

# City Council

Monday, July 24, 2017

Committee of the Whole 5:00 p.m.  
Regular Meeting 6:00 p.m.



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



# July-August 2017

- Monday 24<sup>th</sup>:**            **CITY COUNCIL**  
Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Wednesday 26<sup>th</sup>:**    **PORT AND HARBOR COMMISSION**  
Regular Meeting 6:00pm
- Tuesday 1<sup>st</sup>:**            **CANDIDACY FILING PERIOD OPENS FOR TWO CITY COUNCIL SEATS**
- LIBRARY ADVISORY BOARD**  
Regular Meeting 5:30 p.m.
- Wednesday 2<sup>nd</sup>:**       **PLANNING COMMISSION**  
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Tuesday 8<sup>th</sup>:**            **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**  
Worksession 5:00 p.m. Regular Meeting 6:00 p.m.
- Thursday 10<sup>th</sup>:**        **ADA COMPLIANCE COMMITTEE**  
Regular Meeting 4:00 p.m.
- Monday 14<sup>th</sup>:**           **CITY COUNCIL**  
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

## Regular Meeting Schedule

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

## MAYOR AND CITY COUNCILMEMBERS AND TERMS

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

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



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



**COMMITTEE OF THE WHOLE**  
**5:00 P.M. MONDAY**  
**JULY 24, 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. CONSENT AGENDA**
- 4. REGULAR MEETING AGENDA**
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 5:50 P.M.**  
Next Regular Meeting is Monday, August 14, 2017 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL





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



**REGULAR MEETING**  
**6:00 P.M. MONDAY**  
**JULY 24, 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**

**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 Proclamation – Homer, Alaska, City of Peonies Page 17

### **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 26, 2017 City Clerk.  
Recommend adoption. Page 25

- B. **Memorandum 17-102** from Mayor, Re: Re-appointment of Tom Bos to the Advisory Planning Commission, Appointments of Dale Banks to the Advisory Planning Commission and Kate Finn to the Library Advisory Board. Page 41
- C. **Ordinance 17-28**, An Ordinance of the City Council of Homer, Alaska Amending HCC 4.30.070(a) to Include a Commissioned Officer in the Armed Forces, as an Attesting Official and Change the Requirement for Two Attesting Witnesses who are at Least 18 Years of Age to One Attesting Witness who is at Least 18 of Age for an Absentee by Mail Ballot. City Clerk. Recommended dates: Introduction July 24, 2017, Public Hearing and Second Reading August 14, 2017. Page 47
- D. **Ordinance 17-29**, An Ordinance Of The City Council Of Homer, Alaska, Accepting And Appropriating An FY 2015 State Homeland Security Program Reallocation Grant From The Division Of Homeland Security And Emergency Management (DHS&EM) In The Amount Of \$110,000 For A Backup Generator At The Port And Harbor And Authorizing The City Manager To Execute The Appropriate Documents. City Manager. Recommended dates: Introduction July 24, 2017, Public Hearing and Second Reading August 14, 2017. Page 53
- Memorandum 17-106 from Special Projects and Communications Coordinator Page 57
- E. **Ordinance 17-30**, An Ordinance of the City Council of Homer Alaska, Approving a Contract with Homer Real Estate for Real Estate Services to Market and Sell Lot 1 Harry Feyer Subdivision, Section 14, Township 6 South, Range 13 West, Seward Meridian, KPB Parcel No. 179-110-05 And Authorizing the City Manager to Adjust the Sales Price, the Balance of the Assessments, and the Realtor's Commission to Facilitate a Sale. City Manager. Recommended dates: Introduction July 24, 2017, Public Hearing and Second Reading August 14, 2017. Page 59
- F. **Resolution 17-071**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Frisbee Court Paving Improvements Project to the Firm of East Road Services, Inc. of Homer, Alaska in the Amount of \$156,102 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 65
- Memorandum 17-105 from Public Works Director as back up. Page 67
- G. **Resolution 17-072**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Renewal of the Contract for Special Services for FY2018 with the Alaska Department of Public Safety in the Amount of \$36,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Page 69

Memorandum 17-107 from Police Chief as backup.

Page 71

**7. VISITORS**

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

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

**9. PUBLIC HEARING(S)**

A. **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. Introduction June 26, 2017, Public Hearing and Second Reading July 24, 2017. Page 81

Memorandum 17-094 from Training Officer/Captain as backup.

Page 85

**Ordinance 17-26(S)**, An Ordinance of the City Council of Homer, Amending the FY 2017 Operating Budget by Appropriating ~~\$18,095~~ \$10,268 from the Fire Donations Fund **and Authorizing the Expenditure of \$7,827 from the State of Alaska Fire Department Equipment Upgrades Grant** to Purchase a New ATV and Rescue Skid Unit. City Manager/Fire Chief. Introduction June 26, 2017, Public Hearing and Second Reading July 24, 2017. Page 87

B. **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. Introduction June 26, 2017, Public Hearing and Second Reading July 24, 2017. Page 91

Memorandum 17-100 from Public Works Director as backup. Page 95

## 10. ORDINANCE(S)

A. **Memorandum 17-103** from City Clerk, Re: Rescind 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. Page 99

E. **Ordinance 17-31**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$1,121,591 from the Homer Permanent Fund to Pay Off the Library Construction Loan. Lewis. Recommended dates: Introduction July 24, 2017, Public Hearing and Second Reading August 14, 2017. Page 103

F. **Ordinance 17-32**, An Ordinance of the City Council of Homer, Alaska, Amending Chapter 3.12, Permanent Fund and HCC 3.10.130, Governance of Permanent Fund, to Remove all References of Subfunds and Establish a Balanced Fund as the Investment Mechanism for the Homer Permanent Fund. Stroozas. Recommended dates: Introduction July 24, 2017, Public Hearing and Second Reading August 14, 2017. Page 107

Memorandum 17-108 from City Manager as backup. Page 113

## 11. CITY MANAGER'S REPORT

A. City Manager's Report Page 123

## 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

**15. NEW BUSINESS**

- A. **Memorandum 17-104** from City Clerk, Re: Vacation of the North 10 Feet of the Existing 20-foot Wide Easement Along the South Boundary of Lots 115 and 116 as dedicated on Bay View Subdivision, Plat HM 839; Located Within the SW1/4 SW1/4 of Section 21, T06S, R13W S.M., Alaska Within the KPB; file 2017-062V. Page 153

**16. RESOLUTIONS**

- A. **Resolution 17-073**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Soundview Sidewalk Improvements Project to the Firm to be Named the Amount to be Disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Page 167
- B. **Resolution 17-074**, A Resolution of the City Council of Homer, Alaska, Authorizing Stantec Architecture to Prepare 10% Concept Design Including Preliminary Cost Estimates for Three Options for Construction of a New Police Station and Scheduling a Facilitated Worksession with Council. Aderhold. Page 169

**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, August 14, 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**

**Homer Alaska - City of Peonies**

*WHEREAS, The Homer Chamber of Commerce hosted a Pioneer Revitalization Task Force this past year composed of business representatives on Pioneer Avenue, Homer Council on the Arts, Pratt Museum, Bunnell Street Art Center, Art Shop Gallery, Peony Farmers, City of Homer representative and Homer Chamber Visitor Center staff; and*

*WHEREAS, The Bunnell Street Art Center hosted an artist-in-residence, Kathryn (Katy) Perry, Artist from New Orleans, Louisiana whose expertise is painting outdoor murals on businesses and public buildings. Pioneer Avenue Car Wash and other businesses along Pioneer Avenue and on Lake Street have peony outdoor murals; and*

*WHEREAS, Local Peony Famers donated thousands of peony bulbs to plant Peony Gardens in front of businesses along Pioneer Avenue; and*

*WHEREAS, On Saturday, July 29, Homer is one of seven (7) communities throughout the United States, which will host the 2017 "Field to Vase Dinner Tour" arranged by the Certified American Grown-Take Pride in Your Flowers at Beth Van Sandt's Scenic Place Peonies; and*

*WHEREAS, The theme of the July 4<sup>th</sup> Parade on Pioneer Avenue hosted by the Homer Chamber of Commerce Visitor Center was "Homer in Bloom – City of Peonies." The Grand Marshals were Rita Jo and Leroy Shoultz, 50 year Homer residents and Alaska Perfect Peony owners who were escorted in an Alaska Ultimate Safaris helicopter.*

*NOW, THEREFORE, I, Bryan Zak, Mayor of Homer, do hereby proclaim:*

**HOMER ALASKA – CITY OF PEONIES**

*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 24 of July, 2017.*

CITY OF HOMER

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

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA



# RECONSIDERATION



# CONSENT AGENDA





Session 17-17 a Regular Meeting of the Homer City Council was called to order on June 26, 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.

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

STAFF: CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
CITY ATTORNEY WELLS  
PORT DIRECTOR HAWKINS  
CITY PLANNER ABOUD  
PUBLIC WORKS DIRECTOR MEYER  
PERSONNEL DIRECTOR BROWNING

Council met from 4:00 until 4:50 to hear from City Attorney Wells regarding Hearing Officer and Board of Adjustments and discuss Ordinance 17-07(S-2) and (S-3). From 5:00 until 5:50 as Committee of the Whole to discuss Resolutions 17-067 and 17-069, the City Manager's Report, and Consent and Regular Meeting Agenda items.

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

#### **AGENDA APPROVAL**

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

The following changes were made: **PENDING BUSINESS - 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. Memorandum 17-101, from City Manager Re: Analysis of versions of Ordinance 17-07 as back up. **CONSENT AGENDA 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. Concept Cost information as backup. **CITY MANAGER'S REPORT** Written Public Comments **NEW BUSINESS Memorandum 17-096**, from City Clerk Re: Roadway easement vacation along the western boundary of Lot 12-A-1, DeGarmo Sub. No. 2. Aerial photo depicting area to be vacated as back up.

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

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**MAYORAL PROCLAMATIONS AND RECOGNITIONS**

- A. Mayoral Recognition of new Police Officers Jessica Poling and Morgan Tracy

Police Chief Robl introduced Officers Poling and Tracy.

- B. Mayoral Proclamation, Lori Evans, Homer News Editor

Mayor Zak read and presented the proclamation recognizing Lori Evans. Ms. Evans thanked the community and the Homer News staff for their support over the years.

- C. Mayoral Proclamation, Homer Chamber of Commerce July 4<sup>th</sup> Parade

Councilmember Stroozas read the proclamation announcing the July 4<sup>th</sup> Parade.

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

Deb Lowney, city resident, commented in support of Resolution 17-066. She highlighted this was a very comprehensive and collaborative effort of over 30 individuals from the community and 10 businesses and government agencies who worked over the course of three years to promote the health, safety, and community asset of the Woodard Creek watershed. She provided an overview of the public effort involved in the process. Ms. Lowney also commended Officer Jessica Poling for her assistance with the Spit Run this weekend, she was great.

Robert Archibald, city resident, commented in support of Resolution 17-066. He thanked Council for considering it and shared that a lot of time and energy has gone into the Woodard Creek Watershed Plan. All of the research helped him realize the fragileness of the watershed and he wants people to realize the ramification that what they do upstream impacts what happens downstream.

Jan Knutson, Visitor Center and Special Events Coordinator for the Homer Chamber of Commerce, received the Mayoral Proclamation recognizing the Homer Chamber of Commerce July 4<sup>th</sup> Parade. She announced the theme Homer in Bloom, City of Peonies and gave an overview of the parade events and information for registering floats.

**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 June 12, 2017 and Special Meeting minutes of June 19, 2017. City Clerk. Recommend adoption.
  
- 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.

**Memorandum 17-094** from Training Officer/Captain as backup.

- 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.

**Memorandum 17-100** from Public Works Director as backup.

- D. **Resolution 17-065**, A Resolution of the City Council of Homer, Alaska, Approving a Lease Assignment for the Harbor Leasing, LLC Lease to Southwind Foods, LLC/Great American Seafood Imports Co. and Awarding a new 20-Year Lease with Two Five Year Options to Renew on Lot 12-C Homer Port Industrial Subdivision No. 4 at an Annual Base Rent of Approximately \$25,626.36 and Authorizing the City Manager to Move Forward with Lease Negotiations and Execute the Appropriate Documents. City Manager/ Port Director.

**Memorandum 17-098** from Port and Harbor Advisory Commission as back up.

- 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.

- 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.

**Memorandum 17-099** from Special Projects and Communications Coordinator as backup.

- 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.

- 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.
- I. **Resolution 17-070**, A Resolution of the Homer City Council Authorizing STANTEC to Perform Stakeholder Engagement on Behalf of the Police Station Project. Aderhold.

Resolution 17-070 moved to Resolutions item A. Erickson.

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

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **VISITORS**

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

Derotha Ferarro, Director of Public Relations and Holly Torres, Chief Financial Officer presented to the Council and addressed

- New providers and extended services,
- Hospital usage relating to acute care, surgery volumes, home health services, and outpatient visits,
- Community benefits to the local economy,
- Coming attractions including Master Site Plan, Pricing Structure and financial aid, and recruitment through social media.

They showed a short video that can be found on the South Peninsula Hospital website at <http://jobs.sphosp.org/>

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

- A. Borough Report

Dale Bagley Borough Assembly member said he was in town and stopped by for the meeting. The Borough approved their budget, unfortunately there is a \$4 million deficit, and no action has been

taken to address it. They started working on the Central Peninsula lease agreement and have two hearings scheduled.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Commission Chair, updated Council on the Commission's work on the Business Retention and Expansion program which should be up and running by Friday, June 30<sup>th</sup>. The survey is on the Economic Development Advisory Commission webpage on the City of Homer website. There are web articles written for the site with a link to the survey. The article will be featured on the City's main page as well. Press releases should go out this week and postcard mailings to 1680 names should be done by July 7<sup>th</sup>, flyers are done, and a power point is done for people who might want to share it in their own organizations. Requests for the information or for the survey can be made by calling 907-435-3102 or email [jcarroll@ci.homer.ak.us](mailto:jcarroll@ci.homer.ak.us). Paper surveys are available as well. They tried to be inclusive in their mailing, but encouraged sharing postcards with other businesses so they can participate as well. Their goal is to gather and provide information to be able to set up specific plans and projects, and they are very interested in red flag items that people in the business community would like to see solved. These will be things the Commission can work on in 2018. Again, she encouraged everyone to participate.

4. Parks Art Recreation and Culture Advisory Commission

Deb Lowney, Parks Art Recreation and Culture Advisory Commissioner, reported that the commission discussed the Capital Improvement Plan and their struggle to get items on the CIP which is very limited and there is a history of projects they would like to see completed. Their top two recommendations this time are the Main Street Sidewalk and Karen Hornaday Park road upgrade. Hornaday Park is the one of the most used parks and there are safety issues with traffic, parking, and pedestrians. The Commission discussed the ramp 2 restroom improvements and supported option C as it offers the greatest public use and there will be savings in the winter by closing most of the restrooms. Ms. Lowney talked about the Adopt a Park and Adopt a Trail program and encouraged individuals and organizations to sign up for the program. Applications are available at the Clerk's Office. Lastly she thanked the Councilmembers for attending and supporting the various activities in town.

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

**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.

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

Mayor Zak asked for a motion for the adoption of Ordinance 17-24 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

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

Mayor Zak asked for a motion for the adoption of Ordinance 17-25 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

**Memorandum 17-087**, from Port and Harbor Director as backup.

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

Mayor Zak asked for a motion for the adoption of Resolution 17-060 by reading of title only.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

**Memorandum 17-088**, from Port and Harbor Director as backup.

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

Mayor Zak asked for a motion for the adoption of Resolution 17-061 by reading of title only.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **ORDINANCE(S)**

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

- A. City Manager's Report

City Manager Koester commented regarding budgeting for and holding a Citizens Academy in 2018. She touched on the schedule and success of the one that was held in 2014.

Councilmember Reynolds and Aderhold expressed their support for scheduling the academy, and Councilmember Aderhold suggested a training session open to the public to talk about some of the basic things about what the Council does.

City Manager Koester also brought their attention to Ordinance 17-23 that was adopted to repeal the permanent fund and allocate the funds, acknowledging it was done so with incomplete information. She referenced the updated information included noting the value of the fund has increased by about 22% and the savings in interest on the library loan is just shy of half a million dollars, not the \$1 million that was reported. She expressed that she hopes both the Council and public knows, that while mistakes will happen, when they happen she will bring them to their attention and operate in a transparent manner.

Councilmember Erickson gave notice to bring forward a motion to rescind Ordinance 17-23 at the July 24<sup>th</sup> meeting.

Councilmember Lewis added that he'd like to see another ordinance with the same idea of paying off the library loan and leaving the remaining money in the fund. He suggested they also talk about how they want to continue to invest the funds.

Councilmember Stroozas noted for the audience that since the fund was started through June 2017, the rate of return is 22.86% and equates to \$368,943 generated. He's glad to be able to reevaluate this going forward.

Councilmember Smith pointed out it's important to understand we haven't realized a return, we've realized an increase in value, and until we cash out that asset is hasn't really made or lost anything, and that it can change at any time.

B. Bid Report

**CITY ATTORNEY REPORT**

City Attorney Wells didn't have a report but said she would be willing to volunteer time to participate in the Citizen's Academy.

**COMMITTEE REPORT**

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

Mayor Zak called for a recess at 7:17 pm. and the meeting reconvened at 7:23 p.m.

**PENDING BUSINESS**

- 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.

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

Motion on the floor from March 28<sup>th</sup>:

SMITH/STROOZAS MOVED TO ADOPT ORDINANCE 17-05(A-2) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.



ERICKSON/REYNOLDS MOVED TO AMEND THE ORDINANCE TO REMOVE LINES 36-47 AND ADD WHEREAS THE OVERALL BENEFIT TO THE CITY OF HOMER IS SUCH THAT THE HOMER CITY COUNCIL RECOMMENDS FULL FUNDING OF OPTION A WITH HART DOLLARS AND FOREGOES THE SAD PROCESS.

There was no discussion.

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

Motion carried.

ERICKSON/REYNOLDS MOVED TO AMEND TO ADD THAT IT WOULD BE RIGHT TURN ONLY AT THE BYPASS AND PIONEER AVENUE.

Attorney Wells noted that the amendment should be more specific to the language so it's very clear how we are changing this.

Councilmember Erickson suggested "Whereas to enhance traffic flow it should right hand turns only at Pioneer Avenue and the bypass."

Councilmembers Smith and Stroozas commented regarding the complications of this change on traffic flow and impact to neighboring parking lots by drivers cutting through to make that left turn, as well as trying to access other business along the route. It could create more confusion and public safety issues than we would solve by opening up this route.

