

# City Council

**Monday**

**April 10, 2017**

**Worksession 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**



# April 2017

- Monday 10<sup>th</sup>:** **CITY COUNCIL**  
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Tuesday 11<sup>th</sup>:** **CITY COUNCIL**  
Worksession 4:00 p.m.
- ECONOMIC DEVELOPMENT ADVISORY COMMISSION**  
Worksession 5:00 p.m. Regular Meeting 6:00 p.m.
- Thursday 13<sup>th</sup>:** **ADA COMPLIANCE COMMITTEE**  
Regular Meeting 4:00 p.m.
- Tuesday 18<sup>th</sup>:** **CITY COUNCIL**  
Worksession 4:00 p.m.
- POLICE STATION BUILDING TASK FORCE**  
Regular Meeting 4:00 p.m.
- Wednesday 19<sup>th</sup>:** **HOMER ADVISORY PLANNING COMMISSION**  
Worksession 5:30 p.m., Regular Meeting 6:30 p.m.
- Thursday 20<sup>th</sup>:** **PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Monday 24<sup>th</sup>:** **CITY COUNCIL**  
Special Meeting 2:00 p.m. 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 2<sup>nd</sup> and 4<sup>th</sup> Mondays 6:00 p.m.  
Library Advisory Board 1<sup>st</sup> Tuesday 5:30 p.m. with the exception of  
January April August November  
Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6:00 p.m.  
Parks Art Recreation and Culture Advisory Commission 3<sup>rd</sup> Thursday 5:30 p.m. with the exception of  
July, December, January  
Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.  
Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5:00 p.m. (May-August 6:00 p.m.)  
Cannabis Advisory Commission Quarterly 4<sup>th</sup> 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





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



**WORKSESSION**  
**4:00 P.M. MONDAY**  
**APRIL 10, 2017**  
**COWLES COUNCIL CHAMBERS**

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

### **WORKSESSION AGENDA**

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. EMPLOYEE WAGES AND BENEFITS** Page 7
- 4. COMMENTS OF THE AUDIENCE**
- 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**  
Next Regular Meeting is Monday, April 24, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., Worksession 4:00 p.m. and Special Meeting 2:00 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](http://www.cityofhomer-ak.gov)

Office of the City Manager

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## Memorandum 17-062

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: April 5, 2017  
SUBJECT: Employee Wages and Benefits Worksession

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Council scheduled a worksession on employee benefits in order to have a conversation outside of the regular budget cycle. At the March 28 Council meeting I asked Council for questions they may have. Many members asked for detailed information on the different benefits provided and what they cost the City. Others wanted more comparative data with other municipal employers. A comparison with other municipalities will take time to research. A parity study, which is one way of doing a comparative wage and benefit analysis, has been recommended for some time but can be expensive and time consuming to compile. When comparing the City of Homer to other areas, it is often complicated by the fact that you can almost never compare apples to apples. When comparing salary for a particular job, one job may have significantly more duties and responsibilities than another, which requires a detailed analysis of a job description, not title. Many jobs don't have an equivalent in other municipalities. Additionally, a parity study can be damaging to an organization. When I was first hired at the City the HR Director surveyed of municipal jobs across Alaska and all the employees could talk about was how such and such was paid better or how they did things in X city (even if there were good reasons like longevity and increased duties and responsibilities that may have justified the difference). It fomented a lot of ill will and bitterness with employees. In order to provide Council with comparative data without the effort and disruption of a parity study, Human Resources director Browning has reached out to Peninsula municipalities in hopes of being able to take a sample set of employees with comparable job descriptions and analyze where we start and end those employees on our wage scale compared to our neighbors.

### Questions from Council:

Information about every single benefit, vacations, PTO/sick pay, holidays, retirement, health insurance, etc.  
*See Personnel Regulations Section 6, employee benefits*

For each one, how many employees are eligible.

*-As of March 31, 2017 the City of Homer has 97 full time employees who are eligible for retirement and health insurance, but only 89 are currently enrolled.*

*-As of March 31, 2017 the City has 4 part time employees who are not eligible for life insurance or PERS but can participate in health insurance at an increased cost. Families of part time employees are not eligible for health insurance.*

*-As of March 31, 2017 the City has 7 temporary employees. These employees are not eligible for benefits such as retirement, health insurance or paid time off. The number of temporary employees grows in the summer for park maintenance, campgrounds, fire, and the harbor.*

What is the cost of providing benefits?

*See spreadsheet from 2017 budget with salary, wages, and fringe benefit line items*

Information on benefits packages of other municipalities on the Kenai Peninsula and elsewhere in Alaska.

*Collecting this comparative data from other municipalities will take time and resources. Staff is hoping to have a sample for you to assist budget conversations.*

How are merit increases awarded?

*Merit increases are awarded annually based on a written evaluation and satisfactory performance.  
See section 5.3 of Personnel Regulations, Pay Increases*

How much is budgeted for merit increases?

*The 2017 budget includes \$102,931 for merit increases city-wide. Merit increases are included in the budget even if they are not awarded.*

Discussion of health care including increasing the employee share of health insurance.

*See attached chart from 2017 budget conversations detailing different employee contribution scenarios and the corresponding impact to employees.*

*The City of Homer budgeted \$1,987,069 in 2017 for health insurance premiums. The actual cost of health insurance fluctuates depending on participation. The City incentivizes employees to decline coverage if they have alternative healthcare available to them individually or through their spouse's employer. This helps pay their premiums on their alternate coverage. Similarly, the City encourages spouses to not be on the City of Homer plan by charging a penalty for spouses if they have access to other health insurance (through their employer, for example).*

*Enc:*

Personnel Regulations, Chapters 5 and 6

Wage scale

Spreadsheet on salary, wages and benefits

Comparison of different employee contribution rates to health insurance premiums

HOURLY SALARY SCHEDULE with 1.5% COLA Increase for FY 2017 Budget

Implement: January 1, 2017

COLA 1.5%

ANNUAL MERIT STEPS

RANGE	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N	Step O
1	12.07	12.57	12.92	13.30	13.65	14.04	14.44	14.85	15.69	16.15	16.64	17.15	17.66	18.19	18.74
2	12.94	13.46	13.86	14.25	14.65	15.06	15.49	15.94	16.84	17.36	17.86	18.40	18.96	19.53	20.12
3	13.82	14.39	14.80	15.20	15.64	16.08	16.54	16.99	17.98	18.51	19.07	19.64	20.24	20.84	21.46
4	14.69	15.28	15.72	16.15	16.62	17.09	17.57	18.08	19.10	19.68	20.27	20.88	21.51	22.15	22.82
5	15.53	16.19	16.64	17.11	17.59	18.10	18.59	19.13	20.22	20.84	21.46	22.10	22.75	23.44	24.14
6	16.40	17.07	17.56	18.05	18.56	19.09	19.63	20.18	21.34	21.96	22.63	23.31	24.01	24.74	25.48
7	17.27	17.97	18.46	18.99	19.54	20.08	20.65	21.23	22.43	23.11	23.80	24.51	25.25	26.00	26.79
8	18.10	18.85	19.37	19.92	20.47	21.05	21.65	22.26	23.53	24.23	24.98	25.71	26.48	27.28	28.10
9	18.95	19.72	20.27	20.85	21.44	22.05	22.66	23.30	24.62	25.36	26.13	26.90	27.71	28.54	29.40
10	19.77	20.58	21.16	21.76	22.37	23.01	23.65	24.34	25.71	26.48	27.27	28.10	28.95	29.82	30.71
11	20.59	21.45	22.06	22.66	23.31	23.97	24.64	25.33	26.79	27.59	28.42	29.26	30.15	31.05	31.98
12	21.44	22.30	22.92	23.58	24.24	24.94	25.63	26.36	27.86	28.68	29.55	30.45	31.35	32.30	33.27
13	22.23	23.14	23.80	24.48	25.16	25.87	26.59	27.36	28.90	29.77	30.66	31.60	32.54	33.53	34.53
14	23.04	23.98	24.66	25.35	26.09	26.82	27.58	28.35	29.96	30.86	31.79	32.73	33.72	34.74	35.78
15	23.85	24.82	25.53	26.25	26.98	27.75	28.55	29.34	31.01	31.93	32.90	33.87	34.89	35.94	37.02
16	24.64	25.66	26.38	27.11	27.89	28.67	29.49	30.34	32.03	33.00	34.00	35.01	36.06	37.15	38.26
17	25.44	26.47	27.21	27.99	28.79	29.61	30.45	31.29	33.08	34.07	35.08	36.13	37.22	38.34	39.48
18	26.23	27.29	28.06	28.86	29.67	30.52	31.38	32.28	34.10	35.14	36.17	37.26	38.38	39.53	40.71
19	27.01	28.13	28.90	29.73	30.56	31.42	32.32	33.22	35.12	36.16	37.26	38.38	39.53	40.71	41.93
20	27.77	28.90	29.74	30.57	31.43	32.33	33.23	34.19	36.12	37.21	38.33	39.48	40.65	41.88	43.13
21	28.56	29.73	30.56	31.41	32.32	33.21	34.16	35.14	37.13	38.24	39.39	40.57	41.79	43.05	44.34
22	29.33	30.52	31.36	32.28	33.17	34.11	35.07	36.07	38.12	39.26	40.44	41.66	42.89	44.18	45.51
23	30.06	31.29	32.19	33.10	34.03	34.99	35.99	37.00	39.10	40.28	41.47	42.72	44.00	45.33	46.68
24	30.83	32.07	32.99	33.91	34.89	35.87	36.87	37.92	40.08	41.29	42.52	43.79	45.10	46.46	47.85
25	31.59	32.88	33.78	34.74	35.74	36.73	37.78	38.83	41.04	42.27	43.54	44.85	46.20	47.57	49.01



## CHAPTER FIVE

### SALARY ADMINISTRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## 5.7 Workday and Workweek.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER SIX

### EMPLOYEE BENEFITS

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

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

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

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

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

**6.1.1.1** Employees working 20 hours per week, four holiday hours

**6.1.1.2** Employees working 24 hours per week, five holiday hours

**6.1.1.3** Employees working 28 hours per week, six holiday hours

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

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

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

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

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

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

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



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

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

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

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

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

**6.8.1.1** Employees working 20 hours per week, 20 hours annually

**6.8.1.2** Employees working 24 hours per week, 24 hours annually

**6.8.1.3** Employees working 28 hours per week, 28 hours annually

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

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

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

**6.9.1.1** Employees working 20 hours per week, four hours

**6.9.2.2** Employees working 24 hours per week, five hours

**6.9.3.3** Employees working 28 hours per week, six hours

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

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

**6.10.1.1** Employees working 20 hours per week, four hours annually

**6.10.2.2** Employees working 24 hours per week, five hours annually

**6.10.3.3** Employees working 28 hours per week, six hours annually

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

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

**6.11.1.1** Employees working 20 hours per week, 20 hours annually

**6.11.2.2** Employees working 24 hours per week, 24 hours annually

**6.11.3.3** Employees working 28 hours per week, 28 hours annually

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

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

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

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

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

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

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

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

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

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

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

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

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

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

condition.

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

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

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

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

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

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

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

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

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

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





**2017 Salaries and Benefits**

A/C Num.	Expenditure Categories	General Fund	Water	Sewer	Port and Harbor	Total	% of Total Budget
5101	Salary and Wages	4,451,962	527,255	426,266	1,041,114	<b>6,446,596</b>	<b>29.61%</b>
5102	Fringe Benefits*	2,420,839	311,774	251,038	620,181	<b>3,603,832</b>	<b>16.55%</b>
5103	Part-time Wages	297,742	-	12,216	125,767	<b>435,726</b>	<b>2.00%</b>
5104	Part-time Benefits**	78,952	-	1,553	31,003	<b>111,508</b>	<b>0.51%</b>
5105	Overtime	296,471	47,694	25,470	32,550	<b>402,185</b>	<b>1.85%</b>
5107	Part-time Overtime	12,464	103	-	6,060	<b>18,626</b>	<b>0.09%</b>
5108	Unemployment Benefits	-	-	-	-	-	<b>0.00%</b>
<b>Total Salaries and Benefits</b>		<b>7,558,430</b>	<b>886,826</b>	<b>716,543</b>	<b>1,856,674</b>	<b>11,018,473</b>	<b>50.61%</b>

**Total Budget for City (from Ord 16-54) 21,770,568**

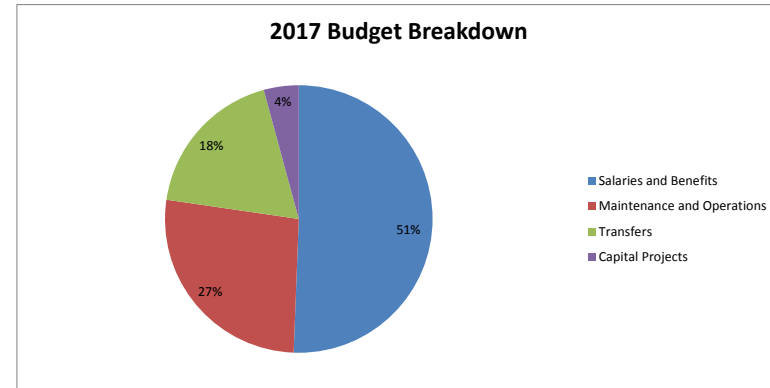
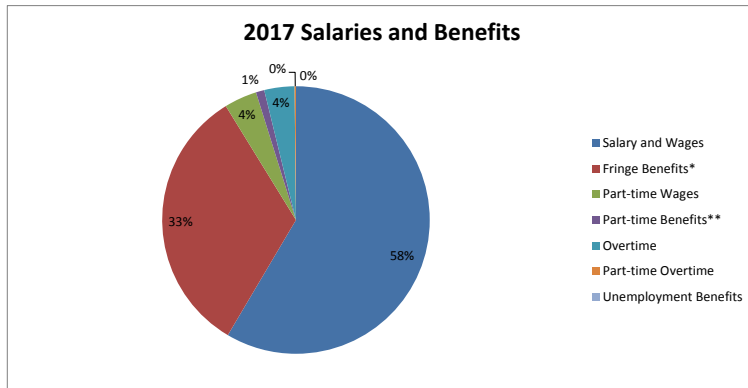
**2017 Budget Breakdown**

Salaries and Benefits	11,018,473	50.61%
Maintenance and Operations	5,810,769	26.69%
Transfers	4,022,313	18.48%
Capital Projects	919,013	4.22%
<b>Total Budget for City</b>	<b>21,770,568</b>	

**Employee Count**

Full-Time	97
Part-Time	4
Temporary	7
<b>Total</b>	<b>108</b>

\*Includes: Employer Contributions to PERS, Health Insurance, Employer Payroll Taxes, Employee Life Insurance, and Workers Compensation  
 \*\*Includes: Employer Payroll Taxes and Workers Compensation





Comparison of different employee contribution rates  
to health insurance premiums

**HEALTH INSURANCE PREMIUM SCHEDULE *CORE* MEDICAL PLAN**

Numbers represent annual employee contributions	Employee	Employee + Spouse	Employee + Child(ren)	Family
<b>2016 Actual</b>	\$895	\$1,791	\$2,025	\$2,858
<b>2017 Adopted (10.4% employee increase over 2016)</b>	\$988	\$1,977	\$2,235	\$3,155
<b>a. 2017: employees absorb 25% of total increase in HC</b>	\$1,135	\$2,338	\$2,100	\$3,302
<b>\$ amt over 2016</b>	<b>\$240</b>	<b>\$547</b>	<b>\$75</b>	<b>\$445</b>
<b>b. 2017: employees absorb 50% of total increase in HC</b>	\$1,324	\$2,727	\$2,449	\$3,853
<b>\$ amt over 2016</b>	<b>\$429</b>	<b>\$937</b>	<b>\$425</b>	<b>\$995</b>
<b>c. 2017: 80/20 split</b>	\$1,891	\$3,896	\$3,494	\$5,504
<b>\$ amt over 2016</b>	<b>\$996</b>	<b>\$2,106</b>	<b>\$1,469</b>	<b>\$2,646</b>

- a. represents employees picking up 25% of health care increase between 2016 and 2017
- b. represents employees picking up 50% of health care increase between 2016 and 2017
- c. represents an 80/20 split where employees pick up 20% of *entire* health care premium expense

Core Plan:

\$1,500 individual deductible, \$4,000 out-of-pocket max

\$3,000 family deductible, \$8,000 out-of-pocket max

Buy-up plan not analyzed due to low participation. However, costs are higher for employee and employer in buy-up plan.





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



COMMITTEE OF THE WHOLE  
5:00 P.M. MONDAY  
APRIL 10, 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. **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. Reconsidered by Erickson, March 29, 2017. Page 55  
  
**Ordinance 17-07(S-2)**, An Ordinance of the City Council Of Homer, Alaska, Amending Homer City Code 21.93.060, 21.93.070, 21.93.080, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, 21.93.710 to Offer Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson. Page 337
4. **LAND ALLOCATION PLAN** Page 123
  - A. Deputy City Planner Julie Engebretsen  
  
Memorandum 17-058 from Deputy City Planner as Back up Page 125
5. **CONSENT AGENDA**

**6. REGULAR MEETING AGENDA**

**7. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, April 24, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., Worksession 4:00 p.m. and Special Meeting 2:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL





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



**REGULAR MEETING**  
**6:00 P.M. MONDAY**  
**APRIL 10, 2017**  
**COWLES COUNCIL CHAMBERS**

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

## **REGULAR MEETING AGENDA**

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

### **1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

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

### **2. AGENDA APPROVAL**

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

### **3. MAYORAL PROCLAMATIONS AND RECOGNITIONS**

- A. Mayor's Proclamation – Chamber of Commerce Clean-Up Day, April 22, 2017 Page 45
- B. Mayor's Proclamation – National Library Week, April 9 – 15, 2017 Page 47
- C. Mayor's Recognition - Earth Day, April 22, 2017 Page 49

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

### **5. RECONSIDERATION**

- A. **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. Reconsidered by Erickson, March 29, 2017. Page 55

## 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 Special and Regular meeting minutes of March 28, 2017. City Clerk. Recommend adoption. Page 71
  - B. **Memorandum 17-055** from Mayor Zak, Re: Re-Appointment of Mike Stockburger to the Port and Harbor Advisory Commission and Appointment of Garrette Garroute and Grant Garroute to the Cannabis Advisory Commission. Page 97
  - C. **Memorandum 17-056** from Deputy City Clerk, Re: Liquor License Transfer for the Down East Saloon. Page 105
  - D. **Resolution 17-031**, A Resolution of the City Council of Homer, Alaska, Confirming the Appointments of Elizabeth Walton as Treasurer and Jenna deLumeau as Deputy Treasurer for Calendar Year 2017. City Manager. Page 119
  - E. **Resolution 17-032**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Page 121
  - F. **Resolution 17-033**, A Resolution of the City Council of Homer, Alaska Approving the 2017 Land Allocation Plan. Mayor/City Council. Page 123
- Memorandum 17-058 from Deputy City Planner as backup. Page 125

- G. **Resolution 17-034**, A Resolution of the City Council of Homer, Alaska Approving the Sale of Lot 1 Harry Feyer Subdivision, Section 14, Township 6 South, Range 13 West, Seward Meridian, KPB Parcel No. 179-110-05 to the Responsible Bidder for One Dollar and Authorizing the City Manager to Execute the Appropriate Documents to Finalize the Sale. City Manager. Page 249
- H. **Resolution 17-035**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Road, Trail and Drainage Professional Engineering Services to HDL Engineering Consultants of Kenai, Alaska, Kinney Engineering of Anchorage, Alaska, and Nelson Engineering of Kenai, Alaska and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 257
- Memorandum 17-059 from Public Works Director as backup.
- I. **Resolution 17-036**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Water and Sewer Professional Engineering Services to DOWL of Anchorage, Alaska and GV Jones and Associates of Anchorage, Alaska and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 261
- Memorandum 17-060 from Public Works Director as backup. Page 263
- J. **Resolution 17-037**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Port/Harbor/Marine Professional Engineering Services to R&M Consultants, Inc. of Anchorage, Alaska and HDR of Anchorage, Alaska and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 265
- Memorandum 17-061 from Public Works Director as backup. Page 267
- K. **Resolution 17-038**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program Policy Manual adding sections for project eligibility and funding for sidewalks, eliminating the provision for debt service ratio, and editing for readability and consistency. City Clerk/Planning Commission. Page 269
- Memorandum 17-028 from Deputy City Planner as backup. Page 277
- L. **Resolution 17-039**, A Resolution of the City Council of Homer, Alaska, Requesting the City Manager Issue a Request for Proposals for Operation of Fish Pump Services on the South Trestle of the Homer Fish Dock. Erickson. Page 281

7. **VISITORS**

- A. Joy Steward, The Homer Foundation, City of Homer Grants Program, 5 minutes.
- B. Michael Hawfield, Alaska Historical Commission, 150<sup>th</sup> Anniversary of the Alaska Treaty of Cession, 5 minutes.

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

- A. **Memorandum 17-057**, From City Clerk Re: Recall Petition- Councilmembers Aderhold, Lewis, and Reynolds. Page 287
- B. Borough Report
- C. 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 17-16**, 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. Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017. Page 297
- B. **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. Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017. Page 303

- C. **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. Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017. Page 309

Memorandum 17-052 from Special Projects and Communication Coordinator as backup. Page 313

**10. ORDINANCE(S)**

**11. CITY MANAGER'S REPORT**

- A. City Manager's Report Page 319
- B. Bid Report Page 329

**12. CITY ATTORNEY REPORT**

**13. COMMITTEE REPORT**

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee
- C. Police Station Building Task Force

**14. PENDING BUSINESS**

- A. (If Reconsideration Passes) **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. Reconsidered by Erickson, March 29, 2017. Page 55

**Ordinance 17-07(S-2)**, An Ordinance of the City Council Of Homer, Alaska, Amending Homer City Code 21.93.060, 21.93.070, 21.93.080, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, 21.93.710 to Offer Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson. Page 337

**15. NEW BUSINESS**

**16. RESOLUTIONS**

**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 24, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., Worksession 4:00 p.m. and Special Meeting 2:00 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**

**CLEAN UP DAY ON EARTH DAY  
APRIL 22, 2017**

WHEREAS, The Homer Chamber of Commerce and Visitor Center is sponsoring their Annual Community-wide Clean-Up Day on Saturday, April 22, 2017 which is also Earth Day; and

WHEREAS, residents and businesses are encouraged to pick-up trash and recycling and dispose at the Homer Chamber parking lot at 201 Sterling Highway between 10:00 AM and 2:00 PM; and

WHEREAS, the Kachemak Bay Rotary Club will assist participants with the disposal in large trash and recycle bins provided by Alaska Waste in the Chamber parking lot and the Lions Club is hosting free hot dogs and refreshments on the Chamber lawn; and

WHEREAS, the following Chamber Members are sponsors: Alaska Waste, AmericasCusine, Driftwood Inn, Charters & RV Park, Homer Kachemak Rotary Club, Kachemak Advocates for Recycling (KARe), Kachemak Bay Lions Club, Ohlson Mountain Mineral Springs Water, State Farm Insurance, Spenard Builders Supply and Stillpoint Lodge; and

WHEREAS, hundreds of yellow garbage bags provided by the Kenai Peninsula Borough will be available at the Chamber and designated locations throughout the community; and

WHEREAS, prizes will be awarded for the most trash collected in the categories of Family, Group, Individual and Recyclables; and

WHEREAS, residents are encouraged to Clean-Out freezers of surplus frozen meat and fish along with non-perishable to be collected by Rotary volunteers for the Homer Food Pantry and bring items to the Chamber parking lot; and

WHEREAS, the Chamber is partnering with Cook Inletkeeper to host an Electronics Recycling Event which will be held at Spenard Builders Supply parking lot located at 3978 Lake Street from 10:00 AM-2:00 PM.

NOW, THEREFORE, I, Bryan Zak, Mayor of Homer do hereby proclaim, Saturday, April 22, 2017 as:

**2017 Clean-Up Day on Earth Day**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 10<sup>th</sup> of April, 2017.

CITY OF HOMER

ATTEST:

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

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



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**NATIONAL LIBRARY WEEK  
APRIL 9-15, 2017**

WHEREAS, Libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools; and

WHEREAS, Librarians are information experts who for centuries have guided people to the best information resources, providing the expertise and services to find and evaluate information; and

WHEREAS, Libraries are not just about *what* we have for people, but what we do *for* and *with* people; and

WHEREAS, Librarians continue to fulfill their role in leveling the playing field for all who seek information, access to technologies, and the skills needed to thrive in our digital world; and

WHEREAS, Libraries and librarians open a world of possibilities through innovative programming for youth, job-seeking resources, cultural programs, and promoting literacy and the power of reading; and

WHEREAS, Libraries support democracy by providing opportunities for civic dialogue and equitable access to a wide variety of information for all library users; and

WHEREAS, Libraries work to serve all community members regardless of a person's race, color, religion, sex, national origin, age, economic status, or ability, offering services and educational resources that transform lives; and

WHEREAS, Libraries, librarians, library workers and supporters across America are celebrating National Library Week.

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

APRIL 9-15, 2017 AS NATIONAL LIBRARY WEEK

And, I encourage all residents to visit the library this week and explore what's new at your library, and engage with your librarian. Because of you and our experts in the library, Libraries Transform.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 10<sup>th</sup> day of April, 2017.

CITY OF HOMER

ATTEST:

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

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



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S RECOGNITION**

**EARTH DAY  
APRIL 22, 2017**

WHEREAS, Humankind is currently facing tremendous global challenges affecting every community, including large scale migration, extreme inequality and poverty, degradation of ecosystems, mass extinction of species, and global climate change; and

WHEREAS, All people of this Earth, no matter their race, gender, income, sexual orientation, or national origin, have a right to a healthy environment; and

WHEREAS, The youth of the world are our most valuable resources and represent a source of endless creativity and potential; and

WHEREAS, It is necessary for the citizens of our global community to develop green jobs and to build an innovative and equitable green economy to combat the aforementioned global challenges; and

WHEREAS, Expanding environmental education and climate literacy is vital to enhance awareness about the environment, inform decision-making, and protect future generations; and

WHEREAS, It is understood that sustainability will only be achieved by meeting the needs of the present without compromising the needs of future generations; and

WHEREAS, It is more important than ever to act locally and to cooperate internationally and defend the environmental progress that has been heretofore gained; and

WHEREAS, It is essential to expand and diversify the global environmental movement to achieve maximum progress; and

Whereas, Earth Day is an annual reminder of the constant need for environmental activism, stewardship commitments, and sustainability efforts.

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

APRIL 22, 2017 AS EARTH DAY

And, I encourage all citizens, businesses, and institutions to use Earth Day to celebrate the Earth and promote environmental and climate literacy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 10<sup>th</sup> day of April, 2017.

CITY OF HOMER

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

ATTEST:

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



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA





# RECONSIDERATION



**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**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 IN APPEALS OF PLANNING COMMISSION DECISIONS AND PERMIT THE USE OF 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.

WHEREAS, It is in the City’s best interest to have the flexibility and authority to use the most cost-effective and knowledgeable decision-maker in the administrative appeals processes offered by the City; and

WHEREAS, The use of experienced hearing officers that do not otherwise advise the City on legislative land use matters promotes public confidence in the City of Homer’s administrative appeals process in the land use arena,

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 4.10.040 is amended to read as follows:

The Clerk shall determine whether each candidate for municipal office is qualified as provided by law. At any time before the election the Clerk may disqualify any candidate whom the Clerk finds is not qualified and immediately notify that candidate by certified mail. A candidate who is disqualified may request a hearing before the Clerk within five days of receiving the notice. The Clerk may appoint a hearing officer to conduct the hearing and determine whether or not the Clerk’s disqualification of the candidate was supported by the evidence. The hearing shall be held no later than five days after the request unless the candidate agrees in writing to a later date.

Section 2. Section 8.08.120 is amended to read as follows:

- 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. Such appeal  
47 shall be taken by filing with the City Clerk, within 14 days after the action of the Chief  
48 of Police, a written statement setting forth fully the grounds for appeal. The City  
49 Clerk shall set a time and place for a hearing on such appeal, and notice of such  
50 hearing shall be mailed to the appellant postage prepaid at his or her last known  
51 address at least five days prior to the date set for the hearing. The decision and order  
52 of the hearing officer on such appeal shall be final and conclusive.
- 53 b. The hearing officer shall be identified in the notice of hearing. The appellant may  
54 object to the hearing officer by providing the City Clerk a written objection no more  
55 than ten days after the date of the notice of hearing. If the appellant does not file  
56 an objection, any right to object to the hearing officer shall be deemed waived.
- 57 c. The hearing officer shall disclose any conflict of interest or personal bias as soon as  
58 he or she is aware of such conflicts or bias and shall refrain from acting as the  
59 hearing officer if he or she has a conflict of interest or personal bias.

60  
61 Section 3. Section 14.05.425 is amended to read as follows:

62  
63 If a violation of this chapter is not corrected by administrative adjustment under  
64 HCC 14.05.420, then the City Manager shall order the user to show cause why  
65 service should not be terminated or other enforcement action, including  
66 imposition of a civil penalty, should not be taken. A written notice shall be  
67 served on the user by personal service, or by certified or registered mail, return  
68 receipt requested, specifying the time and place of the hearing to show cause.  
69 The notice of the hearing shall be served no less than 10 days before the hearing.  
70 Service may be made on any agent, officer or authorized representative of the  
71 discharger. The hearing shall be before the City Manager or his or her designee.  
72 After the hearing, the City Manager or his or her designee shall issue a written  
73 decision which may include appropriate orders with respect to the violations of  
74 the chapter and may include a civil penalty in accordance with HCC 14.05.435.  
75 The decision of the City Manager or his or her designee constitutes final  
76 administrative action for purposes of judicial review.

77  
78 Section 4. Section 20.20.040 is amended to read as follows:

79  
80 All animals seized pursuant to HCC 20.20.030 shall be held in impound pending  
81 an administrative hearing concerning their potential destruction. The  
82 administrative hearing shall be conducted as follows:

- 83 a. An administrative hearing officer shall be appointed by the City  
84 Manager.

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

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

d. The hearing shall address and enter its formal findings as to whether:

1. The animal is a vicious animal under HCC 20.04.020;
2. The owner or designee thereof failed to use all reasonable precautions to control his animal and protect the public;
3. The circumstances of this incident under consideration constitute a danger to the public.

e. If the hearing officer finds in the affirmative as to all three of the provisions of subsection (d) of this section, the hearing officer shall order the animal destroyed. The owner or designee, if present at the hearing, shall be verbally notified of the findings and order at the conclusion of the hearing. Written findings shall also be prepared and served upon the owner or designee. If the owner or designee is not present at the hearing, written findings and destruction order shall be served on that person as soon as possible following the hearing.

f. Absent an affirmative finding by the hearing officer as to one or more of the provisions of subsection (d) of this section, the animal shall be immediately released to its owner or designee. The hearing officer shall, in the event of release under this provision, prepare a written notice which shall be delivered or mailed to the animal's owner, outlining the hearing officer's recommendations as to actions that owner should take to prevent future incidents and to protect the public.

g. Any appeal of the hearing officer's finding and destruction order shall be taken through the Alaska Court System within 10 days of the receipt of said findings and order by the owner. The filing of an appeal will automatically stay the order of destruction pending resolution of the

127 appeal. The animal shall remain in impound at the owner's expense  
128 pending resolution of the appeal.

129

130 Section 5. Section 20.20.050 shall be amended to read as follows:

131

132 Vicious animals to be destroyed upon administrative hearing officer order shall  
133 be destroyed as follows:

134

135 a. The animal shall remain in impound for 10 days following the date the  
136 owner (or his designee) is verbally notified of the hearing officer's  
137 decision, or the date that a written finding and destruction order is  
138 served on the owner (or his designee) to allow that person to appeal the  
139 destruction order through the courts.

140

141 b. If the City is not served with a notice of appeal of the destruction order  
142 within the 10-day holding period outlined in subsection (a) of this  
143 section, the City shall immediately proceed to humanely destroy the  
144 animal.

145

146 Section 6. Section 21.41.400 shall be amended to read as follows:

147

148 a. The Planning Commission shall hear and decide appeals when it is alleged  
149 there is an error in any requirement, decision, or determination made by the  
150 Planning Department.

151

152 b. A hearing officer appointed by the City Manager shall hear and decide appeals  
153 when it is alleged there is an error in any requirement, decision, or  
154 determination made by the Planning Commission.

155

156 Section 7. Article II of Section 21.91 shall be amended to read as follows:

157

158 Article II. Appeals of Planning Decisions.

159

160 Section 8. Section 21.91.100 shall be repealed in its entirety.

161

162 Section 9. Section 21.91.110 shall be renumbered 21.91.100 and amended to read as  
163 follows:

164

165 a. A hearing officer appointed by the City Manager shall hear and decide appeals  
166 pursuant to the provisions of the zoning code.

167

168 b. A hearing officer appointed by the City Manager to act as the decision maker in

169 appeals of decisions made by the Planning Commission must have at least five  
170 years' experience acting as an administrative law judge or administrative  
171 hearing officer and must be licensed to practice law in the State of Alaska and in  
172 good standing.  
173

174 Section 10. Section 21.91.120 shall be renumbered 21.91.110 and amended as follows:

175  
176 Appeals heard by the hearing officer shall be conducted according to applicable  
177 procedures specified in Chapter 21.93 HCC.  
178

179 Section 11. Section 21.91.130 shall be renumbered 21.91.120 and amended as follows:

180  
181 a. An appeal from a final decision of the hearing officer may be taken directly to  
182 the Superior Court by a party who actively and substantively participated in the  
183 proceedings before the hearing officer or by the City Manager or City Planner or  
184 any governmental official, agency, or unit.  
185

186 b. An appeal to the Superior Court shall be filed within 30 days of the date of  
187 distribution of the final decision to the parties appearing before the hearing  
188 officer.  
189

190 c. An appeal from a final decision of the hearing officer to the Superior Court is  
191 governed by court rules.  
192

193 Section 12. Section 21.93.030 shall be amended to read as follows:

194  
195 21.93.030 Decisions subject to appeal to a hearing officer.  
196

197 The following acts or determinations of the Commission, when final, may be  
198 appealed to a hearing officer appointed by the City Manager~~by a person with~~  
199 standing:  
200

201 a. Grant or denial of a conditional use permit.  
202

203 b. Grant or denial of a variance.  
204

205 c. Grant or denial of formal recognition of a nonconforming use or structure, or  
206 a decision terminating a nonconforming use or structure.  
207

208 d. Grant or denial of a conditional fence permit.  
209

210 e. A decision by the Commission in a matter appealed to the Commission under  
211 HCC 21.93.020.

212  
213 f. Any other final decision that is expressly made appealable to a hearing officer  
214 by other provisions of the code.

215  
216 Section 13. Section 21.93.060 shall be amended to read as follows:

217  
218 21.93.060 Standing – Appeal to Hearing Officer.

219  
220 Only the following have standing to appeal an appealable action or  
221 determination of the Planning Commission to the hearing officer:

222  
223 a. Applicant for the action or determination, or the owner of the property that is  
224 the subject of the action or determination under appeal.

225  
226 b. The City Manager, the City Planner or the City Planner’s designee, or any  
227 governmental official, agency, or unit.

228  
229 c. Any person who actively and substantively participated in the proceedings  
230 before the Commission and is aggrieved by the action or determination.

231  
232 d. Any person who actively and substantively participated in the proceedings  
233 before the Commission and would be aggrieved if the action or determination  
234 being appealed were to be reversed on appeal.

235  
236 Section 14. Section 21.93.070 shall be amended to read as follows:

237  
238 a. An appeal to the Planning Commission must be filed within 30 days after the  
239 date of distribution of the final action or determination to the applicant or other  
240 person whose property is the subject of the matter being appealed.

241  
242 b. An appeal to a hearing officer must be filed within 30 days after the date of  
243 distribution of the final action or determination to the applicant and other  
244 parties, if any.

245  
246 Section 15. Section 21.93.100 shall be amended to read as follows:

247  
248 a. All appeals must be heard within 60 days after the appeal record has been  
249 prepared. The body or officer hearing the appeal may for good cause shown  
250 extend the time for hearing. The decision on appeal must be rendered within 60  
251 days after the appeal hearing.



252 b. The appellant, the applicant for the action or determination that is the subject  
253 of the appeal, the owner of the property that is the subject of the action or  
254 determination, and all parties who have entered an appearance shall be  
255 provided not less than 15 days' written notice of the time and place of the appeal  
256 hearing. Neighboring property owners shall be notified as set forth in HCC  
257 21.94.030.

258  
259 c. A notice identifying the hearing officer shall be filed with the notice of the  
260 hearing. All parties shall have ten days from the date of the notice to object to  
261 the hearing officer based upon conflicts of interest, personal bias or ex parte  
262 contacts. Failure to file an objection to the hearing officer within the ten days  
263 shall waive any objection to the hearing officer.

264  
265 d. An electronic recording shall be kept of the entire proceeding. Written  
266 minutes shall be prepared. The electronic recording shall be preserved for one  
267 year unless required for further appeals. No recording or minutes shall be kept  
268 of deliberations that are not open to the public.

269  
270 Section 16. Section 21.93.110 shall be amended to read as follows:

271  
272 a. All final decisions on appeals shall be in writing, and shall state the number of  
273 members of the body or officer hearing the appeal who participated in the  
274 appeal, number voting in favor of the decision, and the number voting in  
275 opposition to the decision.

276  
277 b. A decision shall include an official written statement of findings and reasons  
278 supporting the decision. This statement shall refer to specific evidence in the  
279 record and to the controlling sections of the zoning code. Upon express vote, the  
280 body may adopt, as its statement of findings and reasons, those findings and  
281 reasons officially adopted by the body or officer below from which the appeal  
282 was taken.

283 c. Copies of the written decision shall be promptly mailed to the appellant, the  
284 applicant for the action or determination that is the subject of the appeal, the  
285 owner of the property that is the subject of the action or determination, and all  
286 parties who entered a written notice of appearance in the appeal proceeding.

287  
288 Section 17. Section 21.93.500 shall be amended to read as follows:

289  
290 21.93.500 Parties eligible to appeal Planning Commission decision to a  
291 hearing officer – Notice of appearance.

292 a. Only persons who actively and substantively participated in the matter before  
293 the Commission and who would be qualified to appeal under HCC 21.93.060 may  
294 participate as parties in an appeal from the Commission to a hearing officer.

295  
296 b. Any person so qualified who desires to participate in the appeal as a party,  
297 other than the appellant, the City Planner or the City Planner’s designee, the  
298 applicant for the action or determination that is the subject of the appeal and  
299 the owner of the property that is the subject of the action or determination,  
300 must, not less than 14 days before the date set for the appeal hearing, file with  
301 the City Clerk a written and signed notice of appearance containing that party’s  
302 name and address, and proof that the person would be qualified under HCC  
303 21.93.060 to have filed an appeal.

304  
305 Section 18. Section 21.93.510 shall be amended to read as follows:

306  
307 a. Except as provided in subsections (b) and (c) of this section, the hearing officer  
308 shall not consider allegations of new evidence or changed circumstances and  
309 shall make his or her decision based solely on the record. If new evidence or  
310 changed circumstances are alleged, the hearing officer may, in his or her  
311 discretion, either hear the appeal without considering the allegations or may  
312 remand the matter to the appropriate lower administrative body or official to  
313 rehear the matter, if necessary.

314  
315 b. When the standing of a person is in issue, the hearing officer may take  
316 additional evidence for the limited purpose of making findings on the question  
317 of the person’s standing. No evidence received under this subsection shall be  
318 considered for purposes other than determining standing.

319  
320 Section 19. Section 21.93.520 shall be amended to read as follows:

321  
322 a. The appeal record shall be completed within 30 days after receipt of a timely  
323 and complete notice of appeal to the hearing officer, shall consist of the items,  
324 and shall be prepared in the manner, described in this subsection.

325  
326 1. The Clerk will assemble and paginate all relevant documents involved  
327 in the original decision, including any staff reports, minutes, exhibits, notices,  
328 and other documents considered in making the original decision.

329  
330 2. A party may elect to include a verbatim transcript of the testimony  
331 before the Planning Commission in the appeal record by making a written  
332 request to the City Clerk for a recording of the testimony within 14 days after the  
333 Clerk mails copies of the notice of appeal to the parties pursuant to HCC

334 21.93.080(d). The requesting party shall arrange and pay for the preparation of  
335 the transcript. Only a transcript prepared and certified as accurate by a qualified  
336 court reporter shall be accepted. The original transcript must be filed with the  
337 City Clerk to be provided to the hearing officer with the record on appeal.  
338

339 b. The appellant, the applicant for the action or determination that is the subject  
340 of the appeal, the owner of the property that is the subject of the action or  
341 determination, and other parties who have entered an appearance shall be  
342 notified by mail when the record and transcript, if ordered, are complete. Any  
343 person may obtain a copy upon payment of the costs of reproduction and any  
344 applicable mailing costs.  
345

346 Section 20. Section 21.93.540 shall be amended to read as follows:  
347

348 a. The appeal before the hearing officer shall be open to the public.  
349

350 b. Each party (each appellant, cross-appellant, and respondent) may present  
351 oral argument at the appeal hearing, subject to the order of presentation and  
352 time limitations that the hearing officer adopts at the commencement of the  
353 hearing. The taking of testimony or other evidence is limited by HCC 21.93.510.  
354

355 c. The hearing officer may undertake deliberations immediately upon the  
356 conclusion of the hearing on appeal or may take the matter under advisement  
357 and meet at such other time as is convenient for deliberations until a decision is  
358 rendered. Deliberations need not be public.  
359

360 d. The hearing officer may exercise his or her independent judgment on legal  
361 issues raised by the parties. "Legal issues" as used in this section are those  
362 matters that relate to the interpretation or construction of the zoning code,  
363 ordinances or other provisions of law.  
364

365 e. The hearing officer shall defer to the findings of the lower administrative body  
366 regarding disputed issues of fact. Findings of fact adopted expressly or by  
367 necessary implication by the lower body shall be considered as true if they are  
368 supported by substantial evidence. But findings of fact adopted by less than a  
369 majority of the lower administrative body shall not be given deference, and  
370 when reviewing such findings of fact the Board of Adjustment shall exercise  
371 independent judgment and may make its own findings of fact. If the lower  
372 administrative body fails to make a necessary finding of fact and substantial  
373 evidence exists in the record to enable the hearing officer to make the finding of  
374 fact, he or she may do so in the exercise of his or her independent judgment, or,  
375 in the alternative, the hearing officer may remand the matter for further

376 proceedings. “Substantial evidence,” as used in this section, means such  
377 relevant evidence as a reasonable mind might accept as adequate to support a  
378 conclusion.

379  
380 Section 21. Section 21.93.550 shall be amended to read as follows:

381  
382 21.93.550 Hearing Officer Decision

383  
384 The hearing officer may affirm or reverse the decision of the lower  
385 administrative body in whole or in part. A decision affirming, reversing, or  
386 modifying the decision appealed from shall be in a form that finally disposes of  
387 the case on appeal, except where the case is remanded for further proceedings.  
388

389 Section 22. Section 21.93.560 shall be amended to read as follows:

390  
391 a. The hearing officer may remand the appeal to the lower administrative body  
392 when he or she determines that:

- 393  
394 1. There is insufficient evidence in the record on an issue material to the  
395 decision of the case;  
396  
397 2. There has been a substantial procedural error that requires further  
398 consideration by the lower administrative body; or  
399  
400 3. There is other cause requiring further proceedings by the lower  
401 administrative body.

402 b. A decision remanding a case shall describe any issue upon which further  
403 evidence should be taken, and shall set forth any further directions the hearing  
404 officer deems appropriate for the guidance of the lower administrative body.

405 c. The lower administrative body shall promptly act on the case upon remand in  
406 accordance with the decision of the hearing officer. A case on remand has  
407 priority on the agenda of the lower administrative body, except cases remanded  
408 under HCC 21.93.510(a) are not entitled to priority. The applicant or owner of  
409 the property in question may waive the priority given by this subsection.  
410

411 Section 23. Section 21.93.570 shall be amended to read as follows:

412  
413 If no specific procedure is prescribed by the code, the hearing officer may  
414 proceed in an administrative appeal in any lawful manner not inconsistent with  
415 this title, statutes, and the Constitution.  
416

417 Section 24. Section 21.93.700 shall be amended to read as follows:

418 a. A member of the Planning Commission or a hearing officer appointed to hear  
419 an appeal from a Planning Commission decision may not participate in the  
420 deliberation or voting process of an appeal if, following the procedures set forth  
421 in this chapter, the Commission or hearing officer is determined to have a  
422 substantial financial interest in the official action, as defined in Chapter 1.18  
423 HCC. In the absence thereof, all Commission members shall participate in the  
424 deliberation and voting process unless excused pursuant to other provisions of  
425 this chapter.

426  
427 b. When a financial interest of a member of the Planning Commission is  
428 disclosed on the record, the remainder of the Commission shall determine  
429 whether the member should participate in the matter. If it is determined the  
430 member should participate, any action taken thereafter by the Commission  
431 shall be valid notwithstanding a later determination by a court, an appellate  
432 tribunal, or the hearing officer that the member should have been disqualified  
433 from participation because of a substantial financial interest in the matter;  
434 except the action shall be invalidated when the disqualified member's vote was  
435 necessary to establish the required majority to approve the decision of the  
436 Commission. When a Commission decision is invalidated because such vote was  
437 necessary to establish the required majority, the Commission shall commence  
438 new consideration of the matter beginning at the point where the Commission  
439 determines it is necessary to do so to eliminate the effect of the member's  
440 improper participation.

441  
442 c. A hearing officer shall disclose any substantial financial interest, personal bias  
443 or ex parte contact immediately upon being appointed by the City Manager and  
444 shall refrain from accepting the appointment if a substantial financial interest,  
445 personal bias or ex parte contact exists. If the substantial financial interest,  
446 personal bias or ex parte contact arises after the hearing officer's appointment,  
447 he or she shall disclose his or her interest and shall be disqualified from serving  
448 as the hearing officer unless all parties waive any objection to the hearing  
449 officer.

450  
451 d. For purposes of hearing an appeal, a quorum of the Commission is four  
452 members. If it is not possible to obtain a quorum of the Planning Commission to  
453 hear an appeal without the participation of members disqualified by reason of  
454 a substantial financial interest, then all members who would be so disqualified  
455 shall nevertheless participate in the appeal, including deliberations and voting,  
456 and the decision rendered in such a case shall be valid notwithstanding the  
457 participation of such members. This subsection shall not apply if the matter can  
458 be postponed to a later date (not later than 75 days after the appeal record is

459 prepared) when the Commission can obtain a quorum of members who are not  
460 disqualified by a substantial financial interest.

461 Section 24. Section 21.93.710 shall be amended to read as follows:

462  
463 a. No member of the Commission or a hearing officer appointed by the City  
464 Manager to review a decision issued by the Commission shall have ex parte  
465 communication with any person. "Ex parte communication" means to  
466 communicate, directly or indirectly, with the appellant, other parties or persons  
467 affected by the appeal, or members of the public concerning an appeal or issues  
468 specifically presented in the notice of appeal, either before the appeal hearing  
469 or during any period of time the matter is under consideration or subject to  
470 reconsideration, without notice and opportunity for all parties to participate in  
471 the communication.

472  
473 b. This section does not prohibit:

474  
475 1. Commission Members from discussing matters relating to the appeal  
476 among themselves.

477  
478 2. Communications between municipal staff and Commission members  
479 or the hearing officer where:

480  
481 a. Such staff members are not themselves parties to the appeal;  
482 and  
483 b. Such communications do not furnish, augment, diminish, or  
484 modify the evidence in the record on appeal.

485  
486 3. Communications between the Commission and its legal counsel.

487  
488 c. If, before an appeal commences, a member of the Commission receives an ex  
489 parte communication of a type that could not properly be received while an  
490 appeal is pending, the member shall disclose the communication in the manner  
491 prescribed in subsection (d) of this section at the first meeting of the  
492 Commission at which the appeal is addressed.

493  
494 d. A member of the Commission who receives an ex parte communication at any  
495 time shall, at the first opportunity after the communication, place on the record  
496 of the pending matter all written communications received, all written  
497 responses to the communications, and a memorandum stating the substance  
498 of all oral communications received, all responses made, and the identity of  
499 each person from whom the member received an ex parte communication. Any

500 party to the appeal desiring to rebut the ex parte communication must be  
501 granted a reasonable opportunity to do so if a request is promptly made.

502  
503 e. If the Commission determines in its discretion it is necessary to eliminate the  
504 harmful effect of an ex parte communication received in violation of this section,  
505 the Commission may disqualify the member who received the communication  
506 from participation in the appeal. In addition, the Commission may impose  
507 appropriate sanctions, including default, against a party to the appeal for any  
508 violation of this section.

509  
510 f. It is a violation, subject to penalties and other enforcement remedies under  
511 this title:

512  
513 1. For any person to knowingly have or attempt to have ex parte  
514 communication with a Commission or a hearing officer in violation of  
515 subsection (a) of this section.

516  
517 2. For any Commission member or the hearing officer to knowingly  
518 receive an ex parte communication in violation of subsection (a) of this  
519 section.

520  
521 3. For any Commission member to knowingly fail to place on the record  
522 any matter when and as required under subsections (c) and (d) of this  
523 section.

524  
525 Section 25. This ordinance shall take effect upon its adoption by the Homer City  
526 Council.

527  
528 Section 26. This ordinance is of a permanent and general character and shall be  
529 included in the City Code.

530  
531 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
532 \_\_\_\_\_, 2017.

533  
534 CITY OF HOMER

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537 \_\_\_\_\_  
538 BRYAN ZAK, MAYOR

539  
540 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

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

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

Fiscal Note: NA

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

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



# CONSENT AGENDA



Session 17-06 a Special Meeting of the Homer City Council was called to order on March 28, 2017 at 4:00 p.m. by Mayor Pro Tempore Catriona Reynolds at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: ADERHOLD, ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
PORT AND HARBOR DIRECTOR HAWKINS

Mayor Zak has requested excusal.

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

Mayor Pro Tempore Reynolds called for a motion for the approval of the agenda.

LEWIS/ADERHOLD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **NEW BUSINESS**

- A. **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).

City Manager Koester explained the request for Executive Session is that individual proposals cannot be discussed until after the Council makes the award. There was an interest from the community for making another fish pump location available. Icicle has been running one since the 1980's. The Port and Harbor Advisory Commission thought it was important to make the

opportunity available to everyone. The commission held a Worksession on the fish pump and made recommendations to staff, who then developed a RFP for the north and south trestle fish pump. It is a short-term RFP, 3 years with two 1-year options to renew. Priorities were listed in the RFP and when scoring the RFPs those priorities were considered. They included location, how it impacts others, establishing plans for other customers to use the fish pump, managing truck and vessel congestion, discharge, dewatering, foam reduction, and rate structure. Once an RFP is advertised city staff cannot communicate with any company, as it would be favorably soliciting. The Clerk handles the firewall and this protects the integrity of the process. The RFPs were scored on five criteria.

Mayor Pro Tempore Reynolds called for a motion for the approval of the recommendations of Memorandum 17-050 to meet in Executive Session to review the request for proposals for operation of fish pump services on the Fish Dock.

LEWIS/ADERHOLD - SO MOVED.

City Manager Koester and Port and Harbor Director Hawkins were invited to attend.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ADERHOLD - MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

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

Motion carried.

Council adjourned to Executive Session at 4:09 p.m. and reconvened the meeting at 4:48 p.m.

Councilmember Lewis stated we met and discussed the proposals.

### **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

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

There being no further business to come before the Council, Mayor Pro Tempore Reynolds adjourned the meeting at 4:49 p.m. The 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.

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

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



Session 17-07 a Regular Meeting of the Homer City Council was called to order on March 28, 2017 at 6:00 p.m. by Mayor Bryan Zak at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: ADERHOLD, ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY PLANNER ABBOUD  
FIRE CHIEF PAINTER  
LIBRARY DIRECTOR DIXON  
PERSONNEL DIRECTOR BROWNING  
PORT AND HARBOR DIRECTOR HAWKINS

Council met for a Special Meeting from 4:00 p.m. to 4:49 p.m., conducting an Executive Session for review of Request for Proposals for Operation of Fish Pump Services on the Fish Dock. From 5:00 p.m. to 5:19 p.m. Council met as a Committee of the Whole to discuss 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: **PUBLIC HEARINGS - 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. Written public comments. **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. Written public comments.

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

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

A. National Public Health Week Proclamation

Mayor Zak read and presented the proclamation to Lorne Carroll, Homer Public Health Nurse.

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

Jon Faulkner, Land's End Resort owner, thanked City Manager Koester for bringing Resolution 17-028 forward.

### **RECONSIDERATION**

### **CONSENT AGENDA**

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

- A. Homer City Council unapproved Regular meeting minutes of March 13, 2017. City Clerk. Recommend adoption.
- 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.
- C. **Memorandum 17-047** from City Manager, Re: Fire Hall Improvements.
- 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.

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.

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.

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

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.

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.

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.

Memorandum 17-054 from City Manager as backup.

Moved to Resolutions, Item C. Aderhold.

- 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.
- 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.

Moved to Resolutions, Item D. Smith.

Item I, Resolution 17-028 was moved to Resolutions, Item C. Aderhold.

Item K, Resolution 17-030 was moved to Resolutions, Item D. Smith.

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

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

- A.     Recreation Manager Mike Illg, Community Recreation

Mike Illg, Recreation Manager, provided an overview of Community Recreation. The program started in 1975 and was formerly known as Community Schools. The existing school structure has been utilized to have education and recreation programs. In 2006 the City assumed Community Schools. There is one recreation manager, three recreation assistants, and 23 individual contracted instructors. Today there are 1,172 youth participants and 2,469 adult participants. In 2016 there were 4,269 donated volunteer hours, a value of \$717,000. Programs can be found on the City's website under the Parks and Recreation link.

Participation and revenue has been consistent. There have been many special events and programs. The partnership between the City and the Kenai Peninsula Borough School District

is paramount. For \$6,000 a year Community Recreation has access to facilities at the high school, middle school and the HERC to include the gym, green room, commons, office equipment, and copy machines. The HERC is a valued commodity for the Community Recreation program. Additionally, Community Recreation collaborates with other community programs. They are open seven days a week, working around school district activities. In 2014 the cost to run Community Recreation was \$85,000, less than ¼ of 1% of the \$12M general fund. In 2016 the operating costs were \$89,000. The number one sport is pickleball.

**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

Planning Commissioner Roberta Highland reported Steve Baird attended their meeting to present on bluff erosion. She told Council they should have the presentation. The commission has been reviewing auto sales in the marine industrial district. They have amended the ordinance to add temporary auto sales and add a definition, and allow auto sales up to 30 days per calendar year, per lot. The commission passed three plats; those have been forwarded to the Kenai Peninsula Borough Planning Commission. The commission reviewed the 2017 Land Allocation Plan and unanimously voted against going forward on Greatland Street extension thinking of the City's finances. If Council proceeds on Greatland Street, the commission recommends Option C as recommended in the Transportation Plan.

- 3. Economic Development Advisory Commission

Economic Development Advisory Commissioner Rachel Lord reported they received feedback from the business community on the sign ordinance and internet and connectivity. Travis and Rick in the Planning Department provided a great presentation on the sign ordinance. More specific feedback from business owners is needed to better understand their concerns. IT Manager Nick Poolos made a great presentation on everything internet. We have some limitations based on physics, but are as connected as we can be. More information is needed from the business community. Next month the commission will look at the business retention and expansion survey for this year. It will help the commission to better understand what is working and what is not working for businesses and how they can be retained and successful. The commission is reviewing low cost to no cost at the planning to action process for business development. In April the commission will provide a refined proposal seeking support. Additionally, the commission reviewed the 2017 Land Allocation Plan. Although they have no

suggestions, it was an opportunity to be reminded of what city lands are maintained for. The business retention and expansion survey will be available online.

4. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Deb Lowney reported they went over the Land Allocation Plan. Everyone agrees it is valuable information to receive. The commission's biggest concern is land that is for sale, since their priority is to preserve and increase green space.

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

Councilmember Lewis reported the commission will meet next month.

## **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.

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

Mayor Zak opened the public hearing.

Roberta Highland, city resident, expressed opposition as Option A does not adhere to the Transportation Plan. Financial times are lean and getting worse. It leaves funds available if they are needed. She would like to consult a traffic engineer if we go ahead.

Mark Hemstreet, Save-U-More Store Manager, represents the owner Valentin Caspaar who favors Option A since it is a lower expense. Mr. Caspaar paid \$500,000 for the existing Greatland Street and is unwilling to contribute in assessments for the straight through street to Pioneer. Option C makes sense, but it would cross two of his lots that would then be unusable as cut up. Save-U-More provides employment for 50 people year round and paid \$640,000 in sales tax last year. Additionally, there is a lot of traffic on the street with nearly 1,200 customers per day.

AJ Weber, Homer resident, advocates for opening Greatland Street. As a cab driver he constantly sees people parking on the road. By opening the road it will help to deter the parking and separate traffic problems. We need to be cautious of spending money.

Brian Nehmus, Save-U-More Assistant Store Manager, commented the store is closed only two days per year. A lot of people walk to the store via the trail, through slippery ice. In the summer they should only make a right turn on both Pioneer Avenue and the Sterling Highway with all the traffic. It will be a natural form of traffic abatement. Save-U-More employs 49 people, 10 more in the summer, and contributes a lot to the community.

Deb Lowney, city resident, is concerned about how Greatland will intersect with Pioneer and how it will align with crosswalks. Parks and Recreation requested \$5,000 from HART to approve the walking trail. She asked Council to think about the walkers, along with automobiles.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-05(A) by reading of title only for second and final reading.

SMITH/STROOZAS – SO MOVED.

Councilmembers Smith and Stroozas opt for Option A as it is a sensible and practical application in using the roads. Although not consistent with the Transportation Plan, Option A will leave the most property on the tax rolls and avoid creating a bottleneck at the Pioneer Avenue intersection.

ADERHOLD/STROOZAS - MOVED TO AMEND THE ORDINANCE ON LINE 51 TO REPLACE \$970,870 WITH \$671,053.

There was no discussion.

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

Motion carried.

Councilmember Erickson asked if there was any response from property owners in Option A. City Manager Koester answered there was none.

Councilmember Lewis commented the Council has been accused in the past of not listening to commissions' recommendations. He likes Option A, but would like to postpone to a later date and look at it more before going ahead.

LEWIS/REYNOLDS – MOVED TO POSTPONE TO MONDAY, JUNE 26<sup>TH</sup>.

Councilmember Reynolds would like to have an engineer analyze the junction with Option A for its impact. It is the plan that loses less trees and green space.

Planning Commissioner Roberta Highland told Council that Public Works Director Carey Meyer said Option A is not the best option for moving traffic along Pioneer Avenue and the Sterling Highway. Sooner or later the conflicting turning movements are going to make Greatland less usable than it is now. Option C would allow them to follow through the Transportation Plan at some point in the future. It would not take the tax lots off the assessment roll and would support pedestrian access from Greatland to Pioneer. If there are concerns about cost and following the Transportation Plan, perhaps now is not the time. Do we really need this at a time of poor finances? The Transportation Plan wanted an east/west corridor; it is thinking 30 years ahead.

Councilmember Erickson would like to know what other property owners are feeling and what it would look like with the pedestrian walkway there. Making only right hand turns from Greatland would be the best bet. She would like the Police Department to report on the number of accidents at the intersection on the Bypass.

Councilmember Stroozas commented the longer we put it off, the greater the cost.

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

VOTE: NO. STROOZAS

Motion carried.

- 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.

Memorandum 17-042 from City Planner as backup.

Mayor Zak opened the public hearing.

Roberta Highland, city resident, supports the ordinance. It is a housecleaning measure where we don't have to deal with scheduling seven people and there are no attorneys. Hearing officers are trained in administrative law. It simplifies life for the Council who already puts in an inordinate amount of time. It hires a professional with a non-biased process and saves money.

Joe Singleton, city resident, would like to see the Board of Adjustment remain in place. If the Planning Commission needs help, give the BOA authority to hire a hearing officer. He would like administrative appeals to remain and that there be no hearing officers for pets, merchants, and qualifications of a candidate. Those people are on staff already.

Rachel Lord, city resident, supports the ordinance. There are plenty of protections against conflicts of interest. It is not an unusual or unique proposal.

Frank Bauer, city resident, expressed concerns with the ordinance. Currently an administrative process is heard by a number of people. This change would put all that power into an individual. If the Council can speak to it he believes a lot administrative appeals might have more to do with general fairness. He is concerned about the dangerous animal. There needs to be more language to what constitutes a dangerous animal.

Dave Bitterman, city resident, is strongly opposed to the amendment. It is too much power to an unelected person and the citizens are left short. It is not the idea behind a representative republic. When a single person is given power there is a possibility for personal bias. Hearing officers make mistakes too.

Corbin Arno, city resident, is strongly opposed to the ordinance as stated above.

Catherine Carsow, city resident, is supportive of the ordinance as it allows appeals to happen efficiently and is a reliable process.

Ron Keffer, city resident, supports the ordinance. He has had past experience with a hearing officer. When the hearing officer is prepared in the subject matter and process they know more than a whole committee. They never had any problems and only found efficiency, fairness, and time savings for scheduling.

Roxanne Lawver, city resident, opposes the ordinance. It is too much power for one person. There is decision making in regard to qualifications for candidates and it should be a decision made by local people who know the people and area.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-07(S) by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Smith said while a hearing officer is widely accepted in many other municipalities, he questions if one is necessary due to our size and number of hearings. The volume of cases does not justify a hearing officer and he questions if we would save money. Our own attorney would be present. Voters have elected us to handle the issues; they trust us to do the best we can. If we have to hold a BOA we will do our homework and our best. When we take apart that process it is a dismantling.

Councilmember Lewis has sat on a number of BOA hearings. A lot of times our attorney has been disqualified and we have had to hire an outside attorney. A lot of our decisions end up in court. We would hire an administrative law judge out of Anchorage, and it would not be the same person each time. To be classified as a dangerous dog, it has had to attack someone. He doesn't want to be the one to decide whether to put a person's dog down. A lot of these appeals are from our neighbors and friends. A neutral person would be trained in the laws.

Councilmember Reynolds agreed that the hearing officer would usually be someone from outside the community and they would be neutral.

Councilmember Aderhold brought the concept forward last fall with the intention of streamlining the processes. A hearing officer makes things more fair; they are someone that is trained in the law. She has been through one quasi-judicial board meeting with an administrative law judge to help the Council through it. A lot of communities are going this direction to have a hearing officer. The city attorney went through our city code and identified areas where we could improve efficiency.

Council discussed the frequent number of BOA hearings in the past years, most of those ending up in superior court on appeal.

VOTE: YES. ADERHOLD, REYNOLDS, LEWIS, ERICKSON

VOTE: NO. STROOZAS, SMITH

Motion carried.

Mayor Zak called for a recess at 7:38 p.m. and reconvened the meeting at 7:43 p.m.

- 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.

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



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

Mayor Zak called for a motion for the adoption of Ordinance 17-13 by reading of title only for second and final reading.

STROOZAS/LEWIS - SO MOVED.

Councilmembers Lewis and Stroozas agreed this improvement is a long time coming. Nick Varney has been fighting for it. It will make the area more sanitary and is dearly needed.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

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

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

Mayor Zak called for a motion for the adoption of Ordinance 17-14 by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Zak opened the public hearing.

Frank Bauer, city resident, would like Council to be lenient with penalties. Two years ago he wrote letters to the city clerk pointing out a violation of HCC 17.04.040 and received no response. Since the gas line benefits the entire community it should be paid from the general fund; nobody's property should be taken or threatened.

Mayor Zak closed the public hearing.

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

ADERHOLD/REYNOLDS - SO MOVED.

There was no discussion.

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

Motion carried.

## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

#### **A. 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

City Manager Koester reported she was approached by the Kenai Peninsula Economic Development District to provide information about the port and harbor to work with Graphite One. It is an early conversation on alternatives for shipping their product from Alaska. Although the Homer harbor mooring and space needs may be less than Graphite One requires, it is important to get the information out there.

The public restroom at Ramp 2 can be replaced with cruise ship passenger vessel funds. City Manager Koester will research the process, ask Council to add the restroom as a CIP project, and look at grant opportunities. She will report back in April.

B. Bid Report

**CITY ATTORNEY REPORT**

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

**COMMITTEE REPORT**

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

Councilmember Aderhold reported the committee will meet soon and then she will provide a report.

**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.

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

Mayor Zak called for a motion for the adoption of Resolution 17-022 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Councilmember Erickson asked for a resolution to issue a RFP for a fish pump on the south end.

City Manager Koester will bring a resolution forward at the next meeting.

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

VOTE: NO. SMITH

Motion carried.

## **NEW BUSINESS**

### **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.

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

Mayor Zak called for a motion for the adoption of Resolution 17-024 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Zak called for a motion for the adoption of Resolution 17-027 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

City Manager Koester reported the cost to send out the mid-year notice is \$1,000 for postage and supplies and about 20 hours of staff time. Asked to provide feedback if the extra notice is working, City Manager Koester will report to Council after January.

Councilmember Reynolds noted properties change hands and people are surprised to get a bill. She hopes this will smooth the process for realtors and new property owners. Although she is concerned about the cost of the mid-year notice, \$1,000 will be beneficial in the end.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **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.

Memorandum 17-054 from City Manager as backup.

Mayor Zak called for a motion for the adoption of Resolution 17-028 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Councilmember Aderhold asked Mr. Jon Faulker how the property came so close to the line.

Mr. Faulkner explained it was a zero lot line and was constructed as a conditional use. He had marine commercial and marine recreational before it was subdivided into one district. Any construction done has been through the conditional use process. He was granted the conditional use because a typical setback was not needed, since nobody would be building on the adjacent lot.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **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.

Mayor Zak called for a motion for the adoption of Resolution 17-030 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Lewis said the State has been working on the state responder bill for the last two to three years. Hopefully it will be a zero line item for the budget. If individuals are killed in the course of their work it has a devastating effect on the family. It takes time to recover and the insurance will help tide them over. It only pertains to those employees on the City's health insurance.

SMITH/ERICKSON - MOVED TO AMEND LINES 16<sup>1</sup> AND 24 TO SAY UP TO 12 MONTHS.

The annual liability for the City is a minimum of \$9,457 and a maximum of \$17,495 for one occupational death benefit based on 2017 estimates. The amount will increase as the rates increase.

VOTE: YES. SMITH

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

Motion failed.

ERICKSON/STROOZAS - MOVED TO AMEND TO 24 MONTHS.

There was no discussion.

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

Motion carried.

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

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Mike Illg, city resident, commented there is a GoFundMe account for Hoxie Parks who is battling an illness. There are several fundraising events planned. You may donate air miles, to Alaska USA account number 4575725, or at a donation jar at the Homer High School office.

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<sup>1</sup> No amendment is required on Line 16.



Roberta Highland, city resident, reminded us to be kind and gentle to each other. The controversial recall has people barring their souls. She disagrees with the recall and believes we are very lucky to have one of the most balanced city councils.

Ginny Espenshade, city resident, commented on the many discussions in council chambers that included a tone of neighbors and civility. This is not about sides; it is about our community. She announced the upcoming fundraiser for SPARC at the brewery.

Rachel Lord, city resident, thanked all of the Council. It is a balanced and diverse council. She appreciates their work. The Kenai Peninsula food hub.org is opening.

Tess Dally thanked Council for their commitment. They have to make difficult decisions. They have made decisions for people on a margin, disenfranchised, without access to services and buildings and programs.

Tenise Lantham, Homer resident, commented the community has been ripped apart behind the scenes. Council members attempted to force an unlawful agenda, rebelling of the new administration, and forcing division in the community. The sanctuary resolution was drafted on January 23<sup>rd</sup>.

Ron Keffer, city resident, commented on his teenage daughter who had a temper and got really angry with people. He told her a person who would come to her aid in time of trouble may have been one you were angry against. The Council has a difficult job; they are just doing their job.

Poppy Benson, city resident, commented the pyramid drawings in the post office was a controversy. She supports all of the Council and would hate to think any faction of the city would go after any group of councilmembers. There is an election process in place to change councilmembers. It is unfortunate the community is being put through this. We need all three councilmembers.

Deb Lowney, city resident, supports all of the Council. She announced the SPARC fundraiser chowder feed. There have been volunteers all winter who have put in thousands of hours to put up the building. It speaks about the community and who we are.

Sunrise Sjoeborg, Homer resident, provide a quote from George Bernard Shaw.

Mayor Zak thanked everyone for their comments regarding the recall petition process. He told the listening audience City Council members are free to discuss the recall petition when they

are on their own time and not acting in their official capacity as councilmembers. The City Attorney has advised all councilmembers to refrain from discussing the recall petition during council meetings, work sessions, and other official public events. This means that none of the councilmembers can respond to or address any of the public comments or concerns raised tonight regarding the recall petition.

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

City Attorney Wells was not present.

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

City Clerk Johnson had no comments.

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

City Manager Koester had no comments.

#### **COMMENTS OF THE MAYOR**

Mayor Zak commented that good things are happening with SPARC and the community. The Homer Chamber of Commerce Winter King Salmon Tournament was a huge infusion to the community. The community has come together to help people and all of us are appreciative of that.

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

Councilmember Stroozas said it was good to be back in Homer after a visit with the grandkids. The Homer Chamber of Commerce fishing tournament attendance was down 25% due to the date change, but there were still 1,000 people fishing. It was successful and people can't wait to come back. He thanked everyone that came out.

Councilmember Reynolds announced the Sea to Ski fundraiser for the Nordic Ski Club on Sunday. She gave a shout out to Hoxie Parks; she will be helping with soccer camp. Danny Buckwalter has been diagnosed with leukemia; he also has a GoFundMe! account.

Councilmember Lewis commented besides the Winter King Tournament, the Homer Hockey Association hosted the state hockey tournament for Squirts (age 10). Homer didn't do great; the tournament was won by Juneau. There were twelve teams from all over the state in attendance. This brought the parents and siblings to Homer, so the hotels were packed. He is sure fishermen had a hard time finding places to stay. The Homer Hockey association doesn't set the date of the tournament. It is set by the state hockey association. It is unfortunate that we couldn't have two big weekends, instead of one huge one.

Councilmember Smith thanked all those for bearing their hearts. Participation is an honor and he appreciates the opportunity to serve on the council.

Councilmember Aderhold seconded what Councilmember Smith said. She thanked Homer for coming out and showing us heart tonight.

Councilmember Erickson said Dr. Wiest is retiring. It is hard when you see births and deaths and stuff in between. She thanked him for being a part of the community. It is going to start to snow and rain. She reminisced about a visit to Bellevue, Washington, where nobody talked to her or looked her in the eye. She felt very isolated. She encouraged everyone to start smiling and laughing.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:47 p.m. The 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.

