

City Council

Tuesday

March 28, 2017

Special Meeting 4:00 p.m.

Committee of the Whole 5:00 p.m.

Regular Meeting 6:00 p.m.



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

March-April 2017

- Monday 27th:** **CITY OFFICES CLOSED IN OBSERVANCE OF SEWARD’S DAY**
- Tuesday 28th:** **CITY COUNCIL**
Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Wednesday 29th:** **CITY COUNCIL**
Worksession 4:00 p.m.
- Tuesday 4th:** **LIBRARY ADVISORY BOARD**
Regular Meeting 5:30 p.m.
- Wednesday 5th** **HOMER ADVISORY PLANNING COMMISSION**
Worksession 5:30 p.m., Regular Meeting 6:30 p.m.
- Thursday 6th:** **TOWN HALL MEETING WITH MAYOR NAVARRE**
5:30 p.m. to 6:30 p.m. Islands and Ocean Visitor Center
- Monday 10th:** **CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.
Library Advisory Board 1st Tuesday 5:30 p.m. with the exception of
January April August November
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks Art Recreation and Culture Advisory Commission 3rd Thursday 5:30 p.m. with the exception of
July, December, January
Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m. (May-August 6:00 p.m.)
Cannabis Advisory Commission Quarterly 4rd Thursday 5:00 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
SHELLY ERICKSON, COUNCILMEMBER – 19
TOM STROOZAS, COUNCILMEMBER - 19
City Manager, Katie Koester
City Attorney, Holly Wells

<http://cityofhomer-ak.gov/cityclerk> for home page access, Clerk’s email address is: clerk@ci.homer.ak.us
Clerk’s office phone number: direct line 235-3130

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



SPECIAL MEETING
4:00 P.M. TUESDAY
MARCH 28, 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

SPECIAL MEETING AGENDA

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

Mayor Zak has requested excusal.

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

3. Memorandum 17-050, from City Clerk, Request for Executive Session Pursuant to AS 44.62.310 (A-C)(3), Matters Which By Law, Municipal Charter, or Ordinance are Required to be Confidential (Review of Request for Proposals for Operation of Fish Pump Services on the Fish Dock).

Page 7

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, April 10, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 17-050

TO: MAYOR ZAK AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: MARCH 21, 2017

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(3), MATTERS WHICH BY LAW, MUNICIPAL CHARTER, OR ORDINANCE ARE REQUIRED TO BE CONFIDENTIAL (REVIEW OF REQUEST FOR PROPOSALS FOR OPERATION OF FISH PUMP SERVICES ON THE FISH DOCK)

Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor, or City Manager may place consideration of an executive session on the agenda..."

Councilmember Erickson requested an Executive Session regarding "Review of Request for Proposals for Operation of Fish Pump Services on the Fish Dock" for the Special Meeting of March 28, 2017. This has been publicly and internally noticed.

City Manager Koester and Port Director/Harbormaster Hawkins will be present.

City Attorney Wells will not be present.

RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Conference Room.

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



COMMITTEE OF THE WHOLE
5:00 P.M. TUESDAY
MARCH 28, 2017
COWLES COUNCIL CHAMBERS

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

COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **CONSENT AGENDA** Page 27
4. **REGULAR MEETING AGENDA** Page 13
5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 5:50 P.M.**
Next Regular Meeting is Monday, April 10, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. TUESDAY
MARCH 28, 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

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

2. AGENDA APPROVAL

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

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. National Public Health Week Proclamation Page 21

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

6. CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of March 13, 2017. City Clerk. Recommend adoption. Page 29

- B. **Memorandum 17-051** from Mayor Zak, Re: Appointment of Hannah Vance to the Library Advisory Board; Debra Lowney, Vicki Lowe, Josh Garvey, Coletta Walker, and Daniel Weatherly to the Police Station Building Task Force Page 53

- C. **Memorandum 17-047** from City Manager, Re: Fire Hall Improvements. Page 67

- D. **Ordinance 17-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 5.24.020 to Identify Lighted Free-Floating Luminaries as Fireworks and Prohibit the Sale and Use of these Luminaries within the Corporate City Limits of Homer. City Manager/Fire Chief. Recommended dates: Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017. Page 69

- E. **Ordinance 17-17**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04.030 to Remove the Prohibition on the City Manager and City Employees From Securing or Contributing Money Towards the Nomination or Election of a Candidate for a Municipal Office, and Amending Homer City Code 4.10.050 to Prohibit Candidates for Municipal Office From Accepting or Soliciting Campaign Contributions From City Employees or the City Manager. Smith. Recommended dates: Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017. Page 75

- F. **Ordinance 17-18**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 From the General Fund Balance and Authorizing the Use of Limited Staff Time and City Equipment for Public Information on the Ballot Proposition Including Without Limitation Information That May Influence the Outcome of the Election on the Proposition. City Manager. Recommended dates: Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017. Page 81

Memorandum 17-052 from Special Projects and Communication Coordinator as backup. Page 85

- G. **Resolution 17-025**, A Resolution of the City Council of Homer, Alaska, Acknowledging the March 2017 Surplus Equipment Bid Results. City Clerk. Recommend adoption. Page 87

- H. **Resolution 17-026**, A Resolution of the City Council of Homer, Alaska, Authorizing Participation in the EBSCO Solar Grant Program for the Homer Public Library. City Manager/Library Director. Recommend adoption. Page 93
- I. **Resolution 17-028**, A Resolution of the City Council of Homer, Alaska, Granting a Limited Private Pedestrian Access Easement Along the North Wall of Land's End Hotel and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption. Page 97
- Memorandum 17-054 from City Manager as backup. Page 99
- J. **Resolution 17-029**, 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 Number 17305408, Lot 8 Block 1 of Kelly Ranch Estates Subdivision, in an Amount Not to Exceed Fair Market Value for the Purpose of Protecting Bridge Creek Watershed. City Manager. Recommend adoption. Page 107
- K. **Resolution 17-030**, A Resolution of the City Council of Homer, Alaska, Amending the Personnel Regulations to Require the City to Pay Family Member Benefits for 36 Months in the Event of an Occupational Death. Lewis. Recommend adoption. Page 111

7. VISITORS

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

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

9. PUBLIC HEARING(S)

- A. **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, Public Hearing and Second Reading March 28, 2017. Page 123

Memorandum 17-019 from Public Works Director as backup. Page 129
Memorandum 17-041 from City Planner as backup. Page 137

- B. **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, Public Hearing and Second Reading March 28, 2017. Page 141

Memorandum 17-042 from City Planner as backup. Page 159

- C. **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. Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017. Page 161

Memorandum 17-038 from Port and Harbor Director as backup. Page 165

- D. **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. Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017. Page 167

Memorandum 17-043 from Port and Harbor Director as backup. Page 171

- E. **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. Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017. Page 173

10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

- A. City Manager's Report Page 201
- B. Bid Report Page 211

12. CITY ATTORNEY REPORT

- A. City Attorney's Report February/March Page 215
- a. Recall Petition Flow Chart Page 217
 - b. Letter to City Manager Koester re: Waiver of Potential Conflict Page 219

13. COMMITTEE REPORT

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

14. PENDING BUSINESS

- 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. Postponed from March 13, 2017. Page 225

Memorandum 17-045 from Port and Harbor Director as backup. Page 227

15. NEW BUSINESS

16. RESOLUTIONS

A. **Resolution 17-024**, A Resolution of the Homer City Council Authorizing a Request for Proposals to Issue for Harbor Software. City Manager/Port and Harbor Director.

Page 265

Memorandum 17-053 from Port Director/Harbormaster as backup. Page 267

B. **Resolution 17-027**, A Resolution of the City Council of Homer, Alaska, Requiring a Mid-Year Billing Notice to Property Owners in the Homer Natural Gas Special Assessment District. Erickson. Page 269

17. COMMENTS OF THE AUDIENCE

18. COMMENTS OF THE CITY ATTORNEY

19. COMMENTS OF THE CITY CLERK

20. COMMENTS OF THE CITY MANAGER

21. COMMENTS OF THE MAYOR

22. COMMENTS OF THE CITY COUNCIL

23. ADJOURNMENT

Next Regular Meeting is Monday, April 10, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MAYORAL PROCLAMATIONS
AND RECOGNITIONS

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**NATIONAL PUBLIC HEALTH WEEK
APRIL 3-9, 2017**

WHEREAS, since 1995, the American Public Health Association, through its sponsorship of National Public Health Week, has educated the public, policymakers and public health professionals about issues important to improving the health of all; and

WHEREAS, *Healthy Alaskans 2020* is Alaska's State Health Improvement Plan working across many sectors, agencies, and communities to meet the targets of 25 leading health priorities to improve health and ensure health equity for all Alaskans; and

WHEREAS, all Alaskans have a right to health and well-being, we must all do our part to remove barriers and speak out against discrimination and unfair practices so that everyone has the same opportunities to improve our lives and health; and

WHEREAS, health must be a priority in designing our communities, from healthy housing to safe parks and playgrounds; and

WHEREAS, our Alaskan food system should provide affordable food with nutritious ingredients, free from harmful contaminants; and

WHEREAS, strong and consistent funding levels are necessary for the public health system to respond to both everyday health issues and unexpected health threats and emergencies.

NOW, THEREFORE, I, Bryan Zak, Mayor of the City of Homer, do hereby proclaim

APRIL 3-9, 2017 AS NATIONAL PUBLIC HEALTH WEEK

AND I call upon all local citizens in Homer, Alaska to observe this week by connecting within our communities and to better understand the importance of public health in light of this year's theme, "**Healthiest Nation 2030.**"

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 28th day of March, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 17-05 a Regular Meeting of the Homer City Council was called to order on March 13, 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
(telephonic), SMITH, STROOZAS (telephonic)

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
CITY PLANNER ABBOUD
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmembers Stroozas and Reynolds have requested telephonic participation.

Mayor Zak called for a motion to allow Councilmembers Stroozas and Reynolds to participate by phone.

LEWIS/ADERHOLD – 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 4:48 p.m. to discuss Fire Station Expansion Project. From 5:00 p.m. to 5:46 p.m. Council met as a Committee of the Whole to discuss Resolution 17-021 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 2.08.040.)

The following changes were made: **RECONSIDERATION - 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. Written public comments. **CONSENT AGENDA - 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. Amended Letter and Councilmember Aderhold comments. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Mayor Zak Juneau Trip Report; Councilmember Smith Juneau Trip Report; Letter to Senator Bishop from Mayor Zak, Re: Importance of Alaska Marine Highway System to coastal communities; **CITY MANAGER'S REPORT** - Written public comments on water services to Alaska Bible Institute. Maps on Bridge Creek lot for sale. **CITY ATTORNEY REPORT - Memorandum 17-037**, from City Attorney, Re: Certification of Petition for Recall Application.

Mayor Zak called for a motion to approve the agenda as amended.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Kelly Cooper, Kachemak City resident, asked that Resolution 17-014(S) be reconsidered and then voted down. It has not been vetted with Kachemak City, nor has there been public input.

Jack Cushing, former mayor and city resident, asked for reconsideration of Resolution 17-014(S) and that it be voted down. He cited a number of things Council should discuss before allowing water lines outside city limits.

Kevin Hogan, city resident, commented on Resolution 17-022. He submitted two applications for the fish pump, both were denied. For the last 30 years he has made an investment in the community and built infrastructure.

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.

Mayor Zak called for a motion to reconsider the vote on Resolution 17-014(S).

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

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

VOTE: NO. STROOZAS

Motion carried.

Councilmember Erickson stated a potential conflict of interest as she owns a lot in the area. Connecting to city water will cost her a lot of money, so she won't hook up.

City Attorney Wells advised Councilmember Erickson did not have a conflict of interest.

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.
- 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.
- C. **Memorandum 17-034** from Deputy City Clerk, Re: Liquor License Renewal for American Legion Post #16.

- 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.

Memorandum 17-038 from Port and Harbor Director as backup.

- 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.

Memorandum 17-043 from Port and Harbor Director as backup.

- 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.

Moved to Ordinances, Item A. Erickson.

- 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.

- 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).

Memorandum 17-039 from Deputy City Planner as backup.

- 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.

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

Moved to Resolutions, Item B. Aderhold.

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

Ordinance 17-15 moved to Ordinances, Item A. Erickson.

Resolution 17-023 moved to Resolutions, Item B. Aderhold.

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

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

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

- A. Borough Report

Kenai Peninsula Borough Assembly President Kelly Cooper reported the Assembly has filled the three vacant seats. Five assembly seats are up for election in October. Property assessments have been sent out. The deadline to appeal the assessment is March 31st.

Kachemak Board of Realtors and the Assessing Department will meet at a luncheon for a presentation from borough staff.

The Assembly approved an ordinance to start a highway corridor emergency service area. This will provide a more coordinated focus on emergency services where there is a gap in services. It is supported by borough emergency services personnel to find a better way to provide coordinated response services along the Seward and Sterling Highways. The traffic count on the unprotected stretches of Seward and Sterling Highways is between 3,000 to 4,000 vehicles per day; it is 3x that amount during summer peaks. A service area would allow for consistent and coordinated response to highway accidents instead of borrowing emergency service personnel from neighboring areas to fill a gap. It would be funded out of PILT (Payment in Lieu of Taxes) federal funds. Research will continue to analyze the cost per call, service area design, and timeline. They will seek public feedback before standing up the service area, along with another ordinance before the Assembly. They introduced a bill at the state level, will hold community meetings, and bring it to the Assembly for their permission to create the service area.

The annual land sale will be published in the newspaper and on the Borough's website. There are 21 parcels that will be published after March 21st. The Assembly will hold a public hearing on March 21st sponsored by Assemblyman Dunne to remove the invocation from the assembly agenda. The Borough annex will be open at 6:00 p.m. Tuesday for testimony on that ordinance only. Lastly, the Assembly is starting their budget process and on March 21st will have a joint meeting with the School Board.

Council asked if President Cooper would look into better cell service out East End Road in the dead spots.

B. Commissions/Board Reports:

1. Library Advisory Board

Sue Fallon, Library Advisory Board Member, reported on a comparison from 2015 to 2016 library statistics. Library usage has steadily increased with circulation up 15%, 869 new library cards, and 2,644 groups utilizing meeting and study rooms. Attendance is up 4%; internet sessions are up 8%, and program attendance is up 44%. The LAB has been tasked to look at revenue streams. They have held multiple worksessions, talked to the national library guru, and are preparing for a Worksession with City Council on May 8th to make their presentation.

2. Homer Advisory Planning Commission

Syverine Abrahamson, Planning Commissioner, provided a report on the commission's February 15th and March 1st meetings. On February 15th Matt Steffy, Homer Soil and Water Conservation District, presented on the Woodard Creek Watershed Plan. It a community project to promote health and safety of the watershed as a community asset. The commission reviewed the Greatland Street extension, auto sales in marine industrial district, and homeless shelters. The commission discussed the Transportation Plan with respect to the Greatland Street extension. The commission recommends not moving forward with the ordinance as written. If the Council moves forward, the commission recommends Option C as it follows the Transportation Plan to prevent traffic issues and provide for long-term planning. The commission failed a motion to add temporary auto sales to the list of permitted uses in the marine industrial district and to define temporary auto sales. They will need to hold a public hearing before resolving the issue. The commission has been reviewing current code provisions for temporary housing and homeless shelters. Planning Commission involvement includes designating buildings as hostels as an immediate solution to cold weather, and a CUP process for a longer term solution to create a homeless shelter or transitional services housed in one location. The Planning Department will compile more information, including an assessment of resources available in the community, and suitable buildings that fall into the current definition of a rooming house or hostel, without making a new definition. They will identify organizations who would volunteer for cost sharing, identify the best available information relating to homelessness in the city, and develop a permanent process for cold weather shelters.

3. Economic Development Advisory Commission

Karin Marks, Chair of the Economic Development Advisory Commission, provided a report on the commission's business. They have reviewed short and mid-term goals for 2017 and hosted two informal lunch gatherings for business owners. They are looking at creating a better business growth, simplifying the sign ordinance, and looking at the availability and possibility of broadband expansion. Their mid-level project is broader based for business interests. They have garnered a lot of good information. The EDC acknowledges the need for long-term projects to include space for gatherings to hold 200 to 500 people and a community center.

4. Parks Art Recreation and Culture Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

C. Councilmember Aderhold Juneau Trip Report

- D. City Manager Koester Juneau Trip Report
- E. Mayor Zak Juneau Trip Report
- F. Councilmember Smith Juneau Trip Report
- G. Letter to Senator Bishop from Mayor Zak, Re: Importance of Alaska Marine Highway System to coastal communities

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.

Mayor Zak opened the public hearing.

Coletta Walker, city resident, commented Soundview is the longest running residential street and people tend to speed on it. It is dangerous due to curves and bumps. Residents want three to four speed bumps.

Sarah Vance, city resident, asked that the project be completed quickly for the pedestrians, pets, and children. A stop sign at Mullikin and Soundview would help slow people down. People have become negligent in driving; they are not considerate in Homer.

Deb Lowney, city resident, commented the area with sidewalk becomes unsafe with busses, children on bikes, and pedestrians. She concurs that a stop sign is needed.

Brandy Super, city resident, supports Ordinance 17-08. The street is dangerous and very dark in the mornings. It is a school neighborhood corridor that needs a flashing light.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-08 by reading of title only for second and final reading.

LEWIS/ADERHOLD – SO MOVED.

Public Works Director Carey Meyer reported stop signs are installed when they are needed. They are anticipating signage, crosswalks, and speed humps. A portion of the project was initially funded by the HART Program; \$315,000 was for the sidewalks and \$40,000 was for safety improvements. The DOT grant reduces the City's cost to below \$200,000.

Flashing lights at the school are mostly the City's responsibility, but the school is a stakeholder in the decision. Mr. Meyer has already contacted the school principal to involve him and the community as a whole in the decision. There will be several neighborhood meetings. There is already some design completed and the survey has been completed. Mr. Meyer is fairly confident we can get the pedestrian safety improvements in place before the next school year. The new road off of West Hill would not be tied in. The master plan and rights of-way have established it as Fairview. There will be a stop sign at West Hill.

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

Motion carried.

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.

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

Councilmember Smith excused himself from participation due to a conflict of interest. His father works at Puffin Electric, the company that was awarded the bid for the wireless control system.

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

Mayor Zak called for a motion for the adoption of Ordinance 17-09 by reading of title only for second and final reading.

LEWIS/ADERHOLD – SO MOVED.

There was no discussion.

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

Motion carried.

Councilmember Smith returned to his seat at the dais.

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.

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.

Memorandum 17-044 from City Manager as backup.

Mayor Zak opened the public hearing.

Dave Brann, city resident, has concerns that the trail portion of HART will be used for general maintenance and that funds will disappear. Trails are needed, and maintenance of trails is needed.

Deb Lowney, city resident, thinks maintenance and repairs could consume the HART fund quickly. We have lots of pieces of trails that don't connect yet and are working hard to get connectivity. Handicapped access is difficult.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-10 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

Mayor Zak called for a motion to substitute Ordinance 17-10(S) for Ordinance 17-10.

LEWIS/ADERHOLD - SO MOVED.

City Manager Koester clarified the ordinance does not change the percentage of allocation of HART; it says the percentage allotted to trails can be used for trail maintenance.

The dedicated percentages to roads and trails will not change. Funds will be used for maintenance and there will be funds left for capital projects. It will free up general fund money without generating a new tax.

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

Motion carried.

ERICKSON/LEWIS – MOVED TO AMEND PROPOSITION 1 BY ADDING THE WORD “EXISTING” TO READ: AUTHORIZE THE USE OF REVENUE FROM THE 0.75% OF THE **EXISTING** CITY SALES TAX DEDICATED TO THE HOMER ACCELERATED ROADS AND TRAILS (H.A.R.T.) PROGRAM TO INCLUDE MAINTENANCE OF LOCAL ROADS AND TRAILS.

There was no discussion.

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

Motion carried.

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

Motion carried.

- 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.

Memorandum 17-031 from Public Works Director as backup.

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

Mayor Zak called for a motion for the adoption of Ordinance 17-11 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

If voters approve Proposition No. 1 this expenditure would be an eligible expense.

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

Motion carried.

- 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.

Mayor Zak opened the public hearing.

Joe Singleton, city resident, asked if the \$110,000 went to a bank account for the public safety building.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-12 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

City Manager Koester explained the funds will be transferred to the project account for the police station. Public Works Director Meyer will work with the task force who is tasked to provide recommendations for a police station. The previous Public Safety Building Review Committee completed their work.

Mayor Zak added we are just waiting for one more resident within city limits to submit an application for the task force before making appointments.

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

Motion carried.

ORDINANCE(S)

- A. **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.

Mayor Zak called for a motion for the adoption of Ordinance 17-15 for introduction and first reading by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

City Attorney Wells advised the Council the ordinance includes all the resolutions adopted pertaining to natural gas assessments.

Councilmember Erickson asked for the addition of a mid-year notice to people so that they can be prepared for the July assessment.

City Manager Koester clarified the ordinance gives more discretion to staff on late penalties. Any decision that staff makes is appealable to the Board of Adjustment.

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

Motion carried.

Mayor Zak called for a recess at 7:34 p.m. and reconvened the meeting at 7:45 p.m.

