

City Council

Monday, September 11, 2017

Worksession 4:00 p.m.

Committee of the Whole 5:00 p.m.

Regular Meeting 6:00 p.m.



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



September 2017

- Monday 11th:** **CITY COUNCIL**
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. & Regular Meeting 6:00 p.m.
- Tuesday 12th:** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Regular Meeting 6:00 p.m.
- Thursday 14th:** **ADA COMPLIANCE COMMITTEE**
Regular Meeting 4:00 p.m.
- Monday 18th:** **ABSENTEE IN PERSON VOTING BEGINS FOR THE OCTOBER 3RD REGULAR ELECTION**
City Clerk's office, 8:00 a.m. to 5:00 p.m. Monday-Friday until October 2nd
- Tuesday 19th:** **KENAI PENINSULA BOROUGH ASSEMBLY MEETING**
Regular Meeting 6:00 p.m.
- Wednesday 20th:** **PLANNING COMMISSION**
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Thursday 21st:** **PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Monday 25th:** **CITY COUNCIL**
Committee of the Whole 5:00 p.m. Regular Meeting 6:00 p.m.

REGULAR MEETING SCHEDULE

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

MAYOR AND CITY COUNCILMEMBERS AND TERMS

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

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

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



WORKSESSION
4:00 P.M. MONDAY
SEPTEMBER 11, 2017
COWLES COUNCIL CHAMBERS

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

WORKSESSION AGENDA

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

Councilmember Reynolds has requested excusal.

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

3. EMERGENCY OPERATIONS PLAN Click [HERE](#) for web link

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4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, September 25, 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.

Alaska Assessment

City of Homer

DEADLINE FOR SUBMISSION: DECEMBER 31, 2016

Step 1: Community / Jurisdiction Profile

Community / Jurisdiction	
Point of Contact for Assessment	

Planning			
Plan	Date Promulgated	Next Revision	On File at DHSEM
EOP			
Evacuation			
COOP			
Mitigation			
Debris Management			
CWPP			
CIKR / SVA			
NIMS Assessment Questions			
Has your jurisdiction formally adopted, and/or maintained the adoption of the National Incident Management System (NIMS) as its all-hazards incident management system			Yes No
Which of the following types of plans within your jurisdiction are reviewed and revised to incorporate NIMS components, principles and policies? (Check all that apply)		Emergency Operations Plan Standard Operating Procedures Standard Operating Guidelines All-Hazards Plan Mitigation Plan Training Plan Continuity Plan	
Has your jurisdiction established (and/or have in development) mutual aid agreements, compacts, and/or assistance agreements between agencies/organizations <i>within</i> your jurisdiction?			Yes No

NIMS Assessment Questions (Continued)

<p>If you answered 'yes', do these include:</p>	<p align="center">Private Sector NGOs One or more Tribal Nations</p>
<p>Has your jurisdiction established (and/or have in development) mutual aid agreements, compacts and/or assistance agreements between agencies/organizations outside of your jurisdiction?</p>	<p align="center">Yes No</p>
<p>Does your jurisdiction have an access and re-entry plan in order to control the flow of resources and personnel into the area of an incident?</p>	<p align="center">Yes No</p>
<p>What are your jurisdiction's priorities to enhance your implementation of NIMS in the coming year? (Please check up to three.)</p>	<p>Incorporate NIMS concepts and principles into existing plans and/or planning efforts</p> <p>Update training to ensure all applicable NIMS concepts and principles are incorporated</p> <p>Incorporate additional NIMS concepts and principles into exercises</p> <p>Make communication and information management practices consistent with NIMS</p> <p>Increase efforts to inventory all response assets consistently with available NIMS national resource typing definitions</p> <p>Increase adoption of the Incident Command System</p> <p>Increase adoption of Multiagency Coordination Systems</p> <p>Make public information practices consistent with NIMS</p>
<p>Does your jurisdiction maintain an inventory of its response resources and assets?</p>	<p align="center">Yes No</p>
<p>If 'yes', what disciplines are represented in your response inventory?</p>	<p align="center">Animal Emergency Response</p> <p align="center">Emergency Medical Systems</p> <p align="center">Fire</p> <p align="center">Hazardous Materials</p> <p align="center">Incident Management</p> <p align="center">Law Enforcement</p> <p align="center">Search & Rescue</p> <p align="center">Public Health & Medical</p> <p align="center">Public Works</p>

NIMS Assessment Questions (Continued)	
Does your jurisdiction use an interoperable tool, such as the Incident Resource Inventory system (IRIS), to inventory response resources and assets?	Yes No
Has your jurisdiction typed and inventoried response resources and assets consistently with available national NIMS resource typing definitions and job titles?	Yes No
Does your jurisdiction have a process to determine availability of response resources and assets in accordance with national NIMS resource typing definitions and job titles/position qualifications?	Yes No
Have NIMS concepts and principles been incorporated into all appropriate trainings within your jurisdictions?	Yes, all appropriate training Some appropriate training Not incorporated in appropriate training
If you answered 'yes', which of the following has been incorporated?	Interoperable and compatible communications, technology, and information management Resource management, typing, and credentialing Mutual aid or assistance agreements Incident Command System (ICS) Multiagency coordination system Public Information
Has your jurisdiction implemented a training program to ensure the appropriate emergency/incident response personnel, as identified in the NIMS Training Program, receive NIMS training in accordance with their incident management responsibilities?	Yes No

NIMS Assessment Questions (Continued)

<p>Which, if any, of the following are priorities for your jurisdiction to incorporate into training in the coming year? (Select up to three.)</p>	<p>Interoperable and compatible communications, technology, and information management</p> <p>Resource management, typing, and credentialing</p> <p>Mutual aid or assistance agreements</p> <p>Incident Command System (ICS)</p> <p>Multiagency coordination system</p> <p>Public information</p>
<p>Have NIMS concepts and principles been incorporated into all appropriate exercises in your jurisdiction?</p>	<p align="center">Yes, all appropriate training</p> <p align="center">Some appropriate training</p> <p align="center">Not incorporated in appropriate training</p>
<p>If you answered 'yes', which of the following has been incorporated? (Select all that apply.)</p>	<p>Interoperable and compatible communications, technology, and information management</p> <p>Mutual aid or assistance agreements</p> <p>Incident Command System (ICS)</p> <p>Multiagency coordination system</p> <p>Public information</p>
<p>Which of the following are priorities for your jurisdiction to incorporate into exercises in the coming year (Select up to 3.)</p>	<p>Interoperable and compatible communications, technology, and information management</p> <p>Resource management, typing, and credentialing</p> <p>Mutual aid or assistance agreements</p> <p>Incident Command System (ICS)</p> <p>Multiagency coordination system</p> <p>Public information</p>

NIMS Assessment Questions (Continued)

Please list any tools, training, guidance, or support that would be helpful in further enhancing your jurisdiction's implementation of NIMS

Response

Major Events / Incidents / EOC Activation

July-Sept 2014	
Oct-Dec 2014	
Jan-Mar 2015	
April-June 2015	

Mutual Aid/Agreements

Agency(s) or Jurisdiction(s)	Date Signed	Brief Description

Step 2: Identified Threats and Hazards of Concern Choose **ONE** of the following categories and identify the Threat and/or Hazard of Most Concern to the Jurisdiction.

(Jurisdiction) Threats and Hazards		
Natural	Technological	Human-Caused
<i>Example: Earthquake / Tsunami</i>	<i>Example: Energy Failure</i>	<i>Example: Terrorism</i>
1.	1.	1.

Step 3: Identified Threats and Hazards in Context

Choose the Identified Threat and/or Hazard from above and complete the corresponding section below.

Threat/ Hazard Group		Threat/ Hazard Type
Natural		
Description 1: (Include Time of Year)		
Communities Affected:		
Threat/ Hazard Group		Threat/ Hazard Type
Technological		
Description 1: (Include Time of Year)		
Communities Affected:		
Threat/ Hazard Group		Threat/ Hazard Type
Human-Caused		
Description 1: (Include Time of Year)		
Communities Affected:		

Step 4: Estimated Impacts and Desired Outcomes

For each capability area below describe the estimated impacts to the jurisdiction and desired outcomes. Explain both statements as necessary for each core capability.

Mitigation	<i>Definition:</i>	Mitigation includes those capabilities necessary to reduce loss of life and property by lessening the impact of disasters. It is focused on the premise that individuals, the private sector, communities, critical infrastructure, and the State as a whole are made more resilient when the consequences and impacts, the duration, and the financial and human costs to respond to and recover from adverse incidents are all reduced.
Response	<i>Definition:</i>	Response includes those capabilities necessary to save lives, protect property and the environment, and meet basic human needs after an incident has occurred. It is focused on ensuring that the State is able to effectively respond to any threat or hazard, including those with cascading effects, with an emphasis on saving and sustaining lives and stabilizing the incident, as well as rapidly meeting basic human needs, restoring basic services and community functionality, establishing a safe and secure environment, and supporting the transition to recovery.
Recovery	<i>Definition:</i>	Recovery includes those capabilities necessary to assist communities affected by an incident in recovering effectively. It is focused on a timely restoration, strengthening, and revitalization of the infrastructure; housing; a sustainable economy; and the health, social, cultural, historic, and environmental fabric of communities affected by a catastrophic incident.

	Core Capability	Estimated Impacts	Desired Outcomes
Common	Planning		
	Public Information and Warning		
	Operational Coordination		
Mitigation	Community Resilience		
	Long-term Vulnerability Reduction		
	Risk and Disaster Resilience Assessment		
	Threats and Hazard Identification		

	Core Capability	Estimated Impacts	Desired Outcomes
Response	Critical Transportation		
	Environmental Response/Health Safety		
	Fatality Management Services		
	Mass Care Services		
	Mass Search and Rescue Operations		
	On-Scene Security and Protection		
	Operational Communications		
	Public and Private Services and Resources		

	Public Health and Medical Services		
	Situational Assessment		

	Core Capability	Estimated Impacts	Desired Outcomes
Response and Recovery	Infrastructure Systems		
Recovery	Economic Recovery		
	Health and Social Services		
	Housing		
	Natural and Cultural Resources		

Step 5: Community Preparedness Report (CPR): Planning, Organization, Equipment, Training and Exercise (POETE) Assessment

The POETE framework is the basis for assessing current capability levels. For each core capability, assess how close the jurisdiction's desired level of preparedness is in each of the POETE capability elements.

Reference the "Alaska Assessment Guidebook" for more information on completing the Community Preparedness Report.

Directions:

This section is equipped with drop-down boxes anywhere it states, **Choose an item**. Click on the words choose an item to activate the drop-down box. Select the most appropriate answer for each capability in the POETE activity.

Narrative boxes **do not** contain the words **Choose an item**. If applicable, provide details that help support your selected level in each POETE category.

Transfer (cut and paste) the **Desired Outcome** from the previous section to help guide the levels selected for each capability.

Common

Capability: *Planning*

Priority: Choose an item.

Desired Outcome:

Solution Area: *Planning*

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: *Organization*

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: *Equipment*

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: *Training*

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Common

Capability: *Public Information and Warning*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Common

Capability: *Operational Coordination*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Mitigation

Capability: *Community Resilience*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Mitigation

Capability: *Long-Term Vulnerability Reduction*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Mitigation

Capability: *Risk and Disaster Resilience Assessment*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Mitigation

Capability: *Threats and Hazards Identification*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *Critical Transportation*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *Environmental Response/Health and Safety*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *Fatality Management Services*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *Mass Care*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response	
Capability: <i>Mass Search and Rescue Operations</i>	Priority: Choose an item.
Desired Outcome:	
Solution Area: Planning	Choose an item.
Gap Description:	
Mutual Aid:	Choose an item.
Mutual Aid Description:	
Solution Area: Organization	Choose an item.
Gap Description:	
Mutual Aid:	Choose an item.
Mutual Aid Description:	
Solution Area: Equipment	Choose an item.
Gap Description:	
Mutual Aid:	Choose an item.
Mutual Aid Description:	
Solution Area: Training	Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *On-scene Security and Protection*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: <i>Operational Communications</i>	Priority: Choose an item.
Desired Outcome:	
Solution Area: Planning	Choose an item.
Gap Description:	
Mutual Aid:	Choose an item.
Mutual Aid Description:	
Solution Area: Organization	Choose an item.
Gap Description:	
Mutual Aid:	Choose an item.
Mutual Aid Description:	
Solution Area: Equipment	Choose an item.
Gap Description:	
Mutual Aid:	Choose an item.
Mutual Aid Description:	
Solution Area: Training	Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *Public and Private Services and Resources*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *Public Health and Medical Services*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response

Capability: *Situational Assessment*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Response & Recovery

Capability: *Infrastructure Systems*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Recovery

Capability: *Economic Recovery*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Solution Area: Exercises	Choose an item.
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Gap Description:

Mutual Aid:	Choose an item.
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Mutual Aid Description:

Recovery

Capability: *Health and Social Services*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
--------------------	-----------------

Mutual Aid Description:

Solution Area: Exercises	Choose an item.
---------------------------------	-----------------

Gap Description:

Mutual Aid:	Choose an item.
--------------------	-----------------

Mutual Aid Description:

Recovery

Capability: *Housing*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid:	Choose an item.
--------------------	-----------------

Mutual Aid Description:

Solution Area: Exercises	Choose an item.
---------------------------------	-----------------

Gap Description:

Mutual Aid:	Choose an item.
--------------------	-----------------

Mutual Aid Description:

Recovery

Capability: *Natural and Cultural Resources*

Priority: Choose an item.

Desired Outcome:

Solution Area: Planning

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Organization

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Equipment

Choose an item.

Gap Description:

Mutual Aid:

Choose an item.

Mutual Aid Description:

Solution Area: Training

Choose an item.

Gap Description:

Mutual Aid: Choose an item.

Mutual Aid Description:

Solution Area: Exercises Choose an item.

Gap Description:

Mutual Aid: Choose an item.

Mutual Aid Description:

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
SEPTEMBER 11, 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.

Councilmember Reynolds has requested excusal.

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

3. REVENUE SOURCES FOR GENERAL FUND

Memorandum 17-119 from City Manager Re: 2017 Budget Status Page 65

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, September 25, 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.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 17-119

TO: City Council
FROM: Katie Koester, City Manager
DATE: September 6, 2017
SUBJECT: 2017 Budget Status

The purpose of this memo is to provide an update on revenue sources for the General Fund. The tables below detail the City's 2017 revenue projections from Sales Tax and Real Property Taxes which combined make up over 75% of General Fund revenue.

Property Tax

The 2017 General Fund Revenue projected \$2,914,354 in revenue from Real Property Taxes. However, with the assessed value for 2017 finalized, the City anticipates receiving approximately \$278,675 more than the 2017 budget projected. As you are aware, the Borough changed the methodology for calculating assessed value in 2017 which has likely contributed to the surplus. However, revenue gains are likely mitigated by a general decline in the assessed value of commercial property. Due to the controversy surrounding the 2017 assessed values, it would be prudent to anticipate some changes for 2018. Until the updated methodology settles out, I would recommend using 2016 real property values as the base for estimating revenue for 2018.

Real Property Tax projections for 2017:

Taxable values in the COH for 2017	\$709,562,012
CoH receives 4.5 mills of taxable values	\$3,193,029
CoH 2017 budget	\$2,914,354
Estimated additional revenue over budget	\$278,675

Sales Tax

The Borough provided the attached table reflecting Sales Tax Revenues from January 1 - June 30, 2017. The trend is consistent; an approximate 1% increase in Sales Tax from year to year. This trend is helpful as we project revenues for the 2018 budget.

	Jan. 1, 2017 - June 30, 2017	Jan. 1, 2016 - June 30, 2016	Jan. 1, 2015 - June 30, 2015	Jan. 1, 2014 - June 30, 2014
COH sales tax revenue collected for Jan. 1 - June 30, 2017	\$78,874,479	\$77,637,293	\$74,709,040	\$75,282,507
Percentage increase from previous year	1.02%	1.04%	0.99%	

Are we on track for 2017? Yes.

Keep in mind a large portion of sales tax revenue will come in the 3rd quarter, July and August when visitorship peaks. According to the Borough, taxable sales are consistently 20% higher during second half of the year when compared to January – June. Using this model, we estimate revenue will be slightly over our 2017 budget for sales tax.

