

City Council

Monday, January 8, 2018

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

January 2018

- Monday 8th: CITY COUNCIL**
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 9th: ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Regular Meeting 6:00 p.m.
- Thursday 11th: ADA COMPLIANCE COMMITTEE**
Regular Meeting 4:00 p.m.
- Wednesday 17th: ADVISORY PLANNING COMMISSION**
Worksession 5:30 p.m. and Regular Meeting 6:30
- Thursday 18th: PARKS ART RECREATION & CULTURE ADVISORY COMMISSION**
Worksession 5:30 p.m.
- Monday 22nd: CITY COUNCIL**
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

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

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BRYAN ZAK, MAYOR – 18
DONNA ADERHOLD, COUNCILMEMBER – 18
HEATH SMITH, COUNCILMEMBER – 18
SHELLY ERICKSON, COUNCILMEMBER – 19
TOM STROOZAS, COUNCILMEMBER – 19
RACHEL LORD – 20
CAROLINE VENUTI – 20
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
JANUARY 8, 2018
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
COUNCIL MEMBER CAROLINE VENUTI
COUNCIL MEMBER RACHEL LORD
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK MELISSA JACOBSEN

WORKSESSION AGENDA

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
- 3. HOMER EDUCATION AND RECREATION CENTER (HERC) –
Discussion with Park Art Recreation & Culture Advisory Commission on the
future of the building**

Participants submitted 1 sentence visions of what the property looks like in 10-20 years prior to the meeting. Responses were categorized for the packet.

Page 7

1. Intro and review of categories (5 minutes)
 2. What would it take to implement the identified vision for the property?
Group will go through each category and identify steps and potential obstacles for each vision. (15 minutes)
 3. What information do we still need to determine the possibility and probability of each vision? (10 minutes)
 4. Next steps (10 minutes)
- 4. COMMENTS OF THE AUDIENCE**
 - 5. ADJOURNMENT NO LATER THAN 4:50 P.M.**
Next Regular Meeting is Monday, January 22, 2018 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 Clerk

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Homer, Alaska 99603

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Memorandum

TO: KATIE KOESTER, CITY MANAGER
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: JANUARY 3, 2018
SUBJECT: HERC VISION

Included in this memo are the responses to your request for Councilmember and PARCAC Commissioner visions for the HERC property in 10-20 years. They can be separated into 4 general categories:

1. Hotel Convention Center
2. Sell it
3. Police Station/ Recreation
 - *Recreational/Educational hub of the community or a combined Public Safety/Recreational facility.*
4. Recreation Facility (multi-use)
 - *I envision the HERC building as a vibrant rec center with gym and classrooms scheduled and used for community activities for all ages, such as exercise, dance, quilting, etc.*
 - *My vision of the property would be for a vibrant multi-use community recreation and education center that includes inside and outside spaces with a particular eye towards year-round/winter indoor activities and space specifically for youth.*
 - *The property could become a revamped Boys and Girls club for students with nowhere to go after school.*
 - *My vision would be a multi-use complex which is supported by a service area. Just as the YMCA, Boys and Girls Club and Boy & Girl Scouts provided physical and educational programs for after school for many parents in their youth, this facility has the potential to provide the location for dedicated parents to conduct these programs.*

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HERC Building

City Council Worksession – January 8, 2018

1. Costs of operating and maintaining the HERC building
 - a. 2018 Operating Budget. Includes 2015, 2016 and 2017 Page 13
 - b. 2013 Operating Budget. Includes 2010, 2011, 2012, 2013 Page 15
2. Costs to:
 - a. Remodel
 1. Stantec assessment and cost estimate, April 5, 2016 Page 17
 2. Klaunder & Company Architects, Inc. Dec. 10, 2012 Page 42
 - b. Gas conversion
 1. Memo 13-077 Conversion of City Facilities to Natural Gas Page 47
 - c. Fire Code
 1. Memo 14-113 HERC Gym – Fire Code 7/21/2014 Page 49
 2. State of Alaska, Fire Marshal response Page 50
 - d. Demolition
 1. Memo 13-131 Public Safety Building. See pg 2, top paragraph for demolition costs. Page 55
3. Transfer from the KPB
 - a. May 18, 2015 Release of Deed Restriction “...use and benefit of the general public.” Page 61
 - b. July 1, 1998 Site Survey Old Homer Intermediate School prepared for KPB Page 67
4. Timeline of former City Council Actions – most current first
 - a. Ord. 14-110 Designating the HERC for the proposed public safety building. Page 157
 - b. Ord. 14-37 Appropriating \$19,000 for Fire Code Compliance. Page 159
 - c. Resl. 13-096 Requesting KPB amend Quit Claim Deed “to see the property and dedicate the proceeds for the use and benefit of the general public.” Sept. 23, 2013. Page 161
 - d. Resl. 13-095 HERC Gym with minimal heat until demolished. Page 163
 - e. Ord. 13-19(A)(S) HERC building not include in gas conversion. Page 165
 - f. Memo 13-058, April 17, 2013 HERC Workshop. Page 167
 - g. Ord. 12-45 Appropriating \$15,000 for Engineering review. Page 189

Cost to Operate

City of Homer
2018 Operating Budget

0114 HERC BUILDING			Unaudited	Adopted	Draft	Δ %	
A/C Num.	Expenditure Categories & Descriptions	12/31/15 Actual	12/31/16 Actual	12/31/17 Budget	12/31/18 Budget	vs. Prior Yr Amended	
						\$	%
Salaries and Benefits							
	Total Salaries and Benefits	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.0%</u>
Maintenance and Operations							
5202	Operating Supplies	0	0	0	-	0	0.0%
5203	Fuel and Lube	23,376	12,259	21,000	21,000	0	0.0%
5208	Equipment Maintenance	0	0	0	-	0	0.0%
5209	Building & Grounds Maintenance	1,763	4,374	3,000	3,000	0	0.0%
5210	Professional Services	3,449	1,413	1,500	1,500	0	0.0%
5215	Communications	375	459	500	500	0	0.0%
5216	Freight and Postage	0	0	0	-	0	0.0%
5217	Electricity	16,146	14,476	12,000	15,000	3,000	25.0%
5218	Water	738	780	1,000	1,000	0	0.0%
5219	Sewer	381	466	1,000	1,000	0	0.0%
5220	Refuse and Disposal	0	0	0	-	0	0.0%
5221	Property Insurance	2,262	1,947	1,632	1,795	163	10.0%
5223	Liability Insurance	81	189	121	133	12	10.0%
5227	Advertising	0	0	0	-	0	0.0%
	Total Maint. and Operations	<u>48,571</u>	<u>36,362</u>	<u>41,753</u>	<u>44,928</u>	<u>3,175</u>	<u>7.6%</u>
	Total	<u>48,571</u>	<u>36,362</u>	<u>41,753</u>	<u>44,928</u>	<u>3,175</u>	<u>7.6%</u>

Budget Notes:

**CITY OF HOMER
2013 OPERATING BUDGET**

**NARRATIVE
GENERAL FUND - LEASED PROPERTY**

This budget reflects the costs associated with providing maintenance of the old school facilities obtained from the borough and other properties the city owns and leases out. UAA has a lease with the City of Homer through May, 2011. The Boys and Girls Club also utilize this facility.

**FUND 100
114 - LEASED PROPERTY**

	FY 2010 Actual	FY 2011 Actual	FY 2012 Adopted Budget	FY 2012 Amended Budget	FY 2013 Adopted Budget	Difference Between 2012 Amended & 2013	
<u>Maintenance and Operations</u>							
5203 Fuel/Lube	43,765	42,648	28,000	56,000	28,000	(28,000)	-50.00%
5208 Equipment Maintenance	174	-	700	700	700	-	0.00%
5209 Building & Grounds Maintenance	3,717	1,383	3,375	3,375	3,375	-	0.00%
5210 Professional & Special Services	3,571	6,132	1,875	1,875	1,875	-	0.00%
5215 Communications	497	462	700	700	700	-	0.00%
5217 Electricity	19,865	20,561	9,000	19,000	9,000	(10,000)	-52.63%
5218 Water	1,751	1,494	1,000	1,000	1,000	-	0.00%
5219 Sewer	1,613	1,471	1,000	1,000	1,000	-	0.00%
5220 Refuse/Disposal	-	-	200	200	200	-	0.00%
5221 Property Insurance	2,083	1,758	1,934	1,934	1,934	0	0.01%
5223 Liability Insurance	1,430	626	1,244	1,244	1,244	(0)	0.00%
Total Maintenance and Operations	78,467	76,535	49,028	87,028	49,028	(38,000)	-43.66%
<u>Capital Outlay, Transfers and Reserves</u>							
5990 Transfers to Reserves	-	-	-	-	-	-	0.00%
Total Capital Outlay, Transfers and Reserves	-	-	-	-	-	-	0.00%
Total	\$ 78,467	\$ 76,535	\$ 49,028	\$ 87,028	\$ 49,028	(27,507)	-35.94%

LINE - ITEM EXPLANATIONS:

For the 2012 Budget, Council chose to keep the Boys & Girls Club open through May, 2012. The Boys and Girls Club signed a lease agreement to pay \$750 a month toward expenses.

Account Number Explanations: See "Appendix" Tab.

Dept	Reserve	2013 Beg Balance	Transfers In	Expenditure	2013 End Balance
396	Depreciation Reserves	215,738	-		215,738

Cost to Remodel or Abate

Conceptual Cost Estimate

Homer Public Safety Building Project

Construction Items	Quantity	Unit	Unit Price	TOTAL
ASSESSORY SPACE				
Vehicle Impound Fenced Storage	1,962	sf	\$50	\$98,100
Enclosed Parking (25x60)	1,500	sf	\$200	\$300,000
Covered Parking (15x20)	300	sf	\$150	\$45,000
Covered Parking (20x30)	600	sf	\$150	\$90,000
K-9	55	sf	\$150	\$8,175
SUBTOTAL ACCESSORY STRUCTURES				\$541,275
CIVIL SITE				
Mob/Demob/General Conditions	1	LS	\$95,000	\$95,000
Construction Survey	1	LS	\$25,000	\$25,000
Excavation - Off-Site Disposal	7,500	CY	\$7	\$52,500
Excavation - Off-Site Disposal	2,000	CY	\$4	\$8,000
Geotextile Fabric	25,000	SF	\$1	\$31,250
Import Select Fill Material	6,500	CY	\$25	\$162,500
Paving (2" LC/2" AC)	24,000	SF	\$5	\$120,000
Curb & Gutter	400	LF	\$25	\$10,000
Sidewalk/Trails/Courtyard	1	LS	\$30,000	\$30,000
Storm Drainage	1	LS	\$35,000	\$35,000
Water Service	1	LS	\$30,000	\$30,000
Sewer Service	1	LS	\$25,000	\$25,000
Landscaping/Seeding	1	LS	\$35,000	\$35,000
Detention Basins	1	LS	\$18,000	\$18,000
Gas/Electric/Tele Service	1	LS	\$45,000	\$45,000
Pavement Striping/Signage	1	LS	\$25,000	\$25,000
Site Lighting	1	LS	\$45,000	\$45,000
SWPPP	1	LS	\$17,500	\$17,500
Dumpster/Pad/Enclosure	1	LS	\$12,500	\$12,500
Large Radio Antenna	1	LS	\$65,000	\$65,000
Bridge/Retaining walls	1	LS	\$16,000	\$16,000
Emergency Generator	1	LS	\$95,000	\$95,000
Skateboard Park	4,500	SF	\$99,000	\$99,000
SUBTOTAL CIVIL SITE				\$1,097,250
MAIN BUILDING				
General				\$858,295
Re-Roof @ HERC	13,913	sf	\$30	\$417,390
Sprinkler system @ HERC	17,181	sf	\$5	\$85,905
Fire Pump	1	each	\$75,000	\$75,000
2 stop elevator @ NEW	1	ls	\$80,000	\$80,000
Dispatch consoles @ NEW	4	each	\$50,000	\$200,000
Jail cells @ NEW	9	each	\$45,000	\$405,000
Unusable Area				\$62,200
Unusable Area	311	sf	\$200	\$62,200
Existing First Floor				\$391,575
Fitness Support	856	sf	\$250	\$214,000
Gymnasium	7,103	sf	\$25	\$177,575
Existing Second Floor				\$1,239,625
Support				
Kitchen	561	sf	\$200	\$112,200
Radio	278	sf	\$75	\$20,850
Bunks	280	sf	\$75	\$21,000
Remaining Support Space	1,108	sf	\$75	\$83,100
Property/ Evidence				
Vehicle Evidence	713	sf	\$100	\$71,300
Property	741	sf	\$150	\$111,150
Long Term Evidence Storage	873	sf	\$150	\$130,950
Decontamination Space	115	sf	\$125	\$14,375
Remaining Evidence Space	1,028	sf	\$75	\$77,100
Range				
Gun Range	2,574	sf	\$200	\$514,800
Range Support	552	sf	\$150	\$82,800
New First Floor				\$1,374,450
Investigation/Patrol	3,927	sf	\$350	\$1,374,450
New Second Floor				\$2,723,300
Dispatch	2,493	sf	\$400	\$997,200
Jail Cells (sf only)	1,279	sf	\$300	\$383,700
Jail Support	3,356	sf	\$400	\$1,342,400
SUBTOTAL MAIN BUILDING				\$6,851,945
ADD ONS				
FF&E	2	%	-	\$169,809
Design	8	%	-	\$679,238
1% for Art	1	%	-	\$84,905
Construction Assistance/Inspection	2	%	-	\$169,809
Contingency	15	%	-	\$1,273,571
City Administration	2	%	-	\$169,809
SUBTOTAL DESIGN/ADMIN				\$2,547,141
TOTAL PROJECT COST				\$11,037,611

**HERC Building Upgrade
Analysis Report**



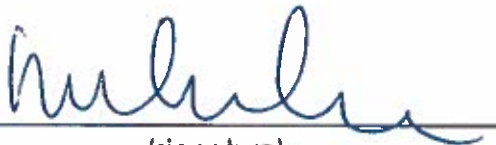
Prepared for:
City of Homer
3575 Heath Street
Homer, Alaska 99615

Prepared by:
Stantec Architecture Inc.
725 E, Fireweed Lane, Suite 200
Anchorage, Alaska 99503-2245


April 5, 2016

Sign-off Sheet

This document entitled HERC Building Upgrade Analysis Report was prepared by Stantec Architecture Inc. ("Stantec") for the account of City of Homer (the "Client"). Any reliance on this document by any third party is strictly prohibited. The material in it reflects Stantec's professional judgment in light of the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client. The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on this document.

Prepared by 
(signature)

Dale Smythe, AIA

Reviewed by 
(signature)

Bruce Hopper, PE, SE

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HERC BUILDING UPGRADE ANALYSIS REPORT

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Executive Summary

The Stantec Architecture Inc. design team and the Homer Public Safety Building Committee have been working together to determine the needs and potential solutions for the Police and Fire departments in the City of Homer. Funding limitations have led the team to explore options for combining, separating, or phasing the two requirements at the current Homer Educational and Recreation Center site. The goal of this report is to examine the potential reuse of portions of the building to provide space needed in a new Homer Police Station.

Discussions with the Authority Having Jurisdiction (Tim Fisher, State of Alaska Office of Fire and Life Safety) have confirmed the project falls within the requirements of Chapter 34 (Existing Structures) of the International Building Code. Without submission of a completed design for review, the discussion revolved around determining the probable level of upgrade required per their interpretation of the Code requirements given the Office's past history with this facility, and the expected new use. Considering the relationship to cost and impact to building systems the discussion focused mainly on what would be required as structural upgrades. The State does not have the capacity to review structural designs. Mr. Fisher confirmed that ensuring the capacity of the structural systems and any upgrades will be left to the designer of record. It was also confirmed that inclusion of any assembly occupancy (the gymnasium) with the reuse of other portions of the building would require fire separation (fire wall) or fire protection (sprinklers) for the entire facility.

Considering the age of the existing Homer Educational and Recreation Center's building systems and the plan for the new police station to be constructed as close as possible to the existing Homer Educational and Recreation Center the report assumes that electrical, data, communication, and heating utilities would come from the new police station facility and only be upgraded or replaced to the minimum functional need. It is assumed that all air systems serving the HERC will need to remain independent; especially considering the special requirements for a shooting range and the control of lead particles.

This report assumes that elements not required as code upgrades, but that could decrease the cost of operations, will be explored during the initial design effort. These elements include upgrades to the thermal envelope that could decrease heating costs, or hazardous material abatement that would reduce the requirement for licensed abatement contractors to be involved with future maintenance or upgrades through the life of the building. This report examines the reuse of only a limited area of the classroom wing. It is assumed the remainder of the building will remain as-is and demo cost is not included.

Rough order of magnitude pricing for the anticipated upgrades is being provided by the projects construction partner, Cornerstone. The pricing effort is based on an onsite walk-through with members of the design team; Ken Castner, Chairman of the Public Safety Building design committee; and Chief Robl; and the narrative descriptions of the upgrades contained in this report.

1.0 STRUCTURAL ASSESSMENT

1.1 BACKGROUND

1.1.1 As Built

The as-built drawings for the old Homer High School are dated 1956. The existing Homer Educational and Recreation Center (HERC) structure is still essentially the same as the 1956 drawings indicate. There are no additions to the structure, and it appears there are only some minor revisions in the floor plan layout since its original construction.

The structure is generally described as a wood framed building on concrete foundations. This description is apropos for the classroom portion of the old school. The roof deck consists of 2x tongue and groove decking over glue-laminated wood beams. The beams are in turn supported on 6x6 timber columns that are concealed in the walls. The columns bear on a concrete foundation system.

The gym portion of the old school has a roof deck consisting of 2x6 tongue and groove planking over steel joists. The joists span the width of the gym to bear on timber columns hidden within the walls. The timber columns bear on a continuous concrete wall footing.

The foundation system of the HERC building consists of a concrete slab on grade throughout the structure. The exterior walls bear on continuous concrete stem walls.

Lateral forces (wind and seismic loads) are resisted using plywood sheathing on nearly every wall in the building. The wall sections on the architectural drawings show the exterior of the building sheathed using 5/8-inch plywood. An inspection above the ceiling space reveals a layer of plywood on the inside face of the wall below the glue-laminated beam at the exterior walls.

The interior classroom partitions are sheathed with plywood as a finish material. Although these walls may not have been intended to be, they are defacto shear walls.

HERC BUILDING UPGRADE ANALYSIS REPORT

Structural Assessment
April 5, 2016

1.1.2 Building Codes

The structure is presumed to be designed in conformance with the 1952 Uniform Building Code. The structural loads used as the basis of design are listed in the General Notes on the structural drawings. Those loads are shown in the figure below:

DESIGN DATA:

Roof loads		Misc. loads	
Live load	30 #/ft ²	Wind load	30 #/ft ²
T&G deck	10 #/ft ²	Floor live load	50 #/ft ²
Ceiling	5 #/ft ²	Entrances	100 #/ft ²
Roofing	10 #/ft ²		
total	55 #/ft ²		

Seismic loading - Zone 3 per Pacific Coast Uniform Bldg. Code. $F_s = 0.15 \times 4.0 \times D.L. = 0.133 \times D.L.$ T&G roof is assumed to act as a horizontal diaphragm to carry loads to braced interior partitions and to end walls, to ground floor slab and foundations.

Assumed soil bearing capacity = 4000 #/ft²

The model building code has changed dramatically since 1952, so comparing the loads listed in the General Notes in the as-built drawings to specified loads in our contemporary codes is not always a direct comparison. For example the "fastest-mile wind speed" was used to determine the wind loads on a structure. In the mid-1990s, the fastest-mile wind speed was abandoned in favor of using the 3-second gust speed. The basic wind speed used to calculate the design wind load was that speed associated with a 300-year return period. A load factor of 1.6 was applied to this load when designing building components. In 2010, the code changed again, now using the wind speed associated with a 700-year return period event. This new design wind speed is higher than that used in previous codes; and it is referred to as an 'ultimate' design wind speed. Recognizing the wind speed is greater, the design process now uses a load factor of 1.0 instead a load factor of 1.6.

The end result is that while the design process has changed significantly, the final design wind load is approximately the same. The as-built drawings list a design wind pressure of 30 pounds per square foot (psf), and the new code also requires a basic design wind pressure of 30 psf.

The code provisions used to determine seismic loads has changed significantly as well. The process used to calculate the design seismic load codes in current codes is long and labored, but the end result is new code only requires a seismic design load 2 percent greater than that used to design the structure in the 1950s.

1.1.3 Significant Historical Events

Beyond the information presented on the as-built structural drawings, the building survived the Magnitude 9.2, 1964 Great Alaska Earthquake; and, more recently, the Magnitude 7.1 Iniskin Bay Earthquake. Homer is located approximately 180 miles and 50 miles from those epicenters, respectively.



HERC BUILDING UPGRADE ANALYSIS REPORT

Structural Assessment

April 5, 2016

The HERC building has also survived several major wind events. The wind event in March 2003 recorded extremely high wind speeds in much of Alaska's south central region.

Other notable events include winters of significant snowfall. The south central region of Alaska has had several winters with significant snowfall including the record-breaking winter of 2011-2012.

1.2 GENERAL CONDITION

1.2.1 The Roof and Walls

The existing structure is in remarkable condition given its age. In general, the wood roof decking in all the areas where it could be observed appeared to be in good condition, and free of any water stains. No evidence of previous roof leaks was observed.

The glued-laminated wood beams are also in good condition. The beams appear to be manufactured using casein glue. Casein glue was commonly used to manufacture glue-laminated beams up until about the mid-1960. Its use was discontinued because it tends to break down when it is exposed to moisture. Nearly all the glue-laminated beams in the classroom area and the shop area were inspected during the site visit, and no indication was found that any glue joint is failing. All the beams inspected appear to be competent.

Performing structural calculations to verify the structure was designed appropriately is beyond the scope of this project. Assuming the beams were correctly designed, the roof should be capable of supporting a design roof snow load of 30 psf. The discussion in section 1.1.2 reveals that the design roof snow load under the current code is the same as that used in the original building design, so there is no compelling reason to augment or otherwise change the existing roof framing, except where the floor plan is to be changed.

1.2.2 The Concrete Foundation

The building's foundation system consists of cast-in-place concrete. The classroom wing is founded on a concrete slab on grade that is thickened under the load bearing walls. The exterior classroom walls are founded on cast-in-place foundation walls.

All the concrete elements that could be inspected appeared to be in very good condition. Usually, in buildings this old, the concrete is cracked from having settled, or it is spalled and degenerating where it is exposed to the weather. The concrete foundation under the HERC building is in very good condition. There are some cracks along the foundation walls, but none that require repairs.

1.2.3 The Lateral Force System

The lateral force (wind and earthquake) resisting system essentially consists of numerous shear walls throughout the structure. The building does not have adequate shear resistance on the



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exterior sides of the classrooms, where the perimeter walls are nearly all glass. The interior partitions are sheathed with either structural plywood, or plywood wall finish. As a result, the classrooms, although probably not designed to do so, are acting as a group of three-sided diaphragms. The copious use of wood sheathing as a wall finish likely helped this structure survive the 1964 Great Alaska Earthquake.

1.3 THE RE-PURPOSED BUILDING

1.3.1 The Shooting Range

Future plans for this building suggest the (plan) south half of the classroom addition being converted into a shooting range. To create that large, open space requires six timber columns to be removed along with the three walls between rooms 108, 109, 110, and 111. Removing the columns will require new beams to support the existing roof structure. The new beams will be framed from the exterior wall to the corridor wall under the existing roof beams. Two new columns will be required at each beam location, one under each end.

As noted previously in this report, the partitions between the classrooms probably function as de facto shear walls. Removing these interior walls significantly reduces the lateral resistance of the building to both wind loads and seismic loads. A detailed structural analysis of the building will likely prove that the existing roof diaphragm over the south half of the classroom addition will not be adequate to resist the design lateral loads. The existing diaphragm can be augmented by adding structural wood sheathing panels to the underside of the existing tongue and groove deck between the existing glued-laminate roof beams. This new sheathing could then be connected to new, competent wood-sheathed shear walls at each end of the range. The new wood shear walls would in turn be bolted to the existing concrete foundation system.

The windows in the (plan) south wall will have to be removed to control the lighting in the shooting range. The empty holes should be infilled with wood framing sheathed with wood structural wood shear panels, which will create a competent shear wall on the exterior side.

1.3.2 The Evidence Room

Future plans suggest the north half of the classroom wing will be remodeled to create an evidence storage room. As with the shooting range, if the interior partition walls between the classrooms are removed, the underside of the existing roof deck should be sheathed and new shear walls constructed on each end of the space. If the walls are not removed, they should at least be augmented to ensure they function as competent shear walls.

The windows should be removed from the north wall of the classroom wing and replaced with infill and structural wood sheathing to create a more secure storage area. Walls around secure storage areas are often hardened by adding chain link, sheet metal or other products to prevent intruders from entering by cutting through the walls. Adding shear strength to the walls can be accomplished in conjunction with these other improvements.



1.4 THE TWO-STORY POLICE STATION ADDITION

Future plans for this site include the addition of a two-story police station on the south side of the existing HERC building. This new addition should be framed to be structurally independent of the existing structure. The new police station will be designed as an 'essential' facility under the new code, meaning it will be designed to a standard much higher than the existing HERC building. The existing structure will be much more likely to be damaged in a future extreme weather or seismic event than the new structure.

Creating a separation between the two structures will prevent the existing building from placing undue burden on the new structure during that event. Structurally separating the two buildings means placing a joint that is only inches wide between the two structures. Ostensibly, the two structures will function as a single building.

The new two-story police station will be higher than the existing building. As a result, the new building could cause snow to drift on the existing lower roof. There is little means available to prevent the drifting, so the existing roof will have to be strengthened where the new snow drifts are expected to form. The existing roof structure can be shored up by adding new beams under the existing beams, spanning from exterior wall to the corridor, as-is required for the shooting range. An alternative is to create a new roof over the existing roof to bear the weight of the potential snow drifts.

1.5 SUMMARY

From a structural viewpoint, re-purposing the HERC building to create a shooting range, evidence storage, and possibly a shop area is feasible; however, there are some minor structural alterations required to make the space useable. The alterations should include adding some shear resistance (1/2-inch plywood with fasteners 6 inches O.C.), and improvements to the gravity load system where loads imposed as a result of the new construction will be greater than the loads for which the existing system was designed.

2.0 ARCHITECTURAL ASSESSMENT

2.1 CODE UPGRADES

The repair and alteration of an existing building within the City of Homer is governed by Chapter 34 (Existing Structures) of the International Building Code (IBC) per the State of Alaska Office of Fire and Life Safety. Without the submission of a completed design for review by the State's Office, the discussion with Tim Fisher (Building Plans Examiner) revolved around determining the probable level of upgrade required per their interpretation of the IBC requirements, the Office's past history with this facility, and the expected new use.

2.1.1 Fire Protection- Sprinklers

The expected total square footage of the two-story Police Station would be larger than current code would allow for an unprotected structure; therefore, it is assumed that a new facility or reused portions of the HERC will be sprinklered. It was also confirmed with Mr. Fisher that an inclusion of any assembly occupancy (the gymnasium) with the reuse of other portions of the building would require fire separation (fire wall) or fire protection (sprinklers) for the entire facility.

2.1.2 Americans with Disability Act (ADA)

The existing structure is two levels with exits at grade. It is assumed only minor site modifications from slope and surface would be needed to allow exiting to a safe area to meet the requirements of ADA. Door threshold and hardware are assumed to be replaced and would meet all current requirements. It is assumed that all required ADA restroom facilities will be provided in the newly constructed portions.

2.1.3 Exiting

Considering the planned reuse of the classroom wing for lower occupant type loading (storage, maintenance, and shooting range) the existing number of exterior exits and arrangement, and the planned new construction appears able to meet current code. Meeting the requirement for two means of egress at the west end; occupants would need to exit north at-grade or through a new addition to the south. If the gymnasium is reused as part of the project, the exiting of the two areas will need to be separated but appears to be feasible within the existing arrangement.

2.2 EXTERIOR ENVELOPE

2.2.1 Roof

The seismic upgrades for the roof diaphragm can be constructed from inside the facility and will not require demolition of the existing roof. The price of a new roof is not included but the existing condition has not been verified.

For purposes of this report we are assuming the insulation values will remain as-is and that within the concept design an analysis would be done to determine the cost benefit of increasing the roof insulation and associated energy savings. The two factors that will reduce the benefit of additional insulation will be the many air exchanges required for the shooting range, and the potential for relatively low temperature requirements for evidence storage.

2.2.2 Exterior Wall Assembly

This report assumes no thermal upgrade to exterior walls for similar reasons to the roof. The project will require infill of windows for lateral resistance as described by the structural review. Because of the infill, new paint and prep is assumed for all exterior walls.

2.2.3 Exterior Window and Doors

All doors and windows in the facility that are to remain have reached the end of their service life and should to be replaced. Replacement will ensure the correct waterproofing and air tightness. New hardware required to meet ADA, and current code requirements for safety glazing will be satisfied with unit replacement. Insulated glazing in exterior windows and doors will also reduce energy use.

2.3 INTERIOR FINISHES

Most interior finishes in the facility have reached the end of their useful service life. Considering the cost limitations, all interior finishes would be demolished for new construction and only replaced as allowed by budget or as a requirement for fire protection.

2.3.1 Floors

As a cost saving measure all existing flooring will remain. Asbestos mastic in the floor will remain contained.

2.3.2 Interior Walls

Interior walls will be patched to accommodate new devices and infills and all interior surfaces will be repainted.

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2.3.3 Ceilings

Considering the structural diaphragm, sheathing upgrades all ceilings will require demolition. It is assumed all lighting will be suspended and that no new ceiling would be installed. Underside of sheathing will be painted.

2.3.4 Interior Doors

It is assumed that because of security requirements and new layouts for a public entrance to the shooting range, and separation from the remainder of the building, all interior doors and hardware will be new.

2.4 HAZARDOUS MATERIALS

2.4.1 Existing Material to Remain

Friable and non-friable asbestos containing material (ACM) is present at the HERC building. Friable asbestos is classified as regulated asbestos containing materials (RACM) by the U.S. Environmental Protection Agency (EPA). RACM includes thermal system insulation and surfacing materials, which have been applied through methods such as spraying or troweling. RACM creates the greatest risk of exposure due to its propensity to release asbestos fibers into the air when disturbed. Examples of RACM at the HERC building are the insulation that covers the old boiler and pipe insulation located on heating and domestic plumbing located in various areas the building.

Non-friable ACM is broken down into two separate classifications: which are Category I non-friable asbestos and Category II non-friable asbestos and the HERC building contains both. Category I non-friable ACM is defined as resilient floor coverings, mastics, asphalt roofing, packings, and gaskets. Category II non-friable ACM is defined as any material excluding Category I non-friable ACM that when dry cannot be crumbled, pulverized, or reduced to powder by hand pressure. These materials do not present the high level of fiber release that RACM does; however, if not handled correctly the material can still present a health hazard. Examples of non-friable asbestos at the HERC building include joint compound within gypsum assemblies, vinyl flooring, and various types of mastics.

Any ACM that would be directly disturbed during a renovation of the HERC building would need to be removed prior to the disturbance taking place. Examples of this include gypsum walls, soffits, and ceilings that may be affected as part of a reconfiguration of the interior layout. Another example would be the speaker/clock units in the classrooms, which contain a black coating within its housing that is ACM. Another example would be the black mastic that adheres chalk boards to walls. In some locations the boards have been removed, leaving the asbestos mastic exposed.



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Any ACM that is to remain in place should be properly managed in order to comply with Occupational Safety and Health Administration (OSHA) and EPA requirements. The elements of this management effort would include:

- Designate an asbestos coordinator.
- Comply with OSHA Hazard Communication requirements.
- Placard all friable ACM.
- Provide asbestos awareness training for all staff who work within building.
- Conduct periodic inspections of ACM to track condition.
- Develop, implement and administer contractor procedures for working in the building.

2.4.2 Mold and Mildew

No reports or testing for confirmation of mold or mildew was completed.

3.0 MECHANICAL ASSESSMENT

The purpose of this portion of this report is not to assess the condition and age of the mechanical systems in the existing building, but to identify code required upgrades that would be needed if a portion of the building was to be re-purposed. The area of work would include the upper floor of the existing building, which would be converted from classrooms and office space into a shooting range, evidence storage and drying, and a maintenance space. The lower floor of the building houses the multi-purpose room, locker rooms, a fitness room, a kitchen, storage, and the boiler room. These spaces would remain as-is.

This renovation would occur at the same time as the construction of the new Police Station building, adjacent to the HERC building. The new and existing building would be separate structures with a connection, allowing central mechanical systems in the new building to serve the re-purposed areas, in lieu of doing major upgrades to the existing systems.

3.1 PLUMBING

The existing building is served by the public water and sewer utility. A 2-1/2-inch domestic cold water pipe enters on the east side (plan south) of the building, routes directly to the boiler room, and goes through a water meter and pressure reducing valve. A hot water storage tank, located in the boiler room and heated by the hydronic heating system, provides domestic hot water for the building. Most of the domestic water system appears to be from original construction.

The shooting range and evidence storage/drying spaces should not require the addition of any plumbing fixtures. If desired, a utility sink could be added to the maintenance room and be fed off the existing building's plumbing system without requiring any code upgrades to the main service. Backflow protection could be provided at the utility sink, as required.

3.2 FIRE PROTECTION

The HERC building is currently not equipped with a fire sprinkler system. The shooting range and evidence storage/drying spaces will need to be sprinklered; however, the existing 2-1/2-inch water service is too small to serve a sprinkler system and it would be cost prohibitive to upsize the water service to the existing building and provide the required backflow prevention. Therefore, it is our recommendation that the remodeled portions of the existing building be fed off the wet-pipe fire sprinkler system that will be installed in the new building.

A separate dry-pipe sprinkler system or chemical suppression system could be considered for use in evidence storage, but would likely add significant cost to the project.

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3.3 FUEL SYSTEM

An above ground fuel tank serves the facility. The tank is not adequately secured to resist damage from earthquakes, as required by National Fire Protection Association (NFPA). The tank base should be upgraded and the tank seismically anchored to the base to prevent overturn.

Although the new equipment discussed under heating and ventilation will be gas-fired, the existing fuel-fired boiler could remain in use to temporarily heat the portions of the existing building not being re-purposed under this project, to include the multi-purpose room, Locker Rooms and Kitchen.

3.4 HEATING

The building is currently heated with a fuel-fired boiler that replaced the original steam-fired boiler, which was abandoned in place. Individual rooms are heated by cabinet unit ventilators (CUVs) with heating coils or hydronic baseboard. The fuel-fired boiler is in good operating condition and could remain in use to heat the portions of the building that do not get re-purposed under the scope of this project.

The existing CUVs and baseboard in the re-purposed portions of the existing building would be demolished. Since the CUVs have a ducted opening through the exterior wall, patching of the existing wall would be required. New terminal heating equipment would be provided to accommodate the new use and layout; most likely a combination of baseboard and unit heaters. Hydronic hot water to these terminal units would be fed from the central heating system in the new building.

No major code upgrades would be required to the existing central heating system.

3.5 VENTILATION

Ventilation for the building is provided by a variety of systems. The classrooms and some of the office spaces are ventilated by the CUVs, which bring in outside air and heat it as required. A central, ducted relief fan pulls the air from each of these spaces and discharges it to the outside. This ventilation scheme will not work for the re-purposed spaces, so the CUVs, the relief fan, and associated relief ductwork would be demolished.

Although it does not appear that the relief fan is serving any of the spaces that are to remain as-is, this would need to be confirmed. In this case, a new relief/exhaust fan would replace the existing relief fan to provide the correct airflow and control. This fan would also be sized to support relief/exhaust from the evidence storage and maintenance spaces.

A small, 900 cubic feet per minute (CFM) air handling unit was installed in 1997 to serve an area that was converted into office space on the west side of the second floor. It is located above the ceiling of the area it serves. Consideration could be given to re-using this unit for the



HERC BUILDING UPGRADE ANALYSIS REPORT

Mechanical Assessment
April 5, 2016

evidence storage area, but it would need to be confirmed that it was large enough to provide code-required ventilation and whether the filtration was adequate. Regardless of whether the unit could be salvaged or not, the supply and return/relief ductwork would need to be completely replaced. As another option, ventilation could be supplied to evidence storage from the central system in the new building.

The multi-purpose room has its own dedicated air handling unit, located in a fan room on the upper floor. This system would remain mostly as-is, with minor modifications to the ductwork to accommodate any renovation to the wall that divides the multi-purpose room from the rest of the building. Exhaust and make-up air systems for the kitchen and locker rooms located on the lower floor, and the restrooms located on the upper floor, could remain as-is unless floor plan changes necessitate relocating ductwork or exhaust fans.

A dedicated, once-through exhaust/make-up air ventilation system will be required to serve the shooting range. The preferred system would include a roof-mounted exhaust fan and a gas-fired make-up air unit, if the structural analysis or renovations permit it. As an alternative, the exhaust fan could be mounted to an exterior wall and the upper level fan room could be enlarged to make room for a make-up air unit equipped with a hydronic heating coil (in lieu of gas-fired).

3.6 COOLING

There is currently no mechanical cooling in the existing building. Mechanical cooling does not need to be added to comply with code, but could be added for comfort if desired.

4.0 ELECTRICAL ASSESSMENT

This assessment is to identify code required upgrades to the facility. It also provides recommended improvements to the existing system.

4.1 ELECTRICAL DISTRIBUTION

The existing electrical distribution system is adequate. The main distribution panel is a very old 800a, 120/208-v, 3-phase, 4-wire, Westinghouse switchboard that will be hard to find replacement parts for, if at all. Panel A and Panel 1A are also older type Westinghouse panelboards. The rest of the panels are Square D panelboards for which breakers are still readily available.

There are a few code required deficiencies that need attention.

- Conduit that is not supported properly.
- Ensure all wiring is routed in conduit or MC cable to devices. It was noted at a corridor light fixture that the conductors were extended to the fixture from the junction box.
- Damaged conduit runs that have separated joints need to be corrected. A resistance test should be performed on each conduit run to identify and correct any separations since the conduit is used as the equipment grounding electrode.
- Damaged surface raceways must be corrected and devices properly installed.
- Junction boxes that need to have their covers and/or knockouts installed.
- Ensure proper working clearances are maintained in front of all panels.

4.2 LIGHTING SYSTEMS

A majority of the lighting is provided by fluorescent T12 fixtures, incandescent bathroom wall sconces, and exterior high-intensity discharge (HID) light fixtures. Many of the fixtures are in poor condition. It is recommended that they be replaced with energy efficient light-emitting diode (LED) fixtures, which may be more cost effective than replacing the existing ballasts, lamps, and lenses.

The code requires emergency egress lighting at each exit door to sufficiently light the exit landing. These will be required to be installed.

4.3 WIRING DEVICES

The wiring devices are at the end of their useful life. Some devices in the surface raceways are falling out and have exposed conductors. This must be corrected. Ground fault circuit interrupter (GFCI) type receptacles must be installed in all restrooms and within 6 feet of a water source. Exterior receptacles must be weather resistant GFCI type with while-in-use covers.

4.4 SPECIAL SYSTEMS

4.4.1 Fire Alarm System

The building has simple single zone Edwards E 1257 fire alarm panel. The system has some audible/visual indicating devices and pull stations. If this system is to remain, devices need to be added and the battery backup capacity rechecked. Devices that need to be added include audible/visual indicating devices in restrooms and other occupied spaces, as well as heat and carbon monoxide (CO) detectors in the boiler room and smoke detectors in the electrical room. Since the HERC building does not have a sprinkler system, smoke detectors should be added along the means of egress from the facility.

It is recommended that the system be replaced with an addressable system and devices added to provide effective coverage of the facility.

4.4.2 Telecommunications

The installation and workmanship of the existing telecommunication system is very poor. Even the routing of the incoming cables to the telephone backboard and punchdown blocks should be redone. The system has been scattered throughout the facility and abandoned portions and cables left hanging in place. The entire system should be removed and new cabling routed to the necessary locations.

4.4.3 Clock/Speaker System

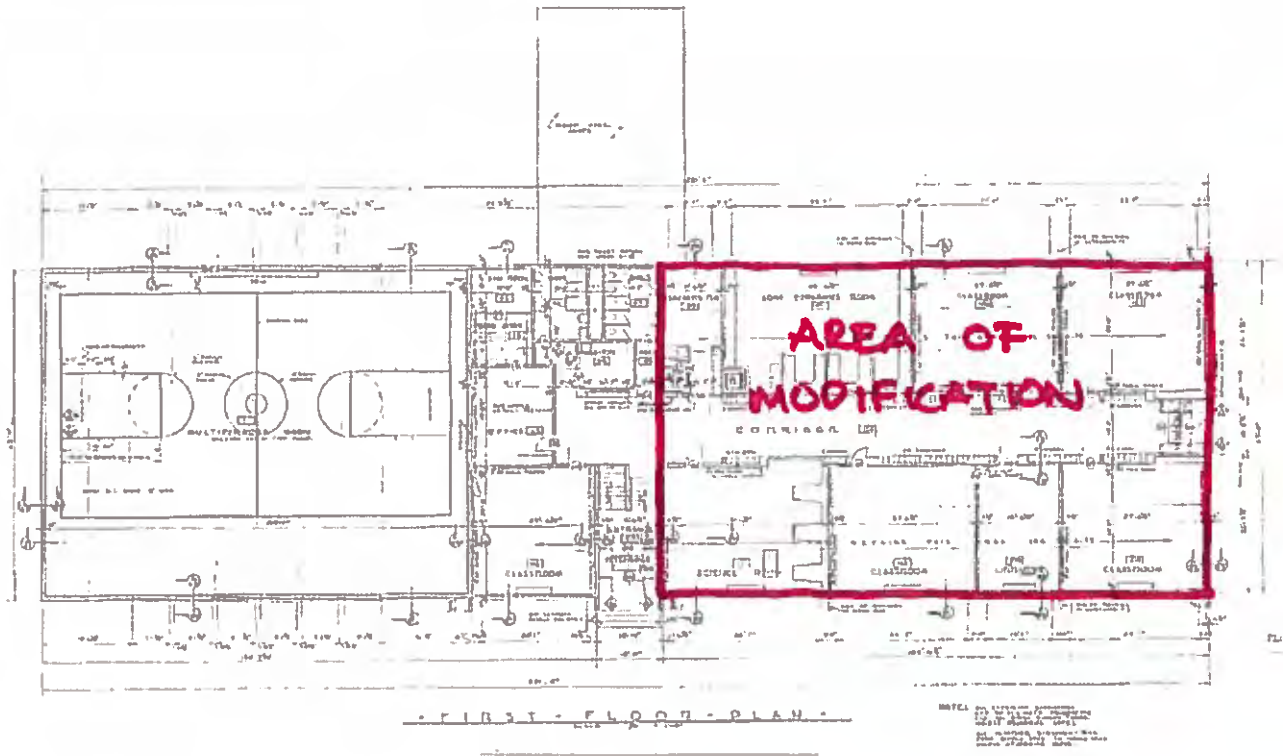
Parts of this system have been removed and since it is not needed, it should be removed.

Appendix A AREA OF MODIFICATION

HERC BUILDING UPGRADE ANALYSIS REPORT

Appendix A Area of Modification
April 5, 2016

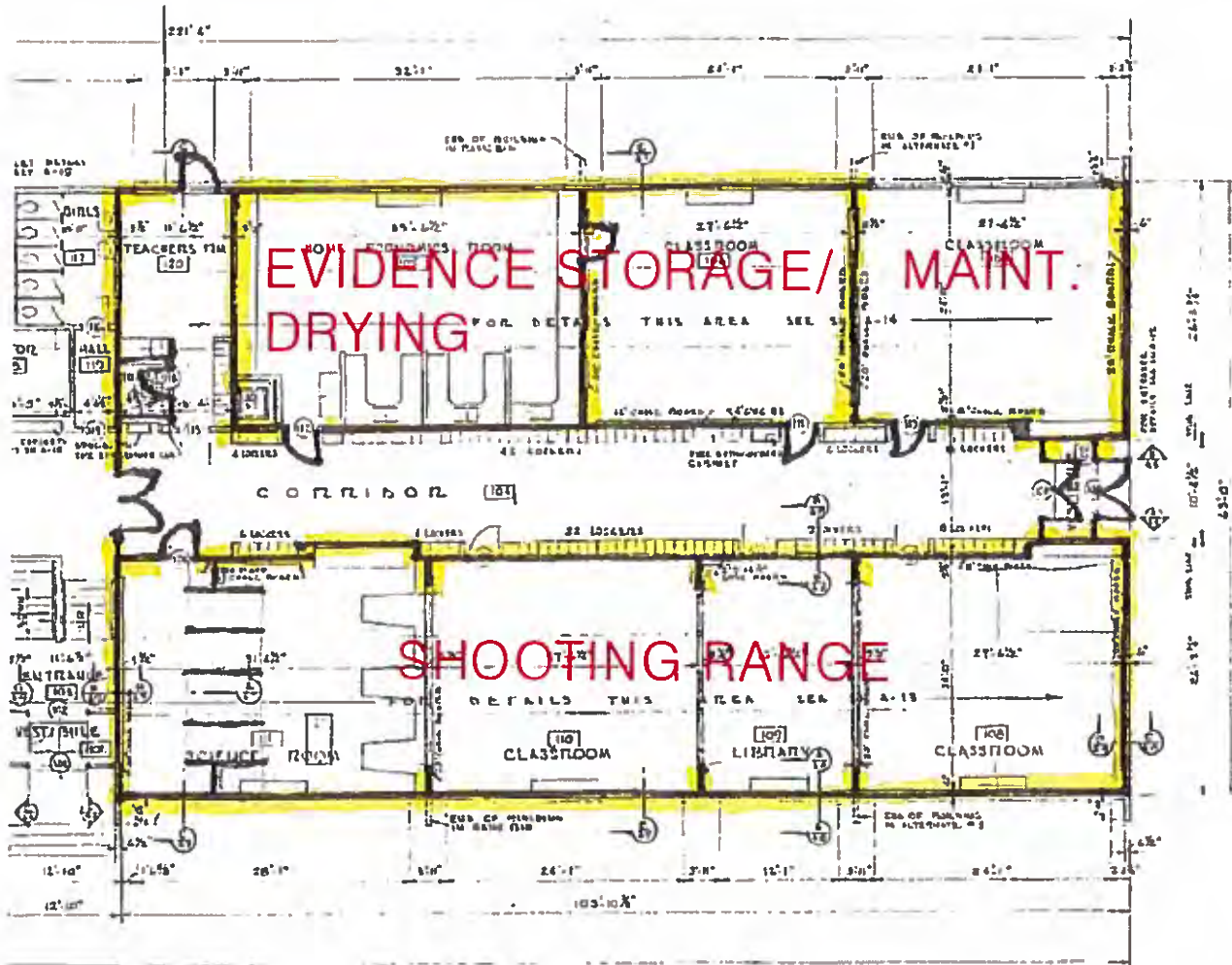
A.1 PORTION OF HERC TO BE RE-USED



HERC BUILDING UPGRADE ANALYSIS REPORT

Appendix A Area of Modification
April 5, 2016

A.2 CONCEPT LAYOUT OF RE-PURPOSED AREAS



HERC Building Analysis
Order of Magnitude Cost Estimate

April 24, 2013

Building Areas

Gym Area	5,700 SF
Lower Level Area	2,800 SF
Upper Level Area	8,300 SF
Total Building Area	16,800 SF

Description	Quantity	Units	Unit Cost	Totals	Total Required for	
					Code and ADA Compliance	Building Performance
Sitework						
Walkway	625	SF	\$9.48	\$5,926	\$5,926	\$0
HCP Paving	1,000	SF	\$4.48	\$4,481	\$4,481	\$0
Stoop	28	SF	\$10.00	\$280	\$280	\$0
Regrading	3,750	SF	\$0.50	\$1,875	\$1,875	\$0
Sitework Subtotal				\$12,562	\$12,562	\$0
Replace Siding & Insulation						
Windows	11,880	SF	\$52.80	\$627,264	\$0	\$627,264
Renovations: Gym	683	SF	\$92.00	\$62,873	\$0	\$62,873
Renovations: Lower Level	5,700	SF	\$82.07	\$467,775	\$93,555	\$374,220
Renovations: Upper Level	2,800	SF	\$120.00	\$336,000	\$67,200	\$268,800
Replace Roofing Assembly, Complete	8,300	SF	\$120.00	\$996,000	\$199,200	\$796,800
Architectural Subtotal				\$425,600	\$0	\$425,600
				\$2,915,512	\$359,955	\$2,555,557
Structural						
Upgrade Roof Structure	15,200	SF	\$20.00	\$304,000	\$0	\$304,000
Upgrade Shear Walls: Upper Level	480	LF	\$126.72	\$60,826	\$0	\$60,826
Upgrade Shear Walls: Lower Level	230	LF	\$126.72	\$29,146	\$0	\$29,146
Structural Subtotal				\$393,971	\$0	\$393,971

HERC Building Analysis
Order of Magnitude Cost Estimate

April 24, 2013

Description	Quantity	Units	Unit Cost	Totals	Total Required for	
					Code and ADA Compliance	Building Performance
Mechanical						
New Sprinkler System	16,800	SF	\$4.50	\$75,600	\$75,600	\$0
New Heating Distribution System	16,800	SF	\$27.00	\$453,600	\$0	\$453,600
New Air Handlers & VAV Air Distribution System	16,800	SF	\$30.00	\$504,000	\$0	\$504,000
New Bathrooms: Lower Level	2	EA	\$91,200.00	\$182,400	\$182,400	\$0
Add Roof Overflow Drain System With Heat Trace	15,200	SF	\$4.00	\$60,800	\$60,800	\$0
Mechanical Subtotal				\$1,276,400	\$318,800	\$957,600
Electrical						
Replace Power Distribution System	16,800	SF	\$14.00	\$235,200	\$47,040	\$188,160
Replace All Lighting	16,800	SF	\$20.95	\$351,900	\$70,380	\$281,520
New Fire Alarm System	16,800	SF	\$3.50	\$58,800	\$58,800	\$0
New Telecom Distribution System	16,800	SF	\$6.45	\$108,300	\$0	\$108,300
Electrical Subtotal				\$754,200	\$176,220	\$577,980
Subtotal				\$5,352,645	\$867,537	\$4,485,108
General Contractor Costs						
General Conditions	15%			\$802,897	\$130,131	\$672,766
Hazmat Abatement (allowance)	1	LS		\$336,000	\$336,000	\$0
Contractor Overhead & Profit	8%			\$519,323	\$106,693	\$412,630
Estimating Contingency	10%			\$701,087	\$144,036	\$557,050
Total Estimated Construction Cost (2013 Dollars)				\$7,711,952	\$1,584,398	\$6,127,555
Total Construction Cost Per Square Foot (2013 Dollars)				\$459	\$94	\$365
Project Costs						
Permits and Fees	2%	of Const Cost		\$154,239	\$31,688	\$122,551
Design	10%	of Const Cost		\$771,195	\$158,440	\$612,755
Construction Admin & Management	6%	of Const Cost		\$462,717	\$95,064	\$367,653
Furniture, Fixtures, Equipment	5%	of Const Cost		\$385,598	\$79,220	\$306,378
1% For Art	1%	of Const Cost		\$77,120	\$15,844	\$61,276
Project Contingency	10%	of Const Cost		\$771,195	\$158,440	\$612,755
Total Estimated Project Cost (2013 Dollars)				\$10,334,475	\$2,123,187	\$8,211,288
Total Project Cost Per Square Foot (2013 Dollars)				\$615	\$126	\$489

December 10, 2012

Attention: Carey S. Meyer, P.E., MPA
Public Works Director
3575 Heath Street
Homer, AK 99603

RE: HERC Building Analysis

Dear Mr. Meyer.

We have been charged with the task of evaluating the condition of the existing HERC Building, located at the corner of Pioneer Avenue and the Sterling Highway. The lower level of the HERC Building is currently occupied by the Boys and Girls Club. You have asked for a report of our findings to indicate building modifications that would be required to make the building code compliant and ADA accessible based on the proposed future use. A rough order of magnitude cost estimate for making the proposed building modifications has also been requested.

It is our understanding that the proposed future use of this facility includes continued use of the lower level by the Boys and Girls Club as well as use of the upper level as a community recreation and education facility. The community recreation and education facility may include office space, classrooms for public use, public weight / exercise rooms, and rental rooms for community projects. The upper level would also house the Community Schools Program. It has also been discussed that the Parks and Recreation Department for the City of Homer could make use of office space on the upper level.

On December 4, 2012 a member from our office visited the HERC Building. We have also received several documents to review including a condition overview completed in April 2007, an ADA Compliance Report of the lower level completed in 1999, a few drawings from the 1997 remodel of the upper level for the Kachemak Bay Campus and a few drawings from the 1985 remodel of what was then called the Homer Middle School. The purpose of reviewing these documents and making the site visit was to assess the general condition of the building and determine what upgrades would be required to make the building code compliant and ADA accessible.

The building consists of three distinct spaces: the gymnasium wing (lower level), the classroom wing (upper level), and the central core (a two story space that connects the two wings). The building is sited on a hillside which allows for both the upper level and the lower level to be accessed from grade. Both levels have an entry at grade and the central core has a "split level" entry where one can enter the building at a stair landing and proceed up the upper run of stairs to the upper level or down the lower run of stairs to the lower level. Current configuration of this stairwell allows access to the upper and lower levels separately.

The Lower Level of the building is currently occupied by the Boys and Girls club and consists of a gymnasium, a boys locker room, a girls locker room, a warming kitchen, a computer room, a community room, and a boiler room that services the entire building.

The Upper Level of the building is currently unoccupied. This level has recently been used as classroom and office space for the Kachemak Bay Campus of UAA, as well as temporary office space for City employees during remodel work on other buildings. The Upper Level consists of five classrooms, a former library that has been divided into two rooms to be used as offices, a former science lab and teachers lounge that have been combined into an office suite containing six individual offices, a former teachers restroom that has been converted into an ADA accessible restroom, a women's restroom, a men's restroom, a janitor / mechanical closet, a fan room, a storage closet that is also being used as an IT closet, a former principal's office and nurse's office that have been combined into an office suite containing three individual offices and a common area, and the former school front office.

At this time, we have not had sufficient time to perform a complete review of the building to discover all of the specific items that would be required to make the building code compliant and ADA accessible. In order to give you a rough idea of the items that may need to be addressed in order to bring the building into compliance, we are providing you with the following preliminary list.

Potential Code and ADA Accessibility Upgrade Requirements

- Site
 - Access from the lower parking lot to the lower level is not currently ADA compliant. An area in the lower parking lot would need to be paved and designated for accessible parking and a path from that area to the building would need to be graded and paved for an accessible route to the building entrance.
 - The concrete stoop outside the gymnasium emergency exit door needs to be demolished and a new stoop installed.
- Lower Level
 - The gymnasium will require a sprinkler system. This is a major item that would require installation of a lot of equipment and piping inside the building, but may also require that the water service line connecting the building to the water main be upgraded as well.
 - The boys locker room currently serves as the only men's restroom on the lower level. It only contains one toilet, one urinal, and one lavatory. This space would need to be completely renovated to add additional fixtures and to make the space ADA compliant.
 - The girls locker room currently serves as the only women's restroom on the lower level. It only contains one toilet and two lavatories. This space would need to be completely renovated to add additional fixtures and to make the space ADA compliant.
 - If the Kitchen is to be used for preparing food, then several modifications would need to be made including the installation of a vent hood with an ansul fire suppression system.
 - The interior entry door and door frame to the gymnasium are not currently fire rated and are not ADA compliant. The door and frame need to be replaced with a fire rated door and door frame that is also ADA compliant.
 - The door and door frame between the boys locker room and the gymnasium are not currently fire rated and are not ADA compliant. The door and frame need to be replaced with a fire rated door and door frame that is also ADA compliant.
 - The arctic entry doors are not currently ADA compliant. These doors will need to be replaced and reconfigured.
 - The door into the girls locker room is not currently ADA compliant. The door needs to be replaced with a door that is ADA compliant.
 - The gymnasium emergency exit door is not ADA compliant and needs to be replaced.
 - An additional emergency exit door from the gymnasium may need to be added depending on the occupant load calculation of this space.
- Upper Level
 - The doors into each classroom will need to be reconfigured in order to be ADA compliant. This will require the removal of some of the existing lockers in the hallway. Some of the doors may need to be replaced entirely.
 - The arctic entry doors are not currently ADA compliant. These doors will need to be replaced and reconfigured.
 - The doors into both the men's and women's restrooms are not currently ADA compliant; however, a separate ADA accessible restroom has been provided on the upper level. Some minor items will need to be addressed in the ADA accessible restroom to meet current ADA standards.
- Mechanical (based on the 2007 report, a mechanical engineer should review the existing conditions to indicate other items that may not be code compliant)
 - The existing low slope roof contains interior roof drains; however, it does not include the overflow roof drains that are required by code. These drains would need to be installed.
 - The existing ventilation and exhaust system should be checked to ensure that the code required amount of ventilation is being met for each space.

- Electrical (based on the 2007 report, an electrical engineer should review the existing conditions to indicate other items that may not be code compliant)
 - The emergency egress lighting system needs to be checked for code compliance.
 - The exit signs in the building need to be upgraded to meet the current code requirements.
- General Items
 - The door hardware for each door needs to be reviewed to ensure that it is ADA compliant.
 - All three arctic entries do not have sufficient space between the sets of doors to make them ADA compliant. Either moving the interior set of doors further into the building, or moving the exterior set of doors further out would not only make these entries compliant, but would also improve their function to minimize the amount of cold air that enters the building when the exterior set of doors is open.
 - The handrails for both the interior and the exterior stairs at the split level entry are not currently code compliant.
 - Both locker rooms on the lower level are currently being utilized as storage spaces. If the locker rooms are remodeled, then another space would need to be dedicated for storage of this equipment.

Potential Energy Efficiency Upgrades

Another major item to consider in planning for the future use of the HERC building is energy conservation. According to the 2007 report, the insulation in the exterior wall assembly has an r-value of no more than R-5 and the insulation in the roof assembly has an r-value of no more than R7. The 2009 International Energy Conservation Code recommends an R-21 for wood framed wall assemblies and an R-49 for roof assemblies for current construction in our region. In order to efficiently operate this building as a public use facility, major modifications would have to be made to the roof structure so that the R-value of the roof could be increased. The existing windows appear to be original and new energy efficient windows would greatly enhance the building's energy performance. The 2007 report also recommended upgrading the building's heating and ventilation controls, ventilation and exhaust equipment, plumbing fixtures and faucets, and lighting system to make the building more energy efficient.

Potential Structural Upgrade Requirements Due to Increased R-Values

A limited structural inspection of the HERC facility was performed on February 26, 2007. The purpose of the visit was to assess the general condition of the building and to determine if structural upgrades will be required to provide increased energy efficiency and to convert the space to house City government functions.

The 2007 report was re-evaluated in light of the proposed continued use of the lower level by the Boys and Girls Club and use of the upper level as a community recreation and education facility instead of converting the space to house City government.

The increased snow load requirement and provision of an improved thermal envelope will result in the need to increase the structural capacity of the roof framing.

Class Room Wing 99' x 63'

In the classroom area, this could be accomplished by adding additional lines of beams and columns to reduce the tributary load area for existing beams.

The structural capacity of the roof diaphragm will need to be augmented by adding a layer of plywood sheathing over the existing tongue and groove sheathing. Existing roofing materials and roof insulation will need to be removed in order to apply the new plywood sheathing directly to the existing decking.

The shear capacity of the existing interior corridor bearing walls will need to be increased in order to handle the increased seismic loading. Gypsum wallboard will need to be removed in order to expose the wood framing and to apply plywood sheathing and seismic hold downs.

Central Core 25' x 111'

The snow load capacity of the roof in the central core area will need to be increased if additional insulation is added to the roof in order to reduce energy consumption. The most practical way to provide additional capacity may be to add a vaulted roof over the central core. The roof could be vaulted with wood trusses designed to span across the 25 foot dimension of the core. The trusses would be supported on existing concrete walls.

Gymnasium 97'x63'

The load capacity of the gymnasium roof could be increased by adding bar joists between the existing bar joists. Adding joists between the existing joists will reduce the tributary loading area and will increase the load capacity of the roof. The new joists will need to be supported at each end by new structural steel columns located under each joist at the interior face of the perimeter walls. It would also be necessary to remove the existing roof membrane and insulation and then overlay the existing decking with a layer of plywood sheathing to create a roof diaphragm to support increased seismic loads. The new columns would be supported by new square concrete pad footings cut into the existing floor slab.

The lateral load capacity of the existing walls is probably adequate to meet current codes.

Potential Structural Upgrade Summary

1. Increased snow load will require structural upgrades to roof framing in the Classroom, Central Core and Gymnasium areas.
 - a. Classroom:
 - Add:
 - (24) glulam beams, 36' long, 6 3/4" x 24" (Under exist roof decking)
 - (48) Wood Posts 6x6
 - (48) footings 3'x3'x12" with (4) #5 rebar each way
 - 3/4" T&G plywood sheathing. 97'x 63' (Added over existing roof decking)
 - 100 lf plywood shear walls.-remove gypboard, add plywood add ne gypboard
 - b. Central Core: Vaulted Roof Structure
 - Add:
 - Vaulted trussed roof with 3/4" plywood sheathing. 4:12 pitch, 25' span length gable trusses at 24" o/c. 56 required at 24" o/c to cover 111'. Add metal roofing over plywood sheathing.
 - c. Gymnasium:
 - Add:
 - (12) 32LH 09 Bar Joists at 8' o/c
 - (24) HS8x8x3/8 columns
 - (24) 4'x4'x16" thick concrete footings with (5) #5 rebar each way, cut into existing slab.
 - Add 3/4" plywood sheathing over existing roof decking

Summary

Due to the age of the building, a Hazardous Materials study and testing will need to be completed prior to making any modifications to the building. We recommend that this study be completed as soon as possible as it could have major implications on planning the future use of this facility.

The Condition Overview and Order of Magnitude Cost Estimate completed in 2007 was a study of what upgrades would be required to convert the existing HERC building to house City Government functions.

This was a fairly major change from the buildings existing layout as a school building to a civic office building. Our task now in 2012 is to investigate what it would take to give the building new life without much change to the existing building layout. Converting the building to house City Government functions did not prove to be very economical according to the 2007 report; however, repurposing the facility for a use compatible with its current layout would not require as many changes and may prove to be more economical.

In compiling this report, we have only been able to offer limited time, effort and resources and do not feel we have adequate information to offer a final recommendation. In order to determine if this project should be pursued further, a more detailed level of study needs to be completed to better understand actual costs involved. In addition to more carefully defining actual costs, an assessment of the political environment for available funding needs to be considered. The cost of a complete renovation of this building will most likely be the same cost per square foot for construction of a new building. If this turns out to be the case we would recommend construction of a new facility. However, if funding is available for renovation projects and is not available for new construction then that would need to be considered in the decision process. In conclusion, it is too early for us to make a final recommendation, but we believe this project is worthy of a more detailed study, if funding is available for renovation projects.

Sincerely,



Peter Klauder, President and Principal Architect
Klauder & Company Architects, Inc.

Bill Nelson of Nelson Engineering also contributed to this preliminary report letter.

Attachments:

- 1227 HERC Building Analysis - Order of Magnitude Cost Estimate



CITY OF HOMER
PUBLIC WORKS
3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170
FACSIMILE (907)235-3145

MEMORANDUM 13-077

TO: Walt Wrede, City Manager
FROM: Carey Meyer, Public Works Director
DATE: May 24, 2013
RE: **Conversion of City Facilities to Natural Gas
Recommendations for Funding Authorization**

Public Works is preparing to convert City facilities to natural gas over the next two years. Not all of our buildings will have access to natural gas this year. Service applications must be received by Enstar before July 1 if we want a guarantee of service installation this year. The costs associated with service line installations will increase next season. Public Works and the Administration are attempting to make service applications for all City facilities at one time this year.

Public Works has engaged a mechanical engineer to assist in estimating costs associated with natural gas conversions and is working with Enstar to determine service line alignments and meter locations at each facility. After inspecting all facilities, Public Works has estimated the rough order of magnitude cost to complete the work (including main line assessments, installation of service lines and meters, design and installation of heating system conversions, and abandonment of above and below ground heating fuel tanks). These costs (see attached) have been incorporated into the budget ordinance offered up for first reading. Before the second reading of the budget authorization ordinance, firm cost estimates are expected from the mechanical engineer.

Currently, the budget does not include converting the Harbormaster's Office (due to be replaced in the near future), but does include converting the two HERC buildings and the Fish Dock Ice House. An analysis of the payback period of these conversions may remove these facilities from the list of buildings slated for conversion to natural gas.

Public Works costs are higher than others because the boiler will need to be replaced; The Fire Department is high because it is being converted from electric heat; and the Airport terminal and the Sewer treatment plant are high because the cost includes abandonment of an underground fuel tank.

After the gas conversion budget has been approved by the City Council, Public Works will contract with the mechanical engineer to prepare drawings and specifications for required work, submit applications for gas service installations to Enstar, and competitively bid the building conversion work.

Recommendations: The City Council pass an ordinance authorizing a budget for the conversion of City buildings to natural gas and authorize the City Manager to execute all appropriate documents.

**Estimated Cost to Convert to Natural Gas
City Facilities**

Building	Main Line Assessment Cost	Service Line From Main to Meter Cost	Building Conversion Cost	Abandon Exist. Fuel Tank Cost	Total Cost to Convert Building to Natural Gas
General Fund Buildings					
Public Works	\$3,283	\$7,500	\$22,000	\$7,500	\$40,283
Animal Shelter	\$3,283	\$3,000	\$5,000	\$5,000	\$16,283
Library	\$3,283	\$3,500	\$5,500	\$7,500	\$19,783
City Hall	\$3,283	\$3,000	\$5,000	\$5,000	\$16,283
Fire Dept	\$3,283	\$2,500	\$85,000	\$0	\$90,783
Police Dept	\$3,283	\$3,000	\$8,000	\$5,000	\$19,283
HERC 1	\$3,283	\$5,500	\$9,500	\$10,000	\$28,283
HERC 2	\$3,283	\$3,000	\$3,500	\$4,500	\$14,283
Airport Terminal	\$3,283	\$4,500	\$6,500	\$21,000	\$35,283
Restroom - Ramp 4	\$3,283	\$3,000	\$2,000	\$750	\$9,033
Restroom - Ramp 6	\$3,283	\$3,000	\$2,000	\$750	\$9,033
Restroom - Load and Launch	\$3,283	\$1,500	\$2,000	\$750	\$7,533
Restroom - Ramp 2	\$3,283	\$2,000	\$2,500	\$3,000	\$10,783
Harbor Fund Buildings					
Fish Dock Ice House	\$3,283	\$2,500	\$13,000	\$0	\$18,783
Port Maintenance Facility	\$3,283	\$3,500	\$4,500	\$7,500	\$18,783
Waste Oil Building	\$3,283	\$1,500	\$1,500	\$0	\$6,283
Sewer Fund Buildings					
Sewer Treatment Plant	\$3,283	\$8,500	\$5,000	\$15,000	\$31,783
Sewer Treatment Plant Office	\$3,283	\$2,000	\$1,000	\$500	\$6,783
Water Fund Buildings					
Water Treatment Plant	\$3,283	\$6,000	\$7,500	\$0	\$16,783
Water Treatment Plant Shop	\$3,283	\$1,500	\$1,000	\$500	\$6,283

Total Cost Construction \$422,410

Total Engineering (10%) \$42,241

Contingency (15%) \$61,418

Total Conversion Cost \$526,000

General Fund	\$396,000
Harbor Fund	\$54,000
Water Fund	\$28,000
Sewer Fund	\$48,000

Memorandum 14-113

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: July 21, 2014

SUBJECT: HERC Gym / Fire Code

On September 23, 2013, the Council adopted Resolution 13-095. Resolution 13-095 authorized the City Manager to keep the HERC Gym open for pickleball, basketball, and other Community Recreation programs that require only minimal heat and utilities. The gym is heavily used by the Community Recreation Program and its use has expanded because facilities at the High School and Middle School are in high demand for school related activities. Many people consider the gym to be a community asset. The Council decided to make it available for use by the public until such time as it is demolished or a final determination is made as to the future of the building and property.

Every time the Council discusses this building, the fact that it does not meet modern building codes invariably comes up. Of particular concern is the Fire Code. The City consulted with the Fire Marshall on several occasions over the years regarding this building. We provided old building plans prepared by the Borough and the University, described current uses and building characteristics over the phone, and requested a site visit. A Fire Marshall plan review was performed on this building before the college moved in and the occupancies had not changed much since the college moved out, especially with respect to the gym. The Fire Marshall did not express concern about this building and its uses however, we never received anything definitive. Since the gym is now the only part of the facility now open to the public, we decided to ask the Fire Marshall for a full plan review of the gym only. We did this to assure the Council and the public that the building is safe from a Fire Code perspective and to get a more precise handle on what deficiencies there are and how much it would cost to fix them.

Attached is a copy of the letter the City received from the Fire Marshall which constitutes his preliminary plan review response. Also attached is a rough estimate from the City Engineer regarding what it would cost to address the issues raised. You will see that the Fire Marshall requested additional information and confirmation, which the Public Works Department is in the process of providing.

Although the Fire Marshall plan review is not final, we decided to get an ordinance moving now so that we are in a position to make the required improvements quickly and not interrupt activities at the gym. We believe the chances are good that a final determination will be received prior to second reading of the ordinance. The cost to bring this building into compliance is relatively inexpensive and it would be a good investment in the community to keep it open until a determination is made as to its final disposition. The \$19,000 would come from the HERC Building Depreciation fund.

RECOMMENDATION: Approve Ordinance 14-37 appropriating up to \$19,000 from the Leased Property Depreciation Account.



THE STATE
of ALASKA
GOVERNOR SEAN PARNELL

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907 269 2004
Fax: 907 269 0098

July 08, 2014

Dan Nelsen
City of Homer
491 E Pioneer Ave
Homer, AK 99603

SUBJECT: Homer Education Recreation Center (HERC)
Building - Occupancy Change
CITY: Homer
PLAN REVIEW: 2014Anch1430
OCCUPANCY: A-3
2009 INTERNATIONAL BUILDING AND FIRE CODE

Dear Dan Nelsen:

Plans for the subject facility Occupancy Change have been reviewed by this office for conformity with the State Fire and Life Safety Regulations. However, before construction, alteration, or repairs may begin, the list of item(s) on the following page(s) require clarification and/or new drawings must be submitted for approval.

Please provide the above information to our office within thirty (30) days from the date of this letter.

If you have any questions on this matter, please contact us at the address above.

Sincerely,

A handwritten signature in cursive script that reads "Timothy W. Fisher".

Timothy Fisher
Plans Examiner

Reference is made to the above cited plan review, specifically to item(s):

1. Verify that emergency lighting is present and operational throughout the proposed open area. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas: IBC. 1006.3
2. Verify that exit signs are present and operational as required per this section. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in an exit access corridor or exit passageway is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign. IBC. 1011
3. Verify that extinguishers are present and been inspected within the past year from a state licensed inspector. Provide size, type and location. Portable fire extinguishers shall be installed in the following locations. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies. IFC. 906.1(1)
4. Verify that the fire sprinkler system is operational and inspected by a state licensed fire systems company within the past year, provide the report. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists: 1.The fire area exceeds 12,000 square feet (1115 m²);2.The fire area has an occupant load of 300 or more; or3.The fire area is located on a floor other than a level of exit discharge serving such occupancies. IBC. 903.2.1.3
5. Verify that the fire alarm is in operation and inspected within the last year by a state licensed fire systems company, provide report. (As Amended) A manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in Group A occupancies having an occupant load of 300 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.Exception: A manual fire alarm system shall be installed in Group A-2 occupancies with an occupant load of 100 or more. IFC. 907.2.1 (F)

6. Verify use of kitchen and whether a grease or smoke laden vapors will be present. If grease and smoke laden vapors will be present, provide an inspection report that the kitchen hood and duct suppression system is operational and inspected within the last year.

Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial equipment and exhaust systems of the type and arrangement protected. Preengineered automatic dry- and wet-chemical extinguishing systems shall be tested in accordance UL 300 and listed and labeled for the intended application. Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. IFC. 904.11

7. Provide use of the space and exit door configuration. Plans are hard to read on number of doors, to determine width. Configuration of space is required, sport events, bleachers, tables and chairs or just chairs, stages, etc. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by the factors in this section (1005.1) and not less than specified elsewhere in this code. IBC. 1005.1
8. Provide documentation the local fire authority or their designee has been involved in discussions regarding fire apparatus access, premises identification, fire protection water supplies and key boxes. IFC. Chapter 5

Walt Wrede

From: Walt Wrede
Sent: Monday, July 21, 2014 11:27 AM
To: Walt Wrede
Subject: FW: HERC Gym - Fire Marshall response

From: Carey Meyer
Sent: Tuesday, July 08, 2014 12:25 PM
To: Walt Wrede
Cc: Bob Painter; Dan Nelsen; Mike Riley
Subject: HERC Gym - Fire Marshall response

- 1) **Verify emergency lighting** – PW will need to verify that existing emergency lighting is operational and/or install additional to comply.
Max Cost \$4,000
- 2) **Verify exit signs** – PW will need to verify adequacy of existing signage; expect that additional signage will be required.
Max Cost \$2,500
- 3) **Verify fire extinguishers** – might need a few more.
Max Cost \$1,500
- 4) **Verify fire sprinkler system** – My reading of their comments indicate no need for a sprinkler system. 1 - fire area (gym, exit hallway, kitchen, restroom/showers, boiler room is less than 12,000 SF; 2) occupancy load less than 300; and 3) – fire area essentially on same level as exits.
Max Cost \$0
- 5) **Verify fire alarm system** – PW will need to verify existing system is operational, make repairs, and coordinate inspection. No need for manual alarm (if occupancy less than 100);
Max Cost \$3000
- 6) Since **kitchen** is not in use; no kitchen fire suppression equipment required.
Max Cost \$0
- 7) **Space exit door configuration** – this will take PW verifying code requirements, but does not seem to be a major issue. Maybe we should remove bleachers, maybe new door openings.
Max Cost \$8,000
- 8) **Provide documentation** of local fire authority involvement – PW can work with Fire Chief on this, assume access, fire flows are adequate.
Max Cost \$0

Max Cost to Comply = \$19,000

Carey S. Meyer, P.E., MPA
Public Works Director/City Engineer
City of Homer, Alaska
3575 Heath Street
Homer, AK 99603
cmeyer@ci.homer.ak.us
(p) 907-435-3124
(f) 907-235-3145



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 13-131

TO: Mayor Wythe and Homer City Council
THROUGH: Walt Wrede, City Manager
FROM: Katie Koester, Community and Economic Development Coordinator
DATE: September 4, 2013
SUBJECT: Public Safety Building Site Assessment

The purpose of this memo is to provide information on the possible site locations for a Public Safety Building.

Things to keep in mind when selecting a site for a Public Safety Building include: ease of ingress and egress, ease of access by the public, ease of access to customer (police, fire and EMS incidents), minimum of 1.5 acres, and clearly out of a tsunami zone.

Staff considered 8 possible sites for the location of a new public safety building. After a site visit with the Chiefs on September 3 and closer inspection, 5 sites remained on the list. The three lots that were ruled out and reasons included:

- a) Private/CIR I lots along the Sterling Highway west of Petro Express. There is no water and sewer at those lots and space is limited. Lots may be in a tsunami zone.
- b) Waddell lot on the corner of Sterling Highway and Main Street. Too valuable of real estate for civic purpose and lot may be in a Tsunami zone.
- c) Waddell cabins behind Post Office. Lot is too small.

The remaining lots are divided into two tiers, tier one being the preferred lots. Pros and cons for the various lots are listed on the following pages. Refer to the map Potential Public Safety Building Sites for a visual.

TIER ONE:

1) HERC Site

This would involve tearing down both structures on the HERC building lot. The demolition cost for that is projected to be \$450,000 (\$250,000 to remove asbestos and lead based paint and \$200,000 for demolition of structures}.

PRO	CON
City owns the property	Have to demo existing structures
Access: direct access to Sterling Hwy and easy access to Pioneer	Located at a complicated, busy intersection. Off of Main more ideal. Could mitigate with stop light controls.
Plenty of room. Potential for future growth and/or other City facilities on same lot.	Small creek runs through lot (can be mitigated}
Already developed land: limited permitting, utilities are already on location	Fire is concerned the distance from the Spit may cause ISO ratings to increase for spit structures
View	Too valuable of real estate for a public building?
Could offer two accesses (public could enter off Woodside, fleet could roll onto Sterling on other side of lot}.	

2) Main Street Site (Town Center)

PRO	CON
A civic building could initiate development of Town Center.	Lot needs utilities and road/driveway, however would not have that far to travel
Would clean up an area of town that could use a police presence	Added expense of acquiring the lot (maybe a land trade?)
Great access right off Main	May have to/want to acquire Homer Cleaning Center lot: could be some remediation issues with dry cleaning chemicals
Would be easy for public to find	
Build able: little elevation gain, cleared	

TIER TWO

1) Pioneer Site (Town Center)

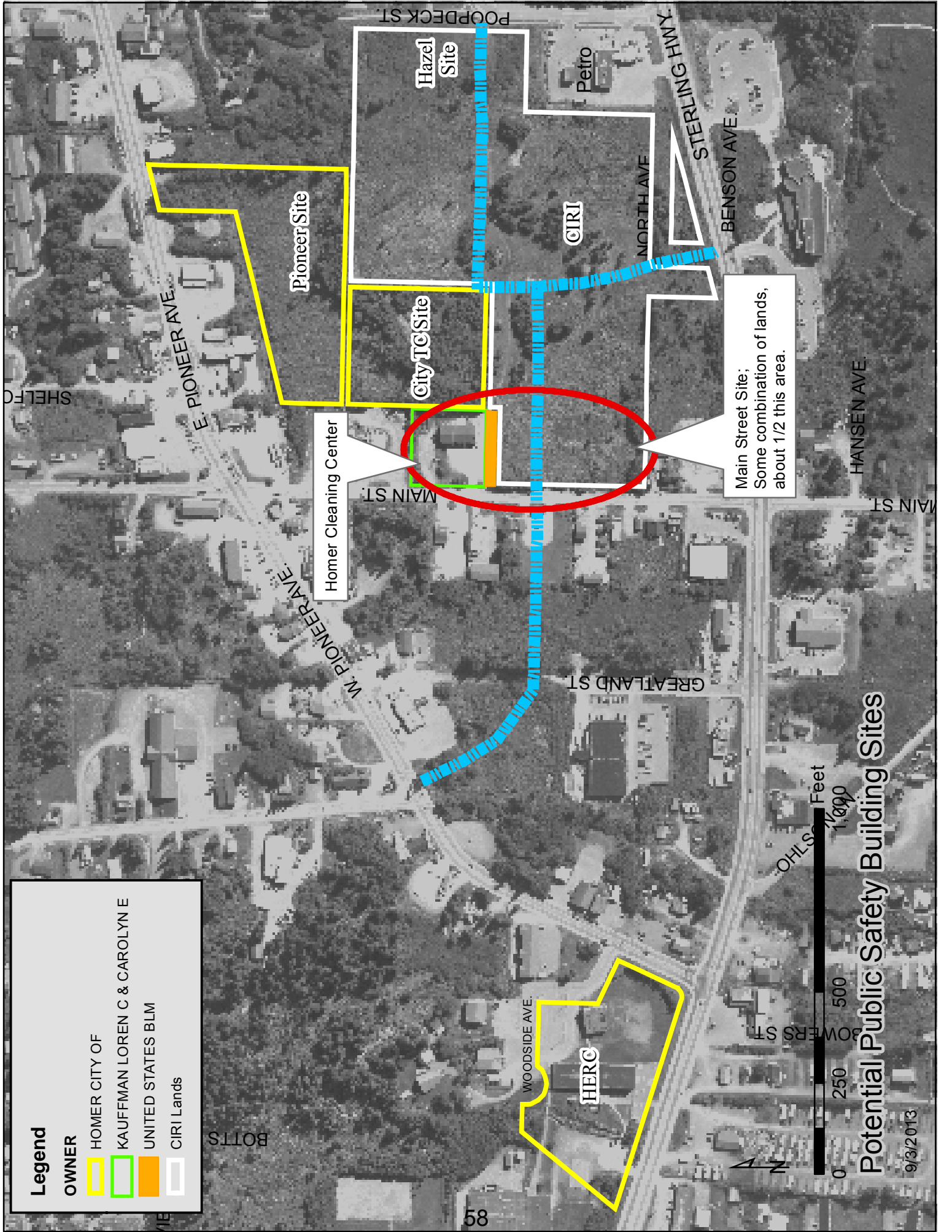
PRO	CON
A civic building could initiate development of Town Center	Extra expense brining infrastructure (utilities and roads) to lot
City owns the property	Would have to acquire a private lot in order to develop two access points
Decent grade for building on	Would have to clear a lot of trees. Needs a fair amount of dirt work
Does not significantly constrain other possibilities for Town Center	Is behind Alice's the best location for Police/Fire?
Would clean up an area of town that needs a police presence	Hidden from public

2) City TC Site (Town Center)

PRO	CON
A civic building could initiate development of Town Center. Would really open up Town Center.	Extra expense of infrastructure. Utilities and road have a long way to travel.
City owns the property	Is Public Safety Building the best use of the most centrally located City lot in Town Center?
Would clean up an area of town that could use a police presence	Would have to acquire Homer Cleaning Center or CIRI land for access
	May have issues for double entry
	Require lots of tree clearing/ dirt work
	Some elevation on north side of lot. Could be used as a buffer

3) Hazel Site (Town Center)

PRO	CON
A civic building could initiate development of Town Center	Extra expense of infrastructure
Would clean up an area of town that could use a police presence	Would push police/fire traffic onto Hazel or Poopdeck. No direct access to a main road
Buildable: limited grade, cleared	Expense of acquiring property (potential land trade)
	Buildable space is small and narrow, especially once E-W Corridor road goes through. May have to split garage space on either side of lot.



Legend

OWNER

- HOMER CITY OF
- KAUFFMAN LOREN C & CAROLYN E
- UNITED STATES BLM
- CIRI Lands



Potential Public Safety Building Sites

9/3/2013

Transfer From KPB

cc

**RELEASE OF DEED RESTRICTION**

WHEREAS, the Kenai Peninsula Borough conveyed the below described property to the City of Homer by quitclaim deed recorded at **Book 303, Page 614** in the **Homer Recording District** pursuant to KPB Ordinance 98-42 on July 7, 2000:

Tract 2, Homer School Survey 1999 City Addition, According to Plat No. 2000-22 on file in the **Homer Recording District, Third Judicial District, State of Alaska**

WHEREAS, said conveyance instrument contained the following restriction:

"FURTHER SUBJECT TO the restriction that the site shall be owned in perpetuity by the City of Homer or its successor and be managed for the use and benefit of the general public"; and

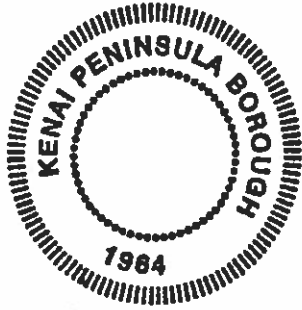
WHEREAS, on November 25, 2014 the Kenai Peninsula Borough Assembly enacted Ordinance 2014-31 authorizing the release of said restriction.

