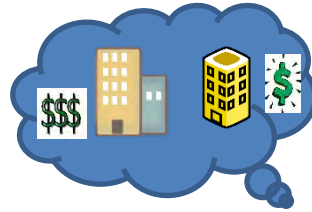


City Council
June 26, 2017
Monday



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

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

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June - July 2017

- Monday 26th:** **CITY COUNCIL**
Work Session 4:00pm., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Wednesday 28th:** **PORT AND HARBOR COMMISSION**
Regular Meeting 6:00pm
- Tuesday 4th :** **4th OF JULY**
City Offices Closed
- Thursday 13th:** **ADA COMPLIANCE COMMITTEE**
Regular Meeting 4:00pm
- Wednesday 19th:** **PLANNING COMMISSION**
Work Session 5:30pm. and Regular Meeting 6:30 p.m.
- Monday 24th:** **CITY COUNCIL**
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

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

MAYOR AND CITY COUNCILMEMBERS AND TERMS

- BRYAN ZAK, MAYOR – 18
DAVID LEWIS, COUNCILMEMBER – 17
CATRIONA REYNOLDS, COUNCILMEMBER – 17
DONNA ADERHOLD, COUNCILMEMBER – 18
HEATH SMITH, COUNCILMEMBER – 18
SHELLY ERICKSON, COUNCILMEMBER – 19
TOM STROOZAS, COUNCILMEMBER - 19
City Manager, Katie Koester
City Attorney, Holly Wells

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

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



WORKSESSION
4:00 P.M. MONDAY
JUNE 26, 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 MELISSA JACOBSEN

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. CITY ATTORNEY WELLS, HEARING OFFICER AND BOARD OF ADJUSTMENTS**
- 4. 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 299
ORDINANCE 17-07(S-3), 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, and 21.93.710 Requiring the City of Homer to use a Hearing Officer when Appealing a Homer Advisory Planning Commission Decision and Permitting all Other Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson. Page 315
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, July 24, 2017 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
JUNE 26, 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 MELISSA JACOBSEN

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. **RESOLUTION 17-067**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit a Land and Water Conservation Fund Grant Application to the State of Alaska to Assist with Building the Ramp Two Restroom at the Port and Harbor. City Manager.
Page 125

Memorandum 17-099 from Special Projects and Communications Coordinator as backup.
Page 127
4. **RESOLUTION 17-069**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit Three Municipal Infrastructure Projects, (1) The Barge Mooring/Large Vessel Haul Out Repair Facility, (2) Water Storage and Distribution Improvements, and (3) Seafarers Memorial Parking Expansion in Order of Priority to the State of Alaska for Nomination to the Trump Administration Infrastructure Program. City Manager.
Page 139
5. **CITY MANAGER'S REPORT** Page 257
6. **CONSENT AGENDA**
7. **REGULAR MEETING AGENDA**
8. **COMMENTS OF THE AUDIENCE**

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

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

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
JUNE 26, 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 MELISSA JACOBSEN

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. Mayoral Recognition of new Police Officers Jessica Poling and Morgan Tracy
- B. Mayoral Proclamation, Lori Evans, Homer News Editor Page 19
- C. Mayoral Proclamation, Homer Chamber of Commerce July 4th Parade Page 21

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

6. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of June 12, 2017 and Special Meeting minutes of June 19, 2017. City Clerk. Recommend adoption. Page 29

- B. **Ordinance 17-26**, An Ordinance of the City Council of Homer, Amending the FY 2017 Operating Budget by Appropriating \$18,095 from the Fire Donations Fund to Purchase a New ATV and Rescue Skid Unit. City Manager/Fire Chief. Recommended dates Introduction June 26, 2017, Public Hearing and Second Reading July 24, 2017. Page 49
Memorandum 17-094 from Training Officer/Captain as backup. Page 53

- C. **Ordinance 17-27**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Sewer Reserve Funds in the amount of \$16,000 for the Replacement of Security Fencing at the Sewer Treatment Plant. City Manager/Public Works Director. Recommended dates: Recommended dates Introduction June 26, 2017, Public Hearing and Second Reading July 24, 2017. Page 55
Memorandum 17-100 from Public Works Director as backup. Page 59

- D. **Resolution 17-065**, A Resolution of the City Council of Homer, Alaska, Approving a Lease Transfer from Harbor Leasing, LLC to Southwind Foods, LLC/Great American Seafood Imports Co. and to Negotiate a new 20-Year Lease with Options for two Consecutive 5-Year Renewals on lot 12C City of Homer Port Industrial Subdivision No. 4. City Manager/ Port Director. Page 61
Memorandum 17-098 from Port and Harbor Advisory Commission as back up. Page 63

- E. **Resolution 17-066**, A Resolution of the City of Homer, Alaska, Recognizing the Natural Functions and Values of the Woodard Creek Watershed, Acknowledging the Woodard Creek Coalition's February 2017 Woodard Creek Watershed Plan, Referencing Appropriate Sections of the Plan in the City of Homer's Comprehensive Plan, Promoting the Plan on the City of Homer's Website, and Making the Plan Available for Reference in the Planning Department. Aderhold. Page 81

- F. **Resolution 17-067**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit a Land and Water Conservation Fund Grant Application to the State of Alaska for the Replacement of Ramp 2 Restroom in an Amount up to \$125,000 and Expressing its Commitment to Provide a Local Match to Grant Funds. City Manager.
Page 125
Memorandum 17-099 from Special Projects and Communications Coordinator as backup.
Page 127
- G. **Resolution 17-068**, A Resolution of the Homer City Council Inviting the Alaska Municipal League to hold their 2019 Summer Legislative Conference in Homer. Mayor
Page 133
- H. **Resolution 17-069**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit Three Municipal Infrastructure Projects, (1) The Barge Mooring/Large Vessel Haul Out Repair Facility, (2) Water Storage and Distribution Improvements, and (3) Seafarers Memorial Parking Expansion in Order of Priority to the State of Alaska for Nomination to the Trump Administration Infrastructure Program. City Manager.
Page 139
- I. **Resolution 17-070**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Schedule a Public Meeting in the Fall and Develop an Online or Telephone Survey for the Purpose of Collecting Public Input on a New Police Station. Aderhold.
Page 149

7. VISITORS

- A. Bob Letson, South Peninsula Hospital (10 minutes) Page 153

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

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission

- 4. Parks Art Recreation and Culture Advisory Commission
 - 5. Port and Harbor Advisory Commission
 - 6. Cannabis Advisory Commission
- 9. PUBLIC HEARING(S)**
- A. **Ordinance 17-24**, An Ordinance of the City Council of Homer, Alaska authorizing the City Manager to purchase Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1, Kelly Ranch Estates for \$21,000 and designating its use for the purpose of protecting the Bridge Creek Watershed. City Manager. Introduction June 12, 2017; Public Hearing and Second Reading June 26, 2017. Page 165
 - B. **Ordinance 17-25**, An Ordinance of the City Council of Homer, Alaska Amending HCC 2.52 to Clarify the Police Department and Fire Department as Departments within the City and not Divisions under the Department of Public Safety. City Manager/Police Chief. Introduction June 12, 2017; Public Hearing and Second Reading June 26, 2017. Page 173
 - C. **Resolution 17-060**, A Resolution of the City Council of Homer, Alaska, Adopting the Revised Port and Harbor Tariff 1. City Manager/Port and Harbor Director. Public Hearing June 26, 2017. Page 185
Memorandum 17-087, from Port and Harbor Director as backup. Page 187
 - D. **Resolution 17-061**, A Resolution of the City Council of Homer, Alaska Amending the Fee Schedule under Port and Harbor to Reflect the Changes from the Port and Harbor Tariff 1. City Manager/Port and Harbor Director. Public Hearing June 26, 2017. Page 241
Memorandum 17-088, from Port and Harbor Director as backup. Page 251
- 10. ORDINANCE(S)**
- 11. CITY MANAGER’S REPORT**
- A. City Manager’s Report Page 257
 - B. Bid Report Page 273

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

Postponed from March 28:

- A. **Ordinance 17-05(A-2)**, 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 March 28, 2017, Postponed to June 26, 2017. Page 281

- Memorandum 17-095** from Public Works Director as backup. Page 287
- Memorandum 17-019** from Public Works Director as backup. Page 291
- Memorandum 17-041** from City Planner as backup. Page 297

Postponed from April 24:

- B. **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. Introduction January 1, 2017, Public Hearing March 28 and April 24, 2017, Postponed to June 26, 2017. Page 299

- Ordinance 17-07(S-3)**, 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, and 21.93.710 Requiring the City of Homer to use a Hearing Officer when Appealing a Homer Advisory Planning Commission Decision and Permitting all Other Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson. Page 315

15. NEW BUSINESS

A. **Memorandum 17-096** from City Clerk Re: Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15. Page 347

B. **Memorandum 17-097** from Councilmember Smith Re: Amending City Code to Allow a Caretaker RV on Lots in the Marine Commercial District. Page 355

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, July 24, 2017 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MAYORAL PROCLAMATIONS
AND RECOGNITIONS

CITY OF HOMER
HOMER, ALASKA

MAYOR'S PROCLAMATION
RECOGNITION of LORI EVANS

WHEREAS, Lori Evans moved to Alaska from Florida in 1979 to take a job as report with The Juneau Empire; and

WHEREAS, Lori Evans became the Editor of the Peninsula Clarion, Kenai in 1991; and

WHEREAS, Lori Evans was named publisher of the Homer News in 2004; and

WHEREAS, Under Lori Evans leadership Homer's oldest newspaper celebrated its 50th anniversary and winner of Alaska Press Club awards including Best Weekly Newspaper in 2006 and 2016; and

WHEREAS, Lori Evans is known for her strong ethical standards in her work and is an advocate for open and transparent government; and

WHEREAS, Lori Evans is recognized for keeping Homer News financially stable with leading innovations in online coverage; and

WHEREAS, Lori Evans, as editor, has served as mentor and teacher to many young reporters, graphic artists, sales people and administrative assistants; and

WHEREAS, Lori Evans is known as a volunteer in Homer, especially as a Rotarian; and

WHEREAS, Lori Evans is leaving the Homer News June 30th to begin a new chapter of her life.

NOW, THEREFORE, I, Bryan Zak, Mayor of the City of Homer, along with all the citizens of Homer, do hereby recognize and thank Lori Evans for her contributions to our community and wish her a healthy and happy next chapter of her life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 26th day of June, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

July 4th Parade 2017

WHEREAS, The Homer Chamber of Commerce hosts an Annual July 4th Parade along Pioneer Avenue in Downtown Homer and the theme this year is "Homer in Bloom- City of Peonies"

WHEREAS, The July 4th Parade will be held on Tuesday, July 4th starting at 6 p.m. with the parade route running along Pioneer Avenue in downtown Homer from Heath Street to Woodside Avenue; and

WHEREAS, The Grand Marshals are Rita Jo and Leroy Shoultz, long-time peony growers, and volunteer leaders in our community; and

WHEREAS, Alaska USA Federal Credit Union is the prime sponsor along with business sponsors The Alibi Bar and Café, Alaska Ultimate Safaris, Don Jose's, Spenard Builders Supply, NOMAR, Ulmer's Drug and Hardware, Serendipity Event Rentals, and the Judges Stand Sponsor, Bay Realty; and

WHEREAS, Prize categories include Adult Group, Children's Group, Bikes and Trikes, Animals, Antique Cars, Trucks and Machinery, and Best Use of Theme. Prizes will be "Homer Bucks" which are redeemable for cash value at 52 local Homer businesses, so parade constant winners can shop locally.

NOW, THEREFORE, I, Bryan Zak, Mayor of Homer, do hereby proclaim Tuesday, July 4, 2017 as:

JULY 4TH PARADE 2017

and urge residents, businesses, organizations in our community, and visitors to join us to celebrate by attending the parade.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 16th day of June, 2017

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

CONSENT AGENDA

Session 17-15 a Regular Meeting of the Homer City Council was called to order on June 12, 2017 at 6:00 p.m. by Mayor Zak at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

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

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PERSONNEL DIRECTOR BROWNING
POLICE CHIEF ROBL
PORT DIRECTOR HAWKINS

Council met from 4:00 until 4:50 to hear from the Port Director and Port and Harbor Advisory Commission regarding the new Port and Harbor Tariff No. 1 and discuss the Police Station Building Task Force recommendations. From 5:00 until 5:50 as Committee of the Whole to discuss the Police Station Building Task Force Recommendation and Consent and Regular Meeting Agenda items.

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: **CONSENT AGENDA** - **Resolution 17-058** Amending Personnel Regulations is changed to Resolution 17-063 to correct a duplicated resolution number, **Resolution 17-059**, A Resolution of the City Council of Homer, Alaska Encouraging the Restoration of Full Funding to Federal Agencies that Support the Economy of Homer, Alaska, Information provided by the public, **PUBLIC HEARING** - **Ordinance 17-23**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$2,344,784 from the Homer Permanent Fund to Pay Off the Library Construction Loan and Help Fund a New Police Station, and Repealing HCC Chapter 3.12, Permanent Fund, Written Public Comments; **NEW BUSINESS** – **Memorandum 17-090** Jack Gist Park Plan, Jack Gist Park Map.

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

LEWIS/REYNOLDS

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- A. Recognition of Bryan Hawkins, Port Director/Harbormaster for receiving his Marine Port Executive Accreditation.

Mayor Zak acknowledged Harbormaster Hawkins for receiving his Marine Port Executive Accreditation.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Willie Dunn, non resident and Kachemak Bay National Estuarine Research Reserve Community Council member, commented in support of Resolution 17-059 and funding for the Kachemak Bay Research Reserve. He noted work the reserve has done with the city particularly with erosion, ocean acidification issues, science and education.

George Matz, Kachemak Bay National Estuarine Research Reserve Community Council Chair, commented in support of Resolution 17-059. He explained the research reserve has a budget of about \$2 million and a staff of around 12. Most of their funding is NOAA funding. He addressed negative impacts the loss of federal funding would create, particularly in three main areas, research and monitoring, education, and coastal training programs.

James Hornaday, city resident and Kachemak Bay National Estuarine Research Reserve Community Council member, commented in support of Resolution 17-059. He touched on two economic impacts of federal funding, the erosion study, which impacts insurance rates, and the studies of area close to the rivers and streams for salmon spawning and the need for those studies to maintain our healthy salmon population.

Bobby Hickman, city employee, expressed concerns regarding Resolution 17-063. He thinks the regulations are not being followed. He does not agree with the changes regarding 3.14.3 employment for relatives. He has issue with pay increases because if your supervisor has issues with an employee, the employee isn't going to get a pay increase.

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 May 30, 2017 and Special Meeting minutes of May 31, 2017. City Clerk. Recommend adoption.
- B. **Memorandum 17-084** from Finance Director Re: 2018 Proposed Budget Schedule. Recommend approval.
- C. **Memorandum 17-085** from City Clerk Re: Vacation of a 30' Wide Portion (approximately 0.113 acres) of Greatland Street Right of Way Adjacent to the West Boundaries of Lots 18-A and 19-A, as Dedicated on the Chamberlain and Watson Subdivision, Plat HM 1950-24; located within the NE ¼ SE ¼ of Section 19, T6S, R13W, Seward Meridian, Alaska, Within the City of Homer and the Kenai Peninsula Borough; KPB File 2017-056V. Recommend approval.
- D. **Ordinance 17-24**, An Ordinance of the City Council of Homer, Alaska authorizing the City Manager to purchase Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1, Kelly Ranch Estates for \$21,000 and designating its use for the purpose of protecting the Bridge Creek Watershed. City Manager. Recommended Dates: Introduction June 12, 2017; Public Hearing and Second Reading June 26, 2017.
- E. **Ordinance 17-25**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 2.52 Department of Public Safety and Reenacting as the Police Department and Creating HCC 2.53 Fire Department Under Title 2. Administration and Personnel. City Manager/Police Chief. Recommended Dates: Introduction June 12, 2017; Public Hearing and Second Reading June 26, 2017.
- F. **Resolution 17-063**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Personnel Regulations Chapter 2, Section 2.2.3 Division, Chapter 3, Section 3.14.3 Employment of Relatives, Chapter 5, Section 5.3.3 Pay Increases, Chapter 6, Section 6.1 Recognized Holidays, Section 6.8 Sick Leave, and Chapter 12, Section 12.3 Layoffs. City Manager/Personnel Director. Recommend adoption.

Memorandum 17-086 from Personnel Director as back up.

Memorandum 17-092 from Employee Committee

Moved to Resolutions, Item A. Reynolds.

G. **Resolution 17-059**, A Resolution of the City Council of Homer, Alaska Encouraging the Restoration of Full Funding to Federal Agencies that Support the Economy of Homer, Alaska. Lewis. Recommend adoption.

H. **Resolution 17-060**, A Resolution of the City Council of Homer, Alaska, Adopting the Revised Port and Harbor Tariff 1. City Manager/Port and Harbor Director. Recommend Public Hearing June 26, 2017.

Memorandum 17-087, from Port and Harbor Director as back up.

I. **Resolution 17-061**, A Resolution of the City Council of Homer, Alaska Amending the Fee Schedule under Port and Harbor to Reflect the Changes from the Port and Harbor Tariff 1. City Manager/Port and Harbor Director. Recommend Public Hearing June 26, 2017.

Memorandum 17-088, from Port and Harbor Director as back up.

J. **Resolution 17-062**, A Resolution of the City Council of Homer, Alaska Awarding a Sole Source Contract for Dispatch Console Replacement to ProComm Alaska in the Amount of \$296,111 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 17-089 from Police Chief as back up.

Mayor Zak asked for a motion for the adoption of the consent agenda.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

VISITORS

A. Emily Sloth, SPARC Building Update (5 minutes)

Emily Sloth, General Manager for SPARC, provided a brief update to the Council on the new SPARC building and said they are welcoming ideas, so stop by or email sparchomer@gmail.com. She thanked the city and the community for all the support to get SPARC where it is today. Their mission statement is to provide our community with a safe indoor space primarily for healthy youth recreational activities, to provide a safe indoor space

for recreational activities to all other age groups, and to offer a community space for activities that help the facility offset costs and operate sustainably.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

(10 minute limit per report)

A. Borough Report

Willie Dunn, District 9 Borough Assembly member, commented that the assembly passed their budget at their last meeting, including school funding, funding for the Kenai Peninsula College, and minor adjustment to a few of the non-profits in the economic development part of the Borough. He was disappointed they didn't use revenues to fund the entire budget so there is \$4 million deficit and they are hoping to come up with some revenue measures over the next few months to address that. He noted the proposal to collect sales tax on non-prepared food from three months to six months failed as did the proposal to increase the mil rate and to increase the Mayor's salary. They approved a pilot composting program in Kachemak City.

In response to questions about the budget deficit he said some things that have been suggested but not put on the table yet are increasing the sales tax cap that is currently at \$500, and an excise tax on lodging. He noted that sales tax goes to fund schools and there isn't enough to do so adequately. The fallback option would be to take money from the general fund savings.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Syvrina Abrahamson, Planning Commissioner, reported that in addition to a couple of vacations, replats, and subdivisions their main work is an update to the City of Homer Comprehensive Plan. Right now they are working on chapter four Land Use and have almost complete initial discussions for a draft chapter four that will be ready for public comments. The update is mainly focused on crossing off items the city has accomplished. The update is also a pulse check on items the city has chosen not to act on for one reason or another, including feasibility of the implementation measures due to expected budget constraints for the foreseeable future.

3. Economic Development Advisory Commission

4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 17-21**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget by Appropriating \$8,000 from the Homer Accelerated Roads and Trails Program (HART) in Addition to In-Kind Contributions to Build the Woodard Creek Upper Trail at Karen Hornaday Park. Smith. Introduction May 30, 2017, Public Hearing and Second Reading June 12, 2017.

Mayor Zak opened the public hearing.

Deb Lowney, city resident and Parks Art Recreation and Culture Advisory Commission, commented in support of Ordinance 17-21, noting that it has full approval from the Commission. She reviewed the area where the trail would be located and the safety aspect of the trail for getting people off the road and to the park safely.

Robert Archibald, city resident, commented in support of Ordinance 17-21, about his involvement with the Friends of Woodard Creek and Hornaday Park, and the work they've done in trying to establish a trail to get people off the road and enhance the area.

Mayor Zak closed the public hearing.

Mayor Zak asked for a motion for the adoption of Ordinance 17-21 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED.

There were brief comments that this is a good idea, it gets people off the road and safely to the park.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 17-22**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 19.04.090 to Allow Upright and Flat Memorial Markers at the Hickerson Memorial Cemetery and Defining Their Dimensions and Composite. City Manager/City

Clerk. Introduction May 30, 2017, Public Hearing and Second Reading June 12, 2017.

Mayor Zak opened the public hearing.

There was no public testimony and Mayor Zak closed the public hearing.

Mayor Zak asked for a motion to adopt Ordinance 17-22 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

There was brief discussion that there are already upright markers being placed now and this will help set some criteria for those markers.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Ordinance 17-23**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$2,344,784 from the Homer Permanent Fund to Pay Off the Library Construction Loan and Help Fund a New Police Station, and Repealing HCC Chapter 3.12, Permanent Fund. Lewis. Introduction May 30, 2017, Public Hearing and Second Reading June 12, 2017.

Mayor Zak opened the public hearing.

Ray Kranich, city resident, commented in opposition to Ordinance 17-23. He thinks it is short sided to deplete the funds for a non emergency situation. He pointed out that bonding and making payments for the library was approved by the voters and funding for the police station has not been approved by the voters.

Coletta Walker, city resident, commented in support of Ordinance 17-23 noting the interest the fund is accumulating is far less than the cost of the interest we are paying on the library loan.

Larry Slone, city resident, commented that the previous commenters make excellent points. He agrees that it's hard to walk away from that much savings and a lot of it could be applied back to the library. He isn't aware of any specific benefit to the citizens from the fund, but agrees with the point that the citizens have not approved the police station building and thinks it would be wrong to dedicate a fund for it.

Mayor Zak closed the public hearing.

Mayor Zak asked for a motion to adopt Ordinance 17-23 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

Councilmember Erickson commented the only way she would want to see the money for the police station be used is specifically on the actual building, not into putting together the plans for the building, and it should stay in the fund until they are ready to build. She thinks it makes sense to pay off the library loan and it would be good for the library to be making payments back to the city. It's something they should look at as another option.

STROOZAS/ERICKSON MOVED TO AMEND TO STRIKE THE LINES THAT SAY AND HELP FUND A NEW POLICE STATION AND REPEALING HCC CHAPTER 3.12 PERMANENT FUND.

It was clarified the amendment is striking lines 43-47 and in the title lines 9 and 10.

There was brief discussion that this change would warrant a second public hearing. City Manager Koester added it would need reviewed by the City Attorney because we would have to specifically exempt the expenditure to the library from the permanent fund if we aren't repealing the fund in city code.

Councilmembers Smith and Reynolds commented the ordinance should be adopted as is and they don't support the amendment.

There was further discussion about how the funds are invested now and that they could be invested more aggressively.

VOTE: YES: STROOZAS

NO: LEWIS, SMITH, ADERHOLD, REYNOLDS, ERICKSON

Motion failed.

Councilmember Reynolds commented that this is low earning savings and it would be prudent to pay off the high cost library loan, and agrees it would be best to use the police station portion for the building to lower the amount needed through bonding or funding another way. It could be an instrumental piece of moving the police station forward and getting police staff into a more effective and efficient place to work.

Councilmember Stroozas agreed with paying off the library loan, but he doesn't want to see anything earmarked at this point for construction of the police station until such time as we get there.

Councilmember Smith thinks they need to show the citizens we are using money we already have in a way that reflects their best interest. Leaving this money in low yielding accounts isn't a reflection of making good decisions with their money. In using this money to offset the cost to citizens when it's time to build a new police station, they'll see it as a sign of good faith and best use of the money.

Councilmember Aderhold noted the origin of this money was from the Exxon Valdez oil spill settlement and noted that Cordova used their settlement funds to build the Cordova Center that houses their city council chambers, city offices, a museum, community space, a theater, and their library. It's just an example of how another community chose to use the funds. Homer has a need to pay off the library, a building the community wanted, and we have a need for a new police station.

ERICKSON/REYNOLDS MOVED TO AMEND LINE 45 AND INCLUDE FROM THE HOMER PERMANENT FUND TO THE ACTUAL CONSTRUCTION OF A POLICE STATION.

There was brief comment in support of this but there will be costs leading up to construction and the money will have to come from somewhere.

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

Motion carried.

ERICKSON MOVED TO AMEND THAT THE LIBRARY WOULD BUDGET 2% BACK TO THE CITY ON WHAT THEY WOULD BE PAYING.

Motion failed for lack of a second.

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

D. **Resolution 17-056**, A Resolution of the City Council of Homer, Alaska, Adopting the Policies and Guidelines for the Hickerson Memorial Cemetery. City Manager/City Clerk. Recommend Public Hearing June 12, 2017.

Mayor Zak opened the public hearing. There was no testimony and the hearing was closed.

Mayor Zak asked for a motion to adopt Resolution 17-056 by reading of title only.

STROOZAS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Zak called for a break at 7:16 p.m. and reconvened the meeting at 7:25 p.m.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester commented that the entertainment vessel, Wild Alaskan, is anchored off the Homer Spit, and is just outside city limits. The Police Department and Harbormaster are aware of and keeping an eye on activity surrounding it, but it is in the Trooper's jurisdiction.

She reported the last utility billing was sent out without an accurate reflection of sales tax due to the accounting software not calculating tax correctly. We are currently negotiating with Cassell, our account management software, and if we're unable to come to an agreement we will need to write off some amount of that. It's about \$8,000 that wasn't collected.

Lastly, she mentioned that we are down in revenue at city campgrounds. Last year the fee was increased to \$20 per night for RV's. Her plan is to look at the entire year and address in the fee schedule, but the parks department might be looking for a change sooner.

Councilmember Erickson noted that things are down at her campground right now as well, but July will be great.

Councilmember Lewis noted the weather hasn't been very good in June and that could be part of it. He also asked City Manager Koester to check with the Borough about collecting sales tax on the water taxis going from out dock to the ship.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Employee Committee Report

Matt Clarke, Employee Committee Chair, reviewed Memorandum 17-092 in the packet, noting the committee approved the recommendations for the Personnel Regulations with the

exception of chapter 5, 5.33 annual merit increases, and chapter 12, 12. layoffs, which were approved by majority vote.

B. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold commented City Clerk Jacobsen reported to the committee on her trip to the National ADA Symposium and they scheduled building assessments in July at the library and restrooms on the spit and in town.

C. Police Station Building Task Force

PENDING BUSINESS

NEW BUSINESS

A. **Memorandum 17-090**, from Councilmember Smith Re: Jack Gist Park Plan.

Mayor Zak asked for a motion to forward Memorandum 17-090 to the Parks Art Recreation and Culture Advisory Commission to advise Council on development plans for Jack Gist Park.

REYNOLDS/SMITH SO MOVED

Discussion ensued regarding some history in developing Jack Gist Park. It was noted that the soccer association had been involved in discussion of the development, but the demand for use by the association has diminished.

Councilmember Smith explained he is interested in getting a clearer vision of what to do with the park.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. **Memorandum 17-091**, from Councilmember Aderhold Re: Main Street Sidewalk.

Mayor Zak asked for a motion to forward Memorandum 17-091 to the Parks Art Recreation and Culture Advisory Commission to explore the challenges, opportunities and possible partnerships for constructing a sidewalk on upper Main Street.

ADERHOLD/LEWIS SO MOVED

Councilmember Erickson commented about attending the Pioneer Paving meeting, talking to the project people about putting that sidewalk in. There is a need to continue coordinating

with them and address the needs for the intersection at Main and Pioneer to be aligned for safer crossing.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- A. Resolution 17-063**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Personnel Regulations Chapter 2, Section 2.2.3 Division, Chapter 3, Section 3.14.3 Employment of Relatives, Chapter 5, Section 5.3.3 Pay Increases, Chapter 6, Section 6.1 Recognized Holidays, Section 6.8 Sick Leave, and Chapter 12, Section 12.3 Layoffs. City Manager/Personnel Director.

Mayor Zak asked for a motion to adopt Resolution 17-063 by reading of title only.

REYNOLDS/LEWIS SO MOVED

REYNOLDS/LEWIS MOVED TO AMEND LINE 37 AFTER THE WORD HOURS ADD, AND SECTION 6.5 ANNUAL MANDATORY LEAVE REQUIREMENT TO INCREASE MANDATORY LEAVE USE TO 80 HOURS.

Councilmember Reynolds commented that this language is included in the memorandum and needs to be included in the resolution as well.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Wes Head, city resident and owner of Beluga Air, said he was disconcerted to hear on KBBi that there was a public meeting regarding aircraft safety and noise. His image in the community is important to him and he would have liked to have received notice and attended the meeting. It's distressing that none of the commercial operators were noticed about this meeting. All the

pilots he knows of are dedicated to safety and don't want to upset the community. He encouraged that the commercial operators want to be involved in the community discussions and talk with community members who may have issues or concerns with their operations. They want to be part of the solution if there is a problem.

Larry Slone, city resident, said he attended the FAA meeting and essentially, what it came down to is there are some aircraft, likely transients, who cross the ridge on departure at a lower altitude than they should. The determination from the FAA representative is they need to be documented and reported, it's the extent of what they can do until they receive feedback from the public. Excess noise doesn't directly concern the FAA so he thinks it's an issue that will continue to be pressed by those effected.

Greg McCullough, city resident and former police dispatcher, commented that during his time in dispatch he received numerous complaints from the public about aircraft noise. They were situations out of anyone's control because a lot of the people lived out on Ocean Drive, right under the departure of runway 2-1, and complained about flying at dark hours. He pointed out pilots have to qualify to fly at night to be able to carry passengers after dark. Regarding loud aircraft, it isn't technologically possible to fix that right now. It's a moot point.

Deb Lowney, city resident, commented Parks and Rec did discuss camp fees at their last meeting and noted when the camping rates were changed, they didn't include a weekly rate and want to consider a recommendation for that. She thanked Council for the support of the Woodard Creek trail and noted the Friends of Woodard Creek meet every Wednesday at 10:00 a.m. if anyone would like to join them. Lastly, she expressed her appreciation for the City Council. She agrees that the diversity of the council represents the community well and hopes after the election the same six members are in their seats.

Robert Archibald, city resident, commented that he's spent a lot of time on boards and it takes a lot of process, patience, and guts. The seated councilmembers have a lot of heart and he applauds them. Kachemak Bay Water Trail has their timber frame pavilion at the trailhead and it was built through volunteer efforts for less than \$40,000. It shows what a community effort can do for not a lot of money. They are having a ceremony Saturday from noon to 3:00 p.m. and everyone's invited.

Kelly Cooper, Borough Assembly member, commented that having served in an elected position and on a body that's very diverse and at time slanted one way or the other, she appreciates when we have a balance. Some of her best debates are with people who have opposite opinions as long as they agree to debate fairly. To the three who don't know what their future's look like tomorrow, she thanked them and for the others, she knows they appreciate the conversations that begin when there are different opinions. If we all have like minds, we won't make a lot of progress.

Willie Dunn, Kenai Peninsula Borough Assembly member, commented that being an elected official is a lot of work. It's dedication to give to his community and he appreciates Ms. Cooper's comments about civil debate and discussion of ideas. He thinks it's the foundation of our democracy to be able to discuss ideas. He's sponsored a lot of resolutions at the Borough level, some that very unpopular, but the assembly was able to debate, vote, and move on. It's an important process and he hopes the voters will honor the process. He hopes to see everyone here at the next council meeting and continue the democratic process and the American way.

Susan Winter-Cox, non resident, commented about retired City Clerk Jo Johnson. Jo is one of the most amazing women she's known and been a friend for two years now. She left this job so sad and disappointed about everything that happened, primarily the attacks. She loved her job and was sad and just recently started sounding like it's okay again. We need to remember it's their name on the paper, but it's not their blood you want. She was hurt by the city and did nothing to deserve it.

Coletta Walker, city resident, quoted Thomas Jefferson, "*When a man assumes a public trust he should consider himself public property*". She knows it's been a long winter and spring and as one of the people who wanted the recall she thanked the councilmembers, and thanked the opportunity to get involved again with public process. She appreciates being made aware in enjoying her freedoms, and being reminded that she needs to be aware of those that are trying to make the rules and regulations around her and her community. She thinks if all American citizens would sit up and listen to what's going on in each of our communities we'd all be more involved and make each of the councilmember's jobs lighter. She hopes whatever the turnout is tomorrow she hopes for a compassionate gathering community of friends and neighbors.

COMMENTS OF THE CITY ATTORNEY

The City Attorney was not present.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen reminded listeners that the polls will be open for the special election from 7:00 a.m. until 8:00 p.m., that Alaska Statutes prohibits campaigning within 200 feet of an entrance to a polling place, and she apologized in advance that the I Voted stickers will likely run out because of a high absentee voting turnout.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Zak thanked the Council for passing the resolution regarding NOAA. He had the opportunity to go with the Center for Alaskan Coastal Studies (CACs) to do a marine debris clean up on Mt. Augustine Island. A group of students went over with their teachers to learn about the marine debris situation. It was made possible by a NOAA grant to the CACS. This week in Homer is the State Chamber of Commerce will be arriving tomorrow and he and Katie will be speak to them. The Writer's Conference is here now and meeting at Land's End.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas commented that Wednesday, June 14th is Flag Day. He encourage everyone to fly their flags in display of Americanism and our annual Flag Day celebration.

Councilmember Reynolds announced tomorrow evening at 5:00 p.m. there is a Green Dot gathering at Grace Ridge Brewing Company for anyone wanting to know more about it or to become more involved. Friday morning MAPP community meeting will be at the Kachemak Bay Campus there will follow-up conversation to many of the opioid issues we've been discussing as a community. Lastly, the Spit Run has a new component of a half-marathon as well as the 10k, contact Kachemak Bay Running Club for more information. She thanked everyone for a good meeting.

Councilmember Smith welcomed Hayley Smith our new Deputy Clerk and she's got more than capable folks to work with to get her on board. He expressed his appreciation for all the volunteers on the Commissions, Committees, and Task Forces, it's clear they are devoted to serving in the best interest of the community and providing Council with information they would not otherwise have. He said it's clear to him that everyone who sits at this table acts in sincerity and a way they believe is in the best interest of the community, and he appreciates that. He recognized the passing of his dear friend Alice Loveland and it occurs to him that we need to take the opportunity to truly express our gratitude to those who have a positive impact for good in our individual lives at every opportunity we can. He was able to do that and tell her she was one of his most favorite people in the world before she passed. What he wants is, as a community, we appreciate each other. We're all working toward a common end and we might have different ideas what it looks like, but we're in it together and we want the best outcome. He hopes we keep that in mind as we look each other in the eye, shake hands, and work side by side.

Councilmember Erickson commented that this has been a difficult week for her. She's watched people who claim tolerance on both sides be intolerant to others to the point of being violent, rude behavior, and slander of others. We need to get back to where we really are, a community who at the drop of a hat would help their neighbor through a crisis, and most of all enjoy the place in which we live. People ask how we will move forward from this and she has too. Her conclusion is unity begins with me. I have to choose to forgive others, I have to choose to believe the best about people, I have to choose to walk in unity, even when someone isn't worthy of that trust. It doesn't mean I'm irresponsible with that trust but have to make some

choices. Respect for others is critical. I can respect your opinion and still agree or disagree. We have to choose respect over disdain. Stirring the emotions of others instead of creating unity needs to stop. Our social media needs to be pictures of baby moose and sunny days instead of a place to crucify each other for the rest of the year. Please friends, let's make this week a much better place to live and enjoy the people around us.

Councilmember Lewis commented that a lot of hurtful things have been said, insinuated, and it's not going to be easy. He's not going to go to the campfire and sing Kumbaya after this. It will be a long time healing for a lot people. A lot of nasty things have been thrown around and it's not just going to happen overnight.

Councilmember Aderhold commented about attending the writer's conference and that it's an amazing resource. She ended the evening with the poem *Advise from an Estuary* by Wendy Erd:

*Look ordinary
Don't ask for much
Travel to your edge, then go further
Empty out
Let the moon refill you
Embrace opposites easily
Host travelers without borders, feed them
Listen to the distance in their songs
Nurture the invisible, harbor the young
Send those you've raised out into the world
Digest insults. Reframe and cleanse them
Adopt silence while others speaks all around you
Measure change calmly
Mirror the sky
At times,
Be still.*

ADJOURN

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:17 p.m. The next Regular Meeting is Monday, June 26, 2017 at 6:00 p.m. a Worksession at 4:00 p.m. and Committee of the Whole 5:00 p.m. There is a Special Meeting scheduled for June 19, 2017 at 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.

MELISSA JACOBSEN, MMC, CITY CLERK

Date: _____

Session 17-16 a Special Meeting of the Homer City Council was called to order on June 19, 2017 at 6:00 p.m. by Mayor Zak at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

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

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

AGENDA APPROVAL

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

Mayor Zak asked for a motion to approve the agenda.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

NEW BUSINESS

- A. **Resolution 17-064**, A Resolution of the City Council of Homer, Alaska Acknowledging the Results of the City of Homer Special Election Held June 13, 2017 to Decide Three Questions; Question 1. Shall Donna Aderhold be recalled from the Office of Homer City Council; Question 2. Shall David Lewis be recalled from the office of Homer City Council, and Question 3. Shall Catriona Reynolds be recalled from the office of Homer City Council and Confirming the Certification date of June 19, 2017. City Clerk/Canvass Board.

Mayor Zak asked for a motion to adopt Resolution 17-064 by reading of title only.

STROOZAS/LEWIS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Ron Keffer, city resident, commented about community and neighborliness. He's in favor of reconciliation and healing, as others are, but he acknowledged that it will be a difficult process as reconciliation requires conversations in which each side listens carefully to the other and work to build mutual respect. He'd like to see us try to achieve the level of neighborliness he's long thought existed in Homer. Perhaps there will be organized conversations and if so he'll sign up. He doesn't want to feel uncomfortable in our town and doesn't want anyone else to either. He wants to know even when we have terrible disagreements we can find a way to appreciate and support each other so we're able to express differences of opinion and still be comfortable in the same town. He commented about a best friend with whom he disagrees on many political issues, so years ago they agreed not to discuss politics, as they have a great deal in common and appreciation for each other's way of thinking. Continually sniping at each other will hold us back from moving forward. A boss told him if you think it's going to feel really good to say it, don't say it. He's guilty as anyone about wanting to express his points of view and see his side prevail, but for now, let's stop any acrimony, leave it all alone, and go fishing.

Tom Zitzman, city resident, thanked the Council. He's aware of the size of the packets they have to move through and the work that is put into the effort. As a resident he doesn't always agree with what they do but he appreciates their efforts. His only comment is if we have a conversation going forward, he is a little disturbed by the low voter turnout, and he's not sure how to change that. It would be great to have a community conversation to get a greater amount of participation.

Francie Roberts, city resident and former councilmember, commented that when she sat in the chairs they are in she received the orange garment she was wearing from our sister city of Teshio, Japan. The people who brought the gifts are unlike her in many ways yet the purpose of their gift was to strengthen the bonds of friendship between the two locales. Homer itself needs to think about this idea. Now is the time to cease casting blame from both sides of the recall issue and begin to work together. That doesn't mean we have to agree all the time, but by not presenting your view point by criticizing another person. She finds she agrees with many of the Baldrige Foundation leadership behaviors. The values encouraged are valuing people, focus on successes, societal responsibility, visionary leadership, ethics, a systems

perspective, and transparency. The councilmembers, as our leaders, must begin to lead us by modeling these leadership skills and not utilize blaming. As some of our citizens have said, we don't need sanctuary city legislation, we should already treat each other with respect.

Robert Archibald, city resident, commented it's a great day after a great weekend. He added to what others said, that he had someone tell him when you have a meeting and disagree, you can get really mad and both walk away from the table, but good people will come back to that table with better ideas. Another thing is that if you're not part of the solution, you're part of the problem. There's a lot of that in this town. He thinks council is doing a strong job and he appreciates them. Getting folks to agree is an art, he thanked them for what they do.

ADJOURN

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 4:23 p.m. The next Regular Meeting is Monday, June 26, 2017 at 6:00 p.m. a Worksession at 4:00 p.m. and Committee of the Whole 5:00 p.m. There is a Special Meeting scheduled for June 19, 2017 at 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.

MELISSA JACOBSEN, MMC, CITY CLERK

Date: _____

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-26

An Ordinance of the City Council of Homer, Amending the FY 2017 Operating Budget by Appropriating \$18,095 from the Fire Donations Fund to Purchase a New ATV and Rescue Skid Unit.

Sponsor: City Manager/Fire Chief.

1. Council Regular Meeting June 26, 2017 Introduction
 - a. Memorandum 17-094 from Training Officer/Captain as back up

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

3 City Manager/
4 Fire Chief

5 **ORDINANCE 17-26**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
8 THE FY 2017 OPERATING BUDGET BY APPROPRIATING \$18,095 FROM
9 THE FIRE DONATIONS FUND TO PURCHASE A NEW ATV RESCUE SKID
10 UNIT.

11
12 WHEREAS, The Homer Volunteer Fire Department (HVFD) has had an increase in off road
13 and beach medial responses; and

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15 WHEREAS, Current response equipment is an ATV from 2002 with significant wear and
16 tear from 15 years of service; and

17
18 WHEREAS, The HVFD researched and received cost estimates on 6 different units
19 including 3 from local businesses and found the CanAm Side by Side from All Season Honda
20 to be the most affordable unit that meets the departments emergency response needs; and

21
22 WHEREAS, the ATV package requested includes a Kimtek MEDLITE Transport slip-on
23 unit for transporting a supine patient and care provider on the ATV allowing a smoother ride
when transporting an injured person.

24 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

25
26 Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by
27 appropriating \$18,095 from the Fire Department Donation Account for the purchase of an ATV
28 rescue skid unit.

29 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
802-0000-2710	Fire Department Donations	\$18,095

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34 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
150-5901	Fire Department-Capital Equipment	\$18,095

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

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24 day of July, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABESNT:

First Reading:
Public Reading:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Volunteer Fire Department

604 East Pioneer Ave
Homer, Alaska 99603

fire@cityofhomer-ak.gov

(p) 907-235-3155

(f) 907-235-3157

Memorandum 17-094

TO: Katie Koester, City Manager
THROUGH: Robert Painter, Fire Chief
FROM: Dan Miotke, Captain
DATE: June 14, 2017
SUBJECT: Purchase of New ATV and Rescue Skid Unit

The Homer Volunteer Fire Department has witnessed an increase in medical responses off road on the local beaches and trails. Our current response equipment is a 2002 ATV with 15 years of service that has taken its toll on the frame and electrical system. This unit pulls a rescue trailer for packaging and transporting a patient. The trailer is still in good usable condition and can be used for transporting equipment and an additional patient if needed. We are requesting a new, "side by side" ATV, with a bed mounted "skid unit" that incorporates room to transport a supine patient and a care provider in the bed of the ATV. We feel that this configuration will provide for a smoother ride for the patient and allow closer observation than the trailer system, as the care provider sits beside the patient instead of at the end of the trailer.

In the last 2 months we have we have evaluated 6 different units from 3 local businesses. We have concluded that our best option is the CanAm Defender, supplied by All Seasons Honda of Homer. We have test driven each of the units quoted and conferred with the manufacturer of the bed mounted skid unit, KimTek, for compatibility and they have confirmed great success with this combination. All Seasons Honda provided the lowest bid quoted at \$14,000 with a government discount offered by CanAm. The KimTek Medic Response slide in transport module has been quoted at \$4,095 FOB Homer. We will install the skid unit in-house to save money. Funding for this package will come from the Fire Department Donation Account that has a balance of over \$40,000.

Thank you for your consideration; this package will allow the Fire Department to respond to off road emergencies quicker with the sound mind of knowing the equipment will be response ready. Most importantly, it will give us the ability to perform better patient care.

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-27

An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Sewer Reserve Funds in the amount of \$16,000 for the Replacement of Security Fencing at the Sewer Treatment Plant.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting June 26, 2017 Introduction
 - a. Memorandum 17-100 from Public Works Director as back up

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 17-27**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
8 THE 2017 OPERATING BUDGET BY APPROPRIATING SEWER RESERVE
9 FUNDS IN THE AMOUNT OF \$16,000 FOR THE REPLACEMENT OF
10 SECURITY FENCING AT THE SEWER TREATMENT PLANT.

11
12 WHEREAS, the sewer treatment plant operations building has experienced flooding due to
13 the inability to maintain a drainage ditch adjacent to the facility; and

14
15 WHEREAS, a portion of the security fence constructed when the sewer treatment plant was
16 constructed blocks maintenance equipment access to a drainage ditch (see Memorandum 17-
17 100); and

18
19 WHEREAS, the fence needs to be relocated to provide maintenance access to the ditch and
20 eliminate flooding of the sewer operations building.

21
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

23
24 Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$16,000
25 from the Sewer Reserve Fund for the relocation of the fence along the north side of the sewer
26 treatment plant.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
215-0004 (Sewer Reserve Fund)	Security Fence Relocation	\$16,000

27
28
29
30
31 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall
32 not be codified.

33
34 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24th day of July, 2017.

35
36 CITY OF HOMER

37
38
39
40 _____
41 BRYAN ZAK, MAYOR
42

43 ATTEST:
44
45 _____
46 MELISSA JACOBSEN, MMC, CITY CLERK
47

48 AYES:
49 NOES:
50 ABSTAIN:
51 ABESNT:

52
53
54 First Reading:
55 Public Reading:
56 Second Reading:
57 Effective Date:

58
59
60 Reviewed and approved as to form:

61
62
63
64 _____
65 Mary K. Koester, City Manager

Holly Wells, City Attorney

66
67
68 Date: _____
69

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

Memorandum 17-100

TO: Katie Koester, City Manager
FROM: Carey S. Meyer, Public Works Director
DATE: June 14, 2017
SUBJECT: Fence Relocation at Sewer Treatment Plant
Sewer Reserve Funding Request for \$16,000

Twenty-eight years ago, chain link fence was installed around the sewer treatment plant as part of the project. A four hundred foot stretch of the fence is along the roadway adjacent to the STP operations building. The fence prevents our ability to maintain the ditch along the roadway which has filled over the years, and now causes periodic flooding of the operations building.

This memo is a request for \$16,000 from the sewer reserve fund (approximate balance \$1.9 million) to relocate the fence so that Public Works crews can do the necessary ditching and roadway shaping to move water away from the sewer operations building. The new location on the other side of the ditch will allow for periodic maintenance of the ditch without having to move it in the future. We have a proposal from Four Seasons Fence of Kenai to do the work for \$15,600. They will demo the old fence and posts, install new posts (old ones cannot be used) and reinstall the existing barbed wire and fence matting material.

Public Works will obtain additional quotes for the work as required by the Procurement Policy and request award of the low bid at the July 24 City Council meeting.

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

3
4 City Manager/Port Director

5 **RESOLUTION 17-065**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING A
8 LEASE ASSIGNMENT FOR THE HARBOR LEASING, LLC LEASE TO
9 SOUTHWIND FOODS/GREAT AMERICAN SEAFOOD IMPORTS CO.
10 AND AWARDING A NEW 20 YEAR LEASE WITH TWO FIVE YEAR
11 OPTIONS TO RENEW ON LOT 12-C HOMER PORT INDUSTRIAL
12 SUBDIVISION NO. 4 AT AN ANNUAL BASE RENT OF
13 APPROXIMATELY \$25,626.36 AND AUTHORIZING THE CITY
14 MANAGER TO MOVE FORWARD WITH LEASE NEGOTIATIONS AND
15 EXECUTE THE APPROPRIATE DOCUMENTS.
16

17 WHEREAS, Harbor Leasing, LLC, dba Auction Block, has reached a tentative agreement
18 to sell the building and business to Southwind Foods, LLC/Great American Seafood Imports
19 Co. which will continue operating as a fish processing business under the name Southwind
20 Foods, LLC/Great American Seafood Imports Co.; and
21

22 WHEREAS, Per Chapter 13.3 of the City's Lease Policy and Procedures, Southwind
23 Foods, LLC/Great American Seafood Imports Co. has submitted a lease application for a new
24 20-year lease with two, five-year options to renew; and
25

26 WHEREAS, The City Administration and the Port and Harbor Commission have reviewed
27 the application and proposal and found it to be complete and responsive; and
28

29 WHEREAS, Due to the proposed investment and plans for future development it was
30 further agreed that a new lease be awarded without the parcel being advertised through the
31 Request for Proposal process, and
32

33 WHEREAS, Upon the signing of a new lease, the lease with Harbor Leasing, LLC dba
34 Auction Block would be terminated, and
35

36 WHEREAS, The Port and Harbor Commission recommend that the City Council
37 authorize the City Manager to assign the Harbor Leasing, LLC lease to Southwind Foods,
38 LLC/Great American Seafood Imports Co. and to negotiate a new 20-year lease with options for
39 two consecutive 5-year renewals on Lot 12-C Homer Port Industrial No. 4. for the purpose of
40 operating a fish processing business without the parcel being advertised through the Request
41 for Proposals process.
42

43 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the
44 City Manager to assign the Harbor Leasing, LLC lease to Southwind Foods, LLC/Great American
45 Seafood Imports Co. and to negotiate and execute the appropriate documents for a new 20-
46 year lease with options for two consecutive 5-year renewals on Lot 12-C Homer Port Industrial
47 No. 4. with an annual base rent of \$25, 626.36 (subject to change as determined by lease
48 negotiations) for the purpose of operating a fish processing business without the parcel being
49 advertised through the Request for Proposals process.

50
51 PASSED AND ADOPTED by the Homer City Council this 26th day of June, 2017.

52
53 CITY OF HOMER

54
55
56 _____
57 BRYAN ZAK, MAYOR

58 ATTEST:
59
60
61 _____
62 MELISSA JACOBSEN, MMC, CITY CLERK

63
64
65 Fiscal information: Lease fee of approximately \$25,626.36 annually with annual increases
66 according to the Consumer Price Index subject to change as determined by lease
67 negotiations.



MEMORANDUM 17-098

To: MAYOR ZAK & HOMER CITY COUNCIL

From: PORT & HARBOR COMMISSION

Date: JUNE 20, 2017

Subject: SUPPORT LEASE REQUEST FROM SOUTHWIND FOODS, LLC DBA GREAT AMERICAN SEAFOOD IMPORTS FOR 4501 ICE DOCK ROAD, KPB 18103452, LOT 12-C HOMER PORT INDUSTRIAL NO. 4

The City administration received a Lease Application from Southwind Foods, LLC, a wholesale food distributor from Carson, California that is purchasing The Auction Block, LLC. Southwind Foods, LLC and The Auction Block, LLC. are requesting a lease transfer and a new 20-year lease with options for two consecutive 5-year renewals. Based on the Lease Policy and Procedures, the City administration evaluated the proposal based on compatibility with neighboring uses, experience of the applicant, future investments into the business, and the applicant's financial capability, (Chpt 6 Lease Policy). Based on the responsiveness of Southwind Foods, LLC proposal, City administration further agreed that a new lease be awarded without the parcel being advertised through the Request for Proposal process.

Southwind Foods, LLC was established in 1999 and has a 160,000 sf distribution center in Carson, CA, near Los Angeles. In 2003, Southwind Foods, LLC expanded overseas with a diverse line of cooked, raw, and packaged seafood product. They are now looking to expand by offering Alaskan seafood to meet the demand of their nationwide sales and distribution network.

Per the City of Homer's Property Management Policy and Procedures, after the City's administration reviews a lease application, makes a recommendation to the Port and Harbor Advisory Commission, and the Commission shall supply their recommendation to the City Council.

At the Port and Harbor Advisory Commission's special meeting on June 20, 2017, we reviewed the City's administration recommendation on the Southwind Foods, LLC proposal and voted unanimously to recommend that City Council approve the Resolution awarding a new 20-year lease with options for two consecutive 5-year renewals without the parcel being advertised through the Request for Proposal process.

Att: Lease application to include cover letter, survey, Certificate of Insurance and Auditor's Report.
June 15, 2017 to Southwind requesting additional information
June 16, 2017 from Southwind with additional information



City of Homer


www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

TO: Port and Harbor Commission

From: Dotti Harness-Foster, City Manager's Office 

Through: Katie Koester, City Manager

Date: June 19, 2017

Subject: Lease transfer request from Southwind Foods, LLC regarding Harbor Leasing at 4501 Ice Dock Road, KPB 18103452

Legal: Lot 12-C Homer Port Industrial No. 4

The City administration received a Lease Application from Southwind Foods, LLC, a wholesale food distributor from Carson, California that is purchasing The Auction Block, LLC. Southwind Foods, LLC is requesting a lease transfer and a new 20-year lease with options for two consecutive 5-year renewals.

The City administration reviewed the lease proposal per the Property Management Policy and Procedures. The review was based on compatibility with neighboring uses, experience of the applicant, future investment into the business, and the applicant's financial capability, (Chpt 6 Property Management Policy and Procedures). Due to the proposed investment and plans for future development it was further agreed that a new lease be awarded without the parcel being advertised through the Request for Proposal process.

Southwind Foods, LLC was established in 1999 and has a 160,000 sf distribution center in Carson, CA, near Los Angeles. In 2003, Southwind Foods expanded overseas with a diverse line of cooked, raw, and packaged seafood product. They are now looking to expand by offering Alaskan seafood to meet the demand of their nationwide sales and distribution network.

Please review the Lease Application and forward a recommendation to the City Council to authorize the City Manager to assign the Harbor Leasing, LLC lease to Southwind Foods, LLC/Great American Seafood Imports Co. and to negotiate a new 20-year lease with options for two consecutive 5- year renewals on Lot 12-C Homer Port Industrial No. 4 for the purpose of operating a fish processing business without the parcel being advertised through the Request for Proposal process.

Att: Lease application to include cover letter, survey, Certificate of Insurance and Auditor's Report.
June 15, 2017 letter to Southwind requesting additional information
June 16, 2017 letter from Southwind providing additional information
DRAFT memo to City Council
DRAFT resolution for City Council



**CITY OF HOMER
PROPERTY MANAGEMENT
LEASE APPLICATION CHECKLIST**

Applicant Name: Sam Galletti, Southwind Foods, LLC
Date Application Received: 6/14/17

5.2 PROCEDURES

A. A responsive lease application / proposal shall include:

1. A completed application form provided by the City

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

2. Any applicable fees

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

\$30 Application fee.

3. A clear and precise narrative description of the proposed use of the property

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

See cover letter that was included in application plus the June 16, 2017 letter addressing phases to their capital investment.

4. A specific time schedule and benchmarks for development

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

The new leaseholder is assuming the developed property.

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES: 2008 survey

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

7. All other **required attachments** requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

Applicant information

Plot Plan

Existing Development Plan

Insurance

Proposed Subleases

Environmental Information

Agency approvals and permits

Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational.

Partnership information and a copy of the partnership agreement OR

Corporation information and a copy of the Articles of Incorporation and Bylaws

Certificate of good standing issued by the entity's state if domicile

Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which **MUST** be your principal financial institution) and two must have knowledge of your business expertise).

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

Dotti spoke to two references. Questions asked were: Would you continue doing business with Southwind Foods? Is their account current? Do they follow through on their obligations? Would you continue do business with Southwind Foods?

Both references had favorable comments in regards to doing business with Southwind Foods. Both noted that their accounts are current, that Southwind Foods follows through with their obligations, and both hope to continue doing business with Southwind Foods.

8. Any other information required by the solicitation or request for proposals.

YES	NO	N/A	INCOMPLETE
-----	-----------	-----	------------

NOTES:

www.southwindfoods.com

YouTube - Southwind Foods - An introduction



Lease Application/Assignment Form

Directions:

1. Please submit this application form to the City Manager's Office, 491 Pioneer Avenue, Homer, AK, 99603.
2. Please answer all questions on this form, or put "N/A" in the space if it is non-applicable.
3. Please include all applicable fees in the form of a check, made payable to the City of Homer.

