remaining sections of this  
100 ordinance are not permanent in nature, and shall not be codified.

101  
102 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2017.

103  
104 CITY OF HOMER  
105  
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107  
108 \_\_\_\_\_  
109 BRYAN ZAK, MAYOR

110 ATTEST:  
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112  
113 \_\_\_\_\_  
114 JO JOHNSON, MMC, CITY CLERK

115  
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120  
121  
122 AYES:  
123 NOES:  
124 ABSTAIN:  
125 ABSENT:



126 First Reading:  
127 Public Hearing:  
128 Second Reading:  
129 Effective Date:

130  
131  
132  
133

134 Reviewed and approved as to form:

135  
136

137 \_\_\_\_\_

138 Mary K. Koester, City Manager

139

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

\_\_\_\_\_

Holly Wells, City Attorney

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



- 41 • bridge maintenance, signage, right-of-way vegetation control, storm drain
- 42 pipe/catch basin/ manhole cleaning and repair, street light maintenance and
- 43 electricity costs
- 44 • snow plowing and snow removal, snow dump site maintenance, purchase of
- 45 sand, calcium chloride, and deicing chemicals, sanding, advertising and public
- 46 notices
- 47 • purchase of road and trail maintenance equipment and tools
- 48 • for trails: vegetation control, trash pickup, signage, drainage, snow plowing,
- 49 sanding, grading/resurfacing of gravel trails, sweeping of paved trails, and trail
- 50 head maintenance

51  
52 WHEREAS, Funding road and trail maintenance, construction and improvement  
53 through the Program will free up general funds for other essential City services; and  
54

55 WHEREAS, The City Council will still be able to annually dedicate a large percentage of  
56 HART funds to capital projects to keep up with demand for road and trail improvements and  
57 new construction; and  
58

59 WHEREAS, The City will continue to offer a special assessment district process as a  
60 mechanism for the improvement of local roads.  
61

62 NOW THEREFORE, THE CITY OF HOMER ORDAINS:  
63

64 Section 1: The Homer City Council finds that it is in the best interest of the community  
65 to ask the voters to authorize amendments to the Program to expressly permit the use of  
66 revenue generated by the HART Program dedicated sales tax levy for maintenance of local  
67 roads and trails.  
68

69 Section 2. The City shall submit the following proposition to the qualified voters of the  
70 City at the October 3, 2017 regular election. The proposition must receive an affirmative vote  
71 from a majority of the qualified voters voting on the question to be approved.  
72

73 **PROPOSITION NO. 1**  
74 **AUTHORIZE THE USE OF REVENUE FROM THE 0.75% OF THE CITY SALES TAX**  
75 **DEDICATED TO THE HOMER ACCELERATED ROADS AND TRAILS (H.A.R.T.)**  
76 **PROGRAM TO INCLUDE MAINTENANCE OF LOCAL ROADS AND TRAILS**  
77

78 Shall the City of Homer, Alaska, be authorized to use the revenue from the three  
79 fourths percent (3/4%) Homer Accelerated Roads and Trails dedicated sales tax  
80 for the maintenance of local roads and trails?  
81

82           Section 3. The proposition shall be printed on paper ballots and machine ballots, and  
83 the following words shall be added as appropriate next to an oval provided for marking the  
84 ballot for voting by hand or machine:

85  
86           PROPOSITION NO. 1

87           O     Yes

88           O     No

89  
90           Section 4. Homer City Code 9.16.010 is amended to read as follows:

91  
92           a. A consumer's sales tax in the amount of three and three-quarters percent is levied by  
93 the City on all sales, rents and services within the City except as the same may be  
94 otherwise exempted by law.

95  
96           b. An additional consumer's sales tax in the amount of three-quarters percent is hereby  
97 levied by the City of Homer on all sales, rents and services within the City except as the  
98 same may be otherwise exempted by law, for the purpose of funding debt retirement of  
99 the sewer treatment plant improvements, and to the extent revenues from such tax  
100 exceed such debt retirement obligations, for the purpose of funding water and sewer  
101 systems.

102  
103           c. An additional consumer's sales tax in the amount of three-quarters percent is hereby  
104 levied by the City of Homer on all sales, rents and services within the City except as the  
105 same may be otherwise exempted by law, for the purpose of funding street  
106 reconstruction improvements and related utilities, construction of new local roads, and  
107 construction of new local trails, **and maintenance of local roads and trails.**

108  
109           Section 5. Section 4 of this ordinance shall become effective immediately upon  
110 approval of Proposition No. 1 by a majority of the qualified voters voting on the proposition at  
111 the regular election to be held in the City on October 3, 2017. The remaining sections of this  
112 ordinance shall become effective upon adoption.

113  
114           Section 6. Section 4 of this ordinance is of a permanent and general character and shall  
115 be included in the Homer City Code upon its effective date. The remaining sections of this  
116 ordinance are not permanent in nature, and shall not be codified.

117  
118           ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_ day of \_\_\_\_\_, 2017.

119  
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122

CITY OF HOMER

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BRYAN ZAK, MAYOR

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ATTEST:

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JO JOHNSON, MMC, CITY CLERK

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:

Reviewed and approved as to form:

---

Mary K. Koester, City Manager

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

---

Holly Wells, City Attorney

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



## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

### Memorandum 17-044

TO: City Council

FROM: Katie Koester, City Manager

DATE: March 8, 2017

SUBJECT: Clarification of Ordinance 17-10(S) to Expand Eligible HART Expenses

---

At the February 27<sup>th</sup> Council meeting, members asked for clarification of Ordinance 17-10 asking voters to expand HART to cover maintenance of new and existing roads and trails. This memo details the pros and cons of expanding HART, defines road and trail maintenance and compares the fiscal impact that expanding HART would have on the general fund versus permanently diverting .5% HART sales tax to general fund.

#### **PROS of adding maintenance to HART eligible expenses**

- HART's original purpose was to upgrade substandard roads to help reduce maintenance costs. Ten years ago, the Homer voters added new construction to eligible expenses for Homer Accelerated Roads and Trails (HART). Expanding HART is a logical next step to help keep our expanded road system maintained.
- Establishes roads and trails (transportation) as an essential service in Homer with a dedicated funding stream and keeps with the original intent of HART – improving transportation infrastructure.
- Gives Council flexibility to respond annually to the City's specific transportation needs– maintaining, upgrading or building new transportation infrastructure.
- Provides an answer to the criticism that the City builds new infrastructure without funds to maintain the improvement.
- Opportunity for better trail maintenance with dedicated funding stream.
- Provides one measure towards funding essential City services while balancing the budget; together with other measures (new revenue streams, increased tax base, and/or budget cuts) we are on the way toward fiscal balance.
- HART will be up for re-authorization in 10 years; Council and voters will have the opportunity to change HART based on the current fiscal climate and infrastructure needs if necessary.

## **CONS of adding maintenance to HART eligible expenses**

- Less funds available for capital projects.
- A portion of road maintenance (equipment maintenance) still needs to be supported through the general fund.
- Does not create a new revenue stream to fund essential City services.
- HART will be up for re-authorization in 10 years; this HART amendment, if passed, could be overturned, and therefore is not necessarily a long term solution for providing a steady stream of maintenance funding.

## **Definition of Maintenance**

The substitute Ordinance before you includes the following definition of road and trail maintenance:

- gravel road surface grading, dust control, gravel purchase, and drainage ditch/culvert maintenance
- pavement, curb, gutter and sidewalk repair, asphalt crack sealing, pavement stripping and sweeping
- bridge maintenance, signage, right-of-way vegetation control, storm drain pipe/catch basin/ manhole cleaning and repair, street light maintenance and electricity costs
- snow plowing and snow removal, snow dump site maintenance, purchase of sand, calcium chloride, and deicing chemicals, sanding, advertising and public notices
- purchase of road and trail maintenance equipment and tools
- for trails: vegetation control, trash pickup, signage, drainage, snow plowing, sanding, grading/resurfacing of gravel trails, sweeping of paved trails, and trail head maintenance

The definition of maintenance in Ordinance 17-10(S) and associated cost estimates below **do not** include the labor and parts associated with repairing road and trail maintenance equipment or administrative and supervisory costs. Public Works administration is part of the formula used for calculating the overall administrative fee that city funds pay towards the General Fund.

Capital requests for new road maintenance equipment is low for the near future, see depreciation schedule attached.



**Comparison of fiscal impact of expanding HART to include maintenance versus permanently diverting .5% sales tax to General Fund**

Voters add 'maintenance' to eligible expenses under HART

	HART Road	HART Trail
Total	\$1,156,388	\$128,487
Minus Admin fee	\$109,001	\$27,250
Minus Est. Maintenance	\$676,505 <sup>1</sup>	\$22,776 <sup>2</sup>
Remainder for capital	\$370,882	\$78,461

**GF impact \$812,756**

Voters redirect a portion of HART to General Fund (.5% GF/.25%HART)

	HART Road	HART Trail
Total	\$385,221	\$42,802
Minus Admin fee	\$38,522	\$4,280
Minus Remainder for capital	\$346,699	\$38,522

**GF impact (.5%) \$856,047**

<sup>1</sup> 2017 budget for paved roads, winter roads and gravel roads.

<sup>2</sup> 5% of 2017 Parks/Cemetery budget. Rough estimate. A separate budget page for trail maintenance would need to be developed to accurately track this expense.

**Road Maintenance Heavy and Misc. Equipment List**  
(with current age, life expectancy, and replacement costs)

EQUIP. NO.	DESCRIPTION	CURRENT AGE	TOTAL EXPECTED LIFE	YEARS REMAINING	REPLACEMENT COST	COMMENTS
<b>Heavy Equipment</b>						
E135	2013 FORD F-550 2-TON 4X4 Truck/Sander	4 Years	12	8	\$62,000	Includes plow/sander
E136	2016 FORD F-550 2-TON 4x4 Truck/Sander	1 Year	12	11	\$62,000	Includes plow/sander
E116	2006 FORD F-350 4x4 Truck/Sander - Airport	10 Years	15	5	\$60,000	Airport Use Only
E150	1986 140G Cat Grader	31 Years	35	4	\$200,000	Plus \$57K Attachments
E164	1994 720A Champion Grader	23 Years	35	12	\$240,000	Plus \$57K Attachments
E168	2002 163H Cat Grader	15 Years	35	20	\$225,000	Plus \$57K Attachments
E169	1980 12G Cat Grader	36 Years	35	0	\$250,000	
E151	2009 Isuzu Sweeper Truck Vacuum	8 Years	25	17	\$200,000	
E159	2014 Pelican Sweeper	3 Years	25	22	\$237,000	
E161	1987 950 Cat Loader	30 Years	35	5	\$210,000	
E172	2003 644H JD Loader	14 Years	35	16	\$200,000	
E153	2007 D37 Komatsu Dozer	10 Years	25	15	\$100,000	
E165	1995 410D John Deere Backhoe	22 Years	25	3	\$120,000	
E173	2006 PC160LC-7 Track Excavator	11 Years	30	19	\$175,000	
E175	2004 EW 180B Volvo Wheeled Excavator	13 Years	25	12	\$250,000	
E157	2000 Freightliner End Dump Truck	17 Years	25	7	\$187,000	
E177	2015 Mac End Dump Truck	2 Years	25	23	\$187,000	
E160	1984 Ford Steam Truck 4x6	23 Years	30	7	\$80,000	
E176	2006 Freightliner Steam Truck 2x4	11 Years	30	19	\$80,000	
E170	2003 Toolcat 5600	14 Years	20	6	\$60,000	
E171	1989 Ford F800 Bucket Truck	28 Years	35	7	\$50,000	
E163	1992 International Vacuum Truck	25 Years	25	0	\$245,000	
<b>Total Replacement</b>					<b>\$3,418,000</b>	

Expected Life is based on the type of use at Public Works vs. fulltime construction use.

Some (few) pieces can be purchased used, but most should not due to the City's ability to capitalize on government discounts

Parts on many older pieces become very hard and expensive to come by. We just ordered a replacement mullboard for our 31 year old grader that is no longer made by the manufacturer. It had to be acquired after market. We just found a used radiator for the older steamer truck because it is no longer made. The vac truck, which is a critical piece of equipment in both roads and water/sewer, commonly breaks down at this point. It had major repairs done within the last two years costing approximately \$15,000.

**Road Maintenance Heavy and Misc. Equipment List**  
 (with current age,life expectancy, and replacement cots)

<b>EQUIP. NO.</b>	<b>DESCRIPTION</b>	<b>CURRENT AGE</b>	<b>TOTAL EXPECTED LIFE</b>	<b>YEARS REMAINING</b>	<b>REPLACEMENT COST</b>	<b>COMMENTS</b>
<b>Miscellaneous &amp; Equipment Attachments</b>						
Misc.	Grader Wing x3	20 Years ±	25	5	\$60,000	Total is for three units
Misc.	Grader Snow Gate x3	20 Years ±	25	5	\$30,000	Total is for three units
E250	Bomag Gravel Compactor	21 Years	30	9	\$15,000	
E255	Stone Plate Compactor	20 Years	30	10	\$3,000	
E259	1995 Patchman Asphalt Mixer	22 Years	30	8	\$40,000	
E260	OJK 125 Meleter - Asphalt Crack Sealer	15 Years	30	15	\$35,000	
E269	2012 Steamer Unit for Truck E176	5 Years	30	25	\$30,000	
E270	2004 Tex Steamer Unit for Truck E160	13 Years	30	17	\$30,000	
E271	2011 Larue Snow Blower for Loader	6 Years	25	19	\$150,000	
E275	1987 Faire Snow Blower for Loader -backup	30 Years	40	10	\$80,000	Used for Backup to Larue
E274	1997 Super Cut II Brush Cutter	20	15	-5	\$40,000	
E284	2003 Trailmax Heavy Equipment Trailer	14 Years	30	16	\$25,000	
E286	2016 Light Duty Car Hauler Trailer	1 Year	25	24	\$8,000	
<b>Total Value</b>					<b>\$546,000</b>	



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-11**

An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget Authorizing the Expenditure of \$9,000 for the Purchase of a Pathway Sander Unit.

