

# City Council

Monday, February 26, 2018

Worksession 4:00 p.m.  
Committee of the Whole 5:00 p.m.  
Regular Meeting 6:00 p.m.



Photo by Michael Armstrong, Homer News



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



# February-March 2018

- Monday 26<sup>th</sup>: CITY COUNCIL**  
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Wednesday 28<sup>th</sup>: PORT & HARBOR ADVISORY MEETING**  
Regular Meeting 5:00 p.m.
- Tuesday 6<sup>th</sup>: LIBRARY ADVISORY BOARD**  
Regular Meeting 5:30 p.m.
- Wednesday 7<sup>th</sup>: ADVISORY PLANNING COMMISSION**  
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Monday 12<sup>th</sup>: CITY COUNCIL**  
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

## Regular Meeting Schedule

City Council 2<sup>nd</sup> and 4<sup>th</sup> Mondays 6:00 p.m.  
Library Advisory Board 1<sup>st</sup> Tuesday 5:30 p.m. with the exception of  
January April August November  
Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6:00 p.m.  
Parks Art Recreation and Culture Advisory Commission 3<sup>rd</sup> Thursday 5:30 p.m. with the exception of  
July, December, January  
Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.  
Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5:00 p.m. (May-August 6:00 p.m.)  
Cannabis Advisory Commission 4<sup>th</sup> Thursday 5:30 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](mailto:clerk@ci.homer.ak.us)  
Clerk's office phone number: direct line 235-3130



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



**WORKSESSION**  
**4:00 P.M. MONDAY**  
**FEBRUARY 26, 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.**

Councilmember Stroozas requests telephonic participation

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

**3. NEW POLICE STATION BUILDING ITEMS 4 & 5 FROM EXTENDED WORKSESSION**

**How to move forward with final design and construction**      **Page 7**

**How to pay for the new police station**      **Page 21**

**4. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, March 12, 2018 at 6:00 p.m., Worksession at 4:00 p.m. 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.





## City of Homer

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

### Administration

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Homer City Council and Mayor Bryan Zak  
FROM: Katie Koester, City Manager  
DATE: February 21, 2018  
SUBJECT: New Police Station Worksession

The purpose of this memo is to organize the relevant documents for the February 26<sup>th</sup> worksession on the Police Station. This worksession follows up on the successes of last month's extended worksession to reach consensus on two remaining items which would allow forward movement on the Police Station project.

1. Method for Moving Ahead with Design and Construction
2. How to Pay For It

Please review the information in the packet and begin to think about the italicized questions presented in the table of contents on the next page.

Given the time limitations of this worksession, if more work is needed to come to consensus on the second topic, a future worksession can be scheduled for March 26<sup>th</sup>.

Following the direction Council provided in Resolution 18-013, Carey Meyer and Chief Robl have been working with Stantec to produce a 10% concept design of a \$7.5 million or less facility for the Heath Street and Grubstake location. It is included in the packet for informational purposes.





## 2/26/2018 Police Station Worksession Table of Contents

### Reference Documents

#### 1. Goals of the Worksession

Per Resolution 18-013(A), the goal for this worksession is to gain City Council consensus on how to move forward with final design and construction and how to pay for the new police station.

Page 11-12

#### 2. Moving Forward with Design and Construction

- Benefit and Risks of a General Contractor / Construction Management Project Delivery Method
- Possible Schedules for Police Station Construction Depending on Project Delivery Method
- RFP Scoring Form from Public Safety Building Project

Page 15-16

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Page 19

*Taking timeline and the risks/benefits of different project delivery methods into account, is it in the City's best interest to maintain the current design-build contract, re-bid for new design-build contract proposals, or separate design and construction bidding.*

#### 3. How to Pay For It

- Revenue Options for Police Station
- Interest Rate Scenarios for Police Station Funding

Page 21-22

Page 23

*Can we come to consensus on a funding mechanism?*

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### Informational Item

#### 1. 10% Concept Design for \$7.5 million Police Station

Page 26-33



**CITY OF HOMER  
HOMER, ALASKA**

Mayor/Council

**RESOLUTION 18-013(A)**

A RESOLUTION OF THE HOMER CITY COUNCIL EXPRESSING  
RESULTS OF THE POLICE STATION EXTENDED WORKSESSION  
AND PROVIDING DIRECTION FOR NEXT STEPS

WHEREAS, The Homer City Council has been working since 2014 on a new police station including establishing two separate work groups, the Public Safety Building Review Committee and the Police Station Task Force; and

WHEREAS, The configuration, site, cost and financing for a new station have all been discussed extensively; and

WHEREAS, The Homer City Council passed Resolution 17-074 authorizing an extended facilitated worksession with the goal of coming to consensus on an option that can be brought to the public for their feedback; and

WHEREAS, The Police Station extended worksession was held on January 29, 2018; and

WHEREAS, For the purposes of the worksession and this resolution, consensus is defined as a decision everyone councilmember can live with and feel confident taking to the voter; and

WHEREAS, The purpose of this resolution is to state areas where the Council can agree and give official direction on how to proceed with the project which will be followed up with additional legislation, as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska formalizes the following guidance for the next steps on the police station project:

1. Location: Corner of Heath Street and Grubstake
2. Total Project Cost: \$7.5 million or less with \$2.5 million from existing reserves
3. Spaces/Functions to incorporate into the revised design:

Two top-ranking priorities:

- 39 a. Partial or full daylight basement to allow at least for heated vehicle evidence
- 40 processing and evidence storage space;
- 41 b. Sally port;
- 42

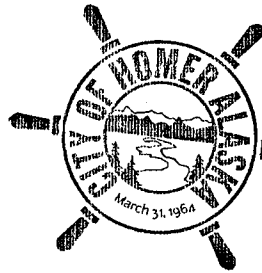
43 Additional spaces, in order of priority as budget allows:

- 44
- 45 c. Additional cell for female prisoners;
- 46 d. Heated police vehicle garage;
- 47 e. Square footage for emergency operations center; and
- 48

49 BE IT FURTHER RESOLVED that the City Council of Homer Alaska will seek further consensus  
50 on how to pay for the new police station and how to move forward with final design and  
51 construction at the next regularly scheduled worksession, 4:00 pm February 26, 2018.

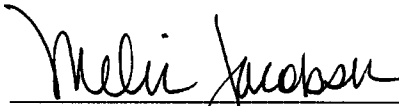
52  
53 PASSED AND ADOPTED by the Homer City Council on this 12 day of February, 2018.

54  
55 CITY OF HOMER



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60 DONNA ADERHOLD, MAYOR PRO TEMPORE

61 ATTEST:

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

66  
67 Fiscal Note: Police Station Building Project Account #0156-0376 - \$4,000 (Ordinance 17-12)



# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907-235-3170

(f) 907-235-3145

## Memorandum

TO: Katie Koester, City Manager  
FROM: Carey S. Meyer, Public Works Director  
DATE: February 20, 2018  
SUBJECT: **Design/Construction Delivery Method  
New Police Station**

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Attached is a brief discussion of the benefits/risks associated with a General Contractor/Construction Management (GC/CM) delivery method versus the traditional Design/Bid/Construct method. These benefits and risks were taken from documents prepared by the City of Seattle, Washington, based on their experience. Also attached is a schedule that highlights how each method might affect the construction of the new police station.

The City of Homer is currently under a GC/CM type contract with Cornerstone/Stantec. This team/delivery system was used to complete the preliminary design of the Public Safety Building, the conceptual design of the Police Station, and the recently completed Fire Hall Rehabilitation Improvements project. This contract can be terminated with seven days' notice at owner's convenience.

The relationship the City of Homer has developed with Cornerstone/Stantec is the direct result of the decision of the City Council that a GC/CM delivery system was beneficial to the City for the reasons stated in the attached benefits/risks explanation and discussion.



## **Benefits/Risks Associated with a General Contractor/Construction Management (GC/CM) Delivery Method**

The GC/CM project delivery method is intended to create a more collaborative relationship between the Owner and the General Contractor that is not found in a “traditional design/bid/build” delivery method.

This method of delivery has become common in recent years, and is utilized by federal, state and local agencies to produce designs and construct projects more quickly and with better budget control than the more traditional delivery method.

**Benefits** for using the GC/CM process include:

- 1) Early involvement of the general contractor, which allows:
  - Better budget control
  - Constructability reviews
  - Value engineering
  - Team approach -
  - Fewer change orders -Time savings

The Contractor is involved in the project from the inception and cannot resort to adversarial change order demands that can result within a competitively bid delivery method. In a GC/CM project, the Contractor can't say during construction “I didn't know you wanted that” or “I wasn't aware of that”.

- 2) Balances and mitigates risk between owner, designer and contractor. The GC/CM team has every incentive to reduce risks during design, find solutions to problems within the established budget, without the threat of litigation.
- 3) Can increase the use of local subcontractors by making it a requirement of the contract. In a competitively bid project, the City has limited control over the use of subcontractors and has little control over who the superintendent will be.
- 4) Can potentially save money by allowing a chance to change design and scope, and to select materials and approaches that are cost effective to meet project budget before Maximum Allowable Construction Cost (MACC) is negotiated.

**Risks** include:

- 1) GC/CM is difficult and complex, particularly for City staff without past GC/CM experience.

- 2) A project team with less experience is the greatest risk in project success, and one of the most common reasons for failure. There can be a significant learning curve for Owner and staff.
- 3) Negotiating a MACC requires experienced staff.
- 4) An owner may see increased cost for the work that is self- performed by GC/CM because there is a lack of competition, although this can be mitigated by the owner reviewing and approving the GC/CM subcontract package plan that will be developed during pre-construction.

Building costs being negotiated can be independently evaluated or confirmed by experienced third party individuals or firms during construction review to assure that they are reasonable and appropriate, but this adds a cost to the project.

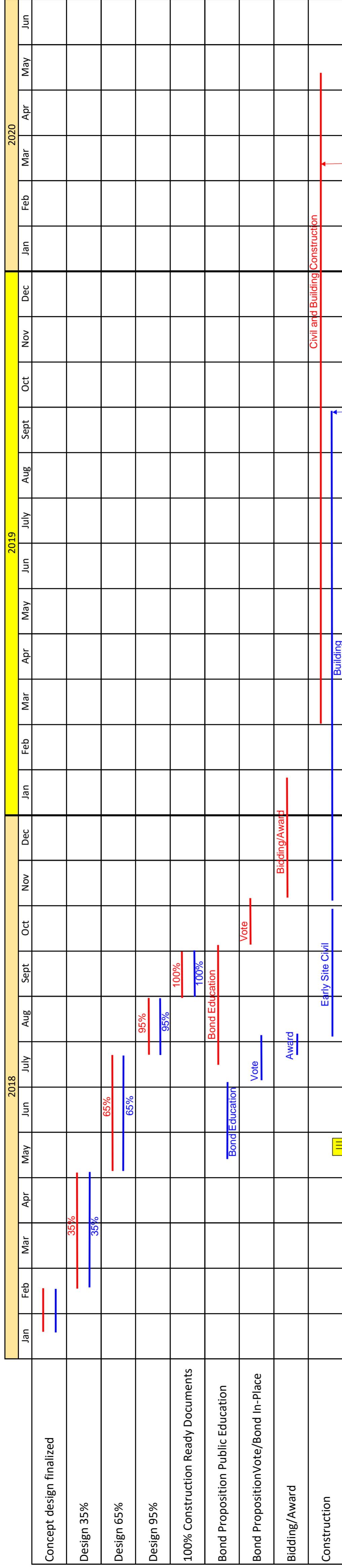
**Discussion** – City of Homer Experience with the GC/CM delivery model with the Fire Station Improvement Project

City staff has completed several projects utilizing the GC/CM delivery method. One example is the Fire Hall. The collaborative relationship developed in a GC/CM environment produced a project under budget, with almost no change orders. The Fire Hall Renovation project had a budget of \$850,000; the actual project cost was \$764,252.57. All work was completed by local sub-contractors (a requirement of our contract); even the construction superintendent was local. The end user was very satisfied with the quality of work and the effective use of the budget.



# Schedule - New Homer Police Station

January 2018



## LEGEND

— possible schedule based on traditional design/bid/construct approach

— possible schedule based on GC/CM approach



**RFP Scoring Form Public Safety Building Project**

	#1	#2	#3	#4	#5	#6

Blazy Construction  
36130 Kenai Spur Hwy  
Soldotna, Alaska 99669

	Score	Score	Score	Score	Score	Score	TOTALS	AVG	
1) Ability of Professional Personnel and Qualifications of the Firm	10 points	7	7	10	8	0	9	41	
2) Past Performance on GC/CM projects	4 points	1	3	4	9	0	3	20	
3) Past performance of the firm in completing similar projects	4 points	2	3	3	9	0	3	20	
4) Ability of the Firm to meet time and budget requirements	4 points	2	4	4	6	0	0	16	
5) Location	3 points	3	2	2	8	0	3	18	
6) Recent, Current and projected workload and capacity of the firm including financial stability	5 points	3	4	5	5	0	2.5	19.5	
7) Concept of the Proposal	5 points	4	4	5	5	0	2.5	20.5	
8) Accident Prevention Program	5 points	3	5	5	6	0	1	20	
9) Preconstruction services	5 points	3		5	7	0	3	18	
10) Quality Control	5 points	3	5	5	10	0	5	28	
		31	37	48	73	0	32	221	44.2

Dawson Construction, Inc.  
405 32nd Street, Suite 110  
Bellingham, WA 98225

	Score	Score	Score	Score	Score	Score	TOTALS	AVG	
1) Ability of Professional Personnel and Qualifications of the Firm	10 points	8	8	10	4	0	3	33	
2) Past Performance on GC/CM projects	4 points	5	3	4	8	0	3	23	
3) Past performance of the firm in completing similar projects	4 points	3	4	4	8	0	2	21	
4) Ability of the Firm to meet time and budget requirements	4 points	4	4	3	5	0	2	18	
5) Location	3 points	4	0	2	5	0	1.5	12.5	
6) Recent, Current and projected workload and capacity of the firm including financial stability	5 points	4	5	5	6	0	1	21	
7) Concept of the Proposal	5 points	4	3	4	8	0	3	22	
8) Accident Prevention Program	5 points	3	5	5	10	0	5	28	
9) Preconstruction services	5 points	4		5	9	0	4	22	
10) Quality Control	5 points	4	5	5	9	0	4	27	
		43	37	47	72	0	28.5	227.5	45.5

Steiner's North Star Construction, Inc.  
P.O. Box 1708  
Homer, AK 99603

	Score	Score	Score	Score	Score	Score	TOTALS	AVG	
1) Ability of Professional Personnel and Qualifications of the Firm	10 points	7	7	9	7	0	7	37	
2) Past Performance on GC/CM projects	4 points	3	3	3	3	0	1	13	
3) Past performance of the firm in completing similar projects	4 points	2	2	3	3	0	4	14	
4) Ability of the Firm to meet time and budget requirements	4 points	4	4	3	9	0	3	23	
5) Location	3 points	5	3	3	10	0	3	24	
6) Recent, Current and projected workload and capacity of the firm including financial stability	5 points	4	4	3	4	0	1	16	
7) Concept of the Proposal	5 points	4	5	3	10	0	5	27	
8) Accident Prevention Program	5 points	3	5	4	5	0	2.5	19.5	
9) Preconstruction services	5 points	4		5	5	0	2.5	16.5	
10) Quality Control	5 points	4	5	5	6	0	1	21	
		40	38	41	62	0	30	211	42.2

**RFP Scoring Form Public Safety Building Project**

	#1	#2	#3	#4	#5	#6

Jay-Brant General Contractors, LLC  
460 Grubstake Avenue  
Homer, AK 99603

	Score	Score	Score	Score	Score	Score	totals	AVG		
1) Ability of Professional Personnel and Qualifications of the Firm	10 points	7	7	10	6	0	6	36		
2) Past Performance on GC/CM projects	4 points	4	3	3	7	0	2	19		
3) Past performance of the firm in completing similar projects	4 points	2	2	3	7	0	2	16		
4) Ability of the Firm to meet time and budget requirements	4 points	4	4	4	7	0	2	21		
5) Location	3 points	5	3	3	9	0	2	22		
6) Recent, Current and projected workload and capacity of the firm including financial stability	5 points	4	5	4	8	0	3	24		
7) Concept of the Proposal	5 points	4	5	4	4	0	3	20		
8) Accident Prevention Program	5 points	3	5	4	4	0	3	19		
9) Preconstruction services	5 points	4		5	4	0	3	16		
10) Quality Control	5 points	4	5	5	7	0	3	24		
		Total	41	39	45	63	0	29	217	43.4

Cornerstone General Contractor  
5050 Cordova Street  
Anchorage, AK 99503

	Score	Score	Score	Score	Score	Score	totals	AVG		
1) Ability of Professional Personnel and Qualifications of the Firm	10 points	8	9	10	10	0	10	47		
2) Past Performance on GC/CM projects	4 points	5	5	4	6	0	3	23		
3) Past performance of the firm in completing similar projects	4 points	3	3	4	6	0	1.5	17.5		
4) Ability of the Firm to meet time and budget requirements	4 points	4	5	4	10	0	4	27		
5) Location	3 points	4	3	2	7	0	1.5	17.5		
6) Recent, Current and projected workload and capacity of the firm including financial stability	5 points	5	5	5	10	0	5	30		
7) Concept of the Proposal	5 points	4	5	5	6	0	3	23		
8) Accident Prevention Program	5 points	2	3	5	7	0	3	20		
9) Preconstruction services	5 points	4		5	8	0	2.5	19.5		
10) Quality Control	5 points	4	5	5	5	0	2.5	21.5		
		Total	43	43	49	75	0	36	246	49.2

Watterson Construction Company  
6500 Interstate Circle  
Anchorage, AK 99518

	Score	Score	Score	Score	Score	Score	total	AVG		
1) Ability of Professional Personnel and Qualifications of the Firm	10 points	7	8	10	5	0	5	35		
2) Past Performance on GC/CM projects	4 points	4	4	4	10	0	4	26		
3) Past performance of the firm in completing similar projects	4 points	2	4	4	10	0	4	24		
4) Ability of the Firm to meet time and budget requirements	4 points	4	4	3	8	0	3	22		
5) Location	3 points	4	2	2	6	0	1	15		
6) Recent, Current and projected workload and capacity of the firm including financial stability	5 points	5	5	5	9	0	4	28		
7) Concept of the Proposal	5 points	4	5	5	7	0	3	24		
8) Accident Prevention Program	5 points	3	5	5	9	0	4	26		
9) Preconstruction services	5 points	4		5	10	0	5	24		
10) Quality Control	5 points	4	5	5	4	0	3	21		
		Total	41	42	48	78	0	36	245	49

**RFP Scoring Form Public Safety Building Project**

	#1	#2	#3	#4	#5	#6

UIC Construction, LLC  
6700 Arctic Spur Road  
Anchorage, AK 99518

	Score	Score	Score	Score	Score	Score	total	AVG		
1) Ability of Professional Personnel and Qualifications of the Firm	10 points	7	8	9	7	0	7	38		
2) Past Performance on GC/CM projects	4 points	3	4	3	4	0	3	17		
3) Past performance of the firm in completing similar projects	4 points	2	3	3	4	0	1	13		
4) Ability of the Firm to meet time and budget requirements	4 points	4	4	3	4	0	1	16		
5) Location	3 points	4	2	2	4	0	1	13		
6) Recent, Current and projected workload and capacity of the firm including financial stability	5 points	4	5	5	6	0	3	23		
7) Concept of the Proposal	5 points	5	4	4	9	0	4	26		
8) Accident Prevention Program	5 points	3	5	4	8	0	3	23		
9) Preconstruction services	5 points	4		4	6	0	3	17		
10) Quality Control	5 points	4	5	4	8	0	4	25		
		Total	40	40	41	60	0	30	211	42.2



# How to Pay for it - Options for Police Station

1/18/2018

REVENUE	ANNUAL EST VALUE	PRO	CON	BARRIER	HOW WOULD BECOME EFFECTIVE	NOTES
BOROUGH ACTION REQUIRED						
Raise Sales Tax Cap from \$500-\$1000	\$358,000 after residential rent exempted	Instituted Borough wide	Burden on businesses, especially those that sell large items.	Voters have spoken NO on this twice	Ordinance by Borough and vote w/o a vote, but the last proposal put a vote to Borough residents).	Estimate provided by KPB in 2017.
Bed Tax	4% = \$500,000-\$580,000	Captures revenue from visitors	Targets one industry. Argument revenue should be dedicated to economic development. Not significant revenue unless very high.	Requires Borough action. Has been attempted recently to put on ballot and did not pass Assembly	Borough would allow COH to institute a tax OR pass one themselves. Then would need a vote of City residents. If Borough allowed City to collect tax, we would have to get in the business of tax collection.	Estimate provided by KPB in July of 2017.

## COUNCIL ACTION REQUIRED

Eliminate COH \$20,000 Property Tax Exemption for Primary Residence	\$101,026	Can be implemented by Council.	Burden is on year round City of Homer residents. Does not raise much revenue.		Requires Council action only.	Based on 2017 certified values. The City cannot exempt more than \$50,000 on primary residence. Currently we exempt the first \$20,000, but could exempt less.
Raise Property Tax 1 Mill	\$755,687 per mill based on 2017 valuation	Can be implemented by Council.	Increases taxes on residents when many of the services City provides are to entire Homer area.		Council pass a resolution by July 1, 2017 increasing the mill rate.	Currently COH taxpayers pay 4.5 COH, 4.5 KPB and 2.3 SPH (total 11.3). According to HCC if property taxes increase to 6 mills, sales tax is eliminated. Estimate includes oil and personal property.

How to Pay for it - Options for Police Station

REVENUE	ANNUAL EST VALUE	PRO	CON	BARRIER	HOW WOULD BECOME EFFECTIVE	NOTES
VOTER ACTION REQUIRED						
Raise Sales Tax .5%	\$871,264	Easily adjustable to raise sufficient funds. Taxes non-residents who use City services.	Places burden on local business. Makes rents more expensive.	Need a vote of City residents.	Council would pass an ordinance to increase the sales tax before August for consideration at regular election	Current COH sales tax is 4.5% COH and 3% KP.B. (Based on 2016 actual)
1% seasonal sales tax increase (6 months of year)	\$1,166,736	Captures more visitor revenue.	Places burden on local business. Makes rents more expensive.	Need a vote of City residents.	Council would pass an ordinance to increase the sales tax before August for consideration at regular election	Based on 2016 actual

NO NEW TAXES	VALUE	PRO	CON	BARRIER	HOW WOULD BECOME EFFECTIVE	NOTES
Reappropriate General Fund Reserves to Police Station	Just shy of \$2,000,000	Money we already have	Reserves are important for maintenance, vehicle replacement & projects. City spends approx. \$500,000 annually on such projects.		City Council by Ordinance	Based on end of 2017 snapshot
General Fund Fund Balance	Aproximately \$5 million	Money we already have	Fund balance is a savings account. Recommendation is 6 months operating budget (\$6.2m). Needed for cash flow and emergencies. Spending this down would hamper ability to handle any emergency or future project.		City Council by Ordinance	
Implement Budget Cuts to Fund Loan Payment	Depends on how deep the cuts are/ annual bond payment needed	Requires no new revenue/taxes	Would require a reduction in staff and services the City provides. Could be controversial to prioritize a new facility over existing services.		Council would pass an ordinance to authorize bonding by August for consideration at regular election. Annual budget process would have to include reductions in expenditures commensurate to amount needed to make bond payments.	