Applicant Name:	Southwind Foods LLC
Business Name:	Southwind Foods / Great American Seafood Imports Co
Social Security Number:	EIN #: 95-4748473
Email Address:	sgalletti@southwindfoods.com
Mailing Address	20644 Fordyce Avenue
City, State, ZIP code:	Carson California, 90810
Business Telephone No.	323 262 8222
Representative's Name:	Salvatore "Sam" Galletti
Mailing Address:	20644 Fordyce Avenue
City, State, ZIP code:	Carson California, 90810
Business Telephone No.	323 262 8222
Property Location:	4501 Ice Dock Road
Legal Description:	Lot 12(C) Port Industrial #4 Plot 99-43 Homer Recording Dist. KPB Tax Parcel 181 034 52
Type of Business to be placed on property:	Seafood. Fresh and frozen processing, cutting, portion control, value add, freezing. Unloading from and buying from boats.
Duration of Lease requested:	Minimum of 20 years. Maximum 30 years
Options to re-new:	2 options to renew Minimum of 5 year and maximum of 7 year options

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan Please see attached (Included)	A drawing of the proposed leased property showing: <input checked="" type="checkbox"/> Size of lot - dimensions and total square footage (to scale) <input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned (to scale). <input checked="" type="checkbox"/> Water and sewer lines – location of septic tanks, if needed. <input type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated																				
2.	Development Plan Our intention is to assume the property as is with the current improvements.	<input type="checkbox"/> List the time schedule from project initiation to project completion, including major project milestones. <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Dates</th> <th style="text-align: left;">Tasks</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">N/A</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Building Use</th> <th style="text-align: left;">Dimensions and square footage</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">N/A SEE ATTACHED</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> <tr> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	Dates	Tasks	N/A	N/A	_____	_____	_____	_____	_____	_____	_____	_____	Building Use	Dimensions and square footage	N/A	N/A SEE ATTACHED	_____	_____	_____	_____
Dates	Tasks																					
N/A	N/A																					
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_____	_____																					
Building Use	Dimensions and square footage																					
N/A	N/A SEE ATTACHED																					
_____	_____																					
_____	_____																					
3.	Insurance Please see attached. (Included)	<input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.																				
4.	Subleases We are not interested in sub leasing.	<input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.																				

5.	Health Requirements The Auction Block, (current Lease) is current with their permitting and use agreement for the outfall line.	<input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.
6.	Agency Approval We are not submitting plans for any additional improvements.	<input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.
7.	Fees Included with this lease application is a check for \$30.00	<p><u>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</u></p> <input checked="" type="checkbox"/> Application fee - \$30.00. Covers costs associated with processing the application. <i>Please make check payable to the City of Homer.</i> <input type="checkbox"/> Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease. <input type="checkbox"/> Assignment fee - \$250.00. Covers the costs of preparing and processing the lease transfer. <i>Please make check payable to the City of Homer.</i>

<p>8.</p>	<p>Financial Data Southwind Foods LLC is a Limited Liability Corporation. Financial Statement is included with this Lease Application.</p>	<p><u>Please indicate lessee's type of business entity:</u></p> <p><input type="checkbox"/> Sole or individual proprietorship. <input type="checkbox"/> Partnership. <input type="checkbox"/> Corporation. <input checked="" type="checkbox"/> Other – Please explain: <u>LIMITED LIABILITY CORPORATION</u></p> <hr/> <p><input checked="" type="checkbox"/> Financial Statement – <u>Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</u></p> <p><input checked="" type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance.</p> <p><input checked="" type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt.</p> <p><input checked="" type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.</p>
<p>9.</p>	<p>Partnership Statement Southwind Foods LLC is not a Partnership.</p>	<p><input type="checkbox"/> <u>If the applicant is a partnership, please provide the following:</u></p> <p>Date of organization: _____</p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership</p> <p>Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____</p> <p>Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____</p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement.</p> <p><i>Please attach a copy of your partnership agreement.</i></p> <hr/>

10. Corporation Statement
Copy of Articles of
Incorporation attached.
(Included)

If the applicant is a corporation, please provide the following:

Date of Incorporation: June 22, 1999

State of Incorporation: California

Is the Corporation authorized to do business in Alaska?

No Yes. Is so, as of what Date? _____

Corporation is held? Publicly Privately If publicly held, how and
where is the stock traded?

Officers & Principal Stockholders [10%+]:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>
SEBASTIANO Galletti	CEO	20644 FORDYCE CARSON CA 90810	30
Salvatore Galletti	Pres	20644 FORDYCE CARSON CA 90810	30
Paul Galletti	VP	20644 FORDYCE CARSON CA 90810	30
Salvatore Perri	VP	20644 FORDYCE CARSON CA 90810	10

Please furnish a copy of Articles of Incorporation and By-laws.

Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.

<u>Name</u>	<u>Title</u>
SEBASTIANO Galletti	CEO



**CORPORATE OFFICES:
20644 FORDYCE AVENUE
CARSON, CA 90810**

**PHONE: (323) 262-8222
FAX: (323) 263-2321**

**Info@greatamericansfd.com
www.greatamericansfd.com**

SOUTHWIND FOODS: WHO WE ARE AND OUR PURPOSE AND VISION FOR OPERATING A SEAFOOD BUSINESS IN HOMER ALASKA

WHO WE ARE

Southwind Foods is a U.S. and family owned and operated company established in 1999. We pride ourselves on supplying our supermarket, grocery, distributor and food service customers the finest fresh and frozen responsibly harvested seafood from around the world.

Our corporate office and 160,000 square foot BRC Global standard processing, storage and distribution facility is located in Carson, California. To meet regional demand for fresh and frozen product in the intermountain region, we operate an additional sales, processing and distribution facility in Salt Lake City, Utah. In order to meet growing demand for our products and services nationwide, we opened sales and marketing offices in New York, Texas and Arizona. Southwind Foods sells and distributes product into all 50 states.

Great American Seafood imports Company was established in 2003 and operates as the company's overseas procurement division. Great American soon became the national marketing and "Brand to go to Market with" for our parent company, Southwind Foods. Great American products are packed in the United States and over 15 other countries. The brand consists of a diverse line of cooked, raw, and breaded bulk and packaged shrimp, fillets, steaks, portions, whole fish, crab, shellfish, and aquatics along with value added and innovative products such as meal kits, planks, skewers, poke and more.

OUR MISSION

Southwind Foods' mission is to supply our customers with the finest fresh and frozen responsibly harvested seafood from around the world. We do this through strategic sourcing which allows us to continually lead the industry through new product innovation while increasing customer sales and profits. Our dedicated employees strive to deliver quality, variety, and excellent customer service with a never-ending focus on our customer's goals.

OUR PURPOSE FOR OPERATING A SEAFOOD BUSINESS IN HOMER ALASKA

As mentioned already in this narrative, Southwind Foods is a U.S. family owned and operated company. As a member company in the seafood industry, we look to make decisions that will give us the best opportunity to grow our business and make our company stronger. Having a division company in Homer Alaska does exactly this. Southwind Foods could now be a direct source of seafood from Alaska to all of its current and new customers that we would attract because of this new division. Having this facility in Homer Alaska is a perfect fit. Great American Seafoods, our procurement division and national brand would lead the marketing effort. No source or origin of seafood has a better reputation in the marketplace than Alaska. Customers and consumers are willing to pay for Wild Caught, Sustainable, High Quality, and Product of USA. Seafood from Alaska delivers all of this and more.

OUR VISION FOR OPERATING A SEAFOOD BUSINESS IN HOMER ALASKA

At first, we will observe and review the current operations at the Auction Block. My trip to Homer back in late March allowed me the opportunity to see the operation and meet the team who handles the daily business conducted. I quickly realized that there is a lot of potential and opportunity for a company to successfully operate there. The idea

that we can buy direct from the fishermen, directly offload the fish we are purchasing, and process and package the fish we are purchasing in our own facility allows a company like Southwind to be successful and grow. After gaining an understanding of the current operation and introducing ourselves to the fishermen community and other service suppliers of the Auction Block, we then look to how we can automate the plant so that we can do more processing in Homer Alaska to further process the products we buy. Automation will need to be part of our growth plans to allow us to cut and process more fish at a quicker pace in order to take advantage of the resource when available and to get quality product packed and shipped in a timely manner.

Processing would include; filleting, portion control, vacuum pack, freeze, and packing in retail bags ready for retail sale to consumer. As a direct source of Alaskan fish such as Halibut, Salmon, Pacific Cod, Black Cod and more, we can cut, portion and bag fresh and frozen product for direct sale to large supermarket chains, Foodservice Broad line Distributors, and high volume Restaurants both chain and independent operators. To do this, we would need to add people to the operation. This would include people in management, sales, logistics, quality assurance, compliance, cutters and packers. Currently, Southwind Foods is a direct supplier to some of the largest supermarket chains in the U.S. including Whole Foods, Albertsons/Safeway, Kroger, Stater Bros, Winco, Smart N Final and Ahold. We also pack private label for food service Broad liners such as Sysco, US Foods, and Performance Food Group. Our current customer base has shown a very high level of interest in buying value added Alaskan Seafood products from Southwind Foods.

I firmly believe that entering into a long term lease with Southwind Foods for the property currently occupied by the Auction Block will be extremely beneficial to the City of Homer Alaska. Our commitment to growing marketing and sales of seafood from Alaska and our ability to market and distribute value added products to the largest seafood customers in the U.S. is what Southwind can deliver both in the short term and long term. Our financial strength will allow us to operate in a way that will be most beneficial to our suppliers of seafood and services and our employees. We respect how important this land is and the value it holds especially for the port, harbor and the community it serves. Our focus will be to do everything we can to maximize the usage of the land and the facility and promote the products we buy and sell as products sustainably harvested and processed in Homer Alaska!! We want to put Homer Alaska on the map with every major customer we sell.

I truly hope that our Lease Application finds a favorable response from the Port commission and city council.

For more information about our company, please visit our website southwindfoods.com or greatamericanseafoods.com

Sam Galletti
Southwind Foods



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue

Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

June 15, 2017

Sam Galletti

Southwind Foods, LLC aka Great American Seafood Imports. Co.

20644 Fordyce Avenue, Sent by email to: sgalletti@greatamericansfd.com

Carson, CA 90810

Re: Lease application

Dear Mr. Galletti,

The City administration has reviewed your Lease Application and needs a few more details to move your request forward. To complete your application the City needs these items by Tuesday 8AM AK time:

- Proposed capital investment or reinvestment in the business including phases and timelines.
- Number of employees anticipated.

Prior to signing a new lease, the City will need:

- Articles of Incorporation and Bylaws Chpt 5.2 Procedures
- Certificate of good standing. Chpt 5.2 Procedures
- Alaska Business License
- Fish Dock Use Permit (attached)
- Accounts must be current, Chpt 14.1 Lease Assignment Policy.

With this information in hand, I will seek authorization to negotiate a new lease without advertising a Request for Proposal. The public review process begins, Tuesday, June 20th at 12:15 pm with the City's Port and Harbor Commission. Bryan Hawkins, Harbormaster will be attending and you and your company representatives are encouraged to participate either in person or telephonically by calling the City's conference line. The conference line has the capability to handle multiple calls, from different locations; 907-235-8121 then dial 2299 when prompted.

In the meantime, feel free my office at 907-435-3102.

Respectfully submitted,

Katie Koester, City Manager



**CORPORATE OFFICES:
20644 FORDYCE AVENUE
CARSON, CA 90810**

**PHONE: (323) 262-8222
FAX: (323) 263-2321**

**Info@greatamericansfd.com
www.greatamericansfd.com**

June 16, 2017

Katie Koester
City Manager
City of Homer Port and Harbor
4311 Freight Dock Road
Homer Alaska 99603

Re: Additional Required Lease Application Details

Dear Ms. Koester,

I received your email on June 15th and would like to respond to your additional requests for details in this letter.

Question: What capital investment or reinvestment including phases and timelines will Southwind Foods be making in the business?

PHASE 1 - A critical and necessary first step that is important to this process is our purchase of "The Auction Block". Southwind Foods is making an initial investment to buy the assets of and paying off all long term debt and critical mission liabilities of "The Auction Block", who is the current lease holder of this property. The long term debt is directly related to the improvements that were made a few years back (Processing facility and equipment including freezer, ice machine and office). The long term debt is approximately \$1.8 million. To facilitate the purchase of "The Auction Block", Southwind foods will pay off 100% of the long term debt and approximately an additional \$200,000 in mission critical payables. This will make the "new company" a strong and financially healthy operation which is necessary for the business environment we anticipate in Homer Alaska. Timeline on closing the deal to purchase "The Auction Block" is July 28-2017. During the time between now and end of July, we are actively working to retain all employees that are currently working at "The Auction Block" and allow the business to operate as usual. Our understanding is that "The Auction Block" currently employs approximately 20 people. We also understand that this number can fluctuate up and down based on seasons and work load.

PHASE 2 – July 28th – December 31, 2017

-Introduce our company to the fisherman community and other service suppliers in the city of Homer and the state of Alaska.

-Review and make changes to current sales & marketing model of "The Auction Block". This will include hiring additional employee(s) that will focus on sales for both intrastate and interstate business.

Investment estimate: 50-100K

-Review and make changes to current operations model of "The Auction Block". This will include hiring additional employee(s) that focus on operations and compliance.

Investment estimate: 50-100K

-Build sales and revenue by buying from the fishermen and dramatically increase intrastate business while maintaining and growing the interstate business.

-Review current Southwind customer demand of both fresh and frozen Alaskan seafood products. Invest in equipment to automate the processing of seafood products available to us out of Homer. The automation of the plant will allow us to add value to the product and expand customer base. Budget investment in equipment specific to processing and packing will be \$500,000.00.

PHASE 3 – January 1 2018 – December 31, 2019

-Implement sales and marketing strategy supported by automated processing capacity to drive business development. Focus to be on value adding products at the source (Homer Alaska) and marketing to strategic customers that see value in product that is Wild Caught, Product of Alaska, Sustainable, and high quality. Sales efforts will build on the reputation of "Great American Seafood" supplying product of USA sourced seafood from Homer Alaska.

PHASE 4 – January 1, 2020 – December 31, 2022

-Grow and hope that there are additional plots to lease at City of Homer Port and Harbor

Question: What will be the number of employees anticipated?

-Currently, we understand that "The Auction Block" employs approximately 20 people. Many of whom work on the dock and in the processing room. Our focus will be on sales and marketing of value added seafood. We will need to invest in people. Strategic individuals who can manage the operation and sell the value of Homer Alaska products nationally. With anticipated growth and need for skilled labor, we hope to preserve and increase the number of employees as we develop demand and our sales grow.

I understand that prior to signing a new lease, the city will need certain items. We are currently working on this. We do not anticipate any issue with these requirements.

Respectfully submitted

Sam Galletti
Southwind Foods

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 17-066

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, RECOGNIZING THE FUNCTIONS AND VALUES OF THE WOODARD CREEK WATERSHED, ACKNOWLEDGING THE WOODARD CREEK COALITION'S FEBRUARY 2017 WOODARD CREEK WATERSHED PLAN, REFERENCING APPROPRIATE SECTIONS OF THE PLAN IN THE CITY OF HOMER'S COMPREHENSIVE PLAN, PROMOTING THE PLAN ON THE CITY OF HOMER'S WEBSITE, AND MAKING THE PLAN AVAILABLE FOR REFERENCE IN THE PLANNING DEPARTMENT.

WHEREAS, Woodard Creek, which flows from its headwaters atop the bluff through Homer's central business district and into the Kachemak Bay Critical Habitat Area at Bishop's Beach, is Homer's most prominent perennial stream; and

WHEREAS, The Woodard Creek watershed rests largely in an area considered urban/residential under the City of Homer building code, and South Peninsula Hospital, Pratt Museum, Saint John's Baptist Church, many private residences and small businesses, and Karen Hornaday Park and the Homer Playground are built within the Woodard Creek watershed; and

WHEREAS, Development has changed the natural flow of Woodard Creek through channelization, culverts, and riparian encroachment; and

WHEREAS, Woodard Creek is subject to flooding and erosion during storm events, which can damage private property, roads, and other important infrastructure; and

WHEREAS, In spite of these modifications, Woodard Creek continues to support vibrant ecological and aesthetic functions and values, including native plants, large and small mammals, birds, insects, microbes, and nutrients that natural systems need to flourish; and

WHEREAS, Woodard Creek is a vital community asset that enhances conservation efforts, promotes recreational outlets, protects against flooding hazards, adds value to the central business district, and enhances the quality of life for residents and tourists alike; and

WHEREAS, Interested Homer citizens, the Kachemak Bay Conservation Society, Cook Inletkeeper, Friends of Woodard Creek and Karen Hornaday Park, the Pratt Museum, Homer Council on the Arts, Bunnell Street Art Center, Homer Soil and Water Conservation District, Alaska Department of Transportation and Public Facilities, Alaska Department of Fish and

43 Game, Kachemak Bay National Estuarine Research Reserve, Mobilizing for Action through
44 Planning and Partnerships, South Peninsula Hospital, Kenai Watershed Forum, and the City of
45 Homer formed the Woodard Creek Coalition; and

46
47 WHEREAS, The Woodard Creek Coalition received a grant from the National Park
48 Service Rivers, Trails, and Conservation Assistance Program to develop a plan for Woodard
49 Creek; and

50
51 WHEREAS, The mission of the Woodard Creek Coalition is to bring together diverse
52 groups, property owners, and citizens to promote the health and safety of the Woodard Creek
53 watershed as a community asset; and

54
55 WHEREAS, The City of Homer Planning Department participated in the planning and
56 drafting of the Woodard Creek Watershed Plan; and

57
58 WHEREAS, The Woodard Creek Coalition completed the Woodard Creek Watershed
59 Plan in February 2017 after numerous public meetings and opportunities for public comment;
60 and

61
62 WHEREAS, The Woodard Creek Watershed Plan characterizes the watershed, discusses
63 watershed issues, details goals and objectives to improve public awareness and restore and
64 protect the natural functions and flow of Woodard Creek, and provides an action plan for
65 meeting the goals and objectives.

66
67 NOW, THEREFORE, BE IT RESOLVED that the that the City Council of Homer, Alaska
68 hereby recognizes the natural functions and values of the Woodard Creek watershed and
69 acknowledges the Woodard Creek Coalition's February 2017 Woodard Creek Watershed Plan;
70 and

71
72 BE IT FURTHER RESOLVED that the City of Homer will reference appropriate sections of
73 the Woodard Creek Watershed Plan in its revisions to the City of Homer Comprehensive Plan;
74 and

75
76 BE IT FURTHER RESOLVED that the City of Homer will promote the Woodard Creek
77 Watershed Plan on the Planning Department's page of the City of Homer's Planning website
78 and will make the plan available in the Planning Department for reference by home and
79 business owners living in the Woodard Creek watershed.

80
81 PASSED AND ADOPTED by the Homer City Council, this 26th day of June, 2017.

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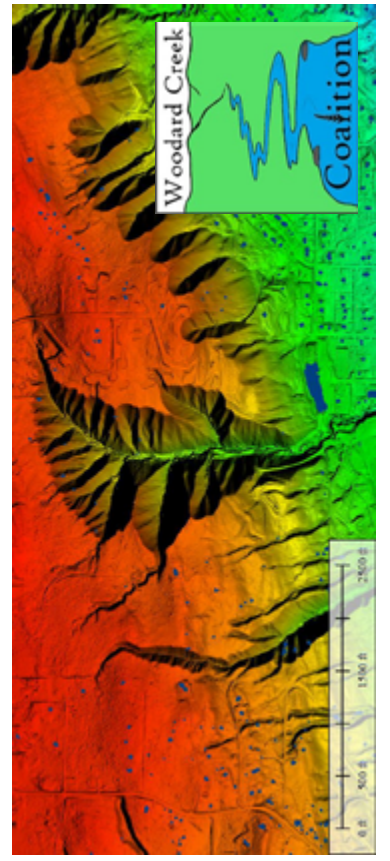
CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Woodard Creek Watershed Plan



WOODARD CREEK COALITION
Homer, Alaska
February, 2017

Cover Images

Upper Left: After brushing a trail at the Pratt Museum, volunteers lay down a layer of sand before surfacing with wood chips. Source: Savanna Bradley.

Lower Right: Woodard Creek flooding in 2002. Source: Jim Preston. Source: Jim Preston.

Upper Right: New large design culvert at Soundview Ave. Source: Lisa Holzapfel.

Lower Left: Woodard Creek flows through private property. Source: Lisa Holzapfel.

Bottom: LIDAR image of Woodard Creek. Source: Kenai Watershed Forum.

ACKNOWLEDGEMENTS

This plan is the culmination of efforts by the following organizations and many great volunteers.



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I. Introduction

Woodard Creek Watershed

Background

Woodard Creek is Homer's most prominent perennial stream, and it has a rich history as an early settling place for homesteaders seeking year-round water supply. It runs from its headwaters atop the bluff above Homer through a steep, lush canyon, then it meanders through Homer's central business district before emptying into the Kachemak Bay Critical Habitat at Bishop's Beach.

The Woodard Creek watershed rests largely in an area considered urban/residential under the City of Homer building code, and it supports a broad variety of commercial, residential and recreational uses. For example, the South Peninsula Hospital and associated health services occupy a prominent portion of the watershed. The Pratt Museum, the Saint John's Catholic Church, and nearly a dozen small businesses also reside within the watershed. Additionally, the ever-popular Hornaday Park and the Homer

Playground run alongside Woodard Creek just below Woodard Canyon. As a result, the Woodard Creek watershed is heavily-used by residents and tourists alike, and the watershed's flood control and drainage functions play a vital role supporting these important uses.

While development in the Woodard Creek watershed is relatively dense by Alaska standards, the area supports vibrant ecological and aesthetic functions and values. Although development has changed the natural flow and characteristics of Woodard Creek—through culverts, channelization, and riparian encroachment—significant sections of the creek remain largely in their natural state. As a result, Woodard Creek continues to support a diversity of flora and fauna, including large and small mammals, birds, plants, insects, and the microbes and nutrients the natural systems need to flourish.

In short, Woodard Creek is Homer's unpolished gem. While there are a number

of daunting challenges to bring Woodard Creek back to its full ecological, economic, and recreational potential, it also provides enormous opportunities to enhance the quality of life for everyone who lives, works, plays, or visits Homer. This plan focuses on addressing these challenges and opportunities.

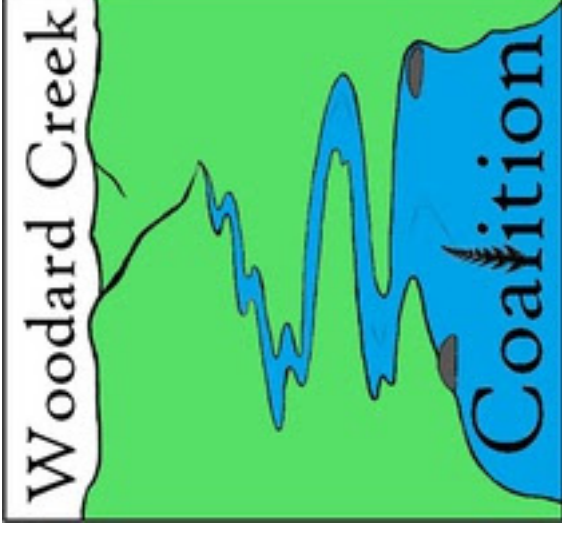
Regulations and Relevant Plans

As an urban watershed lying in the heart of downtown Homer, the Woodard Creek watershed has benefited from a considerable history of planning and mapping, and it falls subject to a variety of plans and rules designed to protect and enhance its functions and values, including but not limited to:

- City of Homer Capital Improvement Plan
- The City of Homer & Soil Conservation Service 'Green Infrastructure' program
- The City of Homer Planning & Zoning rules, including rules and maps for slope-restricted areas and storm water management ([Ordinance 10-56](#))

- City of Homer Non-Motorized Transportation and Trails Plan
- City of Homer Karen Hornaday Park Master Plan
- City of Homer Park, Art, Recreation, and Culture Needs Assessment
- The Homer Parks & Recreation Advisory Commission Strategic Plan and Priorities
- The Safe Routes to School Plan
- The National Safe Routes to School Plan
- Clean Water Act Water Quality Standards & Wetlands Dredge & Fill laws and rules
- City of Homer Comprehensive Plan
- City of Homer Storm Water Plan
- City of Homer Stormwater and Meltwater Management and Mitigation Handbook

- City of Homer
- Kachemak Bay Conservation Society
- Cook Inletkeeper
- Friends of Woodard Creek & Karen Hornaday Park
- The Pratt Museum
- Homer Council on the Arts
- Bunnell Street Art Center
- Homer Soil & Water Conservation District
- Alaska Department of Transportation
- Alaska Department of Fish and Game
- Kachemak Bay Research Reserve
- Mobilizing for Action through Planning and Partnerships (MAPP)
- South Peninsula Hospital
- Kenai Watershed Forum



Woodard Creek Coalition

Mission

The Woodard Creek Coalition (WCC) brings together diverse groups, property owners, and citizens to promote the health and safety of the Woodard Creek watershed as a community asset.

Members

The Woodard Creek Coalition was developed out of the Friends of Woodard Creek & Karen Hornaday Park, which formed to promote improvements and trails in Karen Hornaday Park. The Woodard Creek Coalition is composed of over thirty-five individuals, ten businesses and government agencies. Coalition members are interested in protection of the watershed and promotion of daylighting Woodard Creek where it passes through culverts. In addition to interested citizens along Woodard Creek, the following Homer area entities are represented:

Woodard Creek Watershed Plan

Benefits

Watershed planning is important to sustain and enhance the physical, biological, chemical and social functions that shape and support the plant, animal, and human communities within a watershed boundary. In other words, both natural and manmade forces define a watershed, and it's therefore vital to understand and properly manage these forces to support the functions and values desired by the people living, working and recreating there.

For the people and groups comprising the Woodard Creek Coalition, the vision for the watershed focused on “a vibrant, healthy, and safe community asset valued for its economic, ecological and recreational benefits.” To achieve this ambitious vision, the Coalition identified two goals: 1) improve public awareness, access and engagement with

Woodard Creek; and 2) restore and protect the natural functions and flow of Woodard Creek.

Development Process

The development process around the Woodard Creek watershed can be described in two words: ongoing and inclusive. The current iteration of the Woodard Creek Coalition coalesced around a number of points of interest and concern involving Hornaday Park and the Pratt Museum expansion in early 2014. However, regular water quality monitoring started in Woodard Creek in 1996, and the first formalized report about the Woodard Creek watershed came about in 2000. Other events ensued: the historic floods of 2002 prompted community efforts to address steep slope development and culvert issues; a graduate student kick-started Woodard Creek community conversations in 2009 as part of her



Flow chart depicting the Woodard Creek Coalition's planning process. Source: Lisa Holzapfel and Heather Rice.

thesis work; and a 2012 report compiled water quality and other data. Although the planning history around Woodard Creek is not thoroughly documented, and it's likely additional efforts pre-dated 2000 due to the historical use and importance of the area.

In its current form, the Woodard Creek Coalition formed when several organizations came together with a shared desire to enhance the quality of life in the Woodard Creek watershed, including the Pratt Museum, Cook Inletkeeper, the Homer Soil & Water Conservation District, the Kachemak Bay Conservation Society, Friends of Woodard Creek, the City of Homer Parks & Recreation

Advisory Planning Committee, and several dedicated property owners.

The groups convened and quickly recognized the need for additional resources; a successful application to the National Park Service Rivers, Trails, and Conservation Assistance Program (RTCA) brought professional planning and facilitation capacity to the group. Over the next two years, the Woodard Creek Coalition made considerable progress engaging the local community, developing an organizational structure, and adopting a vision and the goals and objectives to achieve it. Along the way, the Coalition held community meetings to gather input, formed

committees to parcel out work assignments, and continued to meet regularly to refine its work and pinpoint opportunities for success.

In late 2016, the RTCA technical assistance award came to a close, and the group worked to finalize this plan, with the intent to revisit it on a regular basis – at least annually—to assess new challenges and to explore new opportunities. The Woodard Creek Coalition plans to hold an annual community meeting to re-visit and revise the plan to reflect current priorities. Members of the community are invited to participate in annual plan updates, and community feedback regarding the WCC vision and action plan is always welcome.

Accomplishments

Woodard Creek Coalition was formed in the fall of 2014. Members meet once a month to plan and implement projects to promote Woodard Creek as a community asset.

Accomplishments to date include but are not limited to:

- Received National Park Service - Rivers Trails Conservation Assistance recipient, 2014-2016
- Created an organization and governance plan including vision and mission statements - 2015
- Created a logo- February 2015
- Created an outreach plan- June 2015

Public Awareness Activities:

- Held an open house at Islands and Oceans - February 2015
- Published newspaper articles - October 2015

- Painted the street - Pioneer Ave, Homer Council on the Arts, and Pratt Museum Parking lots - August 2015

- Participated in "Shore" Public Art Performance at Bunnell Street Gallery- June 2015

- Maintain a Facebook Page with over 400 likes - ongoing

- Delivered presentation about Woodard Creek to Homer City Council - January 2015

- Featured on Coffee Table program on KBBI radio - October 2015

- Hosted Woodard Creek Celebration at the Pratt Museum - February 2016



Early Citizen engagement: Heather Rice of the National Park Service's Rivers, Trails, and Conservation Assistance Program leads a group planning conversation. Source: Lisa Holzapfel.

Other:

- Surveyed Woodard Creek - May 2015
- Gathered numerous research and historical documents on Woodard Creek - Ongoing
- Acquired Woodard Creek watershed parcel along Pioneer Avenue (donation to the Pratt) - February 2016
- Received resolution from the City of Homer recognizing the efforts of WCC - 2015
- Held a weekend workshop confirming Coalition vision and mission statements and defining Coalition goals and objectives - February 2016
- Held a weekend workshop identifying priority tasks and action plans - May 2016
- Mapped out a trail plan for Karen Hornaday Park along Woodard Creek - July 2016
- Built a trail connecting Pratt Museum to Pioneer Avenue along Woodard Creek - June/August 2016
- Developed a plan to enhance Woodard Creek pocket parks along Spruceview Avenue - June/July 2016
- Working on a plan for Woodard Creek Cultural Center with Pratt Museum and Homer Council on the Arts - 2015/2016

II. Watershed Characterization

“Watershed planning is important to sustain and enhance the physical, biological, chemical, and social functions that shape and support the plant, animal, and human communities within a watershed boundary. In other words, both natural and manmade forces define a watershed.”

Location

Woodard Creek is a small stream with headwaters originating in the bluffs above Homer, Alaska. The short and steep creek flows approximately 2.2 miles before terminating in Kachemak Bay, draining about 0.6 square miles (384 acres) (Lord 2016).

Topography and Watershed Features

In the upper watershed, Woodard Creek is confined in Woodard Canyon, a steep-sided valley some 300 feet deep. Downstream, the creek remains confined in a valley approximately 20 feet deep, becoming shallower in some areas due to historic human activities. The final mile of Woodard Creek flows through a municipal park and some 45 residential and commercial properties before flowing to Kachemak Bay at a beach front bluff. Most of Woodard Creek

is deeply incised in shallow surface glacial loess deposits and older, poorly consolidated sandstone, siltstone and claystone of the Kenai Formation (Barnes and Cobb 1959).

Climate

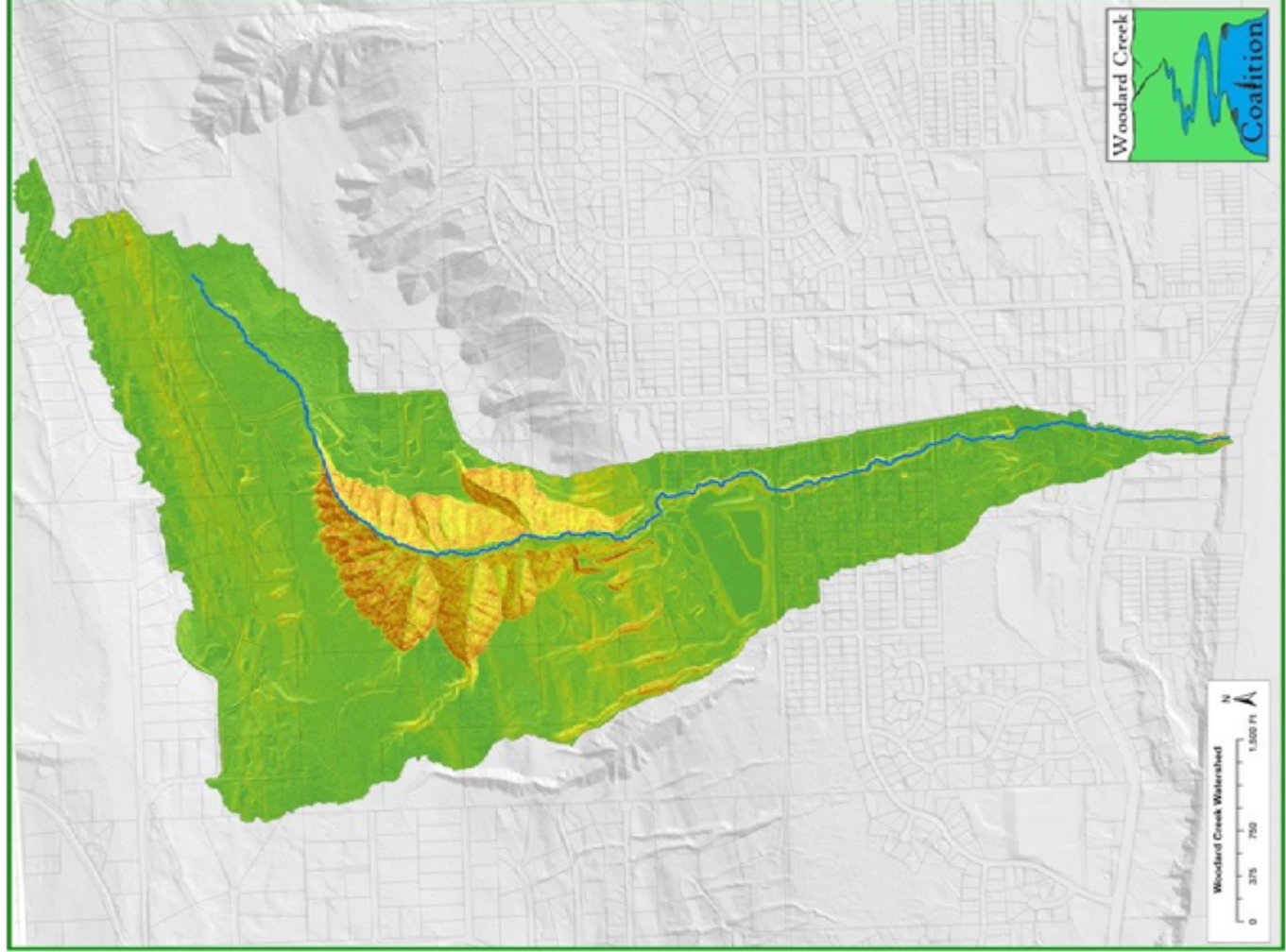
The climate of Kachemak Bay and Homer is moderated by the maritime influence of the northern Gulf of Alaska waters. The winters are mild and summers are cool with the minimum daily temperature during winter at -1° F and the maximum daily temperature during summer at 76° F. Maximum daily precipitation totals 1.1” with a total annual precipitation of 24.1 inches, including 55 inches of snow. Since 1989, the water balance (difference between precipitation and potential evapotranspiration) has declined from 10.2 inches to 5.9 inches of water on average (Berg, 2006). The growing season is about 127 days based on probabilities of last spring frost and first fall frost at the Homer

Airport, AK climate station. Wind speeds at Homer average 5.7 knots in the winter, with extremes as high as 75-100 knots.

Hydrology and Channel Stability

The average width of Woodard Creek is 4 feet and the average depth is 3.6 inches, with approximately 1 foot depth to bankfull. Gravel comprises the majority of the stream bed, though fine grained banks and occasional boulders of coal occur in the upper reach above Fairview Drive. (Rice and Dekker 2015).

Culverts are the major grade control on Woodard Creek. Ten culverts—measuring a total length of 1,065 feet—convey Woodard Creek at road crossings. Culverts and hardened downstream riprap ramps have reduced large scale valley erosion in developed portions of Homer; however, many culverts are undersized and/or poorly placed,



LIDAR image of Woodard Creek watershed. Source: Kachemak Bay NERR.

which reduces the capacity of Woodard Creek to pass flood flows and debris. Erosion remains a concern in sections of the creek immediately downstream from the culverts; downstream from the Homer Council of the Arts parking lot culvert, bare soil and slumping trees provide evidence of active erosion of valley walls. (Rice and Dekker 2015).

Homer’s cool summers and moderately cold winters result in low rates of both evaporation and transpiration. A typical rainfall event occurs in mid to late summer and early fall. In well drained areas, precipitation percolates through the soil and is effective in recharging the groundwater supply. In areas with fine-grained deposits, which have low permeability, there is greater runoff and frequently saturated soil conditions, with the water table near the surface (Kroll 2000).

Flooding in Homer falls into a number of categories including: rainfall-runoff floods, snowmelt floods, ground-water flooding, and stream/creek flash floods. The rainfall intensity, duration, distribution and geomorphic characteristics of the watershed all play a role in determining the magnitude of the flood. Runoff flooding is the most common type of flood. Snowmelt floods usually occur in the spring or early summer. Ground-water flooding occurs when water accumulates and saturates the soil. The water-table rises along streams and on discharge slopes and floods low-lying areas, including homes, septic tanks, and other facilities. Steep coastal areas with heavy rains in general are subject to flash floods. They are usually swift moving and debris filled, causing them to be very powerful

and destructive. Major flood events occurred on the lower Kenai Peninsula in 2002 resulting in several flash floods which closed roads and washed away bridges. Several small creeks and streams in the Homer area, including Woodward Creek, produced substantial debris laden flows during this time (City of Homer 2016).

Wetlands are formed where there is a change in topography that slows or holds this shallow water flow long enough to create certain conditions of vegetation, hydrology and soil development. Wetland features make up about 20% of the watershed (Lord 2016). Most are located above Woodward Canyon, but some are within town in the lower reaches.

Soils

The Homer area is underlain geologically by the Kenai formation, a gently folded sedimentary deposit several thousand feet thick. It consists of a sequence of moderately-to-weakly hardened, fine-to-medium sandstones, interbedded with silt-stone and clay-stone layers and lenses of lignitic and sub-bituminous coal, ranging from a few feet to seven feet in thickness (Kroll 2000). Sedimentary rocks and debris are frequently exposed in deep gullies like Woodward Canyon that dissect the hillside. A thin cap of glacial till covers the Kenai formation on the top of the hills and covers much of the lower part of the watershed. The till varies from coarse moraine material to poorly-sorted silty gravels.

Soils are closely related to surficial deposits, but frequently intergrade and have complex horizons due to the wide variety of formative



Erosion concern map of the Woodward Creek, where high concern correlates to bare eroding banks. Source: Rice and Dekker 2015.

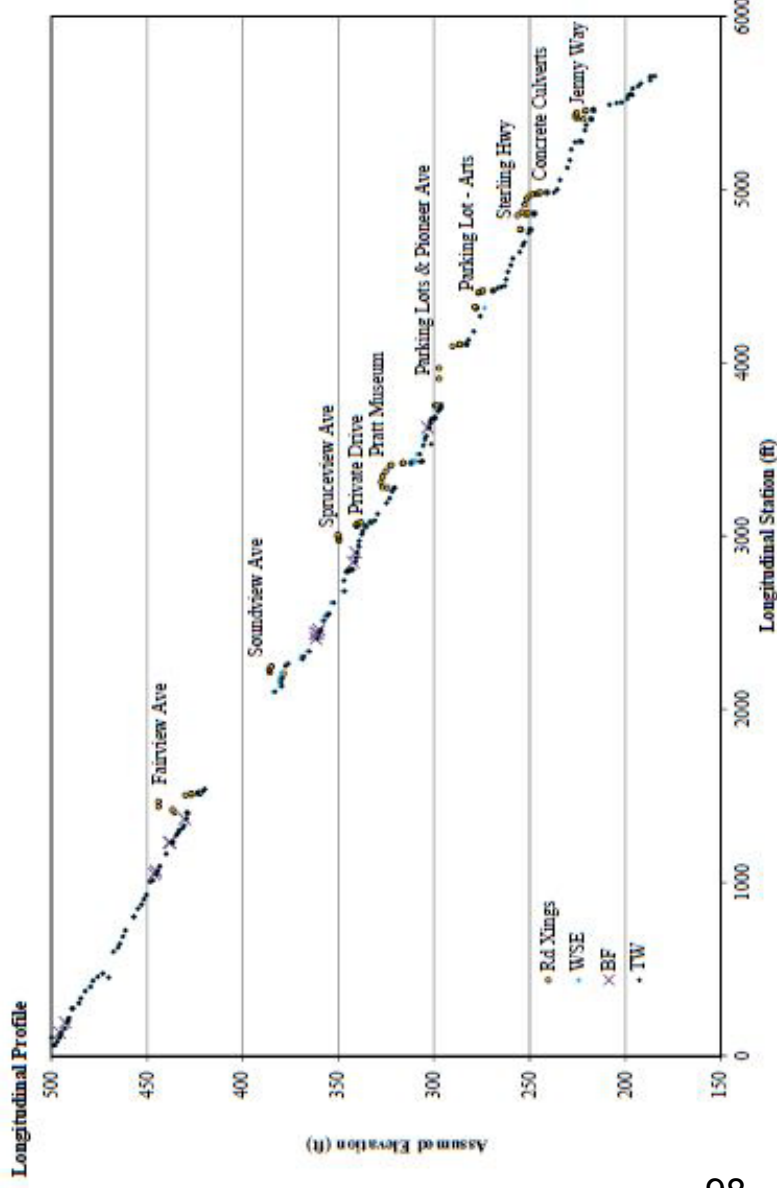
Stormwater and Impervious Surfaces

Due to the limited growing season and low pH of soils, decomposition is slow in many of the vegetated areas of Homer. This results in a deep/dense layer of dead material on the surface of local soils. While much of Homer has underlying soil with a limited infiltration capacity, this layer of organic material is effective in absorbing and slowing large volumes of runoff. Some water does infiltrate in areas of sandy or gravelly glacial deposits or through pervious subsurface layers, but most stormwater continues slowly downhill in shallow subsurface flow. In Homer, individual impacts will appear to be very small, but their cumulative effect is much greater than in areas with more defined drainage systems (City of Homer et al. 2007).

In 2002, a GIS impervious surface analysis conducted by Cook Inletkeeper concluded that 11% of the watershed is considered impervious surface. Concerns for Woodard Creek are exceedances in fecal coliform counts, temperature, and turbidity with high urban development, culvert placement in the lower reaches, and storm water draining from Bartlett Road and Pioneer Avenue (Lord 2016).

Ownership and Land Use

Private-owned parcels make up about 78% of the watershed ownership (Lord 2016). City of Homer-owned parcels make up about 10% of ownership, including land surrounding the South Peninsula Hospital and Karen Hornaday Park and a parcel north of the Pratt



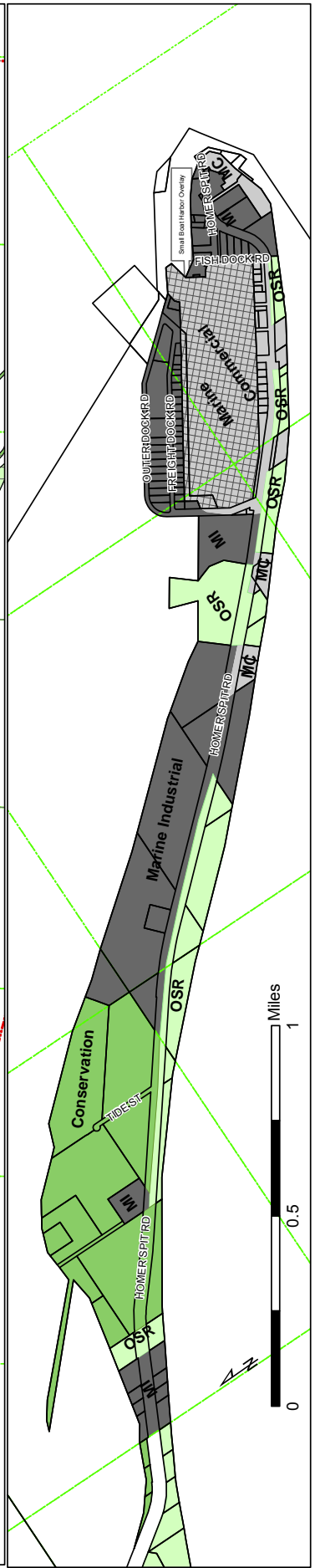
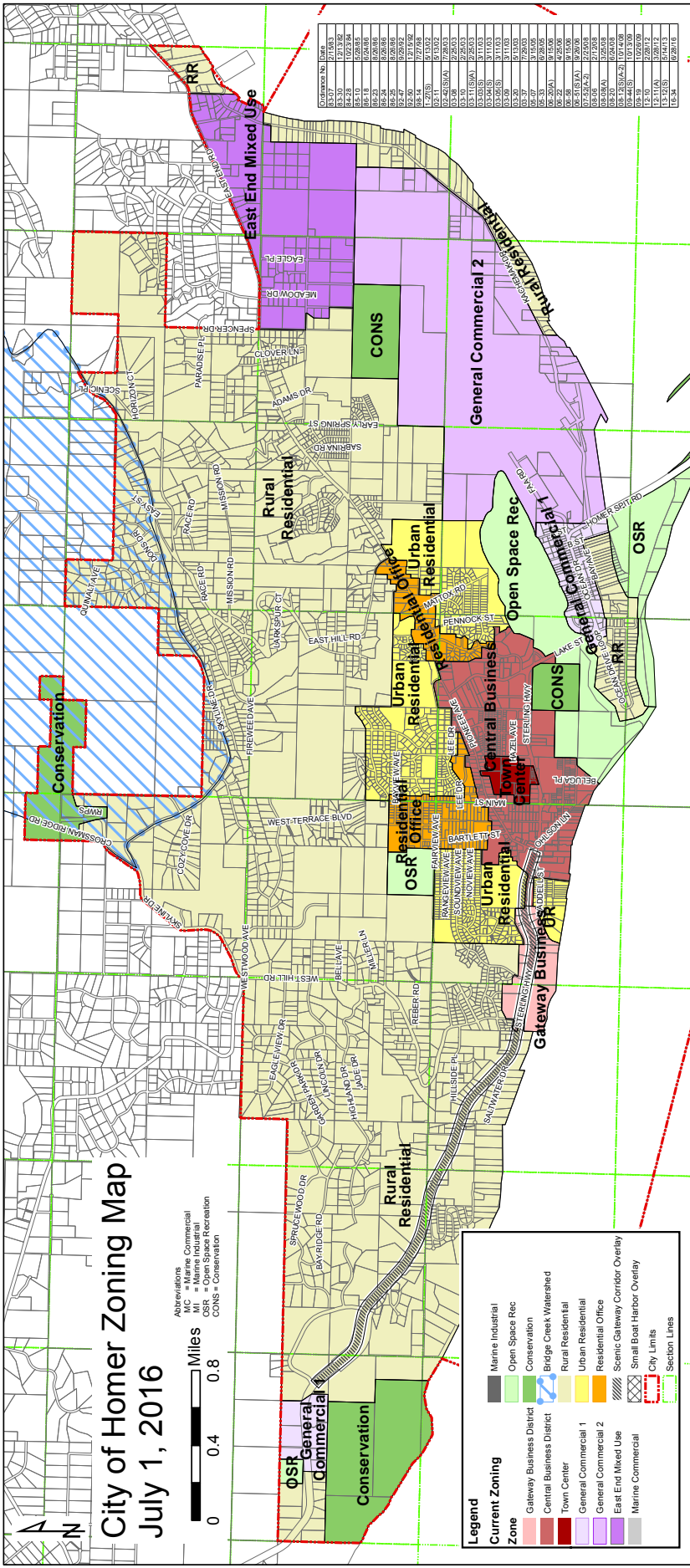
Longitudinal profile survey with road crossings (Rd Xings), water surface elevation (WSE), bankfull elevation (BF) and stream thalweg (TW) shown. Source: Rice and Dekker 2015.

processes (Kroll 2000). The upper watershed of Woodard Creek is primarily Kachemak silt loam which is well drained, and the lower watershed is primarily Beluga silt loam which is poorly drained (Natural Resources Conservation Service 2016).

Flora and Fauna

The upper half of the Woodard Creek watershed is fairly undeveloped and offers a variety of habitat types. Alder stands are predominant throughout Woodard Canyon and are scattered throughout the upper

reaches of the watershed, along with mixed forest and spruce stands. The lower reaches are mostly urban, making up about 28% of the watershed. Since the lower reaches of the watershed are heavily developed, this does not provide good habitat for terrestrial wildlife. Moose have been observed browsing and dropping young in forested patches of town. Eagles and other birds have been seen nesting in the area as well. The upper, undeveloped reaches provide much more appropriate habitat for these animals. Woodard Creek does not support anadromous fish populations.



City of Homer 2013 Zoning Map. Source: City of Homer.

Museum on Bartlett Street. Kenai Peninsula Borough owns some small parcels just outside of the hospital area. A large parcel in the upper reaches of Woodard Canyon, owned by Alaska Department of Natural Resources, makes up about 11% of land ownership. Land use in the watershed is a mix of rural residential in the headwaters, and recreational open space, urban residential, residential office and central business district (City of Homer 2016).

Population

The estimated number of year-round residents within the Southern Kenai Peninsula is about 14,000, which includes several small, culturally diverse communities (MAPP of the Southern Kenai Peninsula 2014). In addition, the community sees a large influx of seasonal residents who are not tallied in these numbers and the area attracts over 100,000 visitors each year. Close to half of the population is largely in or in close proximity to the service and commerce hub of Homer. The city of Homer has a population of 5,050 (U.S. Census Bureau 2012). Changing age distribution in this area between 2000 and 2010 suggests that it will see greater recreation and culture participation by seniors and stable or decreased participation by other age groups (City of Homer 2015).

Recreation

The City of Homer has long been a recreation destination for visitors and residents alike. Whether it is RV campers, cruise ship passengers, afterschool visitors to the playground, or a jogger on their lunch break, access to the outdoors that is maintained and accessible is one of Homer's most valuable assets. An ongoing theme from residents through multiple public meetings is the desire for increased connectivity of trails in the Homer area. Recreation services are supported by two departments and three divisions of the City of Homer. The Community Recreation program, under the direction of the Department of Administration, provides programming and facility access in two main non-municipal locations and one city-owned property, the HERC building near the edge of Woodard Creek. The Division of Parks in the Public Works Department maintains recreation facilities, primarily parks, trails and campgrounds. Some stakeholders advocated consolidating these functions under a single Parks and Recreation Department to provide better services (City of Homer 2015).



Karen Hornday Park Playground with Woodward Canyon in the background. Source: Matt Steffy.

III. Watershed Issues

Public Awareness & Access

Challenges arise in connecting people to watershed resources and increasing awareness about the unintended impacts that daily activities and local changes may have on Woodard Creek. General awareness of Woodard Creek is limited, due largely to the fact that over 10% of the creek is culverted. Few people understand how everyday activities impact Woodard Creek, and fewer still understand the appropriate stewardship actions needed to protect Woodard Creek. Currently, there are few public access points or paths along Woodard Creek and there is not widespread knowledge about existing creek access. The population within the watershed and surrounding community is growing, bringing new perspectives and opportunities for community connections.

Development

Like any urbanized watershed, the Woodard Creek watershed suffers from a variety of development and related impacts that impair



Woodard Creek Coalition leads an exploration walk down Woodard Creek. Source: Lisa Holzapfel.



its natural functions and values. Some impacts are historical, while some are ongoing, and they include:

Steep slope development

The City of Homer Steep Slope Development Ordinance (Ordinance 10-56, City Code 21.40.050) provides a framework intended to minimize adverse development practices. These guidelines were created following a questionable development with inadequate planning on the slopes within the Woodard Creek Canyon that contributed to amplified adverse effects of the 2002 flooding events.

Any inadequately planned developments on steep slopes will compromise the ecological functions in the watershed, including impacts to water quality, drainage, and erosion in the watershed. Given the potential for cumulative impacts on not only adjacent, but downstream properties, a public review process would be the most appropriate vehicle for project vetting within the Woodard Creek Watershed or any like watershed within the Homer City Limits containing steep slopes.

Land clearing and accelerated runoff

The area around Woodard Creek’s headwater springs has been cleared; the removal of this vegetation has removed an important buffer for accelerated flows above Woodard Canyon.

Culverts

There are 10 culverts totaling 1065 feet along Woodard Creek; 8 of them are traditional pipe culverts, which present problems for natural flow, infiltration and ecological regimes.

After Homer experienced two one-hundred-year flood events during the winter of 2002,



Woodard Creek Coalition members walk down Bartlett Avenue, around private property. Source: Lisa Holzappel. Woodard Creek flooding the road near Karen Homaday Park in 2002. Source: Jim Preston.

the City replaced culverts under Fairview, Spruceview and Soundview road crossings. Unfortunately, these improvements have changed sediment transportation rates, increasing flood danger in smaller culverts. There are unsafe conditions around the small culvert openings south of the Sterling Highway.

Channelization

Extensive channelization along Woodard Creek has undermined the system's ability to support natural functions. Some areas of the creek have eroded down many feet, causing the Woodard Creek to become a deep gulch.

Impervious cover

Development in the lower watershed—high densities of roads, parking pads, and

rooftops—has reduced the watershed's infiltration capacity, accelerated polluted runoff, and increased thermal discharges.

Nonpoint source pollution

Leaking oils and fuels from motor vehicles, along with pet waste, wash into Woodard Creek during precipitation events.

Riparian encroachment

Filling and grading immediately adjacent to Woodard Creek has increased erosion concerns and blocked pedestrian access.

Wetlands dredge and fill activity

The removal of wetlands – especially in the area just below Woodard Canyon – undermines the watershed's natural capacity to assimilate flood waters.



Woodard Creek outflow to Kachemak Bay. Source: Lisa Holzapfel.



Pioneer Avenue culvert outlet. Source: Lisa Holzapfel.



Fairview Avenue culverts. Source: Bill Spencer.

IV. Goals and Objectives

The Woodard Creek Coalition developed the following goals and objectives in order to address the identified issues and achieve the community vision for the Woodard Creek Watershed.

In setting its goals and objectives, the Woodard Creek Coalition brought together a diverse set of people, groups, and interests. Like similar planning efforts, each group member had varying perspectives on what needed to be done, and how to do it. In the end, the group worked through a variety of options, and agreed to focus on a simple, two-tiered goal structure: “Goal 1” relates to people, and how to move them to act, while “Goal 2” focuses on the natural environment, and how to protect and restore it.

GOAL 1: Improve public awareness, access, and engagement with Woodard Creek

The purpose of this goal is to educate people about the important functions and values of Woodard Creek, and by doing so, create the community momentum and political will needed to foster broad-based support for Woodard Creek enhancements.

Objective 1.1: Create and enhance public access points

In general, the Homer public does not care about Woodard Creek because they do not know it exists. Increasing access points – including gathering spaces, recreation areas, and picnic and camping sites - will invariably lead to increased community interest and support. During its deliberations over the past two years, the Woodard Creek Coalition identified areas around Karen Hornaday Park, the Pratt Museum, and Pioneer Avenue as priorities for enhanced access. Additionally, the group identified the new box culvert under Spruceview Avenue as a model for streambed access which should be emulated, and highlighted removal of the Pioneer Avenue culvert as a priority. The Woodard Creek

Coalition will develop projects in order to increase access and public awareness around these sites.

Objective 1.2: Increase outreach, education and stewardship opportunities

As the community increasingly views Woodard Creek as a valuable asset, it is important to provide open and specific avenues for individuals and groups to get involved. As community awareness and support grow, there will be increased opportunities for trails work, trash clean up, culvert sweeps, creek walks and other activities.

Objective 1.3: Integrate Woodard Creek into local planning efforts

Considerable work went into developing the Woodard Creek Watershed Plan. This plan’s permanence rests on whether it becomes formalized into local and regional planning efforts. The Woodard Creek Coalition will seek to incorporate this plan into City of Homer planning efforts.



Top: The view down Woodard Creek in Karen Homaday Park.
 Source: Lisa Holzapfel. Bottom: Parking lot fill at Karen Homaday Park. Source: Matti McCleery.