Sponsor: Aderhold

1. Council Regular Meeting February 27, 2017 Introduction
  - a. Memorandum 17-031 from Public Works Director
2. Council Regular Meeting March 13, 2017 Public Hearing and Second Reading
  - a. Memorandum 17-031 from Public Works Director



**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**ORDINANCE 17-11**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE 2017 OPERATING BUDGET AUTHORIZING THE  
EXPENDITURE OF \$9,000 FOR THE PURCHASE OF A PATHWAY  
SANDER UNIT.

WHEREAS, Public Works included the purchase of a pathway sander unit in their 2017 capital expenditure request; and

WHEREAS, The lack of this equipment and the inability to effectively sand pathways separated from roadways has generated complaints from the public of unsafe pedestrian walkway conditions (see Memorandum 17-031); and

WHEREAS, The City owns a “Tool Cat” that plows pathways and could sand pathways if a sander unit attachment was purchased.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$9,000 from the Public Works Vehicle Depreciation Fund for the purchase of a pathway unit sander.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
152-0383-5902	Purchase Pathway Sander Unit	\$9,000

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 13<sup>th</sup> day of March, 2017.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

43 ATTEST:

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46 \_\_\_\_\_

47 JO JOHNSON, MMC, CITY CLERK

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53 YES:

54 NO:

55 ABSTAIN:

56 ABSENT:

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61 First Reading:

62 Public Hearing:

63 Second Reading:

64 Effective Date:

65

66

67 Reviewed and approved as to form:

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69 \_\_\_\_\_

70 Mary K. Koester, City Manager

71

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

73

\_\_\_\_\_  
Holly C. Wells, City Attorney

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





# City of Homer

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

## Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 17-031

TO: Katie Koester – City Manager  
FROM: Carey Meyer – Public Works Director  
DATE: February 22, 2017  
SUBJECT: Request to Purchase Pathway Sander

---

Public Works receives complaints from the public regarding unsanded sidewalks and pathways. Public Works has a “Tool Cat” that is used to plow trails and sidewalks. If a pathway unit sander attachment was available this equipment could both plow and sand walkways that cannot be maintained with roadway plows and sanders.

Our pickup sander trucks are too large to sand many meandering portions of the Pioneer Avenue sidewalks (approximately 1600 lineal feet of meanders) leaving them unsanded, creating slippery conditions and a potential liability to the City. Additionally, the detached Spruceview Avenue trail (2350 lineal feet) is left unsanded because a full size truck cannot travel the narrow path. The sidewalk on Hazel Avenue can be difficult to sand with available equipment.

This proposed .5 CY pathway sander unit attachment is a complete unit that fits onto the back of our Tool Cat and will allow for sanding of these sidewalks and pathways. This is not a unit for sanding long trails or pathways that require significant travel distance from PW due to the small quantity of sand that can be carried. It can support the sanding of sidewalks, pathways and trails within the Central Business District and adjacent residential areas.



**Pioneer Avenue Separated Sidewalk Unsanded**



**Spruceview Avenue Separated Sidewalk Unsanded**



**Pioneer Avenue Separated Sidewalk Unsanded**

**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-12**

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$110,000 From the Public Safety Building Fund to the Police Station Project to Fund Assessment and Design.

Sponsor: Reynolds

1. Council Regular Meeting February 27, 2017 Introduction
2. Council Regular Meeting March 13, 2017 Public Hearing and Second Reading
  - a. Ordinance 15-18(S-2)
  - b. Resolution 16-035



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

Reynolds

3  
4 **ORDINANCE 17-12**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 APPROPRIATING FUNDS IN THE AMOUNT OF \$110,000 FROM THE  
8 PUBLIC SAFETY BUILDING FUND TO THE POLICE STATION  
9 PROJECT TO FUND ASSESSMENT AND DESIGN.

10  
11 WHEREAS, City Council adopted Ordinance 15-18(S-2) on July 27, 2015 authorizing  
12 \$355,000 be allocated to the new Public Safety Building Project to bring it to 35% design; and  
13

14 WHEREAS, Due to the current financial forecast the Council separated the Fire  
15 Department from the Public Safety Building Project via Resolution 16-035; and  
16

17 WHEREAS, A new task force has been formed to assess the existing Police Station  
18 design and proposed location and submit recommendations for two projects not to exceed \$6  
19 million dollars and \$9 million dollars respectively; and  
20

21 WHEREAS, Council authorizes utilizing the remaining portion of the funds authorized  
22 for design of the Public Safety Building for assessment and design of the proposed Police  
23 Station Building Project.  
24

25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
26

27 Section 1. The City of Homer hereby authorizes the transfer of \$110,000 from the Public  
28 Safety Building Project to the Police Station Building Project to fund assessment and design as  
29 follows:  
30

31 Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0377	Public Safety Building Project Account	\$110,000

34 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0XXX	Police Station Building Project	\$110,000

37

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

40

41            ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13<sup>th</sup> day of March, 2017.

42

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CITY OF HOMER

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\_\_\_\_\_  
BRYAN ZAK, MAYOR

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47 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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54 YES:

55 NO:

56 ABSTAIN:

57 ABSENT:

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59 First Reading:

60 Public Hearing:

61 Second Reading:

62 Effective Date:

63

64 Review and approved as to form:

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

\_\_\_\_\_  
Holly Wells, City Attorney

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68

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

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

70

71

Fiscal Note: Fiscal information included in body of Ordinance.





36 WHEREAS, The Homer City Council adopted Ordinance 15-16 removing State Revenue  
37 Sharing from the City of Homer Operating budget with the intention of using those funds for  
38 one-time purchases; and

39  
40 WHEREAS, The State Revenue Sharing for State fiscal year 2016 is \$320,000; and

41  
42 WHEREAS, It is appropriate and in the City's interest to dedicate 2016 State Revenue  
43 Sharing in order to move this project forward.

44  
45 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

46  
47 Section 1. The City of Homer hereby amends the FY 2015 Capital Budget by  
48 appropriating 2016 State Revenue Sharing from the General Fund Fund Balance for 35%  
49 design of the new public safety building.

50  
51 Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0100	General Fund Fund Balance	\$355,000

54 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0377	Public Safety Building Project Account	\$355,000


57  
58 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall  
59 not be codified.

60  
61 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27<sup>th</sup> day of July, 2015.

62  
63 CITY OF HOMER

64  
65   
66 MARY E. WYTHE, MAYOR

67 ATTEST:

68  
69   
70 JO JOHNSON, MMC, CITY CLERK

71  
72



73 YES: 5  
74 NO: 1  
75 ABSTAIN: 0  
76 ABSENT: 0

77  
78  
79 First Reading: 5/26/15  
80 Public Hearing: 6/29/15  
81 Second Reading: 7/27/15  
82 Effective Date: 7/28/15

83  
84  
85 Review and approved as to form:

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

Thomas F. Klinkner  
Thomas F. Klinkner, City Attorney

89  
90 Date: 7-31-15

Date: 8-4-15

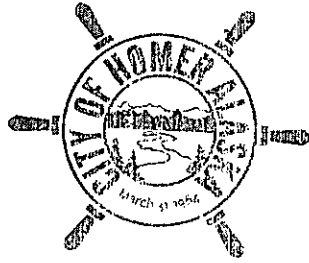
91  
92 Fiscal Note: Fiscal information included in body of Ordinance.





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



CITY OF HOMER

*Mary E. Wythe*  
MARY E. WYTHE, MAYOR

ATTEST:

*Jo Johnson*  
\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

Fiscal information: N/A

# ORDINANCE(S)



# CITY MANAGER'S REPORT







## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: March 8, 2017  
SUBJECT: City Manager's Report – March 13, 2017

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### **Water Response Symposium**

Chief Painter is working to set up a meeting between the multiple agencies that have a role in water response, the community and City Council. With growth in marine industry and water-based recreation, we are likely to see an increased demand for response to fires, emergencies, and rescues in Kachemak Bay. Chief Painter will invite local responders including Troopers, State Parks, Anchor Point Fire, Seldovia Fire/Rescue, Cook Inlet Marine Safety Group, Coast Guard, Coast Guard Auxiliary, Homer Police Department, Homer Volunteer Fire Department, Kachemak Emergency Services, and Homer Port and Harbor. This meeting will provide an opportunity for the agencies and the public to better understand what role each agency plays in water response and what opportunities there are for increased partnership. At this time, Chief Painter is aiming for a meeting in late May after the Tsunami Operations Workshop (April 18-20) and Marine Fire Fighting Conference (May 12-14).

### **Worksession on Emergency Management**

Today's worksession was originally scheduled to be an emergency management training for Council and Mayor. However, the State director, who would be facilitating the training, was unable to make it. He also would like more than 50 minutes of your time to do a proper overview of Council and Mayor's role in the event of an emergency and provide ample time for questions and answer (2-3 hours). If Council is agreeable to a longer session on a day you do not have city council, Chief Painter will work with the State director on a time in May that he could come down. Please let me know if there are any dates that work better than others or times you are not available. That information will be helpful for scheduling the Water Response Symposium mentioned above as well.

### **Alaska LNG Reception Travel Report**

Last Saturday, March 4, I traveled with Mayor Zak, Chamber Director Zak, and Councilmember Erickson to Kenai for an Alaska Natural Gas reception hosted by the State of Alaska. The purpose of the reception was to give potential buyers of Alaska Natural gas from Asian markets an opportunity to get to know the communities on the peninsula. The 2-hour reception was the culmination of a multi-day business trip where visitors toured the North Slope, met with important government and business leaders in Alaska, and toured the liquid natural gas facilities on the Kenai Peninsula. It was a great opportunity to visit with business people from

Japan and Korea, Governor Walker, Lt. Governor Mallot, Peninsula legislators and members of Governor Walker's cabinet. I was pleased to see a number of people from Homer representing our community at the reception. If this project is fruitful and a natural gas line terminates on the Kenai Peninsula, our Port would provide important support for the vessels servicing the industry and some employees of the project would choose to live in Homer. Homer is in a great position to benefit from the project without being overwhelmed by its scale.

### **STIP Comments Submitted**

The State of Alaska Department of Transportation & Public Facilities is asking for comments on the State Transportation Improvement Project (STIP) 2016-2019 Amendment 2. Homer has interest in three projects that are being modified. The City Planner submitted the attached comments on behalf of the City of Homer. In summary, Lake Street Rehabilitation has removed \$331,010 from the FY 2017 budget. These were the only funds appropriated prior to the 'After 2019' category. The City has been assured that this project is progressing on schedule and work should commence in 2019. Rehabilitation – Anchor Point to Baycrest Hill has moved \$500,000 budgeted for FY 2017 and added \$650,000 to FY 2018. Project 18924, Pavement and Bridge Rehabilitation (which includes Pioneer Ave.) is shuffling funds. They add approximately \$11 million to FY 2017 and lower the amount budgeted for 'After 2017' from \$240 million to \$80 million. The timeline for Pioneer Avenue Rehabilitation to commence construction is 2019.

### **Bridge Creek Lot for Sale**

The property owners of Lot 8 Block 1 of Kelly Ranch Estates Subdivision contacted the City of Homer about their property. They initially contacted Planning and Zoning with questions regarding the Bridge Creek Watershed Protection District, because they were interested in selling the lot. Staff mentioned the City may be interested in purchasing the property, and the property owners expressed interest.

The lot is 2.86 acres and overlooks Bridge Creek. The creek does not appear to flow through this lot, but there is about 650 feet of creek bottom along one lot line, the lot is all wetlands. It is in the City's interest to acquire this lot for long-term preservation of city water quality. The lot currently does not have constructed access or utilities. The land is developable for a single-family residence, although the area for a septic system is regulated by the required 200-foot distance from the creek itself.

The Council has expressed an interest in purchasing properties in the watershed as they become available to preserve the quality of our water source and protect landowner rights. If there is an interest from Council, I can follow up with legislation authorizing negotiations on this piece of property.



Enc:

Memo from Public Works Director RE: Closure of Downtown Restrooms

Memo from Public Works Director RE: Alaska Bible Institute – Request to Connect to City Water

Letter to ADOT&PF from City Planner RE: STIP 2016-2019

Homer Foundation Quarterly Report

Photos of Graffiti in Restrooms





# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907-235-3170

(f) 907-235-3145

## Memorandum

TO: Katie Koester – City Manager  
FROM: Carey Meyer – Public Works Director  
DATE: March 7, 2017  
SUBJECT: **Vandalism of City Restrooms  
Recommendations**

---

The City restrooms have been vandalized much more frequently this winter. Maintenance personnel report that they are routinely used by homeless individuals, who lock the door and sleep in both the downtown and Spit restrooms. The Downtown restrooms are abused more than the Spit restrooms.

Vandalism in all City restrooms consists of spray paint, spreading of feces, damage to interior appurtenances (hand dryers, toilet paper dispensers, etc.). Parks maintenance employees spend considerable time removing spray paint and fixing damage.

Homeless individuals cook food on the heaters, leave cigarette butts and trash, and do not allow use of the restroom when they occupy the facility.

Public Works recommends that one of the two restroom stalls at each downtown restroom be locked permanently in the winter (one stall left open during the daytime at the WKFL Park and at the Bartlett/Pioneer facility). All downtown restrooms should be locked at night. All downtown restrooms should be locked over the weekends (unless the Police Department would be willing to open them during the day).

The Police Department has volunteered to lock the two downtown restrooms at 8:00 PM each week day. Parks personnel will unlock them at 8:30 AM each week day morning.

Unless there are objections, Public Works will implement this policy starting immediately.





