# City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Zak and Homer City Council  
 FROM: Katie Koester, City Manager  
 DATE: January 24, 2018  
 SUBJECT: Interest rate scenarios for January 29 extended police station worksession

The purpose of this memo is to provide Council with information on potential scenarios for a bond to pay for the police station. Many assumptions have to be made for these numbers including length of term, interest rate and amount of bond.

For the purposes of this conversation, I have assumed total project cost scenarios of 6.5m, 7.5m and 8.5m. The total project cost can be reduced by the amount Council has available for the project, \$2.5m<sup>i</sup>. The Alaska Bond Bank provided terms that they consider reasonable and conservative: a 20 year term with a 4% interest rate. I ran scenarios for the remaining amount the City would need to bond coming up with the annual payments listed below.

Amount Borrowed	Annual Payment	+ 1.25 Debt ratio	+ Increased O&M*
\$4m	\$312,660	\$390,825	\$490,825
\$5m	\$390,660	\$488,325	\$613,325
\$6m	\$468,660	\$585,825	\$735,825
*Assumption: \$100,000, \$125,000 & \$150,000 in increased operations and maintenance			

i

Balance from Public Safety Building Project	\$73,500
Liquidation of Permanent Fund	\$1,173,864
Mid-year transfer Ordinance 17-34(A)	\$448,422
FY2018 budget transfer from Health Insurance Fund	\$669,212
FY 2019 Community Assistance (not accepted)	\$149,000
<b>TOTAL</b>	<b>\$2,513,998</b>

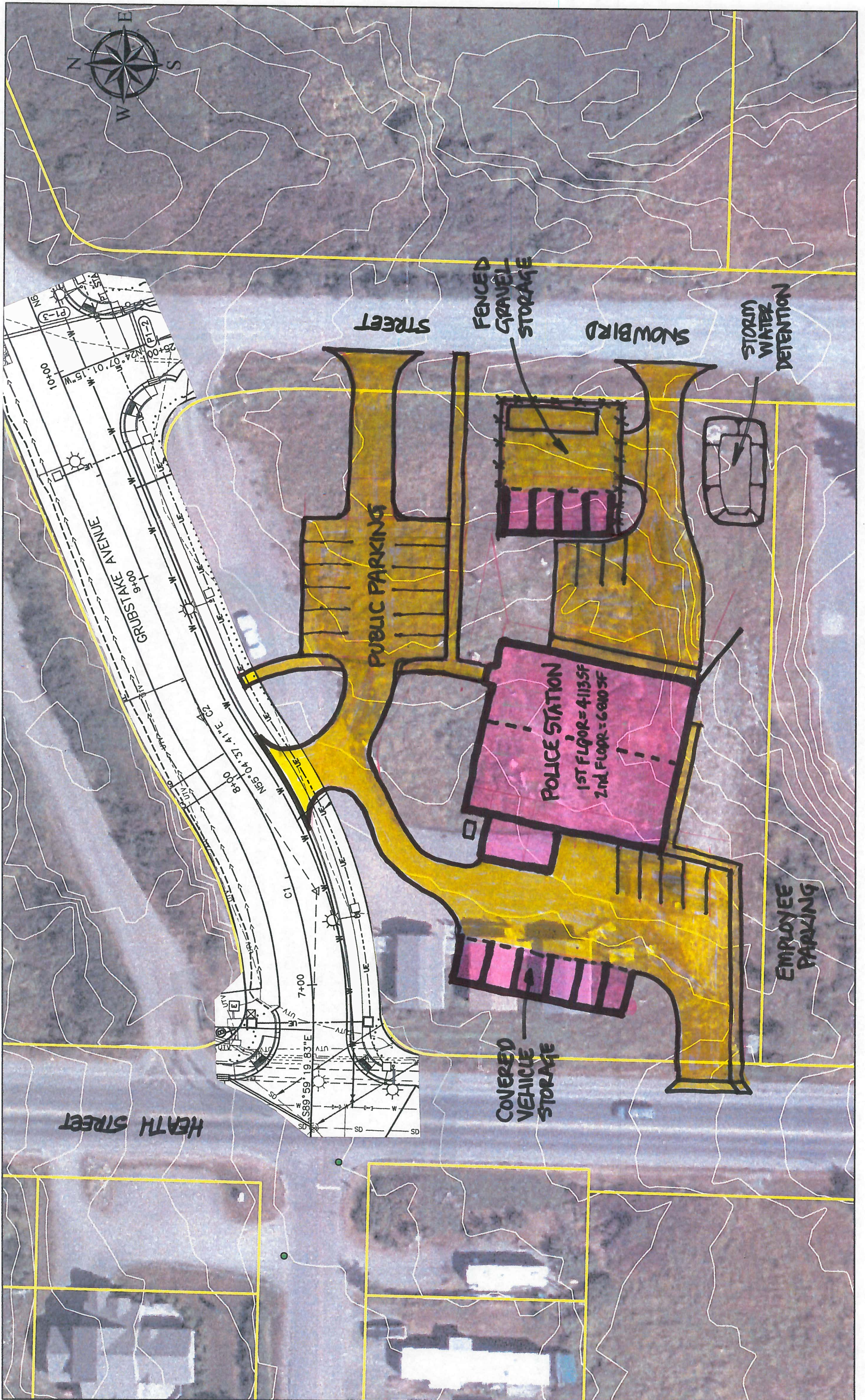




10% Conceptual Site Plan, Floor Plan and Cost Estimate for  
\$7.5M Police Station

---





Proposed Police Station

1 inch = 40 feet





# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## MEMORANDUM

TO: Mary K. Koester, City Manager  
FROM: Carey Meyer, Public Works Director  
DATE: February 21, 2018  
SUBJECT: **Police Station Concept Design  
\$7.5M Option**

---

The design team (Chief Robl, the Public Works Director Meyer and the Stantec architect) has completed a conceptual design for a two-story \$7,500,000 new police station project sited at the Waddell property.

Attached is a cost estimate, a site plan, and a floor plan. This concept plan provides for all of the items prioritized by the Council at the last work session and that the Chief found wanting in the previous design.

The team has downsized the previously developed \$8.1M design rather than up-sizing the previous \$6.3M design. The idea of constructing empty daylight basement square footage for future expansion made less sense to us than utilizing the new basement square footage to meet current needs.

When the time comes, the existence of a daylight basement will provide for the ability to expand horizontally and/or vertically – in a cost effective manner.

The answer to the question “Chief – how long will this building meet your needs before it needs expansion?” is now 20-30 years.



Consultant

Issued	By	App'd	YYYY MM DD	Revision
PACKAGE G				
PACKAGE F				
PACKAGE E				
PACKAGE D				
PACKAGE C				
PACKAGE B				
PACKAGE A				

Permit/Seal

PRELIMINARY  
NOT FOR CONSTRUCTION

**DRAFT DIAGRAM**  
02/21/2018 9:35:41 AM

Client/Project: CITY OF HOMER  
POLICE STATION  
PRELIMINARY  
CONCEPT  
WADSWELL SITE

Project No.: 2046068900

File Name: N/A

Scale: 1/8" = 1'-0"

Author: Designer

Check: 10/09/17

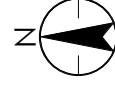
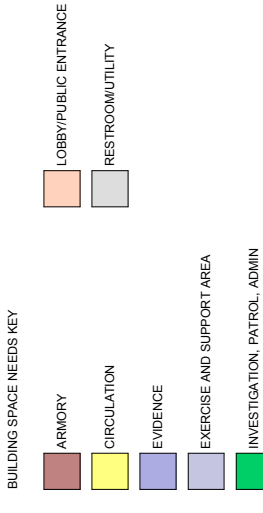
Dwn: Dgn: Chkd: YYYYMMDD

Title: BUBBLE DIAGRAM

Revision:

Drawing No.

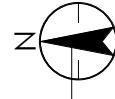
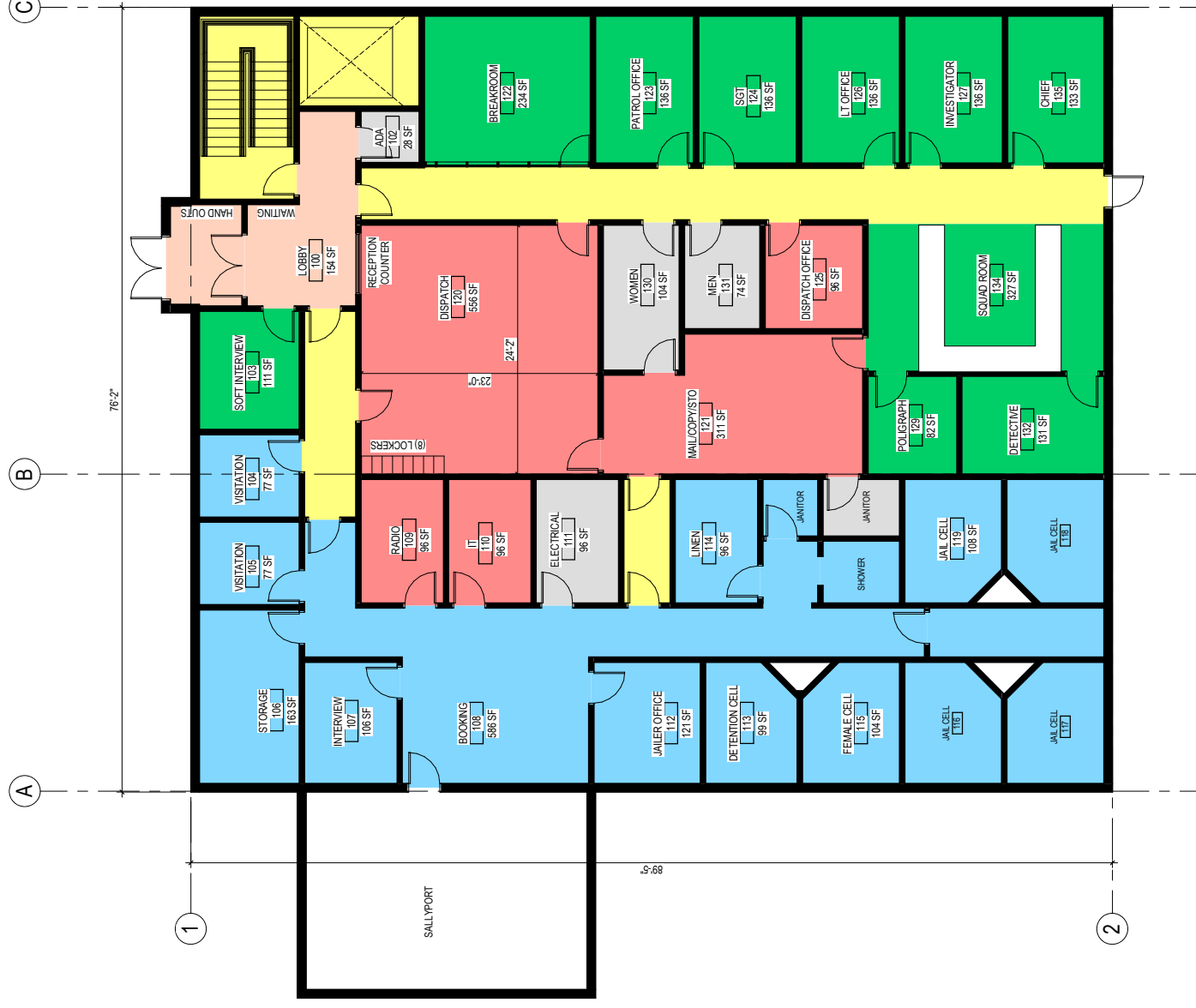
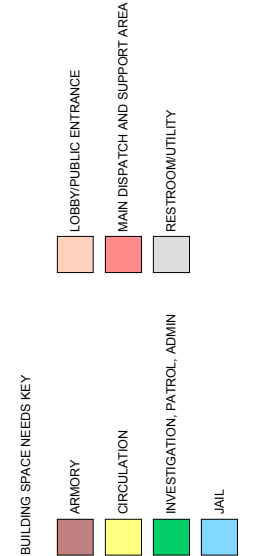
**A-100**



**1 DAYLIGHT BASEMENT**

1/8" = 1'-0"

1 A-100



**2 SECOND FLOOR**

1/8" = 1'-0"

2 A-100





**Conceptual Cost Estimate  
10,924 SF - Two-Story w/Daylight Basement  
Waddell Site - \$7.5M Option**

<b>New Building Construction</b>	<b>SF</b>	<b>Unit Price</b>	<b>Cost</b>
Building Construction	10,924	\$415	\$4,533,460
Sally Port	600	\$210	\$126,000
Civil Site Improvements			\$565,000
Accessory Buildings			\$350,000
Design			\$473,829
Inspection			\$139,362
1% for Art			\$45,335
Furnishings			\$145,000
Communications			\$205,000
Contingency (10%)			\$658,299
Repay HART for property			\$258,000
<b>Total Project</b>			<b>\$7,499,284</b>



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



**COMMITTEE OF THE WHOLE**  
**5:00 P.M. MONDAY**  
**FEBRUARY 26, 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.

Councilmember Stroozas requests telephonic participation

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. NEW POLICE STATION BUILDING ITEMS 4 & 5 FROM EXTENDED WORKSESSION  
How to move forward with final design and construction Page 7  
How to pay for the new police station Page 21
4. CONSENT AGENDA
5. REGULAR MEETING AGENDA
6. COMMENTS OF THE AUDIENCE
7. ADJOURNMENT NO LATER THAN 5:50 P.M.  
Next Regular Meeting is Monday, March 12, 2018 at 6:00 p.m., Worksession at 4:00 p.m.  
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.



CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



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



**REGULAR MEETING  
6:00 P.M. MONDAY  
FEBRUARY 26, 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. Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.**

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

Councilmember Stroozas requests telephonic participation

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

### **2. AGENDA APPROVAL**

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

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

### **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 Special and Regular Meeting Minutes of February 12, 2018. City Clerk. Recommend adoption.

**Page 51**

- B. **Memorandum 18-023** from Mayor Re: Appointment of Nicole Arevalo to the Economic Development Advisory Commission **Page 69**
- C. **Ordinance 18-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.28.020, Permitted Uses and Structures; Adding Marijuana Retail Facilities in the Marine Commercial District. Aderhold/Cannabis Advisory Commission. Recommended dates: Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018. **Page 73**
- Memorandum 18-021 from City Planner as backup **Page 79**
- D. **Ordinance 18-09**, An Ordinance of the City Council of Homer, Alaska, Disbanding the Cannabis Advisory Commission and Repealing Homer City Code Chapter 2.78 Outlining the Duties of the Cannabis Advisory Commission. Aderhold. Recommended dates: Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018. **Page 121**
- E. **Ordinance 18-10**, An Ordinance of the City Council of Homer, Alaska, Accepting the Modified ADEC Municipal Matching Grant (MMG #40909) for an Expanded Water Storage and Distribution Improvement Project, Accepting the Responsibility to Operate and Maintain the Improvements, Agreeing to the Terms and Conditions of the Grant, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommended dates: Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018. **Page 127**
- F. **Resolution 18-021**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Frisbee Court Road Reconstruction and Paving Special Assessment District. City Clerk/Public Works Director. **Page 131**
- Memorandum 18-024 from Public Works Director as backup **Page 135**
- G. **Resolution 18-022**, A Resolution of the City Council of Homer, Alaska, Approving a Five Year Sublease at the Homer Airport Terminal for Ravn Alaska-Corvus Airlines, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. **Page 137**
- H. **Resolution 18-023**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Privacy Policy. City Clerk/Library Director. **Page 139**
- Memorandum 18-025 from Library Director as backup **Page 141**



- I. **Resolution 18-024**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation of an Artwork Loan from Rosemary Wells of Stella’s Starliner Cover Art to be Displayed for an Undetermined amount of time in the Children’s Library at the Homer Public Library. City Clerk/Library Director. **Page 143**

- J. **Resolution 18-025**, A Resolution of the City Council of Homer, Alaska, Reinstating the Transportation Advisory Committee as a Standing Committee. Venuti. **Page 159**

**7. VISITORS**

- A. North Pacific Fisheries Association - Malcom Milne (10 Minutes)
- B. 8<sup>th</sup> Annual Kachemak Bay Science Conference – Beth Trowbridge (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 18-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall. City Manager. Recommended Dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018. **Page 169**

**10. ORDINANCE(S)**

**11. CITY MANAGER’S REPORT**

A. City Manager’s Report

B. Bid Report

**Page 181**

**12. CITY ATTORNEY REPORT**

**13. COMMITTEE REPORT**

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

**14. PENDING BUSINESS**

A. **Resolution 18-019**, A Resolution of the City Council of Homer, Alaska, Amending Chapter 2, Section 2.2 of the City of Homer Property Management Policy and Procedures (Lease Policy) Regarding Committee Membership and Making Other Necessary Changes to Lease Policies. Erickson/Smith. **Page 189**

**15. NEW BUSINESS**

**16. RESOLUTIONS**

A. **Resolution 18-026**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Homer Wastewater Treatment Plant HVAC Rehabilitation 2018 Project to a firm to be announced in an amount to be disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. **Page 195**

**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, March 12, 2018 at 6:00 p.m., Worksession at 4:00 p.m. 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.

MAYORAL PROCLAMATIONS  
AND RECOGNITIONS



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA



# RECONSIDERATION





# CONSENT AGENDA



Session 18-03 a Special Meeting of the Homer City Council was called to order on February 12, 2018 at 4:00 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, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
HARBORMASTER HAWKINS  
CITY ATTORNEY WELLS

Mayor Zak and Councilmember Lord were excused.

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

Mayor Pro Tem Aderhold called for a motion for the approval of the agenda.

VENUTI/ERICKSON SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**A. Memorandum 18-016** from City Clerk, Request for Executive Session Pursuant to AS 44.42.310(A-C)(1), Matters, the Immediate Knowledge of Which Would Clearly have an Adverse Effect Upon the Finances of the Public Entity (Lease Compliance and Enforcement Regarding Parcel Numbers 18103444 and 18103452).

Mayor Pro Tem Aderhold asked for a motion for the approval of the recommendation of Memorandum 18-016 to meet in executive session to discuss lease compliance and enforcement regarding parcel numbers 18103444 and 18103452.

VENUTI/SMITH MOVED TO APPROVE THE RECOMMENDATION TO MEET IN EXECUTIVE SESSION TO DISCUSS LEASE COMPLIANCE AND ENFORCEMENT FOR PARCEL NUMBERS 18103444 AND 18103452.

Mayor Pro Tem Aderhold acknowledged an email from Brad Faulkner requesting an open session and deferred to the City Attorney for guidance.

City Attorney Wells commented the executive session is for the Council to meet with the City Attorney regarding various provisions of the leases, implications, vulnerabilities, liabilities, and obligations that stem from those. They are discussions appropriate for executive session and having them in an open session might compromise the cities best interest, especially when one lessee is requesting an open session to hear details on another lessee. She recommended the Council hold an executive session to the extent that an open discussion will occur at a later time.

STROOZAS/SMITH MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

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

Motion carried.

Council adjourned into executive session at 4:09 p.m. and reconvened the meeting at 4:54 p.m.

Mayor Pro Tem Aderhold stated we met with the City Attorney to discuss lease compliance and enforcement issues regarding parcel number 18103444 and 18103452 and gave the City Attorney Direction.

#### **COMMENTS OF THE AUDIENCE**

Brad Faulkner commented regarding the history of his lease with the city and impacts of his business and the Auction Block to the Homer Harbor.

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

There being no further business to come before the Council Mayor Pro Tem Aderhold adjourned the meeting at 4:58 p.m. The next Regular Meeting is Monday, February 26, 2018 at 6:00 p.m., Worksession 4:00 p.m., 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.

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MELISSA JACOBSEN, MMC, CITY CLERK

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

Session 18-04 a Regular Meeting of the Homer City Council was called to order on February 12, 2018 at 4:00 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.

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

VENUTI/SMITH SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PRESENT:** COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
HARBORMASTER HAWKINS  
CITY ATTORNEY WELLS

Council met for a Special Meeting at 4:00 p.m. and as Committee of the Whole 5:00 p.m. to discuss Resolution 18-018, 18-018(S), Ordinance 18-07, Resolution 18-020, also consent agenda and regular agenda items in Homer City Hall Cowles Council Chambers.

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

## **AGENDA APPROVAL**

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

The following changes were made: **RECONSIDERATION 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. Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. Notice of Reconsideration issued by Erickson. Written Public Comment **REPORTS** Alaska Gasline Development Authority Community Advisory Commission Report - Councilmember Stroozas - Presentation copy **RESOLUTIONS Resolution 18-016(S)**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Harbormaster

Building Emergency Generator 2018 to the firm of Liberty Electric Inc, of Homer, Alaska in the amount of \$22,237 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Memorandum 18-021 from Public Works Director as backup **Resolution 18-017(S)**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for Operation and Maintenance of the Port and Harbor Fish Grinding Facility to The Alaskan Fish Factor of Homer, Alaska, in the amount of \$32 per man hour, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Memorandum 18-022 from Port Director as backup. **Resolution 18-018**, A Resolution of the City Council of Homer, Alaska, Establishing a Water and Sewer Rate Task Force with a Primary Focus on Commercial Rate Equity. Erickson. **Resolution 18-018(S)**, A Resolution of the City Council of Homer, Alaska, Directing the Economic Development Advisory Commission to Annually Review Water and Sewer Rates for High Volume Users. Erickson. Written Public Comment **Resolution 18-019**, A Resolution of the City Council of Homer, Alaska, Amending Chapter 2, Section 2.2 of the City of Homer Property Management Policy and Procedures (Lease Policy) Regarding Committee Membership and Making Other Necessary Changes to Lease Policies. Erickson/Smith. Lease Management History, Memorandums 07-78 and 07-79, and Resolution 07-25(A) as backup. Written Public Comment **Resolution 18-020**, A Resolution of the City Council of Homer, Alaska Providing Direction Regarding the Final Design of Greatland Street Extension Project. City Manager/Public Works Director.

Mayor Pro Tem Aderhold asked for a motion to approve the agenda as amended.

ERICKSON/STROOZAS SO MOVED

ERICKSON/STROOZAS MOVED TO WITHDRAW RESOLUTION 18-018 AND 18-018(S) AND PUT THAT IN A WORKSESSION FOR THE CITY COUNCIL SOMEWHERE BEFORE WE HAVE TO ADJUST THE WATER RATES.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion regarding agenda approval.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

A. Mayoral Proclamation – Congenital Heart Defect Week

B. Mayoral Proclamation - Brother Asaiah Bates Day

Mayor Pro Tem Aderhold read the proclamations into the record.

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

Larry Slone, city resident, commented favorably about the Brother Asaiah Bates Day proclamation and thanked Council for including it on the agenda.

Deb Lowney, city resident, commented in support of Ordinance 18-07 and pausing on the Greatland Street project. She expressed concerns that it's not in the Transportation Plan and about the decision to just design the cheapest option.

Brian Amos, a manager at Save U More, commented in opposition to Ordinance 18-07 and in support of the Greatland project. There is a significant traffic flow on Greatland as it is now and this will be beneficial, especially in the summer when the bypass is very busy. He also noted the homeless activity happening along the trail now.