Celebrating Woodard Creek!

February 24
5:00 pm – 7:00 pm
 Pratt Museum lower level and outdoor event along Woodard Creek

The Pratt Museum and the Woodard Creek Coalition will be hosting a celebration of Woodard Creek.

Learn what the Coalition has been working on, and hear some exciting news from the Pratt.

Find out how you can become involved and join others in celebrating this community asset!

- Kids Activity Zone
- Interactive parcel and map viewer
- Stewardship Information and Resources
- Signups for Trail Works and Beach Cleanup

Bringing together diverse groups, property owners and citizens to promote the health and safety of the Woodard Creek Watershed

Woodard Creek Watershed
 0 315 710 1500 ft

Background image of the Woodard Creek Watershed showing the headwaters on the Ridge, and properties in Homer. Colors show slope (green=low slope, red=high slope).

A flyer from the Woodard Creek Celebration at the Pratt Museum. Source: Pratt Museum.

GOAL 2: Restore and protect the natural functions and flow of Woodard Creek

This goal supports two important considerations: (1) natural flow and function implicate flood control and drainage, which are important to property values and economic viability; and (2) natural flow and function are essential to maintaining and enhancing the ecological and aesthetic values of the watershed.

Objective 2.1: Characterize the upper watershed

To restore and protect the natural flow and functions of Woodard Creek, we must first understand them. Upper Woodard Creek contains the steepest and widest elements of the watershed, and as a result, this region has the greatest propensity to affect flow regimes. In order to better inform planning decisions, the Woodard Creek Coalition will encourage improved understanding of the upper watershed's slope, soil composition, impervious cover, and related issues.

Objective 2.2: Identify, study, and address high risk areas in the watershed

Development in and around Woodard Creek has intensified high risk areas where flooding,

culvert jams, and related problems may occur during high-water events. In pursuing this objective, the Woodard Creek Coalition will address two related issues: (1) protecting private and public property from erosion and flooding, and (2) returning Woodard Creek to a more natural stream course, which can more readily ameliorate such risks.

Objective 2.3: Address stream bank fill at Karen Hornaday Park

The parking lot fill at Hornaday Park is one of the most controversial issues in the Woodard Creek watershed. In the winter-spring of 2007, hundreds of loads of fill were dumped to increase parking at Karen Hornaday Park, completely blocking out the potential to experience Woodard Creek. While parking remains an issue for park users, there are other parking options that do not implicate Woodard Creek. The Woodard Creek Coalition will pursue opportunities to open Woodard Creek to the Homer community and to address aggressive channelization, by reverting to a more natural riparian area at Karen Hornaday Park.

Objective 2.4: Address stream channelization and culverting in the lower watershed

Lower Woodard Creek – from Pioneer Avenue to Bishop's Beach – is largely hidden from public view by culverts and private property. Additionally, the culverts under the Homer Bypass are a severe hazard for any child caught inside. As a result— for safety, aesthetic, and ecological reasons— the Woodard Creek Coalition will encourage the local community to address channelization and culverts in the lower watershed.

Objective 2.5: Protect natural systems

This catch-all objective simply recognizes that natural systems provides a variety of inherent benefits in the form of natural capital; in order to enhance the quality of life in the Homer area, we must improve the things that support all life – i.e., our natural systems.

V. Action Plan

The following action plan describes the Woodard Creek Coalition's strategy for improving the Woodard Creek watershed. With input from members of the public, the Woodard Creek Coalition has identified several key projects to increase public engagement and enhance natural systems. After considering the level of feasibility, timeliness, and public interest for each project, 5 projects were determined to be of the highest priority for 2016. The action plan below provides thorough detail regarding the Woodard Creek Coalition's priority projects for 2016, as well as a summary list of other

projects for future consideration. The action plan will be reviewed and updated annually to reflect current priorities and highlight achievements to date.

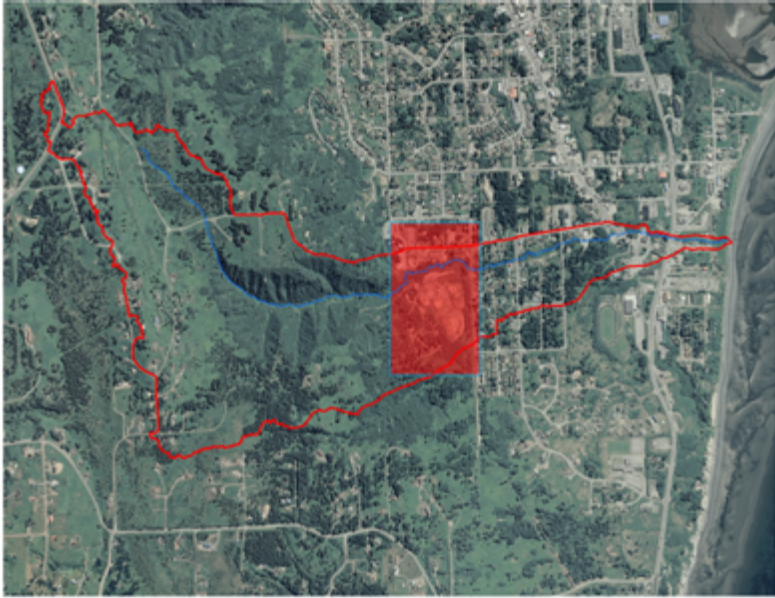
Priority Projects

Due to their high degree of feasibility, timeliness, and perceived public interest, the following projects were identified as top priorities during the Woodard Creek Coalition's 2016 Priority-Setting Workshop. The Woodard Creek Coalition plans to meet annually to reassess top priorities for the year.

Priority Projects

1. Develop trail to showcase Woodard Creek at Karen Hornaday Park
2. Develop trail to showcase Woodard Creek at Pratt Museum
3. Assess existing access and property boundaries along Woodard Creek
4. Develop Spruceview Park
5. Develop the Woodard Creek Arts and Culture Complex

1. Develop trail to showcase Woodard Creek at Karen Hornaday Park



This project contributes to the objectives, “create and enhance public access points” and “address stream bank fill at Karen Hornaday Park.”



Entrance to Karen Hornaday Park, where the Woodard Creek Trail, Fairview Ave Connection, and a safe pedestrian connection to the park converge. The left side slope would be developed into trail.
Source: Lisa Holzaphel.

Karen Hornaday Park lies at the heart of the Woodard Creek Watershed and provides a central focus for exploring the watershed and understanding the watershed values. A trail radiating out from Karen Hornaday Park is proposed to connect the neighborhood and community to the watershed with easy access via the park. The proposed Karen Hornaday Park Woodard Creek Trail consists of the following segments:

Segment 1: Danview Avenue Connection

This trail segment will connect the community to Woodard Creek via Danview Avenue. The proposed trail will be built to footpath standards, and will draw on help from community volunteers. The proposed trail will consist of a wooden footbridge across Woodard Creek; the footbridge will be sited at a nearly level streamside site in order to allow for environmental education explorations and



The view of Kachemak Bay from Karen Hornaday Park. Source: Lisa Holzaphel.

interpretation. Footbridge site selection will take into consideration stream hydrology/ flood stage and soil/bank stability, and will ensure minimal disturbance to the stream. This trail segment will connect with the Karen Hornaday Park access road at the park entrance near Fairview Avenue. This segment of the trail will introduce people to the real nature of the watershed, by traversing a level bench along and above (but in proximity to) Woodard Creek.

Segment 2: Fairview Avenue Connection

This trail segment will connect the community to the Woodard Creek watershed along a level bench paralleling Fairview Avenue and extending to the western boundary of Karen Hornaday Park. This trail segment will be built as a community footpath trail and provide the community additional access to Karen Hornaday Park, and will connect to the



park's existing trail system. Connection to the Reber Trail will be explored at a later phase in development.

Segment 3: Safe Pedestrian Connection within Karen Hornaday Park

This trail segment will provide safe pedestrian access from Fairview Avenue along the park entrance road, with a connection to the sport fields and day use area/playground/campground. A side trail connection coming off of the pedestrian trail will connect with the lower sports field; this side trail will be built to footpath standards through help from community volunteers. This proposed connection to the sports field will

address the unsafe conditions that currently exist in the area; children frequently access the sports field via the narrow park entrance road and may be obscured by thickets of alder.

Development of a separate pedestrian trail along the park entrance road will be explored at a later phase, through revisiting the Karen Hornaday Park Master Plan and exploring the option of a minor eastward relocation of the park entrance road to accommodate parking at the lower sports field along with a safe pedestrian pathway into the main body of the park. A separated hard-surface pedestrian pathway built to ADA standards along the park

entrance road will require contracting with professional engineering services, in order to develop design options with construction feasibility and cost estimates for the alignment of the park entrance road, pedestrian pathway, and lower sports field parking.

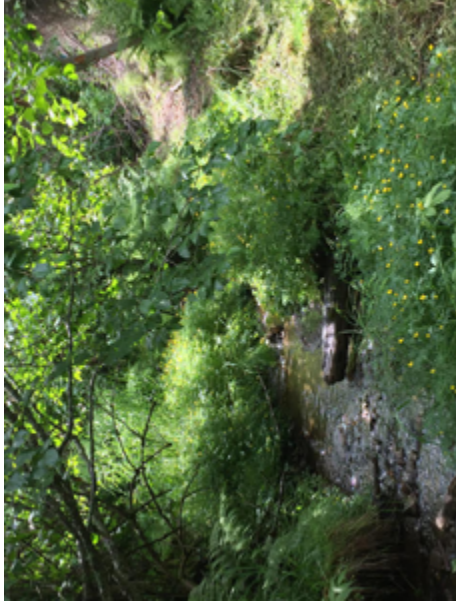
2. Develop trail to showcase Woodard Creek at Pratt Museum



This project contributes to the objective, “create and enhance public access points.”



Volunteers put finishing touches to bridge over Woodard Creek.
Source: Savanna Bradley.



Brushed loop leading from Woodard Creek to upper trail. Source: Savanna Bradley.

At the end of 2015, a generous donation by a community member allowed the Pratt Museum to purchase a small piece of property south of the museum along Woodard Creek, providing a connection to Pioneer Avenue. During the spring of 2016, volunteers marked and began to clear a route for the trail to connect with the Pratt Museum’s existing system. During a community work day in June 2016, volunteers roughed in the trail and constructed a foot bridge.

In August, volunteers finished the trail, providing access (for the first time) to a beautiful section of free-flowing creek just above Pioneer Avenue. Another leg completes a loop with the existing Pratt Museum trails. The museum has designed

updated trail maps displaying the new routes. Temporary versions have been printed and installed, pending funding for permanent maps. The initial development phase has been made possible through funding from the Pratt Museum and community donations, as well as time donated by community volunteers.

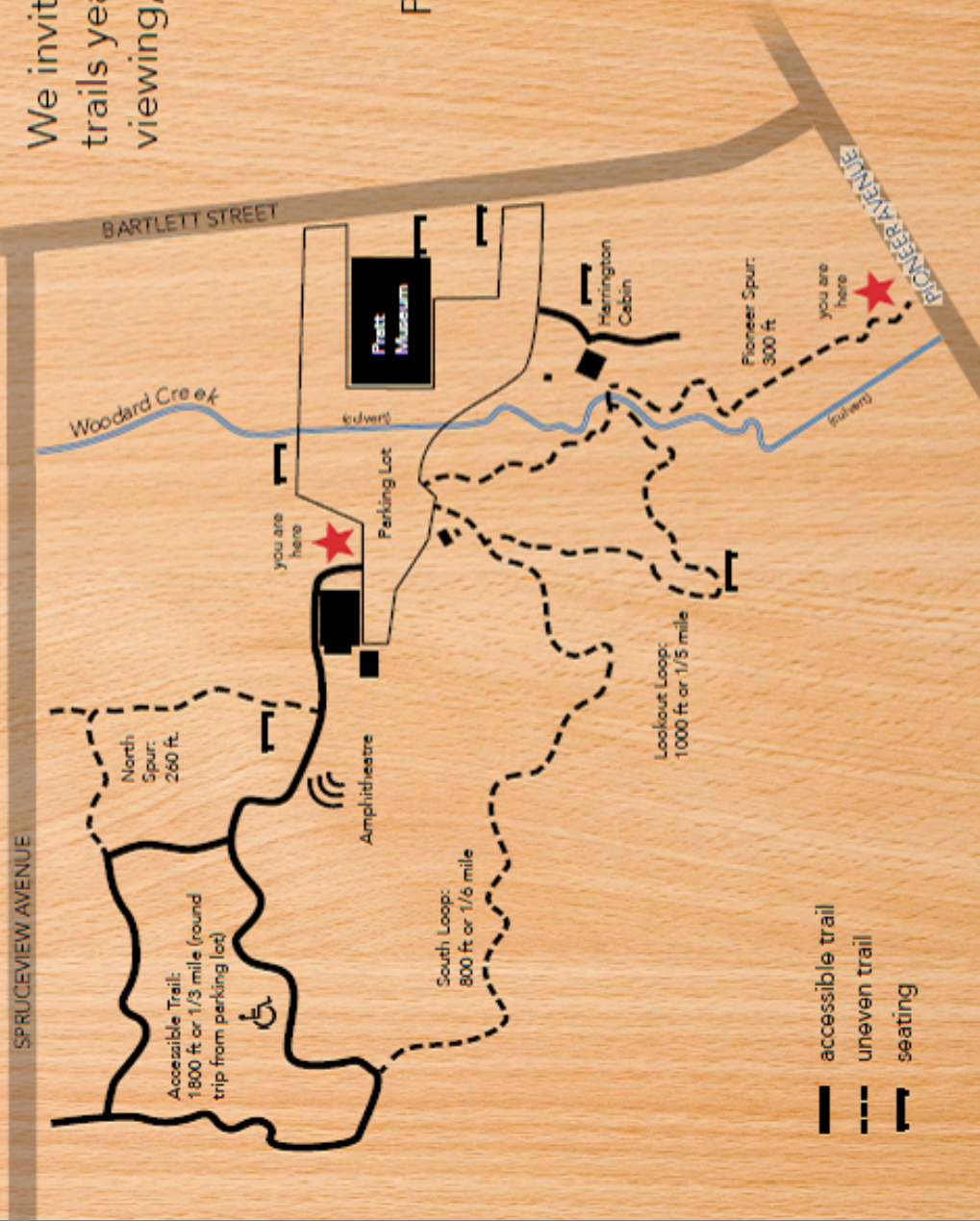
In the future, the Pratt Museum site will daylight the portion of Woodard Creek behind the current museum building and extend the trail, connecting it to the new paths around the new museum building. As this development occurs, interpretive signage and educational programming will be created in order to increase awareness and understanding of Woodard Creek.

Pratt Museum Forest Trails

We invite you to explore these trails year round for wildlife and art viewing, or to enjoy a quiet stroll.

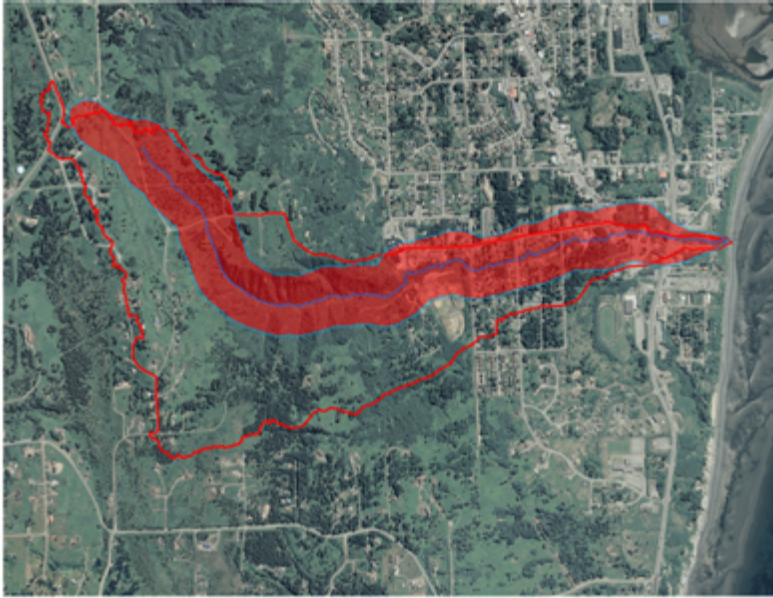
Please note:

- Non-motorized vehicles only
- Control and pick up after pets
- Moose and bear have been sighted in these woods



New map updating Pratt Museum Forest Trails. Source: Pratt Museum.

3. Assess existing access and property boundaries along Woodard Creek



This project contributes to the objective, “create and enhance public access points.”

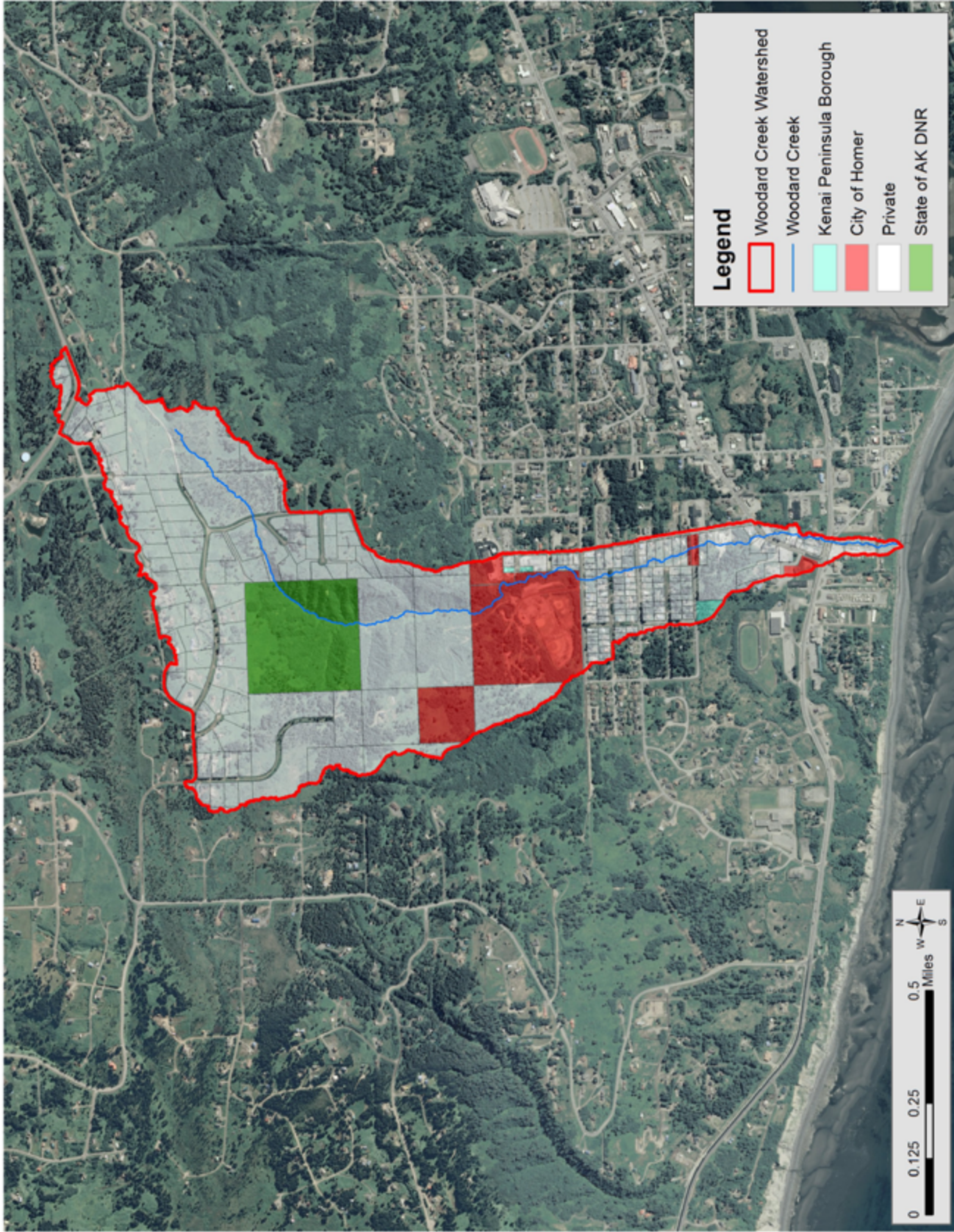
Understanding the location of potential public access points to Woodard Creek allows the Woodard Creek Coalition to increase awareness about the creek. Strides for forward access have been accomplished recently, largely due to the efforts of the Woodard Creek Coalition and Friends of Woodard Creek. The Pratt Museum has dramatically increased access with acquisition of property and a new trail between Pioneer Avenue and Spruceview Avenue, and has plans to daylight a portion of the creek, pending funding. Plans are in progress for trail access at Karen Hornaday Park. Further improved access potential is proposed, and in progress, with the Hanson/City of Homer project, increasing Woodard Creek/Spruceview Park by 47% with increased creek frontage.

The Woodard Creek Coalition will continue to review and assess the watershed for public access points. To date, the group has researched public records for easements, rights of way, and properties for existing or potential access to Woodard Creek. Research began with a consultation with the City of Homer Planning Department to assess any records of easements pertaining to access

points along Woodard Creek. The City had no information on any easements. A similar inquiry was made to the Kenai Peninsula Borough with the same result. Research of individual recorded easements and subdivision plats was not within the scope of this research and is unlikely to produce any easements. The known access points to Woodard Creek include the following:

- State lands within the upper region of the watershed
- Karen Hornaday Park
- Street rights of way crossing Woodard Creek between Karen Hornaday Park and Pioneer Avenue
- Woodard Creek Park (aka Spruceview Park)
- Museum Lands between Spruceview Avenue and Pioneer Avenue
- Sterling Highway

Private property comprises the majority of land along Woodard Creek. Since Woodard Creek is not a navigable stream, the stream bed is owned by the individual property owners, precluding public access without permission of the owner.



Land ownership within the Woodard Creek Watershed (Watershed boundary: Kachemak Bay National Estuarine Research Reserve, 2017; Basemap: Kenai Peninsula Borough imagery, 2012; Ownership parcels: Kenai Peninsula Borough GIS Division, 2017).

4. Develop Spruceview Park



This project contributes to the objective, “create and enhance public access points.”



Concept maps for the development of Spruceview Park. Source: Marvin Hanson.

This project would create a pocket park for enhanced appreciation of Woodward Creek. The proposal would subdivide properties, dedicate Spruceview Avenue rights of way, consolidate lots into useable areas separated by the creek, and improve the potential of all properties by using topographical features to enhance best land use. Park land would be increased by approximately 5,000 sf (47%) and would be consolidated west of Woodward Creek, with increased frontage on the creek.

Lot 12A contains Spruceview Avenue, which has not yet been dedicated as public right of way (see maps).

All four properties are segmented by Woodward Creek, creating topographically separated areas on each side of the creek, a poor configuration for best land use. Lot 11B (park land) is a thirty foot wide strip bisected by the creek and has very limited use in its present configuration.

This concept proposal addresses four parcels of property with Bunnell’s Subdivision No. 17, City of Homer. Lots 10A and 11A are private property owned by Marvin Hanson, Lots 11B and 12A are public property of the City of Homer. Lot 11B is currently designated

All costs of subdivision would be paid by Marvin Hanson, with no costs to the City of Homer. The exact area of City property accrued by Hanson would be appended to the consolidated park land.

5. Develop the Woodard Creek Arts and Culture Complex



This project contributes to the objective, “create and enhance public access points.”



Homer residents review concept plans for the Woodard Creek Arts and Culture Complex. Source: Lisa Holzapfel.

The Homer Parks, Art, Recreation and Culture needs assessment showed a need and community support for a cultural complex. In July of 2016, the Pratt Museum and Homer Council on the Arts (HCOA) announced the concept of the Woodard Creek Arts and Culture Complex (WCACC). The proposed WCACC will include the new Pratt Museum building, as well as the current museum building and all associated structures. The Pratt Museum and the Homer Council on the Arts are discussing the possibility of converting the old Pratt Museum building into a cultural complex that could potentially house a variety of community activities.

Since there is no community center currently in Homer, the WCACC could provide space for a multitude of community activities. Although the concept of the WCACC is in its infancy, several ideas have emerged regarding uses for the complex, including:

- Using the space for conferences and meetings
- Renting the space to local organizations for events and community activities
- Creating art-making spaces for artists
- Housing art classes and workshops of all kinds
- Building a small theater space that would hold around 200 patrons.

Development of the WCACC would increase community presence in the area and provide an excellent opportunity to increase awareness about Woodard Creek. Please note: Because this project is in the early planning phases, it is not summarized in the Priority Project Summary Table that follows. The Woodard Creek Coalition will continue to be engaged as the WCACC concept is developed.

Priority Project Summary Table

Task	Description	Leader	Timeline	Funding Source	Cost	Objectives Met	Measures of Success	Status
1. Develop trail to showcase Woodard Creek at Karen Hornaday Park								
1	Survey Karen Hornaday Park eastern boundary	Robert Archibald	Start: 4/25/16 Finish: 4/25/16	Friends of Woodard Creek	\$780	Eastern boundary of the park along Woodard Creek established for clear delineation	Boundary survey completed	Completed 4/25/16
2	Watershed trail connection from Danview Avenue to Fairview Avenue	Robert Archibald	Start: 6/18/16 Finish: 6/18/16	Volunteer	Volunteer	Field recon. confirms feasibility of trail connections and footbridge feasible	Field marking and ground-truthing	Completed 6/18/16
3	Fairview Avenue connection from Karen Hornaday Park	Deb Lowney	Start: 08/01/16 Finish: _____	Volunteer	Volunteer	Field recon. feasibility of trail along a bench - Fairview Avenue	Review ground conditions and vegetative cover	
4	Trail and footbridge design Danview to Fairview Segment 1	Robert Archibald	Start: 6/24/16 Finish: _____	Pro bono engineering footbridge by Jack Cushing	Pro bono	Field locate bridge and design standard and define footpath standard with the City and Park Commission	Completed design for segments 1 & 2	
5	Fairview Avenue Trail Segment 2 design standards	Robert Archibald & Deb Lowney	Start: 6/30/16 Finish: _____	Work with City and Park Commission on design standards utilize HART funds	Contract for private design services or City Public Works	Engineering design. Construction standards. Cost estimation.	'Plans Ready' design and construction documents	
6	Locate footpath from Fairview to Lower Sport Field - portion of Segment 3	Robert Archibald and Deb Lowney	Start: 6/24/16 Finish: _____	Volunteer Community Activism	Volunteer	Field staking of footpath to lower sport field	Follow contour of slope and crosscut construction of trail by volunteers	
7	Segment 4: Park entrance road and pedestrian safety	Robert Archibald and Deb Lowney	Start: 6/24/16 Finish: _____	HART funds	Contract for professional design services	Complete design in time for cost estimation for CIP and City budget request	Update park master plan	
8	Community involvement trail Segments 1-4	Woodard Creek Coalition	Start: _____ Finish: _____	Existing Council funds	Outreach to stakeholders and community	Targeted fundraising for each of 4 trail segments	Funds raised and segments completed	
9	Hold public event dedicated to trail building	Robert Archibald & Deb Lowney	2017	City of Homer Parks & Recreation	Parks/ Trails Day	Public Education/Outreach	Attendance	

Priority Project Summary Table

Task	Description	Leader	Timeline	Funding Source	Cost	Objectives Met	Measures of Success	Status
10	Design and install trail signs at all ends of new trail	Robert Archibald & Deb Lowney	TBD	City of Homer Parks & Recreation	\$300	Outreach & Education	Installation and public use	
11	Develop interpretive panels along Woodard Creek portions of trail in Karen Hornaday Park	Robert Archibald & Deb Lowney	TBD	TBD	\$1000	Outreach & Education	Installation and positive public feedback	
2. Develop trail to showcase Woodard Creek at Pratt Museum								
1	Hold public event dedicated to trail building	Pratt Director & Building Manager, Coalition volunteers	Start: 6/11/16 Finish: 6/11/16	Pratt Museum	\$300	Yes	Trail opened up, bridge built	In progress
2	Hold second public event dedicated to trail building	Pratt Building Manager	Start: Mid-August Finish: TBD	Pratt Museum	\$100		Complete trail	In progress
3	Design and install updated trail signs at both ends of new trail along creek	Pratt Curator	Start: 2016 Finish: 2016	Pratt Museum, Community Donations	\$500			Design complete, print and install after completion of lower trail
4	Develop interpretive panels along the trail	Pratt Curator	Start: TBD Finish: TBD	TBD	\$2000+		Installation of panels, positive public reaction	In planning stages
3. Research, assess, and report on existing access and property boundaries along Woodard Creek								
1	Research City and Borough records for easements and right-of-way access	Mary Hanson	Start: 5/16 Finish: 8/16	N/A	\$0	Research to increase and enhance access points along the creek	Report submitted	Completed

Priority Project Summary Table

Task	Description	Leader	Timeline	Funding Source	Cost	Objectives Met	Measures of Success	Status
4. Subdivide and consolidate private and City of Homer properties								
1	Enhance private and City park lands through best use	Marvin Hanson	Start: 6/16 Finish: _____	Marvin Hanson	\$25,000	Increase park area by 47%, enhance potential of all properties	Finalization of subdivision, dedication of park lands	In progress
1a	Review of Concept Proposal by Woodard Creek Coalition	Woodard Creek Coalition	Start: 6/16 Finish: _____	N/A	\$0	N/A	N/A	In progress
1b	Consultation with Public Works Director and City Planning	Marvin Hanson	Start: 9/16 Finish: _____					In progress
1c	Presentation to Parks & Recreation	Marvin Hanson	Start: 9/16 Finish: _____					In progress
1d	Survey & Engineer's Report	Marvin Hanson	Start: 10/16 Finish: _____					In progress
1e	Presentation to City and Borough Planning Commissions	Marvin Hanson	Start: 1/17 Finish: _____					In progress
1f	Finalization of subdivision, dedication of park	Marvin Hanson	Start: 4/17 Finish: _____					In progress

Projects for Future Consideration

Task	Description	Objectives Met
1. Identify areas prone to overflow (culverts, low banks) and work with Homer Public Works Department to mitigate flooding.		
1	Map areas with low banks	<ul style="list-style-type: none"> Identify, study, and address high risk areas in the Woodard Creek Watershed
2	Inventory debris in culverts	<ul style="list-style-type: none"> Identify, study, and address high risk areas in the Woodard Creek Watershed
3	Remove debris from culverts as necessary	<ul style="list-style-type: none"> Identify, study, and address high risk areas in the Woodard Creek Watershed Protect natural systems
2. Daylight Woodard Creek throughout the watershed.		
1	Work with the City of Homer to daylight Woodard Creek at Fairview Avenue	<ul style="list-style-type: none"> Address stream channelization and culverting in the lower watershed Increase outreach, education, and stewardship opportunities
2	Work with the City of Homer to daylight Woodard Creek at Homer Bypass	<ul style="list-style-type: none"> Address stream channelization and culverting in the lower watershed Increase outreach, education, and stewardship opportunities
3	Work with the City of Homer to daylight Woodard Creek at Pioneer Avenue	<ul style="list-style-type: none"> Address stream channelization and culverting in the lower watershed Increase outreach, education, and stewardship opportunities
4	Work with the City of Homer to daylight Woodard Creek at the area below Homer Bypass	<ul style="list-style-type: none"> Address stream channelization and culverting in the lower watershed Increase outreach, education, and stewardship opportunities
5	Work with the Pratt Museum to daylight Woodard Creek on Pratt Museum land	<ul style="list-style-type: none"> Address stream channelization and culverting in the lower watershed Increase outreach, education, and stewardship opportunities
3. Add buffer strips along Woodard Creek		
1	Identify priority areas for buffer strips	<ul style="list-style-type: none"> Protect natural systems
2	Install buffer strips in key areas	<ul style="list-style-type: none"> Protect natural systems
4. Install features to reduce flow in key areas		
1	Identify priority areas for waterfalls	<ul style="list-style-type: none"> Protect natural systems
2	Install waterfalls in the stream in key areas	<ul style="list-style-type: none"> Protect natural systems
5. Paint the roads to show where Woodard Creek flows		
1	Coordinate annual road painting at Pioneer Avenue	<ul style="list-style-type: none"> Increase outreach, education, and stewardship opportunities
6. Develop program to engage the community in keeping Woodard Creek clean		
1	Host annual Woodard Creek clean-up	<ul style="list-style-type: none"> Increase outreach, education, and stewardship opportunities Protect natural systems
2	Encourage participation in adopt-a-stream program	<ul style="list-style-type: none"> Increase outreach, education, and stewardship opportunities Protect natural systems
7. Develop program to educate the community about Woodard Creek		
1	Create an outdoor classroom for the community to learn about Woodard Creek	<ul style="list-style-type: none"> Increase outreach, education, and stewardship opportunities Protect natural systems
2	Deliver presentations at schools, council meetings, and local interest groups	<ul style="list-style-type: none"> Increase outreach, education, and stewardship opportunities

Projects for Future Consideration

Task	Description	Objectives Met
8.	Develop observation points for community members to view Woodard Creek	
1	Identify priority areas for observation points	<ul style="list-style-type: none"> • Create and enhance public access points
9.	Continue to work with partners to acquire properties for public access along Woodard Creek	
1	Identify priority properties for public access	<ul style="list-style-type: none"> • Create and enhance public access points
10.	Increase pedestrian access to Woodard Creek at the beach near Crittenden Drive	
1		<ul style="list-style-type: none"> • Create and enhance public access points
11.	Discourage culverts in new road development	
1		<ul style="list-style-type: none"> • Integrate Woodard Creek into local planning efforts
12.	Connect Woodard Creek trails to existing trail systems.	
1		<ul style="list-style-type: none"> • Integrate Woodard Creek into local planning efforts • Create and enhance public access points
13.	Include Woodard Creek plans in the Homer Comprehensive Plan	
1		<ul style="list-style-type: none"> • Integrate Woodard Creek into local planning efforts
14.	Restrict vehicular access on Gordon Road	
1		<ul style="list-style-type: none"> • Integrate Woodard Creek into local planning efforts • Protect natural systems
15.	Develop partnerships with other groups with mutual interests	
1	Maintain open and ongoing communication with potential partners, continue to invite partners to clean-up days	<ul style="list-style-type: none"> • Integrate Woodard Creek into local planning efforts • Increase outreach, education, and stewardship opportunities • Protect natural systems
16.	Develop watershed best management practices for property owners and land managers	
1	Develop document that describes best management practices in Woodard Creek Watershed	<ul style="list-style-type: none"> • Increase outreach, education, and stewardship opportunities • Protect natural systems
2	Disseminate document to property owners and land managers in the Woodard Creek Watershed	<ul style="list-style-type: none"> • Increase outreach, education, and stewardship opportunities • Protect natural systems
17.	Create incentive system to encourage property owners and land managers to implement best management practices	
1		<ul style="list-style-type: none"> • Increase outreach, education, and stewardship opportunities • Protect natural systems
18.	Map impervious cover in the Woodard Creek Watershed	
1		<ul style="list-style-type: none"> • Identify, study, and address high risk areas in the Woodard Creek Watershed

VI. References

- Ballock, L. 2004. Free Woodard Creek! Poetry, logic and design for healing and revealing a watershed. A Design Thesis, Master of Landscape Architecture, University of Washington. Seattle WA. 84 p.
- Banks, D. 2003. Kachemak Bay and Anchor River Citizens' Environmental Monitoring Program annual water quality status report. Cook Inlet Keeper. Homer, Alaska. 113 p.
- Barnes, F.F. and E.H. Cobb. 1959. Geology and coal resources of the Homer District, Kenai Coal Field, Alaska. United States Geological Survey Bulletin. 1058-F.
- Berg, E. 2006. Recent Changes in the Climate of Kachemak Bay. U.S. Fish and Wildlife Service.
- City of Homer. 2016. [All-Hazard Mitigation Plan](#). 66 p.
- City of Homer, Bukojemsky, A. and D. Scheer. 2007. [Stormwater and Meltwater Management and Mitigation: A Handbook for Homer, Alaska](#). 73 p.
- City of Homer. 2016. [City of Homer Zoning Map](#).
- City of Homer. 2015. [Parks, Arts, Recreation and Culture Needs Assessment](#). 73 p.
- Rice, W. and F. Dekker. 2015. [Woodard Creek Longitudinal Profile Assessment](#). Homer, AK. US Fish and Wildlife Service. 20 p.
- Kroll, W.J. 2000. Woodard Creek Watershed Project. Cook Inletkeeper, Homer AK.
- Lord, R. 2016. Citizens' Environmental Monitoring Program Baseline Water Quality Report: Woodard Creek (1996-2012). Cook Inletkeeper, Homer, AK.
- Mobilizing for Action through Planning and Partnerships (MAPP) of the Southern Kenai Peninsula. 2014. [Community Health Needs Assessment](#). 30 p.
- Natural Resources Conservation Service, United States Department of Agriculture. [Web Soil Survey](#). Available online. Accessed August 2016.
- U.S. Census Bureau. 2012. [2008-2012 American Community Survey](#).



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

3 City Manager

4 **RESOLUTION 17-067**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE CITY TO APPLY FOR A LAND AND WATER
8 CONSERVATION FUND GRANT FOR THE REPLACEMENT OF RAMP
9 2 RESTROOM IN AN AMOUNT UP TO \$125,000 AND EXPRESSING
10 ITS COMMITMENT TO PROVIDE A LOCAL MATCH TO GRANT
11 FUNDS.

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

15
16 WHEREAS, The State of Alaska, Department of Natural Resources, Division of Parks and
17 Outdoor Recreation administers the Land and Water Conservation Fund (LWCF) grant program
18 for which trail and public recreational facility upgrades (including support facilities and
19 restrooms) are a high State priority ; and

20
21 WHEREAS, The public restroom located at the top of Ramp 2 at the Port & Harbor is the
22 oldest restroom on the Spit (built 43 years ago with Land and Water Conservation grant funds)
23 and serves one of the busiest parts of the Spit and is in need of upgrades; and

24
25 WHEREAS, Public use of the facility is expected to increase upon completion of the
26 adjacent Boat House Pavilion, a public gathering space; and

27
28 WHEREAS, The Ramp 2 Restroom Upgrade project is identified in the City of Homer's
29 Capital Improvement Plan; and

30
31 WHEREAS, LWCF provides up to 50% matching funds for public outdoor recreation
32 projects; and

33
34 WHEREAS, The City of Homer is a qualified applicant for LWCF grant assistance; and

35
36 WHEREAS, The City proposes to apply for \$125,000 in LWCF grant funds to assist with
37 rebuilding the Ramp 2 public restroom; and

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39 WHEREAS, Ordinance 17-19, adopted by City Council proposed using the 2016 proceeds
40 of a commercial vessel passenger tax program pass through grant from the Kenai Peninsula
41 Borough to replace the bathroom at the top of Ramp 2; and

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WHEREAS, The Port and Harbor Advisory Commission intends to use these and past Commercial Vessel Passenger Tax Program Pass Through Grant funds from the Kenai Peninsula Borough and State of Alaska as matching funds; and

WHEREAS, the Port and Harbor Advisory Commission has further committed Port and Harbor Enterprise Funds to forward fund the remainder of construction cost with the agreement that future Commercial Vessel Passenger Tax Program Pass Through Grant funds will reimburse the Port and Harbor Enterprise Fund those costs; and

WHEREAS, In accordance with LWCF provisions, the City has already committed to maintaining Ramp 2 restroom area in perpetuity for public outdoor recreation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports preparation and submission of a LWCF grant application for up to \$125,000 and authorizes the City Manager to submit the appropriate documents.

BE IT FURTHER RESOLVED that the City Council expresses its commitment to match grant funds with Commercial Vessel Passenger Tax Program Grant funds to meet the grant match requirements.

PASSED AND ADOPTED by the Homer City Council this 26th day of June, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



Memorandum 17-099

TO: Mayor and City Council
FROM: Jenny Carroll, Special Projects & Communications Coordinator
THROUGH: Katie Koester, City Manager
DATE: June 8, 2017
SUBJECT: Land and Water Conservation Fund Application for Ramp 2 Public Restroom

Resolution 17-067 Authorizes the City to apply to the State of Alaska DNR for a Land and Water Conservation Fund (LWCF) grant to help replace the public restrooms at the top of Ramp 2 at the Port & Harbor. It also expresses the commitment to meet the grant match requirement with Commercial Vessel Passenger Tax Program Grant funds.

Need: Ramp 2 public restroom, built 43 years ago with Land and Water Conservation grant funds, is the oldest restroom facility on the Spit. Featuring 14 total stations in separate men's and women's sections, it serves one of the busiest parts of the Spit.

It experiences high traffic by tour and school groups gathering for across the bay excursions, cruise ship passengers and other visitors when sightseeing, shopping at nearby boardwalk businesses, and accessing the tour boats located on the float systems below. Use of the facility is expected to increase after completion of the adjacent Boathouse Pavilion and an eventual bus and van pull-out for passenger drop offs, which is part of the overall site plan.

The current bathroom's worn interior finishes make cleaning difficult; aged bathroom fixtures, plumbing and dilapidated stalls make it challenging for City maintenance personnel to provide a sanitary, fully functioning facility. T-111 siding is weather worn, has rot and is in need of replacement.

Due to the facility's dilapidated condition, the City is proposing to tear down the current restroom building and rebuild a new restroom facility on the existing foundation that will better serve Homer Spit visitors. The new restroom would be more energy efficient – and designed to minimize operational and maintenance costs.



This project aligns with objectives of the 2011 Spit Comprehensive Plan and is also included in the City’s Capital Improvement Plan (CIP). Furthermore, public recreational facility upgrades (including support facilities and restrooms) are ranked high priority for LWCF funds in the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

A Land and Water Conservation Fund grant could provide up to \$125,000 to help with the project. The required match will come from the Commercial Vessel Passenger Tax Program pass-through grant from the Kenai Peninsula Borough. The Port & Harbor Enterprise Fund will cover the balance of construction costs and be reimbursed over time by future Commercial Vessel Passenger Tax Program pass-through grants.

Initially the restroom design concept was to replace the current restroom with individual stall style restrooms like the ones more recently built on the Spit. (See photo at right.) However, the high cost of doing so prompted development of two additional lower cost options for public input. See concept designs, associated costs attached and recommendations from the Port and Harbor Commission and PARAC attached.



Recommendation: Provide guidance on preferred alternative.

Enc:
Homer Ramp 2 Restroom Replacement Conceptual Estimate
Minutes from Port and Harbor Commission meeting
Email with PARAC recommendations

B. Concrete Pad Uses (for discussion only)

The Commission discussed allowing minimal activities in the area on the spit that is commonly known as the chip pad. They allow dry work. No wet work is allowed since any water would drain into the ditch which will not pass. They discussed the steps needed to be able to conduct a boat wash in that area. Harbormaster Hawkins explained his concern of competing with the vendors in the area if they start providing the same services as local vendors.

The Commission discussed the ability to offer short term repair area, boat wash and not worrying about the competition of local boat shops, and the convenience of offering the services at the harbor. They discussed the hindrances to getting larger boats on trailers and the logistics of having an incubator to starting needed services. It was noted that it may be the only approved boat washing facility in Homer.

Harbormaster Hawkins will do some research on creating a legal place for wash down service and the approximate infrastructure costs related to having a facility. He noted that they would need a storm water plan, he will see if the current plan could be modified.

The commission discussed some details regarding the installation of waterline to the chip pad. Harbormaster Hawkins then suggested a discussion on fees be included. Commissioner Carroll requested drawings on how that would look like on that end. Commissioner Stockburger would like to see included in their discussion items relate to where they are looking to go as he would like to see that land make money.

Additional discussion points made covered length of time a vessel could be pulled out there and fees would discourage lengthy stays.

This item will be on the June agenda, Wash down requirements for the Chip Pad.

C. Ramp 2 Restrooms

I. Handout – Request for Public Comment for Ramp 2 Restroom Upgrade

Vice Chair Zimmerman introduced the item for discussion.

Harbormaster Hawkins commented that he was unaware that the Ramp 2 restroom facility was that old. He summarized a brief outline of the proposed project for the construction of new restroom facilities. Harbormaster Hawkins then provided information on the possible grant, funding sources using the cruise ship passenger head tax revenues received and with the approval of the Borough and the city that they forward fund the project from the reserves and pay back the reserve fund from the future cruise ship passenger vessel taxes that the city will receive. The city currently has approximately \$100,000 in the cruise ship passenger vessel tax fund plus the original Ramp 2 restroom was a Land and Water Conservation Fund grant project which they are finalizing a grant application. The LCWF normally will approve grants for previous projects.

Further discussion on how needed it is to replace that restroom facility, construction methods, commission involvement in design, length of time for release of invitation to bid, construction period, preference over similar design or individual rooms that could be locked in the winter with the exception of one, issues with

homeless citizens taking up residence, this is a major high volume area and there is need for additional facilities.

STOCKBURGER/DONICH - MOVED THAT THE COMMISSION APPROVES THE CONCEPT FOR FUNDING THE RAMP TWO PROJECT OUT OF PORT AND HARBOR RESERVES WITH REPAYMENT FROM FUTURE CRUISE SHIP VESSEL PASSENGER TAX PROGRAM FUNDS AND FURTHER RECOMMEND THAT THE PORT & HARBOR ADVISORY COMMISSION FULFILL THE ROLL OF SELECTION AND DESIGN COMMITTEE FOR THE PROJECT.

Discussion on some details to be included in the Request for Proposals and the importance of getting this project in progress as soon as possible.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL ITEMS

- A. Port & Harbor Monthly Statistical Report for April 2017
- B. Water/Sewer Bills Report for April 2017
- C. Crane and Ice Report
- D. Deep Water Dock Report
- E. Pioneer Dock Report
- F. Dock Water Report
- G. Memo to Port & Harbor Advisory Commission from Port Director Re: 43rd Annual PCC Conference Report dated April 20, 2017
 - i. Pacific Coast Congress 43rd Annual Conference Agenda April 11 – 14, 2017
 - ii. Crescent City, OR Harbor Photos

The Commission reviewed the informational materials and comments were made on the increase in the number on the wait list, the value of recreational vessels in the harbor, local Alaskans purchasing their own vessels due to the limits placed on catch.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Harbormaster Hawkins commented on the Memorandum on the Annual PCC Conference and will include some additional information in the June packet. He then related his experience with a visit with the Harbormaster there and how once she steps out of the office there is no recognition by the general populace compared to a small town Harbormaster who is recognized everywhere they go in town. He then noted the design of their Harbor and float system to fend off a tsunami since their harbor has been hit by 42 tsunamis. The floats alone were a \$55 million line item in the project budget. The Memorial Day weekend is expected to be a record low and they are discussing closing the ramp during the 2 hour time period and this will be the first time for that to be necessary.

From: Julie Engebretsen
Sent: Tuesday, June 20, 2017 2:08 PM
To: Jennifer Carroll <JCarroll@ci.homer.ak.us>
Subject: PARCAC Restroom recommendations

Hi Jenny,

I'm not sure if Renee has been able to provide the minutes or not, but in a nutshell, PARCAC did pass a motion in support of a LWCF grant for the restrooms, and they also support option C. They felt the concrete block construction would last longer, have lower maintenance costs, and they like the individual stalls that can be used by anyone. There was a little bit of comment that more women's stalls were needed, which is why unisex facilities were preferred. They also commented that the number of 'open' restrooms could be reduced in the winter based on demand (don't need to keep all 12 open year round as far as cleaning and maintenance).

Julie

Julie Engebretsen
Deputy City Planner
City of Homer

907-435-3119

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 17-068

A RESOLUTION OF THE HOMER CITY COUNCIL INVITING THE ALASKA MUNICIPAL LEAGUE TO HOLD THEIR 2019 SUMMER LEGISLATIVE CONFERENCE IN HOMER.

WHEREAS, The Alaska Municipal League is the premier organization in Alaska that brings municipalities across the state to work together on legislative issues, network, and share ideas on good government; and

WHEREAS, The Alaska Municipal League holds a summer legislative conference every year in different cities around the state; and

WHEREAS, The summer legislative conference is an excellent opportunity to bring leaders from around Alaska to our community and expose them to the many wonderful things Homer has to offer; and

WHEREAS, Homer is an ideal location for a summer meeting given its proximity to population centers and robust attractions for visitors; and

WHEREAS, Homer has the facilities the conference needs to be successful including adequate lodging, meeting space and catering venues; and

WHEREAS, the City of Homer can commit to providing staff support before and during the conference and will host a welcome reception for conference delegates.

NOW, THEREFORE, BE IT RESOLVED that the City of Homer invites the Alaska Municipal League to Homer for the 2019 Summer Legislative Conference and commits to providing the necessary resources to make the conference a success.

PASSED AND ADOPTED by the Homer City Council on this 26th day of June, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

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46 _____
MELISSA JACOBSEN, MMC, CITY CLERK

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48 FN: Staff time and \$500-\$1,000 for a welcome reception to be incorporated into the FY2019
49 budget.



Summer Legislative Conference Host Application

The Alaska Municipal League (AML) Summer Legislative Conference is held every year in August. The Alaska Municipal League Board of Directors, the Alaska Conference of Mayors, the Alaska Municipal Management Association and the AML Position Committee also meet during this time. Depending on the location, 70-100 people usually attend. The host municipality must be a member in good standing and pass a resolution of support to host this conference.

The purpose of the Summer Legislative Conference is to provide time and space to begin work on the AML Legislative Priorities and Position Statements, which is finalized and voted on at the Annual Meeting in November. The AML Board, Alaska Conference of Mayors, and the Alaska Municipal Management Association use the opportunity to meet and conduct their business in person.

Meeting Space:

Host municipalities must be able to arrange and provide for the following:

- Staff person to assist AML with logistics
- Meeting space for 2-3 days (if not within walking distance of hotel, host must provide transportation)
- Meeting room/space for up to 100 people
- Breakout space for two groups (25-30 each)
- A/V equipment (Microphone & Screen)

Accommodations:

Understanding that Alaska's unique summer tourism season provides challenges in securing space for up to 100 people, AML will work to secure space at the **first of the calendar year**, to insure competitive pricing and adequate space.

Catering:

Access to catering services:

- 2-3 breakfast/coffee service
- 2-3 lunches

The municipality is invited, although not required, to host an evening reception for conference delegates.

Please send a one-page letter of invitation to AML if you are interested in hosting the AML Summer Legislative Conference. Letters of invitation must include a description of community resources to address the requirements listed above and must be submitted to the Alaska Municipal League Office by August 1, 2017 to be considered during the Summer Board meeting.



Alaska Municipal League Summer Legislative Conference

APPLICATION

The municipality of _____ invites the Alaska Municipal League to hold their Summer Legislative Conference in our community.

MEMBERSHIP: We are an AML member in good standing (dues paid).

FACILITIES: We have the facilities and equipment necessary.

Name and location of the facility(s).

HOTEL ROOMS: We have a minimum of 100 hotel and/or B & B rooms available for room blocking with the specified conference dates within walking distance to the meeting site or we will provide transportation for the delegates at no charge to the League. Hotel and/or B&Bs are willing to provide a room block.

Name of hotels/motels and number of rooms:

Our transportation plan for getting delegates to and from the meeting site from hotels is as follows: _____

CATERING: Names of local caterers capable of servicing up to 100 people.

AML ADMINISTRATIVE ASSISTANCE: We are able to provide the necessary staff to assist with logistics. ____yes ____no

Any additional or special services or events your community would like to provide to enhance the Conference.

Do you plan to host a reception for meeting delegates? ____yes ____no

Application approved by municipal governing body on _____ and certified by:

Name	Title	Date
------	-------	------

Mail, fax or email application to:
Alaska Municipal League
One Sealaska Plaza, Suite 200
Juneau, AK 99801
betty@akml.org
Fax: 907-463-5480

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

3 City Manager

4 **RESOLUTION 17-069**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE CITY TO SUBMIT THREE MUNICIPAL
8 INFRASTRUCTURE PROJECTS (1) THE BARGE MOORING/LARGE
9 VESSEL HAUL OUT REPAIR FACILITY, (2) WATER STORAGE AND
10 DISTRIBUTION IMPROVEMENTS AND (3) SEAFARERS MEMORIAL
11 PARKING EXPANSION IN ORDER OF PRIORITY TO THE STATE OF
12 ALASKA FOR NOMINATION TO THE TRUMP ADMINISTRATION
13 INFRASTRUCTURE PROGRAM.
14

15 WHEREAS, It is the responsibility of City of Homer to provide essential health and safety
16 services and participate in providing a basic framework for commerce and private industry to
17 thrive; and
18

19 WHEREAS, The City of Homer, through its Capital Improvement Plan annually plans and
20 prioritizes infrastructure projects that are important to carrying out these responsibilities; and
21

22 WHEREAS, The Office of the Governor of the State of Alaska is soliciting municipal
23 infrastructure project proposals to consider for nomination to a national infrastructure
24 funding program proposed by the Trump Administration; and
25

26 WHEREAS, The City of Homer has reviewed its Capital Improvement Plan and found that
27 three projects qualify for nomination under the solicitation in that each is shovel ready, has
28 local funds as part of the overall funding package and would contribute to one or more of the
29 federal goals of the infrastructure funding program.
30

31 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes
32 the City Administration to submit three municipal infrastructure projects in the following order
33 of priority to the State of Alaska for nomination to the Trump Administration infrastructure
34 program:

- 35 (1) Homer Barge Mooring/Large Vessel Haul Out Repair Facility,
36 (2) Water Storage and Distribution Improvements, and
37 (3) Seafarer's Memorial Parking Expansion.
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39 PASSED AND ADOPTED by the Homer City Council this 26th day of June, 2017.
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41 CITY OF HOMER

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ATTEST:

BRYAN ZAK, MAYOR

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: City of Homer Boards and Commissions

FROM: Jenny Carroll, Special Projects & Communications Coordinator

THROUGH: Katie Koester, City Manager

DATE: June 21, 2017

SUBJECT: Infrastructure projects to consider for submission to the State of Alaska for nomination to a national infrastructure funding program proposed by the Trump Administration

In anticipation of a major infrastructure initiative proposed by President Trump, the Trump Administration has been asking States, through various channels, to submit prioritized shovel-ready project proposals for possible inclusion in an infrastructure funding package.

In February, in response to a request from Tim Dillon of the KPEDD for transportation infrastructure projects, the City of Homer submitted a combined Barge Mooring/Large Vessel Haul-Out Repair Facility project for inclusion on a Kenai Peninsula Borough prioritized infrastructure proposal. The project earned top ranking among four Kenai Peninsula projects that were ultimately submitted by KPEDD to Shirley Kelly of the Economic Development Administration for inclusion on a list for potential federal funding.

Governor Walker recently sent an initial list of Alaskan infrastructure projects for consideration by the Trump Administration. The list included King Cove Cold Bay Road, Ambler Mining District Road, Alaska Pipeline & LNG Project, Port Clarence and Nome Port System, and McKenzie Rail Extension.

However, the Governor also provided notice to municipalities and tribes that additional projects may be nominated by the State.

On May 19th, the State sent a letter to Mayor Zak soliciting up to three proposals for infrastructure projects that might qualify for consideration under this federal program. Project criteria include:

- Projects with a significant local match or private sector component to the overall funding package;
- Projects that are shovel-ready;
- Projects that do not qualify for other federal capital funding programs; and
- Projects that contribute to one or more of the federal goals for the program
 - Promote American jobs and economic growth
 - Improve the balance of international trade
 - Promote American energy security
 - Rebuild failing public critical infrastructure

- Meet an immediate life / safety concern not readily addressable by other means.

Project nominations are to be submitted online by June 30, 2017.

Staff has reviewed projects in the CIP which might qualify for submission and present them to you for consideration. They include the Barge Mooring/Large Vessel Haul-Out Repair Facility, Water Storage and Distribution Improvements and Seafarers Memorial Parking Lot. Project descriptions are attached.

The new Police Station was considered, but the project is not far enough along in its planning to meet the June 30th submission deadline.

City of Homer Barge Mooring/Haul-Out Repair Facility

Priority Level: 1

Detailed Project description: This project provides safe moorage and an associated uplands haul out repair facility for large shallow draft vessels in support of the marine industrial and transportation system in central and western Alaska. The barge mooring consists of six steel pile mooring dolphins with navigation lighting, dead-men anchoring and stern anchoring system to securely moor up to six barges in the tidal zone, with the bow end pulled tight to the beach and with access to pedestals delivering 440v electrical power.