# City of Homer

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

## Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum

TO: Katie Koester – City Manager  
FROM: Carey Meyer – Public Works Director  
DATE: March 8, 2017  
SUBJECT: Alaska Bible Institute – Request to Connect to City Water

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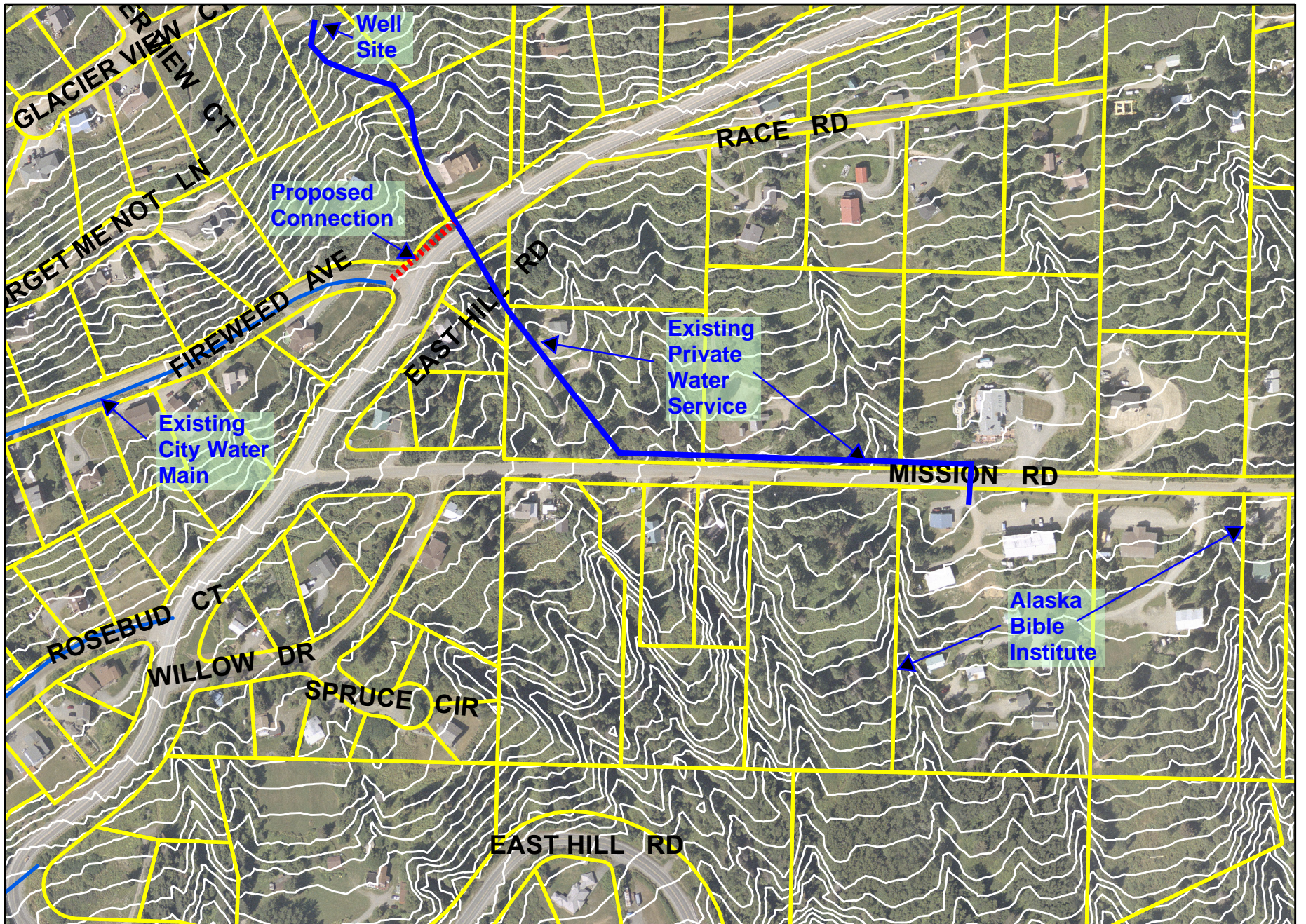
The Alaska Bible Institute (ABI) is located at 1295 Mission Road. Currently it is served by a private well. See attached map showing well site and private water service line. The well does not have the capacity to provide enough water to meet the current needs of the Institute. They have requested permission to connect to City water.

City policy is not to allow a property to connect to the water system unless a main fronts the entire property. In this case, because:

- 1) The property owner has requested the initiation of a water special assessment district to extend a main across the front of the property, but cannot proceed with the project because the Council has placed a moratorium on any new projects funded from the Homer Accelerated Water/Sewer Program (HAWSP);
- 2) Connection of this new customer would increase significantly revenue to the Water Department without increasing fixed costs and reduce costs to all current customers;
- 3) The property has an on-site septic system approved by the ADEC;
- 4) The property owner has agreed to execute an agreement that would require them to aggressively pursue creation of a water SAD when funds are available and not object to the creation of a future SAD;

Public Works finds that in this specific instance, it would be in the best interest of the City to allow connection of the service line serving this facility to the City water distribution system. Unless there are objections to this waiver in policy, Public Works intends to issue a permit to allow connection to the system (based on conditions listed above) on March 31, 2017.





1 inch = 300 feet







## City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

February 14, 2017

State of Alaska Department of Transportation & Public Facilities  
Division of Program Development, ATTN: STIP  
PO BOX 112500  
Juneau, AK 99811-2500

RE: STIP 2016-2019 Amendment 2

The City of Homer would like to express its support for several projects in the 2016-2019 Draft Amendment 2.

### **Need ID 23197, Lake Street Rehabilitation**

Lake Street is an essential route through Homer that supports auto-oriented businesses while functioning as one of the few roads that connect the two main East-West transportation options in town. Lake Street has not undergone a major rehabilitation project since 1997. The pavement routinely experiences major failures. The thin asphalt overlays applied to sections of the street in 2011 and 2013 are not expected to offer any structural correction of the deficiencies that will inevitably lead to reoccurrence of the annual failures. Several public meetings have been held and a design has been produced that has been found to have the support of the city and residents. We urge the state to keep the project on schedule and not introduce any additional delays.

### **Need ID: 2670, MP 157-169 Rehabilitation – Anchor Point to Baycrest Hill**

The Sterling Highway is the only land connection Homer has to the Alaska Highway System. This road is imperative to the livelihood of the City of Homer. The consistent serious and fatal crashes along the highway necessitate improvements. The proposed improvements should not only improve safety but will allow for some relief of congestion that is only predicted to worsen in years to come. The completion of this project demonstrates assurance that the route will remain viable well into the future. While we are pleased with the phases that have been completed, we believe that safety enhancements should be completed in a reasonable time frame without undue delays. Additionally, we request that the state continue to monitor and make plans to address areas where the eroding bluff will eventually impact the Sterling Highway.

### **Need ID: 18924, Pavement and Bridge Rehabilitation**

The City of Homer wishes to express support for this program as the State of Alaska finds itself unable to proceed and continues to cut back on the more extensive restoration projects. It is of utmost importance to keep our surface transportation infrastructure from deteriorating to conditions that endanger the welfare and even the lives of those that depend upon them. We specifically encourage the expedient completion of Pioneer Avenue in Homer as part of this project.

Sincerely,

Rick Abboud, AICP  
Homer Alaska City Planner



**HOMER FOUNDATION**  
Quarterly Report to Fund Holders  
*July-September 2016*

Fund Holder    City of Homer  
Fund            **City of Homer Fund**

Fund Type:    Field of Interest  
Fund Code:    1305

---

**PORTFOLIO SHARE (Corpus)**

Beginning Balance	240,158.88
Contributions	-
Withdrawals	-
Portfolio Market Change	(20,430.06)
<b>Ending Balance</b>	<b>219,728.82</b>

---

**AVAILABLE FOR DISTRIBUTION (Earnings)**

Beginning Balance	16,108.36
Earnings Allocation	10,902.05
Grants Awarded:	
none this quarter	-
	-
	-
Grants Total	-
Transfers to Restricted Fund	-
<b>Ending Balance</b>	<b>27,010.41</b>







# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: MARCH 8, 2017  
SUBJECT: BID REPORT

---

### **INVITATION TO BID MARCH 2017 SURPLUS EQUIPMENT SALE**

Sealed bids will be received on surplus City equipment until 3:00 p.m. Thursday, March 16, 2017 at the City Clerk's Office, City of Homer, 491 E. Pioneer Drive, Homer, AK 99603. Sealed bids must be on the proper bid form provided by the City, one item per form. 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 form, surplus equipment list, minimum bid requirements, and bid form are available on line at <http://www.cityofhomer-ak.gov/rfps>

### **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>



# CITY ATTORNEY REPORT



MEMORANDUM 17-037  
WAS NOT AVAILABLE FOR THE  
COUNCIL PACKET DEADLINE.

IT WILL BE INCLUDED IN THE  
SUPPLEMENTAL PACKET THAT IS  
PUBLISHED ON MONDAY,  
MARCH 13, 2017 BY NOON.





# COMMITTEE REPORTS



PENDING BUSINESS



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**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.

Sponsor: Erickson

1. Council Regular Meeting January 23, 2017 Introduction and Referred to Planning Commission
  - a. Memorandum 17-019 from Public Works Director
  - b. Greatland Street Improvement – Option A, B & C
  
2. Council Regular Meeting March 13, 2017 Pending Business after review by Planning Commission
  - a. Memorandum 17-019 from Public Works Director
  - b. Greatland Street Improvement – Option A, B & C
  - c. Memorandum 17-041 from City Planner
  - d. Staff Reports and Minutes



CITY OF HOMER  
HOMER, ALASKA

Erickson

ORDINANCE 17-05(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE 2017 OPERATING BUDGET BY APPROPRIATING ~~\$970,870~~ **\$671,053** FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM (HART) FOR THE GREATLAND STREET IMPROVEMENTS (OPTION ~~C~~**A**) PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS.

WHEREAS, Extending Greatland Street north to Pioneer Avenue would improve vehicular and pedestrian access to the eastern portion of the Central Business District; and

WHEREAS, The Homer Transportation Plan recommends that the northern portion of Greatland Street be vacated and a new connection be made to Pioneer Avenue by extending Bartlett Street south, curving it to the east and connecting to Greatland Street and Main Street. This would be part of a recommended new east/west corridor that would have City-wide benefits, most notably relief of traffic congestion on Pioneer Avenue and the Sterling Highway; and

WHEREAS, Three options have been considered; Option A – Extend Greatland Street North to Pioneer Avenue; Option B – Extend Greatland Street North to a New East/West Extension of Bartlett Avenue (from Pioneer Avenue to Main Street); and Option C – Extend Greatland Street North to a New East/West Extension of Bartlett Avenue (but only from Pioneer Avenue to Greatland Street); and

WHEREAS, Option A is the least expensive, but does not conform to the recommendations of the Transportation Master Plan and Option B is the most expensive, requiring significant capital expenditure; Option C conforms to the recommendations of the Transportation Plan and provides Greatland Street with needed interconnection to Pioneer Avenue; and

WHEREAS, The City Council supports improvements to Greatland Street, preferring Option ~~C~~**A** based on cost and recommendations of the Homer Transportation Plan; and

WHEREAS, If Greatland Street was to be extended north to Pioneer (Option A), benefitted property owners would pay their fair share (25% of the cost under a special assessment district); and

WHEREAS, Since Option C cost more than Option A but provides the same benefit to adjacent property owners as Option A, fair share costs to benefitting property owners under Option C should be no more than that required under Option A; and



44 WHEREAS, Since only one property owner will benefit directly from the construction of  
45 Option C, rather than creating a special assessment district (SAD), the City shall enter into an  
46 agreement with this property owner to establish fair share road construction costs (at stated  
47 above), conditions of land acquisition purchases, and other cooperative arrangements.  
48

49 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
50

51 Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$970,870  
52 from the Homer Accelerated Roads/Trails Fund (HART) for the design, platting, land acquisition,  
53 construction, inspection, project management, and administrative costs associated with  
54 completing the Greatland Street Improvements (Option ~~CA~~).

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
620-0375 (HART)	Greatland Street Improvements (Option <del>CA</del> )	\$970,870
		<b><u>\$671,053</u></b>

59  
60 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall  
61 not be codified.  
62

63 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_,  
64 2017.

65  
66 CITY OF HOMER

67  
68  
69 \_\_\_\_\_  
70 BRYAN ZAK, MAYOR

71  
72 ATTEST:

73  
74  
75 \_\_\_\_\_  
76 JO JOHNSON, MMC, CITY CLERK

77  
78  
79 YES:

80 NO:

81 ABSTAIN:

82 ABSENT:  
83  
84  
85  
86

87 First Reading:  
88 Public Hearing:  
89 Second Reading:  
90 Effective Date:

91  
92  
93  
94

95 Reviewed and approved as to form:

96  
97

98 \_\_\_\_\_

99 Mary K. Koester, City Manager

\_\_\_\_\_

Holly C. Wells, City Attorney

100

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

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

102





# City of Homer

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

## Public Works

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

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(f) 907-235-3145

## Memorandum 17-019

TO: Katie Koester - City Manager  
FROM: Carey Meyer - Public Works Director  
DATE: January 4, 2017  
SUBJECT: **Proposed Greatland Street Extension**

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### Background:

Extending Greatland Street north to Pioneer Avenue has been contemplated for some time. The driving force has been interest in providing more direct vehicular and pedestrian access to Save-U-More and eliminating the need to access the area from and back onto the Sterling Highway. Moving forward with this extension is complicated by the recommendations of the Homer 2005 Transportation Plan, which recommends that the northern portion of Greatland Street be vacated and a new east/west road be extended to connect to Pioneer at Bartlett Street (to the west) and Main Street (to the east). See attached Exhibit A and B showing what extending Greatland to the north (Option A) would look like and how the Transportation Plan recommendations (Option B) could be implemented.

