

# City Council

Monday, May 14, 2018

Special Meeting 3:30 p.m.  
Committee of the Whole 5:00 p.m.  
Regular Meeting 6:00 p.m.



Memorial Day, May 28, 2018



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



# May 2018

- Monday 14<sup>th</sup>: CITY COUNCIL**  
Special Meeting 3:30 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 15<sup>th</sup>: ART SELECTION COMMITTEE**  
Regular Meeting 3:30 p.m.
- Wednesday 16<sup>th</sup>: ADVISORY PLANNING COMMISSION**  
Work Session 5:30 p.m. and Regular Meeting 6:30
- Thursday 17<sup>th</sup>: PARKS ART RECREATION & CULTURE ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Wednesday 23<sup>rd</sup>: PORT AND HARBOR ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Tuesday 29<sup>th</sup>: CITY COUNCIL**  
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

## Regular Meeting Schedule

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



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



**SPECIAL MEETING**  
**3:30 P.M. MONDAY**  
**MAY 14, 2018**  
**COWLES COUNCIL CHAMBERS**

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

### **SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER, 3:30 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
- 3. PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**
- 4. NEW BUSINESS**
  - A. **Memorandum 18-054** from City Clerk, Request for Executive Session Pursuant to AS 44.42.310(A-C)(1), Matters, the Immediate Knowledge of Which Would Clearly have an Adverse Effect Upon the Finances of the Public Entity (Lease Compliance and Enforcement Regarding Parcel Number 18103444) Page 7
  - B. **Memorandum 18-055**, from City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(a-c)(1 & 5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney Client Privilege (Legal options regarding land preservation and slope stability concerns in Homer city limits.) Page 9
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 4:50 P.M.**

Next Regular Meeting is Tuesday, May 29, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-054

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 9, 2018

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310(A-C)(1) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE PUBLIC ENTITY

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Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

City Manager Koester requested an Executive Session regarding "Lease Compliance and Enforcement Regarding Parcel Number 18103444" for the Special Meeting of May 14, 2018. This has been publicly and internally noticed since that time.

Attorney Wells will be present and staff will participate

### RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Conference Room.







# City of Homer

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## Memorandum 18-055

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 9, 2018

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(A-C)(1 & 5) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY CLIENT PRIVILEGE (LEGAL OPTIONS REGARDING LAND PRESERVATION AND SLOPE STABILITY CONCERNS IN HOMER CITY LIMITS.)

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Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

Councilmember Smith requested an Executive Session regarding "Legal Option Regarding Land Preservation and Slope Stability Concerns in Homer City Limits." for the Special Meeting of May 14, 2018. This has been publicly and internally noticed since that time.

Attorney Wells will be present and staff will participate

### RECOMMENDATION:

Approve the request for Executive Session and conduct immediately in the Conference Room.



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



**COMMITTEE OF THE WHOLE**  
**5:00 P.M. MONDAY**  
**MAY 14, 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.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
- 3. CONSENT AGENDA**
- 4. REGULAR MEETING AGENDA**
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 5:50 P.M.**  
Next Regular Meeting is Tuesday, May 29, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



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



**REGULAR MEETING**  
**6:00 P.M. MONDAY**  
**MAY 14, 2018**  
**COWLES COUNCIL CHAMBERS**

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

### **REGULAR MEETING AGENDA**

**Special Meeting 3:30 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.**

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

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

#### **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. Peace Officers Week May 14-18        | Page 25 |
| C. Kids to Park Day May 19              | Page 27 |
| D. National Public Works Week May 20-26 | Page 29 |

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

#### **5. RECONSIDERATION**

#### **6. CONSENT AGENDA**

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

- A. Homer City Council unapproved Regular Meeting Minutes of April 23, 2018. City Clerk. Recommend adoption. Page 37
  
- B. **Memorandum 18-056** from Mayor Zak Re: Appointments of Larry Slone, Michael Haines, Paul Knight, Karin Marks, Chrisi Matthews, Barry Reiss, and David Derry to the HERC Task Force. Recommend Approval. Page 57
  
- C. **Memorandum 18-057** from City Clerk Re: Travel Authorization for Attendance at Kenai Peninsula Borough Joint Worksession. Recommend Approval. Page 85
  
- D. **Ordinance 18-28**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Land and Water Conservation Fund Grant in the Amount of \$263,340 to Replace the Ramp 2 Restroom and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates Introduction May 14, 2018 Public Hearing and Second Reading May 29, 2018 Page 89  
  
Memorandum 18-058 from Special Projects & Communications Coordinator Carroll as backup Page 91
  
- E. **Resolution 18-043**, A Resolution of the Homer City Council Approving a One Year Extension of the Prisoner Meal Contract with Homer Senior Center, Inc. City Clerk. Recommend adoption. Page 103
  
- G. **Resolution 18-044**, A Resolution of the City Council of Homer, Alaska, Opposing HB 409 – An Act Relating to Identification Cards; Relating to Permanent Motor Vehicle Registration; Relating to Vehicle Registration Rates; Relating to Changes of Address; Relating to Driver’s License Fees; and Relating to Financial Responsibility for Motor Vehicles. Aderhold. Recommend adoption. Page 107
  
- H. **Resolution 18-045**, A Resolution of the City Council of Homer, Alaska, Supporting the Community Advisory Council’s Request to the Alaska Legislature for Support of Alaska Gasline Development Corporation Third Party Program Receipt Authority. Stroozas. Recommend adoption. Page 113

**7. VISITORS**



- A. KPBSD After School Program - Eric Waltenbaugh, Principal West Homer Elementary, Todd Hindman Principal Fireweed Academy, and Eric Pederson, Principal Paul Banks Elementary (10 minutes) Page 119

**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
  - a. Memorandum from Parks, Art, Recreation and Culture Advisory Commission Re: Support for Trail Design Funding Page 129
- 5. Port and Harbor Advisory Commission

**9. PUBLIC HEARING(S)**

- A. **Ordinance 18-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 18.08, Codifying Certain Lease Policy and Procedures; Expanding Lease Review to include Recommendations by Appropriate City Commissions; Removing References to the Lease Committee; and Requiring Essential Lease Terms to be Approved by City Council. Erickson/Smith. Introduction March 27, 2018, Refer to Port and Harbor Advisory Commission; Second Reading and Public Hearing May 14, 2018. Page 139  
Memorandum 18-035 from City Attorney as backup Page 155  
Memorandum 18-059 from Port and Harbor Advisory Commission as backup Page 165
- B. **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. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 171

Memorandum 18-047 from City Clerk as backup

Page 173

- C. **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. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 177

- D. **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. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 183

- E. **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. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 195

**Ordinance 18-23(S)**, 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~~ **\$26,874.51** to Replace Mobile Radios in the City's Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 199

Memorandum 18-060 from Special Projects & Communications Coordinator Carroll as backup Page 203

- F. **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. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 207

Memorandum 18-050 from Public Works Director as backup

Page 209

G. **Ordinance 18-25(A)**, An Ordinance of the City Council of Homer, Alaska Amending the FY2018 Capital Budget by Appropriating ~~\$102,500~~ **\$37,500** from the Police Station Reserve for the Purpose of Funding ~~10% Design~~, Geotechnical Investigation and Site Survey for the New Police Station. Mayor/Council. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 213

H. **Ordinance 18-26(A)**, 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%~~ **4.85%, with .05%** of the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on ~~August~~ **December** 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~~ **June 26, 2018 Special** Election Mayor/Council. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 219

**Ordinance 18-26(A)(S)**, An Ordinance of The City Council of Homer, Alaska, Authorizing the City to Issue General Obligation Bonds in the Principal Amount not to Exceed \$5,000,000 to Finance the Acquisition and Construction of a Police Station; Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax from 4.5% to ~~5.5% From June 1 Through August 31, With 0.8%~~ **4.85% With 0.3%** of the Increased **Rate To Provide** Providing Funds to Pay Debt Service on the General Obligation Bonds **With 0.8% 0.3% Of The Sales Tax Rate Increase** And Expiring On ~~August~~ **December** 31 of the Year when the City has Received Sufficient Funds from **that 0.3% Sales Tax Rate** ~~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 **a Special Election to be Held on the October 2 June 26, 2018 Regular Election.** Mayor/Council. Page 225

Memorandum 18-051 from City Manager as backup Page 235

I. **Ordinance 18-27(A)**, 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%~~ **4.85%, with 0.3%** 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. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018. Page 239

**10. ORDINANCE(S)**

**11. CITY MANAGER'S REPORT**

A. City Manager's Report Page 251

B. Bid Report

**12. CITY ATTORNEY REPORT**

**13. COMMITTEE REPORT**

A. Americans with Disabilities Act Compliance Committee

**14. PENDING BUSINESS**

A. **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 275

Memorandum 18-052 from Library Director as backup Page 279

Memorandum 18-061 from Library Advisory Board as backup Page 281

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 293

**Resolution 18-041(S)**, 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 295

Memorandum 18-062 from Port & Harbor Advisory Commission as backup Page 299

Memorandum 18-065 from Port Director/Harbormaster as backup Page 305

**15. NEW BUSINESS**

A. **Memorandum 18-063** from City Clerk Re: Reconsideration of AK Loven It, LLC Marijuana Cultivation License Page 309

- B. **Memorandum 18-064**, from City Clerk Re: New Natural Gas Assessment Deferral Application Page 337

**16. RESOLUTIONS**

- A. **Resolution 18-046**, A Resolution of the City Council of Homer, Alaska, Providing Scoping Comment on the U.S. Army Corps of Engineers Regulatory Division Permit Application POA-2017-271 for the Proposed Pebble Project. Aderhold. Page 341
- B. **Resolution 18-047**, A Resolution of the City Council of Homer, Alaska, Supporting Kenai Peninsula Borough Ordinance 2018-12 Increasing the Borough Sales Tax Rate from 3.0 Percent to 3.5 Percent, Subject to the Approval of the Voters, for the Purpose of Funding Education. Mayor. Page 345
- C. **Resolution 18-048**, A Resolution of the Homer City Council Awarding the 2018 Septic Tank Pumping Contract to a Firm to be Announced in an Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Page 351

**17. COMMENTS OF THE AUDIENCE**

**18. COMMENTS OF THE CITY ATTORNEY**

**19. COMMENTS OF THE CITY CLERK**

**20. COMMENTS OF THE CITY MANAGER**

**21. COMMENTS OF THE MAYOR**

**22. COMMENTS OF THE CITY COUNCIL**

**23. ADJOURNMENT**

Next Regular Meeting is Tuesday, May 29, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



MAYORAL PROCLAMATIONS  
AND RECOGNITIONS





**CITY OF HOMER  
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**PEACE OFFICERS MEMORIAL DAY – MAY 15, 2018  
NATIONAL POLICE WEEK – MAY 13-19, 2018**

WHEREAS, The members of the Homer Police Department and the Alaska State Troopers stationed in the Homer area play an essential role in safeguarding the rights and freedoms of the Homer area residents, our citizens; and

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their Police Officers and State Troopers; and

WHEREAS, It is also important that members of our Homer Police Department and Alaska State Troopers recognize their duty to serve the people by safeguarding life and property, by protecting against violence and disorder, by protecting the innocent against deception, and protecting the weak against oppression; and

WHEREAS, The men and women of the Homer Police Department and State Troopers unceasingly provide a vital public service and lay their lives on the line for the safety of the Homer area citizens; and

WHEREAS, The Congress and President of the United States have designated May 15 of each year as Peace Officers Memorial Day and the week in which May 15 falls is National Police Week.

NOW, THEREFORE, I, Bryan Zak, Mayor of the City of Homer, Alaska, on behalf of the Homer City Council and the Citizens and patriotic, civic and education organizations of our community, do hereby proclaim May 15, 2018 as:

**PEACE OFFICERS MEMORIAL DAY**

and call upon all citizens of Homer to observe the week of May 13 – 19, 2018 as National Police Officer Week in honor of those law enforcement officers, who through their courageous deeds have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 14<sup>th</sup> day of May, 2018.

CITY OF HOMER

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BRYAN ZAK, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**KID'S TO PARKS DAY  
MAY 19, 2018**

WHEREAS, May 19th, 2018 is the eighth Kids to Parks Day organized and launched by the National Park Trust, held annually on the third Saturday of May; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, It is important to introduce a new generation to our nation's parks; and encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and outdoors.

NOW, THEREFORE, I, Bryan Zak, Mayor of the City of Homer, Alaska, do hereby designate May 19, 2018 as Kids to Parks Day and urge the community to make time to take the children in their lives to a neighborhood, state or national park.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 14<sup>th</sup> day of May, 2018.

CITY OF HOMER

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

ATTEST:

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



**CITY OF HOMER  
HOMER, ALASKA**

MAYOR'S PROCLAMATION

**NATIONAL PUBLIC WORKS WEEK  
MAY 20-26, 2018**

WHEREAS, Public works professionals focus on infrastructure, facilities and services that are of vital importance to a sustainable and resilient community and to the public health, high quality of life and well-being of the residents and visitors of Homer; and

WHEREAS, Infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals who are responsible for rebuilding, improving, and protecting our transportation, water supply, water treatment and solid waste systems, public buildings and other structures and facilities essential for our residents; and

WHEREAS, It is in the public interest for the residents, civic leaders and children in Homer to gain knowledge of and to maintain an interest and understanding of the importance of public works and public works programs in the community; and

WHEREAS, National Public Works Week has been celebrated across the nation since 1960.

NOW, THEREFORE, I, Bryan Zak, Mayor of the City of Homer, Alaska, do hereby designate the week of May 20-26, 2018 as National Public Works Week and urge the community to join in the recognition of our public works professionals to recognize the substantial contributions they make to protect our health, safety, and quality of life in Homer.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 14<sup>th</sup> day of May, 2018.

CITY OF HOMER

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

ATTEST:

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



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA





# RECONSIDERATION



# CONSENT AGENDA



Session 18-11 a Regular Meeting of the Homer City Council was called to order on April 23, 2018 at 6:00 p.m. by Mayor Pro Tem Donna Aderhold at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
LIBRARY DIRECTOR DIXON

Mayor Zak was excused, timely notice was given.

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

Council met for a Worksession at 4:00 p.m. to discuss water sewer rates and as Committee of the Whole at 5:00 p.m. to discuss consent agenda and regular meeting agenda items.

### **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 18-038**, 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. Changed to Resolution 18-042 to correct number duplication. **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. Lines 33 and 37 revisor corrections to reflect 2017 information. **ORDINANCES 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. Memorandum 18-051 from City Manager as backup, Corrected amendments 1 and 2, and new amendment 5; **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. Line 47 revisor corrections to reflect sale tax information. **PENDING BUSINESS Resolution 18-036(A)**, 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. To replace Resolution 18-036. **RESOLUTIONS 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. Memorandum 18-053 from Port Director/Harbormaster as backup.

LORD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

A. South Peninsula Hospital Healthcare Week, May 6 -12, 2018

Councilmember Venuti read and presented the proclamation to Derotha Ferraro, Kim Greer, and Lee Yale. Ms. Greer and Ms. Ferraro recognized all the employees as a cohesive team that provides all aspects of care giving to the community, and thanked the community for their support.

B. Week of the Young Child, April 22-28, 2018

Councilmember Lord read and presented the proclamation to “Red” Lisa Asselin and three youth, Winter, Webster, and Bryce. Ms. Asselin, thanked all the early learning supporters in the community. It takes all of us to take a moment to stop and recognize the importance of a small child in our community.

C. Chamber of Commerce Clean Up Day, May 5, 2018

Councilmember Stroozas read and presented the proclamation to Jan Knutson, Natalia Mulawa, and Susanna Webster, who commented about Chamber Events, electronic recycling, and HOWL clean-up.

D. Municipal Clerk's Week, May 6-12, 2018

Councilmember Smith read and presented the proclamation to City Clerk Jacobsen.

E. Bike Month, May 2018

Mayor Pro Tem Aderhold read and presented the proclamation to Martin Renner of the Homer Cycling Club who thanked everyone for their continuing support of human powered transportation in the city.

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

Roberta Highland commented in support of Resolution 18-036 and 18-040 regarding the HERC, and supports making use of the building. She suggested consideration a system to allow people to donate funds for projects like the HERC, trails, and things.

A Flash Mob of cast members from the play Brouhaha came forward and sang their rendition of the song Fame.

Robert Archibald commented in support of Resolution 18-036 and 18-040 regarding the HERC. He's in favor of establishing the task force to see what we can do with the building.

Jill Lush, Executive Director of SPROUT Family Service commented regarding the Week on the Young Child and the benefit of their programs to the families in our community.

**RECONSIDERATION**

**CONSENT AGENDA**

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

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

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

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

Memorandum 18-047 from City Clerk as backup

- 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.
  
- 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.
  
- 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.
  
- H. **Resolution 18-038,042** 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. Recommend adoption.

Memorandum 18-048 from City Clerk as back up

- 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. Recommend adoption.



STROOZAS/ERICKSON MOVED TO APPROVE THE CONSENT AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**VISITORS**

A. Homer Early Childhood Coalition – “Red” Lisa Asselin (10 minutes)

Ms. Asselin, Coordinator for Homer Early Childhood Coalition and the Outreach and Playgroup Specialist at SPROUT Family Services, presented to the Council on the significance of promoting and supporting early childhood development in our community. She highlighted that community begins at birth. A child’s community is built on connections, through reading, playing, being comforted, and engaging explorations. Safe, stable and nurturing relationships and environments are among the most powerful and protective forces in a young child’s life. The Week of the Young Child is a time for families to connect, for children to sing, play, explore and learn, for families and community to meet Homer’s early learning champions, and to make a positive impact on a child’s life.

B. Opioid Task Force (10 minutes)

Stephanie Stillwell, R.N. at the Ninilchik Traditional Council Community Clinic, Community Outreach Director for G Square, member of MAPP Steering Committee and facilitator of the Southern Kenai Peninsula Opioid Task Force, and Dr. Sarah Spencer, doctor at the Ninilchik Traditional Council Community Clinic and who specializes in addiction medicine and family practice, provided an update on the Task Force work for the quarter.

Ms. Stillwell reported the task force continues to meet monthly. Since the last update they have collaborated with MAPP and State of Alaska Office of Substance Misuse and Addiction and Prevention to host the event Your Voice, Your Community. The primary goal was for the State to collaborate with our community to collect local data and local input to for the states opioid policy task force recommendations for the next year. It was well attended and a lot of knowledge was shared about local options for resources and treatment in our area. Ideas were shared about we can work together on all levels for a better solution to the opioid epidemic we’re facing. Ms. Stillwell also reported positively on the needle exchange program, and work in connecting task force member’s data team with the State.

Dr. Spencer reported this week is Addiction Treatment Week and provided information on addressing the treatment gap. She highlighted statistics and explained a lot of patients have to wait a while to get into treatment, there are over 1 million people who can’t be served because there aren’t enough doctors and professionals trained to treat addiction. The website

[www.treataddictionsavelives.org](http://www.treataddictionsavelives.org) is a resource for opioid addiction treatment. There are higher than average rates of overdose deaths in Alaska that are related to prescription opioids and heroin. We're lucky that our state has done a great job in trying to address the problem and find solutions. She reviewed other information that can be found and efforts being made in the state by Googling Alaska Opioids.

C. Homer Steps-Up Citywide Community Walking Challenge - Derotha Ferraro (5 minutes)

Ms. Ferraro commented on the Homer Steps-Up Citywide Community Walking Challenge and encouraged community members to join the challenge.

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

A. Borough Report

Borough Assembly Member Kelly Cooper updated Council on the ordinance that proposes moving the hospital service area line. She noted Dr. Spencer and Ms. Stillwell's efforts in Ninilchik, listed some of the many services by South Peninsula Hospital in that area, and the value of the line staying where it is. There are various local entities who support maintaining the lines as they are now. She noted an upcoming public meeting in Ninilchik and opportunities to provide comment to the Assembly for the May 1 and May 15 hearings. Ms. Cooper also reported on a proposed meeting of the Assembly with City Managers and Councils in the Borough tentatively scheduled for May 8<sup>th</sup>.

B. Commissions/Board Reports:

1. Library Advisory Board

Mark Massion, Library Advisory Boardmember, commented to Council about library events, including the Spring Book and Plant sale, the Friends scholarship for the Writers Conference, and screening of the film The Anonymous People, about addiction and recovery. He also commented the library has four sets of little robots, Ozobots, that can be checked out by kids.

2. Homer Advisory Planning Commission

Roberta Highland, Planning Commissioner, commented about plats that were recently approved, and public input on the 2018 Comprehensive Plan update. She noted there has been confusion about language in the plan regarding the concept of the area around Lake Street being zoned to GC1. She explained that the Comp Plan does not change the zoning and that a major zoning process would have to take place for that to happen.

3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission

Deb Lowney, Parks Art Recreation and Culture Advisory Commission Chair, commented the Commission is looking forward to working with Matt Steffy as city staff and appreciates he will be providing campground statistics, something the Commission has struggled with, and they are excited to have Dave Lewis come in and fill their vacancy. She reported the Commission is working on how to best represent and display Sister City art, they reviewed their strategic plan and goals, and they hope to have a sidewalk matrix to council next month. They continue to address Karen Hornaday Park issues, including the road, drainage, public restroom upgrade, and a campground host. They support establishing the HERC Task Force and the funds to assist their work, funds for the design of the KHLT proposed trail, and a proposed mural on the Ben Walters Park restroom wall. There is work being done on wayfinding signage and they hope to work with the Economic Development Advisory Commission on this. Signage continues to be a focus for the group as for parks and trails, they are also working on the cold water signage but have been struggling with it. They hope to have some resolve at their next meeting. She encouraged outreach for HERC Task Force nominees

5. Port and Harbor Advisory Commission

## **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.

Memorandum 18-049 from Councilmember Lord as backup

Mayor Pro Tem Aderhold opened the public hearing.

Linda Rourke, city resident, commented in support of Ordinance 18-18. She is a property owner in a special assessment district with a larger parcel that could be subdivided. She supports the continued effort to develop a fair and equitable way to do this so property owners can make plans and not have to pay additional assessments.

There were no further comments and the hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Ordinance 18-18 by reading of title only for second and final reading.

LORD/ERICKSON SO MOVED

Councilmember Lord commented regarding her memo in the packet recommending council voting this ordinance down with the understanding she will work with the City Attorney to bring back an ordinance amending titles 14 and 17. Her goal is for clarity and equity throughout these chapters relating to special assessment districts, deferred assessments, mandatory fees, and spaghetti lines.

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

Motion failed.

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.

**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.

Mayor Pro Tem Aderhold opened the public hearing.

Robert Archibald, city resident, commented in support of Ordinance 18-19(S). He understands there may be some misgivings about the dollar amount, but STANTEC knows a lot about the building and he hopes the Committee will be judiciously running a budget with the money.

Roberta Highland, city resident, commented in support of Ordinance 18-19(S). She hopes the Committee won't have to use all the money and suggested fundraising and volunteer efforts for the HERC.

Don Berglund, non-resident, submitted an idea to use the existing HERC as a solar and wind energy assisted learning/growing/evolving/horticulture complex. He explained he has private funding that could be used toward this project.

There were no further comments and the hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Ordinance 18-19 by reading of title only for second and final reading.

LORD/VENUTI SO MOVED

Mayor Pro Tem Aderhold asked for a motion to substitute Ordinance 18-19(S) for 18-19.

LORD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 18-19(S) FOR 18-19.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

SMITH/ERICKSON MOVED TO AMEND ORDINANCE 18-19(S) LINES 8, 45, AND 61 TO CHANGE \$10,000 TO \$3,000

There was discussion supporting the amendment citing that there have already been studies done on the building and a lot of money has been spent. The work that has been done can be used by the task force and this amendment still allow some funds for them to ask questions of STANTEC. If the task force needs more money they can request it going forward.

Other comments supporting maintaining the original amount, pointed out that the studies most recently done are specific to the building being used as a Police Station. There will different requirements to use the building in other ways. The task force should be able to work with STANTEC to get the information they need to bring a feasible proposal for the building. They will be asking the task force to hone in and focus on very specific questions that they want answers to. It will be challenging with a \$3,000 budget because of the level of effort the contractor will be able to put into it. It's a place to start and the task force can come back and request additional funds with a more focused scope of work.

VOTE (amendment): YES: ADERHOLD, LORD, STROOZAS, SMITH, ERICKSON  
NO: VENUTI

Motion carried.

Councilmember Lord briefly recognized there are a lot of different opinions with the council and community on this project and appreciates everyone's pertinence to keep moving forward with this.

Councilmember Venuti noted Ms. Highland's suggestions of considering fundraising for the HERC.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**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.

Memorandum 18-050 from Public Works Director as backup

VENUTI/ERICKSON MOVED TO INTRODUCE ORDINANCE 18-24.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Mayor Pro Tem Aderhold asked for a motion to introduce Ordinance 18-25 by reading of title only.

ERICKSON/VENUTI SO MOVED

In response to a question on the breakdown of costs, City Manager Koester said the Geotechnical cost is \$37,500 and the remainder is for design.

Councilmember Lord commented the geotech work is reasonable and responsible to do this as soon as possible. She added that before moving forward with design work she'd like to see a project manager hired for the building.

Councilmember Smith commented it would be premature to bring on a project manager before the voters approve the project. He agrees the geotechnical information will be of value regardless of what happens with the project. He doesn't agree with spending the money on the 10% design before the voters approve the project.

SMITH/LORD MOVED TO AMEND THE ORDINANCE TO REMOVE ANY FUNDING TOWARD THE 10% DESIGN AND LANGUAGE IN REFERENCE TO THAT THROUGHOUT THE ORDINANCE.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the ordinance as amended.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Memorandum 18-051 from City Manager as backup

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 18-26 BY READING OF TITLE ONLY.

STROOZAS/LORD MOVED TO AMEND ORDINANCE 18-26 WITH THE LANGUAGE IN AMENDMENT PACKET TITLED AMENDMENT #5.

*Line 11 - Delete "4.5% TO 5.5% FROM JUNE 1 THROUGH AUGUST 31, WITH .8%" Insert "4.85%, WITH .05%"*

*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 three and one half tenths of one percent (0.35%) 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 0.3 percent of the increase providing funds 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 .

Line 84 - Delete “1.0% SEASONAL SALES TAX RATE INCREASE TO 5.5%” Insert “0.35% SALES TAX RATE INCREASE TO 4.85%”

Line 86 - 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 and a half tenths of one percent (.35%) to four and eight and a half tenths percent (4.85%), 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 0.3% 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?”

Mayor Pro Tem noted that there were a number of possible amendments that were discussed during Committee of the Whole. They realized that a three month sales tax increase that crosses two quarters was a high tax rate and onerous on business owners. They discussed ways of amending it and this the amendment that was generally agreed on.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Councilmember Erickson commented it’s been hard looking at what is the best way to fund the police station that will have the least impact on all of us. From her perspective this option with a lower year-round increase is probably the best overall option for our community.

Councilmember Stroozas added for every \$100 spent the increase is an additional 35 cents, and the benefit is a new police station if this bond is approved by the voters. Based on today’s historical annual sales tax records we’ll generate about \$40,000 more each year that will give us the opportunity to possibly pay the bond off early and retire the majority of the tax earlier.



VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Mayor Pro Tem Aderhold asked for the introduction of Ordinance 18-27 by reading of title only.

VENUTI/SMITH SO MOVED

Councilmember Smith commented that they've heard from residents that there's not much of an appetite to proceed without their approval for the project. This will allow them to do it without having to wait and bide their time until October.

City Manager Koester noted this ordinance only authorizes the public education campaign. It references a special election, but ordinance 18-26(A) would need to be amended to change the language from the regular election on October 2, 2018 to a special election.

There was brief discussion to attempt to clarify how to move forward and Mayor Pro Tem Aderhold called for a brief recess at 8:34 p.m. The meeting resumed at 8:41 p.m.

SMITH/LORD MOVED TO RECONSIDER ORDINANCE 18-26(A)

There was no discussion.

VOTE: NON OBJECTION UNANIMOUS CONSENT

Motion carried.

The motion to introduce Ordinance 18-26 as amended was on the floor for further consideration.

SMITH/ERICKSON MOVED TO AMEND 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, 2018 REGULAR CITY” INSERT “JUNE 26 SPECIAL CITY ELECTION”

Councilmember Smith commented he talks to a lot of people on his beat and people who weren't in favor before are now, and they've also been receptive to a special election in order to facilitate our ability to move forward. One drawback is that it shortens the time for the educational tool. He thinks if the council is united and committed to being part of the education tour, we're not going to have trouble getting the consensus of the voters.

Councilmember Lord noted her concern is the potential for low voter turnout and has concerns with the short amount of time to turn around a campaign to rally the people to come out. She requested information regarding the history of voter turnout.

There was discussion about budgeting for a special election and City Manager Koester explained the City budgets for two elections each year at approximately \$6000 each. If this passes she anticipates making midyear budget amendment to accommodate another election in the event of a run-off in October.

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

Motion carried.

VOTE (main motion to introduce Ordinance 18-26(A)): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The motion to introduce Ordinance 18-27 was back on the floor for further discussion.

SMITH/ERICKSON MOVED TO AMEND THE LANGUAGE IN ORDINANCE 18-27 TO REFLECT THE LANGUAGE OF ORDINANCE 18-26(A).

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Lord noted the compressed schedule for the special election and education campaign and asked about staff capacity.

City Manager Koester explained that to be compliant with APOC regulations they can't begin campaigning or any work related to it until this is approved by Council. If this schedule is adopted on May 14<sup>th</sup>, absentee voting would begin June 12<sup>th</sup>. That provides a pretty short window to do flyers and ads, and suggested you'd look at it more as reducing the scope of work than over working employees because there's only so much that can be done. Without time to put together a full plan, the reduced scope would probably allow time for a mailer, and a couple of ads in the paper, and as Councilmember Smith said, rely on outreach by the Council.

VOTE (motion to introduce 18-27 as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **11. CITY MANAGER'S REPORT**

### **A. City Manager's Report**

City Manager Koester noted Assembly member Cooper's comments about the Borough's City Managers and Council having a joint worksession with the Assembly. It's an opportunity share with the Assembly how their actions impact municipalities and our ability to provide services. She will keep them updated on this meeting.

City Manager Koester asked for feedback on the Homer Foundation's request for direction regarding the \$6,000 from the Council increased contributions, if they should be used to grow the endowment or for distribute among non-profits. In the past additional funds have gone to the endowment. After some discussion, Councilmember Lord, Stroozas, and Venuti concurred that the Foundation should have the discretion to do with the funds as they see fit.

Lastly, City Manager Koester noted the request for feedback related to amending the Council Operating Manual, and that feedback can be provided via email.

### **B. Bid Report**

### **C. Records Destruction Report**

## **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)**, 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.

Mayor Pro Tem Aderhold stated the motion is on the floor from the April 9<sup>th</sup> meeting to adopt Resolution 18-036(A).

Councilmember Erickson appreciates the balanced membership outlined in the resolution.

ADERHOLD/LORD MOVED TO AMEND LINE 106, THE FISCAL NOTE FROM \$10,000 TO \$3,000.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

**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.

Memorandum 18-052 from Library Director as backup

SMITH/ERICKSON MOVED TO ADOPT RESOLUTION 18-037.

SMITH/VENUTI MOVED TO SUBSTITUTE 18-037(S) FOR 18-037.

There was discussion addressing that this should have been sent to the Library Advisory Board for their recommendation and regarding the process for review of fees by Boards, Commissions, and staff.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Smith commented that it was never his intent to circumvent any process and explained that ultimately these are advisory boards and commissions. The councilmembers are elected officials, and it's within their right to act, and ultimately that's what they do. That's not with any disrespect to any work the board and commission members put into their service, and he hopes it is never taken as such, but when they come to us in their advisory capacity, it's advice, and he respects that, but there have been many times with and past councils that have not followed that advice. They act in their elected capacities. This is about copies, if it was something that had a greater effect on what was going on at the library and its ultimate impact to the community, he could see bouncing him off the wall a few times, regardless, he's trying to do the right thing and he appreciates the council and them putting up with him.

Mayor Pro Tem Aderhold believes it is appropriate for this to go to the Library Advisory Board for a recommendation.

Councilmember Smith noted that LAB member Massion had requested this be forwarded to the Library Director to review this. Councilmember Smith explained that the substitute takes the Library Director's recommendations in to account and are reflects her recommended fees. We're talking about copies and there's a level of ludicrousness we can get to and he thinks were getting there.

Councilmember Lord added you could also say there's an element of ludicrousness of bringing this forward without consulting with the LAB or the Library Director and saying its only copies. But it's not just copies, it's a coin operated self-serve Xerox machine in a closet at the library, the City has not opened a print shop. The premise behind this resolution is one that is taking copies to a higher level of importance and she feels that this is pushing back on the process.

ADERHOLD/VENUTI MOVED TO SEND THIS TO THE LIBRARY ADVISORY BOARD.

There was no further discussion.

VOTE (referral to board): YES: VENUTI, LORD, STROOZAS, ADERHOLD, SMITH  
NO: ERICKSON

Motion carried.

## **NEW BUSINESS**

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

Mayor Pro Tem Aderhold invited the licensee to the table to comment. The licensee was not in attendance.

STROOZAS/VENUTI MOVED TO PROTEST THE RENEWAL OF THE LIQUOR LICENSE UNTIL SUCH TIME THAT THE SALES TAX AND PROPERTY TAX ACCOUNTS ARE MADE CURRENT WITH THE KENAI PENINSULA BOROUGH.

Councilmember Smith questioned if this facilitates or hampers their ability to pay their debt, it's interesting to consider.

Councilmember Erickson agrees it's a valid point and asked if there's a way to find this out.

City Clerk Jacobsen explained there is a 60 day timeline to respond to AMCO and that expires May 4<sup>th</sup>. The Kenai Peninsula Borough Finance department submitted the attached memo for the Assembly recommending protest. It probably would hamper their business if they don't have a valid liquor license and it's up to Council how to proceed, but there's no time to provide additional information.

Councilmember Lord doesn't know how they, as a body, can get into that level of detail when it comes to basic requirements of the law when it comes to operating a business and remitting taxes.

Councilmember Smith thinks to outright pull this as an incentive to get current on the taxes owed is a recipe for failure.

Councilmember Venuti pointed out the licensees were invited to come tonight to address this.

Councilmember Stroozas commented there's no defense for not paying your taxes on time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **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.

ERICKSON/STROOZAS MOVED TO ADOPT RESOLUTION 18-040.

Councilmember Erickson noted the comments during Committee of the Whole to let the HERC Task Force get to their recommendations to see if there is a need for an RFP. She has heard from people in the community that we should sell it, so she may bring this back in the future for consideration.

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

Motion failed.

- 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.

SMITH/ERICKSON MOVED TO ADOPT RESOLUTION 18-041

LORD/VENUTI MOVED TO SEND THIS TO THE PORT AND HARBOR COMMISSION FOR REVIEW

There was brief discussion.

VOTE (referral to Commission) : NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

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

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

City Clerk Jacobsen had no comment.

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

City Manager Koester had no comment.

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

Mayor Zak was absent.

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

Councilmember Venuti said thank you for the clean streets, a number of people have told her how much they appreciate the streets have been swept. It really helps people who have asthma or other lung issues. The college graduation will be May 9<sup>th</sup> at 7:00 at Homer High School and everyone's invited.

Councilmember Smith had no comments.

Councilmember Lord appreciated the presentation on Week of the Young Child and one thing that is important is early childhood education is an important economic driver and driver of reasonable health care costs. She added that the Brouhaha play that Shelly has finagled the Council into has been fun and Shelly's doing an excellent job with the music.

Councilmember Erickson invited everyone to come and enjoy the show, there are some wonderful guest artists involved and we're all having a lot of fun. There are a lot of fun things coming up as May is rapidly approaching. She encouraged everyone to enjoy all the sports and other fun things that are happening.

Councilmember Stroozas announced the show times for Brouhaha Friday at 7:30 and Saturday at 3:30 and 7:30 p.m. He thanked Shelly for roping us in.

Mayor Pro Tem Aderhold thanked everyone for enduring this evening.

**ADJOURNMENT**

There being no further business to come before the Council Mayor Pro Tem Aderhold adjourned the meeting at 9:40 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.

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MELISSA JACOBSEN, CITY CLERK

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





# City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-056

TO: HOMER CITY COUNCIL  
FROM: BRYAN ZAK, MAYOR  
DATE: MAY 9, 2018  
SUBJECT: APPOINTMENT OF LARRY SLONE, MICHAEL HAINES, PAUL KNIGHT, KARIN MARKS, CHRISI MATTHEWS, BARRY REISS, AND DAVID DERRY TO THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) TASK FORCE

---

Larry Slone, Michael Haines, Paul Knight, Karin Marks, and Chrisi Matthews are appointed to fill the city resident seats on the Homer Education and Recreation Complex (HERC) Task Force.

Barry Reiss and David Derry are appointed to fill the non-resident seats on the Homer Education and Recreation Complex (HERC) Task Force.

These terms will expire on November 30, 2018 unless extended by City Council by Resolution.

### RECOMMENDATION:

Confirm the appointments of Larry Slone, Michael Haines, Paul Knight, Karin Marks, Chrisi Matthews, Barry Reiss, and David Derry to the Homer Education and Recreation Complex (HERC) Task Force.

Fiscal Note: N/A





I have been a resident of the city for 25 years. I have been a resident of the area for 25 years.

I am presently employed at Retired

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

Exposure to Homer land use policies, including the Homer Comprehensive Plan from previous service on Hom Planning Commission as well as frequent attendance at Homer meetings.

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

Homer Advisory Planning Commission for 1 1/2 yrs about 4 yrs ago.

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

It would be an interesting challenge to attempt integrating all citizen input into a broad-based acceptable solution.

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

None

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!