Ron Keffer, city resident, commented in opposition to Resolution 18-019. The lease review process approved in 2014 reduces the amount of specific interest group involvement in the leasing process and there are three professionals under the supervision of the City Manager managing the leasing process. There is public process in the end result when it's before Council.

Pam Williams, city resident and employee at Dr. Boling's building, commented in support of Ordinance 18-07 and in opposition to Greatland Street. She shared issues that would impact the parking area at Dr. Boling's office.

Mark Hemstreet, Save U More manager, commented in opposition to Ordinance 18-07 and in support of Greatland Street because it will improve traffic safety, it's a good way for people to get around, and it may promote growth in that area.

Ray Kranich, city resident, commented in opposition to Ordinance 18-07 as he supports Greatland going straight through. He also commented in support of reconsidering Ordinance 18-04. He feels it should be voted down or sent back to the Planning Commission for further consideration.

Rika Mouw, city resident, said she supports Ordinance 18-07 for reasons already mentioned. She commented in opposition to Resolution 18-019, because she agrees with the reasoning for retiring the lease committee due to redundancy, efficiency, and legal concerns. She shared her concern about private interests on a task force dealing with public assets.

Catriona Reynolds, city resident, agrees with Mrs. Mouw's comments opposing Resolution 18-019. She thinks the Council was very thoughtful when creating the current process.

## **RECONSIDERATION**

- A. **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. Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. Reconsidered by Erickson.

Memorandum 18-005 from City Planner as backup

VENUTI/ ERICKSON MOVED TO RECONSIDER ORDINANCE 18-04

There were comments opposing reconsideration because of the work already done by the Planning Commission. There are minimal properties that could benefit from this and if it becomes an issue council can address it at a future time.

In response to questions based on laydown information provided, City Attorney Wells clarified this amendment would not constitute spot-zoning.

VOTE: YES: VENUTI

NO: LORD, ADERHOLD, ERICKSON, STROOZAS, SMITH

Motion failed.

## **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 January 22, 2018. City Clerk. Recommend adoption.
- B. **Memorandum 18-017**, from City Clerk Re: Liquor License Renewals Captain Patties Fish House, The Alibi, AJ's Oldtown Steakhouse and Tavern, Café Cups, Save U More Liquor #6, Little Mermaid, Oaken Keg#1832. Recommend Approval.



- C. **Memorandum 18-018**, from Deputy City Clerk Re: 1% for Art Selection Committee for Projects – Ramp 2 Restroom and Fire Station. Recommend Approval.
- D. **Ordinance 18-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall. City Manager. Recommended Dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018.
- E. **Ordinance 18-07**, An Ordinance of the City Council of Homer, Alaska, Repealing Ordinance 17-05(A-3) Amending the 2017 Operating Budget by Appropriating \$671,053 from the Homer Accelerated Roads and Trails Program (HART) for the Greatland Street Improvements (Option A) Project, and Authorizing the City Manager to Execute All Appropriated Documents. Aderhold. Recommended dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018

MOVED to Ordinances. Stroozas

- F. **Resolution 18-011**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Purchase of a Camel 1200 Vactor Truck from Super Products, LLC, in the Amount of \$362,970 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum 18-019 from Public Works Superintendent as backup

- G. **Resolution 18-012**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from the Bunnell Streets Arts Center of a Mural by Alaskan Artist Marjorie Scholl to be Placed on the Exterior West Wall of the Bishop's Beach Pavilion and Incorporate into the City's Artwork Collection. City Clerk/PARCAC. Recommend Adoption.

Memorandum 18-020 from PARCAC as backup

- H. **Resolution 18-013**, A Resolution of City Council of Homer, Alaska, Expressing Results of the Police Station Extended Worksession and Providing Director for Next Steps. City Manager. Recommend Adoption.

MOVED to Resolutions. Lord

- I. **Resolutions 18-014** A Resolution of the City Council of Homer, Alaska, Adopting the City of Homer All Hazards Mitigation Plan 2018 Update and Revision and Authorizing the City Manager to Forward the Document to the Kenai Peninsula Borough, the Federal

Emergency Management Agency, the Alaska Division of Homeland Security, and other Organizations as Appropriate. City Manager. Recommend Adoption.

- J. **Resolution 18-015**, A Resolution of the City Council of Homer, Alaska, Recognizing 2018 as “The Year of the Bird”. Aderhold. Recommend Adoption.

Item E was moved to Ordinances, Item A. Stroozas.

Item H was moved to Resolutions, Item F. Lord.

Mayor Pro Tem Aderhold asked for a motion for the adoption of the consent agenda.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **VISITORS**

- A. 2018 - The Year of the Bird - Kachemak Bay Birders (10 minutes)

George Matz and Gary Lyon with Kachemak Bay Birders presented on the Year of the Bird. Mr. Matz addressed the connection of birds to science. Scientist have known for a long time that birds are a great indicator of their environment. There are over 10,000 species of birds in the world. About 100 years ago scientists recognized bird’s sensitivity to poisonous gasses and began using them in coal mines to detect carbon monoxide, and that’s a classic example of the connection of birds to the environment. A more recent example in Homer was in 2015-2016 when we had very warm weather and there was a huge die-off of Common Murres. In studying this, it was determined they starved because the temperature changes caused their food to disappear. By passing Resolution 18-015 it lets people know that Homer is very interested in its birds, and knowing that will be an attraction in terms of getting funding in our area to further our knowledge.

Mr. Lyon commented the Year of the Bird recognizes the 100<sup>th</sup> anniversary of the Migratory Bird Treaty, the first conservation act by any government. He noted “Homer the Halibut Capital of the World” is a fine motto, but halibut tend to be declining. The birds, however, are abundant. Bird watching is a wonderful way to enjoy the natural resource and Homer is one of the better and more easily accessible places in the state to do that. According to a Fish and Wildlife study from 2011, bird watchers spent \$41 billion in the United States, more than sport hunters spent.

Alaska rates 5<sup>th</sup> in the nation in bird watchers, and 30% of Alaska's population has been or is involved in bird watching, and Alaska ranks 2<sup>nd</sup> of all the states in the number of non-resident birders that visit. Mr. Lyon shared instances of birding experiences and opportunities in Homer and Kachemak Bay.

Landon Bunting, president of the Kachemak Bay Youth Birding Group, the Fledgling Bird Investigators, commented on the need to continue the legacy many community members have established in supporting science. They would like use Resolution 18-015 to encourage more youth participation in this group and to become aware of the many organizations that support science in our community. Many of the Fledgling Bird Investigators, are leaving the community this year to seek degrees in sciences and hope to bring experiences back to Homer.

- B. 8<sup>th</sup> Annual Kachemak Bay Science Conference – Beth Trowbridge (10 minutes)

This presentation was rescheduled to February 26, 2019 by Beth Trowbridge.

**8. 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 Board Member commented regarding the Boards bylaw amendment to clarify the position of the student member. He encouraged they listen to KBBI's report on the successful Coding Classes, and that Children's Librarian Claudia Haines is part of the National Caldecott Selection Committee which annually selects the best illustrated kids book. This year's book is *Wolf in the Snow*. Lastly he reported copies of the City's draft Comprehensive Plan are available for review at the library for people who may be interested. He thanked Councilmembers for participating in Lunch with a Councilmember, and hopes it continues.

- 2. Homer Advisory Planning Commission
- 3. Economic Development Advisory Commission
- 4. Parks Art Recreation and Culture Advisory Commission
- 5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission
  - A. Memorandum 18-021 from City Planner Re: Retail Marijuana in Marine Commercial
7. Alaska Gasline Development Authority Community Advisory Commission Report - Councilmember Stroozas

Councilmember Stroozas reported that he was appointed to the Alaska Gasline Development Authority Community Advisory Commission after the AML meetings in November. He provided a project update, emphasizing that Alaska LNG will be the biggest economic driver in Alaska since the Trans-Alaska Pipeline System. It will spur new resource development programs and economic development for the next generation. The pipeline will be 807 miles of 42 inch pipe in an established corridor under State of Alaska control. The project cost is \$43.3 billion, with 75% of that cost being financed by China and will sign on to take 75% of the gas supply and pay for it over the next 20 years. The remaining 25% will be available for Alaska to sell to other countries and will represent an economic boon to our state. He reported on non-equity benefits to Alaska, benefits of lower cost energy for Alaskans, improvements for China's air quality, and jobs for Alaskans.

Mayor Pro Tem Aderhold called for recess at 7:20 p.m. and the meeting reconvened at 7:30 p.m.

## **PUBLIC HEARING(S)**

## **ORDINANCE(S)**

- A. **Ordinance 18-07**, An Ordinance of the City Council of Homer, Alaska, Repealing Ordinance 17-05(A-3) Amending the 2017 Operating Budget by Appropriating \$671,053 from the Homer Accelerated Roads and Trails Program (HART) for the Greatland Street Improvements (Option A) Project, and Authorizing the City Manager to Execute All Appropriated Documents. Aderhold. Recommended dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018

Mayor Pro Tem Aderhold asked for a motion for the introduction of Ordinance 18-07 by reading of title only.

LORD/VENUTI SO MOVED

Some Councilmembers were opposed to this because they felt the due diligence has been done and support the actions Council took 9 months ago. This could set a bad precedence for future projects, and the project addresses safety concerns in a number of different areas.

Others in support of the ordinance noted the Special Assessment District process wasn't used in this case, concerns expressed by affected property owners, the project has had decent between the commissions and council, and less money coming into the HART fund.

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

Mayor Zak voted No to break the tie.

Motion failed.

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

- A. City Manager's Report
- B. Bid Report

At the request of Mayor Pro Tem Aderhold, City Manager Koester commented on the after action report for the Tsunami Warning. She highlighted her three take-aways; public education on the Tsunami Inundation Zone, developing community partners to improve evacuation efforts, and additional training by working with Texas A&M Engineering Extension Service (TEEX) Emergency Services Training Institute (ESTI) and scheduling a drill in the near future .

Councilmember Erickson thanked Public Works Staff for finding a good deal on the vac truck.

### **CITY ATTORNEY REPORT**

City Attorney Wells noted she will be before the Alaska Supreme Court on the 14<sup>th</sup> in an argument with Mr. Griswold regarding standing issues in the land use realm, and will have a written report at the next meeting.

### **13. COMMITTEE REPORT**

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

### **14. PENDING BUSINESS**

If Reconsideration Passes:

- A. **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. Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018. Reconsidered by Erickson.

Memorandum 18-005 from City Planner as backup

The motion to reconsider failed.

Mayor Pro Tem Aderhold called for a short recess at 8:07 p.m. and the meeting reconvened at 8:12 p.m.

## **NEW BUSINESS**

### **RESOLUTIONS**

- A. **Resolution 18-016**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Harbormaster Building Emergency Generator 2018 to a firm to be announced in an amount to be disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

**Resolution 18-016(S)**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Harbormaster Building Emergency Generator 2018 to the firm of Liberty Electric Inc, of Homer, Alaska in the amount of \$22,237 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 18-021 from Public Works Director as backup

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 18-016 by reading of title only.

ERICKSON/VENUTI SO MOVED

Mayor Pro Tem Aderhold asked for a motion for the substitution of Resolution 18-016(S) for 18-016.

VENUTI/ERICKSON MOVED TO SUBSTITUTE RESOLUTION 18-016(S) for 18-016

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Resolution 18-017**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for Operation and Maintenance of the Port and Harbor Fish Grinding Facility to the firm to be announced in an amount to be disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director.

**Resolution 18-017(S)**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for Operation and Maintenance of the Port and Harbor Fish Grinding Facility to The Alaskan Fish Factor of Homer, Alaska, in the amount of \$32 per man hour, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director.

Memorandum 18-022 from Port Director as backup

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 18-017 by reading of title only.

ERICKSON/VENUTI SO MOVED

Mayor Pro Tem Aderhold asked for a motion for the substitution of Resolution 18-017(S) for 18-017.

ERICKSON/LORD SO MOVED

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Question was raised whether there were any concerns that only one proposals was received. Harbormaster Hawkins responded that this is the same company that holds the contract currently.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Resolution 18-018**, A Resolution of the City Council of Homer, Alaska, Establishing a Water and Sewer Rate Task Force with a Primary Focus on Commercial Rate Equity. Erickson.

**Resolution 18-018(S)**, A Resolution of the City Council of Homer, Alaska, Directing the Economic Development Advisory Commission to Annually Review Water and Sewer Rates for High Volume Users. Erickson.

Both Resolutions were withdrawn under agenda approval.

- D. **Resolution 18-019**, A Resolution of the City Council of Homer, Alaska, Amending Chapter 2, Section 2.2 of the City of Homer Property Management Policy and Procedures (Lease Policy) Regarding Committee Membership and Making Other Necessary Changes to Lease Policies. Erickson/Smith.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 18-019 by reading of title only.

SMITH/ERICKSON SO MOVED

SMITH/ERICKSON MOVED TO POSTPONE TO FEBRUARY 26<sup>th</sup>.

Councilmember Smith commented they would like to work with the City Attorney on this and bring something back at the next meeting.

VOTE (postpone): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- E. **Resolution 18-020**, A Resolution of the City Council of Homer, Alaska Confirming Next Steps for the Greatland Street Project. City Manager/Public Works Director.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 18-020 by reading of title only.



## ERICKSON/STROOZAS SO MOVED

Councilmember Smith questioned if there is benefit to having curbed sidewalks on both sides versus the bike lanes. He suggested it would be beneficial to increase our foot traffic space versus designating to bicycles which already has right of way in the roadway.

At the request of Mayor Pro Tem Aderhold, Public Works Director Meyer addressed the Council. He touched on the points that bicyclists don't generally ride on the sidewalks and prefer to be on a widened shoulder or designated bike lane. If Greatland goes through we may see some businesses develop there and there may be a good argument to provide a sidewalk on both sides, and it won't change the fact that there needs to be a widened shoulder to safely move bicyclists up and down Greatland.

Councilmember Erickson commented that currently there are vehicles parking on the sides of the road and sidewalks on both sides may encourage that to go away.

Public Works Director Meyer commented there is enough right of way for sidewalks on both sides and bike lanes on both sides, and there's cost associated with it. He's discussed the issue of narrowing the road and the potential for bicycles conflicting with vehicular traffic with the engineers who convinced him there is a standard way of dealing with it in striping and signage.

Mayor Pro Tem Aderhold suggested she could support this amendment if the road were striped as a Sharrow, so it's clear to everyone that the road is shared between bicycles and vehicles.

Councilmember Smith requested a short recess to draft a motion.

Mayor Pro Tem Aderhold called for a short recess at 8:07 p.m. and the meeting reconvened at 8:12 p.m.

SMITH/ERICKSON MOVED TO AMEND RESOLUTION 18-020 ON LINE 22 AND 23. ON 22 TO STRIKE CONCRETE AND INSERT ASPHALT AS WE AREN'T QUITE CERTAIN WHAT THE COST WILL BE GOING FORWARD AND THAT WILL GIVE THE PUBLIC WORKS DEPARTMENT THE OPTION OF BEING ABLE TO DO THAT AT A LOWER COST AND PLUS WITH THE ABSENCE OF KNOWING WHAT DEVELOPMENT WILL GO ON THERE THEY'RE GOING TO BE CUTTING INTO THOSE CURBS AS IT DEVELOPS AND IT GETS REALLY SPENDY TO WASTE CONCRETE, IT'S REALLY EXPENSIVE. SO ASPHALT FOR CONCRETE ON LINE 22 AND THEN ON LINE 23 I'D LIKE TO INSERT WHERE IT SAYS SIDEWALK ON THE AND INSERT EAST AND WEST SIDE SHALL BE INSTALLED, SO EAST AND WEST WILL BE INSERTED BETWEEN THE AND WEST. AND THEN ON LINE 32 AT THE END OF THAT SENTENCE JUST SAY STRIPING WILL INCLUDE SHARROW DELINEATION WHERE APPROPRIATE.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Smith commented there was process done in getting to this point and he believes this benefits the community in an affordable way.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

F. **Resolution 18-013**, A Resolution of City Council of Homer, Alaska, Expressing Results of the Police Station Extended Worksession and Providing Director for Next Steps. City Manager.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 18-020 by reading of title only.

LORD/SMITH MOVED TO APPROVE RESOLUTION 18-013

Councilmember Lord suggested she'd like to change line 36 to say spaces Spaces/Functions to incorporate into the revised design, she'd like it to be clear to staff that there's flexibility in taking the designs and working with the points of consensus they reached at the worksession.

LORD/VENUTI MOVED TO STRIKE RE-DESIGN OF THE \$6.4 MILLION DESIGN CONCEPT ON LINES 36 AND 37 AND CHANGE IT TO JUST READ "INTO THE REVISED DESIGN".

Councilmember Smith thinks the language as written is clear that they are redesigning it and doesn't see any confines in relationship to what had been produced.

Councilmember Venuti agrees the amended language is clearer referencing the revised design.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## COMMENTS OF THE AUDIENCE

Larry Slone, city resident, commented he's glad they pulled the water and sewer rate resolutions. As was pointed out there's a policy and process, and the process is in place to modify the cost. If you want to take a penny out of the cost allotted to the commercial users, you have to apply it to the residential users. If Council addresses this again in the future, it's important to have balanced participation from the community. He also commented regarding the Alaska natural gas potential, it's wonderful to have Councilmember Stroozas appointed to be our local representative on the board.

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

Attorney Wells had no comments.

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

City Clerk Jacobsen had no comments.

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

City Manager Koester had no comments.

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

Mayor Zak thanked Mayor Pro Tem Aderhold for another great job tonight. He also thanked Councilmember Stroozas for the AGDC report and City Manager Koester for the tsunami warning report.

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

Councilmember Lord thanked Council for allowing her to participate telephonically tonight and thanked everyone who testified in person and in writing. She's in Juneau for the week for the Alaska Association of Harbormasters and Port Administrators annual legislative fly in to meet with the Governor and also with coastal legislators to discuss the municipal harbor matching grant program and try to preserve that in the budget. She went down a little early for Senate resources working with Senate Bill 93 relating to Alaska's derelict vessel laws. Homer has been a big leader statewide for harbor work. Lastly, she's very excited about Margie Scholl's artwork for Bishops Beach and encouraged people to go see her Artist in Residency display at Bunnell.

Councilmember Venuti commented the Winter Carnival Parade was nice and the college float won 75 Homer Bucks. Officer Stading presented at a Public Safety Workplace Security meeting at the college along with UAA. It was very interesting and UAA representatives commented that our police department is well respected around the state and she is very proud of that.

Councilmember Smith expressed his appreciation for the people who took time to be here and participate in the process, it's very important. He participated in Lunch with a Councilmember today and found himself in the hot seat, but it comes part and parcel with what we do. He said there's no guarantee that the processes put in place will work in perpetuity, and there's no harm in re-visiting what took us to those conclusions and reconsider when things may have changed. He thanked Councilmember Stroozas for participating on the AGDC and said he's going to represent us well.

Councilmember Erickson commented we may need to change the name of Winter Carnival because every time the Pineapple Express comes along and it rains, it was a fun time though, and the Fun Run is next weekend for the snow machiners. She wished everyone a good couple weeks. She commented that it's always fun to throw ideas out there, whether people like them or not. It's always great discussion.

Councilmember Stroozas commented we have an engaged community and it's obvious when we come to the meetings. He encouraged people to continue to come because it's good to listen to everything you can from both sides of the fence. He appreciated the chance to report on behalf of the AGDC and confirmed they will be hosting a Town Hall meeting on Tuesday, February 20<sup>th</sup> from 5:30 to 7:30 at the Bidarka Inn.

Mayor Pro Tem Aderhold said she will sponsor the ordinance proposed by the Cannabis Advisory Commission to allow retail marijuana on the spit. She learned that today is the 20<sup>th</sup> birthday of the Kachemak Bay National Estuarine Research Reserve. It's the only one in Alaska and we have learned so much about our bay, environment, wetlands, and salmon streams because of the research reserve. She wished them a very Happy Birthday. She's excited they approved the Resolution designating the year of the bird. In closing she read a poem she wrote titled *Long Tail Ducks*.

#### **ADJOURN**

There being no further business to come before Council, the meeting was adjourned at 8:37 p.m. The next Regular Meeting is Monday, February 26, 2018 at 6:00 p.m., Worksession 4:00 p.m., 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.

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MELISSA JACOBSEN, MMC, CITY CLERK

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



# City of Homer

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

## Office of the Mayor

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Homer, Alaska 99603

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(f) 907-235-3143

## Memorandum 18-023

TO: HOMER CITY COUNCIL  
FROM: BRYAN ZAK, MAYOR  
DATE: FEBRUARY 21, 2018  
SUBJECT: APPOINTMENT OF NICOLE AREVALO TO THE ECONOMIC DEVELOPMENT  
ADVISORY COMMISSION

---

Nicole Arevalo is appointed to the Economic Development Advisory Commission to fill the seat vacated by Claire Kiesel. The term will expire in 2021.

### RECOMMENDATION:

Confirm the appointment of Nicole Arevalo to the Economic Development 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)

Tuesday, February 20, 2018 - 4:56pm

146.71.67.65

#### Applicant Information

**Name**

Nicole Arevalo

**Physical Address**

3059 Kachemak Dr

**Mailing Address**

P.O. Box 2099

**Email**

genehackmanwho@yahoo.com

**Phone**

9073994161

Please select the bodies you are interested in serving on

**Advisory Bodies**

Economic Development Advisory Commission 2nd Tuesday of the month at 6:00 p.m.

**I have been a resident of the city for**

Homer within city limits the past two years, and another two a few years before that.

**I have been a resident of the area for**

Fourteen years, all in the Homer area, though in past summers I spend a significant amount of time in the Aleutians.

**Special Training & Education**

I am a recent UAA graduate with a degree in Anthropology, though all my coursework was done here in Homer either at KPC or online when courses I needed were unavailable. I chose to take elective courses in economic-related subjects since I strongly believe that a solid sense of

economic systems in place where you are to live and do work is critical to making the best decisions as regard development and resource allocation.

### **Prior Service**

I have not sat on any other economic development advisory bodies, however, as stated above I have experience serving on boards and committees in the non-profit sector.

### **Why are you interested?**

Having been in the Homer area since 2004, I have seen the economy shift slowly. When I arrived commercial fishing had a larger presence about town, and in the time since I've seen tourism begin to claim a larger stake of the local economy. Commercial fishing is still a cornerstone of not only Homer's economy, but our culture and I believe we need to help it thrive in ways that we can. I have been working in both the maritime world and the food and beverage service industry in my time here, and can see the benefits of promoting both industries. have also been watching as the agricultural, craft foods, and other craft products fields have been blossoming, in tandem with similar growth around the state, and I strongly encourage that. I think that Homer has the opportunity to grow in ways that broaden our local economy, and that development choices made by the City can provide incentive or help facilitate this process. They can also discourage progress in these fields or create undue burdens, so I believe that decisions that may affect these types of growth should be carefully crafted. I believe there is room for our harbor to grow and for more wealth to enter our community through things like a boat haul out. At the same time I believe that such development requires careful attention to what economic drivers our community wants to see pursued by our harbor expansion choices. All that said, I believe that Homer has many opportunities for economic development and I would love to be a part of the process on an advisory level.