The mooring facility will also feature a ramp for hauling vessels out onto dry ground above the high tide line for maintenance and minor repairs. A dead-man anchoring system will be provided for winching vessels up and down the ramp. Upland improvements will include a large vessel wash down pad (which can also be used by recreational/sport boats), electrical pedestals, lighting, security fencing and a drainage/water management system to facilitate local, efficient and environmentally sound vessel repairs. This site has accommodated approximately six to eight vessels (depending on size) with ample workspace.

• **Justification:**

With more than 33,000 miles of coastline, the waters surrounding Alaska are a substantial transportation network and economic driver locally, regionally and nationally. And while the state is host to many vessels, Alaska largely lacks infrastructure to handle the marine industrial sector's (MIS) moorage and vessel maintenance demand.

Strategically located in Homer's Port & Harbor, the only ice-free deep water port in Cook Inlet, the facility benefits the performance of the MIS transportation network. Barges are a lifeline to the essential supplies needed for rural Alaskan communities to exist, and are critical support vessels for resource development operations around the State. These vessels, the workhorses of the fleet, are required by law to be inspected and maintained to standards set by the USCG. For the most part this fleet is used seasonally due to the ice conditions that occur in Western Alaska which means that they are wintering over while they wait for spring breakup. Currently there are very few haul out facilities in the State that can serve these very large vessels. Our plan provides secure moorage for up to six of these vessels and the ability to complete their required maintenance while wintering over. The repair facility will also be used by the region's large fleet of commercial fishing vessels.

Because of the lack of moorage space, large vessels are currently turned away from the harbor's basin; because of a lack of facilities, large vessels also have to travel long distances over open ocean to seek repairs which could otherwise be completed in Homer. Capturing more of this MIS activity (that often occurs out-of-state) provides many benefits. As more work is done locally, the local marine trades sector has greater opportunity to expand services, support a steady labor force and provide higher quality services more competitively. Availability of local repair services also delivers performance benefits to vessels operating in Alaska waters, saving significant time, fuel and other operating expense. An additional benefit is reducing the potential for costly emergency response, loss of life and property, and/or environmental contamination associated with impaired vessels travelling great distances to seek repairs.

Explain How Project Contributes to the following Federal Priorities:

Promote American jobs and economic growth

The facility will create 51 full time direct jobs when fully operational; it will create 102 indirect jobs (per a 2:1 shipyard benefits multiplier effect of direct jobs on indirect jobs.) It will generate private sector investment in tools, training and specialized equipment by the marine trades sector, in large marine vessel upgrades by vessel owners, and investment in additional transportation capacity for supplies such as steel, engine parts, electrical, fuel, hazardous materials disposal.

The Barge Mooring/Haul Out Repair Facility expands Alaska’s capacity to meet current demands of the shipping, commercial fishing, resource development and service industries -- *and* support the fleet that will be taking advantage of emerging regional and national economic opportunities such as Cook Inlet the Cook Inlet Oil & Gas industry, a possible LNG export plant in Nikiski, and the opening of the Arctic for transportation and resource development.

Project Timeline:	<u>Completion</u>
Permits Acquired	August 30, 2017
Grant Administrator Review	October 1, 2017
100% Bid Ready Documents	October 15, 2017
Bids Advertised	October 17, 2017
Bids Opened	November 15, 2017
Construction Contract Award	December 15, 2017
Project bidding process complete by	November 30, 2017
Construction Start	January 1, 2018
Construction Complete	July 30, 2018
Grant Close-out	September 30, 2018

Budget:

<i>City of Homer Barge Mooring/Haul-Out Repair Facility</i>	Pre-Devel Planning/design work	Design Engineering Permitting	Construction	Total
Total Project Cost	\$ 0	\$ 312,000	\$ 4,456,500	\$4,768,500
Secured Federal Funds	\$ 0	\$ 0	\$ 0	- 0
Secured State Funds	\$ 0	\$ 312,000	\$ 0	- 312,000
Secured Local Funds	\$ 0	\$ 0	\$ 0	- 0
<i>Federal Infrastructure Initiative Request</i>				\$4,456,500

Secured Sources

Secured Federal Funding Sources and Amount: 0

Secured State Funding Sources and Amount:

State Capital Project Appropriation: \$312,000

Secured Other Funding Sources and Amount: 0

Remaining Need

Additional anticipated Federal Funding Sources and Amount: \$ 4,456,500

Additional anticipated State Funding Sources and Amount: 0

Additional anticipated Other Funding Sources and Amount: 0

City of Homer Water Storage/Distribution Improvements

Priority Level: 2

Detailed Project Description: This project replaces aging water storage/distribution system components and makes improvements to the City of Homer's water storage and distribution system by constructing a new water storage tank, abandoning an existing tank, and replacing an existing pressure reducing station. First identified during the formation of the 2006-2025 Homer Water & Sewer Master Plan, these critical infrastructure improvements have been designed and partially completed:

Phase 1 was completed in 2016. 2,600 linear feet of 10" and 12" water distribution main was installed across Shellfish Avenue and a new pressure reducing vault (PRV) was constructed to provide water supply to a new tank site; and 4,500 linear feet of 12" water main was extended on Kachemak Drive, both connecting isolated sections of town and eliminated dead end mains. The City removed an old redwood tank and purchased property on which the new tank will be constructed.

Phase 2 is shovel ready and in need of construction funding. It replaces a 60-year old, functionally obsolete steel water tank and adjacent PRV station with a new underground water storage tank, and installs 2,000 linear feet of water main and PRV station between the new tank and the water system.

Justification: The project replaces aging, functionally obsolete public water infrastructure, providing redundancy and dependability to the City's water system. A dependable water system ensures public safety, and contributes to Homer's future growth and economic vitality.

Phase 1 extended the municipal water system, eliminating potential problems with wells and residents having to haul and store water. Areas of expansion that were not previously served would meet home lender's requirements, allowing the resale and development of residential and commercial properties in the improved area. Phase 2 of the project increases water system reliability, flow rates, and water pressures needed to promote economic vitality. Fire insurance rates for businesses and homeowners will be lower. Water system upgrades lower ISO ratings, which lowers fire insurance rates all City residents. The project provides a back-up water supply to critical City of Homer infrastructure: South Peninsula Hospital (the regional hospital for the Southern Kenai Peninsula) and the central business district.

Explain How Project Contributes to the following Federal Priorities:

Promotes American economic growth – Homer is no different than any U.S. city; economic growth depends on dependable infrastructure. This project replaces old water system infrastructure and provides dependable drinking water and fire protection for the central business district and hospital facilities that serve the region.

Rebuild failing public infrastructure – The existing water tank and PRV station being replaced are 60 years old, functionally obsolete, and should they fail would significantly affect the ability of the City to provide water service to large areas of the City.

Plans & Progress: Project design was completed in 2014 utilizing \$485,000 in Special Appropriation Project grant funds the City received from the Environmental Protection Agency and \$399,214 (45%) in matching funds from the City). Phase 1 construction was completed in 2016 utilizing \$1,980,254 in FY16 State of Alaska Municipal Matching Grant program funds, \$848,680 City of Homer funds, and benefitted property owner's assessments.

"Shovel ready" status: All local, state and federal permits have been obtained for the project. The Alaska Department of Environmental Conservation has reviewed the plans and issued an "Approval to Construct" for the new tank/piping, abandonment of the existing tank and replacement of the PRV station. The State Historic Preservation Officer (SHPO) has concluded that there will be no historical properties affected by the proposed project. The State Fire Marshall has approved the plans for the PRV replacement building and the new tank mechanical building. Wetland delineations have been completed that document that no wetland permits are

required. No right-of-way acquisition required – all construction will occur on City owned property or within existing dedicated rights-of-way or easements.

Project Timeline	<u>Completion</u>
Grant Administrator Review	October 1, 2017
Finalize Bid Document	October 30, 2017
Bidding	January 2018
Construction Begins	May 2018
Construction Complete	September 2018
Grant Close-out	November 2018

Budget:

City of Homer Water Storage/Distribution Project	Design	Phase 1 Construction	Phase 2 Construction	Total
Total Project Cost	\$ 884,214	\$ 2,828,934	\$ 4,525,394	\$ 8,238,542
Secured Federal Funds	\$ 485,000	\$ 0	\$ 0	- 485,000
Secured State Funds	\$ 0	\$ 1,980,254	\$ 0	- 1,980,254
Secured Local Funds	\$ 399,214	\$ 848,680	\$ 0	- 1,247,894
Phase 2 Federal Infrastructure Initiative Request				\$ 4,525,394

Phase 2 Budget Detail	
<i>New Underground Tank Construction</i>	<i>\$ 3,778,500</i>
<i>Demolition Existing "A-Frame" Tank</i>	<i>\$ 85,950</i>
<i>Replace "A-Frame" PRV Station</i>	<i>\$ 364,890</i>
<i>Inspection</i>	<i>\$ 169,174</i>
<i>Project Management</i>	<i>\$ 126,880</i>
Phase 2 Total	\$ 4,525,394

Secured Sources

Secured Federal Funding Sources and Amount:

2014 Special Appropriation Federal EPA Project Funding: \$485,000

Secured State Funding Sources and Amount:

FY16 State Capital Project Appropriation: \$1,980,254

Secured Other Funding Sources and Amount:

City of Homer Matching Funds and benefitted property owner’s assessments: \$1,247,894

Remaining Need

Additional anticipated Federal Funding Sources and Amount: \$ 4,525,394

Additional anticipated State Funding Sources and Amount: 0

Additional anticipated Other Funding Sources and Amount: 0

City of Homer Seafarers Memorial Parking Expansion on Homer Spit

Priority Level: 3

Detailed Project Description: This project provides additional parking on the Homer Spit to meet parking demands, particularly during peak season from late spring to early fall. The project will utilize dredge materials from the harbor (provided in-kind by the Army Corps of Engineers as part of their dredging-disposal operations) to create a level parking area between the Seafarers Memorial and the east end of the nearby boardwalk retail complex. Funding will install drainage and riprap protection, help with dredge material hauling costs, and pay compaction, gravel paving and striping costs.

The project is shovel ready. An Army Corps of Engineers permit is the final component of the project's predevelopment.

Justification: The Homer Spit is a narrow peninsula of land extending 4.5 miles into Kachemak Bay. One of the most iconic locales in Alaska, it supports a broad mix of land uses and user groups in a very small area. Homer's 172-acre port and harbor facility and marine industrial area is the region's hub for commercial and sport fishing activities, shipping and commercial freight operations, and recreational boating. Homer's Port and Harbor is a major economic power for the City of Homer. Uplands improvements on the Spit provides numerous shops, restaurants, lodgings, charter fishing and sight-seeing businesses, campgrounds, recreational trails and wetlands conservation areas attracting many of the Kenai Peninsula's 500,000 visitors annually. The impact of tourism in the local economy is far reaching. Fishing charter guides, restaurants, lodging, art galleries and medical services all benefit from the influx of people in the summer time. Visitors can create new business through retail, construction and transportation and can grow the local economy.

Located at the southern terminus of Alaska Highway 1, and lacking a public transit system, though, cars often far outnumber parking spaces. Visitors, employees and residents alike end up at the end of the Spit in congested traffic searching for scarce places to park.

Providing sufficient parking facilities is good for business. The ability for visitors, employees and residents alike to readily locate and occupy a parking space reduces the need for drivers to circle around looking for parking, resulting in less congestion and fewer perceptions of parking shortages. It largely determines whether someone is likely to immediately exit the Spit or stay to participate in the local Spit economy. Moreover, employees are encouraged to park further away from businesses, freeing up these coveted spaces for customers.

Keeping road congestion down is also good for public safety. Congestion can be a source of driver distraction and poor sight lines, leading to traffic crashes and pedestrian injuries when pedestrians emerge "masked" from behind or between cars when trying to cross the road.

Explain How Project Contributes to the following Federal Priorities:

Promotes American jobs and economic growth –

Overall the Homer Spit is a critical asset to attract new industry, create jobs and maintain Homer's healthy local economy. Adequate parking creates an economic multiplier effect for local businesses. It allows people to park on the Spit and extend their stays longer so they are more likely to participate in the local economy and economic development activity.

Plans & Progress: The City appropriated \$22,000 in project funds from the Homer Area Roads and Trails (HART) fund for preliminary engineering design and permitting. 95% of engineering design work was completed in 2015. The dredged materials can be placed in the lot area after receipt of an Army Corps of Engineers permit and final 5% of design work.

Project Timeline:

Completion

Obtain Corps Permit	September 1, 2017
Grant Administrator Review	October 15, 2017
100% Bid Ready Documents	October 31, 2017
Bids Advertised	November 2, 2017

Bids Opened	December 7, 2017
Construction Contract Award	January 8, 2018
Notice To Proceed	January 20, 2018
Construction Begins	April 1, 2018
Construction Complete	July 15, 2018
Grant Close-out	September 1, 2018

Budget:

City of Homer Seafarers Memorial Parking Expansion on the Homer Spit	Design	Construction	Total
Total Project Cost	\$ 22,000	\$ 909,644	\$ 931,644
Secured Federal Funds	\$ 0	\$ 0	- 0
Secured State Funds	\$ 0	\$ 76,500	- 76,500
Secured Local Funds	\$ 22,000	\$ 0	- 22,000
Phase 2 Federal Infrastructure Initiative Request			\$ 833,144

Secured Sources

Secured Federal Funding Sources and Amount:

\$76,500 value of in-kind hauling of dredge materials to parking lot site, Army Corps of Engineers

Secured State Funding Sources and Amount: 0

Secured Other Funding Sources and Amount: \$22,000

Remaining Need

Additional anticipated Federal Funding Sources and Amount: \$833,144

Additional anticipated State Funding Sources and Amount: 0

Additional anticipated Other Funding Sources and Amount: 0

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 17-070

A RESOLUTION OF THE HOMER CITY COUNCIL AUTHORIZING
STANTEC TO PERFORM STAKEHOLDER ENGAGEMENT ON BEHALF
OF THE POLICE STATION PROJECT.

WHEREAS, Council created a Public Safety Building Review Committee (PSBRC) in
January 2014; and

WHEREAS, The PSBRC performed extensive work to select a site for the Public Safety
Building and selected a property at the corner of the Sterling Highway and Pioneer Avenue,
commonly referred to as the HERC site, because it met the PSBRC's selection criteria (e.g., lot
size, property ownership, and above the tsunami zone); and

WHEREAS, The proposed new fire department was separated from the public safety
building project when it became apparent the cost was too steep to simultaneously build a
new police and fire station; and

WHEREAS, Council supported a bonding request to construct a reduced size public
safety campus with police station only to the voters at the general election in October 2016 in
an amount not to exceed twelve million dollars; and

WHEREAS, Proposition #1 that would allow the City of Homer to incur debt and issue
general obligation bonds in an amount not to exceed twelve million dollars (\$12,000,000) to
finance the planning, design, and construction of a police station and related capital
improvements was defeated by the voters at the October 4, 2016 regular election by 71 voter,
or 48/52; and

WHEREAS, Council created the Police Station Building Task Force in February of 2017
to provide guidance on how to move forward on the police station including site selection,
budget, operations and maintenance, and public private partnerships; and

WHEREAS, The Police Station Building Task Force presented recommendations to
Council via Memorandum 17-082 on May 30, 2017; and

39 WHEREAS, The Police Station Building Task Force recommendations included selecting
40 a site at the corner of Heath Street and Grubstake Avenue (north of the post office) and six
41 million and nine million dollar options; and
42

43 WHEREAS, The Council discussed the recommendations at length at the May 30 and
44 June 12 meetings and concluded that additional public input was needed to make an informed
45 decision on the cost, site, and a funding mechanism for the capital and maintenance costs of
46 a new police station; and
47

48 WHEREAS, Stantec is a member of the General Contractor /Construction Manager team
49 selected by the City Council in March of 2014 to complete the design and public involvement
50 for the public safety building; and
51

52 WHEREAS, Stantec is an international company with a local Anchorage office, 2 years
53 of experience working on this project and a staff that specializes in stakeholder engagement.
54

55 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska authorizes
56 Stantec to work on a stakeholder engagement plan that includes outreach, public education,
57 and a statistically significant survey of the voting public for approval by City Council at the July
58 24 meeting.
59

60 PASSED AND ADOPTED by the Homer City Council on this 26th day of June, 2017.
61

62 CITY OF HOMER
63
64

65 _____
66 BRYAN ZAK, MAYOR
67

68 ATTEST:
69
70

71 _____
72 MELISSA JACOBSEN, MMC, CITY CLERK
73

74 Fiscal Note: \$13,000 - \$25,000 from Police Station Building Fund, Account balance \$88,000

VISITORS

South Peninsula Hospital, Inc. Presentation to the City of Homer

June 26, 2017



New Providers and Expanded Services

- Family Practice
- ED physicians
- OB/GYN
- Radiology
- New Specialties
- E-ICU and Tele-stroke



Christy Martinez, MD



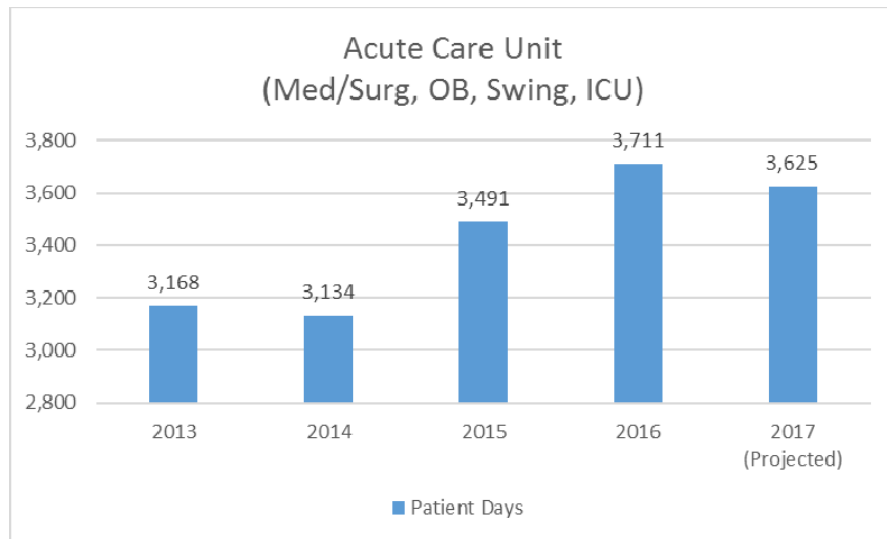
New Providers

In the News

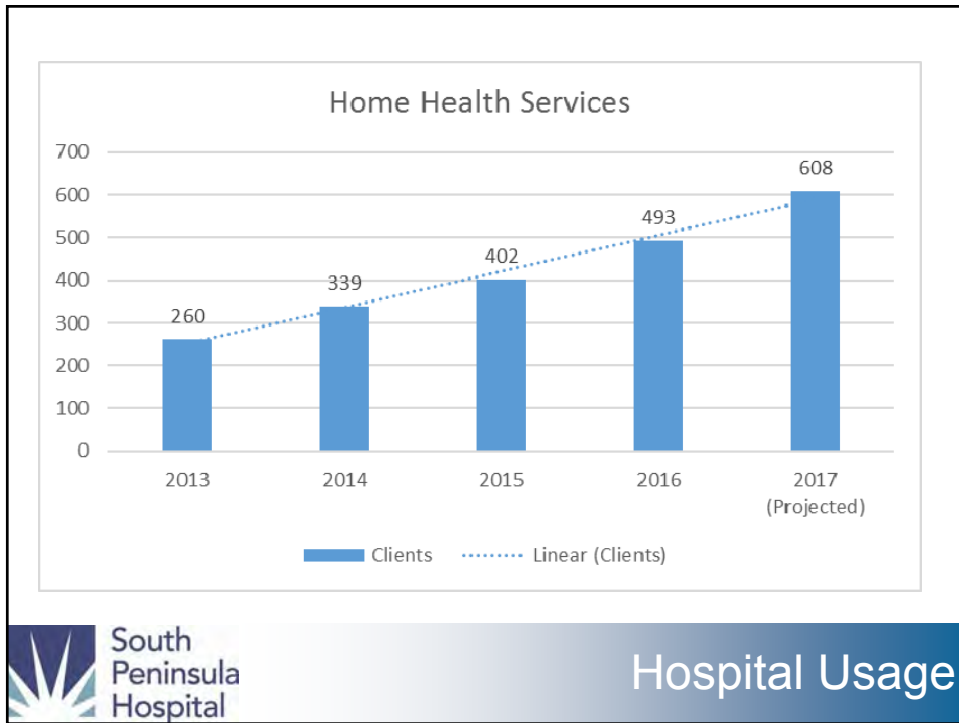
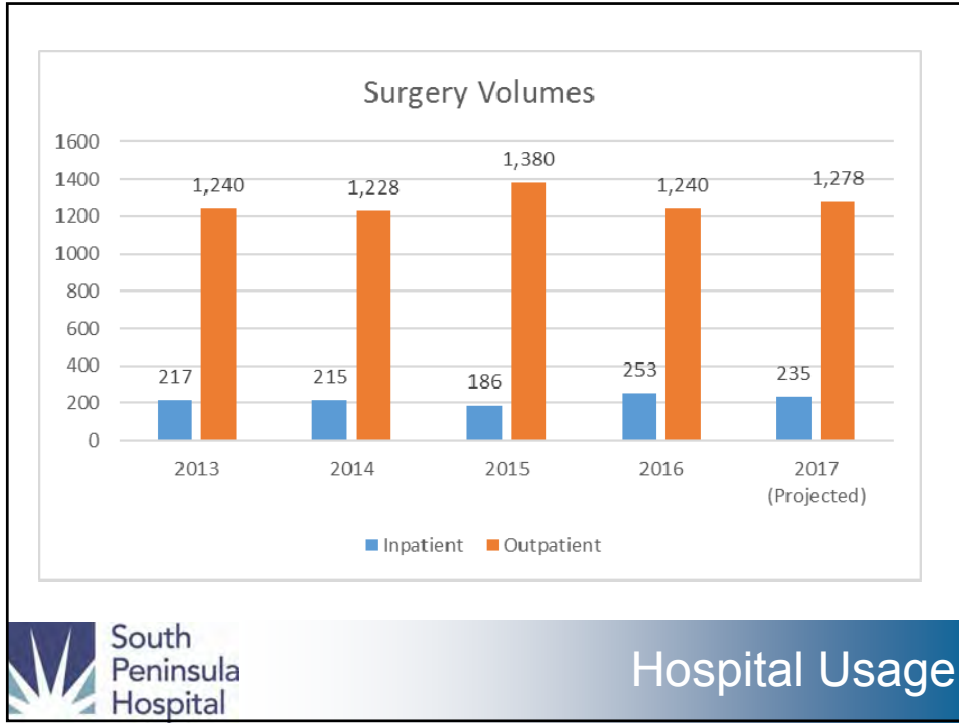
- Under Construction!
- Kudos
 - Patient Centered Medical Home Level II
 - Breast Center of Excellence
 - Long Term Care
- AthenaNet & Medicare Payment Reform
- New Senior Leaders

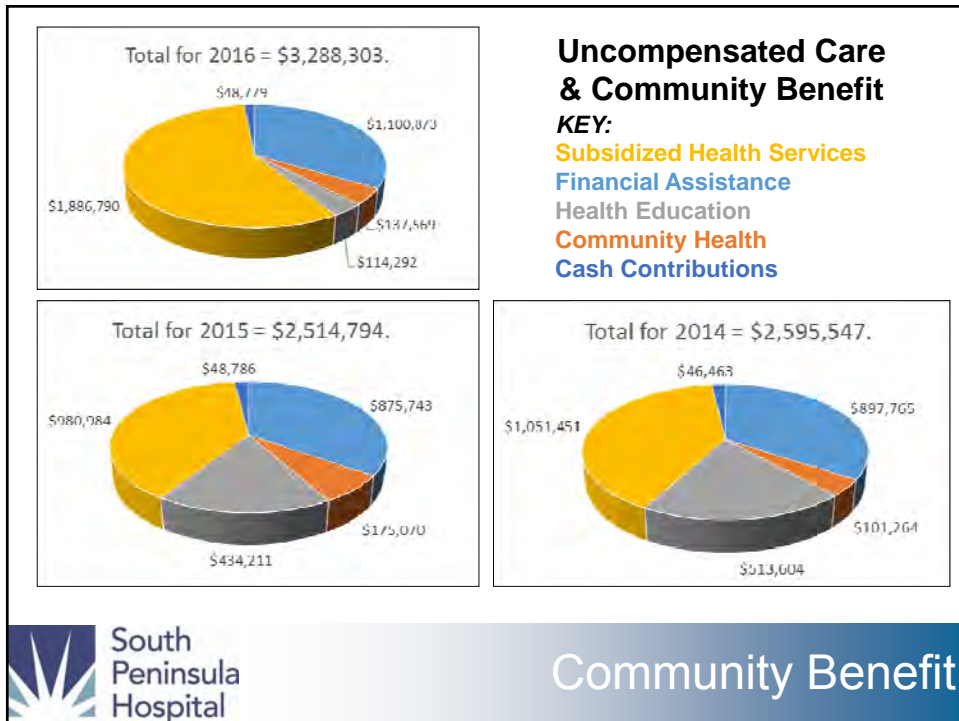
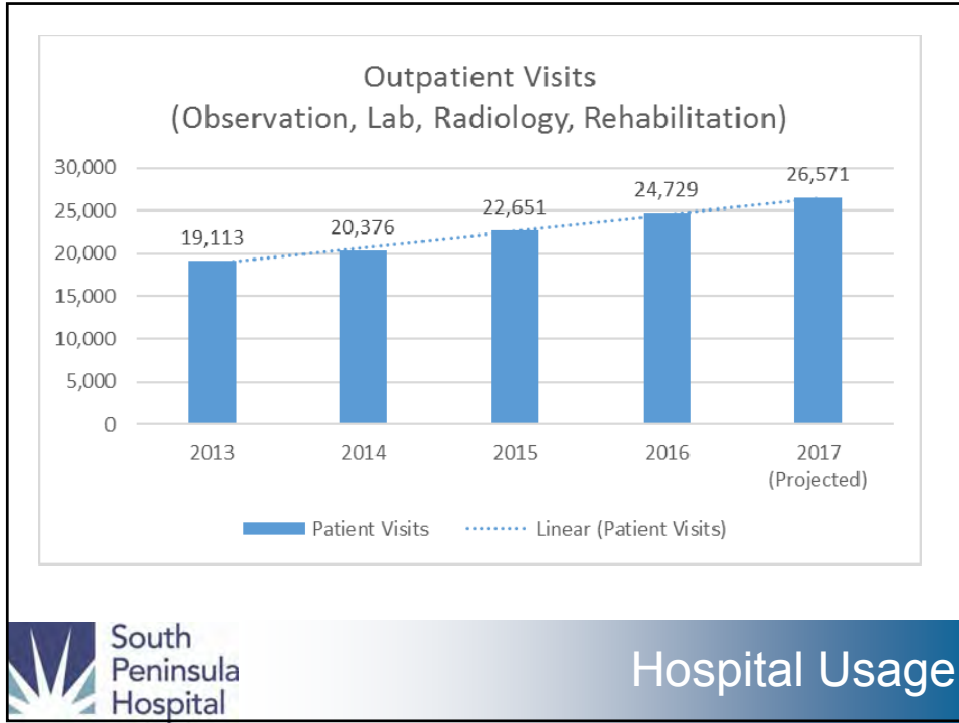


In the News



Hospital Usage





Financial Impact to Local Economy

Annual Salary and Wages(S&W) for FY 2017-
\$31,000,000

Full-Time-Equivalent Employees (FTE) - 367

Salaries & Wages per FTE=\$84,500 (rounded)

Total # of Employees=450 (estimated)



South
Peninsula
Hospital

Community Benefit

Coming attractions ...

- **Master Site Plan**
- **Pricing structure / financial aid**
- **Recruitment**
 - **Social media recruitment site**



South
Peninsula
Hospital

South Peninsula Hospital, Inc. Presentation to the City of Homer

Questions?



ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

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

**Ordinances 17-24 & 17-25
Resolution 17-060 & 17-061**

A **public hearing** is scheduled for **Monday, June 26, 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.

Ordinances 17-24 & 17-25 internet address: <http://www.cityofhomer-ak.gov/ordinances>
Resolution 17-060 & 17-061 internet address: <http://www.cityofhomer-ak.gov/resolutions>

Ordinance 17-24, An Ordinance of the City Council of Homer, Alaska authorizing the City Manager to purchase Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1, Kelly Ranch Estates for \$21,000 and designating its use for the purpose of protecting the Bridge Creek Watershed. City Manager.

Ordinance 17-25, An Ordinance of the City Council of Homer, Alaska Amending HCC 2.52 to Clarify the Police Department and Fire Department as Departments within the City and not Divisions under the Department of Public Safety.

Resolution 17-060, A Resolution of the City Council of Homer, Alaska, Adopting the Revised Port and Harbor Tariff 1. City Manager/Port and Harbor Director.

Resolution 17-061, A Resolution of the City Council of Homer, Alaska Amending the Fee Schedule under Port and Harbor to Reflect the Changes from the Port and Harbor Tariff 1. City Manager/Port and Harbor Director.



All interested persons are welcome to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Melissa Jacobsen, MMC, City Clerk
Publish: Homer News June 22, 2017

CLERK'S AFFIDAVIT OF POSTING

I, Hayley Smith, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 17-24**, Authorizing the City Manager to purchase Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1, Kelly Ranch Estates for \$21,000 and designating its use for the purpose of protecting the Bridge Creek Watershed. City Manager. **Ordinance 17-25**, Amending HCC 2.52 to Clarify the Police Department and Fire Department as Departments within the City and not Divisions under the Department of Public Safety. **Resolution 17-060**, Adopting the Revised Port and Harbor Tariff 1. City Manager/Port and Harbor Director. **Resolution 17-061**, Amending the Fee Schedule under Port and Harbor to Reflect the Changes from the Port and Harbor Tariff 1. City Manager/Port and Harbor Director, was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Monday, June 21st, 2017 and posted the same on City of Homer Website on Wednesday, June 21st, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 21st day of June, 2017.



Hayley Smith, Deputy City Clerk

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-24

An Ordinance of the City Council of Homer, Alaska authorizing the City Manager to purchase Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1, Kelly Ranch Estates for \$21,000 and designating its use for the purpose of protecting the Bridge Creek Watershed.

Sponsor: City Manager

1. Council Regular Meeting June 13, 2017 Introduction
2. Council Regular Meeting March 13, 2017 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 17-24

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AUTHORIZING THE CITY MANAGER TO PURCHASE KENAI PENINSULA BOROUGH PARCEL NO. 17305408, T 6S, R 13W, SECTION 9, SEWARD MERIDIAN, LOT 8, BLOCK 1, KELLY RANCH ESTATES IN THE AMOUNT OF \$21,000.00 WITH FUNDS FROM THE LAND RESERVE ACCOUNT FOR THE PURPOSE OF PROTECTING THE BRIDGE CREEK WATERSHED.

WHEREAS, Resolution 17-029 authorized the City Manager to negotiate and prepare a purchase offer for the Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1 Kelly Ranch Subdivision with the condition that the City Council must approve the purchase price; and

WHEREAS, The City Manager negotiated and is prepared to purchase Lot 8, Block 1, Kelly Ranch Estates for \$21,000.00; and

WHEREAS, Funds from the Land Reserve Account are available for the purchase of the property.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2017 Operating Budget is hereby amended appropriating \$21,000.00 from the Land Reserve Account for the purchase of Kenai Peninsula Borough Parcel No. 17305408, T 6S, R 13W, Section 9, Seward Meridian, Lot 8, Block 1 Kelly Ranch for the purpose of protecting the Bridge Creek Watershed.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
256-0378	Purchase Property in the Bridge Creek Watershed	\$21,000.00

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA on this ____th day of ____, 2017.

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CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____

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

3 City Manager

4 **RESOLUTION 17-029**
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND PREPARE
8 A PURCHASE OFFER FOR THE KENAI PENINSULA BOROUGH
9 PARCEL NO. 17305408, LOT 8, BLOCK 1, KELLY RANCH ESTATES,
10 AND DESIGNATING ITS USE FOR THE PURPOSE OF PROTECTING
11 THE BRIDGE CREEK WATERSHED.
12

13 WHEREAS, The City Council recognizes that it is in the best interest of Homer residents
14 to protect the City's water source, the Bridge Creek Watershed; and
15

16 WHEREAS, Zoning restrictions in the Bridge Creek Watershed District limit private
17 property owner's ability to develop their property; and
18

19 WHEREAS, Pursuant to Homer City Code 18.06.010(a) Real Property Acquisitions, the
20 City may acquire, own and hold real property within or outside the City boundaries by any
21 lawful means or conveyance, and exercise all rights and powers in the acquisition, ownership
22 and holding of real property as if the City were a private person; and
23

24 WHEREAS, A 2.86 acre parcel of land (Kenai Peninsula Borough Parcel No. 17305408, Lot
25 8, Block 1 Kelly Ranch Estates) fronts Bridge Creek and the property owner has stated interest
26 in selling; and
27

28 WHEREAS, This parcel's location in Homer's Bridge Creek Watershed would enhance
29 the long-term preservation the City's water source; and
30

31 WHEREAS, This parcel is considered a moderate value wetlands and classified as
32 Discharge Slope which consists of shallow groundwater discharging to Bridge Creek; and
33

34 WHEREAS, This parcel has approximately 650 feet of frontage on Bridge Creek; and
35

36 WHEREAS, Currently, this parcel does not have constructed access or utilities; and
37

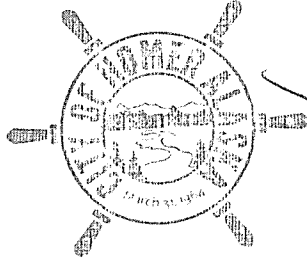
38 WHEREAS, The parcel is developable for a single-family residence as long as the septic
39 system is a least 200 feet from Bridge Creek; and
40

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

43 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
44 authorizes the City Manager to negotiate and prepare a purchase offer in the amount not to
45 exceed fair market value of the above described property with the condition that the City
46 Council must approve the purchase price by Ordinance.

47
48 PASSED AND ADOPTED by the Homer City Council this 28th day of March, 2017.

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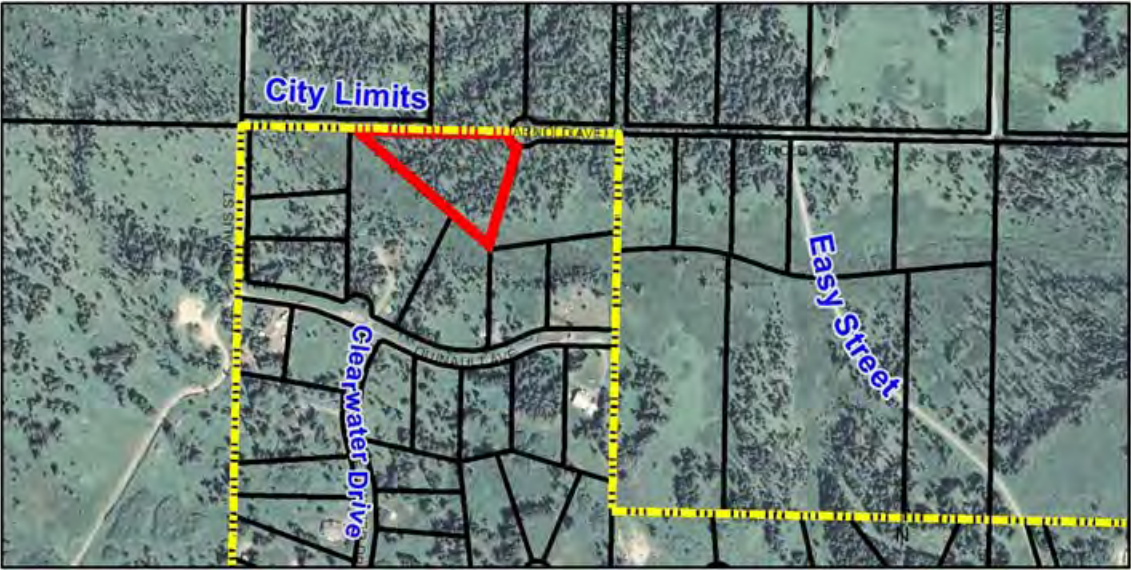
CITY OF HOMER
Bryan Zak
BRYAN ZAK, MAYOR

57 ATTEST:
58
59
60 *JQ Johnson*
61 JQ JOHNSON, MMC, CITY

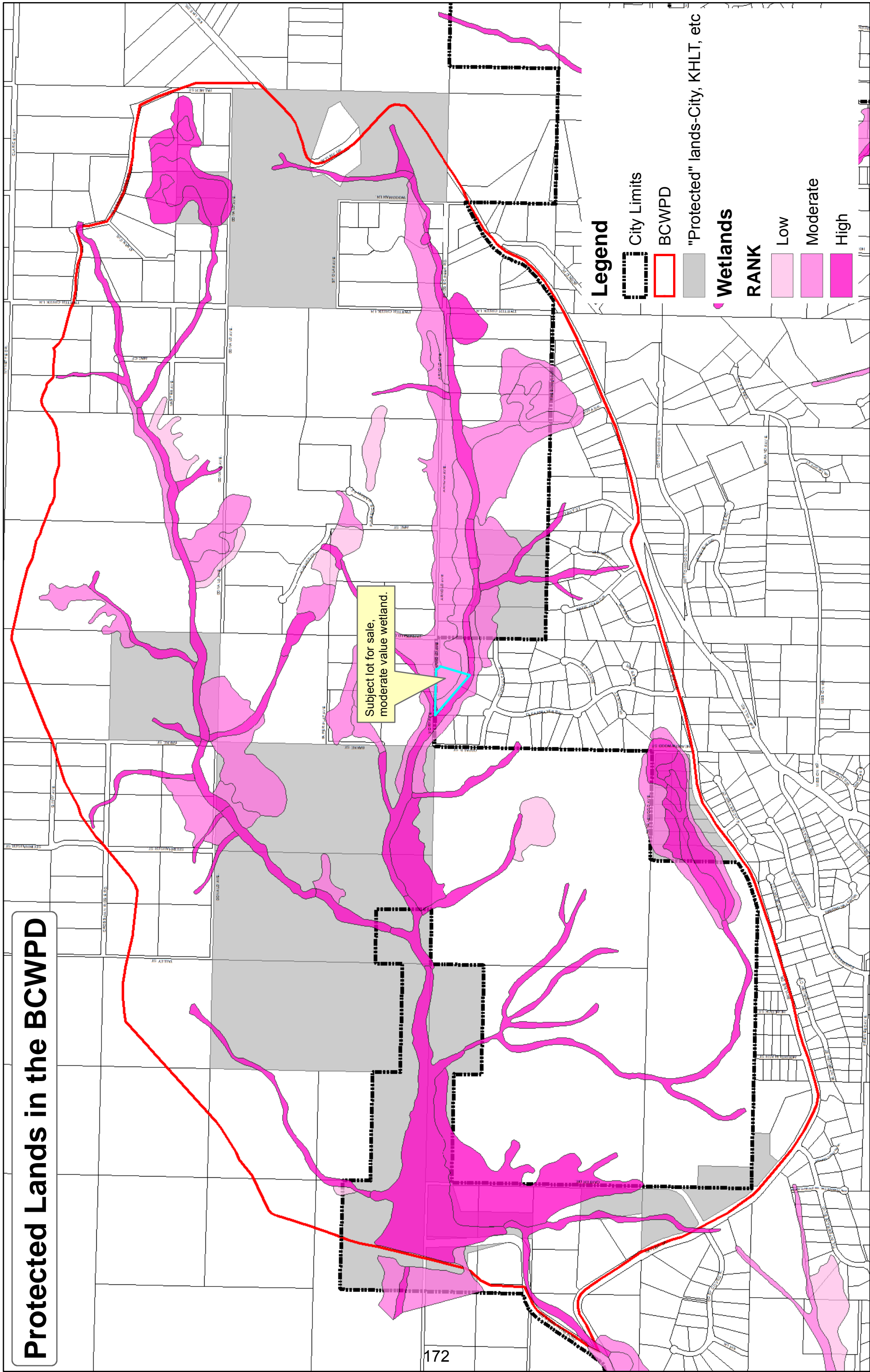
62 Fiscal Note: Not to exceed \$20,000

63

PARCEL NO. 17305408 in Bridge Creek Watershed



Protected Lands in the BCWPD



Subject lot for sale,
moderate value wetland.

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-25

An Ordinance of the City Council of Homer, Alaska Amending HCC 2.52 to Clarify the Police Department and Fire Department as Departments within the City and not Divisions under the Department of Public Safety.

Sponsor: City Manager/Police Chief

1. Council Regular Meeting June 12, 2017 Introduction
2. Council Regular Meeting June 26, 2017 Pending Business
 - a. HCC 2.52 Current Code Language

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

3 City Manager/
4 Police Chief/Fire Chief

5 **ORDINANCE 17-25**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 REPEALING HOMER CITY CODE 2.52 DEPARTMENT OF PUBLIC
9 SAFETY AND REENACTING AS THE POLICE DEPARTMENT AND
10 CREATING HCC 2.53 FIRE DEPARTMENT UNDER TITLE 2.
11 ADMINISTRATION AND PERSONNEL.
12

13 WHEREAS, In 1981 a Public Safety Department was defined in Homer City Code that
14 consisted of two divisions called the Homer Police Department and the Homer Volunteer Fire
15 Department that is headed by the Director of Public Safety; and
16

17 WHEREAS, Since that time the position of the Director of Public Safety has been
18 eliminated and the Homer Police Department and Homer Volunteer Fire Department have
19 become established departments within the City and the department heads are the Police
20 Chief and Fire Chief respectively; and
21

22 WHEREAS, HCC 2.52 has had minimal revisions since it was originally adopted and this
23 amendment will correctly outline the Police Department and Fire Department Functions.
24

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

27 Section 1. Section 2.52, Department of Public Safety is repealed and reenacted as 2.52,
28 Police Department to read as follows:
29

30 Chapter 2.52
31 POLICE DEPARTMENT
32

33 Sections:

- 34 2.52.010 Department created.
- 35 2.52.020 Function of Department.
- 36 2.52.030 Authority of the Chief of Police.
- 37 2.52.035 National Incident Command System.
- 38 2.52.040 Police divisions – Duties and authorities.
- 39 2.52.050 Contracts for services authorized.
- 40 2.52.060 Correctional officer qualifications.

41
42 **2.52.010 Department created.**

43 There is created a Police Department which shall consist of three divisions called Patrol,
44 Dispatch, and Investigations. The Police Department will be headed by the Chief of Police who
45 shall be appointed by the City Manager for an indefinite term, confirmed by the City Council
46 and shall be removable only for cause by the City Manager. The Chief of Police who shall
47 supervise and direct the activities of their divisions.

48

49 **2.52.020 Function of Department.**

50 It shall be the function of the Police Department to preserve order, enforce all ordinances and
51 laws in the City, and preserve peace.

52

53 **2.52.030 Authority of the Police Chief.**

54 The Chief of Police shall have all the duties and authority assigned by law or ordinance to
55 provide law enforcement, emergency communications, and shall have the supervision of all
56 officers and employees assigned to the Department and shall have the authority to administer
57 contracts for public safety services not provided by Department personnel.

58

59 **2.52.035 National Incident Command System.**

60 The City of Homer hereby adopts the National Incident Management System (NIMS) as its
61 system of preparing for and responding to disaster incidents. NIMS includes the use of the
62 Incident Command System for responding to and management of disasters.

63

64 **2.52.040 Police duties and authorities.**

65 The Police Department shall have the duty and authority to preserve order, enforce all
66 ordinances and laws in the City, preserve peace, and in all respects to perform all duties
67 pertaining to the offices of police officer. The Chief of Police shall have the authority to
68 organize, supervise and direct the activities and personnel of the Police Department.

69

70 **2.52.050 Contracts for services authorized.**

71 a. The City of Homer shall have the authority to contract for the provision of public safety
72 services.

73 b. The City of Homer shall have the authority to delegate to the contractor the duties and
74 powers required for the services to be performed under contract to the City, except as may
75 otherwise be prohibited by law.

76

77 **2.52.060 Correctional officer qualifications.**

78 A full-time City correctional officer shall meet the requirements of AS 18.65.130 through
79 18.65.290 that are applicable to municipal correctional officers, including without limitation
80 certification under AS 18.65.242, on or before the later of:

81 a. Six months after the effective date of this section; and

82 b. One year after the date of hire.

83

84

85 Section 2. HCC 2.53, Fire Department is created and reads as follows:

86

87 Chapter 2.53

88 FIRE DEPARTMENT

89

90 Sections:

91 2.53.010 Department created.

92 2.52.020 Authority of the Fire Chief.

93 2.53.030 Fire Department volunteer personnel.

94 2.52.035 National Incident Command System.

95 2.52.040 Emergency responses – Fees – Liability.

96

97 **2.53.010 Department created.**

98 There is created a Fire Department. The Fire Department will be headed by the Fire Chief who
99 shall be appointed by the City Manager for an indefinite term, confirmed by the City Council
100 and shall be removable only for cause by the City Manager. The Fire Chief shall supervise and
101 direct the activities of the department.

102

103 **2.52.020 Authority of the Fire Chief.**

104 The Fire Chief shall have all the duties and authority assigned by law or ordinance to provide
105 emergency communications, fire protection, rescue and emergency medical services and shall
106 have the supervision of all employees assigned to the Department and shall have the authority
107 to administer contracts for Fire Department services not provided by Department personnel.

108

109 **2.53.030 Fire Department volunteer personnel.**

110 a. Fire Department volunteer personnel shall be formally appointed by the Fire Chief to
111 positions within the Fire Department.

112 b. The Fire Chief shall have the authority to:

113 1. Organize, manage and direct the activities of the Fire Department volunteers;

114 2. Select, appoint, schedule, promote, transfer, assign, train or retrain volunteers in positions
115 within the Fire Department;

116 3. Suspend, demote, discharge, or take appropriate disciplinary action against volunteers
117 according to the Fire Department policy and procedures manual;

118 4. Establish job descriptions for all volunteer positions within the Fire Department; and

119 5. Establish reasonable work rules and rules of conduct for all volunteers.

120 c. Volunteer personnel shall be treated as employees for the purpose of indemnification from
121 personal liability by the City according to Chapter 1.10 HCC. They shall also be afforded
122 statutory immunity provided by law.

123 d. The City shall provide worker's compensation insurance for all volunteer personnel.

124 e. Volunteer members of the Fire Department may organize into an association. The function
125 and duties of the association shall in no way conflict with the role and authority of the Fire
126 Department or the Fire Chief. The Fire Department may assist the association by supporting

127 the activities of the volunteer association that supports the mission of the Fire Department and
128 encourage volunteer participation.

129 f. The Fire Chief shall have the authority to establish reasonable Fire Department privileges to
130 encourage and reward the active participation of volunteers in Fire Department activities and
131 services. Such privileges shall be described in the Fire Department procedures and policy
132 manual.

133 g. The Fire Chief may recommend specific compensation or benefits be provided for volunteer
134 Fire Department personnel. Such compensation or benefits must be approved by the City
135 Council by resolution, and are subject to annual appropriation to the Fire Department budget.
136 Absent such specific approval, volunteer Fire Department personnel shall not be paid and shall
137 have no right or claim to any employee compensation or benefits.

138

139 **2.53.035 National Incident Command System.**

140 The City of Homer hereby adopts the National Incident Management System (NIMS) as its
141 system of preparing for and responding to disaster incidents. NIMS includes the use of the
142 Incident Command System for responding to and management of disasters.

143

144 **2.53.040 Emergency responses – Fees – Liability.**

145 a. The City Council may, by resolution, establish a schedule of fees to be charged for emergency
146 services. Fee schedules may be established for, but are not limited to:

- 147 1. False alarms;
148 2. Emergency medical services or rescue services;
149 3. Reimbursement of the cost of an emergency service response involving hazardous materials
150 or demanding unusual or extraordinary efforts, or caused by criminal or negligent conduct;
151 4. Fire protection services.

152 b. As used herein, “costs of an emergency service response” means actual costs incurred by
153 the City, including Homer Volunteer Fire Department, and any other City contractors, in
154 reasonably responding to an emergency incident, including the costs of providing police, fire
155 fighting, rescue, emergency medical services, and other personnel, equipment or services in
156 response to the incident, but shall not exceed those costs directly arising out of the response
157 to the incident.

158 c. The charges authorized in subsection (a) of this section constitute a debt of the responsible
159 parties and is collectible by the City in the same manner as in the case of an obligation under
160 a contract, express or implied. The City of Homer shall have the right to bring suit for collection
161 of these charges, plus costs and attorney fees, against any or all of the parties responsible for
162 payment.

163 d. Payments received for emergency service responses shall be prorated among the City
164 departments and contractors responding to the incident.

165

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

168

169 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
170 _____, 2017.

171

172

CITY OF HOMER

173

174

175

176

BRYAN ZAK, MAYOR

177

178

179

180

181

182 ATTEST:

183

184

185

186 MELISSA JACOBSEN, MMC, CITY CLERK

187

188

189 YES:

190 NO:

191 ABSTAIN:

192 ABSENT:

193

194 First Reading:

195 Public Hearing:

196 Second Reading:

197 Effective Date:

198

199 Reviewed and approved as to form.

200

201

202 Mary K. Koester, City Manager

Holly C. Wells, City Attorney

203

204 Date:

Date:

205

206

207 Fiscal Note: NA

Chapter 2.52

DEPARTMENT OF PUBLIC SAFETY

Sections:

[2.52.010](#) Department created.

[2.52.020](#) Function of Department.

[2.52.030](#) Authority of the Director of Public Safety.

[2.52.035](#) National Incident Command System.

[2.52.040](#) Police and fire divisions – Duties and authorities.

[2.52.050](#) Contracts for services authorized.

[2.52.060](#) Fire Department volunteer personnel.

[2.52.070](#) Emergency responses – Fees – Liability.

[2.52.080](#) Correctional officer qualifications.

2.52.010 Department created.

There is created a Department of Public Safety which shall consist of two divisions called the Homer Police Department and the Homer Volunteer Fire Department. The Department of Public Safety may be headed by the Director of Public Safety who shall be appointed by the City Manager for an indefinite term, confirmed by the City Council and shall be removable only for cause by the City Manager. The Director of Public Safety shall appoint the Chief of Police and the Fire Chief who shall supervise and direct the activities of their respective departments. [Ord. [96-03](#) § 1, 1996; Ord. [92-44\(A\)](#) § 1, 1992; Ord. [87-13](#) § 1, 1987. Code 1981 § 1.60.010].

2.52.020 Function of Department.

It shall be the function of the Department of Public Safety to preserve order, enforce all ordinances and laws in the City, preserve the peace, render aid in the case of accident, sudden illness or disaster, and to prevent and extinguish accidental or destructive fires. [Ord. [92-44\(A\)](#) § 1, 1992; Ord. [87-13](#) § 1, 1987. Code 1981 § 1.60.020].

2.52.030 Authority of the Director of Public Safety.

The Director of Public Safety shall have all the duties and authority assigned by law or ordinance to provide law enforcement, emergency communications, fire protection, rescue and emergency medical services and shall have the supervision of all officers and employees assigned to the

Department and shall have the authority to administer contracts for public safety services not provided by Department personnel. [Ord. [92-44\(A\)](#) § 1, 1992; Ord. [87-13](#) § 1, 1987. Code 1981 § 1.60.030].

2.52.035 National Incident Command System.

The City of Homer hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents. NIMS includes the use of the Incident Command System for responding to and management of disasters. [Ord. [06-28](#) § 1, 2006. Code 1981 § 1.60.035].

2.52.040 Police and fire divisions – Duties and authorities.

The Police Department and Fire Department within the Department of Public Safety shall have the duties and authority hereinafter set forth:

- a. The Police Department shall have the duty and authority to preserve order, enforce all ordinances and laws in the City, preserve peace, and in all respects to perform all duties pertaining to the offices of police officer. The Chief of Police shall have the authority to organize, supervise and direct the activities and personnel of the Police Department.
- b. The Fire Department shall have the duty and authority to provide for fire protection services, emergency medical services and, in general, comprehensive emergency management services; and to enforce the ordinances, codes and laws pertaining to fire prevention and life safety. The Fire Chief shall have the authority to organize, supervise and direct the activities and personnel of the Fire Department. [Ord. [96-03](#) § 2, 1996. Code 1981 § 1.60.040].

2.52.050 Contracts for services authorized.

- a. The City of Homer shall have the authority to contract for the provision of public safety services.
- b. The City of Homer shall have the authority to delegate to the contractor the duties and powers required for the services to be performed under contract to the City, except as may otherwise be prohibited by law. [Ord. [92-44\(A\)](#) § 1, 1992; Ord. [87-13](#) § 1, 1987. Code 1981 § 1.60.050].

2.52.060 Fire Department volunteer personnel.

- a. Fire Department volunteer personnel shall be formally appointed by the Fire Chief to positions within the Fire Department.
- b. The Fire Chief shall have the authority to:
 1. Organize, manage and direct the activities of the Fire Department volunteers;

2. Select, appoint, schedule, promote, transfer, assign, train or retrain volunteers in positions within the Fire Department;

3. Suspend, demote, discharge, or take appropriate disciplinary action against volunteers according to the Fire Department policy and procedures manual;

4. Establish job descriptions for all volunteer positions within the Fire Department; and

5. Establish reasonable work rules and rules of conduct for all volunteers.

c. Volunteer personnel shall be treated as employees for the purpose of indemnification from personal liability by the City according to Chapter [1.10](#) HCC. They shall also be afforded statutory immunity provided by law.

d. The City shall provide worker's compensation insurance for all volunteer personnel.

e. Volunteer members of the Fire Department may organize into an association. The function and duties of the association shall in no way conflict with the role and authority of the Fire Department or the Fire Chief. The Fire Department may assist the association by supporting the activities of the volunteer association that supports the mission of the Fire Department and encourage volunteer participation.

f. The Fire Chief shall have the authority to establish reasonable Fire Department privileges to encourage and reward the active participation of volunteers in Fire Department activities and services. Such privileges shall be described in the Fire Department procedures and policy manual.

g. The Fire Chief may recommend specific compensation or benefits be provided for volunteer Fire Department personnel. Such compensation or benefits must be approved by the City Council by resolution, and are subject to annual appropriation to the Fire Department budget. Absent such specific approval, volunteer Fire Department personnel shall not be paid and shall have no right or claim to any employee compensation or benefits. [Ord. [01-35](#), 2001; Ord. [92-44\(A\)](#) § 1, 1992; Ord. [87-13](#) § 1, 1987. Code 1981 § 1.60.060].

2.52.070 Emergency responses – Fees – Liability.

a. The City Council may, by resolution, establish a schedule of fees to be charged for emergency services. Fee schedules may be established for, but are not limited to:

1. False alarms;

2. Emergency medical services or rescue services;

3. Reimbursement of the cost of an emergency service response involving hazardous materials or demanding unusual or extraordinary efforts, or caused by criminal or negligent conduct;

4. Fire protection services.

b. As used herein, “costs of an emergency service response” means actual costs incurred by the City, including Homer Volunteer Fire Department, and any other City contractors, in reasonably responding to an emergency incident, including the costs of providing police, fire fighting, rescue, emergency medical services, and other personnel, equipment or services in response to the incident, but shall not exceed those costs directly arising out of the response to the incident.

c. The charges authorized in subsection (a) of this section constitute a debt of the responsible parties and is collectible by the City in the same manner as in the case of an obligation under a contract, express or implied. The City of Homer shall have the right to bring suit for collection of these charges, plus costs and attorney fees, against any or all of the parties responsible for payment.

d. Payments received for emergency service responses shall be prorated among the City departments and contractors responding to the incident. [Ord. [92-44\(A\)](#) § 1, 1992; Ord. [87-13](#) § 1, 1987. Code 1981 § 1.60.070].

