



## City of Homer Agenda

City Council Regular Meeting  
Monday, May 13, 2019 at 6:00 PM  
City Hall Cowles Council Chambers

### CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

### MAYORAL PROCLAMATIONS AND RECOGNITIONS

### PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

### RECONSIDERATION

### CONSENT AGENDA

*(Items listed below will be enacted by one motion. If a 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 22, 2019. City Clerk. Recommend adoption.
- b. **Memorandum 19-049** from Mayor re: Appointment of Deborah Brown to the Economic Development Advisory Commission. Recommend approval.
- c. **Memorandum 19-054** from City Clerk re: Approval of an Assessment Deferment Request for the Kachemak Drive Phase III Water/Sewer Assessment for Connie Hines, KPB Parcel No. 17915074. Recommend approval.
- d. **Memorandum 19-052** from City Clerk re: Approval of a Letter from Council to Senator Murkowski Regarding Assistance for Erosion on Homer Spit. Smith. Recommend approval.
- e. **Ordinance 19-20**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget to Appropriate Funds in the Amount of \$5,328,306 from the Police Station Project Account for Completion of the New Homer Police Station Project. City Manager/Public Works Director. Recommended dates: Introduction May 13, 2019, Public Hearing and Second Reading May 28, 2019

Memorandum 19-050 from Public Works Director as backup

- f. **Ordinance 19-21**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Operating Budget to Appropriate Funds in the Amount of \$104,000 from General Fund Fund Balance as a Mid-Year Budget Adjustment to Fund Additional Fire Department Personnel. Mayor. Recommended dates: Introduction May 13, 2019, Public Hearing and Second Reading May 28, 2019
- g. **Ordinance 19-22**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.05.030(b) to Change How Building Height is Measured within Areas of Special Flood Hazard. Smith/Erickson. Recommended dates: Introduction May 13, 2019, Public Hearing and Second Reading May 28, 2019
- h. **Resolution 19-025**, A Resolution of the City Council of Homer, Alaska, Approving Dr. Landess as Medical Director to Lead in the Oversight and Medical Direction of the Homer Volunteer Fire Department's Advanced Life Support Ambulance Service and the Homer Police Department's Emergency Medical Dispatch Programs. City Manager. Recommend adoption.
- i. **Resolution 19-026**, A Resolution of the City Council of Homer, Alaska, Approving a Recreational Use Agreement Between the City of Homer and South Peninsula Little League, Inc., Regarding the Maintenance and Operation of Little League Activities on City Owned Land at Karen Hornaday Park and the Maintenance Building (HERC 2). City Manager. Recommend adoption.
- Memorandum 19-057 from Deputy City Planner as backup
- j. **Resolution 19-027**, A Resolution of the City Council of Homer, Alaska, Amending the Economic Development Advisory Commission Bylaws by Amending Articles Titled Names and Authorization, Purpose, Members, Officers, Meetings, Committees, Bylaw Amendments, and Teleconferencing. City Clerk. Recommend adoption.
- Memorandum 19-055 from Deputy City Clerk as backup
- k. **Resolution 19-028**, A Resolution of the City Council of Homer, Alaska, Memorializing the Council's Intent for the Contracting and Expenditure of Funds, Including the Proceeds from the Issuance of Bonds, and the Management of Funds Dedicated Towards the Retirement of the Bonded Debt. Mayor. Recommend adoption.
- l. **Resolution 19-029**, A Resolution of the City Council of Homer, Alaska, Requesting the State of Alaska Department of Transportation Include Additional Enhanced Pedestrian Crossing Safety Measures in Project CFHWY00148. Mayor. Recommend adoption.
- m. **Resolution 19-030**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Construction of the East End Road/Ronda Street Water Main Crossing Project to the Firm of East Road Services, Inc. of Homer, Alaska, in the Amount of \$162,025 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 19-051 from Public Works Director as backup

- n. **Resolution 19-031**, A Resolution of the City Council of Homer, Alaska Awarding a Consultation Contract to Coffman Engineers of Anchorage, Alaska in the Amount of \$40,000 for the Purpose of Optimizing and Upgrading the City Owned Ice Plant and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port Director. Recommend adoption.
- o. **Resolution 19-032**, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Widen a Public Utility Easement on the Homer Spit and Authorizing the City Manager to Enter into A Memorandum of Agreement with Alaska Communications Systems (ACS) for Access to Fiber Optic Cable and Mulliken Surveys for a New Survey. City Manager/Port Director. Recommend adoption.

**VISITORS**

- a. ADA Accessibility – A Middle School Science Fair report – Raiden Skorski-O'Donnell (10 minutes)

**ANNOUNCEMENTS / PRESENTATIONS / REPORTS**

(5 Minute limit per report)

- a. Committee of the Whole Report
- b. Worksession Report
- c. Mayor's Report
- d. Borough Report
- e. Library Advisory Board
- f. Homer Advisory Planning Commission
- g. Economic Development Advisory Commission
- h. Parks Art Recreation and Culture Advisory Commission
- i. Port and Harbor Advisory Commission
- j. Americans with Disabilities Act Compliance Committee

**PUBLIC HEARING(S)**

- a. **Ordinance 19-16**, An Ordinance of the City Council of Homer, Alaska, Amending HCC Chapter 5.06, Nuclear Free Homer, to Update and Reflect Current Practices and Terminology. Erickson. Introduction April 22, 2019, Public Hearing and Second Reading May 13, 2019.
- b. **Ordinance 19-17**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget by Appropriating Funds in the Amount of \$40,000 from the Port and Harbor Reserves Fund for a Consultation Contract that Evaluates Options and Lists Recommendations for Optimizing and Upgrading the Ice Plant. Stroozas. Introduction April 22, 2019, Public Hearing and Second Reading, May 13, 2019.

Memorandum 19-048 from Harbormaster as backup.

- c. **Ordinance 19-18**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget to Appropriate Funds in the Amount of \$229,452 from the City Hall Reserve Account for the City Hall Roof Replacement Project. City Manager/Public Works Director. Introduction April 22, 2019, Public Hearing and Second Reading May 13, 2019.

Memorandum 19-047 from Public Works Superintendent as backup

**ORDINANCE(S)**

**CITY MANAGER'S REPORT**

- a. City Manager's Report
- b. Bid Report - Informational Only

**PENDING BUSINESS**

**NEW BUSINESS**

**RESOLUTIONS**

**COMMENTS OF THE AUDIENCE**

**COMMENTS OF THE CITY ATTORNEY**

**COMMENTS OF THE CITY CLERK**

**COMMENTS OF THE CITY MANAGER**

**COMMENTS OF THE MAYOR**

**COMMENTS OF THE CITY COUNCIL**

**ADJOURNMENT**

Next Regular Meeting is Tuesday, May 28, 2019 at 6:00 p.m., Worksession at 4:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

Session 19-12 a Regular Meeting of the Homer City Council was called to order on April 22, 2019 by Mayor Ken Castner at 6:00 p.m. 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 ANN DIXON  
INCOMING LIBRARY DIRECTOR BERRY  
CITY ATTORNEY MCKENNA

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

Mayor Castner asked for a motion to approve the agenda.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

a. Recognition of Ann Dixon

Councilmember Venuti read and presented the recognition to Library Director Dixon and thanked her for her service. Library Director Dixon thanked the Council and the community for the support over the years. She looks forward to enjoying the library as a patron.

b. Swearing in of 2019 Firefighter Recruit Class

Fire Chief Purcell presented the graduating Fire Fighters from the 2019 Recruit Class to receive their Oath of Office, explaining that each of these individuals has completed extensive training, requiring hundreds of hours of study, classroom presentations and practice of the necessary skills, all to be able to provide their services to this community, as volunteers of HVFD. They have successfully met the National Fire Protection Association's "Standard for Professional Firefighter Qualifications".

Mayor Castner administered the Oath of Office to Nick Adamson, Jonathon Bectel, Casey Fetterhoff, Brenda Ibarra, Rayce Johnson, Devon Kennelty, Tessa Kern, Luke Rubalcava.

Graduates who were unable attend included Austin Dash, Robert Dash, and Troy Morgan.

### **PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**

Derotha Ferraro, South Peninsula Hospital Director of Public Relations, commented about the Homer Steps Up Community Walking Challenge that goes from May 1<sup>st</sup> to 28<sup>th</sup>. It's a free community walking challenge for everyone and the goal is 100 million steps in May, together. There will be 9 cash prizes ranging from \$100-\$300 and lots of random prizes mixed in, and the winning team gets the trophy for the year. There are two categories, small teams of 5-24 members and large teams of 25+ members, and the scores are cumulative average of team member steps. The challenge is a partnership between SPH, SVT Health and Wellness, the City of Homer, and South Peninsula Behavioral Health with grant support from SPH Foundation and other donors. Sign up by April 30<sup>th</sup>, registration information can be found at [www.sphosp.org](http://www.sphosp.org) and there will be a help desk at WKFL Park on April 29<sup>th</sup> from 3:00 p.m. to 5:00 p.m. for people who need help signing up, or call Maggie at SPH at 235-0970.

Tess Dally, nonresident and member of the ADA Compliance Committee, commented in support of the ADA Compliance Transition Plan. A lot of people worked hard on it, and she had the pleasure of working with Councilmember Aderhold, City Clerk Jacobsen, Deputy City Clerk Tussey, the other Committee members and staff from Public Work on this project for a couple for a couple of years now. Everywhere we went we met with a lot of positive input and it's be great to be a part of it. She added for the Homer Steps up Challenge, you don't have to walk to be part of it. She participated last year in her wheel chair and there is a way to calculate rolling as well.

Devoney Lehner commented in support of the ADA Transition Plan and shared about the benefits of making the town more ADA friendly and more accessible. Travelers with disabilities spend \$17 billion annually in the U.S. to visit towns they know they'll be able to move around in. It also impacts the sense of supportiveness in a town when people are able to interact with everyone and go where anyone else can go and it's a positive benefit for the community. It also benefits the aging population who don't necessarily consider themselves persons with disabilities. It's difficult to age in place if the community doesn't make it easy to get around as you get older and have different needs, and people will leave if their needs can't be met.

### **RECONSIDERATION**

#### **CONSENT AGENDA**

*(Items listed below will be enacted by one motion. If a 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 8, 2019. City Clerk. Recommend adoption.

- b. **Memorandum 19-045** from City Clerk Re: Vacate the 30' Wide Public Access Easement Adjoining the North Boundary of Tract A, A.A. Mattox 1958 Addn, Plat HM 3746. KPB File 2019-026V. Recommend approval.
- c. **Ordinance 19-16**, An Ordinance of the City Council of Homer, Alaska, Amending HCC Chapter 5.06, Nuclear Free Homer, to Update and Reflect Current Practices and Terminology. Erickson. Recommended dates Introduction April 22, 2019, Public Hearing and Second Reading May 13, 2019.
- d. **Ordinance 19-17**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget by Appropriating Funds in the Amount of \$40,000 from the Port and Harbor Reserves Fund for a Consultation Contract that Evaluates Options and Lists Recommendations for Optimizing and Upgrading the Ice Plant. Recommended dates Introduction April 22, 2019 Public Hearing and Second Reading May 13, 2019
- e. **Ordinance 19-18**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget to Appropriate Funds in the Amount of \$229,452 from the City Hall Reserve Account for the City Hall Roof Replacement Project. Recommended dates Introduction April 22, 2019, Public Hearing and Second Reading May 13, 2019.
- f. **Resolution 19-023**, A Resolution of the City Council of Homer, Alaska, Supporting Revisions to Homer City Code Chapter 3.05, Budget that Codify a Biennial Budget. Mayor. Recommend adoption.
- g. **Resolution 19-024**, A Resolution of the Homer City Council Approving the Americans with Disabilities Act Transition Plan for City of Homer Facilities. Aderhold. Recommend adoption.

City Clerk Jacobsen read the consent agenda and its recommendations.

Mayor Castner asked for a motion for the adoption of the consent agenda as read.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### **VISITORS**

- a. Southern Kenai Peninsula Opioid Task Force (10 minutes)

b. Southern Kenai Peninsula Opioid Task Force (10 minutes)

Dr. Sara Spencer reported the Opioid Task Force is growing and continues to meet monthly. They recently collaborated with another organization to bring the Natural Peer Leadership Workshop to our community to empower those in recovery to be Peer Support Specialists. Amber Coila shared briefly that she's been involved with addiction for over a decade in several different ways and through the Peer Support Workshop she's learning about the mental, physical, and emotional effects of addiction and mental illness, and how to properly help and understand those affected. She hopes this continues to spread to other communities. Dr. Spencer added the Task Force has been reaching out to many places including the Homer Police Department to try to get information to them about addiction treatment services, and a Peer Support worker can be called in to talk to someone who's in the jail and help them get assistance. Saturday is National Drug Take Back day and there is a collection point at the Homer Police Department for all unused medications. The Opioid Task Force has started a new working group focused on events and outreach and at their first meeting they discussed making a calendar of fun sober events and fundraising for the local exchange. Foot, a member of the group, shared that she's traveled all over the country being houseless and has had a lot of firsthand experience with people who've dealt with addiction. In Homer she's had friends who are 12 and 13 years old who were using needles so she's passionate about getting information out. She noted the dynamic membership of the group ranging from those in recovery to impacted family members, and doctors. Through social media there are people in this town who feel very negatively about the needle exchange and addicts in general, and a lot of that is due to lack of education on what things actually work. She's been doing events for her own project which is focused on the de-stigmatization of houseless people and a fundraising event on May 17<sup>th</sup> to raise money for the needle exchange program to function for a year, which is about \$4,000, and be able to donate 20% of proceeds to get Sharps Boxes for people to appropriately dispose of their sharps (needles). Lastly Dr. Spencer shared that the Task Force will have a table at the upcoming Clean Up Day to be available to hand out materials to collect sharps and a place to dispose of them.

c. Homer Foundation Annual Report (10 minutes)

Joy Steward, Homer Foundation Executive Director, reviewed the annual report on the City of Homer Grants Program that the Foundation administers in partnership with the City of Homer. She noted the complete report is in the packet and highlighted a few points for those listening. Homer Foundation has been administering the program since 2000 as a community service and encourages the City to continue to support Homer's vibrant non-profit community. This year they had \$27,732 and had 14 applicants, more than they've ever received. She announced the grant recipients and said the most difficult part of the review process is that the organizations are very different. In the review process they look closely at the organizations mission, their governance structure, and they're always impressed by how high functioning



these organizations are and what they bring to our community. She provided a brief summary of statistics that emphasizes the importance of nonprofits as economic drivers in our community. In 2018 they generated over \$5.9 million in revenues, including \$2.4 million in new money from outside sources, foundations, and federal and state funding. They employ 105 full time, part time, and seasonal employees with combined personnel expenses exceeding \$2.9 million. She noted there are up sides and down sides to more applicants. The upside being it shows the value and need for this kind of support, but the down side is it results in smaller grants going to the recipients. It's an involved grants process both for the applicants and those reviewing them. She hopes to have some participation from the City to get feedback on how these dollars can most effectively be used for the nonprofits, and looking for an opportunity for a listening session in the Council Chambers and invited the City to that exercise.

Councilmember Lord commented she met with Ms. Steward last week to learn more about the city's fund and get some movement on providing the Council some feedback through a better understanding the needs of the nonprofit community and how to use the fund in the most effective way.

c. Sprout/Week of the Young Child – Red Asslin (10 minutes)

Jill Lush, Executive Director and Red Asselin, Outreach Coordinator of Sprout, presented to Council on the Week of the Young Child, Sprout Family Services, and Homer Early Childhood Council (HECC). They reviewed the variety of comprehensive development services Sprout offers for children ages 0-5 years that includes home visits for families with children experiencing, or at risk for, developmental delays; a pediatric therapy clinic; developmental, hearing, and vision screenings; playgroups and parenting workshops; an early literacy program; car seat program; diaper bank, and a lending library of books, toys, and equipment for parents to borrow at low or no cost. Currently, Sprout has more than 400 children enrolled in one or more programs. Sprout houses and leads the Homer Early Childhood Coalition, a coalition of individuals, organizations and businesses whose mission is to bring opportunities for early learning to the young children of this area. The Coalition centers its work around three typical actions: Daily Facebook Posts for families looking for early childhood opportunities in the Homer area, producing and updating the Family Resource Guide booklets, and organizing Week of the Young Child, kicking off today. They emphasized that young children need good health, strong families, and positive early learning experiences and shared some statistics that show families can often be faced with challenges due to economic instability that can have negative impact on those primary needs of young children. As many as 41% of babies and toddlers are living in households with incomes less than twice the federal poverty line. However, Alaska has, for example, a higher prevalence of resilient families, compared to national average. Alaska has a higher prevalence of resilient families, compared to national statistics, but has a lower ranking when it comes to the percentage of income-eligible children with access to Early Head Start and the percentage of young children receiving IDEA Part C services, 2.6% Alaska, 3.0 nationally. They highlighted this week's events for the Week of the

Young Child, including an Open House at Head Start, Elder-Kinder Circle at the Friendship Terrace, Hungry Caterpillar Story Time with crafting at The Bookstore, and the Safe and Healthy Kids Fair and Bike Rodeo.

### **ANNOUNCEMENTS / PRESENTATIONS / REPORTS**

(5 Minute limit per report)

a. Worksession Report

Councilmember Erickson reported that Fire Chief Purcell gave an in depth presentation about our fire department. He provided some informational statistics, current staffing needs, and volunteer retention and support. We are currently looking for a new Fire Chief and we also need an Assistant Fire Chief as well as an Assistant EMS Chief to allow for the 24 hour staffing that's needed.

b. Committee of the Whole Report

Councilmember Smith reported Council had a legislative report on some things going on in Juneau and an AML report on online sales tax. House Bills 79 and 130 and Senate Bill 110 were discussed.

c. Mayor's Report

i. Letter from Mayor to Dave Kemp, Regional Director DOT-PF

ii. Letter to Emblem Club

-Municipal Clerks Week May 5-11

-Public Service Recognition Week May 5-11

-International Firefighters Day May 4

-Elks National Youth Week May 1-7

Mayor Castner reviewed the letters he submitted that were included in the packet and announced the upcoming recognition days and weeks.

d. Borough Report

Kenia Peninsula Borough Assembly member Kelly Cooper wished everyone happy Earth Day and reported that the Assembly met in Seward last week. They toured the Bear Creek Fire Station and heard a report from their Flood Service Area Board. She recognizes that Homer is in great shape when thinking about what Seward goes through with their flooding. They held a public hearing on the proposed School District \$2.4 million supplemental funding for FY19 that passed 5/4. There was a resolution to set the floor for School District funding this year. The School District requested \$52.5 million, based on the allocation of \$5930 per student and a number that hasn't changed since 2017. The Mayor proposed setting the floor at \$47.3, and

setting the floor can be adjusted when they do their budget. She touched on an issue where the Borough employee's union and School District union are struggling whether they should be funded appropriate. She noted for the listening audience that the Borough only appropriates the fund to the Borough and the same for the School District, and it's up to the School Board to manage their budget and our Mayor to manage his budget. When there are concerns heard from Borough employees that they are in a hiring freeze and there are many vacant positions, know the Assembly funded the budgeted fully for all positions last year. The management of the budget is up to the Mayor. The resolution to have the Borough join as an intervener in the Enstar issue passed unanimously, and South Peninsula Hospital was approved to get 33 new patient monitors that will be installed soon.

e. Library Advisory Board

Marcia Kuzmaul, Library Advisory Board Chair, recognized the efforts of Library Director Dixon during her 8 year of service, including brining the library collection up to date with newer publications and books and also digitizing it. We have over 20,000 e-books in the collection, 14 data bases, including popular learning platforms like Linda.com. She's also increased access, particularly among youth and families with programs and circulations. The library has changed dramatically under her tenure and we're very appreciative of that. Tuesday, April 30<sup>th</sup> there will be a sendoff for Ann at the Library from noon to 2:00 p.m.

Mark Massion, Board member, gave an update on upcoming library events including signups for the Summer Reading Program starting May 13<sup>th</sup>, and the Book and Plant Sale coming up this weekend.

f. Homer Advisory Planning Commission

g. Economic Development Advisory Commission

Karin Mark, Economic Development Advisory Commission Chair, reported the Commission reviewed and amended their bylaws that will be coming to Council at their next meeting, and they are working on ways to have better organization. The Commission has an open seat and anyone interested can apply at the City Clerk's office. They are working on establishing their strategic plan and goals, and continue to review issues from the Business Retention and Expansion survey they reported on earlier in the year. The Commission is finding there is some overlap into some of the other Commission's purview and they'll be reaching out. They did a presentation to the Planning Commission on Wayfinding and Streetscapes and sent a letter of support to the Port and Harbor Advisory Commission for the Barge Mooring/Large Vessel Haul Out Repair Facility and Harbor Expansion, and offering help if needed. They are hoping to work with Planning on some of the concerns regarding signage. Looking forward there are some larger issue to look at that include our workforce development and housing.

h. Parks Art Recreation and Culture Advisory Commission

Jon Sharp, Parks Art Recreation and Culture Advisory Commission, reported the also reviewed their bylaws and will be sending recommendations forward to Council, the biggest being to reduce their membership from 9 to 7. They looked at the Library stored art collection and are going to start the process of deaccessioning that. There is a new piece of art going in at the Homer Volunteer Fire Station pocket park and their drafting a letter to the editor regarding that. They also held a Comprehensive Plan review and looked at the need for sidewalks in the City.

- i. Port and Harbor Advisory Commission
- j. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold thanked Council for approving the Transition Plan on the consent agenda. That's the bulk of the work they've been doing for the last few years and it's good to have it done.

**PUBLIC HEARING(S)**

- a. **Ordinance 19-15**, An Ordinance of the City Council of Homer, Alaska Amending the 2019 Capital Budget to Appropriate funds in the Amount of \$1,697,865 from the Police Station Project Account for Project Management, Design Support, Early Site Civil Construction and Land Purchase Repayment Associated with the New Homer Police Station Project. City Manager/Public Works Director. Introduction April 8, 2019 Public Hearing and Second Reading April 22, 2019.

Mayor Castner opened the public hearing.

Lindiann Sarno, city resident, shared concerns that the Police Station is being built in the tsunami zone.

There were no further comments and the hearing was closed.

ERICKSON/ADERHOLD MOVED TO ADOPT ORDINANCE 19-15 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**ORDINANCE(S)**

- a. **Ordinance 19-19**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water

Service Area” and Prohibiting the City from Providing Water Service Outside the City of Homer Unless Authorized by Ordinance or Required by Law and Requiring the Adoption of Extraterritorial Public Utility Agreements by Resolution. Aderhold. Introduction April 22, 2019, Public Hearing and Second Reading May 13, 2019.

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 19-19 BY READING OF TITLE ONLY. SECOND.

Councilmember Aderhold explained this is the type of ordinance she intended to bring forward if the motion to rescind had passed at the last meeting. The intent is to codify the current policy and lay out a clear process by which it could change, and it’s intended to be more intentional about how we’re going to deal with water. She looks forward to input from the others.

Councilmember Smith appreciates this coming forward and he agrees there needs to be a process. He doesn’t agree with the current policy and we need to strengthen what needs to be done to facilitate requests for water outside the boundaries. He takes issue with the prohibiting verbiage, it makes it a difficult path to move past. He thinks Kachemak City made an effort to say they’re interested in pursuing a path forward and this doesn’t send a good message. Kachemak City is currently working on framework on what they’d like to present and he’d like to see what they can do to accommodate this, before putting this kind of language into play. He proposed tabling so they can take a look at what Kachemak City is offering, in case there needs to be changes, and some of this may be addressed through Councilmember Lord’s work on title 14.

Councilmember Lord appreciates the process laid out in this ordinance. She agrees with the language as it’s providing that we don’t extend water except in situations approved by Council through the the process identified. She believes the first step is they need to have a conversation at the City level of what our policy should be moving forward, what do our boundaries and our services mean, it’s a community issue. That should be done outside of a one off project of Kachemak City’s interests and what they’re planning to do. Most of the feedback she’s heard over the past couple years have been against providing water service outside the City. She doesn’t want to set policy for the City based on what a neighboring entity is proposing.

Councilmember Venuti agrees with the language used, it’s our water and we have to be careful with our words. Prohibiting is a strong word but can’t be interpreted any other way. This is a good beginning and doesn’t agree with waiting for Kachemak City to come up with their proposal first. She’s heard concerns from residents and believes there are issues here we need to deal with first. She welcomes discussion on this at a worksession. She questioned the recurring comment about all the water that gets dumped into the bay, and how much water is dumped.

Councilmember Stroozas agrees with waiting to see the work done on the title 14 rewrite, since so much has already been done. He supports tabling to see how this is addressed in the rewrite.

Councilmember Lord explained the revisions being proposed are not proposing to change policy, but clarify verbiage of our current policy, and she sees it as a discussion on water/sewer, and special assessment district code. She supports working with what's being proposed in this ordinance and holding more hearings over time, rather than tabling.

Councilmember Aderhold explained she wanted to bring this forward now to lay out framework for future conversations we'd have with Kachemak City, so they'd know specifically what the City of Homer needs from them to start the process.

There was further discussion on tabling the ordinance or continuing discussion at future meetings. There was brief discussion about available dates for worksessions and clarifying the correct process would be to postpone to a time certain, not tabling.

ADERHOLD/VENUTI MOVED TO POSTPONE THE SECOND MEETING IN MAY WITH A WORKSESSION ON THE TOPIC.

There was brief discussion confirming that they could postpone again if they aren't ready to vote to introduce at that time.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

a. City Manager's Report

City Manager Koester commented on the high tide and moderate winds on Thursday that resulted in some significant erosion on the spit both on City lease property and private property, a sewer main has been exposed, and lost about 20 feet of roadway between a couple of the boardwalks. Staff is aware of the issue and have reached out to DOT and ACOE as it's a coordinated effort, but have not had a response from them yet.

b. Bid Report (information only)

### **PENDING BUSINESS**

### **NEW BUSINESS**

- a. **Memorandum 19-046** from Councilmember Aderhold Re: City Council Retreat Planning.

Councilmember Aderhold explained they had talked about scheduling a retreat and she'd like to see where Council stands on moving forward on moving forward with something.

Councilmembers were generally supportive of the idea of planning a retreat but felt that it would be better to schedule something in the fall after elections or just after the first of the year. Councilmember Venuti offered to work with Councilmember Aderhold on this.

## **RESOLUTIONS**

### **COMMENTS OF THE AUDIENCE**

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

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

City Clerk Jacobsen noted that the AML Conference is scheduled a week later than normal this year so the last weekend in October or one of the first two in November might be times to consider for retreat scheduling.

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

City Manager Koester offered kudos to the ADA Committee and City Clerk Jacobsen for their work on the Transition Plan. This came to her attention a few years ago and she couldn't be more proud of how not only the Committee ran with this need but also how Melissa stepped up and added it to her work load and produced a wonderful product. She feels privileged to work with such go getters who don't say they're over worked, which they are, but yes take on the projects.

### **COMMENTS OF THE MAYOR**

Mayor Castner commented he reviewed the plans for Pioneer Avenue and it's been advertised as having pedestrian crossing improvements, but they are the same as what we have now with the only improvement being is incising them into the pavement instead of painting them on, but that doesn't help in the winter. He'll be bringing forward a resolution at the next meeting encouraging DOT to submit a change order for better signage or flashing signage. People drive too fast along Pioneer Avenue and he had a niece who was killed in a crosswalk in Massachusetts, so crosswalk safety is important to him. He also commented the Alaska Supreme Court decided a case brought by Frank Griswold which found the language used in Homer City Code regarding standing. The case has been remanded back to be heard by the Board of Adjustment or a Hearing Officer.

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

Councilmember Stroozas commented that the 21<sup>st</sup> annual Clean-Up Day is on Saturday, May 4<sup>th</sup> and encouraged everyone to participate.

Councilmember Aderhold said she's glad the sun's out again and wished everyone happy Earth Day.

Councilmember Erickson announced the Choir for Peace is coming up on May 3<sup>rd</sup> and 4<sup>th</sup>, and the kids musical Star Truck is happening at the Mariner Theater. She commented that over the weekend her dog became suddenly ill and contacted the vet, come to find out we have a lot of little dogs who are getting marijuana crumbs from brownies or the buds and it's very dangerous for little dogs. She hears it's also happening on the beach where dogs are getting into things people are leaving behind. She encouraged people to pay attention. She also encouraged people to take some time and clean up their yard for clean-up day and make sure things are secured. They had two propane bottles from their RV Park during the night.

Councilmember Lord thanked the Homer Volunteer Fire Department, it was great to see the new recruits who have put in a lot of time, get sworn in. She welcomed new Library Director David Berry and thanks to Ann Dixon for her efforts. She loves the library and she and her kids spend a lot of time there, and she really appreciates it. She thanked Sprout and those working for young children in our community and encouraged everyone to celebrate the Week of the Young Child. She said the HECC Facebook page is always being updated and she checks it regularly when she's trying to find things to do with her kids. Not every kid is lucky to have parents in the home who have the resources or capacity and it really takes a community. She believes for all children, the number of safe loving adults they are in touch with is more important than so many things. Whatever role we can play in being or supporting other safe adults kids can turn to is huge for the generation moving forward. Happy Earth Day, happy community, and all of those thing.

Councilmember Smith recalled being in 4<sup>th</sup> grade and Hobo Jim coming and singing Abiyoyo and is something he's remembered over the years. The Lions Club will be cooking hot dogs and bike raffle at the Clean-Up Day. He's typically gone out with the Scout Troop to clean up Baycrest Hill to McDonalds, getting out and being involved with that is important. He pointed out it has snowed prior to clean-up before too and this wasn't the first Easter he recalls having snow on the ground. He shared his appreciation for Chief Purcell's leadership to the Department and shared how he used to spend time there when he was young with is friend who were volunteers. He attended the Hunter Safety Course and was pleased to report he passed the test and qualified at the range despite the snow and wind.

Councilmember Venuti thanked the Mayor for his efforts regarding Pioneer Avenue crosswalk improvements. She wished everyone happy Earth Day and with the upcoming clean up reminded people the vote for the bag ban is coming up, and education efforts are kicking off. April is National Volunteer Month and she shared a quote "Volunteering is the ultimate exercise in democracy, you only vote in elections once a year, but when you volunteer, you vote



everyday about the kind of community you want to live in”. She thanked all the people who volunteer in our community.

**ADJOURNMENT**

There being no further business to come before the Council, Mayor Castner adjourned the meeting at 7:53 p.m. The next Regular Meeting is Monday, May 13, 2019 at 6:00 p.m., Worksession at 4:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

\_\_\_\_\_  
Melissa Jacobsen, MMC, City Clerk

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





# City of Homer

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

19

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

## Memorandum 19-049

TO: HOMER CITY COUNCIL  
FROM: MAYOR CASTNER  
DATE: MAY 8, 2019  
SUBJECT: APPOINTMENT OF DEBORAH BROWN TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

---

### Enter Supplemental Information Here:

Deborah Brown is appointed to the Economic Development Advisory Commission to fill the vacancy for a term to expire July 1, 2021.

**Recommendation:** Confirm the appointment of Deborah Brown to the Economic Development Advisory Commission





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

Received  
City Clerk's Office  
APR 19 2019  
City of Homer  
Alaska

CITY CLERK'S OFFICE  
CITY OF HOMER 21  
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

Name: Deborah A. Brown Date: ~~10-20-17~~ 4.19.19

Physical Address: 210 Island View Ct. Homer AK 99603

Mailing Address: same

Phone #: 907-756-3414 Cell #: - Work #: -

Email Address: islandviewgarden@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

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

OTHER - PLEASE INDICATE  
\_\_\_\_\_

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

I have been a resident of the city for 19 years. I have been a resident of the area for 19 years 22

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.

Bachelor of Science - Accounting 1988;

Colorado licensed C.P.A. 1989; Professional experience

Deloitte International Financial auditor 4+ years, private industry business 20+ years

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

yes Homer, AK Economic Development Advisory

Commission October 2017 to March 2019

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

Interested in supporting small business and economic development and quality of life in Homer

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

Homer Chamber of Commerce member

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: N/A  
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:

1) Attached letter concerning reappointment/2nd term appointment.

2) Copy of original application for appointment letter dated October 20, 2017.

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!

Deborah A. Brown  
210 Island View Ct.  
Homer, AK 99603

April 19, 2019

City of Homer  
Homer, Alaska

Dear City of Homer Mayor and City Council Members,

Please accept my application for appointment to serve on the Economic Development Advisory Commission.

I was appointed to the EDAC in October 2017 to finish out the remainder of the three-year term expiring in March 2019 vacated by Rachel Lord.

In March 2019 I received email notice of my reappointment application due on March 19, 2019 if I was interested in continuing on the commission, however, mistakenly believing my seat was not expiring I did not respond to the notice. Due to circumstances beyond my control, and the city's control, attempts to contact me were unsuccessful and my appointment to the EDAC thus expired in March 2019.

I am very much interested in continuing to serve as a commissioner on the EDAC and I thank you for your consideration of my application for appointment to serve a second term.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deborah A. Brown', with a stylized flourish at the end.

Deborah A. Brown

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation and are clearly dated.

### 3. The following table provides a summary of the key findings from the audit.

4. The audit identified several areas where the company's internal controls are not fully effective.

5. These weaknesses could potentially lead to errors in financial reporting and misstatements.

6. Management is responsible for addressing these issues and implementing corrective actions.

7. The auditor's role is to provide an independent opinion on the company's financial statements.

8. It is recommended that the company should consider the following measures to improve its internal controls.

9. These measures include strengthening the segregation of duties and enhancing the monitoring process.

10. The auditor will continue to monitor the company's progress in addressing these issues.

11. The audit report is prepared in accordance with the applicable auditing standards.

12. The auditor's signature and the date of the report are provided below.

13. The auditor's name and the name of the audit firm are also included.

14. The auditor's contact information is provided for further inquiries.

15. The auditor's fee and the terms of the engagement are outlined in the accompanying schedule.

16. The auditor's independence and objectivity are maintained throughout the audit process.

17. The auditor's report is a key document for the company's stakeholders and the public.





# City of Homer

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

Office of the City Clerk 25

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 19-054

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CITY CLERK

DATE: MAY 8, 2019

SUBJECT: DEFERRED ASSESSMENT FOR HINES FOR THE KACHEMAK DRIVE PHASE III WATER AND SEWER SPECIAL ASSESSMENT DISTRICT

---

Connie Hines has applied for an assessment deferment for Kenai Peninsula Borough (KPB) Parcel Number 179-150-74.

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.

Information has been received by the Finance Department that the applicant meets the criteria established for a deferment of assessment payments. An assessment payment deferment is subject to approval by the Council.

**RECOMMENDATION:** Approve the deferment of the Kachemak Phase III water and sewer assessment for Hines.

**Fiscal Impact:** Unpaid balances: \$7534.32 water and \$12,945.15 sewer





# City of Homer

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

Office of the City Clerk 27

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 19-052

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 8, 2019

SUBJECT: LETTER FROM CITY COUNCIL TO SENATOR MURKOWSKI RE: HOMER SPIT  
EROSION

---

Councilmember Smith has proposed the attached letter be sent to Senator Murkowski, thanking the Senator for her efforts related to erosion on the Homer Spit.

**RECOMMENDATION:**

Approve the attached letter to Senator Murkowski.





## City of Homer

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

Homer City Cou 29

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

Honorable Senator Murkowski  
522 Hart Senate Office Building  
Washington, DC 20510

May 13<sup>th</sup>, 2019

Honorable Senator Murkowski,

The Homer City Council would like to extend our gratitude to you and your Kenai office for the time and attention you've given to the exacerbated erosion occurring on the Homer Spit, which has put local businesses in jeopardy and, without intervention, will threaten the Sterling Highway and overall access to this regional commerce center and statewide transportation hub.

The Homer Spit is one of the most iconic features on the Kenai Peninsula. Extending 4.5 miles out into Kachemak Bay, the Spit's strategic location also supports critical infrastructure like the US Coast Guard Cutter *Hickory*, the Homer Harbor (along with a future planned Large Vessel Port Expansion Project), the Alaska Marine Highway System, and the terminus of the Sterling Highway.