NOW, THEREFORE, the **GRANTOR, KENAI PENINSULA BOROUGH**, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669, for the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to Assembly Ordinance 2014-31, enacted November 25, 2014, **releases forever** unto the **GRANTEE, CITY OF HOMER**, an Alaska Municipal Corporation, whose address is 491 East Pioneer Avenue, Homer, AK 99603, its successors and assigns, the above stated restriction on the use and ownership of the above described real property set forth in the quit claim deed recorded at **Book 303, Page 614, Homer Recording District, Third Judicial District, State of Alaska.**

Dated this 18th day of MAY, 2015.

KENAI PENINSULA BOROUGH:

Mike Navarre
Mike Navarre, Mayor



ATTEST:

APPROVED AS TO FORM
AND SUFFICIENCY

John Blankenship
John Blankenship
Borough Clerk

Holly B. Montague
Holly B. Montague
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

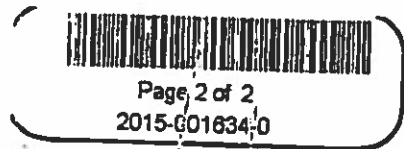
STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 18th day of May, 2015 by Mike Navarre, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for on behalf of the corporation.



Pamela Highley
Notary Public in and for Alaska
My commission expires: 4-11-2017

Please return to: Kenai Peninsula Borough
Planning Department
144 North Binkley Street
Soldotna, Alaska 99669



**CITY OF HOMER
HOMER, ALASKA**

Howard

RESOLUTION 13-096

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA REQUESTING THAT THE KENAI PENINSULA BOROUGH ASSEMBLY AMEND RELEVANT AGREEMENTS AND THE QUITCLAIM DEED REGARDING THE TRANSFER OF OWNERSHIP OF THE OLD MIDDLE SCHOOL PROPERTY TO PERMIT THE CITY TO SELL THE PROPERTY AND DEDICATE THE PROCEEDS FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC.

WHEREAS, The Kenai Peninsula Borough transferred ownership of the Old Intermediate School property to the City of Homer via a Quitclaim Deed dated July 7, 2000; and

WHEREAS, The property is described as Tract 2, Homer School Survey 1999 City Addition according to Plat 2000-22; and

WHEREAS, The City Attorney advises that the only currently operative restriction on the use or disposal of the property is a restriction contained in the Deed which states " the site shall be owned in perpetuity by the City of Homer or its successor and managed for the use and benefit of the general public"; and

WHEREAS, The City cannot afford to operate and maintain the buildings nor bring them up to current code requirements and a suitable future use has not been identified; and

WHEREAS, The City Council has concluded that it is in the best interest of the community to demolish the buildings and use the site for the proposed new public safety building; and

WHEREAS, The Council wishes to expand the options available to it in the event that it is determined the site is not suitable for a public safety building; and

WHEREAS, Permitting the City to sell the property provided that the proceeds of the sale are directed to the use and benefit of the general public would be in the best interest of the community and would be consistent with the original intent of the Borough when it conveyed the property.

NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby requests that the Kenai Peninsula Borough Assembly amend relevant agreements and the Quit Claim Deed on the transfer of ownership of the Old Middle School Property to allow the City to sell the property and dedicate and direct the sale proceeds to the use and benefit of the general public.

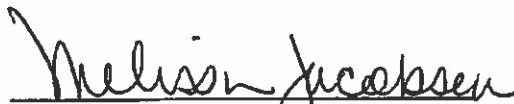
PASSED AND ADOPTED this 23rd day of September, 2013.

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CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


MELISSA JACOBSEN, *CMO*
DEPUTY CITY CLERK

Fiscal Note: NA



QUITCLAIM DEED

The GRANTOR, KENAI PENINSULA BOROUGH, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669, for ten (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to Assembly Ordinance 98-42 enacted September 1, 1998, conveys and quitclaims unto the GRANTEE, City of Homer, an Alaska municipal corporation, whose address of record is 491 East Pioneer Avenue, Homer, AK 99603-7645 all interest it has, if any, in the following described real property:

Tract 2, Homer School Survey 1999 City Addition, according to Plat No. 2000-22 on file in the Homer Recording District, Third Judicial District, State of Alaska.

TOGETHER WITH all the improvements thereon, if any, and all rights of the Grantor to any and all hereditaments and appurtenances hereto, and

SUBJECT TO any taxes and assessments, exceptions, reservations, restrictions, conditions, covenants, easements, rights-of-way, encroachments either of record or ascertainable by physical inspection.

FURTHER SUBJECT TO the restriction that the site shall be owned in perpetuity by the City of Homer or its successor and be managed for the use and benefit of the general public.

Dated this 7 day of July, 2000.

This Agreement has been executed by the parties on the day and year first above written.

Grantor:

Dale L. Bagley
Dale L. Bagley, Mayor

8K00303PG0615

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 7th day of July, 2000, by Dale L. Bagley, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation.

Bonnie Golden
Notary Public in and for Alaska
My commission expires: 11-15-00

RETURN TO: Grantee

NOTARY PUBLIC
BONNIE GOLDEN
STATE OF ALASKA

002421
HOMER
RECORDING DISTRICT

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Kenai Peninsula Borough, Alaska
KPB/City of Homer - Quitclaim Deed

Page 2 of 2

Clerk

RECEIVED

SEP 08 1998

City of Homer
City Manager

**Site Survey
Old Homer Intermediate School
Homer, Alaska**

July 1, 1998

Prepared for:
Kenai Peninsula Borough
144 North Binkley
Soldotna, Alaska 99669

Prepared by:
Architects Alaska
900 West Fifth Avenue, Suite 403
Anchorage, Alaska 99501

**Condition Survey
Old Homer Intermediate School**

Part I - Introduction

General:

The Kenai Peninsula Borough is currently investigating the feasibility of leasing out the Old Homer Intermediate School to parties interested in using the facility as a private school.

In response to the Kenai Peninsula Borough Request for Proposal for a Site Survey of the Old Homer Intermediate School, Marvin Ungerecht, of Architects Alaska traveled to Homer on February 16, 1998 to take a look at the school. Due to budget limitations for the survey work, Mr. Ungerecht undertook a detailed site investigation during the pre-proposal site visit. Upon Mr. Ungerecht's return to Anchorage, a team of consultants was selected for the project proposal. The Architects Alaska Team included:

<u>Architects Alaska</u> Marvin Ungerecht,	<u>Architectural</u> Project Manager
<u>Hays, Zietlow and Associates</u> Calvin Hays Tom Zietlow	<u>Mechanical and Electrical Engineering</u> Project Mechanical Engineer Project Electrical Engineer
<u>BBFM Engineers</u> Forrest Braun	<u>Structural Engineering</u> Project Structural Engineer
<u>Environmental Health Sciences</u> Bob French	<u>Hazardous Materials Consultants</u> Project Haz. Mat. Architect
<u>HMS, Inc.</u> Ehsan Moghul	<u>Cost Estimating Consultants</u> Project Estimator

Based upon the KPB Request for Proposal and the pre-proposal site visit, Architects Alaska developed a preliminary work plan and fee proposal to accomplish the Old Homer Intermediate School Condition Survey Work. The Professional Service Request for Proposal was submitted to the Kenai Peninsula Borough on February 19, 1998. The proposed scope of work was subsequently revised to incorporate on-site hazardous materials testing and Architects Alaska was selected to complete the condition survey on the basis of the revised work plan as follows:

- 1.1 Travel (Architectural and Hazardous Material Consultants Only): This element includes travel to and from the Homer Intermediate School Site. Given the budget limitations, travel to the site was limited to *Architects Alaska's* pre-proposal site visit and the Hazardous Materials Consultants trip to the site, after Notice to Proceed, to conduct lead and hazardous materials samples.

- 1.2 On-site ADA/Condition Survey Audit/Hazardous Materials Audit (Architectural and Hazardous Materials Consultants Only): Given the budget limitations, *Architects Alaska* undertook a detailed site investigation while it made its pre-proposal site visit. The site visit included a detailed ADA survey audit, data gathering for the condition survey, and a detailed photographic survey of the existing building. The Hazardous Materials Consultant was scheduled to undertake a trip to the site after Notice to Proceed, to take lead and hazardous materials samples. No other site visits by other consultants were scheduled. All condition survey work was to be completed from data gathered on those two site visits.
- 1.3 Develop Photo's, Print Documents, Distribute Documents (Architect): Photo's have been developed, full sets of existing documents were copied, and the AHERA plan, and inspection reports, were copied and distributed to consultants. Included in this task was time required to organize documents and have photo copies made and distributed to consultants.
- 1.4 Document and Code Compliance Review (Each Discipline): This task includes the time required for each discipline to review distributed plans, documents, reports and photo's and do a detailed code compliance review.
- 1.5 Dialog with KPB Maintenance Dept. (Each Discipline): After each discipline has reviewed the documents and documented code compliance issues, this task includes the time required for a telephone review of any specific knowledge that the KPB Homer Maintenance Dept. has with regard to known architectural, mechanical, electrical, or structural system, material, and/or equipment deficiencies.
- 1.6 Draft Existing Condition Survey Report (Each Discipline): This task includes the time required to prepare a draft report of the existing facility conditions, deficiencies and required upgrade requirements with regard to architectural, structural, mechanical, electrical and hazardous materials disciplines.
- 1.7 ADA Report (Architectural Only): This task includes the time required to complete an ADA report documenting barriers to access and required upgrade requirements. The raw data has already been collected for this effort.
- 1.8 Compile and Publish Condition/ADA Survey Report (Architectural Only): The architect to utilize digital copies of consultant reports and combine into a single condition/ADA survey report.
- 1.9 Prepare Order of Magnitude Estimates (All disciplines as required): Prepare construction cost estimate for accomplishing facility upgrade work as outlined in the Condition/ADA survey report. For comparison purposes, prepare an estimate of facility demolition costs.

- 1.10 Prepare Draft RFP (Architectural Only): Architect to prepare a draft RFP, in the Kenai Peninsula Borough Format that will be utilized to solicit public proposals for the Old Homer Intermediate School facility lease, upgrade and occupation.
- 1.11 Submit 95% Package to Owner for Review (Architectural Only): Architect to make copies of 95% package including survey audit reports and estimates and forward to the Kenai Peninsula Borough for the Borough's review.
- 1.12 Make Final Corrections (Architectural Only): The architect to review Owner comments and make corrections as required.

Architectural, structural, mechanical, electrical and hazardous materials consultants observations, and recommendations for the upgrade of the Old Homer Intermediate School follow in Part II of this report.

Preliminary drawings have been developed to help quantify the work and have been included in Part III. An order of magnitude cost estimate for the upgrade work is included in Part IV. Attachments in Part V include the ADA condition survey, and hazardous materials lab reports.

**Site Survey
Old Homer Intermediate School
Homer, Alaska**

Part II - Existing Building Condition Survey

Architectural Narrative

General

The Kenai Peninsula Borough is currently investigating the feasibility of leasing out the Old Homer Intermediate School to parties interested in using the facility as a private school.

Architects Alaska was retained by the Kenai Peninsula Borough to undertake a site investigation of the existing four classroom facility of approximately 7,000 sq. ft. and prepare a report on building code and ADA compliance issues and on hazardous materials and life safety issues. Based upon the site investigation, Architects Alaska is to prepare a cost comparison between the upgrade work required to re-occupy the educational facility vs. the demolition of the facility.

With these goals in mind, the building was visited by Mr. Marvin Ungerecht of Architects Alaska on February 16, 1998. Marvin undertook a detailed site investigation during the pre-proposal site visit. Observations and recommendations were made with the assumption that the proposed facility will be upgraded and leased out as an educational facility.

Codes and Standards:

Renovation work on the Old Homer Intermediate School would be required to comply with the following codes and standards:

- 1994 Edition - Uniform Building Code
- 1994 Edition - Uniform Fire Code
- 1994 Edition - Uniform Mechanical Code
- 1994 Edition - Uniform Plumbing Code
- Current Edition - National Electric Code
- Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities

Uniform Building Code/Uniform Fire Code Analysis

Existing Square Footage	6,974 sq. ft.
Construction Type	Type V-Non Rated *
Occupancy Group	E-1
Automatic Sprinkler System	None Existing (Required by State of Alaska Amendment to the UBC)

Side yard separation	a) Exceeds twenty feet on all sides b) All exterior walls are 1 hr. rated bearing walls c) All openings are non-rated.
Allowable Height (Table 5B)	One Story (40 ft. max.)
Allowable Area (Table 5B)	9,100 sq. ft.
Allowable Area Increase	9,100 sq. ft. (Separated on all sides)
Allowable Area (bldg. footprint)	18,200 sq. ft. > 3,685 sq. ft. (O.K.)
Added story increase	18,200 sq. ft.
Total allowable area	36,400 sq. ft. > 6,974 sq. ft. (O.K.)

The existing building is classified as Type V Non-rated primarily because the existing steel beams are unprotected. An E-1 occupancy of type V Non-rated construction is only permitted to be one story in height. In order to bring the existing building into compliance with the Uniform Building Code (UBC), either the beams and columns will need to be protected with one-hour rated assemblies so the building can be classified as Type V One-hour construction, or an automatic sprinkler system will need to be added to allow for the second story per UBC Section 506 for maximum height of building increases.

The State of Alaska requires that all new or altered E-1 Occupancies have an automatic sprinkler system. Since the building has been unoccupied for some time the State Fire Marshal's Office has indicated that they will insist on an automatic sprinkler system in the facility before they would permit the building to be re-opened as an educational E-1 Occupancy. This being the case, an automatic sprinkler system will be required as part of the upgrade work, but this will permit the second story without upgrading the building to Type V One-hour construction.

Corridor walls will need to be upgraded to one-hour wall assemblies. The existing single layer of gypsum wall board protection at the steel beams at the corridor walls does not provide the required one-hour rated wall assembly. This can be upgraded fairly easily by installing a one hour shaft cavity wall system on either the classroom side or the corridor side of the beam above the suspended acoustical tile ceiling systems. The existing pipe columns will also need to be protected in a similar fashion at four locations in Corridor 006 and four locations in Corridor 104.

The existing rated solid core doors in hollow metal frames are adequate, however smoke gaskets will need to be added at all doors opening into the Corridors 006 and 104.

In general the existing building complies with other requirements of the Uniform Building Code (UBC) and the Uniform Fire Code (UFC). Penetrations of rated walls (duct, conduit, piping penetrations, etc.) will need to be carefully sealed with rated sealant systems throughout the facility.

Americans with Disabilities Act Accessibility Guidelines (ADAAG) Analysis

The existing Old Homer Intermediate School currently does not have Accessible Parking (Element 1), an Exterior Accessible Route (Element 4), an Accessible Entrance and Entrance

Doors (Element 8), Accessible Exterior or Interior Signage (Elements 10 and 11), an Interior Accessible Route (Element 12), Accessible Toilet Rooms (Element 14), Accessible Interior Doors (Element 17), Accessible Drinking Fountains (Element 18), and the audible and visual alarms are not mounted at the required height.

Please see the attached ADA Survey Audit for Homer Intermediate School with a detailed description of existing barriers to access and the attached drawings (Sketch No's 3 through 7) showing possible solutions to the required upgrade work. Clearly upgrade work that will be required will need to include creating an accessible parking area with two spaces, and an exterior accessible route to an accessible building entrance. Also required will be a new accessible exterior entrance, an interior accessible route which will need to include an elevator providing access between floors, and new accessible unisex toilet rooms on each floor. The existing doors at program spaces will need to be made accessible with lever handled hardware and closers will need to be adjusted for access. The existing drinking fountains will need to be replaced with accessible hi-low drinking fountains on each floor and the existing audible and visual alarms will need to be lowered so that they are 80 inches above the finish floor. New alarms will need to be added to the toilet rooms.

Existing Condition Survey Observations

Existing Exterior Wall System: Typical exterior wall construction consists of steel columns and beams, with a 6" thick non-bearing concrete wall. Exterior walls are generally insulated with 2" thick rigid insulation and are finished on the inside with painted cement asbestos board. Two inches of rigid insulation and 5/8" gypsum wall board has been adhered to the original exterior wall construction at some locations at the east end of the building during 1976 renovation work.

A large portion of the exterior wall surface on the north and south elevations consists of insulated glazing units set in wood frames. Window openings are approximately 6' high x 16' long with the sill set at 3'-6" above finish floor on the lower level and approximately 8' high x 16' long with the sill set at 2'-6" above finish floor on the upper level. There are two of these large window openings in each of the four classrooms.

Existing Interior Wall System: In general, interior walls are 6" concrete masonry units (CMU), except for plumbing chase walls, furred walls at recessed locker units, and a couple 6" thick concrete shear walls adjacent to the stairs 02 and 011. The plumbing chase walls (west wall at Boy's Toilet 09 and Girls Toilet 107) are 2x wood frame construction with 5/8" gypsum wall board and prefinished cement asbestos board on one side. The opposite wall on classroom sides of the plumbing chase and at furred walls for recessed lockers, are also 2x wood frame construction with 5/8" gypsum wall board and prefinished cement asbestos board on the finish side.

Interior partitions generally continue up to the bottom of steel beams or up to the underside of the cast-in-place concrete floor or roof slab where the walls are not on beam lines.

Existing Interior Openings: Existing interior doors are of solid core wood doors, set in hollow metal frames. All existing doors opening up to the corridor are appropriately rated, although new smoke gaskets need to be added at all locations.

Existing Floors: Existing floors are generally concrete with carpet over 9" x 9" vinyl asbestos tile (VAT). The VAT and mastic are assumed to be asbestos containing materials. At some locations in each classroom, the old VAT has been replaced with 12" x 12" vinyl composition tile (VCT). The VCT has been tested and appears to be free of asbestos, however they may have been installed over the old mastic which is assumed to be an asbestos containing material.

Existing Ceiling Assembly: The existing ceiling at classroom, corridor, stair and office areas, is a suspended acoustical tile ceiling system. The ceiling system is directly hung and is on a 24" x 48" grid. Ceilings at Toilet, Janitor, Storage and Boiler rooms is exposed concrete, painted.

The existing height of the suspended acoustical tile ceiling is approximately 10 feet above finish floor at the upper level and 9'-0" above finish floor at the lower level. The ceilings generally appear to be in good condition.

Existing Roof and Roofing Assembly: The existing roof structure is a cast-in-place concrete slab supported on steel beams. The existing roof structure appears to be in good condition except for at the roof edges where water has penetrated under the roof membrane and has gone through freeze and thaw cycles causing some concrete cracking and spalling at roof edges.

The concrete cracking and spalling is a condition that needs to be fixed. The roof edge needs to be flashed and repaired so that water doesn't penetrate to the concrete where it can go through freeze and thaw cycles. It may also make sense to install a metal soffit underneath the roof overhang, just to ensure that no one could be injured by a piece of falling concrete, should some of the existing loose concrete fall. Please reference Sketch No. 8, attached.

The existing roofing assembly consists of an asphaltic built up roofing system on top of rigid insulation. In areas that were visible, the most recent asphalt roofing layer(s) are beginning to "alligator" and the felts are becoming exposed, although the roofing investigation was relatively limited due to snow on the roof. It may make sense to consider resurfacing the existing roof fairly soon.

Structural Narrative

The existing two story structural system is composed of cast-in-place concrete floor and roof slabs over steel beams. Steel columns embedded in cast-in-place concrete pilasters integral with the cast-in-place walls support the steel beams on the exterior walls, while pipe columns support the steel beams at interior corridor wall locations. The foundations are concrete strip footings at the perimeter with pads at the column locations. The lower level floor is of concrete slab-on-grade construction.

Based on observations of the Architect, and photographic documentation, the basic structure appears to be sound with no signs of distress in the existing framing system. However, the roof eaves are deteriorating due to exposure to water and freeze-thaw cycles in the exposed concrete. The concrete eave should have all loose concrete removed down to sound material and new concrete grout placed to reconstruct the eave. Reinforcing in the eave may need to be cleaned of rust to prevent future spalling. The roofing should be extended over the eave to provide protection to the concrete.

The modifications suggested by the report can be performed on the existing structure without adversely affecting the performance of the existing structural system. The elevator/entry addition can be constructed either of concrete to match the existing system, or of wood framed construction.

Mechanical Narrative

General

The building mechanical systems appear to consist of plumbing, heating, fuel oil, ventilation, and control systems. The building was originally constructed in the early 1950's and the mechanical systems were significantly remodeled in the 1976. The remodel drawings indicate that most of the original mechanical systems were removed and replaced with the exception of the boiler, water heater, and portions of the waste and vent system. Subsequent to the 1976 remodel, the original water heater has been removed and replaced with an electric type unit.

Plumbing

Fixtures: Plumbing fixtures appear to be commercial grade, china fixtures and in relatively good condition. China fixtures typically have a long life and should be acceptable for continued use. The fixture trim appears to be in marginal condition and may need to be replaced. The fixtures do not appear to be ADA compliant.

Water: The building is served by an existing 2" water service which serves a cold water distribution system to the building hot water heater and plumbing fixtures throughout the building. The cold water piping systems appears to be a copper system which has relatively long life and should be in fairly good condition. If galvanized water piping is located anywhere within the building it should be checked for condition. Galvanized water piping systems are more subject to early failure than copper pipe systems.

Hot Water: Potable hot water is produced by a 50 gallon, electric hot water heater which serves a hot water distribution system to applicable plumbing fixtures. The electric hot water heater is more expensive to operate than other fuel sources (such as fuel oil), however, there are relatively few fixtures served with hot water and it would not be economical to replace the water heater. The hot water system does not include a recirculating system which should not be a problem due to the relatively short run of hot water piping to the stacked fixture groups.

Waste & Vent: The waste and vent piping systems appear to be commercial grade cast iron systems which typically have a long life and should be acceptable for continued use.

Heating

Heat Generation: The building heating system consists of an oil fired boiler serving a perimeter hydronic heating system. The existing boiler appears to be a old fire tube boiler manufactured by Birchfield and is probably near the end of its useful life.

Fuel Systems: The fuel oil system consists of an exterior, buried, fuel oil storage tank which serves a day tank within the boiler room. The day tank serves the oil fired boiler and a standby generator also located in the boiler room. The condition of the buried fuel tank and piping system is unknown. If buried fuel oil tank and piping systems are from original construction, they are probably in poor condition and may be leaking. The existing buried fuel tank location appears to conflict with a new and required accessible entrance for the building. Most likely the buried fuel tank will need to be removed, replaced, and relocated to prevent conflict with the new accessible entrance.

Heat Distribution: The heating distribution system consists of a circulating hot water piping system which serves finned tube radiation at classrooms, unit ventilators at classrooms, finned tube radiation at miscellaneous spaces, and cabinet unit heaters at entry vestibules. The heating distribution system appears to be in relatively good condition and should be acceptable for continued use.

Ventilation

Classroom Ventilation: Classroom ventilation is provided by unit ventilators located at each individual classroom space. The unit ventilators are mounted on top of classroom casework and draw outside air through a wall mounted louver. Unit ventilators are used primarily in school facilities and are used primarily due to their low cost to install. Unit ventilators are a functional method of providing ventilation to the space, however, they can tend to be noisy and difficult to control.

Toilet Ventilation: Toilet room ventilation is provided by ceiling mounted exhaust grilles located at each toilet room which is ducted to a roof mounted exhaust fan. The roof exhaust fan appears to be in marginal condition and is reported to be deficient in exhaust capacity. It is likely that the exhaust system will need to be replaced.

Corridor Openings: Each classroom and toilet room is provided with a relief air opening into the ceiling space above the corridor (according to record drawings). It appears that the openings are to serve as a relief path for outside air pressure relief from the classrooms and makeup air for the exhaust from toilet rooms. The corridor openings are provided with fire dampers. These openings are in violation of present code restrictions which do not allow the corridor to be used as an air plenum (UMC Section 601.1) and openings into a fire rated exit corridor are required to

be protected by combination fire and smoke dampers (UBC Section 713). This type of code violation is considered a life safety issue and the State Fire Marshal may require the system to be upgraded to present code requirements.

Relief Air Path: The building does not appear to have a relief air path to the outside for pressure relief of outside air supplied by the unit ventilators located at classroom spaces. This may not be a problem, but I have seen circumstances where the building pressure will increase to the point where doors will blow open and door closers will not operate correctly.

Generator Ventilation: The standby generator is presently located in the boiler room and does not appear to have a means of radiator cooling other than air within the boiler room space. A heat rejection and outside air cooling system should be provided to prevent high temperatures in the space during generator operation.

Fire Protection

Existing Condition: The building presently does not have a sprinkler system.

Future Requirements: The State Fire Marshal has made a ruling that all educational occupancies require fire protection sprinkler systems. The building is presently served by a two inch water service which will be inadequate to provide fire water flow to a sprinkler system. A new water service will be required from the nearest utility main with adequate flow and pressure. Attached information provided by the City of Homer, Public Works Department indicates that the nearest water main with sufficient capacity is approximately 150 feet east of the existing school building. The existing service main is 10 inch with a 6 inch capped branch line presently in place.

Controls

The existing control system is a pneumatic type control system serving pneumatic thermostats and pneumatic control devices such as control valves and damper actuators. The pneumatic control system is served by a pneumatic air compressor located in the boiler room. The pneumatic control system appears to be in adequate condition and should be acceptable for continued use.

Electrical Narrative

Electrical Distribution System

The underground electrical service to this facility is supplied by a three-phase four-wire utility feed from an adjacent pad mounted transformer at a nominal voltage of 120/208 volts. The 200 amp main electrical distribution panel was installed during the 1976 remodel. Consequent to this remodel a 15 kW three-phase diesel standby generator, transfer switch and standby panel has been installed to support vital facility systems during an extended loss of commercial utility power. The age and apparent condition of this equipment indicates that it is operational and should not necessitate replacement at this time.

Lighting Systems

Classroom Lighting: Typically the classrooms are illuminated with grid mounted fluorescent fixtures with acrylic lenses. The classroom fixture lay out provides a calculated average illumination level of 112 foot-candles at a work surface 2'6" above floor level. Each classroom is provided with multiple level switching which allows the illumination level to be reduced 50% (55 fc) if so desired. The Illuminating Engineering Society of North America (IES) recommends maintained illumination levels between 20 and 50 foot-candles for general educational classrooms and reading, however this is subjectively dependent upon the occupants visual comfort level and the specific tasks commonly performed. In reference to this, the existing lighting is suitable and efficient for general classroom illumination. If the prolonged use of video display terminals (VDT's) becomes prevalent in these spaces, the tenant may wish to consider the installation of new fixtures specifically designed to reduce vertical illumination and consequent screen glare and eyestrain.

Corridor Lighting: Typically the corridors are illuminated with grid mounted fluorescent fixtures with acrylic lenses. The lay out provides a calculated average illumination level of 42 foot-candles at a work surface 2'6" above floor level. The Illuminating Engineering Society of North America (IES) recommends a maintained illumination levels between 10 and 20 foot-candles for stairways and corridors. In reference to this, the existing lighting is suitable and efficient for general corridor illumination.

Exterior Lighting: Building mounting high intensity discharge (HID) style fixtures provides exterior illumination. Typically this is the most efficient means for general area illumination, and the fixtures themselves appear to be in fair condition. Site lighting poles present on the site appear to be supplied from the adjacent facilities.

Emergency Lighting: A means of emergency illumination, as required by UBC Section 1012, is presently not provided in the exit corridors and stairwells. The most economic solution to this would be to install self-contained emergency lighting units in the corridors and stairwells. It appears that six units would be adequate to provide sufficient levels of emergency egress illumination.

Exit Signage: The existing exit signs appear to be original equipment from the 1976 remodel. These signs were provided with integral emergency batteries to provide emergency illumination in compliance with UBC 1013, however due to the age of the units they are likely no longer capable of providing the required 90 minutes of illuminations as required by NEC Article 700-12(e). The most economic long-term solution to remedy this deficiency would probably be to replace the existing signs entirely with LED illuminated exit signs with emergency battery backup.

Power Systems

Three duplex receptacles are provided on the exterior wall of each classroom, and one quadruplex receptacle is provided on the corridor wall of each classroom. There is no Code requirement that

additional receptacle be installed in the classrooms, however the future occupants may find it inconvenient that there are no receptacles on the end walls.

Specialty Systems

Fire Alarm System: The present fire alarm system is an Edwards (General Signal) conventional zone type system. Heat detectors are provided in the corridors and classrooms and appear to be installed in compliance with their listed area of coverage. It is reported that the system is tested yearly and is operational. The pull stations are mounted approximately 60" AFF, which does not maintain compliance with ADA recommendations, which requires that they be installed at a maximum of 54" for side access and a maximum of 48" for front access. The pull stations can be easily lowered with surface mounted raceway. The quantity and location of the fire alarm signaling devices (horns and strobes) will not provide sound and illumination levels in compliance with current NFPA requirements and ADA recommendations. Additional annunciator alarm module(s), power supplies, and batteries may be required to supply the additional horn-strobes required to maintain NFPA and ADA compliance alarm signal levels.

Telephone System: There is presently no central phone system for the facility. It appears that dedicated lines are run from the phone termination board in the mechanical room to voice outlets throughout the facility.

Clock and Public Address System: There is presently a combination clock-public address station in each classroom. The clocks are battery powered with no central control. The speakers and call stations are presently connected to the master controller in an adjacent building. To maintain stand-alone operation of the public address system, a master control station would be required for this facility.

Miscellaneous

It was observed in the above ceiling space that a number of junction boxes had the covers removed and the power conductors exposed. In addition some raceways appear to require additional support and the grid mounted lighting fixtures should be supported independently from the ceiling grid, as is suitable for seismic zone 4 construction.

Hazardous Materials Narrative

General

Asbestos-containing materials (ACM), Polychlorinated biphenyl's (PCBs), Mercury, and lead-containing materials (LCM) were located in the building. The controlled removal and disposal of some of these materials will be required to allow the safe operation of demolition and/or renovation activities.

The asbestos materials were in good condition and do not pose a hazard when undisturbed. Removal within a contained area would be required to allow safe renovation and/or demolition work to take place. Based on the site inspection and sampling and the AHERA management plan, the following materials contain asbestos: Boiler insulation, boiler breeching insulation, boiler room pipe insulation, cement asbestos board (CAB), CAB mastics, joint compound, chimney fire brick, roofing mastics, window frame caulking, window glazing compound, lab counter top, floor tile, floor tile mastics, fire door insulation, and sheet vinyl flooring. Removal of some of these materials within containments, using protected and trained workers will be required for completion of renovation and/or demolition activities. Additional sampling of concealed materials (requiring destructive methods) is recommended prior to demolition or renovation activities.

Light fixture ballast and lamp removal will be required for all fluorescent light fixtures which will be demolished. The ballasts contain PCBs and the lamps contain mercury. If the fixtures will not be replaced, no special removal will be required and they will not pose a hazard. No leaking ballasts which could pose a hazard were observed during the inspection. The PCB ballasts and lamps must be disposed of outside the state of Alaska in an approved landfill. Some site and worker protection procedures are required during ballast and lamp removal, however, full containments are not required.

The only LCMs located during the survey were paints, solders on pipe joints and fittings, and lead pipe joint caulking on sewer lines. Twenty year old solders typically contained lead. Sampling confirmed that building paints contain lead. All LCMs were in good to fair condition and do not pose a hazard during normal operation of the building. After initial testing in a contained work area is completed, it is probable that any required disturbance of LCMs will be allowed to be performed by unprotected general construction labor, using specific engineering controls (i.e. specially equipped tools, ventilation controls, or wet methods). Testing of LCM waste will be required to determine if the or painted debris will need to be disposed of as hazardous waste. Hazardous material must be shipped out of state for disposal.

The purpose of this report is to describe the survey and inspection results and to discuss the asbestos, lead, mercury and PCB materials located in the building.

The entire building was subject to inspection and limited sampling of suspect materials. All suspect materials suspect of containing lead, asbestos, mercury or PCBs were noted and appropriate samples were taken.

The majority of the materials inspected in the building were in good condition. Normal operations and maintenance procedures should not pose a health hazard for workers or building occupants.

Construction Phasing Impacts

The PCB and mercury abatement work, initial lead testing, and asbestos abatement work will be required to be conducted as independent portions of the project. This means specially trained and protected workers will perform the work (not general construction labor) in an area where access will be restricted to specific personnel only.

Asbestos

Construction materials containing asbestos were used extensively in buildings constructed between 1900 and 1985, so that most existing buildings contain some asbestos. The School building which is the subject of this report was designed and constructed prior to 1970. The AHERA management plan was reviewed and additional suspect materials were sampled by EHS-Alaska during the site survey, and the results are listed below.

<u>ASBESTOS-CONTAINING MATERIALS</u>	<u>PERCENT ASBESTOS</u>
Sheet vinyl - janitor's closets	positive*
Vinyl asbestos tile - classrooms and storage rooms	positive*
Boiler insulation	positive*
Boiler breeching insulation	positive*
Fire door insulation	assumed*
Cement asbestos board (CAB) - stairwells, classrooms and halls	positive*
Cement asbestos board mastic (no access)	Assumed
Pipe insulation - boiler room	positive*
Concrete damp proofing (no access) - inside of exterior walls	Assumed
Lab counter top - first floor counter top	Assumed
Chimney fire brick	Assumed
9" x 9" vinyl asbestos floor tile (under carpet) - hallways and classrooms	10
Black mastic under floor tile	10
Joint compound - throughout building	2.5
White window frame sealant - exterior	8.0
Black and silver roof mastics	10
White window glazing compound - exterior	6.8
Boiler gaskets	None detected (ND)*
Ceiling tiles	ND*
Brown cove base mastic	ND
Light brown cove base mastic	ND
Cloth stair tread material	ND
Stair tread mastic	ND
Cloth cover on fiberglass pipe insulation	ND
Yellow flooring mastic	ND
Dark brown cove base mastic	ND
Gypsum wallboard	ND
2' x 4' drop ceiling tile	ND
12" x 12" new white vinyl floor tile	ND
New black mastic under 12" x 12" floor tile	ND
Fix-all on floor	ND
Brown mastic above 12" x 12" ceiling tile	ND
New roofing mastics	ND
Gray roof penetration sealant	ND

* Materials identified in AHERA management plan

EPA classifies **GWB** and joint compound as one system. Thus, if asbestos is only present in the joint compound and not in the **GWB**, the system has less than 1 %. Materials with less than 1 % asbestos are not covered by AHERA. However, OSHA 1926.1101 does consider joint compound to be an independent component of the wall system. Thus, if joint compound contains asbestos, any joint compound disturbance must be performed by trained and protected workers under controlled conditions.

The majority of the asbestos material observed was in good condition, but would become a hazard if it was disturbed or removed improperly. All disturbance of asbestos materials should be conducted by trained and protected workers.

Regulatory Impacts - Asbestos

Current regulations: 1) restrict the use or installation of most asbestos-containing materials (ACM) in buildings; 2) specify work practices for handling ACM in buildings; and 3) require a "good faith" inspection of renovation/demolition sites so that workers won't carelessly be exposed to asbestos.

The presence of asbestos in a building does not mean that the health of construction workers or building occupants is necessarily endangered. The hazard which asbestos potentially creates occurs only when the ACM becomes damaged so that asbestos fibers are released into the air. Asbestos fibers may be released when building demolition or renovation activities disturb ACM; consequently, the regulations have established work practices, exposure monitoring, and worker training requirements.

EPA and OSHA regulations require: 1) that the building owner notify the EPA prior to asbestos removal operations; 2) that regulated ACM only be removed by trained workers using wet removal techniques; 3) that worker monitoring be performed to document airborne exposure to asbestos; and 4) that no visible emissions of dust are allowed during removal, transportation, or disposal of EPA regulated ACM. EPA regulated ACM includes all asbestos-containing materials except non-friable floor tiles and roofing materials (Category 1 non-friable materials) and cement-asbestos panels and pipes (Category 2 non-friable materials). All ACMs are regulated by OSHA.

Many waste disposal sites will not accept building debris which contains asbestos of any kind. The asbestos waste will most likely need to be shipped to either Kenai or Anchorage for disposal. Anchorage and Kenai have landfills permitted to accept asbestos waste. The landfill should be contacted prior to disposal to determine any site specific packaging and handling requirements. Burning of asbestos-containing waste is prohibited.

Lead

The AHERA management plan does not address lead-containing paints or other lead-containing materials, therefore sampling was required to determine if any of the building paints contained

lead. Selective sampling of a cross section of the different paint types (listed below) was conducted. The laboratory results are listed below.

<u>LEAD-CONTAINING PAINTS, LOCATION</u>	<u>LEAD (PPM*)</u>
Blue and red paint on interior walls	590
Brown / cream / black paint layers on interior door frames	4,000
Light blue and cream paint layers on interior window frames	35,000
Light and dark cream paint layers on exterior	360
Brown paint on exterior window frames	14,000 }
Solder on copper piping	Assumed
Pipe joint caulking on sewer piping	Assumed

* PPM = parts per million

It is assumed the old solder and pipe joint caulking contains lead. These may be impacted for mechanical upgrades, demolition, or tie ins.

No other suspect materials that may contain lead were observed in the building.

Regulatory Impacts - Lead

The essential conditions that the lead regulations establish are:

1. Permissible exposure limits and action levels for airborne lead aerosols.
2. Record keeping requirements.
3. Worker training requirements.
4. Work practices and procedures.
5. Worker and workplace monitoring requirements.

These requirements are similar to the worker protection requirements for asbestos, although there is no requirement for state certification of lead workers.

Lead is a hazardous material and under several conditions lead-containing construction wastes cannot be disposed of in Alaska. The Resource Conservation and Recovery Act requires that lead wastes be tested to verify that they are non-hazardous, before they can be disposed of outside of a hazardous waste disposal facility. The behavior of wastes during the TCLP tests is fairly sensitive to the lead content in the waste, how the waste was created (fines, sweepings, vacuum cleaner emptyings, etc. are usually "hazardous"); and how the waste was handled (burning almost always creates a hazardous waste).

If it can be verified that the disturbance, demolition and removal of lead painted surfaces, using engineering controls to reduce dust, do not expose workers above the action level of $30 \mu\text{g}/\text{m}^3$, then costly worker and site protection methods are not required. Usually a pilot lead disturbance project is set up to establish the lead exposure that will occur for each individual demolition or

renovation task. The results from the pilot abatement project can be used to determine the level of worker protection, if any, that is required.

Regardless of the airborne lead levels, the debris is required to be separated from normal construction waste, stored in a secure location in poly sheeting, and tested to determine the disposal requirements. If waste materials are classified as hazardous they will need to be disposed of in a hazardous waste disposal site. There are no hazardous waste disposal sites in Alaska, thus, hazardous waste will need to be shipped out of state.

Lead in construction is a relatively new issue, there is not a body of good data relating lead content of paint to worker exposure or to disposal requirements. The problem is complicated by the fact that lead is still being used as a pigment in many paints, although at lower concentrations. The OSHA regulations do not establish a lower limit for the lead content of materials below which the materials are considered benign. This is the same approach they took with asbestos--its up to the employer to show that the employees are not being exposed. There are no exceptions to the OSHA worker protection requirements.

PCB Containing Light Fixture Ballasts

Polychlorinated Biphenyl's (PCBs), are oily liquids used in transformers, capacitors, switches and light fixture ballasts as a non-conducting liquid for thermal insulation purposes.

The AHERA management plan does not address PCBs, therefore, inspection of the light fixture ballasts was undertaken to determine which fixture ballasts must be treated as hazardous material.

Proper disposal of light fixtures ballasts containing PCBs, and any corresponding contaminated components, must be handled by trained personnel to prevent exposure or contamination of workers, occupants, or the environment.

PCB-containing fluorescent light fixture ballasts were the only materials observed in the building that are suspected of containing PCBs. Representative inspection of the ballasts of all light fixture types was conducted. All ballasts inspected were not marked by the manufacture as being PCB free. Thus, all fixture ballasts are assumed to contain PCBs and will need to be treated as hazardous material if demolished.

Regulatory Impacts - PCB Ballasts

The Federal, and state laws require trained workers to remove, handle, transport, and dispose of all PCB-containing or contaminated materials.

There are no air monitoring requirements during removal of PCB-containing materials, but there are very specific work practices to ensure no PCB contamination of the building or the environment occurs.

The only way to guarantee ballasts are PCB free (besides testing) is if the ballasts are marked as PCB free by the manufacturer. If ballasts are not marked, they are assumed to be PCB-containing.

Worker protection procedures have been established which require protective equipment, full bodysuits, gloves, face shields, aprons, et cetera. Decontamination of all materials used for removal, personal, and environmental protection is also required.

An EPA approved disposal site is required for the disposal of hazardous materials. As with hazardous lead-containing materials, the PCB waste must be shipped to an out of state approved disposal site.

Mercury Containing Fluorescent Lamps

The AHERA management plan does not address mercury, therefore, inspection of the light fixture lamps and thermostats was undertaken to determine which items must be treated as hazardous material.

The only suspect mercury-containing items observed in the facility were the tubes of the fluorescent light fixtures. These light fixture tubes were located throughout the facility and were typically in 4 foot, 2 bulb fixtures.

Proper removal and disposal of fluorescent lamps, and any corresponding contaminated components, must be handled by trained personnel to prevent exposure or contamination of workers, occupants, or the environment.

Regulatory Impacts

The U.S. Environmental Protection Agency, the U.S. Department of Labor, and the State of Alaska have promulgated regulations that apply to the generation, handling, control, transportation, and disposal of hazardous materials. Mercury is listed as a hazardous material and therefore falls under these regulations. Workers handling mercury must have HAZMAT training and wear proper protective equipment.

There are no air monitoring requirements during removal of mercury-containing materials, but there are very specific work practices to ensure no mercury contamination of the building or the environment occurs.

Depending on the age of the light fixtures, the fixture tubes may pass the TCLP test for hazardous waste. The tubes should be combined and tested to determine if the tubes will be considered hazardous waste.

Additionally, there are no hazardous waste disposal sites in Alaska. All fixture tubes which do not pass the TCLP test need to be packaged appropriately and shipped to an EPA approved hazardous waste disposal site in the lower 48.

Renovation Recommendations

Upgrade Work - UBC/UMC/NEC/NFPA: Upgrade work required for compliance with the Uniform Building Code includes the following:

1. An automatic sprinkler system will need to be added for compliance with the state of Alaska amendment requiring an automatic sprinkler system for educational facilities. This will however, take care of the added story increase allowing a second story in Type V-N construction for an E-1 occupancy. Provide a new water service and automatic sprinkler system throughout the facility, in accordance with UBC and NFPA requirements.
2. The corridor walls will need to be upgraded to one-hour wall assemblies by installing a one hour rated shaft cavity wall system on the corridor side of the wall above the suspended acoustical tile ceiling system. This should also cover over the existing corridor relief air openings.
3. The existing pipe column enclosures at the corridors on the first and second floors, four locations on each floor, will need to be protected as required to provide a one-hour rated assembly.
4. Smoke gaskets will need to be added to all corridor doors.
5. All penetrations through the new shaft cavity wall above the ceiling at the corridor walls and all penetrations of existing rated walls (boiler room, storage rooms, etc.) will need to be carefully sealed with rated sealant systems.
6. A relief path should be provided from each classroom space to the exterior. The path could utilize the operable windows, however this is not an optimal method. A better solution would be to install a roof hood with control and backdraft dampers serving each classroom space. The lower classrooms would require a vertical duct chased through the upper classroom areas, most likely at the recessed locker area in each classroom.
7. The existing toilet room exhaust fans should be removed and replaced with new units of sufficient capacity. The existing ductwork appears adequate.
8. Provide a ducted radiator exhaust to the exterior through a wall louver or hood, and separate cooling air intake opening. The openings should be provided with appropriate control dampers to modulate and maintain space temperature based on thermostat control.

9. Replace existing exit signs at 6 locations with new LED illuminated exit signs.
10. Install six (6) self contained emergency lighting units in the corridors and stairwells as required by UBC to provide emergency egress illumination.
11. Replace junction box covers where they are missing at above ceiling locations. Provide additional raceway support as required.
12. Provide seismic support for light fixtures throughout the facility.

Upgrade Work - ADA: Upgrade work required for compliance with the Americans with Disabilities Act includes the following:

1. Provide two accessible parking spaces (Element 1) as required for compliance with ADA. See Sketch No. 3, attached.
2. Provide a 5' wide concrete sidewalk, exterior accessible route to the main building entrance and from the main building entrance to the playground (Element 4) as required for compliance with ADA. See Sketch No. 3, attached.
3. Provide a new accessible entrance and entrance doors (Element 8) as required for compliance with ADA. See Sketch No's. 4 through 7, attached. Remove and replace the existing fuel oil tank. Install the new tank in a suitable location away from the new construction work.
4. Provide accessible signage, interior and exterior, (Elements 10 and 11) as required for compliance with ADA.
5. Provide an interior accessible route to all program spaces (Elements 12, 22 & 23) as required for compliance with ADA. This will require the addition of an elevator or an enclosed ramp. The elevator will probably be more cost effective, and the elevator machine room can probably be put under the stair in existing Storage Room 010. See Sketch No's. 4 through 7, attached.
6. Provide a unisex toilet room on each floor (Element 14) as required for compliance with ADA. See Sketch No's. 4 through 7, attached.
7. Provide lever handled hardware and adjust closers to make interior doors accessible (Element 17) as required for compliance with ADA.

8. Remove the existing drinking fountains and provide a new hi-lo drinking fountain on each floor (Element 18) as required for compliance with ADA. See Sketch No's. 6 and 7, attached.
9. Lower the audible and visual alarms in the corridors to 80" above finish floor with surface mounted raceways and install new audible and visual alarms in the toilet rooms (four locations) (Element 27) as required for compliance with ADA. Verify that the existing strobes and alarms are in compliance with ADA and NFPA requirements. Lower the fire alarm pull stations from 60" to 54" above finish floor with surface mounted raceways.

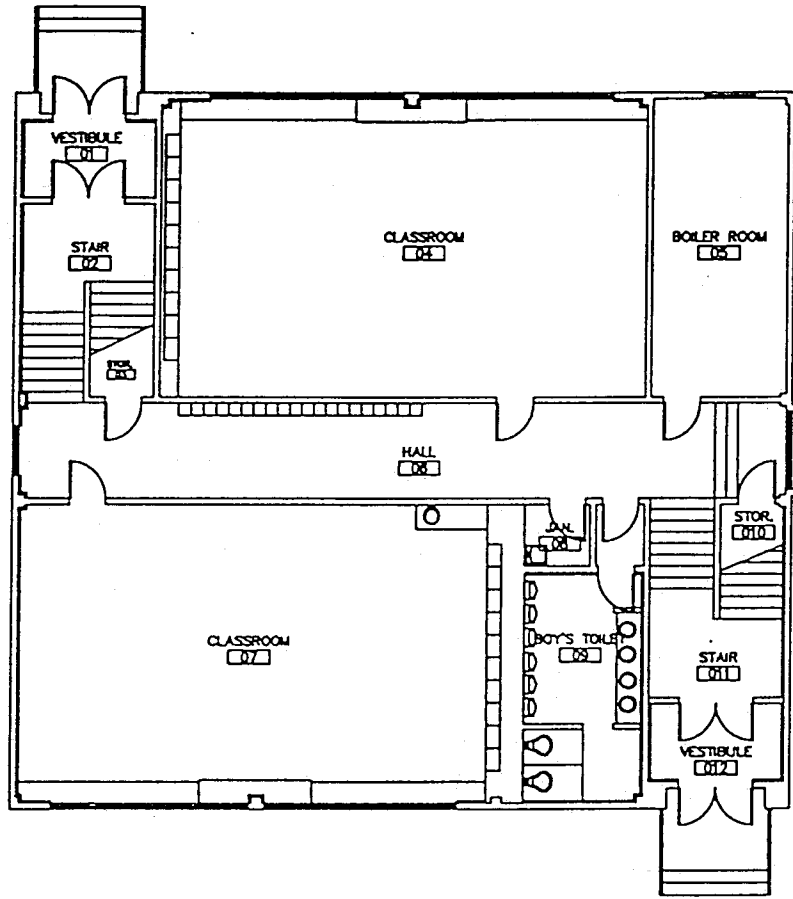
Upgrade Work - Life Safety: Upgrade work required for resolution of life-safety issues include the following:

1. Remove the existing loose concrete at the roof edges down to sound material and place new concrete grout as required to reconstruct the eave. Reinforcing may need to be cleaned of rust to prevent future spalling. The roofing should be extended over the eave to provide protection to the concrete. A new prefinished roof edge flashing, and metal soffit should be installed and stripped in to provide a water tight roof edge system as shown on Sketch No. 8.

Interface with Hazardous Materials: Wherever upgrade work interfaces with hazardous materials, hazardous materials abatement should be undertaken in accordance with all applicable State and Federal Regulations as outlined in the hazardous materials narrative.

**Site Survey
Old Homer Intermediate School
Homer Alaska**

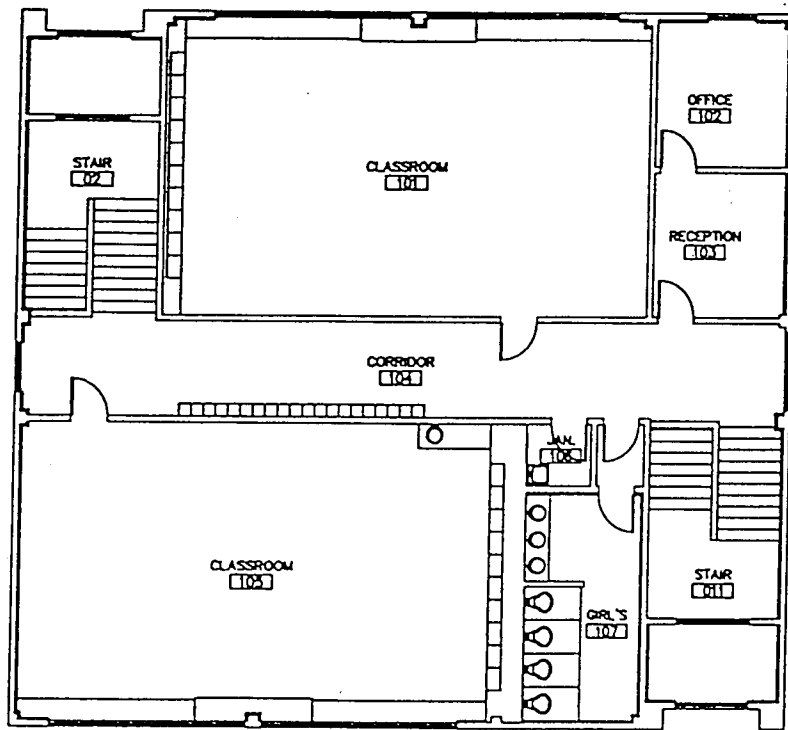
Part III - Preliminary Drawings Outlining General Scope of Required Upgrade Work



EXISTING FIRST FLOOR

SCALE: 1/16" = 1'-0"

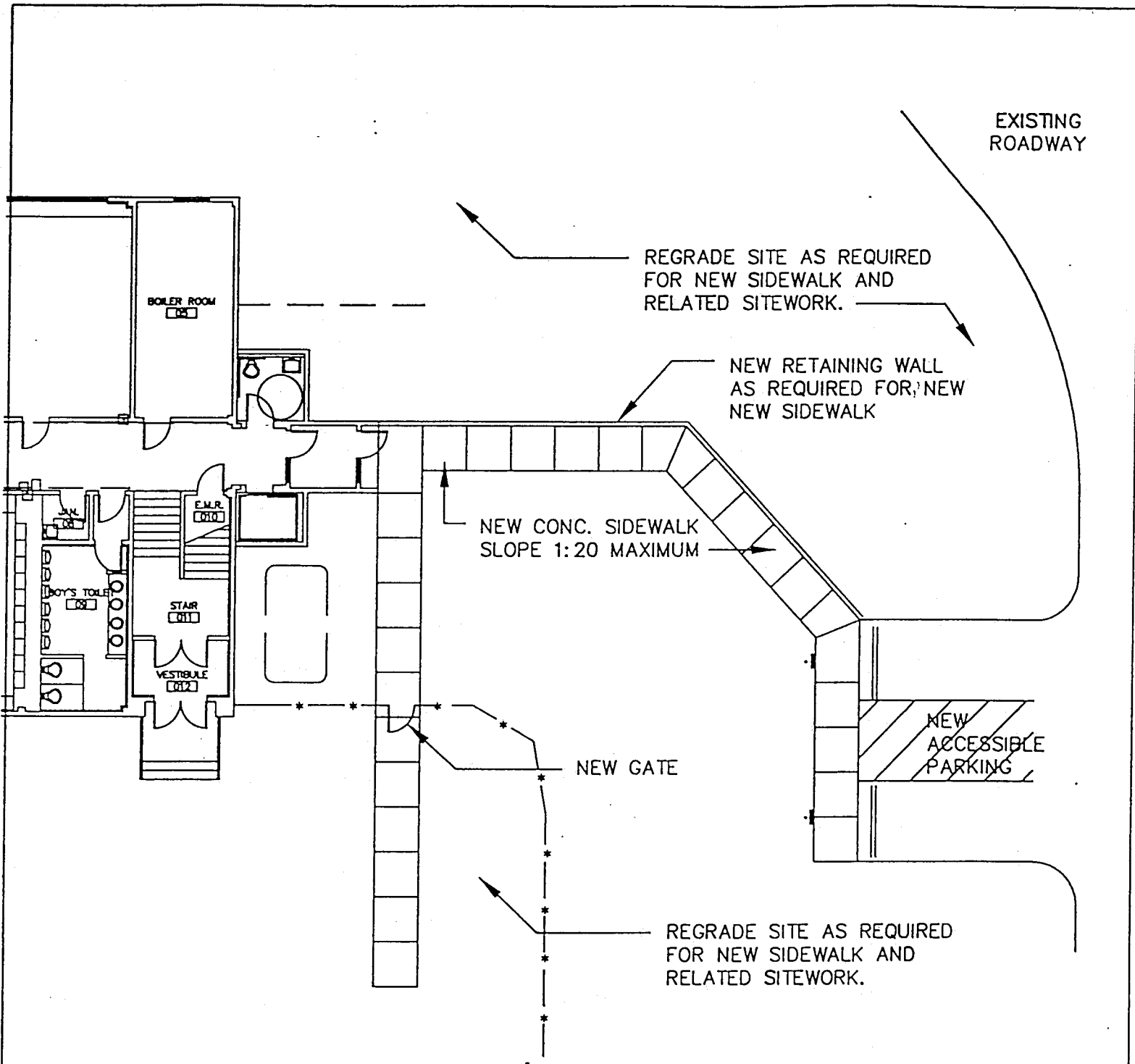




EXISTING SECOND FLOOR

SCALE: 1/16" = 1'-0"

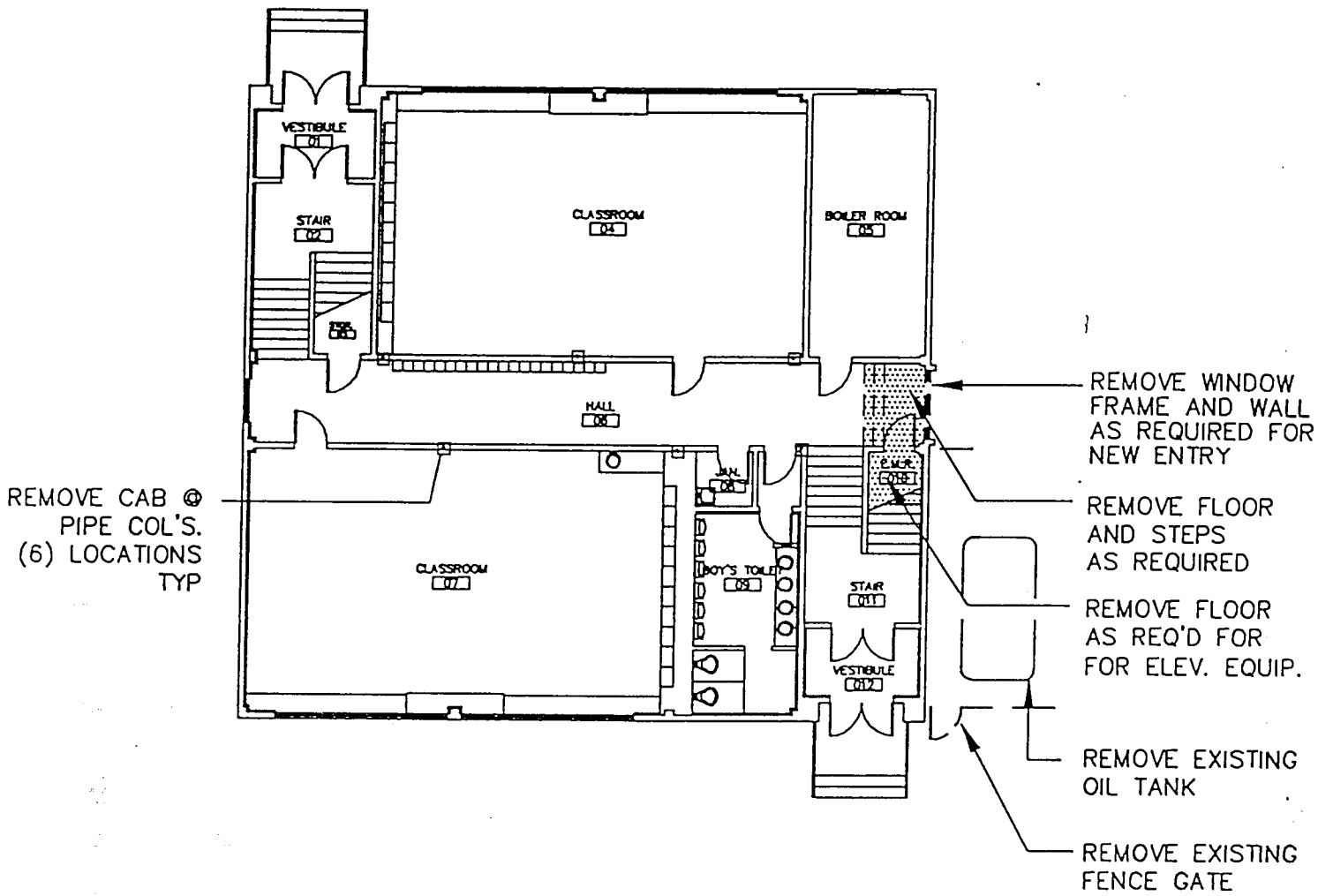




PROPOSED SITE IMPROVEMENTS

SCALE: 1/16" = 1'-0"

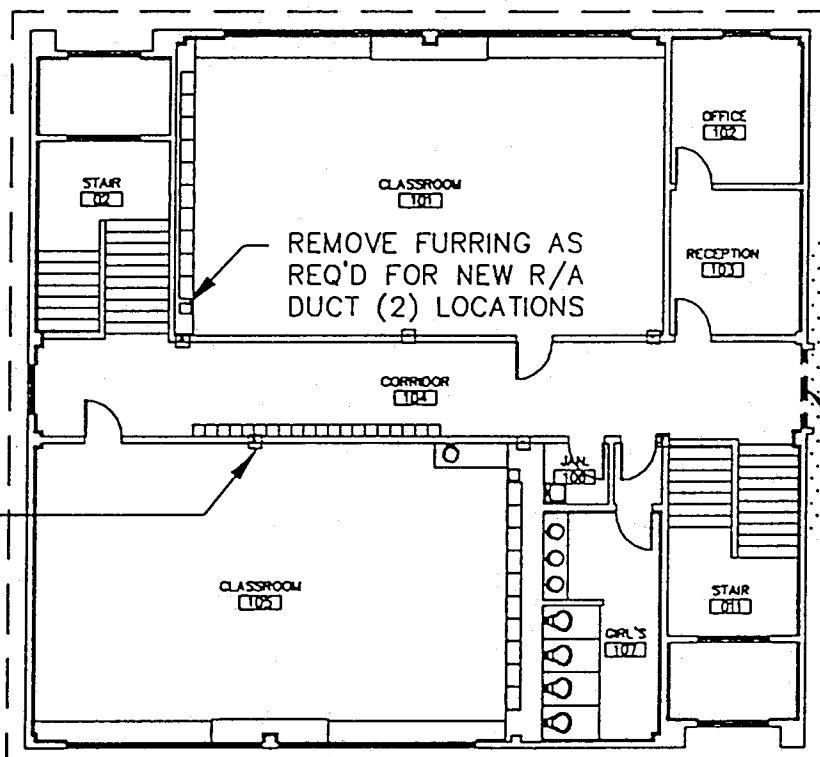




FIRST FLOOR DEMOLITION

SCALE: 1/16" = 1'-0"

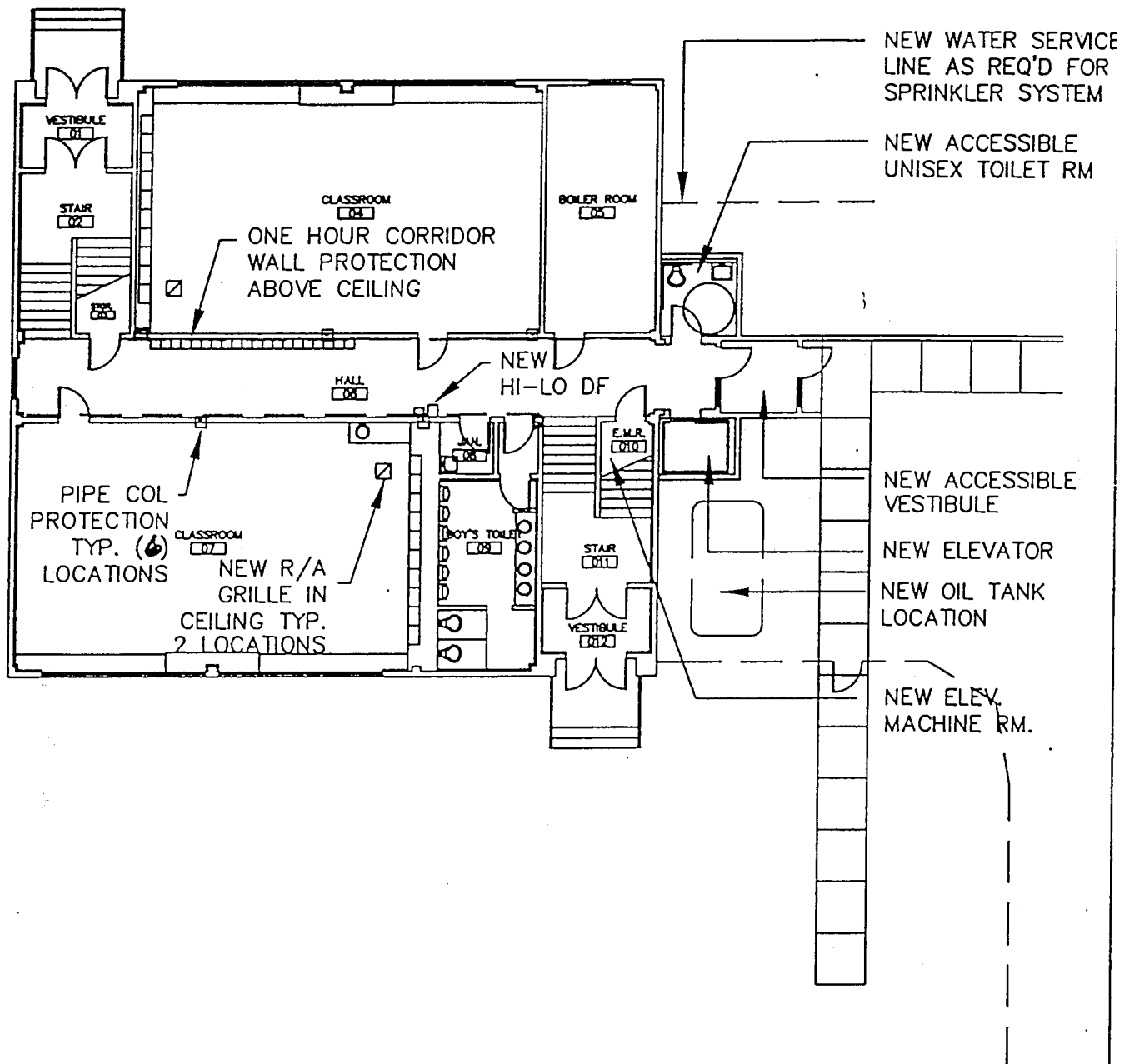




SECOND FLOOR DEMOLITION

SCALE: 1/16" = 1'-0"

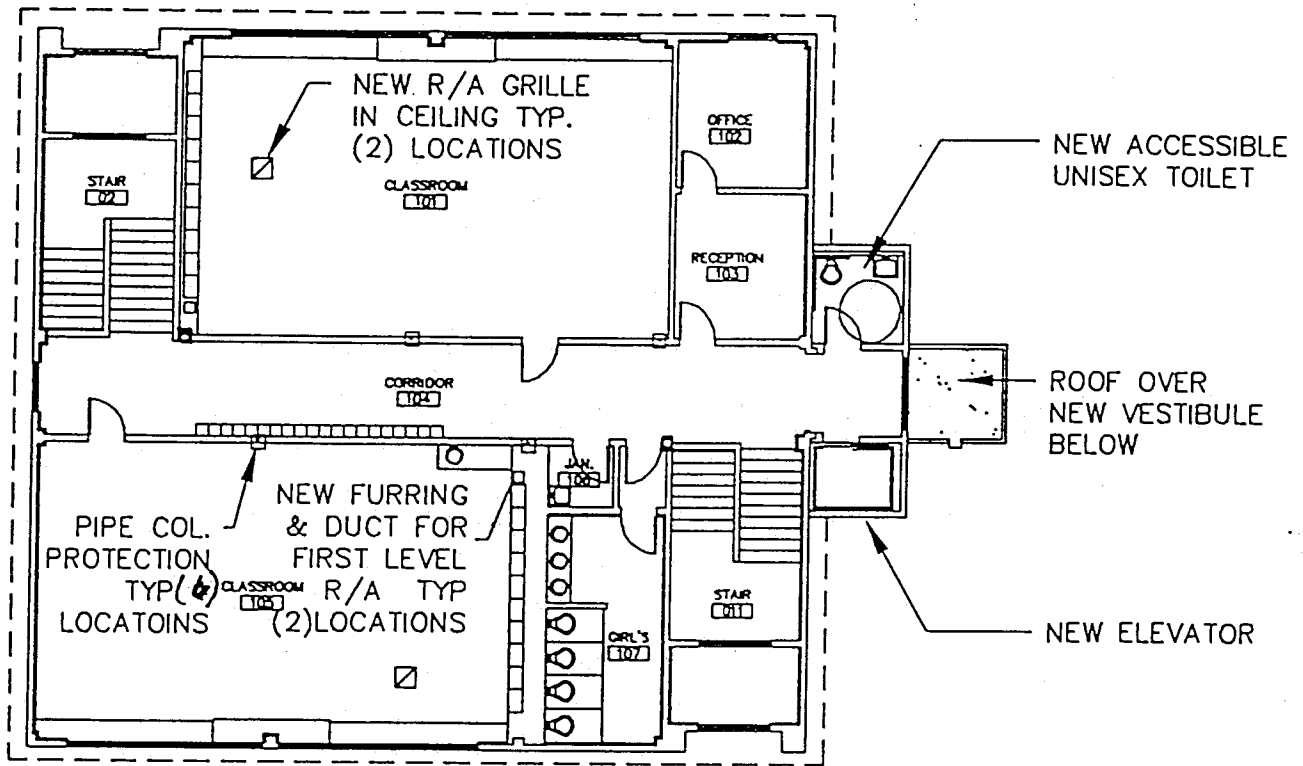




PROPOSED FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"

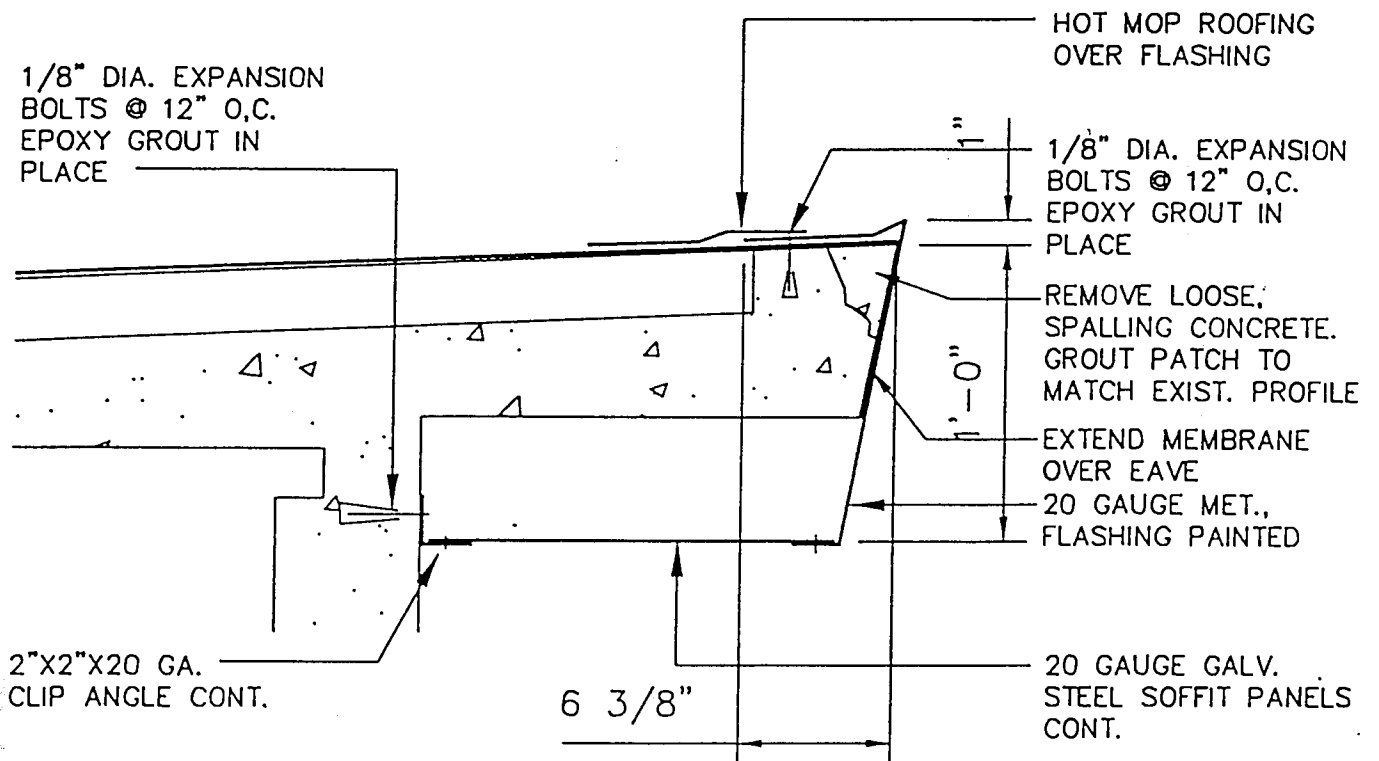




PROPOSED SECOND FLOOR PLAN

SCALE: 1/16" = 1'-0"





ROOF FLASHING DETAIL

SCALE: 1 1/2" = 1'-0"

**Site Survey
Old Homer Intermediate School
Homer, Alaska**

Part IV - Cost Estimate

The Kenai Peninsula Borough has requested that comparative cost estimates be prepared for the renovation of the existing facility for occupancy as an educational facility, and for the demolition of the existing facility.

The attached construction cost estimates have included a 15% design contingency for the renovation project and a 5% design contingency for the demolition project. We have found that this type of preliminary "order of magnitude" estimate needs to include some cushion for unknown elements that will become apparent as design progresses in greater detail. The 5% design contingency recognises that the likelihood of surprise is less for the demolition project than for the renovation project.

There are also other project related costs which need to be budgeted by the Borough and/or any potential Lessee. These costs include a construction contingency, A/E fees, administrative costs, and furniture, fixtures and equipment costs.

This cost estimate includes an estimate of project related costs using some fairly traditional percentages of the construction cost. These costs can be adjusted up or down depending on the approach taken to design and construction of the demolition or upgrade project. The construction contingency might be used, for instance, to take care of soil remediation, if it is found that the old buried fuel tank has leaked, or if soils at the new foundation are unsuitable for the new addition foundation. A/E fees may be higher or lower, depending on the actual scope of the project, and on the type of documents being prepared (Bidding documents vs Plan Review Documents with a negotiated contract). Administrative costs include accounting, legal, plan review and permit fees, Lessor or Lessee project manager costs, etc. These could be adjusted up or down based on who is responsible for administering the contract for the renovation work.

Old Homer Intermediate School Renovation - Project Cost Estimate

Construction Cost (See Estimate Attached)	\$325,800	
Construction Contingency (10%)	\$32,580	
Total Construction Cost (Budget)	\$358,380	
A/E Fees - Design Phase (10%)	\$35,800	
A/E Fees - Construction Phase (5%)	\$17,900	
Administrative Costs (10%)	\$35,800	
FF&E Costs (5%)	\$17,900	
Total Project Fees	\$107,400	
Total Project Cost - Renovation		\$465,780

Old Homer Intermediate School Demolition - Project Cost Estimate

Construction Cost (See Estimate Attached)	\$138,550	
Construction Contingency (10%)	<u>\$13,850</u>	
Total Construction Cost (Budget)		\$152,400
A/E Fees - Design Phase (10%)	\$15,250	
A/E Fees - Construction Phase (5%)	\$7,600 ¹	
Administrative Costs (10%)	\$15,250	
FF&E Costs (N/A)	<u>\$0</u>	
Total Project Fees		<u>\$38,100</u>
Total Project Cost - Demolition		\$190,500

HMS # 98041

CONSTRUCTION COST ESTIMATE
BUDGETARY OLD HOMER
INTERMEDIATE SCHOOL
REMODEL/DEMOLISH
HOMER, ALASKA

COST CONSULTANT

HMS, Inc.
4103 Minnesota Drive
Anchorage, Alaska 99503

(907) 561-1653
(907) 562-0420 FAX

ARCHITECT

Architects Alaska
411 W. 4th Avenue, Ste. 200
Anchorage, Alaska 99501

April 14, 1998

HMS Project No.: 98041

NOTES

This estimate is based on (8) 8 1/2"x11" remodel drawings, "as-builts" and condition survey report dated April 1993, and prepared by Architects Alaska of Anchorage, Alaska.

This estimate is priced using A.S. Title wage rates and current materials and equipment prices.

It is assumed that this project will receive competitive bids for remodel or demolition in Summer 1998. With construction to complete within (5) months for remodel work or (1) month for demolition.

This is a statement of probable construction cost only and actual bids will vary depending on final documents, bidding climate and competition.

This estimate excludes A/E fees, management costs on selective Hazmat removal in Option B.