Councilmember Aderhold added that she doesn't think it's appropriate to add this language to the ordinance appropriating funds to the project.

Councilmember Reynolds commented she like the idea and could see some benefit, but thinks it should be a recommendation or decision of a road planner, rather than the Council.

Attorney Wells recommended this be added as another section and remove language specifying this as a budget ordinance.

Mayor Zak acknowledge the expressed opposition and asked for a roll call vote.

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

Motion failed.

Councilmembers Lewis and Aderhold weren't in support of the ordinance based on the past information from the State Traffic Engineer and Planning that don't support option A.

Councilmember Smith said he doesn't support the other options that are based on the Transportation Plan that was adopted in 2005, he thinks its information is fairly antiquated. He doesn't know if it takes into account the traffic from Save U More being in that location. There is no indication when the Town

Center buildout could happen, and he questions if they really want to take the lots off the market to make the connection outlined in the Transportation Plan.

Public Works Director Meyer was asked to give feedback on his conversation with DOT that is referenced in the packet materials. He explained one of the main tools DOT uses when reducing conflict and maintaining a level of service is a traffic signal. An intersection study has been done by DOT focused on the triangular Lake Street, Sterling Highway, and Pioneer Avenue and about half of those intersections are on signals right now. Mr. Meyer thinks the point the State's regional traffic engineer was trying to make is that signals need to be separated by at least a quarter mile. Where Greatland would connect into Pioneer Avenue is close to the Bartlett Street intersection, and looking into the future as the regional traffic engineer will, if we can minimize the number of intersections along Pioneer Avenue, that's best for the long run when it comes to the ability for side streets to be able to enter and leave Pioneer Avenue in an effective manner.

Councilmember Stroozas commented opening up Greatland through to Pioneer in a straight line format at the least cost to the city will open up more lots along the way and increase property value. If we continue to put this off, the price will increase. It's his opinion this would be a great asset to our community to have another egress way from Sterling Highway up to Pioneer, and supports this effort.

Councilmember Erickson was disappointed not to have more feedback from property owners. Her main concern is driving down the bypass and the number of near misses because there is so much traffic coming in and out of Greatland and agrees with a way to get off Greatland on the upper side. She's opposed to a stoplight at Bartlett due to the ice in the winter time. She thinks the connectors are important and this will give an opportunity to get a sidewalk to get people safely down the hill.

Councilmember Reynolds agrees with the need for pedestrian safety but noted there is currently a walking path at the top of Greatland that could be improved if we don't need to have a road there, however it is a long walk from Main Street.

City Manager Koester asked that line 34 the delete "and recommendations of the Homer Transportation Plan and line 51 replace \$970,870 with \$671,053.

LEWIS/STROOZAS MOVED TO AMEND LINE 34 TO DELETE "AND RECOMMENDATIONS OF THE HOMER TRANSPORTATION PLAN" AND ON LINE 51 REPLACE \$970,870 WITH \$671,053

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion.

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

Mayor Zak voted yes to break the tie.

Motion carried.

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.

**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.

Motion on the floor from April 24<sup>TH</sup>

LEWIS/REYNOLDS TO ADOPT ORDINANCE 17-07(S-2) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LEWIS/REYNOLD MOVED TO SUBSTITUTE ORDINANCE 17-07(S-3)

There was no discussion.

VOTE (substitution): VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ERICKSON/LEWIS MOVED TO AMEND ORDINANCE 17-07(S-3) LINES 429 AND 429 MEMBERS AND A QUORUM OF THE BOARD IS FOUR MEMBERS. IF IT IS NOT POSSIBLE TO OBTAIN A QUORUM OF THE PLANNING COMMISSION OR BOARD OF ADJUSTMENT TO HEAR; ADD **HOMER CITY CODE 21.93.700 TO ADD SUBSECTION (E) TO STATE: E. FOR PURPOSES OF HEARING AN APPEAL, A QUORUM OF THE BOARD IS FOUR MEMBERS. IF IT IS NOT POSSIBLE TO OBTAIN A QUORUM OF THE BOARD TO HEAR AN APPEAL WITHOUT THE PARTICIPATION OF MEMBERS WHO HAVE CHOSEN TO ABSTAIN OR BEEN DISQUALIFIED BY THE BOARD DUE TO SUBSTANTIAL FINANCIAL INTEREST, BIAS OR PARTIALITY, THEN THE HEARING SHALL BE POSTPONED AND A HEARING OFFICER SHALL BE APPOINTED. A HEARING OFFICER APPOINTED UNDER THIS SUBSECTION SHALL CONDUCT THE RESCHEDULED HEARING NO MORE THAN 60 DAYS AFTER THE ORIGINAL HEARING DATE EXCEPT THAT THE HEARING OFFICER MAY EXTEND THE HEARING DATE FOR GOOD CAUSE SHOWN.**; AND LINE 11-14 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 **REQUIRING ALL APPELLANTS TO USE A HEARING OFFICER WHEN A BOARD OF ADJUSTMENT QUORUM CANNOT BE OBTAINED DUE TO CONFLICT OF INTEREST, BIAS OR PARTIALITY, AND PERMITTING ALL OTHER APPELLANTS THE CHOICE BETWEEN AN APPEAL BEFORE THE BOARD OF ADJUSTMENT AND A HEARING OFFICER IN APPEALS OF PLANNING COMMISSION DECISIONS**

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **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.

Mayor Zak asked for a motion for the approval of the recommendation in Memorandum 17-096 to vacate a portion of the public roadway easement.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

Mayor Zak asked for a motion to forward Memorandum 17-097 to the Planning Commission to discuss and draft an ordinance for consideration.

ERICKSON/REYNOLDS SO MOVED

Councilmember Smith explained that there are a number of RV's on the spit at business locations that are used for residence throughout the season and is a violation the way current code is written. This is an attempt to provide an opportunity for those and any business in the district to have one there to facilitate the needs of that business.

Councilmember Lewis questioned if this is for employee housing also or leaving it up to the Planning Commission to decide.

Councilmember Smith responded the Planning Commission and staff will bring us something that is functional for the district. We're trying to offer an opportunity and some flexibility so it doesn't hamper our small businesses and their ability to be an important part of our community.

There was brief discussion regarding an RV allowed at the parks for oversite, the camp host program at Karen Hornaday Park and would be allowed at other city camping areas if needed.

Councilmember Stroozas asked if the Planning Commission would be considering sizes and Councilmember Smith replied there are a lot of sizes and they can iron that out.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## RESOLUTIONS

- A. **Resolution 17-070**, A Resolution of the Homer City Council Authorizing STANTEC to Perform Stakeholder Engagement on Behalf of the Police Station Project. Aderhold.

Mayor Zak asked for a motion for the adoption of Resolution 17-070 by reading of title only.

ADERHOLD/REYNOLDS SO MOVED

There was discussion of some stake holder engagement that was facilitated by STANTEC in a public meeting for the first Public Safety Building effort, but not a significant survey done.

Councilmember Lewis suggested they should have something to present, such as which lot, method of payment and etc., before going ahead with a survey and other councilmembers agreed.

Councilmember Aderhold explained at their last meeting council was going in circles saying we don't know what residents are willing to pay for, their preference on site selection, and what the city is willing to do regarding a police station. They talked about getting some input from the public so that is why she brought this forward. It's fine if they don't want to go in this direction, but we still need to come up with a way forward.

Councilmember Stroozas thinks it's important to get public input and recalled discussing an online or telephone survey at the last meeting, but doesn't see hiring someone from the outside doing it when we can do it ourselves.

Councilmember Smith commented that right now this group isn't on the same page in what to present to the public. As a council we know many things and need to look at the reality of what it is and work amongst ourselves to come to some agreement on what we can take to the people and unify them with the message.

VOTE: YES: LEWIS, ADERHOLD  
NO: ERICKSON, REYNOLDS, STROOZAS, SMITH

Motion carried.

## COMMENTS OF THE AUDIENCE

Megan Reeves, city resident, congratulated the three councilmembers on retaining their seats after the election. She commented in support of the Greatland Street improvement and the police building because the reality is that Homer is growing quite rapidly. She shared her experience as a flagger on the East End Road and Spit Road projects hearing from tourists that this would be such a great place to buy property and there is a lot of it available out there. It's not only retiring seniors, but also people her age with families, degrees, and business ideas. They need to have space to open those businesses and make this a really incredible place. She also shared that she had the luxury of expediting for three days the Police Department after a DUI and it needs to be updated. Instead of worrying about how you're going to bring it to the community, she suggests they trust they trust us because we know, and tell us why we don't have a choice, because we really don't.

Ian Overson, city resident, commented regarding his gas line assessment. He explained that originally he'd been charged for two assessments because of the previous owners attempt in combining two lots before he and his family bought the house at 423 Grubstake. They only own one lot and last year he thought the billing was corrected because he was charged for one lot, but this year billed for two parcels again. He expressed his frustration with the process and is frustrated he and his family are being held responsible for the previous owner's inactions.

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

City Attorney Wells had no comment.

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

City Clerk Jacobsen had no comment.

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

City Manager Koester commented in addition to the great barbeque at the Elk's Lodge, the community is invited to come out and have a hot dog and scoop of ice cream at the Homer Volunteer Fire Department, as a thank you to the community for their support. Come to the picnic on July 4<sup>th</sup> starting at 4:00 p.m. and stay for the parade.

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

Mayor Zak commented that the parade Grand Marshall's Leroy and Rita Jo Schultz and other peony growers are another example of new economy in our area. The beautification of Pioneer Avenue and the time Rita Jo spent planning and working with other volunteers in planting will be seen during the parade. He encouraged everyone to come out and celebrate in the community.

## **22. COMMENTS OF THE CITY COUNCIL**

Councilmember Stroozas read a statement he prepared for the special meeting on the 19<sup>th</sup> but didn't have an opportunity to share. He read, Our Community has gone through a period of conflict. These are the times that have tried the souls of Homer residents on both sides of the issue. Now we come together again as a City Council upon which we may now reflect on the issue that has been one of the most contentious in Homer's history. The first thing that comes to my mind is that of the Golden Rule, "Do unto others as you would have done unto you."; Sir Isaac Newton's third law of motion relates to

physic but perhaps could be applied here, “For every action, there is an equal and opposite reaction.”; and the great Albert Einstein said “The high destiny of the individual is to serve, rather than rule.” Finally it was Hippocrates who said “Healing is a matter of time, but it is sometimes also a matter of opportunity.” Thus we now have the opportunity to heal. Let’s all work together to make sure that we as elected officials take the time to dedicate ourselves to this healing process.

Councilmember Lewis commented that most of you missed the most wonderful time on Friday afternoon at the Harbormaster’s office when another one of the great Bayweld Boats, the St. Lawrence Island, was christened. He thinks it’s the biggest boat they’ve built and the second one built for the Norton Sound Economic Development Commission. For the commissioning, they brought down the whole Board and the Savoonga Dancers, and were very appreciative of Homer, the city and the harbor. They’ve had a very good experience with Bayweld and are very happy with their boat. It’s great we can keep this business within the State of Alaska.

Councilmember Erickson commented she was very encouraged tonight to see our new police officers. It makes her so happy to see kids that grew up in Homer, come back to Homer to live and raise their families. She’s part of a generation that did that and seeing her own children and grandchildren love this place and want to come back to live and raise their families is exciting to her. She encouraged everyone to ignore the weather apps and get out and enjoy July.

Councilmember Smith said thank you Homer for being Homer. I love you, you’re my home, and I’m grateful for the opportunity to serve on the Council. It’s embodied way more than he ever expected it to, but he appreciates the opportunity. He’s open any time anyone wants to engage with him on city business or otherwise.

Councilmember Reynolds welcomed the GCI Board of Directors here in Homer, they go to different communities each year, and while she missed the picnic, she spent time with some of them on a bike tour. She too is looking forward to moving on from the recall. She extended her appreciation to city staff and everyone who handled this difficult time with such grace. She knows Melissa has a lot on her plate as the new City Clerk but thinks it would be great to work with the State Legislature on purging the voter rolls so we have a better idea of how many people actually are registered to vote in Homer. She also would like the Clerk’s Association to work with the State Legislature to clarify some of the things that ended up not being so clear to attorneys regarding the recall process, to make sure their intent is something that is easy to follow and get to, like wise with tightening up language in our city code. She is looking forward to the 4<sup>th</sup> of July parade, it’s one of her favorite moments of the year.

Councilmember Aderhold had no comment.

**ADJOURN**

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:22 p.m. The 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.

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MELISSA JACOBSEN, MMC, CITY CLERK

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







# City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 17-102

TO: HOMER CITY COUNCIL  
FROM: BRYAN ZAK, MAYOR  
DATE: MAY 19, 2017  
SUBJECT: RE-APPOINTMENT OF TOM BOS TO THE ADVISORY PLANNING COMMISSION,  
APPOINTMENTS OF DALE BANKS TO THE ADVISORY PLANNING COMMISSION  
AND KATE FINN TO THE LIBRARY ADVISORY BOARD

---

Tom Bos is re-appointed to the Advisory Planning Commission for a term to expire July 1, 2020.

Dale Banks is appointed to the Advisory Planning Commission to fill the seat vacated by Justin Arnold. His term will expire July 1, 2019.

Kate Finn is appointed to the Library Advisory Board to fill the seat vacated by Mary Montgomery. Her term will expire April 1, 2019.

### RECOMMENDATION:

Confirm the re-appointment of Tom Bos to the Advisory Planning Commission and the appointment of Dale Banks to the Advisory Planning Commission and Kate Finn to the Library Advisory Board.

Fiscal Note: N/A



**From:** [Renee Krause](#)  
**To:** [Melissa Jacobsen](#)  
**Subject:** FW: Planning commission Reappointment  
**Date:** Thursday, June 22, 2017 1:05:39 PM

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Do we need a more formal request?

-----Original Message-----

From: Tom B [<mailto:tabchomer@gmail.com>]  
Sent: Thursday, June 22, 2017 12:16 PM  
To: Renee Krause <[RKrause@ci.homer.ak.us](mailto:RKrause@ci.homer.ak.us)>  
Subject: Planning commission

Renee, this is my email requesting reappointment to the planning commission. If you need anything else from me please let me know. Thank you, Tom

Sent from my iPhone

**From:** Application for Appointment to an Advisory Body  
**To:** [Department Clerk](#)  
**Subject:** \*\* Application for Appointment \*\*  
**Date:** Thursday, June 22, 2017 4:53:27 PM

---

Submitted on Thursday, June 22, 2017 - 4:53pm  
Submitted by anonymous user: 104.254.231.136  
Submitted values are:

==Applicant Information==

Name: Dale Banks  
Physical Address: 5011 Alder Lane, Homer, AK 99603  
Mailing Address: PO Box 2888, Homer, AK 99603  
Email: dale@loopylupine.com  
Phone: 299-0524

==Advisory Bodies==

Advisory Bodies: Advisory Planning Commission 1st & 3rd Wednesday  
of the month at 6:30 p.m. Worksession prior to each meeting at  
5:30 p.m.

==Residency & Experience==

I have been a resident of the city for: 5 months  
I have been a resident of the area for : 26 years

Special Training & Education: Please list any special training, education or background you may have which is related to your choice of advisory body

Prior Service :

Kachemak Bay Advisory Planning Commission, Chairman

Global Warming task Force for the City of Homer Climate Action Plan

Why are you interested? I can bring the perspective of a local business owner and 20 plus year Kachemak Bay resident to the commission. I believe it is important to have thoughtful planning and sustainable development so that my grandchildren and other future generations can continue to enjoy living in Homer.

Other memberships: Do you currently belong to any organizations specifically related to the area of the advisory body you selected?

Related to the Advisory Planning Commission: As an owner/builder I built the warehouse where my business operates.

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

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

The results of this submission may be viewed at:

[https://linkprotect.cudasvc.com/url?a=http://www.cityofhomer-ak.gov/node/9051/submission/9271&c=E.1.FWCiF3483daqHyYRJoLqu1SEVOERpV16-QZ\\_k99FvDcfN62hud8sb5AVGaQYfJoreJjLnWB7DPV2D5VDJS2JOFQjRbPdb1Oll1i8yXo\\_oCk3EgO1m-XBu3Q..&typo=1](https://linkprotect.cudasvc.com/url?a=http://www.cityofhomer-ak.gov/node/9051/submission/9271&c=E.1.FWCiF3483daqHyYRJoLqu1SEVOERpV16-QZ_k99FvDcfN62hud8sb5AVGaQYfJoreJjLnWB7DPV2D5VDJS2JOFQjRbPdb1Oll1i8yXo_oCk3EgO1m-XBu3Q..&typo=1)

Submitted 7-12-17

JUL 12 2017 PM 02:59



CITY OF HOMER  
COMMISSION, COMMITTEE, BOARD & TASK FORCE  
APPLICATION FORM

CITY CLERKS OFFICE  
CITY OF HOMER  
491 E. PIONEER AVENUE  
HOMER, ALASKA 99603  
PHONE 907-235-3130  
FAX 907-235-3143

RECEIVED BY CLERK'S OFFICE

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

Name KATE FINN Date 7-11-17  
Physical Address 426 E. Bay View City HOMER  
Mailing Address PO Box 3364 Zip Code 99603  
Phone 235-5329 Work # same Cell # \_\_\_\_\_  
Email Address HUNDREDDHMONK21@GMAIL.COM

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

Please indicate the commission(s), committee(s), board or task force you are interested in:

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input checked="" type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 6:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	3RD THURSDAY OF THE MONTH AT 11:00 A.M. WORKSESSIONS AT 10:00 A.M.
<input type="checkbox"/>	TRANSPORTATION ADVISORY COMMITTEE	3RD TUESDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for 21  mos.  yrs I have been a resident of the area for 25  mos.  yrs.

I am presently employed as: SUBSTITUTE SCHOOL NURSE w/ KPBSD  
OWNER OF WILD IRIS HEALTHY CHOICES

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force: *I have always been an avid reader, learner, exploring especially the world of science, travel + health through books + other written materials before I was old enough for hands on experience + solo travel. As a School Nurse/health educator, I encouraged students to expand their curiosity + knowledge of health/wellness topics and to dig deeper into whatever issue/field interested them and then apply it to their lives.*

Have you ever served on a similar commission, committee, board or task force? NO

If so, when & where: \_\_\_\_\_

When are you available for meetings?  Weekly  Monthly  Bi-Monthly

I am interested in serving on the above because:

*I consider HPL a foundation of Community-wide literacy. I would like to contribute to sustaining + growing an efficient, widely used "core of democracy" resource critical to literate, widely read + curious population from infancy through old age.*

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

Yes  No If yes, please list organizations: \_\_\_\_\_

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence?  If yes, briefly describe the development:

\_\_\_\_\_

Questions regarding the Port & Harbor Advisory Commission:

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

If yes, is you use primarily:  Commercial  Recreational  Both

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

\_\_\_\_\_

When you have completed the form please review all the information and then click on the submit or print button.