Sales tax estimates based on 1st & 2nd quarter sales and applying 20% increase in sales for second half of 2017	
Estimated taxable sales for 2017	\$173,523,855
3.75% to General Fund	\$6,507,145
2017 sales tax budget	\$6,420,356
Estimated additional revenue over budget	\$86,789

- Enc:
- 2017 Real Property Values
 - 1st and 2nd Quarter Sales Tax Revenue and Historical Analysis
 - 2017 Budget General Fund Revenue Pie Chart

GRM Live 2017 REAL PROPERTY TAG 20 SUMMARY

CERTIFIED VALUES

(Excludes Oil Accounts)

		ASSESSED VALUES	KPB	CITY
Total Accounts	4,358	Total Ass'd Land	363,841,900	363,841,900
Total Acreage	15,225.39	Total Ass'd Improvements	892,996,400	892,996,400
		Total Ass'd Real Property	<u>1,256,838,300</u>	<u>1,256,838,300</u>

EXEMPTIONS

MANDATORY EXEMPTIONS		Count	KPB Value	City Value	
400	Government Exempt Value	273	388,907,200	388,907,200	
402	University Exempt Value	2	6,747,800	6,747,800	
404	Religious Exemption	28	17,916,200	17,916,200	
406	Charitable Exempt Value	42	12,662,600	12,662,600	
408	Hospital Exempt Value	1	4,566,100	4,566,100	
410	State Educational Exempt Value	8	996,900	996,900	
411	Armed Forces Agency Exempt Value	1	274,500	274,500	
412	Senior Mandatory Exempt Value	501	71,750,500	71,750,500	
413	Veteran Mandatory Exempt Value	12	1,714,800	1,714,800	
414	Fire Control System Exemption	11	206,888	206,888	
415	ANCSA Native Exempt Value	1	138,300	138,300	
419	MSV Multi-Purpose Senior Variable Exempt V.	1	1,155,100	1,155,100	
420	Electric CoOp Exempt Value	4	4,220,100	4,220,100	
	Total Tag20:	<u>885</u>	<u>511,256,988</u>	<u>511,256,988</u>	
OPTIONAL EXEMPTIONS		Count	KPB Value	Count	City Value
451	OP Residential Boro Exemption	915	43,501,400	0	0
452	OP 20k City Residential Exemption	0	0	1,146	22,450,400
453	OP Community Purpose Exempt Value	26	13,560,900	0	0
455	OP Homer Community Exempt Value	0	0	25	13,508,900
462	OP Senior Resident >150k Exempt Value	433	45,036,400	0	0
463	OP Disabled Veteran >\$150k Exempt Value	10	1,646,600	0	0
465	OP Volunteer FF/EMS Exemption 1	5	50,000	5	0
468	OP Volunteer FF/EMS Exemption 1 City	0	0	0	60,000
	Total Tag20:	<u>1,389</u>	<u>103,795,300</u>	<u>1,176</u>	<u>36,019,300</u>
	TAG 20 Totals:	<u>2,274</u>	<u>615,052,288</u>	<u>1,176</u>	<u>547,276,288</u>

TAXABLE VALUE

TOTAL ASSESSED VALUE	1,256,838,300	1,256,838,300
TOTAL EXEMPTIONS	615,052,288	547,276,288
TOTAL TAXABLE	<u>641,786,012</u>	<u>709,562,012</u>

DEFERMENTS AND TAX CREDITS - TAG 20

VT	Count	Description	Value
DEFERMENTS			
170	3	Agricultural Deferment Value Loss	159,100
171	3	Conservation Easement Value Loss	126,700
	<u>6</u>	TAG Total DEFERMENTS	<u>285,800</u>
TAX CREDITS			
550	20	Disabled Resident \$500TAX CREDIT Borough	0
	<u>20</u>	TAG Total TAX CREDITS	<u>0</u>

GRM Live 2017 REAL PROPERTY TAG 82 SUMMARY

CERTIFIED VALUES

(Excludes Oil Accounts)

		ASSESSED VALUES	KPB	CITY
Total Accounts	14	Total Ass'd Land	1,178,800	1,178,800
Total Acreage	10.83	Total Ass'd Improvements	2,495,200	2,495,200
		Total Ass'd Real Property	<u>3,674,000</u>	<u>3,674,000</u>

EXEMPTIONS

MANDATORY EXEMPTIONS		Count	KPB Value	City Value
400	Government Exempt Value	2	4,800	4,800
412	Senior Mandatory Exempt Value	4	569,200	569,200
Total Tag82:		6	<u>574,000</u>	<u>574,000</u>
OPTIONAL EXEMPTIONS		Count	KPB Value	City Value
451	OP Residential Boro Exemption	5	250,000	0
452	OP 20k City Residential Exemption	0	0	120,000
462	OP Senior Resident >150k Exempt Value	3	407,800	0
Total Tag82:		8	<u>657,800</u>	<u>120,000</u>
TAG 82 Totals:		<u>14</u>	<u>1,231,800</u>	<u>694,000</u>

TAXABLE VALUE

TOTAL ASSESSED VALUE	3,674,000	3,674,000
TOTAL EXEMPTIONS	1,231,800	694,000
TOTAL TAXABLE	<u>2,442,200</u>	<u>2,980,000</u>

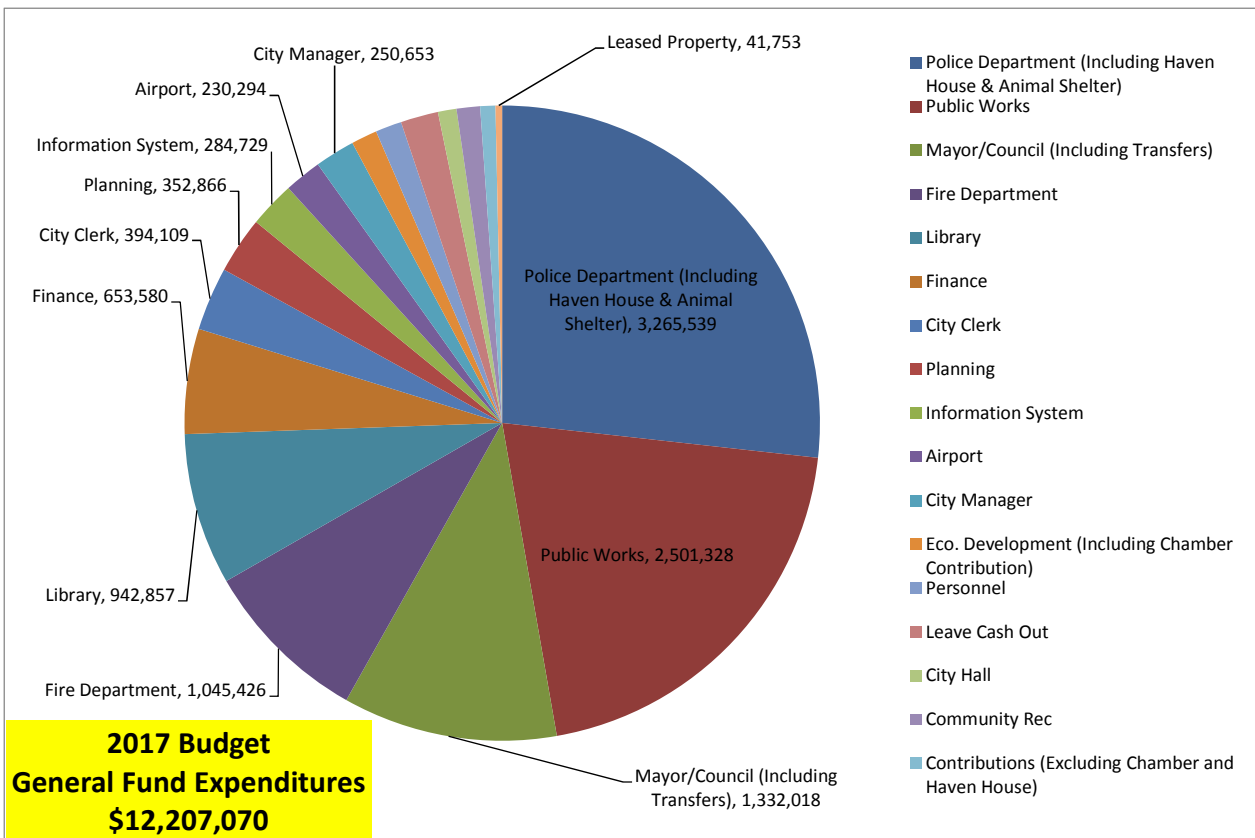
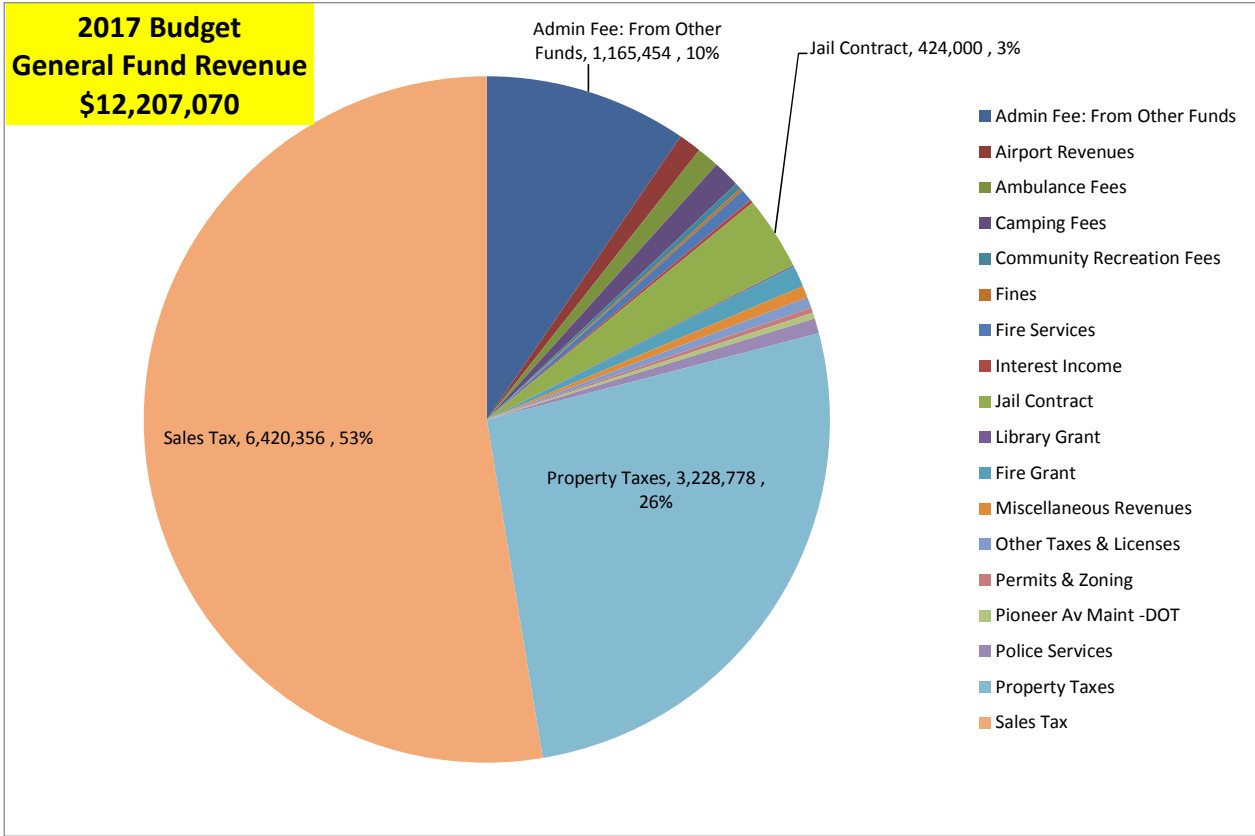
DEFERMENTS AND TAX CREDITS - TAG

<u>VT</u>	<u>Count</u>	<u>Description</u>	<u>Value</u>
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TAG Total

City of Homer						
Taxable Sales by Line of Business						
For the period of Jan. 1st - June 30th and comparing the same time period to previous years						
	Jan 2017 - June 2017	Jan 2016 - June 2016	Jan 2015 - June 2015	Jan 2014 - June 2014	% Change 1 year	% Change 4 year
ADMINISTRATIVE, WASTE MAN	\$518,134	\$532,260	\$556,640	\$609,074	-3%	-15%
AGRICULTURE, FORESTRY, FI	\$159,497	\$114,146	\$99,452	\$84,253	40%	89%
ARTS AND ENTERTAINMENT	\$582,603	\$516,543	\$482,782	\$412,580	13%	41%
CONSTRUCTION CONTRACTING	\$900,594	\$850,309	\$773,628	\$881,044	6%	2%
EDUCATIONAL SERVICES	\$123,375	\$117,134	\$109,296	\$106,431	5%	16%
FINANCE AND INSURANCE	\$43,184	\$33,594	\$27,030	\$27,687	29%	56%
GUIDING LAND	\$94,324	\$65,640	\$58,237	\$25,287	44%	273%
GUIDING WATER	\$2,475,511	\$2,528,756	\$2,336,927	\$2,332,320	-2%	6%
HEALTH CARE AND SOCIAL AS	\$203,797	\$121,794	\$103,964	\$107,831	67%	89%
HOTEL/MOTEL/BED & BREAKFA	\$6,092,358	\$6,475,528	\$5,807,491	\$5,520,676	-6%	10%
INFORMATION	\$2,300,537	\$2,397,511	\$2,819,912	\$2,644,539	-4%	-13%
MANUFACTURING	\$690,701	\$677,737	\$645,206	\$769,770	2%	-10%
PROFESSIONAL, SCIENTIFIC	\$1,403,038	\$1,428,337	\$1,353,324	\$1,282,530	-2%	9%
PUBLIC ADMINISTRATION	\$2,410,562	\$1,598,846	\$2,056,117	\$2,077,336	51%	16%
REMEDATION SERVICES	\$108,974	\$96,125	\$105,667	\$252,364	13%	-57%
RENTAL COMMERCIAL PROPERT	\$128,000	\$101,663	\$103,535	\$84,875	26%	51%
RENTAL NON-RESIDENTAL PRO	\$309,140	\$297,380	\$313,716	\$200,894	4%	54%
RENTAL OF SELF-STORAGE &	\$449,687	\$546,486	\$584,807	\$590,720	-18%	-24%
RENTAL PERSONAL PROPERTY	\$318,274	\$288,829	\$312,823	\$417,115	10%	-24%
RENTAL RESIDENTAL PROPERT	\$2,624,580	\$2,612,255	\$2,438,629	\$2,187,598	0%	20%
RESTAURANT/BAR	\$8,799,771	\$9,149,841	\$8,480,345	\$7,689,779	-4%	14%
RETAIL TRADE	\$37,334,580	\$37,030,483	\$35,430,709	\$37,399,695	1%	0%
SERVICES	\$4,150,600	\$4,049,566	\$3,787,117	\$3,643,391	2%	14%
TELECOMMUNICATIONS	\$840,548	\$785,098	\$750,086	\$783,836	7%	7%
TRANSPORTATION AND WAREHO	\$920,805	\$806,507	\$751,732	\$707,791	14%	30%
UTILITIES	\$4,314,867	\$3,843,017	\$3,826,358	\$3,613,967	12%	19%
WHOLESALE TRADE	\$576,438	\$571,908	\$593,510	\$829,124	1%	-30%
Grand Totals	\$78,874,479	\$77,637,293	\$74,709,040	\$75,282,507	1.59%	4.77%

**City of Homer
2017 Operating Budget**



CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
SEPTEMBER 11, 2017
COWLES COUNCIL CHAMBERS

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

REGULAR MEETING AGENDA

Worksession at 4:00 p.m. 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.

Councilmember Reynolds has requested excusal.