2.52.080 Correctional officer qualifications. 

A full-time City correctional officer shall meet the requirements of AS [18.65.130](#) through [18.65.290](#) that are applicable to municipal correctional officers, including without limitation certification under AS [18.65.242](#), on or before the later of:

- a. Six months after the effective date of this section; and
- b. One year after the date of hire. [Ord. [15-24](#) § 1, 2015].

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

3 City Manager/
4 Port and Harbor Director

5 **RESOLUTION 17-060**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 ADOPTING THE REVISED PORT AND HARBOR TARIFF 1.

9
10 WHEREAS, the Port and Harbor Tariff 600 is updated annually, it has not had an extensive
11 revision since 1994; and

12
13 WHEREAS, The Port and Harbor staff with the assistance of Jeff Monroe, a Port
14 management consultant, completely revised and updated the Tariff, renaming it Tariff 1; and

15
16 WHEREAS, The Port and Harbor Advisory Commission reviewed the revised tariff at three
17 consecutive meetings, March 22, 2017, April 26, 2017 and May 24, 2017; and

18
19 WHEREAS, At their May 24, 2017 regular meeting the Commission recommended to the
20 Homer City Council to approve and adopt the revised Tariff 1.

21
22 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, adopts the
23 revised Port and Harbor Tariff 1.

24
25 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 26th day of June,
26 2017.

27 CITY OF HOMER

28
29
30 _____
31 BRYAN ZAK, MAYOR

32
33 ATTEST:

34
35
36 _____
37 MELISSA JACOBSEN, MMC, CITY CLERK

38
39 Fiscal Note: N/A



Memorandum17-087

TO: BRYAN ZAK, MAYOR AND HOMER CITY COUNCIL
FROM: BRYAN HAWKINS, PORT DIRECTOR / HARBORMASTER
DATE: JUNE 6, 2017
SUBJECT: HOMER PORT AND HARBOR TARIFF REVISION

BACKGROUND

A Port or Terminal Tariff is defined as a “policy document approved by the governing authority of a Port or Terminal. It is an implied contract established for marine terminals which is designed to include all terms, conditions and rates for all the facilities under the Port management authority. The tariff system was designed to eliminate complex and diversified contracts.” The publishing of the Tariff on our website meets the U.S. Federal Maritime Commission rules for availability. When the FMC reviews a Tariff, they are verifying that the Tariff applies equally to all vessels and cargo handled and does not allow for preferential treatment.

The current Port of Homer Terminal Tariff No. 600 had its last extensive revision in 1994. Since then, annual updates have been added; but the language remained antiquated, difficult to understand and the formatting made it challenging to find information. Staff revised the entire document with the assistance of Jeff Monroe, a Port management consultant from MARPRO Associates. Mr. Monroe has developed many Tariffs throughout the US and Canada. As part of the agreement, he will continue to apprise the Homer Port and Harbor of industry changes that he becomes aware of.

The Port and Harbor Advisory Commission reviewed the proposed new tariff at three consecutive meetings, March 22, 2017, April 26, 2017 and May 24, 2017. They suggested four additional changes that are incorporated below and are in italics. The Commission recommended the adaptation of Tariff 1 at their May 24, 2017 meeting.

The resulting Tariff #1 has been reorganized into 4 sections:

1. All Facilities
2. Pioneer Dock & Deep Water Dock
3. Fish Dock
4. Small Boat Harbor

Changes to the Fees and other updates are outlined below by Section. They are highlighted in red in Tariff.

All Facilities:

Used Oil fee \$3.35/gallon

Used antifreeze disposal \$8.00/gallon

Increase from 15 to 25 gallons for used oil and antifreeze disposal at Ramp 2 and Ramp 8

Oily Water / Bilge Slop \$5.00/gallon delivered in drums

Hot Work Permits	New requirement and form
Failure to pay vehicle parking tickets	\$25.00/month
Aggregate (gravel) wharfage	\$1/ton Fish Dock Ice
Agricultural products (grains, etc.)	\$3.50/ton
Containerized cargo	\$8/ton
Fish Dock Ice Wharfage	\$14.50/ton (was under Freight N.O.S. (Fish Dock))
Hazardous materials wharfage	\$8/per ton / Minimum charge 1 ton
Freight N.O.S. Pioneer & DWD up to 100T	\$7.96/ton
“ “ “ “ up to 1000T	\$6/ton
“ “ “ “ in excess 1000t	\$5/ton
“ “ “ “ in excess 10000T	\$4.50/ton
Boat moved over docks	DELETED
Wood Chip Wharfage	DELETED

Pioneer Dock and Deep Water Dock:

Deep Water Dock Rates	Rates for Docking on the Inside berth of 1/6 of daily rate for up to 4 hours and ½ of daily rate for up to 12 hours have been <u>DELETED</u> .
Dock Security	Section added regarding the Maritime Transportation Security Act and US Coast Guard /Federal Regulations (33CFR part 105)

Fish Dock:

Defined Fish Dock as open access dock with primacy for loading and unloading of fish and delivery of City's ice

Cold Storage Lock 9 (10'x22')	\$920.90/per month
	\$849.60/per month for two consecutive months
	\$778.90/per month for three consecutive months
	\$708.20/per month for nine month season

Graduated Ice Rates	0>100 tons	\$130.90/ton
(Total tons purchased accumulated throughout year & accounts reviewed each Dec. for rate adjustment based on previous year's actual tons of ice purchased.)	101>300 tons	\$128.00/ton
	301>500 tons	\$124.00/ton
	501>700 tons	\$121.00/ton
	701>1000 tons	\$118.00/ton
	Over 1000 tons	\$115.00/ton

Approval for non-fish loading	“Failure to obtain approval for a use other than loading and unloading fish, fish products or fishing gear will result in the imposition of a surcharge of \$30.00 per hour in addition to the regular fee.” <u>DELETED</u>
-------------------------------	---

Ice Plant Bin Storage (Roofed storage bins 16'x12'at west end of ice plant)	\$200/per month, minimum 2 months <u>DELETED</u>
--	--

Small Boat Harbor:

Annual moorage rate	\$44.88 per lineal foot (effective 1/1/17)
Reserve Stalls	Sale or assignment of vessels **explanation below

<i>Stall Wait List</i>	<i>"individual" changed to "applicant" since an entity can sign up</i>
Electricity available on System 5	480v 3 phase has been added
Electricity on System 5 – less than 7 days	Vessels plugged in less than 7 consecutive days will be charged the daily rate
Electricity Charge on System 5	\$28.80 connect/disconnect fee <u>DELETED</u>
Upland Storage Secure Storage	Fenced Rate \$.22/sf
Boat Trailer Storage	\$7.00/foot per month in dedicated area, no boats on trailers stored
Marine Repair Facility	
Upland Dry Dockage use Fee	\$.25 per square foot/per month for vessels not paying moorage
Commercial Fish Grinding Fees	\$30/tote (1,000 lbs.) and \$5/tub (100 lbs.)

**** Explanation on Reserve Stall Sale or Assignment changes**

The change came as a means to adopt policies equally (including corporations); and, to promote economic development by streamlining transition for commercial entities.

The criteria for allowing the transfer of stalls with the sale of the boat are:

- a. Owner in full compliance with the Moorage Agreement.
- b. There has been a change of ownership of an entity, reorganization of an agency, or death of an individual owner.
- c. The nature of the owner’s business or enterprise, if applicable, and the use of the vessel and the stall will remain substantially the same after the transfer or assignment.
- d. Request must be made in writing to the harbormaster no more than 30 days after change in ownership, death or reorganization occurs.

Examples:

1. Big Fish Charters, LLC has a reserve stall and “Big Fish Charters, LLC” appears on the proof of ownership. The State filings for corporation listings (State of Alaska website) shows Joe Martin and Carol Martin as “officials” of the LLC. The LLC is sold to Frank Collins, business & boats. If LLC name of Big Fish Charters, LLC stays the same then the stall can be transferred to Frank Collins even if the names on the filings have changed.
2. Joe Smith has a reserve stall as an individual. If he sells to Jane Fitzsimmons than Jane will have to get on the Stall Wait List and wait for a new issue. There is no entity involved, criteria has not been met.
3. Harry Castle has his pleasure boat under a LLC. If he sells to Tom Selleck then Tom will have to get on the Stall Wait List and wait for a new issue. Tom will not be purchasing Harry’s LLC with the vessel.
4. Joe Smith has a reserve stall as an individual. If he dies, stall can be inherited if notice is given to the harbormaster.

RECOMMENDATION

The Port and Harbor Commission reviewed Tariff No. 1 at three consecutive meetings March 22, 2017, April 26, 2017 and May 24, 2017. During the May 24, 2017 meeting the Commission voted to recommend to the Homer City Council to approve and adopt Tariff No. 1.



PORT OF HOMER ALASKA

TERMINAL TARIFF NO. 1

RATES, CHARGES, RULES, & REGULATIONS

-AT-

MARINE TERMINAL

SECTION I: ALL FACILITIES

SECTION II: PIONEER DOCK & DEEP WATER DOCK

SECTION III: FISH DOCK

SECTION IV: SMALL BOAT HARBOR

Issued by City of Homer

4311 Freight Dock Road, Homer, Alaska 99603

Phone 907.235.3160 Fax 907.235.3152

<http://www.Cityofhomer-ak.gov/port>

Bryan Hawkins, Port Director and Harbormaster

bhawkins@ci.homer.ak.us

EFFECTIVE ____/ ____, 2017 AS AMENDED

AMENDMENTS

DATE

____/____, 2017

PAGE

RULE

Original Issued

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SECTION I
All Facilities
Rules & Regulations

RULE 1 – SCOPE AND APPLICABILITY

1.01. SCOPE – The Port of Homer is operated by the City of Homer; a municipal entity of the State of Alaska. The intent of the Tariff is to specify rates, charges, rules and regulations for users of the facilities owned by the City of Homer. The Tariff specifies charges and associated requirements for authorized parties using or accessing the marine terminal facility.

1.02. APPLICABILITY – The rules, regulations, conditions commodity rates and/or charges set forth in this schedule apply to or from the following facilities:

- a. Port of Homer Docks –Deep Water Dock and Pioneer Dock
- b. Homer Harbor Fish Dock
- c. Homer Small Boat Harbor

1.03. COMPLIANCE – Use of the City docks and Terminal facilities shall be deemed acceptance of this Tariff and the terms and conditions named herein. The Port reserves the right to revoke or deny access to the Port of Homer, or any other facility operated by the Port, or any person or company who violates these Rules and Regulations. Use of City docks and Terminal facilities and the acceptance of services shall comply with any additional Conditions of Berthing set forth in any subsection contained herein.

1.04. FMC COMPLIANCE – This Tariff is published and complaint with the Federal Maritime Commission Tariff Requirements as required by law and is; therefore, notice to the public, shippers, consignees and carriers, that the rates, rules and charges apply to all traffic for which contract rates have not been arranged.

1.05. MUNICIPAL ORDINANCES – In addition to the Port and Harbor Tariff, the public, shippers, consignees and carriers using City of Homer facilities should consult and be aware that the City of Homer Code of Ordinances, including but not limited to Chapter 5 (Health and Public Safety), Chapter 21 (Zoning and Planning) and Chapter 10 (Port and Harbor), all as amended, apply and govern where not specifically provided otherwise in this Tariff.

1.06. AREA OF OPERATIONAL APPLICABILITY – Rates, charges, rules and regulations provided in this Tariff shall apply to persons and vessels for the use of designated terminal facilities under jurisdictional control of the City of Homer and located within the Harbor bounded by the City of Homer with the Small Boat Harbor entrance located at latitude 59 36’15” N and longitude 151 24’48” W, and specifically to docks, appurtenant structures thereto, and waterways managed and owned by the City of Homer. Special terms and conditions exist for the dock operations by the State of Alaska, Alaska Marine Highway System, for operations of the State Ferry System on the Pioneer Dock.

1.07. FACILITY APPLICABILITY – Rates, charges, rules and regulations named in this Tariff and any additions, revisions, or supplements thereto shall apply to all vessels or users and to all freight received at facilities subject to the Tariff on and after the effective date of revisions, or supplements thereto. Unless otherwise specified, all transit freight received at the Terminal and undelivered prior to effective dates of Tariff, revisions, or supplements thereto shall be charged the rates in effect on the date such freight was received until entire lot or shipment has been withdrawn.

1.08. CONTACT AND COMPLAINTS – Contact, requests and complaints may be made by any shipper, user, vessel, or vessel agent or other interested parties through the Harbormaster, 4311 Freight Dock Road, Homer, Alaska, 99603, or by facsimile, number (907) 235-3152 or by email port@ci.homer.ak.us. Requests and complaints must be in writing.

RULE 2 – AUTHORITY TO ESTABLISH SUPPLEMENTAL RULES AND CONTRACTS

2.01. SUPPLEMENTAL RULES AND REGULATIONS – The provisions, rules and regulations in this Tariff may be supplemented by other rules and regulations in conformance with Federal, State and City of Homer requirements under a separate document. Such Rules and Regulations shall constitute an agreement by terminal users to comply with all Rules and Regulations of the Port as specified and shall apply to all terminal(s) users in the same manner as the Tariff. Authority is granted under this Tariff to the Harbormaster to establish and revise those rules as appropriate.

2.02. SEPARATE CONTRACTS – The Port reserves the right to execute supplemental or separate contracts outside of this Tariff, as approved by the City Council and subject to Federal Maritime Commission Rules, Regulations and Administrative procedures as well as Alaska Statutes and local law. Such contracts shall be consistent with the provisions of this Tariff. However, where provisions of a separate contract differ, the terms and conditions of the contract shall supersede this Tariff to the extent permitted by law.

2.03. RESERVATION OF AGREEMENT RIGHTS – Right is reserved by the City of Homer to enter into agreement with carriers, shippers, consignees, and/or their agents concerning rates and services providing such agreements are consistent with existing Local, State and Federal law governing the civil and business relations of all parties concerned.

RULE 3 – ABBREVIATIONS AND DEFINITIONS

The following abbreviations and definitions shall apply in this Tariff.

3.01. ABBREVIATIONS

\$	U.S. Currency
%	Per Cent
A.M.	Before Noon
Bbl.	Barrel
C.T.	Cubic Ton
Cu. Ft.	Cubic Feet

F	Degrees Fahrenheit
FMC	Federal Maritime Commission
Gals.	U.S. Gallons
GRT	Gross Register Ton
LCL	Less than container load
LBS	Pounds
LOA	Length over all
M.B.M.	1,000 feet Board Measure
N.O.S.	Not otherwise specified
NRT	Net Registered Ton
P.M.	After Noon
S.T.	Weight by short ton (2,000 lbs)
Sq. Ft.	Square foot/feet
U.S.	United States of America
W/M	Weight ton (2,000 lbs)

3.02. DEFINITIONS

- a. BARREL – For the purposes of this Tariff, quantity measure for a barrel shall be 42 gallons per barrel of bulk petroleum products corrected to 60 F. net or 376 lbs. per barrel of bulk cement.
- b. BEAM – For the purpose of this Tariff, “beam” means greatest width of the vessel, including booms, spars, gins, or any affixed extensions.
- c. BOARD MEASURE – A board foot is equal to a piece of wood 12 inches long x 12 inches wide and 1 inch thick, or 144 cubic inches. Board measure shall be calculated as per 1,000 feet of lumber, rough or processed.
- d. CARGO – Merchandise or goods accepted for transportation, including commodities that are transported in commercial enterprise, either domestic or international trade, by a common carrier.
- e. CURRENCY – all rates shall be in United States Dollars (\$USD).
- f. DEMURRAGE – A fee assessed to cargo stored or remaining on site after it has been discharged or beyond free period by a vessel which is applied to cargo not covered under ground leases.
- g. DERELICT – For the purpose of this Tariff, and to the extent consistent with State of Alaska law, “derelict” means any vessel moored or otherwise located within the boundaries of the Homer Harbor including all City owned tidelands and uplands which is forsaken, abandoned, deserted or cast away, or which by appearance gives perception of being in an unsound condition as determined by Harbormaster.

- h. DOCKAGE – The term dockage refers to the charge assessed against a vessel for berthing at the facility or for mooring to a vessel so berthed.
- i. DOCKS – The Homer City docks include the Deep Water Dock, the Pioneer Dock and the Fish Dock.
- j. FLOAT; FLOAT SYSTEM – Those portions of the Homer small boat harbor that rise and fall with the tide including the stalls, transient moorings, pilings, ramps, gangways, ladders, and utility connections.
- k. FREE TIME – The specific period during which cargo may occupy space assigned to it on terminal property free of wharfage, demurrage or terminal storage charges immediately prior to the movement of such cargo on or off the vessel.
- l. HARBORMASTER – The senior manager, or his/her representative/designee, as designated by the City of Homer, to manage the marine terminal Port and Harbor facilities under the control of the City of Homer. The Harbormaster also serves as the City’s Port Director.
- m. HOMER HARBOR – For the purpose of this Tariff, “Homer Harbor” shall mean all salt water or tide water lying within the boundaries of the City, including that area known as the Small Boat Harbor.
- n. LENGTH – For the purpose of this Tariff, “length” means the longest overall length (LOA) as measured from the furthestmost forward position including booms, spars, gins or any fixed extensions, to the further most after portion of the vessel including the booms, spars, gins or any fixed extensions.
- o. MEASUREMENT TON – The measurement of one (1) ton is 40 cubic feet (CFT).
- p. OPERATOR – For the purpose of this Tariff, “operator” means any lessee of a vessel, and Master or Captain who has actual physical use, control and/or possession of a vessel and who is in the employ of, or who has a contractual relationship with the owner.
- q. OWNER – For the purpose of this Tariff, “owner” means the individual, LLC, or legal partnership or corporation holding legal title to the vessel and the individual, LLC, legal partnership or corporation representing or holding his, her, or itself out to be the owner of the vessel when there is a dispute regarding title.
- r. PASSENGER FEE – A passenger fee shall be defined as a fee charged for a passenger embarking, debarking or landing aboard a passenger vessel for hire at the Port of Homer.
- s. POINT OF REST STAGING AREA – “Point of Rest Staging Area” is defined as that area on the Terminal facility which is assigned for the receipt of inbound cargo from the vessel and

which inbound cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading.

- t. PORT OF HOMER – The Port of Homer or Port shall mean all marine facilities including controlled berths and associated waterways, as well as associated facilities under the control of the City of Homer, Alaska.
- u. REGISTRATION – “Registration” means completing a moorage or use agreement with all necessary information concerning the vessel and vessel owner.
- v. RESERVED MOORING – “Reserved Mooring” means having a specific assigned stall the use of which, after payment of reserved mooring fees, takes precedence over the use of the stall by any other vessel.
- w. SMALL BOAT HARBOR – “Small Boat Harbor” means that area of water protected by breakwaters constructed by the Federal government and the Harbor basin created within, including docks, floats, berths, tidal grids and other mooring facilities owned and operated by the City.
- x. STALL – Berthing location within the float system of the Homer Small Boat Harbor. A stall does not include the float or finger of the float; only the mooring space between or adjacent to it.
- y. TERMINAL FACILITIES – Include the Deep Water Dock and the Pioneer (Ferry) Dock, Fish dock and small boat harbor, commercial barge ramps, recreational load and launch ramp, wood and steel tidal grids, wharves, piers, bulkheads, sea walls, associated equipment, offices, warehouses, storage space, roads, paved areas, uplands, beaches and shorelines under the management, ownership and control of the City of Homer, Port and Harbor including the tidelands within the boundaries of the City of Homer. Any reference to “Terminal Facilities” in this Tariff is for reference only.
- z. TONNAGE – the value one (1) ton shall be 2,000 pounds (LBS) of weight.
 - aa. TRANSIENT – “Transient” means any vessel using the mooring space on a temporary basis or which does not have a specific reserved mooring space.
 - bb. VESSEL – Whenever reference is made to a “vessel” in the Tariff, the term shall mean any boat, motor boat, ship, aircraft when waterborne, boathouse, floats, scows, rafts, pile drivers, or any floating structure or object used for recreational, commercial or any other purpose upon waterways.

cc. WATERWAY – “Waterway” means any water, waterway, lake, river, tributary or lagoon within the boundaries of the City.

dd. WHARFAGE – A charge assessed against all cargo and other materials such as fuel, stores or equipment, passing or conveyed over, onto, or under piers or between vessels (to or from barge, lighter, or water) when berthed in a pier or when moored in a slip adjacent to the pier. Wharfage is solely the charge for use of pier for the purpose of moving cargo or materials and does not include charges for any other service such as dockage.

RULE 4 – HOURS OF OPERATION AND HOLIDAYS

4.01. HOURS OF OPERATION – The Port of Homer marine facilities are available for use 24 hours a day, 7 days per week and are open all year. Homer harbor officers are on duty 24 hours a day, 7 days per week. They can be contacted by phone 907 235-3160 or hailed on Channel 16 on VHF radio.

4.02. HOLIDAYS – Whenever in this Tariff reference is made to holidays the following are included:

- | | |
|------------------------|---|
| New Year’s Day | Washington’s Birthday (President’s Day) |
| Seward’s Day | Memorial Day |
| Independence Day | Labor Day |
| Alaska Day | Veteran’s Day |
| Thanksgiving Day | Christmas Day |
| Day after Thanksgiving | |

RULE 5 – LIABILITY, INDEMNITY, INSURANCE

5.01. LIABILITY – The City of Homer, its Port personnel, its employees and agents, are not responsible for loss or damage caused by fire, frost, heat, dampness leakage, weather damage, evaporation, natural shrinkage, waste, insects, decayed and live animals, leakage or discharge from fire protection systems, collapse of buildings or structures, breakdown of plant protection systems, breakage of plant or machinery or equipment, or by floats, logs, piling or camel logs required in breasting vessels away from wharf.

5.02. LARBOR ACTIONS OF CIVIL UNREST – The City of Homer is not responsible for any loss, damage, delays, costs or from any consequences as a result of civil unrest, shortage of or action by labor, riots or strikes of any persons in their employ or in the service of others.

5.03. INDEMNITY – Users of the City of Homer’s Port facilities including vessels and crews, vessel owners and its agents or instruments, shippers or consignees, and shore personnel shall indemnify and hold harmless the City against any and all claims arising from any breach or default in performance of any obligation to such parties to be performed under the terms of this Tariff or arising from any act or omission of said parties for all costs, attorneys’ fees, expenses and liabilities incurred in the defense of

any such claims, action or proceeding brought against the City of Homer except for those caused by the City's own negligence.

5.04. LIMITS OF LIABILITY – No provisions contained in this Tariff shall limit or relieve the Port of Homer from liability for its own negligence nor require any person, vessel or lessee to indemnify or hold harmless the Port of Homer from liability for its own negligence.

5.05. INSURANCE – Rates named in the Tariff do not include insurance of any kind. The City of Homer shall be under no obligation to provide any insurance of any type for any vessel, cargo, or liability arising out of use of the City docks or Terminal facilities. Terminal facility users shall comply with any applicable insurance requirements included in the Homer City Code or Alaska Statutes.

5.06. ADDITIONAL INSURANCE – The City reserves the right to request additional insurance coverage by users of the Port's facilities or to be named additional insured at the discretion of the City. The City may request any additional insurance as deemed appropriate for port activities. For vessels that may be hazardous or become a menace to other vessels, their occupants, City facilities, the Harbormaster or City Manager may require an operator or owner of a vessel to furnish evidence that there is currently in effect liability insurance in an amount satisfactory to the City. The vessel's owner or agent shall file a certificate of insurance or other satisfactory evidence signed by an agent or officer of the insurance company and stating the effectiveness and expiration date.

RULE 6 – RIGHTS OF THE CITY AND USE OF FACILITIES

6.01. NO LIMITS TO CITY AUTHORITY – Nothing in this Tariff shall limit the general authority of the City of Homer.

6.02. NON-CONFORMANCE – Persons found NOT in full conformance with state, federal, and local laws and regulations can be barred from the facility.

6.03. CAPACITY OF FACILITIES – The Port does not obligate itself to provide vessel berthing, storage, equipment, labor, or other form of service beyond the reasonable capacity of its facilities.

6.04. ARRANGEMENTS FOR USE OF FACILITIES – Arrangements must be made in advance for the handling or storage of cargo or equipment; otherwise the Port retains the right to decline such business.

6.05. CONSENT OF USERS – The entry upon or use of the facilities under the jurisdiction of the Port shall constitute a consent to the terms and conditions of this Tariff, as well as an agreement on the part of all vessels, their owners or agents and other users of such facilities to pay all charges specified in the Tariff and be governed by all rules and regulations of the Port.

6.06. COOPERATION – All authorized representatives or agents of businesses or organizations shall so conduct and carry on their business at the Port as to maintain a cooperative relationship with others engaged in authorized business at the Port. Said persons shall not engage in open and public disputes,

disagreements, or conflicts tending to deteriorate the quality of service or be incompatible to the best interest of the Port, the workers at the Terminal or the Port's customers.

6.07. REVIEW AND APPEAL – Reviews of violations under these Rules and Regulations shall take place within one (1) week of the violation with the Harbormaster and the party committing the violation or as otherwise provided in the Homer City Code. Repeated violations will result in the loss of privilege to provide services in any Terminal facility. This loss of privilege, and the duration, will be determined by the Harbormaster whose decision shall be final.

6.08. RIGHT OF REMOVAL – The Harbormaster shall at all times have the right to move or rearrange any vessel or cargo from its present location to any other location in order to reduce congestion within or on the terminal, the docks or the harbor to prevent disruption of customary services to the public.

6.09. RIGHT OF REFUSAL – The City shall at all times have the right to refuse the use of any City dock, terminal or harbor facility by any person, equipment, materials or vessel and may remove any vessel, person or cargo at any time from any City dock, terminal, harbor facility, or City property. This right shall be reserved at all times to the City without responsibility for demurrage, loss or damage when:

- a. Previous arrangements for berthing, space, receiving or unloading have not been made with the Harbormaster; or
- b. The vessel is unsafe or hazardous and may pose risk to life or property; or
- c. The value of the vessel, in the opinion of the Harbormaster is less than the probable service charges and other charges to its use of the City dock or terminal, or harbor facility; or
- d. During periods of congestion, or in cases of emergency, when, in the judgment of the Harbormaster, the circumstances, prevailing or likely to occur, will prevent the City docks or terminal, or harbor facilities, or any portion of them from providing customary services to the public. The decision of the Harbormaster in the event of dispute shall be final.

6.010. VESSELS POSING A HAZARD – The City of Homer reserves the right to deny use of its Port facilities to any vessel that may prove to be, or may potentially be, a hazard to the City's property or users. The City reserves the right to order a vessel to move, or remove any such vessels that may pose a hazard to its property or other users at its discretion and at the cost of the owner or operator. If in such removal, a vessel causes damage to any Port facilities, the vessel shall be held fully responsible for repair of such damages.

6.011. RIGHT TO SCHEDULE VESSELS AND CARGO – The Harbormaster shall at all times have the right to schedule access to any harbor or port facility by any person or vessel but may manage any harbor or port facility on a first come, first serve basis.

6.012. VESSEL REQUIRED USING BERTH ASSIGNED – All vessels are required to use the berth or mooring assigned. Assignments of berth are not transferable. In the event of failure to use berths as and when assigned, the Port reserves the right to use such unoccupied berth for other purposes.

6.013. DAMAGE – Users are held liable for all claims, losses, costs or expenses by reason of property damage, personal injury or death which may occur, directly or indirectly as the result of improper handling of cargo on site or overweight or improperly stowed cargo, without regard as to whether such omissions are intentional or accidental.

6.014. VESSELS TRANSITING TO/FROM BERTHS – Vessels approaching or departing from berths when passing in and out of Federal channels, over submerged lands outside of terminal berths, do so at their own risk and shall not hold the Port responsible for any vessel casualty during such transit.

6.015. PERSONAL RISK – Persons entering upon or using Port facilities do so at their own risk.

6.016. OWNER’S RISK – All of the following shall be at the owner’s risk except for those damages caused by the City’s own negligence:

- a. Glass, liquids and fragile articles will be accepted only at owner’s risk for breakage, leakage or chafing;
- b. Freight on open ground is at owner’s risk for loss or damage;
- c. Freight subject to freezing will be accepted only at owner’s risk; and
- d. All water craft, moored in the Harbor or berthed at Port facilities, or on beach or uplands are at owner’s risk for loss or damage. This includes vessels, if and when permitted by the Harbormaster or his authorized agent moored alongside of vessels;
- e. Property of any kind including vehicles not owned by the City but on City property is at owner’s risk for loss or damage.

6.017. RIGHT TO REMOVE AND DISPOSE OF NUISANCES – The City retains the right to abate and remove nuisances including vessels which are derelicts, unfit, unseaworthy or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance. The provisions of Homer City Code 10.04.130, governs the declaration and abatement of nuisances including vessels, refuse and debris.

6.018. IMPOUNDMENT OF VESSELS FOR VIOLATIONS – The Harbormaster is authorized to impound any vessel in Homer Harbor, or at the terminal and dock facilities whose owner or operator is not aboard and which is not properly identified by name and/or number; or any vessel in violation of any provisions of this Tariff. The Harbormaster may also impound a vessel whose owner or operator has not paid harbor fees or any vessel which is unsafe and whose owner or operator has failed to remove it after notice. The Harbormaster may impound a vessel by immobilizing it or removing or having it removed from the water and placed in City or commercial storage with all expenses and risk of haul-out and storage to be borne by the owner of such vessel. The owner or operator of any vessel impounded by the City shall be subject to and liable for storage charge and shall be subject to and liable for all costs incurred by the City by reason of impounding or removal. The procedure for impoundment, including notice and pre-impoundment hearing are set forth in 10.04.120 of the Homer City Code.

RULE 7 – CARGO

7.01. LAY-DOWN AREAS – Cargo may not be placed on City docks or Terminal facilities except in designated laydown areas. All cargo is expected to vacate City docks, and piers as soon upon arrival as possible. Cargo is not to be stored on City piers awaiting pick up by vessels unless prior arrangements are made with the Harbormaster.

7.02. DESIGNATED LAY-DOWN AREAS – The Harbormaster shall designate laydown areas for cargo and shall have the discretion to refuse all cargo activities and/or laydown, either in-bound or out-bound.

7.03. REMOVAL OF CARGO OR OTHER EQUIPMENT OR GEAR NOT PLACED IN LAY-DOWN AREAS – Cargo, freight, equipment or other gear not placed in designated laydown area must be immediately removed from a City dock or Terminal facility upon order of the Harbormaster. A vessel, shipper or consignee who refuses to move any material on demand will be assessed wharf demurrage at five times its applicable rate, starting at the time the vessel, shipper or consignee is notified to move the cargo. In addition, the Harbormaster may, in his discretion move cargo or freight. Any expense or damages, including damage to cargo, freight, equipment or gear during such movement, are the responsibility of the vessel, shipper or consignee.

7.04. RIGHT TO REFUSE CARGO – In his discretion the Harbormaster shall at all times have the right to refuse to accept, receive or unload, or to permit a vessel to discharge:

- a. Cargo for which previous arrangements for space, receiving, unloading or handling have not been made with the Harbormaster by shipper, consignee or vessel.
- b. Cargo not suitably packed for safe transportation.
- c. Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, that is offensive, perishable or hazardous. Hazardous cargo must have been prepared for shipment in accordance with the applicable Department of Transportation regulations (including 49 C.F.R. Parts 171-179).
- d. Cargo, deemed by the Harbormaster in the reasonable exercise of his discretion, which may be less in value than the probable service charges and other charges related to it.
- e. Cargo during periods of congestion, or in cases of emergency, when, in the judgment of the Harbormaster, the circumstances prevailing or likely to occur will prevent the City docks or terminal, or harbor facilities, or any portion of them from providing customary service to the public.

7.05. CARGO BEYOND FREE TIME – Any cargo remaining on City dock, terminal, or harbor facilities after expiration of any free time, may be removed to public warehouses, and all expenses of removal and risk of loss or damage shall be charged to the account of the owner, shipper, consignee or vessel as responsibility may appear on shipping documents, manifests or other sources.

7.06. UNPAID FREIGHT CHARGES – Freight on which unpaid terminal, dock or harbor charges have accrued may be sold to satisfy such charges and costs; provided, such sale has been publicly advertised. Freight of a perishable nature or of a nature liable to damage other freight may be sold at public or

private sale without advertising; provided owner has been given proper notice to pay charges and to remove said freight and has neglected or failed to do so within a prescribed and reasonable time.

RULE 8 – HAZARDOUS AND DANGEROUS CARGOES

8.01. HAZMAT OR DANGEROUS SHIPMENTS – Shipments of dangerous and hazardous cargoes moving via marine terminals of the Port must be accompanied by all required information including handling instructions. Shipments must be documented, marked, labeled, and/or placarded according to the US Department of Transportation (DOT) and other applicable Federal, State and City Regulations, as well as the International HAZCOM regulations. Shippers of dangerous articles are required to comply with all of the above and must present necessary permits from proper authorities, as well as obtain permission from the Harbormaster before such cargo shall be received on or transferred at the Terminal.

8.02. PERMIT REQUIRED – It shall be unlawful for any person, vessel, or firm, to handle, transport, load, discharge or store any hazardous materials or dangerous cargo, on any vessel, lighter, barge or other conveyance at any dock, wharf, bulkhead area or in any shed or storage area on Port property unless a permit has been obtained from the Coast Guard Marine Safety Division and also signed by the Harbormaster. Such materials are handled, stored, or transported according to Federal, State, and Local governmental law.

8.03. EXPLOSIVES – The Harbormaster upon pre-approval by the City of an approved location shall allow the acceptance, handling or storage of explosives within the confines of the Port but not in the Homer Small Boat Harbor. Class 1 (explosive) hazardous cargoes may not remain on the Port property beyond what is necessary to transfer the cargo to or from the vessel unless preapproved by the Harbormaster.

8.04. RIGHT TO REMOVE, TRANSFER OR WAREHOUSE HAZARDOUS OR DANGEROUS CARGO – The Harbormaster shall at all times have the right to remove hazardous or offensive cargo, which by its nature, is liable to damage other cargo or City docks, terminal or harbor facilities. The cargo may be removed from its present location on City property with all expenses, including labor, and risk of loss or damage to be charged to the account of the owner, shipper, or consignee.

8.05. HAZARDOUS VESSELS OR VESSELS WITH HAZARDOUS CARGO – The Harbormaster shall at all times have the right to immediately remove or direct to be removed any hazardous or offensive vessel, any vessel containing hazardous cargo, any vessel containing cargo, which by its nature, is liable to damage other vessels from the Harbor or Port facilities. The vessel may be removed from its present location to any other location at the expense and liability of the owner, shipper, vessel or consignee.

8.06. HAZARDOUS MATERIAL, NOTICE OF HAZARDOUS CARGO AND PERMIT – Hazardous materials, as established by the Department of Transportation Hazardous Materials Commodity List, will not be permitted without the express consent of the Harbormaster and previous arrangement (at least 12

hours prior to landing) and receipt of all appropriate manifests and U.S. Coast Guard Permits, and only at those locations designated by U.S. Coast Guard Permit.

8.07. HAZMAT SHIPMENTS – Hazardous and dangerous cargoes which are permitted to enter Port of Homer facilities must be prepared for shipment in accordance with the applicable US Department of Transportation regulations contained within 49 CFR 100-199. All shipping documents required by 49 CFR for the shipment of hazardous and dangerous cargoes must be submitted to the Harbormaster prior to the cargo’s arrival.

8.08. HAZMAT STORAGE – Temporary storage and/or shipment through the Port of Homer of quantities of hazardous waste in excess of 400 pounds of acutely hazardous material requires a minimum 14 day advance request for a permit, in compliance with the “Interim Policy for the Port and City of Homer concerning notification by hazardous waste carriers and/or generators, municipal review and public notification.”

8.09. DISCHARGE PROHIBITED – No person shall throw or discharge any gasoline, oil, hazardous waste, petroleum contaminated refuse or pumping of bilge containing petroleum products into the water or uplands of the Homer Harbor and/or on Terminal facilities.

8.010. STORAGE – All hazardous and dangerous cargoes stored at Port of Homer facilities must be placed in designated areas which conform to regulations as prescribed in “Handling of Explosives or other Dangerous Cargoes within or Contiguous to Waterfront Facilities” (33 CFR 126) and the applicable Uniform Fire Code.

8.011. STORAGE DRUMS – Drums or any other type of container (full, partly full or empty) which has been used for the storage or transportation of hazardous materials, dangerous cargo or petroleum products shall not be allowed to remain within the Port area after sunset of the day received without securing permission from the Harbormaster. Storage on water or land of such materials must be secured in approved containers, properly labeled, and stored in a manner to preclude any accidental or intentional release into the waters of the Harbor. Storage of such materials must comply with Federal, State, Port and Local governmental rules and regulations.

8.012. WATCHMEN – Vessels may be required to employ special watchmen at their expense to keep vigil over any dangerous cargo on the Terminal facility in order to protect property against fire or other hazards until the condition is eliminated. Furthermore, vessels on docks with said cargo will not be left unattended.

8.013. RIGHT OF REFUSAL – The Harbormaster is authorized to refuse permission to any person, vessel or firm transporting hazardous materials or other dangerous cargo to berth at any dock, wharf, bulkhead area or alongside any transit shed; or to store such materials at any dock, wharf, bulkhead area or in any transit shed on Port property.

8.014. MOVEMENT OF HAZMAT CARGO BY DIRECTION – The Harbormaster may, at any time, cause any hazardous materials or dangerous cargoes to be removed at the sole expense of the vessel, cargo owner or assignee.

RULE 9 – ANCHORING

9.01. UNAUTHORIZED ANCHORING – Unauthorized anchoring in open areas in or adjacent to the City of Homer’s Port and Harbor facilities (Terminal) is prohibited.

9.02. ANCHORAGE MANNING REQUIREMENT – All vessels in the City of Homer’s Port and Harbor facilities (Terminal) including Tidelands outside the harbor must be manned at all times and the vessel’s position monitored on a regular basis to insure that vessel anchors are not dragging and must comply with Coast Guard lighting requirements.

RULE 10 – SANITATION, HOT WORK AND VESSEL MAINTENANCE

10.01. GENERAL PROVISIONS – All users of City docks, Terminal and Harbor facilities shall exercise due care for the protection of life, property and the public from injury or damage. Additional safety and sanitation rules applicable to docks and terminals should be consulted including the Ordinances of the City of Homer stated in Homer City Code, Chapter 5.06, (Nuclear Free Zone Which Includes Harbor Facilities), Chapter 5.08 (Garbage and Solid Waste Disposal), Chapter 5.16 (Public Nuisances), Chapter 5.20 (Fire Prevention and Explosives), and Title 10 (Port and Harbor).

10.02. SANITATION – All sanitation laws, regulations and policies of the City of Homer, Homer Harbor’s Facility Security Plan, the Kenai Peninsula Borough, the State of Alaska, the United States Coast Guard and the United States Department of Homeland Security, including those adopted by international treaty, apply to City docks, Terminal or Harbor facilities. All users, including shippers, vessels, and consignees are hereby warned that the party or parties responsible for infractions of such laws, regulations or policies will be subject to and responsible for any penalties that may result from their violation of those laws, regulations and policies.

10.03. RESPONSIBILITY FOR HOUSEKEEPING – Users of docks and other terminal and harbor facilities will be required to maintain same in an orderly manner as directed by the Harbormaster. It is unlawful for any person to dump or otherwise dispose of refuse, sewage, garbage, rocks, and/or debris of any kind or type whatever into the water under the jurisdiction of the City of Homer Port and Harbor. Deposit of fish carcasses, including heads, bones or viscera from fishing activities is authorized only at designated locations.

10.04. MATERIAL IN WATER – Persons using City facilities shall not permit material of any type from entering the water. All persons are subject to the provisions of Homer City code and the Federal Clean Water Act.

10.05. DISCHARGE OF OIL OR REFUSE – It shall be unlawful for any person to pump, discharge, deposit or allow any oil, spirits, inflammable liquids, coal tar, refuse, residuary product of coal, petroleum, asphalt, bitumen, carbonaceous material or substance, any related product or compound, any bilge water containing any of these materials or substances into the waters of the Harbor.

10.06. USED OIL AND PETROLEUM PRODUCTS DISPOSAL – All used oil and petroleum products must be properly disposed of by the vessel/owner. The City of Homer provides disposal for used oil, antifreeze, oil filters, batteries, and oil absorbents at two locations at the harbor, Ramp 2 and 8. ~~The disposal containers are for vessels that are currently moored in the small boat harbor and for small quantities of fluids. Fifteen (15) Twenty Five (25) gallons or less for oil and fifteen (15) Twenty Five (25) gallons or less for antifreeze.~~ Vessels stored in any privately owned storage yards are not allowed to dispose of their waste materials at the Homer harbor. Likewise for home owners, area businesses or other related vessel industry.

Harbor patrons who have quantities larger than ~~fifteen (15) Twenty five (25)~~ gallons of used oil to dispose of should contact the harbor office for options. Clean used oil (meaning not contaminated with water, solvents, soaps, or other) is of value to local businesses that burn it for heating large buildings. Contact the harbor office for a list of businesses that will be willing to accept the clean oil for free.

Disposal of more than ~~fifteen (15) Twenty Five (25)~~ gallons of used oil or antifreeze or any amount of oily water in one calendar day may be done by appointment with Port Maintenance.

Fees:

- Oil \$3.35/gallon
- Used Antifreeze \$8.00/gallon
- Oily Water/Bilge Slop \$5.00/gal delivered in drums

Ships moored at either the Pioneer or Deep Water Dock need to contact the harbor office and make arrangements for disposal of used oil or other hazardous materials.

There shall be no storage, even of a temporary nature, of used oil or petroleum products on City docks, wharves, piers, or finger floats. Any vessel/owner/agent storing or disposing of used oil in an inappropriate or illegal manner may be barred from further use of the Homer Port and Harbor and/or penalized according to the provisions of Federal, State and Local law.

10.07. OVERBOARD DISCHARGE – Pumping untreated sewage into the waters of the Harbor is strictly prohibited by Federal and State law. The discharge of gray water, dirty ballast or other fluids deemed inappropriate by the Harbormaster while berthed at Port facilities is prohibited. Discharges by vessels utilizing treatment equipment approved under US Federal Standards is permitted under the authority of the Harbormaster whose determination shall be final. Discharge of fluids overboard does not apply to cooling water but does apply to the cleaning of decks and anchors/chain when in the sole discretion of the Harbormaster, it impacts Terminal property.

10.08. TRASH – The disposal of trash into the water is prohibited.

10.09. CLEANING OF OPERATIONAL AREAS – All authorized cargo handling entities and permit holders are responsible to clean up wharves, docks, and assigned premises used by them, in their operation, within twenty-four (24) hours after completion of a cargo operation, and within six (6) hours after completion of a cruise ship operation

10.010. TRASH AND OTHER MATERIALS – Trash, rubbish, refuse or other material must be removed from any property controlled by the Port. This includes floats in the harbor. Storing materials on the floats is prohibited due to public access. Materials may be removed by the Harbormaster at any time with all expenses of removal and liability assigned to the person or the vessel that last used the facility. This includes the owner, shipper, consignee or other responsible party as may appear on moorage agreements, shipping documents, manifests, or other sources. Material removed by the Port will be removed at the expense of the party responsible.

10.011. ABANDONED CARGO – The vessel shall bear the expense of removing from piers abandoned cargo, such as damaged or unaccepted goods, and shall be responsible for payment of wharfage, storage and other accrued charges on such cargo.

10.012. UTILITY SERVICES – No person shall tap, connect, disconnect, or interfere with any water outlet, water pipe, water connection, telephone equipment, as well as electrical devices of any kind on docks or in stalls maintained or operated by the City in the Homer Port or Small Boat Harbor without first having obtained the permission of the Harbormaster; or to interfere with or tamper with any wharf, float, gangway, ramp, or any other facility operated by the City.

10.013. HARBOR EQUIPMENT – No person shall use or disturb any port or harbor equipment or facilities; except fire extinguishers in a fire emergency and harbor carts. City provided harbor carts are for use on the floats carts should be returned to floats after each use.

10.014. HOT WORK – Hot work is any operation involving oxyacetylene or electric welding, burning, cutting, open flame or other heat producing activities. Hot work is prohibited on any Marine Terminal or vessel moored thereto unless it is approved by the Harbormaster and it is in compliance with all Federal, State, Port and Local governmental rules and regulations.

10.015. HOTWORK PERMIT – Hot Work permit must be completed and approved by the Harbormaster prior to the start of any approved hot work. This Hot Work –permit shall include the expected start date, time and expected duration of the hot work.

10.016. PROHIBITION – Hot work is prohibited at any time, on the marine facilities, during the movement or transfer of dangerous cargoes or petroleum products.

10.017. COMPLIANCE – All hot work shall be conducted in accordance with the Rules and Regulations established by the Port and fire safety standards.

10.018. FIRE EXTINGUISHER REQUIREMENTS – Fire extinguishers in operating condition must be readily available on or immediately adjacent to all welding, cutting, or open flame equipment being used on vessels. Fire extinguishers in operating condition must be readily available on all machines, cranes, and welders used on the docks or within the Terminal.

RULE 11 – SAFETY

11.01. COMPLIANCE – All safety regulations as established by the Harbormaster, City of Homer, State of Alaska and Federal agencies shall be complied with at all times.

11.02. PERSONAL SAFETY EQUIPMENT – Personal safety equipment is required to be used at all times by Terminal staff, contract labor, truck drivers and vessel crews in open Terminal areas. This shall include an appropriate floatation work vests or coats, hard hats, hearing protection, steel toed shoes, high visibility safety vests, life jackets, and clothing offering full body coverage, respirators, gloves or other equipment.

11.03. DEFECTIVE OR UNSAFE PROPERTY – Whenever any wharf, wharf premise, property or any portion located in the Port of Homer is in such defective or damaged condition as to be unsafe or dangerous to persons or property, it shall be the duty of the owner, agent or person in charge to immediately advise the Harbormaster of said damage or dangerous condition. No person shall interfere with, remove or disturb in any manner any warnings, fences or other barriers which have been erected or set in place as protection or warnings against a dangerous condition.

11.04. FIRE EXTINGUISHERS – Hand held fire extinguishers are provided by the City and are located on all harbor floats, docks and the load and launch ramp. Any use of City fire extinguishers must immediately be reported to the Harbormaster.

11.05. STOVES, FIRES & EQUIPMENT – No person shall leave a stove or other heating equipment in unattended operation on a vessel moored or docked on the harbor facilities unless such equipment has been certified as safe for such unattended use. No person shall leave any vessel unattended while fire or open flame is burning or is present.

RULE 12 – VEHICLE PARKING

12.01. VEHICLE ACCESS LIMITED ON DOCKS – It shall be unlawful for any person to operate any vehicle within the Port area except for the purpose of loading or discharging freight or passengers, or while actually engaged in the performance of necessary duties which require the presence of such vehicle on Port property. Any vehicle shall be under the constant attendance of the operator and subject to the rules in this Tariff. It shall be the duty of such operator to immediately remove such vehicle from the

wharf or pier upon the completion of the transaction of necessary business. The Harbormaster has the authority to remove any vehicle in violation of this rule at the sole expense of the owner and may be refused further access to any Port property at the discretion of the Harbormaster.

12.02. STORAGE OF VEHICLES – It shall be unlawful for any motor vehicle to be stored on any wharf unless such vehicle shall first have been drained of all gasoline or other liquid petroleum products, except at such places as the Harbormaster may designate.

12.03. VEHICLE WARNING LIGHTS/ALARMS – Maintenance or vehicles working on piers or in Terminal yards, when moving or stationary, in working areas shall display an operating overhead warning light. All maintenance vehicles shall be equipped with backup alarms.

12.04. VEHICLE ACCESS TO VESSEL – Access to a berthed vessel by taxi, van, bus or other vehicle shall not be granted by the vessel without permission of the Harbormaster or designee.

12.05. SPEED LIMIT ON PORT PROPERTY – Any person operating a vehicle on any wharf area, within any transit shed, warehouse, marine terminal area, or in any other area where cargo is handled, shall not operate at a greater rate of speed than ten (10) miles per hour, unless otherwise posted. During cargo handling or other operations, no person shall operate a vehicle at such speed or in any manner so as to endanger life, limb or property.

12.06. PARKING OF VEHICLES – It shall be unlawful for any person to leave or park a vehicle upon any portion of any City property outside of designated parking areas or without the permission of the Harbormaster. The Harbormaster shall erect and maintain appropriate signage giving notice that no parking is allowed in restricted areas. Parking of motor vehicles, other than motor vehicles that are cargo, shall be permitted only in those areas designated for such parking. Vehicles are only permitted on wharf areas with the permission of the Harbormaster.

12.07. PARKING LIMITS – Parking of motor vehicles in areas designated for parking shall be for the time limits specified and posted for those areas. The parking of motor vehicles in areas in which parking is prohibited or the parking of motor vehicles in areas designated for parking beyond the time limits specified are subject to ticketing and towing or impound in accordance with applicable law.

12.08. PARKING FEES (SHORT TERM) – Parking fees are to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be established and enforced as per Homer City Code.

12.09. LONG TERM PARKING PERMITS – Vehicles over 20' are not eligible for long term parking permits.

- a. Seasonal permits for day use parking (Ramps 1-4): \$250.00.
- b. Long Term parking permits required for vehicles 20' or less parked in excess of seven (7) consecutive 24-hour days.

- c. Long Term parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee \$100.00.
- d. Long Term parking annual permit (January 1st through December 31st): fee \$200.00.
- e. Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.
- f. Monthly parking permit for non-commercial vehicles over 20': fee \$85.00 for 30 consecutive days in a portion of Lot 9 only.
- g. Long term parking will be enforced year around.
- h. Parking lot restrictions for long term parking, May 1 through October 1, as depicted on harbor map (Resolution 11-036(A)).
- i. Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime parking in long term parking area will be limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit.
- j. Failure to pay violations will result in an additional \$25.00 fee per month and any other legal or collection fee authorized by law.

RULE 13 – WHARFAGE, DEMURRAGE AND FREE TIME

13.01. WHARFAGE

- a. APPLICATION – Wharfage is the charge assessed against any freight or merchandise placed in transit sheds, on a wharf, passing through, over or under a wharf, transferred between vessels, loaded to or unloaded from a vessel at a wharf, regardless of whether or not a wharf is used. Wharfage is solely the charge for use of wharf and does not include handling, sorting, piling of freight or charges for any other services. Wharfage rates named in the Tariff will be charged for all merchandise or cargoes received inbound or shipped outbound over the City docks, barge ramp or barge beaching site, and will be in addition to all other charges made under provisions of this Tariff. Wharfage is applied to all inbound and outbound cargo.
- b. WHARFAGE REPORTS – Wharfage from all docks, ramps and beaches is self-reported. Report and payment are due to the Homer harbor office by date stated on the Wharfage report. Report forms are available at the harbor office and on the City of Homer Port and Harbor website.
- c. EXCEPTIONS – No wharfage shall be charged to ship's gear, such as strong-backs, lines, hatch covers, walking boards, etc., placed on wharf during unloading operations. This shall also exclude cargo moving to or from alongside a vessel for loading or unloading, or cargo between any place on the Terminal which are handled on trucks, lighter, barges or any other means of conveyance to and from the terminal facility.
- d. FUEL WHARFAGE – Fuel handled over wharf will not be considered as ship stores and will be subject to wharfage and other charges that may be incurred.

- e. LOG WHARFAGE – Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the wharfage rate applicable to outbound (export) shipment. However, if these cargoes are not exported over Deep Water Dock with full payment of outbound wharfage within 60 days of unloading at the barge beaching site, then the additional 50% of wharfage will be owed and paid for the inbound product. Log quantities will be reported by manifest to the Port Office for subsequent billing. The basis for measuring 1,000 board feet (M.B.M.) log scale shall be the Scribner Rule or Scribner Dec. C Log Rule. All log scales will be performed by an independent log scaling bureau. Certified copies of log scale tickets and/or log scale books shall be provided to the Port for all logs shipped. The basis for the Tariff payment to the City will be computed on a net log scale, with a maximum of a twenty five percent (25% deduct factor for defects and taper; that is gross scale minus 25% total deduct.
- f. OVERSIZE WHARFAGE – One-half of wharfage named herein will be charged to merchandise or cargo discharged or loaded over the side of vessels directly to or from another vessel or to the water when vessel is berthed at wharf.
- g. RESTOWED CARGO WHARFAGE – Restowed cargo destined for discharging at another port will be exempt of wharfage charges, provided such cargo is not removed from the wharf prior to re-loading to the vessel.
- h. BONE DRY UNITS – A Bone Dry Unit (BDU) is defined as 1.2 bone dry tons of wood chips. A bone dry ton is that quantity of wood chips which would weigh 2,000 lbs when dry.
- i. APPLICATION – Rates provided for commodities herein are specific and may not be applied by analogy. If rates are not provided for specific commodities, rates to be applied are those established for “Freight N.O.S.”
- j. RATE VALUES – Except as otherwise provided herein, rates apply per short ton which is 2,000 lbs., or per 40 cu.ft. as rated by ocean carriers, or per 1,000 feet board measure, or 42 gallons per barrel of bulk petroleum products corrected to 60 F. net, or 376 lbs. per barrel of bulk cement, or per bone dry wood chips as rated by ocean carrier
- k. SCHEDULE OF WHARFAGE RATES – Except as otherwise specifically provided, rates are in U.S. dollars (USD) per short ton of 2000 lbs. or per 40 cu.ft.

COMMODITY	WHARFAGE RATE (\$USD)
Aggregate (Gravel, stone, minerals)	\$1.00 per short ton
Agricultural Products (Grains, corn, legumes, etc.)	\$3.50 per short ton
Containerized Cargo	\$8.00 per short ton

Freight N.O.S. (Pioneer/Deep Water Docks) Up to 100 Short tons	\$7.96 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) Up to 1,000 Short Tons	\$6.00 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) In Excess of 1,000 Short Tons In Excess of 10,000 Short Tons	\$5.00 per short ton \$4.50 per short ton / negotiable
Freight N.O.S. (Barge Ramp and Beach)	\$5.14 per short ton
Freight N.O.S. (Fish Dock) ICE Fish Dock	\$14.50 per short ton \$14.50 per short ton
Hazardous materials, as established by Dept of Transportation materials commodity List. At location designated for loading, unloading or staging by USCG permit	\$8.00 per ton /Min. 1 ton
Livestock (horses, mules, cattle, hogs, sheep, goats, fowl)	\$10.12 per head
Petroleum	\$0.84 per barrel/\$0.02 per gallon
Poles, Logs, cant or cut	\$3.95 per thousand board feet
Seafood/Fish Products (regardless of species)	\$4.76 per short ton

(1) Finished lumber per MBM (Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.)

(2) In absence of board feet measure on bill of lading, a loadout rate will be assessed by converting the weight of logs to board foot measure, for the average diameter of logs (small end diameter) in accordance with the following table for white spruce logs:

<u>Scaling Diameter of Logs-Inches</u>	<u>Weight per Board Feet-Pounds</u>
8"	14.5
12"	11.5
16"	9.5
20"	8.5
24"	7.8

Kiln dried lumber: Three pounds will equal one board foot measure.

13.02. DEMURRAGE

- a. APPLICATION – Demurrage shall be assessed against cargo remaining in or on terminal facilities after the expiration of free time, unless arrangements have been made for storage.
- b. RATE – Demurrage will be assessed at a rate of nine cents (\$.09) per square foot per day, based on the “foot print” occupied by cargo in the laydown area. For cargo with overhangs, the footprint plus the area under the overhang that is unusable for other storage will be assessed.

13.03. FREE TIME

- a. APPLICATION – Free time is the specified period during which cargo may occupy space assigned to it on terminal property free of demurrage or terminal storage charges, immediately prior to the loading, or subsequent to the discharge, of such cargo from the vessel. Free time periods may be adjusted or changed at any time by the Harbormaster.

- b. FREE TIME PERIODS – Free time is calculated inclusive of Saturdays, Sundays or holidays. Free time starts the first 7 A.M. after freight is received or unloaded onto the Terminal from car, truck, or, in the case of freight received from a vessel, the first 7 A.M. after completion of vessel's discharge. When freight is transshipped between deep sea vessels and involves application of a long and short free time period, the longer period shall be used, but not the aggregate of any two free time periods. Free time of 3 days will be allowed on all inbound traffic. Free time of 3 days will be allowed on all outbound traffic.

