

City Council

Monday, April 23, 2018

Work Session 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



April 2018- May 2018

- Monday 23rd:** **CITY COUNCIL**
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Wednesday 25th:** **PORT & HARBOR ADVISORY COMMISSION**
Regular Meeting 5:00 p.m.
- Tuesday 1st:** **LIBRARY ADVISORY BOARD**
Regular Meeting 5:30 p.m.
- Wednesday 2nd:** **ADVISORY PLANNING COMMISSION**
Work Session 5:30 p.m. and Regular Meeting 6:30
- Tuesday 8th:** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
Regular Meeting 6:00 p.m.
- Monday 14th:** **CITY COUNCIL**
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

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

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BRYAN ZAK, MAYOR – 18
DONNA ADERHOLD, COUNCILMEMBER – 18
HEATH SMITH, COUNCILMEMBER – 18
SHELLY ERICKSON, COUNCILMEMBER – 19
TOM STROOZAS, COUNCILMEMBER – 19
RACHEL LORD, COUNCILMEMBER – 20
CAROLINE VENUTI, COUNCILMEMBER – 20
CITY MANAGER, KATIE KOESTER
CITY ATTORNEY, HOLLY WELLS

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

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



WORKSESSION
4:00 P.M. MONDAY
APRIL 23, 2018
COWLES COUNCIL CHAMBERS

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

WORKSESSION AGENDA

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

Mayor Zak requests excusal (timely notice given)

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

3. ANNUAL WATER/SEWER RATE REVIEW AND OVERVIEW OF RATE STRUCTURE

**Memorandum 18-053 from City Manager Re: Water and Sewer Rate Review
Worksession Page 7**

4. COMMENTS OF THE AUDIENCE

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

The next Regular Meeting is Monday, May 14, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 18-053

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: April 18, 2018
SUBJECT: Water and Sewer Rate Review Work Session

History

2014 was the first year the Consumption Based Rate Model took effect. This was the culmination of many months of work by the Water and Sewer Rate Task Force to make changes to the model that more accurately reflect water usage. Comparing water and sewer rates is challenging due the array of changes to the rate structure.

For example, Resolution 11-094(S) addressed the number of meters per lot and amended the fee schedule to charge on a per-unit basis. Then in 2012-13 the Water and Sewer Task Force (Resl. 12-027(A)) reviewed the cost of customer billing, metering, system maintenance, water conservation, multi-family units, lift stations, sewer only customers. The result of Resl. 11-094(s) and Resl. 13-048 (S-2)(A-3) included an increase in fees for:

- Those served by sewer lift stations (\$ 0.0218 per gallon)
- Those served by sewer without lift stations (\$0.0147 per gallon)
- Those in Kachemak City served by sewer only, \$89.05 per month, per customer.
- Pumping fee, when applicable \$7.75 per month, per customer
- Multi-unit fees (Resl. 11-094(s))
- One-time disconnect fee of \$30.
- Buildings served by sprinkler systems, \$5 per month.
- Bulk water customer, \$19 per month.

All these changes make comparing rates difficult. However, I have included a copy of Resolution 11-094(S) outlining water and sewer rates under old structure, Resolution 17-048 establishing water and sewer rates and the recommendations of the 2012 Water Sewer Rate Task Force for your analysis.

Reserves

With any conversation regarding budget, the question of how much to set aside for reserves becomes paramount. The annual required set aside is \$100,000, which you can see from the attached operating revenues and expenses chart from Finance, is a goal that the funds meet. However, the funds come far short of meeting targets for the replacement of depreciable assets. Perhaps a more reasonable target is the recommendation of the Water and Sewer Treatment

supervisor to set aside a minimum 10% of operating budget for reserves. This is a goal the 2018 budget meets for Sewer, but falls about \$50,000 short of for the Water Fund.

Bridge Creek Watershed

Council has dedicated a lot of time and attention to preserving the watershed to great success; in addition to winning an award for protection of the watershed, the Kachemak Heritage Land Trust is hopefully months away from securing the preservation of 300 acres of private land through a partnership with the City. Funds for the purchase of land, or land preservation fees, has come both from the land reserves fund (General Fund where the City puts proceeds from the sale of land) and the Water Reserves Fund. The City should begin to think about a more systematic approach to preserving the remaining high priority parcels in the watershed and consider a way to fund that through water rates. Limited dollars should be spent on the most high priority parcels. It will take some time working with community partners to determine details of a plan and criteria for prioritizing lots, however, I have included a map of the watershed from the Planning Department with parcel values to start the conversation. With guidance from Council, I believe this is a project we should work on for 2020 rates.

Water Treated versus Water Billed

In years past, Council has asked for information regarding how much water is lost in flushing lines, fire hydrant maintenance and leaks in the system. 2017 the City treated 186.607 gallons of water and had a total metered sale of 122.992 gallons (after operational adjustment). This percent of water loss, 34%, is consistent with prior years. Staff has instituted seasonal unidirectional flushing of the lines which removes organic build up and reduces the reaction between the organics and the chlorine and the subsequent 'chlorine' smell customers complain of. This is an improvement to water quality, but does use a lot of water. The Water Sewer Division is taking measures to improve water accountability such as a leak detection program (where electronic equipment is run through the lines to detect leaks).

Recommendation

Council may want to consider raising water rates incrementally or adjusting rates between water and sewer to ensure there is a sufficient transfer to reserves. If you recall, the last increase to rates was a 6.5% increase in sewer rates in 2015 which has helped produce healthy transfers to sewer reserves. In order to see if the first quarter water consumption trends bear out, I would recommend waiting until mid-year to date data is available to compare 6 months of water consumption and budget versus actual. If Council is in agreement, I will put a resolution on the July agenda with midyear data and recommended adjustments (if any). Remember, the Council sets rates for the following year at mid year, so any adjustment would not take place until 2019. Options include:

- a) Adjusting the water rate up slightly
- b) Adjusting the water rate up slightly and sewer rate down slightly
- c) No changes

Enc:

-Resolution 11-094(S) outlining water and sewer rates under old structure

- Resolution 17-048 establishing water and sewer rates
- Recommendations of the 2012 Water Sewer Rate Task Force
- Lift Station Map
- From Finance Department: Operating revenues vs. Expenditures for 2017 and 2018 budget
- From Finance Department: Comparative analysis of gallons used by year and year to date
- Memo from Planning and Prioritized map of parcels prioritized for preservation in the Bridge Creek Watershed
- Water Quality Report

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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-094(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, MAINTAINING THE CITY OF HOMER FEE SCHEDULE AT THE CURRENT RATES, AND AMENDING CUSTOMER CLASSIFICATIONS IN THE WATER AND SEWER RATE SCHEDULES.

WHEREAS, Fees are reviewed annually during the budget cycle; and

WHEREAS, Ordinance 11-43 amends HCC 14.08.037 regarding the number of water meters per lot; and

WHEREAS, It was determined that there were no rate adjustments to the City of Homer Fee Schedule needed at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the City of Homer Fee Schedule is amended as follows:

SEWER FEES:

Sewer Connection and Extension Permit Fee

Single Family/Duplex \$255

Multi-Family/Commercial/Industrial \$330

Sewer Rate Schedule.

All sewer utility services shall be billed according to the following schedule. This schedule is for monthly sewer services and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

Customer Classification*	Monthly Customer Charge	Charge per Gallon	Usage Charge per 1,000 Gallons of Water
Single Family Residential	\$20	\$0.00997	\$ 9.97
Multi-Family Residential	\$20 (per unit)	\$0.00997	\$ 9.97
Commercial	\$20	\$0.01264	\$12.64

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*-Customer classification definitions for determining water rates:

Single Family Residential - A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential - A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-

45 **housing projects, and multiple structures on one lot (where units are normally rented or**
46 **occupied for longer than one month at a time). Examples of units not considered as**
47 **multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are**
48 **routinely rented or occupied for less than one month at a time.)**
49

50 **Commercial - Any user not defined as Residential.**

51
52 Sewer System Residential or Residential Equivalent Dischargers Who Are Not Water System
53 Users:
54

55 Sewer system dischargers who are not water system users shall be charged at the rate of
56 \$54.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly customer charge
57 \$20. The City reserves the right to adjust this rate based on the characteristics of the service
58 for non-residential or non-residential equivalent users. Customers who receive septic service
59 shall be charged an additional \$6.00* per month.
60

61 Sewer System Dischargers Who Are Members of Kachemak City LID:

62 Kachemak City Local Improvement District (LID) members have contributed to the initial cost
63 of the sewer treatment plant and the collection system. Kachemak City LID dischargers
64 connected within the LID and the City of Homer shall bill Kachemak City in one lump sum at
65 the rate of \$60.90. Variable rate \$34.90 based on 3,500 gallons per month plus monthly
66 customer charge of \$20 plus septage cost \$6.00* per month for each residential or residential
67 equivalent discharger. Kachemak City shall be responsible for payment to the City of Homer.
68

69 Domestic sewer service customers who use large quantities of City water in addition to their
70 domestic use shall be allowed, with the Public Works Director's approval, to install an
71 additional water meter on the domestic water use line for the purpose of metering and charging
72 for domestic sewer system use. Sewer system use will be billed monthly.
73

74 The City will allow, upon approval by Public Works and a permit from the Public Works
75 Department, a second water usage meter – called a seasonal sewer meter – for each customer
76 that desires to measure the flow of City water that is not discharged to the sewer system during
77 the summer growing season, June 15 through September 15. Rates noted above do not apply.
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79 Seasonal Sewer Meter Fee is \$211.97.
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81

82 **WATER FEES:**

83 Water Connection Fee

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85 Single Family/Duplex \$300

86 Multi-Family/Commercial/Industrial \$375
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88 Water Rate Schedule.
89

90 All water utility services shall be billed according to the following schedule. This schedule is for
91 monthly water service and is in addition to any charges for connecting or disconnecting the
92 service, installation of the service or any assessment of the improvements.
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Customer Classification*	Monthly Customer Charge	Charge per Gallon	Usage Charge per 1,000 Gallons of Water
Single Family Residential	\$25	\$0.00442	\$ 4.42
Multi-Family Residential	\$25 (per unit)	\$0.00442	\$ 4.42
Commercial	\$25	\$0.01140	\$11.40
Bulk	\$25	\$0.01269	\$12.69

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***-Customer classification definitions for determining water rates:**

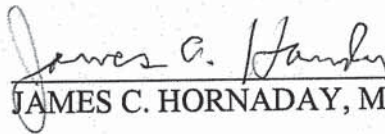
Single Family Residential - A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential - A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 12th day of December, 2011.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2012 budget.

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Finance Director

RESOLUTION 17-048

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
MAINTAINING THE WATER AND SEWER FEES AT THE 2017 RATE AND
UPDATING THE HOMER FEE SCHEDULE ACCORDINGLY.

WHEREAS, Water and sewer utility services shall be reviewed annually and amended, as necessary, to take effect as of July 1, 2017 with the first billing cycle to take effect following July 1; and

WHEREAS, The Homer City Council reviewed the current rate model and recommended no rate changes for the period of July 1, 2017 through June 30, 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, that the water and sewer fees be maintained at the 2017 rate and the Homer Fee Schedule be updated as follows:

WATER AND SEWER FEES:

Public Works - 235-3170

City Hall - 235-8121

Billing - 235-8121 x2240

(The following fees have been set by the following legislative enactment HCC Title 14, new fees set forth in Resolution 16-063(S-2), Resolution 14-060, Ordinance 13-30(A), Resolution 15-074A-2), 13-048 (S-2)(A-3), Ordinance 11-43, Resolution 11-094(S), Resolution 11-062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A), Resolution 07-119 (A), Resolution 07-120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125, Resolution 05-122, Resolution 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A), Resolution 03-159, Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34, Ordinance 00-02, Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with amendments by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).

A 15% admin. fee for replacement parts for water/sewer services, functions, pressure reducing valves, sewer saddles, any Public Works Department stock item for resale to public.

Establishing service includes a one-time disconnect - \$75

Service calls, inspections, repairs not to exceed one hour - \$25 per employee plus equipment and materials.

Service calls, inspections and repairs during normal operating hours in excess of one hour labor: actual labor costs by City plus equipment and materials.

Service calls, inspections and repairs after normal operating hours or on weekends/holidays: \$50 minimum plus equipment and materials or actual cost incurred by City, whichever is greater.

47 SEWER FEES:
 48 Sewer Connection and Extension Permit Fee

49
 50 Single Family \$255
 51 Multi-Family/Commercial \$330

52
 53 Customer classification definitions for determining sewer connection and extension permit fees:

54
 55 Single Family Residential – A unit providing housing for one household; with less than 25% of the
 56 building area used for business or commercial purposes.

57
 58 Multi-Family Residential- A building or lot occupied by more than one household: contained within one
 59 building or several building within one complex. Examples of multi-family units includes duplexes,
 60 four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one
 61 lot (where units are normally rented or occupied for longer than one month at a time). Examples of
 62 units not considered as multi-family include hotels, motels, B&B’s seasonal rooms/cabins (where units
 63 are routinely rented or occupied for less than one month at a time.)

64
 65 Commercial - Any user not defined as Residential.

66
 67 Sewer Rate Schedule.

68
 69 All sewer utility services shall be billed according to the following schedule (Table I, II). This schedule
 70 is for monthly sewer services and is in addition to any charges for connecting or disconnecting the
 71 service, installation of the service or any assessment of the improvements.

Rates

Table I

Customer Classification	Sewer	
	Monthly Service	Usage Charge/Gallon
Lift-Station Customer	\$ -	\$0.0232
Non-Lift-Station Customer		\$0.0157
Multi-units (additional per unit)	\$ 5.00	N/A

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Rates

Table II

Sewer ONLY Customers	Sewer
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	Fees/Rate/Usage	Per Customer Per Month
Lift-Station Customer	\$0.0232/Gal	\$69.60
Non-Lift-Station Customer	\$0.0157/Gal	\$47.10
Monthly Service	\$5.00/customer/mo.	\$5.00 (Kachemak City customers will be exempt from \$5 monthly service fee. Kachemak City will be billed a \$5 monthly service fee to cover all Kachemak City sewer customers.)
Pumping Fee (<i>If Applicable</i>)	\$7.75/customer/mo.	\$7.75
Assumption: Avg. Sewer Usage	3000 Gal/Mo.	

73 Customer classification definitions for determining sewer rates:

74
 75 Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for pumping
 76 wastewater or sewage from areas with lower elevation than the treatment plant. Customers who are
 77 located in these areas shall be charged additional fees for the cost added to the services (see Table I &
 78 II).

79
 80 Non-Lift Station Zone Customer: Customers who are located in the zone that do not need lift/pump
 81 station services.

82
 83 Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only shall be
 84 charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,000 gallons per month
 85 multiplied by the applicable sewage rate (see Table II). Kachemak City Local Improvement District (LID)
 86 members have contributed to the initial cost of the sewer treatment plant and the collection system.
 87 For Kachemak City LID dischargers connected within the LID, the City of Homer shall bill Kachemak City
 88 in one single bill at the Lift-Station Zone Rate of \$77.35 (\$69.60 +\$7.75) per month per customer.
 89 Kachemak City shall be billed a \$5 monthly service charge to cover all Kachemak City sewer customers
 90 and shall be responsible for payment to the City of Homer.

91

92 Domestic sewer service customers who use large quantities of City water in addition to their domestic
 93 use shall be allowed, with the Public Works Director's approval, to install an additional water meter on
 94 the domestic water use line for the purpose of metering and charging for domestic sewer system use.
 95 Sewer system use will be billed monthly.

96
 97 The City will allow, upon approval by Public Works and a permit from the Public Works Department, a
 98 second water usage meter – called a seasonal sewer meter – for each customer that desires to measure
 99 the flow of City water that is not discharged to the sewer system during the summer growing season,
 100 June 15 through September 15. Rates noted above do not apply.

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 102 Seasonal Sewer Meter Fee is \$251.75.

103
 104 WATER FEES:

105 Water Connection Fee

106
 107 Single Family \$300
 108 Multi-Family/Commercial \$375

109
 110 Customer classification definitions for determining water connection and extension permit fees:

111
 112 Single Family Residential – A unit providing housing for one household; with less than 25% of the
 113 building area used for business or commercial purposes.

114
 115 Multi-Family Residential- A building or lot occupied by more than one household: contained within one
 116 building or several building within one complex. Examples of multi-family units includes duplexes,
 117 four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one
 118 lot (where units are normally rented or occupied for longer than one month at a time). Examples of
 119 units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units
 120 are routinely rented or occupied for less than one month at a time.)

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 122 Commercial - Any user not defined as Residential.

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 124 Water Rate Schedule.

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 126 All water utility services shall be billed according to the following schedule. This schedule is for monthly
 127 water service and is in addition to any charges for connecting or disconnecting the service, installation
 128 of the service or any assessment of the improvements.

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Rates	Water Table III	
	Monthly Service	Usage Charge/Gallon
Customer Classification		
Lift-Station Customer	\$ 19.00	\$0.0109

Non-Lift-Station Customer	\$ 19.00	\$0.0109
Multi-units (additional per unit)	\$ 5.00	
Bulk Water	\$ 19.00	\$0.0149

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Customer classification definitions for determining water rates:

Bulk Water Customers: The bulk water customers are the resellers of water or water users who purchase water from the water plant directly and are not in the metered water distribution system.

Non-Bulk Customers: All customers who receive water from the metered water distribution system.

Multi-Units: An additional \$5 monthly charge shall apply to each of the units of a building or lot occupied by more than one household or commercial entity contained within one building or several buildings within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, and B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

This fee applies to all multi-unit structures defined in the sewer section of this for apartments, rental units or multi-unit buildings where each unit would have one or more restrooms and are intended to be rented on a monthly basis where there is only one meter installed, excluding a rental building restroom used for shared or public use.

Meter Size Deposits.

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
3/4	\$80.00	\$230.00
1	\$90.00	\$250.00
1-1/2	\$115.00	\$310.00
2	\$150.00	\$370.00
3	\$220.00	\$525.00

4	\$310.00	\$730.00
6	\$520.00	\$1,225.00

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154 \$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be returned when
155 the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public
156 Works Superintendent.

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158 If a bulk water customer purchases a meter from the City for measuring the quantity of water
159 purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk
160 water customer to maintain that meter so the City can accurately determine the amount of water being
161 purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense, to
162 repair it or purchase a replacement meter from the City. The City may at any time test the meter for
163 accuracy.

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165 PASSED AND ADOPTED by the Homer City Council on this 8th day of May, 2017.

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ATTEST:

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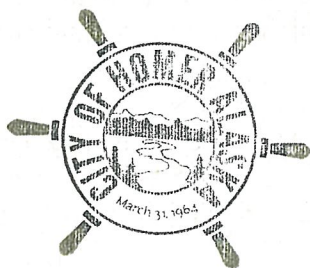
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JO JOHNSON, MMC, CITY CLERK

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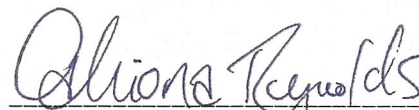
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Fiscal Note: Revenue amounts defined in CY2017 budget.

181



CITY OF HOMER



CATRIONA REYNOLDS,
MAYOR PRO-TEMPORE

Water and Sewer Rate Review Proposed Water & Sewer Rate Model and Recommendations

Report of the Water & Sewer Rate Task Force

4/8/2013

Contributing Task Force Members Beauregard Burgess, Ken Castner, Barbara Howard, Terry Yager, Bob Howard, Sharon Minsch, Lloyd Moore, Beth Wythe

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DRAFT SEWER RATES.....PAGE A-2

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INTRODUCTION:

The Water & Sewer Rate Task Force (the Task Force) was established in accordance with the provisions of Resolution 12-027(A), consisting of five City of Homer residents (Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore and Terry Yager) and two City Council members (Barbara Howard and Beth Wythe), appointed by Mayor James Hornaday through Memorandum 12-056. Subsequent to the original appointments, community member Terry Yager submitted his resignation from the Task Force and the seat remained unfilled for the duration of the review process. Also, following the October elections, Beth Wythe was authorized to continue on the Task Force through Resolution 12-094 following her election as Mayor. Barbara Howard resigned from the Task Force in November and was replaced by Council Member Beau Burgess through Memorandum 12-161(A). Copies of all Resolutions, Memoranda and information provided by Staff are included in the Appendices to this report; all reference materials accessed or reviewed have been cited as supporting documentation.

The City Council approved the creation of a Task Force after numerous public comments and complaints about the 2012 increase in Water & Sewer Rates and fees.

From the beginning, the Task Force resolved to reach decisions that were not colored by sentiment or popularity. The Task Force began its work of developing a recommendation for the City Council by considering who the benefactors were of the water and sewer systems. In addition to the residential and business customers there are large commercial users such as South Peninsula Hospital and the Port & Harbor. There are also incidental benefits that the system was designed to provide including providing both fire hydrants and sufficient water for buildings that house sprinkler fire suppression equipment. While the City Council will make the final decision regarding any rate changes, the Task Force has included recommendations for allocating the additional expenses related to these specifically identifiable cost centers in an equitable manner.

CURRENT RATE STRUCTURE:

Currently water and sewer rates differentiate between various water usage and sewage returns based on whether they are delivered to or derived from residential customers, or small or large commercial customers. The Task Force believes that a gallon of water or a gallon of waste should be of an equal base cost to all users, and when a class or location of users is found to be more costly, a surcharge should be added.

Public Works states that the size of the City's water system is primarily designed to handle the delivery volume required for the fire protection needs of the City. The current City contribution to the annual water budget does not fully reflect the attributed costs that should be recovered through "hydrant rents".

FAIR AND EQUITABLE RATES:

The Task Force believes the basic service charge for water and sewer customers should accurately reflect the cost of customer billing, banking and accounting expenses. Other system maintenance and treatment expenses should be billed in accordance with the customers' actual usage. There is an inherent fairness in charging all customers hooked into the system(s) the same rate for an indistinct commodity. A gallon of water is the same no matter what its use. A uniform rate lends itself to easy rate adjustments using calculations that are simple and transparent.

The Task Force identified costs associated with the water and sewer system that are derived from the population in general (fire protection, City owned buildings, public rest rooms, fish cleaning stations and support of other community facilities that use water in their day-to-day activities). These costs should be borne by the City as general fund expenses using the same tariff basis as any other user.

Fairness also requires that users that require services beyond the normal, or create additional costs, be charged for those expectations and/or costs. Two examples of the former would be those buildings with un-metered fire protection service lines and multi-unit complexes using a single meter. Two examples of the latter would be the additional cost of treating "hot" (high BOD) sewage and the costs of maintaining and powering the sewer lift stations. In order to address these non-standard users a small surcharge has been recommended.

SYSTEM REQUIREMENTS:

The water and sewer system in Homer has some unique characteristics that increase the cost of operations and maintenance. The first is the location of our water source and another is the elevation of many users relative to the sewer treatment plant.

Having water come from the top of the hill may at first appear to be a great asset since many water systems are challenged with pumping water to higher elevation customers. However, reducing the pressure in the delivery system as a result of the gravity fed nature of Homer's system presents its own costly challenges. The construction and maintenance of the pressure reducing valves that are required to safely deliver water into the system and then into the residences and businesses receiving services is a substantial contributor to the cost of Homer's water system over other similarly sized systems across the state.

In addition to these challenges, having a surface source of water increases the volume of treatment required to make the water potable. As a result, Homer has been required to maintain a state-of-the-art water treatment facility for years and has recently built a new treatment facility with the capacity to meet current and anticipated water quality standards for years to come.

The water delivery system has also been sized to provide adequate pressure and flows for a variety of special services including fire sprinkler systems and hydrants. Hydrants benefit all City property owners whether they are connected to the delivery system or not. Therefore the Task Force believes that a portion of the additional system costs related to system size should be shared by property owners independently from the rates charged to water and sewer customers.

There are many service locations on the sewer system that pass through elevations that will not allow for gravity to deliver sewage all the way to the sewer treatment plant. In order to provide service to these areas lift stations are required to pump sewage to a higher elevation in the system so it can continue to the treatment plant by gravity delivery. Just as the pressure reducing valves required on the water system create an additional maintenance expense, these lift stations create an additional maintenance expense for the sewer system. Unlike the pressure reducing stations that benefit all customers, the lift stations only provide benefit to those that are in areas where they are required. For this reason, the Task Force has included a nominal monthly fee to the billing for customers that live in areas served by lift stations.

DISPROPORTIONATE IMPACTS:

In addition to the above expenses specific to Homer's water delivery and sewer collection systems, other costs of operating the systems which the Task Force determined to be identifiable to specific users included:

High BOD waste; and water required for flushing dead-end lines

A nominal fee is recommended for the purposes of identifying the existence of high BOD waste contributors and to marginally off-set additional expenses related to treatment.

The water loss related to dead-end lines is considered a cost of the system in general and no fee was recommended in association with this impact.

Another potentially disproportionate impact that was identified but not quantifiable was the presence of facilities that have water delivered, but return sewage through the sewer without being billed.

OPTIONS FOR DISTRIBUTING COSTS TO CAUSERS:

The proposed rate model provides a spreadsheet for the calculation of water rates independent of the spreadsheet for calculating sewer rates, although the proposed structure continues the practice of billing sewage based on water usage. The singular exemption to this was in reducing the volume of projected sewage from the Spit due to the large volume of water used at the Port that is not returned as sewage.

When reviewing the proposed water model you will observe first that the model begins with the required revenue in mind. The required revenue is then reduced by a variety of alternative revenue sources including:

- Service fees (finance fees/number of customers)
- Hydrant Rents (10% of required water system revenues)
- Sprinkler Differential (\$5/month/identified user)
- Surplus (Bulk) Water sales (estimated sales X \$0.004)
- Dwelling Fees (\$5/month/business or residence)

This identifies the amount of revenues that need to be collected through the commodity (usage) rates. In the projection provided, consideration is also given for the potential reduction in water use that may result from the commodity based fee schedule (conservation).

Using this model, rate reductions are as easy as updating the "Total Water Revenue Requirements", the "Metered Sales Projections"; the "Number of Meters"; and the "Finance Department O/H" cells. Updating these cells will generate the "Water Rate" which is the commodity fee, and the "Metered Service Fee" which is rounded up to the next highest dollar amount and becomes the monthly base rate for water services.

The use and maintenance of the proposed sewer rates is very similar. Beginning with the projected annual revenue assumption reduced by:

Lift Station Charge (lift station maintenance costs/users);
High BOD fees (\$10/month/identified user);
Multi-residential facility & Kachemak City fees (\$5/month/identified facility);
Kachemak City Fees (less pumping);
Dumping Station Fees; and
Water Only Meters (no septic returned).

Resulting in the total revenue required through rates. Rates are allocated based on historic usage allocated to those meters that are in sewer return areas that require a lift station and those that are not to generate two rates; Non-lift zone customers – sewer rate/gal, and Lift Station Zones – Sewer Rate/gal.

Again, with the adjustment of the key cells, new rate projections become simple.

CRITERIA FOR EVALUATING THE SOLUTIONS:

Because the primary complaint regarding the current rate structure has consistently been the perception of unfairly allocating costs, the Task Force was assigned the responsibility of reviewing the current rate model and recommending new rates for the 2013 rates review process. Through reviewing not only the current rate model, but also the components of the water and sewer system and identifying not only the billed users, but also others that benefit from the system, the Task Force believes that the proposed commodity based, uniform rate structure provides the most fair distribution of the expenses for operations and maintenance of the water and sewer system.

In addition to the current rate model that is "class" based, with a large base rate, the Task Force considered rate structures designed to encourage conservation (increasing rates when usage increased); structures that encouraged usage (reduced rates as usage increased); and rates that were fully commodity based (a flat fee per gallon, regardless of base expenses and extraordinary expenses). Ultimately, it was determined that the proposed rate model would best meet the test of "fairness".

By distributing the administrative costs of billing between all customers and then charging the same rate per delivered gallon of water, water users can take control of their bill and no customer is subsidizing the use of another customer. By separating expenses related to making water available for non-standard uses such as fire protection and bulk water sales the model removes subsidies. Customers are merely being charged for the service they are receiving.

Similarly, on the sewer side subsidies are being removed by allocating extraordinary expenses related to lift stations and high BOD waste to the users that benefit from them, and multi-family dwellings are contributing proportionally to the cost of maintaining a larger system to accommodate sewage generated by more than one customer using the same metering system.

OTHER CONSIDERATIONS:

In developing the proposed rate structure, the Task Force accepted the costs that had been promulgated by the City Administration and approved by the City Council.

Eighty percent of the combined budgets are costs necessary for the treatment and delivery of water for the City and its customers, together with the cost of collection and treatment of the produced effluent. The remainder is the allocated cost of administrative service. The decision as to the size and appropriateness of that allocation, and the decision to use City employees to provide those services, rests with the City Council.

The Task Force does not believe that the proposed rate model will resolve all of the complaints regarding fairness in the allocation of the expenses for maintenance and operation of the water and sewer program, but we do feel that the concerns identified and those brought before us through public comment have been appropriately addressed through this model. Additionally, the model provides an ease of administration and future rate setting that if properly applied will help the City continue to adequately fund the program for years to come.

CONCLUSIONS:

In conclusion the Task Force is pleased to provide the City Council with the following recommendations with the anticipation of improved rate stability in the water and sewer program.

- Replacing the current rate model with the proposed commodity based model found on page A-1 - A-4.
- Continue to periodically review the allocation of administrative and other overhead expenses to ensure they properly reflect the actual expenses being charged to Water & Sewer.
- Clearly delineate water and sewer rates, by location, in future budget documents (i.e., revenue from City facilities and related expense lines in Port & Harbor, Water & Sewer, and other administrative budgets.)
- Confirm that ALL City of Homer facilities receiving water and sewer services are being properly metered and billed.
- Consider alternatives for refreshing the water in dead-end lines that does not result in the waste of large volumes of treated water.
- Renew the contract with Kachemak City and ensure that the rates adequately reflect the cost of this area on the system as a whole, including any added administrative expenses.
- Conduct rate-setting in a manner that will not allow political influences to result in the under collection of rates in the future.
- Establish a periodic meter inspection program to ensure that all meters are properly installed and reading.
- Customer/Tenant Fees as applied within the proposed rate model for Water and Sewer are defined as apartments, rental units, or multi-unit buildings where each unit has one or more restrooms. This fee applies to all units whether commercial or residential that is intended to be rented on a monthly basis or longer, excluding public or shared restroom facilities.