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 Elk's Patriotism Week, September 11-17, 2017 Page 81
- B. Mayoral Proclamation National Estuaries Week September 16-23, 2017 Page 83

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

- A. **Memorandum 17-114** from Councilmembers Aderhold and Smith Re: Approval to Submit a Resolution Regarding Standards for Recalling Municipal Officers to the Alaska Municipal League (AML) Winter Conference. Page 89

- B. **Resolution 17-078**, A Resolution of the City of Homer Requesting that the Legislature Revisit the Standards for Recalling Municipal Officials to Determent the Sufficiency of the Definitions There-In. Aderhold/Smith. Page 93

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 August 28, 2017 City Clerk. Recommend adoption. Page 103
- B. **Memorandum 17-116** from Mayor Re: Appointments of Mandy Bernard to the Homer Advisory Planning Commission and Ethen Groves to the Economic Development Advisory Commission as Student Representative. Recommend approval. Page 111
- C. **Ordinance 17-33**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 9, Taxation, by Adding a New Section 9.04.049 to Exempt Disabled Veterans and Surviving Spouses from Real Property Taxes. Stroozas. Recommended dates: Introduction September 11, 2017, Public Hearing and Second Reading September 25, 2017. Page 119

7. VISITORS

- A. Keren Kelly, Homer Senior Citizens (10 minutes)

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

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

4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission
 - a. Memorandum from Cannabis Advisory Commission Re: Recommendation to Oppose Onsite Consumption of Marijuana by Smoking. Page 127
 - b. Memorandum from Cannabis Advisory Commission Re: Recommendation to Amend Zoning on the Homer Spit to Allow Cannabis. Page 137

9. PUBLIC HEARING(S)

10. ORDINANCE(S)

11. CITY MANAGER’S REPORT

- A. City Manager’s Report Page 147

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 17-117** from Councilmember Erickson Re: Approving an Invitation to AKDOT, Enstar, and Kenai Peninsula Borough to have a Conversation Regarding Drainage Issues On and Around Judy Rebecca Court and Potential Solutions.

16. RESOLUTIONS

- A. **Resolution 17-079**, A Resolution of the Homer City Council Adopting the 2018-2023 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2019. Mayor/City Council. Recommend Public Hearing and Adoption September 25, 2017. Page 177

Memorandum 17-118 from Special Projects & Communication Coordinator as backup. Page 179

- 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, September 25, 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

NATIONAL PATRIOTISM WEEK

WHEREAS, The Benevolent and Protective Order of Elks, through its Constitution, is a Patriotic Order; and

WHEREAS, The Order promotes the ideals that the citizens of this nation live in freedom, won through the great sacrifices and many tribulations which have provided the foundation for a free, prosperous and independent life; and

WHEREAS, We Realize that each generation must work to maintain this freedom, otherwise, through carelessness or indifference, the rights and liberties enjoyed may vanish; and

WHEREAS, It is fitting and proper to recognize this freedom and to honor the nation, which provides it.

NOW, THEREFORE, I, Bryan Zak, Mayor of Homer, do hereby proclaim September 11-17, 2017, as

NATIONAL PATRIOTISM WEEK

And during this event, urge all citizens to join with the Benevolent and Protective Order of Elks in expressing gratitude for the privilege of American Citizenship with appropriate celebrations and observances.

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 11th day of September, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

Mayor's Proclamation

**National Estuaries Week
September 16 – 23, 2017**

WHEREAS, Kachemak Bay, Cook Inlet, the Gulf of Alaska, and all other estuaries are integral to the State of Alaska; and

WHEREAS, Estuaries are unique coastal environments that support more life per square inch than any other ecosystem on Earth, providing habitat for countless species of fish, shellfish, birds, and marine mammals; and

WHEREAS, National Estuaries Week is an annual celebration of the vibrant coastal areas where rivers meet the sea; celebrating this time presents an opportunity to learn more about these coastal ecosystems and how Alaska's citizens can help to protect them; and

WHEREAS, Estuaries provide numerous protection benefits to coastal populations, acting as a first line of defense against storms, rising sea levels, and the effects of a changing climate as well as a natural water filtration system; and

WHEREAS, Protecting our local fish habitats and populations will benefit Alaska's commercial fishing industries which generate over \$5 billion annually and support over 78,000 jobs, and whose harvest is 21% comprised of estuarine-dependent species; and

WHEREAS, Alaska's living resources are the second most productive in the nation in terms of contribution to GDP from employment; and Alaska's coastal boroughs generated over \$52 billion in GDP in 2013, over 85% of the state's total GDP; and

WHEREAS, Protecting and restoring our estuaries is vital to our local and national economy because they sustain the fisheries that feed America, ensure outdoor recreational opportunities for current and future generations, reduce the costly impacts of natural hazards, and support local jobs which cannot be exported.

NOW, THEREFORE, I, Bryan Zak, Mayor, do hereby proclaim the week of September 16 – 23, 2017 as:

NATIONAL ESTUARIES WEEK

In the City of Homer, Alaska, and encourage all Alaskans to take part in the festivities and to learn more about our local estuaries and their importance to our economy and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Homer, Alaska, on this 11th day of September, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION



City of Homer

www.cityofhomer-ak.gov

Homer City Council

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

Memorandum 17-114

TO: Mayor Zak and Homer City Council

FROM: Councilmember Aderhold and Councilmember Smith

DATE: August 23, 2017

SUBJECT: Approval to submit the attached resolution to Alaska Municipal League

The purpose of this memo is to approve the attached draft resolution for submission to the Alaska Municipal League (AML) Winter Conference. This draft resolution is nearly identical in substance to City of Homer Resolution 17-078 before you for consideration. AML requires that resolutions for consideration at the Winter Conference be formatted according to their specifications and submitted to the AML Board of Directors by the first week of October for consideration at the Winter Conference in Anchorage November 13-17. Resolutions are a statement of the Alaska Municipal League's intent to support a specific action on a significant issue affecting municipalities. Resolutions adopted by AML will be distributed to Legislators and government officials.

RECOMMENDATION: Voice non objection and consent to approve the attached resolution for submission to the Alaska Municipal League Winter Conference.

ALASKA MUNICIPAL LEAGUE

RESOLUTION 17-_____

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE REQUESTING THAT
THE ALASKA LEGISLATURE REVISIT THE STANDARD FOR RECALLING
MUNICIPAL OFFICIALS TO DETERMINE THE SUFFICIENCY OF
DEFINITIONS AND PROCESSES THEREIN

WHEREAS, recall elections concerning municipal and local elected officials have recently been held or contemplated in the City of Homer, the Kenai Peninsula Borough, the City of Haines, City of Cordova, and the Petersburg Borough; and

WHEREAS, recall elections are an important part of the democratic process and therefore the rules governing recall must be clear and easily understood by voters, elected officials, and municipal employees; and

WHEREAS, Alaska Statutes 29.26.240 through 29.26.360 govern recall elections for municipal officials; and

WHEREAS, the standards for what constitutes both an action that would justify recall and how a local municipal official should evaluate the recall petition's sufficiency are not clearly defined in the Alaska Statutes, leading to a wide range of interpretations; and

WHEREAS, in 1984, the Alaska Supreme Court suggested that the legislature clarify the recall statutes. The Court made the following statement in *Meiners v. Bering Strait School District*, 867 P.2d 287, 296 (Alaska 1984):

Each issue in this case arises because one or another of the provisions of Alaska's recall statute is in some way ambiguous. The need for judicial participation in the recall process could be decreased by more carefully drawn statutes. Article XI, section 8 of the [Alaska] Constitution commands the Legislature to prescribe both the procedures and the grounds for recall. The political nature of the recall makes the legislative process, rather than judicial statutory interpretation, the preferable means of striking the balances necessary to give effect to the Constitutional command that elected officers shall be subject to recall. . . [W]e commend to the Legislature the suggestion that these statutes be revised to clarify its intentions;

and

WHEREAS, over the past 30 years, and despite the Alaska Supreme Court's request, the Alaska Legislature still has not clarified the statutes related to recalling municipal officials; and

WHEREAS, "misconduct in office", currently one of the grounds for recalling a municipal official, is undefined in the Alaska Statutes and the level and type of misconduct required is not specified; and

WHEREAS, the Alaska Supreme Court has stated that it was not advisable to force municipal clerks who are not attorneys to rely on in-depth legal analyses including reviews of case law to determine the sufficiency of recall petitions; and

WHEREAS, the Alaska Legislature can look to at least 28 other states for examples of laws when deciding how to clarify Alaska's recall statutes as recall of local officials is allowed in Alabama (Ala. Code § 11-44-130), Arizona (Const. Art. 8), Arkansas (Ark. Code § 14-47-112), California (Const. Art. 2, § 19 and Cal. Election Code § 11000), Colorado (Const. Art. 21, § 4 and Rev. Stat. § 31-4-501), Florida (Fla. Stat. § 100.361), Georgia (Const. Art. 2, § 2.4 and Ga. Code § 21-4-1), Idaho (Const. Art. 6, § 6 and Id. Code § 34-1701), Kansas (Const. Art. 4, § 3 and Kan. Stat. § 25-4301), Louisiana (Const. Art. 10, § 26 and La. Rev. Stat. § 18:1300), Michigan (Const. Art. 2, § 8 and Mich. Comp. Laws § 168.951), Minnesota (Minn. Stat. § 351.14), Missouri (Mo. Rev. Stat. § 77.650 and § 78.260), Montana (Mont. Code § 2-16-601), Nebraska (Neb. Rev. Stat. § 31-786 and § 32-1309), Nevada (Const. Art. 2, § 9), New Hampshire (N.H. Rev. Stat. § 49D:3(e)), New Jersey (Const. Art. 1, § 2(b)), New Mexico (Const. Art. 10, § 9), North Dakota (Const. Art. 3, § 10), Ohio (Ohio Code § 705.92), Oregon (Const. Art. 2, § 18 and ORS § 249.865), South Dakota (S.D. Codified Laws § 9-13-29), Tennessee (Tenn. Code § 6-31-301), Washington (Const. Art. 1, § 33-34 and Wash. Code § 29A.56.110), West Virginia (W.Va. Code § 8-12-4(3)), Wisconsin (Const. Art. 13, § 12 and Wis. Stat. § 9.10) and Wyoming (Wyo. Stat. § 15-4-110); and

WHEREAS, Alaska can look to at least seven other states that require a specific ground for recall to be stated when a person or group attempts to recall an elected official: Georgia (Ga. Code § 21-4-3(7) and 21-4-4(c)), Kansas (KS. Stat. § 25-4301), Minnesota (Const. Art. VIII § 6), Montana (Mont. Code § 2-16-603), Rhode Island (Const. Art. IV § 1), Virginia (Va. Code § 24.2-233) and Washington (Const. Art. I, § 33); and

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League, requests that the Alaska Legislature revisit the standards for recalling municipal officials to determine the sufficiency of the definitions and processes therein.

PASSED AND ADOPTED by the Alaska Municipal League this ____ day of November, 2017.

Signed: _____
President, Alaska Municipal League

Attest: _____
Executive Director, Alaska Municipal League

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

Aderhold/Smith

3
4 **RESOLUTION 17-078**

5
6 A RESOLUTION OF THE CITY OF HOMER REQUESTING THAT THE
7 ALASKA LEGISLATURE REVISIT THE STANDARD FOR RECALLING
8 MUNICIPAL OFFICIALS TO DETERMINE THE SUFFICIENCY OF
9 DEFINITIONS AND PROCESSES THEREIN.

10
11 WHEREAS, Recall elections concerning municipal and local elected officials have
12 recently been held or contemplated in the City of Homer, the Kenai Peninsula Borough, the
13 City of Haines, City of Cordova, and the Petersburg Borough; and

14
15 WHEREAS, Recall elections are an important part of the democratic process and
16 therefore the rules governing recall must be clear and easily understood by voters, elected
17 officials, and municipal employees; and

18
19 WHEREAS, Alaska Statutes 29.26.240 through 29.26.360 govern recall elections for
20 municipal officials; and

21
22 WHEREAS, The standards for what constitutes both an action that would justify recall
23 and how a local municipal official should evaluate the recall petition's sufficiency are not
24 clearly defined in the Alaska Statutes, leading to a wide range of interpretations; and

25
26 WHEREAS, In 1984, the Alaska Supreme Court suggested that the legislature clarify the
27 recall statutes. The Court made the following statement in *Meiners v. Bering Strait School*
28 *District*, 867 P.2d 287, 296 (Alaska 1984):

29
30 Each issue in this case arises because one or another of the provisions of Alaska's recall
31 statute is in some way ambiguous. The need for judicial participation in the recall
32 process could be decreased by more carefully drawn statutes. Article XI, section 8 of
33 the [Alaska] Constitution commands the Legislature to prescribe both the procedures
34 and the grounds for recall. The political nature of the recall makes the legislative
35 process, rather than judicial statutory interpretation, the preferable means of striking
36 the balances necessary to give effect to the Constitutional command that elected
37 officers shall be subject to recall. . . [W]e commend to the Legislature the suggestion
38 that these statutes be revised to clarify its intentions;

39 and

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41 WHEREAS, Over the past 30 years, and despite the Alaska Supreme Court's request, the
42 Alaska Legislature still has not clarified the statutes related to recalling municipal officials; and

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WHEREAS, "Misconduct in office", currently one of the grounds for recalling a municipal official, is undefined in the Alaska Statutes and the level and type of misconduct required is not specified; and

WHEREAS, The Alaska Supreme Court has stated that it was not advisable to force municipal clerks who are not attorneys to rely on in-depth legal analyses including reviews of case law to determine the sufficiency of recall petitions; and

WHEREAS, The Alaska Legislature can look to at least 28 other states for examples of laws when deciding how to clarify Alaska's recall statutes as recall of local officials is allowed in Alabama (Ala. Code § 11-44-130), Arizona (Const. Art. 8), Arkansas (Ark. Code § 14-47-112), California (Const. Art. 2, § 19 and Cal. Election Code § 11000), Colorado (Const. Art. 21, § 4 and Rev. Stat. § 31-4-501), Florida (Fla. Stat. § 100.361), Georgia (Const. Art. 2, § 2.4 and Ga. Code § 21-4-1), Idaho (Const. Art. 6, § 6 and Id. Code § 34-1701), Kansas (Const. Art. 4, § 3 and Kan. Stat. § 25-4301), Louisiana (Const. Art. 10, § 26 and La. Rev. Stat. § 18:1300), Michigan (Const. Art. 2, § 8 and Mich. Comp. Laws § 168.951), Minnesota (Minn. Stat. § 351.14), Missouri (Mo. Rev. Stat. § 77.650 and § 78.260), Montana (Mont. Code § 2-16-601), Nebraska (Neb. Rev. Stat. § 31-786 and § 32-1309), Nevada (Const. Art. 2, § 9), New Hampshire (N.H. Rev. Stat. § 49D:3(e)), New Jersey (Const. Art. 1, § 2(b)), New Mexico (Const. Art. 10, § 9), North Dakota (Const. Art. 3, § 10), Ohio (Ohio Code § 705.92), Oregon (Const. Art. 2, § 18 and ORS § 249.865), South Dakota (S.D. Codified Laws § 9-13-29), Tennessee (Tenn. Code § 6-31-301), Washington (Const. Art. 1, § 33-34 and Wash. Code § 29A.56.110), West Virginia (W.Va. Code § 8-12-4(3)), Wisconsin (Const. Art. 13, § 12 and Wis. Stat. § 9.10) and Wyoming (Wyo. Stat. § 15-4-110); and

WHEREAS, Alaska can look to at least seven other states that require a specific ground for recall to be stated when a person or group attempts to recall an elected official: Georgia (Ga. Code § 21-4-3(7) and 21-4-4(c)), Kansas (KS. Stat. § 25-4301), Minnesota (Const. Art. VIII § 6), Montana (Mont. Code § 2-16-603), Rhode Island (Const. Art. IV § 1), Virginia (Va. Code § 24.2-233) and Washington (Const. Art. I, § 33).

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, requests that the Alaska Legislature revisit the standards for recalling municipal officials to determine the sufficiency of the definitions and processes therein.

PASSED AND ADOPTED by the Homer City Council this ____ day of August, 2017.

CITY OF HOMER

BRYAN ZAK, MAYOR

85 ATTEST:

86

87 _____

88 MELISSA JACOBSEN, MMC, CITY CLERK

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90 Fiscal Note: N/A

From: Sailor Jer
To: [Department Clerk](#)
Subject: Recall Resolution
Date: Wednesday, August 30, 2017 12:32:23 PM

I am writing in regards to the reconsideration of the efforts to have the right of the people to recall its lawfully elected officials from their positions due to misuse of their office for personal, political and philosophical gain. The council (such as it is) work for ALL of the "people" and should be subject to any and all efforts to make sure that their elected officials are working for all of the people, whether they personally agree or not. It has been clearly apparent that a portion of the current council have a very detailed agenda and taking away our rights to recall them or any future council members is patently wrong, especially as they have verbally shown their disdain for the people's choice for President and their version of hatred versus non-hatred has been widely shown on all forums. Our city council should be focused on the needs of our city as a whole and, as such, should be judged by the job they are doing, not on what "politicians" feel should be sufficient reasons.