CITY MANAGER'S REPORT

A. City Manager's Report

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.

Council asked to add the purchase of the Bridge Creek parcel to the next agenda. The request for connection to city water by the Alaska Bible Institute was discussed at the Committee of the Whole. Council expressed displeasure at the vandalism and graffiti to the downtown restrooms. Police officers will be locking the downtown restrooms at 8:00 p.m. and the Parks

personnel will unlock the restrooms at 8:30 a.m. City Manager Koester will provide Council with the cost of cleaning the restrooms.

Mayor Zak announced City Manager Koester, Councilmember Erickson, and he went to the LNG reception in Kenai last weekend to represent Homer. Governor Walker and Lt. Governor Mallott were there along with many investors from Korea and Japan. The Alaska LNG group is working diligently to have a means of selling natural gas.

B. Bid Report

CITY ATTORNEY REPORT

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

City Attorney Wells said we have guidance and laws that provide direction on the recall petition process. It is an unclear area of law. There is a lot of ambiguity and not a lot of definition. The recall petition application process is a two-tiered process. The first part of the process is the filing of a recall petition application. When the application is filed, there is an assessment done by the clerk in determining to issue or not to issue a petition. Requirements are ten signatures by municipal voters, addresses, name of a sponsor, an alternate contact, and a statement of particularity regarding the allegations. That is the issuance process; that is the stage we are at now. The clerk is reviewing the application and if she finds that those three criteria have been met, she is mandated to issue the petition.

The clerk then drafts the petition with specific requirements of what goes into the petition. She is preparing petitions with the statement of particularity as made and what needs to be included with signatures and notice.

The next stage is that the recall petition sponsors will circulate the petition if issued. It will come back with the required amount of signatures; that is 25% of the votes cast in the last regular election for that office. Once signatures are secured the petition must be filed within 180 days of the official's last day of their term in office.

We have a recall petition application filed for three councilmembers. The dates of the last day of office are different for Councilmember Aderhold. If the signatures are secured they can be submitted. If the signatures are insufficient there is the ability to supplement the petition, but it all has to be done within 180 days of the councilmember's last day of office. At that time the clerk goes into a second review. It is still primarily a technical review. The determination will be if the signatures provided are sufficient, they meet the requirements, they have the additional information that is necessary, and the statement and the grounds for the recall petition are sufficient. If sufficient, we will move into a recall election process.

If there is a recall election it would be a special election. Voters will be looking at a ballot proposition if the councilmember should be recalled, along with a 200 word statement by the official subject to recall. The official would be defending or responding to the basis for recall. That is the only formal response that is afforded in municipal process.

A petition must be filed by April 11th for Councilmembers Lewis and Reynolds. Generally the petitioners would have 60 days to circulate and gather signatures. Because the 60-day time frame runs up against the 180-day time requirement, that time to circulate the petition for signatures will be shortened and require the petition to be circulated by April 11th (within 180 days of Councilmembers Lewis and Reynolds last day in office). This does not hold true for Councilmember Aderhold since she has an additional year on her term.

City Attorney Wells has advised councilmembers subject to recall that it is not appropriate to engage in discussion. If the petition is issued by the clerk we are in an election process. For them to engage in discussion while they sit as councilmembers would be questionable. Although it is possible to have two separate recall elections, it is highly unlikely.

COMMITTEE REPORT

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

Councilmember Aderhold reported the committee met last week and had Ann Dixon as a guest. They talked about potential ADA issues at the library. The library has a wheelchair available for use if you ask at the front desk. The committee discussed the schedule for getting started with the evaluation of city buildings. They are hoping to begin on March 21 and will start with City Hall. They now have a full committee.

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.

Mayor Zak called for a motion for the adoption of Resolution 17-014(S) by reading of title only.

STROOZAS/SMITH - SO MOVED.

Councilmember Stroozas has heard from people about why we shouldn't do this. It does not advocate any annexation for the Kachemak City folks. It is currently stranded infrastructure that provides options to property owners north of East End Road to hook up to city water. Councilmember Erickson said she would not hook up due to the cost. If there are people in Kachemak City on the north side of East End Road and they want to pay the fee they should allow them to hook up. This recovers the stranded infrastructure; there is nothing negative about the resolution. It advocates good common sense government and we all want to work towards good common sense government. We have an opportunity to maximize the infrastructure that has been stranded since 2004.

City Attorney Wells advised the Council that their previous ruling that Councilmember Erickson is allowed to participate stands.

Councilmember Aderhold voted against the resolution at the last meeting. The reasons that Jack Cushing brought forward are the reasons why she voted against the resolution. Past councils have spent a lot of time on the matter and we need to honor their concerns. If Kachemak City is not on board we would need to postpone until we have conversation with Kachemak City and they have expressed interest. Outside of our zoning we have no control of what goes into these large lots and how much water is used. If businesses go on those lots they will be competing with ours. We need to prioritize Homer residents with water services.

Councilmember Smith will be voting no because we haven't talked to Kachemak City. With more homework and input from all parties we can get there. The idea that water service will create annex-ability is just to create fear; it is not part of the conversation. We want to include Council and residents of Kachemak City to address their concerns before going ahead. We could put limitations on main extensions and spaghetti lines.

Councilmember Erickson agrees it is important to have the conversation with Kachemak City.

STROOZAS/SMITH - MOVED TO POSTPONE RESOLUTION 17-014(S) UNTIL THE FIRST CITY COUNCIL MEETING IN MAY 2017.

There was no discussion.

VOTE: (postponement) YES. ERICKSON, STROOZAS, SMITH

VOTE: NO. LEWIS, REYNOLDS, ADERHOLD

Mayor Zak broke the tie vote with a NO.

Motion failed.

VOTE: (main motion) YES. STROOZAS

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

Motion failed.

- 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.

Memorandum 17-019 from Public Works Director as backup.

Memorandum 17-041 from City Planner as backup.

Motion on the floor from January 23: MOTION FOR THE ADOPTION OF ORDINANCE 17-05(A) FOR INTRODUCTION AND FIRST READING BY READING OF TITLE ONLY.

Mayor Zak called for a motion to postpone to March 28, 2017 for public hearing and second reading.

LEWIS/ADERHOLD – SO MOVED.

Councilmember Smith commented we have a Transportation Plan, but are not bound by it. To accommodate the plan is not in the best interest of the City. For the connectivity between the short span, he is not sure he agrees with the Bartlett extension of Options B or C as it creates more congestion. He is in favor of Option A to open up the lots and increase their value for tax revenues. It is beneficial to the City.

Asked by Councilmember Erickson if the property owners on Option A were contacted, City Manager Koester answered there is a process for a special assessment district (SAD) for Council to initiate one by resolution. The majority owner of parcels in the district would have a lot of say.

Councilmember Stroozas commented the Transportation Plan is just a plan and plans can change for a variety of reasons. It is all about the dollar and Option A is the best option.

Councilmember Aderhold commented the Planning Department relies on plans and we need to respect the staff and the Planning Commission.

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

Motion carried.

- 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.

Memorandum 17-042 from City Planner as backup.

Motion on the floor from January 23: MOTION FOR THE ADOPTION OF ORDINANCE 17-07(S) FOR INTRODUCTION AND FIRST READING BY READING OF TITLE ONLY.

Mayor Zak called for a motion to postpone to March 28, 2017 for Public Hearing and Second Reading.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

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

Motion carried.

- 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.

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

Motion on the floor from December 5, 2016: MOTION FOR THE ADOPTION OF RESOLUTION 16-133.

Councilmember Lewis supports the purchase of the property. Any land to improve and enlarge the park is to our advantage.

Councilmember Smith wants to make sure we are spending money in the best place possible.

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

VOTE: NO. SMITH

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **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.

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

Councilmember Smith recused himself due to his father's employment with Puffin Electric, Inc. and vacated his seat at the dais.

Mayor Zak called for a motion for the adoption of Resolution 17-023 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

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

Motion carried.

Councilmember Smith returned to his seat at the dais.

- B. **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.

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

ERICKSON/LEWIS – MOVED TO POSTPONE RESOLUTION 17-022 TO AN EXECUTIVE SESSION TO DISCUSS THE CONFIDENTIAL RFPS ON MARCH 28.

There was no discussion.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Sarah Vance, city resident, commented on Ordinance 17-07(S). It is placing a lot of responsibility and power over one person, and that raises concern. She questioned the cost of a hearing officer in comparison to the Board of Adjustment. She commented on the graffiti in the restrooms and suggested posting a sign on the restrooms to tell people where they can go for shelter.

Pamela Hall, city resident, asked for reconsideration of Ordinance 17-07(S). She prefers a board instead of one person.

Tenise Latham, Homer resident, asked for reconsideration of Ordinance 17-07(S). She commented on the recall of council members and the deception of making Homer a sanctuary city. She asked for their resignations.

Larry Zuccaro, city resident, told Council that Ordinance 17-07(S) needs to be reconsidered. He doesn't think the public fully understands what is going on. He spent all weekend reading the emails of the councilmembers and is disgusted.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson clarified Ordinance 17-07(S) has not yet been adopted. A public hearing and second reading is scheduled for March 28, 2017.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Zak asked whoever is damaging the bathrooms needs to stop doing it. The bathrooms will need to be closed down in the evenings. He feels sorry for the person that has to clean them up and thanks them for that. March 19th is the Homer Winter King Salmon Tournament. There will be a lot of people in town fishing and the opportunity to go out on the Spit and participate in the largest fund raiser for the Homer Chamber of Commerce. They do a lot to publicize our community. He asked people to welcome the visitors and show them a good time.

COMMENTS OF THE CITY COUNCIL

Councilmember Reynolds thanked Council for being able to participate telephonically. The Winter King Salmon Tournament should be interesting with the ice. The Big Fat Bike Festival is also happening next weekend.

Councilmember Stroozas hopes the Chamber can pull off the Winter King Salmon Tournament with the ice situation. Tomorrow will be a big decision when the group meets with the harbormaster to see what the plans are. We try to always advocate good common sense government. Tonight this council failed terribly and did not demonstrate it on Resolution 17-014(S). For that he apologized to the public on behalf of the body.

Councilmember Lewis had no comments.

Councilmember Smith said with all due respect Councilmember Stroozas does not need to apologize for him. It is good common sense government that we engage all parties before we move, especially when it has to do with another government body. That is a prudent path forward. He is disappointed that we did not allow for a period of time to do the homework. There was an opportunity that we should have given to do the homework and to get the other answers in place and the concerns addressed. He thanked the public for showing up and testifying and being part of the process. It is important and essential to keep us in check.

Ordinance 17-07(S) will be on the agenda at the next meeting and public testimony will be taken. He appreciates the opportunity to serve.

Councilmember Aderhold commented on Saturday the Kachemak Nordic Ski Club had the ski marathon, the first in a number of years. It was able to take place with the wonderful snow. She heard that the trail conditions were good. She was not on the trail, but at the finish line. Many thanks to the groomers who spent a lot of time putting the trail in place. There were about 100 people that entered the event. About half of those came from outside of Homer. It is a great event for our economy. The age range was from 14 to 70. It is a family-friendly event. She thanked Kachemak Nordic Ski Club for putting the event on and thanked the 50 volunteers that participated.

Councilmember Erickson appreciates getting to attend the LNG reception in Kenai and meeting different people in state government. The sun is shining, it's March and a wonderful time to get outside and do stuff. She encouraged everyone to get outside.

ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:55 p.m. The 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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 17-050

TO: HOMER CITY COUNCIL
FROM: BRYAN ZAK, MAYOR
DATE: MARCH 22, 2017
SUBJECT: APPOINTMENT OF HANNAH VANCE TO THE LIBRARY ADVISORY BOARD; DEBRA LOWNEY, VICKI LOWE, JOSH GARVEY, COLETTA WALKER, AND DANIEL WEATHERLY TO THE POLICE STATION BUILDING TASK FORCE

Hannah Vance is appointed to the Library Advisory Board as their student representative.

Appointments to the Police Station Building Task Force include Debra Lowney, Vicki Lowe, Josh Garvey, Coletta Walker, and Daniel Weatherly.

RECOMMENDATION:

Confirm the appointments of Hannah Vance to the Library Advisory Board; Debra Lowney, Vicki Lowe, Josh Garvey, Coletta Walker, and Daniel Weatherly to the Police Station Building Task Force.

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**

MAR 15 2017 PM 03:27 *pk*

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: Hannah Vance Date: 03/14/17

Physical Address: 3829 Forest Glen Dr.

Mailing Address: PO box1544

Phone #: (907)299-7368 Cell #: _____ Work #: _____

Email Address: renu@gci.net

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.

ADVISORY PLANNING COMMISSION
1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM
WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
2ND TUESDAY OF THE MONTH AT 6:00 PM

PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
3RD THURSDAY OF THE MONTH AT 5:30 PM
NO MEETINGS IN JANUARY, JULY & DECEMBER

CANNABIS ADVISORY COMMISSION
4TH THURSDAY OF THE MONTH AT 5:30 PM

PORT & HARBOR ADVISORY COMMISSION
4th WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM

LIBRARY ADVISORY BOARD
1ST TUESDAY OF THE MONTH AT 5:30 PM
NO MEETINGS IN JANUARY, JUNE AND JULY

OTHER - PLEASE INDICATE

CITY COUNCIL
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 7 years. I have been a resident of the area for 7 years.

I am presently employed at Harbor School of Music and Dance

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

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

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

So I can help the community and so I have the expirience.

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

Homer Public Library, Relay for Life, Homer Connections

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:

I am a 8th grade Connections Student.

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 or fax to 907-235-3143. Thank you for applying!



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

FEB 21 2017 AM 10:32 Rk

Name: Debra Lowney Date: 2/21/17

Physical Address: 350 Woodside Ave

Mailing Address: PO Box 1445

Phone #: 235-6154 Cell #: 299-0344 Work #: _____

Email Address: dlowney@acsalaska.net

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.

ADVISORY PLANNING COMMISSION
1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM
WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM

PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
3RD THURSDAY OF THE MONTH AT 5:30 PM

PORT & HARBOR ADVISORY COMMISSION
3RD WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM

PUBLIC ARTS COMMITTEE
2ND THURSDAY OF THE MONTH AT 5:00 P.M.
FEB, MAY, AUGUST & NOVEMBER
WORKSESSIONS PRIOR AT 4:00 PM

CITY COUNCIL
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

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
2ND TUESDAY OF THE MONTH AT 6:00 PM

CANNABIS ADVISORY COMMISSION
4TH THURSDAY OF THE MONTH AT 5:30 PM

LIBRARY ADVISORY BOARD
1ST TUESDAY OF THE MONTH AT 5:30 PM

OTHER - PLEASE INDICATE
Police Station Bldg Task Force

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

I am presently employed at _____

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

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

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

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 or fax to 907-235-3143. Thank you for applying!



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

MAR 13 2017

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: Vicki Lowe Date: 03/10/17

Physical Address: 710 Ridgeway Court

Mailing Address: 710 Ridgeway Court, Homer, AK 99603

Phone #: 907-299-3360 Cell #: _____ Work #: 907-235-4600

Email Address: villg@rocketmail.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.

ADVISORY PLANNING COMMISSION
1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM
WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
2ND TUESDAY OF THE MONTH AT 6:00 PM

PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
3RD THURSDAY OF THE MONTH AT 5:30 PM

CANNABIS ADVISORY COMMISSION
4TH THURSDAY OF THE MONTH AT 5:30 PM

PORT & HARBOR ADVISORY COMMISSION
3RD WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM

LIBRARY ADVISORY BOARD
1ST TUESDAY OF THE MONTH AT 5:30 PM

PUBLIC ARTS COMMITTEE
2ND THURSDAY OF THE MONTH AT 5:00 P.M.
FEB, MAY, AUGUST & NOVEMBER
WORKSESSIONS PRIOR AT 4:00 PM

OTHER - PLEASE INDICATE

Police Station Task Force

CITY COUNCIL
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 5 years. I have been a resident of the area for 19 years.

I am presently employed at Homer High School

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

I have been in public service for 20 years and understand that safety is paramount to the

workings of any successful community or institution. I have objectivity and diplomatic skills,

which allow me to work respectfully and productively with all members of the public.

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

Yes, I served on the Homer Demonstration Forest Steering Committee for a few years about a decade

I also served on the Homer Hockey board for three years (2013-2015).

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

As a mother, community member and public educator, I have a dedicated interest helping the

City of Homer get this new police station built.

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 you 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:

I have the critical thinking skills and creativity necessary to help move this task force forward.

I hope to bring balance to the committee with the unique perspectives that I have. Thank you
for the opportunity to participate in this process.

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 or fax to 907-235-3143. Thank you for applying!

Published on *City of Homer Alaska Official Website* (<http://www.cityofhomer-ak.gov>)

[Home](#) > [Application for Appointment to an Advisory Body](#) > [Webform results](#) > Application for Appointment to an Advisory Body

Submission information

Form: [Application for Appointment to an Advisory Body](#)
Submitted by Visitor (not verified)
Tuesday, March 14, 2017 - 1:06pm
104.254.227.62

Applicant Information

Name

Josh Garvey

Physical Address

4037 Mattox Rd

Mailing Address

4037 Mattox Rd

Email

joshua_garvey@hotmail.com

Phone

907-299-4577

Please select the bodies you are interested in serving on

Advisory Bodies

Other: Please indicate

Other - Please Describe

Police Building Advisory Task Force

I have been a resident of the city for

25+ years

I have been a resident of the area for

25+ years

Special Training & Education

Master in Accounting and Finance

Prior Service

None

Why are you interested?

This is an important project for our community and I want to serve in researching, vetting, and proposing a plan for the Council that will garner community wide support and buy-in.

Other memberships

None

Additional related information

Finish

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

Source URL: <http://www.cityofhomer-ak.gov/node/9051/submission/6131>



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

MAR 14 2017
J

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: Coletta Walker Date: March 13, 2017

Physical Address: 664 Soundview Ave

Mailing Address: PO Box 1544

Phone #: 2352483 Cell #: 299-2992 Work #: 2352483

Email Address: bearpatch@ak.net

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.

ADVISORY PLANNING COMMISSION
1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM
WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
2ND TUESDAY OF THE MONTH AT 6:00 PM

PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
3RD THURSDAY OF THE MONTH AT 5:30 PM
NO MEETINGS IN JANUARY, JULY & DECEMBER

CANNABIS ADVISORY COMMISSION
4TH THURSDAY OF THE MONTH AT 5:30 PM

PORT & HARBOR ADVISORY COMMISSION
4th WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM

LIBRARY ADVISORY BOARD
1ST TUESDAY OF THE MONTH AT 5:30 PM
NO MEETINGS IN JANUARY, JUNE AND JULY

OTHER - PLEASE INDICATE
Police Station Building Task Force

CITY COUNCIL
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 27 years. I have been a resident of the area for ____ years.

I am presently employed at self

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

I am concerned about a proper facility for processing criminals in Homer. I desire to ensure the safety of our officers/personnel and maintaining a tight budget while staying within guidelines.

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?

Refer to above comment.

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

None

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:

I care about our community!

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 or fax to 907-235-3143. Thank you for applying!



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: DANIEL WBATHERLY Date: 14 FEB 2017

Physical Address: 3866 LYRIC CIRCLE, MILE 7 OLD STERLING

Mailing Address: P.O. Box 1018 HOMER, ALASKA 99603.1018

Phone #: 2356770 Cell #: 399.4314 Work #: _____

Email Address: dbwxy@hotmail.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"/> ADVISORY PLANNING COMMISSION 1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM	<input type="checkbox"/> ECONOMIC DEVELOPMENT ADVISORY COMMISSION 2ND TUESDAY OF THE MONTH AT 6:00 PM
<input type="checkbox"/> PARKS ART RECREATION & CULTURE ADVISORY COMMISSION 3RD THURSDAY OF THE MONTH AT 5:30 PM	<input type="checkbox"/> CANNABIS ADVISORY COMMISSION 4TH THURSDAY OF THE MONTH AT 5:30 PM
<input type="checkbox"/> PORT & HARBOR ADVISORY COMMISSION 3RD WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 PM MAY - SEPT AT 6:00 PM	<input type="checkbox"/> LIBRARY ADVISORY BOARD 1ST TUESDAY OF THE MONTH AT 5:30 PM
<input type="checkbox"/> PUBLIC ARTS COMMITTEE 2ND THURSDAY OF THE MONTH AT 5:00 P.M. FEB, MAY, AUGUST & NOVEMBER WORKSESSIONS PRIOR AT 4:00 PM	<input checked="" type="checkbox"/> OTHER - PLEASE INDICATE <u>PUBLIC SAFETY BUILDING - REPRESENTATIVE OUTSIDE CITY LIMITS.</u>
<input type="checkbox"/> CITY COUNCIL 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 0 years. I have been a resident of the area for 33 years.

I am presently employed at RETIRED

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

WAS A MEMBER OF STATE TROOPERS FOR 22 YEARS. STATIONED IN HOMER AS POST SUPERVISOR FOR 15 YEARS. FAMILIAR WITH THE AREA OF KACHEMAK BAY & KENAI PENINSULA. UPON RETIREMENT I WORKED 3 YEARS FOR HOMER P.D. IN PATROL & JAIL STAFF. HOLD

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

SOUTH PENINSULA MENTAL HEALTH OPERATING BOARD, FROM 1989 TO 1996 (APPROXIMATELY).