GROSS FLOOR AREA

	Existing	New Addition	TOTAL
FIRST FLOOR	3,712 SF	240 SF	3,952 SF
SECOND FLOOR	<u>3,712 SF</u>	<u>192 SF</u>	<u>3,904 SF</u>
TOTAL:	7,424 SF	432 SF	7,856 SF

OLD HOMER INTERMEDIATE SCHOOL
 HOMER, ALASKA
 BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

HMS Project No.: 98041

SUMMARY

	OPTION A		OPTION B	
	Remodel/Addition		Demolish	
01 - SITEWORK				
• Hazmat Removal		\$ 10,520		\$ 22,316
• General Demolition and Improvements		21,070		
• Site Mechanical		12,093		
• Building Demolition and Disposal				91,289
02 - SUBSTRUCTURE		5,347		
03 - SUPERSTRUCTURE		5,059		
04 - EXTERIOR CLOSURE		20,065		
05 - ROOF SYSTEMS		7,197		
06 - INTERIOR CONSTRUCTION		28,065		
07 - CONVEYING SYSTEMS		38,500		
08 - MECHANICAL		56,655		
09 - ELECTRICAL		19,368		
10 - EQUIPMENT		460		
11 - SPECIAL EQUIPMENT				
SUBTOTAL:		224,399		113,605
12 - GENERAL OVERHEAD AND PROFIT	25.00%	56,100	15.00%	17,041
13 - CONTINGENCY - DESIGN UNKNOWNNS	15.00%	42,075	5.00%	6,532
- ESCALATION TO SUMMER 1998 BID	1.00%	3,226	1.00%	1,372
ESTIMATED CONSTRUCTION COST:		<u>\$ 325,800</u>		<u>\$ 138,550</u>
\$/SF		\$ 41.47 /SF		\$ 18.66 /SF
GFA		7,856 SF		7,424 SF

OLD HOMER INTERMEDIATE SCHOOL
 HOMER, ALASKA
 BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

HMS Project No.: 98041

01 - SITEWORK			UNIT RATE	ESTIMATED COST
OPTION A - REFURBISH BUILDING	QUANTITY	UNIT	\$	\$

HAZMAT REMOVAL

Note: Remove only incidental to remodeling
 Rest leave in-tact

Drain oil, remove 400 gallon, fuel oil tank and dispose as Hazmat material	1	EA	750.00	750
Backfill hole with NFS	16	CY	18.50	296
Remove gypboard joint compound ceiling	48	SF	2.00	96
Remove window with mastic, 6'4"x6'10"	1	EA	300.00	300
Ditto, 6'4"x8'0"	1	EA	350.00	350
Remove wall CAB for mechanical chases, etc.	140	SF	2.50	350
Remove floor tile and mastics at new connection	72	SF	2.25	162
Lead exposure assessment	1	LS	1,500.00	1,500
Air monitoring	5	DAYS	425.00	2,125
Mobilization/demobilization, ACM removal equipment, etc.	1	LOT	1,500.00	1,500
AMC disposal and inspection fee	1	TON	85.00	85
Subtotal:				7,514
Subcontractor's Overhead and Profit	40.00%			3,006

TOTAL ESTIMATED COST:

\$ 10,520

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

HMS Project No.: 98041

01 - SITEWORK OPTION A - GENERAL DEMOLITION AND IMPROVEMENTS	QUANTITY	UNIT	UNIT RATE \$	ESTIMATED COST \$
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DEMOLITION

Remove single door and frame	1	EA	75.00	75
Sawcut and remove concrete floor and steps	72	SF	22.50	1,620
Ditto roof overhang	30	SF	27.00	810
Ditto wall for grille	10	SF	25.00	250
Remove ceiling tiles for 1 hour walls, sprinklers and seismic bracing and store for reuse	7,424	SF	0.42	3,118
Remove 4'0" gate at fence	1	EA	55.00	55

SITE IMPROVEMENTS

Cut fence and install new 4'0" man gate	1	EA	400.00	400
Infil 4'0"x6'0" man gate opening with fence	1	EA	150.00	150
New 6"x30" high above grade concrete retaining wall and foundation	74	LF	75.50	5,587
4" concrete sidewalk over NFS fill	744	SF	3.60	2,678
2" AC pavement including excavation and backfill	700	SF	2.80	1,960
Wheel stops	2	EA	105.00	210
Aisle marking	160	SF	1.20	192
Handicapped accessible parking sign and post	2	EA	130.00	260
Regrade site and revegetate	6,736	SF	0.55	3,705

TOTAL ESTIMATED COST:

104

\$ 21,070

OLD HOMER INTERMEDIATE SCHOOL
 HOMER, ALASKA
 BUDGETARY CONSTRUCTION COST ESTIMATE

PAGE 6

DATE: 4/14/98

HMS Project No.: 98041

01 - SITEWORK OPTION A - GENERAL DEMOLITION AND IMPROVEMENTS	QUANTITY	UNIT	UNIT RATE \$	ESTIMATED COST \$
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SITE MECHANICAL

New 400 gallon double wall buried fuel oil tank including excavation and backfill	1	EA	2,350.00	2,350
Fuel oil supply and return piping in double containment pipe, connected to tank and building	24	LF	32.00	768
4" DI buried sprinkler water line	150	LF	28.50	4,275
4" gate valve	1	EA	670.00	670
4" building connection and wall sleeve	1	EA	230.00	230
4" line tap main connection of tee	1	EA	3,800.00	3,800

TOTAL ESTIMATED COST:

\$ 12,093

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

HMS Project No.: 98041

OPTION A			UNIT RATE	ESTIMATED COST
02 - SUBSTRUCTURE	QUANTITY	UNIT	\$	\$

FOUNDATIONS

Strip footings including excavation and backfill	66	LF	23.75	1,568
8" CMU walls, dampproofed and insulated ditto	150	SF	12.60	1,890
8" ditto un-insulated	48	SF	10.20	490
Connection to existing footings/walls	4	EA	50.00	200

SLAB-ON-GRADE

4" reinforced concrete slab over NFS fill	218	SF	3.85	839
4" ditto at existing entry/steps	72	SF	5.00	360

TOTAL ESTIMATED COST:

\$ 5,347

OLD HOMER INTERMEDIATE SCHOOL
 HOMER, ALASKA
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HMS Project No.: 98041

OPTION A			UNIT RATE	ESTIMATED COST
03 - SUPERSTRUCTURE	QUANTITY	UNIT	\$	\$

SECOND FLOOR

Metal deck and framing	128	SF	12.50	1,600
Concrete topping and mesh reinforcement	128	SF	3.50	448
Connection to existing slab	16	LF	10.00	160

ROOF

Metal deck and framing	256	SF	10.20	2,611
Connection to existing	24	LF	10.00	240

TOTAL ESTIMATED COST:

\$ 5,059

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
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DATE: 4/14/98

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OPTION A				
04 - EXTERIOR CLOSURE	QUANTITY	UNIT	UNIT RATE \$	ESTIMATED COST \$
8" CMU walls - painted	1,056	SF	10.50	11,088
2"x4" furring, 2" rigid insulation and 5/8" gypboard	1,056	SF	4.50	4,752
3'0"x7'0" insulated glazed door, frame and hardware	1	EA	1,150.00	1,150
3'0"x7'0" sidelight	1	EA	750.00	750
6'0"x8'0" window	1	EA	2,100.00	2,100
Combustion air louver grille (1)	10	SF	22.50	225

TOTAL ESTIMATED COST:

\$ 20,065

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
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OPTION A			UNIT RATE	ESTIMATED COST
05 - ROOF SYSTEMS	QUANTITY	UNIT	\$	\$
5/8" WR gypboard, 6" rigid insulation and EPDM roof at new roof	256	SF	6.75	1,728
Match to existing	24	LF	2.50	60
Cut and patch existing roof for new exhaust hood penetration (1)	5	SF	35.00	175
New 18" girth metal fascia bolted to existing concrete overhang	234	LF	8.50	1,989
Hot mop roofing over flashing and existing roof	234	LF	3.50	819
Metal soffit attached to metal fascia and bolted to wall with clip angle	351	SF	5.70	2,001
Roof scuppers	5	EA	85.00	425

TOTAL ESTIMATED COST:

\$ 7,197

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

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OPTION A			UNIT	ESTIMATED
06 - INTERIOR CONSTRUCTION	QUANTITY	UNIT	RATE \$	COST \$

PARTITIONS/DOORS

Shaft wall at elevator	136	SF	6.50	884
4" metal stud/gypboard wall at addition	288	SF	4.80	1,382
Extend existing corridor wall above ceilings to underside concrete slab with shaft wall construction	416	SF	7.10	2,954
Roof hood shaft walls	192	SF	6.50	1,248
Encase columns with rated enclosure	576	SF	6.85	3,946
Seal wall cavities with rated sealant system	1,184	SF	1.50	1,776
3'0"x7'0" hollow metal glazed single door, frame and hardware	1	EA	930.00	930
3'0"x7'0" hollow metal door, frame and hardware	3	EA	685.00	2,055
3'0"x7'0" sidelight	1	EA	620.00	620
Lever handle hardware to existing door	13	EA	125.00	1,625
Add smoke gaskets to corridor doors	13	EA	85.00	1,105

FLOOR FINISH

Sheet vinyl flooring	392	SF	2.85	1,117
Rubber base	110	LF	1.70	187

WALL FINISH

Paint new and patched walls	1,868	SF	0.80	1,494
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OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

HMS Project No.: 98041

OPTION A			UNIT RATE \$	ESTIMATED COST \$
06 - INTERIOR CONSTRUCTION	QUANTITY	UNIT		

CEILINGS

New suspended acoustical ceiling system in addition	305	SF	2.80	854
Reinstall existing tiles	6,680	SF	0.53	3,540
New tiles to replace damaged tiles (10%)	772	SF	1.60	1,235

SPECIALTIES

Unisex toilet accessories	2	RMS	350.00	700
Signs at new doors	5	EA	32.50	163
Miscellaneous specialties	1	LOT	250.00	250

TOTAL ESTIMATED COST:

\$ 28,065

OLD HOMER INTERMEDIATE SCHOOL
 HOMER, ALASKA
 BUDGETARY CONSTRUCTION COST ESTIMATE

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OPTION A	QUANTITY	UNIT	UNIT RATE \$	ESTIMATED COST \$
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Holeless hydraulic elevator complete with gear, equipment and controls, serving (2) floors for 12'0" rise

1	EA	38,500.00	38,500
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TOTAL ESTIMATED COST:

\$ 38,500

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
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OPTION A			UNIT RATE	ESTIMATED COST
08 - MECHANICAL	QUANTITY	UNIT	\$	\$

PLUMBING

Water closet - ADA	2	EA	670.00	1,340
Wall hung lavatory - ADA	2	EA	585.00	1,170
Remove existing drinking fountain	2	EA	140.00	280
New hi-low ADA drinking fountain	2	EA	1,125.00	2,250
Plumbing rough-in for new fixtures connected to existing	4	EA	1,350.00	5,400
Ditto for drinking fountains	2	EA	525.00	1,050
Cut and patch slab for sewer line at new toilet	8	LF	50.00	400

HVAC

Cabinet unit heater including piping connected to existing system	1	EA	1,650.00	1,650
Ditto fin tube baseboard	20	LF	70.00	1,400
Roof hood, fan and back draft damper for classroom relief path	1	EA	1,250.00	1,250
Duct work for above	20	LF	65.00	1,300
Remove existing toilet exhaust fans	2	EA	75.00	150
New fans connected to existing duct work	2	EA	650.00	1,300
New toilet fans in new toilets	2	EA	380.00	760
Duct work and wall cap to above	2	EA	300.00	600
Ducted radiator exhaust for generator	10	LF	78.00	780
Cooling air intake grille	1	EA	140.00	140

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

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OPTION A			UNIT RATE	ESTIMATED COST
08 - MECHANICAL	QUANTITY	UNIT	\$	\$

HVAC (Continued)

Modulating damper to radiator	1	EA	285.00	285
New controls for new equipment tied into existing	1	LOT	5,000.00	5,000
Sprinkler riser and valves	1	LOT	2,800.00	2,800
4" backflow preventer	1	EA	3,200.00	3,200
Wet pipe sprinkler system	7,856	SF	2.85	22,390
Test and balance systems	16	HRS	110.00	1,760

TOTAL ESTIMATED COST:

\$ 56,655

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

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DATE: 4/14/98

HMS Project No.: 98041

09- ELECTRICAL			UNIT RATE \$	ESTIMATED COST \$
	QUANTITY	UNIT		

SERVICE AND DISTRIBUTION

New 225 amp panel connected to MDP	1	EA	3,400.00	3,400
Feeder, conductor and grounding	1	LOT	1,500.00	1,500

LIGHTING AND POWER

New HPS exterior fixture, wall mounted	1	EA	415.00	415
Fluorescent fixtures in addition	8	EA	195.00	1,560
Replace missing junction box covers	40	EA	12.50	500
Standard receptacle	4	EA	55.00	220
GFIC receptacle	2	EA	75.00	150
Ditto weatherproof	1	EA	90.00	90
Single pole switch	2	EA	55.00	110
Elevator motor connection and disconnect	1	EA	970.00	970
Exhaust fan motor connection and thermal switch	4	EA	110.00	440
Roof hood relief fan ditto	1	EA	130.00	130
Remove existing exit signs and replace with LED type	6	EA	255.00	1,530
New self contained emergency lighting units	6	EA	370.00	2,220
Conduit and wiring	485	LF	6.50	3,153

OLD HOMER INTERMEDIATE SCHOOL
 HOMER, ALASKA
 BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

HMS Project No.: 98041

09- ELECTRICAL	QUANTITY	UNIT	UNIT RATE \$	ESTIMATED COST \$
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SPECIAL SYSTEMS

Lower audible and visual alarms in corridors with surface mounted raceway and connect to existing system	6	EA	170.00	1,020
Ditto fire alarm pull station	4	EA	140.00	560
New audible/visual alarms including conduit and wiring connected to existing system	4	EA	350.00	1,400

TOTAL ESTIMATED COST:

\$ 19,368

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

DATE: 4/14/98

HMS Project No.: 98041

OPTION A	QUANTITY	UNIT	UNIT RATE \$	ESTIMATED COST \$
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Rubber entry mat (1)	40	SF	11.50	460
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TOTAL ESTIMATED COST:

\$ 460

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

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DATE: 4/14/98

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OPTION B- DEMOLISH BUILDING			UNIT RATE	ESTIMATED COST
01 - SITEWORK - HAZMAT REMOVAL	QUANTITY	UNIT	\$	\$

HAZMAT REMOVAL

Note: Most of Hazmat to be demolished in-tact except following -

Boiler and insulation	1	EA	1,500.00	1,500
Pipe at breeching insulation	30	LF	15.00	450
Fire doors	4	EA	150.00	600
Fluroscent fixtures	110	EA	38.00	4,180
Mobilization - demobilization ACM removal equipment, etc.	1	LS	4,000.00	4,000
Air monitoring	5	DAYS	425.00	2,125
Lead exposure assement	1	EA	1,500.00	1,500
Disposal cost - PCB	3	BBL	500.00	1,500
Asbestos debris	1	TON	85.00	<u>85</u>
Subtotal:				15,940
Subcontractor's Overhead and Profit	40.00%			6,376

TOTAL ESTIMATED COST:

\$ 22,316

OLD HOMER INTERMEDIATE SCHOOL
HOMER, ALASKA
BUDGETARY CONSTRUCTION COST ESTIMATE

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OPTION B- DEMOLISH BUILDING 01 - SITEWORK - DEMOLITION AND DISPOSAL	QUANTITY	UNIT	UNIT RATE \$	ESTIMATED COST \$
Cut and remove concrete steps (2)	98	SF	5.50	539
Disconnect utilities and demolish two story concrete framed building complete with Hazmat intact, cap and abandon utilities in-place	89,088	CF	0.48	42,762
Grub up and remove foundation walls and footings 24" deep	244	LF	10.00	2,440
Backfill footings	136	CY	18.50	2,516
Grade site and revegetate	4,830	SF	0.55	2,657
Dispose debris at local landfill including inspection fee	475	TONS	85.00	40,375

TOTAL ESTIMATED COST:

\$ 91,289

**Site Survey
Old Homer Intermediate School
Homer, Alaska**

Part V - Appendix

- Homer Intermediate School - ADA Survey Audit
- Homer Intermediate School - Hazardous Material Bldg. Survey

**Site Survey
Old Homer Intermediate School
Homer, Alaska**

**Appendix
Part V - A**

Homer Intermediate School - ADA Survey Audit

Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

1 - PARKING

SECTION REQUIREMENTS

4.1.2(5)(a) If parking areas are provided for employees or visitors, or both, then accessible spaces complying with 4.6 shall be provided in each such parking area (or in more convenient areas) in minimum quantities shown in table. (assumed 25 to 50 parking spaces in main lot)

4.1.2(5)(b) One in every 8 accessible spaces but not less than 1 shall be a van accessible space and so designated.

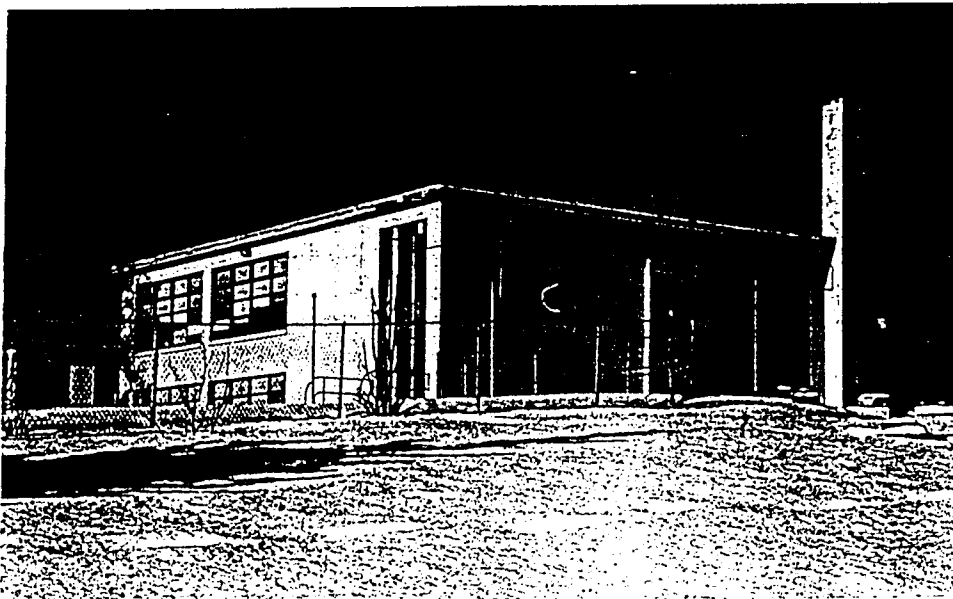
4.6:

4.6.2 Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

4.6.3 Accessible Parking spaces shall be at least 96 in. wide. Access aisles (Min. 60 in. except 96 in min. for van access aisle) shall be part of an accessible route to the building or facility entrance. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with surface slopes not exceeding 2% in all directions.

4.6.4 Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van accessible spaces shall be designated "Van Accessible" mounted below symbol of access. Signs shall be located so they cannot be obscured by vehicle parked in space.

Solution: Two accessible parking spaces required. Provide the new accessible parking spaces, at the east end of the building, in a location where the grade is suitable for access without ramps (sidewalk with less than 1:20 slope). One of the two new accessible parking spaces to be van accessible and so designated. There will only be one accessible entrance added to the existing building, therefore the accessible spaces will not need to be dispersed. See Sketch 3 attached.



Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

3 - PASSENGER LOADING ZONE

SECTION REQUIREMENTS

4.1.2(5)(c) If passenger loading zones are provided, then at least one passenger loading zone shall comply with 4.6.

Solution: I assumed that there would be no passenger loading zones for the old intermediate school, and that this would not apply.

Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

4 - EXTERIOR ACCESSIBLE ROUTE

SECTION REQUIREMENTS

- 4.3.2(1) At least one accessible route shall be provided within the boundary of the site from public transportation stops (if applicable), accessible parking, and accessible passenger loading zones (if applicable), and public streets or sidewalks (if applicable), to the accessible building entrance they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.
- 4.3.3 The minimum clear width of an accessible route shall be 36 in. except at doors (see 4.13). Figure 7(a) and (b) for minimum clear width required at turns around obstructions.
- 4.3.4 If an accessible route has less than 60 in. clear width, then passing spaces at least 60 in. by 60 in. shall be located at reasonable intervals not to exceed 200 ft. A "T" intersection of walks or corridors is an acceptable passing place.
- 4.5.1 Ground and floor surfaces along accessible routes shall be stable, firm, slip-resistant, and shall comply with 4.5.
- 4.5.2 Changes in level up to 1/4" may be vertical. Changes in level between 1/4" and 1/2" shall be beveled with slope no greater than 1:2. See Figure 7(c) & (d). Changes in level greater than 1/2" shall be accomplished by means of a ramp. See 4.7 and 4.8. (Note: A ramp is not required if the change in level has a constant slope of less than 5% or 1:20)
- Solution:** Provide one accessible route from the new accessible parking at the east end of the building to the new accessible building entrance. The accessible route to be a 5' wide concrete sidewalk, with broom finish, and a maximum slope of 5%. Ditto, accessible route to playground area. See Sketch 3.

Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

5 - CURB RAMPS

SECTION REQUIREMENTS

- 4.7.1 Curb ramps shall be provided wherever an accessible route crosses a curb.
- 4.7.2 Slopes of curb ramps shall comply with 4.8.2. (1:12). See Fig. 11. Transitions from curb ramp to walks, gutters, or streets shall be flush and free of abrupt changes. Max. slope of adjoining walks, gutters, or streets shall not exceed 1:20.
- 4.7.3 The minimum width of a curb ramp shall be 36" exclusive of flared sides.
- 4.7.4 Surfaces of curb ramps shall be stable, firm, slip-resistant, and shall be without changes in level exceeding 1/4" (abrupt) or 1/2" (beveled 1:2) per 4.5.1 and 4.5.2.
- 4.7.5 If a curb ramp is located where pedestrians must walk across the ramp, it shall have flared sides at 1:10 max. curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp. See Fig. 12 (a) & (b).
- 4.7.6 Built up curb ramps shall be located so that they don't project into traffic. See Fig. 13.
- 4.7.7 A curb ramp shall have a detectable warning complying with 4.29.2 (truncated cones/contrasting colors). The detectable warning shall extend full depth and width of curb ramp.
- 4.7.8 Curb ramps shall be located to prevent their obstruction by parked vehicles.

Solution: Curb ramps will not be required if the elevation of the new accessible route sidewalk and the new accessible parking is at the same elevation. Wheel stops will be required to keep vehicles from blocking the accessible route. See Sketch 3.

If a standard sidewalk curb is desired, in order to eliminate the use of wheelstops (snow removal problem) then a curb ramps complying with 4.7.2 through 4.9 will be required. This will require that truncated cones be utilized on the curb ramp, and that the sidewalk be at least 6 feet wide to accommodate a standard 6" curb height.

Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

6 - RAMPS

SECTION REQUIREMENTS

- 4.8.1 Any part of an accessible route with a slope greater than 1:20 shall be considered a ramp and shall comply with 4.8.
- 4.8.2 The least possible slope shall be used for any ramp. In new construction, the max. slope is 1:12 and the maximum rise is 30". Existing sites and buildings may have ramps with slopes and rises in accordance with 4.1.6(3)(a) if space limitations prohibit the use of a 1:12 slope or less.
4.1.6(3)(a): 1:10 to 1:12 for 6" max. rise.
1:8 to 1:10 for 3" max. rise.
A slope steeper than 1:8 is not allowed.
- 4.8.3 Min. clear width of ramp shall be 36".
- 4.8.4 Ramps shall have level landings at top and bottom and shall have the following features:
(1) Landing at least as wide as ramp to it.
(2) Landing length at least 60" clear.
(3) If ramp changes direction at landings, the minimum landing size shall be 60" by 60".
(4) If doorway occurs at landing, then the area in front of the doorway shall comply. (See #8 Exterior Doors and #17 Interior Doors.)
- 4.8.5 If ramp has a rise greater than 6" or a horizontal run greater than 72", then it shall have handrails on both sides. Handrails are not required on curb ramps or adj. to seating in assembly areas. Handrails shall be 1.25" to 1.5" diameter, with 1.5" clear to wall per Fig. 39, and have the following features:
(1) Handrails both sides of ramp. Inside handrail on switch-back ramps shall be continuous.
(2) Extend handrails min. 12" beyond top and bottom of ramp segments, parallel with surface.
(3) 1.5" clear space between handrail & wall.
(4) Continuous gripping surface.
(5) Top of gripping surface mounted 34" to 38" above ramp surface.
(6) Ends of handrails shall be rounded or return smoothly to floor, wall or post.
(7) Handrails shall not rotate within their fittings.
- 4.8.6 The cross slope shall not exceed 2%. Ramp surfaces shall be stable, firm, slip-resistant, and shall be without changes in level exceeding 1/4" (abrupt) or 1/2" (beveled 1:2). (Note that exterior ramps should either be roofed or ramp surface should be grated per 4.5.4 and then kept free of the accumulation of water, ice and snow per 4.5.1 & 4.8.8)
- 4.8.7 Ramps and landings with drop-offs shall have curbs, walls, railings, or projecting surfaces that prevent people from slipping off the ramp. Curbs shall be 2" high min. See Fig. 17.
- 4.8.8 Outdoor ramps and their approaches shall be designed so that water will not accumulate on walking surfaces.

The problems associated with the construction of exterior ramps in Alaska and maintaining them in a condition that is free of the accumulation of water, ice and snow makes ramps an expensive option where the vertical elevations exceed 4 or 5 feet as is the case at Homer Intermediate. The lineal feet of ramp and landings required for the 12 ft. floor to floor height would be 164 ft. not including the top and bottom landings (12ft. ht. x 12ft./ft. of ht. + a 5 ft. landing for ever 30" change in elevation x 4 landings req.). The enclosure required for this type of ramp would be approximately 650 to 700 square feet of structure. An elevator and elevator equipment room requires approximately 125 sq. ft. of structure.

Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

7 - PLATFORM LIFT

SECTION REQUIREMENTS

4.1.6(3)(g) Under special provisions for existing buildings, platform lifts complying with 4.11 and applicable state and local codes, may be used as a part of an accessible route. The use of lifts is limited to Exception 4 of 4.1.3(5).

Note: In alterations of existing facilities, private organizations do have the option of utilizing platform lifts to provide program access per 4.1.6(3)(g). Government agencies however, cannot use any of the elevator exemptions. As a consequence, since both the lessor and leasee are fully liable under ADA, an elevator or ramp will need to be installed in order to provide required program access.

Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

8 - ENTRANCE AND EXTERIOR DOORS

SECTION REQUIREMENTS

- 4.1.3(7)(a) At each accessible entrance to a building or facility, at least one door or one leaf at double doors shall comply with 4.13.
- 4.1.6(1)(h) There shall be at least one accessible entrance, per 4.13, so long as every area containing a primary function in the building is accessible to an accessible entrance.
- 4.1.3(9) Where a required exit from an occupiable level above or below a level of accessible discharge is not accessible, an area of rescue assistance per 4.3.11 shall be provided on each level (in a number equal to each inaccessible required exit.) **Note: Where an elevator is provided to each level, that is a required exit and no area of rescue assistance shall be required.**
- 4.13:
- 4.13.6 Maneuvering Clearance: Min. clearances on doors that are not automatic or power-assisted shall be as shown in Fig. 25. The floor or ground area within the required clearances shall be level and clear.
- 4.13.7 The min. space between two doors in series shall be 48" plus the width of any door swinging into the space. **Note: The vestibule is only 6' wide and needs to be 7' wide.**
- 4.13.8 Thresholds shall not exceed 1/2" in height and shall be beveled at 1:2.
- 4.13.9 Handles, pulls, latches, locks and other operating devices on accessible doors shall have a shape that is easy to grasp w/one hand and does not require tight grasping, pinching or twisting of the wrist to operate. Lever-operated, push-type and U-shaped hardware OK. Hardware mounting height: 48" AFF maximum.
- 4.13.10 Door Closers Sweep Time: 3 sec. from 70 degrees to a point 3 inches from the latch.
- 4.13.11 Door Opening Force:
(1) Exterior Doors: 8.5 lbs.
(2) Interior Doors: 5 lbs.

Solution: Since the existing entry doors are split level entries, there wasn't any easy way to make the existing entries accessible. It would be possible to tie an existing entry into a new elevator lobby and install a 3 stop elevator, however this would require a larger building addition than is necessary and would require a more expensive 3 stop elevator with elevator doors on two sides of the elevator. The existing vestibules would also need to be made wider, and the foot grate removed and replaced with an accessible grate or filled in entirely. An exterior accessible route would still be required to the existing porches.

It was felt that developing a new accessible entry on the east end of the building would be the most cost effective way to provide for parking, an exterior accessible route (without ramps), an accessible exterior entry and entry vestibule, and provide access at a location that would work well with an accessible elevator. Please reference Sketch No. 6 attached for the proposed new accessible exterior entrance.

Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

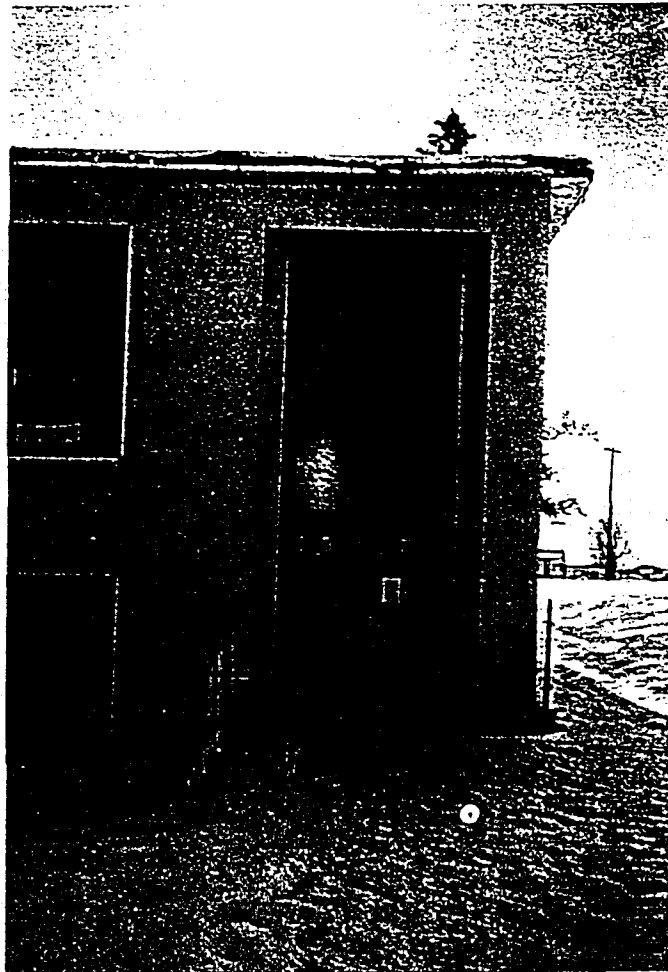
10 - EXTERIOR SIGNAGE

SECTION REQUIREMENTS

4.1.2(7) Exterior Elements of accessible facilities which shall be identified by the International Symbol of Accessibility and which shall comply with 4.30.7 are:

- (a) See Element 1. for Parking signage requirements.
- (c) Accessible entrances when not all are accessible. All inaccessible entrances shall have directional signage to indicate the route to the nearest accessible entrance, such that a person will not be required to retrace the approach route from the inaccessible entrance.

Solution: Provide directional signage at two non-accessible entries.



Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

11 - INTERIOR SIGNAGE

SECTION REQUIREMENTS

4.1.3(16) Required building signage shall comply with 4.30 as specified. Building directories, menus, and all other signs which are temporary are not required to comply.

4.30:

4.30.2 Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to-height ratio between 1:5 and 1:10.

4.30.3 Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted.

Signs @ 80" AFF: 3" high minimum.

Room signs @ 60" AFF: 5/8" high min./2" high max.

4.30.4 Letters and numerals shall be raised 1/32", upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be 5/8"-2" high. Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The pictogram shall be 6" by 6" minimum.

4.30.5 The characters and background of signs shall be eggshell, matte, or non-glare finish. Characters and symbols shall contrast with their background- either light on dark background or dark on light background.

4.30.6 Where permanent identification is provided for rooms and spaces, signs shall be installed on the wall adjacent to the latch side of the door. Where there is no wall space to the latch side of the door, including at double leaf doors, signs shall be placed on the nearest adjacent wall. Mounting height shall be 60" AFF. to the centerline of the sign. Mounting location of such sign shall be so that a person may approach within 3" of signage without encountering protruding objects or standing within the swing of a door.

(a) Signs which designate permanent rooms and spaces shall comply with 4.30

Solution: if permanent signage is installed identifying rooms or room numbers, then that signage should comply with 4.30.2 through 4.30.7.

(b) Other signs which provide direction to, or information about, functional spaces of the building shall comply with 4.30.2, 4.30.3, and 4.30.5.

Solution: If signage is installed that provides direction to, or information about, functional spaces of the building, that signage should comply with 4.30.2 4.30.3 and 4.30.5.

(c) Accessible toilet and bathing facilities when not all are accessible shall be identified by the International Symbol of Accessibility and signage complying with 4.30.2, 4.30.3, 4.30.5, and 4.30.7 shall be provided at all non-accessible facilities indicating the location of the nearest accessible toilet room.

Solution: Provide Interior signage at the new unisex toilet rooms on the first and second levels, and directional signage at the non-accessible toilet rooms on the first and second floors.

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Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
Location: Homer, Alaska

12 - INTERIOR ACCESSIBLE ROUTE

SECTION REQUIREMENTS

- 4.1.3(1) At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility. See Elements 22 and 23 for Elevator requirements. See Sketch No's. 6 and 7 for proposed new elevator location.
- 4.3.3 The minimum clear width of an accessible route shall be 36 in. except at doors (see 4.13). Figure 7(a) and (b) for minimum clear width required at turns around obstructions.
- 4.3.4 If an accessible route has less than 60 in. clear width, then passing spaces at least 60 in. by 60 in. shall be located at reasonable intervals not to exceed 200 ft. A "T" intersection of corridors is an acceptable passing place.
- 4.4.2 All circulation spaces shall have 80" min. clear head room.
- 4.5.1 Floor surfaces along accessible routes shall be stable, firm, slip-resistant.
- 4.5.2 Changes in level up to 1/4" may be vertical. Changes in level between 1/4" and 1/2" shall be beveled with slope no greater than 1:2. See Figure 7(c) & (d). Changes in level greater than 1/2" shall be accomplished by means of a ramp. See 4.7 and 4.8.
- 4.5.3 If carpet is used on floor surface, then it shall be securely attached, have a firm backing, and have a tight texture. The max. pile thickness shall be 1/2". Exposed edges shall be attached and have edge trim complying with 4.5.2.

Solution: Existing pile height and exposed edges generally appear to be in compliance with ADA. If new carpets or floor finishes are selected, they must comply with the requirements of ADA. Please note that removal of existing carpets and/or VCT will likely require hazardous materials abatement procedures.

- 4.5.4 If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2" wide in one direction. Long dimension shall be placed perpendicular to direction of travel.

Solution: The existing gratings should be replaced with compliant gratings even though they are not in the accessible route. This could help individuals with canes.



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Location: Homer, Alaska

14 - TOILET ROOMS

SECTION REQUIREMENTS

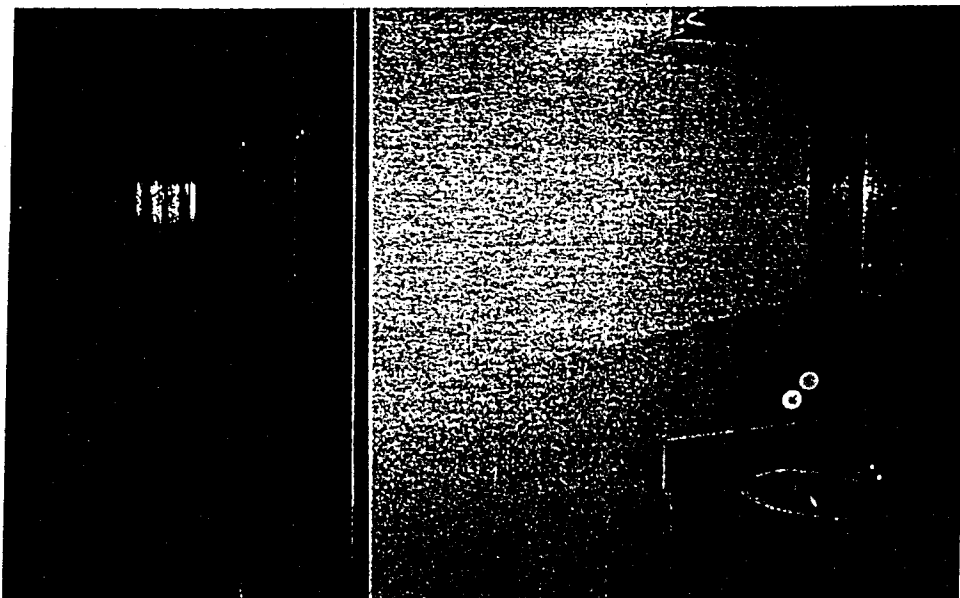
- 4.1.6(3)(e)(i) Where it is technically infeasible to comply with 4.22 or 4.23, the installation of at least one unisex toilet/bathroom per floor, located in the same area as the existing toilet facilities, will be permitted in lieu of modifying existing toilet facilities to be accessible. Each unisex toilet room shall contain one water closet complying with 4.16 and one lavatory complying with 4.19, and the door shall have a privacy latch.
- (ii) Where it is technically infeasible to install a required standard stall (Fig. 30(a)), or where other codes prohibit reduction of the fixture count (i.e., removal of a water closet in order to create a double-wide stall), either alternate stall (Fig. 30(b)) may be provided in lieu of the standard stall.
- 4.22.2 Doors to accessible toilet rooms shall comply with 4.13. (Toilet Rooms on both floors do not comply)
- 4.22.3 Accessible fixtures and controls req. in 4.22.4, 5, 6 & 7 shall be on an accessible route. (Toilet Rooms on both floors do not comply) An unobstructed turning space per 4.2.3 shall be provided within accessible toilet room. Req. clear floor space, accessible route and turning space may overlap.
- 4.22.4 If toilet stalls are provided, then at least one shall be a standard toilet stall complying with 4.17 and figure 30; where 6 or more stalls are provided, in addition to the stall complying with 4.17.3, at least one stall 36" wide with an outward swinging, self-closing door and parallel grab bars complying with Fig. 30(d) and 4.26 shall be provided. (Toilet Rooms on both floors do not comply)
- 4.13.5 Toilet Stall Doors shall have clear width 32" minimum. (Toilet Rooms on both floors do not comply)
- 4.13.9 Toilet Stall handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, pinching or twisting of the wrist to operate. Lever-operated, push-type, and U-shaped hardware OK. Hardware mounting height: 48" AFF maximum. (Toilet Rooms on both floors do not comply)
- 4.16.2 Clear floor space for water closets not in stalls shall comply with Fig 28 with either right or left hand approach. (N/A)
- 4.16.3 W.C. height: 17" to 19" to top of seat. (Fig. 29) (Toilet Rooms on both floors do not comply)
- 4.16.4 Grab Bars shall be 1-1/4" - 1-1/2" diameter per 4.26 with 1-1/2" clear space to wall, mtd. at 33"-36" high. Back grab bar shall be 36"L. and side grab bar shall be 42"L., 12" from back wall, per figure 29. (Toilet Rooms on both floors do not comply)
- 4.16.5 Flush controls shall be hand operated and shall comply with 4.27.4, (one hand w/o tight grasping, pinching or twisting of wrist; 5 lbs force max.) mounted on wide side of toilet area, no more than 44" AFF.
- 4.16.6 T.P. dispensers shall be installed within reach per Fig. 29(b). Dispensers that control delivery or do not permit continuous flow, shall not be used.
- 4.17.4 In standard stalls the front partition and at least one side partition shall provide a toe clearance of at least 9" AFF. If depth of stall is greater than 60" then toe clearance is not required.
- 4.26.2 Grab bars shall be 1 1/4" to 1 1/2" dia. or equivalent gripping surface. Clear space between wall and grab bar shall be 1.5". See Fig. 39.
- 4.26.3 Structural strength. If strength appears inadequate review 4.26.3.
- 4.26.4 Handrails, grab bars and adjacent wall surfaces shall be free of sharp or abrasive elements.
- 4.18.2 Urinals shall be stall type or wall-hung with an elongated rim at a maximum of 17" AFF.
- 4.18.3 Clear floor space 30" by 48" shall be provided in front of urinals to allow forward approach. This clear space shall adjoin or overlap an accessible route and shall comply with 4.2.4. See Fig. 4.

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- 4.18.4 Flush controls shall be hand operated or automatic and shall comply with 4.27.4 (5 lb. pull maximum), and shall be mounted no more than 44" AFF.
- 4.19.2 Lavatories shall be mtd. with the rim or counter surface no higher than 34". Provide 29" clearance to the bottom of the apron. Knee space shall comply with figure 31. (Toilet Rooms on both floors do not comply)
- 4.19.3 Lavatories shall have a clear floor space of 30" x 48" per Fig. 32.
- 4.19.4 Hot water and drain pipes under lavatories shall be insulated or otherwise configured to protect against contact. There shall be no sharp or abrasive surfaces under lavatories.
- 4.19.5 Faucets shall be lever operated, push-type, or electronically controlled complying with 4.27.4. (One hand, without tight grasping, pinching or twisting of the wrist, 5 lb. maximum). (Toilet Rooms on both floors do not comply)
- 4.19.6 Mirrors shall be mounted with the bottom edge of reflecting surface no higher than 44" AFF. (Toilet Rooms on both floors do not comply)
- 4.27.2 All controls and dispensers shall have clear floor space complying with 4.2.4 that allows a forward or parallel approach shall be provided at controls, dispensers, receptacles, and other operable equipment. See Fig. 4.
- 4.27.3 The highest operable part of controls, dispensers, receptacles, and other operable equipment shall be no higher than 48" with a forward reach and 54" with a side reach.
- 4.27.4 Controls and operating mechanisms shall be operable with one hand, without tight grasping, pinching or twisting of the wrist, 5 lb. maximum.

Solution: The access doors to the existing toilet rooms aren't wide enough. The vestibules aren't deep enough. There is not adequate maneuvering clearance at the boys toilet door adjacent to the sink wing wall. There is not adequate maneuvering clearance to the water closet area in the boys toilet room. The knee spaces are not adequate at the lavatories, etc.

Provide one unisex toilet per floor, located in the same general area as the existing toilet facilities, as shown on Sketch 6 and 7. This will be significantly less expensive than getting an accessible boys and girls toilet on each floor. Each unisex toilet room shall contain one water closet complying with 4.16 and one lavatory complying with 4.19, and the door shall have a privacy latch.



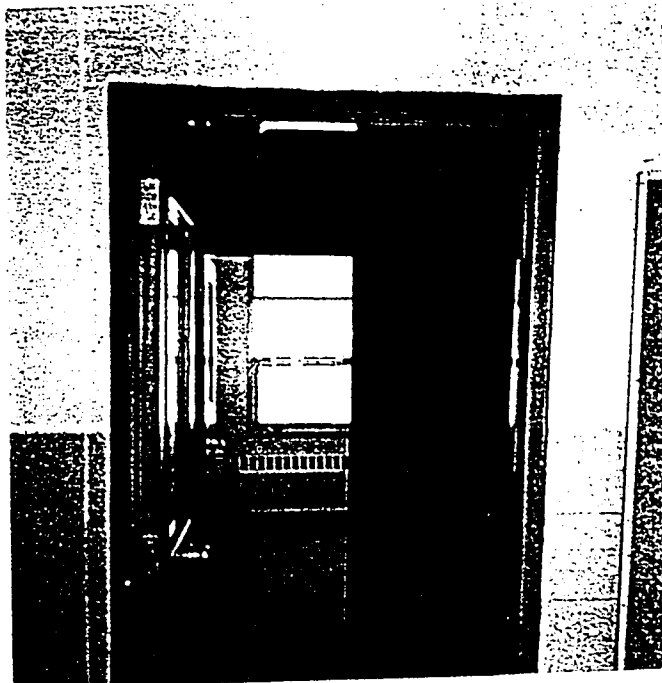
Date of Audit: 04/14/98
Audit By: Marvin Ungerecht
Facility: Homer Intermediate School
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17 - INTERIOR DOORS

SECTION REQUIREMENTS

- 4.1.3(7) Within a building or facility, at least one door (or one leaf at double doors) at each accessible space and all doors that are part of an accessible route shall comply with 4.13.
- 4.13:
4.13.5 Required clear width: 32" min. with door open 90 degrees, measured between face of door and opposite stop. See Fig. 24 (a) through (e). (5/8" stop OK in existing door openings) Bathroom doors do not comply, new unisex toilets to be added.
- 4.13.6 Maneuvering Clearance: Min. clearances on doors that are not automatic or power-assisted shall be as shown in Fig. 25. The floor or ground area within the required clearances shall be level and clear. Bathroom doors do not comply, new unisex toilets to be added.
- 4.13.7 The min. space between two doors in series shall be 48" plus the width of any door swinging into the space per Fig. 26. Bathroom doors do not comply, new unisex toilets to be added.
- 4.13.9 Handles, pulls, latches, locks and other operating devices shall have a shape that is easy to grasp w/ one hand and does not require tight grasping, pinching or twisting of the wrist to operate. Lever-operated, push-type and U-shaped hardware OK. Hardware shall be mounted at 48" AFF maximum. (Note all interior doors at program spaces, including classrooms, bathrooms, and the administrative area are in non-compliance.)
- 4.13.10 Door closers sweep time: 3 seconds max.
- 4.13.11 Door Opening Force:
(3) Interior Doors: 5 lbs. max.
- 4.13.12 Automatic and power assisted doors, if used, shall comply with this section.

Solution: Provide lever handled latch or locksets as required at 4 classroom doors, 2 bathroom doors, and at the door to reception 103 and office 102. Adjust closers for a second sweep time (maximum) and for a 5 lb. max. door opening force.



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18 - DRINKING FOUNTAINS

SECTION REQUIREMENTS

4.1.3(10)(a) Where only one drinking fountain is provided on a floor there shall be a drinking fountain which is accessible to individuals who use wheelchairs in accordance with 4.15 and one accessible to those who have difficulty bending or stooping. (Provide hi-lo fountain; one per 4.15 and one at standard height; one per 4.15 and a water cooler; or other method to accommodate both groups).

4.15:

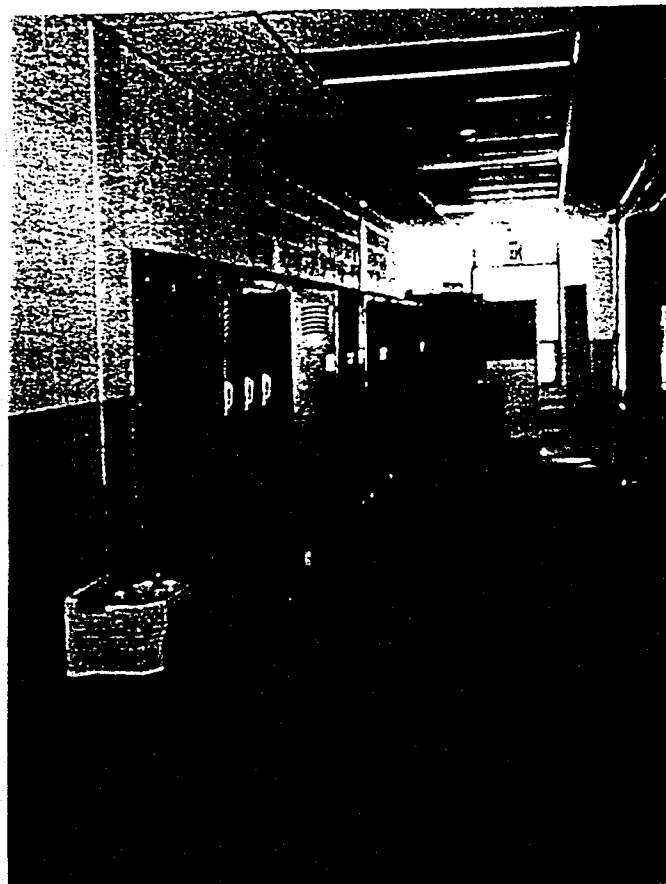
4.15.2 D. F. spout shall be mounted at 36"H. max.

4.15.3 D. F. spout shall be located in front of unit with water flow trajectory nearly parallel to front of unit. Flow of water 4" high min. (for insertion of cup).

4.15.4 Controls per 4.27.4 (one hand; w/o tight grasp, pinching or twisting of wrist; 5 lbs. max.) located at front or side near front edge.

4.15.5(1) Wall and post-mounted D.F. units shall have a clear knee space between the bottom of the apron and the floor of 27" high, 30" wide, 17" to 19" deep. See Fig. 27. Min. clear floor space shall be 30" x 48" for forward approach.

Solution: Remove the existing drinking fountains on each floor and provide new hi-low fountain at each location.



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Facility: Homer Intermediate School
Location: Homer, Alaska

22 - ELEVATOR ENTRANCE

SECTION REQUIREMENTS

In order to make the facility accessible, and because the Kenai Peninsula Borough, as a public entity, cannot utilize any of the elevator exemptions, an elevator complying with Elements 22 and 23 will be required for the Old Homer Intermediate School.

- 4.1.3(5) One passenger elevator complying with 4.10 shall serve each level, including mezzanines, in all multi-story buildings and facilities.
Note: Government facilities are not permitted to use elevator exception 1. They must provide an elevator or a ramp.
- 4.10:
- 4.10.2 Elevator operation shall be automatic. Each car shall be automatically self leveling, with 1/2" maximum tolerance of over or under travel.
- 4.10.3 Hall Call Buttons shall be centered at 42" AFF. Such call buttons shall have visual signals to indicate when each call is registered and when each call is answered. Call buttons shall be a minimum of 3/4" in the smallest dimension. The button designating the up direction shall be on top. See Fig. 20. Buttons shall be raised or flush. Objects mounted beneath hall call buttons shall not project into the elevator lobby more than 4".
- 4.10.4 Hall Lanterns. A visible and audible signal shall be provided at each hoistway entrance to indicate which car is answering a call. Audible signals shall sound once for the up direction and twice for the down direction or shall have verbal annunciators that say "up" or "down". Visible signals shall have the following features:
(1) Hall lantern fixtures shall be mounted so that their centerline is at least 72" AFF. (2) Visual elements shall be at least 2-1/2" in the smallest dimension. (3) Signals shall be visible from the vicinity of hall call buttons, and conforming to the above requirements, shall be acceptable.
- 4.10.5 All elevator hoistway entrances shall have raised and Braille floor designations provided on both jambs. The centerline of the characters shall be 60" AFF. Characters shall be 2" in height and letters and numerals shall be raised 1/32", upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille.
- 4.10.6 Elevator Doors shall open and close automatically. They shall be provided with a safety door edge or a reopening device that will stop and reopen a car door and hoistway door automatically if the door becomes obstructed by an object or person. The device shall be capable of completing these operations without requiring contact for an obstruction passing through the opening at heights of 5" and 29" AFF. Door reopening devices shall remain effective for at least 20 seconds, and then it may close per ASME A17.1-1990.
- 4.10.7 The minimum acceptable time from notification that a car is answering a call until the doors of car start to close is 5 seconds.
- 4.10.8 The minimum time for elevator doors to remain open in response to a car call shall be 3 seconds.

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Location: Homer, Alaska

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23 - ELEVATOR CAB

In order to make the facility accessible, and because the Kenai Peninsula Borough, as a public entity, cannot utilize any of the elevator exemptions, an elevator complying with Elements 22 and 23 will be required for the Old Homer Intermediate School.

SECTION REQUIREMENTS

- 4.10.9 The floor area of elevator cars shall be 51" x 80" w/36" wide door for a double door unit and 68" x 51" w/36" wide door for a single door unit per Fig. 22.
- 4.10.10 Illumination level at car controls, platform, and car threshold and landing: 5 fc. minimum.
- 4.10.11 Car control panel shall have the following:
- (1) All control buttons shall be at least 3/4" minimum, raised or flush.
 - (2) All control buttons shall be designated by Braille and by raised standard alphabet characters for letters, arabic characters for numerals, or standard symbols as shown in Fig. 23a. Raised and Braille characters shall comply with 4.30. The call button for the main entry floor shall be designated by a raised star at the left of the floor designation. All raised designations for control buttons shall be placed immediately to the left of the button to which they apply. Applied plates are OK. Floor buttons shall be provided with visual indicators. to show when call is registered. The visual indicators shall be extinguished when each call is answered.
 - (3) All floor buttons shall be no higher than 54" AFF for side approach and 48" AFF for forward approach. Emergency controls, including emergency alarm and stop shall be grouped at the bottom of the panel and shall have their centerlines no less than 35" AFF. See Fig. 23.
 - (4) Controls shall be located on a front wall if cars have center opening doors, and at the side or front wall if cars have side opening doors. See Fig 23.
- 4.10.13 Car Position Indicator shall be provided above the car control panel or over the door to show the position of the elevator in the hoistway. As the car passes or stops at a floor served by the elevators, the corresponding numerals shall illuminate, and an audible signal shall sound. Numerals shall be a minimum of 1/2" high. Audible signals: 20 db. An automatic verbal announcement of the floor number at which a car stops or passes may be substituted for the audible signal.
- 4.10.14 If provided, emergency two-way communication systems between the elevator and a point outside the hoistway shall comply with ASME A17.1-1990. The highest operable part of a two-way communication system shall be a maximum of 48" AFF. It shall be identified by raised lettering and symbol per 4.30 and located adjacent to the device. If the system uses a handset, then the cord must be 29" long minimum. If system is in closed compartment, the compartment door hardware shall comply with 4.27 (one hand, w/o tight grasp, pinching or twisting of wrist, 5 lbs. pull max.). The emergency intercommunication system shall not require voice communication.

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27 - ALARMS

SECTION REQUIREMENTS

4.1.3(14) If emergency warning systems are provided, then they shall include both audible and visual alarms per 4.28.

4.28:

4.28.1 Alarms shall be provided in restrooms, lobbies, hallways, and any other common use area. **There are currently no alarms in the restrooms.**

4.28.2 Audible alarms shall be at least 15db above surrounding sound levels or with a duration of 60 seconds at 5db above the maximum surround sound level, but shall not exceed 120db.

4.28.3 Visual alarms shall be of a type that complies with this section and shall be no more than 50' from any point in a room or corridor, or in assembly areas greater than 100' across, can be placed along the perimeter at 100' max. intervals. Alarms shall be mounted at 80" above finish floor or 6" below the ceiling, whichever is lower.

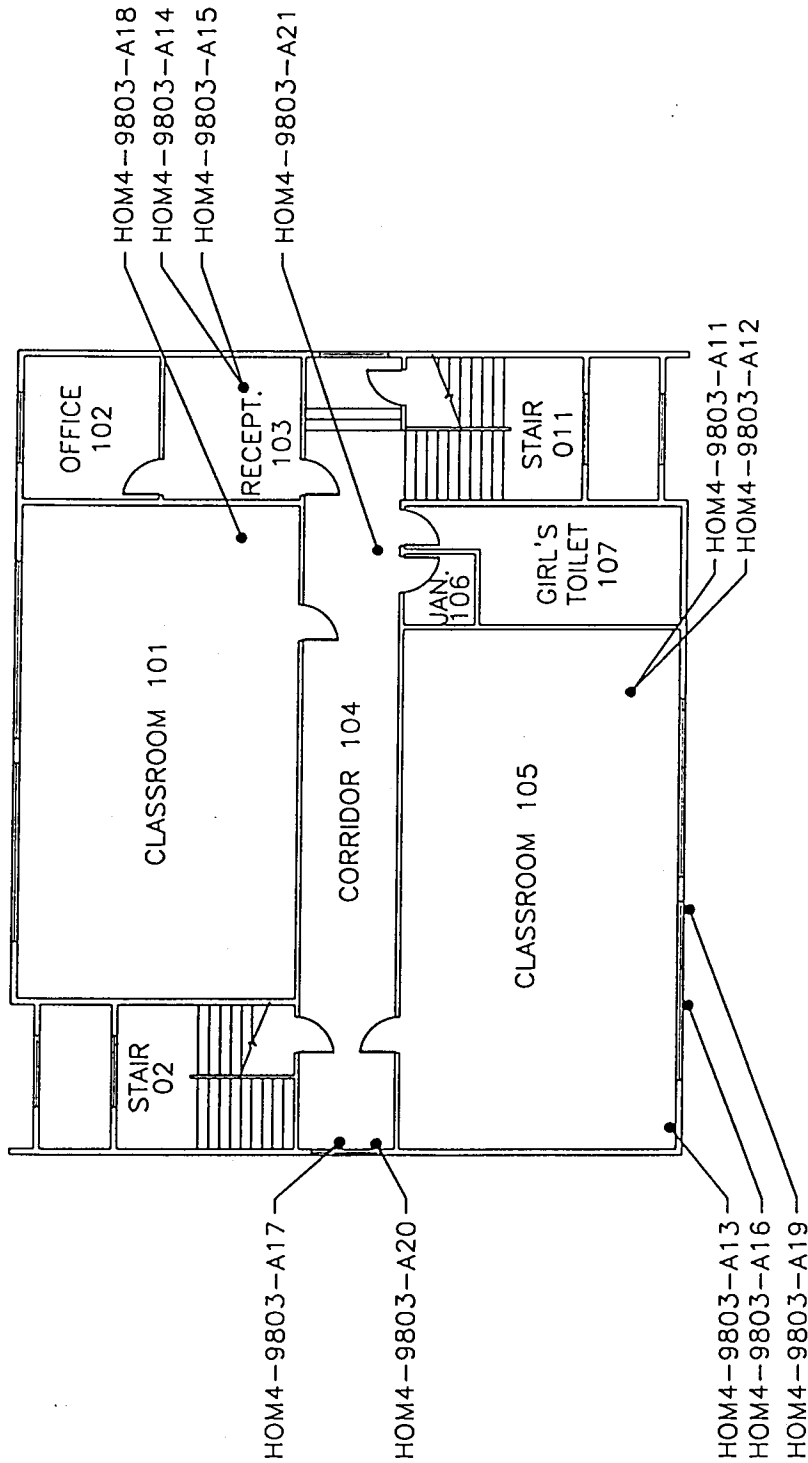
Solution: Add ADA compliant horn/strobes in the existing toilet rooms, and in the new unisex toilet rooms. Lower the existing horn/strobes to 80" above finish floor and verify that the four existing horn/strobe units comply with ADA. Repair or replace existing horn/strobes if they are not in compliance with ADA.

**Site Survey
Old Homer Intermediate School
Homer, Alaska**

**Appendix
Part V - B**

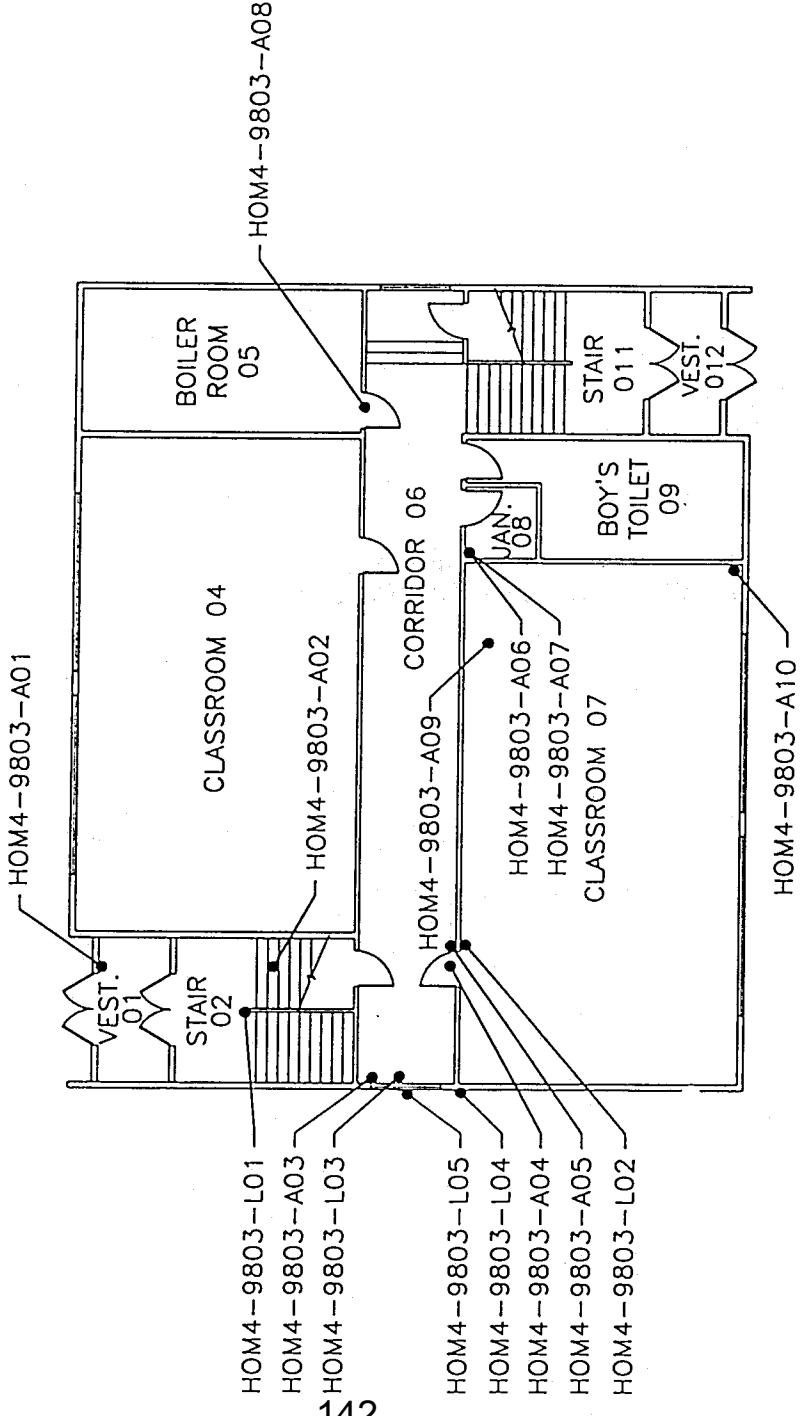
Homer Intermediate School - Hazardous Material Bldg. Survey

LEGEND
 ●— HOM4-9803-A00 ASBESTOS SAMPLE LOCATIONS
 ●— HOM4-9803-L00 LEAD SAMPLE LOCATIONS



1 SECOND FLOOR PLAN
 1/16" = 1'0"
 8 2

- LEGEND**
- HOM4-9803-A00 ASBESTOS SAMPLE LOCATIONS
 - HOM4-9803-L00 LEAD SAMPLE LOCATIONS



1 FIRST FLOOR PLAN
8 1 1/16" = 1' 0"

KENAI PENINSULA BOROUGH
HOMER 4 CLASSROOM BUILDING
HOMER, ALASKA
HAZARDOUS MATERIAL BLDG. SURVEY

PROJECT NO.	4169-01-01
DESIGNED:	ASB
DRAWN:	ASB
CHECKED:	ASB
TITLE:	ASB
SCALE:	1/16" = 1' 0"
DWG. NO.	4169-01
DATE:	2/29/98
	S-1
	of 2





EHS ALASKA
INCORPORATED

Environmental Health Sciences-Alaska, Inc.
10928 Eagle River Road, Suite 202, Eagle River, AK 99577-8052
(907) 694-1383 • (907) 694-1382 fax

CHAIN OF CUSTODY RECORD/FIELD SURVEY DATA

Page 1 of 1

FIELD COLLECTION DATE: 3-26-98	JOB #: 4169-01-01	MATERIAL TYPE: (Circle) ASBESTOS LEAD	TOTAL QUANTITIES: 5
PROJECT NAME: KPB-HOMER 4 CLASSR.		BULK ANALYSIS REQUESTED: (Circle) PLM/PLM DUST/TEM BULK/LEAD TCLP/LEAD PPM	
FACILITY: 4 CLASSROOM BUILDING		DISPOSAL: USUAL	TURNAROUND: 3 DAYS

SPECIAL INSTRUCTIONS:

COLLECTED BY (signature) T. Slaton Barber	SELECTED LABORATORY IATL	COMMENTS:
PRINTED NAME T-5270-13	SAMPLES ACCEPTED BY	
CERT# AHERAW	DATE/TIME	
SHIPPING METHOD FED EX	ANALYST'S SIGNATURE	
COURIER (signature)	DATE	
DATE/TIME		

SAMPLE ID	SAMPLE DESCRIPTION, (COLOR, MATERIAL TYPE, LAYERS, FRIABILITY)	LOCATION/COMMENTS (INCLUDING PHOTO/REF)	RESULTS PPM
1 HOMA-9803-101 MATERIAL CONDITION: GOOD FAIR POOR	BLUE + RED PAINTS DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:	INTERIOR CONCRETE WALLS	590
2 HOMA-9803-102 MATERIAL CONDITION: GOOD FAIR POOR	BROWN/CREAM/BLACK PAINTS DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:	INTERIOR DOOR FRAME	4,000
3 HOMA-9803-103 MATERIAL CONDITION: GOOD FAIR POOR	LIGHT BLUE + CREAM PAINTS DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:	INTERIOR WINDOW FRAME	35,000
4 HOMA-9803-104 MATERIAL CONDITION: GOOD FAIR POOR	LIGHT + DARK CREAM PAINTS DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:	EXTERIOR ON CONCRETE	360
5 HOMA-9803-105 MATERIAL CONDITION: GOOD FAIR POOR	BROWN PAINT DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:	EXT WINDOW FRAME W. SIDE	14,000
6 MATERIAL CONDITION: GOOD FAIR POOR	DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:		
7 MATERIAL CONDITION: GOOD FAIR POOR	DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:		
8 MATERIAL CONDITION: GOOD FAIR POOR	DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT:		

Chain of Custody / Transmittal
PRELIMINARY RESULTS
Lead Analysis

Client: EHS Alaska Inc. Project No.: 4169-01-01

Facility: _____ Client Contact: _____

Telephone: _____
FAX: (907) 694-1382
DATE: 4-1-99
Analysis: Atomic Absorption Spectroscopy (Flame / Furnace) Lab Contact: Frank Ehrenfeld
Method: ASTM 3335-85a (Paint Wipe) / NIOSH 7082 (Air) (609) 231-9449
EPA SW846 (Soil) / EPA 200.7 ASTM D3359-90D (Water) Turn Around Time: 3 day

RUN #: 98-0401

See the attached chain of custody or sample log for results of sample analysis.

- DW = Dry weight correction required due to > than 5% weight from water.
- VD = Void. Damage to Filter.
- ID = Insufficient Sampling Data.
 - Wipes. Area sampled assumed to be 1.0 square ft.
 - Air filters Results reported in total milligrams.
- FB = Method requires submittal of blank(s).
- ML = Multi layered sample. May cause inconsistent results.
- * = Insufficient Sample Provided to Perform QC / ReAnalysis (<200mg)
- ** = Insufficient Sample Provided to Analyze (<50mg)
- *** = Matrix / Substrate Interference Possible

These preliminary results are issued by IATL to expedite procedures by clients based upon the above data. IATL assumes that all of the sampling methods and data upon which these results are based, has been accurately supplied by the client. These results may not have been reviewed by the Laboratory Director. Final Certificate of Analysis will follow these preliminary results. The signed COA is to be considered the official results. All EPA, HUD, and NJDEP conditions apply.



EHS ALASKA
INCORPORATED

Environmental Health Sciences-Alaska, Inc.
10928 Eagle River Road, Suite 202, Eagle River, AK 99577-8052
(907) 694-1383 • (907) 694-1382 fax

CHAIN OF CUSTODY RECORD/FIELD SURVEY DATA

Page 1 of 1

FIELD COLLECTION DATE: 3-26-98	JOB #: 4169-01-01	MATERIAL TYPE: (Circle) ASBESTOS LEAD	TOTAL QUANTITIES: 5
PROJECT NAME: CPB-HOMER 4 CLASSR	BULK ANALYSIS REQUESTED: (Circle) PLM / PLM DUST / TEM BULK / LEAD TCLP / LEAD PPM		
FACILITY: 4 CLASSROOM BUILDING	DISPOSAL: USUAL	TURNAROUND: 3 DAYS	

SPECIAL INSTRUCTIONS:

COLLECTED BY (signature) T. Slaton FOXY SLATONBAKKER PRINTED NAME T-5270-13 CERT# AHERAN FED EX SHIPPING METHOD COURIER (signature)	SELECTED LABORATORY IATA SAMPLE RECEIVED BY DATE/TIME ANALYST'S SIGNATURE DATE	COMMENTS: RECEIVED MAR 27 1998
--	---	--------------------------------------

% Pb

SAMPLE ID	SAMPLE DESCRIPTION (COLOR, MATERIAL TYPE, LAYERS, FRIABILITY)	LOCATION/COMMENTS (INCLUDING PHOTOGRAPH)	RESULTS
1 HOM4-9803- LO1 MAIL CONDITION: GOOD FAIR POOR	BLUE + RED PAINTS 720452 DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:	INTERIOR CONCRETE WALLS	0.059
2 HOM4-9803- LO2 MAIL CONDITION: GOOD FAIR POOR	BROWN / CREAM / BLACK PAINTS 720453 DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:	INTERIOR POOR FRAME	0.40
3 HOM4-9803- LO3 MAIL CONDITION: GOOD FAIR POOR	LIGHT BLUE + CREAM PAINTS 720454 DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:	INTERIOR WINDOW FRAME	3.5 *
4 HOM4-9803- LO4 MAIL CONDITION: GOOD FAIR POOR	LIGHT + DARK CREAM PAINT 720455 DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:	EXTERIOR ON CONCRETE	0.036 0.004
5 HOM4-9803- LO5 MAIL CONDITION: GOOD FAIR POOR	BROWN PAINT 720456 DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:	EXT WINDOW FRAME W. SIDE	1.4
6 Analyzed MAIL CONDITION: GOOD FAIR POOR	JAC 4/1/98 DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:		
7 MAIL CONDITION: GOOD FAIR POOR	DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:		
8 MAIL CONDITION: GOOD FAIR POOR	DAMAGE POTENTIAL: (G, M, H) WATER: AIR: VIBRATION: CONTACT:		

RETURN A SIGNED COPY OF THIS FORM WITH THE FINAL REPORT TO EHS-ALASKA

EHS-895

5/11/6:50



Environmental Health Sciences-Alaska, Inc.
 10928 Eagle River Road, Suite 202, Eagle River, AK 99577-8052
 (907) 694-1383 • (907) 694-1382 fax

CHAIN OF CUSTODY RECORD/FIELD SURVEY DATA

Page 1 of

FIELD COLLECTION DATE: 3-24-98	JOB #: 4169-01-01	MATERIAL TYPE: (Circle) ASBESTOS LEAD	TOTAL QUANTITIES: 21
PROJECT NAME: KPR - 4 CLASSROOM SUR		BULK ANALYSIS REQUESTED: (Circle) PLM PLM DUST / TEM BULK / LEAD TCLP / LEAD PPM	
FACILITY: HOMER 4 CLASSROOM BLDG		DISPOSAL: USUAL	TURNAROUND: 3 DAYS

SPECIAL INSTRUCTIONS:

COLLECTED BY (signature) TONY SLATON BARKER PRINTED NAME T-5270-13 CERT# AHERA# FED EX SHIPPING METHOD COURIER (signature) DATE/TIME	IATL SELECTED LABORATORY J.H. 1925 SAMPLES ACCEPTED BY DATE/TIME 7 ANALYST'S SIGNATURE B. New... DATE 4-1-98	COMMENTS: ND = NONE DETECTED 4-14-98
--	---	--

SAMPLE ID	SAMPLE DESCRIPTION, (COLOR, MATERIAL TYPE, LAYERS, FRIABILITY)	LOCATION/COMMENTS (INCLUDING PHOTO/REF)	RESULTS
1. HOM4-9803-A01 MATERIAL CONDITION: (GOOD) FAIR POOR	LIGHT BROWN COVE BASE MASTIC DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	ENTRY 720699	ND
2. HOM4-9803-A02 MATERIAL CONDITION: (GOOD) FAIR POOR	RUBBER FLOOR CLOTH BACKING + MASTIC DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	STAIRS 720700	ND
3. HOM4-9803-A03 MATERIAL CONDITION: (GOOD) FAIR POOR	CLOTH COVER ON FG INS. DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	END BASEMENT HALL 1ST FLOOR 720701	ND
4. HOM4-9803-A04 MATERIAL CONDITION: (GOOD) FAIR POOR	9X9 VAT, BLACK MASTIC & YELLOW CARPET MASTIC DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	BASEMENT HALL FIRST FLOOR 720702	PLM - 10% YMAS - ND EMAS - 10%
5. HOM4-9803-A05 MATERIAL CONDITION: (GOOD) FAIR POOR	DRK & LT BRWN COVE MASTIC DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	1ST FLOOR HALL 720703	ND
HOM4-9803-A06 MATERIAL CONDITION: (GOOD) FAIR POOR	BROWN COVE BASE MASTIC DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	JAN CLOSET 1ST FLOOR 720704	ND
7. HOM4-9803-A07 MATERIAL CONDITION: (GOOD) FAIR POOR	YELLOW SHEET VINYL MASTIC DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	1ST FLOOR JAN CLOSET 720705	ND
8. HOM4-9803-A08 MATERIAL CONDITION: (GOOD) FAIR POOR	GYP SUM WALLBOARD DAMAGE POTENTIAL: (LO, MED, HI) CONTACT: ✓ WATER: AIR: VIBRATION:	BOILER ROOM 720706	ND

FIELD SURVEY DATA (continued)

PROJECT NAME: KP8 - HOMER 4 CLASS. JOB # FACILITY: 4169-01-01

JOB NUMBER: 4 CLASSROOM BUILDING DATE: 3-24-98 COLLECTED BY: SLATONBAKKER

SAMPLE ID	SAMPLE DESCRIPTION, (COLOR, MATERIAL TYPE, LAYERS, FRIABILITY)	LOCATION/COMMENTS (INCLUDING PHOTO/REF)	RESULTS
HOM4-9803-A09 MATERIAL CONDITION: (GOOD) FAIR POOR	2X4 DROP CEILING TILE WORMY PATTERN DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT: ✓	CLASSROOM 7 720707	ND
HOM4-9803-A10 MATERIAL CONDITION: (GOOD) FAIR POOR	JOINT COMPOUND DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT: ✓	" 720708	1.9%
HOM4-9803-A11 MATERIAL CONDITION: (GOOD) FAIR POOR	BLACK MASTIC/FIXALL/GRAY CONC. DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT: ✓	CLASSROOM 105 720709	ND
HOM4-9803-A12 MATERIAL CONDITION: (GOOD) FAIR POOR	12X12 WHITE VCT + BLACK MASTIC DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT: ✓	" 720710	ND
HOM4-9803-A13 MATERIAL CONDITION: (GOOD) FAIR POOR	JOINT COMPOUND DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT: ✓	" 720711	2.5%
HOM4-9803-A14 MATERIAL CONDITION: (GOOD) FAIR POOR	BROWN CEILING TILE MASTIC DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT: ✓	ROOM 103 ABOVE PROP CEILING 720712	ND
HOM4-9803-A15 MATERIAL CONDITION: (GOOD) FAIR POOR	GRAY/BROWN GNB DAMAGE POTENTIAL: (LO, MED, HI) WATER: AIR: VIBRATION: CONTACT: ✓	" 720713	ND
HOM4-9803-A16 MATERIAL CONDITION: (GOOD) FAIR POOR	WHITE WINDOW FRAME SEALANT DAMAGE POTENTIAL: (LO, MED, HI) WATER: ✓ AIR: ✓ VIBRATION: CONTACT: ✓	S. SIDE EXTERIOR 720714	8%
HOM4-9803-A17 MATERIAL CONDITION: (GOOD) FAIR POOR	BLACK + SILVER ROOF MASTIC DAMAGE POTENTIAL: (LO, MED, HI) WATER: ✓ AIR: ✓ VIBRATION: CONTACT: ✓	BY LADDER 720715	10%
HOM4-9803-A18 MATERIAL CONDITION: (GOOD) FAIR POOR	NEW BLACK ROOF MASTIC - DAMAGE POTENTIAL: (LO, MED, HI) WATER: ✓ AIR: ✓ VIBRATION: CONTACT: ✓	SEAMS OF TAR PAPER SHEETS ON ROOF 720716	ND
HOM4-9803-A19 MATERIAL CONDITION: (GOOD) FAIR POOR	WHITE WINDOW GLAZING COMPOUND DAMAGE POTENTIAL: (LO, MED, HI) WATER: ✓ AIR: ✓ VIBRATION: CONTACT: ✓	S SIDE EXTERIOR 720717	6.8%
HOM4-9803-A20 MATERIAL CONDITION: (GOOD) FAIR POOR	OLD BLACK ROOF MASTIC DAMAGE POTENTIAL: (LO, MED, HI) WATER: ✓ AIR: ✓ VIBRATION: CONTACT: ✓	BY LADDER 720718	ND
HOM4-9803-A21 MATERIAL CONDITION: (GOOD) FAIR POOR	GRAY PENETRATION SEALANT. 147	AT ROOF HOOD 720719	ND

CERTIFICATE OF ANALYSIS

Client: EHS Alaska Incorporated
10928 Eagle River Rd., Ste 202
Eagle River AK 99577

Report Date: 04/06/1998
Project: KPB-4 Classroom SUR,3/24/98
Project No.: 4169-01-01

BULK SAMPLE ANALYSIS SUMMARY

Lab No. 720699	Material Description: Tan Mastic		
Client No.: HOM49803A01	Location: Entry		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	5	Wollastonite
			<u>% Non-Fibrous Material</u>
			95

Lab No. 720700	Material Description: Black/White Fibrous		
Client No.: HOM49803A02	Location: Mat'l W/Tan Mastic Stairs		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	55	Fibrous Glass
			<u>% Non-Fibrous Material</u>
			45

Lab No. 720700	Material Description: Black/White Fibrous		
Client No.: HOM49803A02	Location: Mat'l W/Tan Mastic Stairs		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	None Detected	None Detected
Tan Mastic			<u>% Non-Fibrous Material</u>
From Above			100

Lab No. 720701	Material Description: Tan/White/Blue		
Client No.: HOM49803A03	Location: Fibrous Material End 1st Floor Hall		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	75	Fibrous Glass
			<u>% Non-Fibrous Material</u>
			25

RECEIVED

NIST-NVLAP No. 1165

NY-DOH No. 11021

AIHA Lab No. 444

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Analysis Method: EPA 600/R-93/116

Comments: (PC) Indicates Stratified Point Count Method performed. Method not performed unless stated. PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Before this material can be considered or treated as non-asbestos containing, confirmation must be made by quantitative TEM.

Analysis Performed By: Becky Huntzinger 148

Approved By: Frank E. Ehrenfeld, III

Date: APR 11 1998 Becky Huntzinger

Frank E. Ehrenfeld, III

CERTIFICATE OF ANALYSIS

Client: EHS Alaska Incorporated
10928 Eagle River Rd., Ste 202
Eagle River AK 99577

Report Date: 04/06/1998
Project: KPB-4 Classroom SUR,3/24/98
Project No.: 4169-01-01

BULK SAMPLE ANALYSIS SUMMARY

Lab No. 720702	Material Description: Brown FloorTile With			
Client No.: HOM49803A04	Location: Tan/Black Mastic	First Floor Hall		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>	<u>% Non-Fibrous Material</u>
10	Chrysotile	None Detected	None Detected	90
Brown Floor Tile				

Lab No. 720702	Material Description: Brown FloorTile With			
Client No.: HOM49803A04	Location: Tan/Black Mastic	First Floor Hall		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>	<u>% Non-Fibrous Material</u>
None Detected	None Detected	None Detected	None Detected	100
Tan Mastic From Above				

Lab No. 720702	Material Description: Brown FloorTile With			
Client No.: HOM49803A04	Location: Tan/Black Mastic	First Floor Hall		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>	<u>% Non-Fibrous Material</u>
10	Chrysotile	None Detected	None Detected	90
Black Mastic From Above				

Lab No. 720703	Material Description: Brown/Tan Mastic			
Client No.: HOM49803A05	Location: 1st Floor Hall			
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>	<u>% Non-Fibrous Material</u>
None Detected	None Detected	None Detected	None Detected	100
Brown Mastic				

NIST-NVLAP No. 1165 NY-DOH No. 11021 AIHA Lab No. 444

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Analysis Method: EPA 600/R-93/116

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Analysis Performed By: Beeby Hunt 149

Approved By: Frank E. Ehrenfeld, III
Frank E. Ehrenfeld, III

Date: 4 0 6 1 9 9 8

CERTIFICATE OF ANALYSIS

Client: EHS Alaska Incorporated
10928 Eagle River Rd., Ste 202
Eagle River AK 99577

Report Date: 04/06/1998
Project: KPB-4 Classroom SUR,3/24/98
Project No.: 4169-01-01

BULK SAMPLE ANALYSIS SUMMARY

Lab No. 720703	Material Description: Brown/Tan Mastic		
Client No.: HOM49803A05	Location: 1st Floor Hall		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	5	Wollastonite
Tan Mastic			
From Above			
			<u>% Non-Fibrous Material</u>
			95

Lab No. 720704	Material Description: Brown Mastic		
Client No.: HOM49803A06	Location: Jan Closet, 1st Floor		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	None Detected	None Detected
			<u>% Non-Fibrous Material</u>
			100

Lab No. 720705	Material Description: Tan NonFibrous Mat'l		
Client No.: HOM49803A07	Location: 1st Floor, Jan Closet		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	Trace	Cellulose
			<u>% Non-Fibrous Material</u>
			100

Lab No. 720706	Material Description: Tan/White Sheetrock		
Client No.: HOM49803A08	Location: Boiler Room		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	20	Cellulose
			<u>% Non-Fibrous Material</u>
			80

NIST-NVLAP No. 1165 NY-DOH No. 11021 AIHA Lab No. 444

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Analysis Method: EPA 600/R-93/116

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Analysis Performed By: Becky Huntington 150

Approved By: Frank E. Ehrenfeld, III
Frank E. Ehrenfeld, III

Date: _____

CERTIFICATE OF ANALYSIS

Client: EHS Alaska Incorporated
10928 Eagle River Rd., Ste 202
Eagle River AK 99577

Report Date: 04/06/1998
Project: KPB-4 Classroom SUR,3/24/98
Project No.: 4169-01-01

BULK SAMPLE ANALYSIS SUMMARY

Lab No. 720707	Material Description: Grey/White Ceil.Tile		
Client No.: HOM49803A09	Location: Classroom 7		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	45	Fibrous Glass
		25	Cellulose
			<u>% Non-Fibrous Material</u> 30

Lab No. 720708	Material Description: OffWhite Jt.Compound		
Client No.: HOM49803A10	Location: Classroom 7		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
PC 1.9	Chrysotile	None Detected	None Detected
			<u>% Non-Fibrous Material</u> PC 98.1

Lab No. 720709	Material Description: Grey/White Plaster		
Client No.: HOM49803A11	Location: W/Black Mastic Classroom 105		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	None Detected	None Detected
			<u>% Non-Fibrous Material</u> 100

Lab No. 720709	Material Description: Grey/White Plaster		
Client No.: HOM49803A11	Location: W/Black Mastic Classroom 105		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	10	Synthetic
Black Mastic			<u>% Non-Fibrous Material</u> 90
From Above			

NIST-NVLAP No. 1165

NY-DOH No. 11021

AIHA Lab No. 444

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Analysis Method: EPA 600/R-93/116

Comments: (PC) Indicates Stratified Point Count Method performed. Method not performed unless stated. PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Before this material can be considered or treated as non-asbestos containing, confirmation must be made by quantitative TEM.

Analysis Performed By: Beehy Hunt #151

Approved By: Frank E. Ehrenfeld, III

Date: 04/06/1998

Frank E. Ehrenfeld, III

CERTIFICATE OF ANALYSIS

Client: EHS Alaska Incorporated
10928 Eagle River Rd., Ste 202
Eagle River AK 99577

Report Date: 04/06/1998
Project: KPB-4 Classroom SUR,3/24/98
Project No.: 4169-01-01

BULK SAMPLE ANALYSIS SUMMARY

Lab No. 720710	Material Description: OffWhite Floor Tile		
Client No.: HOM49803A12	Location: With Black Mastic Classroom 105		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	None Detected	None Detected
			<u>% Non-Fibrous Material</u>
			100

Lab No. 720710	Material Description: OffWhite Floor Tile		
Client No.: HOM49803A12	Location: With Black Mastic Classroom 105		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	5	Synthetic
Black Mastic			
From Above			<u>% Non-Fibrous Material</u>
			95

Lab No. 720711	Material Description: OffWhite Jt. Compound		
Client No.: HOM49803A13	Location: Classroom 105		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
PC 2.5	Chrysotile	None Detected	None Detected
			<u>% Non-Fibrous Material</u>
			PC 97.5

Lab No. 720712	Material Description: Tan Mastic		
Client No.: HOM49803A14	Location: Room 103 Above Drop Ceiling		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	None Detected	None Detected
			<u>% Non-Fibrous Material</u>
			100

NIST-NVLAP No. 1165

NY-DOH No. 11021

AIHA Lab No. 444

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Analysis Method: EPA 600/R-93/116

Comments: (PC) Indicates Stratified Point Count Method performed. Method not performed unless stated. PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Before this material can be considered or treated as non-asbestos containing, confirmation must be made by quantitative TEM.

Analysis Performed By: Berby Hunt 152

Approved By: Frank E. Ehrenfeld, III

Date: 4/13/98

Frank E. Ehrenfeld, III

CERTIFICATE OF ANALYSIS

Client: EHS Alaska Incorporated
10928 Eagle River Rd., Ste 202
Eagle River AK 99577

Report Date: 04/06/1998
Project: KPB-4 Classroom SUR,3/24/98
Project No.: 4169-01-01

BULK SAMPLE ANALYSIS SUMMARY

Lab No. 720713	Material Description: Tan Sheetrock		
Client No.: HOM49803A15	Location: Room 103 Above	Drop Ceiling	
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	65	Cellulose
			<u>% Non-Fibrous Material</u>
			35

Lab No. 720714	Material Description: Tan Window Glaze		
Client No.: HOM49803A16	Location: S. Side Exterior		
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
PC 8.0	Chrysotile	None Detected	None Detected
			<u>% Non-Fibrous Material</u>
			92

Lab No. 720715	Material Description: Black/Silver		
Client No.: HOM49803A17	Location: Roof Material	By Ladder	
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
10	Chrysotile	None Detected	None Detected
			<u>% Non-Fibrous Material</u>
			90

Lab No. 720716	Material Description: Black Roof Material		
Client No.: HOM49803A18	Location: Seams Of Tar Paper	Sheets On Roof	
<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>
None Detected	None Detected	None Detected	None Detected
			<u>% Non-Fibrous Material</u>
			100

NIST-NVLAP No. 1165

NY-DOH No. 11021

AIHA Lab. No. 444

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Analysis Method: EPA 600/R-93/116

Comments: (PC) Indicates Stratified Point Count Method performed. Method not performed unless stated. PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Before this material can be considered or treated as non-asbestos containing, confirmation must be made by quantitative TEM.

Analysis Performed By: Becky Huntzinger 153

Approved By: _____

Frank E. Ehrenfeld, III
Laboratory Director

Date: 4/6/98

Becky Huntzinger

CERTIFICATE OF ANALYSIS

Client: EHS Alaska Incorporated
10928 Eagle River Rd., Ste 202
Eagle River AK 99577

Report Date: 04/06/1998
Project: KPB-4 Classroom SUR,3/24/98
Project No.: 4169-01-01

BULK SAMPLE ANALYSIS SUMMARY

Lab No. 720717 **Material Description:** White Window Glaze
Client No.: HOM49803A19 **Location:** S.Side Exterior

<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>	<u>% Non-Fibrous Material</u>
PC 6.8	Chrysotile	None Detected	None Detected	PC 93.2

Lab No. 720718 **Material Description:** Black Roof Material
Client No.: HOM49803A20 **Location:** By Ladder

<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>	<u>% Non-Fibrous Material</u>
None Detected	None Detected	None Detected	None Detected	100

Lab No. 720719 **Material Description:** Black Tar
Client No.: HOM49803A21 **Location:** At Roof Hood

<u>% Asbestos</u>	<u>Type</u>	<u>% Non-Asbestos Fibrous Material</u>	<u>Type</u>	<u>% Non-Fibrous Material</u>
None Detected	None Detected	12	Cellulose	88

NIST-NVLAP No. 1165

NY-DOH No. 11021

AIHA Lab No. 444

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Analysis Method: EPA 600/R-93/116

Comments: (PC) Indicates Stratified Point Count Method performed. Method not performed unless stated. PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Before this material can be considered or treated as non-asbestos containing, confirmation must be made by quantitative TEM.

Analysis Performed By: Beeby Hunt 154

Approved By: Frank E. Ehrenfeld, III

Frank E. Ehrenfeld, III
Laboratory Director

Date: APR 01 1998

Timeline

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

3 Mayor

4 **RESOLUTION 14-110**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 DESIGNATING THE HOMER EDUCATION AND RECREATION
8 COMPLEX (HERC) SITE AS THE LOCATION FOR THE PROPOSED
9 NEW HOMER PUBLIC SAFETY BUILDING.