RULE 14 – MISCELLANEOUS RULES: Smoking, Property Damage, Defacement, Animals

14.01. SMOKING PROHIBITED – No smoking shall be allowed on any wharf, pier or in any port or harbor facility, during fueling operations or at any time on any fuel station. Persons violating this rule may be barred, at the discretion of the Harbormaster, from the further use of any wharf or facility and, in addition, shall be subject to prosecution under applicable Federal, State and Municipal laws.

14.02. DAMAGE TO PROPERTY – Users damaging City docks, floats, ramps, or other property of the City of Homer will be responsible for cost of repairs. User will be billed for repairs to damaged property at cost, including overhead.

14.03. NO POSTING OR DEFACEMENT – No person shall write or post any written or printed matter in any place within or on any Homer Port or Harbor facilities, except upon bulletin boards constructed for the purpose only after having obtained permission from the Harbormaster. No person shall disregard, deface, remove, tamper with or damage any sign or notice posted or installed by the Harbormaster.

14.04. ANIMALS – All dogs or other animals will at all times be under the physical control of the owner or person in charge of the animal in accordance with 20.08.020 of the City Code.

RULE 15 – CHARGES: Applications, Rules & Regulations

15.01. SALES TAXES – All rates in this Tariff will have a combined Borough and City sales tax applied. Exceptions: The load and launch ramp daily fee, seasonal launch ramp fee, and vehicle parking permits fees all have the Borough and City sales taxes included in the fee for ease of collection.

15.02. SERVICE CHARGES – A service charge is assessed, in addition to other charges set forth in this Tariff, for specific services provided by the City of Homer or its agents.

15.03. RESPONSIBILITY FOR CHARGES – The vessel, its owner or agents, shippers or consignees, and the owner of cargo on the vessel shall be jointly and severally responsible for payment of charges named herein. Payment responsibility applies without regard to the provisions of bills of lading, charter party agreements, contracts or other conflicting provisions.

15.04. PREPAYMENT, TIME OF PREPAYMENT, ACCEPTABLE SECURITY – All charges for services rendered by the Port or for the use of terminal, dock and harbor facilities are due and payable in United States currency as they accrue upon completion of such services or uses. Failure to pay an invoice when due shall render the account delinquent and subject to legal collection efforts. The Harbormaster may require payment in advance of any or all charges prior to rendering services or granting use of terminal, dock or harbor service.

15.05. CHARGES ON DELINQUENT ACCOUNTS – All invoices, except for damages to City of Homer property will be declared delinquent 45 days after billing date (Statement date) and will be charged interest at the rate of 10.5% per annum (.875% per month).

15.06. DELAYS AT BERTH – Delays occasionally associated with loading, unloading, receiving or delivering freight, or the berthing of vessels as a result of harbor, terminal or dock congestion, equipment failure or breakdown, or combinations of issues will not excuse the owners, shippers, consignees or carriers of the freight or vessel from full wharfage, demurrage, berthing, terminal, dock or harbor charges or expenses which may be incurred as a result of such actions.

15.07. COSTS RELATED TO STRIKES OR CIVIL ACTIONS – Strikes of any persons in the employ of the City of Homer or other parties, arising from any other cause not reasonably within the control of the City of Homer, will not excuse the owners, shippers, consignees or carriers of the freight or vessel from full wharfage, demurrage, berthing, terminal, dock or harbor charges or expenses which may be incurred as a result of such actions.

RULE 16 – RATES: Labor, Towing, Pumping, Equipment, Special Services, Sewage, Third Party Billing, Search & Rescue

16.01. LABOR/PERSONNEL

- a. City Labor-When labor is furnished by the City at the request of a user it is expressly stipulated that the City acts as agent of the user. The City shall charge for labor provided by the City for the following services not specifically described in this Tariff:
 - i. Rates Not Specified-Services for loading, unloading, or transferring cargo for which no specific commodity rates are provided and which cannot be performed at the rates named N.O.S. as well as cargo in packages or units of such unusual bulk, size, shape or weight as to preclude performing such services at rates named under individual items of this Tariff.

- ii. Services for which no specific commodity rates are provided and any other services for which specific rates are named in this Tariff because of unusual conditions or requirements of shippers not normally incidental to such services preclude the performance.
 - iii. Services of cleaning City docks or terminal facilities of dunnage, stevedore gear, and other equipment or material when the shipper, vessel owner or consignee fails to promptly clear the facility as requested by the Harbormaster.
- b. Application Period-When a user notifies the Harbormaster for labor for a specific time and labor is on the job ready for work at that time, labor costs shall be charged from the time the labor is ready for work until the work is concluded even if the work is delayed through no fault of the City.
 - c. Rates-All labor provided by City personnel shall be charged at \$102.00 per hour. (½ hour minimum at \$51.00). Work requiring call-outs shall be charged at a minimum of two hours.

16.02. TOWING SERVICES – Towing inside of the Small Boat Harbor shall be assessed at the following rates:

- a. Skiff with operator ½ hour \$68.00
- b. Skiff with operator 1 man hour \$102.00. Any additional personnel required will be charged at rate of \$102.00 per hour.

16.03. PUMPING VESSELS – Use of Electric Pump is \$40.79 per day or portion of day. Use of gas pump is \$69.97 per hour, minimum charge of one hour, which includes attendant time.

16.04. EQUIPMENT – City Equipment-When the City utilizes their equipment to provide services; it will charge users for the cost of that equipment on an hourly basis.

16.05. SPECIAL SERVICES – Special services including waste, bulk oil, or garbage disposal shall be billed at the City’s actual cost, including City labor costs, plus 125% of City costs for services. This includes the costs for outside services arranged and paid for by the City. Except where otherwise required by law, the Harbormaster has the authority to provide, arrange for or refuse the provision of services in addition to those set out in this Tariff.

16.06. SEWAGE – Special services shall not include the taking or handling of sewage of any kind. Sewage disposal must be accomplished by the vessel owner or his agent pursuant to Federal, State and Municipal laws, codes and ordinances.

16.07. THIRD PARTY BILLING ADMINISTRATIVE FEE – The City requires charges be billed to the vessel receiving the services. If arrangements are made with the Harbormaster for third party billing, a 5% Administrative Fee will be assessed to the vessel receiving services.

16.08. SEARCH AND RESCUE/EQUIPMENT & PERSONNEL – In addition to other Tariff provisions, when the City utilizes City equipment and personnel to provide search and rescue assistance to vessels including towing, outside of the Homer’s Port and Harbor, the Harbormaster may charge users of those services \$102.00 per hour for skiff and operator for the first hour on any part, and for additional search and rescue assistance beyond one hour.

SECTION II
Pioneer Dock and Deep Water Dock
Rules, Regulations, & Rates

RULE 17 – DOCKS: RULES AND REGULATIONS

17.01. RESPONSIBILITY LIMITED – No person other than employees of the holders of authorized Terminal Use Permits or Special Use Permits shall be permitted to perform any services on the Pioneer Dock or the Deep Water Dock except on written authorization of the Harbormaster. The City of Homer, its employees and agents, shall not be liable for the injury of persons or any loss, damage or theft caused by their presence on the City docks or terminal facilities. The City of Homer shall be liable for any portion of loss or damage that is directly caused by its own negligence.

17.02. TERMINAL USE PERMITS – Handling, loading and unloading services are provided by independent agents at all terminal facilities covered by this Tariff. An annual Terminal Use Permit is required for any qualified agent desiring to provide longshoring services (loading and unloading ships) at the terminal facilities. Terminal Use Permit holders only shall report and pay monthly to the City a permit fee equal to five percent (5%) of Permit charges invoiced to a customer for all handling, loading and unloading services.

17.03. APPLICATION FOR BERTHING – All vessels, or their owners or berthing agents, desiring a berth at the Deep Water Dock and Pioneer Dock shall, within a minimum time of twenty-four (24) hours, make advance application for berthing (namely a Berth Scheduling Request Form). Priority is given to dock use when reserved in advance. Reservation of dock use must specify the dock requested, arrival and departure dates, billing information, email address and the nature and quantity of the freight to be loaded or discharged.

- a. Preferential berthing rights may be accorded by-contract.
- b. Berth Requests may require the timely filing of financial responsibility information in accordance with, and otherwise governed by, the terms and conditions set forth in this section.
- c. The berthing agent shall be held personally liable to the City of Homer as a result of the agent’s failure to accurately report the information submitted on the Berth Request.
- d. Should any information change after submission of an application, the owner or berthing agent shall promptly file an amended Vessel Berthing Application with the Harbormaster before such berthing takes place.

17.04. TUG REQUIREMENT AND SPEED LIMITATIONS – Vessels berthing or departing docks subject to the Tariff must use sufficient tugs so vessel can be berthed or removed in a safe manner. Berthing speed

shall not exceed the maximum speed allowable for the tonnage or displacement of the vessel by the design of the facility.

17.05. MOORING AT PIERS – Tying to piling is prohibited. All vessels using the Deep Water Dock and Pioneer Dock will use bits and bollards provided.

17.06. DEEP WATER DOCK MAXIMUM CAPACITY – The Deep Water Dock (DWD) has the following maximum fender capacity:

Homer Deep Water Dock Fender Capacity									
Berthing Contact at Interior Fenders									
Vessel Weight (displacement)		Max forward velocity @ 15 degrees				Max velocity perpendicular to dock			
Short Ton	Metric Ton	ft/s	ft/min	m/s	knot	ft/s	ft/min	m/s	knot
8000	7500	3.4	200	1	2	0.88	53	0.27	0.5
44000	40000	1.3	78	0.4	0.77	0.38	23	0.12	0.2
72000	65000	0.9	54	0.27	0.53	0.26	16	0.08	0.2
Berthing Contact at Corner Fender									
Vessel Weight (displacement)		Max forward velocity @ 15 degrees				Max velocity perpendicular to dock			
Short Ton	Metric Ton	ft/s	ft/min	m/s	knot	ft/s	ft/min	m/s	knot
17000	15000	8.4	500	2.6	5	1.5	90	0.46	0.9
44000	40000	3.5	210	1.1	2	0.9	54	0.27	0.5
72000	65000	2.5	150	0.8	1.5	0.7	42	0.21	0.4
Berthing Contact with Foam Camel Fenders Deployed									
Vessel Weight (displacement)		Max forward velocity @ 10 degrees				Max velocity perpendicular to dock			
Short Ton	Metric Ton	ft/s	ft/min	m/s	knot	ft/s	ft/min	m/s	knot
107000	97000	0.67	40	0.2	0.4	0.12	7.2	0.04	0.07

17.07. PIONEER DOCK MAXIMUM CAPACITY – The Pioneer Dock has the following maximum fender capacity:

Homer Pioneer Dock Fender Capacity									
Vessel Weight (Displacement)		Max forward velocity @ 20 degrees				Max velocity perpendicular to dock			
Short Ton	Metric Ton	ft/s	ft/min	m/s	knot	ft/s	ft/min	m/s	knot
20000	18000	1.20	72.00	0.37	0.71	0.41	24.62	0.13	0.24
40000	36000	0.87	52.20	0.27	0.52	0.30	17.85	0.09	0.18
60000	55000	0.68	40.80	0.21	0.40	0.23	13.95	0.07	0.14
80000	73000	0.60	36.00	0.18	0.36	0.21	12.31	0.06	0.12

(Note: Vessel weight or displacement is the total weight of the vessel including hull, machinery, and all contents at the dock.)

17.08. NON-CITY EQUIPMENT – No non-City owned mobile cranes or boom trucks may be brought onto the Deep Water Dock or Pioneer Dock for use in loading/unloading without advance Harbormaster approval.

17.09. RAT GUARDS – The vessel shall deploy, properly affix and maintain rat guards on all mooring lines after berthing and when alongside piers as required.

17.010. VESSELS ALONGSIDE – The vessel is responsible, at all times, for keeping mooring lines of vessels alongside, tightly secured whenever supply vessels, bunker barges or other vessels are tied up alongside.

17.011. WINCHES – The vessel is responsible, at all times, for tending mooring winches to insure that the vessel is adequately moored alongside the berth. This shall include the frequent inspection of constant tension winches.

17.012. ADEQUATE CREW ABOARD – All vessels berthed at piers controlled by the Port shall at all times have sufficient crew to comply with orders issued by the Port and to tend to mooring lines or move the vessel at all times.

17.013. WEATHER AND TRAFFIC – The vessel shall, at all times, pay strict attention to weather conditions, water levels, currents, condition of mooring or other circumstances while at facilities. In the event of surge, operations as well as access to/from the vessel may be suspended and the gangway removed until any vessel surge has abated. The Harbormaster may require a vessel to get underway from facility if weather dictates to avoid facility damage.

17.014. LIGHTS AT NIGHT OR IN RESTRICTED VISIBILITY – All vessels, barges, cranes and other equipment, while anchored or moored at the Port, must show lights in accordance with applicable Federal, State and Municipal laws, rules and regulations.

17.015. LINEHANDLING – Line handling services may be contracted through a permitted stevedore or other approved provider.

17.016. VESSELS ALONGSIDE – The vessel is responsible, at all times, for keeping mooring lines of rafted vessels, tightly secured whenever supply vessels, bunker barges or other vessels are tied up alongside.

RULE 18-DOCK SECURITY

18.01. REGULATORY APPLICABILITY – **The Maritime Transportation Security Act OF 2002 (33 CFR Parts 101, 102, 103, 105 ET AL) applies to the Port of Homer. Those vessels subject to the Act are required to interface with the Port. The Maritime Transportation Security Act and US Coast Guard/Federal Regulations (33 CFR part 105) applies to the Port of Homer. The Port operates the terminals under a Facility Security Plan approved by the US Coast Guard. The Port by advance notification to U.S.**

Customs and Border Protection is a border entry point, and all persons, effects, and vehicles are subject to search under Federal Statute 19 US Code Section 482.

18.02. DECLARATION OF SECURITY – Declaration of Security (DOS) when required under the US Code of Federal Regulations will be signed by the Vessel Security Officer and the Facility Security Officer or designee where the DOS is required. The vessel and Port will comply with all items agreed to on the DOS while in Port.

18.03. NOTIFICATIONS – Regulated vessels 33 CFR 104 rules require that the vessel will notify the Port if any crew or passengers intend to disembark and provide the names of all personnel leaving the ship. The vessel will provide advance notification of any visitors, and stores or goods to be delivered to the vessel while in the Port. The vessel must notify the Port and the US Coast Guard of any maritime incidents while in the Port.

18.04. SEARCHES – All vehicles and persons permitted to travel on piers may be searched prior to being permitted into the Terminal by security personnel.

RULE 19-DOCK -CONDITIONS OF BERTHING /BERTH REQUESTS

19.01. PAYMENT DUE – Unless otherwise arranged, the terms of payment for all applicable terminal or dockage charges shall be cash in advance. A cash deposit or acceptable security in an amount equal to 125% of the estimated applicable charges will be required to be posted with the Harbormaster six days prior to the vessel's scheduled arrival or at such time as may be authorized or directed by the Harbormaster, but in all cases in advance of actual services rendered.

19.02. CREDIT OR SECURITY – The Harbormaster may waive the requirement of cash in advance as to all or any category or categories of its anticipated Port charges when the party responsible for such charges has been identified by berthing agent to the satisfaction of the Harbormaster, and:

- a. That the party responsible has established credit worthiness acceptable to the Harbormaster; or
- b. Adequate security, acceptable to the Harbormaster in an amount equal to 125% of the applicable estimated port charges, has been posted; or
- c. The agent requesting the berth, or another entity, in each case applicable to the Harbormaster is credit worthy, has personally accepted financial responsibility for the applicable charges.

19.03. ESTIMATE REQUIRED-The vessel agent or other person requesting a berth shall provide an estimate of the amount of each category of port charges, as enumerated, and the party responsible there for.

19.04. APPROVAL REQUIRED – All estimates of terminal and dockage charges are subject to approval and/or adjustment by the Harbormaster.

19.05. ACKNOWLEDGEMENT – The Harbormaster shall promptly, after receipt of the berthing application form, advise the berthing agent as to its approval or provide an adjusted estimate of terminal charges. The Harbormaster will also advise whether posting of cash or security is required for any one or more categories of such charges and the amount due.

19.06. COMPLIANCE – In addition to the terms for berth reservation and establishment of financial responsibility as set forth herein, request for berth reservation and assignment of berths shall otherwise be in accordance with all Local rules and regulations established by the City of Homer.

19.07. TEMPORARY BERTHING – For safety or other reasons, the City of Homer in some circumstances may grant a vessel a temporary berth before the owner or agent has paid all applicable charges or otherwise complied with all applicable Tariff provisions of conditions of berthing. In such circumstances, the vessel may unload its cargo only if the Harbormaster determines that a regular berth is available. The owner shall pay all applicable charges and shall comply with all other Tariff provisions and conditions of berthing. If no regular berth is available, or the vessel owner or agent has not answered all financial responsibilities as required by the Harbormaster, the vessel may not unload its cargo and shall depart as soon as possible. The vessel shall be assessed appropriate fees as set forth in this Tariff.

RULE 20 – DOCK BULK PETROLEUM PRODUCTS

20.01. APPLICATION OF TARIFF – Except as otherwise provided in this section, the rates, rules and regulations published in other sections of this Tariff apply to vessels, shippers, and consignees of Bulk Petroleum Products.

20.02. CLEARING AND HEATING PETROLEUM LINES – Shippers, consignees, or vessels and persons in charge are responsible for providing steam or other heating means to assure the proper flow of asphalt and other petroleum products requiring heat. Shippers, consignees, or vessels and persons in charge will be responsible for clearing all petroleum products from lines located on or adjacent to any Terminal facility after a vessel completes loading or discharge unless otherwise authorized by the Harbormaster.

20.03. REGULATIONS GOVERNING PETROLEUM PRODUCTS – The transfer of bulk petroleum products shall be made in compliance with City of Homer Code provisions including Chapter 5.20 (Fire Prevention), as well as other Federal, State and Municipal laws, rules or regulations.

20.04. SPILLS AND CONNECTIONS – Flammable liquids and all hydrocarbons leaked or spilled on wharves shall be cleaned up immediately. Vessels or consignees shall remove temporary lines immediately upon completion of receipt or discharge of flammable liquids. Spillage from disconnected lines shall be cleaned up immediately by vessel or consignee.

20.05. MANIFEST REQUIREMENTS – Masters, owners, agents or operators of vessels are required to furnish the City of Homer with complete copies of vessel's manifests showing the name of consignees or consignors and the weights or measurements of all freight loaded or discharged at the docks,

terminal or harbor facilities of the City of Homer. Such manifests must be certified as correct by an authorized official of the company and must also designate the base weight or measurement on which ocean freight was assessed. In lieu of manifests, freight bills containing all information as required above may be accepted.

20.06. BERTH OCCUPANCY – Vessels may occupy a berth, subject to charges named in this Tariff providing such vessel shall vacate the berth upon demand by the Port. Vessels refusing to vacate berth upon demand may be moved by tug or otherwise, and any expense, including damages to other vessels or to the facility during such removal, shall be charged to the vessel so moved. Vessels at berth engaged in loading or discharging cargo may be required to work overtime at the discretion of the Port. Overtime differentials shall be the responsibility of the vessel’s owners, agents or operators.

20.07. PREFERENTIAL BERTHING, PIONEER DOCK – Preferential privileges per agreements are given to the Alaska Marine Highway System ferry vessels for docking on the face of the Pioneer Dock and the U.S. Coast Guard vessel assigned for docking on the northwest trestle berth of the Pioneer Dock.

RULE 21 – DOCK FUELING & BUNKERING AT THE PIONEER DOCK & DEEP WATER DOCK

21.01. SPECIAL TERMINAL USE PERMIT AND REQUIREMENTS: For Petroleum Product Transfer – Fueling vessels at the Pioneer Dock and the Deep Water Dock by truck or vessel is permitted with the permission of the Harbormaster and the completion of a Special Terminal Use Permit. The Special Terminal Use Permit shall be completed annually with an annual permit issuance fee of \$200. In addition, the Permittee shall file timely fuel wharfage reports stating the gallons of petroleum product dispenses with the required payment.

21.02. INSURANCE – Vendors shall provide proof of liability insurance to the Harbormaster, naming the Port as co-insured. The level of insurance shall be determined by the Harbormaster whose decision shall be final.

21.03. SMOKING – Smoking shall not be allowed on vessel weather decks or the pier during fuel transfer operations.

21.04. SIGNAGE – Proper signage stating “No Smoking, No Visitors, No Open Lights” shall be posted at the head of the gangway on the pier during fueling operations in conformance with Federal Regulations. The Permittee shall observe all rules and signs posted at the Port, including “No Smoking” signs posted at the marine terminal and all U.S. Coast Guard Safety Requirements, whether or not they are posted.

21.05. FIRE FIGHTING EQUIPMENT – Prior to transfer operations, at least two ship fire hoses shall be laid out and connected to the fire main nearest the transfer station; one forward and one aft. At least two handheld dry chemical fire extinguishers shall be conveniently placed for use at the vessel’s manifold. The Permittee shall keep fire lanes clear and maintain fire control equipment in a readily accessible location.

21.06. SPILL PLAN – An oil spill response and contingency plan must be filed with the Port in advance for review by the Harbormaster.

21.07. CONTAINMENT – Permittee shall outfit its delivery trucks with spill containment and/or clean up equipment and materials sufficient to contain and clean up spills of petroleum products that may occur from its operations. Proper spill containment must be provided by the vessel at or near the manifold, including if necessary plugging of vessel scuppers.

21.08. COMMUNICATIONS – The vessel and vendor shall maintain direct communications with each other at all times during transfer operations.

21.09. NOTICES – The Harbormaster shall be notified in advance that fueling operations will take place. In the event of a spill on board or into the water it is the vessel Master’s responsibility to shut down operations, contain the spill, immediately notify the US Coast Guard, the harbormaster and other required Federal, State and Local authorities.

21.010. ACCESS TO VESSEL DURING FUELING – Access to the vessel by way of the gangway will not normally be prohibited during fueling operations. The Harbormaster shall prohibit access to the vessel if, in his/her opinion, an unsafe situation has developed or is developing.

21.011. FLAGS AND LIGHTS – During fueling operations a “Bravo” flag shall be flown on the vessel where clearly visible. A red light shall be displayed on the mast in times of darkness or restricted visibility.

21.012. EMERGENCY SHUTDOWN – If the Harbormaster, vessel Master or Person in Charge (PIC) of fueling operations finds cause or suspects a cause of an unsafe condition, or the potential of a spill, the transfer operations shall immediately stop. Transfer operations shall also be stopped during thunderstorms.

RULE 22 – DOCK RATES

22.01. DOCKAGE RATES – Vessels are charged by their length over all and by the calendar day. For billing purposes, the LOA shall be obtained from the vessel’s Certificate of Registry or from another published reliable source, or actual measurement at the discretion of the Harbormaster.

0' to 100'	\$338.00	101' to 200'	\$506.00	201' to 300'	\$788.00
301' to 350'	\$1005.00	351' to 375'	\$1,098.00	376' to 400'	\$1,206.00
401' to 425'	\$1,337.00	426' to 450'	\$1,490.00	451' to 475'	\$1,604.00
476' to 500'	\$1,762.00	501' to 525'	\$1,996.00	526' to 550'	\$2,154.00
551' to 575'	\$2,334.00	576' to 600'	\$2,582.00	601' to 625'	\$2,957.00

626' to 650'	\$3,443.00	651' to 675'	\$3,917.00	676' to 700'	\$4,420.00
701' to 725'	\$5,119.00	726' to 750'	\$5,858.00	751' to 775'	\$6,644.00
776' to 800'	\$7,459.00				

22.02. SUPPLEMENTAL SERVICE CHARGE IN ADDITION TO DOCKAGE

- a. A service charge of \$52.00 will be assessed to each vessel in addition to the dockage rates above.
- b. A service charge of \$481.53 will be assessed for each Cruise Ship in addition to dockage rates above.

22.03. POTABLE WATER – Potable water furnished to vessels at the Deep Water Dock and Main Dock shall be assessed at the following rates:

- a. Quantity charge, \$38.81 dollars per one thousand gallons (minimum five thousand gallons).
- b. Scheduled deliveries will have a minimum charge of \$102.00 for combined connection and disconnection.
- c. Unscheduled deliveries will have a minimum charge of \$139.32 for combined connection and disconnection.

22.04. CRANE – The crane at the inside of (berth No. 2) of Deep Water Dock shall be subject to the same charges and usage requirements. See Section III for crane rules & rates.

22.05. REGULATED GARBAGE HANDLING

- a. APPLICATION – Regulated garbage, as per the Code of Federal Regulations, is garbage from foreign going vessels that contains, or that is suspected of containing, food scraps or food waste.
- b. REQUIRED DOCUMENTS – Foreign flagged vessels not in possession of a valid USA Customs issued “purge document” and who are requesting to dispose of regulated garbage are required to have their agent contact the Port of Homer prior to arrival for a contact list of qualified Terminal Use Permit vendors capable of providing this specialized service. Only qualified and approved vendors will be allowed to remove regulated garbage.

SECTION III
Fish Dock
Rules, Regulations, & Rates

RULE 23 – FISH DOCK RULES AND REGULATIONS

23.01. USE OF FISH DOCK BY COMMON CARRIERS – The use of the Fish Pier ~~Dock~~ by Common Carriers vessels is prohibited.

23.02. FISH DOCK USE – ~~The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear. Any other use must be approved in advance by the Harbormaster. The Fish Dock is an open access dock. Use of the Fish Dock is on a first come / first served basis but the loading and unloading of fish and delivery of ice at the City’s ice delivery station between cranes 4 and 5 will have priority. Vessel owners are encouraged to communicate and cooperate with other Fish Dock patrons to avoid congestion.~~

23.03. RESPONSIBILITY LIMITED – ~~No person other than employees of the holders of authorized Fish Dock Use Permits shall be permitted to perform any services on the Fish Dock.~~ The City of Homer, its employees and agents, shall not be liable for the injury of persons or any loss, damage or theft caused by their presence on the City docks or terminal facilities. The City of Homer shall be liable for any portion of loss or damage that is directly caused by its own negligence.

23.04. USE OF VESSEL OR MOBILE CRANES – Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel only with prior approval granted by the Harbor staff on duty. No non-City owned mobile cranes mounted on the back of a truck may be brought onto Fish Dock for use in loading/unloading without advance Harbor staff approval. If approved, these trucks for hire must have a Terminal Use Permit to operate on any terminal facility. Mobile cranes mounted on the back of a truck may not work over side unless they are certified and inspected for that purpose by the State of Alaska.

23.05. NO UNATTENDED VESSELS AT THE FISH DOCK – Vessels moored at Fish Dock must have sufficient crew on board to move the vessel upon request or direction of Harbor staff. A fee of one hundred fifty dollars (\$150.00) per hour will be assessed against the owner or operator of a vessel per hour left unattended at Fish Dock that obstructs access to the Fish Dock by other vessels.

RULE 24 – FISH DOCK USE PERMITS

24.01. FISH DOCK USE PERMITS – An annual Fish Dock Use Permit is required for any qualified agent desiring to provide services (loading and unloading vessels) at the Fish Dock facilities of the City of Homer. Applied and approved Fish Dock Use Permit holders shall pay an annual \$5.00 permit issuance fee plus provide the required insurance and state permitting documents.

24.02. WHARFAGE – Seafood wharfage, regardless of species is self-reported and paid monthly by Fish Dock Permit Holders. Freight NOS, Non-seafood wharfage at the Fish Dock is also self-reported and paid monthly. Fishing gear is free from wharfage. Ice brought onto the Fish Dock in totes or transferred to boats at the dock shall be charged wharfage at the Ice Wharfage rate, unless this is ice that was purchased from the City Ice Plant. Wharfage rates are listed under Fish Dock Rates.

RULE 25 – FISH DOCK CRANES

25.01. CRANE ACCESS CARD-Every person or business using a crane on the Fish Dock shall first obtain an electronic crane access card from the City. All crane access card holders shall:

- a. Complete the required training,
- b. Sign an agreement(s) to comply with all crane use policies,
- c. Pay the annual access card fee as well as actual crane time set forth in this subsection

RULE 26 – FISH DOCK RATES

26.01. GENERAL LIST OF FEES AS SET BY THE HOMER CITY COUNCIL

- a. Annual Access Card (Private License) \$52.00 per year
- b. Card replacement fee \$15.00 per occurrence
- c. Cold Storage Lockers #2-#8 (8 feet X 10 feet) \$334.75/month
- d. Cold Storage Rate (2 consecutive months) \$309.00/month
- e. Cold Storage Rate (3 consecutive months) \$283.25/per month
- f. Cold Storage Rate (9 month season) \$257.50 per month
- g. Cold Storage Locker #9 (10’X22’) \$920.90/month
- h. Cold Storage Locker #9 (2 consecutive months) \$849.60/month
- i. Cold Storage Locker #9 (3 consecutive months) \$778.90/month
- j. Cold Storage Locker #9 (9 month season) \$708.20/month
- k. Inspections \$ 50.00 per hour
- l. Bait Storage Fee per bin (4x4x4)
 - 1. Per Day \$5.15
 - 2. Per Week \$25.75
 - 3. Per Month \$77.25
- m. Fish Dock Crane (Minimum 15 minutes) \$90.64/hour
- n. Ice (Accumulated throughout year. Accounts reviewed each Dec. for rate adjustment based on previous year’s actual tons of ice purchased.)
 - 1. 0>100 tons \$130.90 per ton
 - 2. 101>300 tons \$128.00 per ton
 - 3. 301>500 tons \$124.00 per ton
 - 4. 501>700 tons \$121.00 per ton
 - 5. 701>1000 tons \$118.00 per ton
 - 6. Over 1001 tons \$115.00 per ton

- o. Wharfage for Seafood \$4.76/ton or \$.00238/lb
- p. Ice Wharfage (not purchased from City) \$14.50/ton
- q. Freight NOS Non-seafood Wharfage at Fish Dock \$14.50/ton

SECTION IV
Small Boat Harbor & Upland Facilities
Rules, Regulations, & Rates

RULE 27 – SMALL BOAT HARBOR RULES & REGULATIONS

27.01. MAXIMIZATION OF FACILITIES – The Homer Port and Harbor is often congested and it is the policy of the City of Homer to provide for the maximum public use of available facilities. The Harbormaster shall have discretion to implement that policy.

27.02. MOORAGE AGREEMENTS – As a condition to securing mooring space in the Homer small boat harbor, a signed Moorage Agreement must be on file with the Harbormaster’s office. There are separate forms for Reserved Stall vessels and for Transient vessels. By completing the Moorage Agreement, the applicant agrees to the terms and conditions. Providing false or misleading information on the Moorage Agreement is grounds for immediate termination of services.

27.03. UNDERWAY REQUIREMENT – On at least two days in each calendar year, separated by at least 60 days, a vessel moored in the Homer harbor shall depart under its own power from the Homer harbor and travel beyond the one-quarter-mile turning basin of the Pioneer and Deep Water Docks before returning under the vessel’s own power to the Homer harbor. The moorage charge for a vessel that fails to comply with this requirement shall be increased by 50 percent commencing at the time the vessel fails to comply and continuing during the period of noncompliance.

27.04. TRANSIENT MOORAGE SPACE – transient moorage space throughout the Homer small boat harbor is designated by a yellow painted bullrail (approximately 6,000 lineal feet). There are no transient stalls. If there is no available transient space at the bullrail, a vessel is permitted to side tie to a vessel of similar size that is already secured to the bullrail.

27.05. RENEWING RESERVE STALLS – A written renewal letter is mailed to each Reserve Stall holder. Payment of fees, any updates to their contact information and current proof of ownership is required each year by October 1 to renew.

27.06. SEWAGE DISCHARGE – In the small boat harbor an Eco barge is staged during the summer months to transfer sewage from small boats.

27.07. STACK EMISSIONS – The visible emission of stack gasses or other emissions that contain any odors as deemed objectionable by the Harbormaster while berthed at the Port’s facilities is prohibited.

27.08. SMALL BOAT HARBOR RESTRICTED SPEED – All craft shall restrict their speed to two miles per hour, no wake, while inside the Small Boat Harbor entering or leaving and shall operate at a reduced speed within one quarter mile of the docks outside the Harbor. It shall be unlawful for any vessel to travel at a speed within any waterway causing a wake, wash or wave action which will damage, endanger or cause undue distress to any other boat or occupant, regardless of established speed limits.

27.09. PLACEMENT OF GEAR PROHIBITATION – The placement of fishing nets in the waters of the Homer Small Boat Harbor is prohibited. The physical limits of the “Small Boat Harbor” are set forth in this Tariff.

27.010. MOORING LINES – The vessel is responsible, at all times, for keeping all mooring lines tightly secured. Supplemental mooring lines and/or fenders may be required by the Harbormaster as conditions dictate.

27.011. AUTHORITY TO CHANGE MOORING CONDITION – If, in the opinion of the Harbormaster, any vessel or other watercraft, arriving, anchoring, moored or fastened to any wharf, pier, bulkhead, or another vessel in the Port of Homer, is so moored or placed in an unsafe or dangerous manner or impeding the proper operation of the facility, the Harbormaster is hereby authorized to order and direct the vessel or other watercraft to be moved or moored in an acceptable manner to prevent damage to City facilities. The Master or any other person having charge of such vessel or other watercraft shall immediately comply with such orders or directions as may be issued by the Harbormaster.

27.012. LIVE ABOARDS – No live aboard situations longer than three months are permitted in the Homer small boat harbor without the Harbormaster’s approval in writing after an evaluation of the sanitary, service and congestion problems that may be a result of such an arrangement. No long term (more than one year) will be allowed in the Homer small boat harbor.

27.013. BUSINESSES ON VESSELS IN HOMER SMALL BOAT HARBOR – No Bed & Breakfast, Air B&Bs, lodging business, coffee shops or sandwich shops, cafes or similar types of businesses are allowed on boats in the Homer small boat harbor.

RULE 28 – SMALL BOAT HARBOR VESSEL MOORAGE

28.01. APPLICABLE PERIOD – Mooring charges shall commence when a vessel is made fast to a wharf, pier, harbor float or other facility, or when a vessel is moored to another vessel so berthed (rafting). Charges shall continue until such vessel is completely free from and has vacated the Port and Harbor facilities. A vessel moored in the Harbor at any time between 12:01 A.M. and 10:00 A.M. shall be charged a full day’s moorage. The Harbormaster may, in his discretion and with proper and appropriate advance notice, waive a daily rate for a vessel that will occupy mooring space for a minimum time. This applies if the Harbormaster determines the use of the public facilities by others will not be congested or adversely affected.

28.02. CALCULATION OF RATES – Mooring charges shall be calculated on the overall length of the vessel, (LOA), or in the case of a reserved stall, the length of the float stall assigned, whichever is greater. LOA shall be construed to mean the distance in feet from the most forward point at the stem to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel. The length shall include all hull attachments such as bowsprits, dinghies, davits, etc. For billing purposes, the LOA

shall be obtained from the vessel's Moorage Agreement or from another published reliable source, or actual measurement at the discretion of the Harbormaster.

28.03. APPLICATION OF RATES/WORK SKIFFS – All vessels in the Small Boat Harbor are subject to these moorage rates, **except** properly registered seine skiffs or work skiffs attached to the mother vessel. Work skiff is defined as a boat that is usually carried on the deck or super structure of the mother vessel and is regularly used in the commercial enterprise of the mother vessel. When work /seine skiffs are moored with the mothership, the combined length overall or beam may not exceed the allowed criteria for the size of stall. If it does exceed, the skiff must be moved to a transient area and moorage fees will apply.

28.04. MOORAGE RATES

- a. **The annual moorage fee for reserved moorage and transient moorage privileges is forty four dollars and eighty eight cents (\$44.88) per lineal foot** based on the overall length of the vessel (including all hull attachments such as bowsprits, davits, dinghies, swim steps, etc.) plus a fifty dollar (\$50.00) administration fee. For a reserved stall, the length of the finger float stall assigned, or the overall length of the vessel, whichever is greater plus a fifty dollar (\$50.00) administration fee.
- b. All reserved stall assignments are on an annual basis beginning October 1 and ending September 30 of the following year. Prepayment of a full year's moorage is due on or before October 1 of each year. Payment for reserved moorage will only be accepted from the individual assigned the reserved stall. The reserved stall payment shall be paid in full at the time the reserved stall/moorage agreement is executed to the satisfaction of the Harbormaster.
- c. A semi-annual transient rate is available on a prepaid basis only for transient vessels mooring in the Small Boat Harbor for a period of six consecutive months. The transient semiannual rate is 67% of the annual rate plus a thirty three dollars and fifty cents (\$33.50) administration fee. Vessels that do not renew will automatically be charged the monthly rate if not removed after five days.
- d. The monthly transient rate will be 17% of the annual rate plus an eight dollars and fifty cents (\$8.50) per month administration fee. Vessels that are properly registered and pay all moorage fees in advance may deduct fifty cents (\$.50) per foot per month.
- e. The daily transient rates are: 3% of the annual rate plus a one dollar and fifty cents (\$1.50) per day administration fee. Vessels that properly register and pay all moorage fees in advance may deduct five dollars (\$5.00) per day from the daily rate.

- f. Any moorage fee that expires for a registered (has a Moorage Agreement on file) or an unregistered vessel will, after five days, automatically be charged a monthly rate retroactive to the expiration date.
- g. Refunds for cancellations of reserved stalls and annual prepaid moorage are calculated using the number of months used times the monthly prepaid rate.

RULE 29 – RESERVE STALL ASSIGNMENTS IN SMALL BOAT HARBOR

29.01. CHANGING RESERVE STALL ASSIGNMENT OR STALL **SWAP** REQUEST – Reserve Stall holders can request to change the assigned stall within the same size floats. Fee for submitting a SWAP REQUEST is \$25.00. This is a onetime fee which stays on file until request is satisfied. This fee is neither refundable nor creditable to the reserved stall holder or the reserved stall account. The Harbormaster shall place the reserved stall change request on the swap list on a first-come, first-served basis.

29.02. CHANGE BOAT IN RESERVE STALL – Reserve stall assignments are made to a particular combination of vessel and owner/operator and are not assignable by the owner/operator. A stall holder who no longer has possession, control or custody of the vessel or loses the vessel to fire, sinking or other casualty may continue to retain reserved use of the stall for a period of not more than one year from the date the stall holder lost possession, control or custody of the vessel so long as the stall holder has replaced the vessel with another vessel of appropriate size for the stall assigned. A Reserve stall holder may place another vessel of permitted size in the stall with permission of the Harbormaster and upon payment of the Change Boat fee of \$25.00. Reserve stall holder must complete a new Moorage Agreement and show proof of ownership, lease, or bill of sale within 12 months for the replacement vessel for the duration of the stall lease.

29.03. PREFERENTIAL USE – A Reserve stall assignment grants the holder the preferential use of the stall. In order to maximize the public’s use of existing facilities, the Harbormaster has the authority to temporarily assign (hot berth) vessels to stalls normally used by another vessel when that vessel is out of the Harbor. No person shall sell, lease, transfer or assign a moorage agreement for the use or control of the assigned stall to any other person or entity, or otherwise charge another person for the use of a stall. The City has the sole control of the assignment, transfer and use of the individual stalls.

29.04. SURVIVORSHIP – Upon the death of any reserved stall holder, reserved mooring privileges shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

29.05. SALE OR ASSIGNMENT – An individual or an entity can be assigned a reserve stall . An entity is defined as an LLC or legal partnership or corporation holding legal title to the vessel. A sale, lease, transfer or assignment of a reserve stall by an individual owner is prohibited. The Harbormaster shall revoke the moorage agreement after 10 days’ written notice to the holder of the moorage agreement. Upon the death of individual owner, the stall may be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

An entity may not assign or transfer the reserve stall assigned to the vessel without written consent by the Harbormaster. Transfer or assignment of the reserve stall may only occur after the harbormaster determines that 1) the entity is in full compliance with the Reserve Stall Moorage Agreement; 2) there has been a change of ownership of an entity, or reorganization of an agency; and 3) the nature of the entity’s business or enterprise, if applicable, and the use of the vessel and the stall will remain substantially the same after the transfer or assignment.

29.06. NOTIFICATION OF DEPARTURE/ARRIVAL – A vessel assigned a reserved stall should notify the Harbormaster when departing for more than 5 days. With 24 hour notice, reserve stall holders should notify the Harbormaster when vessel is returning to allow the harbor staff to clear the stall. If, despite reasonable efforts, the Harbormaster is unable to clear a stall due to congestion, high winds, or safety considerations, a reserved stall vessel may be required to temporarily use another moorage space as directed by the Harbormaster.

RULE 30 – SMALL BOAT HARBOR RESERVE STALL WAITING LIST

30.01. WAITING LIST FOR RESERVED STALL ASSIGNMENT – Vessels will be assigned a permanent reserved stall based on seniority position on waiting lists maintained by the Harbormaster’s office. Separate waiting lists shall be maintained for the following size stalls:

20 Feet	24 Feet	32 Feet	40 Feet	50 Feet	60 Feet	75 Feet
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30.02. APPLICANT RANKING – The Harbormaster shall place applicants on the waiting list on a first-come, first-serve basis only upon receipt of all requested information and payment of the annual waiting list fee. There is a fee of \$30.00 per year per listing upon the waiting list(s) for a permanent reserved stall assignment. An individual applicant may sign up at any time during the year and pay a prorated fee to the May 1 Stall Wait List due date. Nonpayment of the fee by the May 1 due date means automatic cancellation from the waiting list. The annual waiting list fee will be accepted only from the individual whose name appears on the waiting list. The fee is neither refundable nor creditable to stall applicant. An applicant or existing reserved stall assignee may be placed on one or more of these lists. An applicant need not own or operate a vessel to be placed on the waiting list.

30.03. NEW STALL ISSUES – In mid-October of each year, after all Reserve stalls are renewed and any SWAP requests have been satisfied, new stall offers to those on the stall wait lists are issued in the order they were received. New stall holder must complete and sign a Reserve Stall Moorage Agreement, pay the annual moorage and provide proof of ownership or a written lease agreement on the vessel. New stall holders have one year to obtain a vessel for the stall.

30.04. DECLINING STALL OFFER – If applicant does not want to accept the stall offer, it can be declined and the applicant will be placed at the bottom of the stall wait list.

30.05. SURVIORSHIP – Upon the death of a Stall Wait List applicant, the applicant’s rank on the waiting list shall be transferred to the surviving spouse, son or daughter upon written request to the Harbormaster.

30.06. CHANGE OF CONTACT INFORMATION – An applicant shall notify the Harbormaster in writing of any change of address or telephone number(s) immediately. Any individual, partnership, corporation or governmental agency may apply for use of a reserved stall. All applicants, except government agencies, shall designate a single individual whose name shall appear on the waiting list and who shall be responsible for payment of all fees. Any change in the individual designated may result in the applicant’s loss of priority on the waiting list.

RULE 31-SMALL BOAT HARBOR FLOAT PLANE MOORAGE / FEES

31.01. APPLICATION – With proper registration and specific permission from the Harbormaster, float planes may arrange for short-term moorage in the Homer Small Boat Harbor providing space is available. This is only allowed when ice and weather conditions prevent float planes from landing on Beluga Lake.

31.02. FEES – A fee in the amount equal to the daily rate for moorage of two (2) 24’ vessels shall be assessed on a daily basis for float planes mooring within the confines of the Homer Small Boat Harbor. A monthly rate in the amount equal to the monthly rate for two (2) 24’ vessels shall be assessed for float plane moorage for longer periods

RULE 32 – SMALL BOAT HARBOR ELECTRICITY

32.01. RESERVE STALL ELECTRICITY (per kilowatt) – Reserved stalls having a meter base at the berth shall be charged a meter availability fee.

- a. The meter availability fee will be \$23.95 per month.
- b. There will be an electrical usage charge cost per kilowatt determined by the Local public utility.
- c. Reserve stall assignees shall notify the Harbormaster of any period when the assigned vessel will not occupy the stall. The Harbormaster, upon payment of a \$28.80 connect/disconnect fee, shall discontinue charging the meter availability fee until the vessel returns.

32.02. TRANSIENT VESSEL WINTER POWER

- a. Transient Vessel Winter Power -Subject to availability, transient vessel may buy electrical power on a metered basis from October 15 to April 15. There will be a \$28.80 connect/disconnect fee.
- b. Metered transient vessels will be charged a meter availability fee of \$28.80 per month.
- c. There will be an electrical usage charge per kilowatt as determined by the Local public utility.

32.03. TRANSIENT VESSEL SUMMER POWER – Transient vessels shall be charged the following rates (where metered power is unavailable) from April 16 to October 14. The provided service is 110 volt, 220 volt, 208 volt 1 phase, 208 volt 3 phase & **480 volt 3 phase.**

Daily/Flat Rate 110v	\$10.20/calendar day (monthly rate after 15 days)
208v/single phase	\$20.12/calendar day (monthly after 17 days)
208v/3 phase & 480v	\$45.20/calendar day (monthly rate after 7 consecutive days)
Monthly Rate 110v	\$152.67
208v/single phase	\$341.70
208v/3phase & 480v	\$28.80 + kilowatts determined by local public utility

- a. Actual Consumption Charge-If a transient vessel consumes more electricity than would be covered by these flat rates, then such transient vessel shall be charged for the actual consumption. Vessels requiring conversion plugs may purchase them from at the Harbormaster’s office for a nominal fee.

32.04. SYSTEM 5 ELECTRICAL SERVICE – 208 volt/3 phase & 480 volt electrical power is available at System 5 on a first come-first serve basis, for which the vessel will be charged the following rates:

- a. There will be an electrical usage charge per kilowatt hour as determined by the Local public utility.
- b. Vessels will be charged a meter availability fee of \$28.80 per month.
- c. **Vessels plugged in less than seven (7) consecutive days will be charged the daily rate.**

RULE 33 – SMALL BOAT HARBOR TIDAL GRIDS

33.01. USE OF TIDAL GRIDS – The City of Homer operates two tidal grids. The wooden grid is for vessels less than 60 feet in length. The steel grid is generally for use by vessels 60 feet or greater in length. Vessels over 60’ may not use the wooden grid without specific approval of the Harbormaster. Vessels over 300 displacement tons or over 120’ may not use the steel grid without specific approval of the Harbormaster. Vessels that remain on either grid after their scheduled tide may be assessed a 50% surcharge for each unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a 60’ boat if a boat of less length is allowed to use this grid.

33.02. SANDBLASTING PROHIBITED – Sandblasting of vessel is not permitted on tidal grids; water blasting of vessel to remove barnacles or other marine growth is permitted provided that the water pressure used does not result in removal of paints onto the grid work platform or into the water of the Harbor.

33.03. RATES – The following rates apply to use of Tidal Grids:

- a. The rate per foot per tide is \$1.05 for vessels 0’-59’
- b. The rate per foot per tide is \$2.55 for vessels 60’-80’

- c. The rate per foot per tide is \$3.25 for vessels 81'-100'
- d. The rate per foot per tide is \$3.82 for vessels 101'-120'
- e. The rate per foot per tide is \$4.24 for vessels 121'-140'

33.04. USE OF TIDAL GRIDS – Use of the tidal grids must be scheduled in advance. For Steel Grid use, upon the discretion of the Harbormaster, prepayment is required. Prepayment may be refunded if cancellation of reservation is at least seven days prior to scheduled use. A working tide on the Steel Grid is defined as +1 and below.

33.05. WRITTEN PERMISSION FOR USE OF GRIDS – No vessel shall be moored onto the tidal grids until permission has been granted by the Harbormaster and the appropriate Utilization Agreement/Waiver and Release forms completed by User.

33.06. NO UNATTENDED VESSELS ON GRID – No vessels will be unattended while on the grids.

RULE 34 – SMALL BOAT HARBOR PUBLIC LAUNCH RAMP

34.01. BOAT PUBLIC LAUNCH RAMP – The City owns and provides access to public launch ramps. The principal intended use of the LAUNCH RAMP is the launch and recovery of small, boats on trailers. An authorized subsidiary use is the incidental, noncommercial, loading or unloading of goods, supplies or materials. Rate for a single launch is \$13.00; a season pass covering April 1 to October 15 is \$130.00. The person who is obligated to pay the fee for using the load and launch ramp must make the ticket verifying payment available upon request, or display the seasonal permit on the port side of the permit holder's vessel. There is a \$20.00 per hour fee for vessels that are left unattended on the Launch Ramp and are blocking ramps. Reserved stall holders are exempt from launch fees for the vessel assigned to and registered to the stall only, not for other boats owned by the same individual. At the Harbormaster's discretion, reasonable restrictions may be placed on the use of the public launch ramp.

RULE 35 – UPLAND STORAGE

35.01. APPLICATION – Upland storage area is primarily for fishing related gear and cargo laydown. No vehicle or boat trailers may be place on the upland storage area without prior permission of the Harbormaster.

35.02. AVAILABLE SPACE – The City of Homer may make available a limited area of land for gear storage on a first-come, first-serve basis. All storage assignments must be approved by the Harbormaster. Storage lots are a minimum of 1,000 square feet

35.03. RATE PERIODS – Charges shall be based on type of storage required, gear or equipment. No charge for storage shall be generated for free time of 3 days or less. Storage time beyond 7 days shall generate a full, one month charge. There are no prorated daily fees for storage. A storage month shall extend from a date in one calendar month to, but not including, the same date of the next and all

succeeding calendar months. Less than one month's storage will be charged for the full month. The Harbormaster may negotiate storage contracts for six months or longer.

35.04. RATES – Fees for general storage are as follows:

Open Areas, fishing gear (unsecured)	\$.12 per square foot
Open Areas, non-fishing gear (unsecured)	\$.17 per square foot
Secure Storage	\$.22 per square foot

35.05. ARRANGEMENTS FOR STORAGE – Arrangements must be made in advance for the use of storage lots with the Harbormaster. Use of storage lots will be on a month to month basis. No prorated daily rates are allowed. Storage lot fees will be billed out to the renter until agreement is cancelled and lot is returned clean with all personal items removed. Unauthorized storage of gear is prohibited. Unauthorized stored gear or equipment may be removed by the Harbormaster at the owner's expense, may be subject to fines or may be billed out at the daily demurrage rate set by the Harbormaster.

35.06. IMPROPER ARRANGEMENTS – Equipment and materials stored without proper registration and advance payment will be charged according to storage fees or at demurrage rates at the Harbormaster's discretion.

RULE 36 – BOAT TRAILER STORAGE

36.01. SHORT TERM STORAGE – Short term storage of boat trailers not to exceed 7 days will be provided on a space available basis at no charge.

36.02. LONG TERM STORAGE – **Long term storage of boat trailers (8 or more days) is available in a designated lot for \$7/per foot per month. This is for trailers only, no boats on trailers or attached vehicles.**

RULE 37 – BEACHES AND BARGE RAMP

37.01. USE – The use of beaches and barge ramp under the City ownership or control for commercial barge vessel repair, equipment loading or similar purposes, must be approved by the Harbormaster. At the Harbormaster's discretion, reasonable restrictions may be placed on the use of the beach and barge ramp. Congestion, risk of loss of public or private property and public safety and/or response may result in restrictions. A beach use agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.

37.02. APPLICATION OF FEES – The Harbormaster shall charge a fee per foot based on length overall of the vessel, for vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to vessels using the barge ramp. The rate per linear foot for all vessels is \$1.50 per day. Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstance..

37.03. CHARGES – Wharfage rates shall also apply for the beaches and barge ramp. Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstances. See Wharfage, Section I, Rule 13.

37.04. DAMAGE – The user of any beach area or barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by Harbor staff. The costs incurred by the Harbor staff will be fully charged to the beach user. Labor rate for the Harbor staff will be one hundred and two dollars (\$102.00 USD) per hour per person, plus appropriate equipment rental and material costs.

37.05. PROHIBITIONS – Sandblasting of vessels is not permitted on City beaches or barge ramps; water blasting using pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to be put into the water as a result of any maintenance done on the beach, ramp, on the tidelands or uplands.

RULE 38 – MARINE REPAIR FACILITY

38.01. HOMER MARINE REPAIR FACILITY – Facility can be utilized by vessels after approval by the Harbormaster. A User Agreement is required along with a Work Plan, proof of insurance and proof of ownership. The season for use of the Homer Marine Repair Facility is from September to May. **Permission for use in June, July or August may be granted by the Harbormaster under special circumstances.** Complete information can be found in the City of Homer Marine Repair Facility Policies and Best Management Practices document.

38.02. FEES

- a. UPLAND DRY DOCKAGE FOOTPRINT CALCULATION – Charges are calculated as square feet, and are based on the overall length and beam of the vessel, plus a ten foot perimeter on all sides. If additional equipment is on site, it will be added to the total square footage.
- b. UPLAND DRY DOCKAGE USE FEE PER MONTH (ANNUAL MOORAGE) – \$ 0.17 per square foot for vessels paying annual moorage in Homer Harbor
- c. UPLAND DRY DOCKAGE USE FEE PER MONTH (TRANSIENT MOORAGE) – \$ 0.20 per square foot for transient daily, monthly, semiannual moorage vessels
- d. **UPLAND DRY DOCKAGE USE FEE PER MONTH (NO MOORAGE PAID) – \$0.25 per square foot for vessels not paying harbor moorage.**
- e. ADMINISTRATION FEE – per month of Dry Dockage uplands usage: \$50.00
- f. BEACH LANDING FEE – per calendar day: \$1.50 per foot
- g. VENDOR FEE – per calendar year: \$150.00

h. HARBOR LABOR FEE – \$102.00 per hour/\$51.00 minimum

RULE 39 – FISH DISPOSAL / GRINDING AND FEES

39.01. FISH GRINDING AND FEE-The City owns a regulated fish disposal system that grinds and flushes fish waste through an outfall line. Besides grinding sport caught fish carcasses collected at the fish cleaning tables, commercial enterprises self-report their fish carcasses brought to the facility. **The rates for commercial enterprises are \$30/tote (approximately 1,000 lbs.) and \$5/tub (approximately 100 lbs.).**

[END OF CITY OF HOMER PORT TARIFF]

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Port and Harbor Director

5 RESOLUTION 17-061

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FEE SCHEDULE UNDER PORT AND HARBOR TO
9 REFLECT THE CHANGES FROM THE NEWLY ADOPTED PORT AND
10 HARBOR TARIFF 1.

11
12 WHEREAS, the new and revised Port and Harbor Tariff 1 has been reviewed and adopted
13 by the Homer City Council with Resolution 17-060; and

14
15 WHEREAS, the Port and Harbor Tariff 1 contains rate changes and the City of Homer's fee
16 schedule is amended as follows:

17
18 **PORT AND HARBOR DEPARTMENT**

19 Harbor Office - 235-3160 Fish Dock - 235-3162

20
21 (The following fees have been set by legislative enactments to HCC 10, Ord. 95-18(A) and Resolutions 14-
22 114, 12-037(S), 12-023, 10-89, 06-52, 06-04, 05-123, 04-96, 03-154(S), 03-104, 03-88, 00-39, 99-118(A), 99-
23 101, 99-78(S), 99-30(A), 95-69 (Port/Harbor Tariff No. 600), Resolution 95-19, Resolution 01-84(S)(A),
24 Resolution 02-81(A), Resolution 07-121, Resolution 08-123, Resolution 15-073, Resolution 15-091)

25
26 All rates except load and launch ramp fees and parking fees for Ramps 1 - 4, which are inclusive of sales
27 tax, will have sales tax applied. ~~The resulting figure will be rounded to the nearest half dollar for billing~~
28 ~~purposes.~~

29
30 Administrative cost for changing boat in **Reserved Stall** slip - \$25.00

31 **Stall Wait List Application and renewal fee for subsequent years** ~~A \$30.00 per year charge will be~~
32 ~~assessed for a listing on a permanent reserved stall assignment.~~

33 ~~Large quantity waste oil disposal (with Harbor Master approval) - \$3.25 gallon~~

34 **Disposal of more than twenty five (25) gallons of used oil or antifreeze or any amount of**
35 **oily water in one calendar day may be done by appointment with Port Maintenance.**

36 **Fees:**

37 **Used Oil** **\$3.35/gallon**

38 **Used Antifreeze** **\$8.00/gallon**

39 **Oily Water/Bilge Slop** **\$5.00/gal delivered in drums**

40
41
42 PARKING FEES

43 Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day through
44 Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be established and
45 enforced as per Homer city code 10.04.100.