Print Form

Submit by Email

**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-28**

An Ordinance of the City Council of Homer, Alaska Amending HCC 4.30.070(a) to Include a Commissioned Officer in the Armed Forces, as an Attesting Official and Change the Requirement for Two Attesting Witnesses who are at Least 18 Years of Age to One Attesting Witness who is at Least 18 of Age for an Absentee by Mail Ballot.

Sponsor: City Clerk

1. Council Regular Meeting July 24, 2017 Introduction





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

3 City Clerk

4 **ORDINANCE 17-28**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING  
7 HCC 4.30.070(A) TO INCLUDE A COMMISSIONED OFFICER IN THE ARMED  
8 FORCES AS AN ATTESTING OFFICIAL AND CHANGE THE REQUIREMENT  
9 FOR TWO ATTESTING WITNESSES WHO ARE AT LEAST 18 YEARS OF AGE  
10 TO ONE ATTESTING WITNESS WHO IS AT LEAST 18 OF AGE WHEN  
11 CASTING AN ABSENTEE BY MAIL BALLOT.  
12

13 WHEREAS, HCC 4.30.070(a) currently requires two attesting witnesses who are at least  
14 18 years of age to cast an absentee ballot by mail; and  
15

16 WHEREAS, Requiring two witnesses who are at least 18 years old to attest to an  
17 absentee ballot cast by mail is inconsistent with HCC 4.30.070(d) which requires only one such  
18 witness to attest to a ballot cast by electronic transmission; and  
19

20 WHEREAS, This change is consistent with Alaska Statutes 15.20.081(d) which states:  
21

22 Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary  
23 public, commissioned officer of the armed forces including the National Guard,  
24 district judge or magistrate, United States postal official, registration official, or  
25 other person qualified to administer oaths, may proceed to mark the ballot in  
26 secret, to place the ballot in the secrecy sleeve, to place the secrecy sleeve in the  
27 envelope provided, and to sign the voter's certificate on the envelope in the  
28 presence of an official listed in this subsection who shall sign as attesting official  
29 and shall date the signature. If none of the officials listed in this subsection is  
30 reasonably accessible, an absentee voter shall sign the voter's certificate in the  
31 presence of an individual who is 18 years of age or older, who shall sign as a  
32 witness and attest to the date on which the voter signed the certificate in the  
33 individual's presence, and, in addition, the voter shall certify, as prescribed in  
34 AS 09.63.020, under penalty of perjury, that the statements in the voter's  
35 certification are true.  
36

37 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
38

39 Section 1. Section 4.30.070(a) is amended to read as follows:  
40

41 a. Upon receipt of an absentee ballot by mail, the voter **may proceed to mark the ballot in**  
42 **secret, place the marked ballot in the secrecy sleeve, then place the secrecy sleeve in the**

43 **return envelope provided, and sign the voter's certificate on the back of the return**  
44 **envelope in the presence of** whether in or outside the State, in the presence of two attesting  
45 witness, both of whom are at least 18 years of age or before an election judge, notary public,  
46 commissioned District Judge or Magistrate, United States Postmaster, or other person  
47 qualified to administer oaths, may proceed to mark the ballot in secret, to place the ballot in  
48 the small blank envelope or a secrecy sleeve, to place the small envelope or secrecy sleeve in  
49 the larger envelope and to sign the voter's certificate on the back of the larger envelope in the  
50 presence of the above listed officials or designated persons who shall sign as attesting witness.  
51 **a notary public, commissioned officer of the armed forces including the National Guard,**  
52 **district judge or magistrate, United States postal official, election official or other person**  
53 **qualified to administer oaths, who shall sign as a witness and attest to the date signed. If**  
54 **none of the officials listed in this subsection are reasonably accessible, an absentee voter**  
55 **shall sign the voter's certificate on the back of the return envelope in the presence of a**  
56 **United States citizen who is 18 years of age or older, who shall sign as a witness and attest**  
57 **to the date signed.** The voter may then return the envelope with the properly enclosed ballot,  
58 postmarked not later than the day of election, to the Clerk for delivery to the Canvass Board.

59  
60 Section 2. This ordinance shall take effect upon its adoption.

61  
62 Section 3. This ordinance is of a permanent and general character and shall be included  
63 in the City Code.

64  
65 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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68 CITY OF HOMER  
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72 \_\_\_\_\_  
73 BRYAN ZAK, MAYOR

74 ATTEST:  
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77 \_\_\_\_\_  
78 MELISSA JACOBSEN, MMC, CITY CLERK

79  
80 YES:  
81 NO:  
82 ABSTAIN:  
83 ABSENT:  
84

85 First Reading:  
86 Public Reading:  
87 Second Reading:  
88 Effective Date:

89  
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91 Reviewed and approved as to form:

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

97  
98

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

\_\_\_\_\_  
Holly Wells, City Attorney

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



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-29**

An Ordinance Of The City Council Of Homer, Alaska, Accepting And Appropriating An FY 2015 State Homeland Security Program Reallocation Grant From The Division Of Homeland Security And Emergency Management (DHS&EM) In The Amount Of \$110,000 For A Backup Generator At The Port And Harbor And Authorizing The City Manager To Execute The Appropriate Documents.

Sponsor: City Manager.

1. Council Regular Meeting July 24, 2017 Introduction
  - a. Memorandum 17-106 from Special Projects and Communications Coordinator



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 17-29**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING AN FY2015 STATE HOMELAND SECURITY PROGRAM REALLOCATION GRANT FROM THE DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (DHS&EM) IN THE AMOUNT OF \$110,000 FOR A BACKUP GENERATOR AT THE PORT AND HARBOR AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Port and Harbor building serves as the Emergency Operations Center for maritime emergencies; and

WHEREAS, The Port and Harbor building serves as a base for harbor enforcement officers serving two federally regulated facilities, the Deep Water Dock and Pioneer Dock; and

WHEREAS, Port and Harbor back-up power generation is identified as a high priority in the City of Homer's 2015 Alaska Assessment as it is critical to our capability to protect against, mitigate, respond to and recover from threats and hazards; and

WHEREAS, The City applied for a DHS&EM funds for a backup generator for the Port & Harbor; and

WHEREAS, The City is pleased to have been awarded full funding for the project in the amount of \$110,000 in the DHS&EM FY2015 reallocation grant cycle.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates an FY2015 State Homeland Security Program Grant to the City of Homer in the amount of \$110,000 for the purchase and installation of a backup generator as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	State Homeland Security Program Grant	\$110,000

Expenditure:

43	<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
44			
45		Port and Harbor Backup Generator	\$110,000
46			

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

49  
50 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of August, 2017.

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CITY OF HOMER

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

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59 ATTEST:

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\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

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67 Introduction:  
68 Public Hearing:  
69 Second Reading:  
70 Effective Date:

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YES:

73

No:

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ABSTAIN:

75

ABSENT:

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77 Reviewed and approved as to form:

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79

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

\_\_\_\_\_  
Holly Wells, Attorney

80  
81

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

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





# City of Homer

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

Administration

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 17-106

TO: Mayor and the City Council  
FROM: Jenny Carroll, Special Projects & Communications Coordinator  
THROUGH: Katie Koester, City Manager  
DATE: July 19, 2017  
SUBJECT: Homeland Security Program FY2015 Reallocation Grant Award

---

Alaska Division of Homeland Security and Emergency Management recently announced recipients of FY2015 State Homeland Security Program Reallocation grant funds. The City of Homer was awarded \$110,000 to purchase and install a back-up generator and automatic transfer switch at the Harbormasters Office.

Back-up power was identified as a high priority vulnerability in the Port and Harbor during the City of Homer's Alaska Assessment (December 31, 2015). The Port & Harbor is a critical infrastructure. Reliable back-up power plays an essential role in effective emergency response to and mitigation of both natural disasters and man-made incidents.

State Homeland Security Program funding greatly assists in maintaining the integrity of City of Homer's operational communication for local incident response, mutual aid and broader emergency response. Funding is dependent the City Council formally accepting the grant award.



**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-30**

An Ordinance of the City Council of Homer Alaska, Approving a Contract with Homer Real Estate for Real Estate Services to Market and Sell Lot 1 Harry Feyer Subdivision, Section 14, Township 6 South, Range 13 West, Seward Meridian, KPB Parcel No. 179-110-05 And Authorizing the City Manager to Adjust the Sales Price, the Balance of the Assessments, and the Realtor's Commission to Facilitate a Sale.

Sponsor: City Manager.

1. Council Regular Meeting July 24, 2017 Introduction



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 17-30**

AN ORDINANCE OF THE HOMER CITY COUNCIL APPROVING A CONTRACT WITH HOMER REAL ESTATE FOR REAL ESTATE SERVICES TO MARKET AND SELL LOT 1 HARRY FEYER SUBDIVISION, SECTION 14, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, KPB PARCEL NO. 179-110-05 AND AUTHORIZING THE CITY MANGER TO ADJUST THE SALES PRICE, THE BALANCE OF THE ASSESSMENTS, AND THE REALTOR'S COMMISSION TO FACILITATE A SALE.

WHEREAS, HCC 18.12.020 provides that real property that is no longer required for public purpose may be sold; and

WHEREAS, City Council determined that a public purpose did not exist for Lot 1 Harry Feyer Subdivision and designated the property for sale in the City's 2015 and 2016 Land Allocation Plans adopted by Resolution 15- 030(A) on April 27, 2015, by Resolution 16-043 on April 25, 2016; and

WHEREAS, The Land Allocation Plan clarifies that Lot 1 Harry Feyer Subdivision is a small triangular sliver of land with water and sewer assessments and development constraints that leave only a portion of the land developable; and

WHEREAS, Ordinance 16-17(S) Section 5, further authorizes the sale of Lot 1 Harry Feyer Subdivision for less than fair market value in consideration of its development constraints and water and sewer assessments. In addition, Section 5 declares that it is in the best interest of the City to convey the property for nominal consideration to an adjacent property owners; and

WHEREAS, When combined, the water and sewer assessments are \$34,141.80, almost equivalent to the assessed value of \$34,200.00; and

WHEREAS, The property was offered through sealed bids and advertised on the City of Homer website from March 17, 2017 through March 31, 2017, and one bid was received for one dollar, and

WHEREAS, Resolution 17-034 approved a sale, per the Invitation to Bid with the water and sewer assessments of \$34,141.80; and

WHEREAS, Due to the water and sewer assessments the prospective buyer did not execute the final documents; and

45 WHEREAS, Flexibility on the balance of the assessments may help sell the property; and

46  
47 WHEREAS, Pursuant to Homer City Code 18.12.020(d), the Council finds that reasonable  
48 time and effort has passed without the City receiving an acceptable bid, so it is advantageous  
49 to the City for the City Manager to contract for real estate services; and

50  
51 WHEREAS, Resolution 16-053 affirmed a three-year contract with Homer Real Estate for  
52 the City's real estate services and compensating the broker a 10% commission fee; and

53  
54 WHEREAS, A real estate professional can contact adjacent property owners and help to  
55 facilitate a replat of the parcel, and negotiate a sale that takes into consideration access issues  
56 and the assessments; and

57  
58 WHEREAS, Due to the probability of selling Lot 1 Harry Feyer Subdivision for nominal  
59 consideration, the 10% commission to be based on the combined sales price and the value of  
60 the assessments; and

61  
62 WHEREAS, In the event the sale, including assessment balances, deviates by more than  
63 \$5,000.00 from previously accepted purchase agreements, the City Council will approve the  
64 final terms of the sale.

65  
66 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

67  
68 Section 1. City Council of Homer approves a contract with Homer Real Estate for real  
69 estate services to market and sell Lot 1 Harry Feyer Subdivision, Section 14, Township 6 South,  
70 Range 13 West, Seward Meridian, KPB Parcel No. 179-110-05 and authorizes the City Manager  
71 to adjust the sales price by no more than \$5,000.00.

72  
73 Section 2. This Ordinance is not permanent in nature, and shall not be codified.

74  
75 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2017.

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79 CITY OF HOMER

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83 BRYAN ZAK, MAYOR

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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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: \_\_\_\_\_

Fiscal note: Water and Sewer assessments of \$34,141.80 less closing costs.





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

3 City Manager/  
4 Public Works Director

5 **RESOLUTION 17-071**

6  
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE  
8 CONTRACT FOR THE CONSTRUCTION OF THE FRISBEE COURT  
9 PAVING PROJECT TO THE FIRM OF EAST ROAD SERVICES. INC. OF  
10 HOMER, ALASKA IN THE AMOUNT OF \$156,102 AND AUTHORIZING  
11 THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.  
12

13 WHEREAS, Competitive bids were solicited for the Frisbee Court Paving Project in  
14 conformance with The City of Homer’s procurement policy; and  
15

16 WHEREAS, Two bids were received on July 13, 2017 (see Memorandum 17-105); and  
17

18 WHEREAS, The low bid from East Road Services, Inc. of Homer, Alaska was found to be  
19 responsive; and  
20

21 WHEREAS, The bid is within the project budget approved by the City Council; and  
22

23 WHEREAS, This award is not final until written notification is received by the firm from  
24 the City of Homer.  
25

26 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the  
27 contract for the Frisbee Court Paving Project to the firm of East Road Services, Inc. of Homer,  
28 Alaska, in the amount of \$156,102 and authorizes the City Manager to execute the  
29 appropriate documents.  
30

31 PASSED AND ADOPTED by the Homer City Council this 24th day of July, 2017.  
32

33 CITY OF HOMER  
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37 \_\_\_\_\_  
38 BRYAN ZAK, MAYOR

39 ATTEST:  
40

41 \_\_\_\_\_  
42 MELISSA JACOBSEN, MMC, CITY CLERK  
43

44 Fiscal Note: HART Fund (Project #151-7004)





## MEMORANDUM 17-105

To: Katie Koester, City Manager

From: Carey Meyer, PW Director

Date: July 13, 2017

Subject: **Award of Construction Contract, Frisbee Court Paving Project**

A majority of benefitted property owners agreed and the Council approved a special assessment district for the paving of Frisbee Court (Resolution 17-017) at the February 27, 2017 City Council meeting. Public Works proceeded to complete the design of the improvements.

On July 13, 2017, bids were received for the Frisbee Court Road Paving Project. This work was advertised in the Homer News on June 15 and 29 and in the Peninsula Clarion on June 25. Procurement was completed in accordance with the City’s procurement regulations.

Two responsive bids were received from qualified firms. The bid results were evaluated and the results are as follows.

Responsive Bidder’s Names	Amount
Clark Management	\$ 165,101.70
<b>East Road Services, Inc.</b>	<b>\$ 156,102.00</b>
Engineer’s Estimate	\$ 210,520.00

The City’s 5% local bidder’s preference does apply to this award. The low bidder is local.

The low bid is within the project budget approved by the City Council. Public Works expects the work to commence this fall, paving will be completed the end of the summer.

### **Recommendation:**

City Council pass a resolution awarding the construction contract for the Frisbee Court Road Paving Project in the amount of \$156,102 to East Road Services, Inc. of Homer, Alaska and authorizing the authorize the City Manager to execute all appropriate documents necessary to complete this project.

Fiscal Note – Frisbee Court Road Paving Project, #151-7004



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

3 City Manager/Police Chief

4 **RESOLUTION 17-072**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 APPROVING AND ACCEPTING THE RENEWAL OF THE CONTRACT  
8 FOR SPECIAL SERVICES FOR FY 2018 WITH THE ALASKA  
9 DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$36,000  
10 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
11 APPROPRIATE DOCUMENTS.  
12

13 WHEREAS, The Alaska Department of Public Safety, State Troopers Contract for Special  
14 Services pays the City for the provision of services related to assistance in the efficient conduct  
15 of the Alaska Department of Public Safety business within the general geographic region of the  
16 City of Homer; and  
17

18 WHEREAS, Services provided include pre-arraignment prisoner care and access to and  
19 utilization of professional facilities and equipment instrumental to the overall efficient and  
20 effective operation of law enforcement and emergency response component; and  
21

22 WHEREAS, The Contract for Special Services is an annual budgeted revenue in the  
23 amount of \$36,000.00 to be paid in four payments of \$9,000.00; and  
24

25 WHEREAS, The Alaska Department of Public Safety has requested renewal of the  
26 contract for a one-year period from July 1, 2017 through June 30, 2018.  
27

28 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Homer, Alaska  
29 hereby approves and accepts the renewal of the Contract for Special Services for the FY 2017  
30 with the Alaska Department of Public Safety in the amount of \$36,000.00 and authorizes the  
31 City Manager to execute the appropriate documents.  
32

33 PASSED AND ADOPTED by the Homer City Council this 24<sup>th</sup> day of July, 2017.  
34  
35

36 CITY OF HOMER  
37

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39 \_\_\_\_\_  
40 BRYAN ZAK, MAYOR  
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43 ATTEST:

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47 \_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal Note: Revenues of \$36,000.00 budgeted in 100.0030.4505



## City of Homer

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

## Police Department

4060 Heath Street  
Homer, Alaska 99603

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

(p) 907-235-3150

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

# Memorandum 17-107

TO: Katie Koester, City Manager  
FROM: Mark Robl, Chief of Police  
DATE: July 17, 2017  
SUBJECT: FY 2018 Special Services Contract Renewal

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The Alaska State Troopers have requested that we renew the contract for special services that we have with them. I recommend we obtain council approval to renew this contract.

The City has had this contract with the state for more than 27 years. The contract reimburses the City for allowing troopers to use City facilities and equipment as needed. It also pays the City for transporting state prisoners to/from arraignments and for housing their Title 47 detainees.

The state proposes to renew the contract at the existing rate of \$36,000 annually. I feel this is fair compensation for the services we provide to them.

Att: Alaska Dept. of Public Safety Contract for Special Services FY 2018





# VISITORS



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



# PUBLIC HEARING(S)



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

**Ordinances 17-26 & 17-27**

A **public hearing** is scheduled for **Monday, July 24, 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 17-26 & 17-27 internet address:** <http://www.cityofhomer-ak.gov/ordinances>

**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.

**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.



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

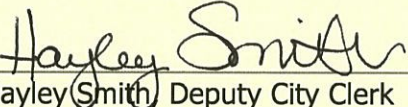
\*\* Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if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

Melissa Jacobsen, MMC, City Clerk  
Publish: Homer News July 20, 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 17-26**, 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. **Ordinance 17-27**, 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, was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Monday, July 17<sup>th</sup>, 2017 and posted the same on City of Homer Website on Wednesday, July 17<sup>th</sup>, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 17th day of July, 2017.