10
11 WHEREAS, A new public safety building is one of the City’s highest Capital
12 Improvement Priorities and the City Council has appropriated funds for site selection and
13 preliminary design; and

14
15 WHEREAS, On January 13, 2014 the City Council adopted Resolution 14-020(S) which
16 created the Public Safety Building Review Committee and established the Committee’s scope
17 of work; and

18
19 WHEREAS, On March 10, 2014 the City Council approved Resolution 14-036(S) which
20 awarded a GC/CM contract to Cornerstone General Contractors; and

21
22 WHEREAS, A building space needs assessment and a specific set of selection criteria
23 were used by the contractor and the Committee to review and evaluate potential building
24 sites; and

25
26 WHEREAS, The site selection review criteria included parcel characteristics such as
27 ownership and size, physical characteristics such as soil stability and flood hazards,
28 development suitability including zoning, slope, and drainage, access and visibility
29 considerations, traffic and security considerations, proximity to utilities, and any potential
30 negative attributes or unknowns; and

31
32 WHEREAS, At its regular meeting on May 22, 2014 the Committee narrowed the field of
33 potential parcels to three and vetted those in detail at subsequent meetings on June 17 and
34 September 24, 2014; and

35

36 WHEREAS, The Committee reached out to the public and sought input by holding
37 public hearings and conducting open houses; including an open house at the existing police
38 and fire stations; and
39

40 WHEREAS, The Committee selected the HERC site as the preferred alternative at its
41 meeting on September 24, 2014 and in doing so, cited its positive attributes which included
42 City ownership, its size and configuration, good soils, good topography, limited flood
43 hazards, suitable zoning, location (response times), proximity to utilities, visibility, access to
44 major collector and arterial roads, multiple access points for the public, and good security
45 potential; and
46

47 WHEREAS, Potential negative attributes or unknowns identified and evaluated by the
48 Committee include an active creek and some identified wetlands, rock outcroppings that
49 might drive excavation costs, increased distance and response time to the Spit, and
50 displacement of and replacement costs associated with existing uses including the Public
51 Works maintenance shop and recreational activities at the gym, skateboard park, outdoor
52 basketball court, and fenced in grassy area; and
53

54 WHEREAS, The Public Safety Building Review Committee recommends that the City
55 Council select the HERC site as the location for the proposed new Public Safety Building in
56 Memorandum 14-163, a copy of which is attached and incorporated herein.
57

58 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby designates
59 the Homer Education and Recreation Complex (HERC) site as the location for the proposed
60 new Homer Public Safety Building.
61

62 PASSED AND ADOPTED by the Homer City Council this 27th day of October, 2014.
63

64 CITY OF HOMER
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69 MARY E. WYTHE, MAYOR
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1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor

4 ORDINANCE 14-37
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2014 OPERATING BUDGET BY
8 APPROPRIATING UP TO \$19,000 FROM THE LEASED
9 PROPERTY DEPRECIATION ACCOUNT FOR IMPROVEMENTS
10 AT THE HOMER EDUCATION AND RECREATION COMPLEX
11 (HERC) GYM TO BRING THE BUILDING INTO COMPLIANCE
12 WITH THE FIRE CODE.
13

14 WHEREAS, The Homer City Council adopted Resolution 13-095 which authorized the
15 City Manager to keep the HERC Gym open for pickleball, adult basketball, and other
16 Community Recreation programs that require minimal heat and utilities until such time as the
17 building is demolished; and
18

19 WHEREAS, The City Administration has consulted with the State Fire Marshall on
20 several occasions about this building and requested a site visit, but never requested a formal
21 plan review; and
22

23 WHEREAS, The City recently requested a formal Fire Marshall plan review in order to
24 assure the public that the building is safe and to get a more definitive idea of what it would cost
25 to bring the building into compliance given its current occupancy and use; and
26

27 WHEREAS, The Fire Marshall has provided a preliminary review and the City Engineer
28 has provided cost estimates to address the issues identified.
29

30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:
31

32 Section 1. The Homer City Council hereby amends the FY 2014 Operating Budget by
33 appropriating up to \$19,000 from the Leased Property Depreciation Reserve for improvements
34 at the HERC Gym that will bring the facility into compliance with the Fire Code as follows:
35

36 Expenditure:

37	<u>Account</u>	<u>Description</u>	<u>Amount</u>
38	156-0396	Fire Code Upgrades	\$19,000

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

41
42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 11th day of
43 August, 2014.

44
45 CITY OF HOMER

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47
48 Mary E. Wythe
49 MARY E. WYTHE, MAYOR

50
51 ATTEST:
52 [Signature]
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54 [Signature]
55 JO JOHNSON, MMC, CITY CLERK

56
57
58 AYES: 5
59 NOES: 0
60 ABSTAIN: 0
61 ABSENT: 1

62
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65 First Reading: 7/28/14
66 Public Hearing: 8/11/14
67 Second Reading: 8/11/14
68 Effective Date: 8/12/14

69
70
71 Reviewed and approved as to form:

72
73 [Signature]
74 Walt Wrede, City Manager

[Signature]
Thomas F. Klinkner, City Attorney

75
76
77 Date: 8/13/14

Date: 8-15-14

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79

**CITY OF HOMER
HOMER, ALASKA**

Howard

RESOLUTION 13-096

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA REQUESTING THAT THE KENAI PENINSULA BOROUGH ASSEMBLY AMEND RELEVANT AGREEMENTS AND THE QUITCLAIM DEED REGARDING THE TRANSFER OF OWNERSHIP OF THE OLD MIDDLE SCHOOL PROPERTY TO PERMIT THE CITY TO SELL THE PROPERTY AND DEDICATE THE PROCEEDS FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC.

WHEREAS, The Kenai Peninsula Borough transferred ownership of the Old Intermediate School property to the City of Homer via a Quitclaim Deed dated July 7, 2000; and

WHEREAS, The property is described as Tract 2, Homer School Survey 1999 City Addition according to Plat 2000-22; and

WHEREAS, The City Attorney advises that the only currently operative restriction on the use or disposal of the property is a restriction contained in the Deed which states “ the site shall be owned in perpetuity by the City of Homer or its successor and managed for the use and benefit of the general public”; and

WHEREAS, The City cannot afford to operate and maintain the buildings nor bring them up to current code requirements and a suitable future use has not been identified; and

WHEREAS, The City Council has concluded that it is in the best interest of the community to demolish the buildings and use the site for the proposed new public safety building; and

WHEREAS, The Council wishes to expand the options available to it in the event that it is determined the site is not suitable for a public safety building; and

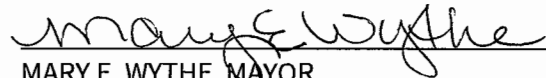
WHEREAS, Permitting the City to sell the property provided that the proceeds of the sale are directed to the use and benefit of the general public would be in the best interest of the community and would be consistent with the original intent of the Borough when it conveyed the property.

NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby requests that the Kenai Peninsula Borough Assembly amend relevant agreements and the Quit Claim Deed on the transfer of ownership of the Old Middle School Property to allow the City to sell the property and dedicate and direct the sale proceeds to the use and benefit of the general public.

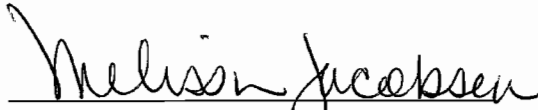
PASSED AND ADOPTED this 23rd day of September, 2013.

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CITY OF HOMER

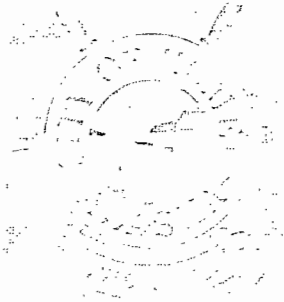

MARY E. WYTHE, MAYOR

ATTEST:



MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: NA



**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 13-095

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION
AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR
PICKLEBALL, BASKETBALL, AND OTHER COMMUNITY RECREATION
PROGRAMS THAT REQUIRE ONLY MINIMAL HEAT AND UTILITIES UNTIL
SUCH TIME AS THE BUILDING IS DEMOLISHED.

WHEREAS, The City of Homer does not have the funds to refurbish the HERC Building or to operate and maintain it and it has been unsuccessful in identifying a suitable use for it going forward; and

WHEREAS, At a recent CIP Planning workshop, the City Council decided that it was in the best interest of the community to demolish the building and use the land as the site of a proposed new public safety building; and

WHEREAS, There are a number of steps which must be taken before the building can be demolished including identifying the funding for demolition and selecting a contractor through the City's procurement procedures; and

WHEREAS, Minimal heat must be maintained in the building whether it is in use or not in order to prevent pipes from freezing and snow from accumulating on the flat roof; and

WHEREAS, Pickleball, adult basketball, and other City of Homer Community Recreation Programs are very popular and make a large contribution to community health and the quality of life; and

WHEREAS, These programs involve vigorous physical activity and do not require heat above the minimal setting already used to keep the building in "warm status"; and

WHEREAS, Advocates for these programs have requested that the gymnasium remain open with minimal heat and utilities until such time as the building is demolished.

NOW THEREFORE BE IT RESOLVED that the Council finds that the gymnasium remains an asset for as long as the HERC building remains standing and that it would be in the best interest of the community to use it provided that maintenance and utility costs are minimal; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to keep the HERC gymnasium open for pickleball, basketball, and other City of Homer Community Recreation Programs that require only minimal heat and utilities until such time as the building is demolished.

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PASSED AND ADOPTED by the Homer City Council this 23rd day of September, 2013

CITY OF HOMER



MARY E. WYTHE, MAYOR

ATTEST:



MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: Estimated additional \$15,000 for electric and maintenance; \$7,500 in 2013 and \$7,500 in \$2014.



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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 13-19(A)(S)

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AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA, AMENDING THE 2013 OPERATING BUDGET TO
PROVIDE FOR NATURAL GAS CONVERSIONS TO CITY
BUILDINGS BY APPROPRIATING \$224,780 FROM VARIOUS
CITY RESERVE FUNDS.

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WHEREAS, Natural gas will be available to City facilities over the next two years; and

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WHEREAS, Significant costs savings can be gained by converting City facilities to natural gas (see Memorandum 13-083); and

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WHEREAS, Costs associated with this conversion include installation of service lines and meters, design and installation of heating system conversions (boiler or burner replacement and internal gas piping installation), and abandonment of above or below ground heating fuel tanks as appropriate.

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NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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Section 1. The FY 2013 Operating Budget is hereby amended by appropriating \$148,319 from various General Reserve funds for the conversion to natural gas of the animal shelter, library, city hall, public works, and airport terminal.

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Section 2. The FY 2013 Operating Budget is hereby amended by appropriating \$48,461 from the Sewer Reserve fund for the conversion to natural gas of the sewer treatment plant and the sewer treatment plant office.

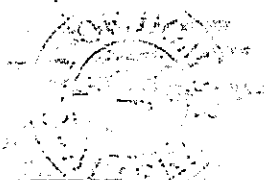
Section 3. The FY 2013 Operating Budget is hereby amended by appropriating \$28,000 from the Water Reserve fund for the conversion to natural gas of the water treatment plant and the water treatment plant shop.

Expenditures:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-370 (Animal Shelter Reserve)	Animal Shelter Building Gas Conversion	\$ 25,764
156-384 (City Hall Reserve)	City Hall Building Gas Conversion	\$ 19,482
156-388 (Airport Reserve)	Airport Terminal Gas Conversion	\$ 20,084
156-390 (Library Reserve)	Library Building Gas Conversion	\$ 26,612
156-395 (Public Works Reserve)	Public Works Building Gas Conversion	\$ 35,971
256-379 (Sewer Reserve)	Sewer Fund Building Gas Conversion	\$ 48,461
256-378 (Water Reserve)	Water Fund Building Gas Conversion	\$ 48,406
	Total	\$224,780

49 Section 5. This is a budget amendment ordinance, is not permanent in nature, and shall not
50 be codified.

51
52 ENACTED BY THE CITY COUNCIL of Homer, Alaska, this 10th day of June, 2013.



CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

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58 ATTEST:

59 Melissa Jacobsen
60 MELISSA JACOBSEN, CMC
61 ACTING CITY CLERK
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65 YES: 5
66 NO: 0
67 ABSTAIN: 0
68 ABSENT: 1

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70
71 First Reading: 5/28/13
72 Public Hearing: 6/10/13
73 Second Reading: 6/10/13
74 Effective Date: 6/11/13

75
76 Reviewed and approved as to form:

77 Walt Wrede
78
79 Walt Wrede, City Manager

80
81 Date: 6/17/13

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 6/20/13

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: April 17, 2013

SUBJECT: HERC Workshop — *no minutes*

*no recap in the 4/22/13 CC packet
no recap in the 5/13/13 CC packet*

The Council has scheduled another workshop to discuss the future of the HERC Building on April 22nd. I regret that I do not have a whole lot of new information to provide however, I think that this discussion is timely nonetheless. The future of this building is very much up in the air as you know. There is pressure to upgrade the building and keep it open, but very limited money to do so. Funding for capital improvements and for maintenance and operations are in very short supply. To refresh your memory, I have attached old memos from Mike Illg which address potential uses and community interest in the building.

Updates:

1. The Fire Marshall did not make an appearance in March as promised. At the time this was written, I was trying to contact him. Hopefully, I will have more to report at meeting time.
2. You will recall that Council authorized us to apply for a Community Development Block Grant to make upgrades in the Boys and Girls Club section of the building. We received notice that the grant application was not approved.
3. There seemed to be very little interest among legislators this year in providing funding for upgrades to this building.
4. The Boys and Girls Club Lease expires at the end of the school year. At the time this was written, I was attempting to contact the Executive Director to better understand their status and future plans.

The staff is fully engaged and has been focused on other pressing priorities and as a result, this issue has been lingering for some time. The Council is sending out confusing and sometimes contradictory messages about its intentions. The administration probably is as well. The purpose of this memo is to chart a course of action and get the Council on a path that leads to a decision. It seems that in order for the Council to make an informed decision about the future of the building, it needs to have the best and most complete information it can get so that it can adequately weigh the options.

There are still many information gaps that need to be filled. Following is a list of steps that can or should be taken in order to fill those gaps. I am hoping that the discussion at the workshop can include these steps and provide us with an indication of which ones, if any, the Council wants us to proceed with.

- Demolition costs estimates, including the cost of Haz-Mat removal.
- Review of architect/engineer estimate for bringing building up to code by local contractors/cost estimators with an eye toward cost savings and a phased approach.
- A complete Fire Marshall Report
- Possible Borough assistance with Haz-Mat removal
- Borough assistance amending the property transfer agreement so the option of selling the property is available. *done*
- Review costs and benefits of natural gas conversion
- Include future of building, Community Recreation, and Parks and Rec generally in strategic planning effort
- Review alternatives such as saving the gym and demolishing the rest of the building.
- Explore Borough Recreation Area idea.
- Take steps to measure the level of community support for all options including demolition, demolition and construction of a new Community Rec Center, upgrading the existing building etc. The most important part is to ask about willingness to pay. Both construction money and maintenance and operations funding will be needed. This could be done through surveys or an advisory vote this October.

Jo Johnson

From: Walt Wrede
Sent: Wednesday, April 17, 2013 11:15 AM
To: Jo Johnson
Subject: FW: HERC building work session meeting & information Monday, April 22 at 4pm
Attachments: Homer Recreation Center proposal Updated 4-25.docx; HERC budget projected.updated 8-31.xlsx; Flow Chart 1.docx; Potential Interior Uses for the HERC Building.docx; Popeye HERC.doc; Howl HERC_request.doc; HERC_BBBS.pdf; HERC letter from ILC.docx; CACS Letter of Support HERC Building.pdf; Boys & Girls club letter HERC.pdf

JO: Here is some background information for the HERC workshop. This e-mail from Mike should be included also.

Thanks, walt

From: Mike Ilg
Sent: Wednesday, April 10, 2013 1:47 PM
To: Walt Wrede
Subject: HERC building work session meeting & information Monday, April 22 at 4pm

Hi Walt,

I think this informational documents will be helpful for the city council to review and have in their packet for the upcoming April 22nd work session.

Here is previous information I have shared with you, city council, parks & rec commission, etc. in regards to the HERC building.

I want to remind you that we have received many inquiries to use this building for additional City of Homer Community recreation programs, other agency recreational opportunities, private rental space, birthday rentals, and long term office/work space rentals. The Boys and Girls club has also received many inquiries (I do not know how many or from who) from the public as well in which they informed them that the building was not available. While there is obvious public interest to pay to use the building this is not on everyone's radar. The current informal policy for facility use at the HERC is that we are to hold off for any additional use or activity until we know which direction the community and the city wants to proceed.

In addition to Boys & Girls Club use, the community recreation program also uses and needs the gym space for programs.

We currently offer:

-Toddler Indoor Playgroup: Mondays & Friday mornings, 10:30am –noon. This is for parents, grandparents to bring their toddlers (0-5) to play, run and romp in a clean warm, indoor space.

-Pickle Ball: Wed. & Fri. 6:30-8:30PM and Sat. 9:30-11:30am. This is a popular activity for participants ages 12 and up. We have seeing a great demographical mix of intergenerational participants from senior citizens to Jr. high ages.

We have a number of other activities we could use the gym space for CR activities but is not possible as we the facility use is "on hold". With limited time and space at Homer High and Homer Middle, CR could benefits from this space to offer additional programs and activities that equate to additional physical and social health not to mention additional user fees to support the program.

I also want to remind you of the CR mission statement: "City of Homer Community Recreation will promote community involvement in and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of community facilities and resources while utilizing, expanding, and utilizing local business and school resources and expertise. The program is designed to recognize cultural diversity and to address social and community concerns".

If CR were to take over the HERC building it is my professional opinion that will not be changing the intended use of the building as CR is an educational (college/B&G Club was previous tenant) and recreational (B&G Club) based program that would equate to the proposed ten million dollars worth of upgrades needed to move CR in the building. I have read and reviewed the documents regarding the purchase of the building from KPB that states it could be used for educational and recreational purposes. Further, I do not believe the building is unsafe as we have allowed many city employees to work in this building for almost a year while the city hall was renovated.

In closing, community members have expressed to me the need and desire to use this building and campus for many purposes that could enhance the many variables in our community. Now may be the time to consider and ask the community at large what they would like to do with the building as there is certainly an expressed and documented need for additional recreational opportunities and this building can assist with temporarily fulfilling this need while discussing/planning other possible plans for the future.

Thanks,

Mike

The Homer Recreation Center

The City of Homer Community Recreation Program is a municipal service offered by the City of Homer since 2006. While the city limits encompasses approximately 5,000 residents the surrounding area has an additional 10,000 non-city residents who also benefit and participate in the recreation program. The mission statement of the recreation program is as stated, "City of Homer Community Recreation will promote community involvement in and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of community facilities and resources while utilizing, expanding, and uniting local business and school resources and expertise". "Our program will be designed to recognize cultural diversity and to address social and community concerns".

The recreation program primarily offers indoor recreational programming activities especially during the colder fall, winter and spring months when the outdoor recreational opportunities become limited. The recreation program is primarily located at the local Homer High School with additional activities at the Homer Middle School when the high school is not available. The recreation program is limited to working around all school district related activities and must pay \$6,000 annually to the school district for custodial and utility expenses. We may not offer any programs during school hours (8:30am-3:15pm) and we must also accommodate their after school sports practice schedule and games. Consequently, the recreation program has been subjected to recent schedule changes where traditional and regular CR use of the schools has been eliminated or drastically changed due to the recent increase demand of space need for school district activities, sports and practices. This has created a significant operational and logistical barrier where advertised CR programs now lack consistent time allocations and physical space for existing programs while hindering the opportunity to offer anything new

programs.

This proposal pertains to the use of the Homer Education and Recreation Center (HERC) building to provide recreational and educational activities and programs for participants of all ages. There are three separate budgets: HERC, Community Recreation and combined. I envision staffing and other areas of maintenance and operations may be combined maximizing services and efficiency.

Developing the HERC (Homer Education and Recreation Center) building into a recreation center would provide long-term benefits:

- ✓ Providing a recreation center will support the campaign to reduce and hopefully eliminate youth obesity and encourage healthy lifestyles in our community by offering positive, healthy and productive options.
- ✓ Both programmable and drop-in recreational space is currently lacking for local youth, adults and senior citizen's activities.
- ✓ Facility will serve all residents for all hours of the day as opposed to a part time basis through the school usage. More accessibility means more usage which equates to more revenue.
- ✓ A recreation center will attract new businesses and residents as recreational services are often determining factors for relocation and establishing permanent residency.
- ✓ While there is a strong local emphasis on trails, parks and outdoor recreation, the demand for indoor recreational opportunities is significant especially during the long cold winter months.
- ✓ Other towns are pulling away from us in terms of facilities and programs. If we are to remain competitive with other communities in attracting and retaining residents, we need a recreation facility.
- ✓ While the local schools have gymnasiums, accessibility is becoming increasingly difficult and limited due to school related activities and local policy changes.
- ✓ The HERC, located near the intersection of Pioneer Avenue and the Sterling Highway, is an ideal location with proximity to local schools, bus routes, local businesses and residential areas.
- ✓ The recreation center could also provide space for private rentals and functions, such as indoor birthday parties, corporate training, private classroom instruction, etc.

Potential use of space:

- social and craft rooms
- indoor playground
- partnerships with Boys and Girls Club and other service oriented groups
- dance/exercise room
- meeting rooms
- kitchen space
- computer clubroom
- full-size gymnasium
- weight and aerobic rooms
- toddler playroom
- restrooms
- office space rental
- storage area
- gymnastics
- youth sports: basketball, soccer, volleyball, gymnastics, wrestling
- Adult leagues & recreation programs
- local school feeder programs
- teen activities
- Inclusive/adaptive recreational programs: The Center, TRAILS
- learning center

Possibilities for funding

- Community fundraising and donations
- Grants
- State appropriation
- Local government funding (general fund, recreational service area, bed tax, etc.)
- Possible partnerships with health and wellness companies
- general obligation bonds
- business sponsors
- memberships/participant fees
- rental fees
- recreation budget

Significant revenues could be raised by charging a fee of \$4/per person for all drop-in recreational activities, collecting hourly rental fees for use of classroom and the gymnasium

separate from Community Recreation activities, and seeking sponsorships and advertisements. Grants are another possible source of revenue in addition to possible state appropriations for future modifications. To assist with keeping costs low, the Community Recreation program would encourage and support the use of volunteers and partnerships to help operate, support, and maintain the facility. The Community Recreation program is a beneficiary of thousands of donated volunteers hours annually and we would foresee an increase if needed. In addition, we would consider partnering with local organizations such as the Boys & Girls Club to assist with supervision and implementation of youth related programs. There is also potential for a community garden, greenhouse and other great community based partnerships that could exist on the campus.

The recreation program is a small hub of economic development. All of our instructors are contracted and are essentially operate as part time businesses. The expansion of the recreation program's physical space provides the opportunity for businesses to offer additional classes thus generating revenue for them as well as for CR. The addition revenue is would help support the overall recreation program's budget. The creation of additional jobs and the exchange of services/goods are signs of a healthy community generating commerce within our community.

It should be noted that the City of Homer Comprehensive Economic Development commission has recommended instituting a bed tax as a way to fund the construction and operation of a conference center. The Homer Recreation Center could possibly be used to provide meeting space for several hundred participants, thus meeting a long-recognized need in the community.

Rentals

The Homer Community Recreation Center could rent space for many activities and events. Homer CRC staff would provide personal attention everything runs smoothly for events such as:

- Business Meetings
- Trainings and Workshops
- Birthday Parties
- Wedding Showers
- Baby Showers
- Anniversary Parties
- Indoor Recreational Activities
- Food Preparation (Kitchen area)
- Performances

Rental fees would be based on the organization and the purpose of the activity. Examples:

Private Business/Organization: Businesses renting for self interest that are primary social in nature or business oriented. (Examples are parties, showers, business meetings, etc.)

Non-Profit Community Organizations: Not for profit groups and organizations that are of a service nature.

Political Groups: National, state and local political parties are permitted to rent City facilities for any legal use such as fundraising events, rallies, occasions to solicit membership, and annual meetings.

Proposed Rental Rates

(Available days and times vary per season.)

Room	Community Organizations (per hour)	Private / Business (per hour)	Political Groups (per hour)
Multipurpose Room #1 or #2	\$25	\$30	\$35
Combined Multipurpose Rooms #1 and #2	\$45	\$55	\$65
Gym	\$55	\$65	\$75

**FY2013
Proposed**

	HERC	CR
5101 Regular Employees	\$0.00	\$52,652.00
5102 Fringe Benefits	\$0.00	\$30,445.00
5103 P/T Employees	\$0.00	\$4,000.00
5104 Fringe benefits P/T	\$0.00	\$184.00

Total Salaries and Benefits	0	\$87,281	\$87,281
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	HERC	CR	Combined
<u>Maintenance and Operations</u>			
5201 Office Supplies	\$500	\$500	\$1,000
5202 Operating Supplies	\$2,000	\$2,500	\$4,500
5203 Fuel/Lube	\$55,000	\$0	\$55,000
5208 Equipment	\$18,000	\$500	\$23,000
5209 Building & Grounds Maintenance	\$5,500	\$0	\$5,500
5210 Professional & Special Services	\$3,500	\$14,500	\$18,000
5215 Communications	\$1,200	\$1,950	\$3,150
5217 Electricity	\$25,000	\$0	\$25,000
5218 Water	\$1,600	\$0	\$1,600
5219 Sewer	\$2,500	\$0	\$2,500
5220 Refuse/Disposal	\$200	\$0	\$200
5221 Property Insurance	\$2,800	\$0	\$2,800
5223 Liability Insurance	\$2,200	\$1,029	\$3,229
5227 Advertising	\$0	\$950	\$950
5235 Membership/Dues	\$0	\$185	\$185
5236 Transportation	\$0	\$300	\$300
5237 Subsistence	\$0	\$250	\$250
5238 Printing/Binding	\$0	\$1,800	\$1,800
5603 Employee Training	\$0	\$250	\$250
5614 Car Allowance		\$300	\$300
<u>Total Maintenance and Operations</u>	\$120,000	\$25,014	\$145,014
Total	\$120,000	\$112,295	\$232,295

LINE ITEM EXPLANATIONS: HERC

5201- paper, pens, etc
 5202-Printer, ink, promotion etc
 5203-Combined expenses with maintenance building
 5208- sports equipment, \$15,000 for exercise equipment, one time allocation
 5210- lawn maintenance & plowing
 5215-5223- Combined expenses with maintenance building

LINE ITEM EXPLANATIONS: CR

5201- paper, pens, etc.
 5202-Printer ink, promotion, etc
 5208- sports equipment, \$15,000 for exercise equipment, one time allocation
 5210- \$6,000 for school rent, referees, Mt. Films, background checks
 5228- Recreation Guide printing

	<u>Revenue</u>	HERC	CR	Combined
3101	Class Fees	\$45,000	\$30,000	75,000
3102	Rental Fees	\$15,000	0	\$15,000
3103	Sponsorships/Advertisements	\$5,000	\$2,500	\$7,500
3104	Grants	\$10,000	0	\$10,000
	Total Revenue	\$75,000	\$32,500	\$107,500
	General Fund Transfer:	\$45,000	\$79,795	\$124,795
	Total:	\$120,000	\$112,295	\$232,295

Community Recreation Statistics

2011

Summary Spring 11 to Winter 11-12

City of Homer Community Recreation

Participants (Ages)

Session	Events	Programs Offered	Programs Cancelled	0-19	20&up	Total	Total Visits	Revenue
Winter 10-11	2	31	11	189	559	748	4,816	\$13,447
Spring 11	2	34	8	807	465	1272	6,754	\$5,912
Summer 11	0	14	0	94	144	238	1,436	\$3,547
Fall 12	2	37	9	205	399	604	2,015	\$7,252
TOTAL:	6	116	28	1295	1567	2862	15,021	\$30,158

The proposal includes forging potential partnerships; seek private rentals and possible sponsors to help generate additional funds to support the program as a whole. There will be some initial investments and the potential need to hire at least one additional full-time recreation employee that could be sustained and justified with the projected increase of activities and service. While energy costs being the biggest expense, I am optimistic this can be defrayed with the potential new gas line. In addition, there may be a need to upgrade the facility; I propose that the facility be considered for possible state appropriations allocation as it would be heavily used by community members throughout the southern peninsula. By having a the physical structure that is centrally located and readily available for use opposed to being removed or cancelled with limited notification, I predict the recreation program will thrive with participation, revenue generation and an improvement in community and political support. The presence of a quality recreation program will result in a healthier community, improved social value, and increased economic development by attracting new residents and businesses. In addition, this move may allow the recreation program to flourish and focus on benefits based programming to further strengthen the need, purpose and support for the recreation program, convincing the community and constituents alike that parks and recreation is an important service.

**FY2013
Proposed**

	HERC	CR	
5101 Regular Employees	\$0.00	\$52,652.00	
5102 Fringe Benefits	\$0.00	\$30,445.00	
5103 P/T Employees	\$0.00	\$8,000.00	
5104 Fringe benefits P/T	\$0.00	\$368.00	
Total Salaries and Benefits	0	\$87,281	\$87,281

	HERC	CR	Combined
<u>Maintenance and Operations</u>			
5201 Office Supplies	\$500	\$500	\$1,000
5202 Operating Supplies	\$2,000	\$2,500	\$4,500
5203 Fuel/Lube	\$37,000	\$0	\$37,000
5208 Equipment	\$18,000	\$500	\$18,500
5209 Building & Grounds Maintenance	\$5,500	\$0	\$5,500
5210 Professional & Special Services	\$3,500	\$14,500	\$18,000
5215 Communications	\$1,200	\$1,950	\$3,150
5217 Electricity	\$19,000	\$0	\$19,000
5218 Water	\$1,600	\$0	\$1,600
5219 Sewer	\$2,500	\$0	\$2,500
5220 Refuse/Disposal	\$200	\$0	\$200
5221 Property Insurance	\$2,800	\$0	\$2,800
5223 Liability Insurance	\$2,200	\$1,029	\$3,229
5227 Advertising	\$0	\$950	\$950
5235 Membership/Dues	\$0	\$185	\$185
5236 Transportation	\$0	\$300	\$300
5237 Subsistence	\$0	\$250	\$250
5238 Printing/Binding	\$0	\$1,800	\$1,800
5603 Employee Training	\$0	\$250	\$250
5614 Car Allowance	\$0	\$300	\$300
Total Maintenance and Operations	\$96,000	\$25,014	\$121,014
Total	\$96,000	\$112,295	\$208,295

LINE ITEM EXPLANATIONS: HERC

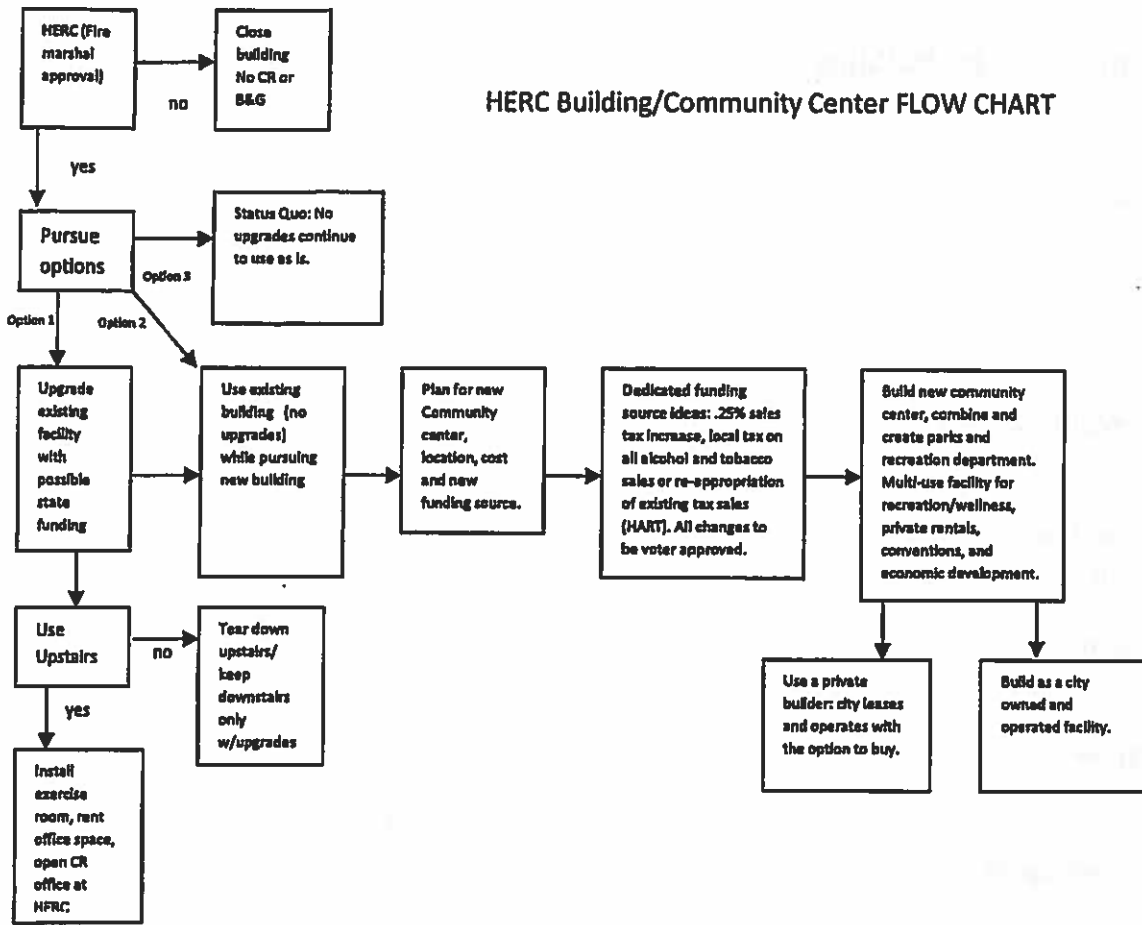
5201- paper, pens, etc
5202-Printer, ink, promotion etc
5203-Combined expenses with maintenance building
5208- sports equipment, \$15,000 for exercise equipment, one time allocation
5210- lawn maintenance & plowing
5215-5223- Combined expenses with maintenance building

LINE ITEM EXPLANATIONS: CR

5201- paper,pens, etc.
 5202-Printer ink, promotion, etc
 5208- sports equipment, \$15,000 for exercise equipment, one time allocation
 5210- \$6,000 for school rent, referees, Mt.Films, background checks
 5228- Recreation Guide printing

<u>Revenue</u>	<u>HERG</u>	<u>CR</u>	<u>Combined</u>
3101 Class Fees	\$20,000	\$30,000	\$50,000.00
3102 Rental Fees	\$50,000	0	\$56,000
3103 Sponsorships/Advertisements	\$5,000	\$2,000	\$7,000
3104 Grants	\$0	0	\$0
<u>Total Revenue</u>	<u>\$75,000</u>	<u>\$32,000</u>	<u>\$113,000</u>
General Fund Transfer:	\$21,000	\$80,295	\$95,295
Total:	\$96,000	\$112,295	\$208,295

HERC Building/Community Center FLOW CHART



Tentative ideas/suggestions/options: community survey, special revenue source/tax, construction bonds, use existing preliminary planning and site for town center towards a multi-use community center

Interior Uses for the HERC Building

Gym

Sports & Recreation

- Basketball
- Dodgeball
- Floor hockey
- Volleyball
- Pickle ball
- Toddler play groups
- Flag football
- Tether ball
- Instructional classes
- Movie Nights

Private rental

- birthday parties
- weddings
- meetings

Community Functions

- book fair
- kids fair
- indoor carnivals/games
- dances
- informational meetings

Kitchen

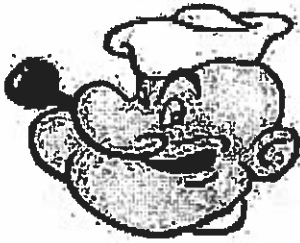
- Possible concession sales
- Prepare free food for use (through grants)

Down stairs room use

- Arts & Crafts
- Computer room
- Office space
- Instructional classes

Upstairs use

- Office space for non-profit renters
- Office space for Community Recreation
- Meeting room
- Exercise/dance room
- Weight room
- Art room
- Storage area/closet
- Private rentals



**POPEYE WRESTLING CLUB
P.O. BOX 1992
HOMER, AK
99603**

Dear City of Homer,

This is notice that the Popeye Wrestling Club would like to support the use of the HERC building for our program. We currently operate under the Community Recreation umbrella and would like to continue to do so. However, the past two years, access to the mat room and MPR at the Middle School has made it difficult to schedule practices that are not at 7:30 p.m. We generally have 50 members in the program from the ages of 5 – 18. We certainly would be willing to pay a monthly fee to use the HERC building. Thank you for your consideration and I look forward to communication regarding this matter.

Sincerely,

Chris Perk
Popeye Wrestling
Head Coach
cperk@kpbsd.k12.ak.us
299-6440



HoWL Inc.
(907) 399-HOWL
PO box 3514, Homer, AK 99603
howlalaska@gmail.com
www.howlalaska.org

Dear Mr. Wrede;

I am writing to express my interest in partnering with the City of Homer Community Recreation program in occupying the H.E.R.C. building as a full-time tenant.

I am the executive director of HoWL (Homer Wilderness Leaders), and my organization would benefit immensely from the use of that facility.

We have been in the market for a year-round facility to stage our trips, host activities, plan expeditions, and meet up for after-school activities, and partnering with the Homer Community Recreation in occupying this building would be ideal for us, as it is centrally located and it has all the amenities we desire (office space, classroom space, gym availability, field availability, bathrooms, and a large kitchen).

Furthermore, I am very enthusiastic about the possibility of several local non-profits and other groups occupying the building. I think that sort of community within one building will enhance all of our programs and create plenty of opportunities for local children and young adults to have activities year-round.

We are particularly interested in renting one of the classrooms or larger office spaces year-round, and having use of the fields and gym from time to time. This would enhance HoWL's programs immensely.

Thank you for considering this partnership!

Sincerely,

Libby B. Veasey
Executive Director, HoWL Inc.



Big Brothers Big Sisters
of Alaska

Big Brothers Big Sisters – Homer Office
PO Box 1034, Homer AK 99603 907-235-8391 fax: 907-235-8392

June 20, 2012

City of Homer
Attn: Walt Wrede
491 E. Pioneer Ave
Homer, AK 99603

To: Walt Wrede, City Manager

Big Brothers Big Sisters of Homer would be interested in renting space in the HERC building should the space become available for small office rental. We would be interested in a long term rental for 1-2 offices with access to bathrooms, a small conference room, and a small kitchen for staff use (ie, fridge, microwave).

Having office space in a location near the Boys and Girls Club is ideal for our program. It provides easy access to check in with our "Littles" (children) who are at the club. The additional educational and recreational groups that would be happening in the building could also increase awareness of our program and hopefully provide us with new "Big" volunteers. In addition, the close proximity to Mike Illg's office and information on Community Rec activities would help me promote this information to our matches and our parents/families as they look for things to do the community.

Thank you very much for your time. If you have any further questions, please contact me at your convenience.

Sincerely,

Jenny Martin
Program Specialist
Jenny.Martin@bbbsak.org



INDEPENDENT LIVING CENTER



Promoting choice, independence and quality of life for persons and families living with disability.

P.O. Box 2474, Homer, Alaska 99603

(907) 235-7911 • 1-800-770-7911

Fax (907) 235-6236

www.peninsulallc.org

HOMER

June 19, 2012

SELDOVIA

PORT GRAHAM

NANWALEK

Dear Mr. Wrede:

ANCHOR POINT

NINILCHIK

On behalf of the Board of Directors, staff and consumers of the Independent Living Center (ILC), I would like to offer our support of the Homer Community Recreation Center concept. I have attended all meetings held to discuss this collaborative effort and am excited by the potential it holds.

CLAM GULCH

KASILOF

SOLDOTNA

ILC has been operating in Homer for 21 years and has recently developed an inclusive recreation program; TRAILS-Total Recreation and Independent Living Services seven years ago. We are here to stay, in fact this fiscal year alone we have provided various services to over 335 people living in the Homer area.

KENAI

NIKISKI

STERLING

COOPER LANDING

Our interest in this facility is two-fold; 1) hourly rental for some of our skills building and recreation classes and 2) office space for six staff persons. Our funding is stable and our lease contribution could add secure and consistent funding for operations and overhead of the building.

MOOSE PASS

SEWARD

HOPE

I urge the City and Council to put this project in the top fifteen of their Capital Improvement Projects list. Please do not hesitate to contact me should you have questions or need my assistance.

KODIAK ISLAND

VALDEZ

CORDOVA

Sincerely,

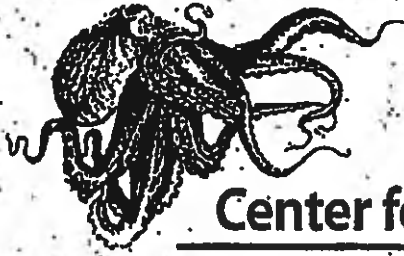
Toll Free
1-800-770-7911

Joyanna Geisler
Executive Director

Homer
(907) 235-7911
(907)235-6236
(FAX)

Central Peninsula
(907) 262-6333
(907) 260-4495
(FAX)

Seward
(907) 224-8711
(907) 224-7793
(FAX)



Center for Alaskan Coastal Studies



CELEBRATING
30 YEARS
of OUTDOOR EDUCATION

708 Smokey Bay Way, Homer, Alaska 99603 • 907/235-6667 • Fax 907/235-6668 • Email Info@akcoastalstudies.org • www.akcoastalstudies.org

To: Walt Wrede
City Manager, City of Homer

From: Elizabeth Trowbridge
Executive Director, Center for Alaskan Coastal Studies

Greetings Mr. Wrede,

The Center for Alaskan Coastal Studies (CACS) would like to express its interest in possibly renting space in the HERC building, owned by the City of Homer, for use as a venue for educational programs conducted by our staff throughout the year. We are currently embarking on a three-year marine debris art project that will involve volunteers from the Homer community as well as students from the local schools in conducting beach cleanups in Kachemak Bay and using the marine debris collected to create large scale sculptures that will be displayed throughout Homer. One specific project is the creation on a giant Pacific Gyre model made out of plastic collected off the beach. This project will involve students building strands of plastic that will be joined to make a gyre that can be walked through and that will travel around the state for display. Other sculptures such as a giant sea jelly and anemone will be displayed locally.

CACS envisions use of one of the rooms at the HERC building to be perfect venue for offering community workshops and programs with local classes. On a long term basis, there may be other projects or programs that could be conducted from this building as it is a perfect central location.

CACS is willing to compensate the city of Homer in a variety of ways for the workshop space we are seeking. CACS can provide a limited amount of rent to help offset city expenses incurred through utilities and building upkeep. CACS would also be willing to donate one of the marine debris sculptures created during the project to the city of Homer, to display in a public location, helping to fulfill any of the city's public art needs.

Please feel free to contact me with any additional questions or concerns.

Sincerely,

Elizabeth Trowbridge

beth@akcoastalstudies.org

235-6756



printed on recycled paper

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 ORDINANCE 12-45
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER,
7 ALASKA, APPROPRIATING \$15,000 FROM THE LEASED
8 PROPERTY RESERVE ACCOUNT FOR AN ENGINEERING
9 REVIEW AND REPORT REGARDING CODE COMPLIANCE
10 RELATED IMPROVEMENTS THAT MIGHT BE REQUIRED
11 AT THE HOMER EDUCATION AND RECREATION
12 COMPLEX (HERC BUILDING) IF THERE IS A CHANGE IN
13 OCCUPANCY.
14

15 WHEREAS, The Homer City Council has been discussing and seeking recommendations
16 on alternative uses for the HERC Building for several years, since the Kachemak Bay Campus,
17 Kenai Peninsula College vacated the facility and moved into its new building; and
18

19 WHEREAS, The City has received numerous proposals and inquiries about renting or
20 leasing space within the facility and some of the proposed uses constitute a change in occupancy
21 under the relevant building and fire codes; and
22

23 WHEREAS, The Parks and Recreation Advisory Commission has recommended that the
24 City Community Recreation Program be relocated into this facility and some of its activities may
25 constitute a change in occupancy; and
26

27 WHEREAS, Before the City makes any decisions about possible new uses and
28 occupancies at the facility, it would be beneficial to better understand what code compliance
29 improvements would be required and what they might cost.
30

31 WHEREAS, An engineering review of existing building reports and if necessary, an
32 inspection of the facility is appropriate and warranted.
33

34 NOW, THEREFORE, BE IT ORDAINED by the City of Homer:
35

36 Section 1. The Homer City Council hereby appropriates \$15,000 from the Leased
37 Property Reserve Account for the purpose of obtaining an engineering review and report
38 regarding code compliance related improvements that might be required at the HERC building in
39 order to accommodate new uses and occupancies as follows:
40

41 Expenditure:

42	<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
43	156-396	HERC Engineering Study	\$15,000

44
45 Section 2. This ordinance is a budget amendment only, is not of a permanent nature, and
46 shall not be codified.

47
48 ENACTED BY THE HOMER CITY COUNCIL this 8 day of October, 2012.



49
50 CITY OF HOMER
51
52 James C. Hornaday
53
54 JAMES C. HORNADAY, MAYOR

55 ATTEST:
56
57 J. Johnson
58
59 JO JOHNSON, CMC, CITY CLERK

60
61
62 YES: 6
63 NO: 0
64 ABSENT: 0
65 ABSTAIN: 0

66
67 First Reading: 9/24/12
68 Public Hearing: 10/08/12
69 Second reading: 10/08/12
70 Effective Date: 10/09/12

71
72 Reviewed and approved as to form:
73
74 Walt Wrede
75 Walt Wrede, City Manager

76
77 Thomas F. Klinkner
78 Thomas F. Klinkner, City Attorney

79
80 Date: OCT. 10, 2012

Date: 10-16-12

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
JANUARY 8, 2018
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
COUNCIL MEMBER CAROLINE VENUTI
COUNCIL MEMBER RACHEL LORD
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.

Mayor Zak has requested excusal.

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

3. CONSENT AGENDA

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, January 22, 2018 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
JANUARY 8, 2018
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
COUNCIL MEMBER TOM STROOZAS
COUNCIL MEMBER SHELLY ERICKSON
COUNCIL MEMBER CAROLINE VENUTI
COUNCIL MEMBER RACHEL LORD
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK MELISSA JACOBSEN

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

Mayor Zak 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. New Fire Fighter and EMT Swearing In Ceremony

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

6. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular Meeting Minutes of December 11, 2017 City Clerk. Recommend adoption. **Page 209**
- B. **Memorandum 18-001** from Mayor Re: Appointments to the Library Advisory Board and Parks Art Recreation and Culture Advisory Commission. Recommend approval. **Page 221**
- C. **Memorandum 18-002** from City Clerk Re: Liquor License Renewals for Grog Shop East End, Down East Saloon, Salty Dawg Saloon, BPO Elks Lodge 2124, and Finn's, LLC. Recommend approval. **Page 227**
- D. **Ordinance 18-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of Homer Permanent Fund Assets. City Manager/Finance Director. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. **Page 245**
Memorandum 18-009 from Finance Director as backup **Page 249**
- E. **Ordinance 18-02**, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility. City Manager. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. **Page 253**
Memorandum 18-003 from Special Projects Coordinator as backup **Page 255**
- F. **Ordinance 18-03**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/ Port and Harbor Director. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. **Page 259**
Memorandum 18-004 from Port Director/Harbormaster as backup **Page 263**
- G. **Ordinance 18-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define "Employee-Occupied Recreational Vehicles"; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts. Smith.

Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. **Page 277**

Memorandum 18-005 from City Planner as backup **Page 309**

- H. **Ordinance 18-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall. City Manager. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. **Page 379**

Memorandum 18-006 from City Manager as backup **Page 381**

- A. **Resolution 18-001**, A Resolution of the City Council of Homer, Alaska Confirming the Appointments of Treasurer and Deputy Treasurer for Calendar Year 2018. City Manager. Recommend adoption. **Page 383**

- B. **Resolution 18-002**, A Resolution of the City Council of Homer, Alaska Approving the Opioid Task Force as a Regular Quarterly Visitor on the Council's Agenda. Aderhold. Recommend adoption. **Page 385**

- C. **Resolution 18-003**, A Resolution of the City Council of Homer, Alaska, Adopting an Alternative Allocation Method for the FY18 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption. **Page 387**

- E. **Resolution 18-005**, A Resolution of the City Council of Homer, Alaska, Amending the Council Operating Manual to Include Amendments to Homer City Code 1.18.020 and 2.80. City Clerk. Recommend adoption. **Page 389**

Memorandum 18-008 from City Clerk as backup **Page 391**

- F. **Resolution 18-006**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 13-095 Authorizing the City Manager to keep the Homer Education and Recreation Complex (HERC) Gymnasium Open for Community Recreation Programs that Require only Minimal Heat and Utilities until Such Time as the Building is Demolished to Include the Adjacent Classroom as Usable Space for Community Recreation Activities. Lord. Recommend adoption. **Page 455**

7. VISITORS

- A. Opioid Task Force (10 minutes)
- B. Prince William Sound Regional Citizens Advisory Commission Update – Robert Archibald (10 minutes)

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

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks Art Recreation and Culture Advisory Commission
 - 5. Port and Harbor Advisory Commission
 - 6. Cannabis Advisory Commission

9. PUBLIC HEARING(S)

- A. **Ordinance 17-43**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Ternview Place and Little Fireweed Lane. City Manager/Public Works Director. Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018. **Page 471**

Memorandum 17-143 from Public Works Superintendent as backup **Page 473**

- B. **Ordinance 17-44**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$61,600 from the Homer Accelerated Water and Sewer Program Fund (HAWSP) for Oversizing Water Main Along Nelson Avenue and Ronda Street. City Manager/Public Works Director. Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018.

Page 477

Memorandum 17-144 from Public Works Director as backup **Page 479**

10. ORDINANCE(S)

11. CITY MANAGER’S REPORT

A. City Manager’s Report **Page 487**

B. Bid Report **Page 505**

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

15. NEW BUSINESS

A. **Memorandum 18-007**, from City Clerk Re: Travel authorization for Mayor Zak and Councilmembers to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018 **Page 515**

16. RESOLUTIONS

A. **Resolution 18-004**, A Resolution of the City Council of Homer, Alaska, Supporting the Request for an Adjudicatory Hearing by the Prince William Sound Regional Citizens’ Advisory Council, Prince William Sound Aquaculture Corporation, and the City of Valdez, on the Alaska Department of Environmental Conservation’s Decision to Approve Amendments to the Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan. Aderhold. **Page 521**

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, January 22, 2018 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

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 17-27 a Regular Meeting of the Homer City Council was called to order on December 11, 2017 at 6:00 p.m. by Mayor Pro Tempore Aderhold 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, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PERSONNEL DIRECTOR BROWNING
HARBORMASTER HAWKINS

Council met as Committee of the Whole at 5:00 p.m. to discuss consent agenda and regular meeting agenda items in Homer City Hall Cowles Council Chambers.

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

Mayor Pro Tem Aderhold asked for a motion to allow Mayor Zak to participate telephonically.

STROOZAS/ERICKSON SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

AGENDA APPROVAL

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

The following changes were made: **PUBLIC HEARINGS Ordinance 17-42**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2018 for the General Fund, The Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. Budget Amendment to reduce funding for the Vac Truck and approve funds for a brush cutter sponsored by Councilmember Erickson. Written Public Comments. **Resolution 17-086**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Camping Fees. Memorandum from Parks Art Recreation & Culture Advisory Commission as backup.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- A. Mayoral Recognition of Homer High School Students Charlie Menke, Douglas Dean, Phinny Weston and Tucker Weston

Mayor Pro Tem Aderhold read the recognition and presented it to Charlie Menke, Douglas Dean, Tucker Weston and Phinny Weston.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Mike Illg, city resident, city employee, and Kenai Peninsula Borough School District Board member, recognized the student athletes for their caring and kindness. It's an epitome of what the school district and community strive to see in young adults. Mr. Illg took the opportunity to give a brief school district update.

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 November 27, 2017 City Clerk. Recommend adoption.

- B. **Ordinance 17-43**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Ternview Place and Little Fireweed Lane. City Manager/Public Works Director. Recommended dates: Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018.

Memorandum 17-143 from Public Works Superintendent as backup

- C. **Ordinance 17-44**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$61,600 from the Homer Accelerated Water and Sewer Program Fund (HAWSP) for Oversizing Water Main Along Nelson Avenue and Ronda Street. City Manager/Public Works Director. Recommended dates: Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018.

Memorandum 17-144 from Public Works Director as backup

- D. **Resolution 17-097**, A Resolution of the City Council of Homer, Alaska, Confirming the City Manager's Appointment of Rick Abboud as Acting City Manager for Calendar Year 2018. City Manager. Recommend adoption.

Mayor Pro Tem Aderhold asked for a motion to approve the recommendations of the consent agenda as read.

STROOZAS/ERICKSON SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- A. South Peninsula Behavioral Health Services – Jay Bechtol, Director (10 minutes)

Jay Bechtol, Director of South Peninsula Behavioral Health Services, gave an overview of the makeup of the organization. He clarified that The Center is a program at SPBHS and explained that SPBHS works with mental illness, developmental disability, substance use issues, and a number of other social issues. He touched on the one of the barriers to service in any community is the stigma that goes along with being identified as someone who is mentally ill, has a substance use issue or a disability. He introduced Eartha Lee who shared the hurdles she has worked through before and since being diagnosed with Schizoaffective Disorder in 2004. She explained the significance of the support of SPBHS services and programs and the local community. She has since self-published her memoir titled *Fleeing the Country, Rural Alaska through the Eyes of a Child*.

- B. Legislative Update and Health Care Costs - Representative Paul Seaton (10 minutes)

Representative Seaton provided an overview of the state's financial outlook and the upcoming legislative session. The FY19 state budget is about \$4.5 billion with about \$1.8 billion of revenue and \$2.1 billion in savings, which won't cover the \$2.7 billion deficit. The Senate is very dogmatic about no diversification of revenues, they rejected their sustainable fiscal plan last year and have offered no alternative long term solutions. The House is dogmatic about education and refused to cut future funding. With no new revenue there are three choices, first is more cuts to things that would roll down to the local levels, second take the money from the earning reserve, or third draw the \$1 billion from the CBR and use a percent of market value endowment model. His goals for the next year is to get done early, and to limit the CBR draw to about \$1 billion, although that doesn't resolve the long term problem that needs to be addressed. The positive thing he sees is with the House is that being so insistent not to cut

education and the Senate not raising new revenue, we can do an education budget early and avoid teacher layoffs.

Representative Seaton shared information on solutions being implemented throughout the state to help reduce health care costs including wellness programs, exercise and dietary programs, state and community health fairs, and a combined health care authority. He focused on another solution, raising vitamin D3 levels, explaining current research showing health care cost savings through increasing vitamin D3 levels. He reviewed the benefits of vitamin D3 in diabetes, pain relief and fatigue, opioid addiction, and palliative care. Canada's estimated health care cost savings by raising vitamin D levels are \$344 per person per year, a total of \$12.5 billion. With Alaska's population of 741,800 and medical costs being 2 times that of Canada, our savings would be approximately \$510 million per year.

C. Importance of General Operating Support - HANDs (Homer Area Nonprofit Directors)
(10 minutes)

Adele Person with Bunnell Street Art Center and Peggy Paver, Director of Homer Council on the Arts, spoke on behalf of Homer Area Nonprofit Directors (HANDs). They commented regarding the nonprofit impact in Homer by filling the gap between City services and community needs, building community, creating change, and driving innovation, as well as providing jobs and activities that aren't supported by commercial endeavors. They also addressed the importance of the City of Homer Grant Program through the Homer Foundation and the benefits of the process for all agencies to be vetted and receive funds through the grant program. Nonprofit directors took a moment to share a brief snapshot of a few of the local nonprofits and the services they provide to the community.

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

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

Mark Massion, Library Advisory Boardmember, thanked council for adding \$10,000 to the library budget and hopes that after the final 2017 audit they can revisit the budget and hopefully add a little more next year. We appreciate the concern and help with the library. Lastly he said if you need a hit of vitamin D, come to the library reading room. It's always warm and sunny, and everyone is welcome.

2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission
 - a. Memo from PARCAC Re: Budget Recommendations and request for a worksession on the HERC building
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 17-42**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2018 for the General Fund, The Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Introduction October 30, 2017, Public Hearings November 27, 2017 and December 11, 2017, Second Reading December 11, 2017.

David Bernard, city employee and representative for the Library on the Employee Committee, commented in response from his co-workers who were disappointed after the decision to amend the COLA from 1% to half of a percent. While the half percent helps keep employees in line with the current rate of inflation, over the past half dozen years we still appear to be behind the Anchorage CPI and the average of the other Alaskan municipalities over the same time period. It's important to us to keep pace with inflation and it impacts how we feel we are valued as employees. It's important that we keep pace with other municipalities and organizations for recruitment of employees. He also noted it's part of the personnel regulations that the City Manager review the Anchorage CPI at least yearly and make recommendations for a COLA based on that and what's in the budget. We look forward to having this discussion with Council at least yearly.

There were no more comments and the public hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Ordinance 17-42 by reading of title only for second and final reading.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 17-42 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

SMITH/ERICKSON MOVED TO REDUCE THE FUNDING FOR THE CITY HALL ROOF DESIGN FROM \$25,000 TO \$15,000.

In response to questions about process for the project, City Manager Koester explained the City wouldn't put a project out to bid until there is funding approved, and with this project we would probably use one of our term contract engineers to do the design.

Councilmember Stroozas commented if we are putting an RFP out for a new roof, the design cost should be factored in by whoever submits the RFP as part of the process therein. He questions whether we should allocate any funds for design fee.

Councilmember Smith commented that the the cost of design is derived by a percentage of the projected cost of the project. In this case it's 10%, which is a standard in new construction. 7% is a more standard number in existing projects, and that's what this amendment is based on.

City Manager Koester touched the process she worked through with Public Works Director Meyer relating to what the city wants regarding life span of the roof and other variables. The compromise was to design the project so Council can answer some of those questions.

VOTE: YES: SMITH, STROOZAS, ERICKSON
NO: VENUTI, ADERHOLD, LORD

Mayor Zak voted no to break the tie.

Motion failed.

ERICKSON/VENUTI MOVED TO REDUCE THE FUNDING FOR THE VAC TRUCK FROM \$450,000 TO \$400,000 AND APPROVE \$50,000 FROM THE PW FLEET RESERVES TOWARD A NEW BRUSH CUTTER.

Councilmember Erickson explained the request was between \$400,000 to \$450,000 for the vac truck and in her research, she believes it could come in under \$400,000 so there would be enough to get both. That's what she would like to see happen.

Mayor Pro Tem Aderhold commented she would prefer not to make the amendment at this time and see if Public Works can get the vac truck they need for less than \$400,000 then we could make a mid-year budget amendment as needed for the brush cutter.

Councilmember Erickson questioned if the parameters aren't in place before going out to bid whether it would stifle them from getting bids.

Councilmember Lord understand the Mayor Pro Tem's idea is if we stay with \$450,000, they don't have to spend the entire amount and may come under that amount. Then there would be money left on the table that could be put toward the brush cutter.

Councilmember Stroozas noted that if they approve this and bids come in above the amount, they could come back and ask for additional funds.

City Manager Koester replied that if it's determined we couldn't purchase what we need, we could come back for approval of additional funding and have the justification to you. It's worth stating Public Works has done the research and their request is \$450,000.

Councilmember Erickson said she talked to two local vendors that have purchased used vac trucks and two big truck companies out of Anchorage that would love to be in on the bidding process. That was the amount they were giving her. \$450,000 to \$500,000 is on the really high end. The bidding process is the only way we'll know what they are going to charge.

Councilmember Smith asked if it's standard that we put this type of equipment purchase out to bid. City Manager Koester explained for the most part with equipment purchases the City uses the State's negotiated contract, which is about 15% lower than retail. That's where we buy our pick-up trucks and our dump truck from, for example, and that's where Public Works research comes from for this. There is rationale for bigger contracts like this to go out to bid, but it's hard to compete with that preferential pricing negotiated through the State contract. It's clear that Council wants a bid to be put out, so she would anticipate bidding it and also getting a price estimate with the State contract.

Mayor Pro Tem Aderhold noted she isn't sure the research by one Councilmember indicates that's the way the body would go.

VOTE: YES: STROOZAS, SMITH, ERICKSON

NO: ADERHOLD, LORD, VENUTI

Mayor Zak voted yes to break the tie.

Motion carried.

VENUTI/SMITH MOVED TO ELIMINATE THE FUNDING FOR THE DRONE AND ASSOCIATED TRAINING FOR THE POLICE DEPARTMENT.

Councilmember Venuti expressed her concern about privacy issues and potential legal difficulty for the City. She hasn't heard there is a big need for it at this time.

Councilmember Erickson question if there are independent contractors who could provide the service. City Manager Koester replied there are some in Anchorage, but none in our area at this time.

Councilmember Smith agreed that there isn't justification right now for this purchase.

VOTE: YES: LORD, ADERHOLD, ERICKSON, STROOZAS, SMITH, VENUTI

Motion carried.

No further amendments were brought forward.

Councilmember Lord commented she feels strongly about the situation on the COLA. She is looking forward to working with staff to look at the personnel regs and understand if there is a more cohesive way to look at the COLA annually and have it be part of the process in a more thoughtful manner.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 17-086**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Camping Fees. City Clerk. (To follow Budget Ordinance 17-42; Public Hearings November 27 and December 11, 2017)

Mayor Pro Tem Aderhold opened the floor to public comments. There were no comments and the hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 17-086 by reading of title only.

STROOZAS/ERICKSON SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Koester commented FEMA will be presenting new tsunami mapping at the library at 6 pm on Wednesday at the Homer Public Library. It will be a good opportunity to look at what some of the new tsunami predictions are for localized events and hazards in our area.

Councilmember Lord acknowledged the employees celebrating anniversaries in December that were included with the City Manager's report.

Mayor Zak noted the Industry Outlook Forum being held January 10th at the Soldotna Regional Sports Complex. It's a wonderful opportunity to learn about what's happening in our economy.

B. Bid Report

CITY ATTORNEY REPORT

City Attorney Wells said she will be providing a comprehensive report in January as she anticipates getting some Supreme Court decisions based on their timing requirements. She wished everyone Happy Holidays.

COMMITTEE REPORT

- A. Employee Committee Report
 - a. Memorandum re: Employee Compensation
- B. Americans with Disabilities Act Compliance Committee

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Catriona Reynolds, city resident and former Councilmember, congratulated Council on the budget, it was exciting to be on this side of the table for the first time after three years. She thanked them for their work. She commented about the Tsunami Survey meeting at the library next Wednesday.

Ginny Espenshade, city resident, commented that she presented to Parks and Rec about a study on the impacts of recreation arts and cultural activities on substance abuse among youth. There is a worksession on the HERC in January. She has been looking for other studies and she stunned by the findings now on the other end of the addiction process related to prevention of relapse, and support of people in recovery and in treatment. When you look at these activities, they are shown to prevent the start of use, but also helping people on the other end. She hopes they go into the January worksession with that in mind. It's not just quality of life issues, but also life and death issues.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester thanked Council for passing the budget, it was a relatively painless process and she appreciates all of their work and thoroughness. She is looking forward to serving them in 2018, it's going to be a good year.

COMMENTS OF THE MAYOR

Mayor Zak commended Mayor Pro Tem Aderhold for another great meeting and he thanked Council for their work on passing a realistic budget. He thinks they set a record for a budget meeting and approval. He appreciates the HANDs group and looks forward to hearing from them in the future. He thanked Representative Seaton for his report and wished him good luck in Juneau in working through the State budget issues. He wished everyone a Merry Christmas.

COMMENTS OF THE CITY COUNCIL

Councilmember Smith wished everyone a Merry Christmas and Happy New Year. He recognized Eartha Lee for her time and her courage to share with them tonight and wished her continued success, recovery, and management. He thanked her for being here tonight. He asked Ginny Espenshade to forward the Icelandic Study to the Clerk to distribute to the Council, it's a fascinating read.

Councilmember Erickson wished everyone Merry Christmas. There is a lot of fun and frivolity for the rest of the month, hopefully it will get cold and we'll have northern lights. She wished everyone safe and happy holidays and may 2018 be even better than 2017.

Councilmember Stroozas wished everyone Merry Christmas and a healthy and prosperous 2018. He agrees with City Manager Koester, 2018 is going to be a fine year.

Councilmember Venuti recognized we live in a diverse community; it was important to hear all the nonprofits and she likes the name HANDs. She shared that the Kachemak Bay Campus has a pinning ceremony for their seven new nurses on Friday at 6:00 p.m. at the Pioneer Campus. It's the UAA nursing program, but they do their classes here in Homer. They are local nurses who are now prepared to be nurses in our hospital. Her hat's off to Carol Swartz and our

Kachemak Bay Campus for doing home grown nurses; they make the best. She wished everyone Merry Christmas.

Councilmember Lord commented she was at the library today for Lunch with a Councilmember. They had a great turnout and it was a good opportunity to meet with people. She thanked the City Manager and Assembly member Willy Dunn for being there. She thanked everyone for their input and testimony on the budget. She thanked Eartha for her story and Jay for the work they SPBHS is doing. Very shortly we'll hit winter solstice, her favorite day of the year, and the light will start coming back soon-ish. Hang on, we'll all get there.

Mayor Pro Tem Aderhold reminded everyone it's our last meeting. She commented 2017 has been a bit difficult year as many probably know. She shared a quote a friend gave her and encouraged everyone to take it as their own;

Heroes are not giant statues framed against a red sky, they are people who say this is my community, and it is my responsibility to make it better. Studs Terkel.

ADJOURN

There being no further business to come before the Council, Mayor Pro Tem Aderhold adjourned the meeting at 7:50 p.m. The next Regular Meeting is Monday, January 8, 2018 at 6:00 p.m., Worksession at 4:00 p.m. and Committee of the Whole at 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.

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 18-001

TO: HOMER CITY COUNCIL
FROM: DONNA ADERHOLD, MAYOR PRO TEMPORE
DATE: JANUARY 3, 2018
SUBJECT: APPOINTMENT OF BYRON SANSOM TO THE LIBRARY ADVISORY BOARD AND
CAITLIN WALLS TO THE PARKS ART RECREATION AND CULTURE ADVISORY
COMMISSION

Byron Sansom is appointed to the Library Advisory Board to fill the seat vacated by Sue Fallon. The term will expire in 2020.

Caitlin Walls is appointed to the Parks Art Recreation and Culture Advisory Commission to fill the seat vacated by Dixie Hart. The term will expire in October 2018

RECOMMENDATION:

Confirm the appointment of Byron Sansom to the Library Advisory Board and Caitlin Walls to the Parks Art Recreation and Culture Advisory Commission.

Fiscal Note: N/A

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

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

Submission information

Form: [Application for Appointment to an Advisory Body](#)

Submitted by Visitor (not verified)

Thursday, December 21, 2017 - 3:21pm

124.197.19.202

Applicant Information

Name

Byron Sansom

Physical Address

2400 Paradise Place

Mailing Address

PO Box 1440

Email

byronak@gmail.com

Phone

9073991477

Please select the bodies you are interested in serving on

Advisory Bodies

Library Advisory Board 1st Tuesday of the month at 5:30 p.m.

I have been a resident of the city for

10 years

I have been a resident of the area for

14 years

Special Training & Education

I have a BS degree in Electrical Engineering from UCLA. Libraries were a factor in my high school and college work.

Prior Service

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

No.

Why are you interested?

I have always been a member of a library where ever I have lived. I can remember my first library at age 10 and the special feeling it invoked about being among the accumulated knowledge of human culture. I want an opportunity for current school children and adults to see how a library can be a source of knowledge and interest even in this digital age. I want to help ensure that our Homer library is such a place.

Other memberships

Do you currently belong to any organizations specifically related to the area of the advisory body you selected? No

Additional related information

Please include any additional information that may assist the Mayor in his/her decision making: My EE degree and computer training would also be helpful in understanding and utilizing new digital technologies for our library.

Finish

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

Source URL: <https://www.cityofhomer-ak.gov/node/9051/submission/13181>

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

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

Submission information

Form: [Application for Appointment to an Advisory Body](#)

Submitted by Visitor (not verified)

Wednesday, January 3, 2018 - 8:59am

104.254.224.230

Applicant Information

Name

Caitlin Walls

Physical Address

41756 Brown Dr, Homer AK 99603

Mailing Address

41756 Brown Dr, Homer AK 99603

Email

caitlinkwalls@gmail.com

Phone

303-919-1180

Please select the bodies you are interested in serving on

Advisory Bodies

- Parks Art Recreation & Culture Advisory Commission 3rd Thursday of the month at 5:30 p.m. No meeting January, July or December
- Library Advisory Board 1st Tuesday of the month at 5:30 p.m.

I have been a resident of the city for

2.5 years

I have been a resident of the area for

2.5 years

Special Training & Education

I have a B.A. in English and an M.F.A. in poetry. I worked for four years as the primary English faculty member at Alaska's only tribal college, and served as the Department Chair and Division

Head for three years. Currently, I work in institutional development and strategic planning for the aforementioned tribal college. I've been in that role for almost three years, and have secured over \$6.5 million in grant funds and \$2 million in corporate and individual donations in that time. The tribal college operates Tuzzy Consortium Library on the North Slope, and I have helped secure NEH, CLIR (Council on Library Information and Resources), and NSF grants for Tuzzy during that time, totaling over \$1 million. I work closely with the Library Director and Archivist to ensure their goals are met; as such, I'm familiar with how libraries operate, their budget and funding constraints, and how critical they are to the community. Overall, I am well versed in grant writing and administration, strategic planning, and planning and executing growth parameters for nonprofit, community, and education institutions.

Prior Service

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

No, I have not served on an advisory body for a city. I have served on an advisory body for other tribal colleges (evaluating their academic programs, etc.).

Why are you interested?

Please briefly state why you are interested in serving on the advisory body selected.

My primary interest is serving on the Library Advisory Board, as I love our local Homer library. I checked out 70+ books last year and am grateful to have such an excellent library in the area. I believe my knowledge and background in strategic planning, grants, institutional advancement, and academia could be useful on the Advisory Board.

My secondary interest is on the Parks, Art, Recreation & Cultural Advisory Commission, for similar reasons that I stated above. My educational background is in art and culture, and my professional skills would also be useful in such an area.

Other memberships

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

Yes, the following:

Board Member for Homer Council on the Arts (HCOA)
Friend of Homer Public Library
Friend of Tuzzy Consortium Library
Bunnell Arts Center Member

Additional related information

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

I'm fairly new to Homer (my husband and I have been here 2.5 years), but we love this city and have made it our home. I would love to get more involved and use my professional skill set in an advisory capacity, while also learning more about Homer and its governance. Thank you for considering my application!

Finish

When you have completed this application please review all the information and hit the submit



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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(f) 907-235-3143

Memorandum 18-002

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JANUARY 3, 2018

SUBJECT: LIQUOR LICENSE RENEWALS FOR GROG SHOP EAST END, DOWN EAST SALOON, SALTY DAWG SALOON, BPO ELKS LODGE 2127, AND FINN'S LLC

We have been notified by the Alcohol Marijuana Control Office of liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
2301	Grog Shop East End	Package Store	MSA, Inc.	3125 East End Road
2300	Down East Saloon	Beverage Dispensary	Down East Saloon, LLC	3125 East End Road
1002	Salty Dawg Saloon	Beverage Dispensary	Sdawg, Inc.	4380 Homer Spit Road
367	BPO Elks Lodge #2127	Club	BPO Elks Lodge #2127	215 W. Jenny Way
4164	Finn's LLC	Restaurant/Eating Place-Seasonal	Finn's	4287 Homer Spit Road Unit #8

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

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: Hayley R. Smith
FROM: Mark Robl
DATE: 01/03/2018
SUBJECT: Liquor License Renewals.

There is no objection to these renewals. As this date 01/02/2018

License #: 2301

Licensee: MSA, Inc.

License Type: Package Store

Doing Business As: Grog Shop East End 3125 East End Road

License #: 2300

Licensee: Down East Saloon LLC

License Type: Beverage Dispensary

Doing Business As: Down East Saloon 3125 East End Road

License #: 1002

Licensee: Sdawg Inc.

License Type: Beverage Dispensary

Doing Business As: Salty Dawg Saloon 4380 Spit Road



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Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF

FROM: HAYLEY SMITH, DEPUTY CITY CLERK I

DATE: DECEMBER 21, 2017

SUBJECT: LIQUOR LICENSE RENEWALS FOR THE GROG SHOP EAST END, DOWN EAST SALOON,
AND SALTY DAWG SALOON

We have been notified by the Alcohol Marijuana Control Office of applications for liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
2301	Grog Shop East End	Package Store	MSA, Inc.	3125 E. End Rd.
2300	Down East Saloon	Beverage Dispensary	Down East Saloon LLC	3125 E. End Rd.
1002	Salty Dawg Saloon	Beverage Dispensary	Sdawg Inc.	4380 Homer Spit Rd.

This matter is scheduled for the January 8, 2018 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **10:00 am. Wednesday, January 3, 2017.**

Thank you for your assistance.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: Hayley Smith, Deputy City Clerk I

FROM: Lt. Will Hutt *WTH*

DATE: 12/28/2017

SUBJECT: LIQUOR LICENSE RENEWALS FOR BPO ELKS LODGE #2127 AND FINN'S LLC

LICENSE #: 367
BUSINESS: BPO Elks Lodge #2127
LICENSE TYPE: Club
LICENSEE: BPO Elks Lodge #2127
ADDRESS: 215 W. Jenny Way Homer, AK 99603

LICENSE #: 4164
BUSINESS: Finn's LLC
LICENSE TYPE: Restaurant/Eating place/Seasonal
LICENSEE: Finn's LLC
Address: 4287 Spit Road Unit #8 Homer, AK 99603

There is no objection to these liquor license renewals.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF
FROM: HAYLEY SMITH, DEPUTY CITY CLERK I
DATE: DECEMBER 27, 2017
SUBJECT: LIQUOR LICENSE RENEWALS FOR BPO ELKS LODGE #2127, AND FINN'S LLC

We have been notified by the Alcohol Marijuana Control Office of applications for liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
367	BPO Elks Lodge #2127	Club	BPO Elks Lodge #2127	215 W. Jenny Way
4164	Finn's LLC	Restaurant/Eating Place- Seasonal	Finn's	4287 Homer Spit Road Unit #8

This matter is scheduled for the January 8, 2018 City Council meeting. Please respond with objections/non-objections to these liquor license renewals by **10:00 am. Wednesday, January 3, 2017.**

Thank you for your assistance.



December 21, 2017

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Package Store	License Number:	2301
Licensee:	MSA, Inc.		
Doing Business As:	Grog Shop East End		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

12/27/2017

Sarah Daulton-Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, Alaska 99501-3567

RE: Non-Objection of License Renewal Application
Business Name : Grog Shop East End
License Type : Package Store
License Location : 3125 E End Road, City of Homer
License No. : 2301

Dear Ms. Oates,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection to this License Renewal application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

Encl.

cc: Applicant, KPB Finance Department, City of Homer & File



December 15, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	1002
Licensee:	Sdawg Inc.		
Doing Business As:	Salty Dawg Saloon		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

12/21/2017

Sarah Daulton-Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, Alaska 99501-3567

RE: Non-Objection of License Renewal Application
Business Name : SALTY DAWG SALOON
License Type : Beverage Dispensary
License Location : 4380 Homer Spit Road, City of Homer
License No. : 1002

Dear Ms. Oates,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection to this License Renewal application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

Encl.

cc: Applicant
KPB Finance Department
File
City of Homer



December 15, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	2300
Licensee:	Down East Saloon LLC		
Doing Business As:	Down East Saloon		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

12/21/2017

Sarah Daulton-Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, Alaska 99501-3567

RE: Non-Objection of License Renewal Application
Business Name : DOWN EAST SALOON
License Type : Beverage Dispensary
License Location : 3125 E End Road, City of Homer
License No. : 2300

Dear Ms. Oates,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection to this License Renewal application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

Encl.

cc: Applicant
KPB Finance Department
File
City of Homer



December 21, 2017

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Club	License Number:	367
Licensee:	BPO Elks Lodge #2127		
Doing Business As:	BPO Elks Lodge #2127		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

12/27/2017

Sarah Daulton-Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, Alaska 99501-3567

RE: Non-Objection of License Renewal Application
Business Name : HOMER ELKS LODGE #2127-L
License Type : Club
License Location : 215 W. Jenny Way, City of Homer
License No. : 367

Dear Ms. Oates,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection to this License Renewal application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

Encl.

cc: Applicant, KPB Finance Department, City of Homer & File



December 27, 2017

City of Homer

Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us

jblankenship@borough.kenai.ak.us

kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Restaurant/Eating Place – Seasonal	License Number:	4164
Licensee:	Finn’s, LLC		
Doing Business As:	Finn’s		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director

amco.localgovernmentonly@alaska.gov



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144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2160 • **FAX:** (907) 714-2388

Toll-free within the Borough: 1-800-478-4441 Ext. 2160

Email: assemblyclerk@kpb.us

**JOHNI BLANKENSHIP, MMC
BOROUGH CLERK**

12/29/2017

Sarah Daulton-Oates
Records & Licensing Supervisor
Alcohol & Marijuana Control Office
550 W 7th Ave, Ste. 1600
Anchorage, Alaska 99501-3567

RE: Non-Objection of License Renewal Application
Business Name : Finns, LLC
License Type : Restaurant/Eating Places - Seasonal
License Location : 4287 Homer Spit Road, Unit #8, City of Homer
License No. : 4164

Dear Ms. Oates,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection to this License Renewal application.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/klr

Encl.

cc: Applicant, KPB Finance Department, City of Homer & File

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-01

Ordinance 18-01, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of Homer Permanent Fund Assets.

Sponsor: City Manager/Finance Director

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-009 from Finance Director as backup

- 44 6. Uncollateralized deposits at banks and savings and loan associations, to the extent that
45 the deposits are insured by the Federal Deposit Insurance Corporation (FDIC) or the
46 Federal Savings and Loan Insurance Corporation – ~~three~~ **five** years;
47
- 48 7. Taxable bonds or notes which are issued by any state or political subdivision thereof,
49 and which are graded AA or higher by Moody’s Investor’s Service, Inc., or Standard and
50 Poor’s Corporation – ~~three~~ **five** years;
51
- 52 8. Commercial paper graded A1 or higher by Moody’s Investor’s Service, Inc., or P1 or higher
53 by Standard and Poor’s Corporation – 270 days;
54
- 55 9. Bankers’ acceptances offered by banks rated at least “AA” by Moody’s or Standard and
56 Poor’s;
57
- 58 10. Money market mutual funds whose portfolios consist entirely of instruments specified
59 in subsections (a)(1), (2) and (3) of this section – with net asset value of \$1.00.
60

61 Section 2. Section 3.10.130 Governance of Homer permanent fund assets is hereby
62 repealed.
63

64 ~~3.10.130 Governance of Homer permanent fund assets.~~

65 ~~a. In investing and managing the monies of the permanent fund established pursuant to Chapter~~
66 ~~3.12 HCC, the persons having responsibility for making decisions shall exercise the judgment and~~
67 ~~care under the circumstances then prevailing which an institutional investor of ordinary~~
68 ~~prudence, discretion, and intelligence exercises in the management of large investments~~
69 ~~entrusted to it, not in regard to speculation, but in regard to the long term investment of funds~~
70 ~~considering the probable safety of capital as well as probable income, in accordance with the~~
71 ~~stated objectives of the permanent fund.~~
72

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

75 ~~1. The City Council shall establish written investment policies by resolution which shall be~~
76 ~~adhered to without exception;~~
77

78 ~~2. The City Council shall review the investment policies of the permanent fund at least~~
79 ~~once each year during the first quarter and shall, by resolution, re-adopt or modify said~~
80 ~~policies;~~
81

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

84 ~~a. That earnings available for annual appropriation and distribution shall be~~
85 ~~confined to the interest, dividends or coupon discounts derived from the~~

86 ~~investments of the fund. Realized or unrealized gains to the portfolio value are not~~
87 ~~considered earnings.~~

88 ~~b. The portfolio of the growth sub-fund will be invested primarily in equities, and is~~
89 ~~exempt from HCC 3.10.040.~~

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

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

94 ~~e. That states portfolio duration, performance benchmarks, and the estimated~~
95 ~~percentage or amount of that year's earnings that would be necessary to retain to~~
96 ~~inflation proof the fund principal;~~

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

101
102 ~~5. The City administration shall order an objective performance evaluation of the~~
103 ~~investment program every year;~~

104
105 ~~6. The City administration shall retain one or more bank custodians to hold all investment~~
106 ~~cash and fixed income securities of the permanent fund and require that the custodians~~
107 ~~shall render monthly reports to the administration regarding assets held at both book and~~
108 ~~market values, and individual transactions which have taken place, that the banks shall~~
109 ~~have adequate fidelity insurance, and that written contracts be entered into between the~~
110 ~~City and the custodian banks.~~

111
112 Section 3. This ordinance is of a permanent and general character and shall be included in
113 City Code.

114
115 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, by the Homer City Council this ____ day of
116 _____, 2018.

117
118
119 CITY OF HOMER

120
121
122 _____
123 BRYAN ZAK, MAYOR

124 ATTEST:

125
126
127 _____

128 MELISSA JACOBSEN, MMC, CITY CLERK

129

130 YES:

131 NO:

132 ABSTAIN:

133 ABSENT:

134

135 First Reading:

136 Public Hearing:

137 Second Reading:

138 Effective Date:

139

140 Reviewed and approved as to form:

141

142 _____

143 Mary K. Koester, City Manager

144

145 Date: _____

Holly Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 18-009

TO: Mayor Zak and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: January 2, 2018
SUBJECT: City of Homer Investment Policy

The purpose of this memo is to discuss the current investment policy for the City of Homer.

Brief Overview:

The investment policy for the City of Homer has not been substantially modified since 1993. Over this period of time, industry norms have changed and, thus, our policies need to reflect this change.

Upon speaking with our investment partners, it was identified that one of the greatest weaknesses in our investment policy is our term of maturity. The industry standard for maturity length is now 5 years, not 3 years (as we have it now).

It is my recommendation as Finance Director, to modify the investment policy so that the City of Homer's policy is more in line with other local governments. Given the tight constraints the City is under due to our conservative nature, it would be of great benefit to be able to invest in securities with a longer maturity date. With proper due diligence, the City stands to profit more from investment instruments with a longer maturity date. There will be no obligation to only purchase instruments with this longer maturity date, however it allows for the flexibility to better position our investment portfolio. The City's portfolio will be staggered throughout the five year time horizon.

There is no need to modify our list of approved investment instruments, as these currently match other local governments.

The other change the ordinance makes is repealing HCC 3.10.130, Governance of Homer permanent fund assets, as the permanent fund no longer exists. This section of code is left over from when the Permanent Fund was active and is a cleanup measure.

Recommendation:

Amend HCC 3.10.040, Authorized Investments, to authorize the extension of the term to maturity from three to five years.

Repeal, Governance of Homer permanent fund assets, as the permanent fund no longer exists.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-02

Ordinance 18-02, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility.

Sponsor: City Manager

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-003 from Special Projects Coordinator as backup

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 18-02

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, APPROPRIATING FUNDS IN THE AMOUNT OF \$46,200 FROM COMMERCIAL PASSENGER VESSEL TAX GRANT FUNDS TO FUND THE DESIGN OF A NEW RAMP 2 PUBLIC RESTROOM FACILITY.