Thanks to the help of your office, the City now has a site visit scheduled with the Army Corps of Engineers (ACOE) officials later this month. The City of Homer is hopeful we can use this time to work on implementing the recommendations of the 2017 "Dredged Material Management Guidance Manual" and the 1989 "Storm Damage Reduction Final Interim Feasibility Report with Engineering Design and Environmental Assessment."

Working together, the City of Homer, Alaska Department of Transportation and Public Facilities, and the ACOE recently addressed one of the most impacted spots on the Spit by reinforcing the beach with dredged spoils from underneath the berth of the Cutter *Hickory*. Continuing similar action-oriented, inter-agency partnerships will be critical to solving the challenges of erosion in the long term.

The City of Homer appreciates your interest and assistance as we work together to pursue a long-term solution for our critical infrastructure and will keep your office updated on the progress made.

Thank you for your continued support and leadership.

Sincerely,

Homer City Council

Mayor Ken Castner

Donna Aderhold

Heath Smith

Tom Stroozas

Shelly Erickson

Caroline Venuti

Rachel Lord

Enc: Homer Spit Erosion Abatement and Repair Project May 8, 2019 Photos

CITY OF HOMER  
HOMER, ALASKA

City Manager/  
Public Works Director

ORDINANCE 19-20

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE 2019 OPERATING BUDGET TO APPROPRIATE FUNDS IN THE AMOUNT OF \$5,328,306 FROM THE POLICE STATION RESERVE ACCOUNT TO COMPLETE THE NEW HOMER POLICE STATION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS NECESSARY TO COMPLETE THE PROJECT WITHIN THE APPROVED BUDGET.

WHEREAS, The Police Station project design is essentially 100% complete, bond monies have been received, and early site civil construction is proceeding; and

WHEREAS, Public Works (in negotiations with the Contractor) has established a guaranteed maximum price for building construction; the scope and cost of other work (inspection, 1% for art, furnishings and other miscellaneous items in support of the project) have been established; and

WHEREAS, The anticipated project costs are within the budget established by the City Council for the new police station and authorization to incur expenses beyond those previously authorized are needed at this time (see Memorandum 19-0xx).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2019 Operating Budget to appropriate \$5,328,306 from the Police Station Reserve Account to complete the new police station.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
Revenue		
151-7010	Police Station Reserves	\$5,328,306
Expenditure		
151-7010	New Police Station Project	\$5,328,306

Section 2. This is a budget amendment ordinance, is not of a permanent nature, and is a non-code ordinance.

44 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of May, 2019.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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53 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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60 Introduction:

61 Public Hearing:

62 Second Reading:

63 Effective Date:

64

65 YES:

66 NO:

67 ABSTAIN:

68 ABSENT:

69

70 Reviewed and approved as to form:

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

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

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

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





# City of Homer

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

Public Works 33

3575 Heath Street  
Homer, AK 99603

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

(p) 907-235-3170

(f) 907-235-3145

## Memorandum 19-050

**TO:** KATIE KOESTER, CITY MANAGER  
**FROM:** CAREY S. MEYER, PUBLIC WORKS DIRECTOR  
**DATE:** MAY 7, 2019  
**SUBJECT:** **FINAL APPROPRIATION AUTHORIZATION NEW POLICE STATION – 3RD (FINAL) APPROPRIATION**

Below is the original budget and existing/proposed expenditure authorizations approved or expected to be approved by the City Council regarding the new Police Station project:

	Approved Budget	Previous Appropriation	Currently Needed Appropriation
Building Construction	\$4,533,460	\$1,183,565	<b>\$3,349,895</b>
Sally Port	\$126,000		<b>\$126,000</b>
Civil Site Improvements	\$565,000	\$159,500	<b>\$405,500</b>
Accessory Buildings	\$350,000		<b>\$350,000</b>
Design (8% of construction)	\$473,829	\$473,829	
Inspection	\$139,362	\$39,500	<b>\$99,862</b>
1% for Art	\$45,335		<b>\$45,335</b>
Furnishings	\$145,000		<b>\$145,000</b>
Communications	\$205,000		<b>\$205,000</b>
Contingency (10%)	\$659,015	\$57,300	<b>\$601,715</b>
Repay HART for property	\$258,000	\$258,000	
Total Project	\$7,500,000	\$2,171,694	<b>\$5,328,306</b>

Previous appropriations authorized design, early civil site construction and other miscellaneous tasks. Design is effectively complete, civil site work is under contract and work has started. Bond monies have been received, a Guaranteed Maximum Price has been negotiated with the Contractor, art has been selected, and a significant contingency remains. To allow the project to proceed on various fronts, authorization to incur costs beyond the current appropriated funds is necessary.

**Recommendation:** The City Council pass an ordinance appropriating \$5,328,306 from the Police Station Reserve Account for completion of the new Homer Police Station project. (151-7010)



CITY OF HOMER  
HOMER, ALASKA

Mayor

ORDINANCE 19-21

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE 2019 OPERATING BUDGET TO APPROPRIATE  
FUNDS IN THE AMOUNT OF \$104,000 FROM GENERAL FUND  
FUND BALANCE AS A MID-YEAR BUDGET ADJUSTMENT TO  
FUND ADDITIONAL FIRE DEPARTMENT PERSONNEL.

WHEREAS, The Homer Volunteer Fire Department is comprised of a small leadership staff and volunteer fire and emergency medical personnel; and

WHEREAS, The Fire Chief has identified several areas of improvement necessary to maintain or improve the City's ISO rating; and

WHEREAS, The ISO rating has a direct correlation to the insurance premiums that the residents and businesses in Homer pay; and

WHEREAS, In order to effectively and efficiently provide personnel for 24 hours a day, seven days a week coverage at the fire station, an additional full-time Emergency Service Specialist is needed; and

WHEREAS, the annualized cost for an employee in that classification, including benefits, is ~\$86,200; and

WHEREAS, In 2018, more than three quarters of the emergency responses involved an EMS (medical ambulance) response; and

WHEREAS, The Fire Chief has also identified the necessity of hiring an Assistant Chief for Emergency Medical Services to fulfill and maintain the high degree of the training necessary for effective response; and

WHEREAS, The annualized cost for an employee in that classification, including benefits, is ~\$121,000; and

WHEREAS, The combined cost for the two positions, which by this Ordinance are funded from July 1, 2019 through the remainder of the fiscal year, is \$104,000; and

WHEREAS, Nothing in this Ordinance prevents the City Manager from hiring either or both positions using her budgetary authority, for the interim period between the effective date of this Ordinance and the July 1 funding provision; and

45 WHEREAS, The City of Homer is financially healthy with the fourth quarter report of  
46 the 2018 City of Homer Operating Budget indicating an unaudited surplus of about \$736,000.

47

48 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

49

50 Section 1. The Homer City Council hereby amends the FY 2019 Operating Budget to  
51 appropriate \$104,000 from the General Fund Fund Balance for additional Fire Department  
52 personnel.

53

54 Revenue:

55

<u>Account No.</u>	<u>Description</u>	<u>Original</u>	<u>Amended</u>
100-0099-4990	Operating Transfers (Other)	\$614,843	\$718,843

58

59 Expenditure:

60

<u>Account No.</u>	<u>Description</u>	<u>Original</u>	<u>Amended</u>
100-0150-5101	Fire-Admin Salary and Wages	\$152,442	\$175,602
100-0150-5102	Fire-Admin Fringe Benefits	\$ 90,859	\$104,119
100-0151-5101	Fire Services Salary and Wages	\$148,262	\$161,137
100-0151-5102	Fire Services Fringe Benefits	\$ 84,312	\$ 93,087
100-0152-5101	EMS Salary and Benefits	\$148,262	\$176,577
100-0152-5102	EMS Fringe Benefits	\$ 84,312	\$101,927

68

69 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not  
70 be codified.

71

72 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28<sup>th</sup> day of May, 2019.

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74 CITY OF HOMER

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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

Introduction:

Public Hearing:

Second Reading:

Effective Date:

- 88 YES:
- 89 NO:
- 90 ABSTAIN:
- 91 ABSENT:

92

93 Reviewed and approved as to form:

94

95 \_\_\_\_\_

96 Katie Koester, City Manager

97

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

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

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

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CITY OF HOMER  
HOMER, ALASKA

Smith/Erickson

ORDINANCE 19-22

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 21.05.030 TO CHANGE HOW  
BUILDING HEIGHT IS MEASURED WITHIN AREAS OF SPECIAL  
FLOOD HAZARD.

WHEREAS, The building height limit is generally 35 feet which usually allows for three stories of construction; and

WHEREAS, Buildings located within a special flood hazard area are required to be elevated above the regulatory flood plain, which may cause a three-story structure to be taller than 35 feet; and

WHEREAS, Buildings of three stories can be accommodated by excluding the distance between grade and the required flood plain elevation when calculating building height, and

WHEREAS, Buildings must be elevated one foot above base flood elevation under HCC 21.41.220, 21.41.240 and 21.41.250 ; and

WHEREAS, Federal Emergency Management Agency guidance offers incentives for higher flood protection, such as buildings two feet above the base flood elevation, and may require this in the future; and

WHEREAS, Amending how building height is calculated within special flood hazard areas, with allowance for increased building elevation above the base flood elevation is in the long term interests of the City and will provide additional protection for structures within flood hazard areas.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends Homer City Code 21.05.030 to read as follows:

21.05.030 Measuring heights.

- a. When measuring height of a building, the following are included in the measurement: screening, parapets, mansards or similar structures.
- b. When measuring height of a building, the following are excluded from the measurement:

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

45 1. Steeples, spires, belfries, cupolas and domes if not used for  
46 human occupancy, chimneys, ventilators, weather vanes, skylights, water tanks,  
47 bulkheads, monuments, flagpoles, wind energy systems, television and radio  
48 antennas, other similar features, and necessary mechanical appurtenances  
49 usually carried above roof level.

50  
51 2. Wireless communications equipment that does not extend more than 10 feet  
52 above the height of the building.

53  
54 **3. For buildings located within an area of special flood hazard, the vertical**  
55 **distance between grade and the base flood elevation plus two feet is**  
56 **excluded from the calculation of building height.**

57  
58 c. When determining building height on a sloping lot, building height shall be  
59 calculated as follows: more than 50 percent of the perimeter of the building shall  
60 meet the maximum building height requirements; the maximum elevation of  
61 the remainder of the building shall not exceed the elevation of the first portion  
62 nor add more than 12 feet of building height at any point.

63  
64 d. When determining the height of a nonbuilding structure, such as a sign,  
65 fence, amateur radio tower, communications tower or wireless communications  
66 support structure, the height shall be calculated as the distance from the base of  
67 the structure at normal grade to the top of the highest part of the structure,  
68 excluding lightning rods. For this calculation, normal grade shall be construed to  
69 be the lower of (1) existing grade prior to construction or (2) the newly  
70 established grade after construction, exclusive of any fill, berm, mound, or  
71 excavation made for the purpose of locating or supporting the structure. In  
72 cases in which the normal grade cannot reasonably be  
73 determined, structure height shall be calculated on the assumption that the  
74 elevation of the normal grade at the base of the structure is equal to the  
75 elevation of the nearest point of the crown of a public street or the grade of the  
76 land at the principal entrance to the main building on the lot, whichever is lower.

77  
78 Section 2. This Ordinance is of a permanent and general character and shall be  
79 included in the Homer City Code.

80  
81  
82 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 28<sup>th</sup> day of May, 2019.

83  
84 CITY OF HOMER  
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87 KEN CASTNER, MAYOR  
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**[Added language bold and underlined. Deleted language stricken through.]**



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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

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

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

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

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

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

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# City of Homer

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

Plan 41

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

## MEMORANDUM 19-053

TO: MAYOR CASTNER AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABOUD, AICP, CITY PLANNER  
DATE: MAY 1, 2019  
SUBJECT: BUILDING ELEVATION IN A FLOOD HAZARD AREA

At the request of the City Council, the Planning Commission has reviewed options for building elevation in areas subject to regulatory requirements for flood elevation per Memorandum 19-016. This item was a subject of four meetings of the Commission, including a public hearing at the Commission's meeting on April 17, 2019.

The Commission proposes that the building height be measured at the base flood elevation (BFE) as determined by FEMA mapping plus two feet (BFE +2). The regulatory minimum standard for building elevation is currently BFE +1. FEMA encourages additional freeboard (above +1) and offers lower flood insurance rates for those that exceed the minimum requirements. Recent news articles also suggest that they are considering raising the current standard to BFE +2.

The Commission's recommendation of BFE +2 allows for the incorporation of flood elevations and allows structures to exceed the minimum FEMA elevation requirements while allowing the structures to build to the height allowances in code.

It was moved and approved by unanimous consent that the Commission forward the draft ordinance to City Council for approval.

### Attachments

Staff reports & minutes from the following recent Planning Commission meetings:

- March 6, 2019
- March 20, 2019
- April 3, 2019
- April 17, 2019

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## Bookmark Summary

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### March 6, 2019 Planning Commission Meeting

March 6, 2019 Planning Commission Work Session Agenda

Staff Report 19-20 Review of Height Restrictions

Robert Purcell email excerpt

Memo 19-016 from City Council

Josh Garvey comment

Minutes excerpt

### March 20, 2019 Planning Commission Meeting

Staff Report 19-25 Building Height Definition

Minutes excerpt

### April 3, 2019 Planning Commission Meeting

Staff Report 19-29 Building Height

Email from Commissioner Smith re: EEMU height limit

Minutes excerpt

### April 17, 2019 Planning Commission Meeting

Staff Report 19-33 Amending HCC 21.05.030 Measuring Heights

Draft Ordinance

Public Notice Advertisement

Minutes excerpt



**NOTICE OF MEETING  
WORKSESSION AGENDA**

1. **CALL TO ORDER, 5:30 P.M.**
2. **REGULAR AGENDA**
3. **Staff Report 19-20, Building Height Maximum**
4. **PUBLIC COMMENTS**  
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. **COMMISSION COMMENTS**
6. **ADJOURNMENT, 6:30 P.M.**







# City of Homer

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Plan 46

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## Staff Report PL 19-20

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: March 6, 2019  
SUBJECT: Review of height restrictions

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**Introduction** We have been asked to look into regulations regarding the calculation of the maximum height of a structure when subjected to a flood elevation requirement. We have scheduled Robert Purcell to speak of the regulatory consequences of height restrictions.

**Analysis** While we were tasked in a specific manner to address one issue, there are other scenarios we should evaluate. One being the general definition of the measurement of height, regardless if located on land that is subject to elevation requirements.

Current code:

*“Building height” is the vertical distance from grade to the maximum point of measurement of the building, measured according to HCC 21.05.030.*

Another issue is about height in general. How would a greater or lower height allowance effect health, safety, and welfare?

These are just some subjects that come to mind in height conversation.

## Staff Recommendation

Discuss possible steps forward.

## Attachments:

Purcell email excerpt  
Memo 19-016





## Memorandum 19-016

TO: HOMER ADVISORY PLANNING COMMISSION

FROM: COUNCILMEMBERS SMITH AND ERICKSON

THROUGH: HOMER CITY COUNCIL

DATE: JANUARY 28, 2019

SUBJECT: PLANNING COMMISSION REVIEW OF REGULATORY REQUIREMENT FOR FLOOD  
ELEVATION ON HOMER SPIT

---

It has come to our attention that structures subject to increasing regulatory requirements for flood elevation may become noncompliant with height requirements due to circumstances out of their control.

**Homer's participation** in Federal Emergency Management Association (FEMA) Flood Insurance Program requires that new and rebuilt structures must elevate the bottom floor. This elevation is subject to change and is subject to increases in the future. **Compliance with FEMA's Flood Insurance Program** is critical for area wide insurance ratings and eligibility for FEMA funding.

The purpose of this memo is to request that the Planning Commission review the topic and consider a height allowance based on FEMA elevation requirements and prepare a draft Ordinance for review by City Council.



**From:** Josh Garvey <ceo@endofthespit.com>  
**Sent:** Tuesday, March 05, 2019 5:20 PM  
**To:** Travis Brown; Rick Abboud  
**Cc:** Jonathan Faulkner; steve agni  
**Subject:** FW: City Rules for Building Height  
**Attachments:** 3.6.19 WS.pdf; SR 19-20 height restrictions.pdf

Travis,

Thank you for keeping me in the loop on this. I will plan on attending this meeting.

While I appreciate the planning commission looking at building height restrictions for buildings with elevation requirements such as Land's End Resort, I would also suggest that this scope be broadened to include all structures in city limits, regardless of whether or not they have elevation requirements. These overly restrictive height requirements drastically reduce economic investment and development throughout the city and contribute to our overall housing shortage, especially in the low-mid income housing market.

Now that the insurance ISO ratings supposedly driving the height restrictions are not a factor, I really hope the planning commission will act quickly to recommend changes.

Thank you,

**Josh Garvey**  
**Land's End Acquisition Corp. – CEO**  
Phone: 907-235-0470  
Cell: 907-299-4577  
Fax: 907-235-0430  
Email: [ceo@endofthespit.com](mailto:ceo@endofthespit.com)



*...Just The Beginning*



- Further discuss permitting more than one structure in the GC2, this includes application of the Design Manual which is triggered by Conditional Use Permits in the CBD, this does not apply in the GC1 and GC2

Discussion ensued on the large project requirements commercial versus residential; Addressing the more than one structure in the commercial districts, open GC2, GC1 there were a few more considerations and in the CBD there were even more restrictions to consider.

City Planner Abboud responded that over time maybe one or two Conditional Use Permits were issued when comparing the “more than one structure” category with “over 8000 sf” category.

Further discussion on the things that the City oversees versus what they should be concerned about ensued and that those items fell under a Building Department not planning and zoning. The commission commented that it should forward a recommendation to Council that the Commission has thoroughly reviewed the Conditional Use process and that it does not believe there is any way to sufficiently amend the City Code to reduce the number of applications since there are too many variables other than the Code Amendments the commission spoke about tonight.

City Planner Abboud will wrap up what they talked about here bring it back for the Commission review and public hearing.

## **NEW BUSINESS**

### **A. Staff Report 19-20, Building Height Maximum**

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud commented on the topic and learning about the availability of residential sprinkler systems, three story buildings and how they measure height from Fire Chief Purcell at the worksession. He is not sure what direction to take on this issue noting that the City could possibly eliminate the issue of three stories if they are sprinklered.

Further discussion ensued with the Commission commenting on the following topics:

- FEMA requirements for the Spit and how that effects the height requirements
- Commercial three story building requirements on Fire Suppression systems
- Requiring conditions for commercial
- Evaluation of East End Mixed Use and codify the height with an exception in one district, Marine Commercial
- The need for three story commercial buildings
- Recommend Staff draft sprinkler code and bring back more info on the proposed regulation
- Have Fire Department involvement

Chair Venuti provided historical information on sprinkler system requirement in residential projects for the State.

### **INFORMATIONAL MATERIALS**

A. City Manager's Report for the February 11, 2019 Homer City Council meeting

### **COMMENTS OF THE AUDIENCE**

### **COMMENTS OF THE STAFF**

Deputy City Clerk Krause expressed apologies for omitting the page numbers on the Chair's Agenda.

City Planner Abboud commented on the holding the worksessions and further in development they haven't created a record to document the discussion such that they had tonight with Fire Chief Purcell. This is used to provide Council documentation of their work.

### **COMMENTS OF THE COMMISSION**

Commissioner Bos stated that it was a good meeting and was disappointed that no one stayed in the audience like they had for the worksession. He believes that the worksessions are valuable and provide the Commission an opportunity to make worthwhile process on the issues before them.

Commissioner Bernard will be absent for the March 20<sup>th</sup> commission meeting.

Commissioner Bentz echoed Commissioner Bos' sentiments on the worksessions as it allows them to work through the details without the pressure of Robert's Rules and noted that she will not be attending the March 20<sup>th</sup> meeting either.

Commissioner Smith is finally not feeling like a rookie and really sees that they are a board that is advocating for the development of Homer and that they advocate and facilitate for the individual but with concern for the whole. He noted that he is learning the language and working with Council and so forth. He appreciates how everyone is diligent and works through everything with respect for each other. Tonight was very interesting and he thoroughly enjoyed it.

Commissioner Banks is a fan of the worksessions and believes they are pretty useful for the commission, educating them on a broad variety of subjects and toss around ideas. It is a prerequisite for decisions. He noted that they are going to finalizing a few things on their worklist and getting them completed before summer.

Chair Venuti appreciated the worksessions also and agreed that it was a good meeting tonight.





# City of Homer

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Plan 56

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## Staff Report PL 19-25

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 20, 2019  
SUBJECT: Building Height Definition

### Recap from 2/6/19 Work Session and Regular Meeting

Chief Purcell spoke at the last work session about Insurance Services Office (ISO) ratings, building height, life safety, fire department capabilities, and sprinkler systems. In summary, he provided information about the change in ISO ratings and evaluations, and that a building height of 35 feet was no longer the standard. He states in his email of February 26th that the new ISO standard is three stories, or 32 feet or more measured from ground to eaves. This new standard allows for more flexibility in roof design. Additionally, he recommended in his email that all three-story buildings have full fire sprinkler systems installed.

The current building height limit of 35 feet does allow for a three-story building, but limits a developer to a very low pitch roof. Changing the definition of building height, or how it is calculated, will give developers a little more leeway in roof design. Chief Purcell does not think that a small change in building height will affect the community's ISO rating. However, it is relevant from a life safety perspective, all three-story buildings, regardless of final roof height, should be sprinkled.

Based on Chief Purcell's comments, and Memorandum 19-016, the Planning Commission is looking at several topics related to building height. Staff would like to work through one to two topics per meeting. The 'topic list' as staff understands it is provided below.

1. Building height calculation in flood hazard areas
2. Definition of building height and grade
3. Existing sprinkler requirements in three story commercial structures
4. Building heights in EEMU, GC1, GC2, MC, MI
5. Sprinkler requirements for all three-story buildings, including residential
6. Should there be an allowance for buildings higher than 35 feet in the CBD?

**Staff comment:** This staff report has two sections below. The first section will address a possible code amendment to respond to Memorandum 19-016, regarding building height in flood hazard areas. The second section contains a discussion of the definitions of building height and grade. **Recommendation:** Work through section one and provide direction to the City Planner for next steps. Time allowing, discuss section two; does the city want to amend its height definition to allow for greater roof design variation? (We would follow that conversation up with a discussion of sprinklers, but first, does the Commission want to pursue this topic?)

## **Section 1 Building height in flood zones**

### **Analysis**

Staff has provided draft language for amending HCC 21.05.030, measuring heights. While there is a general standard of a 35 foot height limit, Homer City Code also specifies how this vertical distance is measured. See # 3 below. The proposed amendment would exclude the vertical distance for the required flood elevation, from the measurement of building height.

21.05.030 Measuring heights.

a. When measuring height of a building, the following are included in the measurement: screening, parapets, mansards or similar structures.

b. When measuring height of a building, the following are excluded from the measurement:

1. Steeples, spires, belfries, cupolas and domes if not used for human occupancy, chimneys, ventilators, weather vanes, skylights, water tanks, bulkheads, monuments, flagpoles, wind energy systems, television and radio antennas, other similar features, and necessary mechanical appurtenances usually carried above roof level.

2. Wireless communications equipment that does not extend more than 10 feet above the height of the building.

### **3. Elevation from grade to lowest horizontal structural member of the lowest floor for buildings located within an area of special flood hazard.**

c. When determining building height on a sloping lot, building height shall be calculated as follows: more than 50 percent of the perimeter of the building shall meet the maximum building height requirements; the maximum elevation of the remainder of the building shall not exceed the elevation of the first portion nor add more than 12 feet of building height at any point.

d. When determining the height of a nonbuilding structure, such as a sign, fence, amateur radio tower, communications tower or wireless communications support structure, the height shall

be calculated as the distance from the base of the structure at normal grade to the top of the highest part of the structure, excluding lightning rods. For this calculation, normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any fill, berm, mound, or excavation made for the purpose of locating or supporting the structure. In cases in which the normal grade cannot reasonably be determined, structure height shall be calculated on the assumption that the elevation of the normal grade at the base of the structure is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the main building on the lot, whichever is lower. [Ord. 14-18(A)(S-2) §§ 2, 3, 2016; Ord. 09-34(A) § 3, 2009; Ord. 08-29, 2008].

**Part 1 Staff recommendation:** Discuss the code amendment proposed above. Ask for any additional information needed, and when ready, ask staff to draft an ordinance.

## **Part 2 Building height and grade Analysis**

Homer generally has a current height limit of 35 feet. While it is possible to build a three story building in 35 feet, the options for roof design are limited. Additionally, from Chief Purcell's information, 35 feet is no longer a standard that merits strict adherence. There is a lot more conversation to be had about sprinklered buildings, but for the start of this topic, is the Commission interested in amending code to allow for roof variation?

Staff has included zoning code language from Kenai and Soldotna. Both communities have adopted the building code and have a building permit review and inspection process. Staff brings this up because the adopted zoning code may have district height limitations, but may not be the definitive measure of height – or grade. This conversation about the relationship and effect of a building code vs the zoning code is rapidly advancing beyond what Homer planning staff is knowledgeable about.

Homer City Code: *"Building height" is the vertical distance from grade to the maximum point of measurement of the building, measured according to HCC 21.05.030.*

"Grade" in reference to adjacent ground elevation means the lowest point of elevation of the existing surface of the ground within the area between the structure and a line five feet from the structure.

**Soldotna:** "Building Height" means the vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building. *(Staff note – generally, heights range from 36-48 feet)*

**Kenai:** “Building Height” means the vertical distance from the “grade,” as defined herein, to the highest point of the roof. *(Staff note: generally a 35 foot height limit in residential districts)*

“Grade (Ground Level)” means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

**2003 IBC Building Height:** The vertical distance from grade plane to the average height of the highest roof surface.

**Part 2 Staff Recommendation:** Be familiar with Homer definitions of height and grade. Briefly discuss if any changes should be considered, and provide staff direction. Should the City consider a code amendment to allow for more varied rooflines than are allowed under current code?

### **Attachments**

Memorandum 19-016  
Minutes excerpt from 3/6/19 meeting  
2/26/19 email From Chief Purcell

Motion failed.

Commissioner Smith commented that he was in support on going forward with direction from City Council.

Chair Venuti requested a motion to forward a request to City Council.

Commissioner Bos stated he would support the statement made previously by Commissioner Banks.

Deputy City Clerk Krause read the statement:

BOS/BANKS MOVED TO REQUEST DIRECTION FROM CITY COUNCIL TO UPDATE THE PLANNING AND ZONING SECTION OF THE CLIMATE ACTION PLAN.

There was no discussion.

Chair Venuti inquired if there was any dissent to the motion. Dissent was indicated. Chair Venuti requested a roll call vote.

VOTE. YES. BANKS, BOS, SMITH, VENUTI

VOTE. NO. HIGHLAND.

Motion carried.

C. Staff Report 19-25, Building Height

Chair Venuti introduced the item by reading of the title.

City Planner Abboud provided information and review on the discussion from the worksession with Fire Chief Purcell regarding ISO rating and building height limitations. He referenced the memorandum in the packet and suggested the Commission work through section one and if time allowed section two.

City Planner Abboud provided a brief explanation on how the vertical distance is measured currently in Homer City Code 21.35.030. He clarified how effectively the Fire Department fights fire now as well as he understood Chief Purcell's explanation.

Further discussion and comments ensued on determining building heights and how the determination of 35 feet in maximum height.

City Planner Abboud recommended waiting on having a discussion or recommendation on sprinkler system regulations. He reaffirmed that he is not advocating a blanket increase for building height.

Commissioner Banks recommended specificity in location on the structural member.

City Planner Abboud responded that in addressing the particular location this was the recommended language from FEMA.

Commissioner Smith reiterated a discussion the Commission had at the last meeting that whatever they drafted they would submit it to the Fire Chief for review before submittal to Council. He then informed the Commission that he had a discussion with one local company who advocated for 52 feet height limit and is currently playing phone tag with another company and suggested that they have a worksession prior to the next meeting with those two for official communication so the Commission can have a discussion on height limitations in Commercial versus Residential applications to allow for flexibility.

Chair Venuti inquired if Commissioner Smith was making a motion.

City Planner Abboud did not recommend addressing residential unless the Commissioners felt it was really necessary. He preferred to review it by district.

There was a brief discussion on further review and proper input on the issue and bringing it back for additional discussion by the Commission.

#### D. Staff Report 19-26, Permitting Process and Building Location Verification

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud provided a very brief summary of requested action for Staff by the Commission.

Commissioners recommended inviting local contractors, surveyors, realtors and person who performed clearing and or dirt work.

City Planner Abboud responding to a question from Chair Venuti that there was one issue within the last year before the commission that was required to purchase additional property and had to replat their property.

Additional discussion was entertained on the following points:

- adding the requirement of providing an Asbuilt upon completion of the project
- Making it a requirement of the conditional use permitting process
- Good conversation the commission should have in a worksession
- Preference to leave some ability for conceptual planning



# City of Homer

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Plan 62

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## Staff Report PL 19-29

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: April 3, 2019  
SUBJECT: Building Height

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### Introduction

- The goal at this meeting is for the Commission to continue discussions on building height. We will continue working from last meeting's staff report, SR 19-25. It is attached to this report with the minutes.
- Commissioner Smith provided an email about some conversations he has had with businesses located in the East End Mixed Use District. Currently, EEMU allows for a building height of 35 feet. I'd like the Commission to think of some questions they would ask the business owners and the Fire Chief, so that staff can put together a work session in May.
- What is the level of interest on the Commission to require sprinklers on all three-story buildings – residential and commercial? What additional information would you like to have prior to making a recommendation?

### Analysis

Staff has continued to analyze the draft code amendment concerning building height measurement, within a flood area. The language below is staff's new recommendation:

**For buildings located within an area of special flood hazard, the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet is excluded from the calculation of building height.**

If the Commission is satisfied with this language, please make a motion and move to public hearing.

### Attachments

1. Staff report 19-25 from 3/20/19 meeting
2. Minutes excerpt from 3/20/19 meeting
3. Email from Commissioner Smith re: EEMU height limit





There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

### **PENDING BUSINESS**

#### **A. Staff Report 19-29, Building Height Maximum**

Chair Venuti introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen reviewed the three items of action that is requested of the Commission:  
1. Approve the recommended amended language, *for buildings located within an area of special flood hazard, the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet is excluded from the calculation of building height* and forward to Public Hearing.

Deputy City Planner Engebretsen explained that in further review of the existing city code that this recommendation would fit the broadest number of categories, it could be a future standard.

Commissioner Bentz questioned the typical vertical distance for applicable properties.

Deputy City Planner Engebretsen responded that it would be dependent on the location as the Spit, Beluga Lake or Old Town would be different. She noted that it addresses the request from Council and does not answer all the questions with Building Height issue and moving forward this would be one solution.

**BOS/HIGHLAND MOVE TO AMEND HOMER CITY CODE CONCERNING BUILDING HEIGHT MEASUREMENT WITHIN A FLOOD AREA WITH LANGUAGE RECOMMENDED IN STAFF REPORT 19-29 AND MOVE TO A PUBLIC HEARING.**

There was a discussion on possible issues with height, definition of grade, and nuances in city code. There was some concerns expressed by the Commission with creating more issues especially with a limitation of 35 feet and that this would address the difference in the height that due to flood issues you could not build.

Clarification was provided by Staff:

- that the recommendation was to address specific issues as requested;
- was not particularly time sensitive
- easier to address specific sections than the whole
- This change does not allow additional usable occupied space in the structure

Chair Venuti asked if there was any dissent to the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

To: Rick/Travis  
From: Scott Smith  
Date: March 27, 2019  
Re: EEMU Build Height Discussion

Greetings,

I was finally able to have a talk with Ken Moore, owner of Northern Enterprises. He offered insights on the inability to truly serve the growing Homer fleet of vessels due to the current building height limitations.

He reflected on how most commercial boat owners have to build temporary sheds often costing in excess of \$20,000 to be able to work on their vessels. These temporary structures are built as extensions to structures owned by Northern Enterprises to facilitate the needed repairs and alterations. Mr. Moore said they dreaming of building a structure that would have 50' to 60' doors into which a commercial vessel could fully fit without the need to build a temporary shed. If the Planning commission could increase the building height in this area, they would probably move forward with construction. He offered the building would need sufficient height to have a sloped roof rather than flat roof which has much higher maintenance costs, which will need to be considered in the discussion.

Both Mr. Moore and Mr. Alan Engebretsen would attend a Work Session to answer direct questions from the Planning Commission. Mr. Moore is in Utah and would need to be phoned in. Mr. Moore suggested we include Eric Sloth, owner of Sloth Boats, who does additions and repairs on fiberglass boats in Homer.

Mr. Engebretsen offered a building of 52' would be very helpful toward their desired growth. He has other suggestions that are worthy of consideration.

I am suggesting we have a work session soon including these three men to discuss the topic of Building Height in the EEMU district as soon as possible. I am happy to set this up.

Contact information:

Alan Engebretsen	907-399-4895
Ken Moore	907-299-0188
Eric Sloth	907-435-7881

Commissioner Smith spoke with some business owners in EEMU who recommended building heights and Staff would like input from Commission on scheduling a worksession with these businesses and the Fire Chief to discuss building heights and sprinkler systems.

Discussion ensued by the Commission on points of interest in addressing during the worksession for the following:

- EEMU as industrial uses, No residential space in the buildings or use of short term rentals.
- Viewshed issues
- Possible limitation of residential use to the first floor only
- Composition of structure steel versus wood due to size
- Fire Marshall approval requirement
- The use of combustible materials used in the boat building industry

Item three for discussion was Fire Sprinkler System requirements for three story buildings

Deputy City Planner Engebretsen inquired what additional information the commission required before making a recommendation.

Discussion ensued and covered the following points:

- Information on measurements
- Definition in city code for "story" there is definitions to support the determination of a 2 or 3 story building
- Consideration of a building that is on pilings/piers
- If a structure has a daylight or basement that is considered a story
- Building a structure with 8 foot walls and height to 30 feet would allow only for a flat roof
- Most residential buildings are 1 or 2 story

Commissioner Banks expressed concern if the discussion should follow building heights instead of preceding it stating that currently there is probably not many, if any 3 story commercial buildings. He opined that the Commission should consider building heights then sprinkler systems.

There was a brief discussion on applying the standard language when speaking with the contractors and outlining the schedule for discussion on building height and sprinklers for the meetings in April, May and June.

Discussion ensued briefly on fire service to structures that are higher than the Fire Department is able to service further comments on choosing not to regulate to that standard.

#### **B. Staff Report 19-30, Permitting Process and Building Location Verification**

Chair Venuti noted the feedback received during the worksession.

Commissioners then commented on the following:

- lack of the perspective from a surveyor and emphasized the benefits from hearing from that profession
- enforcement of regulations
- Asbuilts





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Plan 68

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## Staff Report PL 19-33

TO: Homer Advisory Planning Commission  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: April 17, 2019  
SUBJECT: Amending HCC 21.05.030 Measuring Heights

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### Introduction

The Homer City Council sent Memorandum 19-016 to the Homer Advisory Planning Commission in January 2019. The Council requested the Commission review the requirements for elevating buildings within flood zones on the Spit, in regard to building height limits. The Commission discussed building height at their 2/6/2019 work session, and March 6<sup>th</sup>, March 20<sup>th</sup> and April 3<sup>rd</sup> meetings. The Commission determined that amending how building height is measured in special flood hazard areas would address the issue of buildings that exceed the 35-foot building height limit due to flood plain requirements to elevate the building. The Planning Commission is working on several topics relating to building height, and further amendments are expected over the coming months.

### Analysis

FEMA requires buildings to be elevated above the designated flood plain. Further elevation of one foot is a recognized best practice and is required by the City. Elevating the building two feet above the floodplain is not a regulatory requirement at this time, but property owners receive a discount on insurance.