  
\_\_\_\_\_  
Hayley Smith Deputy City Clerk



**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
  
2. Council Regular Meeting July 24, 2017 Public Hearing and Second Reading
  - a. Substitute Ordinance 17-26(S)
  - b. Memorandum 17-094 from Training Officer/Captain as back up



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Fire Chief

**ORDINANCE 17-26**

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

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

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

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

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

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

Revenue:

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

Expenditure:

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

Section 2. This is a budget amendment ordinance only, is not permanent in nature, and 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](http://www.cityofhomer-ak.gov)

## Volunteer Fire Department

604 East Pioneer Ave  
Homer, Alaska 99603

[fire@cityofhomer-ak.gov](mailto: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

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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.



1 CITY OF HOMER  
2 HOMER, ALASKA

3 City Manager/  
4 Fire Chief

5 ORDINANCE 17-26(S)

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING  
8 THE FY 2017 OPERATING BUDGET BY APPROPRIATING \$18,095 **\$10,268**  
9 FROM THE FIRE DONATIONS FUND **AND AUTHORIZING THE**  
10 **EXPENDETURE OF \$7,827 FROM THE STATE OF ALASKA FIRE**  
11 **DEPARTMENT EQUIPMENT UPGRADES GRANT** TO PURCHASE A NEW  
12 ATV RESCUE SKID UNIT.

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

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

19  
20 **WHEREAS, The City of Homer has \$7,827 remaining in a State of Alaska Legislative**  
21 **Grant for Fire Department Equipment Upgrades after completing the projects**  
22 **refurbishing Tanker 2 and Engine 4 under budget; and**

23  
24 **WHEREAS, The grant administrator has determined that purchasing a replacement**  
25 **off-road capable vehicle with patient transport capacity is an eligible expense for spending**  
26 **the remaining grant funds; and**

27  
28 WHEREAS, The HVFD researched and received cost estimates on 6 different units  
29 including 3 from local businesses and found the CanAm Side by Side from All Season Honda to  
30 be the most affordable unit that meets the departments emergency response needs **multiple**  
31 **replacement options including a side by side with a slip on unit for patient transport and**  
32 **an Argo with patient transport option; and**

33  
34 WHEREAS, The ATV package requested includes a Kimtek MEDLITE Transport slip-on  
35 unit for transporting **will include the ability to transport** a supine patient and care provider  
36 on the ATV allowing a smoother ride when transporting an injured person; **and**

37  
38 **WHEREAS, The City will follow the Procurement Policy and Procedures when**  
39 **purchasing the ATV including soliciting at least 3 competitive written bids.**

40  
41 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
42





85

86 First Reading:

87 Public Reading:

88 Second Reading:

89 Effective Date:

90

91

92 Reviewed and approved as to form:

93

94

95

96

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

98

99

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

\_\_\_\_\_  
Holly Wells, City Attorney

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



**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
  
2. Council Regular Meeting July 24, 2017 Public Hearing and Second Reading
  - 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 BRYAN ZAK, MAYOR  
41  
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

66

67

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

69

\_\_\_\_\_  
Holly Wells, City Attorney

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



# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 17-100

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.





# ORDINANCE(S)





## City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 17-103

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JULY 14, 2017

SUBJECT: RESCIND 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.

---

At the June 26, 2017 Committee of the Whole and Regular City Council Meeting, City Manager Koester informed Council that they had adopted Ordinance 17-23 on June 12<sup>th</sup> with incomplete financial information. City Manager Koester reviewed the updated financials included in the City Manager's Report and advised Council they had three 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.

Councilmember Erickson gave previous notice of her intent to move to rescind Ordinance 17-23 at the July 24<sup>th</sup> regular meeting.

RECOMMENDATION: The following motion by Councilmember Erickson is appropriate at this time:

I move to rescind 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.



**CITY OF HOMER  
HOMER, ALASKA**

Lewis

**ORDINANCE 17-23(A)**

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.

WHEREAS, The Homer Permanent Fund was established by Ordinance 05-14(S) for the purpose of receiving monies from the distribution of the Exxon Valdez Oil Spill settlement and other "wind-fall" funds, and serving as an endowment whose income would be used to support City government, and whose principal could be loaned to support City capital projects; and

WHEREAS, The amount that the City received from the distribution of the Exxon Valdez Oil Spill settlement and other wind-fall funds was substantially less than anticipated at the time the Homer Permanent Fund was established; and

WHEREAS, The limitations on investments in city code restrict the earnings the Homer Permanent Fund income is able to realize; and

WHEREAS, The amounts in the Homer Permanent Fund could serve their purpose better if they were transferred to pay off debt and help fund a new police station; and

WHEREAS, The City of Homer can save over \$1m dollars in avoided interest charges by paying the United States Department of Agricultural Rural Development Loan for library construction off early; and

WHEREAS, Any capital dollars for the new police station will allow the City of Homer to borrow less money to fund the project; and

WHEREAS, With the transfer of the amounts in the Homer Permanent Fund to service debt and fund an essential capital project, it is appropriate to repeal the Homer City Code provisions regarding the Homer Permanent Fund.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

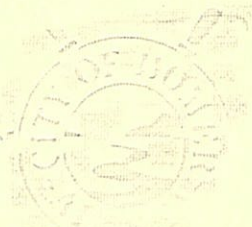
Section 1. The City Council hereby appropriates \$1,221,415 from the Homer Permanent Fund to pay off in full the United States Department of Agricultural Rural Development Loan.

43            Section 2. The City Council hereby appropriates all remaining funds and the full  
44 Permanent Fund balance, which equaled \$1,123,369 on May 23, 2017, from the Homer  
45 Permanent Fund to the actual construction of a Police Station.

46  
47            Section 3. Homer City Code Chapter 3.12, Permanent Fund is repealed.

48  
49            Section 4. Sections 1 and 2 of this Ordinance are amendments to the budget, which are  
50 temporary in nature and shall not be codified. Section 3 of this Ordinance is of a permanent  
51 and general character and shall be included in the City Code.

52  
53            ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 12<sup>th</sup> day of June, 2017.



CITY OF HOMER

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

61 ATTEST:

62  
63   
64 \_\_\_\_\_  
65 MELISSA JACOBSEN, MMC, CITY CLERK

66  
67 AYES: 6  
68 NOES: 0  
69 ABSTAIN: 0  
70 ABSENT: 0

71  
72  
73 First Reading: 5.30.17  
74 Public Hearing: 6.12.17  
75 Second Reading: 6.12.17  
76 Effective Date: 6.13.17

77  
78 Reviewed and approved as to form:

79  
80   
81 \_\_\_\_\_  
82 Mary K. Koester, City Manager

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

83  
84 Date: 6.15.17

Date: 6.24.17

**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-31**

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$1,121,591 from the Homer Permanent Fund to Pay Off the Library Construction Loan.

Sponsor: Lewis.

1. Council Regular Meeting July 24, 2017 Introduction





**CITY OF HOMER  
HOMER, ALASKA**

Lewis

**ORDINANCE 17-30**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
APPROPRIATING FUNDS IN THE AMOUNT OF \$1,121,591 FROM  
THE HOMER PERMANENT FUND TO PAY OFF THE LIBRARY  
CONSTRUCTION LOAN.

WHEREAS, The Homer Permanent Fund was established by Ordinance 05-14(S) for the purpose of receiving monies from the distribution of the Exxon Valdez Oil Spill settlement and other “wind-fall” funds, and serving as an endowment whose income would be used to support City government, and whose principal could be loaned to support City capital projects; and

WHEREAS, The City pays \$99,824 annually in debt service on a USDA loan from the construction of the Homer Public Library; and

WHEREAS, A portion of the Homer Permanent Fund could serve their purpose better if they were transferred to pay off debt; and

WHEREAS, The City of Homer can save \$464,314 in avoided interest charges over the next 17 years by paying the United States Department of Agricultural Rural Development Loan for library construction off early; and

WHEREAS, Reducing debt obligation is a valid goal of the Permanent Fund and in the future the Council could consider spending the remainder of the capital dollars for the new police station will allow the City of Homer to borrow less money to fund the project; and

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City Council hereby appropriates \$1,121,591 from the Homer Permanent Fund pursuant HCC 3.12.060 to pay off in full the United States Department of Agricultural Rural Development Loan, (Library Construction Loan.)

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

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

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CITY OF HOMER

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

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

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

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

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

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

**ORDINANCE REFERENCE SHEET**  
**2017 ORDINANCE**  
**ORDINANCE 17-32**

**Ordinance 17-32**, An Ordinance of the City Council of Homer, Alaska, Amending Chapter 3.12, Permanent Fund and HCC 3.10.130, Governance of Permanent Fund, to Remove all References of Subfunds and Establish a Balanced Fund as the Investment Mechanism for the Homer Permanent Fund.

Sponsor: Stroozas.

1. Council Regular Meeting July 24, 2017 Introduction
  - a. Memorandum 17-108 from City Manager as backup



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

3 Stroozas

4 **ORDINANCE 17-32**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING CHAPTER 3.12, PERMANENT FUND AND HCC 3.10.130,  
8 GOVERNANCE OF PERMANENT FUND, TO REMOVE ALL  
9 REFERENCES OF SUBFUNDS AND ESTABLISH A BALANCED FUND  
10 AS THE INVESTMENT MECHANISM FOR THE HOMER PERMANENT  
11 FUND.  
12

13 WHEREAS, The Homer Permanent Fund was established by Ordinance 05-14(S) for the  
14 purpose of receiving monies from the distribution of the Exxon Valdez Oil Spill settlement and  
15 other “wind-fall” funds, and serving as an endowment whose income would be used to support  
16 City government, and whose principal could be loaned to support City capital projects; and  
17

18 WHEREAS, The Homer Permanent Fund is divided into income and growth sub-funds  
19 with different investment and expenditure requirements for each; and  
20

21 WHEREAS, A balanced fund is a fund investing in stocks and bonds to provide both  
22 income and growth; and  
23

24 WHEREAS, Simplifying the Permanent Fund to one balanced fund streamlines the  
25 administration while maintaining a conservative balance between growth and risk.  
26

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

29 Section 1. Homer City Code 3.10.130, Governance of Homer permanent fund assets is  
30 amended to read:  
31

32 3.10.130 Governance of Homer permanent fund assets  
33

34 a. In investing and managing the monies of the permanent fund established pursuant  
35 to Chapter 3.12 HCC, the persons having responsibility for making decisions shall  
36 exercise the judgment and care under the circumstances then prevailing which an  
37 institutional investor of ordinary prudence, discretion, and intelligence exercises in the  
38 management of large investments entrusted to it, not in regard to speculation, but in  
39 regard to the long-term investment of funds considering the probable safety of capital  
40 as well as probable income, in accordance with the stated objectives of the permanent  
41 fund.  
42

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

43 b. In order to ensure sound investment strategy, the City Council will take action in the  
44 following manner:

45  
46 1. The City Council shall establish written investment policies by resolution which  
47 shall be adhered to without exception;

48  
49 2. The City Council shall review the performance **and** investment policies of the  
50 permanent fund at least once each year during the first quarter and shall, by  
51 resolution, re-adopt or modify said policies; **review of the fund shall take into**  
52 **account the following priorities listed in order of importance:**

- 53  
54 **1. Preservation of capital**  
55 **2. Long-term growth of capital**  
56 **3. Preservation of purchasing power**  
57 **4. Current income**  
58 **5. Stability of return**

59  
60 3. The City Council shall establish, by resolution, a plan for the allocation of  
61 investment assets each year that provides for the following:

62  
63 a. ~~That~~ earnings available for annual appropriation and distribution shall be  
64 confined to the interest, dividends or coupon discounts derived from the  
65 investments of the fund. Realized or unrealized gains to the portfolio value  
66 are not considered earnings.

67  
68 b. The portfolio of the ~~growth sub-fund~~ will be invested in **a balanced fund**  
69 ~~primarily in equities,~~ **with 25% equities and 75% bonds or other fixed rates**  
70 **securities** and is exempt from HCC 3.10.040.

71  
72 **c. Rebalancing of the fund when out of balance by \$100,000 or more in**  
73 **equities/fixed rate securities.**

74  
75 ~~c. The portfolio of the income sub-fund will be invested primarily in bonds~~  
76 ~~and the other fixed rate securities authorized by HCC 3.10.040.~~

77  
78 d. ~~The income sub-fund~~ may be used as a revolving loan fund for various City  
79 capital projects as provided in Chapter 3.12 HCC.

80  
81 ~~That states~~ **pPortfolio** duration, performance benchmarks, and the  
82 estimated percentage or amount of that year's earnings that would be  
83 necessary to retain to inflation-proof the fund principal;

84

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

85 f. That states portfolio's investment objective.  
86

87 4. The City administration shall maintain on file within the offices of the Finance  
88 Department monthly reports which indicate transactions affecting the  
89 investment account, to include, at a minimum, transfers of cash into and out of  
90 the account, and interest or dividends received by the account;

91  
92 ~~5. The City administration shall order an objective performance evaluation of the~~  
93 ~~investment program every year;~~

94  
95 **56.** The City administration shall retain one or more bank custodians to hold all  
96 investments~~s~~ cash and fixed income securities of the permanent fund and require  
97 that the custodians shall render monthly reports to the administration regarding  
98 assets held at both book and market values, and individual transactions which  
99 have taken place, that the banks shall have adequate fidelity insurance, and that  
100 written contracts be entered into between the City and the custodian banks.

101  
102 Section 2. Homer City Code 3.12.030, Allocation to sub-funds, is repealed.

103  
104 Section 3. Homer City Code 3.12.060, Expenditures from income sub-fund is amended  
105 to read:

106 3.12.060 Expenditures from ~~income sub-fund~~.

107  
108 Expenditures from the ~~income sub-fund~~ may be made only as authorized in this  
109 section.

110  
111 a. The income from the ~~income sub-fund~~ may be appropriated by the City Council and  
112 be expended for general governmental purposes, including but not limited to ordinary  
113 operating expenses.

114  
115 b. The principal of the ~~income sub-fund~~ may be used as a source of loan funds for City  
116 capital projects, and not as a grant. To be eligible for such a loan the project must  
117 receive a majority of its funding from other sources. Such loans shall be on terms  
118 approved by resolution of the City Council, which must provide for the repayment of  
119 the loan over a reasonable period of time.

120  
121 Section 4. Section 3.10.120, Definitions is amended to add:

122  
123 **“balanced fund” is a fund investing in stocks and bonds to provide both income**  
124 **and growth.**

125  
[**Bold and underlined added.** Deleted language stricken through.]







# City of Homer

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

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 17-108

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: July 19, 2017  
SUBJECT: Permanent Fund Info

---

The purpose of this memo is to provide relevant background for Council's consideration of the two Permanent Fund related ordinances on the agenda and rescinding action on Ordinance 17-23.

The growth portion of the permanent fund is invested in two separate pots: one that tracks the S&P 500 and one that tracks the NASDAQ. The intent behind selecting these two was to keep the investing very simple (read no steep management fees) and track a nationally recognized index that is easy to follow. See the attached screen shots from Morningstar.com that show historical performance of the S&P 500 and NASDAQ.

Market value of growth fund as of July 17, 2017: \$1,625,542

S&P 500: \$936,205

NASDAQ: \$689,337

The income fund is stable by its very nature. It is invested in two government bonds with a combined value of \$678,259. The City's investment firm, TVI, recommends a minimum of \$100,000 to purchase a decent bond.

Market Value of Permanent Fund as of 7/18/2017: \$2,303,801

If Council decides to adopt the two ordinances before them, paying off the Library loan and rebalancing the fund, TVI recommends paying off the Library loan entirely by selling off equities. This would still leave the need to sell approximately \$140,000 in equities to purchase a bond in order to achieve the 25/75 growth/income split Councilmember Stroozas recommends.

TVI charges a \$250 transaction fee to sell off any portion of an equity fund or \$500 to close it (sell all the shares). Bond fees are undisclosed but range from \$200 to \$400 per \$100,000 in bond value. These fees are minimal compared to an actively managed fund where the City was paying between \$11,500-\$15,200 annually.

