



City Council

Monday, March 12, 2018

Special Meeting 4:00 p.m.

Committee of the Whole 5:00 p.m.

Regular Meeting 6:00 p.m.



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





- Monday 12th: CITY COUNCIL**
Special Meeting 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Wednesday 21st: ADVISORY PLANNING COMMISSION**
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Thursday 22nd: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION**
Special Meeting 5:30 p.m.
- ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Special Meeting 6:00 p.m. in Conference Room Upstairs at City Hall
- Monday 26th: SEWARD'S DAY**
City Offices Closed in Observation of the Holiday
- Tuesday 27th: 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 2nd and 4th Mondays 6:00 p.m.
Library Advisory Board 1st Tuesday 5:30 p.m. with the exception of
January April August November
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks Art Recreation and Culture Advisory Commission 3rd Thursday 5:30 p.m. with the exception of
July, December, January
Advisory Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m. (May-August 6:00 p.m.)
Cannabis Advisory Commission last Thursday of the month 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 Clerk's office phone number: direct line 235-3130

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



SPECIAL MEETING
4:00 P.M. MONDAY
MARCH 12, 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

SPECIAL MEETING AGENDA

1. **CALL TO ORDER, 4:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**
4. **NEW BUSINESS**
 - A. **Memorandum 18-026**, from City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(c)(3), Matters, Which by Law, Municipal Charter, or Ordinance are Required to be Confidential. (Ethics Complaint No. 2018-01 and 2018-02) **Page 7**
5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 4:50 P.M.**

Next Regular Meeting is Tuesday, March 27, 2018 at 6:00 p.m., Worksession at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-026

TO: MAYOR PRO TEM ADERHOLD AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MARCH 7, 2018

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (C)(3) MATTERS, WHICH BY LAW, MUNICIPAL CHARTER, OR ORDINANCES ARE REQUIRED TO BE CONFIDENTIAL

Ethic Complaints No. 18-01 and 18-02 have been filed with the City Clerk.

Pursuant to Homer City Code 2.08.030 (a):

Each written complaint of a violation of Chapter 1.18 HCC received by the City Clerk's office shall be assigned an identification number, which shall be used in lieu of names when referring to the complaint to maintain confidentiality. The City Clerk and the Board or hearing officer shall keep all written complaints of potential violation confidential during investigation and the Board's or hearing officer's deliberative process. Complaints of potential violation may be disclosed only to the staff member of the City Clerk's office providing administrative support to the Board or hearing officer, members of the Board except when a hearing officer has been appointed, and legal counsel. Upon receipt of a notification of potential violation, the Board or hearing officer shall, at its next scheduled meeting or earlier, as determined by the Board Chair or hearing officer, review the complaint of potential violation and determine if further action on the notification of potential violation is warranted. The Board shall review the complaint of potential violation in executive session.

Attorney Wells will be present.

RECOMMENDATION:

Make a motion to adjourn into Executive Session and conduct immediately in the Conference Room.

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
MARCH 12, 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. LAND ALLOCATION PLAN

Memorandum 18-027 from Deputy City Planner re: 2018 Draft Land Allocation Plan
Page 11

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 Tuesday, March 27, 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

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Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

MEMORANDUM 18-027

TO: Mayor Zak and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Julie Engebretsen, Deputy City Planner
DATE: March 6, 2018
SUBJECT: 2018 Draft Land Allocation Plan

Background

The Land Allocation Plan is a catalogue of City owned properties. Each year, the City Council reviews and approves which city properties should be made available for lease through the Land Allocation Plan. Sometimes Council decides to sell lands, or the Administration brings forward any land management issues that need to be addressed. Each Commission provides comments by memorandum to the Council. Council will consider the comments, and then passes a resolution adopting the draft plan for the year. Typical actions include leasing lands, selling lands, or providing direction to staff on land management problems and opportunities. The LAP is also an opportunity to report to Council on the status of city land transactions.

Staff will review this memo with Council at the March 12 Committee of the whole. Under Council's direction, staff will prepare a resolution to amend the plan at a future meeting.

2017/18 Land Changes

- ~ Completed the sale of Lot 47 to Land's End
- ~Completed the land purchased of Lot 42 on the Spit (Mental Health Trust lot)
- ~Completed the sale of Lot 36 on Kachemak Drive
- ~Gained title from the state for two tideland parcels on the Homer Spit
- ~Purchased a lot in the Bridge Creek Watershed for water quality protection

Ongoing

- ~ Still have a few parcels of city land for sale (not easy to sell lots)

Staff changes to the Land Allocation plan:

- With Council approval, the lots on page A-2 will be moved to Port Facilities in section C. These lands are not available for long term lease per previous Council resolutions. But they can be leased for short term use under the Port Tariff.

- The airport is now included in the plan, to increase transparency on airport leases and business opportunities.

Lease Committee recommendations:

- Make Lot 11 available for lease (A-2). Currently other than the tower lease, the lot is only available for short-term lease.
- Include the following information on each applicable lot: “Prior to a long-term lease the site is appraised. The appraised lease rates for uplands is approximately \$0.90 per square, per annum. Lease rates vary, so contact the Harbor Office at 907-235-3160.”

PARCAC Recommendations : (This is the old library lot on Main Street) LOWNEY/HARRALD MOVED TO AMEND THE RECOMMENDATION TO CITY COUNCIL TO PERFORM THE NECESSARY CIVIL WORK NEEDED TO MAKE THE PARCEL ON PAGE D-3 OF THE PLAN TO MARKETABLE.

Port and Harbor Recommendations:

1. Remove parking from overslope areas
2. Overslope should begin at lot 35 and end at lot 15

EDC – No recommendations at this time.

HAPC Recommendations –

1. (Seawall lots, section D) CITY COUNCIL DESIGNATE THE PARCELS #17717706 AND #17717707 ON PAGE C-15 OF THE PLAN AS OPEN SPACE.
2. (Section D, page C-17, right of way remnants) COUNCIL GIFT THE PARCELS #17715402 AND 17715403 TO THE PROPERTY OWNER TO THE SOUTH TO GET THEM BACK ON THE TAX ROLLS.
3. SUPPORT THE LEASE COMMITTEE RECOMMENDATIONS TO MAKE LOT 11 AVAILABLE FOR LEASE AND INCLUDE THE FOLLOWING INFORMATION ON EACH APPLICABLE LOT, “PRIOR TO A LONG TERM LEASE THE SITE IS APPRAISED. THE APPRAISED LEASE RATES FOR UPLANDS IS APPROXIMATELY \$0.90 PER SQUARE PER ANNUM. LEASE RATES VARY CONTACT THE HARBOR OFFICE AT 907-235-3160”.

Recommended Changes to the LAP:

1. Recommend any lands the City should offer for lease, that are not already in Section A.
2. Amend the LAP to remove parking from lot G8 on the Spit, and change overslope leasing on the northeast side of the harbor to Lots 15-35.
3. Designate the seawall lots as open space
4. Make lot 11 available for long term lease
5. Include the following information on each applicable lot: “Prior to a long-term lease the site is appraised. The appraised lease rates for uplands is approximately \$0.90 per square, per annum. Lease rates vary, so contact the Harbor Office at 907-235-3160.”

2018 DRAFT Land Allocation Plan City of Homer

Adopted by Resolution 18-XX



Parking Management on the Homer Spit

Table of Contents

Sections

- A. Lands Available For Lease**
- B. Leased Lands**
- C. Port Facilities**
- D. City Facilities and other city lands**
- E. Parks, Green space, cemeteries**
- F. Bridge Creek Lands**
- G. Conservation Easement Lands**

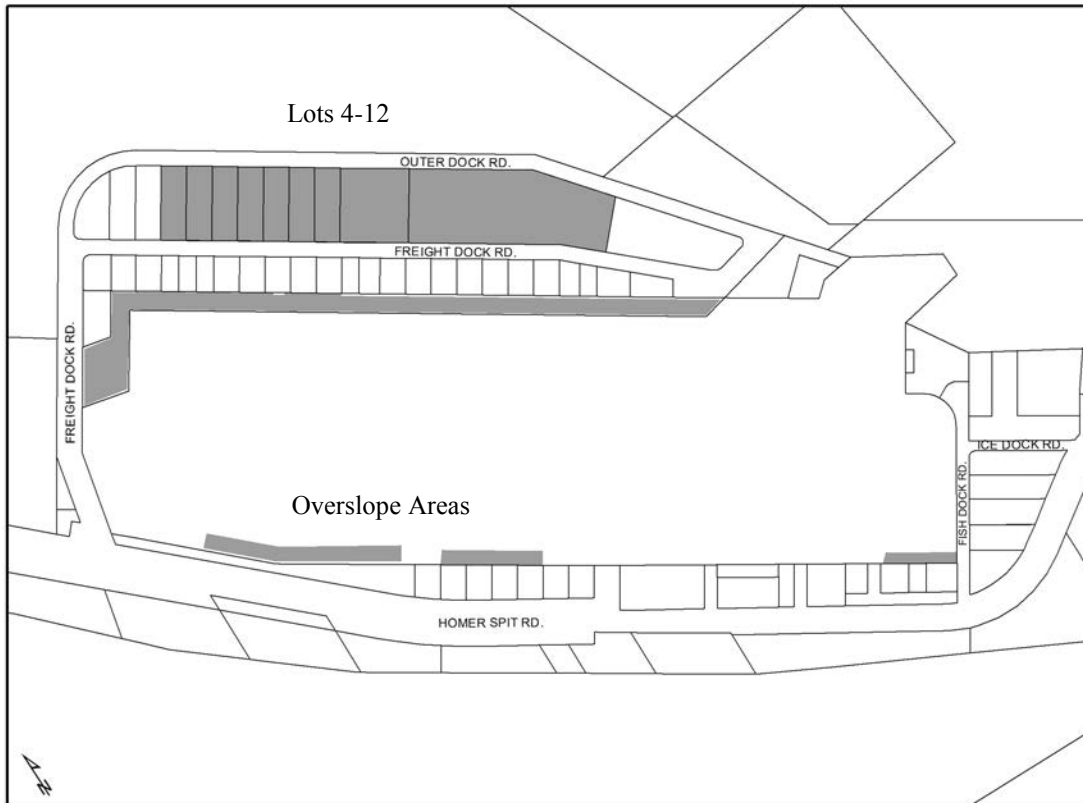
Index—City lands listed by parcel number (not included in draft)
Appendix - Homer Harbor Map

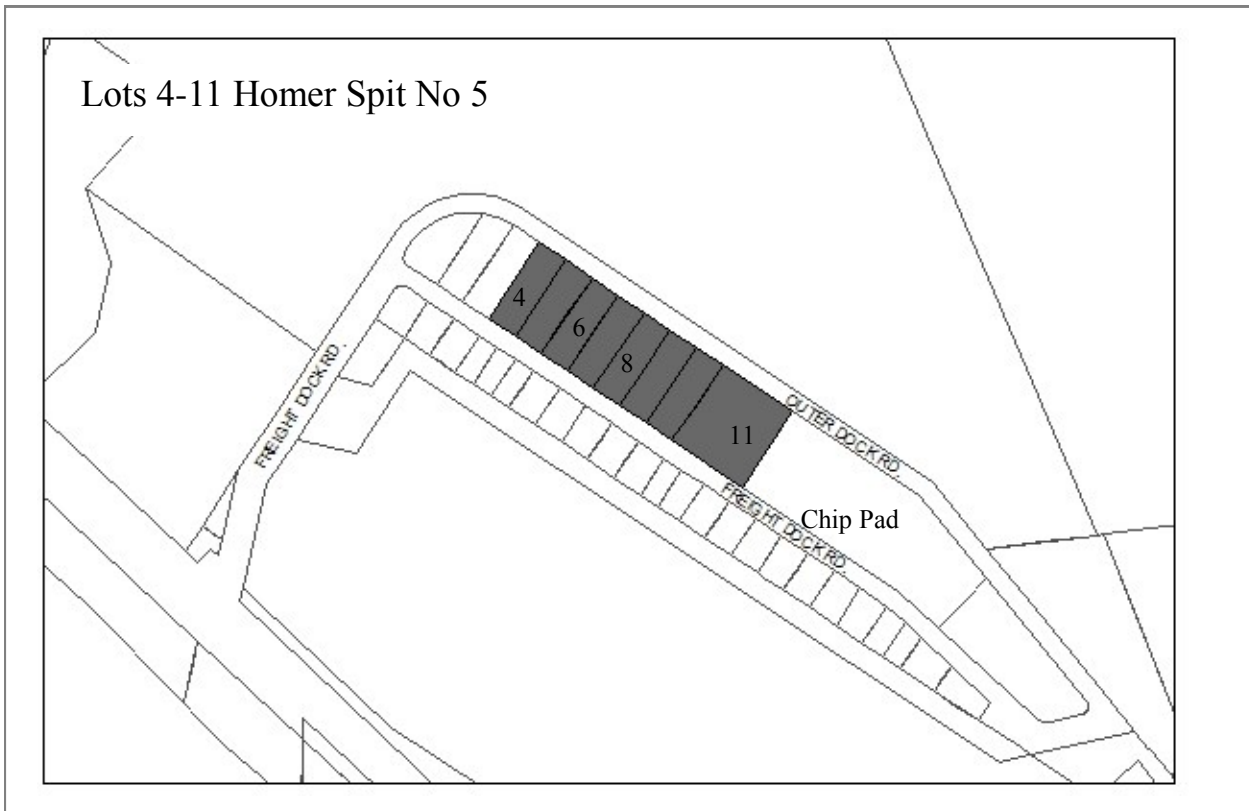
Note: Any lands not included in this document are listed in the previous version of the Land Allocation Plan, and their designations carry forward to this plan.

Section A

Lands available for lease

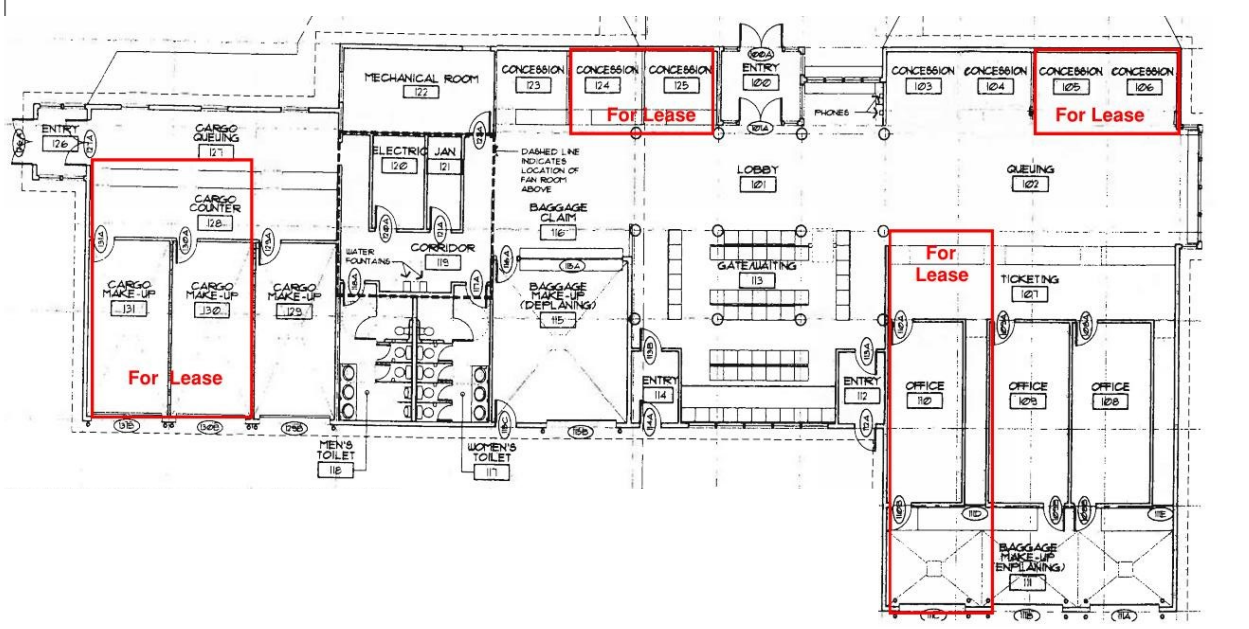
The following lots, and select areas within the Homer Airport, are available for lease in 2018. Lease procedures follow the City of Homer Lease Policy, and City Code.





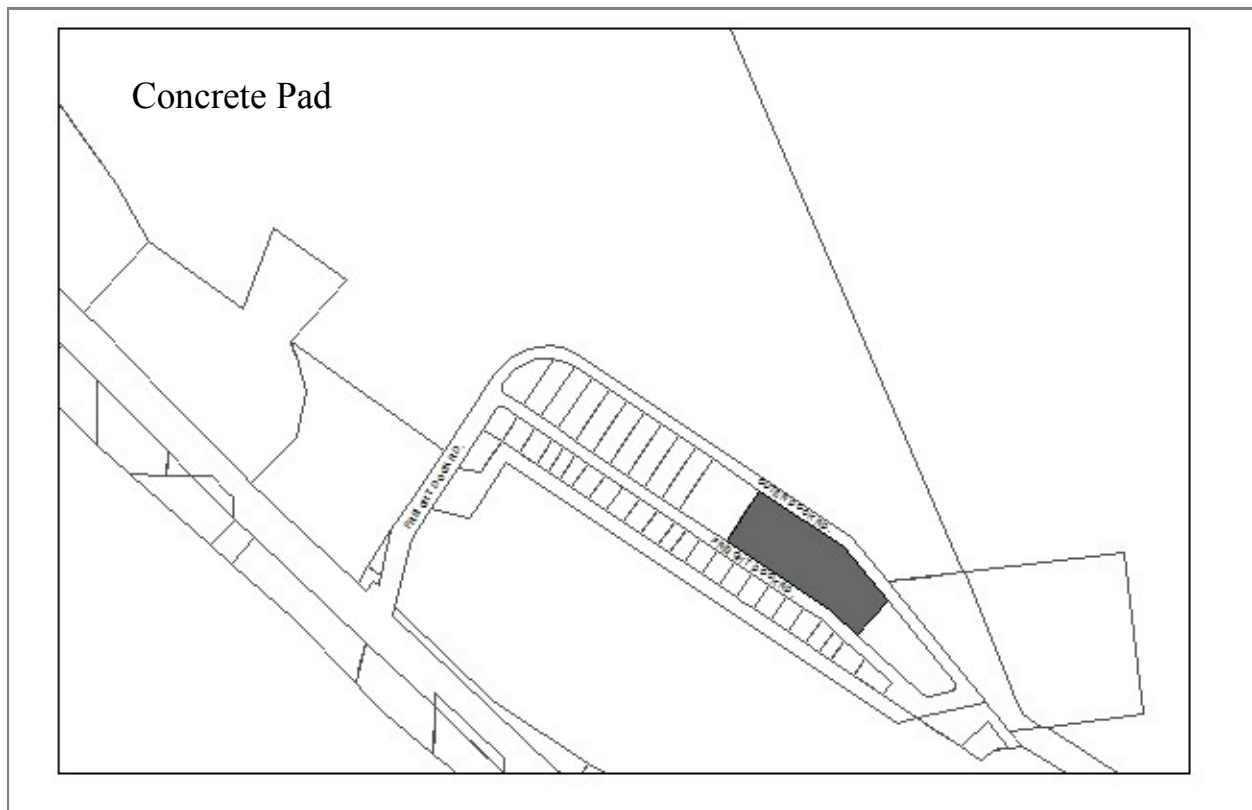
Designated Use: Lease Lands	
Acquisition History:	
Area: 6.47 acres. Small lots are 0.67 acres, large lot is 1.78 acres	Parcel Number: 181032 23-30
2012 Assessed Value: \$1,742,400. Smaller lots valued at \$189,700. One large lot valued at \$414,500	
Legal Description: Homer Spit Subdivision No. 5 Lots 4 through 11	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address:
<p>Not available for long term lease. Used for seasonal summer parking. May be available for short term winter leases.</p> <p>Resolution 2007-051: Lots 4-10, the RFP process should be delayed until the master parking plan is developed. The East Harbor expansion should be considered. Lot 11: should be held in reserve to attract a container ship/barge operation and/or an industrial support base to the Port of Homer. This should be a long term lease.</p> <p>Resolution 10-35(A) prepare a plan for organized parking and fee collection.</p> <p>Resolution 14-041, Lots 9, 10 and 11 are available for short term lease only.</p> <p>Resolution 15-030(A) A portion of lot 11 to be available for long term cell tower lease.</p>	
Finance Dept. Code:	

Homer Airport Terminal

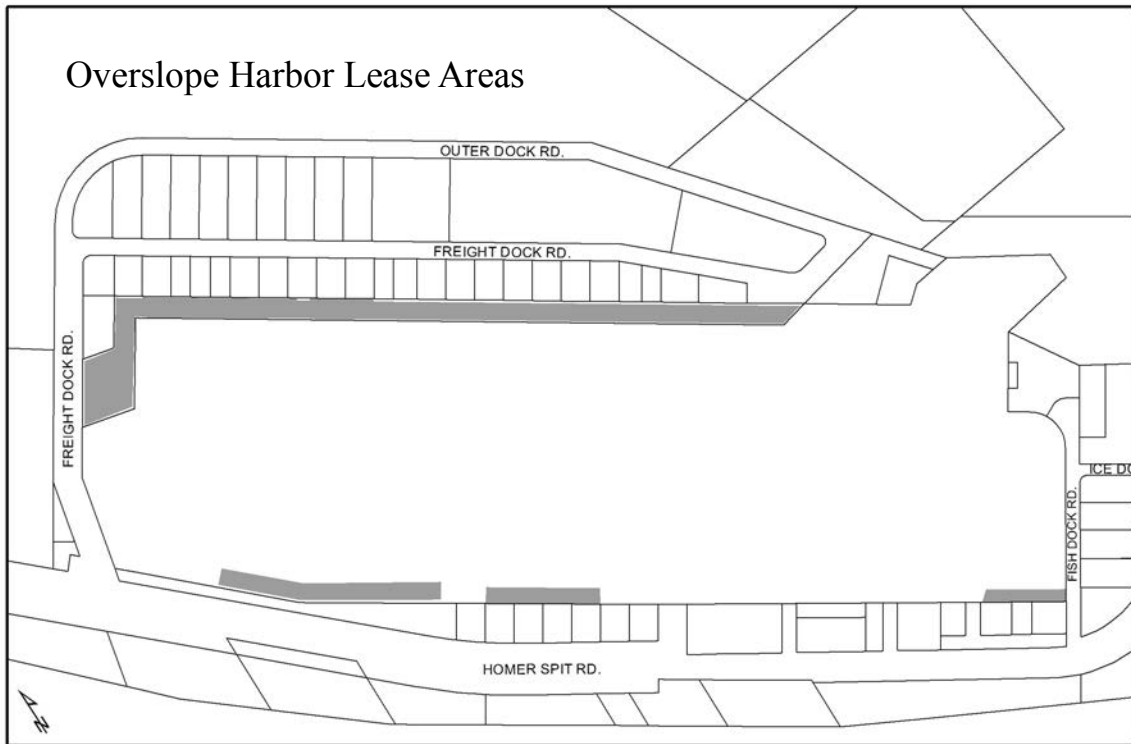


Designated Use: Airport
Acquisition History:

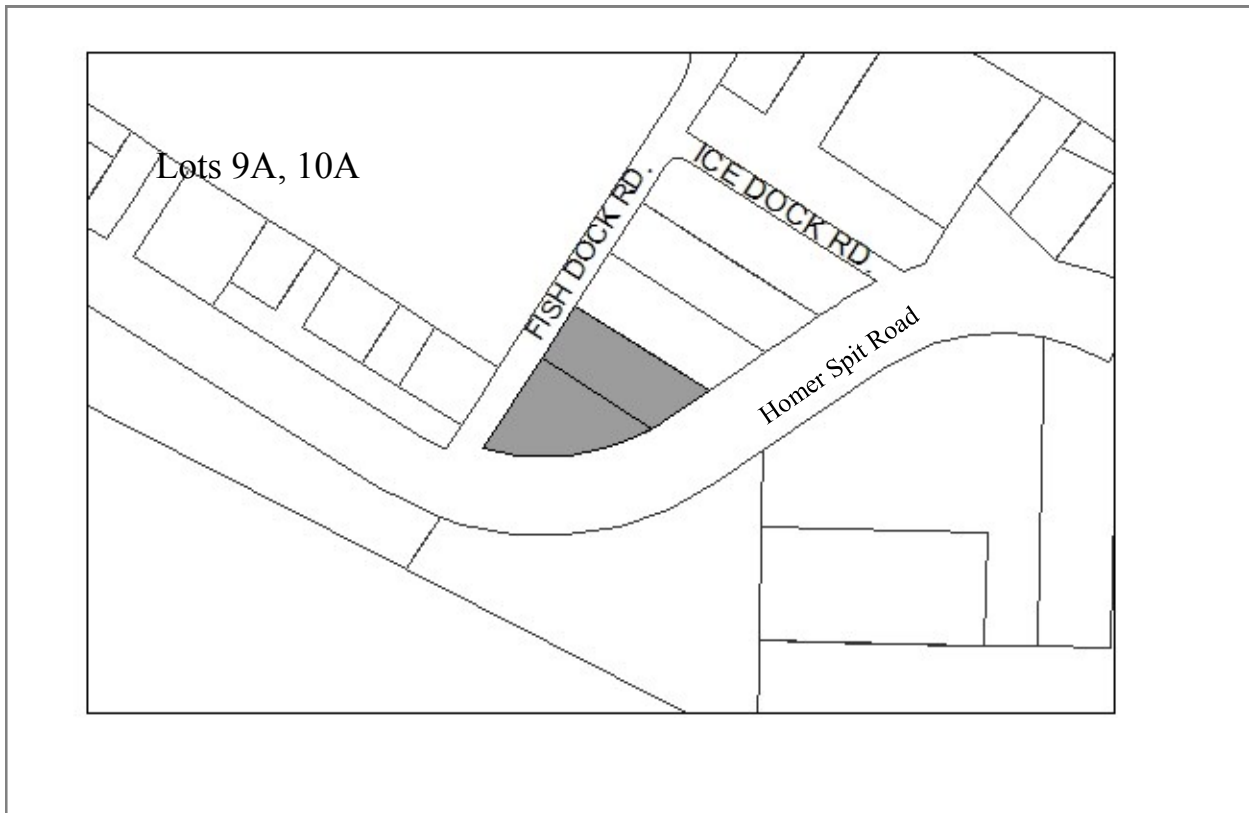
Finance Dept. Code:



Designated Use: Lease	
Acquisition History:	
Area: 5 acres	Parcel Number: 18103220
2012 Assessed Value: \$1,487,100 (Land: \$947,100, Structure/Improvements: \$540,000)	
Legal Description: Homer Spit Subdivision no 5 Lot 12	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address: 4380 Homer Spit Road



Designated Use: Lease Resolution 17-33	
Area:	Parcel Number:
Legal Description:	
Zoning: Marine Commercial and Small Boat Harbor Overlay	
Infrastructure:	Address:

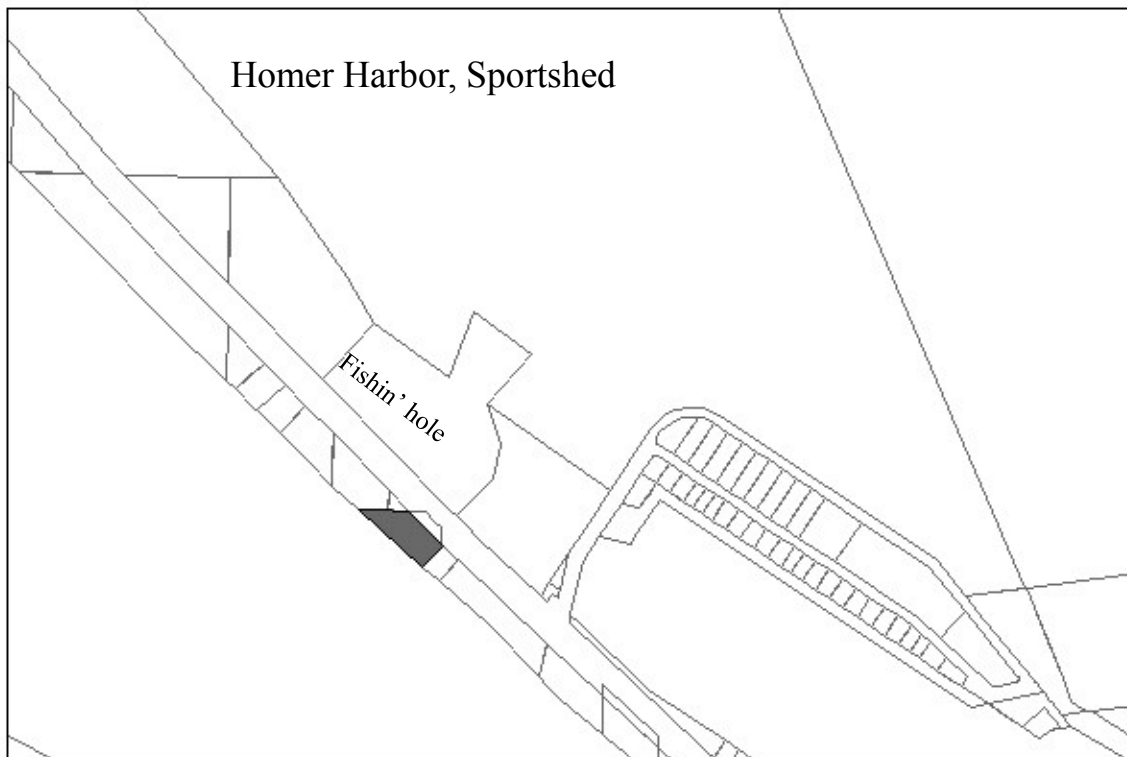


Designated Use: Leased	
Acquisition History:	
Area: 1.05 acres (0.52 and 0.53 acres)	Parcel Number: 18103477, 78
2012 Assessed Value: Land value \$312,200	
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 9-A and 10A	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, gas, Spit Trail, paved road access	Address:
Former Manley building lots.	
Finance Dept. Code:	

Section B

Leased Lands

These lands are under lease. Leases are based on a current market appraisal provided by a professional appraiser. The Kenai Peninsula Borough tax assessment is given as information only. It is not the basis for lease negotiations or fees. The KPB tax assessor takes into account the duration of the lease. Therefore, when a lease is expiring, the value of the land to the tenant goes down. On leased land, the KPB assessor is NOT showing market value of the land; they use a different measure to create a taxable land value. The tenant pays property tax to the City and Borough. See the Lease Policy Manual for further information. Individual lease files contain information on rents and formal agreements.



Designated Use: Leased Land
Acquisition History:

Area: 1.6 acres

Parcel Number: 18103105

2012 Assessed Value: \$338,500 (Land: \$155,800 Structure: \$182,700)

Legal Description: HM0890034 T06S R13W S35 HOMER SPIT SUB AMENDED LOT 5

Zoning: Marine Commercial

Wetlands: None

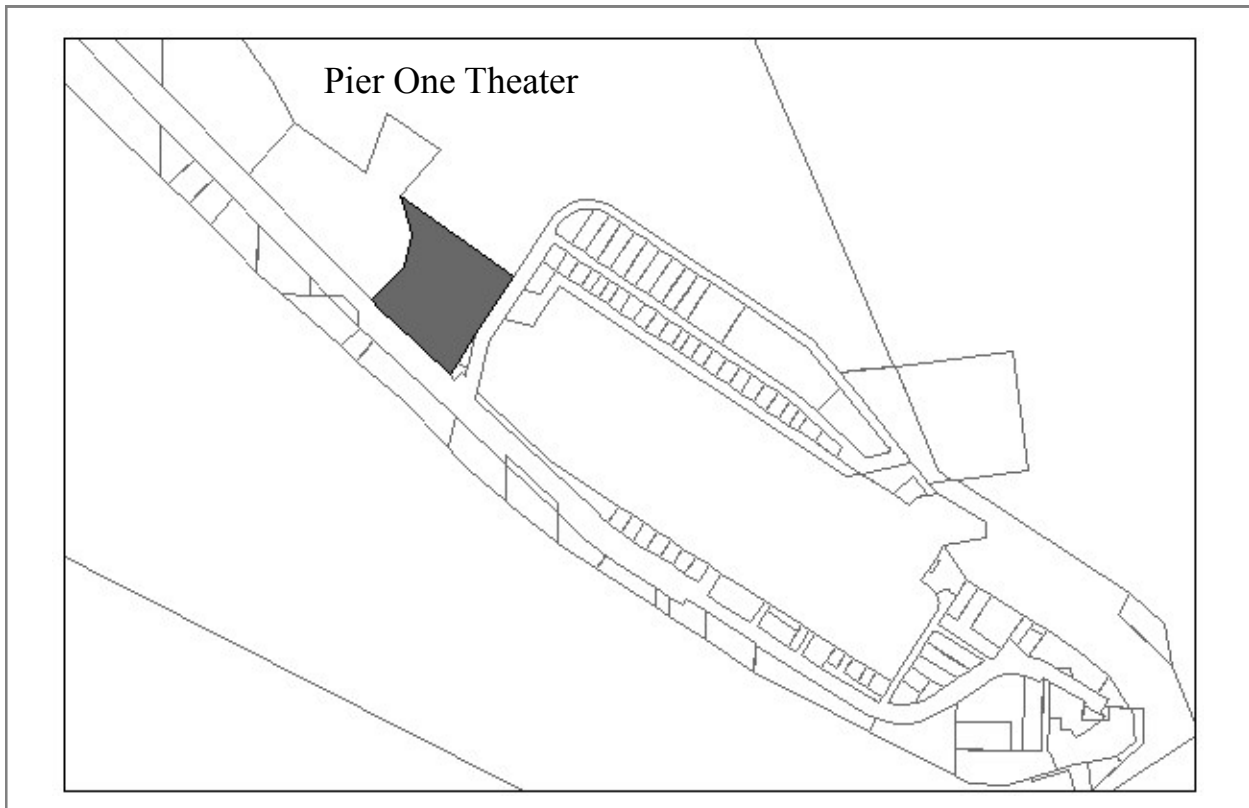
Infrastructure: Paved road, water and sewer.

Address: 3815 Homer Spit Road

Leased to: Sportshed/Homer Enterprises. Resolution 09-25(S), 09-76(S) Sublease
 Expiration: 2029 two 5 year options

Storm damage, fall 2014, resulted in partial collapse and removal of part of one building.

Finance Dept. Code:



Designated Use: Fishing Lagoon
Acquisition History: Ordinance 83-26. Purchase from World Seafood.

Area: 11.27 acres	Parcel Number: 18103117
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2012 Assessed Value: \$1,719,900 (Land: \$1,568,000 Structure: \$151,900)

Legal Description: HM0940043 T06S R13W S35 TRACT 1-A THE FISHIN HOLE SUB NO 2

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address: 3854 Homer Spit Road
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This is a large parcel that is used several ways.

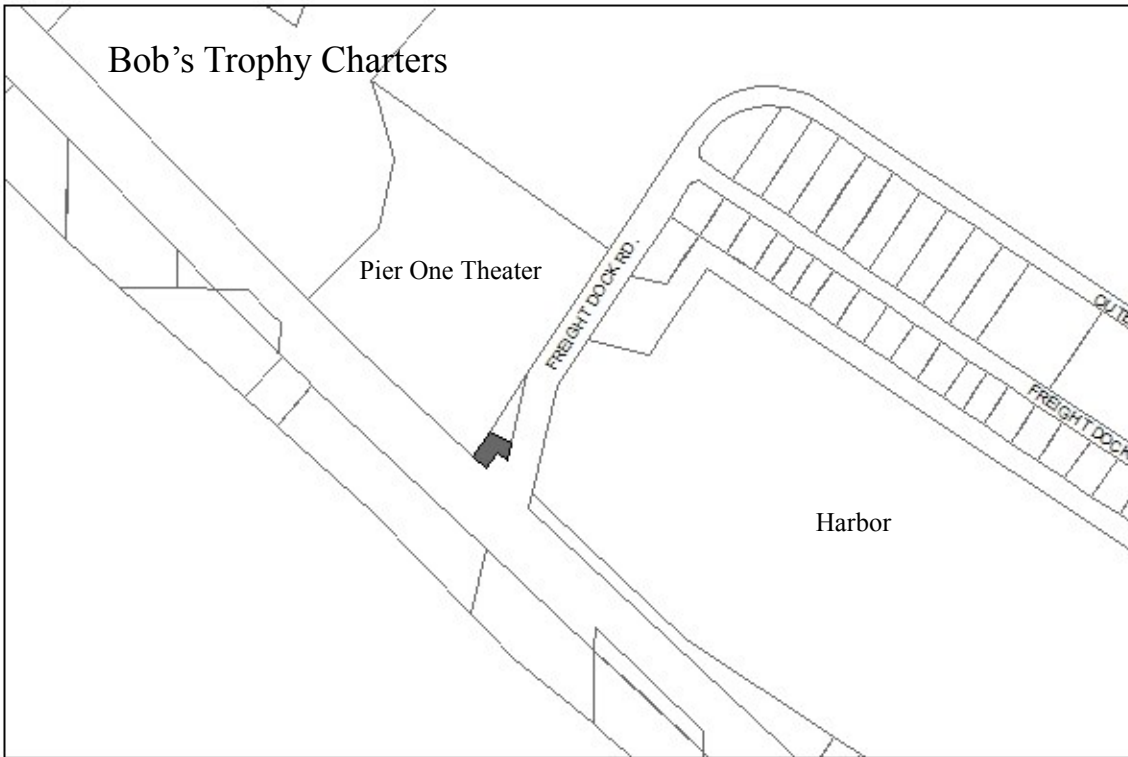
- Dredge spoils dewatering and storage, winter barge haul out activity
- City RV park/campground, and access to the only public RV dump on the spit
- Pier One Theater Lease. Theater leases the building only; not the land. Resolution 89-36A.

Resolution 2011-37(A): Develop a plan which will consider designation of a 10,000 sq. ft. portion to make the land available for Request for Proposals. (in progress)

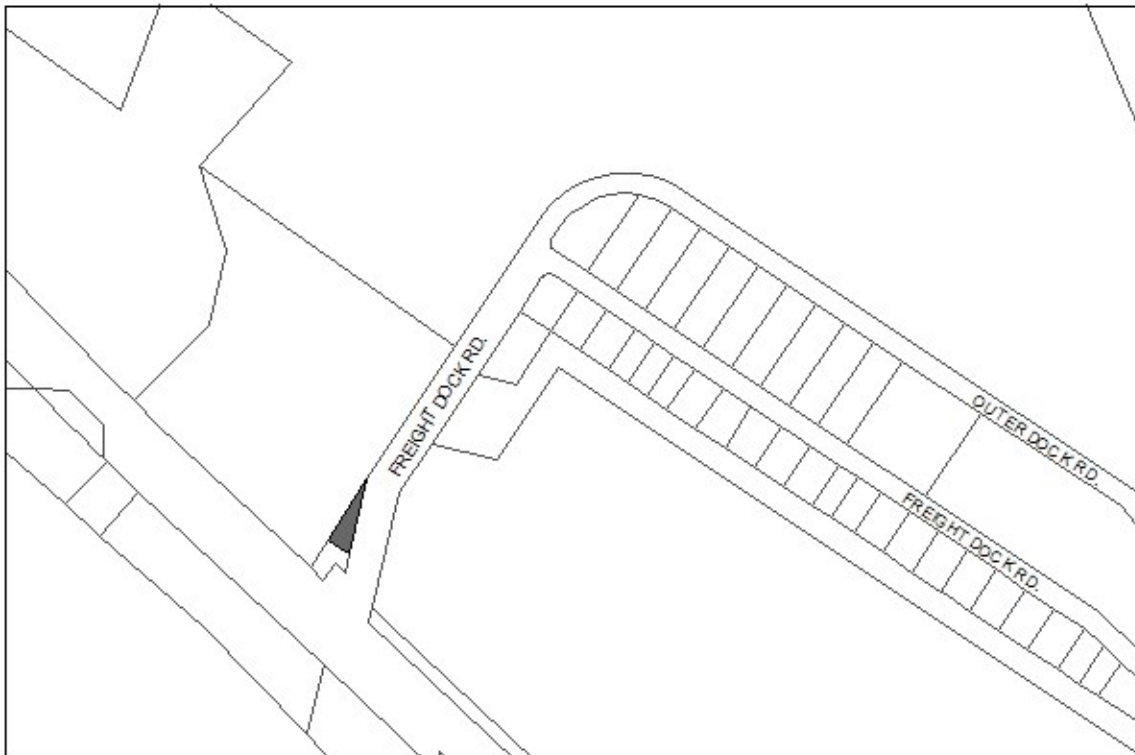
Resolution 13-020: Designated the north east corner of the lot for use as a trailhead for the Kachemak Bay Water Trail.

Leased to: Pier One Theater
 Resolution 2016- 118, 5 Year lease.

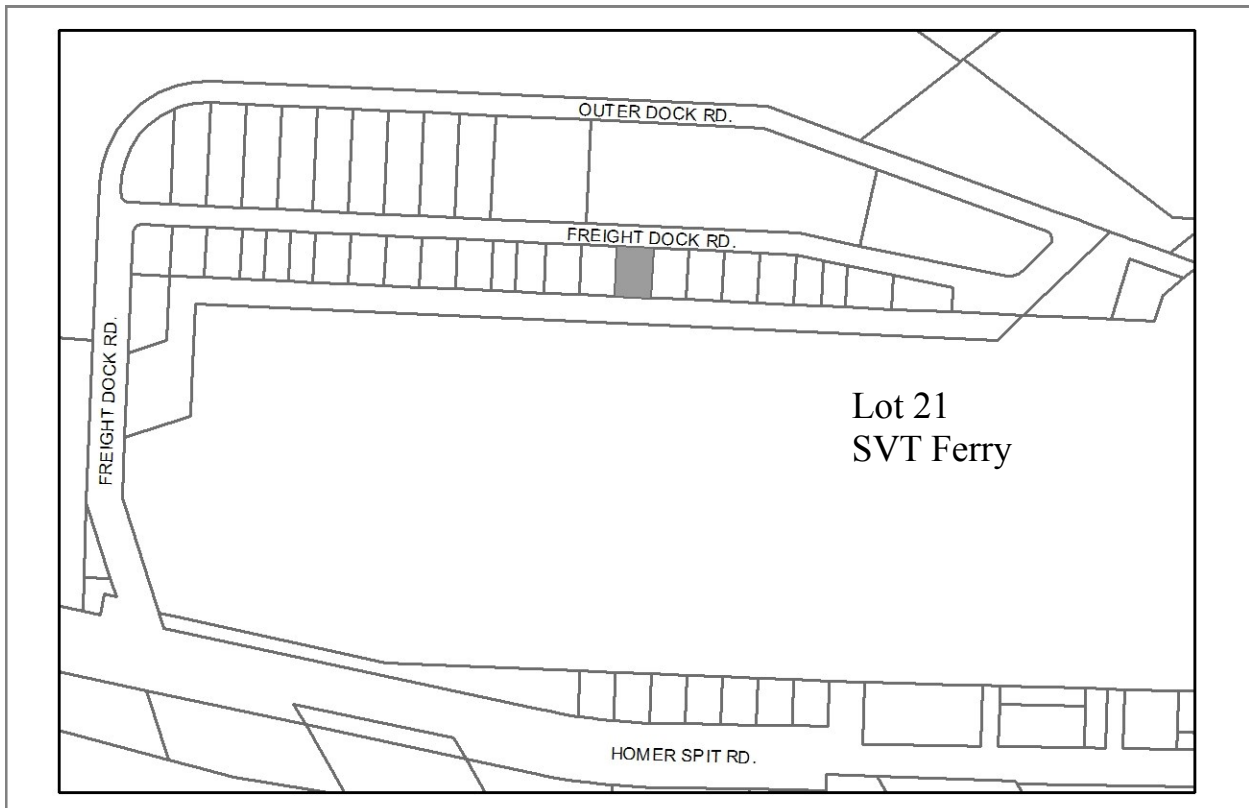
Finance Dept. Code:



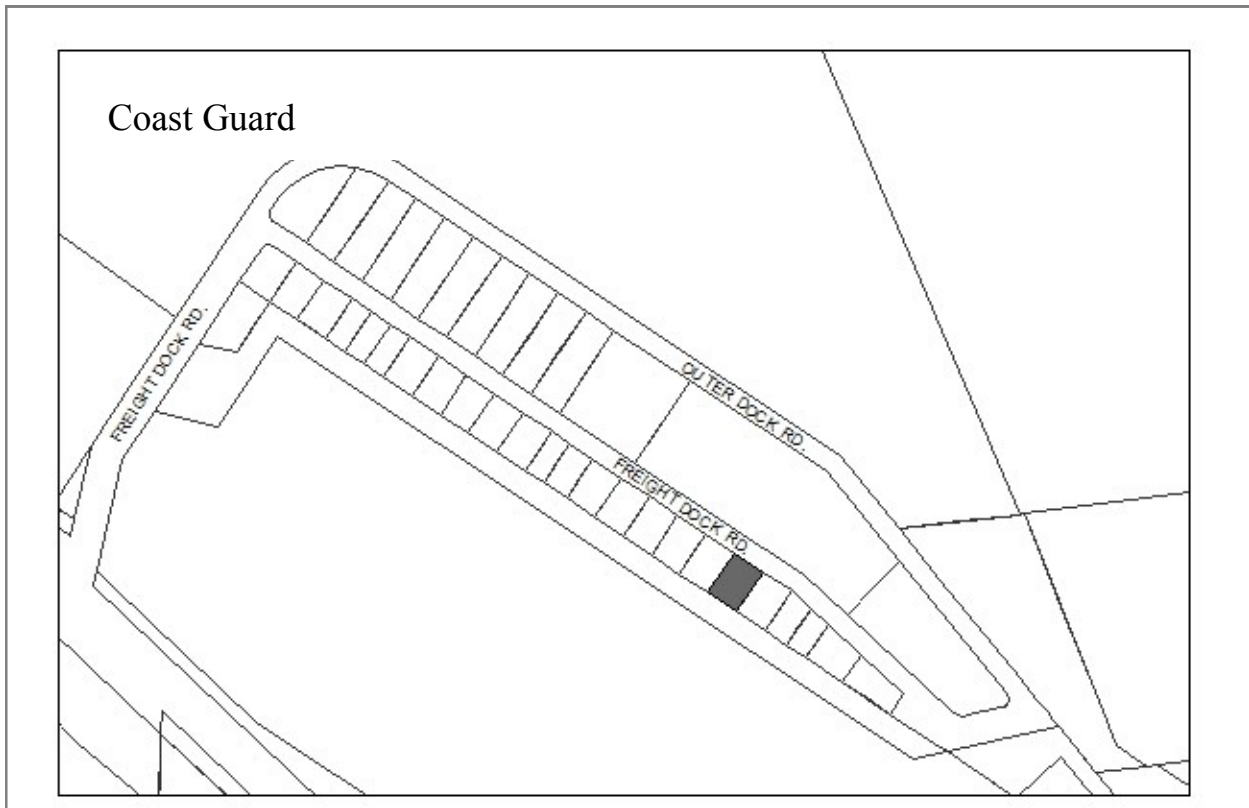
Designated Use: Lease	
Acquisition History: Ord 1983-26. Purchased from World Seafood	
Area: 0.15 acres or 6,692 sq ft	Parcel Number: 18103118
2012 Assessed Value: \$117,700 Land \$57,300 Structure \$60,400	
Legal Description: HM0940043 T06S R13W S35 TRACT 1-B THE FISHIN HOLE SUB NO 2	
Zoning: Marine Commercial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address: 3978 Homer Spit Road
Leased to: Kachemak Corporation (Bob's Trophy Charters) Expiration: March 31, 2018, no options Resolution 16-116 authorized a new lease with the new owner for 20 years twith two 5 year options.. Lease expires 2036.	
Finance Dept. Code: 400.600.4650	



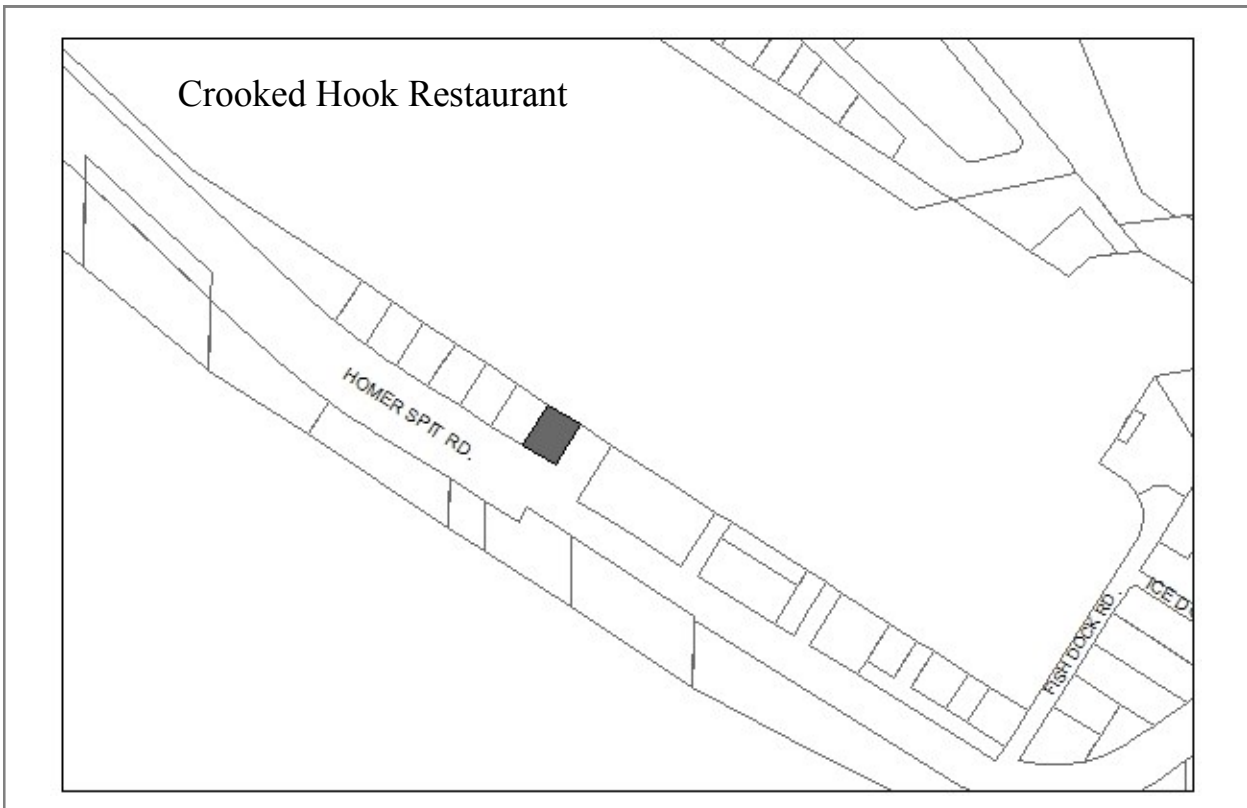
Designated Use: Leased Lands	
Acquisition History: Ord 83-26 purchase from World Seafood	
Area: 0.18 acres	Parcel Number: 18103119
2012 Assessed Value: \$123,100 (Land: \$66,600 Structure \$56,800)	
Legal Description: HM0940043 T06S R13W S35 TRACT 1-C THE FISHIN HOLE SUB NO 2	
Zoning: Marine Commercial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 1114 Freight Dock Road
Leased to: L.H. and Marcia Pierce. Sportsman Supply/RV Expiration: April 1, 2038,.	
Finance Dept. Code: 400.600.4650	



Designated Use: Leased Lands	
Acquisition History:	
Area: 0.32 acres	Parcel Number: 18103240
2012 Assessed Value: \$105,000	
Legal Description: Homer Spit No 5 Lot 21	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 4323 Freight Dock Road
Leased to: Seldovia Village Tribe, for Kachemak Bay Ferry Resolution 10-41. Expiration May 31, 2030, two 5 year options	
Finance Dept. Code: 400.600.4650	



Designated Use: Leased to USCG	
Acquisition History:	
Area: 0.34 acres	Parcel Number: 18103218
2012 Assessed Value: \$567,300 (Land: \$105,000 Structure: \$462,300)	
Legal Description: Homer Spit Four subdivision Lot 2	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 4373 Freight Dock Rd
Leased to: USCG Lease Renewal Options: None Expiration: September 30, 2026	
Finance Dept. Code:	



Designated Use: Leased Land
Acquisition History:

Area: 12,700 sq ft	Parcel Number: 18103316
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2012 Assessed Value: \$543,400 (Land: \$97,100 Structure: \$446,300)

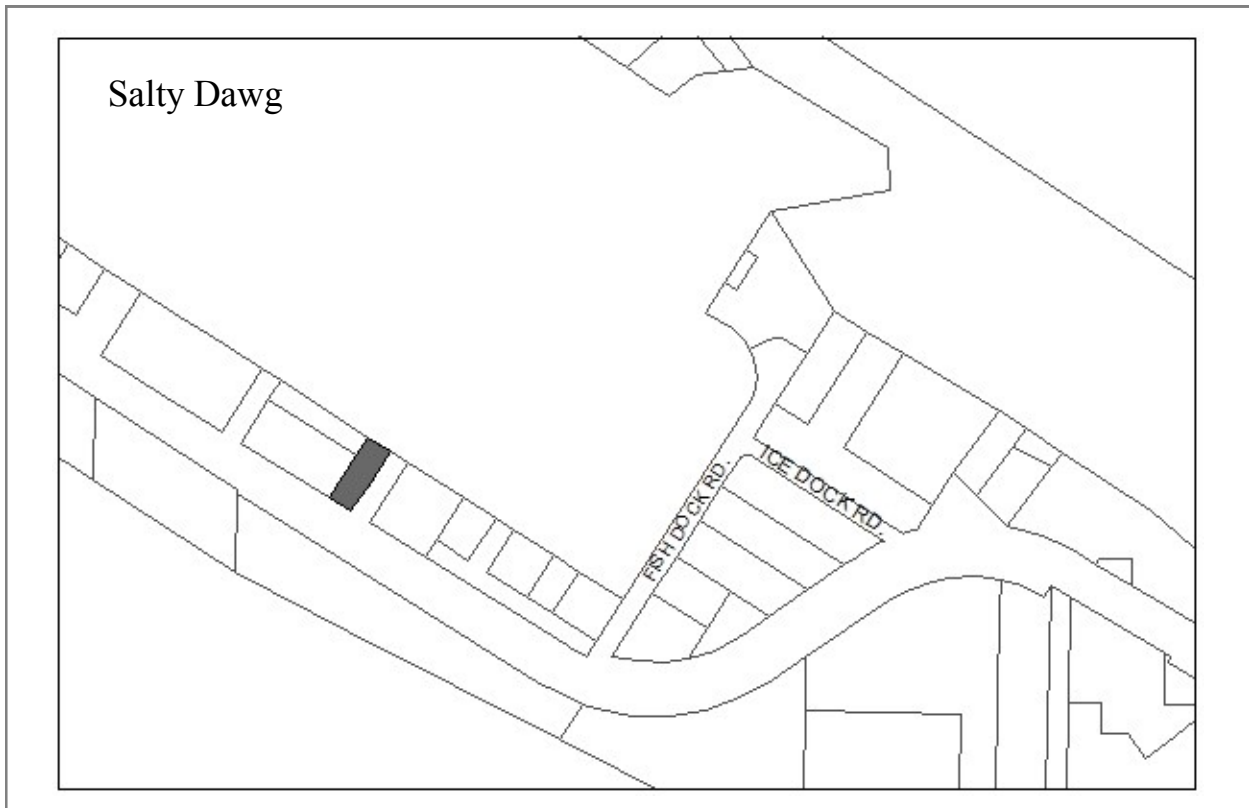
Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 19

Zoning: Marine Commercial	Wetlands: None
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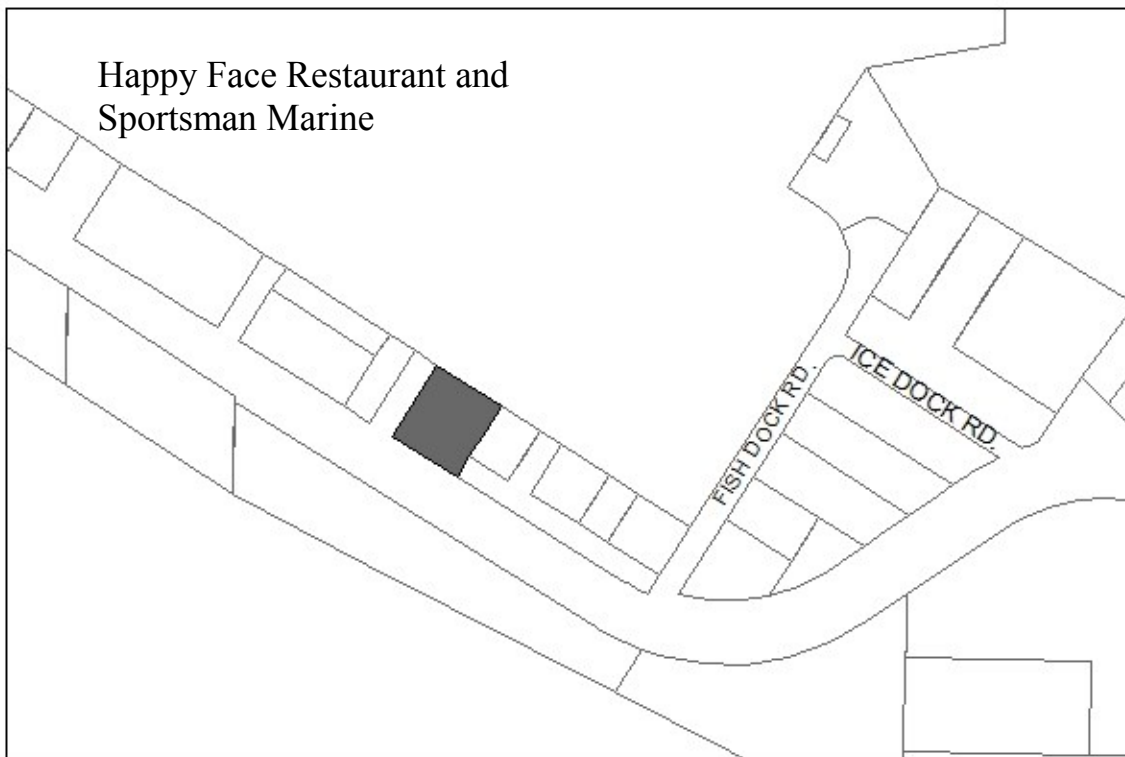
Infrastructure: Paved road, water and sewer	Address: 4262 Homer Spit Road
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Leased to: Harbor Bar & Grill
 Expiration: Lease expires 2/1/2046, no options.

Finance Dept. Code:



Designated Use: Leased Lands	
Acquisition History:	
Area: 0.23 acres	Parcel Number: 18103309
2009 Assessed Value: \$238,200 (Land: \$80,700 Structure: \$157,500)	
Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 30	
Zoning: Marine Commercial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 4390 Homer Spit Road
<p>Leased to: John Warren, Salty Dawg Expiration: 1/31/2026. No options.</p>	
Finance Dept. Code:	



Designated Use: Leased Land
Acquisition History:

Area: 24,639 sq ft (0.57 acres)

Parcel Number: 18103432

2012 Assessed Value: \$619,800 (Land: \$166,700 Structure: \$453,100)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT AMENDED LOT 32

Zoning: Marine Commercial

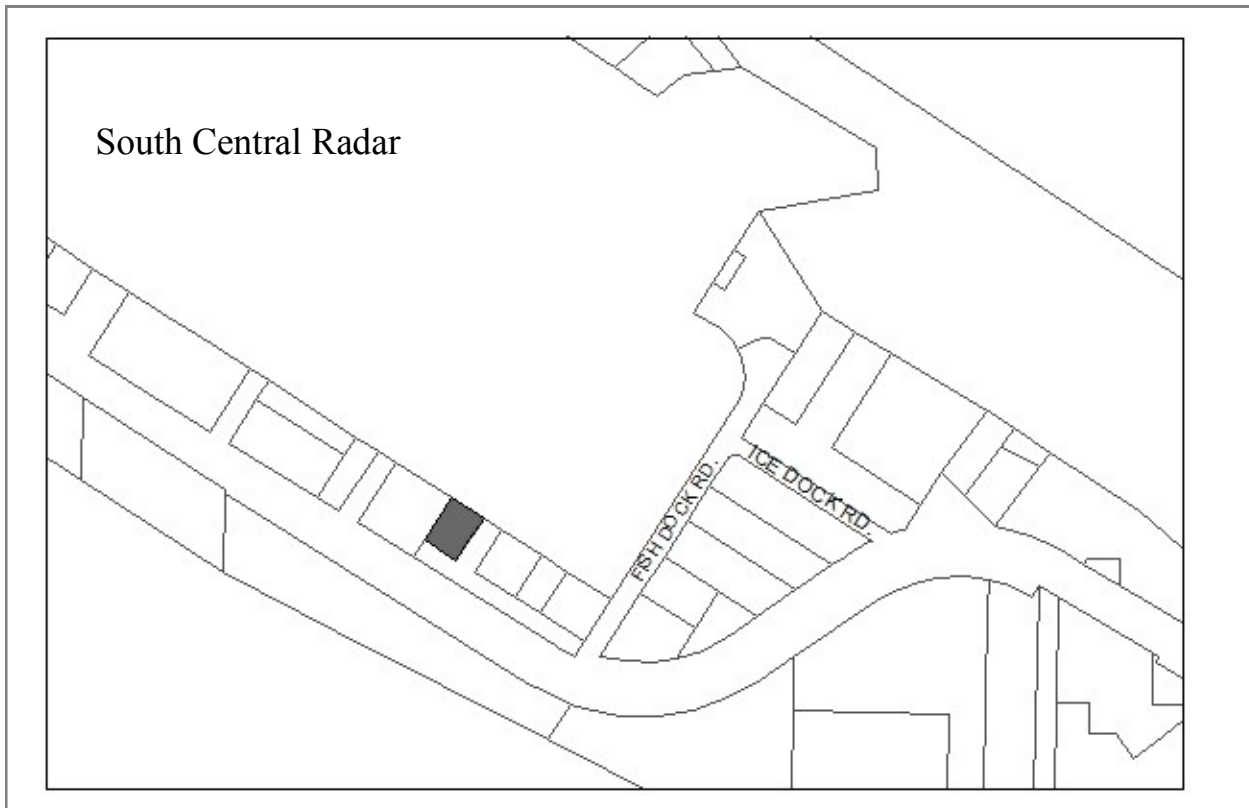
Wetlands: None

Infrastructure: Paved road, water and sewer.

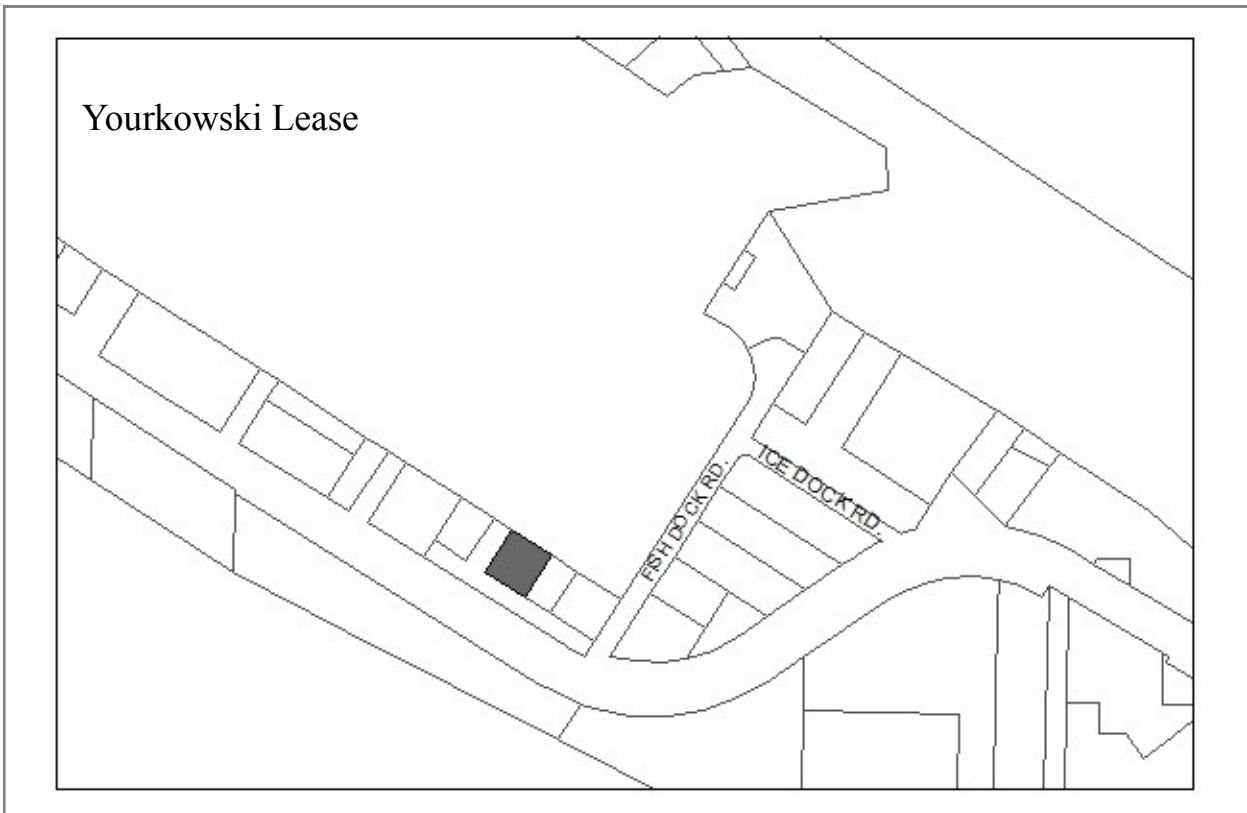
Address: 4400 Homer Spit Road

Leased to: Happy Face Restaurant and Sportsman Marine
 Expiration: 5/15/2034. Two, 5 year options.

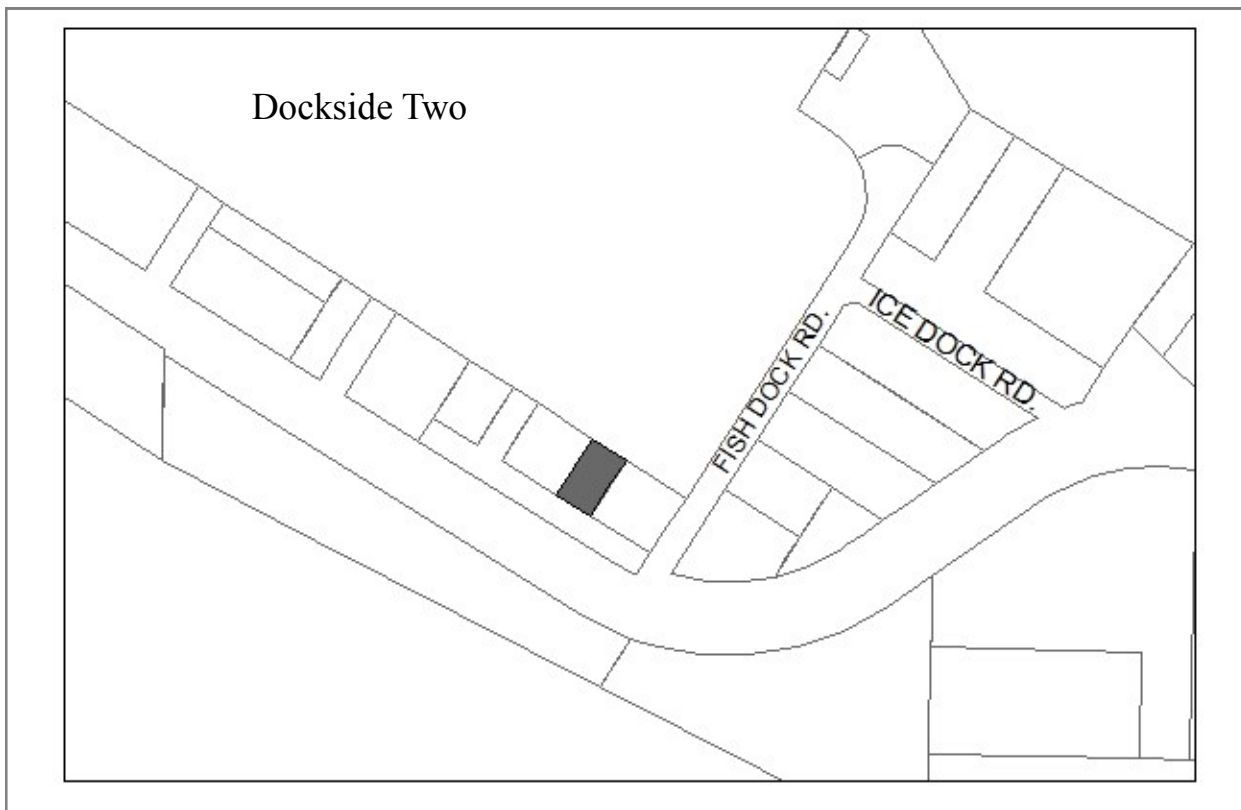
Finance Dept. Code:



Designated Use: Leased Land	
Acquisition History:	
Area: 0.2 acres	Parcel Number: 18103431
2012 Assessed Value: \$162,900 (Land: \$72,100 Structure: \$90,800)	
Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMD LOT 88-1	
Zoning: Marine Commercial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 4406 Homer Spit Road
<p>Leased to: Mark & Laura Zeiset dba South Central Radar Expiration: 11/1/2022, two additional 5 year renewal options</p>	
Finance Dept. Code:	



Designated Use: Leased Lands	
Acquisition History:	
Area: 0.29 acres	Parcel Number: 18103442
2012 Assessed Value: \$277,500 (Land: \$97,100 Structure: \$180,400)	
Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-2	
Zoning: Marine Commercial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 4460 Homer Spit Road
<p>Leased to: Mike Yourkowski Lease Renewal Options: one 10 year renewal option. Expiration: 11/30/15, plus renewal option. Leaseholder is exercising options.</p>	
Finance Dept. Code:	



Designated Use: Leased Land
Acquisition History:

Area: 7,749 sq ft. (0.18 acres)

Parcel Number: 18103443

2012 Assessed Value: \$115,400 (Land: \$66,300, Structure: \$49,100)

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-3

Zoning: Marine Commercial

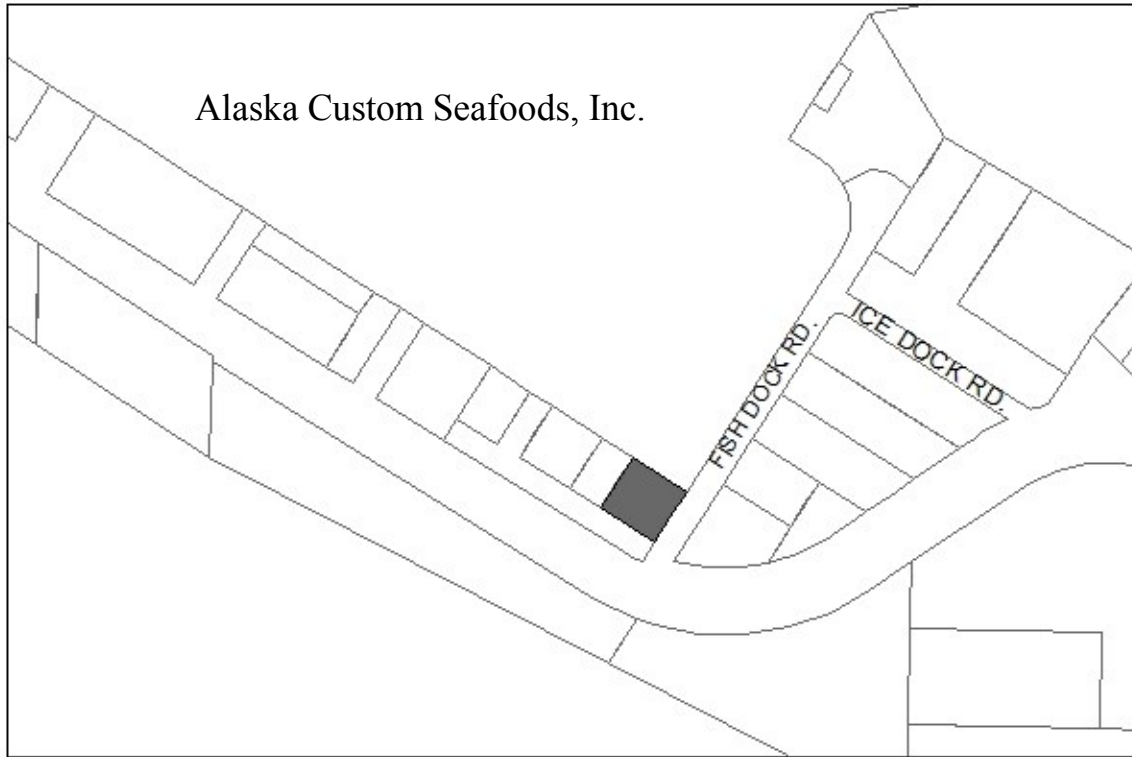
Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 4470 Homer Spit Road

Leased to: William Sullivan dba Docks Two dba Kachemak Bay Seafoods
 Expiration: 2027, no options.