Published on *City of Homer Alaska Official Website* (<https://www.cityofhomer-ak.gov>)

Home > [Application for Appointment to an Advisory Body](#) > [Webform results](#) > Application for Appointment to an Advisory Body

**Submission information**

Form: Application for Appointment to an Advisory Body  
 Submitted by Visitor (not verified)  
 Thursday, May 3, 2018 - 3:09pm  
 172.16.64.19

**Applicant Information**

Received  
 City Clerk's Office  
 MAY 03 2018  
 City of Homer

**Name**  
 Michael J Haines

**Physical Address**  
 1841 Pogey Point Avenue

**Mailing Address**  
 PO BOX 1063, Homer AK 99603

**Email**  
 hainesmike04@gmail.com

**Phone**  
 907-299-0759

Please select the bodies you are interested in serving on

**Advisory Bodies**  
 Other: Please indicate

**Other - Please Describe**  
 HERC Task Force

**I have been a resident of the city for**  
 Homer for 14+ years

**I have been a resident of the area for**  
 14+ years

**Special Training & Education**

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

40+ years in executive/senior management business positions.

Past member "Kenai Peninsula Economic Development Commission".

Past Vice President "Soccer Association of Homer" (Including development of the SPARC complex).

Past member "Homer Chamber of Commerce Economic Development Committee".

In collaboration with the "Friends of the Homer Library", created various programs to encourage entrepreneurship for Homer residents.

Currently consult on economic development and business development issues for a wide range of clients.

Adjunct professor in "Business Administration" department at Kenai Peninsula College.

Soccer coach.

### **Prior Service**

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

Kenai Peninsula Economic Development Commission (3 years).

Homer Chamber of Commerce Economic Development Committee (2 years).

Soccer Association of Homer.

I also volunteer with various groups and organizations in the region.

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

Please briefly state why you are interested in serving on the advisory body selected.

Sports and recreation is, and should be, an important part of Homer life... both now and in the future. It's a "quality of life" issue. The HERC building could play an integral and positive role in maintaining and improving this quality of life. To this end, I want to use my wealth of practical experience in sports, business, and economic development by providing value-add to the important task at hand.

### **Other memberships**

Do you currently belong to any organizations specifically related to the area of the advisory body you selected?

No! (other than those listed above).

### **Additional related information**

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

### **Finish**

When you have completed this application please review all the information and hit the submit button. Thank you for applying!


Source URL: <https://www.cityofhomer-ak.gov/node/9051/submission/18231>

Published on *City of Homer Alaska Official Website* (<https://www.cityofhomer-ak.gov>)

Home > [Application for Appointment to an Advisory Body](#) > [Webform results](#) > Application for Appointment to an Advisory Body

Submission information

Form: Application for Appointment to an Advisory Body  
 Submitted by Visitor (not verified)  
 Saturday, April 28, 2018 - 6:28am  
 172.16.64.19



Applicant Information

**Name**  
 Paul T Knight

**Physical Address**  
 483A Ocean Dr. Loop

**Mailing Address**  
 483A Ocean Dr. Loop

**Email**  
 luapknight@gmail.com

**Phone**  
 9073984773

Please select the bodies you are interested in serving on

**Advisory Bodies**  
 Other: Please indicate

**Other - Please Describe**  
 HERC Task Force

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

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

**Special Training & Education**

Please list any special training, education or background you may have which is related to

your choice of advisory body

Borough Appraiser for 22 years. Banker for 12 years. Parent, grandparent.

**Prior Service**

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

KHLT land advisory committee.

**Why are you interested?**

Please briefly state why you are interested in serving on the advisory body selected.

I believe my background could be a benefit in the discussion for the future of the HERC,

**Other memberships**

Do you currently belong to any organizations specifically related to the area of the advisory body you selected?

Homer Pickleball

**Additional related information**

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

**Finish**

When you have completed this application please review all the information and hit the submit button. Thank you for applying!

Source URL: <https://www.cityofhomer-ak.gov/node/9051/submission/18131>





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

MAY 03 2018 AM 11:40 *RC*

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

Name: KARIM MARKS Date: 5/3/2018

Physical Address: 202 W Pioneer Ave #C Homer AK 99603

Mailing Address: same as above

Phone #: 907-235-7874 Cell #: 907-202-4748 Work #: N/A

Email Address: wecker70@gmail.com

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

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

**ADVISORY PLANNING COMMISSION**

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

**PARKS ART RECREATION & CULTURE ADVISORY  
COMMISSION**

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

**PORT & HARBOR ADVISORY COMMISSION**

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

**ECONOMIC DEVELOPMENT ADVISORY  
COMMISSION**

2ND TUESDAY OF THE MONTH AT 6:00 PM

**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

**LIBRARY ADVISORY BOARD**

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

**OTHER - PLEASE INDICATE**

Herk Task force

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

I am presently employed at Semi retired own Art SHOP body

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

on the EDC commission + board member of KPEDD

owned and ran business for 23 years

worked in banking + nonprofit / degree <sup>BA</sup> in political science + MA in management

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

no city Task force unless you count Pioneer Ave

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

as good as using the HERK for all kinds of activities  
I know it needs to be self sufficient + viable

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

See above plus Pioneer Ave Reauthorization Task force  
member Prad / HCOA / Burnell Art Center

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

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

Yes  No  What is your primary use? Commercial  Recreational

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

I am interested in having Homer develop  
economically, but in a responsible business  
like manner.

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](mailto:clerk@cityofhomer-ak.gov) or fax to 907-235-3143. Thank you for applying!



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 27 2018 PM 02:19 *pk*

Name: Crisi Matthews Date: 4/27/18

Physical Address: 4025 Homer Spit Rd #7 Homer

Mailing Address: Same

Phone #: \_\_\_\_\_ Cell #: 907 299 8700 Work #: Same

Email Address: shop@homer-shores.com

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

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

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

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

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

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

HERC Task Force

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 3 years. I have been a resident of the area for 6 years. *seasonally changes to Fritz Creek*

I am presently employed at owner of local businesses in town & on spit.

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

Licensed Real Estate Broker, owned Land Development Management company's Property manager under brokerage, owner of mult. local businesses and serving

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

Chamber of Commerce; current, Fireweed APC; current 3yrs  
Girl Scout's Boy Scout leader, Univ of Pacific Advisory Board for 3 years prior to moving here, site councils, etc.

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

*Here -* To help convey info to Chamber as liason, to help with questions regarding use and to assist in hand planning for town and on the Spit as we own business near both Parks.

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

above ↑

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:

Yes - extensively for 4 years+ in California. Conditional Use's. Coastal Commission were my specialties.

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

We live onsite as season allows as well.

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

This is my third application. I would be an asset to the task force as I can intelligently relay between the Chamber of Commerce & Fireweed Academy upon which I serve on both boards. The Harbor needs external funding to grow, I'd like to assist with that too!

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  
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

APR 26 2018 AM 09:20 RK

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

Name: BARRY REISS Date: 26 APR '18

Physical Address: 55215 HILL AVE, HOMER, AK 99603

Mailing Address: 55215 HILL AVE, HOMER, AK 99603

Phone #: 907-360-9446 Cell #: 907.360.2930 Work #: \_\_\_\_\_

Email Address: jbreiss1@comcast.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  
HERE TASK FORCE

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 0 years. I have been a resident of the area for 35 years.  
I am presently employed at SELF-EMPLOYED

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

REFER TO RESUME

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

REFER TO RESUME

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

TO PROVIDE MY UNIQUE TALENTS IN  
ENGR/CONSTRUCTION IN ASSISTING W/ HODC

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

REFER TO RESUME  
JOINED BIRD OF HOMER COASTAL STUDIOS

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:

N/A

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Barry Reiss, Ph.D.**

55215 Hill Ave  
Homer, AK 99603  
(907) 360-9446  
(907) 360-2930  
[jbreiss1@comcast.net](mailto:jbreiss1@comcast.net)

**Professional Summary**

35-Years Design-Construction Program/Project Management & Owner Representative  
Capital Projects Contract Administration, Risk, Changes & Claims Analyses  
Land Use, Installation & Facility Master Planner, Environmental Restoration

**Education**

Baltimore Polytechnic Institute, Baltimore, MD, H.S. Diploma in Engineering  
University of Maryland, College Park, MD, Bachelor of Science in Physics  
The American University, Washington, DC, Doctor of Philosophy in Physics

**ψ - Inquiry**

**(Sole Proprietorship/Self-Employed Consulting Practice)**

**Capital Project Management/Engineering on Capital Projects, (Present - Semi-retired)**

Principal project manager providing planning and risk assessment; contract, construction and design management, and claims services for civil and facility capital construction projects. Conduct engineering, constructability and contract changes/claims investigation; estimating, cost and schedule/delay analyses; and participate in contract negotiations/adjudication of design and construction projects. (Consultant to private owner – Seabright Design)

**City of Port Lions, AK, Owner Representative, (2012 – 2015)** – Represent the City and Native Village of Port Lions (Kodiak Island, AK) on the design through construction of an approx. \$16M municipal and ferry dock and slope protection. As the Owner's contract and technical/quality assurance representative, I participated/led in contracting, design, constructability, and contractor construction activities.

**Consultant to AK Air National Guard, (2013)** – Provided consultancy to develop real property accounting and future funding /feasibility studies of capital projects for the AK-176<sup>th</sup> ANG installation on Joint Base Elmendorf – Ft. Richardson.

**Private Sector Program/Project Management Consulting**

**CH2M HILL Contractors, Inc: Sr. Consultant, Principal Project Manager, (2005 – 2012)**

Principal Project Manager, consultant/flex status with CH2M HILL Constructors, from 2006-2010 was outsourced to the Alaska Air National Guard for client service/principal project management of master planning and design through construction of approximately \$170M in military capital and restoration projects in support of Base Realignment and Closure (BRAC) process for the relocation of the 176 Wing of the AK-ANG to Elmendorf AF Base. Coordinated and implemented all aspects in the BRAC effort including project managing design and construction teams: stake-holder coordination; land use and master planning; procurement; scheduling; estimating; environmental abatement/restoration; facility maintenance and repair; LEED; project controls and change management; coordinating utility generation and distribution; directing operation and maintenance personnel; and representing the Contracting Officer as the Technical Representative. Specific design and construction owner representation was for Para-rescue Training and Operations Complex; Fuel Cell-Corrosion Control Hangar; and complete renovation of two large frame hangars and civil/utility projects. Additionally, advised and mentored junior engineers and contracting personnel in design-construction technical matters, project controls, and changes/claims.

Formerly, (2005-2007), was a senior project/delivery manager responsible for leading, managing and mentoring junior project managers in environmental and construction projects. Developed project documents, (plans & specifications) and negotiated contracts. Project managed environmental restoration and vertical construction projects to include risk assessment, estimating, project controls, financial and changes management.

## **Public Sector Program/Project Management**

### **State of Alaska, Department of Military and Veterans' Affairs: Federal Program/Project Management Planning, Engineering and Construction at the Kulis Air National Guard Base, Anchorage, AK, (1998-2005)**

Program/project managed planning and programming; risk, design and engineer; and procurement through construction of multimillion dollar Federal MILCON construction and repair/maintenance projects. Procurement phase: establish project intent with stakeholders; determine mechanism for procurement services (Design-Bid-Build, Design-Build, RFP); develop Government cost estimates; compare/analyze contractor estimates; establish negotiation positions and participate in negotiations. Design phase responsibilities: lead in procuring A/E design services; manage the design contracts; direct the design team in developing design strategies including user requirements, concept plans, cost estimates, force protection protocols, LEED, value engineering, and contract documents. Construction phase: project manage budget/cost account; and perform engineering design review, scheduling, inspection, procurement, cost estimating, value engineering, change order analysis and negotiation tasks. Also, develop construction engineering designs, (plans & specifications), and manage in-house projects. MILCON projects include: Medical, Security Forces and Communications Complex; Fire Rescue Station; Vehicle Maintenance; ECM and POL facilities; Corrosion Control Hangar; and Combat Communications Facility. Repair/Maintenance and Public Works projects include: AT/FP modifications to Base infrastructure; renovations to existing security facilities; and upgrades Base-wide utilities & communication systems. Several projects were managed concurrently. All projects were brought-in on time and within budget.

Program managed Comprehensive Master Planning for Kulis ANG Base including plus-up of C-130 aircraft and C-17 Mission Bed-Down, a combined project estimated at \$250M. Coordinated inter-service planning efforts and developed strategies for mission and installation effectiveness. Responsible for policies, guidance, and analyses of operational, installation, and land use matters; facility programming and planning (Form 1391); environmental studies; risk assessment; scheduling; and cost estimating for the installation and facilities. Procured and managed consultants participating in the master planning.

Advised Government on engineering & construction claim strategies for changes/modifications and claims including design defects, differing site conditions, delay and impact issues. Lead real property group, lease/license agreement and utility privatization actions.

*Recipient: State of Alaska "Commendation Medal for Meritorious Service" & "Alaska Legion of Merit"*

### **ψ - Inquiry**

**(Sole Proprietorship/Self-Employed Consulting Practice)**

#### **Legal/Claim Consulting**

Forensic Engineering and Construction Claims, (1983-present):

Lead and conduct engineering, constructability, differing site conditions (DSC), delay - cost and schedule analysis, and contract investigation/research to identify and analyze facts related to construction and environmental accidents/changes/claims. Investigations include site survey/inspection; interviews with witnesses, critical technical personnel, and experts; technical engineering research; contract review (FAR, CFR, etc.); and engineering/constructability studies. Team-lead, coordinate, and direct the investigations for legal team; write discovery, interrogatory, deposition questions and witness testimony; and provide consultative assistance during negotiations and litigation to include technical assistance, group dynamics, legal strategies, and summary arguments. Projects: Skagway Dock/Slope Failure, Dillingham Lagoon DSC, Kodiak Lake Louise Housing DSC, Homer Fish Dock Pile & Slope Failure, among others.

Private Investigation and Analytical Consultancy, (1987-present):

Conduct investigations, perform reconstruction and research analyses, and coordinate expert efforts to determine the apparent cause of incidents that result civil and criminal litigation to include personal injuries and deaths. Lead investigation services for incidents involving motor vehicle, vessel, and aircraft crashes; construction and engineering failures, etc. Services include: interviews with witnesses, police and victims; site and crime scene investigations and data collection; and reconstruction and technical analyses. The studies provide data and statements on facts pertinent to determining probable cause.

#### **Environmental Consulting**

Environmental Assessment, EBS, EA and EIS, (1991-1998):

Designed, managed, and supervised comprehensive environmental site assessment programs to determine the risk to health and the environment from industrial and commercial activities. Activities included: site investigation; quality assurance and



compliance testing; analysis of data; risk assessment; and regulatory reporting. Directive, project management and team leadership tasks involve contract writing/management; fiscal and budgetary planning/review; procurement and sub-contracting; health/safety planning; and coordination and compliance with State/Federal agencies, owners, insurers, and lawyers. Investigated and analyzed environmental, social, and economic issues pertinent to civil construction projects. Efforts result in environmental baseline studies, assessments, impact statements, and management/construction plans.

**Environmental Compliance, Corrective Action and Remediation, (1991-1998):**

Consulted and provided project management services to engineers, contractors, owners, and public and non-profit groups engaged in environmental planning/compliance, corrective action, restoration, and remediation programs. Project engineering activities included developing and implementing: environmental objectives; compliance and natural resource management programs; and spill/emergency response and remediation planning. These efforts involved analyses of the effectiveness of mitigation, corrective action and remediation techniques; interface between owner, regulator and contractor; and design of corrective/remediation facility, work health/safety, and project evaluation plans. Also, developed and implemented environmental research projects. Efforts included: establishing research methodologies, investigation procedures, and reporting requirements; providing contract services; fiscal planning and budgeting; permitting; coordination with public, private, and State/Federal agencies; and grant/proposal writing.

**Prior Private & Federal Employment, Construction, Geotechnical, and Inspection Consulting**

**Project Engineering/Management, Construction Estimating and Scheduling, (1981-1998):**

Consulted to contractors and managed their engineering groups, (hard dollar estimating, scheduling, contracting, procurement, logistics, changes/modifications/claims work on construction projects). Interpret, review and coordinate design and shop drawings; prepare project estimates for change orders; and analyze/propose value engineering and cost saving measures. Experienced in Federal and state procurements; building regulations and codes; and various scheduling and costing programs. The types of projects included: harbor/dock facilities (pile driven docks), dredging and slope construction; roads and utility projects; commercial buildings (incl. hospitals and schools); and environmental programs.

Managed and directed the project engineering and estimating group for general contractors engaged in public and private sector construction projects. Responsibilities included the management of the estimating group, contract review, take-off(s), construction tactics, estimating, and overall bid strategies. I estimated on public and private civil/facility projects ranging from \$100,000 to joint ventures of ~\$100 million, (i.e. schools, hospitals, power plants, roads, etc.), with an average estimate of approximately \$5 million. Develop flow charts and project schedules (Manpower, Cost Loading and Schedule Primavera/CPM) for construction projects. Schedules address regulatory & engineering constraints, logistical, construction, and project man-hour/cost allocations.

Dept. of Commerce: National Oceanic and Atmospheric Administration was an Officer-in-Charge aboard vessel "Rainier". Responsible for the: planning, directing, and performing oceanographic, hydrographic and land surveys; analyses of data; and report writing and presentations. Shipboard projects involved hydrographic/oceanographic operations aboard 32' hydrographic launches and a 235' survey vessel. Was directly in charge of a crew of five, (1979-1981). As party chief and lead field engineer, I conducted design and construction surveys for dam, roads and building projects, (1981-1987).  
*Recipient: NOAA "Certificate of Recognition" and "Outstanding Performance" awards.*

**Geotechnical Studies, (1993-1998):**

In collaboration with a civil engineer assisted in the design of environmental and construction projects, (buildings, roads, sewer/water, etc.). Project managed, engineered and performed field geotechnical studies. Project activities included: site characterization, sampling, laboratory testing, cost estimating, budgeting, and report writing. Design and management responsibilities were on civil and structural project, utilities, roadways, and environmental facilities. In support of these efforts, performed calculations; prepared plans and specifications; wrote health, safety, and facility plans; and develop cost estimates. Led and directed a team of five or more involved in a study.

**Civil and Structural Quality Control/Inspection, (1993-1998):**

As owner/engineering representative, inspect civil and structural construction activities. Inspections included field and laboratory testing, surveying, and data collection. Additionally, collected and processed information for pay estimates, change orders, and claims.

**Planning, Evaluation, and Organizational Consulting**

**Planning, (1991-1996):**

Designed, implemented and co-authored a Borough-wide transportation study/plan. The effort provided a comprehensive

plan for incorporating alternative transportation facilities into existing and proposed transportation systems. The plans addressed Federal and State guidelines for highway funding and AASHTO standards for road construction. Work included: research, data collection and analysis, fact-finding meetings with state and borough officials, public, etc.

Designed, implemented, and analyzed data for a comprehensive study of the South Peninsula Hospital care delivery. The research effort evaluated the adequacy, quality, and effectiveness of medical services provided by an area hospital. The project included developing comprehensive survey and interview instruments, collecting and statistically analyzing data, and formal public reporting and presenting of findings.

**Organizational and Group, (1990-1991):**

Designed and conducted personalized consultations and workshops for groups experiencing organizational and managerial difficulties—conflict and dysfunctional group behavior. Consultations focused on the overt and covert processes present during group activities with specific interest in issues of power and authority. The objectives were to provide organizational and managerial strategies for group work to facilitate the group's efficient and effective pursuit of its goals and objectives within a systems approach.

### **Teaching Experience**

#### **Lecture and Seminar Instructor**

Provide project management and project engineering lectures and seminars in various forums to technical school students, engineers, and contracting personnel. Areas of instruction included: project management and quality control practices; estimating; scheduling; and construction claims:

- ◆ Project Management from Owner's Perspective, A Primer
- ◆ Project Management: Do's, Don'ts and the Human Factor in Developing a Culture for Success
- ◆ Estimating: The Quick 'n Dirty - Science, Art & Luck in Hard-Dollar Estimating
- ◆ Scheduling: Live & Die by the Schedule
- ◆ Managing Construction Changes
- ◆ Physics as a Natural Philosophy
- ◆ Introductory Physics for Non-Science Majors
- ◆ Physics for Science and Engineer Majors

#### **Assistant Professor (University of Alaska, Anchorage, Alaska) and Adjunct Professor (Alaska Pacific University, Anchorage, AK)**

UAA term appointment - taught physics and physics laboratory courses for undergraduate non-science and science/engineering majors. Responsibilities included course management, instruction, and evaluation.

AAPU adjunct - taught undergraduate "Core Courses" focused on interdisciplinary and natural sciences to include environmental, social and psychological elements inherent in conceptual model building (paradigm construction) and critical thinking. Seminar format supplemented by lectures; formal student presentations; and innovative pedagogical techniques fostered student participation through leadership & team building. Additionally, over a period of eight years, I consulted to undergraduate and graduate students of Alaska Pacific University in establishing research methods, conducting experiments, using technology in problem solving, statistical analyses of data, and thesis writing.

#### **Instructor (Kenai Peninsula Community College, Homer, AK)**

Homer Branch of the Kenai Peninsula Community College taught undergraduate natural philosophy, astronomy and physics for non-science majors, and statistics courses. The instructional format of the professional development courses was lecture, seminar/small group, student presentation, and testing. Faculty and community services included: student advisement and counseling; time management and curriculum development. Spent several years as a member on the College Advisory Board.

#### **Assistant Professor (The American University, Washington, DC)**

Facilitated students learning in the natural/physical sciences and mathematics. Developed, implemented and assessed a Personalized/ Programmed System of Instruction (PSI) for astronomy, introductory physics, and mathematics courses. Efforts were intended to increase the effectiveness in the delivery and quality of science education to undergraduates. My PSI efforts were expanded and incorporated into an undergraduate learning center whence I worked with renowned learning theorists to develop, implement and evaluate various pedagogical methods for the sciences: small learning groups, self-pacing, and journal writing. I arranged learning experiences, consulted/conducted individual & learning group sessions, and

lectured science & non-science students. Learning experiences were established via student consultation providing a mechanism for student self-constructed educational objectives, curriculum and evaluation procedures. Faculty duties included curriculum development; pedagogical research; and evaluation (formative and summative) of the Center's function/ mission.

Concurrently, I participated, and was a leader, in advanced studies in leadership, small group, and organizational dynamics. This work, sponsored through the A. K. Rice Institute for Organizational and Advanced Group Study, provided a foundation for my effective interaction and consultation in organizations and enabled me to develop learning situations that engaged the learner in a myriad of experiential situations. I applied my organizational skills during the assessment and redesigning of institutional administration of the Center.

### **Military**

#### **Current Intelligence Analyst (US Army)**

Responsible for the analysis and refinement of raw intelligence data into an analytical daily intelligence summary presented to the Joint Chiefs of Staff and President. Effort focused on an "Eminence of Hostilities" analysis for US forces. In addition to current intelligence tasks, which include technical analysis of foreign governments' missile and rocket systems, I was responsible for synthesizing order of battle and technical intelligence efforts into the development of tactical and strategic war-game models. Security Clearance: Top-Secret, All-Source Access, (1968-1970).

### **Professional Training and Certification**

A.K. Rice Institute, Washington, DC: Advanced Studies in Organizational and Group Dynamics.

American Arbitration Association: Panel of Arbitrators

Advanced Law Studies Institute: Contract Law & Construction Claims; Labor Relations; Design-Build in Alaska; Managing Pressure of Project Delivery (SAME); Construction Delay Claims (SAME)

University of Alaska: Graduate Engineering Studies in Civil Engineering, Environmental Assessment & Quality Control.

US Army Logistics Management College: Contracting Officers Representative Course; Government Procurement and Contract Law; Managing Construction Changes and Claims

Society of American Military Engineers: Managing & Resolving Construction Delay, Acceleration, and Productivity Issues; Securing Critical Infrastructure and Force Protection; Managing the Pressures of Project Delivery

CH2M Hill: Effective Project Data Mgt.; Project Delivery; Design-Build in Alaska

C.O.E.: Construction Quality Control Management for Contractors

Workshops: Restoration and Sustainability, LEED, AutoCAD, Geo-Base, Controls (Scheduling, Budgeting, Estimating, Risk Assessment, and Changes Management), Groundwater Technology; Environmental Risk Assessment; Continuous Air Emission Monitoring & Modeling; Hydrocarbon Transport; Remediation Technology, Hazardous Operations & Emergency Response; & Emergency Trauma Technician

US Coast Guard: Able-bodied Seaman, Unlimited AB - Any Waters

### **Past and Present Community Activities**

Boards of Directors: Kenai College Advisory Board, Homer Council on the Arts, Kachemak Heritage Land Trust, etc.

Performer: Dance Theater North, Berryman Modern Dance Troop, Homer Folk Ensemble and Fresh Produce Improv Theatre

Coach: Rugby, Women's Soccer, Special Olympics, & Nordic Skiing/Biathlon

Volunteer: Assistant Science Teacher at the Homer Senior High School

Volunteer: Haven House and Center for Coastal Studies



Published on *City of Homer Alaska Official Website* (<https://www.cityofhomer-ak.gov>)

[Home](#) > [Application for Appointment to an Advisory Body](#) > [Webform results](#) > Application for Appointment to an Advisory Body

Submission information

Form: [Application for Appointment to an Advisory Body](#)  
Submitted by Visitor (not verified)  
Monday, May 7, 2018 - 9:51am  
172.16.64.18

Applicant Information

**Name**

David Derry

**Physical Address**

495 Dolchok Ln, Kenai 99611

**Mailing Address**

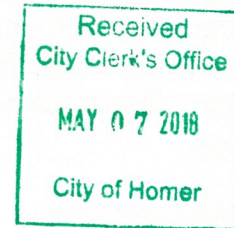
PO Box 2882, Kenai 99611

**Email**

covedave5@gmail.com

**Phone**

9079538434



Please select the bodies you are interested in serving on

**Advisory Bodies**

Other: Please indicate

**Other - Please Describe**

HERC Task Force

**I have been a resident of the city for**  
Kenai-14 years; prior Homer 30 yrs.

**I have been a resident of the area for**  
Kenai Peninsula-45 yrs.

**Special Training & Education**

Real Estate Appraiser with experience in all fields of real estate. I am the only appraiser on the Kenai Peninsula that holds the MAI designation from the national Appraisal Institute, and 1 of 2 appraisers in the state to hold the AI-GRS designation. Please see my education and experience listed on my "Qualifications" submitted separately.

**Prior Service**

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

I served on the Homer City Council for 2 terms. I was chair of the Homer Economic Development Commission (4 yrs+/-). I served on the city manager's Homer Spit lease revision task force (1 yr.).

**Why are you interested?**

My interest in serving on this task force is to provide a real estate perspective to the process and consider alternatives for the property. I have no agenda or personal mission to accomplish, simply to consider what are the reasonable uses and the economic impact of those uses.

**Other memberships**

Do you currently belong to any organizations specifically related to the area of the advisory body you selected?

No, I do not belong to any user groups that use this building or property.

**Additional related information**

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

As full disclosure, I have done appraisal work on this property for the City, but nothing within the last 5-7 years. My service would be on a fully volunteer basis, with no compensation expected or accepted. Of course serving on the task force would recuse me from doing any valuation work on the property either as a private contractor or as part of the task force.

**Finish**

When you have completed this application please review all the information and hit the submit button. Thank you for applying!

Source URL: <https://www.cityofhomer-ak.gov/node/9051/submission/18301>

**Qualifications of the Appraiser  
David M. Derry, MAI, AI-GRS**



◆ **Business and Employment Experience**

*Current:*

Principal, Derry & Associates, Inc.; 1978 to present.

Home office: 1978 – 2003: Homer; 2003 – present: Kenai/Soldotna

Associate, Appraisal Review Associates; 2015 to present (an affiliation of Ken Gain, MAI, AI-GRS, Frank King, MAI, & David Derry, MAI, AI-GRS), performing appraisal reviews for various clients.

*Past:*

Real Estate Appraiser, Hillas Appraisal Co., Homer, 1976-1978.

National Bank of Alaska, part time 1961-69; full time 1969-76. Most recent position: Manager, Homer branch.

◆ **Education**

Texas Tech University, Business Administration major.

University of Alaska, Business Administration major.

College equivalency granted, American Institute of Real Estate Appraisers, 1986.

Review Theory – General, Appraisal Institute (AI), Seattle, WA, 2015.

Valuation of Conservation Easements, AI, Tallahassee, FL, 2008.

Condemnation Appraising: Basic Principles & Applications, AI, Anchorage, AK 2007

Business Practices and Ethics, AI, Anchorage, AK 2006.

Standards of Professional Practice, Part C, AI, Anchorage, 2000.

Standards of Professional Practice, Parts A & B, AI, Anchorage, 1995.

Standards of Professional Practice, Parts A & B, AI, Anchorage, 1991.

Case Studies in Real Estate Valuation, American Institute of Real Estate Appraisers (AIREA), Portland, OR, 1986.

Capitalization Theory & Techniques, Parts A & B, AIREA, Seattle, WA, 1986.

Valuation Analysis & Report Writing, AIREA, Cocoa, FL, 1985.

Capitalization Theory & Techniques, Parts 1 & 2, AIREA, Boulder, CO, 1982.

Standards of Professional Practice, AIREA, Tempe, AZ, 1981.

Course VIII, AIREA, Houston, TX, 1978.

Course 1-A, AIREA, Houston, TX, 1977.

## ◆ Appraisal Seminars

Solving Land Valuation Puzzles, AI, 2018, USPAP Update, AI, 2018, Uniform Appraisal Standards for Federal Land Acquisitions, AI, 2017, USPAP Update, AI, 2016, Effective Appraisal Writing, AI, 2016, Litigation Appraising: Specialized topics and Applications, AI, 2015, Supervisory Appraiser/Trainee Appraiser Course, AI, 2015, USPAP Update, AI, 2014; Practical Regression Using Microsoft Excel, AI, 2013; USPAP Update, AI, 2012, USPAP Update, AI, 2011; Uniform Appraisal Standards for Federal Land Acquisitions, AI, 2009; Business Practices and Ethics, AI, 2009, USPAP Update, AI, 2009; Subdivision Valuation, AI, 2008; Appraisal of Local Retail Properties, AI, 2008; USPAP Update, AI, 2007; Case Studies in Commercial Highest & Best Use, AI, 2007, USPAP Update, AI, 2005; Rates and Ratios, AI, 2005; Small Hotel/Motel Valuation, AI, 2005; Uniform Appraisal Standards for Federal Land Acquisitions, ASFMR, 2005; Subdivision Analysis, AI, 2004; The Road Less Traveled: Special Purpose Properties, AI 2004; Scope of Work: Expanding Your Range of Services, AI, 2003; Land Valuation Adjustment Procedures and Land Valuation Assignments Workshops, AI, 2002; Intro to Statistics & Supporting Adjustments, AI, 2002; Partial Interest Valuation – Divided, & Partial Interest Valuation – Undivided, AI, 2001; Communication Corridors, Tower Sites, & Property Rights, AI, 2001; Eminent Domain & Condemnation Appraising, AI, 1999; Public Interest Value vs. Market Value, AI, 1999; Valuation of Detrimental Conditions in Real Estate, AI, 1999; Appraisal of Nonconforming Uses, AI, 1999; Special-Purpose Properties: The Challenges of Real Estate Appraising in Limited Markets, AI, 1999; Skills of Expert Testimony, IRWA, 1998; Understanding & Using Discounted Cash Flow Software, AI, 1997; Alternative Residential Reporting Forms, AI, 1997; Appraising One-to-Four Family Income Properties, AI, 1997; The Internet and Appraising, AI, 1997; Appraisal of Retail Properties, AI, 1996; Dynamics of Office Building Valuation, AI, 1996; Preserving Family Lands, KHLT, 1995; The Appraiser as Expert Witness, AI, 1995; Appraisal Practices for Litigation, AI, 1995; Understanding Limited Appraisals & Appraisal Reporting Options: General & Residential, AI, 1994; Appraisal Regulations of the Federal Banking Agencies, AI, 1993; Appraisal Review, AI, 1993; Feasibility Analysis and Highest & Best Use, AI, 1992; Statistics & Sales Ratio Analysis, IAAO, 1992; General State Certification Review Seminar, AI, 1991; Appraising Under Financial Institutions Reform Act (FIRREA), Office of Thrift Supervision, 1990; Highest & Best Use, AIREA, 1988; Cash Equivalency and Rates, Ratios and Reasonableness, AIREA, 1987; Capitalization Workshop, AIREA, 1987; Guide to Uniform Residential Appraisal Report, SREA, 1987; R41C Seminar, AIREA, 1987; Market Analysis, AIREA, 1986; Demonstration Report Writing Seminar, AIREA, 1986; FHLBB Regulation R41-B and the Appraiser, AIREA, 1985; Mortgage Energy Valuation, SREA, 1985; Computer Applications for Investment Analysis and Valuation of Income Producing Properties, AIREA, 1985; Basic Use & Understanding, Residential Cost Handbook and Marshall Valuation Service, Marshall & Swift, 1984; Real Estate Lending and Investment Strategy Alaska Today and Contemporary Appraisal Issues for Large Income Properties, AIREA, 1983; Reviewing and Appraising Easements, NARA, 1983; Market Extractions Seminar, SREA, 1981; Introduction to Mobile Home Appraising, SREA, 1980; Income Capitalization Workshop, SREA/AIREA, 1979; Appraising Apartments, 1978; Contemporary Real Estate Analysis Methods, SREA/AIREA, 1977; Marketability and Market Analysis, AIREA/SREA, 1977.

The appraiser has completed the requirements of the Continuing Education Program of the Appraisal Institute, certified through December 31, 2017; and satisfied the State of Alaska Board of Certified Real Estate Appraisers Continuing Education requirements, valid to 6/30/19. The Appraisal Institute requires 100 hours every 4 years and the State Board 28 hours every 2 years.

## ◆ Representative Clientele

Seldovia Native Association, Inc.	City of Homer
Homer Electric Assn. Inc.	City of Kenai
Alaska Mental Health Trust Land Office	City of Soldotna
Ninilchik Native Association, Inc.	City of Seldovia
Kenai Peninsula Borough	Port of Anchorage
United States Postal Service	Kachemak City
Gilbert/Commonwealth, Inc.	Icicle Seafoods
Small Business Administration (U.S.)	Kenai Native Association
Bureau of Indian Affairs	Northern Enterprises
First National Bank Alaska	Wells Fargo Bank NA & Alaska
Federal Deposit Insurance Corp. (FDIC)	Northrim Bank
State of AK, Dept. of Natural Resources	Alaska USA Federal Credit Union
State of AK, Division of Parks	Key Bank of Alaska & National Assoc.





State of AK, Dept. of Transportation & Public Facilities	
Cook Inlet Region, Inc. (CIRI)	ConocoPhillips Co.
U.S. Fish & Wildlife Service	Bank of America
Schlumberger Oilfield Services	Marathon Oil Company
Agrium US Inc.	Federal Aviation Administration (FAA)
University of Alaska	Chevron USA

Form appraisals of land and residential properties accepted by commercial banks, credit unions, mutual savings banks, and mortgage banking firms throughout the State of Alaska.

#### ◆ Professional Designation

Designated Member, *Appraisal Institute*:

- **MAI** designation (Professional expertise/experience in: appraisal, consulting, condemnation, feasibility studies/analysis, highest & best use); Appraisal Institute Member No. 7939.
- **AI-GRS** designation (professional expertise/experience in: appraisal review, litigation support, consulting; commercial, industrial, multi-family, land properties).

#### ◆ Professional Licenses, Registrations, & Experience

Certified "General Real Estate Appraiser"; Board of Certified Real Estate Appraisers, State of Alaska, Certification No. 36.  
 Chair, State of Alaska Board of Certified Real Estate Appraisers, (General Real Estate Appraiser member). 2014 to present.  
 Appraisal Institute Candidate Advisor (Advisor for AI members seeking professional designation). Govt. Relations Chair, Alaska Chapter 2018-19  
 President, Alaska Chapter Appraisal Institute - 2001 and 2002; Vice President, 2000.  
 Affiliate Member, Kachemak Board of Realtors.  
 HUD/FHA designated fee appraiser, No. 2025.  
 Veterans administration designated fee appraiser.  
 Instructor, Kenai Peninsula Community College (U of A), "Real Estate Appraisal"  
 Qualified as an Expert Witness, Superior and District Courts, Third Judicial District, State of Alaska.  
 Qualified as an Expert Witness, Federal Bankruptcy Court.  
 Served as a court-appointed Master on right-of-way cases involving State of Alaska right-of-way acquisitions, Third Judicial District.

#### ◆ Major Consulting and Valuation Assignments

**Homer Harbor Slope Development Study** – a two-phase study to identify demand for development of the Homer Harbor overslope and the market supply of existing facilities and competition. The demand analysis included a mail-out market survey with a tabulation and analysis of the responses. The market supply survey consisted of a state-wide telephone survey of existing facilities, seasons of operation, density, and charges/fees.

Client: City of Homer

**Electric Transmission Line Right-of-Way Appraisals** – This assignment consisted of valuing the electrical transmission line right-of-way from the Fritz Creek Station (Homer) to Soldotna, encompassing a distance of about 70 miles. The estimated just compensation to the property owners was developed utilizing a before and after approach. The electrical transmission line was subsequently constructed within this right-of-way to carry power from the Bradley Hydroelectric project to Soldotna and then on to the South Central energy grid.



Client: Gilbert/Commonwealth, Inc., Construction Mgr. for Homer Electric Assoc.

**State of Alaska-Seldovia Native Association Land Exchange Appraisals** – This project consisted of appraising 90 state-owned parcels in 12 geographic areas throughout the Kenai Peninsula and on the west shore of Cook Inlet. These parcels were proposed for exchange with the Seldovia Native Association as part of the acquisition of inholdings in Kachemak Bay State Park. This project included acreage tracts at the head of Kachemak Bay near the Bradley Lake Hydroelectric project, an island in Seldovia Bay, acreage tracts on Kalgin Island, acreage at Granite Point, and various other locations around Soldotna, Kasilof River, and Tustumena Lake.