WHEREAS, An upgrade to the forty-three year old Ramp 2 public restroom to better serve the public has been recognized as a capital need in the City of Homer 2018-2023 Capital Improvement Plan; and

WHEREAS, The City of Homer developed conceptual plans and a financial strategy utilizing to fund the construction of a new Ramp 2 public restroom; and

WHEREAS, City of Homer Ordinance 17-19 accepted 2016 Commercial Passenger Vessel (CPV) Tax Program grant funds from the Kenai Peninsula Borough, committing those funds to the Ramp 2 Public Restroom project; and

WHEREAS, City of Homer Resolution 17-067 further committed accumulated and future CPV grant funds to meet match requirements for a Land and Water Conservation Fund (LWCF) grant application for Ramp 2 Restroom construction assistance and for completing the Ramp 2 Restroom upgrade project; and

WHEREAS, The Ramp 2 Restroom LWCF project has been approved by the State of Alaska and is awaiting Federal authorization; and

WHEREAS, A final design of the Ramp 2 Restroom rebuild is needed to be able to commence with construction once a LWCF grant agreement for construction funds is completed in the late spring of 2018.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes \$46,200 to be expended from the CPV Tax Fund for the design of the Ramp 2 Restroom from the account(s) described below:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
460-0927-4202	Commercial Passenger Vessel Tax Program Fund	\$46,200

44 Expenditure:

45

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
47 415-0941	Ramp 2 Public Restroom Replacement	\$46,200

48

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

51

52 ENACTED BY THE HOMER CITY COUNCIL this ____ day of _____, 2018.

53

54

55

CITY OF HOMER

56

57

BRYAN ZAK, MAYOR

58

59

60 ATTEST:

61

62

63

64 _____
MELISSA JACOBSEN, MMC, CITY CLERK

65

66

67 YES:

68 NO:

69 ABSENT:

70 ABSTAIN:

71

72 First Reading:

73 Public Hearing:

74 Second Reading:

75 Effective Date:

76

77 Reviewed and approved as to form:

78

79

80 _____
Katie Koester, City Manager

Holly Wells, City Attorney

81

82 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 18-003

TO: Mayor and the City Council
FROM: Jenny Carroll, Special Projects & Communications Coordinator
THROUGH: Katie Koester, City Manager
DATE: January 3, 2018
SUBJECT: Ramp 2 Restroom Upgrade: Project Update and Design Funds Request

In mid-November the Alaska State Outdoor Recreation Trails Advisory Board approved the City's Ramp 2 Restroom Land and Water Conservation Fund grant application for Federal authorization. The grant will provide \$263,340 in 50-50 matching funds for construction. The State anticipates forwarding a grant agreement to the City in June 2018.

City of Homer project funds, per Ordinance 17-19 and Resolution 17-067, will come from accumulated Commercial Passenger Vessel (CPV) pass-through grant funds and a loan from the Port & Harbor Reserve account, which will be reimbursed over time from future KPB and State of Alaska CPV pass-through grant distributions.

To minimize construction disruption on the Spit during the busy summer season, the rebuild is planned for the early fall 2018. A final design and engineering plan for the new restroom is needed to be able to move into the construction phase in a timely manner after the grant agreement is finalized in June 2018.

Design/engineering funds are requested from accumulated CPV grant funds, after which \$137,182 (the CPV fund balance plus a CY2017 CPV distribution) will be available for LWCF grant matching funds.

To round out the project budget, Port and Harbor Reserves will forward fund approximately \$126,158, which we predict will be entirely repaid, in increments, by 2018 - 2020 CPV pass-through grant distributions.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-03

Ordinance 18-03, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-004 from Port and Harbor Director as backup

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

3 City Manager/
4 Port and Harbor Director

5 **ORDINANCE 18-03**

6
7 AN ORDINANCE OF THE CITY COUNCIL, OF HOMER, ALASKA
8 AMENDING THE 2018 OPERATING BUDGET BY AUTHORIZING THE
9 EXPENDITURE OF \$50,000 FROM THE HARBOR RESERVE FUND FOR
10 THE PURPOSE OF CONDUCTING A SECTION 22 PLANNING
11 ASSISTANCE TO STATES PROGRAM STUDY FOR THE HOMER LARGE
12 VESSEL HARBOR EXPANSION PROJECT AND AUTHORIZING THE CITY
13 MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

14
15 WHEREAS, The City of Homer began a General Investigation Study with the U.S. Army
16 Corps of Engineers in 2004 titled Homer East Harbor Expansion; and

17
18 WHEREAS, After the study resulted in a negative finding for the expansion, it was shelved
19 until conditions improved that would justify re-engaging the Corps in the project; and

20
21 WHEREAS, Since 2009 staff has been working to address and track the issues that drove
22 the negative finding such as: armor rock source cost, dredged materials management planning,
23 large vessel fleet support and needs, federal fleet needs, and regional project support; and

24
25 WHEREAS, After meeting with U.S. Army Corps of Engineers representatives in November
26 of 2017 and reviewing changes in conditions and requirements surrounding this project, staff
27 believes it is in the best interest of the success of the project to take the advice of the Corps
28 representatives and engage them in a Section 22 Planning Assistance to States study; and

29
30 WHEREAS, The purpose of the Planning Assistance to States study is to efficiently ascertain
31 if the cost and benefit variables of building a Large Vessel Harbor have changed enough to
32 produce a positive finding and warrant resuming the General Investigation Study with the U.S.
33 Army Corps of Engineers and the investment of Federal dollars to fund their portion of the project;
34 and

35
36 WHEREAS, The total cost of the Section 22 Planning Assistance to States preliminary study
37 is \$100,000 with the U.S. Army Corps of Engineers responsible for \$50,000 and the City of Homer
38 responsible for \$50,000.

39
40 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
41

42 Section 1. The FY 2018 Operating Budget is hereby amended by appropriating \$50,000
43 from the Harbor Reserve Fund for the purpose of funding the City's portion of the Planning
44 Assistance to States study.

45

<u>Account</u>	<u>Description</u>	<u>Amount</u>
46 456-0380	47 Port & Harbor Reserves	48 \$50,000

49 Section 2. The City Manager is authorized to sign and execute a Planning Assistance to
50 States agreement with the Army Corps of Engineers for the purpose of determining if it is in the
51 best interest of the City of Homer and the Federal Government to further the Large Vessel Harbor
52 Expansion Project.

53

54 Section 3. This is a budget amendment ordinance, is not permanent in nature, and shall
55 not be codified.

56

57 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, by the Homer City Council this ____ day of
58 _____, 2018.

59

60

61 CITY OF HOMER

62

63

64 _____

65 BRYAN ZAK, MAYOR

66 ATTEST:

67

68

69 _____

70 MELISSA JACOBSEN, MMC, CITY CLERK

71

72 YES:

73 NO:

74 ABSTAIN:

75 ABSENT:

76

77 First Reading:

78 Public Hearing:

79 Second Reading:

80 Effective Date:

81

82 Reviewed and approved as to form:

83

84 _____
85 Mary K. Koester, City Manager
86
87 Date: _____

Holly Wells, City Attorney

Date: _____



Memorandum 18-004

TO: Mayor Zak and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Bryan Hawkins, Port Director/Harbormaster
DATE: January 3, 2018
SUBJECT: Ordinance 18-03 Planning Assistance to States Program Study

The Homer harbor expansion project dates back to 2004 when the City of Homer first entered into a contract with the U.S. Army Corps of Engineers and the State in a General Investigation Feasibility study. Because the Corps is a Federal agency, there are requirements and conditions that must be met in order for the study to score on a federal level for funding for both design and construction. Ultimately, these projects result in a benefits versus costs (BC) rating. When the City decided to shelve the project in 2009 the estimated BC ratio was .26. At the time, a project needed a +3.0 ratio to be competitive for federal dollars.

City Manager Koester and I met with the Corps in November to discuss the possibilities and options for resuming the harbor expansion study in Homer. After reviewing the previous work that had been done on the project, the Corps recommend that the City of Homer work with them to conduct a Planning Assistance for States (PAS) preliminary study to determine if there have been enough changes to warrant resuming and completing the original General Investigation Study. The cost to Homer will be \$50,000 and the Corps will be responsible for the other \$50,000 (\$100,000 total). The Corps estimates that the PAS study will take between 4 to 6 months to complete, once their federal funding is approved.

After reviewing the original study internally and with the City's term contract engineering firms, R&M Consulting and HDR, staff believes conditions for construction are more favorable than in 2004, in both the availability of local building materials and increased demand for moorage from the large vessel fleet. The PAS will demonstrate what has changed and improved in Homer since 2004 and where the assumptions made in the first study were off track. Positive findings from the PAS preliminary study will give confidence to stakeholders that reinstating the General Investigation Study will produce a BC that justifies the investment of federal dollars in Homer.

The economic impact of Harbors are felt locally, regionally and nationally. This study will demonstrate these benefits while at the same time proving how the Large Vessel Harbor can be built for far less money than was predicted in 2004. This relatively modest investment of \$50,000 is the best way to get the Large Vessel Harbor Expansion Project recognized as a national project and meet the needs of the fleet and community.

Enc;
Sample Planning Assistance to States Agreement
Port and Harbor Commission Recommendation
Homer Large Vessel Harbor CIP page

**SECTION 22 AGREEMENT
FOR PROVIDING TECHNICAL ASSISTANCE
JUNE 8, 2016
(with updates as of MAY 19, 2017)**

APPLICABILITY AND INSTRUCTIONS:

1. The attached agreement is provided as a template to be used in the development of an agreement for the provision of technical assistance pursuant to Section 22 of the Water Resources Development Act of 1974, as amended (42 U.S.C. 1962d-16). Guidance on providing such technical assistance is provided in the Implementation Guidance for Section 3015 of WRRDA 2014. A separate template agreement is available for the provision of assistance to develop a comprehensive plan under Section 22.
2. The following option, including language for the Agreement, is addressed in the Attachment:
Option 1: Technical Assistance in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico, or involving an Indian Tribe (page A-1).
3. In accordance with Appendix G of ER 1105-2-100, the District must submit the negotiated Agreement to the MSC Planning Assistance to States Program Manager for approval. Division Counsel concurrence in the agreement is required prior to approval.

AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
[INSERT FULL NAME OF NON-FEDERAL SPONSOR]
FOR THE PROVISION OF CERTAIN TECHNICAL ASSISTANCE

THIS AGREEMENT is entered into this ___ day of _____, ____, by and between the Department of the Army (hereinafter the “Government”), represented by the U.S. Army Engineer, **[Insert Name of District]** (hereinafter the “District Engineer”) and the **[Insert Full Name of Non-Federal Sponsor]** (hereinafter the “Non-Federal Sponsor”), represented by the **[Insert Title]**.

WITNESSETH, THAT:

WHEREAS, Section 22 of the Water Resources Development Act of 1974, as amended (42 U.S.C. 1962d-16), authorizes the Secretary of the Army to provide technical assistance related to the management of State water resources (hereinafter “Technical Assistance”) to a State or non-Federal interest working with a State and to establish and collect fees for the purpose of recovering 50 percent of the costs of such assistance except that Secretary may accept and expend non-Federal funds provided that are in excess of such fee; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement.

NOW, THEREFORE, the parties agree as follows:

1. The Government shall provide Technical Assistance in accordance with the attached Scope of Work, and any modifications thereto, that specifies the scope, cost, and schedule for activities and tasks.

2. The Non-Federal Sponsor shall provide 50 percent of the costs of providing the Technical Assistance in accordance with the provisions of this paragraph. As of the effective date of this Agreement, the costs of providing the Technical Assistance are projected to be \$ _____, with the Government’s share of such costs projected to be \$ _____ and the Non-Federal Sponsor’s share of such costs projected to be \$ _____.

a. No later than 15 calendar days after the effective date of this Agreement, the Non-Federal Sponsor shall provide the full amount of its share of costs by delivering a check payable to “FAO, USAED, **[Insert District and EROC code, e.g., New Orleans (B2)]**” to the District Engineer or by providing an Electronic Funds Transfer of such required funds in accordance with procedures established by the Government.

b. If the Government determines at any time that additional funds are needed from the Non-Federal Sponsor to cover the Non-Federal Sponsor's costs of the Technical Assistance, the Government shall provide the Non-Federal Sponsor with written notice of the amount of additional funds required. Within 60 calendar days of such notice, the Non-Federal Sponsor shall provide the Government with the full amount of such additional funds.

c. Following provision of the Technical Assistance and resolution of any relevant claims and appeals, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. Should the final accounting determine that additional funds are required from the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of written notice from the Government, shall provide the Government with the full amount of such additional funds. Should the final accounting determine that the Non-Federal Sponsor has provided funds in excess of its required amount, the Government shall refund the excess amount, subject to the availability of funds. Such final accounting does not limit the Non-Federal Sponsor's responsibility to pay its share of costs, including contract claims or any other liability that may become known after the final accounting.

3. In addition to its required cost share, the Non-Federal Sponsor may determine that it is in its best interests to provide additional funds for the Technical Assistance. Additional funds provided under this paragraph and obligated by the Government are not included in calculating the Non-Federal Sponsor's required cost share and are not eligible for credit or repayment.

4. The Non-Federal Sponsor shall not use Federal Program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the provision of the Technical Assistance. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share therefor.

5. In carrying out its obligations under this Agreement, the Non-Federal Sponsor shall comply with all the requirements of applicable Federal laws and implementing regulations, including, but not limited to: Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto.

6. Upon 30 calendar days written notice to the other party, either party may elect, without penalty, to suspend or terminate the provision of Technical Assistance under this Agreement. Any suspension or termination shall not relieve the parties of liability for any obligation incurred.

7. As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the

parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

8. In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

9. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by certified mail, with return receipt, as shown below. A party may change the recipient or address for such communications by giving written notice to the other party in the manner provided in this paragraph.

If to the Non-Federal Sponsor:

[Insert Title and Address of Sponsor representative to receive notices]

If to the Government:

[Insert Title and Address of Government representative to receive notices]

10. To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

11. Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Engineer.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

[INSERT FULL NAME OF SPONSOR]

BY: _____
[INSERT TYPED NAME]
[Insert Colonel, U.S. Army or
Lieutenant Colonel, U.S. Army, as
applicable]
District Engineer

BY: _____
[INSERT TYPED NAME]
[Insert Full Title]

DATE: _____

DATE: _____

Attachment

Option 1: Technical Assistance in American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, or Puerto Rico, or involving an Indian Tribe (as defined in section 102 of the Federal Recognized Indian Tribe List Act of 1994, 25 U.S.C. 5130). The cost sharing waiver of up to \$455,000 shall not be included in calculating costs of providing the Technical Assistance that are cost shared.

The following changes to the Agreement should be made:

1. Delete the “and” at the end of the first WHEREAS clause and insert the following WHEREAS clause after the first WHEREAS clause in the Agreement:

“WHEREAS, Section 22(f) of the Water Resources Development Act of 1974, as amended (42 U.S.C. 1962d-16(f)) provides a cost sharing waiver of up to \$455,000 in accordance with Section 1156 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2310) for the Non-Federal Sponsor; and”

2. Replace the first sentence in paragraph 2 with the following:

“The first \$455,000 of providing Technical Assistance will be undertaken at full Federal expense. The Non-Federal Sponsor shall provide 50 percent of the remaining costs of providing the Technical Assistance in accordance with the provisions of this paragraph.”

There was some discussion to follow

VOTE. YES. NON OBJECTION. UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

A. Land Allocation Plan

- I. Memorandum from Deputy City Planner Re: Land Allocation Plan
- II. 2018 Draft Land Allocation Plan

Harbormaster Hawkins stated that the only changes from last year's Land Allocation Plan are language changes and adding the airport.

The Commission discussed the following amendments to the 2018 Draft Land Allocation Plan Map:

- Delete the comment box for Lot 12.
- Parking does not go into the overslope areas
- Overslope should begin at lot 35 and end at lot 15

STOCKBURGER/ZIMMERMAN- MOVED TO AMEND THE 2018 DRAFT LAND ALLOCATION PLAN MAP WITH THE ITEMS DISCUSSED AND WITH ANY ADDITIONAL CHANGES HARBORMASTER HAWKINS SEES FIT.

There was no discussion

VOTE. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Army Corps of Engineers Section 22 Planning Assistance to States Study for the Harbor Expansion Project

- I. Drafted Ordinance requesting funding approval for ACOE Section 22 PAS Study
- II. Memorandum from Bryan Hawkins, Port Director Re: Draft Ordinance Requesting funds for ACOE Section 22 PAS Study.

Harbormaster Hawkins and the City Manager traveled to Anchorage and met with the Army Corps of Engineers to discuss the possibility of resuming the Harbor Expansion general investigation that began in 2004 and was later tabled in 2009 due to negative findings. Harbormaster Hawkins stated that dredging was one of the main issues that the investigation found. He stated that in the 2004 study, the plan to get rid of excess unusable material was to dredge it out, put it in a truck, and haul it away. Recently the City put in for a permit to repurpose the materials back into different City Projects and also in-water disposal of dredged materials. The Permit was declined but the Army Corps of

Engineers came back with a management plan of dredged materials for Homer. Harbormaster Hawkins stated that this is just one of the factors that has changed since the study was tabled in 2009.

The Commission discussed in-water disposal and possible rock quarries for the expansion project.

CARROLL/ZIMMERMAN- MOVED TO SUPPORT THE MEMORANDUM AS WRITTEN

There was some discussion to follow

VOTE. YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL ITEMS

- A. Port & Harbor Monthly Statistical Report for October and November 2017
- C. Water/Sewer Bills Report October and November 2017 (Laydown)
- E. Crane and Ice Report
- F. Deep Water Dock Report
- G. Pioneer Dock Report
- H. Dock Water Report
- I. Council Meeting Attendance

The Commission briefly discussed the Water and Sewer Statistics.

COMMENTS OF THE AUDIENCE

There were no comments.

COMMENTS OF CITY STAFF

Harbormaster Hawkins thanked the Commission and wished everyone a Merry Christmas.

Deputy City Clerk Smith commented that two terms are up in February. Commissioner Donich and Commissioner Carroll will need to give Deputy City Clerk Smith their written letter to be re-appointed by January 17th. Also, those of the Commissioners that received statements will need to return them to the City Clerk's office as soon as possible.

COMMENTS OF THE COUNCILMEMBER *(If one is assigned)*

COMMENTS OF THE CHAIR

Chair Ulmer commented that she is happy we are moving forward and keeping the ball rolling.



2. Homer Large Vessel Harbor

Project Description & Benefit: This project will construct a new large vessel harbor system to the north of the existing small boat harbor in Homer harbor. It would enhance harbor capabilities by:

- Accommodating large commercial vessels (fishing vessels, work boats, landing craft, tugs, barges, etc.) outside the small boat harbor. Currently, large vessels are moored at System 4 and System 5 transient floats. Due to shortage of moorage space at the floats, large vessels are rafted two and three abreast constricting passage lanes, creating traffic congestion and overstressing the floats;
- Enabling Homer to accommodate and moor an additional 40 to 60 large commercial vessels that potentially would use Homer Harbor as a home port, but which have in the past been turned away due to lack of space;
- Providing moorage that meets the US Coast Guard’s long-term mooring needs. Currently, the USCGC *Hickory* moors at the Pioneer Dock which provides inadequate protection from northeasterly storm surges. The large vessel harbor will be built to provide protected and secure moorage suitable to accommodate the cutter *Hickory* and the new line of 157’ Sentinel-class fast response cutters which will be replacing the 1980’s era Island-class 110-foot patrol boats.

Homer’s Port and Harbor is centrally located in the Gulf of Alaska and is the gateway port to Cook Inlet, and the port of refuge for large vessels transiting Cook Inlet. The large vessel harbor will provide a regional facility to serve and support marine industry needs, and provide a place of refuge for Gulf of Alaska, Cook Inlet, and Kennedy Entrance marine traffic in event of severe weather or machinery malfunctions.

The new harbor will provide private moorings for the USCG while at the same time accommodating large deep draft commercial vessels. The proposed new harbor basin will be dredged to minus 20 feet Mean Lower Low Water (MLLW) to accommodate large commercial vessels so they will not touch bottom on the lowest tides of the year (minus 5.6 feet). It will be dredged to minus 22 feet MLLW in the entrance channel, fairway, and one side of the basin to accommodate the USCG cutters.

Plans & Progress: The Army Corps of Engineers completed a reconnaissance study in 2004 that indicated Federal interest in having a new harbor in Homer; at that time, though, subsequent analysis found that the cost/benefit ratio was too low for the Corps to recommend the project. Since initiating conceptual design work for the Port & Harbor’s Deep Water Dock/Cruise Ship Expansion project, however, customer interviews indicate that the need for industrial moorage has only increased since the reconnaissance study was conducted. The City of Homer has requested a technical report from the Corps and established a study team to complete a concept design for the purpose of building support for the large vessel harbor and seeking funding sources.

Total Project Cost: \$124,233,000
Design and Permitting: \$10,258,000
Breakwater Construction and Dredging: \$90,275,000
Inner Harbor Improvements: \$23,700,000
FY2018 State Request: \$10,258,000
 (City of Homer 10% Match: \$1,025,800)



This large vessel harbor design adds a new basin with its own entrance adjacent to the existing Small Boat Harbor. It relieves large vessel congestion in the small boat harbor and provides secure moorage compatible with the USCG’s new line of fast response cutters .

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-04

Ordinance 18-04, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define “Employee-Occupied Recreational Vehicles”; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts.

Sponsor: Smith

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-005 from City Planner as backup

**CITY OF HOMER
HOMER, ALASKA**

Smith

ORDINANCE 18-04

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.03.040 TO DEFINE “EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES” AND AMENDING HCC CHAPTER 21.54 TO ADD HCC 21.54.325, PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICTS AND AMENDING HCC 21.54.200 AND 21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE DISTRICTS.

WHEREAS, there are many commercial and industrial entities which have expressed interest in locating recreational vehicles on their work premises for the purpose of housing employees; and

WHEREAS, it is in the City’s best interest to support employer-provided housing so long as that housing does not place the City of Homer, its residents, and/or its citizens at risk; and

WHEREAS, permitting employee-occupied recreational vehicles in the marine industrial and commercial zoning districts falls within the purpose of those zoning districts and promotes the City’s best interest,

NOW THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 21.03.040 entitled “Definitions used in zoning code” is amended to read as follows:

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (a) the context clearly indicates a different meaning or (b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily incidental to and located on the same lot occupied by the principal use or building, such as a detached garage incidental to a residential building.

43 “Accessory use” means a use or activity that is customary to the principal use on the
44 same lot, and which is subordinate and clearly incidental to the principal use.

45
46 “ADT” or “average daily traffic” means the estimated number of vehicles traveling over
47 a given road segment during one 24-hour day. ADT is usually obtained by sampling and
48 may be seasonally adjusted.

49
50 “Adverse impact” means a condition that creates, imposes, aggravates or leads to
51 inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site
52 proposed for development or on off-site property or facilities.

53
54 Aggrieved. See “person aggrieved.”

55
56 “Agricultural activity” shall mean farming, including plowing, tillage, fertilizing,
57 cropping, irrigating, seeding, cultivating or harvesting for the production of food and
58 fiber products (excluding commercial logging and timber harvesting operations); the
59 grazing or raising of livestock (excluding feedlots); aquaculture; sod production;
60 orchards; Christmas tree plantations; nurseries; and the cultivation of products as part
61 of a recognized commercial enterprise. “Agricultural activity” excludes private stables
62 and public stables.

63
64 “Agricultural building” means a building used to shelter farm implements, hay, grain,
65 poultry, livestock, horticulture, or other farm products, in which there is no human
66 habitation and which is not used by the public.

67
68 “Aisle” means an area within a parking lot that is reserved exclusively for ingress, egress
69 and maneuvering of automobiles.

70
71 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a
72 secondary means of access to abutting property.

73
74 “Alteration” means any change, addition or modification in construction, occupancy or
75 use.

76
77 “Animal unit equivalent” is a convenient denominator for use in calculating relative
78 grazing impact of different kinds and classes of domestic livestock. An animal unit (AU)
79 is generally one mature cow of approximately 1,000 pounds and a calf as old as six
80 months of age, or their equivalent. Animal unit equivalents vary according to kind and
81 size of animals.

82
83 The following table of AU equivalents applies to the Homer Zoning Code.

Kinds and classes of animals equivalent **Animal-unit**

Slaughter/feed cattle	1.00
Mature dairy cattle	1.40
Young dairy cattle	0.60
Horse, mature	2.00
Sheep, mature	0.20
Lamb, one year of age	0.15
Goat, mature	0.15
Kid, one year of age	

84
85 0.10 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted
86 species require application to the Planning Commission for determination of AU
87 equivalents.

88
89 Apartment House. See “dwelling, multiple-family.”

90
91 “Area, building” means the total area, taken on a horizontal plane at the main grade
92 level, of a building, exclusive of steps.

93
94 “Area, floor” means the total area of all floors of a building as measured to the outside
95 surfaces of exterior walls, including attached garages, porches, balconies, and other
96 structures when covered by a roof.

97
98 “Area, footprint” has the same meaning as “area, building.”

99
100 “Area, lot” means the total horizontal net area within the boundary lines of a lot,
101 exclusive of rights-of-way for streets and alleys.

102
103 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on a
104 lot to the area of the lot.

105
106 “Arterial” means a street whose principal function is the transmission of vehicular
107 through-traffic, that performs a major role in serving the transportation needs of the
108 community, and that is identified as a “major arterial” or “community arterial” in the
109 Homer Roads and Streets Master Plan.

110
111 “Assisted living home” has the meaning given in AS 47.32.900.

112
113 “Auto and trailer sales or rental area” means an automobile related use that may
114 consist of any combination of the following:

- 115
116 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
117 or sale;
118
119 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
120 trailers, and sale of parts and accessories customarily incidental to the sale of such
121 vehicles; and
122
123 3. Buildings at the location of a motor vehicle dealership used for auto repairs
124 customarily incidental to the operation of a dealership.
125
126 “Auto fueling station” means any premises used to sell motor fuels and lubrication to
127 motor vehicles. An auto fueling station may include the sale of minor accessories. Auto
128 fueling station does not include auto repair.
129
130 “Auto repair” means service and repair of motor vehicles, trailers and similar
131 mechanical equipment, including painting, upholstering, rebuilding, reconditioning,
132 body and fender work, frame straightening, undercoating, engine or transmission
133 rebuilding or replacement, tire retreading or recapping, and the like. It also includes
134 minor service work to automobiles or light trucks including tune up, lubrication,
135 alignment, fuel system, brakes, mufflers, and replacement of small items.
136
137 “Basement” means any floor level partly or wholly underground, except when such
138 floor level meets the definition of “story.”
139
140 “BCWP district” means the “Bridge Creek Watershed Protection District” described in
141 Chapter 21.40 HCC.
142
143 “Bed and breakfast” means a dwelling in which an individual or family resides and rents
144 bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory
145 to the principal use of the dwelling as the primary residence of the operator. If the
146 dwelling has six or more bedrooms available for rental to overnight guests it is a hotel
147 and not a bed and breakfast.
148
149 “Bluff” means an abrupt elevation change in topography of at least 15 feet, with an
150 average slope of not less than 200 percent (two feet difference in elevation per one foot
151 of horizontal distance).
152
153 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage
154 of boats.
155

156 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at
157 Bridge Creek.

158 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination
159 thereof used to physically separate or screen one use or property from another so as to
160 shield or block visibility, noise, lights, or other undesirable effects.

161
162 “Buffer, runoff” means an area of natural or planted vegetation through which
163 stormwater runoff flows in a diffuse manner so that the runoff does not become
164 channelized and that provides for infiltration of the runoff and filtering of silt and
165 pollutants. The buffer is measured landward from the normal full water elevation of
166 impounded structures and from the top of the bank of each side of a stream, river, ditch,
167 or other channel.

168 “Buffer, stream” means a runoff buffer of a designated distance on each side of a
169 channel measured perpendicularly from the top of the bank of each side of a stream,
170 river, ditch, or other channel.

171
172 “Building” means any structure used or intended for supporting or sheltering any use
173 or occupancy.

174
175 “Building construction” means the placing of construction materials in a permanent
176 position and fastened in a permanent manner in the course of constructing or erecting
177 a building.

178
179 “Building height” is the vertical distance from grade to the maximum point of
180 measurement of the building, measured according to HCC 21.05.030.

181
182 “Building, main” means the building of chief importance or function on the lot.

183
184 “Business, open air” or “open air business” means the retail sale or display of
185 merchandise or services, including but not limited to farmers’ markets and flea
186 markets, conducted outdoors or under a canopy for protection from the elements and
187 held on a regular or periodic basis. Open air business does not include (1) outdoor
188 display or sales of goods or services by a retail or wholesale business that is principally
189 located in a building, or (2) sales, services or rentals of any kind of boat or motorized
190 vehicle.

191
192 “Business, retail” means a place of business principally engaged in selling goods,
193 substances or commodities in small quantities to the ultimate consumer, and may
194 include rendering services incidental to the sale of such goods, substances or
195 commodities. The term “retail business” does not include, as either a principal or
196 accessory use, automobile oriented uses, the sale, rental, storage, service, or repair of
197 any motor vehicles, or any use separately defined or listed in any zoning district.

198
199 “Business, wholesale” or “wholesale” means a place of business principally engaged in
200 selling or distributing goods, substances or commodities in quantity to retailers or to
201 industrial, commercial or institutional users mainly for resale or business use.

202 “Campground” means a parcel of land where two or more campsites are located that
203 provides facilities for temporary recreational living in any manner other than a
204 permanent building.

205
206 “Cemetery” means land used or intended to be used for burial of the dead and
207 dedicated for cemetery purposes, including columbaria and mausoleums when
208 operated in conjunction with and within the boundary of such cemetery.

209
210 “Channel protection storage volume” or “Cpv” means the volume used to design
211 structural management practices to control stream channel erosion.

212 Church. See “religious, cultural, and fraternal assembly.”

213
214 “City Engineer” means an engineer within the Homer Department of Public Works
215 designated by the Director of Public Works.

216
217 “Clearing” means the removal of trees and brush from the land, but shall not include
218 the ordinary pruning of trees or shrubs or mowing of grass.

219
220 “Clinic” means a professional office with facilities for providing outpatient medical,
221 dental or psychiatric services, which may include as incidental to the principal use a
222 dispensary to handle medication and other merchandise prescribed by occupants in
223 the course of their professional practices.

224
225 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of
226 oil-attracting plates. Oil droplets collect and float to the surface, where they can be
227 skimmed off or removed mechanically and separators may be installed above or below
228 ground.

229
230 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line
231 of Kachemak Bay.

232
233 “Cold storage” means a building equipped with refrigeration or freezing facilities that
234 provides cold or frozen storage or freezing services.

235
236 “Collocation” means the placement or installation of wireless communications
237 equipment on an existing wireless communications support structure or in an existing
238 equipment compound.

239

240 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a
241 commercial motor vehicle or any motor vehicle with signs or logos exceeding nine
242 square feet in combined area.

243

244 “Commission” means the Homer Advisory Planning Commission.

245 “Community Design Manual” means the Community Design Manual for the City of
246 Homer, adopted by City Council Resolution 04-34, as may be amended from time to
247 time.

248 Comprehensive Plan. See HCC 21.02.010.

249

250 “Construction camp” means one or more buildings, trailers, mobile homes or similar
251 structures used to house workers or employees for logging, mining, off-shore and on-
252 shore construction, development and other projects, installed primarily for the
253 duration of the project or operation and not open for use by the general public as
254 accommodations or for permanent mobile home living.

255

256 “Date of distribution” means the date on which a City official mails a written decision
257 or order issued under the zoning code or, if the document is personally delivered, the
258 date of such personal delivery.

259

260 “Day care facility” means any establishment for the care of children, whether or not for
261 compensation, excluding day care homes and schools. Such day care facility must also
262 be duly licensed by the State, if so required by State law or regulation.

263

264 “Day care home” means the principal dwelling unit of one or more persons who
265 regularly provide(s) care, in the dwelling unit, whether or not for compensation, during
266 any part of the 24-hour day, to eight or less children at any one time, not including adult
267 members of the family residing in the dwelling. The term “day care home” is not
268 intended to include baby-sitting services of a casual, nonrecurring nature, child care
269 provided in the child’s own home, or cooperative, reciprocating child care by a group
270 of parents in their respective dwellings.

271

272 “Department” or “Planning Department” means the department or division of the City
273 of Homer under the direction of the City Planner, whose functions and powers include
274 the administration and enforcement of the zoning code as described in Chapter 21.90
275 HCC.

276

277 “Design year” means the year that is 10 years after the opening date of development.

278

279 “Detention, extended” means a stormwater design feature that provides gradual
280 release of a volume of water in order to increase settling of pollutants and protect
281 downstream channels from frequent storm events.

282
283 “Detention structure” means a permanent structure for the temporary storage of water
284 runoff that is designed so as not to create a permanent pool of water.
285

286 “Develop” or “development activity” means to construct or alter a structure or to make
287 a physical change to the land, including but not limited to excavations, grading, fills,
288 road construction, and installation of utilities.
289

290 “Development” means all manmade changes or improvements on a site, including
291 buildings, other structures, parking and loading areas, landscaping, paved or graveled
292 areas, and areas devoted to exterior display, storage, or activities. Development
293 includes improved open areas such as public spaces, plazas and walkways, but does
294 not include natural geologic forms or unimproved land. See also “project.”
295

296 “Development activity plan” or “DAP” means a plan, prepared according to standards
297 set forth in this title, that provides for the control of stormwater discharges, the control
298 of total suspended solids, and the control of other pollutants carried in runoff during
299 construction and the use of the development.
300

301 “Development, new” means development on a site that was previously unimproved or
302 that has had previously existing buildings demolished.
303

304 “Direct discharge” means the concentrated release of stormwater to tidal waters or
305 vegetated tidal wetlands from new development or redevelopment projects in critical
306 habitat areas.
307

308 “Dividers” means areas of landscaping that separate from each other structures or
309 improvements, including parking lots or buildings.
310

311 “Dog lot” means any outdoor area where more than six dogs over the age of five months
312 are kept.
313

314 “Dormitory” means a building or portion of a building that provides one or more rooms
315 used for residential living purposes by a number of individuals that are rented or hired
316 out for more than nominal consideration on a greater than weekly or pre-arranged
317 basis. A building or structure that provides such rooms on less than a weekly basis shall
318 be classified as a “hotel” or “motel,” “rooming house,” or other more suitable
319 classification. “Dormitory” excludes hotel, motel, shelter for the homeless and bed and
320 breakfast.
321

322 “Drainage area” means that area contributing water runoff to a single point measured
323 in a horizontal plane, which is enclosed by a ridge line.

324
325 “Dredging/filling” means an activity that involves excavating along the bottom of a
326 water body for the purpose of channeling, creating a harbor, mineral extraction, etc.,
327 and the subsequent deposition of the dredge material to build up or expand an existing
328 land mass or to create a new one.

329
330 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected
331 to the ground.

332
333 “Drive-in car wash” means automated or manual car wash facilities and equipment
334 used for retail car wash services enclosed within a building, which may include
335 accessory vacuum cleaning and other equipment for car interior detailing outside of a
336 building.

337
338 “Driveway” means the aisle area within a parking lot which abuts designated parking
339 spaces and which is reserved exclusively for ingress, egress and maneuvering of
340 automobiles in and out of those spaces.

341
342 “Dwelling” or “dwelling unit” means any building or portion thereof designed or
343 arranged for residential occupancy by not more than one family and includes facilities
344 for sleeping, cooking and sanitation.

345
346 “Dwelling, duplex” means a building designed or arranged for residential occupancy by
347 two families living independently, the structure having only two dwelling units.

348
349 “Dwelling, factory built” means a structure containing one or more dwelling units that
350 is built off-site, other than a manufactured home, and: (1) is designed only for erection
351 or installation on a site-built permanent foundation; (2) is not designed to be moved
352 once so erected or installed; and (3) is designed and manufactured to comply with a
353 nationally recognized model building code or an equivalent local code, or with a State
354 or local modular building code recognized as generally equivalent to building codes for
355 site-built housing.

356
357 “Dwelling, multiple-family” means a building or a portion thereof designed for
358 residential occupancy by three or more families living independently in separate
359 dwelling units.

360
361 “Dwelling, single-family” means a detached dwelling unit designed for residential
362 occupancy by one family.

363

364 “Easement” means a grant or reservation by the owner of an interest in land for the use
365 of such land for a specific purpose or purposes, and which must be conveyed or
366 reserved by an instrument affecting the land.

367
368 Educational Institution. See “school.”

369
370 **“Employee-occupied recreational vehicle” means a recreational vehicle utilized**
371 **by an employee or employer for housing.**

372
373 “Entertainment establishment” means a public or private institution or place of
374 business providing live or pre-recorded shows or performances for entertainment.

375
376 “Equipment compound” means the area occupied by a wireless communications
377 support structure and within which wireless communications equipment is located.

378 “Extractive enterprises” means uses and activities that involve the removal of ores,
379 liquids, gases, minerals, or other materials or substances from the earth’s surface or
380 subsurface.

381
382 “Extreme flood volume” or “Qf” means the storage volume required to control those
383 infrequent but large storm events in which overbank flows reach or exceed the
384 boundaries of the 100-year floodplain.

385
386 “Family” means an individual or two or more persons related by blood, marriage or
387 adoption, or a group not to exceed six unrelated persons living together as a single
388 housekeeping unit in a dwelling unit.

389
390 “Farmers’ market” means a location where the primary activity is the sale of goods:
391 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
392 other plant products, or other processed agricultural products;
393 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
394 viticulture, vermiculture, aquaculture, eggs, honey and bee products;
395 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
396 case of prepared foods; or
397 4. Created, sewn, constructed, or otherwise fashioned from component materials by
398 the seller.

399
400 Fence Height. See HCC 21.05.030(d).

401
402 “Financial institution” means banks, credit unions, saving and loan companies,
403 stockbrokers, and similar businesses.

404

405 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak
406 discharge.

407
408 “Garage, parking” means any building (including an underground structure), except
409 one described as a private garage, used principally for the parking or storage of motor
410 vehicles.

411
412 “Garage, private” means a building, or a portion of a building, in which motor vehicles
413 used only by the occupants of the building(s) located on the premises are stored or
414 kept.

415 Garage, Public. See “auto repair.”

416
417 “Gardening, personal use” means gardening for personal purposes as an accessory use
418 to the primary residential use of a lot.

419
420 “Glare” means direct light emitted by a luminaire that causes reduced visibility of
421 objects or momentary blindness.

422 “Grade” in reference to adjacent ground elevation means the lowest point of elevation
423 of the existing surface of the ground within the area between the structure and a line
424 five feet from the structure.

425
426 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated,
427 scarified, or filled, or any combination thereof.

428
429 “Group care home” means a residential facility that provides training, care, supervision,
430 treatment or rehabilitation to the aged, disabled, infirm, those convicted of crimes or
431 those suffering the effects of drugs or alcohol. The term “group care home” does not
432 include day care homes, day care facilities, foster homes, schools, hospitals, assisted
433 living homes, nursing facilities, jails or prisons.

434
435 “Guest room” means a single unit for the accommodation of guests without kitchen or
436 cooking facilities in a bed and breakfast, rooming house, hotel or motel.

437
438 “Guesthouse” means an accessory building without kitchen or cooking facilities and
439 occupied solely by nonpaying guests or by persons employed on the premises.

440
441 “Helipad” means any surface where a helicopter takes off or lands, but excludes
442 permanent facilities for loading or unloading goods or passengers, or for fueling,
443 servicing or storing helicopters.

444
445 “Heliports” means any place including airports, fields, rooftops, etc., where helicopters
446 regularly land and take off, and where helicopters may be serviced or stored.

447 Highway. See “street” and “State highway.”

448

449 “Home occupation” means any use customarily conducted entirely within a dwelling or
450 a building accessory to a dwelling, and carried on by the dwelling occupants, that is
451 clearly incidental and secondary to the use of the dwelling for dwelling purposes and
452 does not change the character thereof, and includes no display of stock in trade, no
453 outside storage of materials or equipment and no commodity sold upon the premises.
454 “Home occupation” does not include bed and breakfast.

455

456 “Hospital” has the meaning given in AS 47.32.900.

457

458 “Hostel” means any building or portion of a building containing dormitory-style
459 sleeping accommodations for not more than 15 guests that are used, rented or hired
460 out on a daily or longer basis.

461

462 “Hotel” or “motel” means any building or group of buildings containing six or more
463 guest rooms that are used, rented or hired out to be occupied for sleeping purposes by
464 guests. “Hotel” or “motel” also means any building or group of buildings containing five
465 or less guest rooms that are used, rented or hired out to be occupied for sleeping
466 purposes by more than 15 guests. The terms “hotel” and “motel” exclude bed and
467 breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

468

469 “Impervious coverage” means an area of ground that, by reason of its physical
470 characteristics or the characteristics of materials covering it, does not absorb rain or
471 surface water. All parking areas, driveways, roads, sidewalks and walkways, whether
472 paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick,
473 stone, wood, ceramic tile or metal shall be considered to be or have impervious
474 coverage.

475

476 “Impound yard” means a lot, establishment, area, facility or place of business used for
477 the temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or
478 other abandoned or illegally stored personal property pending determination of
479 possessory or proprietary rights therein. If impounded property is held in custody
480 longer than six months, it shall be classified as a junk yard and not an impound yard.

481

482 “Independent business” means a business establishment that operates independently
483 of other business establishments. If retail and wholesale business establishments have
484 common management or common controlling ownership interests, they are not
485 operated independently of one another.

486

487 “Infiltration” means the passage or movement of water into the soil surface.

488

489 “Islands,” when used to describe landscaped areas within parking lots, means compact
490 areas of landscaping within parking lots designed to support mature trees and plants.

491
492 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC
493 8.08.010.

494
495 “Joint use parking area” means a parking lot that contains required off-street parking
496 spaces for more than one lot.

497
498 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled,
499 discarded, or damaged goods or tangible materials. Junk includes, without limitation,
500 motor vehicles that are inoperable or not currently registered for operation under the
501 laws of the State and machinery, equipment, boats, airplanes, metal, rags, rubber,
502 paper, plastics, chemicals, and building materials that cannot, without further
503 alteration or reconditioning, be used for their original purpose.

504
505 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor
506 collection, storage, handling, sorting, processing, dismantling, wrecking, keeping,
507 salvage or sale of junk.

508
509 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or
510 other animals at least four months of age are kept for boarding, propagation or sale. If
511 a use meets the definitions of both dog lot and kennel, it shall be classified as a dog lot.

512
513 “Kitchen” means any room or part of a room intended or designed to be used for
514 cooking or the preparation of food. The presence of a range or oven, or utility
515 connections suitable for servicing a range or oven, shall be considered as establishing
516 a kitchen.

517
518 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and
519 wood chips, and decorative features, including sculpture.

520
521 “Level of service” or “LOS” means a qualitative measure describing operational
522 conditions within a traffic stream, based on service measures such as speed and travel
523 time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six levels
524 of service, from A to F, are used to represent a range of operating conditions with LOS
525 A representing the best operating conditions and LOS F the worst.

526
527 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in their
528 ability to maneuver within the traffic stream, passing demand is well below passing
529 capacity, drivers are delayed no more than 30 percent of the time by slow moving
530 vehicles.

531 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
532 restricted; passing demand approximately equals passing capacity, and drivers are
533 delayed up to 45 percent of the time; the level of physical and psychological comfort
534 provided to drivers is still high.

535
536 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably
537 restricted and lane changes require more care and vigilance on the part of the driver;
538 percent time delays are up to 60 percent; traffic will begin to back up behind slow
539 moving vehicles.

540
541 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic flow,
542 density begins to increase somewhat more quickly, passing demand is very high while
543 passing capacity approaches zero, and the driver experiences reduced physical and
544 psychological comfort levels; the percentage of time motorists are delayed approaches
545 75 percent, even minor incidents can be expected to back up traffic because the traffic
546 stream has little space to absorb disruptions.

547
548 5. “LOS E” means the LOS at which roadway is at capacity; the percentage of time delay
549 is greater than 75 percent, passing is virtually impossible, as there are virtually no
550 usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
551 maneuver, physical and psychological comfort afforded to the driver is poor.

552
553 6. “LOS F” means the LOS at which traffic is heavily congested with traffic demand
554 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
555 high.

556
557 “Light trespass” means light emitted by a luminaire that shines beyond the boundaries
558 of the property on which the luminaire is located.

559
560 “Living ground cover” means low growing, spreading, perennial plants that provide
561 continuous coverage of the area.

562
563 “Living plant life other than ground cover” means plants, including, but not limited to,
564 trees, flower beds, rock gardens, shrubs and hedges.

565
566 “Loading space” means an off-street space on the same lot with a building or
567 contiguous to a group of buildings, designated or intended for the use of temporarily
568 parked commercial vehicles while loading and unloading, and that abuts upon a street,
569 alley or other appropriate means of access.

570

571 “Lodging” means any building or portion of a building that does not contain a dwelling
572 unit and that contains no more than five guest rooms that are used, rented or hired out
573 to be occupied for sleeping purposes by guests.
574 LOS. See “level of service.”
575

576 “Lot” means a single parcel of land of any size, the boundaries of which have been
577 established by some legal instrument of record, that is recognized and described as a
578 unit for the purpose of transfer of ownership. It may shown on a subdivision plat map,
579 or record of survey map, or described by metes and bounds and recorded in the office
580 of the District Recorder. “Lot” includes tracts and parcels of land of any size or shape.
581

582 “Lot, corner” means a lot situated at the intersection of two or more streets having an
583 angle of intersection of not more than 135 degrees.
584

585 “Lot depth” means the horizontal distance between the front and rear lot lines
586 measured on the longitudinal centerline.
587

588 “Lot, interior” means a lot other than a corner lot.
589

590 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a
591 square, or nearly square-shaped, corner lot, or (2) a through lot, the owner may choose
592 which street to designate as the front of the lot by giving written notice to the
593 Department. Once the choice of frontage has been made, it cannot be changed unless
594 all requirements for yard space with the new front lot line are satisfied.
595

596 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line
597 and, in case of an irregular or triangular lot, a line 10 feet in length within the lot, parallel
598 to and at the maximum distance from the front lot line.
599

600 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

601 “Lot, through” means a lot having a frontage on two parallel or approximately parallel
602 streets.
603

604 “Lot width” means the width of a lot calculated according to HCC 21.05.050.
605

606 “Luminaire” means a complete lighting unit, including a lamp or lamps together with
607 parts to distribute light.
608

609 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire
610 above the horizontal plane through the luminaire’s lowest light emitting part, in its
611 mounted form either through manufacturing design or shielding.
612

613 “Luminaire, height of” means the vertical distance from the ground directly below the
614 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

615
616 “Ministorage” means one or more buildings containing units available for rent for the
617 purpose of the general storage of household goods and personal property in which
618 each unit (1) is separated from all other such units, (2) is fully enclosed, and (3) does not
619 have an area greater than 600 square feet.

620
621 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on
622 water flow and loss of ground cover, and may include systems of water impoundment,
623 settling ponds, grease and sand traps, and leach fields among others.

624
625 “Mobile commercial structure” means a structure constructed as a movable or portable
626 unit, capable of being transported on its own chassis or wheels, that is designed for
627 nonpermanent uses and placed on a nonpermanent foundation and is used in any
628 activity that promotes, supports or involves a land use permitted outright in the zoning
629 district in which the mobile commercial unit is to be placed.

630
631 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of the
632 zoning code, is treated as a temporary business.

633
634 “Mobile home” or “manufactured home” means a structure, transportable in one or
635 more sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or
636 more in length, or when erected on site is 320 square feet or more; and (2) that is built
637 on a permanent chassis and is designed for use as a dwelling with or without a
638 permanent foundation when the plumbing, heating, and electrical systems contained
639 therein are connected to the required utilities. A mobile home shall be construed to
640 remain a mobile home whether or not wheels, axles, hitch or other appurtenances of
641 mobility are removed, and regardless of the nature of the foundation provided. A
642 mobile home shall not be construed to be a recreational vehicle or a factory built
643 dwelling.

644
645 “Mobile home park” means one or more lots developed and operated as a unit with
646 individual sites and facilities to accommodate two or more mobile homes.

647
648 “Native vegetation” means native plant communities that are undisturbed or
649 mimicked.

650
651 “Natural or manmade features” means features in landscaping other than plants,
652 including, but not limited to, boulders, or planters.

653
654 Nonconforming Lot. See HCC 21.61.010.

655
656 Nonconforming Structure. See HCC 21.61.010.

657
658 Nonconforming Use. See HCC 21.61.010.

659
660 “Nursing facility” means a facility that is primarily engaged in providing skilled nursing
661 care or rehabilitative services and related services for those who, because of their
662 mental or physical condition, require care and services above the level of room and
663 board. “Nursing facility” does not include a facility that is primarily for the care and
664 treatment of mental diseases or an assisted living home.

665
666 “Occupancy” means the purpose for which a building is used or intended to be used.
667 The term may also include the building or room housing such use. Change of occupancy
668 does not result from a mere change of tenants or proprietors.

669
670 “Office” means a physical location designed for, or used as, the office of professional,
671 business, administrative, institutional, charitable, personal service or public
672 organizations or persons, but does not include direct retail or wholesale sale of goods
673 except for those sales that are clearly incidental to the principal office use.

674
675 “Office, general business” means an office maintained and operated for the conduct of
676 management level administrative services or in which individuals or entities are
677 provided services in office settings in the nature of government, business, real estate,
678 insurance, property management, title companies, investment and financial,
679 personnel, travel, and similar services, including business offices of public utilities or
680 other activities when the service rendered is a service customarily associated with
681 office services. Offices that are part of and are located with a business or industrial firm
682 in another category are considered accessory to that firm’s primary activity.
683 Professional office is excluded.

684
685 “Office, professional” means an office maintained and operated for the conduct of a
686 professional business or occupation requiring the practice of a learned art or science
687 through specialized knowledge based on a degree issued by an institute of higher
688 learning, including but not limited to medicine, dentistry, law, architecture,
689 engineering, accounting, and veterinary medicine. General business office and clinic
690 are excluded.

691
692 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-
693 country travel on or immediately over land, water, sand, snow, ice, wetland, or other
694 natural terrain, except that such terms exclude (1) registered motorboats, (2) military,
695 fire, emergency, and law enforcement vehicles when used for such military, emergency,

696 and law enforcement purposes, and (3) any vehicle whose use is expressly approved by
697 the City of Homer.

698
699 “Oil water separators” means passive, physical separation systems, designed for
700 removal of oils, fuels, hydraulic fluids, and similar products from water. They are
701 generally large-capacity, underground cement vaults installed between a drain and the
702 connecting storm drain pipe. These vaults are designed with baffles to trap sediments
703 and retain floating oils. The large capacity of the vault slows down the wastewater,
704 allowing oil to float to the surface and solid material to settle out.

705
706 “Open space” means an area reserved or developed for recreational uses or preserved
707 for its natural amenities. Open space may include squares, parks, bicycle and
708 pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens.
709 “Open space” does not include outdoor recreation facilities.

710
711 “Overbank flood protection volume” or “Qp” means the volume controlled by
712 structural practices to prevent an increase in the frequency of out of bank flooding
713 generated by development.

714
715 “Overlay district” means a defined area with supplementary regulations that is
716 superimposed upon all or part of one or more underlying zoning districts. The
717 boundaries of an overlay district are usually shown on the official map, but may be
718 established by description.

719
720 “Overslope development” means an overslope platform and the structures located on
721 the overslope platform.

722
723 “Overslope platform” means an elevated horizontal structure designed to support
724 buildings that are located above the slope between an upland lot and the water of the
725 Homer small boat harbor.

726
727 “Parking lot” means an off-street, ground level open area, usually improved, containing
728 parking spaces for motor vehicles.

729
730 “Parking lot, double-loaded” means all or any portion of a parking lot in which there
731 are parking spaces on both sides of the driving aisle.

732
733 “Parking lot, single-loaded” means all or any portion of a parking lot in which there are
734 parking spaces on only one side of the driving aisle.

735
736 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

737

738 “Parking stall” is synonymous with “parking space.”

739

740 “Peak hour” in reference to traffic means a one-hour period representing the highest
741 hourly volume of traffic flow on the adjacent street system during the morning (a.m.
742 peak hour), during the afternoon or evening (p.m. peak hour) or representing the hour
743 of highest volume of traffic entering or exiting a site (peak hour of generator).

744

745 “Pedestrian way” means a maintained walkway or path, no less than four feet wide,
746 that connects two or more focal points of pedestrian activity, including other
747 pedestrian ways, trails, transit stops, street or parking area crossings, or building entry
748 points. Sidewalks may be pedestrian ways.

749

750 “Performance standards” means minimum requirements or maximum allowable limits
751 on the effects or characteristics of a use.

752

753 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up
754 of materials such as, but not limited to, crushed rock, bark and mulch.

755

756 “Permit” means any permit, approval or other authorization issued by the City under
757 the authority of the Homer Zoning Code or regulations.

758

759 “Person aggrieved” means a person who shows proof of the adverse effect an action or
760 determination taken or made under the Homer Zoning Code has or could have on the
761 use, enjoyment, or value of real property owned by that person. An interest that is not
762 different from that of the general public is not sufficient to establish aggrievement.

763

764 “Personal service” means a business primarily engaged in providing services involving
765 the care of an individual or his or her personal goods or apparel.

766

767 “Pipeline” means a line six inches or larger, which may include accessory pumps, valves
768 and control devices, for conveying liquids, gases or finely divided solids that are
769 constructed within rights-of-way or easements or from one parcel to another. However,
770 for the purpose of securing a conditional use permit the following are excluded: the
771 mains, hydrants, pumps, services, and pressure stations of the City of Homer water
772 utility; the mains, services, manholes and lift stations of the City of Homer sewer utility
773 and the local service mains, valves and services of a gas utility legally authorized to
774 provide such service within the City.

775

776 “Planned unit development” or “PUD” means a residential, commercial, office,
777 industrial, or other type of development, or a combination thereof, approved under the
778 conditional use procedures and applicable provisions of this title and characterized by
779 comprehensive planning for the entire project, the clustering of buildings to preserve

780 open space and natural features, and provision for the maintenance and use of open
781 space and other facilities held in common by the property owners within the project.

782
783 “Planning Commission” means the Homer Advisory Planning Commission.

784
785 “Pollutant” in reference to waters means any substance that causes contamination or
786 other alteration of the physical, chemical, or biological properties of waters including
787 change in temperature, taste, color, turbidity, or odor of the waters, or such discharge
788 of any liquid, gaseous, solid, radioactive or other substance into the waters that will or
789 is likely to create a nuisance or render such waters harmful. These substances include,
790 but are not limited to, any dredge, spoil, solid waste, incinerator residue, oil, grease,
791 garbage, sewage, sludge, medical waste, chemical waste, biological materials, heat,
792 petrochemical, and sediment.

793
794 “Pollution, nonpoint source” means pollution from any source other than from any
795 discernible, confined, and discrete conveyances and shall include, but not be limited
796 to, parking lots and roof tops and include substances such as pathogens,
797 petrochemicals, sediments, debris, toxic contaminants, or nutrients.

798
799 “Pollution, point source” means pollution from any discernible, confined, and discrete
800 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well,
801 discrete fissure, container, landfill leachate collection system, vessel or other floating
802 craft from which pollutants are or may be discharged.

803 Principal Use. See “use, principal.”

804
805 “Project” means an existing or proposed development.

806
807 “Public spaces” means space containing amenities for public use or enjoyment, for
808 example, benches, bike racks, water features, public art, and kiosks that enhance the
809 community.

810
811 “Public utility facility or structure,” for the purpose of requiring a conditional use
812 permit, means (1) any facility or structure owned and operated by a public or private
813 utility, or (2) a telecommunications tower or antenna, but it excludes water distribution
814 mains, pressure stations and hydrants, sewage collection lines, manholes and lift
815 stations, underground and overhead electrical, cable and telephone lines and poles,
816 street lights and small wind energy systems.

817
818 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a height
819 of at least 15 feet and an average slope of not less than 500 percent (five feet difference
820 in elevation per one foot of horizontal distance).

821

822 “Recharge volume” or “Rev” means that portion of the water quality volume used to
823 maintain groundwater recharge rates at development sites.

824
825 “Recreational facility, indoor” means a building used for indoor sports, recreation,
826 physical activities or games such as bowling alleys, racquetball courts, skating rinks,
827 and other physical recreation activities.

828
829 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games
830 such as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving
831 ranges, equestrian arenas, open air performing arts centers and similar activities. It
832 does not include sport fishing in the waters of any watercourse, water body, or
833 Kachemak Bay.

834
835 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is
836 designed and manufactured as temporary lodging for travel, recreational and vacation
837 use, and which is either self-propelled, mounted on or pulled by another vehicle.
838 Examples include, but are not limited to, a travel trailer, camping trailer, truck camper,
839 motor home, and fifth-wheel trailer.

840
841 “Recreational vehicle park” means a parcel of land that has been planned and
842 improved for use by two or more recreational vehicles for transient occupancy.

843
844 “Religious, cultural and fraternal assembly” means a use or building owned or
845 maintained by an organized religious organization or nonprofit entity for assemblies
846 for social, cultural, civic, or philanthropic purposes, or where persons regularly
847 assemble for worship.

848
849 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage,
850 regulation, and control of water.

851
852 “Residential districts” or “residential zoning districts” means the rural residential,
853 urban residential, and residential office zoning districts.

854
855 “Retention structure” means a permanent structure that provides for the storage of
856 water runoff.

857
858 “Right-of-way” means the entire width of property dedicated for a public street or
859 private easement providing ingress and egress from property abutting thereon.
860 Road. See “street.”

861

862 “Roadside stand” means a temporary structure on land adjacent to a street, usually for
863 the attraction of motorists for profit-making purposes. Common roadside stands sell
864 local food, produce, firewood, handcrafted items or imported goods.

865
866 “Rooming house” means a dwelling containing not more than five guest rooms that are
867 used, rented or hired out to be occupied for sleeping purposes by guests. A rooming
868 house shall not accommodate in excess of 15 guests. A rooming house shall also include
869 any structures associated with the dwelling, such as guest cabins; provided, that a
870 conditional use permit was obtained for any associated structures, if a permit is
871 required in order to have more than one building containing a permitted principal use
872 on the lot. “Rooming house” does not include bed and breakfast.

873
874 “School” means an institution or place for instruction or education, including all
875 structures and land necessary to the accomplishment of educational purposes.

876
877 “School, commercial” means a school for the teaching of clerical, managerial,
878 administrative, service or artistic skills. This applies to schools operated privately for
879 profit that do not offer a complete educational curriculum, e.g., beauty school,
880 modeling school and secretarial school. Commercial school does not include trade,
881 skilled or industrial school.

882
883 “School, private” means a school that provides a complete educational curriculum and
884 is owned and operated by private educational, religious, charitable, or other institution.
885 It may provide elementary, secondary or post-secondary levels of education.

886
887 “School, public” means a school owned and operated or chartered by the Kenai
888 Peninsula Borough or the State or University of Alaska for the purpose of public
889 education.

890
891 “School, trade, skilled or industrial” means a school for the teaching of industrial,
892 construction, technical and skilled trades skills, including schools operated by or for
893 labor unions. Examples include welding, carpentry, electrician, and similar training
894 schools.

895
896 “Sediment” means soils or other surficial materials transported or deposited by the
897 action of wind, water, ice, or gravity as a product of erosion.

898
899 “Senior housing” means attached or detached independent living developments,
900 including retirement communities, age-restricted housing and active adult
901 communities.

902
903 Service Station. See “auto fueling station” and “auto repair.”

904
905 “Setback” means the required minimum distance between the lot line and a building,
906 measured according to Chapter 21.05 HCC. The setback area establishes a required
907 yard in which structures are prohibited or limited as provided in the zoning code.

908
909 “Sewer, community” means that portion of a nonpublic sewerage serving:

910 1. One or more multifamily dwellings;

911

912 2. A mobile home park, a trailer park, or a recreational vehicle park;

913

914 3. Two or more:

915 a. Single-family homes or duplexes;

916 b. Commercial establishments;

917 c. Industrial establishments; or

918 d. Institutions; or

919

920 4. Any combination of two or more of the structures listed in subsections (3)(a) through
921 (d) of this definition.

922

923 “Sewer, public” means a sewer system operated for the benefit of the public by the City
924 of Homer or a public utility under a certificate of convenience and necessity issued by
925 the Regulatory Commission of Alaska or by its predecessor or successor agency.

926

927 “Shelter for the homeless” means a building used primarily to provide on-site meals,
928 shelter and secondary personal services such as showers and haircuts to the homeless
929 and the needy on a nonpermanent basis for no or nominal compensation.

930 Sign. See HCC 21.60.040.

931

932 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination
933 thereof that is in one ownership or is contiguous and in diverse ownership, where
934 development exists or will be created as one unit, subdivision, or project.

935

936 “Site plan” means a plan, to scale, showing the proposed use and development of a
937 site. The plan generally includes lot lines, streets, points of vehicular access to the site,
938 building sites, reserved open space, existing buildings, major landscape features (both
939 natural and manmade), and the locations of utility lines. Additional information may be
940 required on a site plan by applicable provisions of the zoning code.

941

942 “Slash pile” means a row or pile of woody debris from timber harvesting, land clearing,
943 or similar activity.

944

945 “Slope” means, with respect to two points on the surface of the ground, the ratio,
946 expressed as a percentage, of the difference between their elevations divided by the
947 horizontal distance between them. Slope is measured as provided in HCC 21.05.040.

948
949 “Small wind energy system” means a wind energy system having a rated capacity of
950 less than 25 kilowatts and a total height less than 170 feet, whose primary function is to
951 provide electric power for on-site consumption.

952
953 “Stabilization” means the prevention of soil movement by any of various vegetative or
954 structural means.

955
956 “Stable, private” means an accessory building in which one or more horses are kept for
957 private use and enjoyment and not for boarding, hire or sale; or in which not more than
958 one horse is kept for boarding, hire or sale.

959
960 “Stable, public” means a building in which two or more horses are kept for boarding,
961 hire or sale.

962
963 “State highway” means a street designated by the State as a part of the State highway
964 system.

965
966 “Steep slope” means an elevation change in topography of at least 15 feet, with an
967 average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet
968 of horizontal distance). A steep slope can occur naturally or can be created by
969 excavation into or filling over natural ground.

970
971 “Stormwater management” means:

972
973 1. For quantitative control, a system of vegetative and structural measures that control
974 the increased volume and rate of surface runoff caused by manmade changes to the
975 land; and

976
977 2. For qualitative control, a system of vegetative, structural, and other measures that
978 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

979
980 “Stormwater management, off-site” means the design and construction of a facility
981 necessary to control stormwater from more than one development.

982
983 “Stormwater management, on-site” means the design and construction of systems
984 necessary to control stormwater within an immediate development site.

985

986 “Stormwater management plan” or “SWP” means a set of drawings or other documents
987 prepared according to the requirements of this title and submitted by a person as a
988 prerequisite to obtaining a stormwater management approval. A SWP will contain all
989 of the information and specifications pertaining to stormwater management.

990
991 “Stormwater runoff” means flow on the surface of the ground, resulting from
992 precipitation or snow melt.

993
994 “Story” means that portion of a building included between the upper surface of any
995 floor and the upper surface of the floor next above, except that the topmost story shall
996 be that portion of a building included between the upper surface of the topmost floor
997 and the ceiling or roof above. If the finished floor level directly above a basement or
998 cellar is more than six feet above grade for more than 50 percent of the total perimeter
999 or is more than 12 feet above grade at any point, such basement or cellar shall be
1000 considered a story.

1001
1002 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates
1003 of which on at least two of its opposite exterior walls are not more than two feet above
1004 the floor of such story.

1005
1006 “Stream” means any body of flowing water, including a river, creek, tributary, or other
1007 watercourse.

1008
1009 “Stream banks” are defined by the steep or sloping ground that borders a stream and
1010 confines the water in the natural channel when the water level or flow is normal.

1011
1012 “Stream, intermittent” means a stream that does not flow continuously but stops or
1013 dries up from time to time.

1014
1015 “Stream, perennial” means a stream that flows continuously throughout the year, in
1016 contrast to an intermittent stream.

1017
1018 “Street” means a public thoroughfare including a public street, road or highway of any
1019 description that affords a principal means of access to abutting property. Street does
1020 not include alley or driveway.

1021
1022 “Street line” means the line of demarcation between a street right-of-way and the
1023 abutting lot(s).

1024
1025 “Stripping” means any activity that removes the vegetative surface cover including tree
1026 removal, clearing, grubbing and storage or removal of topsoil.

1027

1028 “Structural alteration” means any change of the supporting members of a building or
1029 structure such as bearing walls, columns, beams or girders.

1030
1031 “Structure” means anything constructed or erected that requires location on the
1032 ground or that is attached to something having location on the ground.

1033
1034 “Studio” means a room, rooms or building where an artist or photographer does work,
1035 a place where dancing lessons, music lessons, or similar artistic lessons are given, or
1036 where radio or television programs are produced or where recordings are made.

1037
1038 “Taxi” means any motor vehicle, permitted and licensed by the City, having a
1039 manufactured-rated seating capacity of nine passengers or less engaged in the carrying
1040 of persons in exchange for receiving fares, not operated over a fixed route, and subject
1041 to calls from a central location or otherwise operated for hire to perform public
1042 transportation.

1043
1044 “Taxi operation” means a taxi business operated from a fixed location, but not limited
1045 in its operation to any particular route, which may include a dispatch office and vehicle
1046 fleet parking.

1047
1048 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both,
1049 for commercial purposes, of (1) trees including, without limitation, live trees, Christmas
1050 trees and tree products in the form of logs, chunks, bark chips or similar items; or (2)
1051 minor forest crops such as cones, ferns, greenery, berries and moss.

1052
1053 “Total suspended solids” means the sum of the organic and inorganic particles (e.g.,
1054 sediment) suspended in and carried by a fluid (e.g., water).

1055
1056 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
1057 antenna used by an amateur radio operator licensed by the Federal Communications
1058 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

1059
1060 “Tower, communications” means a fixed vertical structure built for the primary
1061 purpose of supporting wireless communications equipment, plus its accompanying
1062 base plates, anchors, guy cables and hardware.

1063
1064 “Townhouse” means a building on its own separate lot containing one dwelling unit
1065 that occupies space from the ground to the roof and is attached to one or more other
1066 townhouse dwelling units by at least one common wall.

1067
1068 “Trip” in reference to traffic means a single one-way motor vehicle movement either to
1069 or from a subject property or study area.

1070
1071 “Turbidity” means an expression of the optical property that causes light to be
1072 scattered and absorbed rather than transmitted in straight lines through a water
1073 sample; turbidity in water is caused by the presence of suspended matter such as clay,
1074 silt, finely divided organic and inorganic matter, plankton, and other microscopic
1075 organisms.

1076
1077 “Use” means the purpose for which land or a structure is occupied, arranged, designed
1078 or intended, or for which either land or a structure is or may be occupied or maintained.

1079
1080 “Use, principal” means the use of a lot or structure that is of chief importance or
1081 function on the lot.

1082
1083 “Variance” means any deviation from the requirements of the zoning code authorized
1084 by the Planning Commission pursuant to Chapter 21.72 HCC.

1085 “Vehicle fleet” means a group of vehicles operated under unified control.

1086
1087 Vehicle Maintenance. See “auto repair.”

1088
1089 Vehicle Repair. See “auto repair.”

1090
1091 “Visibility or vision clearance” means the assurance of adequate and safe vision
1092 clearance particularly for vehicle operators and pedestrians; a specified area of
1093 clearance at corners of intersections where no plantings, walls, structures or temporary
1094 or permanent obstructions exceeding a specified height above the curb level are
1095 allowed.

1096
1097 “Water-dependent” means a use or activity that can be carried out only on, in or
1098 adjacent to water areas because the use requires access to the water body.

1099
1100 “Water quality volume” or “WQV” means the volume needed to capture and treat 90
1101 percent of the average annual runoff volume at a development site.

1102
1103 “Water-related” means a use or activity that is not directly dependent upon access to a
1104 water body, but which provides goods and services that are directly associated with
1105 water-dependent uses or activities.

1106
1107 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal,
1108 conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent
1109 area that is subject to inundation from overflow or floodwater.

1110

1111 “Watershed” means any area of land that water flows or drains under or across ground
1112 on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on
1113 a topographical map by connecting the high points of the contour lines surrounding
1114 any water body.

1115
1116 “Wetland” means an area of land that is inundated or saturated by surface or
1117 groundwater at a frequency and duration sufficient to support, and that under normal
1118 circumstances do support, a prevalence of vegetation typically adapted for life in
1119 saturated soil conditions.

1120
1121 Wetlands generally include swamps, marshes, bogs, and similar areas.

1122
1123 Wholesale. See “business, wholesale.”

1124
1125 “Wind energy system” means a wind turbine and its supporting wind energy system
1126 tower.

1127
1128 “Wind energy system tower” means a fixed vertical structure that supports a wind
1129 turbine, including a monopole or lattice tower, plus its accompanying base plates,
1130 anchors, guy cables and hardware.

1131
1132 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind
1133 energy into electric energy.

1134
1135 “Wireless communications equipment” means the set of equipment and network
1136 components used in the provision of wireless communications services, including
1137 without limitation antennas, transmitters, receivers, base stations, equipment shelters,
1138 cabinets, emergency generators, power supply cables, and coaxial and fiber optic
1139 cables, but excluding any wireless communications support structure.

1140
1141 “Wireless communications services” means transmitting and receiving information by
1142 electromagnetic radiation, by an operator (other than an amateur radio operator)
1143 licensed by the Federal Communications Commission.

1144
1145 “Wireless communications support structure” means a structure that is designed to
1146 support, or is capable of supporting, wireless communications equipment, including a
1147 communications tower, utility pole, or building.

1148
1149 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by
1150 any structure or portion of a structure from 30 inches above the general ground level of
1151 the graded lot upward, except (1) fences, walls, posts, poles and other customary yard
1152 accessories, ornaments and furniture may be permitted in any yard subject to height

1153 limitations and requirements limiting obstruction of visibility, and (2) certain structures
1154 may be permitted in certain yards when authorized by code provisions applicable to a
1155 particular zoning district.

1156
1157 “Yard, front” means a yard extending across the full width of a lot, the depth of which is
1158 the minimum horizontal distance between the front lot line and a line parallel thereto.

1159
1160 “Yard, rear” means a yard extending across the full width of the lot, the depth of which
1161 is the minimum horizontal distance between the rear lot line and a line parallel thereto.

1162
1163 “Yard, side” means a yard between a main building and the side lot line extending from
1164 the front yard to the rear yard.

1165
1166 “Zoning code” means this title.

1167
1168 “Zoning districts” means those districts established and described in Division II of this
1169 title.

1170
1171 Section 2. Section 21.54.200 entitled “Standards for recreational vehicle parks-General” is
1172 amended to read as follows:

1173
1174 Section 21.54.200 Standards for recreational vehicle parks-General.

1175
1176 HCC 21.54.200 through 21.54.310~~25~~ establish standards governing recreational
1177 vehicle parks, **recreational vehicles in residential zoning districts, and employee-**
1178 **occupied recreational vehicles.**

1179
1180 Section 3: Section 21.54.210 entitled “Spaces and occupancy” is amended to read as follows:

1181
1182 Section 21.54.210 Space and occupancy.

1183
1184 a. Space Size. The space provided for each recreational vehicle shall be a minimum of
1185 600 square feet, exclusive of any space used for common areas, driving lanes,
1186 walkways, general use structures, and landscaped areas.

1187
1188 b. Identification. Each recreational vehicle space shall be plainly marked and
1189 numbered for identification.

1190
1191 c. Occupancy. Only one recreational vehicle shall occupy a space. Recreational vehicle
1192 parks may be open on a year-round basis. **Except as otherwise permitted under this**
1193 **title, n**No recreational vehicle shall be parked for occupancy in a recreational vehicle
1194 park for more than 30 continuous days, nor shall a recreational vehicle be parked for

1195 occupancy in a recreational vehicle park for more than 120 days in any 12-month
1196 period.

1197
1198 Section 4. Homer City Code 21.54 is amended to add section 21.54.325 to read as follows:
1199

1200 **21.54.325 Standards for recreational vehicles in the Marine Commercial District**
1201 **and the Marine Industrial District.**

1202
1203 **Outside of recreational vehicle parks, the use of recreational vehicles in the**
1204 **marine commercial and industrial zoning districts shall conform to the following**
1205 **standards:**

1206
1207 **A property owner may have one employee-occupied recreational vehicle per lot.**
1208 **An employee-occupied recreational vehicle must be a self-contained recreational**
1209 **vehicle and must have a receptacle approved by law for collection of liquid and**
1210 **semi-solid wastes. While the employee-occupied recreational vehicle is parked**
1211 **on the property, it must be parked in a manner that will not create a dangerous**
1212 **or unsafe condition on the lot or adjacent properties. Parking in such fashion that**
1213 **the recreational vehicle may tip or roll constitutes a dangerous and unsafe**
1214 **condition. A parked employee-occupied recreational vehicle must be in a**
1215 **condition for the safe and effective performance of its intended function as an**
1216 **operable motor vehicle.**

1217
1218 **An employee-occupied recreational vehicle may not be placed in a parking space**
1219 **required to comply with the Homer Zoning Code.**

1220
1221 **An employee-occupied recreational vehicle may not directly hook-up to**
1222 **municipal water and sewer without first obtaining written approval by the Public**
1223 **Works Director or his or her designee. The Public Works Director shall grant**
1224 **approval for direct hook-up to the municipal water and sewer if he or she**
1225 **determines that the applicant is in full compliance with this Title. A permit under**
1226 **this subsection may only be submitted by a property owner or a lessee of the**
1227 **property.**

1228
1229 Section 5: This ordinance is of a permanent and general character and shall be included in
1230 the City Code.

1231
1232 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
1233 2017.

1234
1235 CITY OF HOMER

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date:_____

BRYAN ZAK, MAYOR

Holly Wells, City Attorney

Date:_____



City of Homer

www.cityofhomer-ak.gov

Planning

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Memorandum 18-005

TO: MAYOR ZAK AND HOMER CITY COUNCIL

THROUGH: KATIE KOESTER, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: DECEMBER 29, 2017

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE CHAPTER 21.03.040 TO DEFINE "EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES"; TITLE 21.54 TO ADD 21.54.325, PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICTS; AND AMENDING 21.54.200 AND 21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE DISTRICTS.

At the request of the City Council in memorandum 17-097, the Planning Commission has reviewed the allowance for the use of RV's in the Marine Districts. After being on the Planning Commission's agenda for three weeks and receiving a recommendation from the Port and Harbor Commission, a public hearing was held at the December 6th meeting of the Planning Commission.

After receiving public testimony, the Commission voted unanimously in support of the draft ordinance for adoption by the City Council.

Planning Commission Recommendation:

Adopt Draft Ordinance regarding Employee-Occupied Recreational Vehicles.

Att.

Staff reports PL 17-65,71,77, & 92

Memo to Port and Harbor Commission, dated 8.17.17

Corresponding Planning and Port and Harbor Commission minutes

Draft Ordinance

Memo PL 17-08



City of Homer

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Staff Report PL 17-65

TO: Homer Advisory, Port and Harbor Advisory Commissions
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: July 19, 2017
SUBJECT: RV's in the Marine Commercial District

Introduction

Council has directed a memo to the Planning Commission to review whether a single RV for a caretaker is an acceptable use in the Marine Commercial District. Currently caretakers such as the owner or an employee may live in a building onsite but not in an RV. Staff would like to include the Port and Harbor Commission in this discussion.

Staff recommends the Commissions schedule a joint work session to discuss this issue.

Meeting opportunities:

~ August 16th at 5:30 pm, during the HAPC work session

~ Another time and date?

Analysis

Staff note: Caretakers are allowed in both Mariner Commercial and Marine Industrial zones. Staff recommends treating these zones the same if a caretaker RV is allowed on the Spit.

Current zoning rules on the Spit, camping in an RV is limited to RV parks and campgrounds. Under 21.54.210, in an RV park, an RV may not be occupied for more than 30 days, and also for no more than 120 days in a 12 month period. Individual RV's cannot hook up to city water and sewer services. Under Title 19, Parks, Campgrounds and Public Places, camping in public campgrounds is limited to 14 days.

Options -

- A. Recommend against allowing a caretaker to live in an RV
- B. Allow one RV onsite for a caretaker in the Marine Commercial and Marine Industrial Districts, with other rules based on conversation from the Commissions (sanitation, length of time, mobility of RV, etc).
- C. ?

Staff Recommendation

1. Discuss the concept of a caretaker/employee/business owner living in an RV on the Spit.
2. Schedule a joint work session to discuss the idea.

Attachments

1. Memorandum 17-097 <http://www.cityofhomer-ak.gov/memorandum/memorandum-17-097-rvs-marine-commercial-district>
2. Excerpt of Homer City Council Minutes of 6/26/17 https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/city_council/meeting/16221/cc_062617.pdf
3. Homer News article “City to consider caretaker motorhomes on Spit,” July 7, 2017
4. Griswold email dated 7/10/2017

[Clear sky](#)[Home](#)[Contact Us](#)

Memorandum 17-097 RV's in Marine Commercial District

Memorandum ID:

17-097

Memorandum Status:

No Status

Related Meetings

[City Council Regular Meeting - Mon 6/26/17](#)

Details

Memorandum 17-097

TO: HOMER ADVISORY PLANNING COMMISSION

THROUGH: HOMER CITY COUNCIL

FROM: COUNCILMEMBER SMITH

DATE: JUNE 20, 2017

SUBJECT: RECREATIONAL VEHICLE (RV) ALLOWANCES IN THE MARINE COMMERCIAL DISTRICT

The purpose of this memo is to introduce the concept for a draft ordinance to the City Council for review prior to recommending the Planning Commission work on an ordinance. This serves two purposes:

1.) An opportunity for the public to be aware of an item proposed for the consideration of the Planning Commission (hopefully for their comment and future

participation) and

2.) An opportunity for the City Council to express their support for the concept and to discuss any refinement that may lead to a better recommendation for the Planning Commission.

The use of RV's in the Marine Commercial District outside of RV parks continues to proliferate despite code enforcement efforts. Several businesses desire to utilize RV's for caretaker use or to house employees and/or guests. I propose that the Planning Commission review the allowance for a maximum of one RV in the Marine Commercial District and make a recommendation to the City Council.

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City of Homer (907) 235-8121
491 E. Pioneer Avenue Homer, AK 99603

Select Language ▼

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

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

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

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

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

ERICKSON/REYNOLDS SO MOVED

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

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

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

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

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

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

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

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

ADERHOLD/REYNOLDS SO MOVED

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

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

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

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

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

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

Motion carried.

COMMENTS OF THE AUDIENCE

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HOMER NEWS ⁽¹⁾

City to consider caretaker motorhomes o Spit

By: MICHAEL ARMSTRONG (/authors/michael-armstrong-0),

Homer News

Posted: Thu, 07/06/2017 - 8:27am



For the past 18 years, along Freight Dock Road near the Homer Spit, L.H. and Marcia Pierce have run sweet little Spit operation, Sportsman's Supply. Halfway between the Nick Dudiak Fishing Lagoon and load-launch ramp, the tackle and bait shop serves fishermen heading out to Kachemak Bay or trying

luck at the Fishin' Hole.

The Pierces also run a small, 10-space recreational vehicle campground by the store. From Soldotna, Pierces live in a motorhome parked next to the shop, their home from February to October as well as store's office.

Too bad, the city has told the Pierces.

When their lease is up for renewal in March 2018, they will have to shut down their small motorhome campground and maybe even move their summer home.

Built on a 7,800-square-foot lot leased from the city, the RV park violates city zoning regulations that : RV park must be a minimum of 40,000 square-feet. When they started the process to renew their lease another 10 years, the city told the Pierces they couldn't operate a campground. They also were told they couldn't live in their own motorhome there, not even using it as a caretaker's home.

At the June 26 Homer City Council meeting, the council unanimously approved a memorandum directed City Planner Rick Abboud to write an ordinance to change zoning in the Marine Commercial district to allow Spit businesses like Sportsman's Supply to use motorhomes or trailers as caretaker or owner lodging. The ordinance will go to the Homer Advisory Planning Commission and the Port and Harbor Commission for their review over the next few months. After the commissions have had their say, the ordinance comes back to the council for its consideration.

"I don't want our actions to be so burdensome it inhibits them from being successful," said council member Heath Smith, who introduced the memo. "We're partners. We depend on the tax revenues they produce. We want to create a climate that helps them succeed."

Marcia Pierce said they get a lot of return visitors who come up to stay at their small campground. The park earns the couple about \$70,000 annually — \$5,250 in taxes that goes to the city and Kenai Peninsular Borough.

How many motorhomes would be allowed per business or lot would need to be worked out.

"It can't be one per business," Smith said. "If you look at those boardwalks, they have 10 businesses on there. It might have to be one per lot owner. It has to be zoned right."

In the Marine Commercial district, as long as they meet the 40,000-square-foot minimum and other conditions, RV parks are allowed, such as Heritage RV Park on English Bay Native corporation land or Homer Campground on city land. Caretaker cabins are allowed as an accessory use. Many Spit businesses such as the buildings on the Cannery Row Boardwalk across from Coal Point Trading Company, have upstairs apartments. Some businesses have motorhomes parked on their lots, though, such as Happy Restaurant and Coal Point.

Parking an RV is legal, but outside of a permitted RV park, in the Marine Commercial District, staying in one is not. In residential zoning districts, people can stay in recreational vehicles parked next to homes for up to 90 days total in a year. City code uses the term "recreational vehicle" to refer to "temporary lodging for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by an

vehicle.”

Smith noticed the issue with noncomplying motorhomes used as caretaker homes when the Sportsman Supply issue came up.

“It became clear that was one of the code violations there,” Smith said. “That opened our eyes to the fact that there are several businesses out there that have that need.”

Pierce said the issue initially arose when the natural gas pipeline came in, and surveyors checked lot corners. That survey found all of one and half of another of the motorhome lots were over the property line. In the history of Sportsman’s Supply, the issue of not having a large enough lot for an RV park never came up.

The Pierces bought the business from the John Chapple III family, who in turn bought it from Dickie Gregoire.

When the Pierces renewed their lease in 2008, Sportsman’s Supply got to have the RV park.

“Everything you see was here when we came,” Marcia Pierce said last Thursday. “Nothing (about the issue) was brought up then. Not a thing,” Pierce said.

Homer Harbormaster Bryan Hawkins said the Pierces aren’t the first people to be told to move motorhomes. Not that many people stay in them, but a few do. Some people have been caught by surprise, he said.

“They realize that wasn’t allowed and we’ve had to call them to task over it,” Hawkins said. “Sometime there was resistance because it didn’t meet their plans.”