Finance Dept. Code:



Designated Use: Leased land
Acquisition History:

Area: 0.31 acres, or 13,383 sq ft

Parcel Number: 18103444

2012 Assessed Value: \$222,400 Land Value - \$102,400 Structure Value - \$120,000

Legal Description: HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-4

Zoning: Marine Commercial

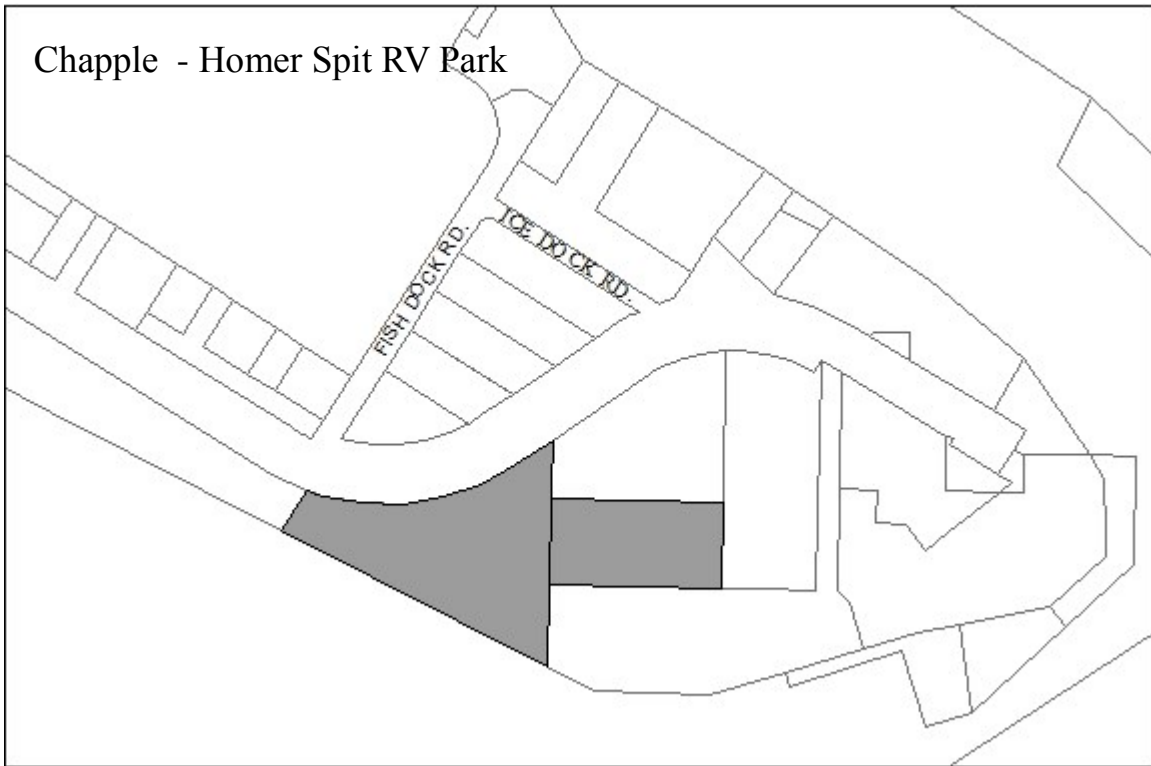
Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 4474 Homer Spit Road

Leased to: Brad Faulkner DBA Alaska Custom Seafoods, Inc. Expires 2043.

Finance Dept. Code:



Designated Use: Leased Land
Acquisition History:

Area: 192,970 sq ft

Parcel Number: 18103402, 03

2009 Assessed Value: Total: \$593,400 Land: \$474,600 Structures: \$118,800

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 50.
 HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 49 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 205/928.

Zoning: Marine Industrial

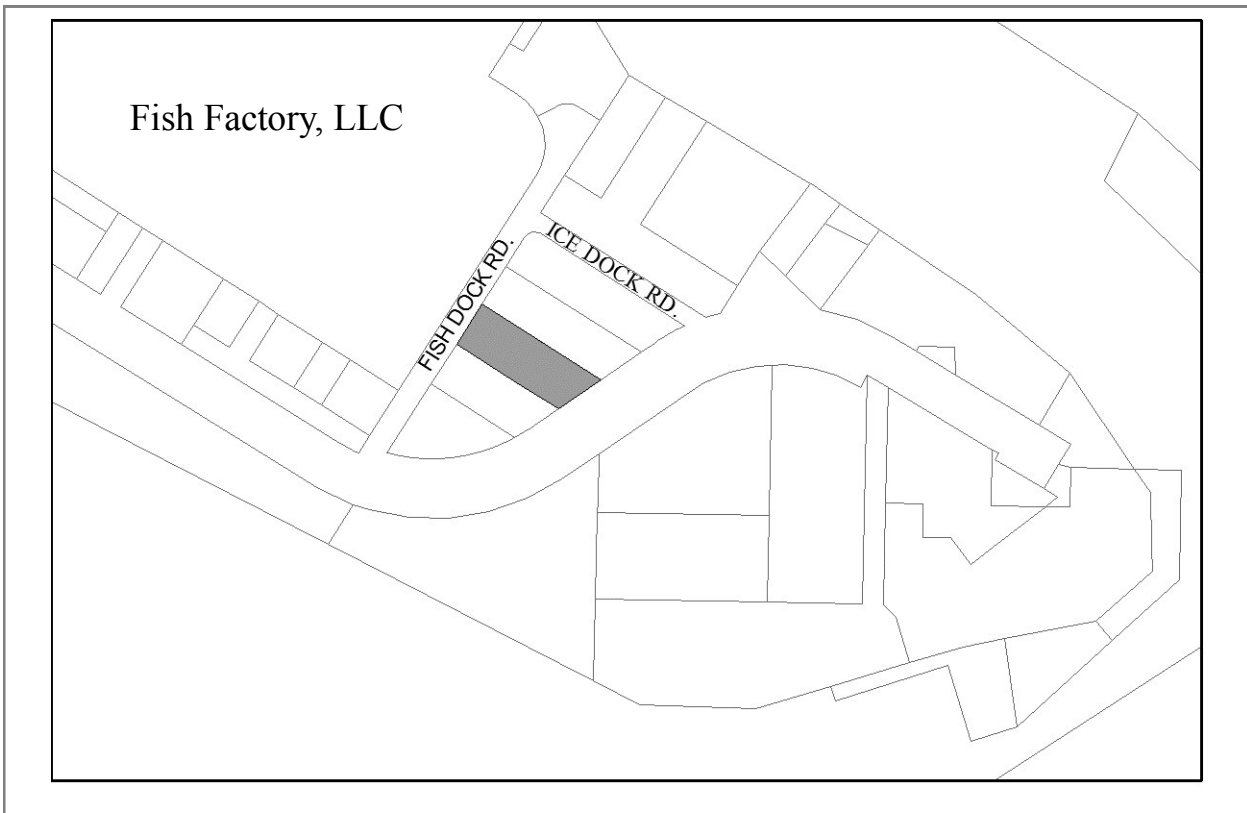
Wetlands: None

Infrastructure: Paved road, water and sewer.

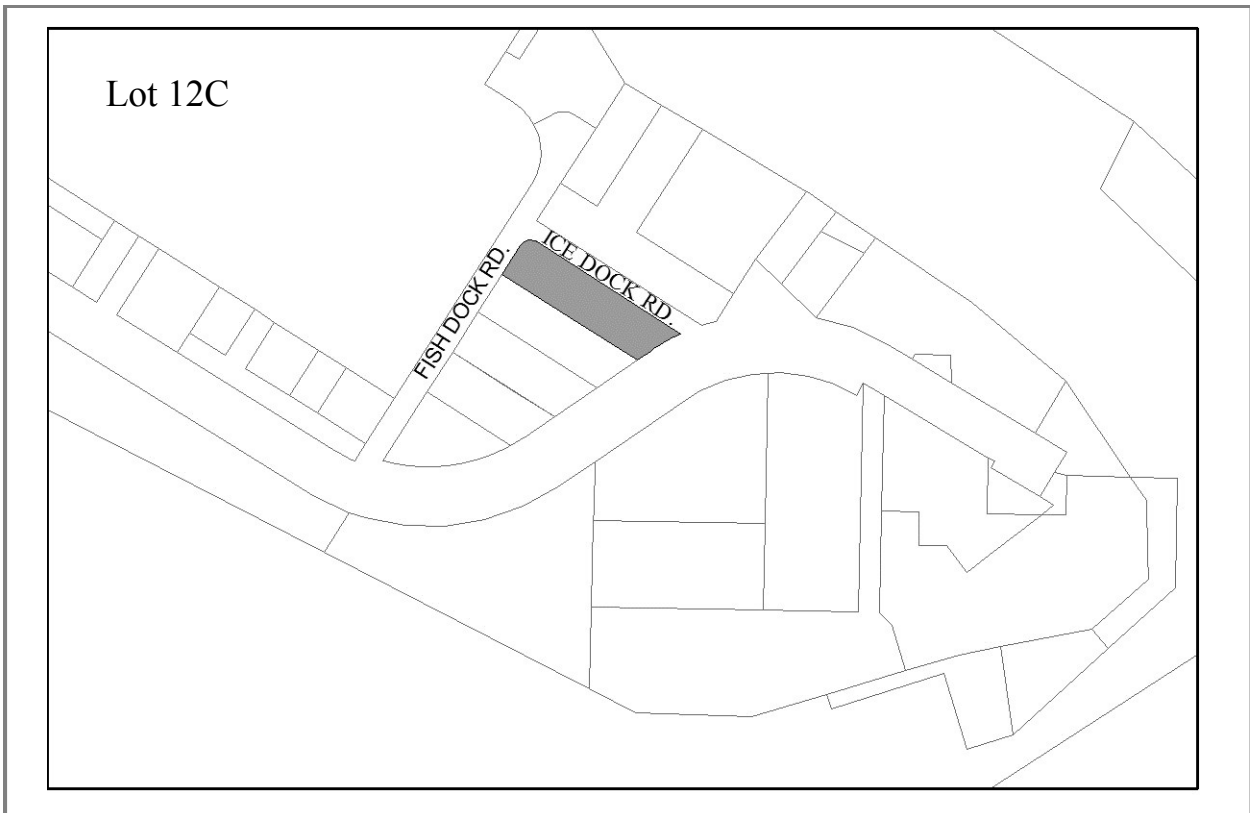
Address: 4535 Homer Spit Road

Leased to: John & Margaret Chapple. Homer Spit Campground
 Expiration: 12/31/2026, two addition 3 year options.

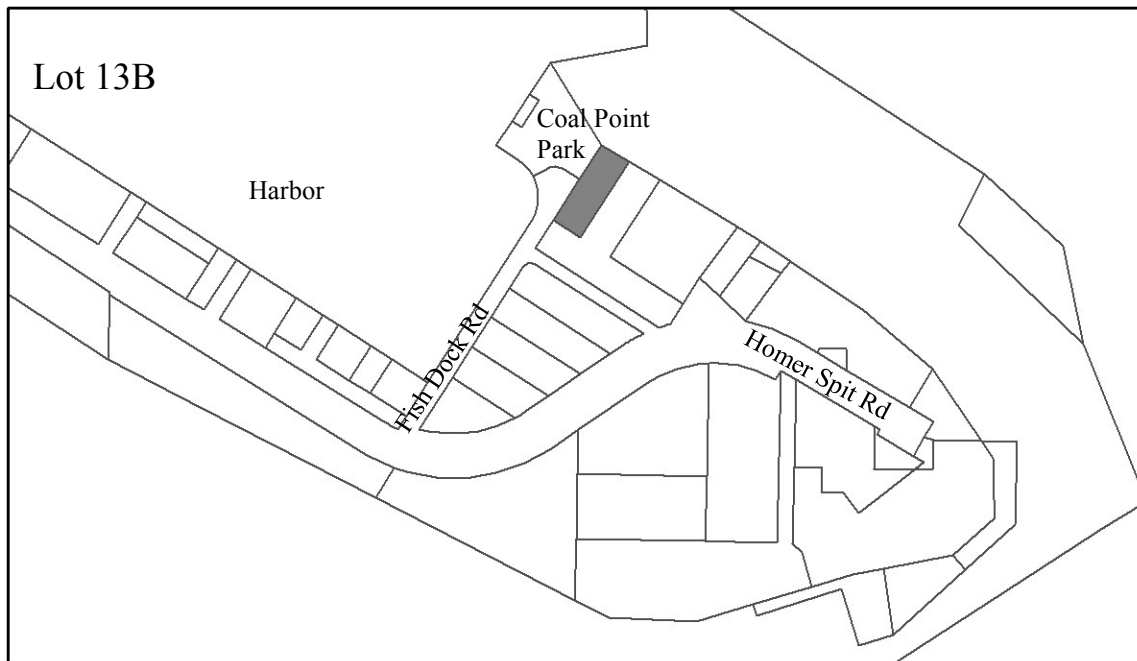
Finance Dept. Code: 400.600.4650



Designated Use: Leased Land	
Acquisition History:	
Area: 27,470 sq ft (0.63 acres)	Parcel Number: 18103421
2012 Assessed Value: \$841,900 (Land: \$180,600 Structure: \$661,300)	
Legal Description: HM0900052 T07S R13W S01 CITY OF HOMER PORT INDUSTRIAL NO 3 LOT 12-A1	
Zoning: Marine Industrial	Wetlands: None
Infrastructure: Paved road, water and sewer.	Address: 800 Fish Dock Road
Leased to: Fish Factory, LLC Expiration: 3/31/2020 with two 10 year options	
Finance Dept. Code:	



Designated Use: Lease land	
Acquisition History:	
Area: 0.79 Acres	Parcel Number: 18103452
2012 Assessed Value: \$802,000 (Land: \$216,400 Structure: \$586,300)	
Legal Description: City of Homer Port Industrial No 2 Lot 12C	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address: 4501 Ice Dock Road
Leased by Resolution 2008-37 to Harbor Leasing (Auction Block) Expiration: 3/31/2028 Options: two additional 5 year options	
Finance Dept. Code:	



Designated Use: Lease
Acquisition History:

Area: 0.52 acres

Parcel Number: 18103425

2012 Assessed Value: \$194,400

Legal Description: City of Homer Port Industrial Subdivision No 2 Lot 13B

Zoning: Marine Industrial

Wetlands: N/A

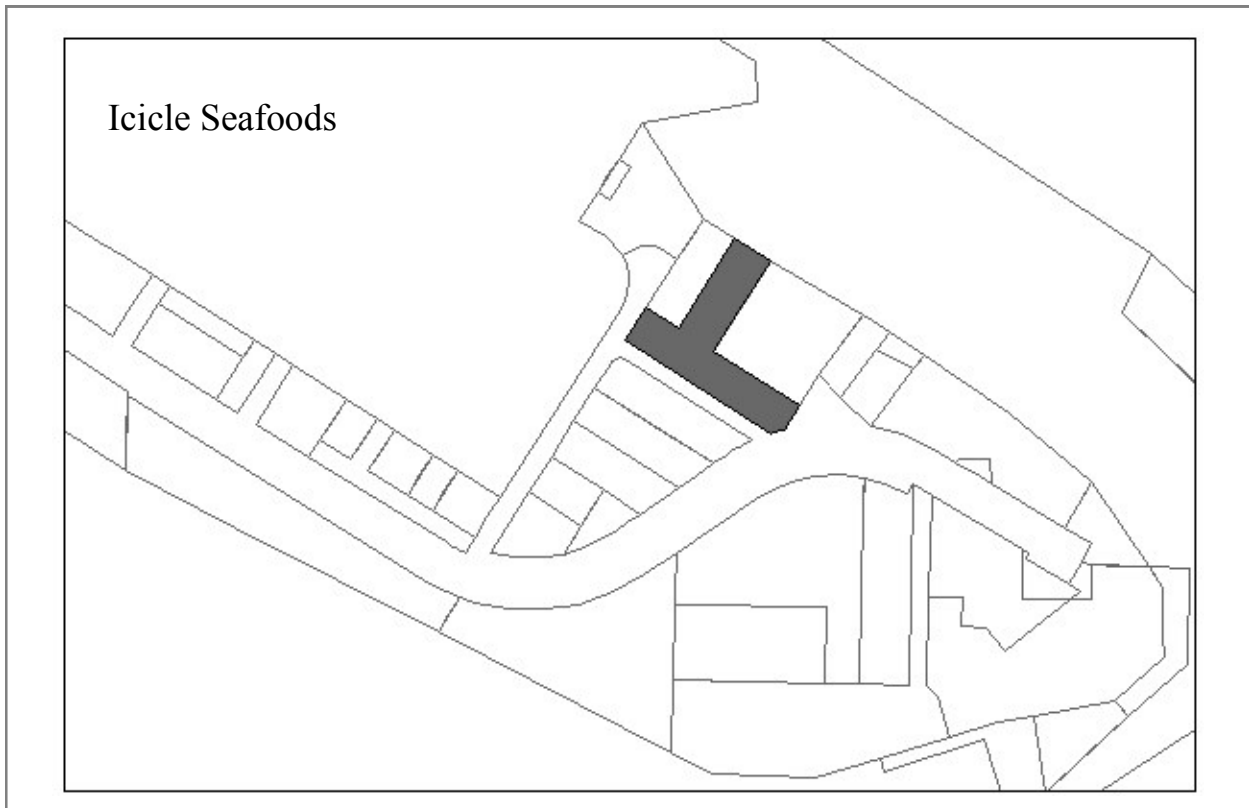
Infrastructure: Water, sewer, paved/gravel road access

Address: Fish Dock Road

Former Porpoise Room lot. Fisheries use encouraged but not required.

Resolution 14-043, 20 year lease with two five year options. Snug Harbor.
 Expiration: 4/30/2034

Finance Dept. Code:



Designated Use: Leased Land
Acquisition History:

Area: 1.49 acres	Parcel Number: 18103419
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2012 Assessed Value: \$534,900 (Land: \$359,600 Structure: \$175,300)

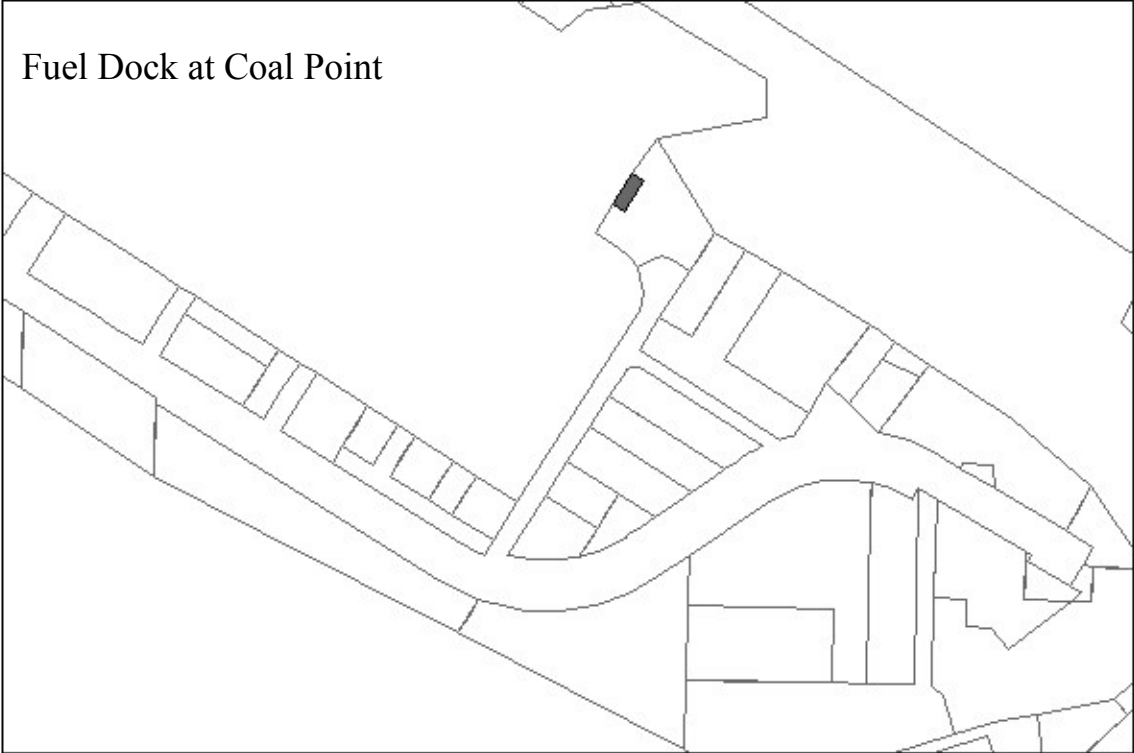
Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED ADL 18009 LOT 41 (ADL 18009)

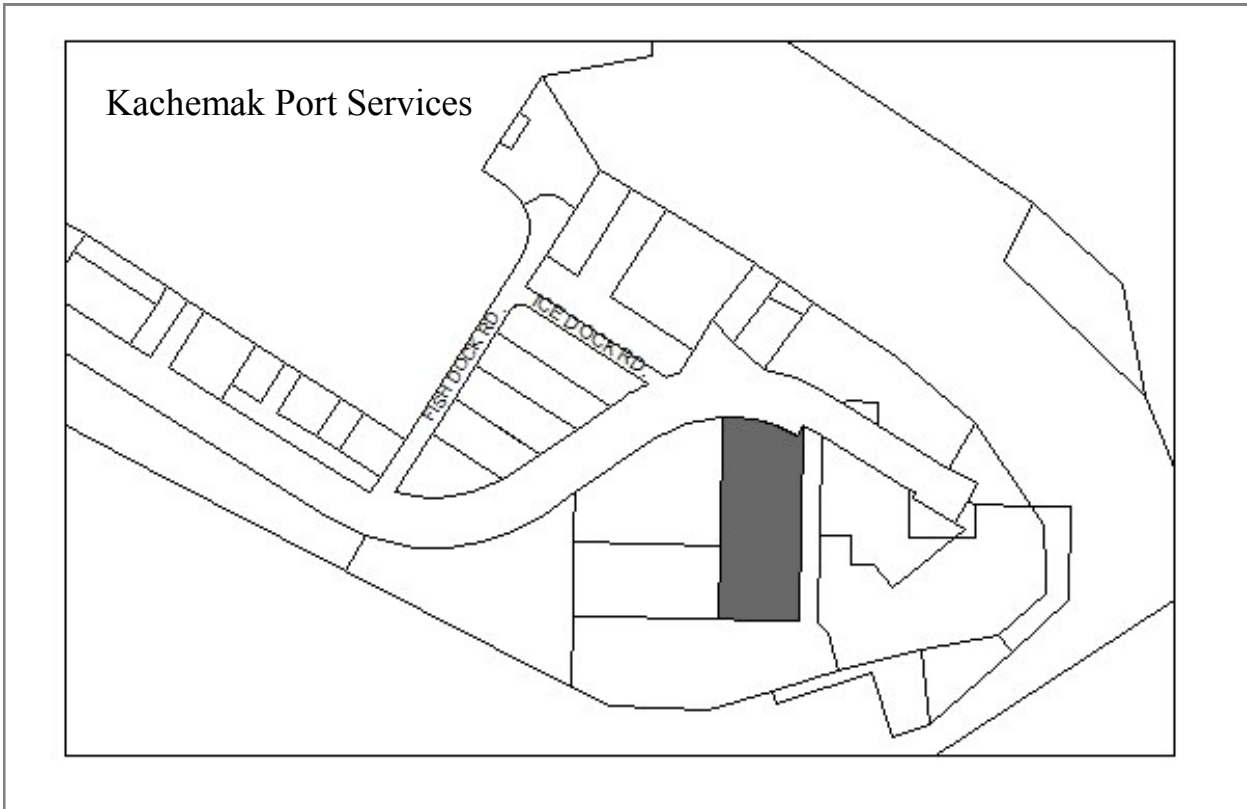
Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Water, sewer, paved road access	Address: 842 Fish Dock Road
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Leased to: Icicle Seafoods, Inc
 Expiration: 2037 with options..

Finance Dept. Code:

 <p>Fuel Dock at Coal Point</p>	
<p>Designated Use: Leased Land Acquisition History:</p>	
<p>Area: 0.07 acres</p>	<p>Parcel Number: 18103427</p>
<p>2012 Assessed Value: \$476,100 (Land: \$31,100 Structure: \$476,100)</p>	
<p>Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED THAT PORTION OF COAL POINT MONUMENT PARK AS PER LEASE AGREEMENT 187 @ 921</p>	
<p>Zoning: Marine Industrial</p>	<p>Wetlands: None</p>
<p>Infrastructure: Paved road, water and sewer.</p>	<p>Address: 843 Fish Dock Road</p>
<p>Leased to: Harbor Enterprises/Terminal Oil Sales. Coal Point Fuel Dock. Expiration: 11/30/2018. No options left.</p>	
<p>Finance Dept. Code:</p>	



Designated Use: Leased Land. Also includes the Port Maintenance Shop and a large tank.
Acquisition History:

Area: 2.23 acres (Lease is for a small portion of the lot)	Parcel Number: 18103404
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2012 Assessed Value: 1,540,500 (\$Land: \$496,500 Structure: \$1,044,000)

Legal Description: HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 48 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 190 @ 98

Zoning: Marine Industrial	Wetlands: N/A
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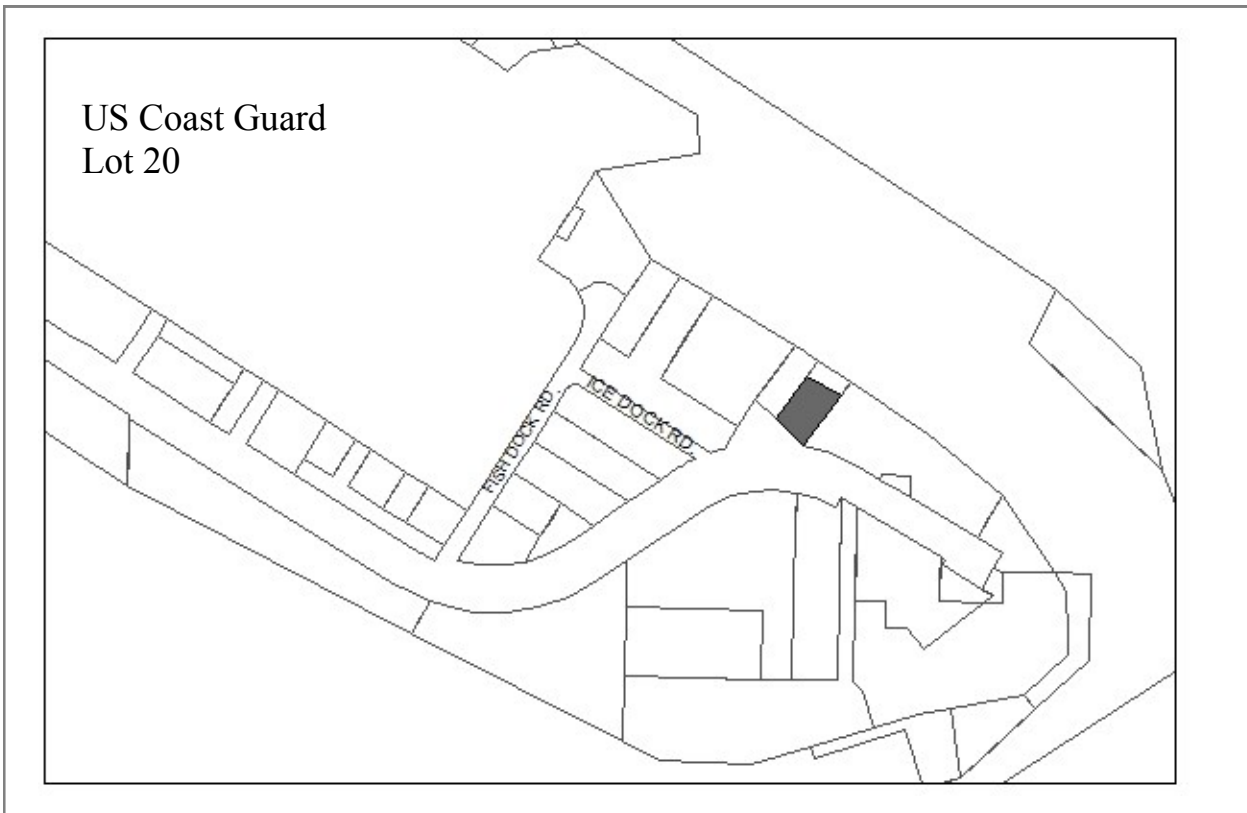
Infrastructure: Water, sewer, paved road access	Address: 4667 Homer Spit Road
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Leased to:
ACS MACTel lease: Expires 11/21/2033 with two additional one year options. (875 sq ft lease)

Alaska Marine Highway lease: Alaska Marine Highway System to built a warehouse to support ferry operations, summer 2011. Lease expires 2060. (16,000 sq ft leased)

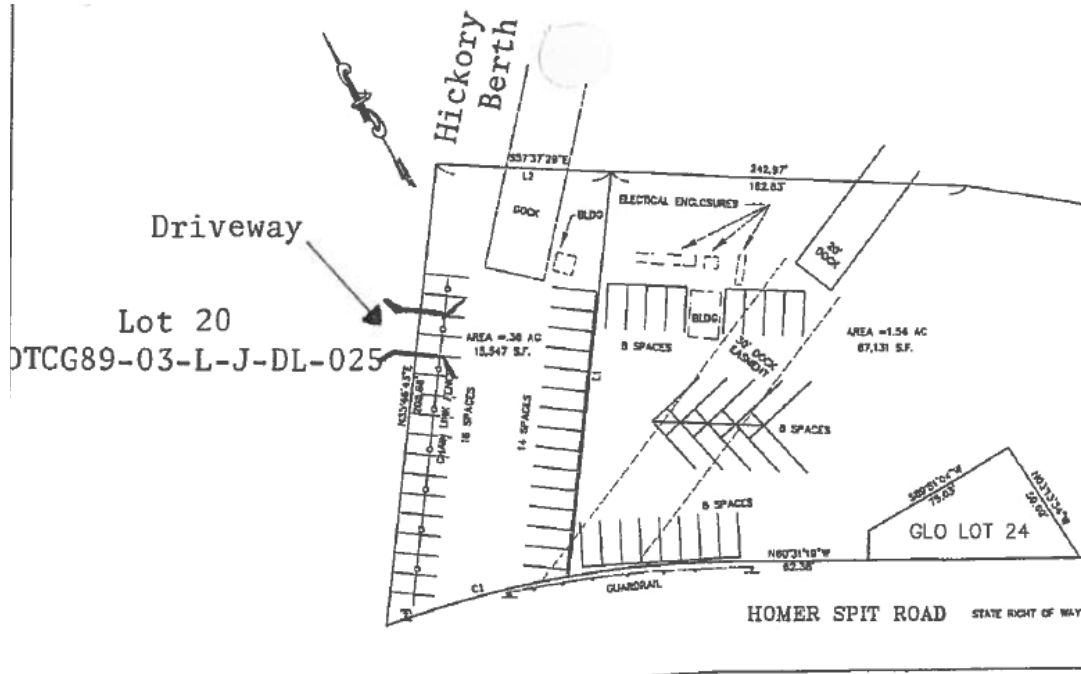
The Port Maintenance Shop is on this lot, and a large water tank, and other accessory structures.

Finance Dept. Code:



Designated Use: Lease	
Acquisition History:	
Area: 0.35 acres	Parcel Number: 18103445
2012 Assessed Value: \$112,800	
Legal Description: Portion of Government Lot 20	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address: 4688 Homer Spit Road
<p>Leased to: US Coast Guard. Lease expires September 30, 2023 Resolution 15-009 approved an additional 20 year lease.</p>	
Finance Dept. Code:	

Hickory Lease

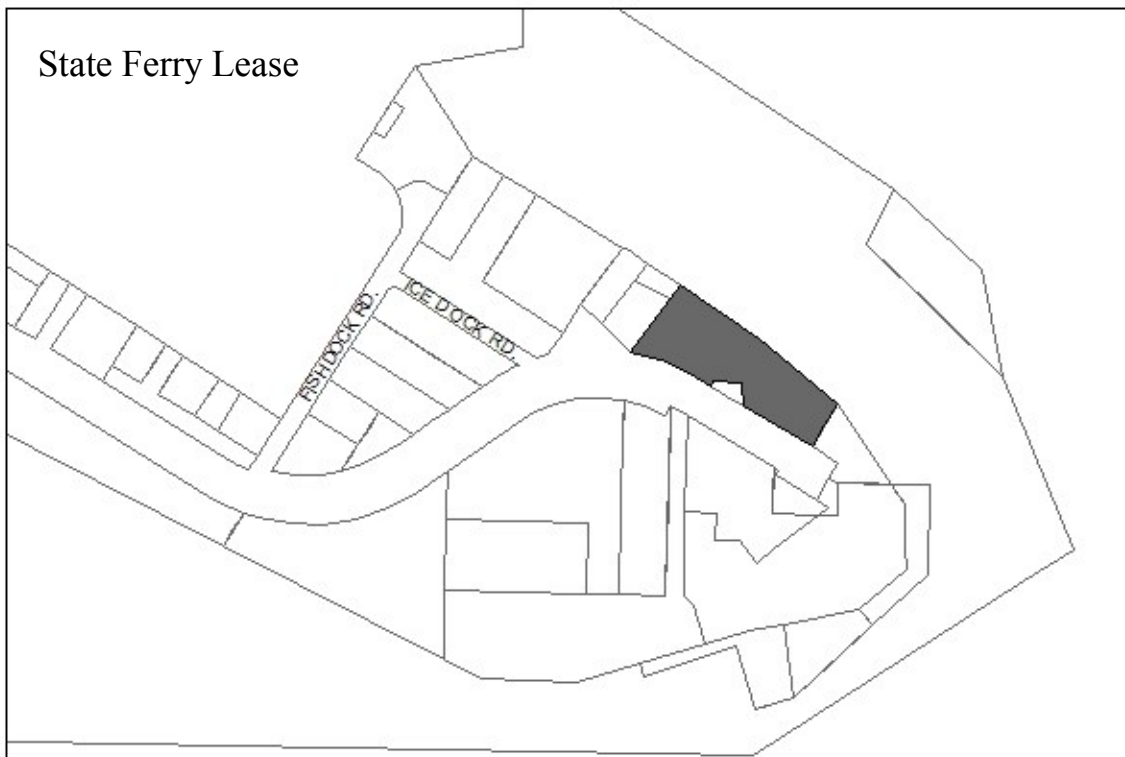


See page B-25. This lease is a portion of the Pioneer Dock.

West trestle of the Pioneer Dock, for mooring and parking on west trestle and Lot 45A.

Leased to: Coast Guard. Expiration September 30, 2022. DTCG89-03-L-J-DL-034.

Finance Dept. Code:



Designated Use: Ferry Terminal and Staging
Acquisition History: Quitclaim Deed to KPPUDIST #1 2/18/64: Orig Cert filed between KPPUD and BLM for Harbor use for 25 years on 7/29/55.

Area: 1.83 acres or 79,799 sq ft

Parcel Number: 18103447

2012 Assessed Value: \$1,076,900 (\$423,800 Land, \$653,100 Structure)

Legal Description: HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-A

Zoning: Marine Industrial

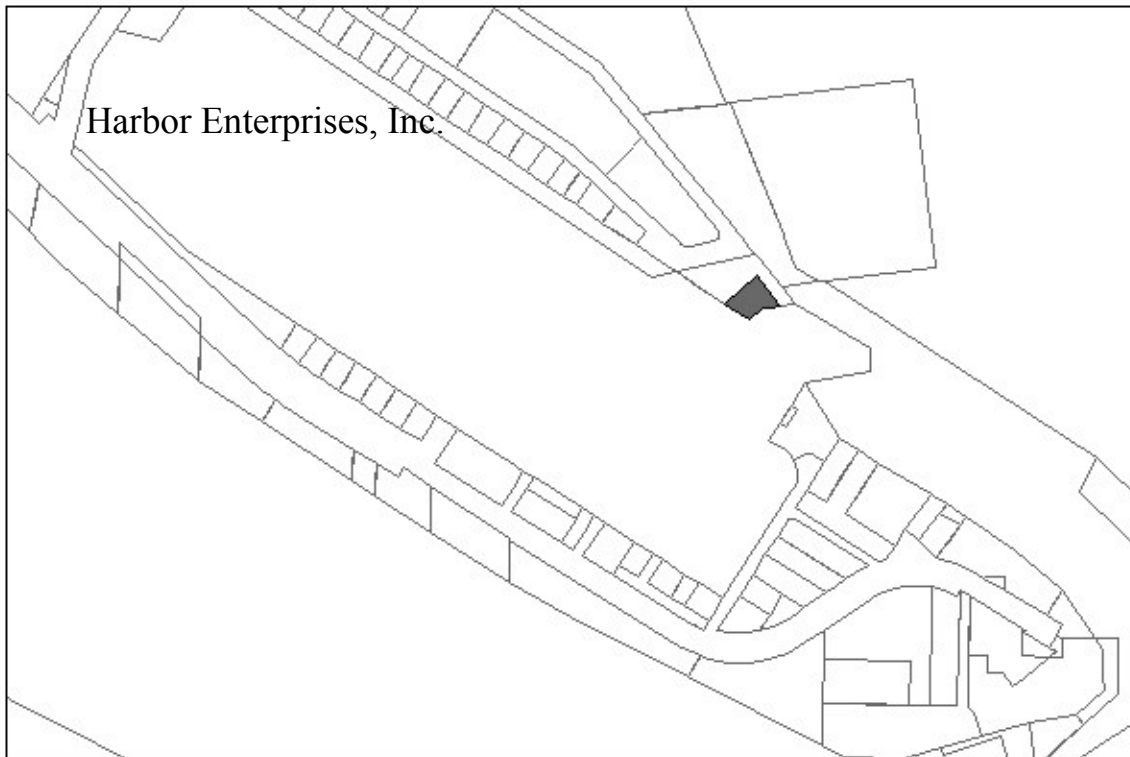
Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 4690 Homer Spit Road

Leased to: Alaska Marine Highway
 Expiration: April 30, 2060
 MOA on file regarding ferry terminal and city maintenance shop.

Finance Dept. Code:



Designated Use: Leased Land (Fuel tanks for fuel dock)
Acquisition History:

Area: 20,000 sq ft (0.459 acres)

Parcel Number: 18103260

2012 Assessed Value: \$361,800 (Land: \$140,400 Structure: \$221,400)

Legal Description: HM0970072 T07S R13W S01 HOMER SPIT NO 6 8-E-1

Zoning: Marine Industrial

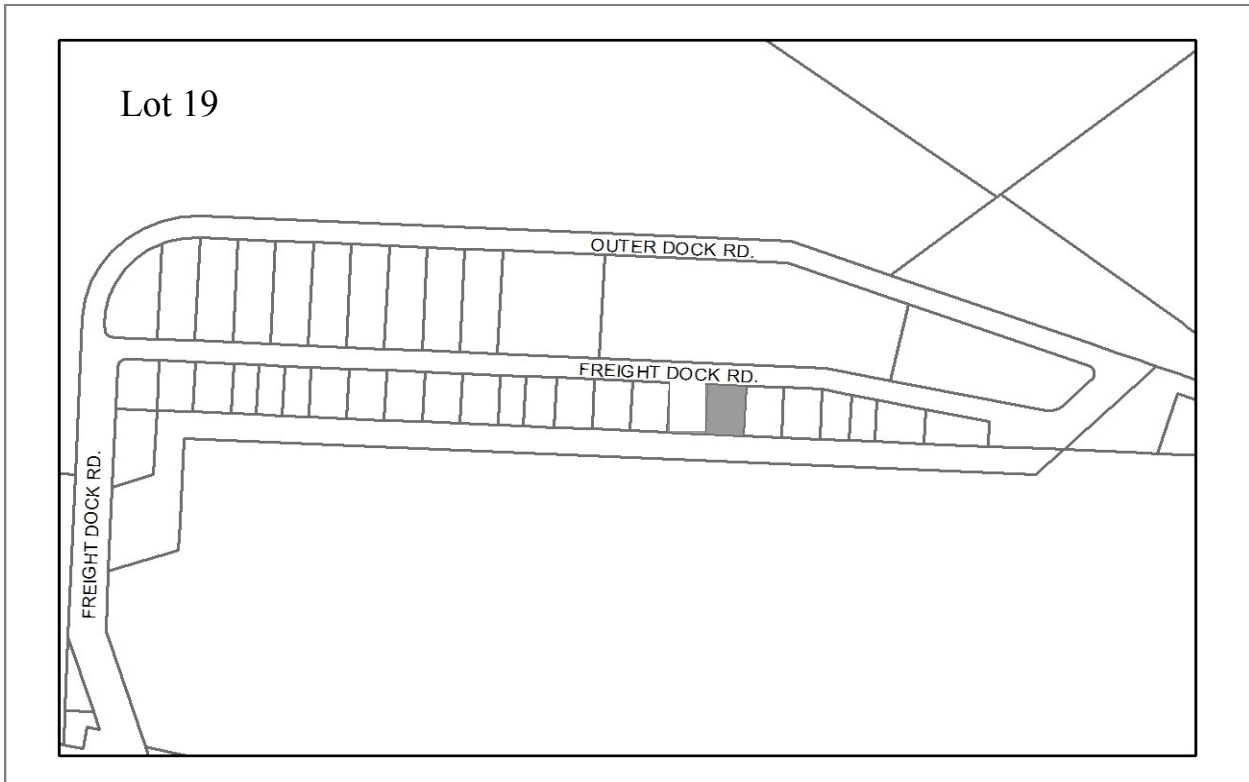
Wetlands: None

Infrastructure: Paved road, water and sewer.

Address: 4607 Freight Dock Road

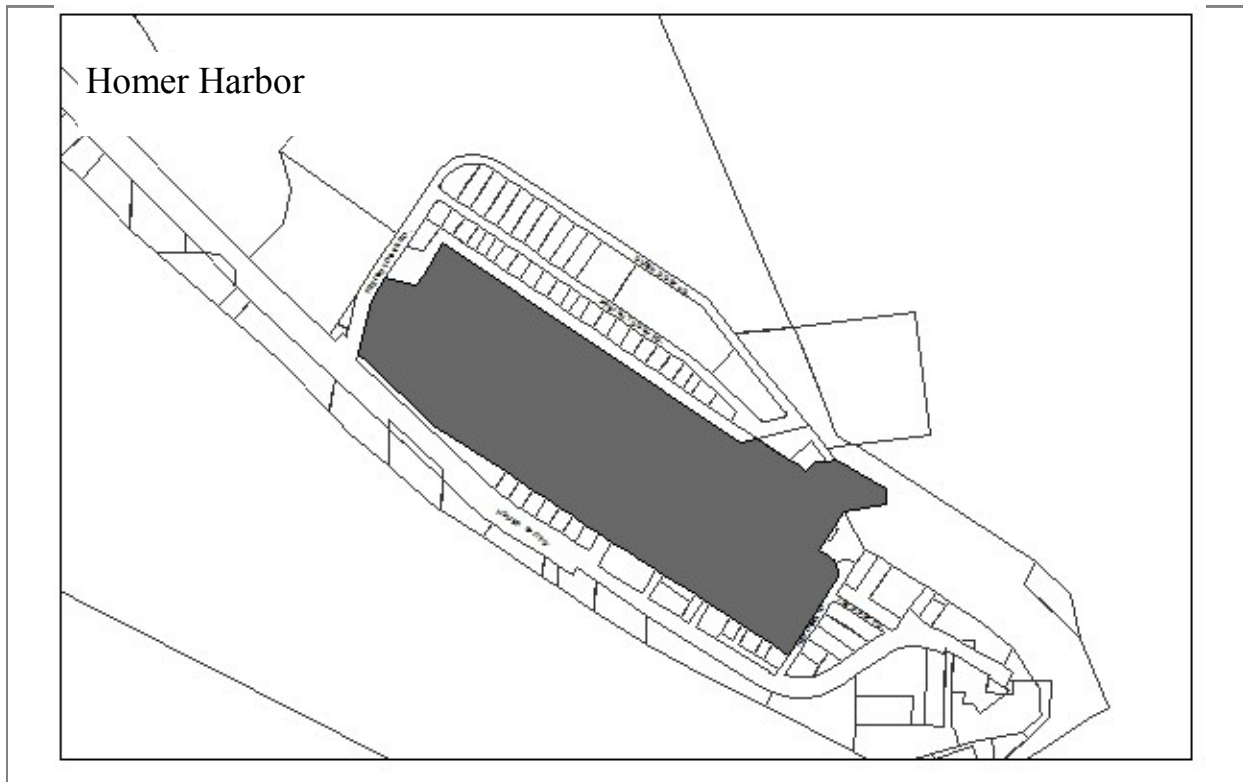
Leased to: Harbor Enterprises/Terminal Oil Sales
 Resolution 16-031(S) 20 yr lease

Finance Dept. Code:



Designated Use: Lease (Resolution 09-33)	
Acquisition History:	
Area: 0.96 acres, 0.32 acres	Parcel Number: 181032 38
2012 Assessed Value: \$105,000	
Legal Description: Homer Spit No 5 Lots 19	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: paved road, water and sewer	
Notes: Leased to Fortune Sea LLC, 10 year lease expires 4/30/2023	
Finance Dept. Code:	

Section C
Port Facilities



Designated Use: Homer Small Boat Harbor
Acquisition History: Reso 99-51 Reconveyed from ACOE

Area: 72.94	Parcel Number: 18103214
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2015 Assessed Value: \$808,200

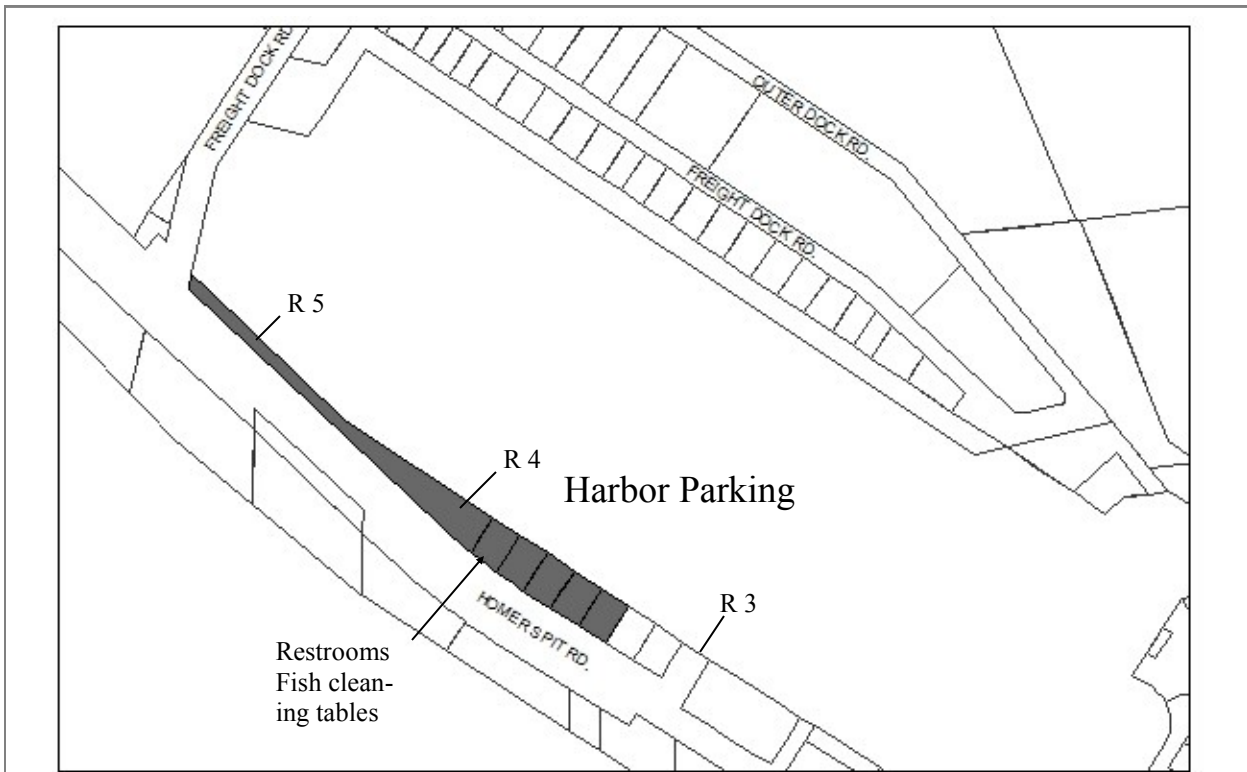
Legal Description: T 6S R 13W SEC 35 T 6S R 13W SEC 36 T 7S R 13W SEC 1 T 7S R 13W SEC 2 HM 0920050 HOMER SPIT SUB NO TWO AMENDED SMALL BOAT HARBOR SEWARD MERIDIAN

Zoning: Marine Commercial	Wetlands: N/A
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Infrastructure: floats, road access, water and sewer

Notes:

Finance Dept. Code:



Designated Use: Parking
Acquisition History:

Area: 3.12 acres

Parcel Number: 181033 18-22, 24

2015 Assessed Value: \$1,055,000 (Land: \$885,600, Structures: \$169,400)

Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 13-17, HM 0910003 HOMER SPIT SUB NO TWO SEWARD MERIDIAN LOT 12A

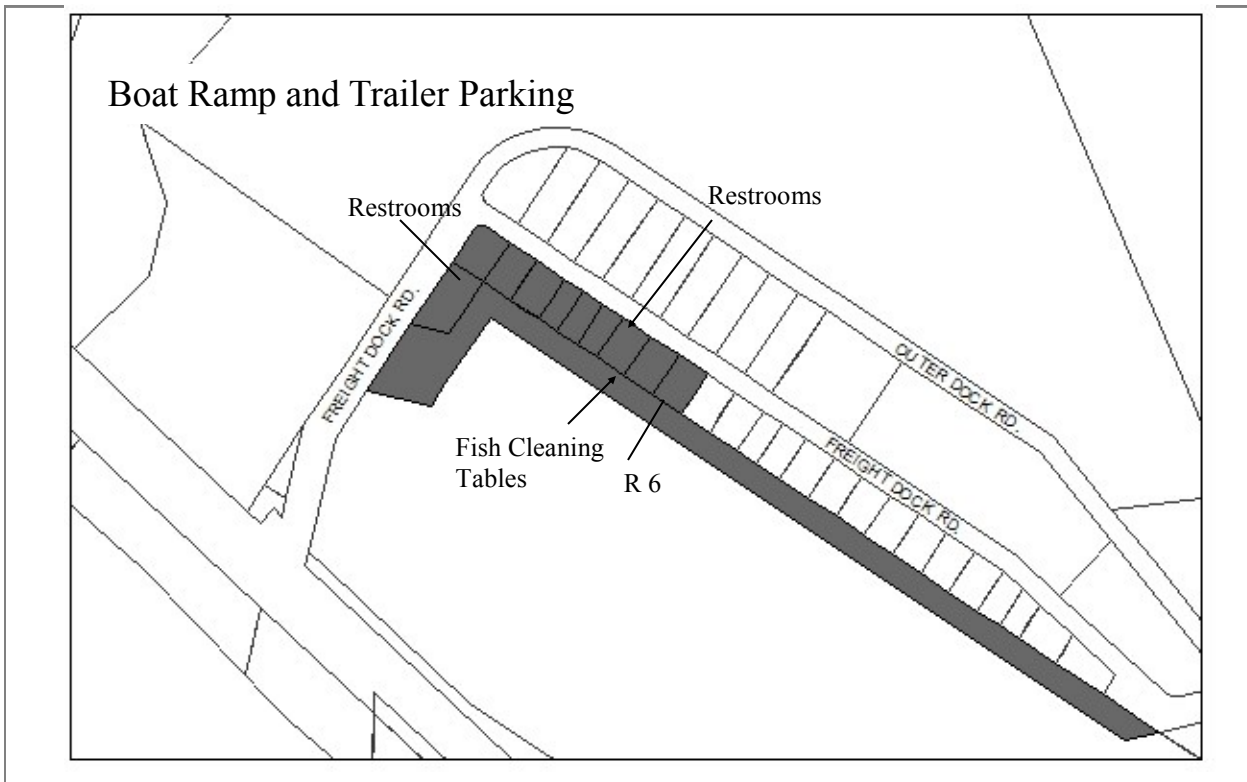
Zoning: Marine Commercial

Wetlands: N/A

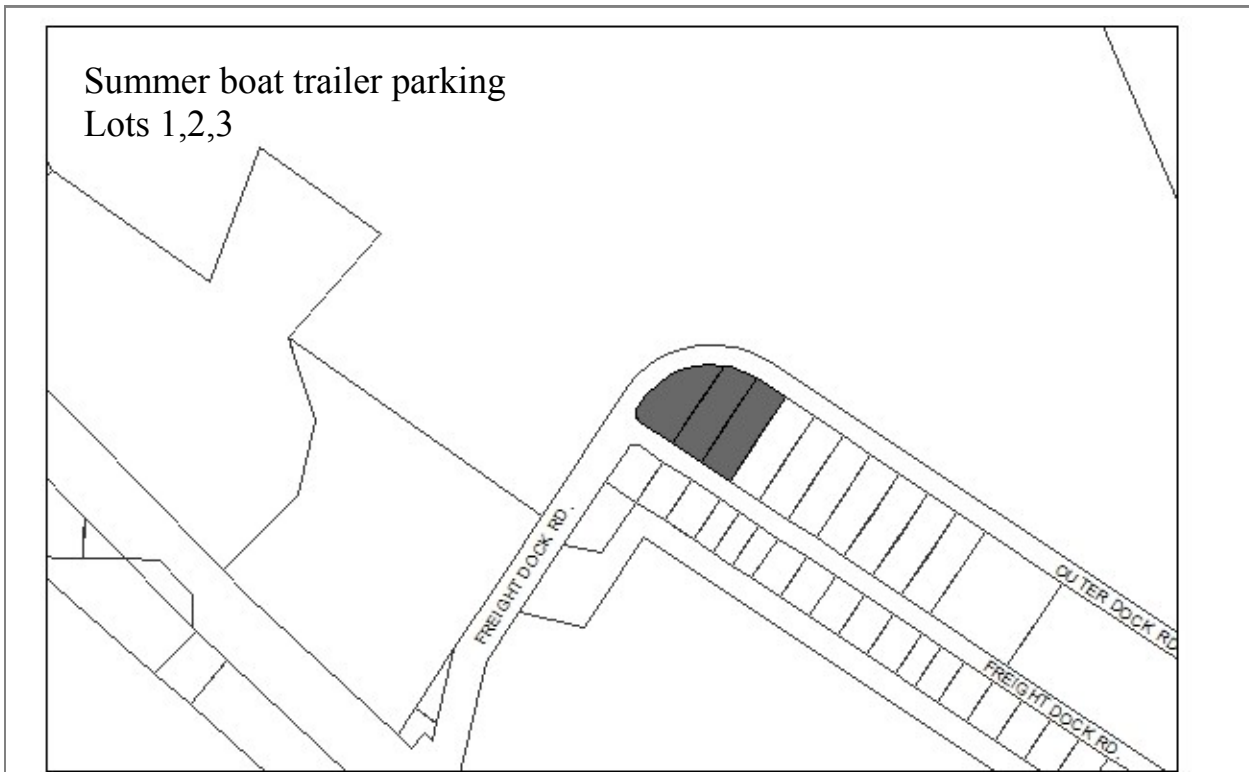
Infrastructure: Paved road, gas, Spit Trail, water and sewer, public restrooms

Notes: New restrooms at Ramp 5 constructed 2015/2016

Finance Dept. Code:



Designated Use: Boat ramp and trailer parking	
Acquisition History:	
Area: 8.32 acres	Parcel Number: 181032 47-58, 18103216
2015 Assessed Value: \$1,999,000	
Legal Description: Homer Spit Sub No 5 Lots 28-37, Homer Spit Sub No 2 Amended Lot G-8	
Zoning: Marine Industrial, over slope area is Marine Commercial	Wetlands: N/A
Infrastructure: paved road, gas, water and sewer, public restrooms	
<p>Notes: Includes boat launch (reconstructed in 2016), Spit Trail, boat trailer parking, two public restrooms and over slope area along the harbor.</p> <p>Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.</p>	
Finance Dept. Code:	



Designated Use:
Acquisition History:

Area: 1.98 acres	Parcel Number: 181032-21,22,31
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2015 Assessed Value: \$562,300

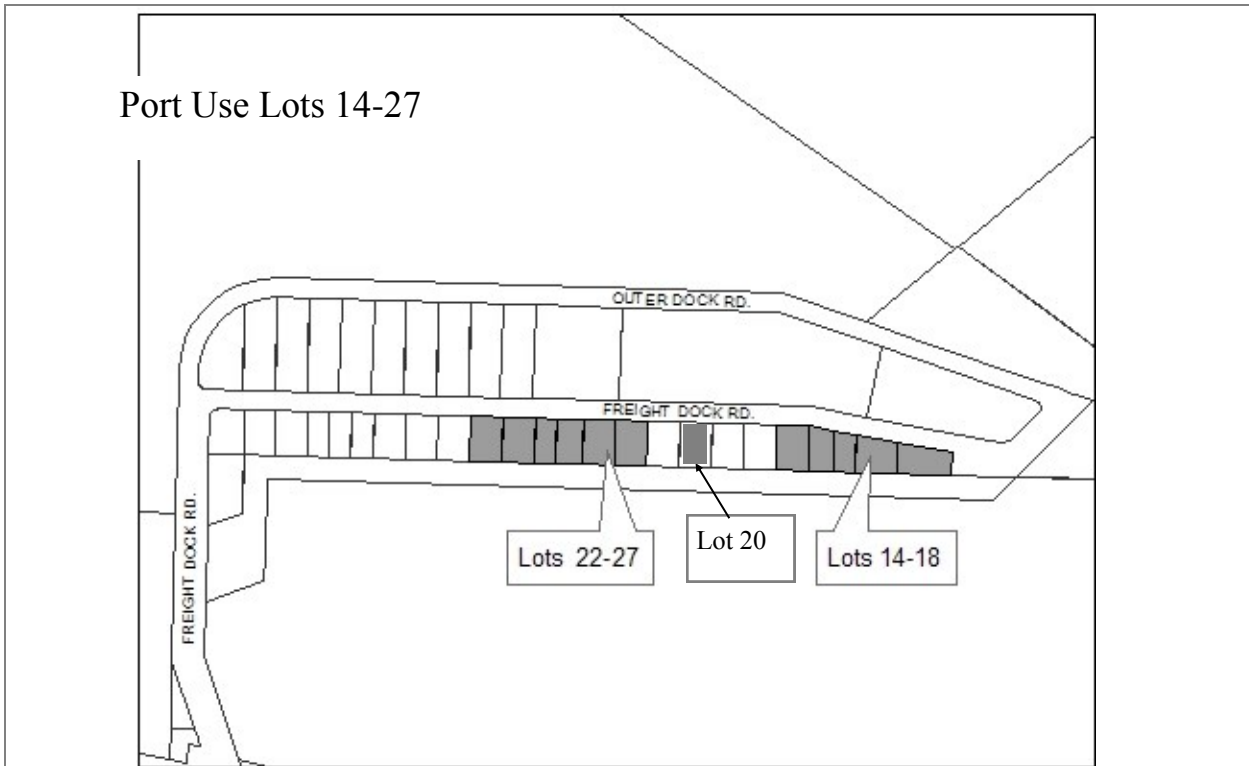
Legal Description: T 6S R 13W SEC 35 T 6S R 13W SEC 36 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 1,2,3

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: paved road, gas, water and sewer, Barge ramp

Notes:

Finance Dept. Code:



Designated Use: Port Use
Acquisition History:

Area: 3.16 acres	Parcel Number: 18103233-37, 41-46
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2015 Assessed Value: \$1,816,300

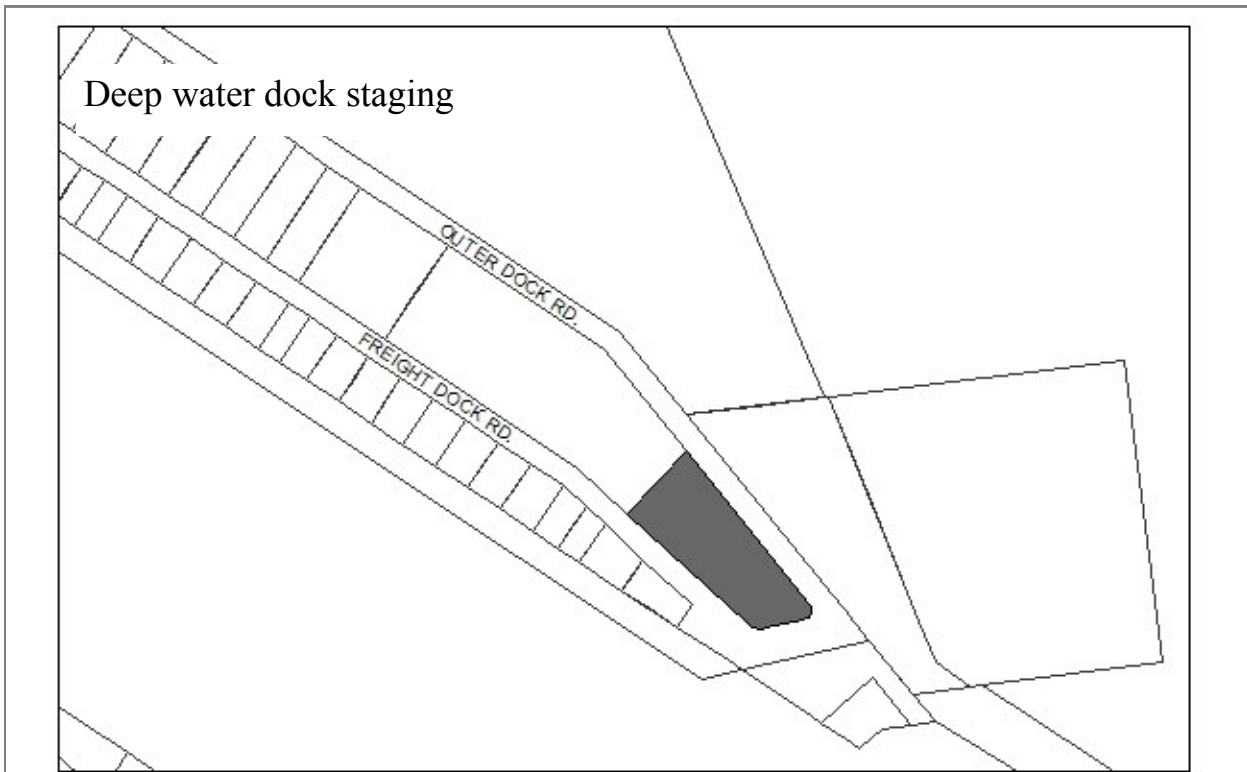
Legal Description: Homer Spit No 5 Lots 14-18, 22-27

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: paved road, gas, Spit Trail, water and sewer

Notes:
 Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.
 The office completed in 2015 is on lots 22 and 23.
 Lot 20 reserved for future travel lift Resolution 13-032

Finance Dept. Code:



Designated Use: Deep water dock staging
Acquisition History:

Area: 2.08 acres

Parcel Number: 18103232

2015 Assessed Value: \$469,600

Legal Description: T 6S R 13W SEC 36 T 7S R 13W SEC 1 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 13

Zoning: Marine Industrial

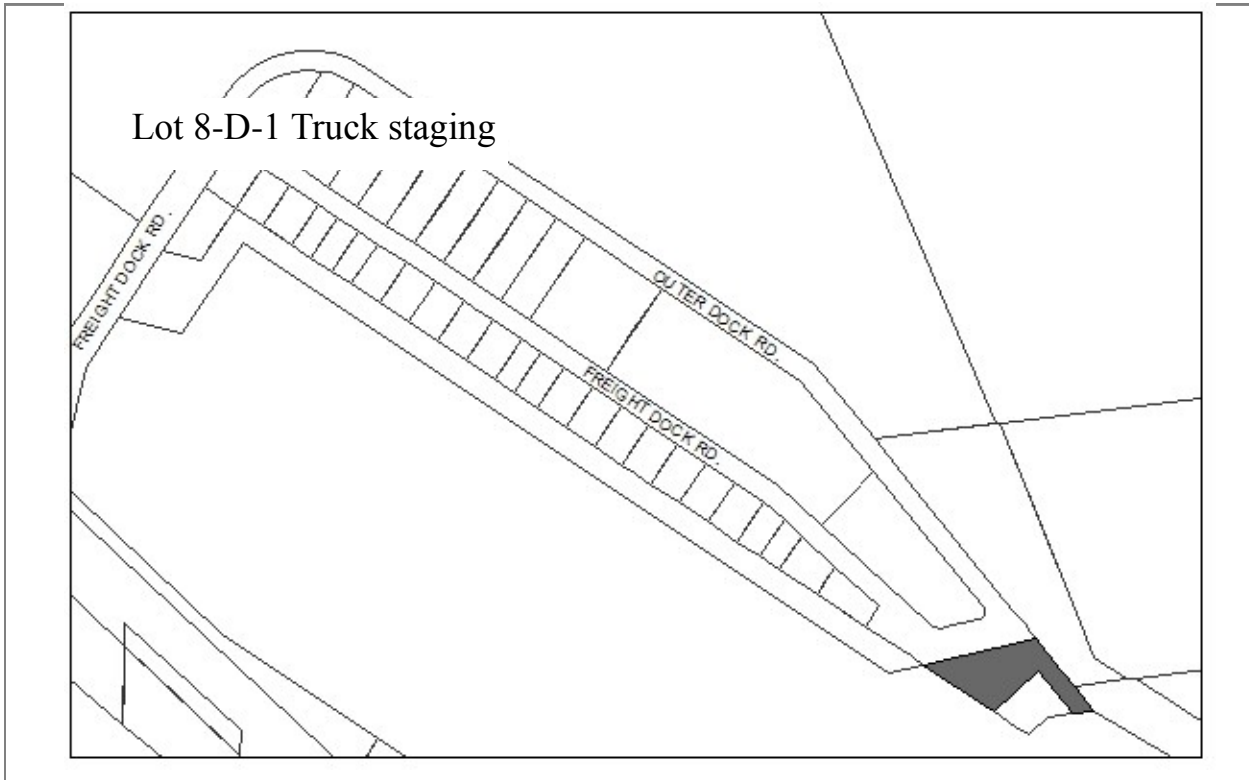
Wetlands: N/A

Infrastructure: paved road, gas, water and sewer

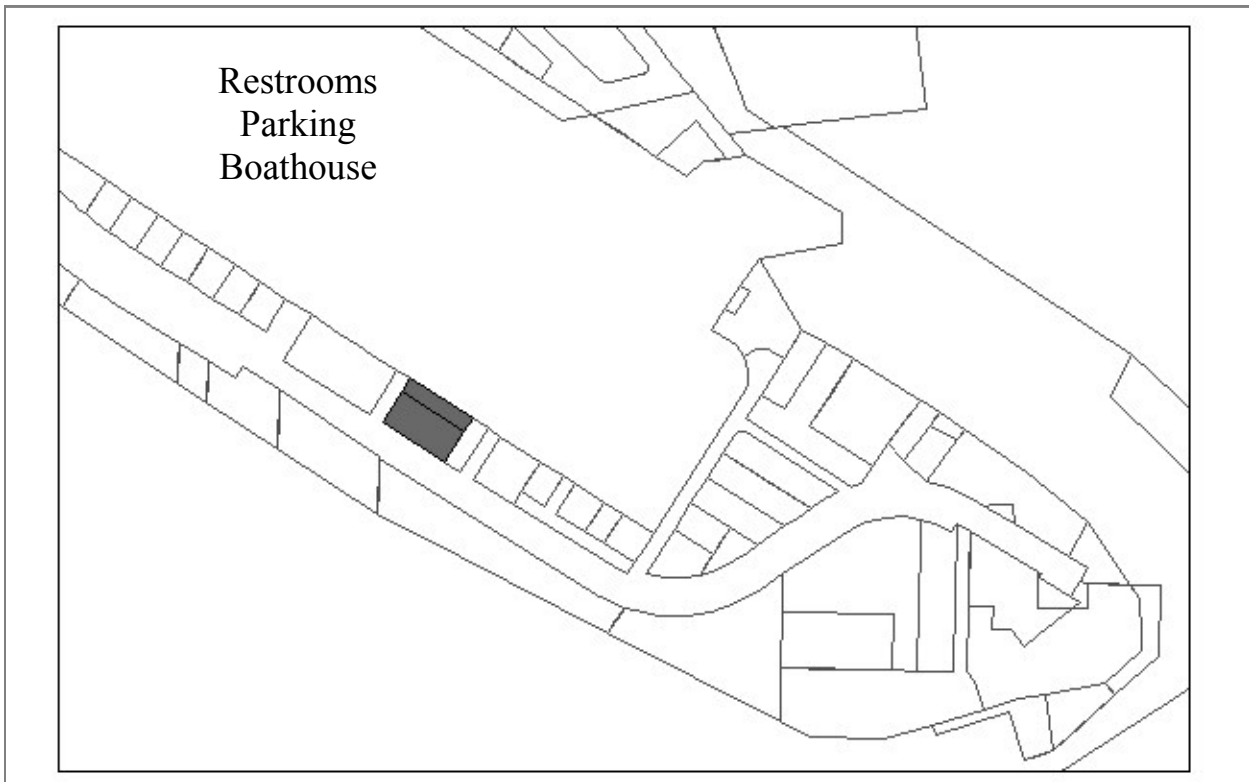
Notes:

Resolution 2007-51 Lot 13: Continue its current use as gear storage and cargo staging for Deep Water Dock cargo.