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

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

\_\_\_\_\_





# City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 17-055

TO: HOMER CITY COUNCIL  
FROM: BRYAN ZAK, MAYOR  
DATE: APRIL 5, 2017  
SUBJECT: RE-APPOINTMENT OF MIKE STOCKBURGER TO THE PORT AND HARBOR ADVISORY COMMISSION AND APPOINTMENTS OF GARRETTE GARRROUTE AND GRANT GARROUTE TO THE CANNABIS ADVISORY COMMISSION

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Mike Stockburger is re-appointed to the Port and Harbor Advisory Commission for a term to expire February 1, 2020.

Garrette Garoutte is appointed to the Cannabis Advisory Commission to fill the seat vacated by Beth Carroll. His term will expire May 1, 2020

Grant Garroute is appointed to the Cannabis Advisory Commission to fill the seat vacated by Lindianne Sarno. His term will expire May 1, 2018

### RECOMMENDATION:

Confirm the re-appointment of Mike Stockburger to the Port and Harbor Advisory Commission; and the appointments of Garrette Garroute and Grant Garroute to the Cannabis Advisory Commission.

Fiscal Note: N/A





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

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

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

Name: Michael Stockburger Date: 3/22/2017

Physical Address: 737 Firweed Ave

Mailing Address: PO Box 1257 Homer AK 99603

Phone #: (907) 299-1020 Cell #: same Work #: \_\_\_\_\_

Email Address: mjshby@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.

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  
\_\_\_\_\_

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 18 years.

I am presently employed at Homer Boat Yard

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

own + operate local boat yard for 15 yrs

Commercial Fishing for 15 yrs

Construction business owner/operator for 5 yrs

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

YES, <sup>Homer</sup> Port + Harbor Commission for 3 yrs 2014-17

Homer Chamber of Commerce 3 yrs 2008-2011

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

Very interested in helping insure Homer has a well run harbor.

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

President of Homer Marine Trades Association

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

\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No  What is your primary use? Commercial  Recreational

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

When you have completed the application please review and return to the City Clerk's Office. You may also email this to [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov) or fax ~~100~~ 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

MAR 23 2017 PM 04:01 PK

Name: Garrette Garoutte Date: 3/23/2017

Physical Address: 394 Soundview Ave Homer AK 99603

Mailing Address: P.O. Box 1735

Phone #: 907 299 6552 Cell #: 907 299 8917 Work #: 907 299 6552

Email Address: garrettejgaroutte@live.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  
\_\_\_\_\_

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 20 years. I have been a resident of the area for 23 years.

I am presently employed at Peninsula Trim LLC

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

My brother and I run a marijuana trimming service that services cultivators across the state. I am the new Sgt at Arms down at the American Legion Post #16

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?

~~As soon as possible~~ I work on the ground floor of

this newly emerging industry. I would like to assist in any way possible to create good regulations for the city of Homer

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 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 grew up here in Homer AK, from Paul Banks to Homer High. I am a Veteran of the U.S. ARMY and I am more than willing to selflessly serve our community to ensure the safety and well being of our city.

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





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

MAR 23 2017 PM04:02 RK

Name: GRANT GAROUTTE Date: 3/23/17

Physical Address: 394 SOUNDVIEW HOMER AK 99603

Mailing Address: P.O. Box 1735

Phone #: 907-299-8971 Cell #: '' Work #: 907-299-6552

Email Address: gatgaroutte@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.

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  
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CITY COUNCIL  
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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  
\_\_\_\_\_

I have been a resident of the city for 20 years. I have been a resident of the area for 23 years.

I am presently employed at Peninsula Trim LLC

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

Co-owner of Peninsula Trim LLC Alaska's first legally compliant Marijuana trimming Service.

Adjutant for the American Legion Post #16

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?

I think that the ~~to~~ Commission would benefit from a Veterans ~~view~~ point of view, I personally have experience running

Please list any current memberships or organizations you belong to related to your selection(s): <sup>a cannabis related business</sup>  
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:

N/A

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:

Our city needs reasonable regulations that will keep our community safe. I grew up here in Homer I am giving my time to the American Legion but I would love to give time to our city.

When you have completed the application please review and return to the City Clerk's Office. You may also email this to [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov) or fax ~~104~~ 907-235-3143. Thank you for applying!



# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 17-056

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, MMC, DEPUTY CITY CLERK  
DATE: APRIL 3, 2017  
SUBJECT: LIQUOR LICENSE TRANSFER FOR DOWN EAST SALOON

---

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

Type: Beverage Dispensary  
Lic #: 2300  
DBA Name: Down East Saloon  
Service Location: 3125 East End Road, Homer, Alaska  
Licensee: Justin Cole  
Mailing Address: 3125 East End Road, Homer, AK 99603

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

Fiscal Note: Revenues.





# City of Homer

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

Police Department


4060 Heath Street  
Homer, Alaska 99603

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

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

## Memorandum

TO: MELISSA JACOBSEN, DEPUTY CITY CLERK  
FROM: MARK ROBL, CHIEF OF POLICE   
DATE: April 3, 2017  
SUBJECT: LIQUOR LICENSE LOCATION TRANSFER FOR DOWN EAST SALOON

---

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

Type: Beverage Dispensary  
Lic #: 2300  
DBA Name: Down East Saloon  
Service Location: 3125 East End Road, Homer, Alaska  
Licensee: Justin Cole  
Mailing Address: 3125 East End Road, Homer, AK 99603

Chief Mark Robl



# City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: Mark Robl, Police Chief  
FROM: Melissa Jacobsen, Deputy City Clerk  
DATE: March 30, 2017  
SUBJECT: Liquor License Transfer for Down East Saloon

---

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

Type: Beverage Dispensary  
Lic #: 2300  
DBA Name: Down East Saloon  
Service Location: 3125 East End Road, Homer, Alaska  
Licensee: Justin Cole  
Mailing Address: 3125 East End Road, Homer, AK 99603

This matter is scheduled for the April 10, 2017 City Council meeting. Please respond with objections/non-objections to this liquor license renewal by **Wednesday, April 5, 2017**.

Thank you for your assistance.





March 21, 2017

City of Homer  
Attn: City Clerk  
Via Email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)  
Cc: [joanne@borough.kenai.ak.us](mailto:joanne@borough.kenai.ak.us)  
[jblankenship@borough.kenai.ak.us](mailto:jblankenship@borough.kenai.ak.us)  
[kring@borough.kenai.ak.us](mailto:kring@borough.kenai.ak.us)

<b>License Type:</b>	Beverage Dispensary	<b>License Number:</b>	2300
<b>Licensee:</b>	Down East Saloon LLC		
<b>Doing Business As:</b>	Down East Saloon		

- New Application**
 **Transfer of Ownership Application**  
 **Transfer of Location Application**
 **Transfer of Controlling Interest Application**

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

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

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Jedediah Smith, Local Government Specialist  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**What is this form?**

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review **Title 04 of Alaska Statutes** and **Chapter 304 of the Alaska Administrative Code**. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

**Section 1 - Transferor Information**

Enter information for the *current* licensee and licensed establishment.

Licensee:	Kathleen E. McDonough		License #:	2300	
License Type:	Beverage Dispensary		Statutory Reference:		
Doing Business As:	Down East Inc.				
Premises Address:	3125 E END Rd				
City:	Homer	State:	AK	ZIP:	99603
Local Governing Body:	City of Homer / Kenai Peninsula Borough				

**Transfer Type:**

- Regular transfer
- Transfer with security interest
- Involuntary retransfer



**OFFICE USE ONLY**

Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	



Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 2 – Transferee Information**

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	Justin Cole				
Doing Business As:	Down East Saloon LLC				
Premises Address:	3125 E End Rd				
City:	Homer	State:	Alaska	ZIP:	99603
Community Council:					

Mailing Address:	3125 E End Rd				
City:	Homer	State:	Alaska	ZIP:	99603

Designated Licensee:	Justin Cole				
Contact Phone:	907-299-1249	Business Phone:	907-235-6002		
Contact Email:					

Seasonal License?    Yes     No     If "Yes", write your six-month operating period: \_\_\_\_\_

**Section 3 – Premises Information**

Premises to be licensed is:

- an existing facility     a new building     a proposed building



The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only:

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

2 miles to Paul Banks Elementary School

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.

.42 miles to the Church of Jesus Christ of Latter Day Saints





Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 4 – Sole Proprietor Ownership Information**

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5.  
 If more space is needed, please attach a separate sheet with the required information.  
 The following information must be completed for each licensee and each affiliate (spouse).

This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	



This individual is an:  applicant  affiliate

Name:					
Address:					
City:		State:		ZIP:	

**Section 5 – Entity Ownership Information**

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6.  
 If more space is needed, please attach a separate sheet with the required information.

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

Entity Official:	Justin Cole				
Title(s):	Member	Phone:	907-299-1249	% Owned:	100
Address:	33730 Justin's Court				
City:	Homer	State:	Alaska	ZIP:	99603



Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

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

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

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

RECEIVED

FEB 07 2017

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	10049110	AK Formed Date:	01/16/17	Home State:	Alaska
Registered Agent:	Justin Cole	Agent's Phone:	907-299-1249		
Agent's Mailing Address:	33730 Justin's Court				
City:	Homer	State:	Alaska	ZIP:	99603

Residency of Agent: Yes    No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?



Alaska Alcoholic Beverage Control Board

# Form AB-01: Transfer License Application

## Section 6 – Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Justin Cole, Sole Proprietor  
AK License # 936501  
Beer & Wine License # 4766

## Section 7 – Authorization

Communication with AMCO staff:

Yes No

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

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







Alaska Alcoholic Beverage Control Board

**Form AB-01: Transfer License Application**

**Section 8 – Transferor Certifications**

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a **controlling interest** of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

*Kathleen E. McDonough*

Signature of transferor

KATHLEEN E. MCDONOUGH

Printed name of transferor

Subscribed and sworn to before me this 18<sup>th</sup> day of January, 2017.

*Renee C. Orians*

Signature of Notary Public



Notary Public in and for the State of Alaska.

My commission expires: Feb 1, 2018

\_\_\_\_\_  
Signature of transferor

\_\_\_\_\_  
Printed name of transferor

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public



Notary Public in and for the State of \_\_\_\_\_.

My commission expires: \_\_\_\_\_



**Alaska Alcoholic Beverage Control Board**  
**Form AB-01: Transfer License Application**

**Section 9 – Transferee Certifications**

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

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.



I certify that all proposed licensees have been listed with the Division of Corporations.



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



I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.



I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

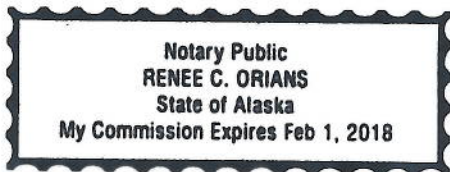


As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

*Justin Cole*  
 Signature of transferee  
Justin Cole  
 Printed name



Subscribed and sworn to before me this 14<sup>th</sup> day of January, 2017.



*Renee C. Orians*  
 Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: Feb 1, 2018





## Alaska Alcoholic Beverage Control Board

# Form AB-02: Premises Diagram

### What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The **second page** of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

Yes No

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.

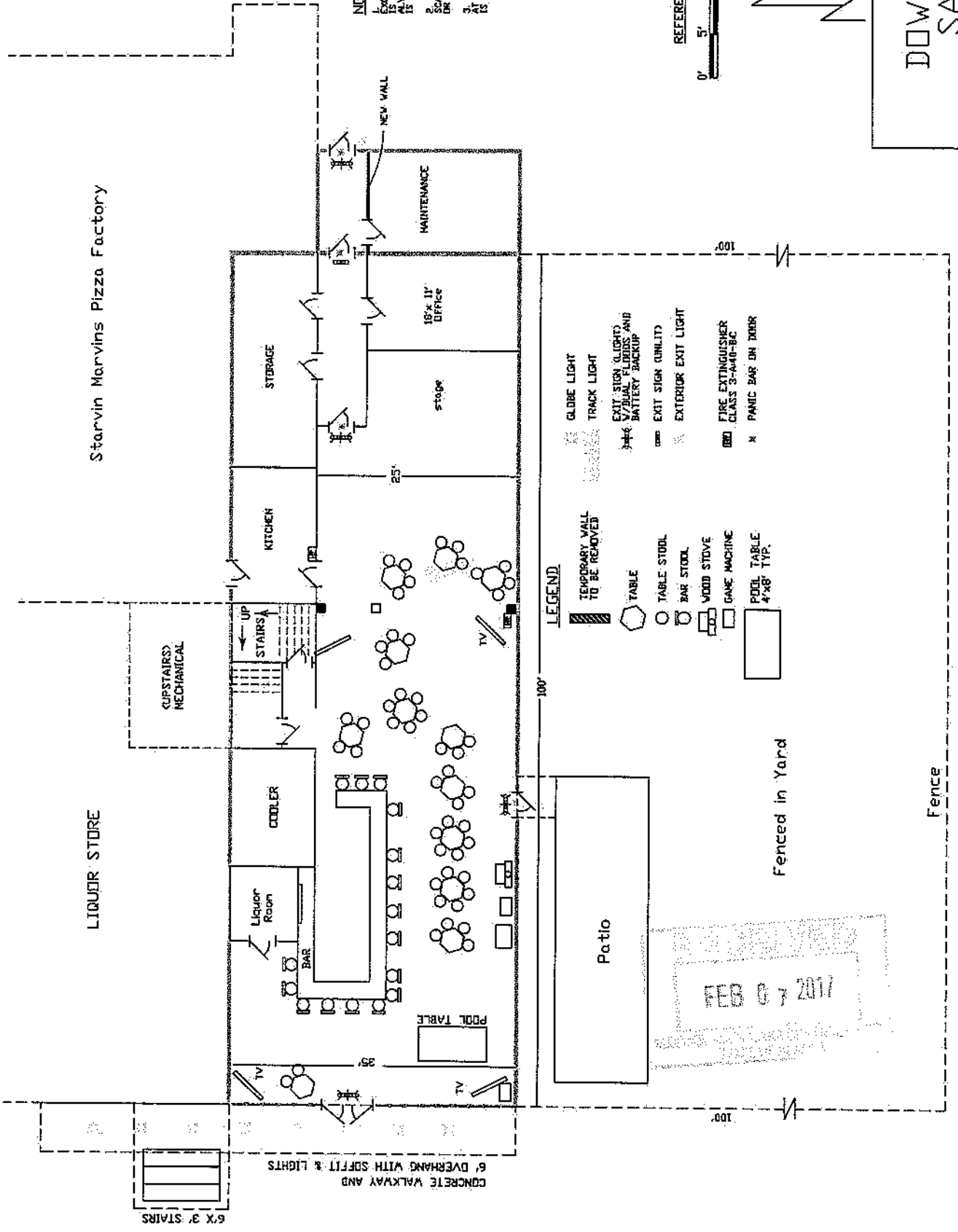


### Section 1 - Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

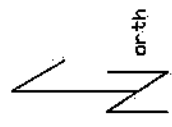
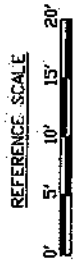
Licensee:	Justin Cole	License Number:	2300
License Type:	Beverage Dispensary		
Doing Business As:	Down East Saloon LLC		
Premises Address:	3125 E End Rd		
City:	Homer	State:	AK
		ZIP:	99603

Starvin Marvin's Pizza Factory



**NOTES**

- ALL OVERLAYS ARE 3/4" WIDE EXCEPT FRONT DOOR WHICH IS A 6" WIDE DOUBLE DOOR AS SHOWN UNLATCHED WHEN BAR IS OPEN.
- PLEASE USE REFERENCE SCALE IF DRAWING IS PRINTED OR COPIED. BUT OF SCALE.
- FRONT DOOR IS UNLATCHED AT ALL TIMES WHEN BUSINESS IS OPEN.



DOWN EAST SALOON

SCALE: 1/4" = 1' DATE: 1/17/17

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

3 City Manager

4 **RESOLUTION 17-031**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 CONFIRMING THE APPOINTMENT OF ELIZABETH WALTON AS  
8 TREASURER AND JENNA DE LUMEAU AS DEPUTY TREASURER FOR  
9 CALENDAR YEAR 2017.

10  
11 WHEREAS, Homer City Code §1.34.010 states that the Treasure and Deputy Treasurer  
12 shall be appointed by and serve at the pleasure of the City Manager, that the Treasure and  
13 Deputy Treasurer shall be confirmed by the Council annually during the first meeting in  
14 January and whenever the appointment becomes vacation or whenever the City Manager  
15 deems it appropriate to change the appointment; and

16  
17 WHEREAS, On January 9, 2017 Council adopted Resolution 17-003 confirming the  
18 appointments of Jenna de Lumeau as Treasurer and Andrea Browning as Deputy Treasurer for  
19 calendar year 2017; and

20  
21 WHEREAS, Jenna de Lumeau has be serving in the capacity of Acting Finance Director  
22 since the position was vacated by Zhiyong Li in December 2016; and

23  
24 WHEREAS, Elizabeth Walton was hired as Finance Director in March, 2017; and

25  
26 WHEREAS, Pursuant to HCC §1.34.010, City Manager Katie Koester hereby provides  
27 notice of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for the  
28 Calendar year 2017.

29  
30 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska confirms the  
31 appointment of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for  
32 the Calendar Year 2013.

33  
34 PASSED AND ADOPTED by the Homer City Council this 10<sup>th</sup> day of April, 2017.

35  
36  
37 CITY OF HOMER

38  
39 \_\_\_\_\_  
40 BRYAN ZAK, MAYOR  
41  
42

43 ATTEST:

44

45

46

47 \_\_\_\_\_  
JOHNSON, MMC, CITY CLERK

48

49 Fiscal note: NA

50

51

52

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

3 City Manager

4 **RESOLUTION 17-032**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL DESIGNATING  
7 SIGNATORIES OF CITY ACCOUNTS AND SUPERSEDING ANY  
8 PREVIOUS RESOLUTION SO DESIGNATING.  
9

10 WHEREAS, Elizabeth Walton is now the Finance Director; and

11  
12 WHEREAS, Elizabeth Walton was appointed as Treasurer and Jenna deLumeau was  
13 appointed as Deputy Treasurer via Resolution 17-031.  
14

15 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the  
16 designated signatories, effective April 10, 2017, are as follows with the number of signatories  
17 defined:  
18

19 On the regular Wells Fargo Bank Alaska checking account #016030109 that the following are  
20 the designated signatories for this account, with dual signatures required for checks over  
21 \$5,000; on the investment accounts with Alaska Municipal League, First National Bank,  
22 Raymond James Investment, Wells Fargo Bank Alaska, and other institutions, and for  
23 Department of Administration Grants and other grants, one of the following authorized  
24 signatories or the dual electronic authorization system is required for all transactions:  
25

26 **BRYAN ZAK, MAYOR**  
27 **MARY K. KOESTER, CITY MANAGER**  
28 **CATRIONA REYNOLDS, MAYOR PRO TEMPORE**  
29 **JO JOHNSON, ACTING CITY MANAGER/CITY CLERK**  
30 **ELIZABETH WALTON, FINANCE DIRECTOR/TREASURER**  
31

32  
33 PASSED AND ADOPTED by the Homer City Council this 10<sup>th</sup> day of April, 2017.  
34  
35

36 CITY OF HOMER  
37

38 \_\_\_\_\_  
39 BRYAN ZAK, MAYOR  
40  
41  
42  
43

44 ATTEST:

45

46

47

48 \_\_\_\_\_  
JOHNSON, MMC, CITY CLERK

49

50 Fiscal note: NA

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

3 Mayor/City Council

4 **RESOLUTION 17-033**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING THE  
7 CITY OF HOMER 2017 LAND ALLOCATION PLAN.  
8

9 WHEREAS, The Property Management Policy and Procedures Manual sets policy for  
10 municipal land management; and  
11

12 WHEREAS, Chapter 3 of the Property Management Policy and Procedures Manual  
13 establishes that a Land Allocation Plan will be developed annually; and  
14

15 WHEREAS, The Economic Development, Park Art Recreation and Culture, Port and  
16 Harbor, and Planning Advisory Commissions reviewed the draft Land Allocation Plan and  
17 provided their recommendations as outlined in Memorandum 17-058 by the Deputy City  
18 Planner; and  
19

20 WHEREAS, The City Council discussed the Land Allocation Plan during the Committee of  
21 the Whole on April 10, 2017.  
22

23 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that the City of Homer  
24 2017 Land Allocation Plan is hereby amended as follows:  
25

- 26 1. Make lands in front of lots 88-2 through 88-4, Lots 26-34, Lots 14-17, and lots between  
27 Ramp 4 and 5, as shown on the draft land allocation map, available for over slope  
28 lease.  
29

30 NOW, THEREFORE, BE IT FURTHER RESOLVED by the Homer City Council that the City of  
31 Homer 2017 Land Allocation Plan is hereby approved as amended.  
32

33 PASSED AND ADOPTED by the Homer City Council this 10<sup>th</sup> day of April, 2017.  
34

35 CITY OF HOMER  
36  
37

38 \_\_\_\_\_  
39 BRYAN ZAK, MAYOR  
40  
41  
42

43 ATTEST:

44

45

46

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

48

49 Fiscal Note: N/A





# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

## Memorandum 17-058

TO: Homer Advisory Planning Commission  
THROUGH: Katie Koester, City Manager  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: April 4, 2017  
SUBJECT: Land Allocation Plan

### **Background**

The Land Allocation Plan is a listing of each property the City owns. Each year, the City Council reviews and approves which city properties should be made available for lease, through the Land Allocation Plan. Each Commission provides comments by memorandum to the Council on which lands should be leased. Council considers the comments, and then passes a resolution adopting the draft plan for the year, including any changes to lots available for lease.

### **Over-slope lands around the Homer Harbor**

Earlier this winter, the Port and Harbor and Planning Commissions discussed potential over slope boardwalk development around the harbor. They recommended the following lands be available for development: lands in front of lots 88-2 through 88-4, Lots 26-34, Lots 14-17, and lots between Ramp 4 and 5. (See Spit map at the end of the land allocation plan)

**Leases** – None of the Commissions had any recommendations on new lands to make available for lease.

### **Other recommendations:**

HAPC: RECOMMEND CITY COUNCIL OFFER THE PARCELS #177154-02 & 17715403 ON PAGE C-4 OF THE PLAN TO THE ADJOINING PROPERTY OWNERS. (land slivers adjacent to the Sterling Highway)

HAPC: RESERVE PAGE C-6 PARCELS #17717706 & #17717707 FOR A FUTURE POCKET PARK.  
(Sea wall lots)

Below is a list of changes to municipal lands over the past year.

### **Land Changes in 2016/17**

- The City contracted with a realtor, Angie Newby, to represent the City on land sales.
- Several city parcels were sold.
- Several City parcels are still for sale, and listed on the MLS.
- Purchased land with HART trails fund for a future trailhead on Roger's Loop.

### **Unfinished Business**

- Lot line vacations at Public Works. Subdivision plats cost about \$5,000, which exceeds the City budget for all land related costs (surveying and appraisal). If the Council would like to see action on the lot line vacations, staff recommends increasing this line item in the budget for 2018.
- In 2013, the City petitioned the state to gain title to two parcels of tidelands on the Spit, one for the Deep Water Dock, the other for part of the Pioneer Dock. Staff is researching its completion.
- Sale of lot 47 (C-8) to Land's End. In 2013, Lands End wanted to buy this lot. Council did not reach consensus during the land allocation work session that year, and no formal action has been taken. Staff recommends seeing if Land's End is still interested, and bringing a resolution forward for Council action.

### **Staff Recommendations:**

1. Make recommendations on any new lands that should be available for lease including over-slope around the harbor
2. Discuss selling price of old library lot (D-3)
3. Provide any further direction to Administration/realtor on city lands for sale
4. Renew efforts on selling lot 47 to Land's End (C-8)
5. Budget for lot line vacations of Public Works (D-10)

### **Attachments**

1. Minutes from Commissions
2. 2017 Draft Land Allocation Plan

# 2017 Land Allocation Plan City of Homer

Adopted by Resolution 17-xx



**Grubstake Ave**

# Table of Contents

## Sections

- A. Lands Available For Lease**
- B. Leased Lands**
- C. Other City lands, generally undesignated**
- D. City Facilities**
- E. Parks, Green space, cemeteries**
- F. Bridge Creek Lands**
- G. Conservation Easement Lands**

**Index—City lands listed by parcel number**

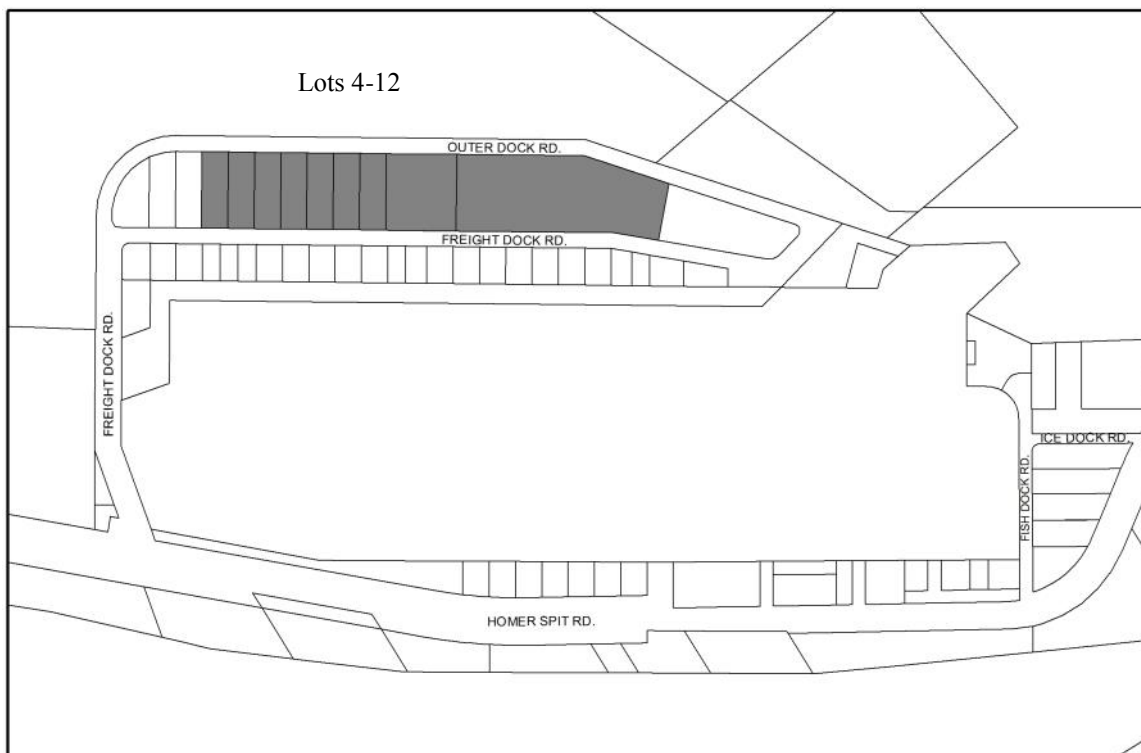
**Appendix - Homer Harbor Map**

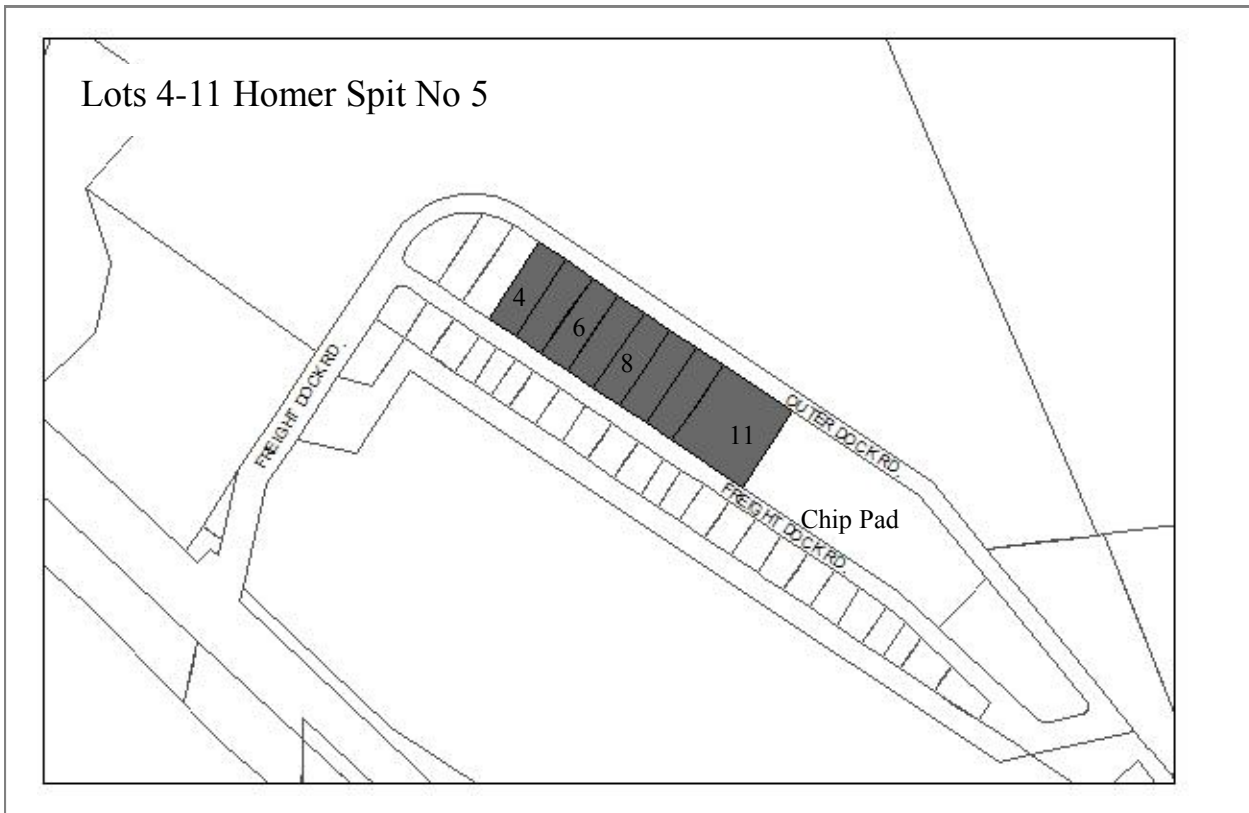
Note: Any lands not included in this document are listed in the previous version of the Land Allocation Plan, and their designations carry forward to this plan.

# Section A

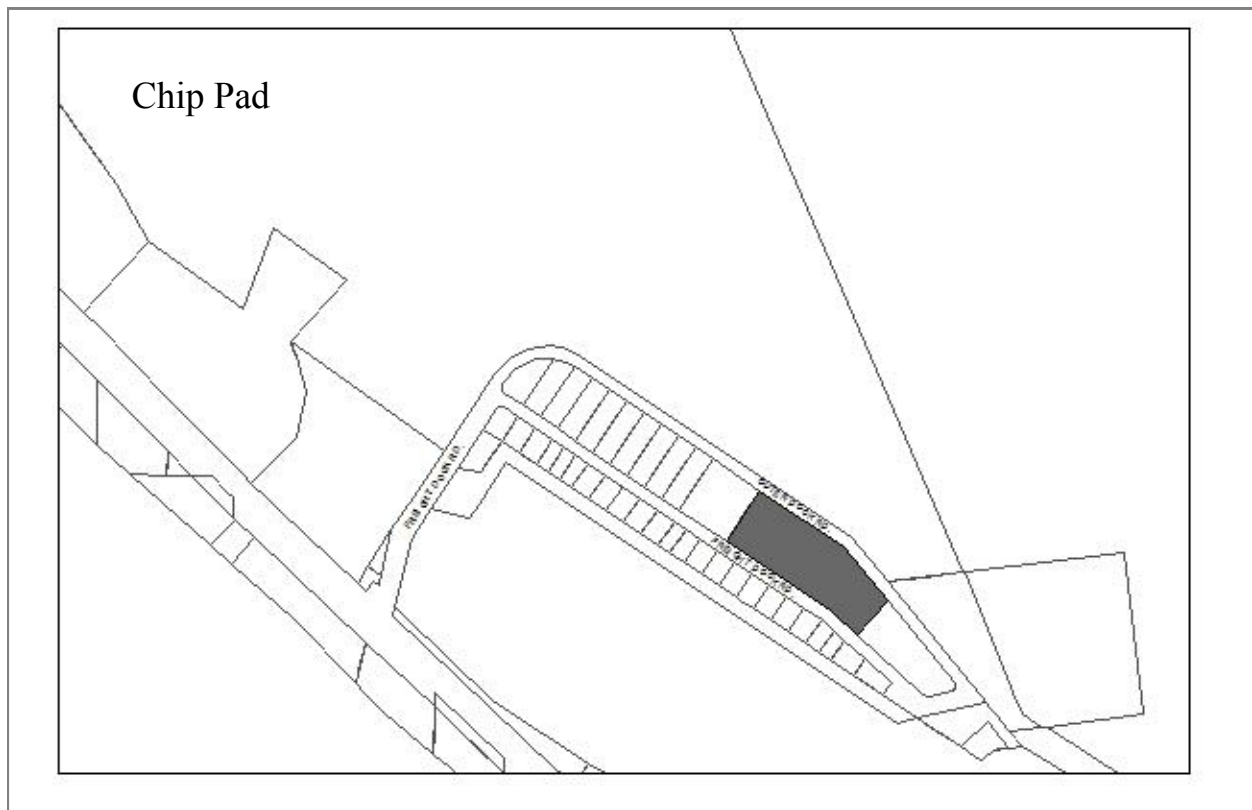
## Lands available for lease

The following lots are available for lease in 2017. Lease procedures follow the City of Homer Lease Policy, and City Code.





<b>Designated Use:</b> Lease Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 6.47 acres. Small lots are 0.67 acres, large lot is 1.78 acres	<b>Parcel Number:</b> 181032 23-30
<b>2012 Assessed Value:</b> \$1,742,400. Smaller lots valued at \$189,700. One large lot valued at \$414,500	
<b>Legal Description:</b> Homer Spit Subdivision No. 5 Lots 4 through 11	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b>
<p>Not available for long term lease. Used for seasonal summer parking. May be available for short term winter leases.</p> <p>Resolution 2007-051: Lots 4-10, the RFP process should be delayed until the master parking plan is developed. The East Harbor expansion should be considered. Lot 11: should be held in reserve to attract a container ship/barge operation and/or an industrial support base to the Port of Homer. This should be a long term lease.</p> <p>Resolution 10-35(A) prepare a plan for organized parking and fee collection.</p> <p>Resolution 14-041, Lots 9, 10 and 11 are available for short term lease only.</p> <p>Resolution 15-030(A) A portion of lot 11 to be available for long term cell tower lease.</p>	
<b>Finance Dept. Code:</b>	



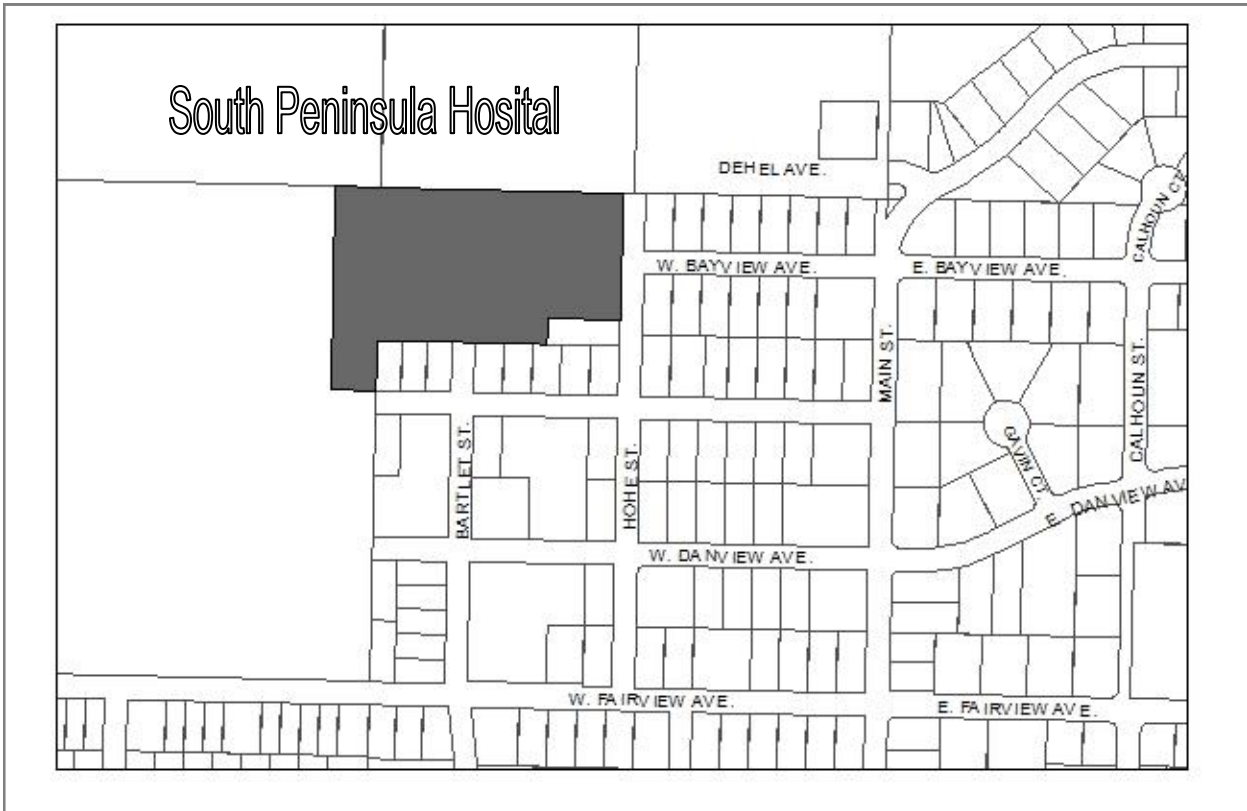
<b>Designated Use:</b> Lease	
<b>Acquisition History:</b>	
<b>Area:</b> 5 acres	<b>Parcel Number:</b> 18103220
<b>2012 Assessed Value:</b> \$1,487,100 (Land: \$947,100, Structure/Improvements: \$540,000)	
<b>Legal Description:</b> Homer Spit Subdivision no 5 Lot 12	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4380 Homer Spit Road

## **Section B**

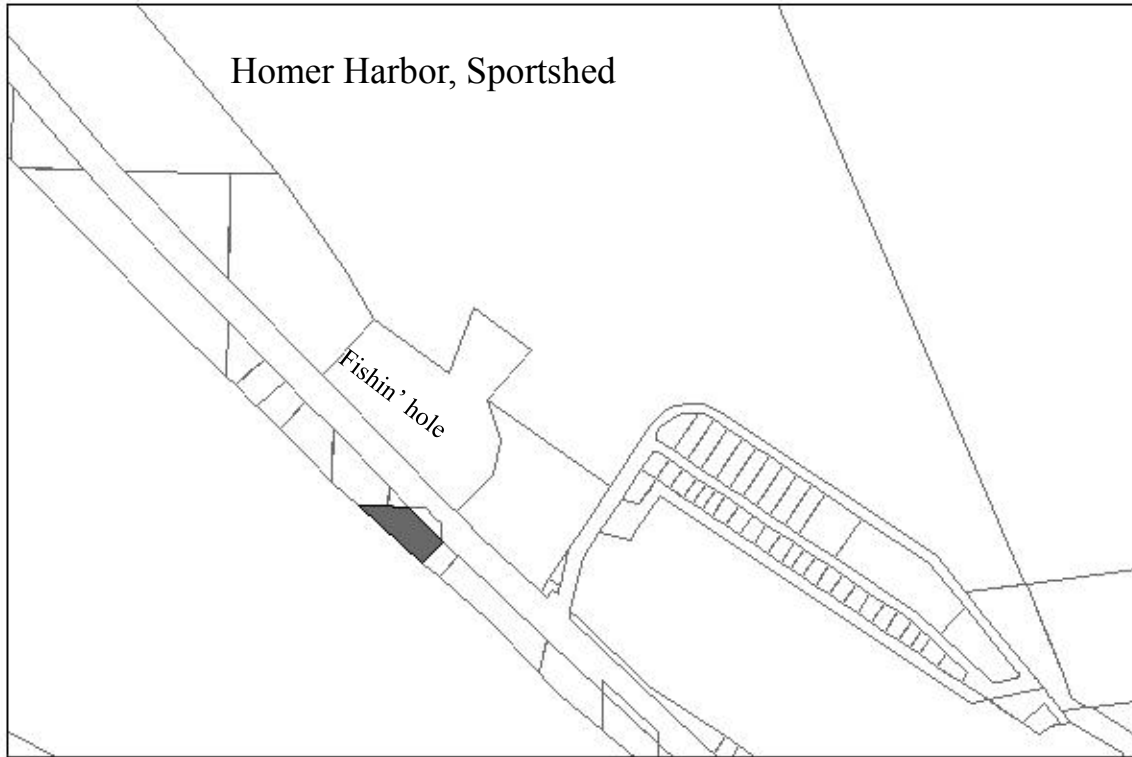
# **Leased Lands**

These lands are under lease. Leases are based on a current market appraisal provided by a professional appraiser. The Kenai Peninsula Borough tax assessment is given as information only. It is not the basis for lease negotiations or fees. The KPB tax assessor takes into account the duration of the lease. Therefore, when a lease is expiring, the value of the land to the tenant goes down. On leased land, the KPB assessor is NOT showing market value of the land; they use a different measure to create a taxable land value. The tenant pays property tax to the City and Borough. See the Lease Policy Manual for further information. Individual lease files contain information on rents and formal agreements.





<b>Designated Use:</b> South Peninsula Hospital	
<b>Acquisition History:</b>	
<b>Area:</b> 7.12 acres	<b>Parcel Number:</b> 17504024
<b>2012 Assessed Value:</b> \$19,943,500 (Land \$256,400, Structures \$19,687,100)	
<b>Legal Description:</b> HM02008092T06S R13W S18 SOUTH PENINSULA HOSPITAL SUB 2008 Addition Tract A2	
<b>Zoning:</b> Residential Office	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	
<b>Notes:</b> Ordinance 2006-036 leased the land to the Kenai Peninsula Borough for 99 years. Structure is owned by KP.B.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Leased Land  
**Acquisition History:**

**Area:** 1.6 acres

**Parcel Number:** 18103105

**2012 Assessed Value:** \$338,500 (Land: \$155,800 Structure: \$182,700)

**Legal Description:** HM0890034 T06S R13W S35 HOMER SPIT SUB AMENDED LOT 5

**Zoning:** Marine Commercial

**Wetlands:** None

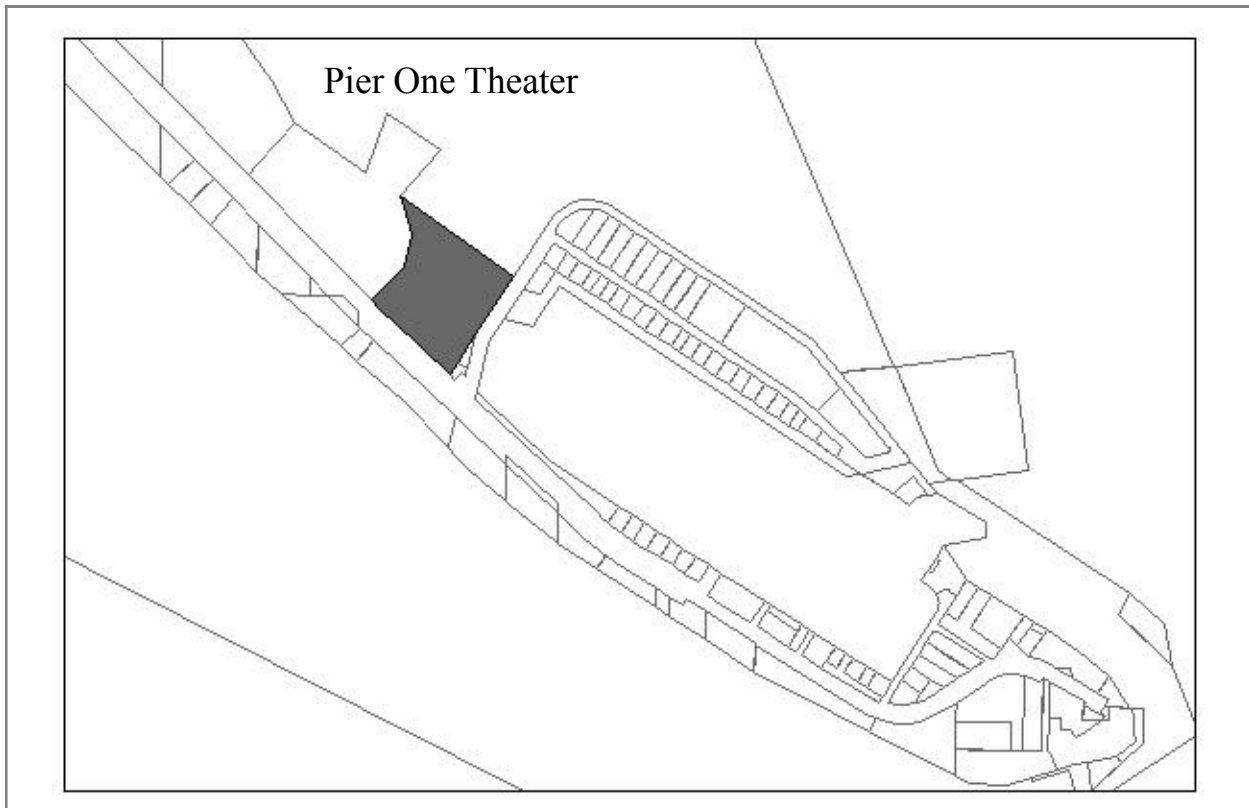
**Infrastructure:** Paved road, water and sewer.

**Address:** 3815 Homer Spit Road

**Leased to:** Sportshed/Homer Enterprises. Resolution 09-25(S), 09-76(S) Sublease  
 Expiration: 2029 two 5 year options

Storm damage, fall 2014, resulted in partial collapse and removal of part of one building.

**Finance Dept. Code:**



**Designated Use:** Fishing Lagoon  
**Acquisition History:** Ordinance 83-26. Purchase from World Seafood.

<b>Area:</b> 11.27 acres	<b>Parcel Number:</b> 18103117
--------------------------	--------------------------------

**2012 Assessed Value:** \$1,719,900 (Land: \$1,568,000 Structure: \$151,900)

**Legal Description:** HM0940043 T06S R13W S35 TRACT 1-A THE FISHIN HOLE SUB NO 2

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
----------------------------------	----------------------

<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 3854 Homer Spit Road
--	--------------------------------------

This is a large parcel that is used several ways.

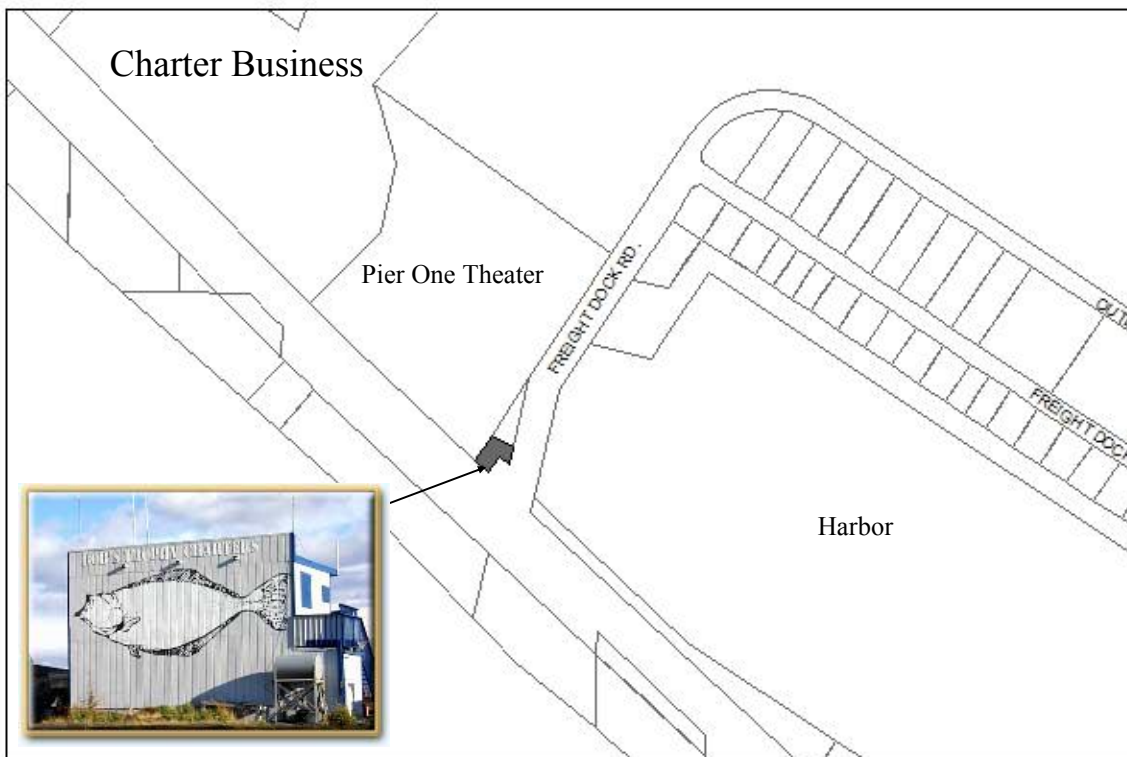
- Dredge spoils dewatering and storage, winter barge haul out activity
- City RV park/campground, and access to the only public RV dump on the spit
- Pier One Theater Lease. Theater leases the building only; not the land. Resolution 89-36A.

**Resolution 2011-37(A):** Develop a plan which will consider designation of a 10,000 sq. ft. portion to make the land available for Request for Proposals. (in progress)

**Resolution 13-020:** Designated the north east corner of the lot for use as a trailhead for the Kachemak Bay Water Trail.

**Leased to:** Pier One Theater  
 Resolution 2016- 118, 5 Year lease.

**Finance Dept. Code:**



**Designated Use:** Lease

**Acquisition History:** Ord 1983-26. Purchased from World Seafood

**Area:** 0.15 acres or 6,692 sq ft

**Parcel Number:** 18103118

**2012 Assessed Value:** \$117,700 Land \$57,300 Structure \$60,400

**Legal Description:** HM0940043 T06S R13W S35 TRACT 1-B THE FISHIN HOLE SUB NO 2

**Zoning:** Marine Commercial

**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

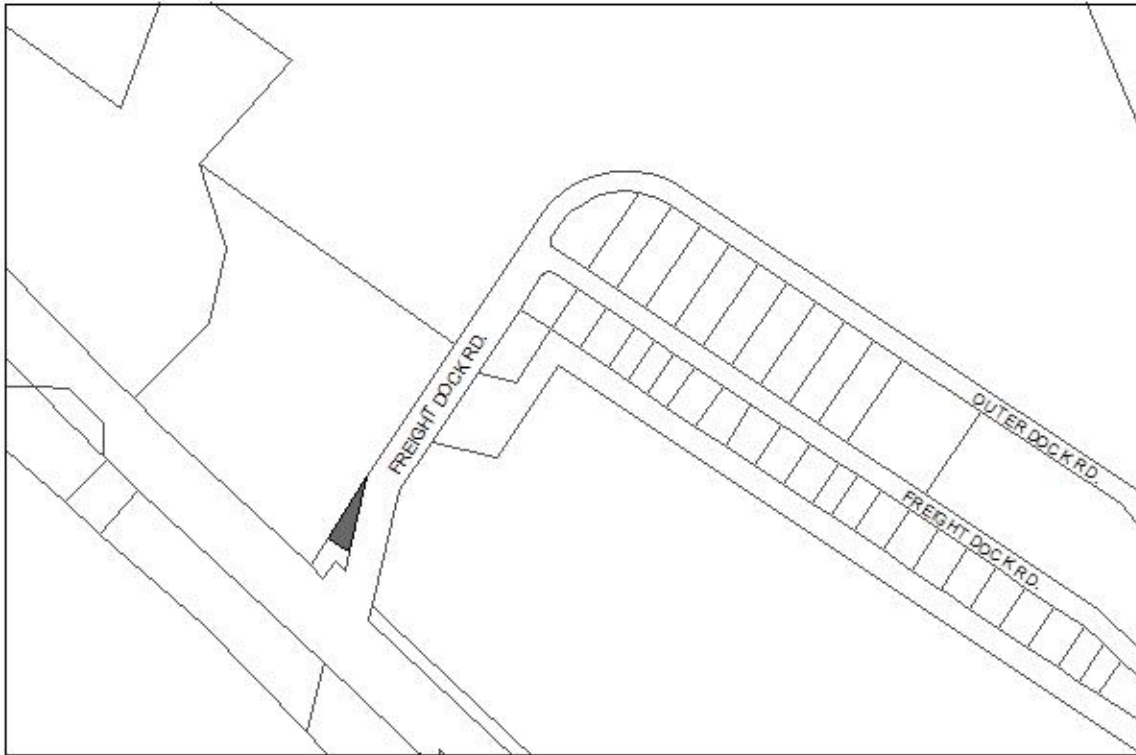
**Address:** 3978 Homer Spit Road

Leased to: Alaska High Hopes Charters Co. (Bob's Trophy Charters)

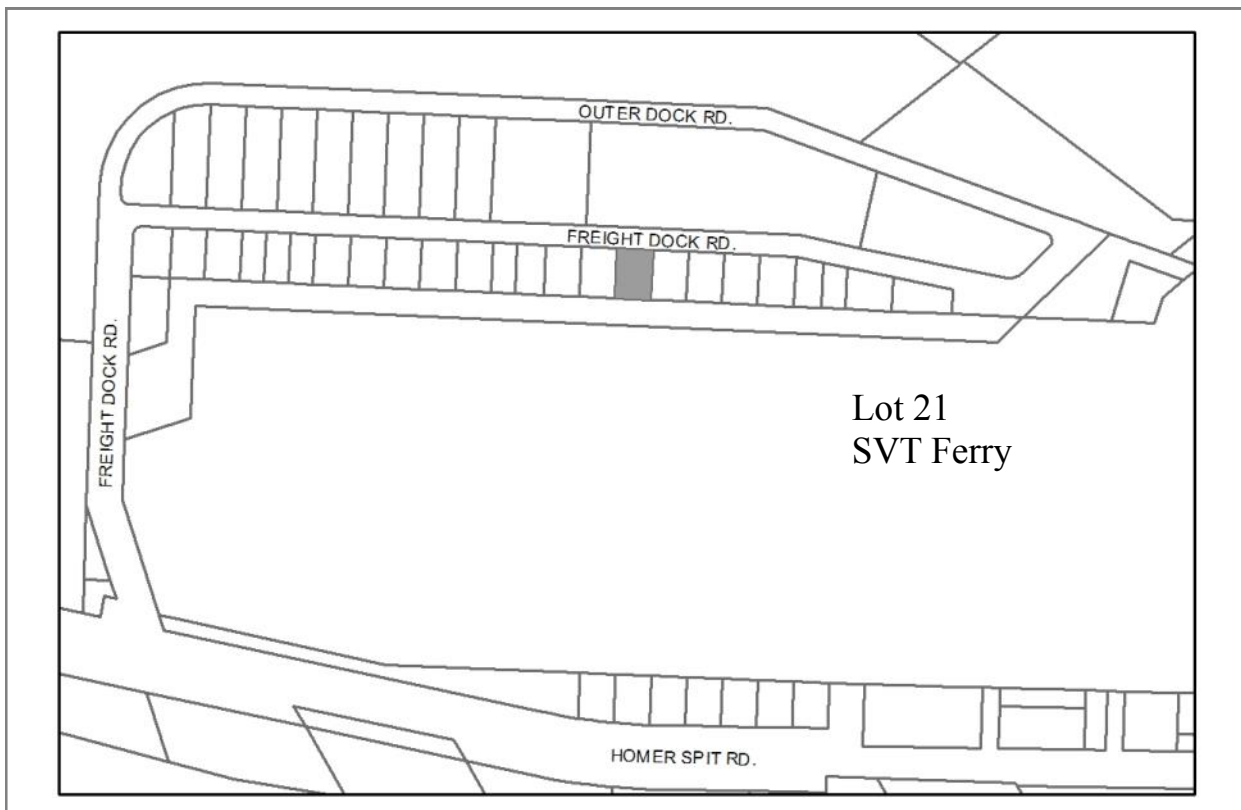
Expiration: March 31, 2018, no options

Resolution 16-116 authorized a new lease with the new owner for 20 years with two 5 year options.

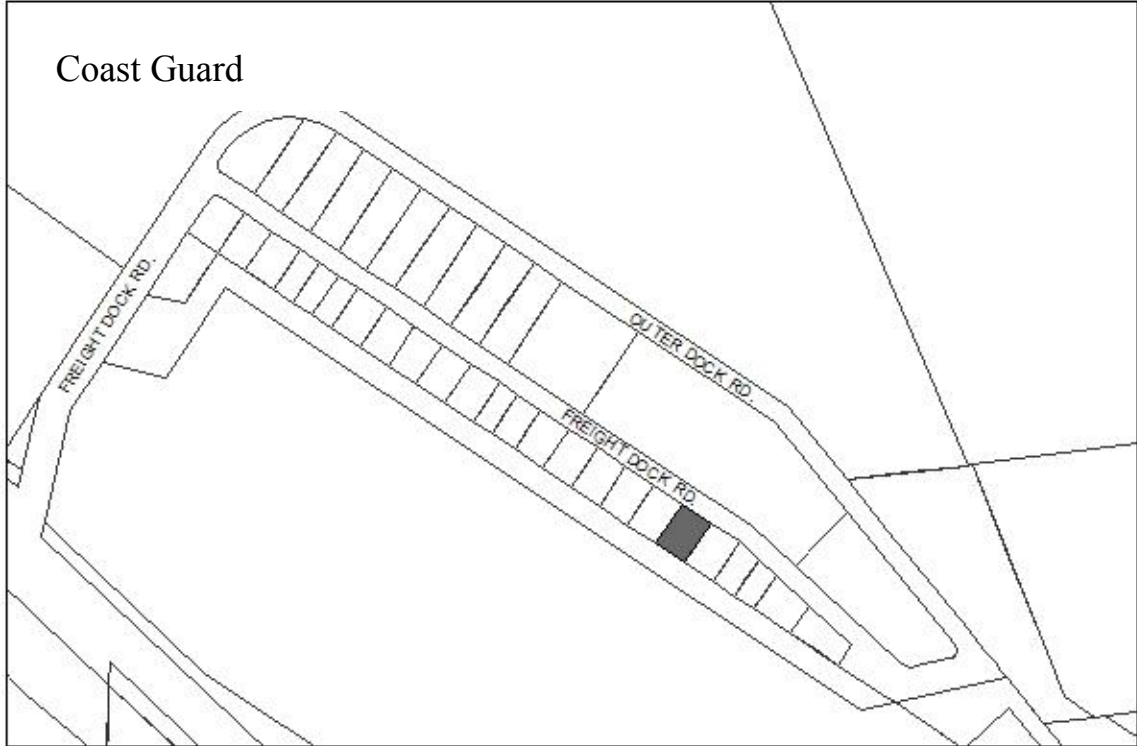
**Finance Dept. Code:** 400.600.4650

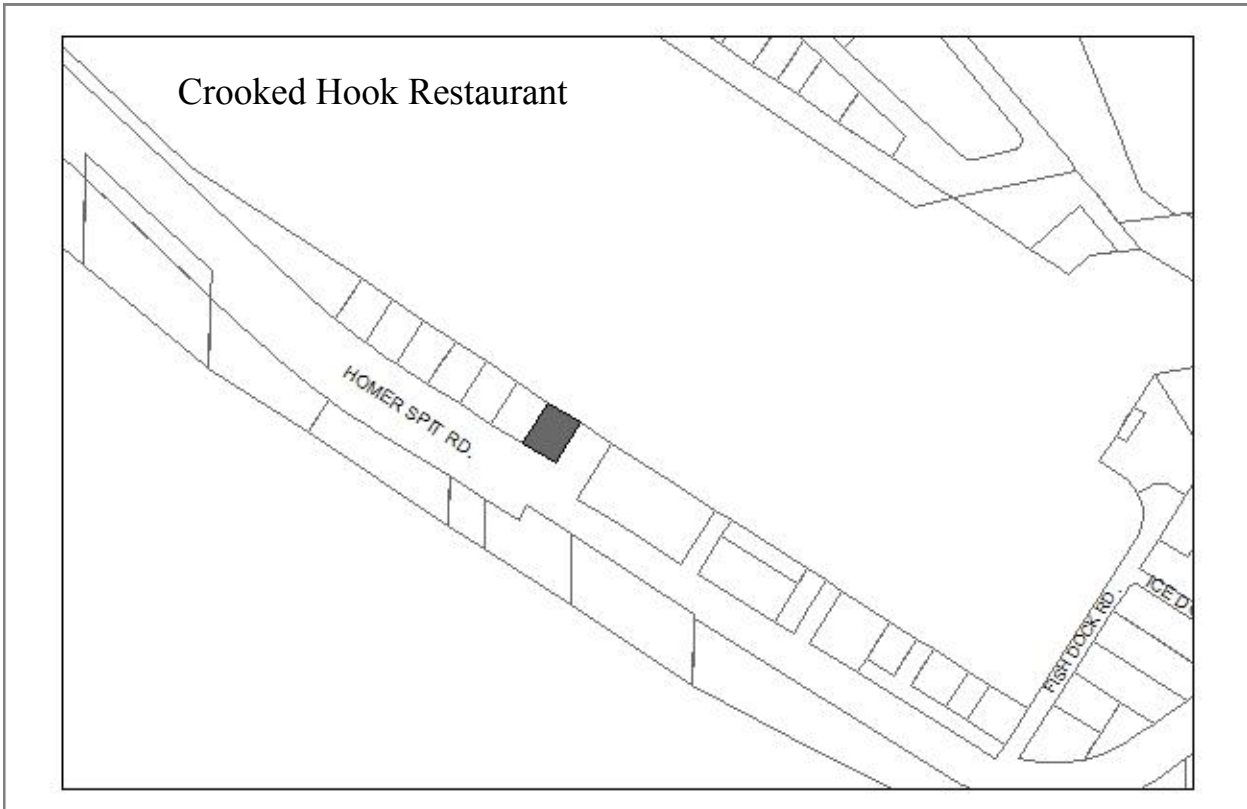


<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b> Ord 83-26 purchase from World Seafood	
<b>Area:</b> 0.18 acres	<b>Parcel Number:</b> 18103119
<b>2012 Assessed Value:</b> \$123,100 (Land: \$66,600 Structure \$56,800)	
<b>Legal Description:</b> HM0940043 T06S R13W S35 TRACT 1-C THE FISHIN HOLE SUB NO 2	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 1114 Freight Dock Road
<p><b>Leased to:</b> L.H. and Marcia Pierce. Sportsman Supply/RV                  Expiration: March 31, 2018, No options</p>	
<b>Finance Dept. Code:</b> 400.600.4650	



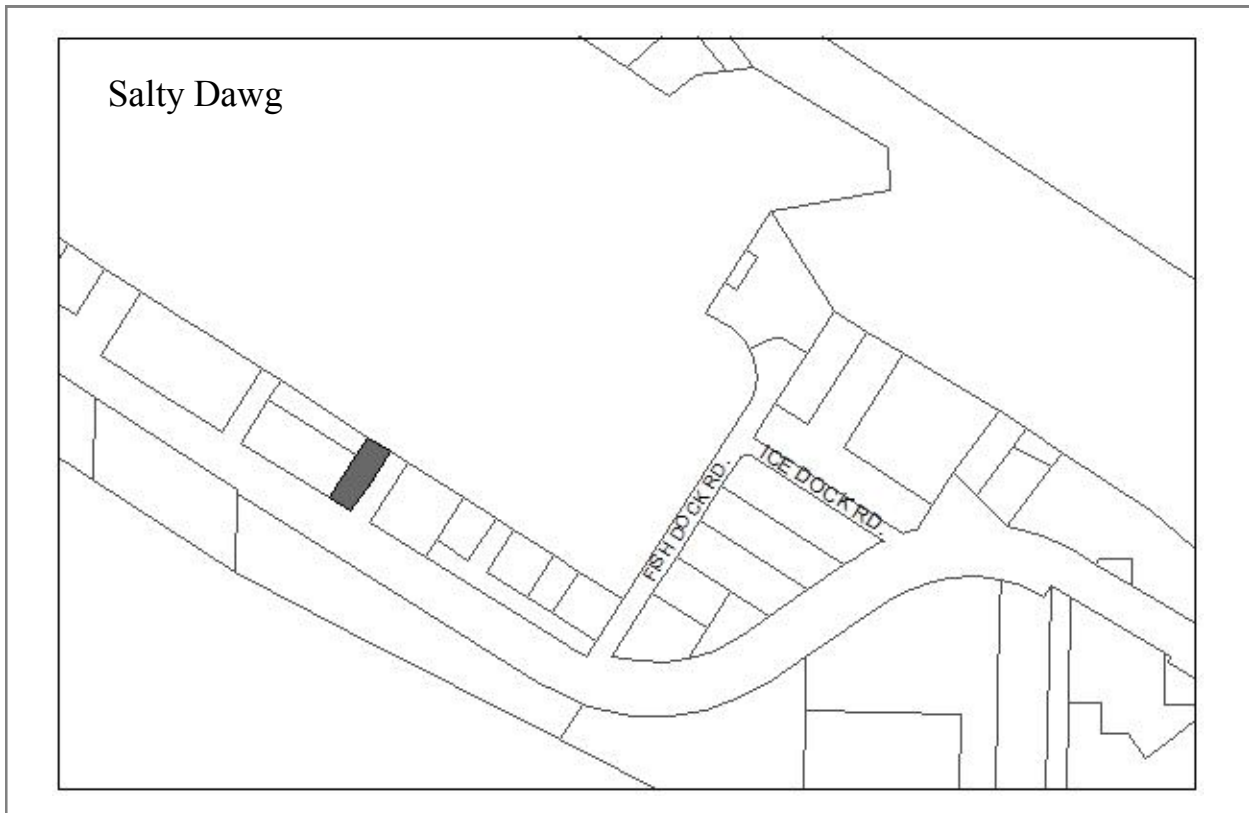
<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.32 acres	<b>Parcel Number:</b> 18103240
<b>2012 Assessed Value:</b> \$105,000	
<b>Legal Description:</b> Homer Spit No 5 Lot 21	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4323 Freight Dock Road
<b>Leased to:</b> Seldovia Village Tribe, for Kachemak Bay Ferry Resolution 10-41. Expiration May 31, 2030, two 5 year options	
<b>Finance Dept. Code:</b> 400.600.4650	

	
<p><b>Designated Use:</b> Leased to USCG  <b>Acquisition History:</b></p>	
<p><b>Area:</b> 0.34 acres</p>	<p><b>Parcel Number:</b> 18103218</p>
<p><b>2012 Assessed Value:</b> \$567,300 (Land: \$105,000 Structure: \$462,300)</p>	
<p><b>Legal Description:</b> Homer Spit Four subdivision Lot 2</p>	
<p><b>Zoning:</b> Marine Industrial</p>	<p><b>Wetlands:</b> N/A</p>
<p><b>Infrastructure:</b> Water, sewer, paved road access</p>	<p><b>Address:</b> 4373 Freight Dock Rd</p>
<p><b>Leased to:</b> USCG                  Lease Renewal Options: None                  Expiration: September 30, 2016                  Resolution 16-119, Ten one year lease options</p>	
<p><b>Finance Dept. Code:</b></p>	

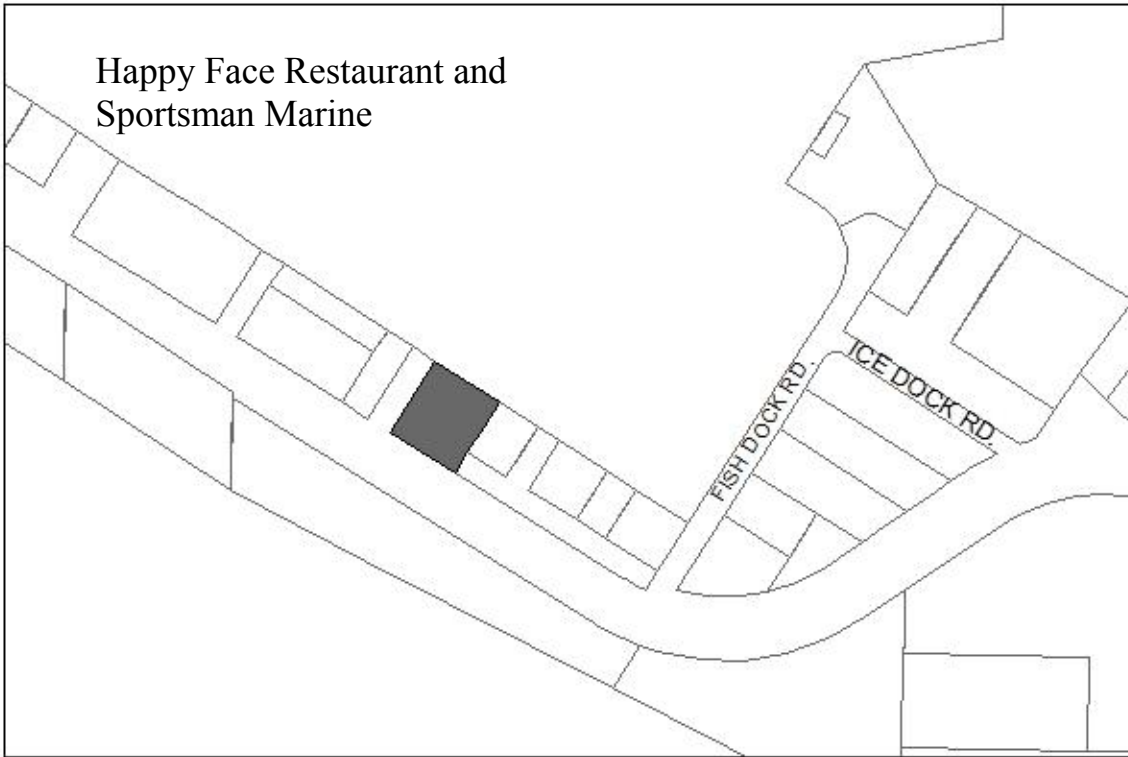


<b>Designated Use:</b> Leased Land	
<b>Acquisition History:</b>	
<b>Area:</b> 12,700 sq ft	<b>Parcel Number:</b> 18103316
<b>2012 Assessed Value:</b> \$543,400 (Land: \$97,100 Structure: \$446,300)	
<b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 19	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> None
<b>Infrastructure:</b> Paved road, water and sewer	<b>Address:</b> 4262 Homer Spit Road
<p><b>Leased to:</b> Harbor Bar &amp; Grill                  Expiration: Lease expires 2/1/2046, no options.</p>	
<b>Finance Dept. Code:</b>	