HCC 21.05.030 Measuring Heights, describes how building height is measured, and includes exceptions to those rules. The proposed ordinance would create a new exclusion from building height measurement. The distance from the ground (grade) to two feet above the base flood elevation would not be included in the measurement of building height.

### Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment. The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

*Staff response: 2018 Comprehensive Plan Chapter 4 Land Use Goal 3 Objective A supports creating a clear, coordinated regulatory framework to guide development. The code amendment will reduce conflict between flood hazard regulations and building height regulations.*

b. Will be reasonable to implement and enforce.

*This amendment will be reasonable to implement and enforce. All new or substantially improved structures planned within areas of special flood hazard are required to provide pre and post construction elevation certificates from a licensed surveyor.*

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

*This amendment promotes health, safety and welfare by preserving the right of building a three-story building while allowing the structure to be elevated above the flood hazard area.*

d. Is consistent with the intent and wording of the other provisions of this title.

*This amendment is consistent with the intent, wording and purpose of HCC Title 21.*

### **Staff Recommendation**

Conduct a public hearing, and forward a recommendation to the City Council.

### **Attachments**

1. Draft Ordinance
2. Memorandum 19-016 CC

CITY OF HOMER  
HOMER, ALASKA

-Sponsor

ORDINANCE 19-xx DRAFT

AN ORDINANCE OF THE CITY COUNCIL, AMENDING HOMER CITY  
CODE 21.05.030(b) TO CHANGE HOW BUILDING HEIGHT IS  
MEASURED WITHIN AREAS OF SPECIAL FLOOD HAZARD.

WHEREAS, The building height limit is generally 35 feet which allows for three stories;  
and

WHEREAS, Buildings located within a special flood hazard area are required to be  
elevated above the regulatory flood plain, which may cause a three story structure to be  
nominally taller than 35 feet; and

WHEREAS, Buildings of three stories can be accommodated by excluding the distance  
between grade and the required flood plain elevation when calculating building height, and

WHEREAS, Buildings must be elevated one foot above Base Flood Elevation under HCC  
21.41, 21.41.240 and 21.41.250 ; and

WHEREAS, FEMA guidance offers incentives for higher flood protection, such as  
buildings two feet above the Base Flood Elevation, and may require this in the future; and

WHEREAS, Amending how building height is calculated within special flood hazard  
areas, with allowance for advanced, superior proactive elevation is in the long term interests  
of the city to protect structures win flood hazard areas.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.05.030(b)(3) is hereby amended to read as follows:

**3. For buildings located within an area of special flood hazard, the vertical distance  
between grade and the Base Flood Elevation (BFE) plus two feet is excluded from  
the calculation of building height.**

Section 2 or the last section. This Ordinance is of a permanent and general character.  
and shall be included in the City Code.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, 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 and content:

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

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

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

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



## PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, April 17, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matters:

**Request for Conditional Use Permit (CUP) 19-04 to allow a group care home at 397 E. Pioneer Avenue, under Homer City Code (HCC) 21.18.030(k). The request is to approve a residential drug and alcohol treatment facility. CUP approval is also required for the building area to exceed 30% of the lot area, under HCC 21.18.040(d). The proposal is located on the following 3 lots: Lots 5 & 6, Block 6 and Lot 5, Block 7 Glacier View Subdivision, T.6S., R.13W., S1/2, NE1/4, NW1/4 Sec. 20, S.M.**

**An Ordinance of the City Council of Homer, Alaska amending Homer City Code 21.05.030(b) Measuring Heights, to exclude the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet from the calculation of building height for buildings located within areas of special flood hazard.**

Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposals are available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown at the Planning and Zoning Office, 235-3106.

PLEASE PUBLISH ONCE

ACCOUNT 100.0130.5227



Commissioner Smith departed the meeting at 8:12 p.m.

**B.** Staff Report 19-33, An Ordinance of the Homer City Council Amending HCC 21.05.030(b) to change how building height is measured within areas of special flood hazard.

Chair Venuti introduced the item by reading of the title.

Deputy City Planner Engebretsen provided a summary of the report for the Commission.

Chair Venuti opened the Public Hearing.

Josh Garvey, CEO, Land's End Resort commented in support of the ordinance.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT 19-33 AND FORWARD THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.05.030(b) TO CHANGE HOW BUILDING HEIGHT IS MEASURED WITHIN AREAS OF SPECIAL FLOOD HAZARD TO CITY COUNCIL FOR APPROVAL.

There was no discussion.

Chair Venuti inquired if there was any dissent.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

## **INFORMATIONAL MATERIALS**

- A. City Manager's Report for the April 8, 2019 Homer City Council meeting
- B. Kenai Peninsula Borough Notice of Decision for Commercial Park Unit 2 Preliminary Plat

## **COMMENTS OF THE AUDIENCE**

## **COMMENTS OF THE STAFF**

Deputy City Clerk Krause commented well done.

Deputy City Planner Engebretsen commented thank you for smooth meeting.

## **COMMENTS OF THE COMMISSION**

Commissioner Highland welcomed Commissioner Petska-Rubalcava to the Commission.

Commissioner Bos complimented the Chair on a well-run meeting and welcomed Commissioner Petska-Rubalcava to the commission.



CITY OF HOMER  
HOMER, ALASKA

City Manager

RESOLUTION 19-025

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
APPROVING DR. LANDESS AS MEDICAL DIRECTOR TO LEAD IN  
THE OVERSIGHT AND MEDICAL DIRECTION OF THE HOMER  
VOLUNTEER FIRE DEPARTMENT'S ADVANCED LIFE SUPPORT  
AMBULANCE SERVICE AND THE HOMER POLICE  
DEPARTMENT'S EMERGENCY MEDICAL DISPATCH  
PROGRAMS.

WHEREAS, Resolution 86-48 created the office of Emergency Medical Services  
Supervising Physician and appointed Dr. Bell as supervising physician in the Emergency  
Medical Services program provided by the Homer Volunteer Fire Department; and

WHEREAS, Dr. Bell has faithfully served in this position since its inception; and

WHEREAS, Dr. Landess meets the qualifications of the position and has agreed to the  
Scope of Work; and

WHEREAS, The AMLJIA Participant Coverage Memorandum FY2019 covers the  
Medical Director under Section II, Casualty Coverage, as to claims made against such person as  
an employee of the named Participant and arising from such person's performance of  
professional services for or on behalf of the named Participant and within the scope of such  
person's official duties; and

WHEREAS, as such, the Medical Director would be covered under the City's General  
Liability Coverage up to \$15,000,000.00 per occurrence.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
approves Dr. Landess to serve as Medical Director for the Homer Volunteer Fire Department's  
Advanced Life Support Ambulance Service and the Homer Police Department's Emergency  
Medical Dispatch programs.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2019.

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CITY OF HOMER  
  
\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

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

Fiscal Note: \$1,250 monthly; Total of \$7,500 for July 1, 2019 through December 31, 2019 from 100-0150-5103 & 5104, part time wages and benefits.

### Medical Director Scope:

The City of Homer is seeking the services of a Medical Director to lead in the oversight and medical direction of the Homer Volunteer Fire Departments ALS Ambulance Service and the Homer Police Departments Emergency Medical Dispatch programs.

### Qualifications

The medical director will be required to meet the qualifications set in 7AAC 26.630.

1. Licensed to practice in the State of Alaska
2. Participate in an orientation provided by the Fire and Police Departments.
3. Maintain an AHA ACLS certification.
4. Be an active member of SPH Medical Staff and a participant in ER Core.

### Responsibilities

The Medical Director will be responsible for the medical direction and oversight of emergency medical services for Homer Volunteer Fire Department as stated in accordance with 7AAC 26.610 through 7aac 26.690 and 12 AAC 40.300 through 12AAC 40.390, which include, but not limited to:

1. Direct or indirect supervision of the medical care provided by each state certified ETT, EMT-1, EMT-2, EMT-3 with ACLS and Expanded Scope Procedures, MICP. Meeting any required changes under Alaska standards for EMS.
2. Conducting medical case reviews for fire department personnel on a monthly basis. (4hrs/month est.)
3. Review and participate in the departments' quality assurance program, including a weekly review of EMS documentation w/ FD Assistant Chief. (2hrs/month est.)
4. Participate in the review and development of the Fire Departments' Medical Operations Manual, standard operating procedures on an annual basis. (.5 hrs/month est.)
5. May be required to provide consultation and recommendations to the Fire Departments' administration regarding employee health questionnaires, fitness-for-duty assessments and return-to-work documentations. (.5hrs as needed)
6. Assisting with delivery of HVFD EMS training programs (1hr/ month est.)

### 911 Dispatch: 7 AAC 26.555

1. Approve an emergency medical dispatch priority reference system; caller interrogation questions, pre-arrival EMS Instructions, and protocols matching the dispatchers' evaluation of severity of injury or illness.

2. Provide indirect supervision of the medical triage decisions and treatments instructions by EMD's.
3. Quarterly review a sample of medical triage decisions and treatment instructions provide by EMD's to callers.

#### Medical Director Statues for Reference

Alaska [7 AAC 26.610. Purpose](#) The purpose of [7 AAC 26.610](#) - [7 AAC 26.690](#) is to promote the health and safety of the people of Alaska by establishing uniform minimum standards for a medical director for a person or entity certified, or seeking certification, under this chapter. Nothing in [7 AAC 26.610](#) - [7 AAC 26.690](#) is intended to prohibit a physician from authorizing a state-certified emergency medical technician to use a drug or procedure in an emergency situation that is not specifically covered by the EMT-I, EMT-II, or EMT-III certification.

[7 AAC 26.630. Medical director qualifications](#) (a) To be a medical director for a state-certified EMT-II or EMT-III, for an EMT-II or EMT-III training course, or for a state-certified basic life support emergency medical service, advanced life support emergency medical service, or aeromedical service, a person must (1) be currently (A) licensed to practice medicine in this state, or, for an aeromedical service, in this state or the state in which the service is based; or (B) working as a physician in the regular medical service of the United States armed services or the United States Public Health Service; and (2) participate in an orientation provided by the department or its designee, within one year after accepting medical director responsibilities. (b) To be a medical director for a state-certified EMT-III, a person must be trained by the American Heart Association in advanced cardiac life support.

[7 AAC 26.640. Medical director responsibilities: certified persons](#) (a) A medical director's approval of standing orders for a state-certified EMT-I, EMT-II, or EMT-III, for the activities described in [7 AAC 26.040](#), must be in writing. Additional medications or procedures not listed in [7 AAC 26.040](#) may be approved by direct voice contact with an on-line physician, or by written standing orders from the medical director in accordance with [7 AAC 26.670](#). (b) The medical director for a state-certified EMT-I, EMT-II, or EMT-III shall (1) provide direct or indirect supervision of the medical care provided by each state-certified EMT-I, EMT-II, or EMT-III; (2) establish and annually review treatment protocols; (3) approve medical standing orders that delineate the advanced life-support techniques that may be performed by each state-certified EMT-I, EMT-II, or EMT-III and the circumstances under which the techniques may be performed; (4) provide quarterly critiques of patient care provided by the EMT-I, EMT-II, or EMT-III, and quarterly on-site supervisory visits; the department will, in its discretion, grant a written waiver of this requirement based on difficult geographic, transportation, or climatic factors; and (5) approve a program of continuing medical education for each state-certified EMT supervised. (c) Repealed 12/26/2014.

[7 AAC 26.650. Medical director responsibilities: certified organizations](#) (a) The medical director for a state-certified basic life support or advanced life support emergency medical service



under [7 AAC 26.210](#) - [7 AAC 26.285](#) shall (1) approve treatment protocols or medical standing orders that delineate the medical procedures that may be performed by the certified or licensed medical care personnel; (2) review, at least quarterly, the patient care provided by each certified or licensed medical person; the department will, in its discretion, grant a written waiver of this requirement, based on difficult geographic, transportation, or climatic factors; (3) establish transportation/transfer arrangements in cooperation with emergency department physicians at the nearest appropriate referral hospitals: these arrangements shall specify the primary destination of all categories of emergency patients, including burns, central nervous system injuries, pediatric emergencies, high risk infants, behavioral emergencies, and cardiac emergencies; (4) establish a written policy for how certified personnel are to deal with an intervener physician or the patient's private physician who wishes to assume responsibility for patient care at the scene or en route to the hospital; and (5) establish a written policy for how certified personnel are to deal with a cardiac arrest patient who was treated with an automated external defibrillator before the certified personnel's arrival. (b) The medical director for a state-certified medevac service, critical care air ambulance service, or specialty aeromedical transport team ([7 AAC 26.310](#) - [7 AAC 26.390](#)) shall (1) approve treatment protocols or medical standing orders that delineate medical procedures that may be performed by the certified or licensed medical care personnel; (2) review, at least quarterly, the patient care provided by each certified or licensed medical person; the department will, in its discretion, grant a written waiver of this requirement, based on difficult geographic, transportation, or climatic factors; and (3) advise on the medical requirements of patient transportation in the airborne environment.

[7 AAC 26.655. Emergency medical dispatcher medical director](#) (a) The medical director for emergency medical service dispatch services using emergency medical dispatchers (EMD's) shall (1) approve an emergency medical dispatch priority reference system; the system must include caller interrogation questions, pre-arrival EMS instructions, and protocols matching the dispatcher's evaluation of severity of injury or illness and the number of victims with vehicle response modes and configurations; (2) provide indirect supervision of medical triage decisions and treatment instructions provided by EMD's; (3) periodically review on at least a monthly basis a sample of medical triage decisions and treatment instructions provided by EMD's to callers. (b) The medical director of the emergency medical dispatcher services may be the medical director of an ambulance service dispatched by the same agency or business.

[7 AAC 26.670. Approval of additional medications and procedures](#) (a) In order for a medical director to authorize a state-certified EMT-I, EMT-II, or EMT-III to use additional medications or procedures not covered under [7 AAC 26.040](#)(a), (b), or (c), the medical director shall (1) submit to the department a request for approval; the request must include a plan for training and evaluation covering the additional skills; and (2) if the request is approved, following the training and evaluation, send the department a list of individuals who are authorized to use the additional medications or procedures. (b) The department will maintain a list of the approved additional medications or procedures for an authorized EMT-I, EMT-II, or EMT-III.

[7 AAC 26.680. Delegation of certain medical director responsibilities](#) If approved by the department, a medical director may delegate review of EMS reports under [7 AAC 26.245](#) or patient care forms under [7 AAC 26.350](#) to another physician, mobile intensive care paramedic, registered nurse, mid-level practitioner, or EMT with supervisory experience. The person acting as delegate shall send to the medical director copies of the EMS reports or patient care forms.

[7 AAC 26.690. Withdrawal of directorship](#) (a) If a medical director withdraws directorship, that person shall notify the department, and each person or entity certified under this chapter for whom the withdrawing person acted as medical director. (b) If the medical director of a service or team certified under this chapter withdraws directorship, that service's or team's certificate is suspended until the service or team provides written verification, on a form provided by the department, that it has a medical director who meets the qualifications set out in [7 AAC 26.630](#). The service or team may continue to respond to emergencies, but, until the suspension is lifted, may not offer any advanced life support services. (c) An EMT-I, EMT-II, or EMT-III, or manual defibrillator technician who is without a medical director may perform only those basic life support procedures as defined in [7 AAC 26.999](#) that are within the scope of activities for a state-certified EMT-I.

CITY OF HOMER  
HOMER, ALASKA

City Manager

RESOLUTION 19-026

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING A RECREATIONAL USE AGREEMENT BETWEEN THE CITY OF HOMER AND SOUTH PENINSULA LITTLE LEAGUE, INC., REGARDING THE MAINTENANCE AND OPERATION OF LITTLE LEAGUE ACTIVITIES ON CITY OWNED LAND AT KAREN HORNADAY PARK AND THE MAINTENANCE BUILDING(HERC 2).

WHEREAS, South Peninsula Little League, Inc. (Little League) is a non-profit corporation which has been maintaining and operating Little League activities at Karen Hornaday Park for many years; and

WHEREAS, Little League has stored equipment and held board meetings in the Maintenance building (HERC 2) for many years; and

WHEREAS, The City of Homer and Little League have enjoyed a long term partnership but have never had a formal agreement regarding use of city facilities; and

WHEREAS, A Recreational Use Agreement between the City and Little League is in the best interest of the public because it promotes public-private partnerships, saves tax dollars, enhances recreational and economic development opportunities, and provides access to public lands for the use and enjoyment of all.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves a Recreational Use Agreement between the City of Homer and South Peninsula Little League, Inc., a copy of which is attached and incorporated herein.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2019.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

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

Fiscal Note: N/A



RECREATIONAL USE AGREEMENT

RECREATIONAL USE AGREEMENT ("Agreement") dated as of \_\_\_\_\_, 201\_\_, between the CITY OF HOMER, an Alaska municipal corporation ("City"), and SOUTH PENINSULA LITTLE LEAGUE, INC., an Alaska nonprofit corporation ("Permittee").

RECITALS

WHEREAS, City owns certain property commonly known as Karen Hornaday Park, and described as:

SW1/4 SE1/4 Section 18 Township 6S Range 13W, excluding South Peninsula Hospital Subdivision 2008 Addition, Kenai Peninsula Borough Parcel No. 17504023; and

WHEREAS, a part of Karen Hornaday Park has been developed with ball fields and a parking area; and

WHEREAS, the use of the ball fields in Karen Hornaday Park for Little League games and practice provides an valuable recreation resource to the youth of the Homer community; and

WHEREAS, City owns certain property commonly known as the HERC 2 or Public Works Maintenance Building at Tract 2, Homer School Survey 1999 City Addn HM 2000022; and

WHEREAS, The HERC 2 building is used to store Permittee Equipment and for meetings; and

WHEREAS, Permittee desires to continue to conduct Little League games and practice at the ball fields in Karen Hornaday Park, and City agrees that Permittee should be permitted to do so under the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the matters recited above, and the mutual covenants herein, the parties agree as follows:

ARTICLE 1. DEFINITIONS AND ATTACHMENTS

1.01 Definitions. As used herein, the term:

(a) "Complete" and "Completion" mean, with regard to an improvement, that construction of the improvement is finished and the improvement is fully operational and ready for occupancy or use for its intended purpose, including without limitation the issuance

43 of any applicable certificate of occupancy and other applicable permits, licenses, certificates or  
44 inspection reports necessary to the improvement's legally authorized use.

45  
46 (b) "Council" means the City Council of the City of Homer, Alaska.

47  
48 (c) "Environmental Laws" means all local, state, and federal laws, ordinances,  
49 regulations, and orders related to environmental protection; or the use, storage, generation,  
50 production, treatment, emission, discharge, remediation, removal, disposal, or transport of  
51 any Hazardous Substance.

52  
53 (d) "Excusable Delay" means delay due to strikes, acts of God, inability to obtain labor  
54 or materials, orders of any governmental authority having jurisdiction, removal of Hazardous  
55 Materials discovered at any time after the commencement of the Term, enemy action, civil  
56 commotion, fire, unusual inclement weather, unavoidable casualty or similar causes beyond  
57 the reasonable control of Permittee.

58  
59 (e) "Hazardous Substance" means any substance or material defined or designated as  
60 hazardous or toxic waste; hazardous or toxic material; hazardous, toxic, or radioactive  
61 substance; or other similar term by any federal, state, or local statute, regulation, or ordinance  
62 or common law presently in effect or that may be promulgated in the future as such statutes,  
63 regulations, and ordinances may be amended from time to time.

64  
65 (f) "City" means the City of Homer, Alaska.

66  
67 (g) "Property" is defined in Section 2.01.

68  
69 (h) "Required Improvements" is defined in Section 5.02.

70  
71 (i) "Permittee" means South Peninsula Little League, Inc.

72  
73 (j) "Term" is defined in Section 3.01.

74  
75 **1.02 Attachments.** The following documents are attached hereto, and such  
76 documents, as well as all drawings and documents prepared pursuant thereto, shall be deemed  
77 to be a part hereof:

78  
79 Exhibit "A" Legal Description of Property

80  
81 Exhibit "B" Site Plan

82  
83 Exhibit "C" Certificates of Insurance

**ARTICLE 2. THE PROPERTY**

84 **2.01 License for Use of Property.** Subject to the terms and conditions of this  
85 Agreement, City grants to Permittee and Permittee accepts from City a revocable,  
86 non-exclusive license to use the following described property ("Property"):

87  
88 That part of the SW<sub>1/4</sub> SE<sub>1/4</sub> Section 18 Township 6S Range 13W, excluding  
89 South Peninsula Hospital Subdivision 2008 Addition, Homer Recording District,  
90 Third Judicial District, State of Alaska, also known as Kenai Peninsula Borough  
91 Parcel No. 17504023, that has been developed with ball fields and a parking area  
92 as depicted on **Exhibit A**, containing 7 acres, more or less, plus the  
93 improvements thereon, including without limitation three ball fields, a snack  
94 shack, storage connex, and batting cage;

95  
96 Additionally, HERC 2 or Public Works Maintenance Building on Tract 2, Homer School  
97 Survey 1999 City Addn HM 2000022, that has the smaller of the old school buildings,  
98 where the Permittee stores equipment and holds meetings;

99  
100 This Agreement does not grant Permittee any real property interest in the Property. This  
101 Agreement is issued to allow Permittee to use the Property only for the purposes authorized in  
102 this Agreement or approved in writing by City. The City reserves the right to permit other  
103 uses of the Property.

104  
105 **2.02 Property Accepted "As Is."** Permittee has inspected the Property, has made its  
106 own determination as to the suitability of the Property for Permittee's intended use, and  
107 accepts the Property "AS IS." City, its agents and employees make no warranties, expressed or  
108 implied, concerning the condition of the Property, including without limitation the fitness of  
109 the Property for any particular purpose, including those uses authorized by this Agreement, or  
110 subsurface and soil conditions, including the presence of any Hazardous Substance.

111  
112 **ARTICLE 3. TERM**

113  
114 **3.01 Agreement Term; Termination.** The term of this Agreement is \_\_\_\_\_  
115 years, commencing on \_\_\_\_\_ 2019, and ending on \_\_\_\_\_, 2021  
116 ("Term"). The Term is subject to termination by either party, with or without cause, at any  
117 time.

118  
119 **3.02 Permit Renewal.** Permittee acknowledges that it has no right of any kind to  
120 continue using or occupying the Property after the expiration or earlier termination of the  
121 Term. Not less than 3 months before the expiration of the Term, Permittee may apply to City  
122 for a renewal of this Permit in the manner that a person then would apply for a new permit to  
123 use the Property. In response to a timely application, the Council will determine whether to  
124 renew this Agreement, and the term of any renewal, at its sole discretion. The Council is under  
125 no obligation to renew this Agreement, or to renew this Agreement for the term that  
126 Permittee requests. If the Council does not grant a timely renewal of this Agreement, Tenant

127 shall prepare to surrender possession of the Property as required by Section 3.03, and dispose  
128 of improvements on the Property as required by Section 5.05.

129  
130 **3.03 Surrender of Possession.** Upon the expiration or earlier termination of the Term,  
131 Permittee shall promptly and peaceably surrender the Property, clean, free of debris, and in as  
132 good order and condition as at the commencement of the Term, ordinary wear and tear  
133 excepted, and shall remove from the Property all personal property of Permittee, and all other  
134 personal property that was not present on the Property at the commencement of the Term. If  
135 Permittee fails to surrender the Property in the required condition, City may (i) restore the  
136 Property to such condition and Permittee shall pay the cost thereof on demand; and (ii) at its  
137 option retain any personal property remaining on the Property, which shall become property  
138 of the City, or dispose of such personal property without obligation to Permittee.

139 **3.04 Holding Over.** Permittee’s continuing in possession of the Property after the  
140 expiration or earlier termination of the Term will not renew or extend this Agreement and will  
141 not give Permittee any rights in or to the Property.

142  
143 **ARTICLE 4. PERMIT FEE, TAXES, ASSESSMENTS AND UTILITIES**

144  
145 **4.01 Permit Fee.** City will not charge Permittee any fee for Permittee’s use of the  
146 Property under this Agreement.

147  
148  
149 **4.02 Utility Charges.** City shall pay all charges for utility and other services required for  
150 its use of the Property under this Agreement, including without limitation ball field mowing,  
151 electric, water, sewer, snow removal and refuse removal. City shall be solely responsible for  
152 the cost of utility connections.

153  
154 **ARTICLE 5. USE AND IMPROVEMENT OF PROPERTY**

155  
156 **5.01 Use of Property.** Permittee shall use and maintain the Property during the months  
157 of May, June, July, and August for Little League baseball games, practice, and events  
158 associated with league activities. Field use is anticipated to be greatest from May until early  
159 July, from 4 pm to 10:30 pm, Monday through Saturday. An extended season into August is  
160 possible due to clinics and playoff games. Permittee shall not use or improve the Property for  
161 any purpose or in any manner other than as described above without City’s written consent,  
162 which consent City may withhold in its sole discretion. Permittee is not responsible for other  
163 park users not affiliated with Little League.

164  
165 **5.02 Required Improvements.** Permittee shall, at Permittee’s sole expense, construct,  
166 and at all times during the Term keep and maintain on the Property the following  
167 improvements (“Required Improvements”):

168  
169



- 170 -Bases, base anchors, baselines, and infield.
- 171 -Dugouts
- 172 -Storage units

173  
174

175 The Required Improvements also are depicted in the site plan in **Exhibit B**. Permittee shall  
176 commence construction of the Required Improvements within one year after the date of  
177 commencement of the Term, prosecute the construction of the Required Improvements with  
178 diligence, and Complete construction within one additional year.

179 **5.03 Construction Prerequisites.** Permittee may not commence any construction on  
180 the Property, including without limitation construction of the Required Improvements, without  
181 first satisfying the following conditions:

182

183 (a) Not less than 30 days before commencing construction, Permittee shall submit to  
184 City preliminary plans and specifications, and an application for a City of Homer zoning permit,  
185 for the construction, showing the layout of proposed improvements, ingress and egress,  
186 dimensions and locations of utilities, drainage plans, and any other information required for  
187 the zoning permit or other required permits. The preliminary plans and specifications are  
188 subject to City’s approval, which will not be unreasonably withheld. City shall communicate  
189 approval or disapproval in the manner provided for notices, accompanying any disapproval  
190 with a statement of the grounds therefor. Permittee shall be responsible for complying with  
191 all laws governing the construction, notwithstanding City’s approval of preliminary plans and  
192 specifications under this paragraph.

193

194 (b) Not less than five days before commencing construction, Permittee shall deliver to  
195 City one complete set of final working plans and specifications as approved by the  
196 governmental agencies whose approval is required for Permittee to commence construction.  
197 The final working plans and specifications shall conform substantially to the preliminary plans  
198 and specifications previously approved by City, subject to changes made to comply with  
199 suggestions, requests or requirements of a governmental agency or official in connection with  
200 the application for permit or approval.

201

202 (c) Not less than five days before commencing construction, Permittee shall give City  
203 written notice of its intent to commence construction, and furnish to City with proof that all  
204 applicable federal, state and local permits required for the construction have been obtained.

205

206 **5.04 Extensions of Time for Completion of Required Improvements.** City shall grant  
207 an extension of the time to Complete the Required Improvements for a period of time equal to  
208 the duration of an Excusable Delay, upon Permittee’s written request describing the nature of  
209 the Excusable Delay, provided Permittee has commenced construction in a timely manner and  
210 is proceeding diligently to Complete construction.

211

212 **5.05 Disposition of Improvements at End of Term.**

213  
 214 (a) At the expiration of the Term Permittee shall leave in place on the Property all  
 215 improvements designated in **Exhibit B** for transfer to City and retention on the Property at the  
 216 expiration of the Term. Permittee shall leave such improvements intact with all components in  
 217 good condition and ready for use or occupancy. Permittee shall execute, acknowledge and  
 218 deliver to City a proper instrument in writing, releasing and quitclaiming to City all of  
 219 Permittee’s interest in such improvements. Except for improvements that Permittee is  
 220 required to leave on the Property, Permittee shall remove any improvements constructed by  
 221 Permittee or other occupants of the Property under this Agreement before the expiration of  
 222 the Term.

223  
 224 (b) Permittee shall notify City before commencing the removal of an improvement as  
 225 required by subsection (a) of this section, and coordinate the removal work with City. Once  
 226 Permittee commences the removal work, Permittee shall execute the removal with reasonable  
 227 diligence to Completion and shall repair all damages to the Property caused by such removal  
 228 no later than the expiration of the Term, in accordance with a site restoration plan approved by  
 229 the City. All salvage resulting from such work will belong to Permittee, who is responsible for  
 230 its removal and lawful disposal.

231  
 232 (c) If Permittee fails to remove any improvements from the Property that Permittee is  
 233 required to remove under subsection (a) of this section, Permittee shall pay City the costs that  
 234 it incurs in removing and disposing of the improvements and repairing damages to the  
 235 Property caused by such removal.

236  
 237  
 238 **ARTICLE 6. CARE AND USE OF THE PROPERTY**

239  
 240 **6.01 Maintenance of the Property.**

241  
 242 (a) Permittee at its own cost and expense shall keep the ball fields and all Little  
 243 League storage buildings and batting cage and improvements that at any time may be situated  
 244 thereon in a clean, safe and orderly condition, and in good repair at all times during the Term.

245  
 246 (b) Without limiting the generality of subsection (a) of this section, Permittee shall  
 247 maintain the Property and ensure that the Property complies with all applicable health and  
 248 safety standards. Permittee’s maintenance responsibilities shall include without limitation:

- 249
- 250
- 251 (i) repairing infield/outfield divots or damages,
- 252 (ii) watering the sporting fields,
- 253 (iii.) performing minor fence repairs, and
- 254 (iv) performing routine litter pick up and disposal on Park Property after all
- 255 games and events.

256 (v) Inspecting the batting cage for snagging hazards or other safety concerns  
257 (vi) Inspecting dugouts and other wooden structures for nails or other snagging  
258 or puncture hazards.  
259

260 (c) City may close the Property on a daily basis if needed to control vandalism or  
261 inappropriate off-hours usage. The Property is not maintained in the winter by the City.  
262 The City shall provide Permittee with keys to the Property at the beginning of each season of  
263 its occupancy of the Property, but Permittee must return all sets of keys provided to Permittee  
264 at the end of the season. City shall provide waste receptacles for garbage during the summer  
265 months and shall empty these receptacles as needed but Permittee shall enforce the "leave no  
266 trace behind" principle with participants and spectators at its activities on the Property. The  
267 City shall provide public restrooms. Permittee may provide additional portable toilets,  
268 generators, water holding tanks and storage units as needed at its own expense.  
269

270 (d) City shall provide mowing services on the fields.  
271

272 (e) City shall provide major fence repairs such as chain link patching.  
273

274 **6.02 Nuisances Prohibited.** Permittee while present on site shall keep the Property in a  
275 clean, orderly and sanitary condition. Permittee shall not use the Property in any manner that  
276 will constitute waste or a nuisance. City, at Permittee's expense and without any liability to  
277 Permittee, may remove or abate any such junk, abandoned or discarded property, litter,  
278 rubbish or trash, or nuisance on the Property after 15 days written notice to Permittee, or after  
279 four hours notice to Permittee in writing, by telephone, facsimile or in person if City finds that  
280 such removal or abatement is required to prevent imminent harm to public health, safety or  
281 welfare. Permittee shall pay City all the costs of such removal. This section does not limit or  
282 waive any other remedy available to the City of Homer to abate any nuisance or for the  
283 violation of the Homer City Code.  
284

285 **6.03 Supervision of Property Use.**  
286

287 (a) On or before each May 15 during the term of this Agreement, Permittee shall  
288 develop a schedule of games and events to occur on the Property during its next period of  
289 occupancy of the Property, including without limitation adult and youth baseball games and  
290 practices and baseball tournaments and clinics. Permittee shall consult with the City before  
291 undertaking major maintenance or improvement of the Property or Permittee's facilities,  
292 including informing the City regarding its planned use of donated labor and materials.  
293

294 (b) Permittee shall supervise use of the parking lots before during and after its activities  
295 on the Property to ensure that the Property and City parking procedures are used and the  
296 parking lots are properly maintained. Permittee shall notify all participants of the inherent  
297 risks of parking near the sports fields and inform these participants of the risk assumed by the  
298 participant when he or she utilizes the parking lots.

299  
300 (c) Permittee may store equipment on the Property and provide other user groups with  
301 access to its equipment storage facilities.  
302

303 (d) Permittee may also store equipment in one upstairs classroom, and hold board  
304 meetings in one downstairs classroom of the HERC 2 building located at 450 Sterling Highway.

305 (i) Permittee shall be issued keys and will be responsible for providing the names  
306 and contact information for each key holder to the City.

307 (ii) Children in facility must be under direct supervision by an adult.

308 (iii) Permittee shall ensure that the building is secure during and after  
309 occupation.

310 (iv) Permittee may not provide HERC 2 building access to any other user  
311 groups.

312 (vi) City reserves the right to require removal of all storage items with 30 days  
313 notice, and the return of all building keys.  
314

315 **6.04 Hours of Operation.** Permittee may use the Property, and invite members of the  
316 public onto the Property, only during the hours that City has made the Property open to the  
317 public. Permittee shall take such measures to close the field access roads to vehicles by  
318 locking the chains when daily Little League activities have concluded.  
319

320 **6.05 Compliance with Laws.** Permittee's improvement and use of the Property shall  
321 comply with all governmental statutes, ordinances, rules and regulations, including without  
322 limitation the City of Homer Zoning Code and all applicable building codes, now or hereafter in  
323 effect.  
324

325 **6.06 Liens.** Permittee may not permit any lien, including without limitation a  
326 mechanic's or materialman's lien, to be recorded against the Property. If any such lien is  
327 recorded against the Property, Permittee shall cause the same to be removed; provided that  
328 Permittee may in good faith and at Permittee's own expense contest the validity of any such  
329 lien without subjecting the Property to foreclosure, and in the case of a mechanic's or  
330 materialman's lien, if Permittee has furnished the bond required in AS 34.35.072 (or any  
331 comparable statute hereafter enacted providing for a bond freeing the Property from the  
332 effect of such a lien claim). Permittee shall indemnify and save City harmless from all liability  
333 for damages occasioned by any such lien, together with all costs and expenses (including  
334 attorneys' fees) incurred by City in negotiating, settling, defending, or otherwise protecting  
335 against such lien and shall, in the event of a judgment of foreclosure of the lien, cause the same  
336 to be discharged and removed prior to any attempt at execution of such judgment.  
337  
338

339 **6.07 Access Rights of City.** City's agents and employees shall have the right, but not  
340 the obligation, to enter the Property at all reasonable times to inspect the use and condition of  
341 the Property; to serve, post or keep posted any notices required or allowed under the

342 provisions of this Agreement, including notices of non-responsibility for liens; and to do any act  
343 or thing necessary for the safety or preservation of the Property.

344  
345  
346

**ARTICLE 7. ASSIGNMENT**

347 **7.01 Consent Required for Assignment.** Permittee shall not assign its interest in this  
348 Agreement or in the Property without first obtaining the written consent of City, which City  
349 may grant or withhold in its sole discretion. No consent to any assignment waives  
350 Permittee’s obligation to obtain City’s consent to any subsequent assignment. An  
351 assignment of this Agreement shall require the assignee to assume Permittee's obligations  
352 hereunder, and shall not release Permittee from liability hereunder unless City specifically so  
353 provides in writing.

354

355 **7.02. Costs of City's Consent to be Borne by Permittee.** As a condition to City’s  
356 consent to any assignment under section 7.01, Permittee shall pay City's reasonable costs,  
357 including without limitation attorney's fees and the expenses of due diligence inquiries,  
358 incurred in connection with any request by Permittee for City’s consent to the assignment.

359

**ARTICLE 8. LIABILITY, INDEMNITY AND INSURANCE**

360

361  
362 **8.01 Limitation of City Liability.** City, its officers and employees shall not be liable to  
363 Permittee for any damage to the Property or the buildings and improvements thereon, or for  
364 death or injury of any person or damage to any property, from any cause; however, this  
365 provision shall not affect the liability of City, its officers and employees on any claim to the  
366 extent the claim arises from their negligence or willful misconduct.