Hawkins, Abboud and City Manager Katie Koester’s team review the about 25 upland leases around the harbor. None of them were senior officials with the city in 2008 when the Pierces last renewed their lease. The lease renewal process gives the city leverage to address zoning issues.

“There was an issue that got through. Now we’re scrutinizing that lease because it’s coming up for its term,” Hawkins said. “At that time we have to sit down and look at that property and see what’s going on.”

So why didn’t the 10-unit RV park get dinged before? Hawkins said partly that reflects the growing demand for leases. When Gregoire built the park in the 1980s, the Spit had a lot of available land.

“Today there’s not. Every time a lease comes up for renewal or transfer, we’re looking at it through a different view,” Hawkins said. “Is this the highest and best use? ... It’s more strict now than it used to be.”

Hawkins said he understands how a business owner might feel.

“Now you’re the one in the hot seat. Of course you’re going to look at your neighbor and say ‘What about them?’” he said.

The city also could enforce zoning regulations more strictly.



"Then we'd be accused of not being business friendly," Hawkins said. "You're trying to balance it. You're trying to be fair."

Pierce said they plan to comply with the city's lease renewal conditions and hope that the caretaker change will come through.

"I'm just trying to get this past," she said. "I've been here 18 years. It's not like I haven't paid my taxes."

Michael Armstrong can be reached at michael.armstrong@homernews.com (<mailto:michael.armstrong@homernews.com>).

Comments

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MORRIS ALASKA NEWS

Julie Engebretsen

From: Rick Abboud
Sent: Tuesday, July 11, 2017 10:10 AM
To: Julie Engebretsen
Subject: FW: Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

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

From: Frank Griswold [mailto:fsgriz@alaska.net]
Sent: Monday, July 10, 2017 9:15 AM
To: Department Planning <Planning@ci.homer.ak.us>
Cc: Melissa Jacobsen <MJacobsen@ci.homer.ak.us>; Rick Abboud <RAbboud@ci.homer.ak.us>
Subject: Proposed Ordinance Re: Legalizing Caretaker Motorhomes on Homer Spit

Dear Planning Commissioners:

Eighteen years of not enforcing the zoning code requirements re: caretaker motorhomes on the Homer Spit has erroneously led some flagrant zoning violators, as well as some Councilmembers, to believe that longstanding illegal use becomes an entitlement. The size requirements for RV parks within the Marine Commercial District and associated restrictions on caretaker motorhomes have a presumption of validity and should not be arbitrarily changed to accommodate private business interests. Not only would this constitute spot zoning but it would set a precedent leading to a barrage of requests for further "business friendly" code changes by other zoning code violators. What might be friendly to one business could be unfriendly/unfair to another, such as the English Bay Corporation which constructed Heritage RV Park in accordance with the zoning laws. Promoting caretaker motorhomes and relaxing the standards for RV parks in the Marine Commercial District is not an objective of the Homer Comprehensive Plan and rightfully so. There is no public need for relaxing RV park standards in the Marine Commercial District or anywhere else on the Homer Spit where another tsunami is long overdue. Homer does not need to pander to zoning violators in order to be "business friendly." If the City's zoning code enforcement policy is to abate violations by continually relaxing the zoning code then there is no point in having a zoning code. It would be prudent for the Planning Commission to seek a formal legal opinion addressing spot zoning concerns before considering any amendments to the current RV park requirements within the Marine Commercial District.

Frank Griswold

Deputy City Planner Engebretsen noted the additions which were highlighted in yellow in their packets. She further noted that she added “Maintaining existing city services. Adjust the level of service when revenues fluctuate.” In response to the input from Town Hall meetings in 2015.

Commissioner Highland inquired if they should add a reference to agriculture.

Ms. Engebretsen noted that most of that is outside city limits and would be good to include but will discuss with the City Planner and bring it back to the commission.

B. Staff Report 17-65, Proposed draft ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District

Chair Stead read the title into the record and requested to hear Staff Report 17-65, Proposed draft Ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District. Deputy City Planner Engebretsen requested input on the concept of caretaker/employee/business owner living in an RV on site on the Spit.

Discussion ensued on the public opinion included in the packet, that there will be a full or nearly full commission at a later meeting to facilitate the discussion.

ABRAHAMSEN/VENUTI –MOVE TO SCHEDULE A JOINT WORKSESSION WITH THE PORT & HARBOR ADVISORY COMMISSION.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Staff requested specific points that the Commission would like to discuss during the worksession. The following was listed:

- Health and human safety issues such as hookups and living in a Tsunami zones
- Size screening and location,
- Choice limited to one – a living arrangement within the building or an RV, not both

INFORMATIONAL MATERIALS

- A. City Manager’s Report for the City Council Meeting of June 21, 2017
- B. KPB Notice of Decisions
 - Hodnik Subdivision Preliminary Plat Time Extension Request
 - Bay View Subdivision Northwind 2017 Replat Preliminary Plat
 - Chamberlain and Watson Subdivision 2017 Preliminary Plat
 - Glory View Subdivision Church of the Nazarene Addition Preliminary Plat



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Staff Report PL 17-71

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 2, 2017
SUBJECT: Proposed draft ordinance to allow one Recreational Vehicle (RV) as an accessory use in the Marine Commercial Zoning District

Introduction

The Port and Harbor Commission reviewed staff report PL 17-65 at their meeting on Wednesday, July 26th. City Planner Abboud attended the meeting. The Commission discussed a wide range of issues. The conclusion of their discussion was a motion to move forward with exploring the idea of an RV for caretakers. The motion passed 6-1.

Analysis

At this time, staff no longer recommends a joint work session between the two Commissions. Instead, staff would like the HAPC to discuss this topic at the work session to provide guidance on how (or if) the HAPC would like to move forward, and what issues to potentially address in an ordinance.

At the HAPC meeting of July 19, 2017, issues the Commission raised included:

- Health and human safety issues such as hookups and living in a Tsunami zone
- Size, screening, location and duration
- Choice of limiting to one option – either living above a shop, or an RV, but not both. Renting out attic apartments and having an RV onsite

Staff Recommendation

At the work session, talk about RV's as a dwelling unit for caretakers, employees or business owners on the Spit.

PENDING BUSINESS

- A. Staff Report 17-71, Proposed Draft Ordinance to allow one Recreational Vehicle (RV) as an Accessory Use in the Marine Commercial Zoning District

Chair Stead read the title into the record. City Planner Abboud noted the discussion held during the worksession and will bring back a Staff report addressing those recommendations and concerns for the next meeting.

The Commissioners continued discussions and recommendations to use to draft an ordinance using a RV as a dwelling unit for caretakers, employees or business owners on the Spit. The commission expressed allowing this use in the commercial and industrial areas going forth in drafting the ordinance – particular issue in both areas is people camping on the spit in the winter which was noted that they could allow temporary usage from April 15-Sept 15 in one area of the spit that would assist in not having derelict RV's all over on the spit. That would allow the lessee to come and earlier or later than those dates they can rent a camping spot for a few weeks.

There was no further discussion.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for July 24, 2017 City Council Meeting
B. KPB Notice of Decisions:
- Bay View Subdivision 2017 Replat Preliminary Plat
 - Foothills Subdivision Sunset View Estates Addition No. 3 Preliminary Plat
 - Sterling Highway & Main Street Intersection Improvements Right-of-Way Acquisition Plat

There were no comments or discussion on the materials provided.

COMMENTS OF THE AUDIENCE

COMMENTS OF STAFF

Deputy City Clerk Krause commented that tonight was interesting she is learning quite a bit.

COMMENTS OF THE COMMISSION

Commissioner Banks commented on a fun way to get started with the commission.

Commissioner Venuti welcomed Commissioner Banks.



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Staff Report PL 17-77

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 16, 2017
SUBJECT: RV's as employee dwelling units

Introduction

The Commission discussed RV's as dwelling units on the Spit at the last work session. Staff has continued to work on draft regulations.

Analysis

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. A home owner can have someone stay in an RV as a guest for up to 90 days a year. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. Staff took this section of code and modified it for potential use on the Spit. The bold underlined sections are for the Commission to consider.

There are approximately 12 Marine Commercial and 10 Marine Industrial lots affected.

1. Allowable number of RV's per lot in Marine Commercial and Marine Industrial?
2. Allow hook ups to City water and sewer?
3. Length of time - permanent? 4 months? April 1 to October 1?
(Work seems to begin on Spit business around April 1st.)

Other considerations

1. Should the RV be registered? Is this something we want to enforce through the zoning code? The only other place title 21 addresses registered vehicles is in the definition of junk.

21.54.3xx Standards for recreational vehicles in MC and MI zoning districts.

Outside of recreational vehicle parks, the use of recreational vehicles in the MC and MI zoning districts shall conform to the following standards, except to the extent otherwise specified in the regulations applicable in the zoning district:

- a. As an accessory to a permitted structure a lot, **one** recreational vehicle per lot may be used for living purposes to accommodate persons while employed on site. **(More allowed for MI?)** A recreational vehicle used for such purposes must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. Direct hook-up to municipal water and sewer is allowed with **Public Works approval**. If the unit is not hooked up to City water and sewer, the business owner shall provide the Planning Department with a plan of how solid waste and greywater will be handled.
- b. While the recreational vehicle being used to accommodate employees is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked recreational vehicle used to accommodate employees must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.
- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) of this section may not exceed a total of **(Timeframe?)(120 days?) (April 1- October 1?)** Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

Staff Recommendation: Discusses the questions above and provide direction to staff.

Session 17-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on August 16, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, STEAD, BENTZ, HIGHLAND AND VENUTI

ABSENT: COMMISSIONER BANKS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF AGENDA

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

Catherine Ulmer, resident, a member of the Port and Harbor Advisory Commission, commented on the work that that commission has been doing to clean up the spit and as such they have been putting requirements into the leases, they govern the hours that businesses are open so that no one is out on the Spit late at night. There are rules about motorhomes on the spit and they do not want motorhomes used as caretaker residences. She did not support using motorhomes as caretaker residences on the spit. Ms. Ulmer recommended using the RV parks that is already established. She suggested instituting charging rates for those that want to be there beyond the regular season, suggesting \$75-\$100 per night, saying she would prefer seeing a connex attached to the building. Ms. Ulmer requested the support of the Planning Commission in maintaining the Port & Harbor's goals.

Ms. Ulmer affirmed for Commissioner Highland that she is representing the Port & Harbor Commission and the people who live in Homer.

Marcia Pierce, resident of Soldotna, owner of Sportsman Supply, has had her motor home next to the business on the spit for 18 years. Nothing bad about it very clean, she stated she maintains a home in Soldotna and she noted they reside in the motorhome from February to September every year. Ms. Pierce stated that she has her office in her motorhome and everything else she requires to run the business. The previous comment regarding one

↑
motorhome on the spit is incorrect, Ms. Pierce noted that there are about 10 sites that had motorhomes on the spit. She did have a RV Park but this year it was taken away from her because she did not have 40,000 square feet. Ms. Pierce stated that her motorhome is fully functional and can be moved in case of fire or other hazard. She noted that it would okay to build a home down there but not a motorhome. She has had her motorhome there for 18 years and just renewed her lease for 20 years and would like to keep it there for her use.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of August 2, 2017 regular meeting

Chair Stead requested a motion to approve the consent agenda.

BOS/BENTZ – SO MOVED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report PL 17-73 City Planner's Report

City Planner Abboud apologized for the confusion regarding the report in the packet and the correct one has been provided as a laydown. He reviewed his report and noted that the Council discussed budget priorities at the council meeting on Monday, August 14, 2017 he provided a memo on Cold Weather shelters which is included in the packet.

- extended invitation to the Commissioners to attend the FEMA Resilience meeting regarding natural hazards and mitigation of infrastructure is scheduled on August 24, 2017 in Council Chambers , 9:00-Noon

- Planning staff attended a Smart Growth seminar held by the Kachemak Bay Realtors spoke on funding available for small projects such as parks and gathering places and use of drones

- Requested volunteers to attend the Council meetings on September 11th, there was none forthcoming.

Commissioner Bentz requested the dates of the Council meeting to be noticed when the email stating the packet is ready to pick up would be good then commissioners can check their calendars and be prepared for the meeting.

Commissioner Bos departed the meeting at 8:15 p.m. Chair Stead called for a recess at the request of the commission. The meeting was called back to order at 8:2 p.m.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 17-77, Recreational Vehicle (RV) as Employee Dwelling Units

Chair Stead read the title into the record. City Planner Abboud commented on the discussion the commission had during the worksession at the previous meeting and noted the following:

- Current regulations allow RV's up to 90 days, but not allowed to hook up to city water and sewer
- There are a total of 22 lots in Marine Commercial and Marine Industrial
- The language proposed is conceptual the city attorney will draft the actual ordinance
- The Port and Harbor Advisory Commission voted six to one in favor of further exploration of the idea
- Some items to determine or clarify were:
 - o Allowable number of RV's per lot
 - o Allow hook up to city water and sewer
 - o Length of time - Permanent? 4 months? April 1- October 1?
 - o Should the RV be registered? Operable? The only other place that Title 21 addresses registered vehicles is in the definition of junk.

Commissioner Highland noted that a short report of what was discussed at the worksession would have been very helpful in the minutes since she was unable to attend the last meeting. She was unaware how this could be accomplished but it would be a value added to the minutes. She asked if a memo was received from the Port & Harbor Commission.

City Planner Abboud explained that there was a discussion with the Port and Harbor Advisory Commission and they voted six to one in favor of further exploration of the idea and the information in the packet represents what came from the prior meeting and worksession. He further noted that nothing was set in stone and there was still plenty of time to discuss and change things. The questions and concerns were listed and the definition of RV is for temporary use. The Planning Commission would work on it and have Public Hearings and they could adopt the code and see how it goes and make changes as necessary.

Discussion ensued on the concept to allow the RV's to encourage business; the community value; there is an allowance to bring in a structure in the code, differs in residential areas; improvements to lots; the prevalence of RV's currently on the Spit; the cost of an RV which is a self-contained living space; defining it as an accessory dwelling unit would cause conflict within in the city code; keeping it consistent in the code to just allow it for 90 days is really stringent and not necessary; intent or purpose of the need of an RV for an employee, caretaker or business owner; the number in non-compliance is unknown currently; preference not to allow more than one RV per lot whether Marine Industrial or Marine

Commercial; allowing hookup to city water and sewer; imposing a time frame with consideration of the ability to hook up to water and sewer was considered, questions asked of the member in the audience revealed that before city water and sewer was activated they use the city public facilities across the street and then they had their own water and sewer hookup for the season, it was determined that no time frame be implemented; concerns expressed regarding the vehicles being road worthy including road legal; motor homes do not detract from Spit.

Further discussion ensued on sending a memo to the Port and Harbor Commission on the proposed regulations, enforcing the regulations and current staffing will make it very difficult for the Planning department to enforce these new regulations; preference to make an annual inspection and or renewal of a permit and since that would only amount to 22 lots this should not prove to be too onerous on staff; the regulations that require 40,000 sf for a RV park were reviewed briefly and the situation on why the one was not allowed or renewed.

Chair Stead directed the commission back to the item on the agenda.

City Planner Abboud requested clarification on a requirement to hook up to city water and sewer. Commissioner Bentz stated that how it was worded in the packet would suffice and could be included in the annual permit requirement.

City Planner Abboud will bring the Commission's recommendations to the Port and Harbor Advisory Commission for review and comment.

B. Staff Report 17-78, comprehensive Plan Update – Chapter 6 Public Services and Facilities

Chair Stead read the title into the record.

City Planner Abboud commented that they were almost down to the final stretch. He stated that this represents the formatting changes, includes staffing levels desired, equipment priorities, increasing volunteers, providing ample public safety. These are the first two objectives and there are still several more to work on.

Most of the Chapter stayed the same.

Commissioner Highland inquired if it was true on the number reflected in the statement on page 122 under Objective A, Current Status, fifth line, approximately 30 individuals support the department's staff. City Planner Abboud responded that the Chief's reviewed this and provided the information.

Commissioner Highland then questioned, on page 123, Under Near-term Priorities, line 9, in 20XX?

City Planner Abboud will need to research what year that should reflect. He also noted that the Police Department is now at full staffing for officers.



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Memorandum

TO: Port and Harbor Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: August 17, 2017
SUBJECT: RV's as dwellings on the Spit

Introduction

The Homer Advisory Planning Commission discussed allowing RV's as dwelling units at their August 16th meeting, and came to the following consensus:

1. RV's used as dwellings should be allowed on a permanent basis. There is no seasonal time limit. RV's do not have to move at any time.
2. Only 1 RV is allowed per lot.
3. City water and wastewater hook ups are not required, but should be allowed.
4. RV's should be parked safely.

Rough draft code language:

21.54.3xx Standards for recreational vehicles in MC and MI zoning districts.

Outside of recreational vehicle parks, the use of recreational vehicles in the MC and MI zoning districts shall conform to the following standards, except to the extent otherwise specified in the regulations applicable in the zoning district:

a. As an accessory to a permitted structure a lot, one recreational vehicle per lot may be used for living purposes to accommodate persons while employed on site. A recreational vehicle used for such purposes must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. Direct hook-up to municipal water and sewer is allowed with Public Works approval. If the unit is not hooked up to City water and sewer, the business owner shall provide the Planning Department with a plan of how solid waste and greywater will be handled.

b. While the recreational vehicle being used to accommodate employees is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked recreational vehicle used to accommodate employees must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.

- c. Use of a recreational vehicle to accommodate employees as allowed in subsection (a) is allowed without a time limit.
- d. Such use to accommodate employees must be approved by the property owner, and in the case of property under lease, by both the lessee and the property owner.

The Commission also suggested some sort of annual permit review, to verify people living in the RV are employees. Planning staff is not sure how to best accommodate this idea.

Staff Recommendation

Discuss the recommendations of the Planning Commission and provide any comments. The next step is for staff to work with the attorney to create a draft ordinance, and for the Planning Commission to hold a public hearing.

Attachments

Minutes excerpt of August 16, 2017

- Wireless Edge is building a communications tower on the spit. There is no timeline yet for when it will be complete.
- Met with the New Captain of the Port for the Coast Guard and had a good introduction.
- Maintenance and Repairs were done on the tug in the beginning of August; including engine tune up and new couplings.
- Met with Senator Murkowski's Aids and talked about Harbor Expansion.
- Auction Block has filed for bankruptcy but the buyers are still interested and still plan on buying the space.
- Several EMS call outs
- High Mast Light project started in August and will be complete on the 28th of September.
- Invited to speak at SOBA Conference about clean harbors, grants, and projects
- EMS Response to fuel float assisted by Matt Clarke. AED was used and the man survived.
- Arctic Works will be in Homer the first week of October for inspection.

Commissioner Donich suggested that the Port and Harbor make it known to the public that the Fishing License Fees goes into new developments at the Harbor. Mr. Donich explained that people like to know where their money is going.

PUBLIC HEARING

PENDING BUSINESS

A. Caretaker RV's on the Spit

I. Memo to Port and Harbor Advisory Commission from Deputy City Planner Re: RV's as Dwellings on the Spit August 17, 2017

I. Planning Advisory Commission Meeting Minutes August 16, 2017

City Planner Rick Abboud addressed the commission about the Caretaker RV on the Spit issue. Mr. Abboud explained that the Planning Commission has set up some basic rules for the RV process. Mr. Abboud explained that the more rules the commission sets in place, the harder it will be to enforce rules. The following are points that Mr. Abboud covered;

- RV's used as dwellings should be allowed on a permanent basis
- There is no seasonal time limit
- RV's do not have to move at any time
- Only one RV per lot is allowed
- City water and wastewater hook up are not required, but should be allowed
- RV's should be parked safely
- Only for Owner or Employee, No Renting or Leasing allowed

Commissioner Ulmer asked Mr. Abboud why the people who already have RV's on their property don't get grandfathered in; instead of changing all of City Code.

Mr. Abboud replied by saying that in order to grandfather someone in, having caretaker RV's would have to have been legal at the time the RV was placed on the lot. So because it is illegal to live in RV's, it wouldn't be just to grandfather them in.

Commissioner Stockburger mentioned that he thought there was going to be some sort of rule stating that the RV's had to be mobile. His concern is that the RV's will start to become part of the structure and become permanent. Mr. Abboud stated he would look into this farther and bring it back at another meeting.

Harbormaster Hawkins explained his concerns about the RV's and properties becoming junk yards. He explained that the Harbor has worked very hard to clean up junk and he worries that it will be taking a step backwards by allowing people to live onsite all year round. He also stated that animals would also be an issue of concern and they would need to set rules of what kinds they will allow and what kinds they won't.

NEW BUSINESS

INFORMATIONAL ITEMS

- A. Port & Harbor Monthly Statistical Report for July 2017
- B. Port & Harbor Monthly Statistical Report for August 2017
- C. Water/Sewer Bills Report July 2017
- D. Water/ Sewer Bills Report August 2017
- E. Crane and Ice Report
- F. Deep Water Dock Report
- G. Pioneer Dock Report
- H. Dock Water Report
- I. Council Meeting Attendance

Commissioner Carroll stated that he would not be here in October, so they would have to make other arrangements for someone to attend the Council Meetings. Commissioner Donich stated that he would be able to make the later meeting on the 23rd. Commissioner Hartley confirmed that he will be at the November Council Meeting.

Harbormaster Hawkins brought attention to the November 15th Regular Meeting. He explained that he will be out of town for the Expo in Seattle as will many Commissioners. He said it may be in our best interest to cancel the November 15th Meeting.

The November 15th Regular Meeting has been cancelled by general consensus of the commission.

COMMENTS OF THE AUDIENCE

COMMENTS OF CITY STAFF



City of Homer

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Planning

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Staff Report PL 17-92

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: December 6, 2017
SUBJECT: RV's as employee dwelling units in MI and MC Districts

Introduction

The Commission has provided the Planning Office with the parameters under which this ordinance is acceptable. The City Attorney has reviewed and provided the draft ordinance.

Analysis

The ordinance starts with the addition of "Employee-occupied recreational vehicle" in the Definitions used in zoning section of code, 21.03.040. In order to amend this section all current definitions are included since there are no breaks in the alphabetical list of definitions. This is found on lines 289 – 290.

"Employee-occupied recreational vehicle" means a recreational vehicle provided to an employee by his or her employer for housing.

No more amendment are found until Section 2, line 902. Here you will find the provision for the RV's in the code that borrows the existing code related to standards of RV parks. Added is HCC 21.54.325, Standards for recreational vehicles in the Marine Commercial District and the Marine Industrial District. You will find standards for the use including:

- Allowance for one (1) per lot
- Must have receptacle for the collection of solid and semi-solid wastes
- Must be parked safely
- Must be operable on the road
- May not occupy an otherwise required parking space
- May be hooked up to water and sewer with approval

Currently, HCC 21.54.32 provides standards for RV's in the residential districts. RV's cannot hook up to city water and sewer - this is a zoning regulation, not a constraint of the water and sewer system. This section of code was modified for use on the Spit.

There are approximately 12 Marine Commercial and 10 Marine Industrial lots affected.

Staff Recommendation: Hold a public hearing and make recommendation to City Council or Planning Department.

Attachments

Draft Ordinance

Memorandum PL 17-08

August 17, 2017 Memo from Deputy City Planner to Port and Harbor Planning Commission

September 27, 2017 Meeting Minutes of the Port and Harbor Planning Commission

August 16, 2017 Staff Report PL 17-77

August 16, 2017 Meeting Minutes of the HAPC

August 2, 2017 Staff Report PL 17-71

August 2, 2017 Meeting Minutes of the HAPC

July 19, 2017 Staff Report PL 17-65

- Could try a limited or trial period zoning to see how this zoning would work.
- Postponement until a full Commission is present
- Laws regarding open container alcohol versus open consumption marijuana is not a zoning issue
- Legality on cruise ships is not a zoning issue
- Liquor stores are considered retail operations, and are legal
- Marijuana is different in that the State has decided to abide by the Cole Memorandum
- Marijuana is on the spit and currently would be considered black market, the voters have spoken, it is legal and as testified tonight there is the revenue aspect
- Marijuana is still illegal in Federal waters, is not allowed on a vessel and so there is hesitation on providing a legal source on the spit.
- Letters received in support and against and it still carries the connotation of illegality

VENUTI/BANKS MOVED TO RECOMMEND CITY COUNCIL ALLOW RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020

Discussion ensued on separating the law enforcement issues from the zoning issues.

HIGHLAND/VENUTI MOVED TO POSTPONE TO THE JANUARY 17, 2018 MEETING UNTIL A FULL COMMISSION IS PRESENT.

Brief discussion on attendance of commissioners.

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

Motion carried.

B. Staff Report 17-92, Ordinance to Allow One Employee Occupied RV per lot in the Marine Commercial and Marine Industrial Districts under Homer City Code 21.54

City Planner Abboud reviewed the staff report.

There was no applicant and Chair Stead opened the Public Hearing.

Don Tippy, city resident, commented and requested clarification on the definition that the recreational vehicle is provided to an employee by his or her employer for housing, he manages a business on the spit, works 16 hours days and owns an RV. He would like to know why that is a preference for the employer to provide the RV since if he owned a business he would not be buying an employee a RV to live in unless they could charge the employee but according to the rules that's not allowed.

Chair Stead allowed City Planner Abboud to respond to the request for clarification.

City Planner Abboud responded that it was a provision provided by the City Attorney to assist in enforcement of the regulation.

There was no more public testimony and Chair Stead closed the Public Hearing.

A discussion ensued on the intent of the definition and application, what was covered under the term “recreational vehicle”; that a business owner was not an employee in accordance with the Internal Revenue Service; the requirement on the owner to provide the housing; the difficulty to enforce; suggestions to reword the definition to address the intent of the Commission and provide clarification and comment received from the public.

VENUTI MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

BANKS/VENUTI MOVED TO AMEND TO READ AS EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR THE OWNER FOR HOUSING.

There was a brief discussion on the intent of the motion. There was a question on including his or her term in the definition.

Chair Stead re-stated the amendment to the main motion:
MOVED THAT “EMPLOYEE OCCUPIED RECREATIONAL VEHICLE” MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING

There was no additional discussion.

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

Motion carried.

Chair Stead inquired if there was additional discussion on the main motion as amended.

Hearing none, Chair Stead re-stated the main motion as amended:
MOVED TO AMEND LINE 289 TO READ EMPLOYEE OCCUPIED RECREATIONAL VEHICLE MEANS A RECREATIONAL VEHICLE UTILIZED BY AN EMPLOYEE OR OWNER FOR HOUSING.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

Chair Stead requested a motion to recommend the draft ordinance to City Council.

VENUTI/HIGHLAND MOVED TO ADOPT STAFF REPORT 17-92 TO ALLOW ONE EMPLOYEE OR BUSINESS OWNER OCCUPIED RECREATIONAL VEHICLE PER LOT IN THE MARINE COMMERCIAL AND INDUSTRIAL DISTRICTS UNDER HOMER CITY CODE 21.54

BANKS/HIGHLAND MOVED TO APPEND THE MOTION TO FORWARD THE DRAFT ORDINANCE AS AMENDED TO CITY COUNCIL.

There was brief discussion on public comments submitted and enforcement once this is implemented.

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

Motion is carried.

Chair Stead inquired is there was any additional discussion on the motion as amended.

There was no further discussion.

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

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 17-93, Comprehensive Plan Update, Chapter 6 Public Services and Facilities

Chair Stead read the title into the record and invited City Planner Abboud to review his report.

Commissioner Banks requested a brief recess. Chair Stead called for a five minute recess at 7:48 p.m. The meeting was called back to order at 7:53 p.m.

City Planner Abboud reviewed the additions submitted to Chapter 6 by Public Works Director Meyer. He provided clarification at the request of commissioners on the following:

- pages 141 and 142, Section I-F-4 and I-F-7
- The existing sewer system is adequate to handle additional needs of the city as shown by the information provided by Public Works Director Meyer.

City Planner Abboud noted that this document will be combined and a draft comprehensive plan should be available for input from the public after the first of the year. He anticipated conducting possibly an Open House event, putting notices in the paper and having electronic options for public input.

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.03.040 TO DEFINE “EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES” AND AMENDING HCC CHAPTER 21.54 TO ADD HCC 21.54.325, PERMITTING EMPLOYEE-OCCUPIED RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL AND MARINE INDUSTRIAL ZONING DISTRICTS AND AMENDING HCC 21.54.200 AND 21.54.210 TO REFLECT THE NEWLY PERMITTED USE IN THESE DISTRICTS.

WHEREAS, there are many commercial and industrial entities which have expressed interest in locating recreational vehicles on their work premises for the purpose of housing employees; and

WHEREAS, it is in the City’s best interest to support employer-provided housing so long as that housing does not place the City of Homer, its residents, and/or its citizens at risk; and

WHEREAS, permitting employee-occupied recreational vehicles in the marine industrial and commercial zoning districts falls within the purpose of those zoning districts and promotes the City’s best interest,

NOW THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 21.03.040 entitled “Definitions used in zoning code” is amended to read as follows:

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (a) the context clearly indicates a different meaning or (b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily incidental to and located on the same lot occupied by the principal use or building, such as a detached garage incidental to a residential building.

41 “Accessory use” means a use or activity that is customary to the principal use on the
42 same lot, and which is subordinate and clearly incidental to the principal use.

43 “ADT” or “average daily traffic” means the estimated number of vehicles traveling
44 over a given road segment during one 24-hour day. ADT is usually obtained by
45 sampling and may be seasonally adjusted.

46 “Adverse impact” means a condition that creates, imposes, aggravates or leads to
47 inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site
48 proposed for development or on off-site property or facilities.

49 Aggrieved. See “person aggrieved.”

50 “Agricultural activity” shall mean farming, including plowing, tillage, fertilizing,
51 cropping, irrigating, seeding, cultivating or harvesting for the production of food and
52 fiber products (excluding commercial logging and timber harvesting operations); the
53 grazing or raising of livestock (excluding feedlots); aquaculture; sod production;
54 orchards; Christmas tree plantations; nurseries; and the cultivation of products as part
55 of a recognized commercial enterprise. “Agricultural activity” excludes private stables
56 and public stables.

57 “Agricultural building” means a building used to shelter farm implements, hay, grain,
58 poultry, livestock, horticulture, or other farm products, in which there is no human
59 habitation and which is not used by the public.

60 “Aisle” means an area within a parking lot that is reserved exclusively for ingress,
61 egress and maneuvering of automobiles.

62 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a
63 secondary means of access to abutting property.

64 “Alteration” means any change, addition or modification in construction, occupancy or
65 use.

66 “Animal unit equivalent” is a convenient denominator for use in calculating relative
67 grazing impact of different kinds and classes of domestic livestock. An animal unit
68 (AU) is generally one mature cow of approximately 1,000 pounds and a calf as old as
69 six months of age, or their equivalent. Animal unit equivalents vary according to kind
70 and size of animals.

71 The following table of AU equivalents applies to the Homer Zoning Code.

Kinds and classes of animals equivalent	Animal- unit
--	-------------------------

Kinds and classes of animals equivalent	Animal-unit
Slaughter/feed cattle	1.00
Mature dairy cattle	1.40
Young dairy cattle	0.60
Horse, mature	2.00
Sheep, mature	0.20
Lamb, one year of age	0.15
Goat, mature	0.15
Kid, one year of age	

72 0.10 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted
73 species require application to the Planning Commission for determination of AU
74 equivalents.

75 Apartment House. See “dwelling, multiple-family.”

76 “Area, building” means the total area, taken on a horizontal plane at the main grade
77 level, of a building, exclusive of steps.

78 “Area, floor” means the total area of all floors of a building as measured to the outside
79 surfaces of exterior walls, including attached garages, porches, balconies, and other
80 structures when covered by a roof.

81 “Area, footprint” has the same meaning as “area, building.”

82 “Area, lot” means the total horizontal net area within the boundary lines of a lot,
83 exclusive of rights-of-way for streets and alleys.

84 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on
85 a lot to the area of the lot.

86 “Arterial” means a street whose principal function is the transmission of vehicular
87 through-traffic, that performs a major role in serving the transportation needs of the
88 community, and that is identified as a “major arterial” or “community arterial” in the
89 Homer Roads and Streets Master Plan.

90 “Assisted living home” has the meaning given in AS 47.32.900.

91 “Auto and trailer sales or rental area” means an automobile related use that may
92 consist of any combination of the following:

- 93 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
94 or sale;
- 95 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
96 trailers, and sale of parts and accessories customarily incidental to the sale of such
97 vehicles; and
- 98 3. Buildings at the location of a motor vehicle dealership used for auto repairs
99 customarily incidental to the operation of a dealership.

100 “Auto fueling station” means any premises used to sell motor fuels and lubrication to
101 motor vehicles. An auto fueling station may include the sale of minor accessories.
102 Auto fueling station does not include auto repair.

103 “Auto repair” means service and repair of motor vehicles, trailers and similar
104 mechanical equipment, including painting, upholstering, rebuilding, reconditioning,
105 body and fender work, frame straightening, undercoating, engine or transmission
106 rebuilding or replacement, tire retreading or recapping, and the like. It also includes
107 minor service work to automobiles or light trucks including tune up, lubrication,
108 alignment, fuel system, brakes, mufflers, and replacement of small items.

109 “Basement” means any floor level partly or wholly underground, except when such
110 floor level meets the definition of “story.”

111 “BCWP district” means the “Bridge Creek Watershed Protection District” described in
112 Chapter 21.40 HCC.

113 “Bed and breakfast” means a dwelling in which an individual or family resides and
114 rents bedrooms in the dwelling to overnight guests, if the bed and breakfast use is
115 accessory to the principal use of the dwelling as the primary residence of the operator.
116 If the dwelling has six or more bedrooms available for rental to overnight guests it is a
117 hotel and not a bed and breakfast.

118 “Bluff” means an abrupt elevation change in topography of at least 15 feet, with an
119 average slope of not less than 200 percent (two feet difference in elevation per one
120 foot of horizontal distance).

121 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage
122 of boats.

123 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at
124 Bridge Creek.

125 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination
126 thereof used to physically separate or screen one use or property from another so as to
127 shield or block visibility, noise, lights, or other undesirable effects.

128 “Buffer, runoff” means an area of natural or planted vegetation through which
129 stormwater runoff flows in a diffuse manner so that the runoff does not become
130 channelized and that provides for infiltration of the runoff and filtering of silt and
131 pollutants. The buffer is measured landward from the normal full water elevation of
132 impounded structures and from the top of the bank of each side of a stream, river,
133 ditch, or other channel.

134 “Buffer, stream” means a runoff buffer of a designated distance on each side of a
135 channel measured perpendicularly from the top of the bank of each side of a stream,
136 river, ditch, or other channel.

137 “Building” means any structure used or intended for supporting or sheltering any use
138 or occupancy.

139 “Building construction” means the placing of construction materials in a permanent
140 position and fastened in a permanent manner in the course of constructing or erecting a
141 building.

142 “Building height” is the vertical distance from grade to the maximum point of
143 measurement of the building, measured according to HCC 21.05.030.

144 “Building, main” means the building of chief importance or function on the lot.

145 “Business, open air” or “open air business” means the retail sale or display of
146 merchandise or services, including but not limited to farmers’ markets and flea
147 markets, conducted outdoors or under a canopy for protection from the elements and
148 held on a regular or periodic basis. Open air business does not include (1) outdoor
149 display or sales of goods or services by a retail or wholesale business that is
150 principally located in a building, or (2) sales, services or rentals of any kind of boat or
151 motorized vehicle.

152 “Business, retail” means a place of business principally engaged in selling goods,
153 substances or commodities in small quantities to the ultimate consumer, and may
154 include rendering services incidental to the sale of such goods, substances or
155 commodities. The term “retail business” does not include, as either a principal or
156 accessory use, automobile oriented uses, the sale, rental, storage, service, or repair of
157 any motor vehicles, or any use separately defined or listed in any zoning district.

158 “Business, wholesale” or “wholesale” means a place of business principally engaged
159 in selling or distributing goods, substances or commodities in quantity to retailers or to
160 industrial, commercial or institutional users mainly for resale or business use.

161 “Campground” means a parcel of land where two or more campsites are located that
162 provides facilities for temporary recreational living in any manner other than a
163 permanent building.

164 “Cemetery” means land used or intended to be used for burial of the dead and
165 dedicated for cemetery purposes, including columbaria and mausoleums when
166 operated in conjunction with and within the boundary of such cemetery.

167 “Channel protection storage volume” or “Cpv” means the volume used to design
168 structural management practices to control stream channel erosion.

169 Church. See “religious, cultural, and fraternal assembly.”

170 “City Engineer” means an engineer within the Homer Department of Public Works
171 designated by the Director of Public Works.

172 “Clearing” means the removal of trees and brush from the land, but shall not include
173 the ordinary pruning of trees or shrubs or mowing of grass.

174 “Clinic” means a professional office with facilities for providing outpatient medical,
175 dental or psychiatric services, which may include as incidental to the principal use a
176 dispensary to handle medication and other merchandise prescribed by occupants in the
177 course of their professional practices.

178 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of
179 oil-attracting plates. Oil droplets collect and float to the surface, where they can be
180 skimmed off or removed mechanically and separators may be installed above or below
181 ground.

182 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line
183 of Kachemak Bay.

184 “Cold storage” means a building equipped with refrigeration or freezing facilities that
185 provides cold or frozen storage or freezing services.

186 “Collocation” means the placement or installation of wireless communications
187 equipment on an existing wireless communications support structure or in an existing
188 equipment compound.

189 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a
190 commercial motor vehicle or any motor vehicle with signs or logos exceeding nine
191 square feet in combined area.

192 “Commission” means the Homer Advisory Planning Commission.

193 “Community Design Manual” means the Community Design Manual for the City of
194 Homer, adopted by City Council Resolution 04-34, as may be amended from time to
195 time.

196 Comprehensive Plan. See HCC 21.02.010.

197 “Construction camp” means one or more buildings, trailers, mobile homes or similar
198 structures used to house workers or employees for logging, mining, off-shore and on-
199 shore construction, development and other projects, installed primarily for the duration
200 of the project or operation and not open for use by the general public as
201 accommodations or for permanent mobile home living.

202 “Date of distribution” means the date on which a City official mails a written decision
203 or order issued under the zoning code or, if the document is personally delivered, the
204 date of such personal delivery.

205 “Day care facility” means any establishment for the care of children, whether or not
206 for compensation, excluding day care homes and schools. Such day care facility must
207 also be duly licensed by the State, if so required by State law or regulation.

208 “Day care home” means the principal dwelling unit of one or more persons who
209 regularly provide(s) care, in the dwelling unit, whether or not for compensation, during
210 any part of the 24-hour day, to eight or less children at any one time, not including
211 adult members of the family residing in the dwelling. The term “day care home” is not
212 intended to include baby-sitting services of a casual, nonrecurring nature, child care
213 provided in the child’s own home, or cooperative, reciprocating child care by a group
214 of parents in their respective dwellings.

215 “Department” or “Planning Department” means the department or division of the City
216 of Homer under the direction of the City Planner, whose functions and powers include
217 the administration and enforcement of the zoning code as described in Chapter 21.90
218 HCC.

219 “Design year” means the year that is 10 years after the opening date of development.

220 “Detention, extended” means a stormwater design feature that provides gradual release
221 of a volume of water in order to increase settling of pollutants and protect downstream
222 channels from frequent storm events.

223 “Detention structure” means a permanent structure for the temporary storage of water
224 runoff that is designed so as not to create a permanent pool of water.

225 “Develop” or “development activity” means to construct or alter a structure or to make
226 a physical change to the land, including but not limited to excavations, grading, fills,
227 road construction, and installation of utilities.

228 “Development” means all manmade changes or improvements on a site, including
229 buildings, other structures, parking and loading areas, landscaping, paved or graveled
230 areas, and areas devoted to exterior display, storage, or activities. Development
231 includes improved open areas such as public spaces, plazas and walkways, but does
232 not include natural geologic forms or unimproved land. See also “project.”

233 “Development activity plan” or “DAP” means a plan, prepared according to standards
234 set forth in this title, that provides for the control of stormwater discharges, the control
235 of total suspended solids, and the control of other pollutants carried in runoff during
236 construction and the use of the development.

237 “Development, new” means development on a site that was previously unimproved or
238 that has had previously existing buildings demolished.

239 “Direct discharge” means the concentrated release of stormwater to tidal waters or
240 vegetated tidal wetlands from new development or redevelopment projects in critical
241 habitat areas.

242 “Dividers” means areas of landscaping that separate from each other structures or
243 improvements, including parking lots or buildings.

244 “Dog lot” means any outdoor area where more than six dogs over the age of five
245 months are kept.

246 “Dormitory” means a building or portion of a building that provides one or more
247 rooms used for residential living purposes by a number of individuals that are rented
248 or hired out for more than nominal consideration on a greater than weekly or pre-
249 arranged basis. A building or structure that provides such rooms on less than a weekly
250 basis shall be classified as a “hotel” or “motel,” “rooming house,” or other more
251 suitable classification. “Dormitory” excludes hotel, motel, shelter for the homeless and
252 bed and breakfast.

253 “Drainage area” means that area contributing water runoff to a single point measured
254 in a horizontal plane, which is enclosed by a ridge line.

255 “Dredging/filling” means an activity that involves excavating along the bottom of a
256 water body for the purpose of channeling, creating a harbor, mineral extraction, etc.,
257 and the subsequent deposition of the dredge material to build up or expand an existing
258 land mass or to create a new one.

259 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected
260 to the ground.

261 “Drive-in car wash” means automated or manual car wash facilities and equipment
262 used for retail car wash services enclosed within a building, which may include

263 accessory vacuum cleaning and other equipment for car interior detailing outside of a
264 building.

265 “Driveway” means the aisle area within a parking lot which abuts designated parking
266 spaces and which is reserved exclusively for ingress, egress and maneuvering of
267 automobiles in and out of those spaces.

268 “Dwelling” or “dwelling unit” means any building or portion thereof designed or
269 arranged for residential occupancy by not more than one family and includes facilities
270 for sleeping, cooking and sanitation.

271 “Dwelling, duplex” means a building designed or arranged for residential occupancy
272 by two families living independently, the structure having only two dwelling units.

273 “Dwelling, factory built” means a structure containing one or more dwelling units that
274 is built off-site, other than a manufactured home, and: (1) is designed only for erection
275 or installation on a site-built permanent foundation; (2) is not designed to be moved
276 once so erected or installed; and (3) is designed and manufactured to comply with a
277 nationally recognized model building code or an equivalent local code, or with a State
278 or local modular building code recognized as generally equivalent to building codes
279 for site-built housing.

280 “Dwelling, multiple-family” means a building or a portion thereof designed for
281 residential occupancy by three or more families living independently in separate
282 dwelling units.

283 “Dwelling, single-family” means a detached dwelling unit designed for residential
284 occupancy by one family.

285 “Easement” means a grant or reservation by the owner of an interest in land for the use
286 of such land for a specific purpose or purposes, and which must be conveyed or
287 reserved by an instrument affecting the land.

288 Educational Institution. See “school.”

289 **“Employee-occupied recreational vehicle” means a recreational vehicle provided**
290 **to an employee by his or her employer for housing.**

291 “Entertainment establishment” means a public or private institution or place of
292 business providing live or pre-recorded shows or performances for entertainment.

293 “Equipment compound” means the area occupied by a wireless communications
294 support structure and within which wireless communications equipment is located.

295 “Extractive enterprises” means uses and activities that involve the removal of ores,
 296 liquids, gases, minerals, or other materials or substances from the earth’s surface or
 297 subsurface.

298 “Extreme flood volume” or “Qf” means the storage volume required to control those
 299 infrequent but large storm events in which overbank flows reach or exceed the
 300 boundaries of the 100-year floodplain.

301 “Family” means an individual or two or more persons related by blood, marriage or
 302 adoption, or a group not to exceed six unrelated persons living together as a single
 303 housekeeping unit in a dwelling unit.

304 “Farmers’ market” means a location where the primary activity is the sale of goods:

305 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
 306 other plant products, or other processed agricultural products;

307 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
 308 viticulture, vermiculture, aquaculture, eggs, honey and bee products;

309 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
 310 case of prepared foods; or

311 4. Created, sewn, constructed, or otherwise fashioned from component materials by
 312 the seller.

313 Fence Height. See HCC 21.05.030(d).

314 “Financial institution” means banks, credit unions, saving and loan companies,
 315 stockbrokers, and similar businesses.

316 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak
 317 discharge.

318 “Garage, parking” means any building (including an underground structure), except
 319 one described as a private garage, used principally for the parking or storage of motor
 320 vehicles.

321 “Garage, private” means a building, or a portion of a building, in which motor vehicles
 322 used only by the occupants of the building(s) located on the premises are stored or
 323 kept.

324 Garage, Public. See “auto repair.”

325 “Gardening, personal use” means gardening for personal purposes as an accessory use
 326 to the primary residential use of a lot.

327 “Glare” means direct light emitted by a luminaire that causes reduced visibility of
328 objects or momentary blindness.

329 “Grade” in reference to adjacent ground elevation means the lowest point of elevation
330 of the existing surface of the ground within the area between the structure and a line
331 five feet from the structure.

332 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated,
333 scarified, or filled, or any combination thereof.

334 “Group care home” means a residential facility that provides training, care,
335 supervision, treatment or rehabilitation to the aged, disabled, infirm, those convicted of
336 crimes or those suffering the effects of drugs or alcohol. The term “group care home”
337 does not include day care homes, day care facilities, foster homes, schools, hospitals,
338 assisted living homes, nursing facilities, jails or prisons.

339 “Guest room” means a single unit for the accommodation of guests without kitchen or
340 cooking facilities in a bed and breakfast, rooming house, hotel or motel.

341 “Guesthouse” means an accessory building without kitchen or cooking facilities and
342 occupied solely by nonpaying guests or by persons employed on the premises.

343 “Helipad” means any surface where a helicopter takes off or lands, but excludes
344 permanent facilities for loading or unloading goods or passengers, or for fueling,
345 servicing or storing helicopters.

346 “Heliports” means any place including airports, fields, rooftops, etc., where helicopters
347 regularly land and take off, and where helicopters may be serviced or stored.

348 Highway. See “street” and “State highway.”

349 “Home occupation” means any use customarily conducted entirely within a dwelling
350 or a building accessory to a dwelling, and carried on by the dwelling occupants, that is
351 clearly incidental and secondary to the use of the dwelling for dwelling purposes and
352 does not change the character thereof, and includes no display of stock in trade, no
353 outside storage of materials or equipment and no commodity sold upon the premises.
354 “Home occupation” does not include bed and breakfast.

355 “Hospital” has the meaning given in AS 47.32.900.

356 “Hostel” means any building or portion of a building containing dormitory-style
357 sleeping accommodations for not more than 15 guests that are used, rented or hired out
358 on a daily or longer basis.

359 “Hotel” or “motel” means any building or group of buildings containing six or more
360 guest rooms that are used, rented or hired out to be occupied for sleeping purposes by

361 guests. “Hotel” or “motel” also means any building or group of buildings containing
362 five or less guest rooms that are used, rented or hired out to be occupied for sleeping
363 purposes by more than 15 guests. The terms “hotel” and “motel” exclude bed and
364 breakfast, rooming house, dormitory, shelter for the homeless, and hostel.

365 “Impervious coverage” means an area of ground that, by reason of its physical
366 characteristics or the characteristics of materials covering it, does not absorb rain or
367 surface water. All parking areas, driveways, roads, sidewalks and walkways, whether
368 paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick,
369 stone, wood, ceramic tile or metal shall be considered to be or have impervious
370 coverage.

371 “Impound yard” means a lot, establishment, area, facility or place of business used for
372 the temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or
373 other abandoned or illegally stored personal property pending determination of
374 possessory or proprietary rights therein. If impounded property is held in custody
375 longer than six months, it shall be classified as a junk yard and not an impound yard.

376 “Independent business” means a business establishment that operates independently of
377 other business establishments. If retail and wholesale business establishments have
378 common management or common controlling ownership interests, they are not
379 operated independently of one another.

380 “Infiltration” means the passage or movement of water into the soil surface.

381 “Islands,” when used to describe landscaped areas within parking lots, means compact
382 areas of landscaping within parking lots designed to support mature trees and plants.

383 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC
384 8.08.010.

385 “Joint use parking area” means a parking lot that contains required off-street parking
386 spaces for more than one lot.

387 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled,
388 discarded, or damaged goods or tangible materials. Junk includes, without limitation,
389 motor vehicles that are inoperable or not currently registered for operation under the
390 laws of the State and machinery, equipment, boats, airplanes, metal, rags, rubber,
391 paper, plastics, chemicals, and building materials that cannot, without further
392 alteration or reconditioning, be used for their original purpose.

393 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor
394 collection, storage, handling, sorting, processing, dismantling, wrecking, keeping,
395 salvage or sale of junk.

396 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or
397 other animals at least four months of age are kept for boarding, propagation or sale. If
398 a use meets the definitions of both dog lot and kennel, it shall be classified as a dog
399 lot.

400 “Kitchen” means any room or part of a room intended or designed to be used for
401 cooking or the preparation of food. The presence of a range or oven, or utility
402 connections suitable for servicing a range or oven, shall be considered as establishing
403 a kitchen.

404 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and
405 wood chips, and decorative features, including sculpture.

406 “Level of service” or “LOS” means a qualitative measure describing operational
407 conditions within a traffic stream, based on service measures such as speed and travel
408 time, freedom to maneuver, traffic interruptions, comfort, and convenience. Six levels
409 of service, from A to F, are used to represent a range of operating conditions with LOS
410 A representing the best operating conditions and LOS F the worst.

411 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in
412 their ability to maneuver within the traffic stream, passing demand is well below
413 passing capacity, drivers are delayed no more than 30 percent of the time by slow
414 moving vehicles.

415 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
416 restricted; passing demand approximately equals passing capacity, and drivers are
417 delayed up to 45 percent of the time; the level of physical and psychological comfort
418 provided to drivers is still high.

419 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably
420 restricted and lane changes require more care and vigilance on the part of the driver;
421 percent time delays are up to 60 percent; traffic will begin to back up behind slow
422 moving vehicles.

423 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic
424 flow, density begins to increase somewhat more quickly, passing demand is very high
425 while passing capacity approaches zero, and the driver experiences reduced physical
426 and psychological comfort levels; the percentage of time motorists are delayed
427 approaches 75 percent, even minor incidents can be expected to back up traffic
428 because the traffic stream has little space to absorb disruptions.

429 5. “LOS E” means the LOS at which roadway is at capacity; the percentage of time
430 delay is greater than 75 percent, passing is virtually impossible, as there are virtually
431 no usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
432 maneuver, physical and psychological comfort afforded to the driver is poor.

433 6. “LOS F” means the LOS at which traffic is heavily congested with traffic demand
434 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
435 high.

436 “Light trespass” means light emitted by a luminaire that shines beyond the boundaries
437 of the property on which the luminaire is located.

438 “Living ground cover” means low growing, spreading, perennial plants that provide
439 continuous coverage of the area.

440 “Living plant life other than ground cover” means plants, including, but not limited to,
441 trees, flower beds, rock gardens, shrubs and hedges.

442 “Loading space” means an off-street space on the same lot with a building or
443 contiguous to a group of buildings, designated or intended for the use of temporarily
444 parked commercial vehicles while loading and unloading, and that abuts upon a street,
445 alley or other appropriate means of access.

446 “Lodging” means any building or portion of a building that does not contain a
447 dwelling unit and that contains no more than five guest rooms that are used, rented or
448 hired out to be occupied for sleeping purposes by guests.

449 LOS. See “level of service.”

450 “Lot” means a single parcel of land of any size, the boundaries of which have been
451 established by some legal instrument of record, that is recognized and described as a
452 unit for the purpose of transfer of ownership. It may shown on a subdivision plat map,
453 or record of survey map, or described by metes and bounds and recorded in the office
454 of the District Recorder. “Lot” includes tracts and parcels of land of any size or shape.

455 “Lot, corner” means a lot situated at the intersection of two or more streets having an
456 angle of intersection of not more than 135 degrees.

457 “Lot depth” means the horizontal distance between the front and rear lot lines
458 measured on the longitudinal centerline.

459 “Lot, interior” means a lot other than a corner lot.

460 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a
461 square, or nearly square-shaped, corner lot, or (2) a through lot, the owner may choose
462 which street to designate as the front of the lot by giving written notice to the
463 Department. Once the choice of frontage has been made, it cannot be changed unless
464 all requirements for yard space with the new front lot line are satisfied.

465 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line
466 and, in case of an irregular or triangular lot, a line 10 feet in length within the lot,
467 parallel to and at the maximum distance from the front lot line.

468 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

469 “Lot, through” means a lot having a frontage on two parallel or approximately parallel
470 streets.

471 “Lot width” means the width of a lot calculated according to HCC 21.05.050.

472 “Luminaire” means a complete lighting unit, including a lamp or lamps together with
473 parts to distribute light.

474 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire
475 above the horizontal plane through the luminaire’s lowest light emitting part, in its
476 mounted form either through manufacturing design or shielding.

477 “Luminaire, height of” means the vertical distance from the ground directly below the
478 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

479 “Ministorage” means one or more buildings containing units available for rent for the
480 purpose of the general storage of household goods and personal property in which
481 each unit (1) is separated from all other such units, (2) is fully enclosed, and (3) does
482 not have an area greater than 600 square feet.

483 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on
484 water flow and loss of ground cover, and may include systems of water impoundment,
485 settling ponds, grease and sand traps, and leach fields among others.

486 “Mobile commercial structure” means a structure constructed as a movable or portable
487 unit, capable of being transported on its own chassis or wheels, that is designed for
488 nonpermanent uses and placed on a nonpermanent foundation and is used in any
489 activity that promotes, supports or involves a land use permitted outright in the zoning
490 district in which the mobile commercial unit is to be placed.

491 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of
492 the zoning code, is treated as a temporary business.

493 “Mobile home” or “manufactured home” means a structure, transportable in one or
494 more sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or
495 more in length, or when erected on site is 320 square feet or more; and (2) that is built
496 on a permanent chassis and is designed for use as a dwelling with or without a
497 permanent foundation when the plumbing, heating, and electrical systems contained
498 therein are connected to the required utilities. A mobile home shall be construed to
499 remain a mobile home whether or not wheels, axles, hitch or other appurtenances of

500 mobility are removed, and regardless of the nature of the foundation provided. A
501 mobile home shall not be construed to be a recreational vehicle or a factory built
502 dwelling.

503 “Mobile home park” means one or more lots developed and operated as a unit with
504 individual sites and facilities to accommodate two or more mobile homes.

505 “Native vegetation” means native plant communities that are undisturbed or
506 mimicked.

507 “Natural or manmade features” means features in landscaping other than plants,
508 including, but not limited to, boulders, or planters.

509 Nonconforming Lot. See HCC 21.61.010.

510 Nonconforming Structure. See HCC 21.61.010.

511 Nonconforming Use. See HCC 21.61.010.

512 “Nursing facility” means a facility that is primarily engaged in providing skilled
513 nursing care or rehabilitative services and related services for those who, because of
514 their mental or physical condition, require care and services above the level of room
515 and board. “Nursing facility” does not include a facility that is primarily for the care
516 and treatment of mental diseases or an assisted living home.

517 “Occupancy” means the purpose for which a building is used or intended to be used.
518 The term may also include the building or room housing such use. Change of
519 occupancy does not result from a mere change of tenants or proprietors.

520 “Office” means a physical location designed for, or used as, the office of professional,
521 business, administrative, institutional, charitable, personal service or public
522 organizations or persons, but does not include direct retail or wholesale sale of goods
523 except for those sales that are clearly incidental to the principal office use.

524 “Office, general business” means an office maintained and operated for the conduct of
525 management level administrative services or in which individuals or entities are
526 provided services in office settings in the nature of government, business, real estate,
527 insurance, property management, title companies, investment and financial, personnel,
528 travel, and similar services, including business offices of public utilities or other
529 activities when the service rendered is a service customarily associated with office
530 services. Offices that are part of and are located with a business or industrial firm in
531 another category are considered accessory to that firm’s primary activity. Professional
532 office is excluded.

533 “Office, professional” means an office maintained and operated for the conduct of a
534 professional business or occupation requiring the practice of a learned art or science

535 through specialized knowledge based on a degree issued by an institute of higher
536 learning, including but not limited to medicine, dentistry, law, architecture,
537 engineering, accounting, and veterinary medicine. General business office and clinic
538 are excluded.

539 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-
540 country travel on or immediately over land, water, sand, snow, ice, wetland, or other
541 natural terrain, except that such terms exclude (1) registered motorboats, (2) military,
542 fire, emergency, and law enforcement vehicles when used for such military,
543 emergency, and law enforcement purposes, and (3) any vehicle whose use is expressly
544 approved by the City of Homer.

545 “Oil water separators” means passive, physical separation systems, designed for
546 removal of oils, fuels, hydraulic fluids, and similar products from water. They are
547 generally large-capacity, underground cement vaults installed between a drain and the
548 connecting storm drain pipe. These vaults are designed with baffles to trap sediments
549 and retain floating oils. The large capacity of the vault slows down the wastewater,
550 allowing oil to float to the surface and solid material to settle out.

551 “Open space” means an area reserved or developed for recreational uses or preserved
552 for its natural amenities. Open space may include squares, parks, bicycle and
553 pedestrian paths, refuges, campgrounds, picnic areas, playgrounds, and gardens.
554 “Open space” does not include outdoor recreation facilities.

555 “Overbank flood protection volume” or “Qp” means the volume controlled by
556 structural practices to prevent an increase in the frequency of out of bank flooding
557 generated by development.

558 “Overlay district” means a defined area with supplementary regulations that is
559 superimposed upon all or part of one or more underlying zoning districts. The
560 boundaries of an overlay district are usually shown on the official map, but may be
561 established by description.

562 “Overslope development” means an overslope platform and the structures located on
563 the overslope platform.

564 “Overslope platform” means an elevated horizontal structure designed to support
565 buildings that are located above the slope between an upland lot and the water of the
566 Homer small boat harbor.

567 “Parking lot” means an off-street, ground level open area, usually improved,
568 containing parking spaces for motor vehicles.

569 “Parking lot, double-loaded” means all or any portion of a parking lot in which there
570 are parking spaces on both sides of the driving aisle.

571 “Parking lot, single-loaded” means all or any portion of a parking lot in which there
572 are parking spaces on only one side of the driving aisle.

573 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

574 “Parking stall” is synonymous with “parking space.”

575 “Peak hour” in reference to traffic means a one-hour period representing the highest
576 hourly volume of traffic flow on the adjacent street system during the morning (a.m.
577 peak hour), during the afternoon or evening (p.m. peak hour) or representing the hour
578 of highest volume of traffic entering or exiting a site (peak hour of generator).

579 “Pedestrian way” means a maintained walkway or path, no less than four feet wide,
580 that connects two or more focal points of pedestrian activity, including other
581 pedestrian ways, trails, transit stops, street or parking area crossings, or building entry
582 points. Sidewalks may be pedestrian ways.

583 “Performance standards” means minimum requirements or maximum allowable limits
584 on the effects or characteristics of a use.

585 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up
586 of materials such as, but not limited to, crushed rock, bark and mulch.

587 “Permit” means any permit, approval or other authorization issued by the City under
588 the authority of the Homer Zoning Code or regulations.

589 “Person aggrieved” means a person who shows proof of the adverse effect an action or
590 determination taken or made under the Homer Zoning Code has or could have on the
591 use, enjoyment, or value of real property owned by that person. An interest that is no
592 different from that of the general public is not sufficient to establish aggrievement.

593 “Personal service” means a business primarily engaged in providing services involving
594 the care of an individual or his or her personal goods or apparel.

595 “Pipeline” means a line six inches or larger, which may include accessory pumps,
596 valves and control devices, for conveying liquids, gases or finely divided solids that
597 are constructed within rights-of-way or easements or from one parcel to another.
598 However, for the purpose of securing a conditional use permit the following are
599 excluded: the mains, hydrants, pumps, services, and pressure stations of the City of
600 Homer water utility; the mains, services, manholes and lift stations of the City of
601 Homer sewer utility and the local service mains, valves and services of a gas utility
602 legally authorized to provide such service within the City.

603 “Planned unit development” or “PUD” means a residential, commercial, office,
604 industrial, or other type of development, or a combination thereof, approved under the
605 conditional use procedures and applicable provisions of this title and characterized by

606 comprehensive planning for the entire project, the clustering of buildings to preserve
607 open space and natural features, and provision for the maintenance and use of open
608 space and other facilities held in common by the property owners within the project.

609 “Planning Commission” means the Homer Advisory Planning Commission.

610 “Pollutant” in reference to waters means any substance that causes contamination or
611 other alteration of the physical, chemical, or biological properties of waters including
612 change in temperature, taste, color, turbidity, or odor of the waters, or such discharge
613 of any liquid, gaseous, solid, radioactive or other substance into the waters that will or
614 is likely to create a nuisance or render such waters harmful. These substances include,
615 but are not limited to, any dredge, spoil, solid waste, incinerator residue, oil, grease,
616 garbage, sewage, sludge, medical waste, chemical waste, biological materials, heat,
617 petrochemical, and sediment.

618 “Pollution, nonpoint source” means pollution from any source other than from any
619 discernible, confined, and discrete conveyances and shall include, but not be limited
620 to, parking lots and roof tops and include substances such as pathogens,
621 petrochemicals, sediments, debris, toxic contaminants, or nutrients.

622 “Pollution, point source” means pollution from any discernible, confined, and discrete
623 conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit,
624 well, discrete fissure, container, landfill leachate collection system, vessel or other
625 floating craft from which pollutants are or may be discharged.

626 Principal Use. See “use, principal.”

627 “Project” means an existing or proposed development.

628 “Public spaces” means space containing amenities for public use or enjoyment, for
629 example, benches, bike racks, water features, public art, and kiosks that enhance the
630 community.

631 “Public utility facility or structure,” for the purpose of requiring a conditional use
632 permit, means (1) any facility or structure owned and operated by a public or private
633 utility, or (2) a telecommunications tower or antenna, but it excludes water distribution
634 mains, pressure stations and hydrants, sewage collection lines, manholes and lift
635 stations, underground and overhead electrical, cable and telephone lines and poles,
636 street lights and small wind energy systems.

637 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a
638 height of at least 15 feet and an average slope of not less than 500 percent (five feet
639 difference in elevation per one foot of horizontal distance).

640 “Recharge volume” or “Rev” means that portion of the water quality volume used to
641 maintain groundwater recharge rates at development sites.

642 “Recreational facility, indoor” means a building used for indoor sports, recreation,
643 physical activities or games such as bowling alleys, racquetball courts, skating rinks,
644 and other physical recreation activities.

645 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games
646 such as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving
647 ranges, equestrian arenas, open air performing arts centers and similar activities. It
648 does not include sport fishing in the waters of any watercourse, water body, or
649 Kachemak Bay.

650 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is
651 designed and manufactured as temporary lodging for travel, recreational and vacation
652 use, and which is either self-propelled, mounted on or pulled by another vehicle.
653 Examples include, but are not limited to, a travel trailer, camping trailer, truck camper,
654 motor home, and fifth-wheel trailer.

655 “Recreational vehicle park” means a parcel of land that has been planned and
656 improved for use by two or more recreational vehicles for transient occupancy.

657 “Religious, cultural and fraternal assembly” means a use or building owned or
658 maintained by an organized religious organization or nonprofit entity for assemblies
659 for social, cultural, civic, or philanthropic purposes, or where persons regularly
660 assemble for worship.

661 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage,
662 regulation, and control of water.

663 “Residential districts” or “residential zoning districts” means the rural residential,
664 urban residential, and residential office zoning districts.

665 “Retention structure” means a permanent structure that provides for the storage of
666 water runoff.

667 “Right-of-way” means the entire width of property dedicated for a public street or
668 private easement providing ingress and egress from property abutting thereon.

669 Road. See “street.”

670 “Roadside stand” means a temporary structure on land adjacent to a street, usually for
671 the attraction of motorists for profit-making purposes. Common roadside stands sell
672 local food, produce, firewood, handcrafted items or imported goods.

673 “Rooming house” means a dwelling containing not more than five guest rooms that are
674 used, rented or hired out to be occupied for sleeping purposes by guests. A rooming
675 house shall not accommodate in excess of 15 guests. A rooming house shall also
676 include any structures associated with the dwelling, such as guest cabins; provided,

677 that a conditional use permit was obtained for any associated structures, if a permit is
678 required in order to have more than one building containing a permitted principal use
679 on the lot. “Rooming house” does not include bed and breakfast.

680 “School” means an institution or place for instruction or education, including all
681 structures and land necessary to the accomplishment of educational purposes.

682 “School, commercial” means a school for the teaching of clerical, managerial,
683 administrative, service or artistic skills. This applies to schools operated privately for
684 profit that do not offer a complete educational curriculum, e.g., beauty school,
685 modeling school and secretarial school. Commercial school does not include trade,
686 skilled or industrial school.

687 “School, private” means a school that provides a complete educational curriculum and
688 is owned and operated by private educational, religious, charitable, or other institution.
689 It may provide elementary, secondary or post-secondary levels of education.

690 “School, public” means a school owned and operated or chartered by the Kenai
691 Peninsula Borough or the State or University of Alaska for the purpose of public
692 education.

693 “School, trade, skilled or industrial” means a school for the teaching of industrial,
694 construction, technical and skilled trades skills, including schools operated by or for
695 labor unions. Examples include welding, carpentry, electrician, and similar training
696 schools.

697 “Sediment” means soils or other surficial materials transported or deposited by the
698 action of wind, water, ice, or gravity as a product of erosion.

699 “Senior housing” means attached or detached independent living developments,
700 including retirement communities, age-restricted housing and active adult
701 communities.

702 Service Station. See “auto fueling station” and “auto repair.”

703 “Setback” means the required minimum distance between the lot line and a building,
704 measured according to Chapter 21.05 HCC. The setback area establishes a required
705 yard in which structures are prohibited or limited as provided in the zoning code.

706 “Sewer, community” means that portion of a nonpublic sewerage serving:

707 1. One or more multifamily dwellings;

708 2. A mobile home park, a trailer park, or a recreational vehicle park;

709 3. Two or more:

- 710 a. Single-family homes or duplexes;
- 711 b. Commercial establishments;
- 712 c. Industrial establishments; or
- 713 d. Institutions; or
- 714 4. Any combination of two or more of the structures listed in subsections (3)(a)
715 through (d) of this definition.
- 716 “Sewer, public” means a sewer system operated for the benefit of the public by the
717 City of Homer or a public utility under a certificate of convenience and necessity
718 issued by the Regulatory Commission of Alaska or by its predecessor or successor
719 agency.
- 720 “Shelter for the homeless” means a building used primarily to provide on-site meals,
721 shelter and secondary personal services such as showers and haircuts to the homeless
722 and the needy on a nonpermanent basis for no or nominal compensation.
- 723 Sign. See HCC 21.60.040.
- 724 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination
725 thereof that is in one ownership or is contiguous and in diverse ownership, where
726 development exists or will be created as one unit, subdivision, or project.
- 727 “Site plan” means a plan, to scale, showing the proposed use and development of a
728 site. The plan generally includes lot lines, streets, points of vehicular access to the site,
729 building sites, reserved open space, existing buildings, major landscape features (both
730 natural and manmade), and the locations of utility lines. Additional information may
731 be required on a site plan by applicable provisions of the zoning code.
- 732 “Slash pile” means a row or pile of woody debris from timber harvesting, land
733 clearing, or similar activity.
- 734 “Slope” means, with respect to two points on the surface of the ground, the ratio,
735 expressed as a percentage, of the difference between their elevations divided by the
736 horizontal distance between them. Slope is measured as provided in HCC 21.05.040.
- 737 “Small wind energy system” means a wind energy system having a rated capacity of
738 less than 25 kilowatts and a total height less than 170 feet, whose primary function is
739 to provide electric power for on-site consumption.
- 740 “Stabilization” means the prevention of soil movement by any of various vegetative or
741 structural means.

742 “Stable, private” means an accessory building in which one or more horses are kept for
743 private use and enjoyment and not for boarding, hire or sale; or in which not more than
744 one horse is kept for boarding, hire or sale.

745 “Stable, public” means a building in which two or more horses are kept for boarding,
746 hire or sale.

747 “State highway” means a street designated by the State as a part of the State highway
748 system.

749 “Steep slope” means an elevation change in topography of at least 15 feet, with an
750 average slope of not less than 45 percent (one foot difference in elevation per 2.22 feet
751 of horizontal distance). A steep slope can occur naturally or can be created by
752 excavation into or filling over natural ground.

753 “Stormwater management” means:

754 1. For quantitative control, a system of vegetative and structural measures that control
755 the increased volume and rate of surface runoff caused by manmade changes to the
756 land; and

757 2. For qualitative control, a system of vegetative, structural, and other measures that
758 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

759 “Stormwater management, off-site” means the design and construction of a facility
760 necessary to control stormwater from more than one development.

761 “Stormwater management, on-site” means the design and construction of systems
762 necessary to control stormwater within an immediate development site.

763 “Stormwater management plan” or “SWP” means a set of drawings or other
764 documents prepared according to the requirements of this title and submitted by a
765 person as a prerequisite to obtaining a stormwater management approval. A SWP will
766 contain all of the information and specifications pertaining to stormwater management.

767 “Stormwater runoff” means flow on the surface of the ground, resulting from
768 precipitation or snow melt.

769 “Story” means that portion of a building included between the upper surface of any
770 floor and the upper surface of the floor next above, except that the topmost story shall
771 be that portion of a building included between the upper surface of the topmost floor
772 and the ceiling or roof above. If the finished floor level directly above a basement or
773 cellar is more than six feet above grade for more than 50 percent of the total perimeter
774 or is more than 12 feet above grade at any point, such basement or cellar shall be
775 considered a story.

776 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall
777 plates of which on at least two of its opposite exterior walls are not more than two feet
778 above the floor of such story.

779 “Stream” means any body of flowing water, including a river, creek, tributary, or other
780 watercourse.

781 “Stream banks” are defined by the steep or sloping ground that borders a stream and
782 confines the water in the natural channel when the water level or flow is normal.

783 “Stream, intermittent” means a stream that does not flow continuously but stops or
784 dries up from time to time.

785 “Stream, perennial” means a stream that flows continuously throughout the year, in
786 contrast to an intermittent stream.

787 “Street” means a public thoroughfare including a public street, road or highway of any
788 description that affords a principal means of access to abutting property. Street does
789 not include alley or driveway.

790 “Street line” means the line of demarcation between a street right-of-way and the
791 abutting lot(s).

792 “Stripping” means any activity that removes the vegetative surface cover including
793 tree removal, clearing, grubbing and storage or removal of topsoil.

794 “Structural alteration” means any change of the supporting members of a building or
795 structure such as bearing walls, columns, beams or girders.

796 “Structure” means anything constructed or erected that requires location on the ground
797 or that is attached to something having location on the ground.

798 “Studio” means a room, rooms or building where an artist or photographer does work,
799 a place where dancing lessons, music lessons, or similar artistic lessons are given, or
800 where radio or television programs are produced or where recordings are made.

801 “Taxi” means any motor vehicle, permitted and licensed by the City, having a
802 manufactured-rated seating capacity of nine passengers or less engaged in the carrying
803 of persons in exchange for receiving fares, not operated over a fixed route, and subject
804 to calls from a central location or otherwise operated for hire to perform public
805 transportation.

806 “Taxi operation” means a taxi business operated from a fixed location, but not limited
807 in its operation to any particular route, which may include a dispatch office and
808 vehicle fleet parking.

809 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both,
810 for commercial purposes, of (1) trees including, without limitation, live trees,
811 Christmas trees and tree products in the form of logs, chunks, bark chips or similar
812 items; or (2) minor forest crops such as cones, ferns, greenery, berries and moss.

813 “Total suspended solids” means the sum of the organic and inorganic particles (e.g.,
814 sediment) suspended in and carried by a fluid (e.g., water).

815 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
816 antenna used by an amateur radio operator licensed by the Federal Communications
817 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

818 “Tower, communications” means a fixed vertical structure built for the primary
819 purpose of supporting wireless communications equipment, plus its accompanying
820 base plates, anchors, guy cables and hardware.

821 “Townhouse” means a building on its own separate lot containing one dwelling unit
822 that occupies space from the ground to the roof and is attached to one or more other
823 townhouse dwelling units by at least one common wall.

824 “Trip” in reference to traffic means a single one-way motor vehicle movement either
825 to or from a subject property or study area.

826 “Turbidity” means an expression of the optical property that causes light to be
827 scattered and absorbed rather than transmitted in straight lines through a water sample;
828 turbidity in water is caused by the presence of suspended matter such as clay, silt,
829 finely divided organic and inorganic matter, plankton, and other microscopic
830 organisms.

831 “Use” means the purpose for which land or a structure is occupied, arranged, designed
832 or intended, or for which either land or a structure is or may be occupied or
833 maintained.

834 “Use, principal” means the use of a lot or structure that is of chief importance or
835 function on the lot.

836 “Variance” means any deviation from the requirements of the zoning code authorized
837 by the Planning Commission pursuant to Chapter 21.72 HCC.

838 “Vehicle fleet” means a group of vehicles operated under unified control.

839 Vehicle Maintenance. See “auto repair.”

840 Vehicle Repair. See “auto repair.”

841 “Visibility or vision clearance” means the assurance of adequate and safe vision
842 clearance particularly for vehicle operators and pedestrians; a specified area of
843 clearance at corners of intersections where no plantings, walls, structures or temporary
844 or permanent obstructions exceeding a specified height above the curb level are
845 allowed.

846 “Water-dependent” means a use or activity that can be carried out only on, in or
847 adjacent to water areas because the use requires access to the water body.

848 “Water quality volume” or “WQv” means the volume needed to capture and treat 90
849 percent of the average annual runoff volume at a development site.

850 “Water-related” means a use or activity that is not directly dependent upon access to a
851 water body, but which provides goods and services that are directly associated with
852 water-dependent uses or activities.

853 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel,
854 canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any
855 adjacent area that is subject to inundation from overflow or floodwater.

856 “Watershed” means any area of land that water flows or drains under or across ground
857 on its way to a lake, pond, river, stream, or wetland. A watershed can be delineated on
858 a topographical map by connecting the high points of the contour lines surrounding
859 any water body.

860 “Wetland” means an area of land that is inundated or saturated by surface or
861 groundwater at a frequency and duration sufficient to support, and that under normal
862 circumstances do support, a prevalence of vegetation typically adapted for life in
863 saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and
864 similar areas.

865 Wholesale. See “business, wholesale.”

866 “Wind energy system” means a wind turbine and its supporting wind energy system
867 tower.

868 “Wind energy system tower” means a fixed vertical structure that supports a wind
869 turbine, including a monopole or lattice tower, plus its accompanying base plates,
870 anchors, guy cables and hardware.

871 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind
872 energy into electric energy.

873 “Wireless communications equipment” means the set of equipment and network
874 components used in the provision of wireless communications services, including
875 without limitation antennas, transmitters, receivers, base stations, equipment shelters,

876 cabinets, emergency generators, power supply cables, and coaxial and fiber optic
877 cables, but excluding any wireless communications support structure.

878 “Wireless communications services” means transmitting and receiving information by
879 electromagnetic radiation, by an operator (other than an amateur radio operator)
880 licensed by the Federal Communications Commission.

881 “Wireless communications support structure” means a structure that is designed to
882 support, or is capable of supporting, wireless communications equipment, including a
883 communications tower, utility pole, or building.

884 “Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by
885 any structure or portion of a structure from 30 inches above the general ground level of
886 the graded lot upward, except (1) fences, walls, posts, poles and other customary yard
887 accessories, ornaments and furniture may be permitted in any yard subject to height
888 limitations and requirements limiting obstruction of visibility, and (2) certain
889 structures may be permitted in certain yards when authorized by code provisions
890 applicable to a particular zoning district.

891 “Yard, front” means a yard extending across the full width of a lot, the depth of which
892 is the minimum horizontal distance between the front lot line and a line parallel
893 thereto.

894 “Yard, rear” means a yard extending across the full width of the lot, the depth of
895 which is the minimum horizontal distance between the rear lot line and a line parallel
896 thereto.

897 “Yard, side” means a yard between a main building and the side lot line extending
898 from the front yard to the rear yard.

899 “Zoning code” means this title.

900 “Zoning districts” means those districts established and described in Division II of this
901 title.

902 Section 2. Section 21.54.200 entitled “Standards for recreational vehicle parks-General” is
903 amended to read as follows:

904
905 Section 21.54.200 Standards for recreational vehicle parks-General.

906
907 HCC 21.54.200 through 21.54.340~~25~~ establish standards governing recreational vehicle
908 parks, **recreational vehicles in residential zoning districts, and employee-occupied**
909 **recreational vehicles.**

910
911 Section 3: Section 21.54.210 entitled “Spaces and occupancy” is amended to read as follows:
912

913 Section 21.54.210 Space and occupancy.

914

915 a. Space Size. The space provided for each recreational vehicle shall be a minimum of 600
916 square feet, exclusive of any space used for common areas, driving lanes, walkways,
917 general use structures, and landscaped areas.

918

919 b. Identification. Each recreational vehicle space shall be plainly marked and numbered for
920 identification.

921

922 c. Occupancy. Only one recreational vehicle shall occupy a space. Recreational vehicle
923 parks may be open on a year-round basis. **Except as otherwise permitted under this title,**
924 ~~n~~No recreational vehicle shall be parked for occupancy in a recreational vehicle park for
925 more than 30 continuous days, nor shall a recreational vehicle be parked for occupancy in
926 a recreational vehicle park for more than 120 days in any 12-month period.

927

928

929 Section 4. Homer City Code 21.54 is amended to add section 21.54.325 to read as follows:

930

931 21.54.325 Standards for recreational vehicles in the Marine Commercial District and the
932 Marine Industrial District.

933

934 Outside of recreational vehicle parks, the use of recreational vehicles in the marine
935 commercial and industrial zoning districts shall conform to the following standards:

936

937 a. A property owner may have one employee-occupied recreational vehicle per lot. An
938 employee-occupied recreational vehicle must be a self-contained recreational vehicle
939 and must have a receptacle approved by law for collection of liquid and semi-solid
940 wastes. While the employee-occupied recreational vehicle is parked on the property, it
941 must be parked in a manner that will not create a dangerous or unsafe condition on the
942 lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip
943 or roll constitutes a dangerous and unsafe condition. A parked employee-occupied
944 recreational vehicle must be in a condition for the safe and effective performance of its
945 intended function as an operable motor vehicle.

946

947 b. An employee-occupied recreational vehicle may not be placed in a parking space
948 required to comply with the Homer Zoning Code.

949

950 c. An employee-occupied recreational vehicle may not directly hook-up to municipal
951 water and sewer without first obtaining written approval by the Public Works Director
952 or his or her designee. The Public Works Director shall grant approval for direct hook-
953 up to the municipal water and sewer if he or she determines that the applicant is in full
954 compliance with this Title. A permit under this subsection may only be submitted by a
955 property owner or a lessee of the property.

956

957 Section 5: This ordinance is of a permanent and general character and shall be included in the
958 City Code.

959
960 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF
961 _____, 2017.

962
963 CITY OF HOMER

964
965
966
967 _____
968 BRYAN ZAK, MAYOR

969 ATTEST:

970
971
972 _____
973 MELISSA JACOBSEN, MMC, CITY CLERK

974
975
976 AYES:
977 NOES:
978 ABSTAIN:
979 ABSENT:

980
981
982 First Reading:
983 Public Hearing:
984 Second Reading:
985 Effective Date:

986
987
988 Reviewed and approved as to form:

989
990
991 _____
992 Mary K. Koester, City Manager

Holly Wells, City Attorney

993
994 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum PL 17-08

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: November 28, 2017
SUBJECT: Planning Staff review of ordinance permitting employee-occupied RV's in the Marine Commercial and Marine Industrial Districts.

Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

A. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Staff response: This proposal to varying degrees supports the goals and objectives listed below.

1. 2008 Comprehensive Plan Chapter 4, Land Use Goal 1: Guide Homer's growth with a focus on increasing the supply and diversity of housing, protect community character, encouraging infill, and helping minimize global impacts of public facilities including limiting greenhouse gas emissions. Objective E: Consider regional and global impacts of development in Homer. Implementation Strategy 2: Encourage a concentrated development pattern to reduce the need for vehicle trips and encourage non-motorized transportation.
2. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 9: Encourage a range of sustainable housing options suitable for diverse income levels.

B. Will be reasonable to implement and enforce.

Staff response: The ordinance may be challenging to enforce. It will be reasonable when working with the cooperation of leasees and owners.

C. Will promote the present and future public health, safety and welfare.

Staff response: This amendment promotes health, safety and welfare by locating 'extra eye's' in commercial and industrial areas that have experienced a fair amount of crime.

D. Is consistent with the intent and wording of the other provisions of this title.

Staff response: This amendment has been reviewed by the City Attorney and is consistent with the intent, wording and purpose of HCC Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per 21.95.040 and recommends the Planning Commission conduct a public hearing, and make a recommendation to the City Council.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-05

Ordinance 18-05, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall.

Sponsor: City Manager

1. Council Regular Meeting January 8, 2018 Introduction
 - a. Memorandum 18-006 from City Manager as backup

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

3 City Manager

4 **ORDINANCE 18-05**
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY 2017 OPERATING BUDGET TO FUND
8 NECESSARY REPAIRS TO SEAWALL BY APPROPRIATING \$83,743
9 FROM THE OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT AND
10 \$18,382 FROM THE SEAWALL RESERVE ACCOUNT FOR THE
11 PURPOSE OF FUNDING EMERGENCY REPAIRS TO THE SEAWALL.
12

13 WHEREAS, The Homer City Council adopted Emergency Ordinance 11-49(S) which
14 created the Ocean Drive Loop Special Service District; and
15

16 WHEREAS, The Special Service District was created to raise tax revenues from
17 benefitted property owners to support maintenance and repair of the seawall they own which
18 is located on their properties; and
19

20 WHEREAS, In addition, the City contributes \$10,000 annually to a Seawall Reserve
21 Account for the City's portion of repairs to the seawall; and
22

23 WHEREAS, Repairs to the seawall have to be performed on an emergency basis in order
24 to prevent further damage and remain in compliance with the Army Corps of Engineers permit
25 for the seawall; and
26

27 WHEREAS, A number of winter storm events in 2017 caused damage to the seawall
28 totaling \$102,125; and
29

30 WHEREAS, The assessment methodology for funding the construction of the seawall
31 was based on linear footage. Based on this established methodology, property owners are
32 responsible for 82% of the cost of repair, and the City as a property owner is responsible for
33 \$18,382.
34

35 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
36

37 Section 1. The Homer City Council hereby amends the FY 2017 Operating Budget by
38 appropriating \$102,125 from the Seawall Maintenance Reserve and Ocean Drive Loop Special
39 Service District for the purpose of repairing and maintaining the seawall as follows:
40

41 Appropriation/Transfer From:
42

43	<u>Account</u>	<u>Description</u>	<u>Amount</u>
44			
45	808-0375	Ocean Drive Loop Special Service District	\$83,743
46			
47	156-0369	Seawall Maintenance Reserve	\$18,382
48			

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

51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2018.