<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.23 acres	<b>Parcel Number:</b> 18103309
<b>2009 Assessed Value:</b> \$238,200 (Land: \$80,700 Structure: \$157,500)	
<b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 30	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4390 Homer Spit Road
<p><b>Leased to:</b> John Warren, Salty Dawg                  Expiration: 1/31/2026. No options.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Leased Land  
**Acquisition History:**

**Area:** 24,639 sq ft (0.57 acres)

**Parcel Number:** 18103432

**2012 Assessed Value:** \$619,800 (Land: \$166,700 Structure: \$453,100)

**Legal Description:** HM0890034 T07S R13W S01 HOMER SPIT AMENDED LOT 32

**Zoning:** Marine Commercial

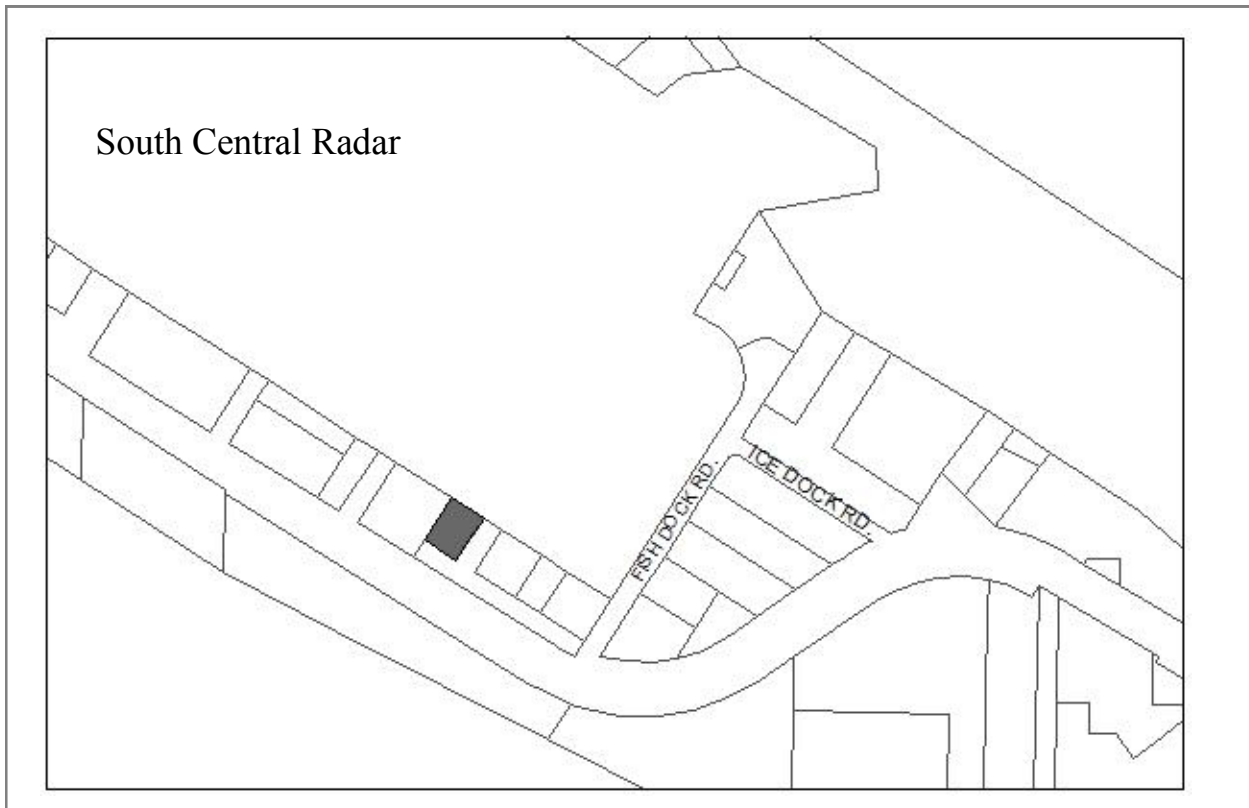
**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

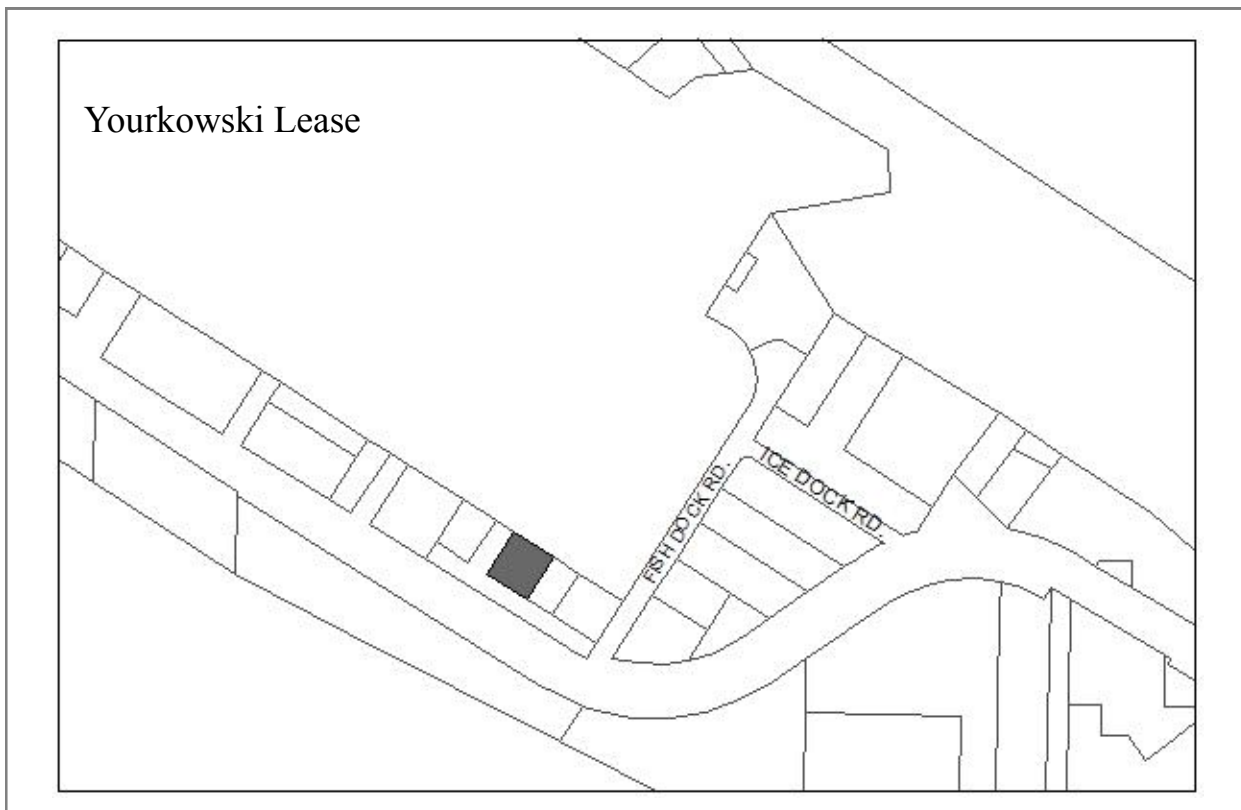
**Address:** 4400 Homer Spit Road

**Leased to:** Happy Face Restaurant and Sportsman Marine  
 Expiration: 5/15/2034. Two, 5 year options.

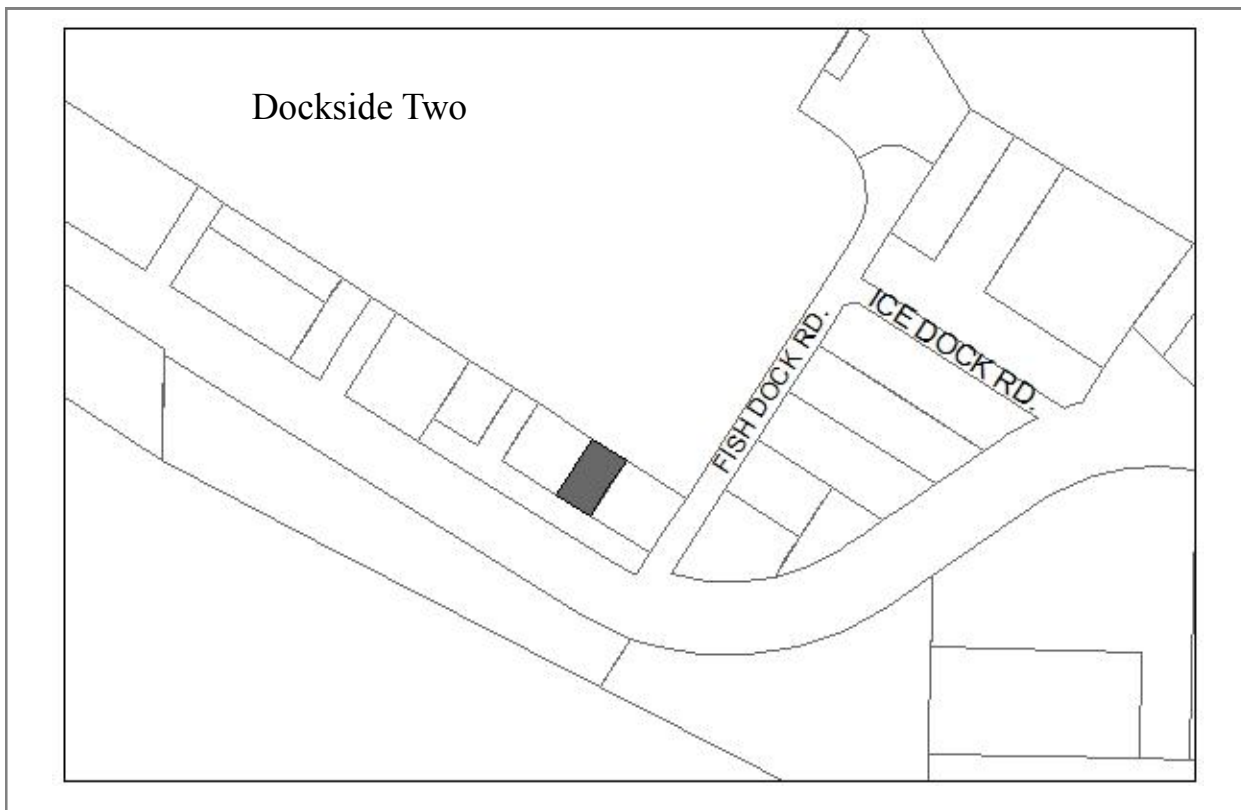
**Finance Dept. Code:**



<b>Designated Use:</b> Leased Land	
<b>Acquisition History:</b>	
<b>Area:</b> 0.2 acres	<b>Parcel Number:</b> 18103431
<b>2012 Assessed Value:</b> \$162,900 (Land: \$72,100 Structure: \$90,800)	
<b>Legal Description:</b> HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMD LOT 88-1	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4406 Homer Spit Road
<b>Leased to:</b> Mark & Laura Zeiset dba South Central Radar Expiration: 11/1/2022, two additional 5 year renewal options	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.29 acres	<b>Parcel Number:</b> 18103442
<b>2012 Assessed Value:</b> \$277,500 (Land: \$97,100 Structure: \$180,400)	
<b>Legal Description:</b> HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-2	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4460 Homer Spit Road
<p><b>Leased to:</b> Mike Yourkowski                  Lease Renewal Options: one 10 year renewal option.                  Expiration: 11/30/15, plus renewal option. Leaseholder is exercising options.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Leased Land  
**Acquisition History:**

<b>Area:</b> 7,749 sq ft. (0.18 acres)	<b>Parcel Number:</b> 18103443
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**2012 Assessed Value:** \$115,400 (Land: \$66,300, Structure: \$49,100)

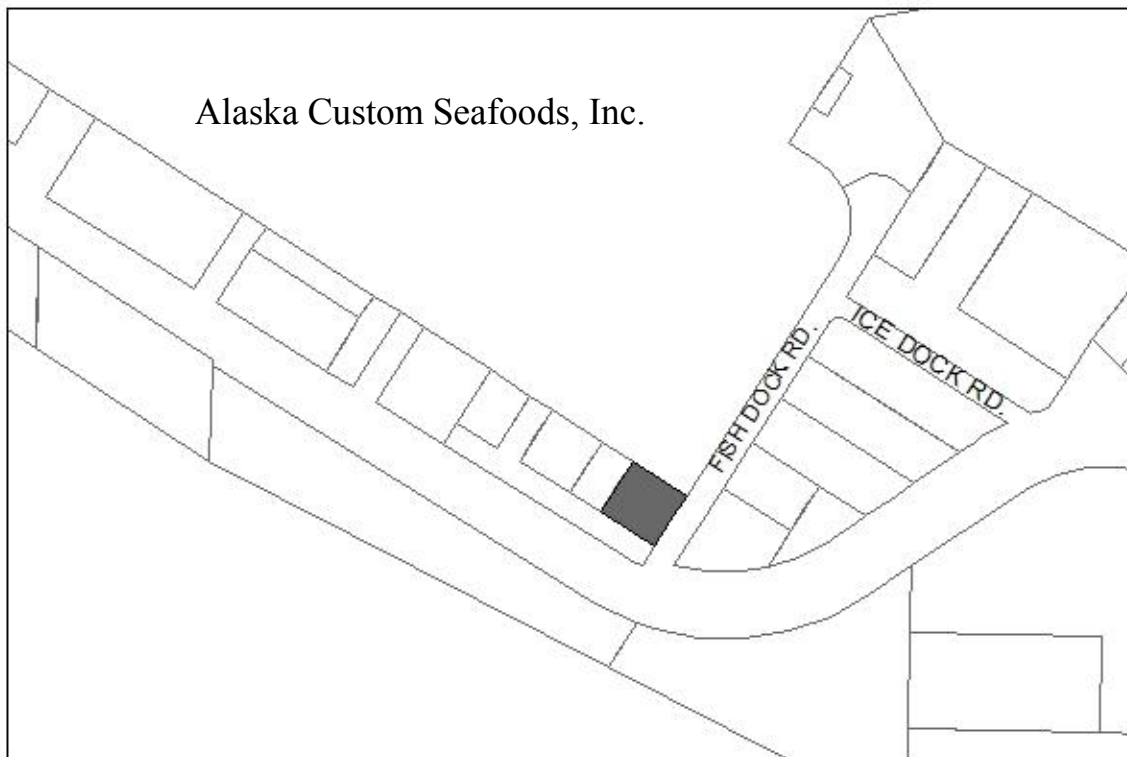
**Legal Description:** HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-3

<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> None
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<b>Infrastructure:</b> Paved road, water and sewer.	<b>Address:</b> 4470 Homer Spit Road
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**Leased to:** William Sullivan dba Docks Two dba Kachemak Bay Seafoods  
 Expiration: 2027, no options.

**Finance Dept. Code:**



**Designated Use:** Leased land  
**Acquisition History:**

**Area:** 0.31 acres, or 13,383 sq ft

**Parcel Number:** 18103444

**2012 Assessed Value:** \$222,400 Land Value - \$102,400 Structure Value - \$120,000

**Legal Description:** HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-4

**Zoning:** Marine Commercial

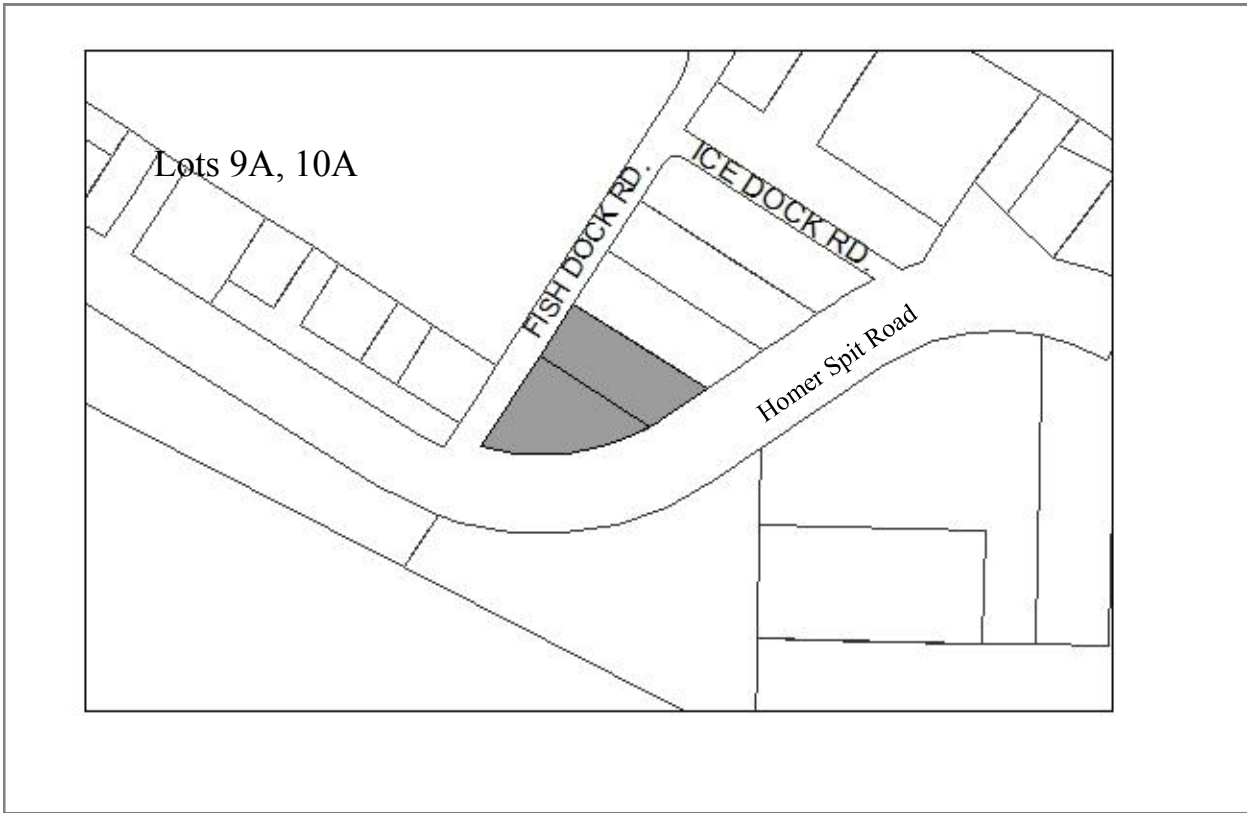
**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

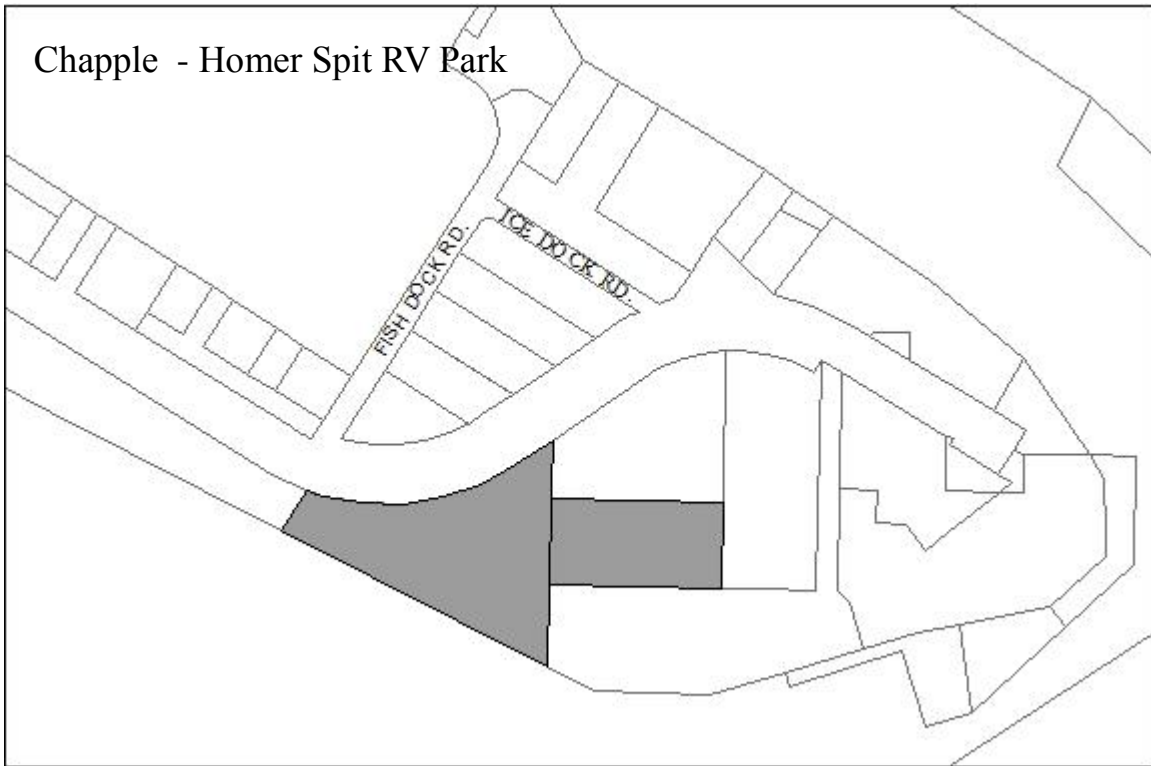
**Address:** 4474 Homer Spit Road

**Leased to:** Brad Faulkner DBA Alaska Custom Seafoods, Inc. Expires 2043.

**Finance Dept. Code:**



<b>Designated Use:</b> Leased	
<b>Acquisition History:</b>	
<b>Area:</b> 1.05 acres (0.52 and 0.53 acres)	<b>Parcel Number:</b> 18103477, 78
<b>2012 Assessed Value:</b> Land value \$312,200	
<b>Legal Description:</b> T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 9-A and 10A	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, gas, Spit Trail, paved road access	<b>Address:</b>
Former Manley building lots.	
Resolution 16-086 authorized a 20 year lease with two 5 years options. A formal lease agreement has not been completed but the project is active. The lessee is working with administration and on funding. (Global Sustainable Fisheries of Alaska)	
<b>Finance Dept. Code:</b>	



**Designated Use:** Leased Land  
**Acquisition History:**

**Area:** 192,970 sq ft

**Parcel Number:** 18103402, 03

**2009 Assessed Value:** Total: \$593,400 Land: \$474,600 Structures: \$118,800

**Legal Description:** HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 50.  
 HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 49 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 205/928.

**Zoning:** Marine Industrial

**Wetlands:** None

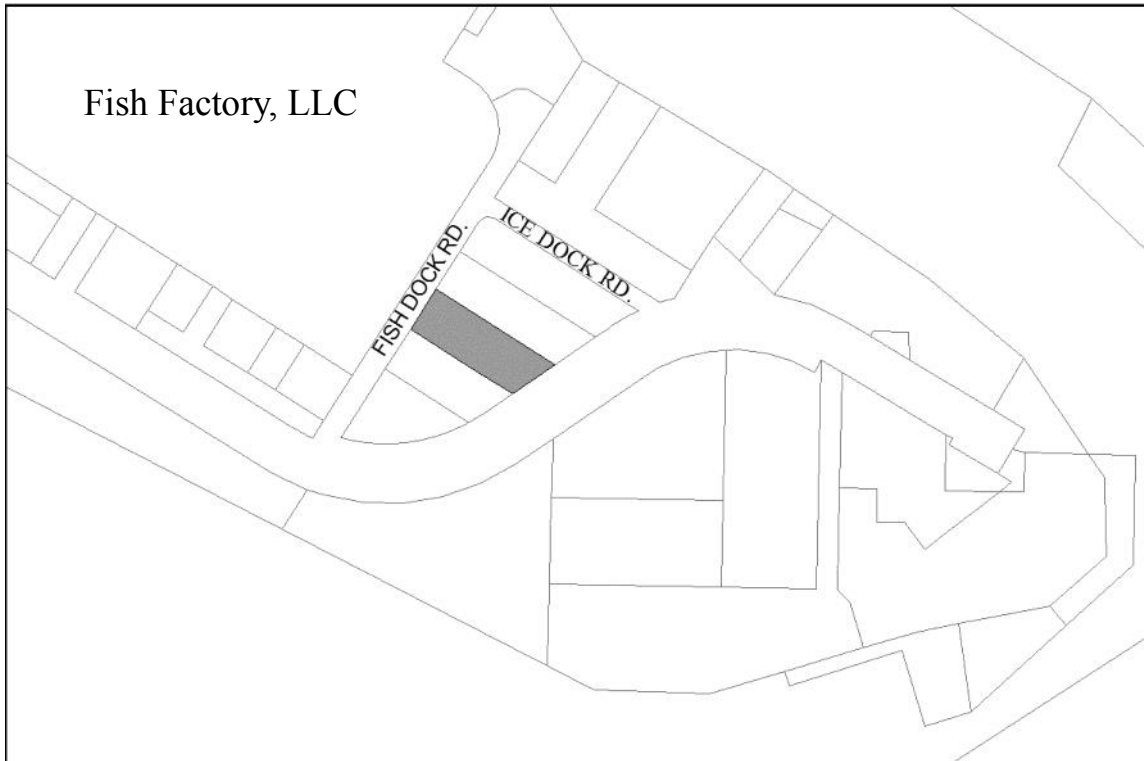
**Infrastructure:** Paved road, water and sewer.

**Address:** 4535 Homer Spit Road

**Leased to:** John & Margaret Chapple. Homer Spit Campground  
 Expiration: 12/31/2026, two addition 3 year options.

**Finance Dept. Code:** 400.600.4650





**Designated Use:** Leased Land  
**Acquisition History:**

**Area:** 27,470 sq ft (0.63 acres)

**Parcel Number:** 18103421

**2012 Assessed Value:** \$841,900 (Land: \$180,600 Structure: \$661,300)

**Legal Description:** HM0900052 T07S R13W S01 CITY OF HOMER PORT INDUSTRIAL NO 3 LOT 12-A1

**Zoning:** Marine Industrial

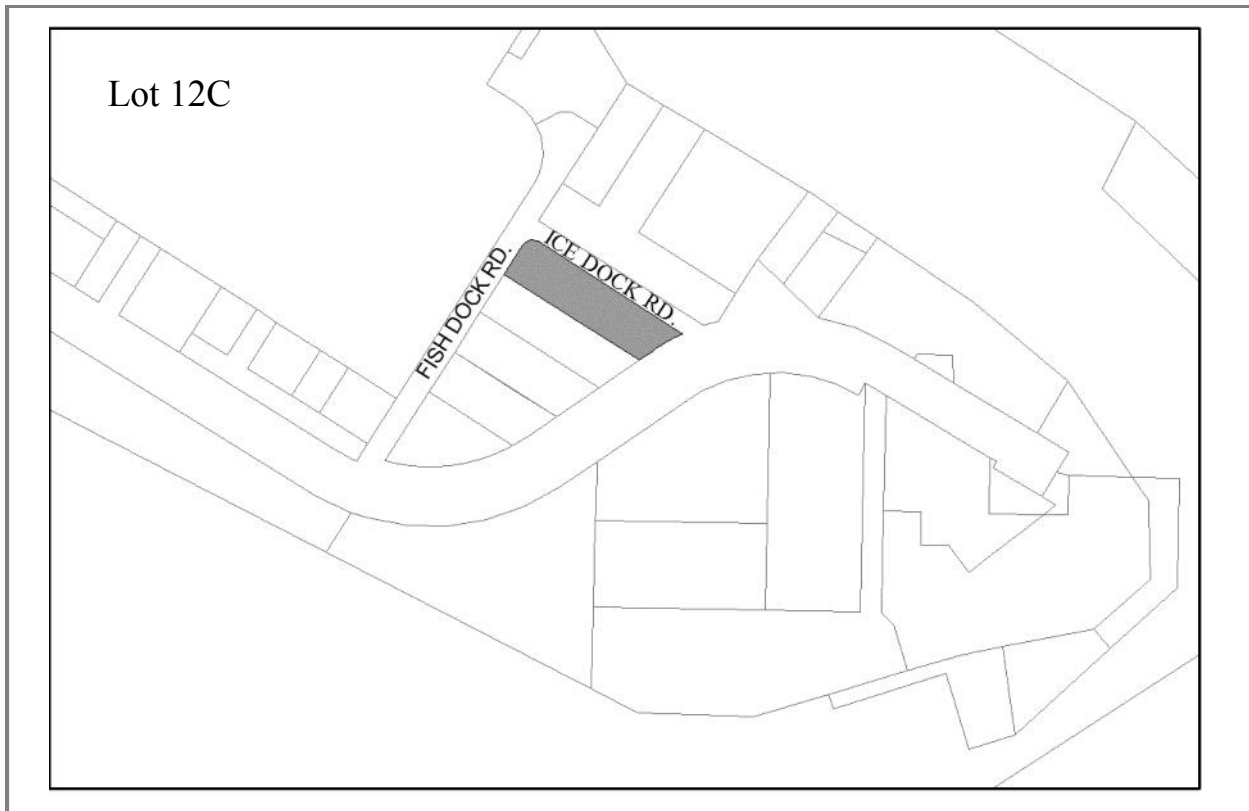
**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

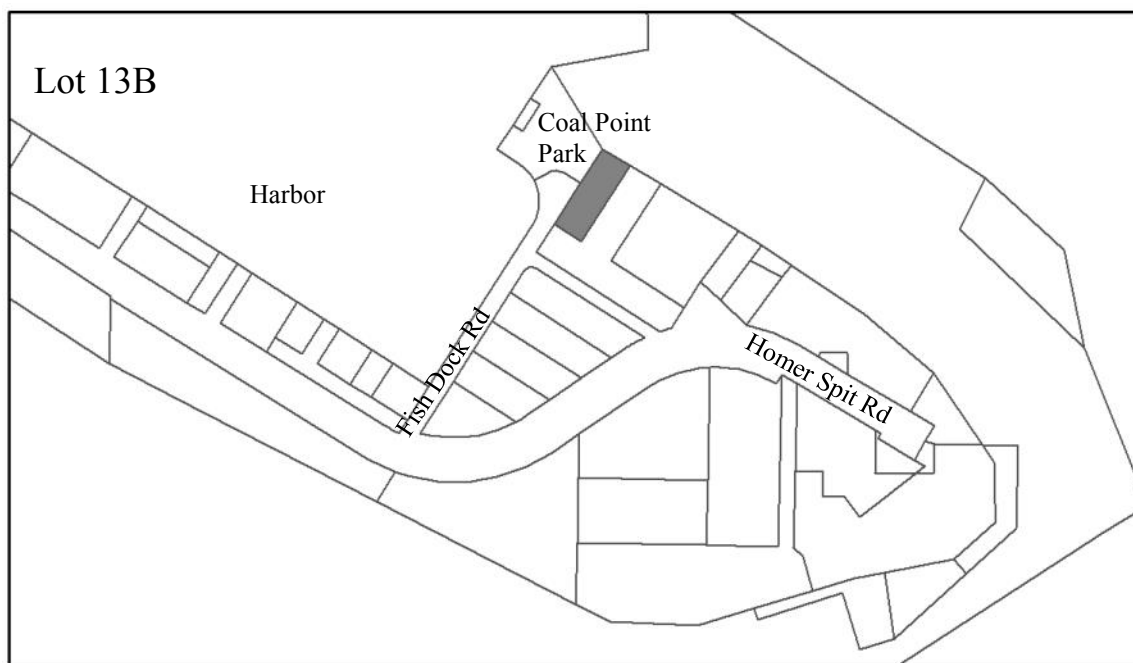
**Address:** 800 Fish Dock Road

**Leased to:** Fish Factory, LLC  
 Expiration: 3/31/2020 with two 10 year options

**Finance Dept. Code:**



<b>Designated Use:</b> Lease land	
<b>Acquisition History:</b>	
<b>Area:</b> 0.79 Acres	<b>Parcel Number:</b> 18103452
<b>2012 Assessed Value:</b> \$802,000 (Land: \$216,400 Structure: \$586,300)	
<b>Legal Description:</b> City of Homer Port Industrial No 2 Lot 12C	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4501 Ice Dock Road
Leased by Resolution 2008-37 to Harbor Leasing (Auction Block) Expiration: 3/31/2028 Options: two additional 5 year options	
<b>Finance Dept. Code:</b>	



**Designated Use:** Lease  
**Acquisition History:**

**Area:** 0.52 acres

**Parcel Number:** 18103425

**2012 Assessed Value:** \$194,400

**Legal Description:** City of Homer Port Industrial Subdivision No 2 Lot 13B

**Zoning:** Marine Industrial

**Wetlands:** N/A

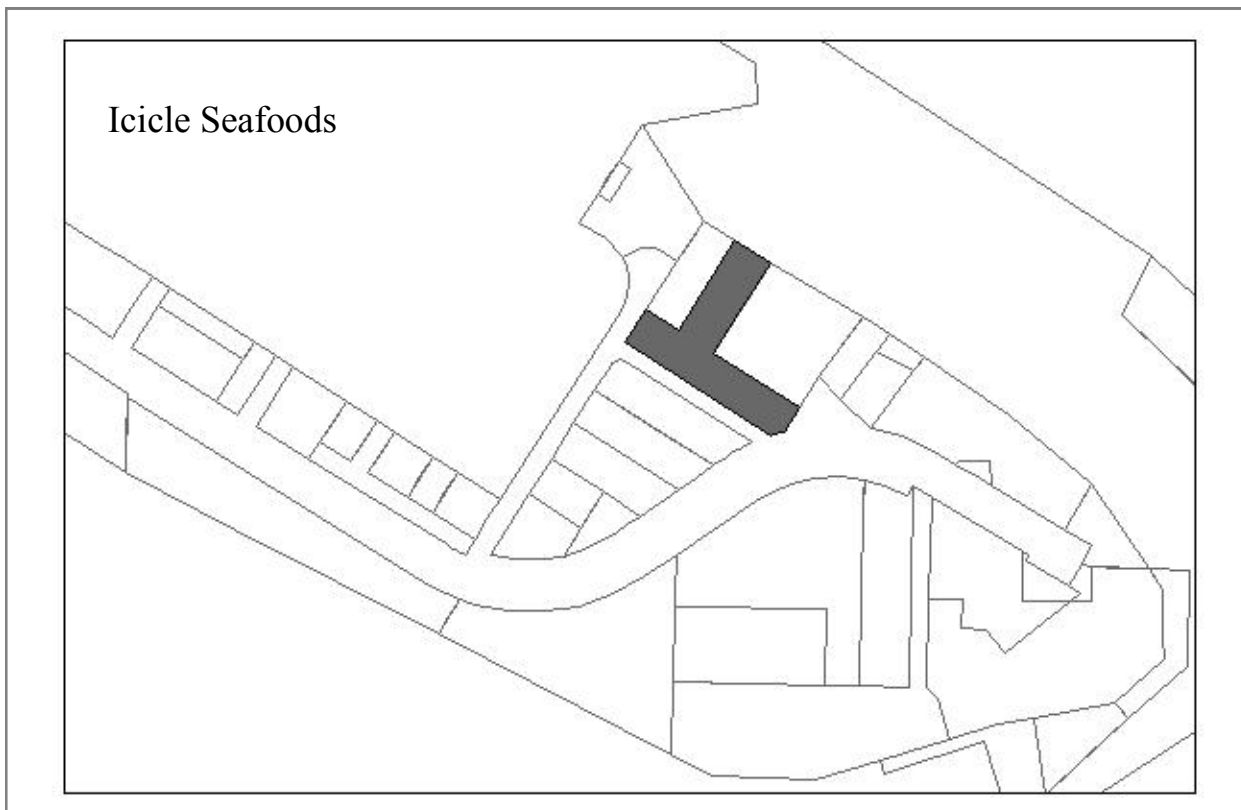
**Infrastructure:** Water, sewer, paved/gravel road access

**Address:** Fish Dock Road

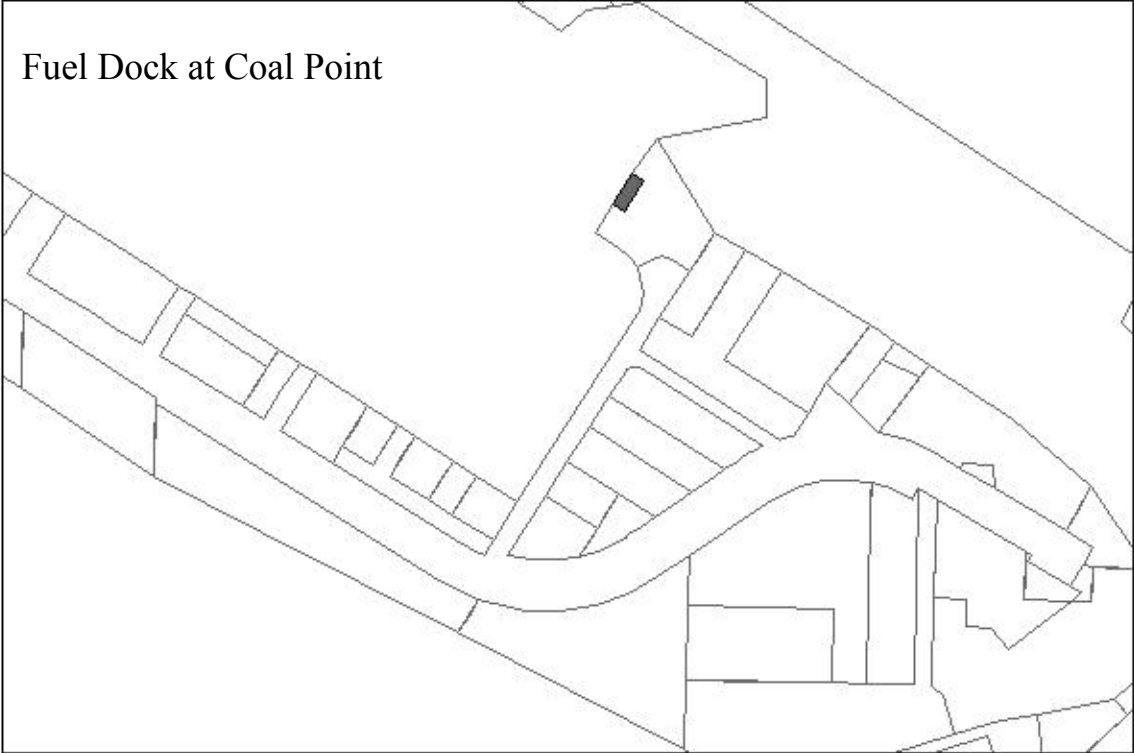
Former Porpoise Room lot. Fisheries use encouraged but not required.

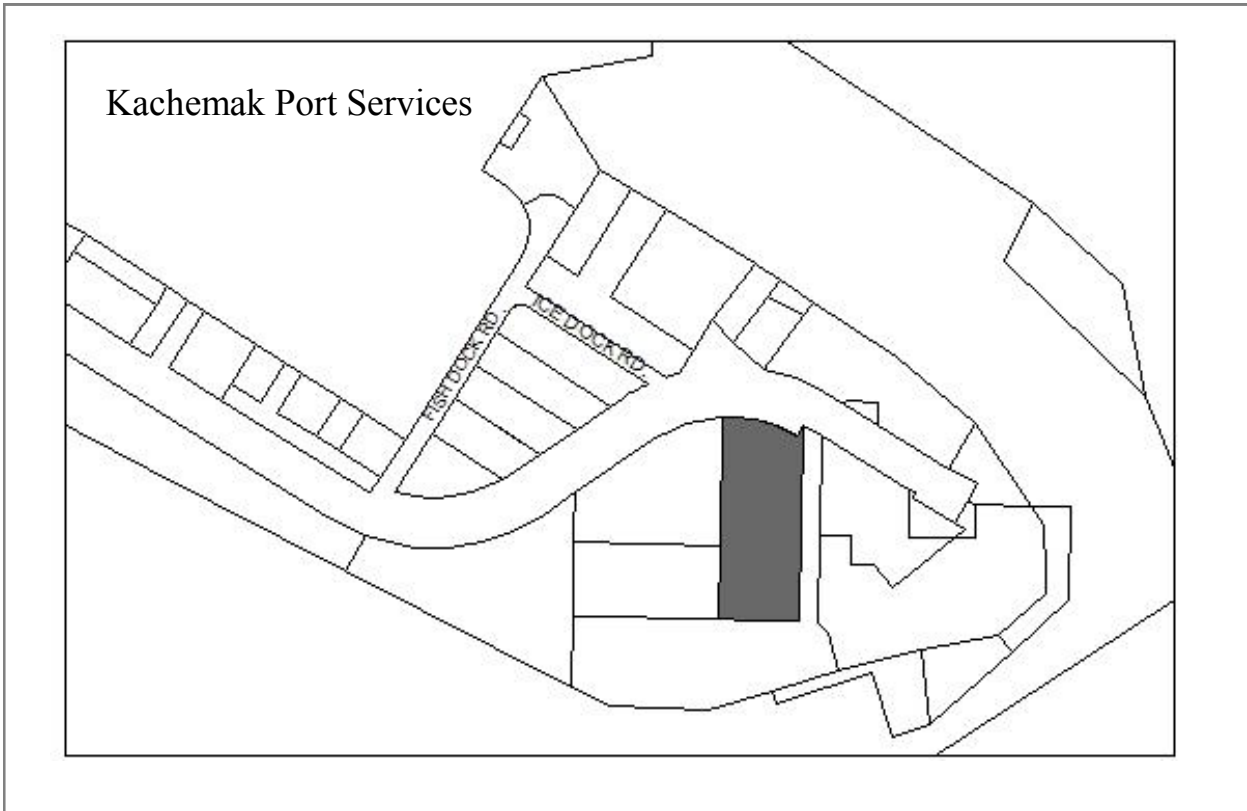
Resolution 14-043, 20 year lease with two five year options. Snug Harbor.  
 Expiration: 4/30/2034

**Finance Dept. Code:**



<b>Designated Use:</b> Leased Land	
<b>Acquisition History:</b>	
<b>Area:</b> 1.49 acres	<b>Parcel Number:</b> 18103419
<b>2012 Assessed Value:</b> \$534,900 (Land: \$359,600 Structure: \$175,300)	
<b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED ADL 18009 LOT 41 (ADL 18009)	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 842 Fish Dock Road
<p><b>Leased to:</b> Icicle Seafoods, Inc                  Expiration: 2037 with options..</p>	
<b>Finance Dept. Code:</b>	

 <p>Fuel Dock at Coal Point</p>	
<p><b>Designated Use:</b> Leased Land  <b>Acquisition History:</b></p>	
<p><b>Area:</b> 0.07 acres</p>	<p><b>Parcel Number:</b> 18103427</p>
<p><b>2012 Assessed Value:</b> \$476,100 (Land: \$31,100 Structure: \$476,100)</p>	
<p><b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED THAT PORTION OF COAL POINT MONUMENT PARK AS PER LEASE AGREEMENT 187 @ 921</p>	
<p><b>Zoning:</b> Marine Industrial</p>	<p><b>Wetlands:</b> None</p>
<p><b>Infrastructure:</b> Paved road, water and sewer.</p>	<p><b>Address:</b> 843 Fish Dock Road</p>
<p><b>Leased to:</b> Harbor Enterprises/Terminal Oil Sales. Coal Point Fuel Dock.                  Expiration: 11/30/2018. No options left.</p>	
<p><b>Finance Dept. Code:</b></p>	



**Designated Use:** Leased Land. Also includes the Port Maintenance Shop and a large tank.  
**Acquisition History:**

<b>Area:</b> 2.23 acres (Lease is for a small portion of the lot)	<b>Parcel Number:</b> 18103404
--	--------------------------------

**2012 Assessed Value:** 1,540,500 (\$Land: \$496,500 Structure: \$1,044,000)

**Legal Description:** HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 48 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 190 @ 98

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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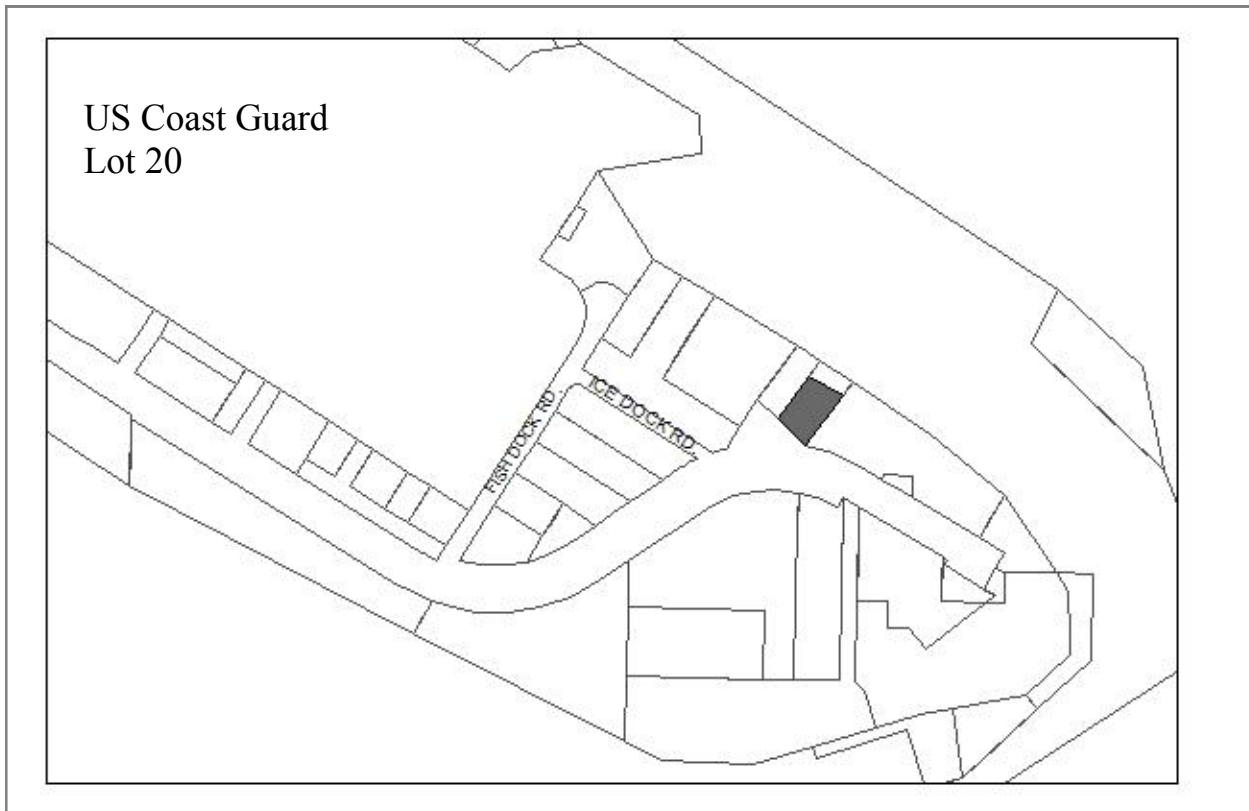
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4667 Homer Spit Road
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**Leased to:**  
**ACS MACTel lease:** Expires 11/21/2033 with two additional one year options. (875 sq ft lease)

**Alaska Marine Highway lease:** Alaska Marine Highway System to built a warehouse to support ferry operations, summer 2011. Lease expires 2060. (16,000 sq ft leased)

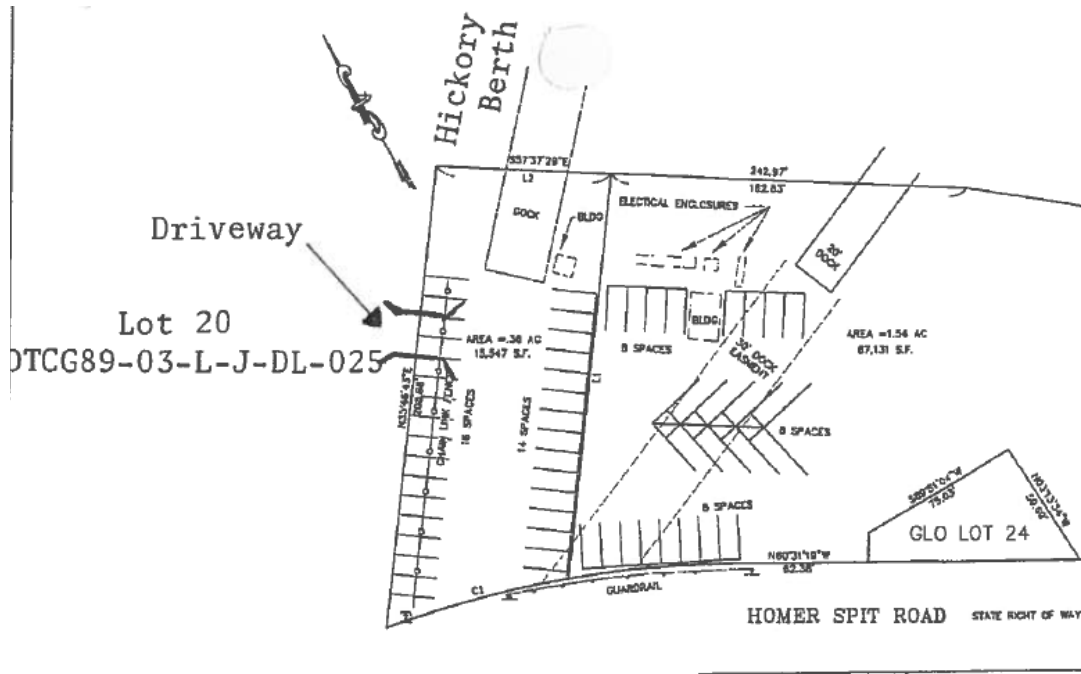
The Port Maintenance Shop is on this lot, and a large water tank, and other accessory structures.

**Finance Dept. Code:**



<b>Designated Use:</b> Lease	
<b>Acquisition History:</b>	
<b>Area:</b> 0.35 acres	<b>Parcel Number:</b> 18103445
<b>2012 Assessed Value:</b> \$112,800	
<b>Legal Description:</b> Portion of Government Lot 20	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4688 Homer Spit Road
<p><b>Leased to:</b> US Coast Guard.                  Lease expires September 30, 2023                  Resolution 15-009 approved an additional 20 year lease.</p>	
<b>Finance Dept. Code:</b>	

Hickory Lease



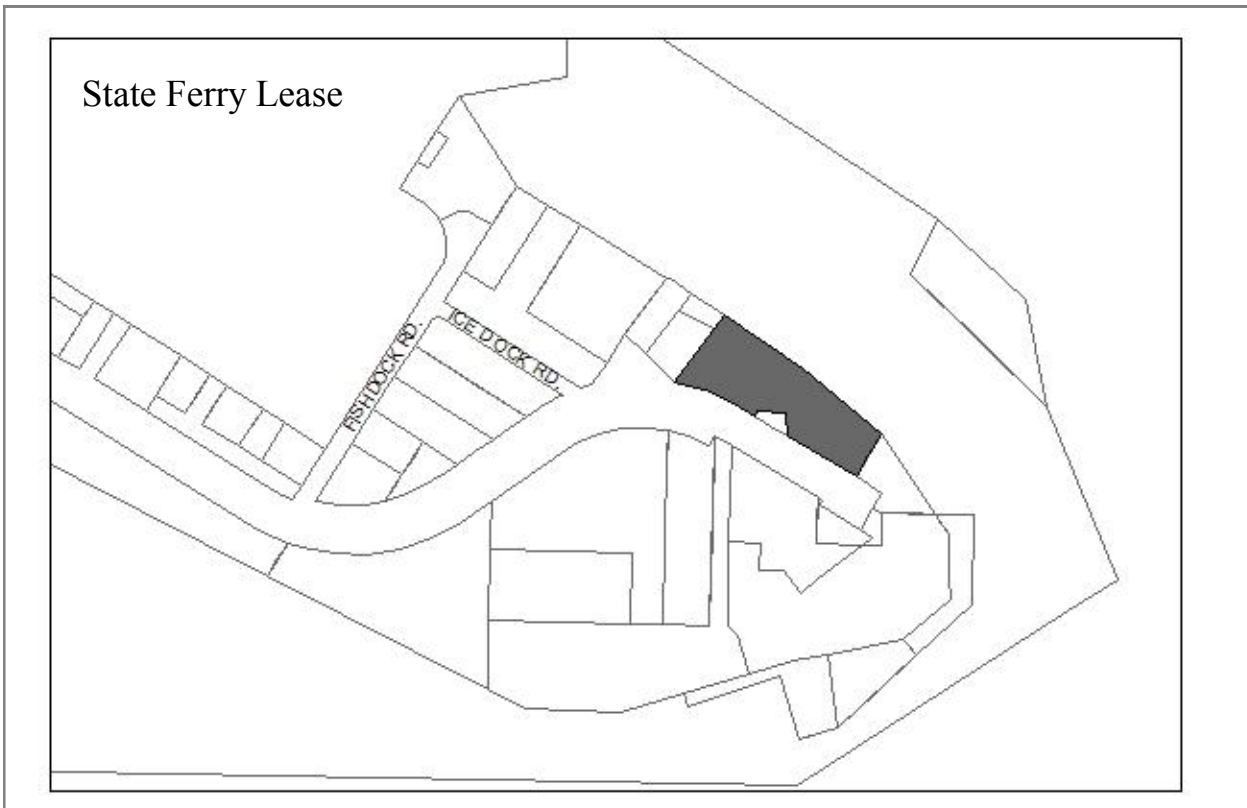
See page B-25. This lease is a portion of the Pioneer Dock.

**West trestle of the Pioneer Dock, for mooring and parking on west trestle and Lot 45A.**

**Leased to:** Coast Guard. Expiration September 30, 2022. DTCG89-03-L-J-DL-034.

**Finance Dept. Code:**





**Designated Use:** Ferry Terminal and Staging  
**Acquisition History:** Quitclaim Deed to KPPUDIST #1 2/18/64: Orig Cert filed between KPPUD and BLM for Harbor use for 25 years on 7/29/55.

<b>Area:</b> 1.83 acres or 79,799 sq ft	<b>Parcel Number:</b> 18103447
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**2012 Assessed Value:** \$1,076,900 (\$423,800 Land, \$653,100 Structure)

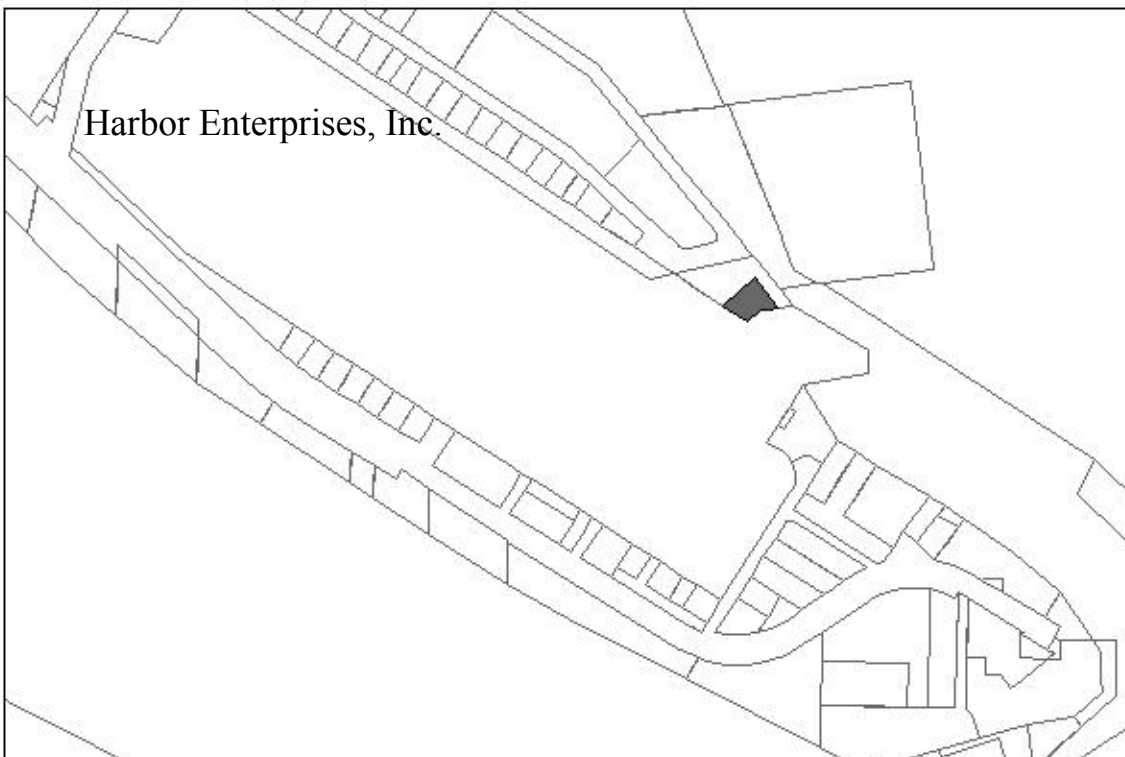
**Legal Description:** HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-A

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> None
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<b>Infrastructure:</b> Paved road, water and sewer.	<b>Address:</b> 4690 Homer Spit Road
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**Leased to:** Alaska Marine Highway  
 Expiration: April 30, 2060  
 MOA on file regarding ferry terminal and city maintenance shop.

**Finance Dept. Code:**



**Designated Use:** Leased Land (Fuel tanks for fuel dock)  
**Acquisition History:**

**Area:** 20,000 sq ft (0.459 acres)

**Parcel Number:** 18103260

**2012 Assessed Value:** \$361,800 (Land: \$140,400 Structure: \$221,400)

**Legal Description:** HM0970072 T07S R13W S01 HOMER SPIT NO 6 8-E-1

**Zoning:** Marine Industrial

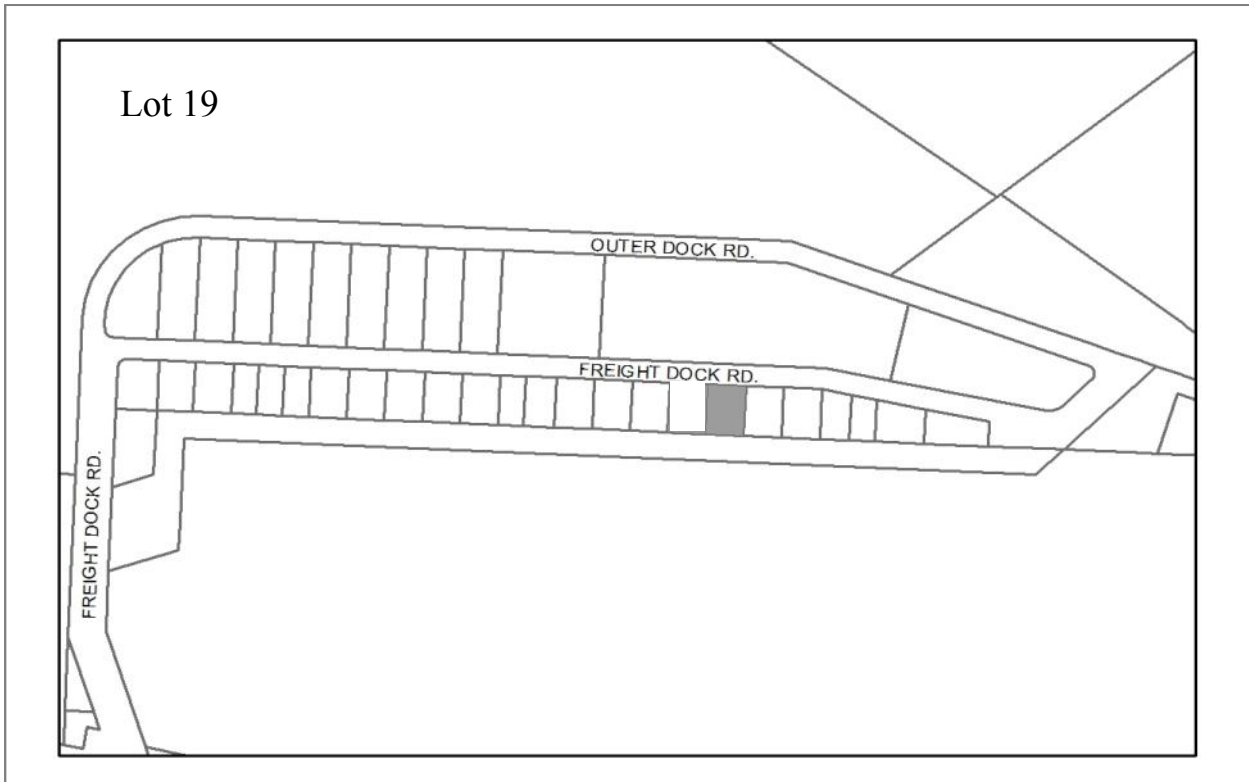
**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

**Address:** 4607 Freight Dock Road

**Leased to:** Harbor Enterprises/Terminal Oil Sales  
 Resolution 16-031(S) 20 yr lease

**Finance Dept. Code:**



**Designated Use:** Lease (Resolution 09-33)  
**Acquisition History:**

**Area:** 0.96 acres, 0.32 acres

**Parcel Number:** 181032 38

**2012 Assessed Value:** \$105,000

**Legal Description:** Homer Spit No 5 Lots 19

**Zoning:** Marine Industrial

**Wetlands:** N/A

**Infrastructure:** paved road, water and sewer

**Notes:** Leased to Fortune Sea LLC, 10 year lease expires 4/30/2023

**Finance Dept. Code:**

## **Section C**

Other City Lands  
Generally Undesignated



**Designated Use:** Tidelands  
**Acquisition History:**

**Area:** 6,784 acres

**Parcel Number:** 18107001, 17728001, 17528001  
 1810125, 1810126

**2012 Assessed Value:** \$22,345,000

**Legal Description:** Portions of ATS 612

**Zoning:** Not zoned

**Wetlands:**

17728001—HM0742265 T06S R13W S29 ALASKA TIDELAND SURVEY 612 . 499.54 acres, \$83,200 assessed value. Patent title 1977, 84-25 Annexed by City.

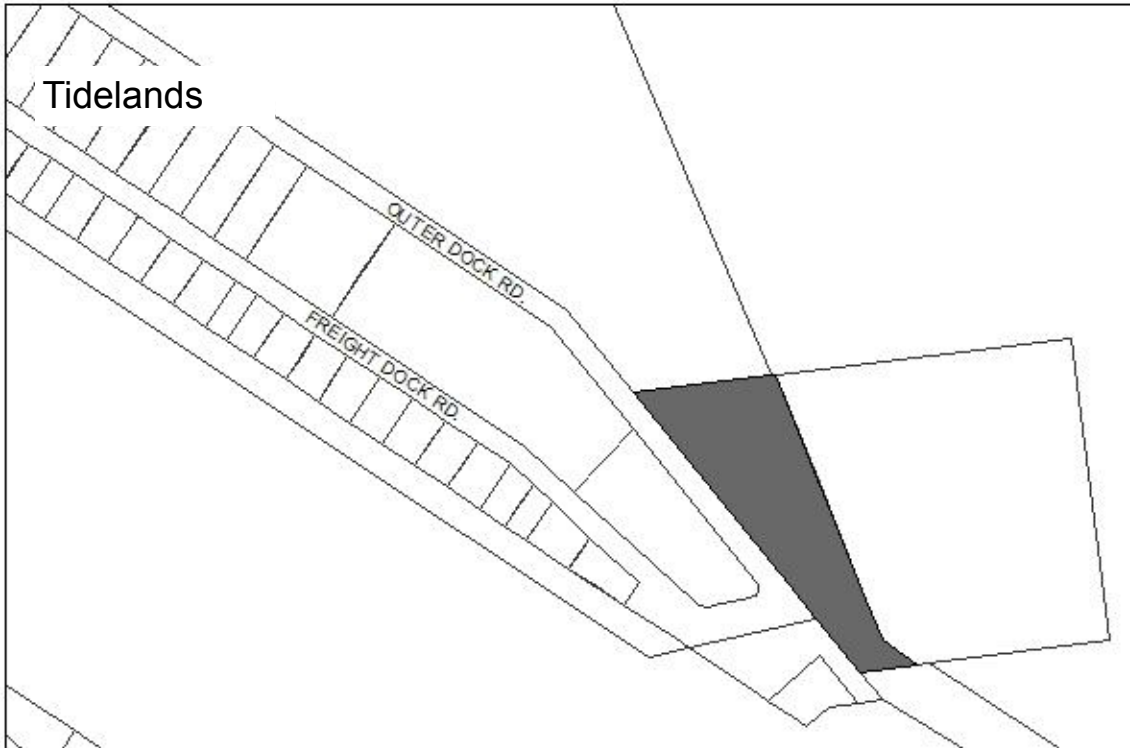
17528001 HM0770064 T06S R14W S30 ALASKA TIDELANDS SURVEY NO 612 POR SEC 23 24 & POR SEC 19 & 30. 1641.24 acres. Assessed Value: \$83,400. City Granted Title 1977 under Preference Right effective 1/3/59 Ord 84-25 Annexed by City.

18107001—HM0770064 T07S R13W S14 ALASKA TIDELANDS SURVEY 612 THAT PORTION LYING WITHIN SEC 13 & 14 & 22 THRU 24 & 26 THRU 28 & 33 THRU 36 OF T06SR13W & WITHIN SEC 1 & 2 OF T07SR13W EXCLUDING THAT PORTION OF TIDELANDS VESTED TO STATE OF ALASKA & EXCE. 4753 acres. \$20,890,100, includes Pioneer Dock improvements

Patent 1974 002459-0 Book 80 Page 171

Mariner Park and Mud Bay were nominated by the City as Western Hemisphere Shorebird Reserve Sites in 1994 ("whissern" ). They are recognized as sites of international importance. <http://www.whsrn.org/>

**Finance Dept. Code:**



**Designated Use:** Tidelands  
**Acquisition History:**

**Area:** 4.19 acres

**Parcel Number:** 18103213

**2009 Assessed Value:** \$800,800

**Legal Description:** T 6S R 13W SEC 36 T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED TRACT A

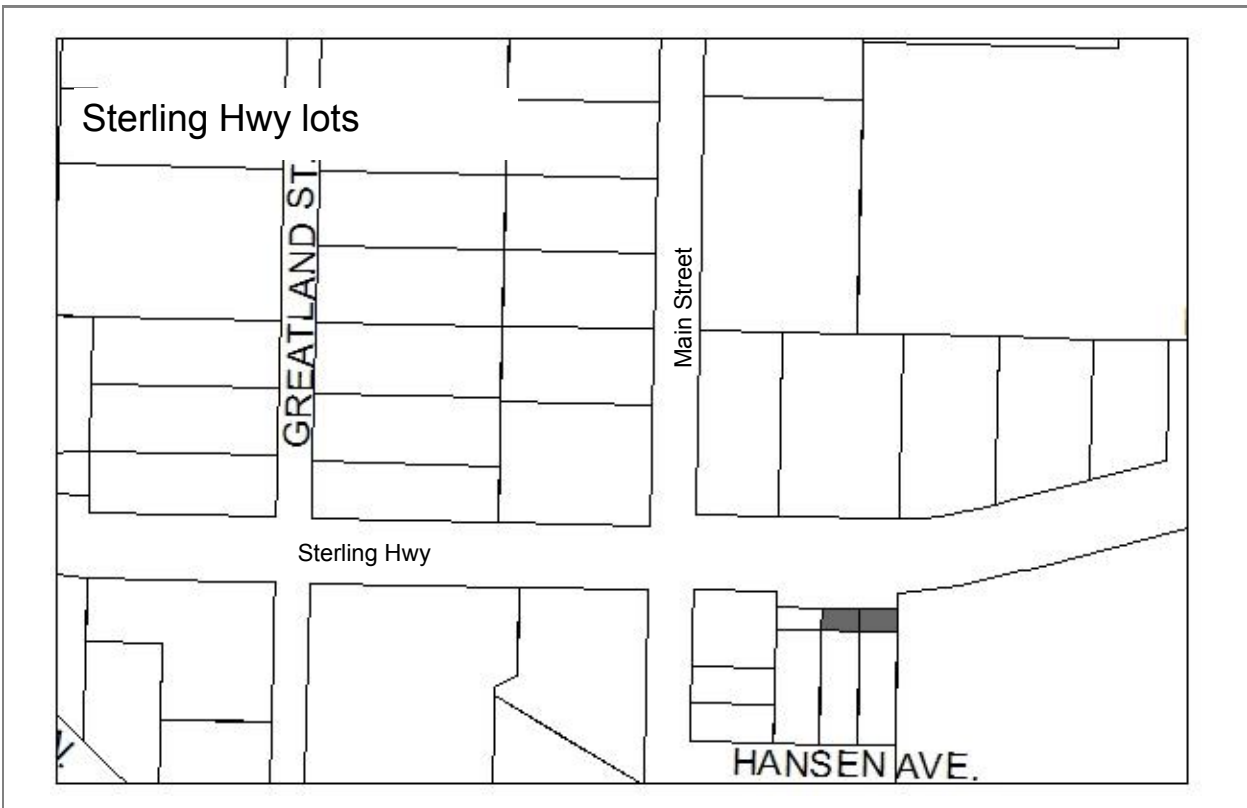
**Zoning:** Not zoned

**Wetlands:** Tidelands

**Infrastructure:**

Includes part of the causeway for the deep water dock. Lease agreement for deep water dock land, B192 p648 \$830/yr ADL 224560 55 year lease, July 1989– July 2044

**Finance Dept. Code:**



**Designated Use:** Undesignated  
**Acquisition History:** Detling Deed 6/10/82

<b>Area:</b> 0.03 acres each. Total of 2,613 sq ft	<b>Parcel Number:</b> 177154 02, 03
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**2015 Assessed Value:** \$1,400

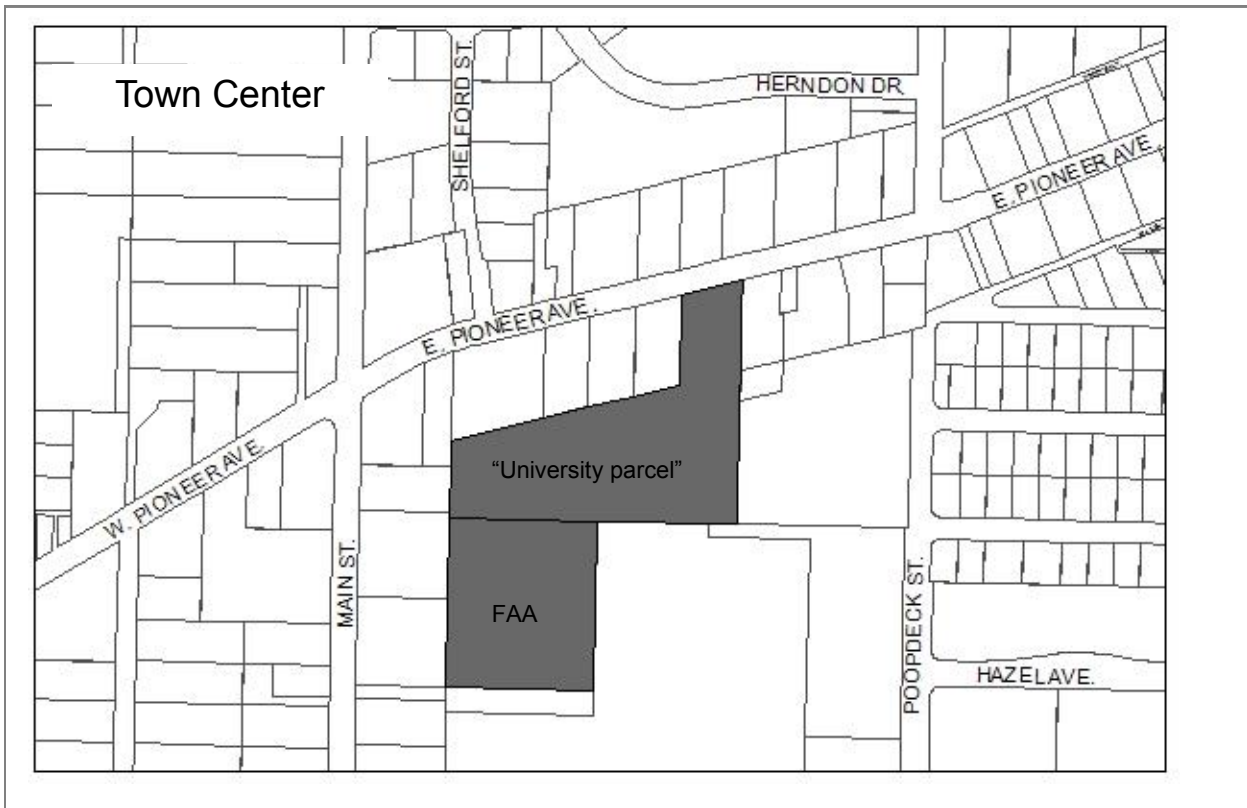
**Legal Description:** T6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSON SUB AMENDED LOT 46 EXCLUDING HOMER BY-PASS ROAD, T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSONS SUB AMENDED LOT 47 EXC HOMER BY-PASS RD\*

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Possibly. Lots are steep.
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**Infrastructure:** Paved Road and sidewalk

**Notes:** Lots are steep; they run from the Sterling Highway grade down the slope to the adjoining property. Lot dimensions are approximately 50'x30'.