APPENDICES

Appendix A – Creation of the Task Force

- Resolution 12-027(A), Establishing a Water & Sewer Rate Task Force
- Resolution 12-094, Amending Resolution 12-027(A), The Composition of the Water and Sewer Rate Task Force to Allow Mayor Wythe to Continue to Serve
- Memorandum 12-161, Appointing of Councilmember Burgess to the Water & Sewer Rate Task Force

Appendix B – City of Homer Water & Sewer Rates

- Resolution 11-094(S), Maintaining the City of Homer Fee Schedule at the Current Rates and Amending Customer Classifications in the Water & Sewer Rate Schedules
- Ordinance 11-43, Amending HCC 14.08.037, Water Meters Regarding Number of Meters Per Lot
- Resolution 11-062(A) Maintaining the City of Homer Fee Schedule Under Water and Sewer Fees.

Appendix C - Budgets

- 2012 Operating Budget Water & Sewer
- City of Homer 2012 Operating Budget Fund 200 – Water & Sewer Special Revenue Fund
- Fund 400 - Water Fund Administration, Fund 400 Water & Fund 500 Sewer Fund Revenues
- City of Homer Year End 2011 Utility Special Revenue Fund 2011 Balance Sheet
- Year to Date figures Water & Sewer June 2012
- Year to Date figures Water & Sewer August 2012

Appendix D – Classifications & Sample Invoices

- Classifications & Average Monthly Usage for 2011
- Actual Random Sample Invoices depicting various gallonage used for comparison

Appendix E – Fire Protection, Flushing, Water Treatment Plant, Depreciation, Meter Sizes, Maps

- How Fire Protection Affects the Water System – Public Works
- Flushing Fire Hydrants & Water Mains- Public Works
- Water Treatment Plant Flows in Millions of Gallons – Public Works
- Depreciation Reserves Requirements and 2012 Depreciation Reserves – Water & Sewer – Finance Dept
- Maps Indicating Lift Station Locations and Areas Served – Public Works
- Number of Gallons of Water delivered to the Spit Annually – Public Works
- Staff Response to Questions regarding Staff time to produce Invoice – Finance Dept.
- Staff response to Questions regarding How Budget Numbers are calculated – Finance Dept.
- Staff Response to Number of Meeting Sizes - Meter Sizes & Number of Each Size – Public Works
- Staff Response to Question regarding Gallonage Used in the Harbor – Public Works

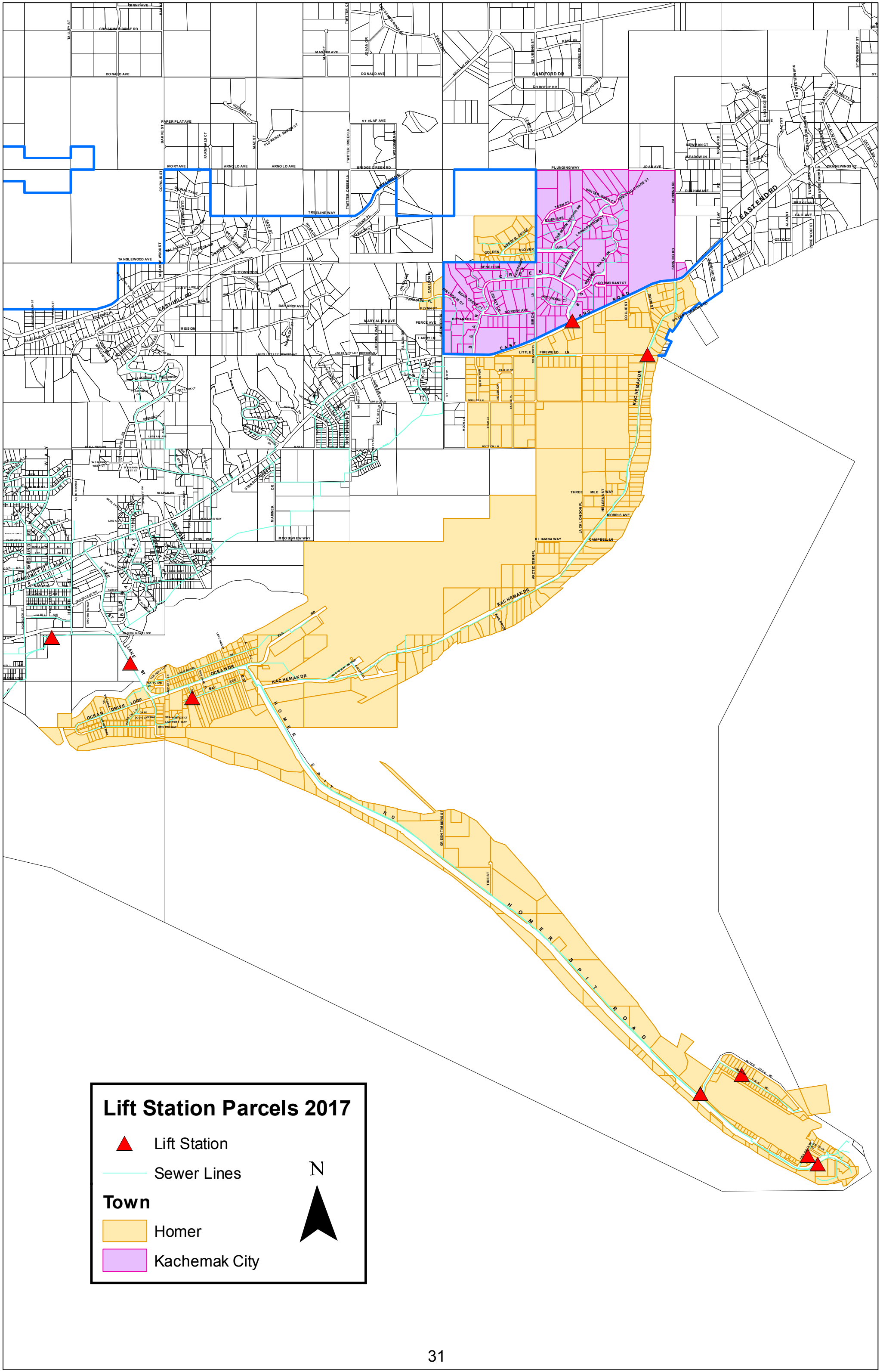
Appendix F – Spit Surcharges

- Resolution 04-94(S) (A), Amending Homer Fee Schedule Regarding Water Rates
- Resolution 04-95, Amending Homer Fee Schedule Regarding Sewer Rates
- Excerpt from City Council Minutes, 2004, regarding Resolution 04-94(S) & Resolution 04-95
- Resolution 05-121(A), Amending the City of Homer Fee Schedule Regarding Water Rates
- Resolution 05-122, Amending the City of Homer Fee Schedule Regarding Sewer Rates
- Staff Response Analysis on Proposed Spit Surcharge – Public Works

Appendix G – Public Written Comments

REFERENCES AND RESOURCES

Rate Setting for Small Water Systems, Texas Cooperative Extension Service, Texas A & M University System
Excerpt from Basic Guide to Water Rates, www.lwua.gov.ph/water_rates_08/rates_two.html
Chart Table 2-1 Annual Funds Required – Unknown Source
Anchorage Water & Sewer Rates 2012 www.awwu.biz/website/Service/water_tariff13-2.htm
Intergovernmental Agreement for Kachemak /Homer Wastewater System between Kachemak City and City of Homer, dated August 10, 1988
KPMG Peat Marwick, Water and Wastewater Utilities Rate Study, February 11, 1991
Montgomery Watson, Utility Rate Study, August 11, 1997
City of Homer 2000 Rate Model Matrix – Water & Sewer 2008 Rates Analysis Water & Sewer Enterprise Fund
City of Kenai Water & Sewer Rate Study Prepared by Kurt Playstead, CH2M HILL, February 7, 2011
M54: Developing Rates for Small Systems, the American Water Works Association, Copyright 2004
City of Soldotna Water & Sewer Rate Study Prepared by HDR Engineering (No date)



Lift Station Parcels 2017

- ▲ Lift Station
- Sewer Lines

Town

- Homer
- Kachemak City

N
▲

Revenues & Expenses - Utility Fund

	FY 17 Budget	FY 17 Actual ¹	FY 18 Budget
Water			
Meter Sales	1,839,784	1,846,233	1,900,570
Other Revenue	49,887	52,736	45,169
Hydrant Transfer	180,956	180,956	92,222
Water Fund - Total Revenue	2,070,627	2,079,925	2,037,962
Salaries, Wages & Benefits ²	899,186	958,165	904,776
Maintenance & Operations ³	907,315	913,333	961,605
Transfers to:			
Reserves	246,259	246,259	153,714
Other	17,867	17,867	17,867
Water Fund - Total Expenses	2,070,627	2,135,624	2,037,962
Revenues over Expenses	0	(55,699)	-
Sewer			
Meter Sales	1,727,214	1,714,745	1,754,415
Other Revenue	14,683	36,814	43,266
Sewer Fund - Total Revenue	1,741,897	1,751,559	1,797,681
Salaries, Wages & Benefits ²	740,415	717,773	741,884
Maintenance & Operations ³	665,641	695,636	703,599
Transfers to:			
Reserves	310,309	310,309	326,667
Other	25,531	25,531	25,531
Sewer Fund - Total Expenses	1,741,897	1,749,249	1,797,681
Revenues over Expenses	1	2,310	0
Utility Fund Total	1	(53,389)	0

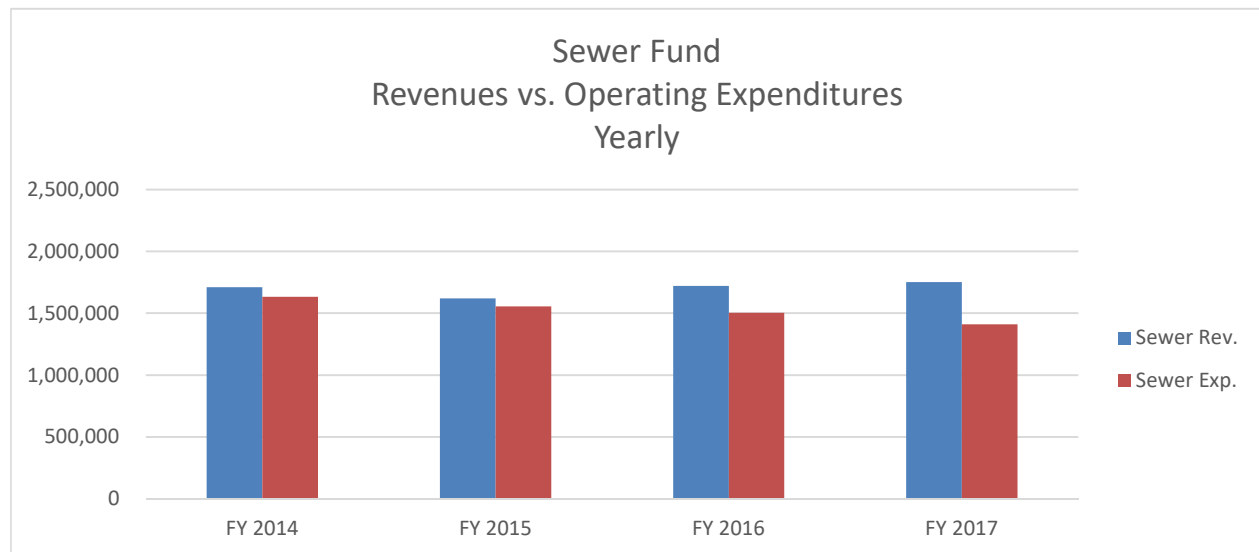
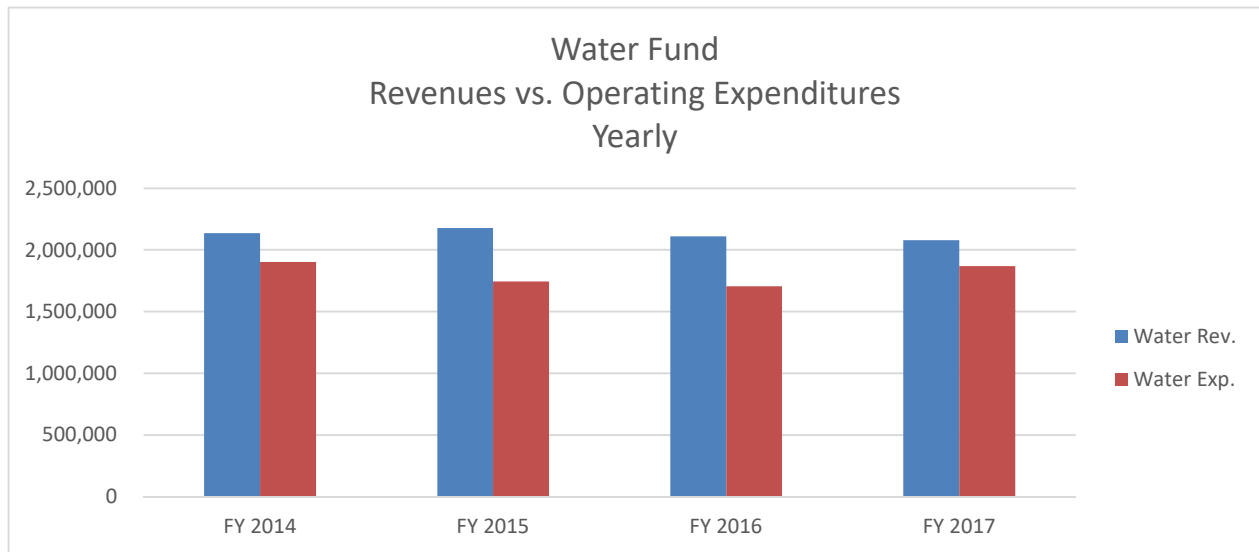
¹ Unaudited (Independent Audit will be finalized at the end of July, 2018)

² Includes leave cash out

³ Includes GF admin fees (overhead costs)

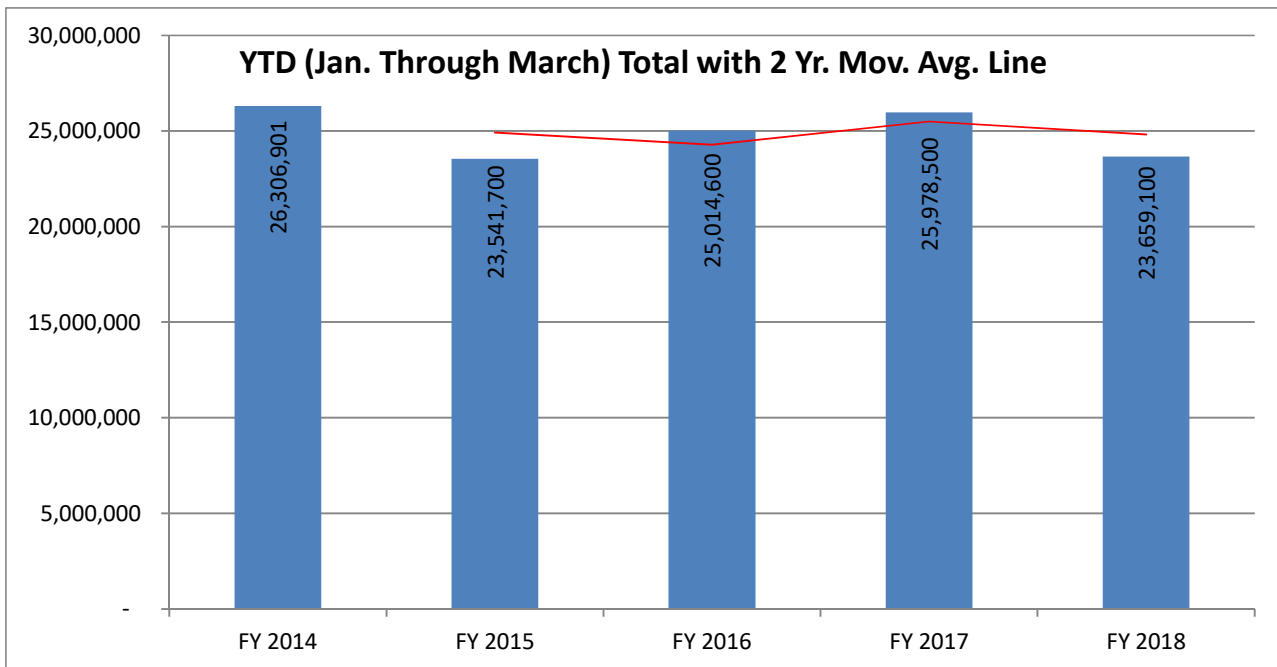
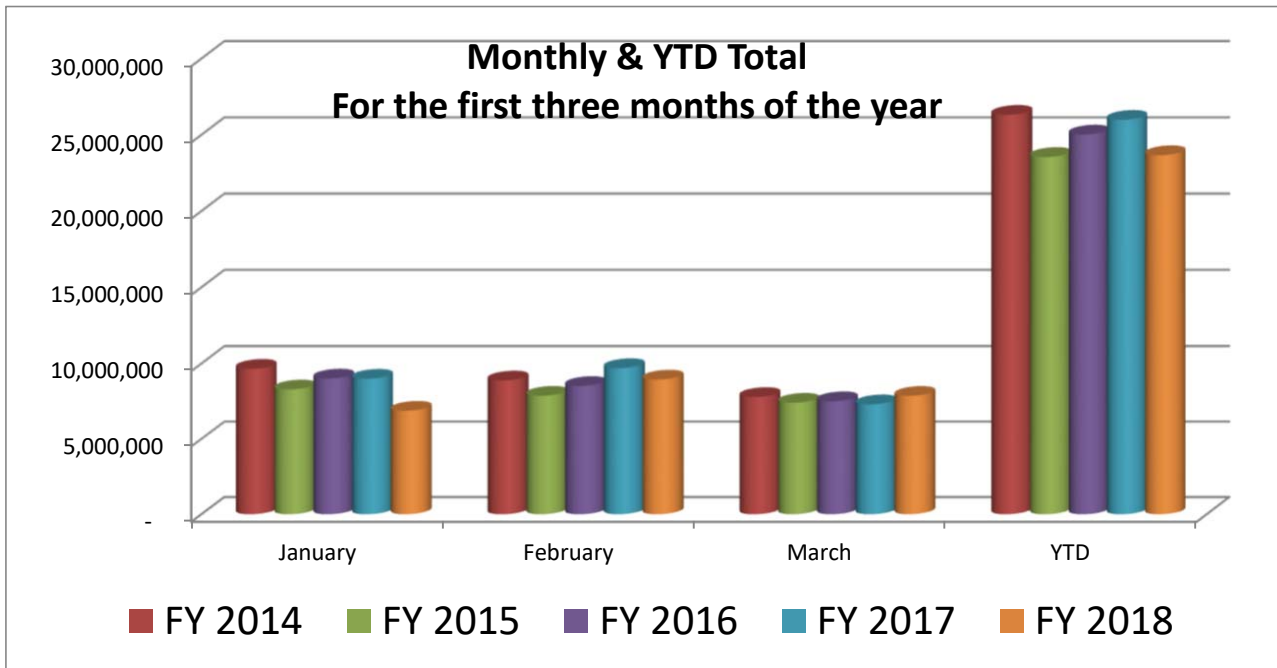
Yearly Comparison: Revenues vs. Expenditures (Unaudited)

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
Water Fund Revenues	2,135,861	2,178,018	2,108,835	2,079,925
Water Fund Expenditures (excluding transfer to reserves)	1,901,902	1,744,744	1,704,623	1,868,341
Water: Revenues over (Under) Expenditures	233,958	433,273	404,212	211,584
Sewer Fund Revenues	1,709,323	1,618,595	1,719,555	1,751,559
Sewer Fund Expenditures (excluding transfer to reserves)	1,633,833	1,555,044	1,503,397	1,410,314
Sewer: Revenues over (Under) Expenditures	75,490	63,550	216,158	341,245
Water & Sewer: Total Revenues Over (Under) Expenditures	309,448	496,824	620,370	552,829



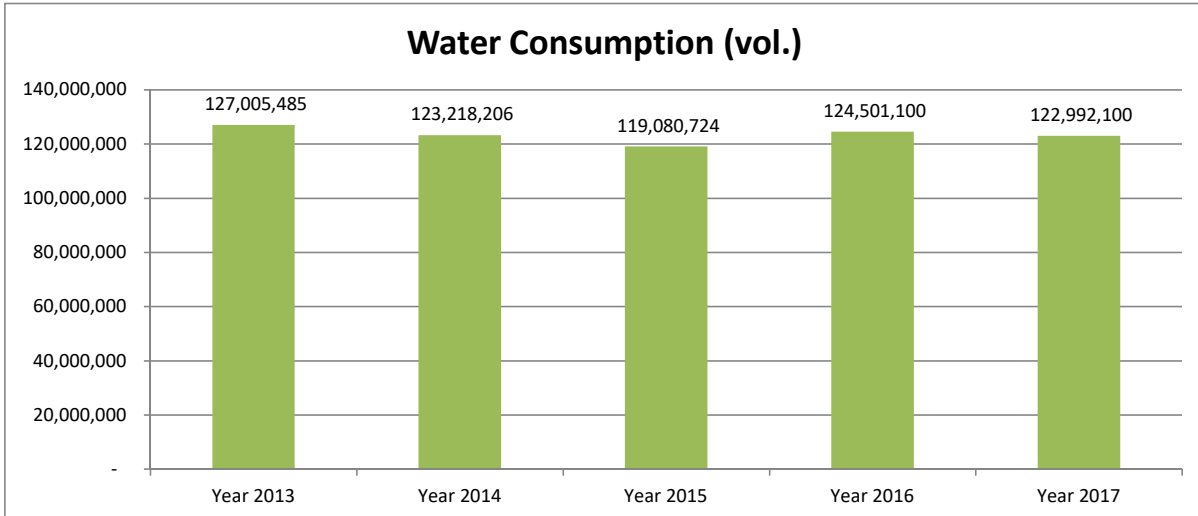
Water Consumption (Gallons)

<u>Yr.\Mo.</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>YTD</u>
FY 2014	9,648,900	8,878,200	7,779,801	26,306,901
FY 2015	8,280,300	7,862,200	7,399,200	23,541,700
FY 2016	9,005,200	8,511,100	7,498,300	25,014,600
FY 2017	8,991,000	9,692,600	7,294,900	25,978,500
FY 2018	6,868,000	8,937,000	7,854,100	23,659,100

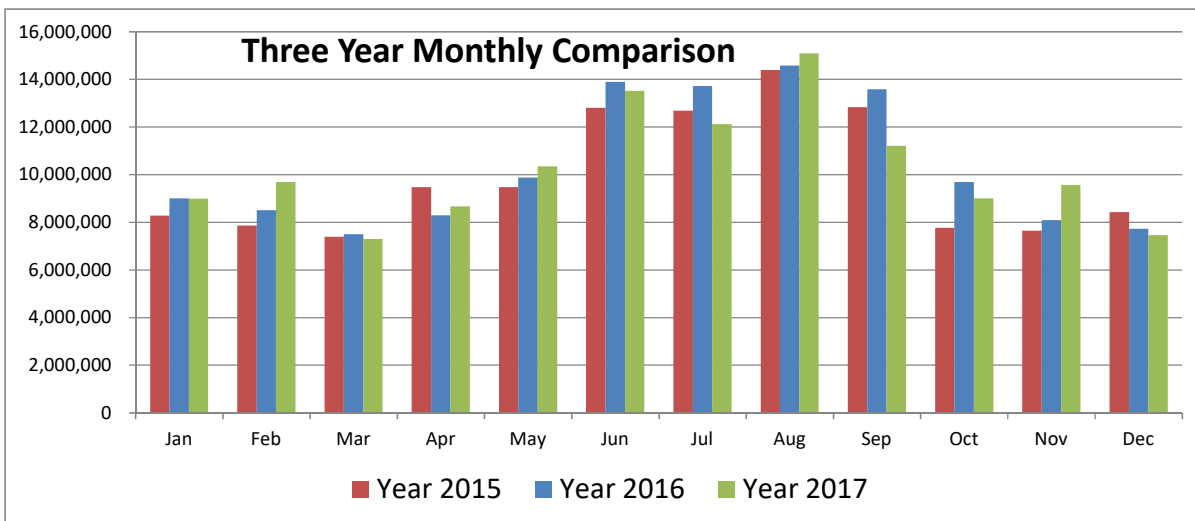


Water Consumption

By Year	<u>Year 2013</u>	<u>Year 2014</u>	<u>Year 2015</u>	<u>Year 2016</u>	<u>Year 2017</u>
Water (vol.)	127,045,485	125,926,274	132,291,300	131,119,200	130,252,600
Operational Adj.	(40,000)	(2,708,068)	(13,210,576)	(6,618,100)	(7,260,500)
Water (vol.) after adj.	127,005,485	123,218,206	119,080,724	124,501,100	122,992,100



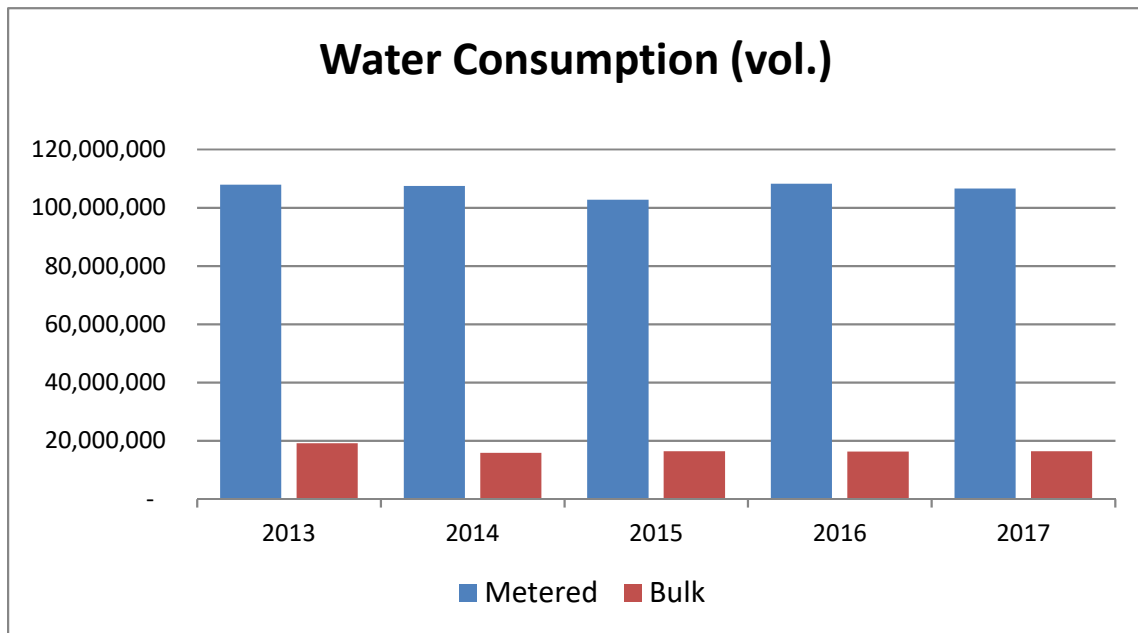
<u>Month\Year</u>	<u>Year 2015</u>	<u>Year 2016</u>	<u>Year 2017</u>
Jan	8,280,300	9,005,200	8,991,000
Feb	7,862,200	8,511,100	9,692,600
Mar	7,399,200	7,498,300	7,294,900
Apr	9,471,700	8,293,400	8,675,000
May	9,481,952	9,876,500	10,350,500
Jun	12,815,584	13,904,500	13,528,300
Jul	12,686,496	13,719,400	12,119,600
Aug	14,402,524	14,581,400	15,091,400
Sep	12,833,256	13,589,000	11,213,400
Oct	7,773,632	9,693,400	9,010,900
Nov	7,649,316	8,097,300	9,569,500
Dec	8,424,564	7,731,600	7,455,000
	119,080,724	124,501,100	122,992,100
	-3.4%	4.6%	-1.2%



	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Metered	107,875,885	107,403,206	102,688,524	108,248,600	106,566,800
Bulk	19,129,600	15,815,000	16,392,200	16,252,500	16,425,300
Total Consumption*	127,005,485	123,218,206	119,080,724	124,501,100	122,992,100

Bulk as % of Total Volume 15.06% 12.83% 13.77% 13.05% 13.35%

*Includes Operational Adjustment





City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum

TO: Mayor and City Council
THROUGH: Katie Koester, City Manager
FROM: Julie Engebretsen, Deputy City Planner
DATE: April 18, 2018
SUBJECT: Bridge Creek Watershed Preservation Plan

Attached is a map of the Bridge Creek watershed.

- Yellow lots are protected in some fashion – city/govt/nonprofit ownership, or pending conservation easement.
- Lavender lots have either creek or wetlands within the property, but also have an improvement like a house. These lots would likely not be candidates for city purchase due to their high cost, but could be opportunities for future conservation easements.
- Blue lots also have wetlands/creek, but very low value if any improvements – basically raw land. They could be city purchases, cost shares, or conservation easements.

Wetlands and drainages provide filtration and other contributions to water quality. Lots with either creek or wetlands are a priority for protection, regardless of where they are in the watershed; properties without water are not a priority.