One of the major recommendations of the Transportation Plan was to develop a new road corridor through the central business district that could provide additional east/west traffic/pedestrian access and reduce traffic on Pioneer Avenue and the Sterling Highway. The plan envisioned extending a new road from Lake Street to Heath Street along Waddell Way (accomplished in 2016); pushing through a road from Poopdeck to Main (through "town center"); and extending the corridor west of Main Street, across Greatland Street, and connecting into Pioneer Avenue at Bartlett Street. This would allow for the northern portion of Greatland Street to be vacated, eliminating a poorly aligned Pioneer/Greatland intersection (Greatland north of Pioneer Avenue has already been vacated), and creating a four-way intersection at Pioneer and Bartlett (reducing the number of intersections and conflicting turning movements along Pioneer Avenue).

### Discussion:

Projects like this are best accomplished when there is consensus among those affected. Public Works has contacted several of the property owners that will be most affected by

either alternative. I will not speak for them here, but in general they see value in both alternatives.

Option A – Extend Greatland North

Option A is the least expensive alternative. The estimated cost is \$643,600 (see table below). It does provide access to all area properties, has less impact to benefitting adjacent properties, and creates a connection to Pioneer Avenue. It does not provide for the recommended new east/west corridor that would benefit the entire community.

Public Works envisions that this option would be completed by creating a Special Assessment District (SAD) in which the City would pay 75% of the cost; the benefitted property owners would pay 25%. There are 3 affected property owners along Greatland who would each pay approximately \$14,679 under SAD. A SAD can be initiated by a property owner or by Council.

**Greatland Street Improvements  
Overall Cost Comparision - Option A, B and C**

	Option A	Option B	Option C
Design/Survey	\$ 56,028	\$ 113,160	\$ 64,944
Platting	\$ 7,500	\$ 29,000	\$ 20,000
Property Acquisition	\$ 6,000	\$ 331,125	\$ 163,500
Inspection (4%)	\$ 18,676	\$ 37,720	\$ 21,648
Road Construction	\$ 466,900	\$ 943,000	\$ 541,200
Contingency (15%)	\$ 83,266	\$ 141,450	\$ 121,694
Project Management (3%)	\$ 14,007	\$ 28,290	\$ 16,236
City Administration (4%)	\$ 18,676	\$ 37,720	\$ 21,648
<b>Total Project Cost</b>	<b>\$ 671,053</b>	<b>\$ 1,661,465</b>	<b>\$ 970,870</b>
<b>Property Owner Contribution</b>	<b>\$ 167,763</b>	<b>\$ 146,793</b>	<b>\$ 146,793</b>
<b>City Cost</b>	<b>\$ 503,289</b>	<b>\$ 1,514,672</b>	<b>\$ 824,077</b>

Option B – Vacate Greatland/Connect East/West to Main and Bartlett

Option B is the more expensive option, but conforms to the recommendation of the Transportation Plan. The cost is \$1,591,000.

Public Works envisions that this option would be completed by creating a City project, in which the one benefitted property owner through a development agreement would contribute no more than what they would pay under Option A; and the City would pay the remaining costs.

Option C – Vacate Greatland/Connect Only to West to Bartlett/Pioneer Intersection

Option C is based on Option B, but only constructs the western portion; leaving the connection to Main Street for another day. The cost is \$971,000.

Public Works envisions that this option would be completed by creating a City project, in which the one benefitted property owner through a development agreement would contribute no more than what they would pay under Option A; and the City would pay the remaining costs.







Greatland Street Improvement - Option A

1 inch = 100 feet





Greatland Street Improvement - Option B

298  
1 inch = 100 feet





Greatland Street Improvement - Option C

1 inch = 2903 feet







# City of Homer

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Planning

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## Memorandum 17-041

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBOUD, CITY PLANNER  
DATE: MARCH 7, 2017  
SUBJECT: DRAFT ORDINANCE 17-05(A) AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE 2017 OPERATING BUDGET BY APPROPRIATING \$671,053 FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM (HART) FOR THE GREATLAND STREET IMPROVEMENTS (OPTION A) PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS.

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The draft ordinance was an item on the Planning Commission Regular Agendas of February 15<sup>th</sup> and March 1<sup>st</sup>. The Commission spoke at length about the various proposals and the option to not move forward at this time. The Commission consulted the Transportation Plan and the City Engineer.

**Recommendation:** The Commission recommends not moving forward with this ordinance but if the Council chooses to move forward the Commission recommends option 'C' including a pedestrian access form Greatland to Pioneer.

**Att.**

Homer Advisory Planning Commission minutes of February 15 and March 1, 2017  
Staff reports PL 17-23 & PL 17-18

## Reports

### A. Staff Report PL 17-20, City Planner's Report

City Planner Abboud reviewed the staff report.

## Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

## Plat Consideration

### Pending Business

### A. Staff Report PL 17-21, Greatland Street Extension

City Planner Abboud reviewed the staff report.

The following motion is on the floor from the February 15, 2017 regular meeting:

ABRAHAMSON/VENUTI MOVED THE PLANNING COMMISSION RECOMMENDS OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND STRAIGHT TO PIONEER.


Commissioner Bos commented that option B is what is recommended by the transportation plan, but it doesn't seem feasible because nothing is planned in the near future for the city center area. He tends to agree that option C is the better choice as it's a start on the transportation plan recommendation. He understands option A is less expensive and would like to somehow express to council that option C is the best, but if this has to be done and cost is that tight, then they should have the opportunity to pick option A.

Commissioner Abrahamson questioned whether there is funding for option C and City Planner Abboud replied there is a balance in the HART fund that could cover it.

Commissioner Bradley agreed that option C is the most logical choice if we are going to stick to the work that has been done with the transportation plan and continue future planning for the City of Homer. She also noted the staff recommendation about hiring a traffic engineer, and thinks it would be necessary to do so if the city chooses option A, as the transportation plan might come into question.

Commissioner Venuti added that the traffic study would increase cost. He would advocate for option C because we could always complete it later and it's following the original plan.

Commissioner Abrahamson commented that if the city is going to deviate from the traffic plan there should be a good reason. She asked if the council is thinking they need to update the transportation plan and if that's why they are suggesting option A. City Planner Abboud believes the reasoning



behind option A is about cost, he doesn't think they are visualizing what the future could look like and added the transportation plan is designed to made to look way into the future and be useful for quite a while.

Chair Stead commented it won't be any cheaper than it is today to build, and if it's punched through with no connector on the other side as in option A, it will just be a T intersection. He doesn't see the value in that. He sees more value in option C because it builds to the transportation plan. He asked about land acquisition with option C.

Public Works Director Meyer discussed the process of working with property owners to acquire property through either platting or purchasing entire plots, and by using eminent domain. He went further to explain this process is backward from a regular SAD because normally they don't start out saying what the project is going to be and what it will cost, but there will still be a petition process and opportunities for neighborhood meetings, and so forth. He added with option A, two property owners are impacted and may not be supportive because they will receive an assessment for a road with less value than some of the other properties. It may end up there isn't enough property owner support for the project at all.

Mr. Meyer agrees this project would benefit from a traffic engineer. He spoke with DOT's regional traffic engineer and had some general discussion that option A isn't the best layout when it comes to moving traffic along Pioneer Avenue and the Sterling Highway because sooner or later the conflicting turning movements are going to make Greatland less usable than it is now.

There was further discussion reiterating and supporting the value of option C in that it would allow them to follow through with the transportation plan at some point in the future, and supporting the pedestrian access from Greatland up to Pioneer. They also addressed the need and current economic climate. If there is concern about cost and availability of funding prohibiting following the transportation plan then perhaps now isn't the time.

Commissioner Abrahamson noted this area is part of a parks, art, recreation, and culture corridor in Homer and near HCOA and the museum. She asked if the city were to purchase entire parcel could there be options for a pocket park or something similar. Public Works Director Meyer replied that isn't included in the cost estimates he's done, but is an option that could be addressed.


ABRAHAMSON/VENUTI MOVED TO AMEND THE MOTION TO ADD LANGUAGE THAT THE PLANNING COMMISSION RECOMMENDS NOT MOVING FORWARD WITH THIS ORDINANCE BUT IF COUNCIL CHOOSES TO MOVE FORWARD USE OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND TO PIONEER.

There was brief discussion pointing out that if Greatland is extended north as a road, it runs you right into a driveway that is used to access businesses. That may raise issue as well.

VOTE: (amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.





There was no further discussion on the main motion as amended.

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

Motion carried.

B. Staff Report PL 17-22, Temporary Auto Sales in the Marine Commercial District

City Planner Abboud reviewed the staff report.

The Commission discussed that allowing temporary auto sales in the marine industrial zoning district is not appropriate. They understand the needs of the hockey association but pointed out it's important not to set a precedent to do this.

VENUTI/BOS MOVED TO ADD AUTO SALE, TEMPORARY TO THE LIST OF PERMITTED OR CONDITIONAL PERMITTED USES IN THE MARINE INDUSTRIAL DISTRICT.

City Planner Abboud asked about a definition of temporary.

The suggestion was temporary is less than 30 days, one time per year.

VOTE: NO: BOS, STEAD, ABRAHAMSON, VENUTI, BRADLEY

Motion failed.

C. Staff Report PL 17-23, Temporary Cold Weather Shelter for the Homeless

City Planner Abboud reviewed the staff report.

Discussion points included:

- Teen homelessness and family resiliency
- Challenges and the differences of homelessness and homeless inebriates and drug addicts
- Difficulty with transition programs in that a lot of the available jobs in our community don't pay enough to support self sufficiency
- Churches aren't actively pursuing this and there aren't any numbers of how many people out need this service
- It's good a hostel would comply but what's to keep someone from creating a shelter and calling it a hostel
- Shelter for the homeless should remain as a CUP so neighboring property owners can weigh in and the Commission can consider if it's a practical and safe idea
- Funds to subsidy programs are being reduced
- Two stages of planning commission involvement in this issue could include first, a pathway to having buildings designated as hostels as an immediate solution to freezing temperatures; and second, a longer term solution in a CUP process and a way to create a more involved homeless shelter or transitional services housed in one location



# City of Homer

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## Planning

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### Staff Report PL 17-23

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 1, 2017  
SUBJECT: Greatland Street Extension

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**Requested action:** Finish any discussion about the extension of Greatland and vote on the motion on the floor.

The motion on the floor is:

ABRAHAMSON/VENUTI MOVED THE PLANNING COMMISSION RECOMMENDS OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND STRAIGHT TO PIONEER.

### Attachments

1. Minutes excerpt of February 15, 2017 HAPC meeting
2. Staff Report 17-18

A. Staff Report PL 17-18, Greatland Street Extension

City Planner Abboud reviewed the staff report.

Public Works Director Meyer reviewed the packet information for the proposed Greatland Street Extension and the options, explained Councilmember Erickson brought this forward for Council's consideration, and at the request of the City Manager, options A, B, and C were developed.

He explained the simplest way to extend is option A, going straight up Greatland Street to Pioneer Avenue. The Transportation Master Plan addresses providing interconnectivity within the community and in this case suggests an additional east west corridor would be very beneficial to provide another way to get through the central business district other than using Pioneer Avenue and the Sterling Highway. In this case the east west corridor, being created as an extension of Bartlett, would curve around, cross Greatland, cross Main Street, go through the town center, connect into Hazel and could hook into Grubstake. He explained that some recent improvements in the area such as the restrooms at Bartlett and development of Waddell Way, have been done with consideration of this plan for an east west corridor. His recommendation is based on the overall master planning of the community as not to ignore the planning that has been done. City Council has proposed option A. Option B follows the Master Plan. He developed option C that completes a portion of what the Master Plan says and leaves the rest for a future time.

He supports following through with the Master Plan. It's hard to imagine Homer in 30 years with a fully developed central business district (CBD), but the recommendations of the plan will be very valuable as the density in the CBD increases to its ultimate capacity. Extending Greatland to Pioneer will create two intersections, the other being Bartlett coming down from the south, that will complicate traffic movement on Pioneer Avenue when the CBD is developed to a higher density. He recognized the cost difference but option A ignores how you get from point A to B through the CBD. The Council introduced the ordinance with option A and thinks several councilmember did so knowing the Planning Commission would review it further.

Commissioner Venuti asked if option A could be done now and add option B later. Mr. Meyer said that's an option but once extended, money has been spent on a portion of road that isn't needed, and in the future there will be more development to work around and it will be more costly.

Commissioner Bos asked about sidewalks. Mr. Meyer envisions each of the options would include curb, gutter, sidewalks, streetlights and so forth, similar to the Grubstake (Waddell Way) improvement. Commissioner Bos recognizes the importance of following the Master Plan but because of the current fiscal climate would support option A.

Commissioner Abrahamson understands the need to support the Master Plan but questions if the money isn't there to do it correctly, do we need to do it right now, and if we do, can we go to the compromise identified in option C.

Commissioner Bradley also questions whether it's necessary to do it now. She has concerns about the traffic impacts of the east west corridor at Bartlett Street. It's already challenging to turn there now.

VENUTI/HIGHLAND MOVED TO EXTEND THE MEETING ADJOURNMENT TO 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Works Director Meyer explained that until now the focus has been getting a better pedestrian corridor up through the alignment and not get into the details of the road extension, but now a Councilmember thinks it's important a road be extended up through there.

Other discussion points included locating traffic signals and intersections, turning movements, that Greatland is eligible for the HART program, and whether the improvement is necessary right now.

Commissioner Abrahamson agreed that they should not consider an option that will be contrary to future needs and common sense to traffic flow.