Finance Dept. Code:



Designated Use: Commercial Truck Staging	
Acquisition History:	
Area: 1.12 acres	Parcel Number: 18103259
2015 Assessed Value: \$301,800	
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Gravel road access, water and sewer	
<p>Notes:</p> <p>Resolution 2007-51: Lot 8D1 should be reserved for a marine related business which could include a petroleum products tank farm and a pipeline out to the (expanded) Deep Water Dock. This lot to be RFP's at the appropriate time for this type of marine support activity.</p> <p>2014 construction of guard shack for Deep Water Dock, restrooms and picnic facility, completion of Spit Trail, and paved the lot for dock staging.</p>	
Finance Dept. Code:	



Designated Use: Parking, restrooms and boathouse (Reso 16-043)
Acquisition History:

Area: 0.93 acres	Parcel Number: 18103397
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2009 Assessed Value: \$446,700 (Land: \$358,900 Structures: \$107,800)

Legal Description: Homer Spit Subdivision Amended Homer Boathouse Replat Lot 28-A

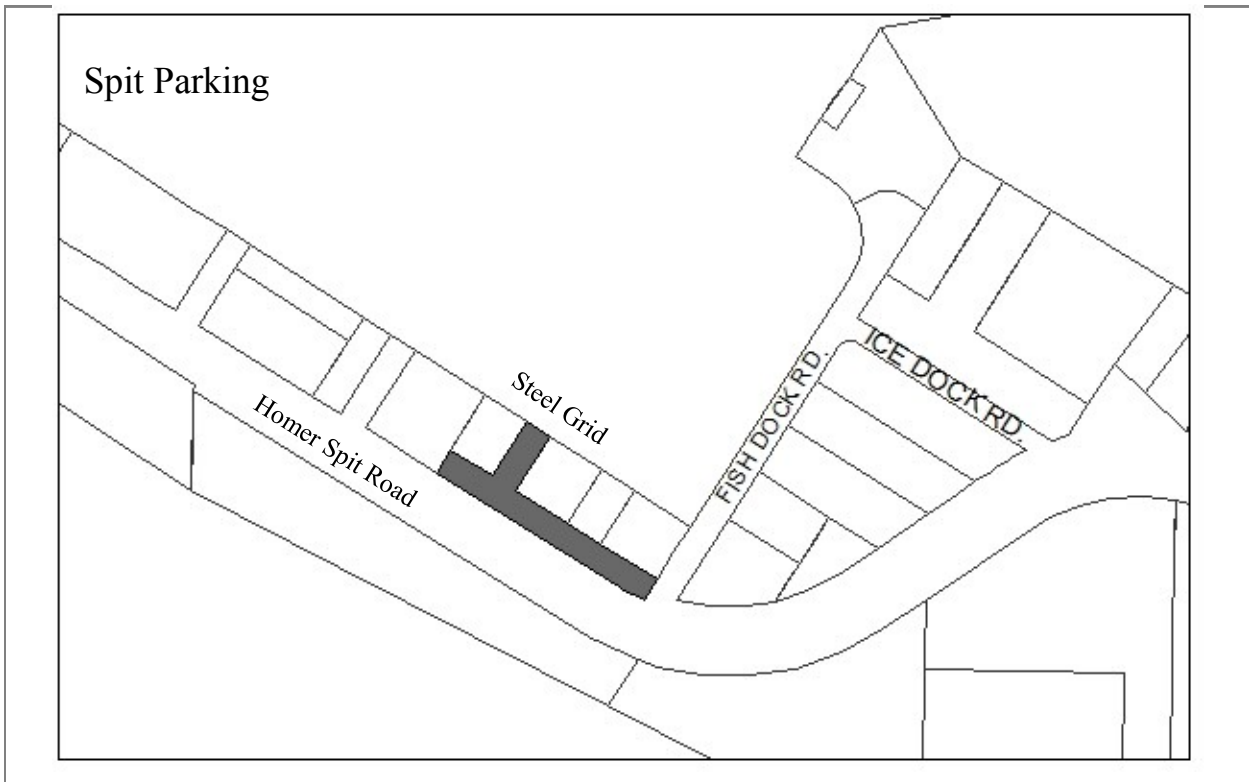
Zoning: Marine Commercial	
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Infrastructure: Paved road, gas, water and sewer

Restrooms built in 1974. Property was part of a Land and Water Conservation Fund Grant in 1972, Project #02-00072. Land may be required to remain parkland in perpetuity.

Former site of Harbormaster Office.
 Boat house construction scheduled for 2017/18 on a portion of the property.

Finance Dept. Code:



Designated Use: Parking and Access
Acquisition History:

Area: 0.6 acres	Parcel Number: 18103441
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2015 Assessed Value: \$173,700

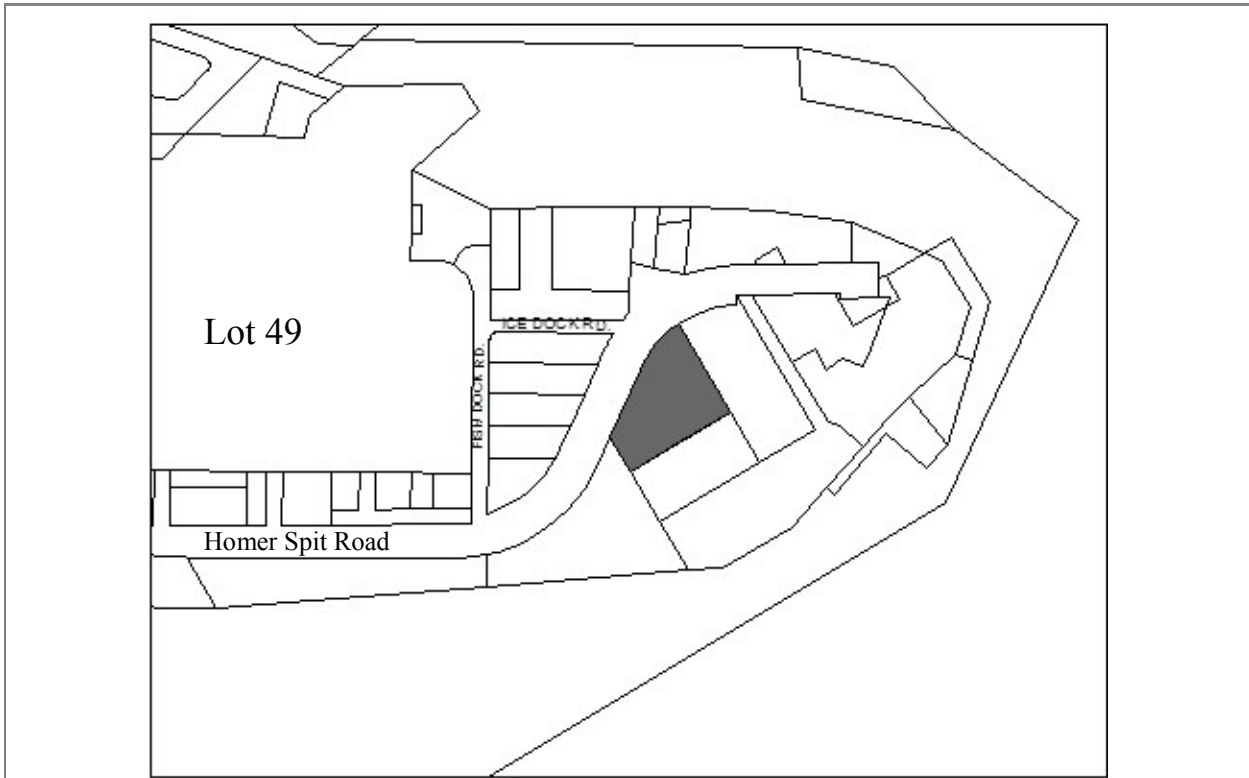
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA

Zoning: Marine Commercial	Wetlands: N/A
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Infrastructure: Paved road

Notes:
 Provides parking for adjacent businesses, and harbor access.

Finance Dept. Code:



Designated Use: Main Dock Staging
Acquisition History:

Area: 2 acres	Parcel Number: 18103403
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2015 Assessed Value: \$712,000

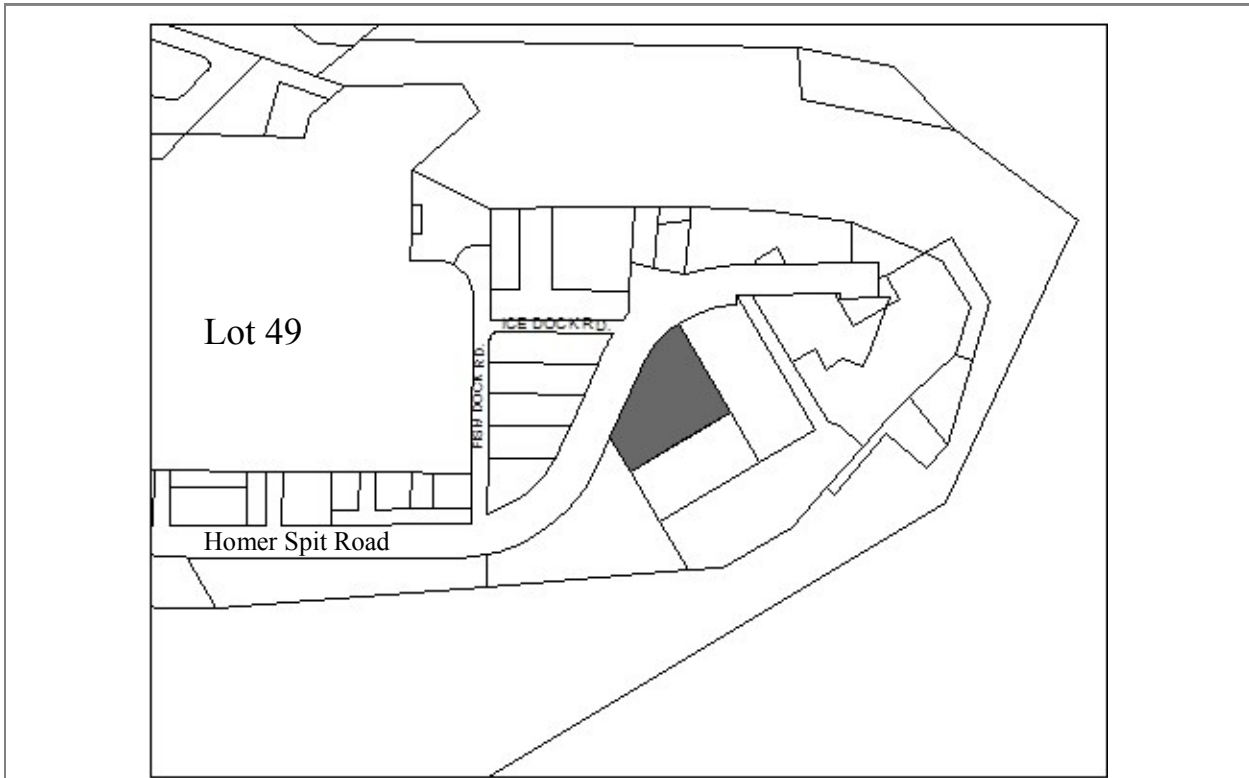
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49

Zoning: Marine Industrial	Wetlands: N/A
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Infrastructure: Paved road, gas, water and sewer

Notes:
 Resolution 2007-51: Continue to use for dredge material dewatering.

Finance Dept. Code:



Designated Use: Main Dock Staging
Acquisition History:

Area: 2 acres	Parcel Number: 18103403
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2015 Assessed Value: \$712,000

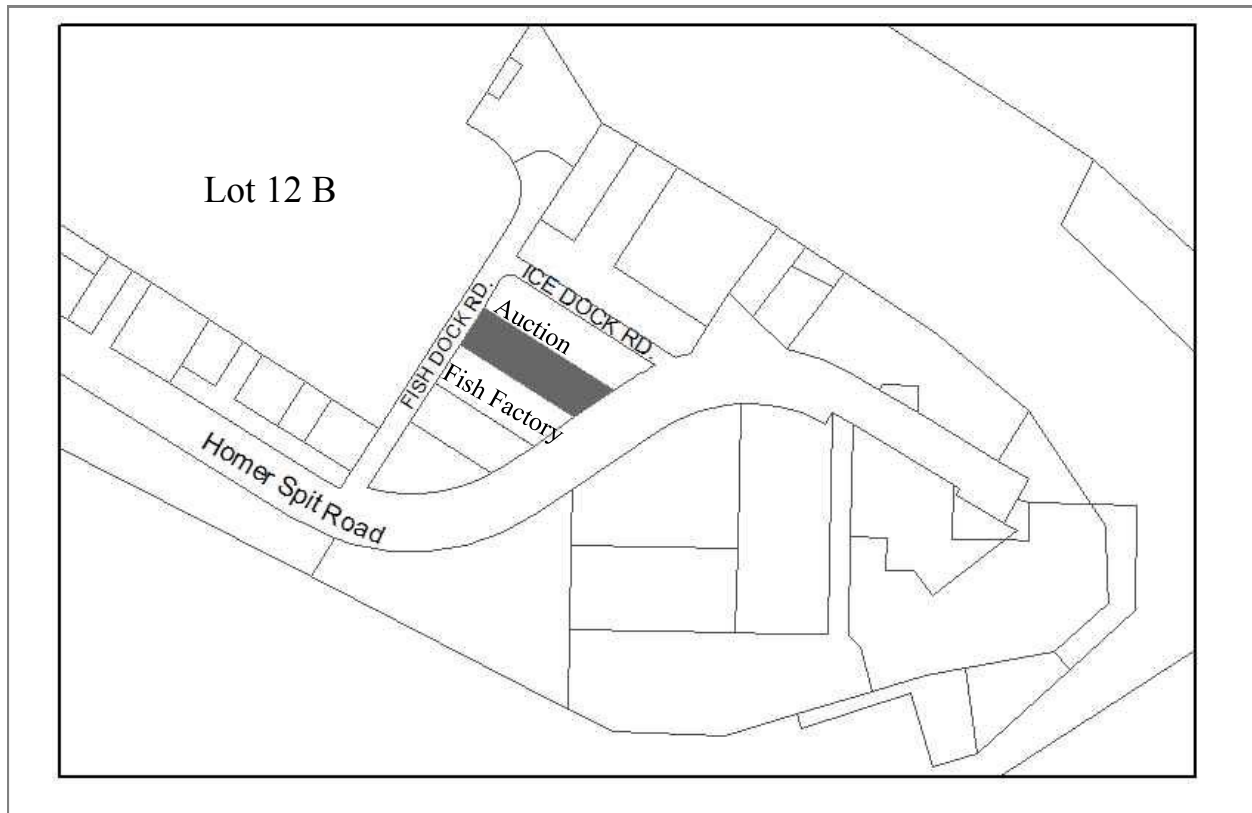
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49

Zoning: Marine Industrial	Wetlands: N/A
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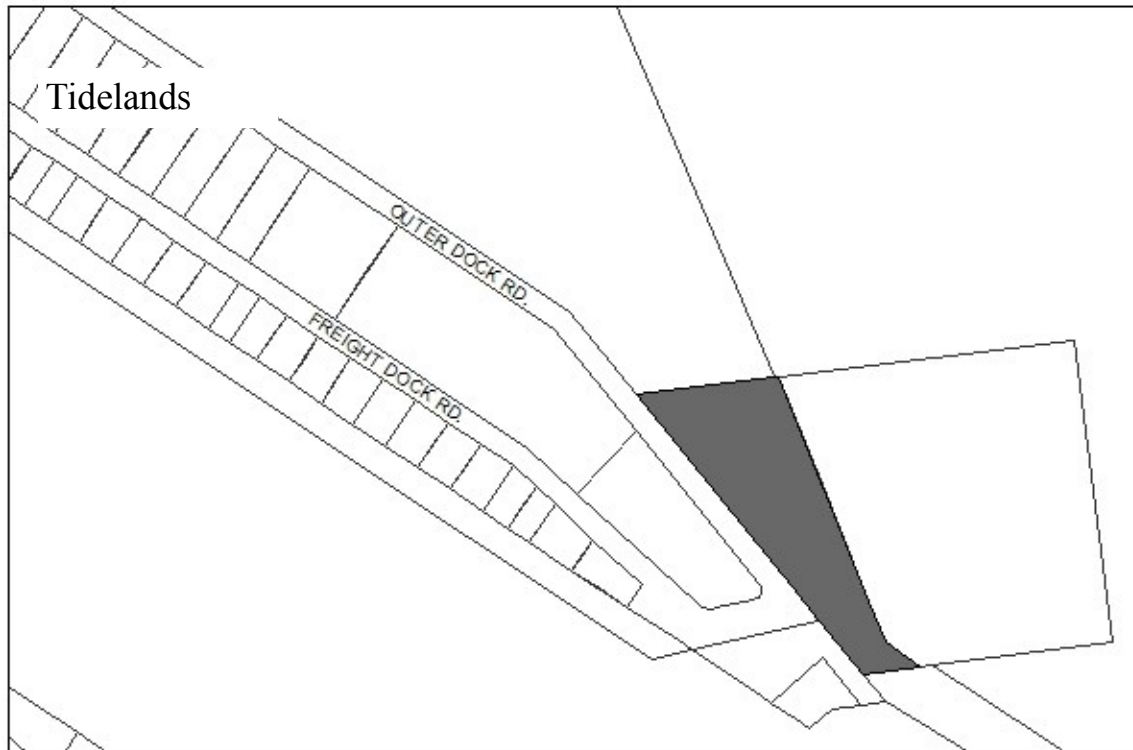
Infrastructure: Paved road, gas, water and sewer

Notes:
 Resolution 2007-51: Continue to use for dredge material dewatering.

Finance Dept. Code:



Designated Use: Leased Lands	
Acquisition History:	
Area: 0.68 acres	Parcel Number: 18103451
2009 Assessed Value: \$265,300	
Legal Description: City of Homer Port Industrial Subdivision No 4 Lot 12-B	
Zoning: Marine Industrial	
Infrastructure: Water, sewer, paved road access	Address:
<p>Parcel has the fish grinder on it, and possibly a short term lease for storage from neighboring business. The whole parcel is not readily available for a long term lease.</p> <p>Resolution 09-33: Remove Lot 12-B City of Homer Port Industrial Subdivision No 4 from lots that may be leased until the drainage issues are resolved.</p> <p>Resolution 10-21: Administration is directed to address the drainage problems and usage of this lot.</p>	
Finance Dept. Code:	



Designated Use: Tidelands
Acquisition History:

Area: 4.19 acres

Parcel Number: 18103213

2017 Assessed Value: \$6,000

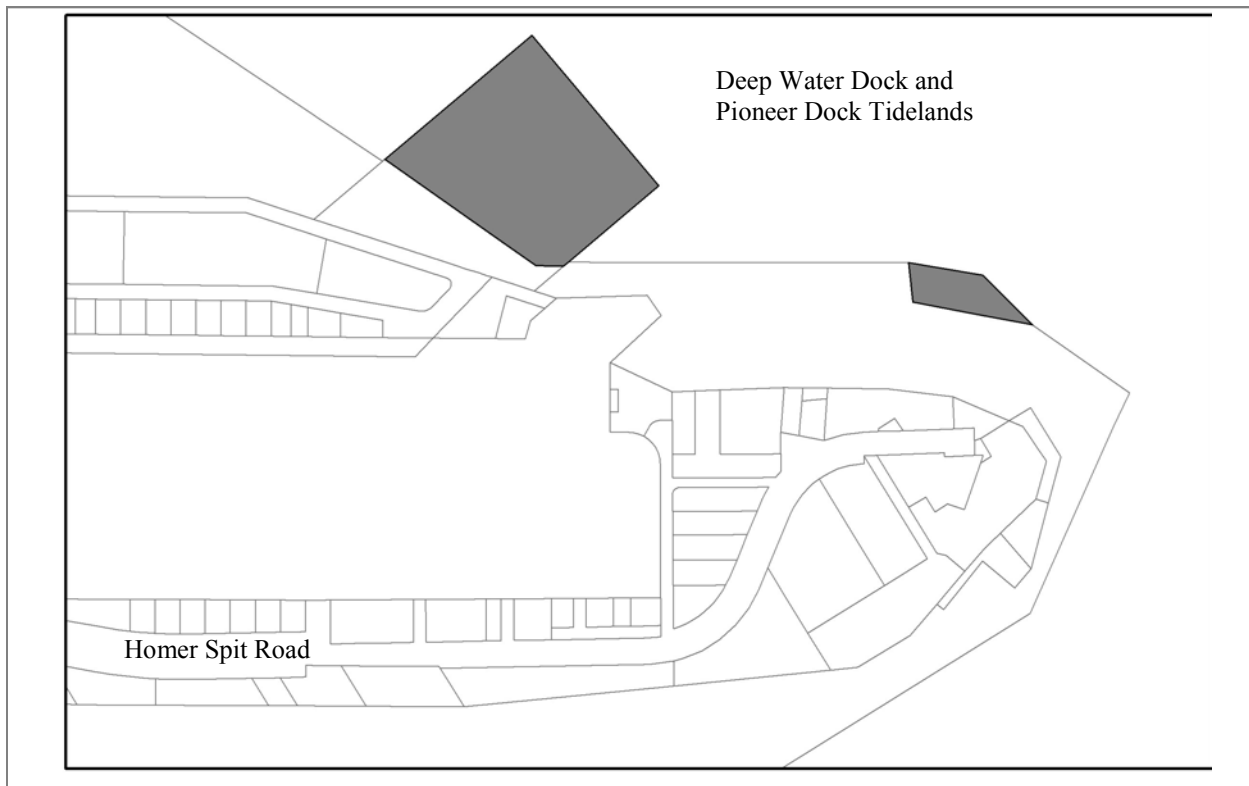
Legal Description: T 6S R 13W SEC 36 T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED TRACT A

Zoning: Not zoned

Wetlands: Tidelands

Infrastructure:

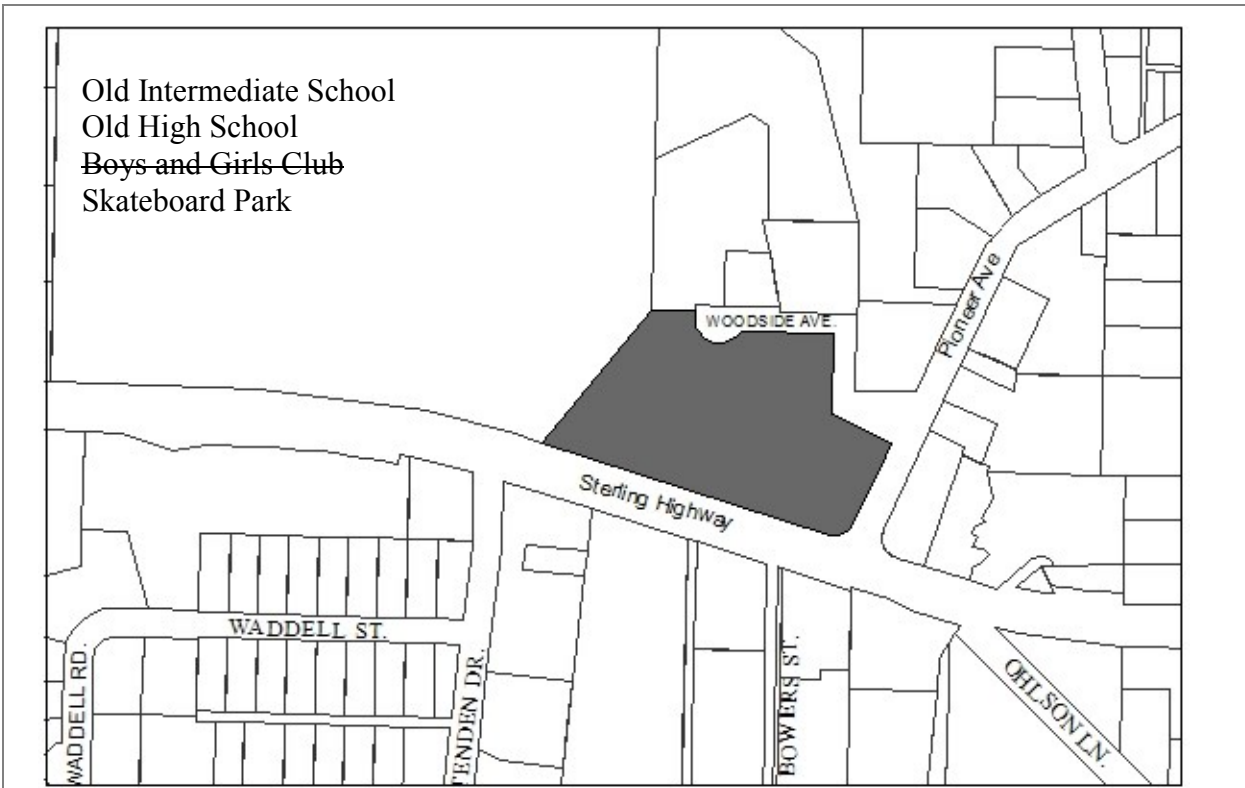
Finance Dept. Code:



Designated Use: Port and Harbor Use	
Acquisition History: Resolution 17-81	
Area: 11.91 acres, 1.37 acres	Parcel Number: 18103203, 18107005
2017 Assessed Value: \$6,113,100	
Legal Description: ATS 1373 and ATS 1603	
Zoning: Outside city limits	Wetlands: N/A
Infrastructure:	
Notes: Acquired from the State of Alaska	
Finance Dept. Code:	

Section D

City Facilities and Other Lands



Designated Use: Resolution 14-110, Designating the Homer Education and Recreation Complex (HERC) Site as the Location for the Proposed New Homer Public Safety Building

Acquisition History: Given to the City by KP.B. Old Middle School and HS. Reso 98-63

Area: 4.3 acres

Parcel Number: 17510070

2015 Assessed Value: \$4,809,400 (Land \$809,400 Structure, built in 1956 25,000 sq ft \$4,000,000)

Legal Description: HM2000022 T06S R13W S19 TRACT 2 HOMER SCHOOL SURVEY 1999 CITY ADDN

Zoning: Central Business District

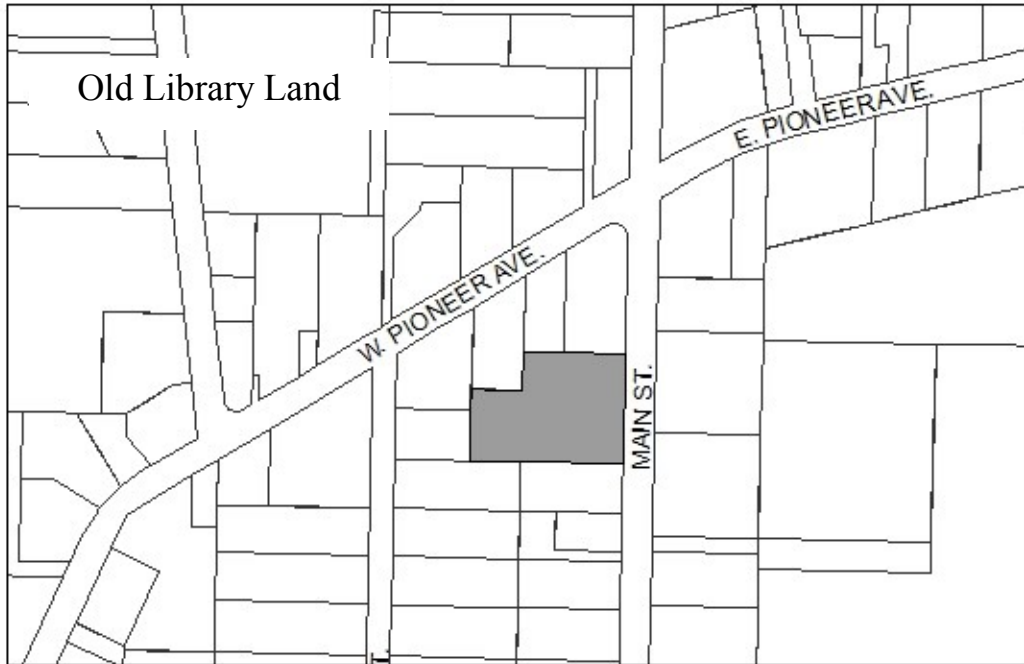
Wetlands: Creek on western edge

Infrastructure: Paved access and parking. Water and Sewer.

Notes:

- Skateboard Park on premises.
- Deed restrictions removed by Kenai Peninsula Borough, fall 2014

Finance Dept. Code: 170.0032 175.100.05



Designated Use: Sell.
Acquisition History: Deed: Jewel July 1982 (back lot portion) Deed: Watson 1978 (library/Pioneer area)

Area: 1.31 acres	Parcel Number: 17514416
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2016 Assessed Value: \$277,700

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2

Zoning: Central Business District	Wetlands: Drainage and wetlands may be present
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Infrastructure: Paved road, water, sewer, natural gas

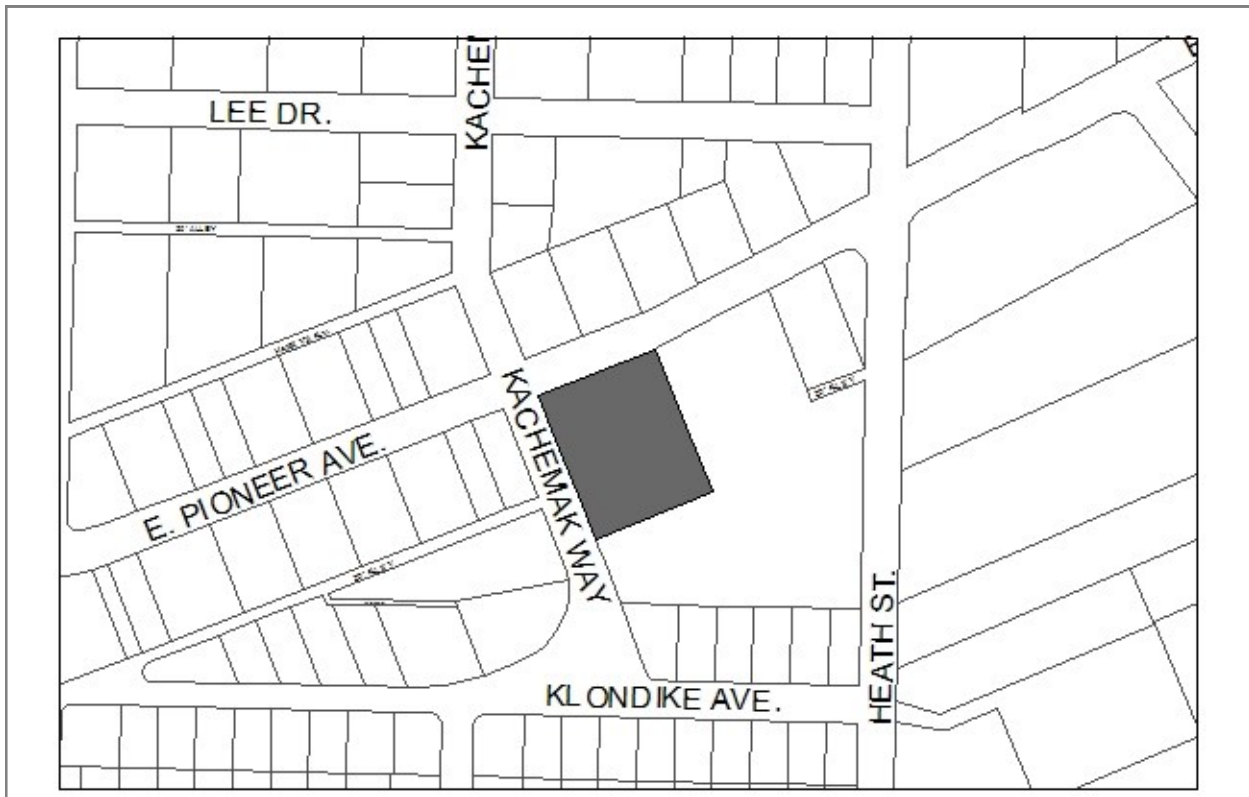
Notes: This land was formerly part of the old library site. The library building was subdivided onto its own lot, and sold. Intent is to sell the lot and pay down debt on the library loan. The City has been attempting to seel the land since 2007.

The land has a nice bay view, but would require stumping. Driveway access off of Main Street is very steep. It is likely significant dirt work would be needed to make this lot viable for commercial or multifamily development.

Finance Dept. Code:



Designated Use: Library. Resolution 2003-72	
Acquisition History: KPB Ord 93-09	
Area: 5.25 acres	Parcel Number: 17710739, 17710740
2015 Assessed Value: \$7,973,300 (Land 829,800, Structure 7,503,600)	
Legal Description: HM2005036 T06S R13W S20 TRACT B GLACIER VIEW SUB NO 26, HM2005036 T06S R13W S20 TRACT A GLACIER VIEW SUB NO 26	
Zoning: Central Business District	Wetlands: Some wetlands present
Infrastructure: Paved road access, trail access, gas, water and sewer available.	
Notes:	
Finance Dept. Code:	



Designated Use: City Hall
Acquisition History: Purchased, Schoulz 12/31/86

Area: 1.12 acres	Parcel Number: 17720408
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2015 Assessed Value: \$2,067,700 (Land 241,200 Structure 2,206,700)

Legal Description: HM2004048 T06S R13W S20 Glacier View Subdivision Campus Addition Lot 6-A-2

Zoning: Central Business District	Wetlands: None
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Infrastructure: Paved road access, gas, water and sewer.

Notes: New addition and remodel 2011/12. Lower parking area paved.

Finance Dept. Code:



Designated Use: Police and fire stations
Acquisition History: Straub Warr Deed 4/74, partial purchase Straub 4/5/74

Area: 1.57 acres	Parcel Number: 17702057
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2009 Assessed Value: \$2,391,400 (Land: \$326,900 Structure: \$2,064,500)

Legal Description: HM 0870011 NEW HOMER HIGH SCHOOL NO 2 Tract 1-B

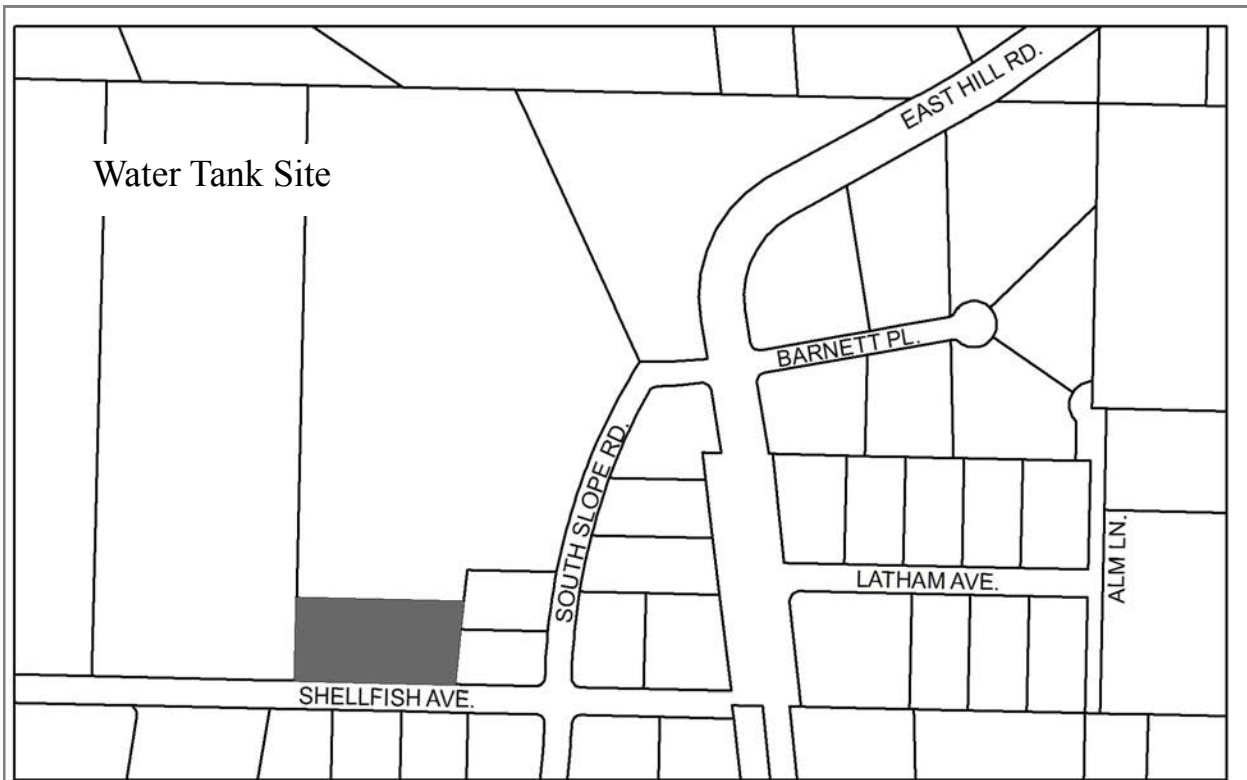
Zoning: Central Business District	Wetlands: N/A
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Infrastructure: Water, Sewer, Paved access

Notes:

Finance Dept. Code:

<p>Designated Use: Water Tank (A Frame Tank) Acquisition History: Dehel Deed 6/1/65</p>	
<p>Area: 0.5 acres</p>	<p>Parcel Number: 17504011</p>
<p>2015 Assessed Value: \$345,800 (Land: \$34,100, Structure (water tank))</p>	
<p>Legal Description: HM T06S R13W S18 N 150 FT OF THE S 250 FT OF THE E 180 FT OF THE NE1/4 SE1/4</p>	
<p>Zoning: Rural Residential</p>	<p>Wetlands: Possible drainage through site</p>
<p>Infrastructure: N/A</p>	
<p>Notes:</p>	
<p>Finance Dept. Code:</p>	



Designated Use: Future Water Tank
Acquisition History: Ordinance 14-39

Area: 1.5 acres

Parcel Number: 17701009

2015 Assessed Value: \$98,000

Legal Description: T6S R13W SEC 17 SEWARD MERIDIAN HM 2014023 BARNETT SUB QUIET CREEK ADDN 2014 TRACT A2

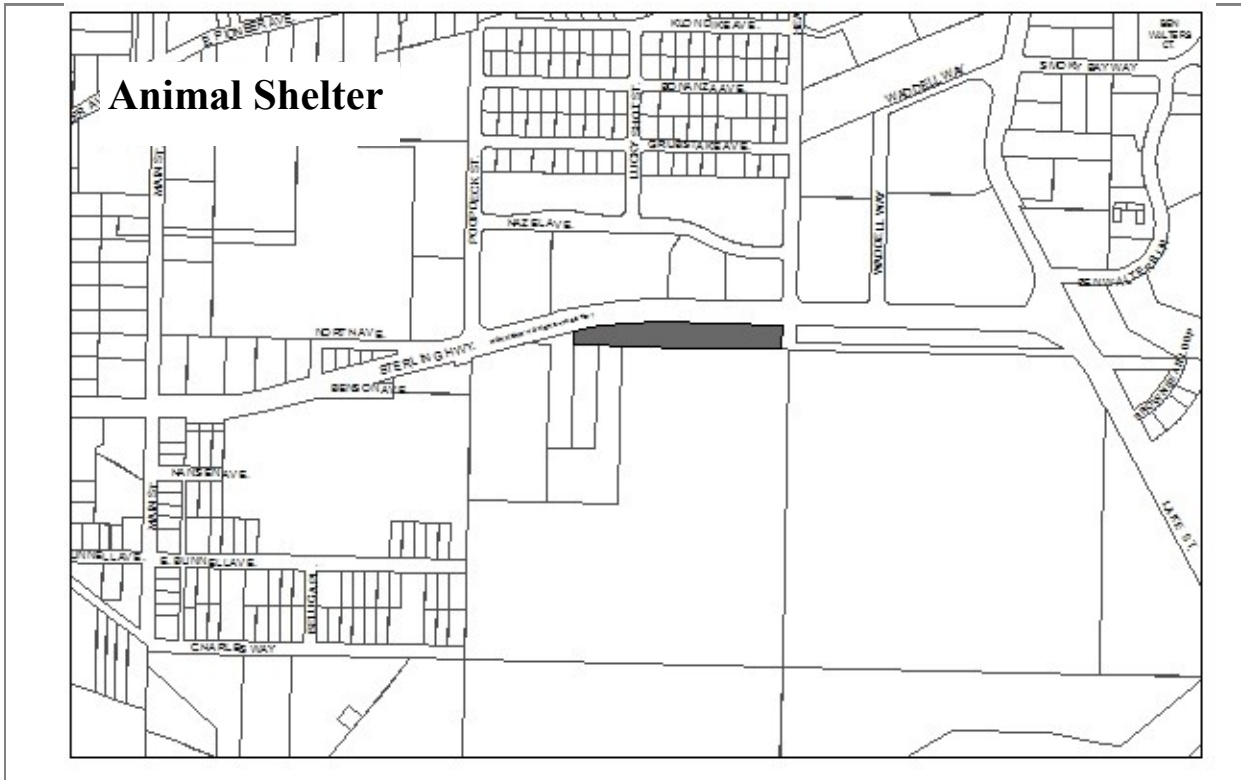
Zoning: Rural Residential

Wetlands:

Infrastructure: N/A

Notes: Future location of a new water tank. Project is shovel ready if federal funding becomes available.

Finance Dept. Code:



Designated Use: Animal Shelter
Acquisition History: Heath Deed 3/10/71

Area: 1.85 acres	Parcel Number: 17714020
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2015 Assessed Value: \$1,515,300 (Land \$378,900, Structure \$1,136,400)

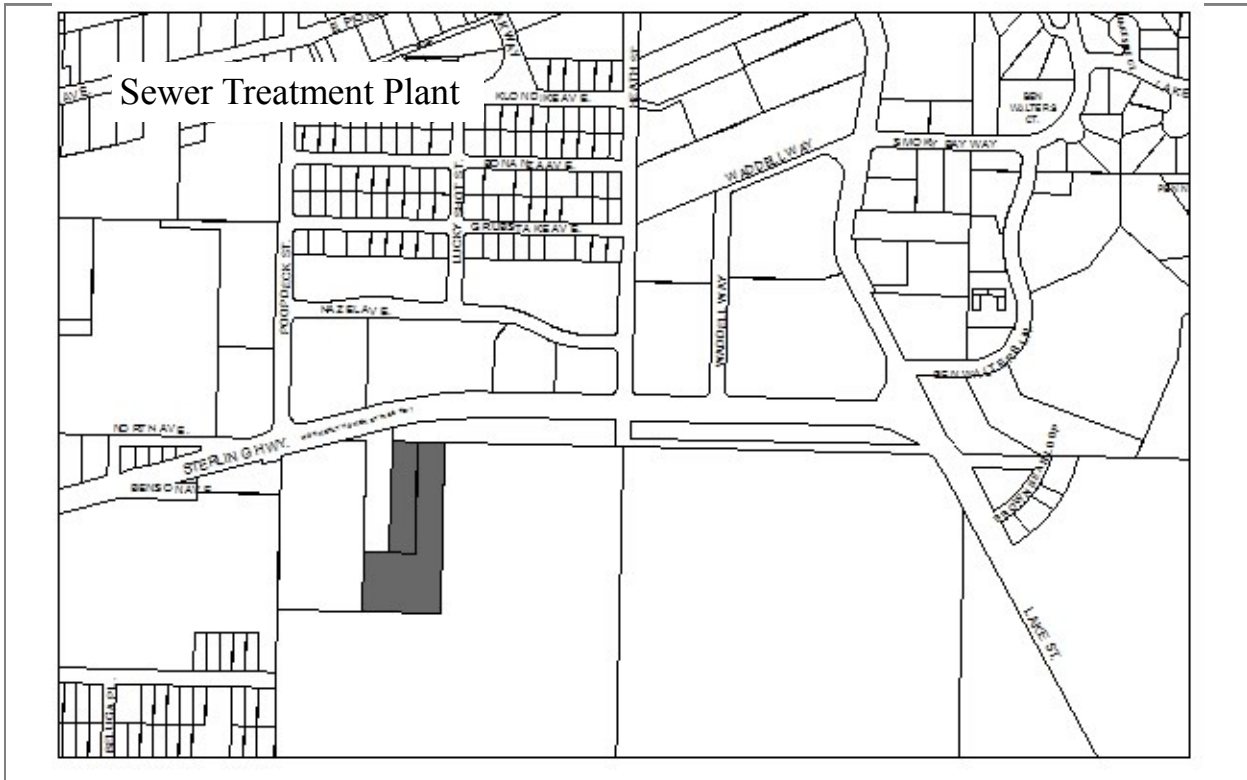
Legal Description: Glacier View Subdivision No 18 Lot 1

Zoning: Central Business District	Wetlands: N/A
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Infrastructure: Water, Sewer, gas, gravel access via Public Works

Notes: Also includes landscaped area along the Sterling Highway maintained by Parks and Recreation, and named Superintendent's Park.
 Constructed in 2004. 3,828 sq feet.

Finance Dept. Code:



Designated Use: Sewage Treatment	
Acquisition History: see below	
Area: 4.08 acres	Parcel Number: 177140 14, 15
2009 Assessed Value: \$3,429,700 (Land: \$813,800 Structures/Improvements: \$2,615,900)	
Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM POR PER E1/2 NW1/4 NE1/4 SW1/4 PER D-60-164, T 6S R 13W SEC 20 SEWARD MERIDIAN HM THAT PORTION OF E1/2 NW1/4 NE1/4 SW1/4 PER D-60 @ 05	
Zoning: Central Business District	Wetlands: Yes
Infrastructure: Water and Sewer. Access via PW complex	
<p>Notes: Acquisition: 17414014: Mitchell Warr Deed 1/9/84 17714015: Heath/Whitmore Deed 3-71</p> <p>2008 Resolution 08-48 recommends a replat to vacate common lot lines. Resolution 10-35(A) Replat the Sewer Treatment Plant lots to vacate the common lot line. Staff note: additional funding is required to pay for replatting.</p> <p>Lower section within a FEMA mapped flood hazard area.</p>	
Finance Dept. Code:	



Designated Use: Public Works
Acquisition History: Heath Dead 3/10/71

Area: 30 acres	Parcel Number: 17714016
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2015 Assessed Value: \$3,284,500 (Land: \$1,812,100, Structures: \$1,472,300)

Legal Description: T 6S R 13W 4EC 20 SEWARD MERIDIAN HM NE1/4 NE1/4 SW1/4 & S1/2 NE1/4 SW1/4

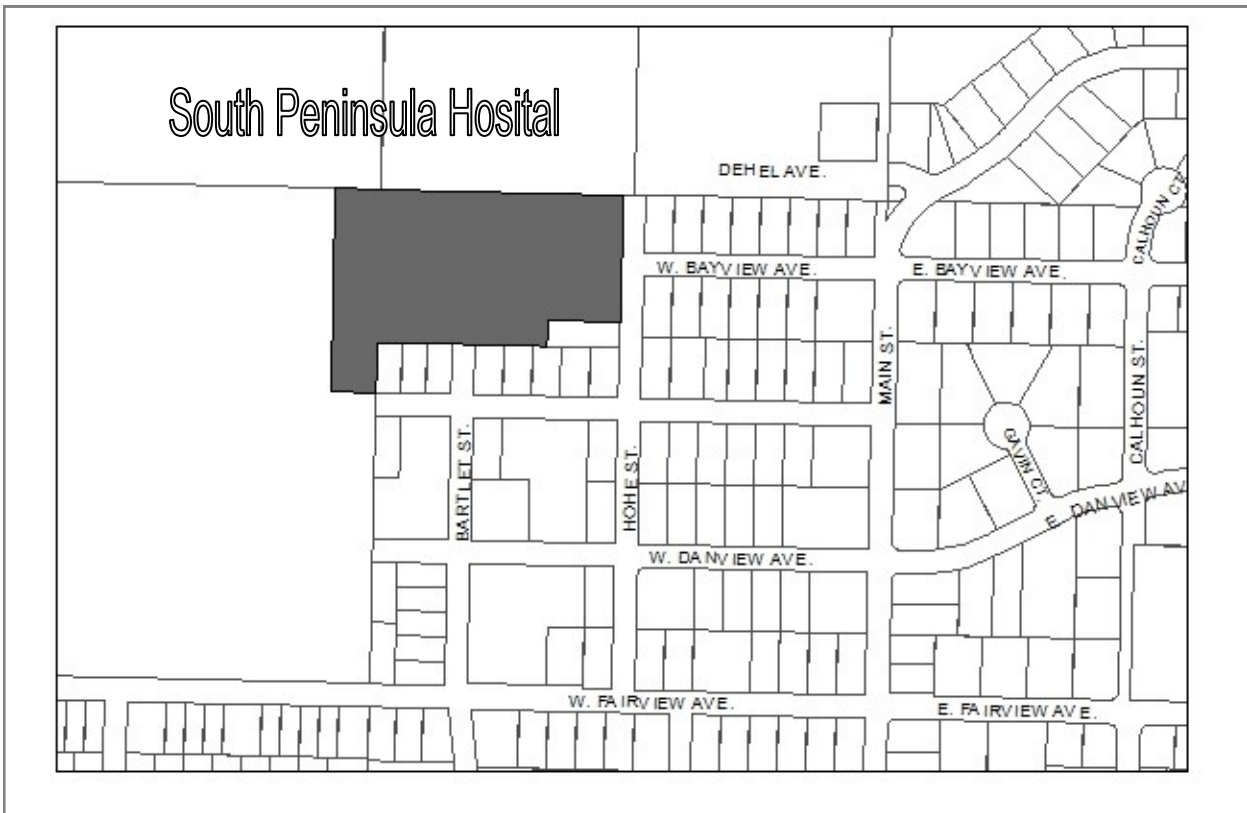
Zoning: Central Business/Open Space	Wetlands: Yes
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Infrastructure: Paved Road, water and sewer

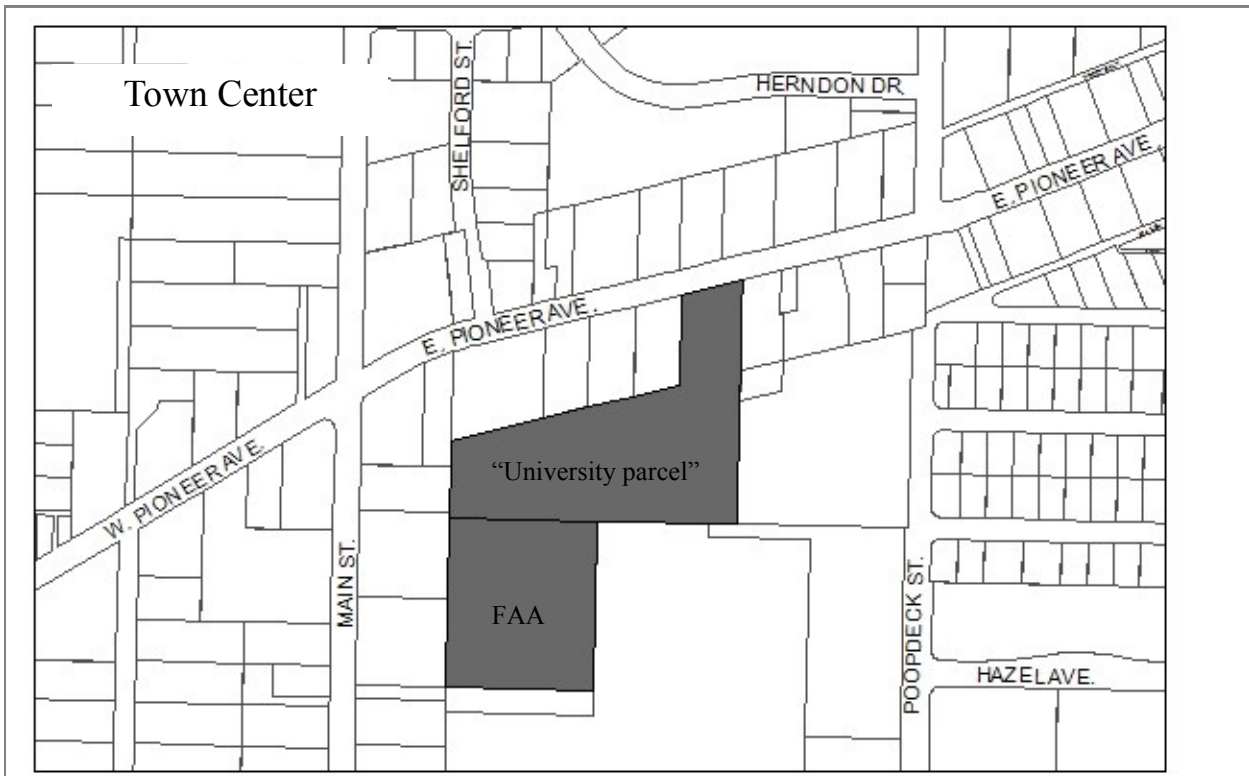
Notes:

Within a FEMA mapped flood hazard area.
 Lower portion of lot also nominated for inclusion in the Western Hemisphere Shorebird Reserve network, Resolution 15-064.
 2015/16: Equipment shed constructed, Conditional Use Permit 15-02.

Finance Dept. Code:



Designated Use: South Peninsula Hospital	
Acquisition History:	
Area: 7.12 acres	Parcel Number: 17504024
2012 Assessed Value: \$19,943,500 (Land \$256,400, Structures \$19,687,100)	
Legal Description: HM02008092T06S R13W S18 SOUTH PENINSULA HOSPITAL SUB 2008 Addition Tract A2	
Zoning: Residential Office	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	
Notes: Ordinance 2006-036 leased the land to the Kenai Peninsula Borough for 99 years. Structure is owned by KP.B.	
Finance Dept. Code:	



Designated Use: UA land: Land was sold to the City by UA with the intent it would be used for town center. FAA site: Held for possible UA/state shared consortium library agreement and land trade for land at Bridge Creek. Resolution 14-084 Identifying Homer FAA Site Sub Tract 38A in the Town Center as a Viable Location for a Community Center.

Acquisition History: UA: Ord 03-61 purchase.

Area: 7.71 acres	Parcel Number: 17719209, 17708015
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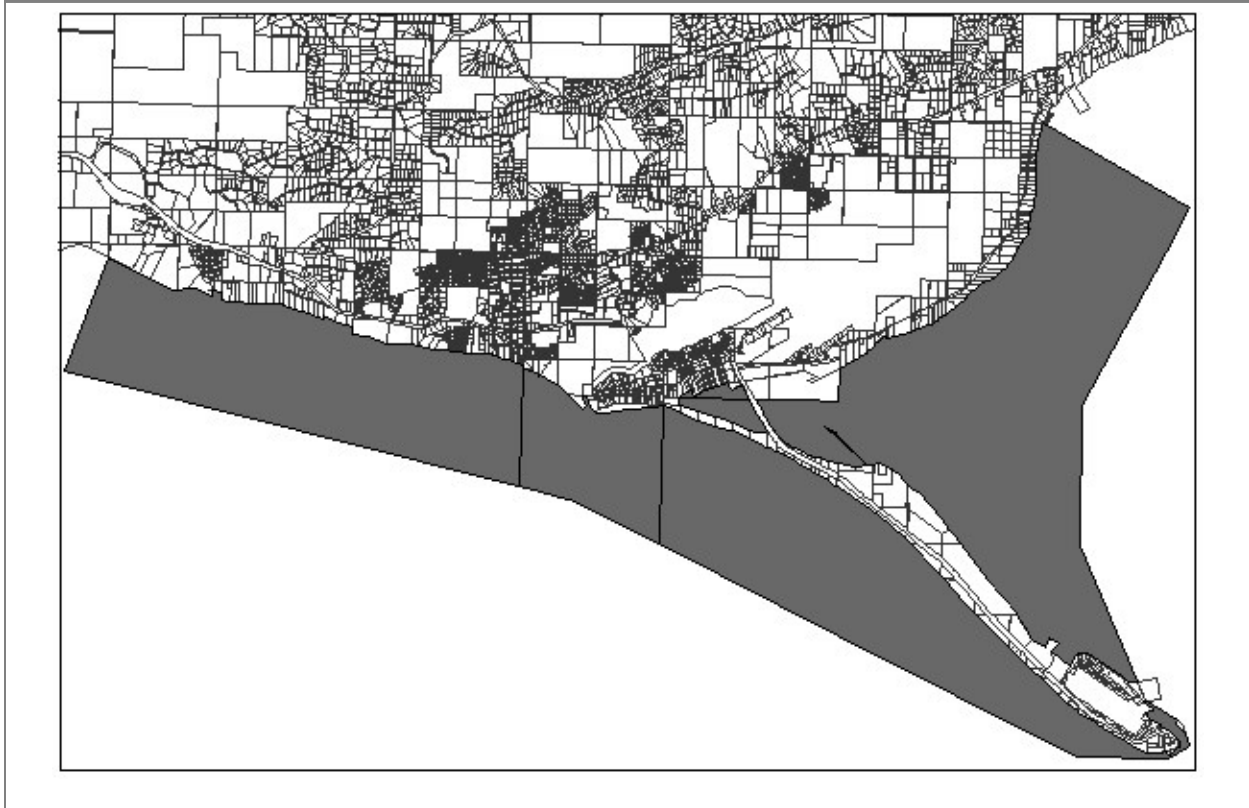
2009 Assessed Value: \$520,200

Legal Description: Homer FAA Site Sub Tract 38A, UA lot: Portion of Nils O Svedlund Sub lot 7 tract B, long legal.

Zoning: Central Business District	Wetlands: City had a wetland delineation done in 2006. There is about a 1/2 acre of wetlands between the two sites.
--	--

Infrastructure: Must be built as land is developed.

Finance Dept. Code:



Designated Use: Tidelands
Acquisition History:

Area: 6,784 acres

Parcel Number: 18107001, 17728001, 17528001
 1810125, 1810126

2012 Assessed Value: \$22,345,000

Legal Description: Portions of ATS 612

Zoning: Not zoned

Wetlands:

17728001—HM0742265 T06S R13W S29 ALASKA TIDELAND SURVEY 612 . 499.54 acres, \$83,200 assessed value. Patent title 1977, 84-25 Annexed by City.

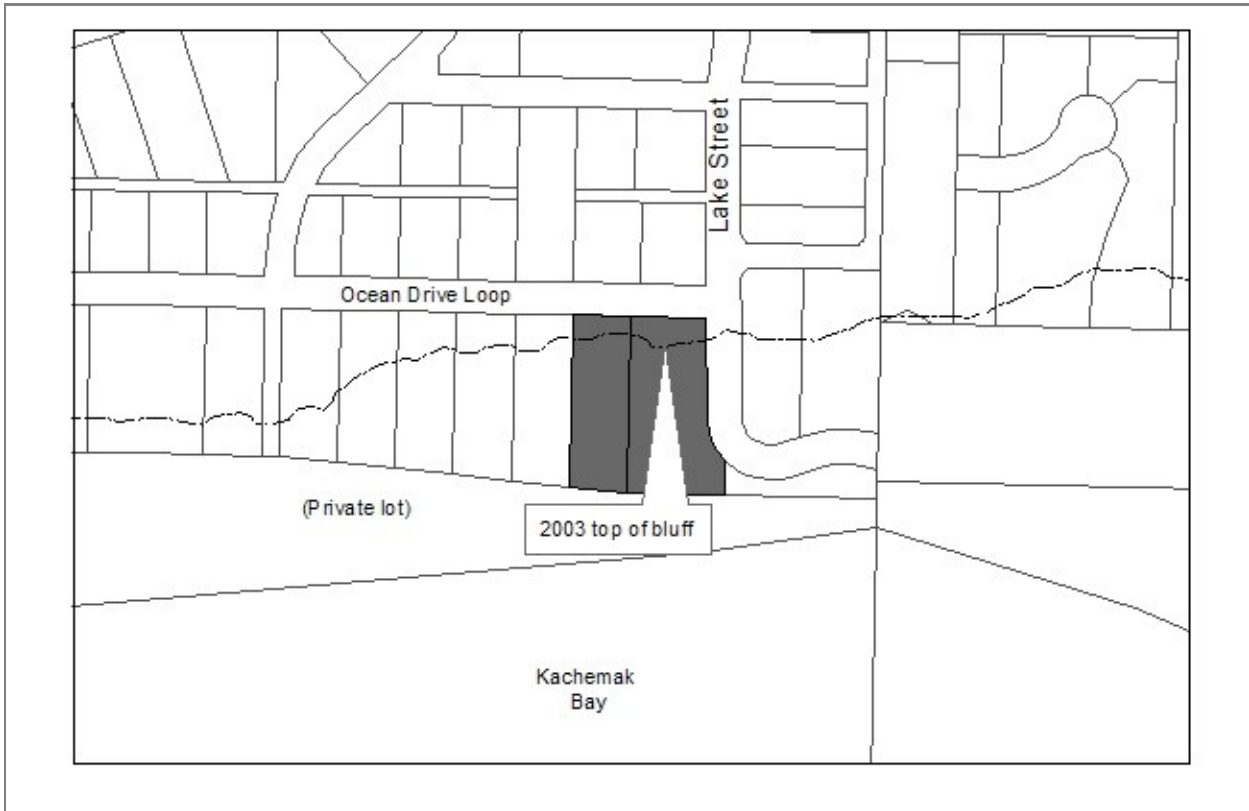
17528001 HM0770064 T06S R14W S30 ALASKA TIDELANDS SURVEY NO 612 POR SEC 23 24 & POR SEC 19 & 30. 1641.24 acres. Assessed Value: \$83,400. City Granted Title 1977 under Preference Right effective 1/3/59 Ord 84-25 Annexed by City.

18107001—HM0770064 T07S R13W S14 ALASKA TIDELANDS SURVEY 612 THAT PORTION LYING WITHIN SEC 13 & 14 & 22 THRU 24 & 26 THRU 28 & 33 THRU 36 OF T06SR13W & WITHIN SEC 1 & 2 OF T07SR13W EXCLUDING THAT PORTION OF TIDELANDS VESTED TO STATE OF ALASKA & EXCE. 4753 acres. \$20,890,100, includes Pioneer Dock improvements

Patent 1974 002459-0 Book 80 Page 171

Mariner Park and Mud Bay were nominated by the City as Western Hemisphere Shorebird Reserve Sites in 1994 ("whissern"). They are recognized as sites of international importance. <http://www.whsrn.org/>

Finance Dept. Code:



Designated Use: Sell (Resolution 2009-33)
Acquisition History: Tax foreclosure (seawall) KPB Ord 02-41

Area: 1.66 acres **Parcel Number:** 177177-06, 07

2009 Assessed Value: \$51,500 (combined value)

Legal Description: Lot 43 and 44, Oscar Munson Subdivision

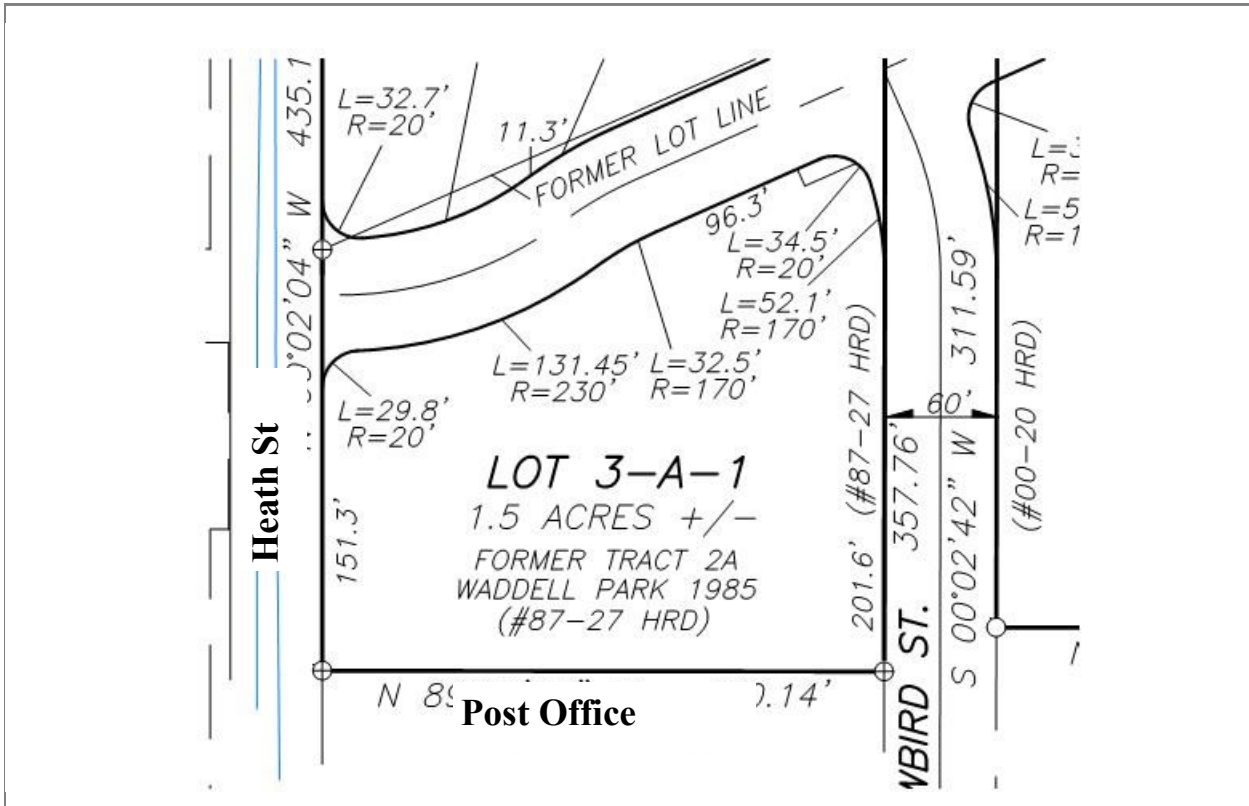
Zoning: Rural Residential **Wetlands:** Most of these lots are tidal and critical habitat.

Infrastructure: Gravel road, water and sewer, seawall.