### **Other memberships**

I recently joined the Kenai Peninsula and Anchorage Food Hub Advisory Council. I have also served on the KBBi Board of Directors for the last four years, and currently serve as Secretary of the Board. Committees I am involved in related to my Board service include: Bylaws and Policy (as chair), Fundraising and Development, Public Safety (which is currently finalizing an agreement with the City), Finance, and Board Development.

### **Additional related information**

Mayor Zak, please consider me for this post. Most years I leave for the Aleutians for a couple months during the summer and then spend my winter both working and taking college courses, but this year I will be staying on dry land for the most part and have finished school. Lately I have been becoming more involved with the community and community-based initiatives. I now have the time to dedicate to the work of this committee and I believe that this is a good fit for me to offer service to the community.

### **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/15181>



**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-08**

**Ordinance 18-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.28.020, Permitted Uses and Structures; Adding Marijuana Retail Facilities in the Marine Commercial District.

Sponsor: Aderhold/Cannabis Advisory Commission

1. City Council Regular Meeting Introduction February 26, 2018
  - a. Memorandum 18-021 from City Planner as backup



CITY OF HOMER  
HOMER, ALASKA

Aderhold/  
Cannabis Advisory Commission

ORDINANCE 18-08

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND  
STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE  
MARINE COMMERCIAL DISTRICT.

WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacture marijuana or to operate a retail store selling marijuana; and

WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevents marijuana possession or use on federal property.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.28.020 is hereby amended to read as follows:

Section 21.28.020 Permitted uses and structures.

The following uses are permitted outright in the Marine Commercial District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Offices for tourism-related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours;
- b. Marine equipment sales, rentals, service, repair and storage;

[**Underlined added.** Deleted language stricken through.]

- 43 c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts  
44 and crafts;
- 45
- 46 d. Business offices for water-dependent and water-related activities such as fish  
47 brokers, off-shore oil and gas service companies, and stevedores;
- 48
- 49 e. Customary accessory uses that are clearly subordinate to the main use of the lot or  
50 building such as piers or wharves; provided, that separate permits shall not be issued  
51 for the construction of an accessory structure prior to that of the main structure;
- 52
- 53 f. Mobile food services;
- 54
- 55 g. Itinerant merchants, provided all activities shall be limited to uses permitted  
56 outright under this zoning district;
- 57
- 58 h. Recreational vehicle parks, provided they shall conform to the standards in Chapter  
59 21.54 HCC;
- 60
- 61 i. Restaurants;
- 62
- 63 j. Cold storage facilities;
- 64
- 65 k. Campgrounds;
- 66
- 67 l. Manufacturing, processing, cooking, and packing of seafood products;
- 68
- 69 m. Parks;
- 70
- 71 n. Boat launching or moorage facilities, marinas;
- 72
- 73 o. Caretaker, business owner or employee housing as an accessory use to a primary  
74 use, and limited to no more than 50 percent of the floor area of a building and for use  
75 by an occupant for more than 30 consecutive days;
- 76
- 77 p. Lodging as an accessory use, limited to no more than 50 percent of the floor area of  
78 a building;
- 79
- 80 q. As an accessory use, one small wind energy system per lot;
- 81
- 82 **r. Marijuana retail facilities as defined by state law.**
- 83

84 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

85  
86 Section 3. This ordinance is of a permanent and general character and shall be included  
87 in the City code.

88  
89 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

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91  
92 CITY OF HOMER

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96 \_\_\_\_\_  
97 BRYAN ZAK, MAYOR

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101  
102 ATTEST:  
103  
104 \_\_\_\_\_  
105 MELISSA JACOBSEN, MMC, CITY CLERK

106  
107 YES:  
108 NO:  
109 ABSTAIN:  
110 ABSENT:  
111  
112 First Reading:  
113 Public Reading:  
114 Second Reading:  
115 Effective Date:

116  
117 Reviewed and approved as to form:

118  
119  
120 \_\_\_\_\_  
121 Katie Koester, City Manager

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

122  
123 Date: \_\_\_\_\_ Date: \_\_\_\_\_





# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

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(f) 907-235-3118

MEMORANDUM 18-021

**TO:** MAYOR ZAK AND HOMER CITY COUNCIL  
**THROUGH:** KATIE KOESTER, CITY MANAGER  
**FROM:** RICK ABBOUD, CITY PLANNER  
**DATE:** FEBRUARY 5, 2018  
**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE MARINE COMMERCIAL DISTRICT.

The City Council received a memo from the Cannabis Advisory Committee requesting additional consideration for the approval Cannabis businesses on the spit. The memo was presented for review at the September 11, 2017 Council meeting. I attended the Port and Harbor meeting of October 10, 2017 and received a recommendation from the commission in support of the zoning allowance for marijuana retail businesses on privately owned lots on the spit. The Planning Commission held public hearings on December 6, 2017 and January 17, 2018 for the allowance of retail marijuana businesses in the Marine Commercial District.

After receiving public testimony, the Commission voted 5-1 in support of recommending the draft ordinance for adoption by the City Council.

Planning Commission Recommendation:

Adopt Draft Ordinance adding marijuana retail facilities in the Marine Commercial District.

Att.

Draft Ordinance

Memorandum 17-07

Staff report PL 17-91 and attachments including; Memorandum from CAC, Memorandum to Port and Harbor Commission, dated 10.10.17, and corresponding Planning and Port and Harbor Commission minutes with written correspondence, and previous documents containing consideration of zoning for marijuana businesses on the spit.





## REPORTS

- A. Staff Report 18-05, City Planner's report

City Planner Abboud reviewed the staff report. He requested volunteers for the City Council meetings.

Commissioners volunteered as follows:

February 12, 2018	Commissioner Bernard
February 26, 2018	Commissioner Stead
March 12, 2018	Commissioner Bernard
March 27, 2018	Commissioner Venuti

## PUBLIC HEARINGS

- A. Staff Report 17-91, Ordinance to add Retail Marijuana Facilities as a permitted use in the Marine Commercial District under Homer City Code 21.28.020

City Planner Abboud reviewed his report for the commission summarizing previous actions.

Chair Stead opened the public hearing seeing no one coming forward to testify Chair Stead closed the public hearing.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT 17-91 AN ORDINANCE TO ADD RETAIL MARIJUANA FACILITIES AS A PERMITTED USE IN THE MARINE COMMERCIAL DISTRICT UNDER HOMER CITY CODE 21.28.020 AND FORWARD TO CITY COUNCIL FOR APPROVAL.

Discussion ensued on the legality of marijuana at the federal level as it affects mariners and associated activities; allowing an additional retail business to be in a previously permitted retail zone; legality at the state level; Port & Harbor Advisory Commission support for the zoning change; prohibiting the action based solely on the commodity for sale; the sale of marijuana does not lend to the marine atmosphere but falls along the lines of recreational and could be categorized with the sale of alcohol; level of interest from private land owners on the spit to establish a business; ability of future property owners to establish a business in the marijuana industry; written public comment was acknowledged as well as the many opportunities for public testimony.

VOTE. YES. BANKS, VENUTI, STEAD, BERNARD, BOS  
VOTE. NO. HIGHLAND.

Motion carried.



There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PRESENTATIONS**

### **REPORTS**

A. Staff Report 17-90, City Planner's report

City Planner Abboud reviewed the staff report. He requested volunteers for the January 8, 2018 Council meeting.

It was agreed by consensus that a volunteer could be solicited at the next commission meeting.

### **PUBLIC HEARINGS**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report 17-91, Ordinance to Add Retail Marijuana Facilities as a permitted use in the Marine Commercial District under Homer City Code 21.28.020

City Planner Abboud stepped to the map displaying the areas on the Spit where this ordinance would be applied then reviewed the staff report.

Chair Stead opened the public hearing.


Don Tippy, city resident, commented he has managed a store on the spit for 2 years, that he receives numerous inquiries from visitors where they can find a dispensary, the city is in fact losing a lot of money. He reported that eleven times he was asked where a dispensary was this past summer and that they received 11 cruise ship visits.

Chair Stead closed the public hearing having no further testimony from the public present.

Staff did not have any comments or rebuttal. Chair Stead asked for questions from the commission.

A question and response period ensued between Commissioners and City Planner Abboud on the following:

- changes and considerations that may have come up since the first time this issue was brought before them;

- 
- 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 of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 17-91

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: December 6, 2017  
SUBJECT: Retail marijuana in the Marine Commercial District

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#### Introduction

This subject is back to the Planning Commission after a request made by the Cannabis Advisory Commission (CAC) for the City Council to reconsider the decision to add a provision for retail marijuana operations in the Marine Commercial District.

#### Analysis

The Port and Harbor Commission reviewed the request and support the allowance of Retail Marijuana in the Marine Commercial District. I have provided backup of the discussion that lead to the negative recommendation for marijuana business on the spit last year. Basically, the votes were split on both the Planning Commission and City Council.

My review of any ordinance involving the addition of an activity to a district includes how the change is aligned with the purpose of the district and relevant information found in the comprehensive plan.

#### Marine Commercial District

*The purpose of the Marine Commercial District is primarily for water-related and water-dependent uses and the business and commercial uses that serve and support them, including but not limited to fishing, marine transportation, off-shore energy development, recreation and tourism. It is recognized that unique natural features of Homer's marine environment contribute significantly to the economic and social environments; therefore, performance standards are required to minimize the impact of development on the natural features on which they depend.*

A retail marijuana facility in this district does not necessarily enhance or support water-dependent use. The use would have to be found to fit into the 'tourism' aspect. Justifying this business in the Marine Commercial District depends on how the community feels that this activity supports tourism. I am sure that we will enter into a debate about how this use will benefit or harm existing businesses on the spit. I am providing the thought I have 'through the

planning lens', in the end, it is for the community to provide guidance and determine community standards.

The support for this activity seems to revolve around the concept that it should be allowed to prosper and contribute to the economic benefit of the city. Like most other retail business, retail marijuana is confined to business districts. Marijuana business in the Marine Commercial district is unique in that much of the land is owned by the city and leased. Attached is a map of the district indicating the private property that will likely be the only opportunity for the use, as the City has taken the position that we will not allow the operation of an activity that conflicts with federal law on City owned land.

### **Comprehensive Plan**

In consideration of the Marine Commercial District and the Spit Plan, I am not finding any direct support. It may be found to be supported in aspects of the Economic Vitality Chapter. The benefits to the community are debatable. It would have to be construed to be an amenity that enhances the tourism industry such as the selling of arts and crafts or curios, currently permitted uses.

### **Staff Recommendation**

Hold a public hearing, discuss the merits of the proposal and make recommendation to the City Council.

### **Attachments**

Draft Ordinance  
Memorandum PL 17-07  
November 15, 2017 Marine Commercial Properties Map  
August 28, 2017 Memo of the Cannabis Advisory Commission  
October 10, 2017 Memo from the City Planner to Port and Harbor Commission  
October 25, 2017 Port and Harbor Commission Meeting Minutes  
September 6, 2017 Letter from Jeremiah Emmerson to City Council  
January 25, 2016 City Council Minutes - Discussion of Retail Marijuana in Marine Commercial  
January 14, 2016 Memorandum 16-017 from the City Planner to City Council  
Nov. 4, Oct. 21, Oct. 7, 2015 HAPC Meeting Minutes  
Public Comments

CITY OF HOMER  
HOMER, ALASKA

Planning Commission

ORDINANCE 18-\_\_

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND  
STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE  
MARINE COMMERCIAL DISTRICT.

WHEREAS, it is in the City's best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacturer marijuana or to operate a retail store selling marijuana; and

WHEREAS, the City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevents marijuana possession or use on federal property.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.28 is amended as follows:

Section 21.28.020 Permitted uses and structures.

The following uses are permitted outright in the Marine Commercial District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Offices for tourism-related charter and tour businesses, such as fishing, flightseeing, day excursions and boat charters and tours;
- b. Marine equipment sales, rentals, service, repair and storage;
- c. Retail stores limited to the sale of seafood products, sporting goods, curios, and arts and crafts;

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

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d. Business offices for water-dependent and water-related activities such as fish brokers, off-shore oil and gas service companies, and stevedores;

e. Customary accessory uses that are clearly subordinate to the main use of the lot or building such as piers or wharves; provided, that separate permits shall not be issued for the construction of an accessory structure prior to that of the main structure;

f. Mobile food services;

g. Itinerant merchants, provided all activities shall be limited to uses permitted outright under this zoning district;

h. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54 HCC;

i. Restaurants;

j. Cold storage facilities;

k. Campgrounds;

l. Manufacturing, processing, cooking, and packing of seafood products;

m. Parks;

n. Boat launching or moorage facilities, marinas;

o. Caretaker, business owner or employee housing as an accessory use to a primary use, and limited to no more than 50 percent of the floor area of a building and for use by an occupant for more than 30 consecutive days;

p. Lodging as an accessory use, limited to no more than 50 percent of the floor area of a building;

q. As an accessory use, one small wind energy system per lot;

**r. Marijuana retail facilities as defined by state law.**

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

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



91 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_  
92 day of \_\_\_\_\_ 2018.

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CITY OF HOMER

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BRYAN ZAC, MAYOR

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ATTEST:

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MELISSA JACOBSON, MMC, CITY CLERK

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103 AYES:

104 NOES:

105 ABSTAIN:

106 ABSENT:

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108 First Reading:

109 Public Reading:

110 Second Reading:

111 Effective Date:

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113 Reviewed and approved as to form:

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\_\_\_\_\_  
Kate Koester, City Manager

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

\_\_\_\_\_  
City Attorney

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





# City of Homer

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## Memorandum PL 17-07

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: November 28, 2017  
SUBJECT: Planning Staff review of Retail Marijuana in the Marine Commercial District

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### 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.**

1. *Staff response:* This proposal to varying degrees supports the goals and objectives listed below.
  - a. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community.
  - b. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 1, Define and encourage economic development that meets the desires and interests of Homer residents and positively supports the unique character of the community, economic development strategies;
    1. #2, Encouraging the production or sales of goods and services to better serve the local economy.
    2. #3, Amend land use and taxation regulations to encourage production of custom or unique products to sell locally and outside the community; such as art, technology, or value added seafood products.
    3. #4, Encourage “import substitution;” i.e., leakage control by producing locally what is otherwise imported. An example is the local farmer’s market, which provides produce which would otherwise be trucked into the community with profits leaving the community
  - c. 2008 Comprehensive Plan Chapter 8, Economic Vitality Goal 2, Encourage the creation of more year-round, higher wage jobs, implementation strategies;

- i. #3, Ensure that zoning and land use regulations do not unduly restrict entrepreneurial development and new business formation. Also ensure that the value of adjacent property is not degraded through noise, odor or similarly negative impacts.
- ii. #6, Promote and enable small-scale employers who may have different land use and infrastructure needs than one or two-person sole proprietorships.
- iii. #10 Establish and maintain consistent municipal standards and policies relating to the establishment and/or expansion of business activities on private and municipal lands.
- iv. #13 Examine and replicate appropriate regional successes.

**B. Will be reasonable to implement and enforce.**

*Staff response:* Working in conjunction with state officials in the highly regulated industry, the addition of the use will be reasonable to implement and enforce.

**C. Will promote the present and future public health, safety and welfare.**

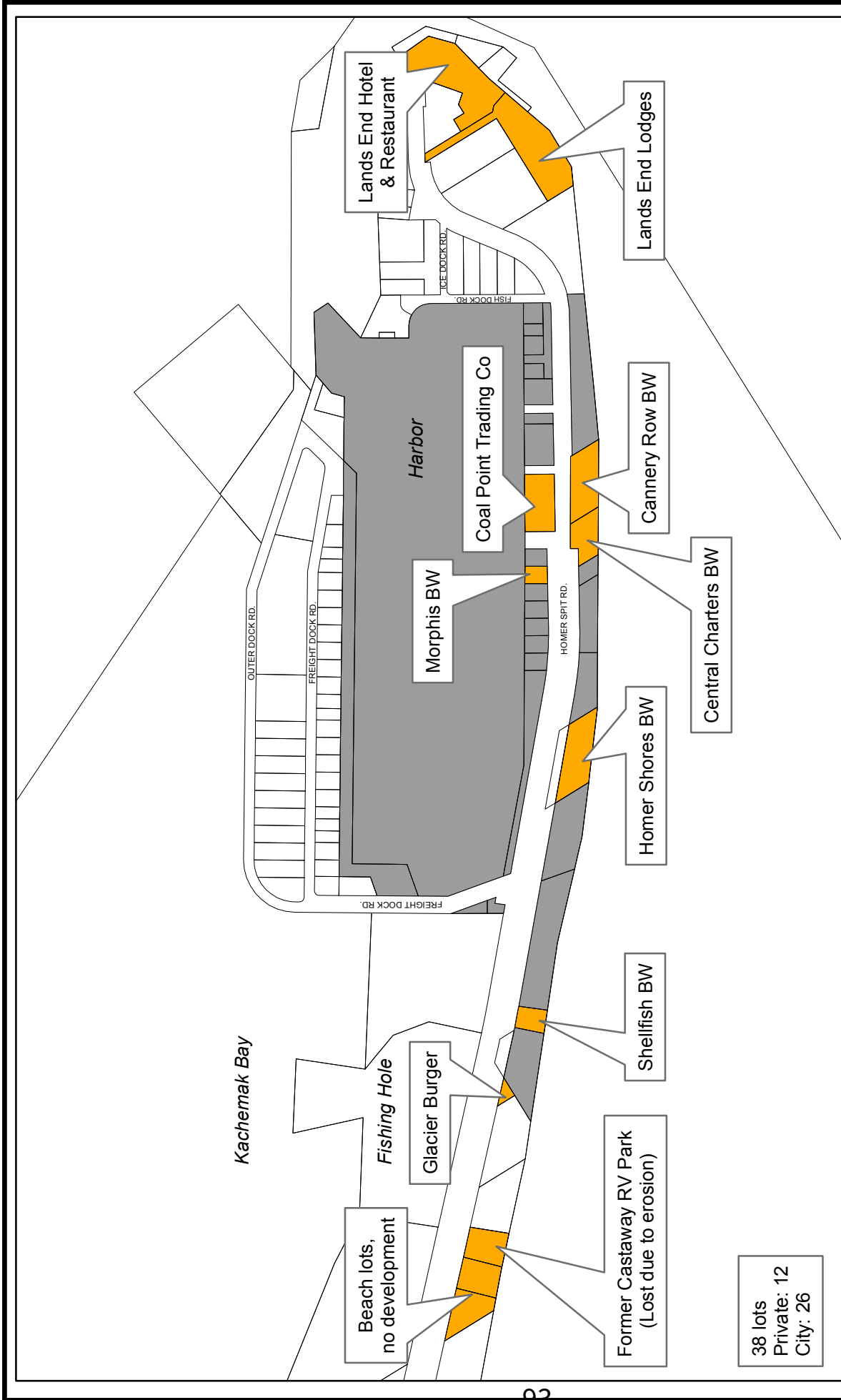
*Staff response:* This amendment promotes health, safety and welfare by locating the industry in a commercial area that is regulated in order to limit incompatible uses.

**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.



*Disclaimer:*  
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

# Marine Commercial Properties on the Homer Spit

November 15, 2017

City of Homer  
 Planning and Zoning Department

Legend	
<b>Owner</b>	
Private	<span style="display:inline-block; width:15px; height:15px; background-color:orange;"></span>
City	<span style="display:inline-block; width:15px; height:15px; background-color:grey;"></span>

38 lots  
 Private: 12  
 City: 26





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
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## MEMORANDUM

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

---

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

### *NEW BUSINESS*

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

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

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

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

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

*VOTE. NON-OBJECTION. UNANIMOUS CONSENT.*

*Motion carried.*







## City of Homer

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

Homer City Council

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

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### Memorandum

TO: PORT AND HARBOR COMMISSION

FROM: RICK ABOUD, CITY PLANNER

DATE: October 10, 2017

SUBJECT: Retail sales of marijuana in the Marine Commercial District

---

At the August 28<sup>th</sup> meeting of the Cannabis Advisory Commission a motion was made for the City Council to support an allowance for marijuana businesses to be located in the Marine Commercial District.

The Planning Commission last had a discussion about the allowance of retail marijuana facilities in the Marine Commercial District in November of 2015. Several members of the public, including the owners of a boardwalk, testified against the provision. The motion for allowing the activity failed for lack of a majority, ending in a 3-3 vote.

At this time, the city has been advised against supporting marijuana businesses on city property in order to not aggravate the city's relationship with the federal government. Practically, this activity would be a consideration for only privately owned property at this time, although the provision would comprise the entire Marine Commercial District.

In consideration of the purpose of the Marine Commercial District, I believe it would be best to only consider a provision for the retail sales as manufacturing, testing, and cultivation is best addressed in districts where there is not so much emphasis on water dependent activities.

The Port and Harbor Commission is asked whether or not it supports retail marijuana businesses in the Marine Commercial District. The recommendation will be forwarded to the Planning Commission and then the City Council for consideration.

Att.

CC Memo from CAC



- Stall Retention is higher than previous years and the Harbor desperately needs new stalls to lower the stall retention.
- Fished the LED project with Puffin Electric and have seen some good results
- Small Boat Harbor Potable Water , Fish cleaning Stations, and the ECO barge have all been shut down and winterized
- The Deep water Dock inside berth fender attachment points are breaking off. Repairs are being made, but some bigger repairs will need to be made in the near future to keep this from happening.
- AAHPA has two Resolutions that they would like the City of Homer to Support.
- Harbor Facility Grant Program was used to replace the Floats in the City of Homer Harbor. This is the only funding that the State provides that goes directly to the Harbor.
- Agenda was included for the AAHPA Conference in Petersburg, Alaska

Harbor Master Hawkins stated that if anyone has questions about the AAHPA Conference or the Agenda to contact him at a later time to discuss it.

## **PUBLIC HEARING**

## **PENDING BUSINESS**

## **NEW BUSINESS**

- A. Marijuana Zoning on the Spit
- I. Memo from Planning Commission To Port and Harbor Advisory Commission Re: Retail of marijuana in the Marine Commercial District
  - II. Memo from the Cannabis Advisory Commission to City Council Re: Recommendation to Amend Zoning on the Homer Spit to Allow Cannabis

Commissioner Zimmerman stated that in the past the Port and Harbor Commission had made a recommendation to City Council to allow marijuana on the Spit. However, he could not recall that the recommendation went forward to City Council and asked if anyone on the Commission remembered if the recommendation was heard. Harbor Master Hawkins replied that he believe the recommendation did go before City Council and that City Council voted against the Port and Harbors recommendation.

The Commission discussed the Memorandum from the City Planner and clarified that the recommendation would only be for privately owned property at this time.

Commissioner Zieset stated that since the Federal level has not yet recognized marijuana usage, that it may be wise for the City to restrict the use to privately owned property only.

Commissioner Hartley asked if the US Coast Guard still enforced the regulations against marijuana on vessels. Commissioner Stockburger clarified that the US Coast Guard, the FAA, and the DOT all enforce regulations against the use of marijuana in any kind of transportation.

STOCKBURGER/ ZIESET- MOVED TO FORWARD A RECCOMENDATION TO THE PLANNING COMMISSION AND TO CITY COUNCIL IN SUPPORT OF MARIJUANA RETAIL ON PRIVATELY OWNED SPIT PROPERTY.