Client: State of Alaska, Department of Natural Resources.

**Kachemak Bay State Park Land Evaluation Panel** – Selected by the State of Alaska and the Seldovia Native Association to serve on the 3-member Land Valuation Panel to establish the value of the Seldovia Native Association's 19,325 acres of inholdings within the Kachemak Bay State Park. The panel process included reviewing appraisal reports and interviews with the appraisers who had appraised the property, a physical inspection of the property, consideration of a parklands Highest and Best Use, and a review of Alaska and Pacific Northwest land sale comparables. Value estimates were developed for the property in its natural condition and with 4,435 acres as cut-over (logged) land. The value conclusion developed by the panel was used as the sale price for the purchase of the property, consummated in 1993.

Client: State of Alaska, Department of Natural Resources

**Mental Health Trust Lands Evaluation Panel** – Selected by the plaintiffs in the Mental Health Trust Lands project to service on the 3-member South Central Valuation Panel. The panel's work consisted of valuing 1,100 parcels of proposed substitute land throughout South Central Alaska, ranging from Kodiak to Cordova to the Matanuska-Susitna Valley. The value estimates were developed based on a review and analysis of comparable sales applicable to the geographic area and parcels. The panel valuation process was a key part of the plan to reconstitute the Mental Health Land Trust.

Client: Law Offices of James B. Gottstein

**Waddell vs. Homer Electric Association Inc.** – This case involved leaking underground storage tanks (LUST) located on HEA property that had product migrate onto adjacent Waddell property. The properties are commercially zoned, located in downtown Homer. The assignment encompassed valuations both before and after the impact of contamination, consultations with the client & owner, depositions, preparation and testimony for two Superior Court trials in Kenai.

Client: Law Offices of Baldwin & Butler; Robertson, Monagle & Eastaugh



**From:** David Derry  
**To:** [Mayor Email](#)  
**Cc:** [Department Clerk](#)  
**Subject:** HERC Task Force  
**Date:** Saturday, May 05, 2018 11:10:18 AM  
**Attachments:** [Quals-DMD 5-18-BlueUsew-pg#.pdf](#)

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Bryan Zak, Mayor

Mr. Mayor,

I am writing to volunteer for the Task Force that is being appointed to provide recommendations for alternatives for the HERC building.

As I'm sure you are aware, I am a real estate appraiser with experience throughout the Kenai Peninsula. I feel my real estate experience and familiarity with Homer could provide some assistance to the task force as the alternatives and objectives of the city are pursued. For the purpose of full disclosure, I have provided some appraisal services to the city on the HERC building. I didn't look up the dates of that, but it would probably be 7 - 10 years ago. Of course my service on this task force would be fully in a volunteer capacity.

I am officially a resident of Kenai, but I am remodeling a house in Homer, with plans to move back within the next year. Julie and I have a cabin in Halibut Cove and spend the summers there. If you would like to call and discuss anything, please call me at 907-953-8434. I have attached my professional appraiser "qualifications".

Thank you for your consideration,  
David Derry





## City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 18-057

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: MELISSA JACOBSEN, MMC, CITY CLERK  
DATE: MAY 9, 2018  
SUBJECT: TRAVEL AUTHORIZATION FOR THE KENAI PENINSULA BOROUGH JOINT WORKSESSION

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Pursuant to the City of Homer Procurement Manual section 4.1 Travel Authorization, authorization is required for Mayor and City Council travel.

On April 26<sup>th</sup> a joint worksession with the Kenai Peninsula Borough Assembly was scheduled for May 7<sup>th</sup>. This meeting was properly noticed and Councilmembers attended. Because of the timing, there was not an opportunity to request travel authorization prior to the worksession.

Councilmember Stroozas drove his personal vehicle to the meeting and has requested reimbursement for mileage.

**Recommendation:** Approve travel reimbursement for Councilmember Stroozas.

Fiscal note: 100-0100-5236 - \$101.78



**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-28**

**Ordinance 18-28**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Land and Water Conservation Fund Grant in the Amount of \$263,340 to Replace the Ramp 2 Restroom and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. Council Regular Meeting May 14, 2018 Introduction
  - a. Memorandum 18-058 from Special Projects & Communications Coordinator Carroll as backup





**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 18-28**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A 2017 LAND AND WATER CONSERVATION FUND GRANT FROM THE STATE OF ALASKA DIVISION OF PARKS AND OUTDOOR RECREATION IN THE AMOUNT OF \$263,340 TO UPGRADE THE RAMP 2 PUBLIC RESTROOM AT THE PORT AND HARBOR AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS. CITY MANAGER.

WHEREAS, An upgrade to the forty-three year old Ramp 2 public restroom to better serve the public has been recognized as a capital need in the City of Homer 2018-2023 Capital Improvement Plan; and

WHEREAS, The City applied for a Land and Water Conservation Fund (LWCF) Grant funds; and

WHEREAS, The City is pleased to have been awarded its full request of \$263,340 under this 50-50 matching grant program; and

WHEREAS, City of Homer Resolution 17-067 committed accumulated and future CPV grant funds to meet match requirements of the LWCF award and for completing the Ramp 2 Restroom upgrade project.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a 2017 State of Alaska Division of Parks and Outdoor Recreation LWCF grant to the City of Homer in the amount of \$263,340 to upgrade the Ramp 2 Public Restroom as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	2017 LWCF Grant	\$263,340

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	Ramp 2 Restroom Upgrade	\$263,340





# City of Homer

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

## Administration

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 18-058

TO: Mayor and the City Council  
FROM: Jenny Carroll, Special Projects & Communications Coordinator  
THROUGH: Katie Koester, City Manager  
DATE: May 9, 2018  
SUBJECT: Land & Water Conservation Fund Grants Project \$263,340.00

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I am happy to report that the National Park Service recently approved the Alaska State Recreation Trails Advisory Board's recommendation for Land & Water Conservation Funds (LWCF) to assist the City with replacing Ramp 2 public restroom. The grant will provide \$263,340 in 50-50 matching funds for construction.

Attached is the Grant Agreement and an Ordinance to accept the grant and obligate City of Homer project funds as match. Per Ordinance 17-19 and Resolution 17-067, the City match will come from accumulated Commercial Passenger Vessel (CPV) pass-through grant funds and a loan from the Port & Harbor Reserve account, which will be reimbursed over time from future KPB and State of Alaska CPV pass-through grant distributions.

To minimize construction disruption on the Spit during the busy summer season, the rebuild is planned for the early fall 2018. With design for the new facility currently at 65% and with the LWCF grant agreement in hand, we are on schedule for a fall build.

A 50-50 matching grant from the LWCF in 1972 helped construct the Ramp 2 Restroom we have today. LWCF requires that there be access to a dedicated public outdoor recreation area which the Ramp 2 restroom would serve. The original grant documents from 1972 dedicated the land immediately surrounding Ramp 2 Restroom for public recreation use. The grant documents also indicated that the restroom would be supporting "beach" activities. Attached is the map of the beach area and access to be dedicated, guaranteeing that the public has access to the waterfront for beachcombing, wading, fishing, sight-seeing, and other outdoor activities.

We are pleased to continue our partnership with the LWCF to upgrade the restroom in support of Homer's exceptional outdoor recreational opportunities.

Recommended Action: Approve Ordinance 18-28.



**Parcel "A" 6(f)(3) Boundary Area Legal Description:**

Beginning at the west corner of Lot 28-A, Homer Spit Amended, as shown on Plat # 2017-32, recorded at the Homer Recording District, Alaska; thence 60 feet, N 31° 12' 41" E along the northwest property line of said lot 28-A, thence leaving said northwest property line S 59° 30' 58" E, a distance of 75'; thence 60 feet, S 31° 12' 41" W to the southwest property line of said Lot 28-A, thence N 59° 30' 58" W, along the southwest property line of said Lot 28-A a distance of 75 feet to the point of beginning; containing 4,500 square feet, more or less.

**CONCURRENCE:**

Katie Koester  
City Manager  
City of Homer, Alaska

HOMER SMALL BOAT HARBOR

PARCEL "A"

Lot 28-A

PARCEL "B"

Lot 27

STERLING HIGHWAY

Lot 31

PARCEL "C"

CITY OF HOMER TIDELANDS

Lot 50

FISH DOCK ROAD

Point of Beginning

250.0 ft

250.0 ft

250.0 ft

250.0 ft

250.0 ft

250.0 ft

Scale: 1" = 200'

93

**Parcel "B" 6(f)(3) Boundary Area Legal Description:**

The northwestern twenty feet (20') of Lot 31, Homer Spit Amended, as shown on KPB Plat #89-34, recorded in the Homer Recording District Alaska, T6S, R13W, S1, Seward Meridian; being a strip of land twenty feet wide, immediately adjacent and parallel to the northwest property line, and also being immediately adjacent to Lot 27; containing 3,595 square feet, more or less.

**Parcel "C" 6(f)(3) Boundary Area Legal Description:**

Beginning at the west corner of Lot 31, Homer Spit Amended, as shown on KPB Plat #89-34, recorded in the Homer Recording District Alaska, T6S, R13W, S1, Seward Meridian; thence along the southwestern boundary of said Lot 31, 296.69', S 63° 54' 10" E, thence 545.92', S 64° 09' 06" E; thence leaving said Lot 31 boundary and along the southwest boundary of Lot 50, 625.71'; S 64° 09' 06" E, to the south corner of said Lot 50, thence 250', S 25° 50' 54" W; thence parallel to the southwest property line of said Lot 50, N 64° 09' 06" W, thence parallel to the southwest boundary of said Lot 31, 545.92', N 640 09' 06" W, thence 296.69', N 640 09' 06" W, thence 250', N 25° 50' 54" E to the point of beginning; containing 367,080 square feet, more or less.

DIRECTOR'S LINE - TIDELAND BOUNDARY





**State of Alaska Grant Agreement**  
**Land and Water Conservation Fund Program**  
*Homer Harbor Ramp 2 Restroom*



**CFDA # 15.916      LWCF # 02-00430**

This grant agreement is between **State of Alaska, Department of Natural Resources**  
**Division of Parks and Outdoor Recreation**  
**550 W. 7<sup>th</sup> Avenue, Ste 1380** hereafter the State, and  
**Anchorage, AK 99501**

Grantee <b>City of Homer</b>	Employer ID Number (EIN) <b>92-0030963</b>	hereafter the Grantee
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Mailing Address <b>491 E. Pioneer Avenue Homer, AK 99603</b>	DUNS <b>040171563</b>
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Grantee Contact Name & Title <b>Katie Koester, City Manager</b>	Telephone Number <b>907-235-8121</b>	E-Mail Address <b><a href="mailto:kkoester@ci.homer.ak.us">kkoester@ci.homer.ak.us</a></b>
--	---	---

**ARTICLE 1. Appendices:** Appendices and provisions referred to herein are considered part of this agreement.

**ARTICLE 2. Performance of Services:**

- 2.1 Appendix A: Scope of work or services to be performed by the Grantee.
- 2.2 Appendix B: Estimated budget and proposed milestones.
- 2.3 Appendix C: Reporting and other requirements.
- 2.4 Appendix D: Payment schedule for disbursement of funds to the Grantee.
- 2.5 Appendix E: Standard Provisions: Articles 1 through 30, 2 CFR Chapter I, Chapter II, Part 200, et al, and the Land and Water Conservation Fund (LWCF) Act of 1965 governing performance of services under this grant.

**ARTICLE 3. Period of Performance:** The period of performance for this grant agreement begins **May 1, 2018** and ends **December 31, 2019**. The period of performance may be extended, upon amendment.

**ARTICLE 4. Consideration:** In consideration of Grantee’s performance under this 50-50 matching program, the State shall apply to the National Park service for LWCF assistance in a sum not to exceed **\$263,340**, and shall **reimburse the Grantee, minus applicable State Indirect Cost**, in accordance with the Budget and Appendix D.

**GRANTEE**

Signature of Grantee’s Authorized Representative	Date
Name and Title: Type or Print	

**STATE**

Signature of State Certifying Officer	Date
Name and Title: Type or Print	

**Melissa Richie, LWCF Alternate State Liaison Officer**  
**Department of Natural Resources: Division of Parks and Outdoor Recreation**  
**550 W. 7<sup>th</sup> Avenue, Suite 1380 Anchorage, AK 99501**

## Appendix A: Scope of Work

The City of Homer will replace the existing restroom near Ramp 2 at the Homer Harbor.

## Appendix B: Estimated Budget and Proposed Milestones

Budget Category	Line Items	Subtotal by Category	MILESTONES - projected dates
<b>1. Admin &amp; Legal Expenses</b>		8,408	April - June 2018
City Admin/Project Management	8,408		
<b>4. Architectural and Engineering Fees</b>		55,158	June - Dec 2018
Bidding Assistance	3,150		
Project Manager (12 weeks x 8hr/wk)	4,488		
Project expediter (10 weeks x 8hr/wk)	3,520		
Project Supervisor (10 weeks x 50hr/wk)	44,000		
<b>8. Demolition and removal</b>	18,500	18,500	June - Dec 2018
Demolish interior walls, inside/outside skin of exterior walls, roof (salvage trusses), and all interior furnishings			
<b>9. Construction (labor) *</b>		47,500	June - Dec 2018
Construct new restroom on existing foundation	47,500		
<b>10. Equipment &amp; Materials (no labor)</b>		345,303	June - Dec 2018
Concrete, masonry, metals, lumber, plastic, thermal and moisture protection, doors and windows, metal roofing, pre-manufactured trusses, gutters, mechanical and electrical equipment, urinals, toilets, basins, stall dividers, grab bars, toilet paper holders, soap dispensers, etc	332,543		
Pickup: 10 weeks	2,640		
Forklift: 10 weeks	3,960		
Flatbed: 10 weeks	3,960		
Boom Truck: 10 weeks	2,200		
<b>11. Miscellaneous</b>		9,704	June - Dec 2018
1% for Art	4,204		
surface freight: 20 tons of materials from seattle to homer	5,500		
<b>13. Contingencies</b>	24,650	24,650	June 2018 - Dec 2019
<b>Total Direct Cost</b>	<b>509,223</b>		
<b>State Indirect Cost</b>	<b>17,457</b>		
<b>Total Project Cost</b>	<b>526,680</b>		<b>50% = 263,340</b>



## Appendix C: Reporting and Other Requirements

**Deed Recording:** Property receiving grant assistance from the Land and Water Conservation Fund (LWCF), shall be maintained, in perpetuity, for public outdoor recreation. Prior to receiving LWCF reimbursement, Grantee shall record said deed restriction on property title and submit a copy to the State.

**Reports:** Narrative and financial reports may be submitted as often as quarterly. Requests for reimbursement must be accompanied by a narrative for the corresponding period, a *Performance Report* explaining *Milestones* completed, and a *Summary of Documentation* form, with relevant financial backup info (e.g., copies of invoices, receipts, checks paid to vendors, payroll ledgers, timesheets, as needed).

Reports are due within thirty (30) days following the quarter, and within thirty (30) days after project completion or end of project period, whichever occurs first. Submit reports to the State by fax, e-mail, United States Postal Service or other carrier to:

Fax: 907-269-8907  
E-mail: [jean.ayers@alaska.gov](mailto:jean.ayers@alaska.gov)

State of Alaska: Dept of Natural Resources  
Division of Parks and Outdoor Recreation  
550 W. 7<sup>th</sup> Avenue, Suite 1380  
Anchorage, AK 99501

**Volunteers and Donations:** Donated labor, equipment or materials shall be adequately documented for project purposes. A form signed by the donor with dates, names, work performed or items donated, valuation of goods/services, and Grantee's signature, *or* a detailed listing from the Grantee is required.

**Photographs:** Photographs of work in progress may accompany narrative reports. The State reserves the right to use photographs of grant-assisted projects in future publications or reports.

**Publications and Signage:** Grantee shall acknowledge contribution of the State of Alaska and the National Park Service in any publication or product developed with this grant assistance. Upon project completion, Grantee shall install LWCF signage at the assisted public outdoor recreation site.

## Appendix D: Payment Schedule

**Reimbursement:** Payment shall be made to the Grantee on a cost reimbursement basis. Requests for reimbursement, complete with all necessary backup documentation, shall be processed by the State within 30 days of Grantee submittal. For this 50-50 matching LWCF grant assistance, the Grantee must document all eligible project expenses and submit to the State at least the amount shown for Total Project Cost to maximize the grant award and potential reimbursement, as shown in Appendix B.

**State Indirect Cost:** The State agrees to reimburse the Grantee a sum not to exceed 50% of the Total Project Cost, minus applicable State Indirect Costs as shown in Appendix B. The State Indirect Cost rate may fluctuate during the grant Period of Performance.

**Retainage:** A sum representing ten percent (10%) of the total grant amount may be held in reserve until acceptable completion of this grant project. Upon receipt and approval of narrative and financial reports, final products, maps, or other documents, the State shall process final reimbursement to the Grantee.

## Appendix E: Standard Provisions

Article 1. Definitions. In this grant agreement, attachments, and amendments, "Certifying Officer" means the person who signs this grant agreement on behalf of the State and includes a successor or authorized representative.

Article 2. State Saved Harmless. The Grantee shall indemnify, save harmless and defend the State, its officers, agents and employees from liability of any nature or kind, including costs and expenses, for or on account of any and all legal actions or claims of any character whatsoever resulting from injuries or damage sustained by any person or persons or property as a result of any error, omission or negligent act of the Grantee relating to its performance of this grant.

Article 3. Inspections and Retention of Records. The State may inspect, in the manner and at reasonable times it considers appropriate, the Grantee's facilities, records and activities under this grant agreement. The Grantee shall retain property receipts and other grant financial records for at least 3 years after project completion or equipment disposal. Core grant documents shall be retained in perpetuity.

Article 4. Disputes. Any dispute concerning a question of fact arising under this grant agreement, which is not disposed of by mutual agreement, shall be decided without bias by the Certifying Officer. The decision shall be in writing and mailed or otherwise furnished to the Grantee. The decision of the Certifying Officer is final and conclusive, unless, within 30 days from the date of receipt of the decision, the Grantee mails or otherwise furnishes a written appeal to the Commissioner of the Department. The Commissioner shall hear the appeal. The decision of the Commissioner is final and conclusive, unless it is fraudulent or not supported by substantial evidence. In any proceeding under this Article, the Grantee has a right to offer evidence in support of its appeal. Pending final decision of a dispute, the Grantee shall proceed with the performance of the grant agreement in accordance with the Certifying Officer's decision.

Article 5. Equal Employment Opportunity (EEO). The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on federal or state grant-assisted projects, that it is an equal opportunity employer and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

Grantee shall include the provisions of the EEO article in every contract relating to this grant agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor and subcontractor.

Article 6. Termination. The Certifying Officer, by written notice may terminate this grant agreement, in whole or in part, when it is in the best interest of the State. The State is liable only for payment in accordance with the provision of this agreement for services rendered before the effective date of termination.

Article 7. No Assignment or Delegation. The Grantee may not assign or delegate this grant agreement, or any part of it, or any right to any of the money to be paid under it, except with the written consent of the Certifying Officer.

Article 8. Payment of Taxes. As a condition of this grant agreement, the Grantee shall pay all Federal, State and Local taxes incurred by the Grantee and shall require their payment by any contractor or any other persons in the performance of this grant agreement.

Article 9. Worker's Compensation Insurance. The Grantee shall provide and maintain worker's compensation insurance as required by AS 23.30 for all employees engaged in work under this grant agreement. The Grantee shall require any contractor to provide and maintain worker's compensation insurance for its employees as required by AS 23.30.

Article 10. Insurance. The Grantee is responsible for obtaining any necessary liability insurance.

Article 11. Current Prevailing Rates of Wage and Employment Preference. Certain grant projects are constrained by the provision of Alaska Statute 36: PUBLIC CONTRACTS. To the extent that such provisions apply to the project that is the subject of this grant agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010.

Article 12. Budget Flexibility and Amendments. Notwithstanding the provisions of Article 16, "Changes," the Grantee may revise line item or subcategory amounts in the project budget in Attachment B without a formal amendment to this agreement. Such revisions are **limited to a maximum of 10%** of the total project cost or \$10,000, whichever is less over the entire term of this agreement. Revisions are limited to changes in existing budget line items or categories, and must be documented in writing.

Budget revisions may not be used to increase any budget item for project administrative expenses. Changes to the budget beyond the limits authorized by this provision may only be made by a formal amendment to this agreement.

Article 13. Governing Laws. This grant agreement is governed by both Federal and State laws. The Grantee shall perform all aspects of this project in compliance with appropriate laws and regulations, such as 2 CFR Chapter I, Chapter II, Part 200, et al, and the LWCF Act of 1965 as amended.

Article 14. Officials Not to Benefit. No member of, or delegate to Congress or the Legislature, or officials or employees of the State or Federal government may share any part of this grant agreement or any benefit to arise from it.

Article 15. Lobbying. In accepting these funds, Grantee agrees and assures that none of the funds will be used for the purpose of lobbying activities before the Alaska Legislature or United States Congress.

Article 16. Changes. Significant changes to the scope or budget shall be made part of this grant agreement by use of an amendment. Changes requested by the Grantee in writing, if approved, will be formalized in an amendment. Amendments must be dated and signed by the State before the change is considered official and approved. Grantee will receive copies of any such amendments.

Article 17. Public Purposes. The Grantee agrees that the project to which this grant agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, change in marital status, pregnancy or parenthood.

Article 18. Site Control. If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and Grantee has legal access to such property.

Article 19. Operation and Maintenance. The Grantee is responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 20. Assurance. The Grantee shall spend monies appropriated under this grant only for the purposes specified in the grant agreement.

Article 21. Procurement. The Grantee shall procure supplies, materials, equipment, and services in a manner that is fair and reasonable, conforming to written procurement standards which reflect State and local laws, and applicable Federal law and standards in 2 CFR Chapter 1, Part 200.317- 200.326.

Article 22. Reporting Requirements. The Grantee shall submit progress reports to the State according to the schedule established in this grant agreement.

Article 23. Right to Withhold Funds. The State may withhold payments under this grant agreement for any violation of these provisions. Any grant funds not utilized for the specific purposes stated in the agreement shall be retained by or returned to the State.

Article 24. Audits. Non-Federal entities that expend \$750,000 or more during a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with 31 USC 7501-7507 and 2 CFR Part 200, Subpart F. Grantee may be subject to 2AAC 45.01, single audit regulations for state grants. If applicable, Grantee must comply with all provisions thereof.

Article 25. Whistle Blower Rights. Grantee shall inform its employees in writing, in the predominant language of the workforce, of employee whistle blower rights and protections under 41 USC 4712. Grantee shall insert the substance of this clause in all subawards or subcontracts over the simplified acquisitions threshold, 42 CFR § 52.203-17 as referenced in 42 CFR § 3.908-9.

Article 26. Business Enterprise Development: Grantee is encouraged to utilize small businesses, minority-owned firms and women's business enterprises to the fullest extent practicable, per national policy.

Article 27. Records Retention and Access. Grantee shall retain financial and programmatic records, supporting documents and other grant records in accordance with 2 CFR Part 200.333-337, (as long as there is LWCF interest in a property). Under 2 CFR 200.333(c), "final disposition" of records pertaining to real property acquired or developed with LWCF assistance means after the property is approved for conversion.

Article 28. Trafficking in Persons. This award is pursuant to paragraph (g) of Section 106 of the Trafficking Victims Protections Act of 2000, as amended (2 CFR § 175.15).

Article 29. Prohibition on Texting and Driving. Recipient is encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles, government-owned or -rented vehicles or while driving privately-owned vehicles when on official government business or when performing any work for or on behalf of the government. (Executive Order 13513)

Article 30. Seat Belt Provision. Recipient is encouraged to adopt and enforce on-the-job seat belt use policies for employees when operating company-owned, rented or personally owned vehicles.



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 18-043**

A RESOLUTION OF THE HOMER CITY COUNCIL EXTENDING THE CITY OF HOMER PRISONER MEAL SERVICE CONTRACT FOR ONE YEAR TO THE FIRM OF HOMER SENIOR CITIZENS, INC. OF HOMER, ALASKA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Homer Senior Citizens, Inc. submitted a request for renewal of the meal services contract to the Chief of Police on April 3, 2018; and

WHEREAS, The prisoner meal contract was awarded to Homer Senior Citizens, Inc. in 2013 for one year with options for two one-year renewals; and

WHEREAS, The Chief of Police recommends renewal for an additional year; and

WHEREAS, The current contract amount will remain in effect to include: Breakfast \$8.50, Lunch \$8.50, and Dinner \$8.50 Per Day/Per Inmate and Delivery Fee of \$5.00 Per Trip; and

WHEREAS, This second and last extension will extend through June 30, 2019 and is not final until written notification is received by Homer Senior Citizens, Inc. from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council extends the City of Homer Prisoner Meal Service Contract for the term of one year with the firm of Homer Senior Citizens, Inc. of Homer, Alaska, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council on this 14<sup>th</sup> day of May, 2018.

CITY OF HOMER

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

43 ATTEST:

44

45

46 \_\_\_\_\_

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal Note: Continuing monthly expenditures to account 100.164.5206 based on meals  
50 provided.





# City of Homer

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

Police Department

4060 Heath Street  
Homer, Alaska 99603

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

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

## Memorandum

TO: City Manager Koester  
FROM: Chief Robl  
DATE: April 5<sup>th</sup>, 2018  
SUBJECT: Prisoner Meal Contract

Our prisoner meal contract is up for renewal. The Homer Senior Citizens Center holds the contract and has requested to exercise their second one year extension option. They are not asking for a price increase.

I recommend we extend the contract with the senior center for an additional year in accordance with the contract terms.

Fiscal Note: Meal costs as charged to 100.0164.5206



# Homer Senior Citizens, Inc.

3935 Svedlund Street  
Homer, Alaska 99603  
(907) 235-7655 Fax: (907) 235-3739

April 3, 2018

Mark Robl, Chief of Police  
City of Homer  
491 East Pioneer Avenue  
Homer, Alaska 99603

Dear Chief Robl,

Homer Senior Citizens, Inc. would like to extend our contract with the City of Homer to provide prisoner meals. We enjoy working with your dedicated staff.

Respectfully,

Keren L. Kelley, MPA, LNHA  
Executive Director

**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**RESOLUTION 18-044**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA  
OPPOSING HB409, AN ACT RELATING TO IDENTIFICATION;  
RELATING TO PERMANENT MOTOR VEHICLE REGISTRATION;  
RELATING TO VEHICLE REGISTRATION FEE RATES; RELATING TO  
CHANGES OF ADDRESS; RELATING TO DRIVER’S LICENSE FEES;  
AND RELATING TO FINANCIAL RESPONSIBILITY FOR MOTOR  
VEHICLES.

WHEREAS, The City of Homer has approximately 110 vehicles that includes public safety, maintenance, harbor, road and heavy equipment and opposes the sections of HB409 which unnecessarily increases the costs of local government; and

WHEREAS, The proposed increase to municipalities for registration of required vehicles to provide essential services to their residents in this period of economic and fiscal crisis is unwarranted and unnecessary; and

WHEREAS, Arbitrarily raising fees on services does not increase efficiencies and productivity, and serves only to provide an increased cost burden on local government; and

WHEREAS, Additional increases in the cost of registering vehicles will require municipalities to make further cuts to their budgets that will affect multiple departments and or services to their residents.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby opposes HB409, an Act Relating to Identification; Relating to Permanent Motor Vehicle Registration; Relating to Vehicle Registration Fee Rates; Relating to Changes of Address; Relating to Driver’s License Fees; and Relating to Financial Responsibility for Motor Vehicles.

PASSED AND ADOPTED by the Homer City Council this 14<sup>th</sup> day of May, 2018.

CITY OF HOMER

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

ATTEST:

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

Fiscal Note: N/A



**HOUSE BILL NO. 409**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced: 4/5/18

Referred: State Affairs, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to identification cards; relating to vehicle registration fee rates;  
2 relating to changes of address; relating to driver's license fees; and relating to financial  
3 responsibility for motor vehicles."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 18.65.310(g) is amended to read:

6 (g) If the person applying for the identification card provided for in (a) of this  
7 section is 65 [60] years of age or older, charge may not be made for issuance of the  
8 card.

9 \* **Sec. 2.** AS 28.05.071 is amended by adding a new subsection to read:

10 (c) A person is not required to notify the appropriate department of a change in  
11 mailing address under (a) of this section if the person authorizes the appropriate  
12 department to change the person's mailing address automatically to match the current  
13 mailing address maintained by the United States Postal Service. A person shall notify  
14 the appropriate department under (a) of this section of a change in the person's

1 residence address if the person's residence address is different from the person's  
2 mailing address.

3 \* **Sec. 3.** AS 28.10.421(d)(8) is amended to read:

4 (8) an amateur mobile radio station vehicle [,

5 (A) WITH A TRANSCEIVER CAPABLE OF LESS THAN 5-  
6 BAND OPERATION] .....

7 ..... the fee required for that vehicle under (b) or (c) of this section;

8 [(B) IN RECOGNITION OF SERVICE TO THE PUBLIC A  
9 MOBILE AMATEUR RADIO STATION OWNED BY AN AMATEUR  
10 WITH GENERAL CLASS OR HIGHER LICENSE, PROVIDED THE  
11 STATION MUST BE SATISFACTORILY PROVED CAPABLE OF  
12 OPERATING ON AT LEAST FIVE BANDS FROM 160 THROUGH 10  
13 METERS, MUST HAVE AN ANTENNA, AND MUST HAVE A POWER  
14 SUPPLY AND WIRING AS A PERMANENT PART OF THE VEHICLE;  
15 THE TRANSMITTING UNIT MAY BE REMOVED FROM THE CAR FOR  
16 SERVICE OR DRY STORAGE .....  
17 NONE FOR A MOBILE AMATEUR RADIO STATION VEHICLE  
18 INCLUDED IN (b)(1)(A) OF THIS SECTION;]

19 \* **Sec. 4.** AS 28.10.421(d)(10) is amended to read:

20 (10) a vehicle [OWNED BY A MUNICIPALITY OR CHARITABLE  
21 ORGANIZATION] meeting the requirements of AS 28.10.181(e) **and owned by a**

22 **(A) charitable organization** ..... **\$50** [\$10];

23 **(B) municipality** ..... **\$100;**

24 \* **Sec. 5.** AS 28.15.271(a) is amended to read:

25 (a) The fees for drivers' licenses and permits, including renewals, and all  
26 related driver skills tests are as follows:

27 (1) all noncommercial vehicles and motor-driven cycles

28 (A) each license fee ..... \$20;

29 (B) each driver skills test ..... **\$25** [\$15];

30 **(C) each driver knowledge test** ..... **\$5;**

31 (2) all commercial motor vehicles

- 1 (A) each license fee ..... \$100;
- 2 (B) each driver skills test ..... \$25;
- 3 **(C) each driver knowledge test ..... \$5;**
- 4 (3) instruction permit ..... \$15;
- 5 (4) duplicate of driver's license or instruction permit ..... \$15;
- 6 (5) temporary license and renewal of permit ..... \$5;
- 7 (6) school bus driver's endorsement renewal ..... \$5.

8 \* **Sec. 6.** AS 28.20.050(a) is amended to read:

9 (a) The provisions of this chapter requiring deposit of security and suspension  
10 for failure to deposit security apply to the driver and owner of a vehicle subject to  
11 registration under the laws of this state that is involved in any manner in an accident in  
12 this state resulting in bodily injury to or death of a person or damage to the property of  
13 any one person exceeding **\$2,000** [\$501].

14 \* **Sec. 7.** AS 28.20.050(e) is amended to read:

15 (e) A peace officer investigating an accident that results in bodily injury to or  
16 the death of a person or damage to the property of a person exceeding **\$2000** [\$501]  
17 shall inform persons involved in the accident in writing of the requirements of this  
18 chapter as they apply to suspension of an operator's license or driving privileges.

19 \* **Sec. 8.** AS 28.20.100(c) is amended to read:

20 (c) If the department evaluates the injuries or damage to a minor in an amount  
21 not more than **\$2000** [\$501], the department may accept, for the purposes of this  
22 chapter only, evidence of a release from liability executed by a parent or legal  
23 guardian on behalf of the minor without court approval.

24 \* **Sec. 9.** AS 28.20.230(a) is amended to read:

25 (a) The provisions of this chapter requiring the deposit of proof of financial  
26 responsibility for the future apply to persons who are convicted of or forfeit bail for  
27 certain offenses under motor vehicle laws or who, by ownership or operation of a  
28 vehicle of a type subject to registration under AS 28.10, are involved in an accident in  
29 this state that results in bodily injury to or death of a person or damage to the property  
30 of any one person exceeding **\$2000** [\$501].

31 \* **Sec. 10.** AS 28.20.260(a) is amended to read:

1 (a) Upon receipt by the department of the report of an accident resulting in  
 2 bodily injury to or death of a person, or damage to the property of any one person  
 3 exceeding **\$2000** [\$501], the department shall suspend the license of the driver of a  
 4 motor vehicle involved in the accident unless the driver or owner

5 (1) has previously furnished or immediately furnishes security required  
 6 by this chapter, or is excepted from furnishing security under AS 28.20.060; and

7 (2) maintains proof of financial responsibility for three years following  
 8 the accident.

9 \* **Sec. 11.** AS 28.20.330(b) is amended to read:

10 (b) The proof required by (a) of this section shall be maintained **for 10 years**  
 11 **from the date the judgment is stayed or satisfied** [DURING THE PERIOD THE  
 12 PERSON HAS A LICENSE OR NONRESIDENT'S OPERATING PRIVILEGE].

13 \* **Sec. 12.** AS 28.20.370(c) is amended to read:

14 (c) If the judgment debtor fails to pay an installment specified by the court  
 15 order, upon notice of default, the department shall immediately suspend the license or  
 16 nonresident's operating privilege of the judgment debtor until the judgment is satisfied  
 17 as provided in this chapter **or until a new agreement to pay an installment is**  
 18 **received with proof of future financial responsibility.**

19 \* **Sec. 13.** AS 28.22.021 is amended to read:

20 **Sec. 28.22.021. Requirement of proof of motor vehicle liability insurance.**

21 The owner or operator of a motor vehicle required to have motor vehicle liability  
 22 insurance that complies with this chapter or a certificate of self-insurance that  
 23 complies with AS 28.20.400, shall show proof of this insurance when that person is  
 24 involved in an accident that results in bodily injury to or death of a person, or damage  
 25 to the property of a person exceeding **\$2000** [\$501].

26 \* **Sec. 14.** AS 28.35.135 is amended by adding a new subsection to read:

27 (c) A person is not required to notify the department of a change in mailing  
 28 address under (b) of this section if the person has authorized the department to change  
 29 the person's mailing address automatically under AS 28.05.071.



**CITY OF HOMER  
HOMER, ALASKA**

Stroozas

**RESOLUTION 18-045**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
SUPPORTING THE COMMUNITY ADVISORY COUNCIL'S REQUEST  
TO THE ALASKA LEGISLATURE FOR SUPPORT OF ALASKA GASLINE  
DEVELOPMENT CORPORATION THIRD PARTY PROGRAM RECEIPT  
AUTHORITY.

WHEREAS, The ability to receive non-state funding is important for the further development of the Alaska LNG project; and

WHEREAS, The seventeen member Community Advisory Council (CAC) along the proposed gas pipeline route support the Alaska Gasline Development Corporation (AGDC) to have receipt authority to advance the project to a final investment decision; and

WHEREAS, The CAC is an independent, volunteer group of stakeholders formed in 2012 to support the mission of getting natural gas to Alaskans statewide and are interested in supporting a North Slope natural gas pipeline project capable of delivering gas to Alaskans; and

WHEREAS, The binding gas sales precedent agreement signed by BP and AGDC will assure the North Slope gas resource will be made available for the project; and

WHEREAS, This is not the time to impede AGDC's ability to attract funds to support advancement of the project because the Alaska LNG is a huge benefit for Alaskans statewide in terms of energy costs, jobs, air quality and generations of opportunities; and

WHEREAS, The third-party receipt authority will make a difference for generations to come and we urge your timely support as you close the legislative session.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska supports the Citizen Advisory Council's request to the Alaska Legislature for support of Alaska Gasline Development Corporation Third Party Program Receipt Authority.

PASSED AND ADOPTED by the Homer City Council this 14<sup>th</sup> day of May, 2018.

CITY OF HOMER

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

44 ATTEST:

45

46 \_\_\_\_\_

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal note: N/A

50

May 8, 2018

**Community Advisory Council**

3201 C Street  
Anchorage, AK 99503

Subject: AGDC third-party program receipt authority

Dear Legislator's Name:

The seventeen members of the Community Advisory Council (CAC), representing communities along the proposed gas pipeline route, encourage your support for the Alaska Gasline Development Corporation (AGDC) to have receipt authority to advance the project to a final investment decision. This ability to receive non-state funding is important for the further development of the Alaska LNG project, and we urge your timely support as you close the legislative session.

The CAC is comprised of citizens interested in ensuring Alaskan's have access to in-state gas. Our purpose is to educate Alaskans about the project, collect and distribute project related information and provide two-way communication to project management and the AGDC Board of Directors. The CAC is an independent, volunteer group of stakeholders interested in supporting a North Slope natural gas pipeline project capable of delivering gas to Alaskans.

The CAC was formed in 2012 to support the mission of getting gas to Alaskans statewide. Our mission has not wavered and continues today in support of the Alaska LNG project. As AGDC has moved forward, we have been involved doing our part to raise awareness. The announcement yesterday that BP and AGDC have signed a binding gas sales precedent agreement is exciting news since it assures the North Slope gas resource will be made available for the project!