Respectfully Submitted
Roxanne Lawver
City of Homer resident

Sent from my iPad

From: Mike Morawitz
To: [Tom Stroozas](#)
Cc: [Catriona Reynolds](#); [David Lewis](#); [Donna Aderhold](#); [Shelly Erickson](#); [Heath Smith](#); [Department Clerk](#)
Subject: Recall statute
Date: Thursday, August 31, 2017 2:51:53 PM

Do NOT, repeat DO NOT !! Support the Resolution asking Alaska's Legislature to tighten up the legal grounds for recalling elected municipal officials. It was smartly and justly pulled..
DO NOT back this resolution !!!

Mike Morawitz
Homer City resident
Box 2701, Homer, ak 99603

Sent from [Mail](#) for Windows 10DO

From: bob@inletkeeper.org
To: [Tom Stroozas](#)
Cc: [Heath Smith](#); [David Lewis](#); [Donna Aderhold](#); [Shelly Erickson](#); [Catriona Reynolds](#); [Department Clerk](#)
Subject: Resolution 17-078
Date: Thursday, August 31, 2017 4:59:09 PM

Hi Tom -

First, thanks for your service on Council. It's often a thankless job - as the past year has certainly demonstrated - but it's a vitally important one, and one that requires dedication and commitment to our community.

With that said, I'd like to record my strong disappointment in your move to reconsider Res. 17-078. I heard your statements on the radio, and I disagree wholeheartedly that the recent recall vote demonstrated how the current system "worked." To the contrary, the recall effort drove a huge and unnecessary wedge into our community and wasted tens of thousands of public dollars in the process.

Without clear sideboards in the recall statute, any group with a strong opinion and a few dollars can mount a recall campaign. Facts don't matter when the law is ambiguous, and I hope we can agree when it comes to recalling a public official, facts - applied to clear standards - should be the foundation for decision making.

Instead of extending the recall divide in Homer, I'd ask you to take on some of the many other problems gripping our community, such as the lack of after-school care for working families and the opioid crisis, for example.

Thank you -

Bob Shavelson
PO Box 1498
Homer, AK 99603
907.299.3277

CONSENT AGENDA

Session 17-20 a Regular Meeting of the Homer City Council was called to order on August 28, 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
LIBRARY DIRECTOR DIXON

City Council met for a Worksession from 4:00 p.m. to 4:55 p.m. to discuss the 2018-2023 Capital Improvement Plan and from 5:00 p.m. to 5:30 p.m. to discuss Consent and Regular Meeting Agenda items.

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

AGENDA APPROVAL

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

The following changes were made: **CITY MANAGER'S REPORT** Mayor Zak's AML Summer Conference Report, **CITY ATTORNEY'S REPORT** City Attorney's report July/August.

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

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

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 August 14, 2017 City Clerk. Recommend adoption.

- B. **Memorandum 17-114** from Councilmembers Aderhold and Smith Re: Approval to Submit a Resolution Regarding Standards for Recalling Municipal Officers to the Alaska Municipal League (AML) Winter Conference. Recommend adoption.

- C. **Resolution 17-078**, A Resolution of the City of Homer Requesting that the Legislature Revisit the Standards for Recalling Municipal Officials to Determent the Sufficiency of the Definitions There-In. Aderhold/Smith. Recommend adoption.

Mayor Zak asked for a motion to approve the recommendations of the consent agenda.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

7. VISITORS

- A. KPEDD Quarterly Update, Tim Dillon (10 minutes)

Tim Dillon, Executive Director of the Kenai Peninsula Economic Development District, explained that KPEDD is a 501(C)4 and reviewed their funding sources and the list of the programs and reports they provide. They also have Kenai Peninsula Opportunities, a 501(C)3 that is able to give grant support and offer community events. He gave a brief overview of the reports that will be available soon on the KPEDD website including the Community Economic Development Strategy Report, the KPB Comprehensive Economic Development Strategy 2016, 2017 Kenai Peninsula Situations and Prospects Report, and the 3rd quarter report. He noted the 2017 S&P Homer summary that includes comparisons of gross business sales, sales and property tax, and also population, housing, and income information. Lastly he announced the next Industry Outlook Forum is scheduled for January 10, 2018 at the Soldotna Regional Sports Center.

In response to Council's questions and comments there was discussion of the Business Incubator, work with the college, and the 2017 S&P Homer summary.

B. Karen Hornaday Park Trail Presentation, Robert Archibald and Deb Lowney (10 minutes)

Deb Lowney and Robert Archibald provided an update on the Karen Hornaday Park Trail that is almost completed. The project used HART funds and Ms. Lowney reported the costs came in well under budget at just under \$5000, and \$8000 was budgeted. They have over 378 volunteer hours documented and she named the community members involved. Ms. Lowney recognized Public Works and noted they were very helpful and easy to work with. There is a Girl Scout troop that has committed to cleaning up trash and brushing the trail. They are planning to use funds raised by community members to improve trail signage. There will be a grand opening on Sunday, September 24th at 2:00 p.m., and she encouraged people to attend. They showed a slide show highlighting the work that was done and the people who helped.

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

A. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly President, acknowledged Tim Dillon and his work at KPEDD, and thanked him for his efforts because they are making a difference in our community and helping bring the whole borough together. In looking at the S&P Summary and manufacturing, she noted the fish tax and that our receipts are lower because so much of our fish go out whole. There is still processing involved and she would love to see the state statute definition of processed fish changed to what is going in now. She reported the composting demonstration project fell apart at the last minute, the contractor wasn't able to fulfill what he hoped to do. She hopes someone is able to continue it because she'd like to see it take off. The commercial businesses are signed up to provide the information, along with the trucks and containers, all that is needed is someone to do the composting project. The sales tax cap ordinance passed and it will be on the October ballot along with \$5million bond issuance for the heat vac system replacement at the Borough Administration building.

B. Commissions/Board Reports:

1. Library Advisory Board

Mark Massion, Library Advisory Board, member reported the Board meets again on October 3rd.

2. Homer Advisory Planning Commission

Tom Bos, Planning Commissioner, listed the conditional use permits and and a variances the Commission has recently acted on. He reported they are still working on the zoning for an RV at spit businesses, and Comprehensive Plan chapter 6.

3. Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Commission Chair, commented they are processing responses to the BR&E survey and some commissioners are making personal visits. They are doing more advertising of the survey and encouraged more participation before it ends on October 13th.

4. Parks Art Recreation and Culture Advisory Commission

Jon Sharp, Parks Art Recreation and Culture Advisory Commissioner, reported the Commission held a worksession to discuss prioritizing trails. They have a new student member, Avram Salzman, and at their last meeting they addressed their strategic plan, Karen Hornaday Park Plan, Jack Gist Park Plan, and the budget. They support increasing the Community Recreation .25 position to .5, funding for an ADA accessible path from the Water Trail Pavilion to the restrooms, and trash can lids on the spit garbage cans.

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

Councilmember Lewis reported the Commission met and approved forwarding a recommendation for discussion of amending zoning to allow retail on the spit on private property, and a recommendation to not allow on site consumption by smoking due to impacts to first responders being effected by the smoke.

9. PUBLIC HEARING(S)

10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester highlighted Sherry Bess and Kathy Heindl for recently being recognized by Senator Sullivan as Alaskan's of the week.

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

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

Councilmember Aderhold reported that David Barton from the Northwest ADA center was in Homer August 15-17. He worked with Staff, Melissa Jacobsen and Dan Gardner, in walking through several city facilities including:

- Harbor parking areas
- Sections of the Harbor Trail
- 4 Public restrooms (ramp 5, Fishin' Hole, Mariner Park porta potties, & Pioneer Ave by the Fire Hall)
- RV dump stations
- Library
- City Hall
- Police Station
- Animal Shelter
- Karen Hornaday Park

Councilmember Lewis attended a few of the site visits as representative from ILC.

Mr. Barton met with the Harbormaster and surveyed the public spaces at the Harbormaster's office and also the Fishin' Hole. It was a very educational visit for staff, and very helpful in relation to future survey work and as we move forward to the Transition Plan.

- C. Police Station Building Task Force

14. PENDING BUSINESS

- A. **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. Introduction July 24, 2017, Public Hearing August 14, 2017 and Second Reading August 28, 2017.

Memorandum 17-115 from City Clerk as backup.

Mayor Zak asked for a motion to adopt Ordinance 17-28 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

There was brief discussion confirming the public hearing was held at the August 14th regular meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Dwayne Nustvold, city resident, commented regarding the Capital Improvement Plan. He thinks the Jack Gist field has the potential to be a lot more than just a softball field. If we were to fix it up it could handle men's and state tournaments, car shows, and open air concert. It has a lot of potential for bringing people into Homer and beneficial for revenue. The harbor expansion should be a huge priority as it's an opportunity for improving commerce and jobs in Homer.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Zak noted there were five city council candidates in the audience tonight and also the new Executive Director of the Chamber. He expressed his appreciation for the work they do at the Chamber. He added that the September 11th worksession will be on the Emergency Operations Plan and encouraged the community to attend.

COMMENTS OF THE CITY COUNCIL

Councilmember Reynolds welcomed the students back to school and congratulated the Mariner Football and girls Cross Country team's recent successes. Last weekend the Cycling

Club had an event at the new Diamond Creek Trail that was very successful. They have been having regular Thursday rides there and she encouraged bicyclists and walkers to visit the trail. She also commented the Homer Mariner Triathlon is September 2nd and there is still time to sign up.

Councilmember Erickson thanked Parks and Recreation for their work on the trail. It's beautiful and it's good to see all the people come together to work on that. She is looking forward to visiting it and the new cycling trail. She thanked the response groups that participated in the airplane air crash drill last weekend, it was a good drill and she appreciated all the responders and volunteers. She also thanked the Apple Bus drivers and appreciates their efforts with the cruise ship visitors, with the challenges of the new school bus schedules, and working with the changes.

Councilmember Lewis commented it was interesting doing the ADA reviews of the harbor and most importantly the police station. We need a new station. The one we have was built before the ADA became law, but we really should come into compliance. He was disappointed when the assembly voted down allowing us to vote on the bed tax, because he thought it could generate enough revenue for us to be able to pay for a new police station. Now we'll have to nickel and dime coming up with the money. It's something we need and we have to figure out how to pay for it.

Councilmember Aderhold echoes the comments about Homer Airport Drill. She participated as a victim and it was great to see it from that perspective. She thanked the first responders and medical facilities, and the community members who volunteered. Last Thursday there was a resilience workshop with FEMA and state partners to talk about our areas of risk in case of emergency and how to be a more resilient community. It was a useful exercise.

Councilmember Smith congratulated the Mariners for their big victory in Barrow and the Homer Men's Softball team for taking 4th in the State Tournament. He appreciates the work on the Karen Hornaday Park Trail, and for Deb and Robert putting a lot of effort into creating a kind of model for the community to follow in trying to tap the funds we have in conjunction with some volunteerism and find a creative way to stretch the dollars.

Councilmember Stroozas had no comment.

ADJOURN

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 7:18 p.m. The next Regular Meeting is Monday, September 11, 2017 at 6:00 p.m., Worksession at 4:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

HOMER CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 28, 2017

MELISSA JACOBSEN, MMC, CITY CLERK

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 17-116

TO: HOMER CITY COUNCIL
FROM: BRYAN ZAK, MAYOR
DATE: SEPTEMBER 8, 2017
SUBJECT: APPOINTMENTS OF MANDY BERNARD TO THE ADVISORY PLANNING COMMISSION AND ETHEN GROVES TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION AS STUDENT REPRESENTATIVE

Mandy Bernard is appointed to the Advisory Planning Commission to fill the seat vacated by Savannah Bradley. Her term will expire July 1, 2020.

Ethen Groves is appointed to the Economic Development Advisory Commission to fill the Student Representative seat.

RECOMMENDATION:

Confirm the re-appointment of Mandy Bernard to the Advisory Planning Commission and Ethen Groves to the Economic Development Advisory Commission.

Fiscal Note: N/A

From: Application for Appointment to an Advisory Body
To: [Department Clerk](#)
Subject: ** Application for Appointment **
Date: Thursday, August 10, 2017 11:14:36 AM

Submitted on Thursday, August 10, 2017 - 11:14am
Submitted by anonymous user: 104.254.227.213
Submitted values are:

==Applicant Information==

Name: Mandy Bernard
Physical Address: 4625 Lincoln Circle
Mailing Address: PO Box 107
Email: mandybernard@gmail.com
Phone: 9072995635

==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: 2.5 months
I have been a resident of the area for : 6.5 years

Special Training & Education: I received a BS in Environmental Science from Roanoke College in 2004, and my masters in Urban and Regional Planning from Virginia Tech in 2008 with a focus on conservation easements and land use. I worked as a city planner in the city of Cheyenne, Wyoming for 8 months before moving to nonprofit land conservation. I was awarded a 2-year fellowship position with the Colorado Conservation Trust, working with multiple land trusts across the state of Colorado. I moved to Homer in 2011 to accept the position of Conservation Director at the Kachemak Heritage Land Trust. I held that position for nearly 6 years before moving into my current project management contract position for the Mountains to Sea partnership. My masters degree and land trust positions have provided me with a solid understanding of regional and long-term planning, land use, and title issues. My time at the city of Cheyenne was spent working closing with the planning commission, city council, and general public to review and approve various conditional use permits and development proposals.

Prior Service : I have not served on a planning commission, but have worked with them as a city planner and during my time working with land trusts.

Why are you interested? I have chosen to make Homer my home, have recently purchased my first house in city limits, and would like to use my experience and background to contribute to my community through careful evaluation and sound decisionmaking.

Other memberships: The Land Trust Alliance

Related to the Advisory Planning Commission: N/A

Additional related information: I am very interested in serving on the commission, but regrettably will not be able to do so until the month of October. I will be traveling outside through the beginning of September for several workshops, and will be finishing my summer position as Homer Farmers Market Manager at the end of September. My work with the HFM is on Saturdays and Wednesdays until 6pm, which would interfere with my ability to attend commission meetings until October.

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=https://www.cityofhomer-
ak.gov/node/9051/submission/10351&c=E.I.p_NxPUnh2bLHYCfWKBkt6_FEb81DaIGi33H0HeZwGTF40251cuE3JLcd1O5rsd91F5Eew09eLuQ_VDkeD0HirTGrrXkuH9Qoa-
Y1qC3Xg2gexLrvuQY.&typo=1](https://linkprotect.cudasvc.com/url?a=https://www.cityofhomer.ak.gov/node/9051/submission/10351&c=E.I.p_NxPUnh2bLHYCfWKBkt6_FEb81DaIGi33H0HeZwGTF40251cuE3JLcd1O5rsd91F5Eew09eLuQ_VDkeD0HirTGrrXkuH9Qoa-Y1qC3Xg2gexLrvuQY.&typo=1)



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

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

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

Name: Ethen Trent Groves Date: 08/29/17

Physical Address: 645 Daybreeze Court, Homer, AK 99603

Mailing Address: PO Box 2678, Homer, AK 99603

Phone #: 970-812-2835 Cell #: same Work #: _____

Email Address: ethengroves@gmail.com

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

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

ADVISORY PLANNING COMMISSION

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

**ECONOMIC DEVELOPMENT ADVISORY
COMMISSION**

2ND TUESDAY OF THE MONTH AT 6:00 PM

**PARKS ART RECREATION & CULTURE ADVISORY
COMMISSION**

3RD THURSDAY OF THE MONTH AT 5:30 PM
NO MEETINGS IN JANUARY, JULY & DECEMBER

CANNABIS ADVISORY COMMISSION

4TH THURSDAY OF THE MONTH AT 5:30 PM

PORT & HARBOR ADVISORY COMMISSION

4th WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM

LIBRARY ADVISORY BOARD

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

OTHER - PLEASE INDICATE

CITY COUNCIL

2ND & 4TH MONDAY OF THE MONTH
SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM
COMMITTEE OF THE WHOLE AT 5:00 PM
REGULAR MEETING AT 6:00 PM

I have been a resident of the city for <1 years. I have been a resident of the area for <1 years.