**Finance Dept. Code:**



**Designated Use:** UA land: Land was sold to the City by UA with the intent it would be used for town center. FAA site: Held for possible UA/state shared consortium library agreement and land trade for land at Bridge Creek. Resolution 14-084 Identifying Homer FAA Site Sub Tract 38A in the Town Center as a Viable Location for a Community Center.

**Acquisition History:** UA: Ord 03-61 purchase.

**Area:** 7.71 acres

**Parcel Number:** 17719209, 17708015

**2009 Assessed Value:** \$520,200

**Legal Description:** Homer FAA Site Sub Tract 38A, UA lot: Portion of Nils O Svedlund Sub lot 7 tract B, long legal.

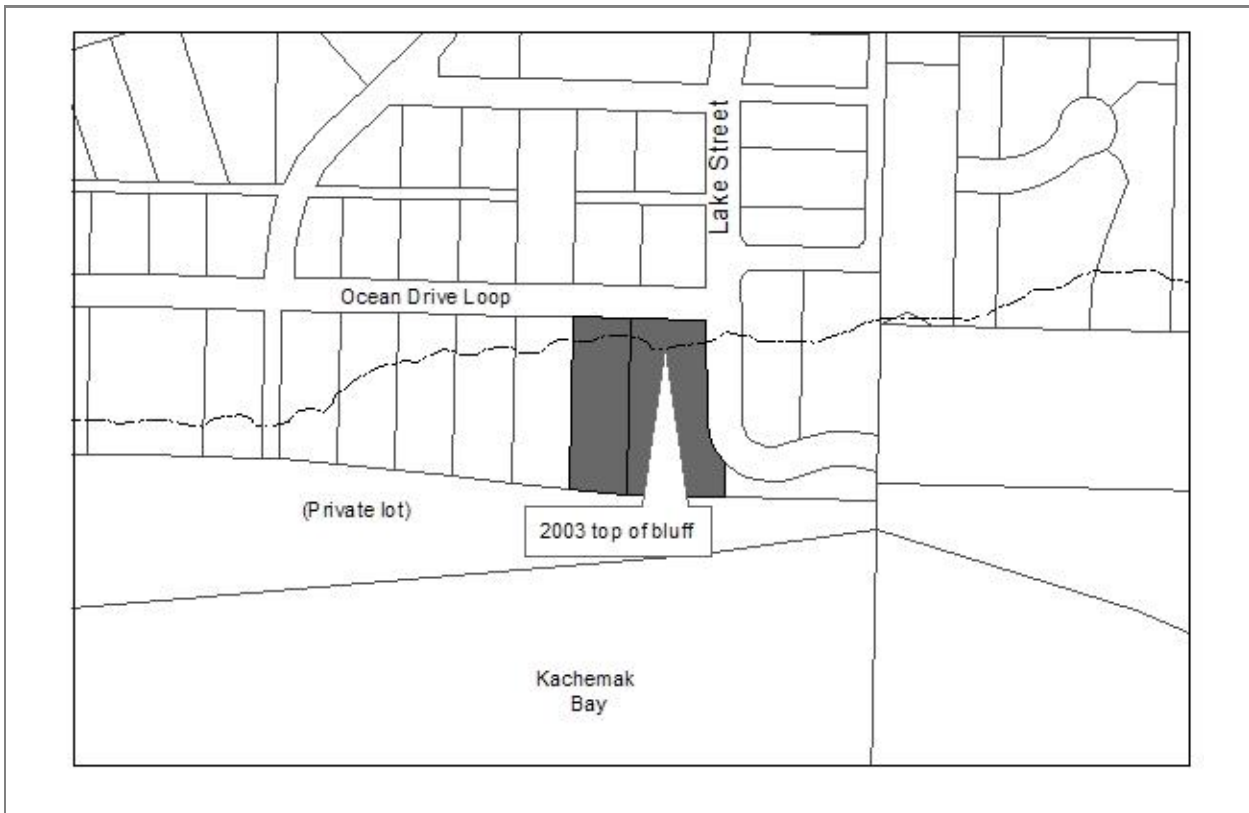
**Zoning:** Central Business District

**Wetlands:** City had a wetland delineation done in 2006. There is about a 1/2 acre of wetlands between the two sites.

**Infrastructure:** Must be built as land is developed.

**Finance Dept. Code:**





**Designated Use:** Sell (Resolution 2009-33)  
**Acquisition History:** Tax foreclosure (seawall) KPB Ord 02-41

**Area:** 1.66 acres **Parcel Number:** 177174-06, 07

**2009 Assessed Value:** \$51,500 (combined value)

**Legal Description:** Lot 43 and 44, Oscar Munson Subdivision

**Zoning:** Rural Residential **Wetlands:** Most of these lots are tidal and critical habitat.

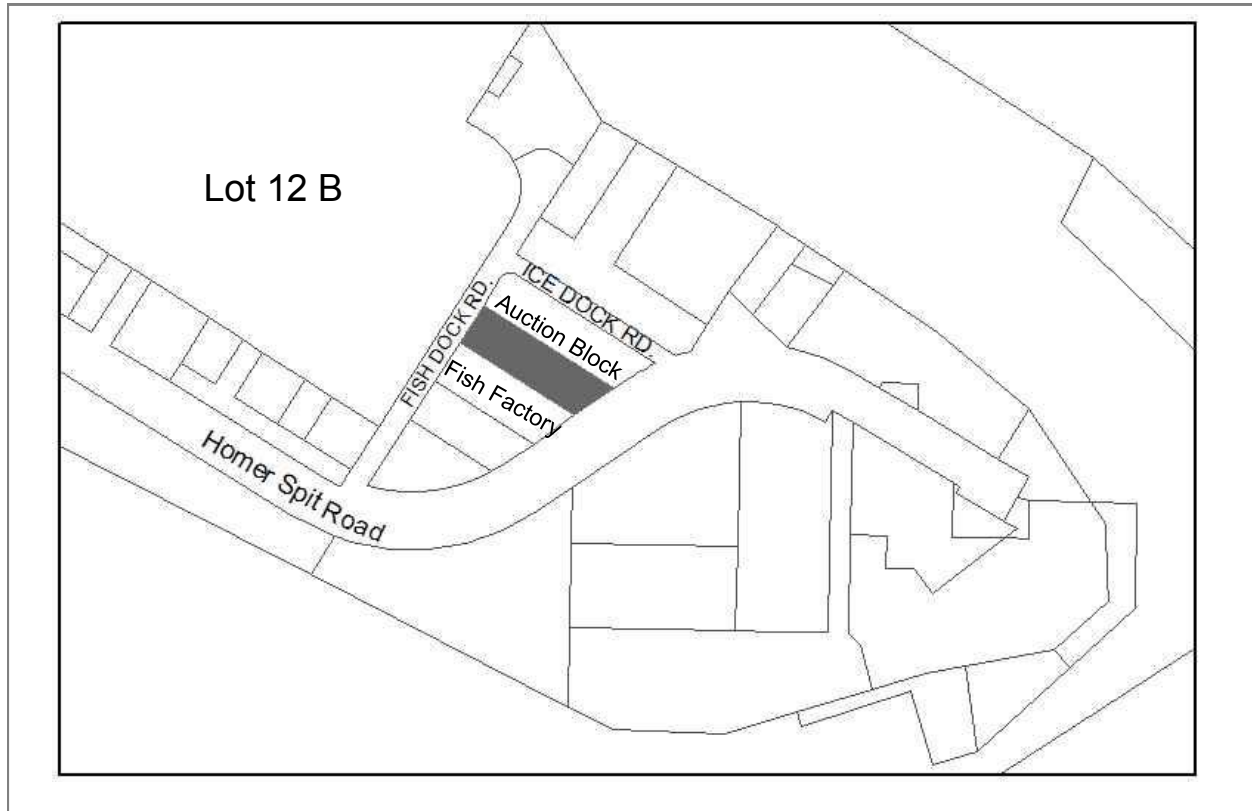
**Infrastructure:** Gravel road, water and sewer, seawall.

**Notes:** These lots contain seawall frontage. There is little to any developable area. There continues to be bluff erosion above the seawall on these lots. There are seawall and LIS assessments due on these properties. Contact Finance for payoff amounts. No commercial appraiser was willing to conduct an appraisal.

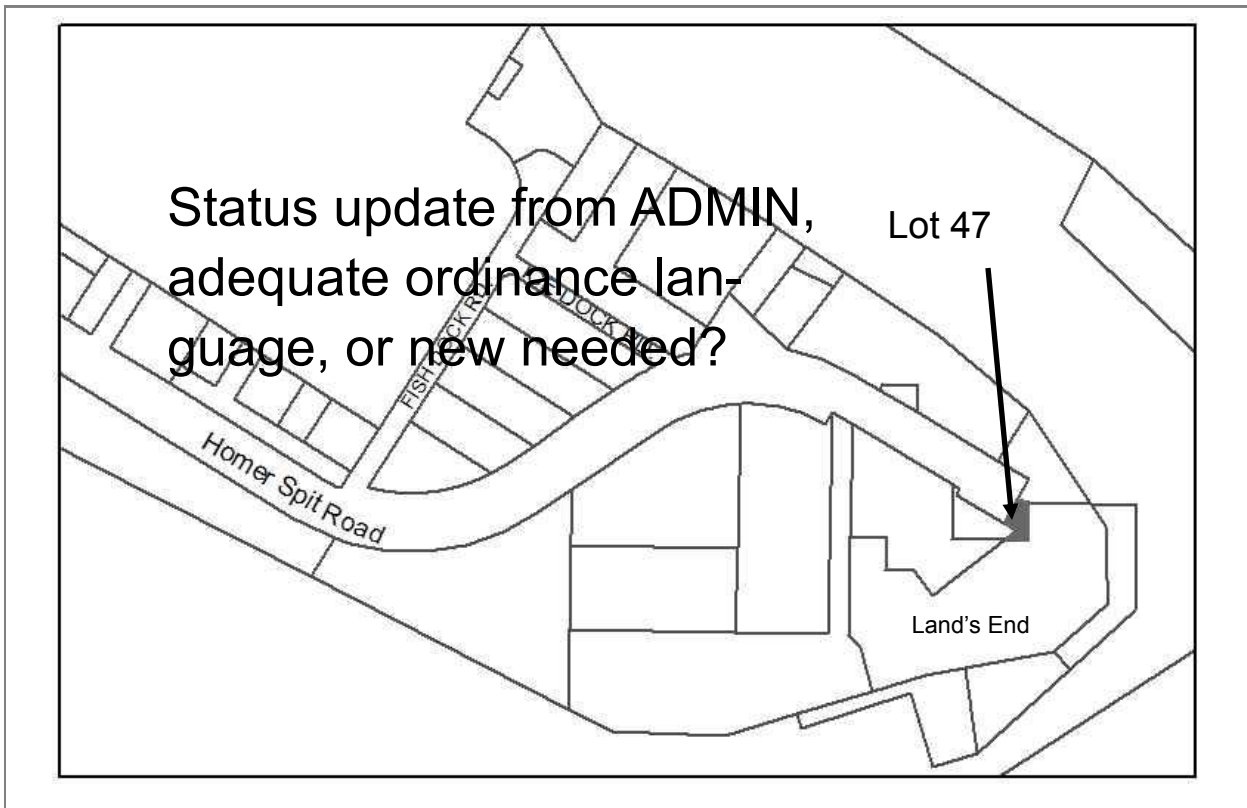
Resolution 2009-33: Sell Lots 43 and 44 Oscar Munson Subdivision.

February 2012 update: City Manager will put the lots out to bid in the spring, using the Borough assessment as the minimum bid instead of an appraisal. No local appraisers were able to appraise the property because there are no comparable properties, and the land has limited to no value for residential development.

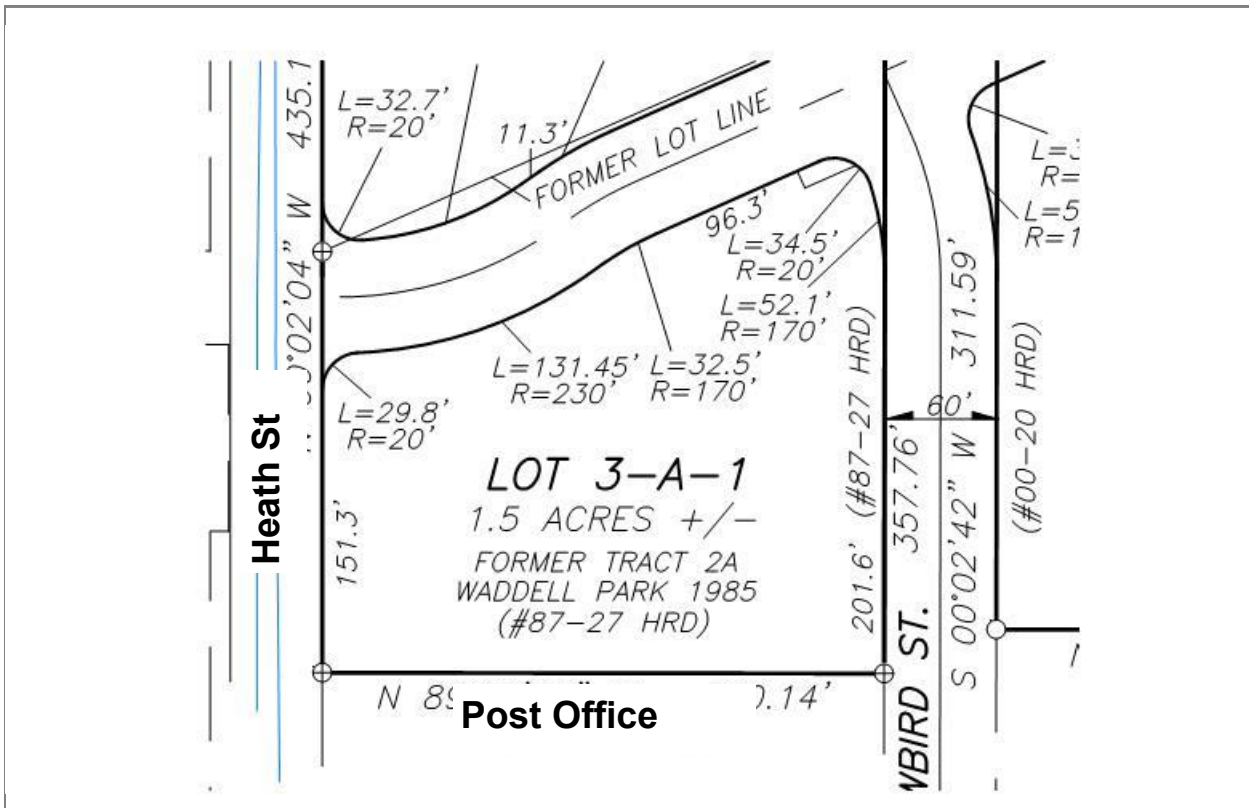
**Finance Dept. Code:**



<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.68 acres	<b>Parcel Number:</b> 18103451
<b>2009 Assessed Value:</b> \$265,300	
<b>Legal Description:</b> City of Homer Port Industrial Subdivision No 4 Lot 12-B	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b>
<p>Parcel has the fish grinder on it, and possibly a short term lease for storage from neighboring business. The whole parcel is not readily available for a long term lease.</p> <p>Resolution 09-33: Remove Lot 12-B City of Homer Port Industrial Subdivision No 4 from lots that may be leased until the drainage issues are resolved.</p> <p>Resolution 10-21: Administration is directed to address the drainage problems and usage of this lot.</p>	
<b>Finance Dept. Code:</b>	

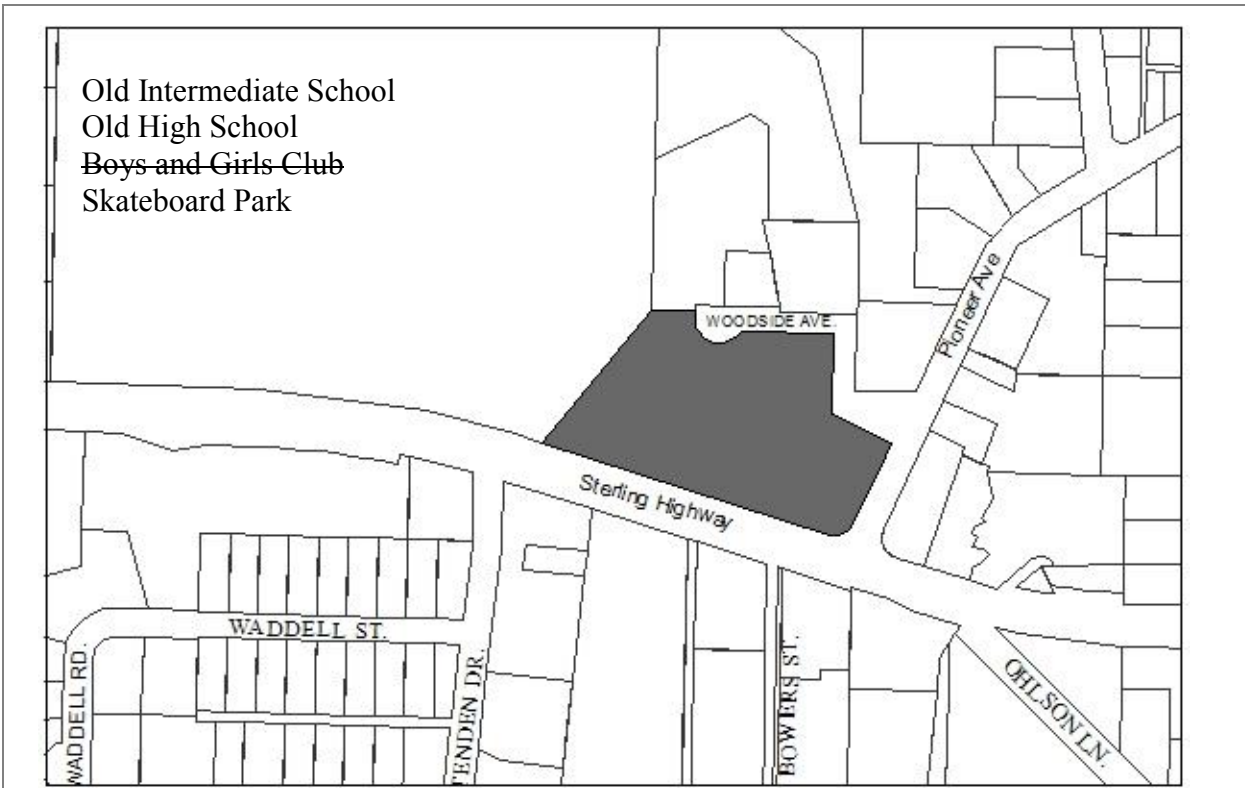


<b>Designated Use:</b> Undesignated. Has easement to Land's End	
<b>Acquisition History:</b>	
<b>Area:</b> 0.08 acres	<b>Parcel Number:</b> 18103408
<b>2015 Assessed Value:</b> \$34,700	
<b>Legal Description:</b> T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 47	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Paved road, sewer through lot	
<p><b>Notes:</b>                  2006 Land Allocation Plan: consider the status of this lot.                  In the process of selling to Lands End, spring 2014.                  2016 update: no progress.</p>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Sell, Ordinance 15-30	
<b>Acquisition History:</b> Purchased	
<b>Area:</b> 1.5 acres	<b>Parcel Number:</b> 17712034
<b>2017 Assessed Value:</b> Not yet assessed.	
<b>Legal Description:</b> T 06S R 13W SEC 20 Seward Meridian HM 2016021 WADDELL PARK 2016 REPLAT LOT 3- A-1	
<b>Zoning:</b> CBD	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> full utilities, Grubstake extension will include paved road and sidewalk.	
<b>Notes:</b> Road construction scheduled for 2016. Project funding from State appropriation and matching City HART funds.	
<b>Finance Dept. Code:</b>	

**Section D**  
**City Facilities**



**Designated Use:** Resolution 14-110, Designating the Homer Education and Recreation Complex (HERC) Site as the Location for the Proposed New Homer Public Safety Building

**Acquisition History:** Given to the City by KP.B. Old Middle School and HS. Reso 98-63

**Area:** 4.3 acres

**Parcel Number:** 17510070

**2015 Assessed Value:** \$4,809,400 (Land \$809,400 Structure, built in 1956 25,000 sq ft \$4,000,000)

**Legal Description:** HM2000022 T06S R13W S19 TRACT 2 HOMER SCHOOL SURVEY 1999 CITY ADDN

**Zoning:** Central Business District

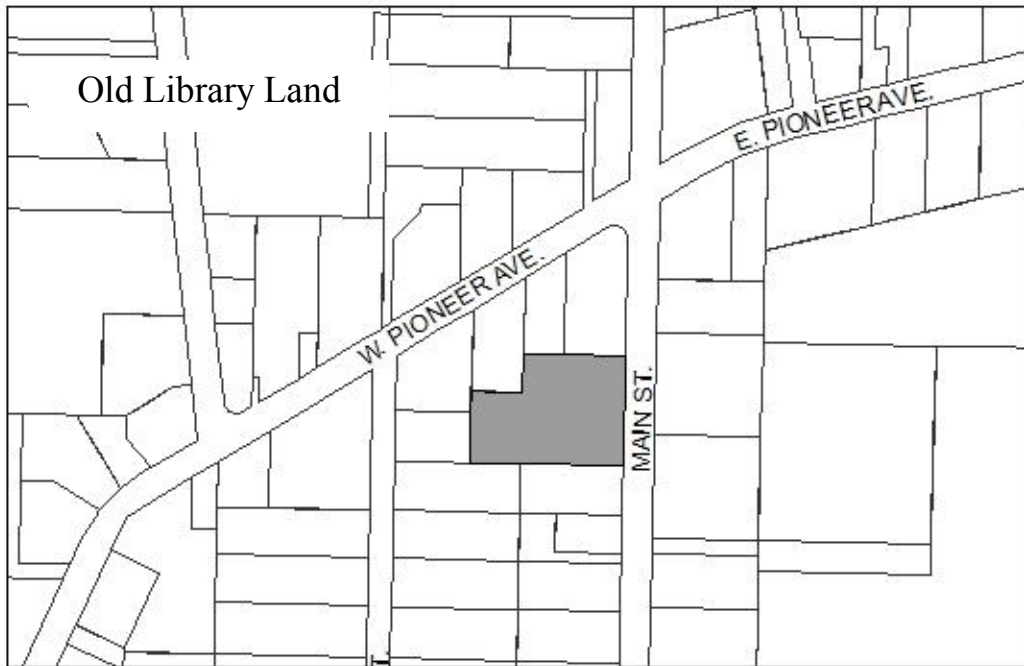
**Wetlands:** Creek on western edge

**Infrastructure:** Paved access and parking. Water and Sewer.

**Notes:**

- Skateboard Park on premises.
- Deed restrictions removed by Kenai Peninsula Borough, fall 2014

**Finance Dept. Code:** 170.0032 175.100.05



**Designated Use:** Sell.  
**Acquisition History:** Deed: Jewel July 1982 (back lot portion) Deed: Watson 1978 (library/Pioneer area)

<b>Area:</b> 1.31 acres	<b>Parcel Number:</b> 17514416
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**2016 Assessed Value:** \$277,700

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Drainage and wetlands may be present
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**Infrastructure:** Paved road, water, sewer, natural gas

**Notes:** This land was formerly part of the old library site. The library building was subdivided onto its own lot, and sold. This lot was put up for sale but did not receive any bids. Minimum bid in late 2007 was set at \$462,500. Intent to sell the lot and pay down debt on the library loan.

Land was put on the market again in 2009 with a minimum bid of \$228,000, and no bids were received. Resolution 11-037(A) Offer for sale, and if not sold, designate as a conservation buffer. February 2012 update: Land will be put on the market again in the spring. January 2106: no action taken, needs an updated appraisal prior to advertising for sale.

The land has a nice bay view, but would require stumping. Driveway access off of Main Street is very steep. It is likely significant dirt work would be needed to make this lot viable for commercial or multifamily development.

**Finance Dept. Code:**



**Designated Use:** Library. Resolution 2003-72  
**Acquisition History:** KPB Ord 93-09

**Area:** 5.25 acres

**Parcel Number:** 17710739, 17710740

**2015 Assessed Value:** \$7,973,300 (Land 829,800, Structure 7,503,600)

**Legal Description:** HM2005036 T06S R13W S20 TRACT B GLACIER VIEW SUB NO 26, HM2005036 T06S R13W S20 TRACT A GLACIER VIEW SUB NO 26

**Zoning:** Central Business District

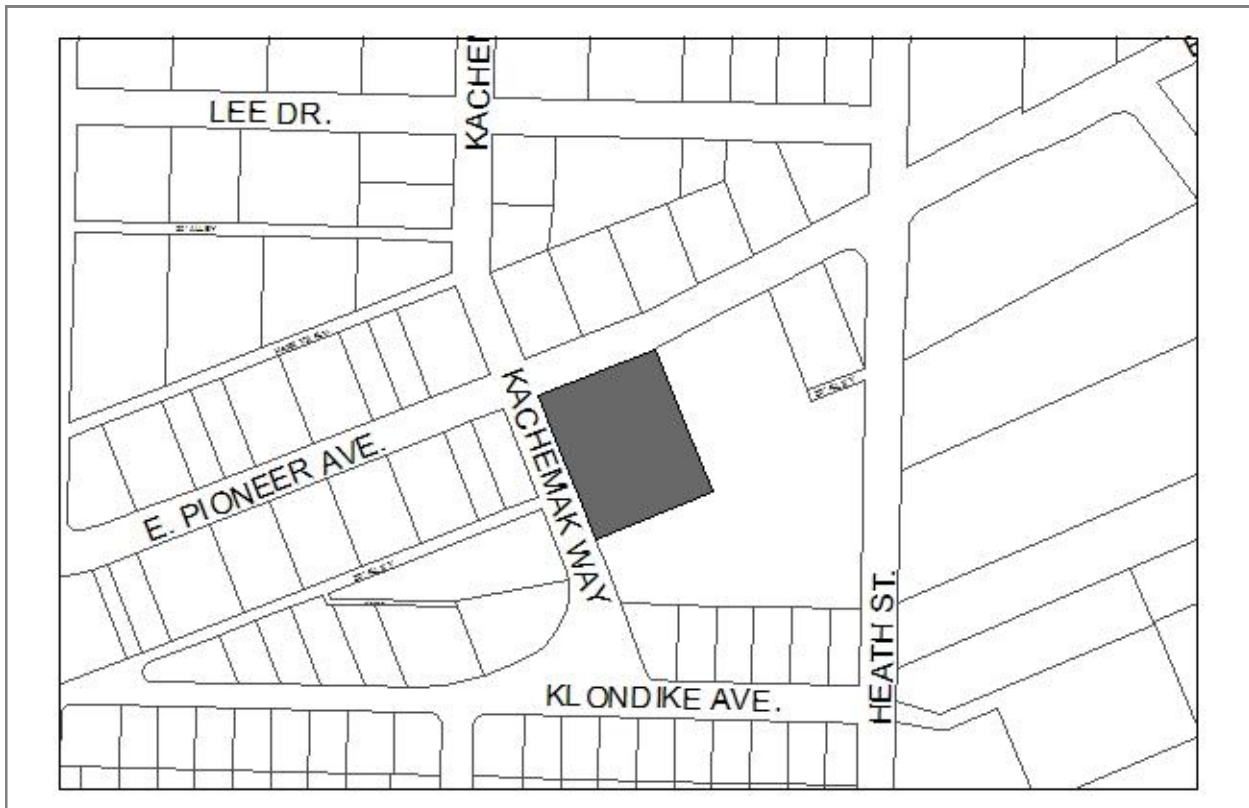
**Wetlands:** Some wetlands present

**Infrastructure:** Paved road access, trail access, gas, water and sewer available.

**Notes:**

**Finance Dept. Code:**





<b>Designated Use:</b> City Hall	
<b>Acquisition History:</b> Purchased, Schoulz 12/31/86	
<b>Area:</b> 1.12 acres	<b>Parcel Number:</b> 17720408
<b>2015 Assessed Value:</b> \$2,067,700 (Land 241,200 Structure 2,206,700)	
<b>Legal Description:</b> HM2004048 T06S R13W S20 Glacier View Subdivision Campus Addition Lot 6-A-2	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> None
<b>Infrastructure:</b> Paved road access, gas, water and sewer.	
<b>Notes:</b> New addition and remodel 2011/12. Lower parking area paved.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Police and fire stations  
**Acquisition History:** Straub Warr Deed 4/74, partial purchase Straub 4/5/74

<b>Area:</b> 1.57 acres	<b>Parcel Number:</b> 17702057
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**2009 Assessed Value:** \$2,391,400 ( Land: \$326,900 Structure: \$2,064,500)

**Legal Description:** HM 0870011 NEW HOMER HIGH SCHOOL NO 2 Tract 1-B

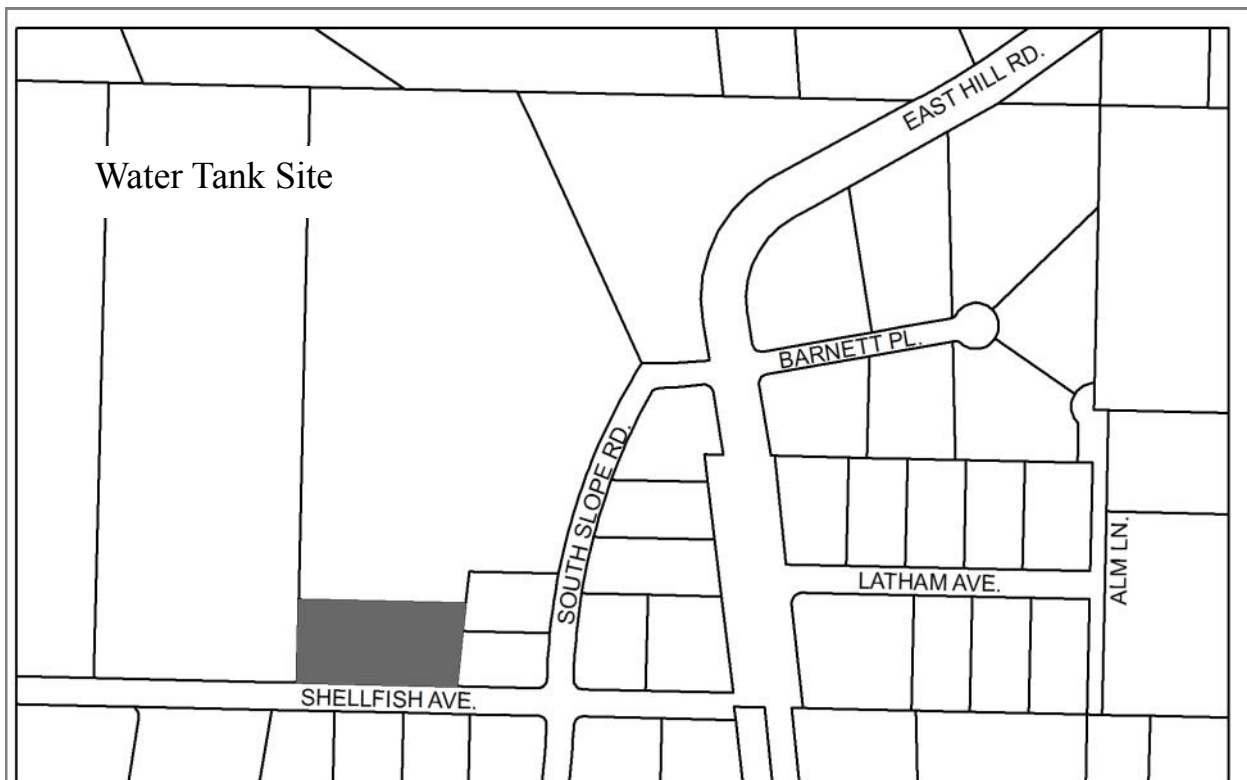
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> N/A
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**Infrastructure:** Water, Sewer, Paved access

**Notes:**

**Finance Dept. Code:**

<p><b>Designated Use:</b> Water Tank (A Frame Tank)  <b>Acquisition History:</b> Dehel Deed 6/1/65</p>	
<p><b>Area:</b> 0.5 acres</p>	<p><b>Parcel Number:</b> 17504011</p>
<p><b>2015 Assessed Value:</b> \$345,800 (Land: \$34,100, Structure (water tank))</p>	
<p><b>Legal Description:</b> HM T06S R13W S18 N 150 FT OF THE S 250 FT OF THE E 180 FT OF THE NE1/4 SE1/4</p>	
<p><b>Zoning:</b> Rural Residential</p>	<p><b>Wetlands:</b> Possible drainage through site</p>
<p><b>Infrastructure:</b> N/A</p>	
<p><b>Notes:</b></p>	
<p><b>Finance Dept. Code:</b></p>	



**Designated Use:** Future Water Tank  
**Acquisition History:** Ordinance 14-39

**Area:** 1.5 acres

**Parcel Number:** 17701009

**2015 Assessed Value:** \$98,000

**Legal Description:** T6S R13W SEC 17 SEWARD MERIDIAN HM 2014023 BARNETT SUB QUIET CREEK ADDN 2014 TRACT A2

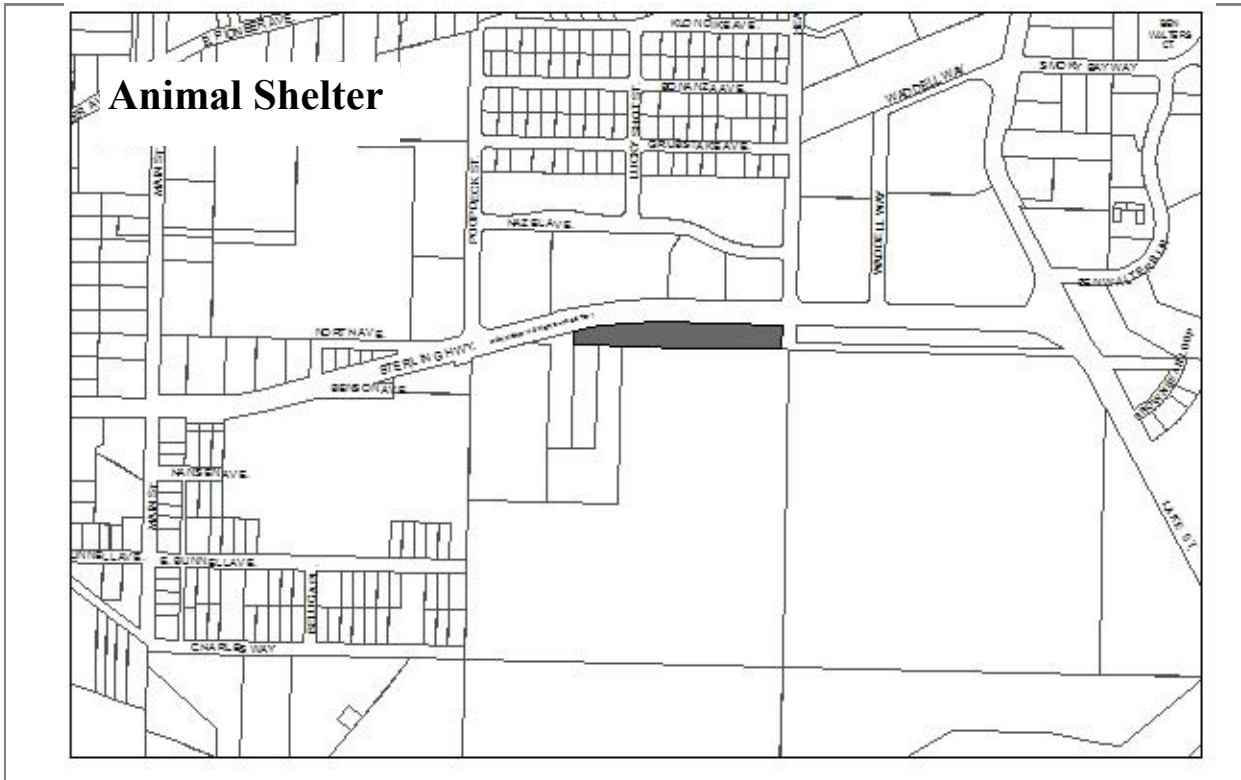
**Zoning:** Rural Residential

**Wetlands:**

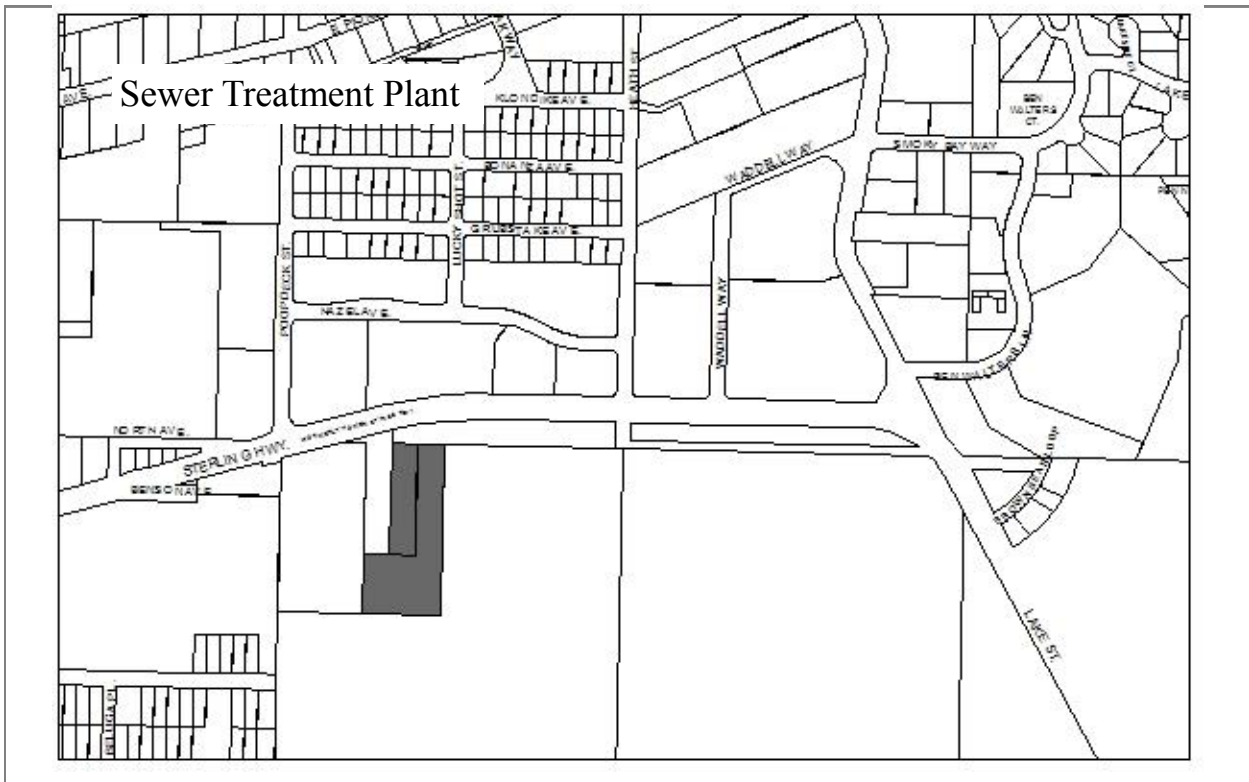
**Infrastructure:** N/A

**Notes:** Future location of a new water tank. Project is shovel ready if federal funding becomes available.

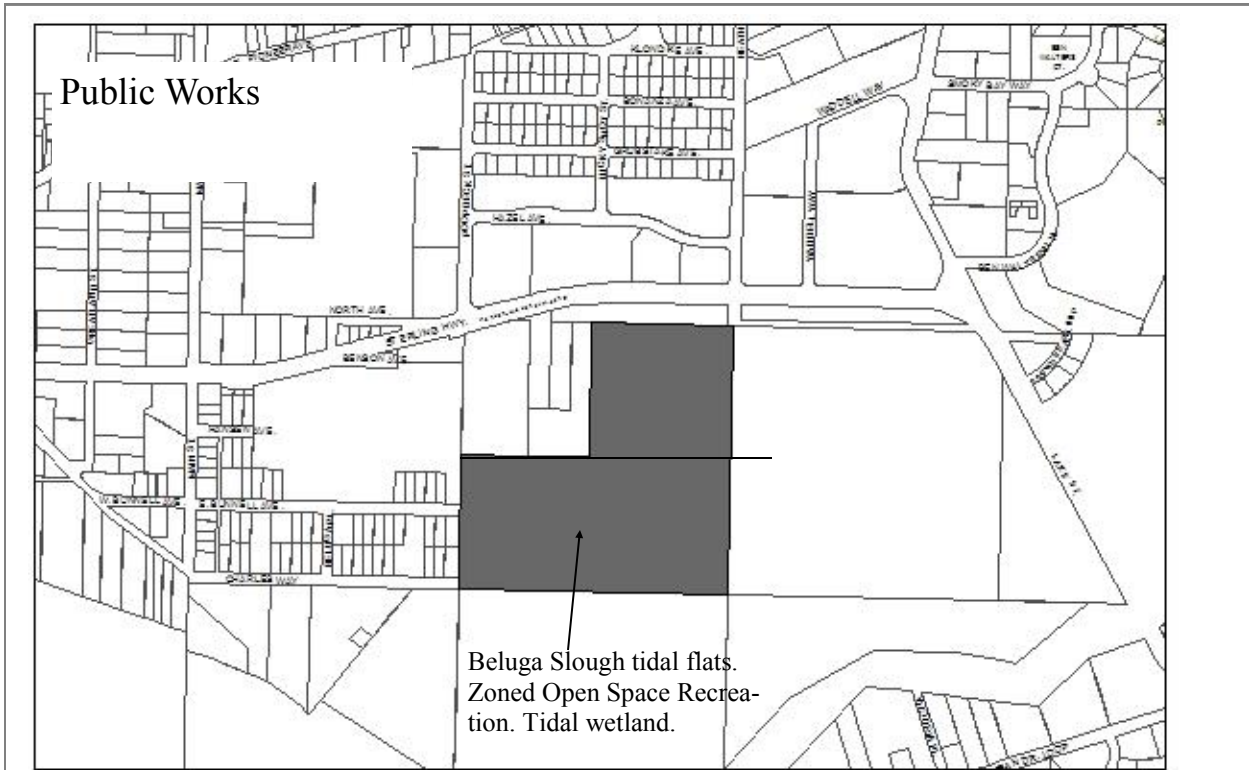
**Finance Dept. Code:**



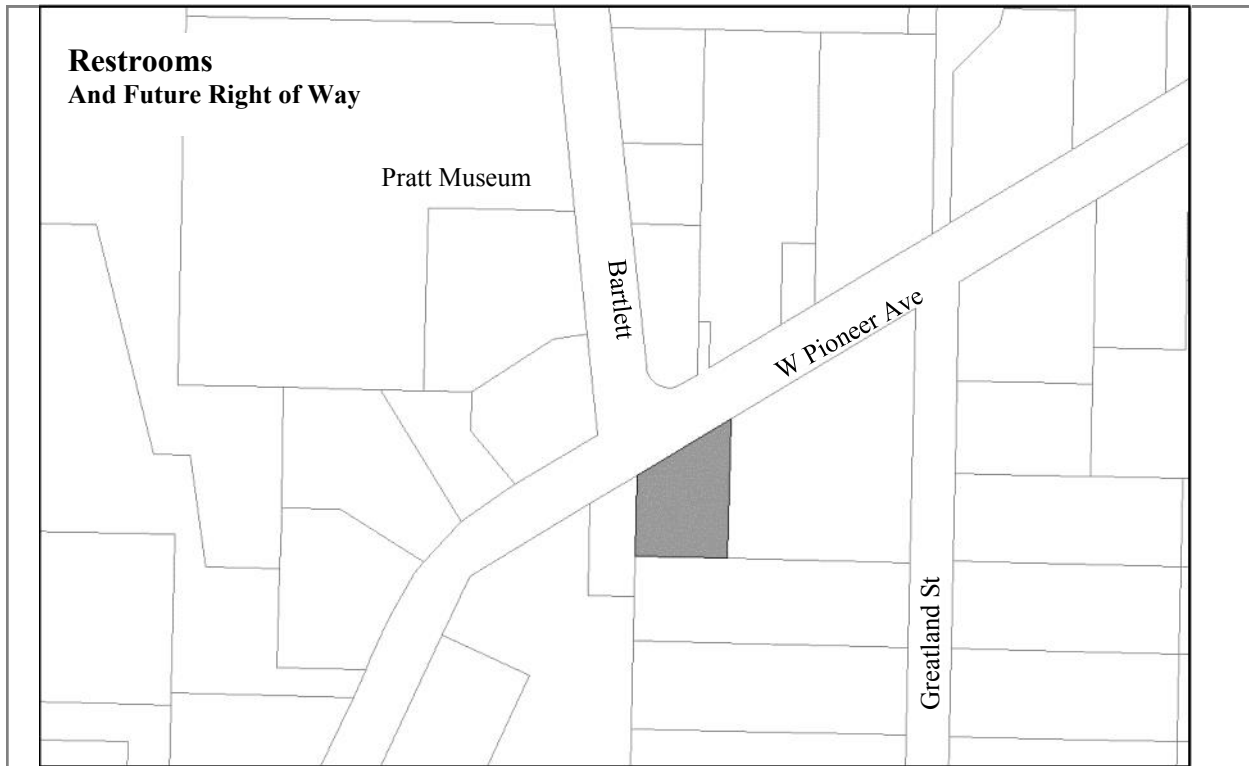
<b>Designated Use:</b> Animal Shelter	
<b>Acquisition History:</b> Heath Deed 3/10/71	
<b>Area:</b> 1.85 acres	<b>Parcel Number:</b> 17714020
<b>2015 Assessed Value:</b> \$1,515,300 (Land \$378,900, Structure \$1,136,400)	
<b>Legal Description:</b> Glacier View Subdivision No 18 Lot 1	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, Sewer, gas, gravel access via Public Works	
<p><b>Notes:</b> Also includes landscaped area along the Sterling Highway maintained by Parks and Recreation, and named Superintendent's Park.</p> <p>Constructed in 2004. 3,828 sq feet.</p>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Sewage Treatment	
<b>Acquisition History:</b> see below	
<b>Area:</b> 4.08 acres	<b>Parcel Number:</b> 177140 14, 15
<b>2009 Assessed Value:</b> \$3,429,700 (Land: \$813,800 Structures/Improvements: \$2,615,900)	
<b>Legal Description:</b> T 6S R 13W SEC 20 SEWARD MERIDIAN HM POR PER E1/2 NW1/4 NE1/4 SW1/4 PER D-60-164, T 6S R 13W SEC 20 SEWARD MERIDIAN HM THAT PORTION OF E1/2 NW1/4 NE1/4 SW1/4 PER D-60 @ 05	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Yes
<b>Infrastructure:</b> Water and Sewer. Access via PW complex	
<p><b>Notes:</b>                  Acquisition:                  17414014: Mitchell Warr Deed 1/9/84                  17714015: Heath/Whitmore Deed 3-71</p> <p>2008 Resolution 08-48 recommends a replat to vacate common lot lines. Resolution 10-35(A) Replat the Sewer Treatment Plant lots to vacate the common lot line.</p> <p>Within a FEMA mapped flood hazard area.</p>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Public Works	
<b>Acquisition History:</b> Heath Dead 3/10/71	
<b>Area:</b> 30 acres	<b>Parcel Number:</b> 17714016
<b>2015 Assessed Value:</b> \$3,284,500 (Land: \$1,812,100, Structures: \$1,472,300)	
<b>Legal Description:</b> T 6S R 13W 4EC 20 SEWARD MERIDIAN HM NE1/4 NE1/4 SW1/4 & S1/2 NE1/4 SW1/4	
<b>Zoning:</b> Central Business/Open Space	<b>Wetlands:</b> Yes
<b>Infrastructure:</b> Paved Road, water and sewer	
<b>Notes:</b> Within a FEMA mapped flood hazard area. Lower portion of lot also nominated for inclusion in the Western Hemisphere Shorebird Reserve network, Resolution 15-064. 2015/16: Equipment shed constructed, Conditional Use Permit 15-02.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Restroom and Future right of way  
**Acquisition History:** Ordinance 2012-42

<b>Area:</b> 0.27 acres	<b>Parcel Number:</b> 17514301
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**2015 Assessed Value:** \$58,800

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 75

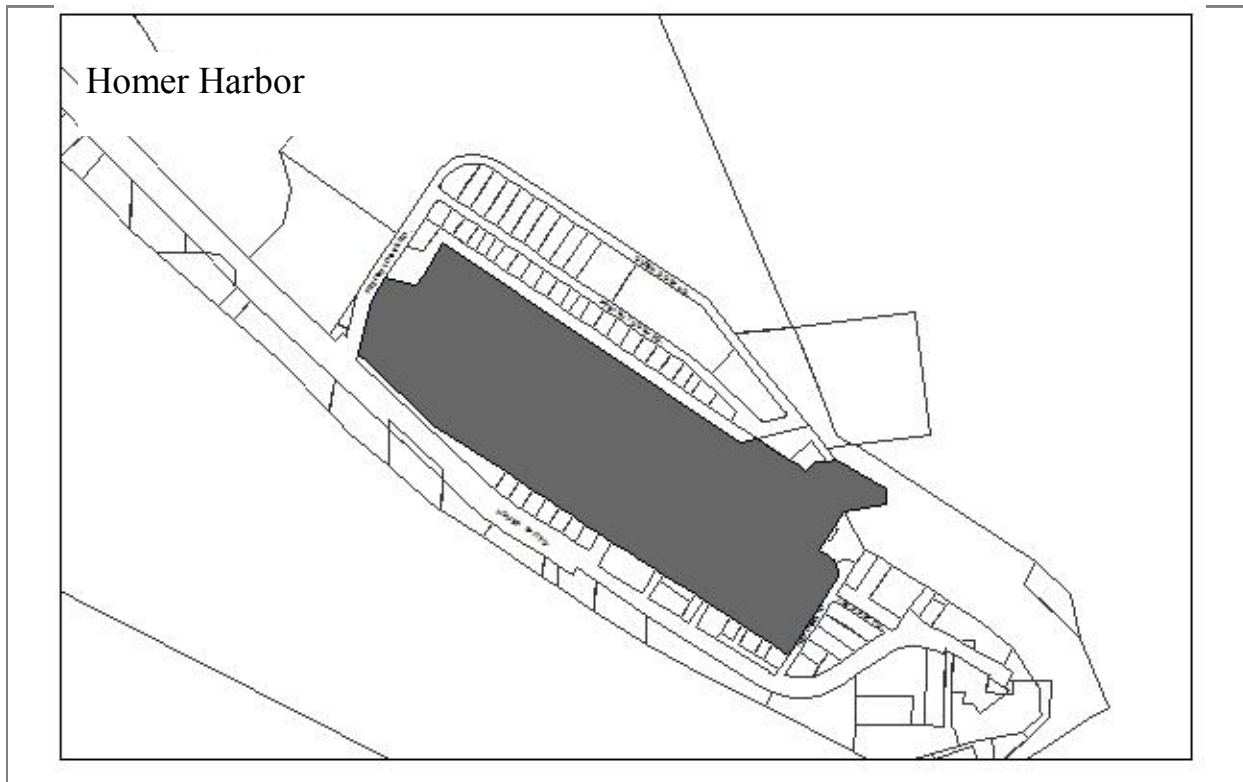
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Yes
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**Infrastructure:** Paved Road, water and sewer

**Notes:**  
 Public restroom constructed 2013-2014  
 Future road extension for Bartlett.

**Finance Dept. Code:**





**Designated Use:** Homer Small Boat Harbor  
**Acquisition History:** Reso 99-51 Reconveyed from ACOE

<b>Area:</b> 72.94	<b>Parcel Number:</b> 18103214
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**2015 Assessed Value:** \$808,200

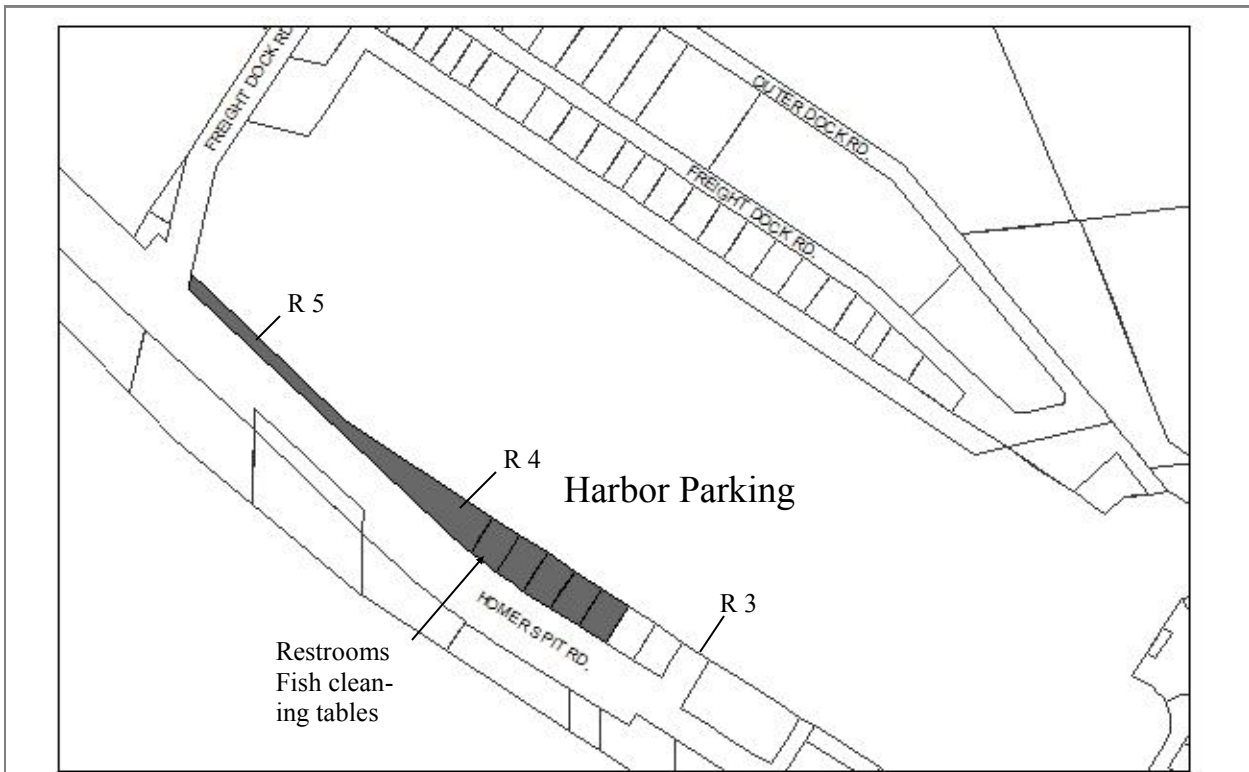
**Legal Description:** T 6S R 13W SEC 35 T 6S R 13W SEC 36 T 7S R 13W SEC 1 T 7S R 13W SEC 2 HM 0920050 HOMER SPIT SUB NO TWO AMENDED SMALL BOAT HARBOR SEWARD MERIDIAN

<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
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**Infrastructure:** floats, road access, water and sewer

**Notes:**

**Finance Dept. Code:**



**Designated Use:** Parking  
**Acquisition History:**

**Area:** 3.12 acres

**Parcel Number:** 181033 18-22, 24

**2015 Assessed Value:** \$1,055,000 (Land: \$885,600, Structures: \$169,400)

**Legal Description:** T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 13-17, HM 0910003 HOMER SPIT SUB NO TWO SEWARD MERIDIAN LOT 12A

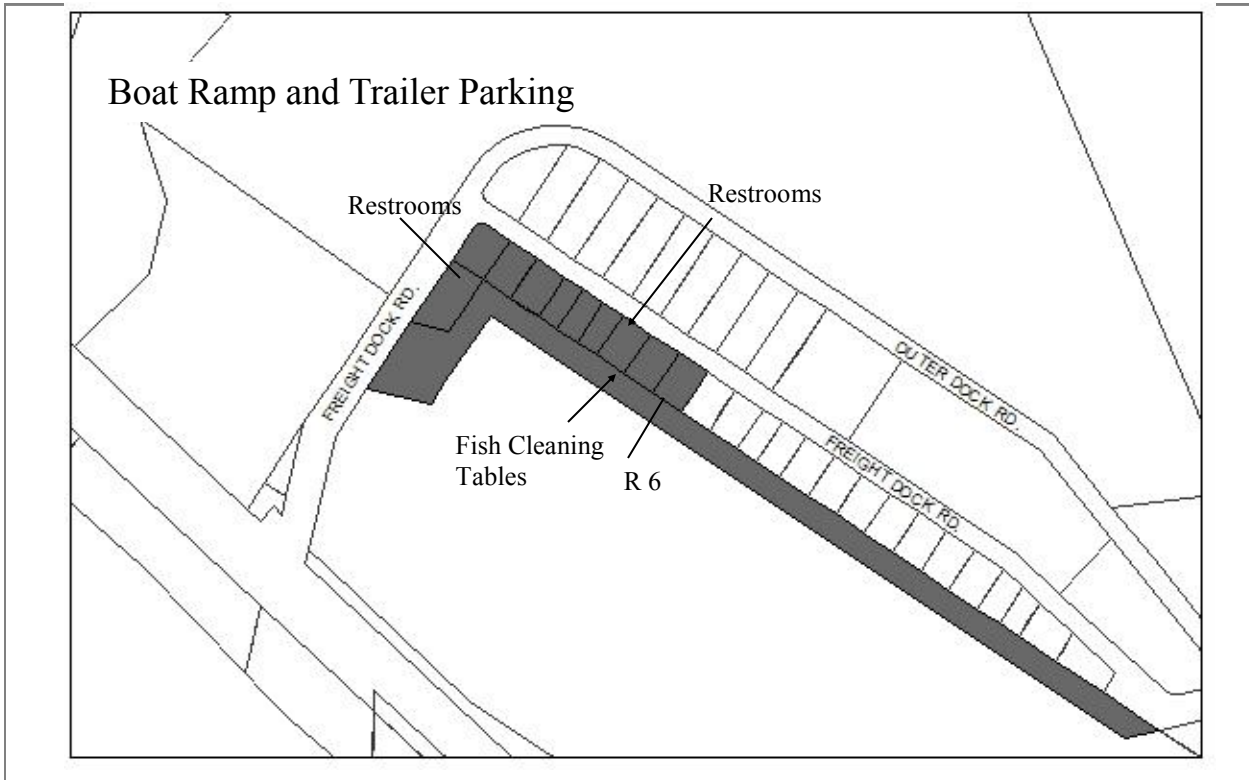
**Zoning:** Marine Commercial

**Wetlands:** N/A

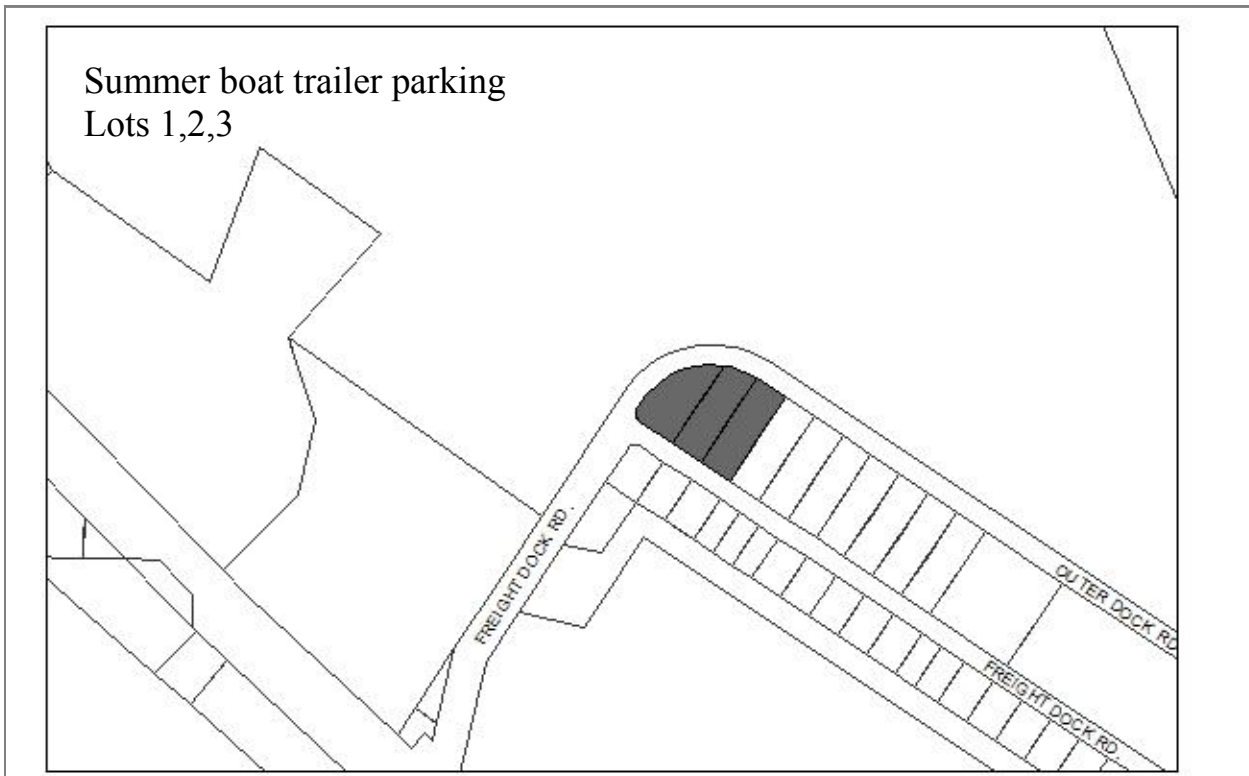
**Infrastructure:** Paved road, gas, Spit Trail, water and sewer, public restrooms

**Notes:** New restrooms at Ramp 5 constructed 2015/2016

**Finance Dept. Code:**



<b>Designated Use:</b> Boat ramp and trailer parking	
<b>Acquisition History:</b>	
<b>Area:</b> 8.32 acres	<b>Parcel Number:</b> 181032 47-58, 18103216
<b>2015 Assessed Value:</b> \$1,999,000	
<b>Legal Description:</b> Homer Spit Sub No 5 Lots 28-37, Homer Spit Sub No 2 Amended Lot G-8	
<b>Zoning:</b> Marine Industrial, over slope area is Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> paved road, gas, water and sewer, public restrooms	
<p><b>Notes:</b> Includes boat launch (reconstructed in 2016), Spit Trail, boat trailer parking, two public restrooms and over slope area along the harbor.</p> <p>Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:**  
**Acquisition History:**

<b>Area:</b> 1.98 acres	<b>Parcel Number:</b> 181032-21,22,31
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**2015 Assessed Value:** \$562,300

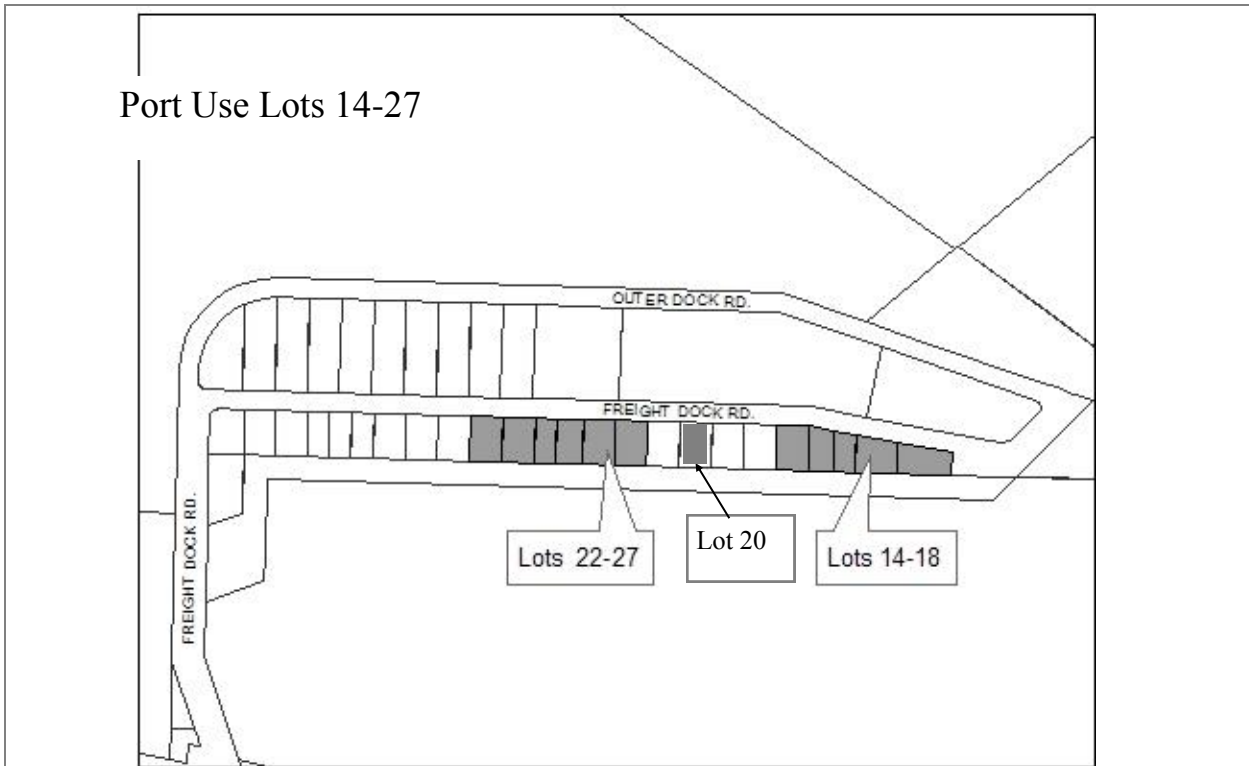
**Legal Description:** T 6S R 13W SEC 35 T 6S R 13W SEC 36 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 1,2,3

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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**Infrastructure:** paved road, gas, water and sewer, Barge ramp

**Notes:**

**Finance Dept. Code:**



**Designated Use:** Port Use  
**Acquisition History:**

<b>Area:</b> 3.16 acres	<b>Parcel Number:</b> 18103233-37, 41-46
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**2015 Assessed Value:** \$1,816,300

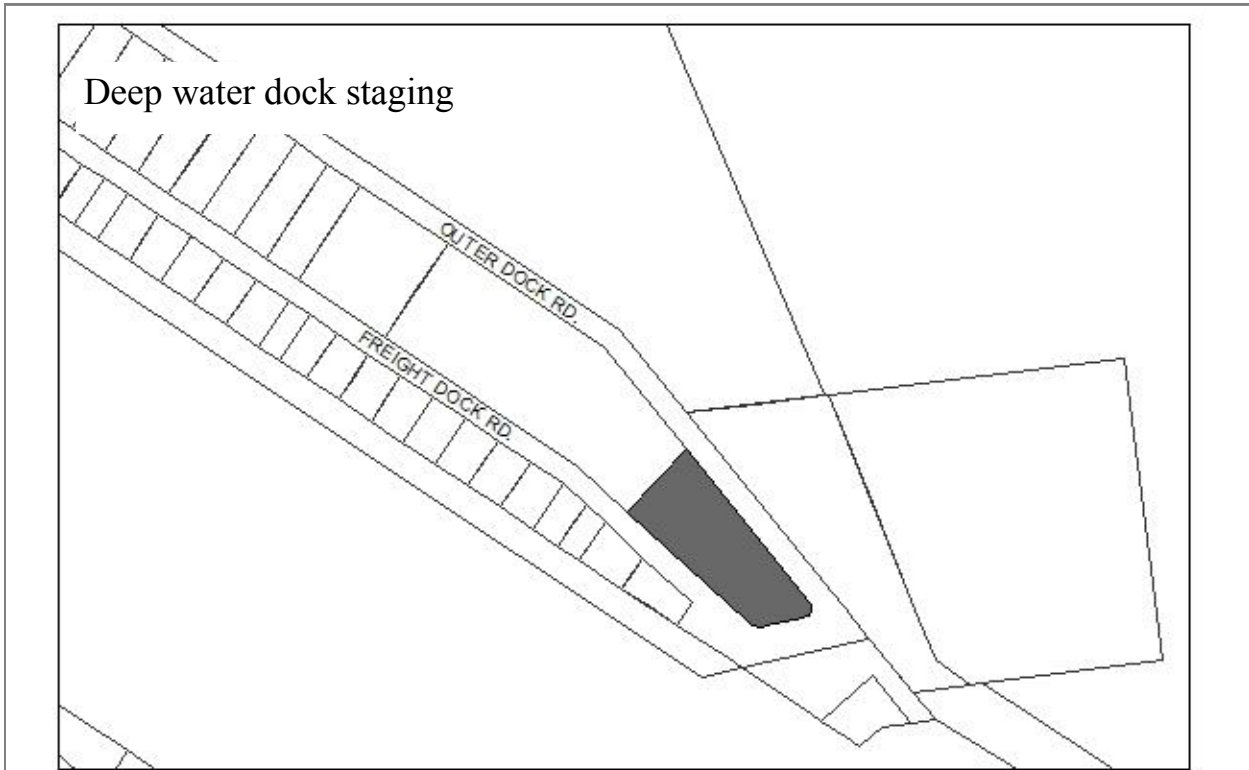
**Legal Description:** Homer Spit No 5 Lots 14-18, 22-27

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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**Infrastructure:** paved road, gas, Spit Trail, water and sewer

**Notes:**  
 Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.  
 The office completed in 2015 is on lots 22 and 23.  
 Lot 20 reserved for future travel lift Resolution 13-032

**Finance Dept. Code:**



**Designated Use:** Deep water dock staging  
**Acquisition History:**

**Area:** 2.08 acres

**Parcel Number:** 18103232

**2015 Assessed Value:** \$469,600

**Legal Description:** T 6S R 13W SEC 36 T 7S R 13W SEC 1 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 13

**Zoning:** Marine Industrial

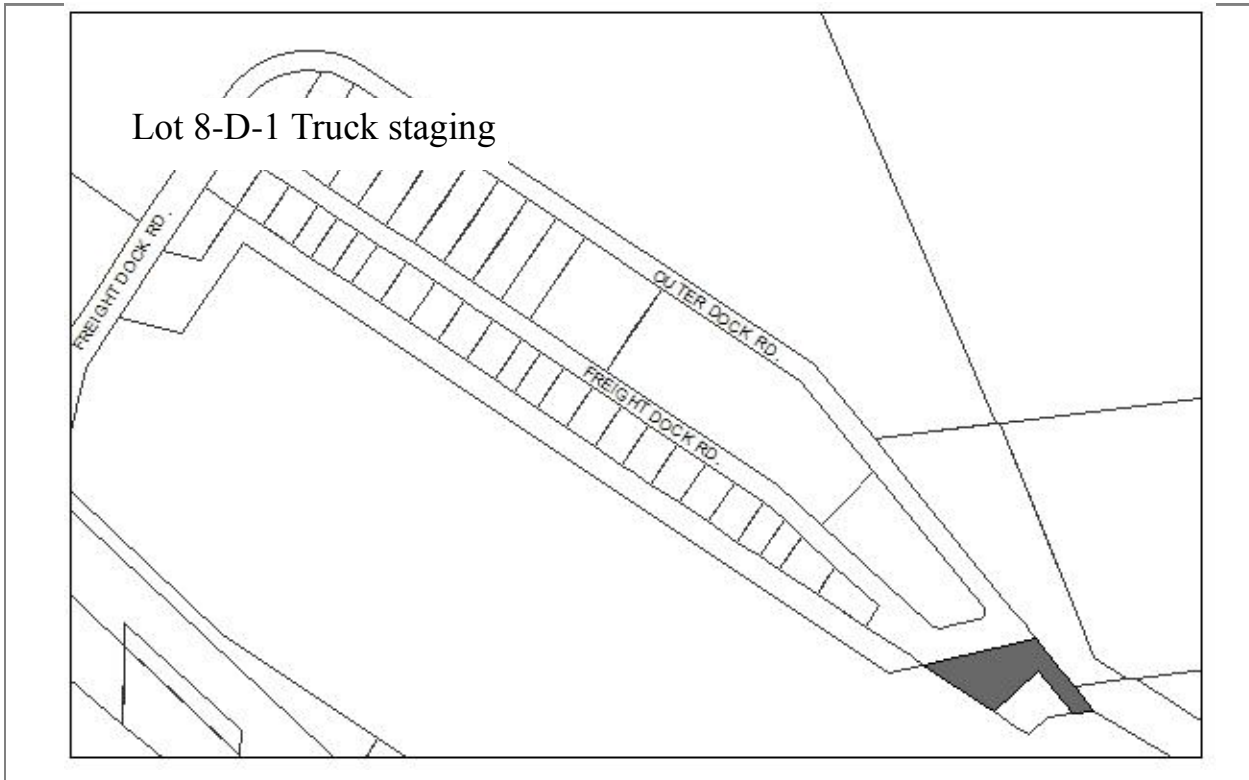
**Wetlands:** N/A

**Infrastructure:** paved road, gas, water and sewer

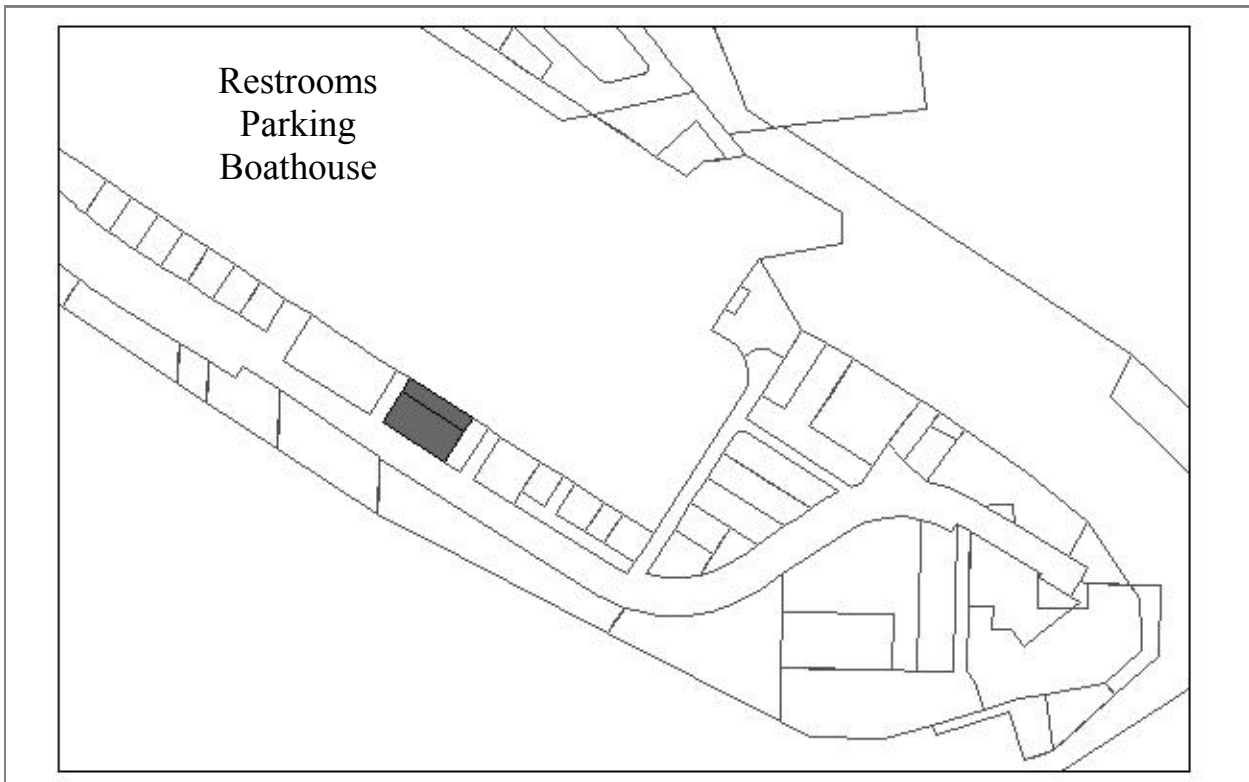
**Notes:**

Resolution 2007-51 Lot 13: Continue its current use as gear storage and cargo staging for Deep Water Dock cargo.