In the strong opinion of the CAC, this is **NOT THE TIME** to impede AGDC's ability to attract funds to support advancement of the project. We believe the Alaska LNG is a game changer for Alaskans statewide in terms of energy costs, jobs, air quality and generations of opportunities. The third-party receipt authority today will make a difference for generations to come.

If you have any questions, do not hesitate to contact me via email at [timnavarre@gmail.com](mailto:timnavarre@gmail.com) or by phone (907) 394-2303. Your consideration is greatly appreciated.

Sincerely,

Tim Navarre, Chair

Cc: Governor Bill Walker  
Lieutenant Governor Byron Mallot  
Commissioner, Mike Navarre, DCEED



# VISITORS



# West Homer Elementary School

Kenai Peninsula Borough School District  
995 Soundview Avenue  
Homer, Alaska 99603

<http://westhomerelementary.blogs.kpbsd.k12.ak.us/wpmu/>



Eric P. Waltenbaugh  
Principal

Phone: (907) 235-5750  
Fax: (907) 235-2612



23 April, 2018

City Council,

We would like to request a time, at your May 14 meeting, to present an update on our efforts to offer afterschool programs in the City of Homer. While we do run a number of enrichment programs after school in both buildings (soccer, cross country, basketball, volleyball, gymnastics, chess, archery, homework club, art, sign language, baseball, floor hockey, etc...), these programs do not provide consistent, weekly childcare throughout the school year that parents can rely on.

The Boys' and Girls' Club serves this need in many communities on the Kenai Peninsula. Due to the current unstable funding climate, the Boys' and Girls' Club is unable to open operations in Homer at this time. Recently, we sent another survey to the parents of Fireweed, West Homer and Paul Banks Elementary Schools. The results indicate there is still a need to support parents with consistent childcare after school hours. While we, as a school district, do not provide these services, we would like to work with you and offer physical space for programs along with some supplies.

At the May 14 meeting, we would like to share our survey information (which is attached) as well as ideas on how to help the community of Homer with this challenge. We estimate running a program at both buildings would cost about \$95,000 in personnel salary per year. This amount is offset based on competitive pricing of the program. A third of the families indicated they would pay \$80 per month per child for this program. The survey also indicates that we have 130 students who would participate weekly.

Sincerely,

Eric Waltenbaugh, Principal West Homer Elementary

Todd Hindman, Principal Fireweed Academy

Eric Pederson, Principal Paul Banks Elementary



PEGGE ERKENEFF  
Communications Liaison  
907.714.8888  
Fax 907.262.5867  
148 N. Binkley Street  
Soldotna, Alaska, 99669

e: [Pegge@KPBSD.org](mailto:Pegge@KPBSD.org)  
Facebook: [KPBSD](https://www.facebook.com/KPBSD)  
Twitter: [@KPBSD](https://twitter.com/KPBSD)  
[www.kpbsd.k12.ak.us](http://www.kpbsd.k12.ak.us)

**KENAI PENINSULA BOROUGH SCHOOL DISTRICT**

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## **HOMER AFTER SCHOOL ACTIVITIES SURVEY**

(103 survey respondents; 38 comments)

1. Daycares charge way more than \$100 a month and don't really have space for after school kids.
2. Drop in rates might be good also, within reason of course, if it would work with whatever program is provided.
3. Have you thought about a punch card? Some families may have child care on some days and not others. This way the family wouldn't be paying if the child isn't there. The adult in charge could have an index card box to keep the punch cards at school. Pre-made "colored" cards or slips of paper could be made and given to the parent to let them know only two punches are left, this way they have time to make payment/arrangements elsewhere. IDK if parents are made to come in and get them but I believe they should. A sign-up sheet for parents for snacks (if given) would be a good incentive. If they bring in enough snacks for 20 kids they get an extra 5 sessions free. this could be a simple thing too. On the punch card there could be a giant green "X" if they have done this and the adult can initial 5 times on the back/side of card to keep track. Not complicated. Incentives are nice especially to struggling families. Obviously depending on the cost you decide on, free sessions would be adjusted.
4. Having an after school program for parents that works would really help out. It is really hard to find sitters for after school.
5. Having organized after school activities will help parents with work related commitments in the hour(s) after school lets out.
6. Homer NEEDS a quality after school program. PLEASE find the funds.
7. How long after school would the program last? It needs to be until the hours of 6:00 or 6:30 PM. If the program only keeps the kids until 4:00 or something similar it is useless for most working parents.
8. I am curious as to what happened recently to prompt this survey. I am very grateful to the Homer principals for continued efforts to meet the needs of our kids after school. I would still like to see the school board allow students to ride buses to approved locations (such as high school for swimming), or to parents work, or to places like the Harbor School and/or other approved facilities. I have 2 kids that would be candidates for an after school program. The HERC building still seems



such a great space for such a program. When it was previously run there, it had a "homework room" with computers, desks, and a person there to help. It had a "game room" with pool table, crafts, books, toys. It had a full kitchen and snacks were served. Bathrooms. And the great gymnasium, outside space, and skate park. Why can't we use this space?! It is no longer in the running for the new public safety building. I would be willing to pay between \$50-80 a month. That seems very reasonable. Thank You again.

9. I currently pay between \$300-400 per kid every month for quality programs that go till 5pm when I get off work. I would love for these funds to the school for a well supervised quality program. Unfortunately I would only be able to enroll the kids in a program that goes till 5pm as I can not get off work sooner. Best of luck.
10. I feel like there are enough after school programs offered already to meet my needs, but I would consider enrolling my boys if there was another program. Currently, we take advantage of Paul Banks after school clubs, wrestling, Migrant Ed. and climbing at the Bay Club as well as a private daycare once a week. Coastal Studies also offers an after school camp that could be considered if more childcare was needed.
11. I think this would be a wonderful avenue! My husband and I both work full-time and it is a struggle to find programs after school.
12. I would like the option of hand-picking days based on my irregular part time schedule.
13. I would like to advocate for students with special needs whose families would like to access these programs. Both Paul Banks and West Homer Elementary are special education magnet schools where approximately 1/3 of the student population receives special education services. However, most of our students cannot access the current after school programs unless a parent attends with them (which defeats the purpose of childcare for most families). If the schools are going to sponsor these programs, there needs to be a plan for staffing these opportunities for students with special needs. Perhaps only one or two options are available for students that need additional support, but we need something for our kiddos. Thanks for all you do! Steph
14. I'd rather go back to our previous schedule with school starting at 8:30 and done at 3. This current schedule starts too early and gets done too early and is difficult for families.
15. I'd like more information about what my child would be doing and where. I indicated that I would be willing to pay but it's a complicated decision and a simple "yes, I am willing pay X amount" could be irrelevant if the details don't align with my circumstances.
16. If school times remain the same next year then my children will at times have a need for after care. My son would most likely need Wed-Fri. it could be as little as an hour to two but I am willing to pay up to what I did for after care elsewhere which was \$25.00 per day. My daughter will be in third grade and her needs are less known as it depends more upon other after school programs she is involved in and what their schedule next year will be. I feel like a program like this would need to be based on a monthly commitment? Maybe designing it similar to how most daycares bill?

Both of my children have attended daycare in Homer. I have to provide the days of the week I need care and commit and pay for those days in advance each month regardless of whether I end up using them. I would imagine for a program like this to happen there would be a need to tailor it the same way. Wonder if funding could be based upon a families individual needs? I can think of a couple programs in town that offer lower participation fees if families meet the lower cost school lunch requirements...anyhow that is my two cents. THANK YOU to all who are helping to try and be the problem solvers of this community!

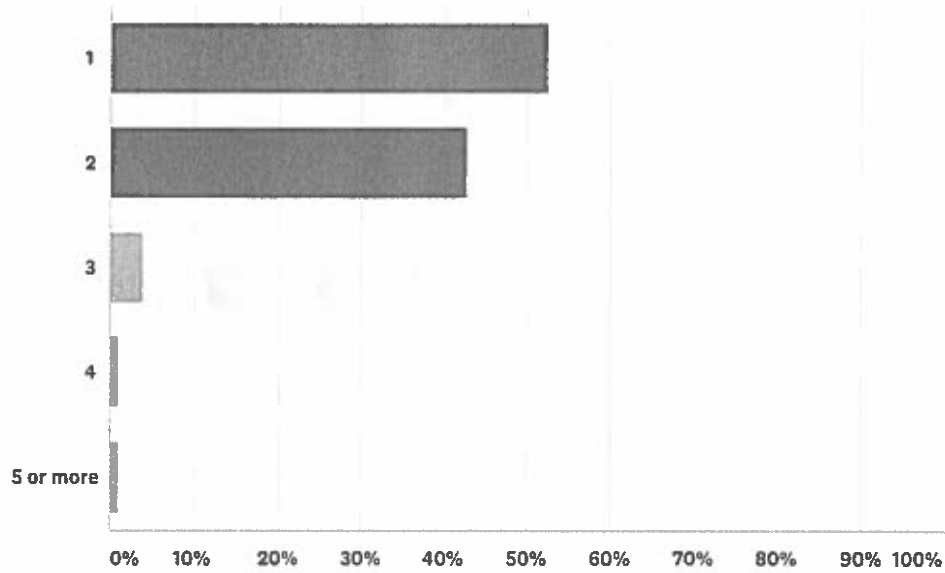
17. It would be great if the program has a directed focus - i.e., music, art, science, sports - and not just open play.
18. It would be nice to have educational opportunities available to our kids and parents that reflect our community values and support the vital environment that we all live in. :)
19. It would be nice to have space for younger children as well, pre-school age (4)
20. It's a great idea
21. My family would prefer the option of not having the children attend all 5 days each week. There are other activities they are involved in that happen after school \*some\* days a week. A program that offered the choice of days (paying for only those days, but also signing up in advance for those days - whether it is by month, semester, or year) would be greatly preferred.
22. My kid is a swimmer, so we wouldn't come every day. Prefer to sign up for days of the week to supplement other activities " would love to do 2-3 days/week.
23. My primary comment is that the Homer school schedule is very poor. As far as I understand it, the schedule has to with bussing. If we could just retain school schedule from about 8:30 to 3:15, after school events would not need so much attention. Starting school prior to 8 am is exceptionally unreasonable. Attention and readjustments to having a pre-8 am start time is what needs to happen more than this suggestion.
24. Need child care until about 5:15 pm. Otherwise it won't fill our family need for after school care.
25. Participation obviously depends on what the programming actually is!
26. Participation would depend on what is being offered.
27. Thank you for your hard work.
28. Thanks for creating the survey as this is a very crucial need for our community and we need to find solutions.
29. Thanks for taking the poll. I feel this would be very beneficial for parents and kids alike :)

30. This is a great effort. If I can help somehow, with ideas, partnerships, community liason, organizational brainstorming... I'd be willing. ~Adele Person.
31. This would be amazing. We would participate if there was an option to do a few days a week (not have to do all 5)
32. This would be wonderful for those that are working parents, single parents or Coast Guard parents. Making it till 4 or 5 pm would also be great.
33. Transportation will be the main item (from Little FW) otherwise we would continue the same plan as we have this year.
34. We would not necessarily do it 5 days per week -- would depend on what activity or subject was available, and our own schedule(s) by next fall.
35. Would love it to be hands-on STEM oriented. Maker club, lego robotics competition, or after school outside activities when possible.
36. Would they also be offering a summer program like the boys and girls club offered back in there day? It went from noon to 6:00 pm June, July and part of August with a larger fee of course, but gave parents a alternative place beyond daycare that you could use part daycare and part bng club that enabled the children variety and the parents fulltime work with less expense to make make it worth having a job. Also content children.
37. Would this be a time for volunteers to do learning based activities? Like art, sciences, robotics, etc.
38. Yes the after school program needs to be until parents can get off work and pickup their child. When you work until 5:00, offering a 90 minute program is not beneficial. It at least needs to run until 5:30 in the evenings.

Parent survey: Would your children attend a Homer area K-6 after school program in 2018-2019?

Q4 How many children will you have in grades K-6 that would participate in a quality Monday through Friday nine-month after-school program?

Answered: 103 Skipped: 0

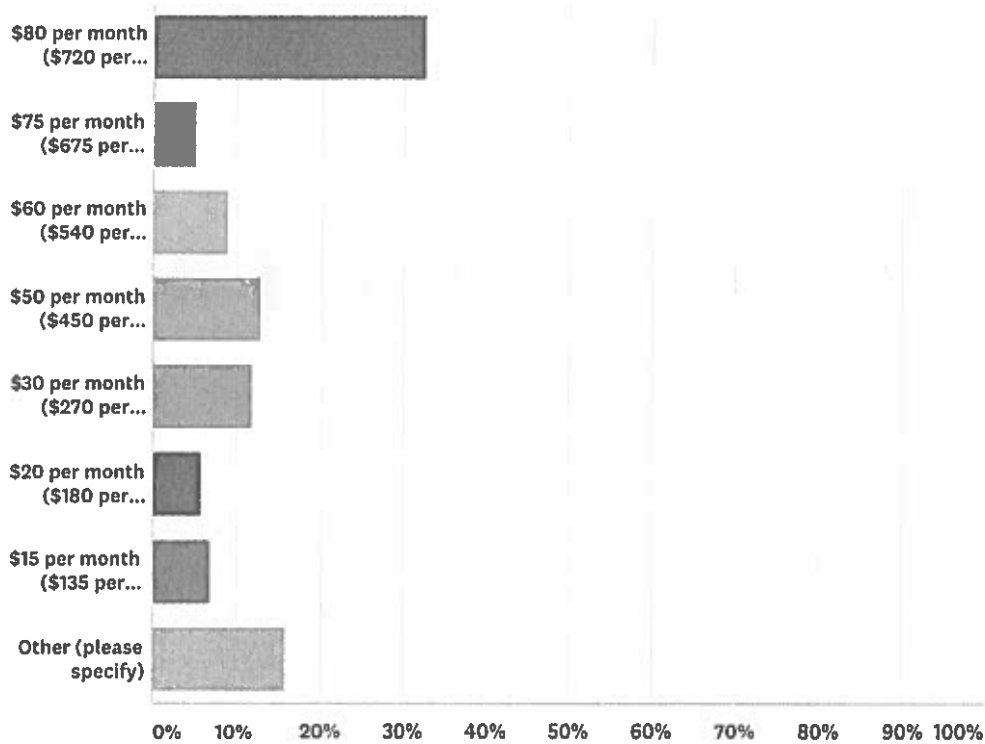


ANSWER CHOICES	RESPONSES	
1	52.43%	54
2	42.72%	44
3	3.88%	4
4	0.97%	1
5 or more	0.97%	1
Total Respondents: 103		

Parent survey: Would your children attend a Homer area K-6 after school program in 2018-2019?

Q5 To participate would you be willing to pay a fee, per child, up to the amount of:

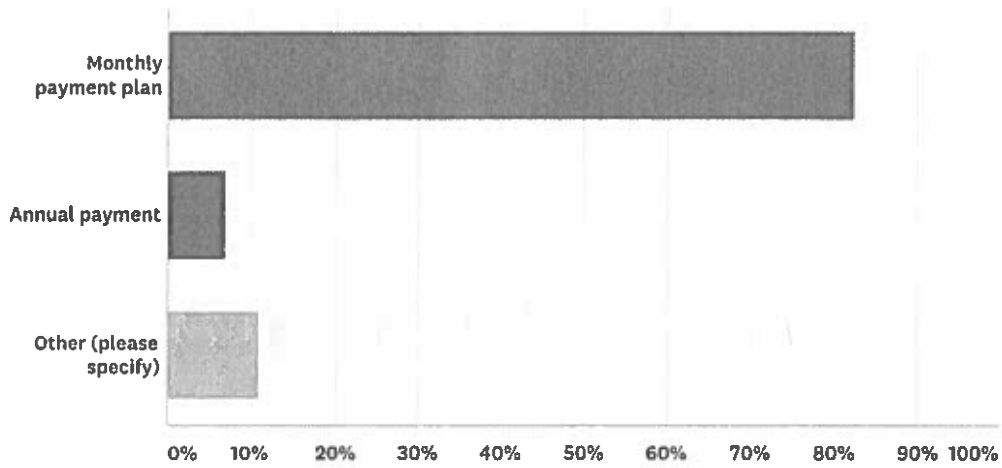
Answered: 101 Skipped: 2



ANSWER CHOICES	RESPONSES	
\$80 per month (\$720 per school year)	32.67%	33
\$75 per month (\$675 per school year)	4.95%	5
\$60 per month (\$540 per school year)	8.91%	9
\$50 per month (\$450 per school year)	12.87%	13
\$30 per month (\$270 per school year)	11.88%	12
\$20 per month (\$180 per school year)	5.94%	6
\$15 per month (\$135 per school year)	6.93%	7
Other (please specify)	15.84%	16
<b>TOTAL</b>		<b>101</b>

### Q6 Which option would you prefer?

Answered: 102 Skipped: 1



ANSWER CHOICES	RESPONSES	
Monthly payment plan	82.35%	84
Annual payment	6.86%	7
Other (please specify)	10.78%	11
TOTAL		102

ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS







# City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)  
(p) 907-235-3106  
(f) 907-235-3118

TO: Mayor Zak and Homer City Council  
FROM: Parks, Art, Recreation and Culture Advisory Commission  
THROUGH: Julie Engebretsen, Deputy City Planner  
DATE: May 8, 2018  
SUBJECT: Support for trail design funding

---

At the Parks, Art, Recreation and Culture Advisory Commission meeting of April 19th, Joel Cooper of the Kachemak Heritage Land Trust made a presentation and request for trail design funds. Mr. Cooper gave a similar presentation to the City Council on April 9th. The Commission voted to recommend supporting KHLT's request for up to \$5,200 of HART trails funds to design an ADA accessible trail crossing KHLT and City properties.

Recommendation: Council support the request for funding by sponsoring an ordinance.

Excerpt from April 19th PARCAC meeting  
Public Comment

Tess Dailey, city resident, commented in support of the proposed improvements to the Kachemak Heritage Land Trust/ Poopdeck Trail. She recently read an article about a city in Massachusetts that created an accessible trail. It increases the access for not only people with disabilities, but for everyone. She believes that this area of town could use improvement and more foot traffic. She hopes that this proposal will both increase foot traffic and decrease crime in this area.

Presentation

Joel Cooper from the Kachemak Heritage Land Trust (KHLT) presented on the funding request to make Poopdeck Trail accessible for all. Mr. Cooper started his presentation by giving a brief history of Kachemak Heritage Land Trust. Mr. Cooper explained that KHLT was the first land trust in Alaska, formed in 1989 and is a nonprofit that conserves irreplaceable lands on the Kenai Peninsula for the future. Their focus is on protecting important wildlife and their habitats as well as recreational lands by working with willing land owners. KHLT currently holds 3 conservation easements, 4 fee-owned conservation management units, and is working on a 302.16 acre conservation easement in the Bridge Creek Watershed Protection District. In 2013, KHLT began working with National Park Service, Trails and Conservation Assistance Program to develop a public open space on the Poopdeck Platt Parcel and in 2017 they began working with the City of Homer, Independent Living Center, and Alaska State Parks to begin designing ADA Accessible Trails on the Poopdeck Platt Park and the City of Homer parcel. Mr. Cooper explained several new parking possibilities that are in the beginning process of being explored and explained the route that they are proposing the accessible trail take. The next steps are to work with trail designers and the community to design a handicap accessible trail in May or June 2018. Their goal is to have a design available for an Alaska

Recreational Trails Program grant by September 2018. KHLT will also be soliciting funds from other entities such as; Christopher and Dana Reeve Foundation, Individual Supporters, and Corporate Sponsors.

Commissioner Ashmun asked what “fee-owned” means.

Mr. Cooper stated that fee-owned is the term they use when KHLT owns land. He went on to say that when KHLT owns land, they have to write up a management plan and the uses of the land must meet the wishes of the donor’s intent.

Commissioner Harrald commented that she is super supportive of new trails in Homer and the idea that KHLT is proposing. She asked Mr. Cooper who will be maintaining and doing long term repairs to the trail.

Mr. Cooper stated that when this project happens he will be required to update the management plan and that it is still undetermined who will maintain the trail.

Chair Lowney thanked Mr. Cooper for coming and presenting. She also said that she is a frequent walker of Poopdeck and the library trail and that she has noticed great improvement since they added trash cans to the trail. Chair Lowney also discussed extending the trail to Bishops Beach in the future.

The commission briefly discussed the possibility of extending the trail down to Bishops Beach.

Mr. Cooper explained that KHLT is currently working to build funds, but as of right now they are asking for up to 5,200 dollars from HART funds.

## NEW BUSINESS

### A. Funding Request for KHLT Trail Design Work

Chair Lowney requested a motion to support the funding request for Kachemak Heritage Land Trust.

ASHMUN/ROEDL - MOVE TO SUPPORT THE FUNDING REQUEST FOR KACHEMAK HERITAGE LAND TRUST FOR FUNDING ON THE TRAIL DESIGN WORK ON POOPDECK PLATT

The Commission discussed the additional ADA accessibility.

VOTE: NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

# PUBLIC HEARING(S)



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

**Ordinances 18-16 and 18-20 to 27**

A **public hearing** is scheduled for **Monday, May 14, 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 18-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 18.08, Codifying Certain Lease Policy and Procedures; Expanding Lease Review to include Recommendations by Appropriate City Commissions; Removing References to the Lease Committee; and Requiring Essential Lease Terms to be Approved by City Council. Erickson/Smith

**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.

**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.

**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.

**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.

**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.

**Ordinance 18-25(A)**, An Ordinance of the City Council of Homer, Alaska Amending the FY2018 Capital Budget by Appropriating ~~\$102,500~~ **\$37,500** from the Police Station Reserve for the Purpose of Funding ~~10% Design~~, Geotechnical Investigation and Site Survey for the New Police Station. Mayor/Council.

**Ordinance 18-26(A)**, 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%~~ **4.85%, with .05%** of the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on August ~~August~~ **December** 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~~ **June 26, 2018 Special** Election Mayor/Council.

**Ordinance 18-26(A)(S)**, An Ordinance of The City Council of Homer, Alaska, Authorizing the City to Issue General Obligation Bonds in the Principal Amount not to Exceed \$5,000,000 to Finance the Acquisition and Construction of a Police Station; Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax from 4.5% to 5.5% From June 1 Through August 31, With 0.8% **4.85% With 0.3%** of the Increased **Rate To Provide** Providing Funds to Pay Debt Service on the General Obligation Bonds **With 0.8% 0.3% Of The Sales Tax Rate Increase** And Expiring On August **December** 31 of the Year when the City has Received Sufficient Funds from **that 0.3% Sales Tax Rate** 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 **a Special Election to be Held on** the October 2 **June 26**, 2018 Regular Election. Mayor/Council.

**Ordinance 18-27(A)**, 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% **4.85%, with 0.3%** 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.

All interested persons are welcome to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

\*\* Copies of proposed Ordinances in entirety, are available for review online at <https://www.cityofhomer-ak.gov/ordinances>, at the Homer City Clerk's Office, and the Homer Public Library. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

Melissa Jacobsen, MMC, City Clerk  
Publish: Homer News May 10, 2018

## CLERK'S AFFIDAVIT OF POSTING

I, Melissa Jacobsen, City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for:

**Ordinance 18-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 18.08, Codifying Certain Lease Policy and Procedures; Expanding Lease Review to include Recommendations by Appropriate City Commissions; Removing References to the Lease Committee; and Requiring Essential Lease Terms to be Approved by City Council. Erickson/Smith

**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.

**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.

**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.

**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.

**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.

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**Ordinance 18-26(A)(S)**, An Ordinance of The City Council of Homer, Alaska, Authorizing the City to Issue General Obligation Bonds in the Principal Amount not to Exceed \$5,000,000 to Finance the Acquisition

and Construction of a Police Station; Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax from 4.5% to ~~5.5%~~ ~~From June 1 Through August 31, With 0.8%~~ **4.85% With 0.3%** of the Increased ~~Rate To Provide~~ Providing Funds to Pay Debt Service on the General Obligation Bonds ~~With 0.8%~~ **0.3% Of The Sales Tax Rate Increase** And Expiring On August ~~December~~ 31 of the Year when the City has Received Sufficient Funds from ~~that 0.3% Sales Tax Rate~~ 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 **a Special Election to be Held on** ~~the October 2~~ **June 26**, 2018 Regular Election. Mayor/Council.

**Ordinance 18-27(A)**, 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%~~ **4.85%, with 0.3%** 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.

was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Wednesday, May 9, 2018 and posted on the City website on Friday, May 4, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 9<sup>th</sup> day of May, 2018.



Melissa Jacobsen, MMC, City Clerk





**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-16**

**Ordinance 18-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 18.08, Codifying Certain Lease Policy and Procedures; Expanding Lease Review to include Recommendations by Appropriate City Commissions; Removing References to the Lease Committee; and Requiring Essential Lease Terms to be Approved by City Council.

Sponsor: Erickson/Smith

1. Council Regular Meeting March 27, 2018 Introduction  
  
Referral to the Port & Harbor Advisory Commission
  - a. Memorandum 18-035 from City Attorney as backup
  
2. City Council Regular Meeting May 14, 2018 Public Hearing and Second Reading
  - a. Memorandum 18-035 from City Attorney as backup
  - b. Memorandum 18-059 from Port and Harbor Advisory Commission



CITY OF HOMER  
HOMER, ALASKA

Smith/Erickson

ORDINANCE 18-16

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA REPEALING HOMER CITY CODE CHAPTER 18.08 AND THE HOMER PROPERTY MANAGEMENT POLICIES AND PROCEDURES MANUAL AND REENACTING CHAPTER 18.08 CODIFYING CERTAIN LEASE POLICY AND PROCEDURES FROM THE POLICIES AND PROCEDURES MANUAL, CLARIFYING THE LAND ALLOCATION PROCESS, EXPANDING LEASE REVIEW TO INCLUDE RECOMMENDATIONS BY APPROPRIATE CITY COMMISSIONS, REMOVING REFERENCES TO THE LEASE COMMITTEE, REMOVING THE REQUIREMENT THAT ALL LEASES MAY BE INCREASED TO REFLECT INFLATION AS DETERMINED IN THE CONSUMER PRICE INDEX, AND EXPANDING COUNCIL’S **ROLE BY REQUIRING** COUNCIL APPROVAL PRIOR TO FINAL APPROVAL OF A LEASE, TERMINATION OF A LEASE OR TERMINATION OF LEASE NEGOTIATIONS.

WHEREAS, **The City of Homer (“City”) currently has** a complex leasing policy that requires the City and applicants to comply with lengthy policies, procedures, and Homer City Code provisions as well as the terms of the request for proposal specific to a specific parcel; and

WHEREAS, **It is in the City’s best** interest and the interest of lease applicants to streamline and simplify the leasing process by incorporating essential lease policy and procedures currently in the City’s Property Management Policy and Procedures into the Homer City Code, the City’s lease templates or specific lease agreements; and

WHEREAS, **The City Council’s approval of the essential terms of new long-term leases and not just the award of such leases increases Council’s input and oversight, public input and transparency into the lease process;** and

WHEREAS, **The City Council’s approval of the termination of negotiations or early termination of a lease for default also increases oversight, public input and transparency in the lease process,**

NOW THEREFORE, The City of Homer Ordains:

42           Section 1: Chapter 18.08 “City Property Leases” is repealed and reenacted to read as  
43 follows:

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Chapter 18.08

CITY PROPERTY LEASES

Sections:

- 18.08.005 Purpose.
- 18.08.010 Definitions.
- 18.08.020 Land Allocation Plan - property available for lease.
- 18.08.030 Standardized leases.
- 18.08.040 Council approval of lease.
- 18.08.045 Lease applications.
- 18.08.050 Requests for proposals-competitive bidding process.
- 18.08.060 Criteria for evaluating and approving proposals.
- 18.08.065 Lease application and proposal documents.
- 18.08.070 Notice to award.
- 18.08.075 Lease rental rates.
- 18.08.080 Lease execution and final approval.
- 18.08.090 Development and use.
- 18.08.100 Appraisal.
- 18.08.110 Options to renew.
- 18.08.120 Improvements.
- 18.08.130 Lease renewal.
- 18.08.140 Sublease.
- 18.08.150 Early termination.
- 18.08.160 Assignments.
- 18.08.170 Insurance.
- 18.08.175 Exception – Leasing to government entities.
- 18.08.180 Assessments – Capital improvement projects.
- 18.08.190 Connection to utilities.
- 18.08.195 Processing and filing fees.

18.08.005 Purpose.

The purpose of this chapter is to ensure that the lease of City-owned property maximizes the value of City assets and that the City awards leases that provide the highest and best use of City-owned property. It is the policy of the City to lease its property in a fair and nondiscriminatory way.

84 18.08.010 Definitions.

85

86 For the purpose of this chapter, the following words and phrases are defined as set forth in this  
87 section:

88

89 “Applicant” means a person applying to lease or acquire an interest in City-owned real  
90 property and includes bidders and proposers.

91

92 “Appraisal” means a valuation or estimation of value of property by an Alaska Certified General  
93 Real Estate Appraiser or an otherwise qualified appraiser selected by the City Manager.

94

95 “Assignment” means a transfer of a leasehold interest or rights to a leasehold interest, in its  
96 entirety, in City-owned real property.

97

98 “City Manager” means the City of Homer Manager or his or her designee

99

100 “Fair market rent” means the rental income that a public or private property would most likely  
101 command in the open market, indicated by the current rents paid for comparable space as of  
102 the date of the appraisal

103

104 “Irregularities” means deviations from the request for proposal that are not substantive in  
105 nature and/or involve typographical or scrivener errors that do not impact the integrity or  
106 responsiveness of the proposal.

107

108 “Long-term lease” means a written agreement granting exclusive possession or use of City-  
109 owned real property for more than one year.

110

111 “Short-term lease” means a written agreement granting exclusive possession or use of City-  
112 owned real property for one year or less.

113

114 “Surveyor” means a registered professional land surveyor.

115

116 18.08.020 Land Allocation Plan-property available for lease.

117

118 a. Unless dedicated or reserved to another purpose, all real property including tide,  
119 submerged or shorelands to which the City has a right, title and interest as owner or  
120 lessee, or to which the City may become entitled, may be leased as provided in this  
121 chapter. In the case of any conflict between this chapter and any regulations or other  
122 ordinances or State law specifically governing the leasing of City tide and submerged  
123 lands, the latter shall prevail.

124

- 125           b. The City administration shall maintain a list of all City-owned properties authorized for  
126           lease by Council. This list shall be adopted annually and contain the information  
127           required under this chapter. The list may be called the Land Allocation Plan and will be  
128           **made available to the public at the City Clerk's office.**  
129
- 130           c. Council shall adopt a Land Allocation Plan that identifies:  
131
- 132                i. City-owned property available for lease;  
133
- 134                ii. The property description, lease rate, preferred length of the lease term for each  
135                available parcel; and  
136
- 137                iii. Any requirements, preferences or restrictions regarding use and/or development.  
138
- 139           d. Council may identify property in the Land Allocation Plan that is subject to competitive  
140           bidding. Property subject to competitive bidding in the Land Allocation Plan need only  
141           identify the property description in the Land Allocation Plan but all other terms  
142           required in subsection (c) of this section shall be identified in the request for proposal  
143           for such properties.  
144
- 145           e. Prior to the adoption of the Land Allocation Plan, Council shall hold a work session.  
146           Commission members and City staff may provide recommendations to Council during  
147           the work session regarding City-owned property available for lease and the terms of  
148           such leases.  
149
- 150           f. The City shall provide public notice of the adoption of the Land Allocation Plan and the  
151           City-owned real property available for lease no more than 60 days after its adoption.  
152
- 153           g. All uses and activities on City-owned real property available for lease are subject to all  
154           applicable local, state, and federal laws and regulations.  
155
- 156           h. The Council may restrict specific City-owned properties to certain uses or classes of use  
157           **that serve the City's best interest.**  
158

159 18.08.030 Standardized leases.  
160

- 161           a. The City Manager shall develop a standardized ground lease that contains provisions  
162           generally applicable to the lease of City-owned property and a standardized building  
163           lease that contains provisions generally applicable to the lease of space in City-owned  
164           buildings. The standard lease documents shall be reviewed by the City Attorney and  
165           approved by Council.  
166

167 b. Lease terms may deviate from the standardized lease terms when the City Manager  
168 determines such deviations are **reasonable and necessary to protect the City's best**  
169 **interests** and Council approves the lease as required in HCC 18.08.040.

170

171 18.08.040 Council approval of leases.

172

173 a. All long-term leases for more than five years shall be approved by Council via ordinance.  
174 All long-term leases for five years or less shall be approved by Council via resolution.

175

176 b. The City Manager may execute short-term leases without Council approval when the  
177 City Manager determines that a short-term lease is in the best interest of the City and  
178 notifies the Council in writing of the short-term lease and its essential terms.

179

180 c. Short-term leases are not required to go through the competitive bidding process  
181 unless the short-term lease would result in the lease of City-owned property to the  
182 same lessee for more than one consecutive year.

183

184 d. Except as expressly provided in this chapter, property leased by the City from a third  
185 party that is available for sublease or the lease of space in City-owned buildings located  
186 on real property owned by a third party is exempt from this chapter.

187

188 18.08.045 Lease applications.

189

190 Except for property subject to competitive bidding under this chapter, persons interested in  
191 leasing City property may submit a lease application to the City Clerk. The City Manager shall  
192 consider all applications and determine if an application is complete and meets the criteria  
193 identified in the Land Allocation Plan. Applicants may be charged a fee for processing a lease  
194 application.

195

196 18.08.050 Requests for proposals-competitive bidding process.

197

198 a. The City Manager may issue a request for proposals to lease specific property  
199 identified in the Land Allocation Plan at any time after posting the notice required in  
200 HCC 18.08.020(d).

201

202 b. A request for proposal advertised by the City must identify the property description of  
203 the property available for lease, the time frame for the submission of requests for  
204 proposals, any preferred uses or industries, and the overall criteria the City intends to  
205 use to score and rank proposals.

206

207 c. The City Manager must obtain approval from the Council before requesting proposals  
208 to lease property not identified in the Land Allocation Plan as property available for  
209 lease.

210

211 18.08.060 Criteria for evaluating and approving proposals.

212

213 a. The Criteria for evaluating proposals shall include, but is not limited to, the following:

214

215 1. Compatibility with neighboring uses and consistency with applicable land use  
216 regulations including the Comprehensive Plan.

217

218 2. The development plan including all phases and timetables.

219

220 3. The proposed capital investment.

221

222 4. Experience of the applicant in the proposed business or venture.

223

224 5. Financial capability or backing of the applicant including credit history, prior lease  
225 history, assets that will be used to support the proposed development.

226

227 6. The number of employees anticipated.

228

229 7. The proposed rental rate.

230

231 8. Other financial impacts such as tax revenues, stimulation of related or spin-off  
232 economic development, or the value of improvements left behind upon  
233 termination of the lease.

234

235 9. Other long term social economic development.

236

237 10. The residency or licensure of the applicant in the City, Kenai Peninsula Borough,  
238 **and/or the State of Alaska, as identified in the City's request for proposal and**  
239 **permitted under state and federal law.**

240

241 b. Determination of rent shall take into consideration the following factors:

242

243 1. Appraisal or tax assessed valuation;

244

245 2. Highest and best use of land;

246

247 3. Development (existing and planned);

248



- 249 4. Economic development objectives;
- 250
- 251 5. The location of the property; and
- 252
- 253 6. Alternative valuation methodologies as negotiated by both parties.
- 254

255 18.08.065 Lease application and proposal documents.

256  
257 Upon request by the City Manager or as required in a request for proposal, an applicant shall  
258 provide, at its sole expense, the following:

- 259 1. A Property Improvement Plan with information regarding planned improvements by  
260 lessee, including schedule for commencement and completion of proposed  
261 improvements.
- 262
- 263 2. A survey of the property subject to the proposed lease; and/or
- 264
- 265 3. If only a portion of a lot is to be leased, a subdivision plat.
- 266

267  
268 18.08.070 Notice to award.

- 269 a. **The City Manager shall consider all responses to the City’s request for proposals that**  
270 **are timely and responsive. Untimely submissions shall be returned to the applicant**  
271 **without review and that applicant shall not be considered.**
- 272
- 273 b. The City Manager may, in his or her sole discretion, and upon a determination that none  
274 **of the proposals are in the City’s best interest, recommend rejection of all proposals.**
- 275
- 276 c. Upon a determination that a proposal is the most advantageous to the City, the City  
277 Manager shall recommend the proposal to Council for acceptance. If Council approves  
278 the recommendation, the City Manager shall issue a Notice to Award the lease to the  
279 **successful applicant. The City Manager’s recommendation shall be presented to**  
280 **Council in a written memorandum identifying the recommended winning applicant,**  
281 **the property description, the essential terms of the proposed lease, and the reasons the**  
282 **City Manager recommended the award.**
- 283
- 284 d. The City Manager shall submit any recommendation for approval of a proposal under  
285 this chapter for property located on the Homer Spit or in the Marine Commercial or  
286 Marine Industrial zoning districts to the Port and Harbor Advisory Commission for  
287 review and comment prior to recommending a proposal to Council.
- 288
- 289

- 290 e. If the Council adopts **the City Manager’s recommendation, the City Manager shall**  
291 negotiate with the winning applicant and present a final lease to the Council for  
292 **approval. A Notice to Award is conditional upon the City Manager’s successful**  
293 negotiation of a final written lease consistent with the terms upon which the award was  
294 based.
- 295
- 296 f. The City Manager may, with Council approval, rescind a Notice to Award. A Notice to  
297 Award becomes void on the date the City Manager provides written notice to the  
298 applicant that the award has been rescinded.
- 299
- 300 g. The City Manager may rescind a Notice to Award at any time prior to the execution of a  
301 lease if an applicant can no longer meet the terms of the proposal.
- 302
- 303 h. If the City Manager rescinds a Notice to Award, the City Manager may negotiate with the  
304 next most responsive bidder and submit a new recommendation for award to Council  
305 and Council may approve the award of the proposal to that recommended bidder. If  
306 negotiations with the next most responsive bidder are unsuccessful, all bids must be  
307 rejected and a new request for proposal may be issued.
- 308
- 309 i. The Council may approve other bidding or proposal procedures or exceptions to these  
310 procedures via resolution.