I am presently employed at full-time student at Homer High School

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

As a student in high school, I took business electives that discussed entrepreneurship, economics,

and how to operate a business. I come from a family that has several members that own and

operate businesses, so economic development is an area I find interesting.

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

As a student in high school, this would be my first opportunity to serve on an advisory body.

I am excited for the opportunity to learn.

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

I think it is an excellent opportunity to serve while also learning valuable skills and developing my

experience for the future. I will receive service hours as required to graduate from HHS.

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

N/A

Please answer the following only if you are applying for the Advisory Planning Commission:

Have you ever developed real property other than a personal residence, if so briefly explain:

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

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

Yes

No

What is your primary use? Commercial

Recreational

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

I am very eager to learn and to offer any insight I might have that would be a benefit to the

Commission. I would appreciate the opportunity to contribute.

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

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-33

Ordinance 17-33, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 9, Taxation, by Adding a New Section 9.04.049 to Exempt Disabled Veterans and Surviving Spouses from Real Property Taxes.

Sponsor: Stroozas.

1. Council Regular Meeting September 11, 2017 Introduction

1 CITY OF HOMER
2 HOMER, ALASKA

3 Stroozas

4 ORDINANCE 17-33

5
6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING HOMER CITY CODE TITLE 9, TAXATION, BY ADDING A NEW
9 SECTION 9.04.049 TO EXEMPT DISABLED VETERANS AND SURVIVING
10 SPOUSES FROM REAL PROPERTY TAXES.

11
12 WHEREAS, Veterans with disabilities sustained or exacerbated in the line of duty have
13 made a great sacrifice on behalf of our country; and

14
15 WHEREAS, The first \$150,000 of assessed value is mandatorily exempt for disabled
16 veterans according to Alaska State Statute; and

17
18 WHEREAS, Many municipalities, including the Kenai Peninsula Borough, exempt
19 additional value of the property of disabled veterans; and

20
21 WHEREAS, In 2017 10 disabled veterans had primary residences with an assessed value
22 over the mandatory \$150,000 representing approximately \$7,200 in revenue to the City; and

23
24 WHEREAS, As a small gesture of appreciation for the service and sacrifice of veterans,
25 the City of Homer should exempt disabled veterans and their surviving spouses from property
26 taxes; and

27
28 NOW THEREFORE, The City of Homer Ordains:

29
30 Section 1: New Section 9.04.049, Real property tax – Exemption for disabled veterans
31 and surviving spouses added:

32 **a. A single parcel of real property owned and occupied as the primary residence**
33 **and permanent place of abode by a disabled veteran, or a resident at least sixty**
34 **years old who is the widow or widower of such person; is exempt from real**
35 **property taxation. The limitation to a single parcel shall apply unless the applicant**
36 **has applied for and received a determination that any additional parcel proposed**
37 **for exemption qualifies as a subsidiary parcel eligible for inclusion as part of the**
38 **primary residence and permanent place of abode under state law.**

39 **b. Only one exemption may be granted for the same property and, if two or more**
40 **persons are eligible for an exemption for the same property, the parties shall**
41 **decide among themselves who is to receive the benefit of the exemption.**

42 **c. Except as otherwise provided in this section, qualifications for eligibility for this**
43 **exemption and application for it shall be the same as required for the disabled**
44 **veteran's exemption provided by the Kenai Peninsula Borough under Section**
45 **5.12.105 of the Kenai Peninsula Borough Code of Ordinance as it now exists or as**
46 **it may be amended or renumbered in the future.**

47 Section 2: The exemption provided for in this ordinance shall be effective for the tax
48 year beginning January 1, 2018.

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

52
53 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
54 2017.

55
56 CITY OF HOMER

57
58
59 _____
60 BRYAN ZAK, MAYOR

61
62 ATTEST:

63
64
65 _____
66 MELISSA JACOBSEN, MMC, CITY CLERK

67
68
69 YES:

70 NO:

71 ABSTAIN:

72 ABSENT:

73
74
75 First Reading:

76 Public Hearing:

77 Second Reading:

78 Effective Date:

79
80
81 Reviewed and approved as to form:

84 _____

85 Mary K. Koester, City Manager

86

87 Date: _____

Holly Wells, City Attorney

Date: _____

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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(f) 907-235-3143

MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK
FROM: CANNABIS ADVISORY COMMISSION
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: AUGUST 28, 2017
SUBJECT: RECOMMENDATION TO OPPOSE ONSITE CONSUMPTION OF MARIJUANA BY SMOKING

The State of Alaska Marijuana Control Board issued proposed regulations for Public Comment. Most of the proposed regulations or amendments were not commented on by the Commission. However, the Commission did comment on the proposed changes to the regulations regarding onsite consumption which generally include the following for retail establishments:

1. 3 AAC 306.370 proposes to allow retail marijuana licensees to apply for an onsite consumption endorsement if certain conditions are met.
2. 3 AAC 306.99 proposes to define “marijuana consumption area” and “retail marijuana store premises”

At the regular meeting of August 24, 2017 the Cannabis Advisory Commission reviewed the proposed regulations, discussed and made a recommendation to oppose allowing consumption by smoking of marijuana for the proposed onsite consumption regulations. Following is the excerpt from the minutes of that meeting reflecting the discussion on proposed regulations:

NEW BUSINESS

C. Proposed Regulations Open for Comment as provided in the Supplemental Packet

a. Notice of Proposed Changes in the regulations of the Marijuana Control Board to Marijuana Plant Count, Testing of Marijuana and Reporting of testing Equipment Failure

There was no comment or recommendation from the Commission on these proposed regulations.

b. Notice of Proposed Changes on Financial Interest in Marijuana Businesses and Restrictions on Advertising of Marijuana, Marijuana Products and Marijuana Businesses in the Regulations of the Marijuana Control Board

There was no comment or recommendation from the Commission on these proposed regulations.

c. Notice of Proposed Changes to the Regulations of the Marijuana Control Board regarding the addition of an Onsite Marijuana Consumption Endorsement to the Retail Marijuana License

ROBL/HARRIS – MOVED TO FORWARD A RECOMMENDATION TO COUNCIL OPPOSING ONSITE CONSUMPTION OF MARIJUANA BY SMOKING.

Commissioner Robl explained that he conducted extensive research speaking with industry professionals and currently there are no known filtration systems that prohibit or reduce the exposure risks of second hand smoke that would impact first responders. He further noted that in confined spaces and if smoking of a product is allowed it would create a situation that would more than likely impair officers to the degree that they would have to be relieved of duty making it necessary to bring back off duty staff creating more impacts to the budget. This is beside the fact that the impaired officer would not be allowed back on duty until he was totally cleared. He also cited the safety issues to first responders in impeding the ability to perform their jobs whether police or emergency personnel.

Further discussion ensued on the time requirement for an officer to be removed from active duty ensued, use of smokeless ashtrays, the density of the smoke and if vaping has the same effect.

HARRIS/LEWIS – MOVED TO INCLUDE IN THE MOTION THAT VAPING OF CANNABIS PRODUCTS WOULD BE ALLOWED ONSITE.

There was no discussion.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead inquired if there was any additional discussion on the motion as amended. Hearing none call for the vote.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation

Approve the recommendation to oppose smoking of marijuana onsite but allowing consumption of marijuana to include the method of vaping and forward the recommendation to the Marijuana Control Board before the stated deadline of October 27, 2017.

Marijuana Control Board proposed regulations-- marijuana retail store onsite consumption endorsement

NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE MARIJUANA CONTROL BOARD REGARDING THE ADDITION OF AN ONSITE MARIJUANA CONSUMPTION ENDORSMENT TO THE RETAIL MARIJUANA LICENSE

The Marijuana Control Board proposes to adopt regulation changes in 3 AAC 306 of the Alaska Administrative Code, dealing with onsite marijuana consumption endorsements for retail marijuana establishments, including the following:

- (1) 3 AAC 306.370 proposes to allow retail marijuana licensees to apply for an onsite consumption endorsement if certain conditions are met.
- (2) 3 AAC 306.990 proposes to define "marijuana consumption area" and "retail marijuana store premises."

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Alcohol & Marijuana Control Office at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. Additionally, the Marijuana Control Board will accept comments by electronic mail at amco.regs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 pm on October 27, 2017.

You may submit written questions relevant to the proposed action to the Marijuana Control Board by email at amco.regs@alaska.gov or at 550 West 7th Avenue, Suite 1600, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period. The Alcohol & Marijuana Control Office will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jedediah Smith at amco.regs@alaska.gov or (907) 269-0350 not later than October 16, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting the Alcohol & Marijuana Control Office at (907) 269-0350 or amco.regs@alaska.gov.

After the public comment period ends, the Marijuana Control Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 17.38.010; AS 17.38.070; AS 17.38.121; AS 17.38.150; AS 17.38.190; AS 17.38.200; AS 17.38.900

Statutes being implemented, interpreted, or made specific: AS 17.38.070 AS 17.38.200 AS 17.38.210

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: August 21, 2017

Erika McConnell, director

 [Leave a Comment](#)

Attachments

[MCB Additional Public Notice \(onsite consumption\).pdf](#)

[MCB Public Notice \(onsite consumption\).pdf](#)

[Onsite Draft for public comment 2017-08-21 .pdf](#)

Revision History

Created 8/21/2017 2:56:37 PM by jrsmith

Modified 8/21/2017 4:15:09 PM by jrsmith

Modified 8/21/2017 4:21:41 PM by jrsmith

Details

Department: Commerce, Community and Economic Development

Category: Regulations

Sub-Category: Notice of Proposed Regulations

Location(s): Statewide

Project/Regulation #: JU2017200548

Publish Date: 8/21/2017

Archive Date: 10/28/2017

Events/Deadlines:

3 AAC 306 is amended by adding a new section to read:

3 AAC 306.370. Onsite consumption endorsement for retail marijuana stores.

(a) A licensed retail marijuana store with an approved onsite consumption endorsement is authorized to

(1) sell marijuana and marijuana product, excluding marijuana concentrates, to patrons for consumption on the licensed premises only in an area designated as the marijuana consumption area and separated from the remainder of the premises, either by being in a separate building or by a secure door and having a separate ventilation system;

(2) sell for consumption on the premises

(A) marijuana bud or flower in quantities not to exceed one gram to any one person in a single transaction, unless prohibited by local ordinance or state law;

(B) edible marijuana products in quantities not to exceed 10 mg of THC to any one person in a single transaction; and

(C) food or beverages not containing marijuana or alcohol; and

(3) allow a person to remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided it is packaged in accordance with 3 AAC 306.345.

(b) A licensed retail marijuana store with an approved onsite consumption endorsement may not

(1) sell marijuana concentrate for consumption in the marijuana consumption area;

(2) allow any licensee, employee, or agent of a licensee to consume marijuana or marijuana product, including marijuana concentrate, during the course of a work shift;

- (3) allow a person to consume tobacco or tobacco products in the marijuana consumption area;
- (4) allow intoxicated or drunken persons to enter or to remain in the marijuana consumption area;
- (5) sell, give, or barter marijuana or marijuana product to an intoxicated or drunken person;
- (6) allow a person to bring into or consume in the marijuana consumption area any marijuana or marijuana product that was not purchased at the licensed retail marijuana store;
- (7) deliver marijuana or marijuana product to a person already known to be in possession of marijuana or marijuana product that was purchased for consumption on the premises;
- (8) sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;
- (9) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;
- (10) sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;
- (11) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or
- (12) advertise or promote in any way, either on or off the premises, a practice prohibited under this section.

(c) An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section, which must include

(1) the applicant's operating plan, in a format the board prescribes, describing the retail marijuana store's plan for

(A) security, in addition to what is required for a retail marijuana store, including:

- (i) doors and locks;
- (ii) windows;
- (iii) measures to prevent diversion; and
- (iv) measures to prohibit access to persons under the age of 21;

(B) ventilation. If consumption by inhalation is to be permitted, ventilation plans must be

- (i) signed and approved by a licensed mechanical engineer;
- (ii) sufficient to remove visible smoke; and
- (iii) consistent with all applicable building codes and ordinances;

(C) isolation of the marijuana consumption area from other areas of the retail marijuana store. The marijuana consumption area must

- (i) include a smoke-free area for employees monitoring the marijuana consumption area; and
- (ii) be entirely outdoors in a designated smoking area or separated from other retail areas by a wall with a secure door;

(D) unconsumed marijuana, by disposal or by packaging in accordance with 3 AAC 306.345; and

(E) preventing introduction into the marijuana consumption area of marijuana or marijuana products not sold by the retail marijuana store; and

(2) a detailed premises diagram showing the location of

(A) serving area or areas;

(B) ventilation exhaust points, if applicable;

(C) doors, windows, or other exits;

(D) access control points; and

(E) adequate separation from non-consumption areas of the retail marijuana store and consistent with 3 AAC 306.370(a)(1).

(d) An application for a new onsite consumption endorsement must meet the requirements of 3 AAC 306.025(b) and include in that notice the license number of the retail marijuana store requesting the endorsement.

(e) The non-refundable fee for a new or renewal onsite consumption endorsement is \$1,000.

(f) The retail marijuana store holding an onsite consumption endorsement under this chapter shall

(1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with the operating plan and 3 AAC 306.740;

(2) maintain a ventilation system that directs air from the marijuana consumption area to the outside of the building through a filtration system adequate to reduce odor;

- (3) include in the security plan how the licensee intends to restrict access to the marijuana consumption area to persons under the age of 21;
- (4) monitor patrons for overconsumption;
- (5) display all warning signs required under 3 AAC 360.360 within the marijuana consumption area, visible to all consumers;
- (6) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the marijuana consumption area at no cost to patrons; and
- (7) label all marijuana or marijuana product sold for consumption on the premises as required in 3 AAC 306.345.

(g) The right of local governments to protest the issuance or renewal of individual retail marijuana store onsite consumption endorsements is separate from the right to protest the issuance of a retail marijuana store license. Not later than 60 days after the director sends notice of an application for a new or renewal onsite consumption endorsement, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal onsite consumption endorsement, the board will deny the application unless the board finds that the protest is arbitrary, capricious and unreasonable.

(h) A local government may recommend that the board approve an application for a new or renewal onsite consumption endorsement with conditions. The board will impose a condition recommended by a local government unless the board finds the recommended condition to be arbitrary, capricious and unreasonable. If the board imposes a condition recommended by a local

government, the local government will assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

(i) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license.

3 AAC 306.990 (b) is amended to add the following subsections:

(27) “marijuana consumption area” means a designated area within the licensed premises of a retail marijuana store that holds a valid onsite consumption endorsement, where marijuana and marijuana products, excluding marijuana concentrates, may be consumed.

(28) “retail marijuana store premises” means an area encompassing both the retail marijuana store and any marijuana consumption area.



City of Homer

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MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK
FROM: CANNABIS ADVISORY COMMISSION
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: AUGUST 28, 2017
SUBJECT: RECOMMENDATION TO AMEND ZONING ON THE HOMER SPIT TO ALLOW CANNABIS

At the regular meeting of the Cannabis Advisory Board the following recommendation was discussed and passed regarding forwarding a request to Council to consider amending the zoning on the Homer Spit to allow commercial cannabis. Following is the excerpt from the minutes of that meeting reflecting the discussion and subsequent motion:

NEW BUSINESS

B. Cannabis on the Spit – Recommendation to Council to Amend the Regulations to allow Cannabis Operations on the Spit

City Planner Abboud briefly clarified that the memorandum in the packet was referring to city owned land when saying that the city would not approve cannabis related businesses and that was advice received from the City Attorney. Private owners are allowed.

Additional discussion on the lack of support from the current City Council a recommendation to reconsider zoning for cannabis on the spit might receive and the responsibility and job of this commission ensued.

HARRIS/LEWIS - MOVED TO FORWARD A RECOMMENDATION IN SUPPORT OF CANNABIS BUSINESSES ON THE SPIT AND THAT CITY COUNCIL REVIEW HOMER CITY CODE TOWARDS THAT GOAL.