367

368 **8.02 Indemnity Generally.** Permittee shall indemnify, defend, and hold harmless City,  
369 its officers and employees from all claims arising from death or injury of any person or  
370 damage to any property occurring in or about the Property; however, this provision shall not  
371 apply to any claim to the extent the claim arises from the sole negligence or willful  
372 misconduct of City, its officers and employees.

373

374 **8.03 Insurance Requirements.**

375

376 (a) Without limiting Permittee’s obligations to indemnify under this Agreement,  
377 Permittee at its own expense shall maintain in force such policies of insurance with a carrier or  
378 carriers reasonably satisfactory to City and authorized to conduct business in the state of  
379 Alaska, as City may reasonably determine are required to protect City from liability arising  
380 from Permittee’s activities under this Agreement. City’s insurance requirements shall specify  
381 the minimum acceptable coverage and limits, and if Permittee’s policy contains broader  
382 coverage or higher limits, City shall be entitled to such coverage to the extent of such higher  
383 limits.

384

385 (b) Permittee shall maintain in force at all times during the Term the following policies  
386 of insurance:

387  
388 (1) Comprehensive general liability insurance with limits of liability not less than  
389 a combined single limit for bodily injury and property damage of \$1,000,000 each occurrence  
390 and \$2,000,000 aggregate. This insurance also shall be endorsed to provide contractual liability  
391 insuring Permittee’s obligations to indemnify under this Agreement.

392  
393 (2) Comprehensive automobile liability covering all owned, hired and  
394 non-owned vehicles with coverage limits not less than \$1,000,000 occurrence combined single  
395 limit for bodily injury and property damage.

396  
397 (3) Workers' compensation insurance as required by AS 23.30.045. This coverage  
398 shall include employer’s liability protection not less than \$1,000,000 per person, \$1,000,000 per  
399 occurrence. The workers' compensation insurance shall contain a waiver of subrogation clause  
400 in favor of City.

401  
402 (c) Permittee shall furnish City with certificates evidencing the required insurance not  
403 later than the date as of which this Agreement requires the insurance to be in effect. The  
404 certificates of insurance shall be attached hereto as **Exhibit C**. The certificates and the  
405 insurance policies required by this Section shall contain a provision that coverages afforded  
406 under the policies will not be cancelled or allowed to expire, and limits of liability will not be  
407 reduced, without at least 30 days' prior written notice to City. City shall be named as an  
408 additional insured under all policies of liability insurance required of Permittee. City's  
409 acceptance of a deficient certificate of insurance does not waive any insurance requirement in  
410 this Agreement.

411  
412 **ARTICLE 9. ENVIRONMENTAL MATTERS**

413  
414 **9.01 Use of Hazardous Substances.** Permittee shall not cause or permit the Property  
415 to be used to generate, manufacture, refine, transport, treat, store, handle, dispose of,  
416 transfer, produce or process any Hazardous Substance, except as is necessary or useful to  
417 Permittee’s authorized uses of the Property stated in Section 5.01, and only in compliance with  
418 all applicable Environmental Laws. Any Hazardous Substance permitted on the Property as  
419 provided in this section, and all containers therefor, shall be handled, used, kept, stored and  
420 disposed of in a manner that complies with all applicable Environmental Laws, and handled  
421 only by properly trained personnel.

422  
423 **9.02 Prevention of Releases.** Permittee shall not cause or permit, as a result of any  
424 intentional or unintentional act or omission on the part of Permittee or any of its agents,  
425 employees, volunteers, contractors, invitees or other users or occupants of the Property, a  
426 release of any Hazardous Substance onto the Property or onto any other property.

427

428 **9.03 Compliance with Environmental Laws.** Permittee at all times and in all respects  
 429 shall comply, and will use its best efforts to cause all of its agents, employees, volunteers,  
 430 contractors, invitees or other users or occupants of the Property to comply, with all  
 431 Environmental Laws, including without limitation the duty to undertake the following specific  
 432 actions: (i) Permittee shall, at its own expense, procure, maintain in effect and comply with all  
 433 conditions of, any and all permits, licenses and other governmental and regulatory approvals  
 434 required by all Environmental Laws, including without limitation permits required for discharge  
 435 of (appropriately treated) Hazardous Substances into the ambient air or any sanitary sewers  
 436 serving the Property; and (ii) except as discharged into the ambient air or a sanitary sewer in  
 437 strict compliance with all applicable Environmental Laws, all Hazardous Substances from or on  
 438 the Property to be treated and/or disposed of by Permittee will be removed and transported  
 439 solely by duly licensed transporters to a duly licensed treatment and/or disposal facility for final  
 440 treatment and/or disposal (except when applicable Environmental Laws permit on-site  
 441 treatment or disposal in a sanitary landfill).

442  
 443 **9.04 Notice.** Permittee shall promptly give City (i) written notice and a copy of any  
 444 notice or correspondence it receives from any federal, state or other government agency  
 445 regarding Hazardous Substances on the Property or Hazardous Substances which affect or will  
 446 affect the Property; (ii) written notice of any knowledge or information Permittee obtains  
 447 regarding Hazardous Substances or losses incurred or expected to be incurred by Permittee or  
 448 any government agency to study, assess, contain or remove any Hazardous Substances on or  
 449 near the Property, and (iii) written notice of any knowledge or information Permittee obtains  
 450 regarding the release or discovery of Hazardous Substances on the Property.

451  
 452 **9.05 Remedial Action.** If the presence, release, threat of release, placement on or in  
 453 the Property, or the generation, transportation, storage, treatment or disposal at the Property  
 454 of any Hazardous Substance (i) gives rise to liability (including but not limited to a response  
 455 action, remedial action or removal action) under any Environmental Law, (ii) causes a  
 456 significant public health effect, or (iii) pollutes or threatens to pollute the environment,  
 457 Permittee shall, at its sole expense, promptly take any and all remedial and removal action  
 458 necessary to clean up the Property and mitigate exposure to liability arising from the  
 459 Hazardous Substance, whether or not required by law.

460  
 461 **9.06 Indemnification.** Subject to Section 9.09, Permittee shall indemnify, defend, and  
 462 hold harmless City, its officers and employees from and against any and all claims,  
 463 disbursements, demands, damages (including but not limited to consequential, indirect or  
 464 punitive damages), losses, liens, liabilities, penalties, fines, lawsuits and other proceedings and  
 465 costs and expenses (including experts', consultants' and attorneys' fees and expenses, and  
 466 including without limitation remedial, removal, response, abatement, cleanup, legal,  
 467 investigative and monitoring costs), imposed against City, arising directly or indirectly from or  
 468 out of, or in any way connected with (i) the failure of Permittee to comply with its obligations  
 469 under this Article; (ii) any activities on the Property during Permittee's past, present or future  
 470 possession or control of the Property which directly or indirectly resulted in the Property being

471 contaminated with Hazardous Substances; (iii) the discovery of Hazardous Substances on the  
472 Property whose presence was caused during the possession or control of the Property by  
473 Permittee; (iv) the clean-up of Hazardous Substances on the Property; and (v) any injury or  
474 harm of any type to any person or damage to any property arising out of or relating to  
475 Hazardous Substances on the Property or from the Property on any other property. The  
476 liabilities, losses, claims, damages, and expenses for which City is indemnified under this  
477 section shall be reimbursable to City as and when the obligation of City to make payments with  
478 respect thereto are incurred, without any requirement of waiting for the ultimate outcome of  
479 any litigation, claim or other proceeding, and Permittee shall pay such liability, losses, claims,  
480 damages and expenses to City as so incurred within 10 days after notice from City itemizing in  
481 reasonable detail the amounts incurred (provided that no itemization of costs and expenses of  
482 counsel to City is required where, in the determination of City, such itemization could be  
483 deemed a waiver of attorney-client privilege).

484  
485 **9.07 Survival of Obligations.** The obligations of Permittee in this Article, including  
486 without limitation the indemnity provided for in Section 9.06, are separate and distinct  
487 obligations from Permittee's obligations otherwise provided for herein and shall continue in  
488 effect after the expiration of the Term and any Renewal Term.

489 **9.08 Claims against Third Parties.** Nothing in this Article shall prejudice or impair the  
490 rights or claims of Permittee against any person other than City with respect to the presence of  
491 Hazardous Substances as set forth above.

492 **9.09 Extent of Permittee's Obligations.** Permittee's obligations under this Article  
493 apply only to acts, omissions or conditions that (i) occur in whole or in part during the Term or  
494 during any time of Permittee's possession or occupancy of the Property prior to or after the  
495 Term of this Agreement; or (ii) are proximately caused in whole or in part by the occupancy of,  
496 use of, operations on, or actions on or arising out of the Property by Permittee or its  
497 employees, agents, customers, invitees or contractors.

498  
499 **ARTICLE 12. GENERAL PROVISIONS**

500  
501 **12.01 Authority.** Permittee represents and warrants that it has complete and  
502 unconditional authority to enter into this Agreement; this Agreement has been duly  
503 authorized by Permittee's governing body; this Agreement is a binding and enforceable  
504 agreement of and against Permittee; and the person executing the Agreement on Permittee's  
505 behalf is duly and properly authorized to do so.

506  
507 **12.02 Notices.**

508  
509 (a) All notices, demands or requests from one party to another shall be delivered in  
510 person or be sent by (i) mail, certified or registered, postage prepaid, (ii) reputable overnight  
511 air courier service, or (iii) electronic mail (accompanied by reasonable evidence of receipt of the



512 transmission and with a confirmation copy mailed by first class mail no later than the day after  
513 transmission).

514  
515 (b) From and after the signing of this Agreement, Permittee at all times shall maintain  
516 on file with City the names, mailing addresses, telephone numbers and email addresses of two  
517 individuals with authority to receive notices on behalf of Permittee under this Agreement.

518  
519 (c) All notices to City under this Agreement shall be addressed to the following:

520  
521 City Manager  
522 City of Homer  
523 491 East Pioneer Avenue  
524 Homer, Alaska 99603  
525 Facsimile: (907) 235-3148  
526 Email: \_\_\_\_\_

527  
528 **12.03 Time.** Time is of the essence of each provision of this Agreement. The time in  
529 which any act provided by this Agreement is to be done is computed by excluding the first day  
530 and including the last, unless the last day is a Saturday, Sunday or a holiday, and then it is also  
531 excluded. The term "holiday" will mean all holidays as defined by the statutes of Alaska.

532  
533 **12.04 Interpretation.** Each party hereto has been afforded the opportunity to consult  
534 with counsel of its choice before entering into this Agreement. The language in this Agreement  
535 shall in all cases be simply construed according to its fair meaning and not for or against either  
536 party as the drafter thereof.

537  
538 **12.05 Captions.** The captions or headings in this Agreement are for convenience only  
539 and in no way define, limit or describe the scope or intent of any provision of this Agreement.

540  
541 **12.06 Independent Contractor Status.** City and Permittee are independent  
542 contractors under this Agreement, and nothing herein shall be construed to create a  
543 partnership, joint venture, or agency relationship between City and Permittee. Neither party  
544 shall have any authority to enter into agreements of any kind on behalf of the other and shall  
545 have no power or authority to bind or obligate the other in any manner to any third party.

546  
547 **12.07 Parties Interested Herein.** Nothing in this Agreement, express or implied, is  
548 intended or shall be construed to give to any person other than City and Permittee any right,  
549 remedy or claim, legal or equitable, under or by reason of this Agreement. The covenants,  
550 stipulations and agreements contained in this Agreement are and shall be for the sole and  
551 exclusive benefit of City and Permittee, and their permitted successors and assigns.

552

553 **12.08 Successors and Assigns.** This Agreement shall be binding upon the successors  
554 and assigns of City and Permittee, and shall inure to the benefit of the permitted successors  
555 and assigns of City and Permittee.

556  
557 **12.09 Waiver.** No waiver by a party of any right hereunder may be implied from the  
558 party's conduct or failure to act, and neither party may waive any right hereunder except by a  
559 writing signed by the party's authorized representative. The lapse of time without giving notice  
560 or taking other action does not waive any breach of a provision of this Agreement. No waiver  
561 of a right on one occasion applies to any different facts or circumstances or to any future  
562 events, even if involving similar facts and circumstances. No waiver of any right hereunder  
563 constitutes a waiver of any other right hereunder.

564  
565 **12.10 Attorney's Fees.** In the event of litigation between City and Permittee  
566 concerning enforcement of any right or obligation under this Agreement, the non-prevailing  
567 party shall reimburse the prevailing party for the attorney's fees reasonably incurred and  
568 expended by the prevailing party in the litigation.

569  
570 **12.11 Severability.** If any provision of this Agreement shall for any reason be held to be  
571 invalid, illegal, unenforceable, or in conflict with any law of a federal, state, or local  
572 government having jurisdiction over this Agreement, such provision shall be construed so as to  
573 make it enforceable to the greatest extent permitted, such provision shall remain in effect to  
574 the greatest extent permitted and the remaining provisions of this Agreement shall remain in  
575 full force and effect.

576  
577 **12.12 Entire Agreement, Amendment.** This Agreement constitutes the entire and  
578 integrated agreement between City and Permittee concerning the subject matter hereof, and  
579 supersedes all prior negotiations, representations or agreements, either written or oral. No  
580 affirmation, representation or warranty relating to the subject matter hereof by any employee,  
581 agent or other representative of City shall bind City or be enforceable by Permittee unless  
582 specifically set forth in this Agreement. This Agreement may be amended only by written  
583 instrument executed and acknowledged by both City and Permittee.

584  
585 **12.13 Governing Law and Venue.** This Agreement will be governed by, construed and  
586 enforced in accordance with, the laws of the State of Alaska. Any action or suit arising between  
587 the parties in relation to or in connection with this Agreement, or for the breach thereof, shall  
588 be brought in the trial courts of the State of Alaska for the Third Judicial District at Homer.

589  
590 **12.14 Execution in Counterparts.** This Agreement may be executed in two or more  
591 counterparts, each of which shall be an original and all of which together shall constitute one  
592 and the same document.

593  
594 IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first  
595 set forth above.

596  
597  
598  
599  
600  
601  
602

**CITY OF HOMER**

\_\_\_\_\_

By: \_\_\_\_\_  
Mary K. Koester, City Manager

By: \_\_\_\_\_  
(name/title)



603  
604  
605  
606  
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609

EXHIBIT A  
LOCATION OF PROPERTY  
(Section 2.01)



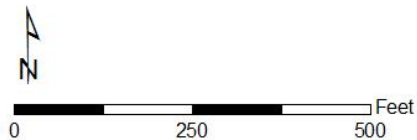
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**EXHIBIT B**  
**SITE PLAN**  
**(Section 6.02)**



**DRAFT** Exhibit B



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**EXHIBIT C**  
**CERTIFICATES OF INSURANCE**  
**(Section 9.04(d))**







# City of Homer

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

101

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

## Memorandum 19-057

TO: Mayor Castner and the Homer City Council  
THROUGH: Katie Koester, City Manager  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: May 8, 2019  
SUBJECT: Recreational Use Agreement with Little League

---

The City of Homer and Little League have enjoyed a long, successful partnership, ensuring the community has the facilities and organizational capacity to provide Little League activities to the community.

The City and Little League have never formalized this partnership through a Recreational Use Agreement (RUA). Having an RUA with an organization that regularly provides activities on City lands is a standard practice in most communities. The RUA clarifies which entity is responsible for which facilities and requirements for insurance.

Attorney Klinkner provided the City with a template for such RUA's, and the template has been approved by the Parks, Art Recreation and Culture Commission. Staff has worked for over a year with Little League to draft the RUA as it relates to Little League. This initial RUA would be valid for two years, and then can be renewed or amended.

**Requested Action:** Approve a resolution and authorize the City Manager to execute the appropriate documents.



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk/Economic Development  
Advisory Commission

**RESOLUTION 19-027**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE ECONOMIC DEVELOPMENT ADVISORY  
COMMISSION BYLAWS BY AMENDING ARTICLES TITLED  
NAME AND AUTHORIZATION, PURPOSE, MEMBERS,  
OFFICERS, MEETINGS, COMMITTEES, BYLAW AMENDMENTS,  
AND TELECONFERENCING.

WHEREAS, The Economic Development Advisory Commission reviewed their Bylaws at their March 12, 2019 and April 9, 2019 regular meetings to make amendments of their own and to review recommendations from the City Clerk’s Office; and

WHEREAS, Article I – Name and Authorization is amended to identify the Homer City Code that the advisory commission operates by; and

WHEREAS, Article II – Purpose is amended to remove one section that is not outlined in Homer City Code and is duplicative verbiage; and

WHEREAS, Article III – Members is amended to ensure sections match what is stated in Homer City Code in reference to member requirements and the number of unexcused absences that constitute a vacancy; include verbiage regarding the term expiration date; and allow for appointments of honorary, non-voting members; and

WHEREAS, Article IV – Officers is amended to change the month of Chair/Vice Chair elections to April; and clarify that the most senior member shall assume duties in the absence of the Chair and Vice Chair; and

WHEREAS, Article V – Meetings is amended to note that allowances will be made for holidays regarding the agenda deadline; clarify the process for calling a worksession; clarify the verbiage regarding quorum and voting; and remove duplicative verbiage related to how commissioners conduct actions within a meeting; and

WHEREAS, Article VI – Committees is added to identify the process of how a committee is requested, established, disbanded, and reports; and

WHEREAS, Article VII – Bylaw Amendments is amended to clarify the bylaw amendment process; and

44 WHEREAS, Article VIII – Teleconferencing is added to identify how members  
45 participate in meetings telephonically; and

46  
47 WHEREAS, The Economic Development Advisory Commission approved the Bylaw  
48 amendments at their April 9, 2019 regular meeting by unanimous consent of the Commission.

49  
50 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska amends  
51 the Economic Development Advisory Commission Bylaws by renaming Articles in a manner  
52 that more efficiently outlines the Commission’s internal operations that govern the orderly  
53 discharge of its responsibilities; and amending articles titled Name and Authorization,  
54 Purpose, Members, Officers, Meetings, Committees, Bylaw Amendments, and  
55 Teleconferencing.

56  
57 PASSED AND ADOPTED by the Homer City Council this 22<sup>nd</sup> day of April, 2019

58  
59 CITY OF HOMER

60  
61  
62  
63 \_\_\_\_\_  
64 KEN CASTNER, MAYOR

65 ATTEST:  
66  
67  
68 \_\_\_\_\_  
69 MELISSA JACOBSEN, MMC, CITY CLERK

70  
71 Fiscal note: N/A

**CITY OF HOMER ECONOMIC DEVELOPMENT ADVISORY COMMISSION  
BYLAWS**

**ARTICLE I - NAME AND AUTHORIZATION**

This organization shall be called the Economic Development Advisory Commission, established via Ordinance 93-15(S)(A) and Resolution 06-20, existing by virtue of the provisions of Chapter 2.76 of the Homer Municipal Code, and exercising the powers and authority and assuming the responsibilities delegated under said Code. The following bylaws were adopted on **April 22, 2019** and shall be in effect and govern the procedures of the Economic Development Advisory Commission.

**ARTICLE II – PURPOSE**

Section 1. Act in an advisory capacity to the City Manager and the City Council on the overall economic development planning for the City of Homer.

Section 2. Oversee responsibility of the City of Homer Comprehensive Economic Development Strategy (adopted by City Council April 26, 1993; formerly known as the Overall Economic Development Plan):

- a. Revisions, amendments and extensions of the Comprehensive Economic Development Strategy (CEDS) which may be adopted by the City Council after consideration and report by the Commission.
- b. Provide continued review and evaluation of the CEDS.
- c. Supervise and monitor the implementation of the CEDS.

Section 3. Collect and analyze data relevant to economic development to evaluate existing community resources.

Section 4. Formulate and develop the overall long range economic development goals of the residents of the City of Homer through public hearing process.

Section 5. Identify specific alternatives or projects to accomplish the City's objectives and recommend priorities.

Section 6. Review recommendations of the Homer Advisory Planning Commission to encourage a business-friendly environment in Homer.

Section 7. Promote public interest in overall economic development.

Section 8. Make inquiries regarding matters related to economic development.

Section 9. Collaborate with other City of Homer advisory bodies, the Homer Chamber of Commerce, Kenai Peninsula Economic Development District, and Kenai Peninsula Tourism Marketing Council in activities of mutual interest.

~~Section 10. Any recommendation the Commission may have regarding economic development is to be directed to the City Council through the City Manager. Recommendations of the Commission concerning policy issues may be sent directly to the Council upon request of the Commission. Any~~

report or recommendation made in response to a specific request from the City Council shall be made directly to the Council, unless otherwise directed by the Council.

### ARTICLE III - MEMBERS

Section 1. The Commission shall consist of seven members comprised of at least five (5) members that reside inside city limits **and shall be registered voters in the Kenai Peninsula Borough or the City of Homer.** Members shall be nominated by the Mayor and confirmed by City Council to serve for three-year terms **to expire on April 1<sup>st</sup> of designated years.**

Section 2. One City Council member and one Homer area high school Student Representative may be appointed by the Mayor, subject to confirmation by the City Council, as consulting, non-voting members.

Section 3. The Mayor, City Manager, City Planner, and/or the Director of the Homer Chamber of Commerce and a representative from the Homer Marine Trades Association may serve as non-voting, consulting members of the Commission.

Section 4. A commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. The Commission shall declare a vacancy when the person appointed:

- Fails to qualify to take office within 30 days after their appointment;
- Resigns and the resignation is accepted;
- Is physically or mentally unable to perform the duties of their office;
- Misses ~~three (3)~~ **two (2)** consecutive regular meetings unless excused;
- Is convicted of a felony.

Section 5. **Honorary members of the Commission may be appointed by the Mayor, subject to confirmation by the City Council. Honorary members may participate in the deliberations of the Commission, but may not vote nor shall they be counted in determining the quorum of Commissioners.**

### ARTICLE IV - OFFICERS

Section 1. A Chairperson and Vice-Chairperson shall be elected from among the appointed commissioners at the regular ~~November~~ **April** meeting of the Commission.

Section 2. Officers shall serve a term of one year from the ~~November~~ **April** meeting at which they are elected, and until their successors are duly elected. Officers may be re-elected in subsequent years.

Section 3. The Chairperson shall preside at all meetings of the Commission, authorize calls for any special meetings, execute all documents authorized by the Commission, serve as ex officio/voting member of all committees, and generally perform all duties associated with that office.

Section 4. In the event of the absence, or disability of the Chairperson, the Vice-Chairperson shall assume and perform the duties of the Chair. **If both the Chairperson and Vice-Chairperson are absent, and a quorum of four members are present, the senior member shall assume and perform the duties and functions of the Chair.**

**ARTICLE V – MEETINGS**

Section 1. Regular meetings shall be open to the public and held on the second Tuesday of each month at 6:00 p.m. in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.

Section ~~3~~ **2.** Meeting agenda deadline is at 5:00 p.m. the Wednesday preceding the meeting. **Allowances will be made for holidays.**

~~Section 3. After the agenda deadline, the commission may, through majority vote, add or remove agenda items at the beginning of a meeting during "Approval of the Agenda." Added items shall be for discussion purposes only; no action may be taken.~~

Section ~~4~~ **3.** The order of business for the regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown, as far as circumstances permit. Agenda shall be posted for public information as required by Homer City Code and Alaska State Statutes.

NAME OF BODY	DATE OF MEETING
PHYSICAL LOCATION OF MEETING	DAY OF WEEK AND TIME OF MEETING
HOMER, ALASKA	MEETING ROOM

NOTICE OF MEETING  
REGULAR MEETING AGENDA

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
4. RECONSIDERATION
5. APPROVAL OF MINUTES or CONSENT AGENDA
6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor's topic until audience comments.) No action may be taken at this time.
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)
8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
9. PLAT CONSIDERATION (Planning Commission only)
10. PENDING BUSINESS or COMMISSION BUSINESS
11. NEW BUSINESS or COMMISSION BUSINESS
12. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).
13. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
14. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
15. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
16. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
17. COMMENTS OF THE COMMISSION
18. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR \_\_\_\_\_ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)

Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us, 235-3130.

Section ~~5~~ **4. Per Resolution of the City Council (Resolution 06-115(A)), Public Testimony shall normally be limited to three minutes per person. Exceptions may be provided for at the Chair's discretion or by a majority vote of the members in attendance.**

Section ~~6~~ **5. Special Meetings and Worksessions, ~~and Public Forums~~ may be called by the Special Projects and Communications Coordinator, Chair, or a majority of the Commission. Worksessions ~~and Public Forums~~ do not require a quorum, however, no action may be taken at a worksession ~~or forum~~; items on the agenda are for discussion only. Notice of such meetings shall be posted in the same manner as that for regular meetings.**

Section ~~7~~ **6. A quorum for the transaction of business at any meeting shall consist of four members. For purposes of determining the existence of a quorum, honorary members shall not be counted.**

Section ~~8~~ **7. Four affirmative votes are required to approve any action before the Commission and shall constitute the meaning of "majority vote". The Chairperson may vote upon, and may move or second a proposal before the Commission.**

Section ~~9~~ **8. Recorded minutes shall be made available by the City Clerk's Office to the Commission prior to the next meeting and a record of all voting will be included in the minutes of each meeting. Minutes shall be available to the public as required by Homer City Code and Alaska State Statutes.**

Section ~~10~~ **9. The Commission shall abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer City Code, as well as Robert's Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.**

~~Section 11. Abstentions: All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon. A member of the Commission requesting to be excused from voting may make a brief, oral statement of the reasons for the request and the question of granting permission to abstain shall be taken without further debate. A member may not be permitted to abstain except upon the unanimous consensus of members present. A member may not explain a vote, may not discuss the question while the roll call vote is being taken and may not change his/her vote thereafter.~~

~~Section 12. Consensus: The Commission may, from time to time, express its opinion or preference concerning a subject brought before it for consideration. Said statement, representing the will of the body and meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.~~

~~Section 13. Notice to Reconsider: A member of the Commission who voted on the prevailing side on any issue may provide notice of reconsideration within 48 hours from the time the original action was taken. The Chair or Vice-Chair shall notify staff of the reconsideration.~~

~~Section 14. Conflict of Interest: A member of the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest per HCC 1.12. The member shall disclose any financial interest in the topic before debating or voting. The member cannot~~



~~participate in the debate or vote on the matter, unless the Commission determines the financial interest is not substantial. Following the Chair's announcement of the agenda item, the Commissioner should state that he/she has a conflict of interest. Once stated, the member should distance himself/herself from all motions. The Commission must move and vote on whether or not there is a conflict of interest. At this time a motion shall be made by another Commissioner restating the disclosed conflict. Once the motion is on the floor, the Commissioner can disclose his/her financial interest in the matter and the Commission may discuss the conflict of interest. A vote will then be taken. An affirmative vote excuses the Commissioner and he/she takes a seat in the audience or remains nearby. Upon completion of the agenda item, the Commissioner will be called back to join the meeting.~~

## ARTICLE VI - COMMITTEES

Section 1. Committees of one or more members for such specific purposes as the business of the Commission will only become active upon approval of Council. A memorandum and resolution will go before Council outlining the reason, tasks assigned and termination date. Committees shall be considered to be discharged upon completion of the purpose for which it was appointed, and after its final report is made to and approved by the Commission.

Section 2. All committees shall make a progress report to the Commission at each of the Commission's regular meetings.

## ARTICLE VII - BYLAW AMENDMENTS

Section 1. The Bylaws may be amended at any meeting of the Commission ~~with five affirmative votes~~ **by a majority plus one of the members**, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting.

Section 2. Any rule or resolution of the Commission, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand; and such suspension to be valid; may be taken only at a meeting at which at least four of the members of the Commission shall be present, and two-thirds of those present shall so approve.

## ARTICLE VIII – TELECONFERENCING

Section 1. Teleconference meetings:

- a) The preferred procedure for a Commission meeting is that all members be physically present at the designated time and location for the meeting. However, physical presence may be waived and a member may participate in a meeting by Teleconference. This allowance is limited to two (2) meetings per year.
- b) There must be a quorum of four members physically present in addition to the telephonic member.
- c) A Commissioner participating by teleconference shall be deemed to be present at the meeting for all purposes.
- d) In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

Section 2. Teleconference procedures:

- e) A Commissioner who cannot be physically present for a regularly scheduled meeting shall notify the Clerk at least five days prior to the scheduled meeting time of their intent to participate telephonically.
- f) The Clerk shall notify the other Commissioners of the Commissioner’s intent to participate by teleconference three days prior to the scheduled meeting time.
- g) The means used to facilitate a teleconference meeting must enable each Commissioner participate telephonically to clearly hear, and be heard by, all other Commissioners, and members of the public.
- h) The Clerk shall note in the attendance record all Commissioners participating telephonically.



## Memorandum 19-055

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: ECONOMIC DEVELOPMENT ADVISORY COMMISSION

THRU: RACHEL TUSSEY, DEPUTY CITY CLERK

DATE: APRIL 16, 2019

SUBJECT: ECONOMIC DEVELOPMENT ADVISORY COMMISSION BYLAW AMENDMENTS

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At the March 12 and April 9, 2019 regular meetings, the Economic Development Advisory Commission reviewed bylaw amendment recommendations from the City Clerk's Office and made their own additional changes. Excerpts from their meeting minutes are as follows:

### **Regular Meeting Minutes from March 12, 2019:**

- A. EDC Bylaw Amendments
- i. DRAFT EDC Bylaw Amendments

Acting Chair Evans initiated discussion on the proposed amendments. Deputy City Clerk Tussey and Special Projects and Communications Coordinator Carroll provided answers on the following topics:

- What the purpose of the CEDS (Comprehensive Economic Development Strategy) is, and the EDC's responsibility in evaluating and maintaining it per City Code.
- Verbiage related to how the commission communicates to the Mayor and City Council.
- Definition of what an excused absence is, and who states if an absence is excused or not.
- History of the commission including the Pledge of Allegiance in their meetings.
- Verbiage related to what constitutes a quorum, and how it pertains to members participating telephonically.
- Clarifying when committees report to the Commission.
- When and how commissioners can amend the agenda after the agenda deadline.
- Whether to make additional amendments or not to sections pertaining to the regular meeting months, the Pledge of Allegiance, and when to hold annual elections.
- If the commission was interested in designating certain months to review topics such as the budget, goals, or policies, specifically a strategic plan.

BROWN/AREVALO MOVED TO CHANGE ELECTIONS FOR CHAIR AND VICE CHAIR FROM NOVEMBER TO APRIL.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

EVANS/RICHARDSON MOVED TO LEAVE THE PLEDGE OF ALLEGIANCE IN THE BYLAWS.

Acting Chair Evans shared his thoughts on why the commission should continue opening their meetings with the Pledge of Allegiance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Smith noted a need to revise Article VIII, Section 2, to ensure consistent verbiage related to “participating” telephonically versus “appearing” telephonically.

There was further discussion on the regular meeting schedule and if there was a need to amend holding a regular meeting every month, or if it could remain as-is and the commission could cancel an unnecessary meeting at that time.

Acting Chair Evans asked for a motion to hold a second reading at the next meeting.

AREVALO/EVANS MOVED TO HOLD A SECOND READING OF THE DRAFT BYLAWS AT THE NEXT REGULAR MEETING.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**Regular Meeting Minutes from April 9, 2019:**

- A. EDC Bylaw Amendments
  - i. DRAFT EDC Bylaw Amendments

Chair Marks deferred to Deputy City Clerk Tussey, who provided an overview of what amendments the commission made/approved at the last meeting and explained the next steps in the process. Chair Marks asked Ms. Tussey for clarification on some of the proposed amendments since she had been absent at the last meeting and wanted to make sure she understood them. Commissioners Evans inquired if there were limitations on excused absences and what other City bodies do; it was confirmed that bylaws for other commissions only limit the number of unexcused absences and the number of meetings a commissioner can participate in telephonically.

There was brief discussion on the definition of a committee and how they report to the commission. Ms. Tussey noted that, for the next meeting, she will provide the commission additional information clarifying what constitutes a formal committee.

EVANS/RICHARDSON MOVED TO ADOPT THE EDC BYLAW AMENDMENTS.

There was no further discussion.

VOTE: YES: AREVALO, EVANS, MARKS, JOHNSON, RICHARDSON

Motion carried.

Chair Marks confirmed with Ms. Tussey that the approved bylaws will go to City Council for final approval at their April 22, 2019 meeting, when they would take effect, and how they will be distributed.

**RECOMMENDATION**

Approve Resolution 19-000 adopting the amended Economic Development Advisory Commission Bylaws.



**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**RESOLUTION 19-028**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, MEMORIALIZING THE COUNCIL’S INTENT FOR THE CONTRACTING AND EXPENDITURE OF FUNDS, INCLUDING THE PROCEEDS FROM THE ISSUANCE OF BONDS, AND THE MANAGEMENT OF FUNDS DEDICATED TOWARDS THE RETIREMENT OF THE BONDED DEBT.

WHEREAS, The City of Homer has entered into a contract for the construction of a new building that will house the Homer Police Department, with Cornerstone Construction, Inc.; and

WHEREAS, The contract is for the general contractor to act as the construction manager (GC/CM), a benefit of which is to arrive at price, scope and quality certainty, which comfortably removes risk to the City; and

WHEREAS, The contractor has provided to the City a Guaranteed Maximum Price (GMP), of \$6,050,000 for the completed cost of the building as described in the contract documents; and

WHEREAS, The contractor is obligated to provide an accounting of the job costs incurred on the project per the agreed Schedule of Values which, together with their fee, will confirm the cost of construction, which shall be no more than the GMP; and

WHEREAS, The contract provides for an incentive to the contractor by equally sharing, (50%), with the City, any remaining General Contractor contingency at the end of the project; and

WHEREAS, The GMP, together with reimbursable costs incurred by the City, constitute a total project cost that cannot exceed \$7,499,284.00; and

WHEREAS, The City has sold bonds which will net the City \$4,780,000 to cover the costs of the project; and

WHEREAS, The actual bond indebtedness, when converted to its net present value, and considering the premiums paid at the time of sale, have a face value of \$4,100,000 which have an imputed interest rate of 5%; and

42 WHEREAS, The City is collecting a sales tax of .3% (30 basis points) to fund the annual  
43 retirement of the project's bonded indebtedness; and

44  
45 WHEREAS, The agreement with the bonding agency, and as stated as a condition of the  
46 bond, prevent prepayment or retirement of the bond for a period of 10 years; and

47  
48 WHEREAS, The annual proceeds of the sales tax collected will likely exceed the annual  
49 costs of the project's bonded indebtedness; and

50  
51 WHEREAS, Provisions of the bond agreement prevent the City from investing in any  
52 financial instrument that earns a rate of return greater than rate paid for the bond (5%).

53  
54 NOW THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska hereby  
55 memorializes the intent for the contracting and expenditure of funds, including the proceeds  
56 from the issuance of bonds, and the management of funds dedicated towards the retirement  
57 of the bonded debt.

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59 BE IT FURTHER RESOLVED that:

- 60
- 61 1) The City's equal portion, (50%), of the remaining General Contractor contingency at  
62 the end of the Project shall be deposited in the General Fund and be available for  
63 appropriation by the Homer City Council.
  - 64
  - 65 2) Funds that become surplus at the close of the project shall be deposited in the  
66 General Fund and be available for appropriation by the Homer City Council.
  - 67
  - 68 3) Taxes, dedicated to the retirement of the bond, that are in excess to the annual cost  
69 of the retirement of the bond, shall be deposited into a dedicated account which  
70 can earn no more than 5%.
  - 71
  - 72 4) Compliant with the conditions of the voter-supported proposition for bonding the  
73 project, when the dedicated account reaches a level sufficient to retire the bond,  
74 and cover the annual interest payments through the 10 year guaranteed payment  
75 period, the City will cease collection of the .3% sales tax.
  - 76
  - 77 5) It is the intent of the Homer City Council to retire the bonded indebtedness in its  
78 entirety as soon as it has collected sufficient tax revenues and met the time  
79 restrictions of the bond.