311  
312 18.08.075 Lease rental rates.

- 313
- 314 a. Except as otherwise provided in this section, all property shall be leased at no less than  
315 **“fair market rent.”**
- 316
- 317 b. **Payments of a higher than fair market rent resulting from an applicant’s proposal is**  
318 generally in the public interest and will help to establish fair market rent using current  
319 market forces.
- 320
- 321 c. **The Council may establish a minimum rent or “asking price.” It may set a minimum**  
322 **rent at an amount equal to or higher than the estimated “fair market rent” if it finds**  
323 that it is in public interest to do so. It may set uniform rental rates for a class of similar  
324 properties that remain available for leasing after the conclusion of a competitive lease  
325 offering.
- 326
- 327 d. Except as provided in HCC 18.08.175, Council may approve a lease of City land for less  
328 than fair market rent only if the motion approving the lease contains a finding that the  
329 lease is for a valuable public purpose or use, and a statement identifying such public  
330 purpose or use.
- 331

332 e. The lease shall provide for payment of interest or a late fee for rent past due, and  
333 **provide for recovery by the City of attorneys' fees and costs to the maximum extent**  
334 **allowed by law in the event the city is required to enforce the lease in court, and such**  
335 **additional provisions pertaining to defaults and remedies as the City Manager may**  
336 **determine to be in the City's interest.**

337  
338 18.08.080 Lease execution and final approval.

339  
340 a. After a notice to award a lease is approved by Council or a lease application is  
341 approved by the City Manager, the City Manager is responsible for finalizing and  
342 **executing the lease agreement with the successful applicant. After Council's approval**  
343 **of the Notice to Award but before Council approval under HCC 18.08.040, the City**  
344 **Manager may negotiate non-essential long-term lease terms and make changes**  
345 **necessary to clarify the terms of the long-term lease or correct clerical errors.**

346  
347 b. The City Manager has authority to negotiate all terms of short-term leases subject to  
348 the provisions of this chapter.

349  
350 c. After a lease is executed by both parties, the City Manager shall draft and the City Clerk  
351 shall record a memorandum of lease. The Lessee is responsible for the recording fees.

352  
353 18.080.090 Development and use.

354  
355 a. All leases must require the lessee to comply with applicable zoning, parking, sign,  
356 flood, and other pertinent local ordinances and state and federal statutes and  
357 regulations.

358  
359 b. Except as provided otherwise in the lease agreement, an as-built survey including  
360 elevations performed by a surveyor shall be provided to the City within six months of  
361 completion of permitted or required development or requirements under a lease. Each  
362 additional structure or significant improvement shall require an additional or updated  
363 as-built. All surveys are to be provided by the lessee at their expense.

364  
365 c. Except as provided otherwise in the lease agreement, at the time each as-built is  
366 submitted, a statement of value including leaseholds and all improvements shall be  
367 provided. The Statement of Value shall be either a letter of opinion or appraisal  
368 completed by an appraiser.

369  
370 d. All development requirements and performance standards contained in the lease shall  
371 be strictly enforced and if not complied with or negotiated for modification shall be  
372 cause for the lease to be terminated. Failure to enforce the terms of the lease shall not  
373 constitute waiver of any such term.

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- e. The City may require a lease of City-owned property to be secured by any means that **meet the City’s best interest, including without limitation, a security deposit, surety bond or guaranty.**

18.08.100 Appraisal.

- a. An appraisal of the fair market rent of the property will be required before the final approval of a lease and at the time of review and renewal.
- b. The requirement of an appraisal may be waived at the discretion of the City Manager for short-term leases.
- c. All leased properties shall be appraised every five years from the effective date of the lease.
- d. Except as otherwise provided under this section or in a specific lease, lease rates shall be increased on the anniversary of the lease effective date to reflect property appraisal values. A lessee shall be notified of any increase in the appraised value of the property at least 30 days before the increased rental rate becomes effective.
- e. In the event an appraisal reports a decrease in fair market rent, a lessee may petition or the City Manager may recommend to the Council a reduction in the lease rate. The Council may approve a reduction if it determines via resolution that such reduction **corresponds with the appraised fair market rent and the reduction is in the City’s best interest.**
- f. Each year, the City will select and retain an appraiser to appraise all leased parcels due for appraisals in that year. The City will have sole discretion to select the appraiser and shall bear the cost of the appraisal.

18.08.110 Options to renew.

- a. Leases may contain no more than two options for renewal and each option must be for less than 25% of the length of the initial lease term.
- b. A lessee may not exercise an option to renew unless the City Manager determines that the lessee is in full compliance with the terms of the lease at the time of renewal.
- c. A lessee whose initial lease and all options have expired shall have no automatic right of further renewal or extensions.

416 18.08.120 Improvements.

417

418 a. Except as otherwise provided in the lease agreement, construction of improvements  
419 shall take place only after review and approval of the construction plans by the City  
420 Manager and only after all applicable permits and legal requirements are secured.

421

422 b. Any improvements not consistent with the lease agreement must be approved by  
423 Council via resolution and shall only be considered upon recommendation by the City  
424 Manager and after review by the Port and Harbor Commission, the Planning  
425 Commission, and any other advisory commission determined to be appropriate by the  
426 City Manager. Inconsistent improvements may be approved if the changes to the  
427 **improvements promotes serves the City's best interest and/or when changes are**  
428 necessary due to industry changes or a change in economic conditions within the city.

429

430 c. All improvements constructed upon leased property become the property of the City  
431 upon termination of the lease unless otherwise provided in the lease agreement or  
432 agreed to by the parties in writing.

433

434 d. Lessee shall be responsible for all municipal property taxes on the leasehold interest  
435 in the real property and improvements and sales taxes on the rent payments.

436

437 18.08.130 Lease renewal.

438

439 a. The Council, after reviewing a recommendation from the City Manager, may approve  
440 the renewal of a lease without requiring competitive bidding based upon the City  
441 **Manager's recommendation and when Council finds that it is in the best interest of the**  
442 City to enter into a new lease agreement with the current lessee without submitting  
443 the lease renewal to competitive bidding.

444

445 b. If the current lessee is interested in entering into a new lease agreement under this  
446 section, the lessee must issue a request for a new lease in writing to the City Manager  
447 at least 12 months prior to the expiration of the lease and submit a formal lease  
448 application for evaluation by the City Manager. The City Manager shall notify Council  
449 of new lease requests under this section. The City will review the application but is  
450 under no obligation to enter into a new lease.

451

452 c. If the Council approves the new lease without a competitive process, it must do so by  
453 resolution within six months of the date the lease application is filed with the City.

454

455 d. Council shall consider the following factors when determining whether to exempt a  
456 lease from competitive bidding under this subsection:

457

- 458           1. **The lessee’s past capital investment and binding commitment to future capital**  
459           investment;
- 460
- 461           2. **The lessee’s financial condition and prior lease history;**
- 462
- 463           3. The number of persons employed and the prospect for future employment;
- 464
- 465           4. Tax revenues and other financial benefits to the City anticipated in the future if the  
466           lease is renewed;
- 467
- 468           5. Consistency of the past use and intended future use with all applicable land use  
469           codes and regulations, the Comprehensive Plan, and Overall Economic  
470           Development Plan;
- 471
- 472           6. Other opportunities for use of the property that may provide greater benefit to the  
473           City; and,
- 474
- 475           7. Other social, policy, and economic considerations as determined by the Council.
- 476

477 18.08.140 Sublease.

478

- 479           a. City property may be subleased if expressly permitted in the lease agreement and  
480           approved in writing by Council.
- 481
- 482           b. Except as provided otherwise in the lease agreement, all subleases must be in writing  
483           and executed by the parties, and approved by Council after a recommendation is  
484           provided by the City Manager.
- 485
- 486           c. Approval must be granted prior to occupancy of the leased premises by the sub-  
487           tenant.
- 488
- 489           e. A lessee shall be assessed additional rent, equal to at least 10 percent of the current  
490           rent for the subleased area, upon approval of a sublease.
- 491
- 492           f. Subleasing shall not be used as a method to accomplish the transfer of interest in the  
493           entire leasehold.
- 494
- 495           g. All subleases must comply with all relevant federal, state, and local laws.
- 496

497 18.08.150 Early termination.

498

499 Except as provided otherwise in the lease agreement, Council shall approve the termination of  
500 a lease for failure to comply with the lease terms. The City Attorney shall be consulted prior to  
501 the termination of a long-term lease. The City Manager shall seek approval of termination from  
502 Council in executive session. The name of lessee and description of the leased property shall  
503 not be included in any public notices or documents circulated unless and until Council  
504 approves termination of the lease under this section. The City Manager shall notify a lessee in  
505 writing that Council will be considering termination of the lease in executive session and  
506 provide the date, time, and place of the executive session. Lessee may waive the right to  
507 confidentiality under this section and request that Council hold its discussion in public. This  
508 section shall not prevent the City from sending lessee or other parties with an interest in the  
509 **lease notifications or correspondence related to the lease or lessee's compliance with its**  
510 terms.

511  
512 18.08.160 Assignment.

- 513
- 514 a. Except as provided in the lease agreement, Council must approve the assignment of a  
515 lease to another party.
  - 516
  - 517 b. Except as otherwise provided in this subsection and subject to the terms of the lease  
518 agreement, the City Manager must make a determination that a lessee is in full  
519 compliance with a lease before an assignment will be effective. The City Manager may  
520 enter into an agreement with an assignor or an assignee consenting to assignment  
521 conditional upon payment of any outstanding amount due under the lease no more  
522 than 90 after assignment.
  - 523
  - 524 c. Except as otherwise provided in a lease agreement, if the lessee is in good standing and  
525 eligible to assign the lease, the following procedures apply:  
526
    - 527 1. The lessee shall file a written request for assignment and a new lease application to  
528 the City Manager;
    - 529
    - 530 2. The City Manager shall review the request and assignment document(s) and  
531 determine whether the proposed assignee is qualified under this chapter and the  
532 **assignment is in the City's best interests;**
    - 533
    - 534 3. The City Manager shall make a recommendation on the assignment to Council for  
535 final action; and
    - 536
    - 537 4. The Council shall approve or deny the request for assignment via resolution.
    - 538
    - 539 5. Assignment of long-term leases on the Homer Spit or within the Marine  
540 Commercial or Marine Industrial zoning districts shall be reviewed by the Port and

541 Harbor Advisory Commission prior to submission to Council for approval. Except  
542 as otherwise provided in a specific lease agreement, assignment of all other long-  
543 term leases shall be reviewed by the Homer Advisory Planning Commission for  
544 recommendations prior to Council approval.

545  
546 d. The Council may approve assignment of a lease to a bank or other financial institutions  
547 for financing or other reasons if it determines the assignment is in the best interest of  
548 the City and upon recommendation by the City Manager.

549  
550 e. Where a lessee intends to assign the lease as part of a sale of the business located on  
551 the lease lot, the person who intends to purchase the business may apply to extend the  
552 lease term to allow the continuation of the business and to secure financing for the  
553 purchase.

554  
555 18.08.170 Insurance.

556  
557 a. All lessees shall keep in force for the full term of the lease public liability insurance in  
558 the amount of not less than \$1 Million coverage per occurrence for bodily injury,  
559 including death, and property damage. The City shall be named as an additional  
560 insured.

561  
562 b. Lessees who intend to conduct activities which could potentially have significant risk  
563 of environmental contamination shall also obtain not less than \$2 Million in  
564 Environmental Impact insurance and/or Environmental Clean-up Policy, or the  
565 equivalent subject to review and approval by the City Manager. The City shall be named  
566 as an additional insured. The City will determine on a case-by-case basis whether a  
567 lease of City property will involve a significant risk of environmental contamination due  
568 to the use of the property, the presence of hazardous materials, or the location of the  
569 property.

570  
571 c. Certificates of Insurance showing the required insurance is in effect and identifying the  
572 City as an additional insured shall be provided to the City at the time a lease becomes  
573 effective and annually thereafter, and upon every change in insurance provider or  
574 insurance coverage.

575  
576 d. All insurance policies must be in effect for the duration of the lease term, or longer if  
577 stated in the lease, and the City must be notified of any changes to policies.

578  
579 e. A lease agreement may require insurance requirements that exceed those required in  
580 this section.

581  
582 18.08.175 Exception-leasing to government entities.



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- a. Except as otherwise prohibited by law, leases to federal or state government entities or political subdivisions or agencies of the State of Alaska or the United States may be, upon a finding by Council that it is in the best interest to do so, exempted from the requirements of this chapter.
- b. The City may lease real property to the United States, the State of Alaska, a political subdivision of the State, or an agency of any of these entities, for consideration agreed upon between the parties for less than fair market rent if the Council determines that **the lease or license is in the City’s best interest.**

18.08.180 Assessments – Capital improvement projects.

- a. A lessee of City property shall pay all real property special assessments levied and assessed against the property to the full extent of installments billed during the term of the lease.
- b. In the event the City completes a capital improvement project which directly benefits the leasehold property and no local improvement district is formed to pay the cost thereof, the City may, in its sole discretion, impose, and the lessee shall pay as **additional rent, the leasehold property’s proportionate share of the cost of the improvement.** The amount of additional rent imposed annually by the City under this subsection shall not exceed the amount which would have been payable annually by the lessee if a local improvement district had been formed which provided for installment payments on a schedule and bearing interest at rates typical of other local improvement districts of the City for that type of capital improvement.

18.08.190 Connection to utilities.

A lessee of City real property shall connect to City utilities and bear all costs of connections and adhere to all applicable local, State and Federal regulations. Connections to newly installed City utilities shall be made as soon as possible after completion.

18.08.195 Processing and filing fees.

Fees for lease applications, lease fees, sublease and assignment fees, and other related fees shall be established by Council by resolution. Failure to pay fees owed may result in the rejection of a lease application or denial of renewal, assignment or sublease.

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

625 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_, 2018.

626

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CITY OF HOMER

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BRYAN ZAK, MAYOR

631

632

633 ATTEST:

634

635

636

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

638

639

640 YES:

641 NO:

642 ABSTAIN:

643 ABSENT:

644

645

646 First Reading:

647 Public Hearing:

648 Second Reading:

649 Effective Date:

650

651

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653 Reviewed and approved as to form:

654

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656

\_\_\_\_\_  
657 Mary K. Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

658

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

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

## MEMORANDUM 18-035

**TO: HOMER CITY COUNCIL  
CITY MANAGER KATIE KOESTER**

**FROM: HOLLY C. WELLS**

**RE: LEASE POLICY ORDINANCE**

**CLIENT: CITY OF HOMER**

**FILE NO.: 506742.24**

**DATE: MARCH 23, 2018**

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### **Introduction**

City Council Member Smith and City Council Member Erickson recently requested revisions to the Homer City Code and review of the Homer Lease Policy and Procedures Manual (“Lease Policy Manual”) in an effort to ensure that leases between the City of Homer (“City”) and other entities were executed in a streamlined manner that was advantageous to the City and incentivized development. To this end, this memorandum provides a summary of the substantial changes proposed in Ordinance No. 18-08 (the “Ordinance”) and the reasons underlying these changes.

### **Introduction**

The City’s overarching approach to the lease of City land has been a complex process, requiring City staff, potential lessees, and the City Council to navigate the lengthy Lease Policy Manual, the relevant Code provisions, and the request for proposal published by the City regarding the specific property at issue. In many cases, this labyrinth of governing principles and criteria made the lease negotiation and award process confusing and convoluted. The Ordinance proposes a lease process that is more individualized but also requires greater Council oversight and involvement.

Under the Ordinance, Council will approve the lease at two separate stages in the process, at the very least. To this end, Council approves the Notice to Award *and* the lease in its final form. Further, long-term leases for over five years must be approved via ordinance, which ensures a public hearing and two readings on the lease’s approval. Council will be able to discuss terms in executive session and thus can be actively engaged in each individual lease, with the exception of leases for six months or less.

Council is also required to approve the lease templates, which is unchanged from the previous lease ordinances and policies.

With Council approval required before and after negotiations, each lease will have a level of oversight equivalent to that of an outside committee, except it will be Council weighing in. Another notable difference is that while the current policy manual provides many of the required provisions, these provisions will now be included only in the lease template and thus Council and the administration will have a greater ability to be flexible with individual lease terms to ensure that they are actually as advantageous to the City and its goals as possible.

**Understanding the Proposed Changes**

While the above provides a brief summary of the most substantial changes in the Ordinance, the following tables provide a much more detailed summary of the differences between the governing law in this area and the Code provisions proposed in the Ordinance. The first table shows the differences between existing Chapter 18.08 and the Ordinance. The second table shows the ways in which the Lease Policy Manual has been codified and identifies the policies and procedures that have been removed. For ease of reference, the current code is referred as HCC in Table 1 and proposed sections are identified as PHCC. In Table 2, the proposed Code is referred to as HCC since the comparison is between the Lease Policy Manual and the Ordinance. In addition to these tables, a redline comparison of existing HCC 18.08 with the Ordinance accompanies this memorandum.

*Table 1*

<b>Current HCC Chapter 18.08</b>	<b>The Ordinance</b>
No "Purpose" section	Add PHCC 18.08.005 "Purpose" This section incorporates statements of purpose in the Lease Policy Manual

<p>HCC 18.08.010</p> <p>Includes Definitions:</p> <p>Lease Property Manual, Sealed bid, and sublease.</p> <p>Sealed bid definition removed because RFP process is negotiation-based and so may need flexibility in process. Lease Property Manual rescinded so definition was unnecessary. Sublease definition unnecessary.</p>	<p>PHCC 18.08.010 Adds definitions:</p> <p>“appraiser” requiring an AK certified appraiser or other qualified professional selected by the City at the cost of the City.</p> <p>“fair market rent” definition added</p> <p>“City Manager” definition added to permit City Manager to delegate authority.</p> <p>“Irregularities” definition added to clarify RFP process and responsiveness.</p> <p>Removes Lease Property Manual, Sealed bid, and sublease definitions.</p>
<p>HCC 18.08.020 “Lease Committee”</p>	<p>Removed.</p>
<p>HCC 18.08.030 “Approval of Lease”</p>	<p>PHCC 18.08.030 “Standardized Leases” codifies lease template requirement and the requirement that the template is reviewed by Council.</p> <p>HCC 18.08.030 moved to PHCC 18.08.040 “Council Approval of Lease”, which now expressly requires Council to approve long-term leases for 5 yrs. or more via ordinance &amp; long-term leases under 5 yrs. via resolution. PHCC 18.08.070 requires Council approval of the Notice to Award and after negotiations as reiterated in PHCC 18.08.080.</p>
<p>HCC 18.08.040 (Property available for leasing)</p>	<p>Moved to PHCC 18.08.020 “Property available for leasing” to reorganize the Code to reflect the order of the leasing process. The Land Allocation Plan requirements from the Lease Policy Manual were incorporated into this section. Land Allocation process clarified to make clear that leases identified in Land Allocation Plan are leased by the completion of a lease application unless a competitive bidding process is expressly required by Council or used by the City Manager.</p>
<p>No lease application section currently in HCC 18.08</p>	<p>PHCC 18.08.045 “Lease application” codifies requirement that a lease application be completed to be eligible to lease City property identified in the Land Allocation Plan.</p>

<p>HCC 18.08.050 “Qualification of Applicants”</p>	<p>Removed. These requirements better suited for lease template and individual leases.</p>
<p>HCC 18.08.060 “Application to Lease”</p>	<p>Removed; Any such requirement is best included in an RFP or by policy. Fee schedule still affords application fee payment.</p> <p>PHCC 18.08.060 “Criteria for evaluating and approving proposals” added and incorporates criteria from Lease Policy Manual.</p>
<p>18.08.070 “Terms of Lease”</p>	<p>Removed. City Manager will negotiate terms of the lease at and as a result of the RFP tailored to the property at issue and subject to Council approval.</p> <p>PHCC 18.08.070(d) “Notice to award” provides the details of the Notice to award process and expands Council’s role in this process. Provides City Manager to rescind a notice to award where an applicant is unable to meet the terms of its proposal but otherwise now requires the City Manager to receive Council approval before rescinding an award.</p>
<p>HCC 18.08.080 “Appraisal”</p> <p>Requires appraisal when lease approved or renewed by a certified appraisal and permits “Lease Committee” to waive appraisal for short-term leases.</p>	<p>Moved to PHCC 18.08.100. Incorporates 5 yr. appraisal requirements from Lease Policy Manual.</p> <p>PHCC 18.08.080 “Lease execution and final approval” includes express final approval process for leases.</p>
<p>HCC 18.08.090 “Requirements of lease”</p> <p>Required plats and as-built surveys unless the Lease Committee waived the requirement.</p>	<p>PHCC 18.08.090 “Development and use”</p> <p>Incorporates as-built and survey requirements unless the specific lease agreement provides otherwise.</p>
<p>HCC 18.08.100 “Improvements”</p>	<p>Moved to PHCC 18.08.120 and incorporates obligations provided in the Lease Policy Manual. Language clarified.</p>
<p>HCC 18.08.110 “Lease Option”</p>	<p>Incorporated “option” requirements from Lease Policy Manual.</p>

<p>HCC 18.08.120 “Sublease”</p>	<p>Moved to PHCC 18.08.140. Lease Policy Manual incorporated into section and sublease process subject to terms of lease given the nature of some leases in the City, which involve routine subleases. Changed 10% sublease payment requirement to “no less than 10%” to provide the City flexibility.</p>
<p>HCC 18.08.130 “Assignment”</p>	<p>Moved to PHCC 18.08.160. Assignment permitted with Council approval but also as provided in a specific lease. Incorporated Lease Policy Manual requirements and the specific process for applying for an assignment. Now requires Commission recommendations regarding an assignment.</p>
<p>HCC 18.08.140 “Competitive Bidding”</p>	<p>Moved to PHCC 18.08.050. The new section permits the City Manager to issue RFPs regarding land identified by Council as available for lease in the Land Allocation Plan and incorporates relevant requirements from the Lease Policy Manual. Statements of the right to reject bids and others have been incorporated in PHCC 18.08.070 “Notice to Award.” This section also differentiates between the leases identified in the Land Allocation Plan for lease and the terms of lease that don’t require a separate RFP and recognizes Council’s authority to identify these properties and set the terms of lease during the Land Allocation process.</p>
<p>HCC 18.08.150 “Reconsideration”</p>	<p>Removed. Additional Council oversight during the process makes this provision burdensome.</p>
<p>HCC 18.08.160 “Property Management Policy and Procedures Manual”</p>	<p>Removed. No more manual.</p>
<p>HCC 18.08.170 Exceptions-Financial transactions.</p>	<p>Removed. This is unnecessary as the chapter permits Council to exempt a lease from the bidding process and the City Manager has to secure Council approval for leases not on the Lease Allocation Plan.</p>
<p>HCC 18.08.175 “Exception-Leasing to the Federal or State government”</p>	<p>Moved to PHCC 18.08.175 “Exception-Leasing to government entities” clarifies the language but retains the exemption.</p>

HCC 18.08.180 “Assessments-Capital Improvement Projects”	Remains substantially unchanged.
HCC 18.08.190 “Connection to utilities”	Remains substantially unchanged.
HCC 18.08.200 “Fee Schedule”	Moved to PHCC 18.08.195 “Processing and filing fees” incorporates potential for denial of application or approval of lease due to unpaid fees.
HCC 18.08 Does not have a provision requiring Council approval for termination.	PHCC 18.08.050 ‘Early termination’ requires the City Manager to notify the City Council at least 90 days before terminating a lease prior to the expiration of the lease term unless the lease provides otherwise.

**Table 2**

<b>Lease Policy Manual</b>	<b>The Ordinance</b>
Chapter 1 “Lease Policies/Goals, Purpose, and Responsibility”	General purpose statement located in proposed HCC 18.08.005.  Responsibilities re: review and Council approval in HCC 18.08.040; 18.08.150 18.08.070(c)(f); and 18.08.080.
Chapter 2: Lease Committee	The Lease Committee was comprised of City Staff. Replaced references to Lease Committee with references to the City Manager and additional layers of Council oversight.
Chapter 3: Properties Available for Lease	Land Allocation Plan process codified at HCC 18.08.020.
Chapter 4: RFP Process/Competitive Bidding	HCC 18.08.050.



Chapter 5: Lease Application Process	Removed. A responsive lease proposal will be responsive based upon the RFP and not the lease application so this chapter is misleading. The City need not codify the existence or use of an application. The creation of an “application” process separate from the RFP, assignment or renewal process is confusing.
Chapter 6: Application/Proposal Evaluation Process	Application process has been removed. City may require lease application in the RFP requirements or, as applied to short term leases, as a matter of policy. The fees associated with the processing of an application is permitted in HCC 18.08.195.
Chapter 7: Lease Rental Rates	HCC 18.08.075; HCC 18.08.060
Chapter 8: Reconsideration	Removed. The lease process now involves Council approval when a Notice to Award is issued <i>and</i> prior to final approval of the lease itself. Council also approves the rescission of an award. These additional levels of review by Council negate the need for yet another point of review, which would make the lease process unduly burdensome for both City officials and applicants.
Chapter 9: Lease Implementation	HCC 18.08.030 (lease templates approved by Council); HCC 18.08.090 (As-built and development requirements); and 18.08.050-070 (RFP process and negotiations)
Chapter 10: Improvements	HCC 18.08.120
Chapter 11: Length of Leases/Options	HCC 18.08.110
Chapter Lease Rate Adjustments	<p>HCC 18.08.100 (appraisal process still required but generalized requirements to afford City flexibility in retaining the appraiser. Qualifications of appraiser moved to definitions.)</p> <p>The CPI requirement imposed upon lessees was removed.</p>

<p>Chapter 13: Subleasing</p>	<p>HCC 18.08.140 (subleasing requirements retained payment requirement of 10% but added flexibility for City to charge more; Council approval retained but flexibility to exempt a sublease from such approval in the lease added.)</p> <p>Other more specific sublease terms more appropriate in Council approved lease template and individual RFPs and resulting leases.</p>
<p>Chapter 14: Assignment</p>	<p>HCC 18.08.060 (assignment still requires Council approval but flexibility codified that permits the City to deviate from the Code requirements in specific lease agreements. This change is justified by the additional layer of Council oversight added.)</p> <p>Additionally, assignment terms are more appropriately included in the Council approved lease template.</p>
<p>Chapter 15: Insurance</p>	<p>HCC 18.08.170 (more specific requirements are more appropriately included in the leases and in Council approved lease templates.)</p>
<p>Chapter 16: Hazardous Materials</p>	<p>Removed. Hazardous materials provisions are generally included in leases themselves as the terms depend heavily on the nature of the use.</p>
<p>Chapter 17: Performance Standards</p>	<p>HCC 18.08.090 (recognizes strict enforcement of performance standards in lease)</p> <p>Removed. Performance standards are generally included in leases themselves as the terms depend heavily on the nature of the use and performance negotiated. Also, these standards are incorporated into Council approved lease template.</p>
<p>Chapter 18: Conclusion of Lease</p>	<p>HCC 18.08.120 (codifies improvements become property of the City unless otherwise specified in writing but other specific requirements regarding improvements have been removed. Such provisions are more appropriate in specific leases and lease template.)</p>

## **Conclusion**

While this memorandum attempts to identify the changes between the existing Lease Policy and the proposed Lease Policy, the Ordinance presents significant changes to the structure of the City's process that is not easily capsulated in a memo. For this reason, I have also attached a redline version comparing current HCC Chapter 18.08 with the Ordinance. The redline document along with the above tables should provide the level of detail necessary to fully understand the Ordinance.





## City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 18-059

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: PORT & HARBOR ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: MAY 3, 2018  
SUBJECT: ORDINANCE 18-16 AMENDING HOMER CITY CODE CHAPTER 18.08

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Ordinance 18-16 was introduced to the Commission under New Business at the meeting on March 28, 2018. Councilmembers Erickson and Smith as well as City Manager Koester were in attendance to provide the introduction and explanation on the proposed changes to Chapter 18.08 regarding Property Management, Leases and the Lease Policy.

The Port & Harbor Advisory Commission reviewed Ordinance 18-16 under Pending Business at the regular meeting on April 25, 2018 and the following is a summary of the amendments made by the Commission at this time along with an excerpt from the minutes of the April 25, 2018 meeting:

Amend Ordinance 18-16 for the following:

- Line 336 Add Item F. Lease amount to be adjusted annually based on the Anchorage Consumer Price Index.
- Line 553, After the word "purchase" insert the phrase, "only within the terms of the lease"

**Recommendation:** Postpone Second Reading to the first meeting in June to allow the Port and Harbor Advisory Commission to finalize review at their May 23, 2018 meeting.

**PENDING BUSINESS**

A. Memorandum from City Clerk dated March 28, 2018 - Ordinance 18-16, Repealing Homer City Code Chapter 18.08 and the Homer Property Management Policies and Procedures Manual and Reenacting Chapter 18.08 Codifying Certain Lease Policy and Procedures

1. Memorandum from Harbormaster Hawkins dated March 21, 2018
2. Memorandum 18-035 from City Attorney dated March 23, 2018 re Ordinance 18-16
3. Redline Comparison of Current Homer City Code 18.08
4. Current Ground Lease and Security Agreement Template
5. Current Property Management Policy and Procedures

HARTLEY/DONICH - MOVED TO APPROVE ORDINANCE 18-16 WITH THE NECESSARY AMENDMENTS.

A brief clarification was requested by the Commission on the expediency to approve this ordinance. Harbormaster Hawkins stated that there was no urgency to approve this ordinance.

HARTLEY/DONICH - MOVED TO AMEND ORDINANCE 18-16, SECTION 18.08.075 BY ADDING ITEM F. LEASE AMOUNT TO BE ADJUSTED ANNUALLY BASED ON THE ANCHORAGE CONSUMER PRICE INDEX AFTER LINE 336.

A brief discussion on reviewing and adjusting the lease annually would allow the price to be adjusted incrementally compared to a large amount every five years. Clarification was provided by staff that appraisals will be conducted every five years.

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

Motion carried.

HARTLEY/ZEISET – MOVED TO AMEND ORDINANCE 18-16, SECTION 18.08.160, ITEM E, TO ADD THE FOLLOWING LANGUAGE, “ONLY WITHIN THE TERMS OF THE LEASE” AFTER THE WORD “PURCHASE” ON LINE 553.

Discussion ensued on wanting the use to remain the same whereas a new owner could have a similar business but doesn't necessarily have to follow the existing lease. The main purpose is to keep the same business as was conducted by the previous owner.

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

Motion carried.

The Commission discussed the City Manager's ability to approve short term leases without going before Council and concern was expressed on the length of a short term lease and having a short term lease extend out for a longer period of time and in what circumstances would a short term lease be allowed or applied; how many short term leases were currently in effect or used in the past.

*Vice Chair Zimmerman inquired about allowing financial institutions the opportunity to be a lien holder on a lease to enable financing and to take over a lease when or if it defaults. He believed that would provide additional opportunities for a business entity to secure better financing and provide a recourse to the bank to preserve the collateral on the lease.*

*A brief consideration ensued on the possibility with concerns expressed on the following:*

- The City being the landowner, if a business defaulted then would the financing institution be liable for the outstanding lease?*
- Would the City retain ownership of improvements according to the lease documents or does the financial institution get that to sell?*
- Would this be beneficial to potential leaseholders?*
- How would operating a business that is in default with both the financial institution and the city proceed?*

*Vice Chair Zimmerman stated the main motion on the floor to approve the Ordinance as amended and asked if everyone was ready to vote on this Ordinance as he would like to postpone approval until the May meeting if there is no rush to get this back to Council.*

*HARTLEY/ZEISET – MOVED TO POSTPONE ORDINANCE 18-16 TO THE MAY 23, 2018 COMMISSION MEETING TO ALLOW ADDITIONAL REVIEW AND FURTHER DISCUSSION.*

*There was a brief discussion on the complexity of the contents of the ordinance and understanding it fully.*

*VOTE.(Postponement)YES. CARROLL, DONICH, ZIMMERMAN, HARTLEY, ZEISET, STOCKBURGER.*

*Motion carried.*

*Deputy City Clerk Krause clarified that the main motion to adopt Ordinance 18-16 as amended thus far will be on the May agenda under Pending Business.*





**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
  - a. Memorandum 18-047 from City Clerk as backup
2. City Council Regular Meeting May 14, 2018 Public Hearing and Second Reading
  - a. 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.

45

46

CITY OF HOMER

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

49

50 ATTEST:

51

52

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

53

54 YES:

55 NO:

56 ABSTAIN:

57 ABSENT:

58

59 First Reading:

60 Public Hearing:

61 Second Reading:

62 Effective Date:

63

64 Reviewed and Approved as to form and content:

65

66

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

\_\_\_\_\_  
Holly Wells, City Attorney

67

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

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

69

70



## City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 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
2. City Council Regular Meeting May 14, 2018 Public Hearing and Second Reading





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

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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: \_\_\_\_\_



**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
2. City Council Regular Meeting May 14, 2018 Public Hearing and Second Reading



**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 2017 in the amount of \$31,532.50 as follows:

Revenue Account	Description:	Amount:
460-0927	KPB CVPT Pass Through Grant for 2017	\$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:

Signature:

Authorized Signatory Name and Title  
**Katie Koester, City Manager**

Authorized Signatory Name and Title  
**Charlie Pierce, Mayor**

Date:

Date:

Attest: Johni Blankenship, Borough Clerk

Approved as to form and legal sufficiency:

John 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 30<sup>th</sup> 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**

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### **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.

**Ordinance 18-23(S)**, 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~~ **\$26,874.51** 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 23, 2018 Introduction
2. Council Regular Meeting May 14, 2018 Public Hearing and Second Reading

Memorandum 18-060 from Special Projects & Communications Coordinator Carroll



**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

51 Revenue:

52 <u>Account No.</u>	53 <u>Description</u>	54 <u>Amount</u>
55 100-0030-4514	56 State Homeland Security Grant Program	57 \$51,912.00

58 Expenditure:

59 <u>Account No.</u>	60 <u>Description</u>	61 <u>Amount</u>
62 151-7009	63 Homer Police Dept. Mobile Radio Replacements	64 \$51,912.00

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

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

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

69  
70  
71 CITY OF HOMER

72  
73 \_\_\_\_\_  
74 BRYAN ZAK, MAYOR

75 ATTEST:

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



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

3 City Manager

4 **ORDINANCE 18-23(S)**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 ACCEPTING AND APPROPRIATING AN FY 2015 STATE HOMELAND  
8 SECURITY PROGRAM REALLOCATION GRANT FOR AN AMOUNT  
9 NOT TO EXCEED ~~\$51,912.00~~ **\$26,874.51** TO REPLACE MOBILE  
10 RADIOS IN CITY'S RADIO COMMUNICATION SYSTEM AND  
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
12 APPROPRIATE DOCUMENTS.  
13

14 WHEREAS, The Alaska Division of Homeland Security & Emergency Management  
15 (DSH&EM) recently solicited local jurisdiction grant project managers to apply for FY2015 State  
16 Homeland Security Program reallocation funds to cover project cost overruns or to complete  
17 underfunded projects; and  
18

19 WHEREAS, The City of Homer's public safety radio communication system is at the end  
20 of its functional life and must be replaced soon to maintain the City of Homer's  
21 communications capability in the event of an emergency; and  
22

23 WHEREAS, As part of the City of Homer's public safety radio communication upgrade  
24 project, the City applied for and received FY2017 SHSP grant funds to replace Homer Police  
25 Department's mobile radio units; and  
26

27 WHEREAS, The FY2017 SHSP grant award was sufficient to replace only five of Homer  
28 Police Department's thirteen mobile radios, leaving the project underfunded; and  
29

30 WHEREAS, The City recently submitted an application for these FY2015 Reallocation  
31 Funds in the amount of ~~\$51,912.00~~ **\$26,874.51** to complete the mobile radio replacement  
32 project; and  
33

34 WHEREAS, The City's application also indicated that we would accept any amount of  
35 un-allocated funds under the ~~\$51,912.00~~ **\$26,874.51** total replacement cost to replace another  
36 portion of the old radios; and  
37

38 WHEREAS, Due to the quickly approaching end of the federal performance period for  
39 the FY2015 SHSP opportunity, DSH&EM will announce award recipients by April 26, 2018 and  
40 further stipulates that recipients must accept grant award and expend it by May 31, 2018; and  
41

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

45  
46 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

47  
48 Section 1. If awarded, The Homer City Council hereby accepts and appropriates an  
49 FY2015 Reallocation State Homeland Security Program Grant from the DHS&EM in an amount  
50 not to exceed ~~\$51,912.00~~ **\$26,874.51** for the purpose of replacing up to eight mobile radio units  
51 for the Homer Police Department as follows:

52

Revenue:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-0030-4514	State Homeland Security Grant Program	\$51,912.00
		<b><u>\$26,874.51</u></b>

57 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7009	Homer Police Dept. Mobile Radio Replacements	\$51,912.00
		<b><u>\$26,874.51</u></b>

60

61  
62 Section 2. The City Manager is authorized to execute the appropriate documents.

63  
64 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall  
65 not be codified.

66  
67 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2018.