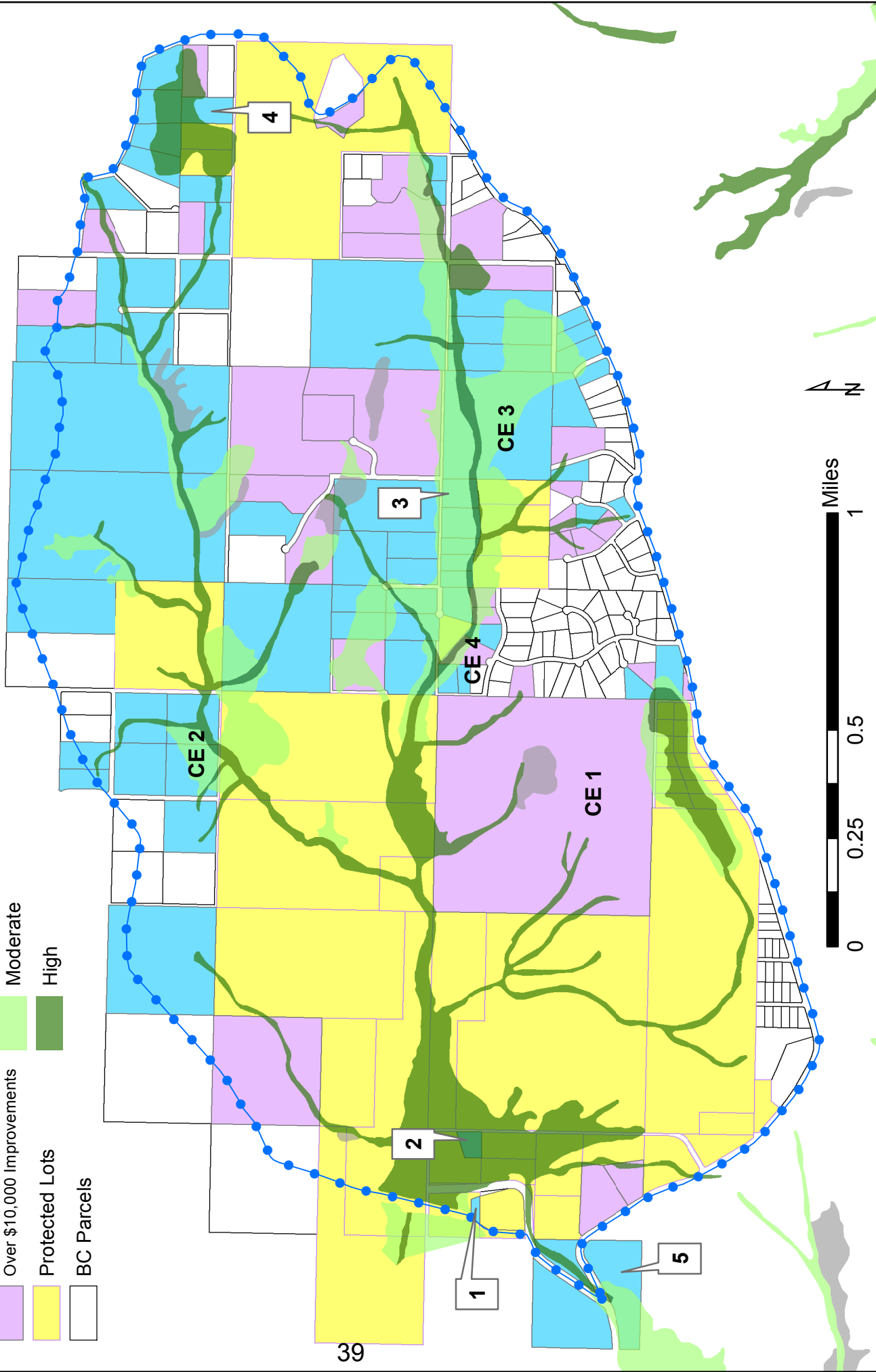
The purple lots have a total assessed value of \$7.3 million. The blue lots are assessed at \$3.3 million.

There are 3 ways the city can preserve land, beyond zoning:

1. Land purchase
2. Conservation easements
3. Cost sharing with other entities to purchase land. For example, perhaps the Center for AK Coastal studies could purchase additional lands near Wynn, if the City paid half.

Legend

- BCWPD
- Unprotected wet lots
 - Under \$10,000 Improvements
 - Over \$10,000 Improvements
 - Protected Lots
 - BC Parcels
- Wetlands RANK
 - Low
 - Moderate
 - High



39

Your Award Winning Water

2016
Best Tasting Water
in Alaska

2017
Wastewater Operator
of the Year

2017
Source Water System
of the Year



This report contains information about your drinking water:

where it comes from, results from quality testing in 2017 and how you can help protect your water supply.

We are committed to providing you with a clean and dependable supply of drinking water.

We are proud to report that the water delivered to our customers meets or exceeds all federal and state standards.

The City of Homer's drinking water clean and safe. It's also Alaska's best tasting water!

Awarded in 2016 by the Alaska Rural Water Association, its clarity, taste and aroma topped the competition.



What Makes Our Water Taste So Good?

It starts with working proactively to protect our water source—the 37-acre Bridge Creek Reservoir and its watershed—from pollution.

The soils and native vegetation surrounding Bridge Creek absorb and filter rainfall and snowmelt on their way to the reservoir. However, the land's capacity to absorb and filter water is reduced when land is cleared and compacted for development.

To protect against increased sedimentation and pollution that could deteriorate the quality of our only drinking water source, the area was designated a Watershed Protection District. Land use activities are governed by specific provisions that benefit the health, safety, and welfare of City residents (and other customers of the City's water system).

The City's commitment to protecting our watershed earned the **Source Water System of the Year** award from the Alaska Rural Water Association, naming Homer a model for other communities sourcing their drinking water from surface water.

We follow that up with cutting-edge treatment techniques at our water treatment plant and with diligent maintenance of three water storage tanks, 53.5 miles of distribution pipes and 413 fire hydrants to make sure water gets to customers safely and efficiently for both general use and fire emergencies.

You Can Help Protect Water Quality Too!

When recreating at the reservoir, remember it is our only source for drinking water. Help protect it!

- Motorized boats are not allowed in the reservoir;
- Pick up your pet's poop;
- No camping, campfires or shooting, please.

Even when you are further away from the reservoir, your actions can impact our water resources. Many everyday products contain hazardous substances that, when they get into the environment, can endanger both our drinking water and the waters of Kachemak Bay. Stormwater can pick up these substances and be a source of pollution.

Ultimately, a treatment plant can't solve stormwater pollution, nor is our reservoir or the ocean big enough to dilute the problem. So what can we do?

Luckily, since runoff comes from small, individual sources in all parts of the watershed, it is a problem that residents can help prevent with small, individual actions.

- Dispose of hazardous wastes at the Solid Waste Transfer Station rather than dumping them outside or down storm drains. Learn more at <http://www.kpb.us/swd-waste/about-solidwaste>.
- Eliminate or cut down on pesticides and herbicides; use organic fertilizers.
- Rather than flushing unused medications down the toilet, dispose of them (anonymously and for free) in the drug drop box in the Homer Police Station's lobby.

City of Homer Drinking Water Monitoring Results

The City of Homer routinely monitors your drinking water according to Federal and State laws. The table below shows the results of our monitoring from January 1st to December 31st, 2017, unless otherwise noted. The state requires monitoring for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year.

Test results indicate excellent water quality that meets and exceeds all Federal and State requirements.

2017 Water Quality Test Results						
Contaminant	Sample Date	Violation Yes/No	Level Detected	Unit of Measure	MCL	MCLG
Volatile Organic Contaminants (Locational Running Annual Average)						
Total Trihalomethanes	2017	No	64.7 LRAA BW 59.3 LRAA Spit Range: 37.6 - 83	ug/L	80	N/A
Total Haloacetic Acids	2017	No	31.7 LRAA BW 37.2 LRAA Spit Range: 15.1 - 53	ug/L	60	N/A
Radioactive Contaminants						
Gross Beta	2013	No	2.4	pCi/L	50	0
Radium 226/228	2013	No	0.043		5	
Gross Alpha	2013	No	0.85		15	
Microbiological Contaminants						
Turbidity	1/30/2017	No	0.25	NTU	0.3	N/A
Inorganic Contaminants						
Barium	2011	No	26.5	ug/L	2000	2000
Chromium	2011	No	0.453	ug/L	100	100
Total Thallium	2011	No	0.0839	ug/L	2	0.5
Nitrate	2016	No	0.159	mg/L	10	10
Arsenic	2012	No	0.221	ug/L	10	0
Lead*	2017	No	0.0077	mg/L	.015	0
Copper*	2017	No	0.16	mg/L	1.3	1.3
Unregulated Contaminant Monitoring						
Manganese	10/21/15	No	36	ug/L	N/A	N/A
Strontium	10/21/15	No	38	ug/L	N/A	N/A
Chlorate	10/21/15	No	79	ug/L	N/A	N/A

Definitions:

MCL

Maximum Contaminant Level: the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

MCLG

Maximum Contaminant Level Goal: the level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.

LRAA

Locational Running Annual Average: the average and range of sample analytical results from Best Western (BW) and Spit locations during the previous four calendar quarters.

N/A

Not applicable.

AL

Action Level: the concentration of a contaminant which, when exceeded, triggers treatment or other requirements which a water system must follow.

TT

Treatment Technique: a required process intended to reduce the level of a contaminant in drinking water. For example, we are required to use filtration technology to remove turbidity from our water.

Turbidity

Suspended material or cloudiness measured in NTUs.

NTU

Nephelometric Turbidity Unit: Units of turbidity indicated by an instrument that measures refracted light through a water sample.

Units of Measure:

Ppm or mg/L

Parts per million or milligrams per liter: parts per million corresponds to one minute in two years or a single penny in \$10,000.

pCi/L

Radioactive measurement: 1 trillionth of a Curie.

*Violation determination is based on the 90th percentile. Results of 20 samples ranged from non-detected to 0.00373 ppm of lead and 0.0143 to 0.157 ppm of copper.

Ppb or ug/L

Parts per billion or micrograms per liter: parts per billion corresponds to one minute in 2,000 years or a single penny in \$10,000,000.

Substances that may be found in your drinking water

The sources of any drinking water—tap and bottled water alike—include rivers, lakes, streams, ponds, reservoirs, springs, and wells. While the City of Homer has taken steps to protect the land in the Bridge Creek Reservoir's watershed, as water travels over the surface of the land or through the ground, it dissolves naturally occurring minerals and in some cases, radioactive material. It can also pick up substances resulting from the presence of animals or from human activity. **Contaminants that may be present in source water include:**

Microbial contaminants, such as viruses and bacteria, which may come from septic systems, agricultural livestock operations, and wildlife.

Inorganic contaminants, such as salts and metal, which can be naturally-occurring or result from urban storm water runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban storm water runoff, and residential uses.

Organic chemical contaminants, including synthetic and volatile organic chemicals, which are byproducts of industrial processes and petroleum production, and can also come from gas stations, urban storm water runoff, and septic systems.

Radioactive contaminants, which can be naturally-occurring or by the result of oil and gas production and mining activities.

To protect public health, water treatment plants reduce these contaminants to safe levels established by regulation. However, drinking water (including bottled water) may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk.

Special Information for Vulnerable Populations

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons with organ transplants, people with HIV/AIDS or immune system disorders, some elderly, and infants can be particularly at risk from infections.

These people should seek advice from their health care providers. Guidelines on appropriate means to lessen the risk of infection by cryptosporidium and other microbial contaminants are available by calling the EPA/CDC Safe Drinking Water Hotline: **800-426-4791.**



To deliver the highest water quality possible, the Public Works Department flushes the water system annually between April & September.

Flushing the water main is a routine operation done to clean and maintain our water system. During this activity, water is forced through underground water mains at high speed and flushed out of fire hydrants to remove accumulated sediment.

This flushing is done until the water coming through the main runs clear. At times you may experience low water pressure. If your water becomes cloudy or discolored, flush your water until color returns to normal. If you have questions, call Public Works for assistance: 235-3170.

We would also like our customers to know that we are currently in the process of upgrading all the water meters within the system. The change out will be phased in over the next 4 years, with an expected completion date in 2021.

The new Orion ME Water meters have some unique advantages over our past models. They can hold 6 months of readings, allowing you and the Meter Tech to more easily figure out water issues.

The new metering system will be able show water usage down to the minute, for up to 6 months. If you have a leak, it can show when it started, how long it leaked and how much water was used. It will also show when the water leak was shut off, and a total amount of usage during specific time periods.



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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
APRIL 23, 2018
COWLES COUNCIL CHAMBERS

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

COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5:00 P.M.

Mayor Zak requests excusal (timely notice given)

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

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

3. CONSENT AGENDA

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

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

The next Regular Meeting is Monday, May 14, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
APRIL 23, 2018
COWLES COUNCIL CHAMBERS

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

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Zak requests excusal (timely notice given)

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

2. AGENDA APPROVAL

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

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

- | | | |
|----|---|---------|
| A. | South Peninsula Hospital Healthcare Week, May 6 -12, 2018 | Page 57 |
| B. | Week of the Young Child, April 22-28, 2018 | Page 59 |
| C. | Chamber of Commerce Clean Up Day, May 5, 2018 | Page 61 |
| D. | Municipal Clerk's Week, May 6-12, 2018 | Page 63 |
| E. | Bike Month, May 2018 | Page 65 |

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

5. RECONSIDERATION

6. CONSENT AGENDA

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

- A. Homer City Council unapproved Special and Regular Meeting Minutes of April 9, 2018. City Clerk. Recommend adoption. Page 73

- B. **Memorandum 18-044** from Mayor Re: Appointment of David Lewis to the Parks Art Recreation & Culture Advisory Commission. Page 89

- C. **Memorandum 18-046** from Special Projects & Communications Coordinator Carroll Re: CIP & Legislative Request Schedule Page 93

- D. **Ordinance 18-20**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 19.04.050 “Cemetery Lot Deeds – Issuance by City” and 19.04.050 “Cemetery Lot Deeds – Transfer or Assignment”. City Clerk. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 99

Memorandum 18-047 from City Clerk as backup Page 101

- E. **Ordinance 18-21**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.010(a) “Declaration of Candidacy - Time” and Homer City Code 4.20.010 “Election Board” to Allow Students at Least 16 Years of Age and Qualified Through the Youth Vote Ambassador Program Outlined in Alaska Statutes 15.10.108 to Serve as Election Judges in City Elections. City Clerk. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 105

- F. **Ordinance 18-22**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for Calendar Year 2017 in the Amount of \$31,532.50 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 115

- G. **Ordinance 18-23**, An Ordinance of the City Council of Homer, Alaska Alaska Accepting and Appropriating an FY 2015 State Homeland Security Program Reallocation Grant for an Amount not to Exceed \$51,912.00 to Replace Mobile Radios in the City’s Radio

Communication System and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 127

- H. **Resolution 18-038**, A Resolution of the City Council of Homer, Alaska Amending the Hickerson Memorial Cemetery Policy Updating Definitions and Transferring a Plot Reservation, and the Fee Schedule Establishing a Fee of \$400 for Cremains Plots. City Clerk. Page 131

Memorandum 18-048 from City Clerk as back up Page 133

- I. **Resolution 18-039**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for and Accept an Alaska Drinking Water Fund (ADWF) Loan for Phase II of the Homer Water Distribution/Storage Improvement Project in an Amount not to Exceed \$660,000. City Manager/ Public Works Director. Page 155

7. VISITORS

- A. Homer Early Childhood Coalition – “Red” Lisa Asselin (10 minutes)
- B. Opioid Task Force (10 minutes)
- C. Homer Steps-Up Citywide Community Walking Challenge - Derotha Ferraro (5 minutes)

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

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

9. PUBLIC HEARING(S)

- A. **Ordinance 18-18**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment. Lord. Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018. Page 167

Memorandum 18-049 from Councilmember Lord as backup Page 171

- B. **Ordinance 18-19**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise. Aderhold. Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018. Page 175

Ordinance 18-19(S), An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of **no more than** \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise. Aderhold. Page 179

10. ORDINANCE(S)

- A. **Ordinance 18-24**, An Ordinance of the City Council of Homer, Alaska, Amending the FY18 Operating Budget by Authorizing the Expenditure of an Additional \$79,452 from the Homer Accelerated Road & Trail Fund to Complete the Greatland Street Extension. City Manager/Public Works Director. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 197

Memorandum 18-050 from Public Works Director as backup Page 199

- B. **Ordinance 18-25**, An Ordinance of the City Council of Homer, Alaska Amending the FY2018 Capital Budget by Appropriating \$102,500 from the Police Station Reserve for the Purpose of Funding 10% Design, Geotechnical Investigation and Site Survey for the New Police Station. Mayor/Council. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 203

- C. **Ordinance 18-26**, An Ordinance of the City Council of Homer, Alaska Authorizing the City to Issue General Obligation Bonds in the Principal Amount of not to Exceed \$5,000,000 to Finance Public Safety Operating and Infrastructure, Including

Construction of a Police Station; Amending HCC 9.16.100 to Provide for an Increase in the Rate of City Sales Tax From 4.5% to 5.5% from June 1 through August 31, with .8% of the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on August 31 of the Year when the City has Received Sufficient Funds from the Increase to Pay all of that Debt Service; and Submitting the Question of the Issuance of Such Bonds and Such Sales Tax Rate Increase to the Qualified Voters of the City at the October 2, 2018 Regular Election. Mayor/Council. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018.

Page 207

Memorandum 18-051 from City Manager as backup

Page 211

- D. **Ordinance 18-27**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 from the Police Station Reserve Fund for a Public Information Campaign in Support of the Ballot Proposition to Issue General Obligation Bonds of \$5 Million Dollars to Finance the Construction of a Police Station and Provide for an Increase in the Rate of City Sales Tax from 4.5% to 4.8% with 0.25% of the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds which will Expire on December 31 the Year when the City has Received Sufficient Funds from the Increase to Pay all of that Debt Service, Including Information that may Influence the Outcome of the Election on The Proposition. Smith. Recommended Dates: Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018.

Page 223

11. CITY MANAGER'S REPORT

- A. City Manager's Report Page 229
- B. Bid Report Page 233
- C. Records Destruction Report Page 235

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

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

14. PENDING BUSINESS

A. **Resolution 18-036**, A Resolution of the City Council of Homer, Alaska, Establishing the Homer Education and Recreation (HERC) Task Force to Determine the Financial Resources Required to Use the Building and Leasing Space is a Feasible Option. Aderhold. Page 243

B. **Resolution 18-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Library Fees to Increase Copy Fees. Smith. Page 227

Resolution 18-037(S), A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Library Fees to Increase Copy Fees. Smith. Page 249

Memorandum 18-052 from Library Director as backup Page 251

15. NEW BUSINESS

A. **Memorandum 18-045** from City Clerk Re: Protest of Liquor License Renewal for Young's Downtown Restaurant & Inn Page 257

16. RESOLUTIONS

A. **Resolution 18-040**, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Issue a Request for Proposals (RFP) for the Homer Education and Recreation Complex (HERC). Erickson. Page 267

B. **Resolution 18-041**, A Resolution of the Homer City Council Amending the Fee Schedule under Port and Harbor Department and Port of Homer Terminal Tariff No. 1 to add a Parking Fee for Vehicles and Trailers Utilizing the Small Boat Harbor Public Launch Ramp. Smith. Page 269

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

The next Regular Meeting is Monday, May 14, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MAYORAL PROCLAMATIONS
AND RECOGNITIONS

CITY OF HOMER
MAYORAL PROCLAMATION
HEALTHCARE WEEK
MAY 6-12, 2018

WHEREAS, South Peninsula Hospital is in its 62nd year of providing quality care for the community;
and

WHEREAS, South Peninsula Hospital has three times been named a Top 100 Critical Access Hospital, outperforming 1,300 critical access hospitals nationwide in quality, outcomes, patient perspective, affordability and financial growth; and

WHEREAS, South Peninsula Hospital is the only state-designated Trauma Level IV provider open 24 hours a day, seven days a week, providing emergency care for the entire southern peninsula; and

WHEREAS, South Peninsula Hospital is more than just a hospital, providing a broad scope of services needed in the community, including but not limited to Acute Care, Surgery, Orthopedics, Adult and Pediatric Therapy, Laboratory, Imaging, Family Practice, Patient Centered Medical Home, Birthing Center, Home Health, Infusion Clinic, Specialty Clinics, Functional Medicine, Sleep Center and Health & Wellness Education; and

WHEREAS, South Peninsula Hospital works to increase services, expand technology and grow the specialties available to better serve the community; and

WHEREAS, South Peninsula Hospital runs the only skilled nursing home on the southern Kenai peninsula, offering the residents of our community the freedom to age right here, close to the place they call home; and

WHEREAS, South Peninsula Hospital employs over 400 residents, offering competitive salaries, benefits and a professional career track for our local residents; and

WHEREAS, South Peninsula Hospital has significant local economic impact through the annual payroll of over \$27 million, the purchase of supplies and services, by attracting new residents to the community, and by supporting local organizations and activities in the community; and

WHEREAS, South Peninsula Hospital last year provided more than \$4.6 million dollars in financial assistance, charity care and uncompensated care; and

WHEREAS, South Peninsula Hospital and Long Term Care regularly score at or above state and national averages in every survey category in the Medicare quality compare program; and

WHEREAS, The success of South Peninsula Hospital is due to a unique partnership between the City of Homer, the Kenai Peninsula Borough and South Peninsula Hospital, Inc.

NOW, THEREFORE, I Donna Aderhold, Mayor Pro Tempore of Homer, Alaska, proclaim the week of May 6-12, 2018 as Healthcare Week, and express my great appreciation for all the hard working employees and volunteers, facilities, and technologies that make the healthcare possible at South Peninsula Hospital, Long Term Care and their ancillary clinics and services.

CITY OF HOMER

ATTEST

DONNA ADERHOLD, MAYOR PRO TEMPORE

MELISSA JACOBSEN, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**WEEK OF THE YOUNG CHILD
APRIL 22-28, 2018**

WHEREAS, All young children need and deserve high-quality early learning experiences that will prepare them for life; and

WHEREAS, Positive and purposeful parenting, high quality and accessible child care and early education programs build strong brains during the critical years from birth to 5; and

WHEREAS, Studies and research continue to reinforce that preparing babies and young children to succeed in school and life has profound impacts on building a strong and vibrant economy; and

WHEREAS, Homer Early Childhood Coalition and other local Homer organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child; and

WHEREAS, Organizations are working to improve early learning opportunities, including early literacy programs, that can provide a foundation of learning for children in Homer and outlying areas; and

WHEREAS, Teachers, child care providers, and others who make a difference in the lives of young children in Homer deserve thanks and recognition; and

WHEREAS, Public policies that support early learning for all young children are crucial to young children's futures.

NOW, THEREFORE, I, Donna Aderhold, Mayor Pro Tempore, of the City of Homer, do hereby proclaim

April 22nd-28th, 2018 as the Week of the Young Child

In Homer, Alaska, and encourage all citizens to work to make an investment in early childhood education in our community.

CITY OF HOMER

ATTEST

DONNA ADERHOLD, MAYOR PRO TEMPORE

MELISSA JACOBSEN, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

CLEAN-UP DAY - SATURDAY, MAY 5, 2018

WHEREAS, The Homer Chamber of Commerce and Visitor Center is sponsoring the 20th Annual Community-Wide Clean-Up Day on Saturday, May 5th, 10 am to 2 pm with drop-off at the Chamber Parking lot at 201 Sterling Highway and in partnership with local organizations including:

- Cook Inletkeeper-13th Annual "Electronics Recycling" with drop-off at Homer's Spenard Builders Supply at 3978 Lake Street from 10 am-2 pm.
- HoWL (Homer Wilderness Leaders) – 10th Annual "Dirt Bag Clean-Up" starting the week of April 16 with afterschool students, youth 8-18, meeting at the Homer Chamber parking lot to join a work crew, map out collections sites and concluding with a Family Friendly DiRtBag Ball.
- Homer Food Pantry -3rd Annual "Freezer Clean-Out" of meat, fish and non-perishables to deliver to the Chamber parking lot, which will be transported to the Food Pantry at the Homer United Methodist Church.
- Pioneer Avenue Revitalization "Peonies on Pioneer" Project – 1st Annual "Garden Clean Up Day" with Homer High School students and volunteers working on four garden areas - Homer Council on the Arts, Kenai Peninsula College, intersection of Pioneer Avenue and Main Street, plus Homer Chamber of Commerce.
- Ulmer's Drug and Hardware – 1st Annual "Employees Clean-Up Day" by giving employees a half-day with pay to clean-up the area along Lake Street; and

WHEREAS, Long-time Clean-Up Day partners, Rotary Volunteers and Lions Club will assist sorting trash bags, food and prizes at the Homer Chamber on Clean-Up Day and yellow trash bags provided by the Kenai Peninsula Borough will be available at the Chamber, Save-U-More, Ulmer's Drug and Hardware, Kachemak Gear Shed, Fritz Creek General Store and Homer Shores Offshore Store; and

WHEREAS, The following are financial and in-kind sponsors: Alaska Waste, AmericasCuisine, Driftwood Inn Charters and RV Park, Kachemak Advocates for Recycling (KARe,) KBBi Radio, Kenai Peninsula Borough, Homer-Kachemak Bay Rotary, Kachemak Lions Club, Ohlson Mountain H2O and State Farm Insurance.

NOW, THEREFORE, I, Donna Aderhold, Mayor Pro Tempore of Homer, Alaska, do hereby proclaim, Saturday, May 5, 2018 as:

2018 CLEAN-UP DAY

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 23rd of April, 2018

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**MUNICIPAL CLERKS WEEK
MAY 6-12, 2018**

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, I, Donna Aderhold, Mayor Pro-Tempore of Homer, Alaska, proclaim the week of May 6 through May 12, 2018, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerks and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 23rd day of April, 2018.

CITY OF HOMER

DONNA ADERHOLD,
MAYOR PRO-TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

**CITY OF HOMER
HOMER, ALASKA**

MAYOR'S PROCLAMATION

MAY 2018 BIKE MONTH

WHEREAS, Bicycle riding is a viable and environmentally-sound form of transportation, an alternative means of commuting to work or school, an excellent form of exercise, and provides quality family recreation; and

WHEREAS, The City of Homer, Alaska, recognizes the bicycle as a legitimate roadway vehicle and therefore is entitled to legal and responsible use of all public roadway facilities in the Homer area; and

WHEREAS, Traveling by bike, foot, car or truck, road users should always be careful and conscious of their surroundings; and

WHEREAS, The City of Homer, Alaska, encourages the increased use of the bicycle, benefiting all citizens of Homer by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering personal fitness; and

WHEREAS, During the month of May the Homer Cycling Club reminds everyone that Homer Shares the Road.

NOW, THEREFORE, I, Donna Aderhold, Mayor Pro-Tempore of the City of Homer, do hereby proclaim

May 2018 as Bike Month

May 14-18 as Bike Week

May 18th as Bike to Work and School Day

in Homer, and encourage all in the Homer area to participate in Bike Month activities, to always be aware of people on bikes, and to recognize and practice bicycle safety throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 23rd day of April, 2018.

CITY OF HOMER

DONNA ADERHOLD, MAYOR PRO-TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 18-09 a Special Meeting of the Homer City Council was called to order on April 9, 2018 at 4:00 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.

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

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

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

ADERHOLD/LORD MOVED TO APPROVE THE AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

NEW BUSINESS

- A. **Memorandum 18-040**, from City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(a-c)(2), Matters, Subjects that tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion.(City Manager Koester Annual Performance Evaluation/Employment Contract)

STROOZAS/ADERHOLD MOVED TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS CITY MANAGER KOESTER'S ANNUAL PERFORMANCE EVALUATION AND EMPLOYMENT CONTRACT.

Councilmember Aderhold asked if City Manager Koester wanted to have this done in an open session.

City Manager Koester thanked Councilmember Aderhold for asking and said she'd prefer an executive session.

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

Motion carried.

Council adjourned into executive session at 4:05 p.m. and reconvened the Special meeting at

4:58 p.m.

Councilmember Aderhold stated the Council discussed the City Manager's annual performance evaluation for 2017, set goals for 2018, and discussed the performance based salary increase.

COMMENTS OF THE AUDIENCE

ADJOURN

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 4:59 p.m. The next Regular Meeting is Monday, April 23, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. A Worksession is scheduled on April 17, 2018 at 4:00 p.m. in the City Hall Cowles Council Chambers; and a Worksession is Tuesday April 17, 2018 at 4:00 p.m. in the City Hall Conference Room, all located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____

Session 18-10 a Regular Meeting of the Homer City Council was called to order on April 9, 2018 at 6:00 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.

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

ABSENT: ERICKSON (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

Council met for a Special Meeting at 4:00 p.m. for an executive session to discuss City Manager Koester Annual Performance Evaluation/Employment Contract and Committee of the Whole to discuss Ordinance 18-16 Amending Homer City Code 18.08 re: Lease Policies, consent agenda, and regular meeting agenda items.

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

AGENDA APPROVAL

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

The following changes were made: **CONSENT AGENDA Resolution 18-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Library Fees to Increase Copy Fees. Smith. **Memorandum 18-043** from Acting Library Director as backup; **VISITORS** Letter from Kachemak Heritage Land Trust Re: Request for HART funds for the Design of a new ADA accessible trail on City and KHLT owner property.

ADERHOLD/LORD MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Swearing In Ceremony New Fire Chief Terry Kadel

Mayor Zak performed the swearing in of Fire Chief Kadel. Fire Chief Kadel expressed his appreciation for the work of former Fire Chiefs Painter and Purcell, as well as the volunteers and community. He is proud to serve the community and looks forward to the years ahead.