Discussion ensued on reasons for prohibiting businesses on the spit, it is not the City's responsibility to govern how, when or what the public does with the merchandise as long as it was purchased legally; it was noted that the US Coast Guard still enforces the regulations against marijuana on vessels and if there was a business in town a passenger could purchase it there and they would have no control over what happened after that it was further noted that there were private property owners on the spit that were interested but were unable to have commercial cannabis since it is not zoned.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

From: Jeremiah Emmerson
To: [Department Clerk](#)
Subject: Cannabis Advisory Commission Recommendations
Date: Wednesday, September 06, 2017 12:50:07 PM

City clerk,

Please send this to all council members or add this to the next agenda packet. Thank you.

--

Dear Council,

As you all are probably aware, the Cannabis Advisory Commission has made a recommendation to you to make a zoning change and allow cannabis retail establishments to operate on the spit.

I fully support their recommendation and believe it would be an acceptable way to bring more jobs and revenue to the City of Homer. It seems many always ask and consider, how do we bring jobs and new revenue to Homer?

First of all you need a retail outlet in town for this to happen. We have one retail license in limbo right now on Ocean Drive and my guess is they will be approved as this isn't their first rodeo with the state. This will be their second establishment.

I would have preferred that it be a Homer resident or local, but this will do for now and opens up the door for other local cultivators (such as myself) to have an incentive to start a cultivation and extraction facility. I know of several others who have expressed the same desire to go to a local outlet.

I do not want to license and then have to drive 2+ hours one way to deliver products. I would much rather retail at my local Homer retailer and service local residents within the legal market.

I know of at least 3 Homer locals who had plans to build a retail establishment on the spit last year before zoning pushed them out. Their plans were crushed by the council last year. One of them had to sell his building he had purchased to start a retail establishment. Others were simply hosed out of an opportunity that many in the rest of the state were able to take advantage of.

I've said it before and I will say it again; Homer is losing out on new revenues while other port cities, including Juneau, Sitka, and Valdez all have retail establishments and aren't having the issues that some folks predicted would happen.

I've heard just about every single concern folks have about spit retail and I will try to provide my opinion on the matter and hope that you will not only consider it, but actually listen..and do the right thing for Homer.

#1- Drugged Driving; You DO NOT have to approve licenses that have an onsite consumption endorsement. The city needs to be aware that they can reject these types of establishments. If

the city wanted to take a small step and just open spit retail up (with no onsite consumption) they can do so. If you do decide to go that route please consider that there will be people (tourists) smoking in their vehicles or hotels or on the beach as they may not have anywhere to go (except for their RV which would be acceptable and outside of a public place).

The city could do a conditional use permit for onsite consumption with stipulations that the establishment provide an operating plan that highlights HOW the establishment will take steps to keep people from leaving their establishment while stoned. If they can provide an acceptable plan and follow through with it, I don't see where there would be a problem.

#2- Cannabis on Boats or Planes; Cannabis is already on boats and planes and there has been 0 federal interference thus far. It flies in and out of Juneau and Sitka regularly. How else would these folks be able to move their product back and forth to the testing lab or to other establishments?

Every business also has their own policies and as an employee in the charter industry I can tell you that our business doesn't accept it on the boat and each time we brief our passengers we inform them that there is no tolerance for cannabis or other drugs on the boat and we have posted signs on the boat. From there, the customer makes their own choice and are liable to be kicked off the boat if they bring it on. This mostly has to do with the Coast Guard regulations and something already being dealt with.

#3- Law enforcement concerns; Mark Robl has made the statement that he is worried about second hand inhalation when entering a cannabis establishment with onsite consumption. These are actually valid concerns, however, it is much harder to obtain a contact high or test positive for cannabis from second hand smoke than most believe. Studies have been done to show that the likelihood of this occurring is low. If the police department wanted to purchase "gas masks" or filter masks that can filter out the smoke, that would be acceptable and an understandable expense.

I urge the city council to have an open mind about this issue. You told us that if the zoning was too strict you would loosen things up. Here is your opportunity to fix the wrongs of the past. There are more improvements to be made, however, this would be a big step and a boon to our economy and tourism offerings.

People have asked numerous times, where do I go to get it? We need to be able to answer that question and provide our guests with an outlet or they will spend their money in Anchorage, Kenai, or Sterling on the way in or out.

Warm Regards,

Jeremiah Emmerson

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

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Office of the City Manager

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(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: September
SUBJECT: September 11 City Manager's Report

Community Jail Contract Update

Department of Corrections Commissioner Williams followed up with the attached correspondence regarding community jails. You recall Mayor Zak, Chief Robl and I met with Commissioner Williams some time ago regarding proposals for continuing the partnership of the Department and the Homer Jail. The City has many unanswered questions regarding what the pretrial services mentioned in Commissioner William's letter would look like and what our ability is to absorb additional duties and responsibilities is. It is likely that taking on additional pretrial duties would require additional staff to bring our jail back to full staffing, and we would ask for additional compensation from the state for such expenses. Details matter and we have reached out to the Department with questions. Nevertheless, the City of Homer is open to continuing the conversation with the Department of Corrections and hopefully we can explore new partnerships that are mutually beneficial.

Meeting with Alaska Mental Health Trust Authority (AMHTA) Trust Land Office (TLO)

August 30 Port and Harbor Director Hawkins, myself and the City Attorney met with TLO representatives to discuss ongoing negotiations regarding land around the mouth of the Harbor, including Lot 42, a lot owned by the Department of Natural Resources/AMHTA which we have expressed an interested in purchasing. I believe significant headway was made by clearing up a misunderstanding regarding Lot 42. The City will continue to engage with TLO in hopes of establishing a purchase price that is defensible to bring to City Council for approval by ordinance.

Home Rule

Discussion came up at the last council meeting regarding Home Rule status. I have attached a helpful booklet from the Local Boundary Commission on Home Rule. Though some of the information is dated (2000) it provides a lot of useful information regarding how to become Home Rule and the powers granted Home Rule municipalities in the constitution. The Alaska constitution was constructed to give maximum local self-government to the people of Alaska and Home Rule cities have the maximum amount of local control over governance. The process for becoming Home Rule is initiated by a petition and the election of a 7-member charter commission. If elected, the commission is responsible for drafting a charter for the municipalities that must be approved by the voters. The City of Soldotna recently went Home Rule, a move initiated by and carried out by their sitting City Council.

Wells Fargo

The City of Homer uses Wells Fargo for daily banking. Wells Fargo has changed their management structure for municipalities and instead of dealing directly with the local branch we are now part of a regional municipal group of bankers with our principal contact out of Kenai. The transition has had a few bumps, but for the most part I think they will be able to deliver a service that is more focused on the unique nature of municipal banking and I am looking forward to taking advantage of potential new opportunities. Along those lines, we have been in conversation with Wells Fargo about refinancing the loan that the City has with the Borough for the construction of the Natural Gas line. There are many details that have yet to be worked out, but if Wells Fargo could get a more competitive rate than the current 4% the savings could be significant. Any savings will help offset interest payments on the loan from when interest started accruing at construction and the City started collecting interest with finalization of the special assessment district (approximately 1 year later), in addition to after the fact exemptions and deferments that have been granted by Council. It is important to recognize that the Borough provided a great service to the City of Homer and its residents by thinking outside the box with government to government lending. At the time the gas line was constructed, the interest rate from Wells Fargo and other private banks was not competitive and the Borough stepped up to the plate with a reasonable alternative.

November Alaska Municipal League (AML) Meeting

The Council/Mayor budget has enough funds remaining in 2017 for 2-3 members (in addition to Mayor and 2 newly elected officials) to attend AML Winter meeting November 13-17. Please start thinking about if you would like to attend and let Melissa know so she can prepare the travel approval memo.

Comprehensive Opioid Abuse Site-Based Program (CARA)

At the last Council meeting, questions came up regarding CARA, the US Dept of Justice Program's *Comprehensive Opioid Abuse Site-Based Program* grant. Below is a synopsis of the program from Special Projects Coordinator Carrol and a summation of how City of Homer might be a part of future CARA solicitations.

The purpose of CARA to provide financial and technical assistance to states, local and tribal governments to plan, develop, and implement comprehensive diversion and alternatives to incarceration programs that expand outreach, treatment, and recovery efforts to individuals who come into contact with justice system.

Grant Deadline is Past: April 25th, 2017.

Eligibility: Units of local government and State agencies. Regional applications were encouraged and applications would involve two or more entities, including treatment providers and non-profit organizations that would carry out the funded federal award activities.

City of Homer would not apply as a single entity. However, it could be the eligible entity to apply as part of a multi-disciplinary team. The other agency(s) would be proposed as sub-recipient(s).

Request Categories and Funding Limits: Grant funding was divided into five categories. Local gov'ts could apply in two categories, of which only one, Overdose Outreach Projects would apply to a city unit.

Category 1: Overdose Outreach Projects - \$300,000 limit for project period up to 36 months. Initiatives must carry out specific mandatory project components using law enforcement, in partnership with peer recovery coaches or treatment providers, to connect overdose survivors with services in the

days that follow a non-fatal overdose. A project coordinator would manage the day-to-day operations and a researcher would help design, analyze data and evaluate throughout.

Priority for funding is given to applicants disproportionately impacted by the illegal opioid epidemic (high rates of primary treatment admissions for heroin and other opioids; high rates of overdose deaths from heroin and other opioids) and/or a lack of accessibility to treatment providers and facilities or to emergency medical services.

In this category, the City of Homer would most likely respond to a program proposal put forth by a consortium of local service providers to be the eligible entity to apply and manage the grant. Our law enforcement and emergency responders would be partners in the consortium.

Category 3: System-level Diversion and Alternatives to Incarceration -\$400,000 limit for project period up to 36 months.

The focus of Category 3 is on developing county-based approaches to diversion and alternatives to incarceration following a specific conceptual model. City of Homer would probably not be the lead on a Category 3 initiative, but may be asked to be a partner in a Borough initiative.

Number of awards: A total of 45 awards were anticipated, which I imagine makes it a fairly competitive grant.

Enc:

Future of Community Jail Contracts Letter from Commissioner Williams

Home Rule Maximum Local Self-Government

Homer Foundation Fund Report

September Employee Anniversaries



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Corrections
Commissioners Office

550 West 7th Avenue, Suite 1800
Anchorage, Alaska 99501
Main: 907-334-2381
Fax: 907.269-7390

August 24, 2017

Mayor Bryan Zak
2525 Sterling Hwy
Homer, AK 99603

City Manager Katie Koester
491 E Pioneer Ave
Homer, AK 99603

Police Chief Mark Robl
4060 Heath St
Homer, AK 99603

Re: Future of Community Jail Contracts

Dear Community Jail Contractor and Partner,

I wanted to send off a letter to all of you at the same time to update you on the future of the community jail contracts. It's all good news I think so relax and please read carefully.

I have been able to make personal contact with most of you within the last year, but I realize there are a few of you that I haven't been able to get to so please excuse that if you are one of those I missed. In prior visits or communications I have expressed my desire to collaborate more fully with each of you and to express the importance I see in our community jail contracts. Hopefully you heard that I wanted more opportunities for you to handle local justice issues whenever possible. With little exception I was met with an overwhelming positive response.

In prior conversations I discussed the start of the pretrial effort that is set to launch January, 2018. We discussed opportunities for how you might be involved (i.e. pretrial assessments, electronic monitoring, supervision of pretrial defendants) and how the Department was brainstorming ways to financially support your participation in the new vision (and now law) of the pretrial effort. Please understand that your interest and partnering in this new effort is your call and your decision. I do believe there are a variety of reasons that will make the partnership appealing to you, which does include some increase in your community jail contracts. The amount of increase varies from different communities and I'll be able to articulate the increase amounts if/when we meet.

Let me reinforce to you that I have been keenly aware of the angst many of you have had over the jail contracts. This new opportunity is not an attempt to bait and switch by putting more on you and expecting nothing in return. Real partnership between the State and local government requires real

conversation and mutual concern. I hope you know that I see your role as critical to the overall health of the justice system. I think there is a real opportunity to move beyond simple “jail contracts” and to have local communities own more of the criminal justice continuum without, repeat, without creating a heavy burden that is uncompensated.

We are preparing addendums to our current community jail contracts that we would like to propose with each of you over the next few months. I’m planning to attend the southeast conference in September and hope I can touch base with all of you in that region to discuss the addendums. For others who will not be at the southeast conference, I will arrange time to meet with you as soon as possible. I realize I’m a bit light on details at the moment, as I anticipate you may have questions that may require detailed conversations.

You can expect to see the draft addendums in the coming weeks. We have provided several options for you to consider should you wish to engage in this new criminal justice initiative. I understand you may have questions regarding the technical aspects of each of the available options once you receive the addendums, so I encourage you to reach out to the Pretrial Director, Geri Miller-Fox for the technical aspects of this program.

Gerri Miller-Fox
Division of Pretrial Director
550 W 7th Ave, Ste 1800
Anchorage, AK 99501
Office Phone: (907) 269-7405
Mobile Phone: (907) 891-2211
Email: geri.fox@alask.gov

I want to again repeat that I see our contracts with you as important component of our state’s justice system. I want these contracts to take on even more significance as we explore our roles in the new pretrial effort. Thanks for all that you do.

Respectfully,



Dean Williams, Commissioner

Home Rule

Maximum Local Self-Government



Home Rule Municipalities in Alaska

ABRIDGED VERSION — DOES NOT INCLUDE APPENDICES



Prepared by the Local Boundary Commission Staff, Alaska Department of Community and Economic Development, February 2000.

Section 1 **Types and Numbers of Municipal Governments in Alaska**

Section 2 **Interesting Facts About Home Rule Municipal Governments in Alaska**

Section 3 **Nature of Home Rule Cities in Alaska**

Section 4 **Procedures for Adoption of a Home Rule Charter by an Existing Municipality**

Appendix A **Sections of 1999 Alaska Statutes that Expressly Relate to Home Rule Municipal Governments**

Appendix B **Jefferson v. State, 527 P.2d 37 (Alaska, 1974)**

Appendix C **Sharp, Home Rule in Alaska: A Clash Between the Constitution and the Court, 3 U.C.L.A. — Alaska L.R. 1 (1973)**

Appendix D **Duvall, Delineation of the Powers of the Alaska Home Rule City: The Need for a Beginning, 8 Alaska Law Journal 232, 239 (1970)**

Appendix E: **AS 29.10.010 — 29.10.090, Procedures for Adoption of a Home Rule Charter by an Existing Municipal Government**

Written by:
 Dan Bockhorst, Local Government Specialist
 Local Boundary Commission Component
 Alaska Department of Community and Economic Development
 550 West 7th Avenue, Suite 1790 • Anchorage, AK 99501-3510
 Telephone: 269-4559 • Fax: 269-4539
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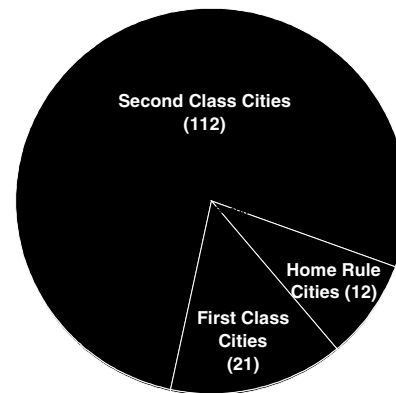
Page Layout: Jennie Morrison, Publication Technician

Section 1 • Types and Numbers of Municipal Governments in Alaska

There are two types of local governments in Alaska, cities and organized boroughs.

A. Cities

There are 145 city governments in Alaska; 12 are home rule and the remaining 133 are general law. Of the 133 general law cities, 21 are first class cities and 112 are second class cities.



B. Boroughs

There are 16 organized boroughs in Alaska; 8 are home rule and 8 are general law. Of the 8 home rule boroughs, 3 are unified municipalities and the remainder are not. Of the 8 general law boroughs, 7 are second class boroughs and 1 is a third class borough. There are no first class boroughs.



Section 2 • Interesting Facts About Home Rule Municipal Governments in Alaska

A. Popularity of Home Rule Municipal Governments

Home rule is the most accepted form of municipal government in Alaska. Nearly twice as many Alaskans live in home rule municipal governments as

- ☑ All but two of the current home rule cities had initially adopted charters by 1965.
- ☑ The last city to adopt a home rule charter did so 18 years ago (City of Nenana).