ABRAHAMSON/VENUTI MOVED THE PLANNING COMMISSION RECOMMENDS OPTION C WITH A PEDESTRIAN ACCESS FROM GREATLAND STRAIGHT TO PIONEER.

Commissioner Bradley agreed and noted that they consider a left hand turn lane on the northern end of Bartlett. Currently people create their own and it's dangerous.

Commissioner Highland noted they hadn't talked much about option C and asked Ms. Abrahamson for more information.

Commissioner Abrahamson said the consideration of cost savings by the City Council in pointing out option A is the cheapest, that maybe option C is a compromise where they can do portions that will feed into the Master Plan and be long term planning solutions for the city, rather than a short term cheaper fix. She thinks the City Council looks to the Planning Commission to provide the expertise and guidance for long-term vision, rather than trying to address issues as they arise. In consideration for the budgetary situation, option C is a good compromise that doesn't compromise the long term Master Plan.

Commissioner Highland expressed her concern that they need more time to consider this.

HIGHLAND/VENUTI MOVED TO POSTPONE TO THE NEXT MEETING.

There was brief discussion.

VOTE: YES: HIGHLAND, ABRAHAMSON, VENUTI, BRADLEY  
NO: BOS, STEAD

Motion carried.

## **Staff Report PL 17-18**

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: February 15, 2017  
SUBJECT: Greatland Street Extension

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### **Introduction**

Public Works introduced a project to the City Council to extend Greatland Street north to Pioneer Ave. The City Council has referred this issue to the Planning Commission for any comments (HCC 2.72.030(g)). The basic question is, how should Greatland connect to Pioneer Ave. Option A, preferred by Council, connects Greatland directly north between Sav U More and Northwind Home Collection to Pioneer Ave, along the existing dedicated right of way. Option C follows the 2005 Transportation Plan, connecting with Pioneer at Bartlett, creating a four-way intersection.

Please read the attachments and see the maps. Council has moved to support option A, the straight north connection to Pioneer. There was also discussion of connecting Greatland to the east to Main Street, but from Council's discussion it doesn't look like the City is looking to build that link that at this time. The main question is where Greatland should intersect with Pioneer Ave.

### **Analysis**

Option A is cheaper. Option C is in the Transportation Plan, and more expensive. While we do generally follow our adopted plans, the work on that plan is from 2001 and addressed the overall transportation system of downtown Homer. In the big picture, it may not really matter how Greatland connects to Pioneer, but rather that there is a connection at all. If further analysis is desired beyond what was provided by Public Works, the City should hire a traffic engineer for advice on the pros and cons of connecting with Bartlett vs keeping the road straight.

**Staff Recommendation**

1. Recommend option A to the City Council.
2. If the Commission wants to further discuss this item or make another recommendation, pull the item from the Consent Agenda for discussion under New Business.
3. If further analysis is desired beyond what was provided by Public Works, the City should hire a traffic engineer.

**Attachments**

1. Pages 95-103, January 23<sup>rd</sup> 2017 City Council Packet
2. January 23<sup>rd</sup> CC meeting minutes excerpt
3. Maps from the 2005 Transportation Plan
4. Page I-38, 2005 Transportation Plan



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](http://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

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 11<sup>th</sup> 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/>

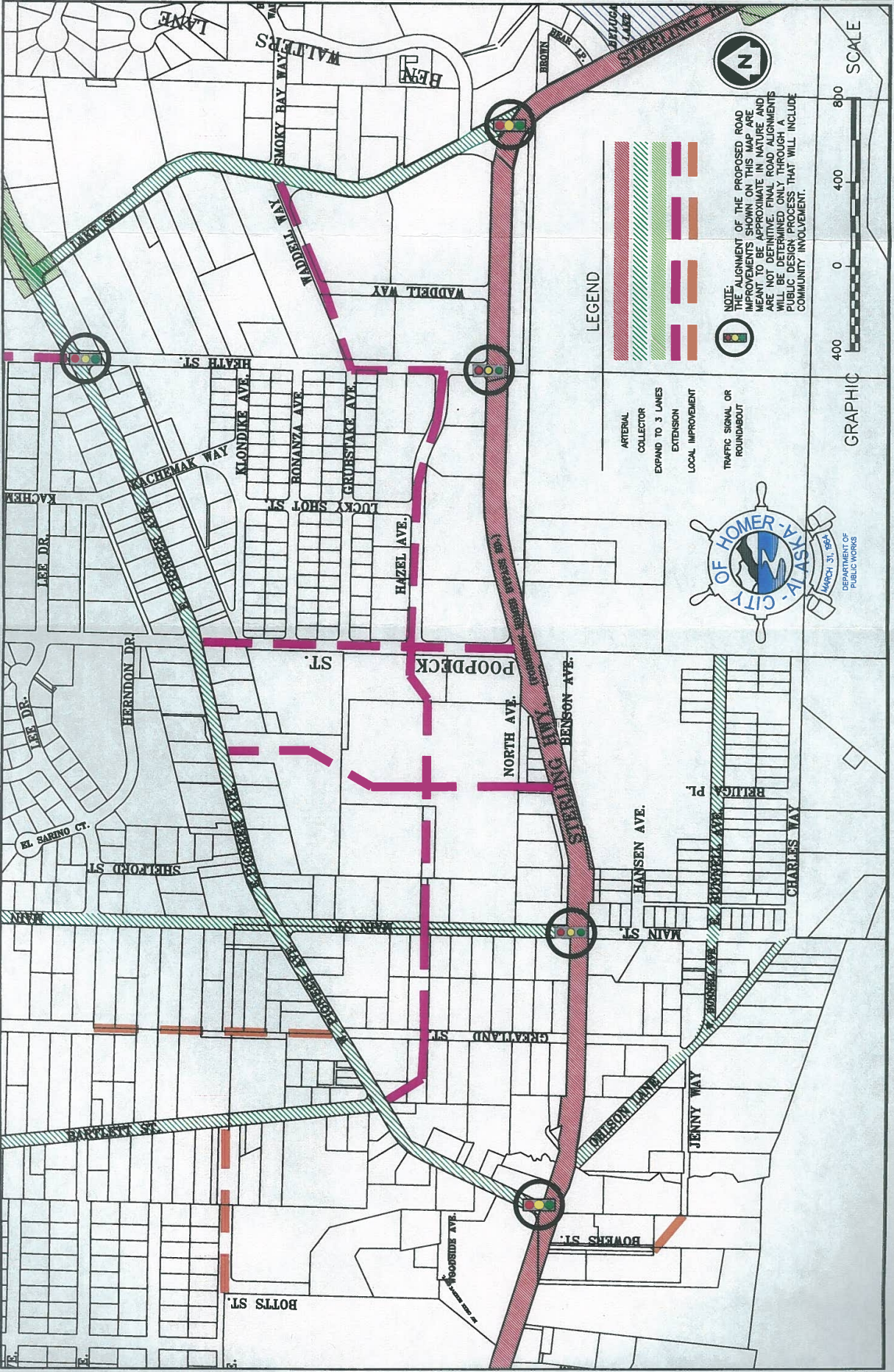
#### **Seawall Report**

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.





- Greatland Street construction. The proposed route will intersect Pioneer Avenue at Bartlett. The Planning Commission recommends that if Greatland Street is extended to Pioneer Avenue that it be a right turn only intersection, reducing the backup of traffic trying to cross Pioneer Avenue. This will keep traffic entering Pioneer Avenue separated from the Bartlett Street intersection. It should be noted this recommendation will conflict with the proposed one-way couplet.
- CBD east west-connection. The proposed route will connect Greatland to Poopdeck. The specific route has not been identified to accommodate Town Center plans.

The following new streets or street extensions are recommended by the Road Standards Committee. They have not been included in the 2001 transportation model.

- Fairview west to Fairview. The proposed extension would connect Fairview Avenue in the Harrington Heights area to Fairview Avenue in the Lillian Walli Estates Subdivision. This route will include traffic calming techniques.
- Lynn Way extended east. A specific route has not been identified. The proposed extension will provide access to currently undeveloped areas south of East End Road.
- Interconnecting street system. South of Little Fireweed and west of Kachemak Drive – as the area develops and subdivisions are created, an interconnecting street system is recommended.

The 2021 summer model with these new streets is included under Appendix D. When comparing the 2021 summer model with dock (existing conditions with Table 7 improvements, or “no-build” scenario), we find that several streets would have less volume with the above improvements. Most notably, the model shows that the following central business district streets would have substantial reductions with the new extensions.

- Pioneer Avenue would have about a 50 to 60% less summer ADT in 2021.
- Sterling Highway would have less volume in summer 2021, with about a 10% decrease in ADT near Heath.
- Main Street would have about a 50% less summer ADT in 2021.
- Lake Street would have about a 40% less summer ADT in 2021.

The proposed street extensions would reduce congestion on some of the more heavily traveled streets. They also provide connectivity and will enhance emergency services access.

As a result of these new streets, daily traffic volumes would be reduced on some of the outlying streets as well. Skyline Drive daily volumes east of East Hill Road would drop by 60% to 80%. West of East Hill to the intersection at West Hill, Skyline Drive would experience almost 50% less





**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**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.

Sponsor: Aderhold

1. Council Regular Meeting January 23, 2017 Introduction and Referred to Planning Commission
2. Council Regular Meeting March 13, 2017 Pending Business
  - a. Memorandum 17-042 from City Planner
  - b. Staff reports and minutes from Planning Commission



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

Aderhold

3  
4 **ORDINANCE 17-07(S)**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING HOMER CITY CODE 4.10.040, 8.08.120, 14.05.425,  
8 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540,  
9 21.93.550, 21.93.560, 21.93.570, 21.93.700, AND 21.93.710 TO  
10 REPLACE THE BOARD OF ADJUSTMENT WITH A HEARING OFFICER  
11 IN APPEALS OF PLANNING COMMISSION DECISIONS AND PERMIT  
12 THE USE OF A HEARING OFFICER TO DECIDE ADMINISTRATIVE  
13 APPEALS UNDER THE HOMER CITY CODE, INCLUDING BUT NOT  
14 LIMITED TO, THE USE OF A HEARING OFFICER TO ORDER  
15 IMPOUNDMENT OF DANGEROUS ANIMALS, DECIDE DISPUTES  
16 REGARDING ITINERANT MERCHANT LICENSES, AND DECIDE  
17 DISPUTES REGARDING QUALIFICATIONS OF A CANDIDATE FOR  
18 OFFICE.

19  
20 WHEREAS, It is in the City's best interest to have the flexibility and authority to use the  
21 most cost-effective and knowledgeable decision-maker in the administrative appeals  
22 processes offered by the City; and

23  
24 WHEREAS, The use of experienced hearing officers that do not otherwise advise the City  
25 on legislative land use matters promotes public confidence in the City of Homer's  
26 administrative appeals process in the land use arena,

27  
28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

29  
30 Section 1. Section 4.10.040 is amended to read as follows:

31  
32 The Clerk shall determine whether each candidate for municipal office is qualified as  
33 provided by law. At any time before the election the Clerk may disqualify any candidate  
34 whom the Clerk finds is not qualified and immediately notify that candidate by certified  
35 mail. A candidate who is disqualified may request a hearing before the Clerk within five  
36 days of receiving the notice. **The Clerk may appoint a hearing officer to conduct the**  
37 **hearing and determine whether or not the Clerk's disqualification of the candidate**  
38 **was supported by the evidence.** The hearing shall be held no later than five days after  
39 the request unless the candidate agrees in writing to a later date.

40  
41 Section 2. Section 8.08.120 is amended to read as follows:  
42

- 43 **a.** Any person aggrieved by the action of the Chief of Police in the denial of an  
44 application for a permit or license as provided in HCC 8.08.040, or in the decisions  
45 with reference to the revocation of license as provided in HCC 8.08.050, shall have  
46 the right of appeal to **a hearing officer appointed by the City Manager**~~the City~~  
47 ~~Council~~. Such appeal shall be taken by filing with the **City Clerk**~~City Council~~, within  
48 14 days after the action of the Chief of Police, a written statement setting forth fully  
49 the grounds for appeal. The **City Clerk**~~City Council~~ shall set a time and place for a  
50 hearing on such appeal, and notice of such hearing shall be mailed to the appellant  
51 postage prepaid at his **or her** last known address at least five days prior to the date  
52 set for the hearing. The decision and order of the **hearing officer**~~City Council~~ on  
53 such appeal shall be final and conclusive.
- 54 **b. The hearing officer shall be identified in the notice of hearing. The appellant**  
55 **may object to the hearing officer by providing the City Clerk a written objection**  
56 **no more than ten days after the date of the notice of hearing. If the appellant**  
57 **does not file an objection, any right to object to the hearing officer shall be**  
58 **deemed waived.**
- 59 **c. The hearing officer shall disclose any conflict of interest or personal bias as**  
60 **soon as he or she is aware of such conflicts or bias and shall refrain from acting**  
61 **as the hearing officer if he or she has a conflict of interest or personal bias.**

62  
63 Section 3. Section 14.05.425 is amended to read as follows:

64  
65 If a violation of this chapter is not corrected by administrative adjustment under  
66 HCC 14.05.420, then the City Manager shall order the user to show cause why  
67 service should not be terminated or other enforcement action, including  
68 imposition of a civil penalty, should not be taken. A written notice shall be served  
69 on the user by personal service, or by certified or registered mail, return receipt  
70 requested, specifying the time and place of the hearing to show cause. The  
71 notice of the hearing shall be served no less than 10 days before the hearing.  
72 Service may be made on any agent, officer or authorized representative of the  
73 discharger. **The hearing shall be before the City Manager or his or her**  
74 **designee.** After the hearing, the City Manager **or his or her designee** shall issue  
75 a written decision which may include appropriate orders with respect to the  
76 violations of the chapter and may include a civil penalty in accordance with HCC  
77 14.05.435. The ~~City Manager's~~ decision **of the City Manager or his or her**  
78 **designee** constitutes final administrative action for purposes of judicial review.