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

I THINK I MAY ADD TO THE COMMITTEE FROM BOTH A RESIDENT & LAW ENFORCEMENT PERSPECTIVE. TO GIVE SERVICE BACK TO THE COMMUNITY.

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

NONE.

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:

I HOLD AN ADVANCE CERTIFICATE FROM ALASKA POLICE STANDARDS COUNCIL. 1800 HOURS IN LAW ENFORCEMENT TRAINING. 99 CREDIT HOURS TOWARDS A BACHELOR DEGREE. FOR 15 YEARS I WORKED IN THE PRIVATE SECTOR AND HAVE AN APPRECIATION FOR PRIVATE/PUBLIC COOPERATION IN MAKING A COMMUNITY FUNCTIONING & VITAL

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 or fax to 907-235-3143. Thank you for applying!



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 17-047

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.

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-16

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 5.24.020 to Identify Lighted Free-Floating Luminaries as Fireworks and Prohibit the Sale and Use of these Luminaries within the Corporate City Limits of Homer.

Sponsor: City Manager/Fire Chief

1. Council Regular Meeting March 28, 2017 Introduction

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

3 City Manager/
4 Fire Chief

5 **ORDINANCE 17-16**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 5.24.020 TO IDENTIFY LIGHTED
9 FREE-FLOATING LUMINARIES AS FIREWORKS AND PROHIBIT THE
10 SALE AND USE OF THESE LUMINARIES WITHIN THE CORPORATE
11 CITY LIMITS OF HOMER.

12
13 WHEREAS, The use of lighted free-floating luminaries (“Floating Luminaries”) involves
14 an open flame device for purposes of creating lift, and Floating Luminaries are generally
15 constructed of combustible materials; and

16
17 WHEREAS, Floating Luminaries are uncontrolled once released and may reach an
18 altitude of several thousand feet, potentially interfering with aircraft, or posing a distraction to
19 pilots; and

20
21 WHEREAS, Floating Luminaries descend randomly and, as a result, may come into
22 contact with other combustible materials, causing fire or creating a public nuisance.

23
24 NOW THEREFORE, The City of Homer Ordains:

25
26 Section 1. Section 5.24.020 is amended to read as follows:

27
28 5.24.020 Fireworks defined.

29
30 In this chapter, “fireworks” includes any combustible or explosive composition or any
31 substance or combination of substances or article prepared for the purpose of
32 producing a visible or an audible effect by combustion, explosion, deflagration or
33 detonation, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy
34 guns in which explosives are used, balloons which require explosive propellant,
35 firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, or other fireworks
36 of like construction, which contain any explosives or flammable compound, or any
37 tablets or other device containing any explosive substance, except that the term
38 “fireworks” shall not include sparklers, toy pistols, toy canes, toy guns or other devices
39 in which paper caps, manufactured and shipped in accordance with the United States
40 Interstate Commerce Commission regulations regarding such caps, are used, the sale
41 and use of which shall be permitted at all times. **For the purposes of this chapter,**
42 **“fireworks” includes lighted free-floating luminaries that use heat from**

43 **combustion for lift, excluding piloted balloons, otherwise known as sky lanterns,**
44 **Chinese lanterns, paper lanterns and celebration lanterns.** The discharge of
45 firearms as permitted by City ordinance shall not be a violation of this chapter.

46
47 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

48
49 Section 3. This ordinance is of a permanent and general character and shall be included
50 in the City Code.

51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2017.

53
54
55 CITY OF HOMER

56
57
58 _____
59 BRYAN ZAK, MAYOR

60
61 ATTEST:

62
63
64 _____
65 JO JOHNSON, MMC, CITY CLERK

66
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68 YES:
69 NO:
70 ABSTAIN:
71 ABSENT:

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76 First Reading:
77 Public Hearing:
78 Second Reading:
79 Effective Date:

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Reviewed and approved as to form:

Mary K. Koester, City Manager

Date: _____

Holly C. Wells, City Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-17

An Ordinance Of The City Council of Homer, Alaska Amending Homer City Code 2.04.030 to Remove the Prohibition on the City Manager and City Employees from Securing or Contributing Money Towards the Nomination or Election of a Candidate for a Municipal Office, and Amending Homer City Code 4.10.050 to Prohibit Candidates for Municipal Office from Accepting or Soliciting Campaign Contributions from City Employees or the City Manager.

Sponsor: Smith

1. Council Regular Meeting March 28, 2017 Introduction

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

3 Smith

4 **ORDINANCE 17-17**

5
6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING
8 HOMER CITY CODE 2.04.030 TO REMOVE THE PROHIBITION ON THE CITY
9 MANAGER AND CITY EMPLOYEES FROM SECURING OR CONTRIBUTING
10 MONEY TOWARDS THE NOMINATION OR ELECTION OF A CANDIDATE FOR
11 A MUNICIPAL OFFICE, AND AMENDING HOMER CITY CODE 4.10.050 TO
12 PROHIBIT CANDIDATES FOR MUNICIPAL OFFICE FROM ACCEPTING OR
13 SOLICITING CAMPAIGN CONTRIBUTIONS FROM CITY EMPLOYEES OR THE
14 CITY MANAGER.
15

16
17 WHEREAS, it is in the best interest of the City of Homer's ("City") residents to ensure
18 that the City administration and its staff is not subject or vulnerable to undue influence or
19 financial expectations from candidates for local office or elected City officials; but
20

21 WHEREAS, it is in the best interests to permit City administration and its staff to
22 participate freely in the local election and campaign process in a manner that does not
23 compromise the integrity of local government or the relationship between the City
24 administration and its staff and the governing body,
25

26 NOW THEREFORE, The City of Homer Ordains:
27

28 Section 1: Section 2.04.030, Interference in administration and elections, is amended to
29 read as follows:
30

31 No member of the Council shall directly or indirectly, by suggestion or otherwise,
32 attempt to influence or coerce the Manager in the making of any appointment or
33 removal of any officer or employee or in the purchase of supplies, or attempt to exact
34 any promise relative to any appointment from any candidate for Manager; or discuss
35 directly or indirectly with him the matter of any specific appointment to any City office
36 or employment, or to give orders directly to any officer or employee or to deal with the
37 Manager individually and not by the Council as a body. Nothing in this section shall be
38 construed, however, as prohibiting the Council while in open session from fully and
39 freely discussing with or suggesting to the Manager anything pertaining to City affairs
40 or the interests of the City. ~~Neither the Manager nor any person in the employ of the City
41 shall take part in securing or contributing any money toward the nomination or election
42 of any candidate for a municipal office.~~

[Bold and underlined added.] Deleted language stricken through

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Section 2: Section 4.10.050, Prohibitions, is amended to read as follows:

- a. A person may not serve simultaneously as Mayor, Council member, Commissioner or member of the Library Advisory Board.
- b. No elected municipal official may hold any other municipal office, or municipal employment or elected position in the State or Federal government while in office.
- c. A person elected or appointed to the office of City Mayor or City Council member may not be a candidate for another elected City office or for another term for the same City office, except as follows:
 - 1. A person holding such City office may be a candidate for election to the same or a different City office during the last year of the person’s term of office; and
 - 2. A person who resigned from the office of City Mayor or City Council may be a candidate for the same City office only during or after the last year of the term from which the person resigned; and
 - 3. At any time a person may be a candidate for the office of City Mayor while simultaneously serving as a City Council member, but if elected such person must resign the office of City Council prior to assuming the office of Mayor.
- d. **A candidate for municipal office who has complied with HCC 4.10.010 may not solicit or accept a financial contribution from the City Manager or an employee of the City.**

Section 3: This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

85 ATTEST:

86

87

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89 _____
JO JOHNSON, MMC, CITY CLERK

90

91

92 AYES:

93 NOES:

94 ABSTAIN:

95 ABSENT:

96

97

98 First Reading:

99 Public Hearing:

100 Second Reading:

101 Effective Date:

102

103

104 Reviewed and approved as to form:

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106

107

108 _____
Mary K. Koester, City Manager

109

110 Date: _____

Holly Wells, City Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-18

An Ordinance of the City Council of Homer, Appropriating Funds in the Amount of \$5,000 from the General Fund Balance and Authorizing the use of Limited Staff Time and City Equipment for Public Information on the Ballot Proposition Including Without Limitation Information that may Influence the Outcome of the Election on the Proposition.

Sponsor: City Manager

1. Council Regular Meeting March 28, 2017 Introduction

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 17-18

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, APPROPRIATING FUNDS IN THE AMOUNT OF \$5,000 FROM THE GENERAL FUND BALANCE AND AUTHORIZING THE USE OF LIMITED STAFF TIME AND CITY EQUIPMENT FOR PUBLIC INFORMATION ON THE BALLOT PROPOSITION INCLUDING WITHOUT LIMITATION INFORMATION THAT MAY INFLUENCE THE OUTCOME OF THE ELECTION ON THE PROPOSITION.

WHEREAS, Ordinance 17-10(S)(A) submits a ballot question to the voters at the October 3, 2017 regular election inquiring whether to amend the Homer Accelerated Roads and Trails (HART) Program to authorize the use of revenues from the three quarters percent (¾%) sales tax levied to support the HART Program for the use of road and trail maintenance; and

WHEREAS, It is the Council’s duty and desire to ensure that all City voters are aware of the impact of amending HART to include maintenance on revenues for general government purposes and the prioritization of transportation infrastructure as an essential City service; and

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

WHEREAS, The Alaska Public Office Commission (“APOC”), which enforces AS 15.13.145, has interpreted nonpartisan information permitted under AS 15.13.145(c)(2) very narrowly, so that the City cannot inform the public fully about the effects of the ballot proposition to add maintenance of local roads and trails to the eligible expenses under the HART Program without including information that APOC would likely categorize as influencing the outcome of the election on the ballot proposition.

NOW THEREFORE, The City of Homer Ordains:

Section 1. The FY 2017 Operating budget is hereby amended by appropriating \$5,000 from General Fund Balance to provide public information on the ballot proposition to amend the Homer Accelerated Roads and Trails (HART) Program to authorize the use of revenues from the ¾% sales tax levied to support the HART Program for the use of road and trail maintenance (ballot proposition 1), including without limitation information that may influence the outcome of the election on the proposition, as follows:

Account No.	Description:	Amount:
100-0101-5240	Public Information on Ballot Proposition	\$5,000



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 17-052

TO: Mayor and City Council Members
FROM: Jenny Carroll, Special Projects & Communications Coordinator
THROUGH: Katie Koester, City Manager
DATE: March 21, 2017
SUBJECT: Prop 1 Public Outreach Plan

The purpose of this memo is to provide an outline of the components of the Prop 1 public information campaign, the budget for which will not exceed \$5,000. The information campaign will reach out to voters to inform them about the proposal to add road and trail maintenance as an allowable HART fund expenditure, its impact on Homer's transportation infrastructure, and the fiscal impact expanding eligible HART expenditures would have on the general fund.

Outreach components will include at a minimum:

Print media

- Postcard mailed to City of Homer residents;
- Display ads in two local newspapers;
- Informational fliers.

Radio

- 30-second informational spots aired on KBBI Public Radio and area commercial radio stations.

Digital media

- Banner display ads on local newspapers' websites;
- Feature article(s) on the City's website.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 17-025

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ACKNOWLEDGING THE MARCH 2017 SURPLUS EQUIPMENT BID
RESULTS.

WHEREAS, a Surplus Personal Property Sale was conducted in accordance with Homer
City Code 18.30; and

WHEREAS, The March 2017 Surplus Equipment Sale Invitation to Bid was advertised
in the Homer News March 2 and March 9, 2017 and posted on the City of Homer website; and

WHEREAS, Sealed bids were due by 3:00 p.m. on Thursday, March 16, 2017; and

WHEREAS, There were 110 items on the surplus equipment list; and

WHEREAS, 24 bidders submitted a total of 119 bids on 108 of the items available for
sale; and

WHEREAS, The City Manager shall reevaluate the value of the items not bid upon and if
found to meet the criteria of Homer City Code 18.30.040, the City Manager may authorize the
disposal of items through non-competitive bidding.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
acknowledges the surplus equipment bid results, attached as Exhibit A.

PASSED AND ADOPTED by the Homer City Council this 28th day of March, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Impact: Cost of Advertising and processing bids. Generated \$6,874.65 distributed to the
appropriate accounts.

CORRECTED

CITY OF HOMER 2017 MARCH SURPLUS EQUIPMENT SALE BID RESULTS

ITEM #	NAME	DESCRIPTION	MIN BID	BIDS RECEIVED										
PH 01	Boat Trailer (15-9)	Tandem Axle, 23' Homemade, Steel Tube Frame, (No Plate)	\$100.00	Griswold \$6	Hoyt \$107									
PH 02	Boat Trailer (15-8)	Single Axle, 18' Homemade, Steel Tube Frame (No Plate)	\$100.00	NO Bids Received										
PH 03	Boat Trailer (15-35)	Single Axle, 19' EZ Loader, Galvanized (3428 PY)	\$100.00	Griswold \$106	Dash \$109	Hoyt \$150	Kennedy \$102.88	Jones \$180						
PH 04	Boat Trailer (15-55)	Tandem Axle, 24' Homemade, Steel Tube Frame, (No Plate)	\$100.00	NO Bids Received										
PH 05	Pick Up Truck (421)	1985 Chevy C-10 4X4, Regular Cab, Single Axle, Flatbed (License XXS 612)	Make Offer	Hickman \$150	Hutt \$23	Kennedy \$102.88	Brown \$42.11							
PH 06	Pick Up Truck (423)	1993 Chevy 3500 4X4 Crew Cab, Dual Axle, Flatbed (XXS 635)	Make Offer	Hickman \$150	Box \$1411.00	Welty \$351	Zelinski \$130	Kennedy \$511.88	Brown \$358.58					
PH 07	Shed Building	8'LX6'WX8'H T1-11Wood Building, Set On Floats	Make Offer	Ainsworth \$201.22	Kennedy \$218.88	Hoyt \$350								
PH 08	Ice Delivery system	Pneumatic ice delivery system, blower and motor, rotary valve, heat exchanger, diverter valves, 330' aluminum 5" pipe, 20' aluminum 6" pipe, assorted fittings, etc.	Make Offer	Hoyt \$400	Kennedy \$111.88									
PH 09	Shackles & Bull Rings	4 each, 2"-3" Diameter Stock Shackles, 2 each, 2"-3" Diameter Bull Rings	Make Offer	Kennedy \$2.88										

CORRECTED CITY OF HOMER 2017 MARCH SURPLUS EQUIPMENT SALE BID RESULTS

ITEM #	NAME	DESCRIPTION	MIN BID	BIDS RECEIVED																
PH 10	Electrical Service Stand	10 each, Sangamo Watt/Hour Meter, CL200, 240V, 3-Wire, Type J4s, 30 & 50 Amp Receptacles, Set On 4' Steel Stands	Make Offer	Boyd \$50	Kennedy \$2.88															
PH 11	Electrical Service Stand	4 each, Shallbetter 100 Amp, 208V, Type 3R Enclosure, 60 Amp Receptacle, Set on 56" Tall, 6" Square Galv. Tube	Make Offer	Kennedy \$2.88																
PH 12	Cooler	Coleman Cooler, 50 Quart, Used	Make Offer	Kennedy \$2.88																
PH 13	Portable Fuel Tank	6 Gallon Marine Gas Tank, Used	Make Offer	Kennedy \$1.88																
PH 14	Dinghy	7' Sportyak II, Plastic Dinghy (No Registration #s)	Make Offer	Dash \$41	McMillan \$52	K. Glidden \$32.50	Kennedy \$2.88													
PH 15	Crane Controls	Hydraulic Control Valve Bank, 4 Functions, 2-Way Valves	Make Offer	Kennedy \$1.88																
PH 16	Electrical Cabinet	Square D, Twin 200 Amp Service, 4'HX3'W,1'D	Make Offer	A. Glidden \$26	Kennedy \$2.88	Brown \$44.44														
PH 17	Bouy/Float	Anshin Buoy/Float 3' LX2' dia.	Make Offer	Dash \$20	Kennedy \$5.88															
PH 18	Life Raft	Viking, 4 person	Make Offer	Dash \$101	Box \$11	K. Glidden \$21.50	Kennedy \$21.88	Riley \$25												
PH 19	Light Fixtures & Bulbs	6 each, Halophane 1000 Watt Metal Halide Overhead Light Fixtures	Make Offer	Kennedy \$1.88																
PH 20	Loader Tires	2 each, 405/70 R 20, 40" diameter, 15" wide tread, Damaged Side Walls	Make Offer	A Glidden \$10.00	Kennedy \$1.88															

ITEM #	NAME	DESCRIPTION	MIN BID	BIDS RECEIVED												
PH 21	Fishing Rod & Reel	7' Shimano TDR 12-25lb. Pole, Penn No. 209 Reel	Make Offer	Boyd \$10	Dash \$33	Ballance \$12.95	Kennedy \$5.88	Riley \$15	Brown \$21.21							
PW 1	E106 1991 Chevy S-10	1991 Chevy S-10 Pickup Runs Fine, 142K miles	Make Offer	Hickman \$205	Griswold \$232	Zelinski \$144	Kennedy \$202.88	Riley \$222								
PW 2	E109 1993 Chevy S-10	1993 Chevy S-10 Pickup Runs Fine, 85K miles	Make Offer	McBride 212.32	Hickman \$260	Griswold \$76.00	Box \$1.00	Welty \$427	Zelinski \$66	Kennedy \$102.88	Brown \$51.51					
PW 3	E121 1995 Astro AWD Van	1995 Chevy Astro Van AWD 232K Miles Runs Fine	Make Offer	Boyd \$300	Griswold \$76	Zelinski \$50	Kennedy \$152.88	Brown \$57.21								
PW 4	E507 1998 Ford Crown Vic	1998 Ford Crown Victoria Runs Fine, 173K miles	Make Offer	Hickman \$260	Griswold \$312	Welty \$164	Kennedy \$102.88	Riley \$151	Brown \$73.73							
PW 5	UniMac Washer/Extractor	UniMac S-Series Model UC35 Washer/Extractor	Make Offer	Kennedy \$1.88	Brown \$142.42											
PW 6	Sheldon Machine Lathe	Sheldon Machine Co. Metal Lathe 208V Three Phase 1963 Works	Make Offer	Kennedy \$552.98												
PD 1-47	47 each	Nanoluxe #DE1000 Ballast/Light Combo	NA	Boyd 6,7,8,9,10 \$100	Boyd 1,2,3,4,5 \$200	Hickman ALL \$55.50	Zelinski All \$70	Kennedy ALL \$1265.88	Jones #37-47 \$105	Brown ALL \$1222.26						
PD 48-51	4 cases	Stonewool 6x6x6 plant starter blocks, 48 per case	NA	Dash 51 \$10	Kennedy ALL \$88.88	Martin #50, 51 \$105										
PD 52	1 case	metal air scrubber filters, 4 per case	NA	Kennedy \$1.88	Brown \$16.16											

CORRECTED CITY OF HOMER 2017 MARCH SURPLUS EQUIPMENT SALE BID RESULTS

ITEM #	NAME	DESCRIPTION	MIN BID	BIDS RECEIVED														
				Hickman \$25.50	Whitaker \$20	Box \$11	Balance \$17.55	Kennedy \$31.88	Martin \$154	Brown \$63.13								
PD 53	2 cases	SunBlaster Mini Greenhouse Kits, 3 per case	NA	Boyd \$50														
PD 55	1 box	Containing (11) electric timers, (1) BlueLab monitor and (1) Blue Print controller	NA	Boyd \$50	Hickman \$5.00	Kennedy \$22.88	Brown \$77.77											
PD 56	1 each	Utopian dehumidifier	NA	Boyd \$20	Kennedy \$22.88	Brown \$36.66												
PD 57	1 each	Westpoint dehumidifier	NA	Boyd \$20	Kennedy \$22.88	Kuhns \$20	Brown \$37.77											
PD 58	1 each	GE dehumidifier	NA	Boyd \$20	Kennedy \$22.88	Brown \$38.88												
NS PD 59	1 each	Tool bag with (1) DeWalt 1/2" cordless driver, 1/4" cordless impact driver, charger assy and (2) 20 volt batteries	NA	Boyd \$20	Hickman \$12	Hutt \$101	Dash \$86.00	Box \$13	A Glidden \$50	Kennedy \$52.88	Riley \$15	Jones \$50						Brown \$19.09
PD 60 - 84	24 each	Utilitech 1/3 HP submersible pumps	NA	Boyd \$20	Hickman ALL \$5.00	Hutt 63 \$1	Babbitt #60 \$5.00	Babbitt #61 \$5	Babbitt #62 \$5	Babbitt #63 \$5	Kennedy ALL \$252.88							
PD 85	1 each	Insignia 50" flat screen television with remote	NA	Boyd \$50	Hutt \$73	Focht \$76	Box \$70	A Glidden \$55	Welty \$86.50	Kennedy \$8.88	Riley \$21							

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

City Manager

3
4 **RESOLUTION 17-026**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING PARTICIPATION IN THE EBSCO SOLAR GRANT
8 PROGRAM FOR HOMER PUBLIC LIBRARY.
9

10 WHEREAS, The City of Homer strives to provide and improve city-operated facilities and
11 services to meet the needs of the community; and
12

13 WHEREAS, The Energy Plan in the City of Homer’s Comprehensive Plan has a goal of
14 using operating practices that promote energy efficiency and renewable energy technologies
15 for City buildings and energy-using projects to lower long-term operational costs; and
16

17 WHEREAS, In the interest of lowering long-term operating costs and maximizing value
18 for Homer residents, Homer Public Library has been implementing energy conservation
19 procedures and facility retrofits to conserve energy; and
20

21 WHEREAS, The Library’s long roof lines with southern exposure makes addition of
22 fixed solar photovoltaic panels a viable renewable energy technology, that, in combination
23 with continued energy conservation measures, can further reduce utility costs; and
24

25 WHEREAS, EBSCO Information Services, a privately-owned library services company
26 has announced it is making two \$100,000 grants available with no match requirement to
27 public libraries to purchase and install solar photovoltaic panels to offset their energy costs;
28 and
29

30 WHEREAS, Maintenance costs over the 30-year life expectancy for solar panels on
31 fixed-mounts are minimal; and
32

33 WHEREAS, The Library Advisory Board was consulted on this grant program and
34 endorses a Homer Public Library application;
35

36 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes
37 the City Manager to apply for an EBSCO Solar Grant for the Homer Public Library and execute
38 the appropriate documents; and
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PASSED AND ADOPTED by the Homer City Council this 10th day of April, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Homer Public Library

500 Hazel Avenue
Homer, AK 99603

library@cityofhomer-ak.gov

(p) (907)-235-3180

(f) (907)-235-3136

March 21, 2017

Dear Members of the Selection Committee,

As a member of the City of Homer Library Advisory Board, I am pleased to endorse the library's grant application to the EBSCO Solar Program. The Solar Program is in direct alignment with the library's commitment to energy efficiency and sustainability.