Enc:

Historical performance of the S&P 500 and NASDAQ  
City of Homer Permanent Fund Investment Portfolio as of 7-18-17



# S&P 500 Index SPX

## Charts

[1 Day](#)
[5 Day](#)
[1 Mo](#)
[3 Mo](#)
[YTD](#)
[1 Yr](#)
[3 Yr](#)
[5 Yr](#)
[Max](#)

### Total Returns %

Data through 07-18-17

								<b>YTD</b>
S&P 500 Index								<b>11.12</b>
<b>Trailing Total Return</b>	<b>1 Month</b>	<b>3 Month</b>	<b>1 Year</b>	<b>3Yr Avg</b>	<b>5Yr Avg</b>	<b>10Yr Avg</b>	<b>YTD</b>	
S&P 500 Index	1.26	5.59	15.95	9.83	14.80	7.04	11.12	

S&P 500 index data: S&P 500 Copyright © 2011

## NASDAQ Composite PR USD

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[Data Question](#)

[Quote](#)
[Performance](#)
[Portfolio](#)
[News & Research](#)

[Collapsed View](#)
[Expanded View](#)

### Growth of 10,000 @CCO

● @CCO



History (06/30/2017)	2012	2013	2014	2015	2016	YTD
@CCO	15.91	38.32	13.40	5.73	7.50	14.07

Source: Morningstar.com

## Katie Koester

---

**From:** Paul Jarvis <Paul.Jarvis@timevalueinv.com>  
**Sent:** Monday, July 17, 2017 2:25 PM  
**To:** Katie Koester  
**Subject:** FW: PF to balanced fund

Good afternoon Katie,

HERE ARE THE SPY PRICES (3,813 SHARES):



HERE ARE THE QQQ PRICES (4.848 SHARES):

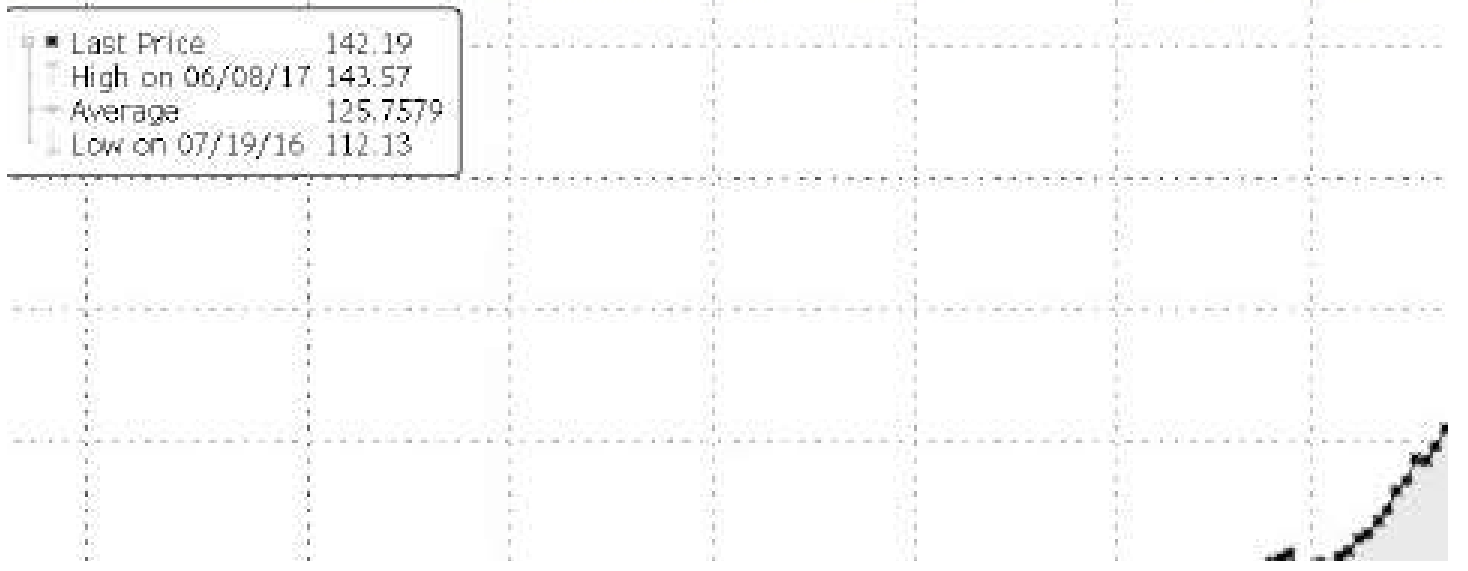
QQQ US \$    ↑ 142.19    +0.07        Q1  
 At 17:20 d Vol 25,317,621 0 142.25Y    H 14

**QQQ US Equity**    95) Compare    96) Actions    97) E

07/18/2016 - 07/17/2017    Last Price    USD     Mov Avgs

1D 3D 1M 6M YTD 1Y 5Y Max Daily ▼   ▼ Table

■ Last Price	142.19
▮ High on 06/08/17	143.57
— Average	125.7579
▮ Low on 07/19/16	112.13



SALE OF EXISTING BOND:

Trader  
At

PAUL JARVIS  
TVI

9) SELL	320	M	of FFCB 1.12 02/22/19
Price	99.130000	Yield	1.675983 t
Settlement	07/19/17		

Notes

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SALE OF EXISTING BOND:

Trader  
At

PAUL JARVIS  
TVI

9) SELL	400M	of FNMA 1.66 12/23/20
Price	98.900000	Yield 1.993438
Settlement	07/19/17	

## Notes

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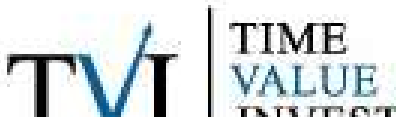
Thanks,

Paul

**Paul Jarvis** | Managing Director

Time Value Investments, Inc. | 9725 3rd Ave NE, Suite 610 | Seattle, WA 98115

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**From:** Katie Koester [<mailto:kkoester@ci.homer.ak.us>]

**Sent:** Friday, July 14, 2017 2:59 PM

**To:** Paul Jarvis <[Paul.Jarvis@timevalueinv.com](mailto:Paul.Jarvis@timevalueinv.com)>

**Subject:** PF to balanced fund

Hi Paul,



# CITY MANAGER'S REPORT





## City of Homer

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

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

### Memorandum

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: July 19, 2017  
SUBJECT: July 24 City Manager's Report

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#### **Maritime Response Meeting**

Chief Painter organized a meeting between responders to maritime emergencies in an effort to look at what the community has available and where gaps might be for both near shore and far shore rescue. In attendance were representatives from the Civil Air Patrol, Coast Guard Auxiliary, Anchor Point Fire Department, Kachemak Emergency Services, Pathfinder Aviation, Homer Volunteer Fire Department, and Homer Port and Harbor. In many cases, these organizations have to be dispatched through the Troopers or the Coast Guard. This covers any liability and expense of the rescue. Response times range wildly depending on time of year, where resources are, and volunteers that are available. The Auxiliary stressed their efforts on prevention and boating safety as the most important tool in maritime response. The apparatus needs identified were divided into two categories: near shore where a safe boat or emergency response jet ski would be valuable and far shore where a fire boat that could respond to vessel fires. Acquiring apparatus is just the first step, crew, regular training, convenient storage, and liability coverage were just some of the other factors discussed. Council has expressed an interest in a worksession on community maritime response capabilities in order to provide the public with education regarding the maritime response capabilities of Homer and brainstorm ways to increase our response capacity as a community. I will work on scheduling a worksession for September when boating season slows down.

#### **Borough Bed Tax Proposal**

I traveled to Soldotna on July 19<sup>th</sup> at the invitation of the Borough Mayor mayor's office to participate in a Peninsula City Manager's meeting on Ordinance 17-17 introduced at the July 18<sup>th</sup> Borough Assembly meeting. Ordinance 17-17 puts to the voters at the regular election in October an 8% borough wide bed tax. If a City adopts an authorizing ordinance, the 8% would be split between the city and the Borough within City limits. Revenue estimates for Homer range from \$500,000- \$580,000. Ordinance 17-17 will be up for a public hearing at the August 1<sup>st</sup> Assembly Meeting. Ordinance 17-17 and back up memos are attached.

#### **Visit from State Assessor**

State Assessor Marty McGee stopped in to visit with administration in early July. He is working on a Performance Audit for the KPB Assessing Department that although not specific to the 2017 assessment process, will include information on Homer. The State Assessor expects the audit to be public by the end of the month and may be of some interest to Homer taxpayers.

#### **Update on Northern Edge Training Exercises Scheduled**

Alex Stone, a Navy environmental expert and Tim Croft with Alaska Command, will attend the City Council meeting on August 14<sup>th</sup> to report on the Northern Edge training exercise held this spring. It is likely that

Senator Murkowski will be sending staff from her DC office as well. The Senator's office has been instrumental in organizing outreach between coastal communities and the Navy.

### **Emergency Repairs to City Hall Elevator**

The City has a service contract that provides inspections and routine maintenance of the elevator at City Hall every 2 years based on a checklist of items. The next visit is coming up at the end of July. Recently, the State inspector looked at elevator certifications and identified the need to complete a Category 5 inspection (a load test is required every 5 years). He also identified two other minor issues (ADA phone compliance and a faulty key switch). The State inspector gave the City until July 23<sup>rd</sup> to resolve the load test deficiency. The quote received to fix the problems the State inspector identified and perform a load test (\$6,000) is based on sharing significant mobilization costs with a planned visit to Homer for another load test and is saving us at least \$2,500. The load test is scheduled for July 19 and will be incorporated into our maintenance and inspection schedule in the future. I will be including an adjustment to the budget with midyear budget amendments to reflect this expenditure.

### **Holland America Ship Tour**

I had the pleasure of joining the Homer Chamber of Commerce Board of Directors and Mayor on a ship tour of the Amsterdam when she was recently in port. The tour was an excellent opportunity to learn about how cruise ships make their decisions on port calls. The Homer trip is an unusually long (14-day) cruise and the result of pulling a ship out of Europe due to a declining market there. It was explained that due to the length of the cruise and the journey, it is unlikely Homer will receive additional ships despite our best efforts, but that effort could be spent in getting more passengers off the ship to visit Homer's many attractions. I could see the wheels turning of the staff and directors of the Chamber and I am looking forward to the creative ideas they will come up with to share more of Homer with our visitors. Homer is already known as a very welcoming port due to the efforts of the volunteers who greet the ship armed with visitor guides and smiles. Cruise ship passengers are likely to return as independent travelers, by far the bulk of the visitors Homer gets. Sparking that interest in people is another important way that Homer benefits from cruise ship visits.

### **Expanded Use of the HERC**

Resolution 13-095 authorized use of the gym at the HERC for Community Recreation activities and Ordinance 14-37 authorized funding to make minimal upgrades to the gym to bring it in compliance with fire code for minimal occupancy (50). There is a large room adjacent to the gym that has been used in the past as a classroom/exercise space. According to Community Recreation Manager Illg, the public has expressed interest in using the space for Zumba and other activities. The HERC is also brought up in community conversations regarding the need for after school activities and a potential Boys and Girls Club. However, in order to allow for full occupancy of the HERC gym and expand occupancy into the two adjacent rooms, another Fire Marshall review will be required.

A preliminary estimate has been acquired from Taylor Fire Protection for the installation of a sprinkler system in the first floor of the building. A 6" water line will also need to be installed from the street to the building since the existing service is only 2 inch.

Following is a rough cost estimate for completing improvements that would be needed to increase the occupancy load at the HERC.

Sprinkler System Installation	\$78,000
Fire Alarm System	\$30,000

New Water Line	\$20,000
Fire Marshall review (Fee and admin)	<u>\$1,500</u>
Total	\$129,500

Not included in the cost estimate are any improvement items that the Fire Marshall/or Contractor may discover (entry modifications, doors, etc.), asbestos abatement that could arise during the sprinkler system installation, and contingencies. As a reminder; other costs associated with increased occupancy are utility cost increases for the expanded use and increased janitorial/maintenance costs. Also, the roof on this building is in very poor condition and replacement needs to be planned in the very near future. It has been patched often since 2004 and should not be counted on to function adequately for much longer.

**Timeline for Greatland Extension**

Based on Council authorization with the passage of Ordinance 17-05(A-2) Public Works has contacted Kinney Engineering, our term contract engineer for road and trail design projects, to complete the design of the Greatland Street Extension. Kinney Engendering has experience with local road projects including design for Waddell Road (now known as Grubstake) and the Lillian Walli/Eric Lane road improvements.

Based on the successful design contract negotiations, we expect that the project would proceed as follows:

Design Begins	August 15, 2017
Wetlands Delineation	August 30, 2017
Geotechnical Investigation Complete	September 15, 2017
Field Survey Complete	September 30, 2017
35% Design Complete	November 15, 2017
Neighborhood Meeting	November 21, 2017
65% Design Complete	January 30, 2018
Environmental/Regulatory Permits	March 1, 2018
95% Design Complete	March 30, 2018
Bid Documents Complete	April 1, 2018
Bids Advertised	April 15, 2018
Bids Open	May 15, 2018
Award of Construction Contract	May 30, 2018
Construction Begins	June 10, 2018
Construction Complete	August 30, 2018

**New (and Expensive) Vac Truck may be Needed Soon**

The vac truck used by Public Works has reached the end of its life expectancy, 25 years, and has been giving Public Works trouble. The truck has accumulated around \$15,000 in repairs over the last couple of years and racked up \$3,000 in repairs just since March of this year.

The vac truck is a critical piece of equipment for many operations in water/sewer and roadway work. It is used to excavate for water service and gate valve repairs (sucks the ground and makes a small deep hole rather than full excavation with backhoe); also for manhole repairs (both sewer and storm drain); for vacuuming sewer mains and service lines; for washing down sewer lift stations and vacuuming out sewer lift stations; for vacuuming out all of our storm drain manholes; for jetting (cleaning) sewer mainlines and service lines; and more.

At present, the vehicle is down with some pretty major repairs anticipated. This may end up being simply a labor intensive repair that doesn't cost much in materials, but it could also turn into labor and some extensive material costs on a very old and heavily used piece of equipment. In addition to the costs, there is the several weeks that this equipment has been down due to the recent repairs, and now the ongoing new repairs. This equipment is essential for many operations from general road maintenance to water and sewer maintenance and repairs. When it's down, work suffers.

At this point, Public Works plans to keep repairing the unit, but a budget request may materialize before the 2018 budget, and definitely by then, for replacement. At \$400,000 this is quite the expense. The cost would be split between the water, sewer and public works vehicle reserve funds.

### **ADA Self-evaluation Underway**

During the 2017 budget cycle Council appropriated \$25,000 to help the ADA committee and City staff with a self-evaluation and transition plan for making city facilities and programming more accessible to individuals with disabilities. David Barton with the Northwest ADA center will be in Homer during the week of August 7-11 to work with the ADA committee and the City's ADA Coordinator and City Clerk, Melissa Jacobsen, on our self-evaluation and help get us started on the transition plan. This will be a time intensive project and I really appreciate the committee and staff stepping up to the plate to take it on. It will be a valuable guide for future improvements at the City and a model for other communities.

### **Visit with Governor Walker**

Mayor Zak and I had a great visit with Governor Walker, Commissioner Mack, Chief Oil and Gas Advisor Hendrix and staff on their way through Homer this week. Topics included the City's plans for a large vessel harbor, how to connect more local farmers with national grocery chains, and the Governor's aggressive stance on combating the opioid epidemic. I will be following up with the Governor's office on these issues and others and greatly appreciate Governor Walker finding time when traveling to hear from local municipalities.

### **Local Business Product Recognized**

Homer's very own Nomar made it into Popular Mechanic Magazine's list of USA made goods with their driving mittens. Staff in my office can think of all kinds of Nomar products we love and use daily. Congratulations to Nomar for the national recognition and putting Homer on manufacturing map.

Enc:

Memo from City Clerk on Voter Rolls

KPB Ordinance 17-17 and back up memos

Page 70 Popular Mechanics

Letter from Baldwin & Butler, LLC Re: Notice of Meeting Cellular Service Tower, Homer Spit

July Anniversaries



# City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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## Memorandum

TO: MAYOR ZAK AND HOMER CITY COUNCIL

THROUGH: KATIE KOESTER, CITY MANAGER

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JULY 17, 2017

SUBJECT: VOTER ROLL INFORMATION

---

At the June 26, 2017 Regular City Council meeting during Councilmember Comments, Councilmember Reynolds requested I work with the State on purging the voter rolls to have a better idea of how many people are actually registered to vote in Homer.

The City Clerk's office staff assists the public with voter registration, but the State Division of Elections is responsible for adding voters to and removing voters from the voter rolls. I emailed Lauri Wilson, Region 1 Elections Supervisor, for more information regarding the voter rolls and her response, in which she explains rules for determining residence, systems used for reviewing registered voters status, and the process for annual list maintenance, is included with this memo.

**From:** Wilson, Lauri L (GOV)  
**To:** [Melissa Jacobsen](#)  
**Subject:** RE: Voter Rolls  
**Date:** Wednesday, June 28, 2017 10:18:41 AM

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Hi Melissa,

I thought I'd also throw in information on voter residence since that is tied to voter rolls in determining which House District a voter is registered and eligible to vote.

Rules for determining residence of a voter can be found in AS 15.05.020. A voter must be registered to vote for 30 days prior to an election in order to be eligible to vote in an election. Although a person may register to vote at any time, their vote would not count or could be partially counted in an election only if they were registered 30 days before the date of the election. Address changes would also have to be received by that same deadline. It is up to the voter to notify the division of any changes to their voting record, including address changes.

Please see AS 15.05.202 on Rules for determining residence of a voter.

**Excerpts from AS 15.05.020 state:**

"A person does not lose residence if the person leaves home and goes to another country, state, or place in this state for temporary purposes only and with the intent of returning." The law does not specify a length of time associated with "intent of returning."

"A person loses residence in this state if the person votes in another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state until again qualifying under AS 15.05.010."

**Voter Roll Maintenance Clean Up**

In regards to voter roll maintenance and clean up, the division performs various tasks for maintaining and cleaning up voter rolls in Alaska through these processes: Electronic Registration Information Center (ERIC), our annual List Maintenance (LM) process required under federal law and newly passed initiative "15PFVR" which allows for automatic voter registration when applying for a PFD which provides us with current address information.

-

**ERIC - New**

The Division participates in ERIC as a new member state since 2016. ERIC is a multistate partnership that uses a sophisticated and secure data-matching tool to improve the accuracy and efficiency of state voter registration systems. Through participation in ERIC, states can compare official data on eligible voters – such as voter and motor vehicle registrations, US Postal Service addresses, Social Security death records – to keep voter rolls more complete and up to date. ERIC is owned, managed, and funded by participating states and was formed in 2012 with assistance from The Pew Charitable Trusts.

**PFD - New**

In 2016, voters approved Ballot Measure 1 (15PFVR) which will automatically register eligible



individuals to vote when they apply for a PFD unless they opt-out. Under the new law, the division is required to send a notice to voters whose address on their PFD application is different than their voter record address, or to applicants who are not currently registered to vote. The mailer notifies the voter that the information on their PFD application will be used to update their voter registration or register them unless they 'opt-out' within 30 days. How this new law will affect voter turnout statistics is yet to be seen as there is a potential for higher voter registration numbers vs turnout. (See the News section of our web site at: <http://www.elections.alaska.gov/> to read more on this)

### **Annual List Maintenance Process**

Once each year, the division examines the master registration list and performs list maintenance on registration records that have had mail returned as undeliverable to the division, no contact with the division, or no voter history in the last four calendar years.

Under state law AS 15.07.130, voter registration list maintenance is a two-step process. Through the list maintenance process, the division will attempt to contact the voter by sending two notices requesting address confirmation or correction to the information on the voter record or to see if the voter wished to cancel their registration in Alaska. Any voter whose first notice is returned as "undeliverable" must be sent a second notice to the voter's last known address with a request for the post office to forward it to any new address on file for the voter. If the voter does not respond to the second notice within 45 days, the voter's record will be inactivated and their names will not appear on the list of voters used at the polling place.

Once a voter has been inactivated through list maintenance, the voter may still vote using a questioned ballot. If they vote at any time within four years after being inactivated their ballot will count. Voting a questioned ballot will also activate and update their voter registration record. If a voter who was inactivated does not contact the division or appear to vote, the voter's record will be cancelled and removed from the registration system after the second general election that occurs after the registration is inactivated.

Hope this helps.