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81 PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of May, 2019

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CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: \$6,050,000 Account: 151-7010



CITY OF HOMER  
HOMER, ALASKA

Mayor

RESOLUTION 19-029

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
REQUESTING THE STATE OF ALASKA DEPARTMENT OF  
TRANSPORTATION INCLUDE ADDITIONAL ENHANCED  
PEDESTRIAN CROSSING SAFETY MEASURES IN PROJECT  
CFHWY00148.

WHEREAS, Pioneer Avenue, in downtown Homer, contains many businesses and facilities that cater to pedestrian traffic; and

WHEREAS, Pioneer Avenue has pedestrian sidewalks that run on both sides of the roadway, from the confluence at the Sterling Highway to the Lake Street/East End Road intersection; and

WHEREAS, Pedestrian pathways should be clearly marked and linked to provide the maximum information to both pedestrians and motorists; and

WHEREAS, The sidewalks along Pioneer are disjointed sections and currently no crosswalks are planned for any roads that cross or terminate at Pioneer Avenue; and

WHEREAS, The sidewalk on Lake Street, which is located on the east side of the street, does not connect to a dedicated pedestrian pathway; and

WHEREAS, Pioneer Avenue has very busy two-way traffic and crossing that road, even at a marked crosswalk, can be very challenging; and

WHEREAS, A higher level of pedestrian safety and motorist notice require lighting features that will stop traffic to allow for pedestrian passage.

NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska hereby requests the State of Alaska Department of Transportation Include Additional Enhanced Pedestrian Crossing Safety Measures in project CFHWY00148.

BE IT FURTHER RESOLVED that:

1. The City of Homer respectfully requests that the State amend its contract for the above-captioned project to include more pedestrian safety features.
2. The State’s project management team involve the City Engineer in the planning and location of any additional pedestrian enhancements.

45 PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of May, 2019

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CITY OF HOMER

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KEN CASTNER, MAYOR

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52 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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57 Fiscal Note: N/A

CITY OF HOMER  
HOMER, ALASKA

City Manager/  
Public Works Director

RESOLUTION 19-030

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA  
AWARDING THE CONTRACT FOR THE CONSTRUCTION OF THE  
EAST END ROAD/RONDA STREET WATER MAIN CROSSING  
PROJECT TO THE FIRM OF EAST ROAD SERVICES, INC. OF  
HOMER, ALASKA IN THE AMOUNT OF \$162,025 AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
APPROPRIATE DOCUMENTS.

WHEREAS, Competitive bids were solicited for the East End Road/Ronda Street Water  
Main Crossing project in conformance with the City of Homer’s procurement policies; and

WHEREAS, The project was advertised in the Homer News on April 4 and 11 and in the  
Peninsula Clarion on April 6, 2019; and

WHEREAS, One bid was received and opened on May 2, 2019 (see Memorandum 19-  
oXX from Public Works); and

WHEREAS, East Road Services, Inc. of Homer, Alaska was found to be the lowest  
responsive bidder and the bid is within the project budget approved by the City Council; and

WHEREAS, The project is funded through an ADEC Municipal Matching Grant (70%  
grant/30% City) with the City’s match financed through the low interest State Revolving Loan  
Program; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards  
the contract for the East End Road/Ronda Street Water Main Crossing project to East Road  
Services, Inc. of Homer, Alaska, in the amount of \$162,025 and authorizes the City Manager to  
execute the appropriate documents necessary to complete the project.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2019.

CITY OF HOMER

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KEN CASTNER, MAYOR

45 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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51 Fiscal Note: Account: 215-0006 Amount: \$162,025.00 East End Road/Ronda Street Water  
52 Main Crossing Project



# City of Homer

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

Public Works 123  
3575 Heath Street  
Homer, AK 99603  
[publicworks@cityofhomer-ak.gov](mailto:publicworks@cityofhomer-ak.gov)  
(p) 907- 235-3170  
(f) 907-235-3145

## Memorandum 19-051

TO: KATIE KOESTER, CITY MANAGER  
FROM: CAREY MEYER, PW DIRECTOR  
DATE: MAY 8, 2019  
SUBJECT: **AWARD OF CONSTRUCTION CONTRACT EAST END ROAD/RONDA STREET WATER MAIN CROSSING**

The Homer City Council passed Resolutions 18-009(S) and 18-039; and Ordinance 18-10 which authorized utilizing remaining ADEC Municipal Matching Grant funds to complete the design and construction of various water distribution/storage improvements. The projects are funded through the ADEC Municipal Matching Grant program (70% grant/30% City) with the City's match financed through the low interest State Revolving Loan Program.

On May 2, 2019, bids were received for one of these projects; the East End Road/Ronda Street Water Main Crossing project. The project was advertised in the Homer News on April 4 and 11 and in the Peninsula Clarion on April 6, 2019. Competitive bidding was completed in accordance with the City's procurement regulations.

One responsive bid was received from qualified firms. The bid results were evaluated and the results are as follows.

Responsive Bidder's Names	Amount
<b>East Road Services, Inc.</b>	<b>\$ 162,025.00</b>
Engineer's Estimate	\$ 153,482.30

The City's 5% local bidder's preference does apply to this award.

The low bid is within the overall project budget approved by the City Council. Public Works expects the work to commence in June and be completed by September, 2019.

### **Recommendation:**

City Council pass a resolution awarding the construction contract for the East End Road/Ronda Street Water Main Crossing project in the amount of \$162,025 to East Road Services, Inc., Homer, Alaska and authorize the authorize the City Manager to execute all appropriate documents necessary to complete this project. Fiscal Note – 215-0006





CITY OF HOMER  
HOMER, ALASKA

City Manager/Port Director

RESOLUTION 19-031

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA  
AWARDING A CONSULTATION CONTRACT TO COFFMAN  
ENGINEERS OF ANCHORAGE, ALASKA IN THE AMOUNT OF  
\$40,000 FOR THE PURPOSE OF OPTIMIZING AND UPGRADING  
THE CITY OWNED ICE PLANT AND AUTHORIZING THE CITY  
MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City owned Ice Plant was built in 1983 and staff believes there may be efficiencies and energy cost savings gained by upgrading certain key components of the plant with current technologies; and

WHEREAS, Upgrading the Ice Plant is listed in the City of Homer Capital Improvement Plan 2018-2023 as a Priority 1 project; and

WHEREAS, A Request for Proposals for the purpose of a consultation contract for an evaluation of possible energy saving solutions and upgrades to the current Ice Plant was issued on February 15, 2019 and closed March 14, 2019; and

WHEREAS, The responsive proposals were evaluated by a selection committee of staff and based on the proposed cost of \$40,000 and a criteria that included team experience, knowledge and proposed options for Ice Plant upgrades, Coffman Engineers scored highest; and

WHEREAS, The Port and Harbor Advisory Commission reviewed the proposed scope of this project at their March 27, 2019 meeting and supporting the recommendations of staff, recommended that City Council support the Ice Plant Upgrade Consultation project and contract award.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby awards the consultation contract for optimizing and upgrading the City owned Ice Plant to Coffman Engineers of Anchorage, Alaska in the Amount of \$40,000 and authorizes the City Manager to execute the appropriate documents and proceed accordingly.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of May, 2019.

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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

\_\_\_\_\_  
KEN CASTNER, MAYOR

Fiscal Note: Account No. 456-0380; Amount: \$40,000.00; Ice Plant Upgrade Consultation Contract



# City of Homer

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

Office of the City Clerk 127

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 19-056

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 8, 2019

SUBJECT: AWARD OF CONTRACT FOR OPTIMIZING AND UPGRADING THE CITY-OWNED ICE PLANT

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The request for proposals for consultation regarding optimizing and upgrading the City owned Ice Plant was issued February 21, 2019 in an effort to contract with a qualified firm to perform a site visit to Homer's Ice Plant to evaluate our options and provide a list of recommendations for optimizing and/or upgrading our ice plant and cold storage facility. The primary goal for this evaluation would be to address energy saving solutions to help lower operational costs.

Proposals were submitted by Stellar Industrial Solutions of Jacksonville, Florida, and Coffman Engineers of Anchorage, Alaska.

Submittals were evaluated and scored by a review committee that consisted of Port Director/Harbormaster Hawkins and Ice Plant/Fish Dock Supervisor Gregory in accordance with the following criteria:

- |  |                  |
|--|------------------|
| 1. Proposed Consultation Contract Costs to provide an operational plan for ice plant upgrade | 35 points        |
| 2. Team/Experience & Knowledge, electrical Refrigeration, and control systems                | 35 points        |
| 3. Proposed Options  | <u>30 points</u> |
| Maximum Score  | 100 points       |

The selection committee reviewed and discussed the proposer's prior work experience and performance. Factors such as overall experience relative to the proposed contract, quality of work, cost control, and the ability to meet schedules were considered during the evaluation.

Coffman Engineers scored highest in the review process and was selected based on the proposed cost of \$40,000 and a criteria that included team experience, knowledge and proposed options for Ice Plant upgrades.

RECOMMENDATION: Adopt a Resolution awarding the contract for optimizing and upgrading the City owned Ice Plant to Coffman Engineers of Anchorage, Alaska in the Amount of \$40,000



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/Port Director

**RESOLUTION 19-032**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO WIDEN A PUBLIC UTILITY EASEMENT ON THE HOMER SPIT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH ALASKA COMMUNICATION SYESTEMS (ACS) FOR ACCESS TO FIBER OPTIC CABLE AND MULLIKIN SURVEYS FOR A NEW SURVEY.

WHEREAS, A field survey error resulted in ACS installing a portion of the infrastructure for their fiber optic cable serving the United States Coast Guard outside the existing public utility easement and onto public property without permission from the City; and

WHEREAS, The portion of the City property that is outside the current easement is property that would not otherwise be used for a permanent structure or in any way negatively impacted by the expansion of a public utility easement; and

WHEREAS, It is in the best interest of the City to expand the public easement for the installation of future infrastructure as the current easement has limited space due to existing installations and the slope of the harbor; and

WHEREAS, In recognition of the effort on behalf of the City to expand the public utility easement, ACS will provide the City of Homer with installation support and access to approximately 5,300 linear feet of fiber optic cable on the west side of the Harbormaster’s office, including five access ramps, the Load and Launch ramp, and in the vicinity of Fish Dock Road at no cost; and

WHEREAS, Mullikin Surveys will provide the City with a survey and legal description for the newly widened easement at no cost; and

WHEREAS, The City of Homer Advisory Port and Harbor Commission reviewed and unanimously approved the proposal at their April 18, 2019 meeting.

NOW, THEREFORE BE IT RESOLVED, The City Manager is hereby authorized to widen the public utility easement on the Homer Spit for Lots 12 through 16 of Plat 89-15 as recorded at the Homer Recording District.

BE IT FURTHER RESOLVED, the City Manager is authorized to enter into a memorandum of agreement with ACS to provide access to fiber optic internet on the west side of the Homer Harbor at no cost.

46 PASSED AND ADOPTED by the Homer City Council this 13<sup>th</sup> day of May, 2019

47

48

CITY OF HOMER

49

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\_\_\_\_\_  
KEN CASTNER, MAYOR

52

53

54 ATTEST:

55

56

57

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

58

59

60

Fiscal note: N/A

# MULLIKIN SURVEYS

P.O. Box 790, Homer, AK 99603-0790

Ph. & Fax: (907) 235-8975

April 11, 2019

Ms. Katie Koester, City Manager  
City of Homer  
491 E. Pioneer Avenue  
Homer, AK 99603

Re Utility Easement Request

Dear Ms. Koester:

This letter is a request to obtain a utility easement from the City of Homer at the large parking area along the northwest corner of the boat harbor.

Fiber optic conduit was mistakenly laid outside the existing easement. The optic cable has not yet been drawn through the conduit. The main purpose of the cable installation is to provide service to the U.S. Coast Guard facility on the east side of the harbor. Businesses along the boardwalk will also be able to access this new optic cable service.

Attached are sketches of Exhibit A-1 and A-2 showing the location of the line and the easement requested – 5 ft. each side of the line, except where it overlaps easements shown on plats Homer Spit Amended (No. 89-34) and Homer Spit No. Two (Nos. 91-3 and 92-50). A more refined copy will be presented for the final easement layout.

This new utility easement could be specific to Alaska Communications Systems or could be a general public utility easement.

We have dropped off copies of this request to the Harbor Master, Bryan Hawkins, to a city engineer, Dan Gardner, and also to Julie at the Planning Department.

Please call me or Christopher Mullikin to discuss this easement if you wish.

Dan Starbuck (242-9401), the ACS engineer, could answer questions regarding the specifics of the installation.

Thank you.

Sincerely,

Donald E. Mullikin, P.L.S.

DEM;jvm







## Memorandum

TO: PORT AND HARBOR ADVISORY COMMISSIONERS  
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER  
DATE: APRIL 18 2019  
SUBJECT: ALASKA COMMUNICATIONS/MULLIKIN SURVEYS REQUEST

---

Alaska Communications (ACS) and Mullikin Surveys have informed the City of a field survey error conducted on the Homer Spit. Rather than installing their fiber optic cable in the easement the City set aside for public utilities, ACS and Mullikin Surveys installed a portion of fiber optic cable outside of the existing easement and onto public property without pre-approval or permission from the City. Listed below is information regarding the issue and proposed options for moving forward as both sides work towards a solution.

It is requested that the Port and Harbor Advisory Commission review, discuss, and comment on how taking these portions of public property and incorporating them into the existing City easement may impact public property. In the end, we are requesting that the Port and Harbor Advisory Commission make a motion including their chosen recommendation to the City Manager.

### Introduction

The City of Homer has received a request from ACS, through Mullikin Surveys, to include adjacent public property into an existing utility easement managed by the City on the Homer Spit in order to accommodate an incorrectly surveyed and partially installed fiber optic cable. The pipe has already been placed in the ground, but the actual communications cable has not been installed due to this error. ACS needs to resolve the issue prior to project completion.

The fiber optic cable is located across portions of five City lots along Homer Spit Road, from approximately the high mast light north of Ramp 5 (near the new restrooms), continuing south to the utility boxes on Lot 16, a few lots short of Ramp 3. Attached to this report is a survey showing the City's existing easement and the portion of public property that the fiber optic cable impacted, along with an aerial map.

### Considerations for how granting this easement would affect long term development on these lots:

- The area in question is currently used for parking and the fiber optic cable's encroachment does not impact parking.
- The properties have never been listed as land available for lease in the City's Land Allocation Plan.
- Overslope development has been identified in the Land Allocation Plan for a portion of this area.

- There are many utilities already within the existing easement – things may be getting crowded (Surveyor to provide more documentation). Is it in the public's interest to have a wider utility easement?
- In the case of future development, should the City choose to lease one of these properties for the construction of a building, the public property encumbered by the fiber optic cable could not be used as building space. The leaseholder could still use the space as parking, landscaping, bike rental, or an outdoor eating area for a restaurant, and they can pave it. It is not designated as unusable space for the surface tenant.

#### Options for moving forward:

- 1) Incorporate the public property ACS and Mullikin Surveys impacted with the fiber optic cable into the City's existing easement at no cost to ACS and no additional benefit to the City. Mullikin Surveys would be required to provide the City with a survey and legal description for the newly widened City easement.
- 2) Require that ACS vacate the impacted public property and re-locate back into the easement. This would be a significant expense to ACS.
- 3) Have the portions of the impacted City lots appraised for value and have the appraiser give the City a recommended rate per sq. ft. for the encroachment, negotiate a settlement for the area – in essence selling ACS the rights to have an easement on public property. This option has both potential financial benefit to the City and potential financial cost in appraisal and litigation fees. ACS has shared that if this is the chosen option, these portions of public property would only be made available/dedicated to ACS and could not be used by the public.
- 4) Propose an in kind trade. The City's IT Manager Poolos recommended requiring ACS to provide unlit fiber (dark fiber) for City identified locations for no cost (locations requested for the harbor would be on the west side of the harbor to the Harbor masters office.) The fiber should support 2 gigabits of symmetric throughput in aggregate. Having a fiber optic connection for the five access ramps and in the vicinity of Fish Dock Rd. would allow the City to link cameras back to the office and address connectivity issues. This would be a step forward toward our goal of having security cameras at every ramp access point in the harbor. Staff calculated a rough estimate of the cost to install our own fiber optic cable from Fish Dock Rd to the Harbormasters office (approximately 5300 linear feet). With engineering/design, inspection, surface repairs, hookup fees, project management, the total would be \$71,550 in rough numbers. By requiring ACS to provide these improvements to the City and also requiring Mullikin Surveys to provide the City with a survey and legal description for the newly widened City easement, this option provides a financial benefit to the City without possible financial costs for appraisal or litigation fees and is also an acceptable option for ACS.

#### Recommendation:

Make a motion to City Manager that the Port and Harbor Advisory Commission recommends and is in support of Option 4: *Propose an in kind trade. The City's IT Manager Poolos recommended requiring ACS to provide unlit fiber (dark fiber) for City identified locations for no cost (locations requested for the harbor would be on the west side of the harbor to the Harbor masters office.) The fiber should support 2 gigabits of symmetric throughput in aggregate. Having a fiber optic connection for the five access ramps and in*

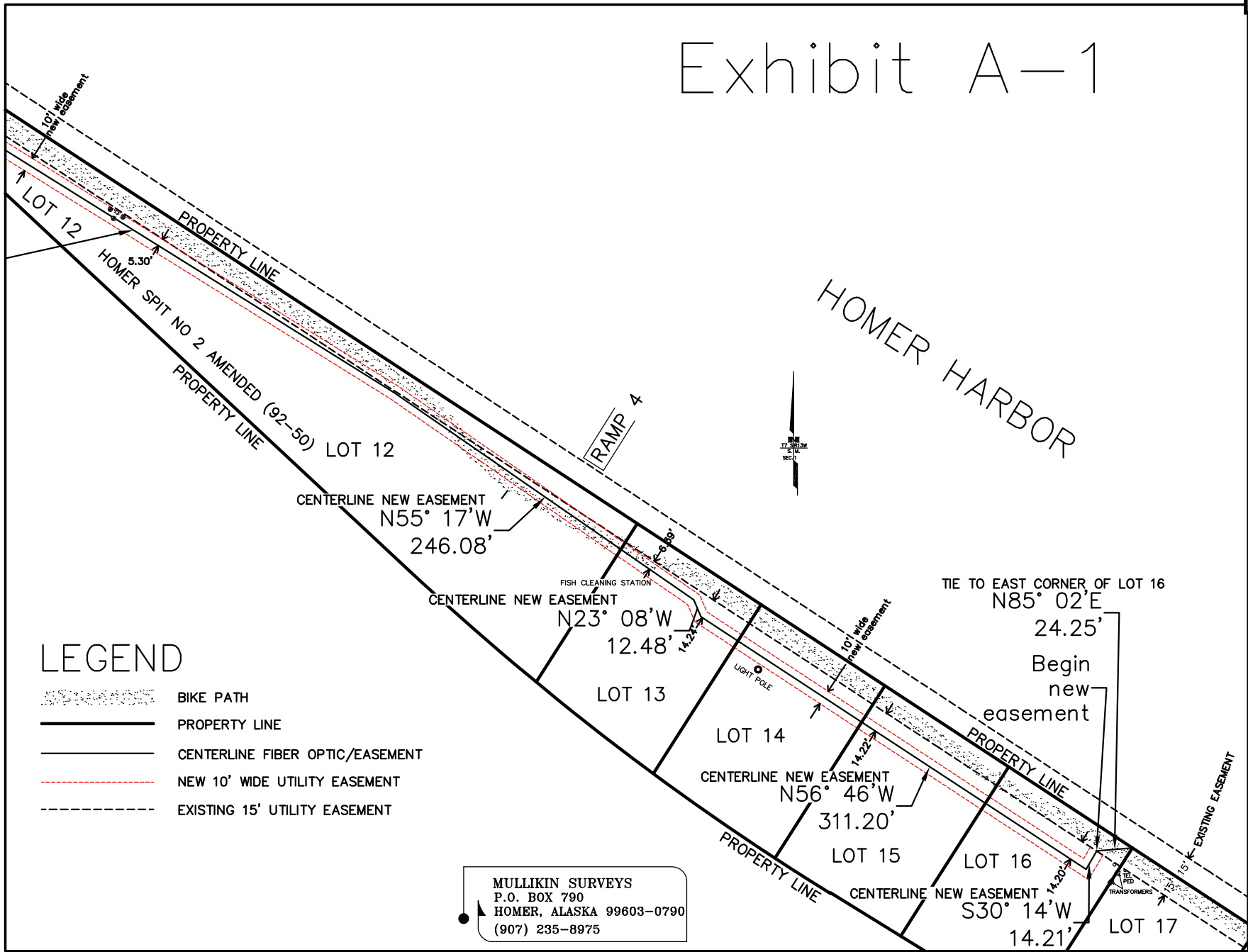
*the vicinity of Fish Dock Rd. would allow the City to link cameras back to the office and address connectivity issues. This would be a step forward toward our goal of having security cameras at every ramp access point in the harbor. Staff calculated a rough estimate of the cost to install our own fiber optic cable from Fish Dock Rd to the Harbormasters office (approximately 5300 linear feet). With engineering/design, inspection, surface repairs, hookup fees, project management, the total would be \$71,550 in rough numbers. By requiring ACS to provide these improvements to the City and also requiring Mullikin Surveys to provide the City with a survey and legal description for the newly widened City easement, this option provides a financial benefit to the City without possible financial costs for appraisal or litigation fees and is also an acceptable option for ACS.*

### **Attachments**

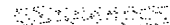

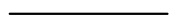

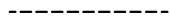
1. Aerial Map
2. Surveys
3. Letter submitted by Mullikin Surveys on April 11, 2019



# Exhibit A-1

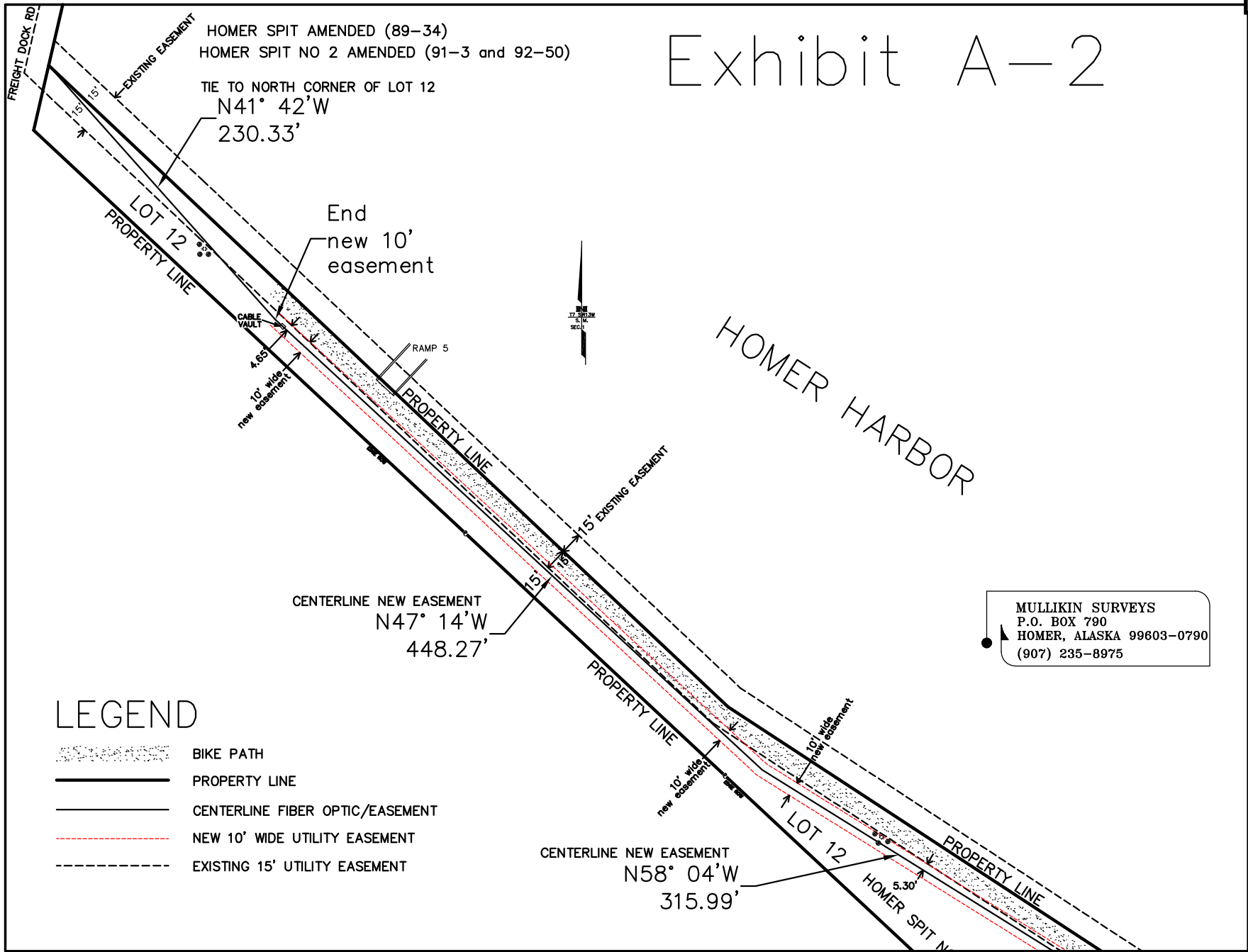


## LEGEND

-  BIKE PATH
-  PROPERTY LINE
-  CENTERLINE FIBER OPTIC/EASEMENT
-  NEW 10' WIDE UTILITY EASEMENT
-  EXISTING 15' UTILITY EASEMENT

MULLIKIN SURVEYS  
 P.O. BOX 790  
 HOMER, ALASKA 99603-0790  
 (907) 235-8975

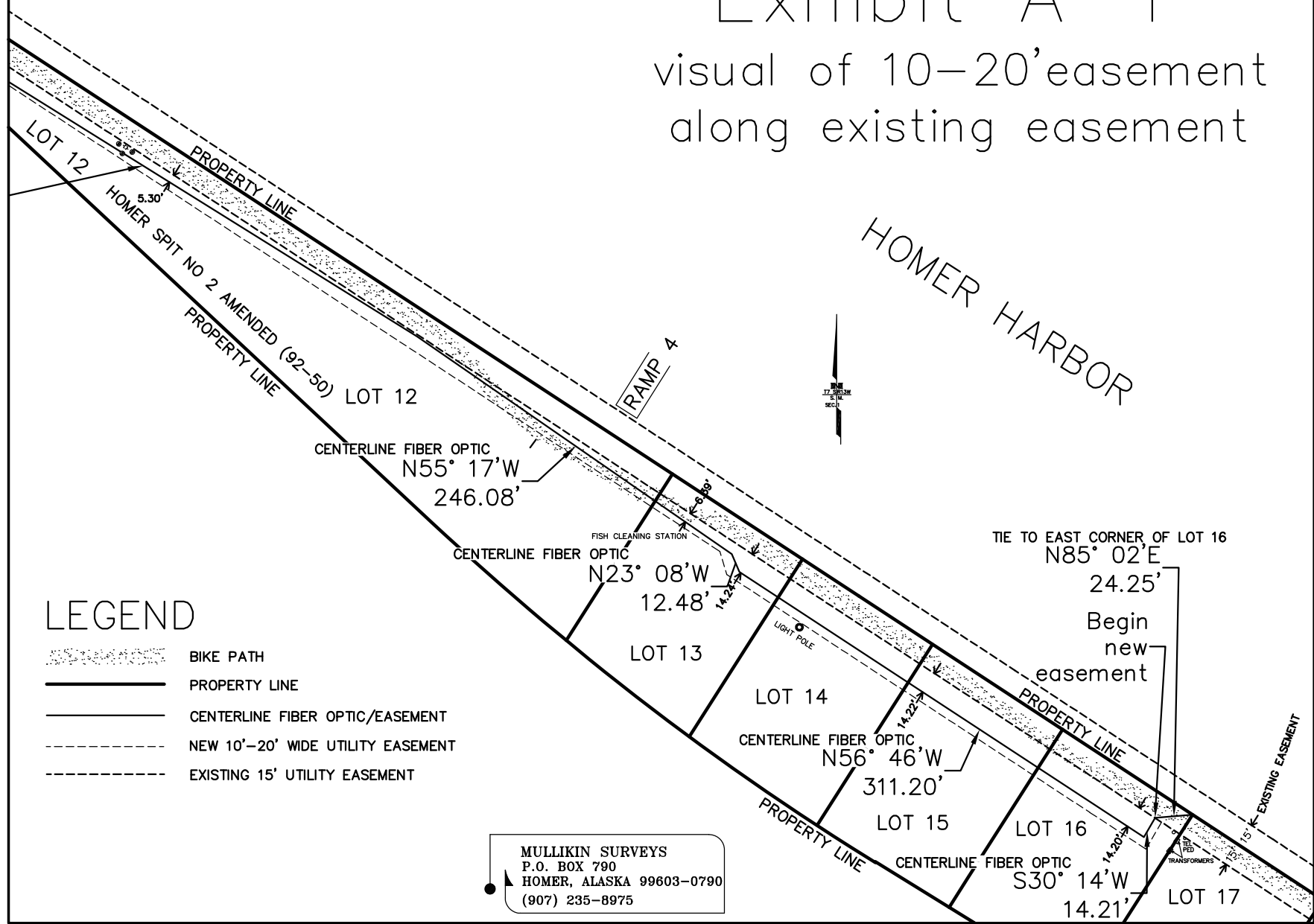
# Exhibit A-2



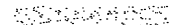


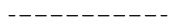
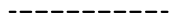
MULLIKIN SURVEYS  
P.O. BOX 790  
HOMER, ALASKA 99603-0790  
(907) 235-8975

# Exhibit A-1

visual of 10-20' easement  
along existing easement



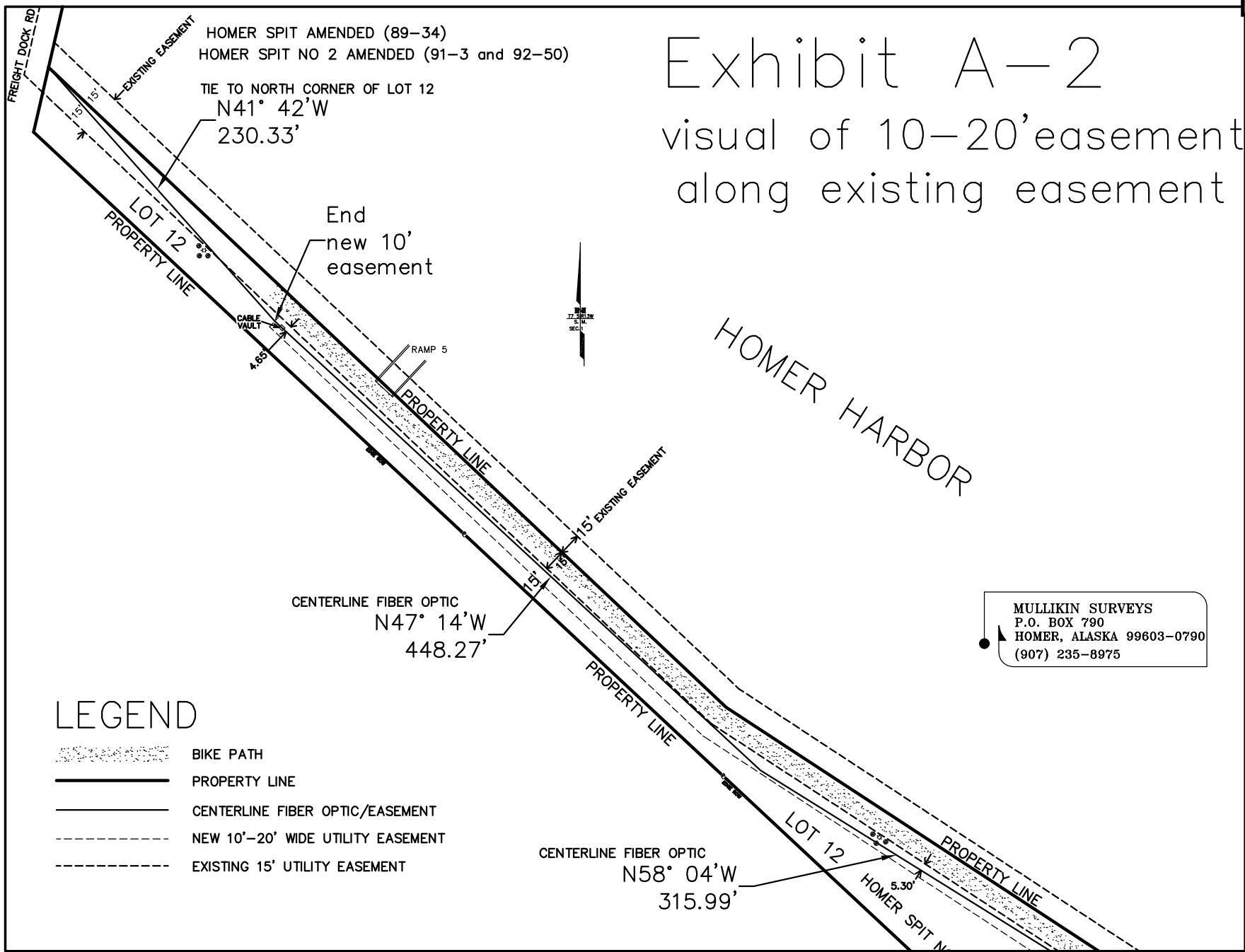
## LEGEND

-  BIKE PATH
-  PROPERTY LINE
-  CENTERLINE FIBER OPTIC/EASEMENT
-  NEW 10'-20' WIDE UTILITY EASEMENT
-  EXISTING 15' UTILITY EASEMENT

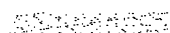



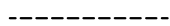
MULLIKIN SURVEYS  
 P.O. BOX 790  
 HOMER, ALASKA 99603-0790  
 (907) 235-8975

# Exhibit A-2

visual of 10-20' easement  
along existing easement

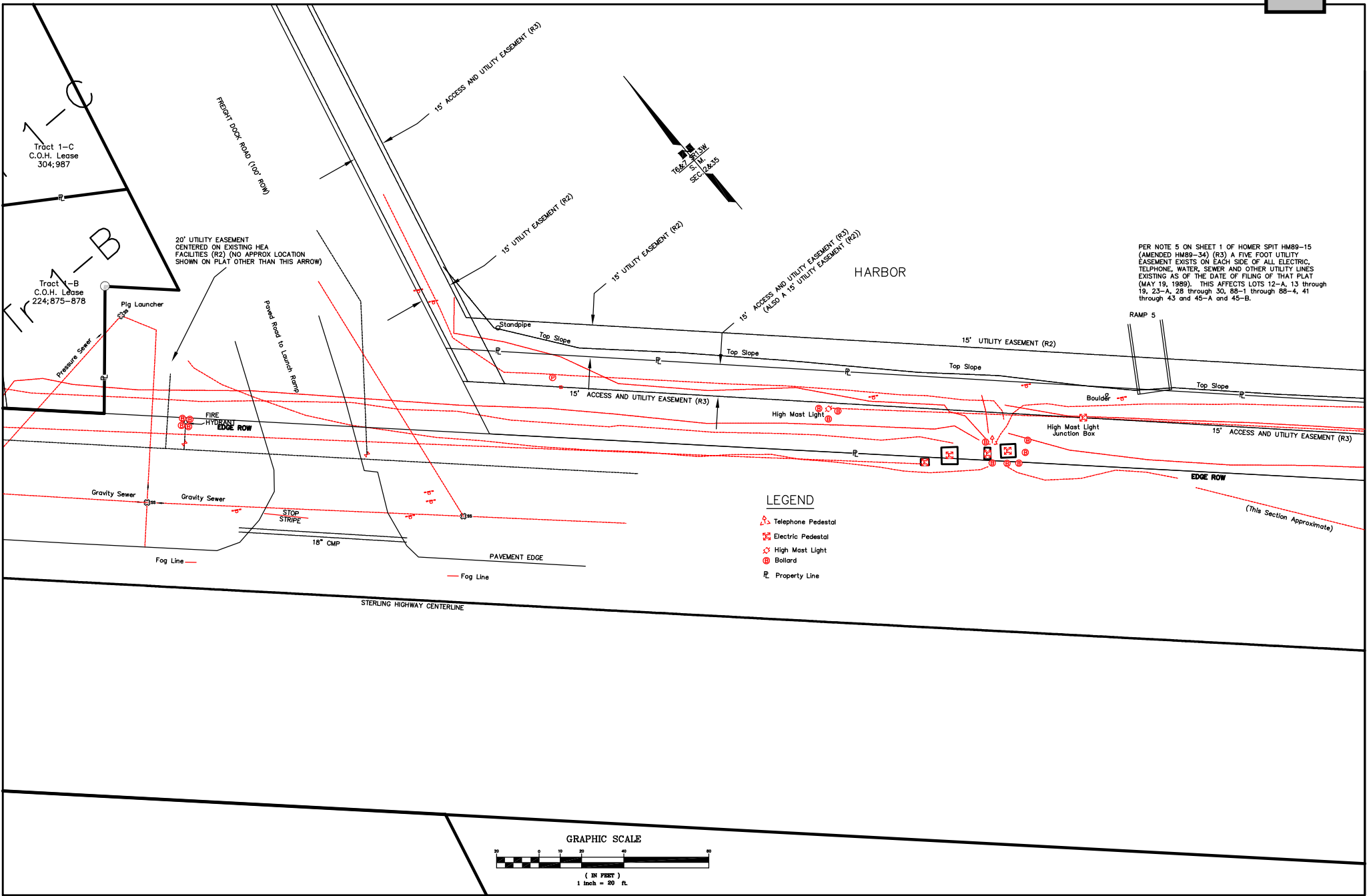


## LEGEND

-  BIKE PATH
-  PROPERTY LINE
-  CENTERLINE FIBER OPTIC/EASEMENT
-  NEW 10'-20' WIDE UTILITY EASEMENT
-  EXISTING 15' UTILITY EASEMENT

MULLIKIN SURVEYS  
 P.O. BOX 790  
 HOMER, ALASKA 99603-0790  
 (907) 235-8975





PER NOTE 5 ON SHEET 1 OF HOMER SPIT HM89-15 (AMENDED HM89-34) (R3), A FIVE FOOT UTILITY EASEMENT EXISTS ON EACH SIDE OF ALL ELECTRIC, TELEPHONE, WATER, SEWER AND OTHER UTILITY LINES EXISTING AS OF THE DATE OF FILING OF THAT PLAT (MAY 19, 1989). THIS AFFECTS LOTS 12-A, 13 through 18, 23-A, 28 through 30, 88-1 through 88-4, 41 through 43 and 45-A and 45-B.