79  
80 Section 4. Section 20.20.040 is amended to read as follows:

81  
82 All animals seized pursuant to HCC 20.20.030 shall be held in impound pending  
83 an administrative hearing concerning their potential destruction. The  
84 administrative hearing shall be conducted as follows:

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126

a. An administrative ~~h~~**Hearing officer** Board shall be **appointed by the City Manager** ~~convened consisting of the City Manager (who shall chair the proceedings), the Chief of Police, and one member of the City Council (selected by the City Manager).~~

b. A notice of administrative hearing shall be served upon the animal's owner or his designee under the procedures set for service of summons in a civil action. The notice shall specify the date, time, and location of the hearing. The hearing may not be less than three days following the service of the hearing notice on the animal owner or his designee.

c. The hearing shall consider all information pertinent to the specific violation of HCC 20.20.030 which initiated the impoundment and hearing process, and may additionally consider any information concerning prior violations or incidents with this same animal, as well as any information concerning the animal owner's or his designee's prior violations of the Homer animal ordinances with any other animal.

- d. The hearing shall address and enter its formal findings as to whether:
1. The animal is a vicious animal under HCC 20.04.020;
  2. The owner or designee thereof failed to use all reasonable precautions to control his animal and protect the public;
  3. The circumstances of this incident under consideration constitute a danger to the public.

e. If ~~the hearing officer~~ ~~a majority of Board members~~ **finds** in the affirmative as to all three of the provisions of subsection (d) of this section, the ~~h~~**Hearing officer** Board shall order the animal destroyed. The owner or designee, if present at the hearing, shall be verbally notified of the findings and order at the conclusion of the hearing. Written findings shall also be prepared and served upon the owner or designee. If the owner or designee is not present at the hearing, written findings and destruction order shall be served on that person as soon as possible following the hearing.

f. Absent an affirmative finding by the ~~hearing officer~~ **Hearing Board** as to one or more of the provisions of subsection (d) of this section, the animal shall be immediately released to its owner or designee. The ~~hearing officer~~ **Hearing Board** shall, in the event of release under this provision, prepare a written notice which shall be delivered or mailed to the animal's owner, outlining the ~~hearing officer's~~ **Hearing Board's**



127 recommendations as to actions that owner should take to prevent future  
128 incidents and to protect the public.

129  
130 g. Any appeal of the **hearing officer's**~~Hearing Board's~~ finding and  
131 destruction order shall be taken through the Alaska Court System within  
132 10 days of the receipt of said findings and order by the owner. The filing  
133 of an appeal will automatically stay the order of destruction pending  
134 resolution of the appeal. The animal shall remain in impound at the  
135 owner's expense pending resolution of the appeal.

136  
137 Section 5. Section 20.20.050 shall be amended to read as follows:

138  
139 Vicious animals to be destroyed upon administrative **hearing officer**~~Hearing~~  
140 ~~Board~~ order shall be destroyed as follows:

141  
142 a. The animal shall remain in impound for 10 days following the date the  
143 owner (or his designee) is verbally notified of the **hearing**  
144 **officer's**~~Hearing Board's~~ decision, or the date that a written finding and  
145 destruction order is served on the owner (or his designee) to allow that  
146 person to appeal the destruction order through the courts.

147  
148 b. If the City is not served with a notice of appeal of the destruction order  
149 within the 10-day holding period outlined in subsection (a) of this  
150 section, the City shall immediately proceed to humanely destroy the  
151 animal.

152  
153 Section 6. Section 21.41.400 shall be amended to read as follows:

154  
155 a. The Planning Commission shall hear and decide appeals when it is alleged  
156 there is an error in any requirement, decision, or determination made by the  
157 Planning Department.

158  
159 b. A **hearing officer appointed by the City Manager** shall hear and decide  
160 appeals when it is alleged there is an error in any requirement, decision, or  
161 determination made by the Planning Commission.

162  
163 Section 7. Article II of Section 21.91 shall be amended to read as follows:

164  
165 Article II. ~~Board of Adjustment~~ **Appeals of Planning Decisions.**

166  
167 Section 8. Section 21.91.100 shall be repealed in its entirety.

168

169 Section 9. Section 21.91.110 shall be renumbered 21.91.100 and amended to read as  
170 follows:

171  
172 a. ~~The Board of Adjustment shall hear and decide appeals pursuant to the~~  
173 ~~provisions of the code, zoning code.~~ **A hearing officer appointed by the City**  
174 **Manager shall hear and decide appeals pursuant to the provisions of the**  
175 **zoning code.**

176  
177 b. **A hearing officer appointed by the City Manager to act as the decision maker**  
178 **in appeals of decisions made by the Planning Commission must have at least**  
179 **five years experience acting as an administrative law judge or**  
180 **administrative hearing officer and must be licensed to practice law in the**  
181 **State of Alaska and in good standing.**

182  
183 Section 10. Section 21.91.120 shall be renumbered 21.91.110 and amended as follows:

184  
185 Appeals heard by the hearing officer shall be conducted according to applicable  
186 procedures specified in Chapter 21.93 HCC.

187  
188 Section 11. Section 21.91.130 shall be renumbered 21.91.120 and amended as follows:

189  
190 a. An appeal from a final decision of the ~~Board of Adjustment~~ **hearing officer**  
191 may be taken directly to the Superior Court by a party who actively and  
192 substantively participated in the proceedings before the ~~Board of Adjustment~~  
193 **hearing officer** or by the City Manager or City Planner or any governmental  
194 official, agency, or unit.

195  
196 b. An appeal to the Superior Court shall be filed within 30 days of the date of  
197 distribution of the final decision to the parties appearing before the ~~Board of~~  
198 **Adjustment hearing officer.**

199  
200 c. An appeal from a final decision of the ~~Board of Adjustment~~ **hearing officer** to  
201 the Superior Court is governed by court rules.

202  
203 Section 12. Section 21.93.030 shall be amended to read as follows:

204  
205 21.93.030 Decisions subject to appeal to **a hearing officer.** ~~Board of Adjustment.~~

206  
207 The following acts or determinations of the Commission, when final, may be  
208 appealed to the **a hearing officer appointed by the City Manager** ~~Board of~~  
209 ~~Adjustment~~ by a person with standing:

210

- 211 a. Grant or denial of a conditional use permit.
- 212
- 213 b. Grant or denial of a variance.
- 214
- 215 c. Grant or denial of formal recognition of a nonconforming use or structure, or
- 216 a decision terminating a nonconforming use or structure.
- 217
- 218 d. Grant or denial of a conditional fence permit.
- 219
- 220 e. A decision by the Commission in a matter appealed to the Commission under
- 221 HCC 21.93.020.
- 222
- 223 f. Any other final decision that is expressly made appealable to ~~the Board of~~
- 224 ~~Adjustment~~ **a hearing officer** by other provisions of the code.
- 225

226 Section 13. Section 21.93.060 shall be amended to read as follows:

227

228 21.93.060 Standing – Appeal to ~~Board of Adjustment~~ **Hearing Officer**.

229

230 Only the following have standing to appeal an appealable action or

231 determination of the Planning Commission to the ~~Board of Adjustment~~ **hearing**

232 **officer**:

- 233
- 234 a. Applicant for the action or determination, or the owner of the property that is
- 235 the subject of the action or determination under appeal.
- 236
- 237 b. The City Manager, the City Planner or the City Planner’s designee, or any
- 238 governmental official, agency, or unit.
- 239
- 240 c. Any person who actively and substantively participated in the proceedings
- 241 before the Commission and is aggrieved by the action or determination.
- 242
- 243 d. Any person who actively and substantively participated in the proceedings
- 244 before the Commission and would be aggrieved if the action or determination
- 245 being appealed were to be reversed on appeal.
- 246

247 Section 14. Section 21.93.070 shall be amended to read as follows:

- 248
- 249 a. An appeal to the Planning Commission must be filed within 30 days after the
- 250 date of distribution of the final action or determination to the applicant or other
- 251 person whose property is the subject of the matter being appealed.
- 252

253 b. An appeal to **a hearing officer**~~the Board of Adjustment~~ must be filed within  
254 30 days after the date of distribution of the final action or determination to the  
255 applicant and other parties, if any.

256  
257 Section 15. Section 21.93.100 shall be amended to read as follows:

258  
259 a. All appeals must be heard within 60 days after the appeal record has been  
260 prepared. The body **or officer** hearing the appeal may for good cause shown  
261 extend the time for hearing. The decision on appeal must be rendered within 60  
262 days after the appeal hearing.

263  
264 b. The appellant, the applicant for the action or determination that is the subject  
265 of the appeal, the owner of the property that is the subject of the action or  
266 determination, and all parties who have entered an appearance shall be  
267 provided not less than 15 days' written notice of the time and place of the appeal  
268 hearing. Neighboring property owners shall be notified as set forth in HCC  
269 21.94.030.

270  
271 **c. A notice identifying the hearing officer shall be filed with the notice of the**  
272 **hearing. All parties shall have ten days from the date of the notice to object**  
273 **to the hearing officer based upon conflicts of interest, personal bias or ex**  
274 **parte contacts. Failure to file an objection to the hearing officer within the**  
275 **ten days shall waive any objection to the hearing officer.**

276  
277 **d.** An electronic recording shall be kept of the entire proceeding. Written  
278 minutes shall be prepared. The electronic recording shall be preserved for one  
279 year unless required for further appeals. No recording or minutes shall be kept  
280 of deliberations that are not open to the public.

281  
282 Section 16. Section 21.93.110 shall be amended to read as follows:

283  
284 a. All final decisions on appeals shall be in writing, and shall state the number of  
285 members of the body **or officer** hearing the appeal who participated in the  
286 appeal, number voting in favor of the decision, and the number voting in  
287 opposition to the decision.

288  
289 b. A decision shall include an official written statement of findings and reasons  
290 supporting the decision. This statement shall refer to specific evidence in the  
291 record and to the controlling sections of the zoning code. Upon express vote, the  
292 body may adopt, as its statement of findings and reasons, those findings and  
293 reasons officially adopted by the body or officer below from which the appeal  
294 was taken.

295 c. Copies of the written decision shall be promptly mailed to the appellant, the  
296 applicant for the action or determination that is the subject of the appeal, the  
297 owner of the property that is the subject of the action or determination, and all  
298 parties who entered a written notice of appearance in the appeal proceeding.  
299

300 Section 17. Section 21.93.500 shall be amended to read as follows:

301  
302 21.93.500 Parties eligible to appeal **Planning Commission decision to a**  
303 **hearing officer**~~to Board of Adjustment~~ – Notice of appearance.

304 a. Only persons who actively and substantively participated in the matter before  
305 the Commission and who would be qualified to appeal under HCC 21.93.060 may  
306 participate as parties in an appeal from the Commission to **a hearing officer** ~~the~~  
307 ~~Board of Adjustment.~~

308  
309 b. Any person so qualified who desires to participate in the appeal as a party,  
310 other than the appellant, the City Planner or the City Planner’s designee, the  
311 applicant for the action or determination that is the subject of the appeal and  
312 the owner of the property that is the subject of the action or determination,  
313 must, not less than 14 days before the date set for the appeal hearing, file with  
314 the City Clerk a written and signed notice of appearance containing that party’s  
315 name and address, and proof that the person would be qualified under HCC  
316 21.93.060 to have filed an appeal.

317  
318 Section 18. Section 21.93.510 shall be amended to read as follows:

319  
320 a. Except as provided in subsections (b) and (c) of this section, **the hearing**  
321 **officer**~~the Board of Adjustment~~ shall not consider allegations of new evidence  
322 or changed circumstances and shall make **his or her**~~its~~ decision based solely on  
323 the record. If new evidence or changed circumstances are alleged, the **hearing**  
324 **officer**~~Board~~ may, in **his or her**~~its~~ discretion, either hear the appeal without  
325 considering the allegations or may remand the matter to the appropriate lower  
326 administrative body or official to rehear the matter, if necessary.

327  
328 b. When the standing of a person is in issue, the **hearing officer** ~~Board of~~  
329 ~~Adjustment~~ may take additional evidence for the limited purpose of making  
330 findings on the question of the person’s standing. No evidence received under  
331 this subsection shall be considered for purposes other than determining  
332 standing.

333  
334 c. ~~When the disqualification of a member of the Board of Adjustment for conflict~~  
335 ~~of interest, ex parte contact, partiality or other cause is in issue, the Board of~~  
336 ~~Adjustment may take additional evidence for the limited purpose of making~~

337 findings on the question of disqualification. No evidence received under this  
338 subsection shall be considered for purposes other than determining  
339 disqualification.

340  
341 Section 19. Section 21.93.520 shall be amended to read as follows:

342  
343 a. The appeal record shall be completed within 30 days after receipt of a timely  
344 and complete notice of appeal to the ~~Board of Adjustment~~ **hearing officer**, shall  
345 consist of the items, and shall be prepared in the manner, described in this  
346 subsection.

347  
348 1. The Clerk will assemble and paginate all relevant documents involved  
349 in the original decision, including any staff reports, minutes, exhibits, notices,  
350 and other documents considered in making the original decision.

351  
352 2. A party may elect to include a verbatim transcript of the testimony  
353 before the Planning Commission in the appeal record by making a written  
354 request to the City Clerk for a recording of the testimony within 14 days after the  
355 Clerk mails copies of the notice of appeal to the parties pursuant to HCC  
356 21.93.080(d). The requesting party shall arrange and pay for the preparation of  
357 the transcript. Only a transcript prepared and certified as accurate by a qualified  
358 court reporter shall be accepted. The original transcript must be filed with the  
359 City Clerk to be provided to the ~~Board of Adjustment~~ **hearing officer** with the  
360 record on appeal.