**Finance Dept. Code:**



<b>Designated Use:</b> Commercial Truck Staging	
<b>Acquisition History:</b>	
<b>Area:</b> 1.12 acres	<b>Parcel Number:</b> 18103259
<b>2015 Assessed Value:</b> \$301,800	
<b>Legal Description:</b> T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Gravel road access, water and sewer	
<b>Notes:</b>	
<p>Resolution 2007-51: Lot 8D1 should be reserved for a marine related business which could include a petroleum products tank farm and a pipeline out to the (expanded) Deep Water Dock. This lot to be RFP's at the appropriate time for this type of marine support activity.</p> <p>2014 construction of guard shack for Deep Water Dock, restrooms and picnic facility, completion of Spit Trail, and paved the lot for dock staging.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Parking, restrooms and boathouse (Reso 16-043)  
**Acquisition History:**

<b>Area:</b> 0.65 and 0.28 acres, or 0.93 acres	<b>Parcel Number:</b> 181033 10, 11
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**2009 Assessed Value:** \$446,700 (Land: \$358,900 Structures: \$107,800)

**Legal Description:** Homer Spit Subdivision Amended, Lots 28 and 29

<b>Zoning:</b> Marine Commercial	
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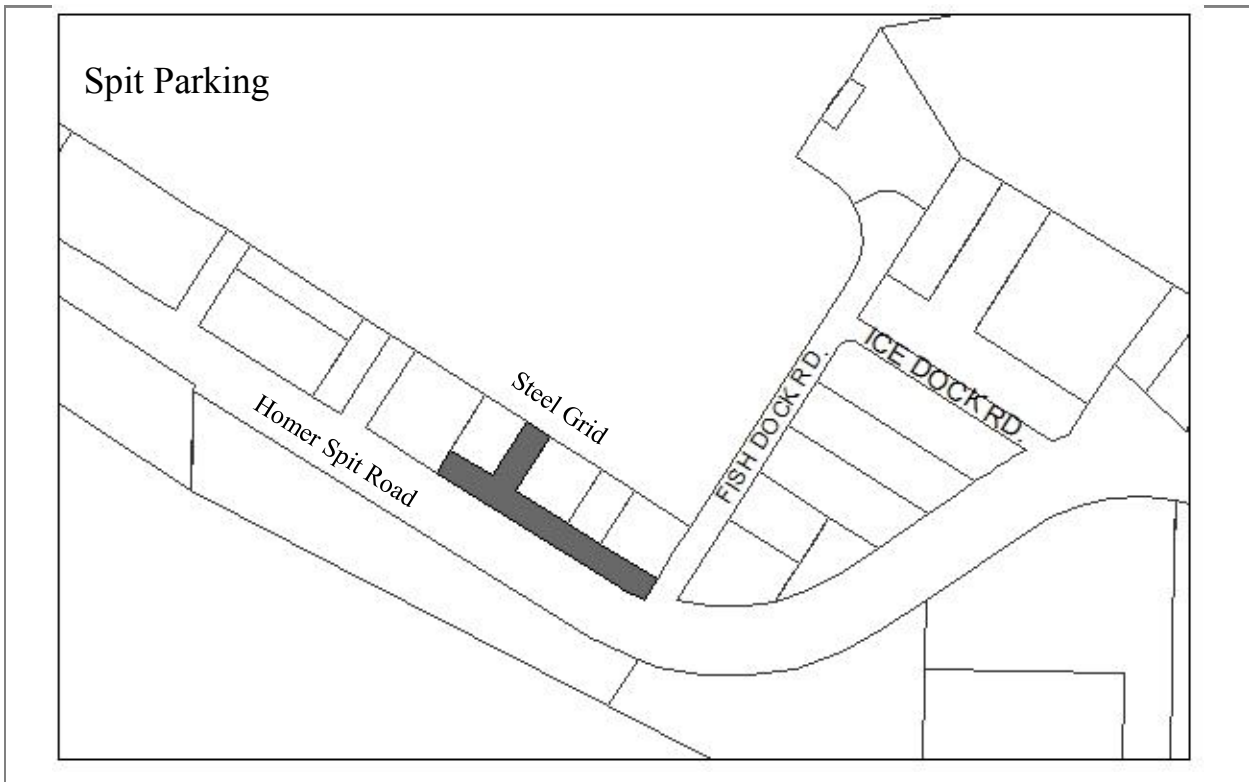
**Infrastructure:** Paved road, water and sewer

Restrooms built in 1974. Property was part of a Land and Water Conservation Fund Grant in 1972, Project #02-00072. Land may be required to remain parkland in perpetuity.

Former site of Harbormaster Office.  
 Boat house construction scheduled for 2017 on a portion of the property.

**Finance Dept. Code:**





**Designated Use:** Parking and Access  
**Acquisition History:**

<b>Area:</b> 0.6 acres	<b>Parcel Number:</b> 18103441
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**2015 Assessed Value:** \$173,700

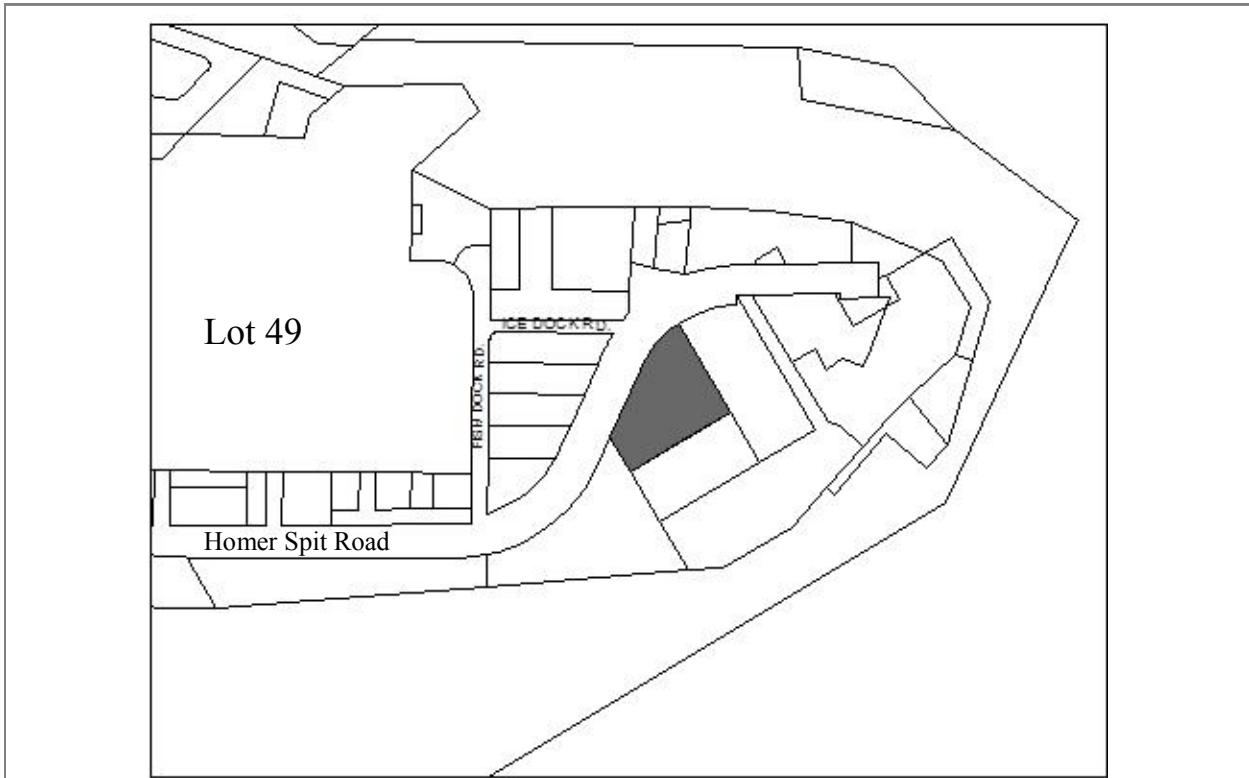
**Legal Description:** T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA

<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved road

**Notes:**  
 Provides parking for adjacent businesses, and harbor access.

**Finance Dept. Code:**



**Designated Use:** Main Dock Staging  
**Acquisition History:**

<b>Area:</b> 2 acres	<b>Parcel Number:</b> 18103403
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**2015 Assessed Value:** \$712,000

**Legal Description:** T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved road, gas, water and sewer

**Notes:**  
 Resolution 2007-51: Continue to use for dredge material dewatering.

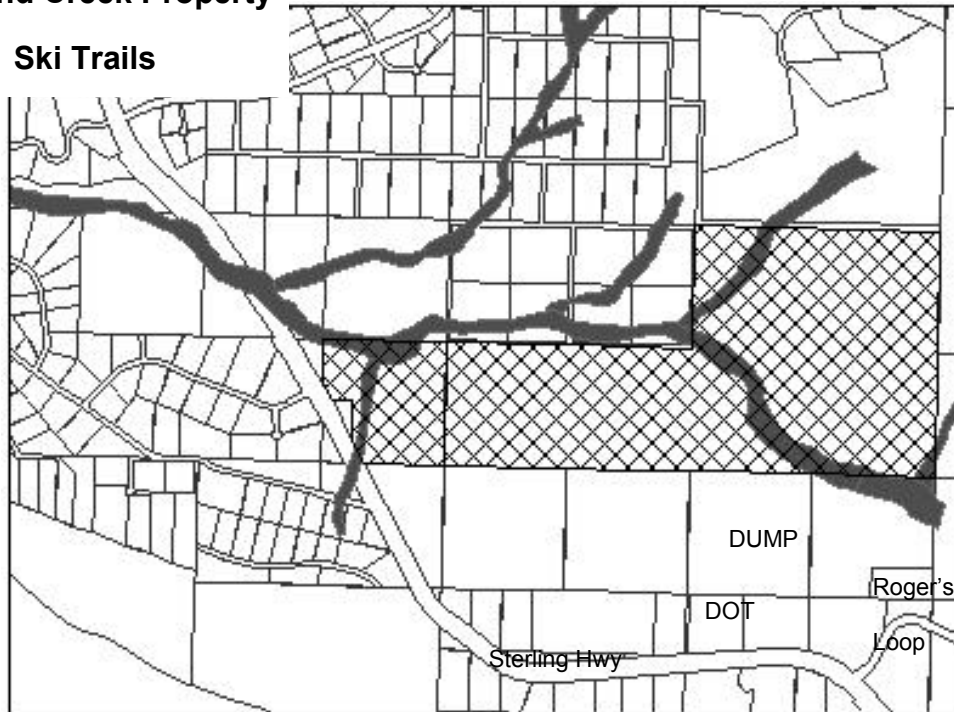
**Finance Dept. Code:**

# **Section E**

Parks + Beaches  
Cemeteries + Green Space

**Diamond Creek Property**

**Ski Trails**



**Designated Use:** Public Purpose for park land  
**Acquisition History:** Ordinance 07-03. Forest Legacy grant/KHLT/long term public ownership

**Area:** 273 acres (240 acres and 33 acres)

**Parcel Number:** 17302201, 17303229

**2015 Assessed Value:** \$325,100

**Legal Description:** HM T06S R14W S09 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4 and HM T06S R14W S10 SE1/4 & S1/2 SW1/4.

**Zoning:** Not in city limits

**Wetlands:** Yes. Diamond Creek flows through these lots. Larger lot is mostly wetland.

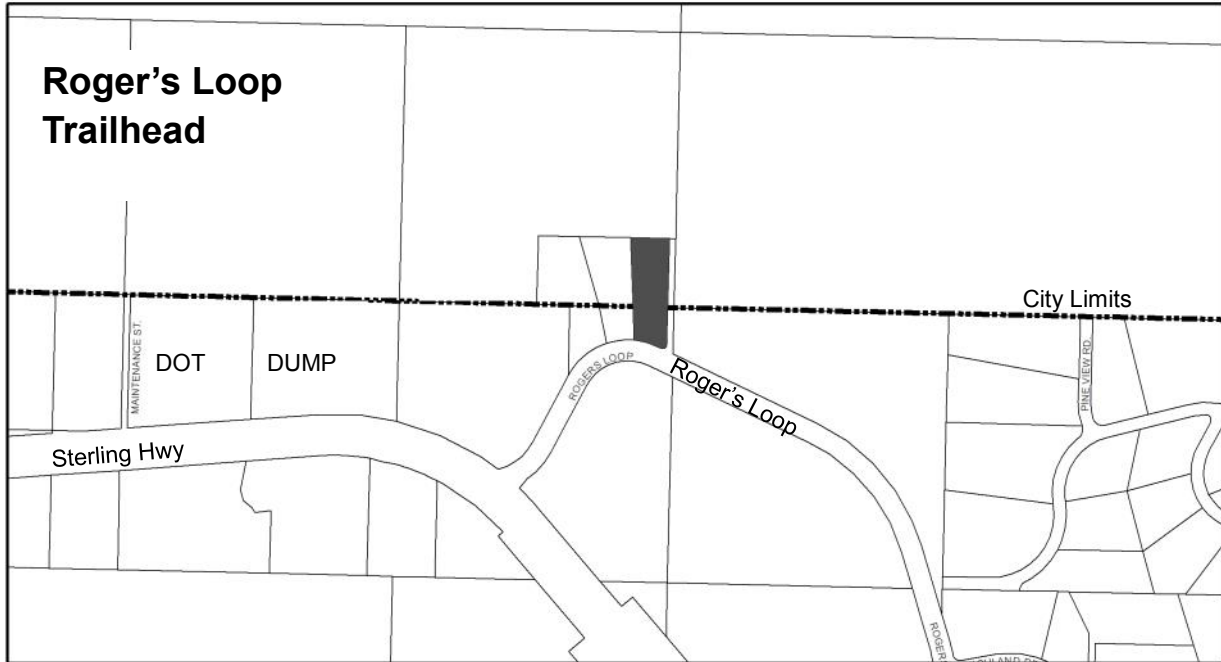
**Infrastructure:** Limited legal and physical access. Western lot has Sterling Highway frontage.

**Notes:** Ski trails, managed by Kachemak Nordic Ski Club

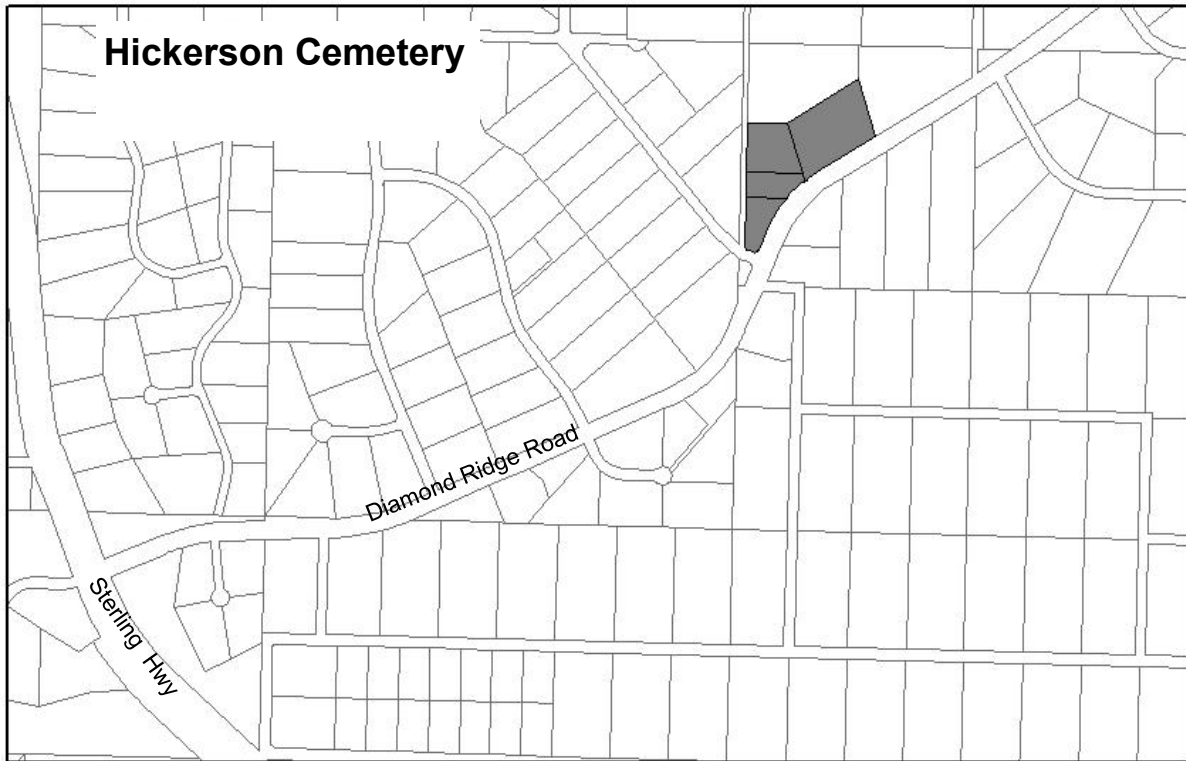
Acquisition notes: the Kachemak Heritage Land Trust purchased the property from the University of Alaska via a Forest Legacy Grant from the state of Alaska. The City accepted ownership of the land, to keep it for public park land in perpetuity, as required by the grant.

Conservation Easement Resolution 2010-48, Recording# 2010-003220-0  
 Resolution 13-055 Adopting the Diamond Creek Recreation Area Plan  
 The Plan was accepted by the State of Alaska Forest Legacy Program on 11/19/2014. Management and development of the property must follow the adopted and approved plan.

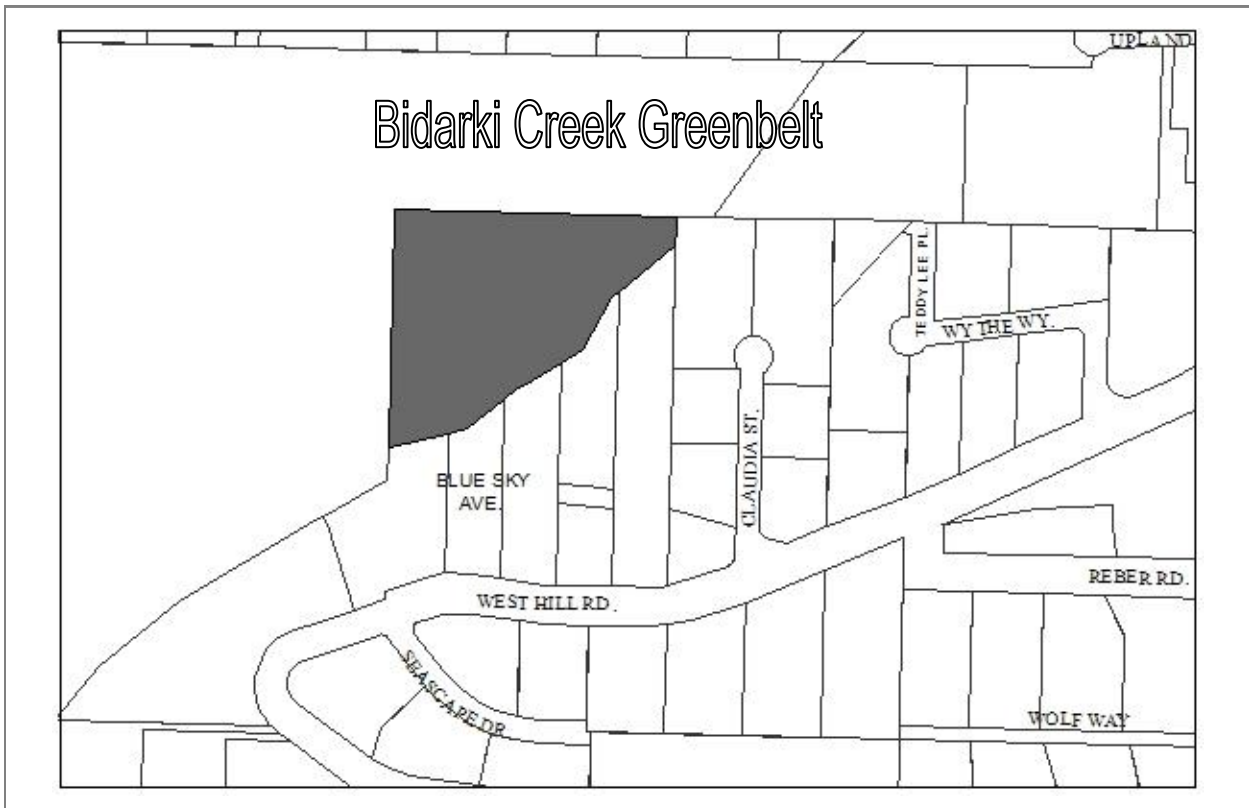
**Finance Dept. Code:**



<b>Designated Use:</b> Roger's Loop Trailhead	
<b>Acquisition History:</b> Ordinance 14-51(A)	
<b>Area:</b> 2 acres	<b>Parcel Number:</b> 17316066, 1736067
<b>2016 Assessed Value:</b> \$49,300	
<b>Legal Description:</b> T 06S R 14W SEC 15 SEWARD MERIDIAN HM 2011022 BISHOP SURVEY J G EVANS ADDN LOT 1	
<b>Zoning:</b> Rural Residnetial. Lot is split by city limits	<b>Wetlands:</b> none
<b>Infrastructure:</b> Paved road access	
<b>Notes:</b> Purchased in 2016 with HART Trail funds. Future trailhead to city owned Diamond Creek lands	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Hickerson Memorial Cemetery	
<b>Acquisition History:</b> Deed American Legion Gen Buckner Post 16 4/23/70. Ordinance 10-30	
<b>Area:</b> 6.91 acres	<b>Parcel Number:</b> 17321011, 13, 14, 15
<b>2015 Assessed Value:</b> \$196,700 (Land \$184,800, Structure \$11,900)	
<b>Legal Description:</b> HM0631146 T06S R14W S03 TICE ACRES SUB HICKERSON MEMORIAL CEMETERY. Tice Acres Replat No 1, lots 11-A, 11B & 11-C	
<b>Zoning:</b> Not within city limits	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> paved access	
<b>Notes:</b> Lots 11 A, 11B, and 11C purchased for \$205,000 Ordinance 10-30. 2017: planned construction of Phase 1 cemetery expansion	
<b>Finance Dept. Code:</b>	



**Designated Use:** Public Purpose. Retain as undeveloped Greenbelt and to protect drainage.  
**Acquisition History:** KPB Ordinance 83-01

**Area:** 6.57 acres

**Parcel Number:** 17503025

**2015 Assessed Value:** \$10,600

**Legal Description:** HM T06S R14W S13 SW1/4 SE1/4 NORTH OF SKYLINE DRIVE EXCLUDING SKYLINE DR SUB

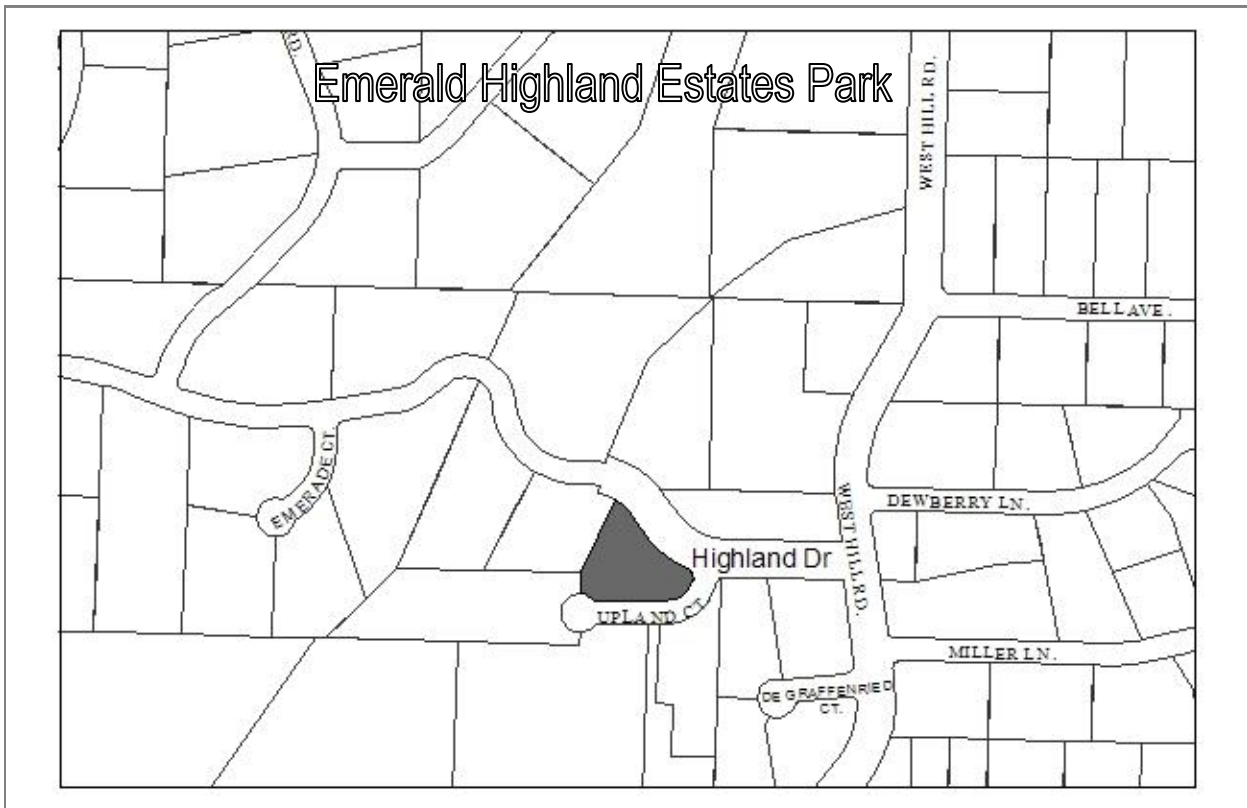
**Zoning:** Rural Residential

**Wetlands:** Bidarki Creek runs through the lot

**Infrastructure:** No access, no utilities

**Notes:** Much of the lot is very steep gorge, down to Bidarki Creek. One portion may be developable at the north end. Slope there is approximately 15%. There is no legal or physical access to the land at this time.

**Finance Dept. Code:**



**Designated Use:** Public Use/Emerald Highland Estates Park

**Acquisition History:** Gangle Deed, 12/1989

**Area:** 1.04 acres

**Parcel Number:** 17502056

**2015 Assessed Value:** \$50,800

**Legal Description:** HM0770024 T06S R14W S13 EMERALD HIGHLAND ESTATES SUB UNIT 3 LOT 1B BLOCK 3

**Zoning:** Rural Residential

**Wetlands:** The whole lot is potential wetlands. Creek present long western property line.

**Infrastructure:** Gravel road access

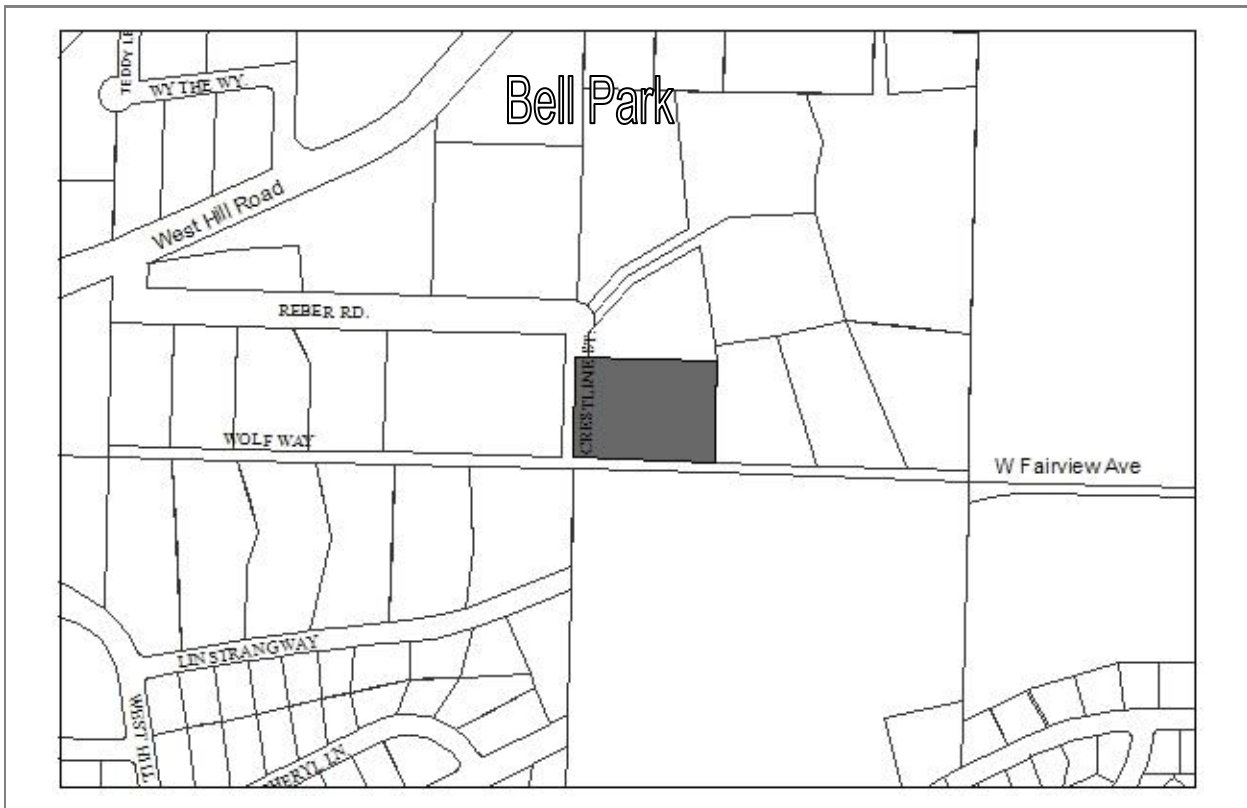
**Notes:** This land was deeded to the city by the original subdivider. However, there is a plat note restricting the use of the park to residents within the subdivision. Historically the city has not wanted to provide any services to a park that is not explicitly open to the public. The solution is for each property owner in the subdivision to quitclaim deed their interest in the subdivision park, so the City has clear title.

**History:**

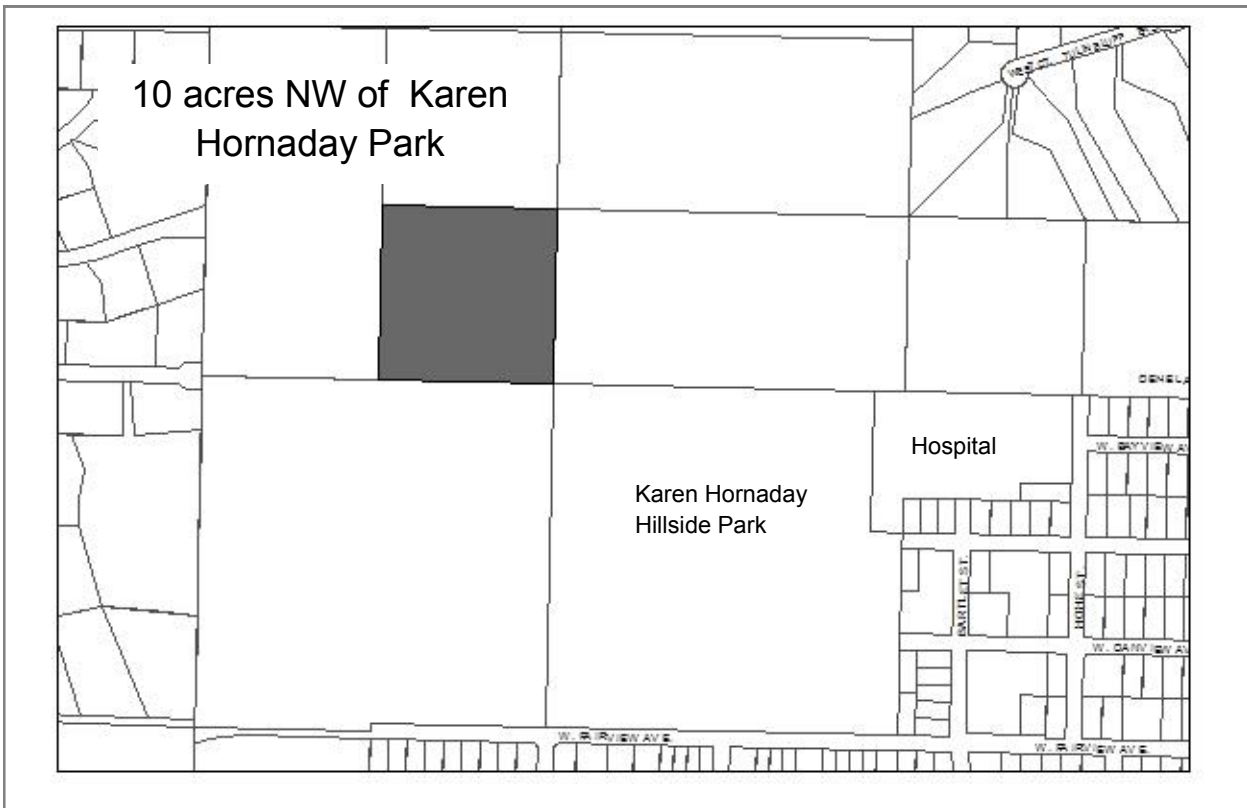
Resolution 2004-24A, Land Allocation Plan  
 Resolution 2007-03 Emerald Park Master Plan

**Finance Dept. Code:**

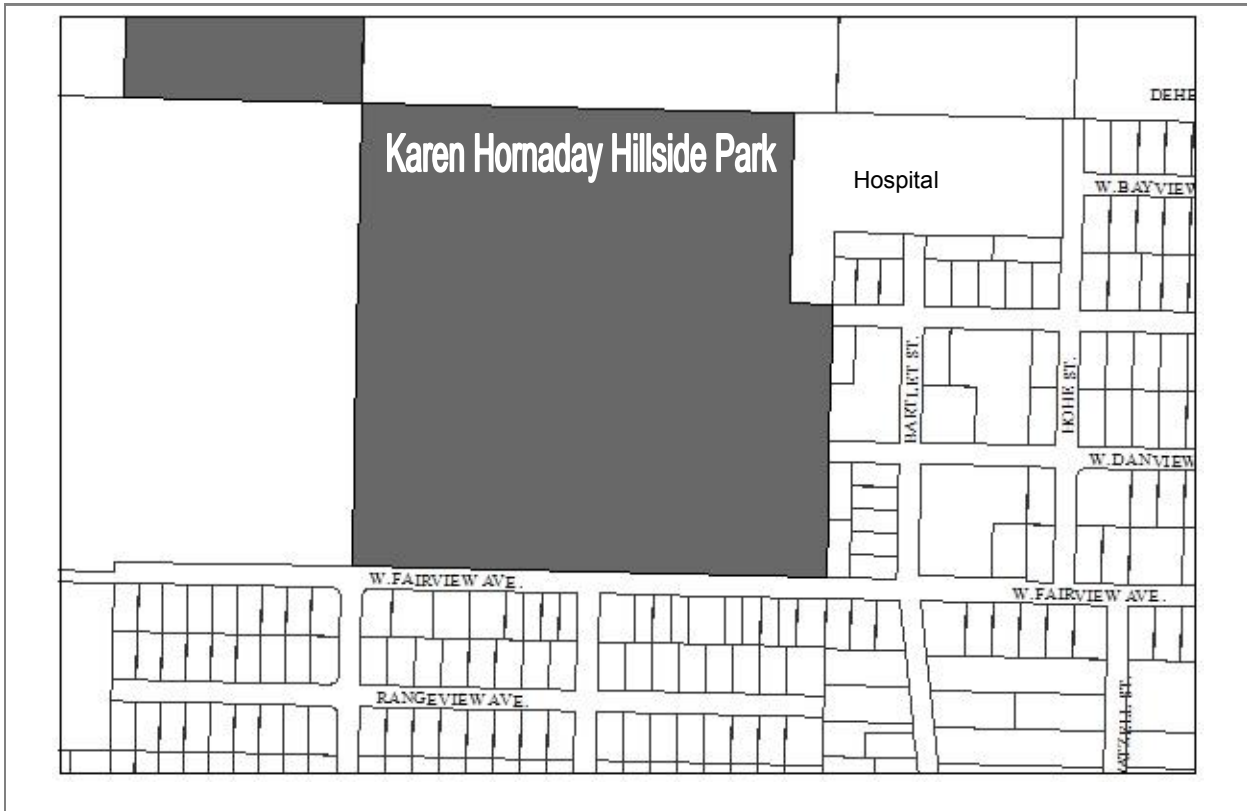




<b>Designated Use:</b> W.R.Bell Public Park.	
<b>Acquisition History:</b> Gifted by Daughter, Dene and Husband Edward Reber 8/20/1970	
<b>Area:</b> 2.75 acres	<b>Parcel Number:</b> 17524006
<b>2009 Assessed Value:</b> \$81,800	
<b>Legal Description:</b> HM0700402 T06S R13W S18 TRACT E W R BELL SUB	
<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> Drainages on lot.
<b>Infrastructure:</b> Gravel road access. Rough trails across property.	
<p><b>Notes:</b>                  Park contains the gravesite of W.R. Bell.                  It can be expected that the land to the south will be come a housing development. Some homes will be accessed from W Fairview Ave.</p> <p>2009: Completion of Reber Trail, with HART funds and a state trails grant.</p>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Retain for a future park Resolution 2011-37(A)	
<b>Acquisition History:</b>	
<b>Area:</b> 10 acres	<b>Parcel Number:</b> 17504003
<b>2015 Assessed Value:</b> \$56,800*	
<b>Legal Description:</b> T6S R13W Sec 18 SE1/4 NE1/4 SW1/4	
<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> Drainages and wetlands may be present
<b>Infrastructure:</b> None. No access.	
<b>Notes:</b> *2007—Land could not be appraised by private appraisal due to lack of legal access.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Public Recreational Purpose/Karen Hornaday Hillside Park  
**Acquisition History:** Homer Fair Association, Deed 8/1966 with covenants

<b>Area:</b> 38.5 acres	<b>Parcel Number:</b> 17504023
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**2015 Assessed Value:** \$155,000 (Land \$43,000 Structure \$112,000)

**Legal Description:** HM0980004 T06S R13W S18 THAT PORTION OF SW1/4 SE1/4 EXCLUDING SOUTH PENINSULA HOSPITAL SUB 2008 Addn

<b>Zoning:</b> Open Space Recreation	<b>Wetlands:</b> Some drainages
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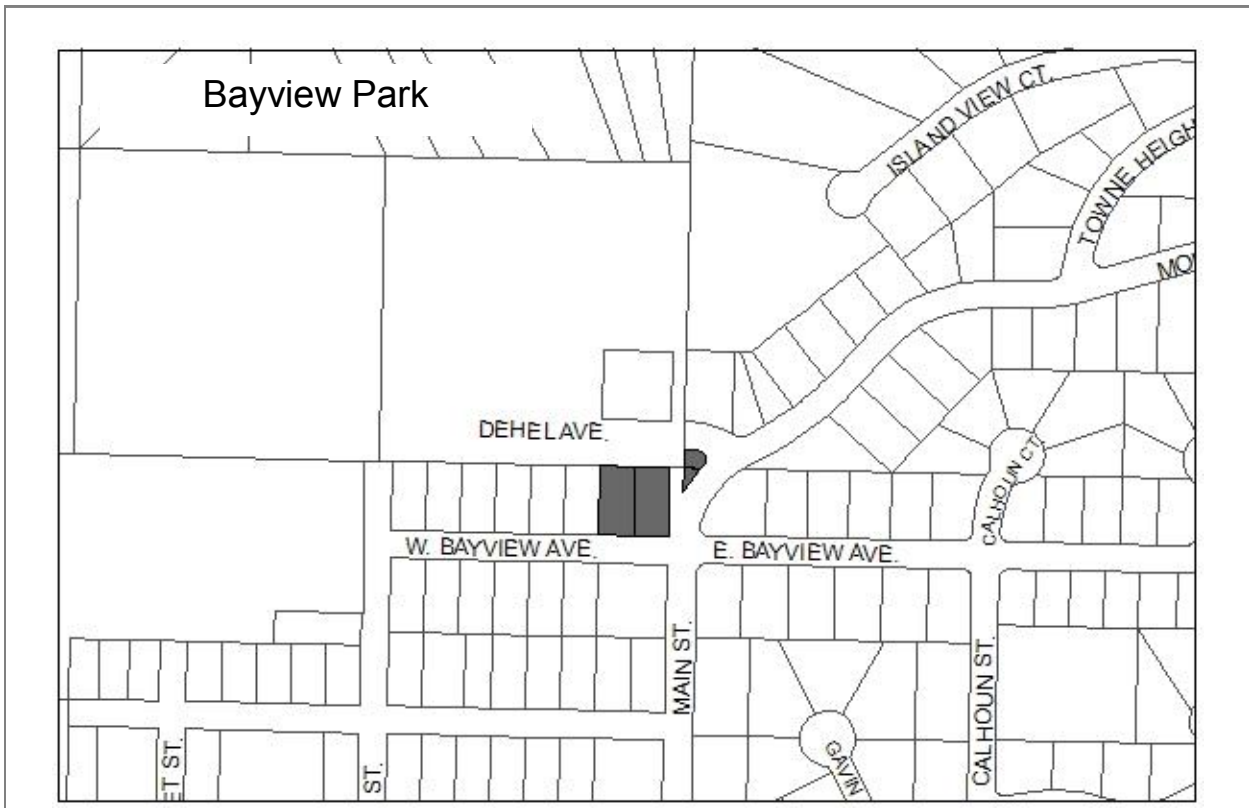
**Infrastructure:** Water, sewer and road access

**Notes:** The park has been part of two Land and Water Conservation Fund grants: 1980, #02-00270, and 2011/12, #02-00408. Land to remain parkland in perpetuity.

Campground, ball fields, day use picnic and playground area.

Resolution 09-59(A) adopted the park master plan.

**Finance Dept. Code:** 175.0003 (driveway, parking), 175.0007 (campground)



**Designated Use:** Public Purpose/Bayview Park/Water tank access  
**Acquisition History:** Large lots: Klemetsen Warranty Deed 5/8/67. Water tank access and part of Bayview Park.

<b>Area:</b> 0.58 acres total	<b>Parcel Number:</b> 175051 07, 08 17726038, 17727049
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**2015 Assessed Value:** \$95,900 total

**Legal Description:** 17505107: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 2  
 17505108: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 1  
 17726038: HM0760026 T06S R13W S17 KAPINGEN SUB UNIT 3 PARK RESERVE  
 17727049: HM0770065 T06S R13W S17 ISLAND VIEW SUB PARK

<b>Zoning:</b> Urban Residential	<b>Wetlands:</b> N/A
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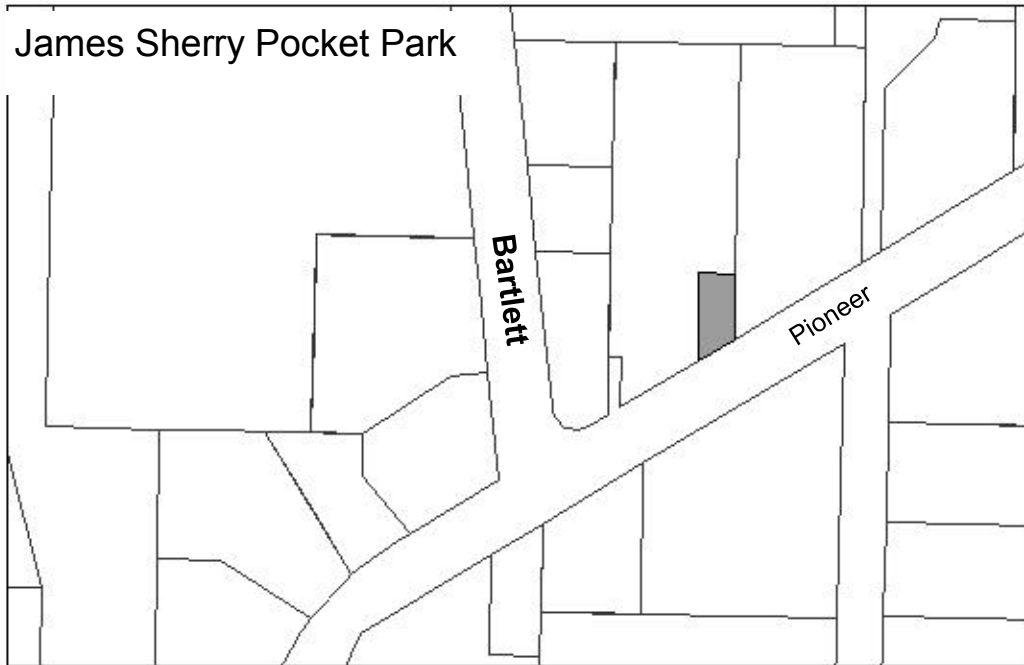
**Infrastructure:** Paved road access, water, sewer

**Notes:**

**Finance Dept. Code:**



<b>Designated Use:</b> ROW and Woodard Park	
<b>Acquisition History:</b> ROW: Purchased for Harrington Heights LID, Ord 2000-13(S) 7/2000. Woodard Park: Tax Foreclosure (Harry Gregoire), Park designation enacted in Reso 04-53	
<b>Area:</b> ROW 0.85 acres Woodard Park: .025 acres	<b>Parcel Number:</b> 17513329 17513328
<b>2015 Assessed Value:</b> ROW: \$79,700, Park: \$40,600	
<b>Legal Description:</b> ROW: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 12-A Woodard Park: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 11-B	
<b>Zoning:</b> Residential Office	<b>Wetlands:</b> Woodard Creek and wetlands present
<b>Infrastructure:</b> Paved access on Bartlett. Part of completed Spruceview Road LID. Water and sewer present.	
<b>Notes:</b>	
<b>Finance Dept. Code:</b> ROW: 500.0051 Park:	



**Designated Use:** Retain for use as public park or parking  
**Acquisition History:** Ord 83-01 (KPB)

**Area:** 0.06 acres or 2,766 sq ft

**Parcel Number:** 17514235

**2015 Assessed Value:** \$13,100

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007124 BUNNELLS SUB NO 21 LOT 37F-1

**Zoning:** Central Business District

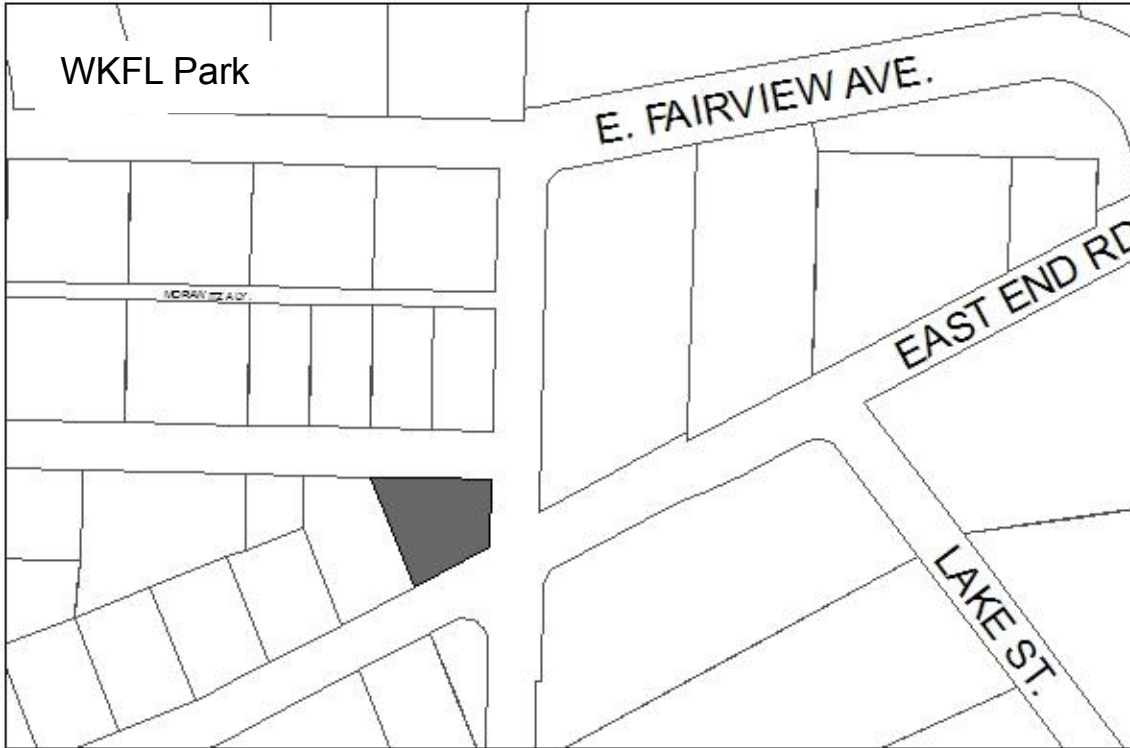
**Wetlands:** Ditch across property

**Infrastructure:** Water and Sewer, paved sidewalk

**Notes:**

HEA/phone company utility infrastructure on lot—big green boxes.

**Finance Dept. Code:**



**Designated Use:** WKFL Park  
**Acquisition History:** Asaiah Bates Deed 3/88

<b>Area:</b> 0.31 acres	<b>Parcel Number:</b> 17720204
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**2015 Assessed Value:** \$70,300

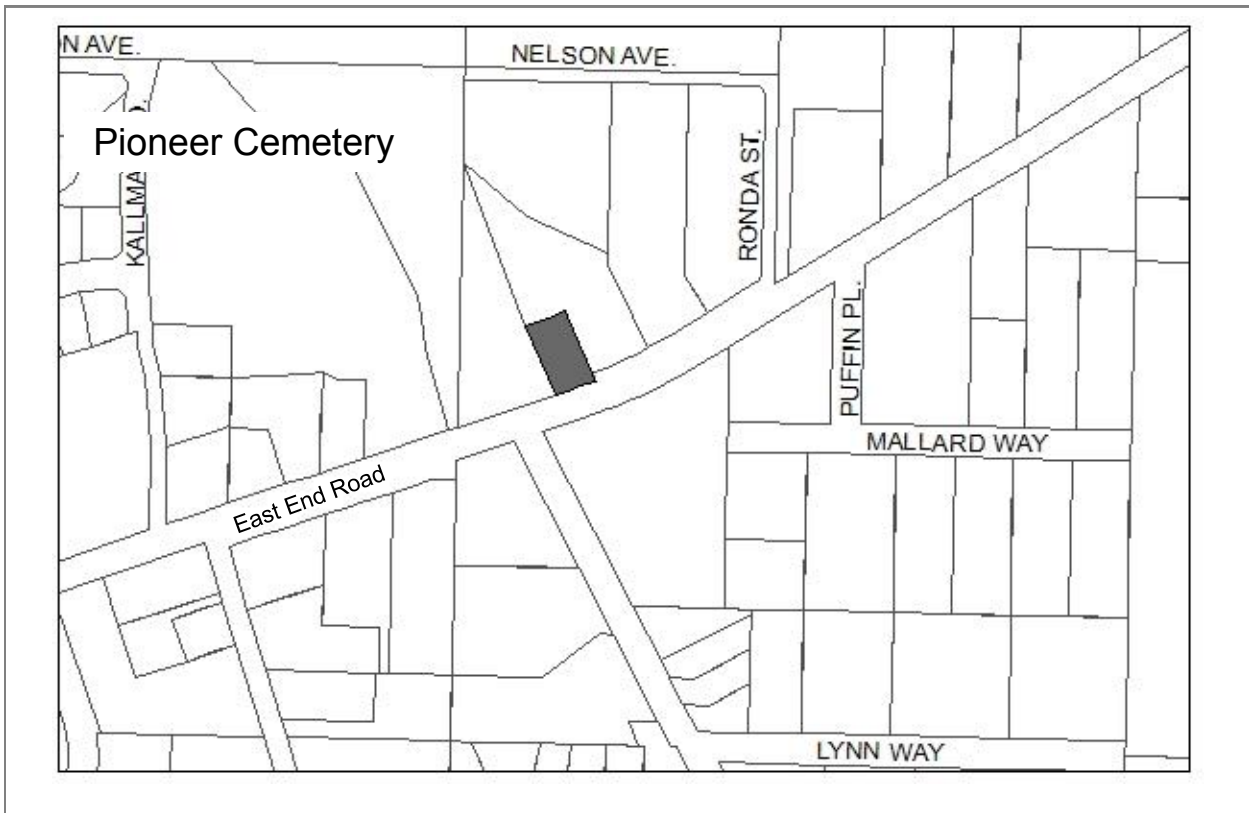
**Legal Description:** Glacier View Subdivision No 1 Replat of Lots 1, 8 & 9, Block 4 Lot 9-A

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> N/A
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**Infrastructure:** Water, paved road, electricity

Public restroom constructed in 2013.

**Finance Dept. Code:**



**Designated Use:** Pioneer Cemetery  
**Acquisition History:** Quitclaim Deed Nelson 4/27/66

<b>Area:</b> 0.28 acres	<b>Parcel Number:</b> 17903007
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**2009 Assessed Value:** \$26,400

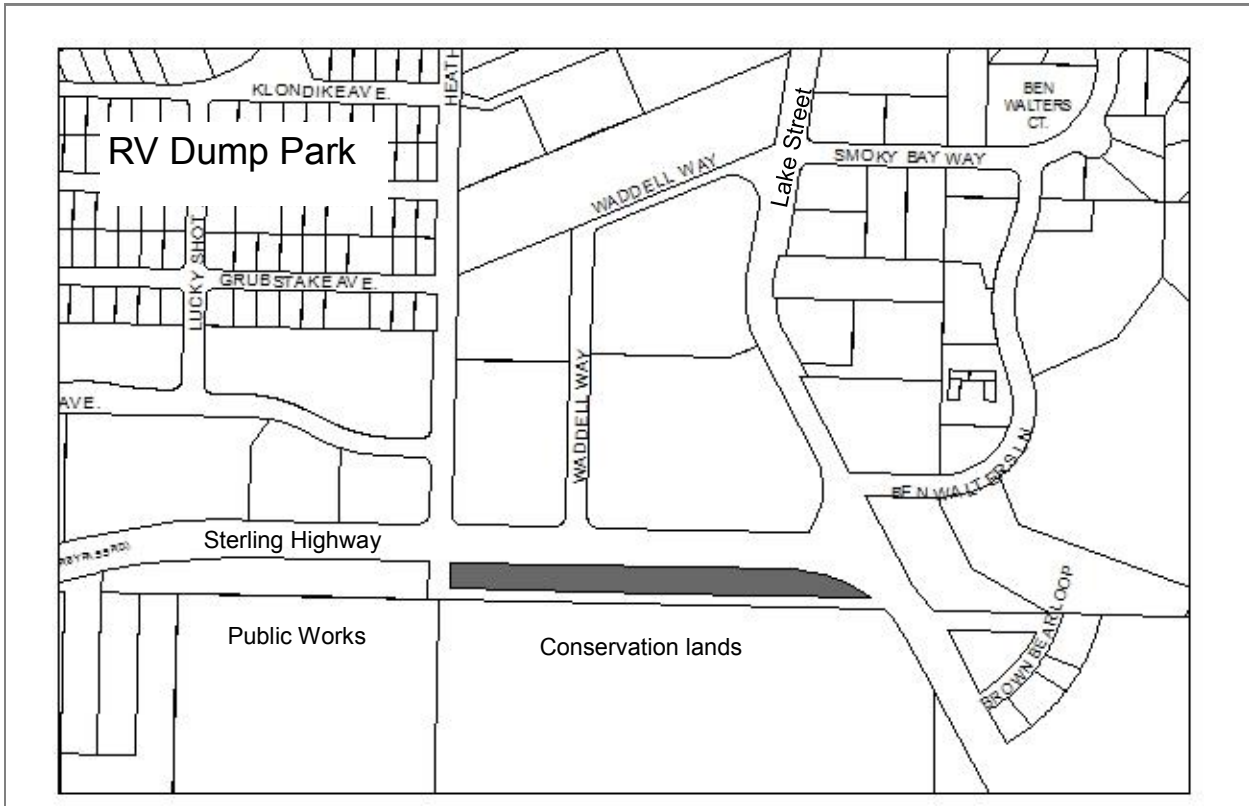
**Legal Description:** James Waddell Survey of Tract 4 Lot 4A

<b>Zoning:</b> Residential Office	<b>Wetlands:</b> N/A
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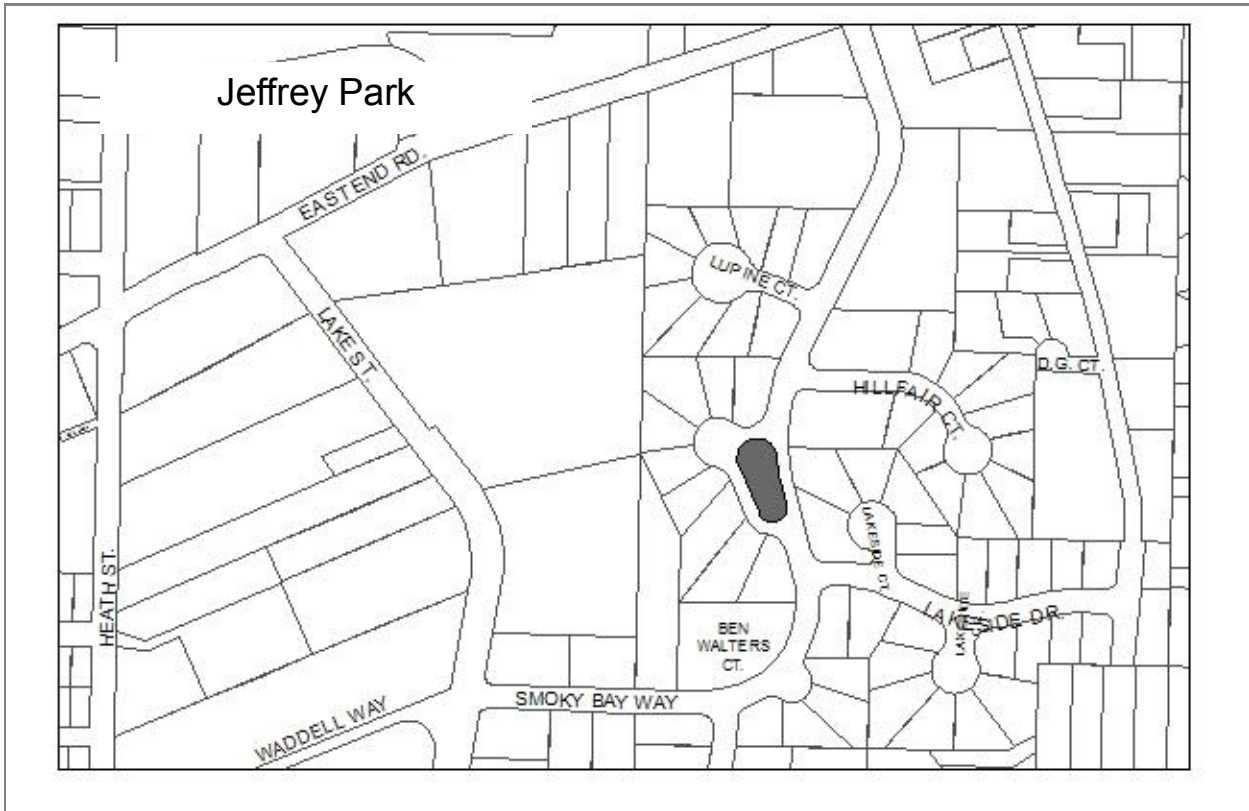
**Infrastructure:** Paved Road

**Finance Dept. Code:**

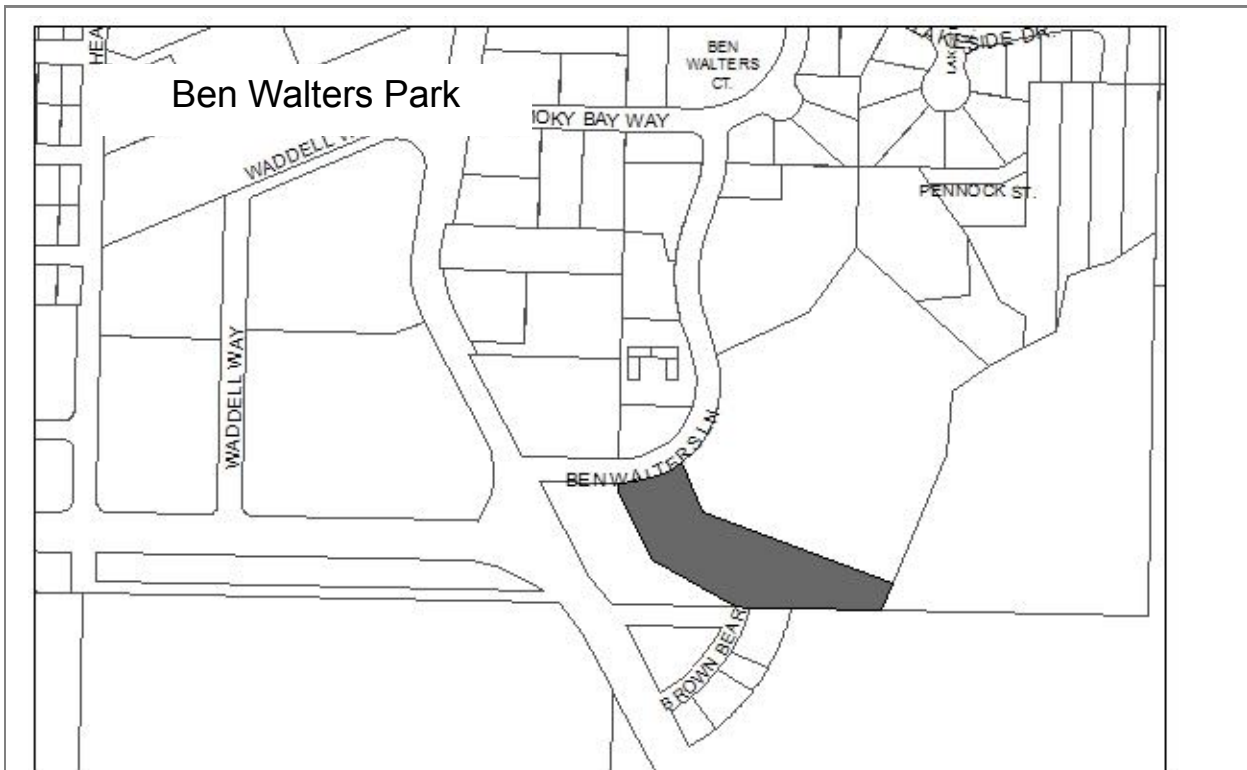




<b>Designated Use:</b> RV Water/Dump station	
<b>Acquisition History:</b> Deed states "Waddell Park Tract"	
<b>Area:</b> 1.73 acres	<b>Parcel Number:</b> 17712014
<b>2015 Assessed Value:</b> \$356,700	
<b>Legal Description:</b> Waddell Subdivision, portion S of Homer Bypass Road	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b>
<b>Infrastructure:</b> Water, Sewer, gravel/paved access	
<b>Notes:</b> Part of Land and Water Conservation Project #02-00263.4, signed January 1983. Land to remain in park status in perpetuity.	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Public Purpose/Greenbelt/Jeffrey Park	
<b>Acquisition History:</b> Ordinance 83-27 (KPB)	
<b>Area:</b> 0.38 acres	<b>Parcel Number:</b> 17730251
<b>2015 Assessed Value:</b> \$51,200	
<b>Legal Description:</b> Lakeside Village Amended Jeffrey Park	
<b>Zoning:</b> Urban Residential	<b>Wetlands:</b>
<b>Infrastructure:</b> Paved Road, water, sewer	
<b>Notes:</b> Neighborhood park. Grass and new swing sets installed in 2005. Fill brought in to the park to raise the ground level and deal with drainage issues in 2007.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Ben Walters Park. Public park or greenbelt per deed.  
**Acquisition History:** Reso 83-22(S) Neal Deed 5/4/83. Donated. Deed amended 6/1/83.