Lauri

*Lauri Wilson*  
*Division of Elections*  
*Region I Elections Supervisor*  
*(907) 465-3036*

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**From:** Melissa Jacobsen [mailto:MJacobsen@ci.homer.ak.us]  
**Sent:** Wednesday, June 28, 2017 9:03 AM  
**To:** Wilson, Lauri L (GOV)  
**Subject:** Voter Rolls

Hi Lauri,

One of our councilmembers has raised the issue of the voter rolls so they more accurately reflects those who are currently eligible to vote, I've included her comment here:

*3) I would like to see the voter rolls cleaned up so that the total number registered to vote better represents those actually currently eligible. Of course, I do not want this to in anyway hamper any resident who is actually eligible from having the ability to vote! Who needs to be involved? Homer clerks and State? How to formalize this request?*

We've talked about it when you and other DOE staff has attended our clerk conferences and I have an idea, but is there some place online that outlines the process to do this that I can go to for information, or can you provide me with information about the process?

I'd like to provide an informational memo to council at their next meeting on July 24<sup>th</sup> and any information I can get will be helpful.

Thank you, Melissa

Melissa Jacobsen, MMC  
City Clerk  
ADA Coordinator  
City of Homer, Alaska  
907-235-3130

[City of Homer City Clerk's Office](#)

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

Introduced by: Mayor  
Date: 07/18/17  
Hearing: 08/15/17  
Action:  
Vote:

**KENAI PENINSULA BOROUGH  
ORDINANCE 2017-17**

**AN ORDINANCE AMENDING KPB CHAPTER 5.18 TO ESTABLISH AN 8 PERCENT  
AREAWIDE SALES TAX ON TEMPORARY LODGING AND PROVIDING FOR AN  
EXEMPTION OF UP TO 4 PERCENT OF THE LEVY ON TEMPORARY LODGING  
WITHIN THE BOUNDARIES OF CITIES IN THE BOROUGH THAT LEVY A  
SIMILAR SALES TAX IN ADDITION TO AN EXISTING GENERAL SALES TAX,  
SUBJECT TO APPROVAL BY THE VOTERS IN THE REGULAR ELECTION ON  
OCTOBER, 3, 2017**

- WHEREAS**, due to the continuing decline in state assistance to municipalities along with the increasing loss in property tax revenues to the borough from exemptions on real property, and due to increasing reliance on borough funding for the school district, the borough must take steps to maintain its unrestricted fund balance into the future within financially prudent and responsible parameters; and
- WHEREAS**, currently, 43 Alaska municipalities including cities and boroughs have a bed tax in addition to other sales taxes, with such bed tax rates ranging from a low of 4 percent to a high of 12 percent; and
- WHEREAS**, the Kenai Peninsula Borough and the Aleutians East Borough are the only second-class boroughs in the state without an additional sales tax on temporary lodging; and
- WHEREAS**, several hundred thousand visitors travel to the Kenai Peninsula each year and contribute in a large way to the area's economy but also create a large demand on public services in the borough; and
- WHEREAS**, other than the general sales tax, the borough currently receives no direct revenue from these visitors to the peninsula; and
- WHEREAS**, while the revenue generated from this additional sales tax on temporary lodging would be used for educational purposes, it would make other borough revenues available to offset these visitor costs; and
- WHEREAS**, to enable the cities to levy a similar tax and allow the tax to apply evenly throughout the borough, the ordinance exempts from the borough's 8 percent temporary lodging tax any similar additional city tax up to 4 percent so as to share revenues between the borough and cities; and

**WHEREAS**, “temporary lodging” is currently defined in the borough sales tax code as “a service to provide any lodging of less than one month”; and

**WHEREAS**, as this is an increase in the sales tax rate, voter approval is required before this could go into effect;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 5.18.100 is hereby amended as follows:

**5.18.100. - General—Levied—Amount.**

- A. There is levied by the borough a consumer's sales tax of up to 3 percent maximum rate on all retail sales, on all rents, and on all services made or rendered within the borough, measured by the gross sales price of the seller.
- B. In addition to the tax levied in paragraph A of this section, there is levied in the borough a sales tax on the rental of temporary lodging of up to 8 percent of the rental price of all such rentals within the borough, except as specifically exempted herein.
- C. In addition to the sales taxes levied by the borough, any municipality within the borough may levy a consumer's sales tax and temporary lodging tax as provided by Alaska Statute which shall be reported, collected, and enforced according to the terms of this chapter.

**SECTION 2.** That KPB 5.18.215 is hereby enacted as follows:

**5.18.215. - Exemptions/waivers—Temporary lodging within cities in the borough.**

Rentals of temporary lodging within any city in the borough are exempt from the borough’s 8 percent tax in an amount equal to the amount of a similar sales tax that may be levied by the applicable city in addition to the city’s general sales tax, if any, up to a maximum exemption of 4 percent of the rental price.

**SECTION 3.** That a ballot proposition shall be placed before borough voters at the regular election on October 3, 2017 to read as follows:

Shall Ordinance 2017-\_\_\_\_, providing for the levy of a tax on temporary lodging of up to 8 percent of the rental price, subject to existing exemptions in the borough sales tax code and an exemption of up to 4 percent in any city in the borough that levies a similar additional sales tax on temporary lodging in its boundaries, be approved? “Temporary lodging” means “a service to provide any lodging of less than one month”.

Yes \_\_\_\_\_ A “yes” vote means you approve of a temporary lodging tax of up to 8 percent of the rental price in the borough, with an exemption of up to 4 percent in any city in the borough that levies a similar additional temporary lodging tax.

No \_\_\_\_\_ A “no” vote means you oppose a temporary lodging tax of up to 8 percent of the rental price in the borough, with an exemption of up to 4 percent in any city in the borough that levies a similar additional temporary lodging tax.

**SECTION 4.** That Sections 3 and 4 of this ordinance shall become effective immediately upon enactment of this ordinance. Sections 1 and 2 of this ordinance shall become effective April 1, 2018, only if the proposition contained in Section 3 is approved by a majority of voters voting on the question in the regular election of October 3, 2017.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \*, 2017.**

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Kelly Cooper, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk





## KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.kpb.us

**MIKE NAVARRE**  
**BOROUGH MAYOR**

### MEMORANDUM

**TO:** Kelly Cooper, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** Mike Navarre, Mayor *MN*

**FROM:** Larry Persily, Chief of Staff *LP*  
Brandi Harbaugh, Acting Finance Director *BH*

**DATE:** July 6, 2017

**SUBJECT:** Ordinance 2017-17, Amending KPB Chapter 5.18 to Establish an 8 Percent Areawide Sales Tax on Temporary Lodging and Providing for an Exemption of Up to 4 Percent of the Levy on Temporary Lodging within the Boundaries of Cities in the Borough that Levy a Similar Sales Tax in Addition to an Existing General Sales Tax, Subject to Approval by the Voters in the Regular Election on October, 3, 2017 (Mayor)

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Due to the continuing decline in state assistance to municipalities, the increasing loss in revenues to the borough from real property tax exemptions, and increasing reliance on borough funding for the school district, the borough is considering a variety of measures to maintain its unrestricted fund balance within the financially prudent and responsible parameters established by Resolution 2017-031.

Currently, 43 Alaska cities and boroughs have a “bed tax” in addition to other sales taxes. Of those municipalities that impose the tax as a percentage of the room rate, the tax ranges from a low of 4 percent (Seward, Gustavus and the Haines Borough) to a high of 12 percent (Anchorage and Bethel). The Kenai Peninsula Borough and the Aleutians East Borough are the only boroughs of the seven second-class boroughs in the state without such a temporary lodging sales tax. The other five second-class boroughs have taxes that range from 5 percent to 10 percent.

The arguments in support of a bed tax in the Kenai Borough are substantial. The several hundred thousand visitors that travel to the Kenai Peninsula each year are a large part of the area’s economy, and create a large demand on public services (direct services for visitors and indirect for the almost 3,000 people employed each month in the Kenai Peninsula visitor industry). Absent the general sales tax, the borough receives no direct revenue from visitors to the peninsula. While the revenue generated from this additional sales tax on temporary lodging

would be used for educational purposes, as required by borough code for all sales tax revenues, it could make available property tax revenues that otherwise might have gone to educational funding to help offset such visitor costs. "Temporary lodging" is currently defined in the borough sales tax code as "a service to provide any lodging of less than one month."

We estimate that a year-round 8 percent borough-wide temporary lodging sales tax would generate \$4.3 million a year in revenue, based on our estimate of about \$54 million a year in taxable transactions.

As proposed, the tax would be structured to provide that the same 8 percent rate shall be applied borough-wide, both inside and outside of cities, regardless of whether a city chooses to enact its own such tax in addition to an existing sales tax. As proposed, this ordinance provides for an exemption of up to a maximum of 4 percent of the 8 percent levy for such rentals occurring in incorporated cities in the borough that adopt, if they choose, their own such tax. The exempt amount of the 8 percent levy would match the percentage rate levied by a city up to a 4 percent tax rate so that the total levy in all sales is 8 percent to be allocated between the borough and city. The intent in this proposal is to implement the same tax rate (8 percent) borough-wide, so as to avoid any competitive advantage or disadvantage to a business based on their physical location in or out of a city's boundaries, while allowing cities to participate and receive up to half of the collections within their jurisdiction.

As proposed, with the \$4.3 million full-year estimate of annual revenues, and if all of the cities participate at the 4 percent maximum rate, we estimate the revenues would be distributed as follows:

Estimated Tax Revenue (full fiscal year)			
Borough	\$ 3,100,000	Homer	\$ 480,000
Kenai	\$ 150,000	Seward	\$ 420,000
Soldotna	\$ 170,000	Seldovia	\$ 16,000

The temporary lodging tax would require hotels, motels, bed and breakfasts, inns, lodges and other establishments providing lodging for a guest of less than one month to collect an 8 percent tax on a per-unit, per-night basis for all temporary lodging sales, just as is the current code requirement for applying the borough's general sales tax. Businesses currently covered under an exemption in KPB Chapter 5.18 would continue to be covered under those same borough exemptions for purposes of the new accommodations tax. For example, a hospital or a university would not be required to collect and remit the tax on the lodging portion of their sales. If cities adopt a temporary lodging tax, their exemptions might vary from borough exemptions.

We plan to use the same sales tax return form we currently require, minimizing the work and avoiding any new forms for business owners. For example, if a hotel currently completes two columns on its Joint Sales Tax Form (one for the borough and one for a city), it would complete a third column for the accommodations tax. Businesses would be required to track and collect the tax on temporary lodging sales and report those figures to the borough, including any tax-exempt sales, just as with general sales and services transactions. They would have the ability to



provide one payment with one return. The borough would then remit to each respective city its portion of the collections.

If approved by voters, borough sales tax staff would conduct presentations on the new tax at multiple locations throughout the borough. We would provide information about the tax, how to compute and report it, and would provide opportunities to ask questions. Materials also would be made available on the borough website, and we would provide an information hand-out with the first few sales tax form mailings in 2018.

**Example of how the borough's sales tax return could be revised to include an extra column for reporting the additional sales tax on temporary lodging.**

**BOROUGH AND CITIES JOINT SALES TAX RETURN**

Kenai Peninsula Borough  
144 North Binkley, Soldotna, Alaska 99689-7520  
(907) 714-2175 or (800) 478-4441 ext. 2175  
www.borough.kenai.ak.us/salestax

58195

For Filing Period Ended: 03 2018  
Registration #: 999999

Request to pre-file No Sales (1 year maximum)  
From Period: [ ][ ] / [ ][ ] / [ ][ ][ ][ ] Thru Period: [ ][ ] / [ ][ ] / [ ][ ][ ][ ]

RETURN HAS NO SALES

No longer conducting business.  
Date Business Sold or Closed: [ ][ ] / [ ][ ] / [ ][ ][ ][ ]

Business Sold To: \_\_\_\_\_

Corrected

Amended

DBA: Temporary lodging business

**DUE BY:** \_\_\_\_\_

ONLY ROUND SALES FIGURES TO THE NEAREST DOLLAR (for lines 1, 2, and 3)

JURISDICTION CODE (from Table)	99	40	42
1. GROSS SALES (NOT INCLUDING SALES TAX)	20,000.00	20,000.00	19,500.00
2. NON-TAXABLE SALES			
A) Sales outside the Borough			
B) Sales for Resale			
C) Government Agencies	1,000.00	1,000.00	1,000.00
D) Excess of Individual Sales Over \$500.00			
E) Non-Prepared Food	500.00		
F) Other (Specify)			
G) TOTAL NON-TAXABLES			
3. TAXABLE SALES (LINE 1 MINUS LINE 2G)	18,500.00	19,000.00	18,500.00
4. ENTER TAX RATES (rate from table)	3.00%	4.00%	8.00%
5. SALES TAX - DO NOT ROUND	555.00	760.00	1,480.00



Moving manufacturing overseas may be easier. It may be cheaper. But that doesn't mean everyone is doing it. These American companies work hard to keep their products made right here—and to prove that American manufacturing isn't going extinct. It's thriving.

PHOTOGRAPHS BY GREGG DELMAN

**ALABAMA**

**HONDA ODYSSEY**  
LINCOLN, AL

A Japanese company making the most popular minivans in America, in America, since 2001.



**ALASKA**

**NOMAR DRIVING MITTENS**  
HOMER, AK

Nomar started out in an old school bus as a maker of brailer bags—huge sacks that pull salmon out of the water without the damage of traditional netting. The company has since moved out of the bus and expanded to make high-performance technical clothing, including driving mittens that'll keep you warm whether you're in a Buick or on a snow machine.

**ARIZONA**

**PHOENIX MANUFACTURING  
AEROCOOL PRO AIR COOLER**  
PHOENIX, AZ

One hundred twenty employees make as many as 100,000 evaporative cooling systems each year.

**ARKANSAS**

**AMERICAN NATIVE GOODS  
DUCK CANVAS AND  
LEATHER APRON**

FAYETTEVILLE, AR  
Brothers Bobby and Clayton Chamberlain trained as graphic designers before deciding they wanted to produce something more tangible. They landed on aprons.

SHOP FOR THESE ITEMS AT  
POPULARMECHANICS.COM/  
MADE-IN-THE-USA.

Popular

Mechanic

July/Aug 2017 2017



**RIPSAW**  
NEVER SUMMER INDUSTRIES

WE'VE GOT YOU COVERED VIA  
APRONS, CANVAS & LEATHER GOODS



**BALDWIN & BUTLER, LLC**  
ATTORNEYS AT LAW

C. R. Baldwin  
James N. Butler, III  
Gregory D. Stein

125 N. Willow Street  
Kenai, Alaska 99611  
(907) 283-7167  
(907) 283-8435 (Fax)

July 11, 2017

City of Homer  
491 E Pioneer Ave  
Homer, AK 99603

Dear City of Homer,

Our office represents Wireless Edge Towers, LLC and you are receiving this letter because you are the owner of real property on the Homer Spit within 1,200 feet of the location of a proposed cellular service tower to be constructed on a parcel of land owned by the City of Homer. The parcel at issue is located at 4300 Freight Dock Rd. and has the following legal description:

Lot 11, Homer Spit Subdivision, No. 5, Homer Recording District, Third Judicial District,  
State of Alaska; KPB Parcel #181-032-30 (See attached map for lot location).

The construction of the tower is in response to a City of Homer Request for Proposal. The tower will be constructed by Wireless Edge Towers, LLC, whose address is 270 North Ave. New Rochelle, New York 10801. The tower itself will be a dull grey color, 146 feet in height and provide cellular service for up to five (5) cellular carriers and will provide additional space for City of Homer uses including police and emergency service arrays. The tower, as currently designed, will not have any light at the top but there will be a small light on the equipment shelter door. The attached Preliminary Zoning Drawings provide additional information regarding site design characteristics.

A meeting will be held to allow input from the owners of neighboring parcels. This meeting will be at the Homer Harbormaster's Office, located at 4311 Freight Dock Rd. in Homer, on July 27, 2017 at 6:00 p.m.

If you have any questions regarding this matter, please direct them to Gregory D. Stein at Baldwin and Butler, LLC at 125 N. Willow, Kenai, AK 99611, by telephone at 907-283-7167, by fax at 907-283-8435 or via e-mail at [greg@baldwinandbutler.com](mailto:greg@baldwinandbutler.com).

If you are unable to attend the meeting, you may submit comments on the attached form and mail, fax or e-mail the comments using the contact information above. Thank you.