Commissioner Zieset echoed his earlier comment. He believes it is wise to keep marijuana retail off of the City leased properties until there is a general idea of how everything will be run.

VOTE: 4 YES 0 NO. UNANIMOUS CONSENT.

Motion Carried

- B. Purchase of Lot 42 on Homer Spit
  - I. Memo from City Manager to Port and Harbor Commission Re: Purchase of Lot 42 on Homer Spit.
  - II. Draft Ordinance from City Manager Koester and Exhibit A map Overlay Sketch from TLO

Commissioner Stockburger asked Bryan how the City got into this mess with the Mental Health Land Trust to begin with.

Harbor Master Hawkins replied with a brief history between the Mental Health Land Trust and the City of Homer on Lot 42. In 1964 there was a different plat in place that was obliterated due to the 1964 Earthquake. The City re-platted that section of the Spit and gave notice to the State that the previous plat was void. Two years later the Borough became the Platting authority and also recognized the City's re-plat of the Spit. Now, the Mental Health Land Trust is stating that some of the previous plat still applies and was never voided. The City was served with a trespass notice, and since then has been in discussion with the Mental Health Land Trust. There was a special meeting held between the City of Homer and the Mental Health Land Trust with attorneys present, and the outcome was the compromise brought forth now. The City of Homer is not admitting that the Mental Health Land Trust owns Lot 42, but has taken the attorney's fees and everything else at risk into consideration. Ultimately, the City feels that buying Lot 42 would be the wisest and cheapest option moving forward.

The Commission clarified the property line of Lot 42 and had a small discussion about Mental Health Land Trust relinquishing their rights to the other Lots, along with the City purchasing Lot 42 for \$550,600.

Harbor Master Hawkins stated he looked at the business opportunity like this; "if I were looking back on this deal 10 years from now, would I see it as a bad deal?" He believes this deal is one that will benefit the City and the Harbor for years to come, so he doesn't think this is a "bad deal".

Commissioner Zimmerman expressed that his only issue with this deal is that the City is taking the money out of the General Fund, which in return the Harbor has to pay back plus interest. The City should pay for Lot 42 and not make the Harbor pay back interest, because it's in the best interest for the entire City, not just the Harbor.

Harbor Master Hawkins explained that this is the agreement that he and the City Manager has come up with, the other option would be for the Harbor to pay for the Lot out of their reserve fund, which they did not see feasible.

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

---

City clerk,

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

--

Dear Council,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Warm Regards,

Jeremiah Emmerson

Memorandum 16-017 from City Planner as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 16-04 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

REYNOLDS/LEWIS - MOVED TO AMEND TO STRIKE SECOND READING ON FEBRUARY 8<sup>TH</sup> AND HAVE A PUBLIC HEARING ON FEBRUARY 8<sup>TH</sup> AND A SECOND PUBLIC HEARING AND FINAL READING ON FEBRUARY 22<sup>ND</sup>.

Mayor Wythe and Council expressed the need for an additional public hearing for people that are concerned or interested in the ordinance. Council may have changes to the ordinance also.

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

Motion carried.

LEWIS/REYNOLDS – MOVED TO AMEND THE CENTRAL BUSINESS DISTRICT (CBD) WHICH IS CUP (CONDITIONAL USE PERMIT) ONLY TO HAVE IT TO WHERE IT IS PERMITTED OUTRIGHT.


The amendment would require complaints to be presented at the state level instead of litigation against the city.

Asked about the liability of the CUP process, City Attorney Wells advised the CUP process has criteria with substantially related terms and wiggle room that creates vulnerability for legal challenges. Communities are putting a moratorium on the CUP process while others are using CUPs. It comes with legal costs that cannot be predicted. We will have a better understanding once the industry gets going in communities that are using CUPs.

Councilmember Lewis reminded Council the City has had a lot of litigation on CUPs and zoning issues. He would just as soon pass that cost off to the State instead of us bearing that cost.

VOTE: (amendment) YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, ZAK, VAN DYKE

Motion carried.



Councilmember Van Dyke commented on Marine Commercial. The Homer Spit draws people from all over the state with families. There is the Homer Ice Rink, Nick Dudiak Fishing Lagoon, and parks and campgrounds up and down the Spit. Each one has tons of families and children. He would like to see no cannabis activity on the Spit.

VAN DYKE/SMITH– MOVED THAT MARINE COMMERCIAL BE A NO SALE ZONE.

Councilmember Lewis questioned the depiction of the Spit as a great, wholesome place with Salty Dawg Saloon, other bars and liquor stores, and five or six guys sitting out at night after a day's charter pounding down beers. It's not a good analogy to restrict the cannabis business there. On his visit to Denver he did not see derelicts hanging outside. There are laws on advertising.

Councilmember Smith asked what the economic benefit is that we are projecting versus the social costs.

Councilmember Lewis answered the problems are already there; we aren't going to bring anything new. The product and alcohol are there and some will use both. Those that want to use one or the other will use one or the other. It will not create more smoking and driving. Those that are going to do it will regardless if it is legal or not.

Mayor Wythe commented the majority of properties on the Spit are City of Homer properties. In complying with the eight guiding principles to keep us out of the federal target zone, one of those is growing marijuana on public lands and the public safety and environmental dangers posed by marijuana production. Although there wouldn't be marijuana growing on the Spit, people could not lease city properties to sell marijuana. We can start smaller and if it makes sense we can grow.

VOTE: (amendment) YES. ADERHOLD, ZAK, SMITH, VAN DYKE  
VOTE: NO. REYNOLDS, LEWIS

Motion carried.

ZAK/VAN DYKE – MOVED TO AMEND TO MAKE THE HOMER SPIT A BUFFER ZONE.

City Planner Abboud advised no buffer is needed if Marine Commercial is a no sale zone. Adding a buffer to the Spit could be decided by the Planning Commission at a later date.

VOTE: (amendment) YES. VAN DYKE, ZAK, SMITH  
VOTE: NO. REYNOLDS, ADERHOLD, LEWIS

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ADERHOLD/LEWIS - MOVED TO AMEND LINE 20 to CHANGE the WORD "MANUFACTURER" TO "MANUFACTURE."

There was no discussion.





# City of Homer

www.cityofhomer-ak.gov

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

### Memorandum 16-017

TO: MAYOR WYTHE AND HOMER CITY COUNCIL  
 THROUGH: KATIE KOESTER, CITY MANAGER  
 FROM: RICK ABBOUD, CITY PLANNER  
 DATE: JANUARY 14, 2016  
 SUBJECT: DRAFT ORDINANCE PROPOSING TO ZONE MARIJUANA RELATED ACTIVITIES WITHIN THE CITY OF HOMER

The Planning Commission has been working on this item since August. It has been an agenda item at six meetings, two of which have been public hearings. This proposed ordinance deals specifically with zoning regulations for the four activities defined by the state: Cultivation; Limited (small - under 500 square feet) and Standard (large - more than 5000 square feet), Manufacturing, Retail, and Testing. The best way to express this is the table below and the map attached. At this point, there is no distinction for zoning purposes between limited and standard cultivation operations.

Our goal with this ordinance is to provide a place to start with the regulation of the industry and to have some options available prior to the date when the state is scheduled to accept applications, February 24<sup>th</sup>. This will allow the City Council to introduce and hold two public hearing prior to this date. The Planning Commission wants to allow the industry to start in a somewhat limited area until we gain more experience, with the thought it would be much easier to loosen rules in the future rather than try to ratchet it back later and leave nonconformities behind. If the Council recommends something that needs to be review by the Planning Commission, I recommend passing the parts of the ordinance that are acceptable to the Council, so that entrepreneurs have reasonable options to apply for a license February 24<sup>th</sup>. If no ordinance is adopted, commercial marijuana will be an unlisted use, meaning every application will be a conditional use with a fairly high threshold for approval. This is an unreasonable expectation.

It is important to consider the regulation that is proposed by the state when considering the regulations proposed by the city. We may not propose anything that is more liberal than what the state proposes. A brief summary of the state regulation is provided and attached is the regulation proposed at the time of this report.

A = Allowed (reviewed by the Planning Office). C = Conditional Use Permit needed (hearing before the Planning Commission required).

**Table 1. Cannabis Activity by Zoning**

**District**

	District					
Activity	CBD	GC1	GC2	EEMU	MC	
Retail	C	A	A	A	C	
MFG	C	A	A	A		
Testing	A	A	A	A		
Cultivation						
small	C	A	A	A		
large	C	A	A	A		105

The Planning Commission also proposes some buffer distances in addition to the state provisions. These buffers are based on the federal governments' double penalty zone as defined in US Code. This includes 1000 feet buffers from the two colleges, the Alaska Bible Institute and the Kenai Peninsula College. 1000 feet buffers from Karen Hornaday, Jack Gist, Bayview, and Ben Walters Parks are also recommended. Another recommendation is a 200 foot buffer from the library. The language used by the state and the federal government does not describe a library, but after a request from the Library Advisory Board, the commission did recommend a 200 foot buffer. This buffer with the buffer extended from the college and consideration of the uses and ownership of nearby properties realistically ensures that operations will not be proposed anywhere in close proximity to the library. The combination of the library and college buffers, and existing land uses and land ownership (post office, banks) realistically ensures that operations will not be proposed anywhere close to the library.

You will surely be made aware of a petition that proposes that limited cultivation be allowed outright in the Rural Residential District and that marijuana activities be allowed outright in the Central Business District. Both of these subjects have been discussed at length by the Planning Commission. The commission believes that the limited cultivation in the Rural Residential District is too commercial to meet the purpose of the district. A limited cultivation operation is required by the state to have exterior lighting to facilitate surveillance (including within 20 feet of each entrance), a security alarm on all windows and doors, and continuous video monitoring. Approval for a commercial business from the Fire Marshal is required. All persons dealing with the product must have a marijuana handler permit. There must be a plan for odor control to ensure that it is not detectable off the premises. This is just a sampling of the many requirements of the state licensing requirements found in the final regulations through 12-1-15. Another concern about limited cultivation in the Rural Residential District is density. Because of the city regulations for lot size, many lots that have access to water and sewer are small. In any event, the commission would not entertain commercial activities on lots less than 20,000 square feet (about half an acre). In addition, there was discussion about the minimum distance between a commercial grow operation, and the adjoining property. In the end, commercial cultivation was not recommended for the district.

The Commission also thought that cannabis activities in the Central Business District would be best with additional review of the Planning Commission and an opportunity for neighbors to be noticed and participate in the hearing.

### **State of Alaska**

While the City is looking at regulating relatively small aspects of the industry, the meat of requirements are found in the proposed regulations of the state. These regulations are quite extensive. There are requirements (Article 7) that apply to all of the activities along with more specific requirements that address each of the 4 individual licensing areas individually. One really needs to understand the state regulations to get an accurate picture of what these businesses may look like when approved. There are 127 pages that compose articles 1-9 of the proposed state regulations. I have highlighted some of these below, and draw particular attention to those that are a relevant consideration for zoning.

Many aspects of marijuana businesses are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site

- None of the product may be consumed in any licensed facility (with the exception of the newly proposed consumption component of the retail license-more rules to come)
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5 am and 8 am
- All business activities must be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances.
- Commercial grade locks will need to be installed.
- State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

The state has proposed buffers such as:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

### **Other aspects of the industry not addressed**

During our conversation with the commission we received testimony and talked about other aspects of the industry not related to zoning such as; public consumption, driving under the influence, and a host of other concerns related to consumption. These items are for the police. Another item that came up frequently is the cannabis club or cafe. I put this in two categories.

I consider the cannabis club as a fraternal organization of sorts. This is not open to the general public in the sense that you have to be a member to enter, think ELKs. In this case, I would treat this use as the 'run-of-the-mill' fraternal assembly. The fraternal assembly may do anything that is not against the law. If they break the law, it would be the business of law enforcement to address.

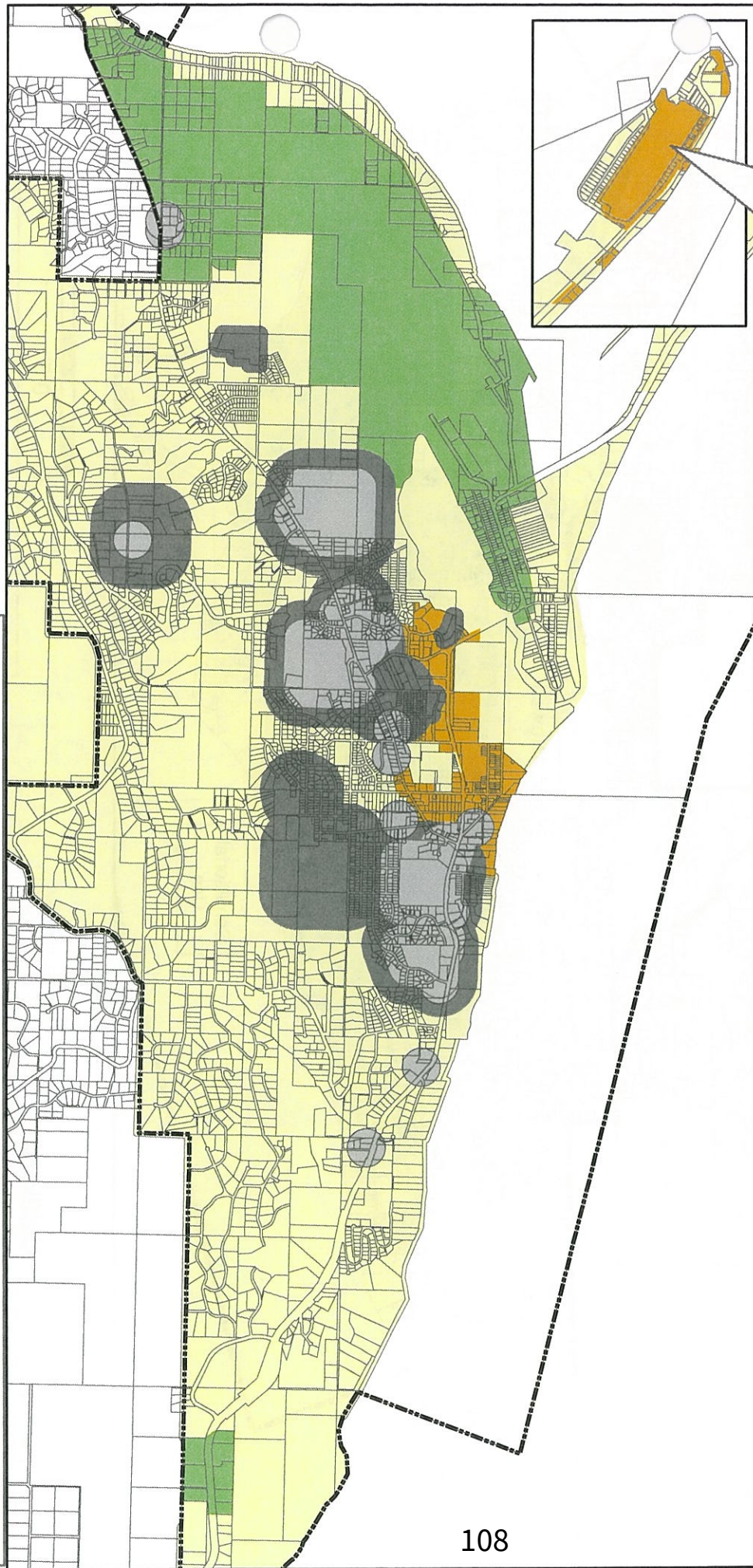
I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. I will not propose provision in city code for an activity that is not recognized by the state. If the state rules change in the future, the City can address it at that time.

Att.

1. Ordinance 16-04
2. Commercial Cannabis Cultivation Map 1/25/16
3. Commercial Cannabis Retail and Manufacturing Map, 1/25/16
4. State Regulations

**January 6, 2016 Public Hearing Version Homer Advisory Planning Commission  
2016 Commercial Cannabis Retail and Manufacturing Map.  
Testing is allowed outright in the green areas, and in downtown Homer.**

**Questions? Contact City Planner Rick Abboud**



**Legend**

City Limits

State Buffers

Additional City Buffers

**Commercial Cannabis Activities**

Retail by Conditional Use Permit

Retail allowed outright, Manufacturing by CUP

No Commercial Cannabis Businesses



Retail Only the Spit -  
no testing or manufacturing

Proposed state regulations call for buffers to be measured between the public entrance of the cannabis business, and the public entrances of churches and jails. Distances for schools and youth/rec centers are measured from the boundaries to the front door of the cannabis business. All distances are measured by the shortest pedestrian route.

## Presentations

### Reports

A. Staff Report PL 15-74, City Planner's Report

City Planner Abboud reviewed his staff report.

### Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 15-75 Zoning for Marijuana

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing.

Jackie Dentz, city resident, commented in opposition to allowing retail sales on the spit because it's a recreational area. She owns Frosty Bear Ice Cream parlor which draws kids, families, and elderly visitors. She also noted visitors from cruise ships are not allowed to bring marijuana on the ship. She doesn't think a retail establishment for marijuana belongs on the spit. She is fine if locals want to buy it and if it's done safely, but encouraged the Commission to think about where they recommend putting retail.

Crisi Mathews, city resident, owns a boardwalk on the spit and real estate in town with her husband Chad. She commented that a CUP is warranted for any grow or retail facility in a residential area, she thinks they will hurt residential property values. She also expressed opposition to allowing retail for marijuana on the spit. She noted several recreational venues that draw youth and families throughout the summer including Islands and Ocean, Alaska Coastal Studies, and HOWL which conduct many of their outings on the beaches, trails, docks, and campgrounds, as well as the Kevin Bell arena in the winter. She added that if retail is allowed and is available year round, there will be minimal oversight as a majority of the area shuts down off season. With a business in Homer and rental cabins in Anchor Point, as well as raising four children here, they have a lot of vested interest in seeing this continue to be a family community.

Chad Mathews, city resident, added that there are buildings on their boardwalk. The way it is worded now, the people who own those buildings, don't have to their permission as the boardwalk owner, to open a dispensary. He encouraged that be readdressed. He thinks with the amount of accidents and almost accidents they see on the spit and impaired drivers could be an issue, as well as the potation for increased break in attempts.

Garth Bradshaw had a business on the spit for many years and his preference is no sales at all within the community, as other communities in Alaska have done. He encourages them to follow suit. That being said, if they allow one person to sell it, how will they restrict others? He suspects there will need

to be limits on licenses, like with alcohol. He supports not selling it in Homer at all, his adult kids and his grandchildren are here and he doesn't like the exposure, and doesn't think it's the thing to do to our community.

Megan Murphy attempted to comment regarding the Waddell Park 2016 Replat Preliminary Plat. It was explained that topic would be addressed under Plat Consideration and if she was unable to stay, she could contact the planning staff for more information regarding the preliminary plat.

Shlomo Gherman commented that if the recreational sale of marijuana in town is done right it could be really effective, specifically bringing in more taxable revenue to the city. We could have a PFD type situation for many of the people living here. Colorado school district received \$6 million in additional funding from sales. No matter where you place a dispensary, once it's known the town has one, there is no stopping purchasing it. Whether it's on the spit or in town, it won't really make a difference, the real concern is managing how it's sold and who is able to purchase. It's very accessible now. If the issue is stoned people on the spit, they are already there.

There were no further public comments.

City Planner Abboud said limiting the number of establishments will be in the code under licensing and not zoning. He will have something on the next agenda for the Commission to make a recommendation.

VENUTI/STROOZAS MOVED THAT EAST END MIXED USE AREA BE ALLOWED TO HAVE SMALL VOLUME CULTIVATION.

There was brief discussion to clarify small grow operations would be allowed anywhere in the district with this motion. Other comments were that this should be more restrictive to begin with.

VOTE: YES: STEAD, VENUTI, STROOZAS, BRADLEY  
NO: HIGHLAND, ERICKSON

Motion carried.

HIGHLAND/VENUTI MOVED TO ADD A CUP FOR ALL SMALL CULTIVATION IN RURAL RESIDENTIAL.

Commissioner Highland commented that rural residential is the largest district, it is family oriented, and there are a lot of lots over 40,000 square feet. Allowing it outright doesn't give the residents the opportunity to speak about small grow operations in their neighborhood. Lighting is also an issue, as well as security, in rural residential.

It was noted that currently no small cultivation is allowed on lots under 20,000, and this motion allows it in all of rural residential with a CUP. It would include the smaller lots if approved as presented.

ERICKSON/HIGHLAND MOVED TO AMEND THAT A CUP BE REQUIRED ON LOTS OVER 20,000 SQUARE FEET.

There was brief discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

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

Motion carried.

There was discussion about buffers that are outlined by the state. City Planner Abboud said he would bring that back with information along with the license restrictions.

Discussion ensued regarding allowing retail on the spit and the comments from the public tonight.

HIGHLAND/ERICKSON MOVED TO DISALLOW RETAIL FOR MARIJUANA IN MARINE COMMERCIAL.

Commissioner Highland said tonight's public comments included good reasons to be concerned about retail sales out there.

Commissioner Venuti noted there are bars and liquor stores on the spit now that sell cheap liquor which he thinks is more dangerous.

Commissioner Erickson agrees with the public comments about not allowing retail in marine commercial.

Commissioner Bradley commented that a CUP is required for retail in marine commercial which is fairly restrictive.

Commissioner Stroozas expressed his thought that the fishing hole is a recreational facility for families with kids and youth based fishing events that are held there. Based on state buffers, that could justify disallowing retail on the spit. If the CUP remains in place, then an applicant complies with all the regulations, the Commission would have to allow it.

VOTE: YES: ERICKSON, STROOZAS, HIGHLAND  
NO: STEAD, BRADLEY, VENUTI

Motion failed for lack of a majority.

No further amendments were proposed and another public hearing is scheduled for December 2<sup>nd</sup>.

### **Plat Consideration**

and applicants have 90 days to act up on the license. He noted retail places won't likely have product to sell right away because cultivators would have to have a license before they could grow. He predicts the scenario would likely be the end of summer at best before product would be available.

He is working on a manageable schedule for the Comp Plan review.

### **Comments of the Commission**

Commissioner Highland and Erickson had no comment.

Commissioner Bradley commented she is looking forward to speaking at the city council meeting on the 23<sup>rd</sup> and will be getting ahold of the City Planner for assistance with talking points. She thought the comments tonight were interesting.

Commissioner Stroozas said he expected standing room only tonight for the public hearing. It's nice to get done early. It was a well conducted meeting and thanked Chair Stead for moving things along.

Commissioner Venuti agreed it was interesting discussion tonight. He thinks that for what it will cost to get licensed and into operation on the spit for a three month season, doesn't make economic sense. He doesn't think there will be a lot of people jumping at that opportunity. Regarding commissioner comments at council meetings he encouraged that speakers work with staff to get a script or talking points to ensure they aren't giving personal feedback.

Chair Stead said he thinks they did good tonight.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:01 p.m. The next regular meeting is scheduled for December 2, 2015 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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



HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
OCTOBER 21, 2015

It was suggested this is a good place to start, and they will have the opportunity to add CBD later if it seems reasonable.

VOTE (Amendment): YES: BOS, ERICKSON, HIGHLAND  
NO: VENUTI, BRADLEY, STEAD, STROOZAS

Motion failed.

Commissioner Erickson feels there are people who will be very offended by these activities.