46
47 Seasonal permits for day use parking **in paved parking lots at** ~~(Ramps 1-4)~~: \$250.00.

48
49 Long Term parking permits required for Vehicles 20' or less parked in excess of seven (7) consecutive 24-
50 hour days.

51
52 Long Term Parking annual permit (January 1st through December 31st): fee \$200.00.

53
54 Long Term Parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee
55 \$100.00.

56
57 Vehicles over 20' ~~and trailers~~ are not eligible for long term **Annual** parking permits.

58
59 Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.

60
61 Monthly parking permit for vehicles over 20': fee \$85.00 for 30 consecutive days in a portion of Lot 9 only.

62
63 Long term parking will be enforced year around.

64
65 Parking lot restrictions for long term parking **of no parking near ramps** are in effect May 1 through
66 October 1., ~~as depicted on attached map (Attachment A).~~

67
68 Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply.

69
70 Fines, \$25.00 per calendar day, limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited
71 towards the long term parking annual permit. **If fail to pay, additional fee of \$25/month.**

72
73 Annual Moorage fee - \$44.88 per lineal foot, plus \$50.00 administrative charge.

74
75 Reserved Stall - length of the float stall assigned, or overall length of vessel whichever is greater, plus
76 \$50.00 administrative charge.

77
78 Float Plane Fee - daily moorage rate of (2) 24' vessels shall be assessed on a daily basis for float planes or
79 a monthly rate equal to the monthly rate for (2) 24' vessels.

80
81 Dockage charges will be assessed based on lineal foot per calendar day or portion thereof as follows:

82

0' to 100'	\$338.00	451' to 475'	\$1,604.00	651' to 675'	\$3,917.00
101' to 200'	\$506.00	476' to 500'	\$1,762.00	676' to 700'	\$4,420.00
201' to 300'	\$788.00	501' to 525'	\$1,996.00	701' to 725'	\$5,119.00
301' to 350'	\$1,005.00	526' to 550'	\$2,154.00	726' to 750'	\$5,858.00
351' to 375'	\$1,098.00	551' to 575'	\$2,334.00	751' to 775'	\$6,644.00

376' to 400'	\$1,206.00	576' to 600'	\$2,582.00	776' to 800'	\$7,459.00
401' to 425'	\$1,337.00	601' to 625'	\$2,957.00		
426' to 450'	\$1,490.00	626' to 650'	\$3,443.00		

83

84 A service charge of \$52 will be assessed to each vessel.

85 **A service charge of \$481.53 will be assessed for cruise ships.**

86

87 ~~These charges are applicable to the “outer face” and “trestle berth” of Deep Water Dock and to all~~
 88 ~~berthing locations on Pioneer Dock. The “inside berth” (berth No.2) of Deep Water Dock will have a 4-~~
 89 ~~hour minimum dockage charge of 1/6 the daily rate, and a half day (up to 12 hours) docking charge of 1/2~~
 90 ~~the daily rate, with no service charge applicable.~~

91

92 Wharfage:

93 Minimum wharfage on any shipment will be ten dollars (\$10). Except as otherwise specifically provided,
 94 rates are in dollars per short ton of 2,000 lbs. or per 40 cu. ft.

95

96

97 COMMODITY

WHARFAGE RATE

98 **Pioneer and Deep Water Docks**

99 **Aggregate (gravel, stone, minerals) \$1.00 per short ton**

100 **Agricultural Products (grains, etc.) \$3.50 per short ton**

101 **Containerized Cargo \$8.00 per short ton**

102

103 Freight N.O.S. **up to 100 short tons** \$7.96 **per short ton**

104 (Not Otherwise Specified)

105 **Freight N.O.S. up to 1,000 short tons** **\$6.00 per short ton**

106 **Freight N.O.S. in excess of 1,000 short tons** **\$5.00 per short ton**

107 **Freight N.O.S. in excess of 10,000 short tons** **\$4.50 per short ton / negotiable**

108 Poles, logs, cants or cut \$3.95/thousand board ft.

109 finished lumber per M.M.

110

111 (Note: Industry standard conversion formulas shall be used in converting pounds to board feet
 112 measure.)

113

114 Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the wharfage
 115 rate applicable to outbound (export) shipment. However if these cargoes are not exported over
 116 Deep Water Dock with full payment of outbound wharfage within 60 days of unloading at the
 117 barge beaching site, then the additional 50% of wharfage will be owed and paid for inbound
 118 products.

119

120 Petroleum products \$0.84/barrel

121 (inbound and outbound) \$0.02 per gallon

122 ~~Wood Chips (all grades)~~ \$ as per contract

123 **Hazardous Materials** **\$8.00 per ton**

124 Livestock: Horses, mules, \$10.12 per head

125 cattle, hogs, sheep, goats, all other livestock
 126
 127 Fowl: Any kind, crated \$10.12 per crate
 128
 129 Boats: Up to and including twenty (20) feet LOA \$15.66 each
 130 Over twenty (20) feet LOA \$1.60 per lineal ft.
 131 (~~Fishing boats, pleasure craft, skiffs, dinghies and other boats moved over the docks.~~)
 132

133 Freight at Barge Ramp **Wharfage** \$5.14 **per short ton**

134 **Fish Dock**

135 **Ice Fish Dock** **\$14.50 per short ton**

136 **Freight N.O.S. Fish Dock** **\$14.50 per short ton**

137

138 **Fishing gear is free from wharfage, except as otherwise provided under a lease agreement,**
 139 **contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded**
 140 **into totes or transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate,**
 141 **unless this is ice that was purchased from the City Ice Plant.**

142

143 Seafood/fish product Setting a tariff of \$4.76 per ton of seafood/fish
 144 product across the dock, regardless of species.
 145 **Regardless of species bait in quantities greater than**
 146 **one ton that is loaded onto a vessel at docks, shall be**
 147 **charged seafood wharfage.**

148

149 Demurrage 0.09/sq. ft.

150

151 Uplands Storage:

152 Land for Gear Storage-

153 First come-first served basis; approved by Harbormaster; primarily for fishing related gear.

154 Open areas, fishing gear 0.12/ sq. ft.

155 Open areas, non-fishing gear 0.17/ sq. ft.

156 **Secure fenced areas** **0.22/ sq. ft.**

157 Boat Trailers-

158 Short term storage, up to 7 days - space available basis - no fee.

159 ~~Long term storage, 8 days or more - not available May 1 to Oct 1~~

160 Up to 30 feet \$75.00/month Oct 1 to May 1

161 Over 30 feet \$100.00/month Oct 1 to May 1

162 **Long term storage, no boats ON Trailers** **\$7.00/foot per month**

163

164

165

166 TIDAL GRIDS:

167 The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet in length.

168 The steel grid is only for use by vessels of 60 feet or greater in length. Vessels that remain on either grid

169 after their scheduled tide may be assessed a 50% surcharge for each unscheduled tide. Use of the steel

170 grid shall be charged at the minimum rate applicable for a 60' boat if a boat of less length is allowed to
171 use this grid.

172
173 The rate per foot per tide is \$1.05 for vessels 0' - 59'
174 The rate per foot per tide is \$2.55 for vessels 60' - 80'
175 The rate per foot per tide is \$3.25 for vessels 81' - 100'
176 The rate per foot per tide is \$3.82 for vessels 101' - 120'
177 The rate per foot per tide is \$4.24 for vessels 121' - 140'

178
179 WATER:
180 Potable water furnished to vessels at the Deep Water Dock and Main Dock:
181 Quantity charge - \$38.81 per one thousand gallons (minimum five thousand gallons).
182 Scheduled deliveries will have a minimum charge of one hundred and two (\$102.00) dollars for combined
183 connection and disconnection.
184 Unscheduled deliveries will have a minimum charge of one hundred thirty nine dollars and thirty two
185 cents (\$139.32) for combined connection and disconnection.

186
187 ELECTRICITY (per kilowatt):
188 Reserved stalls having a meter base at the berth shall be charged a meter availability fee.
189 The meter availability fee - \$23.95 per month

190 **Kilowatts are charged using current public utility rate**

191 Connect/disconnect fee - \$28.80

192
193 **Winter Power Program runs from 10/16 to 4/15** Metered transient
194 vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to
195 be applied for shorter connection periods.

196 **Kilowatts are charged using current public utility rate**

197 Connect/Disconnect fee 28.80.

198
199 Unless other arrangements have been made in writing with the Harbormaster (winter power program),
200 transient vessels shall be charged the following rates (where metered power is unavailable).

201

	<u>110 v</u>	<u>220v & 208vsingle</u>	<u>208 v & 480v/3-phase</u>
202 Daily (or part thereof)	\$ 10.20	\$ 20.12	\$42.50 \$45.20
203			
204 Monthly	\$152.67	\$341.70	available meter only

205
206
207
208 * Vessels requiring conversion plugs may purchase them from the Harbormaster's office for a nominal
209 fee.

210
211 **110v**, 208 volt/3-phase and **480v/3-phase** electrical power is **are** available at System 5 on a first come
212 first served basis, for vessels will be charged the following rates:

- 213 1. There will be an electrical usage charge per kilowatt hour as determined by the local
214 public utility:

215 2. Vessels will be charged a meter availability fee of \$28.80 per month with a one month
216 minimum charge to be applied for shorter connection periods.
217 3. ~~There will be a \$28.80 connect/disconnect fee.~~ **Vessels plugged in less than 7**
218 **consecutive days will be charged the daily rate listed above.**
219
220 TOWING: Inside small boat harbor: Skiff with operator – 1/2 hour \$68.00, Skiff with operator - 1 hour
221 \$102.00. Any additional personnel required will be charged at rate of \$102.00 per hour each.
222
223 PUMPING VESSEL: \$40.79 per day or portion thereof for electrical pumps.
224 \$69.97 per hour or portion thereof for gas pumps.
225
226 LABOR/PERSONNEL:
227 All labor provided by City personnel shall be charged at \$102.00 per hour (1/2 hour minimum at \$51.00).
228 Work requiring callouts shall be charged at a minimum of two hours.
229
230 SPECIAL SERVICES:
231 Special services, including waste, bulk oil, or garbage disposal shall be billed at the City’s actual cost plus
232 125% of city costs for services arranged for by the City but provided by others. ~~Waste oil in quantities~~
233 ~~greater than 5 gallons, shall be charged a \$3.35 per gallon handling and disposal fee.~~
234
235 REGULATED GARBAGE HANDLING FEE:
236 Contact the Homer Harbormaster office for a list of contractors certified to handle regulated garbage at
237 the Port of Homer. Fees will be negotiated between the contractor and vessel managers.
238
239 SEARCH AND RESCUE FEES:
240 When the City utilizes city equipment and personnel to provide search and rescue assistance to vessels
241 outside of the Homer Port and Harbor, such as towing and rescue, the Harbormaster will charge users of
242 those services \$102.00 per hour for skiff and operator for the first hour and for additional search and
243 rescue assistance beyond one hour. Additional personnel will be charged at the rate of \$102.00 per man
244 per hour.
245
246 PUBLIC LAUNCH RAMPS:
247 Vessels shall be charged \$13.00 per day to launch from the public launch ramps from April 1 through
248 October 15. (Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall
249 only, not for other boats owned by the same individual.)
250
251 Vessel owners or operators may obtain a seasonal permit for \$130.00 entitling a specific vessel and
252 owner to launch from April 1 through October 15. (Reserved stall lessees exempt for the boat assigned to
253 and registered to the reserved stall only, not for other boats owned by the same individual.)
254
255 BEACHES AND BARGE RAMP:
256 The use of beaches and barge ramp under the City ownership or control for commercial barge vessel
257 repair, equipment loading or similar purposes, must be approved by the Harbormaster. A beach use
258 agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.
259

260 The Harbormaster shall charge a fee of \$1.50 per foot based on the overall length of the vessel, for
261 vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to
262 vessels using the barge ramp.

263
264 Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate
265 circumstances.

266
267 The user of any beach area or the barge ramp must repair any damage to the beach or ramp and remove
268 all debris. Failure to make such repairs and removal will result in repairs and cleanup by the harbor staff.
269 The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor
270 staff will be one hundred and two dollars (\$102.00) per hour per person, plus appropriate equipment
271 rental and material costs.

272
273 Sandblasting of vessel hull is not permitted on City beaches or barge ramp; water blasting using
274 pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to
275 be put into the water as a result of any maintenance done on the beach or ramp.

276
277 FISH DOCK:
278 The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear.

279
280 Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel
281 only with prior approval granted by the Harbor ~~Officer on duty~~ staff.

282
283 Every person using a crane on the Fish Dock shall first meet all requirements ~~obtain a license from~~ of
284 the City.

285 Blocking access to cranes - \$150.00/hr.

286 Unattended vessels - \$150.00/hr.

287
288 ~~Failure to obtain prior approval for a use other than loading and unloading fish, fish products or fishing~~
289 ~~gear will result in the imposition of a surcharge of thirty (\$30.00) dollars per hour in addition to the~~
290 ~~regular fee.~~

291

292	ITEM	FEE
293	Annual access Card	\$52.00 per year (annual renewal fee)
294	Card (private license)	(annual renewal fee)
295	Card replacement fee	\$15.00 per occurrence
296	Cold Storage Lockers 8'x10'	\$334.75/month
297	{Cold storage rate structure	\$309/per month for two (2) consecutive months
298	is for storage area of eight (8) feet	\$283.25/per month for three (3) consecutive months
299	by ten (10) feet	\$275.50/per month for nine (9) month season

300

301

302 **Cold Storage Locker 22'x10'** **\$920.90/month**

303 **\$849.60/per month for two (2) consecutive months**

304 **\$778.90/per month for three (3) consecutive mos**

305 **\$708.20/per month for nine (9) month season**

306		Minimum one month rental
307		Inspection \$50/per hour
308	Bait Storage Fee (4x4x4)	
309	Per Day	\$5.15
310	Per Week	\$25.75
311	Per Month	\$77.25
312		
313	Ice Plant Bin Storage	\$200/per month, minimum two (2) months
314	(Roofed over, open sided	
315	storage bins at west end of	
316	of ice plant building sixteen (16) feet	
317	by twelve (12) feet)	
318		
319	Fish Dock crane	\$90.64/per hour
320	Minimum charge per hour for crane	Fifteen minutes
321	All additional charges will be in one-quarter hour (fifteen minutes) increments.	
322		
323	Ice (<u>Accumulated throughout year. Accounts reviewed each December for rate adjustment</u>	
324	<u>based on previous year's actual tons of ice purchased.</u>	
325	<u>0>100 tons</u>	\$130.90/per ton
326	<u>101>300 tons</u>	<u>\$128.00/per ton</u>
327	<u>301>500 tons</u>	<u>\$124.00/per ton</u>
328	<u>501>700 tons</u>	<u>\$121.00/per ton</u>
329	<u>701>1000 tons</u>	<u>\$118.00/per ton</u>
330	<u>Over 1001 tons</u>	<u>\$115.00/per ton</u>
331		
332		
333		
334	Seafood Wharfage/Fish product	Setting a tariff of \$4.76 per ton of
335		seafood/fish product across the docks. _____
336		
337		regardless of species.
338		Regardless of species bait in quantities greater than one
339		ton that is loaded onto a vessel at Fish Dock, shall be
340		charged seafood wharfage.
341		
342	Freight NOS, Nonfish Cargo	\$14.50/per ton for cargo going over the
343		Fish Dock.
344		
345	Fish Waste Disposal Fees/Fish Grinder	\$5.00/Tub
346		\$30.00/Tote
347		
348	Fishing gear is free from wharfage, except as otherwise provided under a lease agreement, contract or	
349	operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded into totes or	
350	transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate, unless this is ice that	
351	was purchased from the City Ice Plant.	

352
353 ~~Minimum per hour charge for the cranes and cold storage inspection will be one quarter hour (fifteen~~
354 ~~minutes). All additional charges will be in one quarter hour (fifteen minutes) increments.~~
355

356 MARINE REPAIR FACILITY:

357
358 User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as follows:

- 359 (1) Upland Dry Dockage use Fee per Month: \$ 0.17 per square foot/ for vessels paying annual
360 moorage in Homer harbor ~~\$~~0.20 per square foot for transient daily, monthly, semiannual
361 moorage vessels **and \$0.25 per square foot if no moorage paid.**
362 (2) Administration Fee per month of Dry Dockage uplands usage: \$50.00
363 (3) Beach Landing Fee per calendar day: \$1.50 per foot
364 (4) Vendor Fee per calendar year: \$150.00
365 (5) Harbor Labor Fee: \$102.00 per hour/\$51.00 minimum
366

367 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the Fee
368 Schedule under Port and Harbor to reflect the newly adopted Port and Harbor Tariff 1.
369

370 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
371 2017.

372 CITY OF HOMER

373
374
375 _____
376 BRYAN ZAK, MAYOR

377 ATTEST:

378
379 _____
380 MELISSA JACOBSEN, MMC, CITY CLERK

381
382 Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 17-088

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: BRYAN HAWKINS, PORT DIRECTOR / HARBORMASTER

DATE: MAY 6, 2017

SUBJECT: PORT AND HARBOR'S FEE SCHEDULE CHANGES

BACKGROUND: With the adoption of Resolution 17-060 the revised and updated Port and Harbor Tariff No. 1, the City of Homer's Port and Harbor section of the Fee Schedule now needs to be amended to reflect the adopted changes.

RECOMMENDATION: Amend the City of Homer's Fee Schedule to reflect the new Port and Harbor Tariff No. 1.

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: June 21, 2017
SUBJECT: June 26 City Manager's Report

Financial Management Software Training

At the June 12th Council meeting I mentioned that staff was working with Caselle, the provider of our financial management software, on a resolution to a billing problem where sales tax was calculated incorrectly for last month's water and sewer bills. I am pleased to report that as part of the resolution Caselle will be providing over \$8,000 in complementary in person training for our staff. Since I began working at the City over 5 years ago there have been many complaints about the software from both veteran and occasional users. This has created the need for manual overrides, which in turn increases the opportunity for human error. I am confident multiple days of customized training will help us use the software to its fullest capacity. While switching software is an option I have considered, the learning curve for new software would be steep and potentially painful. I am hopeful that getting better customer service and customized training from our existing vendor will alleviate that need.

Citizen's Academy

I have received interest from the public in reinstating the Citizens Academy we had in 2014. The Academy provided 15 area residents with an in-depth look at every aspect of City government. Every member of the public that went through the academy had a new appreciation for the diverse services the City provides and the public servants who provide them. The budget for the academy was \$4,000. Half went to advertising/logistics and the other half to food; with every session lasting 3 hours or more over the dinner hour we felt it was important to feed people. Ideally, we would hold an academy every fall for potential candidates, however it takes a tremendous amount of staff time to pull off the Academy and department heads and Council are consumed with the budget during the fall. I would like Council's feedback on incorporating a Citizens academy into the 2018 budget (likely in February) and if they feel like it would be a valuable use of their time – ideally some council members would attend as it provides a wealth of information about the departments you oversee. See attached agenda from 2014 for more details on what the academy covered.

Alaska State Chamber Presentation

Mayor Zak and I had the privilege of presenting to the Alaska State Chamber while they were in town on the economic past, present and future of Homer. I learned a lot about our past in coal, dairy, and timber – and just when Homer to outgrow Seldovia as the regional hub preparing the presentation and discovered some great images of early Homer. Chamber representatives from all major Alaskan industries were in town for 2 days to explore our town.

ISER Report on Borough Finances and Employment

A Regional Assessment of Borough Government Finances And Employment is an analysis by ISER (Institute of Social and Economic Research at UAA) of how the decline of State revenues might affect Alaska's 19 borough governments. Below is a synopsis of the major findings, with a focus on KPB:

Since the 1980's the State has relied on oil wealth to provide three types of aid to Alaska's boroughs: revenue sharing for providing basic public services, grants for capital projects and aid for schools. The report shows that these State dollars play a very important role in financing local government, and that role has grown over time. The share of Borough revenues coming from the State more than doubled between 2005 and 2015. KPB's average budget share of State revenues over the last ten years is 14%, below the overall average rate of 28%. (It's higher than Anchorage with a large tax base but much lower than several boroughs with lower tax bases.) On average borough's raised The rest of their revenues from local taxes (52%) of their revenues from local taxes and federal dollars and miscellaneous other local fees (20%).

During these ten years, Borough government revenues have remained stable and grown. When the fiscal stress the State is experiencing makes its way to local government as State budget cuts, they will either need to raise taxes or reduce services.

The report found that Borough revenues fluctuate from year to year, and a lot of that volatility is caused by State funding fluctuations. 76% of KPB's variation in revenue is explained by changes in State dollars, on the high end. Volatility is high in boroughs with few internal sources of revenues. "This last point is important, because taxes—property taxes in particular—tend to be stable while external revenues (price of fish, numbers of tourists, federal dollars and now State dollars) tend to fluctuate." Future declines in State dollars going to boroughs will be harder on boroughs with few internal sources of revenues.

The report estimated how much the boroughs would have to collect in additional taxes, if there were no state aid at all. They were not predicting that the state will eliminate aid—the state constitution requires the state to provide for public education. But the estimates illustrate how critical state dollars are to boroughs—and to borough taxpayers. KPB borough government would have to collect an extra \$376 from each person to replace the total amount of 2015 State aid.

On the employment front, employment and wages of local government are more crucial to smaller, remote boroughs. 14.7% of total KPB jobs are borough/local government, primarily employed by the school district. Losses in this sector will impact our economy, but not as much as say the North Slope and Lake & Peninsula Borough with 59% and 61% government employment. Going forward, it will be crucial for the vulnerable economies to balance the needs of providing services and imposing taxes that fall on their residents.

A complete copy of the report can be found here: http://www.iser.uaa.alaska.edu/Publications/2017_06-RegionalAssessmentBorGovFinEmployment.pdf

Correction to Information Presented Regarding Ordinance 17-23, repealing the Permanent Fund

When Council passed Ordinance 17-23, at the last Council meeting you did so with incomplete information. I want to bring this to your attention as soon as possible incase Council would like to reevaluate passage of the Ordinance at the next meeting. Please see the attached memo from me outlining the problem, how to fix it, and why it won't happen again.

Enc:

2014 Citizens Academy Agenda

Quarterly Report on Customer Feedback Forms

Memos on Ordinance 17-23 from City Manager and Finance Director

Thank You email from Kachemak Nordic Ski Club

City of Homer Citizens Academy Agenda

Thursdays 5:30-8:00pm February 20 through March 27

Certification Ceremony April 14

- 1) Thursday February 20, 2014. 5:30 -8pm. City Hall Cowles Council Chambers. 491 E. Pioneer Avenue.

5:30 – Overview and Welcome
5:45 – Office of the City Manager
6:15 – City Attorney
6:45 – Break/Dinner
7:00 – Office of the City Clerk
8:00 – End of Day. Submit Evaluation

- 2) Thursday, February 27, 2014. 5:30-8pm. Harbormaster’s Office. 4350 Homer Spit Road.

5:30 – Welcome and Tour of Harbormaster’s Office
5:45 – Load on bus. Maintenance Shop for Dinner/Overview
6:15 – Port and Harbor Facilities Tour: DWD, Pioneer Dock, Fish Dock/Ice Plant, Overview of Facility Improvements Underway
8:00 – Wrap up at Harbormaster’s Office. Submit Evaluation.

- 3) Thursday, March 6, 2014. 5:30-8pm. Homer Public Library. 500 Hazel Avenue.

5:30 – Library
6:30 – Break/Dinner
6:45 – Personnel
7:30 – Information Technology
8:00 – End of Day. Submit Evaluation

- 4) Thursday, March 13, 2014. 5:30-8pm. Homer Public Works. 3575 Heath Street.

5:30 – Community Recreation
5:45 – Public Works
6:45 – Break/Dinner
7:00 – Water/Sewer Treatment (tour of Sewer Treatment Facility)
8:00 – Wrap up. Submit Evaluation. Sign up for Water Treatment Tour

5) Thursday, March 20, 2014. 5:30-8pm. City Hall Cowles Council Chambers. 491 E. Pioneer Avenue.

5:30 – Homer Volunteer Fire Department.

6:30 – Break/Dinner

6:45 – Homer Police Department

8:00 – End of Day. Submit Evaluation. Sign up for tour of Police Station/Fire Hall

6) Thursday March 27, 2014. City Hall Council Chambers. 491 E. Pioneer Avenue Lower Entrance.

5:30 – Planning Department

6:40 – Break/Dinner

6:50 – Finance Department

8:00 – End of Day. Submit Evaluation

1) Monday April 14, 2014. City Hall Council Chambers. 491 E. Pioneer Avenue Lower Entrance.

6:00 – City Council Regular Meeting. Certification Ceremony. Cake with Council, guests, and public.

2nd Q 2017

DATE	TYPE	CUST COMMENT	Response
Feb-11	comment	Library patron suggested the library get the Kingkiller Chronicle series.	Librarian informed patron that they do own the series and the patron was pleased.
Apr-24	concern	Melody Rose Lane street sign only has street name printed on one side of sign so drivers can only see name when driving uphill.	Communications Coordinator spoke with Public Works to understand what could be done and communicated follow up options to the customer. (The street sign is in a private driveway and is not a publically installed street sign.)
May-18	complaint	Library patron cut off of computer time.	No contact info was provided so staff could not follow up.
May-30	compliment	Special thanks to Port & Harbor staff (Matt) for assisting boatowner in getting a harbor slip for a week when he needed it for grand kid visit.	Communications coordinator forwarded compliment to staff.
May-31	concern	Online billing system does not work well; customer rec'd site certification warning.	Communications Coordinator worked with IT to run security analysis on intellipay site to insure fully secure connection. Asked customer about browsers and operating system and confirmed they were fully supported. Learned from customer that most recently the security warning did not come up when paying bill. Specific suggestions for site improvement forwarded to Finance and IT.
Jun-2	compliments x 4	1. "We Love the Library. Thank you for no more cuts!" 2. Angie at front desk "so truly helpful." 3. "We will miss Jo, but love working with Melissa." 4. "We appreciate Katie very much."	Communications coordinator forwarded compliments to staff.
Jun-2	concern	The autobilling water bill system is awkward and hard to deal with. Have wasted lots of time.	Communications coordinator (CC) worked with IT to ascertain how to best diagnose customer problem; CC spoke at length with customer to help problem solve and document aspects of the online site the customer thought could be improved. Specific suggestions forwarded to Finance and IT.
Jun-7	comment	Library patron suggested the library hook up a printer to the online catalog in order to print lists. Otherwise have to write lists down.	Library Director informed customer that she had a good idea, but the current computer is not capable of connecting to printer network. Will look into the cost to setting that up and implementing the idea.
Jun-14	concern/suggestion	On Ocean Drive (particularly on farmers market days) cars pass left-turning vehicles on the right, endangering pedestrians and bicyclists using bike lane. Put up "no passing on right" signs.	Communications coordinator informed customer Ocean Drive is a State maintained road and provided DOT&PF contact information. City followed up by notifying DOT&PF about the citizen concern.



City of Homer

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Office of the City Manager

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(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: June 21, 2017
SUBJECT: Ordinance 17-23

When Council passed Ordinance 17-23, repealing the Permanent Fund at the last Council meeting you did so with incomplete information. This is our fault as staff for not asking enough questions when preparing the backup materials; you depend on us to give you accurate and timely information from which to base your decision.

1. Problem

- a. We reported that the Permanent Fund had only earned \$25,087, or a little over 1% in 2016. This is true, the fund has received that amount in interest payments and dividends in 2016. However, the account *value* has increased significantly. We only discovered this when we requested to cash out the fund. The value of the growth side has increased by 2.86% or \$368,943 between inception in March of 2016 and June 19, 2017. The growth fund tracks the stock market and the value changes daily. Of course, this fund can fluctuate significantly; the City has been fortunate to catch a good run.
- b. The interest saved from paying off the USDA Library Loan is not \$1,000,000, as reported in Ordinance 17-23. I failed to fact check this number that had been bantered around. The Finance Department keeps an amortization schedule that has been through the audit firm. Over 17 years the avoided interest payments amount to \$464,314.

2. Options to address the problem

- a. No change, maintain policy decision to abolish Permanent Fund. No need to take action.
- b. Rescind Ordinance 17-23. Maintain Permanent Fund and do not pay off library loan or dedicate funds to a new police station at this time.
- c. Rescind Ordinance 17-23 and replace it with a new ordinance liquidating only a portion of the fund. For example, Council could liquidate \$1.2m to pay off the library loan and leave the remainder in the Permanent Fund until needed by the Police Station project.

3. How this won't happen again. While I cannot promise I or staff will not make mistakes, I can say that we have learned a valuable lesson to slow down, double check numbers, and perform a deeper analysis even if it means delaying the passage of legislation. What I hope you do have confidence in is that we will not hide a mistake from you once we find it and will bring you the correct information as soon as possible.

Enc: Memo from Finance Director on Permanent Fund and Library Loan



City of Homer

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Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum

TO: Mayor Zak and Homer City Council
 THROUGH: Katie Koester, City Manager
 FROM: Elizabeth Walton, Finance Director
 DATE: June 21, 2017
 SUBJECT: Update on Permanent Fund and Library Loan

The purpose of this memo is to clarify the market value and earnings of the Permanent Fund and to re-analyze the potential interest savings of paying off the Library Loan.

Permanent Fund Analysis:

Growth Sub-Fund:

When analyzing a fund that is invested primarily in the stock market, as is the growth sub-fund, it is imperative to incorporate the metric of position value when determining overall performance. If you fail to include this metric the dividends earned alone on the investments will inaccurately, and most likely, underreport overall performance in the account.

Below is a comparison summary of earnings in the Growth Sub-Fund between March 9, 2016 (date of inception) and June 19, 2017:

Amount Originally Invested	\$1,269,706.75
Market Value as of 2/28/17	\$1,556,176.01
Market Value as of 6/19/17	\$1,609,998.50
Total Dividends Earned	\$28,651.55
Net Gain (since inception)	\$368,943.30
<i>(Δ in Market Value plus Dividends Earned)</i>	
Rate of Return (since inception)	22.86%

As you can see from the chart above, the growth fund has performed quite well for the City of Homer. As of 6/19/17, we have received total net gains of \$368,943.30, which correlates to a 22.86% rate of return over the length of investment.

Income Sub-Fund:

When determining the overall performance for a fund invested primarily in the bond market, as is the income sub-fund, it is important to analyze the total interest received on investments. It is also important to consider the date of maturity on the bonds purchased and the potential earnings lost if liquidation occurs.

Below is a summary of the two bonds that are currently held in the income sub-fund:

Federal National Mortgage Association (FNMA) Bond:

- Maturity Date: 12/23/2020
- Interest Payments Received to Date totals \$4,986:
 - On 6/23/16 received \$1,666
 - On 12/23/16 received \$3,320
- Bond will continue to pay \$3,320 in interest every 6/23 and 12/23 until maturity

As you can see from above, if the City elects to liquidate this bond investment prior to maturity, we will miss out on guaranteed interest payments totaling \$26,560.

Federal Farm Credit Bank (FFCB) Bond:

- Maturity Date: 2/22/2019
- Interest Payments Received to Date totals \$3,584:
 - On 8/22/16 received \$1,792
 - On 2/22/17 received \$1,792
- Bond will continue to pay \$1,792 in interest every 8/22 and 2/22 until maturity

As you can see from above, if the City of Homer elects to liquidate this bond investment prior to maturity, we will miss out on guaranteed interest payments totaling \$7,168.

Library Loan Analysis:**Amortization Schedule:**

The City of Homer, Finance Department, generated the following amortization schedule for the Library Loan with USDA. We have experienced great difficulty attempting to receive the schedule from USDA directly; as they are quoted as saying “our system does not provide an amortization schedule”.

USDA Library Loan Amortization Schedule

	Principal	Interest	Total	Balance
2012				1,368,811
2013	43,361	56,463	99,824	1,325,450
2014	45,149	54,675	99,824	1,280,301
2015	47,012	52,812	99,824	1,233,289
2016	48,951	50,873	99,824	1,184,338
2017	50,970	48,854	99,824	1,133,368
2018	53,072	46,752	99,824	1,080,296
2019	55,262	44,562	99,824	1,025,034
2020	57,541	42,283	99,824	967,493
2021	59,915	39,909	99,824	907,578
2022	62,386	37,438	99,824	845,192
2023	64,960	34,864	99,824	780,232
2024	67,640	32,184	99,824	712,592
2025	70,428	29,394	99,822	642,164
2026	73,335	26,489	99,824	568,829
2027	76,360	23,464	99,824	492,469
2028	79,510	20,314	99,824	412,959
2029	82,789	17,035	99,824	330,170
2030	86,204	13,620	99,824	243,966
2031	89,760	10,064	99,824	154,206
2032	93,463	6,361	99,824	60,743
2033	60,743	2,506	63,249	-
	Original Loan Balance	\$1,700,000		
	Interest Rate	4.125%		
	Loan Term	30 Years		
	Yearly Payment	\$99,824		

Loan Payoff Analysis:

Below is a breakdown of the payoff amount for the Library Loan with USDA. These figures are calculated based on a payoff date of on or before July 1, 2017.

Payoff by July 1, 2017				
City of Homer Schedule			USDA Data	
Unpaid Principal	\$1,184,338.00		Unpaid Principal	\$ 1,184,339.65
Unpaid 2017 Interest	37,075.50		Unpaid 2017 Interest	\$ 37,075.51
Payoff Amount	\$1,221,413.50		Payoff Amount	\$ 1,221,415.16

As you can see from above, the City of Homer’s schedule correlates very closely with the information the library received from the USDA. Therefore, the Finance Department is able to rely on the data presented in our amortization schedule and can accurately approximate the interest savings if the City of Homer opts to pay off the Library Loan with USDA.

To determine the potential interest savings by paying off the loan by July 1, 2017 you have sum up the interest payments remaining on the loan and add that to the unpaid interest amount for 2017. Based on this calculation the potential interest savings is as follows:

Interest Savings On Remaining Life of Loan	\$ 464,314.50
--	---------------

Overall Analysis:

By looking at the data presented in this memo, it is apparent that the Permanent Fund investments have been performing quite well for the City of Homer. There is some benefit to paying off the Library Loan early, as it would save the City roughly \$464,315 over the course of seventeen years. However, it is also important to compare those savings against the performance of the Fund to determine which option is in the City's best financial interest. If all market conditions remain the same, the City stands to benefit more financially from the growth in our investments held within the Permanent Fund than it would with paying off the Library Loan.

Recommendation:

Review updated data on the performance of the Permanent Fund and the savings on the USDA Library Loan. Discuss the potential impacts of the decisions made and reassess position.

From: Richard and Marylou Burton
To: [Department Clerk](#)
Subject: Kachemak Nordic Ski Club thank you
Date: Thursday, June 15, 2017 8:48:21 AM

Dear Homer City Council,

Thank you for the support you have given the Kachemak Nordic Ski Club by providing money to the Homer Foundation for grants to non-profits. The money provided by the 2017 City of Homer Grants Program is being used to help offset the costs associated with maintaining and grooming the Homer area trails managed by the ski club. These trails include a system of trails at Baycrest, Lookout Mountain, and the McNeil/Eveline area that are maintained and groomed for winter cross-country skiing. We are also maintain an accessible trail and viewing platform for summer and winter use at the Eveline State Recreation Site, which is managed by the ski club. We continue to work toward additional summer trail access at all of the areas we maintain. Additionally, money from this grant helps to fund work to improve our strategic and financial planning processes as well as our efforts to obtain larger grants that allow us to improve the facilities at our recreation areas. Being able to show support from our local government is critical in the evaluation of these grant requests.

We appreciate the support that the Homer Foundation and the City of Homer give to non-profit organizations. With the help of grants such as this, we can continue to provide excellent winter and summer outdoor recreational opportunities for children and adults in Homer as well as visitors to our area. It is very important that the city of Homer contribute to the funding of non-profits because they bring so much to our quality of life. Thank you again for your support.

Sincerely,

Kachemak Nordic Ski Club Board

Mike Gracz – President
Stacey Buckelew – Vice president
Richard Burton – Treasurer
Christine Anderson – Secretary
Jan Spurkland
Jasmine Maurer
Jason Neely
Derek Bynagle
Glenn Seaman



City of Homer

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Office of the City Clerk

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Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: JUNE 22, 2017
SUBJECT: BID REPORT

REQUEST FOR PROPOSALS FOR HARBOR MANAGEMENT SYSTEM

The City of Homer, Alaska, Port and Harbor Division, is requesting proposals from qualified firms for a custom Harbor Management System to replace Port and Harbor's existing outdated harbor software system that manages billable events occurring within the Port and Harbor infrastructure. Successful proposer will be contracted to design, develop, test, and implement a custom Harbor Management System that tracks billing and vessel information using handheld field devices, interfaces with external and internal systems, calculates charges, generates monthly statements and tracks payment status. A **mandatory pre-proposal meeting/teleconference will be held Friday, June 9, 2017 at 2:00 pm** at the Homer City Hall Conference Room. Sealed proposals for the **Harbor Management System** will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:00 PM, Friday, June 30, 2017**. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the bids shall not be considered. **All proposers must submit a City of Homer Proposal Holders Registration form to be on the Proposal Holders List** The Proposal holder registration form and the RFP package are available on line at <http://www.cityofhomer-ak.gov/rfps>.

INVITATION TO BID FRISBEE COURT ROAD PAVING IMPROVEMENTS

Sealed bids for the construction of the Frisbee Court Road Paving Improvements 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. on Thursday, July 13, 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 online at <http://www.cityofhomer-ak.gov/rfps>. A Pre-Bid Conference will be held at **1:30 p.m. on Tuesday, June 27, 2017** in the City Hall Second Floor Conference Room (491 East Pioneer Avenue) to answer bidder's questions. Immediately after, interested parties can complete a site visit with the City Engineer.

INVITATION TO BID SOUNDVIEW SIDEWALK AND PEDESTRIAN SAFETY IMPROVEMENTS

Sealed bids for the construction of the Soundview Sidewalk and Pedestrian Safety Improvements 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. on Thursday, July 20, 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 online at <http://www.cityofhomer-ak.gov/rfps>. A Pre-Bid Conference will be held at **1:30 p.m. on Wednesday, July 5, 2017** in the City Hall Second Floor Conference Room (491 East Pioneer Avenue) to answer bidder's questions. Immediately after, interested parties can complete a site visit with the City Engineer.

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-05

An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating \$970,870 From the Homer Accelerated Roads/Trails Program (HART) for the Greatland Street Improvements (Option C) Project, and Authorizing the City Manager to Execute All Appropriate Documents.

Sponsor: Erickson

1. Council Regular Meeting January 23, 2017 Introduction
 - a. Memorandum 17-019 from Public Works Director
 - b. Greatland Street Improvement – Option A, B & C

2. Council Regular Meeting March 13, 2017 Pending Business after review by Planning Commission
 - a. Memorandum 17-019 from Public Works Director
 - b. Greatland Street Improvement – Option A, B & C
 - c. Memorandum 17-041 from City Planner
 - d. Staff Reports and Minutes

3. Council Regular Meeting March 28, 2017 Public Hearing and Second Reading
 - a. Memorandum 17-019 from Public Works Director
 - b. Greatland Street Improvement – Option A, B & C
 - c. Memorandum 17-041 from City Planner
 - d. Staff Reports and Minutes
 - e. Letter from Public Works Director to Property Owners Re: Proposed Greatland Street Improvements

4. Council Regular Meeting June 26, 2017 Pending Business
 - a. Memorandum 17-019 from Public Works Director
 - b. Greatland Street Improvement – Option A, B & C
 - c. Memorandum 17-041 from City Planner
 - d. Memorandum 17-095

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

Erickson

3
4 **ORDINANCE 17-05(A)**

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

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

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

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

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

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

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

39
40 WHEREAS, Since Option C cost more than Option A but provides the same benefit to
41 adjacent property owners as Option A, fair share costs to benefitting property owners under
42 Option C should be no more than that required under Option A; and

44 WHEREAS, Since only one property owner will benefit directly from the construction of
45 Option C, rather than creating a special assessment district (SAD), the City shall enter into an
46 agreement with this property owner to establish fair share road construction costs (at stated
47 above), conditions of land acquisition purchases, and other cooperative arrangements.
48

49 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
50

51 Section 1. The FY 2017 Operating Budget is hereby amended by appropriating \$970,870
52 from the Homer Accelerated Roads/Trails Fund (HART) for the design, platting, land acquisition,
53 construction, inspection, project management, and administrative costs associated with
54 completing the Greatland Street Improvements (Option ~~CA~~).

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
620-0375 (HART)	Greatland Street Improvements (Option CA)	\$970,870
		<u>\$671,053</u>

59
60 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall
61 not be codified.
62

63 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____,
64 2017.

65
66 CITY OF HOMER
67

68
69 _____
70 BRYAN ZAK, MAYOR
71

72 ATTEST:
73

74
75 _____
76 JO JOHNSON, MMC, CITY CLERK
77

78
79 YES:

80 NO:

81 ABSTAIN:

82 ABSENT:
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85
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87 First Reading:
88 Public Hearing:
89 Second Reading:
90 Effective Date:

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95 Reviewed and approved as to form:

96
97

98 _____

99 Mary K. Koester, City Manager

100

101 Date: _____

102

Holly C. Wells, City Attorney

Date: _____



City of Homer

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Public Works

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Memorandum 17-095

TO: Katie Koester - City Manager
FROM: Carey Meyer – Public Works Director
DATE: June 19, 2017
SUBJECT: **Greatland Street Improvement Recommendations
Answers to Council Questions**

As the City Council discussed the alternatives to extending Greatland Street, seeking a consensus regarding Ordinance 17-05, the Council requested answers to several questions:

What do property owners potentially affected by the project think about the idea of a SAD and the associated costs?

Whether it is the property owner most financially affected by the creation of a SAD (Valentin Caspaar - Save-U-More), or the other lot owners with frontage on the proposed project(s); none expressed interest in being assessed for their share of the cost of any road improvements (as would be the case under the HART SAD policy).

Will pedestrian access be maintained under all alternatives?

Option A (Extending Greatland Directly North) would provide sidewalks on each side of extended Greatland Street up to Pioneer Avenue (similar to what exists on the current Greatland Street improvement).

Option B and C (which vacates the northern portion of Greatland Street right-of-way) would include a sidewalk along the new road connection up to the Pioneer Avenue at Bartlett and a pedestrian access (paved or gravel trail) in an easement within the vacated Greatland Street right-of-way.

Can a traffic engineer look at the alternatives and provide recommendations?

Since all of the intersections that would be created under any of the options being considered are on State roads; I contacted the ADOT Regional Traffic Engineer – Scott Thomas to get his opinion regarding the alternatives. He had the following comments:

From email received 2/24/17:

“From a traffic perspective, each of these through connections raises the possibility of another traffic signal”. *(in other words – new Greatland connection at Pioneer or at Main would in the future create possibility of the need for a signal)*

“I would recommend a focus on Pioneer/Bartlett, and Pioneer/Main”. *(this traffic engineer sees advantages to Option B or C)*

“Greatland/Main and Greatland/Sterling are concerns that are likely resolved through directional turn lanes”. *(under option A, to forestall need for signals or the need to limit turning movements, left and right turn lanes could be necessary on all approaches)*

“Option A could force lots of doglegged turning movements and calls for conflict reduction. This could lead to raised median and restricted movements at each end of Greatland, but not more signals – too poor at keeping Pioneer or Sterling moving”. *(future increases in left turn onto and from Greatland will result in raised medians on Pioneer and Sterling Highway, which could eliminate these turning movements)*

“Greatland’s proximity to Main means it will likely be downgrades for turns by DOT/PF in the event of too much traffic or turns”. *(in the future under Option B, without a signal at Main/Greatland, left hand turns likely will be prohibited from and onto Main Street.)*

“Option B does a good job of focusing and maximizing potential future signals at or near ¼ mile, a goal for minimum signal spacing. Here we are getting down to 970 to 1000 feet on Pioneer – an option that could work but would be a last resort signal”. *(signals to close together create problems; Option B minimizes intersections and keeps the ones being created sufficiently separated)*

“Option B does a very good job of making use of future signals – at Main Street soon and at Bartlett in the long term”.

“Option B also does a good job of deprioritizing “bypass” of signals and congestion at other locations, and instead creates a more likely route to emphasize non-motorized traffic connectivity. More of a “complete street”.

“Would evaluate All Way Stop warrants for Option B and Main. Possibly easily installed with STOP signs. Basically, if all 3 legs are equal demand and gaps on Main become poor, then it is a candidate”. *(under Option B, current traffic would allow four-way stop at Pioneer and Greatland; three way stops at Main Street and Greatland)*

“Also – ADOT does not recommend vacation in general if you see the potential for drainage or utility use of the Greatland ROW. It does not have to be a road to be useful as a public ROW. Especially if you are constrained elsewhere by transportation and need a new place for utilities, drainage, walking other uses”. *(Under Option b or C, Greatland Avenue south of Pioneer would not be totally vacated, utility easements, pedestrian access and drainage corridor would remain)*

What about right hand turns only on each side of Greatland.

Justifications for right or left turn bays would have to be evaluated during design, but preliminary indications are that based on current traffic volumes, separate turning lanes will not be needed and all turning movements can be accommodated at a reasonable level of service.



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Memorandum 17-019

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

Background:

Extending Greatland Street north to Pioneer Avenue has been contemplated for some time. The driving force has been interest in providing more direct vehicular and pedestrian access to Save-U-More and eliminating the need to access the area from and back onto the Sterling Highway. Moving forward with this extension is complicated by the recommendations of the Homer 2005 Transportation Plan, which recommends that the northern portion of Greatland Street be vacated and a new east/west road be extended to connect to Pioneer at Bartlett Street (to the west) and Main Street (to the east). See attached Exhibit A and B showing what extending Greatland to the north (Option A) would look like and how the Transportation Plan recommendations (Option B) could be implemented.

One of the major recommendations of the Transportation Plan was to develop a new road corridor through the central business district that could provide additional east/west traffic/pedestrian access and reduce traffic on Pioneer Avenue and the Sterling Highway. The plan envisioned extending a new road from Lake Street to Heath Street along Waddell Way (accomplished in 2016); pushing through a road from Poopdeck to Main (through "town center"); and extending the corridor west of Main Street, across Greatland Street, and connecting into Pioneer Avenue at Bartlett Street. This would allow for the northern portion of Greatland Street to be vacated, eliminating a poorly aligned Pioneer/Greatland intersection (Greatland north of Pioneer Avenue has already been vacated), and creating a four-way intersection at Pioneer and Bartlett (reducing the number of intersections and conflicting turning movements along Pioneer Avenue).

Discussion:

Projects like this are best accomplished when there is consensus among those affected. Public Works has contacted several of the property owners that will be most affected by

either alternative. I will not speak for them here, but in general they see value in both alternatives.

Option A – Extend Greatland North

Option A is the least expensive alternative. The estimated cost is \$643,600 (see table below). It does provide access to all area properties, has less impact to benefitting adjacent properties, and creates a connection to Pioneer Avenue. It does not provide for the recommended new east/west corridor that would benefit the entire community.

Public Works envisions that this option would be completed by creating a Special Assessment District (SAD) in which the City would pay 75% of the cost; the benefitted property owners would pay 25%. There are 3 affected property owners along Greatland who would each pay approximately \$14,679 under SAD. A SAD can be initiated by a property owner or by Council.

**Greatland Street Improvements
Overall Cost Comparision - Option A, B and C**

	Option A	Option B	Option C
Design/Survey	\$ 56,028	\$ 113,160	\$ 64,944
Platting	\$ 7,500	\$ 29,000	\$ 20,000
Property Acquisition	\$ 6,000	\$ 331,125	\$ 163,500
Inspection (4%)	\$ 18,676	\$ 37,720	\$ 21,648
Road Construction	\$ 466,900	\$ 943,000	\$ 541,200
Contingency (15%)	\$ 83,266	\$ 141,450	\$ 121,694
Project Management (3%)	\$ 14,007	\$ 28,290	\$ 16,236
City Administration (4%)	\$ 18,676	\$ 37,720	\$ 21,648
Total Project Cost	\$ 671,053	\$ 1,661,465	\$ 970,870
Property Owner Contribution	\$ 167,763	\$ 146,793	\$ 146,793
City Cost	\$ 503,289	\$ 1,514,672	\$ 824,077

Option B – Vacate Greatland/Connect East/West to Main and Bartlett

Option B is the more expensive option, but conforms to the recommendation of the Transportation Plan. The cost is \$1,591,000.

Public Works envisions that this option would be completed by creating a City project, in which the one benefitted property owner through a development agreement would contribute no more than what they would pay under Option A; and the City would pay the remaining costs.

Option C – Vacate Greatland/Connect Only to West to Bartlett/Pioneer Intersection

Option C is based on Option B, but only constructs the western portion; leaving the connection to Main Street for another day. The cost is \$971,000.

Public Works envisions that this option would be completed by creating a City project, in which the one benefitted property owner through a development agreement would contribute no more than what they would pay under Option A; and the City would pay the remaining costs.



Greatland Street Improvement - Option A

1 inch = 100 feet



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Memorandum 17-041

TO: MAYOR ZAK AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: MARCH 7, 2017
SUBJECT: DRAFT ORDINANCE 17-05(A) AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE 2017 OPERATING BUDGET BY APPROPRIATING \$671,053 FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM (HART) FOR THE GREATLAND STREET IMPROVEMENTS (OPTION A) PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS.

The draft ordinance was an item on the Planning Commission Regular Agendas of February 15th and March 1st. The Commission spoke at length about the various proposals and the option to not move forward at this time. The Commission consulted the Transportation Plan and the City Engineer.

Recommendation: The Commission recommends not moving forward with this ordinance but if the Council chooses to move forward the Commission recommends option 'C' including a pedestrian access form Greatland to Pioneer.

Att.

Homer Advisory Planning Commission minutes of February 15 and March 1, 2017
Staff reports PL 17-23 & PL 17-18

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-07

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

Sponsor: Aderhold

1. Council Regular Meeting January 23, 2017 Introduction
2. Council Regular Meeting March 13, 2017 Pending Business
 - a. Memorandum 17-042 from City Planner
 - b. Staff reports and minutes from Planning Commission
3. Council Regular Meeting March 28, 2017 Public Hearing and Second Reading
 - a. Memorandum 17-042 from City Planner
 - b. Staff reports and minutes from Planning Commission
4. Reconsidered by Erickson March 29, 2017
 - a. Reconsideration passed April 10, 2017
 - b. Substitute Ordinance 17-07(S-2) Introduced April 10, 2017
5. Council Regular Meeting April 24, 2017 Public Hearing and Second Reading on Ordinance 17-07(S-2)
 - a. Memorandum 17-064 from Councilmember Aderhold
 - b. Postponed to June 26, 2017
6. Council Regular Meeting June 26, 2017 Pending Business
 - a. Substitute Ordinance 17-07(S-3)

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

- c. Grant or denial of formal recognition of a nonconforming use or structure, or a decision terminating a nonconforming use or structure.
- d. Grant or denial of a conditional fence permit.
- e. A decision by the Commission in a matter appealed to the Commission under HCC 21.93.020.
- f. Any other final decision that is expressly made appealable to the Board of Adjustment **or a hearing officer** by other provisions of the code.

Section 6. Section 21.93.060 shall be amended to read as follows:

21.93.060 Standing – Appeal to Hearing Officer.

Only the following have standing to appeal an appealable action or determination of the Planning Commission to the Board of Adjustment **or a hearing officer**:

- a. Applicant for the action or determination, or the owner of the property that is the subject of the action or determination under appeal.
- b. The City Manager, the City Planner or the City Planner’s designee, or any governmental official, agency, or unit.
- c. Any person who actively and substantively participated in the proceedings before the Commission and is aggrieved by the action or determination.
- d. Any person who actively and substantively participated in the proceedings before the Commission and would be aggrieved if the action or determination being appealed were to be reversed on appeal.

Section 7. Section 21.93.070 shall be amended to read as follows:

- a. An appeal to the Planning Commission must be filed within 30 days after the date of distribution of the final action or determination to the applicant or other person whose property is the subject of the matter being appealed.
- a. An appeal to the Board of Adjustment **or a hearing officer** must be filed within 30 days after the date of distribution of the final action or determination to the 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: _____

43
44 **a. Either the** The Board of Adjustment **or a hearing officer appointed by the City**
45 **Manager** shall hear and decide appeals **authorized by HCC 21.93. A decision**
46 **appealed under HCC 21.93 shall be heard by a hearing officer unless the**
47 **individual or entity appealing the decision selects the Board of Adjustment**
48 **to hear the appeal in their notice of appeal.** A hearing officer appointed by
49 the City Manager shall hear and decide appeals pursuant to the provisions of
50 the zoning code.

51
52 **b.** A hearing officer appointed by the City Manager to act as the decision maker in
53 appeals of decisions made by the Planning Commission must have at least five
54 years' experience acting as an administrative law judge or administrative
55 hearing officer and must be licensed to practice law in the State of Alaska and in
56 good standing.

57
58 **c. The City Manager, the City Planner or the City Planner's designee, or any**
59 **City of Homer official, agency, or unit shall appeal to a hearing officer and**
60 **may not select to appeal to the Board of Adjustment.**

61
62 Section 3. Section 21.91.120 shall be amended as follows:

63
64 Appeals heard by the Board of Adjustment **or a hearing officer** shall be
65 conducted according to applicable procedures specified in Chapter 21.93 HCC.

66
67 Section 4. Section 21.91.130 shall be amended as follows:

68
69 a. An appeal from a final decision of the Board of Adjustment **or a hearing**
70 **officer** may be taken directly to the Superior Court by a party who actively and
71 substantively participated in the proceedings before the Board of Adjustment
72 **or the hearing officer** or by the City Manager or City Planner or any
73 governmental official, agency, or unit.

74
75 b. An appeal to the Superior Court shall be filed within 30 days of the date of
76 distribution of the final decision to the parties appearing before the Board of
77 Adjustment **or hearing officer.**

78
79 c. An appeal from a final decision of the **Board of Adjustment or** hearing
80 officer to the Superior Court is governed by court rules.

81
82 Section 5. Section 21.93.030 shall be amended to read as follows:

84 21.93.030 Decisions subject to appeal to the Board of Adjustment **or a hearing**
85 **officer.**

86
87 The following acts or determinations of the Commission, when final, may be
88 appealed to the Board of Adjustment **or a hearing officer appointed by the**
89 **City Manager** by a person with standing:

- 90 a. Grant or denial of a conditional use permit.
- 91
- 92 b. Grant or denial of a variance.
- 93
- 94 c. Grant or denial of formal recognition of a nonconforming use or structure, or
- 95 a decision terminating a nonconforming use or structure.
- 96
- 97 d. Grant or denial of a conditional fence permit.
- 98
- 99 e. A decision by the Commission in a matter appealed to the Commission
- 100 under HCC 21.93.020.
- 101
- 102 f. Any other final decision that is expressly made appealable to the Board of
- 103 Adjustment **or a hearing officer** by other provisions of the code.
- 104
- 105

106 Section 6. Section 21.93.060 shall be amended to read as follows:

107
108 21.93.060 Standing – Appeal to Hearing Officer.

109
110 Only the following have standing to appeal an appealable action or
111 determination of the Planning Commission to the Board of Adjustment **or a**
112 **hearing officer:**

- 113 a. Applicant for the action or determination, or the owner of the property that
- 114 is the subject of the action or determination under appeal.
- 115
- 116 b. The City Manager, the City Planner or the City Planner’s designee, or any
- 117 governmental official, agency, or unit.
- 118
- 119 c. Any person who actively and substantively participated in the proceedings
- 120 before the Commission and is aggrieved by the action or determination.
- 121
- 122 d. Any person who actively and substantively participated in the proceedings
- 123 before the Commission and would be aggrieved if the action or determination
- 124 being appealed were to be reversed on appeal.
- 125

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Section 7. Section 21.93.070 shall be amended to read as follows:

- a. An appeal to the Planning Commission must be filed within 30 days after the date of distribution of the final action or determination to the applicant or other person whose property is the subject of the matter being appealed.
- b. An appeal to the Board of Adjustment **or a hearing officer** must be filed within 30 days after the date of distribution of the final action or determination to the applicant and other parties, if any.