Sincerely,

BALDWIN & BUTLER, LLC



Gregory D. Stein

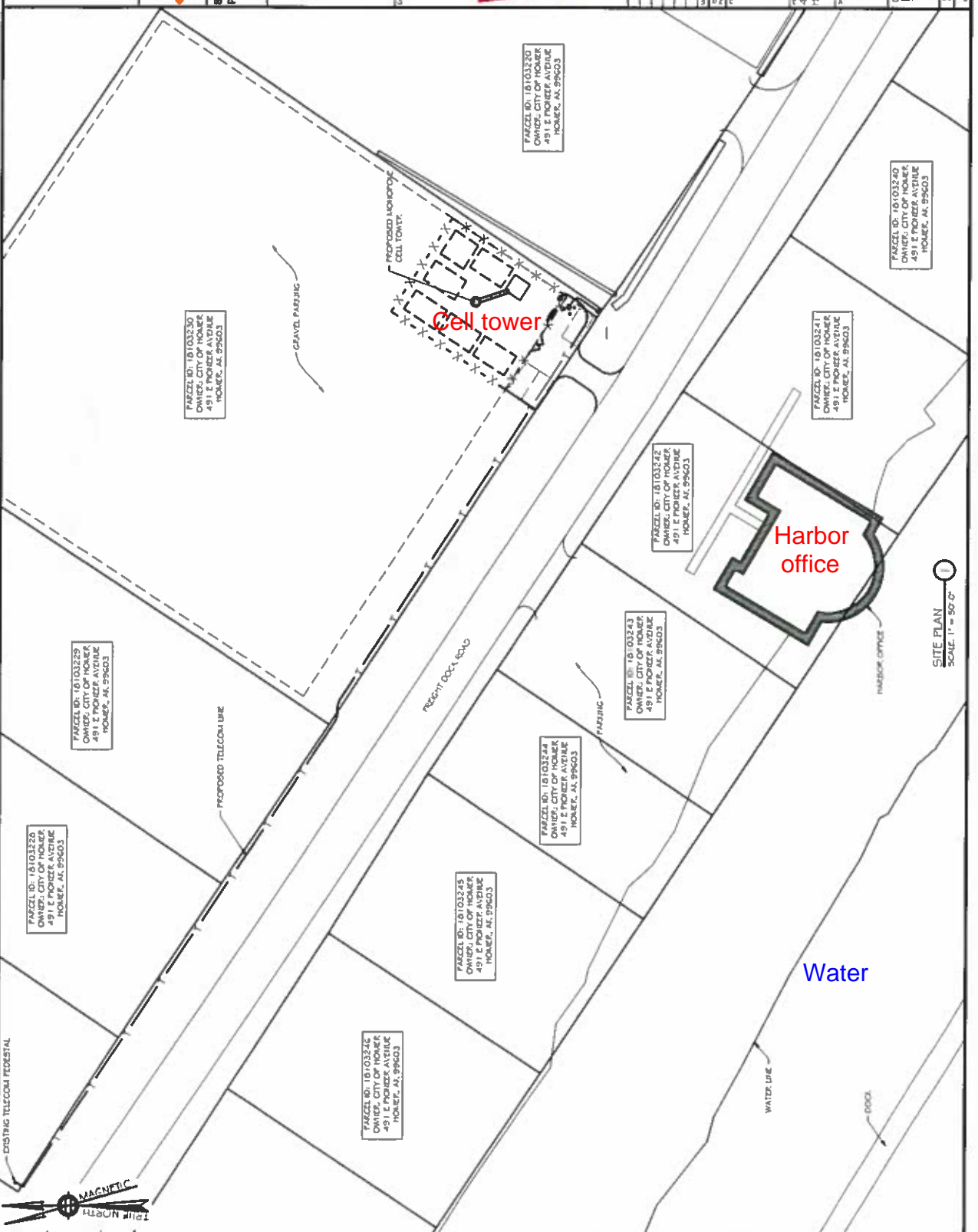
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**Wireless  
EDGE  
TOWERS**  
 WIRELESS EDGE TOWERS, LLC.  
 270 NORTH AVENUE, SUITE 809  
 NEW ROCHELLE, NY 10801  
 OFFICE: (914) 712-0000  
 www.wirelesedge.com


**RAMAKER  
& ASSOCIATES, INC.**  
 855 Community Drive, Sauk City, WI 53583  
 Phone: 608-643-1100 Fax: 608-643-7999  
 www.Ramaker.com

PRELIMINARY  
 FOR REVIEW  
 PURPOSES ONLY

DATE	DESCRIPTION	BY
07/26/2017	ISSUE FOR PERMIT	MM
PROJECT TITLE:		
<b>HOMER SPIT TOWER</b>		
PROJECT INFORMATION: 4300 FREIGHT DOCK ROAD HOMER, AK 99603		
SHEET NO.: 3531B TOTAL SHEETS: C-1		



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# City of Homer

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

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: Katie Koester  
DATE: July 24, 2017  
SUBJECT: July Employee Anniversaries

---

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

<b>John Wythe,</b>	<b>Public Works</b>	<b>26</b>	<b>Years</b>
<b>Brian McCarthy,</b>	<b>Port</b>	<b>18</b>	<b>Years</b>
<b>Lori Sorrows,</b>	<b>Finance</b>	<b>18</b>	<b>Years</b>
<b>Dan Olsen,</b>	<b>Public Works</b>	<b>16</b>	<b>Years</b>
<b>Julie Engebretsen,</b>	<b>Planning</b>	<b>15</b>	<b>Years</b>
<b>Ed Stading,</b>	<b>Police</b>	<b>12</b>	<b>Years</b>
<b>Rick Abboud,</b>	<b>Planning</b>	<b>9</b>	<b>Years</b>
<b>Julie Swisher,</b>	<b>Finance</b>	<b>9</b>	<b>Years</b>
<b>Dave Welty,</b>	<b>Public Works</b>	<b>9</b>	<b>Years</b>
<b>David Bernard,</b>	<b>Library</b>	<b>6</b>	<b>Years</b>
<b>Bobby Hickman,</b>	<b>Public Works</b>	<b>3</b>	<b>Years</b>
<b>Peter Alfiche,</b>	<b>Port</b>	<b>1</b>	<b>Year</b>





# CITY ATTORNEY REPORT



# COMMITTEE REPORTS



PENDING BUSINESS



# NEW BUSINESS







# City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 17-104

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JULY 5, 2017

SUBJECT: VACATION OF THE NORTH 10 FEET OF THE EXISTING 20-FOOT WIDE EASEMENT ALONG THE SOUTH BOUNDARY OF LOTS 115 AND 116 AS DEDICATED ON BAY VIEW SUBDIVISION, PLAT HM 839; LOCATED WITHIN THE SW1/4 SW1/4 OF SECTION 21, T06S, R13W S.M., ALASKA WITHIN THE KPB; FILE 2017-062V

---

At their June 26, 2017 meeting, the Kenai Peninsula Borough Planning Commission approved to vacate the north 10 feet of the existing 20-foot wide easement along the south boundary of lots 115 and 116 as dedicated on Bay View Subdivision, Plat HM 839; located within the SW1/4 SW1/4 of Section 21, T06S, R13W S.M., Alaska within the KPB; file 2017-062V.

Notice of vacation was received on July 5, 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.

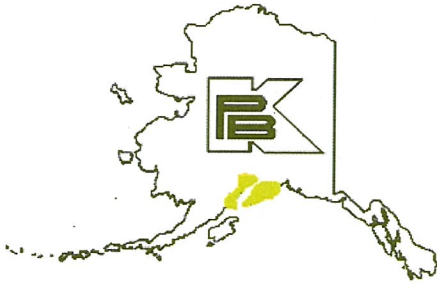
The City Council has thirty days from June 26, 2017 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

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 the north 10 feet of the existing 20-foot wide easement along the south boundary of lots 115 and 116 as dedicated on Bay View Subdivision, Plat HM 839; located within the SW1/4 SW1/4 of Section 21, T06S, R13W S.M., Alaska within the KPB; file 2017-062V.





## **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](http://www.kpb.us)

Received  
City Clerk's Office

JUL - 5 2017

City of Homer

**MIKE NAVARRE**  
**BOROUGH MAYOR**

June 28, 2017

Homer City Council  
491 East Pioneer Avenue  
Homer, AK 99603-7645

RE: Vacate the north 10 feet of the existing 20-foot wide alley easement along the south boundary of Lots 115 and 116 as dedicated on Bay View Subdivision, Plat HM 839; located within the SW1/4 SW1/4 of Section 21, T06S, R13W, S.M., Alaska, and within the KPB; File 2017-062V.

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 26, 2017. This petition is being sent to you for your consideration and action.

The City Council has 30 days from June 26, 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

1. Introduction  
2. Methodology  
3. Results  
4. Discussion  
5. Conclusion



## **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

[www.kpb.us](http://www.kpb.us)

**MIKE NAVARRE  
BOROUGH MAYOR**

June 28, 2017

### **KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION MEETING OF JUNE 26, 2017**

**RE:** Vacate the north 10 feet of the existing 20-foot wide alley easement along the south boundary of Lots 115 and 116 as dedicated on Bay View Subdivision, Plat HM 839; located within the SW1/4 SW1/4 of Section 21, T06S, R13W, S.M., Alaska, and within the KPB; File 2017-062V.

During their regularly scheduled meeting of June 26, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the alley easement vacation based on the following findings of fact.

*Findings:*

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the alley easement proposed for vacation is not in use for access.
4. Per the submittal, the alley easement proposed for vacation has not been constructed.
5. The block, which complies with KPB 20.30.170, is generally defined by Ocean Drive, Douglas Place, Bay Avenue, and E Street.
6. All the block's rights-of-way are constructed.
7. ACS, ENSTAR, GCI, and HEA submitted statements of non-objection or no comments to the proposed vacation.
8. Homer Advisory Planning Commission recommended approval of the vacation on April 19, 2017.
9. The 10-foot alley easement within Lot 117 Bay View Subdivision will remain in place.
10. Bay View Subdivision Johnson Subdivision to the west did not grant alley easements so the alley easement in the subject block is only within Lots 115-118.

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 26, 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 28, 2017 to:

Seabright Survey + Design  
1044 East End Road #A  
Homer, AK 99603

John Rummery  
AK Power Sports, LLC  
1263 Ocean Dr.  
Homer, AK 99603

Floyd C. Newkirk  
Augustine Services, LLC  
C/O Kar-A-Van Building Services  
P.O. Box 4  
Seldovia, AK 99663

Homer City Council  
491 East Pioneer Avenue  
Homer, AK 99603

Homer Advisory Planning Commission  
491 East Pioneer Avenue  
Homer, AK 99603

John Rummery  
1275 Ocean Dr.  
Homer, AK 99603

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the north 10 feet of the existing 20-foot wide alley easement along the south boundary of Lots 115 and 116 as dedicated on Bay View Subdivision, Plat HM 839; located within the SW1/4 SW1/4 of Section 21, T06S, R13W, S.M., Alaska, and within the KPB; File 2017-062V.

Staff Report given by Paul Voeller

PC Meeting: 6/26/17

Purpose as stated in petition: Unused alley; No need for its existence.

Petitioners: John Rummery, Alaska Power Sports & Floyd C. Newkirk, Augustine Services, LLC of Homer, Alaska

Notification: Public notice was published in the Homer News on June 15 as a separate ad and on June 22 as part of the Commission's tentative agenda.

Twenty-two certified mailings were sent to owners of property within 300 feet of the proposed vacation. Nineteen receipts had been returned when the staff report was prepared.

Thirty-four public hearing notices were sent by regular mail to owners within 600 feet of the proposed vacation.

Nineteen public hearing notices were emailed to agencies and interested parties. The public hearing notice was emailed to several KPB Departments.

Notices were mailed to the Homer Post Office and Homer Community Library with a request 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:

Homer Advisory Planning Commission approved the proposed vacation on April 19 with staff findings and recommendations:

- 20.70.170. - Vehicular access  
**Staff finding:** Vehicle access on Ocean Drive and Douglas Place is sufficient.
- 20.70.180. - Other access  
**Staff finding:** Access on Ocean Drive, Douglas Place and Bay Avenue is sufficient for users such as pedestrians and cyclists.
- 20.70.190. - Utility provisions.  
**Staff finding:** Utility access on Ocean Drive and Douglas Place is sufficient. A separate platting action grants a 15-foot utility easement along both rights of way. According to the preliminary plat, electricity and telephone are located in the Ocean Drive right of way.

ACS: No objection.

GCI: No objection.

ENSTAR: No comments, recommendations, or objections.

Public Works Comments: No objections.

Fire Department Comments: No concerns.

Homer Electric Association: Reviewed/no comments.

State Department of Transportation: No comment.

Staff Discussion: If the vacation is approved, it will be finalized by recording Bay View Subdivision 2017 Replat. The preliminary plat is scheduled for Plat Committee review on July 17.

The plat that granted the alley easement was recorded on June 9, 1953. Since that time several alley easements have been vacated by plat and by resolution (Plat Committee and Planning Commission). The imagery dating back to 1996 shows large structures extremely close to if not in the alley easement. It apparently has not been used for ingress/egress for years.

The block is generally defined by Ocean Drive, Douglas Place, Bay Avenue, and E Street. All the block's rights-of-way are constructed. The block is approximately 360 feet square.

Bay View Subdivision Johnson Subdivision to the west did not grant alley easements so the alley easement in the subject block is only within Lots 115-118.

**Findings:**

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the alley easement proposed for vacation is not in use for access.
4. Per the submittal, the alley easement proposed for vacation has not been constructed.
5. The block, which complies with KPB 20.30.170, is generally defined by Ocean Drive, Douglas Place, Bay Avenue, and E Street.
6. All the block's rights-of-way are constructed.
7. ACS, ENSTAR, GCI, and HEA submitted statements of non-objection or no comments to the proposed vacation.
8. Homer Advisory Planning Commission recommended approval of the vacation on April 19, 2017.
9. The 10-foot alley easement within Lot 117 Bay View Subdivision will remain in place.
10. Bay View Subdivision Johnson Subdivision to the west did not grant alley easements so the alley easement in the subject block is only within Lots 115-118.

**STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Grant utility easements as requested by the utility providers per KPB 20.30.060 and KPB 20.60.150.
2. Submittal of the final plat in accordance with Chapter 20 of the KPB Code in a timeframe such that the plat can be recorded within one year of vacation consent.

**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 or borough 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 Carluccio to vacate the north 10 feet of the existing 20-foot wide alley easement along the south boundary of Lots 115 and 116 as dedicated on Bay View Subdivision in Homer.

*Findings:*

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the alley easement proposed for vacation is not in use for access.
4. Per the submittal, the alley easement proposed for vacation has not been constructed.
5. The block, which complies with KPB 20.30.170, is generally defined by Ocean Drive, Douglas Place, Bay Avenue, and E Street.
6. All the block's rights-of-way are constructed.
7. ACS, ENSTAR, GCI, and HEA submitted statements of non-objection or no comments to the proposed vacation.
8. Homer Advisory Planning Commission recommended approval of the vacation on April 19, 2017.
9. The 10-foot alley easement within Lot 117 Bay View Subdivision will remain in place.
10. Bay View Subdivision Johnson Subdivision to the west did not grant alley easements so the alley easement in the subject block is only within Lots 115-118.

Commissioner Foster stated that this action was a housekeeping measure. They have been trying to eliminate this non-existing alley for quite some time so he will be voting for approval.

**VOTE:** The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND ABSENT	ERNST ABSENT	FIKES YES	FOSTER YES	ISHAM YES	LOCKWOOD YES
MARTIN YES	MORGAN ABSENT	RUFFNER YES	VENUTI YES	WHITNEY YES		9 YES 3 ABSENT

**AGENDA ITEM F. PUBLIC HEARING**

2. State application for a marijuana establishment license; Kalifornsky Area

Staff Report given by Bruce Wall

PC MEETING: Monday, June 2, 2017

**Applicant:** Green Thumb Solutions

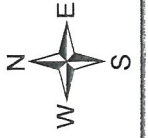
**Landowner:** Jacob Nyman

**Parcel ID#:** 055-081-65

**Legal Description:** Lot 5, Block 2, Ashton Park Subdivision, according to Plat 97-74, Kenai Recording District.

**Location:** 47375 Aries Court, Soldotna





Kenai Peninsula Borough

Vicinity Map

Date: 6/15/2017

Author: MSweppy



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

VOTE (Amendment): YES: BOS, HIGHLAND, ABRAHAMSON, VENUTI, BRADLEY

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (Main motion as amended): YES: HIGHLAND, ABRAHAMSON, VENUTI, BRADLEY, BOS

Motion carried.

B. Staff Report PL 17-42, Vacation of an Alley Easement, Bay View Subdivision Lots 115 and 116

City Planner Abboud reviewed the staff report.

Kenton Bloom, city resident and project surveyor, commented that the alley only runs the length of this property, it doesn't go through to the next street to the west.

Vice Chair Bos opened the public hearing. There were no comments and the hearing was closed.

There was no rebuttal or questions of staff and the applicant's representative.

ABRAHAMSON/VENUTI MOVED TO APPROVE STAFF REPORT PL 17-42, VACATION OF AN ALLEY EASEMENT BAY VIEW SUBDIVISION LOTS 115 AND 116 WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was brief comment that this seems very straightforward.

VOTE: YES: VENUTI, BRADLEY, BOS, ABRAHAMSON, HIGHLAND

Motion carried.

### **Plat Consideration**

A. Staff Report PL 17-43, Bay View Subdivision 2017 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, city resident and project surveyor, commented this is a simple replat that allows the property owner to extend their business. He said he's curious about the curve return as it seems excessive.

Commissioner Highland asked about the curve return. City Planner Abboud explained that generally on a corner lot they attempt to smooth out the corner and there is a little bit of land lost in the process. It's a request from Public Works so he can't comment specifically about the requirements.

# RESOLUTIONS



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

3 City Manager/  
4 Public Works Director

5 **RESOLUTION 17-073**

6  
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE  
8 CONTRACT FOR THE SOUNDVIEW SIDEWALK IMPROVEMENTS  
9 PROJECT TO A FIRM TO BE ANNOUNCED IN AN AMOUNT TO BE  
10 DISCLOSED AND AUTHORIZING THE CITY MANAGER TO EXECUTE  
11 THE APPROPRIATE DOCUMENTS.  
12

13 WHEREAS, Competitive bids were solicited for the Soundview Sidewalk Improvements  
14 Project in conformance with The City of Homer’s procurement policy; and  
15

16 WHEREAS, \_\_\_bids were received on July 20, 2017; and  
17

18 WHEREAS, The low bid from \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ was found to be  
19 responsive; and  
20

21 WHEREAS, The bid is within the project budget approved by the City Council; and  
22

23 WHEREAS, This award is not final until written notification is received by the firm from  
24 the City of Homer.  
25

26 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the  
27 contract for the Soundview Sidewalk Improvements Project to a firm to be announced, in an  
28 amount to be disclosed and authorizes the City Manager to execute the appropriate  
29 documents.  
30

31 PASSED AND ADOPTED by the Homer City Council this 24th day of July, 2017.  
32

33 CITY OF HOMER

34  
35  
36 \_\_\_\_\_  
37 BRYAN ZAK, MAYOR

38 ATTEST:  
39

40 \_\_\_\_\_  
41 MELISSA JACOBSEN, MMC, CITY CLERK  
42

43 Fiscal Note: HART Fund





**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**RESOLUTION 17-074**

A RESOLUTION OF THE HOMER CITY COUNCIL AUTHORIZING STANTEC ARCHITECTURE TO PREPARE 10% CONCEPTUAL DESIGN INCLUDING PRELIMINARY COST ESTIMATES FOR THREE OPTIONS FOR CONSTRUCTION OF A NEW POLICE STATION AND SCHEDULING A FACILITATED WORKSESSION WITH COUNCIL.