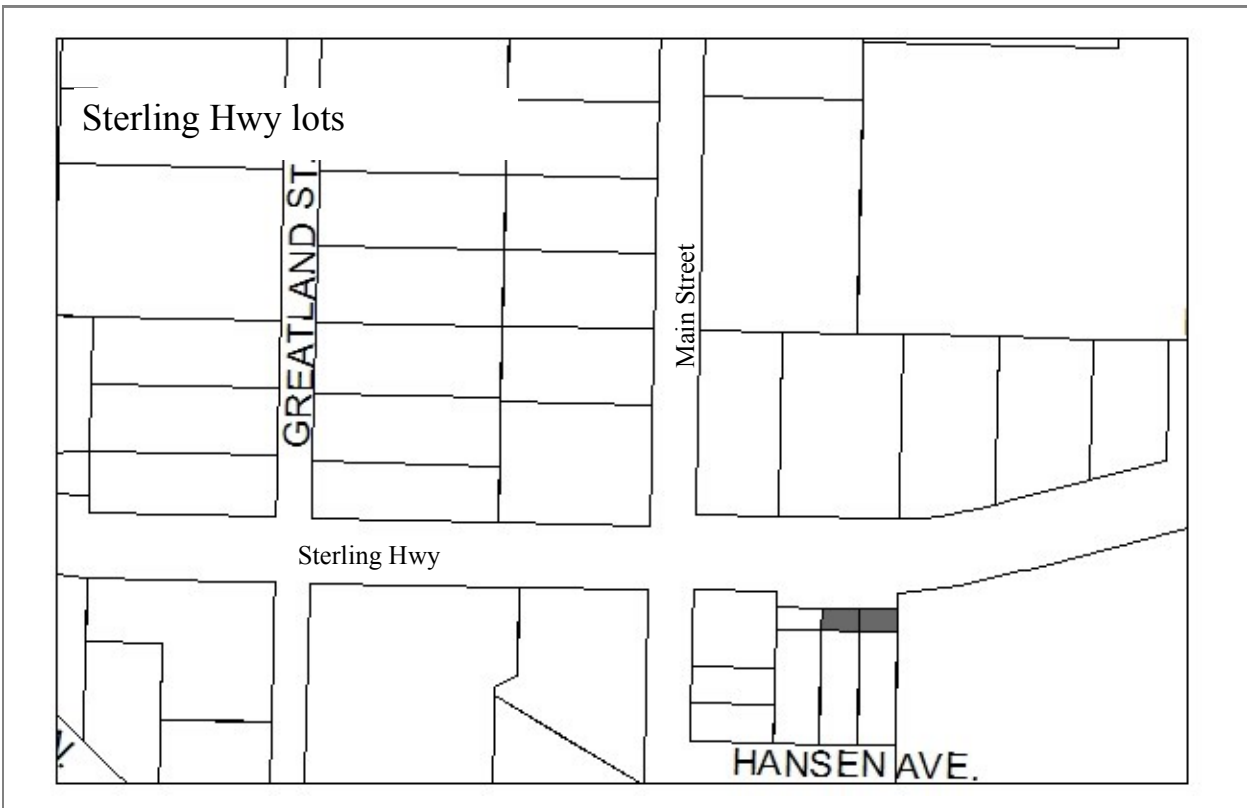
Notes: These lots contain seawall frontage. There is little to any developable area. There continues to be bluff erosion above the seawall on these lots. There are seawall and LIS assessments due on these properties. Contact Finance for payoff amounts. No commercial appraiser was willing to conduct an appraisal.

Resolution 2009-33: Sell Lots 43 and 44 Oscar Munson Subdivision.
 February 2012 update: City Manager will put the lots out to bid in the spring, using the Borough assessment as the minimum bid instead of an appraisal. No local appraisers were able to appraise the property because there are no comparable properties, and the land has limited to no value for residential development.

Finance Dept. Code:



Designated Use: Sell, Ordinance 15-30	
Acquisition History: Purchased	
Area: 1.5 acres	Parcel Number: 17712034
2017 Assessed Value: \$145,100	
Legal Description: T 06S R 13W SEC 20 Seward Meridian HM 2016021 WADDELL PARK 2016 REPLAT LOT 3- A-1	
Zoning: CBD	Wetlands: N/A
Infrastructure: full utilities, Grubstake extension will include paved road and sidewalk.	
Notes: Road construction in 2016. Project funding from State appropriation and matching City HART funds.	
Finance Dept. Code:	



Designated Use: Undesignated
Acquisition History: Detling Deed 6/10/82

Area: 0.03 acres each. Total of 2,613 sq ft	Parcel Number: 177154 02, 03
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2015 Assessed Value: \$1,400

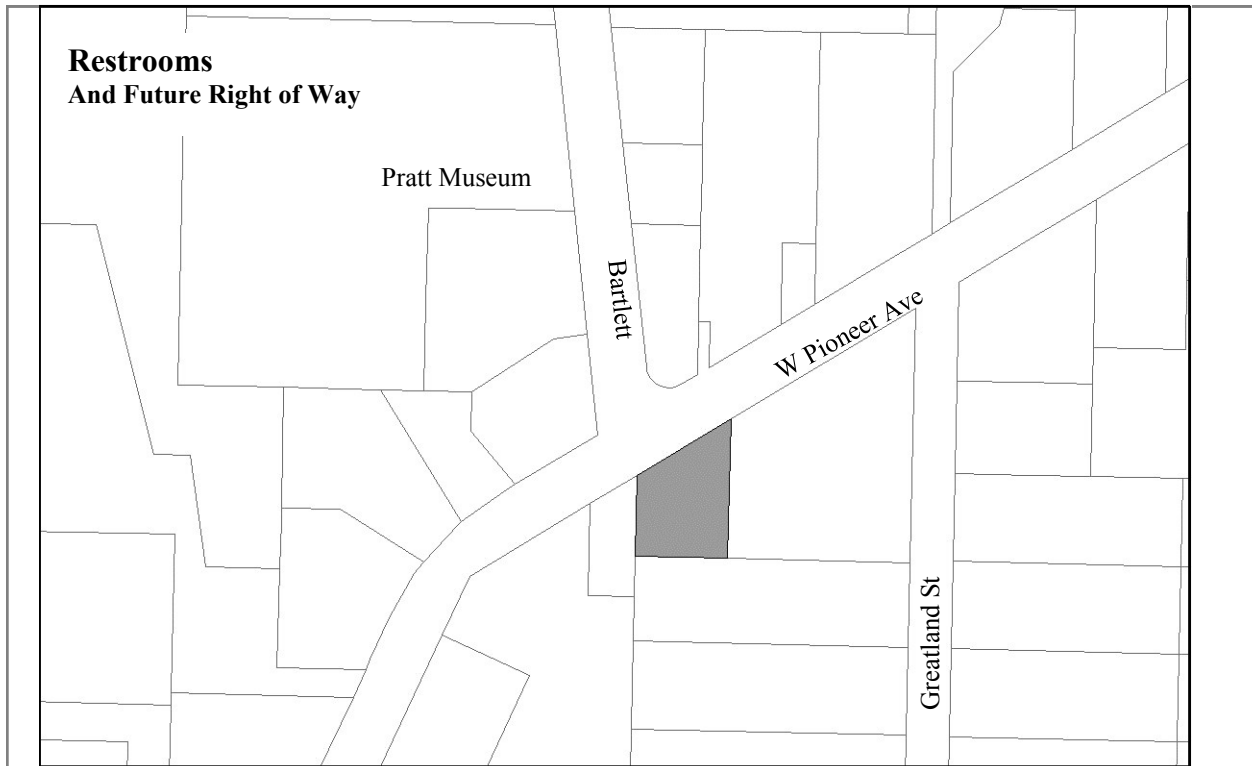
Legal Description: T6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSON SUB AMENDED LOT 46 EXCLUDING HOMER BY-PASS ROAD, T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSONS SUB AMENDED LOT 47 EXC HOMER BY-PASS RD*

Zoning: Central Business District	Wetlands: Possibly. Lots are steep.
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Infrastructure: Paved Road and sidewalk

Notes: Lots are steep; they run from the Sterling Highway grade down the slope to the adjoining property. Lot dimensions are approximately 50'x30'.

Finance Dept. Code:



Designated Use: Restroom and Future right of way
Acquisition History: Ordinance 2012-42

Area: 0.27 acres	Parcel Number: 17514301
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2015 Assessed Value: \$58,800

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 75

Zoning: Central Business District	Wetlands: Yes
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Infrastructure: Paved Road, water and sewer

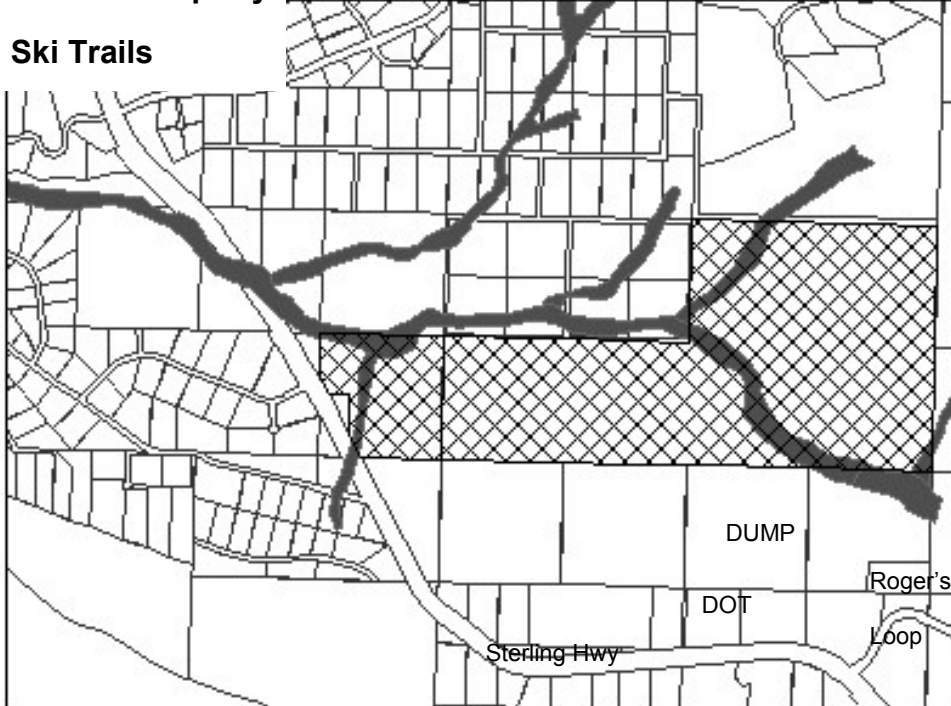
Notes:
 Public restroom constructed 2013-2014
 Future road extension for Bartlett.

Finance Dept. Code:

Section E

Parks + Beaches
Cemeteries + Green Space

Diamond Creek Property



Designated Use: Public Purpose for park land
Acquisition History: Ordinance 07-03. Forest Legacy grant/KHLT/long term public ownership

Area: 273 acres (240 acres and 33 acres) **Parcel Number:** 17302201, 17303229

2015 Assessed Value: \$325,100

Legal Description: HM T06S R14W S09 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4 and HM T06S R14W S10 SE1/4 & S1/2 SW1/4.

Zoning: Not in city limits **Wetlands:** Yes. Diamond Creek flows through these lots. Larger lot is mostly wetland.

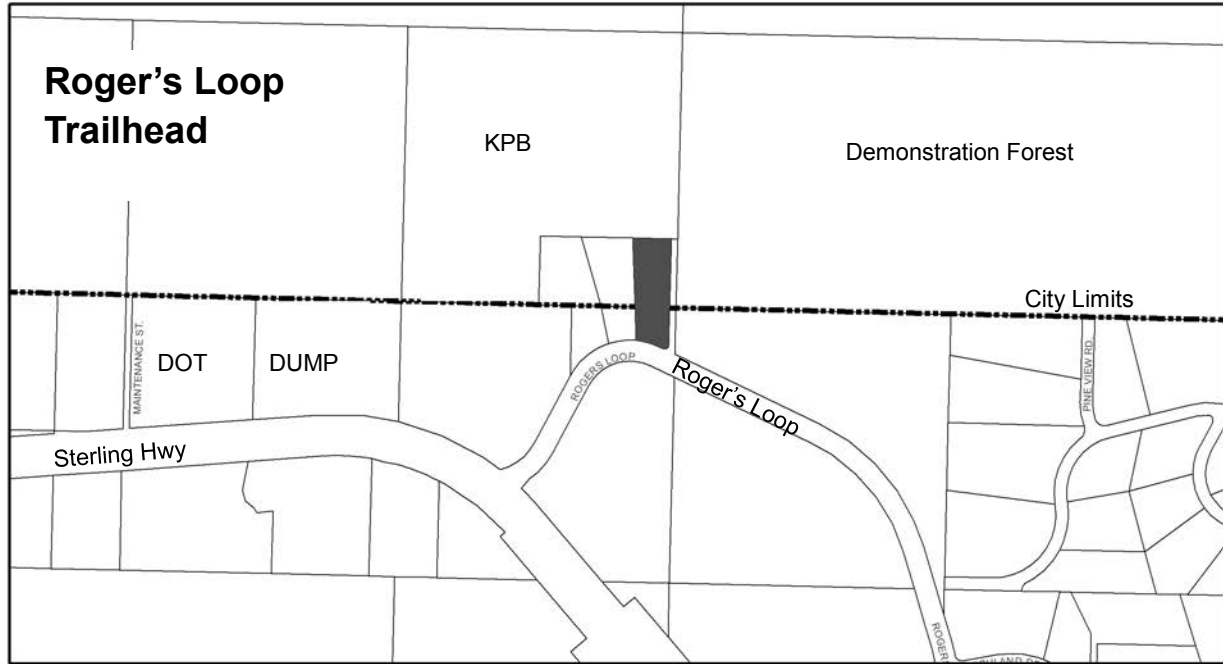
Infrastructure: Limited legal and physical access. Western lot has Sterling Highway frontage.

Notes: Ski trails, managed by Kachemak Nordic Ski Club

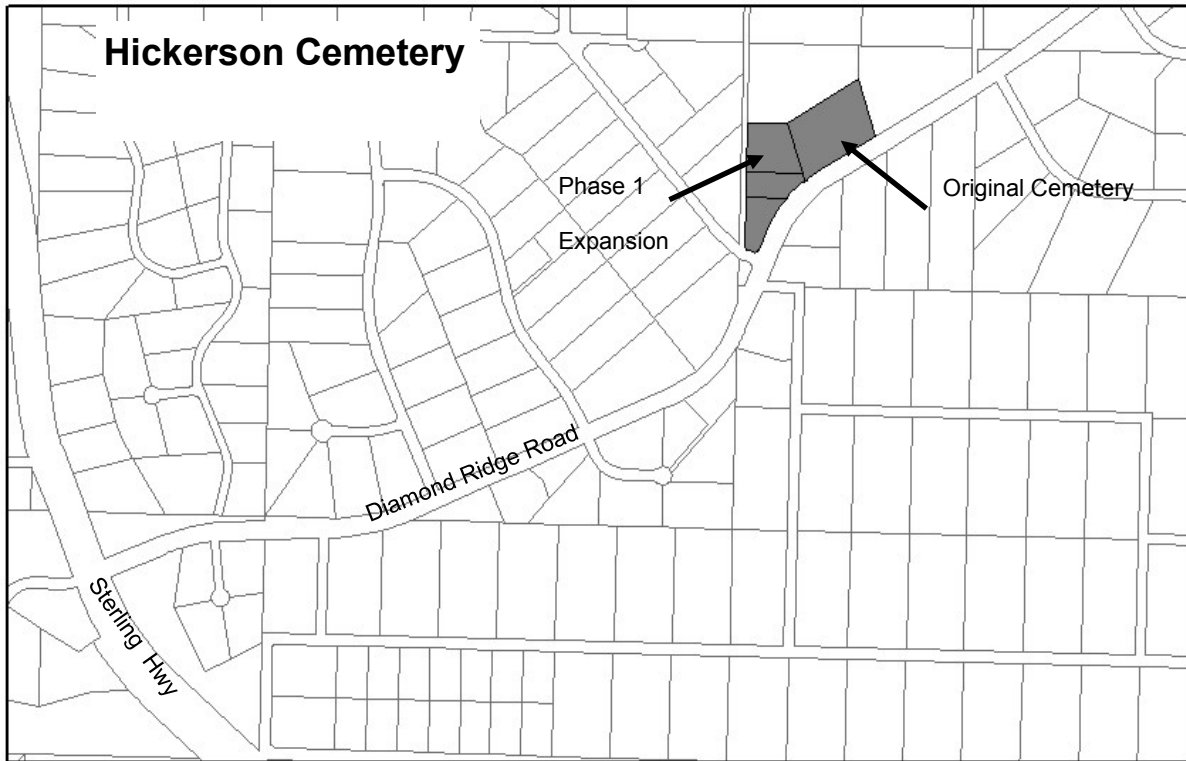
Acquisition notes: the Kachemak Heritage Land Trust purchased the property from the University of Alaska via a Forest Legacy Grant from the state of Alaska. The City accepted ownership of the land, to keep it for public park land in perpetuity, as required by the grant.

Conservation Easement Resolution 2010-48, Recording# 2010-003220-0
 Resolution 13-055 Adopting the Diamond Creek Recreation Area Plan
 The Plan was accepted by the State of Alaska Forest Legacy Program on 11/19/2014. Management and development of the property must follow the adopted and approved plan.

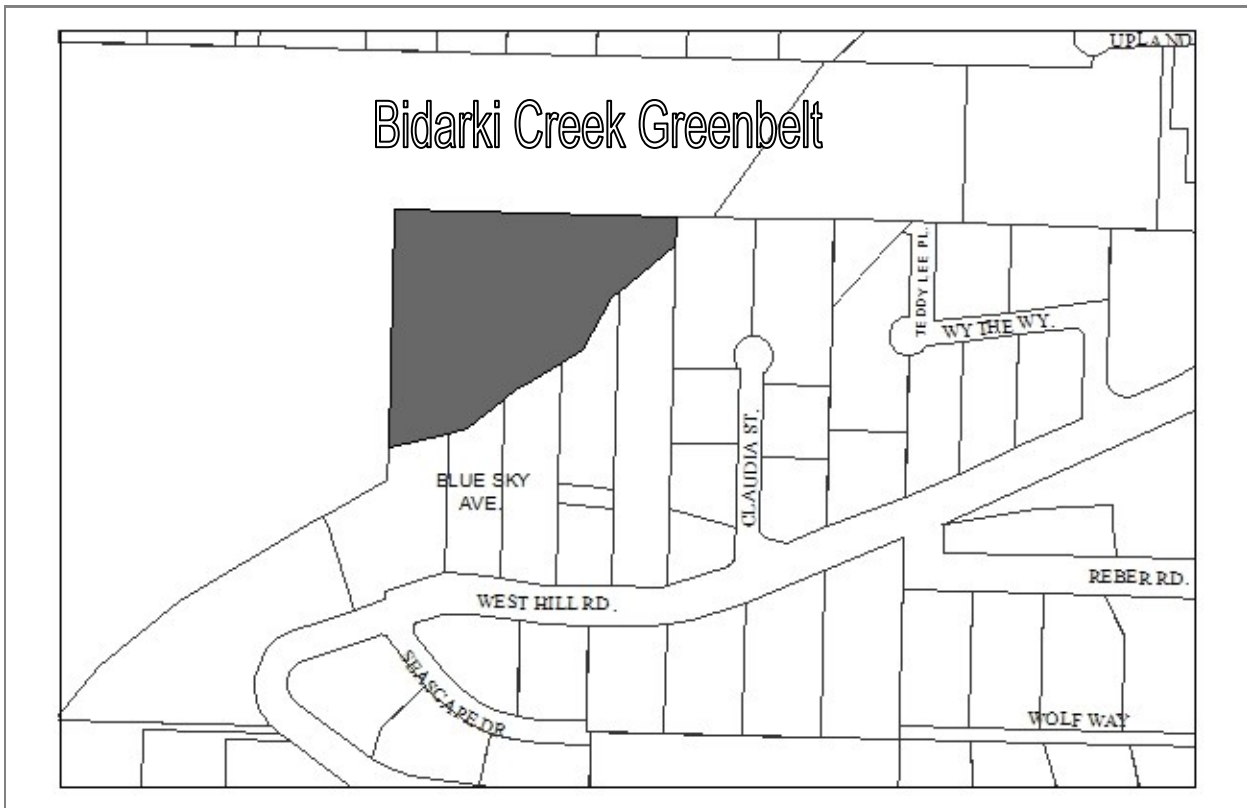
Finance Dept. Code:



Designated Use: Roger's Loop Trailhead	
Acquisition History: Ordinance 14-51(A)	
Area: 2 acres	Parcel Number: 17316066, 1736067
2016 Assessed Value: \$49,300	
Legal Description: T 06S R 14W SEC 15 SEWARD MERIDIAN HM 2011022 BISHOP SURVEY J G EVANS ADDN LOT 1	
Zoning: Rural Residnetial. Lot is split by city limits	Wetlands: none
Infrastructure: Paved road access	
Notes: Purchased in 2016 with HART Trail funds (\$63,465.85). Future trailhead to city owned Diamond Creek lands	
Finance Dept. Code:	



Designated Use: Hickerson Memorial Cemetery	
Acquisition History: Deed American Legion Gen Buckner Post 16 4/23/70. Ordinance 10-30	
Area: 6.91 acres	Parcel Number: 17321011, 13, 14, 15
2015 Assessed Value: \$196,700 (Land \$184,800, Structure \$11,900)	
Legal Description: HM0631146 T06S R14W S03 TICE ACRES SUB HICKERSON MEMORIAL CEMETERY. Tice Acres Replat No 1, lots 11-A, 11B & 11-C	
Zoning: Not within city limits	Wetlands: N/A
Infrastructure: paved access	
Notes: Lots 11 A, 11B, and 11C purchased for \$205,000 Ordinance 10-30. 2017: Phase 1 cemetery expansion completed.	
Finance Dept. Code:	



Designated Use: Public Purpose. Retain as undeveloped Greenbelt and to protect drainage.
Acquisition History: KPB Ordinance 83-01

Area: 6.57 acres

Parcel Number: 17503025

2015 Assessed Value: \$10,600

Legal Description: HM T06S R14W S13 SW1/4 SE1/4 NORTH OF SKYLINE DRIVE EXCLUDING SKYLINE DR SUB

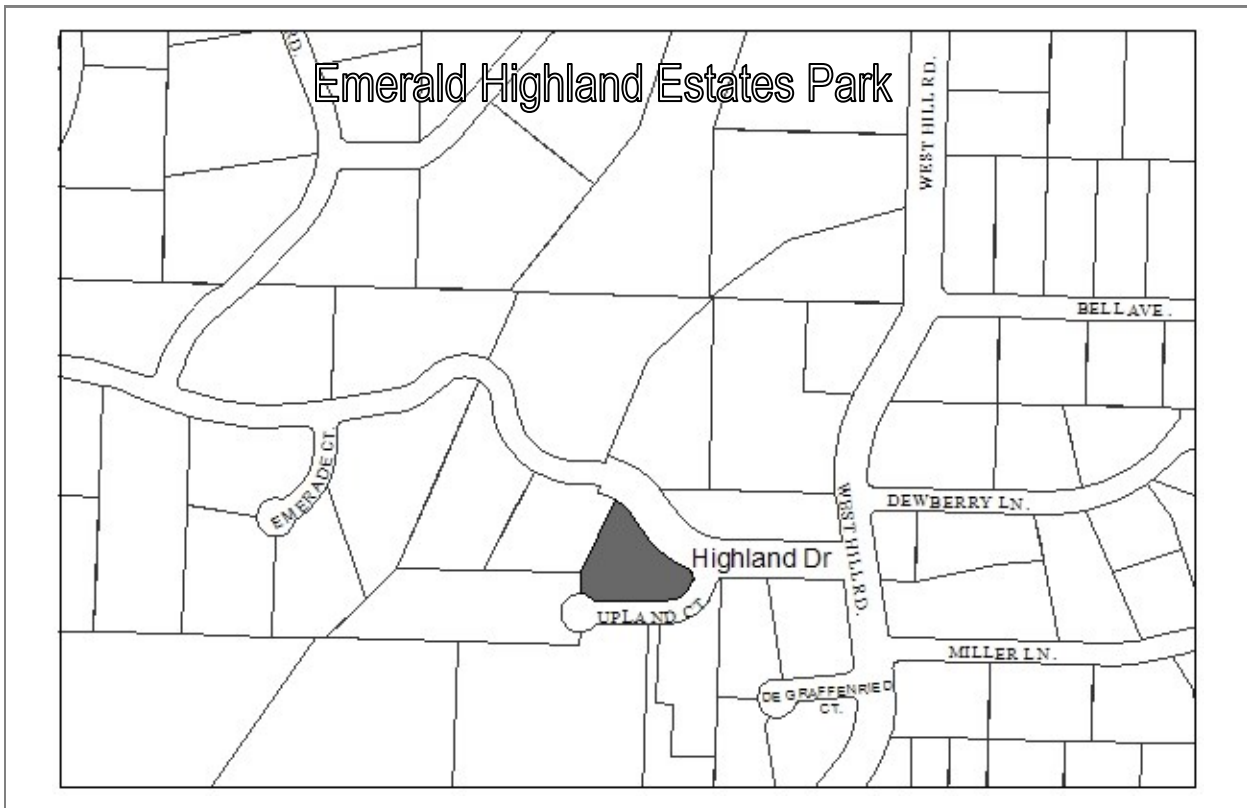
Zoning: Rural Residential

Wetlands: Bidarki Creek runs through the lot

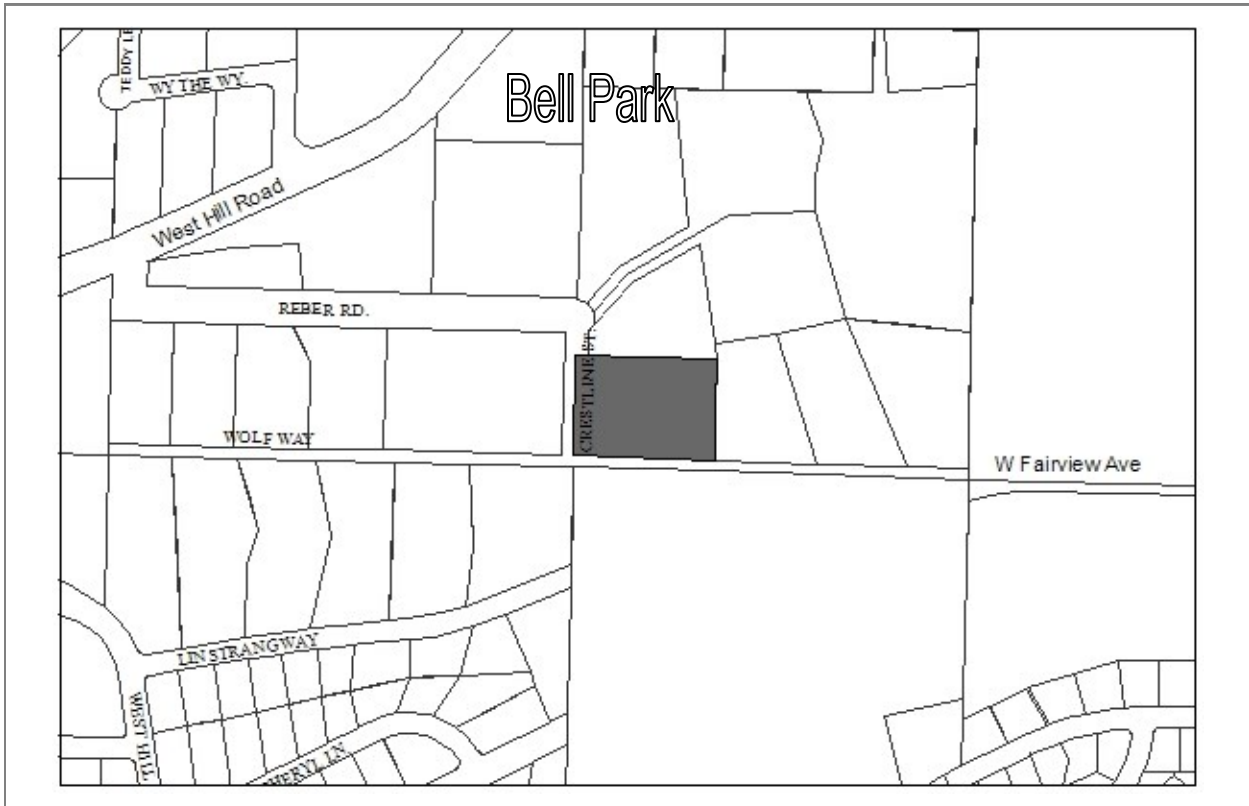
Infrastructure: No access, no utilities

Notes: Much of the lot is very steep gorge, down to Bidarki Creek. One portion may be developable at the north end. Slope there is approximately 15%. There is no legal or physical access to the land at this time.

Finance Dept. Code:



Designated Use: Public Use/Emerald Highland Estates Park	
Acquisition History: Gangle Deed, 12/1989	
Area: 1.04 acres	Parcel Number: 17502056
2015 Assessed Value: \$50,800	
Legal Description: HM0770024 T06S R14W S13 EMERALD HIGHLAND ESTATES SUB UNIT 3 LOT 1B BLOCK 3	
Zoning: Rural Residential	Wetlands: The whole lot is potential wetlands. Creek present long western property line.
Infrastructure: Gravel road access	
<p>Notes: This land was deeded to the city by the original subdivider. However, there is a plat note restricting the use of the park to residents within the subdivision. Historically the city has not wanted to provide any services to a park that is not explicitly open to the public. The solution is for each property owner in the subdivision to quitclaim deed their interest in the subdivision park, so the City has clear title.</p> <p>History: Resolution 2004-24A, Land Allocation Plan Resolution 2007-03 Emerald Park Master Plan</p>	
Finance Dept. Code:	



Designated Use: W.R.Bell Public Park.
Acquisition History: Gifted by Daughter, Dene and Husband Edward Reber 8/20/1970

Area: 2.75 acres	Parcel Number: 17524006
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2009 Assessed Value: \$81,800

Legal Description: HM0700402 T06S R13W S18 TRACT E W R BELL SUB

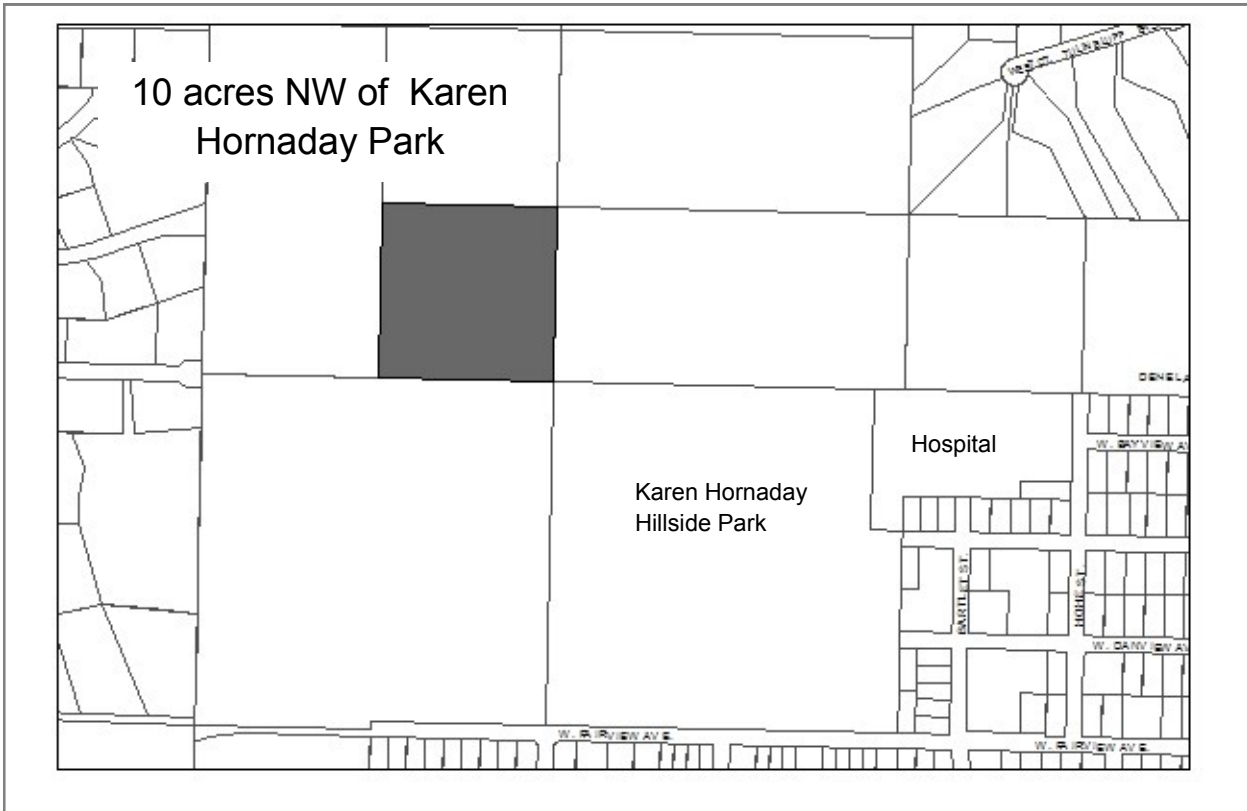
Zoning: Rural Residential	Wetlands: Drainages on lot.
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Infrastructure: Gravel road access. Rough trails across property.

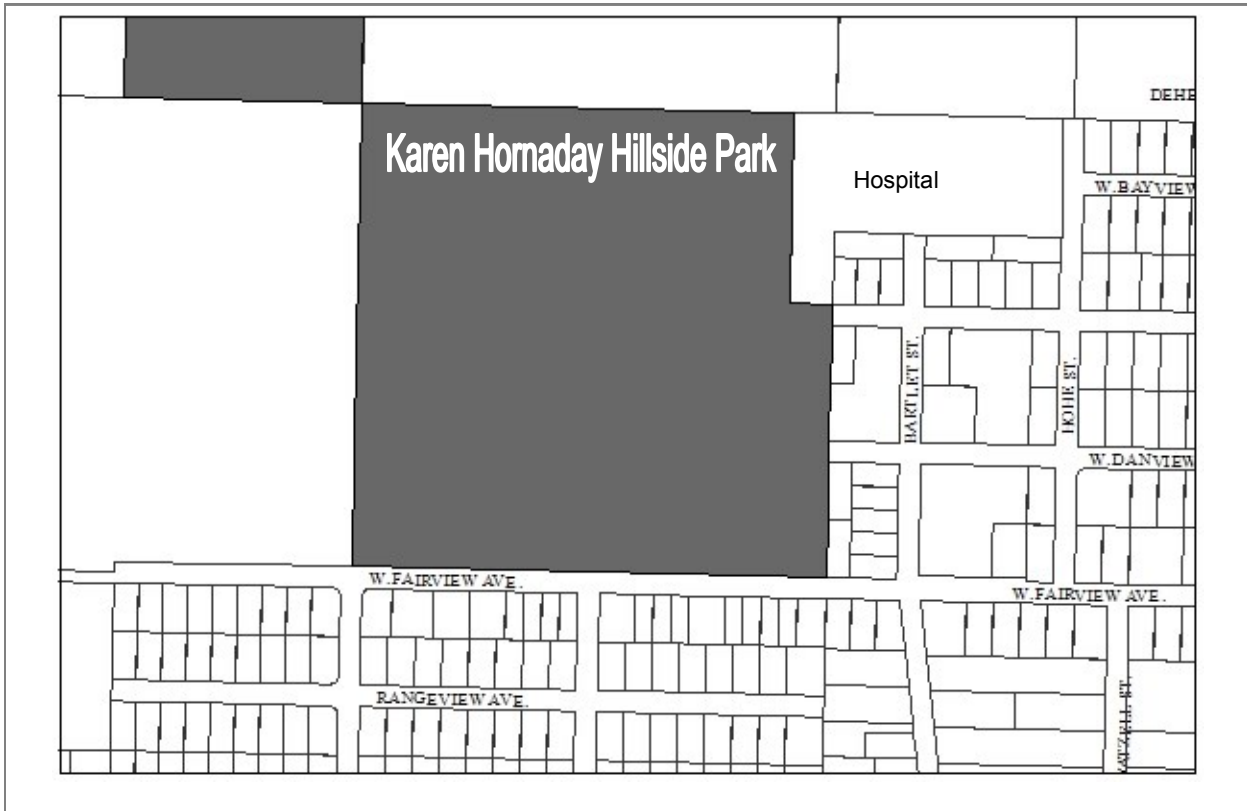
Notes:
 Park contains the gravesite of W.R. Bell.
 It can be expected that the land to the south will be come a housing development. Some homes will be accessed from W Fairview Ave.

2009: Completion of Reber Trail, with HART funds and a state trails grant.

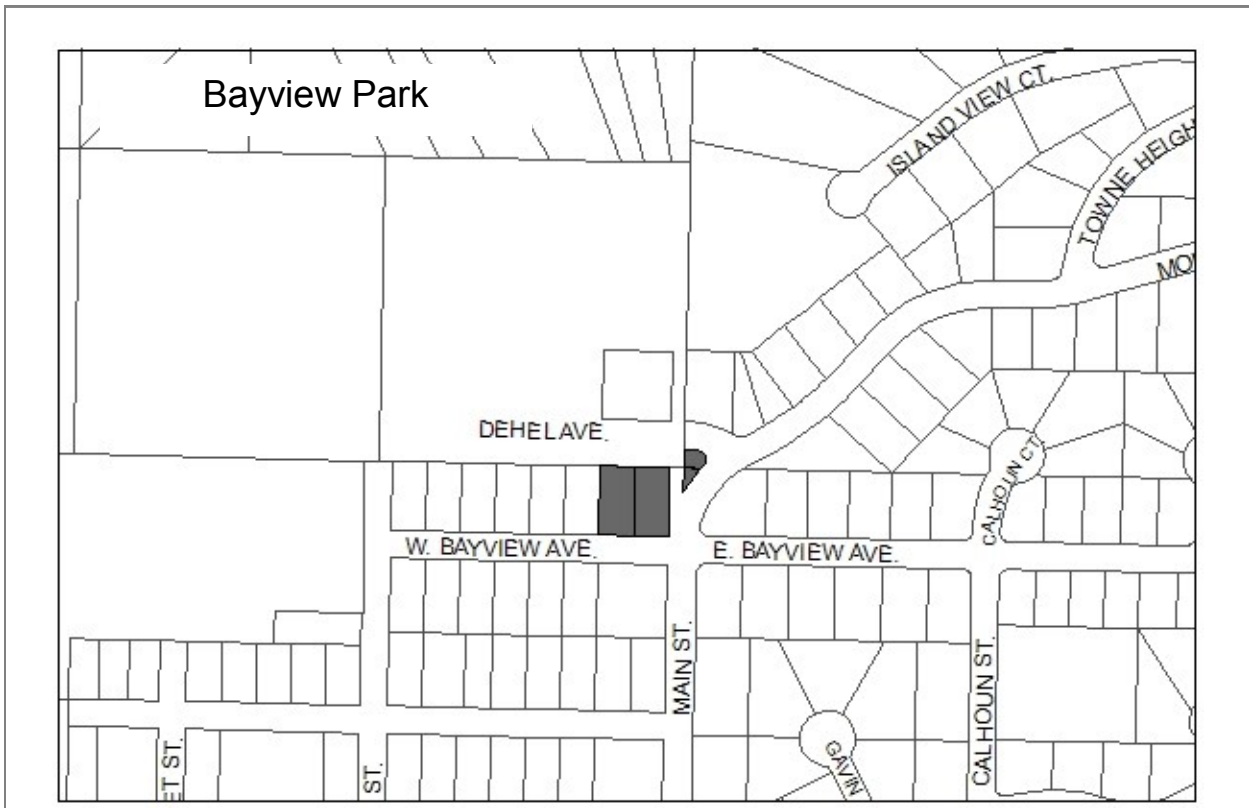
Finance Dept. Code:



Designated Use: Retain for a future park Resolution 2011-37(A)	
Acquisition History:	
Area: 10 acres	Parcel Number: 17504003
2015 Assessed Value: \$56,800*	
Legal Description: T6S R13W Sec 18 SE1/4 NE1/4 SW1/4	
Zoning: Rural Residential	Wetlands: Drainages and wetlands may be present
Infrastructure: None. No access.	
Notes: *2007—Land could not be appraised by private appraisal due to lack of legal access.	
Finance Dept. Code:	



Designated Use: Public Recreational Purpose/Karen Hornaday Hillside Park	
Acquisition History: Homer Fair Association, Deed 8/1966 with covenants	
Area: 38.5 acres	Parcel Number: 17504023
2015 Assessed Value: \$155,000 (Land \$43,000 Structure \$112,000)	
Legal Description: HM0980004 T06S R13W S18 THAT PORTION OF SW1/4 SE1/4 EXCLUDING SOUTH PENINSULA HOSPITAL SUB 2008 Addn	
Zoning: Open Space Recreation	Wetlands: Some drainages
Infrastructure: Water, sewer and road access	
<p>Notes: The park has been part of two Land and Water Conservation Fund grants: 1980, #02-00270, and 2011/12, #02-00408. Land to remain parkland in perpetuity.</p> <p>Campground, ball fields, day use picnic and playground area.</p> <p>Resolution 09-59(A) adopted the park master plan.</p>	
Finance Dept. Code: 175.0003 (driveway, parking), 175.0007 (campground)	



Designated Use: Public Purpose/Bayview Park/Water tank access
Acquisition History: Large lots: Klemetsen Warranty Deed 5/8/67. Water tank access and part of Bayview Park.

Area: 0.58 acres total	Parcel Number: 175051 07, 08 17726038, 17727049
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2015 Assessed Value: \$95,900 total

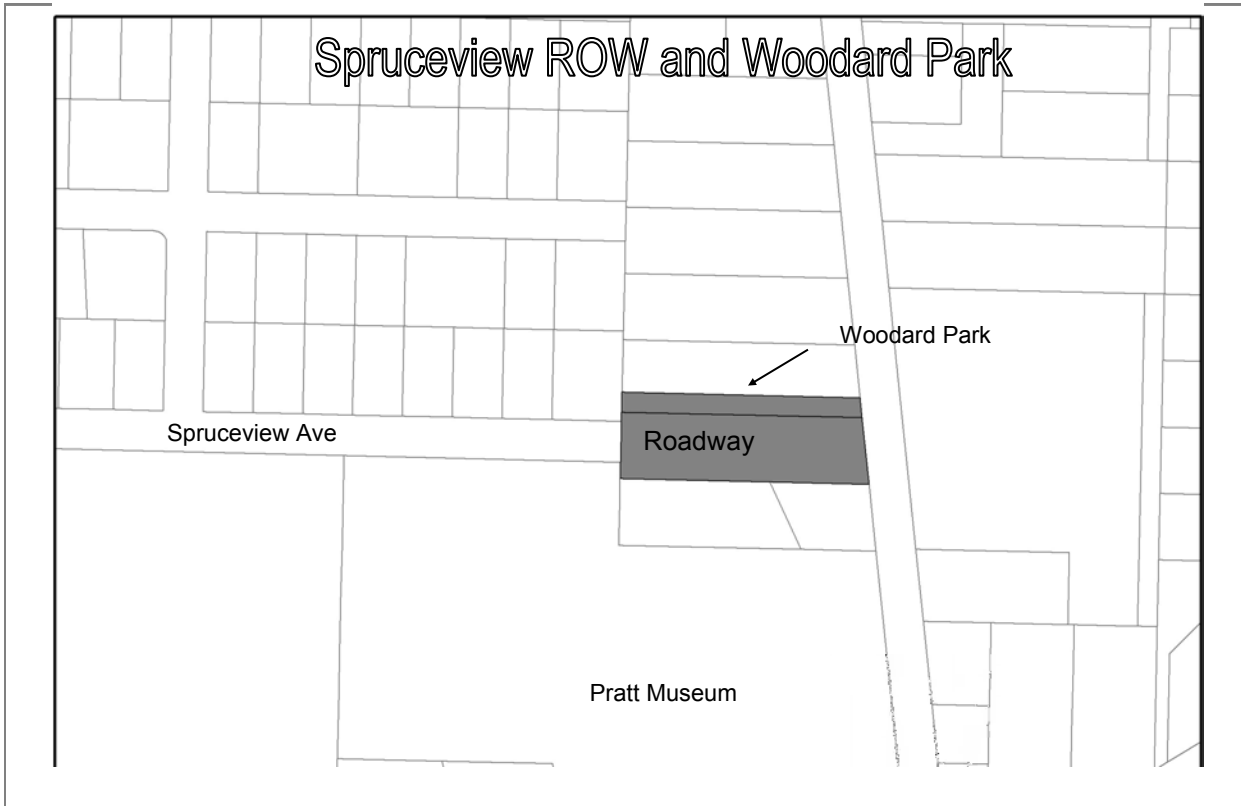
Legal Description: 17505107: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 2
 17505108: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 1
 17726038: HM0760026 T06S R13W S17 KAPINGEN SUB UNIT 3 PARK RESERVE
 17727049: HM0770065 T06S R13W S17 ISLAND VIEW SUB PARK

Zoning: Urban Residential	Wetlands: N/A
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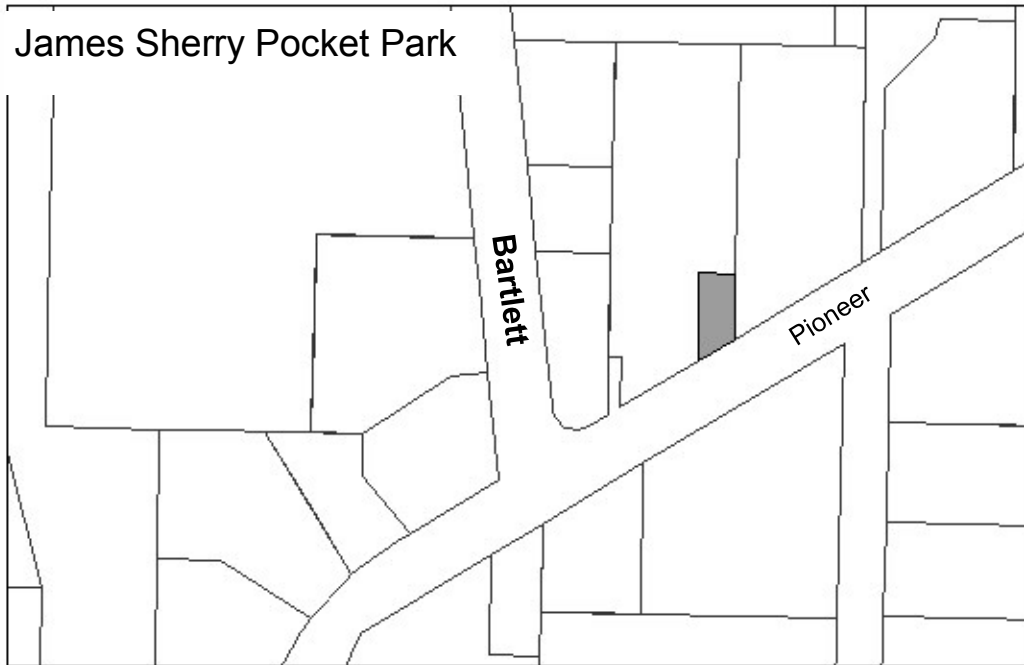
Infrastructure: Paved road access, water, sewer

Notes:

Finance Dept. Code:



Designated Use: ROW and Woodard Park	
Acquisition History: ROW: Purchased for Harrington Heights LID, Ord 2000-13(S) 7/2000. Woodard Park: Tax Foreclosure (Harry Gregoire), Park designation enacted in Reso 04-53	
Area: ROW 0.85 acres Woodard Park: .025 acres	Parcel Number: 17513329 17513328
2015 Assessed Value: ROW: \$79,700, Park: \$40,600	
Legal Description: ROW: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 12-A Woodard Park: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 11-B	
Zoning: Residential Office	Wetlands: Woodard Creek and wetlands present
Infrastructure: Paved access on Bartlett. Part of completed Spruceview Road LID. Water and sewer present.	
Notes:	
Finance Dept. Code: ROW: 500.0051 Park:	



Designated Use: Retain for use as public park or parking
Acquisition History: Ord 83-01 (KPB)

Area: 0.06 acres or 2,766 sq ft

Parcel Number: 17514235

2015 Assessed Value: \$13,100

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007124 BUNNELLS SUB NO 21 LOT 37F-1

Zoning: Central Business District

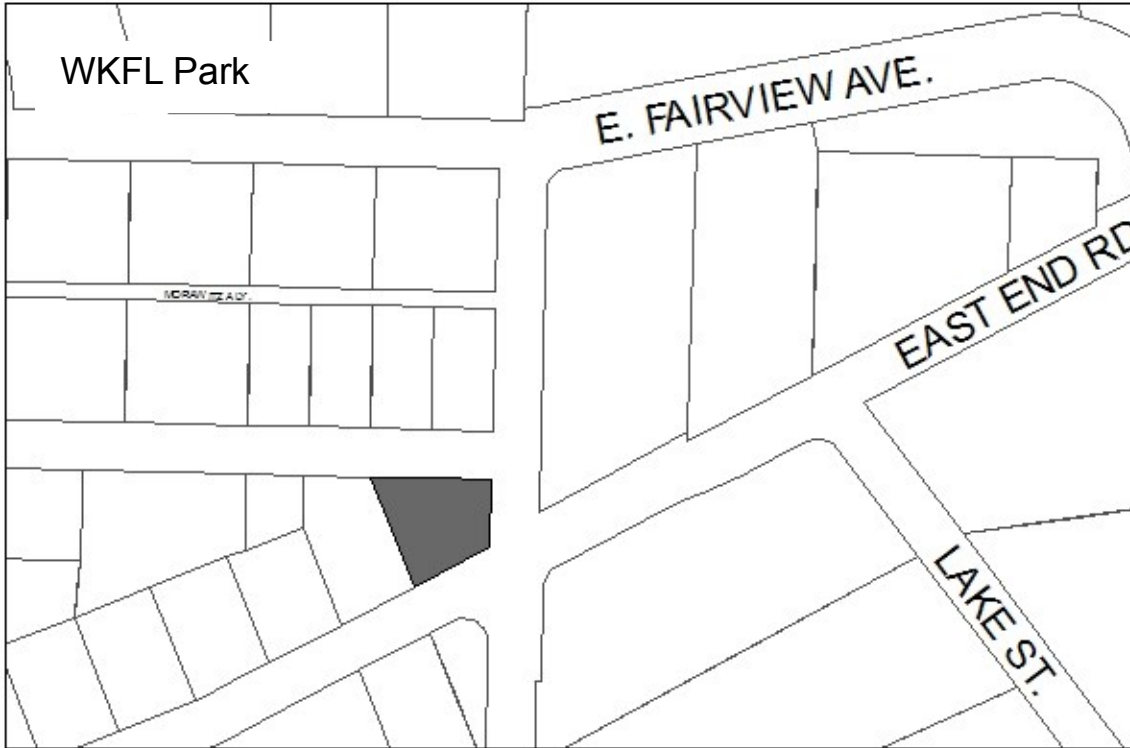
Wetlands: Ditch across property

Infrastructure: Water and Sewer, paved sidewalk

Notes:

HEA/phone company utility infrastructure on lot—big green boxes.

Finance Dept. Code:



Designated Use: WKFL Park
Acquisition History: Asaiah Bates Deed 3/88

Area: 0.31 acres	Parcel Number: 17720204
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2015 Assessed Value: \$70,300

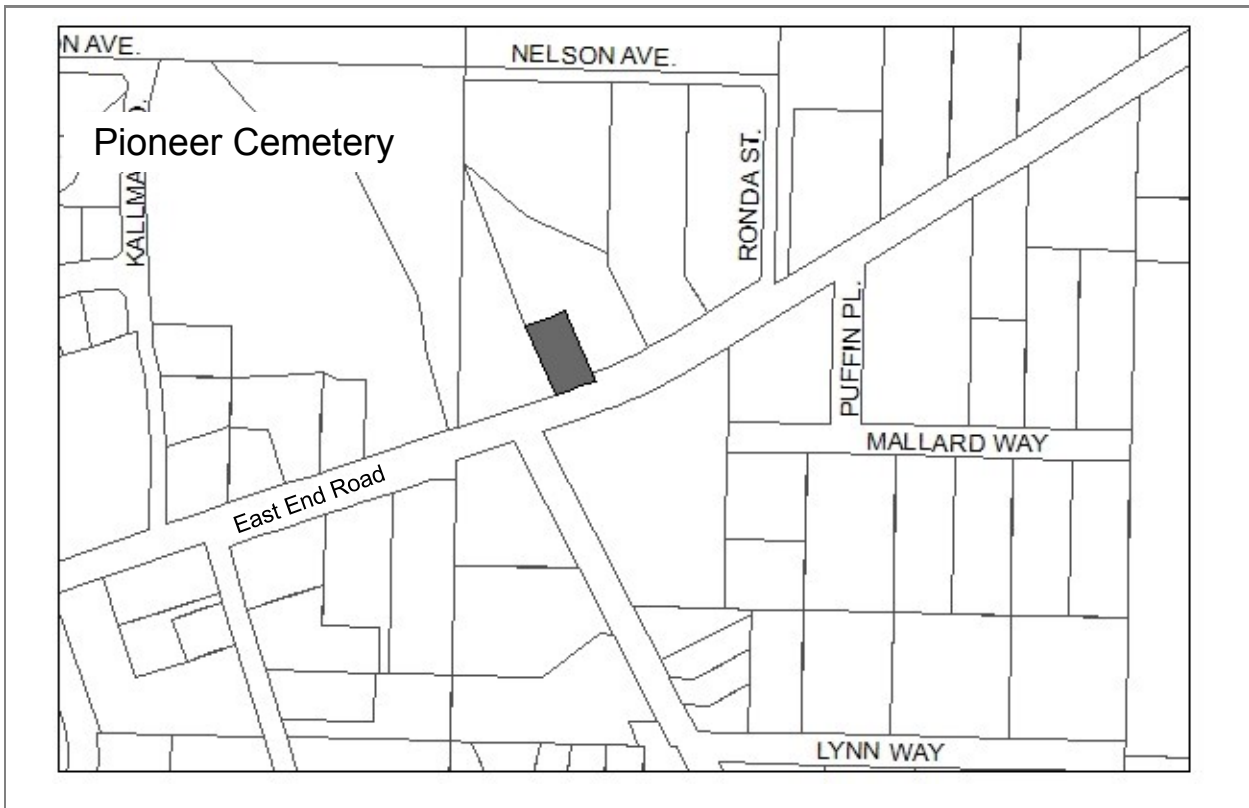
Legal Description: Glacier View Subdivision No 1 Replat of Lots 1, 8 & 9, Block 4 Lot 9-A

Zoning: Central Business District	Wetlands: N/A
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Infrastructure: Water, paved road, electricity

Public restroom constructed in 2013.

Finance Dept. Code:



Designated Use: Pioneer Cemetery
Acquisition History: Quitclaim Deed Nelson 4/27/66

Area: 0.28 acres	Parcel Number: 17903007
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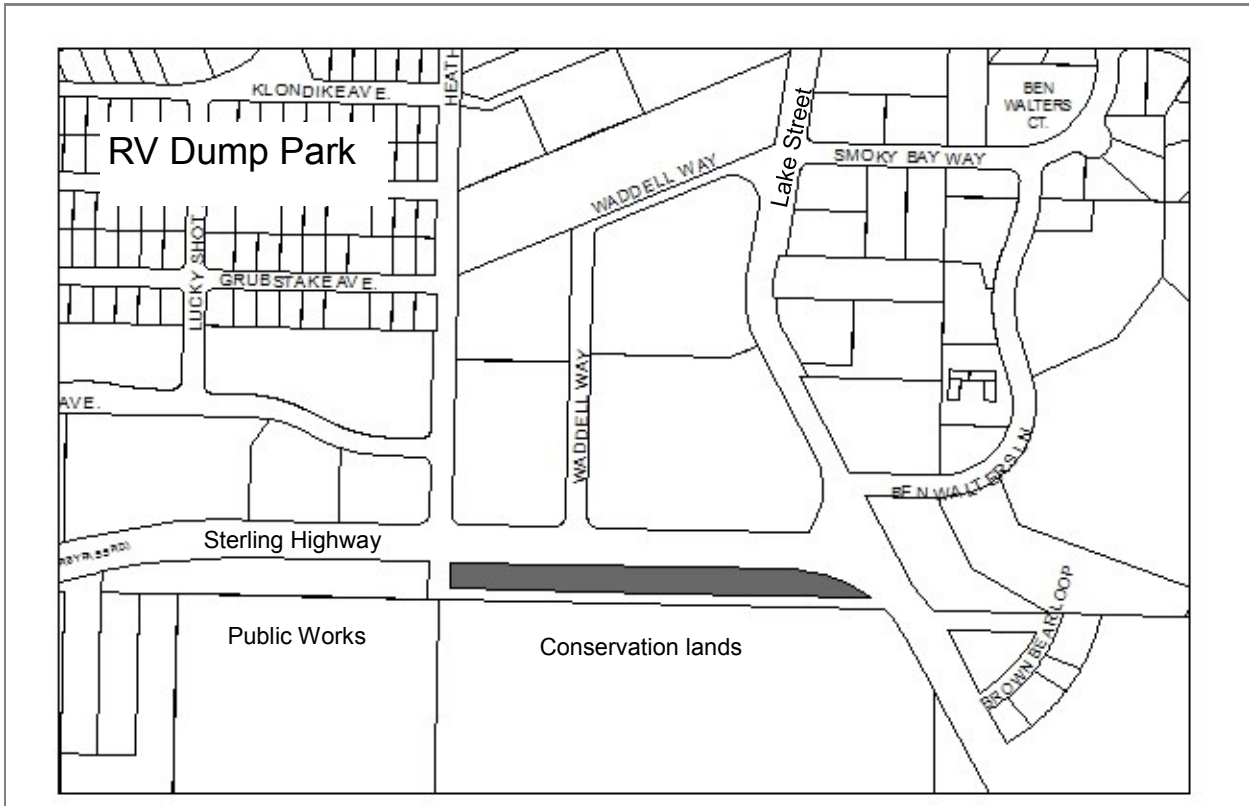
2009 Assessed Value: \$26,400

Legal Description: James Waddell Survey of Tract 4 Lot 4A

Zoning: Residential Office	Wetlands: N/A
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Infrastructure: Paved Road

Finance Dept. Code:



Designated Use: RV Water/Dump station
Acquisition History: Deed states "Waddell Park Tract"

Area: 1.73 acres	Parcel Number: 17712014
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2015 Assessed Value: \$356,700

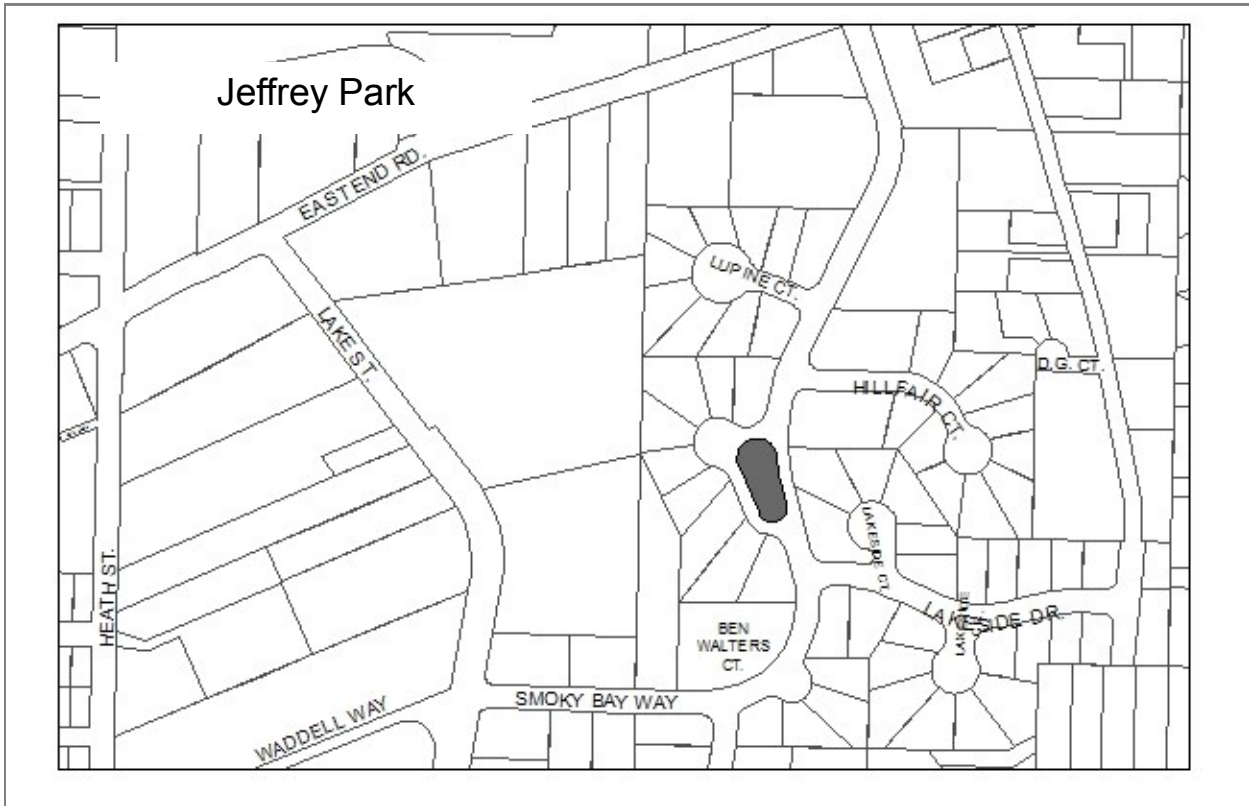
Legal Description: Waddell Subdivision, portion S of Homer Bypass Road

Zoning: Central Business District	Wetlands:
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Infrastructure: Water, Sewer, gravel/paved access

Notes: Part of Land and Water Conservation Project #02-00263.4, signed January 1983. Land to remain in park status in perpetuity.

Finance Dept. Code:



Designated Use: Public Purpose/Greenbelt/Jeffrey Park
Acquisition History: Ordinance 83-27 (KPB)

Area: 0.38 acres	Parcel Number: 17730251
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2015 Assessed Value: \$51,200

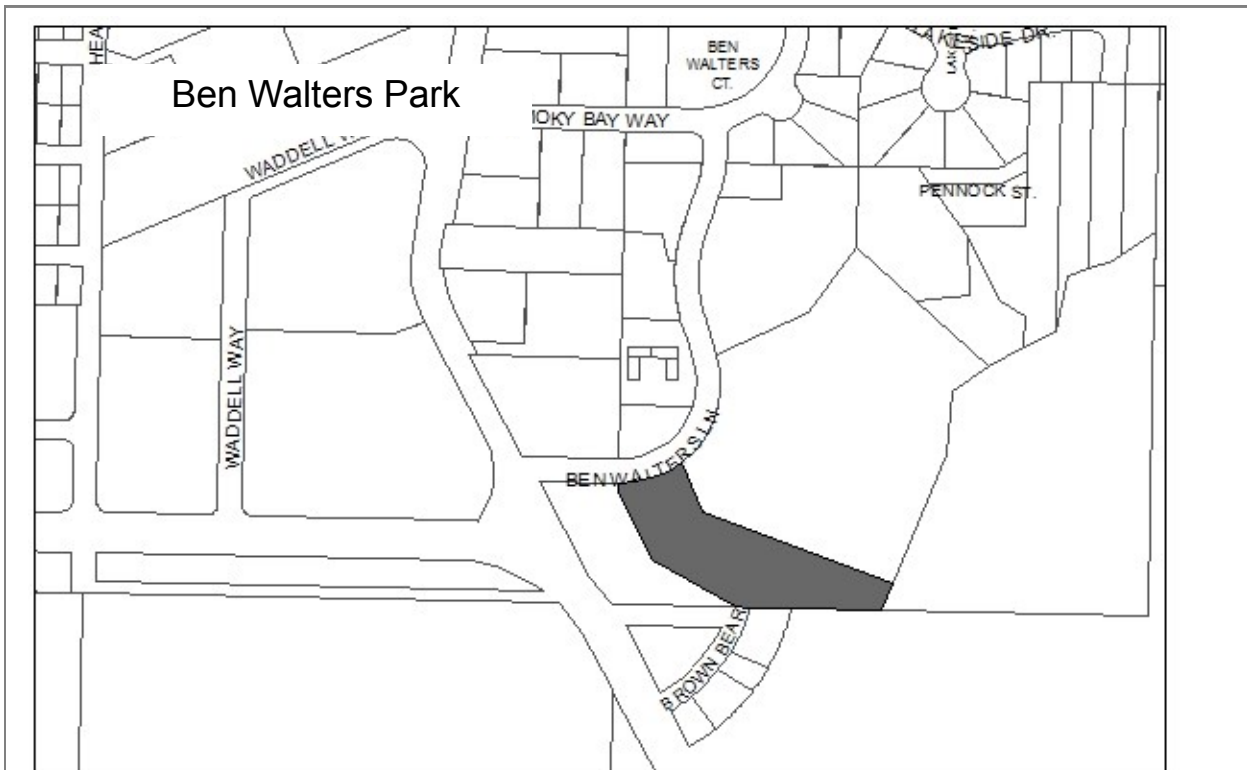
Legal Description: Lakeside Village Amended Jeffrey Park

Zoning: Urban Residential	Wetlands:
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Infrastructure: Paved Road, water, sewer

Notes: Neighborhood park. Grass and new swing sets installed in 2005. Fill brought in to the park to raise the ground level and deal with drainage issues in 2007.

Finance Dept. Code:



Designated Use: Ben Walters Park. Public park or greenbelt per deed.
Acquisition History: Reso 83-22(S) Neal Deed 5/4/83. Donated. Deed amended 6/1/83.

Area: 2.48 acres	Parcel Number: 17712022
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2009 Assessed Value: \$493,200 (Land \$493,200, Structure \$44,200)

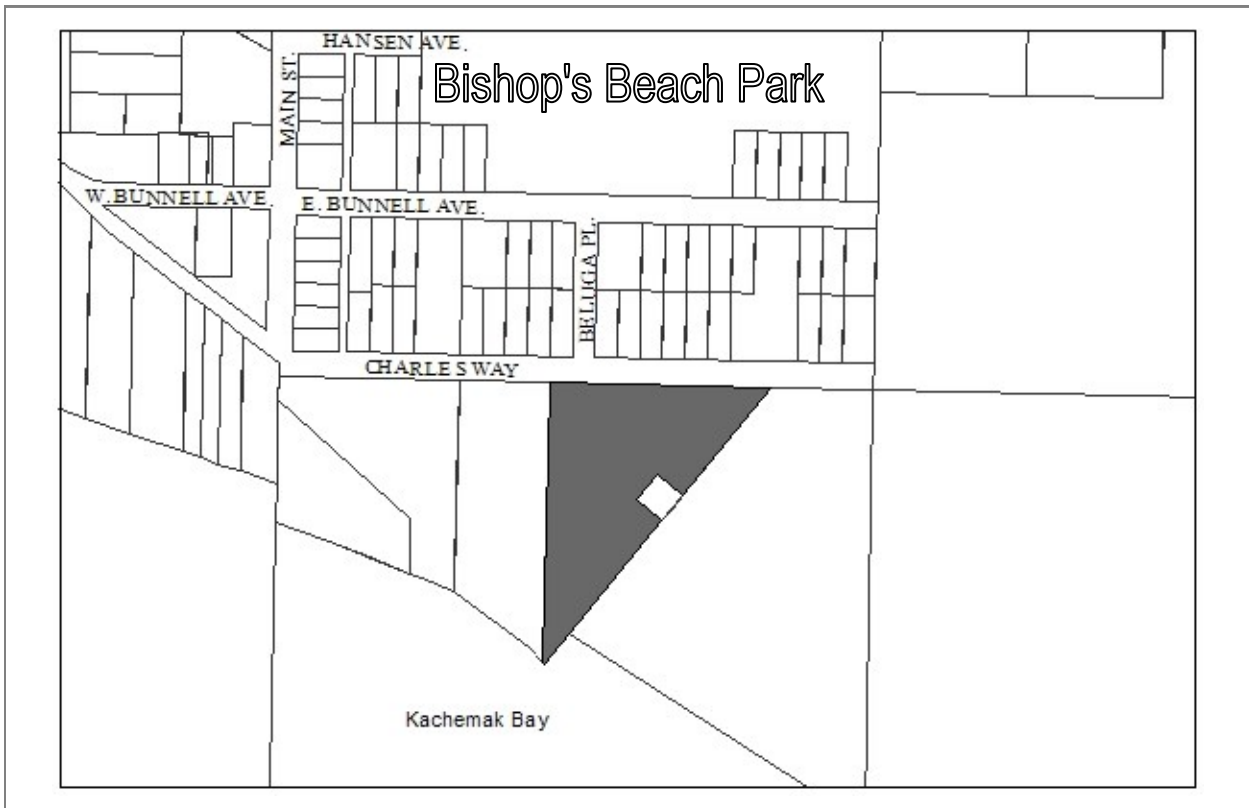
Legal Description: Lakeside Village Park Addition Replat Lot 1A-2

Zoning: Central Business District	Wetlands: 3664 Ben Walters Lane
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Infrastructure: Paved Road, water and sewer. Public restrooms, covered fire pit, lake access and dock.

Notes: In May 1982, a project agreement was executed for a Land and Water Conservation Fund project to develop the park. Project #02-00305. Land to remain park in perpetuity.
 New swing set installed, 2008. New dock installed in 2009.