361  
362 b. The appellant, the applicant for the action or determination that is the subject  
363 of the appeal, the owner of the property that is the subject of the action or  
364 determination, and other parties who have entered an appearance shall be  
365 notified by mail when the record and transcript, if ordered, are complete. Any  
366 person may obtain a copy upon payment of the costs of reproduction and any  
367 applicable mailing costs.

368  
369 Section 20. Section 21.93.540 shall be amended to read as follows:

370  
371 a. ~~The meeting at which the Board of Adjustment hears an appeal~~ **before the**  
372 **hearing officer** shall be open to the public. ~~The City Attorney or another~~  
373 ~~attorney acting as legal counsel to the Board shall be present.~~

374  
375 b. Each party (each appellant, cross-appellant, and respondent) may present  
376 oral argument at the appeal hearing, subject to the order of presentation and  
377 time limitations that the **hearing officer** ~~chair~~ adopts at the commencement of

378 the hearing. The taking of testimony or other evidence is limited by HCC  
379 21.93.510.

380  
381 c. The ~~hearing officer~~**Board of Adjustment** may undertake deliberations  
382 immediately upon the conclusion of the hearing on appeal or may take the  
383 matter under advisement and meet at such other time as is convenient for  
384 deliberations until a decision is rendered. Deliberations need not be public, ~~and~~  
385 ~~may be in consultation with the legal counsel to the Board.~~

386  
387 d. The ~~hearing officer~~**Board of Adjustment** may exercise **his or her**its  
388 independent judgment on legal issues raised by the parties. “Legal issues” as  
389 used in this section are those matters that relate to the interpretation or  
390 construction of the zoning code, ordinances or other provisions of law.

391  
392 e. The ~~hearing officer~~**Board of Adjustment** shall defer to the findings of the  
393 lower administrative body regarding disputed issues of fact. Findings of fact  
394 adopted expressly or by necessary implication by the lower body shall be  
395 considered as true if they are supported by substantial evidence. But findings of  
396 fact adopted by less than a majority of the lower administrative body shall not  
397 be given deference, and when reviewing such findings of fact the Board of  
398 Adjustment shall exercise independent judgment and may make its own  
399 findings of fact. If the lower administrative body fails to make a necessary finding  
400 of fact and substantial evidence exists in the record to enable the **hearing**  
401 **officer**~~Board~~ to make the finding of fact, **he or she** ~~the Board~~ may do so in the  
402 exercise of **his or her**its independent judgment, or, in the alternative, the  
403 **hearing officer**~~Board~~ may remand the matter for further proceedings.  
404 “Substantial evidence,” as used in this section, means such relevant evidence as  
405 a reasonable mind might accept as adequate to support a conclusion.

406  
407 Section 21. Section 21.93.550 shall be amended to read as follows:

408  
409 21.93.550 **Hearing Officer**~~Board of Adjustment~~ Decision

410  
411 The ~~hearing officer~~**Board of Adjustment** may affirm or reverse the decision of  
412 the lower administrative body in whole or in part. ~~A majority vote of the fully~~  
413 ~~constituted Board is required to reverse or modify the action or determination~~  
414 ~~appealed from. For the purpose of this section the fully constituted Board shall~~  
415 ~~not include those members who do not participate in the proceedings due to a~~  
416 ~~conflict of interest or disqualifying ex parte contacts, disqualifying partiality, or~~  
417 ~~other disqualification for cause.~~ A decision affirming, reversing, or modifying the  
418 decision appealed from shall be in a form that finally disposes of the case on  
419 appeal, except where the case is remanded for further proceedings.



420 b. The Board may seek the assistance of legal counsel, City staff, or parties in the  
421 preparation of a decision or proposed findings of fact.  
422

423 Section 22. Section 21.93.560 shall be amended to read as follows:  
424

425 a. The **hearing officer**~~Board of Adjustment~~ may remand the appeal to the lower  
426 administrative body when **he or she**~~the Board~~ determines that:

427  
428 1. There is insufficient evidence in the record on an issue material to the  
429 decision of the case;

430  
431 2. There has been a substantial procedural error that requires further  
432 consideration by the lower administrative body; or

433  
434 3. There is other cause requiring further proceedings by the lower  
435 administrative body.

436 b. A decision remanding a case shall describe any issue upon which further  
437 evidence should be taken, and shall set forth any further directions the **hearing**  
438 **officer**~~Board~~ deems appropriate for the guidance of the lower administrative  
439 body.

440 c. The lower administrative body shall promptly act on the case upon remand in  
441 accordance with the decision of the **hearing officer**~~Board of Adjustment~~. A case  
442 on remand has priority on the agenda of the lower administrative body, except  
443 cases remanded under HCC 21.93.510(a) are not entitled to priority. The  
444 applicant or owner of the property in question may waive the priority given by  
445 this subsection.  
446

447 Section 23. Section 21.93.570 shall be amended to read as follows:  
448

449 If no specific procedure is prescribed by the code, the **hearing officer**~~Board of~~  
450 ~~Adjustment~~ may proceed in an administrative appeal in any lawful manner not  
451 inconsistent with this title, statutes, and the Constitution.  
452

453 Section 24. Section 21.93.700 shall be amended to read as follows:  
454

455 a. A member of the Planning Commission or **a hearing officer appointed to**  
456 **hear an appeal from a Planning Commission decision**~~Board of Adjustment~~  
457 may not participate in the deliberation or voting process of an appeal if,  
458 following the procedures set forth in this chapter, the Commission or **hearing**  
459 **officer**~~Board member~~ is determined to have a substantial financial interest in  
460 the official action, as defined in Chapter 1.18 HCC. In the absence thereof, all

461 Commission ~~or Board~~ members shall participate in the deliberation and voting  
462 process unless excused pursuant to other provisions of this chapter.

463  
464 b. When a financial interest of a member of the Planning Commission ~~or Board~~  
465 ~~of Adjustment~~ is disclosed on the record, the remainder of the Commission ~~or~~  
466 ~~Board, respectively,~~ shall determine whether the member should participate in  
467 the matter. If it is determined the member should participate, any action taken  
468 thereafter by the Commissionbody shall be valid notwithstanding a later  
469 determination by a court, ~~or an~~ appellate tribunal, **or the hearing officer** that  
470 the member should have been disqualified from participation because of a  
471 substantial financial interest in the matter; except the action shall be invalidated  
472 when the disqualified member's vote was necessary to establish the required  
473 majority to approve the decision of the Commissionbody. When a Commission  
474 ~~or Board~~ decision is invalidated because such vote was necessary to establish  
475 the required majority, the Commissionbody shall commence new  
476 consideration of the matter beginning at the point where the Commission~~or~~  
477 ~~Board, respectively,~~ determines it is necessary to do so to eliminate the effect of  
478 the member's improper participation.

479  
480 **c. A hearing officer shall disclose any substantial financial interest, personal**  
481 **bias or ex parte contact immediately upon being appointed by the City**  
482 **Manager and shall refrain from accepting the appointment if a substantial**  
483 **financial interest, personal bias or ex parte contact exists. If the substantial**  
484 **financial interest, personal bias or ex parte contact arises after the hearing**  
485 **officer's appointment, he or she shall disclose his or her interest and shall**  
486 **be disqualified from serving as the hearing officer unless all parties waive**  
487 **any objection to the hearing officer.**

488  
489 **d.** For purposes of hearing an appeal, a quorum of the Commission is four  
490 members and a quorum of the ~~Board is four members, one of whom may be the~~  
491 ~~Mayer~~. If it is not possible to obtain a quorum of the Planning Commission ~~or~~  
492 ~~Board of Adjustment~~ to hear an appeal without the participation of members  
493 disqualified by reason of a substantial financial interest, then all members who  
494 would be so disqualified shall nevertheless participate in the appeal, including  
495 deliberations and voting, and the decision rendered in such a case shall be valid  
496 notwithstanding the participation of such members. This subsection shall not  
497 apply if the matter can be postponed to a later date (not later than 75 days after  
498 the appeal record is prepared) when the Commissionbody can obtain a quorum  
499 of members who are not disqualified by a substantial financial interest.

500  
501 Section 24. Section 21.93.710 shall be amended to read as follows:  
502

503 a. No member of the Commission or **a hearing officer appointed by the City**  
504 **Manager to review a decision issued by the Commission**~~Board of Adjustment~~  
505 shall have ex parte communication with any person. “Ex parte communication”  
506 means to communicate, directly or indirectly, with the appellant, other parties  
507 or persons affected by the appeal, or members of the public concerning an  
508 appeal or issues specifically presented in the notice of appeal, either before the  
509 appeal hearing or during any period of time the matter is under consideration or  
510 subject to reconsideration, without notice and opportunity for all parties to  
511 participate in the communication.

512  
513 b. This section does not prohibit:

514  
515 1. **Commission** Members from discussing matters relating to the appeal  
516 among themselves.

517  
518 2. Communications between municipal staff and Commission ~~or Board~~  
519 members **or the hearing officer** where:

520  
521 a. Such staff members are not themselves parties to the appeal;  
522 and

523 b. Such communications do not furnish, augment, diminish, or  
524 modify the evidence in the record on appeal.

525  
526 3. Communications between the Commission ~~or Board~~ and its legal  
527 counsel.

528  
529 c. If, before an appeal commences, a member of the Commission ~~or Board~~  
530 receives an ex parte communication of a type that could not properly be  
531 received while an appeal is pending, the member shall disclose the  
532 communication in the manner prescribed in subsection (d) of this section at the  
533 first meeting of the Commission ~~or Board~~ at which the appeal is addressed.

534  
535 d. A member of the Commission ~~or Board~~ who receives an ex parte  
536 communication at any time shall, at the first opportunity after the  
537 communication, place on the record of the pending matter all written  
538 communications received, all written responses to the communications, and a  
539 memorandum stating the substance of all oral communications received, all  
540 responses made, and the identity of each person from whom the member  
541 received an ex parte communication. Any party to the appeal desiring to rebut  
542 the ex parte communication must be granted a reasonable opportunity to do so  
543 if a request is promptly made.  
544

545 e. If the Commission ~~or Board~~ determines in its discretion it is necessary to  
546 eliminate the harmful effect of an ex parte communication received in violation  
547 of this section, the Commission ~~or Board~~ may disqualify the member who  
548 received the communication from participation in the appeal. In addition, the  
549 Commission ~~or Board~~ may impose appropriate sanctions, including default,  
550 against a party to the appeal for any violation of this section.

551  
552 f. It is a violation, subject to penalties and other enforcement remedies under  
553 this title:

554  
555 1. For any person to knowingly have or attempt to have ex parte  
556 communication with a Commission or a hearing officer~~or Board~~  
557 ~~member~~ in violation of subsection (a) of this section.

558  
559 2. For any Commission ~~or Board~~ member or the hearing officer to  
560 knowingly receive an ex parte communication in violation of subsection  
561 (a) of this section.

562  
563 3. For any Commission ~~or Board~~ member to knowingly fail to place on the  
564 record any matter when and as required under subsections (c) and (d) of  
565 this section.

566  
567 Section 25. This ordinance shall take effect upon its adoption by the Homer City  
568 Council.

569  
570 Section 26. This ordinance is of a permanent and general character and shall be  
571 included in the City Code.

572  
573 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
574 \_\_\_\_\_, 2017.

575  
576 CITY OF HOMER

577  
578  
579 \_\_\_\_\_  
580 BRYAN ZAK, MAYOR

581  
582 ATTEST:

583  
584  
585 \_\_\_\_\_  
586 JO JOHNSON, MMC, CITY CLERK

587 YES:  
588 NO:  
589 ABSTAIN:  
590 ABSENT:  
591  
592  
593  
594 First Reading:  
595 Public Hearing:  
596 Second Reading:  
597 Effective Date:

598  
599  
600  
601

602 Reviewed and approved as to form.

603  
604

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

606  
607

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

609  
610

Fiscal Note: NA

\_\_\_\_\_

Holly C. Wells, City Attorney

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





# City of Homer

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

Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## Memorandum 17-042

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBOUD, CITY PLANNER  
DATE: MARCH 7, 2017  
SUBJECT: DRAFT 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.

The Homer Advisory Planning Commission held a public hearing on the matter at their meeting of February 15, 2017. The Commission believes the process of having a hearing officer may lead to a more effective and efficient way to deal with appeals of the Planning Commission. There was no public testimony and the Commission voted by unanimous consent to recommend adoption by the City Council.

**21.95.040 Planning Department review of code amendment.** The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

**a.** Is consistent with the comprehensive plan and will further specific goals and objectives of the plan. Comprehensive Plan Chapter 4, Goal 3 Object A states: "Create a clear, coordinated regulatory framework that guides development." Further implementation strategies include, "Provide a clear and predictable approval process ...."

*Staff response:* This amendment is found to further a specific objective. It has not been found to be inconsistent with the Comprehensive Plan.

**b.** Will be reasonable to implement and enforce.

*Staff response:* This code amendment will be reasonable to implement and enforce as it proposes to improve upon a current process and provides a more reliable process for appeals.

**c.** Will promote the present and future public health, safety and welfare.

*Staff response:* The proposal adds to the welfare of the community by relying upon a hearing officer trained in administrative law.



**d.** Is consistent with the intent and wording of the other provisions of this title.

*Staff response:* The amendments have been reviewed by the City Attorney and are deemed consistent with the intent and wording of the other provisions of this title.

**21.95.010 Initiating a code amendment.**

*Staff response:* A member of the City Council initiated the code amendment per 21.95.010(a).

**21.95.030 Restriction on repeating failed amendment proposals.**

*Staff response:* This section of code is found to be not applicable.

**Recommendation:**

Adopt Draft Ordinance 17-07(S)

**Att.**

Homer Advisory Planning Commission minutes of February 15, 2017  
Staff Report PL 17-16

one looking at establishing a safe homes network for unaccompanied homeless youth and the other is looking to establish a family resiliency complex with a shelter and transitional housing program. She explained their efforts and goals in working toward developing programs that will help people transition and become self-sufficient.