VOTE (Main motion): YES: STROOZAS, VENUTI, BRADLEY, STEAD  
NO: ERICKSON, BOS, HIGHLAND

Motion carried.

HIGHLAND/STROOZAS MOVED TO ALLOW RETAIL IN COMMERCIAL AND INDUSTRIAL WITH A CUP.

There was brief discussion.

HIGHLAND/BOS MOVED TO EXTEND THE MEETING ADJOURNMENT 15 MINUTES UNTIL 9:45 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/HIGHLAND MOVED TO AMEND TO INCLUDE MARINE COMMERCIAL AS CUP.

There was brief discussion recognizing that it will be important to get public input for these activities. It was noted that they recommended testing be allowed outright with the understanding that it will be a laboratory environment.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT

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

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

City Planner Abboud expressed his frustration with having to take these recommendations to the Cannabis Advisory Commission.

Commissioner Bos reiterated that this is a good place to start and there may be some changes here and there after they get public testimony.

Commissioner Highland commented that residential is mixed in most of the districts and there are ramifications of marijuana related activities that warrant something keeping it more restrictive in the beginning. If it is less restrictive and down the road we want to change regulation, we are left dealing with nonconforming uses.

Deputy City Planner Engebretsen confirmed for the next meeting staff will bring back two options to consider for rural residential, one not at all and two by CUP with rigorous standards like minimum lot size and separation distances to establish grounds to allow or deny.

There was general discussion about the lengthy process of getting licensed for an operation, and the stringent regulations for the marijuana related activities once they are licensed.

Under the manufacturing table it was suggested to eliminate CBD and include GC1 and GC2 as a CUP. Lot sizes in the CBD are too small and flammable materials are used at times in the process. Exclude Town Center and Gateway Business and Marine districts as well.

No changes were suggested for the table under testing.

Regarding retail, there was discussion of the notion of limiting the number of retail operations. Deputy City Planner Engebretsen explained that in staff's discussion, these stores can't sell other things. It raises the question how many can the community really support? The spit has a short retail season and there are a lot of hurdles to get a license from the state. It's questionable if it will be worth doing it out there. No changes were suggested.

Deputy City Planner Engebretsen said they will bring back a draft ordinance for the Commission to review.

B. Staff Report PL 15-71 Transportation Recommendations

Deputy City Planner Engebretsen reviewed the staff report.

BOS/HIGHLAND MOVED TO FORWARD THE TRANSPORTATION RECOMMENDATIONS TO COUNCIL.

There was brief discussion in support of the recommendations.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**Informational Materials**

- A. City Manager's Report September 28, 2015
- B. Town Hall Potential Revenue Solutions Pros/Cons

**Comments of the Audience**

Members of the audience may address the Commission on any subject. (3 minute time limit)

# Diamond Ridge Art Studio

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November 4, 2015

City of Homer

Planning Commission

491 E. Pioneer Avenue

Homer, AK 99603

RECEIVED

DEC 21 2015

CITY OF HOMER  
PLANNING/ZONING

RE: Cannabis Advisory/Oversight Committee Proposed Spheres

Dear Commission Members:

In May of 2014, I opened Diamond Ridge Art Studio at 4025 Homer Spit Road, #17. My decision to locate my business there was based primarily on the nature of the prospective clientele that visits the area. The Homer Spit attracts large numbers of vacationing families, tourists, fishermen and boaters. Between May 4<sup>th</sup> and Labor Day of this year, I logged over 5,000 visitors to my gallery. Many of these visitors were families with children of all ages. Also, many were residents of Homer. I organized painting demonstrations that were attended by both children and adults, both from Homer and elsewhere. In addition, I carry art items that are appropriate for families.

The proposed city ordinance permits the retail sale of marijuana on the Spit. I would ask the Commission to consider establishing a buffer zone due to its proximity to the Nick Dudiak Lagoon, adjacent campgrounds (which serve as temporary residences) and the small boat harbor.

The Homer Spit is a seasonal retail environment. Virtually all of the businesses close for the winter. A police presence is a challenge to the city to maintain during the busy summer season and would need to become a greater presence during the winter should marijuana sales be conducted there.

I know that there are several families who would no longer come to my business for any reason if there is an establishment selling marijuana nearby. As a small business owner, I strive to attract every potential customer by providing an environment that is family-friendly and wholesome.

Homer has demonstrated its commitment to promoting tourism. The city, the Chamber of Commerce, and the business community have successfully collaborated to attract tourists and to grow the cruise

*Olga Amara, Owner  
#17 Homer Spit Road  
Homer, AK 99603  
(907)299-7750  
Diamond.ridge.art@gmail.com*

  
*Diamond Ridge Art Studio*  


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ship business. Much of that is centered on the Spit. The retail sale of marijuana and cannabis products does not seem to me to be consistent with the promotion of a family-centered vacation destination.

I would welcome the opportunity to discuss this further with you and can be reached at the number listed below.

Sincerely,

Olga Amaral

*Olga Amaral, Owner  
#17 Homer Spit Road  
Homer, AK 99603  
(907)299-7750  
Diamond.ridge.art@gmail.com*

## Dotti Harness

---

**From:** Crisi Matthews <broker@cmreagent.com>  
**Sent:** Wednesday, December 02, 2015 3:28 PM  
**To:** Department Planning  
**Subject:** Public Comment for Planning Commission Meeting Tonight

I find it rather disappointing that members of the community came forward in support of limiting cannabis sales here in Homer from recreational areas such as the Spit and resulted in such minute support from the Commission. This conversation is not about alcohol on the Spit as was Council's statement in opposition of our request for restrictions to sales on the Spit. As a governing body, one member went on to read the definition of the City Code for recreation and it's facilities as they exist in Homer. In addition, the General Plan also designates OSR zones on Homer Spit and therefore it seems natural that RECREATION as defined by your code should have the same buffer zone as the 'Park' does. Children congregate in these zones while visiting Homer more than any other Zone in our City. I'm still not clear how the Council who has defined Recreation and it's Zones so clearly isn't placing any protection on them now. Buffer Zones for the zones of OSR need to be identified also as there won't be specific designations addressed in the state code such as these nor on marine OSR zones as this designation pertains to Homer not the state at large. The code limits construction so as to preserve them and their use a buffer zone here seems only logical.

To date, the state committee is still answering public questions on these same texts and they haven't completed the adoption of their guidelines as they apply to Alaska. It also states at this time that the local jurisdiction must approve a license request before the state will issue it once these guidelines are in place, so I'm not sure why there is such haste in generating Homer's guidelines ahead of the state. If ANYTHING it would seem prudent to allow them to lead not to supersede local recommendations ahead of theirs. The idea that we need to have our doors open first is extremely liberal and not reflective of the overall populous of Homer. As shown in the last public hearing the opponents far outweighed those in support and none from the Cannabis committee even attended.

According to the 2010 Census nearly 25% of Homer's population is under 19. In addition, a call to the Chamber of Commerce identified that 11,600+ visitors came into the Chamber not including the City of Homer in general from May 1 to August 31 and 9 cruise ships distributing 4500 visitor guides to these. Big draws like the Birding Week and Salmon Derby are big draws here also. It seems pretty obvious to me, a business owner in town and to the others that spoke last month requesting your expressed protection of the Spit that the Planning Commission HAS the authority and the obligation to protect the OSR Zones they've created for outdoor use. The families that live here came for all that is Homer; a safe community to raise healthy families. The residents and the visitors came for every reason OTHER than access to Cannabis Sales. Tourism is the heart of Homer's summer revenue as a City and for small time business owners that depend on the summer commerce, not a hope for retail tax from these proposed businesses.

We ask that you revisit the OSR and place a buffer zone on them just the same as you have identified for the Hornaday Park.

--  
Loyally,  
Crisi Matthews, Broker  
c: 907-299-8700  
f: 888-552-2805  
[www.CMREagent.com](http://www.CMREagent.com)

RECEIVED

DEC 2 - 2015

CITY OF HOMER  
PLANNING/ZONING

**Dotti Harness**

---

**Subject:**

FW: Comments for public hearing December 2nd planning commission

RECEIVED

DEC 2 - 2015

**From:** Chad Matthews <[info@ofishial.com](mailto:info@ofishial.com)>

**Date:** December 2, 2015 at 3:59:47 PM AKST

**To:** [planning@ci.homer.ak.us](mailto:planning@ci.homer.ak.us)

**Subject:** Comments for public hearing December 2nd planning commission

CITY OF HOMER  
PLANNING/ZONING

I apologize ahead of time for being a terrible public speaker and my wife and I can't be there tonight but ask that you be patient for a couple of serious points not only on the Cannabis subject but how I have witnessed it address by this board. Neither point will mean anything unless you know my background. So please humor me for a minute down a quick blink of my life which I promise is all relevant to this town that I/we call home. I was born and raised in San Jose California more specifically the East side "the wrong side of town". It was ridden by drugs and gangs and my father and I were only there to grant my grandmother's dying wish to live out her years in the house that my grandfather built. As much as I loved my grandmother we said every year that this would be grandma's last Christmas living in what became one of the top rated ghettos in the lower 48. My grandfather's hand built home was built in the middle of an almond orchard that in 40 years became the festering grounds for gang activity, drug trafficking and violence. There I both witnessed and was a victim of violence based on drug trade both from gang selling and at the hands of the childhood product of druged out parenting. I went to school everyday sick to my stomach about about what would happen before the day was out. To save you the long "opera" moment I have been beaten to an inch of the end of my life more than once. Many of these kids who were violent in the name of gang involvement began their drugged lives at the hand of marijuana. It was a gateway drug for them. My rear neighbors who were 5th graders had access to marijuana and sold it within the neighborhood. How is that related to the pot here, in Homer I am sure you ask as well as this is not a forum to discuss the legality legalizing it since that has already been done.

I offer further evidence of the effects of it and ask what basis anyone in this room has to offer to the affects on this town? The Cannabis of the 70s when pot was a fraction of the potency and was a part of a free loving era that was the platform of counter capitalism has evolved. Those who believe the legality is just are ignoring that it is a controlled substance and it has become a more potent, more marketed, more effectively and illegally grown product that has lead to continual growth and profitability of major gangs and cartels that have changed everything from those fun loving hippy days. My story does not end there, at 13; the year before my grandmother passed and I had an out to get out of the ghetto based on my parents' divorce. I moved with my mother to a small dairy town in the Central Valley of California. This is the town that shaped me but I've been told by the teachers there that we were the last good class to come through a long history of a good wholesome town. Even my younger brother was on the wrong path. He harmlessly thought smoking pot was a good idea in contrast to myself who saw the devastating effects as a kid in the ghetto. I have not spoken to him in 10 years. He now sells marijuana through California's medical marijuana laws, he has multiple convictions of driving under the influence and theft still living with our mother at nearly 30 years old. I watched his demise which started with pot.

As an adult man legally hunting pigs in the mountains of California, I've been shot at by those growing illegally on forestry land. The crime report we produced for this board a month ago regarding the effects of legalization in Colorado, who read it? Was it a priority to look at those unbiased statistics before making decisions on how it will be implemented here before THE STATE OF ALASKA has even completed it's editing process of this document to serve as our template here in Homer?

Back to this board their basis for addressing this issue. In the first meeting I addressed specific questions that were brought up but not addressed in discussion since they clearly did not conform to what appeared to be personal agenda. Only one proponent without a logical presentation showed up

to the meeting to state 'it's already here' in our town yet the appeal by business owners who are the lifeline of the City's revenue was largely ignored. 44% of the City's Budgeted Revenue is generated by taxes; sales and property therefore, why would the Plannign Commission ignore that this is largely based on the series Homer currently offers; safety, community, clean wholesome family activities and tourism of this town? When only 2 of the board both Roberta and Shelia tried to address questions by the people they were shut down or it was likened to rot gut sales on the Spit which has nothing to do with this issue nor minimized in light of alcohol a legalized and VERY REGULATED industry. How is it that in representing the people, their comments are ignored? What experience (like mine in seeing direct result of loose oversight of controlled substances) does the rest of the board have in this matter? I'm not sure why in Homer there is the need to be the trendsetter with this legislation in rushing to approval ahead of the state? I don't see more advocates for looser restrictions appearing than the opposite asking for more restriction. I'm a staunch advocate of the exact draw there is for people to Homer—1. tourism, 2. family based community 3. small town and low crime rates  
The mission statement of Homer is:

*The City of Homer Community Recreation will promote community involvement and life-long learning through educational and recreational opportunities for people of all ages. This will be accomplished through maximizing usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. Our program shall be designed to recognize cultural diversity and to address social and community concerns.*

Is your direction to allow pot retail in nearly all parts of Homer a reflection of that?  
Do you see the need for liberal Cannabis legislation to be paramount to building our community and the families here? You've outlined Recreation should have a buffer and in the General Plan there are numerous OPEN SPACE RECREATION areas and you further defined those at the last meeting per the City Code yet no consideration is being given to a buffer zone for those even at the request of those who conduct business there. I'm a little frustrated as I have seen first hand the effects of liberalization and left behind all of that for a place to conduct a family-run business and a community like many here to raise our family.

--  
O'Fish'ial Charters of Alaska

Capt. Chad Matthews

907-299-6991

Homer, Alaska

--  
Loyally,  
Crisi Matthews, Broker  
c: 907-299-8700  
f: 888-552-2805  
[www.CMREagent.com](http://www.CMREagent.com)  
[www.HomerShores.com](http://www.HomerShores.com)

AK DRE Li #19150  
CA BRE Li #01894501  
4025 Homer Spit Rd#7, Homer, AK 99603  
affiliate: Luminary RE





**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-09**

**Ordinance 18-09**, An Ordinance of the City Council of Homer, Alaska, Disbanding the Cannabis Advisory Commission and Repealing Homer City Code Chapter 2.78 Outlining the Duties of the Cannabis Advisory Commission.

Sponsor: Aderhold

1. City Council Regular Meeting Introduction February 26, 2018



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

Aderhold

3  
4 **ORDINANCE 18-09**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 DISBANDING THE CANNABIS ADVISORY COMMISSION AND  
8 REPEALING HOMER CITY CODE CHAPTER 2.78 OUTLINING THE  
9 DUTIES OF THE CANNABIS ADVISORY COMMISSION.

10  
11 WHEREAS, Ordinance 15-07(A)(S)(A) established the Cannabis Advisory Commission in  
12 2015 to ensure that the City of Homer (“City”) would, pursuant to Alaska Statute (“AS”) 17.38,  
13 receive a portion of marijuana license application fees and for the purpose of creating  
14 regulations governing the cannabis industry within the City’s borders and drafting City  
15 standards for regulating cannabis and related facilities within the City; and

16  
17 WHEREAS, The Cannabis Advisory Commission worked diligently and timely to bring  
18 forth standards that support new commercial marijuana-related opportunities to the City; and

19  
20 WHEREAS, The City Council adopted the Cannabis Advisory Commission’s  
21 recommended Ordinance 16-04(A-2)(S-3), which established land use requirements for  
22 marijuana cultivation, manufacturing, testing and retail facilities; and

23  
24 WHEREAS, The Cannabis Advisory Commission has completed the work it was tasked  
25 to do and, consequently, should be disbanded, and

26  
27 WHEREAS, The City Council will now serve as the Local Regulatory Authority for  
28 purposes of complying with AS 17.38.

29  
30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

31  
32 Section 1. Homer City Code Chapter 2.78 is hereby repealed.

33  
34 ~~2.78.010—Commission—Creation and membership.~~

35 ~~2.78.020—Terms of members.~~

36 ~~2.78.030—Proceedings of the Commission.~~

37 ~~2.78.040—Duties and responsibilities of the Commission~~

38  
39 **~~2.78.010 Commission—Creation and membership.~~**

40  
41 a. There is created the City of Homer Cannabis Advisory Commission, referred to in this  
42 chapter as the Commission. The Commission shall serve as the local regulatory  
43 authority for purposes of AS 17.38.

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- b. ~~The Commission consists of nine members, as follows:~~
- ~~1. Five public members, at least three of whom shall be City residents, who shall be nominated by the Mayor and confirmed by the Council.~~
  - ~~2. Two Council members and one member of the Homer Advisory Planning Commission, who shall be nominated by the Mayor and confirmed by the Council.~~
  - ~~3. The Chief of Police.~~
- c. ~~A Chairman and Vice-Chairman of the Commission shall be selected annually from and by the Commission members described in subsection (b)(1) of this section. [Ord. 15-07(A)(S)(A) § 1, 2015].~~

**~~2.78.020 Terms of members.~~**

- a. ~~Commission members described in HCC 2.78.010(b)(1) and (2) shall be appointed for three-year terms; provided, that the initial terms for such members shall be as follows:~~
- ~~1. Two members shall be appointed for three-year terms.~~
  - ~~2. Two members shall be appointed for two-year terms.~~
  - ~~3. One member shall be appointed for a one-year term.~~
- b. ~~A seat on the Commission becomes vacant when:~~
- ~~1. A member ceases to be qualified under HCC 2.78.010(b)(2) or (3); or~~
  - ~~2. A member described in HCC 2.78.010(b)(1) is removed by a majority vote of the members present after unexcused absences from two or more successive regular or special Commission meetings. [Ord. 15-07(A)(S)(A) § 1, 2015].~~

**~~2.78.030 Proceedings of the Commission.~~**

~~The Commission shall meet regularly once a month for no more than two hours, and at the call of the Chairman. Permanent records or minutes shall be kept of the vote of each member upon every question. Every decision of 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 decision of finding shall be directed to the City Council at the earliest possible date. [Ord. 15-07(A)(S)(A) § 1, 2015].~~

**~~2.78.040 Duties and responsibilities of the Commission.~~**

~~It shall be the duty of the Commission to act in an advisory capacity to the City Manager and the City Council on the regulation of cannabis and operation of cannabis facilities within the borders of the City of Homer. Further duties shall include but not be limited to:~~

- 86 ~~a. Draft recommended laws and policies regulating cannabis and related facilities~~
- 87 ~~within the City of Homer.~~
- 88 ~~b. Provide information to the public regarding the regulation of cannabis within the City~~
- 89 ~~and develop programs and/or materials to educate the public regarding actions and~~
- 90 ~~regulations of cannabis in the City.~~
- 91 ~~c. Supervise and monitor the implementation of laws and policies governing cannabis~~
- 92 ~~in the City.~~
- 93 ~~d. Analyze the economic impact of cannabis regulation in the City. [Ord. 15-07(A)(S)(A)~~
- 94 ~~§ 1, 2015].~~

95

96 Section 2. This Ordinance shall take effect upon its adoption by the Homer City Council.

97

98 Section 3. This Ordinance is of a permanent and general character and shall be included

99 in the City Code.

100

101 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2018.

102

103 CITY OF HOMER

104

105

106

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

107 ATTEST:

108

109

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

111

112 YES:

113 NO:

114 ABSTAIN:

115 ABSENT:

116

117 First Reading:

118 Public Hearing:

119 Second Reading:

120 Effective Date:

121

122

123 Reviewed and Approved as to form and content:

124

125

126 \_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_

Holly Wells, City Attorney

127

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

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



**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-10**

**Ordinance 18-10**, An Ordinance of the City Council of Homer, Alaska, Accepting the modified Alaska Department of Environmental Conservation (ADEC) Municipal Matching Grant (MMG #40909) for an expanded water storage and distribution improvement project, accepting the responsibility to operate and maintain the improvements, agreeing to the terms and conditions of the grant, and authorizing the City Manager to execute the appropriate documents.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting February 26, 2018 Introduction





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

3 City Manager/  
4 Public Works Director

5 **ORDINANCE 18-10**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 ACCEPTING THE MODIFIED ALASKA DEPARTMENT OF  
9 ENVIRONMENTAL CONSERVATION (ADEC) MUNICIPAL MATCHING  
10 GRANT (MMG #40909) FOR AN EXPANDED WATER STORAGE AND  
11 DISTRIBUTION IMPROVEMENT PROJECT, ACCEPTING THE  
12 RESPONSIBILITY TO OPERATE AND MAINTAIN THE IMPROVEMENTS,  
13 AGREEING TO THE TERMS AND CONDITIONS OF THE GRANT, AND  
14 AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE  
15 DOCUMENTS.  
16

17 WHEREAS, The City applied for and secured a Municipal Matching Grant (MMG #40909)  
18 through the Alaska Department of Environmental Conservation (ADEC) for Phase 1 of the Homer  
19 Water Storage and Distribution Improvements with total eligible project costs of \$2,797,000; and  
20

21 WHEREAS, Ordinance 15-20 accepted the ADEC grant and appropriated a local match from  
22 the Homer Accelerated Water and Sewer Project (HAWSP) fund; and  
23

24 WHEREAS, Work authorized by this grant was completed under budget with total eligible  
25 project costs of \$1,076,521.97); and  
26

27 WHEREAS, Resolution 18-009(S) acknowledged the cost reductions and approved  
28 modifying the scope of Municipal Matching Grant #40909 to include construction of properly sized  
29 water main through the proposed Quiet Creek Subdivision and the replacement/renovation of  
30 the existing A-Frame tank and PRV Station total grant eligible project costs of \$2,200,000 requiring  
31 a total local match of \$660,000 in HAWSP funds.  
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

34  
35 Section 1. The Homer City Council hereby accepts the modified ADEC Municipal Matching  
36 Grant #40909 and authorizes the City Manager to execute the appropriate documents:  
37

38 Appropriation/Transfer From:

<u>Account</u>	<u>Description</u>	<u>New Amount</u>
215-0003	ADEC Municipal Matching Grant (MMG #40909)	\$2,200,000
205-0375	HAWSP (30 %)	\$660,000

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF HOMER

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

ATTEST:

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

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

\_\_\_\_\_  
Katie Koester, City Manager

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

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

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

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

3 City Clerk/  
4 Public Works Director

5 **RESOLUTION 18-021**

6  
7 A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE  
8 ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF  
9 SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY,  
10 PENALTY, AND INTEREST PROVISIONS FOR THE FRISBEE COURT  
11 ROAD PAVING SPECIAL ASSESSMENT DISTRICT.  
12

13 WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the  
14 Homer City Council created a Frisbee Court Road Paving Special Assessment District on  
15 February 27, 2017 via Resolution 17-017, with the benefitted property owners assuming 25%  
16 of the cost of the improvements (shared equally); and  
17

18 WHEREAS, Then Notice of Public Hearing and Notice of Right to Object dated January  
19 3, 2017 was mailed to property owners in the district advising that written objections must be  
20 filed with the City Clerk no later than February 6, 2017; and  
21

22 A public hearing was held on February 13, 2017 to hear objections to the formation of  
23 such district; and  
24

25 WHEREAS, The Frisbee Court Road Reconstruction and Paving Special Assessment  
26 District improvements were completed and accepted by Public Works for City maintenance;  
27 and  
28

29 WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and  
30 corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the  
31 official assessment roll for the Frisbee Court Road Reconstruction and Paving Special  
32 Assessment District and the Mayor and Clerk shall be directed to sign same.  
33

34 NOW, THEREFORE, BE IT RESOLVED that on or before 5:00 p.m. on July 1, 2018, all  
35 assessments in the Frisbee Court Road Paving Special Assessment District shall become due  
36 and payable in full. All assessments not paid in full by this date shall be considered delinquent  
37 and in default and shall have added a penalty of ten percent (10%) which penalty and principal  
38 amount of the assessment shall both draw interest at a rate of four and one half percent (4.5%)  
39 per annum for the road assessment until paid. Should default occur, the City of Homer will  
40 institute a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all  
41 property on which assessments are in default. All costs including collection and legal fees  
42 resulting from such action, shall be added and incorporated into the assessed amount due plus  
43 interest and penalties and shall be reimbursed from the proceeds of foreclosure sale of the  
44 assessed real property.