Finance Dept. Code:



Designated Use: Bishop's Beach Park
Acquisition History: McKinley Warrant Deed 1/9/1984

Area: 3.46 acres	Parcel Number: 17714010
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2015 Assessed Value: \$471,700 (Land \$465,300, Structure \$6,400)

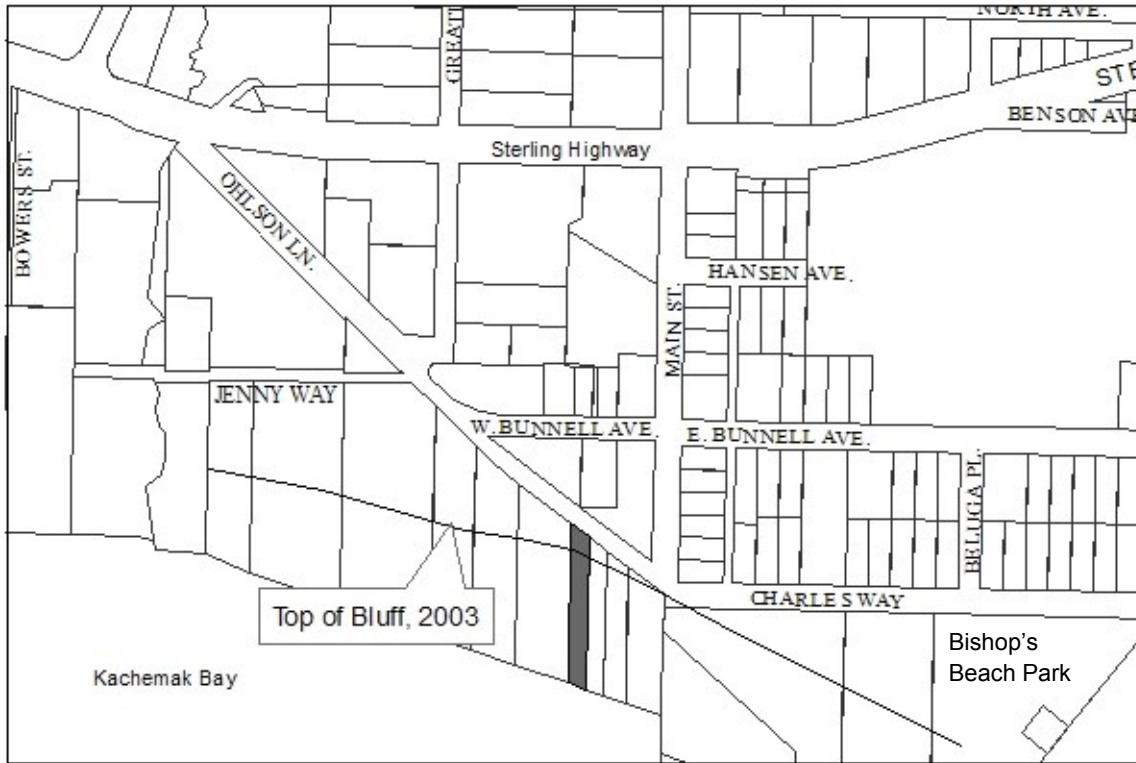
Legal Description: HM T06S R13W S20 PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 DEG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNER 3 TH N 38 DEG 0' E

Zoning: Central Business District	Wetlands: Some wetlands (along boardwalk). Flood hazard area.
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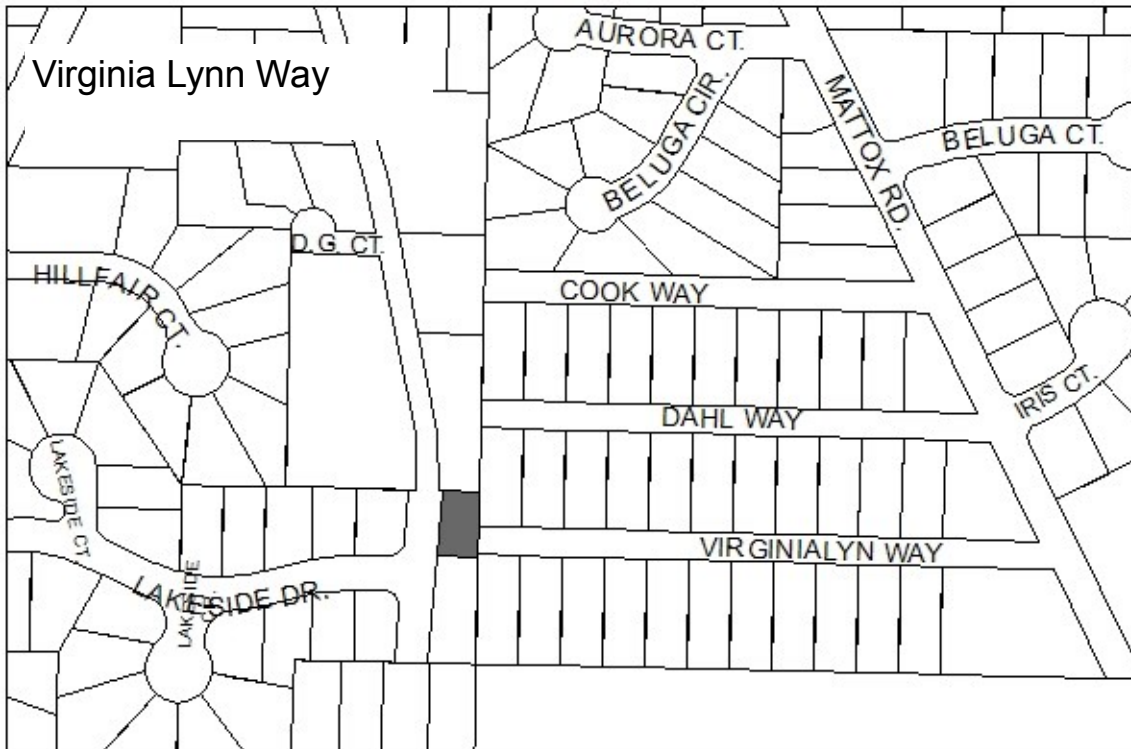
Infrastructure: Paved road access. No water or sewer. City maintained outhouses.

Notes:

Finance Dept. Code:



Designated Use: City Park	
Acquisition History: Donated by Herrick, Resolution 90-7	
Area: 0.32 acres	Parcel Number: 17520009
2015 Assessed Value: \$16,700	
Legal Description: HM T06S R13W S19 PORTION THEREOF S OF OLSEN LANE	
Zoning: Central Business District	Wetlands: None. Bluff property.
Infrastructure: Gravel Road access, no water or sewer	
Notes: Resolution 15-030(A), Designate as park	
Finance Dept. Code: 392.0008	



Designated Use: Public use easement for Virginia Lynn Way, public park
Acquisition History: Quit Claim Deed from NBA 1/4/83

Area: 0.21 acres

Parcel Number: 17730239

2015 Assessed Value: \$32,100

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED LOT 2 BLK 4

Zoning: Urban Residential

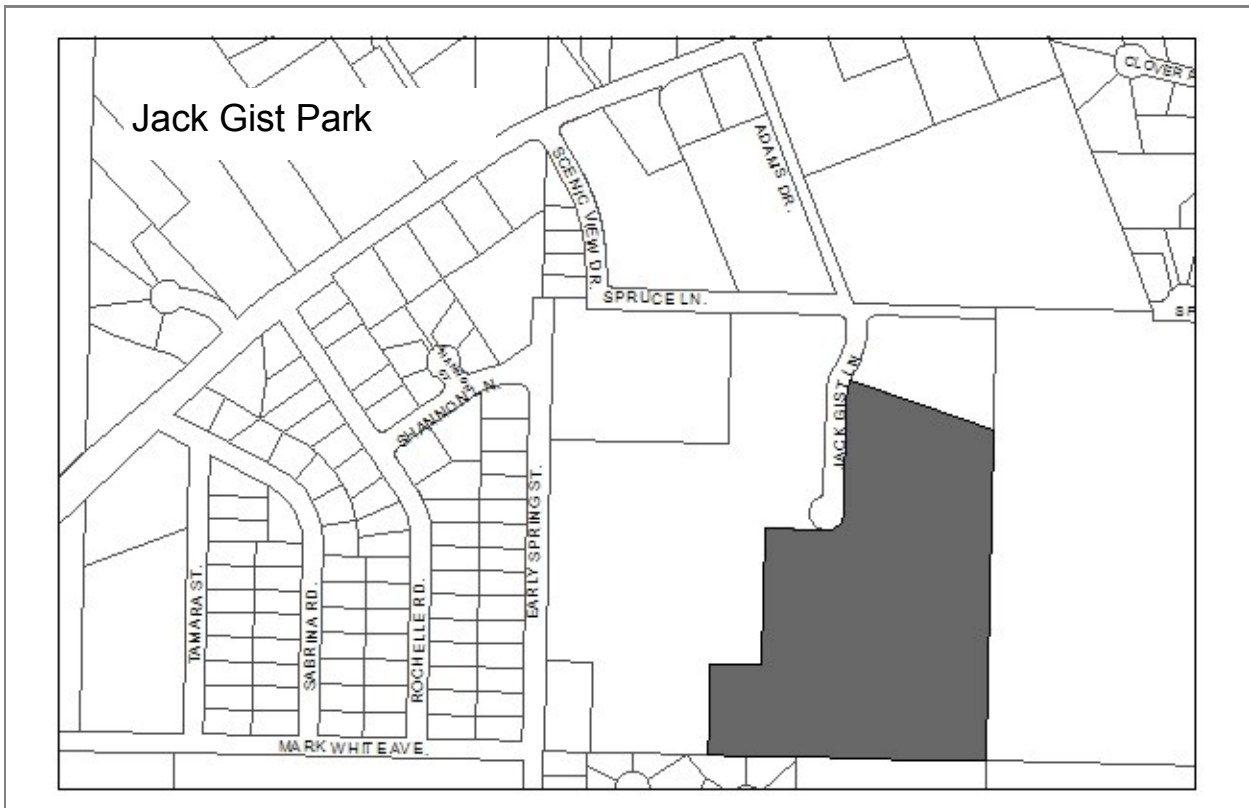
Wetlands: possibly on a small portion

Infrastructure: Road access

Notes: This lot has a public use easement granted by the plat. This lot will likely be needed in the future to connect Virginia Lynn Way, because the adjacent lots are not wetlands and are developable. Access to Mattox Road is not know at this time; the ground drops and becomes very swampy.

Resolution 09-33: Dedicate road access for Virginia Lynn Way, across Lot 2 Block 4 Lakeside Village Subdivision Amended. Hold the remainder of the lot for use as a public neighborhood park. In 2009 the City retained a surveyor to work on this issue. 2010: professional opinion was given that no right of way dedication is required, however, a legal opinion may be sought to determine city liability outside a dedicated right of way, Spruceview Ave is a similar situation: a roadway is constructed across a parcel, not within a right of way.

Finance Dept. Code:



Designated Use: Jack Gist Ball Park
Acquisition History: Warranty Deed Moss 8/27/98

Area: 14.6 acres	Parcel Number: 17901023
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2015 Assessed Value: \$109,200

Legal Description: HM0990063 T06S R13W S15 JACK GIST SUB LOT 2

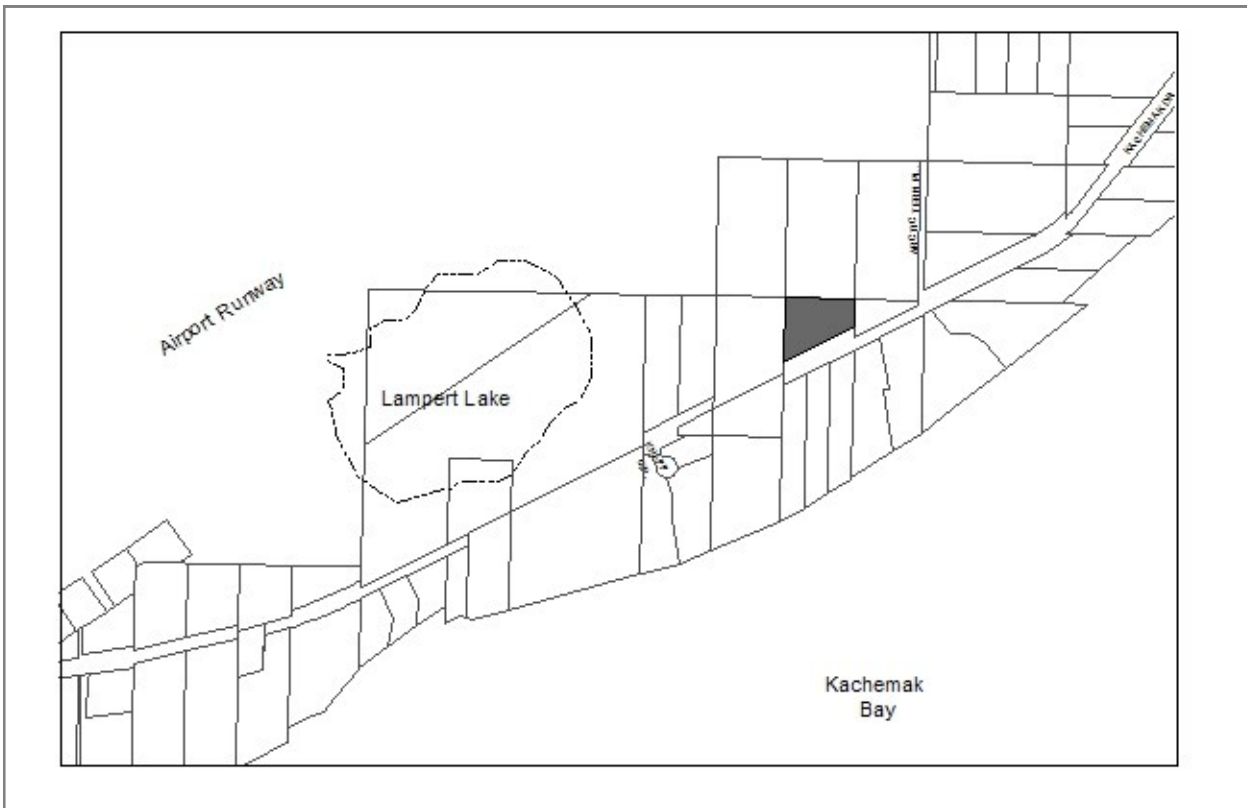
Zoning: Rural Residential	Wetlands: May be present. Site is mostly fill and old dump.
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Infrastructure: Gravel road access.

Notes: Old dump site. Land and Water Conservation Fund Grant Project #02-00369 for construction of 3 ball fields and parking area. Land to remain parkland in perpetuity.

No water or sewer to service the new ball fields. Parking lot constructed in 2006. 2009: ord 09-35(A) allocated \$33,000 for improvements to two ballfields.

Finance Dept. Code:



Designated Use: Future Kachemak Drive Trail and rest area Resolution 2011-37(A)
Acquisition History: Ord 96-16(A) (KPB)

Area: 1.65 acres	Parcel Number: 17936020
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2015 Assessed Value: \$31,700

Legal Description: Scenic Bay Lot 4

Zoning: General Commercial 2	Wetlands: 100% Wetlands
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Infrastructure: Paved Road, city water and sewer

Notes: Part of Kachemak Drive Phase 3 water and sewer SAD

Finance Dept. Code:



Designated Use: Resolution 15-030(A): Sell
Acquisition History: Lot 1: Ordinance 97-06(S) KPB

Area: Harry Feyer Subdivision Lot 1: 0.39 acres	Parcel Number: 17910001, 17911005
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2015 Assessed Value: \$30,900 (lot 1)

Legal Description: Harry Feyer Subdivision Lot 1

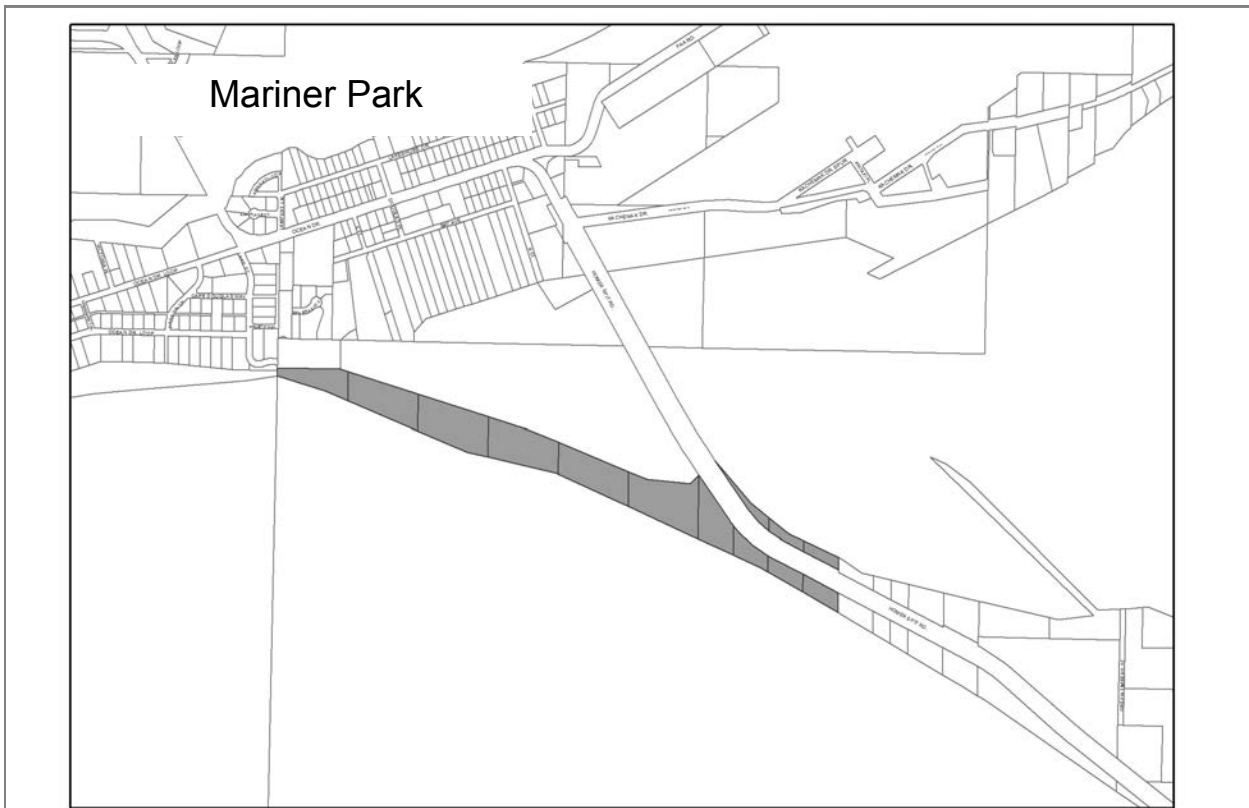
Zoning: Rural Residential	Wetlands: none known
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Infrastructure: Paved Road access, power.

Notes:

Has water and sewer assessments.
 Resolution 15-030(A): For sale. Lot 1 has not yet sold.

Finance Dept. Code:



Designated Use: Park
Acquisition History: Lot 10: Simmons purchase, 1983. Other are EVOS purchases or unknown.

Area: 32.32 acres	Parcel Number: 18101002-14
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2014 Assessed Value: \$272,100

Legal Description: T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOTS 5-8, 10-15

Zoning: Open Space Recreation/Conservation	Wetlands: Tidal
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Infrastructure: No infrastructure

Notes: Acquisition of Lots 5-8 and 11-15 should be researched to see how they were acquired. Possibly EVOS purchases.

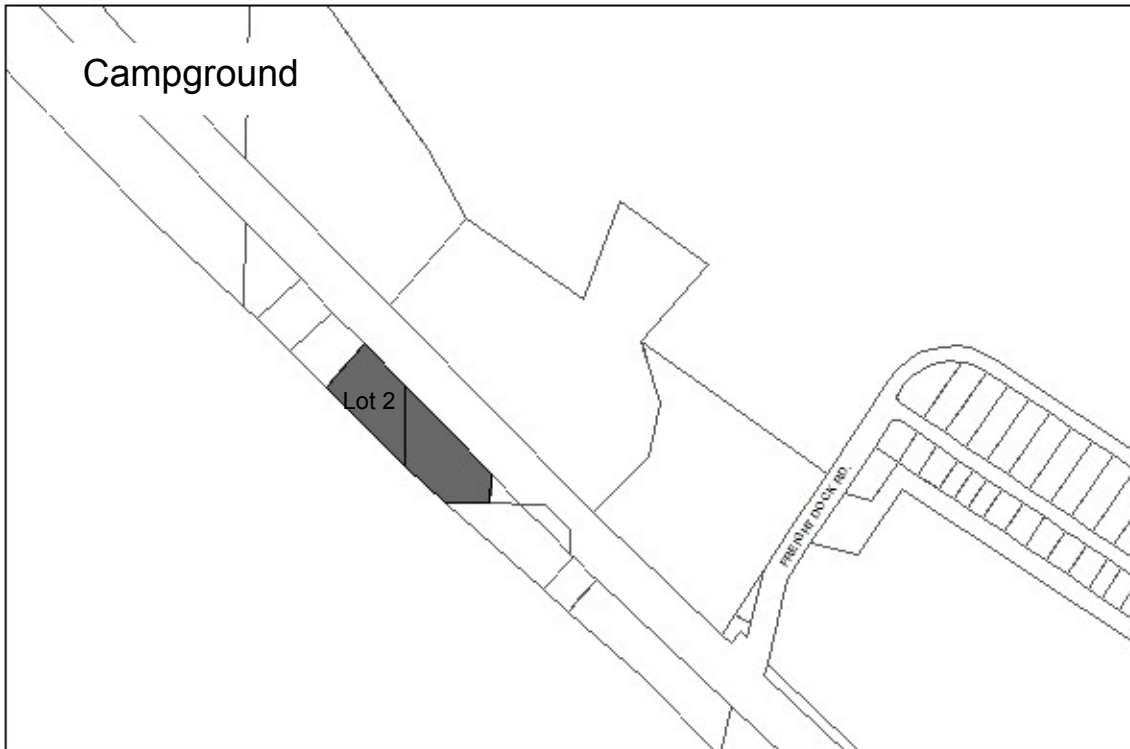
Mariner Park and Mud Bay were nominated by the City as Western Hemisphere Shorebird Reserve Sites in 1994 ("whissern"). They are recognized as sites of international importance. <http://www.whsrn.org/>

2012 Mariner Park driveway was relocated to the north.

Resolution 15-030(A): designate as park. Minutes of the meeting ask staff to research the deed history to see if there are long term conservations easements. 2017 update: it appears that none of the lands are EVOS purchases, according to the EVOS website.

2016: new campground office located at Mariner Park.

Finance Dept. Code:



Designated Use: Camping
Acquisition History:

Area: 3.92 acres (2.1 and 1.82 acres)

Parcel Number: 18103101, 02

2015 Assessed Value: \$427,100 (Includes value of the campground office which was removed in 2016)

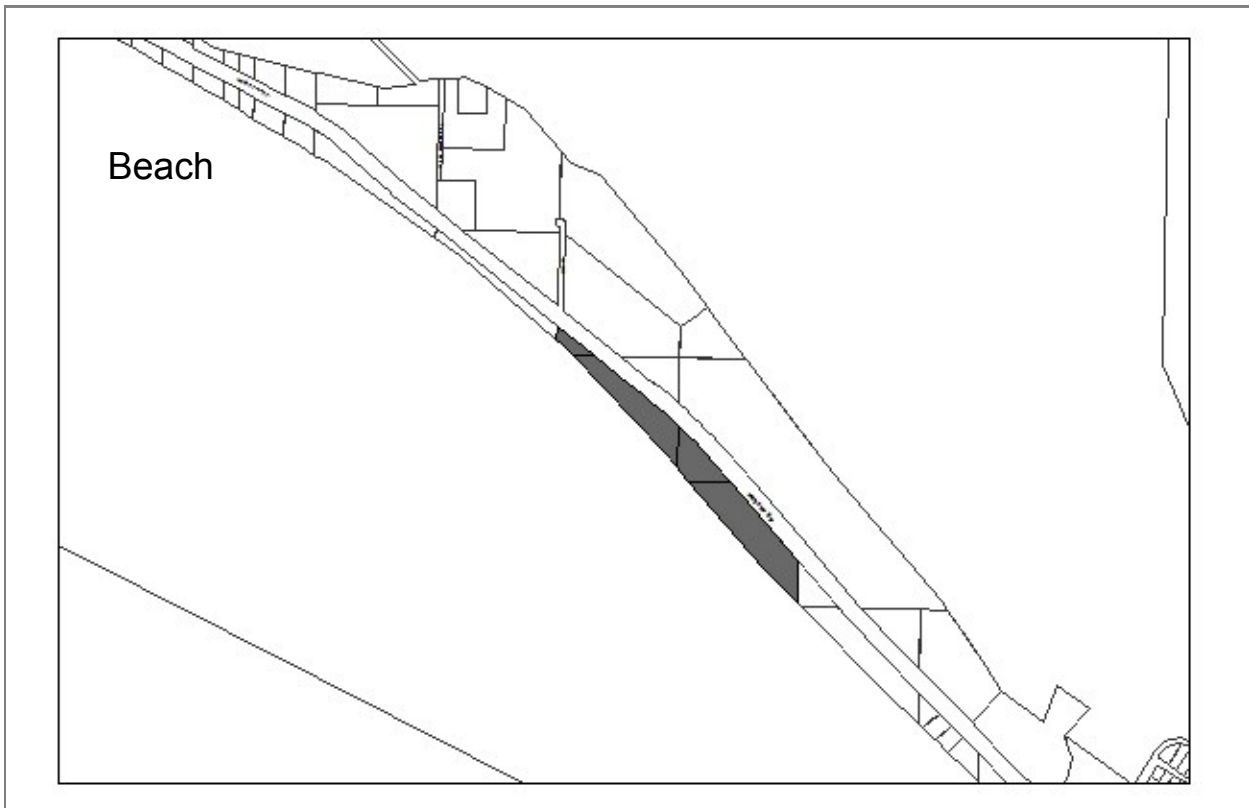
Legal Description: Homer Spit Subdivision Amended Lot 2, and that portion of Government Lot 14 lying south of the Homer Spit Road T6S R13W S35

Zoning: Open Space Recreation.

Infrastructure: Paved road, water and sewer

Notes: At most, 1/3 of the land is above the high tide line. The rest is beach or underwater.
 2016: Campground office sold and removed due to repeated erosion and storm damage.

Finance Dept. Code:



Designated Use: Public Use/ Open Space Recreation
Acquisition History: Ord 90-26 (KPB). Lot 6: EVOS purchase

Area: 23 acres	Parcel Number: 181030 02, 04, 06 18102011
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2015 Assessed Value: \$388,300

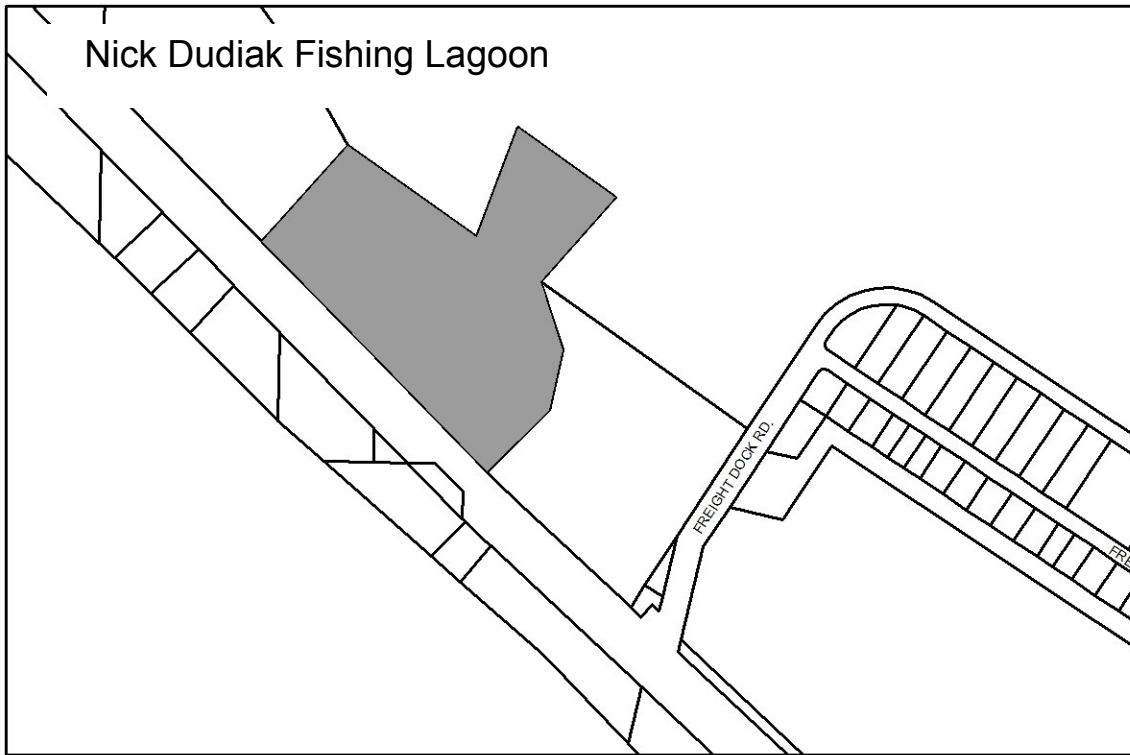
Legal Description: T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1,2, Sec 34 Lot 1, lot 6 SW of Sterling Hwy Sec 27

Zoning: Open Space Rec	Wetlands: Tidal
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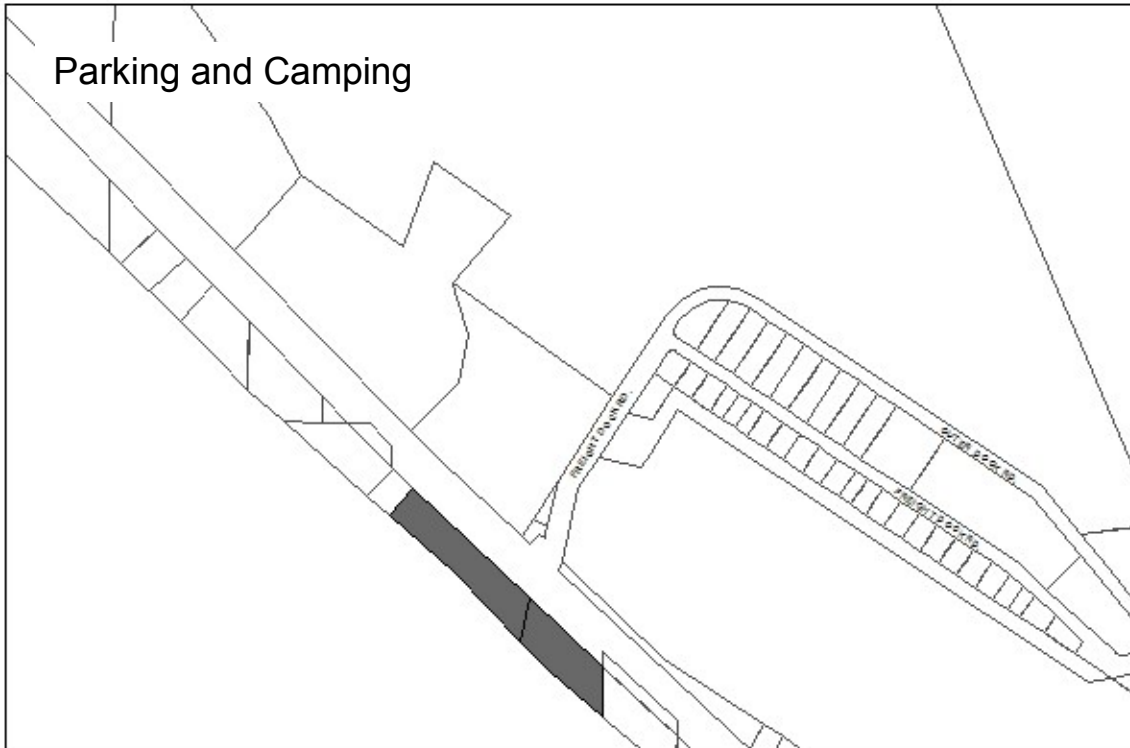
Infrastructure: Paved Road access

Notes:
 Acquisition history of lot 6 should be researched as budget allows

Finance Dept. Code:



Designated Use: Fishing Lagoon	
Acquisition History: Ord 83-26 Purchase from World Seafood	
Area: 17.71 acres	Parcel Number: 18103116
2009 Assessed Value: \$2,144,700	
Legal Description: T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0920039 THE FISHIN HOLE SUB TRACT 2	
Zoning: Open Space Recreation	Wetlands: N/A. Portions in floodplain.
Infrastructure: City Water and Sewer, paved road access. Restroom.	
Notes:	
<ul style="list-style-type: none"> • Dredged in 2012 • 2016 construction of Kachemak Bay Water Trail shelter • 2016 new fish cleaning tables built (ADFG funded) 	
Finance Dept. Code:	



Designated Use: Western lot: Camping. East lot, parking
Acquisition History:

Area: 5.7 acres

Parcel Number: 18103301, 18103108

2015 Assessed Value: \$757,500

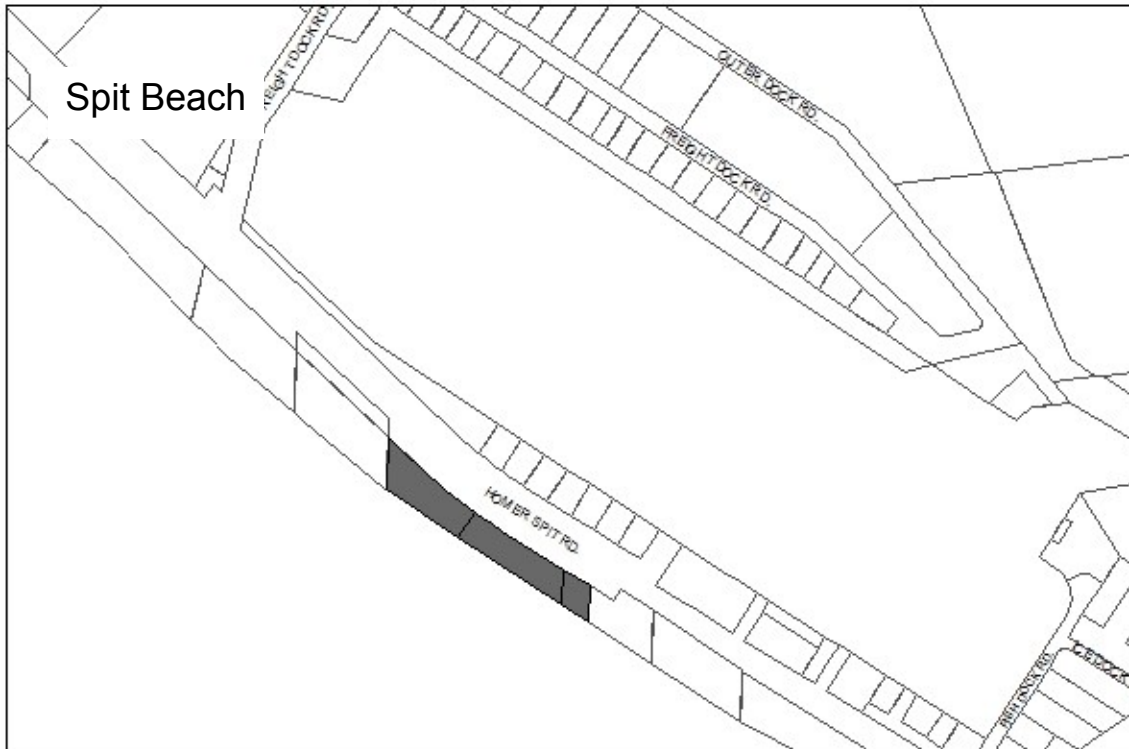
Legal Description: Homer Spit Amended Lots 7 and 9

Zoning: Open Space Recreation

Wetlands: N/A

Infrastructure: Paved Road

Finance Dept. Code:



Designated Use: Open Space Recreation
Acquisition History: Lot 11B: Reso 93-14, 3/24/93 Deed. Acquired through an exchange for lot 18.

Area: 2.36 acres

Parcel Number: 181033 4, 5, 6

2015 Assessed Value: \$400,800

Legal Description: Homer Spit Subdivision Amended Lots 11 and 20. Lot 11B of HM 0640816.

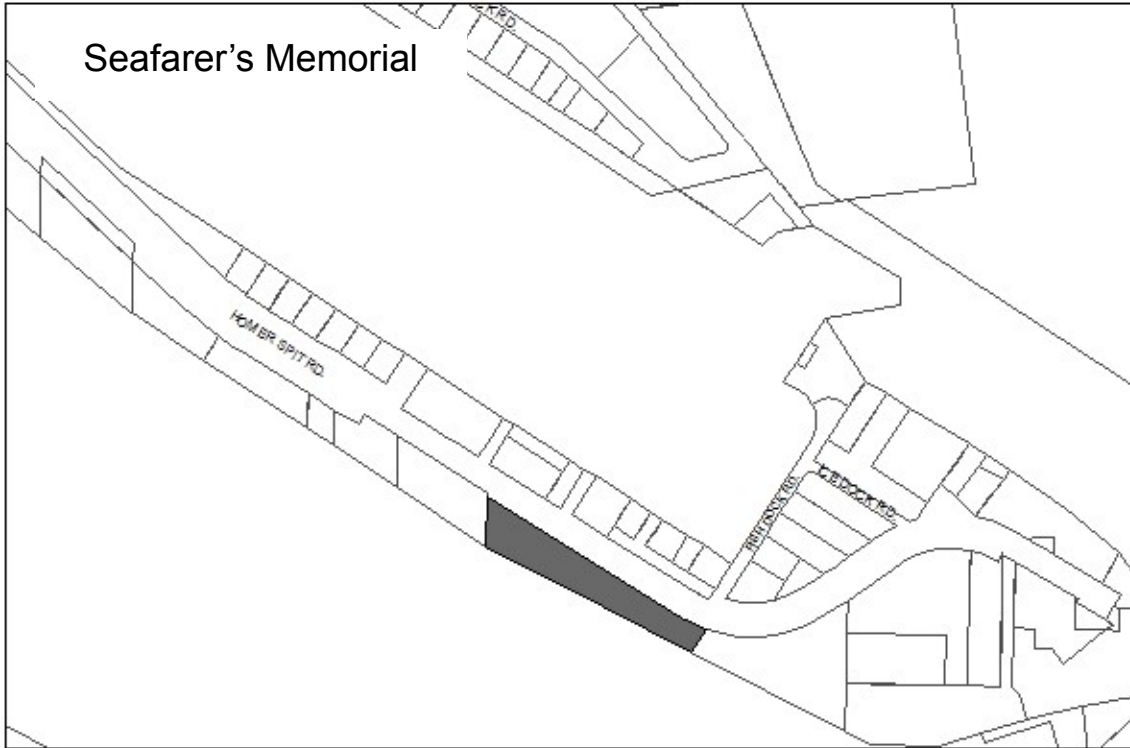
Zoning: Open Space Recreation

Wetlands: N/A

Infrastructure: Paved Road

Notes:

Finance Dept. Code:



Designated Use: Seafarer's Memorial and parking
Acquisition History:

Area: 2.52 acres

Parcel Number: 18103401

2009 Assessed Value: \$316,900

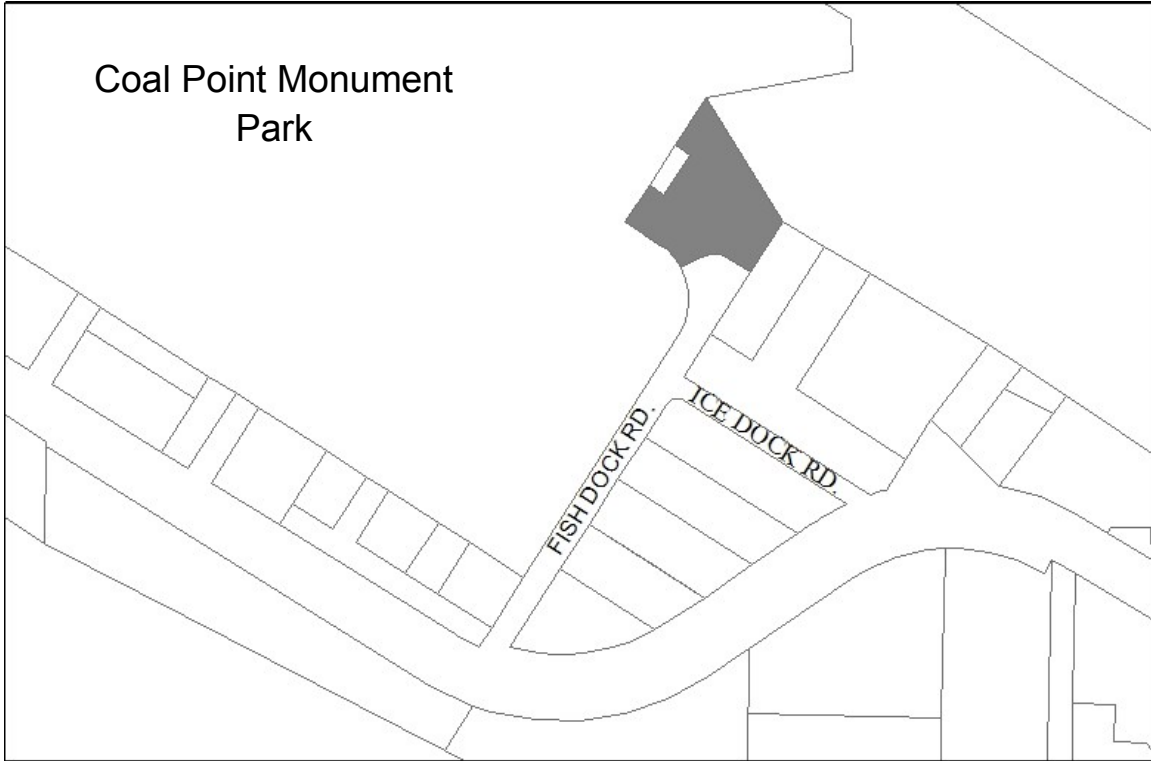
Legal Description: Homer Spit Amended Lot 31

Zoning: Open Space Recreation

Wetlands: N/A

Infrastructure: Paved Road

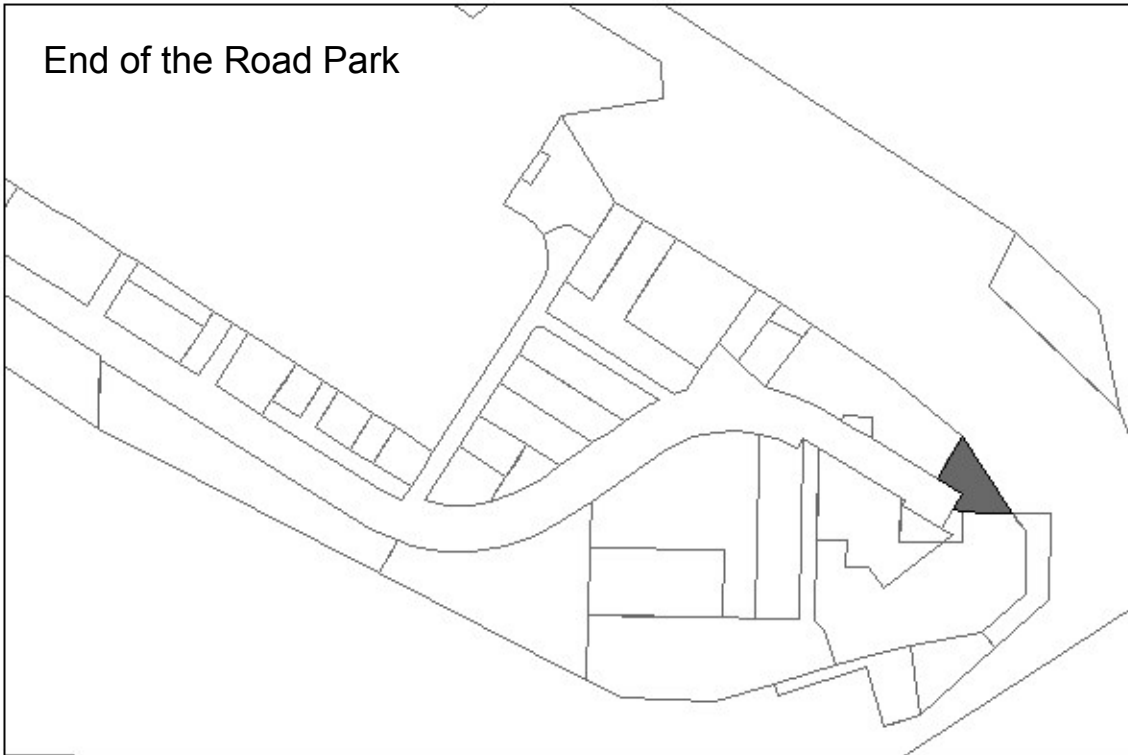
Finance Dept. Code:



Designated Use: Park	
Acquisition History:	
Area: 1.09 acres	Parcel Number: 18103426
2015 Assessed Value: \$280,000	
Legal Description: LEGAL T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED COAL POINT MONUMENT PARK EXCLUDING THAT PORTION AS PER LEASE AGREEMENT 187 @ 921	
Zoning: Marine Industrial	Wetlands:
Infrastructure: gravel parking area	
Notes:	
Finance Dept. Code:	



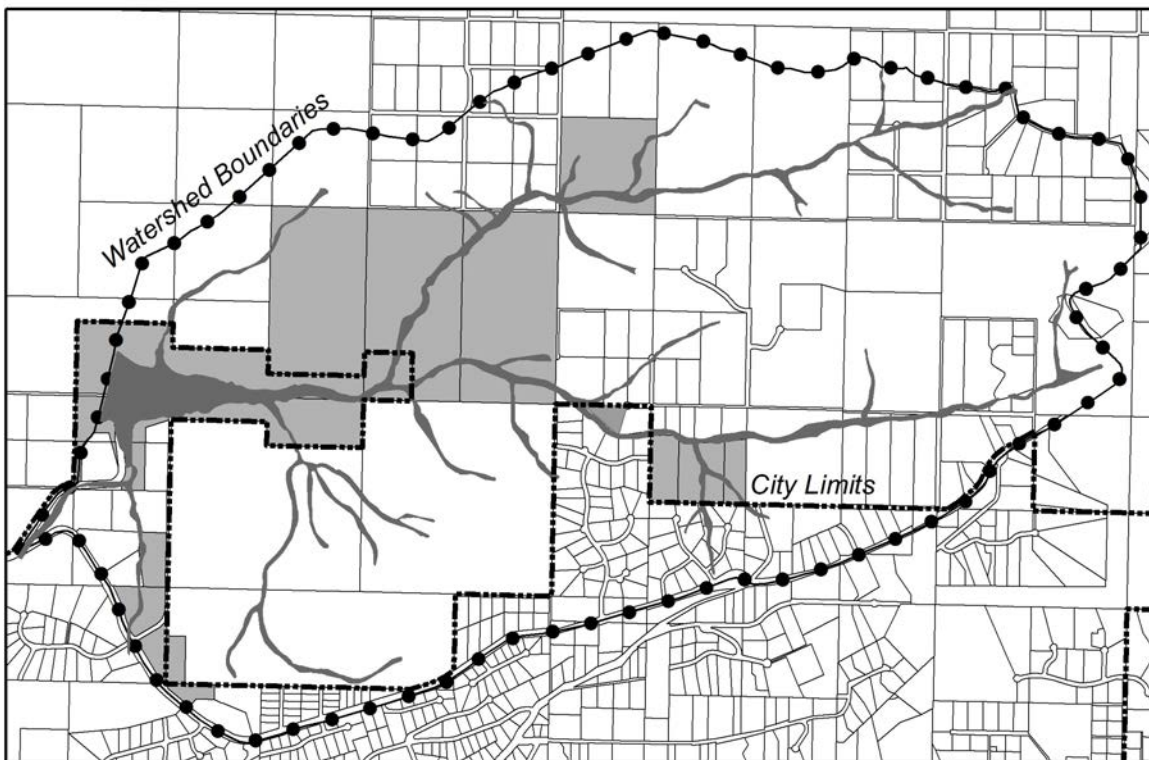
Designated Use: Beachfront between Icicle and Main Dock	
Acquisition History:	
Area: 0.11 acres	Parcel Number: 18103446
2015 Assessed Value: \$44,700	
Legal Description: T 7S R 13W SEC 1 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 20 LYING NE OF THE HOMER SPIT RD & BOUNDED ON THE NW BY LOT 43 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE NE BY ATS 612 & BOUNDED ON THE SE BY LOT 45 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE	
Zoning: Marine Industrial	Wetlands: N/A tidal, flood plain
Infrastructure:	
Notes:	
Finance Dept. Code:	



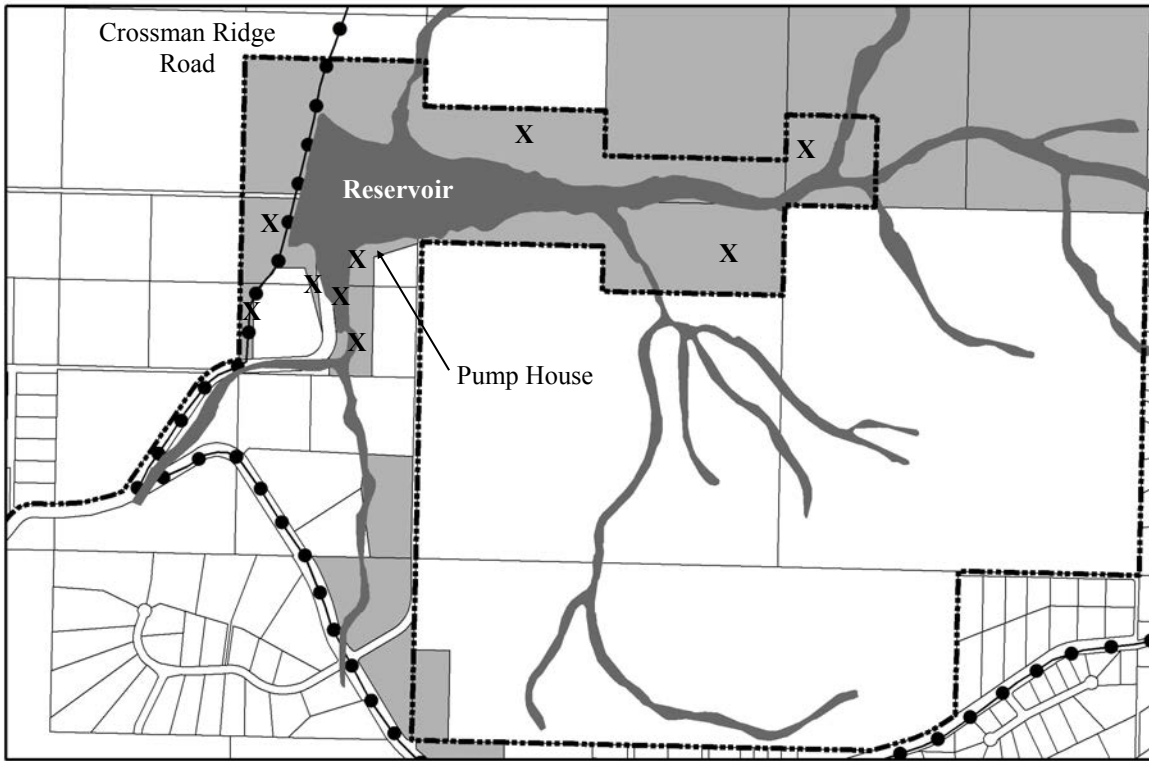
Designated Use: End of the Road Park Resolution 13-032	
Acquisition History:	
Area: 0.43 acres	Parcel Number: 18103448
2015 Assessed Value: \$133,000	
Legal Description: HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B	
Zoning: Marine Industrial	Wetlands: N/A
Infrastructure: Water, sewer, paved road access	Address:
<ul style="list-style-type: none"> • Restroom construction 2013/14, parking lot paved, and spit trail completed • Access easement granted to Land's End for fire egress, due to erosion of beach. 	
Finance Dept. Code:	

City Lands within the Bridge Creek Watershed Protection District

These properties lie within the Bridge Creek Watershed Protection District. Not all the lands within the district are in Homer City limits. The city owns 22 lots totaling 438.46 acres with an assessed value in 2016 of \$5,067,300. Lands include conservation purchases from the University of Alaska, Bureau of Indian Affairs, Kenai Peninsula Borough tax foreclosure, private parties, and water system infrastructure such as the reservoir, pump house, and water treatment plant and tanks.



Section updated November 29, 2017



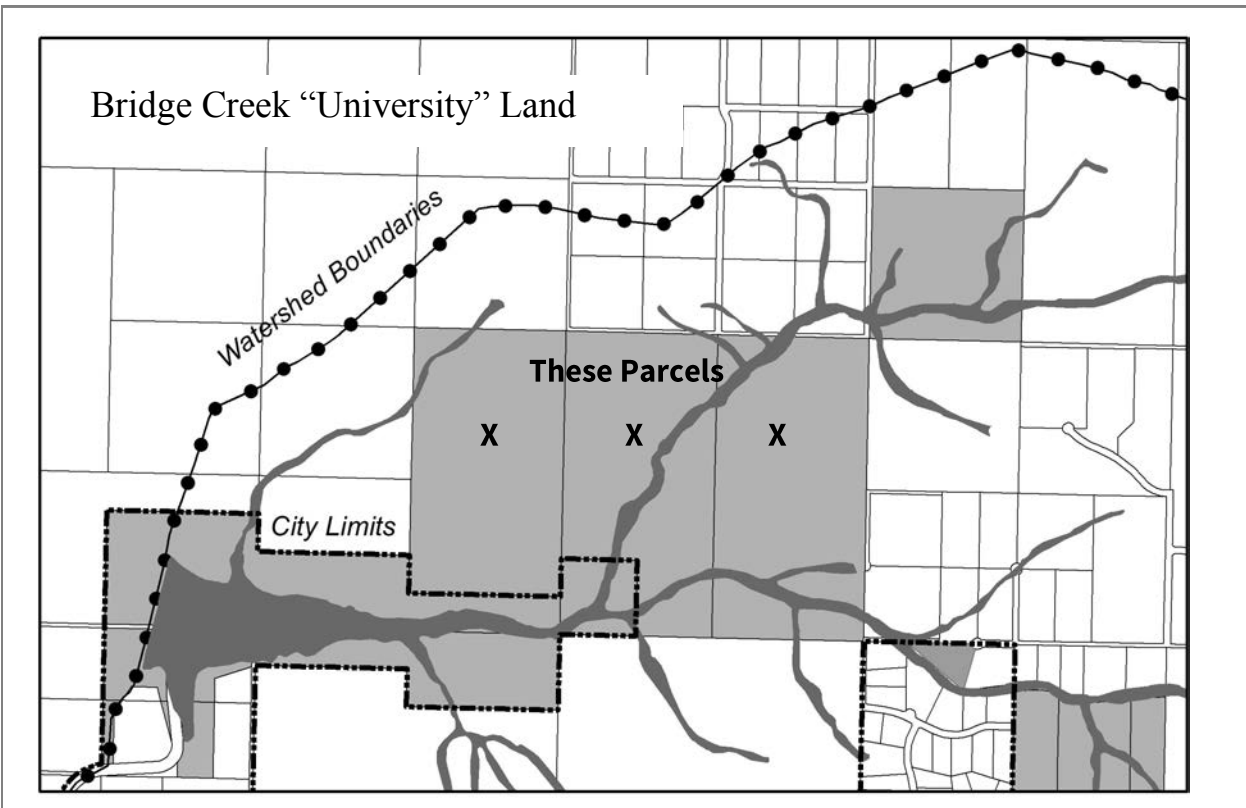
Designated Use: Bridge Creek Watershed, Reservoir and pump house
Acquisition History:

Area: 120.9 acres **Zoning:** Conservation **2015 Assessed Value:** \$323,800

PARCEL ACREAGE LEGAL

17307053	0.410	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 THAT PORTION THEREOF LYING EAST OF DIAMOND RIDGE ROAD
17307057	1.470	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307059	0.130	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307062	7.350	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 1 PORTION THEREOF
17307064	6.940	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 PORTION THEREOF
17305301	30.000	T 6S R 13W SEC 8 SEWARD MERIDIAN HM N1/2 N1/2 NW1/4 NW1/4 & N1/2 NE1/4 NW1/4
17305111	60.000	T 6S R 13W SEC 5 T 6S R 13W SEC 6 HM SEWARD MERIDIAN S1/2 S1/2 SE1/4 SW1/4 & S1/2 SW1/4 SW1/4 OF SEC 5 & S1/2 SE1/4 SE1/4 & S1/2 N1/2 SE1/4 SE1/4 OF SEC 6
17305236	10.000	T 6S R 13W SEC 5 SEWARD MERIDIAN HM SW1/4 SW1/4 SE1/4
17307060	4.600	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 14 THE W1/2 THEREOF

Finance Dept. Code:



Designated Use: Bridge Creek Watershed Property
Acquisition History: Ordinance 2003-7(A). Purchased from UAA.

Area: 220 acres	Parcel Number: 173 052 34, 35, 17305120
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2015 Assessed Value: \$184,100

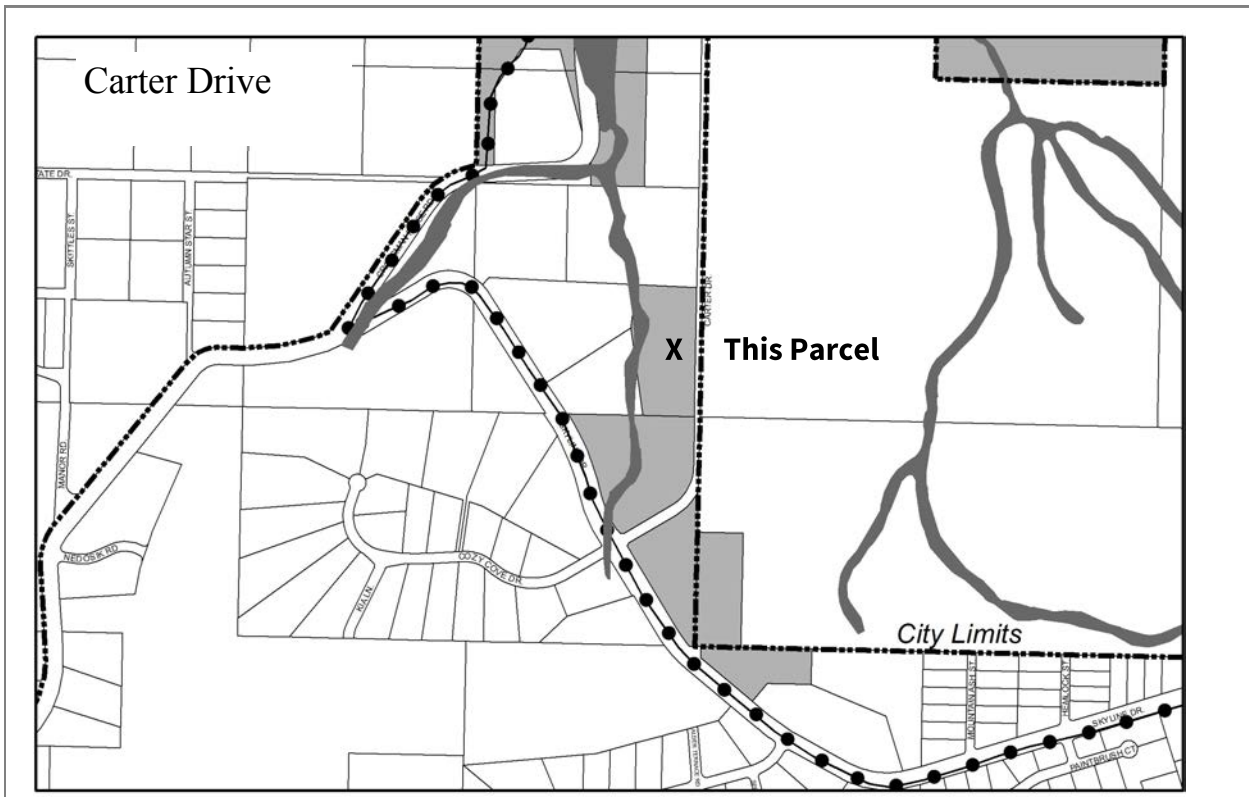
Legal Description: The Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) and the East one-half of the Southwest one-Quarter of the Southeast one-quarter (E1/2 SW1/4 SE1/4) and the Northwest one-quarter of the Southwest one-quarter of the Southeast one-quarter (NW1/4 SW1/4 SE1/4) and the Northeast one-quarter of the Southwest one-quarter (NE1/4 SW1/4) and the North one-half of the South one-half of the Southeast one-quarter of the Southwest one-quarter (N1/2 S 1/2 SE1/4 SW1/4) and the East one-half of the Southeast one-quarter (E1/2 SE1/4) of Section 5, Township 6 South, Range 13 West, Seward Meridian, in the Homer Recording District, State of Alaska.

Zoning: Bridge Creek Watershed Protection District. Not within City Limits.	Wetlands: Some wetlands. Bridge Creek flows through the property.
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Infrastructure: None. Limited legal and physical access.

Notes:
 Paid \$265,000 for land in 2003.
 Fire hazard mitigation conducted in 2011.

Finance Dept. Code:



Designated Use: A public use to protect and enhance the City's Bridge Creek Watershed and thereby protect its water quality.

Acquisition History: Emergency Ordinance 2005-40, 2005-45.

Area: 5.93 acres

Parcel Number: 173070760

2015 Assessed Value: \$75,100 (Land \$44,300 Structure \$30,800)

Legal Description: HM0840119 T06S R13W S07 Pioneer Valley Subdivision Lot 2

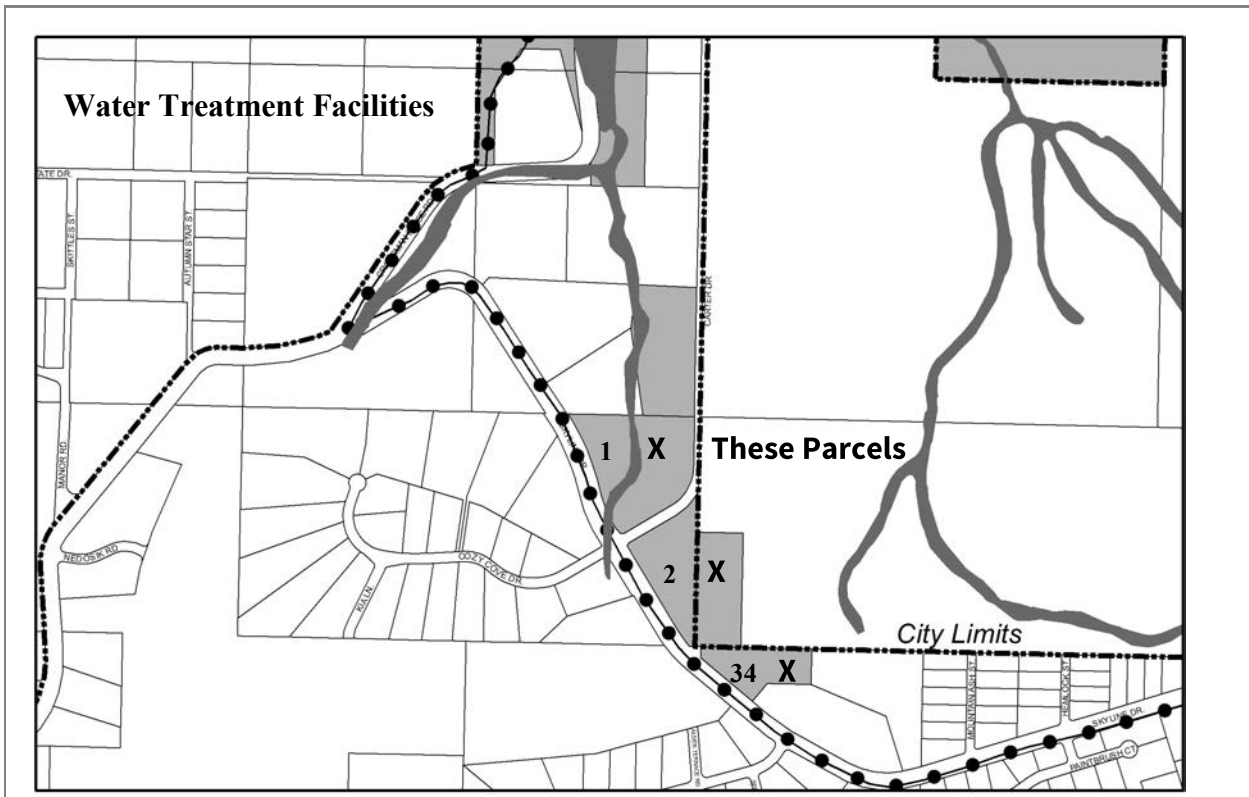
Zoning: Rural Residential, Bridge Creek WPD

Wetlands: Some discharge slope wetland, possibly a creek to the Reservoir.

Infrastructure: Driveway access to property.

Notes: Property includes a small cabin.

Finance Dept. Code:



Designated Use: Protecting the watershed and providing alternate access to property north of the City's water treatment plant, Water Tank and building, City Well Reserve Water Tank and building/Public Purpose.

Acquisition History: Ordinance 10-21 (Lot 1) Lot 34 Purchased 1/97 Tulin

Area: Lot 1: 7.83 acres Lot 2: 8.34 acres Lot 34: 3 acres	Parcel Number: 17307094, 95, 96, 17308034
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2015 Assessed Value: Lot 1: land \$45,600 Lot 2: Land \$79,500, improvements \$3,343,300
Lot 34: land \$42,300, Improvements \$677,500,

Legal Description: Hillstrand's Homestead Lots 1, 2, Tulin Terrace Upper Terrace Lot 34

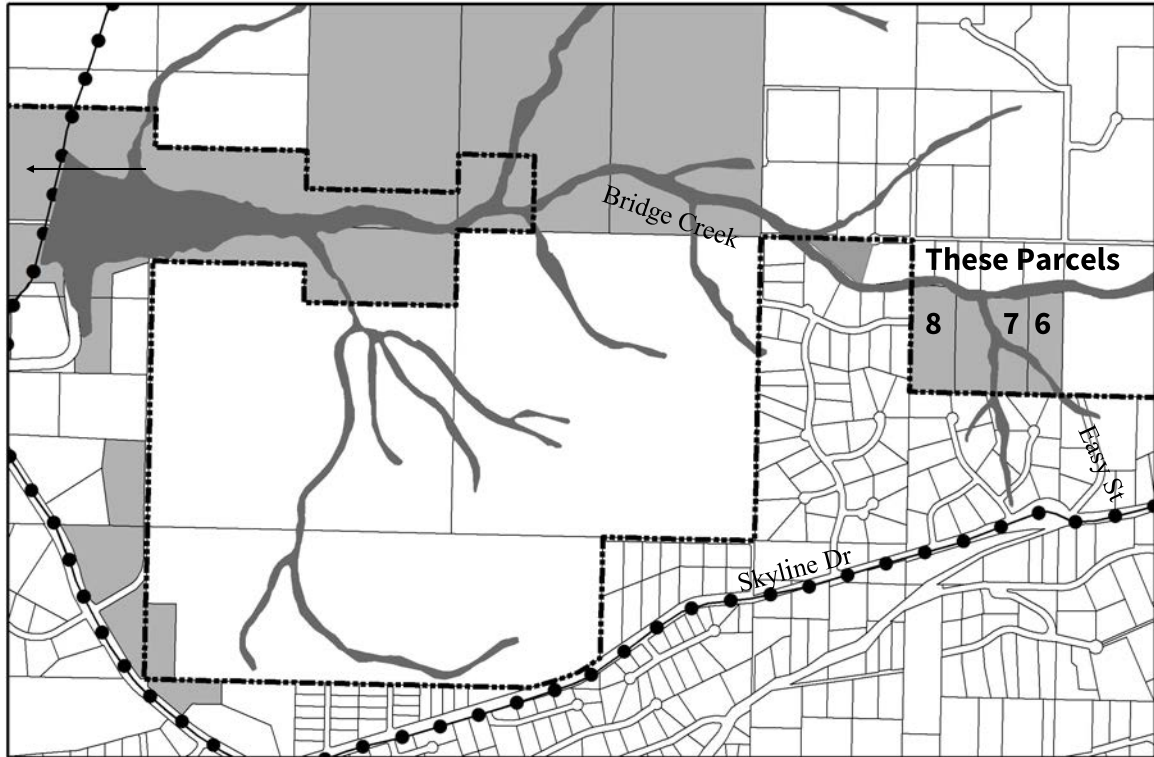
Zoning: Rural Residential, Bridge Creek WPD	Wetlands: Some discharge slope wetland, possibly a creek to the Reservoir.
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Infrastructure: Paved road, electricity

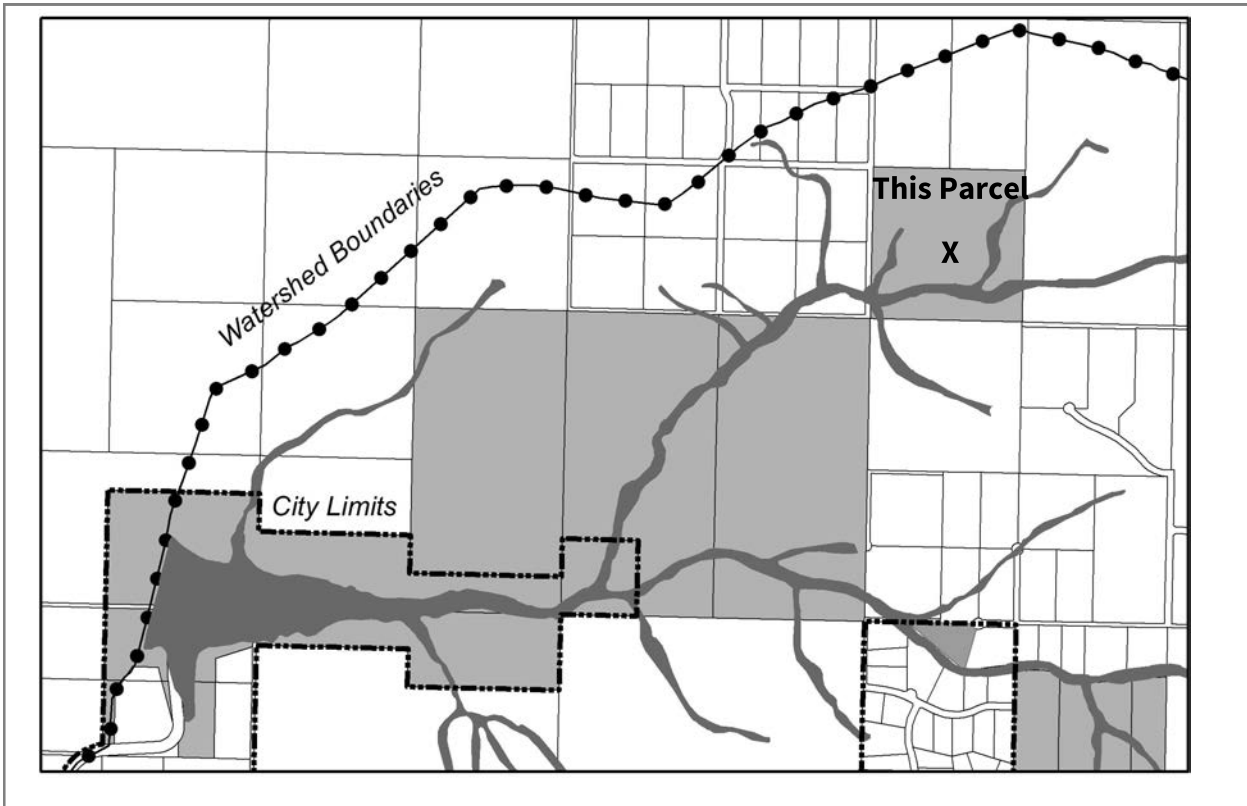
Notes:

Bulk of Lot 1 purchased in 2010, Ord 10-21, \$90,000. 184 Skyline Dr
Former water treatment plant site. A fire station/equipment storage was constructed in 2014.
Eastern half of lot 2, acquired through eminent domain. Location of the water treatment plant.
Lot 34 is the site of a 1 million gallon water tank.