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70 CITY OF HOMER

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73 \_\_\_\_\_  
74 BRYAN ZAK, MAYOR

75  
76 ATTEST:

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

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Introduction:  
Public Hearing:  
Second Reading:  
Effective Date:

YES:  
NO:  
ABSTAIN:  
ABSENT:

Reviewed and approved as to form:

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

\_\_\_\_\_  
Holly Wells, Attorney

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

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





# City of Homer

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

## Administration

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 18-060

TO: Mayor Bryan Zak and Homer City Council  
THROUGH: Katie Koester, City Manager  
FROM: Jenny Carroll, Special Projects and Communications Coordinator  
DATE: May 8, 2018  
SUBJECT: Ordinance 18-23(S) Needed to Accept and Obligate Award of FY2015 Reallocation Funds for Homer Police Department Mobile Radio Upgrade Project

Earlier this month, City staff submitted a grant application to the Alaska Division of Homeland Security and Emergency Management (DHS&EM) for FY2015 Reallocation funds to purchase and install mobile radios in the Homer Police Department's patrol vehicles. Because of the short time frame in which an award of FY2015 Reallocation funds needs to be obligated, staff simultaneously introduced Ordinance 18-23 to accept and appropriate DHS&EM grant funds up to the amount requested.

DHS&EM recently announced that it awarded \$26,874.51 for the project. This funding allows HPD to continue their systematic upgrade of components of the Public Safety Communication System that are aging out of their functional life span.

Attached is a Project Budget Details Report for the reallocated 2015 State Homeland Security Grant Program funds awarded. Upon City Council acceptance of the award, DHS&EM will process an amendment allocating the funds to Homer's DHS&EM 2015 grant.

Staff recommendation: Approve Ordinance 18-23(S) that reflects the actual \$26,874.51 amount of DHS&EM FY2015 Reallocation grant funds and pass the substitute Ordinance 18-23 so the City can meet the grant obligation deadline.



**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
  - a. Memorandum 18-050 from Public Works Director as backup
2. City Council Regular Meeting May 14, 2018 Public Hearing and Second Reading
  - a. 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 street  
19 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

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41 \_\_\_\_\_  
42 BRYAN ZAK, MAYOR

43 ATTEST:

44

45 \_\_\_\_\_

46 MELISSA JACOBSEN, MMC, 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

59 Reviewed and approved as to form:

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61

62 \_\_\_\_\_

63 Katie Koester, City Manager

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

66

\_\_\_\_\_

Holly Wells, City Attorney

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





# City of Homer

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

## Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 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	<b>\$79,452</b>

**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(A)**, An Ordinance of the City Council of Homer, Alaska Amending the FY2018 Capital Budget by Appropriating ~~\$102,500~~ **\$37,500** 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
2. City Council Regular Meeting May 14, 2018 Public Hearing and Second Reading



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

3 Mayor/City Council

4 **ORDINANCE 18-25(A)**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING THE FY2018 CAPITAL BUDGET BY APPROPRIATING  
8 ~~\$102,500~~ **\$37,500** FROM THE POLICE STATION RESERVE FOR THE  
9 PURPOSE OF FUNDING ~~10%—~~DESIGN, GEOTECHNICAL  
10 INVESTIGATION AND SITE SURVEY FOR THE NEW POLICE  
11 STATION.  
12

13 WHEREAS, In recognition of the great need for a safe and hygienic police station, City  
14 Council has approved a new police station as the top-ranked priority in the City of Homer's  
15 Capital Improvement Plan; and  
16

17 WHEREAS, City Council has engaged in a series of worksessions to agree on a preferred  
18 site at Heath Street and Grubstake, a cost limit and a proposed funding mechanism that  
19 includes a significant local contribution toward the new police station; and  
20

21 WHEREAS, It is the intention of City Council to place a bond measure before the voters  
22 to approve project financing; and  
23

24 WHEREAS, It is important to involve voters in the planning process and to provide  
25 sufficient information to the voters and so that they may participate meaningfully in the vote;  
26 and  
27

28 WHEREAS, A geotechnical investigation and site survey have not been performed on the  
29 selected site; and  
30

31 WHEREAS, Information gained from these investigations will help assure that site  
32 conditions support the construction cost estimates; and  
33

34 ~~WHEREAS, A 10% design will provide sufficient architectural information to the public~~  
35 ~~saving the cost of a full design before knowing if the voters will approve moving ahead with the~~  
36 ~~project.~~  
37

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

40 Section 1. The Homer City Council hereby amends the FY2018 capital budget by  
41 appropriating ~~\$102,500~~ **\$37,500** from the Police Station Reserve for the purpose of funding  
42 ~~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
46		<b><u>\$37,500</u></b>

47

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

49

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

52

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

54

55 CITY OF HOMER

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58 \_\_\_\_\_

59 BRYAN ZAK, MAYOR

60

61 ATTEST:

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63

64 \_\_\_\_\_

65 MELISSA JACOBSEN, MMC, CITY CLERK

66

67

68 Introduction:

69 Public Hearing:

70 Second Reading:

71 Effective Date:

72

73 YES:

74 NO:

75 ABSTAIN:

76 ABSENT:

77

78 Reviewed and approved as to form:

79

80 \_\_\_\_\_

81 Katie Koester, City Manager

82 \_\_\_\_\_

83 Holly Wells, Attorney

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

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

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

3 Mayor/City Council

4 **ORDINANCE 18-25**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING THE FY2018 CAPITAL BUDGET BY APPROPRIATING  
8 \$102,500 FROM THE POLICE STATION RESERVE FOR THE  
9 PURPOSE OF FUNDING 10% DESIGN, GEOTECHNICAL  
10 INVESTIGATION AND SITE SURVEY FOR THE NEW POLICE  
11 STATION.  
12

13 WHEREAS, In recognition of the great need for a safe and hygienic police station, City  
14 Council has approved a new police station as the top-ranked priority in the City of Homer's  
15 Capital Improvement Plan; and  
16

17 WHEREAS, City Council has engaged in a series of worksessions to agree on a preferred  
18 site at Heath Street and Grubstake, a cost limit and a proposed funding mechanism that  
19 includes a significant local contribution toward the new police station; and  
20

21 WHEREAS, It is the intention of City Council to place a bond measure before the voters  
22 to approve project financing; and  
23

24 WHEREAS, It is important to involve voters in the planning process and to provide  
25 sufficient information to the voters and so that they may participate meaningfully in the vote;  
26 and  
27

28 WHEREAS, A geotechnical investigation and site survey have not been performed on the  
29 selected site; and  
30

31 WHEREAS, Information gained from these investigations will help assure that site  
32 conditions support the construction cost estimates; and  
33

34 WHEREAS, A 10% design will provide sufficient architectural information to the public  
35 saving the cost of a full design before knowing if the voters will approve moving ahead with the  
36 project.  
37

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

40 Section 1. The Homer City Council hereby amends the FY2018 capital budget by  
41 appropriating \$102,500 from the Police Station Reserve for the purpose of funding 10% design,  
42 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

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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 Holly Wells, Attorney

81

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

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



**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-26**

**Ordinance 18-26(A)**, 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% **4.85%, with .05%** of the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on ~~August~~ **December** 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~~ **June 26, 2018 Special** Election Mayor/Council. Introduction April 23, 2018, Public Hearing and Second Reading May 14, 2018.

**Ordinance 18-26(A)(S)**, An Ordinance of The City Council of Homer, Alaska, Authorizing the City to Issue General Obligation Bonds in the Principal Amount not to Exceed \$5,000,000 to Finance the Acquisition and Construction of a Police Station; Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax from 4.5% to 5.5% ~~From June 1 Through August 31, With 0.8%~~ **4.85% With 0.3%** of the Increased ~~Rate To Provide~~ Providing Funds to Pay Debt Service on the General Obligation Bonds **With 0.8% 0.3% Of The Sales Tax Rate Increase** And Expiring On ~~August~~ **December** 31 of the Year when the City has Received Sufficient Funds from ~~the Increase to Pay all of that Debt Service;~~ **that 0.3% Sales Tax Rate** ~~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~~ **a Special Election to be Held on June 26,** 2018 Regular Election. Mayor/Council.

Sponsor: Mayor/Council

1. Council Regular Meeting April 9, 2018 Introduction  
Memorandum 18-051 from City Manager as backup
2. Council Regular Meeting May 14, 2018 Public Hearing and Second reading  
Memorandum 18-051 from City Manager as backup



1 CITY OF HOMER  
2 HOMER, ALASKA

3 Mayor/City Council

4 ORDINANCE 18-26(A)

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%~~ **4.85%**  
13 **WITH .05%** OF THE INCREASE PROVIDING FUNDS TO PAY DEBT  
14 SERVICE ON THE GENERAL OBLIGATION BONDS AND EXPIRING  
15 ON AUGUST 31 OF THE YEAR WHEN THE CITY HAS RECEIVED  
16 SUFFICIENT FUNDS FROM THE INCREASE TO PAY ALL OF THAT  
17 DEBT SERVICE; THE QUESTION OF THE ISSUANCE OF SUCH  
18 BONDS AND SUCH SALES TAX RATE INCREASE TO THE QUALIFIED  
19 VOTERS OF THE CITY AT THE ~~OCTOBER 2~~ **JUNE 26**, 2018 REGULAR  
20 **SPECIAL** ELECTION.

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

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

28  
29 **WHEREAS, A special election will ensure that the project has the full support of the**  
30 **voters before investing additional design dollars and allow the project to take advantage**  
31 **of precious additional months of construction season; and**

32  
33 WHEREAS, The City Council also deems it necessary to increase the rate of the City sales  
34 tax to provide funds to pay costs of public safety operations and capital improvements,  
35 including without limitation part of the debt service on such general obligation bonds; and

36  
37 WHEREAS, Under the provisions of AS 29.47.190 the City may incur general obligation  
38 debt only after a bond authorization ordinance is approved by a majority of those voting on  
39 the question at a regular or special election; and

40  
41 WHEREAS, Under the provisions of AS 29.45.700(b) and AS 29.45.670, the City may  
42 increase the rate of its sales tax only after an ordinance authorizing the increase is approved  
43 by a majority of those voting on the question at a regular or special election.

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NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. It is hereby determined to be for a public purpose and in the public interest of the City to incur general obligation bonded indebtedness in an amount not to exceed Five Million Dollars (\$5,000,000) for the purpose of paying the cost of planning, designing, and constructing a new police station and related capital improvements.

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

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

9.16.010 Levied.

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

b. An additional consumer's sales tax in the amount of three-quarters percent (0.75%) 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 debt retirement of the sewer treatment plant improvements, and to the extent revenues from such tax exceed such debt retirement obligations, for the purpose of funding water and sewer systems.

~~**c. An additional consumer's sales tax in the amount of one percent (1.0%) 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 eight tenth of one percent (0.8%) 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.**~~

**c. An additional consumer's sales tax in the amount of three and one half tenths of one percent (0.35%) 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**

87 **improvements related to the police station with 0.3 percent of the increase providing**  
88 **funds to pay debt service on the general obligation bonds and expiring on December 31**  
89 **of the year when the City has received sufficient funds from the increase to pay all of that**  
90 **debt service .**

91  
92 Section 4. The City shall submit the following proposition to the qualified voters of the  
93 City at the ~~October 2~~ **June 26**, 2018 regular ~~regular~~ **special** City election. The proposition must receive  
94 an affirmative vote from a majority of the qualified voters voting on the question to be  
95 approved.

96  
97 PROPOSITION NO. \_\_\_  
98 GENERAL OBLIGATION BONDS FOR  
99 A NEW POLICE STATION AND RELATED CAPITAL IMPROVEMENTS;  
100 ~~1.0% SEASONAL SALES TAX RATE INCREASE TO 5.5%~~  
101 **0.35% SALES TAX RATE INCREASE TO 4.85%**

102  
103 ~~Shall the City of Homer incur debt and issue general obligation bonds in an~~  
104 ~~amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning,~~  
105 ~~design and construction of a police station and related capital improvements;~~  
106 ~~and shall the rate of City sales tax be increased by one percent (1.0%) to five and~~  
107 ~~one half percent (5.5%) from June 1 through August 31, for the purpose of~~  
108 ~~funding public safety operations and infrastructure within the City, including~~  
109 ~~construction of a police station and, without limitation, debt retirement of~~  
110 ~~capital improvements related to a police station with 0.8% of the increase to pay~~  
111 ~~debt service on the general obligation bonds and expiring on August 31 of the~~  
112 ~~year when the City has received sufficient funds from the increase to pay all of~~  
113 ~~that debt service?~~

114  
115 **Shall the City of Homer incur debt and issue general obligation bonds in an**  
116 **amount not to exceed Five Million Dollars (\$5,000,000) to finance the**  
117 **planning, design and construction of a police station and related capital**  
118 **improvements; and shall the rate of City sales tax be increased by three and**  
119 **a half tenths of one percent (.35%) to four and eight and a half tenths**  
120 **percent (4.85%), for the purpose of funding public safety operations and**  
121 **infrastructure within the City, including construction of a police station**  
122 **and, without limitation, debt retirement of capital improvements related**  
123 **to a police station with 0.3% of the increase to pay debt service on the**  
124 **general obligation bonds and expiring on December 31 of the year when the**  
125 **City has received sufficient funds from the increase to pay all of that debt**  
126 **service?**

127  
128 The bonds shall be secured by a pledge of the full faith and credit of the City.  
129 (Ordinance 18-\_\_\_)

130  
131 Section 5. The proposition, both for paper ballots and machine ballots, shall be printed  
132 on a ballot which may set forth other general obligation bond propositions, and the following  
133 words shall be added as appropriate next to a space provided for marking the ballot for voting  
134 by hand or machine:

135  
136 PROPOSITION NO. \_\_\_\_\_  
137 O Yes  
138 O No

139  
140 Section 6. Section 2 of this ordinance shall become effective only if the proposition  
141 described in Section 4 is approved by a majority of the qualified voters voting on the  
142 proposition at the ~~October 2~~ **June 26**, 2018 ~~regular~~ **special** City election. Section 3 of this  
143 ordinance shall become effective January 1, 2019, but only if the proposition described in  
144 Section 4 is approved by a majority of the qualified voters voting on the proposition at the  
145 ~~October 2~~ **June 26**, 2018 ~~regular~~ **special** City election City election. The remaining sections of  
146 this ordinance shall become effective upon passage.

147  
148 Section 7. Section 3 of this Ordinance is of a permanent and general character and shall  
149 be included in the City Code. The remainder of this ordinance is not of a permanent nature  
150 and as such, shall not be codified.

151  
152 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of  
153 \_\_\_\_\_ 2018.

154  
155 CITY OF HOMER

156  
157 \_\_\_\_\_  
158 BRYAN ZAK, MAYOR

159  
160 ATTEST:

161  
162 \_\_\_\_\_  
163  
164 MELISSA JACOBSEN, MMC, CITY CLERK

165  
166  
167 YES:

168 NO:

169 ABSTAIN:

170 ABSENT:

171

172 First Reading:  
173 Public Reading:  
174 Second Reading:  
175 Effective Date:  
176  
177  
178 Reviewed and approved as to form:  
179  
180  
181 \_\_\_\_\_  
182 Katie Koester, City Manager  
183  
184 Date: \_\_\_\_\_

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





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**CITY OF HOMER  
HOMER, ALASKA**

Council/Mayor

**ORDINANCE 18-26(A)(S)**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000 TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A POLICE STATION; AMENDING HCC 9.16.010 TO PROVIDE FOR AN INCREASE IN THE RATE OF THE CITY SALES TAX FROM 4.5% TO ~~5.5% FROM JUNE 1 THROUGH AUGUST 31, WITH 0.8%~~ **4.85%** ~~WITH 0.3%~~ **OF THE INCREASED RATE TO PROVIDE** PROVIDING FUNDS TO PAY DEBT SERVICE ON THE GENERAL OBLIGATION BONDS **WITH 0.8% 0.3% OF THE SALES TAX RATE INCREASE** AND EXPIRING ON ~~AUGUST~~ **DECEMBER** 31 OF THE YEAR WHEN THE CITY HAS RECEIVED SUFFICIENT FUNDS FROM ~~THAT 0.3%~~ **SALES TAX RATE** ~~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 **A SPECIAL ELECTION TO BE HELD ON THE OCTOBER 2 - JUNE 26,** 2018 REGULAR ELECTION.

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

WHEREAS, The City Council views the acquisition and construction of a new police station and related capital improvements authorized herein 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, The City Council also deems it necessary to increase the rate of the City sales tax to provide funds to pay costs of public safety operations and capital improvements, including without limitation part of the debt service on such general obligation bonds; and

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

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

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

43           **WHEREAS, Submitting the aforementioned questions to the voters at a special**  
44 **election will ensure that the project has the full support of the voters before investing**  
45 **additional design dollars and allow the project to take advantage of precious additional**  
46 **months of construction season.**

47  
48           NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
49

50           Section 1. It is hereby determined to be for a public purpose and in the public interest  
51 of the City to incur general obligation bonded indebtedness in an amount not to exceed Five  
52 Million Dollars (\$5,000,000) for the purpose of paying the cost of planning, designing, and  
53 constructing a new police station and related capital improvements.

54  
55           Section 2. The City is authorized to borrow the sum of Five Million Dollars (\$5,000,000)  
56 to finance the capital improvements described in Section 1, and the borrowing shall be  
57 evidenced by the issuance of general obligation bonds of the City. The full faith and credit of  
58 the City are pledged for payment of the principal of and interest on the bonds, and ad  
59 valorem taxes upon all taxable property in the City shall be levied without limitation as to  
60 rate or amount to pay the principal of and interest on the bonds when due.

61  
62           Section 3. Homer City Code 9.16.010 is amended to read as follows:  
63

64           9.16.010 Levied.

65           a. A consumer's sales tax in the amount of three and three-quarters percent is levied  
66 by the City on all sales, rents and services within the City except as the same may be  
67 otherwise exempted by law.

68           b. An additional consumer's sales tax in the amount of three-quarters percent is  
69 hereby levied by the City of Homer on all sales, rents and services within the City except as  
70 the same may be otherwise exempted by law, for the purpose of funding debt retirement of  
71 the sewer treatment plant improvements, and to the extent revenues from such tax exceed  
72 such debt retirement obligations, for the purpose of funding water and sewer systems.

73  
74           ~~c. An additional consumer's sales tax in the amount of one percent is hereby levied by~~  
75 ~~the City of Homer on all sales, rents and services within the City from June 1 through August~~  
76 ~~31, except as the same may be otherwise exempted by law, for the purpose of funding public~~  
77 ~~safety operations and infrastructure within the City, including without limitation construction~~  
78 ~~of a police station, and, without limitation, debt retirement of capital improvements related~~  
79 ~~to the police station with 0.8 percent of the rate increase providing funds to pay debt service~~  
80 ~~on general obligation bonds, with the [1.0 percent][.08 percent] sales tax rate increase and~~  
81 ~~expiring on August 31 of the year when the City has received sufficient funds from the~~  
82 ~~increase to pay all of that debt service.~~  
83

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

84 **c. An additional consumer's sales tax in the amount of thirty five hundredths of**  
85 **one percent (0.35%) is hereby levied by the City of Homer on all sales, rents and services**  
86 **within the City, except as the same may be otherwise exempted by law, for the purpose**  
87 **of funding public safety operations and infrastructure within the City, including without**  
88 **limitation construction of a police station, with 0.3 percent of the sales tax rate**  
89 **providing funds to pay debt service on general obligation bonds authorized by**  
90 **Ordinance 18-26(A)(S) and expiring on December 31 of the year when the City has**  
91 **received sufficient funds from that sales tax rate to pay all of that debt service.**

92  
93 Section 4. **A special election shall be held in and for the City on June 26, 2018, at**  
94 **which the** The City shall submit the following proposition to the qualified voters of the City at  
95 ~~the October 2 2018 regular City election.~~ The proposition must receive an affirmative vote  
96 from a majority of the qualified voters voting on the question to be approved.

97  
98 PROPOSITION NO. \_\_\_  
99 GENERAL OBLIGATION BONDS FOR  
100 A NEW POLICE STATION AND RELATED CAPITAL IMPROVEMENTS;  
101 ~~1.0% SEASONAL SALES TAX RATE INCREASE TO 5.5%~~  
102 **0.35% SALES TAX RATE INCREASE TO 4.85%**

103  
104 ~~Shall the City of Homer incur debt and issue general obligation bonds in an~~  
105 ~~amount not to exceed Five Million Dollars (\$5,000,000) to finance the planning,~~  
106 ~~design and construction of a police station and related capital improvements;~~  
107 ~~and shall the rate of City sales tax be increased by one percent (1.0%) to five~~  
108 ~~and one half percent (5.5%) from June 1 through August 31, for the purpose of~~  
109 ~~funding public safety operations and infrastructure within the City, including~~  
110 ~~without limitation construction of a police station and, without limitation, debt~~  
111 ~~retirement of capital improvements related to a police station with the 0.8% of~~  
112 ~~the rate increase to pay debt service on the general obligation bonds with the~~  
113 ~~0.8% sales tax rate increase and expiring on August 31 of the year when the~~  
114 ~~City has received sufficient funds from the increase to pay all of that debt~~  
115 ~~service?~~

116  
117 **Shall the City of Homer incur debt and issue general obligation bonds in an**  
118 **amount not to exceed Five Million Dollars (\$5,000,000) to finance the**  
119 **planning, design and construction of a police station and related capital**  
120 **improvements; and shall the rate of City sales tax be increased by thirty**  
121 **five hundredths percent (0.35%) for the purpose of funding public safety**  
122 **operations and infrastructure within the City, including without limitation**  
123 **construction of a police station, with 0.3% of the sales tax rate increase to**  
124 **pay debt service on the general obligation bonds with the 0.3% sales tax**  
125 **rate increase expiring on December 31 of the year when the City has**

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

126 **received sufficient funds from that 0.3% sales tax rate increase to pay all**  
127 **of that debt service?**

128  
129 The bonds shall be secured by a pledge of the full faith and credit of the City.  
130 (Ordinance 18-26(S)(A))

131  
132 Section 5. The proposition, both for paper ballots and machine ballots, shall be  
133 printed on a ballot which may set forth other general obligation bond propositions, and the  
134 following words shall be added as appropriate next to a space provided for marking the  
135 ballot for voting by hand or machine:

136  
137 PROPOSITION NO. \_\_\_\_\_  
138 OYes  
139 ONo

140  
141 Section 6. Section 2 of this ordinance shall become effective only if the proposition  
142 described in Section 4 is approved by a majority of the qualified voters voting on the  
143 proposition at the ~~October 2~~ **June 26,** 2018 ~~regular~~ **special** City election. Section 3 of this  
144 ordinance shall become effective January 1, 2019, but only if the proposition described in  
145 Section 4 is approved by a majority of the qualified voters voting on the proposition at the  
146 ~~October 2~~ **June 26,** 2018 ~~regular~~ **special** City election. The remaining sections of this  
147 ordinance shall become effective upon passage.

148  
149 Section 7. Section 3 of this Ordinance is of a permanent and general character and  
150 shall be included in the City Code. The remainder of this ordinance is not of a permanent  
151 nature and as such, shall not be codified.

152  
153 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of  
154 \_\_\_\_\_ 2018.

155  
156 CITY OF HOMER

157  
158  
159 \_\_\_\_\_  
160 BRYAN ZAK, MAYOR

161  
162 ATTEST:

163  
164  
165 \_\_\_\_\_  
166 MELISSA JACOBSEN, MMC, CITY CLERK

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YES:  
NO:  
ABSTAIN:  
ABSENT:  
  
First Reading:  
Public Reading:  
Second Reading:  
Effective Date:  
  
Reviewed and approved as to form:  
  
\_\_\_\_\_  
Katie Koester, City Manager  
  
Date: \_\_\_\_\_

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



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

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126 \_\_\_\_\_  
127 BRYAN ZAK, MAYOR

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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).

**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-27**

**Ordinance 18-27(A)**, 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%~~ **4.85%, with 0.3%** 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
2. Council Regular Meeting May 14, 2018 Public Hearing and Second Reading



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

3 Smith

4 **ORDINANCE 18-27(A)**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 APPROPRIATING FUNDS IN THE AMOUNT OF \$5,000 FROM THE  
8 POLICE STATION RESERVE FUND FOR A PUBLIC INFORMATION  
9 CAMPAIGN IN SUPPORT OF THE BALLOT PROPOSITION TO ISSUE  
10 GENERAL OBLIGATION BONDS OF \$5 MILLION DOLLARS TO  
11 FINANCE THE CONSTRUCTION OF A POLICE STATION AND  
12 PROVIDE FOR AN INCREASE IN THE RATE OF CITY SALES TAX  
13 FROM 4.5% TO ~~4.8% WITH 0.25%~~ **4.85% WITH 0.3%** OF THE  
14 INCREASE PROVIDING FUNDS TO PAY DEBT SERVICE ON THE  
15 GENERAL OBLIGATION BONDS WHICH WILL EXPIRE ON  
16 DECEMBER 31 THE YEAR WHEN THE CITY HAS RECEIVED  
17 SUFFICIENT FUNDS FROM THE INCREASE TO PAY ALL OF THAT  
18 DEBT SERVICE, INCLUDING INFORMATION THAT MAY INFLUENCE  
19 THE OUTCOME OF THE ELECTION ON THE PROPOSITION.  
20

21 WHEREAS, City Council has previously shown through approval of Resolution 13-087(A)  
22 and Resolution 14-093 that having a new Public Safety Building was one of the top five Capital  
23 Improvements Projects and due to the decline in revenues, particularly from the State of  
24 Alaska, the City faces the probability of the project not receiving additional funding; and  
25

26 WHEREAS, The City Council views the acquisition and construction of a new police  
27 station and related capital improvements as necessary and beneficial to the community,  
28 and determines that to fund such improvements general obligation bonds of the City should  
29 be authorized, issued and sold; and  
30

31 WHEREAS, It is prudent long-term planning to identify a source of funds required to  
32 properly maintain this important public asset over time; and  
33

34 WHEREAS, It is the Council's duty and desire to ensure all city voters are aware of the  
35 impact that issuing General Obligation Bonds and implementing a ~~1%~~ **0.35%** sales tax would  
36 have on the construction and financing of the new Police Station; and  
37

38 WHEREAS, AS 15.13.145(c)(2) permits the City to provide the public with nonpartisan  
39 information about a ballot proposition, but AS 15.13.145(b) prohibits the City from using funds  
40 to influence the outcome of an election concerning a ballot proposition unless the City  
41 specifically appropriates the funds for that purpose by ordinance; and  
42

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~~ **0.35%** 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%~~  
57 **4.85% with 0.3%** of the increase providing funds to pay debt service on the general obligation  
58 bonds which will expire on December 31 the year when the city has received sufficient funds  
59 from the increase to pay all of that debt service and 0.05% remaining into perpetuity for the  
60 sole purpose of police station operations and maintenance , including information that may  
61 influence the 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

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

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

82

83



84 ATTEST:

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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 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

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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

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

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\_\_\_\_\_  
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: \_\_\_\_\_



# ORDINANCE(S)





# CITY MANAGER'S REPORT





## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: May 9, 2018  
SUBJECT: May 14 City Manager Report

---

### **New Street Light on Ohlson Lane and Sterling Highway**

Alaska Department of Transportation and Public Facilities (ADOT) will be installing a new street light at the Sterling Highway and Ohlson Lane intersection in the next week. This improvement is the result of a concerned citizen – and graduate of the City of Homer Citizens Academy - bringing the issue to the attention of ADOT and the City. ADOT should be commended for their acknowledgment of the issue and responsiveness. They took an observation from a constituent, researched it and moved quickly with installation as soon as conditions allowed. It was a pleasure to witness such a collaborative project and a great reminder that our residents serve as excellent eyes and ears identifying issues in our community.

### **Trip Report ICMA Western Region Conference**

I was able to attend the International City Manager Association West Coast Regional Conference in Stevenson, WA last week. It was a great opportunity to network with our western neighbors, many of them from small towns and struggling with similar issues. Topics included leadership training, how to navigate situations where the manager has to get outside their comfort zone, creating sustainable communities, and re-establishing democracy in local government. One of the most rewarding sessions was structured in a 'speed coaching' format where managers and students rotated between brief 15mn interviews with senior managers. The format allowed participants to quickly get to meaty topics such as council manager relations, how to prioritize competing projects, and balancing large issues with the day to day demands of managing a City. I also was able to represent Homer and Alaska on the western regional leadership team at the conference. Thank you for the opportunity to pursue the professional development; it is inspiring, invigorating, and I always return so happy to have the privilege to serve this unique community.

### **Cook Inlet Harbor Safety Committee Update**

Harbormaster Hawkins represents the City of Homer on the Cook Inlet Harbor Safety Committee (CIHSC). The Harbor Safety Committee was formed as a result, and at recommendation of, the 2015 risk assessment conducted to investigate the ground incident surrounding the tank ship Seabulk Pride in 2006. The CIHSC serves as subject matter experts for the Cook Inlet and acts as a facilitator, bringing together all relevant maritime stakeholders to identify and resolve, when possible, waterway management issues through the adoption of best practices and standards of care. On Thursday, April 26 2018, the Committee met in Seward to discuss a number of water transportation issues in the inlet, including tasking the Navigation Workgroup with reviewing the proposed Pebble Mine Transportation Plan and sending comments/concerns from a

marine transportation angle to the Harbor Safety Committee which serves as an advisory to the USCG Captain of the Port, Sector Anchorage.

### **Report on Joint Work Session with KPB Assembly**

On Monday, May 7<sup>th</sup> I attended, along with 5 City Council members and the Mayor, a joint work session held by the Kenai Peninsula Borough Assembly on local government revenue challenges. The purpose of the work session was to get municipal feedback on a series of proposals by the Assembly to raise needed revenue. The Borough Mayor presented his proposal, a 2% Borough sales tax increase (to 5%) and 1 mill rate decrease (to 3.5 mills). There was concern expressed around the table about how such a dramatic increase in sales tax by the Borough would negatively impact the ability of municipalities to collect revenue from non-residents and fund important capital projects. At a Homer Chamber of Commerce Luncheon the next day, Mayor Pierce revised his plan to a '4 and 4' – a 4% Borough sales tax and 4 Borough mill rate (an increase in Borough sales tax of 1% and decrease in the mill rate of .5 mills). Other revenue generating proposals discussed included Assembly Member Cooper's .5% Borough sales tax increase, a bed tax, and reinstating taxes on non-prepared foods. The work session was a great opportunity to touch base with colleges from peninsula cities and the Assembly and an annual joint session was proposed. I was proud of the representation of the Southern Peninsula at the meeting and that we all actively participated.

### **AML Summer Conference**

The Denali Borough will be hosting the AML Summer Conference August 22-23, 2018. The Alaska Municipal League Board of Directors, Alaska Conference of Mayors, Alaska Municipal Management Association and AML Members will meet during this time. Meetings will take place at the Grande Denali Lodge. In the past, the City of Homer has sent the Mayor, a councilmember and the City Manager. If you have an interest in attending, please contact the City Clerk ASAP as the hotel reservations will go quickly. Any travel will need to be approved by the Council by memo.

### **Elections**

At the last Council meeting I was asked to provide statistics on voter participation at special elections versus regular elections. The attached chart shows participation rates in both over the last 3 years. Participation is driven by how high profile the topic is; voter participation was 42% for the special recall election in 2017 while the run off in 2015 only garnered 14% of the Homer electorate. If Council proceeds with a special election, getting election workers will be critical. Ask your friends and neighbors to sign up to be an election worker on June 26. It can be a half or full day commitment, is a lot of fun and you get to be part of the democratic process.

### **HB 176 – Reimbursement for Transport of Medicaid Patients**

HB 176, An Act relating to medical assistance reimbursement for emergency medical transportation services, has passed both houses and has moved onto the Governor's desk for signing. This bill will allow agencies that transport patients (such as the Homer Volunteer Fire Department) to collect expenditures that were previously not eligible for reimbursement by the federal government through the State of Alaska for patients that are supported by Medicaid. Currently Medicaid and Medicare reimburse a flat rate of \$400 per transport, even if there were other expenses (such as the cost of medication or keeping apparatus response ready). The department could see a modest boost in ambulance billing revenue with the passage of HB 176. However, the reimbursement program is dependent on the Federal Government's Health and Human Services reimbursement to the State of Alaska, which in turn supports the individual departments.

ENC:

Employee Anniversaries

AML Summer meeting draft agenda

Chart from City Clerks on Election Turnout Percentages

Letter of Support for Kenai Peninsula Economic Development District

Letter to State of Alaska Department of Transportation and Public Facilities Providing Input on an Area Transportation Plan for the Kenai Peninsula

Thank You Letter from Homer Community Food Pantry, Center for Alaskan Coastal Studies, and Bunnell Street Arts Center





# City of Homer

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Office of the City Manager

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(f) 907-235-3148

## Memorandum

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: Katie Koester  
DATE: May 14, 2018  
SUBJECT: May Employee Anniversaries

---

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

<b>Mark Whaley,</b>	<b>Port</b>	<b>13</b>	<b>Years</b>
<b>Pike Ainsworth,</b>	<b>Port</b>	<b>10</b>	<b>Years</b>
<b>Don Huffnagle,</b>	<b>Port</b>	<b>10</b>	<b>Years</b>
<b>Ann Dixon,</b>	<b>Library</b>	<b>7</b>	<b>Years</b>
<b>Mike Gilbert,</b>	<b>Public Works</b>	<b>4</b>	<b>Years</b>
<b>Jackie McDonough,</b>	<b>Library</b>	<b>4</b>	<b>Years</b>
<b>Sean McGroarty,</b>	<b>Port</b>	<b>2</b>	<b>Years</b>
<b>Ryan Johnson,</b>	<b>Police</b>	<b>1</b>	<b>Year</b>







## DRAFT

# Alaska Municipal League Summer Legislative Conference

Denali, Alaska ~ August 21-24, 2018

### Tuesday, August 21, 2018

Travel Day

### Wednesday, August 22, 2018

8:30 a.m. – 4:00 p.m. **Alaska Conference of Mayors Meeting**

8:00 a.m. – 5:00 p.m. **Alaska Municipal Management Association Meeting**

5:00 p.m. – 7:00 p.m. **Denali Borough – Welcome Reception – TBA**

### Thursday, August 23, 2018

#### **AML Legislative Conference**

7:30 a.m. – 8:30 a.m. Position Committee Meeting

8:00 a.m. Breakfast - Included

8:30 a.m. – 8:45 a.m. **Welcome and Introductions – Pat Branson, AML President**

8:45 a.m. – 9:45 a.m. Legislative Update

9:45 a.m. – 10:00 a.m. Break

10:00 a.m. – 11:45 a.m. Legislative Issues Discussion

12:00 p.m. – 1:00 p.m. **Luncheon Guest Speaker (Lunch Included)**

1:15 p.m. – 4:30 p.m. FY18 Legislative Issues Discussion/Plan

5:00 p.m. **AML Board of Directors Meeting**

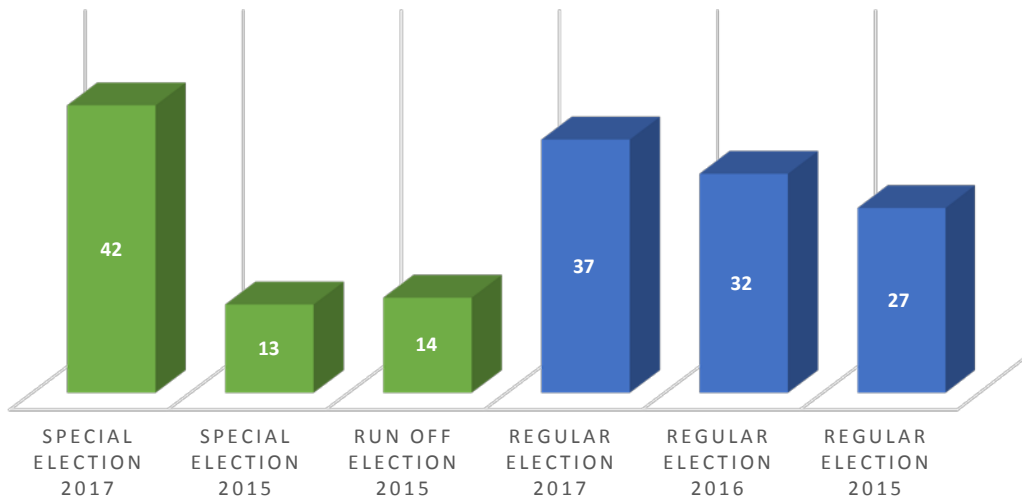
### Friday, August 24, 2018

Travel Day or

Optional Park Tour offered by the Denali Borough (Saturday travel day)



## CITY OF HOMER ELECTION TURNOUT PERCENTAGES



Date	Turnout %	Election type
June 13, 2017	42%	Special Election- Recall
December 1, 2015	13%	Special Election- HART
November 3, 2015	14%	Run Off Election
October 3, 2017	37%	Regular Election
October 4, 2016	32%	Regular Election
October 6, 2015	27%	Regular Election





## City of Homer

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(f) 907-235-3148

May 14, 2019

Kenai Peninsula Borough Assembly  
144 North Binkley Street  
Soldotna, Alaska 99669

Dear President Ogle and members of the Kenai Peninsula Borough Assembly,

I would like to take the opportunity to express support for the Kenai Peninsula Economic Development District (KPEDD) and highlight the benefit the City of Homer receives from this regional organization. Municipal government can get bogged down in the day to day of running a municipality. Having an organization like KPEDD who advocates for the economic health of the entire region is critical for our economic wellbeing. KPEDD often passes along grant and business opportunities to the City of Homer. They are able to connect the dots between business and government. KPEDD provides important data that the City uses when making decisions, including wage and industry data specific to the City of Homer. They have loaned their professional experience to community groups pursuing the betterment of Homer, such as the City of Homer Parks Art and Recreation Commission and Kachemak Bay Mariculture Association. KPEDD plays a role in bringing communities on the Peninsula together with common goals. The executive director routinely travels to and presents to the Homer City Council and KPEDD has hosted a regional meetings between the municipal managers.