B. Proclamation National Library Week – April 8-14, 2018

Mayor Zak read the National Library Week Proclamation, presented it to Acting Librarian Claudia Haines, Library Advisory Boardmembers Mark Massion and Marcia Kuzmaul, and Youth and Teen library volunteers who mentored in winter programs, Ian Cambridge and Owen Glasman from Homer High School, Olivia Glasman, Aval Halstead, and Delilah Harris from Homer Middle School, Bea McDonough and Sayde Schafli from West Homer Elementary, and Christian Matthews from Fireweed Academy.

The Library Advisory Boardmembers recognized Hannah Vance, the board's student representative.

Sayde Schafli, youth mentor, commented they help out with the Girl Scouts and other library projects. It's really fun to work with Claudia, fellow librarians, and library volunteers.

C. Proclamations for Haven House Women of Distinction:
Hero of the Heart

Mayor Zak read and presented the proclamation to Pastor Lisa Talbott. Pastor Talbott expressed her appreciation for the community. It's her ongoing passion and mission to always encourage us to seek empathy, to work towards understating, to love our neighbors whoever they may be, and to become a more compassionate and loving community.

Woman of Distinction

Councilmember Aderhold read and presented the proclamation to Dr. Linda Chamberlain. Dr. Chamberlain said it's really neat to be part of Homer. She gets to work with amazing people and an extraordinary community.

Woman of Wisdom

Councilmember Venuti read and presented the Proclamation to Daisy Lee Bitter. Ms. Bitter said she would save her comments for Friday night.

Young Woman of Distinction

Councilmember Lord read and presented the proclamation to Chloe Pleznac. Ms. Pleznac said there are many people in the community who have inspired and influenced her throughout the years. She's thankful for the words and wisdom they've given her over the years.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Kathy Carsow, city resident, commented in support of Ordinance 18-19 and Resolution 18-036 relating to the HERC Task Force.

Tess Dally, non resident, commented in the support of the letter from Kachemak Heritage Land Trust requesting funding for the design of the ADA accessible trail that KHLT is proposing.

Karin Marks, city resident, commented in support of Ordinance 18-19 and Resolution 18-036 relating to the HERC Task Force.

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 Meeting Minutes of March 12, 2018 and Regular Meeting Minutes of March 27, 2018. City Clerk. Recommend adoption.
- B. **Memorandum 18-041** from Councilmember Stroozas Re: Directing PARCAC to look into Safety Improvements that can be made to Karen Hornaday Road. Recommend Approval.
- C. **Ordinance 18-17**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.08.120 to Allow Councilmembers to Attend an Executive Session of the City Council by Telephonic Means. Stroozas. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018.

Moved to Ordinances. Smith.

- D. **Ordinance 18-18**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment. Lord. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018.

Moved to Ordinances. Smith.

- E. **Ordinance 18-19**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to

Provide Technical Expertise. Aderhold. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018.

Moved to Ordinances. Smith.

- F. **Resolution 18-035**, A Resolution of the City Council of Homer, Alaska, Approving the City of Homer 2018 Land Allocation Plan. Mayor/Council. Recommend Adoption.

Moved to Resolutions. Smith.

- G. **Resolution 18-036**, A Resolution of the City Council of Homer, Alaska, Establishing the Homer Education and Recreation (HERC) Task Force to Determine the Financial Resources Required to Use the Building and Leasing Space is a Feasible Option. Aderhold. Recommend Adoption.

Memorandum 18-042 from Deputy City Planner as backup

Moved to Resolutions. Smith.

- H. **Resolution 18-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Library Fees to Increase Copy Fees. Smith. Recommend Adoption.

Moved to Resolutions. Smith.

- I. **Resolution 18-038**, A Resolution of the City Council of Homer, Alaska, Urging Alaska DOT to Adhere to the Current Schedule for the Pioneer Avenue Resurfacing Project. Venuti. Recommend Adoption.

Items C., D., and E. moved to Ordinances A., B., and C. Smith.

Items H., and G. moved to Resolutions A. and B. Smith.

City Clerk Jacobsen read the consent agenda.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

A. Foraker Group, Laurie Wolf President/CEO (10 minutes)

Laurie Wolf, President and CEO of the Foraker Group, presented to the Council regarding economic and social benefits of nonprofits in Homer, the Kenai Peninsula Borough, and the State. She touched on nonprofits as economic drivers in our community, also their partnerships with governments, leverage of public funds for maximum returns, nonprofits community investment and civic engagement, as well as nonprofits ensuring community well-being and quality of life. Ms. Wolf said the Foraker Economic report and additional information can be viewed on their website, www.forakergroup.org.

B. Homer Foundation, Joy Steward (10 minutes)

Joy Steward, Executive Director and Jim Lavrakas, Distribution Committee member, presented on the 2018 City of Homer Grants Program. Mr. Lavrakas announced the eleven nonprofit organizations that applied for and received City of Homer Grants. He shared that it's a challenge to review organizations with very different missions, but the committee members agreed that all eleven are high functioning organizations providing valuable programs and services to the community. Ms. Steward shared that in 2017 these eleven organizations generated over \$4.4 million in revenues including \$1.6 million in new money coming into Homer from State, Federal and Foundation grants. They employ 83 full, part-time, and seasonal employees with combined personnel expenses exceeding \$2.5 million. The data from these eleven organizations help to illustrate the importance of Homer's nonprofit section as an economic drive in our economy.

C. Kachemak Heritage Land Trust (KHLT), Joel Cooper (10 minutes)

Joel Cooper, KHLT Stewardship Director, provided an overview of the KHLT land portfolio that includes properties from the Kenai River to the head of Kachemak Bay. Within Homer KHLT has 3 conservations easements totaling just over 57 acres, a 300.2 acre conservation easement in the Bridge Creek Watershed, and four fee owned conservation management units totaling just over 80 acres. Mr. Cooper reviewed the history of Poopdeck Platt Park and the proposed new ADA Accessible trail. He touched on new parking possibilities, next steps including trail design, grant timeline, and trail construction completed in 2019, and potential funding options.

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

A. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly President, updated the Council on the ordinance to move the common boundary between the Central and South Peninsula hospitals further south. There will be a meeting with the hospital board, and a public hearing in Ninilchik at the end of the month. Assembly President Cooper touched on the financial impact to our service area and services we provide in Ninilchik. She reported the transfer from the land fund to the general fund proposed by Mayor Pierce and the sales tax question have been postponed until the Assembly can review the detailed budget presented by the Mayor. She reviewed some proposed combinations of mil rate, sales tax adjustment, and excise tax proposal combinations that have come up during budget discussion and reported the budget will be finalized in June. Lastly she reported the Borough has proclaimed April 21, 2018 Wilma Gregory Day. Wilma will be 100 on the 21st.

There was brief discussion with Councilmembers regarding the hospital boundary and mil rate.

B. Commissions/Board Reports:

1. Library Advisory Board

Mark Massion, Library Advisory Boardmember reported the board is trying to develop job description and selection process for the board's next student representative. He noted other items including, Children's Librarian Claudia Haines is a member of the National Caldecott Committee and touched on some benefits of that opportunity, and the LAB has a worksession scheduled to talk with some of the smaller libraries on the peninsula. The library received 38 applications for a part time position at the library, the spring book sale is coming up, and this is the last month for Lunch with a Councilmember.

2. Homer Advisory Planning Commission

3. Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Commission Chair, commented regarding the action items from the BR&E survey. There are four short term items- clarifying city regulatory barriers, exploring public private partnership to create a master plan for a more vibrant connected central commercial district, support efforts to develop large vessel haul-out, and educate/share information/make connections. The two long term items are to explore city participation in coordinate public/private initiatives to recruit workforce and support large vessel harbor expansion with attention to competitive rates and multi-use spit management. She thanked the Council for bringing forwarded the ordinance regarding lease policies, it was one of the regulatory issues that was raised in the survey.

4. Parks Art Recreation and Culture Advisory Commission

Ingrid Harrald, Parks Art Recreation and Culture Advisory Commissioner, reported on the HERC tours, success in working with the Port and Harbor Advisory Commission on getting lids for the harbor trash cans, and highlighted several successful Community Recreation events. Ms. Harrald noted the Commission continues their work on a sidewalk matrix, they finished review of the Karen Hornaday Park master plan and appreciate approval of Memorandum 18-041 related to the park road. She reviewed the Commission's recommendation of potential members for the HERC task force, and expressed appreciation for Matt Steffy, former Chair who was recently hired by the City as Parks Maintenance Coordinator.

5. Port and Harbor Advisory Commission

Bob Hartley, Port and Harbor Advisory Commissioner, reported the Commission spent a lot of time at their last meeting reviewing Ordinance 18-16 regarding the lease policy. It was an informative discussion and he thanked the Councilmembers for bringing it forward. He commented the harbor is in transition to spring and summer, there is no ice in the harbor, they had a successful winter king salmon derby, seasonal employees will be coming on board, and there is an oil spill training coming up this month.

Mayor Zak called for a short recess at 7:44 p.m. and the meeting resumed at 7:49 p.m.

PUBLIC HEARING(S)

ORDINANCE(S)

- A. **Ordinance 18-17**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.08.120 to Allow Councilmembers to Attend an Executive Session of the City Council by Telephonic Means. Stroozas. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018.

VENUTI/STROOZAS MOVED TO INTRODUCE ORDINANCE 18-17.

There was discussion expressing concern about legal issues surrounding councilmembers attending executive sessions telephonically.

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

Motion failed.

- B. **Ordinance 18-18**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment. Lord. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018.

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 18-18.

Councilmember Lord commented the issue of subdivision after levy of assessment has come up over time from people having concerns about it and it poses a challenge for encouraging infill in the city. She explained that if a property owner is part of a special assessment district and then wants to subdivide subsequent to having the assessment, another assessment is levied against the newly created lot or lots. In an effort to reduce that burden and promote infill, this ordinance repeals that one section of code.

Councilmember Lord added in looking at this issue, it has come up that there are places in title 17 and 14 where we could benefit from taking a more complete look at reimbursements and charging fees related to improving city services.

Councilmember Aderhold asked for more information on what the city is doing now and how this change will effect property owners in an effort to better understand how to maintain fairness for other people who are paying an assessment.

Councilmember Venuti questioned the reference to affordable housing, noting that it's often confused with low income housing, and asked for clarification of it's meaning in this instance.

Councilmember Lord responded the reference to affordable housing comes from the Comprehensive Plan and encourage infilling. She also gave a brief overview of current process of subdivision after levy of assessment, emphasizing it places a burden on the property owner who may want to subdivide a larger parcel and the burden on the city to have to disperse the new assessment among the other property owners in the district.

Councilmember Smith commented he's fairly supportive of this, noting the high assessment fees that are sometimes more expensive than the value of the land. He requested copies of title 14 and 17 be included in the next packet.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 18-19**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise. Aderhold. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018.

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 18-19

Councilmembers Smith and Stroozas expressed concerns about spending more money on assessing the HERC building. Recent studies have been done and things haven't changed since then.

Councilmember Aderhold commented that based the scope of work for the proposed task force, they will need some expertise to answer questions and STANTEC is a good resource for that. The last time the building was assessed it was for a public safety building, and the information in the assessment is geared toward that use.

Councilmember Lord is supportive of trying to get the task force the tools they need to be able to answer questions and have a useful product at the end of their effort.

Councilmember Aderhold suggested they introduce the ordinance tonight and she'll provide information for amendments or a substitute to refine STANTEC's scope of work, a rate per hour, and possibly refine the expenditure amount.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester commented in response to questions regarding Natural Gas SAD billing, that payment status continues to improve and more payoffs are coming in. The City has and will continue to mail out reminders in January of the upcoming payment due in July.

Regarding the information requested for the Police Station upcoming worksession, City Manager Koester will include 1% seasonal sales tax information and what the sales tax increases would look like for spending \$100 locally, in a supplemental packet.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 18-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Library Fees to Increase Copy Fees. Smith.

VENUTI MOVED TO DISCUSS THE RESOLUTION TO INCREASE LIBRARY FEES.

VENUTI/ADERHOLD MOVED TO POSTPONE TO APRIL 23, 2018

Councilmember Venuti would like the Library Director to have an opportunity to weigh in.

VOTE: (postpone) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Resolution 18-036**, A Resolution of the City Council of Homer, Alaska, Establishing the Homer Education and Recreation (HERC) Task Force to Determine the Financial Resources Required to Use the Building and Leasing Space is a Feasible Option. Aderhold. Recommend Adoption.

Memorandum 18-042 from Deputy City Planner as backup

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 18-036.

There was brief discussion acknowledging the PARCAC recommendation for the make-up of the task force.

SMITH/VENUTI MOVED TO AMEND LINE 81 AND CHANGE THREE SEATS FILLED BY NON-CITY RESIDENTS TO TWO SEATS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD MOVED TO POSTPONE 18-036(A) TO FOLLOW ORDINANCE 18-19.

There was brief comment noting the fiscal note may change depending what happens with Ordinance 18-19.

VOTE: (Postpone): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Larry Slone, city resident, commented regarding the valuable service provided by the Kachemak Heritage Land Trust by securing a lot of land in its natural state, and noted the irony of developing widened accessible trails on the Poopdeck property.

Sarah Vance, city resident, commented regarding the great turnout and support for the benefit for Officer Ed Stading.

Lynn Spence, city resident, reminded listeners about the upcoming meeting with the Army Corps of Engineers regarding the scoping process for the Pebble Mine.

COMMENTS OF THE CITY ATTORNEY

Attorney Wells was not present.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Zak commented tonight was a great example of the Council working well together. There were a lot of good presentations and public testimony of the community working together for everyone.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas commented Homer Elks Lodge held their annual awards banquet on Saturday evening. The Enrique Camerina award, an award established by the Elks to recognize and honor law enforcement officers who've made a significant contribution in the field of drug prevention and who personify the belief that one person can make a difference, has never been awarded in the State of Alaska before. They were very honored to be able to present the award to one of Homer's finest, Lt. Ryan Browning who has gone above and beyond the call of duty to exemplify that one person can make a difference through a drug awareness program. The Elks Lodge will be issuing a press release in the morning with more information. Homer Elks Lodge 2127 is proud to be the first lodge in the state to give the award out to a public safety official.

Councilmember Venuti congratulated Councilmember Aderhold and Katie Bursch for being selected as Salmon Fellows. She also noted that April is volunteer month and thanked all the volunteers on the advisory boards and commissions and those in the community for all they do.

Councilmember Aderhold commented she attended the Library's Lifelong Learning event on Saturday. She gave a shout out to Ben Kettle, the Youth Learner Award recipient. He gave a wonderful presentation, is a humble young man, and a very accomplished self-learner. She noted that key-note speaker Michael Carey commented to her at the event that this is a really amazing library. Ms. Aderhold congratulated Fire Chief Kadel, she looks forward to working with him. She reminded everyone that Homer shares there road and please be aware of the pedestrians and bicyclists out on the road. Please give cyclists three feet on the road, be patient, and look out for everyone's safety.

Councilmember Smith commented spring is in the air. The community clean-up is coming up soon and he encouraged everyone to participate. He congratulated Fire Chief Kadel, he brings a great energy to the department. He welcomed Matt Steffy to the City staff, he's going to do an awesome job. It was wonderful to see a great cross section of our Women of Distinction here this evening. Women play an important role in our community, he's grateful for their examples. He also commented the bowling alley building has been sold and encourages people to get out and thank Mark Cooper for all he's done for the community, including the Special Olympics and past fundraisers for the Library.

Councilmember Lord congratulated Chief Kadel and Matt Steffy and commented that in looking at the Homer Foundation information what a rich and diverse community we have. She doesn't bowl but the number of people who've expressed sadness to her about the bowling alley closing makes her wish she would have. She commented about the plate project at Bunnell, her family is appreciative of Hospice, the Farmer's Market as a job in the summer, the ski club, and all the organizations on the Homer Foundation list. SPROUT is an amazing organization that works with families and she noted some of their family support programs. Ms. Lord commented she was at the college taking a garden design class for two Saturdays and commented that a refrigerated seawater class, life painting class, and QuickBooks class were

also going on. She hopes everyone is weathering the spring well and taking advantage of the many opportunities in town, even with very little money there are a lot of things to go and do.

ADJOURN

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:59 p.m. The next Regular Meeting is Monday, April 23, 2018 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m; a Worksession on April 12, 2018 at 4:00 p.m. in the City Hall Cowles Council Chambers; and a Worksession is Tuesday April 17, 2018 at 4:00 p.m. in the City Hall Conference Room, all located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-044

TO: HOMER CITY COUNCIL
FROM: BRYAN ZAK, MAYOR
DATE: APRIL 13, 2018
SUBJECT: APPOINTMENT OF DAVID LEWIS TO THE PARKS ART RECREATION & CULTURE ADVISORY COMMISSION

David Lewis is appointed to the Parks Art Recreation & Culture Advisory Commission to fill the seat vacated by Matt Steffy. The term will expire in 2021.

RECOMMENDATION:

Confirm the appointment of David Lewis to the Parks Art Recreation & Culture Advisory Commission

Fiscal Note: N/A



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

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

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

APR 03 2018 AM 08:33 RK

Name: David Golewis Date: 4-2-18

Physical Address: 4037 Beluga Cir Homer AK 99603

Mailing Address: same

Phone #: 399-6073 Cell #: _____ Work #: _____

Email Address: davelyn@gci.net

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

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

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

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
2ND TUESDAY OF THE MONTH AT 6:00 PM

PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
3RD THURSDAY OF THE MONTH AT 5:30 PM

CANNABIS ADVISORY COMMISSION
4TH THURSDAY OF THE MONTH AT 5:30 PM

PORT & HARBOR ADVISORY COMMISSION
3RD WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM

LIBRARY ADVISORY BOARD
1ST TUESDAY OF THE MONTH AT 5:30 PM

PUBLIC ARTS COMMITTEE
2ND THURSDAY OF THE MONTH AT 5:00 P.M.
FEB, MAY, AUGUST & NOVEMBER
WORKSESSIONS PRIOR AT 4:00 PM

OTHER - PLEASE INDICATE

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

I have been a resident of the city for 29 years. I have been a resident of the area for 29 years.

I am presently employed at PII Independent Living

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

9 yrs city council

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

9 yrs on city council

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

I feel that I can help

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

Please answer the following only if you are applying for the Advisory Planning Commission:
Have you ever developed real property other than a personal residence, if so briefly explain:

Please answer if your are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis?

Yes No What is your primary use? Commercial Recreational

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

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



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

MEMORANDUM 18-046

TO: Mayor Zak and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Jenny Carroll, Special Projects & Communications Coordinator
DATE: April 18, 2018
SUBJECT: 2019-2024 CIP; FY 2020 Legislative Request Schedule Update

It is time to start the process of identifying and prioritizing projects for inclusion in the 2019-2024 Capital Improvement Plan. This process involves the public, the Council, Advisory Commissions and local non-profit organizations and agencies. City Council approval of the CIP development schedule is the first step in the process.

Recommendation: Approve 2019-2024 CIP Schedule and FY2020 Legislative Request Development Schedule.



CITY OF HOMER
2019-2024 CAPITAL IMPROVEMENT PLANNING PROCESS

FY 2020 LEGISLATIVE REQUEST DEVELOPMENT SCHEDULE

ACTION	TIMEFRAME
City Council Approval of CIP Schedule	April 23, 2018
Solicit New/Revised Project Information from City Departments, Local Agencies and Non-profits	April 30
Input for New Draft Requested By	June 1
Prepare and Distribute Draft CIP to City Advisory Groups for Review and Input:	Meeting Dates:
Economic Development Advisory Commission	June 12, August 14
Planning Commission	June 20, July 18
Parks, Art, Recreation & Culture Advisory Commission	June 21, August 16
Port & Harbor Advisory Commission	June 27, July 25
Library Advisory Board	August 7
Administrative Review and Compilation	August 13 - August 22
City Council Worksession to Review Proposed Projects	August 27
Introduction of Resolution on CIP-Legislative Request Public Hearing on CIP-Legislative Request	September 10
Public Hearing on CIP-Legislative Request Adoption of Resolution by City Council	September 24
Administration Forwards Requests for Governor’s Budget	September 28
Distribution of CIP & State Legislative Request	October 1
Compilation/Distribution of Federal Request	October 2018 & January 2019

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-20

Ordinance 18-20, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 19.04.050 “Cemetery Lot Deeds – Issuance by City” and 19.04.050 “Cemetery Lot Deeds – Transfer or Assignment”.

Sponsor: City Clerk

1. Council Regular Meeting April 9, 2018 Introduction

Memorandum 18-047 from City Clerk as backup

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

ORDINANCE 18-20

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
REPEALING HOMER CITY CODE 19.04.050 “CEMETERY LOT DEEDS
– ISSUANCE BY CITY” AND HCC 19.04.060 “CEMETERY LOT DEEDS
– TRANSFER OR ASSIGNMENT”.

WHEREAS, Hickerson Memorial Policies and Guidelines were adopted by Resolution 17-056; and

WHEREAS, The polices and guidelines reference an application process to purchase cemetery plots; and

WHEREAS, The City Clerk’s staff developed an application/permit form that alleviates the need to use a cemetery justification form and issue a deed; and

WHEREAS, Transfer or assignment of a plot is addressed in the policies and guidelines.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 19.04.050 Cemetery Lot Deeds-Issuance by City is hereby repealed:

~~The City shall issue a deed to any person making application thereof and paying the requisite fee, if any, and the conditions of interment set forth in such deed together with the regulations contained in this chapter shall govern the use of burial lots located in the Hickerson Memorial Cemetery.~~

Section 2. Homer City Code Chapter 19.04.060 Cemetery Lot Deeds – Transfer or Assignment is hereby repealed:

~~No transfer or assignment of any right of interest required by the grantee in any cemetery deed shall be valid unless such transfer and transferee are approved by the City and properly recorded on the cemetery record book maintained by the City.~~

Section 3. This Ordinance shall take effect upon its adoption by the Homer City Council.

Section 4. This Ordinance is of a permanent and general character and shall be included in the City Code.

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

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CITY OF HOMER

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BRYAN ZAK, MAYOR

50 ATTEST:

51

52

MELISSA JACOBSEN, MMC, CITY CLERK

54

55 YES:

56 NO:

57 ABSTAIN:

58 ABSENT:

59

60 First Reading:

61 Public Hearing:

62 Second Reading:

63 Effective Date:

64

65 Reviewed and Approved as to form and content:

66

67

Katie Koester, City Manager

Holly Wells, City Attorney

69

70 Date: _____

Date: _____



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 18-047

TO: MAYOR ZAK AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: APRIL 13, 2018
SUBJECT: AMENDMENTS TO HOMER CITY CODE RE: CEMETERY DEEDS

The City Clerk's office manages the Hickerson Memorial Cemetery and works with Public Works to maintain records when plots are purchased and reserved, and when interments take place.

For many years, the reservation/purchase process has entailed completing a Cemetery Records Justification form with the purchaser, updating our records, forwarding it to Public Works to update their records, and filing the form. Then an original deed is mailed to the purchaser and a copy filed in the Clerk's office.

The Hickerson Memorial Cemetery Policies and Guidelines that were adopted in 2017 reference purchasing a permit for a plot in the cemetery. In working through the process, Clerk's office staff have developed one form that can be used by the Clerk's office and Public Works to process a reservation/purchase, and that form can then sent to the purchaser and a copy retained in the Clerk's office.

This process eliminates the need for issuing a deed, as all the information and signatures can be included on one double sided form. We believe this will be a more efficient process, save paper, and take up less space in our permanent files.

Removing the transfer or assignment section of code and addressing it in the Hickerson Memorial Cemetery Policies and Guidelines will be helpful because all the requirements for cemetery plots will be in one document that can be amended as needed via resolution. It will also eliminate duplication and potential oversights in having to amend the same information in separate places.

Recommendation: Adopt Ordinance 18-20 repealing HCC 19.04.050 and 19.04.060.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-21

Ordinance 18-21, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.010(a) “Declaration of Candidacy - Time” and Homer City Code 4.20.010 “Election Board” to Allow Students at Least 16 Years of Age and Qualified Through the Youth Vote Ambassador Program Outlined in Alaska Statutes 15.10.108 to Serve as Election Judges in City Elections.

Sponsor: City Clerk

1. Council Regular Meeting April 9, 2018 Introduction

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

City Clerk

3
4 **ORDINANCE 18-21**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 4.10.010(A) "DECLARATION OF
8 CANDIDACY – TIME" AND HOMER CITY CODE 4.20.010 "ELECTION
9 BOARD" TO ALLOW STUDENTS AT LEAST 16 YEARS OF AGE AND
10 QUALIFIED THROUGH THE YOUTH VOTE AMBASSADOR PROGRAM
11 OUTLINED IN ALASKA STATUTES 15.10.108 TO SERVE AS
12 ELECTION JUDGES IN CITY ELECTIONS.
13

14 WHEREAS, Ordinance 16-01(A)(S) amended the time of the candidacy filing deadline to
15 12:00p.m. (noon) in an effort to be consistent with the Kenai Peninsula Borough ("Borough")
16 filing period and the deadline for the election pamphlet prepared and distributed by the
17 Borough Clerk's Office; and
18

19 WHEREAS, The Borough's candidacy filing deadline is 4:30 p.m., as outlined in KPB
20 4.30.020(D) and over the years the deadline for the election pamphlet has varied from noon to
21 4:30 p.m.; and
22

23 WHEREAS, Alaska Statute 15.10.108 outlines the requirements for the Youth Vote
24 Ambassador Program that allows students ages 16 and up to serve as election workers; and
25

26 WHEREAS, Involving local youth in the election process can engage them in the public
27 and political process that is so important for our local elections as well as Borough, State, and
28 Federal elections and encourage participation in voting for a lifetime.
29

30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:
31

32 Section 1. Homer City Code 4.10.010 entitled "Declaration of Candidacy" is hereby
33 amended to read:
34

35 a. Time. A person declares candidacy for an elective City office by filing a declaration of
36 candidacy with the City Clerk on or after August 1st and not later than ~~12:00~~ **4:30** p.m.
37 on August 15th; provided, that if August 15th is a Saturday or Sunday, a declaration of
38 candidacy may be filed no later than ~~12:00~~ **4:30** p.m. on the following Monday.
39

40 b. Filing. A declaration of candidacy may be filed with the City Clerk by electronic
41 transmission; provided, that the original signed and notarized declaration is delivered
42 to the City Clerk no later than the close of the filing period. If the City Clerk has not

43 received the original signed and notarized declaration before the close of the filing
44 period, the candidate's name shall not appear on the ballot.

45
46 c. Notice. At least one week preceding the candidate filing period, the City Clerk shall
47 publish a notice announcing that candidacy declarations are available, naming offices
48 and the terms that are open on the next regular election day. The notice shall include:

- 49
50 1. Candidate qualifications.
51 2. Time for filing declarations.
52 3. Where to file declarations.

53
54 d. Declaration. The City Clerk shall provide a form for declaration purposes which will
55 include candidate's name, residence address, mailing address and telephone number;
56 a statement of City residence, voter qualifications and the name of the office and the
57 date of the election to which he declares himself a candidate; the term of office; and a
58 statement of acceptance of the office if elected and an acknowledgment of compliance
59 with the State of Alaska Campaign Disclosure Law. The declaration will be signed and
60 dated by the candidate and sealed by a notary. The candidate's name shall be printed
61 as specified on the declaration for candidacy (see ballot form in HCC 4.15.010 for
62 prohibitions).

63
64 Section 2. Homer City Code Chapter 4.20.010 Election Board is hereby amended to read:

65
66 a. The City Clerk, subject to approval by the City Council, shall appoint at least
67 three judges for each City precinct. The Clerk shall designate one judge as chairperson
68 who shall be primarily responsible for administering the election in that precinct. When
69 a City election corresponds with an election conducted by the Kenai Peninsula Borough
70 and/or State election the City Clerk may appoint the same judges. **Students who are**
71 **at least 16 years of age and are qualified through the Alaska Division of Elections**
72 **Youth Vote Ambassador Program may serve as election judges in City elections.**

73
74 b. The City Clerk shall be the Election Supervisor. The City Clerk may appoint judges and
75 other election officials as needed to conduct an orderly election and to relieve the
76 election judges of undue hardship. If any appointed election board member is unable
77 or refuses to serve on election day, the Clerk shall appoint a replacement for that
78 member.

79
80 c. Each election board member serving at a precinct polling place must be a qualified
81 resident voter in the precinct for which the board member is appointed; provided,
82 however, that if no qualified resident voter is available and willing to serve, a voter from
83 another precinct may be appointed.

84

85 d. Each election board member, before assuming the duties of the office, must
86 subscribe to the oath required of all public officers by the Constitution of the State of
87 Alaska in the manner prescribed by the City Clerk.

88
89 e. Any election board judge may administer to a voter any oath that is necessary in the
90 administration of an election.

91
92 f. A candidate, a member of a candidate's immediate family, or a resident of a
93 candidate's household shall not serve as an election board member for the election in
94 which the candidate is running.

95
96 Section 3. This Ordinance shall take effect upon its adoption by the Homer City Council.

97
98 Section 4. 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 Reviewed and Approved as to form and content:

123
124 _____
125 Katie Koester, City Manager

126 _____
127 Holly Wells, City Attorney

128 Date: _____ Date: _____

What's In It For You?

Youth Vote Ambassadors help voters cast their ballots and ensure that elections are fair and honest.

Youth Vote Ambassadors gain real-life experiences, which they may be able to use as the basis for a special project in a government or social studies class.

Youth Vote Ambassadors meet interesting people.

Youth Vote Ambassadors are compensated for their work done at the polls on Election Day.

Youth Vote Ambassadors also receive compensation for attending a mandatory instruction class.

Get Your High School

INVOLVED!

Tell your principal that you want your school to participate in the *Youth Vote Ambassador Program!*

Youth Vote Ambassador Program



To Get Involved, Contact:

Region I Elections Office
9109 Mendenhall Mall Road, Suite 3
P.O. Box 110018
Juneau, AK 99811-0018

Phone: 907-465-3021

Fax: 907-465-2289

Toll Free: 866-948-8683

www.elections.alaska.gov

Get Involved Today!