45 BE IT FURTHER RESOLVED that an optional twenty (10) year payment plan for road  
46 assessments is offered whereby the assessments may be paid in equal yearly installments plus  
47 interest of four and one half percent (4.5%) per annum on the unpaid balance of the  
48 assessment. The first such installment shall be due and payable without interest on or before  
49 5:00 p.m. July 1, 2018 and each installment thereafter shall be due on or before July 1, of each  
50 year, plus interest on the unpaid balance of the assessment. If any annual installment payment  
51 is not received when due, the entire outstanding principal amount of the assessment shall be  
52 in default and shall be immediately due and payable. The entire outstanding assessment  
53 principal (including the annual installment) shall have added a penalty of ten percent (10%) on  
54 the outstanding principal. The principal and penalty shall draw interest at the rate of ten and  
55 one half percent (10.5%) per annum until paid. Should default occur, the City will institute civil  
56 action for foreclosure of the assessment lien. Foreclosure shall be against all property on which  
57 assessments are in default. All costs including collection and legal fees resulting from such  
58 action shall be added and incorporated into the assessed amount due plus interest and  
59 penalties, and shall be reimbursed from the proceeds of foreclosure sale of the assessed real  
60 property.

61  
62 PASSED AND ADOPTED by the Homer City Council on this 26th day of February, 2018.

63  
64 CITY OF HOMER

65  
66 \_\_\_\_\_  
67 BRYAN ZAK, MAYOR

68 ATTEST:

69  
70 \_\_\_\_\_  
71 MELISSA JACOBSEN, MMC, CITY CLERK

72  
73 Fiscal Note: Total design and construction project costs are \$183,794.03; 25% of this cost  
74 (plus a 5% City administration fee) is the responsibility of the property owners (\$45,948.51).  
75 Parcels are assessed for road paving at \$4,177.14 (11 parcels equally assessed).

**FINAL ASSESSMENT ROLL**

PROJECT NAME: Frisbee Court Road Reconstruction & Paving Special Assessment District DATE: FEBRUARY 26, 2018

TOTAL PROJECT: **\$183,794.03**

Districts shall be assessed 25% property owner share of the project. TOTAL ESTIMATED SHARE: **\$45,948.51**

The City will pay for 75% of the cost for road reconstruction and paving costs.

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: **\$137,845.52**

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
1	FONTAINE CHRISTINE T 4556 EARLY SPRING ST HOMER AK 99603-7323	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 3 #17937019	\$133,400	\$4,177.14
2	MORAN DONALD R & AMANDA L 2130 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 4 #17937018	\$150,700	\$4,177.14
3	KELLER DAVID E 9144 PARKWOOD DR JUNEAU AK 99801-9650	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 5 #17937017	\$119,300	\$4,177.14
4	KRUEGER DON D PO BOX 1912 HOMER AK 99603-1912	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 6 #17937016	\$112,000	\$4,177.14
5	RAYMOND JOHN PAUL & LEANNA R 2163 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 7 #17937015	\$148,200	\$4,177.14
6	DAY JIMMY LYNN & BOB R 2159 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 8 #17937014	\$139,200	\$4,177.14
7	LANCASTER JOHN 2151 FRISBEE CT HOMER AK 99603-7331	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 9 #17937013	\$141,000	\$4,177.14
8	HIGGS LORNA DELL 636 E AUKLET AVE PALMER AK 99645-6127	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 10 #17937012	\$96,300	\$4,177.14
9	BULLOCK CLAUDE M PO BOX 39605 NINILCHIK AK 99639-0605	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 11 #17937011	\$189,900	\$4,177.14

**FINAL ASSESSMENT ROLL**

PROJECT NAME: **Frisbee Court Road Reconstruction & Paving Special Assessment District** DATE: **FEBRUARY 26, 2018**

TOTAL PROJECT: **\$183,794.03**

Districts shall be assessed 25% property owner share of the project. TOTAL ESTIMATED SHARE: **\$45,948.51**

The City will pay for 75% of the cost for road reconstruction and paving costs.

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: **\$137,845.52**

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
10	SCOTT TIMOTHY J & STELLA H 4510 EARLY SPRING ST HOMER AK 99603-7321	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 12 #1797010	\$25,300	\$4,177.14
11	SCOTT TIMOTHY J & STELLA H 4510 EARLY SPRING ST HOMER AK 99603-7321	T 6S R 13W SEC 15 Seward Meridian HM 0790104 BEAR CREEK HEIGHTS SUB LOT 13 #17937009	\$214,000	\$4,177.14



# 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 18-024

TO: Mary K. Koester, City Manager  
 FROM: Carey Meyer, Public Works Director  
 DATE: February 16, 2018  
 SUBJECT: **Frisbee Court Paving SAD  
 Final Assessment Recommendations**

The City Council authorized the creation of a road paving special assessment district for the above referenced subdivision by passing Resolution 17-017. Public Work coordinated the design and construction of these improvements, and construction was completed in September 2017.

### Project Costs:

Design/Inspection - Nelson Engineering	\$ 14,523.00
Construction - East Road Services	\$ 156,334.63
PW Review/Inspection/Management Labor	\$ 4,184.30
<b>Total Expenditures</b>	<b>\$ 175,041.93</b>
<b>5% Finance Overhead</b>	<b>\$ 8,752.10</b>
<b>Total Project Cost</b>	<b>\$ 183,794.03</b>

25% of the cost of the road improvements are the responsibility of the benefitted lot owners.

$$\$183,797.18 \times .25 = \$45,948.51$$

$$\$45,948.51 / 11 \text{ Lots} = \$4,177.14 / \text{lot}$$

### **Recommendations:**

The City Council pass a resolution confirming the assessment roll, and establishing dates and conditions for assessment payment for the Frisbee Court Road Paving Special Assessment District.





**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 18-022**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING A FIVE-YEAR SUBLEASE AT THE HOMER AIRPORT TERMINAL FOR RAVN ALASKA - CORVUS AIRLINES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The current airport terminal sublease between the City and Ravn Alaska - Corvus Airlines expires on April 30, 2018; and

WHEREAS, Per Chapter 4 of the Property Management Policy and Procedures Manual, a Request for Proposal to lease airport terminal spaces was advertised in the local newspapers, and the City's website; and

WHEREAS, Ravn Alaska - Corvus Airlines has requested a new, 5-year, sublease (a DOT/PF limitation) at the existing rate of \$114,044 annually to be paid in equal monthly installments of \$9,541.15 per month, with annual Consumer Price Index adjustments; and

WHEREAS, Ravn Alaska - Corvus Airlines is a tenant in good standing a provides valuable economic and transportation benefits to the community; and

WHEREAS, The City Administration have evaluated the relevant facts and determined that it is to the best interest of the City to enter into a new lease with the current sublessee and it makes such a finding by resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby approves a new, five year sublease, through March 30, 2023 at the Homer Airport Terminal between the City and Ravn Alaska - Corvus Airlines at a rate of \$114,044 annually, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of February, 2018.

CITY OF HOMER

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

46 ATTEST:

47

48

49 \_\_\_\_\_

50 MELISSA JACOBSEN, MMC, CITY CLERK

51

52 Fiscal note: 100-0045-4655 \$114,044 annual rent, paid monthly

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

3 City Clerk/Library Director

4 **RESOLUTION 18-023**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING THE HOMER PUBLIC LIBRARY PRIVACY POLICY.

8  
9 WHEREAS, The Homer Public Library Privacy Policy has not been updated since 2002;  
10 and

11  
12 WHEREAS, The Library Advisory Board reviewed and approved the amendments to the  
13 Privacy Policy as follows:

14  
15 **HOMER PUBLIC LIBRARY PRIVACY POLICY**

16 The Homer Public Library recognizes the need to protect each individual's right to privacy  
17 regarding the questions that are asked of the library staff, and the materials that are borrowed  
18 from the library.

19  
20 **Confidentiality of Library Records**

21 Reaffirming the individual's right to read, listen, and view, the Homer Public Library declares  
22 that circulation and registration records of the library are confidential in nature, protected by  
23 the individual's right to privacy, and that they are not to be disclosed to any person or agency,  
24 government, or other organization, under any circumstance, except upon order from a court  
25 of competent jurisdiction. Any costs incurred by the library in any search shall be charged to  
26 the agency demanding such search.

27  
28 ~~AN ACT~~

29  
30 Authority for this policy is set in Alaska Statutes, Inspection and Copying of Public Records:  
31 Sec. 40.25.140. Confidentiality of library records.

32  
33 (a) Except as provided in (b) of this section, the names, addresses, or other personal identifying  
34 information of people who have used materials made available to the public by a library shall  
35 be kept confidential, except upon court order, and are not subject to inspection under AS  
36 40.25.110 or 40.25.120. This section applies to libraries operated by the state, a municipality,  
37 or a public school, including the University of Alaska.

38  
39 (b) Records of a public elementary or secondary school library identifying a minor child shall  
40 be made available on request to a parent or guardian of that child. (sec. 1 ch 35 SLA 1985)

41  
42 To conform with to the law:

43 Names, addresses, telephone numbers, or information concerning what items are on a  
44 patron's record **account** or what a patron is reading will NOT be given out to anyone, including  
45 spouses and law enforcement officers, with the following exceptions:

- 46
- 47 ~~• A person requests information about his or her own card and can produce his or her~~  
48 ~~library card. **Patrons request information in person about their own accounts and**~~  
49 ~~**can produce their own library cards.**~~
- 50 ~~• A parent or legal guardian wants to know what materials are checked out on his or her~~  
51 ~~minor child's card and can produce proof of his or her identity.~~
- 52 ~~• A person requests **Patrons request** information over the telephone about items on his~~  
53 ~~or her own record, **their own accounts and can provide the account number and**~~  
54 ~~**PIN.** or the minor child's record and he or she can provide the patron bar code number.~~
- 55 • **Patrons email requesting information about their own accounts from the email**  
56 **address listed for the account and can provide the account number.**
- 57 • **A parent or legal guardian requests titles of overdue, lost, or damaged items**  
58 **borrowed by their minor child, and the identity of the person can be verified as a**  
59 **guardian listed on the minor's account.**
- 60

61 Under no circumstances should a minor's address or telephone number be given to anyone,  
62 including a parent or guardian. A minor is anyone under the age of 18. All notices sent to  
63 patrons will be in envelopes or otherwise suitably masked to maintain confidentiality. ~~All~~  
64 ~~patron circulation records are cleared immediately after materials are returned and fines are~~  
65 ~~paid.~~ If at any time there is a question about giving out information from library patron files  
66 ~~and records~~ **accounts**, the staff member will check with the library director.

67

68 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
69 amends the Homer Public Library Privacy Policy.

70

71 PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of February, 2018.

72

73

74 CITY OF HOMER

75

76 \_\_\_\_\_

77 BRYAN ZAK, MAYOR

78 ATTEST:

79

80 \_\_\_\_\_

81 MELISSA JACOBSEN, MMC, CITY CLERK

82

83 Fiscal note: N/A



**City of Homer**

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

**Homer Public Library**

500 Hazel Avenue  
Homer, AK 99603

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

(p) (907)-235-3180

(f) (907)-235-3136

## Memorandum 18-025

TO: MAYOR ZAK AND HOMER CITY COUNCIL

THROUGH: KATIE KOESTER, CITY MANAGER

FROM: ANN DIXON, LIBRARY DIRECTOR

DATE: FEBRUARY 20, 2018

SUBJECT: UPDATED LIBRARY PRIVACY POLICY

---

The Library's Privacy Policy has not been updated since 2002. After much consideration by staff, the proposed changes are submitted to better align Homer Public Library policy with Alaska State statute and prevailing public library practice around the state. The updated policy was approved by the Library Advisory Board on February 6, 2018.

RECOMMENDATION:

Adopt the revised Library Policy attached to Resolution 18-023.



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk/Library Director

**RESOLUTION 18-024**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
APPROVING AND ACCEPTING THE LOAN OF STELLA’S STARLINER  
COVER ART BY ROSEMARY WELLS TO BE PLACED IN THE  
CHILDRENS SECTION AT THE HOMER PUBLIC LIBRARY.

WHEREAS, Alaska Center for the Book coordinated a project to temporarily display Rosemary Wells’ original cover art throughout select libraries in Alaska; and

WHEREAS, Homer Public Library was invited to participate in the Alaska Center for the Book project; and

WHEREAS, Rosemary Wells is a well-known children’s book author and artist throughout the United States; and

WHEREAS, Stella’s Starliner is the cover art from Rosemary Wells’ 32 page children’s book where a young fox named Stella and her family live and travel in a silver trailer called the Starliner; and

WHEREAS, Stella’s Starliner is a loan for an undetermined amount of time and must be returned within 30 days upon artists request; and

WHEREAS, Homer Public Library would like to display the cover art in the children’s library and completed the required application for the loan; and

WHEREAS, The Library Advisory Board (LAB) and the Parks, Art, Recreation, and Culture Commission (PARCAC) have reviewed the request to loan Stella’s Starliner to the City of Homer and recommended that City Council approve and accept the loan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves and accepts the loan of Stella’s Starlight cover art by Rosemary Wells to be placed in the children’s section at the Homer Public Library.

PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of February, 2018.

CITY OF HOMER

---

BRYAN ZAK, MAYOR

44 ATTEST:

45

46 \_\_\_\_\_

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal note: N/A





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: FEBRUARY 21, 2018  
SUBJECT: STELLA'S STARLINER COVER ART LOAN TO THE HOMER PUBLIC LIBRARY

---

At the February 15, 2018 Special Meeting the Commission reviewed and discussed the proposal to loan the Homer Public Library for an undisclosed period of time the original cover art for the children's book, Stella's Starliner by the well know artist and author, Rosemary Wells. This artwork will be displayed in the Children's Library area.

The commission expressed appreciation for this opportunity and approved the loan of the artwork. Following is the excerpt from the minutes of their discussion.

*F. Library Art Loan Application – Stella's Starliner Cover Art*

*Chair Steffy read the title into the record and opened the floor for discussion.*

*Commissioner Fair stated that as a member of the Library Advisory Board and familiar with the work of the author he felt that it would be appropriate to accept the loan.*

*FAIR/LOWNEY – MOVED TO APPROVE THE APPLICATION OF THE LOAN AND FORWARD TO CITY COUNCIL WITH A RECOMMENDATION TO APPROVE.*

*There was a brief discussion.*

*VOTE. NON-OBJECTION. UNANIMOUS CONSENT.*

*Motion carried.*

Recommendation

City Council approve the application of a loan for original cover art from Rosemary Wells, Stella's Starliner children's book





## City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## MEMORANDUM

TO: PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION

FROM: HAYLEY SMITH, DEPUTY CITY CLERK

DATE: 2/8/18

SUBJECT: ART LOAN APPLICATION FOR STELLA'S STARLIGHT COVER ART BY ROSEMARY WELLS TO BE DISPLAYED IN THE CHILDRENS LIBRARY

---

At the last Library Advisory Board Meeting on February 6, 2018, the Board approved an art loan application to display Stella's Starlight cover art by Rosemary Wells, a well-known children's author and artist, in the Children's Library.

The motion can be reviewed in the board minutes to come.

### Recommendation:

Approve the art loan application for Stella's Starlight Cover Art by Rosemary Wells to be displayed in the Children's Library.





# MUNICIPAL ART COLLECTION GIFT PROPOSAL APPLICATION

PLEASE TYPE OR PRINT CLEARLY AND MAKE YOUR RESPONSES COMPLETE AND THROUGH.

DATE January 15, 2018  
CONTACT PERSON Ann Dixon TITLE Homer Library Director  
ORGANIZATION IF APPLICABLE Homer Library and Alaska Center for the Book  
ADDRESS 500 Hazel Ave. CITY Homer STATE AK ZIP 99603  
PHONE 907 435 3151 FAX 907 235 3136 CELL \_\_\_\_\_  
EMAIL adixon@ci.homer.ak.us

TELL US WHY YOU WISH TO DONATE THIS ARTWORK TO THE CITY OF HOMER? Well-known children's book author and artist, Rosemary Wells, offered to allow display of original artwork from her books in select libraries around Alaska, through a project coordinated by the Alaska Center for the Book. Homer Public Library was invited to participate in this project. We have received the cover art for the book "Stella's Starliner." This is not a permanent donation but a loan for an undetermined amount of time. See attached Loan Agreement. We would like to display it in the children's library.

## PROPOSED ARTWORK

TITLE OF ARTWORK Stella's Starliner Cover Art  
ARTIST(S) NAME Rosemary Wells  
YEAR COMPLETED copyright 2014 DIMENSIONS 12" x 12"  
MATERIALS USED TO CREATE ARTWORK Watercolor, gouache, pastel, ink, and colored pencil on sanded paper

## PHYSICAL DESCRIPTION OF THE PROPOSED PIECE--

Painting for the dust jacket and cover of the book "Stella's Starliner" of a young fox in a dress, holding a toy fox, in front of her family's silver Starliner trailer. Her mother stands in the open doorway.

## NARRATIVE DESCRIPTION OF THE PROPOSED ARTWORK - TELL US THE STORY BEHIND THE PIECE OR SIGNIFICANCE -

This is the cover art for a whimsical story about a young fox who lives happily with her family in a silver trailer, the Starliner, until some mean weasels make fun of her home. When father tows their trailer moves magically through the night, she wakes up in a new location, where she makes new friends who admire her home and are kind.

IS THE PROPOSED PIECE ONE OF A KIND? Yes IS THE PIECE PART OF A SERIES, LIMITED OR OTHERWISE? Yes  
IF SO, AN EDITION OF HOW MANY? Part of 32-page book IS THE PIECE COMPLETED? Yes IF NOT WHEN IS THE  
EXPECTED COMPLETION DATE? \_\_\_\_\_

WHAT IS THE CURRENT CONDITION OF THE PIECE? Excellent

**PROPOSED SITE OR LOCATION**

DO YOU HAVE A SITE(S) IN MIND FOR THE PLACEMENT OF THE ARTWORK? IF SO WHERE? Yes. On a wall in the  
children's library.

IS THIS A CITY OWNED PROPERTY IF NOT WHO OWNS THE PROPERTY? Rosemary Wells

WHAT IS THE RATIONALE FOR SELECTING THIS/THESE LOCATION(S)? It was a unique opportunity to display art  
by a popular and well-known children's author.

ARE YOU AWARE OF ANY PERMITS OR PERMISSIONS THAT MAY BE REQUIRED? The attached agreement.

**TECHNICAL SPECIFICATIONS**

DESCRIBE HOW THE ARTWORK IS CONSTRUCTED OR MADE. PLEASE INCLUDE ANY DOCUMENTATION AT THE END OF  
THIS APPLICATION. Framed painting.

HOW IS THE ARTWORK TO BE PROPERLY INSTALLED? Hung on the wall.

DOES THE PIECE REQUIRE ELECTRICITY, PLUMBING OR OTHER UTILITY HOOKUPS? No.

WHO WILL BE INSTALLING THE ARTWORK? Children's librarian.

WHAT IS THE EXPECTED LIFETIME AND STAYING POWER OF THE MATERIALS USED IN CREATING THE PIECE? \_\_\_\_\_

The painting will be displayed periodically until the owner requests its return.

WHAT MAINTENANCE IS REQUIRED AND HOW OFTEN? Occasional cleaning of the glass over the painting.

PLEASE IDENTIFY ANY SPECIFIC MAINTENANCE PROCEDURES AND OR EQUIPMENT AND THE ASSOCIATED COSTS: \_\_\_\_\_

WHAT PRECAUTIONS HAVE BEEN TAKEN TO GUARD AGAINST VANDALISM IF ANY? \_\_\_\_\_

The painting will be hung out of the reach of young children. We will attach a security strip to the back.

WHAT STEPS HAVE BEEN TAKEN TO ASSURE THIS PIECE WILL NOT PRESENT A SAFETY HAZARD? \_\_\_\_\_

See above.

**BUDGET**

PROJECT MANAGEMENT FEES	\$ 0	INSURANCE	\$ 10.00
ARTIST'S FEES	\$ 0	UTILITY HOOKUP	\$ 0
PURCHASE PRICE	\$ 0	DELIVERY	\$ 25.00
PERMITS	\$ 0	INSTALLATION	\$ 5.00
STRUCTURAL ENGINEERING	\$ 0	SIGNAGE	\$ 0
SITE PREPARATION	\$ 0	RECOGNITION	\$ 0

OTHER COSTS NOT LISTED \$ 0 DESCRIPTION \_\_\_\_\_

DATE PIECE WAS LAST APPRAISED? \_\_\_\_\_

WHAT IS THE VALUE OF THE PIECE OR ESTIMATED MARKET VALUE IF NO APPRAISAL WAS DONE? \$2,500 per Artwork Loan Agreement

**TIMELINE**

WHAT IS THE TIMELINE FOR THE COMPLETION OR INSTALLATION OF THE PIECE? IDENTIFY THE DIFFERENT STAGES AND DATE GOALS TO PREPARE THE PIECE FOR DONATION To be hung once approved.

---

**RESTRICTIONS**

**ARE THERE ANY KNOWN COVENANTS, REQUIREMENTS OR RESTRICTIONS THAT COME WITH THE PIECE?** \_\_\_\_\_  
Return up <sup>CV</sup> artist's request within 30 days. Insure for \$2,500. Keep out of direct sunlight. Secure packaging.

**WHAT EXPAECTATIONS DO YOU HAVE FOR THE CITY OF HOMER IN ACCEPTING THIS ARTWORK?** \_\_\_\_\_  
Insurance against loss or damage.

---

**COMMUNITY INVOLVEMENT**

**WAS THERE ANY COMMUNITY OR USER INVOLVEMENT IN SELECTING THE RECOMMENDED LOCATION?** \_\_\_\_\_  
Library director and children's librarian.

---

**PLEASE INCLUDE ANY LETTER(S) OF SUPPORT FOR THE PROJECT OR PROPOSED DONATION.**

---

**APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION.**

- \_\_\_\_\_ AN RESUME OR BIO FROM THE ARTIST WHO CREATED OR WILL CREATE THE ARTWORK.
- \_\_\_\_\_ FIVE TO TEN IMAGES OF PAST WORK FROM THE ARTIST. THESE CAN BE PHOTOGRAPHS.
- \_\_\_\_\_ THREE TO FIVE CLEAR IMAGES OF THE PROPOSED ARTWORK
- \_\_\_\_\_ SCALE DRAWING/MODEL OF THE PROPOSED ARTWORK
- \_\_\_\_\_ IF YOU HAVE A SITE(S) IN MIND PLEASE INCLUDE PHOTO AND DESCRIPTION OF THE SITE(S) AND A SCALED DRAWING OF THE PROPOSED ARTWORK IN THE RECOMMENDED LOCATION.
- \_\_\_\_\_ A COPY OF A FORMAL APPRAISAL IF AVAILABLE
- \_\_\_\_\_ TECHNICAL SPECIFICATIONS, MAINTENANCE MANUAL OR DRAWINGS/RECOMMENDATION FROM STRUCTURAL ENGINEER.