Finance Dept. Code:



Designated Use: Watershed Protection Purposes	
Acquisition History: Ordinance 2009-08(A)	
Area: Lot 6: 6.91 acres, Lot 7: 13.38 acres Lot 8: 8.89 acres Total: 28.81 acres	Parcel Numbers: 1736600 6, 7, 8
2015 Assessed Value: \$185,700 (all lots)	
Legal Description: Lots 6,7 and 8, Roehl Parcels Record of Survey Amended	
Zoning: Not in city limits.	Wetlands: about half the land is wetland. Bridge Creek is the northern boundary of these lots.
Infrastructure: Gravel access on Easy Street and Quinalt Ave. There is a gravel road with some sort of easement over lots 6 and 7.	
Notes: Lots purchased 2/25/09 Lot 6, \$58,735, recorded document 2009-000612-0 Lot 7, \$113,730, recorded document 2009-000613-0 Lot 8, \$75,565, recorded document 2009-000611-0 Total Cost: \$248,030 The northern lot line of these lots is bridge creek, and meanders as the creek meanders.	
Finance Dept. Code:	



Designated Use: Public Purpose, Watershed Protection Purposes (Reso 16-043 Ord 16-19)
Acquisition History: Tax foreclosure from KPB, Ordinance 15-15,

Area: 40 acres

Parcel Numbers: 17305219

2015 Assessed Value: \$47,200

Legal Description: T 6S R 13W SEC 4 SEWARD MERIDIAN HM SW1/4 NW1/4

Zoning: Not in city limits, part of the Bridge Creek WPD.

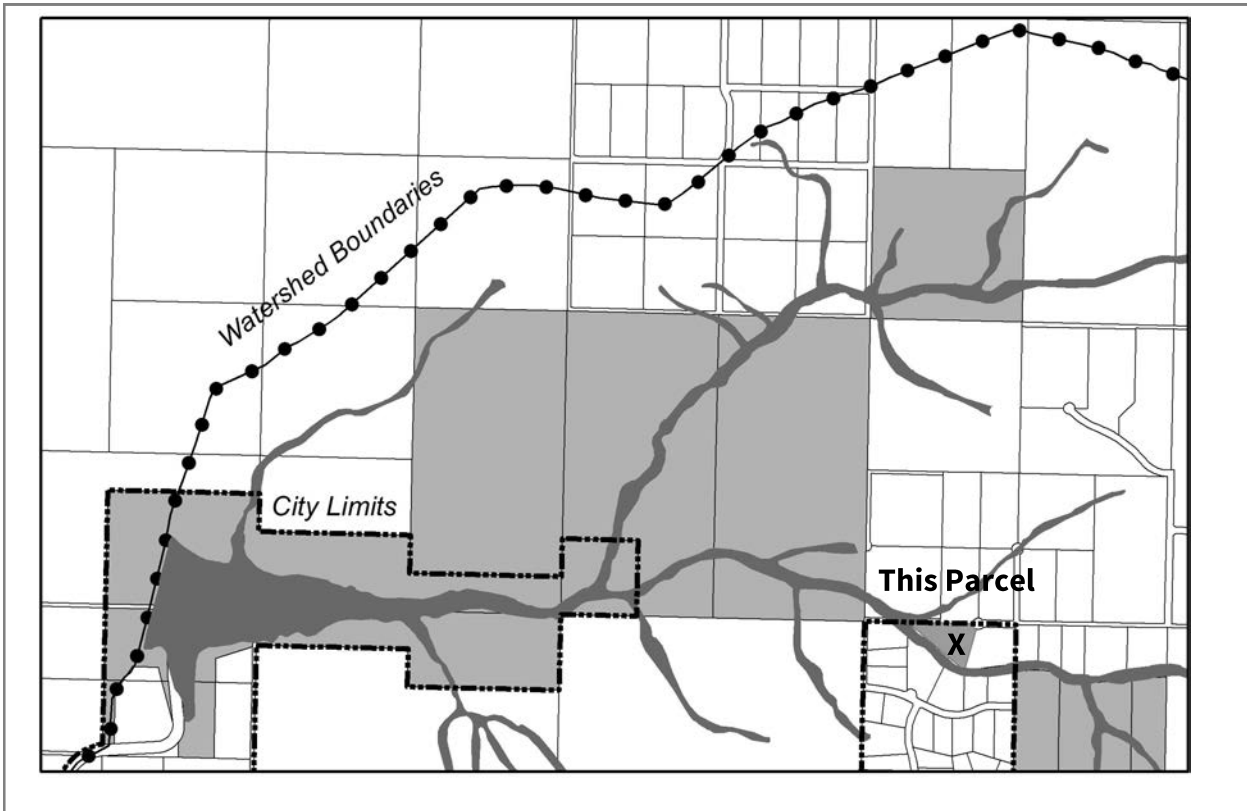
Wetlands: about half the land is wetland. Bridge Creek is the northern boundary of these lots.

Infrastructure: Gravel access on Easy Street and Quinalt Ave. There is a gravel road with some sort of easement over lots 6 and 7.

Notes:

Purchase cost: \$2,805.21 in 2015.
 Legal and physical access to this property is difficult. Bridge Creek flows through a ravine along the bottom third of the lot, and the property is generally steep.

Finance Dept. Code:



Designated Use: Watershed Protection Purposes (Ord 17-27)

Acquisition History: City purchased from private land owner

Area: 2.86 acres

Parcel Number: 17305408

2017 Assessed Value: \$45,200 (high)

Legal Description: T 6S R 13W SEC 9 SM Kelly Ranch Estates Sub Lot 8 Block 1

Zoning: RR, and part of the Bridge Creek WPD.

Wetlands: Lot is all wetlands. Bridge Creek runs through the valley on the south side of the lot.

Infrastructure: Access by foot or ATV via a section line and undeveloped right of way.

Notes:

Purchase cost: \$21,000 in 2017.

Finance Dept. Code:

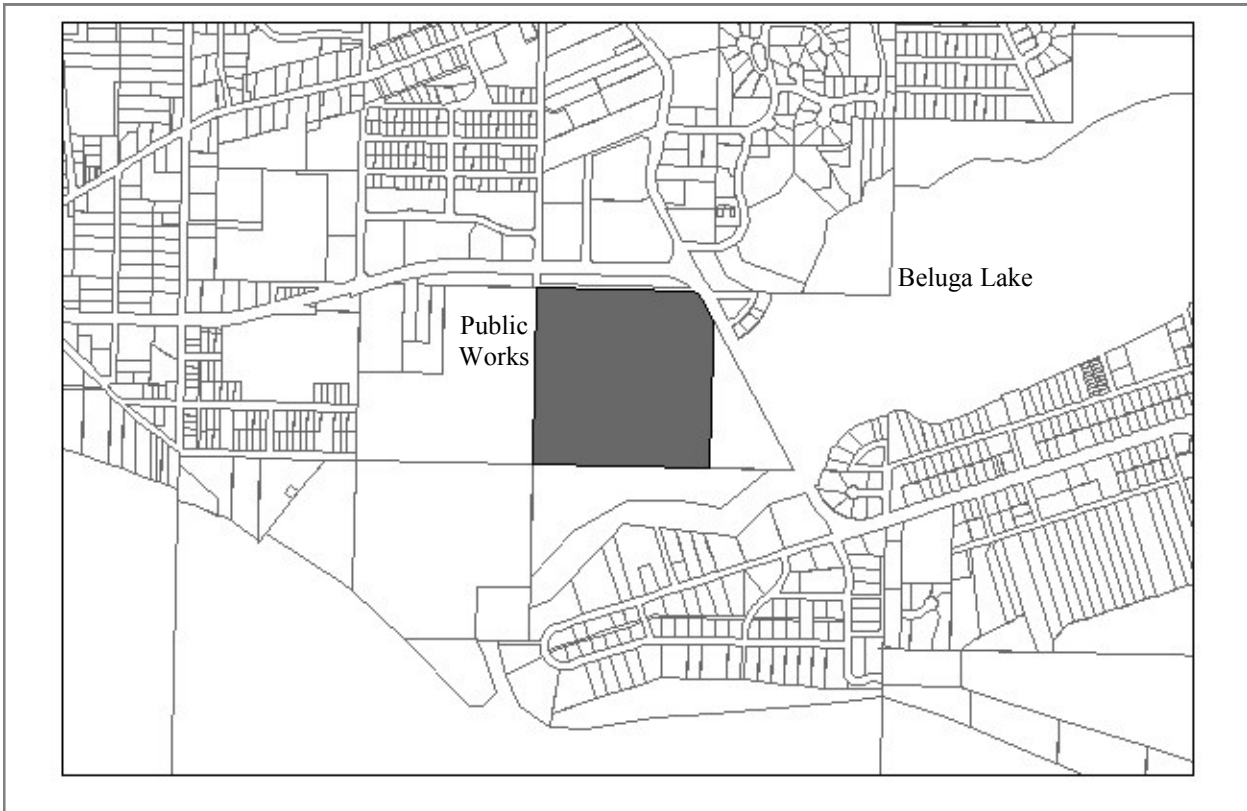
Homer Conservation Easement Lands

Existing conservation lands in Homer were mainly acquired through Exxon Valdez Oil Spill funding. Generally there are very strict easements on these lands as they were purchased to protect habitat, particularly shorebird habitat in sensitive areas. A portion of Louie's Lagoon has a conservation easement held by the Kachemak Heritage Land Trust.

Total acreage: 169.72 acres.



This section updated 11/20/2017



Designated Use:
Acquisition History: EVOS purchase and conservation easement.

Area: 39.24 acres	Parcel Number: 17714006
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2017 Assessed Value: \$9,900

Legal Description: HM T06S R13W S20 NW1/4 SE1/4 EXC HOMER BY PASS RD

Zoning: Conservation	Wetlands: Beluga Slough Estuary
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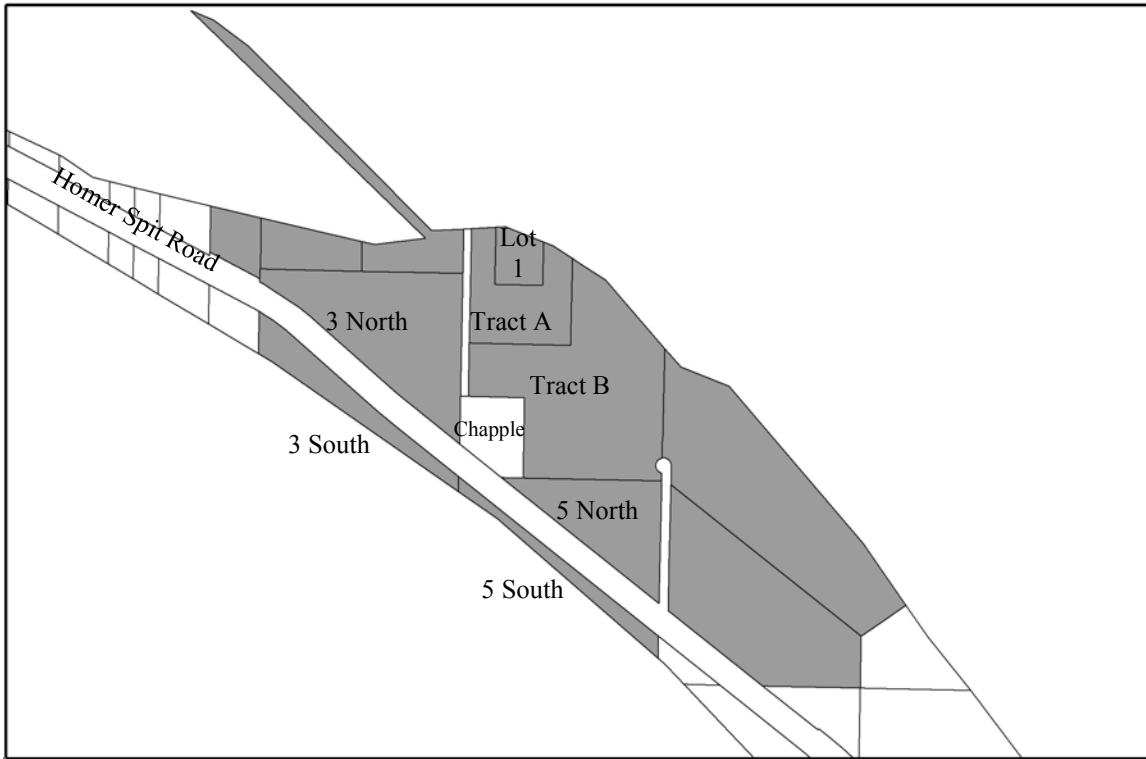
Notes:

- Conservation Easement document recorded in Book 0275, Page 243, Homer Recording District, 4/21/98.
- Parcel is within a FEMA-mapped floodplain.
- Resolution 15-064 supported the inclusion of this land in the Western Hemisphere Shorebird Reserve Network

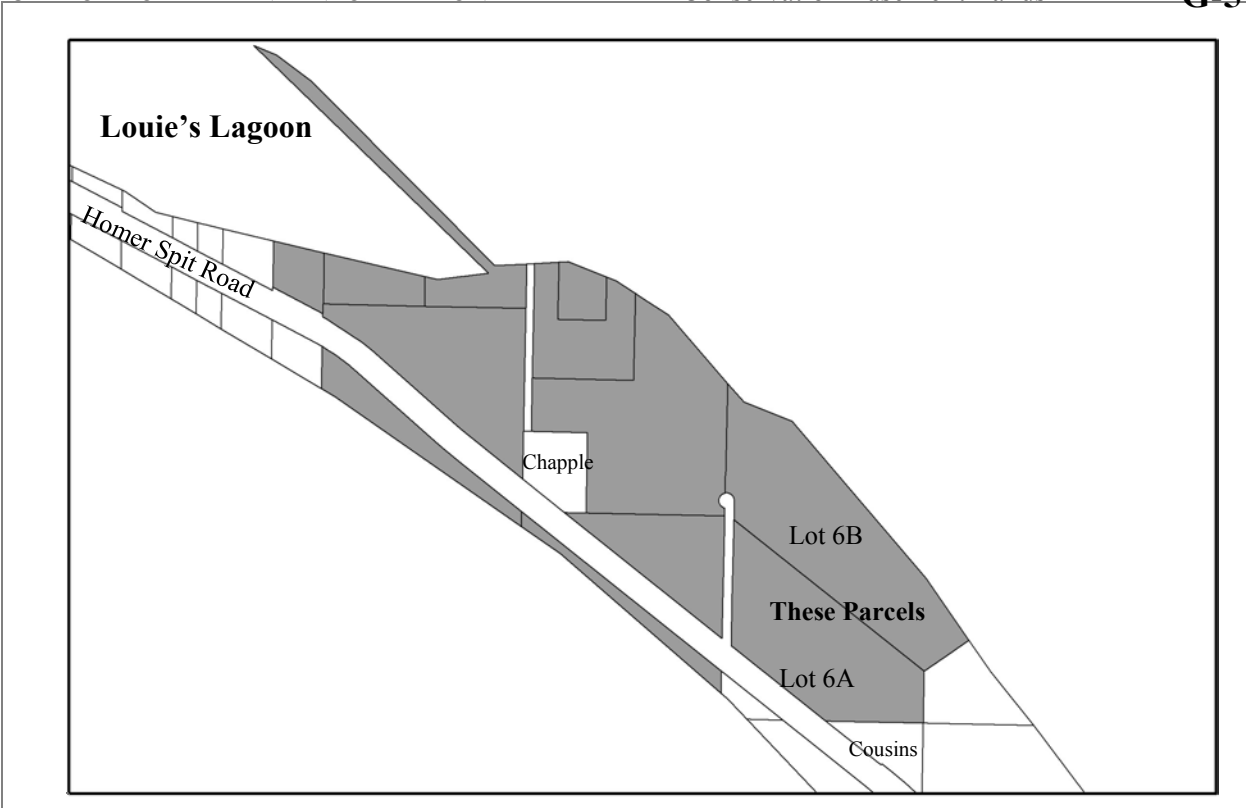
Finance Dept. Code: 392.0013



Designated Use:	
Acquisition History: EVOS purchase and conservation easement. Resolution 97-72 and 104.	
Area: Lot 7: 7.1 acres Lot 8: 3.94 acres Lot 9: 3.00 acres Lot 9 S of Road: 2.16 acres (no EVOS Conservation Easement)	Parcel Number: 181020 02, 01, 18101023, 24
2017 Assessed Value: Lot 7: \$6,800 Lot 8: \$113,300 Lot 9: \$142,400 Lot 9S: \$4,100	
Legal Description: HM T06S R13W S27 GOVT LOT 7 (east) and 8 (west) HM T06S R13W S28 THAT PORTION OF GOVT LOT 9 LYING NORTH OF HOMER SPIT RD	
Zoning: Conservation—lots 7 and 8 Open Space Recreation—Lot 9	Environment: State Critical Habitat Area below 17.4 ft . mean high tide line.
Notes: <ul style="list-style-type: none"> • Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98. • Parcels are within a FEMA-mapped flood hazard area. 	
Finance Dept. Code:	



Designated Use:	
Acquisition History: EVOS purchase and conservation easement.	
Area: Total: 70.97 acres	Parcel Number: 18102 03, 04, 05, 06, 09, 10,14
2017 Assessed Value: Total: \$281,800	
Legal Description: T 6S R 13W SEC 27 SEWARD MERIDIAN HM:	
<ul style="list-style-type: none"> • 0630660 WALTER DUFOUR SUB LOT 1, 0630060 WALTER DUFOUR SUB TRACT A • THAT PORTION OF GOVT LOT 3 LYING NORTH OF HOMER SPIT RD • THAT PORTION OF GOVT LOT 3 LYING SOUTH OF HOMER SPIT RD • THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD • PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY • 0770055 WALTER DUFOUR SUB TRACT B TRACT B 	
Zoning: Conservation South side of lot 5 is zoned Marine Industrial, but development is restricted by the conservation easement.	Environment: State Critical Habitat Area below 17.4 ft. mean high tide line.
Notes:	
<ul style="list-style-type: none"> • Conservation easement recorded in Book 0275, Page 222, Homer Recording District ,4/21/98. • Deeded to the City on same date, Book 0275, Page 236, HRD. • Parcels are within a FEMA-mapped flood hazard area. 	
Finance Dept. Code:	



Designated Use:	
Acquisition History: EVOS purchase and conservation easement.	
Area: Total: 45.47 acres	Parcel Number: 181-020 - 18, 19
2017 Assessed Value: Total: \$207,500	
Legal Description: HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-A HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-B	
Zoning: Conservation	Environment: State Critical Habitat Area below 17.4 ft. mean high tide line.
Notes:	
<ul style="list-style-type: none"> • Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98. This easement covers former Lot 6. See plat 2001-008. • Conservation easement with Kachemak Heritage Land Trust on Lot 6B. Executed 10/4/02, document 2004-004843-0 HRD. • Parcels are within a FEMA-mapped flood hazard area. 	
Finance Dept. Code:	

2018 Draft Land Allocation Plan Spit Map

Only this lot is available for long term lease along Freight Dock Rd



Legend

- City Land
- Parcels
- Parking
- Overslope

Parcels

2018 Allocation - Section

	For Lease	A
	Leased	B
	Port	C
	City Facility	D
	Park/open space	E

City property outlined in red.
Photo taken in 2013.
Property lines are not exact - use with care
P & Z 12/5/17 JE



CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
MARCH 12, 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

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

Councilmember Stroozas requests telephonic participation.

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 Regular Meeting Minutes of February 26, 2018. City Clerk. Recommend adoption.

Page 147

- B. **Memorandum 18-028**, from City Clerk re: Vacation of a portion of the Starboard Way Right-of-Way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68- 657. **Page 159**
- C. **Ordinance 18-11**, An Ordinance of the City Council Of Homer, Alaska, Amending Homer City Code Sections 1.16.040, 7.04.030, 10.04.110, 19.08.120, 19.20.070, 20.08.010, and 20.32.020, Adding New Homer City Code Sections 5.08.030, 5.20.060, 8.12.800, 14.04.130, 19.02.100; and Re-Enacting Homer City Code Sections 5.24.060, 5.38.060, 8.08.150, 8.11.080, 13.08.170, 14.08.170, 18.20.090, 19.04.100, 19.08.120, 19.12.100 to Conform Homer City Code to State Law and to Clarify that Certain Code Violations may be Disposed of by Bail Forfeiture without a Court Appearance as Indicated in the Homer City Code Fine Schedules, and all other Violations Require a Court Appearance and are Subject to the General Penalty. City Clerk. Recommended dates: Introduction March 12, 2018, Public Hearing and Second Reading March 27, 2018. **Page 171**
- Memorandum 18-029 from City Attorney as backup **Page 187**
- D. **Ordinance 18-12**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.54.325, Standards for Recreational Vehicles in the Marine Commercial District and Marine Industrial District. Erickson. Recommended dates: Introduction March 12, 2018, Public Hearing and Second Reading March 27, 2018. **Page 189**
- E. **Ordinance 18-13**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$92,592 from the Sewer Reserve Fund to Complete the Wastewater Treatment Plant HVAC Rehabilitation Project. City Manager/Public Works Director. Recommend dates: Introduction March 12, 2018, Public Hearing and Second Reading, March 27, 2018. **Page 195**
- Memorandum 18-030 from Public Works Director as backup **Page 199**
- F. **Ordinance 18-14**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 1.18.020 to Define the Term “Impartial”; Amending Homer City Code 1.18.030 by Requiring City Council Members to Comply with Homer Workplace Policies and Procedures; Repealing 1.18.050 and Incorporating it Under the Newly Enacted Homer City Code Chapter 1.19, “Board Of Ethics - Complaints”, to Clarify the Preliminary Review Process for Ethics Complaints by the City Clerk and City Attorney; Amending Homer City Code 1.18.060 to Prohibit Ethics Complaints Based Upon Actions Taken in Accordance with Advice from the City Attorney; and Repealing Homer City Code Chapter 2.80. Aderhold. Recommended dates: Introduction March 12, 2018, Second Reading and Public Hearing March 27, 2018. **Page 201**
- Memorandum 18-031 from City Attorney as backup **Page 231**

- G. **Ordinance 18-15**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$29,550 from the Public Works Fleet Reserve Fund for the Purchase of a Brush Cutter. City Manager/Public Works Director. Recommended dates: Introduction March 12, 2018, Second Reading and Public Hearing March 27, 2018 **Page 235**

Memorandum 18-032 from Public Works Superintendent as backup **Page 239**

- H. **Resolution 18-027**, A Resolution of the City of Homer, Alaska Requesting the Alaska Congressional Delegation Reinstate Funds in the Federal Budget for the National Estuarine Research Reserve System to Ensure Future Continuation of Important Ecological and Economic Contributions from the Kachemak Bay National Estuarine Research Reserve to the City of Homer, Other Kachemak Bay Communities, and the Lower Kenai Peninsula. Aderhold. **Page 241**

- I. **Resolution 18-028**, A Resolution of the Homer City Council Expressing Results of the February 26, 2018 Police Station Worksession and Providing Direction for the Next Step. Council/City Manager. **Page 243**

- J. **Resolution 18-029**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Solid Waste Collection and Disposal Contract to Moore & Moore Services, Inc. of Homer, Alaska, for a Three Year Contract with Two One Year Renewal Options, in the Amount of \$45,890.11 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Port & Harbor Director. **Page 245**

Memorandum 18-033 from Port Director/Harbormaster as backup **Page 247**

7. **VISITORS**

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

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
 - a. Memorandum from the Port & Harbor Advisory Commission re: Request to Allocate 10% of Parking Citation Revenue back to the Port & Harbor Enterprise Budget **Page 253**
6. Cannabis Advisory Commission

9. PUBLIC HEARING(S)

- A. **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. Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018. **Page 261**
Memorandum 18-021 from City Planner as backup **Page 265**
- B. **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. Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018. **Page 307**
- C. **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. Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018. **Page 313**
Memorandum 18-34 from Public Works Director as backup **Page 317**

10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

- A. City Manager's Report **Page 323**

B. Bid Report

Page 339

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

15. NEW BUSINESS

16. RESOLUTIONS

17. COMMENTS OF THE AUDIENCE

18. COMMENTS OF THE CITY ATTORNEY

19. COMMENTS OF THE CITY CLERK

20. COMMENTS OF THE CITY MANAGER

21. COMMENTS OF THE MAYOR

22. COMMENTS OF THE CITY COUNCIL

23. ADJOURNMENT

Next Regular Meeting is Tuesday, March 27, 2018 at 6:00 p.m., Worksession at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MAYORAL PROCLAMATIONS
AND RECOGNITIONS

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 18-05 a Regular Meeting of the Homer City Council was called to order on February 26, 2018 at 5:00 p.m. by Mayor Bryan Zak at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

ADERHOLD/ERICKSON MOVED TO ALLOW COUNCILMEMBER STROOZAS TO PARTICIPATE TELEPHONICALLY.

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
PUBLIC WORKS DIRECTOR MEYER
HARBORMASTER HAWKINS
CITY PLANNER ABOUD
LIBRARY DIRECTOR DIXON

Council met for a Worksession at 4:00 p.m. to discuss the Police Station Building Project and as Committee of the Whole 5:00 p.m. to discuss to discuss the Police Station Building Project 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: **CONSENT AGENDA 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. Written public comment. **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. Lease information as backup. **Resolution 18-023**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Privacy Policy. Library Advisory Board Minutes excerpt as backup. **Resolution 18-025** A Resolution of the City Council of Homer, Alaska Reinstating the Transportation Advisory Committee as a Standing Committee. Venuti. Resolution 14-040 and

Memorandum 06-47 as backup. **VISITORS** North Pacific Fisheries Association – UFA Homer Fishing Facts. **CITY MANAGERS REPORT** City Manager’s Report, AML Report from Councilmember Erickson, and Thank you letters from Hospice of Homer and Center for Alaskan Coastal Studies.

ADERHOLD/ERICKSON MOVED TO APPROVE THE AGENDA AS AMENDED

SMITH/ADERHOLD MOVED TO WITHDRAW RESOLUTION 18-019 FROM THE AGENDA

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Special and Regular Meeting Minutes of February 12, 2018. City Clerk. Recommend adoption.
- B. **Memorandum 18-023** from Mayor Re: Appointment of Nicole Arevalo to the Economic Development Advisory Commission
- 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.

Memorandum 18-021 from City Planner as backup

Moved to Ordinances – Smith

- 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.
- 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.
- 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.

Memorandum 18-024 from Public Works Director as backup

Moved to Resolutions – Aderhold

- 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.
- H. **Resolution 18-023**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Privacy Policy. City Clerk/Library Director.

Memorandum 18-025 from Library Director as backup

- 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.

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

Moved to Resolutions – Venuti

Item C. was moved to Ordinances Item A. – Smith

Item F. was moved to Resolutions Item B. – Aderhold

Item J. was moved to Resolutions Item J. – Venuti

ADERHOLD/ERICKSON MOVED TO ADOPT THE CONSENT AGENDA AS READ.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- A. North Pacific Fisheries Association - Malcom Milne (10 Minutes)

Malcolm Milne and Jamie O’Conner presented to the Council about the North Pacific Fisheries Association providing a brief history of the Association and the results of a recent membership survey. The Association represents 61 members with 56 vessels and 24 skiffs, and of the variety of species fished, 92% of the members are involved in salmon fisheries. Members spend over \$1.3 million on repairs, upgrades, and supplies in Homer each year, employ over 200 crew members, 75% Alaska residents, and almost 90% are family operations. They also emphasized the important role the members play in the community in the time spent volunteering and participating in community events in their off time.

There was brief discussion with Council on the portfolio of the fleet and the “greying” of the fleet. Mr. Milne and Ms. O’Connor commented that a lot of the members participate in multiple fisheries throughout the year and that there are a lot of young people who are coming up in the industry. Homer has a diverse group of innovative fishermen and women.

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

Beth Trowbridge presented on the Kachemak Bay Science Conference being held March 7th through 10th. This year’s theme is “Science without Borders” and will be held at the Alaska Islands and Ocean Visitor Center. She explained it’s a collaborative event and highlighted conference coordinators and funders who have worked to bring the conference together and make it free to people who want to attend. Everyone is invited to attend the workshops, field trips, and presentations. She reviewed the events being held and encouraged people to go to www.kbayscience.org for more information and registration.

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

A. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly member and President, reported the Homer Marine Trades Association presented their marketing video to the Assembly and it created a great deal of interest in Homer and its training and educational opportunities. The Assembly voted to postpone a resolution authorizing the re-establishment of at 2.5% administration fee for service area operating fund. Service areas currently pay from .5 to 2% on their capital budgets since it was created in 2006 and in 2010 it was stopped after going up to 6.5%. We are still facing declining revenues, so this 2.5% fee is an attempt to generate \$600,000 from the service areas. It will be heard at the March 6th meeting. They appropriated \$60,000 to replace boilers at the administration office. There will be public hearing on April 3rd on an ordinance to appropriate \$100,000 from the solid waste capital projects fund to enter into a Memorandum of Agreement with the Alaska Electric and Energy Cooperative, an arm of HEA, to conduct a feasibility study to pull the gas out of our landfills, which is required to be done by 2028. There will be a hearing on April 3rd to give the administration discretionary authority to partially or totally exempt all or some types of economic development property from taxation as incentives for some new businesses to potentially not pay property taxes during start up. On March 6th they will have a public hearing on the 6% bed tax and she will be introducing a .5% sales tax increase that will have a public hearing on April 3rd. The Annex will be open here in Homer on March 6th for public comment on those items.

There was brief discussion on the bed tax, sales tax, and the budget deficit.

B. Commissions/Board Reports:

1. Library Advisory Board

Mark Massion, Library Advisory Boardmember, commented about some events that happened recently including the Early Childhood Coalition Preschool Fair and a Girl Scouts overnight at the library. The Alaska Reading Program is going on and Nicole Stellon O'Donnell who wrote the book *Steam Laundry* will be here the 11th and 12th. The Friends of the Library will have the Book Mobile going around to schools and letting each child have a book. He also showed the original book cover art for Stella's Starliner that will be displayed in the Children's Library.

2. Homer Advisory Planning Commission

Don Stead, Planning Commission Chair, reported the Kenai Peninsula Borough Planner attended their last meeting and reviewed their 2018 Comp Plan. They approved a conditional

use permit to expand the existing gas station and a plat for the Bunnell Subdivision of Spruceview.

Councilmember Smith took the opportunity to recognize Mr. Stead and Grace Ridge Brewing for their community support.

3. Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Commission Chair, reported that their Business Expansion and Retention Survey has not only hit the streets in Homer but also solicited a lot of response. It has been requested by others including Mike Navarre, Commissioner of Alaska Dept of Commerce, Community, and Economic Development; Shirley Kelly, Alaska's Economic Development Administrative Representative; Charlie Pierce, Borough Mayor; Assembly members Kelly Cooper and Willy Dunne; Tim Dillon, Executive Director of KPEDD; Carol Swartz, KBC Director; and Debbie Speakman, Homer Chamber of Commerce Executive Director. She reported that the Commission is looking at some actions as a result of the survey and hope to bring back something concrete by the end of April or first of May.

4. Parks Art Recreation and Culture Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

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.

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

Mayor Zak asked for a motion to adopt Ordinance 18-06 by reading of title only for second and final reading.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 18-06 BY READING OF TITLE ONLY

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

- A. 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.

Memorandum 18-021 from City Planner as backup

ADERHOLD/LORD MOVED TO INTRODUCE ORDINANCE 18-08.

Councilmember Aderhold commented she sponsored the ordinance because the Cannabis Advisory Commission requested it, the Planning Commission and Port and Harbor Commission reviewed and recommended adopting it, so she's acting on those recommendations. The community, through these commissions, is asking us to put it on the table and introducing it allows the public the opportunity to weigh in. She suggests introducing it tonight to allow for a public hearing, and they can vote accordingly at the next meeting.

Councilmember Smith questioned the rationale for having these retail facilities on the spit, where it can be legally consumed on the spit. He expressed his concern that if the goal is to capture the tourist industry the question needs to be answered where they can legally consume on the spit. If there's no legal place to consume their purchase we'd be complicit in not caring where they consume it. He'd like to know how we draw that line.

Councilmember Erickson shared her concern about the ability to receive federal dollars for the harbor improvements to get the Coast Guard vessels in Homer if there is retail marijuana allowed in the area. Right now there is a lot of tension with people not knowing what is going on federally with the current administration. She thinks they shouldn't do this or at least postpone it until they know where things are going to land. She also thinks they need to have a conversation about how many retail facilities will be allowed in Homer.

Councilmember Lord supports introducing the ordinance, noting they'd be in a tough place if they wait on the entities in the grey areas that exist. She supports introducing this and the work that's gone into it by the Commissions. Not introducing and not holding a public hearing doesn't respect the work been done by the Commissions. Introduction doesn't say they are going pass it, but does allow it to come before the people for their input.

Commissioner Aderhold added that the comments that have been raised are very valid and good points for discussion. Other aspect such as limiting permits hasn't come up yet, but this

has and it has been vetted for months. She believes we need to allow the community to weigh in.

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

Mayor Zak voted yes to break the tie.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester commented briefly on her travel report included in the supplemental packet. She highlighted the potential for Pittman Robertson Funding for trails. The state is having to turn back approximately \$4million in federal grant money under this program because we don't have staff or match money at the state level to take advantage of the federal dollars. Representative Seaton is putting out a call to different organizations to see if they have any projects. She doesn't know the extent of the requirements to access the dollars, but she's working with his office to look at a project on the City's CIP, Beach Access from Main Street including Rehabilitation at the bottom of Crittenden Trail and installing stairs there. It would create a nice trail access loop. She reviewed some of the process that may be involved.

City Manager Koester also reported the City will be holding an open house for the Draft Homer Comprehensive Plan 2018 update on March 1st at City Hall, and the Borough will be having a workshop is February 28th at McNeil Canyon School. Lastly she noted there is a tour of the HERC building scheduled March 7th beginning at 4:00 p.m.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

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.

This item was withdrawn under agenda approval.

NEW BUSINESS

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.

There was brief discussion that the contract for the Homer Wastewater Treatment Plant HVAC Rehabilitation Project isn't ready to be awarded. City Clerk Jacobsen noted that postponing indefinitely will make this resolution go away and a new one will come forward at a future date when the contract is able to be awarded.

ERICKSON/ADERHOLD MOVED TO POSTPONE RESOLUTION 18-026 INDEFINITELY

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **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.

Memorandum 18-024 from Public Works Director as backup

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 18-021.

ADERHOLD/LORD MOVED TO AMEND LINE 45 TO CHANGE THE WORD TWENTY TO TEN TO MATCH THE PARENTHETICAL TEN

There was no discussion on the motion to amend.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

VOTE (main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

VENUTI/ADERHOLD MOVED TO ADOPT RESOLUTION 18-025

Councilmember Venuti commented that she appreciated the feedback and rather than postpone this she'd like to bring back a new one.

There was consensus that this motion fail and a new resolution will come back at a future meeting.

Motion failed.

COMMENTS OF THE AUDIENCE

There were no comments.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen apologized for the typographical errors in the packet.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Zak commented they had a wonderful trip to Juneau and a great group of Councilmembers representing the City well. They met with the Coast Guard, DOT, attended the Mayors Conference, and heard other Mayors and Councilmembers from around the state share issues from their communities, and met with Representative Seaton and Senator Stevens. He recommended all Councilmembers take a turn to travel to Juneau.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas commented it's only 11:15 pm where he is, not 3 am like last time. He looks forward to his golf tee time tomorrow in the warm climate of Hilton Head.

Councilmember Smith thanked the North Pacific Fisheries Association for being here and being well represented. Obviously our commercial fishing fleet is an important part of our economic engine and provide a wonderful opportunity to our community. He acknowledged Beth Trowbridge and recognized she wears a lot of hats in the community and not enough can be said for what she does. He encouraged everyone to make the Kachemak Bay Science Conference.

Councilmember Venuti congratulated the Battle of the Books winners lead by Coach Marge Dunn from West Homer. They came in first place in the Borough and will represent Homer in the State Battle of the Books. The Homer Emblem Club purchases the books for all the schools for this event, it's a neat thing. She commented that her heart stopped for the school in the tragedy that happened in Florida, and she's proud to live in Homer and said we have a lot of wonderful people here who work with those who may feel neglected and sees that we've stepped up our services to them. It takes a community to be on watch to help keep this from happening in our beautiful community.

Councilmember Erickson expressed her appreciation for being able to go to Juneau. It was great to see their cruise ship docks and better understand why Homer is such a great cruise ship spot. She enjoyed meeting a lot of people from other towns and learn that we all share similar issues and how they've work through some of them. There are a lot of valuable resources found there, and it was fun to see the Governor. The biggest thing she learned is that here we look all the tiny details, how laws affect us, and how we implement them in our community and our lives at this level. When you get to Juneau, you're stepping back and looking at a bigger wider range and it's not all about all the little details like it is here. At the federal level, it's even that much larger. It was a great educational experience, she appreciated it, and encouraged others to attend.

Councilmember Lord commented she really enjoys the conversations they are having and the feedback they are getting from people on the continuation of the police station project. It's not an easy thing. One reason she was excited to have the opportunity to sit on Council is to be able to practice hearing things she doesn't agree with, not getting on the defense, trying to learn other perspectives and thoughts, and share hers as well as she can. It's a good thing to

learn in all of our lives. When things happen, like the tragedy in Florida, in any issue we feel strongly and hold opinions, it's important to be able to hear other opinions and things that strike you as wrong, to be able to hold that and be able to continue to engage in conversation. That's ultimately the role of the people in Juneau, DC, here at the table and ultimately the role of every one of us living in a community. She thanked everyone for the opportunity to practice that and thanked the community for their role in what they do. She also commented she's participating in the Library's Literary Line-Up, explained the program, and encouraged others to check it out.

Councilmember Aderhold commented it was a privilege and honor to represent Homer in Juneau at AML and she'll have a report at the next meeting. She encouraged people to go to the Kachemak Bay Science Conference, it's a great opportunity to learn about what's going on in our back yard and meet people who are doing different things in the bay. She commented there was a protest at the High School and she commended the students for doing it peacefully, within the framework of not interrupting class attendance, and very respectfully. Whether or not students chose to participate, it was democratic choice that the students made and reflective of the governance of our country. She just wanted to commend the students for however they chose to respond to that.

Mayor Zak called for a moment of silence for the victims in Florida.

ADJOURN

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 7:30 p.m. The 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.

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-028

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MARCH 1, 2018

SUBJECT: VACATE THAT PORTION OF THE STARBOARD WAY RIGHT-OF-WAY ADJACENT TO LOTS 4-8 BLOCK 1 AND 4 & 5 BLOCK 2 MARINER VILLAGE SUBDIVISION PLAT HM 68-657

At their February 26, 2018 meeting, the Kenai Peninsula Borough Planning Commission approved to vacate a portion of the Starboard Way right of way adjacent to Lots 4 through 8, Block 1 and Lots 4 and 5, Block 2, Mariner Village Subdivision as dedicated on Mariner Village Subdivision Plat HM 68-657.

That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer, within the Kenai Peninsula Borough; KPB File 2018-010V

Notice of vacation was received on February 28, 2018. Per AS 29.40.140, no vacation of a City right of way and /or easement may be made without the consent of the City Council.

The City Council has thirty days from February 26, 2018 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as reflected in the minutes of June 7, 2017 staff report given by Max Best.

Recommendation

Voice non-objection and consent to vacating that portion of the Starboard Way Right of Way Adjacent to Lots 1-8, Block 1 and Lots 4 & 5, Block 2 Mariner Village Subdivision Plat HM68-657. That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the City of Homer in the Kenai Peninsula Borough; KPB File 2018-010V

NOTES

1. BASIS OF BEARINGS FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY (GPR) V. OFFICE VERSION 3.1 SOFTWARE. NAD83 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID T70155).
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMAR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999866696.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMAR" (PID T70155). ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET ORIENTED TO TRUE NORTH.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
6. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING U.S. NAVY PERMITS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
7. THE LOT IS AFFECTED BY A BLANKET EASEMENT OF RECORD GRANTED TO HOMER ELECTRIC ASSOCIATION (8K19, PG 87 HRD).
8. WASTEWATER DISPOSAL PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE WITH THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
9. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.

NOTARY'S ACKNOWLEDGMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

NOTARY'S ACKNOWLEDGMENT

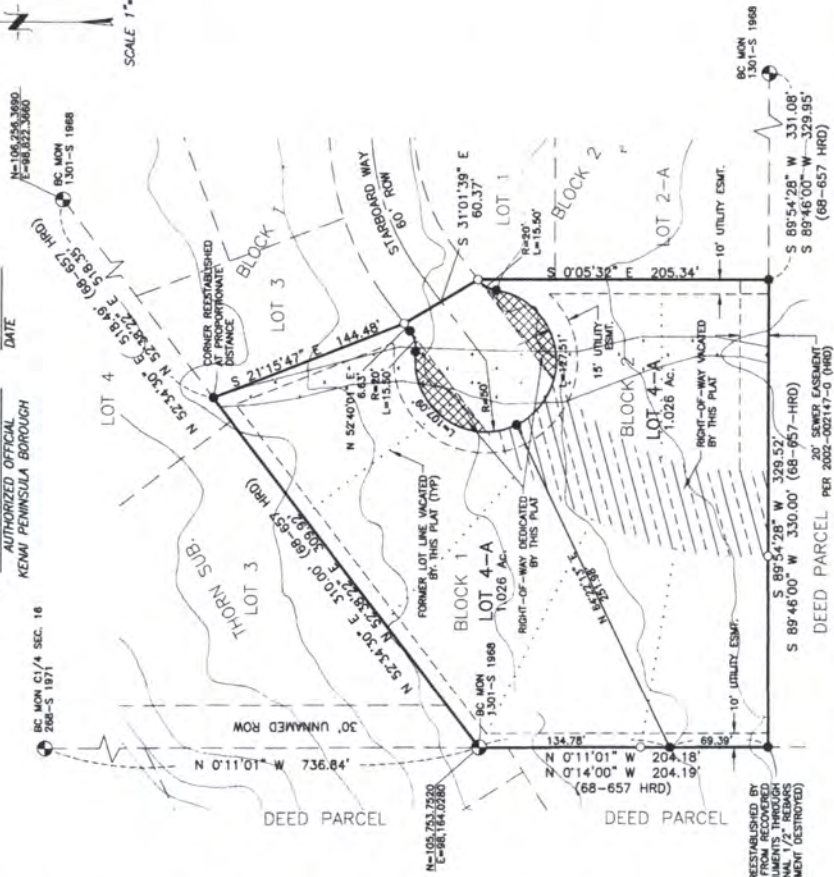
FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____, 2017.
 DAY OF _____

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ DATE _____

BY: _____ AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH



CERTIFICATE OF ACCEPTANCE
 THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF HOMER FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS:
 THE UTILITY EASEMENTS WITHIN THE 15' FEET ADJACENT TO ALL STREET ROW'S AND WITHIN THE 5' SETBACK FROM ALL SIDE LINES. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: _____ DATE: _____
 NAME AND TITLE OF AUTHORIZED CITY OFFICIAL
 CITY OF HOMER, ALASKA

INDICATES WETLANDS PER USACE JURISDICTIONAL DETERMINATION
 POA 2008-78, BELUGA LAKE



GRAPHIC SCALE



VICINITY MAP

U.S.G.S. QUAD, SLEDDOON (C-4 & C-5)
 SCALE: 1" = 1 MILE
CERTIFICATE OF OWNERSHIP
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON. THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

KEVIN S. FRALEY, JR.
 3670 POPPY CIRCLE
 HOMER, ALASKA 99603

PAMELA J. FRALEY
 3670 POPPY CIRCLE
 HOMER, ALASKA 99603

LEGEND

- INDICATES PRIMARY MONUMENT RECOVERED AS SHOWN
- INDICATES 1/2" REBAR RECOVERED THIS SURVEY
- INDICATES 5/8" X 30" REBAR WITH 2" ALCP (7538-S, 2017) SET THIS SURVEY

HOMER RECORDING DISTRICT KPB FILE NO. 2017-???

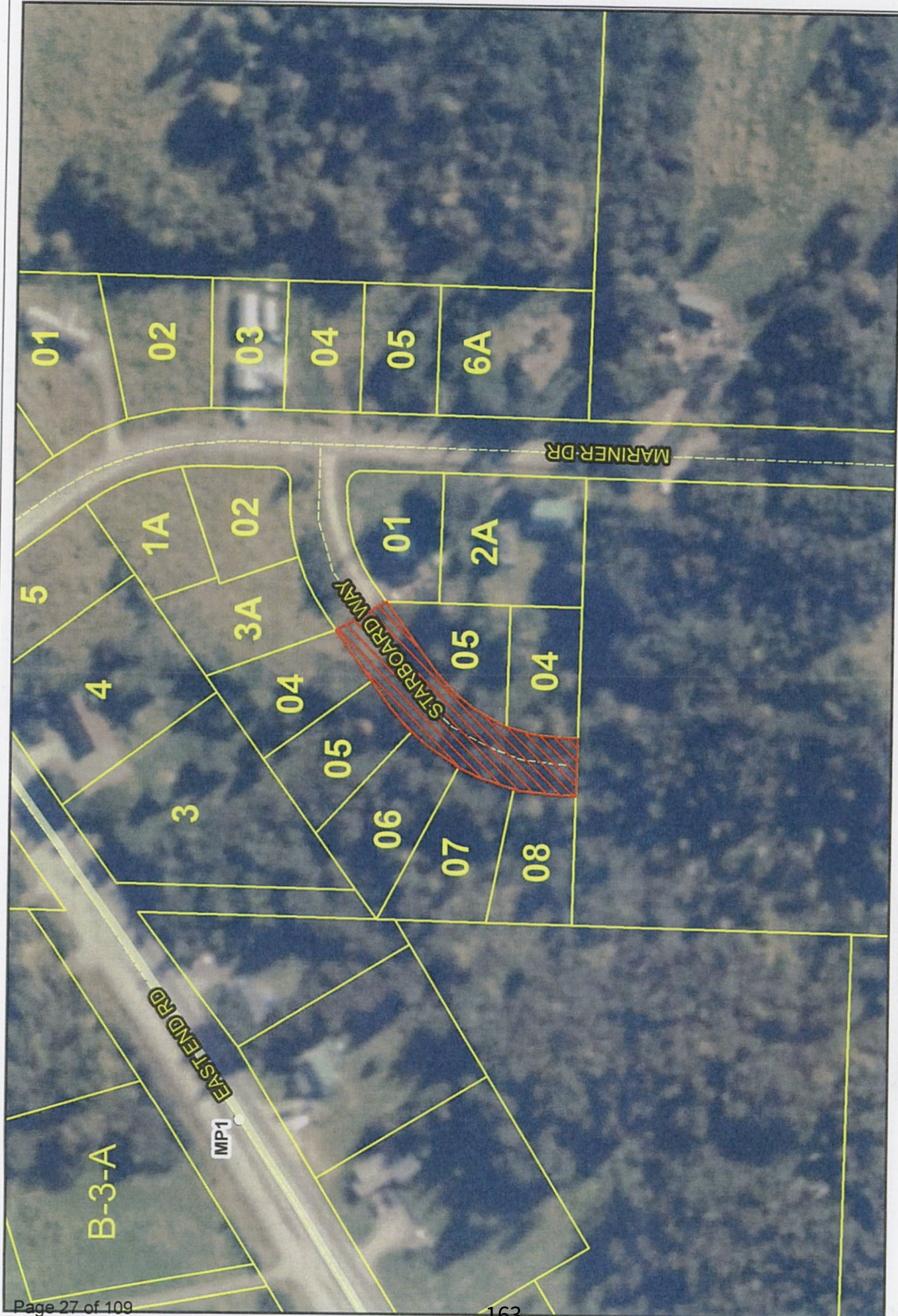
**MARINER VILLAGE SUBDIVISION
 FRALEY REPLAT**

COMBINING LOTS 4-B, BLOCK 1, AND LOTS 4 & 5, BLOCK 2, MARINER VILLAGE SUBDIVISION (68-65 HRD), INTO LOT 4-A, BLOCK 2, AND LOTS 4-B, BLOCK 2, AND LOT 4-A, BLOCK 2, LOCATED WITHIN THE NW 1/4, SEC. 18, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 2.240 ACRES
 OWNERS:
 KEVIN S. FRALEY, JR. AND PAMELA J. FRALEY
 3670 POPPY CIRCLE, HOMER, AK 99603

GEOVERA, LLC
 PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: JUNE 2017	SCALE: 1" = 60'
CHK BY: SCS	JOB #16-54	SHEET 1 OF 1

KPB 2018-010




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



Aerial View



 Right of Way Vacation

JReif, KPB
te: 2/5/2018



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

February 28, 2018

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF DECISION
MEETING OF FEBRUARY 26, 2018**

RE: Vacate that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68-657. That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-010V

During their regularly scheduled meeting of February 26, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the Starboard Way right-of-way vacation based on the following findings of fact and conditions.

Findings

1. The proposed vacation is within the City of Homer.
2. Development of the property must comply with the requirements of the zoning district.
3. The proposed vacation and replat are within the Rural Residential District.
4. After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.
5. Per the submittal, a portion of the property has been determined to be wetland per USACOE Jurisdictional Determination POA 2008-78, Beluga Lake.
6. A portion of Starboard Way is affected by wetlands per POA 2008-78.
7. Development of the cul-de-sac proposed to be dedicated will require a permit from the Corps of Engineers prior to construction.
8. The block will be served by 60-foot wide Mariner Drive, which is partially constructed.
9. The 18-acre adjoining parcel to the south fronts Mariner Drive and has been issued a Mariner Drive address.
10. The 4.85-acre parcel to the west fronts East End Road and has been issued an East End Road address.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. No surrounding properties will be denied access.
13. Per Homer City Staff Report 17-55, the portion of Starboard Way proposed to be vacated is not constructed and does not contain city utilities.

Conditions

1. Consent by the Homer City Council.
2. Grant utility easements requested by the utility providers.

3. Submittal and review of the preliminary plat and final plat with a timeframe such that recordation of the plat will occur within one year of vacation consent.

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The proposed vacation has been forwarded to the Homer City Council. The City Council has 30 days from February 26, 2018 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Commission will stand.

Please contact the Homer City Office to verify the date the subject vacation will be reviewed by the Council.

This notice and unapproved minutes of the subject portion of the meeting were sent February 28, 2018 to:

Geovera, LLC
PO Box 3235
Homer, AK 99603

Kevin & Pamela Fraley
3670 Poppy Cir
Homer, AK 99603-7460

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603

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

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68-657. That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-010V

Staff Report given by Max Best

PC Meeting: 2/26/18

Purpose as stated in petition: A portion of Starboard Way was constructed along with city water and sewer mains. The construction was stopped at the point where a wetland crosses the right-of-way (USACOE POA 2008-78, Beluga Lake). The City of Homer planning department agreed to allow the owners to dedicate a cul-de-sac, vacate the remaining right-of-way to the south boundary, vacate the existing lot lines, and create two lots from the existing seven that will access city utilities. Property to the south has access from a developed right-of-way 235 feet to the east.

Petitioners: Kevin S. Fraley, Jr. and Pamela J. Fraley of Homer, AK.

Notification:

Public notice was published in the February 15 issue of the Homer News as a separate ad. The public hearing notice was published in the Peninsula Clarion, Homer News, and Seward Journal the week of February 19 as part of the Commission's tentative agenda.

Twenty-two certified mailings were sent to owners of property within 300 feet of the proposed vacation. Three receipts have been returned when the staff report was prepared. Thirteen notices were sent by regular mail to owners of property within 600 feet of the proposed vacation.

Public hearing notices were emailed to 16 agencies and interested parties.

Two notices were emailed to KPB Departments. Public hearing notices were made available to 10 KPB Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Homer Advisory Planning Commission: After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.

KPB Addressing Officer: Addresses will need to be updated by the City of Homer. The City should name the unnamed right-of-way. No objection to the vacation.

KPB Planning: The proposed vacation is within the city; no review required.

KPB Roads Department: The proposed vacation is outside the KPB Roads Department Jurisdiction.

River Center: Not within the Habitat Protection District.

State Parks: No comments.

ADOT&PF: This is off system and of no impact to our current Department inventory.

Staff Discussion:

The preliminary plat submittal was incomplete when the staff report was prepared. The plat will be scheduled for Plat Committee review when the submittal is complete. An exception to KPB 20.30.030, extending the unnamed 30-foot right-of-way, will be required for the preliminary plat.

The City of Homer regulates the floodplain by HCC 21.41 Flood Prone Areas. Per the Homer City staff report, the proposed vacation is in Zone D, flood hazards undetermined.

The following utility provider comments were received:

Homer Electric Association: No comments.

Alaska Communications: No objections.

ENSTAR: No comments, recommendations or objections.

Findings:

1. The proposed vacation is within the City of Homer.
2. Development of the property must comply with the requirements of the zoning district.
3. The proposed vacation and replat are within the Rural Residential District.
4. After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.
5. Per the submittal, a portion of the property has been determined to be wetland per USACOE Jurisdictional Determination POA 2008-78, Beluga Lake.
6. A portion of Starboard Way is affected by wetlands per POA 2008-78.
7. Development of the cul-de-sac proposed to be dedicated will require a permit from the Corps of Engineers prior to construction.
8. The block will be served by 60-foot wide Mariner Drive, which is partially constructed.
9. The 18-acre adjoining parcel to the south fronts Mariner Drive and has been issued a Mariner Drive address.
10. The 4.85-acre parcel to the west fronts East End Road and has been issued an East End Road address.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. No surrounding properties will be denied access.
13. Per Homer City Staff Report 17-55, the portion of Starboard Way proposed to be vacated is not constructed and does not contain city utilities.

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

1. Consent by the Homer City Council.
2. Grant utility easements requested by the utility providers.
3. Submittal and review of the preliminary plat and final plat with a timeframe such that recordation of the plat will occur within one year of vacation consent.

KPB 20.70.110:

A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the Homer City Council. The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, no reapplication or petition concerning the same**

vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Vice Chairman Ruffner opened the meeting for public comment. Seeing and hearing no one wishing to speak Vice Chairman Ruffner closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Foster moved, seconded by Commissioner Bentz to approve the vacation of that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision based on the following findings of fact and per staff recommendations.

Findings:

1. The proposed vacation is within the City of Homer.
2. Development of the property must comply with the requirements of the zoning district.
3. The proposed vacation and replat are within the Rural Residential District.
4. After brief discussion about the wetland and cul-de-sac, the Homer Commission recommended approval of the proposed vacation on June 7, 2017.
5. Per the submittal, a portion of the property has been determined to be wetland per USACOE Jurisdictional Determination POA 2008-78, Beluga Lake.
6. A portion of Starboard Way is affected by wetlands per POA 2008-78.
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9. The 18-acre adjoining parcel to the south fronts Mariner Drive and has been issued a Mariner Drive address.
10. The 4.85-acre parcel to the west fronts East End Road and has been issued an East End Road address.
11. Sufficient rights-of-way exist to serve surrounding properties.
12. No surrounding properties will be denied access.
13. Per Homer City Staff Report 17-55, the portion of Starboard Way proposed to be vacated is not constructed and does not contain city utilities.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER YES	ISHAM YES
LOCKWOOD ABSENT	MARTIN ABSENT	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	11 YES 2 ABSENT

~~AGENDA ITEM F. PUBLIC HEARINGS~~

- ~~3. Vacate that portion of the 30-foot wide Hoyt Avenue right-of-way adjacent to the southern boundary of Lot 4 Nikishka Subdivision Fox Addition, Plat KN 85-204, as dedicated on Hoyt Subdivision, Plat KN 74-59. That portion of the right-of-way being vacated is unconstructed and located within the Kenai Peninsula Borough; KPB File 2018-011V.~~

Staff Report given by Max Best

PC Meeting: 2/26/18

Purpose as stated in petition: Petitioner wants to combine his properties separated by the right-of-way. This right-of-way accesses the lake at a swamp area and other lake access is available.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

February 28, 2018

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

RE: Vacate that portion of the Starboard Way right-of-way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68-657. That portion of the right-of-way being vacated is unconstructed and located within the NW 1/4 SE 1/4 of Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-010V

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced right-of-way vacation during their regularly scheduled meeting of February 26, 2018. This petition is being sent to you for your consideration and action.

The City Council has 30 days from February 26, 2018 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Max J. Best
Planning Director

MJB:pdh

Attachments

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-11

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Sections 1.16.040, 7.04.030, 10.04.110, 19.08.120, 19.20.070, 20.08.010, And 20.32.020, Adding New Homer City Code Sections 5.08.030, 5.20.060, 8.12.800, 14.04.130, 19.02.100, And Re-Enacting Homer City Code Sections 5.24.060, 5.38.060, 8.08.150, 8.11.080, 13.08.170, 14.08.170, 18.20.090, 19.04.100, 19.08.120, 19.12.100 To Conform Homer City Code To State Law And To Clarify That Certain Code Violations May Be Disposed Of Without A Court Appearance Upon Payment Of The Fine Listed In A Homer City Code Fine Schedule, And All Other Violations Require A Court Appearance And Are Subject To The General Penalty Unless Another Penalty Is Specifically Provided.

Sponsor: City Clerk

1. Council Regular Meeting March 12, 2018 Introduction
 - a. Memorandum 18-029 from City Attorney

CITY OF HOMER
HOMER, ALASKA

City Clerk

ORDINANCE 18-11

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE SECTIONS 1.16.040, 7.04.030, 10.04.110, 19.08.120, 19.20.070, 20.08.010, AND 20.32.020, ADDING NEW HOMER CITY CODE SECTIONS 5.08.030, 5.20.060, 8.12.800, 14.04.130, 19.02.100, AND RE-ENACTING HOMER CITY CODE SECTIONS 5.24.060, 5.38.060, 8.08.150, 8.11.080, 13.08.170, 14.08.170, 18.20.090, 19.04.100, 19.08.120, 19.12.100 TO CONFORM HOMER CITY CODE TO STATE LAW AND TO CLARIFY THAT CERTAIN CODE VIOLATIONS MAY BE DISPOSED OF WITHOUT A COURT APPEARANCE UPON PAYMENT OF THE FINE LISTED IN A HOMER CITY CODE FINE SCHEDULE, AND ALL OTHER VIOLATIONS REQUIRE A COURT APPEARANCE AND ARE SUBJECT TO THE GENERAL PENALTY UNLESS ANOTHER PENALTY IS SPECIFICALLY PROVIDED.

WHEREAS, Certain Homer City Code violations may be disposed of without a court appearance upon payment of the fine listed in a Homer City Code fine schedule setting out the fine amount for that violation; and

WHEREAS, All other Homer City Code violations are subject to the general penalty in Homer City Code 1.16.010, unless another penalty is specifically provided for in the Homer City Code section establishing the violation; and

WHEREAS, Ensuring consistency with state law increases enforcement efficiency and makes a better informed public; and

WHEREAS, It is appropriate and in the best interest of the City of Homer to make the following amendments to the Homer City Code sections listed below that address violations.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 1.16.040, Disposition of scheduled offenses – Fine schedule, is amended to read as follows:

Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed below, plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must

43 **meet the requirements of Minor Offense Rule 3. If a person charged with one of these**
 44 **offenses appears in court and is found guilty, the penalty imposed for the offense may**
 45 **not exceed the scheduled fine amount plus any surcharge required to be imposed by**
 46 **AS 12.55.039 and 29.25.074. If an offense is not listed on a fine schedule, the defendant**
 47 **must appear in court to answer the charges.**

48
 49 ~~a. A person cited for an offense for which a fine is established in subsection (c) of this section~~
 50 ~~may mail or personally deliver to the Finance Director the amount of the fine indicated on the~~
 51 ~~citation for the offense plus any surcharge required to be imposed by AS 29.25.074, together~~
 52 ~~with a copy of the citation signed by the person indicating the person's waiver of court~~
 53 ~~appearance, entry of plea of no contest, and forfeiture of the fine. A citation for a scheduled~~
 54 ~~offense may be mailed or personally delivered within 15 days after the date of the citation.~~
 55 ~~The payment of a fine under this subsection shall be treated as a judgment of conviction. The~~
 56 ~~fine paid is complete satisfaction for the offense.~~

57
 58 ~~b. If a person cited for an offense for which a fine amount is established in subsection (c) of~~
 59 ~~this section appears in court to contest the citation and is found guilty, the maximum~~
 60 ~~sentence which may be imposed is the scheduled fine amount plus any surcharge required to~~
 61 ~~be imposed by AS 29.25.074.~~

62
 63 ~~c. The following violations of this code are amenable to disposition without court appearance~~
 64 ~~upon payment of a fine in the amount listed below:~~

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 5.08.020	Transporting unsecured load of garbage, trash or other materials in vehicle	\$300.00
HCC 5.20.020	Open burning, permit required	\$300.00
HCC 5.20.030	Trash burning – Approved container required	\$300.00
HCC 5.20.050	Handling or storing explosives	\$300.00
HCC 5.24.030	Fireworks – Sale prohibited	\$300.00
HCC 5.24.040	Fireworks – Use prohibited	\$300.00
HCC 5.24.050	Fireworks exhibit – Permit required	\$300.00
HCC 5.38.010	Feeding or baiting certain birds (first offense)	\$50.00
HCC 5.38.010	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC 7.16.020	Motor vehicle in beach area (first offense)	\$25.00
HCC 7.16.020	Motor vehicle in beach area (second offense)	\$250.00

[Added language underlined. Deleted language stricken through.]

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 7.16.020	Motor vehicle in beach area (third and subsequent offenses)	\$500.00
HCC 7.16.030	Motor vehicle on storm berm (first offense)	\$25.00
HCC 7.16.030	Motor vehicle on storm berm (second offense)	\$250.00
HCC 7.16.030	Motor vehicle on storm berm (third and subsequent offenses)	\$500.00
HCC 8.08.020	Itinerant or transient merchant – License required	\$300.00
HCC 8.08.080	Itinerant or transient merchant – Exhibition of license	\$300.00
HCC 8.08.100	Itinerant or transient merchant – Use of streets and other public places	\$300.00
HCC 8.11.030	Mobile food service – License required	\$300.00
HCC 8.11.070(b)	Mobile food service – Operation near similar business at fixed location	\$300.00
HCC 8.11.070(c)	Mobile food service – Operation in City park or campground	\$300.00
HCC 8.11.070(d)	Mobile food service – Operation in congested area on Homer Spit	\$300.00
HCC 8.12.120	Public transportation vehicle – Permit required	\$300.00
HCC 8.12.200	Chauffeurs license – Required	\$300.00
HCC 8.12.250	Public transportation vehicle – Prohibited operation	\$300.00
HCC 8.12.400	Public transportation vehicle – Display of rates/fares	\$300.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (first offense)	\$100.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (second offense)	\$200.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (third and subsequent offenses)	\$300.00
HCC 13.08.010	Work in City right-of-way or connecting to City utility – Permit required	\$300.00
HCC 13.08.130	Restore City right-of-way to original condition	\$300.00
HCC 13.08.140	Repair of damage to City utilities	\$300.00

[Added language underlined. Deleted language stricken through.]

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 14.04.050	Sewer extension or connection – Permit required	\$300.00
HCC 14.04.070	Destruction of private sewage disposal system after connection to City sewer system	\$300.00
HCC 14.04.090	Discharge of surface drainage into City sewer	\$300.00
HCC 14.08.030	Water extension or connection – Permit required	\$300.00
HCC 14.08.040	Connection to private water system – Permit required	\$300.00
HCC 14.08.105	Resale of City water – Permit required	\$300.00
HCC 18.20.015	Storing, parking or leaving abandoned or junk vehicle	\$300.00
HCC 18.20.025	Failure to remove abandoned or junk vehicle	\$300.00
HCC 19.02.020	Large special event – Permit required	\$300.00
HCC 19.04.040	Burial of human remains outside approved cemetery	\$300.00
HCC 19.04.090(a)	Monument or other memorial protruding above ground level in City cemetery	\$300.00
HCC 19.04.090(b)	Placement, alteration or removal of monument, memorial or plant without City consent	\$300.00
HCC 19.08.030(a)	Camping on City property where prohibited	\$300.00
HCC 19.08.030(b)	Camping outside designated areas	\$300.00
HCC 19.08.030(d)	Camping in closed campground	\$300.00
HCC 19.08.050	Camping in City campground – Permit required	\$300.00
HCC 19.08.060	Camping in City campground for more than 14 days	\$300.00
HCC 19.08.070(a)	Disposal of human waste on City property	\$300.00
HCC 19.08.070(c)	Erect, occupy, utilize structure on City property	\$300.00
HCC 19.08.070(d)	Park, leave, maintain, utilize vehicle, camper unit, or camp where prohibited	\$300.00
HCC 19.08.070(e)	Deface, destroy, alter or remove City property	\$300.00
HCC 19.08.070(f)	Dog at large in City campground	\$300.00
HCC 19.08.070(g)	Campsite in City campground left in disorderly or unsightly condition	\$300.00
HCC 19.08.080	Improper storage of garbage, refuse, other waste in City campground	\$300.00

[Added language underlined. Deleted language stricken through.]

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 19.12.080	Excavation or removal of gravel or fill – Permit required	\$300.00
HCC 19.12.090	Tampering with, burning or removing driftwood from storm berm	\$300.00
HCC 19.20.020	General rules	\$300.00
HCC 19.20.030	Park closure	\$150.00

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Section 2. Chapter 5.08, Garbage and Solid Waste Disposal, is amended by adding a new section 5.08.030 to read as follows:

5.08.030 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 3. Chapter 5.20, Fire Prevention, is amended by adding a new section 5.20.060 to read as follows:

5.20.060 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 4. Section 5.24.060, Violation – Penalty, previously repealed by Ord. 17-03, is re-enacted to read as follows:

5.24.060 Violation – Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 5. Section 5.38.060, Violations and penalties, previously repealed by Ord. 13-17(S), is re-enacted to read as follows:

5.38.060 Violations and penalties. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to

[Added language underlined. Deleted language stricken through.]

100 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
 101 **provided.**

102
 103 Section 6. Subsection (b) of Section 7.04.030, Traffic fine schedules, is amended to
 104 read as follows:
 105

Code Section	Code Section Title	Fine per Day
<u>HCC 7.06.010(b)</u>	Muffler not working properly	Corr/\$500.00
<u>HCC 7.06.010(c)</u>	Muffler modified/excessive noise	Corr/\$500.00
<u>HCC 7.06.010(d)</u>	Muffler removed or inoperative	Corr/\$500.00
<u>HCC 7.06.010(e)(1)</u> or (e)(2)	Noise exceeds limits	First violation \$100.00; Second violation within 6 months of first conviction \$200.00; Third violation within 6 months of any prior conviction \$300.00
<u>HCC 7.06.010(e)(3)</u>	Sale of vehicle exceeding noise limits	First violation \$100.00; Second violation within 6 months of first conviction \$200.00; Third violation within 6 months of any prior conviction \$300.00
<u>HCC 7.06.020</u>	Improperly muffled engine brake use prohibited	First violation \$100.00; Second violation within 6 months of first conviction \$200.00 plus proof of satisfactory Homer PD commercial vehicle inspection; Third violation within 6 months of any prior conviction \$300.00 plus proof of satisfactory Homer PD commercial vehicle inspection
<u>HCC 7.10.020</u>	Limited time parking – Parking permits	\$25.00
<u>HCC 7.10.030</u>	Parking in City parking lots	\$25.00

[Added language underlined. Deleted language stricken through.]