**LEGEND**

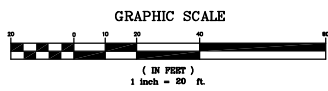
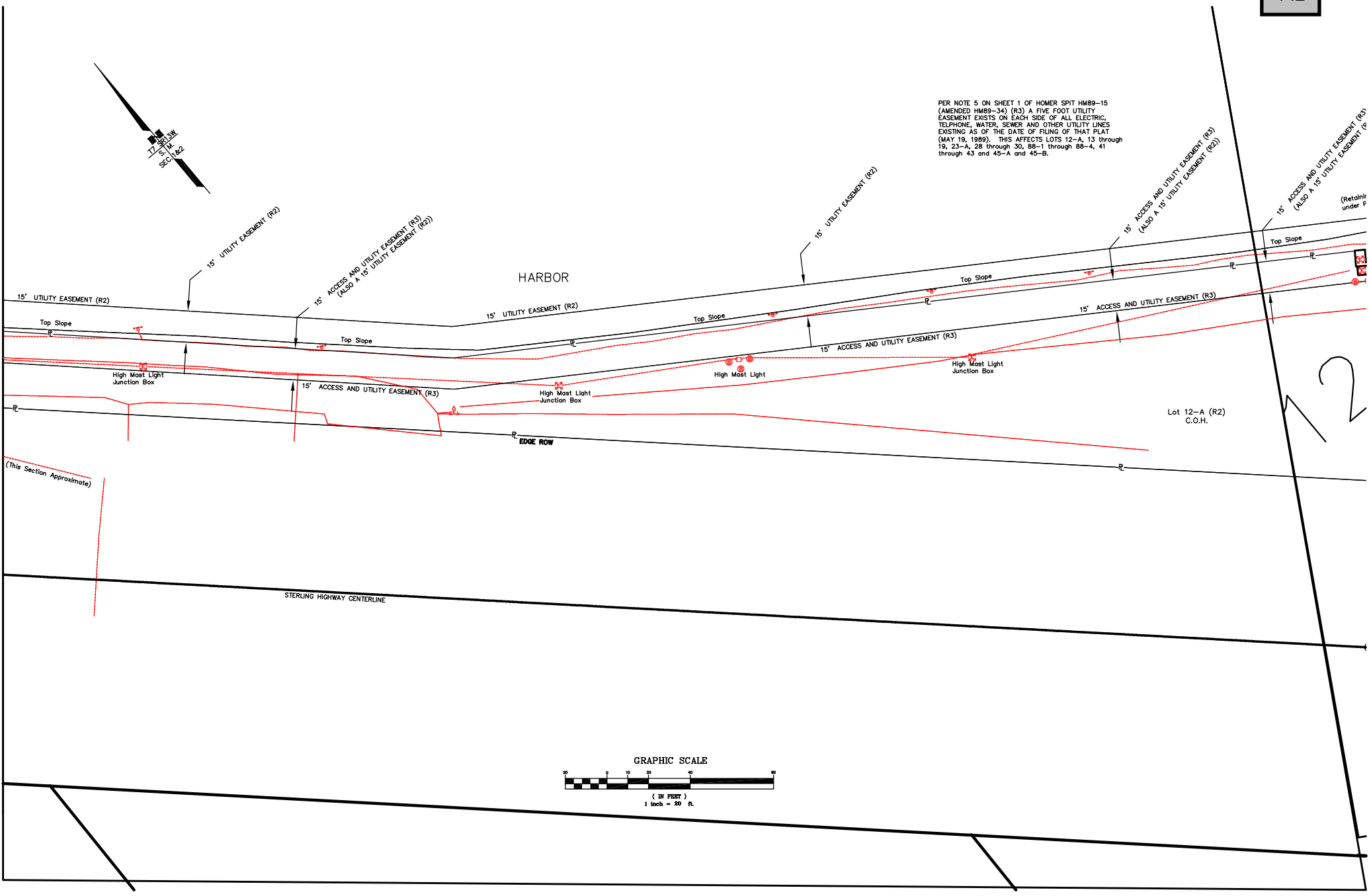
- ⊕ Telephone Pedestal
- ⊠ Electric Pedestal
- ⊙ High Mast Light
- ⊛ Bollard
- ⊔ Property Line

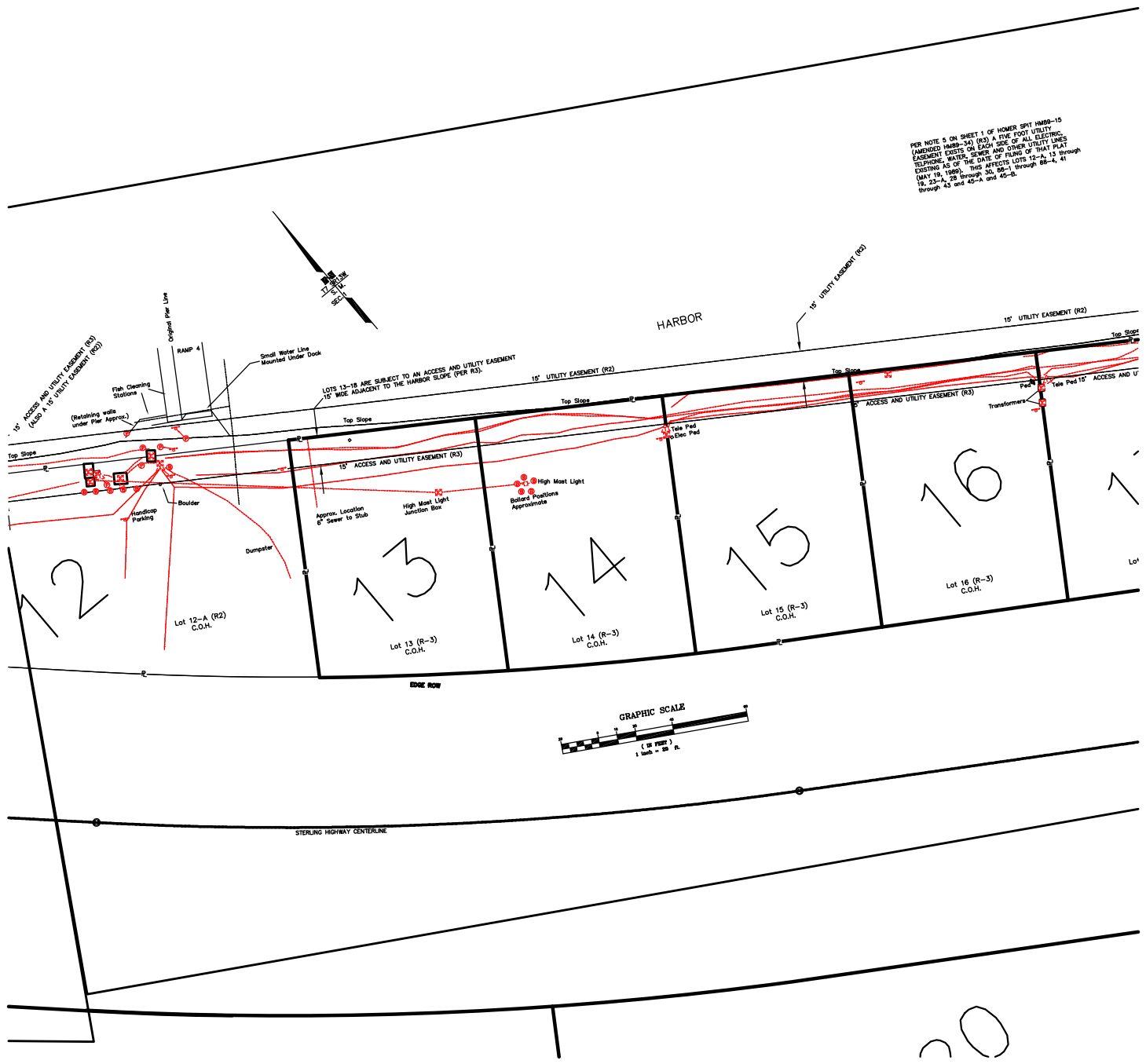
**GRAPHIC SCALE**



17 35 3M  
S.W.  
SCH 142

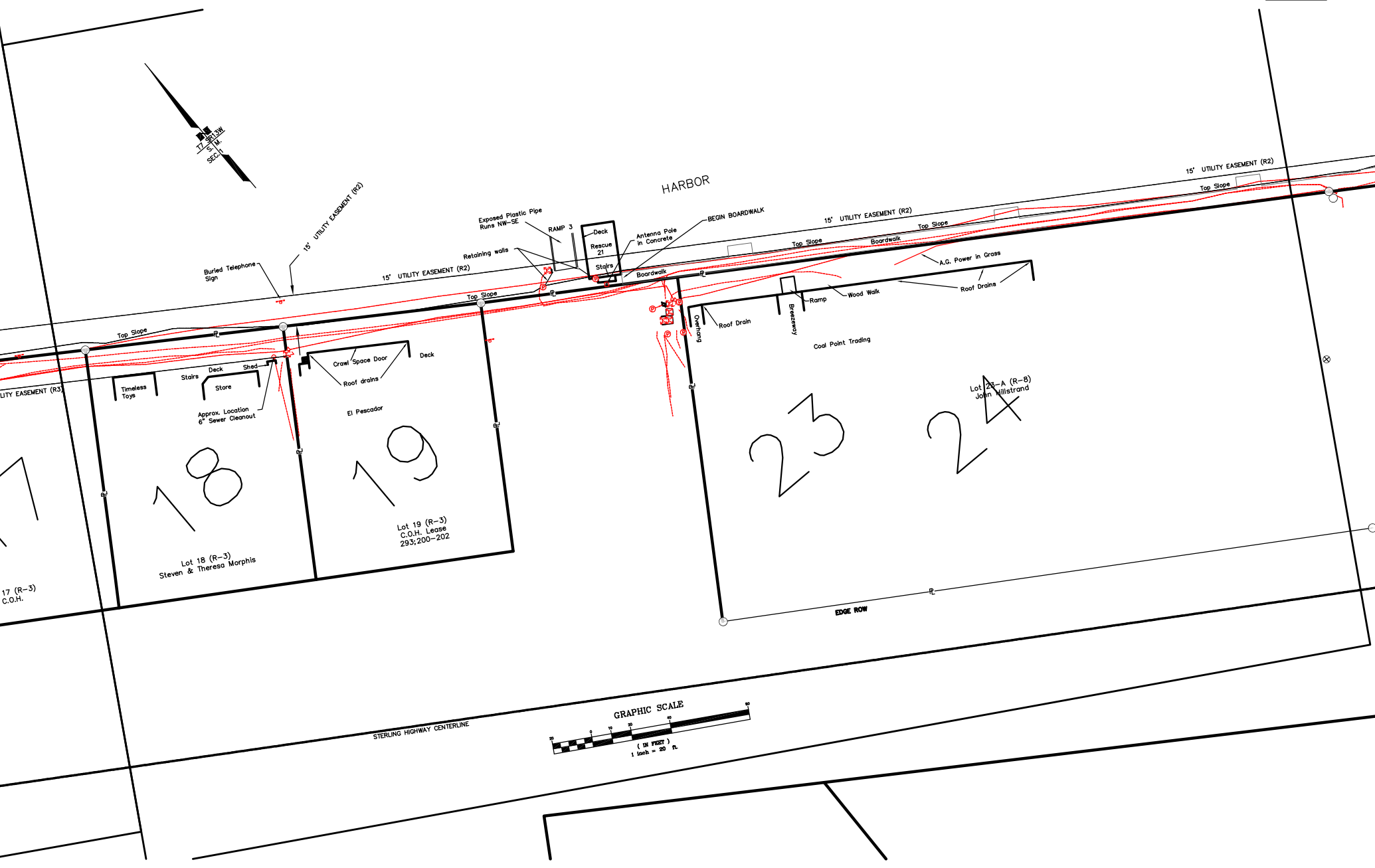
PER NOTE 5 ON SHEET 1 OF HOMER SPIT HM89-15 (AMENDED HM89-34) (R3) A FIVE FOOT UTILITY EASEMENT EXISTS ON EACH SIDE OF ALL ELECTRIC, TELEPHONE, WATER, SEWER AND OTHER UTILITY LINES EXISTING AS OF THE DATE OF FILING OF THAT PLAT (MAY 19, 1989). THIS AFFECTS LOTS 12-A, 13 through 19, 23-A, 28 through 30, 88-1 through 88-4, 41 through 43 and 45-A and 45-B.





PER NOTE 5 ON SHEET 1 OF HOMER SPIT 1888-15  
 (AMENDED 1888-34) (R2) A FIVE FOOT UTILITY  
 EASEMENT EXISTS ON EACH SIDE OF ALL ELECTRIC,  
 TELEPHONE, WATER, SEWER AND OTHER UTILITY LINES  
 EXISTING AS OF THE DATE OF FILING OF THAT PLAN  
 (MAY 18, 1988). THIS AFFECTS LOTS 12-A, 13 through  
 19, 23-A, 28 through 30, 34-1 through 38-4, 41  
 through 43 and 45-A and 45-B.

20



**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-16**

An Ordinance of the City Council of Homer, Alaska, Amending HCC Chapter 5.06, Nuclear Free Homer, to Update and Reflect Current Practices and Terminology.

Sponsor: Erickson

1. City Council Regular Meeting April 22, 2019 Introduction
2. City Council Regular Meeting May 13, 2019 Public Hearing and Second Reading



CITY OF HOMER  
HOMER, ALASKA

Erickson

ORDINANCE 19-16

AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA  
AMENDING HOMER CITY CODE CHAPTER 5.06, "NUCLEAR  
FREE HOMER," TO UPDATE AND REFLECT CURRENT  
PRACTICES AND TERMINOLOGY

WHEREAS, This section of code is 30 years old and the Homer City Council wants to update it to reflect current practices and terminology; and

WHEREAS, Amendments to chapter 5, Nuclear Free Homer, are necessary to clarify that medical technology that uses small amounts of radiopharmaceuticals is permitted in the City of Homer to help support effective treatment for patients locally; and

WHEREAS, The establishment of a Nuclear Free Zone addresses the concerns and intentions of the people of Homer and creates a feeling of safety and goodwill that will support a healthy community and protect Homer residents and visitors.

NOW, THEREFORE, The City of Homer Ordains:

Section 1: Homer City Code 5.06 Nuclear Free Homer is hereby amended to read as follows:

Chapter 5.06  
NUCLEAR FREE HOMER

Sections:

- 5.06.010 Purpose.
- 5.06.020 Definitions.
- 5.06.030 Prohibitions.
- 5.06.040 Exclusions.
- 5.06.050 Signs.
- 5.06.060 Violation – Penalty.

5.06.010 Purpose.

The purpose of this chapter is to establish the City as a nuclear free zone, ~~to acknowledge the orientation of its business community toward peaceful development and to protect the health and safety of the community and its resources on land and sea by prohibiting work on or storage of nuclear weapons or the storing or dumping of radioactive material within the City,~~ **and to acknowledge the economic, health and safety threats posed by nuclear weapons, facilities, materials, and waste and acknowledge the City's commitment to protecting people and the environment within its jurisdiction from the dangers of nuclear weapons and/or exposure to unnecessary radioactive material.**

46  
47 5.06.020 Definitions.

48 For the purpose of this chapter, the following definitions shall have the meanings set forth  
49 below:

50  
51 "Component of a nuclear weapon" means any device, radioactive or nonradioactive, specially  
52 designed or modified for exclusive use as part of a nuclear weapon.

53  
54 "Direct activities of the Federal government" means actions of the Federal government or of  
55 its agencies, but shall exclude actions of independent contractors.

56  
57 "Nuclear weapon" means any device, the intended explosion of which results from the energy  
58 released by fission or fusion reactions involving atomic nuclei, including the means of guiding,  
59 transporting, propelling or triggering of the device; provided, that such means is destroyed or  
60 rendered useless in the normal guiding, transporting, propelling, or triggering of the device.

61  
62 "Person" means any individual, corporation, institution, or other entity.

63  
64 "Radioactive material" means any radioactive material which is the by-product of any nuclear  
65 reaction or nuclear weapons production, any radioactive material or spent energy in the form  
66 of particles or rays by spontaneous disintegration of atomic nuclei, and any other material  
67 which the Nuclear Regulatory Commission determines to be special nuclear materials, except  
68 as specifically exempted in HCC 5.06.040. [Ord. 89-12 § 3, 1989].

69  
70 5.06.030 Prohibitions.

71  
72 a. Prohibition of Nuclear Weapons Work. After the effective date of the ordinance codified in  
73 this chapter, a person may not knowingly design, produce, deploy, launch, maintain or store  
74 nuclear weapons or the components of nuclear weapons. A person may not produce, store or  
75 dump radioactive material.

76  
77 b. Prohibition of Storage or Dumping of Radioactive Material. A person may not establish,  
78 construct, or operate a radioactive material disposal site or store or dump any radioactive  
79 material except as specifically exempted in HCC 5.06.040.

80  
81 5.06.040 Exclusions.

82 Nothing in this chapter prohibits:

83  
84 ~~a. The use of radioactive material in nuclear medicine or in medical or other research not~~  
85 ~~intended to be applied in nuclear weapon technology; The use of radiopharmaceuticals used~~  
86 ~~in nuclear medicine procedures and medical testing, x-ray technology tracer studies or~~  
87 ~~substantially similar technology used for substantially similar uses.~~  
88



- 89 b. Any writing or speech devoted to public commentary or debate, or other expression  
90 protected by the First Amendment to the United States Constitution;  
91
- 92 c. Uses of small amounts of radioactive materials for smoke detectors, light-emitting watches  
93 and clocks, gauges, and other similar consumer and industrial devices;  
94
- 95 d. Uses of small amounts of radioactive materials for educational purposes by a recognized  
96 education institution;  
97
- 98 e. Industrial applications of x-ray technology and tracer studies;  
99
- 100 f. Direct activities of the Federal and State governments that are exempted by Federal or State  
101 law from the application of the prohibitions under this chapter;  
102
- 103 g. Storage of radioactive materials for activities excluded under this section.

104  
105 5.06.050 Signs.

106  
107 The City shall post and maintain at least two signs proclaiming Homer’s status as nuclear free  
108 zone, one in a prominent area of the port and harbor, the preferred location on the side of the  
109 Port and Harbormaster’s office(s), and the other outside the City Hall preferably on or adjacent  
110 to the existing City Hall sign. The size and other aspects of the sign shall conform to Chapter  
111 21.60 HCC.

112  
113 5.06.060 Violation – Penalty.

114  
115 Each violation of this chapter shall be punishable by up to 30 days’ imprisonment or a \$500.00  
116 fine or both. Each day upon which a violation occurs or continues is a separate violation.

117  
118 Section 2. This ordinance shall take effect upon its adoption by Homer City Council.

119  
120 Section 3. This ordinance is of a permanent and general character and shall be included  
121 in Homer City Code.

122  
123 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_,  
124 2019.

125 CITY OF HOMER

126  
127 \_\_\_\_\_  
128 KEN CASTNER, MAYOR

129  
130 ATTEST:

131  
132 \_\_\_\_\_

133 MELISSA JACOBSEN, MMC, CITY CLERK

134

135 YES:

136 NO:

137 ABSTAIN:

138 ABSENT:

139

140 First Reading:

141 Public Hearing:

142 Second Reading:

143 Effective Date:

144

145 Reviewed and approved as to form.

146

147

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

149

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

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

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

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-17**

An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget by Appropriating Funds in the Amount of \$40,000 from the Port and Harbor Reserves Fund for a Consultation Contract that Evaluates Options and Lists Recommendations for Optimizing and Upgrading the Ice Plant.

Sponsor: Stroozas

1. City Council Regular Meeting April 22, 2019 Introduction
2. City Council Regular Meeting May 13, 2019 Public Hearing and Second Reading

Memorandum 19-048 from Harbormaster as backup



CITY OF HOMER  
HOMER, ALASKA

Stroozas

ORDINANCE 19-17

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE 2019 CAPITAL BUDGET BY APPROPRIATING  
FUNDS IN THE AMOUNT OF \$40,000 FROM THE PORT AND  
HARBOR RESERVES FUND FOR A CONSULTATION CONTRACT  
THAT EVALUATES OPTIONS AND LISTS RECOMMENDATIONS  
FOR OPTIMIZING AND UPGRADING THE ICE PLANT.

WHEREAS, The Ice Plant at the Fish Dock is a critical component of the overall Port and Harbor enterprise, providing more than 3,500 tons of flake ice each year to preserve the quality of more than 20 million pounds of salmon, halibut, sablefish, and pacific cod landed at the Port of Homer; and

WHEREAS, Although the Ice Plant has been well maintained since its construction in 1983, efficiencies will be gained by upgrading certain key components of the plant with current technologies, which may include replacing the refrigeration compressors, integrating natural gas into the process, and upgrading the control systems; and

WHEREAS, The Port and Harbor Department listed the Ice Plant Upgrade as the Department’s first priority in the City of Homer 2019-2024 Capital Improvement Plan with “seeking bids from qualified firms for the purpose of performing a site visit to Homer’s Ice Plant to create a list of recommendations and options for upgrading the facility” listed as the project’s first step; and

WHEREAS, On February 15<sup>th</sup>, 2019 a Request for Proposals for consultation regarding upgrades to the Ice Plant was issued in order to secure a firm that could visit Homer, evaluate options, and provide a list of recommendations for optimizing and upgrading the Ice Plant property; and

WHEREAS, Once the Request for Proposals closed March 14<sup>th</sup>, 2019, proposals were evaluated by a selection committee of staff which determined a budget of \$40,000 adequately funds the consultation services; and

WHEREAS, The Port and Harbor Advisory commission reviewed the proposed scope of the project at the March 27<sup>th</sup>, 2019 meeting and recommended Council support the Ice Plant Upgrade Consolation RFP project.

NOW, THEREFORE, The City of Homer Ordains:

45            Section 1: That the FY 2019 Capital budget is hereby amended by appropriating funds  
46 in the amount of \$40,000 from the Port and Harbor Reserves Fund for the purpose of funding a  
47 consultation contract that would evaluate options and list recommendations for optimizing  
48 and upgrading the Ice Plant at the Fish Dock as follows:

49  
50

<u>Account No.</u>	<u>Description:</u>	<u>Amount:</u>
456-0380	Port & Harbor Reserves Fund	\$40,000

53  
54

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

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59            PASSED AND ADOPTED by the Homer City Council this \_\_day of \_\_\_\_\_, 2019.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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71 MELISSA JACOBSEN, MMC, CITY CLERK



## Memorandum 19-048

TO: HOMER CITY COUNCIL

THROUGH: KATIE KOESTER, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: APRIL 17 2019

SUBJECT: RFP AWARD OF CONTRACT FOR OPTIMIZING AND UPGRADING THE CITY-OWNED ICE PLANT

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In the fall of 2018, Harbor staff started to implement phase one of the Ice Plant Upgrade listed in the City of Homer Capital Improvement Plan 2018 – 2023. Burt began by reviewing literature on Industrial Refrigeration Energy Conservation as well as researching qualified West Coast firms in the industry. This research identified 7 general strategies that might meet most of the goals listed in the CIP.

1. Optimize our current system. Our current 2 – stage pumped recirculation system is still a highly respected system design in the industry. However, modern control systems programed with efficiency algorithms and other minor adjustments should provide significant energy savings with minimal capital investment.
2. Upgrade our system with mainstream technology. This option might include (but isn't limited to) installing screw compressors, ice machines that operate at higher suction pressures, high – efficiency electric motors, and Variable Frequency Drives. The energy savings with this strategy might be greater than could be achieved with option 1, but would involve higher initial costs.
3. Same as option 1, but the electricity would be provided by a Natural Gas powered generator.
4. Same as option 2, but the electricity would be provided by a Natural Gas powered generator.
5. Same as option 1, but the electric motors that power our compressors would be replaced with Natural Gas powered internal combustion engines. (Note: staff is not sure if our compressor room is large enough for this option, or if computerized control systems for an arrangement like this is currently available.)
6. Same as option 2, but the electric motors that power our compressors would be replaced with Natural Gas Powered internal combustion engines. (This option is certainly feasible with screw compressors.)
7. Total replacement of our current technology with an absorption system.

Most of these options seem to have advantages and disadvantages. Burt and I then discussed the probable pros and cons of each option, how they relate to our goals, as well as what concerns they would raise, before drafting a preliminary invitation to bid document.

On February 15 2019 a RFP was issued for the purpose of a consultation contract for an evaluation of possible energy saving solutions and upgrades to the current ice plant. This RFP closed on March 14 2019. The responsive proposals were evaluated by a selection committee on criteria that included proposed cost, options for ice plant upgrades, and the overall experience and knowledge of the proposing agency.

Two bids were received, providing the City with a project cost between \$30K and \$40K.

At the March 27 2019 regular meeting, the Port and Harbor Advisory Commission was presented with information on the Ice Plant RFP and it was requested that the Commission review and make a recommendation to City Council regarding the RFP. At the time of the March 27 meeting, the motion was made to recommend to City Council to support the Ice Plant upgrade consultation RFP and Port and Harbor staff's recommendation for contract award. Vote. Non-Objection. Unanimous Consent.

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Taken from the March 27, 2019 meeting minutes:

*"Port Director/Harbormaster Hawkins summarized the purpose of the request for proposal for hiring a consultant to help evaluate upgrades needed for the Ice Plant. He explained how staff will be recommending that City Council award the contract to the higher bidder; a local firm from Anchorage with a bid that was around \$40,000. They were much more responsive and more detailed in their proposal on who will be working on the project, versus the other bid that was out of state and was not fully clear on who would be showing up to do the work. There was brief questions/discussion pertaining to the bidders, potential cold storage renovations, and the costs of electricity throughout the Fish Dock facilities. Deputy City Clerk Tussey confirmed with Mr. Hawkins what it is staff is requesting the commission to do, and that the contract award will be at City Council's April 8, 2019 regular meeting."*

**Recommendation:**

Staff recommends City Council amend the 2019 capital budget by appropriating funds in the amount of \$40,000 from the Port and Harbor Reserves Fund for a consultation contract that evaluates options and lists recommendations for optimizing and upgrading the Ice Plant.



**REQUEST FOR PROPOSALS**  
**By the City of Homer, Alaska**  
**For Consultation regarding Upgrades to the City-owned Ice Plant**

The City of Homer is requesting proposals from qualified firms for the purpose of a consultation contract, which at point of contract award will include performing a site visit to Homer's Ice Plant to evaluate our options and provide a list of recommendations for optimizing and/or upgrading our ice plant and cold storage facility.

We provide flake ice and bait storage for the local halibut, sablefish, and salmon fisheries. This ice is delivered to the Fish Dock by augers. Our refrigeration system was built in 1983 by Seattle Refrigeration & Manufacturing Inc. and has been maintained in close to original condition. As electricity currently, on average, costs over 25 cents per kWh however, we need to make our plant more efficient. If possible, we wish to retain the ease of troubleshooting and the robust dependable nature of our current system while taking full advantage of modern technology. Staff have identified at least 3 different general strategies for reducing our electric bill, but we lack the ability to adequately evaluate these options.

The City reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals and to award a contract to the respondent that best meets the selection criteria and the City's needs.

#### **A. ICE PLANT DESCRIPTION AND EQUIPMENT**

Our plant uses ammonia and is a 100 ton 2 – stage pumped recirculation system with 2 evaporative condensers with centrifugal fans. We currently run with 7 Vilter reciprocating compressors (Model 440) of various sizes including 2, 4, 6, & 16 cylinders. These compressors are controlled by a Barber-Colman Actuator with camshaft and proportional controls. We have 4 North Star 60 ice machines for making ice. This combination gives us maximum flexibility regarding production and repairs. On rare occasions winter temperatures can be as low as – 20° F (10° F is common) while summer days might reach into the 80s. We currently run 9 months per year and use the 3 coldest months for an in-depth maintenance program.

- See Attached Photos : Attachment A

#### **B. GOALS**

The primary goal for this evaluation would be to address energy saving solutions to help lower operational costs. This goal leads to at least 3 basic strategies. Our first possibility is to optimize our current system with minimal investment. So one specific question we have is how much can we safely gain by simple operational changes like condenser fan/pump set-points? The second option is to upgrade our system with new equipment. This option includes, but is not limited to, additional condensing capacity to reduce lift, Variable Frequency Drives, and computerized controls. Questions raised by this option include initial costs, life-cycle costs, additional training requirements or the need for specialized technicians, and any other factor that affects Return on Investment. This option will also address our secondary goals of decreased plant maintenance and increased longevity. And finally, we are considering the possibility of powering our plant with Natural Gas. As one Natural Gas option is an industrial sized generator, we need to know the load our system would place on a generator once modifications are complete. We also need to know if using a generator would create any issues in regard to system dependability or regulatory compliance. In all cases, we also are interested in how each option would affect system dependability, durability and our ability to troubleshoot and make repairs while continuing to operate. The city is only interested in off the shelf proven technology that meets industry standards.

### C. RFP GENERAL REQUIREMENTS

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified below. Proposals that do not address the items listed in this request may be considered incomplete and may be deemed non-responsive by the City.

RFP submission instructions and information are available online at <http://www.cityofhomer-ak.gov/rfps>, or at the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Interested firms or individuals should submit the completed proposal using the following instructions:

**One original and two (2) copies** of the completed proposal in an opaque envelope marked as follows:

- City of Homer 2019 RFP Ice Plant Upgrade
- Proposal Date
- Bidders Name and Address

The Proposal submittals shall be addressed to:

City of Homer  
 City Clerk's Office  
 491 E. Pioneer Ave.  
 Homer, Alaska 99603

Proposals shall be received at the Office of the City Clerk **no later than 2:00 p.m. Thursday, March 14, 2019**. The time of receipt will be determined by the City Clerk's time stamp. Proposals received after that time shall not be considered. The City Clerk's Office does not provide envelopes for responsive firms to put their completed proposals in, nor will the Clerk's Office Staff write proposer's information on the envelope on their behalf.

Please direct RFP submission questions to Melissa Jacobsen, City Clerk, at (907) 235-3130. Please direct technical questions to Burton Gregory, Ice Plant Manager, at (907) 235-3162 and in writing at [bgregory@ci.homer.ak.us](mailto:bgregory@ci.homer.ak.us), or to 4311 Freight Dock Road, Homer, AK 99603.

### D. PROPOSAL FORMAT AND CONTENT

To be considered responsive, each proposal must include the following:

- A written narrative (five page maximum) including:
  - Firm or Company, their team experience in refrigeration, electrical and control systems and their past experience in similar projects
  - Estimated Cost of the firm or company's consultation effort to provide a more detailed operational plan for the proposed option/options and an estimated start date availability/timeline for the consultation work should the firm be awarded the contract.
  - A list of three proposed options for Ice Plant Upgrade with brief description (past examples of similar projects can be used to fulfill this requirement). At least one option should include natural gas. Options should be a general overview only and not a detailed plan. An operational plan encompassing the goals listed in section B will be required at completion of an awarded contract.

**E. EVALUATION CRITERIA AND SELECTION PROCESS:**

The City of Homer reserves the right to reject any and all proposals submitted and shall not be liable for any costs incurred by any proposer in response to this solicitation or for any work done prior to the issuance of a notice to proceed or signed contract.

A selection committee will evaluate the proposals and make a recommendation to the City Manager. Evaluators may discuss factual knowledge of, and may investigate proposer’s prior work experience and performance. This includes information referenced in the proposal, available written evaluations, and contacted references that were listed or other persons knowledgeable of a proposer’s past performance. Factors such as overall experience relative to the proposed contract, quality of work, cost control, and the ability to meet schedules may be addressed during the evaluation. Submittals will be evaluated and scored in accordance with the following criteria:

- 1. Proposed Consultation Contract Costs to provide an operational plan for ice plant upgrade 35 points
- 2. Team/Experience & Knowledge, electrical Refrigeration, and control systems 35 points
- 3. Proposed Options 30 points
  
- Maximum Score 100 points

The City of Homer reserves the right to award a contract to the highest ranked firm based solely on the written proposal or request oral interviews with a “short list” of the highest ranked firms.



ATTACHMENT A







## Ice Plant Upgrade

**Project Description & Benefit:** The ice plant at the Fish Dock is a critical component of the overall Port and Harbor enterprise, providing more than 3,500 tons of flake ice each year to preserve the quality of more than 20 million pounds of salmon, halibut, sablefish, and pacific cod landed at the Port of Homer.

Although the Ice Plant has been maintained very well since being built in 1983, staff believes that there may be efficiencies gained by upgrading certain key components of the plant with current technologies. This may include replacing the refrigeration compressors, integrating natural gas into the process, and/or upgrading the control systems to increase the plant's efficiency and reduce operating costs.

Staff recommends a two phase approach to the project, with Phase 1 seeking bids from qualified firms for the purpose of performing a site visit to Homer's Ice Plant to create a list of recommendations/options for upgrading the facility. Goals for this evaluation would be to address energy savings solutions to help lower operational costs, plant maintenance, and longevity. We would specifically ask if and how natural gas could be used to lower costs and we would also want to address the need of creating a year round cold storage refrigeration system as an upgrade to the original plan.

### **Total Project Cost:**

Phase 1: \$25,000

Phase 2: TBD based on consultant recommendations and upgrade plan adopted.

### **Schedule:**

2018: Phase 1 completion and upgrade plan finalized;

2019: Design and engineering for upgrade;

2020: Upgrade ice plant.