The City of Homer and the many outlying communities within the extensive library service area strongly support the library as evidenced by the community-driven four-year capital campaign culminating in a new library completed in 2006. The sun-filled library, designed as a multipurpose facility, is considered by residents of all ages as a central community hub with all aspects of usage steadily increasing since the facility opened.

The Homer Library's commitment to energy efficiency and sustainable is evidenced by the investment in a building specifically designed to meet the Leadership in Energy and Environment Design (LEED) standards developed by the U.S. Green Building Council. The Homer Library was the first community-based LEED certified building in Alaska.

And, according to the Renewable Energy Alaska Project (REAP), a coalition of urban and rural Alaska utilities, businesses, and conservation groups, successful solar energy projects exist in different regions of Alaska.

The library's interest in solar power dovetails with existing community efforts to promote sustainability including a high level of participation in the National Resources Conservation Service (NRCS) High Tunnel program. The success of the seasonal high tunnel "greenhouse" systems passively heated by the sun, clearly demonstrates that we have ample sunlight available to justify our interest in solar power (http://www.upi.com/Science_News/2016/11/10/High-tunnels-bring-warm-weather-veggies-to-Alaska/2201478808136/).

The City of Homer Library Advisory Board strongly supports the library's application to the EBSCO Solar Program.

Sincerely,

Susan M. Fallon, Ph.D.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 17-028

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
GRANTING A LIMITED PRIVATE PEDESTRIAN ACCESS EASEMENT
ALONG THE NORTH WALL OF LAND'S END HOTEL AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE
APPROPRIATE DOCUMENTS.

WHEREAS, Land's End Acquisition Corporation is requesting a limited private access easement for the purpose of providing pedestrian emergency egress from the Land's End Quarter deck on the second floor and the Chart Room on the first floor; and

WHEREAS, Coastal erosion that occurred during the winter of 2017 threatened the emergency egress stairways on the north wall of the Land's End Hotel. The piling that supports the stairways need to be rebuilt to direct the stairways more inland; and

WHEREAS, The Land's End Hotel building is 0.1 feet from the north property line which does not leave enough room on private property to direct the stairways inland; and

WHEREAS, City of Homer End of the Road Park and associated tideland abut the Land's End Hotel building; and

WHEREAS, This easement will provide a 5 foot wide by 35 foot long egress easement to allow for construction of two new stairways; and

WHEREAS, Land's End Acquisition Corporation has agreed to pay all survey and legal associated fees with such easement; and

WHEREAS, Land's End Acquisition Corporation will hold the City harmless and will be responsible for the construction and maintenance of the stairways; and

WHEREAS, The City retains the right to terminate the easement with a 90-day notice.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska grants a limited private pedestrian access easement along the north wall of Land's End Hotel and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 28th day of March, 2017.

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CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

JOHNSON, MMC, CITY CLERK

Fiscal note: NA



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 17-054

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: KATIE KOESTER, CITY MANAGER

DATE: MARCH 22, 2017

SUBJECT: RECOMMENDATION TO GRANT A PRIVATE ACCESS EASEMENT ON THE HOMER SPIT

Land's End Acquisition Corporation is requesting a limited private access easement for the purpose of providing pedestrian emergency egress from the Land's End Quarter Deck on the second floor and the Chart Room on the first floor.

In the spring of 2017, coastal erosion threatened the emergency egress stairways on the north wall of their building. The pilings that support the stairways need to be rebuilt, this time directing the stairways to land more inland.

However, the north wall of the Land's End Building is 0.1 feet, or 1-2 inches from the property line, not enough room on private property to direct the stairways inland. If approved, this easement would provide a 5 foot wide by 35 foot long egress easement to allow the construction of two new stairways.

Land's End Acquisition Corporation has agreed to cover all survey and legal expenses needed for this easement. Land's End Acquisition Corporation would hold harmless the City and is responsible for all the construction and maintenance of the stairways. The City would also retain the right to re-locate or terminate the easement with a 90-day notice.

Recommendation:

Authorize the City Manager to negotiate and execute the appropriate documents for a revocable, private pedestrian easement along the north wall of Land's End Hotel. The 5 foot wide by 35 foot long easement is limited to provide pedestrian emergency egress only. Two legal descriptions maybe involved:

T 6S & 7S R 13W SEC 13 22 24 27 33 35 01 & 14 Seward Meridian HM 0770064 ALAS KA TIDELANDS SURVEY 612 THAT PTN LYING WITHIN SEC 13 & 14 & 22 THRU 24 & 26 THRU 28 & 33 THRU 36 OF T6S & WITHIN SEC 1 & 2 OF T7S EXCLUDING THAT PTN OF TIDELAN DS VESTED TO STATE OF ALASKA & EXCEPT TR A HOMER SPIT SUB NO TWO (HM910003), which serves as a public parking area and the uplands which also serves as a public parking area:

T 7S R 13W SEC 1 Seward Meridian HM 0930049 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B.

Att: Exhibit A, B & C





Dear City Manager,

Attached is a request for revocable easement for the purposes of emergency egress from the Land's End conference room. This easement request is made necessary by unprecedented erosion in the limited area on the north facing beach where our prior exit stair system existed for 21 years.

Since this proposed easement will exist upon the terms and at the pleasure of the City of Homer, we are providing a detailed draft for Council action with the hope and expectation that upon their approval, we will refine the documents to your satisfaction.

Sincerely,

Jon Faulkner

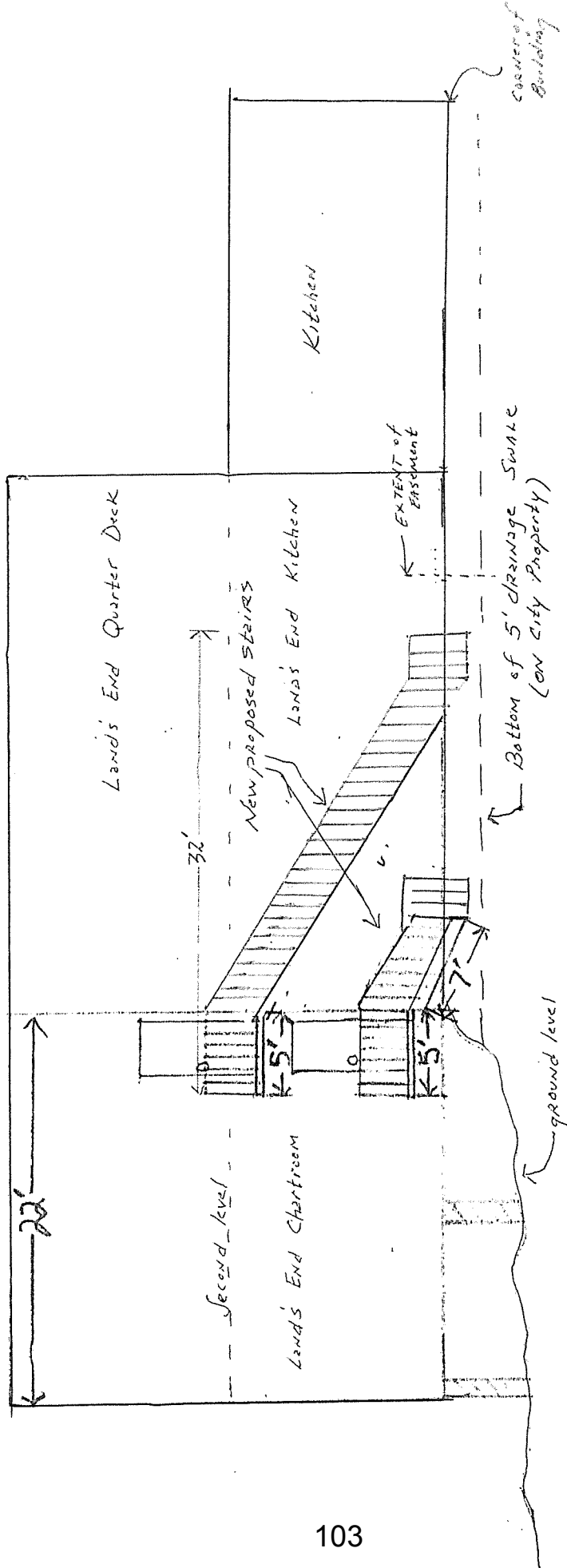
Land's End Resort - President

Exhibit A

North Elevation
Lands End Resort

SCALE:

$\frac{1}{8}'' = 1'$



5 ft x 35 ft limited private egress easement

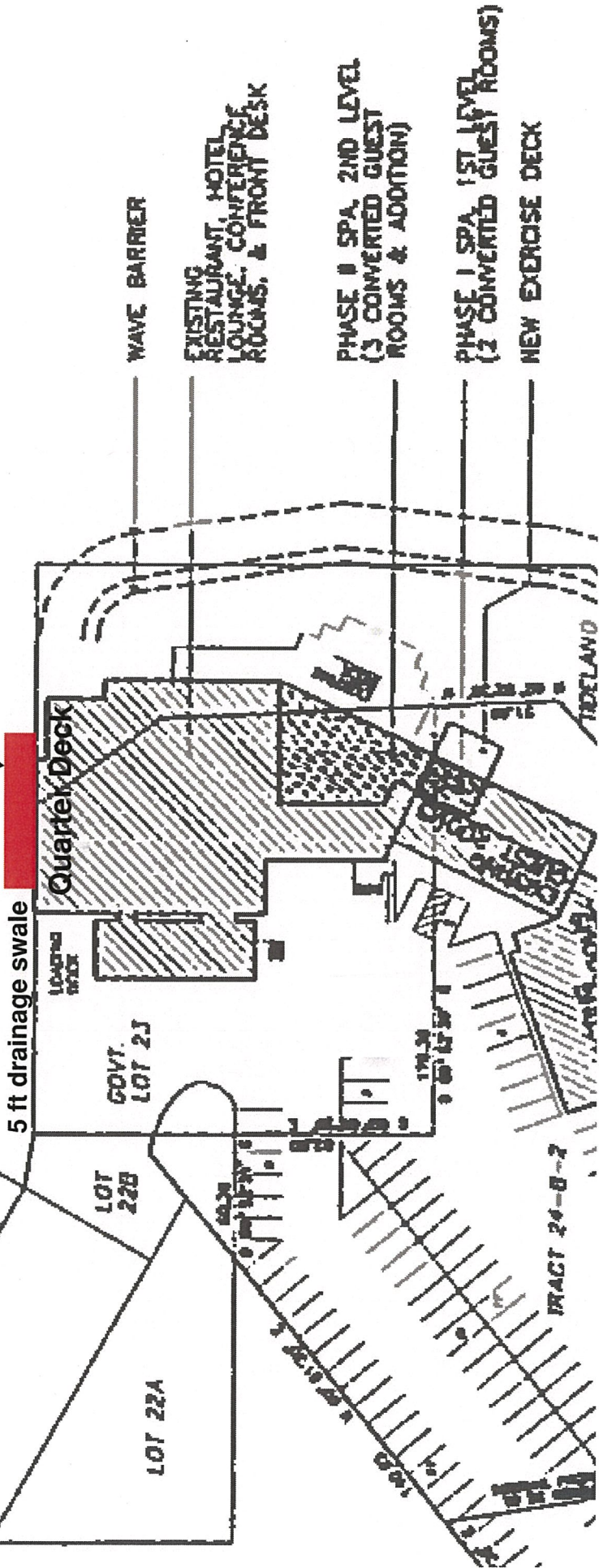
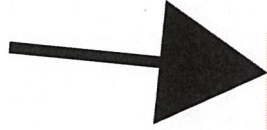


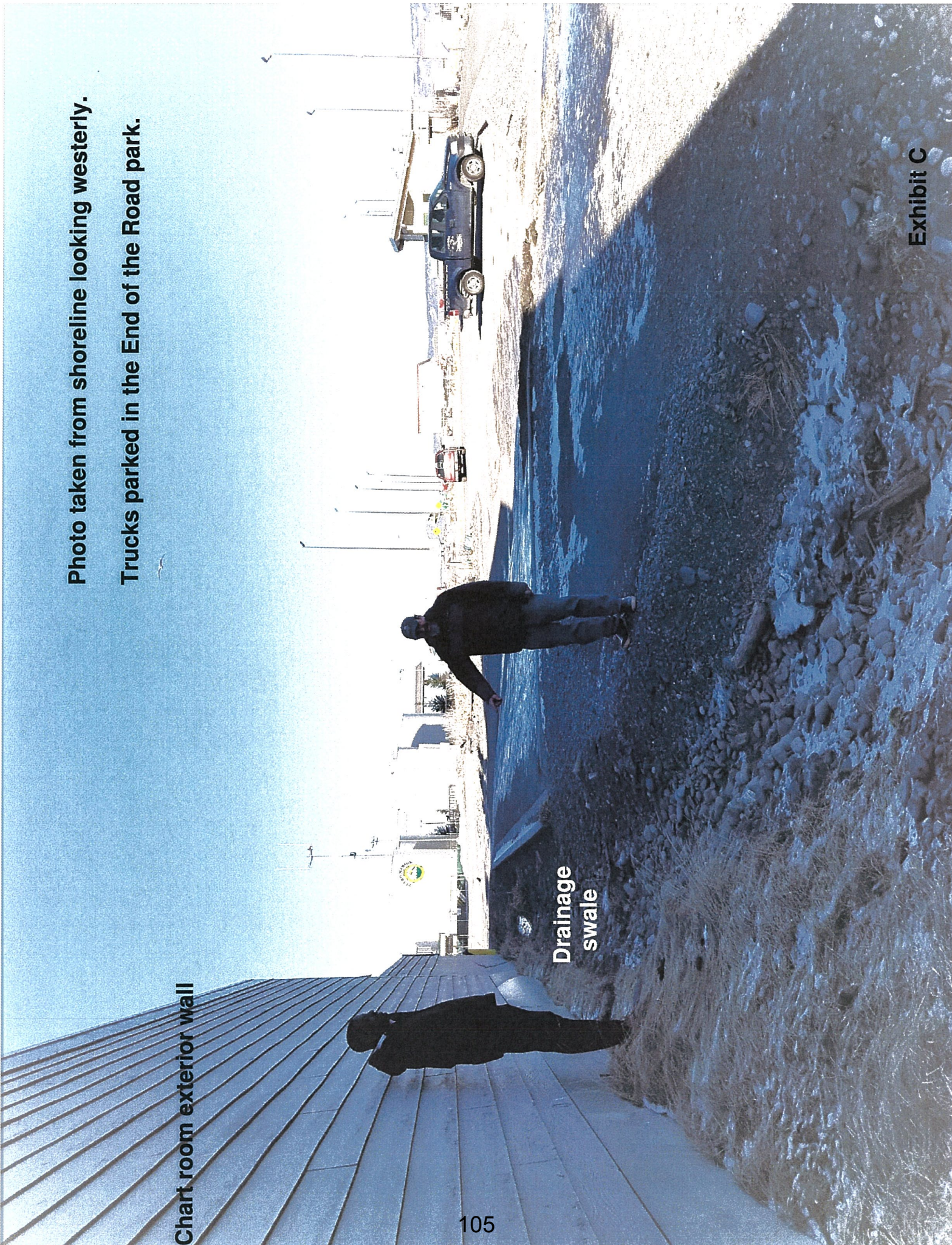
Photo taken from shoreline looking westerly.

Trucks parked in the End of the Road park.

Chart room exterior wall

Drainage
swale

Exhibit C



**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 17-029

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND PREPARE
A PURCHASE OFFER FOR THE KENAI PENINSULA BOROUGH
PARCEL NO. 17305408, LOT 8, BLOCK 1, KELLY RANCH ESTATES,
AND DESIGNATING ITS USE FOR THE PURPOSE OF PROTECTING
THE BRIDGE CREEK WATERSHED.

WHEREAS, The City Council recognizes that it is in the best interest of Homer residents to protect the City's water source, the Bridge Creek Watershed; and

WHEREAS, Zoning restrictions in the Bridge Creek Watershed District limit private property owner's ability to develop their property; and

WHEREAS, Pursuant to Homer City Code 18.06.010(a) Real Property Acquisitions, the City may acquire, own and hold real property within or outside the City boundaries by any lawful means or conveyance, and exercise all rights and powers in the acquisition, ownership and holding of real property as if the City were a private person; and

WHEREAS, A 2.86 acre parcel of land (Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1 Kelly Ranch Estates) fronts Bridge Creek and the property owner has stated interest in selling; and

WHEREAS, This parcel's location in Homer's Bridge Creek Watershed would enhance the long-term preservation the City's water source, and

WHEREAS, This parcel is considered a moderate value wetlands and classified as Discharge Slope which consists of shallow groundwater discharging to Bridge Creek, and

WHEREAS, This parcel has approximately 650 feet of frontage on Bridge Creek, and

WHEREAS, Currently, this parcel does not have constructed access or utilities, and

WHEREAS, The parcel is developable for a single-family residence as long as the septic system is a least 200 feet from Bridge Creek, and

WHEREAS, Funds from the water Reserve Account No. 256-0378 with a balance of approximately \$2,500,000 can be made available for the purchase of the property.

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NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby authorizes the City Manager to negotiate and prepare a purchase offer in the amount not to exceed fair market value of 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 28th day of March 2017.