Code Section	Code Section Title	Fine per Day
<u>HCC 7.10.040</u>	Vehicle length limitation	\$25.00
<u>HCC 7.10.090</u>	Removal of impoundment notice or impounded vehicle prohibited	\$300.00
<u>HCC 7.15.010</u>	Transporting animal	\$75.00
<u>HCC 7.15.020</u>	Animal interfering with vehicle operation	\$75.00
<u>HCC 7.16.020</u>	<u>Motor vehicle in beach area (first offense)</u>	<u>\$25.00</u>
<u>HCC 7.16.020</u>	<u>Motor vehicle in beach area (second offense)</u>	<u>\$250.00</u>
<u>HCC 7.16.020</u>	<u>Motor vehicle in beach area (third and subsequent offenses)</u>	<u>\$500.00</u>
<u>HCC 7.16.030</u>	<u>Motor vehicle on storm berm (first offense)</u>	<u>\$25.00</u>
<u>HCC 7.16.030</u>	<u>Motor vehicle on storm berm (second offense)</u>	<u>\$250.00</u>
<u>HCC 7.16.030</u>	<u>Motor vehicle on storm berm (third and subsequent offenses)</u>	<u>\$500.00</u>
<u>HCC 7.20.030</u>	Use of snowmachines	\$300.00
<u>HCC 7.20.040</u>	Time restriction	\$300.00
<u>HCC 7.20.050</u>	Driver's license requirement	\$300.00
<u>HCC 7.20.055</u>	Operation in designated areas	\$300.00
<u>HCC 7.20.060</u>	Towing	\$300.00
<u>HCC 7.28.020</u>	Motor vehicle parking	\$30.00
<u>HCC 7.28.030</u>	Short-term parking area	\$30.00
<u>HCC 7.28.040</u>	Limited long-term parking area	\$30.00
<u>HCC 7.28.050</u>	Reserved parking	\$30.00

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A citation for an offense listed as "Corr" must be dismissed if proof of correction is presented to a Homer Police Department vehicle inspector within 30 days.

Section 7. Section 8.08.150, Violation – Penalty, previously repealed by Ord. 17-03, is re-enacted to read as follows:

[~~Added language underlined. Deleted language stricken through.~~]

113 **8.08.150 Violation – Penalty. The penalty for an offense in this chapter is the fine**
114 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
115 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
116 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
117 **provided.**

118
119 Section 8. Section 8.11.080, Violation – Penalty, previously repealed by Ord. 17-03, is
120 re-enacted to read as follows:

121
122 **8.11.080 Violation – Penalty. The penalty for an offense in this chapter is the fine**
123 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
124 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
125 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
126 **provided.**

127
128 Section 9. Chapter 8.12, Public Transportation, is amended by adding a new section
129 8.12.800 to read as follows:

130
131 **8.12.800 Violation – Penalty. The penalty for an offense in this chapter is the fine**
132 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
133 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
134 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
135 **provided.**

136
137 Section 10. Section 10.04.110, Violation – Penalty, is amended to read as follows:

138
139 Except as provided in **HCC 1.16.040 and** HCC 7.04.030, any violation of the provisions
140 contained in this title or regulations adopted pursuant to this title shall be unlawful and
141 punishable as provided in HCC 1.16.010.

142
143 Section 11. Section 13.08.170, Violation – Penalty, previously repealed by Ord. 17-03, is
144 re-enacted to read as follows:

145
146 **13.08.170 Violation – Penalty. The penalty for an offense in this chapter is the fine**
147 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
148 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
149 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
150 **provided.**

151
152 Section 12. Chapter 14.04, Sewage – General Provisions, is amended by adding a new
153 section 14.04.130 to read as follows:

154

[Added language underlined. Deleted language stricken through.]

155 **14.04.170 Violation – Penalty. The penalty for an offense in this chapter is the fine**
156 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
157 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
158 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
159 **provided.**

160
161 Section 13. Section 14.08.170, Violation – Penalty, previously repealed by Ord. 17-03, is
162 re-enacted to read as follows:

163
164 **14.08.170 Violation – Penalty. The penalty for an offense in this chapter is the fine**
165 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
166 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
167 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
168 **provided.**

169
170 Section 14. Section 18.20.090, Penalty, previously repealed by Ord. 17-03, is re-
171 enacted to read as follows:

172
173 **18.20.090 Penalty. The penalty for an offense in this chapter is the fine listed in**
174 **the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then**
175 **the defendant must appear in court and, if convicted, is subject to the general penalty**
176 **as provided in HCC 1.16.010 unless another penalty is specifically provided.**

177
178 Section 15. Chapter 19.02, Large Special Events, is amended by adding a new section
179 19.02.100 to read as follows:

180
181 **19.02.100 Violation – Penalty. The penalty for an offense in this chapter is the fine**
182 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
183 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
184 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
185 **provided.**

186
187 Section 16. Section 19.04.100, Violation – Penalty, previously repealed by Ord. 17-03, is
188 re-enacted to read as follows:

189
190 **19.04.100 Violation – Penalty. The penalty for an offense in this chapter is the fine**
191 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
192 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
193 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
194 **provided.**

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[Added language underlined. Deleted language stricken through.]

196 Section 17. Section 19.08.120, Violation – Penalty, previously repealed by Ord. 17-03, is
197 re-enacted to read as follows:

198
199 **19.08.120 Violation – Penalty. The penalty for an offense in this chapter is the fine**
200 **listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
201 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
202 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
203 **provided.**

204
205 Section 18. Section 19.12.100, Violation – Penalties, previously repealed by Ord. 17-03,
206 is re-enacted to read as follows:

207
208 **19.12.100 Violation – Penalties. The penalty for an offense in this chapter is the**
209 **fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in**
210 **HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to**
211 **the general penalty as provided in HCC 1.16.010 unless another penalty is specifically**
212 **provided.**

213
214 Section 19. Section 19.20.070, Remedies and penalties, is amended to read as follows:

215
216 **The penalty for an offense in this chapter is the fine listed in the fine schedule in**
217 **HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant**
218 **must appear in court and, if convicted, is subject to the general penalty as provided in**
219 **HCC 1.16.010 unless another penalty is specifically provided.** ~~Remedies and penalties for~~
220 ~~violations of this chapter are as provided in Chapter 1.16 HCC.~~

221
222 Section 20. Section 20.08.010, Animals at large, is amended to read as follows:

223
224 a. No person may cause or permit an animal to be at large in a public street or alley, or
225 on other public property, or on private property without the property owner’s consent.

226
227 b. No person other than the Animal Control Officer or a peace officer performing
228 duties under this title may release an animal from restraint without its owner’s consent,
229 except to preserve the animal’s life. A person who releases an animal from restraint to
230 preserve its life shall promptly report having done so to the animal’s owner or the Animal
231 Control Officer.

232
233 c. The Animal Control Officer or a peace officer may capture or destroy by any means
234 an animal at large that presents an immediate threat to public safety.

235
236 d. The owner of an animal that is at large may be cited for a violation of this section
237 without the impoundment of the animal.

[Added language underlined. Deleted language stricken through.]

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e. Except as provided in subsection (f) and (g) of this section, the penalty for a violation of subsection (a) or (b), with zero, one, or two prior convictions, is the fine listed in the fine schedule in HCC 20.32.020.

fe. Except as provided in subsection ~~(g)~~(f) of this section, a violation of subsection (a) or (b) of this section with three or more prior convictions shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.

gf. A violation of subsection (a) of this section where the animal is a large animal, **as defined in HCC 20.04.020,** with one or more prior convictions shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.

Section 21. Section 20.32.020, Fine schedule, is amended to read as follows:

20.32.020 Fine schedule.

Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195 through 12.25.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any surcharge required to be imposed by AS 12.55.039 and 29.25.074. **If an offense in this title is not listed in the fine schedule, the defendant must appear in court to answer the charges.**

Code Section	Code Section Title	Fine per Day
<u>HCC 20.08.010(a)</u>	Animal at large	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
<u>HCC 20.08.010(b)</u>	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
<u>HCC 20.08.030</u>	Animals on harbor floats	\$25
<u>HCC 20.08.040(a)</u>	Nuisance animals	No prior conviction \$50; One prior conviction \$100;

[Added language underlined. Deleted language stricken through.]

Code Section	Code Section Title	Fine per Day
		Two prior convictions \$200
<u>HCC 20.08.070</u>	Female animals in heat	\$100
<u>HCC 20.08.080</u>	Abandonment of animals	\$100
<u>HCC 20.08.090</u>	Maintenance and sanitation	\$100
<u>HCC 20.12.010</u>	License required – Issuance	\$50
<u>HCC 20.12.020</u>	License tag to be worn and displayed	\$50
<u>20.20.010</u>	Permitting animals to bite	\$200
<u>HCC 20.24.060</u>	Furnishing false information	\$200
<u>HCC 20.28.020</u>	Kennel license – Required	\$100

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Section 22. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 23. This ordinance is of a permanent and general character and shall be included in the City Code.

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

CITY OF HOMER

 BRYAN ZAK, MAYOR

ATTEST:

 MELISSA JACOBSON, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

[Added language underlined. Deleted language stricken through.]

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

Reviewed and approved as to form:

Mary K. Koester, City Manager

Date:_____

Holly C. Wells, City Attorney

Date:_____

MEMORANDUM 18-029

TO: MELISSA JACOBSEN, CITY CLERK

FROM: ANMEI GOLDSMITH

RE: MINOR OFFENSE REVISION ORDINANCE

CLIENT: CITY OF HOMER

FILE NO.: 506,742.104

DATE: FEBRUARY 15, 2018

ISSUE – The Alaska Court System has requested several changes to the minor offense provisions in the Homer City Code to conform to state law and ensure consistency in the Code.

SOLUTION – This ordinance makes the amendments requested by the Court System.

The Court System requested that the introductory language in HCC 1.16.040, Disposition of scheduled offenses – Fine schedule, be amended to conform to state law. Specifically, the existing language incorrectly refers to payment of fines to the City of Homer and requires a defendant to respond for an optional court appearance within 15 days. This ordinance amends HCC 1.16.040 to refer to the court (instead of the City) and to set the response deadline at 30 days (instead of 15 days). The new language in HCC 1.16.040 mirrors existing fine schedule language in the animal offense section of the Code (HCC 20.32.020).

The Court System requested that all the traffic offenses be consolidated into the traffic offense fine schedule in Title 7. Currently, the general fine schedule in HCC 1.16.040 includes several offenses relating to motor vehicles in beach areas and on storm berms. The remainder of the motor vehicle offenses are listed in the traffic offense fine schedule in HCC 7.04.030. State law provides for additional penalties for offenses involving motor vehicles, which should be noted in the code section that sets the fines for these offenses. Therefore, HCC 1.16.040 is amended to delete the traffic offenses and HCC 7.04.030 is amended to add the traffic offenses that were in HCC 1.16.040.

The Court System noted that several chapters of the code contain offenses, but do not contain a section that refers to the fine schedule for that chapter or title or to the general penalty in HCC 1.16.010. The Court System requested that each chapter or title

of the code that contains an offense also contain a provision referring to the appropriate fine schedule or to the general penalty section. Therefore several new sections are added, amended, and re-enacted to ensure that each chapter or title of the code contains a reference to the fine schedule and the general penalty in HCC 1.16.010, and also states that a defendant must appear in court on an offense that is not listed in a fine schedule.

The Court System requested that HCC 20.08.010, Animals at large, be amended to clarify the distinction between violations of that section that are punishable by payment of a fine and violations of that section that require a mandatory court appearance. Therefore a new subsection (e) is added that states that a violation of this section with zero to two prior convictions is punishable by the fine listed in the animal offenses fine schedule in HCC 20.32.020. Former subsection (e) becomes new subsection (f). Former subsection (f) becomes new subsection (g), and new subsection (g) is amended to clarify that it refers to "large animals" as defined in HCC 20.04.020.

The Court System noted an inconsistency between HCC 20.20.010 and the animal offenses fine schedule in HCC 20.32.020. HCC 20.20.010 prohibits permitting an animal to bite and provides that a violation "shall be punishable by a fine of not less than \$300.00 and not more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00." This is inconsistent with the fine schedule in HCC 20.32.020, which includes a line for HCC 20.20.010, and sets the fine amount at \$200. This inconsistency is resolved by amending the animal offenses fine schedule in HCC 20.32.020 to delete the line referring to HCC 20.20.010.

**ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-12**

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.54.325, Standards for Recreational Vehicles in the Marine Commercial District and the Marine Industrial District.

Sponsor: Erickson

1. Council Regular Meeting March 12, 2018 Introduction

1 CITY OF HOMER
2 HOMER, ALASKA

3 Erickson

4 ORDINANCE 18-12

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE 21.54.325, STANDARDS FOR
8 RECREATIONAL VEHICLES IN THE MARINE COMMERCIAL DISTRICT
9 AND THE MARINE INDUSTRIAL DISTRICT.

10
11 WHEREAS, Homer City Council passed Ordinance 18-04 allowing employee-occupied
12 recreational vehicles in the Marine Commercial and Marine Industrial Districts; and

13
14 WHEREAS, It is in the City's best interest to put standards on the use of such vehicles to
15 ensure that they do not become permanent residences or abandoned property; and

16
17 WHEREAS, A 180 day permit will allow the City to manage employee occupied
18 recreational vehicles.

19
20 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

21
22 Section 1. Homer City Code 21.54.325 is amended to read as follows:

23
24 21.54.325 Standards for recreational vehicles in the Marine Commercial District and the Marine
25 Industrial District.

26
27 Outside of recreational vehicle parks, the use of recreational vehicles in the marine commercial
28 and industrial zoning districts shall conform to the following standards:

- 29
30 a. A property owner may have one employee-occupied recreational vehicle per lot. An
31 employee-occupied recreational vehicle must be a self-contained recreational
32 vehicle and must have a receptacle approved by law for collection of liquid and
33 semi-solid wastes. While the employee-occupied recreational vehicle is parked on
34 the property, it must be parked in a manner that will not create a dangerous or
35 unsafe condition on the lot or adjacent properties. Parking in such fashion that the
36 recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A
37 parked employee-occupied recreational vehicle must be in a condition for the safe
38 and effective performance of its intended function as an operable motor vehicle.
39
40 b. An employee-occupied recreational vehicle may not be placed in a parking space
41 required to comply with the Homer Zoning Code.
42

- 43 c. An employee-occupied recreational vehicle may not directly hook-up to municipal
44 water and sewer without first obtaining written approval by the Public Works
45 Director or his or her designee. The Public Works Director shall grant approval for
46 direct hook-up to the municipal water and sewer if he or she determines that the
47 applicant is in full compliance with this Title. A permit under this subsection may
48 only be submitted by a property owner or a lessee of the property.
- 49
- 50 d. **An employee-occupied recreational vehicle is restricted to a maximum of 180**
51 **consecutive days of use per calendar year. A zoning permit is required.**
52

53 Section 2: This ordinance is of a permanent and general character and shall be included in
54 the City Code.

55
56 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
57 2018.

58
59 CITY OF HOMER

60
61
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65 _____
66 BRYAN ZAK, MAYOR

67 ATTEST:

68
69 _____
70 MELISSA JACOBSEN, MMC, CITY CLERK

71
72
73
74 YES:

75 NO:

76 ABSTAIN:

77 ABSENT:

78
79
80 First Reading:

81 Public Hearing:

82 Second Reading:

83 Effective Date:

84

85 Reviewed and approved as to form:
86
87
88 _____
89 Mary K. Koester, City Manager
90
91 Date: _____

Holly Wells, City Attorney
Date: _____

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-13

An Ordinance of The City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$92,592 from the Sewer Reserve Fund to Complete the Wastewater Treatment Plant HVAC Rehabilitation project.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting March 12, 2018 Introduction
 - a. Memorandum 18-030 from Public Works Director

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 18-13

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
8 THE 2018 OPERATING BUDGET BY AUTHORIZING THE EXPENDITURE OF
9 AN ADDITIONAL \$92,592 FROM THE SEWER RESERVE FUND TO
10 COMPLETE THE WASTEWATER TREATMENT PLANT HVAC
11 REHABILITATION PROJECT.

12
13 WHEREAS, City Council, in the FY 2018 Operating Budget, approved a capital project
14 expenditure of \$280,000 from the Sewer Reserve fund for the rehabilitation of the HVAC system
15 at the wastewater treatment plant; and

16
17 WHEREAS, Public Works coordinated the design, advertised bids, and opened bids for
18 the rehabilitation project. Based on the lowest bid, the cost of the project exceeds the
19 previously authorized project budget (see Memorandum 18-030 from Public Works).

20
21 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

22
23 Section 1. The Homer City Council hereby amends the FY 2018 Operating Budget
24 by appropriating an additional \$92,592 from the Sewer Reserve Fund for the Wastewater
25 Treatment Plant HVAC Rehabilitation project.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
256-0379	WWTP HVAC Rehabilitation	\$92,592

26
27
28
29 Section 2. This is a budget amendment ordinance, is not permanent in nature, and
30 shall not be codified.

31 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2018.

32
33 CITY OF HOMER

34
35
36
37
38 _____
BRYAN ZAK, MAYOR

39 ATTEST:

40

41

42 _____

43 MELISSA JACOBSEN, MMC, CITY CLERK

44

45

46

47 YES:

48 NO:

49 ABSTAIN:

50 ABSENT:

51

52

53 First Reading:

54 Public Hearing:

55 Second Reading:

56 Effective Date:

57

58

59 Reviewed and approved as to form:

60

61

62 _____

63 Mary K. Koester, City Manager

64

65 Date: _____

66

Holly Wells, City Attorney

Date: _____



Memorandum 18-030

TO: KATIE KOESTER, CITY MANAGER

FROM: CAREY S. MEYER, PUBLIC WORKS DIRECTOR

DATE: FEBRUARY 23 2018

SUBJECT: ADDITIONAL FUNDS NEEDED – SEWER RESERVE ACCOUNT WWTP HVAC REHABILITATION PROJECT

Over the past several years, Public Works has requested and the City Council has approved various equipment replacement projects to upgrade the treatment facilities at our 30 year old sewer treatment plant.

The City Council approved \$280,000 in the FY17 Capital Budget to replace the heating and ventilation system at the sewer treatment plant. Funding comes from the Sewer Reserve Fund. Public Works coordinated the design of the improvement, bid the project, and opened bids on February 22, 2018. The low bid exceeds the authorized funding. Below is an overview of the costs to complete the project:

Design	\$23,636
Construction	\$322,816
Inspection	\$10,000
Contingency (5%)	\$16,140
	\$372,592

Original Budget	\$280,000
-----------------	-----------

Additional Funds Needed	\$92,592
-------------------------	----------

Previously completed projects:

- Boiler Replacement
- Polymer Injection Equipment
- Odor Control Improvements
- Bar Screen/Headworks Replacement
- Clarifier Flight Reconditioning
- Underground Fuel Storage Tank Closure
- Perimeter Fencing Replacement

Recommendation: The City Council pass an ordinance amending the 2018 Operating Budget to authorize an additional \$92,592 from the Sewer Reserve Fund to complete the WWTP HVAC project.

Fiscal Note: 256 -0379 (current balance - \$2,228,270)

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-14

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.18.020 to Define the Term “Impartial”; Amending Homer City Code 1.18.030 by Requiring City Council members to Comply with Homer Workplace Policies and Procedures; Repealing 1.18.050 and Incorporating it Under the Newly Enacted Homer City Code Chapter 1.19, “Board of Ethics-Complaints” to Clarify the Preliminary Review Process for Ethics Complaints by the City Clerk and City Attorney; Amending Homer City Code 1.18.060, to Prohibit Ethics Complaints Based upon Actions taken in Accordance with Advice from the City Attorney; and Repealing Homer City Code Chapter 2.80.

Sponsor: Aderhold

1. Council Regular Meeting March 12, 2018 Introduction
 - a. Memorandum 18-031 from City Attorney

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 18-14

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 1.18.020 TO DEFINE THE TERM “IMPARTIAL,” AMENDING HOMER CITY CODE 1.18.030 BY REQUIRING CITY COUNCIL MEMBERS TO COMPLY WITH HOMER WORKPLACE POLICIES AND PROCEDURES, REPEALING 1.18.050 AND INCORPORATING IT UNDER THE NEWLY ENACTED HOMER CITY CODE CHAPTER 1.19, BOARD OF ETHICS- COMPLAINTS, TO CLARIFY THE PRELIMINARY REVIEW PROCESS FOR ETHICS COMPLAINTS BY THE CITY CLERK AND CITY ATTORNEY PRIOR TO THEIR TRANSFER TO THE BOARD OF ETHICS OR A HEARING OFFICER, AMENDING HOMER CITY CODE 1.18.060 TO PROHIBIT ETHICS COMPLAINTS BASED UPON ACTIONS TAKEN IN ACCORDANCE WITH ADVICE FROM CITY ATTORNEY, AND REPEALING HOMER CITY CODE CHAPTER 2.80.

WHEREAS, The City of Homer, Alaska (“City”) adopted a comprehensive Ethics Code over ten years ago that identified acts prohibited by City officials and expectations that governed conduct by such officials; and

WHEREAS, The City also adopted an ethics complaint process that ensured individuals had the ability to challenge the conduct of its officials; and

WHEREAS, Changes in the City’s personnel policies and its ethics complaint process warrant updates to the City Code of Ethics and its ethics complaint process; and

WHEREAS, The City recently updated its workplace safety, harassment prevention, and respectful workplace policies that are distributed to all City employees in the City of Homer Personnel Regulations; and

WHEREAS, It is in the City’s best interest to ensure that the City’s officials, like its employees and volunteers, are held to high ethical standards; and

WHEREAS, it is in the City’s best interest to consolidate the Code of Ethics and the Board of Ethics complaint process to ensure that the intended steps of review and consideration are clear and precisely followed; and

41 WHEREAS, it is in the City’s best interest to expressly provide protection from ethics
42 complaints to City Council members for acts or omissions taken in reliance on the City
43 Attorney’s advice.

44
45 NOW THEREFORE, The City of Homer Ordains:

46
47 Section 1. Homer City Code Section 1.18.020 entitled “Definitions” is amended to read
48 as follows:

49
50 As used in this chapter and unless otherwise provided or the context otherwise
51 requires, the following terms shall have the meanings set forth in this section:

52
53 “Applicant” means any person that is applying for an official action by any official,
54 employee, or body of the City including but not limited to:

- 55
56 1. Any person authorized to act for the applicant;
57
58 2. If the applicant is an organization, any person who has an ownership interest in the
59 organization or serves as an officer, director or manager of the organization.

60
61 “Body of the City” means the City Council and the boards, commissions, committees
62 and task forces appointed by the City Council or the Mayor.

63
64 “City Manager” means the person who is hired by the City Council to manage the City
65 of Homer.

66
67 “City official” means a person who holds elective office under the ordinances of the City,
68 or who is a member of a board or commission whose appointment is subject to confirmation
69 by the City Council.

70
71 “Financial interest” means:

- 72
73 1. An interest currently held by that person or an immediate family member including:
74
75 a. Involvement or ownership in a business; or
76
77 b. Property ownership, or a professional or private relationship, that is a source of
78 income, or from which, or as a result of which, a person receives a financial benefit; or
79
80 c. An affiliation with an organization in which the person holds a position of
81 management, or is an officer, director, trustee, employee, or the like.

82

83 2. Financial interest does not include:

84

85 a. Affiliation as unpaid volunteer with a legally recognized nonprofit organization; or

86

87 b. Financial interests of a type which are generally possessed in common with all other
88 citizens or a large class of citizens.

89

90 “Gratuity” means a thing having value given voluntarily or beyond lawful obligation.

91

92 “Hired consultants and contractors” means a person or organization hired by the City
93 as an independent contractor and not as an employee.

94

95 “Immediate family member” means:

96

97 1. The spouse of the person;

98

99 2. A life partner or person cohabiting with the person;

100

101 3. A child, including a stepchild and an adoptive child, of the person;

102

103 4. A parent, sibling, or grandparent of the person; and

104

105 5. A parent or sibling of the person’s spouse.

106

107 **“Impartial” means acting in a manner that the City official believes is in the**
108 **public’s best interest and not acting to benefit a financial or personal interest of the City**
109 **official.**

110

111 “Large class of citizens” means a substantially large group of citizens as decided by
112 official decision of the City Council made prior to the official action in question.

113

114 “Large class of citizens” does not include:

115

116 1. A single profession, regardless of the number of persons.

117

118 2. An individual business or organization regardless of the number of citizens it
119 contains.

120

121 “Official action” means a recommendation, decision, approval, disapproval, vote, or
122 other similar action, including inaction (when it is the equivalent of decision to take negative
123 action), made while serving in the capacity of City official or City Manager, whether such action
124 or inaction is administrative, legislative, quasi-judicial, advisory, or otherwise.

[Added language bold and underlined. Deleted language stricken through.]

125
126 “Organization” means any business, corporation, partnership, firm, company, trust,
127 association, or other entity, whether organized for profit or nonprofit.

128
129 “Partiality” applies only in quasi-judicial proceedings and means:

130
131 1. The ability of a member of the quasi-judicial body to make an impartial decision is
132 actually impaired; or

133
134 2. The circumstances are such that reasonable persons would conclude the ability of
135 the member to make an impartial decision is impaired and includes, but is not limited to,
136 instances in which:

137
138 a. The member has a personal bias or prejudice for or against a party to the proceeding
139 including a party’s lawyer;

140
141 b. The member or an immediate family member is a party, material witness to the
142 proceeding or represents a party in the proceeding.

143
144 “Person” means a natural person or an organization.

145
146 “Political activity” means any act for the purpose of influencing the nomination or
147 election of any person to public office, or for the purpose of influencing the outcome of any
148 ballot proposition or question. Informing the public about a ballot proposition or question
149 without attempting to influence the outcome of the ballot proposition or question is not
150 political activity.

151
152 “Subject of the action” means anything under consideration for official action including
153 but not limited to:

154
155 1. Appointments to any office or position of employment;

156
157 2. Any contract, project, property, or transaction subject to the action;

158
159 3. A platting, vacation or subdivision action;

160
161 4. An application for or other consideration of a license, permit, appeal, approval,
162 exception, variance, or other entitlement;

163
164 5. A rezoning; and

165
166 6. Appeals and quasi-judicial proceedings.

[Added language bold and underlined. Deleted language stricken through.]

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“Substantial financial interest” means a financial interest that would result in a pecuniary gain or loss exceeding \$1,000 in a single transaction or more than \$5,000 in the aggregate in 12 consecutive months.

Section 2. Homer City Code Section 1.18.030 entitled “Standards and prohibited acts” is amended to read as follows:

a. City officials, the City Manager, and City hired consultants and contractors, while acting in such capacity, shall not knowingly make false statements to influence official action.

b. Official Action. No City official or the City Manager shall participate in any official action in which:

1. The person is the applicant, a party or has a substantial financial interest in the subject of the official action.

2. Within a period of one year after the action the person will have a substantial financial interest in the subject of the official action.

3. The person resides or owns land within a 300-foot periphery of any property that is the subject of any action.

4. The person does or will recognize a substantial financial interest as a result of the action.

5. Exceptions.

a. This subsection does not prohibit a person from acquiring a substantial financial interest in the subject of the action after the longer of 12 months after the official action is approved, or 12 months after the person’s term or employment ends.

b. This section does not prohibit any gain or loss that would generally be in common with all other citizens or a large class of citizens.

c. This section does not prohibit any gain or loss that would generally be in common with other property owners on property that is further than 300 feet from the periphery of any property that is the subject of an action.

c. City officials and the City Manager acting in the course of their official duties are allowed to participate in official actions on behalf of the City or when the City itself is the applicant or subject of the action.

[Added language bold and underlined.] Deleted language stricken through.

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d. Undue Influence. No City official or the City Manager shall attempt to influence the City's selection of any bid or proposal, or the City's conduct of business, in which the City official or the City Manager has a substantial financial interest. This subsection does not prohibit a City official or the City Manager from being an applicant while holding City office or City position, if the person takes no official action concerning his or her own application. A City official or City Manager may give testimony and make appearances before City bodies on his or her own behalf.

e. Participation in Appointments. No City official shall participate in, vote on, or attempt to influence the selection of an appointee to any board, commission or committee (1) having authority to take official action on any pending matter or application in which that official has a substantial financial interest or (2) if that official has a substantial financial interest with a nominee for the appointment.

f. No official shall participate in, vote on, or attempt to influence the selection of an appointee to the Homer Advisory Planning Commission if that official has, or could reasonably be expected to have within one year after the date of the appointment:

1. A rezoning, quasi-judicial or platting action pending before the Commission; or
2. An application that would require approval by a quasi-judicial or platting action of the Commission.

In the case of the reappointment of an incumbent to another term, the prohibition above also applies to an official who had such a matter pending before the Homer Advisory Planning Commission within one year before the date of the reappointment. The Board of Ethics may, upon written request, grant an exception to this one-year period when it determines the public interest does not require continuing enforcement of the prohibition.

g. Use of Office for Personal Gain. No City official or the City Manager shall seek office or position or use their office or position for the purpose of obtaining anything of value for themselves, an immediate family member or a business that they own or in which they hold an interest, or for the purpose of influencing any matter in which they have a financial interest. This subsection does not prohibit the receipt of authorized remuneration for the office or position.

h. Inappropriate Use of Office Title or Authority. No City official or the City Manager shall use the implied authority of office or position for the purposes of unduly influencing the decisions of others, or promoting a personal interest within the community. City officials and the City Manager will refrain from using their title except when duly representing the City in an authorized capacity. Unless duly appointed by the Mayor or Council to represent the interests

[Added language bold and underlined.] Deleted language stricken through.

251 of the full Council, Council members shall refrain from implying their representation of the
252 whole by the use of their title.

253

254 i. Representing Private Interests. No City official shall, for compensation, represent or
255 assist those representing private business or personal interests before the City Council,
256 administration, or any City board, commission or agency. Nothing herein shall prevent an
257 official from making verbal or written inquiries on behalf of constituents or the general public
258 to elements of City government or from requesting explanations or additional information on
259 behalf of such constituents. No official may solicit or accept a benefit or anything of value from
260 any person for having performed this service.

261

262 j. Confidential Information. No City official or the City Manager may disclose
263 information they know to be confidential concerning employees of the City, City property, City
264 government, or other City affairs, including but not limited to confidential information
265 disclosed during an executive session, unless authorized or required by law to do so.

266

267 k. Outside Activities. A City official or the City Manager may not engage in business or
268 accept employment with, or render services for, a person other than the City or hold any office
269 or position where that activity, office, or position is incompatible with the proper discharge of
270 the official's or City Manager's City duties or would tend to impair the official's or the City
271 Manager's independence of judgment in performing City duties. This prohibition shall include
272 but not be limited to the following activities:

273

274 1. A person who holds an appointed City office on a board or commission shall not be
275 eligible for employment with the City in the department related to the board or commission
276 during the official's term of office and until one year has elapsed following the period of service.
277 An exception may be made on a case-by-case basis with the express authorization of the City
278 Council.

279

280 2. A person who holds or has held an elective City office shall not be eligible for
281 appointment to an office or for employment with the City during the official's period of service
282 and until one year has elapsed following the period of service. An exception may be made on a
283 case-by-case basis with the express authorization of the City Council.

284

285 l. Gratuities. No City official or the City Manager shall accept a gratuity from any person
286 engaging in business with the City or having a financial interest in a decision pending with the
287 City. No City official or the City Manager shall give a gratuity to another City official for the
288 purpose of influencing that person's opinion, judgment, action, decision or exercise of
289 discretion as a City official. This subsection does not prohibit accepting:

290

291 1. A meal of reasonable value;

292

[Added language bold and underlined. Deleted language stricken through.]

293 2. Discounts or prizes that are generally available to the public or large sections thereof;

294

295 3. Gifts presented by an employer to its employees in recognition of meritorious service,
296 or civic or public awards;

297

298 4. A lawful campaign contribution made to a candidate for public office;

299

300 5. An occasional nonpecuniary gift insignificant in value;

301

302 6. Any gift which would have been offered or given to them if they were not a City official
303 or the City Manager.

304

305 m. Use of City Property. No City official, the City Manager, or City hired consultant or
306 contractor may use, request or permit the use of City vehicles, equipment, materials or
307 property for any non-City purpose, including but not limited to private financial gain, unless
308 that use is available to the general public on the same terms or unless specifically authorized
309 by the City Council. This subsection does not prohibit de minimis personal use.

310

311 n. Political Activities – Limitations of Individuals. A City official may not take an active
312 part in a political campaign or other political activity when on duty. Nothing herein shall be
313 construed as preventing such officials from exercising their voting franchise, contributing to a
314 campaign or candidate of their choice, or expressing their political views when not on duty or
315 otherwise conspicuously representing the City.

316

317 o. Influencing Another City Official's Vote. A City official may not attempt to influence
318 another City official's vote or position on a particular item through contact with the City
319 official's employer or by threatening financial harm to another City official.

320

321 p. City officials or the City Manager shall not participate in public testimony before any
322 City body in any matter in which they have a substantial financial interest unless:

323

324 1. They or the City is the applicant; or

325

326 2. They fully and publicly disclose the nature of their interest in the subject of the action.

327

328 q. No City official may violate HCC 2.04.030.

329

330 **r. City officials shall act impartially when conducting City business.**

331

332 **s. At all times during performance of their official duties, Council members shall**
333 **comply with the City's workplace safety policies, harassment prevention, and respectful**
334 **workplace polices as set forth in the employee policy manual.**

[Added language bold and underlined. Deleted language stricken through.]

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Section 3. Homer City Code Section 1.18.050 entitled “Procedures for violation reporting” is repealed as follows:

~~a. Any person who believes that a violation of any portion of this chapter has occurred may file a written complaint of potential violation with the City Clerk’s office.~~

~~b. All written complaints of potential violation submitted under this chapter shall be signed by the person submitting the complaint. A written complaint of potential violation shall state the address and telephone number of the person filing the complaint, identify the respondent, and affirm to the best of the person’s knowledge and belief the facts alleged in the complaint of potential violation signed by the person are true. The person filing the complaint of potential violation shall identify the section of this chapter the person believes was violated, state why the person signing the complaint of potential violation believes the facts alleged constitute a violation of that section, and identify any documentary or testimonial evidence the person filing the complaint believes is in support of the notification of potential violation.~~

~~c. Written complaints of potential violations filed with the City Clerk’s office shall be forwarded to the Board of Ethics under Chapter 2.80 HCC. Except as otherwise provided in this section, the Board of Ethics has sole jurisdiction to decide the merits of the complaint filed under this chapter.~~

~~d. The City Clerk shall appoint a hearing officer to decide and investigate properly filed written complaints against City Council members or the Mayor and shall have sole jurisdiction to decide the merits of the complaint filed under this section.~~

Section 4. Homer City Code Section 1.18.060 entitled “Advisory opinions” is amended to read as follows:

a. Where any City official or the City Manager has a doubt as to the applicability of any provision of this chapter to a particular situation, or as to the definition of terms used herein, he may apply in writing to the City Attorney for an advisory opinion. The City official or City Manager shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of the chapter before such advisory opinion is made. The request must clearly state it is a request for an advisory opinion under this section of the ethics code.

b. Such opinion, until amended or revoked, shall be binding on the City in any subsequent actions concerning the public official who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for the advisory opinion. An advisory opinion shall be applicable and binding only to the particular set of facts and instances of conduct for which it was requested and shall have no force or effect for

376 purposes of general application. Such opinion shall not be binding or admissible in evidence
377 in any action initiated by any private citizen.

378

379 **c. Any act or omission taken by any City Official or the City Manager in their official**
380 **capacity based upon the advice of the City Attorney shall not be subject to an ethics**
381 **complaint under Chapter 1.18 HCC.**

382

383 Section 5. Homer City Code Chapter 1.19 entitled “Board of Ethics- complaints” is
384 enacted to read as follows:

385

386 **Sections:**

387 **1.19.010 Board of Ethics established – General provisions.**

388 **1.19.020 Function and authority.**

389 **1.19.030 Procedures for violation reporting.**

390 **1.19.040 Confidentiality – Initial review.**

391 **1.19.050 Disclosure of complaint of potential violation prohibited.**

392 **1.19.060 Conduct of investigation and standard of proof.**

393 **1.19.070 Deliberations of the Board.**

394 **1.19.080 Decisions on the record.**

395 **1.19.090 Timely completion.**

396 **1.19.100 Sanctions, civil penalties and remedies.**

397 **1.19.110 Board member and hearing officer disclosures.**

398 **1.19.120 Duty of cooperation.**

399 **1.19.130 Settlement of complaints.**

400 **1.19.140 Record of proceedings and public record.**

401 **1.19.150 Limitation period.**

402

403 **1.19.010 Board of Ethics established – General provisions.**

404

405 **a. There is hereby established a Board of Ethics.**

406

407 **b. The Board shall be comprised of all members of the City Council and the Mayor.**

408 **The Mayor, or the Mayor Pro Tem in the Mayor’s absence, will serve as presiding officer**

409 **of the Board. In the absence of both, the members of the Board shall elect a presiding**

410 **officer from among its members.**

411

412 **c. The City Attorney or other legal counsel for the Board may assist the Board at**
413 **every stage of the proceedings, but shall have no vote.**

414

415 **d. A quorum of the Board shall be a majority of all members who are not excused**
416 **for cause, such as being the complainant, the respondent, a witness, having a conflict of**

[Added language bold and underlined. Deleted language stricken through.]

417 interest, or other cause for recusal. However, in no event may a quorum be less than
418 three.

419
420 e. Decisions of the Board shall be adopted by a majority of the members who are
421 qualified to act on the matter, where a quorum is present.

422
423 f. Unless the Board delegates such authority to another member or decides that no
424 one shall have such authority, and except as provided for hearing officers in subsection
425 (h) of this section, the presiding officer shall have authority to make procedural decisions
426 between Board meetings on behalf of the Board. Examples of matters that may be
427 decided by such delegate include scheduling hearings and other matters, establishing
428 pre-hearing requirements and filing deadlines for motions, exhibits, witness lists,
429 hearing briefs, and deciding other procedural matters.

430
431 g. The presiding officer shall vote on every question, unless required to abstain for
432 cause, and shall not have power to veto any action of the Board.

433
434 h. A hearing officer designated by the City Clerk under section 1.19.030(d) shall
435 have sole authority to investigate the complaint they have been retained to hear and to
436 make procedural decisions regarding the investigation and hearing of that complaint.
437 Except as otherwise provided in section 1.19.030, the designated hearing officer shall be
438 the sole decision-maker and shall comply with the procedures and requirements of this
439 chapter.

440
441 **1.19.020 Function and authority.**

442
443 The Board of Ethics or a hearing officer appointed under this chapter has authority
444 to perform the following functions:

445
446 a. Investigate reported violations of Chapter 1.18 HCC.

447
448 b. Hear and decide written complaints of violations of Chapter 1.18 HCC.

449
450 c. Hear and decide on requests for exceptions as specified in Chapter 1.18 HCC.

451
452 d. Make findings and recommendations concerning sanctions, civil penalties and
453 remedies for violations as provided in the code.

454
455 e. Adopt recommended policies and procedures governing the Board's conduct of
456 business.

457

458 f. Upon application of the complainant, respondent, or at the Board's or hearing
459 officer's discretion, compel by subpoena the appearance and sworn testimony, at a
460 specified time and place, of a person the Board or hearing officer reasonably believes may
461 be able to provide information relating to a matter under investigation by the Board or
462 hearing officer or the production of documents, records or other items the Board or
463 hearing officer reasonably believes may relate to the matter under consideration.

464
465 g. Administer oaths and receive testimony from witnesses appearing before the
466 Board or hearing officer.

467
468 h. Request City agencies to cooperate with the Board or hearing officer in the
469 exercise of the Board's or hearing officer's jurisdiction.

470
471 i. Request the advising attorney to seek assistance of the Superior Court to enforce
472 the Board's or hearing officer's subpoena.

473
474 j. Conduct investigative hearings in executive session, pursuant to notifications
475 alleging violations of matters within the authority of the Board or hearing officer.

476
477 1.19.030 Procedures for violation reporting.

478
479 a. Any person who believes that a violation of any portion of chapter 1.18 has
480 occurred may file a written complaint of potential violation with the City Clerk's office.

481
482 b. All written complaints of potential violation submitted under this chapter shall
483 be signed by the person submitting the complaint. A written complaint of potential
484 violation shall state the address and telephone number of the person filing the complaint,
485 identify the respondent, and affirm to the best of the person's knowledge and belief the
486 facts alleged in the complaint of potential violation signed by the person are true. The
487 person filing the complaint of potential violation shall identify the section of chapter 1.18
488 the person believes was violated, state why the person signing the complaint of potential
489 violation believes the facts alleged constitute a violation of that section, and identify any
490 documentary or testimonial evidence the person filing the complaint believes is in
491 support of the notification of potential violation.

492
493 c. Written complaints of potential violations filed with the City Clerk's office shall
494 be reviewed in accordance with section 1.19.040. Except as otherwise provided in section
495 1.19.040, the Board of Ethics shall have sole jurisdiction to decide the merits of the
496 complaint filed under this chapter.

497
498 d. The City Clerk shall appoint a hearing officer to decide and investigate properly
499 filed written complaints against City Council members or the Mayor. Except as provided

[Added language bold and underlined. Deleted language stricken through.]

500 **in section 1.19.040, the hearing officer shall have sole jurisdiction to decide the merits of**
501 **a complaint under this chapter.**

502
503 **1.19.040 Confidentiality- Initial review**

504
505 **a. Each written complaint of a violation of Chapter 1.18 HCC received by the City**
506 **Clerk's office shall be assigned an identification number, which shall be used in lieu of**
507 **names when referring to the complaint to maintain confidentiality. The City Clerk, City**
508 **Attorney, and the Board or hearing officer shall keep all written complaints of potential**
509 **violation confidential during investigation and the Board's or hearing officer's**
510 **deliberative process. Complaints of potential violation may be disclosed only to the staff**
511 **member of the City Clerk's office providing administrative support to the Board or**
512 **hearing officer, members of the Board except when a hearing officer has been appointed,**
513 **and legal counsel.**

514
515 **b. Upon receipt of a notification of potential violation, the City Clerk shall review**
516 **the complaint for completeness and inclusion of the information required in HCC**
517 **1.19.030(b). If the City Clerk determines that the complaint is not complete and lacks**
518 **information required by 1.19.030(b), the City Clerk shall return the complaint and**
519 **identify in writing the deficiencies on which the return is based. The City Clerk shall notify**
520 **the complainant of the return and the reasons for it. A person may amend and re-file a**
521 **complaint but a complaint filed by the same complainant with the same deficiencies shall**
522 **not be accepted. The City Clerk may recommend to the person filing the complaint that it**
523 **be amended and re-filed. Notifications of potential violation returned without further**
524 **action shall remain confidential.**

525
526 **c. The City Attorney shall review the sufficiency of the statement of violation in the**
527 **complaint. If the City Attorney determines the facts alleged in the notification of**
528 **potential violation, even if proven, do not constitute a violation, or that the Board or**
529 **hearing officer lacks jurisdiction to address the complaint of potential violation, the City**
530 **Attorney shall instruct the City Clerk to return the complaint and identify in writing the**
531 **deficiencies on which the return is based. The City Clerk shall notify the complainant of**
532 **the return and the reasons for it. A person may amend and re-file a complaint but a**
533 **complaint filed by the same complainant with the same deficiencies shall not be**
534 **accepted. The City Clerk may recommend to the person filing the complaint that it be**
535 **amended and re-filed. Notifications of potential violation returned without further action**
536 **shall remain confidential.**

537
538 **d. If the City Attorney determines the allegations in a complaint of potential**
539 **violation, if proven, may constitute a violation of a matter within the Board or hearing**
540 **officer's jurisdiction, the City Attorney shall provide written notice to the City Clerk.**

541

[Added language bold and underlined. Deleted language stricken through.]

542 e. If the City Attorney and City Clerk find the complaint sufficient under this
543 section, the City Clerk shall:

544
545 1. Retain a hearing officer as required under section 1.19.030(d) and provide that
546 officer with a copy of the complaint of potential violation, a copy of the outline of the
547 hearing officer process under this chapter, including notice that the respondent may
548 choose to hold the proceeding in public and may be represented by legal counsel of
549 respondent's choosing and at respondent's own expense; or

550
551 2. Provide the Board with a copy of the complaint of potential violation, a copy of
552 the outline of the Board's process under this chapter, including notice that the
553 respondent may choose to hold the proceeding in public and may be represented by legal
554 counsel of respondent's choosing and at respondent's own expense;

555
556 3. Give the respondent a copy of the complaint of potential violation, along with a
557 copy of the outline of the Board's process under this chapter, including notice that the
558 respondent may choose to hold the proceeding in public and may be represented by legal
559 counsel of respondent's choosing and at respondent's own expense; and

560
561 4. Notify both the person submitting the complaint of potential violation and
562 respondent of the date(s) on which each may be requested to meet with the Board or
563 hearing officer, present documentary or testimonial evidence, and assist the Board or
564 hearing officer in resolving the potential violation.

565
566 1.19.050 Disclosure of complaint of potential violation prohibited.

567
568 a. A complaint of potential violation of Chapter 1.18 HCC is confidential until the
569 Board or hearing officer completes a written report for distribution as a public record.

570
571 1. No person, including the complainant, shall knowingly disclose to another
572 person, or otherwise make public in violation of this chapter, the contents of a complaint
573 of potential violation filed with the Board or hearing officer, unless:

574
575 a. The respondent elects to proceed in public; or

576
577 b. The written report of the Board or hearing officer is electronically published by
578 the City Clerk.

579
580 2. Breach of confidentiality required by any provision of this chapter is a violation
581 of this chapter subject to punishment.

582

[Added language bold and underlined. Deleted language stricken through.]

583 3. A person filing a complaint of potential violation shall keep confidential the fact
584 that the person has filed the complaint with the City, as well as the contents of the
585 complaint of potential violation. If the Board or hearing officer finds probable cause to
586 believe that the person filing the notice of complaint violation has violated
587 confidentiality under this chapter, the Board or hearing officer shall immediately dismiss
588 the complaint of violation. Dismissal under this subsection does not affect the right of the
589 Board or hearing officer or another person to initiate a proceeding on the same factual
590 allegations by filing a complaint of potential violation.

591
592 4. Public disclosure resulting from corrective action under this chapter is not a
593 violation of this section.

594
595 1.19.060 Conduct of investigation and standard of proof.
596

597 The Board's investigation shall be conducted in executive session, unless the
598 respondent requests to hold the Board's investigation on the notification of potential
599 violation in public. The hearing officer's investigation shall be conducted in a manner to
600 maintain confidentiality unless the respondent requests to hold the hearing officer's
601 investigation on the notification of potential violation in public.

602
603 a. The respondent and the person who filed the notification of potential violation
604 may identify other individuals and documents that each would like the Board or hearing
605 officer to interview and review.

606
607 b. If an individual with information bearing on the notification of potential
608 violation is unwilling to come forward with information, the respondent and the person
609 who filed the notification of potential violation may each request the Board or hearing
610 officer to subpoena the person and any documentary evidence.

611
612 c. Persons appearing before the Board or hearing officer may be represented by
613 counsel or other person serving in a representative capacity.

614
615 d. The Board or hearing officer may question the respondent, the person who filed
616 the notification of potential violation, and other persons appearing before the Board or
617 hearing officer.

618
619 e. The Board or hearing officer may solicit questions and testimony from the
620 person filing the notification of potential violation, the respondent and other persons
621 appearing for the purpose of providing information to the Board or hearing officer. The
622 Board or hearing officer may solicit questions from counsel present to represent persons
623 appearing before the Board or hearing officer, but all questions during the Board's or
624 hearing officer's investigation shall be posed through and by a member of the Board or

[Added language bold and underlined. Deleted language stricken through.]

625 **the hearing officer. Consistent with due process, the Board or hearing officer may limit or**
626 **prohibit questions suggested to the Board or hearing officer by or on behalf of persons**
627 **appearing before the Board or hearing officer.**

628
629 **f. The standard of proof to be applied by the Board or hearing officer in**
630 **determining a violation under this chapter is proof by a preponderance of the evidence.**

631
632 **g. Technical rules of evidence do not apply, but the findings of the Board shall be**
633 **based upon reliable and relevant information presented to the Board.**

634
635 **h. The Board's or hearing officer's finding of a violation of this chapter must be**
636 **supported by substantial evidence.**

637
638 **i. The Board's or hearing officer's findings shall not be binding in a subsequent**
639 **sanctions proceeding.**

640
641 **j. When the Board's or hearing officer's investigation is conducted in executive**
642 **session or confidentially, the public shall be excluded but an executive session of the**
643 **Board shall be electronically recorded. The recording shall be available for access as a**
644 **public record after publication by the municipal clerk of the proposed resolution and**
645 **settlement.**

646
647 **1.19.070 Deliberations of the Board.**

648
649 **Deliberations of the Board shall be conducted in executive session.**

650
651 **a. The deliberations of the Board shall not be recorded.**

652
653 **b. The respondent, the person filing the complaint, and their counsel shall be**
654 **excluded from the deliberations. The Board's legal counsel may attend the deliberations.**

655
656 **c. The Board shall reconvene in open session when deliberations are complete.**

657
658 **1.19.080 Decisions on the record.**

659
660 **Using the identification number of the complaint of potential violation to protect**
661 **confidentiality, the Board shall vote or hearing officer shall determine in open session on**
662 **these questions:**

663
664 **a. Whether the Board or hearing officer finds by a preponderance of the evidence**
665 **one or more violations within the jurisdiction of the Board or hearing officer; and**
666

[Added language bold and underlined. Deleted language stricken through.]

667 b. Whether the Board or hearing officer recommends further administrative or
668 remedial actions; and

669
670 c. What specific sanctions, corrective actions or referrals, if any, the Board or
671 hearing officer recommends pursuant to HCC 1.19.110.

672
673 d. If the Board or hearing officer does not find a violation under Chapter 1.18 HCC,
674 the Board or hearing officer shall prepare a confidential statement of closure listing the
675 complainant and respondent, the assigned identification number, the allegations, the
676 hearing date, and the finding that no allegation was substantiated by the Board or
677 hearing officer in whole or in part, and the date of Board or hearing officer closure. At the
678 sole discretion of the respondent, the Board or hearing officer may release the statement
679 of closure as a public document.

680
681 1.19.090 Timely completion.

682
683 The Board or hearing officer shall complete action on a complaint of potential
684 violation and investigations within 90 days of the filing of the complaint of potential
685 violation. By a majority vote, the Board or hearing officer may extend the completion
686 date for up to an additional 90 days, or longer for good cause shown.

687
688 1.19.100 Sanctions, civil penalties and remedies.

689
690 a. Upon conviction for any violation of Chapter 1.18 HCC under criminal
691 procedures or upon a determination of any violation of Chapter 1.18 HCC after an
692 investigation conducted by the Board or hearing officer under this chapter, the Board or
693 hearing officer may impose (or recommend in the case of subsection (a)(1) of this section)
694 as a sanction, penalty, or remedy any or all of the following, as appropriate to the
695 seriousness of the violation:

696
697 1. A recommendation to the City Council that the office of a City Council member
698 or the position of City Manager be declared vacant for a serious violation that is (a)
699 flagrant or (b) willful and knowing. A recommendation that the office of the Mayor be
700 declared vacant may be made only if the violation justifies a declaration of vacancy under
701 AS 29.20.280. Only the City Council may actually declare any of these positions vacant.

702
703 2. A member of a board or commission may be removed from the board or
704 commission.

705
706 3. A public or private reprimand may be given to the official.

707

[Added language bold and underlined. Deleted language stricken through.]

708 4. The official may be ordered to refrain from voting, deliberating, or participating
709 in any matter in violation of Chapter 1.18 HCC.

710
711 5. The committee assignments of an official may be revoked.

712
713 6. An official's privilege to travel at City expense on City business may be revoked
714 or restricted.

715
716 7. A contract, transaction or appointment, which was the subject of an official act
717 or action of the City that involved the violation of a provision of Chapter 1.18 HCC, may
718 be voided.

719
720 8. The official must forfeit or make restitution of any financial benefit received as
721 a consequence of a violation of Chapter 1.18 HCC.

722
723 9. A civil fine of not more than \$1,000 per violation may be imposed.

724
725 1.19.110 Board member and hearing officer disclosures.

726
727 a. When an investigation is convened in executive session to determine whether
728 the respondent has violated Chapter 1.18 HCC, the Board members will be requested to
729 disclose any conflict of interest, ex parte communications, or other facts that may affect
730 their qualification to hear the matter. After such a disclosure, the other members of the
731 Board shall determine whether a member shall be excused for cause.

732
733 b. A hearing officer shall disclose any conflict of interest or ex parte
734 communications with the complainant or respondent before conducting an investigation
735 or holding a hearing under this chapter. The complainant and the respondent have 10
736 days from the date the written disclosure is sent to the parties to file an objection to the
737 hearing officer with the City Clerk. Upon receiving an objection, the City Clerk shall
738 appoint a new hearing officer.

739
740 1.19.120 Duty of cooperation.

741
742 A City official or the City Manager subject to a complaint of a violation shall work
743 cooperatively with the City Clerk to establish a hearing date and shall appear at the place
744 and time set for the hearing, regardless of the respondent's intentions concerning
745 defense or exercise of other rights. Failure to appear, except when failure results from a
746 serious condition or event that prevented the respondent's appearance, is a breach of
747 respondent's duties under this chapter and in itself may result in a summary finding of
748 violation by the Board or hearing officer and imposition of remedies, penalties and
749 disciplinary action under HCC 1.19.110. For the purposes of this section, a "serious

[Added language bold and underlined. Deleted language stricken through.]

750 condition or event” may include a serious medical condition, a serious family emergency
751 requiring the presence of the party, a death in the family, or other similar cause that
752 prevents the respondent’s attendance at the hearing. Nothing in this section shall
753 prevent the rescheduling of a hearing for cause upon request of the respondent or the
754 complainant.

755
756 1.19.130 Settlement of complaints.

757
758 a. The respondent in any case accepted for investigation may propose a resolution
759 and settlement of the complaint. A proposed resolution and settlement will include the
760 admitted violation of Chapter 1.18 HCC; the remedial actions agreed to by the respondent
761 subject to the City Council’s concurrence; any proposed preventive actions to be
762 undertaken to avoid similar violation by respondent or others in the future; and other
763 matters required by the Board or hearing officer.

764
765 b. A proposed resolution and settlement is subject to approval by the Board or
766 hearing officer and has no effect unless approved by the Board or hearing officer. The
767 Board or hearing officer will give the complaining person the opportunity to review and
768 comment on the proposed resolution and settlement prior to approving it. Until
769 approved by the Board or hearing officer, a proposed resolution and settlement must be
770 kept confidential.

771
772 c. The proposed resolution and settlement becomes public record upon final
773 approval by the Board or hearing officer.

774
775 1.19.140 Record of proceedings and public record.

776
777 Permanent records and minutes shall be kept of Board’s or hearing officer’s
778 proceedings. Such minutes shall record the vote of each member upon every question
779 decided in public. Every decision or finding shall immediately be filed in the office of the
780 City Clerk, and shall be a public record open to inspection by any person. Every finding
781 and recommendation shall be directed to the City Council at the earliest possible date.

782
783 1.19.150 Limitation period.

784
785 a. Notwithstanding any other section of this chapter or Chapter 1.18 HCC, and
786 subject to subsection (b) of this section, the Board or hearing officer only may investigate
787 or otherwise act upon a complaint of a potential violation of Chapter 1.18 HCC that is
788 received by the City Clerk’s office within five years after the date of the alleged violation.

789
790 b. After the time limitation in subsection (a) of this section has expired, the Board
791 or hearing officer may investigate or otherwise act upon a complaint of a potential

[Added language bold and underlined. Deleted language stricken through.]

792 **violation of Chapter 1.18 HCC that is received by the City Clerk’s office within one year**
793 **after the date of discovery of the alleged violation, but in no case shall this subsection**
794 **extend the period of limitation in subsection (a) of this section by more than three years.**

795
796 Section 6. Homer City Code Chapter 2.80 entitled Board of Ethics is repealed as follows:

797
798 ~~2.80.010 Board of Ethics established—General provisions.~~

799
800 ~~a. There is hereby established a Board of Ethics.~~

801
802 ~~b. The Board shall be comprised of all members of the City Council and the Mayor. The~~
803 ~~Mayor, or the Mayor Pro Tem in the Mayor’s absence, will serve as presiding officer of the Board.~~
804 ~~In the absence of both, the members of the Board shall elect a presiding officer from among its~~
805 ~~members.~~

806
807 ~~c. The City Attorney or other legal counsel for the Board may assist the Board at every~~
808 ~~stage of the proceedings, but shall have no vote.~~

809
810 ~~d. A quorum of the Board shall be a majority of all members who are not excused for~~
811 ~~cause, such as being the complainant, the respondent, a witness, having a conflict of interest,~~
812 ~~or other cause for recusal. However, in no event may a quorum be less than three.~~

813
814 ~~e. Decisions of the Board shall be adopted by a majority of the members who are~~
815 ~~qualified to act on the matter, where a quorum is present.~~

816
817 ~~f. Unless the Board delegates such authority to another member or decides that no one~~
818 ~~shall have such authority, and except as provided for hearing officers in subsection (h) of this~~
819 ~~section, the presiding officer shall have authority to make procedural decisions between Board~~
820 ~~meetings on behalf of the Board. Examples of matters that may be decided by such delegate~~
821 ~~include scheduling hearings and other matters, establishing pre hearing requirements and~~
822 ~~filing deadlines for motions, exhibits, witness lists, hearing briefs, and deciding other~~
823 ~~procedural matters.~~

824
825 ~~g. The presiding officer shall vote on every question, unless required to abstain for~~
826 ~~cause, and shall not have power to veto any action of the Board.~~

827
828 ~~h. A hearing officer designated by the City Clerk under HCC 1.18.050 shall have sole~~
829 ~~authority to investigate the complaint they have been retained to hear and to make procedural~~
830 ~~decisions regarding the investigation and hearing of that complaint. The designated hearing~~
831 ~~officer shall be the sole decision-maker and shall comply with the procedures and~~
832 ~~requirements of this chapter provided for the Board and its members.~~

833

[Added language bold and underlined. Deleted language stricken through.]

834 ~~2.80.020 Function and authority.~~

835

836 ~~The Board of Ethics or a hearing officer appointed under this chapter has authority to~~
837 ~~perform the following functions:~~

838

839 ~~a. Investigate reported violations of Chapter 1.18 HCC.~~

840

841 ~~b. Hear and decide written complaints of violations of Chapter 1.18 HCC.~~

842

843 ~~c. Hear and decide on requests for exceptions as specified in Chapter 1.18 HCC.~~

844

845 ~~d. Make findings and recommendations concerning sanctions, civil penalties and~~
846 ~~remedies for violations as provided in the code.~~

847

848 ~~e. Adopt recommended policies and procedures governing the Board's conduct of~~
849 ~~business.~~

850

851 ~~f. Upon application of the complainant, respondent, or at the Board's or hearing~~
852 ~~officer's discretion, compel by subpoena the appearance and sworn testimony, at a specified~~
853 ~~time and place, of a person the Board or hearing officer reasonably believes may be able to~~
854 ~~provide information relating to a matter under investigation by the Board or hearing officer or~~
855 ~~the production of documents, records or other items the Board or hearing officer reasonably~~
856 ~~believes may relate to the matter under consideration.~~

857

858 ~~g. Administer oaths and receive testimony from witnesses appearing before the Board~~
859 ~~or hearing officer.~~

860

861 ~~h. Request City agencies to cooperate with the Board or hearing officer in the exercise~~
862 ~~of the Board's or hearing officer's jurisdiction.~~

863

864 ~~i. Request the advising attorney to seek assistance of the Superior Court to enforce the~~
865 ~~Board's or hearing officer's subpoena.~~

866

867 ~~j. Conduct investigative hearings in executive session, pursuant to notifications alleging~~
868 ~~violations of matters within the authority of the Board or hearing officer.~~

869

870 ~~2.80.030 Confidentiality— Initial review.~~

871

872 ~~a. Each written complaint of a violation of Chapter 1.18 HCC received by the City Clerk's~~
873 ~~office shall be assigned an identification number, which shall be used in lieu of names when~~
874 ~~referring to the complaint to maintain confidentiality. The City Clerk and the Board or hearing~~
875 ~~officer shall keep all written complaints of potential violation confidential during investigation~~

[Added language bold and underlined. Deleted language stricken through.]

876 and the Board's or hearing officer's deliberative process. Complaints of potential violation may
877 be disclosed only to the staff member of the City Clerk's office providing administrative support
878 to the Board or hearing officer, members of the Board except when a hearing officer has been
879 appointed, and legal counsel. Upon receipt of a notification of potential violation, the Board
880 or hearing officer shall, at its next scheduled meeting or earlier, as determined by the Board
881 Chair or hearing officer, review the complaint of potential violation and determine if further
882 action on the notification of potential violation is warranted. The Board shall review the
883 complaint of potential violation in executive session. A hearing officer appointed under this
884 chapter shall review the complaint in a confidential manner.

885
886 b. If the Board or hearing officer determines the facts alleged in the notification of
887 potential violation, even if proven, do not constitute a violation, or that the Board or hearing
888 officer lacks jurisdiction to address the complaint of potential violation, the Board or hearing
889 officer shall return the complaint of potential violation to the complaining party or it may
890 recommend to the person filing the complaint that it be amended and re-filed. Notifications of
891 potential violation returned without further action shall remain confidential.

892
893 c. If the Board or hearing officer determines the allegation in a complaint of potential
894 violation, if proven, may constitute a violation of a matter within the Board's or hearing
895 officer's jurisdiction, the Board or hearing officer shall:

896
897 1. Give the respondent a copy of the complaint of potential violation, along with a copy
898 of the outline of the Board's process under this chapter, including notice that the respondent
899 may choose to hold the proceeding in public and may be represented by legal counsel of
900 respondent's choosing and at respondent's own expense; and

901
902 2. Notify both the person submitting the complaint of potential violation and
903 respondent of the date(s) on which each may be requested to meet with the Board or hearing
904 officer, present documentary or testimonial evidence, and assist the Board or hearing officer
905 in resolving the potential violation.

906
907 ~~2.80.040 Disclosure of complaint of potential violation prohibited.~~

908
909 a. A complaint of potential violation of Chapter 1.18 HCC is confidential until the Board
910 or hearing officer completes a written report for distribution as a public record.

911
912 1. No person, including the complainant, shall knowingly disclose to another person, or
913 otherwise make public in violation of this chapter, the contents of a complaint of potential
914 violation filed with the Board or hearing officer, unless:

915
916 a. The respondent elects to proceed in public; or

917

[Added language bold and underlined. Deleted language stricken through.]

918 ~~b. The written report of the Board or hearing officer is electronically published by the~~
919 ~~City Clerk.~~

920
921 ~~2. Breach of confidentiality required by any provision of this chapter is a violation of this~~
922 ~~chapter subject to punishment.~~

923
924 ~~3. A person filing a complaint of potential violation shall keep confidential the fact that~~
925 ~~the person has filed the complaint with the City, as well as the contents of the complaint of~~
926 ~~potential violation. If the Board or hearing officer finds probable cause to believe that the~~
927 ~~person filing the notice of complaint violation has violated confidentiality under this chapter,~~
928 ~~the Board or hearing officer shall immediately dismiss the complaint of violation. Dismissal~~
929 ~~under this subsection does not affect the right of the Board or hearing officer or another person~~
930 ~~to initiate a proceeding on the same factual allegations by filing a complaint of potential~~
931 ~~violation.~~

932
933 ~~4. Public disclosure resulting from corrective action under this chapter is not a violation~~
934 ~~of this section.~~

935
936 ~~2.80.050 Conduct of investigation and standard of proof.~~

937
938 ~~a. The Board's investigation shall be conducted in executive session, unless the~~
939 ~~respondent requests to hold the Board's investigation on the notification of potential violation~~
940 ~~in public. The hearing officer's investigation shall be conducted in a manner to maintain~~
941 ~~confidentiality unless the respondent requests to hold the hearing officer's investigation on~~
942 ~~the notification of potential violation in public.~~

943
944 ~~1. The respondent and the person who filed the notification of potential violation may~~
945 ~~identify other individuals and documents that each would like the Board or hearing officer to~~
946 ~~interview and review.~~

947
948 ~~2. If an individual with information bearing on the notification of potential violation is~~
949 ~~unwilling to come forward with information, the respondent and the person who filed the~~
950 ~~notification of potential violation may each request the Board or hearing officer to subpoena~~
951 ~~the person and any documentary evidence.~~

952
953 ~~3. Persons appearing before the Board or hearing officer may be represented by counsel~~
954 ~~or other person serving in a representative capacity.~~

955
956 ~~4. The Board or hearing officer may question the respondent, the person who filed the~~
957 ~~notification of potential violation, and other persons appearing before the Board or hearing~~
958 ~~officer.~~

959

[Added language bold and underlined.] ~~Deleted language stricken through.]~~

960 ~~5. The Board or hearing officer may solicit questions and testimony from the person~~
961 ~~filing the notification of potential violation, the respondent and other persons appearing for~~
962 ~~the purpose of providing information to the Board or hearing officer. The Board or hearing~~
963 ~~officer may solicit questions from counsel present to represent persons appearing before the~~
964 ~~Board or hearing officer, but all questions during the Board's or hearing officer's investigation~~
965 ~~shall be posed through and by a member of the Board or the hearing officer. Consistent with~~
966 ~~due process, the Board or hearing officer may limit or prohibit questions suggested to the~~
967 ~~Board or hearing officer by or on behalf of persons appearing before the Board or hearing~~
968 ~~officer.~~

969
970 ~~6. The standard of proof to be applied by the Board or hearing officer in determining a~~
971 ~~violation under this chapter is proof by a preponderance of the evidence.~~

972
973 ~~7. Technical rules of evidence do not apply, but the findings of the Board shall be based~~
974 ~~upon reliable and relevant information presented to the Board.~~

975
976 ~~8. The Board's or hearing officer's finding of a violation of this chapter must be~~
977 ~~supported by substantial evidence.~~

978
979 ~~9. The Board's or hearing officer's findings shall not be binding in a subsequent~~
980 ~~sanctions proceeding.~~

981
982 ~~10. When the Board's or hearing officer's investigation is conducted in executive session~~
983 ~~or confidentially, the public shall be excluded but an executive session of the Board shall be~~
984 ~~electronically recorded. The recording shall be available for access as a public record after~~
985 ~~publication by the municipal clerk of the proposed resolution and settlement.~~

986
987 ~~2.80.055 Deliberations of the Board.~~

988
989 ~~Deliberations of the Board shall be conducted in executive session.~~

990
991 ~~a. The deliberations of the Board shall not be recorded.~~

992
993 ~~b. The respondent, the person filing the complaint, and their counsel shall be excluded~~
994 ~~from the deliberations. The Board's legal counsel may attend the deliberations.~~

995
996 ~~c. The Board shall reconvene in open session when deliberations are complete.~~

997
998 ~~2.80.060 Board member and hearing officer disclosures.~~

999
1000 ~~a. When an investigation is convened in executive session to determine whether the~~
1001 ~~respondent has violated Chapter 1.18 HCC, the Board members will be requested to disclose~~

[Added language bold and underlined. Deleted language stricken through.]

1002 ~~any conflict of interest, ex parte communications, or other facts that may affect their~~
1003 ~~qualification to hear the matter. After such a disclosure, the other members of the Board shall~~
1004 ~~determine whether a member shall be excused for cause.~~

1005
1006 ~~b. A hearing officer shall disclose any conflict of interest or ex parte communications~~
1007 ~~with the complainant or respondent before conducting an investigation or holding a hearing~~
1008 ~~under this chapter. The complainant and the respondent have 10 days from the date the~~
1009 ~~written disclosure is sent to the parties to file an objection to the hearing officer with the City~~
1010 ~~Clerk. Upon receiving an objection, the City Clerk shall appoint a new hearing officer.~~

1011
1012 ~~2.80.061 Duty of cooperation.~~

1013
1014 ~~A City official or the City Manager subject to a complaint of a violation shall work~~
1015 ~~cooperatively with the City Clerk to establish a hearing date and shall appear at the place and~~
1016 ~~time set for the hearing, regardless of the respondent's intentions concerning defense or~~
1017 ~~exercise of other rights. Failure to appear, except when failure results from a serious condition~~
1018 ~~or event that prevented the respondent's appearance, is a breach of respondent's duties under~~
1019 ~~this chapter and in itself may result in a summary finding of violation by the Board or hearing~~
1020 ~~officer and imposition of remedies, penalties and disciplinary action under HCC 2.80.070. For~~
1021 ~~the purposes of this section, a "serious condition or event" may include a serious medical~~
1022 ~~condition, a serious family emergency requiring the presence of the party, a death in the family,~~
1023 ~~or other similar cause that prevents the respondent's attendance at the hearing. Nothing in~~
1024 ~~this section shall prevent the rescheduling of a hearing for cause upon request of the~~
1025 ~~respondent or the complainant.~~

1026
1027 ~~2.80.065 Decisions on the record.~~

1028
1029 ~~Using the identification number of the complaint of potential violation to protect~~
1030 ~~confidentiality, the Board shall vote or hearing officer shall determine in open session on these~~
1031 ~~questions:~~

1032
1033 ~~a. Whether the Board or hearing officer finds by a preponderance of the evidence one~~
1034 ~~or more violations within the jurisdiction of the Board or hearing officer; and~~

1035
1036 ~~b. Whether the Board or hearing officer recommends further administrative or remedial~~
1037 ~~actions; and~~

1038
1039 ~~c. What specific sanctions, corrective actions or referrals, if any, the Board or hearing~~
1040 ~~officer recommends pursuant to HCC 2.80.070.~~

1041
1042 ~~d. If the Board or hearing officer does not find a violation under Chapter 1.18 HCC, the~~
1043 ~~Board or hearing officer shall prepare a confidential statement of closure listing the~~

[Added language bold and underlined. Deleted language stricken through.]