### **Priority: 1**



Four of the Ice Plant's aging compressors are shown here.





**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-18**

An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget to Appropriate Funds in the Amount of \$229,452 from the City Hall Reserve Account for the City Hall Roof Replacement Project.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting April 22, 2019 Introduction  
Memorandum 19-047 from Public Works Superintendent as backup
  
2. City Council Regular Meeting May 13, 2019 Public Hearing and Second Reading  
Memorandum 19-047 from Public Works Superintendent as backup



CITY OF HOMER  
HOMER, ALASKA

City Manager/  
Public Works Director

ORDINANCE 19-18

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE 2019 CAPITAL BUDGET TO APPROPRIATE  
FUNDS IN THE AMOUNT OF \$229,452 FROM THE CITY HALL  
RESERVE ACCOUNT FOR THE CITY HALL ROOF REPLACEMENT  
PROJECT.

WHEREAS, The City Hall roof needed replacement several years ago; and

WHEREAS, Funding for the design of the City Hall Roof Replacement project was approved by the City Council as part of the 2018 capital budget; and

WHEREAS, Public Works has coordinated the design of the replacement project and plans/specifications are ready for bidding; and

WHEREAS, The estimated cost to replace the roof is \$229,452 (see Memorandum 19-047 from Public Works).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2019 Capital Budget to appropriate \$229,452 from the City Hall Reserve Account for the replacement of the City Hall roof.

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-0384	City Hall Reserve	\$229,452

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of May, 2019.

CITY OF HOMER

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KEN CASTNER, MAYOR

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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

Introduction:  
Public Hearing:  
Second Reading:  
Effective Date:

YES:  
NO:  
ABSTAIN:  
ABSENT:

Reviewed and approved as to form:

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

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

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

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



## City of Homer

Dan Gardner, Superintendent

Public Works 168  
3575 Heath Street  
Homer, AK 99603  
dgardner@ci.homer.ak.us  
(p) 907-235-3170  
(f) 907-235-3145

# MEMORANDUM 19-047

To: Carey S. Meyer, PW Director  
From: Dan Gardner, PW Superintendent  
Date: April 10, 2019  
Subject: **City Hall Roof Replacement  
Construction Funding**

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As part of the 2018 budget, funding for the design of the City Hall Roof Replacement was approved. That design is complete and plans/specifications are ready for bidding.

Funding for construction is requested in the amount of \$229,452.

Engineer's Estimate from August, 2018	\$203,654
1.75% for inflation	\$ 3,564
Bidding & Construction Inspection Services	\$ 18,234
City Expenses (electrical, IT, hardware, etc.)	\$ <u>4,000</u>
Total	\$229,452

Once funding is approved, bidding should take place in May/June, with construction occurring sometime in July to August.





# City of Homer

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

Office of the City Manager 169

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 Castner and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: May 8, 2019  
SUBJECT: May 13<sup>th</sup> 2019

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### **FY 20 State of Alaska Community Assistance Program (est. \$149,658)**

Last year, the City allocated \$177,172.05 of the FY19 State of Alaska Community Assistance Program (CAP) funds to the Police Station Fund. The City had also allocated \$205,118 from FY18's CAP funds to the Police Station Fund. In order to apply for Community Assistance funds for FY20, the City needs to indicate how we plan on using the funds. I recommend at this stage designating FY20 funds to City reserves, specifically the old middle school (HERC) depreciation account. There will be costs associated with the HERC regardless of a demo or refurbishing the building. This designation is nonbinding and Council will still need to appropriate the funds by ordinance when we receive them in the fall. This will also give the Council time to consider Mayor Castner's proposed changes to City budgeting and how unbudgeted funds are accounted for in that process.

### **Senator Murkowski's Request for more information on the Homer Spit's Erosion**

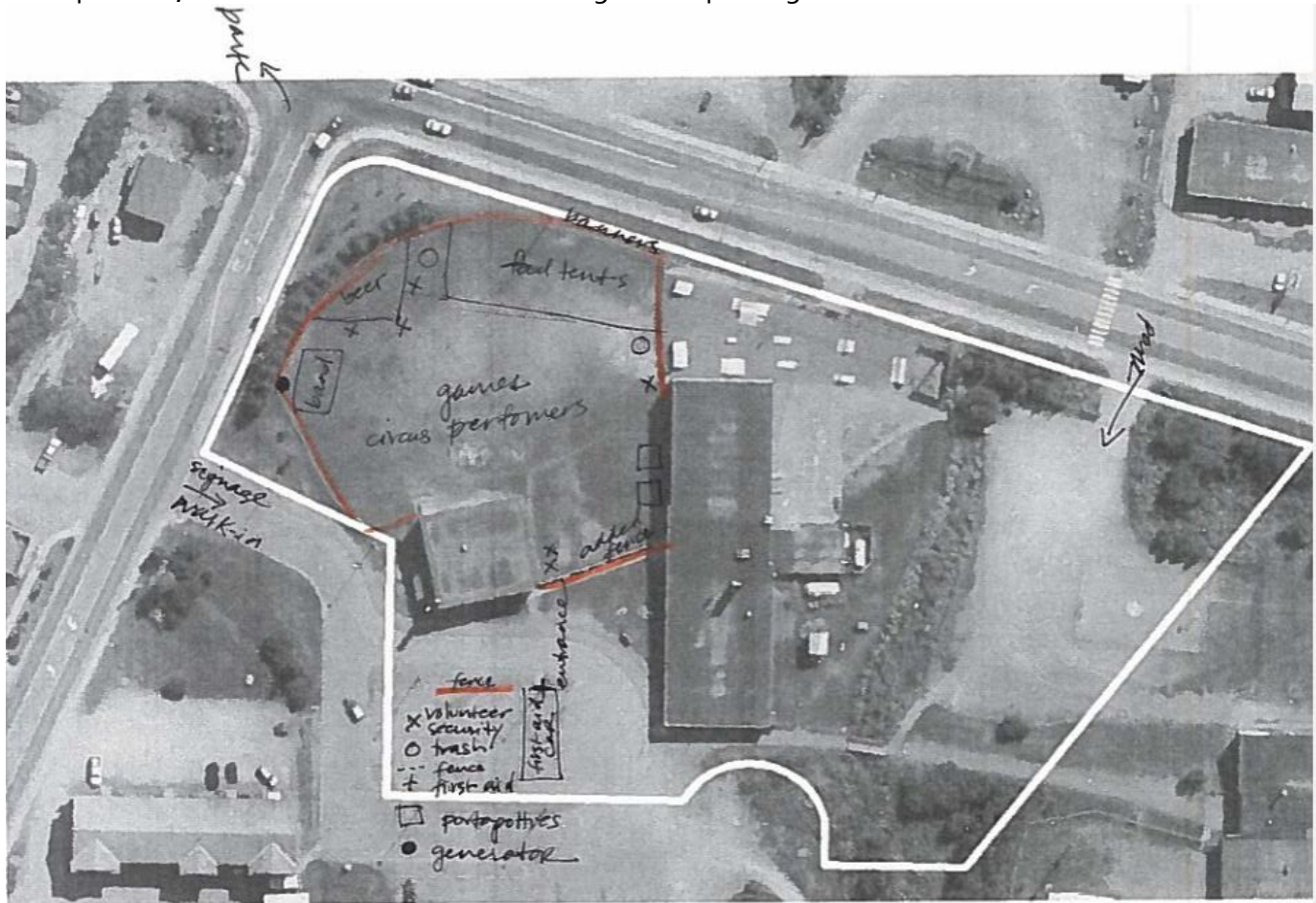
Senator Murkowski's office requested more information from the City on the impact erosion is having on the Spit. Harbormaster Hawkins submitted a summary of the two Army Corps of Engineers' studies that were conducted in both 2017 and 1989, as well as photos detailing the most recent erosion damage that occurred after a wind and high tide event on April 19<sup>th</sup>, 2019. We have also shared this information with the State Delegation since a long term solution to erosion on the Homer Spit will require a multi-agency approach. In the short term, Army Corps of Engineers, Alaska Department of Transportation and Public Facilities and the City have been able to work together to fill in some of the most damaged areas. Harbormaster Hawkins and I have a meeting with ACOE scheduled on the 21<sup>st</sup> to further the conversation on long term solutions.

### **Homer Real Estate's Broker Services Set to Expire May 23<sup>rd</sup>, 2019**

Homer Real Estate's broker services are set to expire at the end of the month, however Resolution 16-053 gives the City the option to extend this contract for a period of up to three years. The City's professional relationship with Homer Real Estate has been positive and they have successfully executed sales on a number of lots including in the Harry Feyer Subdivision and the Homer Spit, while also advising the City on land acquisitions. They were the only company to bid on the request for proposals in 2016 and I would like to get council input on extending their contract or re-RFPing the opportunity to serve the City of Homer in this capacity. It is safe to say the number of lots that we are looking to dispose of has decreased since the initial push in 2016.

### Bunnell's Request to use HERC Grounds for "Picnic on the Lawn" Special Event

Bunnell Street Arts Center is requesting permission to use the surrounding grounds of the HERC building for their "Picnic on the Lawn" event. The event will feature "live music, art activities for families including chalkart, facepainting, games, and classic picnic food by local chefs and restaurants," a fenced-in beer garden, and food tents. Through Resolutions 13-095 and 18-006, it was decided the HERC would only be open to recreational activities and only in the gym and adjacent classroom (former shop room). This event is planned for the surrounding grounds of the HERC, and Bunnell has requested to run power from the HERC building, use of restrooms, and City trashcans. As this is a use not recreational in nature, I wanted to share this request with Council before moving ahead. In years past, this event has taken place on Hazel Avenue and Bishop Beach, both locations that have challenges with parking and traffic flow.



### State of Alaska Intrepretative Display at the Airport

ADF&G and Alaska State Parks Interpretation and Education Unit are planning to finish their interpretative display at the Homer Airport. The State will install wall art similar to the conceptual design proposed in the blue box below. The goal of the display is to educate the public on accessible refuges and critical habitat in the surrounding area--two topics that were left out in the other educational displays currently found at the airport.





### **DOT&PF Lake Street Rehabilitation Project FY 2020 Funding**

As part of the DOT&PF Division of Program Development's 2018-2021 Statewide Transportation Improvement Program (STIP), the State had planned to reconstruct about half a mile of Lake Street in FY19. To quote the project description: *"Rehabilitate pavement of approximately 0.47 miles, construct a sidewalk on both sides of the road, improve the intersection at Pioneer to enhance safety, and provide drainage improvements. Lake Street is located in downtown Homer, between the Sterling Highway and Pioneer Avenue."* The City received notice last week of an amendment that would take funds originally allocated for FY19 and bump them over to FY20 so that this work can hopefully be completed this year. Also of note, DOT&PF will be in Homer on June 6 for a public meeting on the Pioneer Avenue Pavement Preservation project (see attached notice).

### **Archiving Task Force Info**

Task Force reports and recommendations represent many hours of research, public input and thoughtful deliberation. Long after the Task Forces' work is done, their reports provide valuable background

information and analyses. At the recommendation of Councilmember Lord, staff has archived many Task Force and Committee reports and made them easily accessible on the City's website. You can find them on the Committees and Task Forces page of the City's website (<https://www.cityofhomer-ak.gov/bc/archive-task-force-and-committee-reports>) and under *Plans & Reports* link under **How Do I** at the top of the City website landing page.

### **Old Library Lot**

In the March 20<sup>th</sup> City Manager report, I shared with Council that there has been interest in the "Old Library Lot," which is currently not on the market. Council indicated that they were not willing to relist the lot at a reduced rate (it was last listed at \$225,000 and the City Real Estate agent proposed \$182,500). An argument was made that the amount of dirt work necessary justifies a price reduction. At that meeting, Mayor Castner requested an assessment of the fill quality by Public Works. Public Works dug down 15 feet and classified the material as silty soils not suitable for structural fill. Nevertheless it could be used to build a parking lot or fill on any other part of the site.

Disposal or real property requires an updated appraisal and/or a reason to exempt it from the requirement to sell it at fair market value. Please let me know if Council feels like the new information presented would warrant listing the lot.

### **Status of Fire Chief**

I am pleased to report that the hiring committee has made great progress in the search for a new Fire Chief. As committee members, Homer Volunteer Fire Department (HVFD) volunteer Gary Thomas, Current HVFD Medical Director Dr. Bill Bell, and Interim Fire Chief Purcell have joined me in giving a thorough evaluation of all potential candidates. Following initial applications and review of the Supplemental Question Responses, the hiring committee has invited the top two candidates to visit Homer. The formal interviews, applicant presentations, and the remaining portions of the assessment will take place Monday & Tuesday, May 13-14<sup>th</sup>. Applicants will spend time with volunteers on Tuesday May 14<sup>th</sup>. We hope to have an offer letter drafted by the end of the week, and a new Fire Chief in place at HVFD very soon.

### **Enclosures:**

- Homer #2 Safest City
- Community Assistance Form
- Packet of Material Submitted to Sen. Murkowski's Office from Port and Harbor Office
- Notice of Public Meeting June, 2 2019 on Pioneer Avenue Pavement Preservation Project
- City of Homer 2019 Water Report

[\(ranking-reviews/\)](#)



[Home Security \(/best-home-security-system/\)](#)

[Home Automation \(/resources/#jump-4\)](#)

[Home Safety \(/resources/](#)

173

[Family Safety](#)

[Auto Safety \(/resources/#jump-2\)](#)

[Safety News \(/blog/\)](#)

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[Home \(https://www.safewise.com/\)](https://www.safewise.com/) > [Safety News \(https://www.safewise.com/blog/\)](https://www.safewise.com/blog/) > Alaska's 5 Safest Cities of 2019

## Alaska's 5 Safest Cities of 2019

Written by [Rebecca Edwards](#)

[\(https://www.safewise.com/blog/author/rebecca-edwards/\)](https://www.safewise.com/blog/author/rebecca-edwards/)

Updated April 19, 2019

SafeWise is happy to release our fifth annual Safest Cities report. Here are the 5 Safest Cities in Alaska for 2019. See if your city made the [list](#).

Alaska is known as The Last Frontier, and that might be how it feels in a state with crime rates that are just about double what we see on a national level. The state's violent crime rate is more than twice the national average of 4.49 incidents per 1,000. At an average of 2.18 violent crimes per 1,000 people, Alaska's five safest cities really stand out for their stellar records.

The five cities that made our list kept violent crime below the national average, with two cities reporting zero counts of murder. Robbery came in as the second-least common violent crime, with no city seeing more than four incidents. But overall, Alaska is more worried about property crime—naming it the top concern in our State of Safety study.

See if your city is one of Alaska's safest, and find out how well each one ranks in our full listing.



- 80% of this year's cities also made the list in 2018.
- Overall, Alaska's safest cities have more violent crimes than most other states—the lowest was 11 in the second-safest city, [Homer \(https://www.cityofhomer-ak.gov/?kbid=62548\)](https://www.cityofhomer-ak.gov/?kbid=62548).
- The property crime rate in Alaska is almost double the national rate—47.40 vs. 27.11 nationwide.
- 22% of Alaska respondents to our State of Safety survey said they'd experienced a property crime in the past year, compared to 16% nationally.
- Statewide, Alaska showed less concern than the rest of the country for all categories of property crime, except having their car broken into or stolen.

## The 5 Safest Cities in Alaska

### #1 Sitka +0



**Population**  
8,736

**Median Income**  
\$70,765

**Violent Crime Rate**  
(per 1,000)  
1.60

**Property Crime Rate**  
(per 1,000)  
18.66

### #2 Homer +0



**Population**  
5,735

**Median Income**  
\$59,185

**Violent Crime Rate**  
(per 1,000)  
1.92

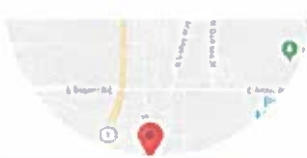
**Property Crime Rate**  
(per 1,000)  
36.79

### #3 Palmer New

**Population**  
7,184

**Median Income**

**Violent Crime Rate**  
(per 1,000)  
2.78



\$58,389

**Property Crime Rate  
(per 1,000)**  
33.96

## #4 Unalaska +0



**Population**  
4,449

**Median Income**  
\$91,635

**Violent Crime Rate  
(per 1,000)**  
3.37

**Property Crime Rate  
(per 1,000)**  
6.52

## #5 Ketchikan +0



**Population**  
32,826

**Median Income**  
\$74,348

**Violent Crime Rate  
(per 1,000)**  
4.13

**Property Crime Rate  
(per 1,000)**  
41.43

### How We Determined the Safest Cities

Learn how we identified the safest cities on our [methodology page](https://www.safewise.com/blog/the-safewise-safest-cities-our-methodology/) (<https://www.safewise.com/blog/the-safewise-safest-cities-our-methodology/>).

### Beyond Safest Cities: What Are the Biggest Safety Concerns in Your State?

Crime statistics are one thing, but do they line up with what people are *really* worried about when it comes to safety? To find out, SafeWise conducted a nationwide survey. See what the biggest safety concern is in your state—and learn more about what your neighbors are nervous about—in our [State of Safety report](http://www.safewise.com/state-of-safety/) (<http://www.safewise.com/state-of-safety/>).

If you would like to contact a SafeWise Safest Cities Analyst, please email [info@safewise.com](mailto:info@safewise.com) (<mailto:info@safewise.com>).

### How to Make a Safe Home Anywhere

Wherever you are, feeling safe in your home can bring greater peace of mind and happiness. Whether your city made our list or not, we recommend adding extra security to your home with monitored security services provided by the nation's leading home security providers.

To learn more about the home security options available to you, check out SafeWise's picks for [Best Home Security Systems of 2019](https://www.safewise.com/best-home-security-system/) (<https://www.safewise.com/best-home-security-system/>).

## Didn't Find Your City in the Top 5?

See how the remaining cities ranked in the list below.

Rank	City	Population	City Violent Crime Rate (per 1,000)	City Property Crime Rate (per 1,000)
6	Kenai	7,852	4.46	56.16
7	Wasilla	10,093	5.35	45.97
8	Fairbanks	32,937	6.22	45.33
9	Soldotna	4,693	7.03	49.65
10	Juneau	32,344	9.37	52.03
11	Kodiak	6,198	9.68	34.04
12	Anchorage	296,188	12.03	54.16
13	Bethel	6,426	14.16	11.67
14	North Slope Borough	9,539	18.14	9.23

## Find the Safest Cities in Each State

Click on the state image below to check out our "Safest City" winners for each state.



Sources:

FBI Uniform Crime Reporting, "2017 Crime in the United States (<https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017?kbid=62548>)"

SafeWise's, "2019 State of Safety (<http://www.safewise.com/state-of-safety/>)"

US Census Bureau, "2013-2017 American Community Survey 5-Year Estimates ([https://factfinder.census.gov/faces/nav/jsi/pages/community\\_facts.xhtml?kbid=62548](https://factfinder.census.gov/faces/nav/jsi/pages/community_facts.xhtml?kbid=62548))"



Written by Rebecca Edwards

Rebecca has honed her safety and security skills as both a single mom and a college director. Being responsible for the well-being of others helped her learn how to minimize risk and create safe environments. [Learn more](https://www.safewise.com/blog/author/rebecca-edwards/) (<https://www.safewise.com/blog/author/rebecca-edwards/>)

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Security Systems

- Frontpoint (/frontpoint/)
ADT (/adt/)
Vivint (/vivint/)
Protect America (/protect-america/)
LifeShield (/lifeshield/)
SimpliSafe (/simplisafe/)
Scout (/scout/)

System Reviews

- Frontpoint Review (/frontpoint/reviews/)
ADT Review (/adt/reviews/)
Review (/link-interactive/reviews/)
Vivint Review (/vivint/reviews/)
Protect America Review (/protect-america/reviews/)
LifeShield Review (/lifeshield/reviews/)

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THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

550 West 7<sup>th</sup> Avenue, Suite 1640  
Anchorage, AK 99501-3510  
Main: 907.269.4540  
Programs fax: 907.269.4563

January 14, 2019

Ms. Katie Koester, City Manager  
City of Homer  
491 East Pioneer Ave.  
Homer, AK 99603

**SUBJECT: Population Determination for FY2020 DCCED Financial Assistance Programs**

Dear Ms. Koester:

The Department of Commerce, Community, and Economic Development annually certifies the population of each municipality, community, and reserve in the State of Alaska for use in various financial assistance programs based upon population estimates prepared by the State Demographer at the Department of Labor and Workforce Development. For Homer the following population will be used for all FY20 programs the department administers.

**The population of Homer has been determined to be 5443**

If you do not agree with the population determination, you may request a population adjustment by submitting a written request and substantiate the request by completing either of the two approved methods: Head Count Census Method or Housing Unit Method. The request must include a resolution from the governing body proposing a corrected population total.

If you choose to request a population adjustment, please review the Head Count Census and Housing Unit Method manuals the department has published to assist you with this process. These manuals are available at <http://commerce.alaska.gov/web/dcra/> or you may also contact the department for a copy of the manuals.

The request for adjustment and completed census documentation must be postmarked no later than April 1, 2019, and submitted to:

Department of Commerce, Community, and Economic Development  
Division of Community and Regional Affairs  
Attn: Grace Beaujean  
550 West 7<sup>th</sup> Avenue, Suite 1640  
Anchorage, AK 99501

For additional information, please contact Grace Beaujean, Research Analyst III, at 907.269.4521 or [DCRAResearchAndAnalysis@alaska.gov](mailto:DCRAResearchAndAnalysis@alaska.gov).

Sincerely,



Melissa Taylor  
Division Director, Acting

Cc: Division of Community and Regional Affairs, Research and Analysis Section  
Division of Community and Regional Affairs, Community Aid and Accountability Section



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

P.O. Box 110809  
Juneau, AK 99811-0809  
Main: 907.465.5541  
Programs fax: 907.465.4761

January 14, 2019

Ms. Katie Koester, City Manager  
City of Homer  
491 East Pioneer Ave.  
Homer, AK 99603

Dear Ms. Koester:

The Division of Community and Regional Affairs (DCRA) is pleased to provide you with the attached FY20 Community Assistance application. Please carefully review the application and instructions. The completed FY20 CAP application must be returned **no later than June 1, 2019**.

Please be aware that the funding level for the FY20 Community Assistance Program (CAP) has not yet been determined. This estimate is based on the statutorily required distribution of one third of the anticipated June 30, 2019, CAP fund balance. The payment estimate does not take into consideration any possible increases to the funding level through either the FY19 supplemental budget or other legislative appropriations. Community Assistance payment amounts will be updated to reflect actual award amounts after June 30, 2019.

Homer estimated FY20 CAP payment is \$149,658.45

An applicant may submit the application and required documents to the department by means of electronic mail received no later than 4:30PM on June 1 or by regular mail postmarked no later than June 1. Please carefully review the instructions in regard to submitting by electronic mail. The electronic mailing address is: [caa@alaska.gov](mailto:caa@alaska.gov).

Please contact me with any questions at (907)465-5541 or [robert.pearson@alaska.gov](mailto:robert.pearson@alaska.gov).

Sincerely,

A handwritten signature in blue ink that reads "Robert Pearson".

Robert Pearson  
Manager, Community Aid and Accountability





## FY 2020 COMMUNITY ASSISTANCE PROGRAM PROPOSED CAP BUDGET

### Name of Municipality

Please describe below how your organization proposes to use its estimated FY 2020 Community Assistance Program payment.

FUEL	\$ _____
ELECTRICITY	\$ _____
INSURANCE	\$ _____
EDUCATION	\$ _____
EMS	\$ _____
WATER/SEWER	\$ _____
PUBLIC SAFETY	\$ _____
FIRE	\$ _____
ROAD MAINTENANCE	\$ _____
HARBORS	\$ _____
HEALTH	\$ _____
GENERAL ADMINISTRATION	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
 <b>FY 2020 ESTIMATED PAYMENT</b>	 <b>\$ _____</b>

**FY 2020 COMMUNITY ASSISTANCE PROGRAM  
Statement of Expenditures for Prior Year Payment**

**Name of Municipality**

Please detail below how your organization spent its FY 2019 Community Assistance Payment.

FUEL	\$ _____
ELECTRICITY	\$ _____
INSURANCE	\$ _____
EDUCATION	\$ _____
EMS	\$ _____
WATER/SEWER	\$ _____
PUBLIC SAFETY	\$ _____
FIRE	\$ _____
ROAD MAINTENANCE	\$ _____
HARBORS	\$ _____
HEALTH	\$ _____
GENERAL ADMINISTRATION	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
OTHER _____	\$ _____
SAVINGS/NOT SPENT	\$ _____
<b>FY 2019 TOTAL PAYMENT</b>	<b>\$ _____</b>

**Instructions for FY20 Community Assistance Program Requirements and Certification  
Municipality Application**

The municipality's requirements and certification application form must be received or postmarked no later than June 1, 2019. Please check or initial each box indicating the municipality understands the requirement for receiving the community assistance payment. Be certain the form is signed and dated before submitting.

The municipality may submit the requirements and certification form by electronic mail received no later than 4:30PM on June 1<sup>st</sup> 2019. This is the preferred method for receiving the form. Email forms to: [caa@alaska.gov](mailto:caa@alaska.gov) (See special instructions for submitting by email.)

The community assistance payment will not be made until all other required documents have been submitted. Please submit the other required documents at the earliest opportunity as they become available; these are not subject to the June 1<sup>st</sup> deadline. All other required documents may also be submitted by electronic mail.

Community Assistance Program regulations (3 AAC 180) effective December 22, 2017, require all entities to submit a statement of expenditures of the prior year's community assistance payment and the budget for the current year's payment. A statement of expenditures form and budget form are provided as part of the application.

The current annual budget (for the program year) must include the non-code ordinance adopting the budget. Please submit these as one combined document when possible. A link to the budget on the municipality's website may be provided in lieu of a hard copy or email attachment.

The annual audit or, for a second class city, an audit or statement of annual income and expenditures, may be submitted by hard copy, email attachment, or a link to the audit on the municipality's website. A statement of annual income and expenditures must also include the resolution approved by the governing body certifying the statement.

*A certified financial statement is not an allowable substitute for an audit when a second class city has met the audit threshold criteria.*

In addition to the current annual budget and annual audit, in order to receive a community assistance payment, the municipality is required to submit to the Office of State Assessor (OSA), as applicable: tax assessment and tax levy numbers for the most recently completed annual budget cycle, a summary of optional property tax exemptions authorized together with the estimate of the revenues lost to the borough, a taxpayer notice, and maps and descriptions of all annexed or detached territory which as annexed or detached prior to June 1 of the application year.

Provide a copy of the tax payer notice furnished with the property tax statements or a copy of the Affidavit of Publication from the newspaper in which the notice was published. Provide a copy of the notice posted for sales tax and use tax or a copy of the Affidavit of Publication from the newspaper in which the notice was published.

The municipality is not required to submit to DCRA any of the reports required by OSA.

**Special Instruction for submitting by electronic mail**

Emailed documents must be submitted to: [caa@alaska.gov](mailto:caa@alaska.gov)

The subject line must include: Entity name –CAP Program – FY Document Name

Ex's. "Haines Borough – CAP – FY20 Application", "Cordova – CAP – CY18 Budget"

Mail to: DCCED DCRA CAA, PO Box 110809, Juneau, AK 99811-0809 or Fax: 907-465-4761

If there are questions concerning the Community Assistance Program, please contact Jean Mason at (907)465-5647 or email [caa@alaska.gov](mailto:caa@alaska.gov).

Statutes, regulations, and forms are available at:

<https://www.commerce.alaska.gov/web/dcra/CommunityAidAccountability/CommunityRevenueSharing.aspx>





## 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

May 2, 2019

Michelle Blackwell  
Kenai Peninsula Office of Senator Lisa Murkowski

Per your request, the attached documents provide an overview of erosion issues and mitigation studies for the Homer Spit. Included are:

**(1) A pictorial survey** of recent erosion damage on the Homer Spit including photos taken shortly after a wind and high tide event that occurred April 19, 2019.

Erosional damage you see in the photos, if left unchecked, significantly diminishes private commercial enterprise and municipal assets. If left unchecked it will grow to negatively impact municipal, state and federal critical infrastructure as well. For instance, future erosion may undermine the portion of the Sterling Highway that connects the Kenai Peninsula mainland to critical infrastructure on the Spit such as the Homer Port & Harbor, the United States Coast Guard and Alaska Marine Highway System.

Ultimately, inaction will threaten the role the Homer Spit plays as a regional commerce center and Statewide transportation hub, weakening Alaska's capacity to meet current and emerging demands of the shipping, commercial fishing, and resource development industries.

**(2) Reference to Two Army Corp of Engineers reports** containing detailed erosion management information on the Homer Spit:

- *Dredged Material Management Guidance Manual* produced in 2017; and
- *Storm Damage Reduction Final Interim Feasibility Report with Engineering Design and Environmental Assessment*, a report from a 1989 investigation.

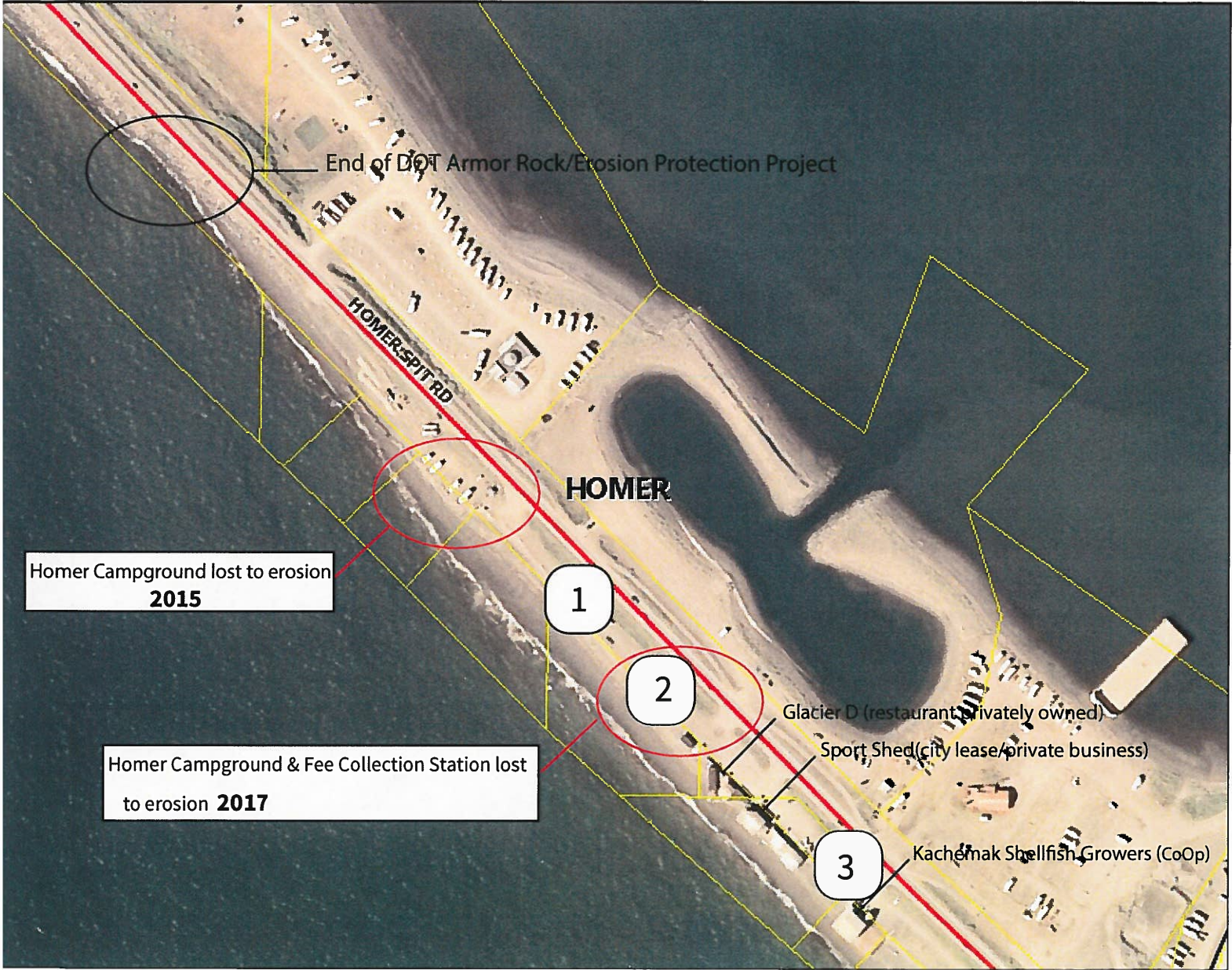
Highlighted pages from section 4.4 from the 2017 US ACOE Dredged Material Management Guidance Manual and the summary page from the 1998 ACOE study are included here to emphasize important findings for topics such as beach renourishment.

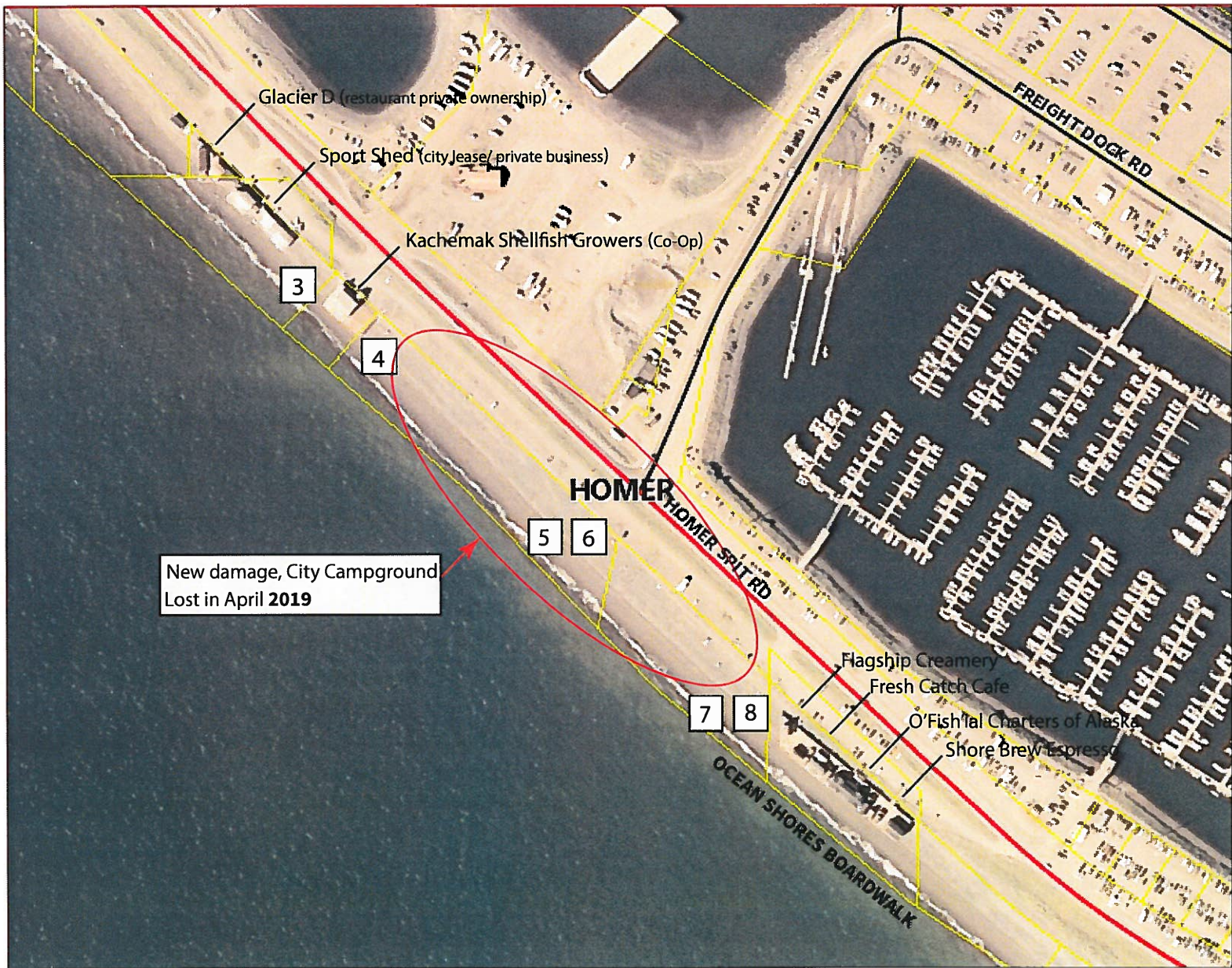
Thank you for your interest in addressing this issue and protecting critical transportation infrastructure.