<b>Area:</b> 2.48 acres	<b>Parcel Number:</b> 17712022
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**2009 Assessed Value:** \$493,200 (Land \$493,200, Structure \$44,200)

**Legal Description:** Lakeside Village Park Addition Replat Lot 1A-2

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> 3664 Ben Walters Lane
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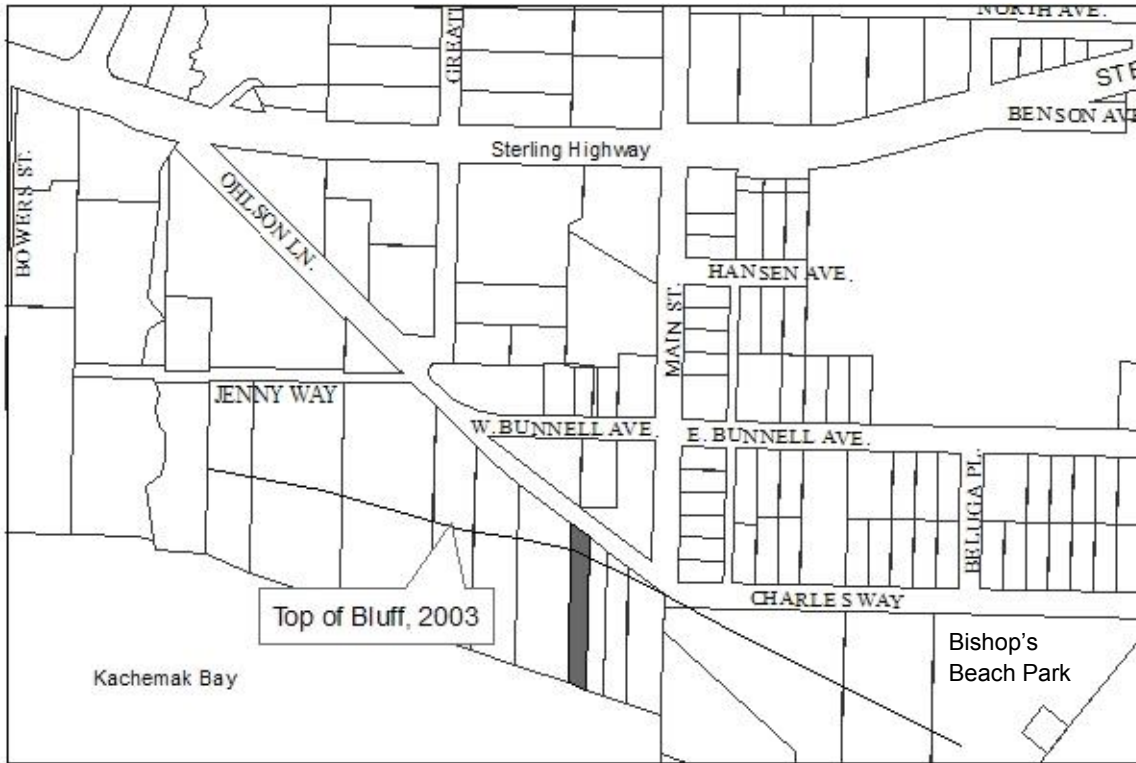
**Infrastructure:** Paved Road, water and sewer. Public restrooms, covered fire pit, lake access and dock.

Notes: In May 1982, a project agreement was executed for a Land and Water Conservation Fund project to develop the park. Project #02-00305. Land to remain park in perpetuity.  
 New swing set installed, 2008. New dock installed in 2009.

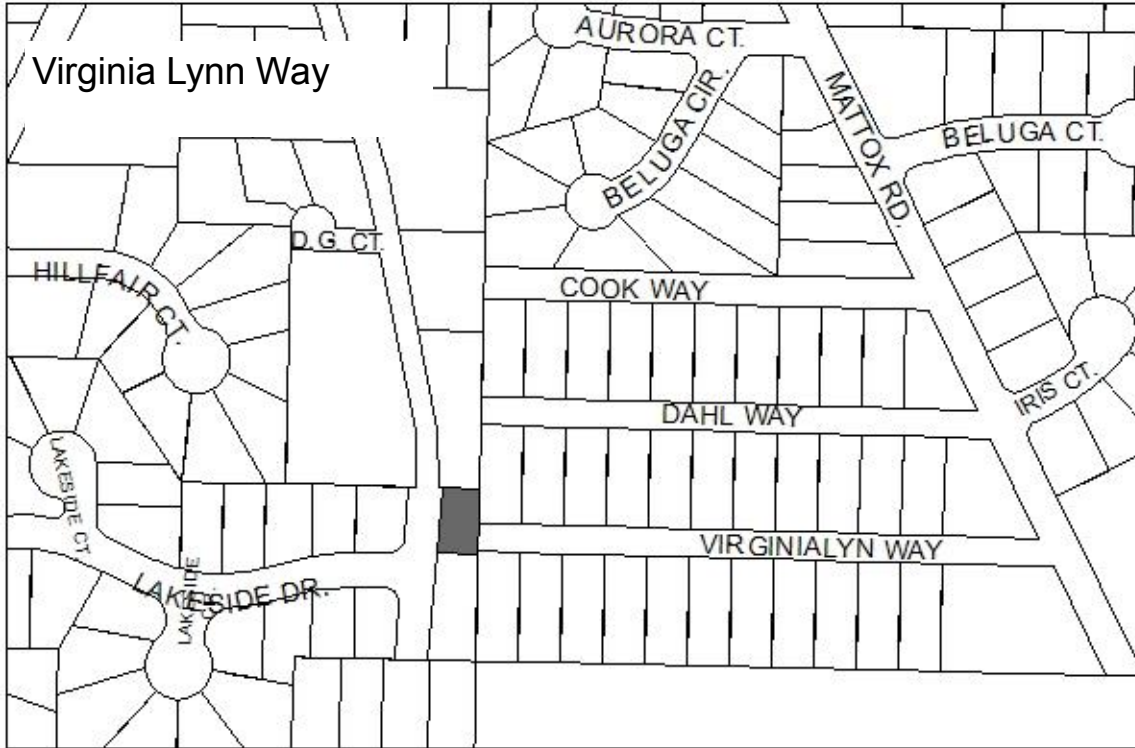
**Finance Dept. Code:**



<b>Designated Use:</b> Bishop's Beach Park	
<b>Acquisition History:</b> McKinley Warrant Deed 1/9/1984	
<b>Area:</b> 3.46 acres	<b>Parcel Number:</b> 17714010
<b>2015 Assessed Value:</b> \$471,700 (Land \$465,300, Structure \$6,400)	
<b>Legal Description:</b> HM T06S R13W S20 PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 DEG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNER 3 TH N 38 DEG 0' E	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Some wetlands (along boardwalk). Flood hazard area.
<b>Infrastructure:</b> Paved road access. No water or sewer. City maintained outhouses.	
<b>Notes:</b>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> City Park	
<b>Acquisition History:</b> Donated by Herrick, Resolution 90-7	
<b>Area:</b> 0.32 acres	<b>Parcel Number:</b> 17520009
<b>2015 Assessed Value:</b> \$16,700	
<b>Legal Description:</b> HM T06S R13W S19 PORTION THEREOF S OF OLSEN LANE	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> None. Bluff property.
<b>Infrastructure:</b> Gravel Road access, no water or sewer	
<b>Notes:</b> Resolution 15-030(A), Designate as park	
<b>Finance Dept. Code:</b> 392.0008	



**Designated Use:** Public use easement for Virginia Lynn Way, public park

**Acquisition History:** Quit Claim Deed from NBA 1/4/83

**Area:** 0.21 acres

**Parcel Number:** 17730239

**2015 Assessed Value:** \$32,100

**Legal Description:** T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED LOT 2 BLK 4

**Zoning:** Urban Residential

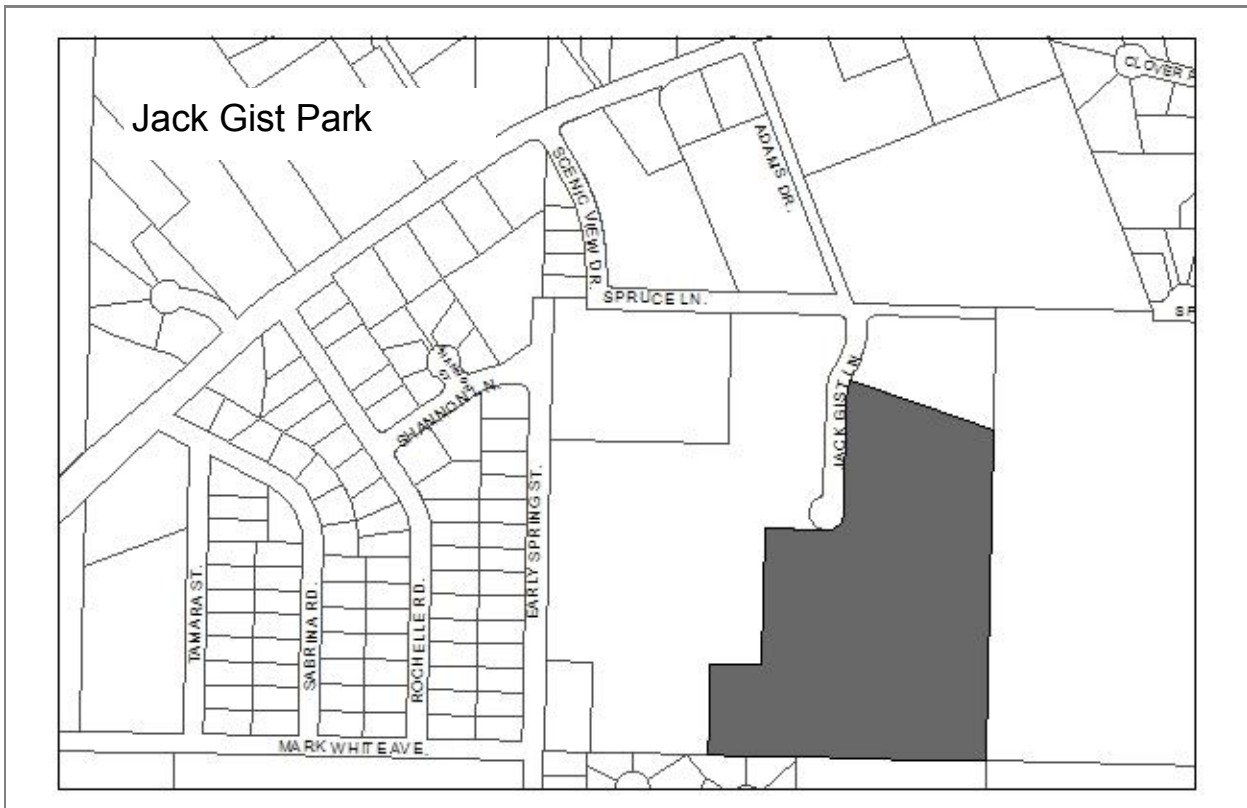
**Wetlands:** possibly on a small portion

**Infrastructure:** Road access

**Notes:** This lot has a public use easement granted by the plat. This lot will likely be needed in the future to connect Virginia Lynn Way, because the adjacent lots are not wetlands and are developable. Access to Mattox Road is not know at this time; the ground drops and becomes very swampy.

Resolution 09-33: Dedicate road access for Virginia Lynn Way, across Lot 2 Block 4 Lakeside Village Subdivision Amended. Hold the remainder of the lot for use as a public neighborhood park. In 2009 the City retained a surveyor to work on this issue. 2010: professional opinion was given that no right of way dedication is required, however, a legal opinion may be sought to determine city liability outside a dedicated right of way, Spruceview Ave is a similar situation: a roadway is constructed across a parcel, not within a right of way.

**Finance Dept. Code:**



**Designated Use:** Jack Gist Ball Park  
**Acquisition History:** Warranty Deed Moss 8/27/98

<b>Area:</b> 14.6 acres	<b>Parcel Number:</b> 17901023
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**2015 Assessed Value:** \$109,200

**Legal Description:** HM0990063 T06S R13W S15 JACK GIST SUB LOT 2

<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> May be present. Site is mostly fill and old dump.
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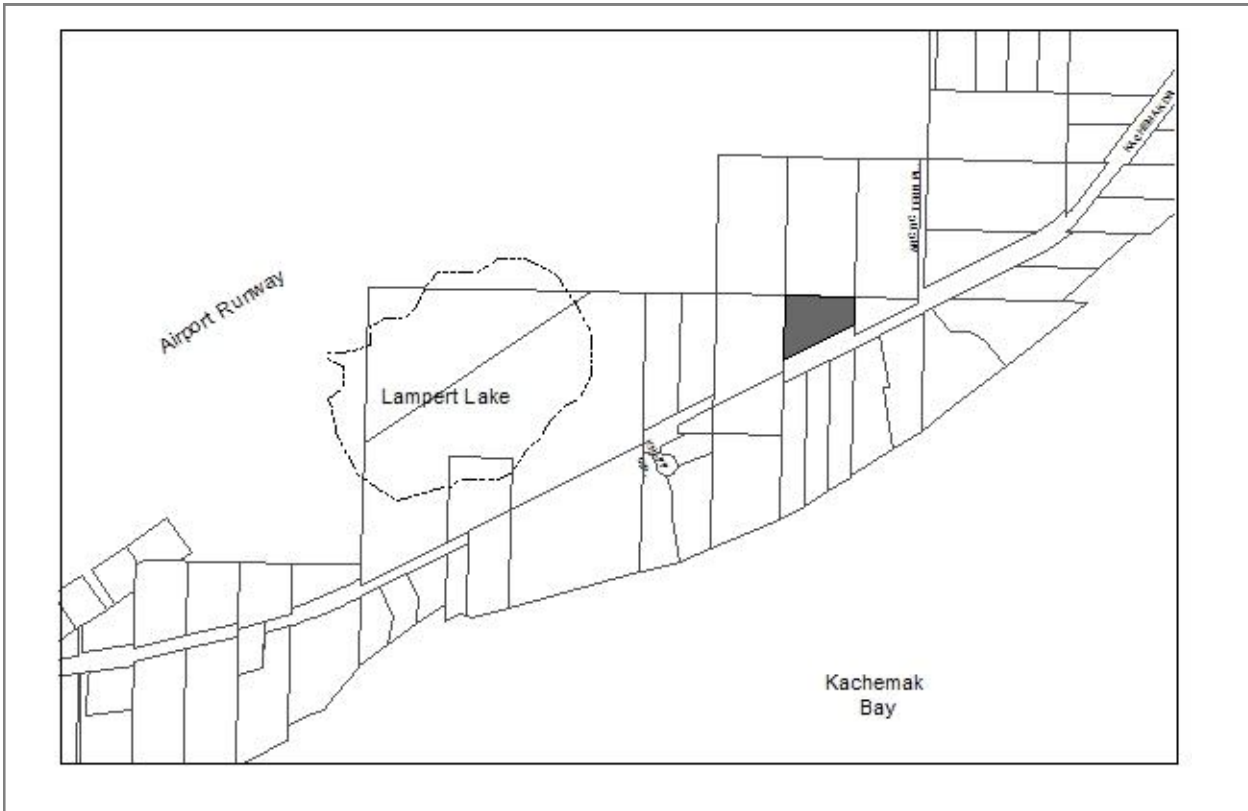
**Infrastructure:** Gravel road access.

**Notes:** Old dump site. Land and Water Conservation Fund Grant Project #02-00369 for construction of 3 ball fields and parking area. Land to remain parkland in perpetuity.

No water or sewer to service the new ball fields. Parking lot constructed in 2006. Major funding needed to construct restrooms. 2009: ord 09-35(A) allocated \$33,000 for improvements to two ballfields.

**Finance Dept. Code:**





<b>Designated Use:</b> Future Kachemak Drive Trail and rest area Resolution 2011-37(A)	
<b>Acquisition History:</b> Ord 96-16(A) (KPB)	
<b>Area:</b> 1.65 acres	<b>Parcel Number:</b> 17936020
<b>2015 Assessed Value:</b> \$31,700	
<b>Legal Description:</b> Scenic Bay Lot 4	
<b>Zoning:</b> General Commercial 2	<b>Wetlands:</b> 100% Wetlands
<b>Infrastructure:</b> Paved Road, city water and sewer	
<b>Notes:</b> Part of Kachemak Drive Phase 3 water and sewer SAD	
<b>Finance Dept. Code:</b>	





**Designated Use:** Resolution 15-030(A): Sell  
**Acquisition History:** No history for Gov't Lot 36. Lot 1: Ordinance 97-06(S) KPB

<b>Area:</b> Gov't Lot 36: 5 acres Harry Feyer Subdivision Lot 1: 0.39 acres	<b>Parcel Number:</b> 17910001, 17911005
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**2015 Assessed Value:** \$38,100 (lot 36), \$30,900 (lot 1)

**Legal Description:** Government Lot 36 HM T06S R13W S14, Harry Feyer Subdivision Lot 1

<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> Lot 36 is wetland. Lot 1 is not.
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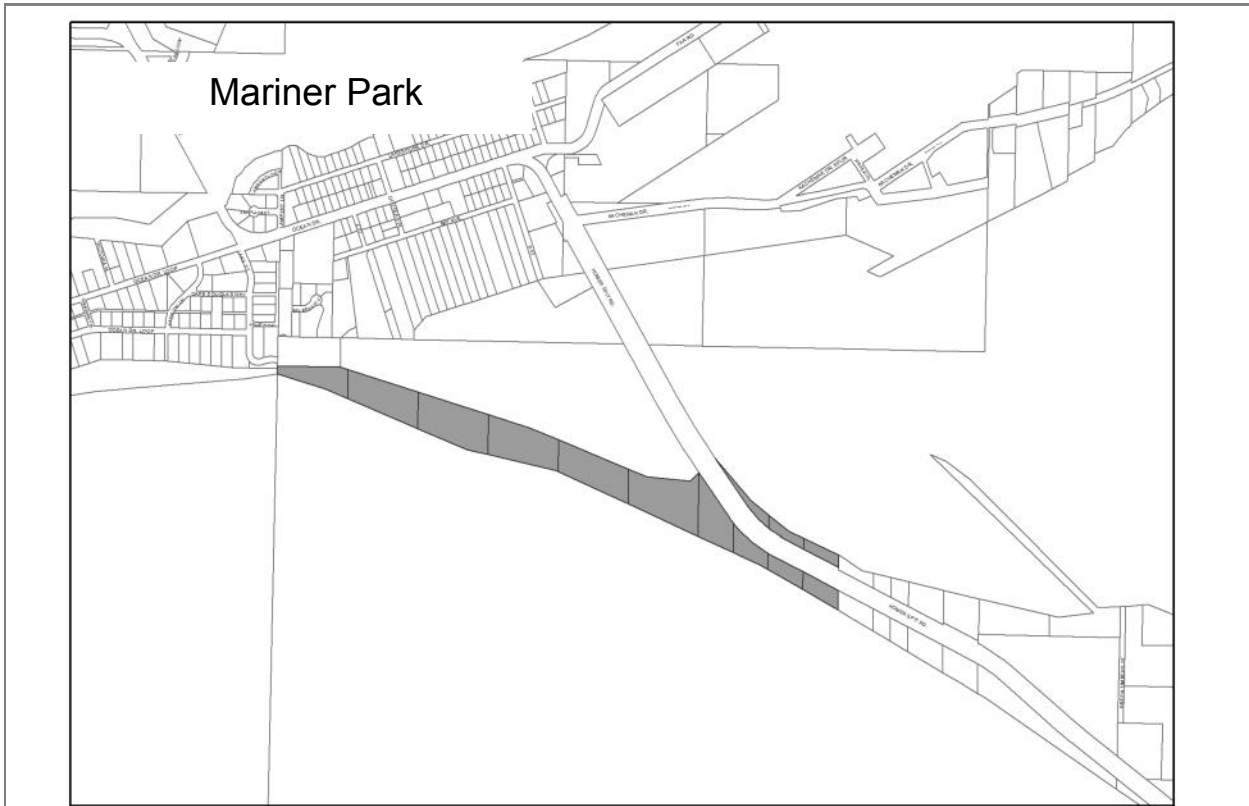
**Infrastructure:** Paved Road access, power.

**Notes:** Access to Gov't lot 36 is by public access easement rather than dedicated Right of Way. Future development of this lot would need to address any access concerns.

Both lots have water and sewer assessments.

Resolution 15-030(A): For sale. During 2016 land sale, there were no bids on Lot 1. Lot 36 had 4 bids, but no sale has been closed. Lot 36 currently listed through the City's real estate agent.

**Finance Dept. Code:**



**Designated Use:** Park  
**Acquisition History:** Lot 10: Simmons purchase, 1983. Other are EVOS purchases or unknown.

<b>Area:</b> 32.32 acres	<b>Parcel Number:</b> 18101002-14
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**2014 Assessed Value:** \$272,100

**Legal Description:** T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOTS 5-8, 10-15

<b>Zoning:</b> Open Space Recreation/Conservation	<b>Wetlands:</b> Tidal
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**Infrastructure:** No infrastructure

**Notes:** Acquisition of Lots 5-8 and 11-15 should be researched to see how they were acquired. Possibly EVOS purchases.

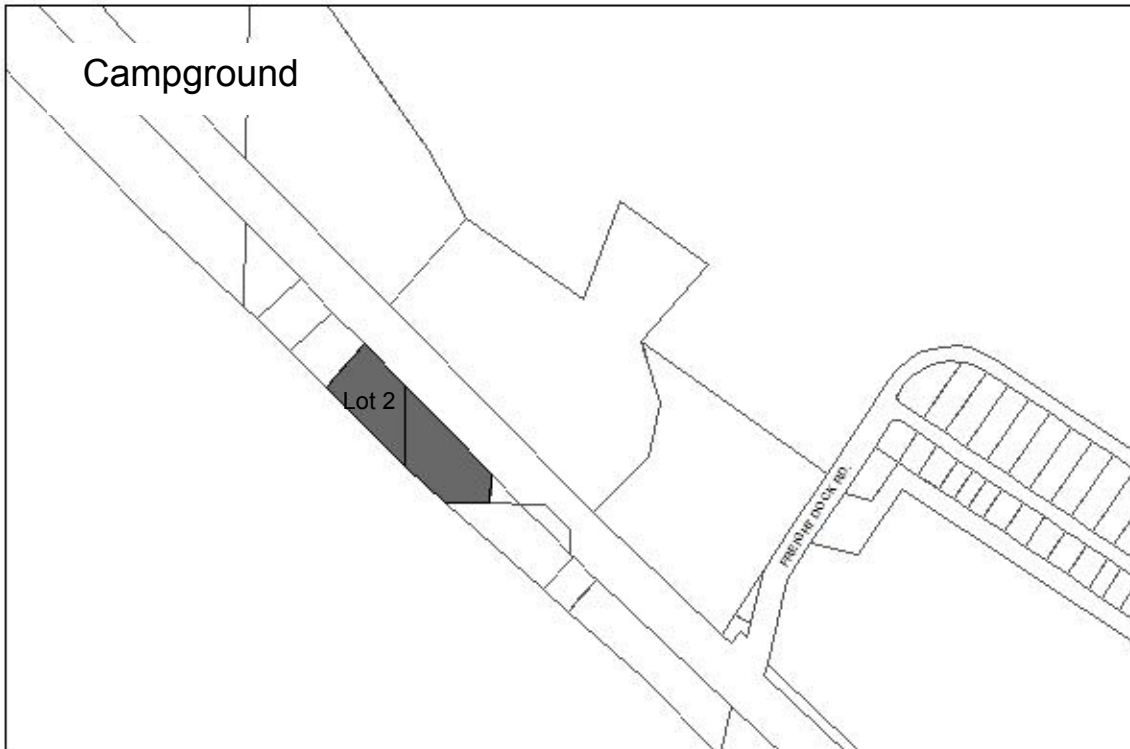
Mariner Park and Mud Bay were nominated by the City as Western Hemisphere Shorebird Reserve Sites in 1994 ("whissern" ). They are recognized as sites of international importance. <http://www.whsrn.org/>

2012 Mariner Park driveway was relocated to the north.

Resolution 15-030(A): designate as park. Minutes of the meeting ask staff to research the deed history to see if there are long term conservations easements. 2016 update: no budget available in 2015.

2016: new campground office located at Mariner Park.

**Finance Dept. Code:**



**Designated Use:** Camping  
**Acquisition History:**

**Area:** 3.92 acres (2.1 and 1.82 acres)

**Parcel Number:** 18103101, 02

**2015 Assessed Value:** \$427,100 (Includes value of the campground office which was removed in 2016)

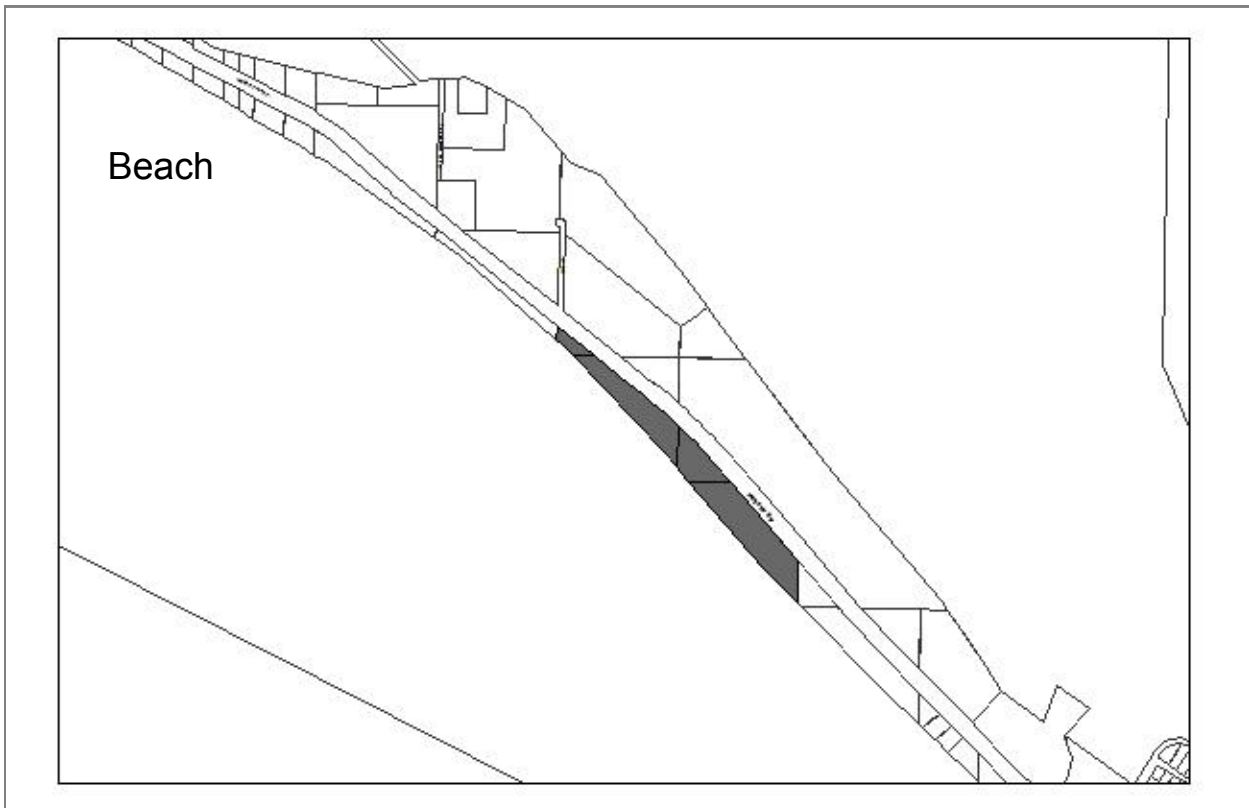
**Legal Description:** Homer Spit Subdivision Amended Lot 2, and that portion of Government Lot 14 lying south of the Homer Spit Road T6S R13W S35

**Zoning:** Open Space Recreation.

**Infrastructure:** Paved road, water and sewer

**Notes:** At most, 1/3 of the land is above the high tide line. The rest is beach or underwater.  
 2016: Campground office sold and removed due to repeated erosion and storm damage.

**Finance Dept. Code:**



**Designated Use:** Public Use/ Open Space Recreation  
**Acquisition History:** Ord 90-26 (KPB). Lot 6: EVOS purchase

<b>Area:</b> 23 acres	<b>Parcel Number:</b> 181030 02, 04, 06 18102011
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**2015 Assessed Value:** \$388,300

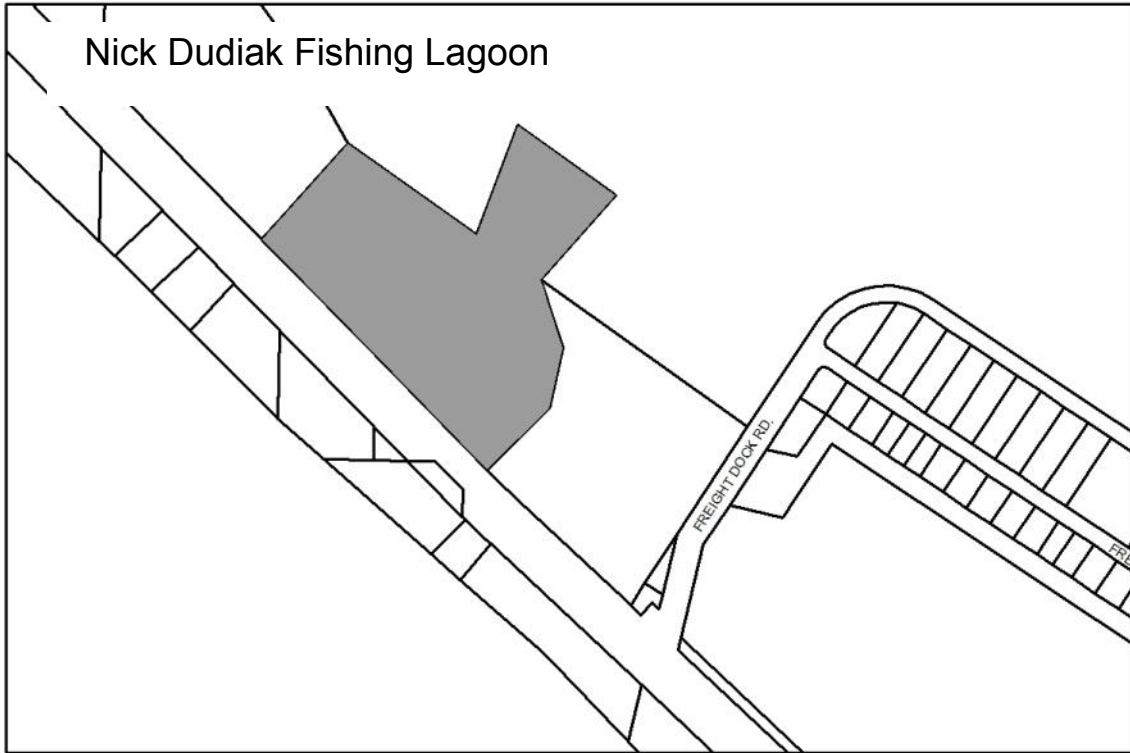
**Legal Description:** T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1,2, Sec 34 Lot 1, lot 6 SW of Sterling Hwy Sec 27

<b>Zoning:</b> Open Space Rec	<b>Wetlands:</b> Tidal
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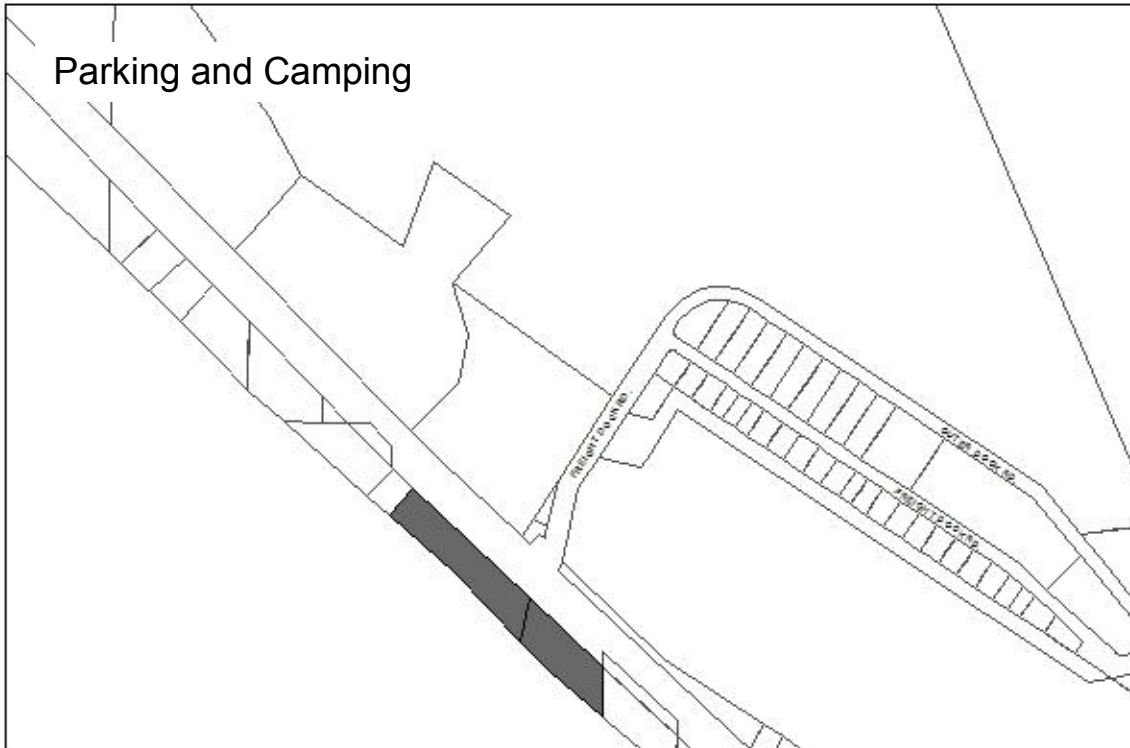
**Infrastructure:** Paved Road access

**Notes:**  
 Acquisition history of lot 6 should be researched.

**Finance Dept. Code:**



<b>Designated Use:</b> Fishing Lagoon	
<b>Acquisition History:</b> Ord 83-26 Purchase from World Seafood	
<b>Area:</b> 17.71 acres	<b>Parcel Number:</b> 18103116
<b>2009 Assessed Value:</b> \$2,144,700	
<b>Legal Description:</b> T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0920039 THE FISHIN HOLE SUB TRACT 2	
<b>Zoning:</b> Open Space Recreation	<b>Wetlands:</b> N/A. Portions in floodplain.
<b>Infrastructure:</b> City Water and Sewer, paved road access. Restroom.	
<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>• Dredged in 2012</li> <li>• 2016 construction of Kachemak Bay Water Trail shelter</li> <li>• 2016 new fish cleaning tables built (ADFG funded)</li> </ul>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Western lot: Camping. East lot, parking  
**Acquisition History:**

**Area:** 5.7 acres

**Parcel Number:** 18103301, 18103108

**2015 Assessed Value:** \$757,500

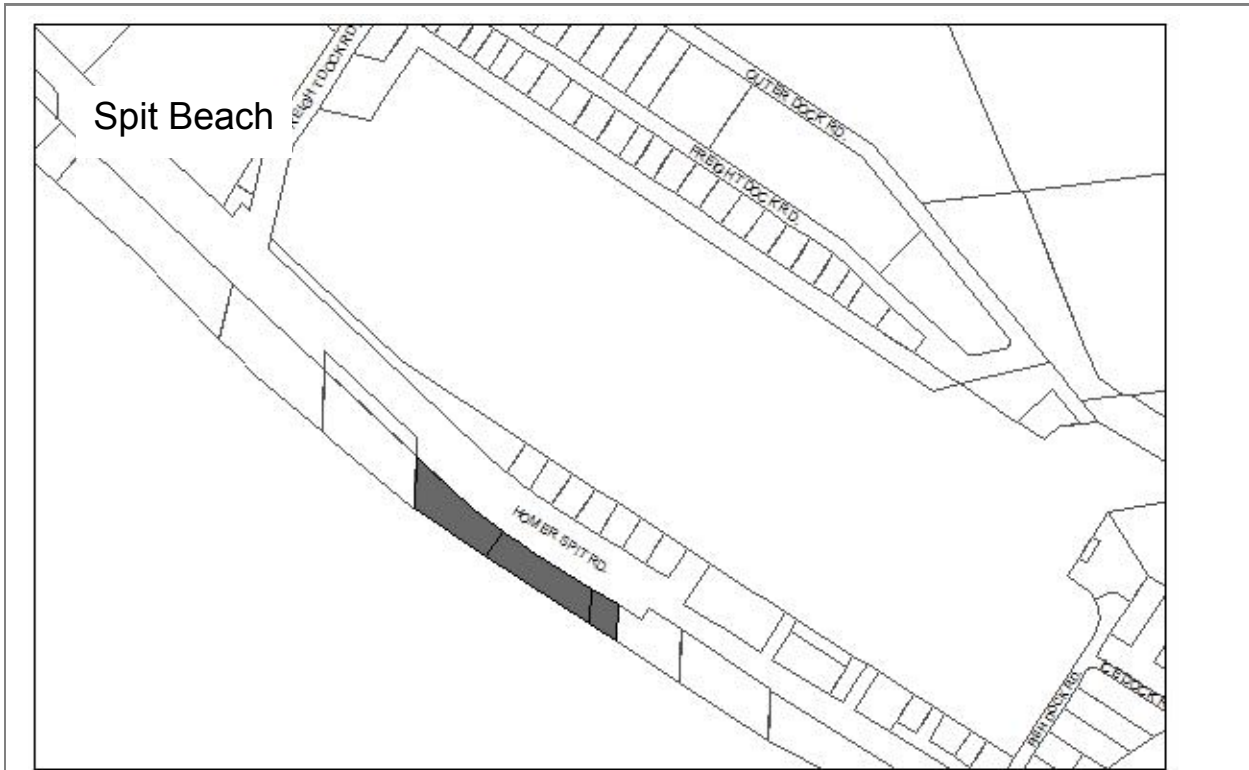
**Legal Description:** Homer Spit Amended Lots 7 and 9

**Zoning:** Open Space Recreation

**Wetlands:** N/A

**Infrastructure:** Paved Road

**Finance Dept. Code:**



**Designated Use:** Open Space Recreation  
**Acquisition History:** Lot 11B: Reso 93-14, 3/24/93 Deed. Acquired through an exchange for lot 18.

**Area:** 2.36 acres

**Parcel Number:** 181033 4, 5, 6

**2015 Assessed Value:** \$400,800

**Legal Description:** Homer Spit Subdivision Amended Lots 11 and 20. Lot 11B of HM 0640816.

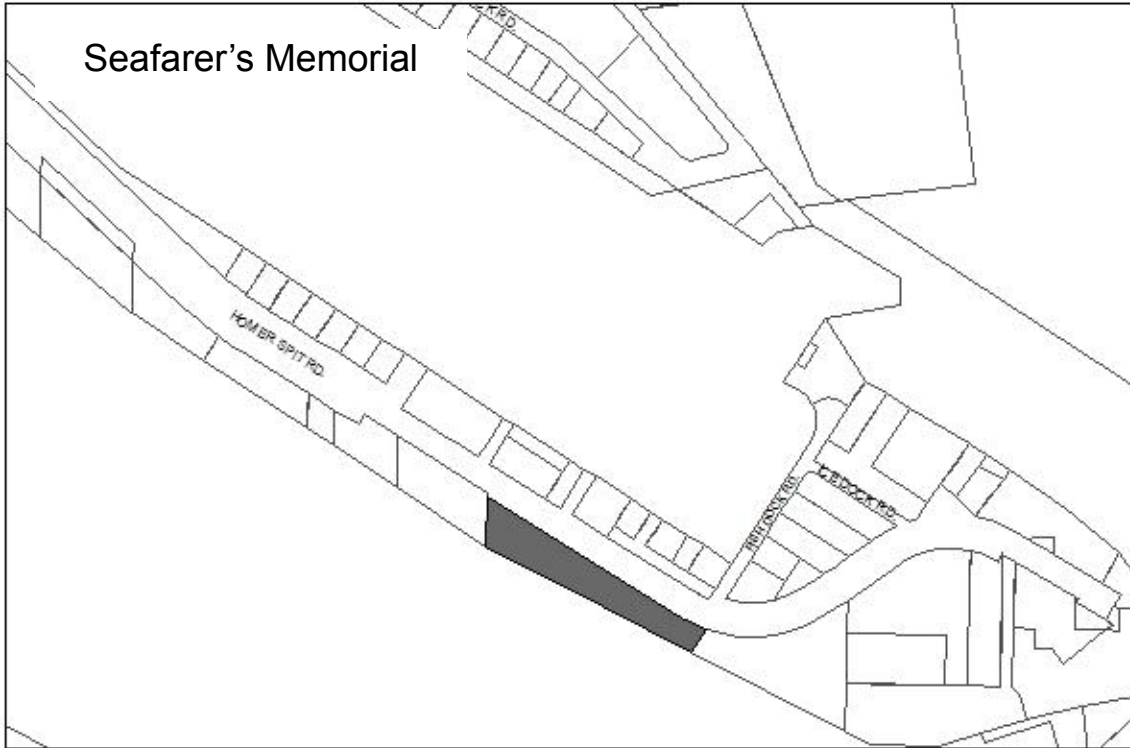
**Zoning:** Open Space Recreation

**Wetlands:** N/A

**Infrastructure:** Paved Road

**Notes:**

**Finance Dept. Code:**



**Designated Use:** Seafarer's Memorial and parking  
**Acquisition History:**

**Area:** 2.52 acres

**Parcel Number:** 18103401

**2009 Assessed Value:** \$316,900

**Legal Description:** Homer Spit Amended Lot 31

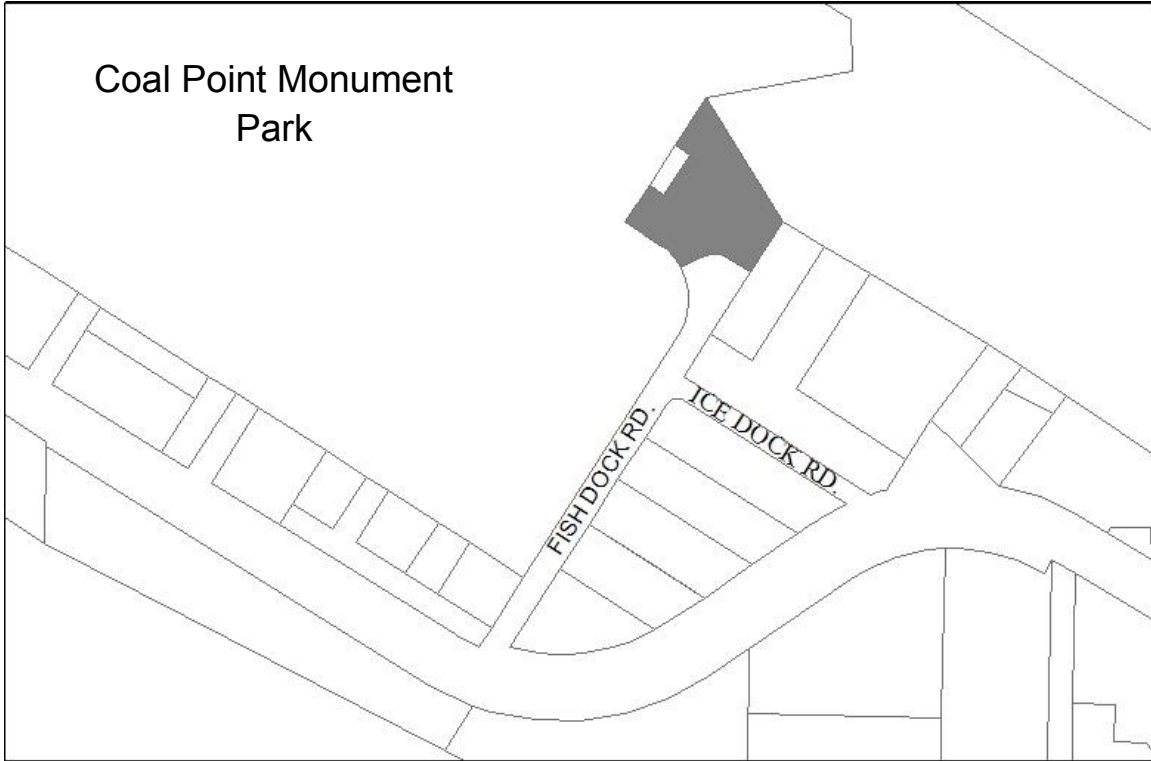
**Zoning:** Open Space Recreation

**Wetlands:** N/A

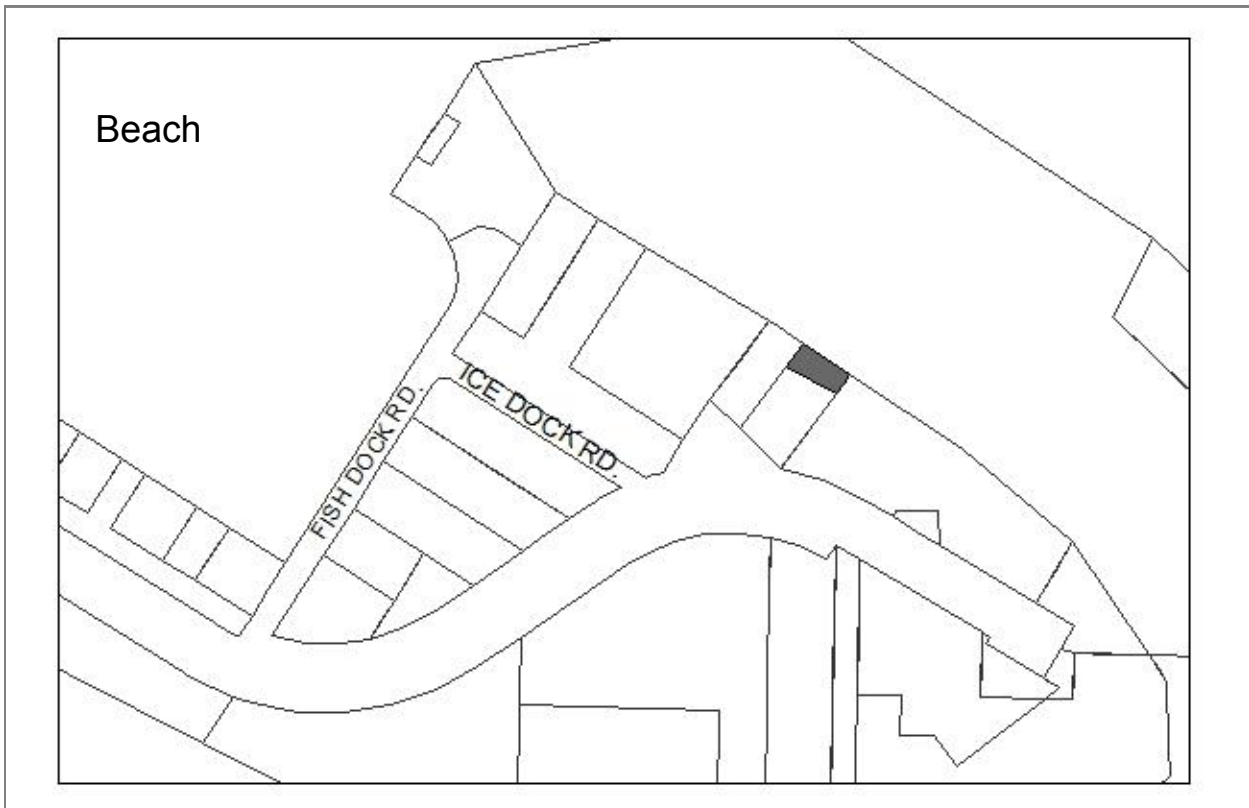
**Infrastructure:** Paved Road

**Finance Dept. Code:**

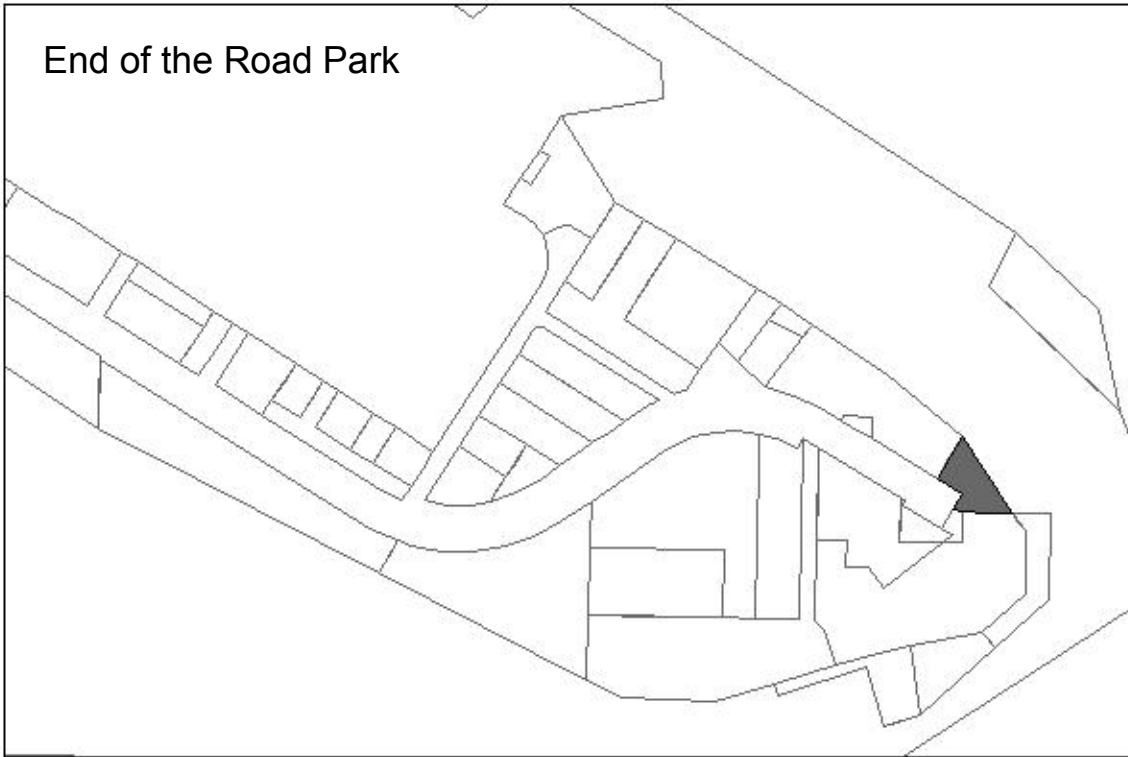




<b>Designated Use:</b> Park	
<b>Acquisition History:</b>	
<b>Area:</b> 1.09 acres	<b>Parcel Number:</b> 18103426
<b>2015 Assessed Value:</b> \$280,000	
<b>Legal Description:</b> LEGAL T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED COAL POINT MONUMENT PARK EXCLUDING THAT PORTION AS PER LEASE AGREEMENT 187 @ 921	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b>
<b>Infrastructure:</b> gravel parking area	
<b>Notes:</b>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Beachfront between Icicle and Main Dock	
<b>Acquisition History:</b>	
<b>Area:</b> 0.11 acres	<b>Parcel Number:</b> 18103446
<b>2015 Assessed Value:</b> \$44,700	
<b>Legal Description:</b> T 7S R 13W SEC 1 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 20 LYING NE OF THE HOMER SPIT RD & BOUNDED ON THE NW BY LOT 43 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE NE BY ATS 612 & BOUNDED ON THE SE BY LOT 45 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A tidal, flood plain
<b>Infrastructure:</b>	
<b>Notes:</b>	
<b>Finance Dept. Code:</b>	

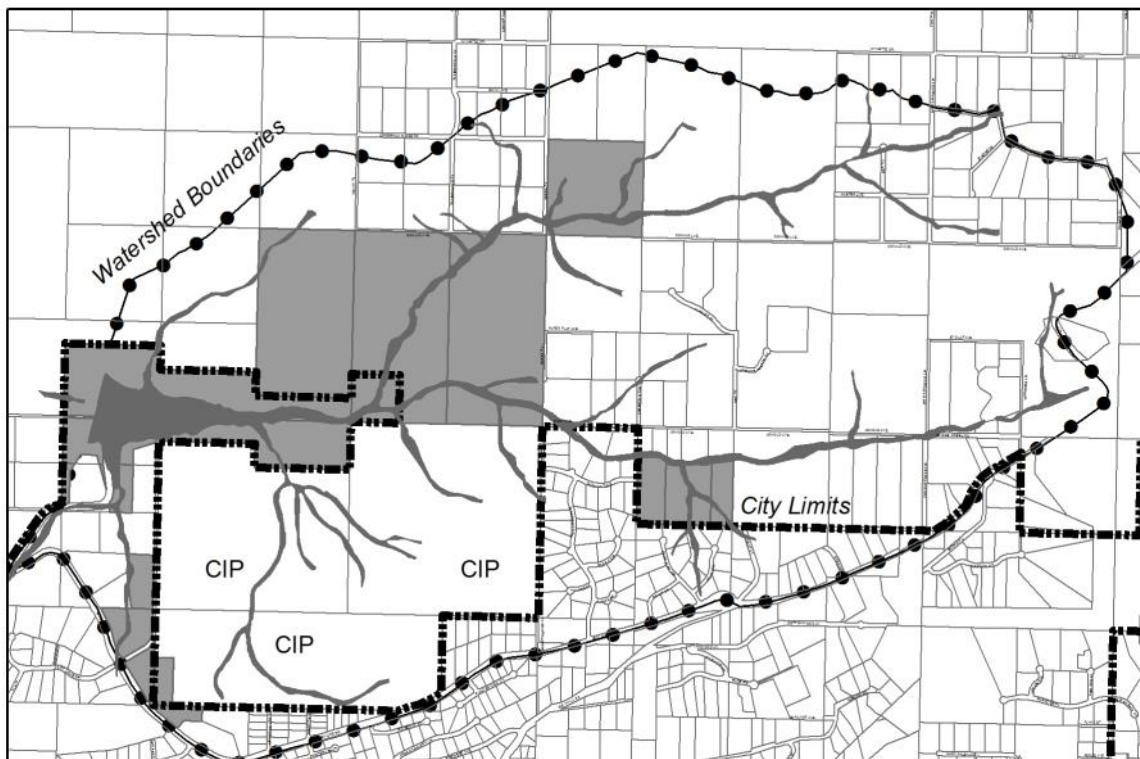


<b>Designated Use:</b> End of the Road Park Resolution 13-032	
<b>Acquisition History:</b>	
<b>Area:</b> 0.43 acres	<b>Parcel Number:</b> 18103448
<b>2015 Assessed Value:</b> \$133,000	
<b>Legal Description:</b> HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b>
<ul style="list-style-type: none"> <li>Restroom construction 2013/14, parking lot paved, and spit trail completed</li> </ul>	
<b>Finance Dept. Code:</b>	

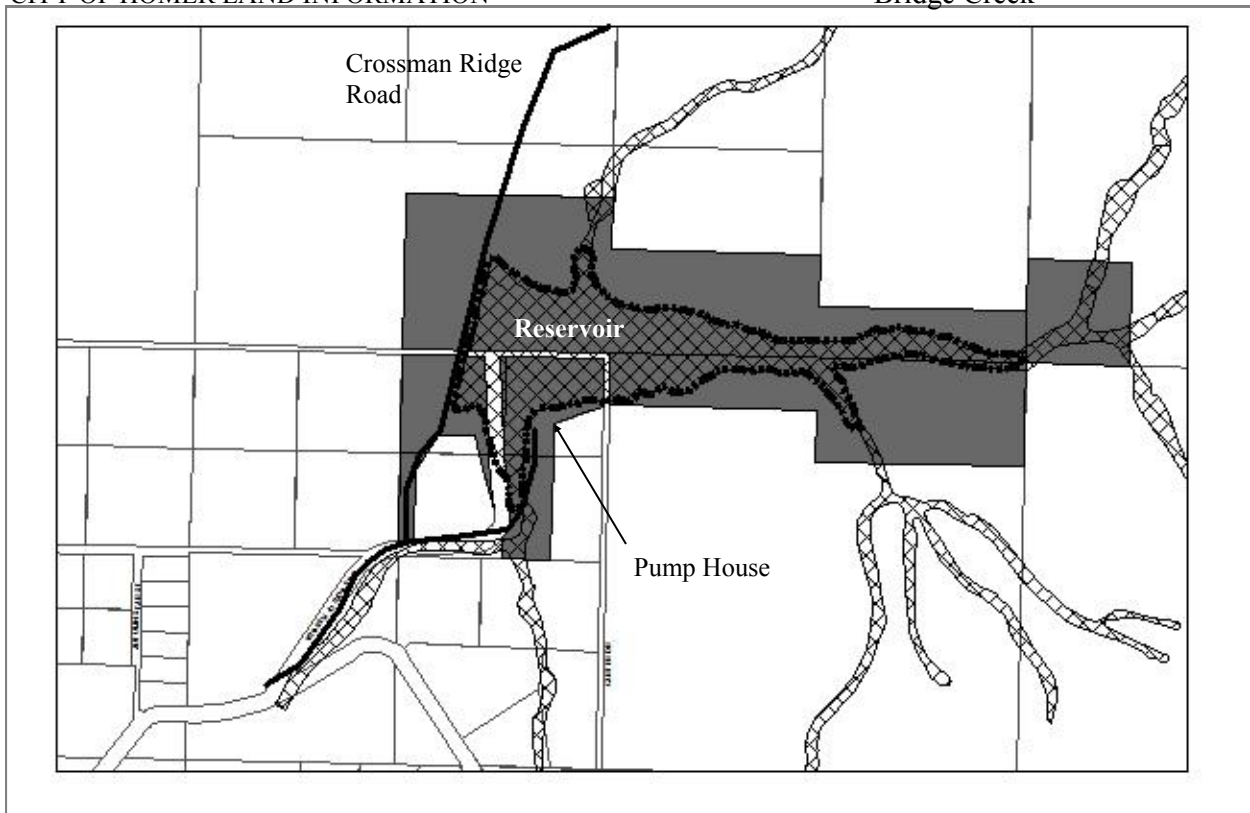
### City Lands within the Bridge Creek Watershed Protection District

These properties lie within the Bridge Creek Watershed Protection District. Not all the lands within the district are in Homer City limits. The city owns 20 lots totaling 435.6 acres with an assessed value in 2016 of \$5,042,300. Lands include conservation purchases from the University of Alaska, Bureau of Indian Affairs, Kenai Peninsula Borough tax foreclosure, private parties, and water system infrastructure such as the reservoir, pump house, and water treatment plant and tanks.

In 2006, the number one CIP funding priority was the water supply, including the water treatment plant, water source and watershed land acquisitions. In particular, the City has requested funding to purchase additional property bordering the reservoir and Bridge Creek for both water treatment expansion and preservation.



Section updated January 26, 2017

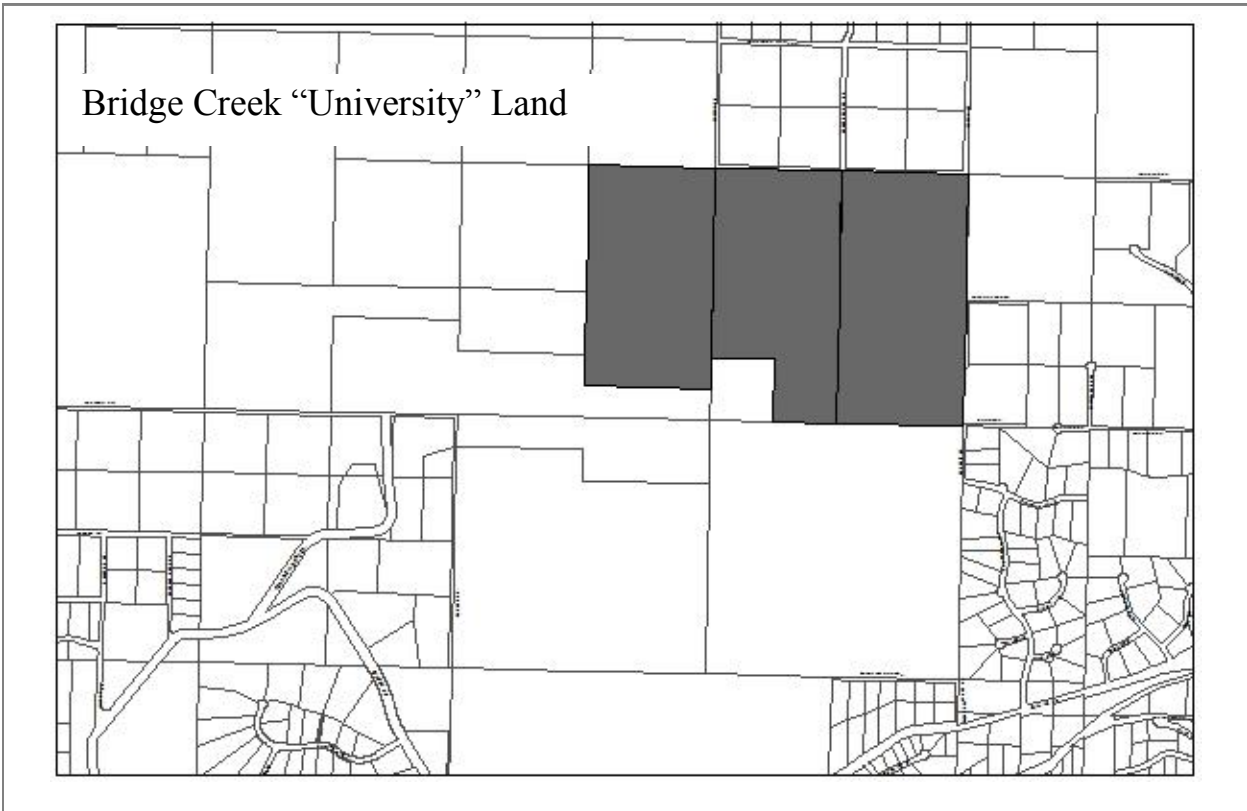


**Designated Use:** Bridge Creek Watershed, Reservoir and pump house  
**Acquisition History:**

**Area:** 120.9 acres      **Zoning:** Conservation      **2015 Assessed Value:** \$323,800

PARCEL	ACREAGE	LEGAL
17307053	0.410	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 THAT PORTION THEREOF LYING EAST OF DIAMOND RIDGE ROAD
17307057	1.470	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307059	0.130	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307062	7.350	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 1 PORTION THEREOF
17307064	6.940	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 PORTION THEREOF
17305301	30.000	T 6S R 13W SEC 8 SEWARD MERIDIAN HM N1/2 N1/2 NW1/4 NW1/4 & N1/2 NE1/4 NW1/4
17305111	60.000	T 6S R 13W SEC 5 T 6S R 13W SEC 6 HM SEWARD MERIDIAN S1/2 S1/2 SE1/4 SW1/4 & S1/2 SW1/4 SW1/4 OF SEC 5 & S1/2 SE1/4 SE1/4 & S1/2 N1/2 SE1/4 SE1/4 OF SEC 6
17305236	10.000	T 6S R 13W SEC 5 SEWARD MERIDIAN HM SW1/4 SW1/4 SE1/4
17307060	4.600	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 14 THE W1/2 THEREOF

**Finance Dept. Code:**



**Designated Use:** Bridge Creek Watershed Property  
**Acquisition History:** Ordinance 2003-7(A). Purchased from UAA.

<b>Area:</b> 220 acres	<b>Parcel Number:</b> 173 052 34, 35, 17305120
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**2015 Assessed Value:** \$184,100

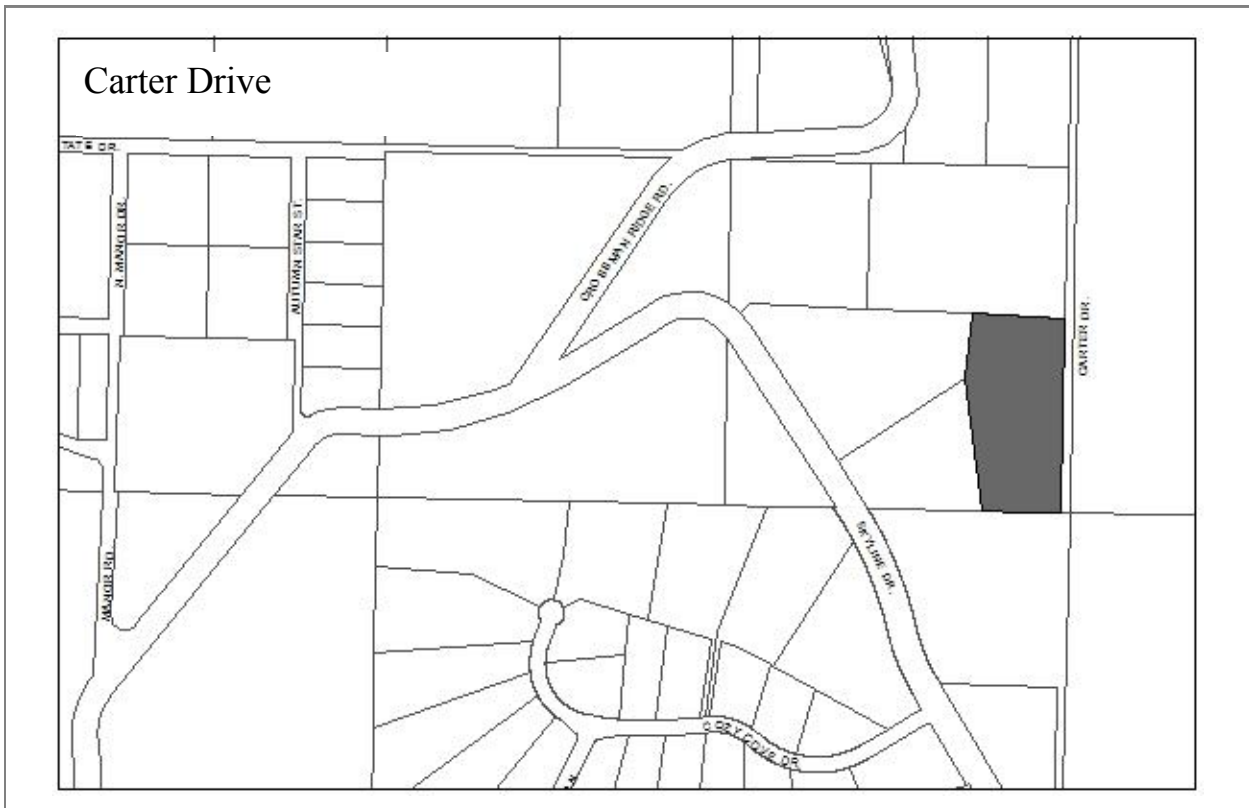
**Legal Description:** The Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) and the East one-half of the Southwest one-Quarter of the Southeast one-quarter (E1/2 SW1/4 SE1/4) and the Northwest one-quarter of the Southwest one-quarter of the Southeast one-quarter (NW1/4 SW1/4 SE1/4) and the Northeast one-quarter of the Southwest one-quarter (NE1/4 SW1/4) and the North one-half of the South one-half of the Southeast one-quarter of the Southwest one-quarter (N1/2 S 1/2 SE1/4 SW1/4) and the East one-half of the Southeast one-quarter (E1/2 SE1/4) of Section 5, Township 6 South, Range 13 West, Seward Meridian, in the Homer Recording District, State of Alaska.

<b>Zoning:</b> Bridge Creek Watershed Protection District. Not within City Limits.	<b>Wetlands:</b> Some wetlands. Bridge Creek flows through the property.
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**Infrastructure:** None. Limited legal and physical access.

**Notes:**  
 Paid \$265,000 for land in 2003.  
 Fire hazard mitigation conducted in 2011.

**Finance Dept. Code:**



**Designated Use:** A public use to protect and enhance the City's Bridge Creek Watershed and thereby protect its water quality.

**Acquisition History:** Emergency Ordinance 2005-40, 2005-45.

**Area:** 5.93 acres

**Parcel Number:** 173070760

**2015 Assessed Value:** \$75,100 (Land \$44,300 Structure \$30,800)

**Legal Description:** HM0840119 T06S R13W S07 Pioneer Valley Subdivision Lot 2

**Zoning:** Rural Residential, Bridge Creek WPD

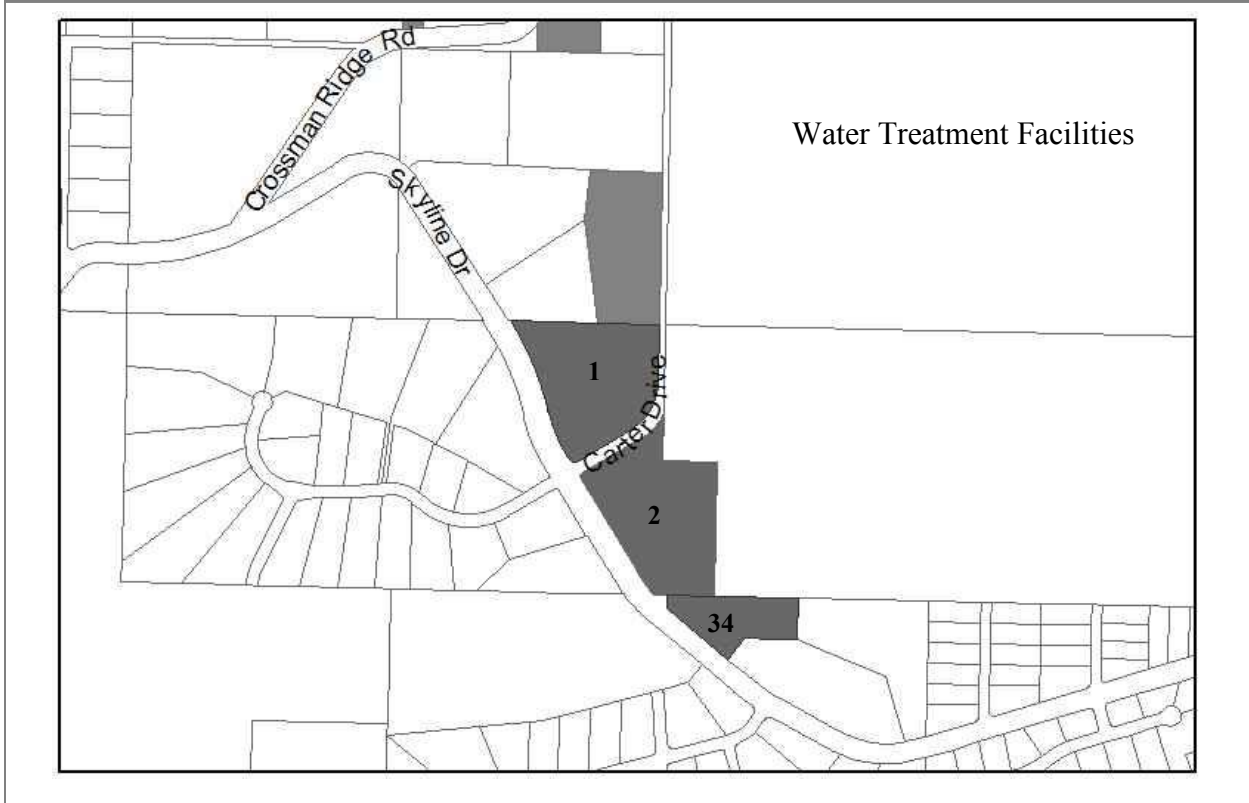
**Wetlands:** Some discharge slope wetland, possibly a creek to the Reservoir.