CITY OF HOMER

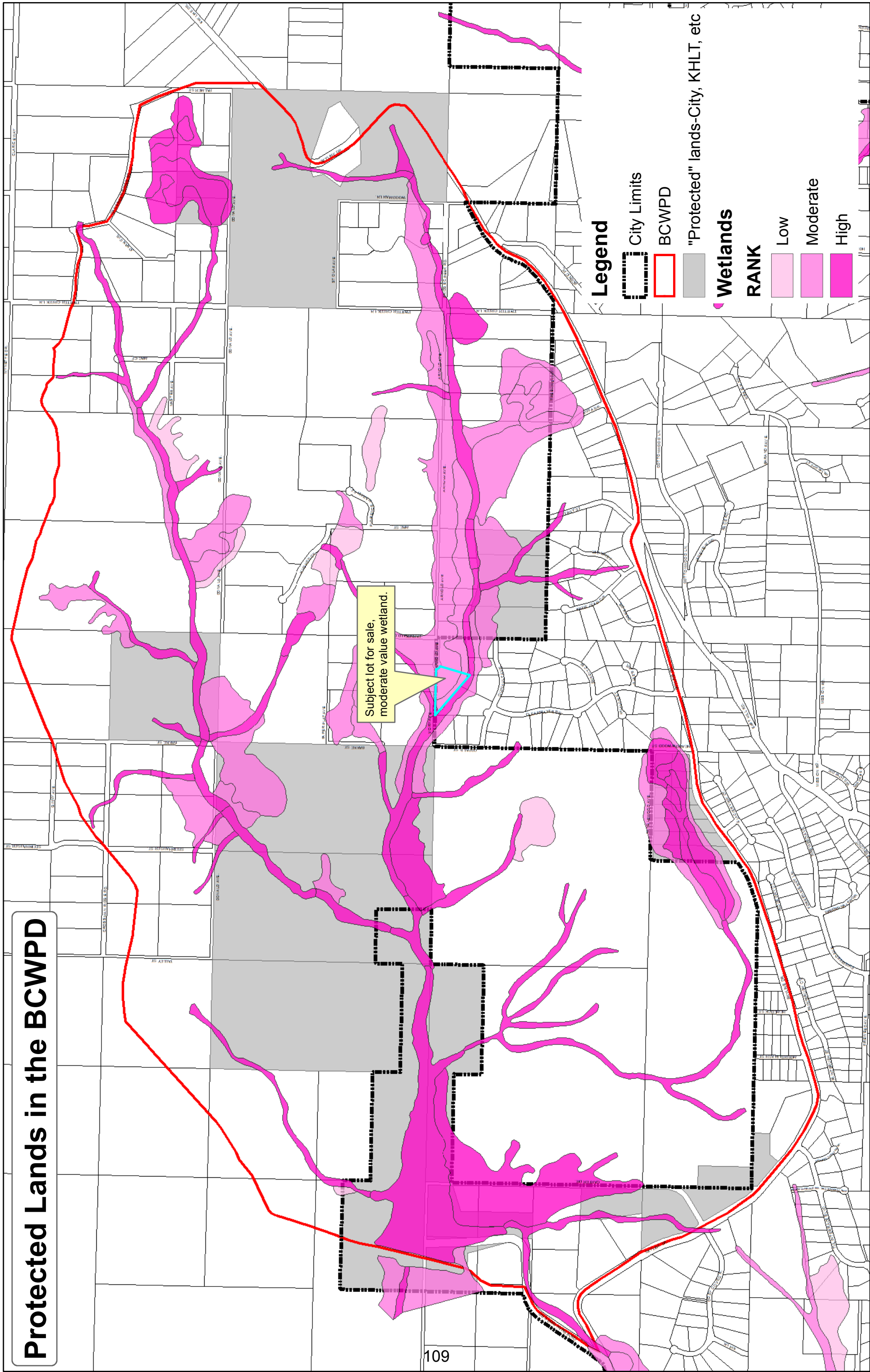
BRYAN ZAK, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY

Fiscal Note: Not to exceed \$20,000

Protected Lands in the BCWPD

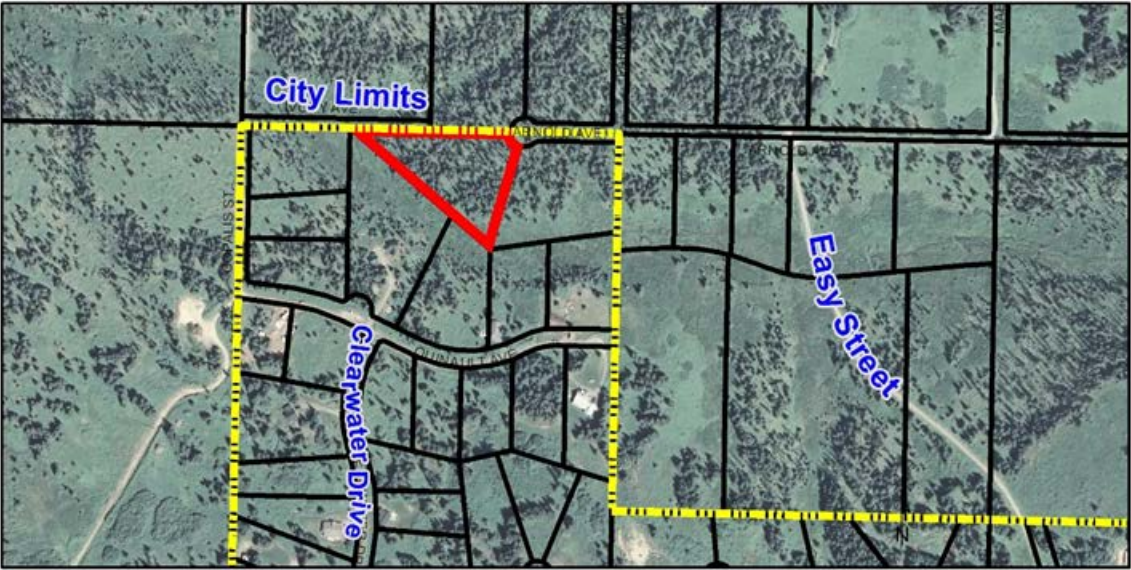


Legend

- City Limits
- BCWPD
- "Protected" lands-City, KHLT, etc
- Wetlands**
 - Low
 - Moderate
 - High

Subject lot for sale,
moderate value wetland.

PARCEL NO. 17305408 in Bridge Creek Watershed



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

Lewis

3
4 **RESOLUTION 17-030**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING CITY OF HOMER PERSONNEL REGULATIONS,
8 CHAPTER 6, EMPLOYEE BENEFITS, BY ADDING A NEW SECTION 6.24
9 TITLED OCCUPATIONAL DEATH BENEFIT.

10
11 WHEREAS, currently all City of Homer employees are provided a life insurance policy
12 of one year's base salary (additional insurance can be purchased); and

13
14 WHEREAS currently in the event of the death of an employee dependents participating
15 in the health plan are eligible to purchase continuing health care coverage through COBRA for
16 up to 36 months; and

17
18 WHEREAS, compassion and assistance should be extended to the family of a City
19 employee who dies while performing duties related to their job for the City of Homer.

20
21 BE IT THEREFORE RESOLVED, the City Council recommends amending chapter 6 of the
22 City of Homer Personnel Regulations to add a new section, Occupational Death Benefit where
23 in the case of the occupational death of an employee, it is the policy of the City to retain the
24 employee's eligible dependents on the City's health plan for 36 months at no cost to the
25 family. Dependents are eligible for this benefit if they are enrolled in the City's healthcare
26 plan at the time of the employee's death.

27
28 For a death to be considered occupational:

29 1. It must occur before the employee's retirement and before the employee's
30 normal retirement date,

31 2. The proximate cause of death is a bodily injury sustained or a hazard undergone
32 while in the performance and within the scope of the employee's duties, and

33 3. The injury or hazard is not the proximate result of willful negligence of the
34 employee.

35
36 PASSED AND ADOPTED by the Homer City Council this 28 day of March, 2017.

37
38 CITY OF HOMER

39
40
41 _____
42 BRYAN ZAK, MAYOR
43

44 ATTEST:

45

46

47 _____

48 JO JOHNSON, MMC, CITY CLERK

49

50 Fiscal Note: Minimum of \$9,457 and Maximum \$17,495 annual liability for one case of
51 occupational death based on 2017 estimates.

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

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

Ordinances 17-05^(A), 17-07(S), 17-13, 17-14, and 17-15

A **public hearing** is scheduled for **Tuesday, March 28, 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 17-05(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.

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.

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.

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.

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.

Ordinance 17-05(A), 17-07(S), 17-13, 17-14 and 17-15 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 or fax 235-3143.

Jo Johnson, MMC, City Clerk
Publish: Homer News March 23, 2017

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 17-05(A)** Amending the 2017 Operating \$671,053 from the Homer Accelerated Roads/Trails Program (HART) for the Greatland Street Improvements (Option A) Project; **Ordinance 17-07(S)**, 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; **Ordinance 17-13**, 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; **Ordinance 17-14**, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$150,000 from the Port & Harbor Reserves for the Replacement of the Existing Port & Harbor Management Software; **Ordinance 17-15**, 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; was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Thursday, March 16, 2017 and posted the same on City of Homer Website on Wednesday, March 15, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 16th day of March, 2017.



Renee Krause, CMC, Deputy City Clerk



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
 - 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

3. Council Regular Meeting March 28, 2017 Public Hearing and Second Reading
 - 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
 - e. Letter from Public Works Director to Property Owners Re: Proposed Greatland Street Improvements

1 CITY OF HOMER
2 HOMER, ALASKA

Erickson

3
4 ORDINANCE 17-05(A)

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
7 THE 2017 OPERATING BUDGET BY APPROPRIATING ~~\$970,870~~
8 **\$671,053** FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM
9 (HART) FOR THE GREATLAND STREET IMPROVEMENTS (OPTION ~~A~~)
10 PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL
11 APPROPRIATE DOCUMENTS.

12
13 WHEREAS, Extending Greatland Street north to Pioneer Avenue would improve vehicular
14 and pedestrian access to the eastern portion of the Central Business District; and

15
16 WHEREAS, The Homer Transportation Plan recommends that the northern portion of
17 Greatland Street be vacated and a new connection be made to Pioneer Avenue by extending
18 Bartlett Street south, curving it to the east and connecting to Greatland Street and Main Street.
19 This would be part of a recommended new east/west corridor that would have City-wide benefits,
20 most notably relief of traffic congestion on Pioneer Avenue and the Sterling Highway; and

21
22 WHEREAS, Three options have been considered; Option A – Extend Greatland Street North
23 to Pioneer Avenue; Option B – Extend Greatland Street North to a New East/West Extension of
24 Bartlett Avenue (from Pioneer Avenue to Main Street); and Option C – Extend Greatland Street
25 North to a New East/West Extension of Bartlett Avenue (but only from Pioneer Avenue to
26 Greatland Street); and

27
28 WHEREAS, Option A is the least expensive, but does not conform to the recommendations
29 of the Transportation Master Plan and Option B is the most expensive, requiring significant capital
30 expenditure; Option C conforms to the recommendations of the Transportation Plan and provides
31 Greatland Street with needed interconnection to Pioneer Avenue; and

32
33 WHEREAS, The City Council supports improvements to Greatland Street, preferring Option
34 ~~A~~ based on cost and recommendations of the Homer Transportation Plan; and

35
36 WHEREAS, If Greatland Street was to be extended north to Pioneer (Option A), benefitted
37 property owners would pay their fair share (25% of the cost under a special assessment district);
38 and

39
40 WHEREAS, Since Option C cost more than Option A but provides the same benefit to
41 adjacent property owners as Option A, fair share costs to benefitting property owners under
42 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 CA)	\$970,870
		<u>\$671,053</u>

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

100

101 Date: _____

102

Holly C. Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 17-019

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: January 4, 2017
SUBJECT: **Proposed Greatland Street Extension**

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
Total Project Cost	\$ 671,053	\$ 1,661,465	\$ 970,870
Property Owner Contribution	\$ 167,763	\$ 146,793	\$ 146,793
City Cost	\$ 503,289	\$ 1,514,672	\$ 824,077

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

1 inch = 100 feet



Greatland Street Improvement - Option C

1 inch = 103 feet



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 17-041

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.

The draft ordinance was an item on the Planning Commission Regular Agendas of February 15th and March 1st. 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



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

March 17, 2017

**RE: Proposed Greatland Street Improvements
Upcoming Public Hearing**

Property Owner,

The City Council is considering how best to extend Greatland Street north to Pioneer Avenue. A public hearing has been scheduled at the next Council meeting March 28. The meeting starts at 6:00 PM in the City Hall Chambers. Written comments can be emailed or hand delivered to the City Clerk clerk@cityofhomer-ak.gov, or you can speak directly to the Council at the public hearing.

You are receiving this letter because you own a property that could be affected by the proposed project and your comments are valuable as the Council deliberates how best to proceed. Attached are maps that depict three options being considered.

Normally, road improvement projects in Homer are initiated by property owners that "benefit" from the improvement. The Council, because of the significance of this project, has initiated discussions on how best to extend Greatland Street north to Pioneer Avenue. This portion of Greatland Street is eligible for the creation of a special assessment district (SAD) that would provide Homer Accelerated Road and Trail (HART) funding. A road SAD, if supported by a majority of benefitted property owners, would fund 75% of the cost of the improvement, with 25% of the cost being assessed to the benefitted properties.

Although the Council may act at the meeting to declare their preference in one of the three options and appropriate funding for it, the creation of a SAD would occur at a future Council meeting, only after affected property owners can become informed about costs and project impacts to their property.

Your opinion is valuable to the Council as they deliberate. Each option under consideration has differing potential impacts to adjacent property, including potentially different assessment amounts.

If you have any questions, don't hesitate to contact your favorite Council member or call me at (907) 235-3170 or email me at cmeyer@ci.homer.ak.us.

Yours Very Truly;

CITY OF HOMER

Carey Meyer, P.E.
City Engineer/Public Works Director

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
2. Council Regular Meeting March 13, 2017 Pending Business
 - a. Memorandum 17-042 from City Planner
 - b. Staff reports and minutes from Planning Commission
3. Council Regular Meeting March 28, 2017 Public Hearing and Second Reading
 - 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

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

- 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
69 served on the user by personal service, or by certified or registered mail, return
70 receipt requested, specifying the time and place of the hearing to show cause.
71 The 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:

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

85 a. An administrative ~~h~~**Hearing officer** Board shall be **appointed by the**
86 **City Manager** ~~convened consisting of the City Manager (who shall chair~~
87 ~~the proceedings), the Chief of Police, and one member of the City Council~~
88 ~~(selected by the City Manager).~~

89
90 b. A notice of administrative hearing shall be served upon the animal's
91 owner or his designee under the procedures set for service of summons
92 in a civil action. The notice shall specify the date, time, and location of
93 the hearing. The hearing may not be less than three days following the
94 service of the hearing notice on the animal owner or his designee.

95
96 c. The hearing shall consider all information pertinent to the specific
97 violation of HCC 20.20.030 which initiated the impoundment and hearing
98 process, and may additionally consider any information concerning prior
99 violations or incidents with this same animal, as well as any information
100 concerning the animal owner's or his designee's prior violations of the
101 Homer animal ordinances with any other animal.

102
103 d. The hearing shall address and enter its formal findings as to whether:
104 1. The animal is a vicious animal under HCC 20.04.020;
105
106 2. The owner or designee thereof failed to use all reasonable
107 precautions to control his animal and protect the public;
108
109 3. The circumstances of this incident under consideration
110 constitute a danger to the public.

111 e. If **the hearing officer** ~~a majority of Board members~~ **finds** in the
112 affirmative as to all three of the provisions of subsection (d) of this
113 section, the ~~h~~**Hearing officer** Board shall order the animal destroyed. The
114 owner or designee, if present at the hearing, shall be verbally notified of
115 the findings and order at the conclusion of the hearing. Written findings
116 shall also be prepared and served upon the owner or designee. If the
117 owner or designee is not present at the hearing, written findings and
118 destruction order shall be served on that person as soon as possible
119 following the hearing.

120
121 f. Absent an affirmative finding by the **hearing officer** ~~Hearing Board~~ as
122 to one or more of the provisions of subsection (d) of this section, the
123 animal shall be immediately released to its owner or designee. The
124 **hearing officer** ~~Hearing Board~~ shall, in the event of release under this
125 provision, prepare a written notice which shall be delivered or mailed to
126 the animal's owner, outlining the **hearing officer's** ~~Hearing Board's~~

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

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

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**
179 **least 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

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

- 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

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

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.

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

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

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

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

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

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
400 finding of fact and substantial evidence exists in the record to enable the
401 **hearing officer**~~Board~~ to make the finding of fact, **he or she** ~~the Board~~ may do
402 so in the exercise of **his or her**its independent judgment, or, in the alternative,
403 the **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.

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

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 ~~Board of Adjustment~~ **hear an appeal from a Planning Commission decision**
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

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

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 Commission~~body~~ 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
472 invalidated when the disqualified member's vote was necessary to establish the
473 required majority to approve the decision of the Commission~~body~~. When a
474 Commission ~~or Board~~ decision is invalidated because such vote was necessary
475 to establish the required majority, the Commission~~body~~ 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,**
481 **personal bias or ex parte contact immediately upon being appointed by the**
482 **City Manager and shall refrain from accepting the appointment if a**
483 **substantial financial interest, personal bias or ex parte contact exists. If the**
484 **substantial financial interest, personal bias or ex parte contact arises after**
485 **the hearing officer's appointment, he or she shall disclose his or her interest**
486 **and shall be disqualified from serving as the hearing officer unless all**
487 **parties waive 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 Mayor. 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 Commission~~body~~ 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

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

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
510 or 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

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

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
564 the record any matter when and as required under subsections (c) and
565 (d) of 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 Date: _____

608
609
610 Fiscal Note: NA

Holly C. Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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

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

2. Council Regular Meeting March 28, 2017 Public Hearing and Second Reading
 - 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: _____



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4350 Homer Spit Road

Homer, AK 99603

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

2. Council Regular Meeting March 28, 2017 Public Hearing and Second Reading
 - 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.

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

35
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

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49 ATTEST:

50
51
52 _____
53 JO JOHNSON, MMC, CITY CLERK
54
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57

58
59 YES:

60 NO:

61 ABSTAIN:

62 ABSENT:
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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

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

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)

2. Council Regular Meeting March 28, 2017 Public Hearing and Second Reading
 - 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 PROVIDING 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
59 payable in installments of principal plus interest at a rate of four percent (4%) per
60 annum and thereafter shall be subject to the penalty and interest structure
61 provided in the preceding paragraph, if on or before July 1, 2016, the City received
62 payment of (i) the delinquent assessment installment plus a penalty of ten percent
63 (10%) of the total assessment amount and interest on the total assessment amount
64 at a rate of ten and one-half percent (10.5%) per annum, and (ii) the assessment
65 installment that was 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
125 because of an extreme non-financial personal hardship. This could include a

126 serious illness or death of the property owner or an immediate family member
127 that 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.

**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

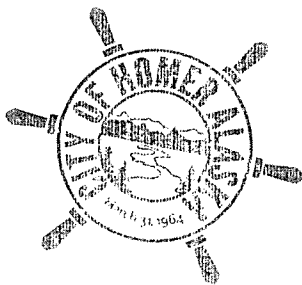
43 and interest structure for assessment installments that are not delinquent before July 1, 2016
44 to previously delinquent assessments that are brought current not later than that date.

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 9th day of May, 2016.

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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

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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

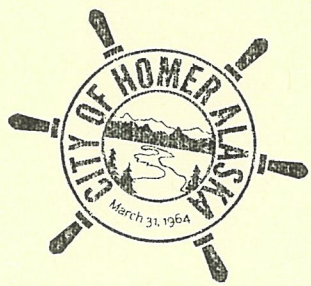
- 84 accuracy of the property owner name or address that currently appears
85 on the Kenai Peninsula Borough property tax roll.
- 86 2. A U.S. Postal Service error contributed substantially to the late payment. A
87 waiver on this ground requires proof of one of the following:
- 88 i. The Postal Service 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 25th day of July, 2016.

109
110 CITY OF HOMER



117
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120

David G. Lewis
DAVID G. LEWIS,
MAYOR PRO TEMPORE

121
122

ATTEST:
Jo Johnson
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 9th and 16th public hearings; and

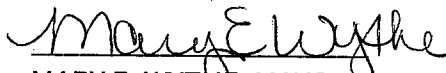
WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Homer Natural Gas Special Assessment District and the Mayor and Clerk shall be directed to sign 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 1st 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 23rd day of March, 2015.

72
73 CITY OF HOMER

74
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76 
77 MARY E. WYTHE, MAYOR

78
79 ATTEST:

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82 _____
83 JO JOHNSON, MMC, CITY CLERK
84

85 Fiscal Note: Total project costs are \$12,359,388; 3,788 assessments = \$3,262.77 per parcel.
86
87

**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

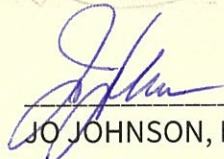
42 BE IT FURTHER RESOLVED that the due date for assessment payments for
43 condominium units shall be deferred to a later date to be determined by subsequent Council
44 resolution.

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

47
48 CITY OF HOMER

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51 _____
52 FRANCIE ROBERTS, MAYOR PRO TEMPORE

53 ATTEST:

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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 14th 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

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: March 22, 2017
SUBJECT: March 28 City Manager's Report

Revenue Sharing/ Community Assistance

The City received notice from the Department of Commerce, Community and Economic Development of the FY 2018 community assistance amount, \$145,735.18. This amount is subject to change depending on the actions of the Legislature this session. The State is on a June- July fiscal year, so we will not receive those funds until the end of 2017. As you recall, the City Council removed community assistance (then termed Revenue Sharing) from the City's operating budget via Ordinance 15-18(S-2). Unless directed otherwise by Council, the Community Assistance funds will go into General Fund Fund Balance when received.

City Clerk Retiring

City Clerk Jo Johnson's last day with the City is May 31. After 13 years of dedicated service to the City of Homer she is retiring to enjoy exploring this great state and nation with family. Jo has set a high standard for professional conduct and integrity in the Office of the City Clerk. As a liaison between the public and Council, the City Clerk plays a key role in providing the public with information and access to government. Fortunately Clerk Johnson has encouraged professional development in her office and leaves the City in good hands with Deputy City Clerk Jacobsen. You will see Melissa at more Council meetings during the transition. In the meantime, the City will advertise for a position in the Clerk's office later this spring.

Telephonic Participation

Information Technology has been working with equipment and councilmembers to make sure telephonic participation in council meetings is clear and noise interference is mitigated throughout the meeting. Staff realizes how important it is to the process and the listening public that remote participation is as clear as possible. One thing that helps is to call in to using a headset rather than putting your phone on speaker. This cancels out a lot of the background noise and helps the recording equipment equalize. Thanks for your help calling in early and testing the equipment when you travel.