Youth Vote Ambassador Program

The Youth Vote Ambassador Program is designed to enliven the interest of young people in the political process and in their rights and responsibilities as citizens.

Youth Vote Ambassadors assist the Division of Elections in voter outreach education by serving as **Election Workers**. Alaska law allows qualified high school students who are at least 16 years old to serve as **Election Workers**.



Election Workers are the people who work at polling places on Election Day: checking-in voters, confirming registration status and activating voting machines.

Students must submit an application to the Division of Elections to be considered for the **Youth Vote Ambassador Program**.

Who Can Be A Youth Vote Ambassador?

A Youth Vote Ambassador must be a high school student in good standing and at least 16 years old.

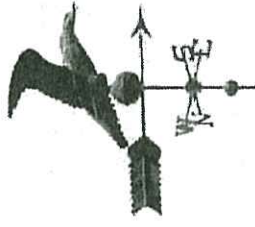
Election Workers must be U.S. citizens who are available to work during polling place hours.

Students must have written permission from a parent or legal guardian.

They may be requested to attend an Election Worker training session under the direction of an election official.

Election Workers cannot have a conviction for fraud or election offenses. Election Workers cannot be a close relative of any candidate on the ballot.

Where Do You Start?



Are you interested in earning money while serving our State?

Want to get involved in the **Youth Vote Ambassador Program**?

**Contact the
Region I Elections Office
Today!**

Election Workers will explain the program. All the materials needed to put the program into effect will be provided.

*Alaska
Division of Elections*

Region I Elections Office
9109 Mendenhall Mall Road, Suite 3
P.O. Box 110018
Juneau, AK 99811-0018
Phone: 907-465-3021
Fax: 907-465-2289
Toll Free: 866-948-8683
www.elections.alaska.gov

State of Alaska
Division of Elections
YOUTH VOTE AMBASSADOR PROGRAM
Application



I am interested in serving in the Youth Vote Ambassador Program. I understand that serving in this program will enable me to be appointed to a precinct election board during elections. If appointed to a precinct election board, I agree to attend training as determined by the Division of Elections.

Printed Name: _____

Residence Address: _____

Mailing Address: _____

Date of Birth: _____ Telephone Number: _____

Email: _____

Are you at least 16 years old? YES NO

Are you enrolled in public or private high school, or being educated in your home by a parent or legal guardian? YES NO

If you are enrolled in a public or private high school, please indicate the name of the school here: _____

I attest to the fact that the information provided above is accurate and true to the best of my knowledge.

Youth Signature: _____

Parent/Guardian Signature: _____

Complete this application and send it to the
Regional Elections Office nearest you.

The Division of Elections will contact you if you are selected
to participate in the Youth Vote Ambassador Program.

Region I Elections Office
PO Box 110018
Juneau, AK 99811-0018
(907) 465-3021 Voice
(907) 465-2289 Fax

Region II Elections Office
Anchorage Office
2525 Gambell Street, Suite 100
Anchorage, AK 99503-2838
(907) 522-8683 Voice
(907) 522-2341 Fax
Matanuska-Susitna Satellite Office
North Fork Professional Building
1700 E. Bogard Road, Suite B102
Wasilla, AK 99654-6565
(907) 373-8952 Voice
(907) 373-8953 Fax

Region III Elections Office
675 7th Avenue, H3
Fairbanks, AK 99701-4594
(907) 451-2835 Voice
(907) 451-2832 FAX

Region IV Elections Office
PO Box 577
Nome, AK 99762-0577
(907) 443-5285 Voice
(907) 443-2973 FAX

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-22

Ordinance 18-22, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for Calendar Year 2017 in the Amount of \$31,532.50 and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. Council Regular Meeting April 9, 2018 Introduction

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 18-22

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A COMMERCIAL VESSEL PASSENGER TAX PROGRAM PASS THROUGH GRANT FROM THE KENAI PENINSULA BOROUGH FOR CALENDAR YEAR 2017 IN THE AMOUNT OF \$31,532.50 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The State of Alaska collects revenues under the Commercial Vessel Passenger Tax Program and remits proceeds to boroughs which contain ports where cruise ships land; and

WHEREAS, The Kenai Peninsula Borough has received such funds for calendar year 2017 and decided to pass those revenues through to Homer and Seward; the communities where cruise ships land and utilize local infrastructure and services; and

WHEREAS, The Borough Assembly adopted KPB Ordinance 2017-19-24 which appropriated funds and authorized a pass through grant to the City of Homer in the amount of \$31,532.50; and

WHEREAS, The grant funds must be used for port and harbor projects that benefit cruise ship passengers and the City has proposed the use of the proceeds of this grant to replace the bathroom at the top of Ramp 2.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a Commercial Vessel Passenger Tax Program pass through grant from the Kenai Peninsula Borough for the calendar year 2016 in the amount of \$27,630.00 as follows:

Revenue Account	Description:	Amount:
460-0927	KPB CVPT Pass Through Grant for 2016	\$31,532.50

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. This ordinance is a budget ordinance only, is not permanent, and shall not be codified.

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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 Wells, City Attorney

Date:_____

Date:_____



KENAI PENINSULA BOROUGH Grant Agreement

Total Grant Funds
\$31,532.50

Authorizing Ordinance
O2017-19-24

KPB Account Number
271.94910.18CPV.43011

Total Grant Award
\$31,532.50

Project Title
Commercial Passenger Vessel Tax Program

Funding Source
State

Grantee		Borough Contact Person	
---------	--	------------------------	--

Name
City of Homer
Mailing Address
491 E. Pioneer Avenue
City/State/Zip
Homer AK 99603
Contact Person
Katie Koester, City Manager
Phone Fax
235-8121 235-3148

Name
Brenda Ahlberg, Community & Fiscal Projects Manager
Mailing Address
144 N. Binkley Street
City/State/Zip
Soldotna, AK 99669
Email
bahlberg@kpb.us
Phone Fax
714-2153 714-2377

The Kenai Peninsula Borough (*hereinafter* "Borough") and City of Homer (*hereinafter* "Grantee") agree as set forth herein.

Section I: The Borough shall pay Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this agreement. In no event shall the payment exceed **\$31,532.50**.

Section II: The Grantee shall perform all of the work required by this agreement.

Section III: The work to be performed under this agreement begins 04/17/2018 and shall be completed no later than 06/30/2022.

Section IV: the agreement consists of this page and the following attachments:

- A. Scope of Work and Use of Funds
Payment Method and Reporting Requirements
Standard Provisions
- B. Financial/Progress Report
- C. Signature Authorization Form
- Certificate(s) of Insurance – provided by Grantee**

Section V: The Community & Fiscal Projects Manager shall control the original, including any attachments filed.

Grantee	Borough
---------	---------

Signature:

Authorized Signatory Name and Title
Katie Koester, City Manager

Signature:

Authorized Signatory Name and Title
Charlie Pierce, Mayor

Date: _____

Date: _____
Attest: Johni Blankenship, Borough Clerk

Approved as to form and legal sufficiency:

Holly Montague, Deputy Borough Attorney

KPB Grant Agreement

City of Homer - Commercial Passenger Vessel Tax Program CY2017 Funds

Scope of Work and Use of Funds

Project Description: The purpose of this Borough Grant is to provide funding through the State of Alaska Commercial Passenger Vessel Tax Program, *hereinafter* referred to as CPVT, to the City of Homer, *hereinafter* referred to as “Grantee.” The Grantee will use the funds for port and harbor projects impacted by cruise ship landings as governed by the Alaska Statutes (see “Source of Funds, page 2).

Project Management

1. The project will be managed by the Grantee.
2. The City Manager, or such other person(s) as indicated on Attachment C, shall be designated as the representative to receive or make all communications regarding the performance or administration of this agreement. The Borough Community & Fiscal Projects Manager, or such other person(s) as designated by the Borough Mayor, is hereby designated as the representative of the Borough to receive or make all communications, payment requests, and reports regarding the performance or administration of this agreement, and who approves payment under this agreement. The parties may change their representative upon written notification to the other party.

Key Contact Information

Brenda Ahlberg, Community & Fiscal Projects
714-2153 • bahlberg@kpb.us
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna AK 99669

Project Approval

The Assembly approved and appropriated CPVT funds from calendar year 2017 in the amount of \$31,532.50 to the Grantee through KPB Ordinance 2017-19-24. Grantee shall cite KPB account number **271.94910.18CPV.43011** in correspondence and reporting forms.

Grant funds, or any earnings there from, may be spent only for the purposes of the grant project as described above. Any monies used for purposes not authorized by this agreement shall be refunded to the Borough immediately after such expenditures, with or without demand by the Borough. Request to amend the budget shall be submitted to the Community & Fiscal Projects Manager no less than ninety (90) days prior to performance period end date.

Project Performance Period

Period: The performance period shall be effective for the period commencing on April 17, 2018 and ending on June 30, 2022. The Grantee must liquidate all obligations not later than June 30, 2022. The Borough shall have no obligation for payment of services rendered by the Grantee which are not performed within this specified period.

Request to Extend: Any determination to extend the project performance period is solely at the discretion of the Borough. A request to amend the performance period should be submitted not later than ninety (90) days prior to the established end date.

Funding

1. Source of Funds:
 - a. This project is being funded in full through the State of Alaska Department of Commerce, Community & Economic Development, "Commercial Passenger Vessel Tax Program" (CPVT) as governed by AS 43.52.200 - 43.52.295.
 - b. All unexpended grant funds as of the end of the grant period must be returned to the Borough. Funds will be considered obligated if they have actually been expended or encumbered prior to the end date of the performance period.
2. Condition for Receipt of Funds: The Grantee shall comply with AS 43.52.230 (b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels.
3. Funds, or earnings there from, shall not be expended for the purposes of lobbying activities before the Borough Assembly, the Alaska State Legislature or U.S. Congress.

Payment Terms and Reporting Requirements

1. Payments:
 - a. The Grantee will be compensated for up to and not exceeded \$31,532.50 as determined by the State of Alaska for projects identified in the City of Homer's request letter dated March 13, 2018 and approved by Kenai Peninsula Borough Ordinance 2017-19-24.
 - b. Under no circumstances will funds be released to the Grantee unless all required reporting is current.
2. Reporting Requirements:
 - a. The Borough's approval of the proposed expenditures shall not be construed to mean that the Borough is liable in any manner whatsoever if it is determined by an agency or court of competent jurisdiction that the city's project does not satisfy the statutory criteria.
 - b. The Grantee shall provide a report summarizing actions to date, no later than June 30th each year for project performance period greater than one year.
 - c. Upon completion of the projects, but no later than thirty days thereafter the agreement end date, the Grantee shall provide a detailed written report to the Borough

administration and assembly, explaining the use of these funds and their compliance with statutory requirements.

- d. The Grantee agrees to refund any such amounts, including principal, interest, costs, fees, fines, or other charges, if it is determined by a court of competent jurisdiction that the Grantee's expenditure of the funds does not meet the statutory criteria.
- e. This agreement is not to be construed as entitlement to city receiving the future allocation of the Borough's CPVT.
- f. Failure to meet the reporting requirements set forth in this agreement may result in the Borough withholding future allocations of the borough's grant of CPVT funds.

Mail OR Email Narrative and Fiscal Reports to:

Brenda Ahlberg, Community & Fiscal Projects Manager
Kenai Peninsula Borough
144 N. Binkley St., Soldotna AK 99669
(907) 714-2153 • bahlberg@kpb.us

Standards for Financial Management

Financial Management System:

1. The Grantee will maintain an accounting system and a set of accounting records that at a minimum, allows for the identification of individual projects by source of revenue and expenditures related to this project.
2. All costs will be supported by source documentation. Grantee shall retain all contracts, invoices, materials, payrolls, personnel records, conditions of employment, and other data relating to matters covered by this agreement for a period of three years after the completion date of the agreement, or until final resolution of any audit findings, claims, or litigation related to the grant.
3. The Grantee's accounting records will be the basis for generating financial reports which must reflect accurate and complete data. In addition, financial records must be properly closed out at the end of the project period and all reports submitted in a timely manner.

Procurement Standards

The Grantee agrees to use a competitive process when making procurements for goods and services. These standards include but are not limited to the following:

1. Grantee may use its own procurement policies provided that they adhere to the applicable standards;
2. Grantee shall maintain a code of conduct which shall govern the performance of its officers, employees or agents in contracting with or expending grant funds; and
3. All procurement transactions shall be conducted in a manner so as to provide for maximum open and free competition.

Audits and Monitoring

Audits:

1. Provisions of 2 AAC 45.010 shall apply to a Borough Grantee receiving a grant of \$500,000 or more from the Borough. An audit in compliance with 2 AAC 45.010 shall be required on the performance of the grant conditions. Such audit report shall be due to the Borough no later than 30 days after the audit is completed, or 6 months after the expiration of the grant, whichever is sooner. A copy of a federal single audit report may be submitted to fulfill the requirements of this section.
2. An annual audited financial statement, certified by a Certified Public Accountant, shall be submitted by a Borough Grantee receiving a grant less than \$500,000 from the Borough. Such financial statement shall be due no later than 6 months from the termination of this agreement.
3. Grantees receiving less than \$500,000 from the Borough and receiving payments on a reimbursable basis are exempt from the audit requirements.

Monitoring:

1. The Grantee may receive an on-site review from the Borough, or its authorized representatives, in addition to reviews from State of Alaska personnel representing the AK Department of Commerce, Community & Economic Development. Monitoring staff may review project and financial activity relating to the terms of this agreement. Upon request, the Borough shall be given full and complete access to all information related to the performance period of this agreement to ensure compliance with the project activities and consistently applied costs.
2. The Grantee shall provide the Borough and its authorized representatives all technical staff, assistance and information needed to enable the Borough or the State personnel to perform its monitoring function. This assistance from the Grantee includes, but is not limited to, information about the Grantee's project operation, accounting and data-base systems.

Program and Financial Deficiencies:

1. Through audits, reviews, monitoring or other means, the Borough may find the Grantee to have program or financial deficiencies in the performance of the agreement. Such deficiencies may include, but are not limited to, the areas of accounting, financial controls, budgeting, and/or project compliance issues. If deficiencies are found, the Borough may require the Grantee to take corrective action and to submit a written corrective action plan to address identified deficiencies. All corrective action plans must be accepted by the Borough or its authorized representatives. Any corrective action must be satisfactorily completed within thirty days from the date of written notification.
2. The Borough, in its sole discretion, may require the Grantee to submit periodic written verification that measures have been taken to implement the corrective action. If the Grantee fails to demonstrate its compliance with the approved corrective action plan within the time constraints set by the Borough, the Borough may, at its option, exercise its rights to terminate the agreement. The Borough may exercise any of the other rights and remedies available to it at law or in equity.

Standard Provisions

1. **No Maintenance or Further Funding Responsibility:** By signing this agreement, Grantee certifies that it will not ask the Borough to operate or maintain its program, except as may be otherwise agreed to in writing signed by both parties. Grantee understands, acknowledges and agrees that the Borough shall not be responsible for any services, programs, maintenance, operations, or further funding to Grantee, or actions related thereto, and has not, and will not assume any such responsibility, all of such to be the sole and exclusive responsibility of Grantee.
2. **Defense and Indemnification:** The Grantee shall indemnify, defend, save and hold the Borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from Grantee or Grantee's officers, agents, employees, partners, attorneys and suppliers' performance or failure to perform this agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the Borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, Grantee shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the Borough, its agents, or employees. Grantee shall also not be required to defend or indemnify the Borough for damage or loss that has been found to be attributed to an independent party directly responsible to the Borough under separate written contract. If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain in full force and effect.
3. **Insurance:** Grantee shall purchase at its own expense and maintain in force at all times during the term of this agreement Commercial General Liability and Automobile Insurance. Such policies are to include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by Grantee in which coverage shall not be less than \$1,000,000 per occurrence or such higher coverage as specified by the Borough. The policy shall name the Borough as an additional insured. Borough approval shall be required for the amount of any deductible or self-insured retention.

Additionally, Grantee shall purchase and maintain at its own expense worker's compensation and employers liability insurance for all employees per Alaska State Statutes who are performing work under this agreement.

Proof of Insurance: *Grantee shall deliver to the Borough certificates of insurance along with Grantee's signature on this agreement. The certificates shall indicate the Borough as an additional insured. This insurance shall be primary and exclusive of any other insurance by the Borough. Failure to provide the certificate of insurance required by this section, or a lapse in coverage, is a material breach of the terms of this agreement entitling the Borough to terminate this agreement.*

4. **Relationship of Parties:** Nothing herein contained shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent, or of partnership, or of joint venture between the parties hereto, it being understood and agreed that neither method of computation of payment nor any other provision contained herein, nor

any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of Borough and independent Grantee of funds.

5. **No Exclusive Service; No Property Interest:** The Grantee understands, acknowledges and agrees that all supplies, materials and equipment purchased with the grant funds shall be and shall remain the property of the Grantee, subject to all applicable State statutes and Federal regulations.
6. **Termination.** The Borough may terminate this agreement, by written notice, when it is in the best interest of the Borough. In the event that Grantee does not perform the tasks as required in this agreement, or does not submit any required reports for verification of performance, the Borough may exercise its option to terminate this agreement.
7. **Permits, Taxes and Adherence to Local, State, and Federal Laws:** Signing of this agreement does not, in any manner, excuse Grantee from complying with any other law, Alaska state statute or regulation, or Borough ordinance or regulation. Grantee must in all cases adhere to all local, state and federal laws and regulations that pertain to public funds, to the services performed pursuant to this agreement, and related to wages, taxes, social security, workers compensation, nondiscrimination, licenses, permits, and registration requirements. Grantee shall pay all taxes pertaining to its performance under this agreement, and shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this agreement.
8. **Jurisdiction; Choice of Law:** Any civil action arising from this agreement shall be brought in the superior court for the Third Judicial District of the State of Alaska at Kenai. The law of the State of Alaska shall govern the rights and obligations of the parties.
9. **Non-Waiver:** The failure of the Borough at any time to enforce a provision of this agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this agreement or any part thereof, or the right of the Borough thereafter to enforce each and every protection hereof. No conditions or provisions of this grant agreement can be waived unless approved by the Borough in writing. Waiver by the Borough of any non-compliance by Grantee, or excusing or extending performance, shall not be considered a waiver of any other rights of the Borough or a waiver of the right to terminate in the event of future breaches.
10. **No Third-Party Beneficiary:** This agreement is intended solely for the benefit of each party hereto. Nothing contained herein shall be construed or deemed to confer any benefit or right upon any third party.
11. **Environmental Requirements:** The Grantee must comply with all environmental standards, to include those prescribed under State of Alaska and Federal statutes and Executive Orders.
12. **Entire Agreement:** This agreement represents the entire and integrated agreement between the Borough and Grantee, and supersedes all prior, inconsistent negotiations, representations or agreements, whether written or oral. This agreement may be amended only by written instrument signed by both the Borough and Grantee.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-23

Ordinance 18-23, An Ordinance of the City Council of Homer, Alaska Alaska Accepting and Appropriating an FY 2015 State Homeland Security Program Reallocation Grant for an Amount not to Exceed \$51,912.00 to Replace Mobile Radios in the City’s Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. Council Regular Meeting April 9, 2018 Introduction

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 18-23

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING AN FY 2015 STATE HOMELAND SECURITY PROGRAM REALLOCATION GRANT FOR AN AMOUNT NOT TO EXCEED \$51,912.00 TO REPLACE MOBILE RADIOS IN CITY'S RADIO COMMUNICATION SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Alaska Division of Homeland Security & Emergency Management (DSH&EM) recently solicited local jurisdiction grant project managers to apply for FY2015 State Homeland Security Program reallocation funds to cover project cost overruns or to complete underfunded projects; and

WHEREAS, The City of Homer's public safety radio communication system is at the end of its functional life and must be replaced soon to maintain the City of Homer's communications capability in the event of an emergency; and

WHEREAS, As part of the City of Homer's public safety radio communication upgrade project, the City applied for and received FY2017 SHSP grant funds to replace Homer Police Department's mobile radio units; and

WHEREAS, The FY2017 SHSP grant award was sufficient to replace only five of Homer Police Department's thirteen mobile radios, leaving the project underfunded; and

WHEREAS, The City recently submitted an application for these FY2015 Reallocation Funds in the amount of \$51,912.00 to complete the mobile radio replacement project; and

WHEREAS, The City's application also indicated that we would accept any amount of un-allocated funds under the \$51,912.00 total replacement cost to replace another portion of the old radios; and

WHEREAS, Due to the quickly approaching end of the federal performance period for the FY2015 SHSP opportunity, DSH&EM will announce award recipients by April 26, 2018 and further stipulates that recipients must accept grant award and expend it by May 31, 2018; and

40 WHEREAS, The City's acceptance of any forthcoming DHS&EM FY2015 reallocation
41 funding and the City's expeditious expenditure of any said funds by the May 31, 2018 deadline
42 is dependent on the City Council formally accepting the grant award through Ordinance.

43
44 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

45
46 Section 1. If awarded, The Homer City Council hereby accepts and appropriates an
47 FY2015 Reallocation State Homeland Security Program Grant from the DHS&EM in an amount
48 not to exceed \$51,912.00 for the purpose of replacing up to eight mobile radio units for the
49 Homer Police Department as follows:

50

Revenue:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-0030-4514	State Homeland Security Grant Program	\$51,912.00

54

Expenditure:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7009	Homer Police Dept. Mobile Radio Replacements	\$51,912.00

58
59 Section 2. The City Manager is authorized to execute the appropriate documents.

60
61 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall
62 not be codified.

63
64 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2018.

65
66
67 CITY OF HOMER

68
69
70 _____
71 BRYAN ZAK, MAYOR

72
73 ATTEST:

74
75
76 _____
77 MELISSA JACOBSEN, MMC, CITY CLERK
78
79
80

81 Introduction:
82 Public Hearing:
83 Second Reading:
84 Effective Date:

85
86 YES:
87 NO:
88 ABSTAIN:
89 ABSENT:

90
91 Reviewed and approved as to form:

92 _____
93
94 Katie Koester, City Manager

Holly Wells, Attorney

95
96 Date: _____

Date: _____

97
98

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 18-038

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE HICKERSON MEMORIAL CEMETERY POLICY
UPDATING DEFINITIONS AND TRANSFERRING A PLOT
RESERVATION, AND THE FEE SCHEDULE ESTABLISHING A FEE OF
\$400 FOR A CREMAINS PLOT.

WHEREAS, The Hickerson Memorial Cemetery Policies and Guidelines were adopted by Resolution 17-056; and

WHEREAS, In working with the new policies and guidelines some minor revisions are needed to add and clarify definitions of cremains plots, interment lot, and Interment/Reservation Application Permit, and include the ability to transfer a reserved plot to another person; and

WHEREAS, The policies and guidelines were adopted prior to completion of the cemetery expansion and do not make reference to the forty, 2 foot by 2 foot cremains plots that are now available; and

WHEREAS, The City of Homer Fee Schedule was amended by Resolution 15-097(S)(A) to increase the cost of a cemetery plot from \$200 to \$1000; and

WHEREAS, A standard plot is approximately five foot by ten foot, sized to inter up to two caskets with advanced notice, one casket and two cremains, or three cremains, and the smaller cremains plot is sized for one human's cremains; and

WHEREAS, The cost of \$400 is a more reasonable fee for a smaller cremains plot and is consistent with other cemeteries in the state who have these smaller plots available.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby amends the Hickerson Memorial Cemetery Policy updating definitions and transferring a plot reservation, and the fee schedule establishing a fee of \$400 for a cremains plot.

PASSED AND ADOPTED by the Homer City Council this 23 day of April, 2018.

CITY OF HOMER

BRYAN ZAK, MAYOR

45

46 ATTEST:

47

48

49 _____
MELISSA JACOBSEN, MMC, CITY CLERK

50

51 Fiscal note: Cemetery Fees



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 18-048

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: APRIL 11, 2018

SUBJECT: AMENDMENTS TO THE HICKERSON MEMORIAL CEMETERY POLICIES AND GUIDELINES
AND THE FEE SCHEDULE UNDER CITY CLERK-CEMETERY

With the expansion of the Hickerson Memorial Cemetery, the City Clerk's office drafted the Hickerson Memorial Cemetery Policies and Guidelines which was adopted by Resolution 17-056. The Fee Schedule was amended to increase the cost of cemetery plots by Resolution 15-097(S)(A).

Now that the expansion is complete, the cemetery has 40, 2'x2' cremains plots that weren't addressed in the policies and guidelines or in the fee schedule. A standard plot is approximately 5'x10', sized to inter up to two caskets (with advanced notice), one casket and two cremains, or three cremains. The cost of a plot is \$1000. The smaller cremains plot is sized for one person's cremains and a fee of \$400 per plot is recommended.

Another issue that has been discovered is that the policies and guidelines doesn't permit the transfer of ownership of a reserved plot to another person. This is something that has been allowed in the past in city code with written notice from the plot holder and approval by the City Manager. It is also inconsistent in the guidelines and policies, because it allows the transfer of a niche in the columbarium (that we hope to have in the future).

The definition of Lot removed and Interment lot, plot, or space was added to address usage of terms within the polices and guidelines.

Lastly, the policies and guidelines address purchase of a plot by applying to the City Clerk. The City Clerk's office staff has developed a permit application to purchase a plot, and that has been clarified in the definitions section by removing reference to the Cemetery Burial Records Justification form and including a definition for Interment/Reservation Permit Application.

The amendments can be found in the policies and guidelines pages 5-6.

Recommendation: Adopt Resolution 18-038 amending the Hickerson Memorial Cemetery Policies and Guidelines and the Fee Schedule under City Clerk-Cemetery.

CITY OF HOMER

HICKERSON MEMORIAL CEMETERY

POLICIES AND GUIDELINES

Adopted June 12, 2017
Resolution 17-056



City of Homer

491 E. Pioneer Avenue

Homer, AK 99603

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Cemetery Management and General Provisions

1. The Hickerson Memorial Cemetery is owned by the City of Homer.
2. The City Manager or their designee shall manage the Hickerson Memorial Cemetery.
3. Hickerson Memorial Cemetery will remain open at all times to pedestrian visitors.
3. The Homer City Council reserves the right to amend the rules and regulations.

Definitions

Administrator – the person who administers the cemetery records and cemetery policy.

Block – An area consisting of one or more cemetery plots.

Burial Transit Permit – The Burial Transit Permit is issued by the Alaska Bureau of Vital Statistics and must accompany the dead body, fetus, or cremains until its final disposition. The permit must be endorsed and retained permanently in the City's files.

~~Cemetery Burial Records Justification – A form that includes the name of the deceased and date and location of interment. The form is maintained permanently in the City's files.~~

Cemetery Office – The office for cemetery records and Administration. The Cemetery Office located in the Homer Clerk's Office at 491 E. Pioneer Avenue, Homer, Alaska. Phone 907-235-3130.

Columbarium – A structure containing niches for the interment of cremated remains.

Columbarium Niche – A recessed compartment in a columbarium, designed to hold urns.

Contractor - The funeral home, licensed by the State of Alaska that provides services in the Hickerson Memorial Cemetery.

Cremains – The cremated remains of a deceased person.

Cremains Plot- A plot two feet by two feet to be used for internment of one human's cremains.

Disinterment – The legal removal of a deceased person's remains from an interment site. A permit by the State of Alaska Department of Vital Statistics is required.

Hickerson Memorial Cemetery – A cemetery for interment of human remains.

Interment – The burial of the remains of a deceased person and/or the placing of an urn in the Columbarium wall.

~~Lot – The term "lot" applies to a space of sufficient size within a block to accommodate a burial.~~

Definitions - continued

Interment lot, plot, space, or site – A specific location in the cemetery designated as being used or to be used for the interment of human remains.

Internment/Reservation Application Permit- A valid city permit allowing the interment of a deceased person in the Hickerson Memorial Cemetery or reservation of an interment lot(s) in the cemetery.

Lot Marker – A marker used by cemetery personnel to locate corners of a lot.

Maintenance Office – The office for maintenance of the cemetery grounds. Public Works Department is located at 3250 Heath Street, Homer, Alaska. Phone 907-235-3170

Memorial - A marker, monument, or headstone placed on an interment plot to identify or in memory of the interred.

Reservation holder – Any person holding a valid reservation for an interment site for future interment, with all reservation fees paid in advance.

Interment Spaces (other than Columbarium)

1. The City Clerk shall assign and sell plots upon request and shall preserve the interment records for the City.
2. Only human remains are permitted to be buried in the Hickerson Memorial Cemetery.
3. Reservation of an interment space in the cemetery may be made by applying to the City Clerk, being assigned a plot or plots by the purchase of same. It is prohibited for the purchaser of said plots to re-sell or assign the plots except to the City, unless legal assignment is passed to another individual through inheritance. Hickerson Memorial Cemetery maps are available from the City.
4. The reservation of a plot conveys the right to use the plot for interment purposes and not ownership of such real property. Reservations shall include a 30-year sunset clause, requiring renewal at no fee to the permit holder. At the expiration of 30 years, if an interment has not taken place, the plot returns to the City if the permit holder fails to renew or the City cannot locate the permit holder. Any marker left on the plot will be removed and disposed of as the City in its sole discretion deems appropriate.
5. One casket and up to two cremains may be interred in a standard plot. Up to three cremains may be interred in a standard plot when there has been no casket interment on the site. Two caskets may be interred in a standard plot, the second casket being placed on top of the first casket. **Only one person's cremains may be interred in a cremains plot.**
6. Interments in the Cemetery will only occur in geo-referenced plots according to an overall Hickerson Memorial Cemetery GIS plan. Plots shall be platted in five-foot (5') by ten-foot (10') plots **and cremains plots shall be platted in two-foot (2') by two-foot (2') plots.**
7. Family plot sections are permitted to install one family monument in addition to the markers on the individual plots and must be placed within the boundaries of the combined plots.