**Infrastructure:** Driveway access to property.

**Notes:** Property includes a small cabin.

**Finance Dept. Code:**





**Designated Use:** Protecting the watershed and providing alternate access to property north of the City's water treatment plant, Water Tank and building, City Well Reserve Water Tank and building/Public Purpose.

**Acquisition History:** Ordinance 10-21 (Lot 1) Lot 34 Purchased 1/97 Tulin

**Area:** Lot 1: 7.83 acres  
 Lot 2: 8.34 acres  
 Lot 34: 3 acres

**Parcel Number:** 17307094, 95, 96, 17308034

**2015 Assessed Value:** Lot 1: land \$45,600 Lot 2: Land \$79,500, improvements \$3,343,300  
 Lot 34: land \$42,300, Improvements \$677,500,

**Legal Description:** Hillstrand's Homestead Lots 1, 2, Tulin Terrace Upper Terrace Lot 34

**Zoning:** Rural Residential, Bridge Creek WPD

**Wetlands:** Some discharge slope wetland, possibly a creek to the Reservoir.

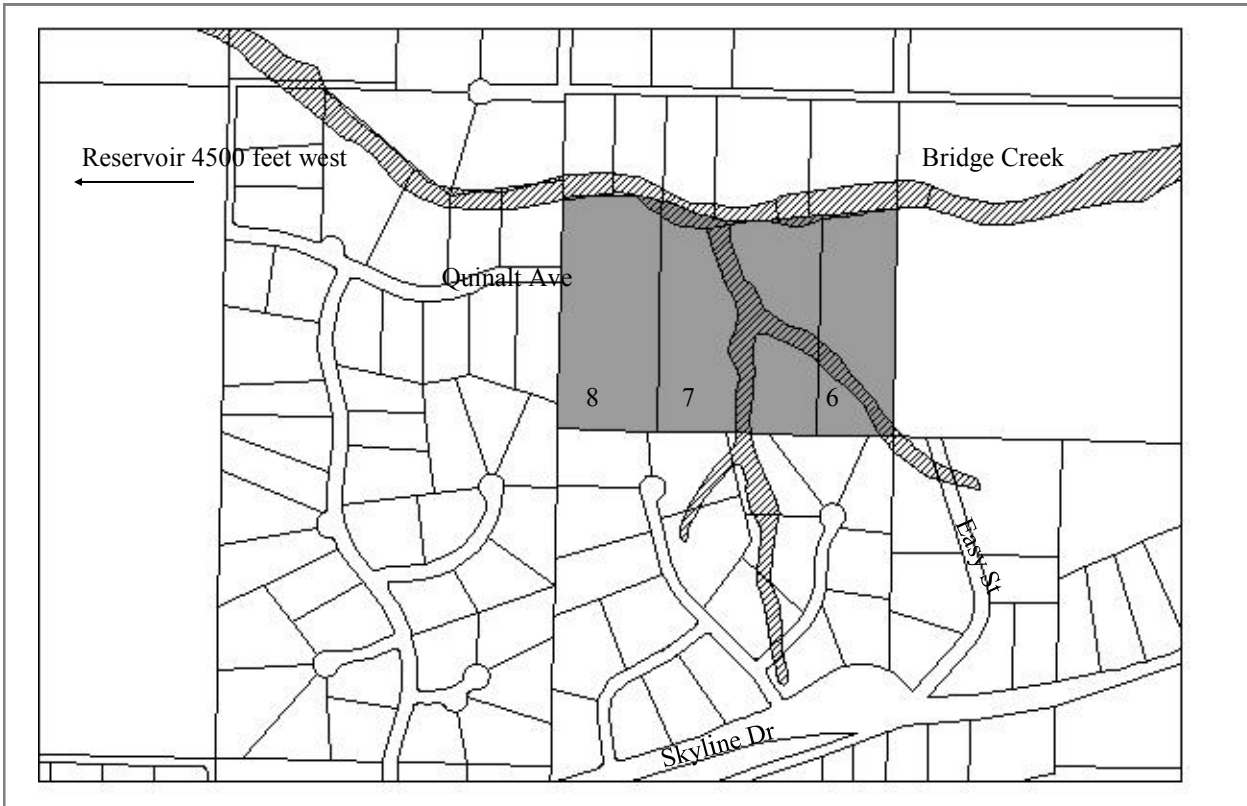
**Infrastructure:** Paved road, electricity

**Notes:**

Bulk of Lot 1 purchased in 2010, Ord 10-21, \$90,000. 184 Skyline Dr  
 Former water treatment plant site. A fire station/equipment storage was constructed in 2014.  
 Eastern half of lot 2, acquired through eminent domain. Location of the water treatment plant.  
 Lot 34 is the site of a 1 million gallon water tank.

**Finance Dept. Code:**





**Designated Use:** Watershed Protection Purposes  
**Acquisition History:** Ordinance 2009-08(A)

**Area:** Lot 6: 6.91 acres, Lot 7: 13.38 acres  
 Lot 8: 8.89 acres Total: 28.81 acres

**Parcel Numbers:** 1736600 6, 7, 8

**2015 Assessed Value:** \$185,700 (all lots)

**Legal Description:** Lots 6,7 and 8, Roehl Parcels Record of Survey Amended

**Zoning:** Not in city limits.

**Wetlands:** about half the land is wetland. Bridge Creek is the northern boundary of these lots.

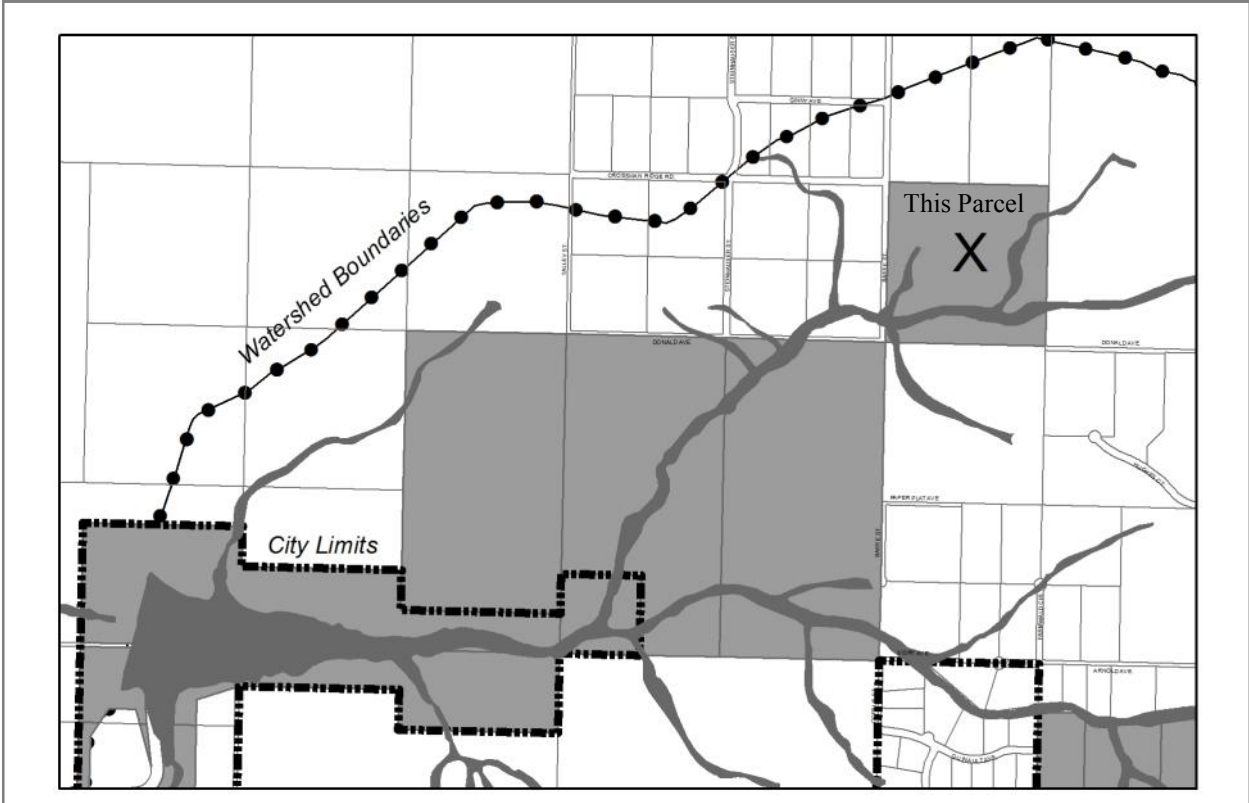
**Infrastructure:** Gravel access on Easy Street and Quinalt Ave. There is a gravel road with some sort of easement over lots 6 and 7.

**Notes:**

Lots purchased 2/25/09  
 Lot 6, \$58,735, recorded document 2009-000612-0  
 Lot 7, \$113,730, recorded document 2009-000613-0  
 Lot 8, \$75,565, recorded document 2009-000611-0  
 Total Cost: \$248,030

The northern lot line of these lots is bridge creek, and meanders as the creek meanders.

**Finance Dept. Code:**



**Designated Use:** Public Purpose, Watershed Protection Purposes (Reso 16-043 Ord 16-19)  
**Acquisition History:** Tax foreclosure from KPB, Ordinance 15-15,

**Area:** 40 acres

**Parcel Numbers:** 17305219

**2015 Assessed Value:** \$47,200

**Legal Description:** T 6S R 13W SEC 4 SEWARD MERIDIAN HM SW1/4 NW1/4

**Zoning:** Not in city limits, part of the Bridge Creek WPD.

**Wetlands:** about half the land is wetland. Bridge Creek is the northern boundary of these lots.

**Infrastructure:** Gravel access on Easy Street and Quinalt Ave. There is a gravel road with some sort of easement over lots 6 and 7.

**Notes:**

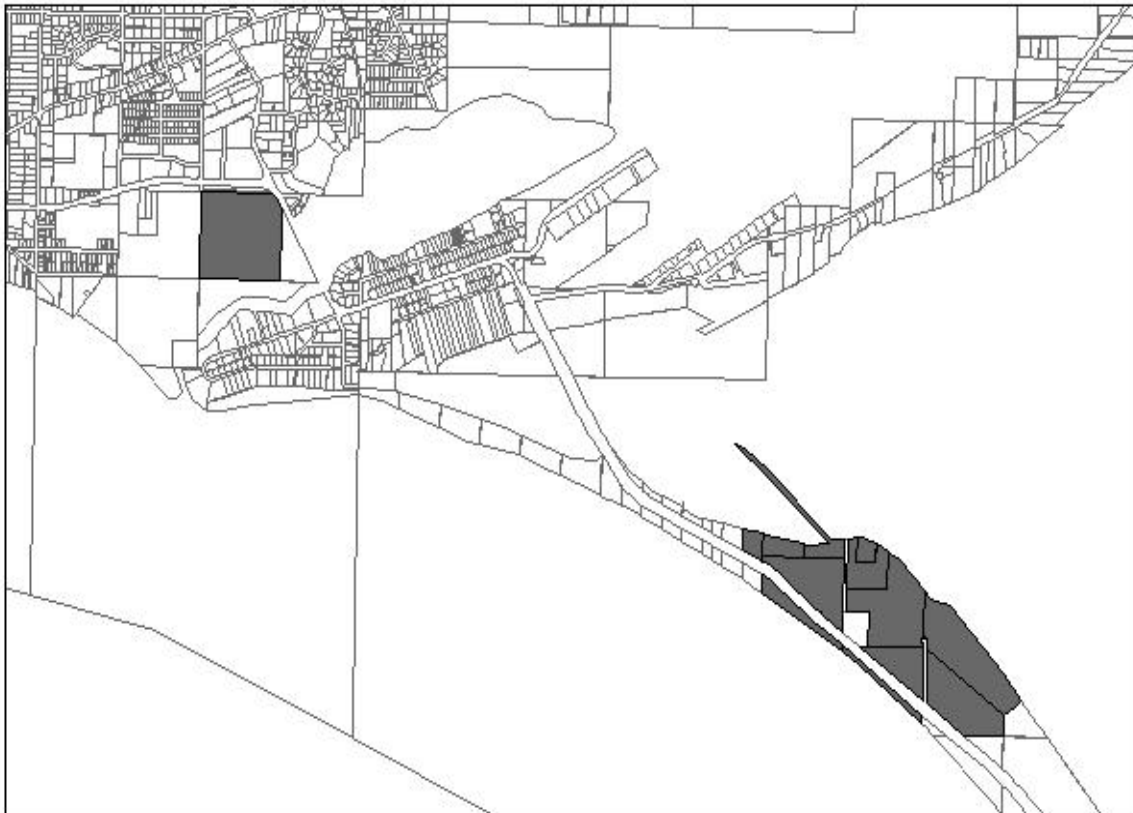
Purchase cost: \$2,805.21 in 2015.  
 Legal and physical access to this property is difficult. Bridge Creek flows through a ravine along the bottom third of the lot, and the property is generally steep.

**Finance Dept. Code:**

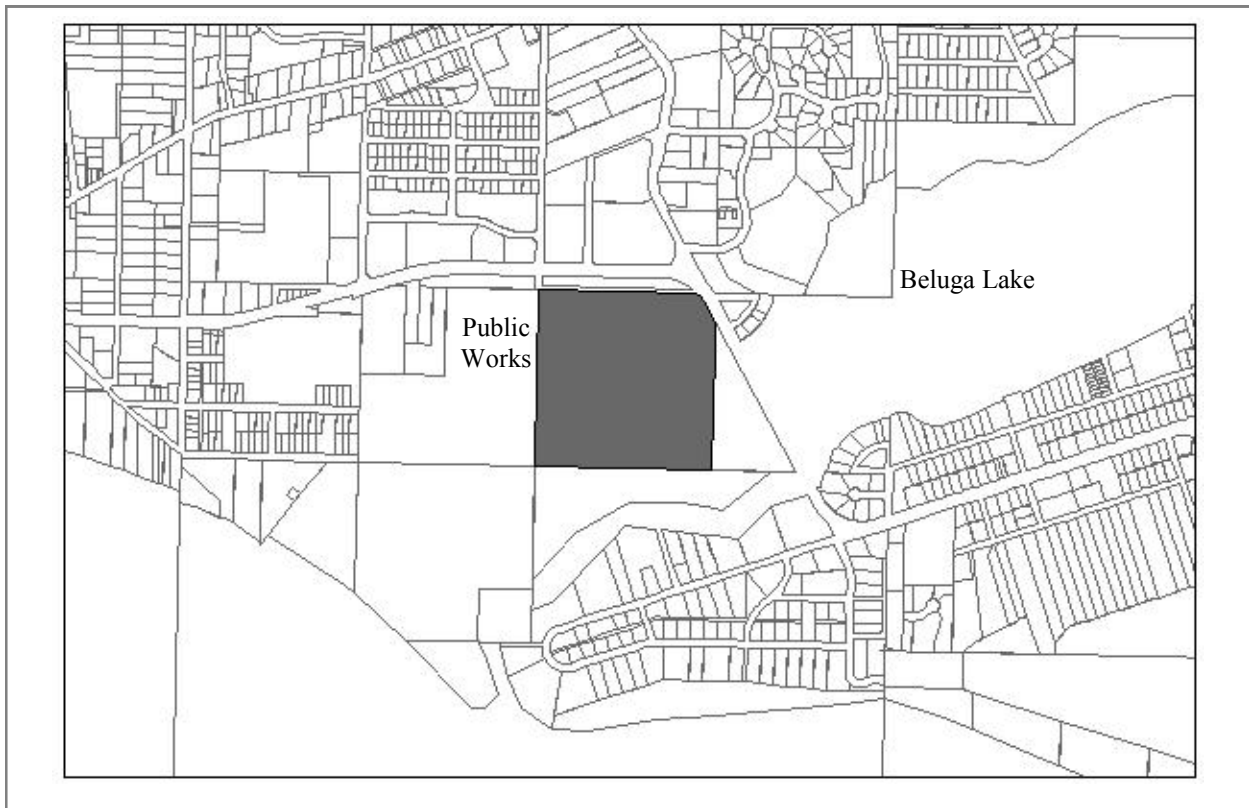
## Homer Conservation Easement Lands

Existing conservation lands in Homer were mainly acquired through Exxon Valdez Oil Spill funding. Generally there are very strict easements on these lands as they were purchased to protect habitat, particularly shorebird habitat in sensitive areas. A portion of Louie's Lagoon has a conservation easement held by the Kachemak Heritage Land Trust.

Total acreage: 169.72 acres.



This section updated 1/26/2017



**Designated Use:**  
**Acquisition History:** EVOS purchase and conservation easement.

<b>Area:</b> 39.24 acres	<b>Parcel Number:</b> 17714006
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**2015 Assessed Value:** \$6,300

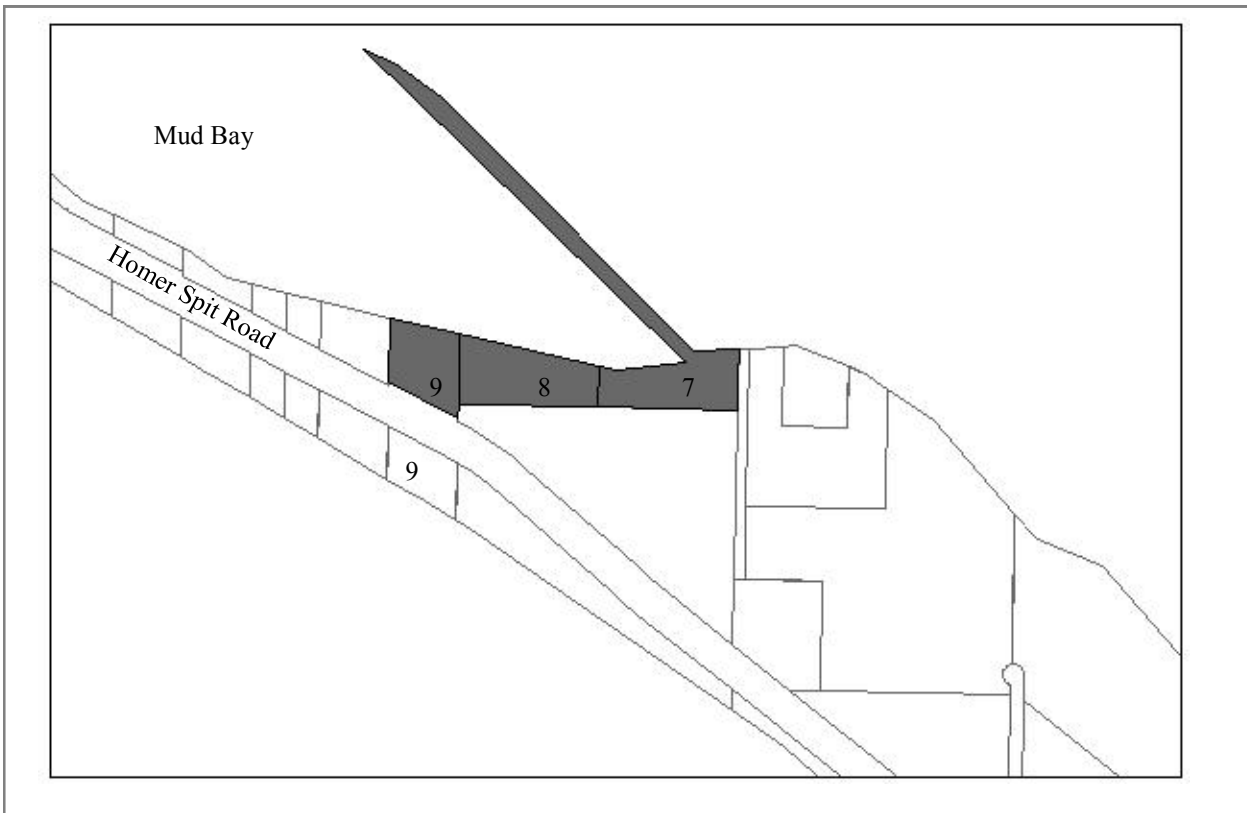
**Legal Description:** HM T06S R13W S20 NW1/4 SE1/4 EXC HOMER BY PASS RD

<b>Zoning:</b> Conservation	<b>Wetlands:</b> Beluga Slough Estuary
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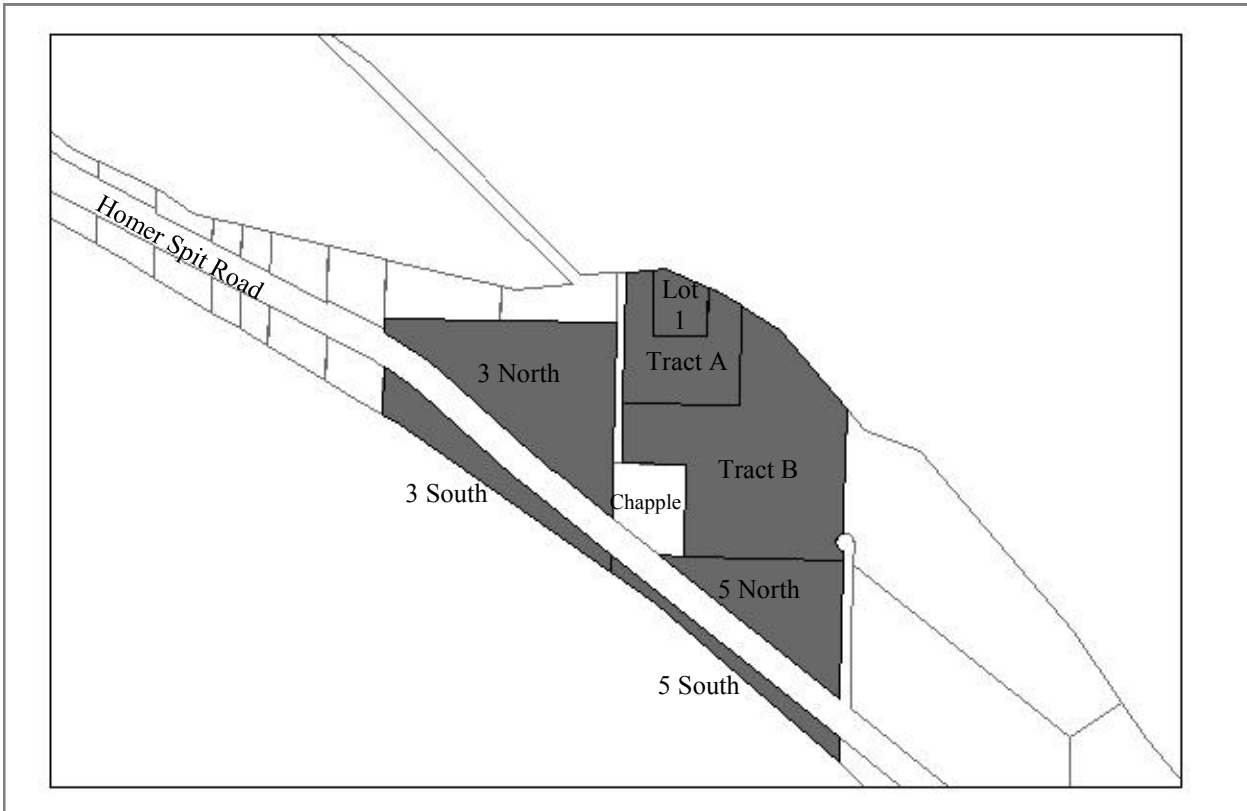
**Notes:**

- Conservation Easement document recorded in Book 0275, Page 243, Homer Recording District, 4/21/98.
- Parcel is within a FEMA-mapped floodplain.
- Resolution 15-064 supported the inclusion of this land in the Western Hemisphere Shorebird Reserve Network

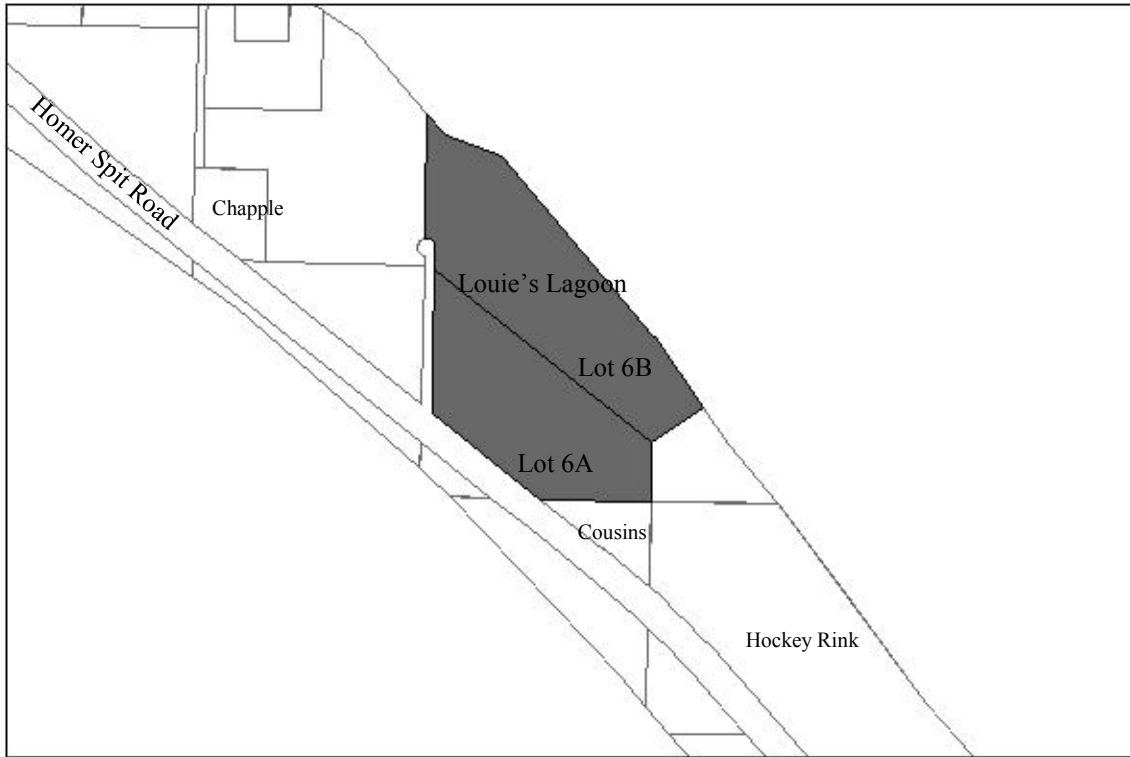
**Finance Dept. Code:** 392.0013



<b>Designated Use:</b>	
<b>Acquisition History:</b> EVOS purchase and conservation easement. Resolution 97-72 and 104.	
<b>Area:</b> Lot 7: 7.1 acres Lot 8: 3.94 acres Lot 9: 3.00 acres Lot 9 S of Road: 2.16 acres (no EVOS Conservation Easement)	<b>Parcel Number:</b> 181020 02, 01, 18101023, 24
<b>2015 Assessed Value:</b> Lot 7: \$2,700 Lot 8: \$2,000 Lot 9: \$37,300 Lot 9S: \$1,500	
<b>Legal Description:</b> HM T06S R13W S27 GOVT LOT 7 (east) and 8 (west) HM T06S R13W S28 THAT PORTION OF GOVT LOT 9 LYING NORTH OF HOMER SPIT RD	
<b>Zoning:</b> Conservation—lots 7 and 8 Open Space Recreation—Lot 9	<b>Environment:</b> State Critical Habitat Area below 17.4 ft . mean high tide line.
<b>Notes:</b> <ul style="list-style-type: none"> <li>• Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98.</li> <li>• Parcels are within a FEMA-mapped flood hazard area.</li> </ul>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b>	
<b>Acquisition History:</b> EVOS purchase and conservation easement.	
<b>Area:</b> Total: 70.97 acres	<b>Parcel Number:</b> 18102 03, 04, 05, 06, 09, 10,14
<b>2015 Assessed Value:</b> Total: \$257,300	
<b>Legal Description:</b> T 6S R 13W SEC 27 SEWARD MERIDIAN HM:	
<ul style="list-style-type: none"> <li>• 0630660 WALTER DUFOUR SUB LOT 1, 0630060 WALTER DUFOUR SUB TRACT A</li> <li>• THAT PORTION OF GOVT LOT 3 LYING NORTH OF HOMER SPIT RD</li> <li>• THAT PORTION OF GOVT LOT 3 LYING SOUTH OF HOMER SPIT RD</li> <li>• THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD</li> <li>• PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY</li> <li>• 0770055 WALTER DUFOUR SUB TRACT B TRACT B</li> </ul>	
<b>Zoning:</b> Conservation South side of lot 5 is zoned Marine Industrial, but development is restricted by the conservation easement.	<b>Environment:</b> State Critical Habitat Area below 17.4 ft. mean high tide line.
<b>Notes:</b>	
<ul style="list-style-type: none"> <li>• Conservation easement recorded in Book 0275, Page 222, Homer Recording District ,4/21/98.</li> <li>• Deeded to the City on same date, Book 0275, Page 236, HRD.</li> <li>• Parcels are within a FEMA-mapped flood hazard area.</li> </ul>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b>	
<b>Acquisition History:</b> EVOS purchase and conservation easement.	
<b>Area:</b> Total: 45.47 acres	<b>Parcel Number:</b> 181-020 - 18, 19
<b>2015 Assessed Value:</b> Total: \$67,000	
<b>Legal Description:</b> HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-A HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-B	
<b>Zoning:</b> Conservation	<b>Environment:</b> State Critical Habitat Area below 17.4 ft. mean high tide line.
<b>Notes:</b>	
<ul style="list-style-type: none"> <li>• Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98. This easement covers former Lot 6. See plat 2001-008.</li> <li>• Conservation easement with Kachemak Heritage Land Trust on Lot 6B. Executed 10/4/02, document 2004-004843-0 HRD.</li> <li>• Parcels are within a FEMA-mapped flood hazard area.</li> </ul>	
<b>Finance Dept. Code:</b>	

## City Lands

PARCEL ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
17302201		33.00	T 6S R 14W SEC 9 SEWARD MERIDIAN HM SE1/4 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4	E-2
17303229		240.00	T 6S R 14W SEC 10 SEWARD MERIDIAN HM SE1/4 & S1/2 SW1/4	E-2
17305111		60.00	T 6S R 13W SEC 5 & 6 SEWARD MERIDIAN HM S1/2 S1/2 SE1/4 SW1/4 & S1/2 SW1/4 SW1/4 OF SEC 5 & S1/2 SE1/4 SE1/4 & S1/2 N1/2 SE1/4 SE1/4 OF SEC 6	F-2
17305120		70.00	T 6S R 13W SEC 5 SEWARD MERIDIAN HM NE1/4 SW1/4 & N1/2 SE1/4 SW1/4 & N1/2 S1/2 SE1/4 SW1/4	F-3
17305219		40.00	T 6S R 13W SEC 4 SEWARD MERIDIAN HM SW1/4 NW1/4	F-7
17305234		80.00	T 6S R 13W SEC 5 SEWARD MERIDIAN HM E1/2 SE1/4	F-3
17305235		70.00	T 6S R 13W SEC 5 SEWARD MERIDIAN HM NW1/4 SE1/4 & E1/2 SW1/4 SE1/4 & NW1/4 SW1/4 SE1/4	F-3
17305236		10.00	T 6S R 13W SEC 5 SEWARD MERIDIAN HM SW1/4 SW1/4 SE1/4	F-2
17305301		30.00	T 6S R 13W SEC 8 SEWARD MERIDIAN HM N1/2 N1/2 NW1/4 NW1/4 & N1/2 NE1/4 NW1/4	F-2
17307053		0.41	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 THAT PORTION THEREOF LYING EAST OF DIAMOND RIDGE ROAD	F-2
17307057		1.47	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF	F-2
17307059		0.13	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF	F-2
17307060		4.60	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 14 THE W1/2 THEREOF	F-2
17307062	160 CROSSMAN RIDGE RD	7.35	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 1 PORTION THEREOF	F-2
17307064		6.94	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 PORTION THEREOF	F-2
17307076	5601 CARTER DR	5.93	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0840119 PIONEER VALLEY SUB LOT 2	F-4
17307094	184 SKYLINE DR	7.83	Hillstrands Homestead Lot 1	F-5
17307095	188 SKYLINE DR	8.34	Hillstrands Homestead Lot 2	F-5
17308034	192 SKYLINE DR	3.00	T 6S R 13W SEC 8 SEWARD MERIDIAN HM 0960051 TULIN TERRACE SUB UPPER TERRACE LOT 34	F-5



## City Lands

PARCEL_ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
17316067	4540 ROGERS LOOP	2.00	T 06S R 14W SEC 15 SEWARD MERIDIAN HM 2011022 BISHOP SURVEY J G EVANS ADDN LOT 1 S PRTN IN HOMER CITY LIMITS	E-3
17321011		3.34	T 6S R 14W SEC 3 SEWARD MERIDIAN HM 0631146 TICE ACRES SUB HICKERSON MEMORIAL CEMETERY	E-3
17321013	40722 STACEY ST	1.68	T 6S R 14W SEC 3 SEWARD SW HM 2006017 TICE ACRES REPLAT NO 1 LOT 11-A	E-3
17321014	40746 STACEY ST	0.94	T 6S R 14W SEC 3 SEWARD SW HM 2006017 TICE ACRES REPLAT NO 1 LOT 11-B	E-3
17321015	41170 BELNAP DR	0.95	T 6S R 14W SEC 3 SEWARD SW HM 2006017 TICE ACRES REPLAT NO 1 LOT 11-C	E-3
17366006		6.95	T 6S R 13W SEC 9 SEWARD MERIDIAN HM PTN NE1/4 NW1/4 STARTING @ 1/4 CORNER SECS 4 & 9; TH S 1320 FT TO CN1/16 CORNER; TH W 1320 FT TO NW1/16 CORNER; TH E 1020 FT TO POB; TH N 995 FT TO THREAD OF BRIDGE CREEK; TH E ON THREAD OF BRIDGE CREEK TO N-S CEN	F-6
17366007		13.55	T 6S R 13W SEC 9 SEWARD MERIDIAN HM PTN NE1/4 NW1/4 STARTING @ 1/4 CORNER SECS 4 & 9; TH S 1320 FT TO CN1/16 CORNER; TH W 1320 FT TO NW1/16 CORNER; TH E 390 FT TO POB; TH N 960 FT TO THREAD OF BRIDGE CREEK; TH E ON THREAD OF BRIDGE CREEK 650 FT; TH	F-6
17366008		9.10	T 6S R 13W SEC 9 SEWARD MERIDIAN HM PTN OF NE1/4 NW1/4 STARTING @ 1/4 CORNER OF SECS 4 & 9; TH S 1320 FT TO CN1/16 CORNER; TH W 1320 FT TO NW1/16 CORNER; TH E 390 FT TO POB; TH N 960 FT TO THREAD OF BRIDGE CREEK; TH W ON THREAD OF BRIDGE CREEK 400	F-6
17502056		1.04	T 6S R 14W SEC 13 SEWARD MERIDIAN HM 0770024 EMERALD HIGHLAND ESTATES SUB UNIT 3 LOT 1B BLK 3	E-5
17503025		6.57	T 6S R 14W SEC 13 SEWARD MERIDIAN HM SW1/4 SE1/4 NORTH OF SKYLINE DRIVE EXCLUDING SKYLINE DR SUB	E-4
17504003		10.00	T 6S R 13W SEC 18 SEWARD MERIDIAN HM SE1/4 NE1/4 SW1/4	E-8
17504011	102 DEHEL AVE	0.50	T 6S R 13W SEC 18 SEWARD MERIDIAN HM N 150 FT OF THE S 250 FT OF THE E 180 FT OF THE NE1/4 SE1/4	D-7

## City Lands

PARCEL ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
17504023	360 W FAIRVIEW AVE	38.30	T 6S R 13W SEC 18 SEWARD MERIDIAN HM THAT PORTION OF SW1/4 SE1/4 EXCLUDING SOUTH PENINSULA HOSPITAL SUB AND SOUTH PENINSULA HOSPITAL SUB 2008 ADDN	E-9
17504024	4300 BARTLETT ST	7.12	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 2008092 SOUTH PENINSULA HOSPITAL SUB 2008 ADDN TRACT A2	B-2
17505107	122 W BAYVIEW AVE	0.26	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 2 TRACT A	E-10
17505108	110 MOUNTAIN VIEW DR	0.26	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0562936 FAIRVIEW SUB LOT 1 TRACT A	E-10
17510071		4.30	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2000022 HOMER SCHOOL SURVEY 1999 CITY ADDN TRACT 2	D-2
17513328	3859 BARTLETT ST	0.25	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 11-B	E-11
17513329		0.85	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0860044 BUNNELL'S SUB NO 17 LOT 12-A	E-11
17514235	224 W PIONEER AVE	0.06	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007124 BUNNELLS SUB NO 21 LOT 37F-1	E-12
17514301		0.27	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 75	D-12
17514416	3713 MAIN ST	1.31	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2	D-3
17520009	131 OHLSON LN	0.32	T 6S R 13W SEC 19 SEWARD MERIDIAN HM PORTION THEREOF S OF OLSEN LANE	E-19
17524006		2.75	T 6S R 13W SEC 18 SEWARD MERIDIAN HM 0700402 W R BELL SUB TRACT E	E-7
17528001		1641.24	T 6S R 14W SEC 19 & 23 & 24 & 30 SEWARD MERIDIAN HM 0770064 ALASKA TIDELANDS SURVEY NO 612	C-2
17701009		1.50	T 6S R13W SEC 17 SEWARD MERIDIAN HM 2014023 BARNETT SUB QUIET CREEK ADDN 2014 TRACT A2	D-8
17702057	604 E PIONEER AVE	1.57	T 6S R 13W SEC 17 & 20 SEWARD MERIDIAN HM 0870011 NEW HOMER HIGH SCHOOL NO 2 TRACT 1-B	D-6
17708015		3.00	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0930008 HOMER FAA SITE SUB TRACT 38A	C-5
17710739	400 HAZEL AVE	2.24	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2005036 GLACIER VIEW SUB NO 26 TRACT B	D-4
17710740	500 HAZEL AVE	3.01	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2005036 GLACIER VIEW SUB NO 26 TRACT A	D-4

## City Lands

PARCEL_ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
17712014		1.73	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0003743 WADDELL SUB THAT PORTION S OF HOMER BY PASS RD	E-15
17712022	3664 BEN WALTERS LN	2.48	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840122 LAKESIDE VILLAGE PARK ADDN REPLAT LOT 1A-2	E-17
17712034	3755 SNOWBIRD ST	1.50	T 06S R 13W SEC 20 SEWARD MERIDIAN HM 2016021 WADDELL PARK 2016 REPLAT LOT 3-A-1	C-11
17714006		39.24	T 6S R 13W SEC 20 SEWARD MERIDIAN HM NW1/4 SE1/4 EXC HOMER BY PASS RD	G-2
17714010	3300 BELUGA PL	3.46	T 6S R 13W SEC 20 SEWARD MERIDIAN HM PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 DEG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNER 3 TH N 38 DE	E-18
17714014	3575 HEATH ST	0.92	T 6S R 13W SEC 20 SEWARD MERIDIAN HM POR PER E1/2 NW1/4 NE1/4 SW1/4 PER D-60-164	D-10
17714015	3575 HEATH ST	3.16	T 6S R 13W SEC 20 SEWARD MERIDIAN HM THAT PORTION OF E1/2 NW1/4 NE1/4 SW1/4 PER D-60 @ 05	D-10
17714016	3575 HEATH ST	30.00	T 6S R 13W SEC 20 SEWARD MERIDIAN HM NE1/4 NE1/4 SW1/4 & S1/2 NE1/4 SW1/4	D-11
17714020	3577 HEATH ST	1.85	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0850128 GLACIER VIEW SUB NO 18 LOT 1	D-9
17715402		0.03	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSON SUB AMENDED LOT 46 EXCLUDING HOMER BY-PASS ROAD	C-4
17715403		0.03	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSONS SUB AMENDED LOT 47 EXC HOMER BY-PASS RD*	C-4
17717706	997 OCEAN DRIVE LOOP	0.68	T 6S R 13W SEC 29 SEWARD MERIDIAN HM 0003415 OSCAR MUNSON SUB LOT 43	C-8
17717707	1017 OCEAN DRIVE LOOP	0.98	T 6S R 13W SEC 29 SEWARD MERIDIAN HM 0003415 OSCAR MUNSON SUB LOT 44	C-8
17719209	209 E PIONEER AVE	4.71	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0000251 - A NILS O SVEDLUND SUB LOT 7 TRACT B & PTN OF TR B AS FOLLOWS: BEG AT SE CORNER OF LOT 7 TH N 0 DEG 2' W 545 FT TO S ROW OF STERLING HWY, CORNER 2; TH N 75 DEG 15' E ALONG ROW 62.6 FT TO CORNER 3 TH S 00 DE	C-5

## City Lands

PARCEL ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
17720204	580 E PIONEER AVE	0.31	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0750018 GLACIER VIEW SUB NO 1 REPLAT LTS 1 8 & 9 BLK 4 LOT 9-A	E-13
17720408	491 E PIONEER AVE	1.12	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 2004048 GLACIER VIEW SUB CAMPUS ADDN LOT 6-A-2	D-5
17726038		0.02	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0760026 KAPINGEN SUB UNIT 3 PARK RESERVE	E-10
17727049		0.04	T 6S R 13W SEC 17 SEWARD MERIDIAN HM 0770065 ISLAND VIEW SUB PARK	E-10
17728001		499.54	T 6S R 13W SEC 20 & 29 SEWARD MERIDIAN HM 0742265 ALASKA TIDELAND SURVEY 612	C-2
17730239		0.21	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED LOT 2 BLK 4	E-20
17730251		0.38	T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED JEFFERY PARK	E-16
17901023	4829 JACK GIST LN	14.60	T 6S R 13W SEC 15 SEWARD MERIDIAN HM 0990063 JACK GIST SUB LOT 2	E-21
17903007	1136 EAST END RD	0.28	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0003373 JAMES WADDELL SURVEY OF TRACT 4 LOT 4A	E-14
17910001		5.00	T 6S R 13W SEC 14 SEWARD MERIDIAN HM GOVT LOT 36	E-24
17911005		0.39	T 6S R 13W SEC 14 SEWARD MERIDIAN HM 0004712 HARRY FEYER SUB LOT 1	E-24
17915003		0.24	T 6S R 13W SEC 23 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHEASTERLY OF KACHEMAK BAY DRIVE	E-23
17936020	2976 KACHEMAK DR	1.65	T 6S R 13W SEC 22 SEWARD MERIDIAN HM 0830087 SCENIC BAY SUB LOT 4	E-22
18101002		3.72	T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOT 15	E-25
18101003		5.05	T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOT 14	E-25
18101004		6.07	T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOT 13	E-25
18101005		5.98	T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOT 12	E-25
18101006		5.03	T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOT 11	E-25
18101007		6.47	T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOT 10	E-25
18101008		4.60	T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOT 8	E-25
18101009		1.44	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 7 LYING SOUTH OF HOMER SPIT RD	E-25

## City Lands

PARCEL_ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
18101010	1920 HOMER SPIT RD	0.81	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 7 LYING NORTH OF HOMER SPIT RD	E-25
18101011		0.77	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 6 LYING NORTH OF HOMER SPIT RD	E-25
18101012		1.20	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 6 LYING SOUTH OF HOMER SPIT RD	E-25
18101013		1.32	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT RD	E-25
18101023		3.00	T 6S R 13W SEC 28 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 9 LYING NORTH OF HOMER SPIT RD	G-3
18101024		2.16	T 6S R 13W SEC 27 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 9 LYING SOUTH OF HOMER SPIT RD	G-3
18101025		19.23	T 6S R 13W SEC 21 SEWARD MERIDIAN HM 742449 THAT PTN OF ALASKA TIDELANDS SURVEY 612 W/IN SEC 21 LYING W OF HOMER SPIT RD & EXCL LEASED LANDS	C-2
18101026		51.47	T 6S R 13W SEC 28 SEWARD MERIDIAN HM 0742449 THAT PTN OF ALASKA TIDELANDS SURVEY 612 W/IN SEC 28 LYING W OF HOMER SPIT RD & EXCL LEASED LANDS	C-2
18102001		3.94	T 6S R 13W SEC 27 SEWARD MERIDIAN HM GOVT LOT 8	G-3
18102002	3079 HOMER SPIT RD	7.10	T 6S R 13W SEC 27 SEWARD MERIDIAN HM GOVT LOT 7	G-3
18102003		1.02	T 6S R 13W SEC 27 SEWARD MERIDIAN HM 0630660 WALTER DUFOUR SUB LOT 1	G-4
18102004		6.90	T 6S R 13W SEC 27 SEWARD MERIDIAN HM 0630060 WALTER DUFOUR SUB TRACT A	G-4
18102005		17.46	T 6S R 13W SEC 27 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING NORTH OF HOMER SPIT RD	G-4
18102006		7.50	T 6S R 13W SEC 27 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTH OF HOMER SPIT RD	G-4
18102009		9.00	T 6S R 13W SEC 27 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD	G-4

## City Lands

PARCEL_ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
18102010		3.90	T 6S R 13W SEC 27 SEWARD MERIDIAN HM PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY	G-4
18102011		0.70	T 6S R 13W SEC 27 SEWARD MERIDIAN HM GOVT LOT 6 SW OF HWY	E-27
18102014		25.19	T 6S R 13W SEC 27 SEWARD MERIDIAN HM 0770055 WALTER DUFOUR SUB TRACT B TRACT B	G-4
18102018		19.66	T 6S R 13W SEC 27 SEWARD MERIDIAN HM 2001008 LOUIE'S LAGOON LOT 6-A	G-5
18102019		25.81	T 6S R 13W SEC 26 & 27 SEWARD MERIDIAN HM 2001008 LOUIE'S LAGOON LOT 6-B	G-5
18103002		7.51	T 6S R 13W SEC 34 SEWARD MERIDIAN HM PORTION GOVT LOT 1	E-27
18103004		4.79	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1	E-27
18103006		10.00	T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 2	E-27
18103101		1.82	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 2	E-26
18103102	3735 HOMER SPIT RD	2.10	T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 14 LYING SOUTHWEST OF THE HOMER SPIT RD	E-26
18103105	3815 HOMER SPIT RD	1.60	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 5	B-3
18103108		3.72	T 6S & 7S R 13W SEC 35 & 2 SEWARD MERIDIAN HM 0890034 - HOMER SPIT SUB AMENDED 7	E-29
18103116	3800 HOMER SPIT RD	17.17	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0920039 THE FISHIN HOLE SUB TRACT 2	E-28
18103117	3854 HOMER SPIT RD	11.27	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-A	B-4
18103118	3978 HOMER SPIT RD	0.15	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-B	B-5
18103119	1114 FREIGHT DOCK RD	0.18	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0940043 THE FISHIN HOLE SUB NO 2 TRACT 1-C	B-6
18103213	4666 FREIGHT DOCK RD	4.19	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED TRACT A	C-3
18103214	795 FISH DOCK RD	72.94	T 6S & 7S R 13W SEC 35 & 36 & 1 & 2 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED SMALL BOAT HARBOR	D-13

## City Lands

PARCEL ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
18103216		5.22	T 6S & 7S R 13W SEC 35 & 36 & 1 & 2 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT G-8	D-15
18103218	4373 FREIGHT DOCK RD	0.32	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0920024 HOMER SPIT FOUR SUB	B-8
18103220	4380 FREIGHT DOCK RD	5.00	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 12	A-4
18103221		0.65	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 2	D-16
18103222		0.67	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 3	D-16
18103223		0.67	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 4	A-3
18103224		0.67	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 5	A-3
18103225		0.67	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 6	A-3
18103226		0.67	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 7	A-3
18103227		0.67	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 8	A-3
18103228	4290 FREIGHT DOCK RD	0.67		A-3
18103229		0.67	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 10	A-3
18103230		1.78	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 11	A-3
18103231		0.66	T 6S R 13W SEC 35 & 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 1	D-16
18103232		2.08	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 13	D-18
18103233		0.32	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 14	D-17
18103234		0.32	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 15	D-17
18103235		0.19	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 16	D-17
18103236		0.24	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 17	D-17

## City Lands

PARCEL_ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
18103237		0.33	T 6S & 7S R 13W SEC 36 & 1 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 18	D-17
18103238		0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 19	B-27
18103239		0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 20	D-17
18103240	4323 FREIGHT DOCK RD	0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 21	B-7
18103241		0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 22	D-17
18103242		0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 23	D-17
18103243		0.26	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 24	D-17
18103244		0.22	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 25	D-17
18103245		0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 26	D-17
18103246		0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 27	D-17
18103247	4171 FREIGHT DOCK RD	0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 28	D-15
18103248	4155 FREIGHT DOCK RD	0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 29	D-15
18103249	4147 FREIGHT DOCK RD	0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 30	D-15
18103250	4123 FREIGHT DOCK RD	0.22	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 31	D-15
18103251	4109 FREIGHT DOCK RD	0.22	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 32	D-15
18103252	4081 FREIGHT DOCK RD	0.22	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 33	D-15
18103253	4065 FREIGHT DOCK RD	0.32	T 6S R 13W SEC 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 34	D-15
18103254	4035 FREIGHT DOCK RD	0.31	T 6S R 13W SEC 35 & 36 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 35	D-15
18103255	4001 FREIGHT DOCK RD	0.35	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 36	D-15



## City Lands

PARCEL_ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
18103256		0.50	T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0930012 HOMER SPIT SUB NO 5 LOT 37	D-15
18103259		1.12	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1	D-19
18103260	4607 FREIGHT DOCK RD	0.46	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-E-1	B-26
18103301		1.98	T 7S R 13W SEC 2 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 9	E-29
18103304		1.08	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 11	E-30
18103305		0.99	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 20	E-30
18103306	4225 HOMER SPIT RD	0.29	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0640816 SUB OF LOT 11 HOMER SPIT ALASKA LOT 11B EXCLUDING THE HOMER SPIT RD	E-30
18103309	4390 HOMER SPIT RD	0.23	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 30	B-10
18103310	4348 HOMER SPIT RD	0.65	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 29	D-20
18103311	4350 HOMER SPIT RD	0.28	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 28	D-20
18103316	4262 HOMER SPIT RD	0.29	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 19	B-9
18103318		0.30	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 17	D-14
18103319		0.31	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 16	D-14
18103320		0.31	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 15	D-14
18103321		0.31	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 14	D-14
18103322	4166 HOMER SPIT RD	0.30	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 13	D-14
18103324	4166 HOMER SPIT RD	1.59	T 6S & 7S R 13W SEC 35 & 36 & 1 & 2 SEWARD MERIDIAN HM 0910003 HOMER SPIT SUB NO TWO LOT 12A	D-14
18103401		2.52	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 31	E-31

## City Lands

PARCEL_ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
18103402	4535 HOMER SPIT RD	2.93	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 50	B-16
18103403	4603 HOMER SPIT RD	2.00	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49	D-22
18103403		1.50	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49 THAT PORTION PER LEASE 205/928	B-16
18103404	4667 HOMER SPIT RD	2.23	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 48	B-22
18103408		0.08	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 47	C-10
18103419	842 FISH DOCK RD	1.49	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED ADL 18009 LOT 41 (ADL 18009)	B-20
18103421	800 FISH DOCK RD	0.63	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0900052 CITY OF HOMER PORT INDUSTRIAL NO 3 LOT 12-A1	B-17
18103425	874 FISH DOCK RD	0.52	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0800092 CITY OF HOMER PORT INDUSTRIAL SUB NO 2 LOT 13B	B-19
18103426		1.09	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED COAL POINT MONUMENT PARK EXCLUDING THAT PORTION AS PER LEASE AGREEMENT 187 @ 921	E-32
18103427	843 FISH DOCK RD	0.07	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED THAT PORTION OF COAL POINT MONUMENT PARK AS PER LEASE AGREEMENT 187 @ 921	B-21
18103431	4406 HOMER SPIT RD	0.20	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMD LOT 88-1	B-12
18103432	4400 HOMER SPIT RD	0.57	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT AMENDED LOT 32	B-11
18103441		0.60	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA	D-21
18103442	4460 HOMER SPIT RD	0.29	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-2	B-13
18103443	4470 HOMER SPIT RD	0.18	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-3	B-14
18103444	4474 HOMER SPIT RD	0.31	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED LOT 88-4	B-15

## City Lands

PARCEL ID	ADDRESS	ACREAGE	LEGAL DESCRIPTION	Land Allocation
18103445	4688 HOMER SPIT RD	0.35	T 7S R 13W SEC 1 SEWARD MERIDIAN HM A PORTION OF GOVT LOT 20 PER A/L 207 @ 73	B-23
18103446		0.11	T 7S R 13W SEC 1 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 20 LYING NE OF THE HOMER SPIT RD & BOUNDED ON THE NW BY LOT 43 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE NE BY ATS 612 & BOUNDED ON THE SE BY LOT 45 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE	E-33
18103447	4690 HOMER SPIT RD	1.83	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930049 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-A	B-25
18103448		0.43	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0930049 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B	E-34
18103451	810 FISH DOCK RD	0.68	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0990043 CITY OF HOMER PORT INDUSTRIAL NO 4 LOT 12-B	C-9
18103452	4501 ICE DOCK RD	0.79	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0990043 CITY OF HOMER PORT INDUSTRIAL NO 4 LOT 12-C	B-18
18103477	4480 HOMER SPIT RD	0.52	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 9-A	B-16
18103478		0.53	T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 10-A	B-16
18107001		4573.00	T 6S & 7S R 13W SEC 13 22 24 27 33 35 01 & 14 SEWARD MERIDIAN HM 0770064 ALASKA 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 TIDELANDS VESTED TO S	C-2



# 2017 Draft Land Allocation Plan Spit Map



**Legend**

- Parking
- Potential Overslope
- City Land

**Parcels**

**2017 Allocation - Section**

	For Lease	A
	Leased	B
	Undesignated	C
	City Facility	D
	Park/open space	E
	Private Land	

City property outlined in red.  
Photo taken in 2013.  
Property lines are not exact - use with care  
P & Z 1/27/17 JE



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 17-034**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING THE SALE OF LOT 1 HARRY FEYER SUBDIVISION, SECTION 14, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, KPB PARCEL NO. 179-110-05 TO THE RESPONSIBLE BIDDER FOR ONE DOLLAR AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS TO FINALIZE THE SALE.

WHEREAS, HCC 18.12.020 provides that real property that is no longer required for public purpose may be sold to the highest responsible bidder at public auction or by sealed bids; and

WHEREAS, City Council determined that a public purpose did not exist for Lot 1 Harry Feyer Subdivision and designated the property for sale in the City's 2015 and 2016 Land Allocation Plans adopted by Resolution 15- 030(A) on April 27, 2015 and by Resolution 16-043 on April 25, 2016; and

WHEREAS, The Land Allocation Plan clarifies that Lot 1 Harry Feyer Subdivision is a small triangular sliver of land with a access easement(s) crossing the parcel, leaving only a portion of the land developable; and

WHEREAS, Ordinance 16-17(S) Section 5, further authorizes the sale of Lot 1 Harry Feyer Subdivision for less than fair market value in consideration of its development constraints and large water and sewer assessments. In addition, Section 5 declares that it is in the best interest of the City to convey the property for nominal consideration to an adjacent property owners; and

WHEREAS, When combined, the water and sewer assessments of \$34,141.80 exceed the assessed value of \$30,900.00; and

WHEREAS, The property was offered through sealed bids and advertised on the City of Homer website from March 17, 2017 through March 31, 2017, and one bid was received for one dollar.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the sale to the responsible bidder, an adjacent property owner, as

Jan Needham for Lot 1 Harry Feyer Subdivision, Section 14,  
Township 6 South, Range 13 West, Seward Meridian, KPB Parcel

45 No. 179-110-05.

46

47 BE IT FURTHER RESOLVED that the Homer City Council authorizes the City Manager to  
48 execute the necessary documents to complete the sale with the bidder.

49

50

51 PASSED AND ADOPTED by the Homer City Council this 10th day of April, 2017.

52

53

CITY OF HOMER

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

58 ATTEST:

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

63

64

Fiscal Note: Water and sewer assessments of \$34,141.80

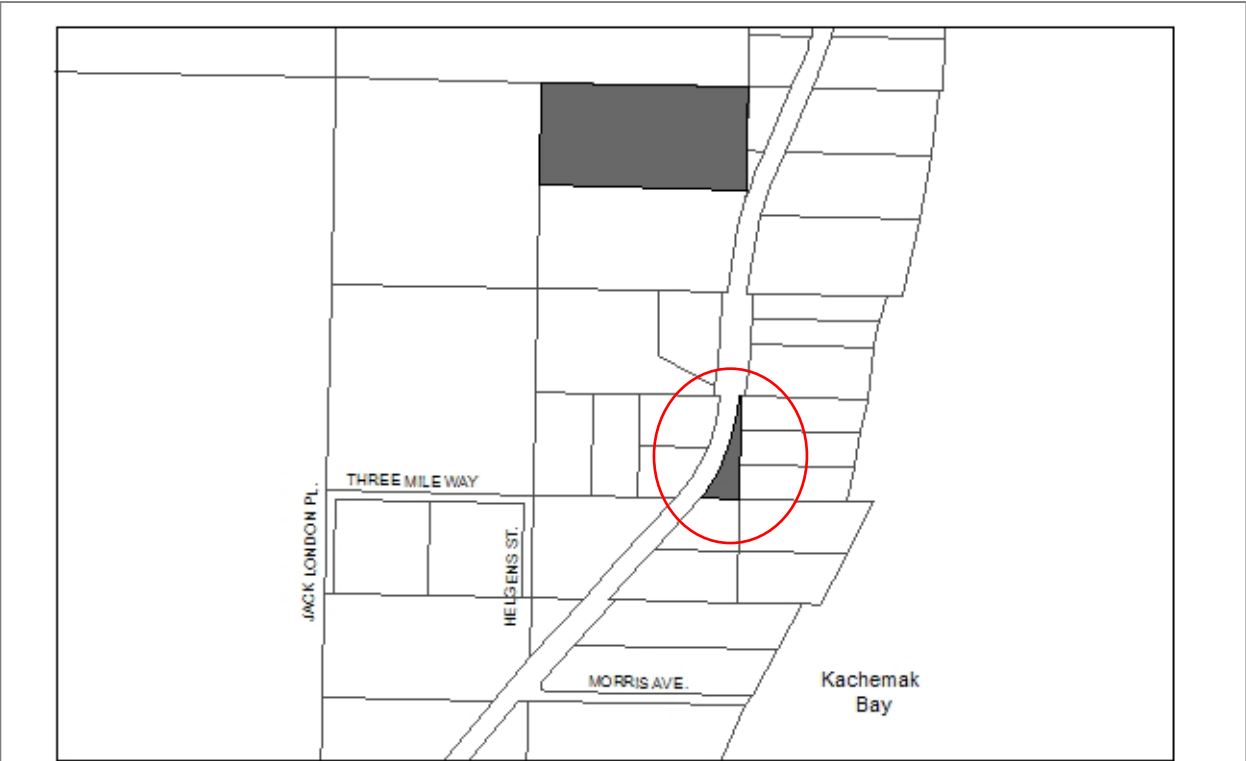


# From the 2016 Land Allocation Plan

CITY OF HOMER LAND INFORMATION

Parks

E-24



<b>Designated Use:</b> Resolution 15-030(A): Sell	
<b>Acquisition History:</b> No history for Gov't Lot 36. Lot 1: Ordinance 97-06(S) KPB	
<b>Area:</b> Gov't Lot 36: 5 acres Harry Feyer Subdivision Lot 1: 0.39 acres	<b>Parcel Number:</b> 17910001, 17911005
<b>2015 Assessed Value:</b> \$38,100 (lot 36), \$30,900 (lot 1)	
<b>Legal Description:</b> Government Lot 36 HM T06S R13W S14, Harry Feyer Subdivision Lot 1	
<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> Lot 36 is wetland. Lot 1 is not.
<b>Infrastructure:</b> Paved Road access, power.	
<b>Notes:</b> Access to Gov't lot 36 is by public access easement rather than dedicated Right of Way. Future development of this lot would need to address any access concerns.	
Lot 1 is a sliver of land left over after the dedication of Kachemak Drive. Currently, two driveways cross the property to reach the homes to the west. The majority of this lot has an access easement across it, so there is only a portion of land that could be used for a structure. Further, Kachemak Drive is only 60 feet wide at this point instead of the usual 100 ft width.	
Resolution 11-37(A): Future Kachemak Drive Trail and rest areas.	
Resolution 15-030(A): List lot for sale pending appraisal.	
<b>Finance Dept. Code:</b>	

**INVITATION TO BID  
CITY OF HOMER  
TO PURCHASE CITY REAL PROPERTY**

MAR 16 2017

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>

The City of Homer, Alaska, is hereby advertising for sealed bids to purchase the following real property:

Lot 1 Harry Feyer Subdivision on Kachemak Drive, Section 14, Township 6 South, Range 13 West, Seward Meridian (KPB Parcel No. 17911005).

This lot is 0.39 acres, 16,988 square feet and in the Rural Residential Zoning District. The purchaser to assume the water and sewer assessments. The gas assessment is paid.

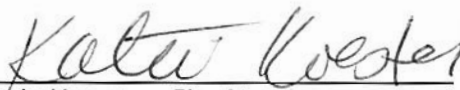
Assessments	Balance	Annual Payment	# of years remaining
Water	\$ 17,642.22	\$ 1,379.27	16.5 yrs
Sewer	\$ 16,498.58	\$ 1,290.64	16.5 yrs
Natural gas	0	0	0

From the Homer Land Allocation Plan: This lot "is a sliver of land left over after the dedication of Kachemak Drive. Currently, two driveways cross the property to reach the homes to the west. The majority of this lot has an access easement across it, so only a portion of the land could be used for a structure. Further, Kachemak Drive is only 60 feet at this point instead of the usual 100 feet."

An electronic copy of the bid package is available on the City's website <http://www.cityofhomer-ak.gov/rfps> or you may purchase hard copies at the Office of the City Clerk for a fee of \$10.00. If you have any questions on the contents of the bid package, please contact the City Clerk at (907) 235-3130.

The City reserves the absolute right to reject any or all proposals, may waive any or all informalities or irregularities, and may permit the correction of errors or omissions in responses.

Dated this 17<sup>th</sup> day of March, 2017

  
Katie Koester, City Manager

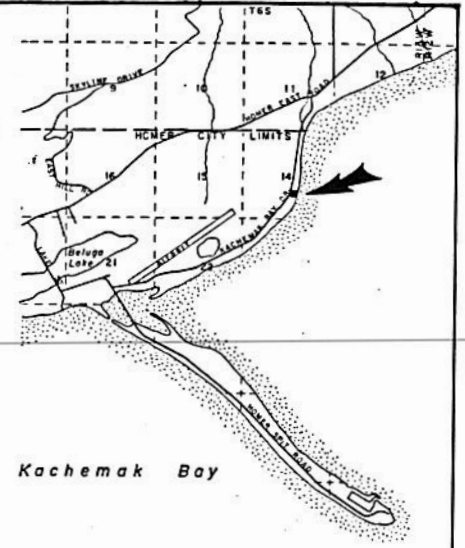
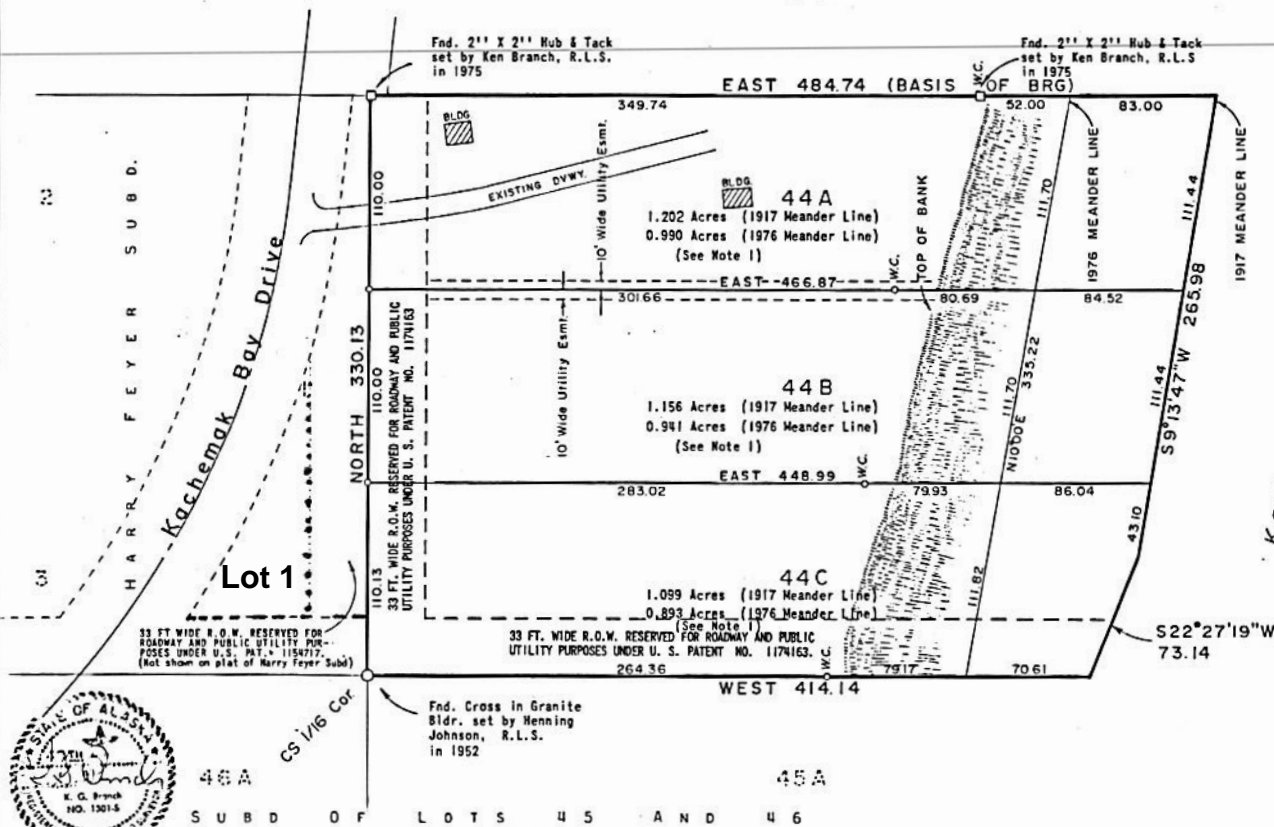
Publish: City website



**NOTES**

1. The acreage for all lots shown on this plat includes the adjacent R.O.W. Esmt. area.
2. Wastewater disposal systems shall comply with applicable laws and regulations pertaining to the installation, construction and operation of said system.
3. 5/8" X 30" Iron Rods set at all lot corners this survey, unless indicated otherwise

M A C I N N E S S U B D.



VICINITY MAP  
1" = 1 MILE

76-90  
 REC'D - FILED 3  
 REC. DIST.  
 DATE 11/5 1976  
 TIME 11:27 A.M.  
 Requested by: KPA  
 Address:

LEGEND  
 —○— Indicates 5/8" X 30" Iron Rod set this survey.



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT MONUMENTS ACTUALLY EXIST AS LOCATED AND THAT DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

Date 10/17/76  
 Ken Branch, R.L.S. No. 1301 S

**KENAI PENINSULA BOROUGH**

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE KENAI PENINSULA BOROUGH AND THAT SAID PLAT HAS BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION.

Date October 11 1976  
 Borough Mayor or Planning Director

**CERTIFICATE OF OWNERSHIP**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT AND DEDICATE ALL STREETS, EASEMENTS AND OTHER OPEN SPACES TO PUBLIC USE.

Date 10-19-76 Janice Needham General Del. Homer, Ak.  
 Date 10-19-76 Pauline M. Casey  
 Pauline M. Casey 3145 S. Idalia Aurora, Colo.  
 (Deed Of Trust, Beneficiary)

**NOTARY'S ACKNOWLEDGEMENT**

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 19 DAY OF October 1976.

Janice Needham  
 Notary in and for the STATE OF ALASKA  
 My Commission Expires Dec 9 1976

**ROCKY POINT SUBDIVISION**

LOCATED WITHIN THE CITY OF HOMER

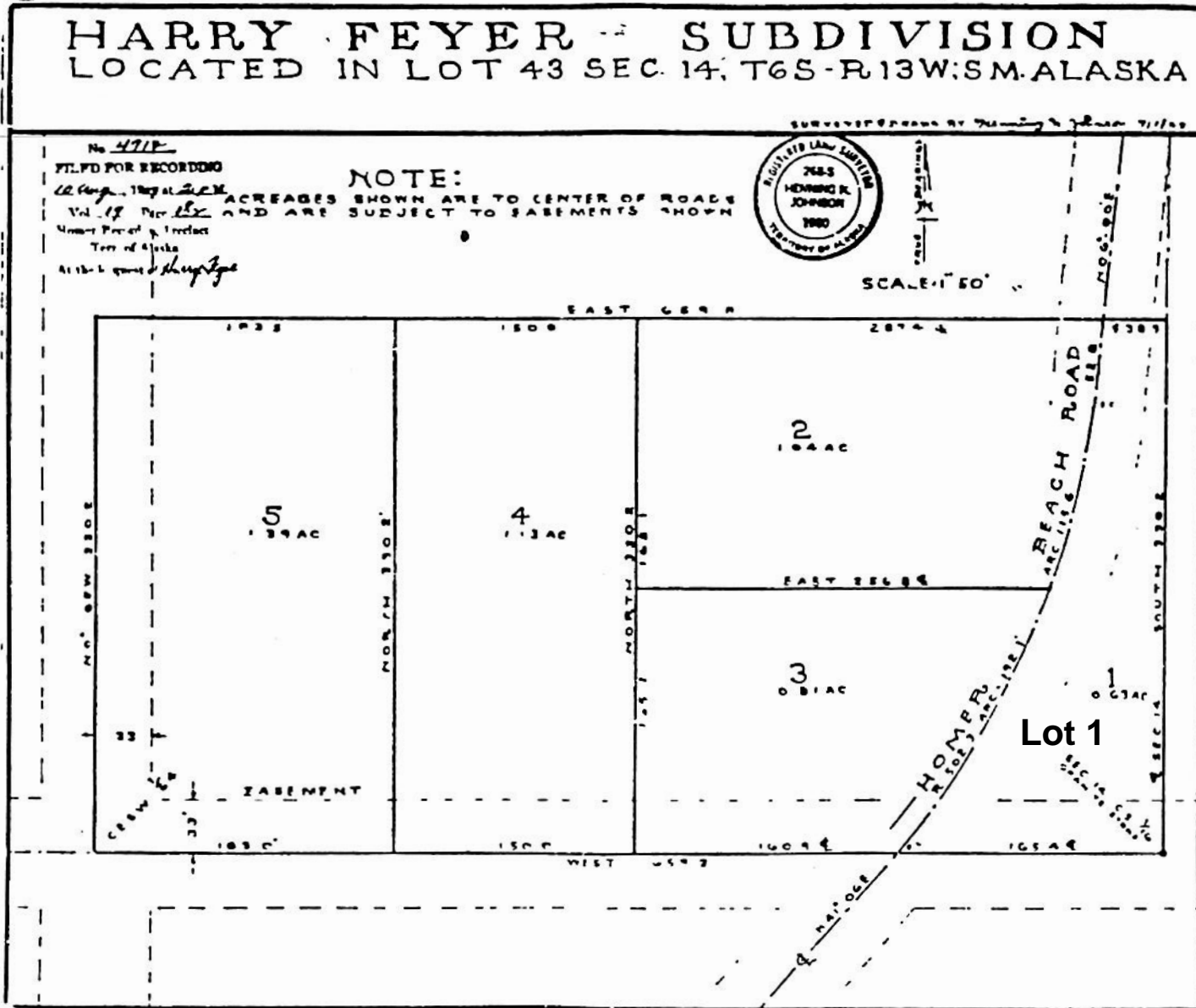
A Subdivision Of BLM Lot 44, Section 14, T6S, R13W, S.M., Homer Recording Dist., Alaska, Into Lots 44A, 44B & 44C.