Commercial Passenger Vessel Tax funds

The City receives funds annually based on the number of cruise ship visitors that visit Homer both directly from the State and as a pass through from the Kenai Peninsula Borough. The amount from each in 2016 is \$27,630. In order to pass the funds through to municipalities, the Borough requests a letter every year indicating what the funds will be used for. Per state statute and federal law, the expenditure has to have a direct link to the vessel and the passenger. Funding amounts have ranged from less than \$3,000 to \$30,000 and have been used to help fund Load and Launch Ramp improvements, Ramp 3 replacement, signage and

benches. The Port and Harbor Director has recommended combining the Borough pass through funds with the state funds and letting them accumulate (the City has 3 years of state funding that has built up) to eventually replace Ramp 2 restroom (see attached project description). However, cost estimates for an in-kind replacement (building stick frame, on the existing concrete slab and with the same stall configuration) for the largest and heaviest use public restroom on the Spit range from \$300,000 to \$500,000 which would take many years to accumulate. One possibility may be to fund the project from Harbor Reserves and reimburse the Enterprise over time with CPV funds. This option, however, still vetted through the Port and Harbor Commission, Borough and State. If Council has an interest in replacing the Ramp 2 restroom with CPV funds, I will do more research on the possibility of borrowing from the enterprise and come back to Council with authorizing legislation.

Graphite One

The Kenai Peninsula Economic Development District (KPEDD), in coordination with the Alaska Industrial Development and Export Authority (AIDEA), is looking into the economics of establishing the refining portion of a graphite flake mine proposed for Nome in the State of Alaska. The mining company, Graphite One, is currently forecasting construction and mine start-up for 2020-2021 and has considered locating the project's refinery in the state of Washington. They are open, however, to work with state agencies to evaluate potential sites for a refinery in Alaska, keeping this value added industry in state.

Upon request, my office provided Tim Dillion of KPEDD with information about Homer's Port and Harbor as he sought to identify potential sites on the Kenai Peninsula. Of the locations presented to AIDEA and Graphite One, Homer's Port and Harbor is one of four short-listed candidates selected for further evaluation.

Graphite flakes, once shipped to the refinery would be purified and superheated in furnaces and then shipped to markets. Flake graphite is a primary component in lithium ion batteries used in electric cars and a growing number of smaller electronic devices.

The graphite refinery would bring 150 jobs with it; however, there are hurdles to overcome to make Homer an ideal candidate, including feasibility of barge unloading and access to a refinery site, utilization of Pioneer Dock for loading ships taking product to market and competitive electrical utility costs. What may end up being more feasible is a refinery site on the Peninsula with Homer's Port and Harbor filling a supportive role. Because shipping would most likely have to be a seasonal operation due to it being in Nome, Homer would be an obvious choice for wintering over some of the fleet of vessels that would be needed to support the Northern end of the operation. These vessels will need to be maintained and have periodic haul-out inspections which of course fit in very well with our harbor expansion and barge mooring/haul-out and repair facility and the large towboats would be able to moor in the large vessel harbor.

Homer's proposed Large Boat Harbor would help make Homer a more feasible location, in that it could accommodate large commercial vessels outside the busy and crowded small boat harbor, provide adequate moorage capability, and a barge ramp for industrial uses. The proposed Barge Mooring/Haul-Out Repair Facility would also support this type of industry in that it provides the infrastructure necessary for the barge fleet to complete repairs and their required annual inspections while wintering over.

Employee Anniversaries

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

Matt Clarke,	Port	16	Years
Mitch Hrachiar,	Public Works	16	Years
Elton Anderson,	Port	11	Years
Renee Krause,	Clerks	10	Years
Angie Kalugin,	Finance	2	Years
Nate Hull,	Police	4	Years
Jenny Carroll	Admin	1	Year
Austin McAvoy	Police	1	Year

Enc:

CPV Letter to Mayor Navarre

Ramp 2 Restroom Project Description

Flyer advertising Town Hall with Borough Mayor Navarre April 6



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

March 21, 2017

Mayor Mike Navarre
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669
Delivered electronically

SUBJECT: 2016 Cruise Passenger Tax Receipts

Dear Mayor Navarre:

I am writing to confirm that the City of Homer wishes to receive the 2014 Commercial Vessel Passenger Tax receipts from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landing in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2016 is \$27,630.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200 – 43.52.295 and former SB 256 and HB 310. It is the City's intention to consolidate 2016 funds with future pass through appropriations from the Borough, funds from the state, and City funds to replace the bathroom at the top of Ramp 2. At the center of the retail area on the Homer Spit and a launching point for many day trips, Ramp 2 is the most heavily used restroom on the spit and heavily used by cruise ship passengers when they are in port.

Thank you very much for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

Katie Koester
City Manager

Cc: Brenda Ahlberg, KPB Community and Fiscal Projects Manager



Ramp 2 Restroom Upgrade

Project Description and Benefit:

Ramp 2 public restroom, built roughly 25 years ago with Land and Water Conservation grant funds, is one of the oldest restroom facilities on the Spit. It also serves one of the busiest parts of the Spit. Located near the site of the former Harbormaster Office at the top of Harbor Ramp 2, it experiences extremely high traffic: commercial and sport fishermen, charter boat operators, their clients and school and tour groups gathering for across the bay excursions. Use of the facility is expected to increase after completion of the Boathouse Pavilion and a pull-out for passenger drop off that can accommodate buses and vans.

The facility is showing signs of its age and heavy use. It worn interior finishes make cleaning the facility difficult; old bathroom fixtures, plumbing and dilapidated stalls keep Harbor maintenance personnel busy to provide a pleasant, safe and hygienic facility. Port & Harbor would like to upgrade this facility to better serve locals, school and tour bus groups and many first time visitors using the Boathouse Pavilion as a meeting place or staging area, and reduce maintenance costs.

An initial proposal would be to build a new restroom structure with new fixtures (similar to design of other recently built Spit restrooms) on the current restroom's foundation.



APRIL 6, 2017 5:30PM - ISLANDS AND OCEANS, HOMER

**KENAI BOROUGH MAYOR'S OFFICE
INVITES YOU TO ATTEND**

TOWN HALL MEETING



WITH BOROUGH MAYOR MIKE NAVARRE

**COME LISTEN, LEARN AND DISCUSS THE STATE'S FISCAL PROBLEMS,
HOW IT AFFECTS THE KENAI BOROUGH, AND POSSIBLE SOLUTIONS.**

★ ECONOMIC DEVELOPMENT

★ PERMANENT FUND

★ STATE FINANCES

★ BROAD-BASED TAXES





City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: MARCH 21, 2017
SUBJECT: BID REPORT

INVITATION TO BID CITY OF HOMER TO PURCHASE CITY REAL PROPERTY

Sealed bids for the purchase of real property will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, **until 2:00 p.m. Friday, March 31, 2017**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. If no acceptable bids are received by March 31, 2017 the City may extend the time period. 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 bid specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

CITY ATTORNEY REPORT



Birch Horton Bittner & Cherot

a professional corporation

MEMORANDUM

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

FROM: HOLLY C. WELLS

**RE: CITY ATTORNEY REPORT FOR FEBRUARY AND EARLY MARCH,
2017**

FILE NO.: 506,742.104

DATE: MARCH 21, 2017

The following summarizes our most substantial activities as City Attorney during the month of February and in early March, 2017.

City Council. Katie Davies attended the February 13, 2017 Council meeting and I attended the March 13, 2017 meeting.

Griswold v. City of Homer. On February, 21, 2017, I argued on behalf of the City of Homer ("City") in front of the Alaska Supreme Court primarily on the issue of whether Mr. Griswold has standing to appeal a conditional-use-permit that was issued to a property owner in his zoning district but thousands of feet away from his property. There is no time frame under which the Court must issue a written opinion; however, based on experience, we expect a decision within the next six to eight months.

Recall Petition of City Council Members. Jack McKinnon and I have been working with City Clerk Johnson to review the recall petition application filed earlier this month and research the laws applicable to recall in the State of Alaska. Lori Brownlee and I worked with City Manager Koester on the creation of a flow chart that provides sponsors, council members, the community, and City staff with a user friendly breakdown of the recall petition process. I've attached the flow chart to this report as Attachment 1.

On another note, after completing a conflicts check in anticipation of potential litigation that may arise from the City's certification or lack thereof of the recall petition, I became aware that BHBC represents Mike Fell, one of the sponsors of the pending recall petition, in an unrelated matter. Although no legal conflict currently exists given the legislative nature of the recall process, our firm has provided the City with notice regarding the potential conflict and has taken internal steps to erect an ethical screen

between the attorneys representing Mr. Fell and our municipal team representing the City. This notification and consent/waiver approach complies with Birch Horton Bittner and Cherot's standard practice, which was developed to provide our clients transparency when there are potential conflicts, even when those conflicts are merely anticipated, political or policy based. The notice requires both the City and Mr. Fell to acknowledge the potential conflict and consent to our representation. I've attached the notification letter and request for consent and waiver to this report as Attachment 2. In the event the City determines it is uncomfortable with our firm's continued representation regarding the recall petition, we are of course prepared to stop our representation and transfer our firm's file on recall to outside counsel selected by the administration.

Homer Port and Harbor. Katie Davies and I have worked with Harbormaster Hawkins and Lisa Ellington on revising the City Tariff and agreements between the Port users and the City to ensure protection of the Port and Harbor and promotion of the safe and effective use of these facilities.

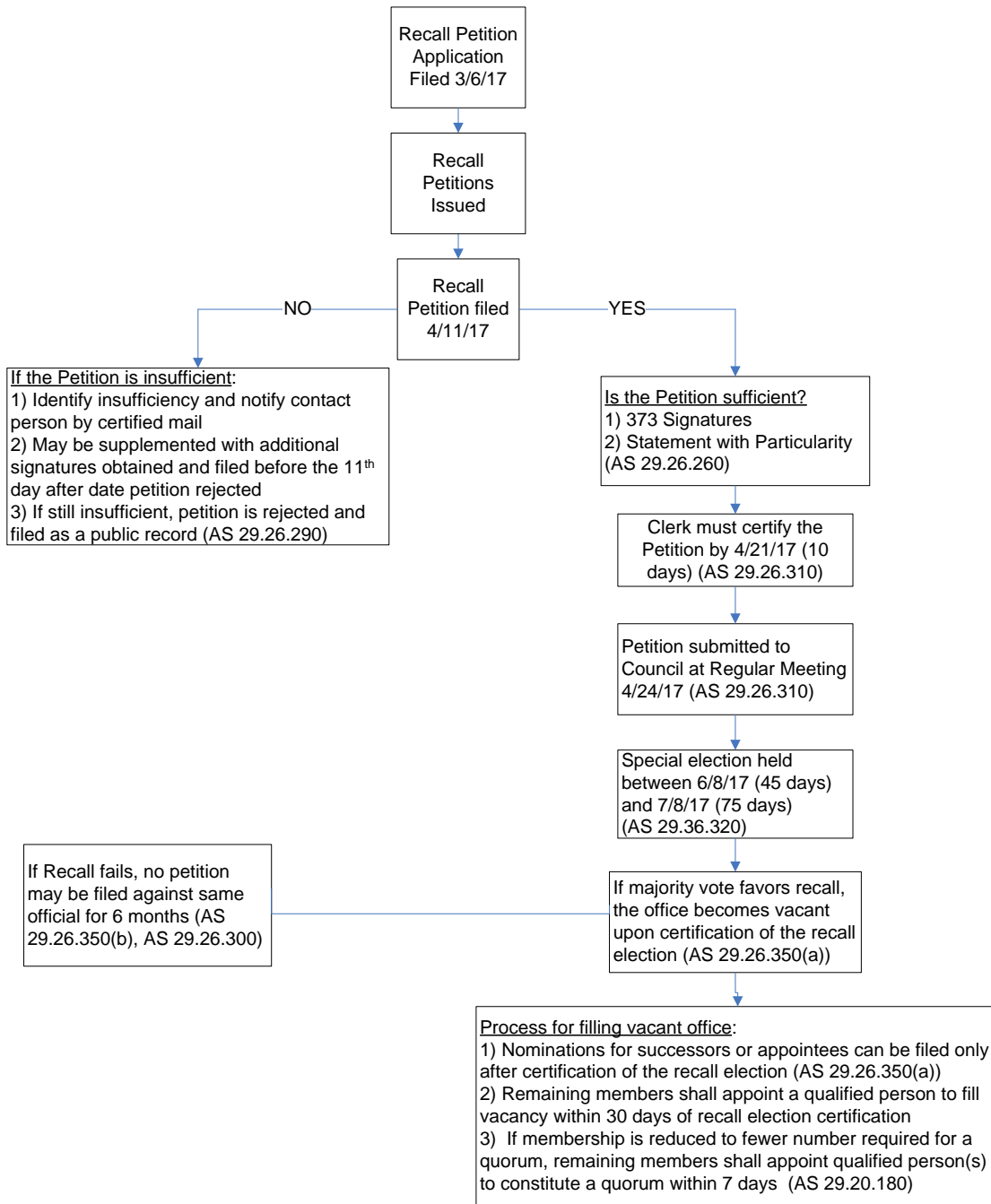
Homer's Administrative Process and Campaign Contributions. Katie Davies and I have been working on a review of the City's current administrative appeals process and the challenges that arise for Homer's boards, commissions, and administration under the current process. This process has included a review of the administrative processes used in other Alaska municipalities and the benefits reported by communities using the State of Alaska Office of Administrative Hearings to decide appeals of City administrative decisions as opposed to boards and commissions. Katie Davies also conducted research regarding the need to revise restrictions placed on City staff campaign contributions and solicitations.

I will be available to answer questions regarding these matters at the April 10, 2017 Council meeting.

cc: Katie Koester
Jo Johnson

HCW

UNDERSTANDING THE RECALL PETITION PROCESS



Created by: Lori Brownlee, Birch Horton Bittner & Cherot
3/21/2017 4:07 PM

Attachment 1



Birch Horton Bittner & Cherot

a professional corporation

Holly C. Wells

Respond to Anchorage Office

T 907.263.7247 • F 907.276.3680

hwells@bhb.com

March 21, 2017

Katie Koester, City Manager
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

RE: City of Homer
Waiver of Potential Conflict
Our File No.: 506,742.104

Dear Katie:

This letter is a follow up with the City of Homer regarding Birch Horton Bittner and Cherot's representation of the City of Homer (the "City" or "Homer") regarding the recall petition and Mike Fell who is one of the sponsors of the recall petition. As we discussed, Birch Horton Bittner and Cherot ("the Firm") currently represents Mr. Fell regarding separate personal issues and while there is no pending or current litigation between Mr. Fell and the City, the controversial nature of the recall petition process may very well result in litigation between the City and another entity or individual, including but not limited to the recall sponsors.

The representation of Homer regarding the recall petition is not substantially related to the Firm's representation of Mr. Fell. Further, we do not believe that representation of Mr. Fell would in any way adversely affect our representation of Homer regarding the recall petition. Nor are we aware of any confidential information regarding the recall petition that would be implicated in any way by the Firm's representation of Mr. Fell. However, we do not want to proceed with the proposed representation of Homer absent your consent, in light of the Firm's representation of Mr. Fell. The Firm shall take all reasonable precautions to protect the confidences and secrets of Homer, on the one hand, and Mr. Fell, on the other, from disclosure, except as permitted by the Alaska Rules of Professional Conduct. Additionally, an ethical screen has been erected and will be maintained, by which the firm prohibits the attorneys for the City and Mr. Fell respectively from discussing the recall petition matter with one another and prohibits the Firm attorneys representing Mr. Fell from discussing the recall petition with him in any way. It also includes restricting access to Firm files regarding the recall petition to the municipal attorney team.

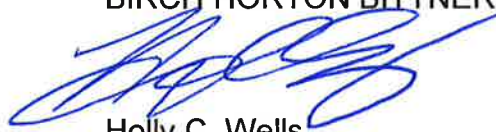
I, therefore, request your written consent to the Firm's continued representation of the City in the recall petition matter and the Firm's representation of Mr. Fell in the unrelated personal matter. Mr. Fell has also had the issues discussed in this letter brought to his attention, and has consented to the Firm's representation of the City regarding the recall petition.

The waiver of conflict by Mr. Fell, as well as the waiver by Homer, shall be effective only when we have received consents from both parties.

Thank you for your consideration of this request, and please call me with any questions.

Sincerely,

BIRCH HORTON BITTNER & CHEROT



Holly C. Wells

HCW:psc

ACCEPTED AND APPROVED this _____ day of _____, 2017.

CITY OF HOMER

By: _____
Katie Koester, City Manager

COMMITTEE REPORTS

PENDING BUSINESS

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;
23 and

24
25 WHEREAS, Icicle Seafoods, Inc. of Homer, Alaska, was found to be most responsive for
26 the operation of a fish pump at the North Trestle location; and

27
28 WHEREAS, This award is not final until written notification is received by the firm from
29 the City of Homer.

30
31 WHEREAS, The City will enter into a Memorandum of Understanding with Icicle
32 Seafoods, Inc. for the purpose of installing and operating a fish pump under the dock and at
33 the dewatering and tote loading station on the North trestle of the Homer Fish Dock for a
34 contract term of three years with two one-year options.

35
36 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
37 contract for the Operation of Fish Pump Services on the Homer Port and Harbor Fish Dock to
38 the firm of Icicle Seafoods, Inc. of Homer, Alaska, and authorizes the City Manager to execute
39 the appropriate documents necessary to complete this project.

40
41 PASSED AND ADOPTED by the Homer City Council this 28th day of March, 2017.
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CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

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

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 6th 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.

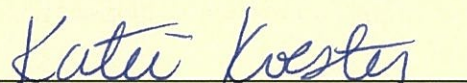
Sealed proposals for the **Fish Pump Services on Homer Fish Dock** will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:00 p.m., Thursday, March 2, 2017**. The time of receipt will be determined by the City Clerk's time stamp. Proposals 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 10th day of February, 2017.

CITY OF HOMER



Katie Koester, City Manager

Account #: 400-0600-5227

Published: Homer Tribune – February 16 & 23, 2017

REQUEST FOR PROPOSALS
By the City of Homer, Alaska
For Operation of Fish Pump Services on the Homer Fish Dock

The City of Homer, Alaska is requesting proposals from qualified individuals or firms for the project and agreement proposal described herein. 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.

The following subjects are discussed in this RFP to assist you in preparing your proposal:

- I. Introduction
- II. Scope of Work
- III. Proposal Requirements
- IV. Other Provisions
- V. RFP General Requirements
- VI. Proposal Format and Content
- VII. Evaluation Criteria and Selection Process
- VIII. Proposed RFP and Award Schedule
- IX. Attachments

I. INTRODUCTION

The City of Homer is interested in making available two locations on the Homer Fish Dock for two qualified individuals or firms to operate, manage, and maintain fish pumping services under a memorandum of agreement with the City of Homer. Two successful proposers will be offered the opportunity to enter into three year agreements with two, 1-year options for renewal with the City to operate one of two separate fish pump stations: one on the north trestle and one on the south trestle of the Fish Dock. See Attachment #1 for a vicinity map of the area and Attachment #2 for a sample Memorandum of Agreement.

II. SCOPE OF WORK

- A. **Functional Requirements:** Successful proposers will operate, manage, and maintain one of the two fish pump stations located on the Fish Dock for the exclusive purposes of increasing fish offload speed for dock users, increase the volume of fish that crosses the dock, and providing a fish offloading service for hire. Proposers are encouraged to provide details on proposed installation of equipment, plans for winter/seasonal removal, have drawings, all of which should include at the minimum:
- Power Tie-In
 - Pump Location
 - Suction Discharge
 - Any Connections to Dock
 - Dewatering Box Location
 - Dewatering Return Line
 - Foam Reduction Efforts

Proposers must provide a suitable business narrative explaining how they intend to provide their services (see Section III(A): General Proposal Requirements) to the users of the Homer Fish Dock and that addresses the other sections outlined below.

- B. **Locations for Fish Pump Stations:** Two locations on the Homer Fish Dock are being provided for fish pumping services. Proposers are encouraged to inspect the two areas and specify in their proposal the

chosen location. **Only one proposal per location;** no one entity may control or be in contract with the City for both locations. Site descriptions are as follows:

- **North Trestle** – Homer Fish Dock’s northernmost trestle, situated nearest to the Wood Tidal Grid and Cranes #7 and #8. The designated location for the fish pump dewatering equipment is under the awning on the dock, and is approximately 41 feet by 36 feet. The actual fish pump will be located under the dock between Cranes #7 and #8. Proposers must complete their due diligence and inspect the area (see Attachment #4 for photos) and include in their Proposal Narrative how they intend to utilize the space.
- **South Trestle** – Homer Fish Dock’s southernmost trestle, situated nearest to Homer Spit Road and Cranes #1 and #2. Three areas are potential sites for fish pump equipment: 1) under the awning adjacent to the Ice Plant, 2) along the guard rail bordering Fish Dock Road, and 3) in the corner of the dock adjacent to Crane #1. The actual fish pump location will be under the dock between Cranes #1 and #2. Proposers must complete their due diligence and inspect the areas (see Attachment #5 for photos) to determine which location will meet their needs, and include in their Proposal Narrative how they intend to utilize the space.