53
54 CITY OF HOMER

55
56
57 _____
58 BRYAN ZAK, MAYOR

59
60 ATTEST:

61
62
63 _____
64 MELISSA JACOBSEN, MMC, CITY CLERK

65
66
67 YES:
68 NO:
69 ABSTAIN:
70 ABSENT:

71
72 First Reading:
73 Public Hearing:
74 Second Reading:
75 Effective Date:

76
77 Reviewed and approved as to form.

78
79 _____
80 Mary K. Koester, City Manager

81 _____
82 Holly C. Wells, City Attorney

83 Date: _____

84 Date: _____



City of Homer

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Office of the City Manager

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Homer, Alaska 99603

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(f) 907-235-3148

Memorandum 18-006

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 3, 2018
SUBJECT: Seawall Expenditures in 2017

In 2017 the seawall experienced significant damage, requiring the highest annual expenditure since the wall was constructed, \$102,125. Ordinance 18-05 appropriates \$102,125 to fund emergency repairs to the seawall in 2017. Based on linear footage the property owners are responsible for 82% of the wall and the City is responsible for 18%. Under this formula, \$83,743 of the 2017 repairs are charged to the ODLSSD and \$18,385 to the City's Seawall Reserve Account.

Background: The Seawall was constructed in 2002. Since 2008, Public Works has assumed responsibility for maintenance using funds provided by the Ocean Drive Loop Special Service District (ODLSSD). The ODLSSD allows the property owners that benefit from the wall to pay an additional mill rate for the ongoing maintenance. The City owns two lots along the wall. Since City government is tax exempt, the City transfers \$10,000 each year from the City's General Fund to cover the City's portion of the maintenance. The City relies on land owners along the seawall to notify the City's Public Works Director when they witness the need for repairs.

- 1) The Seawall Reserve Account consists of City transfer to the General Fund. In 2012 the City transferred \$60,000 plus the \$10,000 annual transfer for a total of \$70,000. Thereafter, the City has transferred \$10,000 annually;

156-0369	2012	2013	2014	2015	2016	2017	Total
City's Seawall Reserve Account	\$70,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$120,000

- 2) The ODLSSD consists of the property owner's seawall maintenance assessment (9.962541 mills).

808-0375	2012	2013	2014	2015	2016	2017	Total
Mill Rate Transfer	\$19,167	\$22,078	\$35,176	\$24,802	\$24,759	\$27,671	\$153,653

A combined \$273,653 has been set aside for seawall maintenance since 2012 while \$173,678 has been spent, leaving just shy of \$100,000 available for repairs at the end of 2017. Transfers in the 2018 budget will help grow the reserves, as long as the weather is kind to the wall in 2018.

Annual Seawall maintenance expenditures	2012	2013	2014	2015	2016	2017	Total
	(\$38,292)	\$0	\$0	(\$2,933)	(\$30,328)	(\$102,125)	(\$173,678)

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

3 City Manager

4 **RESOLUTION 18-001**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 CONFIRMING THE APPOINTMENT OF ELIZABETH WALTON AS
8 TREASURER AND JENNA DE LUMEAU AS DEPUTY TREASURER FOR
9 CALENDAR YEAR 2018.

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

16
17 WHEREAS, Pursuant to HCC §1.34.010, City Manager Katie Koester hereby provides
18 notice of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for the
19 Calendar year 2018.

20
21 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska confirms the
22 appointment of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for
23 the Calendar Year 2018.

24
25 PASSED AND ADOPTED by the Homer City Council this 8th day of January, 2018.

26
27
28 CITY OF HOMER

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30 _____
31 DONNA ADERHOLD, MAYOR PRO TEMPORE

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34 ATTEST:

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37 _____
38 MELISSA JACOBSEN, MMC, CITY CLERK

39
40 Fiscal note: NA

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 18-002

A RESOLUTION OF THE HOMER CITY COUNCIL ESTABLISHING A
REGULAR REPORT FROM THE OPIOID TASK FORCE TO THE
HOMER CITY COUNCIL.

WHEREAS, In 2012, Alaska’s prescription opioid pain reliever overdose death rate was more than double the rate in the United States, and Alaska’s heroin-associated overdose death rate was 50 percent higher than the national average; and

WHEREAS, These troubling statistics prompted Alaska Governor Walker to issue a disaster declaration on the opioid epidemic February 14 of 2017; and

WHEREAS, Homer is suffering from the state wide opioid epidemic and has experienced an increase in drug related crimes and overdose incidents; and

WHEREAS, In response to the local opioid epidemic a group of concerned community members has formed the Opioid Task Force; and

WHEREAS, The Opioid Task Force meets monthly to discuss strategies and success in regards to the prevention and treatment of opioid abuse; and

WHEREAS, The Homer City Council has taken a strong interest in preventing the spread of the opioid epidemic in Homer and held quarterly worksessions in 2016 on the topic; and

WHEREAS, The treatment and prevention of opioid abuse is a complex topic that cannot be addressed by one organization but rather needs a comprehensive and community wide approach; and

WHEREAS, The Opioid Task Force provides the space and frame work for that community conversation and action plan; and

WHEREAS, Regular reports from the Opioid Task Force to City Council provide an opportunity for the Council and the community to stay abreast of their work and for the Task Force to solicit the assistance of Council when appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Opioid Task Force be scheduled as a visitor on a quarterly basis for 2018.

43 PASSED AND ADOPTED by the Homer City Council on this 8th day of January, 2018.

44

45

CITY OF HOMER

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DONNA ADERHOLD, MAYOR PRO TEMPORE

50

51 ATTEST:

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55 MELISSA JACOBSEN, MMC, CITY CLERK

56

57 Fiscal Note: N/A

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

3 City Manager

4 **RESOLUTION 18-003**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 18
8 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING
9 THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE
10 DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS
11 ACTIVITY IN THE COOK INLET FISHERIES MANAGEMENT AREA.
12

13 WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 18
14 Shared Fisheries Business Tax Program, the municipality must demonstrate to the
15 Department of Commerce, Community and Economic Development that the municipality
16 suffered significant effects during calendar year 2016 from fisheries business activities; and
17

18 WHEREAS, 3AAC 134.060 provides for the allocation of available program funding to
19 eligible municipalities located within fisheries management areas specified by the
20 Department of Commerce, Community and Economic Development; and
21

22 WHEREAS, 3AAC 134.070 provides for the use, at the discretion of the Department of
23 Commerce, Community and Economic Development, of alternative allocation methods
24 which may be used within fisheries management areas if all eligible municipalities within the
25 area agree to use the method, and the method incorporates some measure of the relative
26 significant effect of fisheries business activity on the respective municipalities in the area;
27 and
28

29 WHEREAS, The Homer City Council proposes to use an alternative allocation method
30 for allocation of FY 18 funding available within the Cook Inlet Fisheries Management Area in
31 agreement with all other municipalities in this area participating in the FY 18 Shared Fisheries
32 Business Tax Program.
33

34 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, by this
35 Resolution, certifies that the following alternative allocation method fairly represents the
36 distribution of significant effects during 2016 of fisheries business activity in the Cook Inlet
37 Fisheries Management Area:
38

39 50% divided equally and 50% divided on a per capita basis.
40

41 PASSED and ADOPTED by the City Council of Homer, Alaska this 8th day of January,
42 2018.

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CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Previous year's Acct. No. 400-603-4206 and budgeted for previous years.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 18-005

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE CITY COUNCIL OPERATING MANUAL TO INCLUDE
AMENDMENTS TO HOMER CITY CODE 1.18.020 AND 2.80.

WHEREAS, Homer City Code sections 1.18.020 and 2.80 were amended via Ordinance 17-06 to include appointment of a Hearing Officer to hear Ethics Complaints against City Council Members and the Mayor; and

WHEREAS, Ordinance 17-06 also included an amendment to permit the Board of Ethics or Hearing Officer to dismiss witnesses prior to the administrative hearing and clarify the investigative hearing process.

WHEREAS, These processes are included in the Council Operating Manual and this update is necessary to bring the manual current.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends the Council Operating Manual to include the amendments to Homer City Code 1.18.020 and 2.80 as adopted in Ordinance 17-06.

PASSED AND ADOPTED by the Homer City Council this 8th day of January, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: NA



City of Homer

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Memorandum 18-008

TO: MAYOR ZAK AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: JANUARY 3, 2018
SUBJECT: AMENDMENTS TO THE COUNCIL OPERATING MANUAL

Homer City Code 1.18.050 and 2.80 were amended by Ordinance 17-06. These amendments include appointing a hearing officer to hear ethics complaints against councilmember and the Mayor, permitting the board of ethics or hearing officer to dismiss witnesses prior to the administrative hearing, and clarifying the investigative and hearing process.

These sections of City Code are included in the Council Operating Manual and need to be amended to bring the manual current.

RECOMMENDATION: Adopt Resolution 18-005 to amend the City Council Operating Manual to include amendments to HCC 1.18.050 and 2.80

HOMER CITY COUNCIL OPERATING MANUAL



January 2018

POLICIES OF THE HOMER CITY COUNCIL

In 1983 the Homer City Council directed that policy directives be drafted to promote routine handling of various categorical business practices. Personnel policies were amended in accordance with policy directives dealing specifically with personnel matters and are found in the City of Homer Personnel Regulations Manual. The balance of these policies are as follows and will be updated regularly.

General Statements

The City of Homer is a first class general law city incorporated March 31, 1964. Homer has a City Manager form of government.

Mayor and Council are elected officials. The Mayor is not a member of the Council and may vote only in the case of a tie vote.

The Mayor of the City of Homer presides over meetings of the City Council, has the power to veto action of the Council (which may be overridden with a 2/3 vote of the Council), and acts in an official capacity to the City Clerk.

The City Council is a body of six elected officials empowered by State Statute and Homer City Code to represent the citizenry in decisions on their behalf. Four members of the Council constitute a majority for quorum and voting purposes.

Policy Directives

Council Relations with Employees & Department Heads:

"The Council acts as a whole, not as individuals, when interacting with employees regarding City business."

Council Relation with City Attorney

"Contact with the Attorney by individual Councilmembers is expected to be judicious, always considering the fiscal impact. Specific information requested from the City Attorney by an individual must be in writing to the City Attorney and copied to each Councilmember. Legal opinions on sensitive, controversial, or potentially costly matters will be brought before the full Council for action and should be in written form whenever possible. "Legal Opinions" are defined as paper products and not intended to include advice/information provided verbally. Legal opinions will be given to all members at the same time it is given to the individual member."

"When more than one solicited legal opinion exists on the same subject, the City Attorney's opinion overrides."

Council Conduct - Statement of Mayor and Council on Behalf of the City of Homer

"Statements of the Mayor and Council on behalf of the City are based on consensus and resolve of the Council body and substantiated by official record."

Councilmember/Mayor Absences

"Every effort should be made to give advance notice of absences. Absences should be coordinated in order to provide the highest possible attendance at Council Meetings."

City Council and Commission and Board Minutes

"It is a general consensus that the official record of proceedings, the minutes of City Council and Commission meetings, will be in the "action" format which state clearly the subject considered and the action. Points made in deliberation shall be reflected only. Individual comments of the Council, Commissions and Board are summarized under "Council Comments", "Commission Comments" or "Board Comments". Statements for the record are prefaced with a directive that the comment "is for the record." Public Comments, Public Testimony on Public Hearing Items and Audience Comments shall reflect the subject of the comment or testimony, whether the commenter/testifier is for or against the subject of his/her comments/testimony and shall reflect, in synopsis format, any historical perspective. (Reso 06-115(A), 08/28/06).

CITY COUNCIL AND COMMISSION, BOARD MEETING PUBLIC COMMENT/TESTIMONY AND AUDIENCE COMMENT TIME LIMITS

The meeting chairperson shall note for the audience's benefit that there is a three minute time limit each time there is a place in the agenda for public comment/testimony or audience comments. Any individual wishing to address the City Council or any of its Advisory Bodies shall adhere to a three minute time limit. It is the responsibility of the Chair to announce under Public Comments, Public testimony on public hearing items and Audience Comments that there is a 3 minute time limit. Time limits may be adjusted by the 2 minutes up or down with the concurrence of the body in special circumstances only such as agenda content and public attendance. (Reso 06-115(A), 08/28/06).

City Council and Commission, Board Agenda Guidelines

Agenda and Meeting Conduct Guidelines are as illustrated in Section 6.

City Council Meetings

It is the policy of the City Council to avoid holding regular or special meetings on State and Federal holidays. It is the custom of the Homer City Council to cancel the second regular meeting in December.

Mayor Pro Tem

A Mayor Pro Tem shall be elected by the majority of the Homer City Council. The term of the Mayor Pro Tem shall be until the call for election by the Homer City Council of a New Mayor Pro Tem. The Mayor Pro Tem shall, in the absence of the Mayor, act as Mayor of the City of Homer as though they themselves had taken the Oath of Office of Mayor with all duties, responsibilities and powers of the Office of the Mayor of the City of Homer.

By tradition the Council has elected a New Mayor Pro Tem at the same annual meeting when newly elected officials are sworn in. The Mayor Pro Tem, when acting in that capacity, does not lose the privilege or duty to vote as a Councilmember.

Appointment to Board & Commissions

City Advisory board and commission appointments are made by the Mayor upon confirmation by the Council. Appointment of a City representative on a board, commission, etc., that is not advisory to the City is made by the Council. The Mayor will notify Council of vacancy and appointment at the next regular meeting if not sooner. Data information sheets will be on file in the City Clerk's office for those considered for appointment. The Mayor will submit a list the names of those considered to the City Council. Representation of a wide community cross-section is desirable on the commissions and boards. Replacements for vacancies may be recommended by the appropriate Commission or Board. Economic Development Commissioners are nominated by the Mayor and confirmed by the Council for appointment.

Orientation of New Councilmembers

"A general orientation to municipal government, Council conduct and expectations will take place in close proximity to being sworn into office." The Mayor is responsible for providing the orientation program.

Release of Telephone, Mailing Address and Location of City Council and Commissions

"It is the policy of the City of Homer to release all available information on any official unless otherwise directed by the individual official."

New Liquor License Applications

"All applications for new liquor licenses will be subject first to a public hearing, duly notified and that issuance of the license may be protested for cause pursuant to AS 4.11.480."

Fiscal Notes

December 10, 1990 via Memorandum 90-239, to begin January 1, 1991 every action item on Council's Agenda is to include both negative and/or positive financial impact. If a fiscal note is not required or not applicable the action item is to be so marked.

Use of City Letterhead

"Any letter being sent out from the Council, using City letterhead, should first come before the Council."

Political Endorsement

"The Homer City Council takes no position in the endorsement of any political race." "Since the Mayor is not a member of the voting body and is an elected official, there is nothing to prohibit his using his title to endorse a political candidate."

Lobbying Activities

Pursuant to Resolution 96-10, the City Manager will create and deliver to Councilmembers' and the Mayor's mailboxes an initial list of legislation and issues important to the City.

Each Council member and the Mayor will choose the issue(s) and the bill(s) s/he wishes to be responsible for and will indicate how much time s/he is willing to spend on those items.

Where necessary, City Council will develop formal, written positions on issues to be voted on outside the CIP list.

When working with a contract lobbyist or lobbying on behalf of the City, the Mayor, City Manager and Council will be guided by the above-mentioned process. Toward the end of the session, when legislation moves quickly, the City Manager, Mayor or Council members responsible for specific issues may draft a position document and send it to the appropriate players. In that case, a hard copy of the transmittal will be distributed to Council, Mayor, and City Manager immediately thereafter in their mailboxes, with a copy placed in Council packets under Announcements/Presentations/Borough and Commission Reports, thereby ensuring public involvement. (Reso 06-54, 05/22/06).

Upon returning from travel on City business, including lobbying trips or other trips made on behalf of the City, the City Manager, Council members and Mayor will file written reports for inclusion in the next Council meeting packet under Announcements/Presentations/Borough and Commission Reports using the attached format. Each entry describing the activity and subject(s) discussed will be followed by a recommendation. In this way, Councilmembers, the Mayor, or the City Manager following up will have a clear direction to follow. (Reso 00-08, 1/10/00; Reso 06-54, 05/22/06).

Each Councilmember, the Mayor, and City Manager are expected to share his/her lobbying activities with the public in oral and written form under the agenda section marked Announcements/Presentations/Borough and Commission Reports. (Reso 06-54, 05/22/06).

Travel Report Narratives are required for all travel under Announcements/Presentations/Borough and Commission Reports. Finance verifies expenses and prepares check, less advance, (if applicable) after receipt of check request from City Clerk. (Reso 00-08, 01/10/00; Reso 95-78(A), 10/07/95).

Committee of the Whole

The Committee of the Whole may meet prior to every Regular Council Meeting at 5:00 p.m. to not run past 5:50 p.m.

This is a device to enable the full Council to give detailed consideration to a matter under conditions of freedom approximating those of a committee. The results of any votes taken are not the final action of the Council and are recommendations.

The Mayor shall be the presiding officer.

No text may be altered in any agenda item for Council's Regular meeting; however, amendments may be recommended.

The agenda shall be noticed the same as a Council's Regular meeting. Only those matters on the noticed agenda shall be considered; however, other items not on the Council's Regular meeting agenda may be considered if the agenda item is received by the City Clerk no later than the Wednesday prior to the meeting. "Old business" shall be added to the Committee of the Whole agenda and shall be those items that are not on Council's Regular Meeting agenda and that were not discussed at the previous Committee of the Whole meeting due to insufficient time. (Reso 09-116(A), 11/23/09; Reso 03-118 08/25/03; Reso 01-24, 04/09/01; Reso 01-08(S), 02/26/01).

PROCEDURES
GENERAL INFORMATION - (HOW TO'S)

Introduction: Robert's Rules, Homer City Code (HCC) and Alaska State Statutes (AS) govern powers and operations of the Council. Title 29 specifically deals with municipalities; however, other State Statutes can affect specific subjects of consideration. The following is a quick reference for Councilmembers confronted with the first exposure as an elected government official.

ABSENCES (To be excused from meeting)

HCC 2.08.040(l)(5) By-laws for Council procedure provides that unexcused absences from three consecutive meetings is adequate basis for declaring the seat vacant. Notification of intent to be absent is the primary prerequisite to being excused.

Notification of future absences can be made at any Council meeting under Comments of the Council.

Notification of absence between meetings is accomplished by advising the Mayor, City Clerk or City Manager.

During opening remarks, the Mayor, or designated presiding officers declares the status of any absence for the record.

Councilmembers may state objections to absences either when authorization for an absence is required by a Councilmember or declared excused by the Mayor.

EXECUTIVE SESSION - Call for...

State law pertaining to public agency meetings is applied in the absence of specific City Code. AS 44.62.310(c)(1)-(3) state legal reason for executive sessions. The law is as follows:

"The following excepted subjects may be discussed in an executive session:

- (1) Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- (2) Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) Matters which by law, municipal charter, or ordinances are required to be confidential."
- (4) Confidential records, matters involving consideration of government records, that by law are not subject to public disclosure. HCC 2.80.030
- (5) Attorney-client privilege.

- (6) Exemption for adjudicatory deliberations and decision-making.
- (7) Organizational votes.

On the Council's Agenda only the Statute number and section are required to be listed as the reason for Executive Session. The issue to be discussed is to be listed in parenthesis after the reason for executive session.

This section is not applicable to quasi-judicial bodies, i.e. Boards of Adjustment.

A regular or special meeting may be recessed or adjourned to executive session. Future times for executive sessions may be set by motion. A duly constituted, called meeting with a quorum present is required for consideration of an executive session motion. Vote on the motion is taken by roll call.

Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda. When placed before agenda closing, the question is decided by 2/3 vote. Request falls under the By-Law requiring unanimous consent for additions or deletions to the agenda.

During Executive Session:

- (1) Stick to the issue
- (2) No action; limited exceptions
- (3) Decision-making in adjudicatory proceeding

Reconvene in public, make a statement, and take action if necessary. (Reso 03-140, 10/27/03; Reso 01-61, 09/10/01).

CONFLICT OF INTEREST - When to Express

Council business may present a conflict. It is important to recognize and state the conflict, immediately disqualifying yourself from participation. A conflict of interest is considered to exist when the Councilmember has a substantial financial interest in the matter under consideration. A Councilmember may move to disqualify another member if he does not disqualify himself. It is recognized that from time to time local government officials cannot avoid the circumstance of conflict of interest or appearance thereof. How these possible conflicts are handled is of prime importance to the official and the municipality.

Key Steps are 1) notification of substantial financial interest which then leads to 2) Mayor or Presiding Officer determination of whether financial interest is substantial.

Example: City Council Agenda Item - "Resolution to create an improvement district." A potential conflict may exist, for instance, when a Councilmember owns property in an area

for which improvements would increase the value or development potential of the land.

(Notification): Councilmember Landowner states he/she is a property owner in the proposed improvement district for which improvements would increase the value or may occur when the proposed utilities are in place.

(Determination of Substantial Interest and Action): "I own property in this proposed improvement. I, therefore request to be excused from participating in discussion of or voting on this matter."

To abstain from voting without giving notice may be a disservice to the other Councilmembers. An abstention counts as a negative vote (Robert's Rules of Order).

Homer City Code 1.18 reads as follows:

1.18.010 Purpose.

a. The proper functioning of democratic government requires ethical behavior by public officials. Ethics involves the commitment to take individual responsibility in creating a government that has the trust and respect of its citizens. The purpose of this chapter is to set reasonable standards of conduct for City officials and the City Manager so that the public may be assured that its trust in such persons is well placed and that the City officials and the City Manager themselves are aware of the standards of conduct demanded.

b. However, recognizing that Homer is a small community, with a limited number of people interested in serving as community leaders, it is not the intent of this chapter to set unreasonable barriers that will serve only to deter aspirants from public service.

c. This chapter also defines conflict of interest and partiality, the standards stating when and to whom it applies, and the procedures for declaration and the proper action of the body when possible conflicts and partiality arise.

d. This chapter is also intended to establish a process which will ensure that complaints or inquiries regarding the conduct of City officials and the City Manager are resolved in the shortest practicable time in order to protect the rights of the public at large and the rights of the City and the City Manager.

e. The City Council intends this code to be interpreted to promote fair, honest, and impartial dealings with members of the public, to ensure proper use of City resources, and to avoid conflicts of interest.

f. This chapter does not create or prevent a private cause of action against any person, City official, or the City Manager. [Ord. 08-24(S-2)(A), 2008].

1.18.020 Definitions.

As used in this chapter and unless otherwise provided or the context otherwise requires, the following terms shall have the meanings set forth in this section:

“Applicant” means any person that is applying for an official action by any official, employee, or body of the City including but not limited to:

1. Any person authorized to act for the applicant;
2. If the applicant is an organization, any person who has an ownership interest in the organization or serves as an officer, director or manager of the organization.

“Body of the City” means the City Council and the boards, commissions, committees and task forces appointed by the City Council or the Mayor.

“City Manager” means the person who is hired by the City Council to manage the City of Homer.

“City official” means a person who holds elective office under the ordinances of the City, or who is a member of a board or commission whose appointment is subject to confirmation by the City Council.

“Financial interest” means:

1. An interest currently held by that person or an immediate family member including:
 - a. Involvement or ownership in a business; or
 - b. Property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person receives a financial benefit; or
 - c. An affiliation with an organization in which the person holds a position of management, or is an officer, director, trustee, employee, or the like.
2. Financial interest does not include:
 - a. Affiliation as unpaid volunteer with a legally recognized nonprofit organization; or
 - b. Financial interests of a type which are generally possessed in common with all other citizens or a large class of citizens.

“Gratuity” means a thing having value given voluntarily or beyond lawful obligation.

“Hired consultants and contractors” means a person or organization hired by the City as an independent contractor and not as an employee.

“Immediate family member” means:

1. The spouse of the person;

2. A life partner or person cohabiting with the person;
3. A child, including a stepchild and an adoptive child, of the person;
4. A parent, sibling, or grandparent of the person; and
5. A parent or sibling of the person's spouse.

“Large class of citizens” means a substantially large group of citizens as decided by official decision of the City Council made prior to the official action in question.

“Large class of citizens” does not include:

1. A single profession, regardless of the number of persons.
2. An individual business or organization regardless of the number of citizens it contains.

“Official action” means a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction (when it is the equivalent of decision to take negative action), made while serving in the capacity of City official or City Manager, whether such action or inaction is administrative, legislative, quasi-judicial, advisory, or otherwise.

“Organization” means any business, corporation, partnership, firm, company, trust, association, or other entity, whether organized for profit or nonprofit.

“Partiality” applies only in quasi-judicial proceedings and means:

1. The ability of a member of the quasi-judicial body to make an impartial decision is actually impaired; or
2. The circumstances are such that reasonable persons would conclude the ability of the member to make an impartial decision is impaired and includes, but is not limited to, instances in which:
 - a. The member has a personal bias or prejudice for or against a party to the proceeding including a party's lawyer;
 - b. The member or an immediate family member is a party, material witness to the proceeding or represents a party in the proceeding.

“Person” means a natural person or an organization.

“Political activity” means any act for the purpose of influencing the nomination or election of any person to public office, or for the purpose of influencing the outcome of any ballot proposition or question. Informing the public about a ballot proposition or question without attempting to influence the outcome of the ballot proposition or question is not political activity.

“Subject of the action” means anything under consideration for official action including but not limited to:

1. Appointments to any office or position of employment;
2. Any contract, project, property, or transaction subject to the action;
3. A platting, vacation or subdivision action;
4. An application for or other consideration of a license, permit, appeal, approval, exception, variance, or other entitlement;
5. A rezoning; and
6. Appeals and quasi-judicial proceedings.

“Substantial financial interest” means a financial interest that would result in a pecuniary gain or loss exceeding \$1,000 in a single transaction or more than \$5,000 in the aggregate in 12 consecutive months. [Ord. 08-24(S-2)(A), 2008].

1.18.025 Scope and duration.

a. Except as otherwise provided in this chapter, this chapter applies to the conduct of City officials and the City Manager.

b. Enforcement proceedings may be commenced and continue to completion after a person is no longer a City official or City Manager for conduct that occurred during the time the person was serving or engaged in such a capacity for the City. [Ord. 08-24(S-2)(A), 2008].

1.18.030 Standards and prohibited acts.

a. City officials, the City Manager, and City hired consultants and contractors, while acting in such capacity, shall not knowingly make false statements to influence official action.

b. Official Action. No City official or the City Manager shall participate in any official action in which:

1. The person is the applicant, a party or has a substantial financial interest in the subject of the official action.
2. Within a period of one year after the action the person will have a substantial financial interest in the subject of the official action.
3. The person resides or owns land within a 300-foot periphery of any property that is the subject of any action.
4. The person does or will recognize a substantial financial interest as a result of the action.
5. Exceptions.
 - a. This subsection does not prohibit a person from acquiring a substantial financial interest in the subject of the action after the longer of 12 months after the official action is approved, or 12 months after the person’s term or employment ends.
 - b. This section does not prohibit any gain or loss that would generally be in common with all other citizens or a large class of citizens.
 - c. This section does not prohibit any gain or loss that would generally be in

common with other property owners on property that is further than 300 feet from the periphery of any property that is the subject of an action.

c. City officials and the City Manager acting in the course of their official duties are allowed to participate in official actions on behalf of the City or when the City itself is the applicant or subject of the action.

d. Undue Influence. No City official or the City Manager shall attempt to influence the City's selection of any bid or proposal, or the City's conduct of business, in which the City official or the City Manager has a substantial financial interest. This subsection does not prohibit a City official or the City Manager from being an applicant while holding City office or City position, if the person takes no official action concerning his or her own application. A City official or City Manager may give testimony and make appearances before City bodies on his or her own behalf.

e. Participation in Appointments. No City official shall participate in, vote on, or attempt to influence the selection of an appointee to any board, commission or committee (1) having authority to take official action on any pending matter or application in which that official has a substantial financial interest or (2) if that official has a substantial financial interest with a nominee for the appointment.

f. No official shall participate in, vote on, or attempt to influence the selection of an appointee to the Homer Advisory Planning Commission if that official has, or could reasonably be expected to have within one year after the date of the appointment:

1. A rezoning, quasi-judicial or platting action pending before the Commission; or
2. An application that would require approval by a quasi-judicial or platting action of the Commission.

In the case of the reappointment of an incumbent to another term, the prohibition above also applies to an official who had such a matter pending before the Homer Advisory Planning Commission within one year before the date of the reappointment. The Board of Ethics may, upon written request, grant an exception to this one-year period when it determines the public interest does not require continuing enforcement of the prohibition.

g. Use of Office for Personal Gain. No City official or the City Manager shall seek office or position or use their office or position for the purpose of obtaining anything of value for themselves, an immediate family member or a business that they own or in which they hold an interest, or for the purpose of influencing any matter in which they have a financial interest. This subsection does not prohibit the receipt of authorized remuneration for the office or position.

h. Inappropriate Use of Office Title or Authority. No City official or the City Manager shall use

the implied authority of office or position for the purposes of unduly influencing the decisions of others, or promoting a personal interest within the community. City officials and the City Manager will refrain from using their title except when duly representing the City in an authorized capacity. Unless duly appointed by the Mayor or Council to represent the interests of the full Council, Council members shall refrain from implying their representation of the whole by the use of their title.

i. Representing Private Interests. No City official shall, for compensation, represent or assist those representing private business or personal interests before the City Council, administration, or any City board, commission or agency. Nothing herein shall prevent an official from making verbal or written inquiries on behalf of constituents or the general public to elements of City government or from requesting explanations or additional information on behalf of such constituents. No official may solicit or accept a benefit or anything of value from any person for having performed this service.

j. Confidential Information. No City official or the City Manager may disclose information they know to be confidential concerning employees of the City, City property, City government, or other City affairs, including but not limited to confidential information disclosed during an executive session, unless authorized or required by law to do so.

k. Outside Activities. A City official or the City Manager may not engage in business or accept employment with, or render services for, a person other than the City or hold any office or position where that activity, office, or position is incompatible with the proper discharge of the official's or City Manager's City duties or would tend to impair the official's or the City Manager's independence of judgment in performing City duties. This prohibition shall include but not be limited to the following activities:

1. A person who holds an appointed City office on a board or commission shall not be eligible for employment with the City in the department related to the board or commission during the official's term of office and until one year has elapsed following the period of service. An exception may be made on a case-by-case basis with the express authorization of the City Council.

2. A person who holds or has held an elective City office shall not be eligible for appointment to an office or for employment with the City during the official's period of service and until one year has elapsed following the period of service. An exception may be made on a case-by-case basis with the express authorization of the City Council.

l. Gratuities. No City official or the City Manager shall accept a gratuity from any person engaging in business with the City or having a financial interest in a decision pending with the City. No City official or the City Manager shall give a gratuity to another City official for the purpose of influencing that person's opinion, judgment, action, decision or exercise of discretion as a City official. This subsection does not prohibit accepting:

1. A meal of reasonable value;
2. Discounts or prizes that are generally available to the public or large sections thereof;
3. Gifts presented by an employer to its employees in recognition of meritorious service, or civic or public awards;
4. A lawful campaign contribution made to a candidate for public office;
5. An occasional nonpecuniary gift insignificant in value;
6. Any gift which would have been offered or given to them if they were not a City official or the City Manager.

m. Use of City Property. No City official, the City Manager, or City hired consultant or contractor may use, request or permit the use of City vehicles, equipment, materials or property for any non-City purpose, including but not limited to private financial gain, unless that use is available to the general public on the same terms or unless specifically authorized by the City Council. This subsection does not prohibit de minimis personal use.

n. Political Activities – Limitations of Individuals. A City official may not take an active part in a political campaign or other political activity when on duty. Nothing herein shall be construed as preventing such officials from exercising their voting franchise, contributing to a campaign or candidate of their choice, or expressing their political views when not on duty or otherwise conspicuously representing the City.

o. Influencing Another City Official's Vote. A City official may not attempt to influence another City official's vote or position on a particular item through contact with the City official's employer or by threatening financial harm to another City official.

p. City officials or the City Manager shall not participate in public testimony before any City body in any matter in which they have a substantial financial interest unless:

1. They or the City is the applicant; or
2. They fully and publicly disclose the nature of their interest in the subject of the action.

q. No City official may violate HCC [2.04.030](#). [Ord. [16-48\(S\)\(A\)](#) § 1, 2016; Ord. 08-24(S-2)(A), 2008].

1.18.040 Business dealings with City.

a. Not less than 10 days before the date when official action may be taken by the Council or by any officer, the City Manager, commission or other agency of the City upon business dealings between the City and a City official or an organization in which the City official has a substantial financial interest, the City official shall file a statement with the City Clerk. The statement shall set forth the nature of such business dealings and the City official's interest therein. This statement is only required when the person receives a beneficial substantial

financial interest. If all other provisions of this chapter are complied with, the statement shall be sufficient for continuing transactions of a similar or like nature for one year from the date of its filing. However, if an official has violated any of the provisions of this chapter, he shall be precluded from engaging in business with the City on that particular matter for one year.

b. Upon taking office or upon subsequently acquiring the interest, an official shall, within 10 days, file with the City Clerk a statement disclosing any substantial financial interests of the official or the City Manager in any existing business with the City, including those of any organization in which the official or the City Manager has a substantial financial interest.

c. The City Manager shall not engage in business with the City outside the duties of City Manager. [Ord. 08-24(S-2)(A), 2008].

1.18.043 Public disclosure.

a. City officials and the City Manager must annually file the following financial interest disclosure on forms prepared by the City Clerk:

1. For each City official and the City Manager the information that is required on the following selected schedules from the Alaska Public Offices Commission Public Official Financial Disclosure Statement: Schedules B (business interests), C (real property interests/rent to own), E (the portion relating to natural resource leases only), F (government contracts and leases) and G (close economic associations); and
2. For each elected City official a list of each business in which an immediate family member is a partner, proprietor or employee to the extent not provided in response to subsection (a)(1) of this section.

b. The financial interest disclosure must be filed by November 1st each year. A newly appointed official must file a statement within 30 days after taking office. Each candidate for elected City office must file a disclosure statement at the time he or she files a declaration of candidacy, except an incumbent seeking reelection with a current disclosure statement on file. Refusal or failure of a candidate to file the required disclosure statement before the end of the time period for filing declarations of candidacy shall require that the candidate's declaration of candidacy be rejected and the candidate disqualified.

c. The disclosure statement must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury. Not filing a statement within the stipulated period is a violation of this chapter.

d. The disclosure statement shall be filed with the City Clerk and shall be open to public inspection and copying at the office of the City Clerk. The disclosure statement will not be sent to the Alaska Public Offices Commission. [Ord. [16-26](#) § 1, 2016; Ord. 08-24(S-2)(A), 2008].

1.18.045 Procedure for declaring potential conflict of interest – City officials.

a. A City official who has or may have a substantial financial interest in an official action shall disclose the facts concerning that interest to the body of the City of which the official is a member prior to the body taking any official action. Any member of the body may raise a question concerning another member's financial interests, in which case the member in question shall disclose relevant facts concerning the official's financial interests in the subject of the action.

b. If the official is a City Council member, the Mayor, or the Mayor Pro Tem in the absence of the Mayor, shall rule on whether the Council member must be excused from participation or must vote. The ruling may be immediately overridden by a majority vote of the City Council. There is no appeal from the action or inaction of the City Council to override or not override the ruling of the Mayor.

c. If the official is not a City Council member, the official may excuse themselves without a vote for conflict of interest, otherwise the board, commission, or other body of which the official is a member shall by majority vote rule on whether the member must be excused from participation, which must be the ruling when the body determines the official has a substantial financial interest in the official action. There is no appeal from the ruling of the body.

d. The official shall abide by the ruling. If the official is not a City Council member, the ruling applies (without the need for further disclosures and rulings) to all subsequent occasions on which the same official action comes before the same body, unless there has been a material change of circumstances. On each such subsequent occasion, the presiding officer shall note for the minutes that the ruling previously made continues in effect.

e. An official who is ruled to be excused from participation shall leave the official table and not vote, debate, testify, or otherwise take part in the official action, except an official who is an applicant may testify on his or her own behalf from the public testimony area.

f. Rule of Necessity. Exceptions to a ruling excusing a member from participation shall be made in cases where:

1. By reason of being excused for conflicts of interest the number of members of the Council or other body eligible to vote is reduced to less than the minimum number required to approve the official action;
2. No other body of the City has jurisdiction and authority to take the official action on the matter; and
3. The official action cannot be set aside to a later date, within a reasonable time, when the body could obtain the minimum number of members to take action who are not excused for conflicts of interest.

When the body determines this exception applies, then all members, except the applicant

when the applicant is a member of the body, shall participate in the official action. [Ord. 08-24(S-2)(A), 2008].

1.18.047 Procedure for declaring potential conflicts of interest – City Manager.

The City Manager who has or may have a substantial financial interest in an official action shall disclose the facts concerning the Manager’s financial interests to the City Council prior to taking any official action. If the City Council determines the Manager has a substantial financial interest in the action, the City Council shall excuse the Manager and assign another City employee to the matter. [Ord. 08-24(S-2)(A), 2008].

1.18.048 Procedure for declaring and ruling on partiality in quasi-judicial matters.

a. A City official or the City Manager who has partiality concerning a quasi-judicial matter shall not advise on matter, adjudicate the matter or serve as a member of a body adjudicating the matter.

b. A City official who is a member of a quasi-judicial body and who has or may have partiality concerning a matter to be adjudicated shall disclose the facts concerning the official’s possible partiality to the body to the parties to the matter prior to the commencement of proceedings by the body. Any member of the body, and any party to a matter before the body, may raise a question concerning a member’s partiality, in which case the member in question shall disclose facts concerning the official’s possible partiality in the matter.

c. After such disclosure, the City official may excuse themselves for partiality without a vote of the body, otherwise the body (including a body comprised of City Council members when serving in a quasi-judicial capacity) shall by majority vote rule on whether the member must be excused from participation, which must be the ruling when the body determines the official has partiality concerning the matter.

d. Rule of Necessity. Exceptions to a ruling excusing a member from participation shall be made in cases where:

1. By reason of being excused for partiality the number of members of the Council or other body eligible to vote is reduced to less than the minimum number required to approve the official action;
2. No other body of the City has jurisdiction and authority to take the official action on the matter; and
3. The official action cannot be set aside to a later date, within a reasonable time, when the body could obtain the minimum number of members to take action who are not excused for partiality.

When the body determines this exception applies, then all members, except the applicant when the applicant is a member of the body, shall participate in the official action.

e. The City Manager who has or may have partiality concerning a quasi-judicial matter over which the Manager has decision-making authority shall either (1) appoint another City employee to make the decision or (2) disclose the facts concerning the possible partiality to the City Council and to the parties to the matter prior to taking any official action. If referred to the City Council and the City Council determines the Manager has partiality concerning the matter, the City Council shall excuse the Manager and cause another City employee to be assigned to decide the matter. [Ord. 08-24(S-2)(A), 2008].

1.18.050 Procedures for violation reporting.

~~a. Any person who believes that a violation of any portion of this chapter has occurred may file a written complaint of potential violation with the city clerk's office.~~

~~b. All written complaints of potential violation submitted under this chapter shall be signed by the person submitting the complaint. A written complaint of potential violation shall state the address and telephone number of the person filing the complaint, identify the respondent, affirm to the best of the person's knowledge and belief the facts alleged in the complaint of potential violation signed by the person are true. The person filing the complaint of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the complaint of potential violation believes the facts alleged constitute a violation of that section, and identify any documentary or testimonial evidence the person filing the complaint believes are in support of the notification of potential violation.~~

~~c. Written complaints of potential violations filed with the City Clerk's office shall be forwarded to the Board of Ethics under Chapter 1.79. The Board of Ethics has sole jurisdiction to decide the merits of the complaint filed under this chapter. (Ord 08-24(S-2)(A) §1, 2008).~~

1.18.050 Procedures for violation reporting

a. Any person who believes that a violation of any portion of this chapter has occurred may file a written complaint of potential violation with the City Clerk's office.

b. All written complaints of potential violation submitted under this chapter shall be signed by the person submitting the complaint. A written complaint of potential violation shall state the address and telephone number of the person filing the complaint, identify the respondent, and affirm to the best of the person's knowledge and belief the facts alleged in the complaint of potential violation signed by the person are true. The person filing the complaint of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the complaint of potential violation believes the facts alleged constitute a violation of that section, and identify any documentary or testimonial evidence the person filing the complaint believes is in support of the notification of potential violation.

c. Written complaints of potential violations filed with the City Clerk's office shall be

forwarded to the Board of Ethics under Chapter 2.80HCC. Except as otherwise provided in this section, the Board of Ethics has sole jurisdiction to decide the merits of the complaint filed under this chapter.

d. The City Clerk shall appoint a hearing officer to decide and investigate properly filed written complaints against City Council members or the Mayor and shall have sole jurisdiction to decide the merits of the complaint filed under this section.

1.18.060 Advisory opinions.

a. Where any city official or the City Manager has a doubt as to the applicability of any provision of this chapter to a particular situation, or as to the definition of terms used herein, he may apply in writing to the city attorney for an advisory opinion. The city official or City Manager shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the chapter before such advisory opinion is made. The request must clearly state it is a request for an advisory opinion under this section of the ethics code.

b. Such opinion, until amended or revoked, shall be binding on the city in any subsequent actions concerning the public official who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. An advisory opinion shall be applicable and binding only to the particular set of facts and instances of conduct for which it was requested and shall have no force or effect for purposes of general application. Such opinion shall not be binding or admissible in evidence in any action initiated by any private citizen. (Ord 08-24(S-2)(A) §1, 2008).

1.18.070 Violation and penalty.

Any official who violates any of the provisions of this chapter shall be guilty of a violation subject to punishment pursuant to HCC 1.16. (Ord 08-24(S-2)(A) §1, 2008).

1.18.090 Distribution of Code.

The city clerk shall cause a copy of this chapter to be distributed to each city official elected or appointed before entering upon the duties of his office and to the City Manager upon employment. (Ord 08-24(S-2)(A) §1, 2008).

1.18.100 Application of state statutes.

a. Nothing in this chapter is intended to curtail, modify, or otherwise circumvent the application of the Alaska Statutes to any conduct involving bribery or other offenses against public administration.

b. All municipal officers as defined by Alaska Statutes Chapter 39.50 are exempt from the provisions of AS 39.50 relating to conflicts of interest or financial disclosures. (Ord 08-24(S-2)(A) §1, 2008).

STANDARD OPERATING PROCEDURE - Motions

Liquor Licenses - Application for new, renewal, or transfer of the liquor licenses within the City are reviewed by the Council. The Alcoholic Beverage Control Board allows municipalities the opportunity to protest all such applications before their final consideration and disposition. Status of taxes is checked with the Borough and comment is solicited from the Homer Department of Public Safety by the City Clerk's Office as standard course of action. Any negative reports are stated in informational memoranda about the liquor license. Liquor license applicants are notified of the report given to Council.

Liquor Licenses are normally placed on the consent agenda, and can be removed for discussion by any Councilmember. The memoranda from the Clerk will clearly state a recommendation to "approve", "object" or "voice no objection" to the action on the license.

Games of Chance and Skill Permit - These permits are not transferable, so applications are either new or for a renewal. Alaska Department of Revenue issues the permit. All permits requiring acknowledgment of proof of filing shall be executed upon receipt by the City Clerk's Office, with a Report Memorandum from the Clerk's Office through the City Manager under the City Manager's Report. All permits requiring approval by the local government unit, shall not be executed by the City Clerk until Council has taken action, generally via Consent Agenda at a Regular Meeting. The memoranda from the Clerk will clearly state a recommendation to "approve", "object" or "voice non objection". A simple motion for approval or non objection of the permit advances the application to the State for issuance. Protest is limited to the lack of qualification of the applicant. (Reso 96-110, 12/16/96)

Vacations of Right-of-Way - AS 29.40.070 governs dedication of right-of-way; vacation thereof. The Council is allowed thirty days following the decision of the platting board to veto that decision. No action on the agenda item constitutes approval. To disapprove, the motion must be to "veto the vacation". This item is generally placed on the Consent Agenda.

STATEMENTS/COMMENTS FOR THE RECORD: Certain statements for the record are SOP; 1) Councilmember qualifying potential conflict, Council." For other statements to be included remarks are prefaced by the directive "For the Record...."

APPEALS, COUNCIL AS BOARD OF ADJUSTMENT; Occasionally the City Council convenes as a Board of Adjustment on appeals from the Planning Commission. HCC 21.91 outlines requirements and board procedures. Essentially, the Council becomes a quasi-judicial body when hearing appeals. Discussion of appeals' subject matter with circumstance. Evidence and testimony should be weighted on its own merit and only as it is presented in written or oral form. No effort should be made to discuss the matter with staff or the parties involved.

TELECONFERENCE PROCEDURES

2.08.100 Teleconference participation in meetings.

a. This section through HCC [2.08.120](#) govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an Ethics Board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any member(s) may participate in a Council meeting by teleconference, subject to the procedures and limitations provided in this section through HCC [2.08.120](#).

c. A person participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.

d. If the Mayor participates telephonically, the Mayor may vote telephonically to break a tie as permitted in HCC [2.08.040](#)(h), but the Mayor Pro Tem, or the senior Council member in the Mayor Pro Tem's absence, shall preside over and perform all other functions of the Mayor at the meeting.

e. "Teleconferencing" means a means used for remote participation by an official for a meeting of the City Council which must enable the remote official, for the duration of the meeting, to clearly hear the Mayor, all Council members, the City Clerk and public testimony and to be clearly heard by the Mayor, all Council members, the City Clerk and the public in attendance. [Ord. [16-58\(A\)](#) § 1, 2017; Ord. 07-45(A)(S) § 1, 2007. Code 1981 § 1.24.100].

2.08.110 Teleconference procedures.

a. A Mayor or Council member who cannot be physically present for a regularly scheduled Council meeting shall notify the City Clerk at least five days prior to the scheduled time for the meeting of his or her request to participate in the meeting by telephonic means of communication.

b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall notify the Mayor and Council of the person's request to participate by teleconference.

c. At the commencement of the Council meeting a telephonic connection will be established with the person or persons intending to participate telephonically. After a telephonic connection is established the Mayor shall call for a vote of the Council on whether the person(s) may or may not participate by telephone. Prior to the vote, the Mayor or Council members may make such inquiries as necessary to make a decision. Only the Council

members physically present may vote on the question. The Council's determination is final and not subject to veto or appeal. If a person participates in the meeting telephonically without a ruling from the Council, it shall be deemed to be with the approval of such participation by the Council, and all actions taken by the Council with the participation of all such persons are valid.

d. Subsections (a) and (b) of this section do not apply to special meetings or emergency meetings of the City Council called under HCC [1.14.030](#) and [1.14.050](#). A Council member or Mayor who requests to participate in a special or emergency meeting of the City Council must notify the City Clerk before the time scheduled for the start of the meeting. The Clerk will notify the Mayor and Council no later than the commencement of the meeting. After a telephonic connection is established with the person or persons requesting to participate telephonically, a ruling shall be made on the person's participation in the meeting as provided in subsection (c) of this section.

e. The means used for a teleconference meeting of the City Council must enable each member appearing telephonically to clearly hear the Mayor, all other Council members, and public testimony at the meeting as well as be clearly heard by all other Council members and members of the public in attendance.

f. The City Clerk shall note in the journal of the proceedings of the City Council all members appearing telephonically.

g. To the extent practicable, materials to be considered by the Council shall be made available to those attending by teleconference. [Ord. 07-45(A)(S) § 2, 2007. Code 1981 § 1.24.110].

2.08.120 Teleconference – Limitations.

a. All Council members and the Mayor should make all reasonable effort to be physically present for every meeting. Teleconference procedures may not be used as a regular means of attendance at meetings.

b. Participation by teleconference may be denied whenever the physical presence of the individual is considered essential to effective participation in the meeting or to the proper conduct of the business to be addressed at the meeting.

c. If teleconferencing is denied the individual will be listed as absent.

d. Each Council member and the Mayor may attend a maximum of three City Council meetings by teleconference during the 12-month period commencing November 1st each year.

e. Each Council member and the Mayor may attend additional teleconferences as a special

exception if expressly approved for good cause in each instance by a vote of the Council. Good cause may include, but is not limited to, absence required for extended medical care needed for the individual or the individual's immediate family.

f. No Council member or the Mayor shall attend by telephonic means:

1. An executive session of the City Council.
2. A hearing on an ethics charge under Chapter [1.18](#) HCC. [Ord. 07-45(A)(S) § 3, 2007. Code 1981 § 1.24.120].

HOMER CITY COUNCIL **BYLAWS**

The following bylaws shall govern the procedures of the City Council of the City:

- a. To abide by existing Alaska State laws pertaining to cities of the first class.
- b. To abide by the current edition of Robert's Rules of Order insofar as this treatise is consistent with these bylaws, other provisions of the Homer City Code, or unwritten standing rules adopted by the City Council. In all other cases, bylaws, the code or the standing rule shall prevail.
- c. The Council's agenda format specified in the City of Homer City Council Operating Manual, as the same may be amended from time to time, is incorporated herein by reference.
 1. The manual may be revised with Council approval;
 2. A copy of the manual shall be available to the public during regular business hours at the Homer City Hall and be available during City Council meetings.
- d. Regular Meetings.
 1. Second and fourth Mondays of each month at 6:00 p.m., unless otherwise provided by two-thirds vote of the City Council;
 2. The agenda shall be provided to each Council member 36 hours prior to meeting, by City Clerk;
 3. Adding items to or removing items from the agenda will be by unanimous consent of the Council;
 4. Public notice of a regular meeting shall be made as provided in Chapter 1.14 HCC.
- e. Special Meetings.
 1. Called by Mayor or majority of the Council;
 2. If a majority of members are given at least 36 hours' oral or written notice and reasonable efforts are made to notify all members, a special meeting may be held at the call of the presiding officer or at least one-third of the members;

3. Agenda shall be as per subsection (c) of this section;
4. Public notice of a special meeting shall be made as provided in Chapter 1.14 HCC.

f. Emergency Meetings.

1. By unanimous consent of quorum;
2. Required justifiable reason;
3. Informal agenda – limited to emergency;
4. Public notice shall be made as provided in Chapter 1.14 HCC.

g. Teleconference participation in meetings may be authorized pursuant to HCC 2.08.100 through 2.08.120.

h. Quorum – Voting. Four Council members shall constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion. A member of the Council acting as Mayor Pro Tem shall not lose his vote as the result of serving in such office. The Mayor is not a Council member and may vote only in the case of a tie. The final vote on each ordinance, resolution, or substantive motion may be a roll call vote or may be done in accordance with subsection (k) of this section (see AS 29.20.160(c)(d)).

i. Motions to Reconsider. A member of the Council who voted with the prevailing side on any issue may move to reconsider the Council’s action at the same meeting or at the next regular meeting of the body. Notice of reconsideration shall be given to the Mayor or City Clerk within 48 hours from the time the original action was taken.

j. Abstentions. All Council members present shall vote unless abstention is required by law (AS 29.20.160(d)).

k. Consensus. The Council may, from time to time, express its opinion or preference concerning a subject brought before it to consideration. The statement, representing the will of the body and a meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.

l. Vacancies. An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the Council. The Council shall declare an elective office vacant when the person elected:

1. Fails to qualify or take office within 30 days after his election or appointment;
2. Resigns and his resignation is accepted;
3. Is physically or mentally unable to perform the duties of the office as determined by two-thirds vote of the Council;

4. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
5. Misses three consecutive regular meetings unless excused;
6. Is convicted of a felony or of an offense involving a violation of the oath of office;
7. Is convicted of a violation of AS 15.13 concerning Alaska Public Offices Commission reporting requirements;
8. No longer physically resides in the municipality and the City Council by two-thirds vote declares the seat vacant; and
9. Is physically absent from the municipality for 90 consecutive days unless excused by the City Council.

m. Salaries of Elected Officials.

1. The Mayor and each Council Member shall be paid a stipend of \$75.00 for each council-meeting-day in which the person participates in person, or \$50.00 per council-meeting-day in which a majority of the person's participation time is telephonic. A council-meeting-day is any calendar day in which the person participates in any one or more of the following:

- a. A scheduled and publicly noticed meeting of the City Council, including without limitation a regular meeting, special meeting, committee of the whole meeting and meeting in executive session.
- b. A scheduled and publicly noticed meeting of the Board of Adjustment, Board of Ethics, or other board or commission that is composed of the Mayor and Council Members.
- c. Training or continuing education programs, and work sessions, that are required by law or commonly recognized best practice to perform the duties of Mayor or Council Member.

The City shall not spend any funds for elected officials' membership in the Public Employees Retirement System. An elected official may not receive any other compensation for service to the City unless specifically authorized to do so by ordinance. Per diem payments or reimbursements for expenses are not compensation under this section.

[Ord. 17-01, 2017; Ord. 15-01(A), 2015; Ord. 10-51(A), 2011; Ord. 10-45, 2010; Ord. 09-54 § 1, 2009; Ord. 07-45(A)(S) § 4, 2007; Ord. 05-58(S)(A), 2005; Ord. 03-48(A), 2003; Ord. 01-30, 2001; Ord. 99-17(A) § 2, 1999; Ord. 96-07(S)(A) § 1, 1996; Ord. 95-16(S), 1995; Ord. 92-28(S), 1992; Ord. 91-12, 1991; Ord. 90-22, 1990. Code 1981 § 1.24.040].

CITY COUNCIL AGENDA & MEETING CONDUCT GUIDELINES

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

HCC 2.08.040(h) (Bylaws)

Four council members (quorum) is required.

Pledge of Allegiance will be said for all Regular and Special Meetings.

2. APPROVAL OF THE AGENDA

The agenda closes at 11:00 a.m., Wednesday before the Council meeting. HCC 2.08.040(d)(3) requires unanimous consent of the Council to add (or remove) business items from the agenda. Tentative agenda items, type of enactment and subject only, need to be to the City Clerk by Thursday of the week proceeding Council packet week. The final packet ready document(s) need to be to the City Clerk as soon as possible prior to 11:00 a.m. on the Wednesday for packet review. Any late agenda item not meeting the tentative agenda deadline and/or not meeting the packet deadline shall be discussed with the Mayor by the submitter if a Councilmember. All other late items, unless of an immediate nature, shall be placed on the next tentative agenda. (Reso 03-84, 2003; Reso 03-81, 2003).

3. MAYORAL RECOGNITIONS AND MAYORAL PROCLAMATIONS

Mayoral recognitions and mayoral proclamations must be approved by the Mayor. A request must be made timely for inclusion in the City Council packet. Official action of the City Council is not taken under this agenda item. (Reso 16-122, 2016).

4. PUBLIC COMMENTS REGARDING ITEMS ALREADY ON THE AGENDA

No prior arrangement is required. The public may have unrestricted access to the City Council for comments regarding matters already on the agenda with the exception of matters listed under Public Hearings or questions on presentations given under Visitors section of the agenda; these should be held until Comments of the Audience. Those giving testimony are requested to preface remarks with their name & address for the record. The Mayor will provide time limitations on presentations based on the volume of business before the Council. No official action will be taken by the Council under this business item. Any comments regarding Board of Adjustment hearings must be on procedure only. No comments that contain any argument or new evidence are acceptable and are subject to being cut short by the Mayor and/or Council.

5. **RECONSIDERATION**

When a Councilmember has issued notice of reconsideration on an item, the reconsideration is acted upon at this point in the meeting. The Item to be reconsidered is placed under Pending Business, Ordinances or Resolutions - depending on the item.

6. **CONSENT AGENDA**

The following business items are appropriate for the consent agenda. These items are acted upon by one motion for approval of the Consent Agenda. If discussion is requested on an item that item may be removed from the Consent Agenda and placed on the Regular Agenda.

- 1) Minutes approval
- 2) Liquor license renewals and transfers
- 3) Any gaming permit requiring approval of the local government unit.
- 4) Confirmation of Commission & Board Appointments
- 5) Resolutions (of a general nature required for normal business operations of the City)
- 6) Requests to hold Executive Session. (Executive Session will typically be conducted at the end of business, just prior to Audience Comments, unless the Mayor calls for the Executive Session to be held at another point in the agenda.) (Reso 03-140, 10/27/03).
- 7) Change Orders
- 8) Travel Authorization (Reso 00-08, 1/10/00).
- 9) Ordinance introduction and first reading and setting the public hearing date and second reading date. (Reso 00-82, 8/28/00).

The Mayor or any Councilmember, whether a/the sponsor or not, may remove an item and place that item on the Regular Agenda during the Tentative Agenda

period and up until the printing and distribution of the packet. The City Clerk shall notify the sponsor(s) of said change. The Mayor and Council shall have agendas with blank lines under Consent Agenda, Ordinances, New Business and Resolutions for the purposes of keeping track of changes to the Consent Agenda, Ordinances, New Business and Resolutions.

This format shall be utilized as much as it reasonable for the Standing Committees, Committees, Task Forces and the like. (Reso 06-132, 09/25/06).

7. **VISITOR(S)**

These requests must be approved by the City Manager or Mayor. To be placed in the visitors category, an outline, letter, or other descriptive material must be provided (timely) for distribution in the City Council Packet. Official action of the City Council is not taken under this agenda item. NO questions from the audience will be taken until "Comments of the Audience"

8. **ANNOUNCEMENTS/PRESENTATIONS BOROUGH & COMMISSION REPORTS**

Announcements are made from the council table (Council Members, Mayor or City Manager). The Chair may be provided written information in advance of the meeting to announce for non-Councilmembers, at the Chair's discretion. Borough or Advisory Commission reports may also be presented at this time. No action by Council will be made here, although the Council may request a matter brought to their attention in a report be placed on an agenda for a future meeting. Travel Narrative Reports. (Reso 00-08, 1/10/00).

9. **PUBLIC HEARINGS**

This agenda item is intended to provide for formal hearing testimony regarding ordinances, resolutions, or as directed by the Chair or majority of City Council. Those giving testimony are requested to preface remarks with their name and address for the record.

Public Hearing testimony may be time limited by the Chair. Council may make inquiries of those giving testimony. After the public has finished testifying the City Council may take final action, including amendments, on an Ordinance, provided that the public has been notified that such action may occur at this time and shall follow the other procedures as outlined under Item 9. (Reso 01-36, 06/11/01; Ord 01-18, 06/12/01).

10. **ORDINANCES**

For first and subsequent readings including the final reading of ordinances, and all formal votes on motions of amendment, adoption or other disposition of ordinances. Votes are taken by roll call. Placement of an ordinance is limited to the City Manager, Mayor or Council Members. However, introduction/first reading of Ordinances and setting of public hearing may be placed on the Consent Agenda. Ordinances may be postponed at introduction or subsequent readings to the next regular or special meeting.

Editing form for Ordinances: Deletions are characterized strike over and may be in brackets. Additions are characterized by bold lettering and underlining.

Sponsors, authors, Directed by Council or Requested by staff may be placed at the top of the Ordinance. (Reso 01-36, 06/11/01; Ord 01-18, 06/12/01).

11. **CITY MANAGER'S REPORT**

The Manager or his designee reports to the City Council. Questions and answers between the Council and Manager are appropriate. Official action is not taken by the Council under this agenda item. A monthly report will be provided in the Council informational packet.

12. **CITY ATTORNEY REPORT**

The Attorney reports to the City Council. Questions and answers between the Council and the Attorney are appropriate. Official action is not taken by the Council under this agenda item. A monthly report will be provided in the Council informational packet.

13. **COMMITTEE REPORTS**

Reports of Council standing committees are given. Official action is not normally taken by the Council under this agenda item.

14. **PENDING BUSINESS**

Access is limited to the City Manager, Mayor and members of the City Council. Requests for items to be placed on agendas at Council meetings for future council agendas will be subject to vote of the City Council. Voice vote or roll call vote will constitute action of the City Council. Reference HCC 2.08.040(h) for By-law provisions.

15. **NEW BUSINESS**

The same provisions as under pending business apply here.

16. **RESOLUTIONS**

A Council Member, Mayor or City Manager can direct that a resolution appear on the agenda. Notation of sponsor can appear on the face of the resolution. Formal action of the Council will be by roll call vote. HCC 2.08.040(h).

Sponsors, authors, Directed by Council or staff may be placed at the top of the Resolution.

Council Training & Informational Materials

Deleted from the Packet by Council consensus and signing of a Memorandum by the Councilmembers on June 8, 1992. Also noted was that backup up materials of any kind are not required in consecutive packets provided a reference sheet is submitted with the item denoting the backup materials previously submitted.

17. **COMMENTS OF THE AUDIENCE**

Members of the audience may address the City Council at will on any subject whether or not on the agenda. The Mayor may time limit remarks.

18. **COMMENTS OF THE CITY ATTORNEY**

Reserved for Comments of the City Attorney. Action of the Council is not taken here.

19. **COMMENTS OF THE CITY CLERK**

Reserved for comments of the City Clerk. Action of the City Council is not taken here.

20. **COMMENTS OF THE MANAGER**

Reserved for comments of the City Manager. Action of the City Council is not taken here.

21. **COMMENTS OF THE MAYOR**

Reserved for comments, reports, or notification of the Mayor. No Council action is taken here.

22. **COMMENTS OF THE COUNCIL**

Each Council Member may comment regarding any subject whether or not on the agenda. This is an appropriate place to note or bring to the attention of the Mayor, Council and Administration any miscellaneous business or point of interest. Miscellaneous announcements, notifications of absence from future Council meetings, and requests for items to appear on the agenda, are other areas appropriately covered.

Notice of reconsideration may be given, re: 2.08.040(i).

23. ADJOURNMENT/NOTICE OF NEXT REGULAR MEETING

Meetings will be concluded by or recessed by midnight, unless Council votes to suspend the rules. The balance of any business will be held over until call of the Chair. Notice of the next regular, and/or special meeting will appear on the agenda following "adjournment". (Reso 10-73, 09/13/10; Reso 00-82, 08/28/00; Reso 00-08, 01/10/00; Reso 98-58, 07/13/98).

The Regular Agenda format for all advisory bodies of the City Council shall utilize the following basic agenda format:

NAME OF BODY	DATE OF MEETING
PHYSICAL LOCATION OF MEETING	DAY OF WEEK AND TIME
HOMER, ALASKA	OF MEETING
	MEETING ROOM

**REGULAR MEETING
AGENDA**

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. MAYORAL RECOGNITIONS AND MAYORAL PROCLAMATIONS
4. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA.
(3 MINUTE TIME LIMIT)
5. RECONSIDERATION
6. APPROVAL OF MINUTES or CONSENT AGENDA
7. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor’s topic until audience comments.) No action may be taken at this time.
8. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS
(Chair set time limit not to exceed 5 minutes.)
9. PUBLIC HEARING (3 MINUTE TIME LIMIT)
10. PLAT CONSIDERATION (Planning Commission only)

11. PENDING BUSINESS or COMMISSION BUSINESS
12. INFORMATIONAL MATERIALS
(NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY)
13. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY)
14. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
15. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
16. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
17. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
18. COMMENTS OF THE COMMISSION
19. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)

Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us. 235-3130.

Audience Participation – Audience comments are acceptable when invited by a Councilmember or the Mayor. Audience comments as an agenda item is provided so that anyone wishing to speak to the Council may do so without prior arrangement. The Mayor may limit the time for “Comments Upon Matters Already on the Agenda or Audience Comments.” Comments are generally limited to 3 minutes per person unless authorization to speak longer is granted by Council action. (Reso 06-54, 05/22/06).

BASIC TIME LIMIT (Public Comments, Public Hearing Testimony and Audience Comments.) Comments are limited to three minutes per person per issue unless authorization to speak longer is granted by Council action. In the interest of time, the Council has found it necessary to place a time limit. It may be desirable to have one spokesperson for special interest groups making a statement to the Council. (Reso 06-54, 05/22/06).

Any person making personal, impertinent, threatening or slanderous remarks or who shall become boisterous while addressing the Council, shall be forthwith, by the presiding officer barred from further audience at the meeting before the Council, unless permission to continue be granted by a majority vote of the Council.

This is item m. of the Council's ByLaws. Any Councilmember may rise to a Point of Order regarding this issue.

GENERAL AGENDA AND PACKET DISTRIBUTION INFORMATION

Regular City Council Meetings

Tentative Agendas

1. Tentative and Preliminary agenda items, type of enactment and subject only, need to be to the City Clerk by Thursday of the week proceeding Council packet week.
2. The final packet ready document needs to be to the City Clerk as soon as possible prior to 11:00 a.m. on the Wednesday prior to the Council meeting for packet review.
3. Any late agenda item not meeting the tentative agenda deadline and/or not meeting the packet deadline shall be discussed with the Mayor by the submitter, if a Councilmember.
4. All other late items, unless of an immediate nature shall be placed on the next tentative agenda.

Agenda

1. Agenda closes at 11:00 a.m., Wednesday preceding the meeting. Allowances will be made for holidays. (Reso 03-81, 05/27/03).
2. The City Manager, Mayor and City Clerk review the agenda at 11:00 a.m. on Wednesday, preceding the meeting. (Reso 03-81, 05/27/03).
3. Informational packets are available for pick up and on the City's website usually on Thursdays at 5:00 p.m. but no later than 5:00 p.m. on the Friday preceding the regular meeting. Packets will be posted on the City's website and placed in the Council's mail boxes if requested.
4. Items may be added or removed from the agenda by unanimous consent of the Council.

Special City Council Meeting

Called and agendas established by the Mayor or four (2/3) City Councilmembers. Adequate notice must be given to provide for materials preparation and delivery of meeting notice thirty-six (36) hours prior to the meeting.

Emergency City Council Meeting

By unanimous consent of quorum, four Councilmembers, requires justifiable reason, informal

agenda - limited to emergency, public notice as soon as possible and repeated at least two times prior to meeting.

Worksessions, Special Meetings, and Executive Sessions

May be called at any time, including beginning at 4:00 p.m. and ending not later than 5:50 p.m. before a Regular Council Meeting, with proper notice to the public. The agenda and packet information may be handed out at the worksession depending on the nature of the session. No formal action may be taken. May be called by Mayor or four Councilmembers. Public notice requirements are relaxed but should be at least broadcast as soon as possible and repeated at least two additional times prior to the session. Reference: HCC 1.14.

Committee of the Whole

The Committee of the Whole may meet prior to every Regular Council Meeting beginning at 5:00 p.m. and ending not later than 5:50 p.m. when scheduled worksessions do not exceed 4:50 p.m. This is a device to enable the full Council to give detailed consideration to a matter under conditions of freedom approximating those of a committee. The results of any votes taken are not the final action of the Council and are recommendations. The Mayor shall be the presiding officer. No text may be altered in any agenda item for Council's Regular meeting; however, amendments may be recommended.

The agenda shall be noticed the same as a Council's Regular meeting. Only those matters on the noticed agenda shall be considered; however, other items not on the Council's Regular meeting agenda may be considered if the agenda item is received by the City Clerk no later than the Wednesday prior to the meeting. "Old business" shall be added to the Committee of the Whole agenda and shall be those items that are not on Council's Regular Meeting agenda and that were not discussed at the previous Committee of the Whole meeting due to insufficient time. (Reso 09-116(A), 11/23/09; Reso 03-118(A), 08/25/03; Reso 01-24, 04/09/01; Reso 01-08(S), 02/26/01).

NOTICE

ADDRESSING THE CITY COUNCIL

In order to address the City Council, please:

1. Mayor will call for public comments as appropriate on the agenda.
2. Take the public testimony place in front of the Council table, print your name on the sign in sheet, also address and indicating whether you are a resident of the City.
3. Address the Council as a body.

PUBLIC COMMENTS

There are four places on the agenda where citizens may address the Council.

1. **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**, Item 3. This item is on the agenda so you may speak on any item on the agenda, unless the matter is listed under Public Hearings or Visitors. The Mayor will provide time limitations on presentations based on the volume of business before the Council. Changes to the agenda occur just before this item, so if any item is removed you may not address it here; if an item is added, you may. When in doubt, clarify with the Chair. (Mayor or Mayor Pro Tem)
2. **PUBLIC HEARINGS**, Item 9. Public Testimony is taken on any of the matters listed under the public hearing portion of the agenda. Agendas and public hearing information are available at the table in back of the Council Chamber. Public Hearing testimony may be time limited by the Mayor.
3. **VISITORS**, Item 7. This place is for presentations previously arranged with the City Clerk, approved by the Mayor and listed on the agenda. Comments on a visitor's presentation by the audience is restricted to Item 17, Comments of the Audience.
4. **COMMENTS OF THE AUDIENCE**, Item 17. You may address the Council regarding any matter at this point. The Mayor may time limit remarks.

TIME LIMITATIONS: Public comments are limited to no more than 3 minutes per person, per issue unless authorization to speak longer is granted by Council action. The Mayor may limit the time for public comments, public testimony and Audience Comments. In the interest of time, it may be desirable to have one spokesperson for special interest groups making a statement to the Council.

WRITTEN MATERIAL TO COUNCIL: Written material presented to Council on the night of the meeting should also be given to the City Clerk to be added to the record.

RECORDING: This meeting is being recorded and amplified. Please speak up so that a clear recording of your comments can be made and others can hear you.

BOARD OF ADJUSTMENT HCC 21.93.510(a) restricts the Council when sitting as a Board of Adjustment from considering allegations of new evidence or changed circumstances and shall make its decision based solely on the record as prepared by the Clerk.

THANK YOU, YOUR INPUT IS VALUABLE.

RESOURCE MATERIALS

After a Councilmember has been sworn in the City Clerk's Office will issue the following items of reference to them:

- A. Homer City Code
- B. City of Homer Personnel Regulations
- C. Alaska Statutes, Title 29
- D. Elected Officials Handbook
- E. City of Homer Directory
- F. Comprehensive Plan
- G. City of Homer Procurement Policy
- H. Current Calendar Year - Line Item Budget
- I. Parliamentary Procedure at a Glance
- J. Five Year Capital Improvement Plan
- K. Comprehensive Financial Statement
- L. A.M.L. Elected Officials Handbook
- M. COUNCIL'S OPERATING MANUAL, NEWEST VERSION
- N. OPEN MEETINGS ACT BOOKLET, BY GORDON TANS

Upon expiration of term, please return these items to the City Clerk's Office so they may be updated and re-issued to the newly elected official.

A wealth of resource information, reports, studies, and city historical information is available at the City Hall Library. Contact the City Clerk's Office for assistance.

CODE OF ETHICS

PURPOSE.

The proper functioning of democratic government requires ethical behavior by public officials. Ethics involves the commitment to take individual responsibility in creating a government that has the trust and respect of its citizens. The purpose of this section is to set reasonable standards of conduct for elected city officials and appointed advisory commissioners and boardmembers so that the public may be assured that its trust in such persons is well placed and that the officials themselves are aware of the standards of conduct demanded of persons in like office.

However, recognizing that Homer is a small community, with a limited number of people interested in serving as community leaders, it is not the intent of this section to set unreasonable barriers that will serve only to deter aspirants from public service.

This section is also intended to establish a process which will ensure that complaints or inquiries regarding the conduct of elected city officials and appointed advisory commissioners and boardmembers are resolved in the shortest practicable time in order to protect the rights of the public at large and the rights of the elected or official, or appointed advisory commissioners and boardmembers.

The Council intends this code to be interpreted to promote fair, honest, and impartial dealings with members of the public, to ensure proper use of city resources, and to avoid conflicts of interest. It is the intent of the Council that nothing in this section be interpreted to create a private cause of action against an elected official or appointed advisory commissioner or boardmember.

DEFINITIONS.

As used in this section.

"Engaging in business" or "engage in business" means submitting a written or oral proposal or bid to supply goods, services or other things of value, or furnishing goods, services or other things of value, for consideration or otherwise entering into any contract or transaction with the city including but not limited to the lease, sale, exchange or transfer of real or personal property.

"Financial interest" means a direct or indirect pecuniary or material benefit accruing to a city official or appointed advisory commissioner or boardmember as a result of a contract or transaction by or with the city except for such contract or transactions which by their terms and by substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. A financial interest does not include city paid remuneration for official duties. A person has a financial interest in

a decision if a substantial possibility exists that a financial interest of that person might vary with the outcome of the decision. A financial interest of an official includes:

1. Any financial interest of a member of that person's immediate family;
2. Any financial interest in an entity in which that person or a member of his immediate family has an ownership interest, or is a director, officer or employee;
3. Any financial interest of a person or entity with whom the official, or a member of his immediate family or an entity described in subparagraph 2 of this subsection has or is likely to acquire a contractual relationship relating to the transaction in question.

"Gratuity" means a thing having value given voluntarily or beyond lawful obligation.

"Immediate family" of a person means anyone related to that person by blood or current marriage, or adoption in a degree up to and including the fourth degree of consanguinity or affinity, or any relative or non-relative who lives in that person's household.

"City official" or "official" means the Mayor, Councilmember, advisory Commissioner or Boardmember under the ordinances of the city, or who is a member of a committee or task force of the city.

"Official act" or "action" means any legislative, administrative, appointive or discretionary act of any officer of the city or any committee or commission thereof.

"Organization" means any corporation, partnership, firm or association, whether organized for profit or non-profit.

"Political activity" means any act for the purpose of influencing the nomination or election of any person to public office, or for the purpose of influencing the outcome of any ballot proposition or question. Informing the public about a ballot proposition or question without attempting to influence the outcome of the ballot proposition or question is not political activity.

PROHIBITED ACTS.

Official Action. A city official shall not participate in any official action in which he has a financial interest. An official who is a voting member of the council, a commission, or other agency shall identify any financial conflicts of interest in accordance with (the ordinance regarding conflict of interest).

Business Prohibition. No official may engage in business with the city when that person has had substantial involvement in planning, recommending or otherwise supporting the project or transaction in issue. No official shall attempt to influence the city's selection of any bid or proposal, or the city's conduct of business, in which the official has a financial interest. Newly elected or appointed officials who have pre-existing contracts with the city may fulfill the

terms and conditions of such contracts without penalty.

Use of Office for Personal Gain. No official shall seek or hold office or position for the purpose of obtaining anything of value for himself, his immediate family or a business that he owns or in which he holds an interest or for any matter in which he has a financial interest. This prohibition shall not apply to the receipt of authorized remuneration for the office or position.

Inappropriate Use of Office Title/Authority. No official, elected or appointed, shall use the implied authority of their position for the purposes of unduly influencing the decisions of others, or promoting a personal interest within the community. Councilmembers will refrain from using their title except when duly representing the city in that capacity. Unless duly appointed by the

Mayor and/or Council to represent the interests of the full council, councilmembers shall refrain from implying their representation of the whole by the use of their title.

Representing Private Interests. No official shall represent, for compensation, or assist those representing private business or personal interests before the city council, administration, or any city board, commission or agency. Nothing herein shall prevent an official from making verbal or written inquiries on behalf of constituents or the general public to elements of city government or from requesting explanations or additional information on behalf of such constituents. No official may solicit a benefit or anything of value or accept same from any person for having performed this service.

Confidential Information. No official may disclose information he knows to be confidential concerning the property, government, or affairs of the city unless authorized or required by law to do so.

Outside Activities. An official may not engage in business or accept employment with, or render services for, a person other than the city or hold an office or position where that activity or position is incompatible with the proper discharge of his city duties or would tend to impair his independence of judgment in performing his city duties. This prohibition shall include but not be limited to the following activities:

1. A person who holds an appointed city office shall not be eligible for employment with the city, during their term of office, in the department that the appointed commission has jurisdiction over until one year has elapsed following the term of appointment. An exception may be made with the approval of the city council.
2. A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment with the city until one year has elapsed following the term for which he was elected or appointed. An exception may be made with the approval of the city council.

Gratuities. No official shall accept a gratuity from any person engaging in business with the city or having a financial interest in a decision pending with the city. No official shall give a gratuity to another official for the purpose of influencing that person's opinion, judgment, action, decision or exercise of discretion as a city official. This subsection does not prohibit accepting:

1. A meal;
2. Discounts or prizes that are generally available to the public or large sections thereof;
3. Gifts presented by employers in recognition of meritorious service or other civic or public awards;
4. A candidate for public office accepting campaign contributions;
5. An occasional non-pecuniary gift insignificant in value;
6. Any gift which would have been offered or given to him if he were not an official.

Use of City Property. No official may request or permit the use of city vehicles, equipment, materials or property for non-city purpose, including but not limited to private financial gain, unless that use is available to the general public on the same terms or unless specifically authorized by the city council.

Political Activities, Limitations of Individuals. Appointed officials may not take an active part in a political campaign or other matter to be brought before the voters when on duty. Nothing herein shall be construed as preventing appointed officials from exercising their voting franchise, contributing to a campaign or candidate of their choice, or expressing their political views when not on duty or otherwise conspicuously representing the city.

Political Activity, Limitation on City Government. The city may prepare and disseminate general, objective information about the issues to be voted on in local elections. Such material shall be devoid of biased statements or slant and, where appropriate, may contain pro and con statements of equal weight and value.

Influencing Another Council Member's Vote. A city council member may not attempt to influence another council member's vote or position on a particular item through contact with a city council member's employer or by threatening financial harm to another city council member.

BUSINESS DEALINGS WITH CITY.

Before a city official or an organization or entity in which the official has a financial interest, engages in business with the city, the official shall file with the city clerk a statement, under oath, setting forth the nature of such business dealings and his interest therein, not less than ten days before the date when official action may be taken by the council or by any officer, commission or other agency of the city upon the matter involved. If all other provisions of this

section are complied with, the statement shall be sufficient for continuing transactions of a similar or like nature for one year from the date of its filing. However, if an official has violated any of the provisions of this section, he shall be precluded from dealing with the city on that particular matter.

Upon taking office, or upon subsequently acquiring the interest, and official shall file with the city clerk a statement disclosing any financial interests of the official in an organization engaging in business with the city.

PUBLIC DISCLOSURE.

a. Each city official must annually file a conflict of interest disclosure using forms substantially the same as the following selected schedules from the Alaska Public Offices Commission Public Official Financial Disclosure Statement: Schedules B (business interests), C (real property interests / rent to own), E (the portion relating to natural resource leases only), F (government contracts and leases) and G (close economic associations). The city clerk shall provide the forms to each city official. The city clerk may make such alterations to the forms as may be necessary to make them applicable to the city and city officials.

b. The annual disclosures must be filed by November 1 each year. A newly appointed official must file a disclosure within 30 days of taking office. Each candidate for elected city office must file a disclosure at the time he or she files a declaration of candidacy, except an incumbent seeking reelection with a current disclosure on file. Refusal or failure of a candidate to file the required disclosure before the end of the time period for filing declarations of candidacy shall require that the candidate's declaration of candidacy be rejected and the candidate disqualified.

c. The disclosures must be true, correct and complete and shall be signed under oath or affirmation, or certified to be true under penalty of perjury.

d. The disclosures shall be filed with the city clerk and shall be open to public inspection and copying at the office of the city clerk. The disclosures will not be sent to the Alaska Public Offices Commission. (Ord 07-35(A-2), 10/23/07).

BOARD OF ETHICS.

~~2.80.010 Board of ethics established—general provisions:~~

~~a. There is hereby established a Board of Ethics.~~

~~b. The Board shall be comprised of all members of the city council and the mayor. The mayor, or the vice mayor in the mayor's absence, will serve as presiding officer of the Board. In the absence of both, the members of the Board shall elect a presiding officer from among its members.~~

~~c. The city attorney or other legal counsel for the Board may assist the Board at every stage of the proceedings, but shall have no vote.~~

d. ~~A quorum of the Board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of interest, or other cause for recusal. However, in no event may a quorum be less than three.~~

e. ~~Decisions of the Board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.~~

f. ~~Unless the Board delegates such authority to another member or decides that no one shall have such authority, the presiding officer shall have authority to make procedural decisions between Board meetings on behalf of the Board. Examples of matters that may be decided by such delegate include scheduling hearings and other matters, establishing pre-hearing requirements and filing deadlines for motions, exhibits, witness lists, hearing briefs, and deciding other procedural matters.~~

g. ~~The presiding officer shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the Board. (Ord 08 31(S) §1, 2008).~~

2.80.020 Function and authority. The Board of Ethics has authority to perform the following functions:

a. ~~Investigate reported violations of Chapter 1.18.~~
b. ~~Hear and decide written complaints of violations of Chapter 1.18.~~
c. ~~Hear and decide on requests for exceptions as specified in Chapter 1.18.~~
d. ~~Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in the code.~~

e. ~~Adopt recommended policies and procedures governing the board's conduct of business.~~

f. ~~Upon application of the complainant, respondent, or at the board's discretion, compel by subpoena the appearance and sworn testimony, at a specified time and place, of a person the board reasonably believes may be able to provide information relating to a matter under investigation by the board or the production of documents, records or other items the board reasonably believes may relate to the matter under consideration.~~

g. ~~Administer oaths and receive testimony from witnesses appearing before the board~~

h. ~~Request city agencies to cooperate with the board in the exercise of the board's jurisdiction~~

i. ~~Request the advising attorney to seek assistance of the superior court to enforce the board's subpoena~~

j. ~~Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the board. (Ord 08 31(S) §1, 2008).~~

2.80.030 Confidentiality; initial review:

a. ~~Each written complaint of a violation of Chapter 1.18 received by the city clerks office shall be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The city clerk and the board shall keep all written complaints of potential violation confidential during investigation and the board's deliberative process. Complaints of potential violation may be disclosed only to the staff~~

member of the city clerk's office providing administrative support to the board, members of the board, and legal counsel. Upon receipt of a notification of potential violation, the board shall, at its next scheduled meeting or earlier, as determined by the board chair, review the complaint of potential violation in executive session and determine if further action on the notification of potential violation is warranted.

b. If the board determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the board lacks jurisdiction to address the complaint of potential violation, the board shall return the complaint of potential violation to the complaining party or it may recommend to the person filing the complaint that it be amended and re-filed. Notifications of potential violation returned without further action shall remain confidential.

c. If the board determines the allegation in a complaint of potential violation, if proven, may constitute a violation of a matter within the board's jurisdiction, the board shall:

1. Request and receive assistance from legal counsel to assist the board in all further deliberative processes, investigations and reports.

2. Give the respondent a copy of the complaint of potential violation, along with a copy of the outline of the board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and may be represented by legal counsel of respondent's choosing and at respondent's own expense; and

3. Notify both the person submitting the complaint of potential violation and respondent of the date(s) on which each may be requested to meet with the board, present documentary or testimonial evidence, and assist the board in resolving the potential violation. (Ord 08 31(S) §1, 2008).

2.80.040 Disclosure of complaint of potential violation prohibited.

a. A complaint of potential violation of HCC Chapter 1.18 is confidential until the board completes a written report for distribution as a public record.