Nearly twice as many Alaskans live in home rule municipal governments as compared to general law municipal governments.

compared to general law municipal governments. Specifically, 392,541 people (63% of Alaskans) live within a home rule city or home rule borough. This is compared to 211,048 Alaskans (34%) who live only in a general law city or general law borough. The remaining 18,411 Alaskans (3%) live outside any municipal government.

- ☑ There are 12 home rule cities and 133 general law cities in Alaska.
- ☑ Although only 8% of the city governments in Alaska are home rule, they account

B. Home Rule Cities

- ☑ The option of home rule first became available to cities in Alaska in 1959 when Alaska became a state.

The following lists the home rule cities in Alaska:

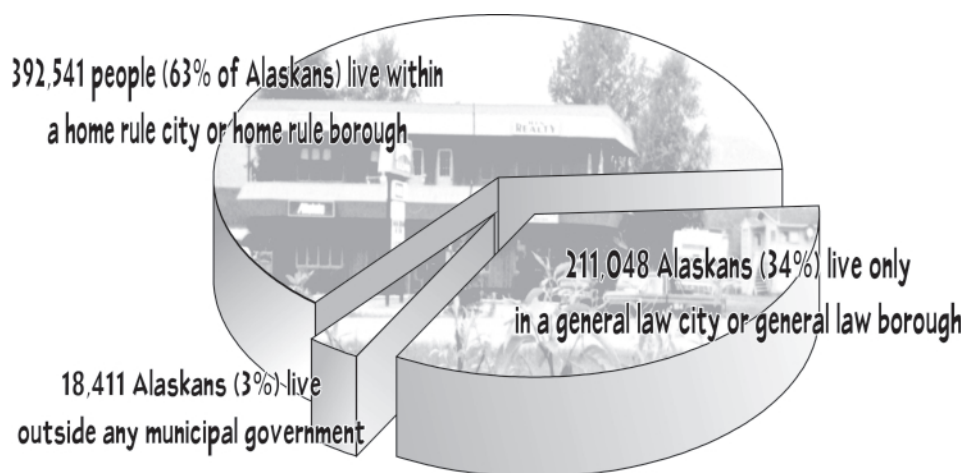
Cities	1999 Population	Charter Adopted
City of Cordova	2,435	1960
City of Fairbanks	31,697	1960
City of Kenai	7,005	1963
City of Ketchikan	8,320	1960
City of Kodiak	6,893	1965
City of Nenana	348	1982
City of North Pole	1,616	1970
City of Palmer	4,151	1962
City of Petersburg	3,415	1960
City of Seward	3,010	1960
City of Valdez	4,164	1961
City of Wrangell	2,549	1960

for 48% of the population within city governments in Alaska.

- ☑ The average population of Alaska's 12 home rule cities is 6,300.

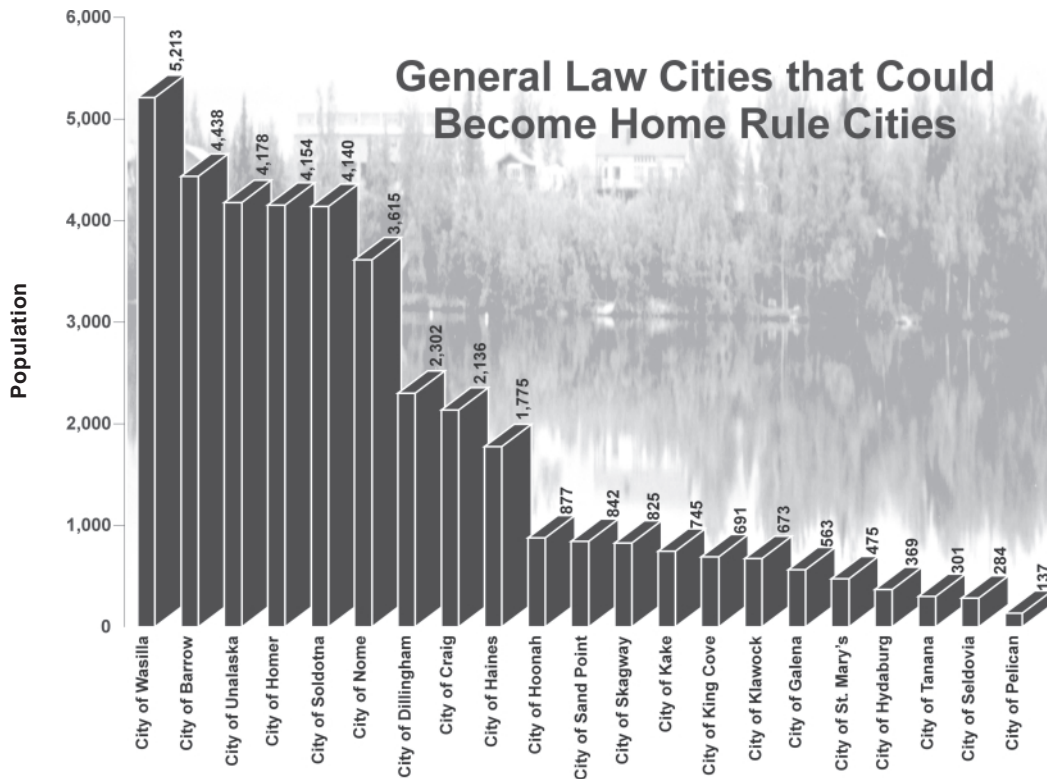
- ☑ The City of Fairbanks is the most populous home rule city (31,697 residents).
- ☑ The City of Nenana is the least populous home rule city (348 residents).

- ☑ The median population of Alaska's 12 home rule cities is 3,783.



C. General Law Cities that Could Become Home Rule Cities.

Under current State law [AS 29.10.010(a)] first class cities — but not second class cities — may adopt home rule charters. The chart below lists the 21 existing first class cities in Alaska ranked in descending order of population.



D. Home Rule Boroughs

- ☑ There are 8 home rule boroughs in Alaska.
- ☑ 50% of the borough governments in Alaska are home rule, they account for 59% of the population within organized boroughs.
- ☑ Anchorage is the most populous home rule borough (259,391 residents).
- ☑ Yakutat is the least populous home rule borough (729 residents).
- ☑ The average population of Alaska’s 8 home rule boroughs is 39,617.
- ☑ The median population of Alaska’s 8 home rule boroughs is 7,143.
- ☑ The last borough to adopt a home rule charter did so 8 years ago (Yakutat).
- ☑ Four of the last five boroughs to form are home rule boroughs.

Boroughs	1999 Population	Charter Adopted
Municipality of Anchorage	259,391	1975
Denali Borough	1,871	1990
City and Borough of Juneau	30,189	1970
Lake and Peninsula Borough	1,791	1989
North Slope Borough	7,413	1974
Northwest Arctic Borough	6,873	1987
City and Borough of Sitka	8,681	1971
City and Borough of Yakutat	729	1992

Section 3 • Nature of Home Rule Cities in Alaska

Article X of Alaska's Constitution deals with local government. Section 1 of the local government article states the following with respect to the purpose and construction of the constitutional provisions regarding local government:

The purpose of this article is to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions. **A liberal construction shall be given to the powers of local government units.** (emphasis added)

All local governments in Alaska – general law cities, home rule cities, general law boroughs, and home rule boroughs – enjoy broad powers. Twenty-two years ago, the Alaska Supreme Court ruled as follows with regard to the provisions for a liberal construction of the powers of local government in the second sentence of Article X, Section 1:

The constitutional rule of liberal construction was intended to make explicit the framers' intention to overrule a

common law rule of interpretation which required a narrow reading of local government powers.¹ Liberati v. Bristol Bay Borough, 584 P.2d 1115, 1120 (Alaska 1978)

The principles of liberal construction of local government powers

and broad local power were carried forward by the legislature as evidenced by the following provisions in current law:

☑ "A liberal construction shall be given to all powers and functions of a mu-

nicipality conferred in this title."
(AS 29.35.400)

☑ "Unless otherwise limited by law, a municipality has and may exercise all powers and functions necessarily or fairly implied in or incident

¹ The rule, called Dillon's rule states:

[a] municipal corporation possesses and can exercise the following powers and not others. First, those granted in express words; second, those necessarily implied or necessarily incident to the powers expressly granted; third, those absolutely essential to the declared objects and purposes of the corporation – not simply convenient, but indispensable.

Merriam v. Moody's Executors, 25 Iowa 163, 170 (1868). The minutes of the constitutional convention reveal that the liberal construction clause of Article X, Section 1 was intended to assure that general law municipalities, as well as those having home rule powers, would not be governed by this rule, but would have their powers liberally interpreted. The following colloquy between delegates Helleenthal and Victor Fischer is illustrative:

HELLEENTHAL: Is there a compelling reason for the retention of the last sentence in the section?

V. FISCHER: Mr. President, we were advised by our committee consultants that due to the fact that in the past, courts have very frequently, or rather generally interpreted the powers of local government very strictly under something called "Dillon's Rule", or something like that, that a statement to this effect was rather important, particularly in connection with the local government provisions of the article to make sure that it would be interpreted to give it the maximum amount of flexibility that we desire to have in it and to provide the maximum powers to the legislature and to the local government units to carry out the intent of this article.

...

HELLEENTHAL: Now I refer to Section 11. Doesn't Section 11 clearly reverse this rule that you refer to as Dillon's Rule?

V. FISCHER: That would apply to home rule, cities and boroughs, but the point is that there may be a lot of local government units in Alaska over the years that may not be granted the home rule authority by the legislature and it may not want to adopt a home rule charter. Alaska Constitutional Convention Proceedings, Part 4, 2690 – 96.

to the purpose of all powers and functions conferred in this title.” (AS 29.35.410)

☑ “Specific examples in an enumerated power or function conferred upon a municipality in this title is illustrative of the object and not a limitation on or exclusion from the exercise of the power or function.” (AS 29.35.420)

☑ “A city inside a borough may exercise any power not otherwise prohibited by law.” (AS 29.35.250(a))

☑ “A city outside a borough may exercise a power not otherwise prohibited by law. A provision that is incorporated by reference to laws governing boroughs applies to home rule cities outside boroughs only if the provision is made

applicable to home rule boroughs.” (AS 29.35.260(a))

☑ “A first class borough may exercise by ordinance on a nonareawide basis any power not otherwise prohibited by law.” (AS 29.35.200(a))

☑ “In addition to powers conferred by (b) of this section, a first class borough may, on an areawide basis, exercise a power not otherwise prohibited by law if the power has been acquired in accordance with AS 29.35.300.” (AS 29.35.200(c))

☑ In addition to powers conferred by (a) of this section, a second class borough may, on a nonareawide basis, exercise a power not otherwise prohibited by law if the exercise of the



Local Government Committee meeting, Alaska Constitutional Convention, 1956, Steve McCutcheon photographer

power has been approved at an election by a majority of voters living in the borough but outside all cities in the borough.” (AS 29.35.210(c))

☑ “In addition to powers conferred by (b) of this section, a second class borough may, on an areawide basis, exercise a power not otherwise prohibited by law if the power has been acquired in accordance with AS 29.35.300.” (AS 29.35.210(d))

☑ “A third class borough may acquire any power not otherwise prohibited by law, except the power may only be exercised within a service area.” (AS 29.35.220(d))

While general law local governments in Alaska have broad powers, home rule local government have even more so. It is noteworthy that the very first phrase of Alaska’s constitutional provisions concerning local government deal with promoting “maximum local self-government.” Adoption of a home rule charter promotes maximum local self-government to the greatest extent possible. Tom Morehouse and Vic Fischer, recognized experts in Alaska local government, wrote the following account of the views of the constitutional convention delegates with regard to this matter:

An oft-repeated theme of the [Alaska constitutional] convention, and one of the stated purposes

“... one of the stated purposes of the local government article, was provision of maximum local self-government to the people of Alaska...”

Thomas A. Morehouse and Victor Fischer,
Borough Government in Alaska, 56 (1971)

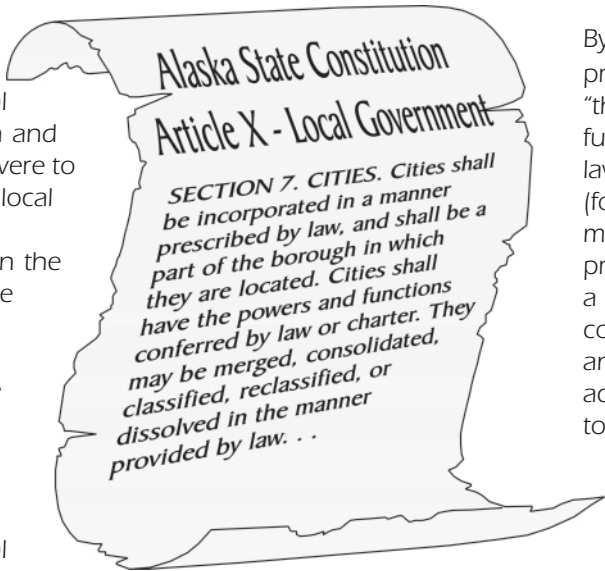
of the local government article, was provision of maximum local self-government to the people of Alaska. . . . Home rule was held to be the vehicle for strengthening both state and local governments by permitting the people to deal with local problems at the local level. It was also to be the means for promoting local government adaptation in a state with great variations in geographic, economic, social, and political conditions.

This home rule philosophy was not believed to be inconsistent with a strong state role in local affairs. As the above discussion indicates, the exercise of state authority was considered essential in matters of incorporation and boundaries, i.e., the creation of local governments and their areas of jurisdiction were felt to be matters ultimately of state responsibility. When properly established, however, their internal organization and operations were to be primarily local concerns, particularly in the case of home rule units. Moreover, a "strong state role" also meant that the state would support local

governments with financial aid and technical assistance.

Before Alaska became a state, there was little self-determination either at territorial or local levels. Federal law prescribed the powers of the territorial legislature, severely limiting the scope and types of local government that could be established and restricting the powers that could be exercised by incorporated cities. Throughout its deliberations, therefore, the Local Government Committee emphasized the need for effective constitutional provisions for home rule. Thomas A. Morehouse and Victor Fischer, Borough Government in Alaska, 56 (1971)

Home rule cities shall have the powers and functions conferred by charter. Article X, Section 7, of the Constitution of the State of Alaska provides as follows:



2 Article XII, Section 11, Alaska Constitution states: "As used in this constitution, the terms "by law" and "by the legislature," or variations of these terms, are used interchangeably when related to law-making powers. . . ." Linda H. Duvall notes that "Law, of course, includes the United States Constitution since it operates to restrain state power as well. Law also includes the provisions of the state constitution. Beyond this, law is defined by the general provisions of the Alaska Constitution to mean the acts of the legislature. (see Appendix D, page 237-238)

Cities shall be incorporated in a manner prescribed by law, and shall be a part of the borough in which they are located. **Cities shall have the powers and functions conferred by law or charter.** ² They may be merged, consolidated, classified, reclassified, or dissolved in the manner provided by law. (emphasis and footnote added)

In 1963, the Alaska Supreme Court interpreted the provisions of Article X, Section 7 as follows:

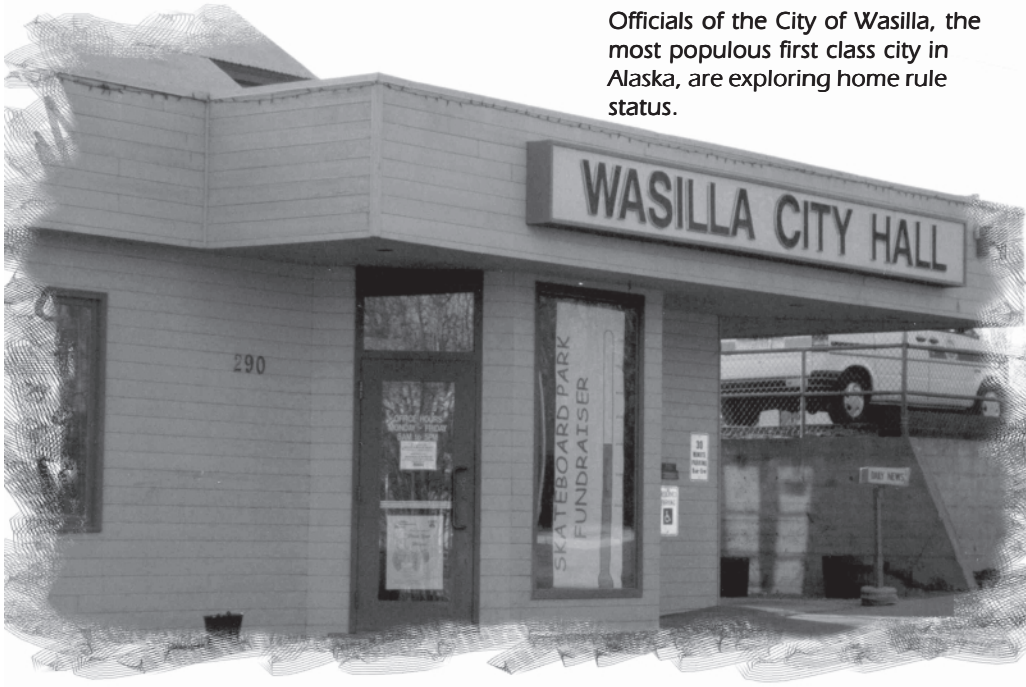
By constitutional provision cities have "the powers and functions conferred by law or charter." (footnote omitted) The meaning of this provision is that where a home rule city is concerned the charter, and not a legislative act, is looked to in order to determine whether a particular power has been conferred upon the city. It

would be incongruous to recognize the constitutional provisions stating that a home rule city "may exercise all legislative powers not prohibited by law or by charter" and then to say that the power of a home rule city is measured by a legislative act." Lien v. City of Ketchikan, 383 P.2d 721, 723 (Alaska 1963)

Given the provisions of Article X, Section 7 and the interpretation in Lien, home rule city charters invariably confer broad powers to the respective home rule cities. For example, the home rule charter of the City of Ketchikan provides as follows:

The City of Ketchikan, Alaska, shall have all the powers, functions, rights, privileges, franchises and immunities of every name and nature whatever, which a home rule city may have under the

Officials of the City of Wasilla, the most populous first class city in Alaska, are exploring home rule status.



home rule concept which relies only on express prohibition to define the scope of local power presupposes a degree of legislative foresight and draftsmanship ability which is completely unrealistic. See Duvall, *Delineation of the Powers of the Alaska Home Rule City: The Need for a Beginning*, 8 Alaska Law Journal 232, 239 (1970).