- C. **Pumping Fish from Other Vessels:** The City recognizes that proposers to this RFP may be established businesses that have a selected fleet of fishing vessels they work with. Although it is common for said businesses to work exclusively with their fleet, it is the City’s goal to provide fish pump services to ALL fishing vessels that utilize Homer’s Fish Dock. Proposals must include a plan for providing fish pumping services for hire, and their plan for providing those services (example: scheduling for offloads around home fleet demands). Proposers that agree to and provide a plan for providing fish pumping services for hire will receive higher points as per the grading criteria outlined in this RFP.
- D. **Managing Truck Congestion:** It is a goal of the Port and Harbor to minimize congestion on the Fish Dock and Fish Dock Road, specifically pertaining to the loading and unloading of fish totes onto trucks. Proposers are required to address this issue and provide their firm’s plan on handling fish tote loading/offloading in a streamlined, efficient manner. Proposers are encouraged to submit creative ideas that offer a minimal impact on road/dock congestion.
- E. **Managing Vessel Congestion:** In addition to streamlining the unloading of fish from boats to trucks, another issue with fish pumping pertains vessels tying up to the dock longer than necessary for offloads. Some vessels attempt to remain at the Fish Dock after unloading to take on provisions such as groceries, water, ice, fleet provisions, etc. Proposers are encouraged to provide a plan for streamlining this process as well. Example: firms may provide the manpower to load provisions while offloading fish, and get the boat off the dock in a more expedited manner.
- F. **Term of Agreement:** Two successful proposers will be required to enter into two separate memorandums of agreement with the City of Homer for the North Trestle and South Trestle fish pump locations as early as March 14, 2017 for a three (3) year term with two, 1-year options to renew. The expiration date with no options of renewal will be December 31, 2021.

III. PROPOSAL REQUIREMENTS

- A. **General Proposal Requirements:** Every proposal narrative, to be deemed responsive, must contain the information requested in Section II: Scope of Work, and include but not be limited to the following:
1. The name of the entity proposing fish pump operations and a description of the entity’s operations and services, including information on any ties to existing businesses operating in Homer or fishing vessel fleets.

2. The fish pump services proposed, including a detailed description of the proposed services, number of employees involved, scheduled hours, bases for determining rates, and any other details necessary for the City to understand the full scope of services and nature of operations proposed.
3. The fish pump equipment that the entity proposes to install or manage. The description of fish pump equipment should include a description of maintenance expectations, scope of performance and performance limitations of the equipment, plans for equipment during the off-season, any and all components of the equipment and the function of these components.
4. Drawings of the location and layout of the fish pump and any of its components. While it is unnecessary to submit engineered drawings at this time, the visual image should be adequate to demonstrate the anticipated location of the fish pump and any structural support.
5. A brief analysis of how the proposed operations would affect the City, other Fish Dock users, the entity's own business forecasted outcomes for amount of fish tonnage going across the dock and potential fish tax that can be generated locally, and general City Port and Harbor operations.

B. **Fish Dock Use Permit:** All successful proposers are required to complete and maintain an annual Fish Dock Use Permit with the Homer Port and Harbor Office to conduct business on the Fish Dock. A State of Alaska Fisheries Business License and Certificate of Insurance will be required to submit with the FDUP. The successful Proposer shall maintain in force at all times during their agreement with the City the following policies of insurance:

1. General liability insurance providing coverage for bodily injury, including death, in an amount not less than \$500,000 for any one person and not less than \$1,000,000 for any one accident or occurrence.
2. Workers' Compensation or Longshoremen's and Harbor Workers' Compensation Insurance as may be required by state or federal law, and Employer's Liability Insurance.
3. Property damage liability, which shall include any and all property whether or not in the care, custody, or control of the Permittee, in an amount of not less than \$1,000,000 on account of any one accident.
4. The insurance obtained shall name the City, its officers, and employees as additionally insured.

C. **Equipment Storage Fees:** Per a memorandum of agreement, the City shall dedicate the agreed-to space for fish pumping to a successful proposer, who will be required to pay an equipment storage fee based on the square footage occupied during the months of operation. The current rate for fishing gear storage is \$0.15 per square foot per month, or any portion thereof. Firms are welcome to offer a higher square foot rate to make their proposal more competitive.

D. **Seafood Wharfage Reporting & Recording:** Businesses that are loading/unloading seafood over the Fish Dock are required to submit monthly Seafood Wharfage Reports to the Port and Harbor Office along with payment; the current rate is \$4.76 per ton of seafood/fish product regardless of species. Wharfage on ice not produced by the City and used in the offloading/shipping process is also subject to monthly wharfage reporting and NOS Cargo Wharfage fees.

Successful proposers will be required to maintain and submit records of all products they load/unload across the Fish Dock on a monthly basis to the Homer Port and Harbor Office. This reporting ensures the responsible business will be billed for wharfage accordingly.

IV. OTHER PROVISIONS

A. **Additional Permitting:** Permitting (if required) will be the responsibility of the fish pump's owner/operator and not the City.

B. **Utilities:** All utilities, such as electricity, will be the responsibility of the successful Proposer. Potable water is available at both locations.

V. RFP GENERAL REQUIREMENTS

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified below. Proposals that do not address the items listed in this request may be considered incomplete and may be deemed non-responsive by the City. Interested providers should submit their completed proposal using the following instructions:

One original and two (2) copies of the completed proposal in an opaque envelope marked as follows:

NORTH TRESTLE FISH PUMP SERVICES ON FISH DOCK RFP

Or;

SOUTH TRESTLE FISH PUMP SERVICES ON FISH DOCK RFP

Homer, Alaska

PROPOSAL DATED: _____

The Proposal submittals shall be addressed to:

City of Homer, City Clerk

491 E. Pioneer Ave.

Homer, Alaska 99603

Only one proposal per location, each in a separate envelope marked accordingly. Proposals shall be received at the Office of the City Clerk **no later than 4:00 pm, Thursday, March 2, 2017.** Please direct proposal submission questions to Jo Johnson, City Clerk, at (907) 235-3130. Please direct technical questions regarding this proposal to Bryan Hawkins, Port Director/Harbormaster **in writing** at bhawkins@cityofhomer-ak.gov, or 4311 Freight Dock Road, Homer, AK 99603.

Proposals received after the time fixed for the receipt of the bids shall not be considered. **All proposers must submit a City of Homer Proposal Holders Registration form to be on the Proposal Holders List to be considered responsive.** The Proposal holder registration form and the RFP package are available on line at <http://www.cityofhomer-ak.gov/rfps>.

There will be an optional 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 optional Pre-Close RFP meeting/teleconference will be held Tuesday, February 28, 2017 at 2:00 pm at the Homer City Hall Conference Room.** Proposers interested in participating via telephone can call in at the following number: Virtual Conference Room: 907-235-8121, Extension #2299. Callers will be on hold until meeting begins

VI. PROPOSAL FORMAT AND CONTENT

Letter of Transmittal (one page maximum): The transmittal letter shall briefly state the Proposer's understanding of the City's request, make a positive commitment to provide the professional services specified, and give the name, title, address, and phone number of the person(s) authorized to make representations for the firm. The letter shall be signed by a corporate officer or other individual who has the authority to bind the firm.

Proposal Narrative: The proposal narrative shall provide the following information:

1. Proposal Narrative: Specify in detail the Proposer’s ability to fulfill all sections of this RFP, including but not limited to location selection, equipment being used, number of employees, ability to provide services to fishing vessels outside of the business’s fleet, and plan for minimizing congestion on the Fish Dock and Fish Dock Road.
2. Proposed Project Schedule: A specific time schedule for fish pump installation, activity, and dismantling for the 2017 season, as well as for the remainder of the fishing seasons throughout the agreement’s term.
3. Completed Fish Dock Use Permit: The required permit and its attachments are outlined under Section III: Fish Dock Use Permit. See Attachment #3 for the permit form.
4. Drawings/Plans of Fish Pump Equipment: Requirements detailed under Section II: Scope of Work must be addressed.

VII. EVALUATION CRITERIA AND SELECTION PROCESS

The City of Homer reserves the right to reject any and all proposals submitted and shall not be liable for any costs incurred by any proposer in response to this solicitation or for any work done prior to the issuance of a notice to proceed or signed contract.

Additionally, per HCC 3.16.080, the City’s Local Bidder Preference applies to this RFP. It is the intention of the City to show consideration to those who have a history of doing business with the Homer Harbor and on Fish Dock Road.

A selection committee will evaluate the proposals and make a recommendation to the City Council. Evaluators may discuss factual knowledge of, and may investigate proposer’s prior work experience and performance. This includes information referenced in the proposal, available written evaluations, and contacted references that were listed or other persons knowledgeable of a proposer’s past performance. Factors such as overall experience relative to the proposed contract, quality of work, cost control, and the ability to meet schedules may be addressed during the evaluation. Submittals will be evaluated and scored in accordance with the following criteria:

1. Proposed Plan to Fulfill RFP Requirements	20 points
2. Proposed Business Narrative	20 points
3. Firm’s Experience Owning/Operating Fish Pumps	20 points
4. Completed Fish Dock Use Permits	20 points
5. Proposed Drawings	<u>20 points</u>
Maximum Score	100 points

The City of Homer reserves the right to award a contract to the highest ranked firm based solely on the written proposal or request oral interviews with a “short list” of the highest ranked firms. The highest ranked proposer will be invited to enter into negotiations with the City of Homer for the purposes of contract award. If an agreement with any proposer cannot be reached, the next highest ranked proposer may be contacted for negotiations. The City of Homer reserves the right to terminate negotiations with any proposer should it be in the City of Homer’s best interest.

VIII. PROPOSED RFP & AWARD SCHEDULE

RFP Advertisement	February 9 & 16, 2017 – Homer Tribune
Pre-Closing Meeting/Teleconference	February 28, 2017 at 2:00 pm
Proposals Due	March 2, 2017 at 4:00 pm

Review of Proposals & Choosing of Firm	March 3 – 7, 2017
City Council Award	March 13, 2017
Entering Memorandum of Agreement	March 14, 2017

IX. ATTACHMENTS

1. Vicinity Map for Fish Pump Stations on Fish Dock
2. Sample Memorandum of Agreement
3. Fish Dock Use Permit
4. Photos of North Trestle Location – One Site
5. Photos of South Trestle Locations – Three Sites

Attachment #1

Vicinity Map for Fish Pump Stations on Fish Dock





MEMORANDUM OF AGREEMENT

Operate, Manage, & Maintain Fish Pumping Services for North Trestle Fish Pump Station
On City of Homer's Fish Dock

1. PARTIES TO THE AGREEMENT

This Memorandum of Agreement (MOA) is made and entered into between the City of Homer, Port and Harbor Department (hereinafter referred to as City) and _____ (hereinafter referred to as Operator).

2. PURPOSE AND OBJECTIVE

This MOA is made for the following purposes and objectives:

- A. To install and operate a fish pump, dewatering box, and tote loading operation for the purposes of wet-pumping fish from fishing vessels and fish tenders moored at the City of Homer's Fish Dock;
- B. Serve two user groups: 1) the Operator's fleet, and 2) provide fish pumping services for hire as time allows;
- C. Minimize congestion on the Fish Dock and Fish Dock Road, specifically pertaining to the loading and unloading of fish totes onto trucks;
- D. Streamlining the process of vessel loading/offloading at the dock to ensure minimal dock congestion;
- E. Maintain records of all products loaded/unloaded across the Fish Dock and submit on a monthly basis to the Homer Port and Harbor Office to ensure the responsible business will be billed for wharfage accordingly.

3. LOCATION, USE, IMPROVEMENTS, & CARE

3.01 Site Location: Subject to the terms and conditions of this MOA, City is providing to Operator a portion of the City of Homer's Fish Dock area described as follows:

Awning area, approximately 41 feet by 36 feet, located on the Fish Dock's northernmost trestle, situated nearest to the Wood Tidal Grid and Cranes #7 and #8; actual fish pump will be located under the dock between Cranes #7 and #8.

3.02 Use of Location: Operator shall use the Location to operate, manage, and maintain a fish pump station for the exclusive purposes of increasing fish offload speed for dock users, increase the volume of fish that crosses the dock, and providing a fish offloading service for hire. Details of use and the equipment being used are described in the Operator's proposal to City, as described in Exhibit A. Operator shall not use the Location for any purpose other than as described in the proposal without written consent from City.

3.03 Vacating of Location for Winter/Off-Season: Operator shall vacate the Location in the manner described in the Operator's proposal to City during the months of non-activity. Operator will be subject to

additional storage fees and potentially be in default of this MOA if fish pump equipment is not removed per the proposal's timeline described in the Operator's proposal.

3.04 Maintenance of Location: Operator at its own cost and expense shall keep the Site Location and all fish pump equipment in a clean, safe and orderly condition, and in good repair at all times during the Term.

3.05 Utilities: All utilities, such as electricity, will be the responsibility of Operator. Potable water is available at Location.

4. TERM

4.01 Agreement Term: The term of this MOA is three (3) years, commencing on March 14, 2017, and ending on December 31, 2019.

4.02 Options to Extend Agreement Term. Operator has the option to extend the Term for two additional, consecutive one year periods (each an Extended Term), provided that:

- A. Operator gives City written notice of its exercise to renew not more than one year and not less than 120 days before the last day of the Term or current Extended Term; and
- B. Operator is in good standing with City and not materially in default of any term or condition of this MOA and has not transferred this MOA or any interest in the business or Site Location without consent of the City.

5. RENTS & FEES

Operator shall pay an equipment storage fee based on the square footage occupied during the months of operation. This rate is agreed to by both parties at \$0.15 per square foot per month, or any portion thereof, and shall be billed monthly by the Homer Port and Harbor Office. Operator is responsible for any additional fees that accrue from the Operator's own business and/or fishing vessel fleet, including but not limited to seafood wharfage, N.O.S. cargo wharfage from ice not produced by City, and vessel moorage.

6. RESPONSIBILITIES OF PARTIES

City: The specific responsibilities and obligations of City are:

- A. Will provide dedicated area on City of Homer's Fish Dock;
- B. Will bill Operator for the square footage used per the fee specified in Section 5;
- C. Will use reporting from Operator to oversee wharfage billing to responsible businesses, and to track fish pumping activity for statistical purposes.

Operator: The specific responsibilities and obligations of Operator are:

- A. Will be allowed to charge other commercial enterprises and/or vessels for fish pumping services per the Operator's fee schedule in their proposal to City;
- B. Will pay for, maintain, and repair their own equipment in accordance with Operator's proposal to City and this MOA;
- C. Will keep necessary records as requested by City and submit monthly reports to City to ensure appropriate billing to the commercial business and/or vessel for the fish pumping services provided to them under this MOA;

- D. Will be responsible for the management of their fish pump station, including setting hours of operation, supervising employees, establishing service rates/fees per the Operator's proposal to City, as detailed in Exhibit A;
- E. Will maintain in force at all times during the Term of this MOA a Fish Dock Use Permit with City, including required items such as a State of Alaska Fisheries Business License and Certificate of Insurance, as detailed in Exhibit B.
- F. Will receive the necessary permitting from the City of Homer, State of Alaska, or other governing entities if required to ensure Operator meets its responsibilities detailed in this MOA and the Operator's proposal to City.

7. AMENDMENTS, TERMINATION, & ASSIGNMENTS

7.01 Amendments to MOA: Amendments to this agreement may be proposed by either party and shall become executed upon being reduced to a written instrument executed by both parties.

7.02 Termination of MOA: This MOA shall expire with no renewal options remaining on December 31, 2021, or until earlier terminated in writing by 30-day written notice from either party to this agreement, hand-delivered or mailed to the party at the address indicated in Section 8: Notification. Both parties agree that termination must be based on just cause.

7.03 Assignment of MOA: Operator shall not assign or subcontract its interest in this MOA or in the Location without first obtaining the written consent of the City, which will not be withheld unreasonably. Any assignment or subcontract without the consent of the City will be voidable and, at City's election, will constitute a default. Operator shall request consent of the City in writing at least 30 days prior to the effective date of the proposed assignment or subcontract, accompanied by a copy of the proposed assignment or subcontract.

7.04 Events that Constitute an Assignment: If Operator is a partnership or limited liability company, a withdrawal or change, voluntary, involuntary or by operation of law, of one or more partners or members owning 25% or more of the entity, or the dissolution of the entity, will be deemed an assignment subject to Section 7.03.

8. NOTIFICATION

All notices, demands, invoices, and other correspondence between City and Operator shall be delivered with the following addresses:

City of Homer _____
 Port and Harbor _____
 4311 Freight Dock Road _____
 Homer, Alaska 99603 _____

Primary Contact: Bryan Hawkins _____
 Port Director/Harbormaster _____
 Phone: 907-235-3160 Phone: _____
 Fax: 907-235-3152 Fax: _____
 Email: bhawkins@cityofhomer-ak.gov Email: _____

9. INSURANCE

While providing service under this MOA, Operator shall maintain in good standing for the duration of this MOA's Term insurance described as follows:

- A. General liability insurance providing coverage for bodily injury, including death, in an amount not less than \$500,000 for any one person and not less than \$1,000,000 for any one accident or occurrence.
- B. Workers' Compensation or Longshoremen's and Harbor Workers' Compensation Insurance as may be required by state or federal law, and Employer's Liability Insurance.
- C. Property damage liability, which shall include any and all property whether or not in the care, custody, or control of the Permittee, in an amount of not less than \$1,000,000 on account of any one accident.
- D. The insurance obtained shall name the City, its officers, and employees as additionally insured.

IN WITNESS WHEREOF, each party hereto has caused this MOA to be executed by an authorized official on the day and year set forth below his/her signature.

CITY:

CITY OF HOMER, PORT & HARBOR

Bryan Hawkins, Port and Harbor Director

Date

OPERATOR:

[authorized signer, title]

Date

ATTACHEMENT A

Operator's Proposal to City



ATTACHMENT B

Operator's Fish Dock Use Permit





FISH DOCK USE PERMIT

City of Homer, Alaska Port & Harbor

THIS PERMIT is effective within the terms specified herein by and between the CITY OF HOMER, ALASKA, and _____ (Permittee) whose address is

WHEREAS, the City of Homer operates certain marine terminals and docks suitable for cargo handling at the Port and Harbor of Homer on a nonexclusive basis;

NOW, THEREFORE, the parties agree as follows:

Section 1. Definitions.

"Cargo loading or unloading" means the movement of cargo to or from the marine terminal from, to, on, or into trucks, trailers, semi-trailers, or another place on the marine terminal.

"Cargo" includes cargo of every kind, including without limitation fish and fish products.

"Check" or "checking" means the inspection of cargo to determine its quantity, condition, or destination, the consignee's identity, and the accuracy of billing.

"City" means the City of Homer, Alaska.

"City docks" means all docks, floats, stalls, wharves, ramps, piers, bulkheads, and sea walls owned or operated by the City, including the main dock, the deep water dock, all grids, and the Fish Dock.

"City Manager" means the city manager of the City, or the person designated by the city manager.

"Direct loading or unloading" means the movement of cargo between a vessel and another vehicle or vessel used for transportation.

"Fish Dock" is that dock within the Small Boat Harbor commonly known as the Fish Dock, which is designated to be used primarily for the loading and unloading of fish, fish products, and fishing gear.

"Handling" means the movement of cargo between a vessel and the place of rest on the marine terminal.

"Harbormaster" means the Port Director/Harbormaster of the City of Homer or his designee.

"Longshore services" means any act of cargo loading or unloading, direct loading or unloading, handling or storing of cargo or line handling.

"Marine terminal" means the docks, yards, beaches and related facilities which comprise the Port and Harbor of Homer.

"Port and Harbor" means the city docks, marine terminal facilities, and Small Boat Harbor, owned or operated by the City of Homer at Homer, Alaska.

“Small Boat Harbor” means that area of water within and protected by the breakwaters up to the line of the mean higher high water of the shoreline, plus the surrounding basin and slopes and City Docks within or adjacent thereto.

“Tariff” means the Port and Harbor Terminal Tariff established by the City and filed with the Federal Maritime Commission.

Section 2. Term.

This permit shall become effective on January 1, _____ and shall expire on December 31, _____, or when any of the insurance policies required by this permit are canceled or have lapsed for any reason, whichever occurs first. Expiration or termination of the Permittee's authority to use the Fish Dock shall not affect the parties' continuing obligations under this permit.

Section 3. Notices.

Any notice provided for herein shall be given in writing and transmitted by personal delivery or prepaid first class registered or certified mail to the parties at the following addresses:

City: City Manager
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

Permittee: _____

Notice sent by mail shall be considered given 48 hours after mailing; provided, however, that if notice sent by mail is also sent by telex or facsimile, such notice shall be considered given upon dispatch of the telex message or facsimile if sent any time during normal business hours of City of Homer administrative offices and prior to expiration of the 48-hour period after mailing. Telex or facsimile messages shall be sent to the parties at the following numbers:

City: City Manager
City of Homer
Fax: 907-235-3148

Permittee: _____

Section 4. Responsibilities of City.

During the term of this permit City shall:

A. Use reasonable efforts to make the Fish Dock available upon which the Permittee may conduct longshore services as set forth herein, subject to the Tariff and rules and regulations established by the City.