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.

166 7. **The appellant's choice of decision maker, which may be either**
167 **the Board of Adjustment or a hearing officer appointed by the**
168 **City Manager.**
169

- 170 c. The City Clerk shall reject any notice of appeal that does not comply with
171 HCC 21.93.070 and this section and notify the appellant of the reasons for
172 the rejection. If a notice of appeal is rejected for reasons other than
173 timeliness, a corrected notice of appeal that complies with this section will
174 be accepted as timely if filed within seven days of the date on which the
175 City Clerk mails the notice of rejection.
176
177 d. The City Clerk shall mail copies of the notice of appeal to all parties of
178 record in the proceeding appealed from within seven days of the date on
179 which the City Clerk determines the notice of appeal complies with HCC
180 21.93.070 and this section.
181
182 e. Any person with standing under HCC 21.93.050 or 21.93.060, whichever is
183 applicable, may, within seven days after ~~date of the~~ **date the** City
184 Clerk's ~~mailing~~ **mailed** copies of an accepted notice of appeal, file notice of
185 cross appeal. Any notice of cross appeal shall, to the extent practical,
186 comply with subsection (b) of this section.
187
188 f. The City Clerk shall promptly give notice of the cross appeal to the
189 appellant and all other parties who have filed a notice of appearance.
190

191 Section 9. Section 21.93.100 shall be amended to read as follows:
192

- 193 a. All appeals must be heard within 60 days after the appeal record has been
194 prepared. The body **or officer** hearing the appeal may for good cause shown
195 extend the time for hearing. The decision on appeal must be rendered within
196 60 days after the appeal hearing.
197
198 b. The appellant, the applicant for the action or determination that is the
199 subject of the appeal, the owner of the property that is the subject of the
200 action or determination, and all parties who have entered an appearance shall
201 be provided not less than 15 days' written notice of the time and place of the
202 appeal hearing. Neighboring property owners shall be notified as set forth in
203 HCC 21.94.030.
204
205 c. **When an appellant chooses to appeal to a hearing officer, the City Clerk**
206 **shall identify the hearing officer in the notice of hearing. All parties shall**
207 **have ten days from the date of the notice to object to the hearing officer**

208 **based upon conflicts of interest, personal bias or ex parte contacts.**
209 **Failure to file an objection to the hearing officer within the ten days shall**
210 **waive any objection to the hearing officer.**

211
212 **ed.** An electronic recording shall be kept of the entire proceeding. Written
213 minutes shall be prepared. The electronic recording shall be preserved for one
214 year unless required for further appeals. No recording or minutes shall be kept
215 of deliberations that are not open to the public.

216
217 Section 10. Section 21.93.110 shall be amended to read as follows:

218
219 a. All final decisions on appeals shall be in writing, and shall state the **names**
220 **and** number of members of the body who participated in the appeal, **the**
221 **names and** number voting in favor of the decision, and the **names and**
222 number voting in opposition to the decision. **All final decisions issued by a**
223 **hearing officer must state the name of the officer.**

224
225 b. A decision shall include an official written statement of findings and reasons
226 supporting the decision. This statement shall refer to specific evidence in the
227 record and to the controlling sections of the zoning code. Upon express vote,
228 the body **or hearing officer** may adopt, as **their**s statement of findings and
229 reasons, those findings and reasons officially adopted by the body **or officer**
230 **below** from which the appeal was taken.

231
232 c. Copies of the written decision shall be promptly mailed to the appellant, the
233 applicant for the action or determination that is the subject of the appeal, the
234 owner of the property that is the subject of the action or determination, and all
235 parties who entered a written notice of appearance in the appeal proceeding.

236
237 Section 11. Section 21.93.500 shall be amended to read as follows:

238
239 21.93.500 Parties eligible to appeal Planning Commission decision to the
240 Board of Adjustment **or a hearing officer** – Notice of appearance.

241
242 a. Only persons who actively and substantively participated in the matter
243 before the Commission and who would be qualified to appeal under HCC
244 21.93.060 may participate as parties in an appeal from the Commission to the
245 Board of Adjustment **or a hearing officer.**

246
247 b. Any person so qualified who desires to participate in the appeal as a party,
248 other than the appellant, the City Planner or the City Planner's designee, the
249 applicant for the action or determination that is the subject of the appeal and

250 the owner of the property that is the subject of the action or determination,
251 must, not less than 14 days before the date set for the appeal hearing, file with
252 the City Clerk a written and signed notice of appearance containing that
253 party's name and address, and proof that the person would be qualified under
254 HCC 21.93.060 to have filed an appeal.

255
256 Section 12. Section 21.93.510 shall be amended to read as follows:

257
258 a. Except as provided in subsections (b) and (c) of this section, the Board of
259 Adjustment **or hearing officer** shall not consider allegations of new evidence
260 or changed circumstances and shall make ~~its~~**their** decision based solely on the
261 record. If new evidence or changed circumstances are alleged, the Board of
262 Adjustment **or hearing officer** may, in ~~its~~ **their** discretion, either hear the
263 appeal without considering the allegations or may remand the matter to the
264 appropriate lower administrative body or official to rehear the matter, if
265 necessary.

266
267 b. When the standing of a person is in issue, the Board of Adjustment **or**
268 **hearing officer** may take additional evidence for the limited purpose of
269 making findings on the question of the person's standing. No evidence
270 received under this subsection shall be considered for purposes other than
271 determining standing.

272
273 Section 13. Section 21.93.520 shall be amended to read as follows:

274
275 a. The appeal record shall be completed within 30 days after receipt of a timely
276 and complete notice of appeal to the Board of Adjustment **or hearing officer,**
277 **and** shall consist of the items, and shall be prepared in the manner, described
278 in this subsection.

279
280 1. The Clerk will assemble and paginate all relevant documents
281 involved in the original decision, including any staff reports, minutes, exhibits,
282 notices, and other documents considered in making the original decision.

283
284 2. A party may elect to include a verbatim transcript of the testimony
285 before the Planning Commission in the appeal record by making a written
286 request to the City Clerk for a recording of the testimony within 14 days after
287 the Clerk mails copies of the notice of appeal to the parties pursuant to HCC
288 21.93.080(d). The requesting party shall arrange and pay for the preparation of
289 the transcript. Only a transcript prepared and certified as accurate by a
290 qualified court reporter shall be accepted. The original transcript must be filed

291 with the City Clerk to be provided to the hearing officer with the record on
292 appeal.

293
294 b. The appellant, the applicant for the action or determination that is the
295 subject of the appeal, the owner of the property that is the subject of the
296 action or determination, and other parties who have entered an appearance
297 shall be notified by mail when the record and transcript, if ordered, are
298 complete. Any person may obtain a copy upon payment of the costs of
299 reproduction and any applicable mailing costs.

300
301 Section 14. Section 21.93.540 shall be amended to read as follows:

302
303 a. The meeting at which the Board of Adjustment hears an appeal shall be
304 open to the public. **An appeal before the hearing officer shall also be open**
305 **to the public.** The City Attorney or another attorney acting as legal counsel to
306 the Board shall be present **at appeals before the Board of Adjustment.**

307
308 b. Each party (each appellant, cross-appellant, and respondent) may present
309 oral argument at the appeal hearing, subject to the order of presentation and
310 time limitations that the Board of Adjustment **or hearing officer** adopts at the
311 commencement of the hearing. The taking of testimony or other evidence is
312 limited by HCC 21.93.510.

313
314 c. The Board of Adjustment **or hearing officer** may undertake deliberations
315 immediately upon the conclusion of the hearing on appeal or may take the
316 matter under advisement and meet at such other time as is convenient for
317 deliberations until a decision is rendered. Deliberations need not be public.

318
319 d. The Board of Adjustment **or hearing officer** may exercise his or her
320 independent judgment on legal issues raised by the parties. "Legal issues" as
321 used in this section are those matters that relate to the interpretation or
322 construction of the zoning code, ordinances or other provisions of law.

323
324 e. The Board of Adjustment **or hearing officer** shall defer to the findings of the
325 lower administrative body regarding disputed issues of fact. Findings of fact
326 adopted expressly or by necessary implication by the lower body shall be
327 considered as true if they are supported by substantial evidence. But findings
328 of fact adopted by less than a majority of the lower administrative body shall
329 not be given deference, and when reviewing such findings of fact the Board of
330 Adjustment **or hearing officer** shall exercise independent judgment and may
331 make ~~its~~**their** own findings of fact. If the lower administrative body fails to
332 make a necessary finding of fact and substantial evidence exists in the record

333 to enable the Board of Adjustment **or hearing officer** to make the finding of
334 fact, ~~it~~**they** may do so in the exercise of ~~its~~ **their** independent judgment, or, in
335 the alternative, the Board of Adjustment **or hearing officer** may remand the
336 matter for further proceedings. “Substantial evidence,” as used in this section,
337 means such relevant evidence as a reasonable mind might accept as adequate
338 to support a conclusion.
339

340 Section 15. Section 21.93.550 shall be amended to read as follows:

341 21.93.550 Board of Adjustment **or Hearing Officer** Decision

342 a.The Board of Adjustment **or hearing officer** may affirm or reverse the
343 decision of the lower administrative body in whole or in part. **If the appeal is**
344 **heard by the Board of Adjustment, a** A majority vote of the fully constituted
345 Board is required to reverse or modify the action or determination appealed
346 from. For the purpose of this section, the fully constituted Board shall not
347 include those members who do not participate in the proceedings due to a
348 conflict of interest or disqualifying ex parte contacts, disqualifying partiality, or
349 other disqualification for cause. A decision affirming, reversing, or modifying
350 the decision appealed from shall be in a form that finally disposes of the case
351 on appeal, except where the case is remanded for further proceedings.
352

353 b.The Board may seek the assistance of legal counsel, City staff, or parties in
354 the preparation of a decision or proposed findings of fact.
355

356 Section 16. Section 21.93.560 shall be amended to read as follows:

357 a. The Board of Adjustment **or hearing officer** may remand the appeal to the
358 lower administrative body when the Board **or hearing officer** determines that:

- 359 1. There is insufficient evidence in the record on an issue material to the
360 decision of the case;
- 361 2. There has been a substantial procedural error that requires further
362 consideration by the lower administrative body; or
- 363 3. There is other cause requiring further proceedings by the lower
364 administrative body.

365 b. A decision remanding a case shall describe any issue upon which further
366 evidence should be taken, and shall set forth any further directions the Board
367
368
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373

374 **or hearing officer** deems appropriate for the guidance of the lower
375 administrative body.

376
377 c. The lower administrative body shall promptly act on the case upon remand
378 in accordance with the decision of the Board of Adjustment **or hearing officer**.
379 A case on remand has priority on the agenda of the lower administrative body,
380 except cases remanded under HCC 21.93.510(a) are not entitled to priority. The
381 applicant or owner of the property in question may waive the priority given by
382 this subsection.

383
384 Section 17. Section 21.93.570 shall be amended to read as follows:

385
386 If no specific procedure is prescribed by the code, the Board of Adjustment **or**
387 **hearing officer** may proceed in an administrative appeal in any lawful manner
388 not inconsistent with this title, statutes, and the Constitution.

389
390 Section 18. Section 21.93.700 shall be amended to read as follows:

391
392 a. A member of the Planning Commission, ~~or~~ Board of Adjustment **or a hearing**
393 **officer** appointed to hear an appeal from a Planning Commission decision may
394 not participate in the deliberation or voting process of an appeal if, following
395 the procedures set forth in this chapter, the Commission, or Board member **or**
396 **hearing officer** is determined to have a substantial financial interest in the
397 official action, as defined in Chapter 1.18 HCC. In the absence thereof, all
398 Commission; or Board members **or a hearing officer** shall participate in the
399 deliberation and voting process unless excused pursuant to other provisions of
400 this chapter.

401
402 b. When a financial interest of a member of the Planning Commission or Board of
403 Adjustment is disclosed on the record, the remainder of the Commission or
404 Board, respectively, shall determine whether the member should participate in
405 the matter. If it is determined the member should participate, any action taken
406 thereafter by the body shall be valid notwithstanding a later determination by
407 a court, ~~an appellate tribunal,~~ **or a hearing officer** that the member should
408 have been disqualified from participation because of a substantial financial
409 interest in the matter; except the action shall be invalidated when the
410 disqualified member's vote was necessary to establish the required majority to
411 approve the decision of the body. When a Commission or Board decision is
412 invalidated because such vote was necessary to establish the required
413 majority, the body shall commence new consideration of the matter beginning
414 at the point where the Commission or Board, respectively, determines it is

415 necessary to do so to eliminate the effect of the member's improper
416 participation.

417

418 c. **A hearing officer shall disclose any substantial financial interest, personal**

419 **bias or ex parte contact immediately upon being appointed by the City**

420 **Manager and shall refrain from accepting the appointment if a substantial**

421 **financial interest, personal bias or ex parte contact exists. If the**

422 **substantial financial interest, personal bias or ex parte contact arises after**

423 **the hearing officer's appointment, he or she shall disclose his or her**

424 **interest and shall be disqualified from serving as the hearing officer unless**

425 **all parties waive any objection to the hearing officer.**

426

427 d. For purposes of hearing an appeal, a quorum of the Commission is four

428 members **and a quorum of the Board is four members.** If it is not possible to

429 obtain a quorum of the Planning Commission **or Board of Adjustment** to hear

430 an appeal without the participation of members disqualified by reason of a

431 substantial financial interest, then all members who would be so disqualified

432 shall nevertheless participate in the appeal, including deliberations and voting,

433 and the decision rendered in such a case shall be valid notwithstanding the

434 participation of such members. This subsection shall not apply if the matter

435 can be postponed to a later date (not later than 75 days after the appeal record

436 is prepared) when the body can obtain a quorum of members who are not

437 disqualified by a substantial financial interest.

438

439 Section 19. Section 21.93.710 shall be amended to read as follows:

440

441 a. No member of the Commission or Board of Adjustment **or any hearing**

442 **officer appointed by the City Manager to review a decision issued by the**

443 **Commission** shall have ex parte communication with any person. "Ex parte

444 communication" means to communicate, directly or indirectly, with the

445 appellant, other parties or persons affected by the appeal, or members of the

446 public concerning an appeal or issues specifically presented in the notice of

447 appeal, either before the appeal hearing or during any period of time the

448 matter is under consideration or subject to reconsideration, without notice

449 and opportunity for all parties to participate in the communication.

450

451 b. This section does not prohibit:

452

453 1. Members from discussing matters relating to the appeal among

454 themselves.

455

456 2. Communications between municipal staff and Commission or Board
457 members **or the hearing officer** where:

- 458
- 459 a. Such staff members are not themselves parties to the appeal;
 - 460 and
 - 461 b. Such communications do not furnish, augment, diminish, or
 - 462 modify the evidence in the record on appeal.

463

464 3. Communications between the Commission or Board and its legal
465 counsel.

466

467 c. If, before an appeal commences, a member of the Commission or Board
468 receives an ex parte communication of a type that could not properly be
469 received while an appeal is pending, the member shall disclose the
470 communication in the manner prescribed in subsection (d) of this section at
471 the first meeting of the Commission or Board at which the appeal is addressed.

472

473 d. A member of the Commission or Board who receives an ex parte
474 communication at any time shall, at the first opportunity after the
475 communication, place on the record of the pending matter all written
476 communications received, all written responses to the communications, and a
477 memorandum stating the substance of all oral communications received, all
478 responses made, and the identity of each person from whom the member
479 received an ex parte communication. Any party to the appeal desiring to rebut
480 the ex parte communication must be granted a reasonable opportunity to do
481 so if a request is promptly made.

482

483 e. If the Commission or Board determines in its discretion it is necessary to
484 eliminate the harmful effect of an ex parte communication received in
485 violation of this section, the Commission or Board may disqualify the member
486 who received the communication from participation in the appeal. In addition,
487 the Commission may impose appropriate sanctions, including default, against
488 a party to the appeal for any violation of this section.

489

490 f. It is a violation, subject to penalties and other enforcement remedies under
491 this title:

- 492
- 493 1. For any person to knowingly have or attempt to have ex parte
494 communication with a Commission or Board **or hearing officer** in
495 violation of subsection (a) of this section.

496

497 2. For any Commission or Board member **or hearing officer** to
498 knowingly receive an ex parte communication in violation of subsection
499 (a) of this section.

500
501 3. For any Commission or Board member to knowingly fail to place on
502 the record any matter when and as required under subsections (c) and
503 (d) of this section.

504
505 Section 20. This ordinance shall take effect upon its adoption by the Homer City
506 Council.

507
508 Section 21. This ordinance is of a permanent and general character and shall be
509 included in the City Code.

510
511 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
512 _____, 2017.

513
514 CITY OF HOMER

515
516
517 _____
518 BRYAN ZAK, MAYOR

519
520
521
522 ATTEST:
523
524
525 _____
526 MELISSA JACOBSEN, MMC, CITY CLERK

527
528
529 YES:
530 NO:
531 ABSTAIN:
532 ABSENT:
533
534
535
536 First Reading:
537 Public Hearing:
538 Second Reading:

539 Effective Date:

540

541 Reviewed and approved as to form.

542

543 _____

544 Mary K. Koester, City Manager

545

546 Date: _____

547

548

549 Fiscal Note: NA

Holly C. Wells, City Attorney

Date: _____

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

Aderhold

3
4 **ORDINANCE 17-07**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 4.10.040, 8.08.120, 14.05.425,
8 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540,
9 21.93.550, 21.93.560, 21.93.570, 21.93.700, AND 21.93.710 TO
10 REMOVE THE BOARD OF ADJUSTMENT AS THE DECISION MAKING
11 BODY IN APPEALS OF PLANNING COMMISSION DECISIONS,
12 REMOVE THE CITY MANAGER AS THE DECISION MAKER
13 REGARDING THE IMPOUNDMENT OF DANGEROUS ANIMALS,
14 REMOVE THE POLICE CHIEF AS THE DECISION MAKER REGARDING
15 MERCHANT LICENSES, AND PERMIT THE CITY CLERK TO
16 DESIGNATE A HEARING OFFICER TO DETERMINE THE
17 QUALIFICATIONS OF A CANDIDATE FOR OFFICE.
18

19 WHEREAS, The City Council highly values the public's confidence in the propriety and
20 fairness of City of Homer ("City") administrative hearings and appeals; and
21

22 WHEREAS, The City Council believes that the use of hearing officers who are not
23 employed by the City or designated as the City Attorney may provide appellants and hearing
24 parties with greater confidence in the objectivity of the administrative hearing or appeal in
25 which they are participating; and
26

27 WHEREAS, The costs associated with hearing officers are generally less than or equal to
28 hourly rates for City legal counsel; and
29

30 WHEREAS, The use of hearing officers permits the City Attorney to represent the City
31 and advise it on both substantive and procedural matters,
32

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

35 Section 1. Section 4.10.040 is amended to read as follows:
36

37 The Clerk shall determine whether each candidate for municipal office is qualified as
38 provided by law. At any time before the election the Clerk may disqualify any candidate
39 whom the Clerk finds is not qualified and immediately notify that candidate by certified
40 mail. A candidate who is disqualified may request a hearing before the Clerk within five
41 days of receiving the notice. **The Clerk may appoint a hearing officer to conduct the**
42 **hearing and determine whether or not the Clerk's disqualification of the candidate**

43 **was supported by the evidence.** The hearing shall be held no later than five days after
44 the request unless the candidate agrees in writing to a later date.
45

46 Section 2. Section 8.08.120 is amended to read as follows:
47

48 **a.** Any person aggrieved by the action of the Chief of Police in the denial of an
49 application for a permit or license as provided in HCC 8.08.040, or in the decisions
50 with reference to the revocation of license as provided in HCC 8.08.050, shall have
51 the right of appeal to **a hearing officer appointed by the City Manager**~~the City~~
52 ~~Council.~~ Such appeal shall be taken by filing with the **City Clerk**~~City Council,~~ within
53 14 days after the action of the Chief of Police, a written statement setting forth fully
54 the grounds for appeal. The **City Clerk**~~City Council~~ shall set a time and place for a
55 hearing on such appeal, and notice of such hearing shall be mailed to the appellant
56 postage prepaid at his **or her** last known address at least five days prior to the date
57 set for the hearing. The decision and order of the **hearing officer**~~City Council~~ on
58 such appeal shall be final and conclusive.

59 **b. The hearing officer shall be identified in the notice of hearing. The appellant**
60 **may object to the hearing officer by providing the City Clerk a written objection**
61 **no more than ten days after the date of the notice of hearing. If the appellant**
62 **does not file an objection, any right to object to the hearing officer shall be**
63 **deemed waived.**

64 **c. The hearing officer shall disclose any conflict of interest, personal bias as soon**
65 **as he or she is aware of such conflicts or bias and shall refrain from acting as**
66 **the hearing officer if he or she has a conflict of interest or personal bias.**
67

68 Section 3. Section 14.05.425 is amended to read as follows:
69

70 If a violation of this chapter is not corrected by administrative adjustment under
71 HCC 14.05.420, then the City Manager shall order the user to show cause why
72 service should not be terminated or other enforcement action, including
73 imposition of a civil penalty, should not be taken. A written notice shall be served
74 on the user by personal service, or by certified or registered mail, return receipt
75 requested, specifying the time and place of the hearing to show cause. The
76 notice of the hearing shall be served no less than 10 days before the hearing.
77 Service may be made on any agent, officer or authorized representative of the
78 discharger. **The hearing shall be before the City Manager or his or her**
79 **designee.** After the hearing, the City Manager **or his or her designee** shall issue
80 a written decision which may include appropriate orders with respect to the
81 violations of the chapter and may include a civil penalty in accordance with HCC
82 14.05.435. The City Manager's decision **of the City Manager or his or her**
83 **designee** constitutes final administrative action for purposes of judicial review.
84

85 Section 4. Section 20.20.040 is amended to read as follows:
86

87 All animals seized pursuant to HCC 20.20.030 shall be held in impound pending
88 an administrative hearing concerning their potential destruction. The
89 administrative hearing shall be conducted as follows:

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

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

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

107
108 d. The hearing shall address and enter its formal findings as to whether:

109 1. The animal is a vicious animal under HCC 20.04.020;

110
111 2. The owner or designee thereof failed to use all reasonable
112 precautions to control his animal and protect the public;

113
114 3. The circumstances of this incident under consideration
115 constitute a danger to the public.

116 e. If **the hearing officer** ~~a majority of Board members finds~~ in the
117 affirmative as to all three of the provisions of subsection (d) of this
118 section, the ~~h~~Hearing ~~officer Board~~ shall order the animal destroyed. The
119 owner or designee, if present at the hearing, shall be verbally notified of
120 the findings and order at the conclusion of the hearing. Written findings
121 shall also be prepared and served upon the owner or designee. If the
122 owner or designee is not present at the hearing, written findings and
123 destruction order shall be served on that person as soon as possible
124 following the hearing.
125

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

134
135 g. Any appeal of the **hearing officer's**~~Hearing Board's~~ finding and
136 destruction order shall be taken through the Alaska Court System within
137 10 days of the receipt of said findings and order by the owner. The filing
138 of an appeal will automatically stay the order of destruction pending
139 resolution of the appeal. The animal shall remain in impound at the
140 owner's expense pending resolution of the appeal.

141
142 Section 5. Section 20.20.050 shall be amended to read as follows:

143
144 Vicious animals to be destroyed upon administrative **hearing officer**~~Hearing~~
145 ~~Board~~ order shall be destroyed as follows:

146
147 a. The animal shall remain in impound for 10 days following the date the
148 owner (or his designee) is verbally notified of the **hearing**
149 **officer's**~~Hearing Board's~~ decision, or the date that a written finding and
150 destruction order is served on the owner (or his designee) to allow that
151 person to appeal the destruction order through the courts.

152
153 b. If the City is not served with a notice of appeal of the destruction order
154 within the 10-day holding period outlined in subsection (a) of this
155 section, the City shall immediately proceed to humanely destroy the
156 animal.

157
158 Section 6. Section 21.41.400 shall be amended to read as follows:

159
160 a. The Planning Commission shall hear and decide appeals when it is alleged
161 there is an error in any requirement, decision, or determination made by the
162 Planning Department.

163
164 b. A **hearing officer appointed by the City Manager** shall hear and decide
165 appeals when it is alleged there is an error in any requirement, decision, or
166 determination made by the Planning Commission.

167

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

169

170 Article II. ~~Board of Adjustment~~ **Appeals of Planning Decisions.**

171

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

173

174 Section 9. Section 21.91.110 shall be renumbered 21.91.100 and amended to read as
175 follows:

176

177 a. ~~The Board of Adjustment shall hear and decide appeals pursuant to the~~
178 ~~provisions of the code, zoning code.~~ **A hearing officer appointed by the City**
179 **Manager shall hear and decide appeals pursuant to the provisions of the**
180 **zoning code.**

181

182 b. **A hearing officer appointed by the City Manager to act as the decision maker**
183 **in appeals of decisions made by the Planning Commission must have at least**
184 **five years experience acting as an administrative law judge or**
185 **administrative hearing officer and must be licensed to practice law in the**
186 **State of Alaska and in good standing.**

187

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

189

190 Appeals heard by the hearing officer shall be conducted according to applicable
191 procedures specified in Chapter 21.93 HCC.

192

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

194

195 a. An appeal from a final decision of the ~~Board of Adjustment~~ **hearing officer**
196 may be taken directly to the Superior Court by a party who actively and
197 substantively participated in the proceedings before the ~~Board of Adjustment~~
198 **hearing officer** or by the City Manager or City Planner or any governmental
199 official, agency, or unit.

200

201 b. An appeal to the Superior Court shall be filed within 30 days of the date of
202 distribution of the final decision to the parties appearing before the ~~Board of~~
203 ~~Adjustment~~ **hearing officer.**

204

205 c. An appeal from a final decision of the ~~Board of Adjustment~~ **hearing officer** to
206 the Superior Court is governed by court rules.

207

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

209

210 21.93.030 Decisions subject to appeal to **a hearing officer**.~~Board of Adjustment.~~

211
212 The following acts or determinations of the Commission, when final, may be
213 appealed to ~~the~~ **a hearing officer appointed by the City Manager**~~Board of~~
214 ~~Adjustment~~ by a person with standing:

215
216 a. Grant or denial of a conditional use permit.

217
218 b. Grant or denial of a variance.

219
220 c. Grant or denial of formal recognition of a nonconforming use or structure, or
221 a decision terminating a nonconforming use or structure.

222
223 d. Grant or denial of a conditional fence permit.

224
225 e. A decision by the Commission in a matter appealed to the Commission under
226 HCC 21.93.020.

227
228 f. Any other final decision that is expressly made appealable to ~~the Board of~~
229 ~~Adjustment~~ **a hearing officer** by other provisions of the code.

230
231 Section 13. Section 21.93.060 shall be amended to read as follows:

232
233 21.93.060 Standing – Appeal to ~~Board of Adjustment~~ **Hearing Officer**.

234
235 Only the following have standing to appeal an appealable action or
236 determination of the Planning Commission to the ~~Board of Adjustment~~ **hearing**
237 **officer**:

238
239 a. Applicant for the action or determination, or the owner of the property that is
240 the subject of the action or determination under appeal.

241
242 b. The City Manager, the City Planner or the City Planner’s designee, or any
243 governmental official, agency, or unit.

244
245 c. Any person who actively and substantively participated in the proceedings
246 before the Commission and is aggrieved by the action or determination.

247
248 d. Any person who actively and substantively participated in the proceedings
249 before the Commission and would be aggrieved if the action or determination
250 being appealed were to be reversed on appeal.

251

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

253
254 a. An appeal to the Planning Commission must be filed within 30 days after the
255 date of distribution of the final action or determination to the applicant or other
256 person whose property is the subject of the matter being appealed.

257
258 b. An appeal to **a hearing officer**~~the Board of Adjustment~~ must be filed within
259 30 days after the date of distribution of the final action or determination to the
260 applicant and other parties, if any.

261
262 Section 15. Section 21.93.100 shall be amended to read as follows:

263
264 a. All appeals must be heard within 60 days after the appeal record has been
265 prepared. The body **or officer** hearing the appeal may for good cause shown
266 extend the time for hearing. The decision on appeal must be rendered within 60
267 days after the appeal hearing.

268
269 b. The appellant, the applicant for the action or determination that is the subject
270 of the appeal, the owner of the property that is the subject of the action or
271 determination, and all parties who have entered an appearance shall be
272 provided not less than 15 days' written notice of the time and place of the appeal
273 hearing. Neighboring property owners shall be notified as set forth in HCC
274 21.94.030.

275
276 **c. A notice identifying the hearing officer shall be filed with the notice of the**
277 **hearing. All parties shall have ten days from the date of the notice to object**
278 **to the hearing officer based upon conflicts of interest, personal bias or ex**
279 **parte contacts. Failure to file an objection to the hearing officer within the**
280 **ten days shall waive any objection to the hearing officer.**

281
282 ~~d.~~ An electronic recording shall be kept of the entire proceeding. Written
283 minutes shall be prepared. The electronic recording shall be preserved for one
284 year unless required for further appeals. No recording or minutes shall be kept
285 of deliberations that are not open to the public.

286
287 Section 16. Section 21.93.110 shall be amended to read as follows:

288
289 a. All final decisions on appeals shall be in writing, and shall state the number of
290 members of the body **or officer** hearing the appeal who participated in the
291 appeal, number voting in favor of the decision, and the number voting in
292 opposition to the decision.

293

294 b. A decision shall include an official written statement of findings and reasons
295 supporting the decision. This statement shall refer to specific evidence in the
296 record and to the controlling sections of the zoning code. Upon express vote, the
297 body may adopt, as its statement of findings and reasons, those findings and
298 reasons officially adopted by the body or officer below from which the appeal
299 was taken.

300
301 c. Copies of the written decision shall be promptly mailed to the appellant, the
302 applicant for the action or determination that is the subject of the appeal, the
303 owner of the property that is the subject of the action or determination, and all
304 parties who entered a written notice of appearance in the appeal proceeding.
305

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

307
308 21.93.500 Parties eligible to appeal **Planning Commission decision to a**
309 **hearing officer**~~to Board of Adjustment~~ – Notice of appearance.

310 a. Only persons who actively and substantively participated in the matter before
311 the Commission and who would be qualified to appeal under HCC 21.93.060 may
312 participate as parties in an appeal from the Commission to **a hearing officer** ~~the~~
313 ~~Board of Adjustment~~.

314
315 b. Any person so qualified who desires to participate in the appeal as a party,
316 other than the appellant, the City Planner or the City Planner’s designee, the
317 applicant for the action or determination that is the subject of the appeal and
318 the owner of the property that is the subject of the action or determination,
319 must, not less than 14 days before the date set for the appeal hearing, file with
320 the City Clerk a written and signed notice of appearance containing that party’s
321 name and address, and proof that the person would be qualified under HCC
322 21.93.060 to have filed an appeal.

323
324 Section 18. Section 21.93.510 shall be amended to read as follows:

325
326 a. Except as provided in subsections (b) and (c) of this section, **the hearing**
327 **officer**~~the Board of Adjustment~~ shall not consider allegations of new evidence
328 or changed circumstances and shall make **his or her**~~its~~ decision based solely on
329 the record. If new evidence or changed circumstances are alleged, the **hearing**
330 **officer**~~Board~~ may, in **his or her**~~its~~ discretion, either hear the appeal without
331 considering the allegations or may remand the matter to the appropriate lower
332 administrative body or official to rehear the matter, if necessary.
333

334 b. When the standing of a person is in issue, the **hearing officer** ~~Board of~~
335 ~~Adjustment~~ may take additional evidence for the limited purpose of making

336 findings on the question of the person’s standing. No evidence received under
337 this subsection shall be considered for purposes other than determining
338 standing.

339
340 ~~c. When the disqualification of a member of the Board of Adjustment for conflict~~
341 ~~of interest, ex parte contact, partiality or other cause is in issue, the Board of~~
342 ~~Adjustment may take additional evidence for the limited purpose of making~~
343 ~~findings on the question of disqualification. No evidence received under this~~
344 ~~subsection shall be considered for purposes other than determining~~
345 ~~disqualification.~~

346
347 Section 19. Section 21.93.520 shall be amended to read as follows:

348
349 a. The appeal record shall be completed within 30 days after receipt of a timely
350 and complete notice of appeal to the ~~Board of Adjustment~~**hearing officer**, shall
351 consist of the items, and shall be prepared in the manner, described in this
352 subsection.

353
354 1. The Clerk will assemble and paginate all relevant documents involved
355 in the original decision, including any staff reports, minutes, exhibits, notices,
356 and other documents considered in making the original decision.

357
358 2. A party may elect to include a verbatim transcript of the testimony
359 before the Planning Commission in the appeal record by making a written
360 request to the City Clerk for a recording of the testimony within 14 days after the
361 Clerk mails copies of the notice of appeal to the parties pursuant to HCC
362 21.93.080(d). The requesting party shall arrange and pay for the preparation of
363 the transcript. Only a transcript prepared and certified as accurate by a qualified
364 court reporter shall be accepted. The original transcript must be filed with the
365 City Clerk to be provided to the ~~Board of Adjustment~~ **hearing officer** with the
366 record on appeal.

367
368 b. The appellant, the applicant for the action or determination that is the subject
369 of the appeal, the owner of the property that is the subject of the action or
370 determination, and other parties who have entered an appearance shall be
371 notified by mail when the record and transcript, if ordered, are complete. Any
372 person may obtain a copy upon payment of the costs of reproduction and any
373 applicable mailing costs.

374
375
376
377

378 Section 20. Section 21.93.540 shall be amended to read as follows:
379

380 a. The meeting at which the Board of Adjustment hears an appeal **before the**
381 **hearing officer** shall be open to the public. ~~The City Attorney or another~~
382 ~~attorney acting as legal counsel to the Board shall be present.~~

383
384 b. Each party (each appellant, cross-appellant, and respondent) may present
385 oral argument at the appeal hearing, subject to the order of presentation and
386 time limitations that the **hearing officer** chair adopts at the commencement of
387 the hearing. The taking of testimony or other evidence is limited by HCC
388 21.93.510.

389
390 c. The **hearing officer** ~~Board of Adjustment~~ may undertake deliberations
391 immediately upon the conclusion of the hearing on appeal or may take the
392 matter under advisement and meet at such other time as is convenient for
393 deliberations until a decision is rendered. Deliberations need not be public, ~~and~~
394 ~~may be in consultation with the legal counsel to the Board.~~

395
396 d. The **hearing officer** ~~Board of Adjustment~~ may exercise **his or her**its
397 independent judgment on legal issues raised by the parties. “Legal issues” as
398 used in this section are those matters that relate to the interpretation or
399 construction of the zoning code, ordinances or other provisions of law.

400
401 e. The **hearing officer** ~~Board of Adjustment~~ shall defer to the findings of the
402 lower administrative body regarding disputed issues of fact. Findings of fact
403 adopted expressly or by necessary implication by the lower body shall be
404 considered as true if they are supported by substantial evidence. But findings of
405 fact adopted by less than a majority of the lower administrative body shall not
406 be given deference, and when reviewing such findings of fact the Board of
407 Adjustment shall exercise independent judgment and may make its own
408 findings of fact. If the lower administrative body fails to make a necessary finding
409 of fact and substantial evidence exists in the record to enable the **hearing**
410 **officer** ~~Board~~ to make the finding of fact, **he or she** ~~the Board~~ may do so in the
411 exercise of **his or her**its independent judgment, or, in the alternative, the
412 **hearing officer** ~~Board~~ may remand the matter for further proceedings.
413 “Substantial evidence,” as used in this section, means such relevant evidence as
414 a reasonable mind might accept as adequate to support a conclusion.
415

416 Section 21. Section 21.93.550 shall be amended to read as follows:
417

418 21.93.550 **Hearing Officer** ~~Board of Adjustment~~ Decision
419

420 The **hearing officer**Board of Adjustment may affirm or reverse the decision of
421 the lower administrative body in whole or in part. A majority vote of the fully
422 constituted Board is required to reverse or modify the action or determination
423 appealed from. For the purpose of this section the fully constituted Board shall
424 not include those members who do not participate in the proceedings due to a
425 conflict of interest or disqualifying ex parte contacts, disqualifying partiality, or
426 other disqualification for cause. A decision affirming, reversing, or modifying the
427 decision appealed from shall be in a form that finally disposes of the case on
428 appeal, except where the case is remanded for further proceedings.

429
430 b. The Board may seek the assistance of legal counsel, City staff, or parties in the
431 preparation of a decision or proposed findings of fact.

432
433 Section 24. Section 21.93.560 shall be amended to read as follows:

434 a. The **hearing officer**Board of Adjustment may remand the appeal to the lower
435 administrative body when **he or she**the Board determines that:

436
437 1. There is insufficient evidence in the record on an issue material to the
438 decision of the case;

439
440 2. There has been a substantial procedural error that requires further
441 consideration by the lower administrative body; or

442
443 3. There is other cause requiring further proceedings by the lower
444 administrative body.

445 b. A decision remanding a case shall describe any issue upon which further
446 evidence should be taken, and shall set forth any further directions the **hearing**
447 **officer**Board deems appropriate for the guidance of the lower administrative
448 body.

449
450 c. The lower administrative body shall promptly act on the case upon remand in
451 accordance with the decision of the **hearing officer**Board of Adjustment. A case
452 on remand has priority on the agenda of the lower administrative body, except
453 cases remanded under HCC 21.93.510(a) are not entitled to priority. The
454 applicant or owner of the property in question may waive the priority given by
455 this subsection.

456
457 Section 25. Section 21.93.570 shall be amended to read as follows:

458
459 If no specific procedure is prescribed by the code, the **hearing officer**Board of
460 Adjustment may proceed in an administrative appeal in any lawful manner not
461 inconsistent with this title, statutes, and the Constitution.

462 Section 26. Section 21.93.700 shall be amended to read as follows:

463
464 a. A member of the Planning Commission or **a hearing officer appointed to**
465 **hear an appeal from a Planning Commission decision**~~Board of Adjustment~~
466 may not participate in the deliberation or voting process of an appeal if,
467 following the procedures set forth in this chapter, the Commission or **hearing**
468 **officer**~~Board member~~ is determined to have a substantial financial interest in
469 the official action, as defined in Chapter 1.18 HCC. In the absence thereof, all
470 Commission ~~or Board~~ members shall participate in the deliberation and voting
471 process unless excused pursuant to other provisions of this chapter.
472

473 b. When a financial interest of a member of the Planning Commission ~~or Board~~
474 ~~of Adjustment~~ is disclosed on the record, the remainder of the Commission ~~or~~
475 ~~Board, respectively,~~ shall determine whether the member should participate in
476 the matter. If it is determined the member should participate, any action taken
477 thereafter by the **Commission**~~body~~ shall be valid notwithstanding a later
478 determination by a court, ~~or an~~ appellate tribunal, **or the hearing officer** that
479 the member should have been disqualified from participation because of a
480 substantial financial interest in the matter; except the action shall be invalidated
481 when the disqualified member's vote was necessary to establish the required
482 majority to approve the decision of the **Commission**~~body~~. When a Commission
483 ~~or Board~~ decision is invalidated because such vote was necessary to establish
484 the required majority, the **Commission**~~body~~ shall commence new
485 consideration of the matter beginning at the point where the Commission~~or~~
486 ~~Board, respectively,~~ determines it is necessary to do so to eliminate the effect of
487 the member's improper participation.
488

489 **c. A hearing officer shall disclose any substantial financial interest, personal**
490 **bias or ex parte contact immediately upon being appointed by the City**
491 **Manager and shall refrain from accepting the appointment if a substantial**
492 **financial interest, personal bias or ex parte contact exists. If the substantial**
493 **financial interest, personal bias or ex parte contact arises after the hearing**
494 **officer's appointment, he or she shall disclose his or her interest and shall**
495 **be disqualified from serving as the hearing officer unless all parties waive**
496 **any objection to the hearing officer.**
497

498 **d.** For purposes of hearing an appeal, a quorum of the Commission is four
499 members and a quorum of the ~~Board is four members, one of whom may be the~~
500 ~~Mayer.~~ If it is not possible to obtain a quorum of the Planning Commission ~~or~~
501 ~~Board of Adjustment~~ to hear an appeal without the participation of members
502 disqualified by reason of a substantial financial interest, then all members who
503 would be so disqualified shall nevertheless participate in the appeal, including

504 deliberations and voting, and the decision rendered in such a case shall be valid
505 notwithstanding the participation of such members. This subsection shall not
506 apply if the matter can be postponed to a later date (not later than 75 days after
507 the appeal record is prepared) when the **Commission**~~body~~ can obtain a quorum
508 of members who are not disqualified by a substantial financial interest.

509
510 Section 27. Section 21.93.710 shall be amended to read as follows:

511
512 a. No member of the Commission or **a hearing officer appointed by the City**
513 **Manager to review a decision issued by the Commission**~~Board of Adjustment~~
514 shall have ex parte communication with any person. “Ex parte communication”
515 means to communicate, directly or indirectly, with the appellant, other parties
516 or persons affected by the appeal, or members of the public concerning an
517 appeal or issues specifically presented in the notice of appeal, either before the
518 appeal hearing or during any period of time the matter is under consideration or
519 subject to reconsideration, without notice and opportunity for all parties to
520 participate in the communication.

521
522 b. This section does not prohibit:

523
524 1. **Commission** Members from discussing matters relating to the appeal
525 among themselves.

526
527 2. Communications between municipal staff and Commission ~~or Board~~
528 members **or the hearing officer** where:

- 529
530 a. Such staff members are not themselves parties to the appeal;
531 and
532 b. Such communications do not furnish, augment, diminish, or
533 modify the evidence in the record on appeal.

534
535 3. Communications between the Commission ~~or Board~~ and its legal
536 counsel.

537
538 c. If, before an appeal commences, a member of the Commission ~~or Board~~
539 receives an ex parte communication of a type that could not properly be
540 received while an appeal is pending, the member shall disclose the
541 communication in the manner prescribed in subsection (d) of this section at the
542 first meeting of the Commission ~~or Board~~ at which the appeal is addressed.

543
544 d. A member of the Commission ~~or Board~~ who receives an ex parte
545 communication at any time shall, at the first opportunity after the

546 communication, place on the record of the pending matter all written
547 communications received, all written responses to the communications, and a
548 memorandum stating the substance of all oral communications received, all
549 responses made, and the identity of each person from whom the member
550 received an ex parte communication. Any party to the appeal desiring to rebut
551 the ex parte communication must be granted a reasonable opportunity to do so
552 if a request is promptly made.

553
554 e. If the Commission ~~or Board~~ determines in its discretion it is necessary to
555 eliminate the harmful effect of an ex parte communication received in violation
556 of this section, the Commission ~~or Board~~ may disqualify the member who
557 received the communication from participation in the appeal. In addition, the
558 Commission ~~or Board~~ may impose appropriate sanctions, including default,
559 against a party to the appeal for any violation of this section.

560
561 f. It is a violation, subject to penalties and other enforcement remedies under
562 this title:

563
564 1. For any person to knowingly have or attempt to have ex parte
565 communication with a Commission **or a hearing officer**~~or Board~~
566 ~~member~~ in violation of subsection (a) of this section.

567
568 2. For any Commission ~~or Board~~ member **or the hearing officer** to
569 knowingly receive an ex parte communication in violation of subsection
570 (a) of this section.

571
572 3. For any Commission ~~or Board~~ member to knowingly fail to place on the
573 record any matter when and as required under subsections (c) and (d) of
574 this section.

575
576 Section 28. Section 21.95.060 Review by Planning Commission shall be amended as
577 follows:

578
579 a. The Planning Commission shall review each proposal to amend this title or to amend
580 the official zoning map, **except an ordinance to amend chapter 21.93 of this title,**
581 **before it is submitted to the City Council. Amendments to chapter 21.93 of this title**
582 **revising the administrative appeals processes and procedures shall be made by**
583 **ordinance and shall be submitted directly to the City Council.**

584
585 b. Within 30 days after determining that an amendment proposal is complete and
586 complies with the requirements of this chapter, the Planning Department shall present
587 the amendment to the Planning Commission with the Planning Department's

588 comments and recommendations, accompanied by proposed findings consistent with
589 those comments and recommendations.

590
591 c. The Planning Department shall schedule one or more public hearings before the
592 Planning Commission on an amendment proposal, and provide public notice of each
593 hearing in accordance with Chapter 21.94 HCC.

594
595 d. After receiving public testimony on an amendment proposal and completing its
596 review, the Planning Commission shall submit to the City Council its written
597 recommendations regarding the amendment proposal along with the Planning
598 Department's report on the proposal, all written comments on the proposal, and an
599 excerpt from its minutes showing its consideration of the proposal and all public
600 testimony on the proposal.

601
602 Section 29. This ordinance shall take effect upon its adoption by the Homer City
603 Council.

604
605 Section 30. This ordinance is of a permanent and general character and shall be
606 included in the City Code.

607
608 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
609 _____, 2017.

610
611 CITY OF HOMER
612
613
614
615 _____
616 BRYAN ZAK, MAYOR

617 ATTEST:
618
619
620 _____
621 JO JOHNSON, MMC, CITY CLERK

622
623
624
625
626 YES:
627 NO:
628 ABSTAIN:
629 ABSENT:

630 First Reading:
631 Public Hearing:
632 Second Reading:
633 Effective Date:

634
635
636
637

638 Reviewed and approved as to form.

639
640

641 Mary K. Koester, City Manager

642

643 Date: _____

644

645

646 Fiscal Note: NA

Holly C. Wells, City Attorney

Date: _____

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 17-096

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JUNE 21, 2017

SUBJECT: VACATION OF THAT PORTION OF THE 33-FOOT PUBLIC ROADWAY EASEMENT THAT LIES ALONG THE WESTERN BOUNDARY OF LOT 12-A-1 OF DEGARMO SUBDIVISION NO. 2, PLAT HM 2009-05, AS GRANTED IN UNITED STATES PATENT 1137121 ON DECEMBER 15, 1952; WITHIN THE SW1/4 NW1/4 OF SECTION 23, T6S, R13W, S.M., ALASKA AND WITHIN THE CITY OF HOMER AND THE KPB; LOCATION: OFF KACHEMAK DRIVE; KPB FILE 2017-005V; KPBPC RESOLUTION 2017-15

At their June 12, 2017 meeting, the Kenai Peninsula Borough Planning Commission approved to vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15.

Notice of vacation was received on June 14, 2017. Per AS 29.40.140, no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from June 12, 2017 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as reflected in the minutes of June 12, 2017 staff report given by Max Best.

RECOMMENDATION:

Voice non objection and consent to vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2215 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.kpb.us

**MIKE NAVARRE
BOROUGH MAYOR**

June 14, 2017

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603-7645

RE: Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced vacation during their regularly scheduled meeting of June 12, 2017. This petition is being sent to you for your consideration and action.

The City Council has 30 days from June 12, 2017 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Max J. Best
Planning Director

MJB:pdh

Attachments



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • FAX: (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

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MIKE NAVARRE
BOROUGH MAYOR

June 14, 2017

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION MEETING OF JUNE 12, 2017

RE: Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15

During their regularly scheduled meeting of June 12, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way vacation based on the following findings of fact.

Findings:

1. The proposed vacation is within the City of Homer.
2. Development within the property must comply with the requirements of the zoning district.
3. The proposed vacation is within the Rural Residential zoning district.
4. Homer Advisory Planning Commission approved the proposed vacation on April 5, 2017 with Homer staff findings and recommendations.
5. HM 2009-5 granted a 20-foot pedestrian easement along the line common to Lot 12-A-1 and Lot 13 B-1 to the top of the bluff.
6. HM 2011-53 vacated the underlying 33-foot section line easement.
7. Sufficient rights-of-way exist to serve surrounding properties.
8. No surrounding properties will be denied access.
9. Per the submittal, the 33-foot roadway easement proposed for vacation is not in use for access.
10. Per the submittal, the 33-foot roadway easement proposed for vacation has not been constructed.

Conditions

1. The 10-foot pedestrian easement as shown in Lot 12-A-1 on HM 2009-5 **is not** being vacated by this vacation petition.
2. Consent of the proposed vacation by the Homer City Council.
3. File Planning Commission Resolution 2017-15 not less than 30 calendar days from the date of the Commission's approval and within one year of vacation consent by the Homer City Council.
4. The Planning Department is responsible for filing the Planning Commission resolution.
5. Attach a copy of an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor with Resolution 2017-15.
6. The petitioner will provide the recording fee for the resolution and its attachment to the Planning Department.

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The proposed vacation has been forwarded to the Homer City Council. The City Council has 30 days from June 12, 2017 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Commission will stand.

Please contact the Homer City Office to verify the date the subject vacation will be reviewed by the Council.

This notice and unapproved minutes of the subject portion of the meeting were sent June 14, 2017 to:

Jerry Anderson
2836 S. Ranchview Rd #206
Brookline, MO 65619

Joshua & Elizabeth Garvey
4037 Mattox Rd
Homer, AK 99603

Ann Griffith Reed
110 Falling Creek Dr
Thomasville, NC 27360

Homer Advisory Planning Commission
491 East Pioneer Avenue
Homer, AK 99603

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15

Staff Report given by Max Best

PC Meeting: 6/12/17

Purpose as stated in petition: It was the intention of the previous section line easement vacation action to eliminate portions of the roadway reservation in this location. During the 2017 proposed replat, it was determined that because the 2011 vacation public notice did not specifically include the patent easement so it still exists.

Petitioners: Joshua and Elizabeth Garvey of Homer, Alaska

Notification: Public notice was published in the June 1 issue of the Homer News as a separate ad and as part of the Commission's tentative agenda on June 8.

Eleven certified mailings were sent to owners of property within 300 feet of the parcels. Nine receipts had been returned when the staff report was prepared.

Three public hearing notices were sent by regular mail to owners within 600 feet of the proposed vacation.

The public hearing notice was emailed to agencies, interested parties, and KPB Departments.

The public hearing notice was mailed to the Homer Post Office and Homer Community Library to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ENSTAR submitted a statement of no comments, recommendations, or objections.

River Center: The proposed vacation is not within the Anadromous Habitat Protection District.

State Department of Natural Resources submitted a statement of no comment providing that (as the sketch says) the pedestrian easement remains.

State Department of Transportation submitted a statement of no comments.

Staff Discussion:

The City of Homer regulates the floodplain by HCC 21.41 Flood Prone Areas.

Homer Advisory Planning Commission approved the proposed vacation on April 5, 2017 with staff findings and recommendations.

- **Staff Finding 1 for KPB 20.70.170:** This access is undeveloped and superior access is available on Kachemak Drive, which is a paved, state maintained road.
- **Staff Finding 2 for KPB 20.70.180:** Other access has previously been granted. There is a 10-foot pedestrian access easement already in existence. No other access is needed.

- **Staff Finding 3 for KPB 20.70.190:** Utilities are within the Kachemak Drive Right of Way. No additional easement is required.
- **Staff Finding 4 for KPB 20.70.200:** Access to Kachemak Bay is wholly impractical due to the approximately 70-foot steep bluff down to the beach. Physical access to public waters is not possible within this easement. A 10 foot pedestrian access easement was granted, so the public may walk to the edge of the bluff.

Findings:

1. The proposed vacation is within the City of Homer.
2. Development within the property must comply with the requirements of the zoning district.
3. The proposed vacation is within the Rural Residential zoning district.
4. Homer Advisory Planning Commission approved the proposed vacation on April 5, 2017 with Homer staff findings and recommendations.
5. HM 2009-5 granted a 20-foot pedestrian easement along the line common to Lot 12-A-1 and Lot 13 B-1 to the top of the bluff.
6. HM 2011-53 vacated the underlying 33-foot section line easement.
7. Sufficient rights-of-way exist to serve surrounding properties.
8. No surrounding properties will be denied access.
9. Per the submittal, the 33-foot roadway easement proposed for vacation is not in use for access.
10. Per the submittal, the 33-foot roadway easement proposed for vacation has not been constructed.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. The 10-foot pedestrian easement as shown in Lot 12-A-1 on HM 2009-5 **is not** being vacated by this vacation petition.
2. Consent of the proposed vacation by the Homer City Council.
3. File Planning Commission Resolution 2017-15 not less than 30 calendar days from the date of the Commission's approval and within one year of vacation consent by the Homer City Council.
4. The Planning Department is responsible for filing the Planning Commission resolution.
5. Attach a copy of an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor with Resolution 2017-15.
6. The petitioner will provide the recording fee for the resolution and its attachment to the Planning Department.

KPB 20.70.110:

A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council. The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Venuti moved, seconded by Commissioner Foster to approve the vacation of a public roadway easement in the Homer area, a portion of a 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND ABSENT	ERNST YES	FIKES YES	FOSTER YES	ISHAM YES	LOCKWOOD YES
MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		11 YES 1 ABSENT

~~AGENDA ITEM F. PUBLIC HEARINGS~~

- ~~3. Ordinance 2017-12; An ordinance authorizing a cooperative sale and exchange of interests in lands with the State of Alaska Department of Transportation and Public Facilities in the areas of Crown Point and Miller Loop Road.~~

~~Memorandum & Staff Report given by Marcus Mueller~~

~~PC Meeting: 5/22/17 & 6/12/17~~

~~The Kenai Peninsula Borough ('borough') has received final approval for the conveyance from the state of a 4.14 acre parcel through the municipal entitlement program. The parcel abuts the Alaska Department of Transportation and Public Facilities' ("DOT&PF") Crown Point Maintenance Station and the parcel could be used for expansion of the state's maintenance facility. The borough anticipates patent will be issued in the summer of 2017. The parcel is assessed at \$58,500. Rather than charging DOT&PF the value of the property, Land Management proposes a cooperative exchange of interests, where DOT&PF would release its material site interest in approximately 40 acres of an 80 acre parcel near the proposed LNG site in Nikiski. This would make the land eligible for conveyance to the borough. This 40 acres is valuable land which would not otherwise be available to the borough until the gravel resource is exhausted by DOT&PF.~~

~~The parcel has good soils and has a good location. The property is adjacent to the LNG footprint.~~

~~The Moose Pass Advisory Planning Commission met and discussed this proposal. Mr. Mueller from the KPB and Mr. Hyde from DOT were able to attend. They discussed the property in the Crown Point area. There was some history on that property. It was known as the Pioneers of Alaska parcel.~~

~~The discussion that occurred had a lot to do with what was available for community use. There was a long term interest in community use lands in that area. There are additional lands of 11 acres that the borough now has further to the south contiguous to this that would be similarly situated and available for the same types of public uses that the community was considering for this parcel.~~

~~Another part of the discussion and the recommendation that came from the Moose Pass Advisory Planning Commission was to institute buffers on the parcel and that DOT would maintain the buffers from the highway, the adjacent property and the river.~~

~~The plan is to incorporate a conservation easement in the conveyance document in the deed to DOT. This will be worked out and presented to the Assembly according to the Moose Pass APC recommendation.~~

END OF MEMORANDUM & STAFF REPORT



Memorandum 17-097

TO: HOMER ADVISORY PLANNING COMMISSION

THROUGH: HOMER CITY COUNCIL

FROM: COUNCILMEMBER SMITH

DATE: JUNE 20, 2017

SUBJECT: RECREATIONAL VEHICLE (RV) ALLOWANCES IN THE MARINE COMMERCIAL DISTRICT

The purpose of this memo is to introduce the concept for a draft ordinance to the City Council for review prior to recommending the Planning Commission work on an ordinance. This serves two purposes:

- 1.) An opportunity for the public to be aware of an item proposed for the consideration of the Planning Commission (hopefully for their comment and future participation) and
- 2.) An opportunity for the City Council to express their support for the concept and to discuss any refinement that may lead to a better recommendation for the Planning Commission.

The use of RV's in the Marine Commercial District outside of RV parks continues to proliferate despite code enforcement efforts. Several businesses desire to utilize RV's for caretaker use or to house employees and/or guests. I propose that the Planning Commission review the allowance for a maximum of one RV in the Marine Commercial District and make a recommendation to the City Council.

Recommendation

Please express your support/concerns regarding the development of a draft ordinance for additional allowances of the use of RV's in the Marine Commercial District.

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