APPLICATIONS ARE TO BE SUBMITTED TO:

THE CITY OF HOMER  
CITY CLERKS OFFICE  
491 E. PIONEER AVENUE  
HOMER, AK 99603

OR YOU MAY SUBMIT VIA FAX AT 907-235-3143 TO SUBMIT VIA EMAIL PLEASE SEND TO [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT THE CLERK'S OFFICE AT 235-3130.



**ROSEMARY WELLS ARTWORK LOAN AGREEMENT**

This agreement letter is between author/illustrator Rosemary Wells and an authorized agent of Homer Public Library (library name), located at 500 Hazel Ave.  
Homer, Alaska 99603 907-235-3180 (physical address/phone).

Rosemary Wells warrants that she is the creator and sole copyright holder of this original art, which was used to illustrate one or more of her published children's books. Further, the author/illustrator wishes to loan the following piece(s) of original art to the Alaska library system for as long as it wishes, for the benefit of the children, until the death of the artist. The art piece(s) and the books in which they appeared are titled as such:

	Title or description of art	Title of children's book
1.	<u>Cover Art</u>	<u>Stella's Starliner</u>
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

For purposes of insurance coverage, each piece of original artwork is valued at \$2,500. The library agrees that storage and display will be in a dry and mold-free space, and out of direct sunlight. When the art is transported, it will be well-packed in plastic and protected against water damage. The library will make every effort to ensure that the art remains safe and secure while in its care.

This agreement does not represent licensing for reproduction in any form to the library or any party other than the copyright holder herself. Permission is given for publication of the image with news stories or other promotional materials associated with the loan of the art.

Upon written request from Rosemary Wells or her authorized agent, the library warrants that within thirty (30) days, it will return the original artwork to the designated address. The librarian in charge or trusted in-library staff will personally handle and pack the art for shipping via FedEx to the address designated in writing by the artist or her agent. The library will insure the shipment for \$2,500.

IN WITNESS WHEREOF, an authorized representative of the library and author/illustrator Rosemary Wells have each executed and delivered this Agreement.

By: <u>Ann Dixon</u> Date <u>12/1/2017</u>	By: <u>Rosemary Wells</u> Date <u>9/15/17</u>
Printed Name	Printed Name
<u>Library Director</u>	<u>author/illustrator</u>
Title	Title
<u>Ann Dixon</u>	<u>Rosemary Wells</u>
Signature	Signature

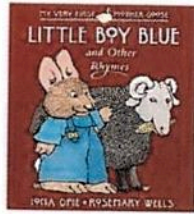




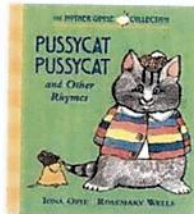
Be my teacher from day one.

Be my sky, my moon, my sun.

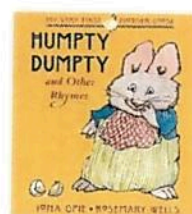
-from Hand in Hand



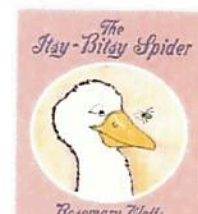
Little Boy Blue & O...



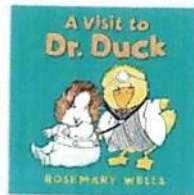
Pussycat, Pussycat...



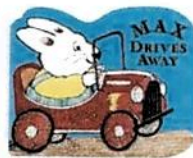
Humpty Dumpty &...



The Icky Bitsy Spid...



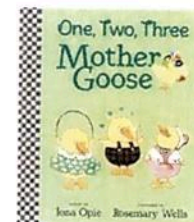
A Visit to Dr. Duck



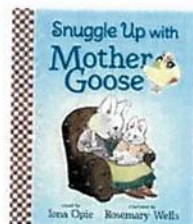
Max Drives Away



Ruby's Tea for Two



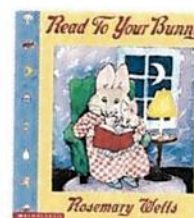
1-2-3 Mother Goose



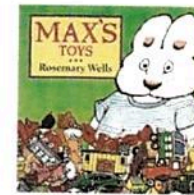
Snuggle Up with ...



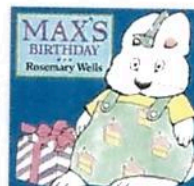
Time Out for Sophie



Read to Your Bunny



Max's Toys



Max's Birthday



Max's Bedtime



Max's Breakfast



Max's New Suit

Rosemary Wells

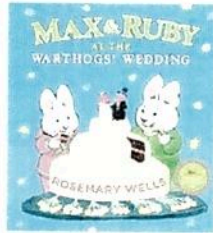
Schedule an [Event or Visit!](#)

Rosemary's Original Artwork and Giclee Prints for sale

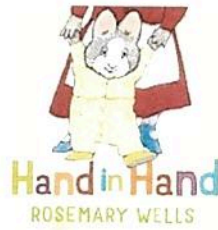
STAY CONNECTED



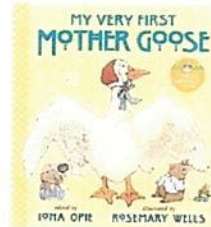
"Every day, make a quiet, restful place for twenty minutes. Put your child in your lap and read a book aloud."



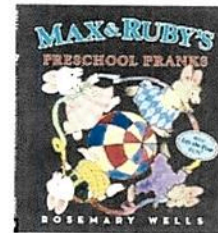
Max & Ruby at the Warthogs' Wedding



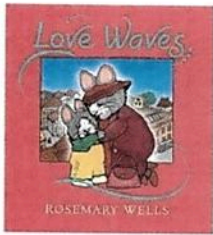
Hand in Hand



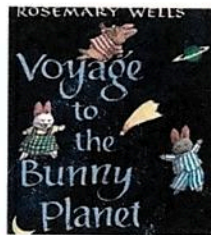
My Very First Mother Goose



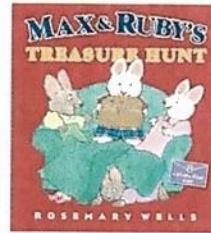
Max & Ruby's Preschool Franks



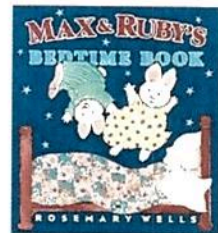
Love Waves



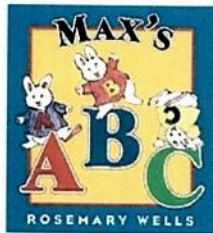
Voyage to the Bunny Planet



Max & Ruby's Treasure Hunt



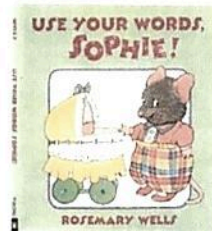
Max & Ruby's Bedtime Book



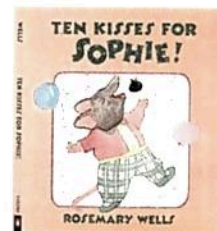
Max's ABC's



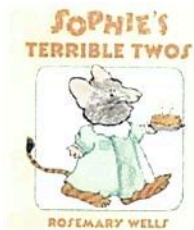
Max Counts His Chickens



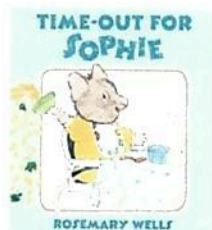
Use Your Words, Sophie!



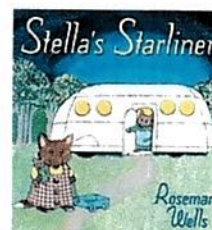
Ten Kisses for Sophie!



Sophie's Terrible Twos



Time Out for Sophie



Stella's Starliner



Felix Stands Tall

[Show More](#)

Rosemary Wells

[Schedule an Event or Visit!](#)

Rosemary's Original Artwork and Giclée Prints for sale

STAY CONNECTED





Rosemary Wells

Home

Books

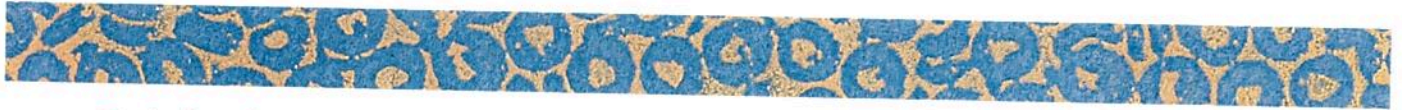
Artwork

Author/Artist Visits

Resources

About

Say Hello



## Original Artwork by Rosemary Wells



Lighthouse Walk, from the book VOYAGE TO THE BUNNY PLANET  
\$400.00



Gray Goose and Gander, From the book MY VERY FIRST MOTHER GOOSE  
\$350.00



Our Library, from the book MY KINDERGARTEN  
\$225.00



Father's Hand from the book, VOYAGE TO THE BUNNY PLANET  
\$75.00

Rosemary Wells

Schedule an [Event or Visit!](#)

Rosemary's Original Artwork and Giclée Prints for sale.

STAY CONNECTED



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**CITY OF HOMER  
HOMER, ALASKA**

Venuti

**RESOLUTION 18-025**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
REINSTATING THE TRANSPORTATION ADVISORY COMMITTEE AS  
A STANDING COMMITTEE.

WHEREAS, The Transportation Advisory Committee (TAC) was disbanded in 2014 in an effort to reduce the cost and work load associated with Boards and Commissions; and

WHEREAS, The duties and responsibilities of the Transportation Advisory Committee were given to the Homer Advisory Planning Commission; and

WHEREAS, The Planning Commission is fully tasked with Planning duties; and

WHEREAS, The Transportation Advisory Committee can play an important role in advising Council on how to spend limited Homer Accelerated Roads and Trails funds with recent; and

WHEREAS, The City of Homer Transportation Plan is from 2005 and the Transportation Advisory Committee can play an important role in advising on updating the plan; and

WHEREAS, It is in the City's best interest to reinstate the Transportation Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska reinstates the Transportation Advisory Committee as a standing committee.

BE IT FURTHER RESOLVED that the Committee membership shall consider of a member of the Advisory Planning Commission, a Professional from the Road Construction Industry, and three members of the community, two of those members shall reside within the City of Homer.

PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of February, 2018.

CITY OF HOMER

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

ATTEST:

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

Fiscal note: Staff time and advertising





# VISITORS



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



# PUBLIC HEARING(S)



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

**Ordinance 18-06**

A **public hearing** is scheduled for **Monday, February 26, 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 18-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall. City Manager.

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](mailto:clerk@ci.homer.ak.us)

Melissa Jacobsen, MMC, City Clerk  
Publish: Homer News February 22, 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 18-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall. City Manager.

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 Friday, February 16, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 16<sup>th</sup> day of February, 2018.



Melissa Jacobsen, MMC, City Clerk





**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-06**

**Ordinance 18-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall.

Sponsor: City Manager

1. Council Regular Meeting February 12, 2018 Introduction
2. Council Regular Meeting February 26, 2018 Public Hearing and Second Reading



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

City Manager

3  
4 **ORDINANCE 18-06**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING THE FY 2018 OPERATING BUDGET TO FUND ANTICIPATED  
8 REPAIRS TO THE SEAWALL BY ESTABLISHING AUTHORITY IN THE  
9 2018 BUDGET FOR EMERGENCY REPAIRS TO THE SEAWALL.

10  
11 WHEREAS, The Homer City Council adopted Emergency Ordinance 11-49(S) which created  
12 the Ocean Drive Loop Special Service District; and

13  
14 WHEREAS, The Special Service District was created to raise tax revenues from benefited  
15 property owners to support maintenance and repair of the seawall they own which is located on  
16 their properties; and

17  
18 WHEREAS, As a tax-exempt property owner along the seawall, the City contributes \$10,000  
19 annually to a Seawall Reserve Account for the City's portion of repairs to the seawall; and

20  
21 WHEREAS, Repairs to the seawall have to be performed on an emergency basis in order to  
22 prevent further damage and remain in compliance with the Army Corps of Engineers permit for  
23 the seawall; and

24  
25 WHEREAS, Due to the unpredictability and the immediate need to do the repairs, the work  
26 is completed by East Road Services under the direction and supervision of the City Engineer, and

27  
28 WHEREAS, Annual repairs to the seawall are impossible to predict, yet past history offers  
29 a range from \$0 in 2013 to \$102,125 in 2017 with an average costs from 2012 to 2017 of \$28,946;  
30 and

31  
32 WHEREAS, In the event that the 2018 repairs exceed \$28,946 additional authority will be  
33 requested; and

34  
35 WHEREAS, Based on linear feet, the property owners are responsible for 82% of the wall  
36 repairs and the City is responsible for 18% of the wall repairs.

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

39  
40 Section 1. The Homer City Council hereby amends the FY 2018 Operating Budget by  
41 appropriating \$28,946 from the Seawall Maintenance Reserve and Ocean Drive Loop Special  
42 Service District for the purpose of repairing and maintaining the seawall as follows:

43  
44 Appropriation/Transfer From:  
45

46	<u>Account</u>	<u>Description</u>	<u>Amount</u>
47			
48	808-0375	Ocean Drive Loop Special Service District (82%)	\$23,736.
49			
50	156-0369	Seawall Maintenance Reserve	\$ 5,210.
51			

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

54  
55 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2018.

56  
57 CITY OF HOMER

58  
59 \_\_\_\_\_  
60 BRYAN ZAK, MAYOR

61 ATTEST:

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

65  
66 YES:

67 NO:

68 ABSTAIN:

69 ABSENT:

70  
71 First Reading:

72 Public Hearing:

73 Second Reading:

74 Effective Date:

75  
76 Reviewed and approved as to form.

77  
78 \_\_\_\_\_  
79 Mary K. Koester, City Manager

\_\_\_\_\_

Holly C. Wells, City Attorney

80  
81 Date: \_\_\_\_\_

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



# City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

January 4, 2018

RE: Ocean Drive Loop Special Service District (ODLSS) Status Report-Update

Dear Property Owners,

I am writing to provide you with an annual update on the seawall maintenance and finances. As City Manager, I provide this update every January to keep homeowners aware of the status of repairs to the seawall. The report is also shared with Council.

### 2017 Maintenance Costs:

Several storms in 2017 caused significant damage. Due to immediate need to proactively maintain the wall, the City contracts with East Road Services. In 2017 the repair work totaled \$102,125.

Annual Seawall maintenance expenditures	2012	2013	2014	2015	2016	2017	Total
	(\$38,292)	\$0	\$0	(\$2,933)	(\$30,328)	(\$102,125)	(\$173,678)

### Funding for the maintenance:

There are two accounts dedicated to fund seawall maintenance: 1) the Seawall Reserve Account which is general fund (City) money and 2) the Ocean Drive Loop Special Assessment (ODLSSD). Based on linear feet, the property owners are responsible for 82% of the wall and the City is responsible for 18%. Ordinance 18-05 is before City Council on Monday, January 8<sup>th</sup> authorizing the maintenance expenditures for 2017.

1. The seawall reserve account is general fund (City) money and includes a transfer of \$60,000 in 2012, plus \$10,000 annually (including 2012).

156-0369	2012	2013	2014	2015	2016	2017	Total Contribution
Seawall Reserve Account (City)	\$70,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$120,000

2. The ODLSS district is where the 9.962541 mill rate is deposited.

808-0375	2012	2013	2014	2015	2016	2017	Total Contribution
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 (\$10,000 from General Fund and an estimated \$25,000 from property owners) will help replenish the reserves, as long as the weather is kind to the wall in 2018.

**Procedure for Maintenance:** The City facilitates maintenance, though most of the seawall is on private land and the seawall is not a public improvement. The most effective oversight is for land owners to call when repairs are needed, 235-3170. These observations are invaluable. Due to the unpredictability and the immediate need to do repair; the City hires a local contractor to do the repairs.

**No insurance:** As mentioned before, because the seawall is not publicly owned, the City cannot insure it and there are no funds available for replacement or major maintenance. Purchasing insurance as a group, as in a Homeowner's Association, maybe available through commercial independent insurance brokers.

**Homeowner's Association (HOA):** There are many advantages to forming a legal, non-profit Homeowner's Association (HOA). An organized HOA can leverage grant funds for repairs and upgrades. A HOA provides a united voice when quick concurrence from a majority of the property owners is needed. In 2010 articles of incorporation and bylaw were drafted and I encourage you to resume that conversation.

Thank you for the opportunity to keep you abreast of seawall maintenance and repair activities. Feel free to contact my office with any questions.

Sincerely,



Katie Koester  
City Manager  
907-235-8121x6

Att:  
2018 Ocean Drive Loop Seawall Maintenance Activities  
Ord. 18-05

## Ocean Drive Loop Seawall Maintenance Activities Overview

January 2018

Prepared by Homer Public Works Department

**Background:** The Seawall was constructed in 2002. For the first 5 years it was the Contractor's responsibility to maintain and repair the wall. Since 2008, Public Works has assumed responsibility for maintenance initially using funds provided by the Council – more recently using monies from the Special Service District.

All maintenance work is completed by East Road Services (Troy Jones) under the direction and supervision of the City Engineer (Carey Meyer). Public Works inspects the condition of the seawall in the fall and in the winter to identify needed repairs. Property owners provide additional, valuable eyes on the wall and call Public Works if repairs are needed.

This year, the wall experienced significant damage, requiring the highest annual expenditure since the wall was constructed, \$102,125. Up until this year, most repairs were along the eastern half of the wall (where storm wave forces are greatest), but repairs have been necessary over the entire wall length. This year, damage occurred along all portions of the wall, including the western and middle portions. Most damage is seen in the bottom third of the wall, little damage has been seen in the upper third of the wall.

The key to prolonging the life of the wall is protecting the fiberglass sheet pile from wave/sand abrasion and making sure that the tie rods/concrete blocks buried behind the wall remain buried. The timber face protects the sheet pile from wave action. When this wood face is damaged or erosion at the toe of the wall exposes the sheet pile, the wall is in jeopardy. Of equal concern, the sheet pile is held in place by the tie rod system; erosion of material behind the wall exposing the anchored blocks could lead to catastrophic failure.

Inspections concentrate on identifying erosion in front of and behind the wall, damaged or misaligned horizontal timber planks, lag bolt damage, and vertical support members deterioration.



Sand/gravel summer build up protects toe of wall from erosion

**Examples of Damage and Maintenance Activities in 2017:**



Unusual - but lost almost two entire panels in February



Typical maintenance issue - erosion at toe of wall - extended wood face lower



Repair made to panel



Lower wall repair - 2017



# ORDINANCE(S)



# CITY MANAGER'S REPORT





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: MELISSA JACOBSEN, MMC, CITY CLERK  
DATE: FEBRUARY 21, 2018  
SUBJECT: BID REPORT

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**REQUEST FOR PROPOSALS FOR SOLID WASTE COLLECTION AND DISPOSAL** The City of Homer, Alaska is requesting proposals from qualified firms for solid waste collection and disposal. Successful proposer will be contracted to collect and dispose of solid waste from designated City facilities, and to furnish the necessary labor, material, equipment, tools, supervision, and other facilities to perform under such contract. The City is seeking dumpsters with bird and wind proof lids that are user friendly for the Homer Spit. The City encourages proposals that respond to our needs of public safety, convenience of use, economic responsibility, and systems that offer us the best chance of keeping the trash in the dumpsters while also keeping wildlife out. Plan holder registration forms, and specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>. All proposers must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Sealed proposals shall be received at the Office of the City Clerk **no later than 4:30 pm, Thursday, March 1, 2018.**



# CITY ATTORNEY REPORT





# COMMITTEE REPORTS



PENDING BUSINESS



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

Erickson/Smith

3  
4 **RESOLUTION 18-019**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING  
7 CHAPTER 2, SECTION 2.2 OF THE CITY OF HOMER PROPERTY  
8 MANAGEMENT POLICY AND PROCEDURES (LEASE POLICY)  
9 REGARDING COMMITTEE MEMBERSHIP AND MAKING OTHER  
10 NECESSARY CHANGES TO LEASE POLICIES.

11  
12 WHEREAS, In 2014 when the lease committee was made an administrative committee  
13 via Resolution 14-046 it removed an important layer of public process in the property  
14 management procedures; and

15  
16 WHEREAS, It is in the best interest of the City to have more public input in the  
17 management of public property; and

18  
19 WHEREAS, The Lease Committee shall establish a regular quarterly meeting schedule  
20 with additional meetings as necessary; and

21  
22 WHEREAS, The Port and Harbor Advisory Commission, Advisory Planning Commission  
23 and Economic Development Advisory Commission will each recommend a member to serve on  
24 the Lease Committee. Appointments will be made by the Mayor with approval of the City  
25 Council.

26  
27 NOW, THEREFORE, BE IT RESOLVED that Chapter 2, section 2.2 is amended to read:

28  
29 (A) ~~The City Manager shall establish a Lease Committee that will at a minimum, consist~~  
30 ~~of the Finance Director, the City Planner, and the Port and Harbor Director. The~~  
31 ~~Lease Committee may consult with other department heads such as the Fire Chief,~~  
32 ~~Police Chief and Public Works Director, the City Attorney, or outside professionals~~  
33 ~~as need and appropriate.~~ **The City Council shall establish a Lease Committee that**  
34 **will consist of one member of the Advisory Port and Harbor Commission, one**  
35 **member of the Advisory Planning Commission; one member of the Advisory**  
36 **Economic Development Commission, 2 community members, one being a city**  
37 **resident and one member of City Council to serve in an advisory non-voting role**  
38 **only. City staff shall serve as staff support to the Committee when appropriate.**

39  
40 (B) The Lease Committee is responsible for:

- 41
  - Reviewing the Lease Policies and Procedures as needed and making

42 recommendations to the City Council on the Lease Policies and Procedures,

43 the Lease Committee shall consult with and seek comments from the Port  
44 and Harbor Advisory Commission when the lease property is on land on the  
45 Homer Spit surrounding the Port and Harbor area.

- 46 • Advising the City Manager or designee as to the terms, purposes, stipulations  
47 and negotiation approach to proposed leases
- 48 • Reviewing all proposed leases **including lease transfers and renewals that**  
49 **have significant financial implications to the interest of the City of**  
50 **Homer** and making recommendations to the City Council.

51  
52 (C) In all cases, the Lease Committee shall make recommendations that are consistent  
53 with this policy and procedures manual or make specific findings as to why a  
54 deviation is warranted and justified.

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: Staff time and adverting costs

# NEW BUSINESS





# RESOLUTIONS



CITY OF HOMER  
HOMER, ALASKA

City Manager/  
Public Works Director

RESOLUTION 18-026

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AWARDING THE CONTRACT FOR HOMER WASTEWATER  
TREATMENT PLANT HVAC REHABILITATION 2018 PROJECT TO A  
FIRM TO BE ANNOUNCED IN AN AMOUNT TO BE DISCLOSED, AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer News on January 4 and 11, 2018, sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Bids were due February 22, 2018 and \_\_\_\_\_ bids were received; and

WHEREAS, \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, was found to be the lowest responsive bidder; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for Homer Wastewater Treatment Plant HVAC Rehabilitation Project 2018 Project to the firm of \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, in the amount of \$\_\_\_\_\_, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 26<sup>th</sup> day of February, 2018.

CITY OF HOMER

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

ATTEST:

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

Fiscal note: Pending



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