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

WHEREAS, The PSBRC 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 that repurposed the HERC building as non-essential space 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 votes; 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

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WHEREAS, The Police Station Building Task Force recommended Heath Street and Grubstake Avenue (north of the post office) as the preferred site for a new police station; and

WHEREAS, The Task Force further recommended two building options for consideration by Council: option 2A an approximately 8,400 square foot building with a not to exceed budget of \$6 million and option 2B a 13,900 square foot building with a not to exceed budget of \$13 million; and

WHEREAS, The Council discussed the recommendations at length at the May 30 and June 12 meetings without being able to come to a consensus on cost or site for a new police station; and

WHEREAS, Council expressed an interest in keeping the HERC site as an option for the location of a new police station; and

WHEREAS, The HERC gym is currently used for Community Recreation including pickle ball, toddler play group, and Zumba, among other activities; and

WHEREAS, The Parks, Arts, Recreation and Culture Needs Assessment in 2015 concluded a that the most pressing recreational/cultural need in Homer was for a general-purpose gymnasium and multi-purpose space for dance, martial arts, performing arts, and community events; and

WHEREAS, The Needs Assessment further concluded that while a long-term option for a cultural and reactional center is explored, the City should investigate ways to keep the HERC open to help meet indoor space needs; and

WHEREAS, Investing in the HERC to increase the life span of the building and bring the downstairs up to fire code will allow expanded public use with greater occupancy capabilities than are currently allowed; and

WHEREAS, Repurposing the HERC in a way that is useful to the police department while maintaining the gym access to the public fills two very important needs in the community; and

WHEREAS, Currently the City spends \$40,000 - \$60,000 a year keeping the HERC in warm status. Repurposing the facility with improved energy efficiency, renovating the roof, and making it a useful facility will allow those operating dollars to be spent constructively on operating and maintaining a new police station; and

80 WHEREAS, Stantec Architecture is the firm selected by the City Council in March of 2014  
81 to manage the design and construction for the public safety building under the General  
82 Contractor /Construction Manager model; and

83  
84 WHEREAS, The Council has been working on meeting the need for a new police station  
85 for over 3 years and is still struggling with major variables such as site and cost; and

86  
87 WHEREAS, Given the importance of the project and the differing opinions, it would be  
88 useful to have a professional facilitator guide Council through an extended worksession  
89 evaluating the pros and cons of different options with the goal of coming to consensus on an  
90 option that can be brought to the public for their feedback.

91  
92 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska authorizes  
93 Stantec Architecture to prepare three 10% concept designs for the new police station for  
94 consideration by Council:

- 95  
96 1. A 9 million dollar facility located at the corner of Heath Street and Grubstake Avenue  
97 2. A 6 million dollar facility the corner of Heath Street and Grubstake Avenue  
98 3. Modified plans for the HERC site that remove the shooting range and allow public  
99 access to the downstairs/gym section of the building for recreation.

100  
101 BE IT FURTHER RESOLVED that the City will contract with a facilitator to conduct an  
102 extended worksession scheduled after the general election in October to discuss the three  
103 options in detail.

104  
105 PASSED AND ADOPTED by the Homer City Council on this 24<sup>th</sup> day of July, 2017.

106  
107 CITY OF HOMER

108  
109  
110 \_\_\_\_\_  
111 BRYAN ZAK, MAYOR

112  
113 ATTEST:  
114  
115  
116 \_\_\_\_\_  
117 MELISSA JACOBSEN, MMC, CITY CLERK

118  
119 Fiscal Note: \$39,400. \$37,400 for 10% preliminary design on 3 options; \$2,000 for professional  
120 facilitator from Police Station Building Fund, account balance \$88,000



July 19, 2017  
File: 204600234

**Attention: Carey S. Meyer, P.E., MPA**  
Public Works Director/City Engineer  
City of Homer  
3575 Heath Street  
Homer, AK 99603

Dear Mr. Meyer,

**Reference: Homer Police Station Building 10% Concept Design**

Stantec Architecture, Inc. (Stantec) is pleased to continue assisting the City of Homer in providing design services for conceptual documentation for the police station project.

From the July 18, 2017 phone conversation between Mr. Meyer and myself, our understanding is that Stantec will provide design services to present 10% concept designs for three options as follows:

1. Homer Educational and Recreation Center (HERC) Site; This concept assumes that the shooting range will be deleted from scope and will allow public use of the gym and the two rooms associated with the gym.
2. Waddell Site, \$ 6,000,000 option and associated program areas.
3. Waddell Site, \$ 9,000,000 option and associated program areas.

Cornerstone General Contractors Inc. (Cornerstone) will provide a rough order of magnitude estimate for all three options.

## Scope of Services

10% Concept design report scope of services will include the following:

1. Develop concept site plan for each option.
2. Develop concept floor plan for each option.
3. Develop a preliminary code study for each option.
4. Develop a preliminary storm water study for each option.
5. Develop a rough order of magnitude cost estimate for each option.

**Design with community in mind**

Doing business as:  
Stantec Architecture and Engineering (NY)  
Stantec Architecture P.C. (DC, MS, MO, NE)  
For a list of our registered architects, please visit [www.stantec.com/registeredarchitects](http://www.stantec.com/registeredarchitects)



July 19, 2017  
Carey Meyer

Page 2 of 3

**Reference: Homer Police Station Building Concept Design**

6. Stantec will participate in (1) work session in Homer on September 25, 2017 to discuss concept designs with City Council.
7. Stantec will address the work-session comments (see Assumptions and Exclusions).

### **Deliverables**

The 10% concept report will include:

1. Concept civil site plan for the three options.
2. Concept floor plans for the three options showing program spaces and areas.
3. Concept massing model of the building.
4. Space comparison matrix for each option.
5. Preliminary code study.
6. ROM estimate.

Our deliverable will be provided in PDF format.

### **Assumptions and Exclusions**

For concept phase, we anticipate the following assumptions and exclusions.

- LEED is not anticipated.
- Deliverable Schedule is per this proposal outline.
- Project Specifications are not anticipated.
- Preliminary Life Cycle Cost Study is not anticipated.
- Structural, Mechanical, Electrical engineering are not anticipated.
- Measurement and Verification plan is not anticipated.
- Geotechnical engineering is not anticipated.
- Survey is not anticipated.
- Public involvement is not anticipated. We understand this is an important step to reach community consensus and we'd be happy to assist for additional services.
- Participation to in person-meetings/work session exceeding (1) is not anticipated.
- Deliverables in addition to scope described above are not anticipated.
- The design team will address comments originated during the workshop related to minor re-configuration of concept design. We will be happy to address change of scope, include and excludes program spaces as additional services.

**Design with community in mind**



July 19, 2017  
Carey Meyer

Page 3 of 3

**Reference: Homer Police Station Building Concept Design**

- Condition survey of HERC building.
- HERC Hazardous Materials Survey Report has been conducted in 2015. No reports or testing for confirmation of mold or mildew was completed.

**Schedule**

Stantec foresees the report to be submitted to the City of Homer on September 18, 2017 and a work session with Joe Jolley (Contractor) and Giovanna Gambardella (Architect) in Homer on September 25, 2017. During the work-session Joe and Giovanna will receive feedback on the concept designs and will gather comments and input from the participants, organize them, and incorporate to the extent possible into the design for the next phase.

**Fee**

Stantec proposes compensation on Time and Materials Not to Exceed (T&M NTE) basis per the attached fee spreadsheet with complete breakdown of anticipated hours and expenses to accomplish the work as described.

**Closing**

We are excited to continue providing our services and having the opportunity to work with you. If at any time, you have questions or concerns, please do not hesitate to contact me directly.

Regards,

**STANTEC ARCHITECTURE INC.**

Giovanna Gambardella, AIA, NCARB  
Senior Architect, Associate  
Phone: (907) 343-5282  
Fax: (907) 452-4225  
Giovanna.gambardella@stantec.com

Attachment(s): Stantec Terms and Conditions.  
Fee Worksheet

Design with community in mind

City of Homer

**Homer Police Station 10% Concept**

Fee Estimate for Professional Services

**Stantec Architecture Inc.**

725 East Fireweed Lane Suite 200

Anchorage, AK 99504

WO# 204600234

**Summary of Labor and Expenses**

Task Description		All Disciplines Labor	Expenses	Total
I	10% Concept Design	\$24,915.00	\$0.00	\$24,915.00
II	ROM Estimate (Cornerstone)	\$11,825.00	\$0.00	\$11,825.00
<b>Total</b>		<b>\$36,740.00</b>	<b>\$660.00</b>	<b>\$37,400.00</b>

FEE EXCLUSIONS:

- 1 see letter scope for specific exclusions



City of Homer	Stantec Architecture Inc.	WO# 204600234
<b>Homer Police Station 10% Concept</b>	725 East Fireweed Lane Suite 200	
Fee Estimate for Professional Services	Anchorage, AK 99504	

**Labor Breakdown - All Disciplines**

	Senior Civil Engineer \$165.00	PM/PA \$165.00	Architect Support \$135.00	Civil Engineer - EIT \$135.00	Project Support \$135.00	TOTAL COST	TOTAL HOURS
<b>Task Description</b>							
<b>I 10% Concept Design</b>							
Project Management/Admin/Coord		4.0			1.0	\$795.00	5.0
Rendering- Sketch-Up for Each Option			32.0			\$4,320.00	32.0
Preliminary Stormwater Study	2.0			0.0		\$330.00	2.0
10% Concept Plan for Each Option (site and floor plan)	8.0	16.0	20.0	24.0		\$9,900.00	68.0
Develop Preliminary Code Study for Each Option		8.0				\$1,320.00	8.0
Report		16.0			4.0	\$3,180.00	20.0
Participation to (1) work session in Homer on September 25, 2017 to discuss concept designs with City Council.		8.0				\$1,320.00	8.0
Addressing work-session comments		4.0	10.0	8.0		\$3,090.00	22.0
Quality Control/independent Reviews	2.0	2.0				\$660.00	4.0
<b>Totals for Task I</b>	<b>12.0</b>	<b>58.0</b>	<b>62.0</b>	<b>32.0</b>	<b>5.0</b>	<b>\$24,915.00</b>	<b>169.0</b>
<b>II ROM Estimate (Cornerstone)</b>							
10% Concept Plan for Each Option (site and floor plan)						\$2,200.00	0.0
Develop Preliminary Code Study for Each Option						\$550.00	0.0
Develop a rough order of magnitude cost estimate for each option						\$6,600.00	0.0
Participation to (1) work session in Homer on September 25, 2017 to discuss concept designs with City Council						\$1,375.00	0.0
Addressing work-session comments						\$1,100.00	0.0
<b>Totals for Task II</b>						<b>\$11,825.00</b>	
<b>Labor Totals</b>	<b>12.0</b>	<b>58.0</b>	<b>62.0</b>	<b>32.0</b>	<b>5.0</b>	<b>\$36,740.00</b>	<b>169.0</b>

City of Homer

**Homer Police Station 10% Concept**

Fee Estimate for Professional Services

**Stantec Architecture Inc.**

725 East Fireweed Lane Suite 200

Anchorage, AK 99504

WO# 204600234

**Expenses Breakdown**

Item Description	Quantity	Units	Rate	Total	Remarks
<b>I Schematic Design</b>					
Xerox Copies 8-1/2 x 11		Copies	\$0.20	\$0.00	
Color Copies 8-1/2 x 11		Copies	\$0.50	\$0.00	
Xerox Copies 11 x 17		Copies	\$0.40	\$0.00	
Color Copies 11x17		Copies	\$1.00	\$0.00	
Flight	2	Allow	\$300.00	\$600.00	Homer work session
Mileage		Miles	\$0.51	\$0.00	
Flight		Airfare	\$320.00	\$0.00	
Compact Disc		Each	\$10.00	\$0.00	
Binder(s) - provide size for submittal		Allow		\$0.00	
Divider Tabs		Allow		\$0.00	
Facsimile Transmittals, Long Distance		Allow		\$0.00	
Meals	2	Allow	\$30.00	\$60.00	Homer work session
Totals for Task I				\$660.00	
Total Expenses				\$660.00	

The following Terms and Conditions are attached to and form part of a proposal for services to be performed by Consultant and together, when the CLIENT authorizes Consultant to proceed with the services, constitute the AGREEMENT. Consultant means the Stantec entity issuing the Proposal.

**DESCRIPTION OF WORK:** Consultant shall render the services described in the Proposal (hereinafter called the "SERVICES") to the CLIENT.

**DESCRIPTION OF CLIENT:** The CLIENT confirms and agrees that the CLIENT has authority to enter into this AGREEMENT on its own behalf and on behalf of all parties related to the CLIENT who may have an interest in the PROJECT.

**TERMS AND CONDITIONS:** No terms, conditions, understandings, or agreements purporting to modify or vary these Terms and Conditions shall be binding unless hereafter made in writing and signed by the CLIENT and Consultant. In the event of any conflict between the Proposal and these Terms and Conditions, these Terms and Conditions shall take precedence. This AGREEMENT supercedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the PROJECT

**COMPENSATION:** Payment is due to Consultant upon receipt of invoice. Failure to make any payment when due is a material breach of this AGREEMENT and will entitle Consultant, at its option, to suspend or terminate this AGREEMENT and the provision of the SERVICES. Interest will accrue on accounts overdue by 30 days at the lesser of 1.5 percent per month (18 percent per annum) or the maximum legal rate of interest. Unless otherwise noted, the fees in this agreement do not include any value added, sales, or other taxes that may be applied by Government on fees for services. Such taxes will be added to all invoices as required.

**NOTICES:** Each party shall designate a representative who is authorized to act on behalf of that party. All notices, consents, and approvals required to be given hereunder shall be in writing and shall be given to the representatives of each party.

**TERMINATION:** Either party may terminate the AGREEMENT without cause upon thirty (30) days notice in writing. If either party breaches the AGREEMENT and fails to remedy such breach within seven (7) days of notice to do so by the non-defaulting party, the non-defaulting party may immediately terminate the Agreement. Non-payment by the CLIENT of Consultant's invoices within 30 days of Consultant rendering same is agreed to constitute a material breach and, upon written notice as prescribed above, the duties, obligations and responsibilities of Consultant are terminated. On termination by either party, the CLIENT shall forthwith pay Consultant all fees and charges for the SERVICES provided to the effective date of termination.

**ENVIRONMENTAL:** Except as specifically described in this AGREEMENT, Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution of soil or pollution of groundwater.

**PROFESSIONAL RESPONSIBILITY:** In performing the SERVICES, Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices normally provided in the performance of the SERVICES at the time and the location in which the SERVICES were performed.

**LIMITATION OF LIABILITY:** The CLIENT releases Consultant from any liability and agrees to defend, indemnify and hold Consultant harmless from any and all claims, damages, losses, and/or expenses, direct and indirect, or consequential damages, including but not limited to attorney's fees and charges and court and arbitration costs, arising out of, or claimed to arise out of, the performance of the SERVICES, excepting liability arising from the sole negligence of Consultant. It is further agreed that the total amount of all claims the CLIENT may have against Consultant under this AGREEMENT, including but not limited to claims for negligence, negligent misrepresentation and/or breach of contract, shall be strictly limited to the lesser of professional fees paid to Consultant for the SERVICES or \$50,000.00. No claim may be brought against Consultant more than two (2) years after the cause of action arose. As the CLIENT's sole and exclusive remedy under this AGREEMENT any claim, demand or suit shall be directed and/or asserted only against Consultant and not against any of Consultant's employees, officers or directors.

Consultant's liability with respect to any claims arising out of this AGREEMENT shall be absolutely limited to direct damages arising out of the SERVICES and Consultant shall bear no liability whatsoever for any consequential loss, injury or damage incurred by the CLIENT, including but not limited to claims for loss of use, loss of profits and/or loss of markets.

**INDEMNITY FOR MOLD CLAIMS:** It is understood by the parties that existing or constructed buildings may contain mold substances that can present health hazards and result in bodily injury, property damage and/or necessary remedial measures. If, during performance of the SERVICES, Consultant knowingly encounters any such substances, Consultant shall notify the CLIENT and, without liability for consequential or any other damages, suspend performance of services until the CLIENT retains a qualified specialist to abate and/or remove the mold substances. The CLIENT agrees to release and waive all claims, including consequential damages, against Consultant, its subconsultants and their officers, directors and employees arising from or in any way connected with the existence of mold on or about the project site whether during or after completion of the SERVICES. The CLIENT further agrees to indemnify and hold Consultant harmless from and against all claims, costs, liabilities and damages, including reasonable attorneys' fees and costs, arising in any way from the existence of mold on the project site whether during or after completion of the SERVICES, except for those claims, liabilities, costs or damages caused by the sole gross negligence and/or knowing or willful misconduct of Consultant. Consultant and the CLIENT waive all rights against each other for mold damages to the extent that such damages sustained by either party are covered by insurance.

**DOCUMENTS:** All of the documents prepared by or on behalf of Consultant in connection with the PROJECT are instruments of service for the execution of the PROJECT. Consultant retains the property and copyright in these documents, whether the PROJECT is executed or not. These documents may not be used for any other purpose without the prior written consent of Consultant. In the event Consultant's documents are subsequently reused or modified in any material respect without the prior consent of Consultant, the CLIENT agrees to defend, hold harmless and indemnify Consultant from any claims advanced on account of said reuse or modification.

Any document produced by Consultant in relation to the Services is intended for the sole use of Client. The documents may not be relied upon by any other party without the express written consent of Consultant, which may be withheld at Consultant's discretion. Any such consent will provide no greater rights to the third party than those held by the Client under the contract, and will only be authorized pursuant to the conditions of Consultant's standard form reliance letter.

Consultant cannot guarantee the authenticity, integrity or completeness of data files supplied in electronic format ("Electronic Files"). CLIENT shall release, indemnify and hold Consultant, its officers, employees, Consultant's and agents harmless from any claims or damages arising from the use of Electronic Files. Electronic files will not contain stamps or seals, remain the property of Consultant, are not to be used for any purpose other than that for which they were transmitted, and are not to be retransmitted to a third party without Consultant's written consent.

**FIELD SERVICES:** Consultant shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with work on the PROJECT, and shall not be responsible for any contractor's failure to carry out the work in accordance with the contract documents. Consultant shall not be responsible for the acts or omissions of any contractor, subcontractor, any of their agents or employees, or any other persons performing any of the work in connection with the PROJECT. Consultant shall not be the prime contractor or similar under any occupational health and safety legislation.

**GOVERNING LAW/COMPLIANCE WITH LAWS:** The AGREEMENT shall be governed, construed and enforced in accordance with the laws of the jurisdiction in which the majority of the SERVICES are performed. Consultant shall observe and comply with all applicable laws, continue to provide equal employment opportunity to all qualified persons, and to recruit, hire, train, promote and compensate persons in all jobs without regard to race, color, religion, sex, age, disability or national origin or any other basis prohibited by applicable laws.

**DISPUTE RESOLUTION:** If requested in writing by either the CLIENT or Consultant, the CLIENT and Consultant shall attempt to resolve any dispute between them arising out of or in connection with this AGREEMENT by entering into structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with the mediator, if mutually agreed, the dispute shall be referred to arbitration pursuant to laws of the jurisdiction in which the majority of the SERVICES are performed or elsewhere by mutual agreement.

**ASSIGNMENT:** The CLIENT and Consultant shall not, without the prior written consent of the other party, assign the benefit or in any way transfer the obligations under these Terms and Conditions or any part hereof.

**SEVERABILITY:** If any term, condition or covenant of the AGREEMENT is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of the AGREEMENT shall be binding on the CLIENT and Consultant.

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