8. ~~The plot reservation may not be transferred.~~ **A plot reservation may be transferred to another person if requested in writing by the permit holder and approved by the City Manager.** If the plot is surrendered, 75 percent of the reservation fee paid for the plot shall be refunded to the reservation permittee listed in the Cemetery interment records as determined by the City Manager.

9. Interment sites may be reserved on a first come, first served basis by any person for himself or family members to a maximum of ten interment sites. In order to encourage family interment plot use and to discourage institutional speculation, funeral homes, and other similar corporate or business entities are excluded from acquiring interment sites, except for a specific, immediate interment.

Interments and Disinterments

1. The City Clerk shall be provided with all required state interment and transit permits before interment will be permitted. The City must be notified a minimum of 72 hours in advance of the time of interment and all fees must be paid prior to interment.
2. Interment or disinterment shall be made in compliance with all state and city laws and regulations. Any interment workers used to excavate, fill, or modify an interment site must be approved by the Contractor.
3. All openings, closings, plot preparation, interments, disinterment, marker placement and removals shall be overseen by the City and under the supervision of the City Manager or their designated representative. Openings, closings, and disinterment shall not be allowed without the required State of Alaska disinterment permit(s). No modification or adjustment may be made to monuments or markers without written approval of the City.
4. The ceremonial participation by family members or friends in the excavation or backfilling of an interment site is permitted upon approval by the Contractor.
5. It is the intention of the City to accommodate the interment of deceased individuals in a timely manner. However, the physical condition of the Cemetery (snow, weather, frozen soil, saturated ground and other reasons) may make timely interment difficult. The City reserves the right to delay interment if necessary for the maintenance of the Cemetery grounds.
6. No disinterment shall occur without prior receipt by the City of a duly executed Court Order for such disinterment, which is issued in a district court for the State of Alaska, or the issuance of a State of Alaska disinterment permit.
7. The Contractor licensed by the State of Alaska must be present at all disinterment.

Columbarium

1. Interment. Only human cremated remains in an urn may be placed in a columbarium niche. A separate interment application shall be required for each urn to be interred. A maximum of two urns may be placed in a columbarium niche.

2. Opening/Closing. The initial opening and closing of the niche is included in the cost of the niche. If it is necessary to reopen a niche at a later date, for interment of a second or subsequent urn or other reasons, an additional fee will be incurred. The City Manager, City Clerk or a specific designee are the only personnel permitted to authorize opening, closing and documentation of such.

3. Decorations.
 - a. Natural fresh flower arrangements are permitted at the columbarium during the summer months between May 1 and September 30th. Plastic or silk flowers shall be discouraged at the Hickerson Memorial Cemetery. The City reserves the right, on the first day of each month, to remove flower arrangements.
 - b. Glass or ceramic containers are not allowed in the columbarium area.
 - c. No arrangements, flags, or decals, etc. shall be taped, wired, glued or pasted to a niche plaque or front.
 - d. All unsightly arrangements shall be removed at the discretion of City personnel.
 - e. Potted plants may be placed at the base of the columbarium in front of the niche space of a friend or loved one on holidays, birthdays, anniversaries or dates of death. Such decorations are subject to removal under section (a) above.

4. Purchase. The cost of the niche shall include the niche itself, one opening and closing, and perpetual care. A single niche shall also include a granite niche plaque with appropriate lettering. Reservations shall include a 30-year sunset clause, requiring renewal at no fee to the permit holder. At the expiration of 30 years, if an interment has not taken place, the niche returns to the City if the permit holder fails to renew or the City cannot locate the niche permit holder.

5. Refund. The niche may not be transferred to any other person other than a family member upon the approval of the City Manager. If the niche is unused and surrendered, 75 percent of the fee shall be refunded to the niche permittee listed in the Cemetery interment records, or as determined by the City Manager.

6. Right to remove urns, niche plaques, and cremains. In the event repairs, natural disasters or other events require maintenance to the columbarium, the City retains the right, in its sole discretion, to remove urn(s) and niche plaques, or to relocate all or any part of the cremains, as it deems necessary. The City will make every attempt to contact the permittee or the responsible party should such action become necessary.

7. Personal property. The City is not responsible for any items placed or left on or around any interment. Any items placed or left on or around any interment that does not qualify as a decoration under subsection 3 above, shall be deemed abandoned property and may be removed and disposed of as the City deems appropriate.

Records

1. The City shall keep records of all interments and disinterment in the Hickerson Memorial Cemetery and Columbarium wall. The records shall include a register for each plot containing an alphabetical index of the names of the persons interred or disinterred from the plot and other vital information. Information will include the deceased's place and date of birth, date of death, date of interment or disinterment and interment site location as may be available. An official map of the Hickerson Memorial Cemetery shall be maintained by the City so that the exact place of interment or disinterment by section and plot can be ascertained.

2. Upon the death of a reservation holder of a site (interment site or columbarium niche), the heirs or assigns of the deceased shall file satisfactory proof with the City of their heir status for the purpose of establishing the new permit holder on the records of the City. In the event an apparent heir may have the desire to use or assign a family site prior to the settlement of the estate of the deceased, the executor or personal representative of the original reservation holder will become the reservation holder.

Maintenance and Landscape Regulations

1. The City of Homer reserves the right at any time to enlarge, reduce, re-plat or change the boundaries of the Cemetery or any part thereof; to modify, change location, move or regrade roads, drives, walks or any part thereof; to lay, maintain, operate, alter or change pipelines, gutters, sprinkler systems or drainage; and to relocate interment sites or allow disinterment upon proper legal authority. The City reserves for itself the perpetual right of ingress and egress over all plots for the purpose of maintenance, operations or any emergency work necessary to the operation of the Cemetery.
2. The City of Homer reserves the right to move the remains in any interment sites which are located in the Cemetery when and if such sites are in imminent danger of destruction by natural elements. The City shall make every attempt to notify relatives of the deceased whose interment sites are in danger if such relatives can be identified on the City's records.
3. The City of Homer is responsible for the maintenance of the Hickerson Memorial Cemetery and shall be administered by the Public Works Department.
4. The City of Homer shall take reasonable precaution to protect all interment markers within the Hickerson Memorial Cemetery from loss or damage yet expressly disclaims any responsibility for loss or damage from causes beyond reasonable precautions. Damages incurred directly or collaterally and caused by or resulting from thieves, vandals, malicious mischief, or unavoidable accidents shall be excluded from the City of Homer's responsibilities. Severely damaged markers must be repaired or replaced at the expense of the family, the permit holder, or the responsible party.
5. Planting of trees, shrubbery, plants or turf within the Hickerson Memorial Cemetery shall be with the written consent of the City Manager or his designated representative. Failure to get prior authorization may result in removal of plant material.
6. The City will maintain a one lane driveway in winter as conditions allow. The City or the Contractor will clear the path to the interment site as conditions allow when a winter funeral is scheduled.

7. The City shall maintain Cemetery grounds at reasonable intervals, as well as raking, cleaning, grading and landscaping.

8. All grading of lots shall be done by City personnel. No person shall do any grading causing the surface of the ground to be raised above the existing height of the surrounding area. Only City approved personnel shall discharge any chemical or organic fertilizer, herbicide or other substance on any lot.

9. The Contractor will provide, place, and remove greens, decorations or seating used for an interment and must provide necessary lowering devices.

10. No work utilizing any type of power tools shall be done during an interment service. No work of any kind may be performed within 200 feet of an ongoing interment service.

11. No person shall perform any work in the Cemetery in such a manner as to interfere with the walks, decorations, or general arrangement of the Cemetery, except through the written permission of the City Manager and under his/her supervision.

12. Preparation of interment sites shall be the responsibility of the Contractor.

Plants and Decorations

1. Family members may place natural flowers on interment sites immediately adjacent to the marker for any holiday, birthday, and date of death or anniversary.
2. The City reserves the right, on the first day of each month, to remove all decorative items from interment plots and dispose of them. The City is not liable for damages caused to, or the disappearance of flowers, plants or shrubs and assumes no responsibility for their return. Items disposed by the City will not be recoverable.
3. Any decoration placed by any individual is the responsibility of that individual. The City does not guarantee that any items placed on any interment site or columbarium niche will be protected in any way from the elements, thieves, or vandals. All items placed are at the risk of the individual and subject to disposal on the first day of each month.
4. When a holiday (such as Memorial Day) occurs at the end of the month, the flowers placed for that holiday will not be removed until the first day of the second subsequent month (July 1st for Memorial Day). Likewise, if an interment takes place at the end of a particular month, the city will make every effort to leave flowers until the first day of the second subsequent month.
5. Live plants, freshly cut flowers, wreaths, or flower baskets may remain on a plot no longer than 30 days. Flowers shall not be placed in or attached to trees, shrubs, or gate. The City is not responsible for damage or liable for the return of such items.
6. Digging holes or the removal of grass or sod for any purpose, the construction or placement of concrete slabs, or the placement of rocks or any other coverings over interment sites is prohibited.
7. Glass containers of all types and unattended lit candles are prohibited.
8. No person shall pluck or remove any flower, plant, or shrub, either wild or cultivated from the Cemetery grounds or move such items from one interment site to another.
9. Permanent raised obstructions such as mounds and fences are prohibited.

Memorial Markers

1. All interment sites shall have a temporary marker immediately installed upon interment and a permanent marker installed within 24 months after interment. Design and dimensions of markers must meet the requirements established within this policy.

2. Monument Foundations. Any monument that exceeds 48" in height shall require a foundation analysis.

4. No more than one upright marker per plot will be allowed. Family plots with more than one interment may have a single family monument with flat markers on individual plots. One marker may mark up to two plots in all sections of the Cemetery.

5. Flat Markers/Headstones. All flat markers/headstones shall be constructed of sandstone or limestone, marble, granite, or concrete and will be a minimum 24" x 12" x 4" in dimension, not to exceed 48" x 24" x 4" in dimension and set flush with the ground.

6. Memorial Wall/Columbarium Inscriptions: a. The inscription on the memorial wall/rail plaques will include the first name, middle initial (if desired), and last name together with the year of birth and the year of death up to 40 characters. Additional phrases may be added if they meet the maximum characters per plaque of 40 characters. b. The inscription on the niche plaque will include the name(s) of the deceased and/or family name and year of birth and of death. The cost of the niche includes an initial engraving of up to 40 letters. Engraving in excess of 40 letters will incur additional charges as specified by the Contractor. c. All inscriptions will be of a standardized font and size dictated by the City. No additional carvings will be added to any niche plaque.

NOTE: - Inappropriate language, as determined by the City Manager or their designee, will not be permitted on any of the markers, plaques or emblems at the Hickerson Memorial Cemetery.

7. Upright or Slanted Markers/Headstones. All upright or slanted markers/headstones must be set on and affixed to a single poured concrete or granite base, installed at the head of the interment site, centered and inside the plot area and must not exceed a height of 48" above 16 grade. The base shall extend 3" beyond all sides of the marker/headstone, shall be at least 4"

thick and set flush with the ground. The City must be notified prior to any plot preparation, construction, or placement of headstone or marker. Markers/headstones must not exceed 48” in width, excluding below grade base or foundation and must not exceed 24” in depth.

8. Family Monuments. The Hickerson Memorial Cemetery will permit upright monuments in specified areas. All reference to “Monuments” is to mean family monuments that protrude above the lawn surface requiring a foundation. The intent of this section is to allow a maximum of one above-ground monument per family plot. Any work correcting deficiencies will be at the cost of the permit holder of the plot or the responsible party.

Prohibited Acts

1. No person other than authorized Cemetery personnel shall be allowed to perform any work on any interment site or lot within the grounds without written permission from the City.
2. Alcoholic beverages or controlled substances are strictly prohibited within the confines of the Hickerson Memorial Cemetery with the exception of special Cemetery events, which must be approved in writing and in advance by the City Manager or their designee.
3. No money shall be paid to the attendants at the Cemetery and visitors/plot permit holders must not otherwise engage City or Contractor employees to perform work. All orders, inquiries, and complaints must be filed with the City Manager.
4. No skateboards, roller blades or private off-road recreational vehicles shall be allowed on Cemetery property. Bicycles are restricted to Cemetery roadways only. Trucks over one ton, buses, tractors, trailers, and oversized vehicles are strictly prohibited from the Cemetery property unless approved in writing by the City Manager. Maintenance vehicles and equipment owned by the City or the Contractor are exempt from this provision.
5. A person shall not drive a hearse, pick-up or automobile on Cemetery lawn areas.
6. No person shall deposit waste or other hazardous or unsightly substances in the Cemetery.
7. Except as authorized in writing by the City Manager or their designee for the operations of the Cemetery, it is unlawful for any person to operate or drive any motor vehicle off of gravel roads. Snow machines or off-road motorcycles are prohibited in the Cemetery. Vehicles must not exceed 10 mph.
8. No person shall plant or set any tree, shrub, flower, grass, or other plant of any kind in the Cemetery without the written approval of the City.

9. It is unlawful for any person, except a City employee or the Contractor in the performance of their Cemetery duties, to willfully make any unnecessary noise or disturbance within the Cemetery.

10. Horseback riding or horse carriages within or through the Cemetery is expressly prohibited unless part of a ceremony.

11. It shall be unlawful for a person to sell or offer for sale any article of merchandise or any fruit, drink, or beverage within the limits of the Cemetery unless a specific activity is approved in writing by the City Manager.

12. No person shall pick or mutilate any flowers, either wild or domestic, or disturb any trees, shrubs, or other planted material.

Violation – Penalty.

Any person, firm or corporation who violates or maintains any violation of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not to exceed three hundred (\$300.00) dollars or the direct cost of replacement or repair of damaged Cemetery property, whichever is greater. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 18-039**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT
9 AN ALASKA DRINKING WATER FUND (ADWF) LOAN FOR
10 PHASE II OF THE HOMER WATER DISTRIBUTION/STORAGE
11 IMPROVEMENT PROJECT IN AN AMOUNT NOT EXCEEDING
12 \$660,000.
13

14 WHEREAS, Public Works has completed the design of various water distribution
15 system and water storage improvements utilizing Environmental Protection Agency Special
16 Act Appropriations Project (EPA SAAP) funds specifically appropriated for water system
17 improvement design, as authorized by the City Council; and
18

19 WHEREAS, The first phase of this project was completed using an Alaska Department
20 of Conservation (ADEC) municipal grant (MMG #40909). Remaining grant funds are proposed
21 to be used to complete additional water distribution/storage improvements. The City Council
22 approved using additional funds by passing Resolution 18-009(S) and Ordinance 18-10; and
23

24 WHEREAS, The grant will provide for 70% of the cost of these improvements; 30% is a
25 City match (HAWSP). Public Works proposes to finance this match (as was done for the first
26 phase of the project) utilizing a low interest ADWF loan; loan payments to be made from the
27 Homer Accelerated Water/Sewer Program (HAWSP) over a 10-20 year period; and
28

29 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the
30 City Manager to apply for and accept an Alaska Drinking Water Fund low interest loan to
31 finance the City's ADEC Municipal Grant Program match for the Homer Water
32 Distribution/Storage Improvement (Phase I) project an amount not to exceed \$660,000 and
33 authorizes the City Manager to execute a loan agreement for the loan and all other
34 appropriate documents.
35

36 PASSED AND ADOPTED by the Homer City Council this 23rd day of April, 2018.
37

38 CITY OF HOMER
39

40
41 _____
42 BRYAN ZAK, MAYOR

43

44 ATTEST:

45

46

47 _____

48 MELISSA JACOBSEN, MMC, CITY CLERK

49

50 Fiscal Note: HAWSP

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

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

Ordinances 18-18 & 18-19

A **public hearing** is scheduled for **Monday, April 23, 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 18-18, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment. Lord.

Ordinance 18-19, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise. Aderhold.

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 April 19, 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 18-18**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment. Lord, and **Ordinance 18-19**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise. Aderhold, was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, April 13th, 2018 and posted the same on City of Homer Website on Friday, March 16th, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 13th day of April, 2018.


Hayley Smith, Deputy City Clerk

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-18

Ordinance 18-18, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment.

Sponsor: Lord

1. Council Regular Meeting April 9, 2018 Introduction
2. Council Regular Meeting April 23, 2018 Public Hearing and Second Reading

Memorandum 18-049 from Councilmember Lord as backup

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 18-18

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
REPEALING HOMER CITY CODE 17.04.100, SUBDIVISION AFTER
LEVY OF ASSESSMENT.

WHEREAS, Homer City Code 17.04.100 requires that a subdivision connection fee be collected when a property assessed as a single parcel in an assessment district where assessments were levied in an equal amount per parcel creates a new lot by subdividing and connects to the improvement; and

WHEREAS, The subdivision connection fee is substantially equal to the amount of the original assessment; and

WHEREAS, The levying of a subdivision connection fee discourages subdividing and infill where costly water and sewer infrastructure is installed; and

WHEREAS, It is in the best interest of the City to have more customers on the Water and Sewer System to share in the cost of maintaining the system; and

WHEREAS, Encouraging infill is will also help with the City of Homer's Comprehensive Plan Goal 9 under the Economic Vitality Chapter to provide affordable housing by creating smaller, affordable lots with city services; and

WHEREAS, In recognition of the impacts of levying a subdivision connection fee the Homer City Council exempted the Homer Natural Gas Line Special Assessment District from HCC 17.04.100 when it was established; and

WHEREAS, The Homer City Council recognizes there may be other issues that need to addressed in Title 14, Public Services and Title 17, Improvement Districts and directs the City Manager to work with the City Attorney to simplify and improve these sections of code.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 17.04.100 Subdivision after levy of assessments is hereby repealed:

~~a. Except as provided in subsections (b) and (c) of this section, upon the subdivision of a property assessed as a single parcel, the amount of the assessment shall be allocated among~~

43 ~~the resulting lots that benefit from the improvement on the same basis that the assessment~~
44 ~~originally was allocated.~~

45
46 ~~b. Except as provided in subsection (c) of this section, upon the subdivision of a~~
47 ~~property assessed as a single parcel in an assessment district where assessments were levied~~
48 ~~in an equal amount per parcel (i.e., without regard to parcel area, dimension or other~~
49 ~~characteristic), then no resulting parcel, other than the parcel that contains the original~~
50 ~~connection to the improvement for which the assessment was levied, may connect to the~~
51 ~~improvement until a subdivided property connection fee is paid for the parcel.~~

52
53 ~~1. The amount of the connection fee shall be equal to the amount of the original~~
54 ~~assessment, adjusted up or down by a percentage equal to the change in the Consumer~~
55 ~~Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska, from the end of the~~
56 ~~calendar year preceding the original assessment date to the end of the calendar year~~
57 ~~preceding the date the parcel is connected to the improvement.~~

58
59 ~~2. If the original assessment was payable in installments the City may enter into a~~
60 ~~written agreement for the payment of the connection fee in installments on terms that~~
61 ~~are substantially the same as those authorized for the payment of the original~~
62 ~~assessment, secured by a deed of trust on the parcel.~~

63
64 ~~3. Upon receiving connection fee payments, the City shall allocate such payments to~~
65 ~~each property assessed in the district in proportion to the amount originally assessed~~
66 ~~against the property, either by adjusting the original assessment amount or disbursing~~
67 ~~a payment to the record owner at the time of disbursement.~~

68
69 ~~c. Upon the subdivision of a property assessed as a single parcel in an assessment~~
70 ~~district for natural gas distribution improvements where assessments were levied in an equal~~
71 ~~amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the~~
72 ~~assessment levied on the property that is to be subdivided shall be paid in full before the~~
73 ~~recording of the final plat. No parcel that results from the subdivision shall be subject to~~
74 ~~assessment for the improvements, but shall be charged for connecting to the improvements in~~
75 ~~accordance with the tariff of the public utility that provides natural gas service to the parcel.~~
76 ~~[Ord. 15-11 § 1, 2015; Ord. 12-15 § 1, 2012].~~

77
78 Section 2: This ordinance shall take effect upon its adoption by City Council.

79
80 Section 3: This ordinance is of a permanent and general character and shall be included
81 in the City Code.

82
83 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2018.

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CITY OF HOMER

BRYAN ZAK, MAYOR

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Katie Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____



Memorandum 18-049

TO: Mayor Pro Tem Aderhold and Homer City Council

FROM: Councilmember Lord

DATE: April 18, 2018

SUBJECT: Ordinance 18-18

During our last meeting, I brought forward Ordinance 18-18 which the Council unanimously approved for introduction. Several questions were raised, and in looking further at Titles 14 and 17 in City Code I would ask that Council consider voting NO on the Ordinance following public testimony at our April 23 meeting. I believe that with more effort, we can bring forward a more comprehensive and clear effort for positive change to City Code.

Through this effort, my concerns are focused on water, sewer, and road services provided by and maintained by the City. There are concerns from the community that push in both directions – that our code discourages infill and development, and also that certain changes may benefit large lot owners at the expense of smaller lot owners. There are also ways in which actions by the City may inadvertently put financial pressures on large lot owners to subdivide when they might not otherwise be inclined through large assessments.

My priorities are to ensure City Code that is fair and equitable, and that does not unduly influence the course of development through regulation in any direction. I believe strongly in responsible infill and development in the City – this provides us with a population density that can support the quality of life we enjoy in this small community. I don't, however, want to force the hands of any lot owner to have to subdivide as a result of excessively large assessments.

With this in mind, I would like Council's support to have the City Manager and the City Attorney work on reviewing Titles 14 and 17, and the associated policy manuals for HAWSP and HART, and the fee schedule. The ultimate goals in this effort would be to provide clarity and equity throughout these Titles where the City is addressing:

- Special assessment districts
- Deferred assessments
- Mandatory fees
- Spaghetti lines

Recommendation: Vote "No" on the motion to adopt Ordinance 18-18 and express non-objection to Councilmember Lord working with the City Attorney to on amendments to Titles 14 & 17.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-19

Ordinance 18-19, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise.

Sponsor: Aderhold

1. Council Regular Meeting April 9, 2018 Introduction

2. Council Regular Meeting April 23, 2018 Public Hearing and Second Reading

Ordinance 18-19(S), An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of **no more than** \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise. Aderhold.

Agreement and Scope of Work from STANTEC

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 18-19

AN ORDINANCE OF THE CITY COUNCIL, OF HOMER, ALASKA AMENDING THE 2018 OPERATING BUDGET BY AUTHORIZING THE EXPENDITURE OF \$10,000 FROM THE OLD MIDDLE SCHOOL DEPRECIATION RESERVE FOR THE PURPOSES OF DETERMINING THE FINANCIAL RESOURCES REQUIRED TO USE THE HOMER EDUCATION AND RECREATION COMPLEX (HERC), IF A TENANT IS A FEASIBLE OPTION AND ENTERING INTO A SOLE SOURCE CONTRACT WITH STANTEC TO PROVIDE TECHNICAL EXPERTISE.

WHEREAS, When the Kenai Peninsula Borough transferred the Homer Education and Recreation Complex to the City of Homer it did so to facilitate continued use of the property for community purposes; and

WHEREAS, The HERC has been underutilized since 2011 when the downstairs was used by the public and the upstairs was occupied by the Kachemak Bay Branch of the Kenai Peninsula College; and

WHEREAS, The City Council needs to determine what to do with the HERC so the property can be used at its highest and best potential; and

WHEREAS, More information and community process is needed to determine the feasibility and desirability of expanding the use of the HERC building for recreation or as a multi-use building; and

WHEREAS, The decision to sell the property should be entertained only after a thorough study of the feasibility of HERC as a long term recreation facility or other use such as convention center; and

WHEREAS, STANTEC is familiar with the architecture and engineering of the HERC from their work analyzing the structural integrity of the facility for the potential use as a Police Station; and

WHEREAS, the City and budget will benefit from STANTEC's familiarity with the facility when providing technical assistance on questions like what improvements are necessary to meet code and fire marshal requirements.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

85 YES:

86 NO:

87 ABSTAIN:

88 ABSENT:

89

90 First Reading:

91 Public Hearing:

92 Second Reading:

93 Effective Date:

94

95 Reviewed and approved as to form:

96

97 _____

98 Katie Koester, City Manager

99

100 Date: _____

Holly Wells, City Attorney

Date: _____

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

Aderhold

3
4 **ORDINANCE 18-19(S)**

5
6 AN ORDINANCE OF THE CITY COUNCIL, OF HOMER, ALASKA
7 AMENDING THE 2018 OPERATING BUDGET BY AUTHORIZING THE
8 EXPENDITURE OF **NO MORE THAN** \$10,000 FROM THE OLD MIDDLE
9 SCHOOL DEPRECIATION RESERVE FOR THE PURPOSES OF
10 DETERMINING THE FINANCIAL RESOURCES REQUIRED TO USE THE HOMER
11 EDUCATION AND RECREATION COMPLEX (HERC), IF A TENANT IS A FEASIBLE
12 OPTION AND ENTERING INTO A SOLE SOURCE CONTRACT WITH STANTEC
13 TO PROVIDE TECHNICAL EXPERTISE.

14
15 WHEREAS, When the Kenai Peninsula Borough transferred the Homer Education and Recreation
16 Complex to the City of Homer it did so to facilitate continued use of the property for community purposes;
17 and

18
19 WHEREAS, The HERC has been underutilized since 2011 when the downstairs was used by
20 the public and the upstairs was occupied by the Kachemak Bay Branch of the Kenai Peninsula
21 College; and

22
23 WHEREAS, The City Council needs to determine what to do with the HERC so the property
24 can be used at its highest and best potential; and

25
26
27 WHEREAS, More information and community process is needed to determine the
28 feasibility and desirability of expanding the use of the HERC building for recreation or as a multi-
29 use building, and

30
31 WHEREAS, The decision to sell the property should be entertained only after a thorough
32 study of the feasibility of HERC as a long term recreation facility or other use such as convention
33 center; and

34
35 WHEREAS, STANTEC is familiar with the architecture and engineering of the HERC from
36 their work analyzing the structural integrity of the facility for the potential use as a Police Station;
37 and

38
39 WHEREAS, the City and budget will benefit from STANTEC's familiarity with the facility
40 when providing technical assistance on questions like what improvements are necessary to meet
41 code and fire marshal requirements; and

42
43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
44

86 YES:

87 NO:

88 ABSTAIN:

89 ABSENT:

90

91 First Reading:

92 Public Hearing:

93 Second Reading:

94 Effective Date:

95

96 Reviewed and approved as to form:

97

98

99

100 _____
Katie Koester, City Manager

Holly Wells, City Attorney

101

102 Date: _____

Date: _____

AGREEMENT BETWEEN OWNER AND ARCHITECT
April, 2018

Homer Education/Recreation Complex (HERC)
Code Study/Three Alternative Uses

The intent of this contract is to support the HERC Task Force by completing additional planning effort related to evaluating the potential for the existing HERC building to be used as a multi-use facility (including a school).

- 1) Stantec's work is based on previously collected data, surveys, and field work and includes no new data collection.
- 2) Travel to Homer is not included in this scope of work. Telephonic attendance at task force meetings may be required.
- 3) Stantec shall work through Homer City staff (City Engineer) to support the work of the task force.

PART 1.0 PROJECT DESCRIPTION

Provide professional/technical opinion and cost estimating expertise regarding viability and reasonableness of using the HERC building as a multi-use facility (including a school). Three potential uses of the building will be determined by the Task Force at their first meeting.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY STUDY TEAM

Under the direction of City staff, help the task force evaluate alternatives by completing a Code Study (including an occupancy and exit analysis) of three potential uses of the HERC building and answering the following questions:

- 1) Can the upstairs of the HERC be safely used with no capital improvements?
- 2) What are the minimum improvements that would be needed to safely use the entire HERC facility and cost associated with those improvements?
- 3) What are the desirable improvements (and rough capital costs) that need to be made to the entire HERC facility to allow it to be used to its full potential for the next 10 years?
- 4) What would it cost to demolish the HERC building and build a new facility that meets the recreation needs of the community on the existing site?

PART 3.0 OWNER’S RESPONSIBILITIES

Owner’s representative, with input from the HERC Task Force, shall provide Stantec with direction related to City’s needs for the project throughout the study process and approving invoices in a timely manner.

PART 4.0 DELIVERABLES AND TIME PERIOD

The work shall be completed as shown on the schedule below. Work to be completed by June 30, 2016.

<u>Task</u>	<u>Completion Date</u>
Deliver preliminary letter report providing answers to questions 1 and 4	July 15, 2018
Deliver preliminary cost estimates answering questions 1, 2, 3, and 4	August 15, 2018
Deliver final letter report with final cost estimates	September 15, 2018

PART 5.0 PAYMENTS TO ARCHITECT

The maximum payment for the work described above is \$_____ on a time and materials basis, in accordance with the fee proposal.

The Architect shall prepare invoices on a monthly basis, as described in the original contract.



Stantec Architecture Inc.
725 East Fireweed Lane Suite 200, Anchorage AK 99503-2245

April 18, 2018
File:TBE

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

Dear Mr. Meyer,

Reference: HERC Building Code Study

Stantec Architecture Inc. (Stantec) is pleased to continue assisting the City of Homer in providing a code study for the adaptive reuse of the HERC Building, located at the corner of Pioneer Avenue and the Sterling Highway.

We understand that the City Council will employ a Task Force who has the role to evaluate potential options for the use of the HERC building. The intent of this contract is to support the HERC Task Force by completing a code study and a cost estimate.

Based on our conversation with you and Joe Jolley (Cornerstone General Contractors) April 16, 2018 and the updated scope emailed on April 17, 2018 our understanding is that Stantec will provide a code study for three potential occupancy-classifications:

- Assembly -A (example: multi-purpose, community hall)
- Educational – E (example: K-12 school)
- Business – B (example: offices, civic administration)

The code study is based on the State of Alaska adopted and amended 2012 International Building, Fire, Mechanical Codes and NFPA 70 Electrical Code.

Cornerstone will be a subconsultant to Stantec and will provide rough order of magnitude (ROM) cost estimate per square foot for each occupancy.