1044 ~~complainant and respondent, the assigned identification number, the allegations, the hearing~~
1045 ~~date, and the finding that no allegation was substantiated by the Board or hearing officer in~~
1046 ~~whole or in part, and the date of Board or hearing officer closure. At the sole discretion of the~~
1047 ~~respondent, the Board or hearing officer may release the statement of closure as a public~~
1048 ~~document.~~

1049
1050 ~~2.80.067 Timely completion.~~

1051
1052 ~~The Board or hearing officer shall complete action on a complaint of potential violation~~
1053 ~~and investigations within 90 days of the filing of the complaint of potential violation. By a~~
1054 ~~majority vote, the Board or hearing officer may extend the completion date for up to an~~
1055 ~~additional 90 days, or longer for good cause shown.~~

1056
1057 ~~2.80.070 Sanctions, civil penalties and remedies.~~

1058
1059 ~~a. Upon conviction for any violation of Chapter 1.18 HCC under criminal procedures or~~
1060 ~~upon a determination of any violation of Chapter 1.18 HCC after an investigation conducted by~~
1061 ~~the Board or hearing officer under this chapter, the Board or hearing officer may impose (or~~
1062 ~~recommend in the case of subsection (a)(1) of this section) as a sanction, penalty, or remedy~~
1063 ~~any or all of the following, as appropriate to the seriousness of the violation:~~

1064
1065 ~~1. A recommendation to the City Council that the office of a City Council member or the~~
1066 ~~position of City Manager be declared vacant for a serious violation that is (a) flagrant or (b)~~
1067 ~~willful and knowing. A recommendation that the office of the Mayor be declared vacant may~~
1068 ~~be made only if the violation justifies a declaration of vacancy under AS 29.20.280. Only the~~
1069 ~~City Council may actually declare any of these positions vacant.~~

1070
1071 ~~2. A member of a board or commission may be removed from the board or commission.~~

1072
1073 ~~3. A public or private reprimand may be given to the official.~~

1074
1075 ~~4. The official may be ordered to refrain from voting, deliberating, or participating in~~
1076 ~~any matter in violation of Chapter 1.18 HCC.~~

1077
1078 ~~5. The committee assignments of an official may be revoked.~~

1079
1080 ~~6. An official's privilege to travel at City expense on City business may be revoked or~~
1081 ~~restricted.~~

1082
1083 ~~7. A contract, transaction or appointment, which was the subject of an official act or~~
1084 ~~action of the City that involved the violation of a provision of Chapter 1.18 HCC, may be~~
1085 ~~voided.~~

[Added language bold and underlined.] ~~Deleted language stricken through.]~~

1086
1087 8. ~~The official must forfeit or make restitution of any financial benefit received as a~~
1088 ~~consequence of a violation of Chapter 1.18 HCC.~~

1089
1090 9. ~~A civil fine of not more than \$1,000 per violation may be imposed.~~

1091
1092 ~~2.80.080 Record of proceedings and public record.~~

1093
1094 ~~Permanent records and minutes shall be kept of Board's or hearing officer's~~
1095 ~~proceedings. Such minutes shall record the vote of each member upon every question decided~~
1096 ~~in public. Every decision or finding shall immediately be filed in the office of the City Clerk, and~~
1097 ~~shall be a public record open to inspection by any person. Every finding and recommendation~~
1098 ~~shall be directed to the City Council at the earliest possible date.~~

1099
1100 ~~2.80.090 Settlement of complaints.~~

1101
1102 ~~a. The respondent in any case accepted for investigation may propose a resolution and~~
1103 ~~settlement of the complaint. A proposed resolution and settlement will include the admitted~~
1104 ~~violation of Chapter 1.18 HCC; the remedial actions agreed to by the respondent subject to the~~
1105 ~~City Council's concurrence; any proposed preventive actions to be undertaken to avoid similar~~
1106 ~~violation by respondent or others in the future; and other matters required by the Board or~~
1107 ~~hearing officer.~~

1108
1109 ~~b. A proposed resolution and settlement is subject to approval by the Board or hearing~~
1110 ~~officer and has no effect unless approved by the Board or hearing officer. The Board or hearing~~
1111 ~~officer will give the complaining person the opportunity to review and comment on the~~
1112 ~~proposed resolution and settlement prior to approving it. Until approved by the Board or~~
1113 ~~hearing officer, a proposed resolution and settlement must be kept confidential.~~

1114
1115 ~~c. The proposed resolution and settlement becomes public record upon final approval~~
1116 ~~by the Board or hearing officer.~~

1117
1118 ~~2.80.100 Limitation period.~~

1119
1120 ~~a. Notwithstanding any other section of this chapter or Chapter 1.18 HCC, and subject~~
1121 ~~to subsection (b) of this section, the Board or hearing officer only may investigate or otherwise~~
1122 ~~act upon a complaint of a potential violation of Chapter 1.18 HCC that is received by the City~~
1123 ~~Clerk's office within five years after the date of the alleged violation.~~

1124
1125 ~~b. After the time limitation in subsection (a) of this section has expired, the Board or~~
1126 ~~hearing officer may investigate or otherwise act upon a complaint of a potential violation of~~
1127 ~~Chapter 1.18 HCC that is received by the City Clerk's office within one year after the date of~~

[Added language bold and underlined. Deleted language stricken through.]

1128 ~~discovery of the alleged violation, but in no case shall this subsection extend the period of~~
1129 ~~limitation in subsection (a) of this section by more than three years.~~

1130
1131 Section 7. This ordinance shall take effect upon its adoption by the Homer City Council.
1132

1133 Section 8. This ordinance is of a permanent and general character and shall be included
1134 in the City Code.
1135

1136 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
1137 2018.

1138
1139 CITY OF HOMER

1140
1141
1142 _____
1143 BRYAN ZAK, MAYOR

1144
1145 ATTEST:
1146
1147
1148 _____
1149 MELISSA JACOBSEN, MMC, CITY CLERK
1150

1151
1152 YES:
1153 NO:
1154 ABSTAIN:
1155 ABSENT:
1156

1157 First Reading:
1158 Public Hearing:
1159 Second Reading:
1160 Effective Date:
1161

1162 Reviewed and approved as to form:
1163

1164 _____
1165 Katie Koester, City Manager

1166 _____
1167 Holly Wells, City Attorney

1166 Date: _____
1167 Date: _____

[Added language bold and underlined. Deleted language stricken through.]

MEMORANDUM 18-031

TO: HOMER CITY COUNCIL
FROM: HOLLY C. WELLS
RE: CODE OF CONDUCT ORDINANCE
CLIENT: CITY OF HOMER
FILE NO.: 506742.24
DATE: MARCH 7, 2018

Introduction

In the current cultural and political climate, our firm encourages local governments to review workplace policies as well as existing codes of conduct to ensure employees and the public are properly protected and that the obligations of management and city officials are easy to identify, follow, and enforce. To this end, Ordinance No. 18-14 (the "Ordinance") proposes several revisions to the Homer Code of Ethics, which are identified and explained in this memorandum.

Proposed Revisions

The Ordinance proposes several revisions, the most substantive of which:

- 1) Require City Council members to comply with applicable Homer workplace policies and procedures;
- 2) Add a definition for the term "impartial" as used in the Homer City Code;
- 3) Clarify the preliminary review process for ethics complaints;
- 4) Consolidate and clarify the ethics complaint process before the Board or a hearing officer in a single title; and
- 5) Protect Council members and City official actions from allegations arising from actions or omissions taken in reliance on advice from the City Attorney.

Revisions Clarifying the Ethics Complaint Process

The revisions regarding the ethics hearing process generally ensure that the intended steps of review and consideration are clear. Under the current Code, the hearing process is governed by provisions in both Title 1 and Title 2, requiring the reader to cross reference between the two sections to determine how to file a complaint and what the standard of review and investigation process of such complaint entails. As a result, it is very easy for a reader to miss important procedural steps or requirements. The Ordinance proposes a much simpler “step-by-step” approach, with the process for all complaints in a single new chapter of the Code entitled “Code of Ethics- complaints.”

In addition to the restructuring of the ethics complaint process, the Ordinance proposes changes to the review process to ensure that hearings are as cost-effective and impartial as possible. Most notably, the Code currently provides for a preliminary review process to ensure that complaints that are not sufficient are rejected before a hearing takes place. However, in recent ethics hearings, the hearing officers expressed confusion as to when and how, and even who, was responsible for conducting the preliminary review. In an effort to avoid such confusion in the future, and legal costs associated with hiring a hearing officer to preside over a complaint that does not contain a viable allegation, even if all the facts asserted are taken as true, the Ordinance requires the City Attorney to review the complaint for preliminary legal sufficiency. The Clerk remains responsible for reviewing the complaint to confirm it contains the information required under the Code. However, the proposed revisions clarify the Clerk’s limited role in the review process.

The changes to the ethics complaint process also include express protection for City officials and the City Manager for acts or omissions taken in reliance on City Attorney advice. While the current Code of Ethics provides protection for City officials and the City Manager when acting in accordance with an advisory opinion, it does not expressly provide such protection when the acts are based on legal advice provided in meetings or during the course of business. Thus, the change is predominately a clarification of the Code of Ethics’s original intent.

Revisions to the Code of Ethics

As with the ethics complaint process, the Ordinance proposes changes to the Code of Ethics itself which are designed to streamline and clarify the obligations imposed upon City officials under the Code. However, these organizational changes are fairly small and clear on the face of the Ordinance and thus need not be discussed in this memo.

In addition to organizational changes, the Ordinance expands upon the definition of “partiality” in HCC 1.18.048 by differentiating the “partiality” prohibited in quasi-judicial proceedings from the “impartiality” required in legislative acts. For example, conducting yourself “impartially” in a quasi-judicial procedure requires a decision-maker to remain neutral, not favoring one side or the other. Conversely, legislative acts necessarily arise

from the advocacy efforts of the legislators who support those acts. Unlike a quasi-judicial decision-maker, legislators are tasked with promoting the interests of their constituents and thus are not expected to be “neutral.” However, legislators are expected to act in a manner that they believe benefits the public’s best interest. Thus, a legislator fails to act “impartially” when he or she takes action to benefit a personal or financial interest rather than the best interest of his or her constituents.

The most significant change to the Code is the clarification of the City official’s duty to comply with the City’s workplace safety policies, and harassment provisions as set forth in the employee policy manual. While many of these provisions currently apply to all City officials, the inclusion of a specific obligation in the Code of Ethics ensures that employees, citizens, and City officials are fully aware of the application of such policies to City official conduct.

Although the applicable policy provisions are not included in the proposed revisions, the provisions that would apply to Council members are as follows:

9.2 Anti-discrimination and Anti-harassment Policy: The City maintains a work environment free from unlawful discrimination and harassment for all employees. All employees have the right to work in an environment free from discrimination, intimidation or harassment that is based upon a protected status.

9.4 Harassment Definition: Prohibited harassment consists of unwelcome verbal or physical conduct or communication based upon an employee’s race, color, creed, religion, national origin, gender, physical or mental disability, age, marital status, pregnancy or parenthood, veteran’s status, status with regard to public assistance, or any other status protected by federal, state or local law. Examples of conduct prohibited by this policy include using racial and ethnic slurs, offensive stereotypes or making jokes about such characteristics.

9.5 Sexual Harassment Definition: Sexual harassment is a form of harassment that is prohibited under these regulations. Sexual harassment encompasses unwelcome sexual advances, request for sexual favors, and other verbal, visual, written or physical conduct of a sexual nature where:

9.5.1 Such conduct is unwelcome; and

9.5.2 Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

9.5.3 Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or

9.5.4 Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive work environment. A hostile work environment occurs when the

conduct is sufficiently severe or pervasive enough to alter the condition of the employee's employment and create an abusive work environment.

9.7 Responsibilities:

9.7.1 All City employees at all levels shall report allegations and acts of discrimination. An employee who feels he or she is being harassed or discriminated against or is aware of activities in the workplace that may constitute harassment or discrimination shall report the perceived discrimination or harassment immediately to their supervisor, Department Director, Personnel Director, City Manager or any City Official (as defined by this chapter) that the employee feels comfortable reporting to.

9.10 Retaliation: The City prohibits any form of retaliation against any employee for reporting or participating in a proceeding connected with a matter of public concern pursuant to Section 1.15 of the City Code. However, if the City determines that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the complainant or the individual(s) who gave the false information. Any decision which constitutes an adverse action against an employee who has a current informal or formal complaint of discrimination pending must be approved by the City Attorney's office. All City Officials should avoid actions that might be construed as retaliatory against the complainant.

Again, while many of these provisions already apply to City official conduct through state and/or federal laws and City policies, it is important that Council members and other City officials are aware of the obligations that impact their service and understand the process for reporting violations should they occur.

Conclusion

Homer's existing Code of Conduct provides comprehensive protection to the public, ensuring local government and City officials operate fairly and transparently. However, the proposed changes in the Ordinance serve to clarify the scope of these protections and the resulting obligations placed upon City officials. Similarly, the Ethics Complaint process as currently codified provides a detailed administrative process for enforcing violations of the Code of Ethics but the Ordinance, if adopted, will result in a clearer and more user-friendly hearing process.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-15

An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$29,550 from the Public Works Fleet Reserve Fund for the Purchase of a Brush Cutter.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting March 12, 2018 Introduction
 - a. Memorandum 18-032 from Public Works Superintendent

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 18-15
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
8 THE 2018 OPERATING BUDGET BY AUTHORIZING THE EXPENDITURE
9 OF AN ADDITIONAL \$29,550 FROM THE PUBLIC WORKS FLEET RESERVE
10 FUND FOR THE PURCHASE OF A BRUSH CUTTER.
11

12 WHEREAS, City Council in the FY 2018 Operating Budget approved a capital project
13 expenditure of \$50,000 from the Public Works Reserve Fund for the purchase of a brush cutter;
14 and
15

16 WHEREAS, Public Works solicited quotes from two vendors for a brush cutter. The low
17 bid was \$79,550 (see Memorandum 18-032 from Public Works); and
18

19 WHEREAS, The purchase of the brush cutter will be through the National Joint Powers
20 Alliance (NJPA), a competitively awarded, nationally leveraged cooperative purchasing
21 program; and therefore, the purchase of the equipment as described above is consistent with
22 the requirements of the City's procurement regulations.
23

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

26 Section 1. The FY 2018 Operating Budget is hereby amended by appropriating an
27 additional \$29,550 from the Public Works Reserve Fund for the purchase of a brush cutter.
28

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
152-0383-5902	Brush Cutter Purchase	\$29,550

31
32 Section 2. This is a budget amendment ordinance, is not permanent in nature and
33 shall not be codified.
34

35 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____, 2018.
36

37 CITY OF HOMER
38

39
40
41 _____
42 BRYAN ZAK, MAYOR

43 ATTEST:

44

45

46 _____

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49

50

51 YES:

52 NO:

53 ABSTAIN:

54 ABSENT:

55

56 First Reading:

57 Public Hearing:

58 Second Reading:

59 Effective Date:

60

61

62

63 Reviewed and approved as to form:

64

65

66 _____

67 Mary K. Koester, City Manager

68

69 Date: _____

70

Holly Wells, City Attorney

Date: _____



City of Homer

Dan Gardner, Superintendent

Public Works

3575 Heath Street

Homer, AK 99603

dgardner@ci.homer.ak.us

(p) 907-235-3170

(f) 907-235-3145

MEMORANDUM 18-032

To: Katie Koester, City Manager
Through: Carey Mayer, Public Works Director
From: Dan Gardner, PW Superintendent
Date: March 2, 2018
Subject: Capitol Request for Purchase of new Brush Cutter

A request was made in the 2018 operating budget for a new brush cutter in the amount of \$82,000. Ultimately, \$50,000 was approved. With the unanticipated savings from the vac truck purchase (approximately \$37,000 savings), this department is requesting an increase of \$29,950 to make the brush cutter purchase, in the amount of \$79,950. Bids ranged from \$79,950 to \$83,968.

The brush cutter is a power head, boom arm assembly, and mower head attached to a loader that is used to mow vegetation along roadways within the right-of-way (ROW). These operations open up sight distance areas at intersections, and minimize ROW creep of spruce and alders. The existing unit is 21 years old and has undergone extensive repairs over the last few years. Each year, as the unit leaves the yard, the expectation is that it won't last through the day before needing repairs that can be days or weeks long. When this occurs, all brushing operations stop. This occurred during the 2016 cutting season, and operations stopped before we were able to get halfway through the road system. During the 2017 cutting season, operations lasted less than one week, and the operations halted altogether. The boom assembly is damaged to the point of no longer being able to be repaired. Without a new brush cutter, we will have no ability to continue the mowing operations.

Due to the complex nature of this unit with many moving parts, and the fact that the boom assembly can undergo severe stress, a used unit is not being considered. We already have a used unit. We need a brush cutter that is reliable due to the short mowing season we have.

Recommendation: Approve an additional \$29,950 to the existing funding of \$50,000 for the purchase of a new brush cutter from Craig Taylor Equipment.

CC: Melissa Jacobsen, City Clerk

1 CITY OF HOMER
2 HOMER, ALASKA

Aderhold

3
4 RESOLUTION 18-027

5
6 A RESOLUTION OF THE CITY OF HOMER, ALASKA REQUESTING
7 THE ALASKA CONGRESSIONAL DELEGATION REINSTATE FUNDS
8 IN THE FEDERAL BUDGET FOR THE NATIONAL ESTUARINE
9 RESEARCH RESERVE SYSTEM TO ENSURE FUTURE
10 CONTINUATION OF IMPORTANT ECOLOGICAL AND ECONOMIC
11 CONTRIBUTIONS FROM THE KACHEMAK BAY NATIONAL
12 ESTUARINE RESEARCH RESERVE TO THE CITY OF HOMER, OTHER
13 KACHEMAK BAY COMMUNITIES, AND THE LOWER KENAI
14 PENINSULA.

15
16 WHEREAS, The Kachemak Bay National Estuarine Research Reserve (KBNERR) was
17 established in 1999 with strong support from the Kachemak Bay community as part of the
18 National Estuarine Research Reserve (NERR) System funded through the National Oceanic and
19 Atmospheric Administration with state partners; and

20
21 WHEREAS, The KBNERR is one of 29 NERRs located in coastal regions throughout the
22 U.S. and is the only NERR in the State of Alaska; and

23
24 WHEREAS, The KBNERR's State partner is the University of Alaska Anchorage Center for
25 Conservation Science; and

26
27 WHEREAS, The KBNERR conducts research, education, and harmful species
28 monitoring, and provides coastal training opportunities to communities located in Kachemak
29 Bay; and

30
31 WHEREAS, The research conducted by KBNERR provides valuable information to
32 Kachemak Bay communities about salmon and salmon habitat, marine temperatures, sea
33 level rise, coastal erosion, and ocean circulation; and

34
35 WHEREAS, The harmful species program conducted by KBNERR involves many citizen
36 scientists throughout Kachemak Bay, monitors for the possible introduction of nonnative
37 species such as green crabs and tunicates which could have major economic impacts to
38 Kachemak Bay if established, and monitors for harmful algal blooms that cause paralytic
39 shellfish poisoning and other potentially fatal conditions to humans; and
40

41 WHEREAS, The KBNERR educates and trains residents and visitors to Kachemak Bay,
42 ranging in age from five to ninety-five, about the ecology of Kachemak Bay and its watersheds
43 based on research and harmful species monitoring; and
44

45 WHEREAS, The KBNERR collaborates with multiple Federal and State agencies,
46 nonprofit organizations, and other NERRs on research, monitoring, education and coastal
47 training; and
48

49 WHEREAS, The work of the KBNERR supports the marine economy of Kachemak Bay;
50 and
51

52 WHEREAS, The City of Homer has relied on work performed by KBNERR to understand
53 our risk from coastal erosion, sea level rise, and climate change; and
54

55 WHEREAS, The KBNERR is representative of the value of all NERRs in the nationwide
56 system to local communities, states, and the nation.
57

58 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, requests
59 that the Alaska Congressional Delegation reinstate funds into the Federal budget for the
60 National Estuarine Research Reserve System to ensure future continuation of important
61 ecological and economic contributions from the Kachemak Bay National Estuarine Research
62 Reserve to the City of Homer, other Kachemak Bay communities, and the lower Kenai
63 Peninsula.
64

65 PASSED AND ADOPTED by the Homer City Council this 12th day of March, 2018.
66

67 CITY OF HOMER
68
69
70
71

72 _____
73 BRYAN ZAK, MAYOR
74

75 ATTEST:
76
77

78 _____
79 RENEE KRAUSE, CMC, DEPUTY CITY CLERK
80

81 Fiscal Note: N/A

1 CITY OF HOMER
2 HOMER, ALASKA

3 Mayor/Council

4 RESOLUTION 18-028

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL EXPRESSING
7 RESULTS OF THE FEBRUARY 26, 2018 POLICE STATION
8 WORKSESSION AND PROVIDING DIRECTION FOR THE NEXT STEP.
9

10 WHEREAS, The Homer City Council has been working since 2014 on a new police station
11 including establishing two separate work groups, the Public Safety Building Review
12 Committee and the Police Station Building Task Force; and
13

14 WHEREAS, The configuration, site, cost and financing for a new station have all been
15 discussed extensively, including during a City Council extended worksession on January 29,
16 2018; and
17

18 WHEREAS, After the extended worksession City Council passed Resolution 18-013 that
19 formalized City Council consensus, giving the following official guidance on:

- 20 1. Location: Corner of Heath Street and Grubstake
- 21 2. Total Project Cost: \$7.5 million or less with \$2.5 million from existing reserves
- 22 3. Spaces/Functions to incorporate into the re-design of the \$6.4 million design
23 concept; and
24

25 WHEREAS, City Council convened a second worksession on February 26, 2018 to reach
26 consensus on the next steps of how to proceed with police station design and construction and
27 options to consider for how to pay for it; and
28

29 WHEREAS, The purpose of this resolution is to state additional areas where the City
30 Council can agree and give official direction on how to proceed with the project which will be
31 followed up with additional legislation, as appropriate.
32

33 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, formalizes
34 the following additional guidance on the police station project:

- 35 4. How to proceed with facility design and construction: Continue with the current
36 general contractor/construction management contract.
37

38 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska, will further evaluate
39 and seek consensus on how to pay for the new police station based on the following City
40 Council prioritized options at the next regularly scheduled worksession, 4:00 pm March 27,
41 2018:

- 42 a. Seasonal sales tax

- 43 b. Sales tax
- 44 c. Bed tax
- 45 d. Portion of general fund fund balance
- 46 e. Re-appropriate general fund reserves to the police station
- 47 f. Raise property mill rate
- 48

49 PASSED AND ADOPTED by the Homer City Council on this 12th day of March, 2018.

50
51 CITY OF HOMER

52
53
54 _____
55 BRYAN ZAK, MAYOR

56
57 ATTEST:

58
59
60 _____
61 RENEE KRAUSE, CMC, DEPUTY CITY CLERK

62
63 Fiscal Note: N/A.

64

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Clerk/
4 Port & Harbor Director

5 RESOLUTION 18-029

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AWARDING THE CONTRACT FOR THE SOLID WASTE COLLECTION
9 AND DISPOSAL CONTRACT TO MOORE & MOORE SERVICES, INC.
10 OF HOMER, ALASKA, FOR A THREE YEAR CONTRACT WITH TWO
11 ONE YEAR RENEWAL OPTIONS, IN THE AMOUNT OF \$45,890.11
12 PER YEAR, AND AUTHORIZING THE CITY MANAGER TO EXECUTE
13 THE APPROPRIATE DOCUMENTS.

14
15 WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
16 advertised in the Homer News on February 1 and 8, 2018, sent to two in-state plans rooms, and
17 posted on the City of Homer website; and

18
19 WHEREAS, Proposals were due March 1, 2018 and two proposals were received; and

20
21 WHEREAS, Moore & Moore Services, Inc. of Homer, Alaska, was found to be the lowest
22 responsive bidder; and

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

26
27 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
28 Three year contract for Solid Waste Collection and Disposal to the firm of Moore & Moore
29 Services, Inc. of Homer, Alaska, in the amount of \$45,890.11 per year with two One Year
30 Renewal Options, and authorizes the City Manager to execute the appropriate documents.

31
32 PASSED AND ADOPTED by the Homer City Council this 12th day of March, 2018.

33
34 CITY OF HOMER

35
36
37 _____
38 BRYAN ZAK, MAYOR

39 ATTEST:

40
41 _____
42 RENEE KRAUSE, CMC, DEPUTY CITY CLERK

43 Fiscal note: 400-0601-5220; 100-0140-5220, 100-0150-5220, 100-0160-5220,
44 100-0145-5220, 100-0149-5220, 100-0165-5220, 100-0171-5220



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

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Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 18-033

TO: HOMER CITY COUNCIL & KATIE KOESTER, CITY MANAGER
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER
DATE: MARCH 7, 2018
SUBJECT: SOLID WASTE DISPOSAL CONTRACT RFP RESULTS

The City of Homer advertised a request for proposals from qualified firms for solid waste collection and disposal for all City facilities. Bids were all-inclusive; successful proposers were required to provide detailed costs for collection and disposal, including labor, materials, equipment, tools and supervision. Proposers were reminded to pay close attention to the special conditions and needs for the Port and Harbor, i.e. wind, birds, customer service, and locations.

The City Clerk's Office received two proposals by qualified firms: Moore & Moore Services, Inc. of Homer, AK and Alaska Waste of Kenai/Soldotna, AK.

City staff, representing Public Works and the Port and Harbor Department, met for the purpose of evaluating and scoring proposals. All responses were evaluated per the grading criteria laid out in the Request for Proposals. After careful review, staff concluded that the best overall proposal was submitted by Moore & Moore Services, Inc., both in price and service.

Recommendation

Staff recommends awarding the three year solid waste collection and disposal contract, with two possible one year extensions, to Moore & Moore Services, Inc. of Homer for a total estimated cost of \$45,890.11 per year.

Fiscal Note

400-0601-5220 Harbor Operations Refuse Disposal
100-0140-5220 City Hall
100-0150-5220 Fire Department
100-0160-5220 Police Department
100-0145-5220 Library
100-0149-5220 Airport
100-0165-5220 Animal Shelter
100-0171-5220 Public Works

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

MEMORANDUM

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: HAYLEY SMITH, DEPUTY CITY CLERK

DATE: MARCH 5, 2018

SUBJECT: PORT & HARBOR ADVISORY COMMISSION REQUEST TO ALLOCATE 10% OF PARKING CITATION REVENUE BACK TO THE PORT & HARBOR ENTERPRISE BUDGET

At the February 28, 2018 Port & Harbor Advisory Commission Meeting, the Commission made a motion to ask City Council to allocate 10% of the Spit's Parking Citations Revenue back into the Port & Harbor Enterprise Budget. The following is an excerpt from their minutes:

B. Distribution of Parking Citation Funds

Commissioner Zimmerman believes that the City should be allocating a percentage of the parking revenue back into the Enterprise Budget. The Port & Harbor maintains the parking and pays the employees necessary to write parking citations. All of the Parking Citation Revenue is currently going directly into the City's General Fund, so Commissioner Zimmerman proposes to ask council for 10% of the revenue be allocated back to the Port & Harbor Enterprise Budget.

Harbormaster Hawkins stated that there were 960 man hours involved in parking enforcement and 700 citations written that were \$25 dollars apiece. He explained that they do not know how many citations have been paid. City Hall has sent out three different notices for everyone that still needed to pay their citations and those who have not paid have been sent to collections.

ZIMMERMAN/ZEISET- MOVED TO ASK CITY COUNCIL TO ALLOCATE 10% OF REVENUE FROM PARKING CITATIONS ON THE SPIT TO BE PUT BACK INTO THE OPERATING BUDGET OF THE PORT & HARBOR ENTERPRISE.

There was a brief discussion.

VOTE. YES. NON OBJECTION. UNANIMOUS CONSENT

Motion carried.

RECCOMENDATION: The Port & Harbor Commission respectfully requests a Councilmember sponsor an ordinance to allocate 10% of the parking citation revenue to the Port & Harbor Enterprise budget.

PUBLIC HEARING(S)

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

Ordinances 18-08, 18-09, & 18-10

A **public hearing** is scheduled for **Monday, March 12, 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 18-08, 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.

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.

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.

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

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

Melissa Jacobsen, MMC, City Clerk
Publish: Homer News March 8, 2018

CLERK'S AFFIDAVIT OF POSTING

I, Hayley Smith, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 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, **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, **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., was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Tuesday, February 27th, 2018 and posted the same on City of Homer Website on Tuesday, February 27th, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 27th day of February, 2018.



Hayley Smith, Deputy City Clerk

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
2. City Council Regular Meeting Public Hearing and Second Reading March 12, 2018
 - a. Memorandum 18-021 from City Planner as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 Aderhold/
4 Cannabis Advisory Commission

5 ORDINANCE 18-08

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND
9 STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE
10 MARINE COMMERCIAL DISTRICT.

11
12 WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding
13 the use of property within the City to cultivate, manufacture marijuana or to operate a retail
14 store selling marijuana; and

15
16 WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of
17 marijuana to minors; prevents revenue from the sale of marijuana from going to criminal
18 enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal
19 under state law in some form to other states; prevents state-authorized marijuana activity
20 from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal
21 activity; prevents violence and the use of firearms in the cultivation and distribution of
22 marijuana; prevents drugged driving and the exacerbation of other adverse public health
23 consequences associated with marijuana use; prevents the growing of marijuana on public
24 lands and the attendant public safety and environmental dangers posed by marijuana
25 production on public land; and prevents marijuana possession or use on federal property.

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

28
29 Section 1. Homer City Code Chapter 21.28.020 is hereby amended to read as follows:

30
31 Section 21.28.020 Permitted uses and structures.

32
33 The following uses are permitted outright in the Marine Commercial District, except
34 when such use requires a conditional use permit by reason of size, traffic volumes, or
35 other reasons set forth in this chapter:

- 36
37 a. Offices for tourism-related charter and tour businesses, such as fishing, flightseeing,
38 day excursions and boat charters and tours;
39
40 b. Marine equipment sales, rentals, service, repair and storage;
41

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

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

82
83 **Section 2.** This ordinance shall take effect upon its adoption by the Homer City Council.

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

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 Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Holly C. Wells, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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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.

1
2 CITY OF HOMER
3 HOMER, ALASKA
4

5 Planning Commission
6

7 ORDINANCE 18-____
8

9 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
10 AMENDING HOMER CITY CODE 21.28.020, PERMITTED USES AND
11 STRUCTURES; ADDING MARIJUANA RETAIL FACILITIES IN THE
12 MARINE COMMERCIAL DISTRICT.
13

14 WHEREAS, it is in the City's best interest to draft comprehensive regulations
15 regarding the use of property within the City to cultivate, manufacturer marijuana or to
16 operate a retail store selling marijuana; and
17

18 WHEREAS, the City is dedicated to drafting regulations that prevent the
19 distribution of marijuana to minors; prevents revenue from the sale of marijuana from
20 going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from
21 states where it is legal under state law in some form to other states; prevents state-
22 authorized marijuana activity from being used as a cover or pretext for the trafficking of
23 other illegal drugs or other illegal activity; prevents violence and the use of firearms in the
24 cultivation and distribution of marijuana; prevents drugged driving and the exacerbation
25 of other adverse public health consequences associated with marijuana use; prevents the
26 growing of marijuana on public lands and the attendant public safety and environmental
27 dangers posed by marijuana production on public land; and prevents marijuana possession
28 or use on federal property.
29

30 THE CITY OF HOMER ORDAINS:
31

32 Section 1. Homer City Code Chapter 21.28 is amended as follows:
33

34 Section 21.28.020 Permitted uses and structures.
35

36 The following uses are permitted outright in the Marine Commercial District,
37 except when such use requires a conditional use permit by reason of size, traffic volumes,
38 or other reasons set forth in this chapter:
39

- 40 a. Offices for tourism-related charter and tour businesses, such as fishing,
41 flightseeing, day excursions and boat charters and tours;
42 b. Marine equipment sales, rentals, service, repair and storage;
43 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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100

MELISSA JACOBSON, MMC, CITY CLERK

102

103 AYES:

104 NOES:

105 ABSTAIN:

106 ABSENT:

107

108 First Reading:

109 Public Reading:

110 Second Reading:

111 Effective Date:

112

113 Reviewed and approved as to form:

114

115

Kate Koester, City Manager

116

117

118

Date: _____

City Attorney

Date: _____







City of Homer

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Planning

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(p) 907-235-3106

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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

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.



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Homer, Alaska 99603

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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

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

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

MEMORANDUM

TO: CITY COUNCIL AND MAYOR ZAK
FROM: CANNABIS ADVISORY COMMISSION
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: AUGUST 28, 2017
SUBJECT: RECOMMENDATION TO 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

Homer City Council

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

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 28th 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

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.

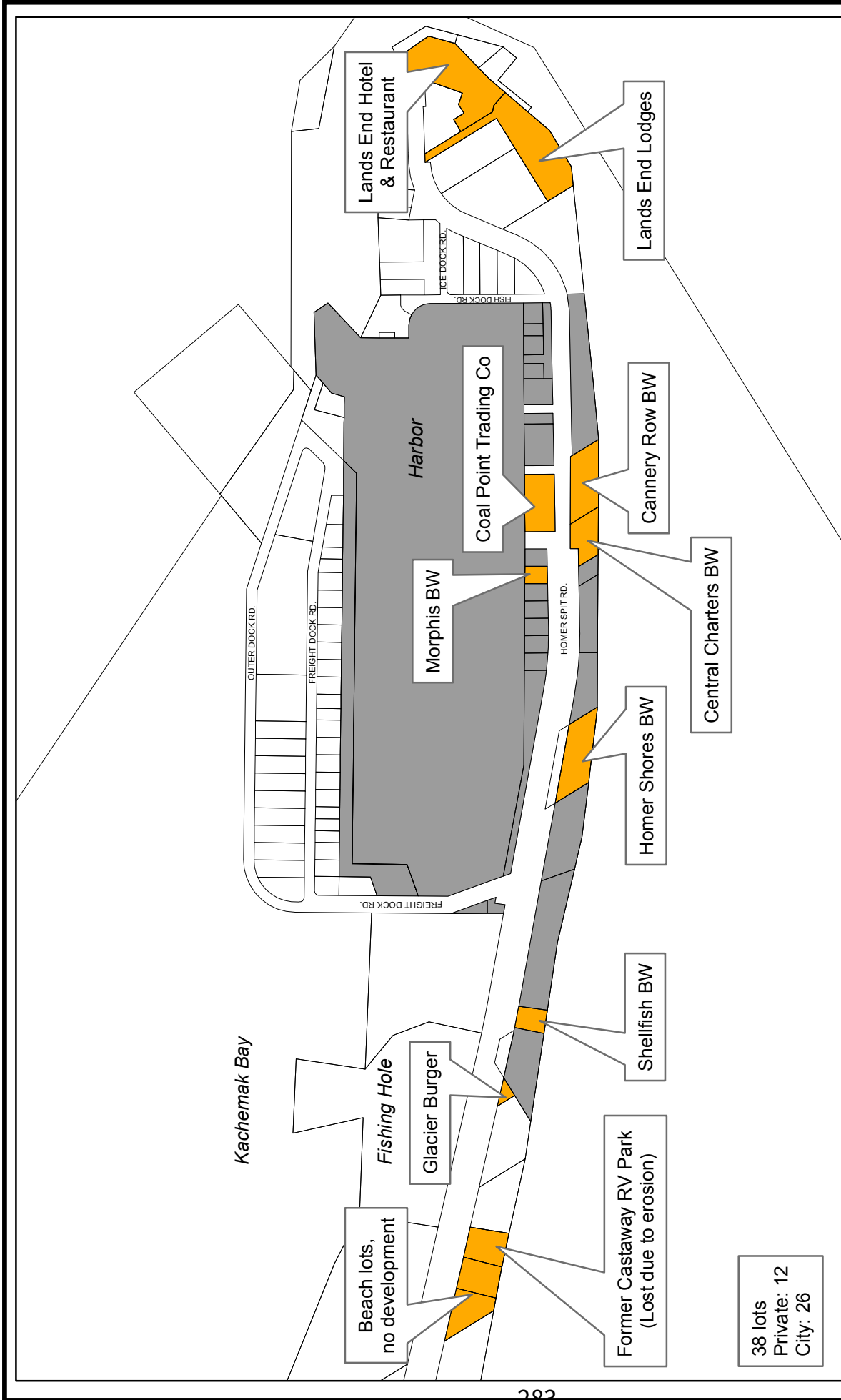
B. Staff Report 17-92, Ordinance to Allow One Employee Occupied RV per lot in the Marine Commercial and Marine Industrial Districts under Homer City Code 21.54

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.



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	
Owner	
Private	
City	

38 lots
 Private: 12
 City: 26

- 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 8TH AND HAVE A PUBLIC HEARING ON FEBRUARY 8TH AND A SECOND PUBLIC HEARING AND FINAL READING ON FEBRUARY 22ND.

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

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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 24th. 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 24th. 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

Activity	District					
	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		291

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.

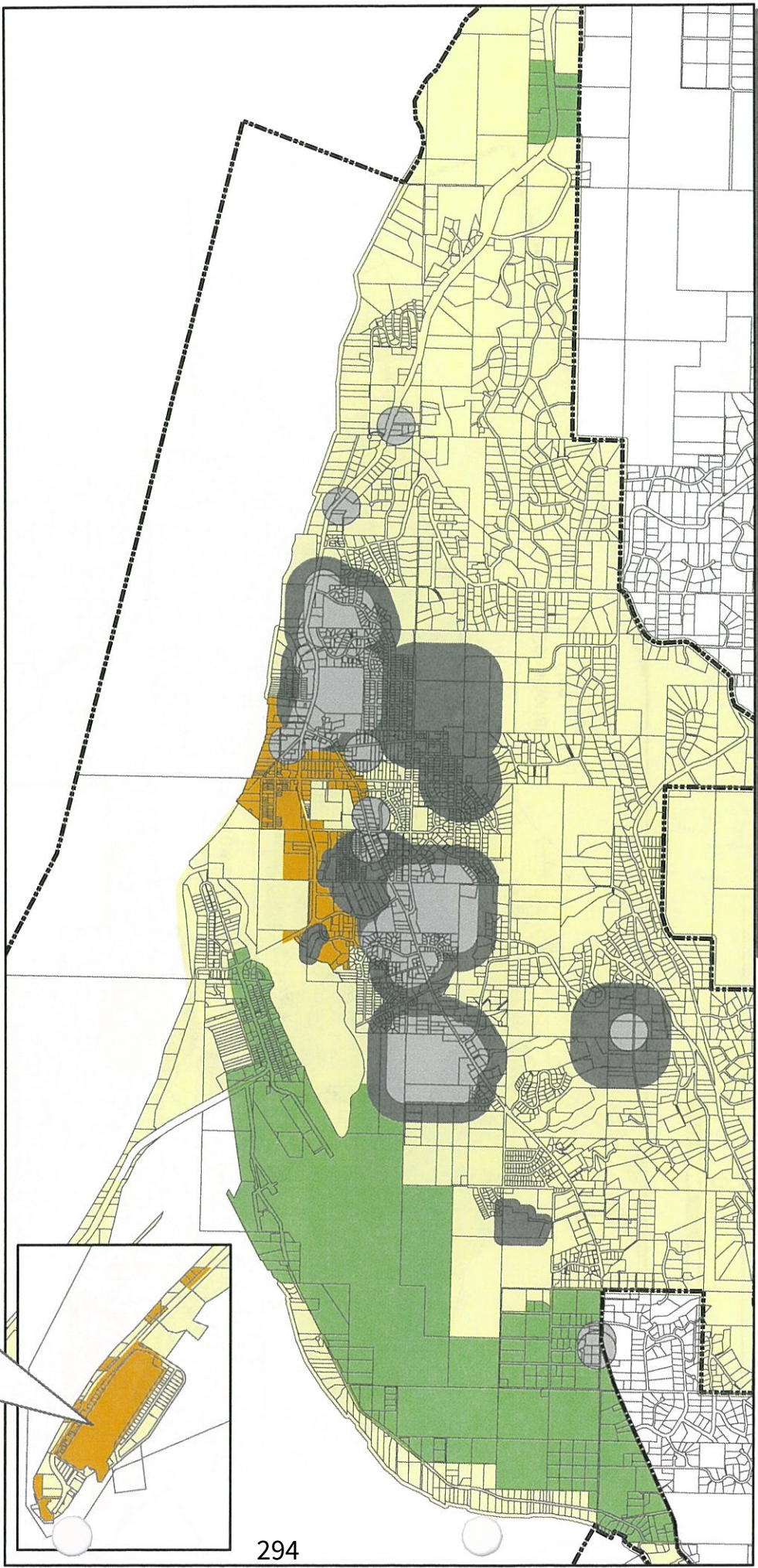
I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. 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.

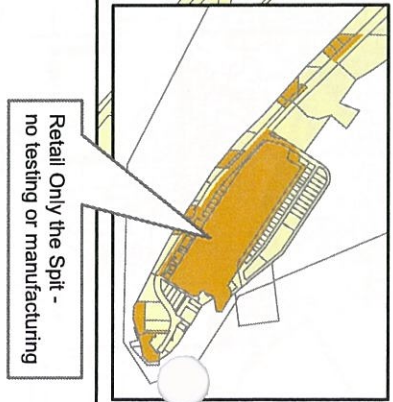
Questions? Contact City Planner Rick Abboud



Legend

-  City Limits
-  State Buffers
-  Additional City Buffers
-  Retail by Conditional Use Permit
-  Retail allowed outright, Manufacturing by CUP
-  No Commercial Cannabis Businesses

Commercial Cannabis Activities



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.

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

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>

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

To: 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,
Crist Matthews, Broker
c: 907-299-8700
f: 888-552-2805
www.CMREagent.com
www.HomerShores.com

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

|

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 2nd.

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 23rd 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.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

Diamond Ridge Art Studio

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 4th 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

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*

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)

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

2. City Council Regular Meeting Public Hearing and Second Reading March 12, 2018

CITY OF HOMER
HOMER, ALASKA

Aderhold

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.

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

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

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

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

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

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

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

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

~~2.78.020—Terms of members.~~

~~2.78.030—Proceedings of the Commission.~~

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

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

~~a. There is created the City of Homer Cannabis Advisory Commission, referred to in this chapter as the Commission. The Commission shall serve as the local regulatory 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

125 _____

126 Holly Wells, City Attorney

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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

2. Council Regular Meeting March 12, 2018 Public Hearing and Second Reading
 - a. Memorandum 18-034 from Public Works Director as backup

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: _____



Memorandum 18-034

TO: Katie Koester, City Manager

FROM: Carey S. Meyer, Public Works Director

DATE: March 6, 2018

SUBJECT: Municipal Matching Grant 40909 – Water Distribution/Storage Improvements
Grant Amendment – Signature Authority

The City applied for and received a \$2.7M ADEC Municipal Matching grant to construct the first phase of an overall water distribution/storage improvement project. The first phase consisted of distribution system improvements (Kachemak Drive and Shellfish Avenue water main extensions). These projects were completed in 2017 under budget. \$1,600,000 remained unspent in the grant award.

The City Council passed Resolution 18-009(S) on January 22, 2018 which supported the expansion of the grant scope to include additional water system improvements. The total grant amount would be reduced to approximately \$2.2M (leaving approximately \$500,000 unused). The Council passed Ordinance 18-10 (on its first reading) on February 26 which would authorize the expenditure of matching funds in support of the \$2.2M grant and authorize the City manager to execute a grant amendment in the same amount. Second reading is on March 12.

The grant amendment is currently being finalized by ADEC (a copy of which will be provided to the Council as a laydown at the March 12 meeting). ADEC is suggesting that the grant amendment include all available funding (\$2.7M) so that the City could have access to these additional funds if necessary. If these funds are not included in the grant amendment, they will be lost and unavailable should they be needed.

Recommendation: The City Manager be authorized to execute a grant amendment that includes funds that the City Council has not authorized a matching expenditure. Access to these additional funds could not be made without additional action by the Council (authorizing additional matching funds beyond what has been authorized to date).

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: March 7, 2018
SUBJECT: City Manager's Report

Pittman-Robertson Funding

In the last City Manager's Report I mentioned an opportunity for trail/wildlife viewing grants that Representative Seaton brought up during our time in Juneau. Since then, staff has been working with his office on how we would go about advocating for City of Homer projects. However, because the State does not have staff to administer Pittman-Robertson or Dingell-Johnson grants, even if the City proposes to fund the entire required local match, the Federal dollars cannot be attained. Therefore, Representative Seaton's office has requested from the City a letter advocating for restoring funding to administer these programs (attached). The State stands to lose \$4 million in Federal grant dollars without this capacity. The City of Homer Load and Launch Ramp was replaced using Dingell-Johnson funds; I don't know of Pittman-Robertson funding we have used in the recent past, but if the program is restored we would work on positing City of Homer projects for funding as the opportunity became available.

Visit with Candidates Galvin and Dunleavy

When the City receives a request to visit with candidates for higher office, we jump at the opportunity to educate about Homer and our needs. If scheduling allows, the Mayor and/or the Mayor Pro-tem generally meet with City staff. Recently we have been visited by Congressional Candidate Alyse Galvin and Gubernatorial Candidate Mike Dunleavy. With both candidates the conversation centered on our major capital priorities, the Police Station and the Large Vessel Harbor. The Large Vessel Harbor in particular has so many nexuses to Federal infrastructure priorities and economic development it provides a platform for lots of great conversation.

How to Stay Abreast of the Legislature?

Last year in February the City Council established a standing Legislative Worksession every Tuesday to track issues and provide timely input to the Legislature. The standing worksession was an opportunity for individual members to report on issues they were following and discuss the merits of following up with a formal action on the Council agenda so the City could weigh in on an issue. Following the trip to Juneau in February, the question came up as to whether or not the Council should re-establish such a worksession. As you know, the issue that continues to dominate legislative discourse is the fiscal crisis the state finds itself in. Consensus seemed to be that establishing a regular draw on the Permanent Fund Earnings Reserve through a Percent of Market Value (POMV) formula may pass this year, but that a broad based tax (income, sales, payroll, etc) was unlikely to pass in an election year. This of course

could change and the Legislature can be wildly unpredictable. In lieu of a regularly scheduled worksession, one option could be to commit to continuing to track legislative issues individually and through the Alaska Municipal League and hold a special worksession if it appears something is popping up that needs to be discussed for development of a resolution, letter, position statement, etc. I would like to get your feedback on this at the meeting.

Rotary Dinner

As a fundraiser, the Kachemak Bay Rotary Club is hosting small dinner parties to promote informal relationship building among our community leaders and raise funds for scholarships. Last Saturday Mayor Zak and I had the opportunity to dine with Councilmember Aderhold and her spouse Wayne and PARCAC Commissioner Harrald and her partner George at the home of distinguished Rotarians Vivian Finley and Clyde Boyer. These events help promote Rotary's mission of peace through one to one interactions – and they are lots of fun. Please let me know if you would be interested in participating and I will share your name with the club for the next round.

Enc:

Letter to House Finance advocating for ADF&G staff to administer Pittman Robertson Grant funds
Letter to Federal Delegation advocating for City of Homer major infrastructure projects
Letter of Support for Homer Senior Citizens, Inc. re: Adult Day Services
Council member Aderhold Winter AML Meeting and Legislative Report



City of Homer

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Homer City Council

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Homer, Alaska 99603

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(f) 907-235-3143

March 27, 2018

Alaska State Legislature House Finance Committee,

Alaska's vast land and water resources, and diverse habitats support healthy and abundant fish and wildlife. Our wildlife has a significant positive impact on Alaska residents and communities, and on our economy.

Two Federal programs provide valuable funding to States to assist with projects that restore, conserve and manage wildlife and their habitat, as well as enhance safe public access to these resources. However, due to budget cuts, Alaska will be losing out on these funds for lack of Alaska Division of Fish and Game staff to administer the funds.

We are writing in support of adding funding to the State budget to restore ADF&G staffing to a level at which the division can administer Pittman-Robertson and Dingell-Johnson federal grants. Without it, the State is poised to forfeit millions of dollars in federal funding for habitat protection and public access programs.

Responsible use and development of our lands and waters is important to Alaska's economy and culture in terms of quality of life, money spent in the state and job creation. Over the last thirty years, Dingell-Johnson funds have completed more than 160 capital improvement projects to provide new and improved access to waters throughout the state. Homer's harbor users recently benefitted from the program. Dingell-Johnson funds helped upgrade the load and launch ramp.

Likewise, Pittman-Robertson Wildlife Restoration Program funds have helped rehabilitate and enhance wildlife habitat and populations, and provided public access for hunting and other wildlife-oriented recreation. The City of Homer has Pittman-Robertson eligible trail and wayside projects and a dedicated fund for the required match which would provide public access for wildlife-oriented recreation.

Adjusting funding levels for ADF&G will allow the State to leverage these important Federal dollars which can be put to work for the benefit of Alaska and its communities.

Sincerely,

Mayor Bryan Zak
On behalf of the Homer City Council



City of Homer

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Homer City Council

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Dear Senator **Last Name**,

I am writing to make you aware of the City of Homer's Capital Improvement Plan and FY2019 Legislative Request. The CIP was compiled and approved through an extensive public process. The projects selected as Federal priorities are critical for Homer's public safety and economic well-being and contribute to federal goals for infrastructure funding. Thank you for taking a moment to familiarize yourself with Homer's request.

A new police station tops the priority list for the fourth year in a row and after many years on the City's Capital Improvement Plan. Built over thirty years ago, Homer's police station suffers a series of design inadequacies and operational deficiencies that put our public safety officers, victims and the integrity of our justice system at great risk.

The Police Station project aligns with Federal infrastructure priorities in that it addresses an immediate life/safety concern not readily addressable by other means, is nearly shovel ready and is backed by significant local investment. To date, the City has invested \$575,000 in planning, design and public involvement and has secured a building site and an additional \$2,500,000 in local funds. The City is seeking \$5,000,000 in federal funds to help complete construction.

Homer's other two Federal priority projects support Alaska's marine industrial transportation network, an economic driver regionally and nationally and strategic to America's energy security. The Large Vessel Harbor will accommodate current and future demand for large vessel moorage, and relieve moorage pressure in Homer's small boat harbor where large vessels are currently rafted three abreast. It also replaces critical moorage infrastructure that has long served as home port to US Coast Guard cutters, but will not be able to accommodate the new class of Sentinel fast-response cutters being deployed. We are requesting \$10,258,000 to complete design and permitting.

The Barge Mooring/Haul-Out Repair Facility expands Alaska's capacity to meet current demands in the shipping, commercial fishing and resource development industries, particularly the barge fleet, which is essential to developing regional and national economic opportunities such as the Cook Inlet Oil & Gas industry, the Alaskan LNG pipeline and the opening of the Arctic. Homer is strategically positioned to provide this essential infrastructure: it is home to the only ice-free deep water port serving Cook Inlet and the northern Gulf Coast and is home to a nationally recognized, comprehensive marine trades industry.

These Federal Priority projects contribute to several federal goals of the infrastructure funding program in that they promote American energy security, help improve the balance of international trade and promote American jobs and economic growth. The shovel-ready Barge Mooring/Haul-Out Repair Facility earned top ranking among Kenai Peninsula projects that were submitted to the Alaska Office of the Economic Development Administration for inclusion in a potential federal infrastructure funding package. Our request is \$4,768,500 to complete construction.

You will find more information about the top three capital improvement priorities for the City of Homer in the enclosed document. Please don't hesitate to contact me with questions.

Sincerely,

Mayor Zak on Behalf of Homer City Council

Enc: City of Homer Capital Improvement Plan FY2019 Federal Request

Cc: **Regional Staff**, Kenai Regional Director



City of Homer

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(p) 907-235-8121

(f) 907-235-3140

March 13, 2018

Grant Administrator
State of Alaska Health and Human Services
PO Box 110650
Juneau, AK 9811-0650

Grant Administration,

I am writing to express the City of Homer's support for the Homer Senior Citizen's grant for the Adult Day Service Program and the meal delivery program.

Homer Senior Citizens, Inc. provides services that are vital to the health of our community including meals, adult day services, independent housing, transportation, and assisted living. The program enables participants to remain in a home, or community based setting reducing long-term care costs. In particular, the Adult Day services assists seniors by providing safe and engaging social activities so that their family/caregivers can remain working during the day.

In closing, the City of Homer encourages your support of a vital program to our community, Adult Day Services and the meal delivery program offered by the Homer Senior center.

Sincerely,

Katie Koester
City Manager
907-435-3102

3 March 2018

Alaska Municipal League Winter Meeting and Legislative Fly-In, Juneau, 20-24 February 2018

Trip Report

Councilmember Donna Aderhold

I had the privilege to travel to Juneau to meet with Homer's state legislators and state and federal agencies, and attend the Alaska Municipal League's winter meeting. These trips are valuable on many fronts, and I appreciate the chance to attend. Important aspects of these trips that are not reflected in my meeting notes below include the opportunity to visit and work informally with the City Manager and fellow elected officials, the opportunity to get "the lay of the land" in Juneau and learn how the state legislature operates, and the opportunity to talk to and learn from other municipalities that are facing similar and different issues from ours in Homer.

Alaska Department of Transportation and Public Facilities

Councilmember Erickson, City Manager Koester, and I met with Deputy Commissioner Amanda Holland and Central Region managers, engineers, and hydrologists (on the phone) to discuss issues around Sterling Highway drainage at the Baycrest Subdivision. Councilmember Erickson provided an overview of the problem and proposed solutions based on a packet of information the city had provided to the agency. The group discussed the issue: groundwater flows, steep slopes, unstable soils, natural drainage and culverts under the highway, etc. Several action items arose from the meeting:

- DOT&PF will provide DCCED grant information to the City of Homer
- DOT&PF will provide engineering and hydrology expertise to holistically evaluate the problem (Paul Jahnke and Newton Bingham); however, any engineering designs would need to be stamped by on non-DOT&PF engineer
- DOT&PF will evaluate the conceptual idea of how to move drainage from the beehive (page 27 of packet)

Senator Gary Stevens

Mayor Zak, Councilmember Erickson, City Manager Koester, and I met with Senator Gary Stevens. City Manager Koester presented Senator Stevens with Homer's top 5 capital projects and we discussed the police station and the large vessel harbor, for which the city has reinitiated a feasibility study with the U.S. Army Corps of Engineers. We also discussed the large vessel haulout project that scored well for funding at the federal level. Senator Stevens noted that he had just attended the Boat Show in Seattle and noted the impressive

contingent from Homer promoting Homer marine trades. He noted that although NOAA had declared a fisheries disaster for Alaska, the Trump administration had not yet funded the disaster program.

Senator Stevens raised the issue of state budget, revenues, and the backlog of important capital projects and maintenance of state facilities. He is hoping the legislature can come to agreement on using percent of market value from the permanent fund earnings reserve to fund the state budget, which would solve about 2/3 of the shortfall. He recently met with state troopers who are asking the legislature to change their retirement earnings from a defined contribution to a defined benefit. He noted that the governor did not include municipal revenue sharing in his proposed budget to the legislature, but it's needed and he believes the senate will add it. The Republican caucus wants to cut more from the state budget, but Senator Stevens does not think more cuts are good. He added that it is unlikely that there will be any funds for municipal capital projects, but that we should be prepared just in case. He is working on the senate side on a bill for early funding of education so school districts and teachers know sooner what their budgets will be.

Senator Stevens stated that his district is supportive of an income tax but that other districts are not, and there are not 11 senators who are willing to vote for an income tax, but it's getting closer. In his opinion, it's not a disaster yet, but the legislature will need to do something next year.

Wrapping up, we discussed Homer's resolution requesting the legislature reevaluate municipal recall statute. We discussed the need for the process to be clear and well defined for clerks, city attorneys, elected officials, and the public. He is supportive of considering a bill. Senator Stevens stated that he will visit Homer as soon as the legislative session is over.

Representative Paul Seaton

Representative Seaton raised the issue of Pittman-Robertson (P-R) funds from the Federal government. P-R funds come from excise taxes on hunting goods and are dispersed to the states. They are to be used for wildlife-related projects, including wildlife viewing, and require a 25% non-federal match. State budget cuts mean that Alaska has not had the match to receive P-R funds. Last year the state returned \$1.6 million and this year it may be \$4 million. He suggested that Homer propose potential projects related to wildlife viewing for the federal funding. At this time, neither Alaska Departments of Fish and Game nor Natural Resources have the capacity to administer the funds and he will be adding funds to the budget for one position in each agency to administer the funds. He would appreciate our support for these positions. Representative Seaton will send information on the P-R program to City Manager Koester, and city manager Koester will review Homer's capital

improvement plan for projects that may qualify for the funds and that could have match through the city's HART fund.

We discussed fish taxes and Representative Seaton noted that manipulation of fish on the dock is processing, so even removing cheeks from halibut would be considered processing so that Homer could receive more fish taxes.

Similar to the discussion with Senator Stevens, we discussed Homer's top CIP priorities: police station replacement (possible federal infrastructure funding? May be worth discussing with Murkowski staff), large vessel harbor, and large vessel haulout facility.

Representative Seaton discussed his early funding education bill which will be presented to the Senate on Friday. The group discussed the importance of marine trades in Homer and the pairing of Kate Mitchell and Reba Temple to present marine trades to high school students—a great way to introduce students to trade jobs they may not have known about.

Representative Seaton noted that the budget and revenue are looking pretty good on the house side. He noted that Governor Walker had appointed Mayor Zak to the Workforce Investment Commission.

Wrapping up, we discussed Homer's resolution requesting the legislature revise municipal recall statute. He noted that his office has been working on it and that proposed language for the bill was under review by the legal department. After their review, the bill will be introduced and sent to the House State Affairs Committee. It may not pass this year, but will get good scrutiny from legislators and can be introduced next year in the next session.

Alaska Municipal League Meeting

City Manager Koester, Mayor Zak, Councilmember Erickson, and I attended the Alaska Municipal meeting. Following are brief summaries of presentations made during the 1.5-day meeting.

Mike Navarre, DCCED Commissioner

Good news in oil and gas: modest increase in production, federal lands on the North Slope (NPR-A and ANWR), state LNG project. But, from an investor's perspective there are hurdles in the state: over-reliance on oil and gas, deficits, spent savings, competition with other oil and gas basins in the lower 48 (e.g., Bakken, Eagle Ford, and Permian Basin which are all larger than Alaska basins). Oil and gas production in Alaska will never return to what it was in the 1980s. The economy has not dipped as much as it could have in the last few years because the economy has diversified. Alaska has diversified its economy but has not diversified its revenues.

Leslie Ridle, Department of Administration

PERS/TRS presentation. PERS began in the 1960s. Tiers I, II, and III of PERS were defined benefit plans. Tier IV, the current tier, is a defined contribution plan. TRS began pre-statehood.

Governor Walker

Governor Walker's cabinet includes many individuals who came from local Alaska municipalities, so he understands what municipalities face in the current economic times.

He is interested in school safety in Alaska and is looking for ideas.

Fiscal situation—the legislature has a decision making crisis and he is hoping the legislature will turn wishbones into backbones. We cannot wish more oil in the pipe and we cannot wish a higher oil prices into being. POMV is in the works in both houses and he is optimistic that it will pass. He left community assistance out of his budget to the legislature, hoping the legislature will include it in the supplemental budget to the full amount.

Infrastructure—community infrastructure requests were sent to the Trump administration. The president's plan came out backwards with the federal government contributing only 20% of funding and relying on state and local governments to pick up 80% of costs.

Economy—The Alaska gasline is unique in that we own the resource and can build our own infrastructure. Compared to the 1980s we have diversified our economy, but we have not diversified our revenues. The state has \$1.8 billion in deferred maintenance—we need to keep up with opportunities, work can be done by local firms, work can be done with the economy is low to give it a boost.

Public safety—Alaskans do not feel safe. Last year's budget cuts were too deep. This year adding officers, VPSOs, etc. back into the budget.

Alaska Education Challenge—plan developed by Education Commissioner, Board of Education, parents, etc.

Alaska gasline—told stories of being in China and being at the signing of the agreement between the US and China. China has its eye on Alaska as a trade partner.

A-Star program—DNR working on year-round roads on the North Slope, working on getting an exemption to the roadless rule in the Tongass National Forest.

Alaska has been eating off a menu with no prices. Now we have the prices. We need to decide what we want as a state and how we are going to pay for it.

Alaska Oil and Gas Association

5,000 oil and gas workers in Alaska; spent \$6.4 billion with 1,000 Alaska vendors; multiplier effect. Revenues from oil and gas fund state government and the permanent fund dividend. Approx. 540,000 barrels/day production now; unpaid tax credits from state; production increased in the last 2 years and expected to continue; new production requires new investment.

Presentation really about how oil and gas is the 800-lb gorilla and why the state should do whatever the industry asks, because without oil and gas, the state is broke.

Robert Venables, Southeast Conference—Alaska Marine Highway System Strategic Plan

Revenue analysis—42% non-resident travel; service from Bellingham, WA essential for revenue; \$50 million operating revenue generated, but will always rely on public funds

Operational analysis—complex system; aging fleet; dedicated personnel and vital service

Corporate structure and benefits—analyzed converting AMHS into a public corporation (similar to Alaska Railroad); maintains existing benefits; addresses existing limitations

Public and stakeholder engagement

Doing now—moving to action plan; legislative process; actions to do now; stabilize funding; fleet and terminal standardization; labor relations in how; continue market and revenue analysis

www.amhsreform.com

Ray Gillespie and Diane Blumer, AML Legislative Update

\$2.5 billion deficit—will need to spend permanent fund earnings (POMV); \$2.7 billion available, but dividend checks need to come from this amount; cannot balance budget with POMV alone; potential revenue sources: statewide income tax, education head tax, motor fuel tax, statewide sales tax, payroll tax

Community assistance (revenue sharing)—funding source is currently power cost equalization fund earnings which is not sustainable or predictable

FY19 PERS/TRS—governor's proposed budget short funds PERS and TRS by \$61 million; increase to 22% contribution is likely to be proposed

Future revenue sharing—community dividend from earnings reserve?

Bills on the move—PERS/TRS 22% contribution HB83/SB212; change from defined contribution to defined benefit HB306; small pesky bills: APOC bill would charge \$50 fee to run for municipal office; Quality design bill mandates proposal reviews based on qualifications not price; Timber receipts gone from federal government to communities in national forests (Chugach and Tongass); Statewide building code; Shopping bag tax at state level; Health Care Authority does not identify costs; HB176 ground transport for EMS fees through Medicaid, potentially a good thing; HB123 medical care price transparency

Alaska Gasline Update

Building coalition of gasline project support. Would AML support the coalition? A statement is available for review.

Congressman Don Young—Dean of the House

Transportation bill this year—get project requests in early; hoping for bipartisan support; we have to pay for it; \$21 trillion in debt and need to develop resources to pay for transportation; highway transportation fund is not indexed but needs to be, behind the curve.

Deregulating agencies—12 years from concept to initial road construction because of too much regulation and lawsuits.

Taxes are used money not new money—hostile to businesses.

Hydropower all across the state instead of burning fossil fuels—need Su Hydro.

Proud of Zinke and Pruitt; EPA is the villain.

Bipartisan work needed.

National League of Cities

Federal legislative priorities—budget and appropriations, telecommunications, disaster mitigation recovery, infrastructure

Infrastructure biggest issue—“rebuild with us” Congress work with cities to rebuild and reimagine America’s infrastructure

Bipartisan, centrist, practical, pragmatic, state league partners and municipalities; smart cities, broadband, resiliency, public safety, workforce development and training

Cities need to tell their stories

Representatives Charisse Millett, Gary Knopp, and Dan Ortiz

Updates on budget and revenue; all say the state legislature is working better this year than last year and expressed some level of optimism

AML President's Update

Kathie Wasserman is retiring at the end of May, a search is ongoing for her replacement.

Laurie Wolf, Foraker Group—Alaska Nonprofits Report

Nonprofit sustainability model

4th economic sustainability report

Nonprofits play a critical role in the state's economy—1 nonprofit for every 135 Alaskans; support quality of life; partners to industry and municipalities

Nonprofit organizations as an “industry” are the 2nd largest non-governmental employer in the state behind oil and gas

22% of Alaskans who itemize contribute financially to nonprofits; Alaskans volunteer more than US as a whole on average—4th overall among states; people who give time are more likely to give money

Report available for download from Foraker Group at www.forakergroup.org

Senator Lisa Murkowski

Work together on difficult issues

Six continuing resolutions is not the way to pass a budget

Omnibus bill coming out in late March

Congress appropriates—weigh in with delegation on municipal priorities; tell Congress what infrastructure projects are for state; focus on rural Alaska is important

Crime, public safety, and drugs

FEMA—resilient infrastructure in continuing resolution that just passed

University of Alaska resiliency analysis

U.S. Coast Guard

City Manager Koester, Mayor Zak, Councilmember Erickson, and I met with the U.S. Coast Guard to discuss our plan to build a large vessel harbor and receive an update from them on the status of their plans on where to station new fast response cutters (FRCs at ports along the Gulf of Alaska). Other potential ports include Ketchikan (a new FRC is already stationed there), Kodiak, and Seward.

There have been no decisions on port selection by the commandant and there are many levels of input. The FRCs have twice the displacement of the existing 110s (such as the Naushon stationed in Homer). They also have a much larger landside footprint than the existing cutters. Because of this they plan to cluster vessels for greater efficiency of shoreside support. There will be six FRCs based in Alaska covering an operating area from Ketchikan to King Cove. They are looking at 2 to 4 home ports. Vessels would be delivered approximately 2022 to 2023.

The three primary operations criteria include offshore fishery enforcement (85% of time offshore), search and rescue, and ports and waterways coastal security (escort of large vessels). The final decision on port locations is weeks to months away. The Coast Guard is currently working with the Congressional Delegation on harbor decisions. Some of the issues they grapple with include housing (each FRC has 24 people onboard and 20 people shoreside; 64 people needed for 2 FRCs) and availability of existing infrastructure (not having existing infrastructure increases risk).

City Manager Koester provided an update of the status of the City of Homer's progress toward a large vessel harbor. The group discussed Homer's great working relationship with the Coast Guard and interest in keeping them in Homer. We also discussed the Coast Guard Auxiliary based in Homer: it is one of the best flotillas but membership is declining as the fleet ages.

The Coast Guard also mentioned its interest in finding a better mooring for the buoy tender Hickory. The current mooring is one of the most challenging in the state.



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Memorandum

TO: MAYOR ZAK AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: MARCH 6, 2018
SUBJECT: BID REPORT

REQUEST FOR PROPOSALS FOR OVERSLOPE DEVELOPMENT OF THE SMALL BOAT HARBOR OVERLAY DISTRICT

The City of Homer, Alaska is requesting proposals from qualified entities for the over slope development of future lots that will be available for lease within the designated Small Boat Harbor Overlay District. Successful proposer will develop and build both an overslope platform and a completed structure with an intended use of a retail or commercial establishment.

The City of Homer is interested in the overslope/boardwalk development of several future land parcels available for lease, opening up new opportunities for retail and commercial establishments on the Homer Spit. Future lots available for lease are located in a well-established mixed use development that encourages the link between the marine business and general business sectors of the community. Available lots have water frontage overlooking the harbor and are connected by a pedestrian walking/bike path to public restrooms, parking areas and public spaces as well as harbor ramps and access points. Proposed development must complement the existing amenities of the area and create new ones.

Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Sealed Proposals will be received by the Office of the City Clerk, at 491 E. Pioneer Avenue, Homer, Alaska 99603 **no later than 4:30 pm, Thursday, April 26, 2018**. Proposals received after the time fixed for receipt of the Proposal shall not be considered. There will be a mandatory Pre-Close RFP meeting/teleconference will be held Tuesday, April 10th at 2:00 pm at the Homer Port and Harbor Office Conference Room, 4311 Freight Dock Rd. Please direct technical questions regarding this proposal in writing to Bryan Hawkins, City of Homer, Port Director/Harbormaster at bhawkins@ci.homer.ak.us or to 4311 Freight Dock Road, Homer, AK 99603. The City reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award a contract to the respondent that best meets the selection criteria and the City's needs.

CITY ATTORNEY REPORT

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: HOLLY C. WELLS

RE: CITY ATTORNEY REPORT FOR JANUARY 2018

CLIENT: CITY OF HOMER

FILE NO.: 506742.24

DATE: MARCH 7, 2018

The following summarizes our most substantial activities as City Attorney during January and February 2018.

City Council. I attended the first City Council meeting in January and the first meeting in February and advised the Council and City administration on various action items at those meetings.

Katie Davies and I worked with City Council Member Aderhold to update the Homer Code of Ethics to clarify and streamline hearings on ethics and the ethical obligations born by City officials.

Anmei Goldsmith collaborated with the City Clerk to prepare an ordinance, and accompanying memo, revising the minor offense provisions contained in the Homer City Code to ensure it is consistent with the State of Alaska fine schedule.

Jason Brandies drafted a memorandum for the Cannabis Advisory Committee regarding the impact of United States Attorney General Jeff Session's decision to reverse the Cole Memorandum and its impact on local governments that permit the marijuana industry.

I worked with Council Member Erickson and Council Member Smith to revise the lease policy and procedures as well as the Homer City Code provisions governing leases to ensure that the lease award, negotiation, and enforcement processes effectively incentivize economic development within the City while serving the best interests of the City and its taxpayers and residents. We continue to work on this project.

I also appeared before the Alaska Supreme Court to defend the City and the decision by the lower court judge dismissing Mr. Griswold's appeal of a conditional use

permit granted to a Homer landowner. At this stage, all briefing and oral argument is complete on all pending appeals filed by Mr. Griswold and we are awaiting the Supreme Court's decisions.

City Manager. I worked with the City Manager to address numerous matters, including, but not limited to, conducting research and inquiries into concerns raised by Mr. Griswold regarding land use, and identifying the legal requirements and consequences associated with the City's enforcement of its contracts.

City Administration Jennifer Alexander advised Homer's Personnel Director on several personnel matters while I worked with Harbormaster Bryan Hawkins on lease enforcement issues. Additionally, Aaron Sperbeck and Jim Lister represented the City in the Auction Block Co. bankruptcy proceeding.

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