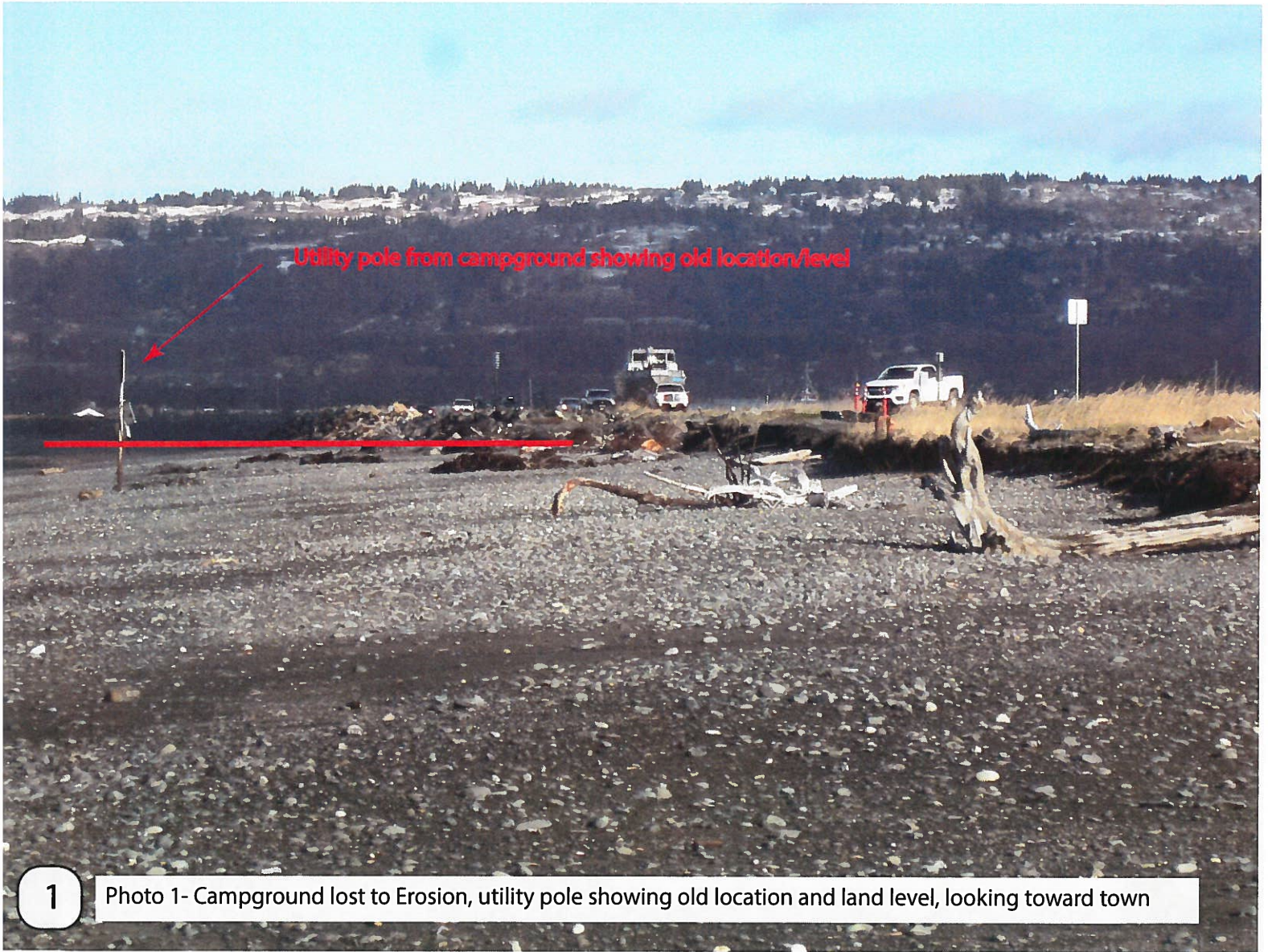
The data from these extensive studies provides the information needed for the ACOE, Alaska DOT and City of Homer to work in partnership to implement coordinated, long-term maintenance and mitigation measures to stabilize erosion conditions on the Homer Spit. Time is of the essence. We look forward to forming a partnership to fully support and sustain the Homer Spit and its important contributions to the State's development and economy.

We appreciate any support and any advice you can offer to help facilitate this effort and ultimately protect this important Alaskan asset.









Utility pole from campground showing old location/level

1

Photo 1- Campground lost to Erosion, utility pole showing old location and land level, looking toward town



2

Photo 2- Beach Renourishment materials, city land



3

Photo 3- Erosion Damage with Exposed Utilities, between Sport Shed and Shellfish Co-Op



4

Photo 4- Erosion Damage around piers, Shellfish Co-Op





5

Photo 5- New damage, City Campgrounds lost in April 2019, looking toward Ocean Shores Boardwalk



6

Photo 6- New damage, City Campgrounds lost in April 2019



6

Photo 6- New damage, City Campgrounds lost in April 2019



7

Photo 7- Erosion damage-loss, Ocean Shores Boardwalk



8

Photo 8- Erosion damage-loss, Ocean Shores Boardwalk





US Army Corps  
of Engineers  
Alaska District

## Dredged Material Management Guidance



# HOMER SMALL BOAT HARBOR and U.S. COAST GUARD CUTTER *HICKORY* BERTH HOMER, ALASKA



March 2017

directly or indirectly affect any threatened and endangered species (e.g. Steller's eider) inhabiting Kachemak Bay.

Identical to Parking Pad 1, future land use planning for the Spit indicates a conflicting land use for the subject area. Currently the area is zoned "Open Space Recreation." The Homer Spit Comprehensive Plan (Map 5) identifies the area as "conservation and beach access" while Map 6 identifies the area as "future parking" (City of Homer, 2011). Ultimately, this contradictory land use classification will need resolution by the City of Homer before using dredged material to construct a parking pad at this location.

#### **4.3.4 Mariner Park Improvements**

Approximately 17,000 cy of dredged material would be used to raise the surface elevation of the existing parking lot and campground area to approach the existing grade of the Homer Spit Road (Table 4). The City of Homer, however, estimated 60,000 cy of material would be incrementally used over several years to raise the parking lot and campground area elevation 2 feet and provide better drainage (November 15, 2002, letter to USACE from City of Homer, City Manager). Anticipated user-group improvements (e.g. rest rooms and interpretative/education signage) have use for the dredged material as well.

The existing parking lot provides no habitat value for neighboring wildlife resources. Therefore, no significant adverse environmental impacts are associated with placing dredged material in Mariner Park to facilitate park improvements. It is worth noting, however, that a strong public sentiment exists against any further expansion of Mariner Park by placing fill material in neighboring Mariner Lagoon, which provides high habitat value for Kachemak Bay's fish and wildlife resources (City of Homer, 2011; page 26).

## **4.4 Potential Impacts Associated with Marine Dredged Material Management Sites**

### **4.4.1 Homer Spit Beach Nourishment**

Beach nourishment is the process of replenishing a beach naturally by accretion due to the long shore transport or artificially by the deposition of dredged materials. Artificial beach nourishment, as a "soft" means of combating shoreline erosion and providing protection, has become a preferred method in certain areas of the U.S. (Menn *et al.*, 2003; Nelson, 1993). Menn *et al.* (2003) noted that infaunal responses to some artificial beach nourishment actions were not as dramatic when compared to natural changes along the shore and between years. From an ecological perspective, artificial beach nourishment is an acceptable method for coastal protection, if intervals of at least 3 years occur between successive operations at a given time (Menn *et al.*, (2003).



Ruggiero *et al.* (2007) classified Kachemak Bay's beaches (including those on the Spit's west side) as:

*...mixed sediment beaches morphologically distinct from and more complex than either sand or gravel only beaches. Both the sand and coarse fractions on the beaches proposed for nourishment mobilize into self-organized bed-forms that migrate as coherent packages alongshore over a dynamic cobble substrate with a seasonality reflecting the temporal pattern of the alongshore component of wave power."*

The three shoreline areas on the Spit's west side being considered for beach nourishment are associated with a documented high energy, nearshore environment that is characterized by having a seasonally migrating sandy beach that continually buries and then uncovers inherently established intertidal and subtidal marine communities. Tide pools form on the landward side of gravel berms and sand bars as the tide recedes. Adams *et al.* (2007) documented the timing and magnitude of the migration of the Spit's west-side intertidal sand beds over gravel/cobble benches during a 22-month observation period; their findings were as follows:

1. Megatidal conditions coupled with the gentle slope of the intertidal zone on the north shore of Kachemak Bay expose a nearly 500-meter-wide beach at low tide.
2. Homer Spit's sands derive from sources along the 30-kilometer stretch of coastline, between Anchor Point and Homer, either from riverine inputs or bluff failures.
3. At depths less than 20 meters, the nearshore currents are predominantly wave driven.
4. Fine sediment in the intertidal zone moves over the gravel/cobble benches as distinct, solitary sand bed forms (sand bodies).
5. The majority of sand body cover is in the mid-tidal zone (between 1.75 meters and 3.25 meters above MLLW), and sand is present in intermittent patches near the mean high water shoreline.
6. Eastward propagating wind waves drive sand body migration as opposed to net westward-directed tidal currents.
7. The seasonal period of most rapid transport occurred in the late fall and winter, when two sustained sand body migration rates averaged 1.41 meters/day and 2.15 meters/day.
8. The more-dormant period of slow transport occurred during the late spring-summer-early fall when two sustained sand body migration rates were 0.11 meter/day and 0.07 meter/day.
9. Total migration rates for the sand bodies observed, computed over the duration of the study, ranged between 250 and 278 meters per year (0.68 to 0.76 meters per day).
10. The intertidal gravel/cobble benches remain relatively constant in elevation. In contrast, sand body migration explains beach surface elevation gains and losses of up to 0.8 meter in the region where sand bodies travel.
11. Assuming an average thickness of 0.37 meter, sand body migrations translate to a littoral transport rate between 4,400 and 6,300 cubic meters per year.
12. At the end of Homer Spit, a deep submarine trough (~100 meters deep) appears to limit the growth of Homer Spit, as sediment likely cascades down into the trough, defining a local sediment sink.
13. The authors' hypothesize Homer Spit's sand bodies are responsible for dissipating wave energy ~13 percent.

While Adams' *et al.* (2007) and Ruggiero's *et al.* (2007) research provided valuable information about the oceanographic dynamics of the subject sand bodies, however, a paucity of information exists that describes the impacts of the oceanographic dynamics on the area's intertidal habitat and organisms. Despite the high-energy oceanic environment that exists on the Spit's west side and the findings of Adams *et al.* (2007), a vibrant and thriving intertidal ecosystem manages to persevere on the cobble/gravel benches, as the Corps has documented in Appendix A. Based on the Corps' 2012 field observations, the epifauna and infauna associated with the cobble/gravel benches appear resilient enough to reestablish themselves after the sand bodies have naturally migrated off them.

In the past, the Corps placed material dredged from the harbor on tideland north of the harbor, between 0 feet MLLW and +15 feet MLLW (USACE, 1974). Disposal occurred by pushing dredged material off a floating barge into the water, allowing it to settle on the beach. High tides of +10 feet MLLW or more were required to maneuver the floating barge over the designated disposal site. Any resulting build-up areas were mechanically leveled during low tides to maintain the general slope of the beach.

The Corps is expecting to use the floating barge method to perform Spit beach nourishment activities. To accomplish a more natural process, small volumes (albeit undefined) of dewatered dredged material would be mechanically spread over small areas of beach at low tide so that the flooding tide and associated wave action would disperse the material naturally, adhering to the shoreline's original morphology. No maintenance is associated with the intertidal disposal of dredged material for beach nourishment purposes, no structural construction costs, and the lifetime capacity is virtually unlimited (Table 4).

The major categories of potential impacts associated with all three beach nourishment sites are likely to be: (1) infauna and epifauna habitat loss and mortality; (2) altered sediment transport processes; (3) increased suspended sediment loads on water quality; and (4) the effects of elutriate chemicals from dredged material.

#### 4.4.1.1 Beach Nourishment Site 1

The exposed intertidal area at this site is vast and the three intertidal transects used to characterize its marine resources reveal an area pocketed with vegetated tide pools, sand bars, and tide flats drainage channels (Figure 10 in Appendix A). Unlike the intertidal habitat associated with the area surrounding transects BN 1-1 and BN 1-2, the area surrounding transect BN 1-3 is virtually devoid of epifauna and vegetated tide pools and is composed of sand bars and gravel-lined drainage channels (Figures 18 and 19 in Appendix A).

The infauna likely impacted from being buried by dredged material includes flatworms, nemerteans, crustaceans, mollusks and polychaetes (e.g. *Paraonella platybranchia*, and *Scolecopsis* sp), which comprise 81 to 98 percent of the infauna biomass, followed by gammarid amphipods (*Eohaustorius eous* and *Paraphoxus milleri*) (Lees *et al.*, 1980).

Dewatered dredged material placed in this area at low tide would, during flooding tides, disburse naturally over substrate of similar composition (Figures 4 and 18 in Appendix A). Infauna survival would depend not only on the depth of deposited sediment, but also on the length of

burial time, season, particle-size distribution, and other habitat requirements (Nelson and Pullen, 1990).

Alternatively, material placed indiscriminately at low tide in and around BN 1-1 and BN 1-2 could destroy tide pool habitat on the landward side of gravel/sand bars and its benthic community. It is unlikely that organisms within the tide pool could vertically migrate out of the deposited dredged material, as the particle size and composition of the dredged material and tide pool substrate are substantially different (Figures 4, 13 and 15 in Appendix A).

Problems related to water quality and turbidity in this high-energy, nearshore area do not appear to be a major concern, as the dredged material to be disposed has been and would likely continue not to be classified as contaminated, and fine sediments would be rapidly transported offshore during flooding tides.

Dredged material placed at low tide would not directly affect nearshore fish populations; however, suspended solids could settle offshore and affect juvenile groundfish populations, e.g. rock sole (*Lepidopsetta* spp.) and Pacific cod, (*Gadus macrocephalus*) (Abookire, Piatt and Norcross, 2001), and essential fish habitat.

Sea otters, which are commonly found in nearshore waters, would not be adversely impacted by placing material on the beach at low tide. Dredged material placed in tide pools could, however, destroy sea otter food resources (sea urchins, mussels, etc.).

Nearshore feeding shorebirds would be temporarily displaced from feeding in intertidal areas where dredged material is placed at low tide.

Steller's eider, a threatened sea duck species, would not be affected by placing dredged material on the beach at low tide as the species: (1) is not present in the Homer area between March and November, (2) normally does not inhabit marine waters within one mile of the west side of the Spit, and (3) prefers inhabiting water approximately 20 feet deep for feeding. Harlequin ducks and black scoters, however, are documented as feeding in nearshore waters, west of the Spit, possibly on the invertebrates that inhabit the at-low-tide tide pools (Figures 13 and 15 in Appendix A).

In summary, few if any significant adverse environmental impacts would occur if small volumes (albeit undefined) of uncontaminated dredged material were placed periodically (every 3 years) at low tide in the offshore areas from BN 1-1 and on the gravel/cobble substrate between tide pools and at the foot of the rock revetment. The dredged material would disperse by natural alongshore processes that transport material southeasterly along the base of the rock revetment that protects the Homer Spit Road from storm damage and erosion. Also, placing dredged material at BN 1-2 and BN 1-3 in proximity to their tide pools would cause environmental impacts similar to those generated by documented natural oceanographic processes (i.e., migrating sand bars) along the west side of the Spit.

#### 4.4.1.2 Beach Nourishment Site 2

Approximately 70 feet offshore of and along the 1,130-foot-long rock revetment protecting the 1,040-foot-long cantilevered steel sheet pile wall, is an 80-foot-wide tide pool heavily vegetated with algae and inhabited by a wide variety of invertebrates (Figures 20, 25-27 in Appendix A). Beyond the tide pool band is a vast area composed of sandy tide flats devoid of epifauna (Figure 29 in Appendix A).

Beach nourishment activities at this site have the potential to cause significant adverse environmental impacts if not implemented carefully. Placing any volume of dredged material, at any time of the year, into the band of tide pools will immediately bury and likely destroy an infauna and epifauna community not capable of adapting to the new substrate.

Infaunal responses to beach nourishment activities seaward of the tide pools on the sandy tide flats would not be adverse when compared to the natural seasonal changes along the shore and between years, i.e., the southeasterly migration of sand bars along the Spit. Most of the infauna taxa populating the sandy tidal flats are generally well adapted to shifting sediments and hydrodynamic turbulences (Armonies and Reise, 2000). Menn *et al.*, (2003) presumes this to be the case because the most likely affected infauna (e.g. polychaetes) are fast reproducing and often are highly mobile.

Between the tide pools and foot of the rock revetment is a narrow 35-foot-wide band of gravel/cobble substrate devoid of epi- and infauna (Figure 20 in Appendix A). Placing dredged material within this area would immediately provide erosion protection without causing any significant adverse environmental impacts as the material disperses naturally by hydrodynamic processes.

Problems related to water quality and turbidity in this high-energy, nearshore area do not appear to be a major concern, as the dredged material to be disposed of has been and would likely continue not to be classified as contaminated and fine sediments would be rapidly transported offshore during flooding tides.

Dredged material placed at low tide would not directly affect nearshore fish populations; however, suspended solids could settle offshore and affect juvenile groundfish populations, e.g. rock sole (*Lepidopsetta* spp.) and Pacific cod, (*Gadus macrocephalus*) (Abookire, Piatt and Norcross, 2001), and essential fish habitat.

Sea otters, which are commonly found in nearshore waters, would not be adversely impacted by placing material on the beach at low tide. Dredged material placed in tide pools could, however, destroy sea otter food resources (sea urchins, mussels, etc.).

Shorebirds would be temporarily displaced from feeding in intertidal areas where dredged material is placed at low tide.

Steller's eider, a threatened sea duck species, would not be affected by placing dredged material on the beach at low tide, as the species: (1) is not present in the Homer area between March and November; (2) normally does not inhabit marine waters within one mile of the west side of the

Spit; and (3) prefers inhabiting water approximately 20 feet deep for feeding. Harlequin ducks and black scoters, however, are documented to feed in nearshore waters, west of the Spit, possibly on the invertebrates that inhabit the at-low-tide tide pools.

In summary, no significant adverse environmental impacts would occur if small volumes (albeit undefined) of uncontaminated dredged material were placed periodically (every 3 years) at low tide on the tide flats seaward of the band of tide pools and on the gravel/cobble substrate between the band of tide pools and the foot of the rock revetment. Such actions would cause environmental impacts similar to the impacts associated with natural oceanographic processes (i.e., migrating sand bars) along the west side of the Spit. Placing dredged material within the band of tide pools or in areas where dredged material could be swept into the tide pools would have direct and long-term adverse impacts on in- and epifauna.

#### 4.4.1.3 Beach Nourishment Site 3

This highly erosive segment of shoreline, as evidenced by Figures 30-34 in Appendix A, is devoid of in- and epifauna within the likely footprint of the dredged material depositional zone. No significant adverse environmental impacts would occur if small volumes (albeit undefined) of uncontaminated dredged material were placed periodically (every 3 years) at low tide between the foot of the eroding rock revetment and offshore band of gravel/cobble substrate. Potentially impacted would be the offshore tide pool organisms similarly found at BN 1 and BN 2 (Figure 36 in Appendix A). Natural oceanographic processes along the west side of the Spit are expected to distribute an unknown amount of placed dredged material offshore, into the tide pools.

Problems related to water quality and turbidity in this high-energy, nearshore area do not appear to be a major concern, as the dredged material to be disposed of has been and would likely continue not to be classified as contaminated and fine sediments would be rapidly transported offshore during flooding tides.

Dredged material placed at low tide would not directly affect nearshore fish populations; however, suspended solids could settle offshore and affect juvenile groundfish populations, e.g. rock sole (*Lepidopsetta* spp.) and Pacific cod, (*Gadus macrocephalus*) (Abookire, Piatt and Norcross, 2001), and essential fish habitat.

Sea otters, which are commonly found in Kachemak Bay's nearshore waters, would not be adversely impacted by placing material on the beach at low tide. Dredged material placed in tide pools could, however, destroy sea otter food resources (sea urchins, mussels, etc.).

Shorebirds would be temporarily displaced from feeding in intertidal areas while dredged material is placed at low tide. Steller's eider, a threatened sea duck species, would not be affected by placing dredged material on the beach at low tide, as the species: (1) is not present in the Homer area between March and November, (2) normally does not inhabit marine waters within 1 mile of the west side of the Spit, and (3) prefers inhabiting water approximately 20 feet deep for feeding. Harlequin ducks and black scoters, however, are documented as feeding in nearshore waters, west of the Spit, possibly on the invertebrates that inhabit the at-low-tide tide pools.





REPLY TO  
ATTENTION OF:

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, ALASKA  
P.O. BOX 898  
ANCHORAGE, ALASKA 99506-0898

204

HOMER SPIT STORM DAMAGE REDUCTION  
FINAL FEASIBILITY REPORT  
WITH ENGINEERING DESIGN  
AND ENVIRONMENTAL ASSESSMENT

September 1989

## SUMMARY

Homer Spit, located within the town of Homer, Alaska, is a unique landmark that extends into Kachemak Bay on the southwest shore of the Kenai Peninsula. The thin spit is roughly 4-1/2 miles long and varies from 100 to 500 yards wide. A boat harbor at the spit's end is the cornerstone for commercial activities in the area. The spit is also important for fish processing, cargo handling, fuel storage, Coast Guard services, and tourism.

A State highway along the spine of the spit is exposed to severe wave action, particularly in the winter and spring. Storms create hazardous driving conditions, with ocean spray obstructing visibility and overflow washing out the pavement.

Strong wave forces during adverse weather conditions have periodically caused extensive damage to the highway. The possibility of the spit separating from the mainland during such an event gives State officials serious concern. Such a separation could result in economic loss, severed critical water, telephone, and power lines, and threaten the safety of those isolated on the spit. The Alaska Department of Transportation and Public Facilities (ADOT/PF) has a dedicated commitment to maintaining the access road. The State has spent more than \$6 million on short-term repair and protection measures during the past 20 years. The area threatened with breaching is limited to about 1-1/2 miles of the spit.

The State and the city of Homer asked the Corps of Engineers to evaluate both the immediate need for highway protection and potential long-term solutions to the Homer Spit erosion problem. The ADOT/PF entered into a feasibility study cost-sharing agreement in April 1986. This report is a culmination of studies performed by the Alaska District Corps of Engineers, the ADOT/PF, and the Coastal Engineering Research Center.

The recommended project addresses both the immediate and the long-term storm damage problems at Homer Spit. The plan would extend the existing rock revetment through the threatened area; periodic nourishment would be placed only when it becomes evident that erosion is continuing over the long term. It is economically feasible to place periodic nourishment in year 10, when it is projected to be needed, and to replenish it every 10 years.

The project results in average annual benefits of \$784,000, average annual costs of \$527,000, net annual benefits of \$257,000, and a benefit-cost ratio of 1.5 to 1.

Project recommendations are discussed in Section 11, Conclusions and Recommendations. Due to the detailed studies included in this feasibility report, it is recommended that the project proceed directly to preparation of plans and specifications.



## Public Meeting of Pioneer Avenue Pavement Preservation

The Alaska Department of Transportation and Public Facilities (DOT&PF) invites you to the kick off meeting for the Pioneer Avenue Pavement Preservation project. Stop by to meet the project team and share local knowledge of the road and issues that you believe will improve our design. The project team for the Lake Street Rehabilitation (Project Number Z524610000/ 0001422) will also be available at this meeting to answer questions.

The Department of Transportation and Public Facilities has begun a project in Homer on Pioneer Avenue between the Sterling Highway and Lake Street. The project will extend the service life of Pioneer Avenue by improving the asphalt. This will remove the ruts, cracks and potholes, and protect pavement structural materials. Additional work includes curb ramp upgrades as required by the Americans With Disabilities Act, and may include other minor work to improve the safety and/or operation of the roadway.

### Open House

When: Tuesday, June 6, 2017  
 Stop by any time between 6 and 9 p.m.  
 Where: City Hall Cowles Council Chambers  
 491 E Pioneer Avenue, Homer

[For more information contact:](#)

**Christina Huber, P.E.**, Project Manager  
 Alaska DOT&PF  
 Phone: 907-269-0572  
 E-mail: [christina.huber@alaska.gov](mailto:christina.huber@alaska.gov)

Anne Brooks, P.E., Public Involvement Coordinator  
 Brooks & Associates  
 Toll Free Phone: 866-535-1877  
 E-mail: [comments.brooksalaska@gmail.com](mailto:comments.brooksalaska@gmail.com)

The DOT&PF complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this public meeting should contact Jill Reese, 1-907-269-0772 or TDD number 711. Requests should be made at least 5 days before the accommodation is needed to make any necessary arrangements.

### [Attachments, History, Details](#)

#### Attachments

None

#### Revision History

Created 5/23/2017 4:02:28 PM by mlbyrd

#### Details

Department:	Transportation and Public Facilities
Category:	Public Notices
Sub-Category:	
Location(s):	Central Region
Project/Regulation #:	CFHWY00148/0414015
Publish Date:	5/23/2017
Archive Date:	7/1/2017

Events/Deadlines:



**City of Homer  
Water Utility  
2018  
Drinking Water  
Quality Report**

**Richard Klopp  
2018  
Wastewater Operator  
of the Year**

Homer's lead water distribution and wastewater collection operator, *Richard Klopp* was awarded the 2018 Wastewater Operator of the Year by the Alaska Rural Water Association.

His improvements to Homer's preventative maintenance program, including smoke testing, have reduced operating costs and have also reduced labor costs through fewer emergency call-outs. His efforts have resulted in over \$50,000 savings since 2015.

He is an asset to Public Works and to the City of Homer.

Thank you  
and congratulations!



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

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

### Irresponsible flushing impacts our homes, wastewater infrastructure and wallets

No matter what it says on the packaging, most of our everyday personal healthcare products must never be thrown down the toilet. Many of these products don't break down like toilet paper. Instead they collect in our domestic and municipal waste water pipes and form blockages. Plumbing pipes in homes and businesses are not designed to handle this type of waste either and can easily become blocked.

Blockages that build up in sewer systems are called **fatbergs**. Fatbergs form like snowballs. When things like wet wipes and sanitary products get flushed down the toilet and oil and grease get thrown down the sink, they all congeal together and gradually form a hard mass.

The idea of a sewer system is that waste keeps moving through it. But when fatbergs grow large, they slow the movement of waste or even block it entirely, causing sewage to back up to the surface.

Another colorful (and apt) name, **ragging**, describes the clogging and damage caused to pumps by sewage-related litter, especially wet wipes that people flush down the toilet.

At Homer's Wastewater Treatment Plant, sewage litter adds to the volume of solid matter which has to be carefully, expensively removed. Even dental floss should not be flushed down the toilet as it can collect in filters during the treatment process and cause machinery to break down.

At home and at the treatment plant, irresponsible flushing results in costly maintenance, repairs, flooding and environmental pollution.



**Most products should be treated as waste and put in the trash, not flushed down the toilet.**

# City of Homer Drinking Water Monitoring Results

The City of Homer routinely monitors your drinking water according to Federal and State laws. The table below shows the results of our monitoring from January 1st to December 31st, 2018, unless otherwise noted. The state requires monitoring for certain contaminants less than once per year because the concentrations of these contaminants are not expected to vary significantly from year to year.

2018 test results indicate excellent water quality that meets and exceeds all Federal and State requirements.

2018 Water Quality Test Results						
Contaminant	Sample Date	Violation Yes/No	Level Detected	Unit of Measure	MCL	MCLG
<b>Volatile Organic Contaminants (Locational Running Annual Average)</b>						
Total Trihalomethanes	2018	No	50.95 LRAA BW 51.53 LRAA Spit Range: 43 - 52	ug/L	80	N/A
Total Haloacetic Acids	2018	No	34.33 LRAA BW 35.00 LRAA Spit Range: 28 - 48	ug/L	60	N/A
<b>Radioactive Contaminants</b>						
Gross Beta	2013	No	2.4	pCi/L	50	0
Radium 226/228	2013	No	0.043		5	
Gross Alpha	2013	No	0.85		15	
<b>Microbiological Contaminants</b>						
Turbidity	1/30/2017	No	0.25	NTU	0.3	N/A
<b>Inorganic Contaminants</b>						
Barium	2011	No	26.5	ug/L	2000	2000
Chromium	2011	No	0.453	ug/L	100	100
Total Thallium	2011	No	0.0839	ug/L	2	0.5
Nitrate	2016	No	0.159	mg/L	10	10
Arsenic	2012	No	0.221	ug/L	10	0
Lead*	2017	No	0.0077	mg/L	.015	0
Copper*	2017	No	0.16	mg/L	1.3	1.3
<b>Unregulated Contaminant Monitoring</b>						
Manganese	10/21/15	No	36	ug/L	N/A	N/A
Strontium	10/21/15	No	38	ug/L	N/A	N/A
Chlorate	10/21/15	No	79	ug/L	N/A	N/A

## Definitions:

### MCL

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

### MCLG

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

### LRAA

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

### N/A

Not applicable.

### AL

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

### TT

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

### Turbidity

Suspended material or cloudiness measured in NTUs.

### NTU

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

Questions? Call Public Works at 907-235-3170.

## Units of Measure:

### Ppm or mg/L

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

### pCi/L

*Radioactive measurement:* 1 trillionth of a Curie.

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

### Ppb or ug/L

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



We do our part to ensure that the water delivered to your home is safe to drink.

You can do your part by preventing backflow.

Do any of these situations sound familiar to you?

When cleaning up after a day of fishing, you leave the hose submerged in the cooler with fish slurry while you let it soak in a disinfectant?

When filling your hot tub, you connect your garden hose and leave it in the tub?

You put your garden hose in a fertilizer or pesticide sprayer when you are filling it up for use?

In all of these examples, a sudden drop in water supply pressure (due to a water main break, high demand from firefighting, or a power outage to a pump) could draw contaminants – chemicals, fertilizer, soapy water and bacteria – back into your pipes and into the public water system. This is called backflow.

Any of these contaminants can cause serious health problems if ingested.

Fortunately, keeping your water safe from these contaminants (and others like them) is easy! Take the following precautions to protect your drinking water:

**NEVER** Submerge a garden hose in a bucket, sink, tub or anything else. Instead...

**ALWAYS** hold the hose above whatever you are filling. Keeping an air gap between the hose end and the container is the safest and the simplest way of preventing backflow.

**NEVER** Attach a chemical sprayer to your hose without a backflow-prevention device. The chemicals you use on your lawn or for cleaning are toxic and can be fatal if ingested.

**ALWAYS** Install an inexpensive backflow-prevention device called a *Vacuum Breaker* for all threaded faucets around your home (see photo left). They are available at hardware stores and take only a couple minutes to install. Be sure to test it afterwards!



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

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

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

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

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

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

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

Special Information for Vulnerable Populations

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

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

April 16, 2019

Homer City Council  
Homer City Hall  
491 East Pioneer Avenue  
Homer, AK 99603

Dear Council Members,

The Homer Community Food Pantry is deeply grateful to be included as one of the fourteen successful applicants to receive funding in the amount of \$2960.00 from the City of Homer Grants Program.

We are so pleased that the Homer City Council and the Homer Foundation continues to recognize the necessary and indeed vital efforts that the pantry provides to those in our community for food and emergency assistance. We are also engaged in programs to expand our outreach to help alleviate hunger in our student population and in surrounding communities where there is a growing need.

The Homer Community Food Pantry is able to provide this assistance in part due to our large network of committed volunteers. It is truly an exhilarating experience to observe the 30-40 volunteers on Mondays; children, seniors, currently employed folks (taking time off from their jobs), visitors, and many others, all joining in with one goal in mind—to relieve hunger and extend compassion to those in need. As an example, this past week 184 families were offered food assistance by over forty volunteers which included a ham and other Easter fixings and each child received an Easter basket assembled in part by other children, an impressive representation of Homer's community spirit.

Of course none of this would be possible without the generous financial support we receive from the City of Homer and our other donors. So once again, thank you so much for all of your support.

Sincerely,



Susan McLane, Board Member  
Homer Community Food Pantry

cc: Homer Foundation

None should go hungry or feel helpless in a time of need







# City of Homer

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

Office of the City Clerk 212

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL  
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK  
DATE: MAY 3, 2019  
SUBJECT: BID REPORT - INFORMATIONAL ONLY

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### REQUEST FOR PROPOSALS FOR THE MANAGEMENT, LEASE, AND RENOVATION OF THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) 1

The City of Homer, Alaska is requesting proposals from qualified organizations to lease, manage, and renovate the Homer Education and Recreation Complex (HERC) 1. Proposers must also accommodate the City's recreational activities currently occurring at the Complex. Grounds maintenance and management, including the skate park and plowing/sanding of both the upper and lower parking lot during the term of the lease, are negotiable. There is a **mandatory pre-proposal meeting and ground tour** scheduled on **May 15, 2019 from 2:00 p.m. – 4:00 p.m. or May 22, 2019 from 2:00 – 4:00 p.m.** The meetings will be held at the HERC1 building located at 450 Sterling Hwy, Homer, Alaska, 99603, and enter at the Woodside Avenue entrance. Sealed proposals shall be received at the office of the City Clerk **no later than 4:00 p.m. Monday, June 24, 2019.** The time of receipt will be determined by the City Clerk's time stamp. Proposals must be sent to: City of Homer – City Clerk's Office, ATTN: HERC1 RFP, 491 East Pioneer Avenue, Homer, Alaska 99603. Electronic and faxed proposals are not accepted. Proposals received after the time fixed for the receipt of the proposals shall not be considered.

### INVITATION TO BID HOMER A-FRAME PRV STATION REPLACEMENT

Sealed bids for the construction of the City of Homer Alaska, A-Frame PRV Station Replacement will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **2:00 p.m. Thursday, June 6, 2019**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps> A **Pre-Bid Conference will be held at 1:30 PM, May 6, 2019** in the City Hall Upstairs Conference Room (491 East Pioneer Avenue) to answer bidder questions.

### NOTICE OF SALE OF VESSEL

Notice is hereby given that the *North Pacific*, a 98' *Martinolich* commercial vessel, Coast Guard Documentation #511698, located in the Homer Small Boat Harbor on JJ float below the Harbormaster's office in Homer, Alaska, will be sold by the City of Homer to the highest bidder as is, together with equipment, gear, furniture, apparel, fixtures, tackle, machinery, anchors and all appurtenances. The last known owner is North Pacific Gold, 1805 N. Carson St. #3,

Carson City, NV 89701 or Box 1036, Walnut Grove, CA 95690 . A bidder's packet and bidding instructions are available at Homer City Hall, Office of the City Clerk, 491 E. Pioneer Avenue, Homer, AK 99603, phone (907) 235-3130. Sealed bids will be received at the office of the City Clerk until **2:00 p.m., June 10, 2019** at which time they will be opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. Bidders are required to be on the City's plan holder's list for their bid to be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms are available online at <http://www.cityofhomer-ak.gov/rfps> The sale will be to the highest bidder. Payments must be made in cash, certified check or cashier's check. There is a minimum acceptable bid of **\$15,000.00**. The City of Homer reserves the right to reject all bids. The City will require the winning bidder to sign a Supplemental Moorage Agreement with conditions. This Notice of Sale is being published in accordance with the Homer City Code, HCC10.04.120(e). Questions with respect to this notice of sale may be directed to the Homer Harbormaster, 4311 Homer Freight Dock Road, Homer, Alaska 99603, (907) 235-3160.