The goal of the code study and the ROM estimate is to address the questions below.

- 1) Can the upstairs of the HERC be safely used with no capital improvements?
- 2) What are the minimum improvements that would be needed to safely use the entire HERC facility and cost associated with those improvements?
- 3) What are the desirable improvements (and rough capital costs) that need to be made to the entire HERC facility to allow it to be used to its full potential for the next 10 years?

Design with community in mind

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

Reference: HERC Building Code Study

- 4) What would it cost to demolish the HERC building and build a new facility that meets the recreation needs of the community on the existing site?

The answers provided will be based on the current information provided to date by Owner, no site visits, and no specific information on the program for each occupancy. Therefore, this study is to be considered as a preliminary reference that will require further development as program specific information are available.

Scope of Services and Deliverables

Scope of services will include:

1. International Building and Fire Code study based on occupancies A, E, B.
2. International Mechanical Code study based on occupancies A, E, B.
3. NFPA 70 Code study based on occupancies A, E, B.
4. Coordination with Contractor (Cornerstone) to develop design concept and Rough Order of Magnitude Cost Estimate taking into consideration constructability;
5. Participation up to (3) work sessions via phone;

Our deliverables will be provided in PDF format.

Schedule

July 15, 2018

Deliver preliminary code study and letter report providing answers to questions 1 and 4;

August 15, 2018

Deliver preliminary cost estimates answering questions 1, 2, 3, and 4;

September 15, 2018

Deliver final letter report with final cost estimates.

Assumptions and Exclusions

We anticipate the following assumptions and exclusions:

- Stantec will base the study on the current understating of the scope described in this proposal letter. The City Council has yet to employ a Task Force. Should the Task Force propose additional requests, Stantec will be happy to address change of scope for additional services.
- Stantec will work with Cornerstone to provide a Rough Order of Magnitude Cost Estimate.
- Concept design, schematic design, design development, construction documents are excluded.
- Permit and preliminary discussion with Authorities Having Jurisdiction are excluded.

Design with community in mind

Reference: HERC Building Code Study

- Drawings are excluded.
- Floor plan and concept design options for each building occupancy are excluded.
- Civil engineering is excluded.
- Deliverable Schedule is per this proposal outline.
- Project Specifications are excluded.
- Preliminary Life Cycle Cost Study is excluded.
- Structural, Mechanical, Electrical engineering are excluded.
- Measurement and Verification are excluded.
- Geotechnical engineering is excluded.
- Survey is excluded.
- Public involvement is excluded.
- Participation at in person meetings/work session is excluded.
- Deliverables in addition to scope described above are excluded.
- Photo-realistic models and massing models are excluded.
- The scope is limited to a code study and is not intended as a condition survey of the building.
- Hazardous Material Report was delivered on September 16, 2015 and is not included in this scope.

Fee

Stantec proposes a compensation Lump Sum compensation of \$16,672 to accomplish the work as described.

Closing

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

Regards,

STANTEC ARCHITECTURE INC.



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

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

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City of Homer	Stantec Architecture Inc.	WO# TBE
Homer HERC Building Code Study	725 East Fireweed Lane, Suite 200	
Fee Estimate for Professional Services	Anchorage, AK 99504	
Summary of Labor and Expenses		

	Task Description	All Disciplines Labor	Expenses	Total
I	Code Study	\$15,750.00	\$42.00	\$15,792.00
II	ROM Estimate (Cornerstone)	\$880.00	\$0.00	\$880.00
	Total	\$16,630.00	\$42.00	\$16,672.00

FEE EXCLUSIONS:

- 1 see letter scope for specific exclusions

		Stantec Architecture Inc.		WO# TBE		
		725 East Fireweed Lane, Suite 200				
		Anchorage, AK 99504				
		Sr.				
	PM/PA	Mechanical Engineer	Sr. Electrical Engineer	Struct. Engineer	Project Support	TOTAL
	\$179.00	\$179.00	\$179.00	\$216.00	\$135.00	COST
						TOTAL HOURS
Task Description						
I Code Study						
Project Management/Admin/Coord	2.0				1.0	\$493.00
Develop Code Study for Each Option (A, E, B)	24.0	9.0	9.0	9.0		\$9,462.00
Coordination with Cornerstone	3.0					\$537.00
Develop Letter Report	8.0	3.0	3.0	3.0		\$3,154.00
Participation up to (3) conference calls	6.0					\$1,074.00
Addressing comments	3.0					\$537.00
Quality Control/independent Reviews	2.0				1.0	\$493.00
Totals for Task I	48.0	12.0	12.0	12.0	2.0	\$15,750.00
II ROM Estimate (Cornerstone)						
10% ROM for Each Option (A, E, B)						\$880.00
Totals for Task II		0.0	0.0	0.0		\$880.00
Labor Totals	48.0	12.0	12.0	12.0	2.0	\$16,630.00
						86.0

Item Description	Quantity	Units	Rate	Total	Remarks
I Schematic Design					
Xerox Copies 8-1/2 x 11	20	Copies	\$0.20	\$4.00	
Color Copies 8-1/2 x 11	20	Copies	\$0.50	\$10.00	
Xerox Copies 11 x 17	20	Copies	\$0.40	\$8.00	
Color Copies 11x17	20	Copies	\$1.00	\$20.00	
Flight	0	Allow	\$370.00	\$0.00	
Mileage		Miles	\$0.51	\$0.00	
Compact Disc		Each	\$10.00	\$0.00	
Binder(s) - provide size for submittal		Allow		\$0.00	
Airport parking	0	Allow	\$16.00	\$0.00	
Facsimile Transmittals, Long Distance		Allow		\$0.00	
Meals	0	Allow	\$14.50	\$0.00	
Totals for Task I				\$42.00	
Total Expenses				\$42.00	



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

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

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

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

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

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

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

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

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

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

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

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

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

Any document produced by Consultant in relation to the Services is intended for the sole use of Client. The documents may not be relied upon by any other party without the express written consent of Consultant, which may be withheld at Consultant's discretion. Any



such consent will provide no greater rights to the third party than those held by the Client under the contract, and will only be authorized pursuant to the conditions of Consultant's standard form reliance letter.

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

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

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

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

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

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

FLORIDA CONTRACTS: PURSUANT TO FLORIDA STATUTES CHAPTER 558.0035 AN INDIVIDUAL EMPLOYEE OR AGENT MAY NOT BE HELD INDIVIDUALLY LIABLE FOR DAMAGES RESULTING FROM NEGLIGENCE.

ORDINANCE(S)

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-24

Ordinance 18-24, An Ordinance of the City Council of Homer, Alaska, Amending the FY18 Operating Budget by Authorizing the Expenditure of an Additional \$79,452 from the Homer Accelerated Road & Trail Fund to Complete the Greatland Street Extension.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting April 9, 2018 Introduction

Memorandum 18-050 from Public Works Director as backup

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 18-24**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2018 OPERATING BUDGET BY AUTHORIZING THE
9 EXPENDITURE OF AN ADDITIONAL \$79,452 FROM THE HOMER
10 ACCELERATED ROAD/TRAIL (HART) FUND TO COMPLETE THE
11 GREATLAND STREET EXTENSION PROJECT.

12
13 WHEREAS, The City Council, passed Ordinance 18-07, appropriating \$671,053 from the
14 Homer Accelerated Roads and Trails Program (HART) for the Greatland Street Improvements
15 Project (based on the original project scope); and

16
17 WHEREAS, the City Council passed Resolution 18-020(A), directing the design team to
18 proceed with the project, including the addition of sidewalk on the east side and providing
19 street lighting along the entire length of Greatland Street. This additional work was beyond that
20 anticipated in the original budget established under Ordinance 18-07; and

21
22 WHEREAS, Public Works coordinated the final design and cost estimate (based on the
23 direction of the Council per Resolution 18-020(A) and the cost of the project exceeds the
24 previously authorized project budget (see Memorandum 18-050 from Public Works).

25
26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

27
28 Section 1. The FY 2018 Operating Budget is hereby amended by appropriating an
29 additional \$79,452 from the HART Fund for Greatland Street Extension project.

30
31

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
160 -0775	Greatland Street Extension	\$79,452

32
33
34 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall
35 not be codified.

36
37 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2018.

38
39 CITY OF HOMER

40
41 _____
42 BRYAN ZAK, MAYOR

43 ATTEST:

44

45 _____

46 MELISSA JACOBSEN, CMC, CITY CLERK

47

48 YES:

49 NO:

50 ABSTAIN:

51 ABSENT:

52

53

54 First Reading:

55 Public Hearing:

56 Second Reading:

57 Effective Date:

58 Reviewed and approved as to form:

59 _____

60 Katie Koester, City Manager

61

62 Date: _____

63

Holly Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 18-050

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: April 13, 2018
SUBJECT: **Greatland Street Extension
Request for Additional Funding**

The City Council passed Ordinance 18-07, appropriating \$671,053 from the Homer Accelerated Roads and Trails Program (HART) for the Greatland Street Improvements Project (based on the original project scope). The City Council passed Resolution 18-020(A), directing the design team to finalize the design of the project, including the addition of sidewalk on the east side and providing street lighting along the entire length of Greatland Street.

This additional work was beyond that anticipated in the original budget established under Ordinance 18-07. Based on the final design, the cost of the additional work is as follows:

Sidewalk on the East Side of Greatland Street

New Handicap Ramp at the Sterling Highway	\$ 3,580
Excavation	\$ 6,750
Asphaltic Concrete/Leveling Course	\$24,900
Topsoil/Seeding	<u>\$ 2,400</u>
Subtotal	\$37,550
Street Lights (along existing Greatland Street)	\$35,510
Additional Design	\$ 3,442
Contingency (5%)	\$ 2,870
Total Additional Cost	\$79,452

Recommendation: The City Council adopt Ordinance 18-24 amending the 2018 Operating Budget by appropriating an additional \$79,452 from the Homer Accelerated Roads/Trails Program for the construction of Greatland Street Extension.

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-25

Ordinance 18-25, An Ordinance of the City Council of Homer, Alaska Amending the FY2018 Capital Budget by Appropriating \$102,500 from the Police Station Reserve for the Purpose of Funding 10% Design, Geotechnical Investigation and Site Survey for the New Police Station.

Sponsor: Mayor/Council

1. Council Regular Meeting April 9, 2018 Introduction

**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

ORDINANCE 18-25

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY2018 CAPITAL BUDGET BY APPROPRIATING \$102,500 FROM THE POLICE STATION RESERVE FOR THE PURPOSE OF FUNDING 10% DESIGN, GEOTECHNICAL INVESTIGATION AND SITE SURVEY FOR THE NEW POLICE STATION.

WHEREAS, In recognition of the great need for a safe and hygienic police station, City Council has approved a new police station as the top-ranked priority in the City of Homer's Capital Improvement Plan; and

WHEREAS, City Council has engaged in a series of worksessions to agree on a preferred site at Heath Street and Grubstake, a cost limit and a proposed funding mechanism that includes a significant local contribution toward the new police station; and

WHEREAS, It is the intention of City Council to place a bond measure before the voters to approve project financing; and

WHEREAS, It is important to involve voters in the planning process and to provide sufficient information to the voters and so that they may participate meaningfully in the vote; and

WHEREAS, A geotechnical investigation and site survey have not been performed on the selected site; and

WHEREAS, Information gained from these investigations will help assure that site conditions support the construction cost estimates; and

WHEREAS, A 10% design will provide sufficient architectural information to the public saving the cost of a full design before knowing if the voters will approve moving ahead with the project.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY2018 capital budget by appropriating \$102,500 from the Police Station Reserve for the purpose of funding 10% design, geotechnical investigation and site survey for the new police station.

43 Expenditure:

44 <u>Account No.</u>	<u>Description</u>	<u>Amount</u>
45 156-0376	New Police Station Reserve Account	\$102,500.00

46

47 Section 2. The City Manager is authorized to execute the appropriate documents.

48

49 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not
50 be codified.

51

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

53

54 CITY OF HOMER

55

56

57 _____

58 BRYAN ZAK, MAYOR

59

60 ATTEST:

61

62

63 _____

64 MELISSA JACOBSEN, MMC, CITY CLERK

65

66

67 Introduction:

68 Public Hearing:

69 Second Reading:

70 Effective Date:

71

72 YES:

73 NO:

74 ABSTAIN:

75 ABSENT:

76

77 Reviewed and approved as to form:

78

79 _____

80 Katie Koester, City Manager

81

82 Date: _____

Holly Wells, Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-26

Ordinance 18-26, An Ordinance of the City Council of Homer, Alaska Authorizing the City to Issue General Obligation Bonds in the Principal Amount of not to Exceed \$5,000,000 to Finance Public Safety Operating and Infrastructure, Including Construction of a Police Station; Amending HCC 9.16.100 to Provide for an Increase in the Rate of City Sales Tax From 4.5% to 5.5% from June 1 through August 31, with .8% of the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on August 31 of the Year when the City has Received Sufficient Funds from the Increase to Pay all of that Debt Service; and Submitting the Question of the Issuance of Such Bonds and Such Sales Tax Rate Increase to the Qualified Voters of the City at the October 2, 2018 Regular Election.

Sponsor: Mayor/Council

1. Council Regular Meeting April 9, 2018 Introduction

Memorandum 18-051 from City Manager as backup

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

3 Mayor/City Council

4 **ORDINANCE 18-26**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS
8 IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000 TO
9 FINANCE THE ACQUISITION AND CONSTRUCTION OF A POLICE
10 STATION; AMENDING HCC 9.16.010 TO PROVIDE FOR AN
11 INCREASE IN THE RATE OF THE CITY SALES TAX FROM 4.5% TO
12 5.5% FROM JUNE 1 THROUGH AUGUST 31, WITH 0.8% OF THE
13 INCREASE PROVIDING FUNDS TO PAY DEBT SERVICE ON THE
14 GENERAL OBLIGATION BONDS AND EXPIRING ON AUGUST 31 OF
15 THE YEAR WHEN THE CITY HAS RECEIVED SUFFICIENT FUNDS
16 FROM THE INCREASE TO PAY ALL OF THAT DEBT SERVICE; THE
17 QUESTION OF THE ISSUANCE OF SUCH BONDS AND SUCH SALES
18 TAX RATE INCREASE TO THE QUALIFIED VOTERS OF THE CITY AT
19 THE OCTOBER 2, 2018 REGULAR ELECTION.

20
21 WHEREAS, The City of Homer (the "City") is in need of a new police station; and

22
23 WHEREAS, The City Council views the acquisition and construction of a new police
24 station and related capital improvements authorized herein as necessary and beneficial to the
25 community, and determines that to fund such improvements general obligation bonds of the
26 City should be authorized, issued and sold; and

27
28 WHEREAS, The City Council also deems it necessary to increase the rate of the City sales
29 tax to provide funds to pay costs of public safety operations and capital improvements,
30 including without limitation part of the debt service on such general obligation bonds; and

31
32 WHEREAS, Under the provisions of AS 29.47.190 the City may incur general obligation
33 debt only after a bond authorization ordinance is approved by a majority of those voting on
34 the question at a regular or special election; and

35
36 WHEREAS, Under the provisions of AS 29.45.700(b) and AS 29.45.670, the City may
37 increase the rate of its sales tax only after an ordinance authorizing the increase is approved
38 by a majority of those voting on the question at a regular or special election.

39
40 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

41
42 Section 1. It is hereby determined to be for a public purpose and in the public interest
43 of the City to incur general obligation bonded indebtedness in an amount not to exceed Five

44 Million Dollars (\$5,000,000) for the purpose of paying the cost of planning, designing, and
45 constructing a new police station and related capital improvements.

46
47 Section 2. The City is authorized to borrow the sum of Five Million Dollars (\$5,000,000)
48 to finance the capital improvements described in Section 1, and the borrowing shall be
49 evidenced by the issuance of general obligation bonds of the City. The full faith and credit of
50 the City are pledged for payment of the principal of and interest on the bonds, and ad valorem
51 taxes upon all taxable property in the City shall be levied without limitation as to rate or
52 amount to pay the principal of and interest on the bonds when due.

53
54 Section 3. Homer City Code 9.16.010 is amended to read as follows:

55
56 9.16.010 Levied.

57 a. A consumer's sales tax in the amount of three and three-quarters percent (3.75%) is
58 levied by the City on all sales, rents and services within the City except as the same may be
59 otherwise exempted by law.

60
61 b. An additional consumer's sales tax in the amount of three-quarters percent (0.75%)
62 is hereby levied by the City of Homer on all sales, rents and services within the City except as
63 the same may be otherwise exempted by law, for the purpose of funding debt retirement of
64 the sewer treatment plant improvements, and to the extent revenues from such tax exceed
65 such debt retirement obligations, for the purpose of funding water and sewer systems.

66
67 **c. An additional consumer's sales tax in the amount of one percent (1.0%) is hereby**
68 **levied by the City of Homer on all sales, rents and services within the City from June 1**
69 **through August 31, except as the same may be otherwise exempted by law, for the**
70 **purpose of funding public safety operations and infrastructure within the City, including**
71 **construction of a police station and, without limitation, debt retirement of capital**
72 **improvements related to the police station with eight tenth of one percent (0.8%) of the**
73 **increase providing funds to pay debt service on the general obligation bonds and expiring**
74 **on August 31 of the year when the City has received sufficient funds from the increase to**
75 **pay all of that debt service .**

76
77 Section 4. The City shall submit the following proposition to the qualified voters of the
78 City at the October 2, 2018 regular City election. The proposition must receive an affirmative
79 vote from a majority of the qualified voters voting on the question to be approved.

80
81 PROPOSITION NO. ___
82 GENERAL OBLIGATION BONDS FOR
83 A NEW POLICE STATION AND RELATED CAPITAL IMPROVEMENTS;
84 1.0% SEASONAL SALES TAX RATE INCREASE TO 5.5%

85

86 Shall the City of Homer incur debt and issue general obligation bonds in an
87 amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning,
88 design and construction of a police station and related capital improvements;
89 and shall the rate of City sales tax be increased by one percent (1.0%) to five and
90 one-half percent (5.5%) from June 1 through August 31, for the purpose of
91 funding public safety operations and infrastructure within the City, including
92 construction of a police station and, without limitation, debt retirement of
93 capital improvements related to a police station with 0.8% of the increase to pay
94 debt service on the general obligation bonds and expiring on August 31 of the
95 year when the City has received sufficient funds from the increase to pay all of
96 that debt service?

97
98 The bonds shall be secured by a pledge of the full faith and credit of the City.
99 (Ordinance 2018-__)

100
101 Section 5. The proposition, both for paper ballots and machine ballots, shall be printed
102 on a ballot which may set forth other general obligation bond propositions, and the following
103 words shall be added as appropriate next to a space provided for marking the ballot for voting
104 by hand or machine:

105
106 PROPOSITION NO. ____
107 O Yes
108 O No

109
110 Section 6. Section 2 of this ordinance shall become effective only if the proposition
111 described in Section 4 is approved by a majority of the qualified voters voting on the
112 proposition at the October 2, 2018 regular City election. Section 3 of this ordinance shall
113 become effective January 1, 2019, but only if the proposition described in Section 4 is approved
114 by a majority of the qualified voters voting on the proposition at the October 2, 2018 regular
115 City election. The remaining sections of this ordinance shall become effective upon passage.

116
117 Section 7. Section 3 of this Ordinance is of a permanent and general character and shall
118 be included in the City Code. The remainder of this ordinance is not of a permanent nature
119 and as such, shall not be codified.

120
121 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
122 _____ 2018.

123
124 CITY OF HOMER

125
126 _____
127 BRYAN ZAK, MAYOR

128
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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

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 18-051

TO: Mayor Zak and Homer City Council
 FROM: Katie Koester, City Manager
 DATE: April 18, 2018
 SUBJECT: Ordinance 18-26 Authorizing G.O. Bonds for Police Station

Ordinance 18-26 authorizes a seasonal sales tax of 1% through the summer months (June, July, and August). After the work session on April 12, a number of you came to me with concerns about the proposed seasonal sales tax increase spanning multiple quarters. In order to facilitate the continuation of that conversation, I have included scenarios below that may be used to amend the ordinance before you.

Bond for 5 Million

Term and Rate	Annual Payment	X 1.25	+ Increased O&M*
20 years at 4%	\$390,660	\$488,325	\$569,874
30 years at 4.5%	\$320,076	\$400,095	\$481,644

*Assumption: \$81,549 in increased operations and maintenance

- 1) 1% seasonal sales tax for three months, June July August, to mirror tax on non-prepared food. (Current language included in Ordinance).

Tax Collected Annually 3mo at 1%	\$599,342
.8% (debt retirement)	\$479,474
.2% (operations)	\$119,868

- 2) .5% seasonal sales tax for six months, April – September. (Amendment No. 1)

Tax Collected Annually 6mo at .5%	\$583,368
.4% (debt retirement)	\$466,694
.1% (operations)	\$116,673

3) .3% year round sales tax. (Amendment No. 2)

Tax Collected Annually Year round at .3%	\$522,758
.25% (debt retirement)	\$435,632
.05% (operations)	\$87,126

4) Councilmember Erickson requested an amendment that allows voters to choose between a seasonal sales tax and year round sales tax. I have done my best to provide that language with amendment number 3 attached, however it would need additional legal review if adopted. There is time for this review between now and second reading. (Amendment No. 3)

5) Councilmember Smith requested an amendment that would allow for a special election on June 26, 2018. If passed, funding would come from the elections budget which includes funding for 1 special election annually in the case of a runoff. If passed, administration would bring a midyear adjustment to ensure funding in the case of a special election in October (Amendment No. 4).

AMENDMENT NO. 1

Line 11

Delete "4.5% TO 5.5% FROM JUNE 1 THROUGH AUGUST 31"

Insert "4.5% TO 5% FROM APRIL 1 THROUGH SEPTEMBER 31"

Line 67

Delete "c. An additional consumer's sales tax in the amount of one percent is hereby levied by the City of Homer on all sales, rents and services within the City from June 1 through August 31, except as the same may be otherwise exempted by law, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to the police station with .8 percent of the increase providing funds to pay debt service on the general obligation bonds and expiring on August 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service ."

Insert "c. An additional consumer's sales tax in the amount of **one half of one percent (0.5%)** is hereby levied by the City of Homer on all sales, rents and services within the City from **April 1 through September 31**, except as the same may be otherwise exempted by law, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to the police station with **four tenths of one percent (0.4%)** of the increase providing funds to pay debt service on the general obligation bonds and expiring on **September 31** of the year when the City has received sufficient funds from the increase to pay all of that debt service ."

Line 87

Delete "1.0% SEASONAL SALES TAX RATE INCREASE TO 5.5%"

Insert "0.5% SEASONAL SALES TAX RATE INCREASE TO 5.0%"

Line 89

Delete "Shall the City of Homer incur debt and issue general obligation bonds in an amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning, design and construction of a police station and related capital improvements; and shall the rate of City sales tax be increased by one percent (1.0%) to five and one-half percent (5.5%) from June 1 through August 31, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to a police station with .8% of the increase to pay debt service on the general obligation bonds and expiring on August 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service?"

Insert "Shall the City of Homer incur debt and issue general obligation bonds in an amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning, design and construction of a

police station and related capital improvements; and shall the rate of City sales tax be increased by one half of one percent (0.5%) to five percent (5.0%) from April 1 through September 31, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to a police station with 0.4% of the increase to pay debt service on the general obligation bonds and expiring on August 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service?"

AMENDMENT NO. 2

Line 11

Delete "4.5% TO 5.5% FROM JUNE 1 THROUGH AUGUST 31, WITH .8%"

Insert "4.8%, WITH .1%"

Line 64

Delete "c. An additional consumer's sales tax in the amount of one percent is hereby levied by the City of Homer on all sales, rents and services within the City from June 1 through August 31, except as the same may be otherwise exempted by law, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to the police station with .8 percent of the increase providing funds to pay debt service on the general obligation bonds and expiring on August 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service ."

Insert "c. An additional consumer's sales tax in the amount of **three tenths** of one percent (0.3%) is hereby levied by the City of Homer on all sales, rents and services within the City, except as the same may be otherwise exempted by law, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to the police station with one quarter of one percent (**0.25%**) of the increase providing funds to pay debt service on the general obligation bonds and expiring on August 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service ."

Line 87

Delete "1.0% SEASONAL SALES TAX RATE INCREASE TO 5.5%"

Insert "0.3% SALES TAX RATE INCREASE TO 4.8%"

Line 89

Delete "Shall the City of Homer incur debt and issue general obligation bonds in an amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning, design and construction of a police station and related capital improvements; and shall the rate of City sales tax be increased by one percent (1.0%) to five and one-half percent (5.5%) from June 1 through August 31, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to a police station with .8% of the increase to pay debt service on the general obligation bonds and expiring on August 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service?"

Insert "Shall the City of Homer incur debt and issue general obligation bonds in an amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning, design and construction of a

police station and related capital improvements; and shall the rate of City sales tax be increased by three tenths of one percent (0.3%) to four and eight tenths percent (4.8%), for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to a police station with one quarter of one percent (0.25%) of the increase to pay debt service on the general obligation bonds and expiring on August 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service?"

AMENDMENT NO. 3

The purpose of this amendment is to provide the voters with an option between a 6 month seasonal sales tax and year round sales tax to fund the new police station. To do that, the question is divided in 3 parts: Proposition 1 to authorize the general obligation bond, Proposition 2 to ask for a seasonal sales tax increase and Proposition 3 to ask for a year round sales tax increase. Because this amendment is conceptual in nature, adoption of it tonight would indicate the general intent and the City Manager would work with the City Attorney on specific language that would need to be included in a substitute.

PROPOSITION 1:

Shall the City of Homer incur debt and issue general obligation bonds in an amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning, design and construction of a police station and related capital improvements?

YES _____ NO _____

PROPOSITION 2:

If Proposition 1 is approved by the voters, shall the City of Homer increase the rate of City sales tax be increased by one half of one percent (.5%) to five percent (5%) from April 1 through September 31, for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to a police station with eight tenth of one percent (0.8%) of the increase to pay debt service on the general obligation bonds and expiring on September 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service?

YES _____ NO _____

PROPOSITION 3:

If Proposition 1 is approved by the voters, shall the City of Homer increase the rate of City sales tax be increased by one third of one percent (.3%) to four and eight tenths of one percent (4.8%) for the purpose of funding public safety operations and infrastructure within the City, including construction of a police station and, without limitation, debt retirement of capital improvements related to a police station with two tenth of one percent (0.2%) of the increase to pay debt service on the general obligation bonds and expiring on December 31 of the year when the City has received sufficient funds from the increase to pay all of that debt service?

YES _____ NO _____

AMENDMENT NO. 4

Line 19

Delete "THE OCTOBER 2, 2018 REGULAR ELECTION"

Insert "A SPECIAL ELECTION TO BE HELD ON JUNE 26, 2018"

Line 27 insert new whereas "WHEREAS, A special election will ensure that the project has the full support of the voters before investing additional design dollars and allow the project to take advantage of precious additional months of construction season, and"

Line 78

Delete "the October 2, 2018 regular City election"

Insert "a June 26, 2018 special City election"

Line 115

Delete " October 2, 2018 regular"

Insert "June 26, 2018 special"

Line 117

Delete "October 2, 2918 regular City"

Insert "June 26 special City election"

ORDINANCE REFERENCE SHEET
2018 ORDINANCE
ORDINANCE 18-27

Ordinance 18-27, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 from the Police Station Reserve Fund for a Public Information Campaign in Support of the Ballot Proposition to Issue General Obligation Bonds of \$5 Million Dollars to Finance the Construction of a Police Station and Provide for an Increase in the Rate of City Sales Tax from 4.5% to 4.8% with 0.25% of the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds which will Expire on December 31 the Year when the City has Received Sufficient Funds from the Increase to Pay all of that Debt Service, Including Information that may Influence the Outcome of the Election on The Proposition.

Sponsor: Smith

1. Council Regular Meeting April 9, 2018 Introduction

**CITY OF HOMER
HOMER, ALASKA**

Smith

ORDINANCE 18-27

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, APPROPRIATING FUNDS IN THE AMOUNT OF \$5,000 FROM THE POLICE STATION RESERVE FUND FOR A PUBLIC INFORMATION CAMPAIGN IN SUPPORT OF THE BALLOT PROPOSITION TO ISSUE GENERAL OBLIGATION BONDS OF \$5 MILLION DOLLARS TO FINANCE THE CONSTRUCTION OF A POLICE STATION AND PROVIDE FOR AN INCREASE IN THE RATE OF CITY SALES TAX FROM 4.5% TO 4.8% WITH 0.25% OF THE INCREASE PROVIDING FUNDS TO PAY DEBT SERVICE ON THE GENERAL OBLIGATION BONDS WHICH WILL EXPIRE ON DECEMBER 31 THE YEAR WHEN THE CITY HAS RECEIVED SUFFICIENT FUNDS FROM THE INCREASE TO PAY ALL OF THAT DEBT SERVICE, INCLUDING INFORMATION THAT MAY INFLUENCE THE OUTCOME OF THE ELECTION ON THE PROPOSITION.

WHEREAS, City Council has previously shown through approval of Resolution 13-087(A) and Resolution 14-093 that having a new Public Safety Building was one of the top five Capital Improvements Projects and due to the decline in revenues, particularly from the State of Alaska, the City faces the probability of the project not receiving additional funding; and

WHEREAS, The City Council views the acquisition and construction of a new police station and related capital improvements as necessary and beneficial to the community, and determines that to fund such improvements general obligation bonds of the City should be authorized, issued and sold; and

WHEREAS, It is prudent long-term planning to identify a source of funds required to properly maintain this important public asset over time; and

WHEREAS, It is the Council's duty and desire to ensure all city voters are aware of the impact that issuing General Obligation Bonds and implementing a 1% sales tax would have on the construction and financing of the new Police Station; and

WHEREAS, AS 15.13.145(c)(2) permits the City to provide the public with nonpartisan information about a ballot proposition, but AS 15.13.145(b) prohibits the City from using funds to influence the outcome of an election concerning a ballot proposition unless the City specifically appropriates the funds for that purpose by ordinance; and

43 WHEREAS, The Alaska Public Offices Commission (“APOC”), which enforces AS
44 15.13.145, has interpreted nonpartisan information permitted under AS 15.13.145(c)(2) very
45 narrowly, so that the City cannot inform the public fully about the effects of the ballot
46 proposition to issue general obligation bonds in an amount of \$5 million dollars and increase
47 the sales tax seasonally .XX% April 1 through September 30 to pay debt service without
48 including information that APOC likely would categorize as influencing the outcome of the
49 election on the ballot proposition.