In response to questions there was discussion about current programs and services in Homer, a community needs assessment the homeless action committee is working on, and current circumstances of temporary shelter including couch surfing and living in cars and tents.

## **Reports**

### **A. Staff Report PL 17-15, City Planner's Report**

City Planner Abboud reviewed the staff report.

## **Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

### **A. Staff Report PL 17-16, Hearing Office for Appeals to the Homer Advisory Planning Commission**

City Planner Abboud reviewed the staff report.

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

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES ORDINANCE 17-07(S) AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments that this will help the process move quicker and may save the city money.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Plat Consideration**

### **A. Staff Report PL 17-14, Lloyd Race 2016 Preliminary Plat**

City Planner Abboud reviewed the staff report.

Gary Nelson, project surveyor, commented that he was available to answer questions. He added that they may remove the westerly two lots from this subdivision if they experience problems with approval of septic provisions of code. They are hoping the new line will go down an existing ravine to help improve a bad situation.



## Staff Report PL 17-16

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: February 15, 2017  
SUBJECT: 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.

---

**Introduction:** The City Attorney has drafted an amendment to make provisions for Board of Adjustments (BOA) to consist of a Hearing Officer instead of the City Council.

**Analysis:** Several benefits of this change were discussed at the City Council work session. They include:

- Frees up City Attorney to provide substantive advice and not just regarding process (currently due to possible conflict of the attorney's interests representing the Commission and Council).
- Do not have to hire additional attorneys now needed for the appeal process.
- Streamlines the process
  - o Do not have to be concerned with the possible conflicts of the Council people and the Mayor
  - o Do not have to deal with scheduling 7 people to hear cases
- A hearing officer would hear other current administrative determinations
- Costs are currently \$165/hr. This compares to the \$175 cost per meeting for just the Council members and the additional attorney cost that are above \$165/hr.
- Hearing officers have a high rate of successful resolution and are trained in administrative law.

**Staff Recommendation:** I consider this a non-controversial proposal that attempts to improve our system with a more efficient and non-bias process and procedure for appeals of Planning Commission decisions. Make motion to recommend the proposed amendment to the City Council.

### **Attachments**

Ordinance 17-07(s)

**CITY OF HOMER  
HOMER, ALASKA**

Lewis

**RESOLUTION 16-133**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND PREPARE A PURCHASE OFFER FOR KENAI PENINSULA BOROUGH PARCEL NO. 17901024, JACK GIST SUBDIVISION LOT 3, IN AN AMOUNT NOT TO EXCEED FAIR MARKET VALUE FOR THE PURPOSE OF ENHANCING CURRENT JACK GIST PARK FACILITIES.

WHEREAS, Park and recreational opportunities are important for the quality of life for Homer citizens; and

WHEREAS, A 2.33 acre parcel of land (Kenai Peninsula Borough Parcel No. 17901024, Jack Gist Subdivision Lot 3) adjacent to Jack Gist Park is currently listed for sale for \$69,500; and

WHEREAS, City of Homer acquisition of this parcel would allow the opportunity to enhance current park facilities and expand facilities in accordance with the Jack Gist Park Improvement Project Phase II as outlined in the City's Capital Improvement Plan; and

WHEREAS, The parcel's uphill location will specifically help accomplish drainage improvements for the upper ballfield; and

WHEREAS, The parcel's road access is ideal for developing additional parking space needed for hosting tournaments at the park, which brings economic activity to Homer; and

WHEREAS, Funds from the Land Reserve Account No. 150-0392-4901 with a balance of \$151,584.74 can be made available for the purchase of the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby authorizes the City Manager to ascertain a fair market price, negotiate and prepare a purchase offer in an amount not to exceed fair market value for the above described property with the condition that the City Council must approve the purchase price by Ordinance.

PASSED AND ADOPTED by the Homer City Council, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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CITY OF HOMER

---

BRYAN ZAK, MAYOR

ATTEST:

---

JO JOHNSON, MMC, CITY CLERK





# City of Homer

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

## Planning

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## Memorandum 17-036

TO: Mayor Zak and Homer City Council  
THROUGH: Parks Art Recreation and Culture Advisory Commission  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 6, 2017  
SUBJECT: Jack Gist Land Purchase

---

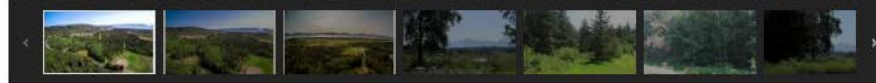
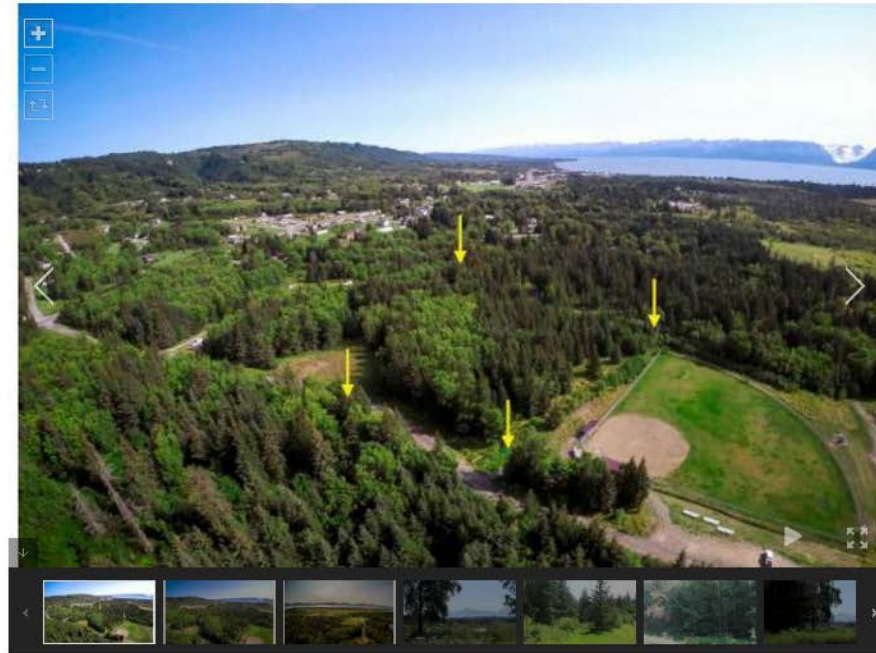
The City Council referred Resolution 16-133 for the purchase of land adjacent to Jack Gist Park to PARCAC for comment. This is a 2.33 acre lot that is adjacent to the park's northern boundary. Staff recommended purchasing the lot. More parking is needed for this facility, and the current list price of \$69,000 is very reasonable for the current real estate market.

Under the consent agenda of the February 13, 2017 meeting, the Commission recommended the City Council adopt the resolution to purchase the property.

**Recommendation:** Council adopt Resolution 16-133 to purchase the land adjacent to Jack Gist Park.

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<b>Lot Sq. Ft.</b> 101495	<b>Land Type</b> Residential	<b>Elementary</b> Paul Banks/Homer
<b>Acres</b> 2.33	<b>Access</b> Gravel, Maintained	<b>Jr. High</b> Homer
<b>Topography</b> Level	<b>Road Maintenance</b> Unknown - BTV	<b>High School</b> Homer
	<b>Waterfront</b> No Waterfront	<b>Zoning</b> RR

**Land Features** In City Limits, Parkside, Southern Exposure, Trees - Heavy, View

All square footages are approximations. School boundaries are subject to change. Information is not guaranteed and should be independently verified for accuracy.

Listing content updated 11/30/2016 1:50 PM

**\$69,500**

AK MLS# 15-6420

L3 Jack Gist Lane  
Homer, AK 99603

**Vacant Land**

Closest Town: Homer

A large view lot where privacy abounds and yet just minutes from the center of town? Can it be? Adjacent to the Jack Gist Park, you will be able feel away from it all and yet be close to everything. Enjoy the sounds of softball a few weeks a year and then relish in the privacy of this unique property as you listen to the breeze in the trees.

**Directions:** East End Road approximately one mile. Right on Adams Lane at the Jack Gist Park sign. Follow for 1/4 mile to property on the left. Look for sign.



Additional Info



Share this Listing



Property Listed By:

 **Kachemak Group Real Estate**



# NEW BUSINESS



# RESOLUTIONS



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

3 City Manager/  
4 Port and Harbor Director

5 **RESOLUTION 17-022**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AWARDING THE CONTRACT FOR THE OPERATION OF FISH PUMP  
9 SERVICES ON THE HOMER PORT AND HARBOR FISH DOCK TO THE  
10 FIRM OF ICICLE SEAFOODS, INC. OF HOMER, ALASKA, AND  
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE  
12 DOCUMENTS.

13  
14 WHEREAS, In accordance with the Procurement Policy the Request for Proposals was  
15 advertised in the Homer Tribune February 16 and 23, 2017 and posted on the City's webpage;  
16 and

17  
18 WHEREAS, The Request for Proposals was seeking proposals from qualified individuals  
19 or firms to enter into a five-year agreement with the City of Homer Port and Harbor to operate  
20 one of the two fish pump transfer services on the City's Fish Dock; and

21  
22 WHEREAS, Proposals were due on March 2, 2017 and three proposals were received; and

23  
24 WHEREAS, Icicle Seafoods, Inc. of Homer, Alaska, was found to be most responsive for  
25 the operation of a fish pump at the North Trestle location; and

26  
27 WHEREAS, This award is not final until written notification is received by the firm from  
28 the City of Homer.

29  
30 WHEREAS, The City will enter into a Memorandum of Understanding with Icicle  
31 Seafoods, Inc. for the purpose of installing and operating a fish pump under the dock and at  
32 the dewatering and tote loading station on the North trestle of the Homer Fish Dock for a  
33 contract term of three years with two one-year options.

34  
35 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the  
36 contract for the Operation of Fish Pump Services on the Homer Port and Harbor Fish Dock to  
37 the firm of Icicle Seafoods, Inc. of Homer, Alaska, and authorizes the City Manager to execute  
38 the appropriate documents necessary to complete this project.

39  
40 PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of March, 2017.



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CITY OF HOMER

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BRYAN ZAK, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Revenue for the Port and Harbor to be determined.



## Memorandum 17-045

TO: MAYOR BRIAN ZAK& HOMER CITY COUNCIL

CC: KATIE KOESTER, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: MARCH 7, 2017

SUBJECT: FINDINGS OF THE FISH PUMP RFP REVIEW TEAM AND RECOMMENDATION FOR CONTRACT AWARD

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**BACKGROUND:** Fish pumps at the Fish Dock have been a topic of many discussions at the Port Commission, there was even a special meeting in January dedicated to the subject. My staff and I reviewed the minutes from these meetings and outlined the RFP to meet the goals of the Commission's recommendations and comments from these many meetings. City Staff advertised a Request for Proposals in the Homer Tribune for the purpose of seeking bids from qualified firms for installing and operating a fish pump on the City's Fish Dock in Homer harbor.

Two locations on the dock were detailed in the RFP, North trestle and South trestle. Bidders could make proposals for either one or both locations but the RFP made it clear that not just one entity would be allowed to control both fish pumping locations on the dock. The RFP laid out the goals and objectives that the City wished to achieve and provided a scoring metric from which the proposals would be judged.

The City received three proposals, two from Auction Block and one from Icicle Seafoods. I put together a review panel of three from my staff and we appraised the proposals on Monday the 6<sup>th</sup> using the scoring criteria detailed in the RFP.

Staff recommends accepting the proposal from Icicle Seafoods and entering into a contract allowing them to operate a fish pump at the North Trestle location detailed in the RFP. The Icicle proposal scored very well and worked to meet the goals of the RFP.

Based on our scoring of the Auction Block proposals, staff does not recommend accepting either proposal. The review team believes that Auction Block's proposal for fish pumping was beyond and outside the concept and objectives stated in the RFP. The proposals represented a much bigger project than what had been discussed in the Commission meetings and for that reason we believe the proposals did not meet the goals of the advertised RFP.

**RECOMMENDATIONS:** Staff recommends that the City enter into a MOU with Icicle Seafoods for the purpose of installing and operating a fish pump under the dock and at the dewatering and tote loading station on the North trestle of the Homer Fish Dock. The term of the contract will be three years with two one-year options.

Further, Staff recommends declining both proposals from the Auction Block for the purpose of installing a fish pump on either the North Trestle or the South Trestle of the Fish dock.



FEB 10 2017  


**REQUEST FOR PROPOSALS**  
**By the City of Homer, Alaska**  
**For Operation of Fish Pump Services on the Homer Port & Harbor Fish Dock**

The City of Homer, Alaska is requesting proposals from qualified individuals or firms that are interested in entering into a five-year Agreement with the City of Homer Port and Harbor for the purpose of operating one of the two fish pump transfer services on the City's Fish Dock. Interested parties are allowed to submit **only one proposal for each location**; locations include the north trestle and the south trestle of the Fish Dock.

An optional pre-proposal meeting/teleconference will be held Tuesday, February 28, 2017 at 2:00 p.m. at the Homer City Hall Conference Room.

Sealed proposals for the **Fish Pump Services on Homer Fish Dock** will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:00 p.m., Thursday, March 2, 2017**. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the bids shall not be considered.

**All proposers must submit a City of Homer Plan Holders Registration form to be considered responsive.** The Plan Holder Registration form and the RFP package are available on line at <http://www.cityofhomer-ak.gov/rfps>.

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 10<sup>th</sup> day of February, 2017.

CITY OF HOMER

  
\_\_\_\_\_  
Katie Koester, City Manager

Account #: 400-0600-5227

Published: Homer Tribune – February 16 & 23, 2017



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