B. Designate areas consistent with Port and Harbor operations in which the Permittee may park and store vehicles and equipment related to its activities at the Port and Harbor, subject to fees and rules and regulations established by the City.

C. Reasonably provide for the removal of snow and ice from the Fish Dock and adjacent staging areas under the control of the City.

Section 5. Responsibilities of Permittee.

During the term of this permit the Permittee:

A. May perform longshore services at the Fish Dock in accordance with the terms of this permit.

B. Shall furnish all personnel, equipment, supplies, and dunnage necessary to its performance of longshore services under this permit.

C. Shall insure that their personnel be trained to operate equipment on the Fish Dock. Crane operators must have their Crane Card Operators Permit on their person. Permittees must have a training program in place for fork lift operators. Fork lift operators must have a valid driver's license.

D. Shall report to the City within 10 days after the end of each calendar month the cargo moved across the Fish Dock pursuant to this permit during that month. The report shall include, for all cargo moved during the month (i) the name and address of each person responsible for payment of the wharfage on such cargo, and any related dockage charges due the City as specified in the Tariff or other City fee schedules, (ii) for each such person, the type of cargo and the weight, volume, or other measure of such cargo, including without limitation fish and fish products, according to the cargo and wharfage categories set forth in the Tariff or other City fee schedules, and (iii) for each such person, an itemization of the cargo-related dockage charges that such person owes to the City under the Tariff or other City fee schedules.

E. May store cargo on City property only in those areas designated by the Harbormaster for the purpose and in a manner approved by the Harbormaster, subject to fees and rules and regulations established by the City.

F. Shall, at all times other than those when the Permittee is actually servicing a vessel, keep all Port and Harbor facilities it uses pursuant to this permit clean and clear of its personnel, equipment, cargo, debris, dunnage, and other material. If the Harbormaster determines that the Permittee has failed to perform as required by this subsection, the Harbormaster may direct the Permittee to secure a labor force to so perform at the sole expense of the Permittee and the Permittee shall do so immediately. If the Permittee fails to commence such performance within 24 hours after notice from the Harbormaster, the Harbormaster may arrange for such performance at the sole expense of the Permittee and the Permittee shall pay those expenses before performing further longshore services pursuant to this permit.

G. May leave its equipment or vehicles or its employees' vehicles only in those areas designated by the Harbormaster for such purposes. The Permittee assumes the risk for any damage that may be sustained by such equipment or vehicles except for that caused by City's own gross negligence.

H. Shall have absolute control of and responsibility for the actions of its employees.

Section 6. Cooperation.

A. This permit is a nonexclusive authority for the Permittee to perform the services set forth in Section 5 and the Permittee understands that similar authority may be held by others. The Permittee shall cooperate with all other persons authorized to work at the Port and Harbor. The Harbormaster may order the Permittee to schedule its activities so as to accommodate the work of other persons and the Permittee shall comply with such an order. The Harbormaster may arrange for or change berthing schedules of vessels in order to maximize public use of the Port and Harbor facilities. Permittee agrees to provide the Harbormaster

with advance notice of work or berthings whenever possible and to cooperate with and abide by the Harbormaster's scheduling of use of Port and Harbor facilities.

B. Neither Permittee nor its agents, officers, employees or personnel shall intentionally interfere with or hinder the work of other persons authorized to work at the Port and Harbor nor shall they move, remove, use, deface, damage, destroy or alter any equipment, vehicles, materials, or cargo owned by or under the control of the City or any other person authorized to work at the Port and Harbor.

Section 7. Checking Services.

A. The Permittee shall check all cargo which it loads, unloads, or handles and prepare all over, short, and damage reports as may be required by a shipper, carrier, or consignee.

B. The Permittee shall be solely responsible for all apparent damage or pilferage suffered by cargo checked by the Permittee and not recited in shipside, exception, final over, short, damage, or unloading reports, except for such damage as is caused by the negligence of City.

C. Except only for damage caused by the negligence of City, the Permittee shall be solely liable for all errors in its delivery of cargo as a result of improper checking or completion of any report listed in subsection B. of this section.

Section 8. Compensation.

A. City shall be paid all fees for wharfage, dockage, crane use, sale of water, sale of ice, and all other port services as specified in the Tariff or other City fee schedules, except as provided herein.

B. Permittee shall be entitled to retain its charges for any services performed by it under this Permit, except as is otherwise provided.

C. The Permittee has paid the City a fee of **\$5.00** for issuance of this permit.

Section 9. Facility Damage.

A. The Permittee or its personnel shall not deface, damage, destroy or alter any portion of the Port and Harbor facility or equipment.

B. The Permittee shall give immediate oral notice to the Harbormaster if he should become aware of defacement, damage, alteration, or destruction to any part of the Port and Harbor facility, regardless of the cause. The Permittee shall also submit written notice of such an event to

D. the Harbormaster within 24 hours thereafter. Both the oral and written reports shall fully describe the incident, including the nature of the harm, how it occurred, the identity of all persons involved and all witnesses to the incident.

C. If caused by Permittee or its personnel, the Permittee shall pay City for the cost of repair or replacement plus 25% administration overhead costs within 15 days after presentation of a bill by City. The Permittee shall pay any bill submitted in accordance with this section before performing further longshore services under this Permit.

Section 10. Relationship of Permittee to City.

Nothing contained in this Permit shall be deemed or construed by the parties or by any third person to create the relationship of principal and agent or of partnership or of joint venture or of any association between City and Permittee. In conducting any activity under this permit the Permittee shall solely on its own

behalf. Permittee shall at all times be solely responsible for its conduct, and City shall have no liability whatsoever for any act or omission of Permittee.

Section 11. Nondiscrimination.

In performing any activities under this permit, the Permittee may not discriminate against any person on the basis of race, creed, color, religion, national origin, age, sex, marital status, physical or mental handicap.

Section 12. Permits, Laws and Taxes.

A. The Permittee shall acquire and maintain in good standing all permits, licenses, and other entitlements necessary to its performance under this permit, including any necessary filings with the Federal Maritime Commission, and a State of Alaska Fisheries Business License if permittee is using Fish Dock facilities for fisheries business pursuits. All actions taken by the Permittee under this permit shall comply with all applicable statutes, ordinances, rules and regulations. The Permittee shall pay all taxes arising out of the existence of this permit or pertaining to Permittee's performance under this Permit.

B. The Permittee shall observe all rules and signs posted at the Port and Harbor, including hazard and warning signs posted at the Fish Dock and all U.S. Coast Guard and applicable state or federal occupational safety and health requirements, whether or not they are posted.

C. Permittee shall not load, unload, or handle hazardous chemicals, flammable liquids, compressed gases, petroleum products, or similar hazardous materials, across, on, or near the Fish Dock. These products, in quantities no more than can be used by the individual vessel being loaded or unloaded, may be handled across the Fish Dock without advance Harbor Officer approval.

D. Operations by Permittee under this permit shall comply with the Tariff to the extent the Tariff is applicable to Permittee's operations.

E. Portable cranes, such as truck cranes, boom trucks, and similar cargo handling cranes, shall not be allowed to load or unload cargo on Fish Dock without prior written approval of the Harbormaster.

Section 13. Non-Waiver.

The failure of City at any time to enforce a provision of this permit shall in no way constitute a waiver of the provision, nor in any way affect the validity of this permit or any part hereof, or the right of City thereafter to enforce each and every provision hereof.

Section 14. Assignments.

Except insofar as this permit specifically permits assignments, any assignment by the Permittee of this permit or of any of its interest in this permit, or any delegation of privileges under this permit shall be void, and an attempt by the Permittee to assign any part of its interest or delegate privileges under this permit shall give City the right immediately to terminate this permit without any liability.

Section 15. Amendment.

The parties may amend this contract only by written agreement, which shall be attached as an appendix hereto.

Section 16. Jurisdiction, Choice of Law.

Any civil action arising from this permit shall be brought in an Alaskan court of competent jurisdiction in Homer. The law of the State of Alaska shall govern the rights and obligations of the parties under this permit.

Section 17. Severability.

Any provision of this permit decreed invalid by a court of competent jurisdiction shall not invalidate the remaining provisions of the permit.

Section 18. Integration.

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are not promises, terms, conditions or obligations other than those contained herein. This permit shall supersede all previous communications, representation or agreements, either oral or written, between the parties.

Section 19. Liability.

The Permittee shall indemnify, defend, save, and hold City harmless from any losses, claims, lawsuits or liability, including attorneys' fees and costs, arising out of loss, damage or injury, including death, to persons or property occurring during the course of or as a result of the Permittee's performance under this permit, except for damage caused by City's own negligence.

Section 20. Risk of Loss.

The Permittee agrees that any equipment, cargo, vehicle, or other material of any kind which is stored or placed at the Port and Harbor is so stored and placed at the sole risk of the Permittee. In the event that any such equipment, cargo, vehicles or other materials is damaged or destroyed by any cause other than City's own negligence, the Permittee shall not seek compensation or restitution of any kind from City.

Section 21. Permit Administration.

The Harbormaster shall administer this permit on behalf of City. The Fish Dock Use Permit is applicable to all businesses using Fish Dock facilities except individual vessel owners using their own vessel crew and crane access card to load or unload only their own vessel.

Section 22. Termination.

Either City or the Permittee may terminate this permit at any time for any reason by notifying the other party in writing at least 30 days before the date upon which such termination is to be effective. Neither party shall be liable to the other under this permit after the effective date of termination.

Section 23. Disputes.

In the event of a dispute between the parties under this permit, the Harbormaster shall reduce his position to a written decision and serve a copy thereof upon the Permittee. The Permittee may appeal the decision by written application to the city manager within 14 days after notice of the Harbormaster's decision is given to Permittee. While the appeal is pending, the Permittee shall abide by the decision of the

Harbormaster. The Permittee may appeal the decision of the city manager to court within 20 days after notice of the city manager's decision is given to Permittee. While the appeal is pending the Permittee shall abide by the decision of the city manager.

Section 24. Insurance.

A. During the term of this permit, the Permittee shall maintain in good standing insurance described in this section. Prior to its performance pursuant to this permit, the Permittee shall furnish the Harbormaster a certificate of insurance in accordance with subsection B. of this section.

B. The Permittee shall obtain and keep in force at all times during the term of this permit:

1. General liability insurance providing coverage for bodily injury, including death, in an amount not less than \$500,000 for any one person and not less than \$1,000,000 for any one accident or occurrence.

2. Workers' Compensation or Longshoremen's and Harbor Workers' Compensation Insurance as may be required by state or federal law, and Employer's Liability Insurance.

3. Property damage liability, which shall include any and all property whether or not in the care, custody, or control of the Permittee, in an amount of not less than \$1,000,000 on account of any one accident.

C. The insurance obtained pursuant to this section shall name City, its officers, and employees as additional insured's. Such policies must be endorsed to permit City, its officers and employees, to recover on the insurance for damages and injuries suffered by them that are caused by the Permittee or any other insured's under the policy. Such policies must provide that a termination, cancellation or expiration of the policy is ineffective until 30 days after written notice of the termination, cancellation or expiration has been delivered to the city manager.

D. In addition to, and without limiting the foregoing requirements of Section 24, Permittee shall at all times maintain and give to the City, for City's benefit, current insurance endorsements substantially in the form of Exhibit A and Exhibit B. Permittee shall also grant City permission to obtain copies of insurance policies from all insurers providing required coverage to Permittee by executing an authorization substantially in the form of Exhibit C. Permittee shall, from time to time, execute and deliver to City such additional authorizations (Exhibit C) that City may request.

Section 25. Fire Prevention.

The Permittee shall keep fire lanes clear and keep fire control equipment readily accessible. There will be no storage of totes or equipment in the three access lanes to the Fish Dock.

Section 26. Breach and Remedies.

A. A violation of any of the provisions of Section 6 of this permit shall be grounds for immediate suspension of this permit for up to 48 hours upon written notice to Permittee.

B. A violation of any provision of this permit or of any rules or regulations applicable to Permittee's activities under this permit, and the failure to remedy the same within 48 hours after written notice to Permittee of the violations, shall constitute grounds for immediate termination of this permit. Prior to such termination, Permittee will be given notice and an opportunity for an informal hearing before the city manager within 48 hours of the notice.

IN WITNESS WHEREOF, the parties have executed this permit on the date first hereinabove written.

CITY OF HOMER

PERMITTEE

City Manager

Authorized Representative

Date

Printed Name

Recommended for Approval:

Date

Port Director/Harbormaster

Date

**PERMITTEE'S ACKNOWLEDGMENT
CORPORATION OR OTHER ENTITY**

STATE OF ALASKA)

) ss.

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, _____, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared _____, known to me and to me known to be the _____ of the entity named in the foregoing document as Permittee, and known to be the individual who executed the foregoing document, and he or she acknowledged to me he or she was authorized to execute the foregoing document by authority granted to him or her by said Permittee and on behalf of said Permittee, and for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Alaska

My Commission Expires

PERMITTEE'S ACKNOWLEDGMENT

INDIVIDUAL

STATE OF ALASKA)

) ss.

THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, _____, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared _____, known to me and to me known to be the individual named in and who executed the foregoing instrument, and he acknowledged to me that he did sign and seal the same as his voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Alaska

My Commission Expires

EXHIBIT A

GENERAL LIABILITY ENDORSEMENT

City of Homer ("City")
491 East Pioneer Ave.
Homer, Alaska 99603-7624
Attn.: City Manager

A. POLICY INFORMATION

1. Insurance company: _____ ("Company");
Policy No.: _____
2. Policy Term: (from) _____ (to) _____
3. Effective date of this endorsement: _____
4. Named insured: _____
5. Address of Named Insured: _____

6. Employer's liability limit (Coverage B): _____
7. Policy is (claims made/ occurrence): _____
8. If Claims Made: _____ Retroactive Date: _____
9. Is Tail Coverage Afforded? Yes No
10. Limit of Liability Any One Occurrence: \$ _____ Aggregate: \$ _____
11. Deductible or Self-Insured retention (n/a unless otherwise specified): \$ _____

B. POLICY AMENDMENTS

This endorsement is issued in consideration of the policy premium. Notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any other endorsement attached thereto, it is agreed as follows:

1. **INSURED.** The City, its elected or appointed officials, employees and volunteers are included as insured with regard to damages and defense of claims arising from: (a) activities performed by or on behalf of the named insured; (b) products and completed operations of the named insured; or (c) premises owned, leased or used by named insured.

2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its elected or appointed officials, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its elected or appointed officials, employees or volunteers shall be excess of this insurance and shall not contribute with it.

3. **SCOPE OF COVERAGE.** The policy: (1) if primary, affords coverage at least as broad as forms currently in use as approved by the State of Alaska Division of Insurance; and (2) if excess, affords coverage which is at least as broad as the primary insurance forms reference in the preceding Section B.1.

4. SEVERABILITY OF INTEREST. The insurance afforded by this policy applies separately to each insured who is seeking coverage or against whom a claim is made or a suit is brought, except with respect to the Company's limit of liability.

5. PROVISIONS REGARDING THE INSURED'S DUTIES AFTER ACCIDENT OR LOSS. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the City, its elected or appointed officials, employees or volunteers.

6. CANCELLATION NOTICE. The insurance afforded by this policy shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail return receipt requested has been given to the City. Such notice shall be addressed as shown in the heading of this endorsement.

C. SIGNATURE OF INSURER OR AUTHORIZED REPRESENTATIVE

I, _____ (print/type name), warrant that I have authority to bind the below-listed insurance company and, by my signature hereon, do so bind this company.

Authorized Representative Signature

Date

Title within Organization: _____

Phone #: _____

Address: _____

EXHIBIT B

WORKERS' COMPENSATION/EMPLOYERS LIABILITY ENDORSEMENT

City of Homer ("City")
491 East Pioneer Ave.
Homer, Alaska 99603-7624
Attn.: City Manager

D. POLICY INFORMATION

1. Insurance company: _____ ("Company");
Policy No.: _____
2. Effective date of this endorsement: _____
3. Named insured: _____
4. Employer's liability limit (Coverage B): _____

E. POLICY AMENDMENTS

In consideration of the policy premium and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any other endorsement attached thereto, it is agreed as follows:

1. CANCELLATION NOTICE. The insurance afforded by this policy shall not be suspended, voided, canceled, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City. Such notice shall be sent to the address given in the heading of this endorsement.
2. WAIVER OF SUBROGATION. The Company agrees to waive all rights of the subrogation against the City, its elected or appointed officials, agents and employees for losses paid under the terms of this policy which arise from work performed by the named insurer for the City.

F. SIGNATURE OF INSURER OR AUTHORIZED REPRESENTATIVE

I, _____ (print/type name), warrant that I have authority to bind the below-listed insurance company and, by my signature hereon, do so bind this company.

Authorized Representative Signature Date

Title within Organization: _____

Phone #: _____

Address: _____

EXHIBIT C

AUTHORIZATION TO OBTAIN INSURANCE POLICIES

The City of Homer is hereby granted permission to request and obtain copies of ("Permittee") Insurance policies from its broker/insurance carrier, _____ ("broker/insurance carrier").

It is understood that the Permittee may revoke this permission at any time by written notice to its broker/insurance carrier and to the City of Homer; however such revocation may affect receipt of or continuance of a use permit or constitute a default under a lease from the City of Homer.

Authorized Representative: _____

Title within Organization: _____

Date: _____

Attachment #4
North Trestle Location



Attachment #5
South Trestle Locations

Location #1

Under Awning Adjacent to Ice Plant



Location #2

Along Guardrail Bordering Fish Dock Road



Location #3

Corner of Dock Adjacent to Crane #1



NEW BUSINESS

RESOLUTIONS

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

3 City Manager/
4 Port and Harbor Director

5 **RESOLUTION 17-024**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR
9 PROPOSALS (RFP) FOR THE REPLACEMENT OF THE EXISTING PORT
10 AND HARBOR MANAGEMENT SOFTWARE.

11
12 WHEREAS, The current harbor software was put in place 20 years ago and has now
13 proven to be antiquated, unsupported, and unable to be updated to implement the approved
14 graduated moorage rate structure; and

15
16 WHEREAS, Ordinance 17-14 was brought forth to amend the 2017 operating budget by
17 appropriating funds in the amount of \$150,000 from Port and Harbor Reserves for the
18 replacement of the existing Port and Harbor management software; and

19
20 WHEREAS, The Port and Harbor has prepared and defined the “requirements” for the
21 replacement of the existing Port and Harbor management software.

22
23 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the
24 City Manager to issue a Request for Proposals (RFP) for the replacement of the existing Port and
25 Harbor management software.

26
27 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of March
28 2017.

29 CITY OF HOMER

30
31
32
33 _____
34 BRYAN ZAK, MAYOR

35 ATTEST:

36
37
38 _____
39 JO JOHNSON, MMC, CITY CLERK

40
41 Fiscal Note: Port and Harbor Reserves 456 0380



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 17-053

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: BRYAN HAWKINS, PORT AND HARBOR DIRECTOR

DATE: MARCH 22, 2017

SUBJECT: RESOLUTION AUTHORIZING THE ISSUE OF A REQUEST FOR PROPOSALS (RFP) TO REPLACE 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 system has been bought and sold many times since her death. Through these changes of ownership, the records of our 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.

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. The Request for Proposals document and Business Requirements are now ready for solicitation.

Ordinance 17-14 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 had its first reading on 3/13/17.

RECOMMENDATION: Approve Resolution 17- to authorize the City Manager to issue a Request for Proposal (RFP) for the replacement of the existing Port and Harbor management software.

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

3
4 Erickson

5 **RESOLUTION 17-027**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL ESTABLISHING A
8 MID-YEAR NOTICE REQUIRMENT FOR THE HOMER NATURAL GAS
9 SPECIAL ASSESSMENT DISTRICT PAYMENTS.

10
11 WHEREAS, Resolution 15-017 established dates for payment of the special assessments
12 and delinquency, penalty, and interested provisions for the Homer Natural Gas Special
13 Assessment District; and

14
15 WHEREAS, Homer Natural Gas Special Assessment District annual payments are due on
16 July 1 annually; and

17
18 WHEREAS, A mid-year reminder to parcel owners with balance due in the Homer
19 Natural Gas Special Assessment District would keep property owners informed of their
20 obligation and less likely to be surprised by the July billing; and

21
22 WHEREAS, A mid-year reminder to parcel owners with balance due in the Homer
23 Natural Gas Special Assessment District would be beneficial to the City as it will increase
24 payments and decrease delinquencies; and

25
26 NOW, THEREFORE, BE IT RESOLVED that a mid-year notice reminding all parcel owners
27 with a balance due in the Homer Natural Gas Special Assessment district of the upcoming bill
28 due July 1st of every year will be mailed no later than January 31 of the year the payment is
29 due.

30
31 PASSED AND ADOPTED by the Homer City Council on this 28th day of March, 2017.

32
33 CITY OF HOMER

34
35
36
37 _____
38 BRYAN ZAK, MAYOR

39 ATTEST:
40
41
42

43

44

45

46 _____
JO JOHNSON, MMC, CITY CLERK

47

48 Fiscal Note: \$1,000 in postage and materials for approximately 2,000 notices.

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