The City of Homer appreciates Kenai Peninsula Borough's support of KPEDD and acknowledgment of the need for regional economic development on the Kenai Peninsula.

Sincerely,

Katie Koester  
City Manager





## City of Homer

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

## Office of the City Manager

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(f) 907-235-3148

5/15/2018

Joselyn Biloon, Planner III  
Alaska Transportation & Public Facility  
PO Box 196900  
Anchorage, AK 99519-6900

Dear Ms. Biloon,

The City of Homer is looking forward to working with The State of Alaska Department of Transportation to develop an Area Transportation Plan for the Kenai Peninsula. Working together on a shared vision with common goals to develop Transportation Plan that includes the lower Kenai Peninsula.

The Homer City Council has passed several resolutions that request upgrades to the Sterling Highway, the Pioneer Avenue Rehabilitation Project and in the Lake Street Rehabilitation Project.

- Resl. 14-106 requests that ADOT construct a bridge to “daylight” Woodward Creek as part of the Pioneer Avenue Rehabilitation Project.
- Resl. 18-008 requests that ADOT fix the drainage that affects the Baycrest Subdivision, Mile 171 Sterling Highway.
- Resl. 18-034 requests that ADOT install a crosswalk on Lake Street where Grubstake intersects Lake Street as part of the Lake Street Rehabilitation Project.
- Resl. 18- 038 requests that ADOT not delay the 2019 Pioneer Avenue Rehabilitation Project.

Always on our horizon are the dangers of coastal erosion that affect Homer Spit Road and the Homer Harbor. Developing an asset management plan regarding intermodal transportation to support the Homer Harbor is certainly valid.

Respectfully submitted,

Katie Koester, City Manager, 907-435-3102

Cc: Rick Abboud, Planning Office, 907-235-3106

Att: Resl. 14-106

Resl. 18-008

Resl. 18-034

Resl. 18-038







April 23, 2018

To Homer City Council,

First, a thank you for your support of the Homer Food Pantry, through the 2018 City Non-profit Grants

As I think about Homer, what first stands out is how many non-profits are working to make our city a better place for all of us.

From some we have compassionate care for our elderly and services for those in need. They are there for families during a very difficult time

. I think about all the hours of maintenance that is spent by the ski clubs, the snow machiners, the across the bay trail blazers and the dedicated workers and scientists that want Kachemak Bay available now and in the future.

The droves of volunteers that keep the ice rink available to our skaters as well as the skaters from across our state impresses me.

There is SPARC making a safe and dry playing area for the community as well as the cycle and running clubs making it possible for us to get outside and be in our surrounding nature.

There are organizations that focus on our youngest community members, our teens and our pets.

Those in need always have a helping hand from the Food Pantry.

We have the Arts and Culture and the Conservation and Environment organizations that are beneficial to us as well as the visitors to our town.

Is the city a better place for all these non profits? Yes, we are all better for these organizations. It allows the citizens to contribute as they are able and it relieves the city of many services when costs and manpower are prohibitively expensive.

The non profits have the commitment and the manpower, yet still need operating costs to get the work done. I am urging the city to please continue funding organizations that contribute to a healthy and thriving place to live and raise our families.

Thank you, Sherry Stead

None should go hungry or feel helpless in a time of need





# Center for Alaskan Coastal Studies



CELEBRATING  
**30 YEARS**  
of OUTDOOR EDUCATION

708 Smokey Bay Way, Homer, Alaska 99603 • 907/235-6667 • Fax 907/235-6668 • Email [info@akcoastalstudies.org](mailto:info@akcoastalstudies.org) • [www.akcoastalstudies.org](http://www.akcoastalstudies.org)



April 27, 2018

Homer City Council  
491 East Pioneer  
Homer, AK 99603

Dear Council Members,

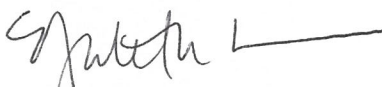
The Center for Alaskan Coastal Studies (CACCS) would like to thank the City of Homer for continuing to support local nonprofits in the community through the City of Homer Grants Program administered through the Homer Foundation. We are especially thankful for the operational grant we recently received through this program.

Operational funds are difficult to raise, yet extremely important to the functions of an organization. These local government dollars support our outdoor education programs that will reach over 6,000 youth and families in Homer in 2018, and will complement the donations of hundreds of hours of volunteer time and contributions of goods and services from businesses in the generous community of Homer.

As one of many non-profits offering important services to Homer residents, CACCS will leverage these funds to help attract federal funding for our community-based marine debris clean-up and prevention activities conducted under the Kachemak Bay Coast Walk program. The Kachemak Bay Coast Walk directly impacts local beaches and provides a model for stewardship of beaches in other Alaskan coastal communities.

Operational funds help keep the doors open and facilities staffed, especially at our Headquarters location. Thanks to your continuing support and the support of others, we reached over 18,000 people in 2017 through our environmental education and stewardship programs in the Homer area and we hope to increase our local outreach even more in 2018!

Sincerely,

  
Elizabeth Trowbridge  
Executive Director



106 west Bunnell, Suite A  
Homer, AK 99603

[www.bunnellstreetgallery.org](http://www.bunnellstreetgallery.org)

Asia Freeman, Artistic Director

[asia@bunnellarts.org](mailto:asia@bunnellarts.org)

"nurturing and presenting innovative art of exceptional quality in all media for diverse audiences"

City of Homer  
Mayor and Council Members  
419 E. Pioneer Avenue  
Homer, AK 99603

May 1, 2018

Dear Mayor and City Council Members,

Thank you very much for your continued investment in Homer's health. Bunnell Street Arts Center is proud to nurture Homer's creative ecosystem with art programs for all ages. We deeply appreciate your leadership as Homer's elected officials. We thank the City for partnering with the Homer Foundation to provide the City of Homer Grants program.

*Arts & Economic Prosperity 5*, a 2017 study by *Americans for the Arts* about the nonprofit arts and culture industry's impact on the economy, documents the economic contributions of the arts in 341 diverse communities and regions across the country, representing all 50 states and the District of Columbia. Nationally, the nonprofit arts and culture industry generated \$166.3 billion of economic activity during 2015—\$63.8 billion in spending by arts and cultural organizations and an additional \$102.5 billion in event-related expenditures by their audiences. This activity supported 4.6 million jobs and generated \$27.5 billion in revenue to local, state, and federal governments, a yield well beyond their collective \$5 billion in arts allocations by entities like the City of Homer Grants Program Through The Homer Foundation. This study puts to rest a misconception that communities support arts and culture at the expense of local economic development. In fact, communities are investing in an industry that supports jobs, generates government revenue, and is the cornerstone of tourism. We agree that locally as well as nationally, the arts mean business!

I am pleased that Homer is among the communities nationally that invest in arts and culture as a renewable, sustainable Alaska resource. Join us at Bunnell for exhibits, lectures, performances and workshops celebrating Alaskan talent and encouraging arts achievement. We are thrilled to showcase sixty artists in the Plate Project, Bunnell's annual membership appeal and a showcase exhibit of Artist in Schools May 18 at 5 pm. A short membership meeting at 6, with a potluck reception open to all, is followed by a concert with Tyler Langham and Friends at 7:30 pm. All are welcome to Bunnell anytime!

Sincerely,

A handwritten signature in black ink that reads "Asia Freeman".



# CITY ATTORNEY REPORT



# COMMITTEE REPORTS





PENDING BUSINESS



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  
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~~ **.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 9<sup>th</sup> 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

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

3 Smith

4 **RESOLUTION 18-037**

5  
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39  
40 CITY OF HOMER

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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



## City of Homer

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

Homer Public Library

500 Hazel Avenue  
Homer, AK 99603

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

(p) (907)-235-3180

(f) (907)-235-3136

### Memorandum 18-052

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.





## City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 18-061

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: LIBRARY ADVISORY BOARD  
THROUGH: MELISSA JACOBSEN, CITY CLERK  
DATE: MAY 7, 2018  
SUBJECT: LIBRARY ADVISORY BOARD REVIEW OF COPY FEES

---

The Library Advisory Board reviewed Resolution 18-037(S) and the additional eight questions from Councilmember Smith's email at their regular meeting on May 1<sup>st</sup>.

In summary-

- The Board believes that the use of the copier or a printer at the library is a service provided to library users, similar to services a college provides to its students.
- Increasing the fees would result in increased profit to the library and while they want to charge enough to cover costs, it is not the mission of the library to make a profit.
- People at the library who need copy or printer services will use the library's copier or printer, rather than going to another location for the basic service.
- People will use a commercial copy or printer service when they need more options for larger print jobs.
- The current library costs are reasonable.

An excerpt of the minutes is included as an attachment to this memo.

The Library Advisory Board recommends maintaining the fees at the current rate.



## Summary of Photocopier and Printer Costs and Fees

### Homer Public Library

Homer Library	B&W Photocopy	Color Photocopy	B&W Printer Copy	Color Printer Copy	Notes
# Copies 2017	25,722	11,904	37,815	1,707	8 ½" x 11"
Cost to HPL/pg.	\$0.09	\$0.13	\$0.06	\$0.67	
HPL Price/pg.	\$0.15	\$0.50	\$0.15	\$0.50	
Lowest Business Price/pg.	\$0.20	\$0.45	N/A	N/A	
Highest Business Price/pg.	\$0.25	\$0.65	N/A	N/A	
Recommended Fee/pg.					

**Notes:**

Photocopier is also used by staff. Printers are used only by the public.

Staff unanimously prefers to keep prices of photocopier and printers uniform to avoid confusion and simplify explanations to the public.

### Fees at Some Other Alaska Public Libraries

Library	B&W Photocopy	Color Photocopy	B&W Printer Copy	Color Print Copy	Notes
Anchorage	\$0.20	x	\$0.20	x	
Barrow	\$0.10	\$0.50	\$0.10	\$0.50	No copy shop in town.
Ketchikan	\$0.25	\$0.50	\$0.20		Photocopy fee set by city for all city offices.
Seward	\$0.20	\$0.50	\$0.20	\$0.50	All paper sizes the same
Soldotna	\$0.25	x	\$0.50	x	Set by city for all city offices.
Unalaska	\$0.10	\$1.00	x	x	Free, with limits, to nonprofits & students for schoolwork. No copy shop on the island.
Valdez	\$0.25	x	\$0.25	x	

**Photocopier Costs 2017**

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	<u>black/white</u>	<u>color</u>
Toners/yr	included in lease	included in lease
Maintenance/yr	included in lease	included in lease
Depreciation/yr	included in lease	included in lease
Pages printed/yr	25,722	11,904
% of total paper used	68.40%	31.60%

notes

Some are double-sided so less paper is actually used.

C  
O  
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T  
S

	<u>black/white</u>	<u>color</u>
Xerox Lease -- Base Charge	\$1,765.29	\$815.55
Xerox per copy charges	\$185.20	\$658.28
Paper/yr	\$272.19	\$83.27
<b>TOTAL</b>	<b>\$2,222.68</b>	<b>\$1,557.10</b>
<b>per page</b>	<b>\$0.086</b>	<b>\$0.131</b>

Annual lease total 2017 \$2,580.84  
B&W \$.0072/pg.  
Color \$.0553/pg.

**Printer Costs 2017**

	<u>black/white printer</u>	<u>color printer</u>	<u>notes</u>
S	toners/yr	24	14 (CYMK total)
U	maintenance/yr	average 2 drums	n/a
P	depreciation/yr	n/a	n/a
L	paper/yr	37,815	1,707
I	% of total		actual pages printed in 2017
E	paper/yr	95.70%	4.30%
S			

	<u>black/white printer</u>	<u>color printer</u>	
C	toner/yr	\$518.88	\$1,050.00
O	maintenance/yr	\$71.28	\$0.00
S	depreciation/yr	\$20.00	\$20.00
T	paper/yr	\$272.19	\$12.29
S	coin box lease based on % of use	\$1,250.38	\$56.18
	<b>TOTAL</b>	<b>\$2,132.73</b>	<b>\$1,138.47</b>
	<b>per page</b>	<b>\$0.056</b>	<b>\$0.670</b>

annual cost of coin box lease is \$1,306.56



**From:** [Katie Koester](#)  
**To:** [Melissa Jacobsen](#)  
**Cc:** [Heath Smith](#)  
**Subject:** FW: Copies...  
**Date:** Thursday, April 26, 2018 9:33:13 AM

---

Melissa,

Will you please include the comments below from Councilmember Smith for the LAB's discussion on copy fees.

Thanks,

Katie

-----Original Message-----

From: Heath Smith  
Sent: Wednesday, April 25, 2018 1:31 PM  
To: Katie Koester <kkoester@ci.homer.ak.us>  
Subject: Copies...

As the Library Advisory Board is tasked with making copy fee recommendations I would urge them to take into account the factors below when considering the true cost of doing business.

1. The estimated annual electrical draw the copy machine requires and it's associated cost?
2. How often library personnel are required to assist patrons with the copier in any capacity?  
Frequency and time involved?
3. How often our IT department is called upon to trouble shoot machine malfunction? I've seen them doing so at city hall.  
Frequency and time involved?
4. Who provides the paper for the machine? Who orders it? Who receives it? Who loads the machine? Cost per sheet?  
Frequency and time involved?
5. Who collects the money, accounts it, and deposits it?  
Frequency and time involved?
6. What is the structure of Xerox's fees? Who receives, processes and remits back bills from xerox?  
Frequency and time involved?
7. Who is responsible to collect and dispose of paper waste generated from copier users?  
Frequency and time involved?
8. How many of these factors were used in establishing the recommended copy fee structure to council?

Thanks,  
Heath





- The Anchor Point Board is interested in collaborating with Homer to help Anchor Point Library get a viable Friends group started.
- Anchor Point has a need for more Russian language books and teen books.

There was consensus to have another OWL Teleconference next year during Library Week.

B. Student Representative Board Member

The Board confirmed with the City Clerk that there is a student who submitted an application for the Student Representative seat. They discussed whether to continue to advertise the open seat or request the Mayor make the appointment of the student who has applied. They considered the challenges of losing the potential applicant and acknowledged they have done outreach at the schools. They also confirmed that the City Clerk's office has had the opportunity to advertise after Student Rep Vance submitted her resignation.

KUSZMAUL/MASSION MOVED TO REQUEST THE MAYOR APPOINT THE STUDENT REPRESENTATIVE AT THE FIRST MEETING IN JUNE.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**NEW BUSINESS**

A. Resolution 18-037(S) Amending Fee Schedule to Increase Copy Fees

1. Memorandum 18-043 from Acting Library Director re: Library Copy Fees
2. Memorandum 18-052 from Library Director re: Library Copy Fees
3. Email from Councilmember Smith thru City Manager re: Library Copy Fees

Library Director Dixon provided a summary of photocopier and printer costs and fees as a laydown. She explained her first memo was prepared in haste having just returned from being off and needing to prepare something for the Council meeting. The information provided tonight is more accurate and includes photocopy and printer information specific to the Homer Public Library and fees from seven other Alaska public libraries.

She explained that the photocopier is used by public and staff. They do not have a mechanism for tracking staff use versus public use, but a majority of the use is by the public. The public use printers are connected to the public computers and are not used by the staff. In looking at the actual cost compared to the fees, they are making a profit on the copy fees. An issue is the mission of the library is not to make a profit, but they do want to cover costs

for the service provided. It raises the question whether the rates should be raised to meet the lowest charge of local business.

Library Director Dixon responded to the 8 questions posed in the email from Councilmember Smith.

*1. The estimated annual electrical draw the copy machine requires and it's associated cost?*

Library Director Dixon responded she has no idea and the Maintenance Department would have to measure the amounts of electricity over a period of time to get an accurate reading.

*2. How often library personnel are required to assist patrons with the copier in any capacity? Frequency and time involved?*

Library Director Dixon explained they do not track this, it's simply one of the many things they do at the front desk. It's not frequent, but if users don't know how to make the machine work, staff will show them and it probably takes a minute or two at the most. Occasionally they may have to help a little more extensively but not often.

*3. How often our IT department is called upon to trouble shoot machine malfunction? I've seen them doing so at city hall. Frequency and time involved?*

Library Director Dixon responded that IT almost never gets involved because the photocopier is leased from Xerox and Xerox provides service through the contract. Occasionally IT will have to assist with printers.

*4. Who provides the paper for the machine? Who orders it? Who receives it? Who loads the machine? Cost per sheet? Frequency and time involved?*

Library Director Dixon explained the City purchases paper in bulk. A staff member will pick up a case of paper from City Hall. In 2017 they picked up paper 14 times and that was for all copiers and printers at about 15 minutes per trip. Staff members take turns loading the machines as part of their morning start up procedures, it takes about five minutes. The approximate paper cost is less than a penny per page, roughly .007 cents per sheet.

*5. Who collects the money, accounts it, and deposits it? Frequency and time involved?*

Library Director Dixon said the coin machines are emptied once a week and counted twice a month with other monies collected through fines and fees, it takes about 15 minutes. She takes the money to City Hall twice a month.

*6. What is the structure of Xerox's fees? Who receives, processes and remits back bills from xerox? Frequency and time involved?*

Library Director Dixon reviewed the information provided in the summary of photocopier and printer costs and fees. The annual lease with Xerox is \$2,580.84. Black and white copies are charged \$.0072 per page and color copies are charged at \$.0553 per page. She receives a monthly bill from Xerox which she reviews and submits it to finance for payment, it takes about two minutes.

*7. Who is responsible to collect and dispose of paper waste generated from copier users? Frequency and time involved?*

Library Director Dixon explained there is a volunteer who comes regularly on Tuesday and Thursday evenings who takes the paper waste to the back and maintenance takes out the garbage and recycle.

*8. How many of these factors were used in establishing the recommended copy fee structure to council?*

Library Director Dixon said they took into consideration the lease cost and paper cost per sheet.

Discussion ensued and it was noted they are probably using more light energy tonight sitting here talking about this than is used to make a copy.

Board member Kuszmaul thinks the price seems in line with the cost, and it seems in line with the businesses. She isn't sure there is an issue. Library Director Dixon explained they are five cents lower than the lowest business price in town. Ms. Kuszmaul doesn't think the local businesses offer printer copy service or let you take your laptop in and connect to a printer. The commercial printers offer more services, sizes, flexibility and if people need something with a lot of options they use a commercial service. If you find something you need a copy of at the library, you should be able to do it at the library for a reasonable cost. In her opinion the current library costs are reasonable.

Board member Springer pointed out the library isn't a business. When she has to do University work she uses the university campus because she's a student and she needs a public service that's available to students. She doesn't need to go to a business. The library provides a service to the people who use the library.

Board member Fair concurred and thinks the recommendation should be the library fees remain exactly the same.

FAIR/MASSION MOVED THAT WE RECOMMEND TO THE COUNCIL THAT THE FEE STRUCTURE FOR COPIES AND PHOTO COPIES AT THE HOMER PUBLIC LIBRARY BE LEFT EXACTLY THE SAME.

There was discussion in support of maintaining the current copy fees at the library and about the process to report back to Council.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Library Fees

Library Director Dixon said she provided this so Board members could start thinking about fees before they reconvene in August and start discussing the budget.

C. Areas of Interest for Summer Break

Library Director Dixon and Chair Peterson suggested they give some thought to the Exhibit and Display policy and think about a public forum area as a patron and what would be acceptable.

D. Library Policies – Status on Updates and Recommendations of the Board

1. Reciprocal Borrowing
2. Circulation
3. Lending Period – Children’s

Library Director Dixon noted the packet information and the proposed amendments to the circulation policy provided as a laydown for the Board to consider and be ready to discuss at their next meeting.

**INFORMATIONAL ITEMS**

A. 2018 Board Member Attendance at Council Meetings

Board member Massion agreed to continue to report at the Council meetings. He suggested he could attend and give updates about the library during these months that the Board isn’t meeting.

City Clerk Jacobsen reminded them that Board and Commission reports on the Council’s agenda is a time for the Boards and Commissions to report the work they are doing at their meetings.



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

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ATTEST:

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

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Fiscal note: Port and Harbor Parking fees

1 CITY OF HOMER  
2 HOMER, ALASKA

3 Smith/  
4 **Port & Harbor**  
5 **Advisory Commission**

6 **RESOLUTION 18-041(S)**

7  
8 A RESOLUTION OF HOMER CITY COUNCIL AMENDING THE FEE  
9 SCHEDULE UNDER PORT AND HARBOR DEPARTMENT AND PORT  
10 OF HOMER TERMINAL TARIFF NO. 1 TO ADD A \$5 **\$7.00** PARKING  
11 FEE FOR VEHICLES AND TRAILERS UTILIZING THE SMALL BOAT  
12 HARBOR PUBLIC LAUNCH RAMP

13  
14 WHEREAS, Land on the spit is a valuable resource; and

15  
16 WHEREAS, Boat trailers require substantial use of this resource when parked; and

17  
18 WHEREAS, It is common place for municipalities to charge for parking as a revenue  
19 source; and

20  
21 WHEREAS, Boat trailer parking fees will increase the Port and Harbor Enterprise Fund,  
22 thus enabling it to achieve its financial goals and fund growth projects; **and**

23  
24 **WHEREAS, The parking fee will be implemented as soon as practical after staff has**  
25 **implemented the necessary changes for signage and paperwork.**

26  
27 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council amends the City of  
28 Homer Fee Schedule under Port and Harbor Department fees as follows:

29  
30 PUBLIC LAUNCH RAMPS:

31 Vessels shall be charged \$13.00 per day **plus a \$5.00 per launch parking fee (parking fee is**  
32 **valid for 7 days following a launch)** to launch from the public launch ramps from April 1  
33 through October 15. (Reserved stall lessees exempt for the boat assigned to and registered to  
34 the reserved stall only, not for other boats owned by the same individual.)

35  
36 **Launch ramp customers will be charged \$13.00 per launch plus a \$7.00 per launch parking**  
37 **assessment. Parking Assessment is valid for up to seven (7) consecutive days, after which**  
38 **vehicles, boats, trailers must be removed from all port and harbor property for a**  
39 **minimum of 24 consecutive hours in order to be eligible to resume parking anywhere on**  
40 **public property on the Homer Spit.**

41  
42 Vessel owners or operators may obtain a seasonal permit for \$130.00 **plus a \$50.00 parking**  
43 **fee** entitling a specific vessel and owner to launch from April 1 through October 15. (Reserved

44 ~~stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for~~  
45 ~~other boats owned by the same individual.)~~

46  
47 **Vessel owners or operators may obtain a seasonal permit for \$130.00 plus a \$70.00**  
48 **parking assessment. Permit entitles a specific vessel and owner to launch from April 1**  
49 **through October 15 (Reserved Stall lessees are exempt for the boat assigned to and**  
50 **registered to the reserved stall only, not for other boats owned by the same individual.)**  
51 **Parking assessment is valid for up to seven (7) consecutive days, after which vehicles,**  
52 **boats, trailers must be removed from all port and harbor property for a minimum of 24**  
53 **consecutive hours in order to be eligible to resume parking.**

54  
55 BE IT FURTHER RESOLVED that the Port of Homer Terminal Tariff No. 1 is amended as  
56 follows:

57  
58 12.01. PARKING OF VEHICLES – It shall be unlawful for any person to leave or park a vehicle upon any  
59 portion of any City property outside of designated parking areas or without the permission of the  
60 Harbormaster. The Harbormaster shall erect and maintain appropriate signage giving notice that no  
61 parking is allowed in restricted areas. Parking of motor vehicles, other than motor vehicles that are  
62 cargo, shall be permitted only in those areas designated for such parking. Vehicles are only permitted  
63 on wharf areas with the permission of the Harbormaster.

64  
65 12.02. PARKING LIMITS – Parking of motor vehicles in areas designated for parking shall be for the  
66 time limits specified and posted for those areas. The parking of motor vehicles in areas in which  
67 parking is prohibited or the parking of motor vehicles in areas designated for parking beyond the time  
68 limits specified are subject to ticketing and towing or impound in accordance with applicable law.

69  
70 12.03. PARKING FEES (SHORT TERM) – Parking fees are to be collected at Ramp 1, Ramp 2, Ramp 3 and  
71 Ramp 4 seasonally (Memorial Day through Labor Day). Parking fee is \$5 per calendar day. Posted  
72 parking time limits will be established and enforced as per Homer City Code.

73  
74 **12.03.1. PARKING FEES (LAUNCH RAMP)- A \$5 parking fee will be collected when launching a**  
75 **vessel at the public launch ramp and parking the vehicle and trailer in a city parking lot. The fee**  
76 **is valid up to seven days for overnight launches and the receipt must be prominently displayed**  
77 **on the vehicle's dash board. The fee is charged per day when launching a vessel over consecutive**  
78 **days. A \$50 parking fee will be charged when purchasing a \$130.00 annual pass.**

79  
80 **A \$7.00 parking fee will be collected in addition to the \$13.00 per day launch fee when**  
81 **launching a vessel at the Public Launch Ramp. A \$70.00 parking fee will be charged when**  
82 **purchasing a \$130.00 Annual Launch Ramp Pass. Existing (posted 7 day maximum)**  
83 **parking signage will apply to all users.**

84  
85 12.04. LONG TERM PARKING PERMITS – Vehicles over 20' are not eligible for long term parking permits.  
86 a. Seasonal permits for day use parking (Ramps 1-4): \$250.00.



- 87 b. Long Term parking permits required for vehicles 20' or less parked in excess of seven (7)
- 88 consecutive 24-hour days.
- 89 c. Long Term parking annual permit fee for vessel owners paying annual moorage in the
- 90 Homer Harbor: fee \$100.00.
- 91 d. Long Term parking annual permit (January 1st through December 31st): fee \$200.00.
- 92 e. Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.
- 93 f. Monthly parking permit for non-commercial vehicles over 20': fee \$85.00 for 30
- 94 consecutive days in a portion of Lot 9 only.
- 95 g. Long term parking will be enforced year around.
- 96 h. Parking lot restrictions for long term parking, May 1 through October 1, as
- 97 depicted on harbor map (Resolution 11-036(A)).
- 98 i. Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for
- 99 violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime parking
- 100 in long term parking area will be limited to \$250.00 fine per calendar year, with \$200.00 of
- 101 the fine credited towards the long term parking annual permit.
- 102 j. Failure to pay violations will result in an additional \$25.00 fee per month and any other legal
- 103 or collection fee authorized by law.

104  
105 PASSED AND ADOPTED by the Homer City Council this \_\_ day of \_\_\_\_, 2018.

106  
107 CITY OF HOMER

108  
109  
110 \_\_\_\_\_  
111 BRYAN ZAK, MAYOR

112 ATTEST:

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

115  
116 Fiscal note: Port and Harbor Parking fees





## Memorandum 18-062

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: PORT & HARBOR ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: MAY 3, 2018  
SUBJECT: RESOLUTION 18-041 AMENDING THE PORT AND HARBOR TERMINAL  
TARIFF AND PARKING FEES FOR THE LOAD AND LAUNCH RAMP

---

The Port & Harbor Advisory Commission reviewed the proposed Resolution 18-041 under New Business at the regular meeting on April 25, 2018. The following is a summary of the amendments to the resolution proposed by the Commission along with an excerpt from the minutes of that meeting:

Adopting the amendments proposed by the Harbormaster as amended by the Commission as follows:

- Striking Lines 25-28 under Public Launch Ramps and inserting the following:  
Launch ramp customers will be charged \$13.00 per launch plus a ~~\$5.00~~ **\$7.00** per launch parking assessment. Parking Assessment is valid for up to seven (7) consecutive days, after which vehicles, boats, trailers must be removed from all port and harbor property for a minimum of 24 consecutive hours in order to be eligible to resume parking anywhere on public property on the Homer Spit.
  
- Striking Lines 30-33 and inserting the following:  
Vessel owners or operators may obtain a seasonal permit for \$130.00 plus a ~~\$50.00~~ **\$70.00** parking assessment. Permit entitles a specific vessel and owner to launch from April 1 through October 15 (Reserved Stall lessees are exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)  
Parking assessment is valid for up to seven (7) consecutive days, after which vehicles, boats, trailers must be removed from all port and harbor property for a minimum of 24 consecutive hours in order to be eligible to resume parking.
  
- Striking Lines 54 -58 and inserting the following:  
A ~~\$5.00~~ **\$7.00** parking fee will be collected in addition to the \$13.00 per day launch fee when launching a vessel at the Public Launch Ramp. A ~~\$50.00~~ **\$70.00**

parking fee will be charged when purchasing a \$130.00 Annual Launch Ramp Pass. Existing (posted 7 day maximum) parking signage will apply to all users.

- Implementing the proposed changes as soon as practical allowing staff to change out signage, documents, etc.

**Recommendation**

Approve Resolution 18-041 with the proposed amendments from the Harbormaster and Commission.

Excerpt from the April 25, 2018 Port & Harbor Advisory Commission Minutes:

**NEW BUSINESS**

*A. 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.*

*Harbormaster Hawkins explained that this was on the Committee of the Whole meeting agenda and reported that this resolution will allow them to apply a fee to cover parking for vehicles with trailers at the load and launch ramp.*

*Harbormaster Hawkins further clarified that this will apply to the Load & Launch Ramp Parking it will be \$13 to launch your vessel and an additional \$5 parking fee, which will be valid for 7 days for a boat trailer. Due to the new system being used they can track things now. Last year if this was applied in 2017 for 7405 day launches and 314 season passes sold in 2017, all of this would have generated \$52,725.*

*The Commissioners offered comments on potential for complaints regarding the new fees.*

*Harbormaster Hawkins acknowledged that they will be challenged on the new rates by a faction of the Lunch user group.*

*Discussion ensued on the free parking areas, parking costs at the top of the ramps and Long Term Trailer parking areas; parking limitations and amendments to the resolution.*

*HARTLEY/STOCKBURGER - MOVED TO APPROVE RESOLUTION 18-041 AMENDING THE TERMINAL TARIFF FOR PARKING FEES.*

*Harbormaster Hawkins provided a copy of Resolution 18-041 with amendments that he would like to substitute in response to comment from Commissioner Hartley on proposing amendments to the resolution. He requested the commission review his proposed amendments before making additional amendments to the resolution.*

*Deputy City Clerk Krause provided copies to the commission.*

*Dialogue on the following issues ensued:*

- Where parking will be allowed*
- The seven day rule would still apply*
- Additional fee should be viewed as a parking impact fee as such the expenses incurred to enforce the parking requirements*
- The proposed fees are allowed by the State as long as revenues are kept separate*
- Comparison with Whittier and Seward parking fees.*

*HARTLEY/STOCKBURGER - MOVED TO INCREASE THE PARKING FEE TO \$7.00 FOR THE SEVEN DAY PERIOD AND INCREASE THE SEASONAL RATE FEE TO \$70.*

*Discussion followed on the proposed rate; expected complaints; this parking fee structure provides revenue that can be used to fund the improvements; this is step in the process to optimize the space that is available around the Harbor; potential to run into a problem in the future as things get progressively busier; there is minimal is any use of the long term trailer storage on the spit; expanding the paid parking areas; parking within the right of way can be fee parking however revenue must be dedicated to improvements only per the State; the time limit can be modified to correct issues of parking in the right of way; clarification was provided on parking term and removal from port and harbor property for a period of 24 hours before coming back and parking again.*

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

*Motion carried.*

*STOCKBURGER/ZEISET MOVED TO DELETE THE LAST PARTIAL SENTENCE FROM HARBORMASTER AMENDMENT, "...ELIGIBLE TO RESUME PARKING. ANYWHERE ON PUBLIC PROPERTY ON THE HOMER SPIT."*

*There was a brief discussion on making the action a firmer statement or requirement.*

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

*Motion carried.*

*DONICH/STOCKBURGER MOVED TO AMEND THE RESOLUTION TO INCLUDE 30 DAYS NOTICE TO THE PUBLIC AFTER APPROVAL BEFORE IMPLEMENTING.*

*Discussion ensued on making the changes effective in 30 days to notify the public or immediately and providing staff the time to implement the changes for signage and paperwork.*

*HARTLEY/ZEISET MOVED TO AMEND THE MOTION TO IMPLEMENT AS SOON AS PRACTICAL AFTER APPROVAL BY COUNCIL.*

*There was no discussion.*

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

*Motion carried.*

*HARTLEY/STOCKBURGER MOVED TO APPROVE HARBORMASTER SUBSTITUTE RESOLUTION 18-041 AS AMENDED.*

*There was no further discussion.*

*VOTE. (Main as amended). NON-OBJECTION. UNANIMOUS CONSENT.*

*Motion carried.*

*Commissioner Stockburger commented on the improvement to the parking area at the new pavilion since they were on the topic of parking.*

*Harbormaster Hawkins provided a brief explanation on the work accomplished by staff until more permanent improvements could be completed. It was noted that there was more space.*







# City of Homer

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

Port and Harbor

4311 Freight Dock Road

Homer, AK 99603

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

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 18-065

TO: MAYOR ZAK AND CITY COUNCIL

FROM: BRYAN HAWKINS, PORT DIRECTOR / HARBORMASTER

THRU: KATIE KOESTER, CITY MANAGER

DATE: MAY 9, 2018

SUBJECT: RESOLUTION 18-041 AMENDING THE PORT AND HARBOR PARKING FEES TO INCLUDE A PARKING IMPACT LEVY

---

The Port Commission met on April 25 to discuss Resolution 18-041. Their Motion is included, with proposed changes to 18-041, in a Memo from Deputy City Clerk Renee Krause.

As we all know, the load and launch ramp was recently rebuilt, and in an agreement with Fish and Game 75% of the funding was provided through a federal (Dingle Johnson) sports fish access grant.

Prior to the Port Commission meeting staff had verbal communications with the F&G program manager confirming that proposed changes to collect parking revenues at the Launch ramp would be acceptable. However post commission meeting upon further review of the contract between F&G staff noted that we are required to have, "in writing", the approval of Fish and Game before levying any new charges or fees at the launch ramp.

Staff has prepared the contract amendment between Fish and Game and the City of Homer detailing the proposed parking levy collection at the load and launch ramp, and depending on council's actions will work with Fish and Game to get the amendment signed as soon as possible.

In their motion to city council the Port Commission stated that the new parking fees be implemented "as soon as practical" I would advise that we allow for a two week public notice period, prior to implementation to the current version of resolution 18-041, but I leave that decision with council to discuss and/or change as they see fit.



# NEW BUSINESS





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-063

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CITY CLERK

DATE: MAY 7, 2018

SUBJECT: RECONSIDERATION OF ALASKA LOVEN IT, LLC MARIJUANA STANDARD CULTIVATION FACILITY LICENSE #12833

---

We have been notified by the Alcohol Marijuana Control Office that the Marijuana Control Board voted to reconsider their previous denial of Alaska Loven It, LLC's standard marijuana cultivation license. The board voted to approve the application with delegation to the director. Delegation means the board has authorized the Director to issue the license once all outstanding approvals are received. Because the City objected to the license initially, we are being asked to reconsider this application as well.

Included with this memo are the Marijuana Control Board Meeting documents provided at their April 4-6, 2018 meeting for your review, and also the minutes excerpt from the Board's meeting.

Type: Standard Marijuana Cultivation Facility  
Lic #: 12833  
DBA Name: Alaska Loven It  
Service Location: 2908 Kachemak Drive  
Licensee: Alaska Loven It, LLC  
Mailing Address: PO Box 1571, Homer, AK 99603

**RECOMMENDATION:** Review the information from the Marijuana Control Board and make a motion to either approve or object to the Alaska Loven It, LLC's standard marijuana cultivation license.

Fiscal Note: Revenues.





# CITY OF HOMER

## POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911  
TELEPHONE (907) 235-3150  
TELECOPIER (907) 235-3151

### MEMORANDUM

DATE: April 26, 2018  
TO: Katie Koester, City Manager  
FROM: Mark Robl, Chief of Police  
SUBJECT: Alaska Loven IT, LLC

I have previously inspected the property at 2908 Kachemak Drive where Alaska Loven It intends to do business. It is a suitable location for the business and provides the necessary elements for the business to be able to comply with the regulations for the intended use. I have no objection to a marijuana growing facility operating at this location.







## MEMORANDUM

TO: Chair Springer and Members of the  
Marijuana Control Board

DATE: April 4, 2018

FROM: Erika McConnell, Director

RE: Alaska Loven It, LLC #12833  
Standard Cultivation Facility

On January 24, 2018, the board denied this application because one of the applicants brought more marijuana onto the proposed licensed premises than is permitted by state law prior to being approved by the board, and the license was protested by the City of Homer.

One of the applicants, Ms. Janiese Stevens, requested an informal conference with me. We discussed the situation and Ms. Stevens outlined a number of changes to the roles and responsibilities between her and her co-applicant. She submitted the attached letter for the board to consider.

I request the board review the attached information to determine whether or not the board wishes to reconsider its decision of January 24, 2018. Should the board agree to reconsider and is inclined to approve the application, I recommend that the board uphold the protest by the City of Homer with abeyance until the June 13 board meeting. This will give the applicants a little over two months to talk with the City of Homer about lifting the protest.

Attachments: Letter requesting reconsideration  
City of Homer protest



Jana D. Weltzin  
Licensed in Alaska & Arizona  
3003 Minnesota Blvd., Suite 201  
Anchorage, Alaska 99501  
Phone 630-913-1113  
Main Office 907-231-3750  
JDW, LLC  
jana@jdwcounsel.com

March 14, 2018

**Re: AK Lovin It License #12833; request to reconsider vote re cultivation license**

Dear Director Erika McConnell:

Thank you for taking the time to meet with Janiese Stevens and I for an informal conference regarding license number 12833 request for reconsideration of the license in front of the Marijuana Control Board. As you indicated during our meeting, the informal conference end date does not begin until we have reached some resolution or decision from yourself or the MCB. As a refresher to the board, at the January 2018 Juneau MCB meeting the board considered this application but did not dig into any of the operating plans on the record because they first dealt with an accusation that Dan Collagnese (50% owner in AK Lovin It) was growing 24 marijuana plants on the proposed licensed premises. Dan explained to the board that he was confused and thought he could have the plants because of the complete letter he received from AMCO and the fact that he lives at the proposed licensed facility (see attached landlord letter<sup>1</sup>) and intends to live in a fifth-wheel on the property should the board reverse its decision. Dan had 24 immature plants on the property (see attached letter from Chief of Police in Homer, AK) and he admits that he made a mistake and was confused about the regulations and the time frame that it is permissible to bring plants into the premises.