For example, the Uniform Commercial Code, AS 45.05.002 et seq., and the Insurance Code, AS 21.03.010 et seq., enacted by the legislature, no doubt were meant to operate upon a statewide basis, though nothing in those codes expressly prohibits municipal legislation in the field of commercial law or insurance law. Yet to say that a home rule city could alter the operation of such comprehensive statutory systems would be intolerable. Transactions whose reliability is vital to a functioning economy would become unsettled, to the detriment of the business community and the citizenry of the state. A conflict between the city and the state could not be ignored in this type of situation despite the absence of an express prohibition. *Id.*, 45

constitution and laws of the State of Alaska. The city may exercise all legislative powers not prohibited by law or by this charter. (Section 1 - 4)

The provision of the City of Ketchikan's home rule charter conferring powers to the City takes maximum advantage of Article X, Section 11 of Alaska's Constitution which provides as follows:

A home rule borough or city may exercise all legislative powers not prohibited by law or by charter.

In 1974, the Alaska Supreme Court ruled that the prohibitions referred to in Article X, Section 11 can be either in express or

implied terms. Specifically, the Court stated:

The prohibition must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded with weight of law. *Jefferson v. State*, 527 P.2d 37, 43 (Alaska, 1974)

Appendix A provides an index of the 135 sections of the current Alaska Statutes that specifically refer to home rule cities and/or home rule boroughs. Most of those (102) are found in Title 29 of the Alaska Statutes dealing with municipal government. The remaining 33 are scattered in 19 other titles of the Alaska Statutes.

Many of the 135 sections of the Alaska Statutes listed in Appendix A are express prohibitions on legislative powers of home rule municipalities. However, as noted above, the Alaska Supreme Court has ruled in *Jefferson* that prohibitions may also be implied. In a separate concurring opinion, Justice Connor explained:

The state legislature has expressly prohibited the exercise of total local power in such areas as taxation, utilities regulation, security for bonds, municipal elections, and other matters of general state concern.³ It is naïve, however, to expect that these prohibitions contemplate each and every matter in which the legislature would properly wish to restrict local power. A

It is observed that the Insurance Code, AS 21.03.010 et seq., is a poor example to argue that it is naïve to expect that the express prohibitions contemplate each and every matter in which the legislature would properly wish to restrict local power. Eight years before the decision in Jefferson, the 1966 Alaska Legislature had, in fact, pre-empted regulation of “insurers and their managing general agents, insurance producers, and representatives.” The 1966 Legislature also provided in the same law that, “All political subdivisions of the state, including home rule boroughs or cities, are prohibited from requiring of an insurer, managing general agent, insurance producer, or representative regulated under this title an authorization, permit, or registration of any kind for conducting transactions lawful under the authority granted by the state under this title.” (AS 21.03.060)

Notwithstanding, Justice Connor emphasized the use of the “local activities rule” as a realistic tool by which to interpret whether a municipal home rule

law or State law is superior. Specifically, Justice Connor stated as follows:

One test we have used in determining whether the ordinance or the statute must yield, is the “local activities rule.” This test, applied in Chugach Electric Association v. City of Anchorage, 476 P.2d 115 (Alaska 1970), and Macauley v. Hildebrand, 491 P.2d 120 (Alaska 1971), should not be regarded, as it has been by one commentator,⁴ as the rule the framers of the constitution rejected in establishing a broad home rule policy. Rather, it should be recognized as a realistic tool by which to interpret this policy. The “local activities rule” requires the court to focus upon whether the particular subject under consideration is of such statewide concern that the exercise of municipal power is inconsistent with the effectuation of statewide policy, as expressed by statute. Some matters are obviously of statewide concern, some less so.

Some matters are so traditionally and readily classified as matters of local government that there will be no difficulty in finding that they are within municipal competence. Here, too, the municipal code adopted by the legislature is of great help in delineating the areas of permissible local action. Id., 45.

Jefferson provides more details about the Court’s interpretation of the nature of home rule cities in

Alaska. A copy of the decision in that case is included as Appendix B (see, in particular, pages 41 – 46). Appendix C consists of a copy of Sharp, Home Rule in Alaska: A Clash Between the Constitution and the Court, 3 U.C.L.A. – Alaska L.R. 1 (1973). Appendix D is comprised of a copy of Appendix D: Duvall, Delineation of the Powers of the Alaska Home Rule City: The Need for a Beginning, 8 Alaska Law Journal 232, 239 (1970).

- 4 See, Sharp, Home Rule in Alaska: A Clash Between the Constitution and the Court, 3 UCLA Alaska Law Review 1, 53 (1973)

HOME RULE IN ALASKA: A CLASH BETWEEN THE CONSTITUTION AND THE COURT

Gerald L. Sharp*

INTRODUCTION

A home rule borough or city may exercise all legislative powers not prohibited by law or charter.¹

With this simple and what appears to be alarmingly broad grant of power to home rule municipalities, the constitution of the State of Alaska launched what its drafters must have hoped was a new approach to home rule, an approach unencumbered by the ambiguities of home rule grants which in other states have caused the courts endless problems of interpretation. Grants of home rule have produced not just different but opposite judicial conclusions from state to state; such grants have produced various tests to determine what is and is not within, or protected by, a home rule grant, and, because the courts have been unable to flesh out these tests with any standards, their application often produced inconsistent results.

The two most recent decisions² of the Alaska Supreme Court interpreting the home rule section of the Alaska constitution cast serious doubt on whether that court will be able to steer clear of the judicial tangle in which its sister state courts have become enmeshed. These decisions also cast doubt on whether the Alaska court is as sympathetic to the concept of a constitutional grant of broad home rule power as were the drafters of the local government article.

To determine the probable intent of the drafters of the home rule section and of the convention which adopted it in 1956 as a part of the then proposed state constitution, the background and circumstances surrounding its drafting and adoption must be examined. At the time the constitution was written Alaska was still a territory. The local government structure under territorial status did not include home rule for cities.³ In drafting the local govern-

* B.A., University of Washington, 1970; J.D., University of Washington, 1973; Member of the Washington State Bar Association; Assistant to the Attorney for the City and Borough of Juneau, Alaska; Member of the Assembly for the Greater Juneau Borough, 1965-1967. The earliest version of this article was prepared under the supervision of Professor William R. Anderson while the author was a student at the School of Law at the University of Washington.

¹ ALASKA CONST. art. X, § 11.
² Macauley v. Hildebrand, 491 P.2d 120 (Alaska 1971); Chugach Elec. Ass'n v. City of Anchorage, 476 P.2d 115 (Alaska 1970).

³ R. CLASE & J. SAROFF, THE METROPOLITAN EXPERIMENT IN ALASKA: A STUDY OF BOROUGH GOVERNMENT 2-3 (1968) [hereinafter cited as CLASE & SAROFF].

Section 4 • Procedures for Adoption of a Home Rule Charter by an Existing Municipality

The following summarizes the procedures and other provisions set out in AS 29.10.010 – 29.10.090 for adoption of a home rule charter by an existing municipality. A copy of the AS 29.10.010 – 29.10.090 is included as Appendix E.

A. Election of Charter Commission.

A election for a seven member charter commission is called by filing a petition with the governing body in accordance with AS 29.10.010(e) or by resolution of the governing body.

A candidate for a charter commission must have been qualified to vote in the municipality for at least one year immediately preceding the charter commission election. A charter commission candidate is nominated in the

manner set out in AS 29.10.040(b).

If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and an election on the question may not be held.

If voters approve the creation of a charter commission, the seven candidates receiving the highest number of votes must immediately organize as a charter commission.

B. Preparation of Charter.

The charter commission must prepare a proposed home rule charter within one year.

The commission must hold at least one public hearing on the proposed charter before approving and filing the charter with the municipal clerk. Within 15 days of the filing, the clerk must publish the proposed charter and make copies available.

organic law of the municipality effective on the date the election is certified. Copies of the charter are filed with agencies specified in the law

If a proposed charter is rejected, the charter commission must prepare another proposed charter to be



In 1998, the Haines Charter Commission (pictured above) drafted a petition for consolidation of the first class city of Haines and third class Haines Borough into a single home rule government.

C. Charter Election.

The proposed home rule charter must be submitted to the voters at an election held not less than 30 days or more than 90 days after the proposed charter is published.

If a majority of voters favor the proposed charter, the proposed charter becomes the

submitted to the voters at an election to be held within one year after the date of the first charter election. If the second proposed charter is also rejected, the charter commission is dissolved and the question of adoption of a charter is treated as if it had never been proposed or approved.

HOMER FOUNDATION
 Quarterly Report to Fund Holders
April - Jun 2017

Fund Holder City of Homer
 Fund **City of Homer Fund**

Fund Type: Field of Interest
 Fund Code: 1305

PORTFOLIO SHARE (Corpus)

Beginning Balance	195,620.66
Contributions - portion of 2017 allocation directed to corpus	5,988.00
Withdrawals	-
Portfolio Market Change	(4,088.05)
Ending Balance	197,520.61

AVAILABLE FOR DISTRIBUTION (Earnings)

Beginning Balance	28,821.76
Earnings Allocation	1,059.53
Grants Awarded:	
<i>Earnings as of 6/30/2016 awarded</i>	-
<i>through City of Homer Grants program</i>	16,108.00
	-
Grants Total	(16,108.00)
Ending Balance	13,773.29



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: Katie Koester
DATE: September 11, 2017
SUBJECT: September 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.

Aaron Glidden,	Port	13	Years
Holly Brennan,	Library	9	Years
Ryan Browning,	Police	7	Years
Mike Lowe,	Port	6	Years
Nick Poolos,	Admin	6	Years
Tracie Whitaker,	Police	3	Years
Lisa Linegar,	Police	2	Years
Mia Solomon,	Public Works	2	Years
Tamara Fletcher,	Port	1	Year

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

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

3 Mayor/City Council

4 **RESOLUTION 17-079**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE
7 2018-2023 CAPITAL IMPROVEMENT PLAN AND ESTABLISHING
8 CAPITAL PROJECT LEGISLATIVE PRIORITIES FOR FISCAL YEAR
9 2019.

10
11 WHEREAS, Duly published hearings were held on September 11 and September 25,
12 2017 in order to obtain public comments on capital improvement projects and legislative
13 priorities; and

14
15 WHEREAS, The Council received comments from all of the City of Homer Advisory
16 Commissions and held a Worksession on August 28, 2017; and

17
18 WHEREAS, It is the intent of the City Council to provide the Governor, the State
19 Legislature, State agencies, the Alaska Congressional Delegation, and other potential funding
20 sources with adequate information regarding the City's capital project funding needs.

21
22 NOW, THEREFORE BE IT RESOLVED by the City Council of Homer, Alaska, that the "City
23 of Homer Capital Improvement Plan 2018-2023" is hereby adopted as the official 6-year capital
24 improvement plan for the City of Homer.

25
26 BE IT FURTHER RESOLVED that the following capital improvement projects are
27 identified as priorities for the FY 2018 State Legislative Request:

- 28
29 1. New Homer Police Station
30 2. Homer Large Vessel Harbor
31 3. Homer Barge Mooring & Large Vessel Haul Out Repair Facility
32 4. Storm Water Master Plan
33 5. Fire Department Fleet Management

34
35 BE IT FURTHER RESOLVED that projects for the FY 2019 Federal Legislative Request
36 will be:

- 37
38 1. New Homer Police Station
39 2. Homer Large Vessel Harbor

40
41 BE IT FURTHER RESOLVED that the City Manager is hereby instructed to advise
42 appropriate State and Federal representatives and personnel of the City's FY 2019 capital
43 project priorities and take appropriate steps to provide necessary background information.

44 PASSED AND ADOPTED by the Homer City Council on this 25th day of September 2017.

45

46

CITY OF HOMER

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50

BRYAN ZAK, MAYOR

51

52 ATTEST:

53

54

55

MELISSA JACOBSEN, MMC, CITY CLERK

57

58 Fiscal Note: N/A



City of Homer

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Administration

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Memorandum 17-118

TO: Mayor Bryan Zak and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Jenny Carroll, Special Projects and Communications Coordinator
DATE: September 6, 2017
SUBJECT: 2018-2023 CIP amendments, adoption and FY 2019 Legislative Request Project Selections

Thank you for taking the time to review the CIP projects during your August 28, 2017 worksession. In accordance with your suggestions, I amended the following project descriptions:

- East to West Transportation Corridor – added description of Greatland Street extension.
- Main Street Sidewalk Facility: Pioneer Avenue North – moved from Parks & Rec to Local Roads section.
- Ice Plant Upgrade - added a Phase 1 which entails working with consultant on upgrade options.

The updated version of the CIP and Proposed new projects can be found on the Economic Development page of the City of Homer website.

The next step is to formally approve the following updates to the 2018-2023 City of Homer Capital Improvement Plan as follows:

- Three new project have been proposed for inclusion in the CIP.
 - One new City of Homer project has been proposed:
 - Port and Harbor Wood Grid Replacement
 - Two new projects have been requested by non-city organizations:
 - South Peninsula Hospital – Hillside Stability Study
 - South Peninsula Behavioral Health Services – The Annex Upgrade. (This project was proposed as a new project after your Worksession; a description is now included in the New Proposed project section.)

By Motion: Council should move to include each proposed new project.

- Two projects are have been recommended for combining into one:
 - The Barge Mooring Facility and the Large Vessel Haul Out Repair Facility

By Motion: Council should move to combine the above mentioned projects into one.

- One project is being recommended to move to Mid-Range from Long-Range:

- Ramp 2 Public Restroom Upgrade

By Motion: Council should move to relocate the above mentioned project to Mid-Range Project section.

- The Public Safety Building, Phase 1 project description has been substantially amended to reflect the current project's focus on a new stand-alone Police Station.

By Motion: Council should move to amend the Public Safety Building Phase 1 project to the New Homer Police Station.

By Motion: Council should move to remove any projects from the CIP.

After the CIP Worksession on September 25, 2017, all Council Members and the Mayor communicated their Legislative and Federal Priority project selections. I have tallied your responses, the prioritized results of which are included in Resolution 17-079.

Approval of Resolution 17-079 will formally adopt the 2018-2023 CIP with FY19 Legislative and Federal priority projects.

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