Containing: 3.457 ACRES (1917 Meander Line)  
 2.824 ACRES (1976 Meander Line)

PREPARED BY  
 JANICE NEEDHAM  
 GENERAL DELIVERY  
 HOMER, ALASKA

PREPARED BY DATE  
 KEN BRANCH, R.L.S. 9/20/76  
 P.O. BOX 1295 SCALE  
 HOMER, ALASKA 1" = 50'

See the 1976 Rocky Point Subdivision plat for a clearer illustration of Lot 1 Harry Feyer Sub.



MATCH LINE  
STA. 58+00.00  
(SEE SHEET C2.0)

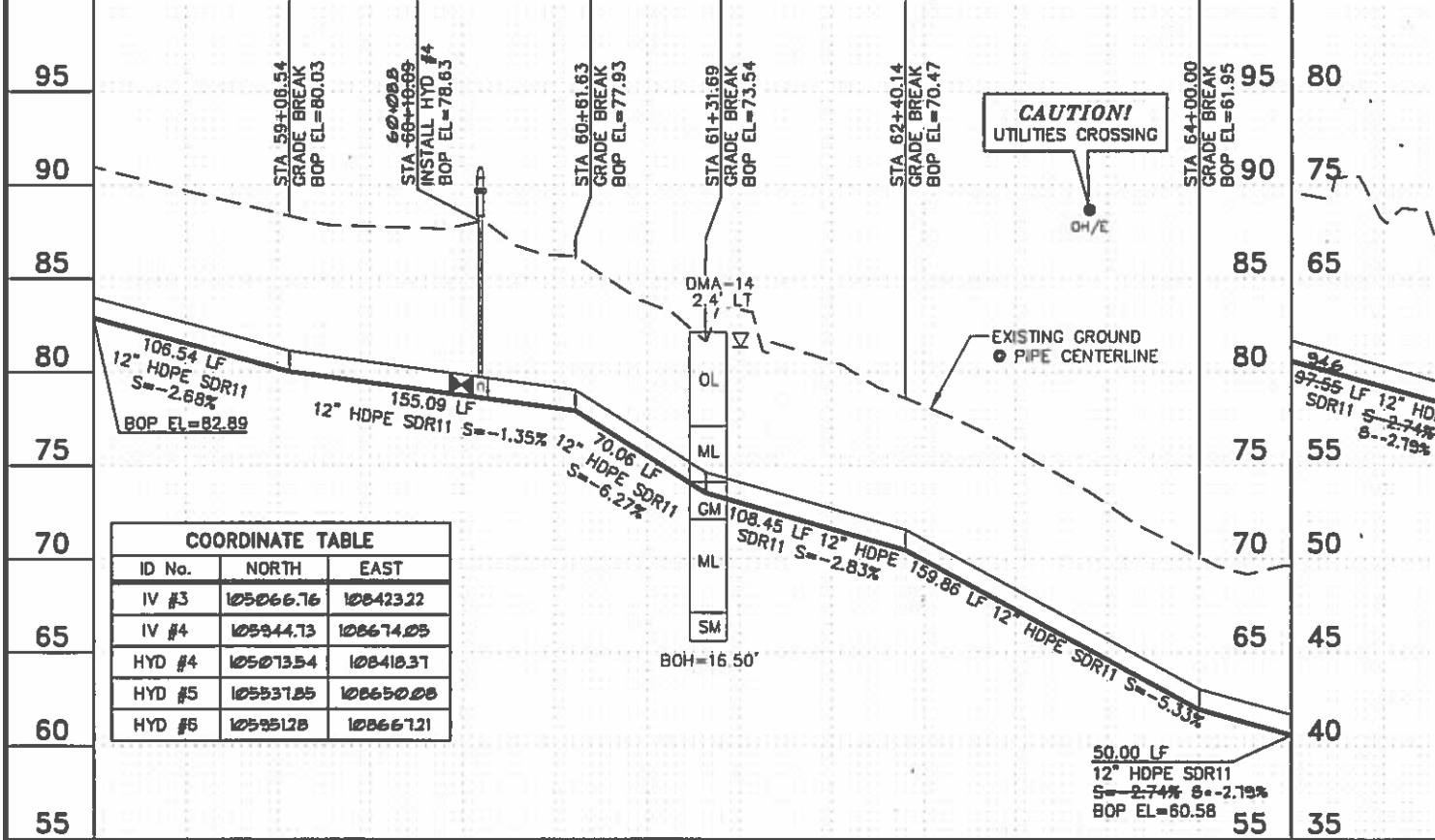
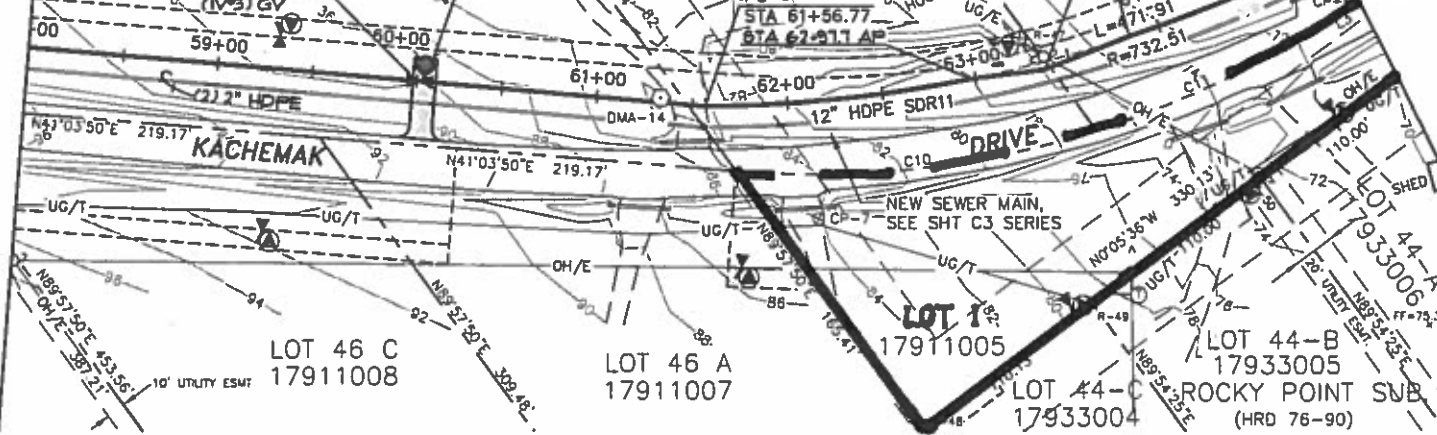
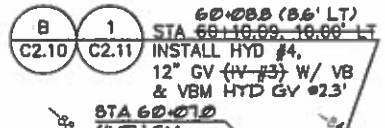
SUBD OF LOTS  
45 AND 46 SEC. 14  
T 6 S-R 13 W  
S.M. ALASKA  
(HRD 72-1332)  
LOT 46 B  
17911006

LOT 4  
17911002

HARRY FEYER SUB.  
(BK 17, PG 182 HRD)  
LOT 2  
17911003

LOT 3  
17911004

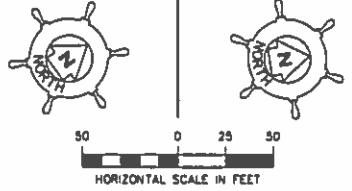
MATCHLINE STA 65+00.00  
DESIGNATED WETLANDS  
(SEE NOTE 1, SHT C2.0)



COORDINATE TABLE		
ID No.	NORTH	EAST
IV #3	105066.76	108423.22
IV #4	105044.73	108674.03
HYD #4	105073.54	108418.37
HYD #5	105537.05	108650.00
HYD #5	105951.28	108667.21

58+00    59+00    60+00    61+00    62+00    63+00    64+00    65+00

REVISIONS			
NO.	DATE	BY	DESCRIPTION
1	8/19/11	FJV	HORZ ALIGN MODIFICATION
2	6/20/12	FJV	AS CONSTRUCTED



**Bristol**  
ENVIRONMENTAL & ENGINEERING  
SERVICES CORPORATION  
Phone (907) 563-0013 Fax (907) 563-6713  
Project No. 27098



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

3 City Manager/  
4 Public Works Director

5 **RESOLUTION 17-035**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AWARDING A TERM CONTRACT FOR ROAD/DRAINAGE/TRAIL  
9 PROFESSIONAL ENGINEERING SERVICES TO HDL ENGINEERING  
10 CONSULTANTS, INC. OF KENAI, ALASKA, KINNEY ENGINEERING OF  
11 ANCHORAGE, ALASKA, AND NELSON ENGINEERING OF KENAI,  
12 ALASKA AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
13 APPROPRIATE DOCUMENTS.

14  
15 WHEREAS, In January 2017, Public Works issued an RFP for professional engineering  
16 services for road/drainage/ trail projects, in accordance with the City's Procurement Manual;  
17 and

18  
19 WHEREAS, Fourteen proposals were received, reviewed, and scored by a review  
20 committee; and

21  
22 WHEREAS, Based on the scoring of the committee, HDL Engineering Consultants of  
23 Kenai, Alaska, Kinney Engineering of Anchorage, Alaska, and Nelson Engineering of Kenai,  
24 Alaska were determined to be the most qualified firms.

25  
26 NOW, THEREFORE, BE IT RESOLVED That the City Council awards a term contract for  
27 professional engineering services for road/drainage/trail projects to HDL Engineering  
28 Consultants of Kenai, Alaska, Kinney Engineering of Anchorage, Alaska, and Nelson  
29 Engineering of Kenai, Alaska and authorizes the City Manager to execute the appropriate  
30 documents.

31  
32 PASSED AND ADOPTED by the City Council of Homer, Alaska this 10<sup>th</sup> day of April, 2017.

33  
34  
35 CITY OF HOMER

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

39  
40 ATTEST:

41  
42  
43 \_\_\_\_\_  
44 JOHNSON, MMC, CITY CLERK

45

46 Fiscal note: Each project completed under this term contract will have a separate account  
47 number/project number associated for engineering/design.



# City of Homer

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

## Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907-235-3170

(f) 907-235-3145

## Memorandum 17-059

TO: Katie Koester – City Manager

FROM: Carey Meyer – Public Works Director

DATE: April 4, 2017

SUBJECT: **Term Contract – Professional Engineering Services  
Roads/Drainage/Trails Projects  
RFP Results and Award Recommendations**

---

Public Works has utilized an engineering services term contract with two firms to complete the design of road, drainage and trails projects approved by the City Council. These firms were determined to be the most qualified based on a competitive RFP process. Our term contracts are good for 3 years, with the ability to extend them another two. Our current road/drainage/trails engineering term contracts expire this month.

Public Works has issued a new RFP to select the most qualified firm(s) to complete engineering for the anticipated road, drainage and trails projects shown below:

- Various road paving/upgrade projects and new trail construction projects created through the City's HART Fund - Special Assessment District (SAD)
- Creation of a City of Homer Drainage Master Plan.
- Design of Storm Drain Slip Line Renovation projects.
- Preparation of new Roads and Drainage Design Criteria Manual.
- Updating City of Homer's 2005 Transportation Plan.
- Paving of parking areas on the Spit

Per the City's procurements policy, an RFP was prepared and advertised on the City's web site and in a local and Anchorage newspaper (January 2017). 14 proposals were received (March 2017). The proposals were reviewed and scored by 3 City employees (including myself). The three most qualified firms were determined to be HDL Engineering Consultants, Kinney Engineering, and Nelson Engineering.

**Recommendation:** The Council approve a resolution awarding a roads, drainage and trails engineering services term contract to the firms HDL Engineering Consultants of Kenai, Alaska, Kinney Engineering of Anchorage, Alaska and Nelson Engineering of Kenai, Alaska; and authorize the City Manager to execute all appropriate documents.





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

3 City Manager/  
4 Public Works Director

5 **RESOLUTION 17-036**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AWARDING A TERM CONTRACT FOR WATER AND SEWER  
9 PROFESSIONAL ENGINEERING SERVICES TO DOWL OF  
10 ANCHORAGE, ALASKA AND GV JONES AND ASSOCIATES OF  
11 ANCHORAGE, ALASKA AND AUTHORIZING THE CITY MANAGER TO  
12 EXECUTE THE APPROPRIATE DOCUMENTS.

13  
14 WHEREAS, In January 2017, Public Works issued an RFP for professional engineering  
15 services for water and sewer projects, in accordance with the City's Procurement Manual; and  
16

17 WHEREAS, Eleven proposals were received, reviewed, and scored by a review  
18 committee; and  
19

20 WHEREAS, Based on the scoring of the committee, DOWL of Anchorage, Alaska and GV  
21 Jones and Associates of Anchorage, Alaska were determined to be the most qualified firms.  
22

23 NOW, THEREFORE, BE IT RESOLVED That the City Council awards a term contract for  
24 professional engineering services for water and sewer projects to DOWL of Anchorage, Alaska  
25 and GV Jones and Associates of Anchorage, Alaska and authorizes the City Manager to execute  
26 the appropriate documents.  
27

28 PASSED AND ADOPTED by the City Council of Homer, Alaska this 10<sup>th</sup> day of April, 2017.  
29

30  
31 CITY OF HOMER

32  
33 \_\_\_\_\_  
34 BRYAN ZAK, MAYOR  
35

36  
37 ATTEST:  
38

39  
40 \_\_\_\_\_  
41 JOHNSON, MMC, CITY CLERK  
42

43 Fiscal note: Each project completed under this term contract will have a separate account  
44 number/project number associated for engineering/design.





# City of Homer

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

## Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907-235-3170

(f) 907-235-3145

## Memorandum 17-060

TO: Katie Koester – City Manager

FROM: Carey Meyer – Public Works Director

DATE: April 4, 2017

SUBJECT: **Term Contract – Professional Engineering Services  
Water and Sewer Projects  
RFP Results and Award Recommendations**

---

Public Works has utilized an engineering services term contract with two firms to complete small to mid-sized water and sewer projects approved by the City Council. Design services for larger projects are obtained through a separate RFP process. These firms were determined to be the most qualified based on a competitive RFP process. Our term contracts are good for 3 years, with the ability to extend them another two. Our current water/sewer engineering term contracts expire this month.

Public Works has issued a new RFP to select the most qualified firm(s) to complete engineering for the anticipated future water/sewer term projects shown below:

- Sewer Treatment Plant Improvements, including replacement of aging treatment components.
- Various sanitary sewer collection and water distribution system main extension projects established through the City's Special Assessment District (SAD) process.
- Water Storage/Distribution System Improvements, including construction of a new water tank, transmission main extensions, and pressure reduction vault replacements.
- Update of City's 2005 Water/Sewer Master Plan.
- Micro-hydro turbine installation in transmission main PRV vaults.

Per the City's procurements policy, an RFP was prepared and advertised on the City's web site and in a local and Anchorage newspaper (January 2017). 11 proposals were received (March 2017). The proposals were reviewed and scored by 3 City employees (including myself). The two most qualified firms were determined to be DOWL and GV Jones and Associates.

**Recommendation:** The Council approve a resolution awarding a water/sewer engineering services term contract to the firms DOWL of Anchorage Alaska and GV Jones and Associates of Anchorage, Alaska and authorize the City manager to execute all appropriate documents



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

3 City Manager/  
4 Public Works Director

5 **RESOLUTION 17-037**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AWARDING A TERM CONTRACT FOR PORT/HARBOR/MARINE  
9 PROFESSIONAL ENGINEERING SERVICES TO R&M CONSULTANTS,  
10 INC. OF ANCHORAGE, ALASKA AND HDR OF ANCHORAGE, ALASKA  
11 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
12 APPROPRIATE DOCUMENTS.

13  
14 WHEREAS, In January 2017, Public Works issued an RFP for professional engineering  
15 services for port/harbor/marine projects, in accordance with the City's Procurement Manual;  
16 and

17  
18 WHEREAS, Six proposals were received, reviewed, and scored by a review committee;  
19 and

20  
21 WHEREAS, Based on the scoring of the committee, R&M Consultants, Inc. of Anchorage,  
22 Alaska and HDR of Anchorage, Alaska were determined to be the most qualified firms.

23  
24 NOW, THEREFORE, BE IT RESOLVED That the City Council awards a term contract for  
25 professional engineering services for port/harbor/marine projects to R&M Consultants, Inc. of  
26 Anchorage, Alaska and HDR of Anchorage, Alaska and authorizes the City Manager to execute  
27 the appropriate documents.

28  
29 PASSED AND ADOPTED by the City Council of Homer, Alaska this 10<sup>th</sup> day of April, 2017.

30  
31  
32 CITY OF HOMER

33  
34 \_\_\_\_\_  
35 BRYAN ZAK, MAYOR

36  
37  
38 ATTEST:

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41 \_\_\_\_\_  
42 JOHNSON, MMC, CITY CLERK  
43

- 44 Fiscal note: Each project completed under this term contract will have a separate account
- 45 number/project number associated for engineering/design.



# City of Homer

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

## Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907-235-3170

(f) 907-235-3145

## Memorandum 17-061

TO: Katie Koester – City Manager  
FROM: Carey Meyer – Public Works Director  
DATE: April 4, 2017  
SUBJECT: **Term Contract – Professional Engineering Services  
Port/Harbor/Marine Projects  
RFP Results and Award Recommendations**

---

Public Works and Port/Harbor have utilized an engineering services term contract with two firms to complete the design of port and harbor projects approved by the City Council. These firms were determined to be the most qualified based on a competitive RFP process. Our term contracts are good for 3 years, with the ability to extend them another two. Our current port/harbor/marine engineering term contracts expire this month.

Public Works, with the assistance of Port/Harbor, has issued a new RFP to select the most qualified firm(s) to complete engineering for the anticipated future port and harbor projects shown below:

- Marine Haul Out and Repair Facility
- System 4 Harbor Float Replacement
- Various Dock/Harbor Maintenance/Damage Repair projects
- Deep Water Dock Expansion

Per the City's procurements policy, an RFP was prepared and advertised on the City's web site and in a local and Anchorage newspaper (January 2017). 6 proposals were received (March 2017). The proposals were reviewed and scored by 3 City employees (including myself and the Harbormaster). The two most qualified firms were determined to be R&M Consultants and HDR.

**Recommendation:** The Council approve a resolution awarding a port/harbor/marine engineering services term contract to the firms R&M Consultants of Anchorage Alaska and HDR of Anchorage, Alaska and authorize the City Manager to execute all appropriate documents





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

3 City Clerk/  
4 Advisory Planning Commission

5 **RESOLUTION 17-038**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE HOMER ACCELERATED ROADS AND TRAILS  
9 PROGRAM (HART) POLICY MANUAL ADDING SECTIONS FOR  
10 PROJECT ELIGIBILITY AND FUNDING FOR SIDEWALKS,  
11 ELIMINATING THE PROVISION FOR DEBT SERVICE RATIO, AND  
12 EDITING FOR READABILITY AND CONSISTENCY.

13  
14 WHEREAS, City Council tasked the Advisory Planning Commission to review the Homer  
15 Accelerated Roads and Trails Program (HART) Policy Manual; and

16  
17 WHEREAS, The Advisory Planning Commission considered the tasks assigned as  
18 outlined in Memorandum 17-028; and

19  
20 WHEREAS, City Council reviewed the HART Policy Manual revisions at their February 13,  
21 2017 Worksession.

22  
23 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends the  
24 Homer Accelerated Roads and Trails Program Policy Manual adding sections for project  
25 eligibility and funding for sidewalks, eliminating the provision for debt service ratio, and  
26 editing for readability and consistency.

27  
28 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska, hereby adopts the  
29 HART Policy Manual as amended and attached as exhibit A.

30  
31 PASSED AND ADOPTED by the Homer City Council this 10<sup>th</sup> day of April, 2017.

32  
33  
34 CITY OF HOMER

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

39 ATTEST:

40  
41 \_\_\_\_\_  
42 JOHNSON, MMC, CITY CLERK

43  
44 Fiscal note: NA



# H.A.R.T. POLICY MANUAL

(HOMER ACCELERATED ROADS AND TRAILS PROGRAM)

## TABLE OF CONTENTS

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

### **I. PURPOSE**

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

### **II. DEFINITIONS**

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

### **III. ROAD QUALIFYING AND PROJECT CRITERIA**

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

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

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

#### IV. TRAILS QUALIFYING AND PROJECT SELECTION CRITERIA

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

- A. New local non-motorized trails shall be prioritized according to the following:
  1. Project is listed in the HNMTTP or furthers a stated goal of that plan
  2. Solves a safety concern
  3. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest
  4. Protects an established trail
  5. Creates or improves a trailhead
  6. Has significant scenic or aesthetic value
  7. Existence or potential for contributing funds or volunteer efforts
  8. Property owner participation
  
- B. Trail Project Selection Criteria. The Homer Advisory Planning Commission and Parks Art, Recreation and Culture Advisory Commission will review the trail priority list during the bi-annual review of the HART. The list will be presented in a memorandum from staff, and will contain a mix of large and small projects. Generally it will include up to five trail projects that staff has reviewed and found ready for preliminary work. Trails on this list are planned for construction in the near term (one to three year timeframe). Staff will actively work to prepare those projects for construction.
  
- C. Volunteer Projects. Citizens may work with the City Administration to use HART funds to construct public trails.
  
- D. Developer Cost Sharing. When a developer builds a trail as part of a new subdivision, HART funds may be used to reimburse up to 25% of trail construction costs.

#### V. FINANCING and ASSESSMENTS

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

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

## **VI. UTILITIES**

1. Prior to street reconstruction, necessary related non-existing water and sewer improvements shall be encouraged whenever possible.
2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program.
3. Water and sewer utility relocations directly caused by reconstruction will be paid for by HART funds.
4. Water and sewer utility upgrades necessary for future capacity that are done concurrently with reconstruction and/or paving will be paid for by the utility fund.
5. The City shall recover from the property owner the cost of construction of City-provided sewer and water service connections by including the cost of construction of such connections in the service connection fee established under HCC Chapter 14.13. Costs will be recouped from benefiting property owners through deferred assessments. The Finance Department will maintain a listing of these deferred sewer and/or water service connection fees.
7. Whenever practical streetlights shall be included in the construction of new local roads and shall be paid by HART funds. Property owners participating in a road reconstruction and/or paving Special Assessment District may request streetlights. If the project is deemed feasible, the property owners shall be

assessed for the installation of the streetlights on an equal share per parcel methodology. Property owner approval of the street light assessment shall follow the process in HCC 17.04. Once constructed, the City will absorb the utility billing for the street light(s).

## **VII. SPECIAL PROVISIONS**

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

## **VIII. HISTORY**

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

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







## City of Homer

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

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

Planning@ci.homer.ak.us  
(p) 907-235-3106  
(f) 907-235-3118

# Memorandum 17-028

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

### **HART Policy Manual Review Tasks**

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

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

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

### **Work Completed**

#### **Task 1: Readability**

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

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

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

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

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

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

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

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

**Task 5: Develop a matching grant program for trails.**

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

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

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

Further comments from HAPC:

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

**Staff Recommendations:**

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



**CITY OF HOMER  
HOMER, ALASKA**

Erickson

**RESOLUTION 17-039**

A RESOLUTION OF THE HOMER CITY COUNCIL REQUESTING THE CITY MANAGER ISSUE A REQUEST FOR PROPOSALS FOR OPEARATION OF FISH PUMP SERVICES ON THE SOUTH TRESTLE OF FISH DOCK.

WHEREAS, A request for proposal for the operation of 2 fish pump locations (North and South Trestle of Homer Fish Dock) was advertised in the Homer Tribune February 16 and 23, 2017 and posted on the City’s webpage; and

WHEREAS, On March 28, 2017 Resolution 17-022 awarded a 3 year contract with 2 one year options for renewal to Icicle Seafoods for operation of a fish pump at the North Trestle of the Homer Fish Dock; and

WHEREAS, There were no responsive bids for the south trestle location; and

WHEREAS, It would be beneficial to the City and the Fish Dock Users to have a second fish pump operating on the Fish Dock;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is directed to issue a request for proposal for operation of fish pump services at the South Trestle location of the Homer Fish Dock.

PASSED AND ADOPTED by the Homer City Council on this 10<sup>th</sup> day of April, 2017.

CITY OF HOMER

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

ATTEST:

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



# VISITORS





ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 17-057

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: APRIL 5, 2017

SUBJECT: RECALL PETITION – COUNCILMEMBERS ADERHOLD, LEWIS, AND REYNOLDS

---

On March 31, 2017 sponsors filed petitions to recall Homer City Council members Aderhold, Lewis, and Reynolds. Pursuant to AS 29.26.270, once a timely recall petition has been filed, the City Clerk has ten days to determine whether or not the petition is sufficient. In determining the sufficiency of a recall petition, the Clerk must confirm that sufficient signatures have been submitted and that the statement for recall is sufficient. After reviewing the petitions, and consulting with the City Attorney, I have determined that sufficient signatures have been submitted for each of the petitions. I have also found that some of the allegations in the statements for recall were sufficient. As a result, I certified the petitions on April 5, 2017. Please be aware that my determination that the petitions are sufficient and thus subject to certification in no way reflects the merits of the statement of recall in the petitions, as the City Clerk is prohibited from considering the truth or falsity of the allegations contained in a recall petition.

### **Sufficiency of Signatures**

The petitions for recall were filed timely on March 31, 2017 by sponsors Michael Fell, Larry Zuccaro, and Larri Fancher. In all, 15 booklets were received for Aderhold, 15 for Lewis, and 15 for Reynolds. The number of names on the sufficient booklets totaled 437 for Aderhold, 436 for Lewis, and 436 for Reynolds.

A current list of registered voters within the City of Homer (“City”) limits was requested by the City Clerk’s office on March 14, 2017. I reviewed the names on each petition and determined the following:

For Councilmember Aderhold, 24 signatures were insufficient because the name was not listed on the current voter roll, the name was illegible, a signature was not included, or the person signed the petition more than once.

For Councilmember Lewis, 23 signatures were insufficient because the name was not listed on the current voter roll, the name was illegible, a signature was not included, or the person signed the petition more than once.

For Councilmember Reynolds, 27 signatures were insufficient because the name was not listed on the current voter roll, the name was illegible, a signature was not included, or the person signed the petition more than once.

Pursuant to AS 29.26.280(b), the petition must bear a number of voter signatures equal to 25 percent of the number of votes cast in the October 4, 2016 regular City election which is 373. I find the petitions proposing the recall of Councilmembers Aderhold, Lewis, and Reynolds all bear sufficient signatures.

### **Relevant Laws in Determining the Sufficiency of the Statement of Recall**

Given the sufficiency of the signatures, I next examined the sufficiency of the statement for recall, with substantial assistance from the City Attorney in interpreting the relevant statutes and common law principles. In the State of Alaska, there are three grounds for recall, 1) misconduct in office; 2) incompetence; and 3) failure to perform prescribed duties.<sup>1</sup>

A sufficient statement for recall must state one of the three grounds for recall with sufficient particularity. The right to recall in Alaska is limited to recall for cause.<sup>2</sup> However, the grounds for recall prescribed by statute are to be liberally construed, in favor of access to the recall process. Taking into account that the recall should be accessible to citizens who cannot afford the assistance of a lawyer in drafting a statement of grounds for recall, the Alaska Supreme Court has stated:

Taking all these factors into account, we conclude that statutes relating to the recall, like those relating to the initiative and referendum, "should be liberally construed so that 'the people [are] permitted to vote and express their will...'" Like the initiative and referendum, the recall process is fundamentally a part of the political process. The purposes of recall are therefore not well served if artificial technical hurdles are unnecessarily created by the judiciary as parts of the process prescribed by statute.<sup>3</sup>

Thus, it is not necessary that a recall application cite the specific laws that it alleges an official violated, provided that the allegations are clear enough so that the legal provisions at issue may be identified.<sup>4</sup> Moreover, while the legal duty allegedly violated must actually exist, where interpretation of the parameters of that duty is debatable, the allegation should be presented to the voters:

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<sup>1</sup> AS 29.26.250

<sup>2</sup> *Von Stauffenberg v. Committee for Honest and Ethical School Board*, 903 P.2d 1055, 1059 (Alaska 1995).

<sup>3</sup> *Meiners v. Bering Strait School District*, 687 P.2d 287, 296 (Alaska 1984) (citations and footnote omitted).

<sup>4</sup> *Meiners*, 687 P.2d at 300-301.

Finally, and perhaps most importantly, the statutes offer the targeted official an opportunity to make a rebuttal, which will be placed on the ballot alongside the petitioners' statement of charges. This rebuttal statement is the proper forum in which accused officials may defend against the charges. Where the petition merely characterizes the law in a way different than the official (or his or her attorney) would prefer, he or she has an opportunity to put his or her rebuttal before the voters, alongside the charges contained in the petition. It is not the place of the municipal clerk...to decide legal questions of this kind.<sup>5</sup>

In reviewing the legal sufficiency of the grounds for recall, clerks must take the facts alleged in the statement for recall as true, and determine whether those facts, if true, "constitute a prima facie showing" of misconduct in office, incompetence, or failure to perform prescribed duties.<sup>6</sup> In addition, an application must state grounds for recall "with particularity."

### **Examining the Statement of Recall in the Petitions**

The statement for recall at issue is as follows:

Statement for Recall: Be here advised that Homer City Council Members Aderhold, Lewis and Reynolds are each proven unfit for public office, as evident by their individual efforts in preparation of Resolution 16-121 and 17-019, the text of which stands in clear and obvious Violation of Homer City Code, Title 1: 1.18.030 Standards and prohibited acts. n. Political Activities; §5. Oath of Office. Whereas the use of City Council office as a platform for broadcasting political activism is unlawful, unethical, and outside the bounds of permissible conduct in public service.

Misconduct in office is further claimed by the irreparable damage done by draft Resolution 17-019 being made public and widely distributed on social and news media, and publicly promoted as conspicuously drafted by and representing the city of Homer. This action has further caused economic harm and financial loss to the city of Homer.

This statement for recall includes several allegations, each of which I reviewed separately for sufficiency. In essence, the statement alleges:

- 1) Council members at issue are unfit because they violated HCC 1.18 in sponsoring Resolutions 16-121 and 17-019 ("Allegation 1");
- 2) Council members are unfit because they violated their oaths of office in sponsoring Resolutions 16-121 and 17-019 ("Allegation 2"); and

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<sup>5</sup> *Meiners*, 687 P.2d at 301.

<sup>6</sup> *Von Stauffenberg*, 903 P.2d at 1059-1060.

- 3) Council members at issue engaged in misconduct surrounding draft resolution 17-019 due, in part, to the irreparable economic harm it caused the City (“Allegation 3”).

I find that Allegation 2 and Allegation 3 are sufficient but Allegation 1 is not sufficient and fails to state grounds for recall with particularity. I discuss each of these allegations in turn.

#### Allegation 1

Allegation 1 accuses the targeted Council members of violating a legal duty that does not exist. Thus, that allegation is not sufficient. More specifically, Allegation 1 asserts that the Council members were unfit for office because they violated HCC 1.18, which prohibits “political activity” and the oath requirements under the Alaska Constitution. Homer City Code 1.18 states that:

A City official may not take an active part in a political campaign or other *political activity* when on duty. Nothing herein shall be construed as preventing such officials from exercising their voting franchise, contributing to a campaign or candidate of their choice, or expressing their political views when not on duty or otherwise conspicuously representing the City. (emphasis added).

Presumably, the Recall Petition Application sponsors are alleging that the accused Council Members have engaged in prohibited “political activity.” However, Homer City Code 1.18.020 defines “political activity” as:

any act for the purpose of influencing the *nomination or election of any person to public office, or for the purpose of influencing the outcome of any ballot proposition or question*. Informing the public about a ballot proposition or question without attempting to influence the outcome of the ballot proposition or question is not political activity. (emphasis added).

The resolutions at issue were drafted and presented after the certification of the national election and were not directed at any candidate or pending ballot proposition or question. The Code does not prohibit speech on federal policies, elected politicians, politics, or any other type of policy-based or political commentary outside the election/campaign realm. Thus, there is no violation of HCC 1.18.

#### Allegation 2

Allegation 2 asserts that the targeted Council members are unfit because they violated the oath of office by drafting Resolutions 16-121 and 17-019. The oaths of office mandated under the Homer City Code and Alaska Statute requires officials to “honestly, faithfully, and

impartially” perform their duties.<sup>7</sup> Based upon the allegations in the statement of recall, it appears that petitioners are accusing Council members of acting partially rather than impartially in supporting the resolutions.

There is no legal definition for impartial that would clarify the scope of the Council member’s oath. The City Attorney advised that the definition of “impartially” likely requires officials to perform their official duties without regard to their own personal interests but does not require officials to legislate “neutrally.” The City Attorney argued that defining “impartially” to require Council members to act “neutrally” makes little sense given that council members are elected precisely to advocate for and/or fight against laws and policies on behalf of their constituents. Despite the City Attorney’s interpretation of “impartially,” she acknowledged that there was no clear definition of “impartially” in the oath of office provisions and if the oath was interpreted to require neutral governance, the statement of recall would be sufficiently particular. Thus, construing the allegation liberally in favor of certification, I find Allegation 2 sufficient.

### Allegation 3

Allegation 3 states that the council members committed "misconduct in office" through the "irreparable damage done by draft Resolution 17-019 being made public and widely distributed on social and news media, and publicly promoted as conspicuously drafted by and representing the City of Homer." It further alleges that such action caused economic harm and financial loss to the City of Homer.

"Misconduct in office" is not defined in the recall statutes. Black’s Law defines “misconduct” as “[a] dereliction of duty; unlawful or improper behavior;” and “official misconduct” as “[a] public officer’s corrupt violation of assigned duties by malfeasance, misfeasance, or nonfeasance.” The term “embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act.” See 1988 Inf. Op. Att’y Gen. at 3 (Apr. 22; 663-88-0462) (quoting Black’s Law Dictionary (5th ed. 1979)) (recall of Copper River School District Board Chairman). Homer City Code 1.18.030(h) which prohibits Council members from “implying their representation of the whole [Council] by the use of their title.” Thus, if the allegations are taken as true, the members may have violated HCC 1.18.030(h) and thus engaged in misconduct. Although the City Attorney advised that there was no evidence the targeted Council members ever represented that the draft resolution reflected Council’s position as a whole, the attorney reiterated that the voters, and not the City Clerk, are tasked with determining the truth or falsity of petition allegations. Thus, I find Allegation 3 sufficient.

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<sup>7</sup> HCC 4.01.110; AS 29.20.600.

Based upon the above analysis, the statement of recall will be revised to remove the insufficient allegations identified in this memorandum.

### **Scheduling a Special Election**

Pursuant to AS 29.26.320, a Special Election will be held Tuesday, June 13, 2017. The Election Canvass Board will meet on Friday, June 16, 2017, and a Special Meeting of the City Council will be scheduled on June 19, 2017 to certify the election results.

As outlined in the attachment in the March 28<sup>th</sup> City Attorney's report titled "Understanding the Recall Petition Process," if majority vote favors recall, the office becomes vacant upon certification of the recall election. (AS §29.26.350(a))

Further, the process for filling a vacant office is as follows:

- 1) Nominations for successors or appointees can be filed only after certification of the recall election. (AS 29.26.350(a))
- 2) Remaining members shall appoint a qualified person to fill vacancy within 30 days of recall election certification.
- 3) If membership is reduced to fewer number required for a quorum, remaining members shall appoint qualified person(s) to constitute a quorum within 7 days (AS 29.20.180)

Recommendation: Information only.



# PUBLIC HEARING(S)



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

**Ordinances 17-16, 17-17, and 17-18**

A **public hearing** is scheduled for **Monday, April 10, 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 17-16**, 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.

**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.

**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.

**Ordinance 17-16, 17-17, and 17-18 address:** <http://www.cityofhomer-ak.gov/ordinances>



All interested persons are welcome to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

\*\* Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us) or fax 235-3143.

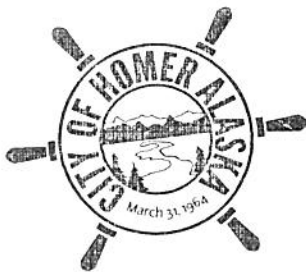
Jo Johnson, MMC, City Clerk   
Publish: Homer News April 6, 2017

## 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 17-16**, Amending Homer City Code 5.24.020 to Identify Lighted Free Floating Luminaries as Fireworks and Prohibit the Sale and Use of the Luminaries within Corporate City Limits of Homer; **Ordinance 17-17**, 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; **Ordinance 17-18**, 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 was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Thursday, March 30, 2017 and posted the same on City of Homer Website on Wednesday, March 29, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 30th day of March, 2017.

  
\_\_\_\_\_  
Renee Krause, CMC, Deputy City Clerk



**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
2. Council Regular Meeting April 10, 2017 Public Hearing and Second Reading



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.

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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**





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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
  
2. Council Regular Meeting April 10, 2017 Public Hearing and Second Reading



**CITY OF HOMER  
HOMER, ALASKA**

Smith

**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.

WHEREAS, it is in the best interest of the City of Homer’s (“City”) residents to ensure that the City administration and its staff is not subject or vulnerable to undue influence or financial expectations from candidates for local office or elected City officials; but

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

NOW THEREFORE, The City of Homer Ordains:

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

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

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JO JOHNSON, MMC, CITY CLERK

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92 AYES:

93 NOES:

94 ABSTAIN:

95 ABSENT:

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98 First Reading:

99 Public Hearing:

100 Second Reading:

101 Effective Date:

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104 Reviewed and approved as to form:

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Mary K. Koester, City Manager

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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
  - a. Memorandum 17-052 from Special Projects and Communication Coordinator as backup
2. Council Regular Meeting April 10, 2017 Public Hearing and Second Reading
  - a. Memorandum 17-052 from Special Projects and Communication Coordinator as backup



**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

46            Section 2. Passage of this ordinance authorizes the use of limited staff time and city equipment  
47 for the purpose of providing public information on ballot proposition 1.

48  
49            Section 3. This is a budget amendment ordinance is temporary in nature, and shall not be  
50 codified.

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CITY OF HOMER

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

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ATTEST:

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

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AYES:

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NOES:

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ABSTAIN:

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ABSENT:

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First Reading:

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Public Hearing:

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Second Reading:

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Effective Date:

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Reviewed and approved as to form:

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

83

\_\_\_\_\_  
Holly Wells, City Attorney

84

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

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



# City of Homer

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



# ORDINANCE(S)





# CITY MANAGER'S REPORT





# City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
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[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: April 10, 2017  
SUBJECT: April 10 City Manager's Report

---

### Role of Council in Emergency Management Scheduled

May 15<sup>th</sup> starting at 4:30pm in Council chambers, State Division of Military and Veteran's Affairs Director O'Hare and Deputy Director Sutton will deliver a training on the Mayor and Council's role in the event of a major emergency. They are planning on about 3 hours with Q & A following the presentation. This will be scheduled as a worksession and is open to the public.

### Cast a Vote for Homer Parks

As a member of Alaska Recreation and Parks Association (ARPA) the City of Homer is a contestant in a national program called "Meet me at the Park," where anyone who wants to can vote everyday in the month of April for any town in any state. It's not a "whoever gets the most votes wins" contest, but every vote goes into the lottery drawing, increasing our chances. The largest 15 cities in the nation are excluded and fall under a different program. It takes about 10 seconds a day to vote, and the prize is a \$20,000 grant towards park improvements in our community. The link to the main page to vote from is here:

<https://www.nrpa.org/our-work/partnerships/initiatives/meet-me-at-the-park/>

### Customer feedback survey

At the beginning of the year Mayor Zak instituted customer feedback cards as a way for constituents to share with City staff ways to improve, concerns, or even compliments. The cards are at every front desk where the public has contact with city staff and the Communication Coordinator follows up with every constituent who leaves their contact information. Comments are compiled into a quarterly report (attached) as a summary for Council. One quick and tangible improvement from this quarter was more prominent placement of the link to pay water/sewer bills on the City website. Thanks to everyone who takes the time to leave thoughtful feedback.

### Kachemak Heritage Land Trust (KHLT) Trail Plans

KHLT is working on a long-term plan for their Poopdeck property (in Town Center), including trails. They would like to explore the option of having a trail from their land over to the City land, connecting north to Pioneer Ave. The City purchased this lot with the intent of eventually putting a road in from Pioneer to Town Center and a trail would be consistent with that vision (it would run parallel to the road). The City land is more dry (better for trails) and has a legal connection to Pioneer Ave. If Council is agreeable, KHLT will include the possibility of extending the trail on the City lot

as part of their survey of alternatives. I would ask that KHLT come back to the City with a report on their findings and preferred alternative. Before moving forward on City land, an agreement would be formalized through Council. Construction of the trail would require additional steps, but might not be for some time as KHLT is still in the planning stages. See attached maps.

**Employee Anniversaries**

Please take a moment to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Joe Young,	Public Works	10	Years
Rick Pitta,	Police	8	Years
Rachel Tussey,	Port	7	Years
Travis Brown,	Port	5	Years
Erica Hollis,	Police	5	Years
Jean Hughes,	Public Works	3	Years
Jaclyn Arndt,	Fire	1	Year
Camelle Bickish,	Library	1	Year

Enc:

- Customer Feedback Quarterly Report
- Homer Foundation Quarterly Report
- p. C-5, 'University lot' from Land Allocation Plan
- KHLT Conceptual Site Plan for Poopdeck

## Customer Feedback Quarterly Report

1st Q 2017

DATE	TYPE	CUST COMMENT	Response
Jan-31	compliment (Hallmark card written to Public Works)	grateful for the care COH takes of our roads throughout the community in winters like this.	
Feb-7	concern	put iron post & chain handrails on sidewalks to prevent falls on ice	Front desk ascertained this person just moved to Homer from Kentucky and suggested using ice cleats on his shoes to mitigate the risks of walking on ice.
Feb-7	suggestion by City employee	eliminate office interruptions by encouraging staff members to use other employee direct phone numbers as the first phase of contact.	
Feb-8	suggestion	make utility bill pay feature more easily accessible on city website	Finance worked with communications coordinator to create Utility Bill ePay link on homepage; finance followed up with customer about the improvement.
Feb-8	compliment	pedestrian who regularly walks the Spit Trail expressed appreciation for level of trail maintenance to Dan Gardener who was out on the trail inspecting ice/sanding conditions	
Mar-7	suggestion and compliment	suggestion: less art and more city services; compliment: front desk staff helpful friendly and pleasant	Communications Coordinator followed up; thanked client for providing feedback and discussed why she often sees art in public places (State 1% for Art Program for Capital projects).
Mar-13	Suggestion	Bring back the bell (bell at City Clerk's public counter)	City Clerk pointed out that the bell was on the counter; customer just didn't see it.
Mar-20	compliment	Thanks to Public Works for all work road crew has done this winter & 3 cheers for keeping Eagle View Subd. safe.	Communications Coordinator forwarded compliment to Public Works Department.
Mar-29	concern	Asked for rationale behind City's \$5.00 Water/Sewer per unit charge for multi-units. Does not feel the additional fee is warranted.	Communications Coordinator forwarded compliment to Public Works Department.



**HOMER FOUNDATION**  
 Quarterly Report to Fund Holders  
*October - December 2016*

Fund Holder    City of Homer  
 Fund            **City of Homer Fund**

Fund Type:    Field of Interest  
 Fund Code:    1305

**PORTFOLIO SHARE (Corpus)**

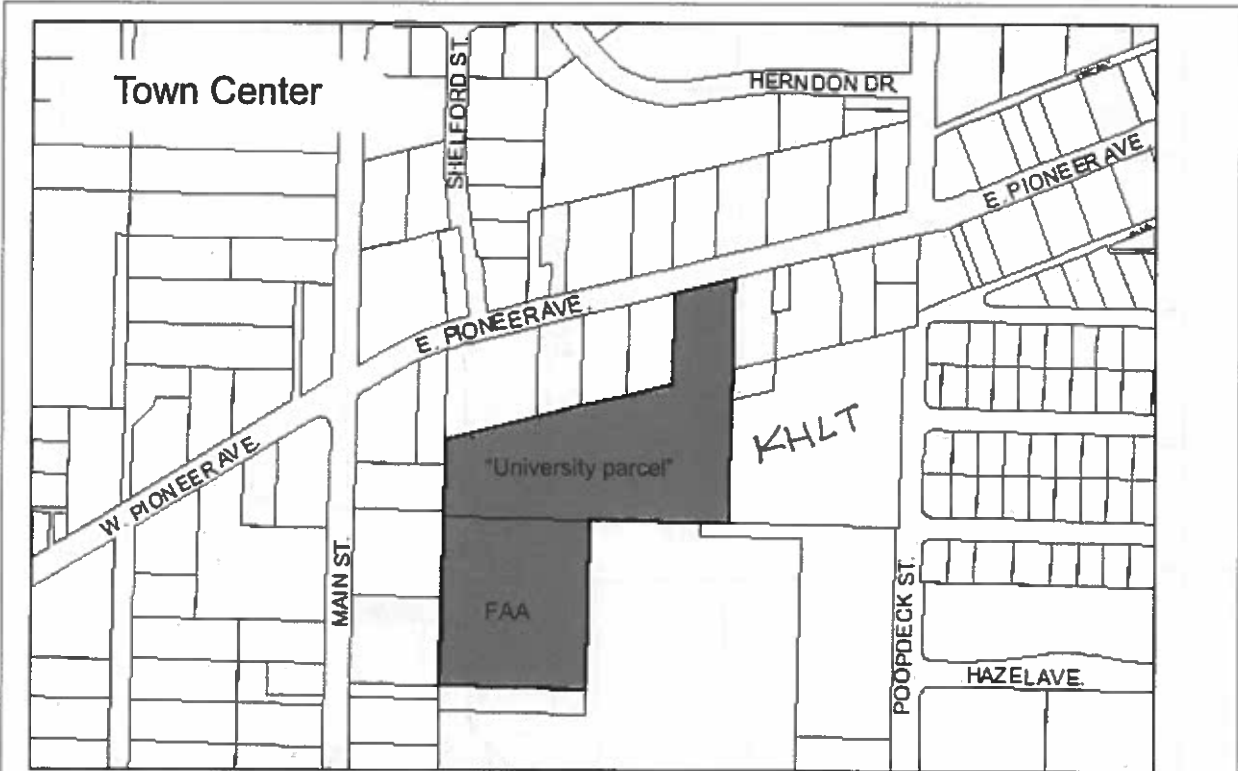
Beginning Balance	219,728.82
Contributions	-
Withdrawals	-
Portfolio Market Change	(28,259.30)
<b>Ending Balance</b>	<b>191,469.52</b>

**AVAILABLE FOR DISTRIBUTION (Earnings)**

Beginning Balance	27,010.41
Earnings Allocation	325.74
Grants Awarded:	
none this quarter	-
	-
	-
Grants Total	-
Transfers to Restricted Fund	-
<b>Ending Balance</b>	<b>27,336.15</b>







**Designated Use:** UA land: Land was sold to the City by UA with the intent it would be used for town center. FAA site: Held for possible UA/state shared consortium library agreement and land trade for land at Bridge Creek. Resolution 14-084 Identifying Homer FAA Site Sub Tract 38A in the Town Center as a Viable Location for a Community Center.  
**Acquisition History:** UA: Ord 03-61 purchase.

<b>Area:</b> 7.71 acres	<b>Parcel Number:</b> 17719209, 17708015
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**2009 Assessed Value:** \$520,200

**Legal Description:** Homer FAA Site Sub Tract 38A, UA lot: Portion of Nils O Svedlund Sub lot 7 tract B, long legal.

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> City had a wetland delineation done in 2006. There is about a 1/2 acre of wetlands between the two sites.
--	--

**Infrastructure:** Must be built as land is developed.

**Finance Dept. Code:**









# City of Homer

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Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: APRIL 4, 2017  
SUBJECT: BID REPORT

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### **INVITATION TO BID OF PUBLIC WORKS PUBLIC WORKS GRAVEL SUPPLY 2017, 2018, 2019**

Sealed bids for the **CITY OF HOMER PUBLIC WORKS GRAVEL SUPPLY 2017, 2018 2019** will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska 99603 until **2:00 p.m., Thursday, April 27, 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. Bids received after the time fixed for the receipt of the bids shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>



# CITY ATTORNEY REPORT





# COMMITTEE REPORTS



PENDING BUSINESS





43 pursuant to the provisions of the zoning code.

44

45 a. A hearing officer appointed by the City Manager to act as the decision  
46 maker in appeals of decisions made by the Planning Commission must  
47 have at least five years' experience acting as an administrative law judge or  
48 administrative hearing officer and must be licensed to practice law in the  
49 State of Alaska and in good standing.

50

51 Section 3. Section 21.91.120 shall be amended as follows:

52

53 Appeals heard by the Board of Adjustment **or a hearing officer** shall be  
54 conducted according to applicable procedures specified in Chapter 21.93 HCC.

55

56 Section 4. Section 21.91.130 shall be amended as follows:

57

58 a. An appeal from a final decision of the Board of Adjustment **or a hearing**  
59 **officer** may be taken directly to the Superior Court by a party who actively and  
60 substantively participated in the proceedings before the Board of Adjustment  
61 **or the hearing officer** or by the City Manager or City Planner or any  
62 governmental official, agency, or unit.

63

64 b. An appeal to the Superior Court shall be filed within 30 days of the date of  
65 distribution of the final decision to the parties appearing before the Board of  
66 Adjustment **or hearing officer**.

67

68 c. An appeal from a final decision of the **Board of Adjustment or** hearing  
69 officer to the Superior Court is governed by court rules.

70

71 Section 5. Section 21.93.030 shall be amended to read as follows:

72

73 21.93.030 Decisions subject to appeal to the Board of Adjustment **or a hearing**  
74 **officer**.

75

76 The following acts or determinations of the Commission, when final, may be  
77 appealed to the Board of Adjustment **or a hearing officer appointed by the**  
78 **City Manager** by a person with standing:

79

80 a. Grant or denial of a conditional use permit.

81

82 b. Grant or denial of a variance.

83

- 84 c. Grant or denial of formal recognition of a nonconforming use or structure, or  
85 a decision terminating a nonconforming use or structure.  
86  
87 d. Grant or denial of a conditional fence permit.  
88  
89 e. A decision by the Commission in a matter appealed to the Commission  
90 under HCC 21.93.020.  
91  
92 f. Any other final decision that is expressly made appealable to the Board of  
93 Adjustment **or a hearing officer** by other provisions of the code.  
94

95 Section 6. Section 21.93.060 shall be amended to read as follows:  
96

97 21.93.060 Standing – Appeal to Hearing Officer.  
98

99 Only the following have standing to appeal an appealable action or  
100 determination of the Planning Commission to the Board of Adjustment **or a**  
101 **hearing officer**:  
102

- 103 a. Applicant for the action or determination, or the owner of the property that  
104 is the subject of the action or determination under appeal.  
105  
106 b. The City Manager, the City Planner or the City Planner’s designee, or any  
107 governmental official, agency, or unit.  
108  
109 c. Any person who actively and substantively participated in the proceedings  
110 before the Commission and is aggrieved by the action or determination.  
111  
112 d. Any person who actively and substantively participated in the proceedings  
113 before the Commission and would be aggrieved if the action or determination  
114 being appealed were to be reversed on appeal.  
115

116 Section 7. Section 21.93.070 shall be amended to read as follows:  
117

118 a. An appeal to the Planning Commission must be filed within 30 days after the  
119 date of distribution of the final action or determination to the applicant or  
120 other person whose property is the subject of the matter being appealed.  
121

- 122 a. An appeal to the Board of Adjustment **or a hearing officer** must be filed within  
123 30 days after the date of distribution of the final action or determination to the  
124 applicant and other parties, if any.  
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Section 8. Section 21.93.080 shall be amended to read as follows:

- a. A notice of appeal from an action or determination of the City Planner or the Planning Commission shall be filed with the City Clerk.
- b. A notice of appeal shall be in writing, be signed by the appellant, and shall contain, but is not limited to, the following information:
  - 1. The name and address of the appellant.
  - 2. A description of the action or determination from which the appeal is sought and the date upon which the action or determination became final.
  - 3. The street address and legal description of the property that is the subject of the action or determination being appealed, and the name and address of the owner(s) of that property.
  - 4. Detailed and specific allegations of error, including reference to applicable provisions of the zoning code or other law.
  - 5. A statement of whether the action or determination should be reversed, modified, or remanded for further proceedings, or any other desired relief.
  - 6. Proof showing that the appellant is an aggrieved person with standing to appeal under HCC 21.93.050 or 21.93.060. whichever is applicable.
  - 7. **The appellant's choice of decision maker, which may be either the Board of Adjustment or a hearing officer appointed by the City Manager.**
- c. The City Clerk shall reject any notice of appeal that does not comply with HCC 21.93.070 and this section and notify the appellant of the reasons for the rejection. If a notice of appeal is rejected for reasons other than timeliness, a corrected notice of appeal that complies with this section will be accepted as timely if filed within seven days of the date on which the City Clerk mails the notice of rejection.
- d. The City Clerk shall mail copies of the notice of appeal to all parties of record in the proceeding appealed from within seven days of the date on



168 which the City Clerk determines the notice of appeal complies with HCC  
169 21.93.070 and this section.

170  
171 e. Any person with standing under HCC 21.93.050 or 21.93.060, whichever is  
172 applicable, may, within seven days after ~~date~~ of the **date the** City  
173 Clerk's ~~mailing~~ **mailed** copies of an accepted notice of appeal, file notice of  
174 cross appeal. Any notice of cross appeal shall, to the extent practical,  
175 comply with subsection (b) of this section.

176  
177 f. The City Clerk shall promptly give notice of the cross appeal to the  
178 appellant and all other parties who have filed a notice of appearance.

179  
180 Section 9. Section 21.93.100 shall be amended to read as follows:

181  
182 a. All appeals must be heard within 60 days after the appeal record has been  
183 prepared. The body **or officer** hearing the appeal may for good cause shown  
184 extend the time for hearing. The decision on appeal must be rendered within  
185 60 days after the appeal hearing.

186  
187 b. The appellant, the applicant for the action or determination that is the  
188 subject of the appeal, the owner of the property that is the subject of the  
189 action or determination, and all parties who have entered an appearance shall  
190 be provided not less than 15 days' written notice of the time and place of the  
191 appeal hearing. Neighboring property owners shall be notified as set forth in  
192 HCC 21.94.030.

193  
194 **c. When an appellant chooses to appeal to a hearing officer, the City Clerk**  
195 **shall identify the hearing officer in the notice of hearing. All parties shall**  
196 **have ten days from the date of the notice to object to the hearing officer**  
197 **based upon conflicts of interest, personal bias or ex parte contacts.**  
198 **Failure to file an objection to the hearing officer within the ten days shall**  
199 **waive any objection to the hearing officer.**

200  
201 d. An electronic recording shall be kept of the entire proceeding. Written  
202 minutes shall be prepared. The electronic recording shall be preserved for one  
203 year unless required for further appeals. No recording or minutes shall be kept  
204 of deliberations that are not open to the public.

205  
206 Section 10. Section 21.93.110 shall be amended to read as follows:

207  
208 a. All final decisions on appeals shall be in writing, and shall state the **names**  
209 **and** number of members of the body who participated in the appeal, **the**

210 **names and** number voting in favor of the decision, and the **names and**  
211 number voting in opposition to the decision. **All final decisions issued by a**  
212 **hearing officer must state the name of the officer.**

213  
214 b. A decision shall include an official written statement of findings and reasons  
215 supporting the decision. This statement shall refer to specific evidence in the  
216 record and to the controlling sections of the zoning code. Upon express vote,  
217 the body **or hearing officer** may adopt, as **their**s statement of findings and  
218 reasons, those findings and reasons officially adopted by the body **or officer**  
219 **below** from which the appeal was taken.

220  
221 c. Copies of the written decision shall be promptly mailed to the appellant, the  
222 applicant for the action or determination that is the subject of the appeal, the  
223 owner of the property that is the subject of the action or determination, and all  
224 parties who entered a written notice of appearance in the appeal proceeding.

225

226 Section 11. Section 21.93.500 shall be amended to read as follows:

227  
228 21.93.500 Parties eligible to appeal Planning Commission decision to the  
229 Board of Adjustment **or a hearing officer** – Notice of appearance.

230  
231 a. Only persons who actively and substantively participated in the matter  
232 before the Commission and who would be qualified to appeal under HCC  
233 21.93.060 may participate as parties in an appeal from the Commission to the  
234 Board of Adjustment **or a hearing officer.**

235  
236 b. Any person so qualified who desires to participate in the appeal as a party,  
237 other than the appellant, the City Planner or the City Planner's designee, the  
238 applicant for the action or determination that is the subject of the appeal and  
239 the owner of the property that is the subject of the action or determination,  
240 must, not less than 14 days before the date set for the appeal hearing, file with  
241 the City Clerk a written and signed notice of appearance containing that  
242 party's name and address, and proof that the person would be qualified under  
243 HCC 21.93.060 to have filed an appeal.

244

245 Section 12. Section 21.93.510 shall be amended to read as follows:

246  
247 a. Except as provided in subsections (b) and (c) of this section, the Board of  
248 Adjustment **or hearing officer** shall not consider allegations of new evidence  
249 or changed circumstances and shall make **its**their decision based solely on the  
250 record. If new evidence or changed circumstances are alleged, the Board of  
251 Adjustment **or hearing officer** may, in **its** **their** discretion, either hear the

252 appeal without considering the allegations or may remand the matter to the  
253 appropriate lower administrative body or official to rehear the matter, if  
254 necessary.

255  
256 b. When the standing of a person is in issue, the Board of Adjustment **or**  
257 **hearing officer** may take additional evidence for the limited purpose of  
258 making findings on the question of the person's standing. No evidence  
259 received under this subsection shall be considered for purposes other than  
260 determining standing.

261  
262 Section 13. Section 21.93.520 shall be amended to read as follows:

263  
264 a. The appeal record shall be completed within 30 days after receipt of a timely  
265 and complete notice of appeal to the Board of Adjustment **or hearing officer,**  
266 **and** shall consist of the items, and shall be prepared in the manner, described  
267 in this subsection.

268  
269 1. The Clerk will assemble and paginate all relevant documents  
270 involved in the original decision, including any staff reports, minutes, exhibits,  
271 notices, and other documents considered in making the original decision.

272  
273 2. A party may elect to include a verbatim transcript of the testimony  
274 before the Planning Commission in the appeal record by making a written  
275 request to the City Clerk for a recording of the testimony within 14 days after  
276 the Clerk mails copies of the notice of appeal to the parties pursuant to HCC  
277 21.93.080(d). The requesting party shall arrange and pay for the preparation of  
278 the transcript. Only a transcript prepared and certified as accurate by a  
279 qualified court reporter shall be accepted. The original transcript must be filed  
280 with the City Clerk to be provided to the hearing officer with the record on  
281 appeal.

282  
283 b. The appellant, the applicant for the action or determination that is the  
284 subject of the appeal, the owner of the property that is the subject of the  
285 action or determination, and other parties who have entered an appearance  
286 shall be notified by mail when the record and transcript, if ordered, are  
287 complete. Any person may obtain a copy upon payment of the costs of  
288 reproduction and any applicable mailing costs.

289  
290 Section 14. Section 21.93.540 shall be amended to read as follows:

291  
292 a. The meeting at which the Board of Adjustment hears an appeal shall be  
293 open to the public. **An appeal before the hearing officer shall also be open**

294 **to the public.** The City Attorney or another attorney acting as legal counsel to  
295 the Board shall be present **at appeals before the Board of Adjustment.**

296  
297 b. Each party (each appellant, cross-appellant, and respondent) may present  
298 oral argument at the appeal hearing, subject to the order of presentation and  
299 time limitations that the Board of Adjustment **or hearing officer** adopts at the  
300 commencement of the hearing. The taking of testimony or other evidence is  
301 limited by HCC 21.93.510.

302  
303 c. The Board of Adjustment **or hearing officer** may undertake deliberations  
304 immediately upon the conclusion of the hearing on appeal or may take the  
305 matter under advisement and meet at such other time as is convenient for  
306 deliberations until a decision is rendered. Deliberations need not be public.

307  
308 d. The Board of Adjustment **or hearing officer** may exercise his or her  
309 independent judgment on legal issues raised by the parties. “Legal issues” as  
310 used in this section are those matters that relate to the interpretation or  
311 construction of the zoning code, ordinances or other provisions of law.

312  
313 e. The Board of Adjustment **or hearing officer** shall defer to the findings of the  
314 lower administrative body regarding disputed issues of fact. Findings of fact  
315 adopted expressly or by necessary implication by the lower body shall be  
316 considered as true if they are supported by substantial evidence. But findings  
317 of fact adopted by less than a majority of the lower administrative body shall  
318 not be given deference, and when reviewing such findings of fact the Board of  
319 Adjustment **or hearing officer** shall exercise independent judgment and may  
320 make ~~its~~**their** own findings of fact. If the lower administrative body fails to  
321 make a necessary finding of fact and substantial evidence exists in the record  
322 to enable the Board of Adjustment **or hearing officer** to make the finding of  
323 fact, ~~it~~**they** may do so in the exercise of ~~its~~ **their** independent judgment, or, in  
324 the alternative, the Board of Adjustment **or hearing officer** may remand the  
325 matter for further proceedings. “Substantial evidence,” as used in this section,  
326 means such relevant evidence as a reasonable mind might accept as adequate  
327 to support a conclusion.

328  
329 Section 15. Section 21.93.550 shall be amended to read as follows:

330  
331 21.93.550 Board of Adjustment **or Hearing Officer** Decision

332  
333 The Board of Adjustment **or hearing officer** may affirm or reverse the decision  
334 of the lower administrative body in whole or in part. A decision affirming,  
335 reversing, or modifying the decision appealed from shall be in a form that

336 finally disposes of the case on appeal, except where the case is remanded for  
337 further proceedings.  
338

339 Section 16. Section 21.93.560 shall be amended to read as follows:  
340

341 a. The Board of Adjustment **or hearing officer** may remand the appeal to the  
342 lower administrative body when the Board **or hearing officer** determines that:  
343

344 1. There is insufficient evidence in the record on an issue material to the  
345 decision of the case;  
346

347 2. There has been a substantial procedural error that requires further  
348 consideration by the lower administrative body; or  
349

350 3. There is other cause requiring further proceedings by the lower  
351 administrative body.  
352

353 b. A decision remanding a case shall describe any issue upon which further  
354 evidence should be taken, and shall set forth any further directions the Board  
355 **or hearing officer** deems appropriate for the guidance of the lower  
356 administrative body.  
357

358 c. The lower administrative body shall promptly act on the case upon remand  
359 in accordance with the decision of the Board of Adjustment **or hearing officer**.  
360 A case on remand has priority on the agenda of the lower administrative body,  
361 except cases remanded under HCC 21.93.510(a) are not entitled to priority. The  
362 applicant or owner of the property in question may waive the priority given by  
363 this subsection.  
364

365 Section 17. Section 21.93.570 shall be amended to read as follows:  
366

367 If no specific procedure is prescribed by the code, the Board of Adjustment **or**  
368 **hearing officer** may proceed in an administrative appeal in any lawful manner  
369 not inconsistent with this title, statutes, and the Constitution.  
370

371 Section 18. Section 21.93.700 shall be amended to read as follows:  
372

373 a. A member of the Planning Commission, ~~or~~ Board of Adjustment **or a hearing**  
374 **officer** appointed to hear an appeal from a Planning Commission decision may  
375 not participate in the deliberation or voting process of an appeal if, following  
376 the procedures set forth in this chapter, the Commission, or Board member **or**  
377 **hearing officer** is determined to have a substantial financial interest in the

378 official action, as defined in Chapter 1.18 HCC. In the absence thereof, all  
379 Commission; or Board members **or a hearing officer** shall participate in the  
380 deliberation and voting process unless excused pursuant to other provisions of  
381 this chapter.

382  
383 b. When a financial interest of a member of the Planning Commission or Board of  
384 Adjustment is disclosed on the record, the remainder of the Commission or  
385 Board, respectively, shall determine whether the member should participate in  
386 the matter. If it is determined the member should participate, any action taken  
387 thereafter by the body shall be valid notwithstanding a later determination by  
388 a court, an appellate tribunal, **or a hearing officer** that the member should  
389 have been disqualified from participation because of a substantial financial  
390 interest in the matter; except the action shall be invalidated when the  
391 disqualified member's vote was necessary to establish the required majority to  
392 approve the decision of the body. When a Commission or Board decision is  
393 invalidated because such vote was necessary to establish the required  
394 majority, the body shall commence new consideration of the matter beginning  
395 at the point where the Commission or Board, respectively, determines it is  
396 necessary to do so to eliminate the effect of the member's improper  
397 participation.

398  
399 c. **A hearing officer shall disclose any substantial financial interest, personal**  
400 **bias or ex parte contact immediately upon being appointed by the City**  
401 **Manager and shall refrain from accepting the appointment if a substantial**  
402 **financial interest, personal bias or ex parte contact exists. If the**  
403 **substantial financial interest, personal bias or ex parte contact arises after**  
404 **the hearing officer's appointment, he or she shall disclose his or her**  
405 **interest and shall be disqualified from serving as the hearing officer unless**  
406 **all parties waive any objection to the hearing officer.**

407  
408 d. For purposes of hearing an appeal, a quorum of the Commission is four  
409 members **and a quorum of the Board is four members**. If it is not possible to  
410 obtain a quorum of the Planning Commission **or Board of Adjustment** to hear  
411 an appeal without the participation of members disqualified by reason of a  
412 substantial financial interest, then all members who would be so disqualified  
413 shall nevertheless participate in the appeal, including deliberations and voting,  
414 and the decision rendered in such a case shall be valid notwithstanding the  
415 participation of such members. This subsection shall not apply if the matter  
416 can be postponed to a later date (not later than 75 days after the appeal record  
417 is prepared) when the body can obtain a quorum of members who are not  
418 disqualified by a substantial financial interest.

419

420           Section 19. Section 21.93.710 shall be amended to read as follows:

421  
422           a. No member of the Commission or Board of Adjustment **or any hearing**  
423           **officer appointed by the City Manager to review a decision issued by the**  
424           **Commission** shall have ex parte communication with any person. “Ex parte  
425           communication” means to communicate, directly or indirectly, with the  
426           appellant, other parties or persons affected by the appeal, or members of the  
427           public concerning an appeal or issues specifically presented in the notice of  
428           appeal, either before the appeal hearing or during any period of time the  
429           matter is under consideration or subject to reconsideration, without notice  
430           and opportunity for all parties to participate in the communication.

431  
432           b. This section does not prohibit:  
433  
434                   1. Members from discussing matters relating to the appeal among  
435                   themselves.

436  
437                   2. Communications between municipal staff and Commission or Board  
438                   members **or the hearing officer** where:

439  
440                           a. Such staff members are not themselves parties to the appeal;  
441                           and  
442                           b. Such communications do not furnish, augment, diminish, or  
443                           modify the evidence in the record on appeal.

444  
445                   3. Communications between the Commission or Board and its legal  
446                   counsel.

447  
448           c. If, before an appeal commences, a member of the Commission or Board  
449           receives an ex parte communication of a type that could not properly be  
450           received while an appeal is pending, the member shall disclose the  
451           communication in the manner prescribed in subsection (d) of this section at  
452           the first meeting of the Commission or Board at which the appeal is addressed.

453  
454           d. A member of the Commission or Board who receives an ex parte  
455           communication at any time shall, at the first opportunity after the  
456           communication, place on the record of the pending matter all written  
457           communications received, all written responses to the communications, and a  
458           memorandum stating the substance of all oral communications received, all  
459           responses made, and the identity of each person from whom the member  
460           received an ex parte communication. Any party to the appeal desiring to rebut

461 the ex parte communication must be granted a reasonable opportunity to do  
462 so if a request is promptly made.

463  
464 e. If the Commission or Board determines in its discretion it is necessary to  
465 eliminate the harmful effect of an ex parte communication received in  
466 violation of this section, the Commission or Board may disqualify the member  
467 who received the communication from participation in the appeal. In addition,  
468 the Commission may impose appropriate sanctions, including default, against  
469 a party to the appeal for any violation of this section.

470  
471 f. It is a violation, subject to penalties and other enforcement remedies under  
472 this title:

473  
474 1. For any person to knowingly have or attempt to have ex parte  
475 communication with a Commission or Board **or hearing officer** in  
476 violation of subsection (a) of this section.

477  
478 2. For any Commission or Board member **or hearing officer** to  
479 knowingly receive an ex parte communication in violation of subsection  
480 (a) of this section.

481  
482 3. For any Commission or Board member to knowingly fail to place on  
483 the record any matter when and as required under subsections (c) and  
484 (d) of this section.

485  
486 Section 20. This ordinance shall take effect upon its adoption by the Homer City  
487 Council.

488  
489 Section 21. This ordinance is of a permanent and general character and shall be  
490 included in the City Code.

491  
492 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
493 \_\_\_\_\_, 2017.

494  
495 CITY OF HOMER

496  
497  
498 \_\_\_\_\_  
499 BRYAN ZAK, MAYOR

500  
501  
502



503 ATTEST:

504

505

506

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

508

509

510 YES:

511 NO:

512 ABSTAIN:

513 ABSENT:

514

515

516

517 First Reading:

518 Public Hearing:

519 Second Reading:

520 Effective Date:

521

522 Reviewed and approved as to form.

523

524

525 \_\_\_\_\_  
Mary K. Koester, City Manager

526

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

528

529

530 Fiscal Note: NA

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

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



# NEW BUSINESS



# RESOLUTIONS



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