Dan and Janiese originally entered into this venture together with the understanding that Dan would primarily be the onsite licensee, who would provide the majority of licensing process, providing the sweat equity and labor, and handling all compliance. Dan had hired a “compliance focused” staff member who was supposed to be in charge of cross checking compliance and confusing interpretations of regulatory provisions and/or communications from AMCO. This person has been let go due to Janiese interviewing and finding a more qualified candidate should this venture continue pending MCB decision. After the incident in January 2018, Dan and Janiese have come to understand that Dan is not the right half of the partnership to handle regulatory compliance, statutory interpretation, or staff or board direction – all of those types of duties should be in Janiese’s sphere of control.

---

<sup>1</sup> I have also attached a letter from the landlord of the property. The letter states that the landlord, Robert E. Fellows, gave permission to Dan Collagnese to rent and reside at the premises and allowed for Dan to have his personal home grow (which he was over the limit because he relied on the Ravin case law and not statutory law, and has been doing so since July 2017.



Jana D. Weltzin  
Licensed in Alaska & Arizona  
3003 Minnesota Blvd., Suite 201  
Anchorage, Alaska 99501  
Phone 630-913-1113  
Main Office 907-231-3750  
JDW, LLC  
jana@jdw counsel.com

Janiese Stevens is a certified public accountant – she is well versed in complex code, regulations and implantation of the same. Janiese runs a successful CPA business in Kodiak where she handles many individual and business tax matters. If the Board approves this cultivation license, Janiese is prepared and ready to shift some of her CPA clientele to her sister in Seattle, who is also a CPA. A shift in her CPA business duties will open her available time to be able to focus more time and energy into this cultivation business, to ensure a non-compliant issue, such as the present one, does not occur again.

Janiese also has engaged her cousin, who would be an employee, to help her implement and train employees and Dan at the cultivation facility. Janiese’s cousin has extensive regulatory compliance experience as her past employment was helping doctor practices stay complaint with HIPPA and other health care related regulations. She handled employees and oversight to ensure employees understood what was required to remain compliant with regulations, guidelines, and internal employee operating policies. Janiese’s cousin will help Janiese create and implement employee standard operating procedures, Metrc and related compliance, and regulatory compliance.

Please consider the following information, actions, and change in protocol Janiese is willing to implement in the event the MCB reconsiders its decision and grants AK Lovin It a marijuana cultivation license:

- Basic partnership misunderstanding regarding each partners’ skill set and strength – Dan should handle physical labor and actual care of plants; Janiese, Certified Public Accountant, shall play to her strengths and become a compliance expert for the business, expending time and resources to training Dan, employees, and create policies a guidance for staff to be able to easily follow the regulations and foster an environment of complete compliance.
- Janises’ cousin was an office manager at a doctor’s office and is willing to be part of the team as an employee; she is able to learn and implement complex regulations and will assist in the training and ongoing education of Dan and the employees.
- Janiese and her cousin will spend prolong trips in Homer and will create and train Dan and Employees regarding the regulations; using Metrc; and create, train and implement standard operating procedures for regulatory compliance, inventory tracking, security equipment upkeep and maintenance.
- If the MCB decides to reverse its previous decision, Janiese has identified a willing person with applicable regulatory and compliance experience and will hire that person to replace the past regulatory compliance staff member.



Jana D. Weltzin  
Licensed in Alaska & Arizona  
3003 Minnesota Blvd., Suite 201  
Anchorage, Alaska 99501  
Phone 630-913-1113  
Main Office 907-231-3750  
JDW, LLC  
jana@jdwcounsel.com

- Janiese recently hired my law firm to assist the venture should it move forward and will consult with my team and I on compliance issues should they arise in the future.
- Dan and Janiese are going to play to each other's strengths – this is a new business and a new partnership, anyone that has started a business venture with a partner understands that partners' weaknesses and strengths illuminate over time and over experience, from now on, the parties understand where one another's spheres of strengths are and will not allow this issue, or any other compliance related failure, to occur again.
- If the MCB reverses the decision, Janiese will shift some of her CPA workload to her sister so that Janiese can dedicate more time to this venture.
- Janiese's child was having medical issues on the day of the last MCB hearing and that is why she was not on the phone when the MCB considered the application in January.

We thank you for considering putting this matter in front of the Marijuana Control Board and for all your hard work.

Very Truly Yours,

Jana D. Weltzin, Esq.



# City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

January 23, 2018

Erika McConnell, Director  
Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Ave. Suite 1600  
Anchorage, AK 99501

Dear Ms. McConnell,

On January 22, 2018 at the Regular City Council meeting, the Homer City Council voiced objection to the new standard marijuana cultivation facility license for the following:

Type: Standard Marijuana Cultivation Facility  
Lic #: 12833  
DBA Name: Alaska Loven It  
Service Location: 2908 Kachemak Drive, Homer, Alaska  
Licensee: Alaska Loven It, LLC  
Designated Licensee: Dan Coglianesse  
Mailing Address: PO Box 1571, Homer, AK 99603

The City Council objected because the applicant had plants growing prior to licensing, a violation of the statutes and regulations. An excerpt of the City Council meeting minutes and documentation provided to the City Council are included. The recommendation included in Memorandum 18-013 says retail license but it was clarified on the record it is a cultivation license.

Sincerely,

**CITY OF HOMER**

Melissa Jacobsen, MMC, City Clerk

Enc: January 22, 2018 Minutes Excerpt  
Memorandum 18-013  
Follow-up Memorandum from Police Chief  
Memorandum from HPD  
Letter from City Planner  
Letter from Kenai Peninsula Borough  
Memorandum 18-017  
Memorandum from Director McConnell to the Marijuana Control Board

Cc: Kenai Peninsula Borough Clerk  
Applicant

- A. **Memorandum 18-013** from City Clerk Re: New Marijuana Cultivation License for Alaska Loven It, LLC.

Mayor Zak opened the floor to public comment on this item.

Dan Coglianesse, applicant, stated he's in violation and he's trying to find out what kind of trouble he's in. He asked if they have any news for him, where he takes it from here, if the City's done with him, or can he continue on as far as they are concerned.

There were no further public comments.

Mayor Zak noted that Council received a copy of the Memorandum from Erika McConnell, Director to the Marijuana Control Board as a laydown item prior to the meeting and read the information into the record as follows:

*This applicant was discovered to have 24 marijuana plants in their facility several weeks before their application was scheduled before the board. See attached memo from Investigator Bankowski. This is a blatant violation of the statutes and regulations governing marijuana facilities and leads to significant concerns regarding this applicant's ability to operate in accordance with the law. I recommend denial of this application.*

Mayor Zak asked for a motion to approve the recommendation in Memorandum 18-013.

SMITH/STROOZAS SO MOVED

SMITH/STROOZAS MOVED TO AMEND THE RECOMMENDATION AND STRIKE WHAT'S CURRENTLY THERE AND PUT WE VOICE AN OBJECTION TO THE APPROVAL OF THE NEW MARIJUANA CULTIVATION LICENSE BASED ON THE MEMORANDUM PROVIDED BY DIRECTOR ERIKA MCCONNELL FROM THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

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

Motion carried.



# City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-013

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, MMC, CITY CLERK  
DATE: JANUARY 22, 2017  
SUBJECT: NEW STANDARD MARIJUANA CULTIVATION FACILITY LICENSE FOR ALASKA LOVEN IT, LLC

---

We have been notified by the Alcohol Marijuana Control Office of an application for a new standard marijuana cultivation facility license in the City of Homer for the following:

Type: Standard Marijuana Cultivation Facility  
Lic #: 12833  
DBA Name: Alaska Loven It  
Service Location: 2908 Kachemak Drive, Homer, Alaska  
Licensee: Alaska Loven It, LLC  
Designated Licensee: Dan Coglianesse  
Mailing Address: PO Box 1571, Homer, AK 99603

RECOMMENDATION: Voice non objection and approval for the new retail marijuana license.

Fiscal Note: Revenues.



# CITY OF HOMER

## POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911  
TELEPHONE (907) 235-3150  
TELECOPIER (907) 235-3151

### MEMORANDUM

DATE: January 16, 2018  
TO: Katie Koester, City Manager  
FROM: Mark Robl, Chief of Police  
SUBJECT: Alaska Loven IT, LLC

On Friday, January 12<sup>th</sup>, the police department received a call from an enforcement officer with the marijuana control board. The officer told us they had received a complaint about marijuana odors emanating from the building at 2908 Kachemak Drive. The officer explained there is a pending application from Alaska Loven IT LLC to operate a standard marijuana cultivation facility at that address but it had not yet been approved. He stated no marijuana plants should be in the building.

Lt. Hutt responded to the call and met with the license applicant, Dan Coglianesse. Lt. Hutt was granted access to the building and discovered 24 marijuana plants, approximately four feet tall and appearing to be half way to full maturity. Coglianesse stated he wasn't sure if he could have the plants on location and was anticipating his start-up date.

The police department has relayed this information to the Marijuana Control Board. As of this date, the board has not decided what action they will take. I have judged this to be a license violation which is the responsibility of the board to address.

The application for this marijuana cultivation license was delivered to the city for comments approximately two weeks ago. I reviewed the application and found it to be complete. I initially prepared a memo to council recommending non-objection. I am now informing the council of the latest developments regarding this licensee for council's consideration.





# City of Homer

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

Police Department

4060 Heath Street

Homer, Alaska 99603

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

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

## Memorandum

TO: Hayley Smith, Deputy City Clerk

FROM: Mark Robl, Police Chief

DATE: January 10, 2018

SUBJECT: New Standard Marijuana Cultivation Facility License for Alaska Loven It, LLC.

---

There is no objection to this application for a new retail marijuana license with in the City of Homer for the following business:

Type:	Standard Marijuana Cultivation Facility
Llc#:	12833
DBA Name:	Alaska Loven It
Service Location:	2908 Kachemak Drive
Licensee:	Alaska Loven It, LLC
Designated Licensee:	Dan Coglianesi
Mailing Address:	PO Box 1571, Homer, AK 99603

Mark Robl, Police Chief



# City of Homer

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

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: Mark Robl, Police Chief

FROM: Hayley Smith, Deputy City Clerk

DATE: January 10, 2018

SUBJECT: New Standard Marijuana Cultivation Facility License for Alaska Loven It LLC

---

We have been notified by the Alcohol Marijuana Control Office of an application for a new marijuana cultivation license in the City of Homer for the following:

Type: Standard Marijuana Cultivation Facility

Lic #: 12833

DBA Name: Alaska Loven It

Service Location: 2908 Kachemak Drive

Licensee: Alaska Loven It, LLC

Designated Licensee: Dan Coglianesi

Mailing Address: PO Box 1571, Homer, AK 99603

This matter is scheduled for the January 22, 2018 City Council meeting. Please respond with objections/non-objections to this new retail marijuana license by **10:00 am. Wednesday, January 17, 2017.**

Thank you for your assistance.



## City of Homer

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

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3106

(f) 907-235-3118

December 29, 2017

State of Alaska

Alcohol and Marijuana Control Board

500 W 7<sup>th</sup> Avenue, Suite 1600

Anchorage, AK 99501

[marijuana.licensing@alaska.gov](mailto:marijuana.licensing@alaska.gov)

RE: New License 12833, Alaska Lovin It, LLC, Standard Marijuana Cultivation Facility

Ericka McConnell,

As part of the City of Homer's application review process, I am designated per Homer City Code (HCC) 21.62.040 to make recommendations on all proposed marijuana establishments within city limits. The proposed establishment is found in the General Commercial District 2 (GC2) and, as such, is a permitted use. According to adopted buffer zones (HCC 21.62.070), I find that the proposed location is not known to be encroaching into any area of exclusion.

After review of the site and application, I forward my positive recommendation for approval of the license.

Sincerely,

Rick Abboud, AICP  
Homer City Planner

**From:** Ring, Katie  
**To:** [Department Clerk](#)  
**Subject:** Alaskan Loven It, LLC - 12833  
**Date:** Wednesday, December 27, 2017 4:19:08 PM  
**Attachments:** [image001.png](#)

---

Good Afternoon

The Kenai Peninsula Borough has reviewed this application for tax purposes and proximity to schools and has no objection to the issuance of this license in your jurisdiction.

If you have any questions, please let me know.

Thank you.

**Katie Ring**

Borough Clerk Secretary  
KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669  
(907) 714-2160 office





# City of Homer

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Office of the City Clerk

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Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-017

TO: Mayor Zak and Homer City Council

THROUGH: Melissa Jacobsen, MMC, City Clerk

FROM: Renee Krause, CMC, Deputy City Clerk

DATE: January 19, 2018

SUBJECT: Local Government Participation in Marijuana License Process

---

In response to questions regarding the licensing process for a marijuana cultivation facility the following information is provided. On the second page of this memo you'll find the excerpt pertaining to protest by a local government.

### **3 AAC 306.005. License required**

(a) A marijuana establishment may not operate in the state unless it has obtained the applicable marijuana establishment license from the board. The board will issue the following marijuana establishment licenses under this chapter:

- (1) a marijuana cultivation facility license, as described in 3 AAC 306.405 and 3 AAC 306.410, granting authority for activities allowed under AS 17.38.070(b), and subject to the provisions of 3 AAC 306.400 - 3 AAC 306.480 and 3 AAC 306.700 - 3 AAC 306.755;

### **3 AAC 306.405. Standard marijuana cultivation facility: privileges and prohibited acts**

(a) A licensed standard marijuana cultivation facility is authorized to

- (1) propagate, cultivate, harvest, prepare, cure, package, store, and label marijuana;
- (2) sell marijuana only to a licensed retail marijuana store, to another licensed marijuana cultivation facility, or to a licensed marijuana product manufacturing facility;
- (3) provide samples to a licensed marijuana testing facility for testing;
- (4) store inventory on the licensed premises; any stored inventory must be secured in a restricted access area and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730;
- (5) transport marijuana in compliance with 3 AAC 306.750;
- (6) conduct in-house testing for the marijuana cultivation facility's own use;
- (7) provide marijuana samples to a licensed retail marijuana store or marijuana product manufacturing facility for the purpose of negotiating a sale.

(b) A licensed standard marijuana cultivation facility may also apply for a marijuana product manufacturing facility license and a retail marijuana store license. A standard marijuana cultivation facility that obtains any other marijuana establishment license shall

- (1) conduct any product manufacturing or retail marijuana store operation in a room completely separated from the marijuana cultivation facility by a secure door when co-located; and
- (2) comply with each provision of this chapter that applies to any other type of marijuana establishment license that the standard marijuana cultivation facility licensee obtains.

(c) A licensed standard marijuana cultivation facility may not

- (1) sell, distribute, or transfer marijuana or a marijuana product to a consumer, with or without compensation;
- (2) allow any person, including a licensee, employee, or agent, to consume marijuana or a marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility on the licensed premises;
- (3) treat or otherwise adulterate marijuana with any organic or nonorganic chemical or other compound to alter the color, appearance, weight, or odor of the marijuana;
- (4) except as permitted under a marijuana product manufacturing facility license, extract marijuana concentrate, using any process described in 3 AAC 306.555, at the licensed premises;
- (5) sell marijuana that is not packaged and labeled in compliance with 3 AAC 306.470 and 3 AAC 306.475.

### **3 AAC 306.410. Limited marijuana cultivation facility: privileges and prohibited acts**

A licensed limited marijuana cultivation facility

- (1) has the privileges set out in 3 AAC 305.405(a) and (b), except that it must have fewer than 500 square feet under cultivation; and
- (2) is subject to each prohibition set out in 3 AAC 306.405(c).

### **3 AAC 306.060. Protest by local government**

(a) Not later than 60 days after the director sends notice of an application for a new marijuana establishment license, renewal of a marijuana establishment license, or transfer of a marijuana establishment license to another person, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal license or for a transfer of a license to another person, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(b) A local government may recommend that the board approve an application for a new license, renewal of a license, or transfer of a license to another person subject to a condition. The board will impose a condition a local government recommends unless the board finds the recommended condition is arbitrary, capricious, and unreasonable. If the board imposes a condition a local government recommends, the local government shall assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

(c) If a local government determines that a marijuana establishment has violated a provision of AS 17.38, this chapter, or a condition the board has imposed on the licensee, the local government may notify the board. Unless the director finds that the local government's notice is arbitrary, capricious, and unreasonable, the director shall prepare the determination as an accusation against the licensee under AS 44.62.360 and conduct proceedings to resolve the matter as provided under 3 AAC 306.820.

**3 AAC 306.065. Public participation**

(a) A person may object to an application for a new license, renewal of a license, or transfer of a license to another person by submitting a written statement of reasons for the objection to the board and the applicant not later than 30 days after notice of the application, but not later than the deadline for objections stated in a posted or published notice of the application. The objection must be sent to the applicant at the mailing address or electronic mail address provided in the notice of application. If the board determines to conduct a public hearing under this section, an interested person may give oral testimony at the public hearing.

**3 AAC 306.070. Hearing on public protest**

The board may, on its own initiative or in response to an objection or protest, hold a hearing to ascertain the reaction of the public or a local government to an application. The director shall send notice of a hearing under this section as provided in AS 44.62.330 - 44.62.630 (Administrative Procedure Act).

**Sec. 17.38.070. Lawful operation of marijuana-related facilities.**

(b) Notwithstanding any other provision of law, the following acts, when performed by a marijuana cultivation facility with a current, valid registration, or a person 21 years of age or older who is acting in the person's capacity as an owner, employee, or agent of a marijuana cultivation facility, are lawful and shall not be an offense under Alaska law or be a basis for seizure or forfeiture of assets under Alaska law:

- (1) cultivating, manufacturing, harvesting, processing, packaging, transporting, displaying, storing, or possessing marijuana;
- (2) delivering or transferring marijuana to a marijuana testing facility;
- (3) receiving marijuana from a marijuana testing facility; (4) delivering, distributing, or selling marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store;









THE STATE  
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD  
MARIJUANA CONTROL BOARD

550 W 7<sup>th</sup> Ave, STE 1600  
Anchorage, Alaska 99501  
Main: 907.269.0350  
TDD: 907.465.5437  
Fax: 907.334.2285

**MEMORANDUM**

1/12/18

To: Director McConnell

From: Joe Bankowski, Special Investigator I

RE: ALASKA LOVEN IT, LLC

On 01/11/18 AMCO Enforcement received an anonymous marijuana odor complaint regarding a prospective marijuana cultivation facility in Homer, AK identified as ALASKA LOVEN IT, LLC. The AMCO licensing database indicates this entity has been assigned license number 12833 and the current status is "complete". The physical address of the premises is 2908 Kachemak Bay Drive in Homer, AK. The designated licensee is Dan Coglianese. Janiese Stevens is listed as an affiliate.

I contacted the Homer Police Department and requested they attempt to make contact with the individuals at the address. On 01/11/18 Homer PD Lieutenant Hutt responded to the premises but did not smell the odor of marijuana at the time. He contacted Dan Coglianese who permitted entry into the facility. In essence, Coglianese said that he had 24 marijuana plants in the premises and assumed he was at a point in the process where he was permitted to do so. He later said that he may have gotten ahead of himself.

Lt. Hutt verified the presence of what appeared to be 24 vegetative marijuana plants on the top shelf of a rack system inside the premises. Photos of the plants inside the premises are attached to this memo.

Investigator J. Bankowski

A handwritten signature in black ink, appearing to read "J. Bankowski".









## MEMORANDUM

TO: Chair and Members of the Board      DATE: January 11, 2018  
FROM: Erika McConnell      RE: Alaska Loven It, LLC #12833  
Director, Marijuana Control Board

This is an application for a Standard Marijuana Cultivation Facility in the City of Homer by Alaska Loven It, LLC DBA Alaska Loven It, LLC.

Date Application Initiated:	04/20/2017
Objection Period Ends:	12/02/2017
Date Under Review:	08/02/2017
Incomplete Letter(s) Date:	10/03/17; 10/26/17
Date Final Corrections Submitted:	11/30/2017
Determined Complete/Notices Sent:	12/18/2017
Local Government Response/Date:	Pending
DEC Response/Date:	N/A
Fire Marshal Response/Date:	Pending
Background check status:	Complete
Objection(s) Received/Date:	No
Other Public Comments Received:	No
Staff Questions/Issues for Board:	No

**D. License #10231:** **420 Grow Tech** **9:26am** **TAB 18**  
 Licensee: Gregory P Hoffman  
 License Type: Limited Marijuana Cultivation Facility  
 Premises Address: 10064 N Arnistead Circle  
 Sutton, AK 99674  
 Local Government: Matanuska-Susitna Borough  
**For Consideration:** **Appealing Failed to Complete email/notice**

*Loren Jones states that the memo says they've withdrawn.  
 No action.*

**E. License #11119:** **Gudlief Organization** **9:27am** **TAB 19**  
 Licensee: Robin C Thomas  
 License Type: Retail Marijuana Store  
 Premises Address: 303-C West E Street  
 Nome, AK 99762  
 Local Government: City of Nome  
**For Consideration:** **Reconsideration of application denied at November meeting**

*Jana Weltzin, legal counsel, and Robin Thomas, applicant, identify themselves for the record.  
 Robin Thomas states that this has been a huge learning curve for him, and that he has made  
 some changes in the application to provide more detail, address security concerns, and bring  
 answers into compliance with the regulations.*

*Brandon Emmett moves to reconsider the application denied at the November meeting for  
 license 11119..*

*Nick Miller seconds the motion.*

*Motion carries unanimously.*

*Brandon Emmett moves to approve license 11119 Gudlief Organization with delegation.*

*Nick Miller seconds the motion.*

*Nick Miller states that it seems like the applicant has gone through, cleaned up the application,  
 and read the regulations some more.*

*Motion carries unanimously.*

**F. License #12833:** **Alaska Loven It, LLC** **9:34am** **TAB 20**  
 Licensee: Alaska Loven It, LLC  
 License Type: Standard Marijuana Cultivation Facility  
 Premises Address: 2908 Kachemak Drive  
 Homer, AK 99603  
 Local Government: City of Homer  
**For Consideration:** **Reconsideration of application denied at January meeting**

*Jana Weltzin, legal counsel, and applicants Janiese Steven and Dan Coglianese identify  
 themselves for the record.*

*Brandon Emmett moves to reconsider the application denied at the January meeting for license  
 12833 Alaska Loven It, LLC.*

*Nick Miller seconds the motion.*

Motion carries unanimously.

Brandon Emmett states that licensees have to understand the regulations really well, or they are going to struggle. He adds that he is hesitant to grant a license, when before, the applicant showed lack of understanding on even personal use of marijuana, much less commercial use.

Jana Weltzin states that Dan was living on the premises and is better at growing plants, while Janiese is better at understanding code.

Sarah Oates reminds the Board and applicants that the regulations specifically state that each licensee is expected to have read and understand AS 17.38 and the regulations. She adds that the testimony that one licensee understands the regulations while the other only understands growing is not acceptable to the Board, based upon regulations adopted by the Board, and that it's expected that Mr. Coglianese understands them as well.

Jana Weltzin states that Mr. Coglianese has read the regulations multiple times since the denial and has a more thorough understanding.

Sarah Oates states that she appreciates the clarification for the record, as licensees and applicants should not be under the impression that it is acceptable to have one licensee who understands the regulations and others who do not.

Brandon Emmett moves to approve license 12833 Alaska Loven It, LLC with delegation, part of that delegation being that the City of Homer protest is lifted.

Nick Miller seconds the motion.

The applicants answer additional Board questions.

Motion carries, 3-1 (Loren Jones votes No).

Erika McConnell states that the issue with the enforcement officer allowing Nadia Ispas to have plants in her home was for a grow of eleven plants, which is considered a personal grow.

<b>G. License #13752:</b>	<b>Northern Dreams, LLC</b>	<b>9:56am</b>	<b><u>TAB 21</u></b>
Licensee:	Northern Dreams, LLC		
License Type:	Limited Marijuana Cultivation Facility		
Premises Address:	11705 B N Jonesville Mine Road Sutton, AK 99674-8030		
Local Government:	Matanuska-Susitna Borough		
<b>For Consideration:</b>	<b>Approved at January meeting; Community Council notification in question</b>		

Sara Williams, consultant, and Andrew Wessel, applicant, identify themselves for the record.

Erika McConnell states that staff found out after the Board had approved the application that the community council had not been notified in advance, as required by the regulation. She recommends that the Board rescind its approval of this application, and direct the applicant to re-notice the application in accordance with 3 AAC 306.025(b).

Sara Williams states that this was all her mistake, as her business fell apart and she was disorganized.

Loren Jones moves that the Board rescind the approval of this license and require the application to re-notice the application in accordance with 3 AAC 306.025(b).

Brandon Emmett seconds the motion.

Loren Jones states that regardless of who you hire, it's still the responsibility of the licensee.

Motion carries unanimously.





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-064

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CITY CLERK

DATE: MAY 7, 2018

SUBJECT: DEFERRED ASSESSMENT FOR MACAULY FOR THE HOMER NATURAL GAS ASSESSMENT DISTRICT

---

Harry & Andrea Macauly have applied for an assessment deferment for Kenai Peninsula Borough (KPB) Parcel Number 177-106-06.

Pursuant to HCC 17.04.190 Deferment of assessment payments for low income residents, assessments may be deferred if the person:

1. Has an annual family income that is less than 125 percent of the current U.S. Health and Human Services Poverty Guidelines for Alaska;
2. Owns or has a life tenancy in the assessed property, and permanently resides in a single-family dwelling on the property; and
3. Is not determined by the City, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the exemption.

Documentation has been shown that the applicants meet the criteria established for a deferment of assessment payments. An assessment payment deferment is subject to approval by the Council.

### RECOMMENDATION:

Review the Macauly application for natural gas assessment deferment. Take action to approve or disapprove the application.

Fiscal Impact: \$3262.77 unpaid balance



# RESOLUTIONS



**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**RESOLUTION 18-046**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
PROVIDING SCOPING COMMENTS ON THE U.S. ARMY CORPS OF  
ENGINEERS REGULATORY DIVISION PERMIT APPLICATION POA-  
2017-271 FOR THE PROPOSED PEBBLE PROJECT

WHEREAS, the Alaska District of the U.S. Army Corps of Engineers Regulatory Division (Corps) received an application from the Pebble Limited Partnership for the discharge of fill material into and to perform work within waters of the United States for the proposed Pebble Project, and identifies the permit application as POA-2017-271; and

WHEREAS, the Corps has determined that it will prepare an environmental impact statement (EIS) to evaluate of the Department of the Army permit application; and

WHEREAS, the Corps is accepting public scoping comments from April 1 through June 29, 2018 and held scoping meetings in potentially affected communities, including Homer, during April 2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, submits the following scoping comments on Corps Regulatory Division permit application POA-2017-271 for the proposed Pebble Project and asks the Corps to consider them in preparation of its EIS.

- Evaluate an alternative port site to Amakdedori Bay because of the ecological sensitivity of the proposed site and the effect this site could have on the livelihoods of Homer area residents.
- Evaluate alternative fuels and fuel sources for the mine power plant that would alleviate the need for a subsea pipeline because of the potential long term consequences of subsea pipelines on the environment and the effect this could have on the future economy of the Homer area.
- Assess the potential effects of fuel usage by the Pebble Project on fuel availability for Homer and surrounding areas.
- Analyze the ways in which Homer area infrastructure may be used during construction and operation of the proposed Pebble Project. This may include Homer's port and harbor, barge basin, other vessel facilities and marine trades, the Homer airport and air services, the Sterling Highway and other roads, and other infrastructure.
- Assess vessel traffic in Kachemak Bay and lower Cook Inlet generated from construction and operation of the Pebble Project and the potential for and effects of hazardous materials spills in these waters.

- 45 • Evaluate how the Pebble Project may affect fisheries in Bristol Bay and lower  
46 Cook Inlet and how effects to the fisheries may affect the Homer economy.  
47 Many Homer area residents rely on commercial and marine sport fisheries for  
48 their livelihoods, including in the waters of lower Cook Inlet (inclusive of all  
49 bays and connected waters) and Bristol Bay; and fishing is an economic base  
50 for the City of Homer.
- 51 • Assess how these businesses may be affected by construction and operation of  
52 a port, road, and ferry across Iliamna Lake. Air based tourism, including  
53 activities such as bear viewing, remote fishing, and hunting, is a growing part  
54 of Homer's economy.
- 55 • Evaluate employment factors on the southern Kenai Peninsula. Employment  
56 factors include the potential for "local hire" during construction and operation  
57 of the Pebble Project and the question of whether potential workers on the  
58 southern Kenai Peninsula have the skills needed for employment with the  
59 Pebble Project. Additional factors include the possibility that non-local  
60 construction workers and operations employees and their families might  
61 moving to the southern Kenai Peninsula temporarily or permanently, and for  
62 move to the southern Kenai Peninsula in the hopes of gaining employment  
63 associated with the Pebble Project temporarily or permanently. Include an  
64 analysis of secondary and induced employment affects not directly associated  
65 with the Pebble Project.
- 66 • Analyze potential direct, indirect, and cumulative socio-economic effects of the  
67 Pebble Project on the Homer area. How might a population change affect local  
68 wages, local businesses, housing costs, the costs of goods and services,  
69 potential for economic expansion, schools, community cohesion, the culture  
70 and social fabric of Homer, and other socio-economic factors? The analysis  
71 should take into account many of the current socio-economic issues facing  
72 Homer such as affordability, the reasons people live in Homer and the  
73 southern Kenai Peninsula currently, addiction, homelessness, crime,  
74 population age structure, the number of second homes, and other factors.
- 75 • Evaluate full development scenarios for the Pebble Project and other mining  
76 operations in the area and how these scenarios may directly, indirectly, and  
77 cumulatively affect each of the above issues for the Homer area and lower  
78 Cook Inlet.
- 79 • Assess mine closure and related socio-economic changes to Homer and the  
80 southern Kenai Peninsula that could occur at the end of the construction  
81 phase, when the number of workers will decrease significantly, and at mine  
82 closure.

83  
84 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

ATTEST:

---

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: NA





**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 18-047**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
SUPPORTING KENAI PENINSULA BOROUGH ORDINANCE 2018-12  
INCREASING THE BOROUGH SALES TAX RATE FROM 3.0 PERCENT  
TO 3.5 PERCENT, SUBJECT TO THE APPROVAL OF THE VOTERS,  
FOR THE PURPOSES OF FUNDING EDUCATION.

WHEREAS, The Kenai Peninsula Borough is facing difficult fiscal times that has resulted in the need for new revenue to fund schools and balance the budget without deficit spending; and

WHEREAS, Spending savings is not a long term sustainable option; and

WHEREAS, It is in the best interest of the City of Homer to have adequately funded Borough services, especially schools and education; and

WHEREAS, The Kenai Peninsula Mayors, Councilmembers and City Managers met in a work session with the Kenai Peninsula Borough Assembly and Administration on May 7th to discuss Borough revenue challenges; and

WHEREAS, At the work session the Borough Mayor indicted the need for a strong and solid voice among Peninsula communities regarding how to solve the revenue issues facing the Borough; and

WHEREAS, A number of revenue options were discussed including a drastic increase from 3% to 5% of Borough sales tax coupled with a 1 mill decrease in the mill rate; and

WHEREAS, The City of Homer depends on sales tax revenue to fund over 70% of general fund services; and

WHEREAS, Sales tax is an important mechanism for the City to capture revenue from area residents who use City services;

WHEREAS, A 5% Borough sales tax on top of the 4.5% City of Homer sales tax would leave no room for even a modest City of Homer sales tax increase to fund needed capital projects such as the Homer Police Station; and

41 WHEREAS, While the City of Homer can support a modest .5% increase of the Borough  
42 sales tax anything more than .5% would severely negatively impact businesses in the City of  
43 Homer; and

44  
45 WHEREAS, A reduction in the mill rate is ill-advised during tight financial times; and

46  
47 WHEREAS, Any increase in sales tax disproportionately affects the hospitality industry  
48 since sales tax is assessed on lodging transactions on a daily basis; and

49  
50 WHEREAS, Capturing revenues lost through property and sales tax exemptions should  
51 be re-examined by the Assembly as an option for addressing any future revenue shortfalls  
52 rather than additional sales tax increases.

53  
54 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports  
55 Kenai Peninsula Borough Ordinance 2018-12 increasing the Borough sales tax rate from 3.0  
56 percent to 3.5 percent, subject to the approval of the voters, for the purposes funding  
57 education.

58  
59 PASSED AND ADOPTED by the Homer City Council this 14<sup>th</sup> day of May, 2018.

60  
61

CITY OF HOMER

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64  
65 \_\_\_\_\_  
66 BRYAN ZAK, MAYOR

67 ATTEST:

68  
69

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

72  
73 Fiscal Note: N/A

Introduced by:	Cooper, Smalley
Date:	03/06/18
Hearing:	04/03/18
Action:	Postponed to 05/01/18
Vote:	9 Yes, 0 No, 0 Absent
Date:	05/01/18
Action:	Postponed to 05/15/18
Vote:	9 Yes, 0 No, 0 Absent
Date:	05/15/18
Action:	
Vote:	

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-12**

**AN ORDINANCE INCREASING THE BOROUGH SALES TAX RATE FROM 3.0 PERCENT TO 3.5 PERCENT BY AMENDING KP.B 5.18.100, SUBJECT TO APPROVAL BY THE VOTERS IN THE REGULAR ELECTION ON OCTOBER 2, 2018**

**WHEREAS,** due to the continuing decline in state assistance to municipalities along with the increasing loss in property tax revenues to the Kenai Peninsula Borough (“borough”) from exemptions on real property, and due to increasing reliance on borough funding for the school district, the borough must take steps to maintain its unrestricted fund balance into the future within financially prudent and responsible parameters; and

**WHEREAS,** the borough is authorized by AS 29.45.650 to levy and collect a sales tax on sales, rents, and on services provided in the borough; and

**WHEREAS,** the borough is currently facing a budgetary deficit of approximately \$4,000,000; and

**WHEREAS,** the borough is cutting costs but is unable to close this gap long-term without additional revenue; and

**WHEREAS,** it is estimated that this increase would generate approximately \$5,000,000 in additional annual revenue; and

**WHEREAS,** increasing the maximum sales tax by 0.5 percent would relieve some of the burden on property owners and shift it to all persons in the borough including both residents and visitors; and

**WHEREAS,** increasing the sales tax rate from 3.0 percent to 3.5 percent would impose a maximum increase of \$2.50 on each taxable sale of \$500; and

**WHEREAS,** while the revenue generated from this additional sales tax would be used for educational purposes, it would make other borough revenues available to help maintain the fund balance; and

**WHEREAS,** voter approval is required to increase the rate of sales taxes; and

**WHEREAS,** KPB 5.18.100 must be amended to provide for the increase in the rate of sales tax should the voters approve the proposition;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That KPB 5.18.100 is hereby amended as follows:

**5.18.100. General—Levied—Amount.**

- A. There is levied by the borough a consumer's sales tax of up to 3.5 percent maximum rate on all retail sales, on all rents, and on all services made or rendered within the borough, measured by the gross sales price of the seller.
- B. In addition to the tax levied by the borough, any municipality within the borough may levy a consumer's sales tax as provided by Alaska Statute which shall be reported, collected, and enforced according to the terms of this chapter.

**SECTION 2.** That a ballot proposition shall be placed before borough voters at the regular election on October 2, 2018 to read as follows:

Shall Ordinance 2018-12, providing for an increase of 0.5 percent to the maximum borough sales tax rate, be ratified?

Yes \_\_\_\_\_ A “yes” vote means you approve of increasing borough’s maximum sales tax rate from 3.0 percent to 3.5 percent.

No \_\_\_\_\_ A “no” vote means you oppose increasing borough’s maximum sales tax rate from 3.0 percent to 3.5 percent.

**SECTION 3.** That Sections 2 and 3 of this ordinance shall become effective immediately upon enactment of this ordinance. Section 1 of this ordinance shall become effective April 1, 2019, only if the proposition contained in Section 2 is approved by a majority of voters voting on the question in the regular election of October 2, 2018.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \*  
DAY OF \* 2018.**

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Wayne H. Ogle, Assembly President

ATTEST:

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Johni Blankenship, MMC, Borough Clerk

04/03/18 Vote on motion to postpone to 05/01/18

Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: None

Absent: None

05/01/18 Vote on motion to postpone to 05/15/18

Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Fischer, Hibbert, Smalley, Ogle

No: None

Absent: None

Yes:

No:

Absent:



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 18-048**

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE 2018 SEPTIC TANK PUMPING CONTRACT TO A FIRM TO BE ANNOUNCED IN AN AMOUNT TO BE ANNOUNCED AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer News on April 18 and 26, 2018, sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Bids were due May 9, 2018 and \_\_\_\_\_ bids were received; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the 2018 Septic Tank Pumping Contract t to the firm of \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, in the amount of \$\_\_\_\_\_, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 14<sup>th</sup> day of May, 2018.

CITY OF HOMER

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

ATTEST:

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

Fiscal note: Pending





COMMENTS OF THE AUDIENCE  
COMMENTS OF THE CITY ATTORNEY  
COMMENTS OF THE CITY CLERK  
COMMENTS OF THE CITY MANAGER  
COMMENTS OF THE MAYOR  
COMMENTS OF THE CITY COUNCIL  
ADJOURNMENT