1. No person, including the complainant, shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a complaint of potential violation filed with the board, unless:

i. The respondent elects to proceed in public; or

ii. The written report of the board is electronically published by the city clerk.

2. Breach of confidentiality required by any provision of this chapter is a violation of this chapter subject to punishment.

3. A person filing a complaint of potential violation shall keep confidential the fact that the person has filed the complaint with the city, as well as the contents of the complaint of potential violation. If the board finds probable cause to believe that the person filing the notice of complaint violation has violated confidentiality under this chapter, the board shall immediately dismiss the complaint of violation. Dismissal under this subsection does not affect the right of the board or another person to initiate a proceeding on the same factual allegations by filing a complaint of potential violation.

~~_____ 4. Public disclosure resulting from corrective action under this chapter is not a violation of this subsection. (Ord 08-31(S) §1, 2008).~~

~~2.80.050 Conduct of investigation and standard of proof.~~

~~a. The board's investigation shall be conducted in executive session, unless the respondent requests to hold the board's investigation of written complaint of potential violation in public. The respondent and the person who filed the complaint, and their counsel, if any, may be present in executive session while the investigation is being conducted.~~

~~_____ 1. The respondent and the person who filed the complaint of potential violation may identify other individuals and documents that each would like the board to interview and review.~~

~~_____ 2. If an individual with information bearing on the complaint of potential violation is unwilling to come forward with information, the respondent and the person who filed the complaint of potential violation may each request the board to subpoena the person and any documentary evidence.~~

~~_____ 3. Persons appearing before the board may be represented by counsel or other person serving in a representative capacity.~~

~~_____ 4. The board may question the respondent, the person who filed the complaint of potential violation, and other persons appearing before the board.~~

~~_____ 5. The board may solicit questions and testimony from the person filing the complaint of potential violation, the respondent and other persons appearing for the purpose of providing information to the board. The board may solicit questions from counsel present to represent persons appearing before the board, but all questions during the board's investigation shall be posed through and by a member of the board. Consistent with due process, the board may limit or prohibit questions suggested to the board by or on behalf of persons appearing before the board.~~

~~_____ 6. The standard of proof to be applied by the board in determining a violation under HCC Chapter 1.18 is proof by a preponderance of the evidence.~~

~~_____ 7. Technical rules of evidence do not apply, but the findings of the board shall be based upon substantial evidence, which means reliable and relevant information presented to the board.~~

~~_____ 8. The board's finding of a violation of HCC Chapter 1.18 must be supported by substantial evidence.~~

~~_____ 9. The board's findings shall not be binding in a subsequent sanctions proceeding.~~

~~_____ 10. When the board's investigation is conducted in executive session, the public shall be excluded and the session shall be electronically recorded. The recording shall be available for access as a public record after publication by the city clerk of the proposed resolution and settlement under subsection 2.80.050. (Ord 08-31(S) §1, 2008).~~

~~2.80.055 Deliberations of the board.~~—Deliberations of the board shall be conducted in executive session.

~~a. The deliberations of the board shall not be recorded.~~

~~b. The respondent, the person filing the complaint, and their counsel shall be excluded from the deliberations. The Board's legal counsel may attend the deliberations.~~

~~c. The board shall reconvene in open session when deliberations are complete. (Ord 08-31(S) §1, 2008).~~

~~2.80.060 Board member disclosures.~~—When an investigation is convened in executive session to determine whether the respondent has violated HCC Chapter 1.18, the Board members will be requested to disclose any conflict of interest, ex parte communications, or other facts that may affect their qualification to hear the matter. After such a disclosure, the other members of the Board shall determine whether a member shall be excused for cause. (Ord 08-31(S) §1, 2008).

~~2.80.061 Duty of cooperation.~~ A city official or the city manager subject to a complaint of a violation shall work cooperatively with the City Clerk to establish a hearing date and shall appear at the place and time set for the hearing, regardless of the respondent's intentions concerning defense or exercise of other rights. Failure to appear, except when failure results from a serious condition or event that prevented the respondent's appearance, is a breach of respondent's duties under this chapter and in itself may result in a summary finding of violation by the Board and imposition of remedies, penalties and disciplinary action under 2.80.070. For the purposes of this section, a “serious condition or event” may include a serious medical condition, a serious family emergency requiring the presence of the party, a death in the family, or other similar cause that prevents the respondent's attendance at the hearing. Nothing in this section shall prevent the rescheduling of a hearing for cause upon request of the respondent or the complainant. (Ord 08-31(S) §1, 2008).

~~2.80.065 Decisions on the record.~~—Using the identification number of the complaint of potential violation to protect confidentiality, the board shall vote in open session on these questions:

~~a. Whether the board finds by a preponderance of the evidence one or more violations within the jurisdiction of the board; and~~

~~b. Whether the board recommends further administrative or remedial actions; and~~

~~c. What specific sanctions, corrective actions or referrals, if any, the board recommends pursuant to 2.80.070.~~

~~d. If the board does not find a violation under HCC Chapter 1.18, the board shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the board in whole or in part, and the date of board closure. At the sole discretion of the respondent, the board may release the statement of closure as a public document. (Ord 08-31(S) §1, 2008).~~

~~2.80.067 Timely completion.~~ The board shall complete action on a complaint of potential violation and investigations within 90 days of the filing of the complaint of potential violation. By a majority vote, the board may extend the completion date for up to an additional 90 days, or longer for good cause shown. (Ord 08 31(S) §1, 2008).

~~2.80.070 Sanctions, civil penalties and remedies:~~

~~a. Upon conviction for any violation of HCC Chapter 1.18 under criminal procedures or upon a determination of any violation of HCC Chapter 1.18 after an investigation conducted by the Board under this chapter, the Board may impose (or recommend in the case of subsection i.) as a sanction, penalty, or remedy any or all of the following, as appropriate to the seriousness of the violation:~~

~~— i. A recommendation to the City Council that the office of a City Council member or the position of city manager be declared vacant for a serious violation that is (i) flagrant or (ii) willful and knowing. A recommendation that the office of the mayor be declared vacant may be made only if the violation justifies a declaration of vacancy under AS 29.20.280. Only the City Council may actually declare any of these positions vacant.~~

~~— ii. A member of a board or commission may be removed from the board or commission.~~

~~— iii. A public or private reprimand may be given to the official.~~

~~— iv. The official may be ordered to refrain from voting, deliberating, or participating in any matter in violation of HCC Chapter 1.18.~~

~~— v. The committee assignments of an official may be revoked.~~

~~— vi. An official's privilege to travel at city expense on city business may be revoked or restricted.~~

~~— vii. A contract, or transaction or appointment, which was the subject of an official act or action of the city that involved the violation of a provision of chapter 1.18, may be voided.~~

~~— viii. The official must forfeit or make restitution of any financial benefit received as a consequence of a violation of chapter 1.18.~~

~~— ix. A civil fine of not more than \$1,000 per violation may be imposed. (Ord 08 31(S) §1, 2008).~~

~~2.80.080 Record of proceedings and public record.~~ Permanent records and minutes shall be kept of Board's proceedings. Such minutes shall record the vote of each member upon every question decided in public. Every decision or finding shall immediately be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every finding and recommendation shall be directed to the City Council at the earliest possible date. (Ord 08 31(S) §1, 2008).

~~2.80.090 Settlement of complaints:~~

~~a. The respondent in any case accepted for investigation may propose a resolution and settlement of the complaint. A proposed resolution and settlement will include the~~

admitted violation of HCC Chapter 1.18; the remedial actions agreed to by the respondent subject to the city council's concurrence; any proposed preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other matters required by the board.

~~_____ b. A proposed resolution and settlement is subject to approval by the Board and has no effect unless approved by the Board. The Board will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the Board, a proposed resolution and settlement must be kept confidential.~~

~~_____ c. The proposed resolution and settlement becomes public record upon final approval by the Board. (Ord 08-31(S) §1, 2008).~~

2.80.100 Limitation period.

~~a. Notwithstanding any other section of this chapter or Chapter 1.18 HCC, and subject to subsection (b) of this section, the Board only may investigate or otherwise act upon a complaint of a potential violation of Chapter 1.18 HCC that is received by the City Clerk's office within five years after the date of the alleged violation.~~

~~b. After the time limitation in subsection (a) of this section has expired, the Board may investigate or otherwise act upon a complaint of a potential violation of Chapter 1.18 HCC that is received by the City Clerk's office within one year after the date of discovery of the alleged violation, but in no case shall this subsection extend the period of limitation in subsection (a) of this section by more than three years. [Ord. 14-14(S) § 1, 2014].~~

2.80.010 Board of Ethics established-General provisions.

a. There is hereby established a Board of Ethics.

b. The Board shall be comprised of all members of the City Council and the Mayor. The Mayor, or the Mayor Pro Tem in the Mayor's absence, will serve as presiding officer of the Board. In the absence of both, the members of the Board shall elect a presiding officer from among its members.

c. The City Attorney or other legal counsel for the Board may assist the Board at every stage of the proceedings, but shall have no vote.

d. A quorum of the Board shall be a majority of all members who are not excused for cause, such as being the complainant, the respondent, a witness, having a conflict of

interest, or other cause for recusal. However, in no event may a quorum be less than three.

e. Decisions of the Board shall be adopted by a majority of the members who are qualified to act on the matter, where a quorum is present.

f. Unless the Board delegates such authority to another member or decides that no one shall have such authority, and except as provided for hearing officers in subsection (h) of this section, the presiding officer shall have authority to make procedural decisions between Board meetings on behalf of the Board. Examples of matters that may be decided by such delegate include scheduling hearings and other matters, establishing pre-hearing requirements and filing deadlines for motions, exhibits, witness lists, hearing briefs, and deciding other procedural matters.

g. The presiding officer shall vote on every question, unless required to abstain for cause, and shall not have power to veto any action of the Board.

h. A hearing officer designated by the City Clerk under HCC 1.18.050 shall have sole authority to investigate the complaint they have been retained to hear and to make procedural decisions regarding the investigation and hearing of that complaint. The designated hearing officer shall be the sole decision-maker and shall comply with the procedures and requirements of this chapter provided for the Board and its members.

2.80.020 Function and authority.

The Board of Ethics or a hearing officer appointed under this chapter has authority to perform the following functions:

a. Investigate reported violations of Chapter 1.18 HCC.

b. Hear and decide written complaints of violations of Chapter 1.18 HCC.

c. Hear and decide on requests for exceptions as specified in Chapter 1.18 HCC.

d. Make findings and recommendations concerning sanctions, civil penalties and remedies for violations as provided in the code.

e. Adopt recommended policies and procedures governing the Board's conduct of business.

f. Upon application of the complainant, respondent, or at the Board's or hearing officer's discretion, compel by subpoena the appearance and sworn testimony, at a specified time and place, of a person the Board or hearing officer reasonably believes may be able to provide information relating to a matter under investigation by the Board or hearing officer or the production of documents, records or other items the Board or hearing officer reasonably believes may relate to the matter under consideration.

g. Administer oaths and receive testimony from witnesses appearing before the Board or hearing officer.

h. Request City agencies to cooperate with the Board or hearing officer in the exercise of the Board's or hearing officer's jurisdiction.

i. Request the advising attorney to seek assistance of the Superior Court to enforce the Board's or hearing officer's subpoena.

j. Conduct investigative hearings in executive session, pursuant to notifications alleging violations of matters within the authority of the Board or hearing officer.

2.80.030 Confidentiality – Initial review.

a. Each written complaint of a violation of Chapter 1.18 HCC received by the City Clerk's office shall be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The City Clerk and the Board or hearing officer shall keep all written complaints of potential violation confidential during investigation and the Board's or hearing officer's deliberative process. Complaints of potential violation may be disclosed only to the staff member of the City Clerk's office providing administrative support to the Board or hearing officer, members of the Board except when a hearing officer has been appointed, and legal counsel. Upon receipt of a notification of potential violation, the Board or hearing officer shall, at its next scheduled meeting or earlier, as determined by the Board Chair or hearing officer, review the complaint of potential violation and determine if further action on the notification of potential violation is warranted. The Board shall review the complaint of potential violation in executive session. A hearing officer appointed under this chapter shall review the complaint in a confidential manner.

b. If the Board or hearing officer determines the facts alleged in the notification of potential violation, even if proven, do not constitute a violation, or that the Board or hearing officer lacks jurisdiction to address the complaint of potential violation, the

Board or hearing officer shall return the complaint of potential violation to the complaining party or it may recommend to the person filing the complaint that it be amended and re-filed. Notifications of potential violation returned without further action shall remain confidential.

c. If the Board or hearing officer determines the allegation in a complaint of potential violation, if proven, may constitute a violation of a matter within the Board's or hearing officer's jurisdiction, the Board or hearing officer shall:

1. Give the respondent a copy of the complaint of potential violation, along with a copy of the outline of the Board's process under this chapter, including notice that the respondent may choose to hold the proceeding in public and may be represented by legal counsel of respondent's choosing and at respondent's own expense; and

2. Notify both the person submitting the complaint of potential violation and respondent of the date(s) on which each may be requested to meet with the Board or hearing officer, present documentary or testimonial evidence, and assist the Board or hearing officer in resolving the potential violation.

2.80.040 Disclosure of complaint of potential violation prohibited.

a. A complaint of potential violation of Chapter 1.18 HCC is confidential until the Board or hearing officer completes a written report for distribution as a public record.

1. No person, including the complainant, shall knowingly disclose to another person, or otherwise make public in violation of this chapter, the contents of a complaint of potential violation filed with the Board or hearing officer, unless:

a. The respondent elects to proceed in public; or

b. The written report of the Board or hearing officer is electronically published by the City Clerk.

2. Breach of confidentiality required by any provision of this chapter is a violation of this chapter subject to punishment.

3. A person filing a complaint of potential violation shall keep confidential the fact that the person has filed the complaint with the City, as well as the contents of the complaint of potential violation. If the Board or hearing officer finds probable cause to believe that the person filing the notice of complaint violation has violated confidentiality under this chapter, the Board or hearing officer shall immediately dismiss the complaint of violation. Dismissal under this subsection does not affect the right of the Board or hearing officer or another person to initiate a proceeding on the same factual allegations by filing a complaint of

potential violation.

4. Public disclosure resulting from corrective action under this chapter is not a violation of this section.

2.80.050 Conduct of investigation and standard of proof.

a. The Board's investigation shall be conducted in executive session, unless the respondent requests to hold the Board's investigation on the notification of potential violation in public. The hearing officer's investigation shall be conducted in a manner to maintain confidentiality unless the respondent requests to hold the hearing officer's investigation on the notification of potential violation in public.

1. The respondent and the person who filed the notification of potential violation may identify other individuals and documents that each would like the Board or hearing officer to interview and review.

2. If an individual with information bearing on the notification of potential violation is unwilling to come forward with information, the respondent and the person who filed the notification of potential violation may each request the Board or hearing officer to subpoena the person and any documentary evidence.

3. Persons appearing before the Board or hearing officer may be represented by counsel or other person serving in a representative capacity.

4. The Board or hearing officer may question the respondent, the person who filed the notification of potential violation, and other persons appearing before the Board or hearing officer.

5. The Board or hearing officer may solicit questions and testimony from the person filing the notification of potential violation, the respondent and other persons appearing for the purpose of providing information to the Board or hearing officer. The Board or hearing officer may solicit questions from counsel present to represent persons appearing before the Board or hearing officer, but all questions during the Board's or hearing officer's investigation shall be posed through and by a member of the Board or the hearing officer. Consistent with due process, the Board or hearing officer may limit or prohibit questions suggested to the Board or hearing officer by or on behalf of persons appearing before the Board or hearing officer.

6. The standard of proof to be applied by the Board or hearing officer in determining a violation under this chapter is proof by a preponderance of the evidence.

7. Technical rules of evidence do not apply, but the findings of the Board shall be based upon reliable and relevant information presented to the Board.

8. The Board's or hearing officer's finding of a violation of this chapter must be supported by substantial evidence.

9. The Board's or hearing officer's findings shall not be binding in a subsequent

sanctions proceeding.

10. When the Board's or hearing officer's investigation is conducted in executive session or confidentially, the public shall be excluded but an executive session of the Board shall be electronically recorded. The recording shall be available for access as a public record after publication by the municipal clerk of the proposed resolution and settlement.

2.80.060 Board member and hearing officer disclosures.

a. When an investigation is convened in executive session to determine whether the respondent has violated Chapter 1.18 HCC, the Board members will be requested to disclose any conflict of interest, ex parte communications, or other facts that may affect their qualification to hear the matter. After such a disclosure, the other members of the Board shall determine whether a member shall be excused for cause.

b. A hearing officer shall disclose any conflict of interest or ex parte communications with the complainant or respondent before conducting an investigation or holding a hearing under this chapter. The complainant and the respondent have ten days from the date the written disclosure is sent to the parties to file an objection to the hearing officer with the City Clerk. Upon receiving an objection, the City Clerk shall appoint a new hearing officer.

2.80.061 Duty of cooperation.

A City official or the City Manager subject to a complaint of a violation shall work cooperatively with the City Clerk to establish a hearing date and shall appear at the place and time set for the hearing, regardless of the respondent's intentions concerning defense or exercise of other rights. Failure to appear, except when failure results from a serious condition or event that prevented the respondent's appearance, is a breach of respondent's duties under this chapter and in itself may result in a summary finding of violation by the Board or hearing officer and imposition of remedies, penalties and disciplinary action under HCC 2.80.070. For the purposes of this section, a "serious condition or event" may include a serious medical condition, a serious family emergency requiring the presence of the party, a death in the family, or other similar cause that prevents the respondent's attendance at the hearing. Nothing in this section shall prevent the rescheduling of a hearing for cause upon request of the respondent or the complainant.

2.80.065 Decisions on the record.

Using the identification number of the complaint of potential violation to protect confidentiality, the Board shall vote or hearing officer shall determine in open session on these questions:

a. Whether the Board or hearing officer finds by a preponderance of the evidence one or more violations within the jurisdiction of the Board or hearing officer; and

b. Whether the Board or hearing officer recommends further administrative or remedial actions; and

c. What specific sanctions, corrective actions or referrals, if any, the Board or hearing officer recommends pursuant to 2.80.070.

d. If the Board or hearing officer does not find a violation under Chapter 1.18 HCC, the Board or hearing officer shall prepare a confidential statement of closure listing the complainant and respondent, the assigned identification number, the allegations, the hearing date, and the finding that no allegation was substantiated by the Board or hearing officer in whole or in part, and the date of Board or hearing officer closure. At the sole discretion of the respondent, the Board or hearing officer may release the statement of closure as a public document.

2.80.067 Timely completion.

The Board or hearing officer shall complete action on a complaint of potential violation and investigations within 90 days of the filing of the complaint of potential violation. By a majority vote, the Board or hearing officer may extend the completion date for up to an additional 90 days, or longer for good cause shown.

2.80.070 Sanctions, civil penalties and remedies.

a. Upon conviction for any violation of Chapter 1.18 HCC under criminal procedures or upon a determination of any violation of Chapter 1.18 HCC after an investigation conducted by the Board or hearing officer under this chapter, the Board or hearing officer may impose (or recommend in the case of subsection (a)(1) of this section) as a sanction, penalty, or remedy any or all of the following, as appropriate to the seriousness of the violation:

1. A recommendation to the City Council that the office of a City Council member or the position of City Manager be declared vacant for a serious violation that is (a) flagrant or (b) willful and knowing. A recommendation that the office of the Mayor be declared vacant may be made only if the violation justifies a declaration of vacancy under AS 29.20.280. Only the City Council may actually declare any of these positions vacant.

2. A member of a board or commission may be removed from the board or commission.

3. A public or private reprimand may be given to the official.

4. The official may be ordered to refrain from voting, deliberating, or participating in any matter in violation of Chapter 1.18 HCC.

5. The committee assignments of an official may be revoked.

6. An official's privilege to travel at City expense on City business may be revoked or restricted.

7. A contract, transaction or appointment, which was the subject of an official act or action of the City that involved the violation of a provision of Chapter 1.18 HCC, may be voided.

8. The official must forfeit or make restitution of any financial benefit received as a consequence of a violation of Chapter 1.18 HCC.

9. A civil fine of not more than \$1,000 per violation may be imposed.

2.80.080 Record of proceedings and public record.

Permanent records and minutes shall be kept of Board's or hearing officer's proceedings. Such minutes shall record the vote of each member upon every question decided in public. Every decision or finding shall immediately be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every finding and recommendation shall be directed to the City Council at the earliest possible date.

2.80.090 Settlement of complaints.

a. The respondent in any case accepted for investigation may propose a resolution and settlement of the complaint. A proposed resolution and settlement will include the admitted violation of Chapter 1.18 HCC; the remedial actions agreed to by the respondent subject to the City Council's concurrence; any proposed preventive actions to be undertaken to avoid similar violation by respondent or others in the future; and other matters required by the Board or hearing officer.

b. A proposed resolution and settlement is subject to approval by the Board or hearing officer and has no effect unless approved by the Board or hearing officer. The Board or hearing officer will give the complaining person the opportunity to review and comment on the proposed resolution and settlement prior to approving it. Until approved by the Board or hearing officer, a proposed resolution and settlement must be kept confidential.

c. The proposed resolution and settlement becomes public record upon final approval by the Board or hearing officer.

2.80.100 Limitation period.

a. Notwithstanding any other section of this chapter or Chapter 1.18 HCC, and subject to subsection (b) of this section, the Board or hearing officer only may investigate or otherwise act upon a complaint of a potential violation of Chapter 1.18 HCC that is received by the City Clerk's office within five years after the date of the alleged violation.

b. After the time limitation in subsection (a) of this section has expired, the Board or hearing officer may investigate or otherwise act upon a complaint of a potential violation of Chapter 1.18 HCC that is received by the City Clerk's office within one year after the date of discovery of the alleged violation, but in no case shall this subsection extend the period of limitation in subsection (a) of this section by more than three years.

ADVISORY OPINIONS.

a. Where any official has a doubt as to the applicability of any provision of this chapter to a particular situation, or as to the definition of terms used herein, he may apply in writing to the city attorney for an advisory opinion. The official shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the chapter before such advisory opinion is made.

b. Such opinion, until amended or revoked, shall be binding on the city in any subsequent actions concerning the public official who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. An advisory opinion shall be applicable and binding only to the particular set of facts and instances of conduct for which it was requested and shall have no force or effect for purposes of general application. Such opinion shall not be binding or admissible in evidence in any action initiated by any private citizen. (Ord 06-68(S)(A), 02/13/07).

VIOLATION AND PENALTY.

Any official who willfully and knowingly violates any of the provisions of this chapter shall be guilty of a violation subject to punishment pursuant to HCC 1.16. (Ord 06-68(S)(A), 02/13/07).

SANCTIONS, CIVIL PENALTIES AND REMEDIES.

Upon conviction for any violation of this chapter under criminal procedures or upon a determination of any violation of this chapter after a hearing conducted pursuant to section 2.80.050, the Board of Ethics may impose as a sanction, penalty or remedy any or all of the following, as appropriate to the seriousness of the violation:

a. The Board of Ethics may declare the office of a city councilmember vacant for a serious violation that is (i) flagrant or (ii) willful and knowing. The office of the mayor may be declared vacant only by the city council and only if the violation justifies a declaration of vacancy under AS 29.20.280.

b. The Board of Ethics may remove a member of a board or commission from the board or commission.

c. The Board of Ethics may issue a public reprimand to the official.

d. The Board of Ethics may order the official to refrain from voting, deliberating, or participating in any matter in violation of this chapter.

e. The Board of Ethics may revoke any committee assignments of the official.

f. The Board of Ethics may revoke or restrict the official's privilege to travel at city expense on city business.

g. The Board of Ethics may recommend that a contract or transaction which was the subject of an official act or action of the city in which there is an interest prohibited by this chapter, or which involved the violation of a provision of this chapter, should be voided. If such recommendation is confirmed by the city council, the contract or transaction is voided.

h. The Board of Ethics may order the official to forfeit or make restitution of any financial benefit the official received as a consequence of a violation of this chapter.

i. The Board of Ethics may impose a civil fine of not more than \$1,000.

j. The Board of Ethics may direct the city administration (i) to pursue legal action to enforce any order of the Board of Ethics made under this section and (ii) to exercise any other legal and equitable remedies available to seek whatever relief is appropriate. (Ord 06-68(S)(A), 2007; Ord 07-35(A-2) §4, part, 2007).

DISTRIBUTION OF CODE OF ETHICS.

The city clerk shall cause a copy of this chapter to be distributed to every city official within thirty days after its enactment. Each city official elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office. (Ord 06-68(S)(A), 02/13/07).

APPLICATION OF STATE STATUTES.

a. Nothing in this chapter is intended to curtail, modify, or otherwise circumvent the application of the Alaska Statutes to any conduct involving bribery or other offenses against public administration.

b. All municipal officers as defined by Alaska Statutes Chapter 39.50 shall be subject to the provisions of AS 39.50 relating to conflicts of interest or financial disclosures. (Ord 06-68(S)(A), 02/13/07; Ord 07-35(A-2) 10/23/07).

Homer City Council Tablet Usage Policy

1. Purpose

- a. The City of Homer recognizes that the use of digital communications has become necessary to conduct official business. This policy strives to ensure that the Mayor and Council Members are able to be issued a device which will enable them to utilize digital communications in a manner consistent with their role as an elected official and applicable law.

2. Ownership

- a. One tablet computer and accessory package (tablet) will be issued to the Mayor and each member of Council. Tablets issued under this policy will remain the property of the City of Homer. The Mayor and members of Council will have no ownership, interest, or right to title of the tablet.
- b. Each recipient issued a tablet is responsible for the security and care of that tablet, regardless of where the tablet is used.
- c. All tablets will be covered by a hardware warranty and supplemental support plan through the manufacturer or a third party. The exact details of the coverage and remaining term will be outlined on the equipment receipt form.
- d. Upon vacating elected or appointed seat, each tablet recipient will ensure that their tablet is returned to the City Clerk, who will ensure that the tablet reimaged and will reissue the unit to the next holder of that seat.

3. License Agreements

- a. The City of Homer is the sole licensee of the software included with the tablet. Any copying, modification, merging, or distribution of the software by the recipient, including written documentation, is prohibited. The recipient is responsible for complying with any and all hardware, software and service provider licensing agreements, terms of use, and applicable state and federal copyright and other intellectual property protections. Violation of any such licenses, terms, or laws shall constitute a violation of this policy.

4. Liability

- a. Recipients are responsible for all material sent by and/or stored on the tablet issued to them which they will knowingly and intentionally send or store/install. Recipients accept responsibility for keeping their tablet free from all inappropriate or dangerous files.

- b. The City of Homer is not liable for any inappropriate material sent by and/or stored on tablets issued under this policy outside of the scope of use expected by a city official.

5. Email Usage

- a. The recipient of a device under this policy agrees to conduct all email communications which are stored on this device through their assigned City email account. All emails sent through the City's email system are archived and retained by the City in a manner consistent with the City's Record Retention Policy.
- b. Syncing personal email accounts to the issued device, other than the recipient's assigned City email account, is prohibited.

6. Acceptable Use

- a. The City of Homer only authorizes use of its tablets in a manner that supports the recipient's role as an elected official of the City.
- b. The device may only be used for limited personal use; that does not interfere with the ability of the device to be used for official intended purposes.
- c. Use of the tablet for any political use including but not limited to campaigning is expressly forbidden.

7. Privacy

- a. All communications made via devices covered under this policy are subject to disclosure under the Open Records Act or for litigation purposes unless a privilege or exception exists that justify withholding the records.

8. Installation of applications

- a. The installation of applications is limited to applications that are consistent with the terms listed in this policy and are available through the tablet's application store.
- b. Applications will only be licensed and installed by the Information Technology Manager and his staff.
- c. Modification of the tablet's operating system to allow installation of applications not approved by the manufacturer and/or not available through the "application store" is prohibited.
- d. Applications for personal use that do not interfere with city use may be allowed by the IT Manager on a case by case basis.

9. Care of the Device

- a. Recipients are responsible for the general care of the device issued under this policy. The tablet must remain free of any writing, drawing, stickers, or labels

that are not property of the City. Only a clean microfiber cloth, like what is used to clean eyewear, should be used when cleaning the screen.

10. Loss and Damage

- a. Recipients of tablets under this policy are encouraged to keep the device safe and in good working order. If a user demonstrates extreme negligence with a device, or loses a replacement device within 18 months of being issued a replacement, then he or she shall be financially responsible for the cost of the replacement.
- b. Loss of or damage to a City of Homer tablet and/or accessory must be reported immediately to City staff.
- c. Recipients must not modify, upgrade, or attempt to repair tablets and/or accessories issued under this policy without the express permission of the City of Homer Information Technology Manager. All repairs must be made through the provided protection plan. Repairs not covered by the supplied protection plan which are determined to be caused by negligence, shall be covered by the recipient. (Reso 13-035(A), 04/08/13).

Homer City Council Off-site Equipment Receipt

I _____ agree and understand that I have received the below listed equipment in good working order.

I acknowledge having received, read, and understood the Homer City Council Tablet Use Policy.

I agree that this equipment will be used solely for the conduct of City business, and in accordance with any and all Homer City Council policies, and applicable laws.

I will return the equipment in good working order, with allowance for normal wear and tear.

I understand that I must provide an inventory of all City of Homer provided equipment used off-site annually, and sign another equipment receipt for same.

Manufacturer	Model	Serial Number	Remarks

Signed: _____
(Equipment Recipient)

Date: _____

Signed: _____
(Information Technology Manager)

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Lord

RESOLUTION 18-006

A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING RESOLUTION 13-095 AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR COMMUNITY RECREATION PROGRAMS THAT REQUIRE ONLY MINMAL HEAT AND UTILITIES UNTIL SUCH TIME AS THE BUILDING IS DEMOLISHED TO INCLUDE THE ADJACENT CLASSROOM AS USABLE SPACE FOR COMMUNITY RECREATION ACTIVITIES.

WHEREAS, Resolution 13-095 limited the use of the Homer Education and Recreation Complex (HERC) to only Community Recreation activities and only in the gym; and

WHEREAS, It is the City’s understanding from correspondence from the State of Alaska Fire Marshall that opening the adjacent classroom (former shop room) to a maximum of 30 occupants would require minimal upgrades that can be absorbed within the existing budget; and

WHEREAS, Opening up this classroom to Community Recreation activities will allow expanded oppotunities in Homer for recreation such as Zumba and martial arts classes, among other activities; and

WHEREAS, Using the adjacent classroom space will not incur any additional operating cost beyond lighting allowing the building to remain in “warm status” with minimal heat.

NOW, THEREFORE, BE IT RESOLVED that the Resolution 13-095 is amended to include the adjacent classroom as usable space for Community Recreation activities.

BE IT FURTHER RESOLVED that the City Manager is authorized to contact the State of Alaska Fire Marshall and make necessary improvements to the space to comply with a maximum occupancy of 30 as long as improvements can be absorbed within existing budget.

CITY OF HOMER

BRYAN ZAK, MAYOR

43 ATTEST:

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47 MELISSA JACOBSEN, MMC, CITY CLERK



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

DIVISION OF FIRE AND LIFE SAFETY
Plan Review Bureau - Anchorage

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.2004
Fax: 907.269.0098

March 12, 2015

Michael Illg
City of Homer
491 E Pioneer Ave
Homer, AK 99603

SUBJECT: Homer Education Recreation Center (HERC)
Building - Occupancy Change
CITY: Homer
PLAN REVIEW: 2015Anch1154
OCCUPANCY: B
2009 INTERNATIONAL BUILDING AND FIRE CODE

Dear Michael Illg:

Plans for the subject facility Occupancy Change have been reviewed by this office for conformity with the State Fire and Life Safety Regulations. However, before construction, alteration, or repairs may begin, the list of item(s) on the following page(s) require clarification and/or new drawings must be submitted for approval.

Please provide the above information to our office within thirty (30) days from the date of this letter.

If you have any questions on this matter, please contact us at the address above.

Sincerely,

A handwritten signature in cursive script that reads "Timothy W. Fisher".

Timothy Fisher
Plans Examiner

Reference is made to the above cited plan review, specifically to item(s):

1. Provide an inspection report from a fire systems company that the fire alarm system in the room is operational and has been inspected within the past year. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Nonrequired fire protection systems and equipment shall be inspected, tested and maintained or removed. IFC. 901.6.
2. Provide a picture or copy of the extinguisher tag, serviced within the past year. Portable fire extinguishers shall be installed in the following locations. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies. IFC. 906.1(1)
3. Provide pictures of panic hardware on the exit doors, ensure they swing in the direction of travel. Doors serving a Group H occupancy and doors serving rooms or spaces with an occupant load of 50 or more in a Group A or E occupancy shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware . IBC. 1008.1.10
4. Provide a letter signed by the city manager on use of the space and occupant load will be maintained at 30. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.1. For areas without fixed seating, the occupant load shall not be less than that number determined by dividing the floor area under consideration by the occupant per unit of area factor assigned to the occupancy as set forth in Table 1004.1.1. Where an intended use is not listed in Table 1004.1.1, the building official shall establish a use based on a listed use that most nearly resembles the intended use. IBC. 1004.1.1
5. Provide pictures of the emergency lighting and exit signs and verify operation. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. In the event of power supply failure, an emergency electrical system shall automatically illuminate the following areas: IBC. 1006.3

**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 13-095

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR PICKLEBALL, BASKETBALL, AND OTHER COMMUNITY RECREATION PROGRAMS THAT REQUIRE ONLY MINIMAL HEAT AND UTILITIES UNTIL SUCH TIME AS THE BUILDING IS DEMOLISHED.

WHEREAS, The City of Homer does not have the funds to refurbish the HERC Building or to operate and maintain it and it has been unsuccessful in identifying a suitable use for it going forward; and

WHEREAS, At a recent CIP Planning workshop, the City Council decided that it was in the best interest of the community to demolish the building and use the land as the site of a proposed new public safety building; and

WHEREAS, There are a number of steps which must be taken before the building can be demolished including identifying the funding for demolition and selecting a contractor through the City's procurement procedures; and

WHEREAS, Minimal heat must be maintained in the building whether it is in use or not in order to prevent pipes from freezing and snow from accumulating on the flat roof; and

WHEREAS, Pickleball, adult basketball, and other City of Homer Community Recreation Programs are very popular and make a large contribution to community health and the quality of life; and

WHEREAS, These programs involve vigorous physical activity and do not require heat above the minimal setting already used to keep the building in "warm status"; and

WHEREAS, Advocates for these programs have requested that the gymnasium remain open with minimal heat and utilities until such time as the building is demolished.

NOW THEREFORE BE IT RESOLVED that the Council finds that the gymnasium remains an asset for as long as the HERC building remains standing and that it would be in the best interest of the community to use it provided that maintenance and utility costs are minimal; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to keep the HERC gymnasium open for pickleball, basketball, and other City of Homer Community Recreation Programs that require only minimal heat and utilities until such time as the building is demolished.

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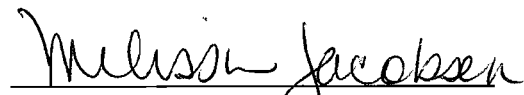
PASSED AND ADOPTED by the Homer City Council this 23rd day of September, 2013

CITY OF HOMER



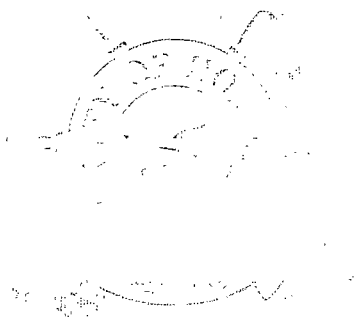
MARY E. WYTHE, MAYOR

ATTEST:



MELISSA JACOBSEN, CMC
DEPUTY CITY CLERK

Fiscal Note: Estimated additional \$15,000 for electric and maintenance; \$7,500 in 2013 and \$7,500 in \$2014.



VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

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

Ordinances 17-43 & 17-44

A **public hearing** is scheduled for **Monday, January 8, 2018** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinance 17-43, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Ternview Place and Little Fireweed Lane. City Manager/Public Works Director.

Ordinance 17-44, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$61,600 from the Homer Accelerated Water and Sewer Program Fund (HAWSP) for Oversizing Water Main Along Nelson Avenue and Ronda Street. City Manager/Public Works Director.

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

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

Melissa Jacobsen, MMC, City Clerk
Publish: Homer News January 4, 2018

CLERK'S AFFIDAVIT OF POSTING

I, Melissa Jacobsen, City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for:

Ordinance 17-43, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Ternview Place and Little Fireweed Lane. City Manager/Public Works Director.

Ordinance 17-44, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$61,600 from the Homer Accelerated Water and Sewer Program Fund (HAWSP) for Oversizing Water Main Along Nelson Avenue and Ronda Street. City Manager/Public Works Director.

was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library and posted on the City website on Tuesday, November 21, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 2nd day of January, 2018.



Melissa Jacobsen, MMC, City Clerk



ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-43

Ordinance 17-43, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Ternview Place and Little Fireweed Lane.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting December 11, 2017 Introduction
 - a. Memorandum 17-143 from Public Works Superintendent as backup

2. Council Regular Meeting January 8, 2018 Public Hearing and Second Reading
 - a. Memorandum 17-143 from Public Works Superintendent as backup

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 17-43**

6
7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING THE OFFICIAL ROAD MAINTENANCE MAP OF THE CITY
10 OF HOMER BY ADDING TERNVIEW PLACE AND LITTLE FIREWEED
11 LANE AS URBAN ROAD.
12

13 WHEREAS, The City of Homer has determined that it is necessary to provide minimum
14 standards to regulate design and construction of public streets, roads, and highways within
15 the City of Homer; and
16

17 WHEREAS, Ordinance 85-14, HCC 11.04.055, adopted July 2, 1985 provides appropriate
18 street design and construction standards as well as an official maintenance map to record
19 streets officially accepted for maintenance; and
20

21 WHEREAS, HCC 11.04.055 provides that the City shall not accept maintenance
22 responsibility for any road or street which is not constructed or reconstructed to the adopted
23 standards unless the road is shown on the Official Road Maintenance Map. As amended via
24 Ordinance 02-23(S), adopted June 10, 2002, of the City of Homer; and
25

26 WHEREAS, An additional 1780 lineal feet has been duly inspected, reviewed, approved
27 by the Department of Public Works and recommended for acceptance by the City of Homer as
28 Urban Road.
29

30 NOW THEREFORE, The City of Homer Ordains:
31

32 Section 1: Section 11.04.055 Official Road Maintenance Map adopted is hereby
33 amended per provisions of sections (a) through (e) to include the following additional streets
34 as Urban Road by the City of Homer and recorded as amendments #40 and 41 on the New
35 Official Road Maintenance Map adopted: the following mileage calculation is to the nearest
36 hundredth.
37

<u>Amend</u>	<u>Subdivision</u>	<u>Roadway Name</u>	<u>Lineal Feet</u>	<u>Mile</u>	<u>Class</u>
38 40.	Commercial Park Unit 1	Ternview Place	480	.09	Urban
39 41.	Commercial Park Unit 1	Little Fireweed Lane	1300	.25	Urban

40
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42 Section 2: This is a non code ordinance and of a permanent nature.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 8th day of January, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____



City of Homer

Dan Gardner, Superintendent

Public Works

3575 Heath Street

Homer, AK 99603

dgardner@ci.homer.ak.us

(p) 907-235-3170

(f) 907-235-3145

MEMORANDUM 17-143

To: Melissa Jacobsen, City Clerk

Through: Carey S. Meyer, PW Director

From: Dan Gardner, PW Superintendent

Date: November 29, 2017

Subject: Street Improvements – Official Road Maintenance Map
Little Fireweed Lane & Ternview Place

As part of a Subdivision Agreement, road improvements have been constructed for the Commercial Park Unit 1 Subdivision. These road improvements were finished in 2017 and this department has inspected and approved the construction.

The two streets are:

1. Ternview Place - 480 lineal feet
2. Little Fireweed Lane - 1300 lineal feet

This is a total of 1780 lineal feet (.34 miles)

In accordance with Ordinance 85-13, Section 12.20.090, and Section 11.20.100, this Department requests that the City Council formally accept the street improvements for operation and maintenance. Upon the Council's approval, please add the additional .34 miles of road to the Official City Road Maintenance Map for year-round maintenance.

See attached map for location.

Fiscal Note – Annual maintenance costs for these improvements is estimated to be \$6300.

C: Carey Meyer, PW Director
Katie Koester, City Manager

ORDINANCE REFERENCE SHEET
2017 ORDINANCE
ORDINANCE 17-44

Ordinance 17-44, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$61,600 from the Homer Accelerated Water and Sewer Program Fund (HAWSP) for Oversizing Water Main Along Nelson Avenue and Ronda Street.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting December 11, 2017 Introduction
 - a. Memorandum 17-144 from Public Works Director as backup
2. Council Regular Meeting January 8, 2018 Public Hearing and Second Reading
 - a. Memorandum 17-144 from Public Works Director as backup

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 17-44**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2018 OPERATING BUDGET BY AUTHORIZING THE
9 EXPENDITURE OF \$61,600 FROM THE HOMER ACCELERATED
10 WATER AND SEWER PROJECT FUND (HAWSP) FOR OVERSIZING
11 WATER MAIN ALONG NELSON AVENUE RONDA STREET.

12
13 WHEREAS, The Developer of the Quiet Creek Subdivision is preparing to construct the
14 required road, drainage, water, sewer, and non-City owned utilities in support of the
15 development. Public Works has reviewed the plans; and

16
17 WHEREAS, The water main from the Owen Court/Nelson Avenue intersection to East End
18 Road needs to be larger than the 8”main required for this subdivision to allow water from a future
19 tank above the subdivision to serve areas below; and

20
21 WHEREAS, Developers are required to install 8” mains; the City pays the cost of pipe
22 material only to oversize mains if larger pipes are needed to serve the entire community. The cost
23 of oversizing the pipe is estimated to be \$61,600; and

24
25 WHEREAS, Water system infrastructure improvement costs have traditionally been funded
26 by the HAWSP fund.

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

29
30 Section 1. The FY 2018 Operating Budget is hereby amended by appropriating \$61,600
31 from the Homer Accelerated Water and Sewer Project Fund for the purposes of oversizing the
32 water main in the Quiet Creek Subdivision.

33

<u>Account</u>	<u>Description</u>	<u>Amount</u>
HAWSP Fund	Quiet Creek Subdivision	\$61,600
	Water Main Oversizing	

36
37

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

40
41 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 8th day of January, 2018.
42

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date: _____

Holly Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

MEMORANDUM 17-144

TO: Mary K. Koester, City Manager
FROM: Carey Meyer, Public Works Director
DATE: December 6, 2017
SUBJECT: **Proposed Quiet Creek Park Subdivision
Need for City Funds to Oversize Water Main**

Echo Trading Company LLC has initiated planning and design of the Quiet Creek Subdivision. Attached is a vicinity map showing the project location. As part of the approval process, Public Works has prepared a Construction Agreement that binds the Developer to the conditions under which construction of all required road, drainage, water, sewer, and non-City owned utilities will be completed. The final plat is being reviewed by the KPB with recommendations from the Homer Advisory Planning Commission. Public Works is currently reviewing and commenting on construction plans for the required improvements. Construction of Phase I is anticipated in 2018.

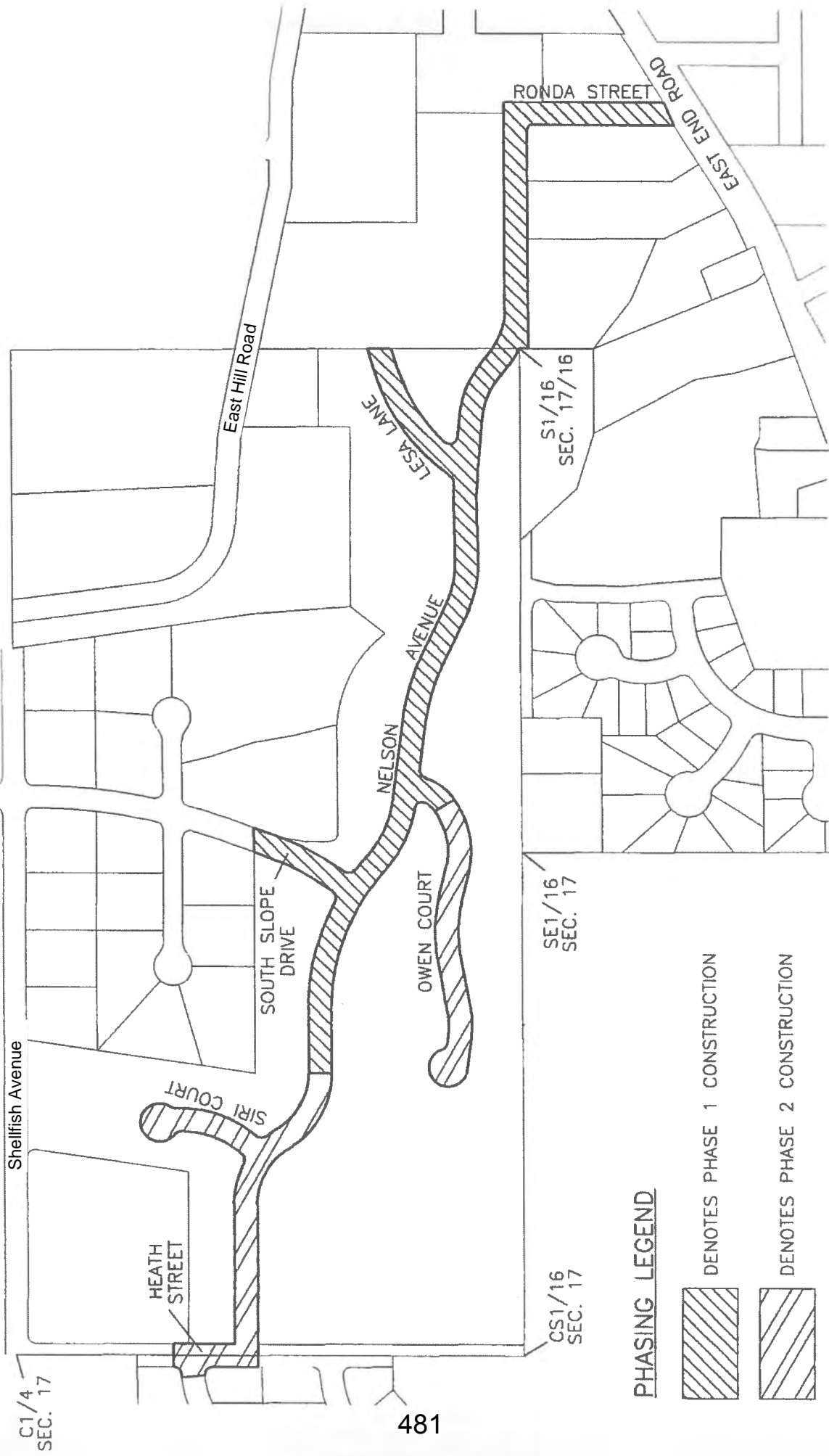
In reviewing the plans for any subdivision, Public Works looks at the area as a whole to determine what impacts its development will have on the community and what improvements are needed to support the interests of the community. One facet of the review focuses on the water and sewer systems. The Water/Sewer Master Plan provides information regarding the sizes of mains needed as the City grows. The water main from the Owen Court/Nelson Avenue intersection to East End Road needs to be larger than the 8" main required for this subdivision (to allow water from a future tank above the subdivision to serve areas below). Attached is an oversizing map showing the location of this main. Developers are required to install 8" mains; the City pays to oversize mains if larger pipes are needed to serve the entire community (limited to cost of oversized pipe material only). Below is an estimate of the costs associated with oversizing:

Pipe material oversizing cost (8" to 12") 2250 LF = $2800 \times \$22/\text{LF} = \$61,600$



These kinds of water infrastructure improvement costs have traditionally been funded by the HAWSP fund. Resolution 16-074 placed a moratorium on the use of the HAWSP funds for completing Special Assessment Districts, but has not limited its continued use in funding these relatively small miscellaneous improvement needs. The Planning Commission has worked on guidelines for how to prioritize and select new Special Assessment District projects that need to be discussed with Council when time allows.

Recommendation: The City Council should pass an ordinance authorize the expenditure of \$61,600 for the required oversizing of water mains within the Quiet Creek Subdivision from the HAWSP fund.

QUIET CREEK SUBDIVISION - HOMER, ALASKA SITE MAP



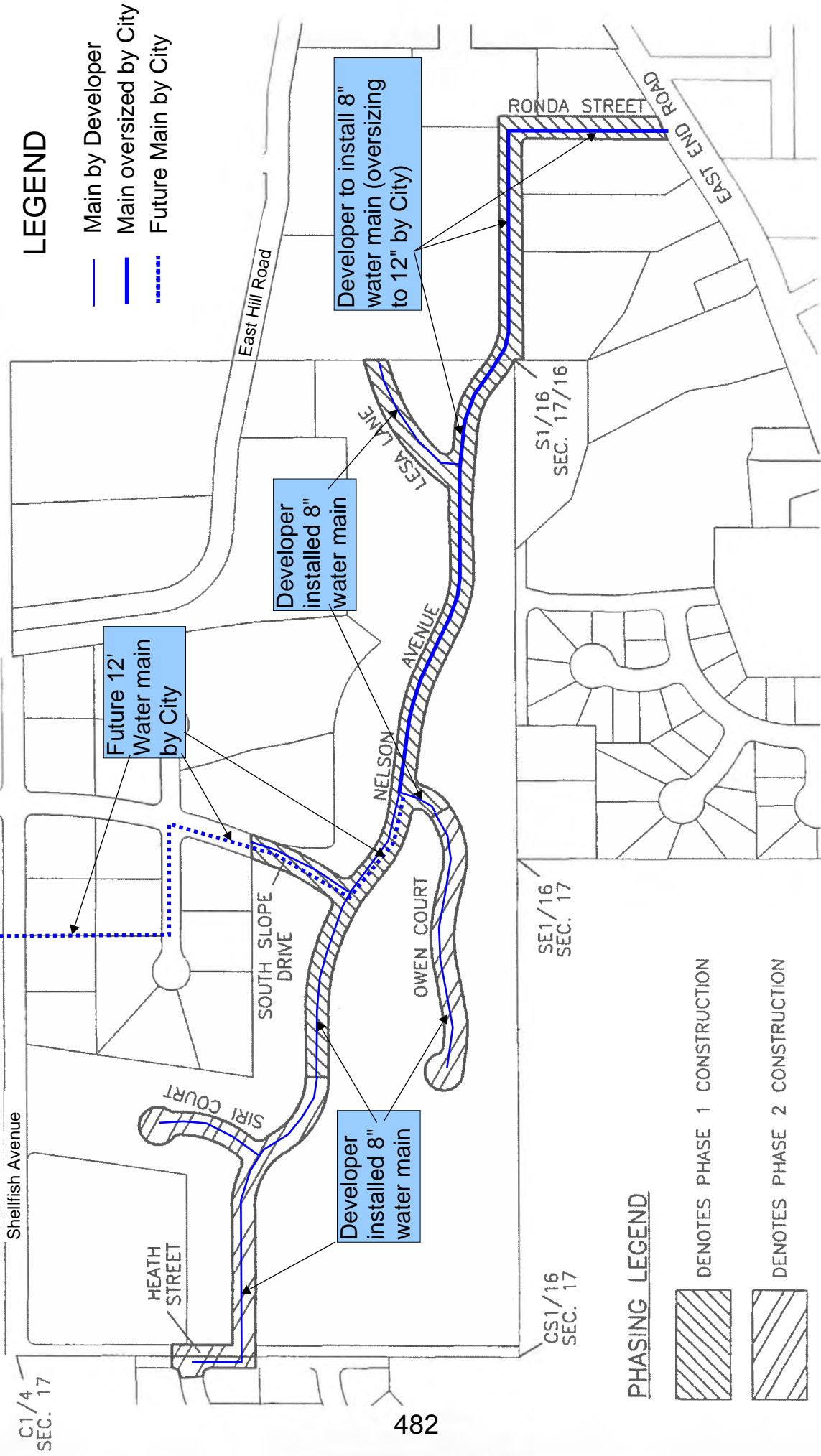
PHASING LEGEND

-  DENOTES PHASE 1 CONSTRUCTION
-  DENOTES PHASE 2 CONSTRUCTION

QUIET CREEK SUBDIVISION - HOMER, ALASKA

OVERSIZING



Future tank
by City



LEGEND

- Main by Developer
- Main oversized by City
- - - Future Main by City

PHASING LEGEND

-  DENOTES PHASE 1 CONSTRUCTION
-  DENOTES PHASE 2 CONSTRUCTION

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 3, 2018
SUBJECT: January 8 City Manager Report

Battle Creek Project

The Battle Creek project is a 46 million dollar project to expand power generation capacity at Bradley Lake by diverting runoff from the Battle Glacier. The project is expected to begin this spring with completion in 2020. The Port of Homer is the most logical and cost effective way to handle the projects logistical needs and we expect to see increased traffic during all phases of construction.

Project Review of 2017 and what's ahead for 2018

Public Works complied a year in review for projects completed in 2017 (attached). The list includes the budget and actual for the projects and recent equipment purchases. In the case of each project/purchase, the unspent funds lapse back into the account they were appropriated from. For example, the used steamer truck purchased in 2013 came in \$14,569 under budget. These funds then stay in the Public Works Fleet Reserve. Overall, the record demonstrates a track record of responsible project management. The write up also includes anticipated projects for 2018.

Governor's Budget

On December 15th Governor Walker released his Draft 2019 budget. The direct impacts to Homer remain fairly status quo, detailed below. However, it is important to remember that this is just the proposed budget, the power of the purse is held with the Legislature. The budget – and proposed revenue stream – will undergo intense scrutiny in the coming months.

1. The City participates in Alaska Land Mobile Radio (ALMR), a state wide radio communications system. To encourage participation in ALMR the state pays a maintenance fee for the equipment on behalf of municipalities. In the past the State has threatened to not fund this and shift the cost to participating municipalities. For Homer, that could mean opting out of ALMR. In Governor Walker's budget, the State will continue to fund ALMR.
2. The City has a contract with DOT to provide winter maintenance to Pioneer Avenue (\$34,000). The City took over this responsibility years ago from the State as the businesses and residents demanded a higher level of service than DOT was able to provide (plowed sidewalks and removal of snow from the middle of the road, for example). The Governor's budget includes status quo funding for this contract.

3. Police Department. The Troopers have a contract with the City for occasional use of the Police station. This will remain in place in the proposed budget (\$36,000). The Department of Corrections has a contract with the City to house state prisoners in the Homer Jail. This contract was cut by 40% in 2015, but will remain status quo (\$424,000) in the proposed budget.
4. The City pays 22% of payroll for each employee in the Public Employees Retirement System (PERS). The State picks up anything over 22% per employee, as calculated by the actuaries. Some years this is a very high number, depending on the health of the fund and variables the actuaries use to determine the normal cost. Although the Governor's budget includes the full on behalf payment, in the past the Legislature has repeatedly threatened to increase the 22%. A 1% increase in PERS contribution rates represents approximately \$60,000 for the City of Homer operating budget.
5. State wide, Community Assistance (formerly Revenue Sharing) will drop by 1/3, or \$20 million state wide. This means the City of Homer would receive \$136,731 this year in comparison to \$205,118 in 2017. However, there has been talk of a the FY18 supplemental including a \$30 million boost to the fund, so this is one we should also be watching.

Customer Comment Cards

The 4th quarter report for customer feedback comment cards is included in your packet. In summary, Five compliments received – two to Public Works for road and trail work; three to the Library. Five cards held suggestions for improving City services; these were shared with appropriate Department and follow-up completed with each customer offering a suggestion.

Police Station Worksession

An extended worksession (4-7) is scheduled for the police station project on January 29th. In order to prepare for the meeting and make sure it is a productive use of your time, I welcome any input you have on materials you would like to have available or any information that needs to be tracked down. I am hopeful that after the worksession legislation can be introduced at the February 12th Council meeting that confirms the direction the City Council would like to head in. Some talking points for the worksession pulled from previous Council discussion are listed below. Resolution 17-074(S)(A) directs existing police station project budget to be used to hire a local facilitator. I welcome any suggestions you have on facilitating the worksession.

1. Building location
2. Builidng cost
3. How to pay for it
4. Timing. Target date for construction?
4. Weather or not to maintain current design/build contract with Stantec

Kenai Peninsula Borough Comprehensive Plan Update

The Kenai Peninsula Borough is soliciting public comment on their draft 2018 Comprehensive Plan until January 31, 2018. The Planning Director has participated in the process and the Planning Commission will review the document. To review the Public Review Draft and comment, visit <http://kpbcompplan.com/>

Quiet Creek Park Subdivision (Phase I)

Councilmembers have asked for an update on the proposed Quit Creek Park Subdivision. Public works provided the December 2017 update below.

The Developer has executed a Construction Agreement that sets the conditions under which the City will accept ownership of the road, drainage, water and sewer improvements (and non-City-owned utilities) constructed by the Developer to serve the subdivision. The plat cannot be recorded or lots sold until all subdivision improvements has been constructed and accepted by the City. Plans have been submitted, reviewed and commented on. Final plan submittal for Phase I will be made once ADEC approval to construct has been obtained. Attached is a map showing the three phases. The road connection to Mountain View Drive is anticipated to be completed during Phase II.

The plans currently provide for gravel roads, piped water and sewer mains meeting City standards, and drainage improvements (including storm water detention basins – sized to detain runoff from a 10 year storm). The developer is not required to pave the roads, but has indicated that his intention is to pave after all phases are complete. No sidewalks are included in the project.

The Developer has paid an inspection fee. The Developer has submitted and Public Works has approved a Flushing/Testing plan for the water line installation, a Work Schedule, a Quality Control Plan, and Public Works has reviewed the SWPPP Plan and Corps wetlands permits.

Public Works has reviewed submittals from the Contractor, East Road Services, for all materials and equipment being used and approval has been issued with a few exceptions. Public Works has issued a Conditional Notice to Proceed for the construction of the above referenced subdivision improvements that covers approval to order drainage culvert and water main pipe, complete clearing and grubbing, culvert installation, and initial road excavation. No construction of any road improvements or water and sewer improvements is authorized until plans receive final approval.

Public Works expects that construction of the creek crossing culverts will be completed over the next few month; followed by installation of water and sewer mains. Road construction will start in early spring 2018 with substantial completion mid-summer.

At full build-out, anticipated annual road and drainage maintenance costs are \$30,000. However, the increase in property tax revenue with full build out and occupancy should more than cover the anticipated expense.

Enc:

January Employee Anniversaries

Public Works 2017 Project Review

Resolution 17-074(S)(A)

APSC Stakeholder Academy Funding

4th Quarter Customer Comment Card Report



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and City Council
FROM: Katie Koester
DATE: January 8, 2018
SUBJECT: January 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.

Richard Gibson,	Public Works	18	Years
Teresa Sundmark,	Library	11	Years
Amy Gordon,	Library	11	Years
Tomasz Sulczynski,	IT	10	Years
Larry Baxter,	Police	9	Years
Andrea Browning	Admin	6	Years
Paul McBride	Public Works	6	Years
Burton Gregory,	Harbor	4	Years
Brody Jones,	Public Works	4	Years
Bobby Dash,	Dispatch	3	Years
Jona Focht,	Dispatch	3	Years

Below is a summary of major projects showing budget status. Also below is a summary of major equipment purchases completed over the last few years.

Projects Completed in 2017 – Budget vs. Actual Costs

	<u>Budget</u>	<u>Actual</u>
Harbor High Mast LED Lighting Improvements	\$ 210,702	\$ 199,125
Eric Lane/Lilian Walli Subdivision Road and Sewer SAD	\$ 1,125,000	\$ 1,028,926
Fishing Hole Fish Cleaning Station	\$ 79,850	\$ 79,316
Soundview Avenue Sidewalk/Pedestrian Safety Improvements	\$ 675,616	\$ 598,364
Fire Hall Improvements	\$ 850,000	\$ 764,253
Storm Drain Improvements/Slip-lining Bunnell Avenue	\$ 494,000	\$ 492,927
Deep Water Dock Feasibility Study	\$ 1,717,095	\$ 1,658,771
Kachemak Drive Water and Sewer Extension (Phase III) SAD	\$ 2,006,639	\$ 1,041,720
Frisbee Court Paving SAD	\$ 282,693	\$ 173,639
New Police Station Conceptual Design	\$ 12,500	\$ 7,750
Mariner Park Signage/Beach Access Control Improvements	\$ 10,000	\$ 9,673
Sewer Treatment Plant Fencing/Drainage Improvements	\$ 16,000	\$ 11,800
Raw Water Pump Replacement	\$ 35,000	\$
Sewer Plant Control Computer Upgrade	\$ 47,790	\$ 47,790

Equipment Purchased Recently

2013 Used Steamer Truck	\$ 42,450	\$ 27,881
2013 Steamer Boiler	\$ 120,000	\$ 110,000
2013 Ford F550 Sander Truck	\$ 40,000	\$ 37,481
2015 Ford F550 Sander Truck	\$ 50,000	\$ 42,556
2015 Mac End Dump Truck	\$ 150,000	\$ 149,599
2015 Pelican Street Sweeper	\$ 200,000	\$ 190,579
2016 2 – Used Pickup Trucks	\$ 40,000	\$ 39,600

Projects For 2018 (so far)

Ramp 2 Restroom Replacement
 HVAC Replacement Sewer Treatment Plant
 New Police Station Design
 Barge Mooring/Haul Out Facility Design
 Greatland Street Extension Design and Construction
 Inspection/Acceptance Quiet Creek Park Subdivision Improvements
 Homer Harbor Cathodic Protection Project
 Harbor Parking Lot Improvements
 Harbormaster Building Emergency Back-up Generator
 Fish Dock Water Pipe Delivery Replacement

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

41
42 WHEREAS, The Police Station Building Task Force recommended Heath Street and
43 Grubstake Avenue (north of the post office) as the preferred site for a new police station; and

44
45 WHEREAS, The Task Force further recommended two building options for
46 consideration by Council: option 2A an approximately 8,400 square foot building with a not to
47 exceed budget of \$6 million and option 2B a 13,900 square foot building with a not to exceed
48 budget of \$9 million; and

49
50 WHEREAS, The Council discussed the recommendations at length at the May 30 and
51 June 12 meetings without being able to come to a consensus on cost or site for a new police
52 station; and

53
54 WHEREAS, Council expressed an interest in keeping the HERC site as an option for the
55 location of a new police station; and

56
57 WHEREAS, The HERC gym is currently used for Community Recreation including pickle
58 ball, toddler play group, and Zumba, among other activities; and

59
60 WHEREAS, The Parks, Arts, Recreation and Culture Needs Assessment in 2015
61 concluded a that the most pressing recreational/cultural need in Homer was for a general-
62 purpose gymnasium and multi-purpose space for dance, martial arts, performing arts, and
63 community events; and

64
65 WHEREAS, The Needs Assessment further concluded that while a long-term option for
66 a cultural and reactional center is explored, the City should investigate ways to keep the HERC
67 open to help meet indoor space needs; and

68
69 WHEREAS, Investing in the HERC to increase the life span of the building and bring the
70 downstairs up to fire code will allow expanded public use with greater occupancy capabilities
71 than are currently allowed; and

72
73 WHEREAS, Repurposing the HERC in a way that is useful to the police department while
74 maintaining the gym access to the public fills two very important needs in the community; and

75
76 WHEREAS, Currently the City spends \$40,000 - \$60,000 a year keeping the HERC in warm
77 status. Repurposing the facility with improved energy efficiency, renovating the roof, and
78 making it a useful facility will allow those operating dollars to be spent constructively on
79 operating and maintaining a new police station; and

80

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

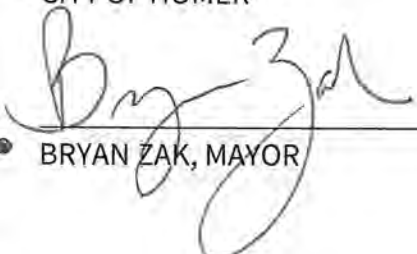
84
85 WHEREAS, The Council has been working on meeting the need for a new police station
86 for over 3 years and is still struggling with major variables such as site and cost; and

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

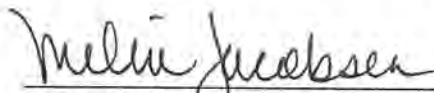
92
93 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska authorizes
94 Stantec Architecture to prepare a 10% concept design for the new police station for
95 consideration by Council for a 6 million dollar facility the corner of Heath Street and Grubstake
96 Avenue.

97
98 BE IT FURTHER RESOLVED that the City will contract with a local skilled facilitator to
99 conduct an extended worksession scheduled after the general election in October to discuss
100 the available options with the intent of gaining city council agreement on one site and building
101 concept.

102 PASSED AND ADOPTED by the Homer City Council on this 14th day of August, 2017.

103
104 CITY OF HOMER
105 
106 _____
107 BRYAN ZAK, MAYOR
108
109

110 ATTEST:

111
112 
113 _____
114 MELISSA JACOBSEN, MMC, CITY CLERK
115

116
117 Fiscal Note: Approximately \$12,500 for 10% preliminary design; \$2,000 for skilled local
118 facilitator from Police Station Building Fund, account balance \$88,000



DATE: December 14, 2017
TO: Alaska Law Enforcement and Community Leaders
FROM: Bob Griffiths, Executive Director, APSC *RCG*
RE: Changes in Police Training Funding and Support

The purpose of this memo is to inform you of a new Alaska Police Standards Council (APSC) policy mandated by declining revenues, and provide you information for community and agency budget planning.

The Alaska Legislature created the APSC in 1972 to regulate and support criminal justice officers and training. The council adopted and maintains regulations regarding minimum qualifications for officers, law enforcement instructors, and training programs.

Until 1994, when the legislature created the Alaska Police Training Fund and adopted a Police Training Court Surcharge fee (surcharge) for traffic convictions, APSC was solely funded by annual general fund appropriations. In 1998 the legislature modified the statutes and added other infractions and criminal offenses to the surcharge funds assessed upon conviction. Shortly thereafter, the legislature chose to only appropriate funds from the Police Training Fund to operate and support APSC and its mission. Each year the legislature grants spending authority up to a specified limit, however, APSC can only spend funds that are collected that year through the police training court surcharge fees.

Over the past few years the amount of court surcharges assessed by the courts and the amount actually collected steadily declined; while legislative spending authority remained about the same. In fiscal year 2017, the police training court surcharge revenues collected hit a low not seen in the past fifteen years (\$982K) and is not expected to increase in the foreseeable future. As I am sure you can appreciate, managing an annual budget that is a moving target can be a challenge, particularly when you do not know your final revenue numbers until the end of the fiscal year.

In its most recent session, the legislature adopted a budget that cut \$200K in general funding for the Alaska Law Enforcement Academy and inserted legislative intent language in APSC's budget stating that; "It is the intent of the legislature that the Alaska Police Standards Council reduce the subsidy for non-state entities who send recruits to training programs."¹

In July, the council adopted a budget to address the legislature's intent and the revenue shortfall. We took immediate steps to reduce expenditures: funding support for all in-service, investigative, and advanced officer training was eliminated; APSC sponsored basic municipal police officer training was limited to two officers per agency; and, agencies were advised that they would now be

¹ Note that APSC does not fund basic training for any officers from state agencies.

responsible for all training costs for their officers' attendance to the municipal corrections officer and recertification/reciprocity academies. We communicated these changes to police chiefs on July 28th (a copy of this memo is attached for your reference).

On December 5, 2017, the Council adopted a policy intended to address inadequate funding to support academy training. The following is an introduction to this new training reimbursement policy.

1. Effective immediately; rather than APSC paying academies directly for each basic academy municipal attendee, police agencies must pay the initial cost of training directly to the academy.
2. In June of each year, municipal agencies will be reimbursed by APSC a pro-rated portion of available academy funds for their officers who successfully graduated from the ALET and/or CTC academies during that fiscal year.

These changes mean that in June of 2018, APSC will reimburse agencies a prorated portion of their costs to send officers through ALET 18-01². In fiscal year 2019, APSC will reimburse agencies in June of 2019 a prorated portion of the costs for officers who successfully completed ALET 18-02 and 19-01 and the CTC session beginning in August 2018.

To give you an idea of what reimbursements could be; APSC has approximately \$80K remaining for this fiscal year to support academy attendees. Academies vary in enrollment but average between 15 to 20 municipal officers. Our entire academy training budget this year is projected to be \$400K (recall that we can only spend what we collect). It is likely that if revenues remain low, this number will reflect next year's academy budget as well.

For your agency budget planning, the following cost estimates may prove useful. Travel and per diem costs will vary by agency, but only municipal corrections officers will need a meal allowance, as the other academy costs include room and board.

Academy	Cost Elements	Amount (FY18 #s)
ALET/CTC	Tuition/Room & Board/Fees	\$10,400
	Travel & Per Diem	Varies
Recertification/Reciprocity	Instruction/Room & Board	\$2,700
	Travel & Per Diem (2 weeks)	Varies
Municipal Corrections	DOC Academy Training	\$0
	Travel, Housing, & Per Diem (3 weeks)	Varies

The council recognizes that this places a significant financial burden upon communities, and please know that their decision was not made lightly, nor without considerable consternation.

If your agency finds that you may need to postpone an officer's basic academy training, please refer to the "Getting police officers trained and certified" section of our *APSC User's Guidebook*³.

If you have questions or suggestions, please feel free to contact me.

² This is the only remaining academy for this fiscal year; ALET 17-02 has already been paid for by APSC.

³ Quick Links section of <https://dps.alaska.gov/APSC/Home>



Date: July 28, 2017

To: All Alaska Police Chiefs and Commanders

From: Bob Griffiths, APSC Executive Director *RCG*

RE: Police Training

We can all agree that Alaska's recession has dealt every state and local agency a serious blow. You may have thought APSC's funding, which originates from surcharge fees assessed to traffic citations and criminal cases, would be immune to this recession; you would be wrong. In spite of relatively stable enforcement efforts over the past four years, new surcharge revenues declined by over 37%. From fiscal years 2016 to 2017, alone, the revenue generated declined 18%. Unfortunately, while the legislature caps our spending authority each year in the state's budget, our only source of annual funding is the surcharge revenues collected that year; we receive no general funds from the state budget.

As a small state agency, the Council has fixed personnel, facility, communications and supply costs that change little each year other than through inflation; our only "discretionary" budget items are for the amount of training we can sponsor. The Council was faced with the unenviable decision about how to allocate the drastically reduced training funds. They established that basic academy training must have priority over more advanced or in-service training events and directed me to adopt a budget and funding policy that has the following impacts:

1. Continue coordinated efforts toward surcharge amount increases through educating the legislature and stakeholder communities.
2. Effective December 31, 2017, discontinue basic academy sponsorship for state agencies' officers; this includes state airport and university public safety agencies previously sponsored by APSC.
3. For FY18, decline to fund training requests and training events, other than basic academies.
4. Effective December 31, 2017, all agencies must fund their own officer's attendance to the DPS reciprocity academy, rather than APSC funding this training (~\$2,500 each);
5. Effective December 31, 2017, municipal agencies will absorb the housing costs previously paid by APSC, for the Municipal Corrections Academy (~\$900 each).

Around the start of this fiscal year APSC committed to fully sponsoring 34 basic academy attendees to the upcoming ALET and UAF-CTC academies. We will keep this commitment, although it leaves us with adequate funding to only support five additional basic academy attendees for the remainder of this fiscal year. Additionally, when this year's budget was finally adopted by the legislature, they inserted the following intent language into our budget:

“It is the intent of the legislature that the Alaska Police Standards Council reduce the subsidy for non-state entities who send recruits to training programs.”

At our December 5, 2017, Council meeting, the Council will consider options regarding how to equitably distribute limited academy funding for the remainder of this year and in years to come, as well as how APSC can best comply with the intent of the legislature. These options may include such measures as setting a limit on the number of sponsored attendees each year based upon revenues collected, or having all agencies pay for their attendees to the academy and municipalities be reimbursed an equitable share of the training costs upon successful graduation. You may wish to discuss these options with council members or suggest your own solutions between now and December’s meeting.

I recognize that the above presents significant challenges for you, your agency, and your community. While some tough choices have yet to be made, I wanted you all to receive the earliest notice possible of these changes, and the likelihood of additional changes which will directly impact your budget. Please take APSC’s limitations into consideration this year as you consider spending your precious training budgets and plan ahead for future year’s budgets; for we will be facing these harsh financial realities as long as police training surcharge revenues remain at these historic lows.

If you have questions, comments, suggestions, or would just like to see the relevant figures, please do not hesitate to contact us.

**Customer Feedback Quarterly Report
4th Quarter, 2017**

4th Q 2017

DATE	TYPE	CUST COMMENT	Response
Sep-20	Suggestion	Yes, we need new restrooms at Ramp 2. They are horrible and embarrassing.	Communications coordinator called and left message to inform about LWCF application for funds and plans for upgrading the facility.
Sep-22	Compliment	To Public Works Dept: Thank you for the work done on Daybreeze Trail	Received via telephone call.
Sep-23	Compliment	Love this library - so friendly and helpful. Fundamental for our community. Suggestion to encourage kids to be quieter on computers so others can get work done.	Comment card delivered to Homer Public Library.
Sep-27	Suggestion	Ramp # signs at top of Ramps are too small & too low to be seen from cars driving by, especially if cars are parked in the stall with the sign in front of it. Make ramp signs higher and larger.	Harbormaster spoke with customer, said he would look in to sizing up the couple of ramp number signs in the couple areas where they are likely getting blocked by parked vehicles.
Sep-28	Compliment	To Public Works/Parks: called to say thank you for responding to request and filling in hole at the beach access at Bishops beach	Received via telephone calls.
Oct-13	Compliment	Thank you for having such a wonderful library. So much better than the old despairing one Homer used to have	Comment card delivered to Homer Public Library.
Nov-3	Suggestion	Pave Mattox Street. It has never been "improved."	Admin Assistant spoke with customer explaining the SAD process and recapping the past effort to create a SAD for Mattox. Customer said she would follow up with the Clerk's office.
Dec-8	Suggestion	When customer is signed up for autopsy, the water utility bills should indicate that, or give a draft date.	Communication Coordinator called customer to say the comment was shared with Finance Dept who will work with Intellipay on the suggestion.
Dec-18	Compliment & Suggestion	Compliments to a "wonderful HPL librarian who is a great resource at the library" and a request that the librarian text people (who have requested text notification) rather than call them.	Comment shared with Library Director.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: JANUARY 2, 2018
SUBJECT: BID REPORT

REQUEST FOR PROPOSALS FOR AN OPERATION & MAINTENANCE CONTRACT OF THE PORT & HARBOR FISH GRINDING FACILITY

City of Homer's Port and Harbor is requesting proposals from qualified firms for the seasonal operation of the Fish Grinding Facility. The successful proposer will be contracted to operate and maintain the Fish Waste Grinding Facility during sport/commercial fishing seasons, May 1 to October 20, for three consecutive years, 2018 to 2020. Operation and maintenance tasks include, but are not limited to the following: provide labor to grind the fish waste that is delivered to the fish grinder; provide routine maintenance on the fish grinder equipment and the tote dump system; provide 20 non-insulated fish totes with lids and a forklift capable of lifting 1,500 pounds; verify the documented deliveries, collect samples required by ADEC, and submit findings and delivery record book to the Port and Harbor. An optional Pre-Close RFP meeting will be held Tuesday, January 16, 2018 at 2:00 pm at the Fish Grinder Facility located at 810 Fish Dock Road on the Homer Spit. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Sealed Proposals will be received by the Office of the City Clerk, at 491 E. Pioneer Avenue, Homer, Alaska 99603 **no later than 4:30 pm, Thursday, February 8, 2018.** Proposals received after the time fixed for receipt of the Proposal shall not be considered.

REQUEST FOR PROPOSALS FOR OPERATION OF FISH PUMP SERVICES ON THE HOMER PORT & HARBOR FISH DOCK

The City of Homer, Alaska is requesting proposals from qualified individuals or firms that are interested in entering into a five-year Agreement with the City of Homer Port and Harbor for the purpose of operating a fish pump transfer service located on the south end of the City's Fish Dock. Successful proposers will operate, manage, and maintain the fish pump station located on the south end of the Fish Dock for the exclusive purposes of increasing fish offload speed for dock users, increase the volume of fish that crosses the dock, and providing a fish offloading service for hire. An **optional pre-proposal meeting/teleconference** will be held **Tuesday, December 19th, 2017 at 2:00 p.m.** at the Homer City Hall Conference Room. Sealed proposals for the **Fish Pump Services on Homer Fish Dock** will be received at the office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:00 p.m., Friday, January 12, 2018.** The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the time fixed for the receipt of the bids shall not be considered.

INVITATION TO BID HOMER HARBOR CATHODIC PROTECTION PROJECT 2018

Sealed bids for the construction of the Homer Harbor Cathodic Protection Project 2018 project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, **until 2:00 p.m. on Thursday, January 11th 2018**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>. **Pre-Bid Conference** will be held at **1:30 p.m. on Friday December 15, 2017** at the site to answer bidder's questions. The City's local bidder's preference requirements does apply to this contract; State prevailing wage rates will apply. The work includes furnishing and installing a sacrificial anode cathodic protection system on the harbor float pipe piles. Anodes will be welded to the piling by ADCI certified commercial divers.

REQUESTS FOR PROPOSALS TO LEASE SPACE AT THE HOMER AIRPORT TERMINAL

Sealed proposals for leasing spaces at the Homer Airport Terminal will be received at the office of the City Clerk, 491 E. Pioneer Avenue, Homer, AK 99603 by the submittal deadline: **8:30 am on Monday, January 15, 2018**.

Description of airport spaces and rent/lease fee (see floor plan):

- Concession area (across from RAVN's ticket counter) is 160 sf. \$2 psf plus concession fees and taxes.
- Concession area across from the baggage claim/ramp is 110 sf. \$2 psf plus concession fees and taxes.
- Ticket counter, office and baggage enplanement, 700 sf for \$2,600 per mo. and taxes
- Two Cargo areas at the west end of the airport. 768 sf each for \$2,850 per mo. and taxes

The time of receipt will be determined by the City Clerk's time stamp. Proposals received after the deadline, will not be considered. Applicants are required to submit a City of Homer Proposal Holders Registration form to be on the Proposal Holders List.

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-007

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JANUARY 2, 2017

SUBJECT: TRAVEL AUTHORIZATION FOR MAYOR ZAK AND COUNCILMEMBERS TO ATTEND THE ALASKA MUNICIPAL LEAGUE/ALASKA CONFERENCE OF MAYORS WINTER LEGISLATIVE CONFERENCE HELD FEBRUARY 20-22, 2018 IN JUNEAU, AK

Mayor Zak and Councilmember Aderhold would like to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Meetings include Alaska Conference of Mayors, AML Board, committees and meeting with Legislators.

Cost estimates for travel include round trip airfare from Homer to Juneau \$600 and room rates at \$149 per night. Per Diem is \$58 per day, for three meals. Conference cost is \$125.



**Alaska Municipal League/Alaska Conference of Mayors
Winter Legislative Conference
February 20-23, 2018
Baranof Hotel, Juneau, AK**

Tuesday, February 20, 2018

Lunch on your own

1:00 – 5:00p.m. AML Board Meeting Treadwell Room

Wednesday, February 21, 2018

8:30 - 11:45 a.m. Alaska Conference of Mayors Meeting Treadwell Room

Lunch on your own

1:30 – 4:30 p.m. Legislative Meeting Treadwell Room

5:00 – 6:00 p.m. Reception at Governors House

Thursday, February 22, 2018

8:00 - 8:30 a.m. Breakfast

8:30 – 11:45 a.m. Legislative Meeting Treadwell Room

12:00 – 1:15 p.m. Lunch (included) Treadwell Room

1:30 – 4:00 p.m. Legislative Meeting Continued Treadwell Room

5:30 – 7:00 p.m. AML Legislative Reception Treadwell Room

Agenda subject to change.

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 18-004

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, SUPPORTING THE REQUEST FOR AN ADJUDICATORY HEARING BY THE PRINCE WILLIAM SOUND REGIONAL CITIZENS' ADVISORY COUNCIL, PRINCE WILLIAM SOUND AQUACULTURE CORPORATION, AND THE CITY OF VALDEZ, ON THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S DECISION TO APPROVE AMENDMENTS TO THE VALDEZ MARINE TERMINAL OIL DISCHARGE PREVENTION AND CONTINGENCY PLAN.

WHEREAS, On October 23, 2017, the Alaska Department of Environmental Conservation (ADEC) approved the Valdez Marine Terminal Contingency Plan (VMT C-Plan) that included changes to the Decision Matrix for determining whether to deploy protections for the Solomon Gulch Hatchery and Valdez Duck Flats during the early hours of an oil spill from the terminal. These changes make it much more difficult to trigger the deployment of boom to protect these areas early in a spill response; and

WHEREAS, The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC), the City of Valdez, and Prince William Sound Aquaculture Corporation (PWSAC), have filed for an adjudicatory hearing to request that the ADEC Commissioner reinstate the former Decision Matrix into the plan or modify the new Decision Matrix to require the immediate deployment of protective measures to these environmentally sensitive areas in the event of a spill; and

WHEREAS, If the 2017 VMT C-Plan decision is not overturned or modified by the ADEC Commissioner during this adjudicatory hearing process, it is believed the commitment in the plan requiring the "immediate and rapid deployment of protective oil spill boom" for the Solomon Gulch hatchery and Valdez Duck Flats during an oil spill at the terminal has been removed; and

WHEREAS, This will put commercial, sport, and subsistence use fishing resources, and a highly productive biological area that provides habitat for a variety of waterfowl, small mammals, and marine mammals, at unnecessary risk of oil reaching these locations and causing both short and long-term damage; and

WHEREAS, While these changes impact the City of Valdez, they could set a precedence that, in time, will impact coastal communities throughout Alaska; and

42 WHEREAS, The desired outcome is the former Decision Matrix that has been in the plan
43 for the last 20 years be retained, or the new Decision Matrix be modified to require the
44 immediate deployment of protective measures to environmentally sensitive areas in the event
45 of a spill.

46
47 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, supports the
48 request for an Adjudicatory Hearing by the Prince William Sound Regional Citizens' Advisory
49 Council, Prince William Sound Aquaculture Corporation, and the City of Valdez, on the Alaska
50 Department of Environmental Conservation's Decision to Approve Amendments to the Valdez
51 Marine Terminal Oil Discharge Prevention and Contingency Plan.

52
53 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 8th day of January,
54 2018.

55
56 CITY OF HOMER
57
58
59
60 _____
61 DONNA ADERHOLD, MAYOR PRO TEMPORE

62 ATTEST:
63
64
65 _____
66 MELISSA JACOBSEN, MMC, CITY CLERK

67
68 Fiscal Note: N/A

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