50

51 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

52

53 Section 1. The City Council hereby appropriates funds from the Police Station Reserve
54 Fund to provide public information on the ballot proposition to issue General Obligation Bonds
55 in the amount of \$5 Million Dollars to finance the acquisition and construction of a police
56 station and provide for an increase in the rate of city sales tax from 4.5% to 4.8% with 0.25% of
57 the increase providing funds to pay debt service on the general obligation bonds which will
58 expire on December 31 the year when the city has received sufficient funds from the increase
59 to pay all of that debt service and 0.05% remaining into perpetuity for the sole purpose of
60 police station operations and maintenance , including information that may influence the
61 outcome of the election on the proposition.

62

63 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Police Station Reserve Fund	\$5,000.00

66

67 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Public Information Campaign on Ballot Proposition	\$5,000.00

70

71

72
73 Section 2. This is a budget amendment ordinance, is temporary in nature and shall not
74 be codified.

75

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

77

78 CITY OF HOMER

79

80

81

BRYAN ZAK, MAYOR

82

83

84 ATTEST:

85

86 _____

87 MELISSA JACOBSEN, MMC, CITY CLERK

88

89

90 YES:

91 NO:

92 ABSTAIN:

93 ABSENT:

94

95 First Reading:

96 Public Hearing:

97 Second Reading:

98 Effective Date:

99

100 Reviewed and approved as to form:

101

102 _____

103 Katie Koester, City Manager

104

105 Date: _____

Holly C. Wells, City Attorney

Date: _____

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Pro Tem Aderhold and Homer City Council
FROM: Katie Koester, City Manager
DATE: April 18, 2018
SUBJECT: April 23 City Manager's Report

Lieutenant Browning Receives National Award from Elks

Homer Elks #2127 is the first lodge in Alaska to award a law enforcement officer with an Elks National Award. The Enrique Camarena Award was established by the Benevolent and Protective Order of Elks to recognize and honor law enforcement officers who have made a significant contribution in the field of drug prevention and who personify Agent Camarena's belief that one person can make a difference. Special Agent Camarena was a slain DEA Agent, murdered by the Mexican Drug Cartel, while investigating drug trafficking into the United States in 1985. His death precipitated the start of the Red Ribbon Campaign that Elks celebrate each October in his honor.

Homer Elks #2127 was selected to award Lt. Ryan Browning of the Homer Police Department as the first law enforcement officer in Alaska to receive this humanitarian award. The award was presented at the annual Homer Elks Awards banquet held on April 7th. The City and the Department are proud of the caliber of our employees and national recognition they bring our town. Homer Elks #2127 deserves a thank you for recognizing these qualities in a local public employee and nominating a Homer Police Department Officer for this prestigious award.

Kenai Peninsula City Manager's Meeting

Thursday, April 5th I traveled to Kenai for a regional meeting of City Managers hosted by the Kenai Peninsula Economic Development District. In addition to the City Manager's from Kenai, Soldotna, Seldovia and Seward, Borough Mayor Pierce and his Chief of Staff were in attendance. After an interview on the economic development activity in our communities by the Peninsula Clarion we heard from the Borough Mayor about budget issues at the Borough and his suggestions for generating revenue. The City Manager's business meeting focused on regional economic development projects and how the different Peninsula municipalities could be involved. We talked about ways the Peninsula as a whole could speak more with one voice to address some of the State and Borough issues we face as the larger community of the Kenai Peninsula. It was a great opportunity to network with other City Managers dealing with very similar issues: tips, resolutions, links to grants, and copies of code were shared liberally as we learned from each other. I am encouraged that the group is planning on continuing to meet on a quarterly basis and invited them to the Southern Kenai Peninsula for the next meeting.

Fundraiser Benefit for Homer Police Department Officer

In February of this year, HPD Officer Stading was diagnosed with kidney cancer. Currently he is in Seattle undergoing surgery and starting immunotherapy. The Community held a fundraiser on April 7th to help with the financial burden on his family at the Christian Community Church. Through a live and silent auction and many generous donations by businesses and individuals, they were able to raise over \$35,000 for Officer Stading. The event was well attended with hundreds of people from all walks of life coming together to support an officer and member of the Homer Police Department. I was truly touched by the community's outpouring of respect and generosity for someone who gives so much to serve and protect the peace in our community. It was a heartwarming experience to share in and I know all of us at the City are sending healing thoughts to our colleague as he works on recovering in Seattle.

Homer Foundation Contribution

As you are aware, the Homer Foundation administers a City of Homer Grant Fund that is a combination of an annual appropriation and earnings on the endowment. In the 2017 budget cycle City Council amended the operating budget to increase the contribution to the Homer Foundation from \$19,000 to \$25,000. In the past when the City has contributed additional funds to the Foundation, they have been used to grow the endowment. The Homer Foundation has asked for direction regarding the additional \$6,000. I would appreciate guidance from Council on the intent of the increase to the Foundation and if it is meant as a sustainable way to ensure the endowment grows or be distributed annually as part of the grants available to local non-profits.

Meeting with Fireweed Academy

The City Council was sent a letter of interest by the Fireweed Academy Parent Association for the potential use of the Homer Education and Recreation Complex (HERC) as a joint campus for their school. In the letter they requested a meeting with me to discuss potential options and obstacles for the facility. I met with two parents and the principal on Monday April 16th and had a great conversation about the challenges of the facility and some of the ways the City and Academy could partner. They are following Resolution 18-036 establishing a task force for what to do with the HERC and are planning on participating in that process. The way their facility funding and current lease works, they are looking at occupying a facility by the beginning of the school year in 2020. I am encouraged by Fireweed's flexibility and creativity and think they will bring great perspective and input as the HERC debate moves forward.

City Council Operating Manual

With the adoption of Ordinance 18-14(A) amending chapter 1.18 Conflicts of Interest, Partiality, and Code of Ethic, repealing 2.80 and creating 1.19 Board of Ethic, the Council's operating manual needs to be amended again. Amendments to the manual are done by resolution and it was last amended this year in January with amendments to the same areas of code. In talking with the City Clerk, we thought it might be easier to remove the code language from the manual and replace it with a reference to the appropriate sections of City Code, so councilmembers will know where to find it if needed. It will save time when code amendments come up and will help alleviate oversights and inconsistencies by having to amend two documents with the same information. Please give me feedback if this would be appropriate or you if you would rather see the entire section of code in the operating manual.

Verbal Only Attorney's Reports

Section 12 of your agenda lists "ATTORNEYS REPORT" and is a placeholder where the City Attorney can provide you a written or verbal report when she is in attendance. Attorney Wells and I have questioned the usefulness of the written attorney's report as the attorney is required to keep certain legal issues and advice confidential to protect the City's interests. This means the written report ends up taking a significant

amount of time to write (which the City is billed for) and rarely generates questions from the Council. I think it would be more useful for Council to receive a quarterly billing report that details what the attorney is working on (litigation, port and harbor issues, council requests, etc.) which could be compiled by the legal secretary at no expense to the City. This makes sure Council is informed of the work the attorney is doing without spending attorney time on it. Billing documents include a level of detail that would necessitate them remaining confidential. It would be important that the City Attorney maintain regular oral reports to the Council when in attendance at meetings to make sure the public is informed of attorney business. Of course, the City Attorney will still provide memoranda to the Council and, when appropriate, the public regarding specific legal issues that warrant these memos.

Employee Committee

In a similar vein, with the consent of Council, I will remove the Employee Committee from the agenda (because they just listed under committee reports, it does not require a resolution to remove them). The Employee Committee does not regularly meet or report to Council and having a permanent placeholder on the agenda, for the most part, means they are called upon at every meeting and no one is available. It would be more appropriate for the Committee to present to Council by request, which would also allow Council to place their presentation at the beginning of the meeting before any item they may want to comment on is acted upon. Of course, if the Committee or Council feels like the placeholder is important, it is no trouble to leave it on the agenda.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 18, 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.

INVITATION TO BID FOR 2018 SEPTIC TANK PUMPING CONTRACT

Sealed Bids for Septic Pumping Services will be received by the Office of the City Clerk, at 491 E. Pioneer Avenue, Homer, Alaska 99603 until **2:00 p.m., May 09, 2018**, at which time they will be publicly opened. Bids received after the time fixed for receipt of the Bid shall not be considered. The project consists of furnishing all labor, materials, equipment, tools, supervision, and other facilities necessary to perform the desired services. The work includes, but is not limited to the following:

Locate and pump 128 septic tanks located in Kachemak City, Alaska and 5 septic tanks located in the City of Homer.



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: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: APRIL 12, 2018
SUBJECT: INACTIVE RECORDS REPORT

In accordance with HCC 2.08.010(g), the City Clerk's office has completed its annual inactive records destruction process.

On January 15, 2018, Department Heads were notified of the inactive records that were eligible for destruction, and as a result, 73 boxes of records were approved, pulled, and staged in the Council Chambers. Shred Alaska performed on-site shredding of 1736 pounds of inactive records on April 11, 2018. Shred Alaska travels from Anchorage to the Peninsula once a month to provide their on-site service and they deliver the shredded material to the landfill for recycle. This is the City Clerk's fifth year working with Shred Alaska for our inactive records destruction, and are very pleased with the efficiency of their service.

Copies of the Inactive Records Storage Forms and memorandums approving destruction are available in the City Clerk's office for review.

To date, the City Clerk's office has received **48** boxes of inactive records from various city departments, and those boxes have been logged in and stored in the storage areas located within City Hall. That number will likely increase by 20 to 30 boxes as we approach years end.

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 18-036

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) TASK FORCE TO DETERMINE THE FINANCIAL RESOURCES REQUIRED TO USE THE BUILDING AND LEASING SPACE IS A FEASIBLE OPTION.

WHEREAS, The property the Homer Education and Recreation Center (HERC) is located on comprises four parcels that Homer area residents separately donated to the territorial school, the Parent Teacher Association of Homer, and to the Territory of Alaska in the 1940s and the 1950s, which were then transferred to the Kenai Peninsula Borough in 1974; and

WHEREAS, When the property was conveyed from the Kenai Peninsula Borough to the City of Homer in 1998 it was to allow public use of the gym and associated restrooms (the upstairs being occupied by the Kachemak Bay Branch of the Kenai Peninsula College); and

WHEREAS, Since conveyance of the property to the City of Homer in 1998 the HERC has been used as public gymnasium space and until 2011 a campus of the Kachemak Bay Branch of the Kenai Peninsula College; and

WHEREAS, Without an anchor tenant since 2011 the building has been underutilized; and

WHEREAS, Homer City Council and the Parks Art Recreation and Culture Advisory Commission held a joint work session on January 8, 2018 to discuss the future of the Homer Education and Recreation Complex (HERC); and

WHEREAS, Four main ideas were discussed including a convention center, shared police station and recreation facility, selling the property, and using the HERC as a recreation facility, and

WHEREAS, Resolution 18-013(A) selected a new site for the Police Station, so a shared rec/police station is no longer an option that needs further investigation, and

WHEREAS, The HERC property presents opportunity for community use but also has long term financial costs for the City; and

WHEREAS, More information and community process is needed to determine the feasibility and desirability of expanding the use of the HERC building for recreation or as a multi-use building, and

45
46 WHEREAS, The feasibility of HERC as a convention space is also a complex question that
47 would require additional study; and
48

49 WHEREAS, The decision to sell the property should be entertained only after a thorough
50 study of the feasibility of HERC as a long term recreation facility or other use such as
51 convention center; and
52

53 WHEREAS, Council adopted Resolution 18-006, to use HERC for Community Recreation
54 until such time as the building is demolished; and
55

56 WHEREAS, There is preliminary interest in leasing the building to use as a public school.
57

58 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer Alaska establishes
59 the Homer Education and Recreation Complex (HERC) Task Force to determine the financial
60 resources required to use the building and if leasing space is a feasible option.
61

62 BE IT FURTHER RESOLVED that the task force shall be tasked with evaluating the
63 following and providing a recommended preferred alternative to the Homer City Council on or
64 before the November, 2018 City Council meeting:
65

- 66 1. Can the upstairs of the HERC be safely used with no capital improvements?
- 67 2. What are the minimum improvements that would be needed to safely use the
68 entire HERC facility and cost associated with those improvements?
- 69 3. What are the desirable improvements that need to be made to the entire HERC
70 facility to allow it to be used to its full potential for the next 10 years?
- 71 4. What would it cost to demo the HERC and build a new facility that meets the
72 recreation needs of the community on the existing site?
73

74 BE IT FURTHER RESOLVED that for the above mentioned alternatives the task force
75 evaluate how to pay for both operations, maintenance and any required capital expenditures
76 and select a preferred funding plan to recommend to Council.
77

78 BE IT FURTHER RESOLVED that the task force will consist of seven members plus an
79 advisory student member, no more than one member from the Homer City Council, no more
80 than one member from the Parks, Art, Recreation and Culture Advisory Commission, and no
81 more than three seats filled by non-city residents. The deadline to apply for the task force shall
82 be May 7th with appointments made by the Mayor and approved by the Council at the May 14th
83 Homer City Council meeting. When considering appointments the Mayor and Council should
84 take care to ensure a balanced task force that represents diverse points of view including
85 members who have a strong interest in recreation, familiarity with non-profit management, a
86 small business owner, and a familiarity with land development and real estate.
87

88 BE IT FURTHER RESOLVED, the task force will sets its own meeting schedule during
89 regular business hours and will disband November 31, 2018 unless extended by City Council by
90 resolution.

91
92 PASSED AND ADOPTED by the Homer City Council this ___ day of _____,
93 2018.

94
95 CITY OF HOMER

96
97 _____
98 BRYAN ZAK, MAYOR
99

100
101 ATTEST:

102
103 _____
104 MELISSA JACOBSEN, MMC, CITY CLERK
105

106 Fiscal note: Advertising, staff time, and \$10,000 from Old Middle School Depreciation Fund.

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

3 Smith

4 **RESOLUTION 18-037**

5
6 A RESOLUTION OF HOMER CITY COUNCIL AMENDING THE FEE
7 SCHEDULE UNDER LIBRARY FEES TO INCREASE COPY FEES.
8

9 WHEREAS, There are print shops in Homer that provide photo copy services, and

10
11 WHEREAS, Some of the City's copy fees are less expensive than that offered those local
12 businesses, and

13
14 WHEREAS, The City's 2010 Comprehensive Plan Chapter 8, suggests several economic
15 development strategies which includes supporting and encouraging local businesses to
16 provide goods and services; and

17
18 WHEREAS, The City's copy fees should be amended so as not to compete with local
19 businesses.
20

21 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council amends the City of
22 Homer Fee Schedule under Library Fees to increase copy fees as follows:
23

24 Photo copy

25
26 **Black and white** ~~\$.15~~ **\$.25**/ea (~~letter size~~) and (~~legal size~~) per side **letter size**
27 **\$.30/ea legal size**
28 ~~\$.25~~ **.40**/ea 11"x17" per side

29
30 \$0.50/ea color copies (~~letter size~~) and (~~legal size~~) per side
31 \$2.00/ea color copies (11"x17") per side

32
33 **Color** **\$.65 /ea letter size**
34 **\$.80/ea legal size**
35 **\$ 1.25 /ea 11"x17"**
36

37
38 PASSED AND ADOPTED by the Homer City Council this 9th day of April, 2018.
39

40 CITY OF HOMER

41
42 _____
43 BRYAN ZAK, MAYOR

44 ATTEST:

45

46

47 _____
MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal note: 100-0145-xxxx copy fees

50

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

3 Smith

4 **RESOLUTION 18-037(S)**

5
6 A RESOLUTION OF HOMER CITY COUNCIL AMENDING THE FEE
7 SCHEDULE UNDER LIBRARY FEES TO INCREASE COPY FEES.
8

9 WHEREAS, There are print shops in Homer that provide photo copy services, and

10
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12 businesses, and
13

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15 development strategies which includes supporting and encouraging local businesses to
16 provide goods and services; and
17

18 WHEREAS, The City's copy fees should be amended so as not to compete with local
19 businesses.
20

21 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council amends the City of
22 Homer Fee Schedule under Library Fees to increase copy fees as follows:
23

24 Photo copy

25
26 **Black and white** ~~\$.15~~ **.20**/ea **letter** (~~letter size~~) and (~~legal size~~) per side

27 **\$.30/ea legal size per side**

28 ~~\$.25~~ **.40**/ea 11"x17" per side

29
30 \$0.50/ea color copies (~~letter size~~) and (~~legal size~~) per side

31 \$2.00/ea color copies (11"x17") per side
32

33 **Color** **\$.50 /ea letter size per side**

34 **\$.80/ea legal size per side**

35 **\$ 1.00 /ea 11"x17" per side**
36
37

38 PASSED AND ADOPTED by the Homer City Council this 9th day of April, 2018.
39

40 CITY OF HOMER

41
42 _____
43 BRYAN ZAK, MAYOR

44 ATTEST:

45

46 _____

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal note: 100-0145 copy fees



City of Homer

www.cityofhomer-ak.gov

Homer Public Library

500 Hazel Avenue
Homer, AK 99603

library@cityofhomer-ak.gov

(p) (907)-235-3180

(f) (907)-235-3136

Memorandum 18-052

TO: City Council
THROUGH: Katie Koester, City Manager
FROM: Ann Dixon, Library Director
DATE: April 17, 2018
SUBJECT: Recommendations on Library Photocopy Fees

Thank you for postponing your decision and giving me the opportunity to provide input on the proposed changes to the Library's photocopy fee schedule. The updated resolution reflects my recommendations, based on calculation of library expenses and a survey of local photocopy services.

Library fines and fees are normally discussed with and approved by the Library Advisory Board as part of the annual budget process. Without the benefit of their input, which may differ from my conclusions, I suggest the attached fee schedule for the following reasons.

The cost to the Library per black-and-white letter-size side is \$0.17, slightly higher than our current charge of \$0.15. Fees for single copies at the three businesses surveyed range from \$.20 to \$0.23 to \$0.25. Our goal with providing a photocopier for public use is to facilitate people's ability to obtain and utilize information, whether for personal, financial, business, or educational reasons. Unlike a business, the mission of the Library is not to make a profit but to serve "the diverse needs of our community members by providing access to information, promoting literacy, and facilitating lifelong learning." However, we do want to cover our expenses for photocopying. Therefore I recommend increasing the current charge to \$0.20 per side, which more than covers our expenses and meets the lowest business charge.

The cost to the Library per color letter-size side is \$0.39, well below our charge of \$0.50. The two businesses surveyed that provide color photocopying charge \$0.45 and \$0.65. I recommend keeping our current charge of \$0.50 since it more than covers our expenses and is only slightly higher than the lowest business charge.

The photocopier is also used by library staff but the majority of use is by the public. We do not have a mechanism to separate the two types of use. Also, it should be noted that the Library does not offer discounts for bulk copying, as some businesses do. And our copy machine is self-service – we do not make copies for patrons, although we assist them with problems and show them how to use the copier if needed. The majority of copies are letter-size black-and-white.

To maintain a consistent approach of covering expenses while meeting the lowest business charge (without involving pennies, since we use a coin box) we might consider lowering the cost of color copies in the letter and 11"x17" sizes. However, since Council has proposed raising, not lowering, fees and the Library Advisory Board has not had an opportunity to consider the matter, for now I recommend maintaining the existing fees for color letter and 11"x17" sizes.

I'm happy to answer any further questions about photocopy fees and use.

Per side		City of Homer photo copy fee	Lazer Print	% difference between City and Laser Print	Print Works	% difference between City and Print Works	Total Office	% difference between City and Total Office	Cost to Library per side*	Suggested rate changes	Library Director's Recommendation
B&W	Letter	\$0.15	\$0.23	35%	\$0.25	40%	\$0.20	33%	\$0.17	\$0.25	\$0.20
B&W	Legal	\$0.15	\$0.28	46%						\$0.30	\$0.30
B&W	11"x17"	\$0.25	\$0.37	32%	\$0.40	38%				\$0.40	\$0.40
Color	Letter	\$0.50	\$0.65	23%	\$0.45	-11%			\$0.39	\$0.65	\$0.50
Color	Legal	\$0.50	\$0.80	38%						\$0.80	\$0.80
Color	11"x17"	\$1.00	\$1.25	20%	\$0.55	-82%				\$1.25	\$1.00

*Includes cost of copier lease (base charge) + per copy charges + coin box lease + paper
Costs based on total copies -- not able to break down library use vrs. public use
Library does not offer bulk discounts for copying
Copy machine use is self-serve

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 18-045

TO: MAYOR ZAK AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CITY CLERK
DATE: APRIL 16, 2018
SUBJECT: LIQUOR LICENSE RENEWAL FOR YOUNG'S DOWNTOWN RESTAURANT & INN

We have been notified by the Alcohol Marijuana Control Office of liquor license renewals in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
5475	Young's Downtown Restaurant & Inn	Restaurant/Eating Place	Ock Kyung Lee	565 E Pioneer Ave

In accordance with Homer City Code 8.04.010 Review of licenses and 8.04.020 Factors for consideration, the City Council shall review the granting or renewal of any and all alcoholic beverage dispensary licenses and retail liquor licenses issued to applicants for the establishment of such businesses within the corporate limits of the City. The Council may consider, among other factors, the following:

- a. Current status of taxes owed to municipal governments;
- b. Health and safety reports;
- c. Police Department reports; and
- d. Any other factors that the Council deems relevant to its review.

On March 16, I received correspondence from the Kenai Peninsula Borough Finance Department advising me of the delinquent status of the business and licensee and a copy of the letter to the licensee informing them of need to bring their accounts current. After following up on the status on April 12th I was advised that business and licensee are still found to be delinquent in sales tax and property tax in the total amount of \$23,503.42.

Included is a copy of the Memorandum from the KPB Finance Office to the Borough Clerk and copy of the notice sent to the licensee by mail and email advising them of the scheduling of this matter before the City Council.

RECOMMENDATION: Voice protest to the renewal of liquor license until such time that sales tax and property tax accounts are made current with the Kenai Peninsula Borough.

Fiscal Note: Revenues.



March 6, 2018

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
kring@borough.kenai.ak.us

Re: Notice of 2018/2019 Liquor License Renewal Application

License Type:	Restaurant/Eating Place	License Number:	5475
Licensee:	Ock Kyung Lee		
Doing Business As:	Young's Downtown Restaurant & Inn		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



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

April 16, 2018

Ock Kyung Lee
Kyung Yong Lee
Dba Young's Downtown Restaurant & Inn
565 E. Pioneer Ave
Homer, AK 99603

Re: 2018/2019 Liquor License Renewal #5475 –Young's Downtown Restaurant & Inn

The City of Homer is in receipt of your 2018/2019 Liquor License Renewal Application. We have been advised by the Kenai Peninsula Borough Finance Department on April 12, 2018 that your sales tax and property tax accounts are delinquent in the combined total amount of \$23,503.42.

Because your accounts are delinquent the City is recommending a protest of your liquor license renewal. This will be addressed at the City Council's Regular Meeting on April 23, 2018. The meeting begins at 6:00 p.m. and will be held at the Homer City Hall Cowles Council Chambers at 491 E. Pioneer Avenue.

You may attend the City Council meeting to make comments regarding your application or submit comments in writing. Written comments must be delivered to the City Clerk's office before 5:00 p.m., Monday, April 23, 2018. You may deliver them to City Hall, attention City Clerk, fax them to 907-235-3143, or email clerk@ci.homer.ak.us

Sincerely,

Melissa Jacobsen, MMC, City Clerk

Kenai Peninsula Borough
Finance Department – Delinquent Accounts

MEMORANDUM

TO: Johni Blankenship, Borough Clerk

THRU: Brandi Harbaugh, Finance Director

FROM: Joanne Rodgers, Delinquent Accounts Specialist

DATE: April 19, 2018

RE: Liquor License Renewal

The Finance Department has reviewed all relevant tax accounts related to the following business and found the licensee to be delinquent as follows:

License Location—Homer

License #5475 – Restaurant/Eating Place

Ock Kyung Lee dba Young's Downtown Restaurant & Inn

565 E Pioneer Ave, Homer, AK 99603 (Same for Location)

Sales Tax 102566 Young's Downtown Restaurant & Inn	\$19,219.57
Sales Tax 201937 Glacierview	\$3,988.32
Real Property Tax #17412024	\$295.53

Total Due	\$23,503.42
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Please be advised that the Finance Department recommends that the assembly cause a protest to be filed with the Renewal of the liquor license listed due to unpaid taxes.

Please forward a copy of the assembly approval/objection letter for our records. Thank you for your consideration in this matter.

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

Erickson

RESOLUTION 18-040

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR
PROPOSALS (RFP) FOR THE HOMER EDUCATION AND
RECREATION COMPLEX (HERC).

WHEREAS, For many years the City Council, Parks Art Recreation and Culture Advisory Commission has discussed and heard public testimony about how to effectively utilize the Homer Education and Recreation Complex building; and

WHEREAS, Suggestions to relieve the City of the burden of maintaining and paying for the building have included leasing the space and selling it; and

WHEREAS, The City won't be able to fully comprehend what feasible options could be available for leasing or selling without seeking input and interest on a wider scale; and

WHEREAS, Issuing an RFP will open the door to potential stakeholders who are interested in investing the building and effective use of the space; and

WHEREAS, If a successful proposal is received and contract is negotiated, revenue from the HERC will be used to pay down the financing of the Police Station building, before going into the general fund.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby authorizes the City Manager to issue a Request for Proposals (RFP) for the Homer Education and Recreation Complex.

BE IT FURTHER RESOLVED that conditions of the RFP may include:

- A lessee would be responsible for maintenance, operation, and code compliance
- Community Recreation would be allowed to continue to use the facility
- A lessee would be responsible for getting Fire Marshall approval for occupancy

PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of ____
2018.

CITY OF HOMER

BRYAN ZAK, MAYOR

44

45 ATTEST:

46

47

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49 _____
MELISSA JACOBSEN, MMC, CITY CLERK

50

51 Fiscal Note: Advertising Costs

1 CITY OF HOMER
2 HOMER, ALASKA

3 Smith

4 RESOLUTION 18-041

5
6 A RESOLUTION OF HOMER CITY COUNCIL AMENDING THE FEE
7 SCHEDULE UNDER PORT AND HARBOR DEPARTMENT AND PORT
8 OF HOMER TERMINAL TARIFF NO. 1 TO ADD A PARKING FEE FOR
9 VEHICLES AND TRAILERS UTILIZING THE SMALL BOAT HARBOR
10 PUBLIC LAUNCH RAMP.

11
12 WHEREAS, Land on the spit is a valuable resource; and

13
14 WHEREAS, Boat trailers require substantial use of this resource when parked; and

15
16 WHEREAS, It is common place for municipalities to charge for parking as a revenue
17 source; and

18
19 WHEREAS, Boat trailer parking fees will increase the Port and Harbor Enterprise Fund,
20 thus enabling it to achieve its financial goals and fund growth projects.

21
22 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council amends the City of
23 Homer Fee Schedule under Port and Harbor Department fees as follows:

24
25 PUBLIC LAUNCH RAMPS:

26 Vessels shall be charged \$13.00 per day **plus a \$5.00 per launch parking fee (parking fee is**
27 **valid for 7 days following a launch)** to launch from the public launch ramps from April 1
28 through October 15. (Reserved stall lessees exempt for the boat assigned to and registered to
29 the reserved stall only, not for other boats owned by the same individual.)

30
31 Vessel owners or operators may obtain a seasonal permit for \$130.00 **plus a \$50.00 parking**
32 **fee** entitling a specific vessel and owner to launch from April 1 through October 15. (Reserved
33 stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for
34 other boats owned by the same individual.)

35
36 BE IT FURTHER RESOLVED that the Port of Homer Terminal Tariff No. 1 is amended as
37 follows:

38
39 **RULE 34 – SMALL BOAT HARBOR PUBLIC LAUNCH RAMP**

40 BOAT PUBLIC LAUNCH RAMP – The City owns and provides access to public launch ramps.
41 The principal intended use of the LAUNCH RAMP is the launch and recovery of small, boats on
42 trailers. An authorized subsidiary use is the incidental, noncommercial, loading or unloading
43 of goods, supplies or materials. Rate for a single launch is \$13.00 **plus a \$5.00 per launch**
44 **parking fee (parking fee is valid for 7 days following a launch)**; a season pass covering

45 April 1 to October 15 is \$130.00 **plus a \$50.00 parking fee.** The person who is obligated to
46 pay the fee for using the load and launch ramp must make the ticket verifying payment
47 available upon request, or display the seasonal permit on the port side of the permit holder's
48 vessel. There is a \$20.00 per hour fee for vessels that are left unattended on the Launch
49 Ramp and are blocking ramps. Reserved stall holders are exempt from launch fees for the
50 vessel assigned to and registered to the stall only, not for other boats owned by the same
51 individual. At the Harbormaster's discretion, reasonable restrictions may be placed on the
52 use of the public launch ramp.

53

54

55 PASSED AND ADOPTED by the Homer City Council this __ day of ____, 2018.

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CITY OF HOMER

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BRYAN ZAK, MAYOR

61 ATTEST:

62

63

64 _____
MELISSA JACOBSEN, MMC, CITY CLERK

65

66 Fiscal note: Port and Harbor Parking fees

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

